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THE NUER

A DESCRIPTION OF
THE MODES OF LIVELIHOOD AND
POLITICAL INSTITUTIONS OF
A NILOTIC PEOPLE

BY

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TO
THE STAFF OF THE
AMERICAN MISSION
AT NASSER

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'Ah, the land of the rustling of wings, which is beyond the rivers of Ethiopia: that sendeth ambassadors by the sea, even in vessels of papyrus upon the waters, (saying) Go ye swift messengers, to a nation tall and smooth, to a people terrible from their beginning onward; a nation that meteth out and treadeth down, whose land the rivers divide.'

(*The Holy Bible* (Revised Version), Isaiah xviii. 1–2.)

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PREFACE

My study of the Nuer was undertaken at the request of, and was mainly financed by, the Government of the Anglo-Egyptian Sudan, which also contributed generously towards the publication of its results. Part of the inquiry was carried out as a Leverhulme Research Fellow. To the Sudan Government and to the Leverhulme Research Fellowships Committee I make grateful acknowledgements.

I owe Professor and Mrs. C. G. Seligman a great debt for their friendship during the last fifteen years. Without their backing and encouragement this book might not have been written. Moreover, although they made no investigations among the Nuer, their brilliant researches among other Nilotic peoples, particularly the Shilluk and Dinka, laid the foundations of all future studies in these regions.[1]

I thank all those in the Sudan, at Khartoum and in Nuerland, who have given me hospitality and assistance; Sir John Maffey, then Governor-General; Sir Harold MacMichael, then Civil Secretary; Mr. and Mrs. S. Hillelson; Mr. C. A. Willis, Mr. A. G. Pawson, Mr. M. W. Parr, and Mr. E. G. Coryton, who were in turn Governors of the Upper Nile Province; Mr. P. Coriat, Capt. A. H. A. Alban, Capt. H. A. Romilly, Mr. J. F. Tierney, the late Mr. L. F. Hamer, Mr. B. J. Chatterton, Mr. B. A. Lewis, and Mr. F. D. Corfield, all of whom were at one time Commissioners of Nuer Districts. To Mr. F. D. Corfield, *amico et condiscipulo meo*, I am especially grateful for the interest he has shown in my work and for his generosity in allowing me to use many of his fine photographs.

I thank also the staff of the American Mission at Nasser, of the Congregation of Verona at Yoahnyang, and of the Church Missionary Society at Ler. I wish to make particular acknowledgement to the staff of the American Mission, especially to Miss B. Soule, who unreservedly placed their home, their time, and their knowledge at my disposal. I dedicate this book to them not only as an expression of personal gratitude, but also as a tribute to their devoted service to the Nuer.

[1] *Pagan Tribes of the Nilotic Sudan*, by C. G. and B. Z. Seligman, 1932.

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My warmest thanks are further rendered to the many Nuer who made me their guest and befriended me. Rather than speak of individuals, I express my general respect for this brave and gentle people.

The following friends and colleagues have read this book and have given me valuable criticism and advice: Professor C. G. Seligman, Professor A. R. Radcliffe-Brown, whose influence on the theoretical side of my work will be obvious to any student of anthropology, Dr. M. Fortes, and Dr. H. M. Gluckman. I owe a special debt to Dr. Fortes. My ideas about the aims and methods of Social Anthropology have been influenced by the many talks we have had on the subject during several years of comradeship and, since in such a relationship it is not easy to state what one has taken and given, I acknowledge unreservedly that I have been greatly stimulated by our discussions.

Professor Seligman has pointed out to me, in reading the proofs, that my use of 'horticulture' and 'horticultural' is unusual. I did not intend to depart from conventional usage. However, I did not feel justified in altering these words to 'agriculture' and 'agricultural' throughout the book in the present difficulties of publication. Readers who prefer 'agriculture' and 'agricultural' can make the substitution for themselves.

A considerable part of the facts related in this book have been previously recorded, chiefly in *Sudan Notes and Records* and *Africa*, and I thank the editors of these journals and the editor of *Custom is King* for permission to republish them. I am indebted also to the editors and printers of both journals, to George Routledge & Sons, Ltd., and to Messrs. Hutchinson & Co., for the use of photographic blocks.

Several friends have lent me photographs, sketch-maps, and diagrams. These are acknowledged in the list of plat and figures, but I desire to record expressly my gratitude to Mr. F. D. Corfield, Dr. H. E. Hurst, Director of the Physical Department of the Egyptian Government, Mr. B. A. Lewis, Mr. C. L. Armstrong, the staff of the American Mission, Nasser, the late Mr. L. F. Hamer, Dr. E. S. Crispin, and Yuzbashi Talib Ismail.

My thanks are due to Mr. W. R. Key for his many secretarial services in the preparation of this volume.

E. E. E.-P.

January 1940

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INTRODUCTORY

I

FROM 1840, when Werne, Arnaud, and Thibaut made their ill-assorted voyage, to 1881, when the successful revolt of the Mahdi Muhammad Ahmed closed the Sudan to further exploration, several travellers penetrated Nuerland by one or other of the three great rivers that traverse it: the Bahr el Jebel (with the Bahr el Zeraf), the Bahr el Ghazal, and the Sobat. I have not been able to make much use of their writings, however, for their contact with the Nuer was slight and the impressions they recorded were superficial, and sometimes spurious. The most accurate and the least pretentious account is by the Savoyard elephant-hunter Jules Poncet, who spent several years on the borders of Nuerland.[1] 114

A later source of information about the Nuer are the *Sudan Intelligence Reports* which run from the reconquest of the Sudan in 1899 to the present day, their ethnological value decreasing in recent years. In the first two decades after the reconquest there are a few reports by military officers which contain interesting, and often shrewd, observations.[2] The publication of *Sudan Notes and Records*, commencing in 1918, provided a new medium for recording observations on the customs of the peoples of the Anglo-Egyptian Sudan, and several political officers contributed papers on the Nuer. Two of these officers were killed in the performance of their duty, Major C. H. Stigand by the Aliab Dinka in 1919 and Captain V. H. Fergusson by the Nuong Nuer in 1927. In the same journal appeared the

[1] Some of the writings from which I have derived information are Ferdinand Werne, *Expedition zur Entdeckung der Quellen des Weissen Nil* (1840–1), 1848; Hadji-Abd-el-Hamid Bey (C. L. du Couret), *Voyage au Phys des Niam-Niams ou Hommes à Queue*, 1854; Brun-Rollet, *Le Nil Blanc et le Soudan*, 1855; G. Lejean, *Bulletin de la Société de Géographie*, Paris, 1860; Jules Poncet, *Le Fleuve Blanc* (*Extrait des Nouvelles Annales de Voyages*, 1863–4); Mr. and Mrs. J. Petherick, *Travels in Central Africa*, 1869; Ernst Marno, *Reisen im Gebiete des blauen und weissen Nil, im egyptischen Sudan und den angrenzenden Negerländern, in den Jahren 1869 bis 1873, 1874*. Others are mentioned later, particularly on pp. 126–7 and 134.

[2] These reports were used by Lieut.-Colonel Count Gleichen in his compilation: *The Anglo-Egyptian Sudan*, 2 vols., 1905.

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Map showing approximate area (*shaded*) occupied by the Nuer.

[Face p. 1]

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114 first attempt, by Mr. H. C. Jackson, to write a comprehensive account of the Nuer, and great credit is due to him for the manner in which, in spite of serious obstacles, he carried it out.[1]

After I had begun my researches a book by Miss Ray Huffman, of the American Mission, and some papers by Father J. P. Crazzolara, of the Congregation of Verona, were published.[2] Although my own contributions to various journals are reprinted, in a condensed form, in this book, or will be reprinted in a subsequent volume, I allude to them here so that the reader may have a complete bibliography. I have omitted much detail that appeared in these articles.[3]

Lists of a few Nuer words were compiled by Brun-Rollet and Marno. More detailed vocabularies have been written by Major Stigand and Miss Huffman, and grammars by Professor Westermann and Father Crazzolara. Professor Westermann's paper contains also some ethnological material.[4]

[1] Major C. H. Stigand, 'Warrior Classes of the Nuers', *S. N. & R.*, 1918, pp. 116–18, and 'The Story of Kir and the White Spear', ibid., 1919, pp. 224–6; Capt. V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 146–55, and 'Nuer Beast Tales', ibid., 1924, pp. 105–12; H. C. Jackson, 'The Nuer of the Upper Nile Province', ibid., 1923, pp. 59–107 and 123–89 (this paper was reprinted as a book under the same title by El Hadara Printing Press, Khartoum, no date, and contained a terminal essay of 23 pages by P. Coriat on 'The Gaweir Nuers').

[2] Ray Huffman, *Nuer Customs and Folk-lore*, 1931, 105 pp.; Father J. P. Crazzolara, 'Die Gar-Zeremonie bei den Nuer', *Africa*, 1932, pp. 28–39, and 'Die Bedeutung des Rindes bei den Nuer', ibid., 1934, pp. 300–20.

[3] E. E. Evans-Pritchard, 'The Nuer, Tribe and Clan', *S. N. & R.*, 1933, pp. 1–53, 1934, pp. 1–57, and 1935, pp. 37–87; 'The Nuer, Age-Sets', ibid., 1936, pp. 233–69; 'Economic Life of the Nuer', ibid., 1937, pp. 209–45, and 1938, pp. 31–77; 'Customs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936, pp. 230–8; 'Daily Life of the Nuer in Dry Season Camps', *Custom is King, A Collection of Essays in Honour of R. R. Marett*, 1936, pp. 291–9; 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938, pp. 306–92; 'Nuer Time-Reckoning', *Africa*, 1939, pp. 189–216. The chapter on the Nuer (Ch. VI) in *Pagan Tribes of the Nilotic Sudan*, by Prof. C. G. and Mrs. B. Z. Seligman, 1932, was compiled from my notebooks.

[4] Brun-Rollet, 'Vokabularien der Dinka-, Nuehr- und Schilluk-Sprachen', *Petermann's Mittheilungen, Erg.* II. 1862–3, pp. 25–30; Marno, 'Kleine Vocabularien der Fungi-, Tabi-, Bertat- und Nuehr-Sprache', *Reisen im Gebiete des blauen und weissen Nil*, 1874, pp. 481–95; Professor Diedrich Westermann, 'The Nuer Language', *Mitteilungen des Seminars für Orientalische Sprachen*, 1912, pp. 84–141; Major C. H. Stigand, *A Nuer-English Vocabulary*, 1923, 33 pp.; Ray Huffman, *Nuer-English Dictionary*, 1929, 63 pp., and *English-Nuer Dictionary*, 1931, 80 pp.; Father J. P. Crazzolara, *Outlines of a Nuer Grammar*, 1933, 218 pp.

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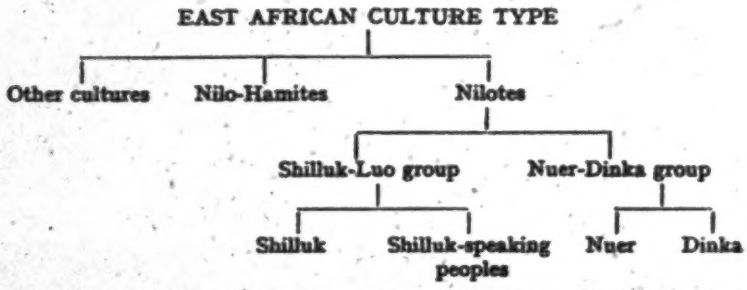
II

I describe in this volume the ways in which a Nilotic people obtain their livelihood, and their political institutions. The information I collected about their domestic life will be published in a second volume. 121

The Nuer,[1] who call themselves *Nath* (sing. *ran*), are round about 200,000 souls and live in the swamps and open savannah that stretch on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal, and on both banks of these two tributaries. They are tall, long-limbed, and narrow-headed, as may be seen in the illustrations. Culturally they are similar to the Dinka, and the two peoples together form a subdivision of the Nilotic group, which occupies part of an East-African culture-area the characteristics and extent of which are at present ill-defined. A second Nilotic subdivision comprises the Shilluk and various peoples who speak languages similar to Shilluk (Luo, Anuak, Lango, &c.). Probably these Shilluk-speaking peoples are all more alike to one another than any one of them is to the Shilluk, though little is yet known about most of them. A tentative classification may be thus presented: 101 131 [142] 101



Nuer and Dinka are too much alike physically and their languages and customs are too similar for any doubt to arise about their common origin, though the history of their divergence is unknown. The problem is complicated: for example, the Atwot, to the west of the Nile, appear to be a Nuer tribe who have adopted many Dinka habits,[2] while the Jikany tribes of

[1] The word 'Nuer' is sanctioned by a century of usage. It is probably of Dinka origin. I use it in singular and plural, speaking of 'a Nuer man' and of 'the Nuer people'.

[2] Poncet, op. cit., p. 54. They appear as Atot in the map on p. 129.

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101 Nuerland are said to be of Dinka origin. Moreover, there has been continuous contact between the two peoples that has resulted in much miscegenation and cultural borrowing. Both peoples recognize their common origin.

When we possess more information about some of the Shilluk-speaking peoples it will be possible to state what are the defining characters of Nilotic culture and social structure. At present such a classification is exceedingly difficult and I postpone the attempt, devoting this book to a plain account of the Nuer and neglecting the many obvious comparisons that might be made with other Nilotic peoples.

128 Political institutions are its main theme, but they cannot be understood without taking into account environment and modes of livelihood. I therefore devote the earlier part of the book to a description of the country in which the Nuer live and of how they obtain the necessities of life. It will be seen that the Nuer political system is consistent with their oecology.

The groups chiefly dealt with in the later part of the book are the people, the tribe and its segments, the clan and its lineages, and the age-sets. Each of these groups is, or forms part of, a segmentary system, by reference to which it is defined, and, consequently the status of its members, when acting as such towards one another and to outsiders, is undifferentiated. These statements will be elucidated in the course of our inquiry. We first describe the interrelation of territorial segments within a territorial, or political, system and then the relation of other social systems to this system. What we understand by political structure will be evident as we proceed, but we may state as an initial definition that we refer to relations within a territorial system between groups of persons who live in spatially well-defined areas and are conscious of their identity and exclusiveness. Only in the smallest of these communities are their members in constant contact with one another. We distinguish these political groups from local groups of a different kind, namely domestic groups, the family, the household, and the joint family, which are not, and do not form part of, segmentary systems, and in which the status of members in respect to each other and to outsiders is differentiated. Social ties in domestic groups are primarily of a kinship order, and corporate life is normal.

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DINKA NUER SHILLUK ANUAK

The Nuer and neighbouring peoples

[Face p. 4]

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The Nuer political system includes all the peoples with whom they come into contact. By 'people' we mean all persons who speak the same language and have, in other respects, the same culture, and consider themselves to be distinct from like aggregates. The Nuer, the Shilluk, and the Anuak each occupy a continuous territory, but a people may be distributed in widely separate areas, e.g. the Dinka. When a people is, like the Shilluk, politically centralized, we may speak of a 'nation'. The Nuer and Dinka, on the other hand, are divided into a number of tribes which have no common organization or central administration and these peoples may be said to be, politically, a congeries of tribes, which sometimes form loose federations. The Nuer differentiate those tribes which live in the homeland to the west of the Nile from those which have migrated to the east of it. We find it convenient to make the same distinction and to speak of the Western Nuer and the Eastern Nuer. The Eastern Nuer may be further divided, for descriptive purposes, into those tribes which live near the Zeraf river and those which live to north and south of the Sobat river.

The largest political segment among the Nuer is the tribe. There is no larger group who, besides recognizing themselves as a distinct local community, affirm their obligation to combine in warfare against outsiders and acknowledge the rights of their members to compensation for injury. A tribe is divided into a number of territorial segments and these are more than mere geographical divisions, for the members of each consider themselves to be distinct communities and sometimes act as such. We call the largest tribal segments 'primary sections', the segments of a primary section 'secondary sections', and the segments of a secondary section 'tertiary sections'. A tertiary tribal section consists of a number of villages which are the smallest political units of Nuerland. A village is made up of domestic groups, occupying hamlets, homesteads, and huts.

We discuss the institution of the feud and the part played in it by the leopard-skin chief in relation to the political system. The word 'chief' may be a misleading designation, but it is sufficiently vague to be retained in the absence of a more suitable English word. He is a sacred person without political authority. Indeed, the Nuer have no government, and their

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128 state might be described as an ordered anarchy. Likewise they
624 lack law, if we understand by this term judgements delivered by an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

128 After an examination of the political structure we describe
613 the lineage system and discuss the relation between the two. Nuer lineages are agnatic, i.e. they consist of persons who trace
614 their descent exclusively through males to a common ancestor. The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

128 After discussing the lineage system in its relation to terri-
561 torial segmentation we describe briefly the age-set system. The adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

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passing through positions of relative seniority till it becomes the senior set; after which its members die and the set becomes a memory, since its name does not recur. The only significant age-grades are those of boyhood and manhood, so that once a lad has been initiated into a set he remains in the same age-grade for the rest of his life. There are no grades of warriors and elders such as are found in other parts of East Africa. Though the sets are conscious of their social identity they have no corporate functions. The members of a set may act jointly in a small locality, but the whole group never co-operates exclusively in any activity. Nevertheless, the system is organized tribally and each tribe is stratified according to age independently of other tribes, though adjacent tribes may co-ordinate their age-sets.

The Nuer, like all other peoples, are also socially differentiated according to sex. This dichotomy has a very limited, and negative, significance for the structural relations which form the subject of this book. Its importance is domestic rather than political and little attention is paid to it. The Nuer cannot be said to be stratified into classes. Within a tribe there is slight differentiation of status between members of a dominant clan, Nuer of other clans, and Dinka who have been incorporated into the tribe, but, except perhaps on the periphery of Nuer expansion eastwards, this constitutes distinction of categories rather than of ranks.

Such, briefly, is the plan of this book and such are the meanings we attach to the words most frequently used to describe the groups discussed in it. We hope in the course of our inquiry to refine these definitions. The inquiry is directed to two ends: to describe the life of the Nuer, and to lay bare some of the principles of their social structure. We have endeavoured to give as concise an account of their life as possible, believing that a short book is of greater value to the student and administrator than a long one, and, omitting much material, we have recorded only what is significant for the limited subject of discussion.

III

When the Government of the Anglo-Egyptian Sudan asked me to make a study of the Nuer I accepted after hesitation and with misgivings. I was anxious to complete my study of the

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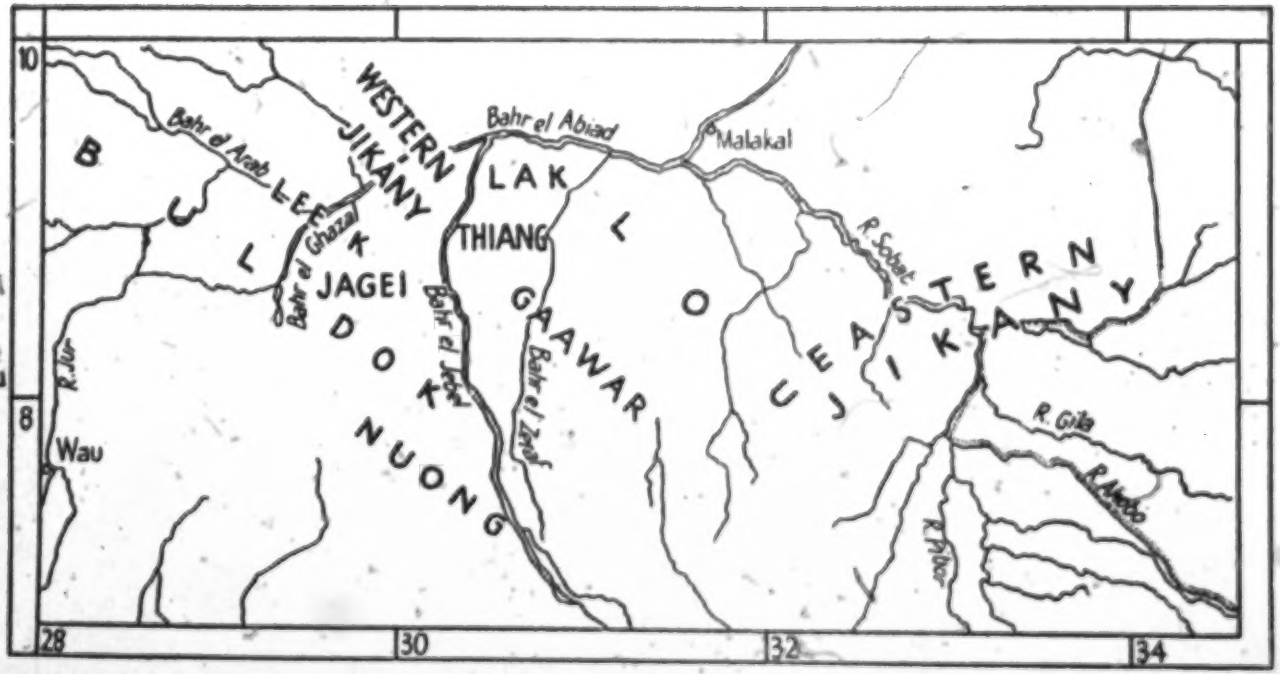

Sketch-map showing the larger Nuer tribes.

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PLATE I

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Youth (Eastern Gaajok) fastening giraffe-hair necklace on friend

[Face p. 8]

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000 Azande before embarking on a new task. I also knew that a study of the Nuer would be extremely difficult. Their country and character are alike intractable and what little I had previously seen of them convinced me that I would fail to establish friendly relations with them.

123 I have always considered, and still consider, that an adequate sociological study of the Nuer was impossible in the circumstances in which most of my work was done. The reader must judge what I have accomplished. I would ask him not to judge too harshly, for if my account is sometimes scanty and uneven I would urge that the investigation was carried out in adverse circumstances; that Nuer social organization is simple and their culture bare; and that what I describe is almost entirely based on direct observation and is not augmented by copious notes taken down from regular informants, of whom, indeed, I had none. I, unlike most readers, know the Nuer, and must judge my work more severely than they, and I can say that if this book reveals many insufficiencies I am amazed that it has ever appeared at all. A man must judge his labours by the obstacles he has overcome and the hardships he has endured, and by these standards I am not ashamed of the results.

It may interest readers if I give them a short description of the conditions in which I pursued my studies, for they will then be better able to decide which statements are likely to be based on sound observation and which to be less well-grounded.

122 I arrived in Nuerland early in 1930. Stormy weather prevented my luggage from joining me at Marseilles, and owing to errors, for which I was not responsible, my food stores were not forwarded from Malakal and my Zande servants were not instructed to meet me. I proceeded to Nuerland (Leek country) with my tent, some equipment, and a few stores bought at Malakal, and two servants, an Atwot and a Bellanda, picked up hastily at the same place.

When I landed at Yoahnyang[1] on the Bahr el Ghazal the Catholic missionaries there showed me much kindness. I waited

[1] I take this early opportunity to inform readers that I have not spelt Nuer names and other words with phonetic consistency. I raise no objection, therefore, to any one spelling them differently. Generally I have given the nominative form, but an occasional genitive has crept into the text, diagrams, and maps.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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122 for nine days on the river bank for the carriers I had been promised. By the tenth day only four of them had arrived and if it had not been for the assistance of an Arab merchant, who recruited some local women, I might have been delayed for an indefinite period.

On the following morning I set out for the neighbouring village of Pakur, where my carriers dropped tent and stores in the centre of a treeless plain, near some homesteads, and refused to bear them to the shade about half a mile further. Next day was devoted to erecting my tent and trying to persuade the Nuer, through my Atwot servant who spoke Nuer and some Arabic, to remove my abode to the vicinity of shade and water, which they refused to do. Fortunately a youth, Nhial, who has since been my constant companion in Nuerland, attached himself to me and after twelve days persuaded his kinsmen to carry my goods to the edge of the forest where they lived.

My servants, who, like most natives of the Southern Sudan, were terrified of the Nuer, had by this time become so scared that after several sleepless and apprehensive nights they bolted to the river to await the next steamer to Malakal, and I was left alone with Nhial. During this time the local Nuer would not lend a hand to assist me in anything and they only visited me to ask for tobacco, expressing displeasure when it was denied them. When I shot game to feed myself and my Zande servants, who had at last arrived, they took the animals and ate them in the bush, answering my remonstrances with the rejoinder that since the beasts had been killed on their land they had a right to them.

My main difficulty at this early stage was inability to converse freely with the Nuer. I had no interpreter. None of the Nuer spoke Arabic. There was no adequate grammar of the language and, apart from three short Nuer–English vocabularies, no dictionary. Consequently the whole of my first and a large part of my second expedition were taken up with trying to master the language sufficiently to make inquiries through it, and only those who have tried to learn a very difficult tongue without the aid of an interpreter and adequate literary guidance will fully appreciate the magnitude of the task.

After leaving Leek country I went with Nhial and my two

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Zande servants to Lou country. We motored to Muot dit with the intention of residing by the side of its lake, but found it entirely deserted, for it was too early for the annual concentration there. When some Nuer were found they refused to divulge the whereabouts of nearby camps and it was with considerable difficulty that we located one. We pitched our tents there and when the campers retired on Muot dit we accompanied them.

My days at Muot dit were happy and remunerative. I made friends with many Nuer youths who endeavoured to teach me their language and to show me that if I was a stranger they did not regard me as an obnoxious one. Every day I spent hours fishing with these lads in the lake and conversing with them in my tent. I began to feel my confidence returning and would have remained at Muot dit had the political situation been more favourable. A Government force surrounded our camp one morning at sunrise, searched for two prophets who had been leaders in a recent revolt, took hostages, and threatened to take many more if the prophets were not handed over. I felt that I was in an equivocal position, since such incidents might recur, and shortly afterwards returned to my home in Zandeland, having accomplished only three and a half months' work among the Nuer.

It would at any time have been difficult to do research among the Nuer, and at the period of my visit they were unusually hostile, for their recent defeat by Government forces and the measures taken to ensure their final submission had occasioned deep resentment. Nuer have often remarked to me, 'You raid us, yet you say we cannot raid the Dinka'; 'You overcame us with firearms and we had only spears. If we had had firearms we would have routed you'; and so forth. When I entered a cattle camp it was not only as a stranger but as an enemy, and they seldom tried to conceal their disgust at my presence, refusing to answer my greetings and even turning away when I addressed them.

At the end of my 1930 visit to Nuerland I had learnt a little of the language but had the scantiest notes of their customs. In the dry season of 1931 I returned to make a fresh attempt, going first for a fortnight to the American Mission at Nasser, where I was generously assisted by the American and Nuer staff,

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122 and then to cattle camps on the Nyanding river—an unfortunate choice, for the Nuer there were more hostile than those I had hitherto encountered and the conditions were harsher than any I had previously experienced. The water was scanty and foul, the cattle were dying of rinderpest, and the camps swarmed with flies. The Nuer would not carry my stores and equipment, and as I had only two donkeys, one of them lame, it was impossible to move. Eventually I managed to obtain a lorry and extricate myself, but not before experiencing the Nuer in his most paralysing mood. As every effort was made to prevent me from entering the cattle camps and it was seldom that I had visitors I was almost entirely cut off from communication with the people. My attempts to prosecute inquiries were persistently obstructed.

Nuer are expert at sabotaging an inquiry and until one has resided with them for some weeks they steadfastly stultify all efforts to elicit the simplest facts and to elucidate the most innocent practices. I have obtained in Zandeland more information in a few days than I obtained in Nuerland in as many weeks. After a while the people were prepared to visit me in my tent, to smoke my tobacco, and even to joke and make small talk, but they were unwilling either to receive me in their windscreens or to discuss serious matters. Questions about customs were blocked by a technique I can commend to natives who are inconvenienced by the curiosity of ethnologists. The following specimen of Nuer methods is the commencement of a conversation on the Nyanding river, on a subject which admits of some obscurity but, with willingness to co-operate, can soon be elucidated.

I: Who are you?
Cuol: A man.
I: What is your name?
Cuol: Do you want to know my *name*?
I: Yes.
Cuol: You want to know *my* name?
I: Yes, you have come to visit me in my tent and I would like to know who you are.
Cuol: All right. I am Cuol. What is your name?
I: My name is Pritchard.
Cuol: What is your father's name?

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I: My father's name is also Pritchard.
Cuol: No, that cannot be true. You cannot have the same name as your father. 122
I: It is the name of my lineage. What is the name of your lineage?
Cuol: Do you want to know the name of my lineage?
I: Yes.
Cuol: What will you do with it if I tell you? Will you take it to your country?
I: I don't want to do anything with it. I just want to know it since I am living at your camp.
Cuol: Oh well, we are Lou.
I: I did not ask you the name of your tribe. I know that. I am asking you the name of your lineage.
Cuol: Why do you want to know the name of my lineage?
I: I don't want to know it.
Cuol: Then why do you ask me for it? Give me some tobacco.

I defy the most patient ethnologist to make headway against this kind of opposition. One is just driven crazy by it. Indeed, after a few weeks of associating solely with Nuer one displays, if the pun be allowed, the most evident symptoms of 'Nuerosis'.

From the Nyanding I moved, still without having made any real progress, to a cattle camp at Yakwac on the Sobat river where I pitched my tent a few yards from the windscreens. Here I remained, save for a short interval spent at the American Mission, for over three months—till the commencement of the rains. After the usual initial difficulties I at last began to feel myself a member of a community and to be accepted as such, especially when I had acquired a few cattle. When the campers at Yakwac returned to their inland village I had no means of accompanying them and intended to visit Leek country again. A severe attack of malaria sent me to Malakal hospital, and thence to England, instead. Five and a half months' work was accomplished on this second expedition.

During the tenure of a subsequent appointment in Egypt I published in *Sudan Notes and Records* essays which form the basis of this book, for I had not expected to have a further opportunity to visit the Nuer. However, in 1935 I was granted a two years' research fellowship by the Leverhulme trustees to make an intensive study of the Pagan Galla of Ethiopia. As delay was caused by diplomatic chicanery I spent two and a half

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122 months on the Sudan–Ethiopian frontier making a survey of the Eastern Anuak, and when, at last, I entered Ethiopia the imminence of Italian invasion compelled me to jettison my Galla studies and enabled me to advance my investigation of the Nuer, during a further seven weeks' residence in their country, by revising earlier notes and by collecting more material. I visited the Nuer who live on the Pibor river, renewed my acquaintance with friends of the Nasser Mission and at Yakwac, and spent about a month among the Eastern Jikany at the mouth of the Nyanding.

In 1936, after making a survey of the Nilotic Luo of Kenya, I spent a final seven weeks in Nuerland, visiting that part of it which lies to the west of the Nile, especially the Karlual section of the Leek tribe. My total residence among the Nuer was thus about a year. I do not consider a year adequate time in which to make a sociological study of a people, especially of a difficult people in adverse circumstances, but serious sickness on both the 1935 and 1936 expeditions closed investigations prematurely.

123 Besides physical discomfort at all times, suspicion and obstinate resistance encountered in the early stages of research, absence of interpreter, lack of adequate grammar and dictionary, and failure to procure the usual informants, there developed a further difficulty as the inquiry proceeded. As I became more friendly with the Nuer and more at home in their language they visited me from early morning till late at night, and hardly a moment of the day passed without men, women, or boys in my tent. As soon as I began to discuss a custom with one man another would interrupt the conversation in pursuance of some affair of his own or by an exchange of pleasantries and jokes. The men came at milking-time and some of them remained till midday. Then the girls, who had just finished dairy-work, arrived and insisted on attention. Married women were less frequent visitors, but boys were generally under the awning of my tent if grown-ups were not present to drive them away. These endless visits entailed constant badinage and interruption and, although they offered opportunity for improving my knowledge of the Nuer language, imposed a severe strain. Nevertheless, if one chooses to reside in a Nuer camp one must submit to Nuer custom, and they are persistent and tireless visitors. The chief

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privation was the publicity to which all my actions were exposed, and it was long before I became hardened, though never entirely insensitive, to performing the most intimate operations before an audience or in full view of the camp.

Since my tent was always in the midst of homesteads or windscreens and my inquiries had to be conducted in public, I was seldom able to hold confidential conversations and never succeeded in training informants capable of dictating texts and giving detailed descriptions and commentaries. This failure was compensated for by the intimacy I was compelled to establish with the Nuer. As I could not use the easier and shorter method of working through regular informants I had to fall back on direct observation of, and participation in, the everyday life of the people. From the door of my tent I could see what was happening in camp or village and every moment was spent in Nuer company. Information was thus gathered in particles, each Nuer I met being used as a source of knowledge, and not, as it were, in chunks supplied by selected and trained informants. Because I had to live in such close contact with the Nuer I knew them more intimately than the Azande, about whom I am able to write a much more detailed account. Azande would not allow me to live as one of themselves; Nuer would not allow me to live otherwise. Among Azande I was compelled to live outside the community; among Nuer I was compelled to be a member of it. Azande treated me as a superior; Nuer as an equal.

I do not make far-reaching claims. I believe that I have understood the chief values of the Nuer and am able to present a true outline of their social structure, but I regard, and have designed, this volume as a contribution to the ethnology of a particular area rather than as a detailed sociological study, and I shall be content if it is accepted as such. There is much that I did not see or inquire into and therefore plenty of opportunity for others to make investigations in the same field and among neighbouring peoples. I hope they will do so and that one day we may have a fairly complete record of Nilotic social systems.

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CHAPTER I

INTEREST IN CATTLE

I

233 [241] A PEOPLE whose material culture is as simple as that of the Nuer are highly dependent on their environment. They are pre-eminently pastoral, though they grow more millet and maize than is commonly supposed. Some tribes cultivate more and some less, according to conditions of soil and surface water and their wealth in cattle, but all alike regard horticulture as toil forced on them by poverty of stock, for at heart they are herdsmen, and the only labour in which they delight is care of cattle. They not only depend on cattle for many of life's necessities but they have the herdsman's outlook on the world. Cattle are their dearest possession and they gladly risk their lives to defend their herds or to pillage those of their neighbours. Most of their social activities concern cattle and *cherchez la vache* is the best advice that can be given to those who desire to understand Nuer behaviour.[1]

The attitude of Nuer towards, and their relations with, neighbouring peoples are influenced by their love of cattle and their desire to acquire them. They have profound contempt for peoples with few or no cattle, like the Anuak, while their wars against Dinka tribes have been directed to seizure of cattle and control of pastures. Each Nuer tribe and tribal section has its [423] own pastures and water-supplies, and political fission is closely related to distribution of these natural resources, ownership of which is generally expressed in terms of clans and lineages. Disputes between tribal sections are very often about cattle, and cattle are the compensation for loss of life and limb that is so frequently their outcome. Leopard-skin chiefs and prophets are arbiters in questions in which cattle are the issue, or ritual agents in situations demanding sacrifice of ox or ram. Another 233 ritual specialist is the *wut ghok*, the Man of the Cattle. Likewise, 561 in speaking of age-sets and age-grades we find ourselves des-

[1] Nuer interest in their cattle has been emphasized by early travellers in their country. *Vide* Marno, op. cit., p. 343; Werne, op. cit., p. 439; du Couret, op. cit., p. 82.

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PLATE II

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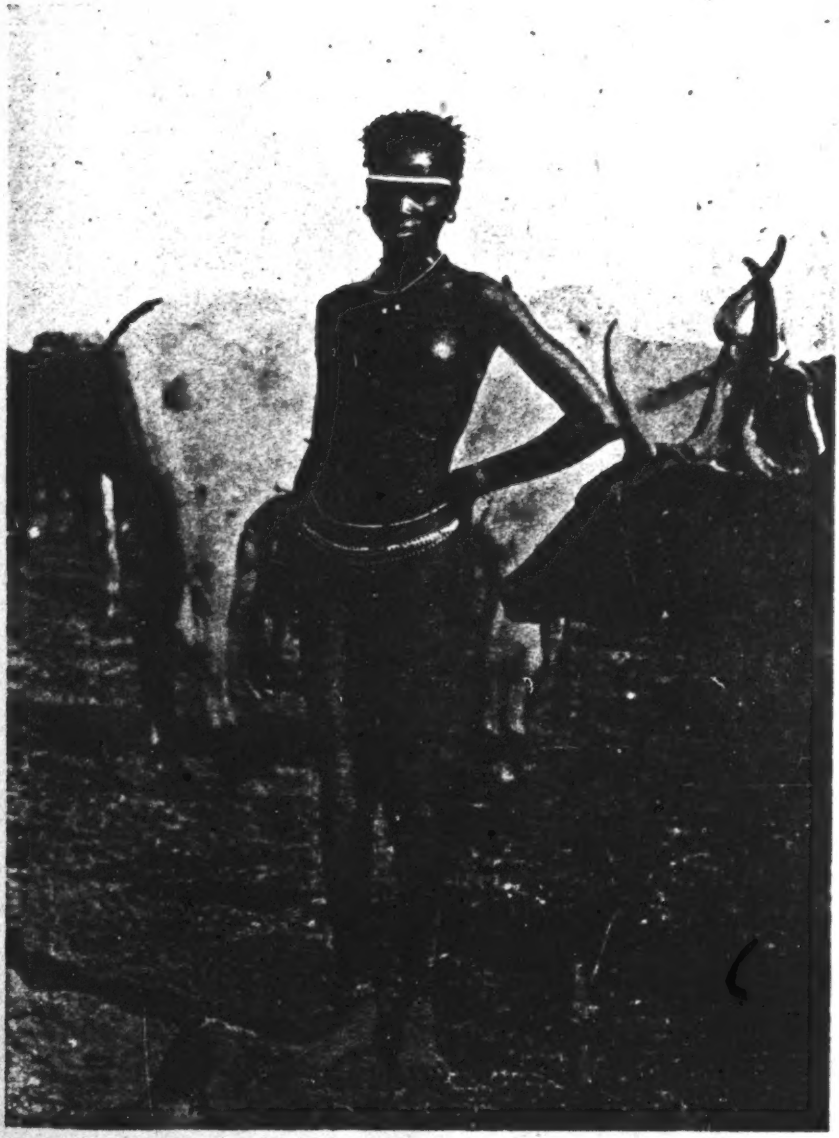

Girl in kraal (Eastern Gaajok)

[Face p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

233 583

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233 583 clearly pointed at marriage, when movements of cattle from kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

233 553 The importance of cattle in Nuer life and thought is further exemplified in personal names. Men are frequently addressed by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

233 775 Since cattle are a Nuer's most cherished possession being an essential food-supply and the most important social asset, it is easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

233 183 We have seen in a brief survey of some Nuer institutions and customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

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times to despair that I never discussed anything with the young men but live stock and girls, and even the subject of girls led inevitably to that of cattle. Start on whatever subject I would, and approach it from whatever angle, we would soon be speaking of cows and oxen, heifers and steers, rams and sheep, he-goats and she-goats, calves and lambs and kids. I have already indicated that this obsession—for such it seems to an outsider—is due not only to the great economic value of cattle but also to the fact that they are links in numerous social relationships. Nuer tend to define all social processes and relationships in terms of cattle. Their social idiom is a bovine idiom.

Consequently he who lives among Nuer and wishes to understand their social life must first master a vocabulary referring to cattle and to the life of the herds. Such complicated discussions as those which take place in negotiations of marriage, in ritual situations, and in legal disputes can only be followed when one understands the difficult cattle-terminology of colours, ages, sexes, and so forth.

Important though horticultural and piscatorial pursuits are in Nuer economy, pastoral pursuits take precedence because cattle not only have nutritive utility but have a general social value in other respects. I have mentioned a few situations in which this value is manifested, but have not recorded every role of cattle in Nuer culture, for they are significant in many social processes, including some I have mentioned, which lie outside the limited scope of this book. It seemed necessary to give an introductory sketch on these lines in order that the reader might understand that Nuer devotion to the herdsman's art is inspired by a range of interests far wider than simple need for food, and why cattle are a dominant value in their lives. We shall ask later how this value is related to environmental conditions and how far the two, taken together, help us to explain some characteristics of Nuer political structure.

II

Before the present century Nuer were far richer in cattle than they are now and it is probable that they cultivated less millet. Their stock has been impaired by repeated outbreaks of rinderpest, which still decimate the herds. It was probably more

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destructive in the past than now, though the attacks I witnessed were severe; but in the past the warlike Nuer could always restore their losses by raiding Dinka. All Nuer agree that in the last generation their herds were more considerable and that the payments of bride-wealth and blood-wealth were forty, and sometimes fifty to sixty, head of cattle, whereas to-day the kinsmen of a bride do not expect to receive more than twenty to thirty. At the present time I would say, on a general impression, that the Nuer are far richer in stock than the Shilluk, but not so prosperous as the more favoured of the Dinka tribes.

It was difficult to make a census of cattle, even in a small area, and Nuer would certainly have regarded such an attempt with repugnance. On the few estimates made I would reckon an average of ten head of cattle and five goats and sheep to the byre. A byre of the ordinary size cannot hold more than a dozen or so adult kine. As there are some eight persons to a byre the cattle probably do not greatly exceed the human population. Cows predominate and probably compose about two-thirds of the herds. Many plates in this book show the appearance of Nuer cattle. Nuer say that a very large hump shows Beir origin and that very long horns are evidence of Dinka stock.

Some tribes are richer in cattle than others. Lou country is considered especially suitable for raising stock and is renowned for its large herds. The Eastern Jikany were once very rich in cattle, but their herds are still recovering from losses in epidemics that forced the people to cultivate more extensively. Cattle are everywhere evenly distributed. Hardly any one is entirely without them, and no one is very rich. Although cattle are a form of wealth that can be accumulated, a man never possesses many more beasts than his byre will hold, because as soon as his herd is large enough he, or one of his family, marries. The herd is thereby reduced to two or three beasts and the next few years are spent in repairing its losses. Every household goes through these alternating periods of poverty and comparative wealth. Marriages and epidemics prevent accumulation of cattle and no disparity in wealth offends the democratic sentiment of the people.

When we come to examine the Nuer political system we shall keep in mind that till recent years they have probably been

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more exclusively pastoral, and more nomadic, than at the 233
present time, and that the dwindling of their herds may partly explain their persistent aggressiveness.

III

Although cattle have many uses they are chiefly useful for 234
the milk they provide. Milk and millet (sorghum) are the staple 262
foods of the Nuer. In some parts of their country, especially among the Lou, the millet supply seldom lasts the whole year, and when it is exhausted people are dependent on milk and fish. At such times a family may be sustained by the milk of a single cow. In all parts the millet crop is uncertain and more or less severe famines are frequent, during which people rely on fish, wild roots, fruits, and seeds, but mainly on the milk of their herds. Even when millet is plentiful it is seldom eaten alone, for without milk, whey, or liquid cheese, Nuer find it stodgy, unpalatable, and, especially for children, indigestible. They [853]
regard milk as essential for children, believing that they cannot be well and happy without it, and the needs of children are always the first to be satisfied even if, as happens in times of privation, their elders have to deny themselves. In Nuer eyes the happiest state is that in which a family possesses several lactating cows, for then the children are well-nourished and there is a surplus that can be devoted to cheese-making and to assisting kinsmen and entertaining guests. A household can generally obtain milk for its little children because a kinsman will lend them a lactating cow, or give them part of its milk, if they do not possess one. This kinship obligation is acknowledged by all and is generously fulfilled, because it is recognized that the needs of children are the concern of neighbours and relatives, and not of the parents alone. Occasionally, however, after an epidemic or, to a lesser degree, after two or three youths of the group have married, an entire hamlet, or even a whole village may experience scarcity. Sometimes, also, shortage is caused by a tendency for the cows of a village to cease lactating at about the same time.

Nuer value their cows according to the amount of milk they 234
give and they know the merits of each in this respect. The calves of a good milch cow are more highly prized than the

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234 calves of a cow that gives little milk. A cow is never to them just a cow, but is always a good cow or a bad cow, and a Nuer who is owed a cow will not accept in payment of his debt one that does not meet with his approval. If you ask a Nuer in a cattle camp which are the best and worst cows in the herd he can tell you at once. In judging their points he pays little attention to those aesthetic qualities which please him in an ox, especially fatness, colour, and shape of horns, but he selects those which indicate a good milch cow: a broad loose back, prominent haunch bones, large milk-veins, and a much-wrinkled milk-bag. In judging the age of a cow he notes the depth of the trenches which run on either side of its rump towards the tail, the number and sharpness of its teeth, the firmness of its gait, and the number of rings on its horns. Nuer cows have the familiar angular and thin-fleshed characteristics of dairy stock.

Milking is performed twice daily by women, girls, and uninitiated boys. Men are forbidden to milk cows unless, as on journeys or war expeditions, there are no women or boys present. The milker squats by the cow and milks a single teat at a time into the narrow mouth of a bottle-necked gourd balanced on her thighs (see Plates III and V). She milks with thumb and first finger but, the other fingers being closed, the teat is to some extent pressed against the whole hand. It is both a squeezing and a pulling motion. The gourd is kept in position by the downward stroke of the hands which press it against the thighs. When a pot, or a gourd with a wider mouth, is used it is held between the knees and the milker squeezes two teats at a time. Occasionally one sees two girls milking a cow, one at either side. If a cow is restless a man may hold it still by putting his hand in its mouth and gripping its muzzle, and if it kicks, a noose is placed round its hind legs and they are pulled together (see Plate III). I was told that sometimes they ring the nose of a cow that is habitually restless during milking.

The process of milking is as follows. The calf is loosened and with its tethering-cord round its neck runs at once to its dam and begins violently butting her udder. This starts the flow of milk, and Nuer hold that if the calf were not first to suck the cow would hold up its milk. They do not pat the udder with the hand unless the calf is dead, for this is considered bad for the cow. When the calf has sucked a little it is dragged away, resisting stubbornly, and tethered to its dam's peg, where it rubs against her forelegs and she licks it. The girl now milks the first milking, known as

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PLATE III

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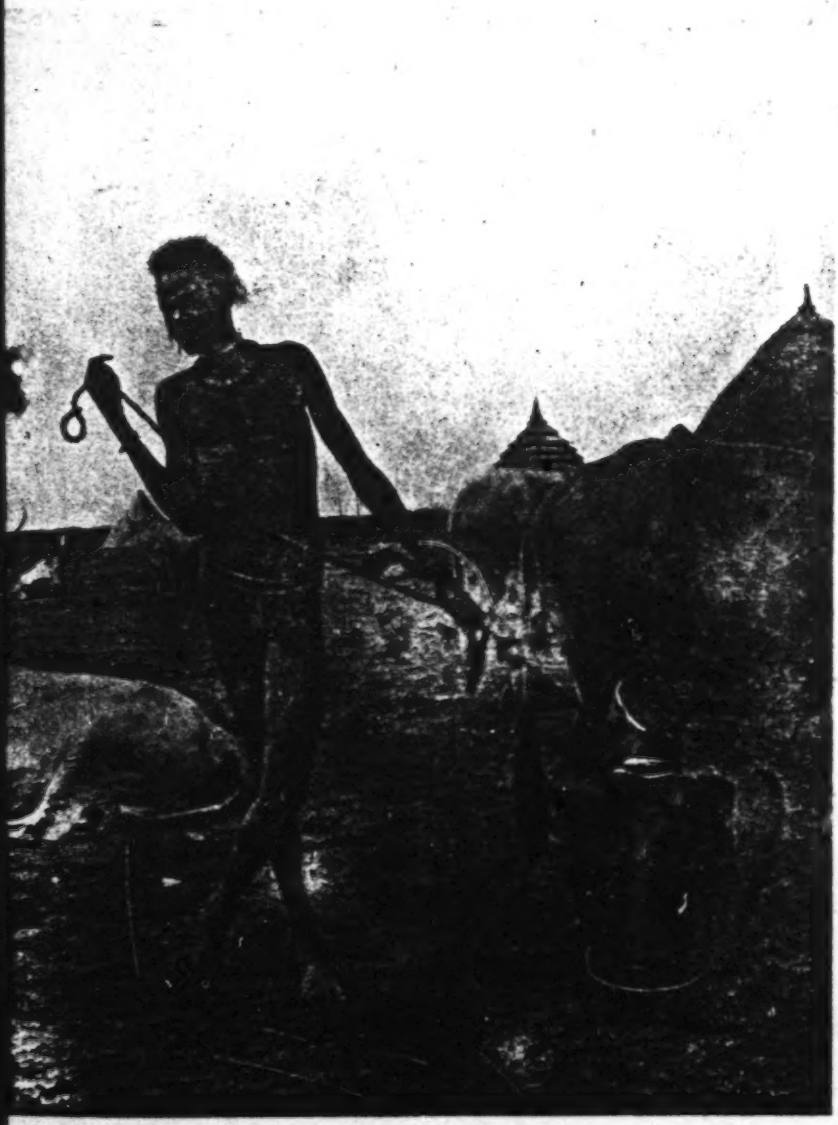

Milking a restless cow (Lou)

[Facing 22]

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234 the *wic*. When the teats become soft and empty the calf is again loosened and the process is repeated. The second milking is called *tip indit*, the greater *tip*. As a rule there are only two milkings, but if it is a very good milch cow at the height of her lactation period the calf may once more be loosened and a third milking, called *tip intot*, the lesser *tip*, be taken. When the girl has finished milking she wipes her thighs and the milk-gourd with the cow's tail and loosens the calf to finish off what milk is left. The first milking takes longer time and produces more milk than the second, and the second more than the third. The morning yield is greater than the evening yield.

A series of measurements suggest that four to five pints a day may be regarded as a general average for Nuer cows during their lactation period, which lasts, on an average, about seven months. It must be remembered, however, that this is an estimate of the yield for human consumption. The calf gets its share before, during, and after the milking. It is possible, moreover, that, as Nuer declare, some cows hold up their milk for their calves, since the calves often suck for several minutes after milking before their dams refuse them by kicking them or moving so that they cannot reach their udders. Sometimes a small boy drags the calf away and milks the udders himself, licking the milk off his hands, or shares the teats with the calf, but as a rule the calf gets the remainder of the milk. The total yield may, therefore, be as high as seven to nine pints a day and it appears to be far richer than milk given by English cows. It is not surprising that the yield is small, because Nuer cows receive no artificial feeding, succulent pasturage is often difficult to obtain, and they have to endure great hardship. It must, moreover, be emphasized that whereas English dairy farmers require only milk, Nuer herdsmen require milk and also wish to preserve every calf. Human needs have to be subordinated to the needs of the calves, which are the first consideration if the herd is to be perpetuated.

Milk is consumed in various ways. Fresh milk is drunk, especially by children, and is also consumed with millet-porridge. Fresh milk is chiefly drunk by adults in the heat of the dry season when a 262 refreshing draught is most appreciated and food is scarce. Some milk is put aside, where it soon, very rapidly in hot weather, sours and thickens, in which condition it is relished. Nuer like to have

1: Evans-Pritchard E-5 (1931, 1936) 1940
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262 a gourd of sour milk always at hand in case visitors come. Part of the daily yield is kept for making cheese, and if there are several cows in lactation one may be reserved for this purpose. Milk for 252 churning is drawn into a different gourd to that used for drinking milk. It is then transferred to a churning gourd (see Fig. 1), in which it stands for several hours, and as churning gourds are not cleaned, unless they smell bad, the acids which remain from the previous churning curdle the milk. After standing it is churned

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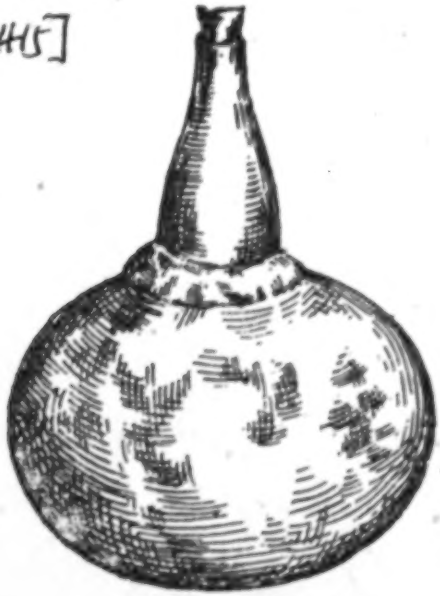

FIG. 1. Churning gourd.

by a woman, or girl, who sits on the ground with her legs stretched in front of her, and, raising the gourd, brings it down with a jerk on her thighs where she rocks it a few times before repeating her actions: a simple but lengthy way of churning. A small quantity of water is poured into the gourd when the curds are beginning to form to make them set well and to increase the quantity of whey, and some ox's urine may be added to give them consistency. When they have formed, the woman pours the milk into a cup-shaped gourd and scoops them out with a mussel shell into another gourd vessel which is hung up in a hut. The whey, mixed with fresh milk, is mainly drunk by women and boys. Every day they add to the supply of curds and now and again stir some ox's urine with them to prevent them from going bad. They may add to the supply for several weeks before the final boiling over a quick fire, which

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turns the curds, *lieth in bor*, into solid deep yellow cheese, *lieth in car*. After boiling for a time the liquid is poured into a gourd and the oil on top is removed, to be used as a flavouring for porridge. The cheese is suspended in a net from the roof of a hut in a round gourd, a piece of the shell of which has been cut out so that cords run through it and it acts as a sliding lid (see Fig. 9), and, if air is excluded by a coating of cattle dung, it will keep in good condition for months. Milk may thus be stored in the form of cheese. It is eaten with porridge and is also used for anointing the body.

Sheep and goats are also milked in the mornings, but little importance is attached to their yield, which is drunk by small children and not used for dairy work. The woman milks and the kids and lambs finish what is left in the udders. As they run with their dams at pasture an evening milking is not taken; but during the day hungry herdboys often squeeze the udders and lick the milk off their hands.

Some points that arise from an account of milking and dairy-work deserve emphasis. (1) The present number and distribution of cattle do not permit the Nuer to lead an entirely pastoral life as they would like to do, and possibly did at one time. On a generous estimate the average daily yield to the byre is probably no more than twelve pints, or one and a half pints per person. A mixed economy is, therefore, necessary. (2) Furthermore the fluctuation in household resources, due to epidemics and transmission of bride-wealth, is further accentuated by the organic character of the staple diet, for cows only produce milk for a certain period after calving and the yield is not constant. It follows that a single family is not a self-sufficient unit, as far as milk is concerned, for it cannot always ensure an adequate supply. Therefore, since milk is considered essential, the economic unit must be larger than the simple family group. (3) Environmental conditions, as well as need for cereal food to supplement their milk diet, prevent Nuer from being entirely nomadic, but milk food enables them to lead a roving life for part of the year and gives them mobility and elusiveness, as their history shows and as has been recently demonstrated in the Government campaign against them. Milk requires neither storage nor transport, being daily renewed, but, on the other hand, involves a straight dependence on water and vegetation which not only permits, but compels, a wandering

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234 life. Such a life nurtures the qualities of the shepherd—courage, love of fighting, and contempt of hunger and hardship—rather than shapes the industrious character of the peasant.

IV

262 Nuer are also interested in their cattle for meat, boiled and
782 roasted. They do not raise herds for slaughter, but sheep and
231 oxen are frequently sacrificed at ceremonies. There are always ghosts and spirits in whose honour a sacrifice would at any time be appropriate, and such sacrifices are generally long overdue, so that there does not lack a proper excuse for a feast when people desire one. Fertile cows are sacrificed in mortuary rites, but, otherwise, only barren females are killed. At sacrifices most people are interested more in the festal than the religious character of the rites. Sometimes, as at marriage ceremonies, the people who perform the ritual are different from those who eat the meat, while at other ceremonies there is a general scramble for the carcass. Desire for meat is shown without shame on these occasions, and Nuer recognize that some men sacrifice without due cause. In some years it is a custom in the rains for young men to join together at a homestead with the purpose of slaughtering oxen and gorging themselves with meat. Except on such occasions, however, people ought not to kill an ox solely for food—it being even thought that the ox may curse them—and they only do so in severe famine. The Lou, who are rich in cattle, have a reputation, of which they are rather ashamed, for killing oxen for meat. Nevertheless, nowhere in Nuerland are cattle ordinarily slaughtered for food, and a man would never kill even a sheep or goat merely on the grounds that he desired meat. On occasions of minor importance sheep or goats are sacrificed rather than oxen, as they are less valuable.

231 Any animal which dies a natural death is eaten. Even when
262 a youth's favourite ox dies he must be persuaded to partake of its flesh, and it is said that were he to refuse his spear might avenge the insult by cutting his foot or hand on some future occasion. Nuer are very fond of meat, and declare that on the death of a cow, 'The eyes and the heart are sad, but the teeth and the stomach are glad.' 'A man's stomach prays to God, independently of his mind, for such gifts.'

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Though oxen are sacrificed and eaten they are not valued only for these purposes, but also for display and for the prestige their possession confers. Colour and shape of horns are significant, but the essential qualities are bigness and fatness, it being considered especially important that the haunch bones should not be apparent. Nuer admire a large hump which wobbles when the animal walks, and to exaggerate this character they often manipulate the hump shortly after birth.

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Like other pastoral peoples in East Africa the Nuer extract blood from the necks of their cattle, and this is a supplementary article of diet in dry season camps, where one may generally see at least one cow bled each evening. Cows are bled for culinary purposes more frequently than oxen. The operation, called *bar*, consists of tying a cord tightly round a cow's neck so that the veins stand out and one of them can be stabbed, on the head side of the cord, with a small knife bound with cord or grass to prevent it entering too deeply. The blood spurts out, and when a large gourd has been filled they loosen the cord and it ceases to flow. Some dung is smeared over the wound. If one examines the neck of a cow one sees a row of small cicatrices. Cows appear to be a little giddy after the operation and may totter slightly, but otherwise seem none

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FIG. 2. Gourd for storing cheese.

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231 262 [252] the worse for their experience. Indeed, it may well be, as Nuer assert, that they are the better for it, for they lead a sluggish life. The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it coagulates into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

231 825 Nuer do not regard the blood of cows as a staple article of diet and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any unfitness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and graze avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

231 262 [224] The following two points seem to us to be significant. (1) Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient meat to satisfy their craving and have no pressing need to hunt wild animals, an activity in which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

237 231 Apart from milk, meat, and blood, cattle furnish Nuer with numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

237 Their skins are used for beds, trays, for carrying fuel (Plate XVII), cord for tethering and other purposes, flails (Fig. 15), leather collars for oxen (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

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FIG. 3. Bags made from the scrota of a bull and a giraffe.

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1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

237 snuff-containers, &c. The scrota of bulls are made into bags to contain tobacco, spoons, and other small objects (Fig. 3). Tail-hairs are made into tassels used as dance ornaments by girls and to decorate the horns of favourite oxen (Plate IV). Their bones are used for the manufacture of armlets, and as beaters, pounders, and scrapers. Their horns are cut into spoons (Fig. 14) and are used in the construction of harpoons.

Their dung is used for fuel and for plastering walls, floors, and the outsides of straw huts in cattle camps. It is also employed as a plaster in minor technological processes and to protect wounds. The ashes of burnt dung are rubbed over mens' bodies, and are used to dye and straighten the hair, as a mouth wash and tooth powder, in the preparation of sleeping-skins and leather bags, and for various ritual purposes. Their urine is used in churning and cheese-making, in the preparation of gourd-utensils, for taning leather, and for bathing face and hands.

The skins of sheep and goats are worn as loin garments by married women (Plate XXIII (*a*)), used as rugs to sit on, made into bags for storing tobacco and millet, and are cut into strips to be tied round their ankles by youths when dancing. Their dung and urine are not utilized.

231 237 The Bedouin Arab has been called the parasite of the camel. With some justice the Nuer might be called the parasite of the cow. It may, however, seem that the list we have compiled does not cover a very wide range of uses, but so simple is Nuer material culture that it accounts for a very considerable part of their technology and contains items on which they are highly dependent, e.g. the use of dung as fuel in a country where it is difficult to obtain sufficient vegetable fuel for cooking, let alone for the large fires that burn day and night in every byre and windscreen.

231 We have seen that apart from their many social uses Nuer are directly concerned with cattle as producers of two essential articles of diet, milk and meat. We now perceive that the economic value of cattle is more extensive. Taking into consideration also the more general social value of cattle, briefly indicated in Section I, we may already note that there is over-emphasis on a single object, which dominates all other interests and is consistent with those qualities of simplicity, single-mindedness, and conservatism, so characteristic of pastoral peoples.

[L pp. 16-19, cat. 116 —Analyst]

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PLATE IV

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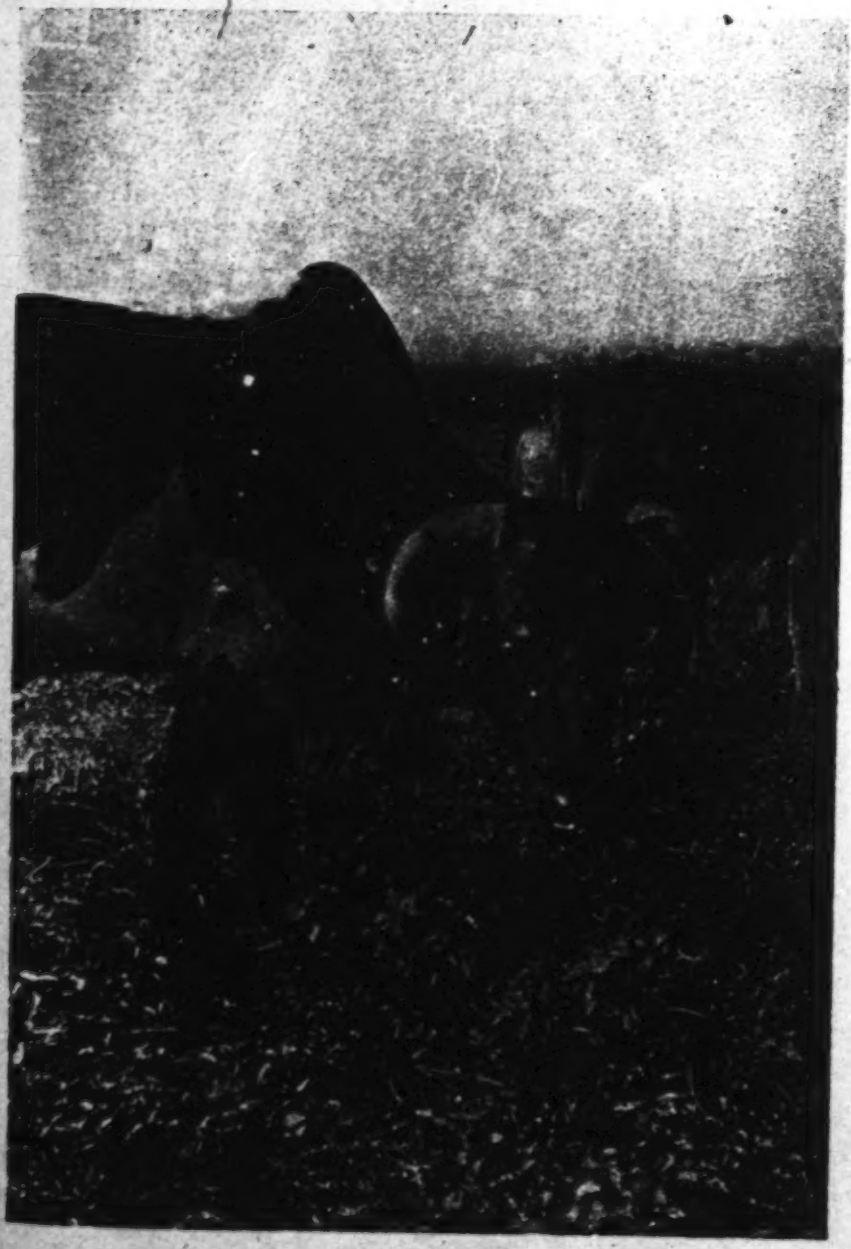

Ox with tassels hanging from its horns (Lou)

[Face p.30]

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VI

233 In later chapters we shall describe how the needs of cattle, water, pasturage, protection from carnivorous beasts and biting insects, and so forth, are attended to, and show in what manner they determine human routine and affect social relations. Leaving these broader issues on one side, we ask here whether the Nuer, who are so reliant on their cattle and who value them so highly, are competent herdsmen. It is unnecessary to state that they give their beasts every attention that their knowledge allows, but it is pertinent to inquire whether their knowledge suffices. It was especially noted where Nuer practice is not in accord with the conventions of farming, and the reasons for the divergence were investigated. A few of the more evident difficulties and some general observations on Nuer husbandry are recorded below.

1. Since the cows are not brought back to the kraals at midday the smaller calves must go without nourishment for many hours each day. However, Capt. H. B. Williams, Director of the Sudan Veterinary Department, tells me that Nuer oxen have the reputation of being as good as any in the Sudan, so that their development as young calves cannot be seriously arrested. In the rains the cows are seldom milked before 9 to 10 a.m. and again at about 5 p.m., but in the dry season they may be taken to pasture as early as 8 a.m. and not return till about 5.30 p.m., so that they cannot suckle their calves for about ten hours. However, this long interval is not easily avoided, for in the dry season the grazing grounds are often distant and owing to lack of good pasturage the cattle require longer to feed than in the rains. In the rains it would be a simple matter to pasture the herd at daybreak and bring it home at midday, as many East African peoples do, for the cows to suckle their calves and chew the cud. But Nuer say that when the cattle come out of their hot smoky byres they like to rest a while in the kraal before going to pasture, and their lethargy, which contrasts with their eagerness to graze after a night in the open in dry season camps, seems to justify this statement. Nuer realize that the heat and smoke of byres are bad for the cattle, but they consider mosquitoes worse.

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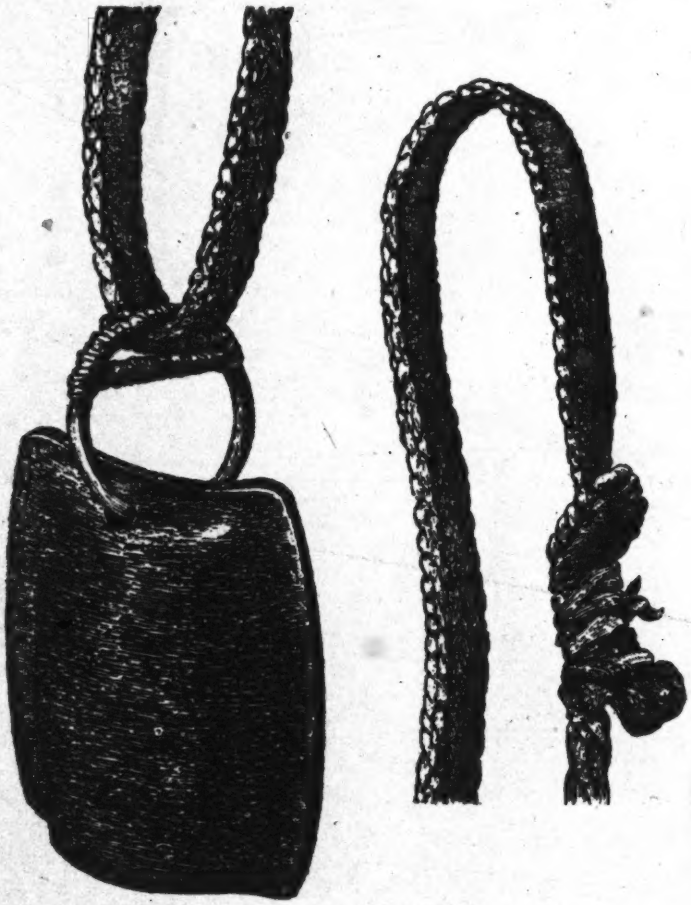

FIG. 4. Ox-bell and collar.

[p. 32]

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Also by waiting till the dew has evaporated they consider they lessen the risk of digestive troubles, for in the rains the ground is cold and damp till a late hour. A further reason for keeping the cattle late in the kraals is that if they are loosened early they soon graze to repletion and begin to wander in all directions, since they are not usually herded in the rains. 233

2. It at once strikes a European that the condition of drinking water at periods of the dry season leaves much to be desired, especially if he has to drink it himself. Sometimes the pools have almost dried up and contain foul, even slimy, water which men and cattle drink. I have wondered why they do not move sooner from these small pools, such as that shown on Plate XXI (*b*), around which they camp in the early drought, to the rivers and lakes where they make their final concentrations, but I do not distrust their judgement, for they are fully aware that dirty water is neither palatable to, nor good for, the cattle, and when circumstances permit they are at pains to ensure that they are supplied with clean water as often as they require it. In moving camp they have to take into account a number of desiderata: pasturage, fishing, the harvest of *Balanites aegyptiaca*, the second millet harvest, &c., besides conditions of water. 233 312

3. Unlike some East African peoples Nuer do not keep too many entire animals. If they err at all it is in keeping too few. On the limited observations made it was estimated that there is one adult bull to about thirty or forty adult cows. Nuer try to select as stud bulls the calves of their best milch cows so that they may breed good milch cows from them. They say that if they did not castrate most of the bull calves the cows would get no peace and there would be constant fighting in the kraals and commotion in the byres. A calf is not castrated till it is about eighteen months to two years old: 'When its dam has had another calf and a third is in its womb.' It is thrown, the scrotum is cut with a spear, and the testicles drawn out and severed. There is little loss of blood and the animal soon recovers. A calf may be castrated for sacrificial purposes at any time, but otherwise Nuer prefer to perform the operation in the dry season for there is less chance of inflammation than in the rains. Bulls are not discouraged from fighting unless they belong to the same herd, and fights are often cited in 233

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233 tradition as the cause of fission and migration of lineages. A very large number of steers and oxen are slaughtered in sacrifices.

4. Heifers are not served till their third year. Nuer know when a cow is on heat by its behaviour in the kraal: it is restless, lows, swishes its tail, sniffs at the vulvas of other cows, and tries to mount them. If a cow has mated in the grazing grounds—for bulls run with the herd—the first signs of pregnancy are said to be vulvar changes. If you ask Nuer when a cow which has been served at a certain time will calve they can at once, and accurately, tell you. They say that if a cow has had no serious illness it will bear about eight calves.

FIG. 5. Stuffed calf's head.

In my experience there is very slight mortality among calves. Nuer give them every attention. When a cow is seen to be about to calve for the first time its owner sits up with it all night, or accompanies it to pasture, to assist delivery. An experienced cow is left to drop its calf itself, but a man is usually present to assist if it is in trouble. He must be present if it calves in the bush, because the calf is too weak to follow its dam, which will stay with it, and they may become separated from the herd and fall a prey to wild beasts. If a calf dies in the womb Nuer try to remove it, and when it is necessary to turn it in the womb they perform this operation. If the afterbirth does not fall, or if the cow does not lick its calf, they administer medicines. When a calf dies they resort to various devices to persuade its dam to give milk. They stuff the head with straw (see Fig. 5), and rub some of the dam's urine on it; or, especially when a cow aborts, they stuff the whole calf, insert stumps of wood to act as legs, and place it in front of its dam and push its head against her teats, while they gently squeeze and pull them and a boy blows up the vagina.

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Nuer say that if a calf is only a day or two old and its dam dies it will also die, but once it knows the *cak tin bor*, 'the white milk' which follows the colostrum, it can be saved. It is fed by hand from a small gourd with a funnel mouth and efforts are made to get another cow in lactation to suckle it. Since Nuer believe, erroneously it seems, that it is dangerous for a calf to drink the discoloured milk at the top of the colostrum, they milk this off before allowing the calf to suck, and if by inadvertence it sucks first they administer a purgative. They regard it as more serious if there is any blood in the milk.

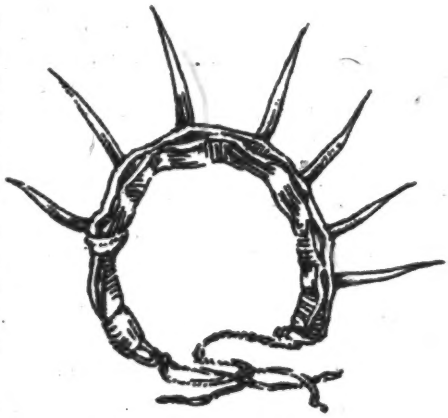

FIG. 6. Calf's weaning ring.

For the first three or four days a calf sucks all its dam's milk except the part drawn off. Then close kinsmen, who live near by, are summoned to eat porridge over which is poured the first milk taken for human consumption. At this ceremony the end hairs of the calf's tail are cut off and its owner spits on them and waves them over the back of the dam, for otherwise the calf will sicken because it resents people stealing its milk. Afterwards, however, they can still say, 'We do not yet share with its calf', for they take very little milk for the first fortnight in order to give it a chance to get strong and for its teeth to harden. When the calf is stronger they take more milk and they then say that the calf shares (*buth*) the milk with men. It continues to suck till its dam is again in calf and refuses it. Weaning devices are not as a rule employed, but if the dam suckles when it is pregnant and it is found impracticable to keep it apart from its calf in the pastures they place a ring of thorns round the calf's muzzle (Fig. 6), which allows it to graze but prevents it from sucking, for the thorns prick the dam's udder and she kicks it aside. It will be seen from this account how Nuer solve the herdsman's problem of making cows provide for their masters without depriving their calves of essential nourishment.

Small calves, after the adult herd has gone to the grazing grounds, are housed till the late afternoon in byres in wet-season villages, and tethered in the shade of a tree in dry-season camps.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 They are watered during the afternoon, and boys bring them grasses, especially *poon* (*Oryza Barthii*), which is very fattening. They begin to go to pasture with the older calves, under the care of herdboys, in about their third month and are kept apart from their dams by being driven in the opposite direction to that taken earlier in the day by the adult herd. They run with the herd when they are about a year old, by which time their dams are again in calf.

We shall have opportunities for noting further the attention Nuer give to their cattle and the wisdom of their methods. I have merely given in this section a few examples to illustrate a general conclusion reached in the course of my study: that Nuer cattle husbandry could not in any important particular be improved in their present oecological relations; that, consequently, more knowledge than they possess would in no way assist them; and that, as will be shown, were it not for their unceasing vigilance and care the cattle would not survive the harsh conditions of their environment.

VII

233 181 It has been remarked that the Nuer might be called parasites of the cow, but it might be said with equal force that the cow is a parasite of the Nuer, whose lives are spent in ensuring its welfare. They build byres, kindle fires, and clean kraals for its comfort; move from villages to camps, from camp to camp, and from camps back to villages, for its health; defy wild beasts for its protection; and fashion ornaments for its adornment. It lives its gentle, indolent, sluggish life thanks to the Nuer's devotion. In truth the relationship is symbiotic: cattle and men sustain life by their reciprocal services to one another. In this intimate symbiotic relationship men and beasts form a single community of the closest kind. In a few paragraphs I direct attention to this intimacy.

233 512 181 The men wake about dawn at camp in the midst of their cattle and sit contentedly watching them till milking is finished. They then either take them to pasture and spend the day watching them graze, driving them to water, composing songs about them, and bringing them back to camp, or they remain in the kraal to drink their milk, make tethering-cords and ornaments

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PLATE V

234

Girl milking (Lou)

[Face p. 36]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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181 233 512 [515] for them, water and in other ways care for their calves, clean their kraal, and dry their dung for fuel. Nuer wash their hands and faces in the urine of the cattle, especially when cows urinate during milking, drink their milk and blood, and sleep on their hides by the side of their smouldering dung. They cover their bodies, dress their hair, and clean their teeth with the ashes of cattle dung, and eat their food with spoons made from their horns. When the cattle return in the evening they tether each beast to its peg with cords made from the skins of their dead companions and sit in the windscreens to contemplate them and to watch them being milked. A man knows each animal of his herd and of the herds of his neighbours and kinsmen: its colour, the shape of its horns, its peculiarities, the number of its teats, the amount of milk it gives, its history, its ancestry and its progeny. Miss Soule tells me that most Nuer know the points of the dam and grand-dam of a beast and that some know the points of its forebears up to five generations of ascent. A Nuer knows the habits of all his oxen, how one bellows in the evenings, how another likes to lead the herd on its return to camp, and how another tosses its head more than the rest are wont to do. He knows which cows are restless during milking, which are troublesome with their calves, which like to drink on the way to pasture, and so forth.

233 181 If he is a young man he gets a boy to lead his favourite ox, after which he takes his name, round the camp in the morning and leaps and sings behind it; and often at night he walks among the cattle ringing an ox-bell and singing the praises of his kinsmen, his sweethearts, and his oxen. When his ox comes home in the evening he pets it, rubs ashes on its back, removes ticks from its belly and scrotum, and picks adherent dung from its anus. He tethers it in front of his windscreen so that he can see it if he wakes, for no sight so fills a Nuer with contentment and pride as his oxen. The more he can display the happier he is, and to make them more attractive he decorates their horns with long tassels, which he can admire as they toss their heads and shake them on their return to camp, and their necks with bells, which tinkle in the pastures. Even the bull calves are adorned by their boy-owners with wooden beads and bells (Fig. 13). The horns of young bulls, destined to be

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 181 castrated later, are generally cut so that they will grow in a shape that pleases their masters. The operation, called *ngat*, is probably performed towards the end of their first year and usually takes place in the dry season, as it is said that a steer may die if its horns are cut in the rains. The animal is thrown and held down while its horns are cut through obliquely with a spear. They grow against the cut. The beasts appear to suffer much pain during the operation and I have sometimes heard Nuer compare their ordeal to the initiation of youths into manhood.

When a Nuer mentions an ox his habitual moroseness leaves him and he speaks with enthusiasm, throwing up his arms to show you how its horns are trained. 'I have a fine ox', he says, 'a brindled ox with a large white splash on its back and with one horn trained over its muzzle'—and up go his hands, one above his head and the other bent at the elbow across his face. In singing and dancing they call out the names of their oxen and hold their arms in imitation of their horns.

233 181 854 The attitude towards cattle varies with varying situations in social life and with changes in social development. As soon as children can crawl they are brought into close intimacy with the flocks and herds. The kraal is their playground and they are generally smeared with dung in which they roll and tumble. The calves and sheep and goats are their companions in play and they pull them about and sprawl in the midst of them. Their feelings about the animals are probably dominated by desire for food, for the cows, ewes, and she-goats directly satisfy their hunger, often suckling them. As soon as a baby can drink animal's milk its mother carries it to the sheep and goats and gives it warm milk to drink straight from the udders.

233 181 857 868 The games of rather older children of both sexes centre round cattle. They build byres of sand in camps and of moistened ashes or mud in villages, and fill the toy kraals with fine mud cows and oxen (Fig. 7), with which they play at herding and marriage. The first tasks of childhood concern cattle. Very small children hold the sheep and goats while their mothers milk them, and when their mothers milk the cows they carry the gourds and pull the calves away from the udders and tether them in front of their dams. They collect urine in gourds and

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wash themselves in it. When they are a little older and stronger they have to clean the byres and kraals, assist in the milking, and herd the small calves and the sheep and goats at pasture.

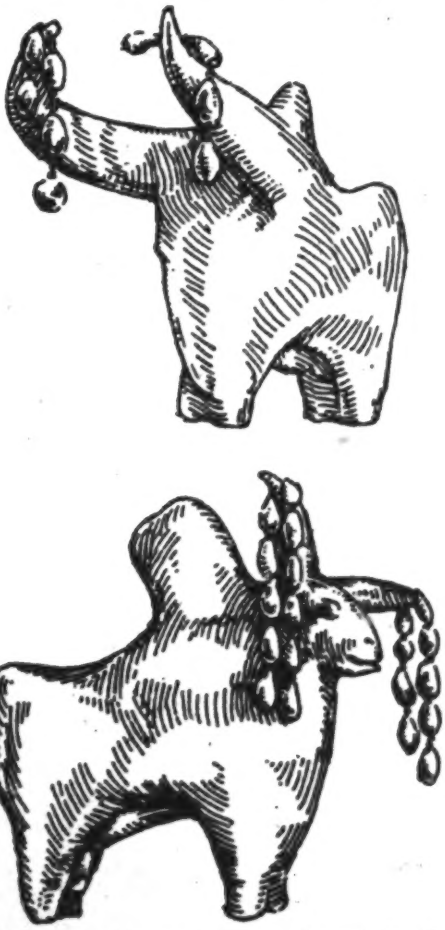

FIG. 7. Mud figures of oxen decorated with tassels.

Food and play contacts with the cattle have changed to labour contacts. At this age the interests of the sexes in cattle begin to diverge and the divergence becomes more apparent as they grow up. The labour of girls and women is restricted to the byres and the kraals and is concerned mostly with the cows, while boys herd the calves at pasture, as well as assisting in the kraal,

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181 and after initiation they herd the adult cattle and in the kraal
233 give their attention mainly to the oxen. The women are
462 dairy-maids; the men herdsmen. Moreover, to a girl the cows are essentially providers of milk and cheese and they remain such when she grows up and is married and milks and churns for her husband's people, whereas to a boy they are part of the [421] family herd in which he has property rights. They have entered the herd on the marriage of his kinswomen and one day he will marry with them. A girl is separated from the herd on marriage; a boy remains as its owner. When a boy becomes a youth and is initiated into manhood the cattle become something more than food and the cause of labour. They are also a means of display and marriage. It is only when a man marries and has children and an independent household and herd, when he has become an elder and man of position, that he often uses cattle as sacrifices, invests them with a sacred significance, and employs them in ritual.

181 The Nuer and his herd form a corporate community with solidarity of interests, to serve which the lives of both are
233 adjusted, and their symbiotic relationship is one of close physical contact. The cattle are docile and readily respond to human care and guidance. No high barriers of culture divide men from beasts in their common home, but the stark nakedness of Nuer amid their cattle and the intimacy of their contact with them present a classic picture of savagery. I ask the reader to look at some of the illustrations, for example the Frontispiece and Plates III, V, and XVII, which will convey to him better than I can do in words the crudity of kraal life.

Cattle are not only an object of absorbing interest to Nuer, having great economic utility and social value, but they live in the closest possible association with them. Moreover, irrespective of use, they are in themselves a cultural end, and the mere possession of, and proximity to, them gives a man his heart's desire. On them are concentrated his immediate interests and his farthest ambitions. More than anything else they determine his daily actions and dominate his attention. We have remarked on the over-emphasis on cattle produced by their wide range of social and economic uses. So many physical, psychological, and social requirements can be satisfied from

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this one source that Nuer attention, instead of being diffused in a variety of directions, tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity with themselves. We will now examine briefly some linguistic material wherein we shall perceive further evidence of this hypertrophy of a single interest and of the identification of men with cattle to which I have alluded. 181 233

VIII

Linguistic profusion in particular departments of life is one of the signs by which one quickly judges the direction and strength of a people's interests. It is for that reason, rather than for its intrinsic importance, that we draw the reader's attention to the volume and variety of the Nuer cattle vocabulary. Like all the pastoral Nilotes they use an enormous number of words and phrases about cattle and the tasks of herding and dairy-work, and from this vast assortment we select for comment a single class: the terms by which they describe cattle, chiefly by reference to their colours.[1] These terms are more than a linguistic technique which enables Nuer to speak of cattle with precision in situations of practical husbandry and in the many social contexts in which they figure, for they establish associations on the one hand between wild creatures and cattle and on the other hand between cattle and their masters; they furnish certain ritual categories; and they greatly enrich the language of poetry. 192 231

In naming a Nuer cow one has to notice its colours and the way in which they are distributed on its body. When it is not of one colour the distribution of colours is the significant character by which one names it. There are ten principal colour terms: white (*bor*), black (*car*), brown (*lual*), chestnut (*dol*), tawny (*yan*), mouse-grey (*lou*), bay (*thiang*), sandy-grey (*lith*), blue and strawberry roan (*yil*), and chocolate (*gwir*). When a cow is of a single colour it is described by one of these terms. An animal may combine two or more colours, but a combination of more than two, known as *cuany*, is very rare. Normally there is a combination of white with one other colour and twelve common distributions of this com- 192 231 552

[1] I have recorded some information on this neglected subject among a neighbouring people in 'Imagery in Ngok Dinka Cattle-Names', *Bulletin of the School of Oriental Studies*, 1934.

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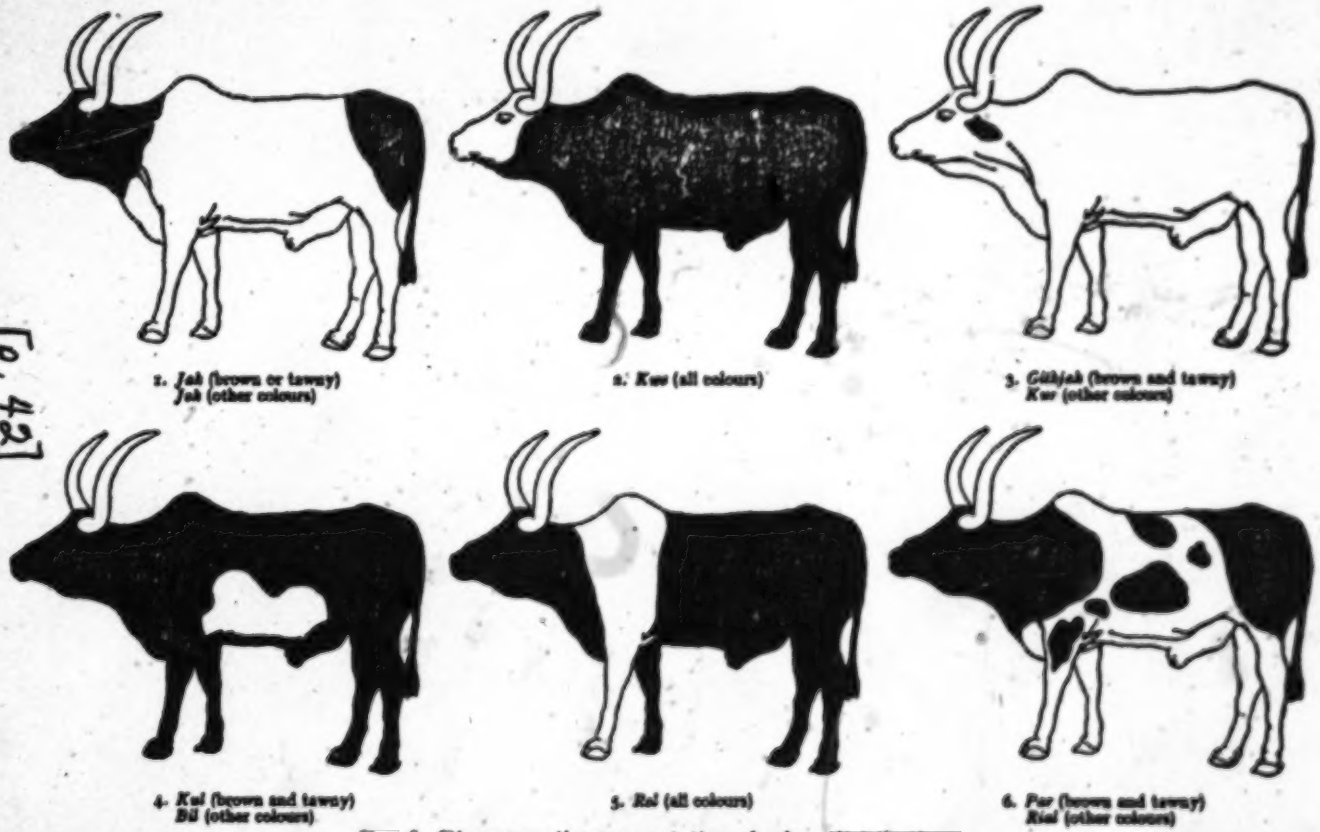

FIG. 8. Diagrammatic representation of colour distributions.

[p. 42]

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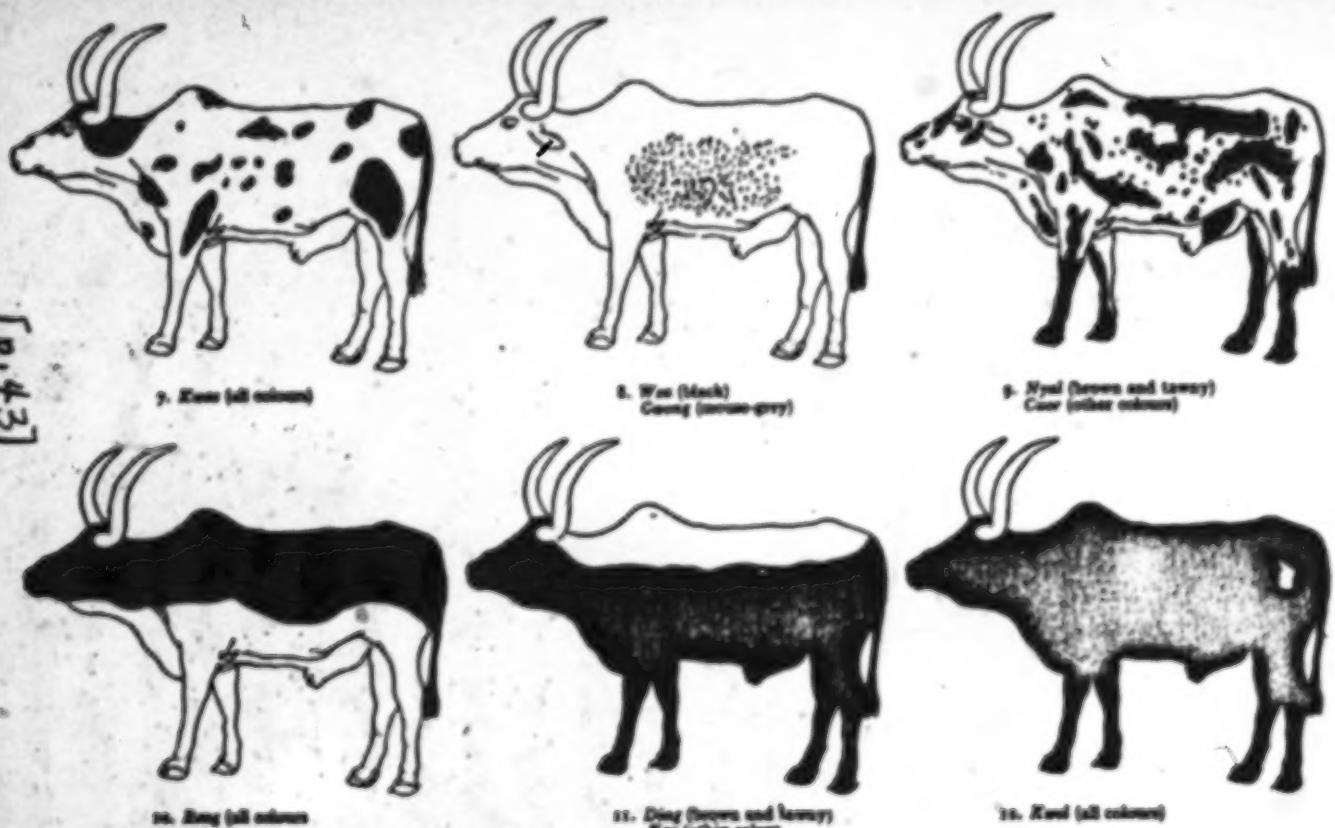

FIG. 9. Diagrammatic representation of colour distributions.

[p. 43]

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bination are shown in Figs. 8 and 9. There are, however, many more combinations, at least twenty-seven, one of the commonest being varieties of a striped or brindled coat (*nyang*).

In describing a beast one often denotes both the form of distribution and the colour that is combined with white. Thus an ox may be entirely mouse-grey (*lou*); have a mainly mouse-grey colour with a white face (*kuo looka*), white back (*kar looka*), white splash on barrel (*bil looka*), white shoulder (*rol looka*), or white belly (*reng looka*): be brindled mouse-grey (*nyang looka*): be white with large mouse-grey patches (*rial looka*), medium mouse-grey patches (*kuac looka*), or a mouse-grey rump (*jok looka*), &c. There are at least a dozen terms describing different combinations of white and mouse-grey and there are a similar number of terms for a combination of white with each of the other colours. A further example is given to illustrate the wide range of variations: a white shoulder and foreleg (*rol*) may be found on a cow of any colour, e.g. *rol cara*, *rol yan*, *rol thiang*, *rol yili*, &c. There may also be a combination of one form of distribution with another and, in this case, the two combinations constitute the terms of reference and there is no need to denote the colouring that occurs in them, e.g. a white shoulder and foreleg (*rol*) may be combined with a white face (*kuo roal*), black spots (*rol kuac*), speckling (*rol cuor*), brown patches (*rol paara*), white back (*kar roal*), white face and black ears (*kur roal*), &c. There are at least twenty-five terms which include the *rol* distribution, and the other distributions likewise have wide ranges of combinations with colours and with one another.

As I shall elsewhere, and at length, analyse the principles of colour terminology and abstract the rules of nomenclature,[1] I need no more than remark here that it is evident from the few examples cited that there are several hundred colour permutations.

Some colours and combinations of colours are associated with animals, birds, reptiles, and fish, and this association is often indicated by secondary terms of reference and by ritual usages, e.g. *lou* (mouse-grey) is the bustard, *nyang* (striped) is the crocodile, *lith* (sandy-grey) is associated with *manlieth*, the grey kestrel, *thiang* (hay) is the tiang, *duai* (brown with white stripes) is the female sitatunga, *kuo* (white-faced) is the fish eagle, *kuac* (spotted) is the leopard, *cuor* (speckled) is the vulture, *gwong* (spotted) is the guinea-fowl, *nyal* (brown-spotted) is the python, &c. These linguistic identifications and other colour associations lead to many

[1] 'Nuer Cattle Terms', to appear in *Sudan Notes and Records*.

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fanciful elaborations of nomenclature, e.g. a black ox may be called *rual mim*, charcoal-burning or *won car*, dark clouds; a brown ox *riem dol*, red blood, or *rir dol*, red tree-cobra; a blue roan ox *bany yiel* after the blue heron; a mouse-grey ox *duk lou*, the shady gloom of forests, &c. These fancy names add greatly to the list of Nuer cattle terms. 192 552 231

Besides the vast vocabulary which refers to colours, distribution of colours, and colour associations, cattle can also be described by the shape of their horns and, as the horns of oxen are trained, there are at least six common designations in use besides several fancy names. Words denoting shape of horns add considerably to the number of permutations, for they can be combined with many of the colour and distribution terms, e.g. a sandy-grey cow with horns which almost meet in a curve above the head is a *duot lieth*, a shorthorn with *rial* markings is a *cot rial*, a brindled ox with one horn trained across its face is a *gut nyang*, &c. The ears of cattle, sheep, and goats are often cut in different shapes and it is permissible, and with sheep and goats usual, to describe them by reference to these incisions. Sheep and goats have very different mixtures of colours from those one finds among cattle, but the same terms can be used to cover all combinations, because they are never exact descriptions of colour dispositions but represent ideal distributions, to one or other of which any actual disposition approximates.

A further range of permutations is created by prefixes which denote the sex or age of an animal, e.g. *tut*, bull, *yang*, cow, *thak*, ox, *nac*, heifer, *ruath*, male calf, *dow*, female calf, *kol*, calf which has not yet begun to graze, and so forth. Thus one may speak of a *tut ma kar looka*, *dou ma rial*, *thak ma cuany*, &c. Indeed, if we were to count every possible mode of referring to animals of the flocks and herds they would be found to number several thousand expressions—an imposing and complicated system of ramifications which bears eloquent witness to the social value of cattle.

Furthermore, as we have mentioned, every man takes one of his names from the term by which one of his oxen is described, and these ox-names are the preferred salutations among age-mates. A youth generally takes his first ox-name from the beast his father gives him at his initiation, but he may later 551

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551 take further names from any oxen of his herd which delight him. Men salute one another with these names and shower them, with many a fanciful elaboration, on their companions at dances. They also chant them when they display themselves with their oxen in camps, sing them in their poems, and shout them when they spear men, animals, or fish.

551 192 A man may be called by the identical name of his ox, e.g. Bi(l)rial, Kwac(c)uor, Werkwac, and so forth, but generally one part of the term is dropped and the other part is prefixed by a new term, usually descriptive of some ornament worn by the ox or some characteristic of it, not employed in defining its own name, e.g. *luth*, a large bell (Fig. 4), *gier*, a small bell, *lue*, a long tassel, *dhuor*, a short tassel (Plate IV), *wak*, the tinkling of an ox-bell, *leng*, a brass ring attached to an ox's collar or tethering-cord (one can be seen on the animal in the foreground of Plate II), *rot*, bellowing of oxen, *cwei*, fatness, *boi*, shining whiteness, &c. Thus a man whose favourite ox has *rial* distribution of colours may be called Luthrial, Gierrial, Luerial, Dhuorrial, Boirial, and so on. When ox-names are used between age-mates at dances they are generally preceded by dance-names which are selected to harmonize with the ox-names, euphony being considered of great importance in all these word formations. Ox-names are voluminous and abstruse, and in describing them, as in describing cattle-colours, I have not only made a meagre selection from the wealth at my disposal, but have also chosen for illustration the simplest examples and neglected the more obscure.

533 Names of cattle, especially of oxen, and ox-names of men are used profusely in songs. The Nuer, like most pastoral peoples, are poetic and most men and women compose songs which are sung at dances and concerts or are composed for the creator's own pleasure and chanted by him in lonely pastures and amid the cattle in camp kraals. Youths break into song, praising their kinsmen, sweethearts, and cattle, when they feel happy, wherever they may be. I give a free translation of the first verses of two songs, the first sung by girls as they sit together in the evening after the day's work is done, and the second sung by its creator when he is happy.

539 1. The wind blows *wirawira*;[1]
Where does it blow to?

[1] Literally 'My wind'. The singer runs against it and seems by so doing to add to its strength. This is the north wind which blows at the time of rich

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539

It blows to the river.
The shorthorn carries its full udder to the pastures;[1]
Let her be milked by Nyagaak;
My belly will be filled with milk.
Thou pride of Nyawal,
Ever-quarrelling Rolnyang.[2]
This country is overrun by strangers;
They throw our ornaments into the river;
They draw their water from the bank.[3]
Blackhair my sister,
I am bewildered.
Blackhair my sister,
I am bewildered.
We are perplexed;
We gaze at the stars of God.[4]

2. White ox good is my mother
And we the people of my sister,
The people of Nyariau Bul.
As my black-rumped white ox,
When I went to court the winsome lassie,
I am not a man whom girls refuse.
We court girls by stealth in the night,
I and Kwejok
Nyadeang.[5]
We brought the ox across the river,
I and Kirjoak
And the son of my mother's sister
Buth Gutjaak.
Friend, great ox of the spreading horns,
Which ever bellows amid the herd,
Ox of the son of Bul
Maloa.[6]

It is not necessary to add more examples of cattle-terms and 000

pasture when the cows give plenty of milk: hence the connexion between the first three lines and those which follow them.

[1] The cow has refused to suckle its calf or to be milked before going to graze.

[2] Nyagaak is the sister of the poet. Pride (*gwath*) is the dance-name of a girl, Nyawal. Rolnyang is a youth's ox-name.

[3] The strangers are Government forces. The reference to drawing water from the bank is obscure.

[4] Blackhair is a girl's name. The Nuer are perplexed by foreign invasion and the last line is a prayer to God to help them in their adversity.

[5] The ox referred to in the first and fourth lines is the poet's ox. Kwejok is a friend, whose mother is Nyadeang.

[6] Buth is the birth-name of a friend whose ox-name is Gutjaak. The poet, who is a son of Bul Maloa, addresses his ox as his friend in the final lines.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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It is not necessary to add more examples of cattle-terms and
192 their uses to demonstrate that we are dealing with a galaxy of
183 words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 Another way in which Nuer engrossment in cattle can be
183 illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 At the present time cattle are the main cause of hostility
231 towards, and suspicion of, the Government, not so much on
721 account of present taxation as of earlier tax-gathering patrols
578 which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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chief occasion of strife among Nuer themselves. Indeed, after 183
a successful raid on Dinka stock there is often further fighting 231
over the booty. Moreover, Nuer tribes raid one another for 721
cattle. Thus the Leek raid the Jikany, Rengyan, and other 578
western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more 183
people have died for the sake of a cow than for any other cause'. 231
They have a story which tells how, when the beasts broke up 578
their community and each went its own way and lived its own 538
life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in con- 183
tinuous turmoil: the very fact that they are prepared to resist 231
any infringement of their rights in cattle induces prudence in the 606
relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

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183 231 626 vulnerability of cattle coupled with the extensive living-space required for them are compatible only with a far recognition of conventions in the settlement of disputes, or, in other words, the existence of a tribal organization embracing a large territory, and of some feeling of community over yet larger areas.

Fighting about ownership of cattle and seizing cattle for what are claimed as debts and compensation for losses are of a somewhat different order to raiding for cattle over which no rights, other than the power of the strong, are asserted. War 721 against foreign peoples, as distinct from warfare within a tribe, is almost entirely for plunder. Nuer war against the Dinka, therefore, differs from most primitive warfare in that its primary object is acquisition of wealth, for cattle are a form of wealth that not only lasts a long time and reproduces itself, but is, also, easily seized and transported. Furthermore, it enables invaders to live on the country without commissariat. Crops and dwellings can be destroyed, but cattle can be confiscated and taken home. This quality, which has given pastoral peoples a bias in favour of the arts of war rather than the arts of peace, has meant that the Nuer are not entirely dependent on their own cattle, but can augment their herds and restore the ravages of rinderpest, and have, in fact, for a long time increased their stock, and hence supplemented their food-supply, by raiding; a condition that has shaped their character, economy, and political structure. Skill and courage in fighting are reckoned the highest virtues, raiding the most noble, as well as the most profitable, occupation, and some measure of political agreement and unity a necessity.

We hasten to add that an explanation of warfare between Nuer and Dinka by reference to cattle and pastures alone is too simple a reduction. Hostility is expressed in terms of cattle, and desire for cattle accounts for some peculiarities of the struggle and some characteristics of the political organizations involved in it, but the struggle itself can only be fully understood as a structural process and we present it as such later.

CCO We now pass to a brief examination of the oecological system of which Nuer and their cattle form part to discover the conditions in which cattle-husbandry is practised and how far its practice in a certain environment influences political structure.

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CHAPTER II

OECOLOGY

I

FROM a European's point of view Nuerland has no favourable qualities, unless its severity be counted as such, for its endless marshes and wide savannah plains have an austere, monotonous charm. It is throughout hard on man and beast, being for most of the year either parched or a swamp. But Nuer think that they live in the finest country on earth and, it must be admitted, for herdsmen their country has many admirable features. I soon gave up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt rendered more useless since a few of them have been taken to Khartoum, which they consider to be the home of all white men, and, having seen the desert scrub of that latitude, have been confirmed in their opinion that their land is superior to ours. 133 823

The grasses necessary for the welfare of the herds depend for existence on suitable conditions of soil and water. The soils of Nuerland are heavy clays, broken by the sun into deep cracks in the drought and sodden in the rains. They hold up water and consequently enable certain species of grasses to survive the dry months and provide pasture for the cattle. Nuer and their cattle would not, however, be able to live if it were not that there are more sandy elevated spots on which they can take refuge in flood-time and where they can practise horticulture. 134

Surface water comes partly from rainfall and partly from the flooding of the rivers which traverse Nuerland and is more than adequate to make grass. In an average year the rains commence in April, when a few showers fall and the sky is overclouded, but it is not till the end of May that they set in with a will. At their maximum, in July and August, the weather is cool, even cold in the mornings and evenings, the sun is overcast during most of the day, and a south-westerly wind prevails. Showers become lighter and less frequent in October and usually have ceased altogether by the middle of November when the north wind begins to blow. It blows consistently down the valley of the Nile 132

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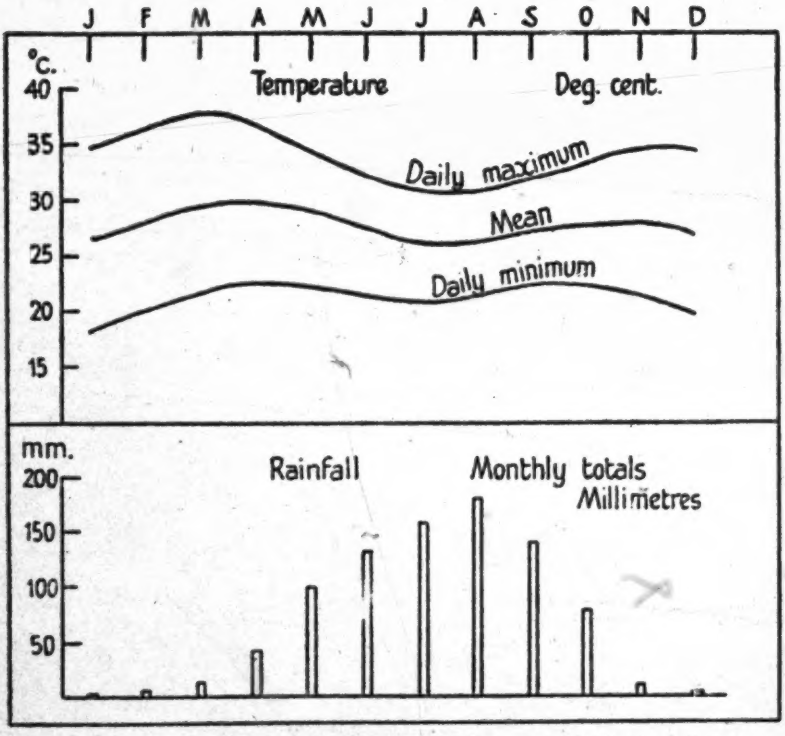
132 till March. In March and April the heat is intense. The rainfall, which is fairly even over all parts of Nuerland, is not so heavy as farther east, on the Ethiopian Plateau, or south, in the basin of the Victoria Nile and along the Nile-Congo divide, though the effects are more felt, because clay beds hold up the water,



Temperature and Rainfall estimates for Nuerland.
(*Physical Department of the Egyptian Government.*)

the flatness of the country prevents surface drainage, and the annual flooding of the rivers occurs simultaneously.

133 The main rivers which so greatly influence Nuer life are shown on the map on p. 8. They are the Nile itself, known in these regions as the Bahr el Jebel, which derives its water from the Plateau of the Great Lakes; its western tributaries the Bahr el Ghazal and the Bahr el Arab, which are fed by streams flowing from the Nile-Congo divide; the Baro, the lower reaches of which are known as the Sobat, coming from the Ethiopian

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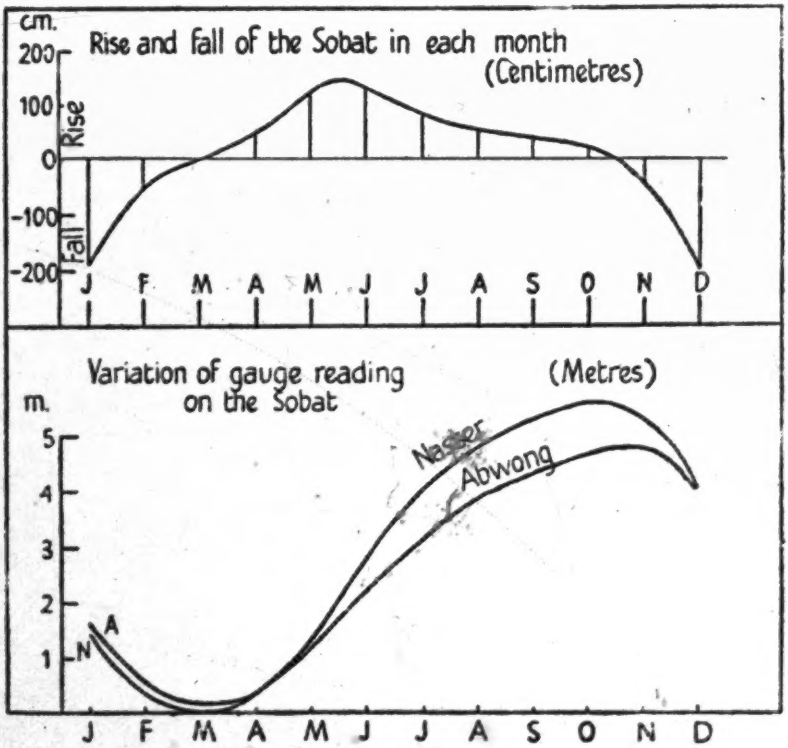
Highlands; and the Pibor which flows from the same direction 133
and also drains to a lesser extent the northern slopes of the Plateau of the Great Lakes and the Sudan Plains. The Bahr el Zeraf is another channel of the Bahr el Jebel.[1] All these rivers flood at the time of the rains and, owing to its flatness, the country is turned into a vast morass.



Rise and fall of the Sobat river.
(Physical Department of the Egyptian Government.)

The whole of Nuerland is an almost dead level plain, covered 133
during the rains with high grasses reaching to the waists, and 137
near streams, where they are higher and coarser, to the shoulders of the tall Nuer. It approximately coincides with the extension of true savannah in the Sudan. Here and there are patches of thornwood forest, but often no tree is visible in any direction

[1] For an excellent description of these rivers see H. E. Hurst and P. Phillips, *The Nile Basin*, vol. i, 1931.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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133 and a desolate waste stretches everywhere to the horizon
137 (Plates VI and XI (*a*) and (*b*)). A belt of forest sometimes lines a river where its banks are high, but never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters park-like savannah forest which becomes thicker the farther south one proceeds, though it usually turns to marshland as the Bahr el Jebel is approached. The southern borders of Western Nuerland fringe ironstone country, likewise covered with savannah forest. As a rule when the rivers are in flood they have no banks and the country lying on either side of them is swamp threaded with wide lagoons, often running parallel to the main channel. This is especially the case with the Bahr el Jebel and the greater part of the Bahr el Ghazal and the Bahr el Arab, the Jebel and the Ghazal being practically united by surface water in the rainy season. The Bahr el Zeraf is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all.

133 This vast plain is threaded with depressions, like that shown
132 on Plate XIX (*b*), which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous, these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions, making a network of waterways which prevents drainage from the saturated earth, so that the rainwater lies everywhere in deep puddles which slowly extend till by the middle of June the whole country, except for occasional higher land, is inundated. The water remains several inches deep till September, and Nuerland has the appearance of a great grass-covered swamp; there are streams, lagoons, and pools wherever there are slight depressions, and islands, on which are perched villages, wherever there are ridges and knolls. The rivers begin to fall about the same time as the rains decline, the fall being most rapid on the Sobat (diagram on p. 53). The blazing sun then quickly evaporates the surface water, while the streams, instead of being channels of overflow from the rivers, now feed them, and by the middle of November the grasses are dry enough to be fired. By the end of December a great part of the country has been burnt

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

132 and is cracked into deep fissures. The wet and dry seasons
133 are therefore very pronounced and the transition from one to the other sudden.

3/2 Scarcity of rain is probably more serious than low river water, but both may inconvenience Nuer to the point of famine, because sufficient water may not be held up in the clay beds to enable the grasses to recover from firing; inland watercourses may quickly dry up and compel movement to lakes and rivers earlier than is desirable; and there may be a shortage of the marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. Insufficient rain may also destroy the millet. Moreover, it is probable that low rainfall over the whole of North-East Africa causes insufficiency of rain and low rivers to occur in Nuerland simultaneously. Western Nuerland is less subject to drought than Eastern Nuerland, and to the west of the Nile there is always water within easy reach of villages. This seems largely due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds to any extent, since they are fed by perennial streams and have enormous marsh and lake reservoirs. High rainfall and high river water probably also go together and in such years of flood it is difficult for the cattle to find enough grazing to maintain life.

131 The main characteristics of Nuerland are: (1) It is dead flat. (2) It has clay soils. (3) It is very thinly and sporadically wooded. (4) It is covered with high grasses in the rains. (5) It is subject to heavy rainfall. (6) It is traversed by large rivers which flood annually. (7) When the rains cease and the rivers fall it is subject to severe drought.

These characteristics interact with one another and compose an environmental system which directly conditions Nuer life and influences their social structure. The determination is of so varied and complex a nature that we do not attempt to summarize its full significance at this stage of our description, but shall ask ourselves a simpler question: to what extent are the Nuer controlled by their environment as herdsmen, fishermen, and gardeners? We have demonstrated that their chief interest is in their herds and shall first discuss how this interest, combined with physical conditions, necessitates a certain mode of life.

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1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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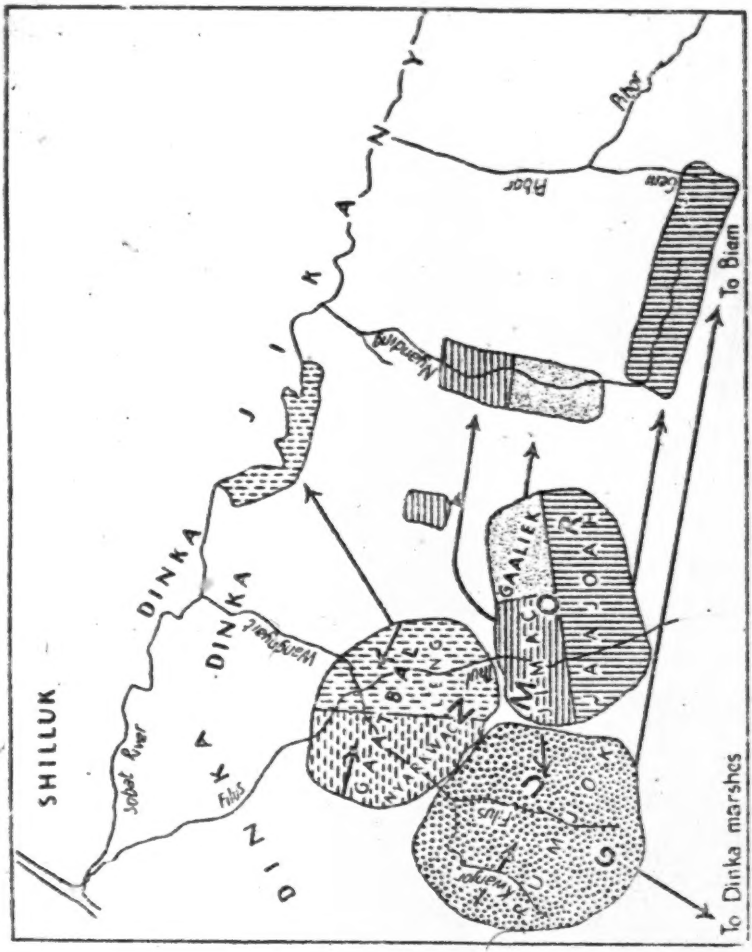

Sketch-map to show distribution of Lou tribal sections (arrows point from area of villages to dry season camps).

[p. 56]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

Here we make only two observations of a more general order. 183
(1) Although the Nuer have a mixed pastoral-horticultural 233
economy their country is more suitable for cattle husbandry 221
than for horticulture, so that the environmental bias coincides with the bias of their interest and does not encourage a change in the balance in favour of horticulture. If it were not for rinderpest—a recent introduction—it might be possible to live a purely pastoral life, but, as we shall see later, a purely horticultural life would be precarious. (2) Nuer cannot, except in a few favoured spots, live in one place throughout the year. The floods drive them and their herds to seek the protection of higher ground. Absence of water and pasture on this higher ground compels them to move during the drought. Hence their life is of necessity migratory, or, more strictly, transhumant. A further reason that urges them to change their abode according to the seasons is their inability at the present time to subsist solely on the products of their cattle. A milk and meat diet has to be supplemented by grain and fish; and whereas the most suitable place for cultivation of millet is inland, on the edge of slightly elevated ground, fish are found in rivers which are generally distant from these elevated stretches.

II

Excess or insufficiency of water is the first problem that faces 233
Nuer. It is essential that cattle should be protected from the 312
water that covers the country in the rains, for they quickly get 221
diseases of the hoof if they have to stand in water for long periods. Village sites are selected on the only spots affording such protection to man and beast: patches of slightly higher ground. When the rains have ceased water supplies near villages are soon exhausted, because, naturally, the highest and driest sites have been selected for building, and it becomes necessary to move to pools, lakes, lagoons, marshes, and rivers. Owing to the vast rivers that traverse Nuerland and the thorough irrigation they give to the country through a network of channels there is seldom difficulty about finding surface water, though people may have to go far to obtain it. Only in parts of Lou, Gaawar, and Eastern Jikany, as far as is known, are they regularly forced to dig wells in the beds of streams at the height of the

[p. 58 contains no textual material]

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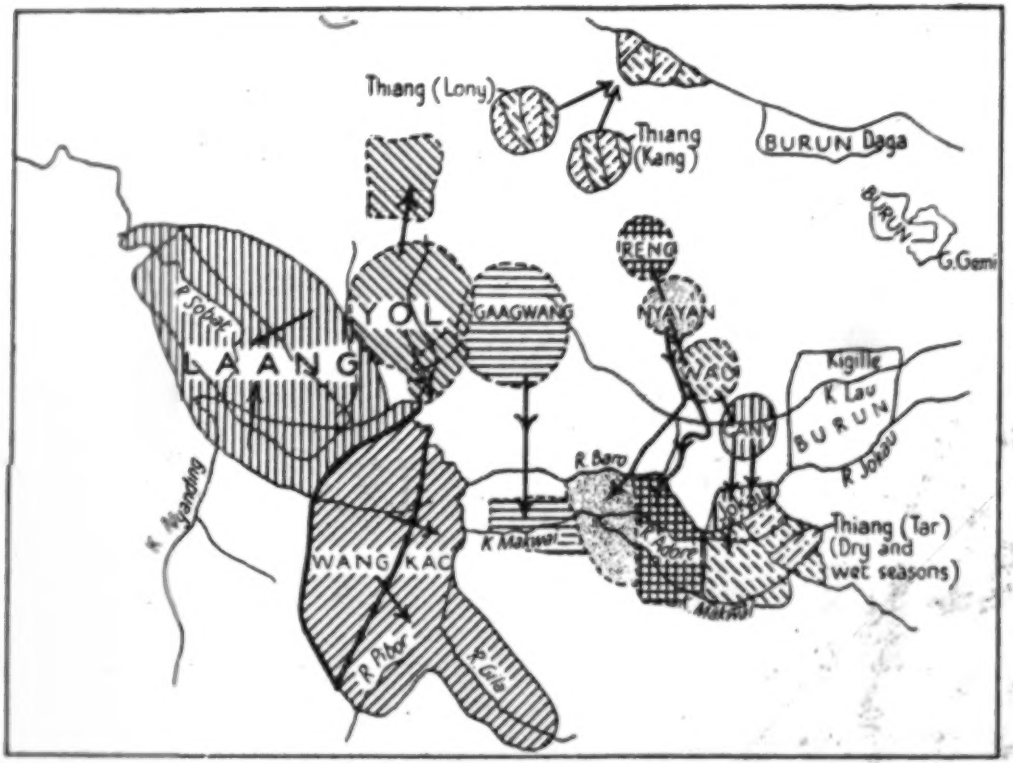

Sketch-map to show distribution of the Eastern Jikany tribal sections (arrows point from area of villages to dry season camps) (after Mr. C. L. Armstrong).

[p. 58]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

drought. Twenty years ago this was probably more customary among the Lou than to-day, for they had not then the undisputed access to open water that most sections now enjoy. The wells, which have to be redug each year, are two to three feet in diameter and twenty to thirty feet in depth, and their excavation takes two or three days of hard labour. The water, about a foot deep, is clean and fresh and the wells are frequently cleaned out, steps being cut in the walls for this purpose (Plate XV (*b*)). Each household has its own well which is surrounded by shallow mud troughs where the cattle are watered three times daily. Considerable labour is required to draw water for them and much attention is devoted to prevent it from being fouled by sheep and goats, which have their special troughs. Fights sometimes break out over these troughs.

The problem of water is closely related to that of vegetation. In their seasonal movements Nuer seek pasturage as well as drinking-water and they take the cattle to where they know that both can be obtained. When herdsmen drive the cattle from camp to grazing grounds they do not guide them haphazardly across the plain, but with purpose towards stretches of succulent grasses. It is probable, too, that not only are daily and seasonal movements influenced by distribution of grasses, but also that the direction of Nuer expansion has been controlled by their habitat. Nuer claim that they have not overrun the country of the Ngok Dinka because it is poor pasture land and that they are little interested in the Shilluk kingdom for the same reason.

The early rains are the season of fatness, for then the grasses germinate, or renew their growth after the long drought, and the cattle can graze on the young shoots to their content. As the rains advance, grazing becomes more difficult, the ground being flooded and the vegetation rank, and in years of high water may be a serious problem. The cattle have to rely on the short grasses that prevail on village ridges: a further reason that compels Nuer to occupy these sites in the rains. When rain ceases, the overcropped grasses on these ridges soon wither, while the rank grasses of the plains impede the movements of the herds and no longer provide good grazing. Therefore Nuer hasten to burn them as soon as they are dry, since some species

[p. 60 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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send up new shoots a few days after being fired—probably those 233
that have roots long enough to tap water held up in the clay 221
beds and a clump formation that protects the core of the plants 312
from the flames. If it were not for this habit cattle could not survive, at any rate inland, during a dry year. When the grasses have been fired cattle can wander as they please, being no longer frustrated by surface water and rank growth, and satisfy their appetites on the new shoots. As water becomes scarcer and grazing poorer Nuer fall back on permanent water where they make large camps and the cattle can graze on marsh plants that abound in numberless depressions and make good milk. In May, when the new rains set in, they are able to return to their villages. The few cattle Nuer possess, the vast spaces they can exploit, and their nomadic existence ensure that there is nowhere serious overgrazing.

Variation of water-supplies and vegetation thus forces Nuer 233
to move and determines the direction of their movements. In 221
a later section we shall see that fishing is another important 361
consideration in these movements. In late November or early December the youths and some of the girls take the cattle from the villages to camps, generally some miles away, leaving the older people to harvest the second millet crop and repair huts and byres. Usually a few lactating cows are left behind to provide milk for the small children. These early camps (*wec ñiom*) are made near pools in a place where the grasses have previously been fired. In Lou country they are often made in thornwood forest, where *Balanites aegyptiaca* is abundant, but in many parts of Nuerland, especially to the west of the Nile, they are formed on stream banks for fishing. When the second harvest has been reaped the cattle are brought back to the villages to eat the millet stalks, if they are near enough. As pools dry up, pasturage is exhausted, or fishing becomes poor, the youths make new camps, where they are joined by the married people, and they may move camp several times before settling in their final camping grounds (*wec mai*) at the side of lakes or rivers in January and February. The early camps are small, being manned by a few kinsmen, but they tend to get larger as the season advances and water becomes scarcer, and the final camps may contain several hundred persons.

J: Evans-Pritchard E-5 (1931, 1936) 1940
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The dry season movements of the Lou, the Eastern Jikany, and the Zeraf River tribes are shown on the sketch-maps accompanying this section. Of the Sobat tribes, the Lou stay inland as long as they can and in a wet year may remain inland throughout the dry season, falling back on the deeper pools, some large enough to be called lakes, e.g. Muot tot, Muot dit, Fading, Fadoi, Gwong-gwong, Yollei, Tepjor, and Nyerol. If forced to leave them the Gun primary section moves north to the Sobat and south-west to the flooded plains of the Bahr el Zeraf in the country of the Twic Dinka, and the Mor primary section moves north-east to the Nyanding river and east to the Geni and Pibor. In the old days [721] *fighting frequently occurred if the Lou moved to these camping* sites, because the banks of the Sobat were in the hands of the Balak Dinka while their occupation of the Geni and Pibor was disputed by the Anuak and Beir and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding do not belong to the Lou, but to the Gaajok. Therefore they probably only moved to these sites when absolutely necessary.

The Eastern Jikany have not so much need to move as have the Lou. Nevertheless they all fall back on rivers or marshes before the drought is far advanced. The three primary sections of the Gaajok move as follows: the Lang concentrate on the Sobat, the Wangkac move south-east to the banks of the Pibor and Gila, and the Yol either camp near the junction of the Wokau and Sobat or northwards along the edges of the Machar swamp. The Gaagwang move to the western end of Khor Makwai. The Gaajak primary sections move as follows: the northern Thiang sections (Kang and Lony) go to the Daga river while the southern Thiang section (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei, mainly in Ethiopia.

The three Zeraf river tribes fall back on the Bahr el Jebel and the Bahr el Zeraf and streams flowing into these two rivers, as shown in Mr. Lewis's sketch. The Gaawar who live on the left bank of the Zeraf can build their villages on high ground near that river and do not have to move far in the drought.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual primary section of the Leek tribe mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac, all of which link up with the Bahr el Ghazal. The Dok camp near pools in the beds of inland streams. The Western Jikany move to the Jikany marshes at the edge of the Bahr el Ghazal. Without giving

[See pp 50, 58, 60 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE VII

361

a. Homesteads on mound (Lou)

b. Homesteads on mound (Lou) [Face p. 62]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

233 221 312 further details, which, indeed, I could not furnish, about the disposition of the Western Nuer in the dry season, it may be said that they travel very much less than most of the Eastern Nuer tribes, especially the Lou.

233 221 361 Different villages and sections tend to move about the same time and to visit the same pools each year, though time and place and, to some extent, degree of concentration vary according to climatic conditions. Usually, however, the main dry season camps are formed yearly at the same spots. When the rains commence in May the older people return to the villages to prepare the ground for sowing and they are joined there in June by the youths and girls, who bring the cattle with them. When the younger people return the whole camp is broken up on the same day, and the cattle are driven to their village with as few halts as possible. The move from villages to camps, on the contrary, is less concerted and abrupt. The younger members of two or three families form a small camp, after the firing of the grasses in November, when and where they please. Several days later they may be joined by other people from the same village, or these may form a separate camp. There is still water and some grazing on the village sites and there is still work to be accomplished in gardens and homesteads. Thus, while camps change into villages overnight, villages change into camps more slowly. By the height of the drought every one is in camp and the villages are silent and deserted.

The year thus consists of a period in villages and a period in camps, and the camp period is divided into the early part of the dry season when the younger people move from small camp to small camp and the latter part of the dry season when every one is concentrated in large camps round permanent water which they do not leave till they return to their villages.

III

361 Nuer are forced into villages for protection against floods and mosquitoes and to engage in horticulture, and are forced out of villages into camps by drought and barrenness of vegetation and to engage in fishing. I describe these villages and camps very shortly.

Some tribes are better off for sites than others. The Lou

1: Evans-Pritchard E-5 (1931, 1936) 1940
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361 and the Eastern Jikany are especially fortunate in this respect, but in Western Nuerland, though there are many suitable ridges, the country is more inundated and there are few elevated stretches of any size, except, as far as my observations go, among sections of the Leek and Dok tribes, which are better off than those tribes which lie in between.

What is needed for a village site is not only room for building but also for grazing and cultivations. Many villages are perched on mounds (Plates VII and XVI), the surfaces of which are accumulations of debris, at the edge of those rivers that have banks in flood, and the cattle graze on the slopes or in near-by thornwood forest, where also gardens are cultivated. More usually homesteads are strung out along sandy ridges (Plate VIII), a mile or two in length and a few hundred yards in breadth, sites which allow greater spacial division between them, and the gardens run at their backs and the grazing-grounds to their fronts. In some parts of Nuerland, especially in the favoured tribes I have mentioned, stretches of higher ground, sometimes several miles in extent, enable the people to build anywhere, except near the narrow depressions that thread them, and little groups of homesteads are dotted here and there, surrounded, and separated, by their gardens and grazing grounds. Nuer prefer to dwell in this greater privacy and show no inclination for true village life.

By making their villages on elevated ground Nuer keep themselves and their cattle above the flood that lies everywhere on the vast plain beneath and gain some protection from the swarms of mosquitoes which breed in the standing water. In [312] Western Nuerland I have seen low mud dykes at the foot of occupied ridges to keep back the water in years of heavy 361 flood. As they build always on the highest spots the torrential 132 rains that fall daily after June run off the slope so that the hard floors of kraals soon dry. How terrific are these rains may be judged from Plate XIV, taken from under the awning of my tent during a moderate shower in August, and how considerably they flood all but village sites may be seen in Plate XII, which shows a millet garden, on a higher level than the plain, in October. On a tour of Western Nuerland in October of 1936, a fairly dry year, we walked almost continuously in several

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

inches of water for seventeen days, apart from having to cross 361
numerous deep depressions. In some parts of Lou and Eastern 132
Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their 343
byres are of size and workmanship that have evoked the admira- 342
tion of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two 351
sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, 423
trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part 361
of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women 342
in beehive-huts, or both sexes in beehive-huts. These flimsy 513
shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

J: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

342 are simply constructed, the roots of grasses, or occasionally
573 stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

221 Another circumstance that determines Nuer movements is
136 the abundance of insect life, which is an ever-present menace,
231 for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

136 Mosquitoes swarm in the rains, their ravages being terrible
231 from July to September, when, as soon as the sun sets, men and
372 beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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they are surrounded by windscreens in which their masters sleep at the side of dung fires from which smoke rises on every side to envelop the camp. 136 231 372

Another unpleasant pest is the seroot fly. It appears to be seasonal, flourishing on cloudy days from May to July, though it sometimes appears at other times of the year. The seroot attack the cattle in the mornings and accompany them to pastures, where they bite them so effectively that they are often driven, stained with blood, back to camp, where dung fires are lit to give them protection. On such days the cattle are unable to graze, fitfully, for more than two or three hours. Another biting fly, the *stomoxys*, is prevalent throughout the year, being especially conspicuous in the dry season and early rains. It is probably this fly which is responsible for the presence of trypanosomiasis in parts of Nuerland, especially among the Eastern Jikany, by transmitting the trypanosomes directly on its proboscis from beast to beast, for the tsetse does not occur in Nuerland, except, perhaps, on its eastern extremities, though its lethal character is well known to Nuer. There are other insects which annoy the cattle, but it is not known whether any of them carry disease in this latitude. Of these may be mentioned the eight-legged cattle tick, which Nuer remove from the bodies of their animals when they return to camp in the evenings—though not frequently or systematically enough; an insect called *tharkwac* which is said to live on the bodies of cattle, though its bites do not cause bleeding; a fly called *miek*; and the common black fly, like our house fly in appearance, which worries the herds a good deal in hot weather—damp and cold seem to kill it off. Red soldier ants occasionally infest the byres so that the cattle have to be removed while the floors are sprinkled with ashes, but they are rare in Nuerland. Nuer are helpless against most of these insects, though, no doubt, smoke keeps them away to some extent. 136 231

Speaking from personal experience I may say that one is continuously tormented by insects in Nuerland, especially by the common black fly and the mosquito. It is evident that the cattle suffer considerably from their attentions and there can be little doubt that this constant irritation lowers their vitality and affects their milk yield, for they seldom have any real rest. In the circumstances their hardiness and endurance are remarkable.

Since several species of tsetse in the Southern Sudan carry trypanosomes pathogenic to cattle it is fortunate for the Nuer that they do not occur in his country. This immunity is

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

136 231 undoubtedly due to the absence of shady forest which, in its turn, is probably due in the main to flooding and partly to firing. The prevalence of tsetse in the forest belt that stretches along the foot-hills of the Ethiopian escarpment has prevented the Nuer from expanding as far eastwards as they might have done, for it is clear that one of the reasons for their evacuation of Anuak-land was the loss of stock. In relation to tsetse the Nuer, in their present territory, occupy a more favourable position than most Southern Sudan peoples.

A further consideration of great importance is the presence of many microscopic organisms that cause disease in men and cattle. This is not a subject about which we can say much. With regard to stock it may, however, be said that it suffers from many different diseases and that Nuer usually have some treatment for them, though it may be doubted whether it has much, if any, therapeutic value. The two most serious contagious diseases are bovine pleuro-pneumonia, which in some years causes heavy mortality among the herds, and rinderpest. Rinderpest entered the Sudan not more than fifty years ago and Nuer refer to the period before it came, along with Arab invaders, at the time the Boiloc age-set was being initiated, as 'the life of the cattle'. They have no way of combating the scourge once it has attacked a herd, but they are aware that an infected herd ought to be isolated. They are so used to it now that they generally take the precaution of splitting up their herd in the dry season, when it is prevalent, and placing beasts in widely separated camps, so that if it breaks out in any part of the country the cattle placed in another part may escape. An animal which recovers from the disease is known to be immune from further attacks and its value is thereby enhanced, though Nuer are aware that its calves will not enjoy the same immunity. Miss Soule tells me that Nuer claim to be able to tell if an animal has had rinderpest by scraping the tip of the horns and noting the colour beneath the surface. If it is white the animal is immune. Though threatened with starvation in the years of its visitation Nuer face the scourge with resignation and detachment.

136 231 178 Rinderpest has caused and continues to cause terrible havoc in the herds. It cannot exactly be estimated what, and how

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE VIII

133

Sandy ridge with cattle byres on the horizon (Dok)

[Face p. 68]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognize that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 The rivers teem with fish of many edible species which greatly
262 supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epi-
[361] demics among the herds. In choosing camp sites opportunities for fishing are considered no less than water and pasturage. Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (*kal*) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of Anuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes
[421] and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 It is the seasonal flooding, due to the rise and fall of the rivers
221 and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

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their presence by striking the withies. My friend the late Mr. L. F. Hamer, who took the photograph reproduced in Plate XXII(*a*), about sunrise, reckoned that quite a hundred fish are caught from a dam in a single night. The dams are lowered as the water falls.

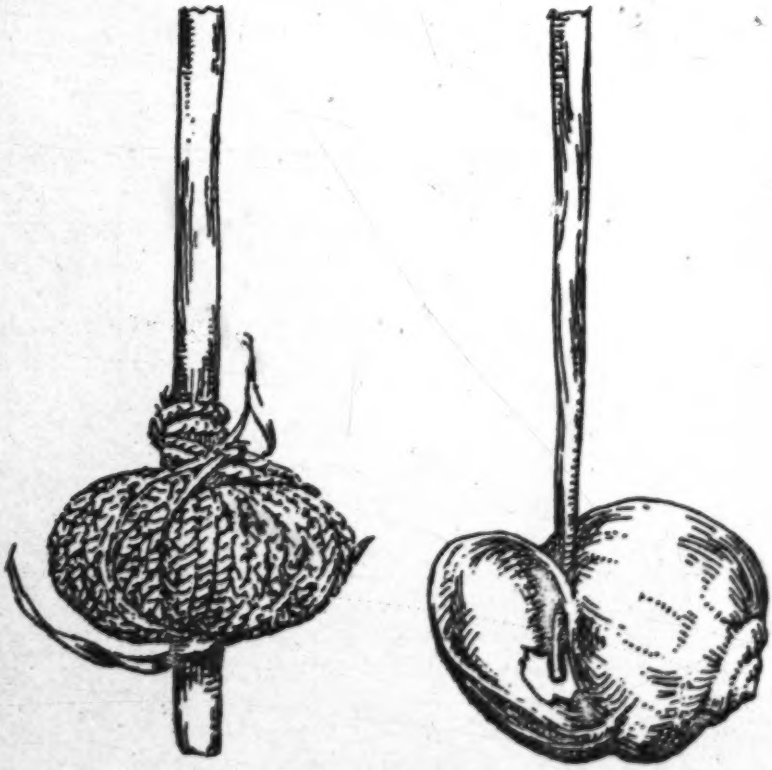

FIG. 10. Instruments for attracting fish.

As the dry season advances a great number of fish are imprisoned in lakes and lagoons from which there is no outlet, and as these dry up they are confined to a smaller and smaller expanse of water and are killed by individual fishers using barbed spears and long harpoons (Plates X and XXII (*b*)), and, at the end of the season, by battues in which gaffs and basket traps may also be employed. Fishing is fairly consistently productive throughout the drought, its yield increasing somewhat in the battue period and rising to a second peak at the

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226 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks
[501] of large rivers sometimes fish from dug-out canoes (Plate IX)
[227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burn-out vessels of palm and sycamore.

226 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish.
[773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the
[22] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract
[252] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang and cob; other antelopes are plentiful; and buffalo, elephant,
[262] and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but
[292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

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PLATE IX

000

Harpoon-fishing from canoe (Sobat river)

[Face p. 72]

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frequently happens, especially in the early dry season. They 136
seldom go out to hunt game animals, except gazelle and giraffe, 224
and only pursue those that approach their camps. Indeed, they cannot be considered keen hunters and may even be said to treat the sport with a measure of condescension, holding that only absence of cattle makes a man engage in it other than casually. Their flocks and herds provide them with meat, and this fact probably accounts in part for their lack of interest in hunting, which is, however, also to be related to the nature of their country, for its open plains offer little opportunity for successful hunting with the spear.

Nuer refuse all reptiles, except the crocodile and the turtle. 136
Ostriches, bustards, francolin and guinea-fowl, geese, duck, 262
teal, and other waterfowl, abound, but Nuer consider it shameful for adults to eat them and, except in very severe famines it is probable that only children, poor cattleless men, and an occasional elderly person, eat them, and then rarely and secretly in the bush. They do not keep domesticated fowls and show [235]
particular repugnance to the idea of eating them. Likewise eggs are not eaten. No insects are eaten, but the honey of wild bees is collected after the firing of the grasses in December and January and is either eaten in the bush or with porridge at home.

The only tribe who possess more than an odd gun or two are 224
the Eastern Gaajak, who obtain them from Ethiopia. Nuer hunt with dogs and the spear, and rely on their fleetness, endurance, and courage. Hunting in the rains is therefore impossible, because not only does rank vegetation impede pursuit but also animals can choose their ground, there being everywhere sufficient water and grazing. At the height of the dry season they are forced to drink at the same pools, lagoons, and river inlets as men, and the dry bare country allows open chase, for except in tracking giraffe, Nuer hunt by sight and not by spoor. It is only gazelles, which are worried by dogs, and buffaloes, which prefer attack to flight, that can be tackled by one or two men. Other animals, such as tiang, cob, and buck, are only killed when they approach a camp and can be cut off by a large number of young men. I saw several animals killed on the Sobat by being surrounded on the landward side and driven into

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224 the reeds, where their only escape was by swimming the river. In this district, and perhaps elsewhere, Nuer, spurred by hunger, leave camp after the first heavy showers to look for giraffe tracks and pursue these animals relentlessly till they overtake them. This is only possible at the time of the first rains when the animals still have to approach camps to drink while their large hooves stick in the moist earth and slow down their movements. The Nuer, particularly those of the Zeraf river, have a reputation for their courage and skill in hunting elephants, which are surrounded and speared by large parties.

Nuer hunting has thus the same character of simplicity as their fishing. They use little cunning and, except for the spiked-wheel trap, no mechanical devices. This trap is used by immi- [[71] grant Dinka in most parts of Nuerland and by some of the Lou Nuer, who, nevertheless, regard it as a Dinka contrivance and accordingly tend to despise it, regarding its use as unworthy of men possessing cattle but allowable to poor persons who can thereby obtain meat and even cattle, for giraffe-hair is highly [301] valued for necklaces, such as those which can be seen on Nuer in many plates (especially Plates I and XXVIII(*b*)). Hence one finds a few members of a camp setting traps while the rest abstain. They are set around drinking-pools at the end of the dry season or in the early rains when surface water is still restricted and the ground is not yet moist enough to rot the leather nooses. In 1930 on the Sobat large numbers of giraffe were captured by means of spiked-wheel traps, but it appears to have been an exceptional year. If game-pits are dug at all by Nuer they are very rare and found only on the borders of Dinka tribes, and the burning of stretches of grass that have survived the annual firing in order to spear or club the animals that flee the flames is a very casual practice. In the dry season in Western Nuerland, and probably in other parts, though not on the Sobat, men harpoon hippopotami along the tracks to their nightly grazing grounds. Hippopotamus hunting is not, however, considered a Nuer practice, but a habit of Shilluk and some of the Dinka tribes; and even in those parts where Nuer hunt them it is said to be only men with a few cattle who do so. We may conclude that hunting does not give Nuer much meat and that they do not greatly esteem it as a sport.

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VII

In most years wild fruits, seeds, and roots are not an important item in Nuer diet. Their country is mainly treeless and fruits therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting are dry-season occupations and produce during that season the necessary supplement to an insufficient milk diet. In the wet season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

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241 It may be doubted whether they could cultivate any crops other than those they now sow, without extensive irrigation in the dry season, and this is incompatible with their nomadism. These crops do not make an imposing list. The staple crop is millet (*Sorghum vulgare*), from which they reap two harvests, and they sow some maize near their huts and a few beans (*Vigna*), their only garden vegetable, among the millet. Besides these three food plants they cultivate a little tobacco under the eaves of their huts and plant some gourds to grow up kraal fences. The [352] millet is consumed as porridge and beer; the maize is mainly roasted, though some is eaten as porridge; the beans are eaten stewed or cooked with porridge; the tobacco is used for smoking [276] in pipes, as snuff, and for chewing; and the gourds are, according to their species, either eaten or fashioned into dairy vessels.

Millet, the main crop, is the only one of these plants to the cultivation of which we need make more than a passing reference. Once it is established it stands up well to conditions which would be fatal to most plants, and it is worthy of notice that wild species of sorghum flourish in this latitude. Maize is also hardy but, although it is important to Nuer because it is the first grain to be harvested when their supplies are running short or are exhausted, its quantity is negligible except on the banks of the Baro. Nuer distinguish between many types of millet, mainly by the colour of their seeds, and know which are early, and which late, varieties, in what order they ripen, which give good flour for porridge, and which have sweet stalks for chewing. The plant thrives in black clays which hold up water, but shows much adaptability and ripens also on the more sandy stretches on which the Nuer build their villages, though in such spots it has less resistance to drought and a second sowing is very uncertain. Eastern Jikany is probably the best millet country in Nuerland, and, although in many parts it is too flooded for a second crop, it is the only section I have seen which can generally be relied on to yield sufficient grain to support the population. Lak and Thiang tribal areas in the Zeraf Island, which I have not visited, are said to be good grain country.

Even millet will not flourish in standing water, so that the

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gardens have to be made on higher land. Where circumstances permit homesteads to be built over a wide stretch of country gardens can be made almost anywhere between them, but where they are strung out along a ridge there is less choice, for the back of the ridge is too hard, does not retain enough water, and is required for grazing. Cultivations are therefore made behind the huts and byres between the summit of the ridge and the sunken plain. Among the Western Nuer, in the higher parts where there is a slight slope, small dams are often constructed to prevent the water running from the gardens. If, on the contrary, the millet is likely to be flooded where the ridge slopes into the plain, drainage canals, sometimes several feet deep and over fifty yards in length, are dug to take excess of water into the bush. These gardens form a continuous line behind the homesteads and if there is sufficient land there for cultivation people do not cultivate elsewhere. If there is not enough land they cultivate along the ridge beyond the confines of the village where it is too damp for building but not too flooded for millet gardens, or in near-by forest.

There is enough land for everybody on the Nuer scale of cultivation and consequently questions of tenure do not arise. It is taken for granted that a man has a right to cultivate the ground behind his homestead unless some one is already using it, and a man can choose any spot outside the village which is not occupied by the gardens of others. New-comers are always in some way related to some of the villagers, and kinsmen do not dispute about gardens. Moreover, owing to the conformation of Nuer villages, there is a rough correlation between the size of population and the area of cultivable land, for where suitable land is limited so is space for building.

It has been remarked that when once established millet shows great resistance to climatic variations. The difficulty is for it to become established. It frequently happens shortly after sowing that there is a short period of drought in which the young shoots wither and die. Sometimes this is due to the hungry people sowing too soon, but it is generally unavoidable, because if they wait too long before planting, the millet becomes subject to smut and neither bears nor ripens properly. It also frequently happens that heavy and violent rain destroys the

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seedlings by beating them into the sticky clay or by washing the soil from their roots. I have not known a season in Nuerland in which drought or excessive rain did not in some measure destroy the crops after sowing. Elephants do much damage when the millet has passed the vulnerable seedling period and I have known the gardens of a village to be partially destroyed three years in succession by these beasts. Weaver-birds take an annual toll when the millet is ripening, but Nuer do nothing to scare them unless they are in such numbers that they threaten to consume the whole harvest, when they erect bird-watching platforms in the gardens. In some years—I do not know how often—the country is visited by locusts which cause immediate and wholesale destruction. At various stages of growth guinea-fowl, crows, ostriches, and some of the smaller antelopes do much damage, and waterbuck show a great liking for the second crop. Sometimes, though I think rarely, Nuer build huts in their gardens, if they are some way from the village, to guard the millet from these depredations, but generally they show little concern, hoping that the proximity of dwellings will keep animals away and, if it does not, accepting the consequences with a detachment that appears sometimes to be almost indifference.

HORTICULTURAL CALENDAR

Apr.	*May*	*June*	*July*	*Aug.*	*Sept.*	*Oct.*	*Nov.*	*Dec.*	*Jan.*
Sow maize			Harvest maize						
	Sow first millet				Harvest first millet				
		Sow beans				Harvest beans			
			Sow *fank* millet				Harvest *fank* millet		
			Sow tobacco			Harvest tobacco			
					Sow second millet			Harvest second millet	

The calendar shown above is an approximation, since the time of sowing and harvesting depends on the commencement of the first heavy rains, which is subject to annual variations. The horticultural season generally begins at the end of March for those who are able to spend the drought in or near their homes on river banks, but most people have to wait till they can return to their villages in April or May before they can start clearing their gardens. Married people usually return to their villages in the first half of

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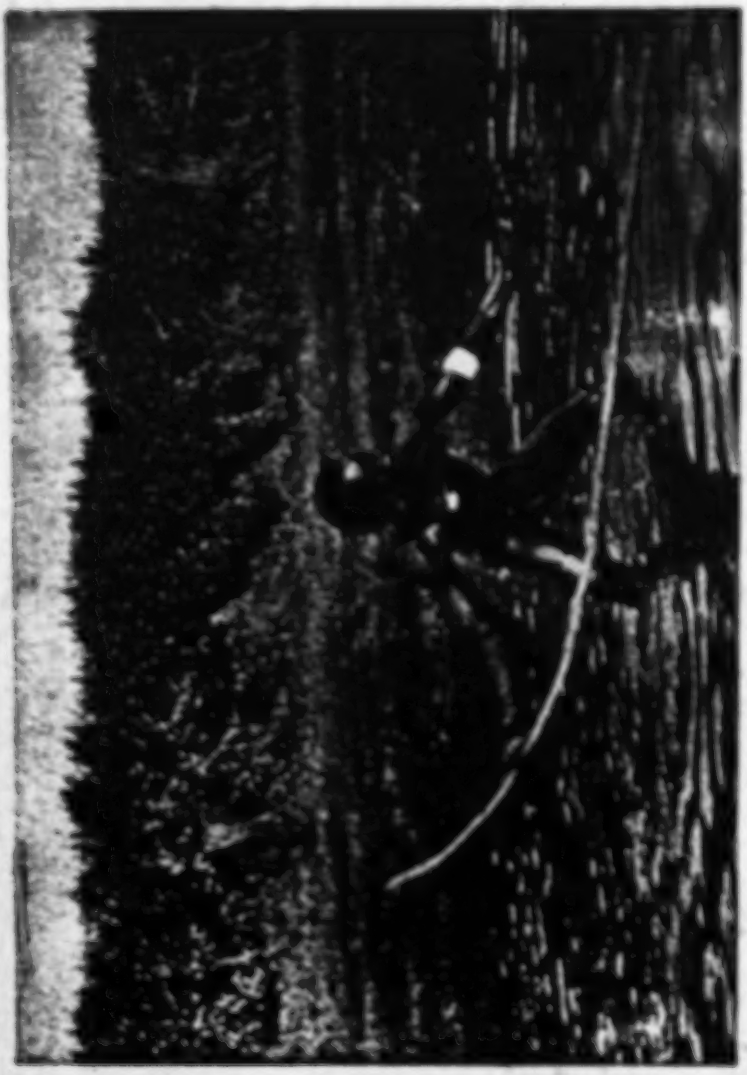
PLATE X

226



Harpoon-fishing in shallows (Sobat river)

[Face p. 78]

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241 May and start to prepare the ground around their homesteads for
221 maize. At the end of the month, or in June, the younger people return with the cattle and assist in clearing last year's millet gardens and in the hard work of hoeing new ground. Prolific grasses spring up with the millet which has to be weeded at least three, and maybe four or five, times. The more weeding done for the first crop the less is needed for the second crop.

While the first crop is ripening adjacent strips are cleared for the second crop (Plate XI (*b*)), which is sown shortly before the first is harvested, at the end of August or in September, and it grows together with the new shoots that spring from the roots of the first crop after its stems have been chopped down. In Eastern Nuerland the second sowing is made among the standing crop or on an extension of the garden, but in Western Nuerland and in parts of the Zeraf Island the ground is so flooded that it is made on prepared mounds of earth. I would again draw attention to Plate XII, where these mounds are illustrated, for it admirably shows what Nuerland is like in the rains and conveys a clear impression of the obstacles confronting Nuer horticulture. The second crop has also to be weeded several times and, as the same garden will be used for the first sowing in the following rains, the more thoroughly it is weeded now the less work there will be to do then. In many parts of Nuerland the second harvest may be almost as big as the first, and it is probable that where local conditions are adverse to one crop they favour the other. It appears that while the sown millet of the second crop requires much moisture and will not flourish if the rains fall off early the millet which sprouts from the old stems does best in drier conditions and may be spoilt by late heavy showers, so that one or the other is likely to ripen, and in moderate conditions both may thrive.

[177] In some districts of the Lou and Eastern Jikany tribes the culture of a slow-maturing millet called *jaak* (*Sorghum durra*) has been copied from the Dinka. The spot chosen for cultivation is not burnt at the annual firing of the bush, but early in the following rains when the new grasses have sprung up among the old. Although this kind of millet has certain disadvantages it has caught on in a few places because it requires less clearing and weeding and is very hardy.

241 Nuer know nothing of crop rotation, having indeed no crops to rotate, nor of manures, though the droppings of cattle and the ashes of burnt weeds and brushwood no doubt act as fertilizers. They never allow their homestead gardens to lie fallow for a year to enable the soil to recuperate, but plant year

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241 after year till it is utterly exhausted, when they change their homestead site, often moving for some years to a new village. Nevertheless, they know that each year of tillage means further deterioration and judge the impoverishment of the soil by the size of the millet plants and of their yield and by the presence of certain weeds which only flourish on exhausted ground. A garden is cultivated annually for from five to ten years and after it has been left fallow for a few seasons it is tested to see whether the soil is still hard and caked, or loose, soft, and ready to bear a new crop. In gardens cultivated in bush sites away from the villages, on the other hand, people are not confined by the gardens of their neighbours, and it is possible to hoe a virgin piece of ground each year at one end and to abandon an exhausted piece at the other end.

241 262 Nuer gardens are very small. Measurements do not give so clear an idea of their size as noting that in an average year the people in most parts of Nuerland have just enough grain to last them till the following harvest, if they are very economical during the dry season and subsist mainly on milk and fish, while in a bad year they may have to go without porridge for several weeks. Also it may be noted that Nuer do not build granaries, but find small grass and earthenware bins, kept in their huts, sufficient for storage. However, we may judge how important millet is to them less by its quantity than by its place in their total food-supply, for it is not merely a subsidiary item of diet of high nutritive value but is an essential food, since they would be hard pressed to maintain life without it. Nuer fully acknowledge that this is so and in no way despise horticulture, but are, on the whole, industrious gardeners.

241 Nevertheless, they consider that horticulture is an unfortunate necessity involving hard and unpleasant labour and not an ideal occupation, and they tend to act on the conviction that the larger the herd the smaller need be the garden. They are herdsmen and not peasants. When I have drawn attention to badly kept gardens or remarked that the crops received no protection from beasts and birds they have been unperturbed, for, while it would be disgraceful to neglect cattle, there are no strong feelings about inattention to gardens. When I have asked them why they do not sow more millet I have

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often received some such reply as: 'Oh well, such is our custom. We have cattle.'

I wish to emphasize, in conclusion, the following points: (1) that Nuer cultivate only enough grain for it to be one element in their food-supply and not enough to live on it alone; (2) that with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto.

IX

It has been mentioned that Nuer must have a mixed economy in the given oecological relations because no one source of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted.

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk is a staple food all the year round, though cows probably tend to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the respective contributions of cattle and millet to Nuer food-supply are brought out in a story in which Cow and Millet have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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262 538 221 and there is plenty of porridge and beer. Cow argues that anyhow porridge without milk is unpalatable and that her milk will be finished by the time Millet is ripe. It is difficult to confirm these variations in the yield of milk or to estimate their importance, but the tendency for it to rise slightly in the dry season is indicated in the chart opposite.

262 221 Millet is consumed as porridge and beer in large quantities in the months between the first harvest and departure for dry-season camps. If the harvest has been good people like to eat their daily porridge in camps, and when the camp grain-supply runs short women journey to the villages to replenish it. When camps break up and people return to their villages millet consumption increases, beer being again brewed, and in a good year there is sufficient to satisfy requirements till the new harvest is ripe. In a normal year Nuer can just tide over these months if they are economical and have been careful not to use much grain in camp. Only in the most favoured parts of the country are they assured of an adequate supply throughout the year. In most parts there is always a very narrow margin between sufficiency and want, and in a bad year starvation is not infrequent. If the crops fail people survive on milk, fish, and wild fruits, and in extremity may kill some of their beasts. [731] Rinderpest is considered a worse calamity. When rinderpest and failure of crops occur in the same year people expect the older age-sets to be wiped out. Much suffering may be caused by excessive drought or flood, which injure both crops and grazing.

There are good and bad fishing years. Generally, over the greater part of the country, consumption of fish is very low, or entirely absent, at the height of the rains. It rises rapidly to a peak at the commencement of the dry weather, and after descending from this point of great abundance remains fairly constant through the drought, rising again in the early rains. Meat of domesticated stock is mainly eaten after harvest when sacrifices and feasts take place. Cattle are seldom slaughtered in the dry season and, in my experience, Nuer do not kill many wild animals, so that consumption of meat is very low at this time of year, though the deficiency is to some extent made up by bleeding the cows and, in rinderpest years, by eating the carcasses of its victims. On the whole the curve of meat con-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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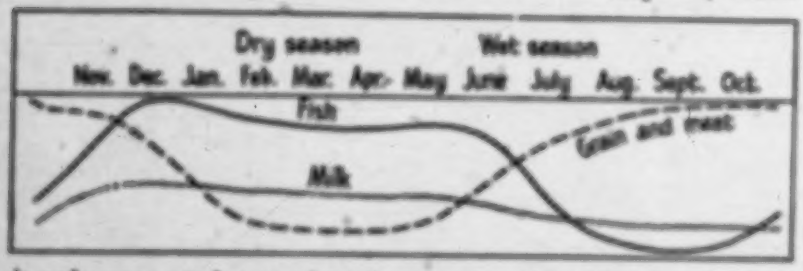
sumption follows that of grain consumption. We need not consider consumption of bush products in a normal year, though it may be kept in mind that they are very useful in famine years, chiefly from January to April. 262 221

It will be seen from this chart of relative consumption, which



is only presented as a virtual approximation, that fish largely takes the place of grain and meat as the principal food from January to June and that the time when there is most likely to be a shortage of milk and when few, or no, fish are caught is that when there is plenty of porridge and beer. 'The hungry months', as the Nuer call them, are from May to August when the supply of fish quickly diminishes and maize and millet are still ripening. The months of plenty are from September to the middle of December, when there is abundant millet, and generally much meat, while the end of this period is the best time for fishing. Nuer say that they put on flesh in the rains and lose it in the drought. We may conclude, I think, that even in [146] normal years Nuer do not receive as much nourishment as they require. Their diet is well-balanced, but there is not enough of it at some seasons and there is no surplus to fall back on in the all-too-frequent years of scarcity. Much of Nuer custom and thought is to be attributed to this insufficiency of food. It is [538] wistfully related in one of their stories how once upon a time Man's stomach led an independent life in the bush and lived on small insects roasted by the firing of the grasses, for 'Man was not created with a stomach. It was created apart from him.' One day Man was walking in the bush and came across Stomach there and put it in its present place that it might feed there. Although when it lived by itself it was satisfied with tiny morsels of food, it is now always hungry. No matter how much it eats it is soon craving for more.

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221 Seasonal variation in quantity and kind of food is sociologically significant for several reasons, though not all are relevant to the present study. It is, however, important to note that abundance of millet is the main reason for holding ceremonies in the rains, for ritual is seldom complete without porridge and beer and, since it consists of sacrifice, of meat also. Weddings, initiation rites, and religious ceremonies of various kinds take place in the rains and early drought, generally after the first millet harvest. This is also the main season for [221] raiding the Dinka. Nuer say that hunger and war are bad companions and that they are too hungry to fight in the full dry season; and it is evident that they are then not so eager to come to blows over personal and community quarrels as they are in the rainy months, when they are replete with grain and meat and, especially at wedding dances, sometimes slightly intoxicated. Nor do the young men find dancing so attractive in the [535] drought, whereas in the rains they dance as much as possible and think nothing of travelling many miles to attend weddings, at which they dance from eventide till well into the morning. The tempo of village life is different from that of camp life. Owing to flooding at the height of the rains these joint activities take place mainly at the beginning and end—chiefly at the end —of the wet season.

264 Scarcity of food at times and the narrow margin that for *most of the year divides sufficiency from famine cause a high* 574 degree of interdependence among members of the smaller local groups, which may be said to have a common stock of food. Although each household owns its own food, does its own cooking, and provides independently for the needs of its members, men, and much less, women and children, eat in one another's homes to such an extent that, looked at from outside, the whole community is seen to be partaking of a joint supply. Rules of hospitality and conventions about the division of meat and fish lead to a far wider sharing of food than a bare statement of the principles of ownership would suggest. Young men eat at all byres in the vicinity; every household gives beer parties which their neighbours and kinsmen attend; the *nar e* people are given food and beer at the co-operative work parties that assist in any difficult and laborious task; in camps it is

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PLATE XI

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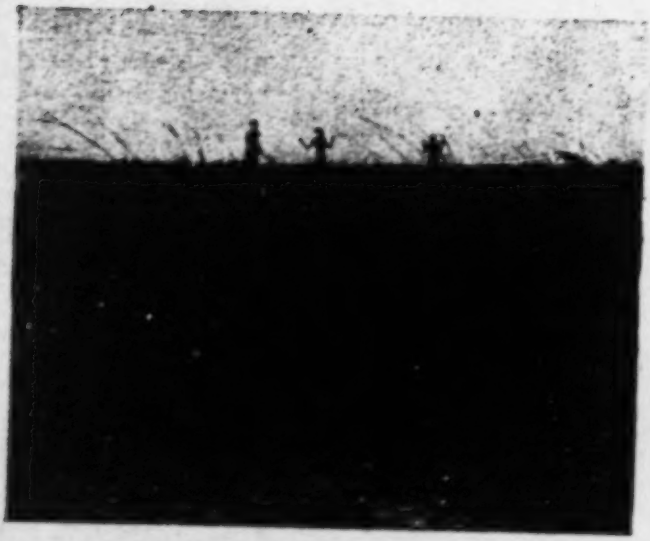

a. Open savannah in the dry season (Lou)

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b. Clearing millet garden for late sowing (Lou)

[Face p. 84]

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264 574 considered correct for men to visit the windscreens of their friends to drink milk, and a special gourd of sour milk is kept for guests; when an ox is sacrificed or a wild animal is killed the meat is always, in one way or another, widely distributed; people are expected to give part of their catch of fish to those who ask them for it; people assist one another when there is a shortage of milk or grain; and so forth. This mutual assistance and common consumption of food, which is especially evident in compact dry-season camps, belongs rather to the subject of domestic and kinship relations than to the present account. I wish here only to stress the following points: (1) This habit of share and share alike is easily understandable in a community where every one is likely to find himself in difficulties from time to time, for it is scarcity and not sufficiency that makes people generous, since everybody is thereby insured against hunger. He who is in need to-day receives help from him who may be in like need to-morrow. (2) While the greatest sharing is in the smaller domestic and kinship groups, there is also so much mutual assistance and hospitality among members of villages and camps that one may speak of a common economy of these communities, which are treated in this book as the smallest political groups in Nuerland and within which are taken for granted ties of kinship, affinity, age-sets, and so forth.

X

000 I have examined Nuer food-supply in relation to their oecology and I now give a brief account of their material culture in the same terms. When a Nuer is born he enters not only into a natural environment but also into a domesticated environment which is the product of human labour; and this inner world is constructed from the outer world, its form and content being strictly limited by natural resources. I am neither desirous nor capable of describing technological procedures, and to excuse myself in some degree for this omission I am including in this and in a second volume an unusually large number of plates and figures illustrating many examples of Nuer handiwork. However, some general remarks on the limiting conditions of production seem pertinent.

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135 Nuerland lacks the two raw materials that have played so
important a part in the manufacture of primitive tools: iron and
stone. Nuer have always been poor in iron objects. Till recently
411 they possessed very few iron spears, cherished as heirlooms, but
used instead the straightened horns of antelope and buck, ebony
wood, and the rib-bones of giraffe, all of which are still used to-day,
412 though almost entirely in dances (Fig. 11). Wooden hoes were
used for gardening, and are still sometimes so used to-day. Iron
301 bells (Fig. 4) are rare and highly prized even at the present time,
and in the old days iron rings and bracelets were important pieces
of property. Wooden bells and ivory and leather rings and brace-
325 lets took their place in common use. Nuer have no knowledge of
smelting and little of the blacksmith's art. I have never seen a
forge and, though there are certainly some blacksmiths, their art
is crude and may be regarded as a recent innovation, at any
rate in most parts of Nuerland. Spears bought from Arab mer-
chants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside
villages I have never seen a stone. They are sometimes brought
412 from neighbouring areas and employed as hammers, for smoothing
323 metal ornaments, for rubbing skins, and so on. Grinding grain seems
to have been a recent introduction. The grinder is made from
thornwood and the grindstone from baked marsh mud mixed
with finely pounded potsherds (Fig. 12). With clay, mud, and sand,
Nuer also make pots, grain-bins, pipes, toys, hearthstones, and
firescreens; construct the walls of byres and huts; and coat floors
and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her
gift of wood. Large trees are rare. Thornwood and low brush-
322 wood provide timber for building, spear-shafts, harpoon-shafts,
clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets,
and winnowing trays. Probably no trees in Nuerland are suit-
able for carving and Nuer possess no wooden utensils. Even the
ebony they use for making spears is not found in their country.
Ambatch-trees grow in some parts of the swamp areas and from it
is made an object which serves as a parrying stick, tobacco pouch,
[372] pillow, and seat (Plate XXIX). Byre and kraal fires are fed with
dried dung, and wood fuel is only employed in the kitchen—
grasses and millet stalks sometimes being used as a substitute.
Grasses, millet stalks, and some plants are also used for various
purposes: rafters, windscreens, thatching, cord, basketwork, &c.
Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and
earthy materials instead. Animal products are also a valuable

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source of material, as may be seen in the list of the uses of the bodies and bodily products of cattle on pp. 28 and 30. The bodies of wild animals replace those of cattle in some, but not many, of these uses, e.g. the skins of tiang and cob are used as sleeping-rugs, waterbuck-skin for the tympana of drums, giraffe-skin for cord, the scrota of giraffe for bags (Fig. 3), the horns of buffalo for spoons (Fig. 14), and the bones and hides of various animals and the tusks of elephants for armlets, leglets, wristlets, finger-rings, &c., and so forth. They can further be employed, though here also to a limited extent, for purposes for which bovine products are unsuitable, e.g. hippopotamus- and buffalo-hide for shields and sandals, elephant-hide also being used for the second purpose; horns and ribs, as mentioned above, for spear-points; leopard- and genet-skins for ritual and ceremonial apparel; and so forth. Ostrich eggs and shells of the giant land snail are manufactured into waist-bands and the second are used for cutting heads of millet in harvesting. 237

I have indicated a few of the uses to which animal products are put to give the reader a general idea of the limitations imposed on Nuer economy by their environment and of the way they manage to overcome the natural poverty of their country. Taken with the earlier list of uses of cattle we can say that the Nuer do not live in an iron age or even in a stone age, but in an age, whatever it may be called, in which plants and beasts furnish technological necessities.

Deficiency of food and other raw materials can be corrected by trade. However, Nuer seem to have engaged very little in it. 439
Many of their iron weapons and ornaments probably came through Dinka hands from the so-called Jur peoples (Bongo-Mittu group) and the iron-working sections of Dinka tribes to the west of the Nile. Much of it was doubtless booty, though some was certainly traded.[1] The Eastern Gaajak traded iron for ivory with the Galla of Ethiopia, but I doubt whether much iron came from this source before the Abyssinian conquest of the Western Galla towards the end of the nineteenth century. At the beginning of the present century there was some trading of ivory from Nuerland to the Ethiopian markets at Gore and Sayo, and this went on till very recently. A considerable distance separated these markets from the main supply in the *Zeraf* Island, and people from Eastern Gaajak country in the dry season, at any rate in some seasons, took cattle, tobacco, and spearheads to the Zeraf and returned with ivory. A good tusk fetched up to twenty

[1] Punzet, op. cit., p. 44.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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439 head of cattle.[1] This trade was forbidden some years ago and has probably not a long history, because early writers give no information that might lead us to suppose that it went on previous to the reconquest of the Sudan and the Abyssinian conquest of Western Ethiopia. There was some ivory-trading on the Zeraf between Nuer and Arabs from the middle of the nineteenth century. Metal ornaments and venetian glass beads seem to have been offered in exchange. Nuer may have traded some tobacco, and possibly an occasional canoe, from the Anuak of the Baro and Gila rivers, but it is more likely that they usually acquired these objects by raiding. I do not discuss here the very small trade carried on to-day by Arab shopkeepers who live a hard, and generally unprofitable, life here and there on the main waterways. Nuer obtain from them spears, hoes, fish-hooks, ornaments, and occasionally an anvil, grindstone, &c., and they purchase skins of oxen, and sometimes oxen, from the Nuer. Nuer economy has not been much affected thereby. Nuer do not sell their labour.

We may conclude, therefore, that trade is a very unimportant social process among the Nuer. Many reasons can be adduced to explain this fact. I mention only a few. Nuer have nothing to trade except their cattle and have no inclination to dispose of these; all they greatly desire are more cattle, and, apart from the difficulty that they have nothing to offer in exchange for them, herds are more easily and pleasantly increased by raiding the Dinka; they are seldom on such friendly terms with their neighbours that trade can flourish between them, and, although there may have been sporadic exchange with Dinka and Anuak, it is probable that most objects obtained from these peoples were [436] spoil; they have no money, no markets, and no transport other than [489] human porterage; &c. A further reason, and one that requires emphasis, is the dominant interest of the Nuer in their herds. This narrow focus of interest causes them to be inattentive to the products of other people, for which, indeed, they feel no need and often enough show contempt.

437 There is very little exchange within Nuerland itself, there being no high specialization and no diversity in the distribution of raw material. The only trading I have seen, apart from the exchange of small commodities and minor services mentioned in the next section, is the exchange of some cattle, mainly oxen, by the Lou for Eastern Gaajok grain in a famine year. I think it most unlikely that such exchanges went on before British occupation of the country, though there was, according to Nuer, sometimes an exchange of an animal for grain in bad years between persons of the same district.

[1] Bimbashi H. Gordon, *Sudan Intelligence Report*, no. 107, 1903.

1: Evans-Prithard E-5 (1931, 1936) 1940
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Nuer have, it will be acknowledged, a low technology which, taken with their meagre food-supply and scanty trade, may be supposed to have some effect on their social relations and their character. Social ties are narrowed, as it were, and the people of village and camp are drawn closer together, in a moral sense, for they are in consequence highly interdependent and their activities tend to be joint undertakings. This is seen best in the dry season, when the cattle of many families are tethered in a common kraal and driven as a single herd to the grazing grounds and daily activities are co-ordinated into a common rhythm of life.

I risk being accused of speaking idly when I suggest that a very simple material culture narrows social ties in another way. Technology from one point of view is an oecological process: an adaptation of human behaviour to natural circumstances. From another point of view material culture may be regarded as part of social relations, for material objects are chains along which social relationships run, and the more simple is a material culture the more numerous are the relationships expressed through it. I give, without further explanation, a few examples. The simple family is attached to the hut, the household to the byre, the joint family to the hamlet, the village community to its ridge, and village communities are linked together by paths. Herds of cattle are nuclei around which kinship groups are clustered and the relationships between their members operate through cattle and are expressed in terms of cattle. A single small artifact may be a nexus between persons, e.g. a spear which passes from father to son by gift or inheritance is a symbol of their relationship and one of the bonds by which it is maintained. Thus people not only create their material culture and attach themselves to it, but also build up their relationships through it and see them in terms of it. As Nuer have very few kinds of material objects and very few specimens of each kind, their social value is increased by their having to serve as the media of many relationships and they are, in consequence, often invested with ritual functions. Moreover social relationships instead of being diffused along many chains of material links are narrowed by the meagreness of culture to a few simple foci of interest. This

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571 may be supposed to lead to a small range of relationship-forms with a high degree of solidarity in the smaller local and kinship groups and we may expect to find a simple social structure.

181 Some outstanding traits in Nuer character may be said to be consistent with their low technology and scanty food-supply. I again emphasize the crudity and discomfort of their lives. All who have lived with Nuer would, I believe, agree that though they are very poor in goods they are very proud in spirit. Schooled in hardship and hunger—for both they express contempt—they accept the direst calamities with resignation and endure them with courage. Content with few goods they despise all that lies outside them; their derisive pride amazes a stranger. Reliant on one another they are loyal and generous to their kinsmen. One might even to some extent attribute their pronounced individualism to resistance to the persistent claims of kinsmen and neighbours against which they have no protection but stubbornness. The qualities which have been mentioned, courage, generosity, patience, pride, loyalty, stubbornness, and independence, are the virtues the Nuer themselves extol, and these values can be shown to be very appropriate to their simple mode of life and to the simple set of social relations it engenders.

XI

571 It is unnecessary to write more on what are generally called economics. They can be further considered in an account of kin-
463 ship and family life. I will only ask the reader to bear in mind the following matters. (1) One cannot treat Nuer economic relations by themselves, for they always form part of direct social relationships of a general kind. Thus, division of labour is part of general relationships between persons of different sexes and of different ages, between spouses, between parents and children, between kinsmen of one order or another, and so forth. (2) There is some specialization, but it is occasional, and there are no occupations which can be called professions. Some women make better pots, grindstones, and baskets than others; only smiths can make certain objects; there are only a few men who understand how to make and put on the arm the tight-fitting bracelets which young men wear to show their endurance, and so on; and people who want these things either ask for them in the name of kinship or give the maker of them some millet for his services, or make him a gift on some future occasion. The man who wants the object

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PLATE XII

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Millet garden in October (Rengryan)

[Face p. 90]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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571 463 and the maker of it always belong to the same local community and conduct the affair between themselves, there being no exchange of objects or services through the medium of a third person, and there is always between them a general social relationship of one kind or another, and their economic relations, if such they may be called, must conform to this general pattern of behaviour. (3) There is little inequality of wealth and no class 571 565 privilege. A man does not acquire more objects than he can use. Were he to do so he could only dispose of them by giving them [178] away. It is true that cattle can be amassed, but, except for a few sacred herds kept by prophets, in fact they are not. As has been explained, periodic rinderpest levels the herds and, apart from this, when a herd has reached a certain size the owner—if one may speak of an owner of a herd in which many people have rights of one kind and another—is morally bound to dispose of a portion of it by either himself marrying or by assisting a relative to do so. Cattle are sometimes loaned to persons and the owner is entitled to receive back better beasts than those he lent, e.g. a heifer for the loan of an ox; but people only lend cattle to those with whom 571 they have an established social relationship. (4) In a narrow sense the simple family might be called the economic unit, but we have 476 seen that it is not self-sufficient and the active participation of a wider group is often necessary, e.g. in building, fishing, and hunting. It is also clear that a single family cannot herd its cattle in distant pastures and, at the same time, herd the calves elsewhere, attend to the tiny calves in the kraal, milk, churn, clean the kraal, prepare dung for fuel, cook the food, and so on, by itself. Co-operation is found among neighbours who are also kinsmen. There is also much mutual assistance when co-operation is not essential to the performance of a task, e.g. in weeding and harvesting, for it is conventional to ask people for help, the obligation to assist being part of a general kinship relationship. (5) It must be recognized also that fishing, hunting, herding, and the other activities I have described are always, in a sense, collective actions, for even when there is no active co-operation the whole community passively participates in them. A single man may drive a herd to pasture, a single boy may fish in river shallows, and a single woman may cook, but they can only do these things because they belong to a community and because their actions are related in a productive system. Tradition dictates ends and means and the organization and potential strength of the community gives the co-ordination and security necessary for accomplishment. It has been remarked that seen from the outside a whole village community may be said to be consuming a common stock of food.

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From the same angle the whole community may be said to create it.

I may sum up by repeating that economic relations among the Nuer are part of general social relationships and that these relationships, being mainly of a domestic or kinship order, lie outside the scope of this book. I must emphasize, however, that the members of various segments of a village have close economic relations and that all the people of a village have common economic interests, forming a corporation which owns its particular gardens, water-supplies, fishing-pools, and grazing grounds; which herds its cattle in a compact camp in the drought; and operates jointly in defence, in herding, and in other activities; and in which, especially in the smaller villages, there is much co-operation in labour and sharing of food. All this must be taken for granted in future references to villages. It must be further emphasized that climatic conditions together with a pastoral mode of life necessitate relations beyond the limits of a village and give to wider political groups an economic purpose. This statement will later be examined more closely.

XII

105

I wish to emphasize the following general points in summary of those conclusions reached in the first two chapters which have special relevance to a study of the political institutions of the Nuer.

1. Oecological relations appear to be in a state of equilibrium. As long as present relations exist cattle husbandry, horticulture, and fishing can be pursued but cannot be improved. Man holds his own in the struggle but does not advance.

2. The necessity of a mixed economy follows from the oecological equilibrium. Rinderpest prevents complete dependence upon milk foods; climate prevents complete dependence on grain; and hydrological variations prevent complete dependence on fish. These three elements together enable Nuer to live, and their seasonal distribution determines Nuer modes of life at different periods of the year.

3. The oecology gives to this mixed economy a bias in favour of cattle husbandry, and this bias must have been far stronger

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before the introduction of rinderpest. It is in accord with the superlative place of cattle in the Nuer scale of values. 105

4. A full sedentary and a full nomadic life are alike incompatible with Nuer economy, which demands transhumance. Location and size of wet season villages and the direction of movement in the dry season are determined by their oecology. The oecological rhythm divides the Nuer year into two divisions, the wet season when they live in villages and the dry season when they live in camps, and camp life falls into two parts, the earlier period of small, temporary camps and the later period of large concentrations in sites occupied every year.

5. Scarcity of food, a low technology, and absence of trade makes the members of smaller local groups directly interdependent and tends to make them economic corporations and not merely residential units to which a certain political value is attached. The same conditions and the pursuit of a pastoral life in difficult circumstances produces indirect interdependence between persons living in much larger areas and compels their acceptance of conventions of a political order.

6. The past tendency to migrate, the present transhumance, and the desire to repair losses to stock by raiding the Dinka, enhance the political importance of units larger than villages, for villages cannot, for economic and military reasons, easily maintain a *self-sufficient isolation, and* permit us to discuss the political system mainly as a set of structural relations between territorial segments larger than village communities.

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CHAPTER III

TIME AND SPACE

I

121 In this chapter we look backwards on our description of Nuer interest in cattle and of their oecology and forwards to an account of their political structure. Their oecology limits and in other ways influences their social relations, but the value given to oecological relations is equally significant in understanding the social system, which is a system within the oecological system, partly dependent on it and partly existing in its own right. Ultimately most, perhaps all, concepts of time and space are determined by the physical ambient, but the values they embody are only one of many possible responses to it and depend also on structural principles, which belong to a different order of reality. In this book we are not describing Nuer cosmology but their political and other institutions, and are, therefore, interested mainly in the influence of oecological relations on these institutions rather than the influence of the social structure on the conceptualization of the oecological relations. Thus, to give one example, we do not describe how Nuer classify birds into various lineages on the pattern of their lineage structure. This chapter is therefore a bridge between the two parts of the book, but we cross it in one direction only.

865 In describing Nuer concepts of time we may distinguish between those that are mainly reflections of their relations to environment, which we call oecological time, and those that are reflections of their relations to one another in the social structure, which we call structural time. Both refer to successions of events which are of sufficient interest to the community for them to be noted and related to each other conceptually. The larger periods of time are almost entirely structural, because the events they relate are changes in the relationship of social groups. Moreover, time-reckoning based on changes in nature and man's response to them is limited to an annual cycle and therefore cannot be used to differentiate longer periods than seasons. Both, also, have limited and fixed notations. Seasonal

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and lunar changes repeat themselves year after year, so that a Nuer standing at any point of time has conceptual knowledge of what lies before him and can predict and organize his life accordingly. A man's structural future is likewise already fixed and ordered into different periods, so that the total changes in status a boy will undergo in his ordained passage through the social system, if he lives long enough, can be foreseen. Structural time appears to an individual passing through the social system to be entirely progressive, but, as we shall see, in a sense this is an illusion. Oecological time appears to be, and is, cyclical.

The oecological cycle is a year. Its distinctive rhythm is the backwards and forwards movement from villages to camps, which is the Nuer's response to the climatic dichotomy of rains and drought. The year (*rwow*) has two main seasons, *tot* and *mai*. *Tot*, from about the middle of March to the middle of September, roughly corresponds to the rise in the curve of rainfall, though it does not cover the whole period of the rains. Rain may fall heavily at the end of September and in early October, and the country is still flooded in these months which belong, nevertheless, to the *mai* half of the year, for it commences at the decline of the rains—not at their cessation—and roughly covers the trough of the curve, from about the middle of September to the middle of March. The two seasons therefore only approximate to our division into rains and drought, and the Nuer classification aptly summarizes their way of looking at the movement of time, the direction of attention in marginal months being as significant as the actual climatic conditions. In the middle of September Nuer turn, as it were, towards the life of fishing and cattle camps and feel that village residence and horticulture lie behind them. They begin to speak of camps as though they were already in being, and long to be on the move. This restlessness is even more marked towards the end of the drought when, noting cloudy skies, people turn towards the life of villages and make preparations for striking camp. Marginal months may therefore be classed as *tot* or *mai*, since they belong to one set of activities but presage the other set, for the concept of seasons is derived from social activities rather than from the climatic changes which determine them, and a year is to Nuer

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a period of village residence (*cieng*) and a period of camp residence (*wec*).

I have already noted the significant physical changes associated with rains and drought, and some of these have been presented in charts on pp. 52 and 53. I have also described, in the last chapter, the oecological movement that follows these physical changes where it affects human life to any degree. Seasonal variations in social activities, on which Nuer concepts of time are primarily based, have also been indicated and, on the economic side, recorded at some length. The main features of these three planes of rhythm, physical, oecological, and social, are charted on the opposite page.

The movements of the heavenly bodies other than the sun and the moon, the direction and variation of winds, and the migration of some species of birds are observed by the Nuer, but they do not regulate their activities in relation to them nor use them as points of reference in seasonal time-reckoning. The characters by which seasons are most clearly defined are those which control the movements of the people: water, vegetation, movements of fish, &c.; it being the needs of the cattle and variations in food-supply which chiefly translate oecological rhythm into the social rhythm of the year, and the contrast between modes of life at the height of the rains and at the height of the drought which provides the conceptual poles in time-reckoning.

Besides these two main seasons of *ter* and *mai* Nuer recognize two subsidiary seasons included in them, being transitional periods between them. The four seasons are not sharp divisions but overlap. Just as we reckon summer and winter as the halves of our year and speak also of spring and autumn, so Nuer reckon *ter* and *mai* as halves of their year and speak also of the seasons of *rwil* and *jiow*. *Rwil* is the time of moving from camp to village and of clearing and planting, from about the middle of March to the middle of June, before the rains have reached their peak. It counts as part of the *ter* half of the year, though it is contrasted with *ter* proper, the period of full village life and horticulture, from about the middle of June to the middle of September. *Jiow*, meaning 'wind', is the period in which the persistent north wind begins to blow and people harvest, fish

[p. 91 contains no textual material]

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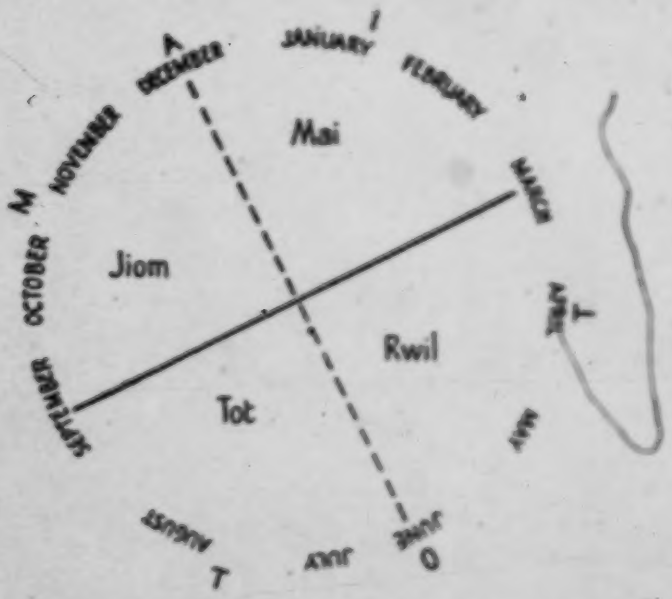
from dams, fire the bush, and form early camps, from about the middle of September to the middle of December. It counts as part of the *mai* half of the year, though it is contrasted with *mai* proper, from about the middle of December to the middle of March, when the main camps are formed. Roughly speaking, therefore, there are two major seasons of six months and four



minor seasons of three months, but these divisions must not be regarded too rigidly since they are not so much exact units of time as rather vague conceptualizations of changes in oecological relations and social activities which pass imperceptibly from one state to another.

In the diagram above a line drawn from mid March to mid September is the axis of the year, being an approximation to a cleavage between two opposed sets of oecological relations and social activities, though not entirely corresponding to it, as may be seen in the diagram below, where village life and camp life are shown in relation to the seasons of which they are the focal points. Nuer, especially the younger people, are still in camp for part of *tot* (the greater part of *rwil*) and are still in villages, especially the older people, for part of *mai* (the greater part of

1: Evans-Pritchard E-5 (1931, 1936) 1940
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jiom), but every one is in villages during *tot* proper and in camps during *mai* proper. Since the words *tot* and *mai* are not pure units of time-reckoning but stand for the cluster of social activities characteristic of the height of the drought and of the height of the rains, one may hear a Nuer saying that he is going to '*tot*' or '*mai*' in a certain place.

The year has twelve months, six to each of the major seasons, and most adult Nuer can state them in order. In the list of months given below it has not been possible to equate each Nuer name with an English name, because our Roman months have nothing to do with the moon. It will be found, however, that a Nuer month is usually covered by the two English months equated to it in the list and generally tends to coincide with the first rather than the second.

leer	Sept.–Oct.	*duong*	Mar.–Apr.
latk (bow)	Oct.–Nov.	*gwaak*	Apr.–May
bur	Nov.–Dec.	*duat*	May–June
tiop (ie) dit	Dec.–Jan.	*kurwynit*	June–July
tiop (ie) tot	Jan.–Feb.	*ghaiyaini (ghaiyeni)*	July–Aug.
ghet	Feb.–Mar.	*thoor*	Aug.–Sept.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer would soon be in difficulties over their lunar calendar if they consistently counted the succession of moons,[1] but there are certain activities associated with each month, the association sometimes being indicated by the name of the month. The calendar is a relation between a cycle of activities and a conceptual cycle and the two cannot fall apart, since the conceptual cycle is dependent on the cycle of activities from which it derives its meaning and function. Thus a twelve-month system does not incommode Nuer, for the calendar is anchored to the cycle of ecological changes. In the month of *kur* one makes the first fishing dams and forms the first cattle camps, and since one is doing these things it must be *kur* or thereabouts. Likewise in *dwat* one breaks camp and returns to the villages, and since people are on the move it must be *dwat* or thereabouts. Consequently the calendar remains fairly stable and in any section of Nuerland there is general agreement about the name of the current month.

In my experience Nuer do not to any great extent use the names of the months to indicate the time of an event, but generally refer instead to some outstanding activity in process at the time of its occurrence, e.g. at the time of early camps, at the time of weeding, at the time of harvesting, &c., and it is easily understandable that they do so, since time is to them a relation between activities. During the rains the stages in the growth of millet and the steps taken in its culture are often used as points of reference. Pastoral activities, being largely undifferentiated throughout the months and seasons, do not provide suitable points.

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There are no units of time between the month and day and night. People indicate the occurrence of an event more than a day or two ago by reference to some other event which took place at the same time or by counting the number of intervening 'sleeps' or, less commonly, 'suns'. There are terms for to-day, to-morrow, yesterday, &c., but there is no precision about them. When Nuer wish to define the occurrence of an event several days in advance, such as a dance or wedding, they do so by

[1] There is some evidence of an intercalary month among the Eastern Jikany, but I cannot be definite on this point, and I have not heard it mentioned in other parts of Nuerland.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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reference to the phases of the moon: new moon, its waxing, full moon, its waning, and the brightness of its second quarter. When they wish to be precise they state on which night of the waxing or waning an event will take place, reckoning fifteen nights to each and thirty to the month. They say that only cattle and the Anuak can see the moon in its invisible period. The only terms applied to the nightly succession of lunar phases are those that describe its appearance just before, and in, fullness.

The course of the sun determines many points of reference, and a common way of indicating the time of events is by pointing to that part of the heavens the sun will then have reached in its course. There are also a number of expressions, varying in the degree of their precision, which describe positions of the sun in the heavens, though, in my experience, the only ones commonly employed are those that refer to its more conspicuously differentiated movements: the first stroke of dawn, sunrise, noon, and sunset. It is, perhaps, significant that there are almost as many points of reference between 4 and 6 a.m. as there are for the rest of the day. This may be chiefly due to striking contrasts caused by changes in relations of earth to sun during these two hours, but it may be noted, also, that the points of reference between them are more used in directing activities, such as starting on journeys, rising from sleep, tethering cattle in kraals, gazelle hunting, &c., than points of reference during most of the rest of the day, especially in the slack time between 1 and 3 p.m. There are also a number of terms to describe the time of night. They are to a very limited extent determined by the course of the stars. Here again, there is a richer terminology for the transition period between day and night than during the rest of the night and the same reasons may be suggested to explain this fact. There are also expressions for distinguishing night from day, forenoon from afternoon, and that part of the day which is spent from that part which lies ahead.

Except for the commonest of the terms for divisions of the day they are little used in comparison with expressions which describe routine diurnal activities. The daily timepiece is the cattle clock, the round of pastoral tasks, and the time of day and the passage of time through a day are to a Nuer primarily

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the succession of these tasks and their relations to one another. The better demarcated points are taking of the cattle from byre to kraal, milking, driving of the adult herd to pasture, milking of the goats and sheep, driving of the flocks and calves to pasture, cleaning of byre and kraal, bringing home of the flocks and calves, the return of the adult herd, the evening milking, and the enclosure of the beasts in byres. Nuer generally use such points of activity, rather than concrete points in the movement of the sun across the heavens, to co-ordinate events. Thus a man says, 'I shall return at milking', 'I shall start off when the calves come home', and so forth.

Oecological time-reckoning is ultimately, of course, entirely determined by the movement of the heavenly bodies, but only some of its units and notations are directly based on these movements, e.g. month, day, night, and some parts of the day and night, and such points of reference are paid attention to and selected as points only because they are significant for social activities. It is the activities themselves, chiefly of an economic kind, which are basic to the system and furnish most of its units and notations, and the passage of time is perceived in the relation of activities to one another. Since activities are dependent on the movement of the heavenly bodies and since the movement of the heavenly bodies is significant only in relation to the activities one may often refer to either in indication of the time of an event. Thus one may say, 'In the *jiow* season' or 'At early camps', 'The month of *Dwat*' or 'The return to villages', 'When the sun is warming up' or 'At milking'. The movements of the heavenly bodies permit Nuer to select natural points that are significant in relation to activities. Hence in linguistic usage nights, or rather 'sleeps', are more clearly defined units of time than days, or 'suns', because they are undifferentiated units of social activity, and months, or rather 'moons', though they are clearly differentiated units of natural time, are little employed as points of reference because they are not clearly differentiated units of activity, whereas the day, the year, and its main seasons are complete occupational units.

Certain conclusions may be drawn from this quality of time among the Nuer. Time has not the same value throughout the year. Thus in dry season camps, although daily pastoral tasks

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follow one another in the same order as in the rains, they do not take place at the same time, are more a precise routine owing to the severity of seasonal conditions, especially with regard to water and pasturage, and require greater co-ordination and co-operative action. On the other hand, life in the dry season is generally uneventful, outside routine tasks, and oecological and social relations are more monotonous from month to month than in the rains when there are frequent feasts, dances, and ceremonies. When time is considered as relations between activities it will be understood that it has a different connotation in rains and drought. In the drought the daily time-reckoning is more uniform and precise while lunar reckoning receives less attention, as appears from the lesser use of names of months, less confidence in stating their order, and the common East African trait of two dry-season months with the same name (*tiop in dit* and *tiop in tot*), the order of which is often interchanged. The pace of time may vary accordingly, since perception of time is a function of systems of time-reckoning, but we can make no definite statement on this question.

Though I have spoken of time and units of time the Nuer have no expression equivalent to 'time' in our language, and they cannot, therefore, as we can, speak of time as though it were something actual, which passes, can be wasted, can be saved, and so forth. I do not think that they ever experience the same feeling of fighting against time or of having to co-ordinate activities with an abstract passage of time, because their points of reference are mainly the activities themselves, which are generally of a leisurely character. Events follow a logical order, but they are not controlled by an abstract system, there being no autonomous points of reference to which activities have to conform with precision. Nuer are fortunate.

Also they have very limited means of reckoning the relative duration of periods of time intervening between events, since they have few, and not well-defined or systematised, units of time. Having no hours or other small units of time they cannot measure the periods which intervene between positions of the sun or daily activities. It is true that the year is divided into twelve lunar units, but Nuer do not reckon in them as fractions of a unit. They may be able to state in what month an event

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occurred, but it is with great difficulty that they reckon the relation between events in abstract numerical symbols. They think much more easily in terms of activities and of successions of activities and in terms of social structure and of structural differences than in pure units of time.

We may conclude that the Nuer system of time-reckoning within the annual cycle and parts of the cycle is a series of conceptualizations of natural changes, and that the selection of points of reference is determined by the significance which these natural changes have for human activities.

II

In a sense all time is structural since it is a conceptualization of collateral, co-ordinated, or co-operative activities: the movements of a group. Otherwise time concepts of this kind could not exist, for they must have a like meaning for every one within a group. Milking-time and meal-times are approximately the same for all people who normally come into contact with one another, and the movement from villages to camps has approximately the same connotation everywhere in Nuerland, though it may have a special connotation for a particular group of persons. There is, however, a point at which we can say that time concepts cease to be determined by oecological factors and become more determined by structural interrelations, being no longer a reflection of man's dependence on nature, but a reflection of the interaction of social groups.

The year is the largest unit of oecological time. Nuer have words for the year before last, last year, this year, next year, and the year after next. Events which took place in the last few years are then the points of reference in time-reckoning, and these are different according to the group of persons who make use of them: joint family, village, tribal section, tribe, &c. One of the commonest ways of stating the year of an event is to mention where the people of the village made their dry season camps, or to refer to some evil that befell their cattle. A joint family may reckon time in the birth of calves of their herds. Weddings and other ceremonies, fights, and raids, may likewise give points of time, though in the absence of numerical dating no one can say without lengthy calculations how many years ago an event

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PLATE XIII

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Girl in millet garden (Dok)

[Face p. 104]

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805 took place. Moreover, since time is to Nuer an order of events of outstanding significance to a group, each group has its own points of reference and time is consequently relative to structural space, locally considered. This is obvious when we examine the names given to years by different tribes, or sometimes by adjacent tribes, for these are floods, pestilences, famines, wars, &c., experienced by the tribe. In course of time the names of years are forgotten and all events beyond the limits of this crude historical reckoning fade into the dim vista of long long ago. Historical time, in this sense of a sequence of outstanding events of significance to a tribe, goes back much farther than the historical time of smaller groups, but fifty years is probably its limit, and the farther back from the present day the sparser and vaguer become its points of reference.

However, Nuer have another way of stating roughly when events took place; not in numbers of years, but by reference to the age-set system. Distance between events ceases to be reckoned in time concepts as we understand them and is reckoned in terms of structural distance, being the relation between groups of persons. It is therefore entirely relative to the social structure. Thus a Nuer may say that an event took place after the *Thut* age-set was born or in the initiation period of the *Bolow* age-set, but no one can say how many years ago it happened. Time is here reckoned in sets. If a man of the *Dangunge* set tells one that an event occurred in the initiation period of the *Thut* set he is saying that it happened three sets before his set, or six sets ago. The age-set system is discussed in Chapter VI. Here it need only be said that we cannot accurately translate a reckoning in sets into a reckoning in years, but that we can roughly estimate a ten-year interval between the commencement of successive sets. There are six sets in existence, the names of the sets are not cyclic, and the order of extinct sets, all but the last, are soon forgotten, so that an age-set reckoning has seven units covering a period of rather under a century.

The structural system of time-reckoning is partly the selection of points of reference of significance to local groups which give these groups a common and distinctive history; partly the distance between specific sets in the age-set system; and partly

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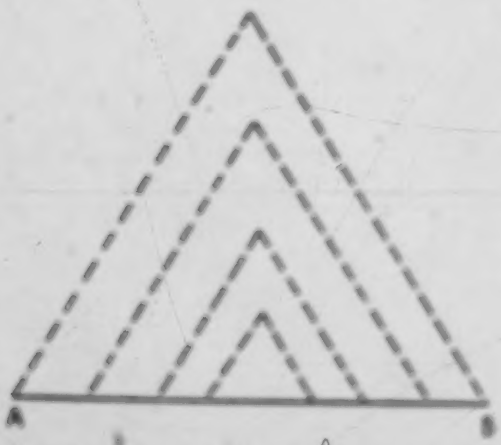
distances of a kinship and lineage order. Four generation-steps (*kaik*) in the kinship system are linguistically differentiated relations, grandfather, father, son, and grandson, and within a small kinship group these relationships give a time-depth to members of the group and points of reference in a line of ascent by which their relationships are determined and explained. Any kinship relationship must have a point of reference on a line of ascent, namely a common ancestor, so that such a relationship always has a time connotation couched in structural



terms. Beyond the range of the kinship system in this narrow sense the connotation is expressed in terms of the lineage system. As this subject is treated in Chapter V, we limit further discussion of it to an explanatory comment on the diagram above. The base line of the triangle represents a given group of agnates and the dotted lines represent their ghostly agnatic forebears, running from this base to a point in lineage structure, the common ancestor of every member of the group. The farther we extend the range of the group (the longer becomes the base line) the farther back in lineage structure is the common ancestor (the farther from the base line is the apex of the triangle). The four triangles are thus the time depths of four extensions of agnatic relationship on an existential plane and represent minimal, minor, major, and maximal lineages of a clan. Lineage time is thus the structural distance between groups of persons on the line *AB*. Structural time therefore

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cannot be understood until structural distance is known, since it is a reflection of it, and we must, therefore, ask the reader to forgive a certain obscurity at this point and to reserve criticism till we have had an opportunity of explaining more clearly what is meant by structural distance. 805 601 613

We have restricted our discussion to Nuer systems of time-reckoning and have not considered the way in which an individual perceives time. The subject bristles with difficulties. Thus an individual may reckon the passage of time by reference to the physical appearance and status of other individuals and to changes in his own life-history, but such a method of reckoning time has no wide collective validity. We confess, however, that our observations on the matter have been slight and that a fuller analysis is beyond our powers. We have merely indicated those aspects of the problem which are directly related to the description of modes of livelihood which has gone before and to the description of political institutions which follows. 805

We have remarked that the movement of structural time is, in a sense, an illusion, for the structure remains fairly constant and the perception of time is no more than the movement of persons, often as groups, through the structure. Thus age-sets succeed one another for ever, but there are never more than six in existence and the relative positions occupied by these six sets at any time are fixed structural points through which actual sets of persons pass in endless succession. Similarly, for reasons which we explain later, the Nuer system of lineages may be considered a fixed system, there being a constant number of steps between living persons and the founder of their clan and the lineages having a constant position relative to one another. However many generations succeed one another the depth and range of lineages does not increase unless there has been structural change. These statements are discussed more fully on pp. 198–200. 805 561 613

Beyond the limits of historical time we enter a plane of tradition in which a certain element of historical fact may be supposed to be incorporated in a complex of myth. Here the points of reference are the structural ones we [redacted] indicated. At one end this plane merges into history; at the other end into myth. Time perspective is here not a true impression of actual distances like that created by our dating technique, but a 805 173

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reflection of relations between lineages, so that the traditional events recorded have to be placed at the points where the lineages concerned in them converge in their lines of ascent. The events have therefore a position in structure, but no exact position in historical time as we understand it. Beyond tradition lies the horizon of pure myth which is always seen in the same time perspective. One mythological event did not precede another, for myths explain customs of general social significance rather than the interrelations of particular segments and are, therefore, not structurally stratified. Explanations of any qualities of nature or of culture are drawn from this intellectual ambient which imposes limits on the Nuer world and makes it self-contained and entirely intelligible to Nuer in the relation of its parts. The world, peoples, and cultures all existed together from the same remote past.

It will have been noted that the Nuer time dimension is shallow. Valid history ends a century ago, and tradition, generously measured, takes us back only ten to twelve generations in lineage structure, and if we are right in supposing that lineage structure never grows, it follows that the distance between the beginning of the world and the present day remains unalterable. Time is thus not a continuum, but is a constant structural relationship between two points, the first and last persons in a line of agnatic descent. How shallow is Nuer time may be judged from the fact that the tree under which mankind came into being was still standing in Western Nuerland a few years ago!

Beyond the annual cycle time-reckoning is a conceptualization of the social structure, and the points of reference are a projection into the past of actual relations between groups of persons. It is less a means of co-ordinating events than of co-ordinating relationships, and is therefore mainly a looking-backwards, since relationships must be explained in terms of the past.

III

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We have concluded that structural time is a reflection of structural distance. In the following sections we define further what we mean by structural distance, and make a formal,

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preliminary, classification of Nuer territorial groups of a political kind. We have classified Nuer socio-temporal categories. We now classify their socio-spatial categories.

Were a man to fly over Nuerland he would see, as on Plate XVI, taken by the Royal Air Force in the dry season, white patches with what look like tiny fungoid growths on them. These are village sites with huts and byres. He would see that between such patches are stretches of brown and black, the brown being open grassland and the black being depressions which are swampy in the rains; and that the white patches are wider and more frequent in some parts than in others. We find Nuer give to these distributions certain values which compose their political structure.

It would be possible to measure the exact distance between hut and hut, village and village, tribal area and tribal area, and so forth, and the space covered by each. This would give us a statement of spatial measurements in bare physical terms. By itself it would have very limited significance. Oecological space is more than mere physical distance, though it is affected by it, for it is reckoned also by the character of the country intervening between local groups and its relation to the biological requirements of their members. A broad river divides two Nuer tribes more sharply than many miles of unoccupied bush. A distance which appears small in the dry season has a different appearance when the area it covers is flooded in the rains. A village community which has permanent water near at hand is in a very different position to one which has to travel in the dry season to obtain water, pasturage, and fishing. A tsetse belt creates an impassable barrier, giving wide oecological distance between the peoples it separates (p. 133), and presence or absence of cattle among neighbours of the Nuer likewise determines the oecological distance between them and the Nuer (pp. 132-3). Oecological distance, in this sense, is a relation between communities defined in terms of density and distribution, and with reference to water, vegetation, animal and insect life, and so on.

Structural distance is of a very different order, though it is always influenced and, in its political dimension, to a large extent determined by oecological conditions. By structural

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571 distance is meant, as we have already indicated in the preceding section, the distance between groups of persons in a social system, expressed in terms of values. The nature of the country determines the distribution of villages and, therefore, the distance between them, but values limit and define the distribution in structural terms and give a different set of distances. A Nuer village may be equidistant from two other villages, but if one of these belongs to a different tribe and the other to the same tribe it may be said to be structurally more distant from the first than from the second. A Nuer tribe which is separated by forty miles from another Nuer tribe is structurally nearer to it than to a Dinka tribe from which it is separated by only twenty miles. When we leave territorial values and speak of lineages and age-sets, structural space is less determined by environmental conditions. One lineage is closer to another than to a third. One age-set is closer to another than to a third. The values attached to residence, kinship, lineage, sex, and age, differentiate groups of persons by segmentation, and the relative positions of the segments to one another gives a perspective that enables us to speak of the divisions between them as divisions of structural space. Having defined what is meant by structural space we may now proceed with a description of its political divisions.

IV

161 We cannot, owing to lack of adequate population statistics (see p. 217) and survey records, present a map showing the density of the different tribes, but a rough estimate is possible for the whole of Nuerland. Jackson says that the area to the east of the Nile amounts to some 26,000 square miles,[1] and recent censuses put its population at about 144,000, making about 5·5 to the square mile. The area to the west of the Nile is no less sparsely inhabited and possibly has a lower density. The total area of Nuerland is probably about 30,000 square miles and the total population round about 200,000. We may estimate that tribal density probably varies from about 4 to 10 to the square mile and that the average distribution for the whole of Nuerland is from about 5 to 6 to the square mile. Given the hydrological conditions of Nuerland and the present economy

[1] Jackson, op. cit., p. 60.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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of the people it may be doubted whether it could support a much larger population than it does. This is particularly the case to the west of the Nile and it is likely, as Nuer themselves suggest, that their expansion eastwards was due to over-population. It is possible for there to be great local concentration in spite of low density for tribal areas, for the estimates of square mileage include vast stretches of land devoid of villages and camps, which is grazed over in the drought or merely traversed in seasonal movements. The degree of actual concentration, in this sense, varies from tribe to tribe and from tribal section to tribal section and from season to season.

I cannot figure such distributions more accurately than the sketch-maps on pp. 56, 58, and 60, and I can only indicate them verbally in the most general terms. As we have seen, the size of a village depends on the space available for building, grazing, and horticulture, and its homesteads are crowded or strung out accordingly, forming in most villages small clusters of huts and byres which we call hamlets, each being separated from its neighbours by gardens and unoccupied land on which calves, sheep, and goats graze. The population of a village—we can make no precise statement—may be anything from fifty to several hundred souls and may cover from a few hundred yards to several miles. A village is usually well demarcated by the contiguity of its residences and the stretches of bush, forest, and swamp which separate it from its neighbours. In my small experience one may, in most parts of Nuerland, traverse five to twenty miles from village to village. This is certainly the case in Western Nuerland. On the other hand, where the nature of the ground allows, villages may be much closer together and follow one another at short intervals over wide areas. Thus the greater part of the Lou are concentrated within thirty miles of Mut tot, the greater part of the Dok within ten miles of Lar, while the Lak, Thiang, and part of the Gaawar run fairly continuously along a wide ridge between the Nile and the Zeraf. Villages are always joined to their neighbours by paths created and maintained by their social interrelations. In every part of Nuerland there are also large areas, inundated in the rains, with no, or very few, villages. These parts of the tribal areas left blank or shaded to show dry-season occupation in the sketch-

1: Evans-Pritchard E-S (1931, 1936) 1940
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maps are mainly, and often entirely, without village sites, and in Western Nuerland the whole area between the Nile and the Bahr el Ghazal is very sparsely dotted with small villages; and the same is probably true of the country to the north of the Bahr el Ghazal.

I am compelled to describe the distribution of dry season camps as vaguely as the distribution of villages. Early camps may be found almost anywhere and often comprise only a few households; but the location of larger camps, formed later in the season, can be known in advance because there are only a few places which provide adequate water. Their size depends largely on the amount of water and grazing and their population varies from about a hundred to over a thousand souls. These concentrations are never tribal but comprise larger or smaller tribal sections. Round a lake a camp may be distributed in several sections with a few hundred yards between each; or one may then speak of contiguous camps. In any camp a few windscreens are generally adjacent to, almost touching, one another, and such a group may often at a glance be seen to be a distinct unit with its own section of the common kraal. Along the left bank of the Sobat and the right bank of the Baro one may observe from a steamer camps almost anywhere, separated from one another by only a few miles; but up streams, like the Nyandiar and Filus, in which only isolated pools of water remain, several miles separate camps. Some large camps in the interior of Lou country are separated by more than twenty miles of bush.

Great rivers flow through Nuerland and it is often these natural boundaries which indicate the lines of political cleavage. The Sobat separates the Gaajok tribe from the Lou tribe; the Filus separates the Lou tribe from the Anuak people; the Zeraf separates the Thiang and Lak from the Dinka; the Ghazal separates the Karbual primary section of the Leek tribe from its other two primary sections; and so forth. Marshes and areas inundated in the rains likewise separate political groups. The Marar swamps divide the Eastern Gaajak from the Gaajok and Gaagwang; water-covered stretches divide, in the rains, the Bengyan from the Wet, Bor, &c.; and so on.

This account of distribution is unavoidably vague, but the main conditions and their significance can easily be summed up.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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(1) Physical conditions which are responsible for scarcity of food and a simple technology also cause low density and sparse distribution of settled areas. Lack of political cohesion and development may be related to the density and distribution of the Nuer and, furthermore, in general their structural simplicity may be due to the same conditions. (2) The size of elevated stretches of land and the distances between them permit in some parts of Nuerland larger and closer concentration than in others. In the larger tribes a large population is often compelled by the nature of the country to build their homes within a short radius. (3) Where there is relatively great density of population in the rains there tends also to be greater need in the drought for early and far movement to new pastures. This need compels recognition of a common tribal value over large areas and enables us to understand better how it is that in spite of a necessary lack of political cohesion within the tribes they often have so large a population and occupy so large a territory.

V

We have noted that structural distance is the distance between groups of persons in social structure and may be of different kinds. Those which concern us in our present account are political distance, lineage distance, and age-set distance. The political distance between villages of a tertiary tribal section is less than the distance between tertiary segments of a secondary tribal section, and that is less than the distance between secondary segments of a primary tribal section, and so forth. This forms the subject of Chapter IV. The lineage distance between segments of a minor lineage is less than the distance between minor segments of a major lineage, and that is less than the distance between major segments of a maximal lineage, and so forth. This forms the subject of Chapter V. The age-set distance between segments of an age-set is less than the distance between successive age-sets and that is less than the distance between age-sets which are not successive. This forms the subject of Chapter VI. As we wish to develop our argument and therefore to avoid analysis which does not allow the reader to refer back to statements

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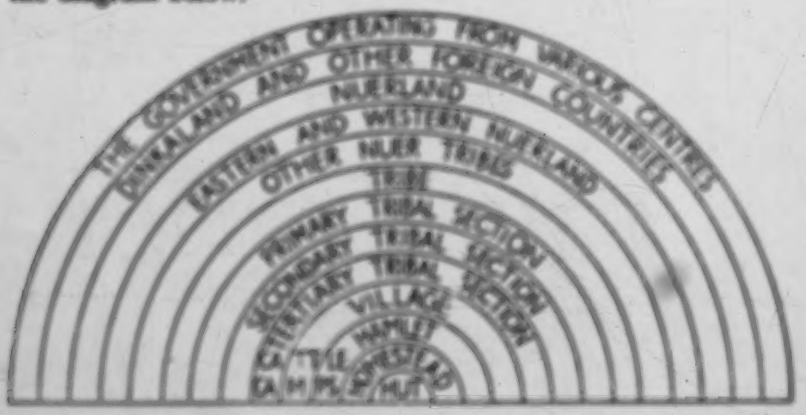
already made, we will give immediate consideration only to political distance and only to some characteristics of it.

631 Nuer give values to local distributions. It might be thought a simple matter to discover what these values are, but since they are embodied in words, one cannot understand their range of reference without considerable knowledge of the people's language and of the way they use it, for meanings vary according to the social situation and a word may refer to a variety of local groups. It is, nevertheless, possible to differentiate them and to make a crude formal classification of them, as we have done in the diagram below.



Nuer Socio-Spatial Categories.

592 621 A single living hut (*dwil* or *wi*) is occupied by a wife and her children and, at times, by her husband. They constitute a simple residential family group. The homestead, consisting of a byre and huts, may contain a simple family group or a polygamous family and there are often one or two kinsmen living there as well. This group, which we call a household, is often referred to as the *gol*, a word which means 'hearth'. A hamlet with gardens and waste land around it is called *dhor* and each has its special name, often derived from some landmark or from the name of the senior kinsman living there. A hamlet is 621 generally occupied by close agnatic kinsmen, often brothers, and their households, and we call this group of persons a joint family. As these groups are not treated in our account we say no more about them. It must be remembered, however, that a

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village is not an unsegmented unit but is a relation between a number of smaller units.

The village is a very distinct unit. It is sometimes referred to as *thur*, a ridge of high ground, but generally as *cieng*, a word which may be translated 'home', but which has such a variety of meanings that we shall devote a special section to it. A village comprises a community, linked by common residence and by a network of kinship and affinal ties, the members of which, as we have seen, form a common camp, co-operate in many activities, and eat in one another's byres and windscreens. A village is the smallest Nuer group which is not specifically of a kinship order and is the political unit of Nuerland. The people of a village have a feeling of strong solidarity against other villages and great affection for their site, and in spite of the wandering habits of Nuer, persons born and bred in a village have a nostalgia for it and are likely to return to it and make their home there, even if they have resided elsewhere for many years. Members of a village fight side by side and support each other in feuds. When the youths of a village go to dances they enter the dance in a war line (*dep*) singing their special war chant.

A cattle camp, which people of a village form in the drought and in which members of neighbouring villages participate, is known as *wer*. While this word has the meaning of 'camp' in contrast with *cieng*, 'village', both words are used in the same general sense of local community. Thus when it is said of a certain clan that they have no *wer* we are to understand that they nowhere in a tribal section or village form a dominant nucleus of the community and that, therefore, no local community takes its name from them. A large camp is called after the dominant lineage in it or after the village community who

FIG. 11. Hoes and cherry spears

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

621 occupy it, and small camps are sometimes named after an old person of importance who has erected his windscreen there. We have seen that the social composition of a camp varies at different times of the drought from the people of a hamlet to the people of a village, or of neighbouring villages, and that men sometimes camp with kinsmen living in camps other than those of their own villages. Consequently, while local communities of the rains tend to be also local communities in the drought their composition may be somewhat different. We again emphasize that not only are the people of a camp living in a more compact group than the people of a village, but also that in camp life there is more frequent contact between its members and greater co-ordination of their activities. The cattle are herded together, milked at the same time, and so on. In a village each household herds its own cattle, if they are herded at all, and performs its domestic and kraal tasks independently and at different times. In the drought there is increasing concentration and greater uniformity in response to the greater severity of the season.

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634 619 We sometimes speak of a district to describe an aggregate of villages or camps which have easy and frequent intercommunication. The people of these villages take part in the same dances, intermarry, conduct feuds, go on joint raiding parties, share dry season camps or make camps in the same locality, and so on. This indefinite aggregate of contacts does not constitute a Nuer category or a political group, because the people do not see themselves, nor are seen by others, as a unique community, but 'district' is a term we employ to denote the sphere of a man's social contacts or of the social contacts of the people of a village and is, therefore, relative to the person or community spoken about. A district in this sense tends to correspond to a tertiary or a secondary tribal segment, according to the size of the tribe. In the smallest tribes a whole tribe is a man's district, and a district may even cut across tribal boundaries in that in a large tribe a border village may have more contacts with neighbouring villages of another tribe than with distant villages of its own tribe. The sphere of a man's social contacts may thus not entirely coincide with any structural division.

A number of adjacent villages, varying in number and total

1: Evans-Pritchard E-5 (1931, 1936) 1940
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extension according to the size of the tribe, are grouped into small tribal sections and these into larger ones. In the larger tribes it is convenient to distinguish between primary, secondary, and tertiary tribal sections. These sections, of whatever size, are, like a village, spoken of as *'cieng'*. Since the next chapter is devoted to these tribal segments no more is said about them here.

VI

The main Nuer tribes are shown on p. 8. The name 'Jagei' inserted to the west of the Nile includes a number of small tribes—Lang, Bor, Rengyan, and Wot. There are also some small tribes—if they are rightly regarded as tribes, for little research was done in the area—in the vicinity of the Dok Nuer: Beegh, Jaalogh, (Gaan)Kwac, and Rol. A crude census, compiled from various Government sources, gives, in round figures, the more recent estimates for the larger tribes as follows:

Sobat Nuer: Gaajak, 42,000; Gaagwang, 7,000; Gaajok, 42,000; Lou, 33,000. Zeraf Nuer: Lak, 24,000; Thiang, 9,000; Gaawar, 20,000. Western Nuer: Bul, 17,000; Leek, 11,000; the three Western Jikany tribes, 11,000; the various Jagei tribes, 10,000; Dok, 12,000; Nuong, 9,000. These figures are probably more accurate for the Eastern than for the Western Nuer. Estimates show wide discrepancies and there has been much guesswork. On the basis of those recorded, the Sobat Nuer are 91,000, the Zeraf Nuer 53,000, and the Western Nuer 70,000, making a total of 214,000 for the whole of Nuerland. The population of only a few tribal segments is known. Among the Lou the Gun primary section number about 22,000 and the Mor primary section about 12,000; among the Gaawar the Radh primary section number about 10,000 and the Bar primary section about 10,000; and among the Lak tribe the Kwacbur primary section number about 22,000 and the Jenyang primary section number about 12,000.

It will be remarked that the tribes of Western Nuerland are generally smaller than those on the Zeraf, and those on the Zeraf smaller than those on the Sobat. Tribes tend to be larger the farther eastwards one proceeds. Their territories also tend to be more extensive. It may be suggested that the larger population of the Eastern Nuer tribes is due to the integrating effects of conquest and settlement and to the absorption of large numbers of Dinka which resulted therefrom, but we do not think that such explanations

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account for their maintaining a semblance of tribal unity over such large areas in the absence of any central government. It is evident that the size of tribal populations is directly related to the amount of high land available for wet season occupation, and also to its disposition, for tribes like the Lou and Eastern Gaajok and Gaajak can have a concentration of homesteads and villages on wide stretches of elevated land, which is not possible for the smaller tribes of Western Nuerland, whose only building sites are small and sparsely distributed ridges. But we hold that this fact in itself would not determine the lines of political cleavage, which can only be understood by taking into consideration also the relation between village sites and dry season water-supplies, pasturage, and fishing. We have noted earlier how tribal sections move from their villages to dry season pastures, each having spatial distinction in the rains which is maintained in the drought, but whereas in Western Nuerland there is always plenty of water, grazing, and fishing, generally not far from the villages, and it is possible for wet season village communities, isolated by inundated tracts in the rains, to maintain their isolation and independence in dry season camps, in the larger tribes of Eastern Nuerland, such as the Lou, drier conditions compel greater concentration and wider seasonal movements, with the result that village communities not only have a greater spatial, and we may say also moral, density in the drought than in the rains, but have to mix with one another and share water and pastures and fishing. Distinct villages are found side by side around a pool. Moreover, people of one section have to cross the territories of other sections to reach their camps, which may be situated near the villages of yet another section. Families and joint families often camp with kinsmen and affines who belong to other villages than their own, and it is a common practice to keep cattle in two or more parts of the country to avoid total loss from rinderpest, which is a dry season pestilence. It is understandable, therefore, that local communities which, though they are isolated in the rains, are forced in the drought into relations that necessitate some sense of community and the admission of certain common interests and obligations, should be contained in a common tribal structure. The severer the dry season conditions the greater the need for some measure of contact and therefore of forbearance and recognition of interdependence. The Zeraf tribes move less than the Sobat tribes and more than the Western Nuer tribes, the Gaawar moving more than the Thiang and Lak. We may again point out that on the whole where there is plenty of elevated country which permits concentration in the rains there is likewise the greater need for large concentrations in the dry

1: Evans-Pritchard E-5 (1931, 1936) 1940
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season, since water, fishing, and pasture are found away from these elevated areas.

These facts seem to explain to some extent the political preponderance of pastoral peoples in East Africa. There may be wide dispersal of communities and low density of population, but there is seasonal contraction and wide interdependence. The variation in their circuits of transhumance also helps us to understand the variation in the size of Nuer tribes. It may be noted that, though the size and cohesion of tribes vary in different parts of Nuerland, nowhere do environmental conditions permit complete autonomy and exclusiveness of small village groups, such as we find among the Anuak, or such high density of population and such developed political institutions such as we find among the Shilluk.

Thus, on the one hand, environmental conditions and pastoral pursuits cause modes of distribution and concentration that provide the lines of political cleavage and are antagonistic to political cohesion and development; but, on the other hand, they necessitate extensive tribal areas within which there is a sense of community and a preparedness to co-operate.

Each tribe has a name which refers alike to its members and to their country (*rol*), e.g. Leek, Gaawar, Lou, Lak, &c. (see map on p. 8). Each has its particular territory and owns and defends its own building sites, grazing, water-supplies, and fishing-pools. Not only do large rivers or wide stretches of uninhabited country generally divide adjacent sections of contiguous tribes, but these sections tend to move in different directions in the drought. Conditions are doubtless changing in this respect, but we may cite as examples how the Gaawar tribe tend to move eastwards towards the Zeraf and not to come into contact with the Gun primary section of the Lou tribe, who cluster around their inland lakes or move to the Sobat and Pibor; how the Mor tribal section of the Lou move to the Nyanding and Upper Pibor in the direction of the Gaajok, who do not coalesce with them but move to the upper reaches of the Sobat and the lower reaches of the Pibor; and how the Western Jikany move towards the marshes of the Nile, while the Leek move northwest to the junction of the Bahr el Ghazal with its streams and lagoons. 610

Tribesmen have a common sentiment towards their country and hence towards their fellow tribesmen. This sentiment is evident in the pride with which they speak of their tribe as the

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object of their allegiance, their joking disparagement of other tribes, and their indication of cultural variations in their own tribe as symbols of its singularity. A man of one tribe sees the
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people of another tribe as an undifferentiated group to whom he has an undifferentiated pattern of behaviour, while he sees himself as a member of a segment of his own tribe. Thus when a Leek man says that So-and-so is a Nac (Rengyan) he at once defines his relationship to him. Tribal sentiment rests as much on opposition to other tribes as on common name, common territory, corporate action in warfare, and the common lineage structure of a dominant clan.

How strong is tribal sentiment may be gathered from the fact that sometimes men who intend to leave the tribe of their birth to settle permanently in another tribe take with them some earth of their old country and drink it in a solution of water, slowly adding to each dose a greater amount of soil from their new country, thus gently breaking mystical ties with the old and building up mystical ties with the new. I was told that were a man to fail to do this he might die of *wuer*, the sanction that punishes breach of certain ritual obligations.

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A tribe is the largest group the members of which consider it their duty to combine for raiding and for defensive action. The younger men of the tribe went, till recently, on joint expeditions against the Dinka and waged war against other Nuer tribes. Wars between tribes were less frequent than attacks on the Dinka, but there are many examples in recent Nuer history of border disputes among tribes and even of one tribe raiding another for cattle, and such fighting is traditional among the Nuer. The Leek tribe raided the Jikany and Jagei tribes, and a Leek tribesman told me, 'The cattle with which my father married were Gee (Jagei) cattle.' Poncet remarks: 'Les Elliab (Dok) se battent avec les Egnan (Nuong) du sud et les Refan (Rengyan) du nord; les Ror de l'intérieur avec ces derniers et les Bior (Bor) de Gazal (Ghazal river). Toutes leurs querelles viennent des pâturages qu'ils se disputent, ce qui n'empêche pas qu'ils voyagent les uns chez les autres sans aucun danger, à moins cependant qu'on n'ait un parent à venger.'[1] In theory a tribe was regarded as a military unit, and if two sections of different tribes

[1] Op. cit., p. 39.

1; Evans-Pritchard E-5 (1931, 1936) 1940
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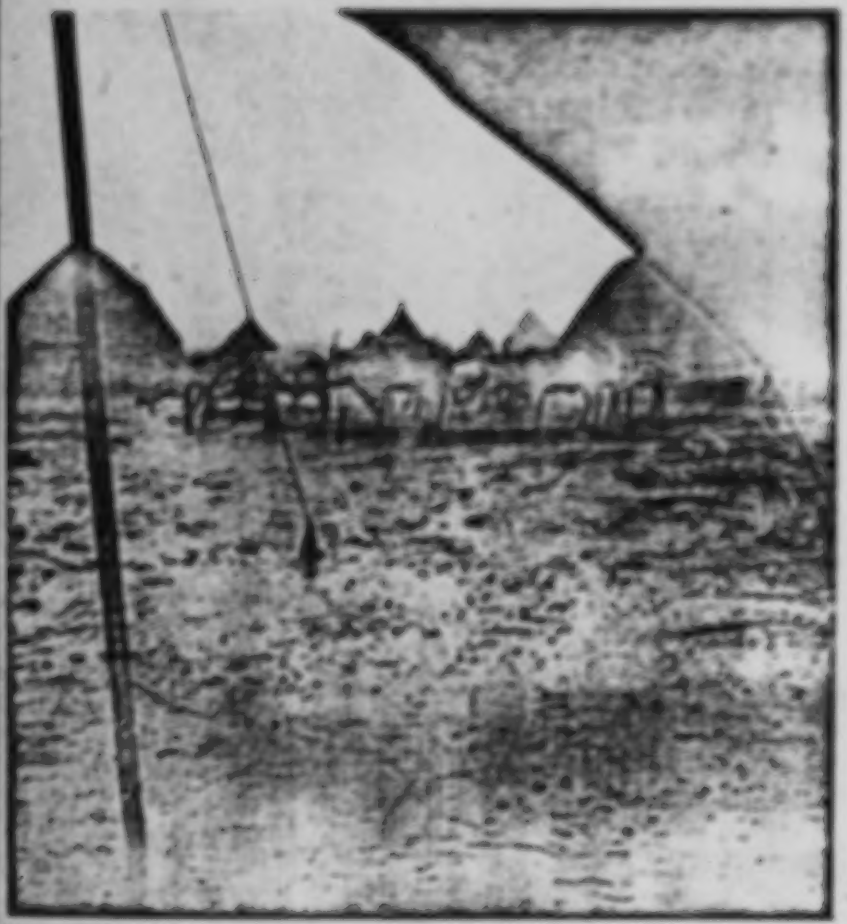
PLATE XIV



August shower (Lou)

[Face p. 120]

In Evans-Pritchard E-5 (1931, 1936) 1940
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619 were engaged in hostilities each could rely on the support of the
721 other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce in disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Lock united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 Fighting between Nuer of different tribes was of a different
726 character from fighting between Nuer and Dinka. Inter-tribal
628 fighting was considered fiercer and more perilous, but it was subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 Another defining characteristic of a tribe is that within it
681 there is *cut*, blood-wealth paid in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *rwak*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

1: Evans-Pritchard E-5 (1931, 1936) 1940
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machinery to conclude it. Local communities have been classed as tribes or tribal segments by whether they acknowledge the obligation to pay blood-wealth or not. Thus the Gun and the Mor are classed as primary segments of the Lou tribe, while the Eastern Gaajok, Gaajak, and Gaagwang have been classed as three tribes and not as three primary segments of a single Jikany tribe.

It may have happened that border cases between different tribes were sometimes settled by payment of compensation, but I have no record of such settlements other than the doubtful statement given on p. 189, and were they to have taken place it would in no way invalidate our definition of tribal structure. However, it must be understood that we are defining a tribe in the most formal way and that, as we shall show later, the acknowledgement of legal responsibility within a tribe does not mean that, in fact, it is easy to obtain compensation for a tort. There is little solidarity within a tribe and feuds are frequent and of long duration. Indeed, the feud is a characteristic institution of tribal organization.

A tribe has been defined by (1) a common and distinct name; (2) a common sentiment; (3) a common and distinct territory; (4) a moral obligation to unite in war; and (5) a moral obligation to settle feuds and other disputes by arbitration. To these five points can be added three further characteristics, which are discussed later: (6) a tribe is a segmented structure and there is opposition between its segments; (7) within each tribe there is a dominant clan and the relation between the lineage structure of this clan and the territorial system of the tribe is of great structural importance; (8) a tribe is a unit in a system of tribes; and (9) age-sets are organized tribally.

VII

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Adjacent tribes are opposed to one another and fight one another. They sometimes combine against Dinka, but such combinations are loose and temporary federations for a specific end and do not correspond to any clear political value. Occasionally a tribe will allow a section of another to camp in its territory and there may be more contacts between persons of border villages or camps of different tribes than between widely sepa-

1: Evans-Pritchard E-S (1931, 1936) 1940
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rated communities of the same tribe. The first may have more social contacts; the second be structurally nearer. But between Nuer tribes there is no common organization or central administration and hence no political unity that we can refer to as national. Nevertheless, adjacent tribes, and the Dinka who face them, form political systems, since the internal organization of each tribe can only be fully understood in terms of their mutual opposition, and their common opposition to the Dinka who border them. 619

Beyond these systems of direct political relations the whole Nuer people see themselves as a unique community and their culture as a unique culture. Opposition to their neighbours gives them a consciousness of kind and a strong sentiment of exclusiveness. A Nuer is known as such by his culture, which is very homogeneous, especially by his language, by the absence of his lower incisors, and, if he is a man, by six cuts on his brow. All Nuer live in a continuous stretch of country. There are no isolated sections. However, their feeling of community goes deeper than recognition of cultural identity. Between Nuer, wherever they hail from, and though they be strangers to one another, friendly relations are at once established when they meet outside their country, for a Nuer is never a foreigner to another as he is to a Dinka or a Shilluk. Their feeling of superiority and the contempt they show for all foreigners and their readiness to fight them are a common bond of communion, and their common tongue and values permit ready intercommunication. 186

Nuer are well aware of the different divisions of their country, even if they have never visited them, and they all look upon the area to the west of the Nile as their common homeland, to the occupants of which they still have distant kinship ties. People also journey to visit kinsmen in other tribes and often settle for long periods far from their homes, sometimes in different tribes, in which, if they stay there long enough, they become permanently incorporated. Constant social intercourse flows across the borders of adjacent tribes and unites their members, especially members of border communities, by many strands of kinship and affinity. If a man changes his tribe he can at once fit himself into the age-set system of the tribe of his adoption, and there is 484 619

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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tural relations are strongest between adjacent tribes, but a common social structure embraces the whole of Nuerland; and (3) the social sphere of an individual, being his circuit of social contacts of one kind or another with other Nuer.

VIII

The political structure of the Nuer can only be understood in relation to their neighbours, with whom they form a single political system. Contiguous Dinka and Nuer tribes are segments within a common structure as much as are segments of the same Nuer tribe. Their social relationship is one of hostility and its expression is in warfare.

The Dinka people are the immemorial enemies of the Nuer. They are alike in their oecologies, culture, and social systems, so that individuals belonging to the one people are easily assimilated to the other; and when the balanced opposition between a Nuer political segment and a Dinka political segment changes into a relationship in which the Nuer segment becomes entirely dominant, fission and not a class structure results.

As far as history and tradition go back, and in the vistas of myth beyond their farthest reach, there has been enmity between the two peoples. Almost always the Nuer have been the aggressors, and raiding of the Dinka is conceived by them to be a normal state of affairs and a duty, for they have a myth, like that of Esau and Jacob, which explains it and justifies it. Nuer and Dinka are represented in this myth as two sons of God who promised his old cow to Dinka and its young calf to Nuer. Dinka came by night to God's byre and, imitating the voice of Nuer, obtained the calf. When God found that he had been tricked he was angry and charged Nuer to avenge the injury by raiding Dinka's cattle to the end of time. This story, familiar to every Nuer, is not only a reflection of the political relations between the two peoples but is also a commentary on their characters. Nuer raid for cattle and seize them openly and by force of arms. Dinka steal them or take them by treachery. All Nuer regard them—and rightly so—as thieves, and even the Dinka seem to admit the reproach, if we attribute correct significance to the statement made to Mr. K. C. P. Struvé in 1907 by the Dinka keeper of the shrine of Deng dit at Luang Deng.

1: Evans-Pritchard E-S (1931, 1936) 1940
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After recounting the myth of the cow and calf, he added, 'And to this day the Dinka has always lived by robbery, and the Nuer by war.'[1]

Fighting, like cattle husbandry, is one of the chief activities and dominant interests of all Nuer men, and raiding Dinka for cattle is one of their principal pastimes. Indeed *jaang*, Dinka, is sometimes used to refer to any tribe whom the Nuer habitually raid and from whom they take captives. Boys look forward to the day when they will be able to accompany their elders on these raids against the Dinka, and as soon as youths have been initiated into manhood they begin to plan an attack to enrich themselves and to establish their reputation as warriors. Every Nuer tribe raided Dinka at least every two or three years, and some part of Dinkaland must have been raided annually. Nuer have a proper contempt for Dinka and are derisive of their fighting qualities, saying that they show as little skill as courage. *Kur jaang*, fighting with Dinka, is considered so trifling a test of valour that it is not thought necessary to bear shields on a raid or to pay any regard to adverse odds, and is contrasted with the dangers of *kur Nath*, fighting between Nuer themselves. These boasts are justified both in the unflinching bravery of the Nuer and by their military success.

The earliest travellers record that Nuer hold both banks of the Nile, but it is probable that the entire Zeraf Island was at one time occupied by Dinka and it is certain that the whole of the country from the Zeraf to the Pibor and, to the north of the Sobat, from the confines of Shilluklaud to the Ethiopian scarp was, with the exception of riverain settlements of Anuak, still in their hands as late as the middle of last century, when it was seized by the Nuer in two lines of expansion, to the north of the Sobat and to the south of it. This is known from the statements of both Nuer and Dinka, the evidence of genealogies and age-sets, and the records of travellers, who frequently refer to the struggle between the two peoples, the dominant position of the Nuer among their neighbours, the awe they inspired in them, and their bravery and chivalry.[2] The conquest, which seems to have resulted in absorp-

[1] *Sudan Intelligence Report*, no. 152, 1907.

[2] Werne, op. cit., p. 163; Abd-el-Hamid, op. cit., pp. 82–3; Philippe Terranuova D'Antonio, 'Relation d'un voyage au Fleuve Blanc', *Nouvelles annales des voyages*, Paris, 1859. Lejean, op. cit., p. 232; Poncet, op. cit., pp. 18, 26, 39, 41–2, and 44; Petherick, op. cit., vol. ii, p. 6; Heuglin, *Reise in das Gebiet*

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tion and misgovernment rather than extermination, was so rapid and successful that the whole of this vast area is to-day occupied by Nuer, except for a few pockets of Dinka on the Sobat, Filus, and Atar. Apart from these independent units there are many local communities in Eastern Nuerland of Nuer who acknowledge that they are of Dinka descent, and small lineages of Dinka origin are found in every village and camp. Some Dinka tribes took refuge with compatriots to the south, where the Gaawar and Lou continued to raid them. The Western Nuer likewise persistently raided all the Dinka tribes that border them, particularly those to the south and west, obtained a moral ascendency over them, and compelled them to withdraw farther and farther from their boundaries. To the west of the Nile, as to the east, Dinka captives were assimilated, and there are many small lineages of Dinka descent in every tribe, and these are often preponderant in local communities. Of all the Dinka only the Ngok, to the south of the Sobat, were left in peace, probably on account of their poverty of stock and grazing, though their immunity has a mythological sanction. It seems also that the Atwot were not considered such legitimate prey as the Dinka on account of their Nuer origin, and it is probable that they were seldom molested as they are remotely situated.

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The favourite season for raiding Dinka was at the end of the rains, though they were also invaded at their commencement. Lek tribesmen told me that when they raided Dinka to the south-west they used to sleep the first night near the villages of the Wot tribe and the second night in the bush. They took no food with them and ate only what fish they might hastily spear on the way, travelling with all speed throughout the day and part of the night. On the third day they attacked the Dinka villages or camps at dawn. The Dinka seldom put up any resistance, but loosened their cattle and tried to drive them away. No one seized cattle till the enemy had been dispersed. Then each took what prizes he could, often not troubling to tether his captures but slashing their rumps in sign of ownership. Afterwards the beasts were tied up

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des Weissen Nil und seiner westlichen Zuflüsse in den Jahren 1862–1864, 1869, p. 104. Georg Schweinfurth, *The Heart of Africa* (English translation), 1873, vol. i, pp. 118–19; Gaetano Casati, *Ten Years in Equatoria and the Return with Emin Pasha* (English translation), 1891, vol. i, p. 39; Romolo Gessi Pasha, *Seven Years in the Soudan* (English translation), 1892, p. 57. The maps intended by travellers to show the positions of the peoples of this area are rather vague and are not in entire agreement. The reader may consult those in Marno, op. cit., Poncet, op. cit., Heuglin, op. cit., the map compiled by Lejean from information supplied by the Poncet brothers in *Bulletin de la Société de Géographie* (Paris), 1860; the maps prepared by V. A. Malte-Brun in *Nouvelles annales des voyages*, 1855 and 1863, and others of this period.

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721 in the enemy's kraal, the cows being mainly slaughtered for food. If the Dinka gathered reinforcements and returned to fight they were met in full battle formation. Nuer fight in three divisions with two or three hundred yards between each, and if one division is engaged the others advance or retreat parallel to it according to the fortunes of war. A party of scouts are in advance of the central division and they charge up to the enemy, hurl their spears at them, and fall back on the main body.

The raiders spent several weeks in Dinkaland and sometimes remained there throughout the dry season, living on the milk and flesh of captured cattle, on pillaged grain, and on fish. Using a captured kraal as a base they extended their raid against distant camps. Nuer migrations seem to have been conducted on these lines, the raiders settling permanently in Dinka country and by systematic raiding compelling the inhabitants to withdraw farther and farther from the points of occupation. In the following season a new series of raids was initiated and the process was repeated till the Dinka were compelled to seek refuge with their kinsfolk of another tribe and leave their country to its invaders. If settlement was not contemplated, however, the raiders returned home when they considered that they had sufficient booty.

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727 Before camp was broken up there took place a custom highly indicative of Nuer sense of equality and justice. It was recognised that the whole force was jointly responsible for the success of the raid and there was therefore a redistribution of the booty. The prophet whose revelations sanctioned the raid first made a round of the camp and selected from each household a cow for the divine spirit of whom he was the mouthpiece. By this time a household possessed some fifty head, so that it was no hardship to be asked to give one to the spirit. There then took place a general scramble and everybody rushed amid the herd to earmark beasts for himself. A man who could first seize an animal, tether it, and cut its ear had absolute claim to it. The man who originally captured a cow had the advantage that it was tethered near his windscreen, but if he and members of his household had an undue share of the booty they could not earmark all the beasts before they were seized by others. As might be supposed, men frequently sustained injury in these scrambles, for if two men seized the same cow they fought with clubs for possession of it. One must not use the spear on these occasions. Men of neighbouring camps took part in one another's redistributions and there must have been great confusion. Captives, women of marriageable age, boys, and girls, were not redistributed but belonged to their original captor. Older women and babies were clubbed and, when the raid was on a village, their

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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bodies were thrown on the flaming byres and huts. Captives were placed in the centre of the camp, the women being sometimes bound at night to render them more secure. Sexual intercourse is taboo on a raid. Nor may Nuer eat with a captive. A boy captive may not even draw water for them to drink. Only when

Tribal Distribution about 1860 (after V. A. Malte-Brun, *Nouvelles annales des voyages*, 1863).

an ox has been sacrificed in honour of the ghosts, after the return home, and they have been informed that strangers have entered their homesteads, may Nuer have sexual relations with captives or eat with them.

In the following section we describe other foreign contacts, but till European conquest the only foreign relations which may be said to have been expressed in constant warfare were those with the various Dinka tribes which border Nuerland.

1: Evans-Pritchard E-S (1931, 1936) 1940
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648 We have not enumerated them, for their names are irrelevant. The fighting between the two peoples has been incessant from time immemorial and seems to have reached a state of equilibrium before European conquest upset it. (Malte-Brun's map compared with modern maps suggests that tribal positions have not greatly altered since 1860.) In the earlier part of the historic period, from about 1840 to near the end of the century, Nuer appear to have been expanding in search of new grazing, but continued raiding for cattle, an aggressive action which we attribute to the structural relations between the two peoples, but which was, no doubt, intensified by rinderpest.

Though Dinka relations with Nuer are extremely hostile and war between them may be called an established institution, they have, nevertheless, united occasionally to make war against the Egyptian Government and there have sometimes been joint social gatherings. In times of famine Dinka have often come to reside in Nuerland and have been readily accepted and incorporated into Nuer tribes. In times of peace, also, Dinka visited their relations who had been captured or who had settled in Nuerland, and, as remarked earlier, there seems in parts to have been some trade between the two peoples. The strands of social relationships of a general kind, which are often numerous across the boundaries of adjacent Nuer tribes and which stretch across Nuerland, are thus prolonged weakly beyond the limits of Nuerland in occasional and hazardous contacts with foreigners.

648 829 All Dinka come into the category of *Jaang*, and Nuer feel that category to be nearer to themselves than other categories of foreigners. These foreign peoples, with all of whom the Nuer have reached a state of balanced hostility, an equilibrium of opposition, expressed occasionally in fighting, are, with the exception of the Beir, generally classed as *Bar*, cattleless people or people possessing very few cattle. A further category are the *Jur*, cattleless people whom the Nuer regard as lying on the periphery of their world, such as the Bongo-Mittu group of peoples, the Azande, the Arabs, and ourselves. However, they have separate names for most of these peoples.

648 171 We have remarked that Nuer feel Dinka to be nearer to themselves than other foreigners, and in this connexion we draw

1: Evans-Pritchard E-S (1931; 1936) 1940
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attention to the fact that Nuer show greater hostility towards, and more persistently attack, the Dinka, who are in every respect most akin to themselves, than any other foreign people. This is undoubtedly due, in some degree, to the ease with which they can pillage the vast Dinka herds. It may also, in part, be attributed to the fact that of all neighbouring areas Dinkaland alone opposes no serious oecological handicaps to a pastoral people. But it may be suggested further that the kind of warfare that exists between Nuer and Dinka, taking into consideration also the assimilation of captives and the intermittent social relations between the two peoples between raids, would seem to require recognition of cultural affinity and of like values. War between Dinka and Nuer is not merely a clash of interests, but is also a structural relationship between the two peoples, and such a relationship requires a certain acknowledgement on both sides that each to some extent partakes of the feelings and habits of the other. We are led by this reflection to note that political relations are profoundly influenced by the degree of cultural differentiation that exists between the Nuer and their neighbours. The nearer people are to the Nuer in mode of livelihood, language, and customs, the more intimately the Nuer regard them, the more easily they enter into relations of hostility with them, and the more easily they fuse with them. Cultural differentiation is strongly influenced by oecological divergences, particularly by the degree to which neighbouring peoples are pastoral, which depends on their soils, water-supplies, insect life, and so forth. But it is also to a considerable extent independent of oecological circumstances, being autonomous and historical. The cultural similarity of Dinka and Nuer may be held largely to determine their structural relations; as, also, the relations between the Nuer and other peoples are largely determined by their increasing cultural dissimilarity. The cultural cleavage is least between Nuer and Dinka; it widens between Nuer and the Shilluk-speaking peoples; and is broadest between the Nuer and such folk as the Koma, Burun, and Bongo-Mittu peoples.

Nuer make war against a people who have a culture like their own rather than among themselves or against peoples with cultures very different from their own. The relations between

1: Evans-Pritchard E-9 (1931, 1936) 1940
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social structure and culture are obscure, but it may well be that had the Nuer not been able to expand at the expense of the Dinka, and to raid them, they would have been more antagonistic to people of their own breed and the structural changes which would have resulted would have led to greater cultural heterogeneity in Nuerland than at present exists. This may be an idle speculation, but we can at least say that the vicinity of a people like themselves who possess rich herds that can be plundered may be supposed to have had the effect of directing the aggressive impulses of Nuer away from their fellow-countrymen. The predatory tendencies which Nuer share with other nomads, find an easy outlet against the Dinka, and this may account not only for the few wars between Nuer tribes but also, in consequence, be one of the explanations of the remarkable size of many Nuer tribes, for they could not maintain what unity they have were their sections raiding one another with the persistence with which they attack the Dinka.

IX

Nuer had little contact with the Shilluk, a buffer of Dinka dividing them in most places, and where they have a common border, warfare seems to have been restricted to incidents involving only frontier camps. The powerful Shilluk kingdom, well organized and comprising over a hundred thousand souls, could not have been raided with the same impunity as the Dinka tribes, but the characteristic reason Nuer give for not attacking them is otherwise: 'They have no cattle. The Nuer only raid people who possess cattle. If they had cattle we would raid them and take their cattle, for they do not know how to fight as we fight.' There is no actual or mythological enmity between the two peoples.

The Anuak, who also belong to the Shilluk-Luo group, border the Nuer to the south-east. Though they are almost entirely horticultural to-day, they possessed herds in the past and in Nuer opinion their country has better grazing than Shillukland. It was overrun by the Nuer over half a century ago as far as the foothills of the Ethiopian scarp, but was quickly abandoned, probably because of tsetse, for the Anuak put up little resistance. Nuer continued to raid them up to thirty years ago, when they obtained rifles from Abyssinia and were better able to resist and even to take the offensive. In spite of two reverses they finally succeeded in penetrating Lou country, where they inflicted heavy casualties

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and captured many children and cattle, a feat which brought the Government down the Pibor, thereby closing hostilities. Many evidences show that at one time the Anuak extended far westward of their present distribution and were displaced from these sites, or assimilated, by the Nuer.

The other peoples with whom Nuer come into contact may be mentioned very briefly as their interrelations have little political importance. Another south-eastern neighbour is the Beir (Murle) people. As far as I am aware the Nuer did not raid them often and those few who know something of them respect them as devoted herdsmen. To the north-east of Nuerland the Gaajak have for several decades had relations with the Galla of Ethiopia. These appear to have been peaceful and there was a certain amount of trade between the two peoples. Absence of friction may be attributed largely to the corridor of death that divides them, for when the Galla descend from their plateau they quickly succumb to malaria while any attempt on the part of the Nuer to move eastwards is defeated by the tsetse belt that runs along the foot-hills. The Gaajak raided the Burun and Koma (both often referred to vaguely as 'Burun') for captives, and they were too small in numbers and too unorganised to resist or retaliate. To the north-west the Jikany, Leek, and Bul tribes occasionally raided the Arabs and the communities of the Nuba Mountains; and, to judge from a statement by Jules Poncet, the trouble over water and grazing in the dry season that occurs to-day between Nuer and Arabs has long occurred.[1]

The Arab slavers and ivory traders, who caused so much misery and destruction among the peoples of the Southern Sudan after the conquest of the Northern Sudan by Muhammad Ali in 1821, very little inconvenienced the Nuer. They sometimes pillaged riverside villages, but I know of no record of their having penetrated far inland, and it was only the more accessible sections of the Zeraf River tribes that appear to have suffered to any extent from their depredations. I do not believe that anywhere were the Nuer deeply affected by Arab contact.[2] The Egyptian Government and, later, the Mahdist Government, which were supposed to be in control of the Sudan from 1821 to the end of the century, in no way administered the Nuer or exercised control over them from the riverside posts they established on the fringes of their country.

[1] Poncet, op. cit., p. 25.

[2] I find myself unable to accept Casati's statement of the position (op. cit., vol. i, p. 38), but consider that greater reliance should be placed on the opinion of other authorities. See Romolo Gessi's letter to the Editor of *Esploratore* in 1880 (op. cit., p. xx), and Lejean's report from Khartoum in 1860 (op. cit., p. 215).

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

648 The Nuer sometimes raided these posts and were sometimes raided from them,[1] but on the whole it may be said that they pursued their lives in disregard of them.

This disregard continued after the reconquest of the Sudan by Anglo-Egyptian forces and the establishment of the new administration. The Nuer were the last important people to be brought under control and the administration of their country cannot be said to have been very effective till 1928, before which year government consisted of occasional patrols which only succeeded in alienating them further. The nature of the country rendered communications difficult and prevented the establishment of posts in Nuerland itself, and the Nuer showed no desire to make contact with those on its periphery. Little control was exercised and it was impossible to enforce decisions.[2] A further difficulty was the absence of Nuer who had travelled in foreign parts and spoke Arabic, for their place was usually taken, as interpreters and in other capacities, by Dinka and Anuak, who were distrusted, and rightly so, by the Nuer against whom they lodged every kind of complaint.

648 181 The truculence and aloofness displayed by the Nuer is conformable to their culture, their social organisation, and their character. The self-sufficiency and simplicity of their culture and the fixation of their interests on their herds explain why they neither wanted nor were willing to accept European innovations and why they rejected peace from which they had everything to lose. Their political structure depended for its form and persistence on balanced antagonisms that could only be expressed in warfare against their neighbours if the structure were to be maintained. Recognition of fighting as a cardinal value, pride in past achievements, and a deep sense of their common equality and their superiority to other peoples, made it impossible for them to accept willingly domination, which they had hitherto never experienced. Had more been known about them a different policy might have been instituted earlier and with less prejudice.[3]

[1] See, for example, Casati, op. cit., p. 221.

[2] For an account of conditions at this time see the *Sudan Intelligence Reports*, especially those by Kaimakam F. J. Maxse (no. 61, 1899), Capt. H. H. Wilson (no. 128, 1905), and O'Sullivan Bey (no. 187, 1910).

[3] For abusive references to the Nuer see Sir Samuel Baker, *The Albert N'Yanza*, 1913 (first published in 1866), pp. 39–42; Capt. H. H. Austin, *Among Swamps and Giants in Equatorial Africa*, 1902, p. 15; Count Gleichen, op. cit., 1905, vol. i, p. 133; C. W. L. Bulpett, *A Picnic Party in Wildest Africa*, 1907, pp. 22–3 and 35; Bimbashi Coningham, *Sudan Intelligence Report*, no. 192, 1910; H. Lincoln Tangye, *In the Torrid Sudan*, 1910, p. 222; E. S. Stevens, *My Sudan Year*, 1912, pp. 215 and 256–7; H. C. Jackson, op. cit., p. 60; *The Story of Fergie Bey. Told by himself and some of his Friends*, 1930, p. 113; and J. G. Millais, *Far away up the Nile*, 1924, pp. 174–5.

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XV

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a. Windscreen (Lou)

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b. A well in the bed of the Nyanding (Lou)

[Face p. 134]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 In 1920 large-scale military operations, including bombing and machine-gunning of camps, were conducted against the Eastern Jikany and caused much loss of life and destruction of property. There were further patrols from time to time, but the Nuer remained unsubdued. In 1927 the Nuong tribe killed their District Commissioner, while at the same time the Lou openly defied the Government and the Gaawar attacked Duk Faiyuil Police Post. From 1928 to 1930 prolonged operations were conducted against the whole of the disturbed area and marked the end of serious fighting between the Nuer and the Government. Conquest was a severe blow to the Nuer, who had for so long raided their neighbours with impunity and whose country had generally remained intact.

X

000 In our account of Nuer time-reckoning we noted that in one department of time their system of reckoning is, in a broad sense, a conceptualization, in terms of activities, or of physical changes that provide convenient points of reference for activities, of those phases of the oecological rhythm which have peculiar significance for them. We further noted that in another department of time it is a conceptualization of structural relations, time units being co-ordinate with units of structural space. We have given a brief description of these units of structural space in its political, or territorial, dimension and have drawn attention to the influence of oecology on distribution and hence on the values given to the distribution, the interrelation between which is the political system. This system is not, however, as simple as we have presented it, for values are not simple, and we now attempt to face some of the difficulties we have so far neglected. We start this attempt by asking what it is the Nuer mean when they speak of their *cieng*.

196 621 Values are embodied in words through which they influence behaviour. When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, of all social groups: their structural relativity.

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What does a Nuer mean when he says, 'I am a man of such-and-such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question he will tell one that his home is in Oxfordshire, whereas if one meets him in that county he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng Nath*, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of various dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers. I emphasize this character of structural distance at an early stage because an understanding of it is necessary to follow the account of various social groups which we are about to describe. Once it is understood, the apparent contradictions in our account will be seen to be contradictions in the structure itself, being, in fact, a quality of it. The argument is here introduced in its application to local communities, which are treated more fully in the next chapter, and its application to lineages and age-sets is postponed to Chapters V and VI.

829

A man is a member of a political group of any kind in virtue of his non-membership of other groups of the same kind. He sees them as groups and their members see him as a member of a group, and his relations with them are controlled by the structural distance between the groups concerned. But a man

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does not see himself as a member of that same group in so far as 829
he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments.

Therefore the diagram presented on p. 114 illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer 186
political structure: the smaller the local group the stronger the 621
sentiment uniting its members. Tribal sentiment is weaker than 619
the sentiment of one of its segments and the sentiment of a seg- 571
ment is weaker than the sentiment of a village which is part of
it. Logically this might be supposed to be the case, for if unity

[See category 11b — Analyst]

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186 within a group is a function of its opposition to groups of the
621 same kind it might be surmised that the sentiment of unity
619 within a group must be stronger than the sentiment of unity
571 within a larger group that contains it. But it is also evident that the smaller the group the more the contacts between its members, the more varied are these contacts, and the more they are co-operative. In a big group like the tribe contacts between its members are infrequent and corporate action is limited to occasional military excursions. In a small group like the village not only are there daily residential contacts, often of a co-operative nature, but the members are united by close agnatic, cognatic, and affinal ties which can be expressed in reciprocal action. These become fewer and more distant the wider the group, and the cohesion of a political group is undoubtedly dependent on the number and strength of ties of a non-political kind.

It must also be stated that political actualities are confused and conflicting. They are confused because they are not always, even in a political context, in accord with political values, though they tend to conform to them, and because social ties of a different kind operate in the same field, sometimes strengthening them and sometimes running counter to them. They are conflicting because the values that determine them are, owing to the relativity of political structure, themselves in conflict. Consistency of political actualities can only be seen when the dynamism and relativity of political structure are understood and the relation of political structure to other social systems is taken into consideration.

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CHAPTER IV

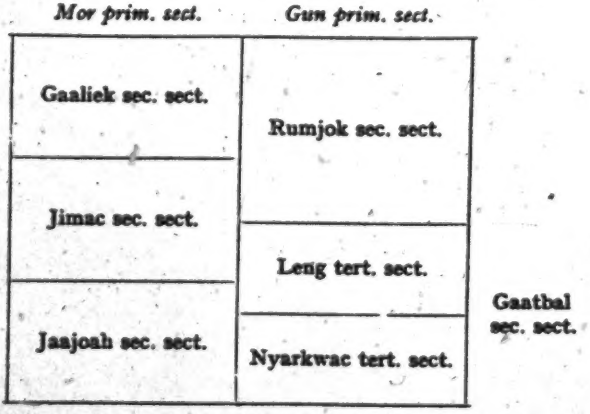
THE POLITICAL SYSTEM

I

NUER tribes are split into segments. The largest segments we call primary tribal sections and these are further segmented into secondary tribal sections which are further segmented into tertiary tribal sections. Experience shows that primary, secondary, and tertiary are sufficient terms of definition, and in the smallest tribes probably fewer terms are required. A tertiary tribal section comprises a number of village communities which are composed of kinship and domestic groups.

Thus, the Lou tribe, as shown in the diagram below, is segmented into the Gun and Mor primary sections. The Gun primary section is segmented into the Rumjok and Gaatbal secondary sections. The Gaatbal secondary section is further segmented into the Leng and Nyarkwac tertiary sections. Only a few segments are shown diagrammatically: Gaaliek is split into Nyaak and Buth, Rumjok into Falker, Nyajikany, Kwacgien, &c., and so on.

LOU TRIBE



The diagram on p. 140 shows the primary sections of the Eastern Gaagwang tribe and the primary and secondary sections of the Eastern Gaajak and Gaajok tribes. They are

[p. 139]

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presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I am not certain of the secondary sections of the Gaagwang tribe, which I have not visited.

EASTERN JIKANY TRIBES

	Gaajok tribe	*Gaagwang tribe*	*Gaajak tribe*	
Laang prim. sect.	Thiur sec. sect. Dwong sec. sect. Kwith sec. sect.	Gaatcika prim. sect.	Nyayan sec. sect.[1] Cany sec. sect. Wau sec. sect.	Gaagwong prim. sect.
Wangkac prim. sect.	Minyaal sec. sect. Wang sec. sect. Nyathol sec. sect.	Nyingee prim. sect.	Kong sec. sect.[2] Col sec. sect.[3] Dhilleak sec. sect.[4]	Reng prim. sect.
Yol prim. sect.	Pwot sec. sect. Kwal sec. sect. Yiic sec. sect. Cam sec. sect. Kwul sec. sect.	Nyaang prim. sect.	Tar sec. sect. Kang sec. sect. Lony sec. sect.	Thiang prim. sect.

Among the Western Jikany the Gaagwang appear to be classed as part of the Gaajok tribe whose country stretches on both sides of the Bahr-el-Ghazal, the Gaajak tribe living to the south of that river. The primary sections of these two tribes, Gaagwong, Reng, Thiang, Laang, Wangkac, and Yol, are the same as in the east, but some secondary sections which are important to the north of the Sobat are not to be found, except as very small clusters, on the Bahr-el-Ghazal, and vice versa. The reason for this is that certain lineages migrated eastwards while others remained in the homeland.

After having satisfied myself that the segmentation of other

[1] With which goes Nyajaani.
[2] Also called Nyaruny.
[3] Also called Tiek and Yaar.
[4] Also called Gying.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer tribes is on the same pattern as that of the Lou and Jikany tribes I did not make detailed lists of their divisions, being interested in new and different inquiries. I include, however, some diagrammatic representations of tribal segmentation in Gaawar, Lak, and Thiang countries, for which I am indebted to Mr. B. A. Lewis, at one time Commissioner for Zeraf River District. 619

GAAWAR TRIBE

Radh prim. sect.	*Bar prim. sect.*	
Kerfail sec. sect.	Bang tert. sect.	Lidh sec. sect.
Nyadakwon sec. sect.	Jamogh tert. sect.	
Per sec. sect.	Caam tert. sect.	Gatkwa sec. sect.
Nyaigua sec. sect.	Gatkwa tert. sect.	
Jitheib sec. sect.		

LAK TRIBE

Jenyang prim. sect.	*Kwacbur prim. sect.*	
Kudwop sec. sect.	Nyawar tert. sect.	Tobut sec. sect.
	Dongrial tert. sect.	
Nyapir sec. sect.	Thiang tert. sect.	Lak sec. sect.
	Kar. tert. sect.	
	Cuak tert. sect.	

THIANG TRIBE

Riah prim. sect.	*Bang prim. sect.*	
Juak sec. sect.	Gul tert. sect.	Nyangur sec. sect.
	Bedid tert. sect.	
Manyal sec. sect.	Dwong tert. sect.	
	Kwoth sec. sect.	
Giin sec. sect.	Cuol sec. sect.	

1: Evans-Pritchard E-5 (1931, 1936) 1940
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000 It will have been observed that I have not attempted to list all the sections of each tribe, but have merely tried to indicate the mode of segmentation so that the relation between tribal divisions and lineages may be more clearly understood in the following chapter.

II

619 Segments of a tribe have many of the characteristics of the tribe itself. Each has its distinctive name, its common sentiment, and its unique territory. Usually one section is clearly divided from another by a wide stretch of bush or by a river. Segments of the same tribe also tend to turn in different directions for their dry season pastures, as is shown on the sketch-maps on pp. 56, 58, and 60; so that the spatial divisions of the rains are maintained, and may be accentuated during the drought, though, as we have pointed out, in the larger tribes to the east of the Nile severity of natural conditions may also produce closer interrelations than in the smaller tribes to the west.

The smaller the tribal segment the more compact its territory, the more contiguous its members, the more varied and more intimate their general social ties, and the stronger therefore its sentiment of unity. As we shall see, a tribal segment is crystallized around a lineage of the dominant clan of the tribe and the smaller the segment the closer the genealogical relationship between members of this clan fragment. Also the smaller the segment the more the age-set system determines behaviour and produces corporate action within it. Political cohesion thus not only varies with variations of political distance but is also a function of structural distance of other kinds.

619 Each segment is itself segmented and there is opposition between its parts. The members of any segment unite for war
628 against adjacent segments of the same order and unite with these adjacent segments against larger sections. Nuer themselves state this structural principle clearly in the expression of their political values. Thus they say that if the Leng tertiary section of the Lou tribe fights the Nyarkwac tertiary section—and, in fact, there has been a long feud between them—the villages which compose each section will combine to fight; but

[See cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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if there is a quarrel between the Nyarkwac tertiary section and the Rumjok secondary section, as has occurred recently over water rights at Fading, Leng and Nyarkwac will unite against their common enemy Rumjok which, in its turn, forms a coalition of the various segments into which it is divided. If there is a fight between the Mor and the Gun primary sections, Rumjok and Gaatbal will unite against the combined Mor sections: Gaaliek, Jimac, and Jaajoah. If there is fighting against the Gaajok or the Gaawar the primary sections, Gun and Mor, will, at any rate in theory, combine and a united Lou tribe will take the field, since both sections belong to the same political group and since their dominant lineages belong to the same clan. Certainly they used to unite in raids on the Dinka. 619 628

Among the Eastern Gaajok, Minyal, Wang, and Nyathol sections combine against Yol. Also Thiur, Dwong, and Kwith sections unite for war. These fights between tribal sections and the feuds that result from them, though based on a territorial principle, are often represented in terms of lineages, since there is a close relation between territorial segments and lineage segments, and Nuer habitually express social obligations in a kinship idiom. Thus in telling me that Wangkac and Yol would unite for war against any other section Nuer stated the proposition by saying that the WANGKAC and YOL lineages, which are the dominant lineages in these sections, would unite because their ancestors were sons of the same mother. We shall see in Chapter V that Nuer generally speak in such terms. 619 628 613

This principle of segmentation and the opposition between segments is the same in every section of a tribe and extends beyond the tribe to relations between tribes, especially among the smaller Western Nuer tribes, which coalesce more easily and frequently in raiding the Dinka and in fighting one another than the larger tribes to the east of the Nile. Thus a man of the Fadang section of the Bor tribe exemplified it when he told me, 'We fight against the Rengyan, but when either of us is fighting a third party we combine with them'. It can be stated in hypothetical terms by the Nuer themselves and can best be represented in this way. In the diagram on p. 144, when Z^1 fights Z^2 no other section is involved. When Z^1 fights Y^1, Z^1 and Z^2 unite as Y^2. When Y^1 fights X^1, Y^1 and Y^2 unite, and so do X^1 619 628

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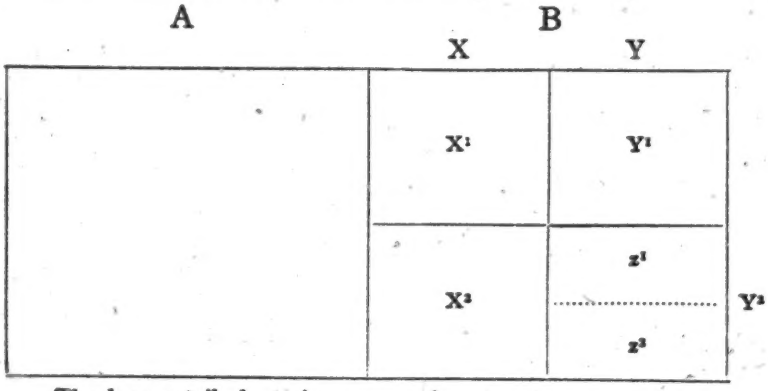
and X^2. When X^1 fights A, X^1, X^2, Y^1, and Y^2 all unite as B. When A raids the Dinka A and B may unite.



The larger tribal sections were almost autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at another would be combining against a third party. These combinations were not always as regular and simple as they were explained to me and as I have stated them. I give a few examples of fighting between tribal sections. One of the worst wars in Nuer history occurred in the last generation between the Gun and the Mor moieties of the Lou tribe. It was known as *kur luny yak*, the war of letting loose the hyena, because so many people were killed that the dead were left for the hyenas to eat. It is said that in this struggle men displayed unusual ferocity, even cutting off arms to seize quickly ivory armlets. There was a lengthy, and more recent, feud between the Leng and the Nyarkwac tertiary sections of the Lou tribe which has continued up to the present. It sprang out of an earlier fight between Thiang and Yol which once formed sub-sections of the Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol divisions were brothers, whereas the ancestor of the dominant lineage of the Thiang division stood to these brothers in the relationship of sister's son. For a long while Yol and Thiang lived peaceably together, but some thirty years ago a fight broke out between them, and Thiang, defeated, fled to seek protection among the Leng section. The Yol sent messages to the Leng telling them that they were not to receive their enemies or give them asylum. The Leng replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sisters' sons. This attitude involved Yol (Nyarkwac) in a second war, this time against a combination of Leng and Thiang. Other recent Lou feuds were between the

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Falkir and Nyajikany divisions of the Rumjok secondary section and between various local communities of the Mor primary section, particularly between two divisions of the Jimac secondary section. 619 628

In Eastern Gaajok country the Yol primary section joined the Gaagwang tribe, who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them, as we can to the west of the Nile, as a single tribe separated from the Gaajak by the wide Macar swamps, against several, if not all, sections of the Gaajak tribe. Yol fought Nyayan while Gaagwang fought Reng and Kang. About half a century ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and there was also warfare between the Yol and Wangkac sections in which Yol, assisted by their allies the Gaagwang tribe, were victorious; the Wangkac being so heavily defeated that they moved southwards to the banks of the Pibor river. Here, they say, they were attacked by *Turuk* (Arabs of some kind) and moved north again to the site of their old homes. They were too exhausted to resume their feud with the Yol section. In spite of these internal feuds, if any section of the Gaajok tribe is engaged in warfare with the Lou tribe all its sections will come to assist the threatened section if it is not strong enough to resist whatever section of the Lou is opposed to it. There have also been feuds between the Eastern Gaajak sections, e.g. between Thiang and Reng. When two tribes fight, other tribes remain neutral, and if two sections of a tribe are at war with one another the other sections of each may leave them to fight it out if they are well matched and do not appeal for assistance. Some of Miss Soule's informants pointed out that when there was trouble a few years ago between the Yol section of the Gaajok tribe and the Lony section of the Gaajak tribe they were strong enough to fight their own battle, but had Lony not been strong enough to fight single-handed then the Kaang and Tar, and possibly other, sections of the Gaajak would have come to its assistance, in which case the Gaajok sections would have joined Yol. They also pointed out that at present there is trouble between the Luluaa section and the Wang section. There is also trouble between various sections of Wangkac. If Luluaa and Wang begin to fight then the Wangkac sections will compose their differences and join Luluaa.

In accordance with the general tendency to the west of the Nile the Western Gaajok and Gaajak tribes are not only smaller but less united than the Eastern Gaajok and Gaajak. Both, on the Bahr-el-Ghazal, had frequent and bitter internal feuds. There was a fierce battle between the Gai division of the Gaagwong primary section and two other divisions of the same section, the Kwoth and the

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619 Bor, whose dominant lineages spring from one mother. The Kwoth and Bor divisions were defeated and migrated southwards to settle
628 at Kwac in Rengyan country. The same Gai division also had a feud with the Reng primary division, after which it moved into Karlual country. There were numerous other feuds in the Gaajak tribe. The Gaajok tribe once lived entirely on the left bank of the Bahr-el-Ghazal and their present extension on the right bank is a consequence of migration following feuds.

The Leek tribe once all lived on the right bank of the Bahr-el-Ghazal. Here two of its primary sections, Cuaagh and Deng who lived to the west of the Gany river, fought the third primary section, the Keunyang (Karlual), who lived to the east of that river, and being defeated crossed the Bahr-el-Ghazal and settled on its left bank. The story is that some aristocrats of the Nyapir section and some aristocrats of the Nyawah section used offensive expressions in songs about one another. These songs led to fighting between the young men, one of whom on each side was killed. There was further fighting in consequence, and finally Deng and Cuaagh crossed the river. In the following year they recrossed the Bahr-el-Ghazal to camp in the dry season on the right bank and on their return to their villages they drove before them herds belonging to Keunyang. Six of their girls came back to collect their dairy vessels which they had left in a camp hut and were waylaid and killed by some Keunyang men. This act was considered a serious breach of the rules of war, for the Nuer do not kill their own womenfolk. Because of it the Deng uttered a curse, according to which it is forbidden to an aristocrat of Keunyang who crosses the Bahr-el-Ghazal and settles among the Deng or Cuaagh, and also to an aristocrat of Deng or Cuaagh who moves southwards and settles among the Keunyang, to build a cattle-byre in the usual manner. The curse also causes an aristocrat who thus changes his residence to beget only boys for his first few children because of the slain girls. When the Government raided Karlual (Keunyang) country many Keunyang aristocrats crossed the river to live in Deng and Cuaagh country. At the present day many Deng and Cuaagh spend the dry season in Keunyang country because their own country is not rich in good pasture grasses but consists mainly of marsh grasses which are not so nourishing.

Within each of these primary sections there were constant feuds. Thus in Karlual country, Riaagh, Gom, Jiom, Nyaagh, Jikul, and Ngwol sections have been frequently at feud with one another. It would be tedious to recount the occasions and outcome of these petty feuds. I want only to make it clear that the villages occupied

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PLATE XVI

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Air-view of villages (Nuong)
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[Face p. 146]

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by these minor sections, Tutgar (Ngwol), Nyang (Riaagh), Nyueny (Juak), Kol (Jikul), &c., are only a few miles from their nearest neighbours, all of them being contained in a radius of five miles. It is between villages and tertiary tribal sections that fights most frequently take place and feuds develop.

I could give many more examples of feuds, but to no purpose, for those I have cited amply illustrate the lack of political control in Nuer tribes. We may conclude that a man's tribe only claims his allegiance in intertribal fighting and in wars against the Dinka. In normal times a man thinks and acts as a member of very much smaller local groups with the members of which he has manifold contacts.

III

619

We may use the diagram on p. 144 to emphasize the principle of contradiction in political structure. A member of Z^2 tertiary section of tribe B sees himself as a member of Z^2 in relation to Z^1, and all other members of Z^2 see themselves as members of that group in relation to Z^1 and are so regarded by members of Z^1. But he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1 and is so regarded by members of Y^1. Likewise he regards himself as a member of Y and not of Y^2 in relation to X, and as a member of the tribe B, and not of its primary section Y, in relation to tribe A. Any segment sees itself as an independent unit in relation to another segment of the same section, but sees both segments as a unity in relation to another section; and a section which from the point of view of its members comprises opposed segments is seen by members of other sections as an unsegmented unit. Thus there is, as we have pointed out earlier, always contradiction in the definition of a political group, for it is a group only in relation to other groups. A tribal segment is a political group in relation to other segments of the same kind and they jointly form a tribe only in relation to other Nuer tribes and adjacent foreign tribes which form part of the same political system, and without these relations very little meaning can be attached to the concepts of tribal segment and tribe. We make here the same point as we made in discussing the word *cieng*: that political values are relative and that the political system is an equilibrium

[See pp 135-137, cat. 116, — Analyst]

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619 between opposed tendencies towards fission and fusion, between the tendency of all groups to segment, and the tendency of all groups to combine with segments of the same order. The tendency towards fusion is inherent in the segmentary character of Nuer political structure, for although any group tends to split into opposed parts these parts must tend to fuse in relation to other groups, since they form part of a segmentary system. Hence fission and fusion in political groups are two aspects of the same segmentary principle, and the Nuer tribe and its divisions are to be understood as an equilibrium between these two contradictory, yet complementary, tendencies. Physical environment, mode of livelihood, poor communications, a simple technology, and sparse food-supply—all, in fact, that we call their oecology—to some extent explain the demographic features of Nuer political segmentation, but the tendency towards segmentation must be defined as a fundamental principle of their social structure.

There must always, therefore, be something arbitrary about our formal definition of a tribe by the characters we have earlier listed. The political system is an expanding series of opposed segments from the relations within the smallest tribal section to intertribal and foreign relations, for opposition between segments of the smallest section seems to us to be of the same structural character as the opposition between a tribe and its Dinka neighbours, though the form of its expression differs. Often it is by no means easy to decide whether a group should be regarded as a tribe or as the segment of a tribe, for political structure has a dynamic quality. Using payment of blood-wealth as the principal criterion we class the Eastern Gaajok and Gaajak as distinct tribes because there is no compensation for homicide between them, but they consider themselves to be a single community in relation to the Lou. The tribal value is still recognized throughout Lou country, but, in fact, the Gun and the Mor sections are largely autonomous and it may be doubted whether compensation for homicide would actually be paid between them, though people say that it ought to be paid. It appears that so many people were killed in feuds between the Yol and Wangkac primary sections of the Gaajok tribe that all payments for homicide lapsed. On the other hand, I was told

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that at the time when the influence of the Lou prophets Ngundeng and Gwek was at its height compensation was for a time paid between the Lou and the Gaajok. In the larger tribes the segments recognize a formal unity, but there may be little actual cohesion. The tribal value is still affirmed, but actual relations may be in conflict with it since they are based on local allegiances within the tribe, and, in our opinion, it is this conflict between rival values within a territorial system which is the essence of the political structure.

Nuer tribes are an evaluation of territorial distribution, and tribal and intertribal and foreign relations are standardized modes of behaviour through which the values are expressed. The tribal value is, therefore, relative and at any time is attached to a certain extension of an expanding series of structural relations without being inevitably fixed to that extension. Moreover, it is not only relative because what we designate a tribe to-day may be two tribes to-morrow, but it can only be said to determine behaviour when a certain set of structural relations are in operation, mainly acts of hostility between tribal segments and between a tribe and other groups of the same structural order as itself, or acts likely to provoke aggression. A tribe very rarely engages in corporate activities, and, furthermore, the tribal value determines behaviour in a definite and restricted field of social relations and is only one of a series of political values, some of which are in conflict with it. The same is true of its segments. We would, therefore, suggest that Nuer political groups be defined, in terms of values, by the relations between their segments and their interrelations as segments of a larger system in an organization of society in certain social situations, and not as parts of a kind of fixed framework within which people live.

We do not doubt that there is an interdependence between the various sectional interrelations and the entire political system of which they form part, but this cannot easily be demonstrated. It has been noted that the smaller the local group the more cohesive it is and the more contacts of various kinds its members have with one another. There is less solidarity the wider we extend the circle from a village to adjacent tribes. It might be assumed, therefore, that there is always greater

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619 opposition between two groups than between the segments of either and that the segments are held together, as it were, by this external pressure, but we cannot admit that this view accords with the facts, because greater hostility appears to be felt between villages, groups of villages, and tertiary tribal sections than between larger tribal sections and between tribes. Probably the raids conducted tribally and in tribal federation against the Dinka had an integrating action, but the Dinka were not aggressive against the Nuer and it seems that the maintenance of tribal structure must rather be attributed to opposition between its minor segments than to any outside pressure. If this be so, and a consideration of the institution of the feud suggests that it is so, we arrive at the conclusion that the more multiple and frequent the contacts between members of a segment the more intense the opposition between its parts. However paradoxical this conclusion may at first seem we are led to it both by observation and by reflection on what constitutes a segmentary system.

IV

628 We have used the term 'feud' in the last section in the sense of lengthy mutual hostility between local communities within a tribe. This broad and slightly vague usage seems justified by convention and also, as we shall show, because, although responsibility for homicide and the duty of exacting vengeance directly fall only on the close agnatic kin of slayer and slain, the communities to which the two parties belong are, in one way or another, involved in the hostility that ensues and, often enough, in any fighting that may result from the dispute. Strictly, however, the word might be considered more appropriately used to describe the relations between the kin on both sides in a situation of homicide, for it then refers to a specific institution. We sometimes, therefore, speak of the 'blood-feud' to emphasize this restricted and more clearly defined meaning.

Blood-feuds are a tribal institution, for they can only occur where a breach of law is recognized since they are the way in which reparation is obtained. Fear of incurring a blood-feud is, in fact, the most important legal sanction within a tribe and the main guarantee of an individual's life and property. If a com-

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munity of one tribe attempts to avenge a homicide on a community of another tribe a state of intertribal war, rather than a state of feud, ensues, and there is no way of settling the dispute by arbitration. 628

As Nuer are very prone to fighting, people are frequently killed. Indeed it is rare that one sees a senior man who does not show marks of club or spear. A Nuer gave me the following causes of fighting: a dispute about a cow; a cow or goat eats a man's millet and he strikes it; a man strikes another's little son; adultery; watering rights in the dry season; pasturage rights; a man borrows an object, particularly a dance ornament, without asking its owner's permission. A Nuer will at once fight if he considers that he has been insulted, and they are very sensitive and easily take offence. When a man feels that he has suffered an injury there is no authority to whom he can make a complaint and from whom he can obtain redress, so he at once challenges the man who has wronged him to a duel and the challenge must be accepted. There is no other way of settling a dispute and a man's courage is his only immediate protection against aggression. Only when kinship or age-set status inhibits an appeal to arms does a Nuer hesitate to utter a challenge, for it does not occur to him to ask advice first, and no one would listen to unsolicited advice. From their earliest years children are encouraged by their elders to settle all disputes by fighting, and they grow up to regard skill in fighting the most necessary accomplishment and courage the highest virtue. 578 [865]

Boys fight with spiked bracelets. Men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud. It is also a convention that no third person may take part in the fight, even though he be a close kinsman of one of the combatants. Once a fight has begun neither party can give way and they have to continue till one or the other is badly injured unless, as generally happens, people pull them away from each other, loudly protesting, and then stand between them.

When a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it; and it cannot be stopped before considerable loss of 628

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628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

V

628 We give a concise account of the procedure for settling a
624 blood-feud, without describing the detail of ritual. As soon as a
783 man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

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cide. By living with the chief as his guest from the moment his arm has been cut till the final settlement, the slayer has asylum, for the chief is sacred and blood must not be shed in his homestead. It is possible that men only take refuge with a chief when the danger of vengeance is very great, but it seems to be the general practice.

While the slayer is at the chief's home the avengers keep watch on him (*bim*) from time to time to see if he leaves his sanctuary and gives them a chance to spear him. They take any opportunity that offers to kill him, but they are not very persistent in seeking an opportunity. This state of affairs may go on for some weeks before the chief opens negotiations for settlement with the dead man's people, for his overtures are not likely to meet with a favourable response till the mortuary ceremony has been held and tempers have cooled a little. The negotiations are leisurely conducted. The chief first finds out what cattle the slayer's people (*jithunga*) possess and that they are prepared to pay compensation. I do not think that it would often happen that they would refuse to pay blood-cattle, unless they lived very far from the avengers or there were a number of unsettled feuds between the sections concerned, though they might not have the intention of handing them all over. He then visits the dead man's people (*jiran*) and asks them to accept cattle for the life. They usually refuse, for it is a point of honour to be obstinate, but their refusal does not mean that they are unwilling to accept compensation. The chief knows this and insists on their acceptance, even threatening to curse them if they do not give way, and his exhortations are supported by the advice of distant paternal kinsmen and cognatic relatives who will not receive any of the cattle and need not, therefore, show such pride and stubbornness, but who have a right to make their opinion known in virtue of their relationship to the dead man. The voice of compromise is also supported by the bias of custom. Nevertheless, the close kinsmen must refuse to listen to it till the chief has reached the limit of his arguments, and when they give way they declare that they are accepting the cattle only in order to honour him and not because they are ready to take cattle for the life of their dead kinsman.

In theory forty to fifty head of cattle are paid, but it is

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628 624 unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, [783] sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 578 [784] A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

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fight to break out, because the offence is never forgiven and the score must finally be paid with a life. When the dead man is married a wife the bride is rubbed with ashes by her dead husband's kinsmen and God is invoked by them that she may bear a male child who will avenge his father. Such a child is a *gat ter*, a child of feud. At the sacrifices the ghost is told that his kinsmen have accepted cattle and will marry him a wife with them, but he is assured that one day they will avenge him properly with the spear. 'A Nuer is proud and wants a man's body in vengeance and not his cattle. When he has killed a man he has paid the debt and then his heart is glad.' Hence, though the chief admonishes the relatives of the dead man at the ceremonies of settlement that the feud is ended and must not be reopened, Nuer know that 'a feud never ends'. There may be peace for a time for the reasons that persuaded the kinsmen to accept compensation and on account of the cattle they have received, but enmity continues and the people on both sides remain *jiter*, people who are at feud, even if there is no overt hostility. There is no frequent fighting or continuous unabated hostility, but the sore rankles and the feud, though formally concluded, may at any time break out again.

VI

We have said that feuds create a state of hostility between lineages and thereby, as we shall explain further, between whole tribal sections; and that there is no very great difference between the occasional efforts to exact vengeance when feuds are still unsettled and the latent hostility that persists when they have been settled. This is only true, however, when the homicides are between primary, secondary, and tertiary tribal sections. In smaller groups it is not so, for, in spite of the strength of the feelings aroused and their persistence after compensation has been paid, feuds have there to be settled more quickly and are not so likely to break out again after settlement.

What happens when a man kills another depends on the relationship between the persons concerned and on their structural positions. There are different payments for a true Nuer, for a Dinka living in Nuerland, and, among the Eastern Jikany, for a member of the aristocratic clan (see p. 217). The

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628 ability to prosecute a feud and thereby to obtain redress by a life or by payment of cattle depends to some extent on the strength of a man's lineage and on his kin relationships. But the intensity of a feud and the difficulty of settling it depend chiefly on the size of the group concerned in it. If a man kills another who is closely related to him—his paternal cousin, for example—cattle are still paid, though fewer, probably about twenty head. One of the sources of contribution, the father's brothers, or their sons, would be the recipients of compensation and therefore cannot pay it. None the less some cattle have to be paid as it is necessary to compensate the family of the dead man, to provide the ghost with a wife, and to perform the due sacrifices. I was told that in such cases the matter is quickly settled. Probably a blood-feud can be settled more easily if it is within a clan, for Nuer consider it wrong for clansmen to engage in a feud. After payment has been made they say: 'The feud has been cut behind, we have returned to kinship.' It is also said that if there has been much intermarriage between two groups a feud is unlikely to develop.

When a man kills a fellow villager or a man of a nearby village with which his village has close social relations a feud is soon settled, because the people on both sides have got to mix and because there are sure to be between them many ties of kinship and affinity. It is pointed out to the ghost that cattle have been paid and that it is impossible to avenge him by taking life because no one would be left alive if the feud were continued between kinsmen and neighbours. Corporate life is incompatible with a state of feud. When a man spears another of a nearby [789] village it is customary for the people of the wounder's village to send the spear which caused the injury to the wounded man's people so that they can treat it magically to prevent the wound proving fatal. They also send a sheep for sacrifice. By so doing they intimate their hope that the wound will soon heal and that, in any case, they do not want to incur a feud on account of a personal quarrel. After this courtesy, even if the man dies his kinsmen are likely to accept compensation without great reluctance. If a man dies many years after having received a wound the death is attributed to this wound, but compensation is likely to be accepted without demur, and on a reduced scale.

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PLATE XVII

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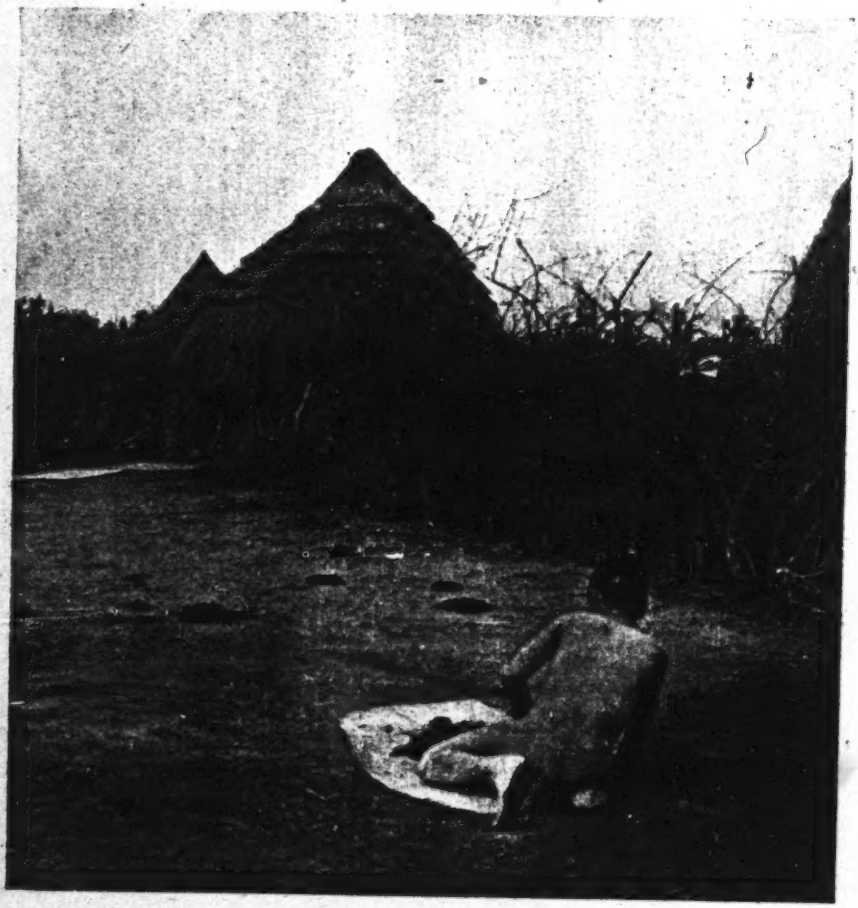

Boy collecting dung-fuel (Lou)

[Face p. 156]

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628 When a man has killed a neighbour a cow is often immediately paid over in earnest so that the community may remain at peace. It must not be supposed, however, that the ease with which feuds are settled is an indication of lack of strong indignation or that the difficulty with which they are settled is an indication of greater indignation.

628 182 Feuds are settled with comparative ease in a restricted social milieu where the structural distance between the participants is narrow, but they are more difficult to settle as the milieu expands, until one reaches intertribal relations where no compensation is offered or expected. The degree of social control over feuds varies with the size of the tribal segment, and Nuer themselves have often explained this to me. Long and intense feuds may take place between tertiary tribal sections, but an effort is generally made to close them, for a segment of this size has a strong sense of community, close lineage ties, and some economic interdependence. However, it is far less easy to stop a feud between persons of different tertiary sections than to stop a feud in a village or between neighbouring villages, where a quick and permanent settlement is assured, and unsettled feuds between sections of this size tend to accumulate. This is especially the case where there has not been a single death resulting from a personal quarrel but several deaths in a fight between the two sections. When a fight has taken place between secondary tribal sections there is little chance of exacting vengeance except by a general fight, and people feel less the need to submit to mediation since they have few social contacts and these of a temporary kind, for the relative ease with which feuds are settled is an indication of the cohesion of the community. The larger the segment involved the greater the anarchy that prevails. People say that there is payment of blood-cattle between primary tribal sections, but they do not greatly feel the need of paying it. The tribe is the last stage in this increasing anarchy. It still has nominal political unity, and it is held that feuds between its most distant members can be settled by compensation, but often they are not settled, and if many men are killed in a big fight between large sections nothing is done to avenge them or to pay compensation for their deaths. Their kinsmen abide their time till there is another

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628 182 fight. The political integument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualness.

VII

The likelihood of a homicide developing into a blood-feud, its force, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of the Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

628 602 [613] The kinsmen of a slain man try to kill the *gwan thunga*, the slayer, but they have a right to kill any of his close agnates (*gaat gwanlen*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

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are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

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ranged against the MAR, KWOTH, and MALUAL lineages and the people who live with them; the MANTHIEPNI lineage was ranged against the DUMIEN lineage; and so forth. Only these minimal lineages were involved with one another in the feuds that resulted, and not collateral lineages, even though they took part in the fight in other sectors of it, but the hostility between the sections was common to all their members. A good example of how Nuer feel in such matters is furnished by their reactions at Muot Dit cattle camp when the Government seized hostages to compel them to hand over two prophets. Their main complaint to me was that the hostages did not belong to the same lineages as the prophets and were therefore not directly concerned in the issue. The Government was looking at the affair in territorial terms, they in kinship terms on analogy with the conventions of a feud.

Apart from ritual observances, kinship obligations, community sentiment, and so forth, there is a further reason why blood-feuds between small lineages, especially when there are many of them, develop into states of feud, and tend to maintain hostile feelings between communities. As is explained in Chapter V every community is associated with a lineage in such a way that all persons in the community who are not members of the lineage are assimilated to it in political relations which are, therefore, often expressed in lineage values. Hence a blood-feud between small agnatic groups is translated into a feud, in the more general sense, between the lineages with which these groups are associated through the expression of the disturbed relations in terms of their structure, and the communities associated with the lineages are involved in mutual hostility.

Hostility between smaller segments of a tribe may involve the larger segments of which they form part. A quarrel between two villages may thus, as we have noted, bring about a fight between secondary, and even primary, tribal sections. The interrelations between larger sections are operated, as it were, by the interrelations between smaller sections. When a section in which there are unsettled feuds fights another section all quarrels are neglected for the time and the whole section combines for action.

The feud is a political institution, being an approved and

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The feud is a political institution, being an approved and regulated mode of behaviour between communities within a tribe. The balanced opposition between tribal segments and their complementary tendencies towards fission and fusion, which we have seen to be a structural principle, is evident in the institution of the feud which, on the one hand, gives expression to the hostility by occasional and violent action that serves to keep the sections apart, and, on the other hand, by the means provided for settlement, prevents opposition developing into complete fission. The tribal constitution requires both elements of a feud, the need for vengeance and the means of settlement. The means of settlement is the leopard-skin chief, whose role we shall examine later. We therefore regard the feud as essential to the political system as it exists at present. Between tribes there can only be war, and through war, the memory of war, and the potentiality of war the relations between tribes are defined and expressed. Within a tribe fighting always produces feuds, and a relation of feud is characteristic of tribal segments and gives to the tribal structure a movement of expansion and contraction.

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There is, of course, no clear-cut distinction between fighting against another tribe and fighting against a segment of one's own tribe. Nuer, however, stress that the possibility of arbitration and payment of blood-wealth for deaths resulting from a fight within a tribe makes it a *ter*, feud, and that this is different from a fight between tribes, *kur*, in which no claims for compensation would be recognized. Both differ from raiding of Dinka, *pec*, and from individual duelling, *dwac*, though all fighting is *kur* in a general sense. But it is obvious that a fight in a village which at once leads to payment of compensation for deaths and a fight between tribes in which there is no compensation for deaths are two poles, and that the further we go from a village community the fights between tribal sections become more like fights between tribes in that blood-wealth is paid with increasing difficulty and infrequency, so that between primary sections the tribal value, the feeling that blood-wealth can, and even ought to, be paid, alone distinguishes their fights from fights between tribes. Here again we would emphasize the conclusion that the tribal value is relative to the structural situation.

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628 182 619 We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

671 627 There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

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settled, in no way weakens this impression, because one well 627
knows how among other African peoples cases are brought before 671
courts under Government supervision which would not previously have been settled in a court, or even settled at all, and 177
how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.

Before discussing the chief characteristics of Nuer legal procedure I record that, according to verbal information, for I have 624
never observed the procedure, one way of settling disputes is to 627
use a leopard-skin chief as mediator. Thus, I was told that a man who has a cow stolen may ask a leopard-skin chief to go with him to request the return of the cow. The chief goes first, with several of the elders of his village, to the plaintiff's homestead, where he is given beer to drink. Later they go, with a deputation from the plaintiff's village, to the defendant's village, and here also the chief may be presented with some beer or a goat. The chief is considered to be neutral and a certain sanctity attaches to his person so that there is little likelihood of the deputation being injured. The visiting elders sit with elders of the defendant's village and the chief in one of the byres and talk about the matter in dispute. The owner of the animal gives his view and the man who has stolen it attempts to justify his action. Then the chief, and anybody else who wishes to do so, expresses an opinion on the question. When every one has had his say the chief and elders withdraw to discuss the matter among themselves and to agree upon the decision. The disputants accept the verdict of the chief and the elders and, later, the owner of the animal gives the chief a young steer or a ram unless he is a very poor man, when he gives him nothing.

If a man has a dispute with another of the same neighbourhood they may both go to the homestead of a local leopard-skin chief and lay their spears on the ground in his byre. A man would not [576]
plant his spear upright in a chief's byre, and I was told that were he to do so a bystander might appropriate it, as disrespect had thereby been shown to the chief. When both men have stated their views the chief and the elders discuss the matter outside the byre and re-enter it to acquaint the disputants of their decision. The person in whose favour the decision has been given hands his spear to the chief, who either gives it to a friend or spits on it and returns it to its owner. It was clear from the way in which my informants described the whole procedure that the chief gave his final decision as an opinion couched in persuasive language and

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not as a judgement delivered with authority. Moreover, whilst the sacredness of the chief and the influence of the elders carry weight, the verdict is only accepted because both parties agree to it. No discussion can be held unless both parties want the dispute settled and are prepared to compromise and submit to arbitration, the chief's role being that of mediator between persons who wish other people to get them out of a difficulty which may lead to violence. The man against whom the decision is pronounced may give way to honour the elders and the chief where he would not give way directly and without their intervention, for he does not lose prestige by accepting their verdict. If there is any doubt about the facts, certain oaths, which are in the nature of ordeals, may be employed, such as swearing statements on the chief's leopard skin.

For a dispute to be settled in this way not only is it necessary that both parties should want the matter amicably settled, but it is also necessary that they should themselves reach agreement during the discussion. No one can compel either party to accept a decision, and, indeed, a decision cannot be reached unless there is unanimity, since the elders are of both parties to the dispute. They go on talking, therefore, till every one has had his say and a consensus has been reached.

The five important elements in a settlement of this kind by direct negotiation through a chief seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case.

I repeat that I have not seen this method employed and add that I am of the opinion that it is very rarely used and only when the parties are fairly close neighbours and belong to communities closely linked by many social ties. In theory any member of a tribe can obtain redress from any other, but we know of no evidence that leads us to suppose that it was often obtained. Before summing up what we judge to be the nature and scope of legal relations in Nuerland we record a few brief examples of typical acts likely to lead to violence if some reparation is not made.

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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

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684 claim a cow on the marriage of a female child of his adultery. Even when the husband is not impotent, if the adulterer can show that there is fruit of his adultery he can claim back the cattle he has paid as an indemnity, except for a cow known as *yang kule*, the cow of the sleeping-skin, which has ritual significance. But adultery within a small local community is probably rare because the people are all related to one another, and therefore a man considers that not only would it be wrong to commit adultery with their wives but also that it would be, in a greater or lesser degree, incestuous. If the two men are close kinsmen the adulterer provides an ox for sacrifice but is unlikely to pay an indemnity. If they are not close kinsmen the husband may try to seize the adulterer's cattle, but he only takes this step if he actually catches the offender committing adultery. The adulterer, to avoid a fight, runs away, and if he fears that his cattle may be seized he places them in the kraals of friends and kinsmen. This makes it difficult for the husband to seize them, for even if he knows where they are he does not want to involve himself in quarrels with a number of
337 his neighbours by raiding their kraals. Nuer do not consider it immoral to commit adultery with the wives of persons living in other villages. If the husband discovers the offence he may try to seize the offender's cattle, but in doing so he runs the risk of resistance and some one may get killed and a feud result. A herd is the joint property of brothers, even though it is divided among them, and they do not readily acquiesce in the loss of cattle on account of adultery. In my experience it is very seldom indeed that a man obtains compensation for adultery. Adultery with the wife of a man of another tribe is a matter of no importance. What can he do anyhow?

684 Likewise fornication with an unmarried girl is compensated by
836 payment of a heifer and a steer. But it is most unlikely that the payment will be made. If the girl's kinsmen know that she is having relations with a man who possesses cattle and is likely to marry her they turn a blind eye to the affair. If he has no cattle, or if the girl is already engaged, and one of her brothers catches him in congress with her he fights him, unless, as usually happens, the man runs away, for it is not considered cowardly to run away in these circumstances. The girl's kinsmen may then come to his kraal and, if he possesses them, take a male calf and a female calf, and if they are strong enough they may not be resisted. This is what Nuer tell one, but I have never known any one pay a male and a female calf, although after every dance I have seen the youths and maidens have paired off and there has been much promiscuous intercourse and very little effort to conceal it. It frequently

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PLATE XVIII

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Building a cattle byre (Eastern Jikany)

[Face p. 166]

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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gwan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

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583 wife's people do not return all the cattle that have been paid. In
627 such circumstances the debtor does not deny the debt but puts forward a counterbalancing claim on some account or says that he has no cattle to settle it. Often enough he says this even when he has got cattle. The claimant can only be sure of getting his due if he takes it by force from the debtor's kraal or, from the herd in the grazing-grounds. If he is strong and has the backing of a powerful lineage he is not resisted, since he has right on his side. Such matters are easily settled within a village and among people who share a common dry season camp because every one realizes that some agreement must be reached by discussion and that it must accord with justice. But when the parties belong to different, and maybe hostile, villages, settlement is not so easy. The leopard-skin chief may be employed, in the manner described,[3] to bring the parties together for discussion and some agreement may then be reached, but many such debts are never settled. They are remembered for years. Perhaps some day, maybe in the next generation, an opportunity will occur to steal the cattle.

682 If a wife dies in her first pregnancy or childbirth the husband
627 is held responsible. There is no question of a feud arising, but the husband loses the bride-cattle he has paid, since these now become blood-cattle for the loss of his wife. The husband is only responsible if the death occurs during childbirth before expulsion of the afterbirth If there is any dispute about the mode of death or the number of cattle that are still owing it is settled by a mediator called *kuaa yiika* or *kuaa yiini*, 'the chief of the mats', an office which pertains to certain lineages. This man has no other office and is not an important person in virtue of his role of arbitrator in disputes of this kind. It is easy to obtain compensation, as the father-in-law has the bride-wealth in his possession. There is, moreover, a tie of affinity and neither party is likely to resort to violence.

671 Using these brief notes on some exemplifications of the tendencies in Nuer law we may now state what these tendencies are. We speak of 'law' here in the sense which seems most appropriate when writing of the Nuer, a moral obligation to settle disputes by conventional methods, and not in the sense of legal procedure or of legal institutions. We speak only of civil law, for there do not seem to be any actions considered injurious to the whole community and punished by it. The informants who said that witches and magicians were sometimes killed stated that it was always individuals or groups of kin who waylaid them and killed them in vengeance.

[3] [See pp. 163-64, cat. 116 — Analyst]

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The first point to note about Nuer law is that it has not everywhere the same force within a tribe, but is relative to the position of persons in social structure, to the distance between them in the kinship, lineage, age-set, and, above all, in the political, systems. In theory one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so when he is not a member of one's district and a kinsman. The wider the area which contains the parties to a dispute the weaker the feeling of obligation to settle it and the more difficult the task of enforcing settlement, and, consequently, the less the likelihood of it being settled. Within a village differences between persons are discussed by the elders of the village and agreement is generally and easily reached and compensation paid, or promised, for all are related by kinship and common interests. Disputes between members of nearby villages, between which there are many social contacts and ties, can also be settled by agreement, but less easily and with more likelihood of resort to force. The nearer we get to the tribe the less the chances of settlement. Law operates weakly outside a very limited radius and nowhere very effectively. The lack of social control to which we have often referred is thus shown in the weakness of law, and the structural interrelations of tribal segments are seen in the relativity of law, for Nuer law is relative like the structure itself.

A cogent reason why there is little chance of redress between members of different secondary and primary tribal sections is that the basis of law is force. We must not be mislead by an enumeration of traditional payments for damage into supposing that it is easy to exact them unless a man is prepared to use force. The club and the spear are the sanctions of rights. What chiefly makes people pay compensation is fear that the injured man and his kin may take to violence. It follows that a member of a strong lineage is in a different position from that of a member of a weak lineage. Also the chances of a man obtaining redress for an injury are less the further removed he is from the man who has injured him, since the opportunity for violence and the effectiveness of kinship backing lessen the wider the distance between the principals. Since self-help, with some backing of public opinion, is the main sanction it is only operative when

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people are within easy striking distance of one another. This is one of the main reasons why it is difficult to settle feuds when the parties belong to different primary or secondary tribal sections.

Most disputes occur in villages or camps and between persons of nearby villages, since people who live close to one another have more opportunities for dispute than those who live far from

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FIG. 12. Baked-mud grindstone with wooden grinder.

one another. Such quarrels are usually complicated by notions of kinship, affinity, age, and so forth and are very often the result of breaches of specific patterns of social behaviour rather than simple breaches of general social regulations. They are, therefore, generally settled in harmony with these traditional patterns. But, if they are not settled by the mediation of kinsmen, they are likely to lead to violence, because, as we have remarked, Nuer are at once prepared to fight if they are wronged or insulted, unless kinship, or great disparity in age, restrains them. If a man refuses to pay compensation for a wrong, there-

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fore, he runs a great risk of his skull being cracked with a club, and even of being speared if excitement runs high. And this is what often happens. 627

For this reason we have said that Nuer law, in so far as it applies to a study of political relations, must be treated in connexion with the blood-feud. Disputes can often be settled on account of close kinship and other social ties, but between tribesmen as such they are either settled by the aggrieved party using force, and this may result in homicide and blood-feud, or by the debtor giving way in the knowledge that force may be used and a feud result. It is the knowledge that a Nuer is brave and will stand up against aggression and enforce his rights by club and spear that ensures respect for person and property. 627 628

The Nuer has a keen sense of personal dignity and rights. The notion of right, *cuong*, is strong. It is recognized that a man ought to obtain redress for certain wrongs. This is not a contradiction of the statement that threat of violence is the main sanction for payment of compensation, but is in accord with it, for a man's kinsmen will only support him if he is right. It is doubtless true that if a man is weak it is unlikely that his being in the right will enable him to obtain satisfaction, but if he is in the right he will have the support of his kin and his opponent will not, and to resort to violence or to meet it the support of one's kin and the approval of one's community are necessary. One may say that if a man has right on his side and, in virtue of that, the support of his kinsmen and they are prepared to use force, he stands a good chance of obtaining what is due to him, so long as the parties to the dispute live near one another. 577 627

When we speak of a man being in the right we do not suggest that disputes are mostly a clear issue between right and wrong. Indeed, it would be correct to say that, usually, both parties are to some extent right and that the only question which arises is, Who has the greater right? To state the matter in a different way: a Nuer dispute is usually a balance of wrongs, for a man does not, except in sexual matters, wantonly commit an act of aggression. He does not steal a man's cow, club him, or withhold his bride-cattle in divorce, unless he has some score to settle. Consequently it is very rare for a man to deny the

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577 damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told 627 by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

624 Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known among Europeans as leopard-skin chiefs. A leopard-skin chief, 624 *kuaar muon*, has a sacred association with the earth (*mun*) which 789 gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 222. Brun-Rollet's account is unacceptable.

[2] *Kaimakam G. Hawkes, S.I.R.*, no. 98, 1902; *Bimbashi H. Gordon, S.I.R.*, no. 107, 1903.

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threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual. 624 789

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another. 624 628

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many 624 613

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624 parts of Nuerland, including most of the area with which I am
613 acquainted, chiefs do not belong to the dominant clans in the tribes in which they function, though some of them are said to be aristocrats in parts of Eastern Gaajak, Gaawar, and Leek. Most of those whose clans I know belong to the GAATLEAK and JIMEM clans which nowhere have aristocratic status. Since quarrels between tribal sections are expressed in terms of lineages of the dominant clan associated with the sections, as will be explained in the following chapter, the chief, having no position in the system of dominant lineages, is thereby more fitted to mediate between them. He is not a member of the hereditary owners of the tribal land, but is a stranger living there. A chief may act as such in whatever tribe he resides in. If a chief is killed the ceremonies connected with payment of compensation are performed by an aristocrat of the tribe. This is probably because, even when the chiefs of an area are not all members of one clan, they are believed to have a kind of kinship through their common badge of the leopard skin and cannot marry into one another's families. We regard chiefs as a category of ritual experts and do not consider that they comprise in any way a class or rank. We believe their social function to be a mechanism by which the equilibrium of the political system is maintained through the institution of the feud. The slight authority of chiefs and, in many parts, their position outside the dominant clan, accord with this view.

624 In taking the view that to regard the leopard-skin chief as a
628 political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise he has no means of compelling people to pay or to accept blood-cattle. He has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities.

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Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end. 624 628

It is true that a leopard-skin chief has always in these circumstances to persuade, by exhortations and threats, the kinsmen of the dead man to accept compensation, but this pressure must not be regarded as a command. It is quite clear from many Nuer statements on the matter that the chief's threats are encouraged to their furthest point in order that by yielding to his persuasion the kinsmen of the dead man may not dishonour themselves by neglecting to exact a life for the life of their kinsman.

> A chief's threats might go no further than saying that if the kinsmen would not listen to him neither would he, when they were in a similar difficulty, listen to them. But I was told that were the people to refuse mediation with undue obstinacy the chief might threaten to leave their homestead and to curse them. He would take an ox and rub its back with ashes and begin to address it, saying that if the injured party were to insist on revenge many of them would be killed in the endeavour and they would throw spears vainly at their enemies. I was told that he would then raise his spear to slaughter the animal, but this would be as far as people would care to let him go. Having asserted their pride of kin, one of the dead man's family would seize his upraised arm to prevent him from stabbing the ox, saying: 'No! Do not kill your ox. It is finished. We will accept compensation.' My informant, whose statements were supported by others, further added that if people were to insist on refusing the mediation of a leopard-skin chief he would take a short-horned ox and, after invoking God, slay it and rub the hairs off its head so that the members of the lineage who rejected his mediation might perish in prosecuting their feud. 624 628 189

We conclude, therefore, that a chief's curse is not in itself the real sanction of settlement, but is a conventional, ritual, operation in the settlement of feuds, which is known to every one in advance and is allowed for in their calculations. The threat of it is compelled by those on whom it would fall were it uttered. These affairs are like a game in which everybody knows the rules and the stages of development: when one is expected to give way, when to be firm, when to yield at the last moment, 624 628

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628

and so forth. This conclusion is based on many statements (I have only once been present at discussions between a chief and the kinsmen of a slain man, and then the circumstances were unusual). It may, however, be said with certainty that no amount of pressure from a leopard-skin chief, if it is ever exerted, can settle feuds expeditiously, if at all, between the larger tribal sections. In other disputes the chief acts rarely, and only when both sides strongly desire settlement. He has no jurisdiction to hear cases in a locality. Here, again, I was told that if one party refused to accept his decision as arbiter he might pass the man his leopard-skin, an action tantamount to a curse. The man must then make the chief a gift before he will consent to take back the skin. However, this probably happens only when a man refuses to accept a decision to which every one else, including his own elders, have agreed. I was also told that in disputing a chief's words a man will do so respectfully, first spitting into the chief's hands as a sign of goodwill. No doubt a chief is shown respect on such occasions, but the chiefs I have seen were treated in everyday life like other men and there is no means of telling that a man is a chief by observing people's behaviour to him. His role in disputes may be regarded as a means by which neighbours, who wish a difficulty settled without resort to force and who acknowledge that the other side have a good case, can negotiate.

X

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We have considered the position of the leopard-skin chief at some length because it is structurally important. He in no way represents or symbolizes the unity and exclusiveness of political groups, but is a mechanism by which, through the institution of the feud, these groups interact and maintain their structural distance. There are other people in Nuerland with ritual powers, of one kind or another, which sometimes make a man well known and, occasionally, very influential, but none of them are politically important, except the prophets whose activities we discuss later. They neither govern nor judge and their sacred functions are not, like those of the leopard-skin chief, specifically related to the interaction of local groups. However, we do not entirely

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PLATE XIX

361

a. Cattle camp (Leek)

133

b. Typical swampy depression in November (Western Jikany)

[Face p. 176]

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554 pass them by because sacred powers often give a man prestige from which he may attain local eminence as an important elder, if they are combined with wealth, ability, and wide kinship connexions.

554 613 231 791 Next to prophets and leopard-skin chiefs the ritual status that carries with it most prestige is that of the *wut ghok*, the Man of the Cattle. Certain lineages have hereditary ritual powers in relation to cattle and are asked to cure sick beasts and to make barren cows fruitful, though only some members of these lineages use their powers. Like leopard-skin chiefs, Men of the Cattle are often members of stranger lineages and not of the aristocratic clan of their tribe. I was told that their curse is feared, as it can be directed to the cattle, and that Nuer do not care to offend them, but, outside tradition, I have not recorded any occasion of its utterance. Apart from the few Men of the Cattle who play a part in the regulation of Age-sets (see Chap. VI), and those who are sometimes consulted about migration to new pastures, they have no public functions. One *wut ghok* of the Eastern Gaajok became very rich and powerful a generation ago, but his prestige was largely due to his possession of magic.

554 613 791 Besides the *kuaa muon*, who has a ritual relationship to the earth, and the *wut ghok*, who has a ritual relationship to the cattle, there are a number of totemic specialists whose ritual connexion with lions, crocodiles, weaver birds, &c., enables them to influence the behaviour of these creatures. A totemic specialist is a possessor (*gwan*) of the spirit (*kwoth*) of his totem. Totemic specialists have no political significance and have no social influence in virtue of their powers alone. There is a war specialist whose duty it is to shake a spear in the face of the enemy and to deliver an invocation against them. He is known as *gwan muot*, possessor of the spear, or *ngul*, and is often, perhaps always, a member of a senior lineage of the dominant clan of the tribe, for he invokes the spear by the spear-name of the clan. There are also magicians of various kinds: leeches, diviners, owners of medicines, and owners of fetishes. Of these specialists only owners of fetishes become prominent members of their communities on account of their ritual powers. Nuer [776] are very much afraid of fetish spirits and believe them to be so powerful that they will even purchase them with cattle. A fetish-owner may become the most influential man in the village, and I have been surprised at the respect and fear with which his neighbours sometimes treat him. Nevertheless, he has no defined authority in controlling the relations of the villagers to one another nor does he represent the village in its relations with neighbouring communities.

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XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
593 two, more general, conditioning attributes of local influence. Women and children have always a position inferior to that of men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
623 and when he has married and begotten several children he becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present time the *Maker* and *Dangunga*, for members of the most senior sets, the *Thut* and *Boiloc*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

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remark only that there is no constituted authority within each set, all members being of equal status, and that, whilst members of junior sets respect those of senior sets, the authority of older men is personal, very indefinite, and based on analogy with domestic relations within the family. Behaviour between individuals is influenced by the distance between them in the age-set system, but age-sets are not a political institution in the sense of the system having an administrative, military, or judicial organization. 561

Age by itself does not give a man social position. He must have other qualifications as well. Those elders with most influence are the *gaat twot*, the children of bulls. Such a man is called a *tut*, bull, and in strict usage this is equivalent to *dil*, tribal aristocrat. As will be fully explained in Chapter V a *dil* is a member of the dominant clan in each tribe and, in virtue of his membership, has within that tribe a slightly superior social position. This clan is not a ruling class and the enhanced prestige of its members is very indefinite. The clan system has no hereditary leadership; a senior lineage does not rank higher than others; there is no 'father of the clan'; and there is no 'council of clan elders'. *Tut* is also used in a wider sense to refer to men of social position who do not belong to the dominant clan but to other lineages which have long been domiciled in the tribe. A *tut* in this rather wide sense of 'man of good standing', or 'social leader', is usually a scion of an important lineage, the head of his own family, and master of his homestead and herd. He is generally also the eldest surviving son of his father's family and, therefore, head also of the joint family, the master of the hamlet. If he is to gain a social reputation he must also possess sufficient cows to be able to entertain guests and to attract young kinsmen to reside in his byre. Round such a man's homestead are clustered the homesteads of his brothers and married sons and, often enough, the homesteads of his sisters' husbands and daughters' husbands. To be a social leader, whose opinion is readily agreed to, he must also be a man of character and ability. 554 [614]

The authority of a *gat twot*, or *tut wec*, 'bull of the camp', as he is often called, is never formalized. He has no defined status, powers, or sphere of leadership. Lineage, age, seniority in the

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554 family, many children, marriage alliances, wealth in cattle, prowess as a warrior, oratorical skill, character, and often ritual powers of some kind, all combine in producing an outstanding social personality who is regarded as head of a joint family and of a cluster of cognatic kinsmen and affines, as a leader in village and camp, and a person of importance in the rather vague social sphere we call a district. It is easy to see in village or camp who are its social leaders, and it is these people who have furnished the administration with most government chiefs, for the influence of the leopard-skin chief is mainly restricted to the circuit of his ritual functions and only if he is also a *gat twot* does he exercise influence beyond these limits.

554 When we ask, however, in what way a *tut* acts as a leader in
596 his community it is difficult to answer. As the chief man of his family and joint family he takes the most prominent part in settling the affairs of these groups, but he cannot on that account be said to have political authority, for these domestic groups act independently of others in the village, though some co-ordination between them is imposed by their common requirements. A joint family decide on the advice of their *tut* to change camp and the *tut* is supposed to drive in the first tethering peg in the new camp, if he is present, but other joint families of the
554 same camp may decide not to move till another day. Leadership
621 in a local community consists of an influential man deciding to do something and the people of other hamlets following suit at their convenience. When villagers co-operate, there is no appointed leader to organize their activity. If some members of a village are attacked the others rush to their assistance, headed by the swiftest and bravest, but there is no one who calls on them to do so or who organizes their resistance. A village is a political unit in a structural sense, but it has no political organization. There is no headman or other appointed leader invested with authority who symbolizes its unity and no village council. Beyond his domestic groups a *tut* has authority in his village only in the sense that he takes a prominent part in questions of procedure and other discussions. Outside his village he is a well-known person who is generally respected in his district, but he has no political status.

800 In larger groups than a village and camp there is far less

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In larger groups than a village and camp there is far less 554 721

co-ordination of activities and less scope for leadership. Only in war is there any lengthy direct co-operation. Men noted for their prowess and ability stir up among the youths enthusiasm for a raid against the Dinka or a fight against another tribal section, and direct what simple tactics are employed, but these men have no political status or permanent leadership. The warriors mobilize in local divisions of their own accord, for there are no regiments and companies under officers, and in fighting they follow the most forward and courageous among them. Some of these warriors become renowned and their reputation quickly attracts recruits for raids. Two of the most famous war leaders were Latjor who led the Jikany tribes, and Bidiit who led the Lou, eastwards. Neither had any ritual qualifications, but both were men of outstanding ability who were members of the dominant clans of their tribes. It is not said by Nuer that either established any political control, or even had great authority, in their tribes. The role of prophets in war is examined later. Between tribal segments there are no other joint activities that require organization and direction.

XII

The lack of governmental organs among the Nuer, the absence of legal institutions, of developed leadership, and, generally, of organized political life is remarkable. Their state is an acephalous kinship state and it is only by a study of the kinship system that it can be well understood how order is maintained and social relations over wide areas are established and kept up. The ordered anarchy in which they live accords well with their character, for it is impossible to live among Nuer and conceive of rulers ruling over them. 181 156

The Nuer is a product of hard and egalitarian upbringing, is deeply democratic, and is easily roused to violence. His turbulent spirit finds any restraint irksome and no man recognizes a superior. Wealth makes no difference. A man with many cattle is envied, but not treated differently from a man with few cattle. Birth makes no difference. A man may not be a member of the dominant clan of his tribe, he may even be of Dinka descent, but were another to allude to the fact he would run a grave risk of being clubbed.

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156 That every Nuer considers himself as good as his neighbour is
181 evident in their every movement. They strut about like lords of the earth, which, indeed, they consider themselves to be. There is no master and no servant in their society, but only equals who
[186] regard themselves as God's noblest creation. Their respect for one another contrasts with their contempt for all other peoples. Among themselves even the suspicion of an order riles a man and he either does not carry it out or he carries it out in a casual and dilatory manner that is more insulting than a refusal. When a
[576] Nuer wants his fellows to do something he asks it as a favour to a kinsman, saying, 'Son of my mother, do so-and-so', or he includes himself in the command and says: 'Let us depart', 'Let the people return home', and so forth. In his daily relations with his fellows a man shows respect to his elders, to his 'fathers', and to certain persons of ritual status, within the circuit of its reference, so long as they do not infringe on his independence, but he will not submit to any authority which clashes with his own interests and he does not consider himself bound to obey any one. I was once discussing the Shilluk with a Nuer who had visited their country, and he remarked, 'They have one big chief, but we have not. This chief can send for a man and demand a cow or he can cut a man's throat. Whoever saw a Nuer do such a thing? What Nuer ever came when some one sent for him or paid any one a cow?'

181 I found Nuer pride an increasing source of amazement. It is
609 as remarkable as their constant aloofness and reticence. I have already described how Nuer would interrupt my inquiries. I mention here three incidents typical of the cavalier way in which they treated me. On one occasion I asked the way to a certain place and was deliberately deceived. I returned in chagrin to camp and asked the people why they had told me the wrong way. One of them replied, 'You are a foreigner, why should we tell you the right way? Even if a Nuer who was a stranger asked us the way we should say to him, "You continue straight along that path", but we would not tell him that the path forked. Why should we tell him? But you are now a member of our camp and you are kind to our children, so we will tell you the right way in future.'

576 In this same camp, at the end of my stay, when I was sick and being removed by steamer, I asked the people to carry my tent and belongings to the river's edge. They refused, and my servant, a Nuer youth, and I had to do it ourselves. When I asked him why the people were churlish, he replied, 'You told them to carry your belongings to the river. That is why they refused. If you had asked them, saying, "My mother's sons, assist me", they would not have refused.'

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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen, what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories. 609

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values. 689 181

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern. 181 602

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed 181 602 431

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181 602 431

among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

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Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

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districts, and occasionally even in large tribal sections. These fetish owners are not, however, in any sense tribal leaders and cannot compare in social importance with the prophets.

Owing to the fact that Nuer prophets had been the foci of opposition to the Government they were in disgrace and the more influential of them under restraint or in hiding during my visits to Nuerland, so that I was not able to make detailed observations on their behaviour.[1] Without discussing Nuer religious categories it may be said that a prophet is a man who is possessed by one of the sky-spirits, or Gods, whom Nuer regard as sons of the Sky-god. Nuer have great respect for these spirits and fear, and readily follow, those whom they possess. Prophets, consequently, achieved greater sanctity and wider influence than any other persons in Nuer society. A prophet is known as *guk* and is sometimes referred to as *cok kwoth*, an ant of God. He also comes into the general category of *gwan kwoth*, possessor of a spirit.

The first prophet to have gained great influence appears to have been Ngundeng who died in 1906. He was a Lou tribesman of the GAATLEAK clan and an immigrant from the Eastern Jikany. He had practised as a leopard-skin chief before he had acquired a reputation as a prophet by prolonged fasts and other erratic behaviour, by his skill in curing barrenness and sickness, and by his prophecies. Women came to him to be made fruitful from all over Lou, from the Eastern Jikany tribes, and even from the west of the Zeraf and Nile. Many brought oxen which Ngundeng sacrificed to Deng, the Sky-god which possessed him. He then anointed them with his spittle. When small-pox threatened the Lou he went out to meet it and to stay its advance by sacrifice of oxen. He foretold cattle epidemics and other events and led expeditions against the Dinka.

When Ngundeng died, the spirit of Deng eventually entered his son Gwek, who began to prophesy and to cure barrenness and sickness, as his father had done. However, he never displayed the pathological qualities of his father, who appears to have been a genuine psychotic. The spirit of Deng had passed over his elder brothers, or did not long reside in them. Nuer say that a spirit eventually returns to the lineage of the man whom it first

[1] The Government has always looked askance at prophets and opposed their influence. See, for some pejorative references to them, Jackson, op. cit., pp. 90–1; Ferguson, Appendix to Jackson, p. 107; C. A. Willis, 'The Cult of Deng', *S.N. and R.*, vol. xi, 1928, p. 200.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 possessed, even if a generation or two later, and the chosen vessel generally becomes aware of its entry by experiencing severe sickness with delirium. Ordinary Nuer, particularly if they are young, do not want to be possessed, and it seems that it is often an abnormal person who is possessed in the first place, while it is the most ambitious of his sons on whom his mantle falls, for he would seem to welcome possession, although not undergoing fasts to procure it. Gwek was killed by Government forces in 1928. Another famous prophet, Diu or Dengleaka, of the Gaawar tribe, was a captured Dinka who set about to acquire a spirit by fasting and solitude. He later achieved fame and power by successful campaigns against the Dinka, whose country his followers occupied, and against Arab slavers. Like Ngundeng he had a reputation for performing miracles. Dengleaka died in 1908 and his son Dwal became possessed with the spirit of the Sky-god, Diu. He is at present a political prisoner. The only prophet I have met, Buom, of Dok country, was possessed by the spirit of a Sky-god, Teeny. He was regarded as selfish and greedy by his neighbours, having been cunning enough to get himself accepted as a Government chief. He showed too great ambition, however, and is now in exile. Well-known prophets, in other parts of Nuerland, were Mut of the Eastern Gaajak, Kulang in Western Nuerland, and others.

Brief reference must be made to the very remarkable pyramid
792 erected by Ngundeng, and added to by Gwek, in the Rumjok
778 section of the Lou tribe. It was fifty to sixty feet high with large elephant tusks planted round the base and at the summit. Dr. Crispin's photograph on Plate XXV, taken in 1901, shows the pallisade of ivory tusks, the type of material of which it was constructed, and weathering, due to rains, round the base. It was blown up by Government forces in 1928. The material used in construction consisted of ashes, earth, and debris excavated from sites of cattle camps. People came from all over Lou and the Eastern Jikany tribes, bringing oxen with them for sacrifice, to assist in the building. Nuer say that it was built in honour of the Sky-god Deng and for the glory of his prophet Ngundeng. There is no doubt that the cult of Deng was of Dinka origin and probably
[77] the idea of a mound came from the same source. Besides the famous Lou pyramid there is said to be a smaller one at Thoc in Eastern Jikany country, built by a prophet called Deng, son of Dul.

792 Nuer are unanimous in stating that these prophets are a recent development. They say that Deng descended from the sky in recent times—within living memory, in fact—and that he was the first, or almost the first, of the Sky-gods to come to

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XX

231

Cattle travelling (Lou)

[Face p. 186]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 earth. They state that in the old days there were no prophets; only the ritual officials mentioned earlier. The records of European travellers are not explicit enough to confirm or reject this statement. Poncet says that among the Nuer in his day were rich and important persons, honoured after their death, whom he calls *devins ou sorciers* and *jongleurs*,[1] and Brun-Rollet says that the Nuer had a kind of pope for whom they had veneration akin to worship, but his account is too fanciful to carry weight.[2] Whilst it is difficult to believe that there were

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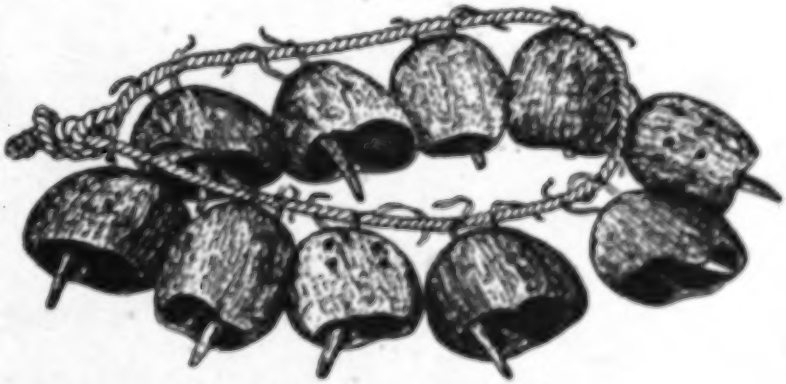

FIG. 13. Calf's bell-necklace of palm nuts.

no cases of possession sixty years ago we must, in the absence of conflicting evidence, accept so unanimous a declaration by Nuer that there was no possession by Sky-gods, and it seems fairly certain that if there were any prophets at that time their influence was restricted to small localities and had not the tribal
[17] significance of more recent times. There is some evidence that the development of Nuer prophets was related to the spread of Mahdism from the Northern Sudan. However that may be, there is no doubt that powerful prophets arose about the time when Arab intrusion into Nuerland was at its height and that after the reconquest of the Sudan they were more respected and had more influence than any other persons in Nuerland.

792 Nevertheless, we consider that the power of these prophets,
619 even of the most successful ones, has been exaggerated and that

[1] Poncet, op. cit., p. 40. [2] Brun-Rollet, op. cit., p. 222.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 619 their tribal position has been misunderstood. The earliest Government officials to enter Lou country have recorded that Ngundeng was greatly feared and respected and were of the opinion that if the Lou were to be administered he would have either to be reconciled or removed. However, his son, Gwek, was not supported against the Government by some sections of the tribe. Mr. Struvé, then Governor of the Upper Nile Province, reported that Dwal, son of Diu, had 'rather shaky authority' among the Gaawar. I received the impression in 1932 that Buom had far more power in Dok country as a government chief than he ever had in pre-government days as a prophet. A prophet's curse is feared, but armed intervention of Government forces is a weightier sanction. Buom was attempting to exercise unprecedented judicial functions and his banishment met with no popular hostility and with little regret. There is no good evidence that the earlier prophets were more than spiritual persons, whose ritual powers were used particularly in warfare, though some of the later ones appear to have begun to settle disputes, at any rate in their own villages and districts. Of them all, perhaps Gwek came nearest to exercising political functions and to imposing his authority outside his own district, but the hostility between tribes and between tribal segments rendered effective personal control impossible.

792 721 619 The only activities of prophets which can truly be called tribal were their initiation of raids against the Dinka and their rallying of opposition to Arab and European aggression, and it is in these actions that we see their structural significance and account for their emergence and the growth of their influence. All the important prophets about whom we have information gained their prestige by directing successful raids on the Dinka, for these raids were carried out in the names of the spirits which promised rich booty by their lips. No extensive raids were undertaken without the permission and guidance of prophets, who received instructions from the Sky-gods in dreams and trances about the time and objective of attack, and often they accompanied them in person and performed sacrifices before battle. They took for themselves part of the spoil and to some extent supervised the division of the rest of it. The warriors sang war hymns to the Sky-gods before starting on raids and the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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sacrifices to them by their prophets were believed to ensure 721
booty and safety. 619

For the first time a single person symbolized, if only to a moderate degree and in a mainly spiritual and uninstitutionalized form, the unity of a tribe, for prophets are tribal figures. But they have a further significance, for their influence extended over tribal boundaries. Gwek had great influence in Gaajok, and it is said that because of it the Lou and the Gaajok for a time paid compensation for homicide between them. His influence reached as far as the Eastern Gaagwang and Gaajak. Dengleaka had a similar influence in the valley of the Zeraf, especially among the Thiang. Some of the Western Nuer prophets had a 792
reputation among a number of neighbouring tribes which united 648
for raids at the direction of their spirits. They were not a 178
mechanism of tribal structure like leopard-skin chiefs, but were pivots of federation between adjacent tribes and personified the structural principle of opposition in its widest expression, the unity and homogeneity of Nuer against foreigners. Probably, the coalition of tribes and the organization of joint raids is very largely their achievement—though one cannot be sure of this in the absence of historical records—and has made them important and powerful figures in Nuerland. This interpretation explains how it is that prophets began half a century ago, or at any rate came to the fore then. Certain structural changes were taking place in response to changed conditions: the development of functions that were more purely political than any exercised by individuals before and of a greater degree of unity among neighbouring tribes than there had been hitherto. As Sky-gods passed at the death of prophets into their sons we are further justified in suggesting growth of hereditary political leadership which, with the strong tendency towards federation between adjacent tribes we attribute to the new Arab-European menace. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government crushed the prophets this tendency was checked. As we understand the situation, the prophets were inevitably opposed to the Government because it was this opposition among the people which led to their emergence and was personified in them.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

XIV

We have tried to show how distribution depends on oecology and how the lines of political cleavage tend to follow distribution in relation to modes of livelihood. But consideration of oecology only helps us to understand some demographic features of Nuer tribes and tribal segments and not the nature of their structural relations. These can only be understood in terms of certain structural principles and we have tried to isolate these principles, though not, we admit, at a very deep level of analysis. The chief points we have made are here briefly summarized.

(1) Nuer attach values to their geographical distribution and these evaluations give us socio-spacial units and relate these units into a system. (2) In all such units there is evident a tendency to segment into opposed segments, and also for these segments to fuse in relation to other units. (3) The smaller is the segment the greater is its cohesion, and it is for this reason that a segmentary system exists. (4) The political system of the Nuer can only be understood in relation to a whole structure of which other peoples form part and, likewise, the character of all Nuer communities must be defined by their relations with other communities of the same order within the whole political system. (5) The social system is much wider than spheres of actual political relations and cuts across them. (6) Political values depend on more than residential relations. Political relations can be isolated and studied independently of other social systems, but they are a specific function of the whole set of social relations. These are mainly of a kinship type and the organization of kinship relations into political relations in certain situations is one of our major problems. (7) The structural relations between Nuer tribes and other peoples and between tribe and tribe are maintained by the institution of warfare and the structural relations between segments of the same tribe are maintained by the institution of the feud. (8) There is no central administration, the leopard-skin chief being a ritual agent whose functions are to be interpreted in terms of

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

the structural mechanism of the feud. (9) Law is relative to the structural distance between persons and has not the same force in different sets of relations. (10) The new conditions of Arab-European intrusion have probably caused the development of prophets, with embryonic juridical functions, and greater intertribal solidarity.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER V

THE LINEAGE SYSTEM

I

614 613 MANY characteristics of Nuer lineages and clans belong to the study of kinship which we hope to make in a subsequent volume. Here only those characters which are strictly relevant to the territorial system are discussed. We begin, however, by a formal definition of clan, lineage, and kin. A Nuer clan is the largest group of agnates who trace their descent from a common ancestor and between whom marriage is forbidden and sexual relations considered incestuous. It is not merely an undifferentiated group of persons who recognize their common agnatic kinship, as are some African clans, but is a highly segmented genealogical structure. We refer to these genealogical segments of a clan as its lineages. The relationship of any member of a lineage to any other member of it can be exactly stated in genealogical terms and, therefore, also his relationship to members of other lineages of the same clan can be traced, since the relationship of one lineage to another is genealogically known. A clan is a system of lineages and a lineage is a genealogical segment of a clan. One might speak of the whole clan as a lineage, but we prefer to speak of lineages as segments of it and to define them as such. Alternatively one may speak of a lineage as an agnatic group the members of which are genealogically linked, and of a clan as a system of such groups, the system being, among the Nuer, a genealogical system. In the diagram on p. 193 clan A is segmented into maximal lineages B and C and these bifurcate into major lineages D, E, F, and G. Minor lineages H, I, J, and K are segments of major lineages D and G, and L, M, N, and O are minimal lineages which are segments of H and K. It was found that words to describe four stages of lineage segmentation are sufficient when speaking of even the largest clans. The commonest Nuer word for a lineage is *thok dwiel* and the smallest genealogical unit they describe as a *thok dwiel* has a time depth of from three to five generations from living persons. A whole clan is thus a genealogical

[p. 192]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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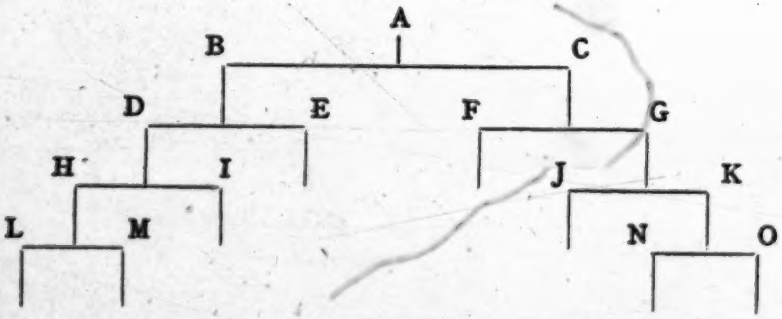
structure, and the letters in the diagram represent persons from whom the clan and its segments trace their descent and from whom they often take their names. There must be at least twenty such clans in Nuerland, without taking into account numerous small lineages of Dinka origin. 614 613



A lineage in the sense in which we generally employ this word is a group of living agnates, descended from the founder of that particular line. Logically it also includes dead persons descended from the founder—and we sometimes use the word to include them also—but these dead persons are only significant in that their genealogical position explains the relationships between the living. It is clear from the context whether the word is used in a more or less inclusive sense.

Clans and lineages have names, possess various ritual symbols, and observe certain reciprocal ceremonial relations. They have spear-names which are shouted out at ceremonies, honorific titles by which people are sometimes addressed, totemic and other mystical affiliations, and ceremonial status towards one another.

Agnatic kinship between lineages is called *buth*. *Buth* is always an agnatic relationship between groups of persons, and only between persons in virtue of their membership of groups. *Buth* agnation is to be distinguished from kinship in the sense of relationship between persons, e.g. between a man and his father's brother and mother's brother. Cognation in this sense the Nuer call *mar*. Any person to whom a man can trace any genealogical link, whether through males or females, is *mar* to him. A man's *mar* are consequently all his father's kin and all his mother's kin, and we call this cognatic category his kindred. 611 611 612

1: Evans-Pritchard E-5 (1931, 1936) 1940
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611 In normal usage the word refers to close relatives only. Therefore, as *mar* includes close agnates, the word *buth* is used only in
612 reference to distant agnates, between whom and the speaker there is lineage cleavage. There is *buth* relationship between lineages of the same clan and also between related clans which have the same ancestor but do not compose an exogamous unit. A Dinka can be given *buth* relationship to a Nuer lineage by being adopted into a collateral lineage. We thus formally distinguish between the lineage system, which is a system of agnatic groups, and the kinship system, which is a system of categories of relationship to any individual; and we speak of these relationships as a man's paternal kin and his maternal kin, and both together as his kindred.

613 Political and lineage groups are not identical, but they have a certain correspondence and often bear the same name, for a
619 tribal area and its divisions are often called after the clans and lineages which are supposed to have first occupied them. This makes their inter-relation a very difficult problem to investigate and has led to some confusion in writings on the Nuer. Thus Gaawar is the name of a tribal area, of the tribesmen who inhabit it, and of the members of a clan which have in that area a socially dominant status. Likewise Gaajok and Gaajak are names of territories, tribes, and lineages. To clarify description clan and lineage names are therefore printed in small capitals. Hence, when we say that a man is a Gaawar we mean that he is a Gaawar tribesman, a man who resides in Gaawar country, whereas when we say that he is a GAAWAR we mean that he is a member of the GAAWAR clan, a descendant in the male line from War, the founder of the dominant clan in Gaawar country.

II

613 Three trees of clan descent are presented in the following section in a form conventional to us, and which would also
614 commend itself to Nuer, who sometimes speak of a lineage as *kar*, a branch, as illustrations of the way in which lineages split up, each being a branch of a larger one. The JINACA are the dominant clan in the Lou and Rengyan tribes, the GATGANKIIR are the dominant clan in the Jikany tribes, and the (GAA)THIANG

1: Evans-Pritchard E-5 (1931, 1936) 1940
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are the dominant clan in the Thiang tribe. Only one line of descent is shown from the roots to the twigs, from the clan ancestor to the minimal lineages, but it is indicated where the other main branches and boughs, the other maximal, major, and minor lineages leave the stem. 613 614

III

We have defined lineage and clan and give some examples of them in diagrams. In this section we note some characteristics of both which are germane to our inquiry. It may at once be said that it is not easy to discover a Nuer's clan, for a clan is not to Nuer an abstraction and there is no word in their language that can be translated 'clan' in ours. One may obtain the name of a man's clan by asking him who was his 'ancestor of yore' or his 'first ancestor' (*gwandong*) or what are his 'seeds' (*kwai*), but it is only when one already knows the clans and their lineages and their various ritual symbols, as the Nuer does, that one can easily place a man's clan through his lineage or by his spear-name and honorific salutation, for Nuer speak fluently in terms of lineages. A lineage is *thok mac*, the hearth, or *thok dwiel*, the entrance to the hut, or one may speak of *kar*, a branch. *Thok dwiel* is the commonest expression to denote a line of agnatic descent in those situations when genealogical exactness and precision are relevant, but in normal everyday usage Nuer employ the word *cieng*, as will be explained later. The clan has itself a position analogous to that of a lineage in the clan system, and it is significant to the Nuer not so much as a unique group as a segment in a system of groups, for it acquires its singularity only as part of a system.

A lineage is a relative term, since its range of reference depends on the particular person who is selected as the point of departure in tracing descent. Thus, if we were to begin with a father, the *thok dwiel* would include only sons and daughters, but if we were to take a grandfather as our point of departure, it would include all his sons and daughters and the children of his sons. A larger and larger number of agnates would be included the higher up in the line of ascent we were to take the point of departure for counting descendants. It might be maintained that the smallest possible lineage are the sons and daughters of

1: Evans-Pritchard E-5 (1931, 1936) 1940
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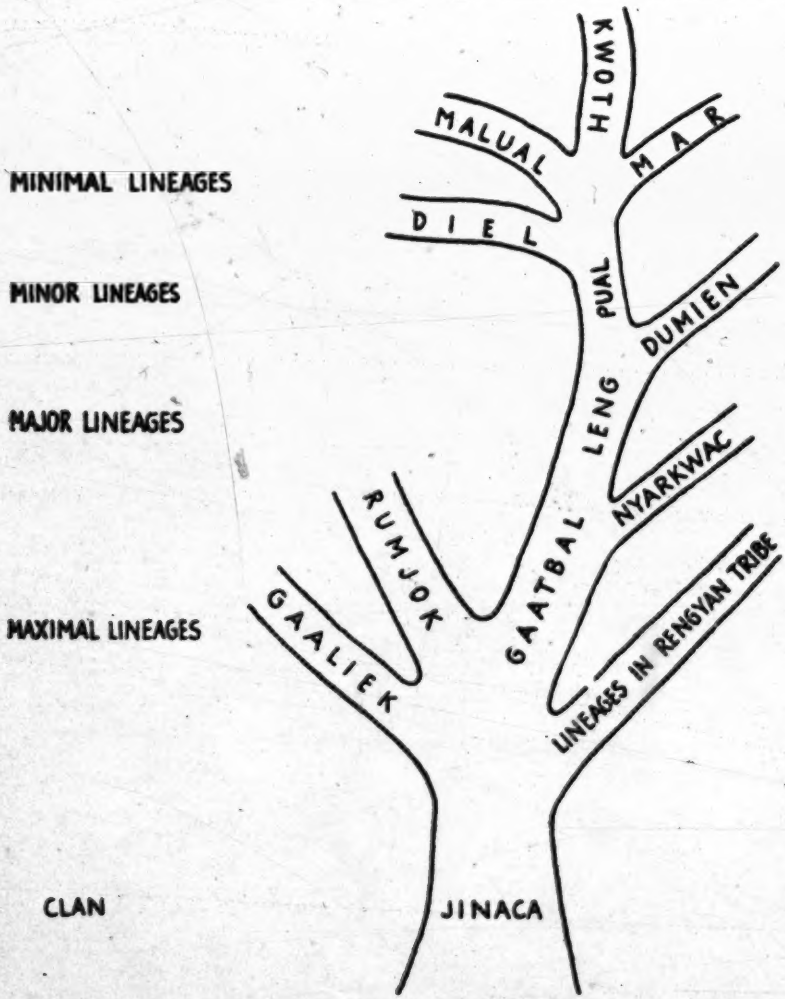
613 one man, but Nuer do not refer to them as a *thok dwiel*. They
614 are, with their father and their mother, a family and household. One cannot say definitely how far up a line of ascent Nuer will



go in selecting the apex of a minimal lineage. They may go back only two steps, to the grandfather, making in all three generations of agnates, but a minimal lineage of four or five generations is more usual. Apart from Nuer usage, we consider it important to define lineages as groups with a depth of at least three generations, since they are then distinct structural

1: Evans-Pritchard E-5 (1931, 1936) 1940
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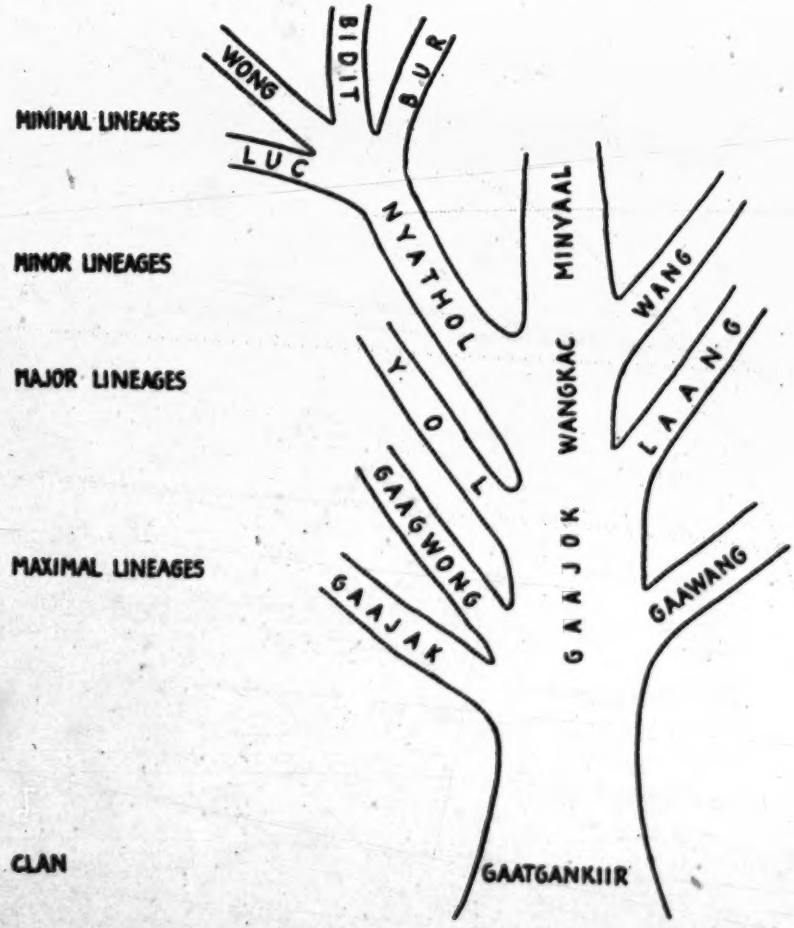
segments in a system of such segments and not easily confused with domestic groups. 613 614

The Nuer clan, being thus highly segmented, has many of the characteristics which we have found in tribal structure. Its



lineages are distinct groups only in relation to each other. Thus, in the diagram on p. 193, M is a group only in opposition to L, H is a group only in opposition to I, D is a group only in opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are a single minor lineage, H, in opposition to I, and not separate lineages; and D and E are a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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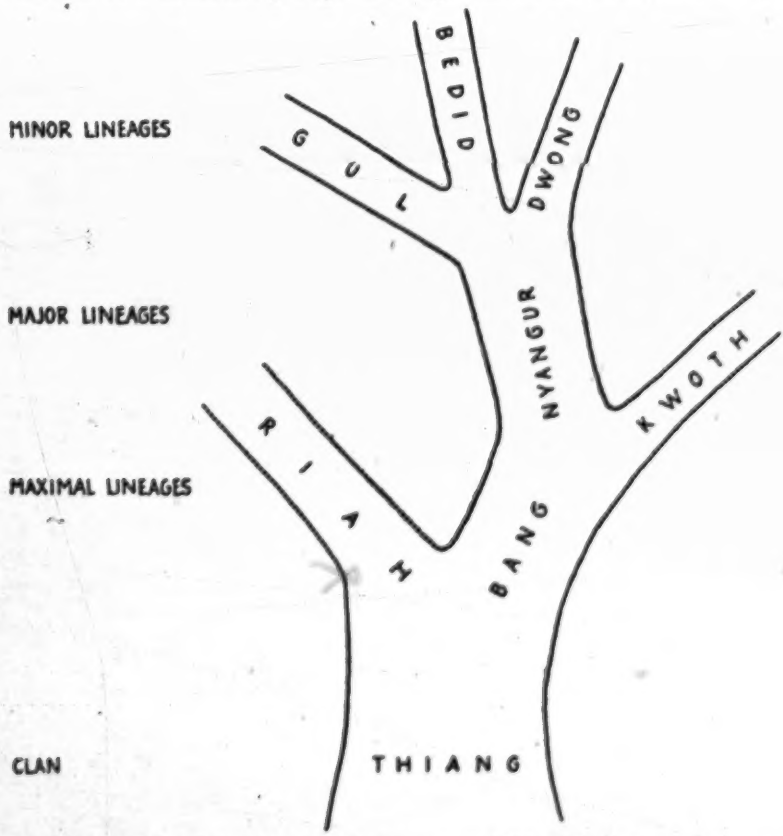
613 single maximal lineage, B, in opposition to C, and not separate
614 lineages. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation to a certain group and not a member of it in relation to a different group. Lineage values are thus essentially



relative like tribal values, and we suggest later that the processes of lineage segmentation and political segmentation are to some extent co-ordinate.

613 Since humans propagate themselves, the clans might be sup-
614 posed to be further and further removed from their founder,
173 and the living representatives of a clan to become wider and wider separated in lineage structure. However, we do not believe that this is the case. In theory every man is a potential founder of a lineage, but, in fact, lineages spring from very few

1: Evans-Pritchard E-5 (1931, 1936) 1940
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names. The others, for one reason or another, drop out, so that only certain lines of descent are remembered. Also, in those lines that persist names drop out of the steps in ascent to the founder of the clan, so that the distance in generations from the founder of a clan to the present day remain fairly constant. We have suggested in our discussion on Nuer time-reckoning that there is always this difference between a true genealogy and a genealogy which Nuer deem to be true. The evidence for the assertion depends partly on a comparative study of East African genealogies and partly on a study of Nuer genealogies. *We mention some of the reasons, arising from reflections on* Nuer genealogies, that have led us to this conclusion, since the validity of some arguments, developed later in the chapter, depends on their acceptance.

(1) All the main clans have about ten to twelve generations from the present day to the ancestors who gave rise to them. There is no reason to suppose that the Nuer came into existence ten to twelve generations ago. (2) When a Nuer is asked his lineage he gives it by reference to an ancestor, the founder of his minimal lineage, who is from three to six, generally four to five, steps in ascent from the present day. These steps are certain and agreed upon. This is understandable, since five steps represent a man, his father, his grandfather, and his grandfather's father and grandfather, and since a man instructs his children in the names of his immediate forbears. It is evident that after five or six generations the names of ancestors become lost. Young men often do not know them, and there is frequent confusion and disagreement among older persons. The founder of the minor lineage must be placed somewhere between the founder of the minimal lineage and the founder of the major lineage; the founder of the major lineage must be placed somewhere between the founder of the minor lineage and the founder of the maximal lineage; and the founder of the maximal lineage must be placed somewhere between the founder of the major lineage and the founder of the clan. The names of these founders of lineage-branches must go into the line of ascent somewhere, and in a definite order, because they are significant points of reference. It is immaterial whether other names go in or not, and their order is without significance. Consequently some informants put them in and some leave them out, and some put them in one order and others in a different order. It is evident, moreover, that since the minimal lineage consists of four or five actual steps in ascent, there has been telescoping of the agnatic

1: Evans-Pritchard E-5 (1931, 1936) 1940
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line from the founder of the minimal lineage further up the line of ascent to the founder of the clan, for the founder of the minimal lineage was himself the extremity of another minimal lineage which has, by increase in generations, become the minor lineage, and so on. Consequently, even were the supposed founder of the clan the real founder of it, there ought to be at least sixteen steps from him to the present day, assuming that minimal lineages have always been of the same character as at the present time. The length of each fork in the tree of descent ought logically to be of equal length, whereas the twig, so to speak, is longer than the branch or stem from which it springs. (3) There is another way in which only significant ancestors, i.e. ancestors who form the apex of a triangle of descent, are denoted in genealogical trees, and irrelevant ancestors, i.e. ancestors who do not give their name to a group of descendants, are obscured and finally forgotten. Not only do links drop out of the direct line of descent, but also collateral lines merge. It is clear from a study of Nuer genealogies that the descendants of one or two brothers become numerous and dominant, that the descendants of others die out, and that the descendants of yet others are relatively few and weak and attach themselves, as is explained in later sections, by participation in local and corporate life, to a stronger and dominant collateral line. They become assimilated to this line in ordinary lineage reference and eventually are grafted on to it by misplacement of their founder, who becomes a son instead of a brother of its founder. The merging of collateral lines higher up a lineage seems to be common, and to be more frequent and necessary the higher up one proceeds. It is necessary because, as will be seen later, the lineage system provides one of the principles of political organization.

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The structural form of clans remains constant, while actual lineages at any point in time are highly dynamic, creating new bifurcations and merging old ones. They may therefore be presented as trees. But a presentation more useful for sociological analysis is in terms of structural distance, for lineages are groups of living agnates, and the distance between them varies with their relative positions in clan structure. Thus, in the diagram below, the line A–B represents the JINACA clan. The agnatic distance between the MAR minimal lineage and other lineages of the same clan is represented both on the line A–B and also in its time depth by their point of convergence in ascent on the line B–C. The wider the range of agnation specified the further back their point of convergence, so that

1: Evans-Pritchard E-5 (1931, 1936) 1940
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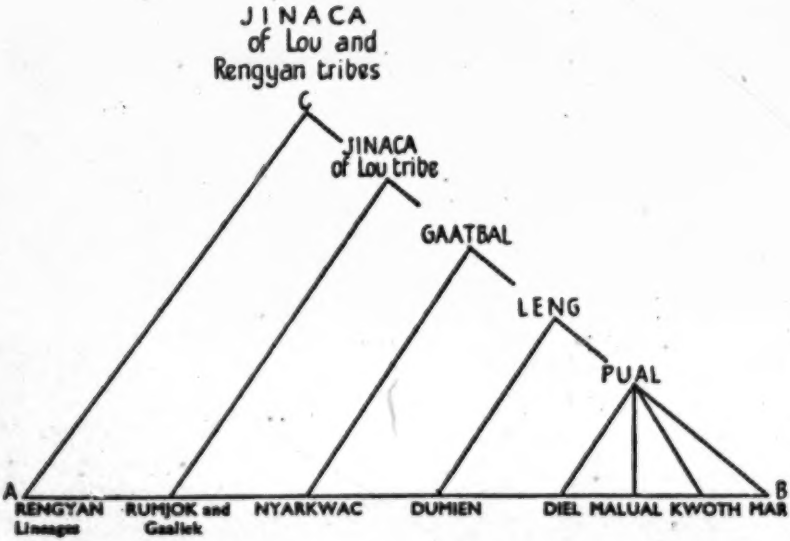
the depth of a lineage (the vertical line of ascent) is always in proportion to its width (the base line representing living lineage groups in the clan system).

A Nuer clan, therefore, is a system of lineages, the relationship of each lineage to every other lineage being marked in its structure by a point of reference in ascent. The distance to this



point is what we call the time depth of a lineage. In theory the genealogical relationship between any two clansmen can be traced through this point, and Nuer can actually trace it if they take the trouble. However, they do not consider it necessary to know the exact genealogical relationship between persons who are known to be distantly related by membership of their respective lineages. Thus it is sufficient for a man of the GAATBAL lineage to know that another man is of the GAALIEK lineage without his having to know the man's exact descent, for these two lineages stand to one another in a certain structural relationship, and therefore the two men stand to one another at that distance. Nuer are conversant up to a point—generally up to the founders of their minimal and minor lineages—with the full range of their genealogical relationships. Beyond this point they reckon kinship in terms of lineages. It is necessary

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XXI

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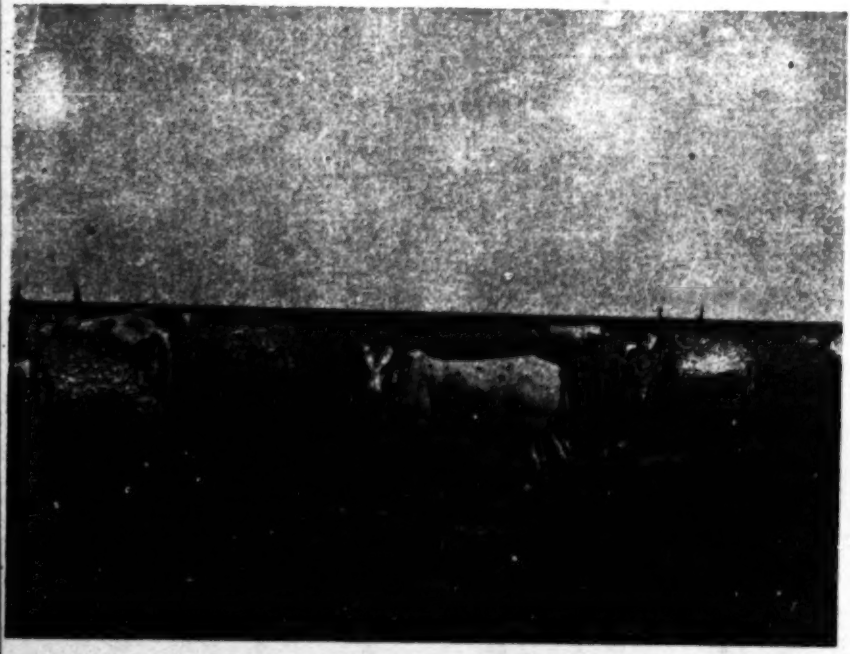

a. Cattle grazing on ridge (Leek)

b. Early dry season cattle camp at forest pool (Lou)

[Face p. 201]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 for a Nuer to know not only that a man is a fellow clansman,
614 but also to know what lineage he belongs to, in deciding questions of exogamy and ceremonial. The relationship between a lineage and others of the same clan is not an equal relationship, for lineages are structurally differentiated units which stand to one another at different and exact structural distances.

It is interesting to note how the Nuer themselves figure a lineage system. When illustrating on the ground a number of related lineages they do not present them the way we figure them in this chapter as a series of bifurcations of descent, as a tree of descent, or as a series of triangles of ascent, but as a number of lines running at angles from a common point. Thus in Western Nuerland a man illustrated some of the GAATGANKIIR lineages, using the names of their founders, by drawing the figure above on the ground. This representation and Nuer comments on it show several significant facts about the way in which Nuer see the system. They see it primarily as actual relations between groups of kinsmen within local communities rather than as a tree of descent, for the persons after whom the lineages are called do not all proceed from a single individual. Jok, Thiang, and Kun are three sons of Kir and founders of the maximal lineages GAAJOK, GAAJAK, and GAAGWONG of the GAATGANKIIR clan. Thiang and Kun are shown next to each other because jointly they form the lineage framework of the Gaajak tribe. The Gying lineage does not belong to the GAATGANKIIR clan, but it is shown next to Kun because of the proximity of the Reng section, of which it forms part, to the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Gaagwong section. Nyang is shown as a short line at the side of Jok because, although the lineage which springs from him belongs to the group of lineages founded by Thiang, they live in the Gaagwang tribe together with a lineage descended from Jok, and the Gaagwang tribe is closely associated with the Gaajok tribe. The Nuer, outside certain ritual situations, evaluate clans and lineages in terms of their local relations. Herein lies the importance of these groups for this study.

IV

Nuer lineages are not corporate, localized, communities, though they are frequently associated with territorial units, and those members of a lineage who live in an area associated with it see themselves as a residential group, and the value, or concept, of lineage thus functions through the political system. Every Nuer village is associated with a lineage, and, though the members of it often constitute only a small proportion of the village population, the village community is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the common designation of the village community by the name of the lineage. It is only in reference to rules of exogamy, certain ritual activities, and to a very limited extent to responsibility for homicide, that one needs to regard lineages as completely autonomous groups. In social life generally they function within local communities, of all sizes from the village to the tribe, and as part of them.

A Nuer rarely talks about his lineage as distinct from his community, and in contrast to other lineages which form part of it, outside a ceremonial context. I have watched a Nuer who knew precisely what I wanted, trying on my behalf to discover from a stranger the name of his lineage. He often found great initial difficulty in making the man understand the information required of him, for Nuer think generally in terms of local divisions and of the relations between them, and an attempt to discover lineage affiliations apart from their community relations, and outside a ceremonial context, generally led to misunderstanding in the opening stages of an inquiry.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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I must here again refer to the term *cieng*, which has been a source of confusion in Nuer studies. A Nuer does not normally say that he is a man of such-and-such a *thok dwiel* (lineage) when he denotes his social position, but says that he is a man of a certain local community, *cieng*. Thus he says he is a man of *cieng* Mar, *cieng* Pual, *cieng* Leng, *cieng* Gaatbal, and so on (see diagram on p. 196).[1] What he is telling you is that he is a member of a group of people who live together in a village or district or tribal section. In ordinary situations of social life it is irrelevant whether he is, or is not, a member of the lineages from which these local communities derive their names. Moreover, since in ordinary speech a lineage-name has a local rather than a strict kinship connotation, those who share community life with the members of the lineage speak of themselves as though they also were members of it, because politically they are identified with it. Thus the word *cieng* is often used in an ambiguous sense which leaves lineage affiliation uncertain, since it is irrelevant, and it may, in consequence, be difficult, without much probing, to discover to what lineage a man belongs.

A *cieng*, in the sense of 'homestead', is called after the man who owns it, e.g. the homestead of Rainen is called '*cieng* Rainen'. When Rainen is dead and his sons and younger brothers and nephews live in his home they may call the hamlet after him, and it will be said that they are all members of *cieng* Rainen. If Rainen was an important man, and proves to have been the begetter of a strong line of descent, the whole village wherein live his agnatic heirs, and strangers who have intermarried with them or in other ways become attached to them, may thus become known as '*cieng Rainen*'. In course of time his descendants multiply and constitute the nucleus of a tribal section which is called '*cieng* Rainen'. Hence it has come about that many tribal sections are called after persons, e.g. *cieng* Minyaal, *cieng* Dumien, *cieng* Wangkac, &c. A lineage thus becomes identified in speech with the territory it occupies; the district occupied by the major lineage of WANGKAC, for example, being known as *cieng* Wangkac. A Nuer then talks about the local community and the lineage which is its political nucleus as interchangeable terms. He even speaks of *cieng* WANGKAC when he means the WANGKAC lineage. This habit confuses a European, since the WANGKAC lineage and the people who live in the Wangkac section are by no means the same.

If you ask a Lou man what is his *cieng* you are asking him where he lives, what is his village, or district. Suppose that he replies that his *cieng* is *cieng* Pual. You can then ask him what his *cieng* forms part of, and he will tell you that it is a part of *cieng* Leng,

[1] [See cat. 116, — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng is part of *cieng* Gaatbal, a secondary tribal section, and that *cieng* Gaatbal is a division of the Gun primary section of the Lou tribe. But he has told you nothing about his clan affiliation. He may or may not be a member of the PUAL lineage, which forms part of the LENG lineage, which forms part of the GAATBAL lineage, which is part of the clan of JINACA or GAATGANNACA, the people of Nac or the children of the children of Nac. In the same way, if a Jikany man tells you that he belongs to *cieng* Kwith of the Gaajok it does not follow that he is descended from Kwe (Kwith) who is descended from Jok the founder of the GAAJOK lineage of the GAATGANKIIR clan, the children of the children of Kir. He may merely mean that he lives in a tribal section occupied by the KWITH lineage of this clan. But these men will not tell you that they are not members of the dominant lineages in these sections, and will allow you to assume that they are, for in community relations there is a degree of linguistic assimilation of all residents other than members of the dominant lineage to that lineage, and people do not wish the fact that they are strangers in the tribal area to be publicly stressed, especially if they are of Dinka origin.

The assimilation of community ties to lineage structure, the expression of territorial affiliation in a lineage idiom, and the expression of lineage affiliation in terms of territorial attachments, is what makes the lineage system so significant for a study of political organization.

V

In emphasizing the relations between lineages and local communities we speak mainly of those lineages which are segments of the dominant clans in the different tribes. It is these which have the greater political importance. We speak of them more fully in later sections. Here we give a preliminary account of how they are associated with tribal segments and how they act in those segments as a framework of the political structure.

The two diagrams which follow show the main lineages of the dominant clans among the Lou and Eastern Jikany tribes and the larger tribal sections in which they are dominant. The lines of descent are traced only as far as is necessary to illustrate the argument which follows. They may be compared with the trees

1: Evans-Pritchard E-5 (1931, 1936) 1940
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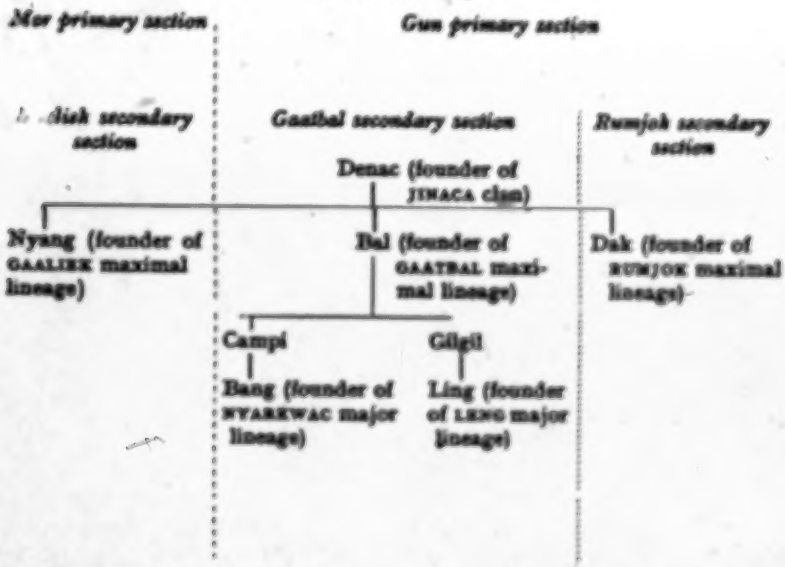
of descent of the two clans[1] and with the maps on pp. 56 and 58, which show the distribution of the sections of the two tribes.

LOU TRIBE



In the Lou tribe it will be seen that the descendants of Nyang, son of Denac, form the nucleus of the Gaaliek secondary section; that the descendants of Bal, another of his sons, form the nucleus of the Gaatbal secondary section, and that the descendants of Dak, his third son, form the nucleus of the Rumjok secondary section. The sections shown in the map, which are not accounted for in the genealogical tree, are the Jimac and the Jaajoah sections, which have clan nuclei of foreign origin. It must be made clear that when a tribal section is called after a lineage it does not mean that all members of the lineage live in it, though probably most of them do, and it certainly does not mean that they alone live in it, for investigations show that they form only a small minority in the total population of the section. Large stranger lineages are included in the area designated by a title taken from any of the sons of Denac, e.g. the THIANG lineage in the Gaatbal primary section. Also there are innumerable small lineages of Nuer strangers and of Dinka clustered around lineages of GAATNACA descent. Thus, if one visits the villages and cattle camps called after lineages which spring from the GAALIEK maximal lineage, e.g. the lineages of JAANYEN and KUOK, one will find them occupied by a relatively small number of persons of these lineages,

1 A [See pp. 196-97, cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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while most of the residents will be found to have sprung from other Nuer and Dinka clans. Thus, at the cattle camp at Muot Dit in 1930 there were not only various minimal lineages of the RUE branch of the RUMJOK maximal lineage of the GAATNACA clan, the 'owners' of the site, but also a KAANG lineage from Lang country, a KAN lineage from Bul country, a KONG lineage from Lang country, all segments of clans dominant to the west of the Nile, and many Dinka lineages. Likewise at the village of Parkur in Leek country in 1930 hamlets were occupied by a NYAPIR lineage of the dominant GAATBOL clan, a CUOR lineage of Dinka which has close association with the JIKUL clan, a GENG lineage from Beegh country, a RUAL lineage from Bul country, a KWACUKUNA lineage of the JIMEM clan, and other lineages.

The descendants of Jok[1]-Kir form the aristocratic nucleus of the Gaajok tribe; the descendants of Thiang[2]-Kir and Kun-Kir form the aristocratic nucleus of the Gaajak tribe; and the descendants of Gwang-Jok and Nyang-Thiang together form the aristocratic nucleus of the Gaagwang tribe. On the map on p. 58 the names of these lineages figure as tribal sections, for they have given their names to the areas in which they are dominant. Thus the names of three major lineages descended from Jok, LAANG, YOL, and WANGKAC appear on the map as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient size to give its name to a large tribal division, though they give their names to small sections and villages.[3] Here again, it must not be supposed that the descendants of Jok form more than a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises many foreign elements which probably far outnumber the descendants of Nyang-Thiang and Gwang-Jok. The same applies to the Gaajak tribe. The GAAGWONG lineage is so closely associated with the GAAJAK lineage in tribal life that they form together a twin nucleus of the Gaajak tribe. The secondary sections of Lony, Kang, and Tar, shown on the map, are all called after lineages which spring from Thiang-Kir. Likewise the secondary sections of Nyayan, Cany, and Wau are all called after lineages which spring from Kun-Kir. Hence the only section in the map not accounted for

[1] Also called Majok. [2] Also called Mathiang.

[3] Village-names are generally place-names and not names of lineages, but one may refer to the communities by the names of their chief lineages. It often happens that these lineages are of stranger or Dinka descent, and though the communities may be referred to by their names, it is recognised that the sites belong to lineages of the dominant clan of the tribe. Hence a village may be associated with two lineages. Thus the JUAK, NOWOL, &c., of the Leek tribe are stranger or Dinka lineages after whom village communities are called, but the sites are the land of the KRUNYANG lineage, and they alone are *diel* in them.

[p. 208 contains no textual material]

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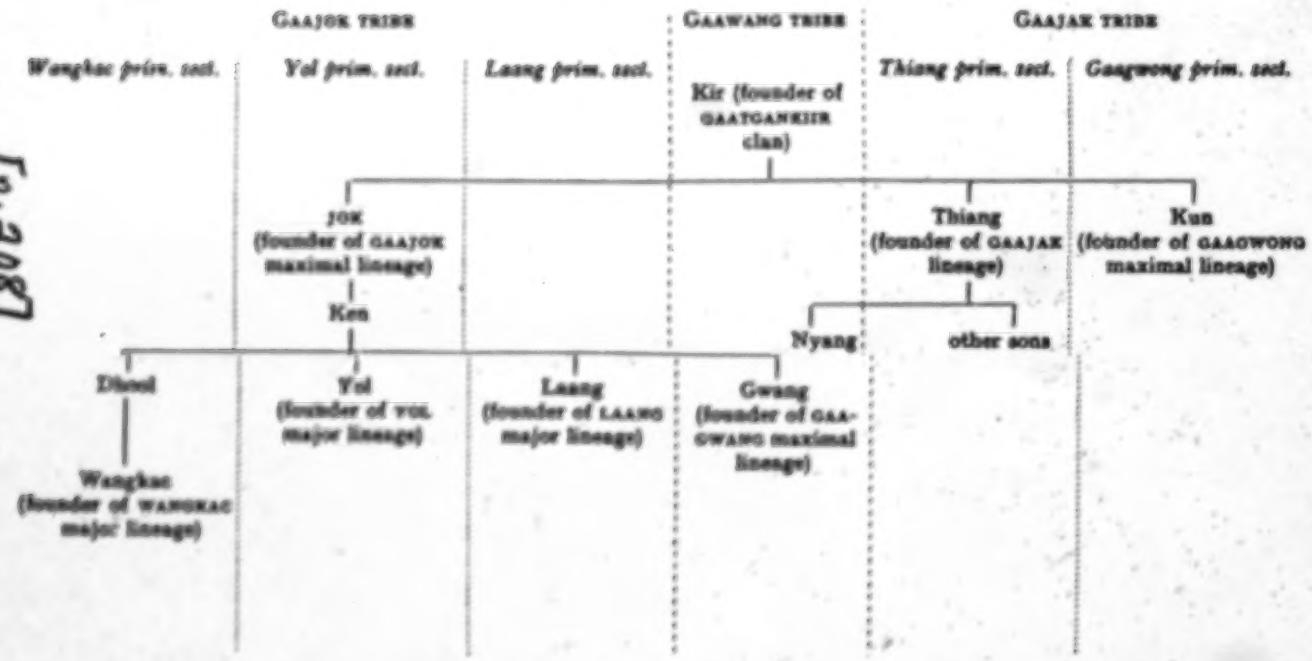
[p.208]

JIKANY TRIBES



1: Evans-Pritchard E-5 (1931, 1936) 1940
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in the diagram is the primary section of Reng, the Kong and Dhilleak divisions of which have clan nuclei of different origin to the other sections. 619

In all these tribes and tribal sections there is much admixture of lineages in communities. The same conditions are found in the Zeraf valley and also, and perhaps to a larger degree, in Western Nuerland. Nuer say that feuds and quarrels between lineages chiefly led to their dispersal, and they can cite many examples. Thus the descendants of Nyang-Thiang left the other sons of Thiang and joined the people with whom they form the Gaagwang tribe, and the NYARUNY lineage left their kinsmen of the Thiang primary section and joined the Reng primary section of the Gaajak tribe. After fights, a whole community, led by its dominant lineage, may in this way move to a different section or tribe and take up permanent residence with them. Migration led to further dispersal, since some lineages remained in the homeland to the west of the Nile and others crossed the Nile and Zeraf and settled to the east of these rivers. Nuer say that in the earliest stages of the migration the warriors used to raid Dinka and return home to their kinsmen after each raid. Then they settled to the east, but kept in close contact with the people of their lineage to the west. But as they shifted farther away the contact lessened and finally, in most cases, ceased altogether. When lineages migrated they must already have been nuclei of heterogeneous accretions and not exclusive groups of agnates: but admixture was no doubt hastened and made more complete by movement. 613 619 166

Two factors other than migration, quarrels, intermarriage, &c., have probably contributed to the dispersal of lineages. The Nuer are mainly a pastoral people with dominant pastoral interests and do not feel themselves bound by economic necessity or by ritual ties to any particular spot. Where his cattle are is the Nuer's home; his hearth is the droppings of his cattle and his altar a light pole (*rial*) which he plants wherever he may wander. The spirits which give him protection and the ancestral ghosts that watch over his welfare are no more bound to the soil than he is and they are present wherever are the herds. Beasts dedicated to ghosts and spirits are his wandering shrines. Also the Nuer have no organized cult of ancestral ghosts. The dead 181 771 79

1: Evans-Pritchard E-5 (1931, 1936) 1940
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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 clining, his garden exhausted, his relations with some of his neighbours uncongenial, or merely if he is restless, he moves to
607 a different part of the country and resides with some kinsmen.
601 It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat när*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XXII

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a. Spearing fish from dam (Eastern Gaajok)

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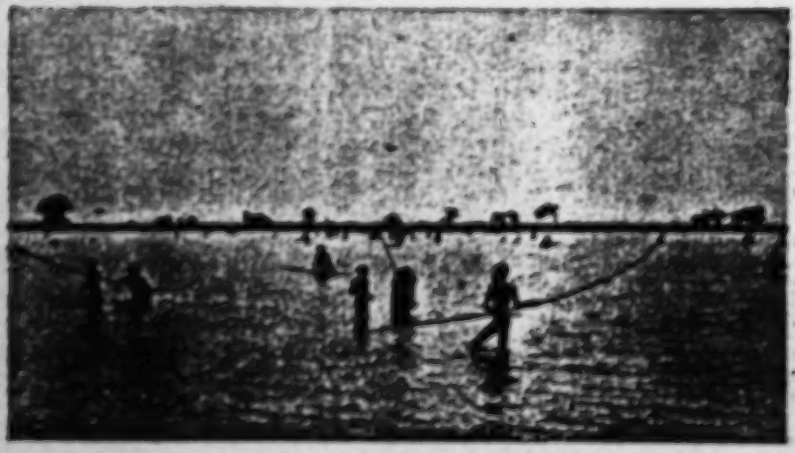

b. Harpoon-fishing in Lake Fadet (Lou)

[Face p. 210]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 and become attached to larger and stronger lineages by processes
621 which we will explain later.

613 Nevertheless, a Nuer lineage never entirely merges into
621 another clan. There are always certain ritual observances
614 which cannot be shared. If intermarriage creates community
[582] ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 In spite of so much dispersion and admixture of clans there is
619 in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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614 619 of a clan, is associated with the political group in which it occupies a dominant position among the other agnatic groups that live in it. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often linguistic identification, between the parts of a clan and the parts of a tribe. Thus, if we compare the diagram on p. 144 with that on p. 193 and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary sections X and Y, major lineages D and E correspond to secondary sections X^1 and X^2, major lineages F and G correspond to secondary sections Y^1 and Y^2, and minor lineages J and K correspond to tertiary sections Z^1 and Z^2. Minimal lineages are associated with villages composing the tertiary sections. It is for this reason that we have spoken of the dominant clan as forming a framework on which the political system of the tribe is built up through a complex series of kinship links. The system of lineages of the dominant clan is a conceptual skeleton on which the local communities are built up into an organization of related parts, or, as we would prefer to state it, a system of values linking tribal segments and providing the idiom in which their relations can be expressed and directed.

614 619 565 The JINACA of Lou country lived originally with their kinsmen the JINACA of Rengyan country to the west of the Nile, but they split off from them and, having crossed the Nile, conquered present-day Lou country. Here they were the first occupants, or at any rate the strongest element among the first occupants. Probably JINACA men frequently crossed the Nile to join their kinsmen to the east and amalgamated with them. Such persons would at once be members of the dominant clan and be spoken of as *diel*, members of the aristocratic group of lineages. But members of other clans which settled in Lou country during or after the occupation were classed as strangers (*rul*). In the same manner those lineages of the GAATGANKIIR clan who crossed the Nile and settled to the north of the Sobat held there a privileged position among other Nuer who joined them.

Every Nuer tribe has in this way its *diel*, its superior clan, though in the case of some tribes we are not certain of the correct designation of these clans. Among the Gaawar they are the GAAWAR, among the Thiang the (GAA)THIANG, among the Leek the GAATBOL, among the Wot, and probably also among the Ror, the

[See cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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JIDIET, and among the Begh the JIKOI, &c. Where the correct clan name is unknown one may refer to these dominant elements as the aristocrats (*diel*) or the 'bulls' (*tut*) of such-and-such a tribe, as the Nuer themselves frequently do, e.g. a *dil* or *tut* Bura, an aristocrat of the Bor tribe, *dil* or *tut* Wotni, an aristocrat of the Wot tribe, *dil* or *tut* Beeka, an aristocrat of the Beegh tribe, *dil* or *tut* Laka, an aristocrat of the Lak tribe, &c. One may always speak of an aristocratic clan or lineage by its proper name or by reference to the tribe in which it has a privileged position, e.g. GAATNACA, children of Nac, or *diel* Looka, aristocrats of the Lou tribe, GAATBOL, children of Bul, or *diel* Leegni, aristocrats of the Leek tribe.

There are four essential points to be remembered about these aristocratic clans. (1) Not every clan has superior status in a tribe. Some clans, e.g. the JIMEM and the JAKAR, have no *wec*, no local community, as the Nuer say. Others have village-sites where they have resided for a long time and which are called after them, but they are not *diel* in the tribe where these sites are found. Many are like cuttings which have lost all contact with the parent stem, but these may at once be designated Dinka lineages that have sprung from immigrants, whose descendants sometimes know the Dinka country of their origin but do not know their position in its system of lineages. Consequently they cannot trace ascent for as many generations as true Nuer, and their lineages are narrower in range and territorially more restricted. One finds them in little local pockets in a single tribe, whereas the Nuer clans are distributed throughout many tribes.

(2) Not every member of a Nuer clan lives in the tribe where it has superior status, for most clans are found in all parts of Nuerland. Most JINACA live in Lou and Rengyan tribal areas, where they are *diel*, but many are also found among the Eastern Jikany tribes and elsewhere. Likewise, most GAAWAR live in Gaawar country, but they are also found in most, perhaps all, Nuer tribes. Tribes are territorial groups with an unbroken social extension, whereas clans are kinship groups dispersed far and wide. Consequently a tribe is a community and can have corporate functions, but a clan is never a community and can never act corporately. The Lou tribe unite for war. The JINACA never unite. Also a man can change his tribe by changing his place of residence, but he can never change his clan. A

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Lou man who goes to live in Gaawar country becomes a Gaawar man. A JINACA man remains a NAC wherever he lives.

(3) A clan is, as we have earlier emphasized, not numerically preponderant in the tribe where it is dominant, e.g. the JINACA are only a small minority in the Lou tribe and the GAAJOK lineage are only a small minority in the Gaajok tribe.

(4) A man is a *dil*, aristocrat, only in the one tribe where his clan has superior status. Thus a *dil Leegni*, an aristocrat of the Leek tribe, is an aristocrat there and nowhere else. If he goes to live in Bul country or in one of the Jikany countries he is no longer a *dil* but a *rul*, stranger. In the same way a member of the JINACA is a *dil* in Lou country, but if he goes, as many of his clan do, to reside in Gaajok country, he is not a *dil* there but a stranger, *rul*. The JINACA are *diel* Looka, but the GAAJOK are *diel* Gaajok. The status of *diel* is dependent on residence on land owned by their clan. The only exception to this statement is to be found in such cases where a clan is dominant in two or more tribes, e.g. the JINACA in Lou and Rengyan and the GAATGANKIIR in the Jikany countries to the west and to the east of the Bahr el Jebel. If a man of the JINACA moves from Rengyan to Lou he still remains a *dil*, because both countries belong to his clan. Likewise a man of the GAAJOK lineage of the GAATGANKIIR can move from Gaajok to Gaagwang, or Gaajak, country, on either side of the Nile, and still remain a *dil*, for various lineages of his clan are dominant in all these tribes.

Like most words which denote sociological status, *dil* is used by Nuer in various contexts with various meanings. In this book it is used with the precise meaning given to it in the preceding paragraphs. It is, however, permissible to use the word to denote a true member of any lineage, whether dominant in the tribe or not. For example, the JUAK lineage of the Leek tribe are of Dinka origin and are not *diel Leegni*, but a man who dwells among them can obviously be either a *dil Juaka*, a true member of the JUAK lineage, or a person who has attached himself to them for some reason or other. In the same manner one may speak of a *dil* JIMEM, although there is no tribe in which the JIMEM have the status of *diel*, for a man may be a true member of the clan or a Dinka who has attached himself to it. Also a member of the JINACA who leaves Lou and settles in Gaajok still remains a *gat dila Looka*, a child of Lou aristocracy, and will call himself such, meaning that when he is in Lou country he is an aristocrat.

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The words '*tut*' or '*gat twot*', son of a bull, are used in the same manner as '*dil*' and '*gat dila*'. Here again a man may be a *tut* of his lineage, in contrast to accretions of strangers and Dinka who live in the district associated with it, without being a *tut* of the tribe of which that district forms part, e.g. a man may be a *tut* of the Jaajoah secondary section of the Lou tribe without being a *tut Looka*, because the aristocratic clan of the whole of Lou country are the JINACA, and the JAAJOAH are not members of this clan. In other words a man may call himself a *tut* of the Jaajoah to emphasize that he is a JAAJOAH and not merely a Jaajoah, but he does not thereby imply that he is a *tut Looka*. In a still more general sense *tut* may, as we have noted, merely mean a paterfamilias or even a male person. One must judge from the context how the expression should be translated. In this book we use the words *tut* or *gat twot* in the sense, defined on pp. 179–80, of an elder, and we use the word *dil* to refer to a tribal aristocrat.

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It is difficult to find an English word that adequately describes the social position of *diel* in a tribe. We have called them aristocrats, but do not wish to imply that Nuer regard them as of superior rank, for, as we have emphatically declared, the idea of a man lording it over others is repugnant to them. On the whole—we will qualify the statement later—the *diel* have prestige rather than rank and influence rather than power. If you are a *dil* of the tribe in which you live you are more than a simple tribesman. You are one of the owners of the country, its village sites, its pastures, its fishing pools and wells. Other people live there in virtue of marriage into your clan, adoption into your lineage, or of some other social tie. You are a leader of the tribe and the spear-name of your clan is invoked when the tribe goes to war. Wherever there is a *dil* in a village, the village clusters around him as a herd of cattle clusters around its bull.

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I have described the position of *diel* as I judged it to be among the Lou tribe. I had the impression that to the west of the Nile their status was less pronounced, whereas among the Eastern Jikany tribes, on the periphery of Nuer expansion, it was more emphasized. In the Karlual area of the Leek tribe, the only part of western Nuerland I know more than superficially, the aristocratic prestige of a *dil* is recognized, but there are clans of strangers so well and long entrenched in the districts and villages in which they are found to-day that a *dil* has no legal privilege.

[See cat. 116 — Analyst]

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619 At a cursory glance, I gathered that conditions were elsewhere
565 the same in western Nuerland, except, perhaps, among the
554 Jikany where the status of *diel* may be more enhanced. Among the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than
621 a few families of *diel*. Most people are either *rul*, Nuer of other
563 clans, or *jaang*, persons of Dinka descent who have not been
565 adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed
565 entirely of fellow aristocrats, for lineages of *diel* split up and
554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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PLATE XXIII

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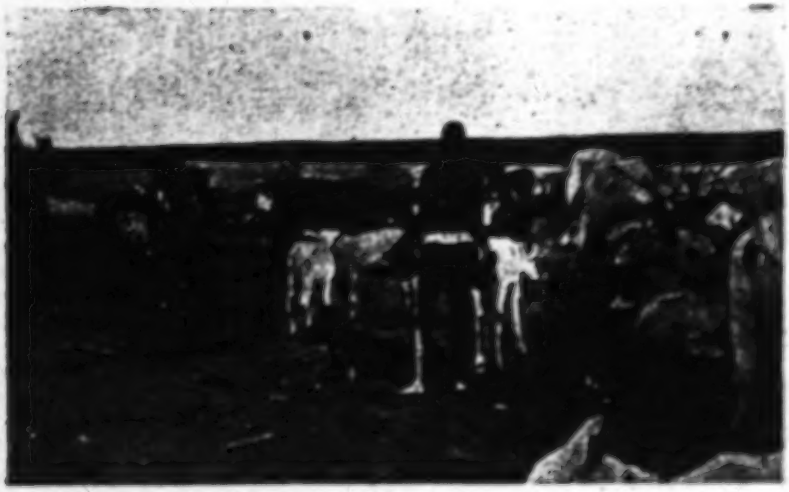

a. Section of camp kraal (Lou)

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b. Sobat river in the dry season (Lou)

[Face p. 216]

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he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

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It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Geeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

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of Nuer clans, other than the GAATGANKIIR, who have settled in Jikany tribes equally assured me that the payments were the same for both. No doubt they were both hoping to influence Government practice by their statements. On the whole, I consider that among the Eastern Jikany there was probably a difference between payments for homicide of an aristocrat and of a stranger, but that there was much flexibility in the assessments, which depended generally on the special circumstances of each case: the length of the dead man's residence in the country, marriage alliances between his family and aristocratic lineages, the strength of his lineage and local community, whether he had been killed by a member of his village or by a man of another village, and so forth. Probably the same is true of the Western Jikany tribes, where I was told that the customary compensation fo. an aristocrat was from 40 to 50 head of cattle, for a stranger or Dinka who had settled in the country, 30, and for a Dinka who was staying there but had not yet built a homestead, 20. The practice of the Jikany is not typical of Nuerland as a whole.

Nevertheless, all over Nuerland Nuer and Dinka were differentiated by assessment of their value in blood-cattle, though the definition of a Dinka, in this respect, varied in different tribes. Among the Lou the practice was to reckon aristocrats and strangers together at 40 head of cattle. A Dinka who was born in Lou country was said to have become a Nuer (*caa nath*) and a member of the community in which he was living (*caa ran wec*), so that his life also was assessed at 40 head of cattle. On the other hand, a Dinka who had been captured in war and brought to Lou country was reckoned at 16 head of cattle, while a Dinka visiting relatives or affines in Lou country was reckoned at only 6 head of cattle. I was told that a Dinka who had been adopted held an inferior position in this respect to that held by his children, who counted as true Nuer. In the Jagei tribes Nuer strangers and Dinka who were permanent members of a community appear to have been reckoned at 40 head of cattle, like an aristocrat, while a stranger or a Dinka who had not built a byre was reckoned at only 10.

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The building of a byre was stressed because a man who built a homestead in a village had clearly the intention of remaining there and the community gained by an addition to its herd. Such a man seems to have been reckoned equal to an aristocrat in all parts of Nuerland, except among the

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Jikany where, I was told, a Dinka could never lose his inferior 565
status, which was transmitted to his descendants. The accep- 563
tance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress.

We again emphasize the point to which we drew attention in 628
the section on law, that the degree of responsibility acknowledged 681
for a tort, the chances of compensation being offered for it, and 592
the amount of compensation paid, depend on the relations of 563
the persons concerned in social structure. Thus, if a man kills 609
an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.'

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be 628
considered to belong to this category in one situation and not in 681
another. This is obviously the case in social life generally, 563
because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the

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628 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed no compensation
621 would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

v597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

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an examination of adoption. A Nuer cannot be adopted into a lineage other than that into which he is born, so that the custom concerns only Dinka. 597c 563 619

We have already described how Nuer scorn Dinka and persistently raid them, but they do not treat those Dinka who are permanent members of their community differently from its Nuer members, and we have seen that persons of Dinka descent form probably at least half the population of most tribes. These Dinka are either children of captives and immigrants who have been brought up as Nuer, or are themselves captives and immigrants who are residing permanently among Nuer. They are '*Jaang-Nath*', 'Dinka-Nuer', and, it is said, '*caa Nath*', 'they have become Nuer'. As we have explained, once their membership of a community is recognized, in most of Nuerland, their legal status is the same as that of a free-born Nuer, and it is only in relation to ritual and rules of exogamy that attention is drawn to their origin. In structural relations of a political kind they are undifferentiated members of a segment. Although in his domestic and kinship relations a Dinka has not so strong a position as a Nuer, because he has not the same range of kinship links, I have never observed that they suffer any serious disabilities, far less degradation. In answer to my question whether a captured Dinka would not work harder in the kraal than a son of the family, I was told that he was a son and would enjoy the same privileges as the other sons, being given an ox by his father at initiation and, later, bride-cattle for a wife. The only foreigners who suffer serious social inequality are certain small pockets of Dinka and Anuak who have been conquered but not absorbed into Nuer society and culture. Such pockets, like the Balak Dinka and the Anuak on the Sobat river, enjoy neither the privileges of Nuer citizenship nor the freedom of foreigners. Such pockets do not truly constitute part of a Nuer tribe.

Captured Dinka boys are almost invariably incorporated into the lineage of their Nuer captors by the rite of adoption, and they then rank as sons in lineage structure as well as in family relations, and when the daughters of that lineage are married they receive bride-cattle. A Dinka boy is brought up as a child of his captor's household. He is already incorporated into the family and joint family by his acceptance as a member of these 597 613

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597 groups by their other members and by outsiders. People say
613 '*caa dil e cieng*' or '*caa ran wec*', 'he has become a member of the community', and they say of the man who captured him that 'he has become his father', and of his sons that 'they have become his brothers'. He is already a member of the *gol*, the household and joint family. Adoption gives him a position in lineage structure, and thereby ceremonial status, for by adoption he becomes a member of his captor's *thok dwiel*, lineage.

597 I was told that the captor will seldom himself give the lad *buth*,
788 agnatic affiliation to his lineage, and that the rite is usually performed by a kinsman at the request of his sons and with the consent of their minimal lineage. A representative of the lineage invites the Dinka, now grown-up and initiated, to attend the sacrifice of an ox or sheep in his kraal. The head of the joint family provides the sacrificial beast and the representative of the lineage drives the tethering-peg into the earth at the entrance to the byre and walks up and down the kraal invoking the spear-name of the clan and calling on the spirits and ancestral ghosts of the lineage to take note that the Dinka is now a member of it and under their protection. He then spears the beast and the Dinka is smeared with the undigested contents of its stomach while the ghosts and spirits are asked to accept him. He is especially smeared on the soles of his feet, for this binds him to his new home. If he leaves it he will die. The beast is then cut up, and a son of the house, or the representative of the lineage, and his new brother divide the skin and the scrotum, which the Dinka cuts. The Dinka also takes the neck as his portion. On all future occasions when animals are sacrificed by members of the lineage the Dinka will receive his share of the meat, for he is now a member of the lineage. The cutting of the scrotum is the symbolic act which makes the man a member of the lineage, because only an agnatic relative may cut the scrotum of a sacrificial beast. 'A man who has cut the scrotum of your beast, if he [illegible] sexual relations with your daughter, he will die.'

613 A girl captive is not adopted into the lineage, but people say
597 '*caa lath cungni*', 'she is given a right to receive bride-wealth'. 'Her
[583] children are become people who partake in the bride-cattle'. This means that when she is married, or her daughters are married, the sons of the family in which she has been brought up will receive the cattle due to brothers and maternal uncles, and that in return, when the daughters of the sons and daughters of this family are married, she, or her sons, can claim the cow due to the paternal aunt and the cow due to the maternal aunt. She has become a daughter to her captor and a sister to his sons, but she is not a member of their lineage.

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PLATE XXIV

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A leopard-skin chief

[Face p. 222]

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By adoption Dinka men are grafted on to the lineage of their captors. They trace their ascent up the lineage to its ancestor and they become a new point of its growth. The fusion is complete and final. The spirits of the lineage become their spirits, its ghosts become their ghosts, and its spear-name and honorific name become their symbols. Indeed it is almost impossible without a prolonged stay in a Nuer village or camp to discover who are and who are not of pure Nuer origin. I have for weeks considered men to be true Nuer, whereas they were descended from captured Dinka, for a man whose Dinka grandfather had been adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the man whose grandfather adopted his grandsire, and he is so regarded by other members of the lineage and by persons not of it. Thus, when a man gives his descent from E through D and C, and another man gives his descent from E through J and K, one naturally assumed that D and J were sons of E. There is no means of knowing that, in fact, J was a captured Dinka who was adopted into the lineage, unless someone volunteers the information—a most unlikely happening in Nuerland. Moreover, it is impolite to ask strangers whether their grandfathers were captured Dinka, and, even if they were of Dinka origin, they would not readily say so. One can, of course, always ask other people; but only those who are members of the same lineage are likely to be fully acquainted with the man's ancestry, and they, in all probability, will not tell one if he is of Dinka origin, for he is their agnatic kinsman as far as outsiders are concerned.

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A very large number of Dinka in all tribes have been incorporated by adoption into Nuer lineages. Since, as mentioned later, adopted Dinka and their descendants can marry into collateral lineages, it would not be accurate to say that they are adopted into clans. Probably most captured Dinka were adopted into Nuer lineages, but there are also many Dinka lineages descended from men who came of their own free will to settle in Nuerland, either to escape famine, largely caused by Nuer raiding, in their own country, to visit captured sisters, or to reoccupy the sites from which Nuer raids had ousted them. Such immigrants were unmolested and were permitted to settle or return to Dinkaland as they might choose. A Dinka who decided to settle

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became some Nuer's *jaang*, his Dinka, and *rende*, his man, and the Nuer would give him an ox and maybe a cow or two when he had given proof of his fidelity and attachment to his new home. I was told that he might even be given a daughter of the house in marriage without payment of bride-wealth if she were blind or lame and no Nuer would contemplate taking her as a bride. Often a widow lives in concubinage with such a Dinka, who thus obtains a 'wife' in the sense of cook, housekeeper, and mate; and even if the children she may bear him do not count as his descendants he can gain their affection. If a Dinka settles at the home of the husband of his sister, the husband may give him a cow or two in acknowledgement of affinity.

There must also have been pockets of the original Dinka occupants of country overrun by the Nuer who submitted and gave up their language and habits in favour of those of the Nuer. At any rate, there are to-day in all tribes many small Dinka lineages, and villages are often called after them. Such lineages are numerically preponderant in the communities where I spent most of my time, Yakwac camp and Nyueny village. The way in which these lineages are woven into the lineage texture of the dominant clan of the tribe is discussed in the next two sections.

Here we summarise points which have already emerged from our description of the position of Dinka in relation to Nuer. (1) *Jaang*, Dinka, has many meanings: any foreigners whom the Nuer habitually raid; Dinka living in Dinkaland and raided by Nuer; Dinka of unabsorbed pockets in Nuerland or on its confines; recent Dinka immigrants; certain clans which are said to be Dinka in origin, e.g. the GAATGANHIR; members of small Dinka lineages which are Nuer in every character except in origin; descendants of adopted Dinka; adopted Dinka. One can only judge the meaning Nuer attach to the word by its context and the tone in which it is spoken. (2) It is only those Dinka who are regarded as members of a Nuer tribe who concern our present discussion. Their status is relative to the social situation in which the question of status arises, and cannot be rigidly defined. (3) Nuer conquest has not led to a class or symbiotic system, but, by the custom of adoption, has absorbed the conquered Dinka into its kinship system, and through

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the kinship system has admitted them into its political structure on a basis of equality.

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage.

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan.

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp

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582 602 621 can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

613 621 We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiet*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiet* to another if there is one such female link between them anywhere in the lines of their descent,

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and as there must be such a link if they live in the same community, owing to the rules of exogamy, it follows that people who live together are all *gaat nyiat* to one another. However, it is in relation to the dominant lineage of a community that the concept is mainly employed and is politically important. When people are not members of this lineage it is stressed that they are *gaat nyiat* to it. Nuer of other clans can never more closely identify themselves with the dominant lineage, because, for ritual reasons, they must remain autonomous units, but politically they accrete themselves to it through this kinship category. Moreover, outside ritual situations, being *gaat nyiat* to a dominant lineage gives people complete equality with it, and their accretion to it is often expressed in terms of lineage structure, so that a man will often give his ascent to the woman of the dominant lineage who bore one of his ancestors, and thus graft himself, through her, on to their tree of descent; though this is more usually done by Dinka than by Nuer. It is, however, the common practice for children of strangers who have been brought up at the home of their maternal kinsmen, who are aristocrats, to regard themselves as members of their mother's lineage, except in ceremonial situations, and to consider its members, rather than their father's lineage, as their true kinsmen. 613 621

Dinka who have not been adopted commonly trace their ascent to a female Nuer forebear and through her they graft themselves into a Nuer lineage and are accepted as members of it in ordinary social relations. Thus a Dinka often gives his ascent to the dominant lineage of his community through a woman, and sometimes through two or three female links, and though this is generally evident from female prefixes it cannot always be known. These Dinka individuals incorporate themselves into the structure of a Nuer lineage through their mothers, since they have no lineage structure of their own. This is different from the stressing of a female link (*gaat nyiat*) which unites a group of Nuer strangers or of Dinka to the dominant lineage of their tribal section and also from matrilineal modes of reckoning descent due to matrilocal conditions of residence, which may be temporary. 613 621 609 [611] [591]

Owing to exogamous rules lineages are thus linked by 613 621

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613 immumerable cognatic ties, so that however many lineages there
621 may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*nar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

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000 We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces
608 residential relations into a kinship pattern. A third way is by
609 mythological creation of kinship fictions, and this way is appro-
563 priate to relations between dominant lineages and stranger and
773 Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XXV

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a. Ngundeng's pyramid (Lou)

b. Ngundeng's pyramid (Lou)

[Face p. 228]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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in which large pockets of strangers and Dinka are incorporated into the conceptual scheme of a tribe.

It has frequently been emphasized that political relations are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

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We do not propose to give a collection of Nuer myths. We have so far only mentioned one myth explaining group interrelations: that which tells why the Nuer raid the Dinka. There are very few myths of this general kind. Most relate to clans and lineages in their corporate territorialised form and explain their association with one another as tribes and tribal segments, particularly the relations between dominant lineages and large stranger lineages living with them. We are not always able to explain mythological relations by the present-day political system, but this can often be done, and where we fail to do it we attribute our inability to ignorance, especially to ignorance of tribal history.

The two large Lou tribal sections, the Jimac and the Jaajoah which appear on the map on p. 56, but not on the clan tree of the JINACA, the dominant clan of the tribe, on p. 196, are divisions called after the JIMAC and JAAJOAH lineages. They are said to be *gaat nyiet*, children of daughters of the founder of the JINACA clan, and there is a myth accounting for this maternal link. Denac was said to have had, according to the Lou story, four sons, named Yin, Dak, Bal, and Bany, by one wife, and Nyang and two nameless brothers by a second wife. These wives are sometimes said to have been called Nyagun and Nyamor and the two primary sections of the tribe, Gun and Mor, to be named after them. Nyang's two brothers were eaten by an ogre. When, afterwards, the sons of Denac went fishing, the four sons of one mother went by themselves and Nyang by himself, for he would not accompany his half-

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brothers, but pined for the sons of his mother. When he caught a fish someone would come and steal it from him, forhe was all by himself and only a boy. When he came home he would not sit with the other boys facing his father, but sat apart with his back to him, and when his father asked him why he was troubled he replied that he was thinking of his brothers whom the ogre had eaten. His father said to him, 'Never mind, take your two sisters and let them be your brothers.' So when Nyang went fishing he wasaccompanied by his sisters Nyabil and Fadwai. Nyang is the founder of the GAALIEK lineage, Nyabil of the JIMAC lineage, and Fadwai of the JAAJOAH lineage. These lineages together form the kinship framework of the Mor primary section of the Lou tribe and the myth explains their association. This maternal link has not prevented intermarriage between the GAALIEK and the JIMAC. Apart from questions of ritual and exogamy the descendants of Nyabil and Fadwai are treated as though these daughters had been sons, and they possess a mythological patent which gives them equal status in the tribe with the *diel*. In tracing their agnatic ascent members of these lineages do not go further back than their ancestress. From her they continue to her father, Denac.

In the Gaawar tribe there is an important JAKAR lineage which is mythologically attached to the GAAWAR, the aristocrats of the tribe, in the following manner. A man called Kar, or Jakar, descended from heaven by a rope that connected the sky with a tamarind tree, probably the tree in Lang country beneath which mankind is said to have been created. He was later followed by War, the founder of the GAAWAR clan, who was found sitting in the tree by Kar's sister who was gathering firewood accompanied by her dog. She returned to tell her brother that she had found a man whose head was covered in blood. Kar tried to persuade him to come to the village but he refused to do so. They then sacrificed an ox and roasted its flesh and the smell so attracted War, who was very greedy, that he climbed down the tree and entered the village. When he had eaten he wanted to return to heaven, but Kar cut the rope. Mr. B. A. Lewis has kindly furnished me with what he says is a less common version, found in the Gaawar tribe. War fell from heaven in a rainstorm and was discovered by a dog which belonged to Logh, but was with Kwec's wife when she was looking for wood in the forest and War was found. Kwec's wife took him home with her and a dispute arose between Kwec and Logh about the ownership of the foundling. Logh claimed War on the ground that it was his dog which had discovered him, and Kwec claimed him because his wife had found him. Then Kar joined in the discussion, saying that War was his brother.

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This myth brings War and Kar and Logh into some kind of relationship to one another and is to be explained by the fact that the two main clans in the Gaawar tribe, next to the aristocratic clan of the GAAWAR, are the JAKAR and the JALOGH. The JALOGH are presumably the same clan as live to the south of Dok country where a small territory is named after them. Kwec was, doubtless, the founder of the KWEC lineage after whom a small territory, next to the Jalogh country, is named. We may surmise that, since both lineages are found in Gaawar country at the present day and in its present site to the east of the Nile, they also had close relations with the GAAWAR when all three clans lived in their homeland to the west of the Nile.

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The richest clan mythology is that of the GAATGANKIIR, and it clearly illustrates the mythological integration of lineages of different origins to the dominant lineage system in a political structure, and shows how territorial relations are given a kinship value.

There are several versions of many of the incidents relating to Kir, the founder of the GAATGANKIIR clan, and we give an abridgement of one of these. A Dinka of the Ngok tribe, called Yul, saw a stalk of a gourd on a river bank and, having followed it a long way, arrived at a huge gourd. He cut this gourd open and out of it came Kir with various ritual objects. Yul's wife suckled the child as well as her own baby, Gying. When Kir grew up he turned out to be a witch and magician and the sons of Yul tried to kill him because his evil powers were destroying the cattle. Only Gying remained Kir's friend, and said to him, as he fled from Yul's home, that he would one day follow after him and join him.

In his flight Kir came to the Nile where he saw a man, called Tik, in the river and asked him for help. Tik struck the waters of the Nile and cut them in two and Kir crossed over to the west bank. Kir told Tik that when he had found a place to settle in Tik was to come after him. Tik accompanied Kir till they met a man of the Wot tribe who took them to his home where the JIDIET, the dominant clan of the Wot, sacrificed a black ox so that the lethal power of witchcraft might leave Kir's eyes and enable him to look at people and cattle without killing them. Kir then dug a hole for himself in a termite-mound near a cattle camp of the GAAWAR, where he performed many strange feats. Eventually the GAAWAR offered sacrifices and persuaded him to leave the mound and took him to their camp.

Kir was then given a wife, Nyakwini, who bore him Thiang before he killed her with his witchcraft. He then married Nyabor who bore him Kun. He likewise killed her. The people then gave him

1: Evans-Pritchard E-5 (1931, 1936) 1940
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a lame woman, Duany, who bore him Jok. In Lou and Eastern Jikany versions the three wives were all daughters of Gee, the founder of the GAATGANGEEKA family of clans, and in versions to the west of the Nile the first two were GAAWAR and Duany a NYAPIK of the Bul tribe, but all accounts make Nyakwini and Nyabor more closely related to one another than either to Duany. After Duany had borne Jok she killed Kir with witchcraft, for she, also, was a witch. Later Thiang, her dead husband's eldest son, cohabited with her and begat Nyang.

In all the variants of the Kir myth the parts played by Gying and Tik are stressed. Gying was suckled with him and afterwards joined him and lived with him as a brother. When Kir died his eldest sons Thiang and Kun possessed cattle, but the youngest son, Jok, and Gying had no cattle. Thiang wanted to prevent Gying from acquiring cattle, but Kun gave him some, so Thiang said that Kun and Gying were to live together. Tik had saved Kir's life and had gone to live with him. There is a further story of how Gying and Tik were threatened by an ogre and shared a hut together and became like brothers, so that the lineages descended from these two men do not intermarry.

Without recording further details we may note how actual political relations are mythologically represented in the characters of these stories. The two largest segments of the Gaajak tribe which are named after nuclei of strangers are the Kong section, the stranger nucleus of which is a lineage descended from Tik, and the Dhille section, the stranger nucleus of which is a lineage descended from Gying, and these two sections live together as parts of the Reng primary section (see diagram on p. 240, and sketch-map on p. 58). The myth tells also how Jok and Nyang are sons of the same mother, Duany, Jok being begotten by Kir and Nyang by Thiang. This is a mythological representation of the structure of the Gaagwang tribe which has dominant lineage nuclei descended from both Nyang and Jok, and also of the political relations between the Gaagwang tribe and the Gaajok tribe, for these relations, especially to the west of the Nile, are of close alliance compared to the more distant relations between the Gaagwang tribe and the primary sections of the Gaajak tribe that also border them, the Thiang and the Reng. Thiang and Kun were begotten by Kir and borne by women who are generally represented as sisters, and the sections in which their descendants are dominant are the Thiang and Gaagwong primary sections of the Gaajak tribe, the third primary section of which, the Reng, has nuclei descended from Thiang, Gying, and Tik, whose relationships in the myth have already been noted.

[p. 233 contains no textual material]

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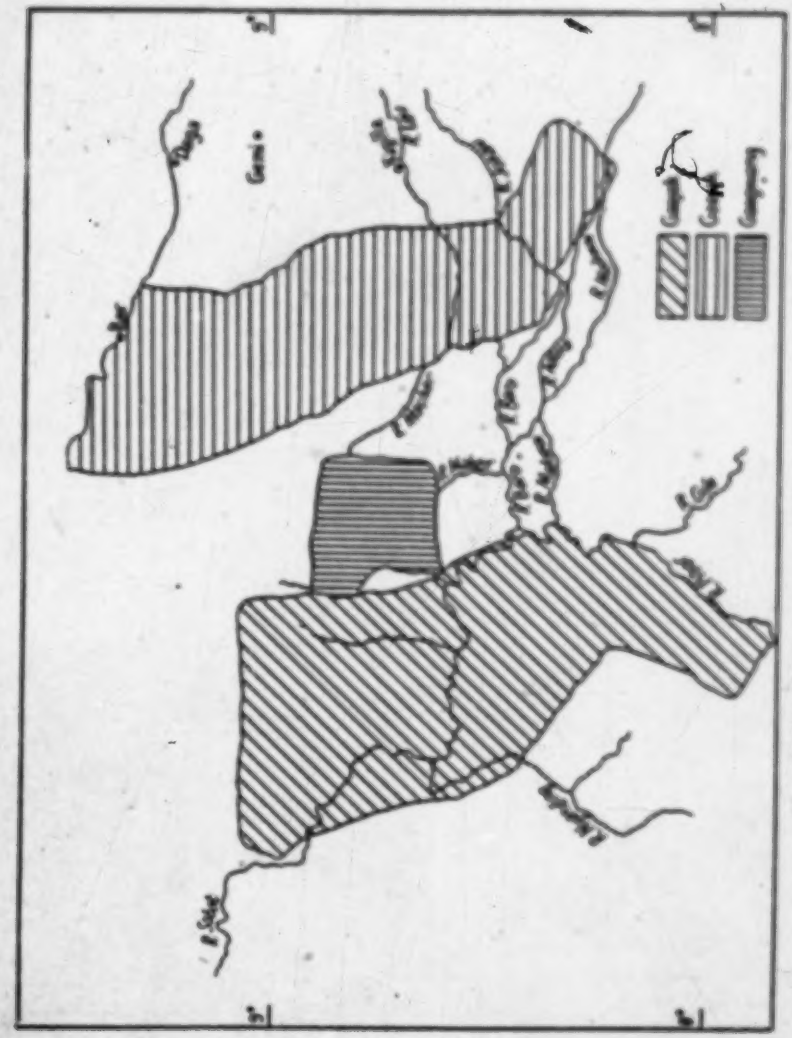

The Eastern Jikany tribes. (After Mr. C. L. Armstrong.)

[p. 233]

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In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyueny and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

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By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasise that a man is a stranger or Dinka by

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alluding to him as such in ordinary social life, for it is in rare 602
situations that his being other than an aristocrat is relevant: to 609
some extent in payment of blood-cattle, in questions of exogamy, 554
and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic 619
in sentiment and so ready to express it in violence a clan is 614
given superior status in each tribe? We believe that the facts 565
we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

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tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle within the structure which gives it conceptual consistency and a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

In the Kir myth not only are the ancestors of important lineages, and, through them, the lineages and the territorial segments in which they are incorporated brought into relationship, but the ancestors of clans, and, through them, the clans and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEEKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a *single kinship* structure, which we call the clan system as distinct from the lineage system of a clan.

The clan is the farthest range to which agnatic kinship is traced when the marriage of two persons is in question, but some clans have, nevertheless, an agnatic relationship to other clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

We here note again that the dominant lineages in more than one tribe sometimes form part of the same clan structure. Thus, the lineages dominant in the Gaajok, Gaajak, and Gaagwang

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PLATE XXVI

b. Youth (Eastern Gaajak) after removal of ash hair-dressing

a. Youth (Eastern Gaajak) with ash hair-dressing

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[Face p. 236]

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614 tribes, to the east and to the west of the Nile, are all segments
613 of the GAATGANKIIR clan. Also the dominant lineages of the
619 Rengyan tribe, to the west of the Nile, and the Lou tribe, to the east of the Zeraf, are part of the JINACA clan. This distribution is easily accounted for, because we know that till recently

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FIG. 14. Buffalo-horn spoons.

the Eastern GAATGANKIIR and the Eastern JINACA lineages lived with the other lineages of these clans in the Jikany and Rengyan areas to the west of the Nile.

There are also more general and mythological relationships between clans. In recounting these relationships Nuer personify
773 the tribes and give them a kinship value by assimilating them to their dominant clans. Thus, they speak of Bor, Lang, Lou, Thiang, Lak, &c., as though they were persons and could have kinship relations between them like those between persons, and as though all the members of these tribes were of the same

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614 773 descent. By so doing they stress community relations and obscure clan differentiation in a political context. This habit often makes their statements appear confused, and even contradictory, but it accords with a strong tendency in social life, as we have seen in discussing the various meanings of the word *'cieng'*, to identify the lineage system and the political system in a specific set of relations.

173 773 619 Many Nuer regard their ancestors Gee and Ghaak as the progenitors of all true Nuer, though one is given different classifications in different parts of Nuerland. Among the Lou it is said that all the tribes are descended from Gee, except the Jikany and Gaawar tribes. These two alone are differentiated because their proximity makes them significant for the Lou, whereas all the other tribes, which have no direct relations with the Lou, are vaguely classified as children of Gee. Among the Eastern Jikany all true Nuer tend to be classed as 'Gee' in contrast to 'Kir', the Jikany themselves. In the valley of the Zeraf and in Western Nuerland, where the tribes have a very much wider range of intertribal contacts, there is a wider range of differentiation. The Nuer tribes there fall into three classes: the Gee group, consisting of Bor, Lang, Rengyan, Bul, Wot, Ror, Thiang, and Lou, stretches in an unbroken line, from north-west to south-east, across the centre of Nuerland; the Ghaak group, consisting of Nuong, Dok, Jaloogh, Beegh, Gaankwac, and Rol, occupies the south-western part of Nuerland; and the Ril group, consisting of the Leek and Lak, occupies the lower reaches of the Zeraf and the Ghazal near their junction with the Nile. I have sometimes heard the Bul included in the Ril group. However, in Dok country and in adjacent tribal areas people further distinguish between the tribes elsewhere classed as sons of Ghaak and divide them into a Ghaak group, comprising Beegh, and Jaalogh, and a Gwea group, comprising Dok, Nuong, Gaankwac, and Rol.

614 619 In these classifications we note a further exemplification of what we have often observed elsewhere about Nuer classifications: their segmentary tendency and their relativity. Whilst, for example, other Nuer see the Dok and the Beegh as Ghaak they only see themselves as an undivided Ghaak group in opposition to the Gee fraternity and otherwise see themselves

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as parts of opposed segments, Gwea and Ghaak. It will be noted that these groups of tribes, often represented as families of clans, occupy distinct sections of Nuerland. Before the period of eastwards migration they ran from north to south, in three or four groups, to the west of the Nile. Territorial contiguity and a common clan structure, such as we find among the Jikany tribes, or close relationship within a clan system, such as we find among the Ghaak group of tribes, go together, and the values of the two systems may be assumed to interact. The segmentation of lineages within a tribe in relation to its political segmentation is thus repeated in the whole clan system of the Nuer, the segments of which are co-ordinated with the political segmentation of Nuerland. Those tribes which are adjacent to one another have a common opposition to other groups of tribes and this relation is reflected in the tendency for them to be represented, through their dominant lineages and clans, as closely related on a mythological and ritual plane. 614 619

Gee and Ghaak and Gwea are represented as brothers, sons of a mythological ancestor, sometimes called Ghau, the World, and sometimes Ran, Man, whose father is said to be Kwoth, God. Ril is often described as one of their brothers as well, though he is sometimes represented to be a son of a daughter of Gee, called Kar. 773 602

All sons of Gee have agnatic kinship (*bath*) which allows them to partake of one another's sacrifices. In these ritual situations only the true sons of Gee, the JINACA, the GAATHIANG, and JIDIET, and other clans descended from Gee, have *bath* interrelationship, but in other situations the tribes in which these clans have a dominant status are represented as brothers or first cousins. Thus Thiang is said to have been the eldest son of Gee, Nac (Rengyan and Lou) the second son, Ror and other tribes younger sons; and Rengyan (Nac) and Wot (Dit) are said to have been twins, as also Bor and Lang, sons of Meat.

Some tribes stand outside this big family. The Jikany tribes have dominant lineages of Dinka origin, descended from Kir, who was found in a gourd by a man of the Ngok Dinka, but, as was earlier explained, they are mythologically related to the Gee group, because Gee is variously represented as the protector or father-in-law of Kir. The GAATGANKIIR have a *bath* relationship with some lineage system of the Ngok Dinka, and there- 773 602 619

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773 fore, in an unprecise political sense, the Jikany and Ngok Dinka
602 tribes have, by analogy, a fraternal relationship. It may safely
619 be assumed that at one time they had close intertribal relations. The GAAWAR clan have also an independent origin, their ancestor having descended from heaven. However, a number of mythological links unite him to the founders of various clans which are dominant in tribes of the Ghaak group (see pp. 230–1), and the Gaawar tribe therefore belongs to this group. Although the Nile now separates it from the other members of the group it was at one time their most northern extension on the west bank. Owing to *bak* relationship between GAAWAR and other clans of the family of clans descended from Kwook, Gaawar are said to go with the people of the Fadang section of the Bor tribe and the Atwot people, who are said to have lived at one time between the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between exogamous clans and of cognatic and mythological ties between clans not considered to be agnates, all the Nuer tribes are by assimilation of political to kinship values conceptualised as a single social system. A number of clans are not associated with tribes, but their lineages are included in this system by the affiliation of the clans to one or other of the large families of clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are descended from Gee and belong to the Gee group; the JIKUL are mythologically attached to the Ril group and the JAKAR to the Ghaak group; and so on. The whole of the Nuer are brought into a single kinship or pseudo-kinship system and all the territorial segments of Nuerland are interconnected by that system.

XIII

619 In our view the unusual degree of genealogical segmentation
613 in the Nuer lineage system is to be understood in terms of tribal
614 structure, which is, as we have seen, characterized by its tendency towards segmentation. The association of the lineage system with the tribal system means that as the tribe splits into segments so will the clan split into segments, and that the lines of cleavage will tend to coincide, for lineages are not corporate groups but are embodied in local communities through which they function structurally. Just as a man is a member of a tribal

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segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a definite correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Therefore, the distance in clan structure between two lineages of a dominant clan tends to correspond to the structural distance between the tribal segments with which they are associated. Hence the tribal system draws out and segments the dominant clans and gives them their characteristic lineage form. Evidence in support of this contention could be cited from any Nuer tribe; we propose to examine only a few typical examples.

We have observed that in the Lou tribe the Gaathal and Rumjok secondary sections form the primary section of Gun in opposition to the Mor primary section, and how the dominant lineages of the Gaathal and the Rumjok sections are descended from one wife of Denac and the dominant lineage of the Mor section is descended from a different wife, so that Gaathal and Rumjok are to one another in a relation analogous to that of full brothers and the Gun stand to the Mor in a relation analogous to that of half-brothers. We have noted, likewise, how the dominant lineages of the Gaajak are descended from two closely related wives of Kir while the dominant lineages of the Gaajok and Gaagwang, which have a very close alliance, are descended from a third wife.

The GAATGANKIIR lineages in their relation to the segmentary structure of the *Jikany* tribes provide an excellent test of the hypothesis that lineage structure is twisted into the form of the political structure, for the same lineages are found at extremities of Nuerland where political conditions are not identical. Had I had more time in the *Jikany* countries, or had I formulated the problem more clearly in the little time I had to spend there, I might have been in a position to state my conclusions more dogmatically. We will briefly analyse the lineage system of the GAATGANKIIR in its relation to two of the Gaajak primary sections.

Thiang was the eldest son of Kir. He had two wives, Nyagaand and Baal. From these two wives spring the three main lineages of *cieng* Thiang, the Thiang primary tribal section, TAR, LOHY (or CEE), and RAWC. What is said to have happened is shown in the diagram on p. 242. Tar, being the only son of his mother, has founded an independent lineage and tribal section, that which lives in the

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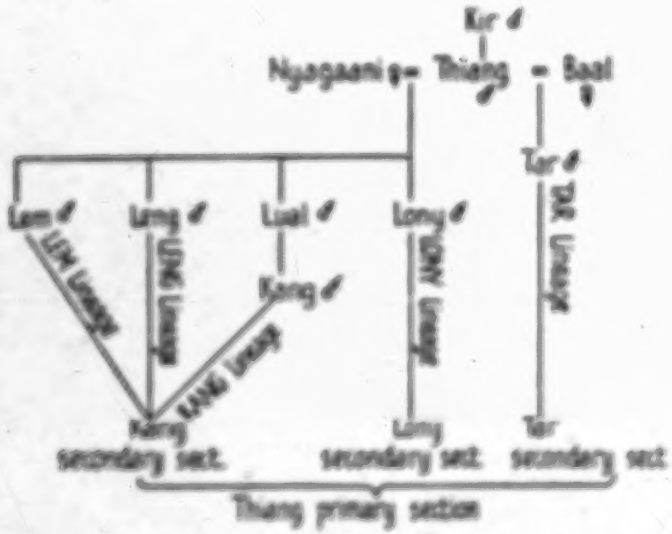
extreme south of Eastern Gaajak country. The other four lineages are all sprung from Nyagaani and are collectively known as *ciang* Nyagaani. At first her four sons stuck together, but later Lony's family increased and became more powerful than those of his brothers and tried to lord it over them, especially over Lem, the eldest. Kang, son of Lual, took the lead against Lony, and compelled him to migrate. Owing to the prominent part played by Kang, the lineages descended from Lem, Leng, and Lual are collectively known as *ciang* KANG in contrast to *ciang* LONY. These two lineages live to the extreme north of Eastern Gaajak country.[1] When the brothers are spoken about, as quarrelling, migrating, and so forth, it must be understood that the lineages and the local communities of which they form part are being personified and dramatised.



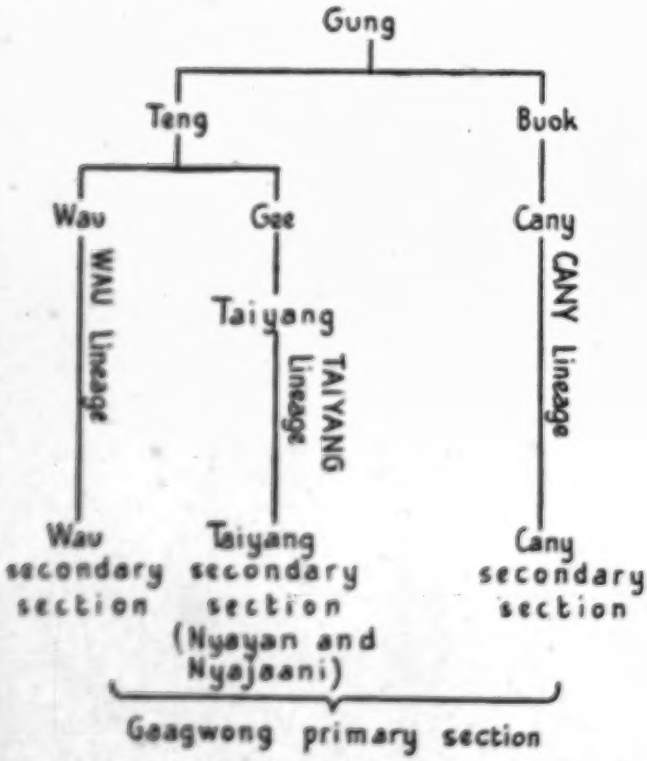
We see in this diagram how the splitting and merging of lineages, determined by the logic of lineage structure, follows the lines of tribal fission and fusion. Thus the descendants of Lem, Leng, and Lual, who live together, are merged in opposition to the LONY, and the LONY, who live adjacent to them, are merged with them in opposition to the TAR. The diagram does not show us the lines of descent which have become completely merged in those recorded.

[1] The distribution of the three divisions of the Thiang primary section of the Gaajak tribe contrasts with the unbroken territory of the segments of primary sections elsewhere in Fierland. I have not visited the area, and cannot explain this unusual distribution by historical events nor state its structural consequences.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

because such lines, having no localities specifically associated with them and therefore no community value, are not differentiated. That the diagram[1] does not truly record historic lineage growth, but is a distortion of it, is further suggested by the fact that there are, on an average, five generations from the present day to Lem and Leng, six to Lual, and seven to Lony, who was the youngest of the four brothers.

The GAAGWONG lineage, which is the nucleus of the Gaagwong section, is called after Gung, son of Kun, son of Kir. The GAAGWONG maximal lineage splits into several major lineages. To make illustration easier only those important among the Eastern Jikany are figured in the diagram: CANY, WAU, and TAIYANG (NYAYAN and NYAJAANI), the descendants of Buok, Wau, and Gee.



The CANY major lineage split up, as shown in the diagram on p. 244, into a number of smaller lineages of three to four generations in depth. In this diagram the traditional representation of cleavage between sons of the same father but of different mothers is shown

[1] [See p. 242 -- Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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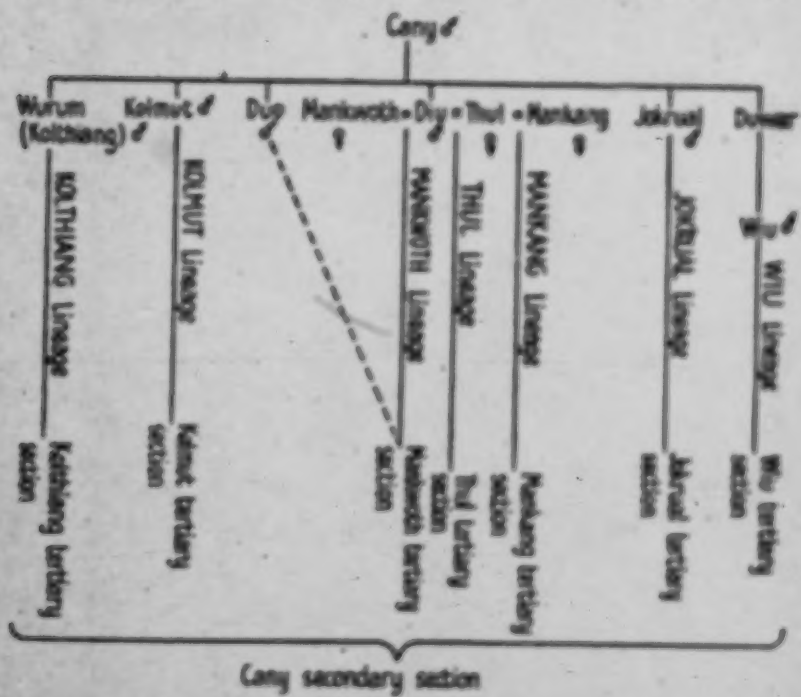
in the lines which spring from Diu through his three wives: Mankwoth, Thul, and Mankang. The descendants of Dup are normally referred to as *ciewg* MANKWOTH because they live with them. Common residence has reacted on the lineage structure, so that the DUP lineage has become very largely merged in the MANKWOTH lineage. For this diagram I am indebted to the Government



files of Nasser District. I have no record of the divisions of the WAU lineage.

In Western Nuerland WAU and CANY are politically unimportant lineages and are merged with *ciewg* Taiyang, which is contrasted with *ciewg* Jueny, called after Jueny, son of Teng, son of Gung, who founded a lineage politically unimportant among the Eastern Jikany. The TAIYANG lineage has two branches called after his wives Nyayan and Nyajaani. In Western Nuerland there is a third lineage springing from a third wife, Nyakoi.

It is interesting to observe that Jueny, whose line is politically unimportant among the Eastern Jikany, is there given as a son of Gee and merged in the TAIYANG line, while Duob is given as a son of Nyajaani and merged in her lineage. Here again we see how lineage structure is influenced by political relations.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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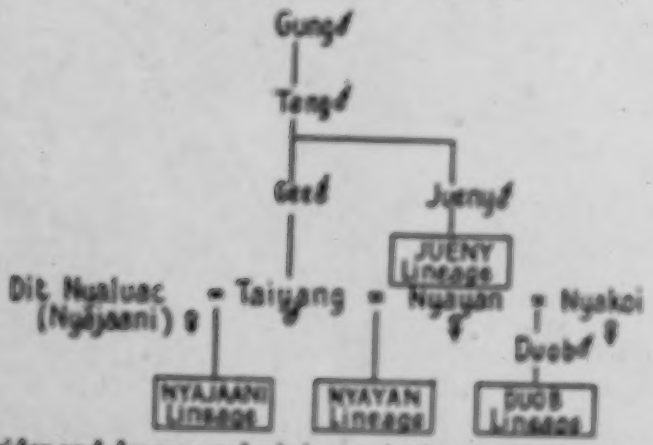

A wider and deeper analysis is required to prove the thesis we have put forward and of which we have given a few out of many examples. It is, however, supported by evidence of a different kind. We found that it was always easier to obtain a more complete record, and a longer line, of descent from members of dominant lineages in the larger tribes than in the smaller tribes, showing that greater attention is paid to the lineage system in the larger tribes and that the clan structure is broadened and deepened to serve its structural function. Also, we found it easy to obtain from any adult member of an aristocratic lineage an account of the other maximal and major lineages of his clan and a long list of ancestors, some nine or ten at least, giving a consistent length from the founder of the clan; whereas we found that we could not elicit the same information from members of clans which have no tribal associations. They were often able to trace their descent back for only some four to six generations, the time depth they gave was seldom consistent, and they were usually unable to give a coherent account of the other lineages of their clan. We attribute this fact to the absence of systemization through association with tribal structures. A lineage does not stand in territorial opposition to other lineages of its clan, but has with them only a vague ceremonial relationship, and this relationship may never be expressed in corporate action. Consequently there is generally a complete absence of any elaborate system of lineages like those of the dominant clans. There are many JIEEM clansmen and doubtless one could by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 173 putting together their genealogies construct some sort of tree of descent from Mem, in which the agnatic relationship between various lineages could be indicated; but it would be very unlike the spontaneous statements that at once delineate the lineage system of large clans like the JINACA, associated with tribal territories.

[412]

It is also very noticeable that Nuer knowledge of the lineage system of a dominant clan tends to be restricted to those parts of the system that correspond to segments of their tribe. Thus the JINACA lineages which are associated with segments of the Lou tribe are well known to Lou tribesmen, but they have no, or very little, knowledge of the JINACA lineages of the Rengyan tribe. Likewise I experienced much difficulty in obtaining from Gaajok and Gaajak tribesmen a clear account of the lineages of the GAATGAWKIR clan which form the dominant nucleus of the Gaagwang tribe, though they were well informed about the lineages of the same clan which are associated with segments of their own tribes.

FIG. 15. Leather flail.

It follows from our account that, as we have suggested before, the lineage system of a clan can only to a very limited extent be considered a true record of descent. Not only does its time depth appear to be limited and fixed, but also the distance between collateral lineages appears to be determined by the political distance between the sections with which those lineages are associated, and it may be supposed that a lineage only persists as a distinct line of descent when it is significant politically. Ancestors above the founder of a minimal lineage are relevant only as points of departure for denoting lines of descent when these lines are rendered significant by the political role of the lineage system. We have suggested that the depth of lineages is a function of the range of counting agnation on an existential plane, and we now further suggest that the range of counting agnation is largely determined by its organizing role in political structure.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer consider that lineage cleavage arises from a fundamental cleavage in the family between *gaatgwan*, children of the father, and *gaatman*, children of the mother. Where there are two wives and each has sons, the lineage bifurcates from this point. A lineage bifurcation is a polygamous family writ large. *Thok dwiel*, lineage, means this; it is 'the entrance to the hut', the mother's hut. The tiny twigs we see in the *gol*, household, grow into the great branches of the lineages. It is for this reason that lineages are so often named after women, the mothers from whose wombs sprang the different lines of descent. As we understand the process, what happens is that certain lineage groups gain political importance and exclusiveness, becoming nuclei of tribal sections, and that only by so doing is their structural position stabilised and are the points of their bifurcation rendered fixed and permanent points of convergence in lineage structure. This explains how it is that in only a few out of a vast number of polygamous families is maternal descent structurally significant, and why the bifurcation occurs in the lineage where it occurs in the tribe.

This tendency towards co-ordination of territorial segmentation and lineage segmentation can be seen in the various stages of territorial expansion between the household and the tribe. When brothers of an influential family live in different parts of a village and gather around them a cluster of relations and dependants, these hamlet-groups are named after them and they become the point at which the lineage is likely to bifurcate. Thus, if the brothers are called Bul and Nyang, people speak of the *gol* of Bul and the *gol* of Nyang, and if later the grandchildren of one of them move to a different village site the lineage will split into two branches. Such minimal lineages as those pictured in the diagrams on pages 196–7 occupy adjacent villages, or widely separated divisions of the same large straggling village, and make separate camps along the same stretch of river or adjacent camps around a small lake. The points of divergence of lineages from clan trees are thus related to the size and distribution of inhabited sites in a tribal area.

The association of the tribal system with a clan may thus be supposed to influence the form of the lineage structure. We may further emphasize the morphological consistency between

[see cat. 116 — Anthropol.]

1; Evans-Pritchard E-5 (1931, 1936) 1940
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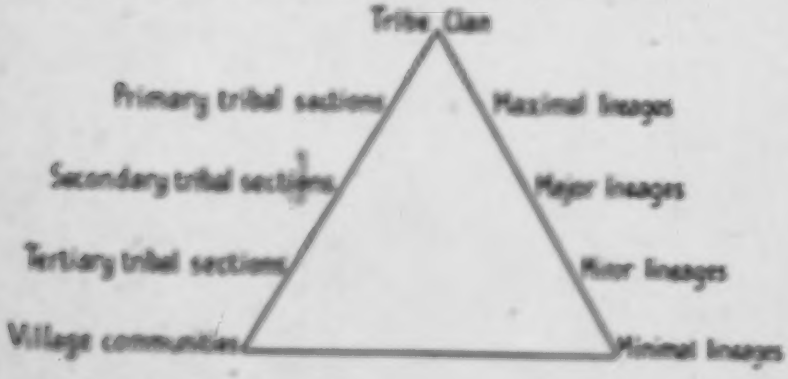
the two structures. There are always more villages than tertiary segments in a tribe and more tertiary segments than secondary segments, and so on, so that, since each territorial unit is associated with a lineage, the narrowing of such units from the multitude of villages to the single unit of the tribe must be reflected in the conceptual structure of the lineage system, there being a multitude of minimal lineages, fewer minor lineages, and so forth, till the single unit of the clan is reached. If this suggestion is accepted it is evident that the lineages are in number and structural position strictly limited and controlled by the system of territorial segmentation. The two systems may thus be represented diagrammatically by the same figure, though the correspondence is not exact.



1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER VI

THE AGE-SET SYSTEM

I

All male Nuer are initiated from boyhood to manhood by a very severe operation (*gar*). Their brows are cut to the bone with a small knife, in six long cuts from ear to ear. The scars remain for life, and it is said that marks can be detected on the skulls of dead men. They are particularly clear in Plates XXVI(*b*), XXVII, and XXVIII. The ceremonial of initiation is more complex, and the age-set system has greater social importance among the Nuer than among other Sudan Nilotes.

We have described, and others have described, elsewhere the ritual of initiation. Though we have since collected further information on the details of the rites, we consider that to transcribe it here would be out of accord with the plan of this book. The barest facts are related. Boys are now usually initiated between the ages of 14 and 16; in the old days at a somewhat later age, perhaps from 16 to 18. Whether a boy is initiated in one year or in another year may depend on the milk and millet supply. A boy must obtain his father's consent to the operation, but it cannot well be refused, for the boy would then run away to the home of a kinsman and the father would be humiliated. He afterwards goes to a member of his father's age-set who performs a rite to give him the blessing of the set. A member of the clan likewise gives him its blessing, and his father and maternal uncle bless him. The boys make their own arrangements with the operator and each presents him with a fishing spear. The operator is any man who has learnt the art.

Several boys are initiated at the same time, for it is thought that were a boy to be initiated by himself he would be lonely and might die. Also, it is easier to cater for the boys and to give them the care and attention they require during convalescence if they are initiated in batches. Usually some four to a dozen boys pass through the rites together. Initiation can take place at any season, but it almost invariably takes place at the end of the rains, when there is plenty of food and the north wind blows and cicatrises the wounds. Each village acts independently

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

in arranging for its boys to be initiated. After the operation the boys live in partial seclusion and are subject to various taboos. This is a time of mild licence and they pass out of it by a special rite. On the day of the cutting, and on the day of the passing out of seclusion, sacrifices are made and there is festivity, which includes licentious horseplay and the singing of lewd songs. Only age-mates of the father of the initiate in whose homestead the feasting takes place attend it: others keep at a distance lest they see the nakedness of their kinswomen and mothers-in-law.

II

All boys initiated during a number of successive years belong to a single age-set (*rac*). There has, till recently, been a four-year interval between the end of one such set and the commencement of the next. These four years are known as the time 'when the knife is hung up', and at the end of that period it is said 'the knife is brought out' and boys may then be initiated again. A certain *wut ghok*, 'Man of the Cattle', is, in each tribe, responsible for opening and closing the initiation periods and thereby dividing the sets. He performs the appropriate rite in his district, and when the news goes round other districts begin or cease initiation. He derives prestige from his functions, but they are ritual and give him no political authority. Sometimes, in Western Nuerland, they are performed by a prophet, but it is possible that in these cases the prophet is also a Man of the Cattle. The age-sets are organised independently in each tribe, at any rate in the larger tribes, but it often happens that when a new set has been started in one tribe an adjacent tribe will follow its lead, so that the names and periods of sets in neighbouring tribes are frequently the same. Also, though in different parts of Nuerland the names of the sets are different and the open and closed periods do not coincide, it is easy for a man who moves from one part to another to perceive in which set he would have been initiated had he been brought up in that part of the country.

To-day there are no closed periods and boys are initiated every year. The Man of the Cattle announces every few years that he is about to cut the sets and performs a ceremony by which all

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XXVII

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Initiation of boys (near Nasser, Eastern Gaajak)

[Face p. 280]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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youths initiated up to that year fall into one set and all youths initiated after that year fall into a junior set. The number of years during which a set runs before being cut is variable, and this has probably always been the case. We conclude on the evidence that ten years may be regarded as an average period between the commencement of one set and the commencement of the next. It was found that generally two sets, but occasionally one, intervened between the set of a man and that of his eldest son. In the case of younger sons two or three sets usually intervene. It may be accepted that on an average the generations of grandfather—father—son cover six sets.

At the time of my inquiry into the age-set system there were members of six sets alive, but there were only a few survivors of the senior set and the members of the next senior were very infirm. Sets with no living members are not recorded in the lists below. Their names are irrelevant to an understanding of the system and their order is so ill-remembered that the statements of two informants on the matter are seldom in entire agreement. It should be noted, however, that as far back as Nuer recitation carries us the names are not uniform for the whole of Nuerland and that they are not repeated. There is no cycle of names such as we find in many parts of East Africa. The Lou and the Eastern Jikany tend to have common names; also the tribes of western Nuerland; while the tribes of the Zeraf have some names in common with the Sobat river tribes and some with the tribes to the west of the Nile.

Lou tribe	Eastern Jikany	Lak tribe	Western Jikany and Lak tribes
Thul	*Thul*	*Thul*	*Lilwyang*
Boiler	*Boiler*	*Boiler*	*Ruob*
Maker	*Maker*	*Ruob*	*Wangdid*
Dengwaga	*Dengwaga*	*Wangdid*	*Tenghiar*
Lwar	*Corbar*	*Wawi*	*Rid*
Lilkyar	*Lilkyar*	*Kar*	*Jaang*
Rialwar	*Rialwar*	*Pilual*	*Bildaang*

Each age-set has two or three subdivisions. Each year in the initiation period may receive a separate name and constitute a division though probably two years often have the same name and the divisions are usually two-year periods. But though a set is thus stratified internally and the divisions are called by different

1: Evans-Pritchard E-5 (1931, 1936) 1940
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881 561 names, all members of the set are known by the name of the first division, and this common name persists while the others eventually fall into disuse. Thus to-day one seldom hears of *Maker indit* and *Ngwak*, but only of *Maker*, under which title both divisions are included. Likewise one hears small mention of *Gaang indit*, *Carbor*, and *Nyanmyam*, and reference is normally to *Dangnyn* (*Gaang*), which term covers all these divisions. The senior division is called *indit*, the greater, and when the segmentary names are dropped the *indit* is dropped also, since its purpose is to distinguish the primary division from the later ones. Hence we have *Thut indit*, *Maker indit*, and *Bailor indit*, the elder *Thut*, the elder *Maker*, and the elder *Bailor*, but the *indit* ending in these names is eventually dropped and the complete sets become known as *Thut*, *Maker*, and *Bailor*.

561 In recent years the matter has become somewhat complicated by the absence of well-defined closed and open initiation periods. Thus in my earlier visits to Lou and Eastern Gaajak I heard people speak of *Lieth indit*, *Lieth incar* (*Lieth inat*), *Caiyat* (*Piliak*), and *Rialnar* (*Rialdang*) as four divisions of the *Lilipar* age-set, but this was because there had been no declaration by the Man of the Cattle separating them into different age-sets. On a later expedition I found that the *Lieth indit*, the *Lieth incar*, and *Caiyat* had been declared to be a single age-set, and the *Rialnar* to start a new age-set, a second division of which, the *Kaakeyoonni*, has since been initiated. Similarly among the Western Jikany and Lock the *Bildaang* age-set has recently been declared separate from the *Jaang*. At one time in Eastern Gaajak the *Lilipar* were cut off from the *Rialnar*, while in the adjacent country of the Eastern Gaajak they had not yet been separated and remained for the time being a single set. It may thus happen that, in modern times, a sub-division may for a time be regarded as the junior segment of one set and later become the senior segment of the next set. Below are given the sub-divisions of the age-sets in the Lou and Western Jikany tribes:

Lou		Western Jikany	
Thut	*Thut indit* *Mantijaang* *Lilous*	*Lilayang*	*Lilayang* *Lilous* *Lilouth*
Bailor	*Bailor indit* *Gabyanghakout* *Lailoun*	*Rach*	*Rach* *Nomalith*
Maker	*Maker indit* *Ngwak*	*Waaplal*	*Waaplal* *Wailour*

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	Lou		Western Jikany
Gwong	*Gwong indit* *Carbor* *Nyanuyum*	*Tenghwor*	*Tenghwor* *Karam*
Luac	*Luac indit* *Karam* *Cambouri*	*Rol*	*Rol* *Pilual*
Lithgac	*Lith indit (inhor)* *Lith intit (incar)* *Caiyat (Pilual)*	*Jwong*	*Jwong* *Majaani*
Rialmac	*Rialmac (Rialdang) indit* *Kuekeryoum*	*Bildaang*	*Bildaang*

III

In seeking to understand how membership of an age-set determines a man's behaviour we have first to realize that there is no purposive education or moral training in the procedure of initiation. Also, many of the characteristic features of the age-set system in Kenya, where it is most highly developed, are absent in the Nuer variation. There are not three distinct age-grades of boys, warriors, and elders through which the sets pass, for a boy who is initiated into manhood remains in this grade for the rest of his life. Warriors are not prohibited from marrying and they neither enjoy privileges nor suffer restrictions different from those of other male adults. The sets have no administrative, juridical, or other specific political functions and the country is not handed over to their care. The sets have no definite military functions. Indeed, we are of the opinion that the Nuer age-set system ought not to be described as a military organization, though some writers give it this character. Youths who have recently been initiated are anxious for their first raid, and consider that they ought to earn for their set a reputation for valour, and it is likely that raids were generally conducted in the main by men of the most junior set. However, there is no grade of warriorhood through which the age-sets pass nor a grade of elderhood into which they enter. Were boys [illegible] old men to take part in warfare against other Nuer they would probably be killed, and it is understandable that raids are the occupation of the strongest and fleetest,

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though many middle-aged men accompany the expeditions and always have their share in inter-tribal fighting and local disputes.

The age-set system of a tribe is in no way its military organization. Men fight by villages and by tribal sections and not by sets. The war companies are local units and not age-set units, and within a company men of different sets fight side by side, though, especially in raids, most of the warriors would be members of the two most junior sets. Kinship and local ties determine a man's place in the ranks. Hence the age-sets are not regiments, though wars and raids are often spoken of as the actions of a certain set because they took place during the initiation period of this set and its members took the most prominent part in them, since skill in arms, love of adventure, and desire for booty are the privileges of youth.

It is in more general social relations, chiefly of a domestic and kinship order, and not in political relations that behaviour is specifically determined by the positions of persons in age-set structure. When a boy passes into the grade of manhood his domestic duties and privileges are radically altered. His change of status is epitomized in the taboo on milking which comes into force on the day of his initiation and continues for the rest of his life, but it is expressed also in other domestic tasks, in habits of eating, and so forth. At initiation a youth receives from his father or uncle a spear and becomes a warrior. He is also given an ox, from which he takes an ox-name, and becomes a herdsman. From now on, till he is a husband and father, his chief interests are dancing and love-making. Then he becomes 'a true man': 'he has fought in war and not run away; he has duelled with his age-mates; he has cultivated his gardens; he has married a wife'.

There is a sudden and great change in status from boyhood to manhood, but the modes of behaviour which differentiate these two grades do not distinguish one set from another, for the privileges of manhood are enjoyed by members of all the sets equally. Nevertheless, the sets are stratified by seniority and there are well-defined relationships between them. Before summarizing these patterns of inter-set behaviour we touch on some general characteristics of the whole system.

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The age-set system is a further exemplification of the segmentary principle which we have seen to be so evident a quality of social structure. Tribes segment into sections and their sections further segment, so that any local group is a balanced relation between opposed segments. Clans segment into lineages and their lineages further segment, so that any lineage group is a balanced relation between opposed segments. Likewise the institution based on age is highly segmentary, being stratified into sets which are opposed groups, and these sets are further stratified into successive sections. We may therefore speak of structural distance in this new dimension. Just as the distance between political segments varies according to their positions in the political structure, and the distance between lineage segments varies according to their positions in the lineage structure, so the distance between age-set segments varies according to their positions in the age-set structure. The structural distance between any two sets is the social relation between those sets and the determinant of behaviour between their members. 561

The relativity of values which we noted in discussing the political and lineage systems may also be seen in the age-set system. We have noted that a set which is seen as an unsegmented whole by members of other sets is internally segmented, and that members of each of its segments see themselves as exclusive units in relation to the others, though these divisions close as the set becomes more senior and has a new position in relation to sets, since created, below it. Also, there is a tendency for members of two successive sets, adjacent segments of the structure, to fuse in relation to a third in feelings and in ceremonial actions. A *Rialnar* youth said: 'We and the *Lilhgar* are about the same age and we can be free in speaking to them, but we must show respect to an older man, even if he is not of our fathers' age-set.' Although there are six sets with living members there are very few survivors of the two senior sets, and from the point of view of a young man they are merged with the one that follows them. Only four sets count, and, seen by individuals, they merge into two generation groups of equals and brothers, and seniors and fathers or juniors and sons. To a *Lilhgar* son of a *Maker* father all members of the *Maker* age-set [576]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 are his fathers, and the *Lilkgar* and the *Luar* tend to see themselves as a single group in relation to the *Maker*, having a like attitude of respect towards them. But in relation to the *Dangwaga* and to the *Lilkgar*, the *Luar* identify themselves with the one or the other according to the direction of attention, and this is determined by the social situation. Any set tends to see the set senior to it as equals in relation to junior sets and the set junior to it as equals in relation to senior sets. It is possibly this contradiction which creates segmentation in any set. Thus, 561 at sacrificial feasts men eat according to their position in the 564 age-set structure, but which sets sit and eat together depends on the set of the owner of the feast and on the number of sets present at it. If a *Dangwaga* kills an ox and there are *Maker* present, but not *Boiloc*, then *Dangwaga* eat with *Maker* and *Luar* with *Lilkgar* and the *Rialmar* by themselves; but if there are *Boiloc* present then the *Maker* eat with them and the *Dangwaga* with the *Luar*, and the *Lilkgar* with the *Rialmar*. The *Dangwaga* would not eat with the *Boiloc* because they are the set of their fathers or fathers-in-law; and for the same reason the *Luar* must eat with the *Lilkgar* if the *Dangwaga* go with the *Maker*.

561 The age-set system differs from the territorial and lineage systems in one important respect. Whereas the people of a territorial segment remain, or most of them remain, in the same structural relation to other territorial segments for their whole lives, and whereas the members of a lineage have a fixed relationship to other lineages, an age-set group changes its position in relation to the whole system, passing through points of relative juniority and seniority. This mobility of age-set groups is peculiar to the system and is a necessary characteristic of it, for it is an institution based on the succession of generations. Probably, for oecological reasons, the actual political configuration remains very much the same from generation to generation. People pass through the political system without their structural position in it changing to any extent during their passage. It is the same with the lineage system. Nevertheless the mobility of groups through the age-set structure and their changing position in it should not be allowed to obscure the constancy of its structural form. There have pro-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XXVIII

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a. Youth (head close)

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b. Youth (Lou)

c. Man (head close)

[Face p. 254]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

54 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 184 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer 558 is structurally defined in relation to every other male Nuer and his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [184] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [134] are a number of other ritual injunctions. (2) A man may not [185] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 177 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

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561 another hospitality and to share their possessions. Fighting is
571 considered an appropriate mode of behaviour between age-mates, but a man ought not to fight a man of a senior set. The comradeship between age-mates springs from a recognition of a mystical union between them, linking their fortunes, which derives from an almost physical bond, analogous to that of true kinship, for they have shed their blood together. (4) Members
561 of a set are expected to show respect to members of senior sets,
576 and their deference to them can be seen in discussions, in
626 etiquette, in division of food, and so forth. Whenever there is a question about the propriety of speech or action it is judged by reference to the relative positions of the persons concerned in the age-set structure, if kinship status is not also involved. Since every man has a known age-relationship to every other man in Nuerland with whom he is likely to come into contact, their social attitude to him, and his social attitude to them, is determined in advance by the distances between them in age-set structure, unless kinship takes precedence. Although it is possible for a man to avenge a breach of these patterns of behaviour by a curse, if it is a very serious breach, the ordinary sanctions of conduct are a man's conscience and desire for approval.

561 It will have been noted that the relations between the sets
608 are defined in the idiom of family relationships. The members of a man's father's age-set are his 'fathers' and the members of his father's brothers' 'age-sets' are, in a less precise sense, also his 'fathers'. The sons of a man's set are his 'sons', and they may fall into several sets. The wives of members of a man's father's set are his 'mothers', and the wives of members of his sons' sets are his 'daughters'. All members of a man's own set are likewise 'brothers', though here the analogy is seldom expressed because the comradeship between age-mates is strongly affirmed in the idiom of the system, for they are all *ric*, age-mates, to one another. As, in any case, a man commonly addresses all persons much senior to himself as 'father' and 'mother', all persons much junior to himself as 'son' and 'daughter', and all persons of about the same age as himself as 'brother' and 'sister', the terminology of address between different sets is not a differentiating one and it cannot be said how

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far it is determined by specific age-set relationships. When speaking about sets senior to his own, but not that of his father or the set immediately senior to his own, a Nuer sometimes speaks about them collectively as though all their members were his fathers-in-law and their wives his mothers-in-law, for he is courting their daughters and is likely to marry one of them and so is circumspect in his dealings with their parents. Thus a *Lilipar* son of a *Maker* father regards members of the *Dangwaga* set and their wives as potential fathers-in-law and mothers-in-law.

The age-set system thus influences persons through a kinship idiom and on the pattern of kinship. The sets never act corporately, but they function locally between individuals and, in ceremonial situations, between small aggregates of persons who live near to one another, for a man only has frequent contacts with those members of his set and of other sets who live in his district. No doubt relative positions in age-set structure to some extent determine behaviour between neighbours, and it can sometimes be observed that they determine it, but it is difficult to say to what extent, for men who live near one another are not only members of the same age-set or of different age-sets but are also kinsmen or affines. The age-set patterns of behaviour are, except in specific rites, of so general a nature that they cannot be isolated in a community where everyone is related in a number of different ways to everybody else. We have noted how persons who live together are always able to express their relations to one another in the language of kinship and how, when they are not actual kinsmen, they are recognised as equivalent to such by adoption or through some traditional, or mythological, connexion. The age-set stratification of all men, and by analogy all women, into groups whose interrelations are on the pattern of family relationships is one of the ways by which community relations are expressed in kinship patterns and is comparable to the classificatory system of kinship nomenclature in its assimilation of social relations to a few elementary types. Age-relations are part of the general social ties of a kinship type which unite all persons living in a community. The members of a local group have group relations only with other groups of the same kind and it is these relations

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which we call political. They also have manifold contacts with one another—economic, ceremonial, food, play, and so forth—and political relations may be viewed as a specific organization of the texture of social ties, which control these contacts, in certain situations. It is this action of the age-set system, in establishing ties between members of local communities and in giving them a kinship value, that we chiefly stress in a political context rather than its indication of leadership, for outside small kinship and domestic groups the authority derived from seniority is negligible, and the sets lack leadership and administrative and judicial functions.

The age-set system has been briefly treated because of this action and also because, in the larger tribes at any rate, it is a tribal institution. It segments the male population of a tribe into stratified groups which stand in a definite relationship to one another and it cuts across territorial divisions, giving identity of status where there is political disparity and differentiating status where there is political identity. However, the political system and the age-set system do not seem to be interdependent. Both are consistent in themselves and to some extent overlap and influence one another, but it is easy to conceive of the political system existing without an age-set organization. There is evidence in East Africa that political development produces atrophy of the age-set organization. In conclusion we would again emphasize that adjacent tribes co-ordinate their sets and that the sets of any tribe are easily translated into the sets of another tribe. Initiation rites, more than anything save language, distinguish Nuer culture and give Nuer that sense of superiority which is so conspicuous a trait of their character. Only in the sense that age-sets are organized tribally and are common to all tribes can there be said to be a correspondence between the age-set system and the political system. There is no positive structural correspondence of the kind we have noted between the lineage system of dominant clans and tribal segmentation. It may be said, therefore, that whereas the political system and the lineage system of dominant clans are interdependent, the political system and the age-set systems are only a combination, in Nuer society. We may add that the common assumption that an age-set system merely by

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stratification integrates the members of a tribe has little to commend it.

V

In the way we have written this book we have in some measure broken away from the tradition of lengthy monographs on primitive peoples. These weighty volumes generally record observations in too haphazard a fashion to be either pleasant or profitable reading. This deficiency is due to absence of a body of scientific theory in Social Anthropology, for facts can only be selected and arranged in the light of theory. It is aggravated by the error of confusing documentation with illustration. We have also tried to describe Nuer social organization on a more abstract plane of analysis than is usual, for usually abstract terms are mistaken for abstractions. Whether we have succeeded in doing so is for the reader to judge, but in case it be said that we have only described the facts in relation to a theory of them and as exemplifications of it and have subordinated description to analysis, we reply that this was our intention.

It is difficult to know how far one is justified in pressing an abstraction. Once one has a theoretical point of view it is fairly simple to decide what facts are significant, since they are significant or otherwise to the theory, but it may be doubted whether it is wise, in discussing the political institutions of a primitive people, to give only the barest reference to their domestic and kinship life. Can this be done successfully? That is precisely the question we have asked ourselves, and we have concluded that an answer can only be given to it by making the attempt.

1. We first gave an account of Nuer absorption in their cattle and showed how this value in their system of oecological relations necessitates a certain mode of distribution and transhumance. We then described the concepts of time and space that arise very largely from ways of livelihood and disposition of settlements. We then examined the territorial sections which, through the values attached to them, form a political system. We further noted that structural distance in the lineage systems

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121 of the dominant clans is a function of structural distance in the tribal systems and that there is no comparable interdependence between age-set structure and political structure.

2. By social structure we mean relations between groups which have a high degree of consistency and constancy. The groups remain the same irrespective of their specific content of individuals at any particular moment, so that generation after generation of people pass through them. Men are born into them, or enter into them later in life, and move out of them at death; the structure endures. In this definition of structure the family is not considered a structural group, because families have no consistent and constant interrelations as groups and they disappear at the death of their members. New families come into being, but the old for ever vanish. We do not suggest that the family is for this reason of less importance than structural groups; it is essential for the preservation of the structure, for it is the means by which new persons are born into its segments and the system is maintained. Nor do we suggest that the relations we consider structural are between groups that do not in any way vary. Territorial, lineage, and age-set systems change, but more slowly, and there is always the same kind of interrelationship between their segments. We do not, however, insist on this limiting definition of structure and our description and analysis do not depend on it.

3. Structural relations are relations between groups which form a system. By structure we therefore further mean an organised combination of groups. The territorial distribution of a Nuer tribe is not a haphazard aggregate of residential units, but every local group is segmented and the segments are fused in relation to other groups, so that each unit can only be defined in terms of the whole system. Similarly a lineage or age-set can only be defined in terms of the systems of which they form part. We have tried to show this in our account.

4. By structure we mean relations between groups of persons within a system of groups. We stress that it is a relation between groups, for relations between individuals may also be arranged on a regular plan, e.g., kinship relationships may be spoken of as a kinship system. By 'group' we mean persons who regard themselves as a distinct unit in relation to other

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121 units, are so regarded by members of these other units, and who all have reciprocal obligations in virtue of their membership of it. In this sense a tribal segment, a lineage, and an age-set are groups, but a man's kindred are not a group. A kinship relationship is a category and the kinship system is co-ordination of categories in relation to an individual. In our opinion strangers and Dinka ought to be described as persons of certain categories rather than as members of social groups and that the relations between them and aristocrats are not, strictly speaking, to be described as structural relations.

5. The social structure of a people is a system of separate but interrelated structures. This book deals mainly with the political structure. Faced with the initial difficulty of defining what is political we decided to regard the relations between territorial groups as such, taking the village as our smallest unit, for though a village is a network of kinship ties it is not a kinship group, but a group definable only by common residence and sentiment. We found that the complementary tendencies towards fission and fusion, which we have called the segmentary principle, is a very evident characteristic of Nuer political structure. The lines of political cleavage are determined chiefly by oecology and culture. Harsh environment together with dominant pastoral interests cause low density and wide gaps in the distribution of local communities. Cultural differences between the Nuer and their neighbours also cause varying degrees of political distance. Oecological and cultural relations often combine to produce fission. In Nuerland itself culture is homogeneous, and it is oecological relations that chiefly determine the size and distribution of segments.

6. These tendencies in, or principles of, political structure control actual behaviour between persons through values. These values appear contradictory. They are only seen to be consistent when we view structure as sets of relations defined by reference to specific social situations. By political values we mean the common feeling and acknowledgement of members of local communities that they are an exclusive group distinct from, and opposed to, other communities of the same order, and that they ought to act together in certain circumstances and to observe certain conventions among themselves. It does not follow that

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121 behaviour always accords with values and it may often be found to be in conflict with them, but it always tends to conform to them.

7. Not only can we speak of the relations between territorial groups as a political system, the relations between lineages as a lineage system, the relations between age-sets as an age-set system, and so forth, but also in a society there is always some relationship between these systems in the whole social structure, though it is not easy to determine what this relationship is. We have shown that there is interdependence of a kind between the Nuer lineage system and their political system. This does not mean a functional relationship between clan groups and territorial groups, although they have a certain association, for clans, and even their lineages have no corporate life. Nor does it mean that when a man behaves in a certain way to a fellow clansman and in a different way to a fellow tribesman that there is a functional relationship between these two modes of behaviour. Nor, again, does it mean that there is a functional relationship between those members of a dominant clan who live in a tribe and the tribe of which they form part. But it means that there is structural consistency between the two systems—a consistency between abstractions. We are unable to show a similar interdependence between the age-set system and the political system.

8. Can we speak of political behaviour as a distinct type of social behaviour? We have assumed that certain activities, such as war and feuds, may be called political, but we do not consider that much is gained by so designating them. It is only on the more abstract plane of structural relations that a specific sphere of political relations can be demarcated. The behaviour of persons to one another is determined by a series of attachments, to family, joint family, lineage, clan, age-set, &c., and by kinship relationships, ritual ties, and so forth. These strands of relationships give to every man his sphere of social contacts. His field of actual contacts is limited; his field of potential contacts is unlimited. We distinguish a man's social sphere in this sense from structural space, the distance between social segments, which are groups of people who compose units in a system. We do not therefore say that a man is acting politically

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or otherwise, but that between local groups there are relations of a structural order that can be called political. 121

9. We do not describe the different social ties which exist between persons living in the same district, but we may say that, in our view, the relations between this network of individual relationships, that together make up a community, and political structure, the relations that exist between territorial segments, present a problem of considerable importance, and we make some comments on it. (a) Social relationships are ordered by the political structure, so that a man's social sphere, and the joint social sphere of a number of persons living in the same village, tend always to be limited by the extension of their political groups. (b) Local communities, relations between which constitute the political structure, are only groups because of these many and varied relationships between the individuals who compose them. But it is the organization of these relationships into groups standing in a certain relation to one another within a system that interests us in our present discussion and we only study them in this organized form; just as one can, for certain purposes, study the relation between organs of the body without studying the interrelation of the cells that compose the organs. (c) In our view the territorial system of the Nuer is always the dominant variable in its relation to the other social systems. Among the Nuer, relationships are generally expressed in kinship terms, and these terms have great emotional content, but living together counts more than kinship and, as we have seen, community ties are always in one way or another turned into, or assimilated to, kinship ties, and the lineage system is twisted into the form of the territorial system within which it functions.

10. We have defined structure by what amounts to the presence of group segmentation and have discussed some Nuer systems from this point of view. We again emphasize that we do not insist on our definition and that we recognize that structure can be otherwise defined. But having so defined it, frequent allusion to a principle of contradiction in it was forced on us. To avoid misunderstanding, however, we would remark that the contradiction we have alluded to is on the abstract plane of structural relations and emerges from a systematization of

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[2] values by sociological analysis. It is not to be supposed that we mean that behaviour is contradictory or that groups stand in contradiction to one another. It is the relations of groups within a system that constitutes and exemplifies the principle. There may sometimes be conflict of values in the consciousness of an individual, but it is structural tension to which we refer. Likewise when we refer to the relativity of the structure we do not mean that a group is anything than an actual mass of people who can be seen and counted and plotted in space and time. We mean that on the plane of structural relations its position in a system is relative to the functioning of the system in changing situations.

11. Besides making a contribution to the ethnology of the Nilotes we have attempted in this book a short excursion into sociological theory, but we can only make a theoretical analysis up to a certain point, beyond which we perceive vaguely how further analysis might be made. Our experience in research and in writing this essay has intimated the line of more extensive treatment. Social anthropology deals at present in crude concepts, tribe, clan, age-set, &c., representing social masses and a supposed relation between these masses. The science will make little progress on this low level of abstraction, if it be considered abstraction at all, and it is necessary for further advance to use the concepts to denote relations, defined in terms of social situations, and relations between these relations. The task of exploring new country is particularly difficult in the discipline of politics where so little work has been done and so little is known. We feel like an explorer in the desert whose supplies have run short. He sees vast stretches of country before him and perceives how he would try to traverse them; but he must return and console himself with the hope that perhaps the little knowledge he has gained will enable another to make a more successful journey.

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[A glossary of Nuer terms is incorporated in the index of this source. See category 116, pp. 267-71.]

[Information on "clans" has been filed in category 614; see also categories 613 and 619 for information on the relationship of "clans," lineages, and tribe.]

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[For information on "leopard-skin chiefs" see category 624.]

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A wedding dance

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KINSHIP AND MARRIAGE AMONG THE NUER

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PREFACE

114 In 1940 I published under the title *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People,* referred to henceforward as *The Nuer,* the first part of a general summary of the information collected during twelve months spent among the Nuer of the Nilotic Sudan in the years 1930, 1931, 1935, and 1936. The present volume forms the second part of this general account. I had planned to publish it in 1942 and it was already partly written before the war. During the years of war military service compelled me to relinquish literary work, and the completion of the book has since been further delayed by academic duties and also by a change of interests which led me to give my first attention to a history of the Sanusi of Cyrenaica.

101 The Nuer are a Nilotic people of between 200,000 and 300,000 souls living in savannah country near the Upper Nile and its tributaries. They are a cattle people, the ebb and flow of whose transhumant life follow the seasons. They are divided into a number of tribes, the largest political groups of their society, and these tribes are segmented into sections and subsections corresponding structurally to the segments, or lineages, of the clans [114] dominant in each tribal territory. In *The Nuer* I described the form of segmentation in political and descent groups and I attempted to show the principles which underlie it. I also gave a short account of the age-set system; but I omitted all but the briefest references to marriage, family, and kinship because I believe that political structure presents problems which are better inquired into apart from social relations of a different kind.

121 In this second volume I first show that the members of a Nuer village or camp are not only kith but also kin, and how the network of kinship ties within local communities is connected with the lineage system of the Nuer and through that system with their tribal, or political, constitution. This demonstration serves as a bridge between the theme of my earlier book and the subject of marriage to which the present volume is largely devoted. The network of kinship ties within any Nuer community can ultimately be reduced to a series of marriage unions. Among the Nuer, as in all human societies, marriage and the family are the most fundamental institutions.

The role of kinship values in Nuer society cannot be understood

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unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

OOO I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records, Uganda Journal, Africa, African Studies, Zeitschrift für Vergleichende Rechtswissenschaft, Social Structure, African Systems of Kinship and Marriage*, and *Man*, and to the Director of the Rhodes-Livingstone Institute. Much detail omitted in this book is recorded in these articles.

113 * A. H. Alban, 'Gwek's Pipe and Pyramid', *S.N. & R.*, 1940; P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', ibid. 1939; P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', ibid. 1945; 'On the Value of Iron among the Nuer', *Man*, 1947; (with B. A. Lewis) 'Nuer Ghouls: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "*Nak*" among the Nuer', ibid. 1948; F. D. Kingdon, 'The Western Nuer Patrol 1927–8', ibid. 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer *Col Wic*', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer-English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

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PREFACE

My study of the Nuer was made on behalf of the Government of the Anglo-Egyptian Sudan, to whom I am again indebted for financial assistance towards costs of publication. In *The Nuer* I have already thanked those friends, missionaries and administrative officers, who helped me in the Sudan. I express to the following gentlemen my appreciation of their kindness in reading the manuscript of this book: Dr. M. N. Srinivas, Mr. R. G. Lienhardt, and Mr. K. O. L. Burridge.

I dedicate it to my friend and teacher, Professor A. R. Radcliffe-Brown, whose vast knowledge and illuminating analyses of primitive kinship systems have placed all students of the subject in his debt.

E. E. E-P.

OXFORD
July 1950

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The last two illustrations are from drawings of specimens collected by the author and now in the Museum of Archaeology and Ethnology, Cambridge.

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CHAPTER I

KINSHIP AND THE LOCAL COMMUNITY

I

621 114 In *The Nuer* I stated that the village is the smallest corporate group of a political kind among the Nuer and that in reading my description of their political structure the reader would have to take for granted the network of kinship and affinal ties within a village. I must now ask him to remember that, though I describe in this book relationships between persons within local communities without again describing the wider political structure, the local communities within which these relationships function and which they serve to maintain are the basic units of that structure. I must also make it plain that in *The Nuer* I was chiefly interested in the relation of clan segmentation to tribal segmentation, and therefore in discussing lineages gave chief attention to the systematic form their structure presents when co-ordinated 613 with tribal, or political, structure. To avoid misunderstanding it 621 is desirable to emphasize that in Nuerland there are also small lineages which have fewer branches and less depth than the dominant clans to which I gave particular attention in my book. These less systematized descent groups may be associated with local communities smaller than tribes and their larger segments, but they are only associated with them in terms of the tribal structure as a whole through some relationship to its dominant clan; and sometimes they are not associated with local communities at all.

621 The Nuer village (*cieng*) is a corporate group with a feeling of solidarity. Though its members have contacts with persons in neighbouring villages, and even in other sections of their tribe and in adjacent tribes, the greater part of their activities are carried out within their own village community and their strongest ties are generally with other members of it. Nuer have great affection for their homes and, in spite of their wandering habits, men born and bred in a village are likely to return to it even if they live elsewhere for some years. Villagers fight side by side in defence and attack and they support one another in feuds. When their youths attend dances in the district they enter them

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621 in a war line (*dep*) singing their special war chant, and they remain together during the dancing lest some incident should lead to fighting, for it sometimes happens that when the dancing parties of different villages duel their play passes into fighting. Villagers also have close economic relations and common economic interests which make a village a corporation owning its cultivations, water-supplies, fishing-pools, and grazing grounds; the ownership being spoken about in terms of the lineage with which the village is socially identified. There is, especially in the smaller villages, much co-operation in labour and much sharing of food. At the beginning of the drought the villagers may scatter to camp round different pools in the bush and some families, and even large aggregates of relatives, may spend the dry season with kinsmen of different villages, but the scattering is temporary. As a rule, families which live in the same village in the rains share the same cattle camp (*wec*) at the height of the drought.

Nevertheless, in spite of their many contacts with one another and of their concerted action in their relations with other villages, there may be rivalries between members of different parts of a single village. This is more noticeable in the larger villages, where groups of kin occupy distinct sections of the village site and have a feeling of exclusiveness towards each other. '*Wa pekda*', 'I go to my end (of the village)', often indicates, besides direction, a sectional loyalty.

361 Nuer villages, called after the names of their sites, vary in size and form, both of which depend largely on local conditions. Some are small communities of not more than a few families living on riverside mounds, accumulations of debris which have been dwelling places for long periods. They may be regarded as colonies attached to larger communities. Larger villages, of some hundreds of souls, are generally strung out along the backs of ridges, but where there is a wide stretch of high ground a village may be distributed in all directions over several miles of country.

Indeed, it is a characteristic of all Nuer villages, to which Jules Poncet alludes,* that they are spread out as freely as the nature of the ground permits in little groups of habitations, each separated generally from its neighbours by some fifty to several hundred paces. A group of this kind often consists of a single homestead, a cattle byre with its attendant hut or huts, the dwelling of a family.

* Jules Poncet, *Le Fleuve Blanc*, 1863–4, p. 40.

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KINSHIP AND THE LOCAL COMMUNITY

361 The Nuer speak of a man's homestead as his *gol*, the primary meaning of which word is the heap of smouldering cattle-dung in the centre of a byre and the hearth around it. In its narrowest social use the word means family, the occupants of the homestead, and it may also therefore have the further sense of household, since there may be other persons living there than members of the owner's family who count nevertheless, as we would say, as members of the family. Frequently the byres and huts of two or three families, the heads of which are commonly brothers or a man and his married sons, are grouped around a common kraal so that we may then speak of a composite homestead; or several homesteads, owned generally by close kin, are adjacent to one another and form distinct clusters which we may call hamlets. Nuer speak of a composite homestead as the *gol* of so-and-so, naming its senior member, although they also refer to each of its component homesteads as the *gol* of its particular owner. They may use the same word to describe what I have called a hamlet, though a cluster of this kind with the land around it is also designated by the word *dhor*, combined with the name either of its senior member, as *dhor* Nyang, the hamlet of Nyang, or of some natural feature, as *dhor ngop*, the hamlet of the wild fig-tree. In its widest connotation *gol* may have the sense of 'lineage', when a lineage is thought of as a residential group. The word *cieng*, which has the general sense of 'home', may be employed to describe a residential group of any size, from single homestead to large tribal division. It is usually coupled with the name of a lineage when it refers to local groups of any size.

When Nuer leave their villages in the dry season they collect, often after temporary dispersal, in large waterside camps. There is then greater solidarity, both spatial and moral, than in the rains. The community of a camp is crowded together in grass windscreens and little grass beehive huts, and the herds which in the rains are tethered in separate kraals are now tethered in the same [233] kraal or in adjacent kraals. In the rains, when water is abundant and pasturage near at hand, the cattle are either not herded at all or each family, or a group of adjacent families, herds its own; but in the dry season, when conditions are different, the cattle of a camp are watered and pastured together and the different families 221 take it in turn to provide herdsmen. Activities performed of necessity or by preference in parties—hunting, fishing, and collecting—

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are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alinements are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

All the members of such a village or camp as I have briefly described are kin. Before giving examples in illustration of this statement I must say again what I have already said in *The Nuer* about the difference between lineage relations and kin relations because it is a very important difference. In speaking of lineages I refer to unilateral groups of kin—among the Nuer groups of

[cf. cat. 116, pp. 2 ff. - Analyst]

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agnates—and in speaking of kinship I refer to categories of kin. In speaking of lineage relations I therefore refer to relations between groups within a system of such groups, whereas in speaking of kin, or kinship, relations I refer to relations between persons standing to one another in certain categories of relationship within a system of such categories. It is often difficult for those who have not lived in a society with a lineage structure to appreciate the distinction I have drawn because the relationship between collateral lineages of the same clan is necessarily also one that can be expressed in terms of a kinship category, and it is possible in certain circumstances even to speak of the relation between lineages of different clans in similar terms, for they may wish on occasions to stress a genealogical nexus between themselves, indicating thereby that, for example, the one stand to the other as *gaatnar*, children of the maternal uncle, or as *gaatwac*, children of the paternal aunt. But in these cases it is a relationship between groups that is referred to and not a personal relationship between individuals except in so far as it is derived from the relationship between the groups to which they belong.

As I have explained in *The Nuer*, the lineages of Nuerland are dispersed groups, though in a certain sense they may be regarded as corporate groups in the form they take as political segments in fusion with other elements. They provide the conceptual framework of the political system within which they also function as its organizing principle through the expression of political fission and fusion in terms of their segmentary structure. The identification of lineage segments with tribal segments in a political context is brought about by the acknowledgement that certain clans and their lineages have rights in certain tribal areas and by the residence in those areas of a sufficient number of members of these dominant groups to act as nuclei of local and political groups. It probably never happens that all members of a lineage of any order—maximal, major, minor, or minimal—live in the area associated with it and to which it gives its name, though very many of them may do so.

Because the usual reference to a lineage is in a political context it is generally spoken of as the *cieng* of such-and-such a people (the name of the lineage being given), for, like the word *gol*, *cieng* has always a residential, and not an exclusive descent, connotation. When reference is made to a lineage in a context in which it is

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601 613 614 desired to particularize it as an exclusive descent group, a group of agnatic kin descended from a common ancestor, Nuer use the expressions *thok dwiel* or *thok mac*, literally the doorway to a hut or the hearth, to denote it; but these expressions are little used because abstraction of a lineage from its social and political matrix has only rarely to be made: on certain ritual occasions and in connexion with feuds and rules of exogamy.

601 602 The distinction between an agnatic lineage relation and an agnatic kinship relation is clearly made by Nuer themselves, from whom indeed I learnt it. They use the word *buth* to describe agnatic kinship between collateral lineages, that is to say, kinship between groups and between individuals only in virtue of their membership of these groups. On the other hand, they use the word *mar* to describe any and every relationship of a kinship kind between persons. All persons with whom a man acknowledges any kind of kinship, through however many other persons, are *mar*, kin, to him. People say of him and of any such person '*teke mar*', 'they have kinship'; and he speaks of any or all of his relations as '*jimarida*', 'my kinsmen'. The term *mar* includes relatives through the mother, the maternal kin, and through the father, the paternal kin. This is the meaning the word has when used by Nuer collectively and without restrictive qualification. Its sphere of reference is indicative of the balance we find in social life generally between the paternal kin and the maternal kin, a balance evident in the configurations of kin in local communities which I am about to describe. Nuer also sometimes use *mar* when speaking of affinal relations, especially when they are long established. In a broad sense they also are kin in the eyes of Nuer, just as in our own society we include our affines in the category of relatives.

Where there is a *buth* relationship between lineages there must also, in one way of speaking, be *mar* between the members of one and the members of the other, for the relationship between collateral lineages is agnatic and the members of the one must therefore be patrilineal kin to the members of the other. The question therefore arises: at what point in the spread of an agnatic line, conceived of as a number of living patrilineal kinsmen, does interpersonal *mar* relationship become the inter-group relationship Nuer call *buth* so that these kinsmen divide into segmentary descent groups or lineages? The question may be put in another way: how many generations back do Nuer trace patrilineal ascent

2:Evans-Pritchard E-5 (1931, 1936) 1951
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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thuk*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after [583] raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in [613] my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached.

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the 602 lineage system where the Nuer begin to speak of collectivities of 613 agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath* [597] *buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, [609] that is, they are 'strangers'. I omit further discussion about the 000

2:Evans-Pritchard E-5 (1931,1936) 1951
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000 inter-relations of collateral lineages because they do not here directly concern us.

III

621 Having made what preliminary explanations seemed to be
602 necessary, I record some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *mar*, kin, to one another; any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind —real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

[101] The village of Konye is on a site on the left bank of the Pibor
361 and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and attached homesteads was eighty to a hundred souls. I spent only a
124 few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

2:Evans-Pritchard E-5 (1931,1936) 1951
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the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye. 124

The chief man of the village is Rue-Wor (homestead 8),[1] and his son Deng-Rue (homestead 12)[1] is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*rul*) and not as an aristocrat (*dil*) in the Lou tribal territory where he resides, is the *tut*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruei wec*, an expression which appears to mean 'spittle of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village. 621

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community. 621 602 601

It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships,

[1] [Cf. cat. 116, p. (10) -- Analyst]

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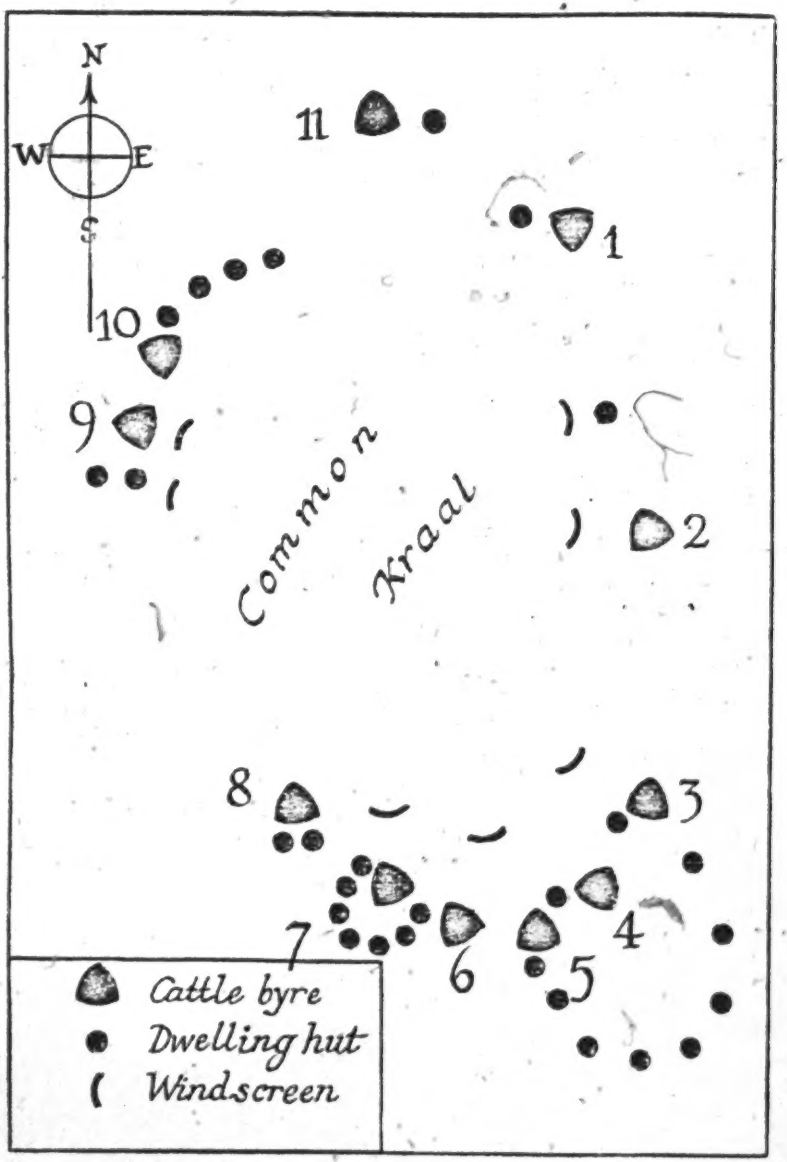

Sketch-map of Konye Village

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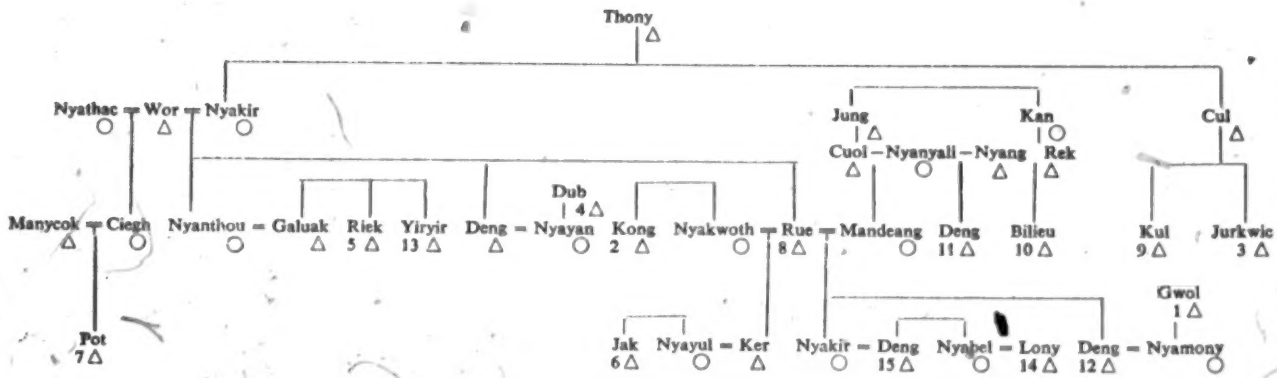

= Marriage.
– Concubinage.
△ Male.
○ Female.

KONYE VILLAGE

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2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

and I must here say again that although *mar* is properly kinship traced through father or mother, long-standing affinal relationships count in Nuer eyes as being equal to kinship, being a kind of kinship through the children of marriage unions, especially when the affinal relatives live together, as so many of them do at Konye. As a Nuer at another village, Kurmayom on the Sobat river, put it: 'Well, you have seen my home and the people who live here; are they not the husbands of my sisters? Well, all our cattle are exhausted from giving them to our brothers-in-law. They are our people and form part of our community (*cieng*) Nyabor. Their children are known by the names of their mothers while they remain in our village. If they go to the homes of their fathers they will be known by the names of their fathers'. Affines may therefore be regarded in a general social sense as *mar* and we may speak of Konye community as a cluster of kin.

My second example is the village of Nyueny in the Leek tribal territory of western Nuerland. I spent five weeks there in 1936. The village is spread along the arc of a sandy ridge for about a mile and a half. It comprises three hamlets, Nyueny, Dakyil, and Kamthiang, and about a mile to the north of it lies the hamlet of Dhorpan, the occupants of which used to form part of the main village. In 1936 the population of Nyueny was reckoned to be about 130 souls, distributed in twenty-six homesteads. As I had already recorded the genealogical pattern of other Nuer villages and camps I did not aim at drawing up a complete genealogy for Nyueny, but rather at a survey of domestic unions. Consequently the kinship links between the owners of four homesteads (numbers 1, 5, 22, and 26) and other persons in the village cannot be stated. This merely means that the relationship did not emerge from an inquiry conducted to other ends than their discovery, for links of some kind may confidently be assumed to exist. It should also be pointed out that there are other connexions between some of the persons whose names are shown on the chart which are not indicated there, though they are recorded elsewhere,* and there may be others unknown to me. Only persons significant for the present discussion are tabled, and I have simplified the presentation by treating ghost-marriages as though they were simple legal marriages.

* 'Some Aspects of Marriage and the Family among the Nuer', *Rhodes-Livingstone Paper* No. 11, 1945, pp. 29 ff.

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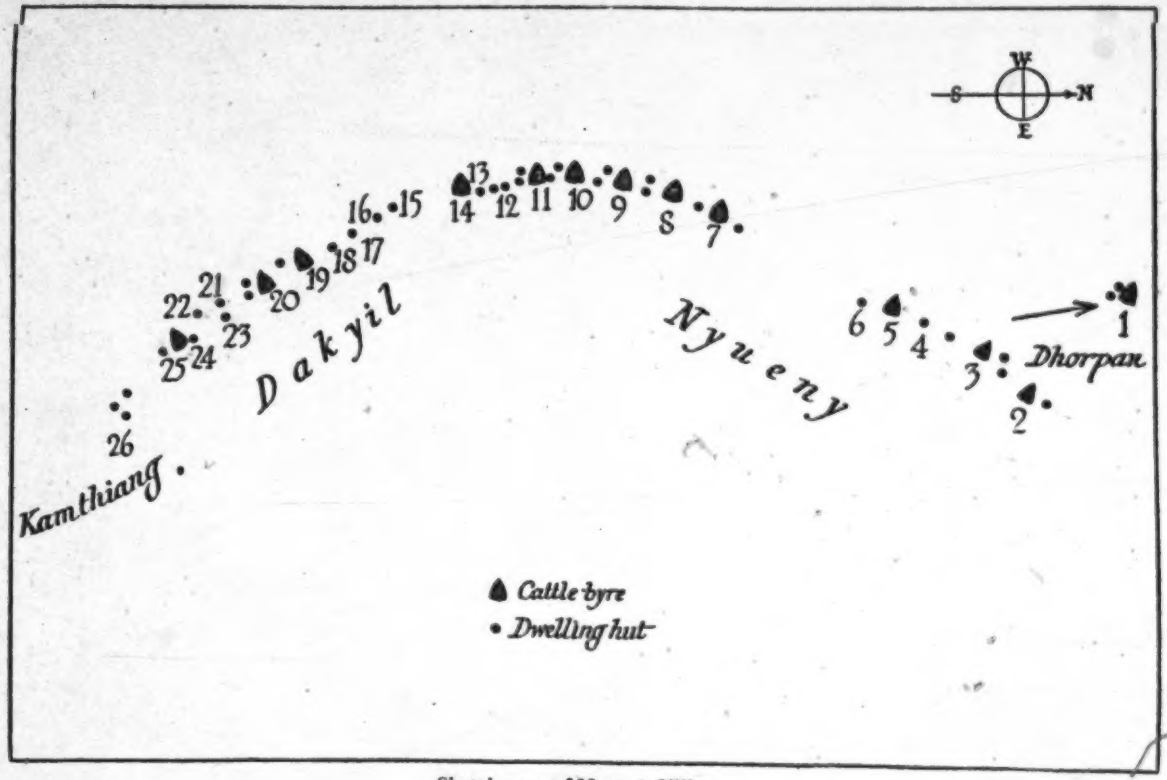

Sketch-map of Nyueny Village

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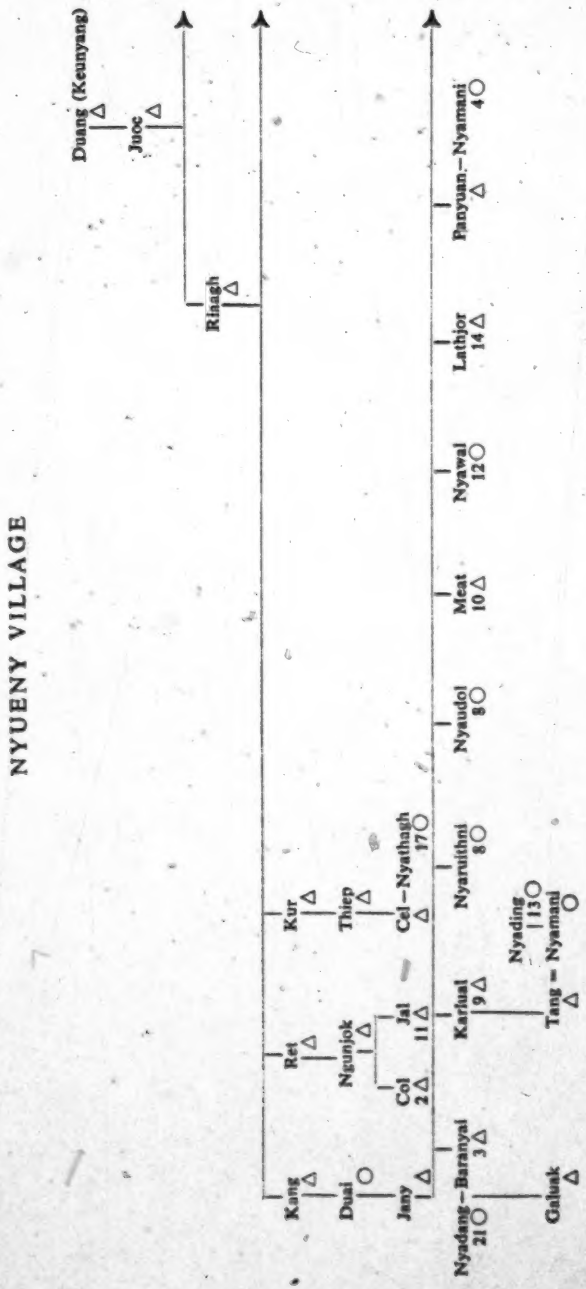

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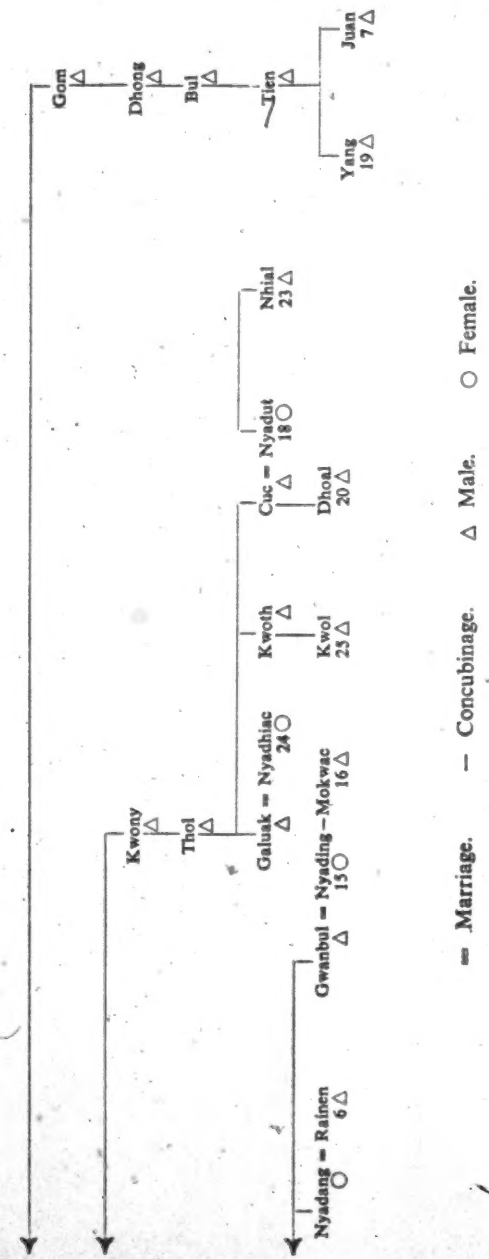
KINSHIP AND THE LOCAL COMMUNITY



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KINSHIP AND THE LOCAL COMMUNITY

621 613 614 602 The village site belongs to the Riaagh lineage of the Keunyang maximal lineage of the Gaatbol clan, the dominant clan in Leek tribal area of which Karlual area, where Nyueny is situated, is a section. Members of that lineage with their wives and concubines and their affines account for ten out of the twenty-six homesteads. The people of Nyueny hamlet, the central and northern parts of the village, are known as 'the children of Jany', and Jany's descendants with their wives and concubines and affines account for another ten homesteads. 'The children of Jany', whose *tut* is Karlual (homestead 9), count collectively as *gaatwac*, children of the paternal aunt, or, as Nuer often put it, *gaatnyiet*, children of daughters, to the Riaagh lineage, whom they call *gaatnar*, children of the maternal uncle. The senior Riaagh men are the 'bulls' of the village in the tribal sense of the word *tut*.

621 602 It will again be observed that the village is not an exclusive lineage group (with its wives) but is a cluster of kin (including affines). In this case, however, there is a lineage core to the village community, and this core is that branch of the dominant clan of the tribe which owns the village site. Some members of its collateral minimal lineage, the Gom, also live in the village. I draw attention to further typical features. We saw that at Konye many of the heads of families were living there because of affinal relationships with other members of the village. The counterpart to this is the relationship of sister's son to mother's brother, for when the children of a resident sister or daughter grow up in a village those who stand in an affinal relationship to their father stand in an avuncular relationship to them. This is a very significant feature of Nuer local communities and from it follows another common feature: in course of time a maternal link of this kind may be treated as though it were a paternal link and therefore within the genealogical structure of the principal lineage of the community. Jany's mother Duai is so treated. Nuer say of a woman who has this structural position that 'she has become a man'. Cognation becomes regarded for ordinary social purposes within community life as equal to agnation. A sister's son–mother's brother relationship may come about in a village not by a man going to live with his wife's people but by widows bringing their children to live with their own people after their husbands have died, a mode of residence which in certain circumstances may continue after the deaths of the mothers. This

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* [cf. cat. 116, p. (13) -- Analyst]

2:Evans-Pritchard E-5 (1931, 1936) 1951
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is illustrated at Nyueny by the daughters of Jany. The widows may take lovers in the village, or they may take them from a different village and their lovers come to live with them. This custom is another feature of interest, for some ties between members of a village may be through widow-concubines, or even through unmarried concubines. Any such ties are *mar*, kinship. 621 602

Allowing for the fact I have mentioned, that when people live together as members of the same small local community female links are often given equivalence to male links in a genealogy, a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system. Seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant. 621 602 613

I now examine the kinship texture of a cattle camp at which I resided for close on three months in 1931. Yakwac is a small mound on the left bank of the Sobat. Like Nyueny, it is on the periphery of Nuerland where the Lou tribe faces the small Balak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers. [101] 361

Yakwac village consists—I speak of 1931—of only three byres and a few attached huts. The chief man of the village is Cam-Carau, who owns one of the byres, the other two being owned by Bithou, his brother, and Kirkir, a kinsman of his mother. The real 'bull' of the village is, however, Cam's mother, Nyagen, and the 621 602

* [cf. cat. 116, p. (16) -- Analyst]

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621 village is often spoken of as *cieng* Nyagen. She has what amounts
602 to the honorary status of a man, not only on account of her age and kinship status, but also, and principally, because she is a Lou
[665] aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's

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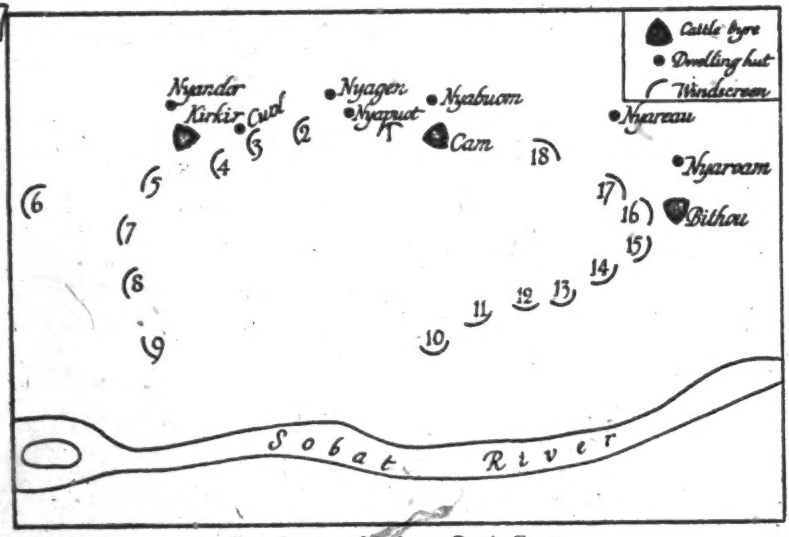

Sketch-map of Yakwac Cattle Camp

cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Pual, the community (of the descendants) of Puol, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyerol district. This minor lineage has four branches—the minimal lineages of Diel, Malual, Kwoth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

2:Evans-Pritchard E-5 (1931,1936) 1951
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The entire population of Majok was not at Yakwac in 1931, for
621 many of its members, including most of the womenfolk, had
602 remained inland and some families spent the dry season at other
601 camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

621 A study of the genealogy of Yakwac cattle camp reveals the
613 features we have already noted as being significant in the gene-
601 alogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

613 I have indicated Dinka origins, 1 where I have satisfactory evi-
601 dence for them, partly to show the very considerable absorption
597 1 [cf. facing pp. 19 (a)–(c) -- Analyst]

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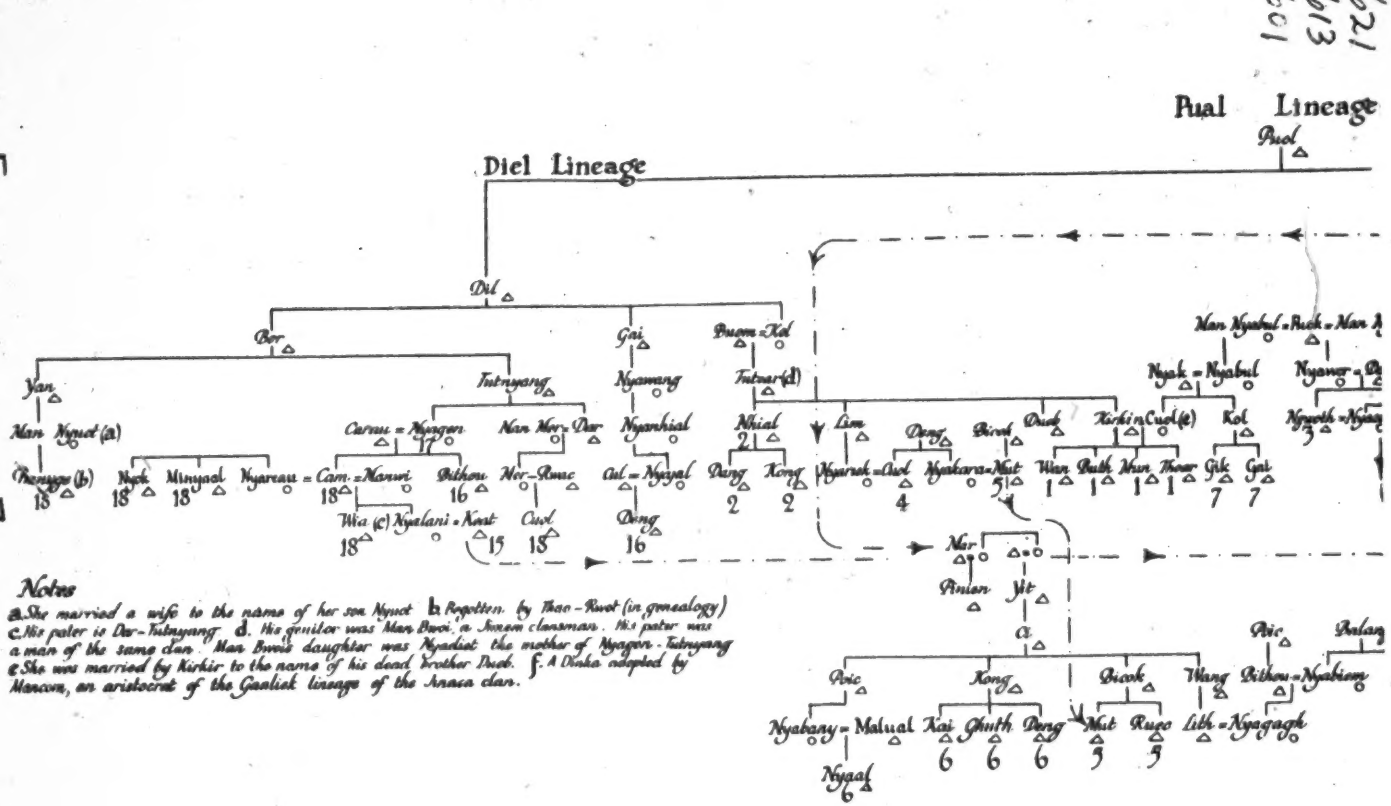

Notes

a. She married a wife to the name of her son Nyuet b. Rogotten by Thao-Ruot (in genealogy) c. His pater is Dar-Tutnyang d. His genitor was Man Bwoi, a Jonam clansman. His pater was a man of the same clan. Man Bwoi's daughter was Nyadiet the mother of Nyagen-Tutnyang e. She was married by Kirkir to the name of his dead brother Duak. f. A Dinka adopted by Mancon, an aristocrat of the Gaalick lineage of the Anaca clan.

[facing p 19 (a)]

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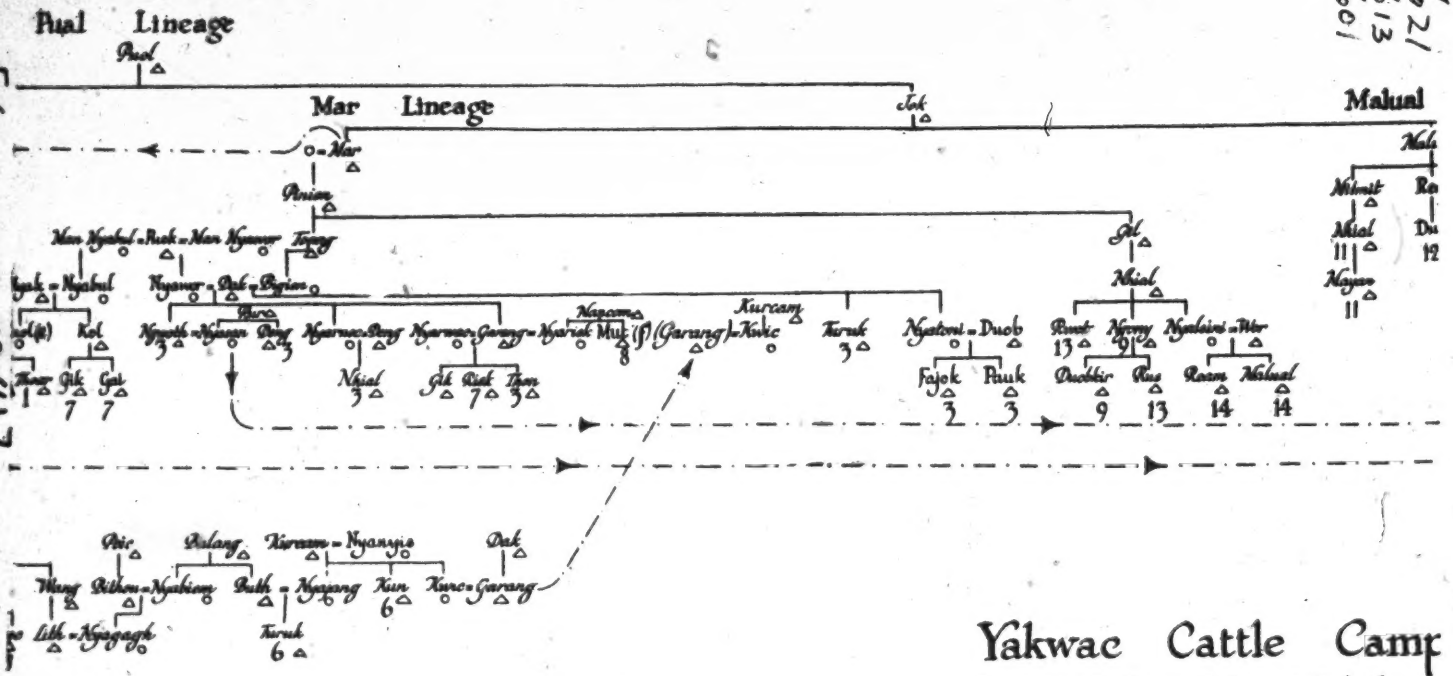

facing p. 19 (b)

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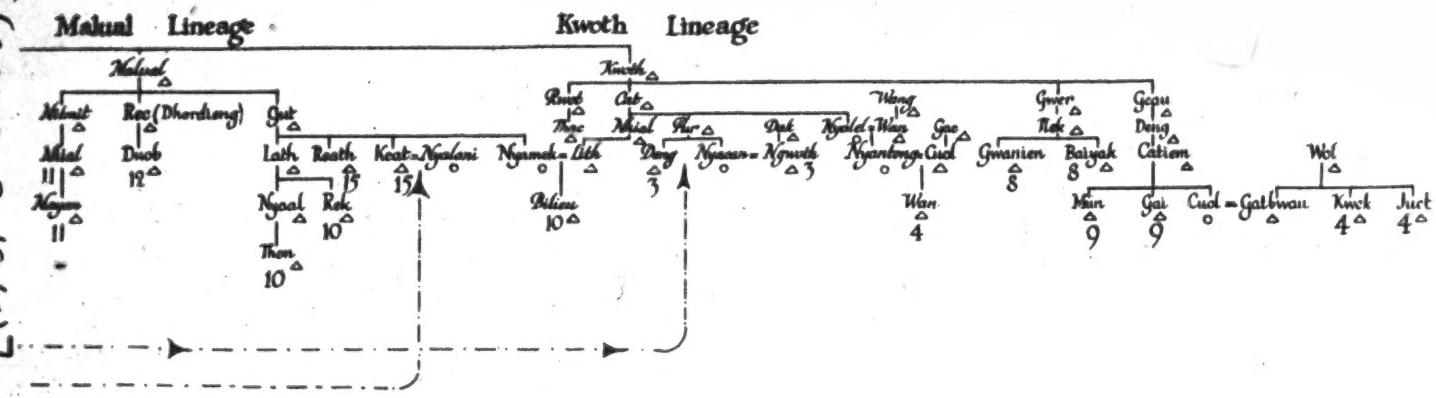

[facing p. 19 (c)]

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613 601 597 of Dinka which has taken place, by adoption into Nuer lineages and through marriage, in a typical Nuer community, and partly to account for some marriages which might otherwise appear to be breaches of the Nuer rules of exogamy. These Dinka are of varied tribal origin. Among those whose names appear in the genealogy I have recorded Bor, Fadang, Luac, Thoc, and Dunjol origins. The absorption of so many Dinka has affected, through the practice of adoption, the rules regulating marriage, and it has also affected modes of residence, since a Dinka who has not been adopted into a Nuer lineage readily attaches himself to his wife's people or to the people who have married his sister or daughter, as do also his children to their maternal uncle's kin. The absorption of Dinka has led to a further complication in the already very complicated patterns of Nuer genealogies, for it sometimes happens that captured Dinka brothers or other kin are adopted into different lineages or even into different clans.

I would also draw attention to the different tribal origins of those Nuer in the genealogy who are not members of the dominant lineage, because they illustrate the movement of individuals and families which is so characteristic a feature of Nuer society: Yit was a Bul tribesman, he and Pinien being children of sisters or, as the Nuer say, a man and his *gatmanlende*, his mother's sister's son; Carau and Wan-Wang were Jikany tribesmen, Carau being an aristocrat of the Lony section of the Jikany, though begotten by an Anuak; Nhial-Deng is of Thiang tribal origin; Kurcam was a man of the Jimem clan, a clan which is found throughout Nuerland and without a tribal territory of its own; and so forth. Indeed, it is necessary to point out that not all outsiders attached to a lineage core remain attached to it. Nuer move about their country freely, and reside for some years with one lot of kin and then for some years with another.

621 613 The genealogy of Yakwac camp gives us a typical cross-section of a Nuer tribal society. We see how the local community is built up around a lineage through attachment to it of extra-lineage persons by the stressing of one or other category of kinship, and we thus see further the relation of the lineage structure to the kinship system within the framework of the tribal society. The collateral, and in a structural sense, opposed lineage to the Pual is the Dumien, who live near Pul Thul and Pul Nyerol in the same Nyerol district in which the Pual have their wet-season home and

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

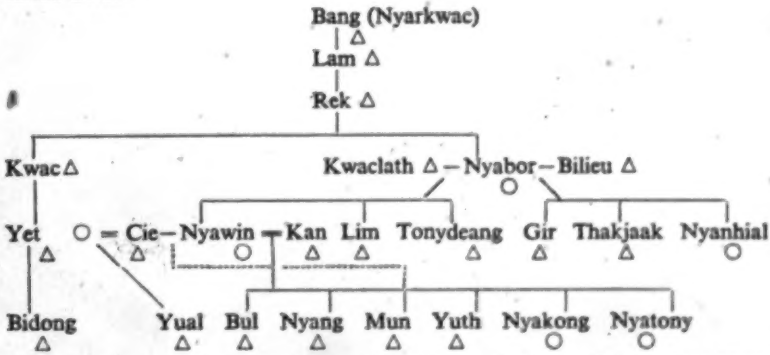
who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*, Dinka, the whole forming a *cieng*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gaatbal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe. 621 613

My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life. 621 602 601

I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*cieng*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimatized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwaclath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being [101]

621 a man of this clan. One of these children, the girl Nyawin, married
602 Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong,
601 and Nyatony before he died. She continued to live in his home after his death and there took a lover, a man of the Ngok Dinka called Cie, to whom she bore Bul, Nyang, and Mun. These three sons count, of course, as children of Kan-Kwoth. The Dinka Cie then, at the behest of Nyawin and her sons, took a wife to himself with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual was therefore not only a natural paternal half-brother of Bul, Nyang, and Mun but also their brother in a further sense, for he was *gat ghokien*, the child of their cattle. I was told that he had also been formally adopted by Bul into his lineage. Mun had died before 1931, and Bul and Nyang were already elderly men whose sons and daughters had homes and herds and children of their own.

[613]



It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *cieng* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwaclath. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 The kinship relations of persons to one another in a Nuer com-
602 munity are, I think it will be agreed, very complex. Indeed they

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are more complex than I have shown them to be so far, as will appear when the forms of domestic union obtaining among the Nuer are described. The complexity is partly due to these diverse forms of marriage, and also to the python-like assimilation by the Nuer of vast numbers of Dinka through adoption or intermarriage. 621 602

However, certain preliminary conclusions of a general kind can be drawn from the few genealogies—only a fraction of those collected—I have cited as examples. A Nuer community, whether small or big, is not composed exclusively of members of a single lineage and their wives or, correspondingly, not all members of a lineage live in the same community. On the other hand, in any large village or camp there is represented an agnatic lineage of one or other order and into the growth of this lineage are grafted, through the tracing of descent through females, branches which are regarded in certain situations and in a certain sense as part of it and in other situations and in a different sense as not part of it. Other lines and persons are grafted into the lineage by adoption, but this can only happen to Dinka and other foreigners, not to men of true Nuer origin. Attached to the lineage, directly or indirectly, are also a considerable number of affines of diverse kinds. 621 613

In their collective relations with other communities, and as seen collectively by the members of these communities, there is a fusion of the attached elements with the lineage. They are incorporated in it, and the resultant whole is spoken of as the *cieng* or *wec*, community, of the lineage, which is both its core and the symbol of its social identity as a unit in the tribal system. But within the community itself there are occasions when a formal distinction between the lineage and its incorporated elements has to be made and the status of its members has to be defined to the exclusion of the *rul*, strangers: the *gaatnyiet*, the children of daughters (of the lineage), and the affines. 621 613 602

In daily contacts between persons within the community their relations are expressed not in the language of lineage structure but in the language of the kinship system by reference to categories of kinship within that system. Thus men of the same minimal lineage have only an undifferentiated lineage relationship on such occasions as the lineage acts or is thought of as a group. Otherwise, and as persons, their relationship to one another is one of *gwanlen*,

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621 613 602 father's brother, *gatgwanlen*, father's brother's son, *wac*, father's sister, and so on.

613 602 Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

621 602 As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jicieng* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jimarida*', 'my kin', has quite a different connotation; it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

597 563 613 The absorption of Dinka into these communities of kin on so considerable a scale has been significant. As I have pointed out in *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

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302

1. A boy, clothed in ashes

[facing p. 24]

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597 any other rigid hierarchical structure. It has been brought about
563 by their incorporation into Nuer lineages by adoption and by
613 their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that
621 we find strangers of Nuer clans as members of clusters of kin
614 around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *buth* relationships which attach them to the lineages of their birth.

000 Another factor which has certainly had some influence in

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588 Another factor which has certainly had some influence in bringing about attachments of outsiders to groups of agnatic kin other than their own is the custom of concubinage, the different [591] forms of which I describe in detail later. It is a very common practice for widows to leave their dead husbands' homes and to take lovers in the villages of their parents, or to go to reside in the [593] villages of their lovers. When they do so they take their young children with them, and though the sons almost invariably return to their paternal homes before initiation, they have grown up in the homes of their maternal kinsmen, or of their foster fathers' kin, and may have so strong an affection for them that they later return to reside with them, at any rate for a time, when they are married men and their own masters.

Widows, whether living in their maternal villages or in their dead husbands' villages, attract lovers, sometimes from the village, sometimes from a neighbouring village. In either case a new social tie is established, and the lovers may continue to cohabit with the widows as members of their communities for long periods and nurture the children they beget by them. A poor man is only too glad to obtain a housekeeper and mate without expense by means of either widow-concubinage or unmarried concubinage, and if he is an unadopted Dinka he may remain with the concubine and his children by her.

There are in Nuerland a considerable number of unmarried concubines. The sons they bear to lovers become the legal children of these lovers by payment of cattle, but they do not feel so securely attached to the homes of their fathers as do children born of the union of marriage, and there is a tendency for sons of the same woman by different fathers to stick together, usually wherever their mother may be, especially if the fathers are dead or if they do not possess large herds.

591 There are two other facts to be taken into consideration. Among Nuer it is not uncommon for a man to make his home among his wife's people, though in my experience a true Nuer usually returns to his own people eventually. As I have explained, sons-in-law who live with their wives' people are often Dinka, and Dinka are likely to remain with their affines, as they may have no kin of their own to return to; but one also finds Nuer in the same position. These may be persons who for one reason or another prefer to live apart from their paternal kin, or they may be poor men who cannot afford to pay the full bridewealth, part of which is forgone by the

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wife's family in view of the fact that the man who has married 591
their daughter has joined their community and is bringing up his children as members of it. They may even give him some of their own cattle to help him build up a herd. The second fact to be taken [603]
into consideration is the Nuer custom, for various reasons not always observed, by which the eldest child of a marriage is brought up by his, or her, maternal grandparents. A child brought up in his maternal kinsmen's village naturally feels that in some respects it, and not his paternal kinsmen's village, is his home.

Cattle are a powerful element, often the deciding consideration, 591
especially in the minds of unadopted Dinka captives or immi- 233
grants, in a man's choice of residence. A Nuer cannot live for long without cattle, and he who possesses none must attach himself to the byre and herd of some kinsman. Men with only a few beasts also sometimes find it a convenience to tether them in the byre of a kinsman rather than build a byre of their own. One often finds that the reason a man decides to live with one of his maternal kin, with a paternal aunt, with one of his affinal kin, or with the family of a widow-concubine, is that he knows that the person he intends to reside with will allow him to be a member of the household, will give shelter to his animals if he has any, and will help him to start a herd if he lacks cattle entirely; whereas his paternal kinsmen are unable or unwilling to do so, or, in the case of many Dinka, are altogether absent.

As a further conclusion, I remark again that the drawing .621
together by, and into, the lineage system of the many different strands of kinship (and affinity) which compose the network of social ties in each local community gives the community its unitary character and fixes its position in tribal structure. The points at which they are drawn together are the 'bulls' of the kinship clusters, and especially the tribal 'bulls', those men who are persons not only of age, wealth, and character, but also members of the dominant clan of the tribe—tribal aristocrats. These tribal 'bulls' are the centres of clusters of kin, but they are also agnates, and each has in relation to the others a structural position in the lineage system of the dominant clan. Through them, therefore, all the tribesmen are attached to the dominant clan of the tribe and all the local communities are assimilated to the highly consistent structure of its segments, in which they are conceptualized. It is

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621 the ambition of every man, of the dominant clan especially, to become a 'bull' and the centre of a cluster of kin, and Nuer say that it is for this reason among others that families often break up and cousins and brothers part, each to seek to gather his own community around him.

621 613 611 I suggest that it is the clear, consistent, and deeply rooted lineage structure of the Nuer which permits persons and families to move about and attach themselves so freely, for shorter or longer periods, to whatever community they choose by whatever cognatic or affinal tie they find it convenient to emphasize; and that it is on account of the firm values of the structure that this flux does not cause confusion or bring about social disintegration. It would seem it may be partly just because the agnatic principle is unchallenged in Nuer society that the tracing of descent through women is so prominent and matrilocality so prevalent. However much the actual configurations of kinship clusters may vary and change, the lineage structure is invariable and stable.

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CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure.

This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy.

It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the

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582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 The word *rual* means both incest and the misfortune which it
684 causes. Syphilis and certain forms of yaws are believed to be espe-
753 cially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 Clan exogamy is stated by Nuer in terms of clan symbols. Each
614 clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

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inquiry made is into the spear-names of their clans. It sometimes happens that two unrelated clans have the same primary spear-names but have different secondary spear-names which serve to distinguish them ritually. It also sometimes happens that two maximal lineages of the same clan have different secondary spear-names, but in this case the secondary differentiation would not permit intermarriage. Nuer go into this matter very carefully if there is any doubt about clan relationship, as in certain circumstances there might be.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations, though the number of generations is not absolutely fixed, marriage should not take place between them. An ox is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say '*bakena mar*', 'we split kinship', and '*ba bak ne kir*', 'it (kinship) is split with a gourd'. It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the genitor, is a different man from the legal father, the pater, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

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582 The adoption of a Dinka boy into a Nuer minimal lineage pre-
727 vents him from marrying into that lineage and he would normally
563 not be allowed to marry into a collateral minimal lineage of the same minor lineage, though such marriages sometimes take place, as is evident in the genealogy of Yakwac cattle camp opposite page 19. Some of my informants were of the opinion that he ought not to marry into the clan at all. If he is permitted to do so, to avoid the appearance of a breach of exogamy, the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of his wedding in addition to the clan spear-name which became his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may demand gifts from the bridegroom's people.

Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs, and then hands her over to another man to bring up outside his village, 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the family (*gol*) and becomes a member of the family.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed, as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth for several generations. She herself can be married to a clansman of her foster-father so long as her husband does not belong to his minimal lineage, which is to say so long as those who pay her bridewealth cannot also

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claim part of it, for those who can claim part of a girl's bride- 582 727 563
wealth are kin to her. Nuer state these rules in terms of cattle.

A man may not take his wife's sister or any near kinswoman of 582
his wife as a second wife. A man may be on familiar terms with his 607
wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

A man may not marry the daughter of an age-mate, a member 582
of his age-set, 'because she is his daughter'. The blood age-mates 561
have shed together into the ground at their initiation gives them a

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582 561 kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates and a man may not be in the position of paying bride-[bcb] wealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law, and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage seldom surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God, and it is believed that the guardian spirit of the age-set will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are in a sense his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. When one of the fathers is dead marriage can take place, but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

582 The rules I have recorded above can be generalized by saying, as Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In the rules prohibiting marriage, kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the common spear; the *buth* kinship of collateral lineage and of adoption; uterine kinship; kinship through the genitor; the kinship of cognation; kinship which the birth of a

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child creates between affines; the kinship acknowledged by accep- 582
tance of bridewealth; and the kinship by analogy of the age-set.

It will be noted that the wide range of Nuer marriage prohibitions has a certain correspondence with the kinship configuration of their local communities described in the last chapter. The balance there observed between the paternal side and the maternal side in the notion of *mar*, kinship, and its reflection in residential attachments is seen again in the conventions governing marriage. The assimilation of affinal to kinship ties, noted as significant in the local network of relationships, is also a significant feature of these conventions. The rules taken as a whole amount to this: a man must not marry kin (including affines), and as he is born and brought up in a circle of kin which normally embraces the people of his immediate neighbourhood, he is generally compelled to marry outside it. He is also compelled to look for sweethearts outside it; and I think that this is one reason why Nuer youths like to stay in the villages and camps of maternal and affinal relatives where they have greater freedom in sexual matters.

Nevertheless, however extensive the prohibitions may be, there 584
must always be a point in each category of them at which a marriage can just be allowed or is just disallowed. In these borderline cases there is some latitude in interpretation of the prohibitions. Cases arise in which there is disagreement whether the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. It sometimes happens also that a girl's family raise an objection on the score of relationship that they would not have raised had they been better disposed towards the marriage. Indeed, this is a common way of telling a suitor politely that his suit is unwelcome—even when, in fact, there is no relationship which could be seriously urged against the union. It also happens that a distant relationship, which might have been adduced as a bar to marriage, is passed over by a girl's family if they consider the suitor a desirable son-in-law. I have been present at marriage negotiations when a kinsman, who was not satisfied with his share of the bridewealth, raised the objection of kinship, and later, when satisfied, waived it; and at another marriage when one kinsman of the bride urged that the union would be incestuous, while the other kinsmen held that it would not be so. When marriage is permitted in borderline cases of this kind a beast will generally be sacrificed to cut what

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584 kinship there may be held still to be between the partners to the union. This is done because it is feared that otherwise the marriage may not be fruitful.

In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same local community.

Exceptions to the general principles governing marriage prohibitions do not invalidate them, for the rules are acknowledged even in the breach of them. Thus I have known of a peculiar marriage into the clan in which, on the day of the wedding, tribute was paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.*

The prohibitions of marriage I have related apply also to concubinary unions. The *concubinus* and *concubina* ought not to be related in any of the ways I have mentioned, though here there seems to be greater laxity than in matrimonial unions. Concubinage is entered into on the initiative of the partners to the union and without the public discussion matrimony entails, so that distant, but nevertheless valid, kinship may escape notice. My reason for believing that this is so is that I came across several cases where the death of the children born in concubinage led to a fuller investigation which revealed relationship, of which the partners were ignorant, and consequently to the dissolution of their partnership.

II

835 It is not incestuous for a man to have relations with daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also

* The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his pater's sister's son, a man of the Gaatgankir clan. The wife's pater was a woman of the Gaatnaca clan (of a different lineage). She had married a wife to raise up children to herself by an unrelated man. The marriage could not have taken place had the wife's pater been a man. As it was, it was subjected to criticism. The reader will understand these peculiar circumstances better after he has read Chapter III.

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forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules, I will mention the other relationships which carry the incest taboo besides those, already recorded, which exclude marriage either absolutely or contingently. 835

Nuer consider it to be *rual* for a man to have relations with wives of any close living kinsmen, except, as is explained later, wives of some paternal kinsmen. The worst incest of this kind is with wives of the father, uterine brother, son, and maternal uncle. It is considered almost as bad as relations with the sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be shocking because the father has relations with her and afterwards with the mother carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins which are spoken of without opprobrium. The worst that is said about congress with wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kwol*, a wild yellow tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family form a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and the thought of relations with his wife evokes the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes, in a lesser degree, of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and '*Tut thilke rual*', 'There is no incest among bulls'. If they live in different

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villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated with the respect due to the father. To have relations with his wife is not incestuous but shows lack of deference. Relations with the wives of paternal half-brothers and paternal cousins are not subject to the same restraint. It is not *rual* to have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian spirit of the age-set will punish the offender.

It is forbidden on incestuous grounds to have relations with wives of kinsmen, other than those mentioned, only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the places of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother. Rarely a son takes her, and occasionally a sister's son. If a man thus cohabits with his father's, brother's, or maternal uncle's widow he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer say: 'He divides them with a sheep.' 'The father (or brother, or maternal uncle) is removed', as they say, not so much, if at all, because there would be any danger of *rual*, but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife which might injure her or her children. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *rual* is more pronounced.

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *rual*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an

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affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

835

There are, as we have seen, a very large number of relationships which carry the incest taboo and it is not surprising that there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with embarrassment. Parents teach sons at an early age the rules of sex: to avoid the wives of others and women who are kin. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gwagh*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives of other men, for fornication with an unrelated girl is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

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MARRIAGE PROHIBITIONS AND INCEST

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter is also terrible. I have heard of one case of each. Incest with the paternal half-sister, whether daughter of pater or genitor, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'for one man knows kinship and another man does not know kinship, that is a man whose heart was made differently'. Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for legal kinsmen. I was told, for instance, that a man might make love to the daughter of a natural son of his maternal grandfather (*nya nar laka*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister, and it is worse with a mother's brother's daughter than with a father's brother's daughter, and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of prohibition and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' Condemnation in such terms would not be applicable to distant kinsfolk.

Incest with wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *rual*, while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in

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II. A maiden, smoking pipe

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835 favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Intimacy with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it, I was told: 'It may be all right, she is only his wife's *nyagwanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

Incest with the wife of a kinsman is also, of course, adultery, but if it is with the wife of a close kinsman who does not in this context count as a 'bull' the response is likely to emphasize the incest rather than the adultery. The husband, although he is the innocent party, may suffer harm, and if the incest comes to light he is anxious rather to have a sacrifice performed than to exact compensation. However, relations with wives of kinsmen seem generally to be with the wives of 'bulls', a man's paternal kin, who live in his village, and, as I have explained, they are not regarded as incestuous—neither are cattle demanded in compensation. Apart from the fact that their wives are all wives of the lineage, it is not thought proper that cattle should go from one kraal to another in payment for adultery among people who herd their cattle together and assist one another in debts. Thus, if a man commits adultery with his father's brother's wife he is not likely to be asked to pay more than 'the cow of the hide'. This animal, which is paid in addition to any cattle which may be paid in compensation for the wrong in any case of adultery, whether with the wife of a kinsman

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835 or with the wife of a stranger, is for sacrifice to prevent injury to the husband. It is not regarded as compensation for infringement of his rights.

More distant kinsmen are likely to insist on compensation. Relations with their wives are not thought to entail serious consequences on account of their incestuous nature, and there is less reason for the husband viewing the adultery with tolerance. Sometimes a kinsman accepts smaller compensation than an unrelated man would do. For example, in a case which came to my notice, a man had relations with the wife of the son of his maternal uncle's mother's sister. He paid three head of cattle in compensation, instead of the six head which might have been demanded, and he provided a goat for sacrifice. In all such cases, however, the outcome depends on the personal relations between the men concerned, and this generally means whether they are neighbours.

To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage-tree. When a fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while an infusion of the contents of the right half, 'the good half', is drunk by the partners to the sin. They may get a magician to make the sacrifice for them or they may make it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair was sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be

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performed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then. 835

The presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *rual*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she (the wife) has no child, so it is not *rual*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gwan*, father's son, to Bul, whose marriage, which had in any case not escaped critical comment, might then have entailed risks. In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls, but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

III

I now make some general observations on Nuer exogamous and other marriage prohibitions and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and

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835 say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of the marriage prohibitions to marry them. I would hold that the incest taboo can only be understood by reference to the marriage prohibitions, and that these prohibitions must be viewed in the light of their function in the Nuer kinship system and in their whole social structure.

It is evident that the incest prohibition is derived from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster-father's brother, and between a man and the daughter of one of his age-mates. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I suggest that its range of extension may be related to the marriage prohibitions of their society for which it provides a moral norm, a reason, and a sanction.

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual* and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans, and that the Nuer themselves recognize that the limits of exogamy are fixed arbitrarily. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the table of prohibited degrees and not the incest taboo which is basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.

It is also true that Nuer call *rual* relations with women married

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to kinsmen. These women cannot be counted as possible mates to whom any marriage prohibitions could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest taboo not so much as wives of kinsmen but rather as mothers of kinsmen.

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every degree are regarded as being either incestuous peccadillos or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the paternal kin, and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group, and of its cattle. Hence sexual relations with wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence, also, whereas relations with, for example, the wife of the maternal uncle means relations with the *cek nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with '*cekdan*', 'our wife', and the mother of '*gatdan*', 'our child'. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Paternal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by, for example, a man and his maternal aunt's son makes for confusion within the kinship system. The position of the uterine brother is peculiar because full

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835 brothers are not just 'bulls' to one another, members of the same lineage. They are maternal kinsmen as well as paternal kinsmen, and in their case sexual relations with each other's sweethearts seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the marriage prohibitions indicate kinship status and are one of the most effective means of doing this and thereby maintaining the kinship system, which is based on the distinctions between the various categories of relationships. They prevent confusion between one relationship and another and the contradictions such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this chapter, of Nuer themselves, who see that it is undesirable to obliterate or obscure the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; and were a man to marry the daughter of an age-mate, his age-mate would also be his father-in-law.

621 613 The bearing these regulations have on the kinship system will be seen in later chapters. I discussed their bearing on political structure and their relation to the lineage system in a few pages (pp. 225–8) in *The Nuer*. The argument there presented may be restated in a few sentences. Nuer political structure is a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is thus conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time must be identified with the local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that cor-

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porateness which identification with residential groups gives them, and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct, but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by corporate life comprised within a network of personal relations of a kinship order. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a community of kin, every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the ban on marriage, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

There is a tendency therefore for local communities to be groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is, as we have seen, a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage

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621 and to it everyone attaches himself locally. If a man is not a mem-
613 ber of the lineage with which he lives, he makes himself a member of it by treating a maternal link as though it was a paternal one or through affinal relationship. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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III. A youth. His hair is dressed with ashes

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CHAPTER III

MARRIAGE

I

121 I HAVE suggested in the last chapter that the range of the Nuer incest taboo can be understood only in relation to their rules prohibiting marriage between kin. These in their turn are only intelligible when viewed as part of the kinship system to which they belong, and that kinship system derives its particular form from its function in the political structure of the Nuer.

Kinship is a general word for describing any relationship of one individual to another through his father or mother. All kinship ties thus derive from the family, that universal and fundamental social group which everywhere and in some way or another incorporates the institution of marriage. It is therefore partly for logical reasons that I describe first how matrimonial unions are brought about among the Nuer and discuss the kinship relations which derive from them later. I describe marriage and kinship in this order also partly for convenience, in that kinship among the Nuer is so largely defined by reference to bridewealth.

I describe in this first section relations between the sexes before marriage, and in the following sections the chief ceremonies by which marriage is brought about, the payments of bridewealth which together with the ceremonies create valid and durable unions, the affinal relations which arise from the unions, and the various forms of domestic union we find among the Nuer side by side with matrimony in the full legal sense.

581 831 Sexual activities are from their earliest manifestations given the stamp of cultural values. They are from the first associated with marriage, which is the final goal of the sex life of men and women. Even the very poor and the disabled form domestic establishments of some kind and talk proudly of 'my father-in-law' and 'my mother-in-law'. It is the chief ambition of a youth to marry and have a home (*gol*) of his own, for when Nuer speak of marriage they speak of a home. They say of a youth: 'He is married—he has *a gol*.' Even in childhood it is clear to Nuer that marriage and the birth of children are the ultimate purpose of the sexual functions

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581 831 to which all earlier activities of a sexual kind—play, love-making, and courtship—are a prelude, a preparation, and a means.

831 So long as there is no erotic behaviour in public, no inhibitions attach to sexual interests and their expression, and no one tries to hide from children the facts of sexual life, which they can learn by observing their elders and the flocks and herds among which childhood is spent. A boy who is seen by his elders in sexual play with a girl of his own age will merely be told not to act as though he had been initiated—he can do what he likes then—and at the most might receive a cut with a grass switch. No one considers his conduct immoral, and the older people will joke about such things among themselves.

857 581 831 Children start playing at marriage from the time they begin to walk, at first as uncomprehending observers of the games of older children and then as participants in them. They make cattle byres and huts of sand, and mud oxen and cows, and with these conduct bridewealth negotiations and perform marriage ceremonies, and they play at domestic and conjugal life, including sometimes in the game, I was told, imitation of coitus. In its earliest expression, therefore, sex is associated with marriage, and the first sexual play occurs in imitation of one of the domestic routines of married life. It occurs in response to a cultural, and not to an instinctive, urge.

Girls and boys, the girls rather earlier than the boys, begin to perform the simpler and lighter tasks of household and kraal from about the age of seven. From then onwards till they are about fourteen, marriage games continue when the children are by themselves, and though within them sexual play begins to be indulged in for its own sake and not merely in imitation of adult behaviour, it is subordinate to the whole make-believe relationship of conjugality of which it forms a part. During the rainy months the girls visit the boys in the grazing grounds, bringing them balls of porridge as presents, which each gives to the boy she has chosen as her 'husband'. She also milks the goats for her 'husband' and may even bring him a gourdful of cow's milk from the kraal. The boys cut millet stalks in the gardens and after roasting and eating the immature grain send the sweet stalks with their outer husks removed to their 'brides'. Older boys also send their juniors with mud oxen and cows to one of the senior girls, who plays the part of mother-in-law. I was told that in these games sexual intercourse may take place, but is neither a usual nor a prominent feature.

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MARRIAGE

Girls witness serious love-making and courtship earlier than boys. At dances small girls follow their more experienced sisters and cousins, imitating their movements during the dancing and afterwards sitting with them while the young men pay them compliments and try to persuade them to retire with them into the long grass. When a girl is about twelve or thirteen initiated boys begin to court her, and when she is about fifteen or sixteen she has at least one lover and probably one in each of the villages neighbouring her own. She passes through a succession of love affairs, besides more casual affairs. I doubt whether any girl in Nuerland goes to her husband a virgin. 833 881

As a rule boys are initiated from about fourteen to sixteen. Unlike the girls, whose social life develops slowly from childhood to marriage without any sudden change of status, the boys jump at initiation from the grade of boyhood to the grade of manhood, and the character of their social life is correspondingly transformed; though even before initiation boys make some adjustments in their way of life in anticipation of the status they will acquire when they have passed through the rites. In particular, they abstain from eating in the presence of unrelated girls. A small boy eats with his mother and sisters, but when he is about six he eats with the other boys of the household when the womenfolk have guests, lest they might feel embarrassed at the presence of a lad, though only a small one, and, bit by bit, he gets into the habit of eating with them regularly. 881

After initiation a lad takes on the full privileges and obligations of manhood in work, play, and war. Above all, he gives himself whole-heartedly to winning the favours of the maidens of his neighbourhood. Courtship now rivals devotion to cattle as his major interest. In speaking of a recently initiated lad Nuer often say: 'And now he has become a man and will court the girls.' He takes every opportunity for flirtation which offers itself. His chances are chiefly at dances, and Nuer youths, for this reason, attend as many wedding dances and other drum-dances as they can in their district during the rains and the harp-dances at neighbouring camps in the dry season. In speaking of these dances young men speak always of the girls they will meet at them, of how the girls will admire their finery and their excellent dancing and display of spearmanship and duelling with the club, and they add: 'And then of course we will spend the night in courting.' 883

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883 That Nuer do not attend dances chiefly for the dancing is shown by their lack of interest in organizing harp-dances in dry-season camps when it is unlikely that unrelated girls from other camps will be able to attend them. 'Who wants to dance with his sisters?' they ask. But when there is a chance of love-making Nuer youths, who appear so slothful and lethargic to the foreign traveller, think nothing of walking and running ten to fifteen miles to attend a dance.

When a dance breaks up, about nine o'clock at night, the youths seize the girls by their wrists and lead them apart. They then either walk about the dancing-ground in pairs and small groups, the youths and maidens hand-in-hand or with their arms round each other's waists, or they sit in small parties at the grass-fringed edge of the dancing-ground. They sit wedged together and exchange endearments. Nuer girls are attractive companions at any time and are enchanting when decked with flowers and ornaments and anointed with oil for dancing, and the young men are charming and indefatigable flatterers. Wooing in Nuerland is an arduous business. A youth must be profuse and tireless in pouring out compliments to the girl whose favour he solicits, and he often sits opposite her with a stick in his hand to make lines on the ground to mark each new compliment.

When these parties break up the youths and maidens pair and continue flirting *tête-a-tête* in the grasses in privacy. It rests entirely with a girl whom she goes with. She has her lovers who meet her whenever they can, at dances, at her father's home, and at trysting-places, and she will probably go with one of these. When several young men want to go with her they tell her to make her choice from them, for all those who have been sitting together with the girl belong to one *dep*, the fighting line of a village, and are therefore all kin who will not quarrel about a girl. A lover from a different village would not try to break into the circle once it has been formed. She makes her choice—if she already has a lover in the *dep* she will choose him—and the other youths move away. Apart from her established lovers, a girl has no difficulty in knowing if a man is particularly attracted to her by the way he dances and conducts his spear-thrusting and club-duelling exercises during the dancing. If she likes him also she can probably so arrange matters that he is able to seize her wrist when the dance is beginning to break up.

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MARRIAGE

Intercourse does not necessarily take place when a youth and maid are alone together on the night of a dance. When the relationship between them is a *luom buol*, a dance love affair, or *luom thura*, a dancing-ground love affair, a more or less constant attachment, and not a *luom goka*, a love affair of the high grasses, casual lust, I was told that the girl is likely to refuse her favours, though he will entreat for them, unless she feels sure that he intends to marry her and has the cattle with which to do so, for no respectable girl wants to be a *keagh*, an unmarried mother. No attempt is made to conceal an attachment of this kind, which indeed imposes on the girl modesty and shyness towards her lover in the presence of other persons such as a bride is expected to show towards her bridegroom or a newly-wed towards her husband. 883 886

Parents are not cognizant of all the love affairs of their children, but if a girl forms a constant attachment she may tell her mother about it, and a father will probably hear of a similar attachment of his son. They are not likely to say anything unless there is danger of incest. All the young men of a hamlet or small village, who are kinsmen and dance together, know of one another's courtships and escapades. Likewise, all the girls know about one another's lovers and amours, for they also keep together at dances. The only person who may interfere is a brother in an affair of his sister, for her virtue is his responsibility, but he will only do so in certain circumstances. He keeps an eye on his sister and knows who is courting her, but he will only come between her and her lover if he suspects that she is having regular relations with a man without cattle or that she is giving herself to all and sundry. [593]

It not infrequently happens that a girl becomes pregnant while still unmarried. If the young man has cattle he will be expected to marry her, and if she is not a profligate he will be glad to do so. If he has insufficient cattle he cannot do so, and though another man will not object to taking her as a wife, he is more likely to take her as a second wife than as a first wife, and he will pay fewer cattle for her bridewealth. It is therefore in the brother's interest to see that this does not happen. It is also in his interest to prevent his sister from becoming a wanton. A man does not expect his bride to be a virgin, but he does not care to marry a jade. A girl of easy virtue may find plenty of lovers but no suitors, and after bearing an illegitimate child is likely to become a concubine for the rest of her life, to the detriment of her family herd. 848

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836 Therefore, if a youth takes a girl away from a dance to his *dep*
883 and sits with her among his friends and other girls until he finds an opportunity to get her to himself he will not be molested, because her brother has seen her leave the dance in company, and by the time she is intimate with her lover he will be doing the same himself. But if a man is indiscreet enough to take her off by herself as soon as the dance is breaking up he is asking for trouble, though the brother may not say anything if the youth is a friend of his whom he knows to have cattle and serious intentions towards his sister. If the young man is a casual lover he may tap him on the shoulder with the butt of his spear, when he will run away; or even fight him. However, there need be no trouble if the conventions are observed.

Courtship seems to be freest among the Eastern Jikany. There love affairs are carried on more or less openly, and a youth need not fear the girl's brother so long as they are on friendly terms and he is discreet. The girls of this area are, however, said to be less free with their favours than those of the Lou tribe. They are exacting in their demands for fine speeches, but will not allow intimacy unless they are sure that pregnancy will be followed by marriage. The Lou girls are said to be easier and their brothers more difficult. To the west of the Nile, at any rate in some parts, it is said that a girl's brother has the right to take a male calf and a cow calf if he catches a man having relations with his sister, but this penalty seems only to be exacted when it is believed that pregnancy has ensued, and I was told that if the beasts have been seized they will be returned should it be found that she had not conceived. If she is pregnant, they will be kept pending marriage negotiations.

584 A youth may have several sweethearts in different villages and a girl several lovers in different villages. At this time of his life a young man models himself on the accepted pattern of what a young man should be to win the approbation of his sweethearts and the regard of girls generally. He likes to know that they are looking at him and saying about him, when they chat together and share their secrets, that he is a *wut pany*, a real man. He pays great attention to his appearance and takes every opportunity to excel in feats of endurance and courage. It is for the benefit of the girls that he leaps behind his oxen in dry-season camps, 'when the people have met together', and chants poems. When asked whether

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a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

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582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose [581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*rau*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

831 The facts outlined in this section lead to two conclusions: that
581 there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

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kind, in which coitus, when it takes place at all, is only part of a more complex relationship. The lover-sweetheart relationship has within it the purpose or pretence of marriage. Very likely a particular courtship will not develop into marriage, but courtship is the recognized prelude to matrimony, and if a youth wants favours from his sweetheart, he must persuade her of his intentions. A love affair tends, therefore, to be a marriage courtship, and for this reason the pattern of the husband-wife relationship in the first stage of married life intrudes into it, and the pair act towards one another with the conjugal reserve of this stage. So strong is the cultural idea of marriage that, though devoid of irksome restraint and inhibitions, the path of sex life runs from childhood towards that union and, though circuitous, leads always to wedding, home, and family. Marriage is the end of a full sex life. After he is married a man settles down to care of herds and gardens, and goes less and less to dances, and ceases to take much interest in girls. I was told that should he wish to have an affair with a girl his wife would have no objection and would probably help him in it. Women, on the other hand, once they are married, ought not to have relations with men other than their husbands.

Men now expect to marry younger than in the last generation, when, I was told, a man would not usually marry before he was 25 to 30. Fathers were wont to say that they would themselves marry again, for these young wives would in any case go to their sons when they were dead. At what age a youth marries today depends on the size of his family, his place in it, whether his father is dead, the size of his family herd, and other circumstances.

As a rule, girls marry round about 17 or 18, though one sometimes sees an unmarried girl of over 20. If a girl is betrothed early the wedding and consummation ceremonies are delayed. Women, therefore, have their first children at an age when they are well fitted to bear them. So long as a girl is married to a man with cattle she has fairly free choice of a mate. Much depends on whether the girl's family approve of the man's family. In theory, the parents choose their daughter's husband and only formally ask her consent, which she should give in duty to her parents, for marriage is not her business but the business of her menfolk. In fact, it is very difficult for parents to force their daughter to marry a man she dislikes, and strong-minded girls stand up against family pressure on this issue.

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582 In general, therefore, it may be said that if there is no kinship between a youth and a maiden and the youth's father has sufficent cattle, marriage is unlikely to be opposed by either family, unless there is bad blood between them. The first condition, however, makes it difficult usually for a man to find a mate in his own village, since, as we have seen, villagers are generally in one way or another kin. Also, a man is unlikely, except in parts of western Nuerland where some of the tribes are very small and there is much intercommunication between tribe and tribe, to marry outside his tribe, unless he lives near its border with another tribe, for he may then have relatives and friends on the other side of the border with whom he visits and on whom he can rely for help should difficulties arise about the return of his cattle in the event of divorce. Hence a man may generally be expected—I cannot give figures for the distribution of marriages—to take a wife from some village of his own tribe and within easy reach of his own village, that is to say, within his district or from among the people whom he habitually visits.

This fact, combined with the frequency with which Nuer live with their affines and maternal kin and their wandering and migratory tendencies, has produced a very great admixture within local groups of persons belonging to diverse lineages and tribal and foreign origins. It means also that, as I have already explained, any Nuer has kinship links of one kind or another with persons belonging to many different local communities. With each marriage these strands running from one community to another are increased and there results a complex network of kinship ties between members of opposed segments within the political structure.

II

583 Marriage among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary, and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them,

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and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so. 583

The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them. 584

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen that there are always, besides prolonged discussions about bridewealth, sacrifices and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband

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584 and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

Generally, as we have seen, there has long been an understanding between the youth and the girl he wishes to marry and she has been his sweetheart, though sometimes a youth decks himself as a bridegroom and in the company of another youth, arrayed in the ornaments of a best man, tours the country-side in search of a bride. In either case, the youth does not ask for the hand of the girl without her consent. He and his friends must then ask her family and they consult their kinsfolk. They know what is going on long before they are formally asked for her hand, so when a girl tells her menfolk in the byre that there are guests outside who wish to speak to them, the men know what they have come for. The suitor and his friends enter the byre and seat themselves to the right, the girl's people being seated to the left. They say that the girl has accepted them and ask whether the elders will accept them also. The elders ask them what cattle they have. This is the *riet ghok*, the cattle talk. The best man answers for the suitor, who, to create a good impression, says as little as possible. Both wear skins to cover their genitals before possible future parents-in-law. The bridegroom's best man and two other friends accompany him through all the trials of marriage and take full advantage of the opportunities for love-making and courtship. The girl's people accept the suit in a preliminary way and the youths depart to eat at a neighbouring homestead, since the suitor cannot eat in the home of the bride even at this stage.

There will later be other and more formal and definite discussions about the cattle in the byre of the father of the girl. The suitor has in the meanwhile been able to consult his own family and kinsmen, and when he returns with his friends for further talks the cattle are more precisely specified and ear-marked for particular claimants. The girl's people are satisfied. They say that the marriage is finished and tell the bridegroom, as he can now properly be called, and his friends to bring the *ghok lipa*, the cattle of betrothal, on a certain day. The discussions are still in an early stage, and by 'finished' they mean only that they are pre-

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pared to continue negotiations on the basis of the demands already 584
met and to hold the betrothal ceremony. Before the visitors rise to go various men who can claim distant cognatic kinship with the bride, too distant for them to receive assigned portions of the bridewealth, may ask for gifts, ranging from a 'cow' (which means a sheep or goat) to a spear. Some of their demands are at once satisfied, the spears being handed over there and then, while others are met with promises or evasions.

A betrothal ceremony is not necessary. It is possible to proceed at once to the full wedding ceremony, and this is sometimes done when the bridegroom is a rich man with plenty of cattle and the bride is a *jut*, a girl who has passed the usual age of marriage. Usually the betrothal ceremony is held in the rainy season and the wedding in the following windy season. If there is a longer interval it is generally due to the immaturity of the bride. A poor suitor may pay two or three cows to a man who is short of stock at the time in order to obtain a lien on his small daughter while he collects adequate bridewealth to marry her later. Were the suitor a richer man he would seek a bride among older maidens, and were the father a richer man he would not feel the need to betroth his daughter at so early an age. A nubile maiden would not be betrothed for several years to a poor man. Her brothers would not brook the delay, for they themselves want to marry with the cattle of her bridewealth. Moreover, she would almost certainly become pregnant by some lover.

The holding of the betrothal ceremony means that the marriage is provisionally agreed upon by both sides, and the transfer to the bride's family of the cattle of the betrothal, three or four to ten head, is a further acknowledgement of this understanding. Before the ceremony takes place it has been agreed upon in general terms how many cattle should eventually be handed over. The ceremony is held in the bride's home. When the morning work of the kraal is finished the bridegroom and his party drive before them the cattle of the betrothal, led by a fine ox, the pride of the herd, its horns decorated with tassels, for the bride's brother. They advance on the bride's village in war formation and continue their marital exercises in her father's kraal, chanting their war songs before the huts and byres, especially before the hut of the bride's mother, who must be shown particular respect. The bridegroom's girl relatives and friends arrive about the same time as the men and

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584 they also dance in the kraal. The youths of the bride's village then form their *dep*, village fighting formation, and start their own exercises and the girls of the village their dancing. Then the drums are brought out and general dancing begins. Towards sunset the betrothal cattle, which were left outside the village to graze, are brought into the kraal and tethered. Dancing, duelling, singing, and love-making between the youths and maidens continue well into the night, and all pay special attention to the bridegroom, resplendent with his ivory armlets and his tight-fitting armlet of brass rings, and distinguished also by the wedding stick in his hand. Before midnight the father of the bride leads forth an ox which, with a ceremonial rubbing of ashes on its back, is dedicated to the lineage ghosts and spirits in a long address by the *gwan buthni*, a man of a collateral lineage who acts for his family on ceremonial occasions as master of ceremonies. He tells the spirits to take their ox and let the people be at peace. His address is followed by shorter speeches by old men of the bride's kin and perhaps by her father, all first rubbing ashes on the beast's back. The *jicoa*, the bridegroom's people, take no part in these proceedings, but the flesh of the sacrifice is, with the exception of head, neck, and some of the entrails, their right, and if the ox is not to their liking they insist on a bigger one being sacrificed or, which amounts to the same thing from their point of view, being slaughtered for their dinner. When the addresses are finished the master of ceremonies of the bride's lineage, or her father or another of her senior kinsmen, stabs the ox to the heart with a single thrust. It stands for a moment and falls to the ground, those present watching to see if it falls cleanly. The bridegroom's people, often directed by the bridegroom, though he may not himself eat in the home of his future father-in-law, amid much shouting and chaffing, divide the meat among themselves, each kinsman receiving his customary due. The ribs and part of the back are taken next day by the visiting girls to their parents and elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them.

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go, the bridegroom,

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if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco. 584

The wedding takes place some weeks later, and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre, and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his bride's home in the company of his best man and other friends, and on these occasions he may try to have relations with her, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage, and his only hope is to get his best man to persuade his bride to visit him in the gardens.

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. 585
In the homestead of the bride the reception, especially the beer, is

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585 being prepared, and in the homestead of the bridegroom there is much rejoicing, men and women chanting poems into the night. They also chant on their way to the wedding and during its celebration. The main features of a wedding are discussion about cattle in the morning and the invocation over the cattle of the bridewealth (*twoc ghok*), the wedding dance, and the wedding sacrifice, in the afternoon and evening.

Early in the morning the bridegroom's kin discuss the situation in his father's byre. They know what outstanding claims are likely to be advanced because they know the persons on the other side who stand in those relationships to the bride to which beasts are due by custom. They run over their herds and assign particular beasts to meet probable claims, so that no last-moment demand shall be made which they have not allowed for and cannot reject. Similar talks are going on among the bride's kin in her father's byre. They know more or less what animals the bridegroom can muster, and they have also to agree on the division of the bridewealth among themselves; the problem often being not so much the total number of beasts to be paid but to which of the bride's kin they shall be allotted. The bride's father will do his best to protect his son-in-law against too greedy kinsmen. As we have seen, the bridegroom's people have several times discussed the whole question of the bridewealth with the bride's people, but there are certain demands not yet agreed to, or kept back till the last moment so that they can be exacted under threat of forbidding the wedding dance.

The older people of the bridegroom's kin go ahead of the bridegroom's party of youths and maidens to the bride's home to finish the discussions in the late morning and early afternoon. They are generally still arguing when the bridegroom's party arrives, the paternal uncles on both sides taking the foremost part, for it is thought impolite of the fathers to take too prominent a part in the discussions, especially if they are younger than the uncles. The bridegroom's kin sit on the right side of the byre and the bride's kin on the left side, as they would sit were a case being arbitrated between them by a leopard-skin chief. The byre has been swept clean in expectation of the guests, and ox-hides and mats have been spread on the floor. The bridegroom and his master of ceremonies and the bride's father and his master of ceremonies wear wild-cat skins round their loins to hide their nakedness, and

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the master of ceremonies of the bridegroom holds a wedding stick 585
across his knees. After the involved Nuer greetings have been exchanged they begin the final cattle talk over their pipes, each claim being stated and restated and discussed in the deliberate Nuer way—puff, puff, puff of tobacco, a few words, then puff, puff, puff again. While the *jicuong*, the people with rights to cattle of the bridewealth, are developing their claims, first on the father's side, then on the mother's side, the master of ceremonies of the bride brings a tray on which are lumps of tobacco and an equal number of pieces of charcoal and hands these round to the bridegroom's senior relatives. The cattle talk, even at this stage, is often loud and it looks, till one is used to Nuer, as though agreement would be impossible.

While the discussions are going on in the byre, the youths of the bridegroom's village charge into the homestead, chanting and skirmishing as they come. They rush the kraal and the bridegroom hurls his spear at his mother-in-law's *buor*, while the girls of the bride's village attack the visiting youths in mock combat and try to catch the bridegroom and seize his wedding stick. If they succeed he will have to pay them a calf. The *buor* is a mud windscreen, such as every Nuer woman has in front of her fireplace outside her hut. It is the symbol of domesticity and of wifely status and is associated with the spirit of the husband's lineage. On the occasion of the marriage of a daughter of the hut the windscreen is heightened, or a new one is constructed, for the bridegroom to spear, and some of his close kinsmen may spear it also. It is easily repaired. The spear belongs to the mother of the bride, but as it is a war spear one of the men of her homestead grabs it. The bridegroom has already given, or promised, her a pipe, tobacco, and a smaller spear, which she may give to a small son or keep for scraping hides. The bridegroom may also throw a spear into the threshold of the byre. This goes to his father-in-law. Other parties of youths from nearby villages are by this time beginning to arrive, for the wedding was announced by drums on the previous day. It is difficult for the older people, still talking in the byre and puffing away at their pipes and drinking beer, to hold up the dance any longer. They give permission for it to begin, and it continues for the rest of the afternoon and well into the night and is resumed on the following morning.

Before the dance begins, or as soon as it has begun, the kin on

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585 either side signify their approval of the marriage by calling out the spear-names of the clans or maximal lineages of the bride and bridegroom and invoking the ghosts of their ancestors to look upon the cattle of the bridewealth—a rite which makes the ghosts partners to the union and witnesses of it. The master of ceremonies of the bride—his role is ritual and he has no part in the bridewealth talks—rises and demands a cow and receives the promise of a calf or sheep. He then walks up and down the byre, brandishing his spear and delivering a long address. He shouts out his ox-name and spear-name, and he calls on the ghosts of the bride's ancestors to witness that she is married openly with fifty cattle (it is conventional to say this number) and not with shame and by stealth. He says that she will bear her husband a male child. He addresses also the bridegroom's kin, his own kin, and anybody else he feels inclined to bring into his speech, and while talking he pours beer and sprinkles a little tobacco on the floor of the byre, on its threshold, and on the hearth in the centre of it, asking God (*Gwandong*) to take his 'cow', the tobacco. Then the master of ceremonies of the bridegroom's family, whose role is also purely ritual, has his say, or he may speak first. He talks in much the same vein and also pours out beer and sprinkles tobacco as an offering as he walks up and down the byre brandishing instead of a spear a wedding stick. The father of the bride may then speak and may be followed by a senior kinsman of the bridegroom. Afterwards people chant poems.

During the dance another rite, but not of the same importance, takes place. The father of the bride removes a tethering cord from one of the pegs in the kraal and throws it into the air between two lines of men drawn up for the purpose, the bride's relatives on one side and the bridegroom's relatives on the other. They try to hook it in the air with their spears and clubs, and whoever catches it may demand a calf or a goat from the opposite side, though he cannot be sure of receiving it.

Towards sunset, or on the following morning, the wedding ox, provided by the bride's father, is sacrificed by the master of ceremonies of her family or a senior kinsman. He rubs ashes on its back and speaks to it, saying: 'We do not kill you for an evil thing, we kill you about a good thing. Fall well.' It is a wedding ox and not a funeral ox. The meat, except for the head, neck, and a few other bits, goes to the bridegroom's kin who, as in the betrothal

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ceremony, divide the carcass, on the pattern of bridewealth distribution, between the kin on the father's side and those on the mother's side. The distribution of meat at these ceremonies depends on the number of relationships represented by persons or proxy, the number of persons standing in these relationships, and other circumstances. Most of it is taken back by the bridegroom's people to their homes for the older people who have not been able to attend the wedding and those who have remained to look after the herds and milk the cows. The rest is eaten on the spot. 585

A large part of the night is spent in dancing and flirting and love-making. The bride and the girls of her homestead are cooking while the bridegroom, who is fasting, is seeing that his companions are being properly looked after. On the following morning beer is served, pots being distributed to the bridegroom's kin—his father, his father's full brother, his father's half-brother, his paternal and maternal aunts, and his mother's full and half-brothers—who share the beer with members of their age-sets. After a meal the youths resume dancing and their elders, fortified with beer, probably start once more on the seemingly endless cattle talks, for there are generally an odd claim or two outstanding, the discussion of which was interrupted by the wedding dance, though their settlement was assured before it began.

If the maternal uncle of the bride lives far away he may give a wedding dance on his own account and sacrifice an ox at it. He may even do this when the father and he are members of the same large village. The senior paternal uncle occasionally does the same if he lives far away and is the father's half-brother.

The *ngut* does not conclude the marriage. It is the *mut* and the birth of a child which do this. But the chances are now greatly in favour of a successful conclusion, for had the bride's people not been satisfied with the bridewealth already handed over, or promised, they would not have allowed the dance to proceed. The wedding has also cost them a second ox for which there is no return in the event of the marriage not being consummated. Nevertheless, marriages do occasionally break up between wedding and consummation, though, in my experience, this is rare and is due to the reluctance of the bride rather than to objections or demands on the part of her family and kin.

The *mut*, the third of the three public marriage ceremonies, is

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585 the one which, at any rate among the eastern Nuer,* makes the union legally binding. After it the husband, as he can then be called, can claim compensation for adultery, which he could not have done before. Previously the bride's brothers did not feel it obligatory to prevent her from attending evening dances in the neighbourhood, though they well knew from their own experience that she was likely to have relations with her old sweethearts at them. Her future husband's people could not then complain if she attended these dances, whereas after the *mut* they would make an unpleasant scene were they to find her at one, for this ceremony makes man and wife, and the cattle which have been paid are no longer regarded as a pledge but as marriage cattle. They now say of the bride '*Te yang jokde*', 'She has a cow (cattle) on her back.' Moreover, if cattle paid to the bride's family and kin die in their kraals before the *mut*—and they may all die in a year of rinderpest—they have to be replaced by the bridegroom's people, whereas if they die after the *mut* they still count as part of the bridewealth and the husband's people do not have to substitute for them similar beasts. This distinction does not apply to animals killed by the bride's family and kin or which have been disposed of by them and have died outside their kraals, for these count as bridewealth before, as well as after, the consummation. On the other hand, any calves the cattle may bear before this ceremony count as original bridewealth and not as increment. Likewise, if the incomplete union is broken before the *mut*, all the cattle and their increase, including those which have died, must be returned, whereas in the event of divorce after the *mut*, the bride's people do not have to return animals which have died a natural death in their own kraals, and they have a right to retain two cows, the *yang yani* and the *yang miemne*, the cow of the skirts, the mark of married status, and the cow of the hairs, which are shaved off the bride's head at the consummation.

It is *mut*, therefore, which makes the union a contract. Consequently, it occasionally happens, when people are anxious to expedite the marriage, that the consummation takes place before the wedding. I heard it suggested that this should be done in the case of a youth who had been speared and could not take the

* Among the western Nuer it would seem to be the *rwac ghok*, the invocation of the ghosts, which permits a suit of adultery and may therefore be considered the action which makes the union a contract.

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IV. Sweethearts

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585 bridegroom's usual part in weddings, and although it was decided to hold the wedding first, with the bridegroom as a spectator, no one suggested that in the circumstances a reversal of the ceremonies would have been improper. Mrs. Smith, of the American Mission, told me of a case of an elderly man who, desiring to marry a girl with the approval of her family but against her own wishes, prevailed on her relatives to rush her through the *mut*, leaving the wedding to be held later.

The day of the consummation has to be fixed in advance because beer has to be brewed for the visitors. In the early morning the bridegroom goes with a company of the youths of his village to fetch the bride, his womenfolk remaining behind to prepare for their visitors. They chant on the way, for this is a happy occasion for the village. Sometimes they find on arrival that the bride's mother has prepared beer for them. They have to ask her permission to take her daughter away and she asks them for presents before she gives it, such things as a spear, armlets, a pipe, and tobacco. The young men promise to give her what she asks for and depart, escorting the bride and her girl companions, who have oiled and decked themselves with ornaments for the ceremony. They go chanting to the bridegroom's village, one of the poems often being a composition of the bride in honour of her future husband, and there is much horseplay between the sexes. When they near the village the young men go ahead and the girls are met by the youths of the village, who bring them into the kraal where they serenade the bridegroom's mother with poems outside her hut. The ceremony is mostly a female affair, the men looking on.

After a while a kinsman of the bridegroom places a tethering-cord across the inner threshold of one of the huts and the bridegroom crawls over it, followed by the bride, the best man, and a special girl friend of the bride. This action is said to make the marriage fruitful. Then, towards evening, takes place the rite of consummation, though there is no invariable order of events in these ceremonies and no fixed time-table. The bride retires to a hut wearing a special goatskin cap and here the bridegroom joins her. His age-mates seek him out and say to him: 'Come now, let the people go to bed, come and loosen the bride's girdle.' He is bashful and gets the business over as quickly and inconspicuously as he can. He enters the hut and gives his bride a cut with a switch

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585 and seizes her thigh, she refusing his advances and crouching by the wall of the hut. He strikes her with a tethering-cord, snatches the cap off her head, breaks her girdle, and consummates the marriage. Reluctance is imposed on her by custom and she pretends to resist even when she has known her husband often before in the gardens. It is not expected that a bride will be a virgin. Wedding and consummation ceremonies are held even for a girl who is pregnant or one who has been divorced and is being married a second time if she has not borne children. They say that 'She has returned to maidenhood'. It is only divorced women who have led profligate lives who are not remarried with these ceremonies. Maidenhood is a social, not a physical, state.

His duty done, the bridegroom leaves the hut, sometimes the bride's girl friends rushing at him and beating him with their fists as he emerges. The rest of the evening is given to the favourite pastimes of Nuer youth, *muong* and *lum*, visiting with the girls and making love to them. There will be many youths present: the people of the bridegroom's homestead, his mother's kin, if they live near, youths of the village, and bands of youths from villages for miles around, for the *mut* is a popular ceremony and it is known that many girls will attend it. Then all retire for the night, the bride's companions sleeping in a hut reserved for them.

On the following morning take place three rites which may on no account be omitted, the sacrifice (which may take place the evening before), the lustration, and the shaving of the bride's head. The sacrificial beast should be an ox, but if the bridegroom's father is poor, and at this stage of the marriage he is likely to be hard up, the 'cow of the consummation' may be a goat, or even just beer. The bridegroom's master of ceremonies rubs ashes on its back, calls out his spear-name, and speaks of the beast and the bride, telling the spirits and ghosts of his lineage to witness the union and to bless it with sons so that the lineage may continue. He says to them, 'Now you see your ox; you see this maid; let her be a good wife; let her bear many children, many sons; let her work well in her husband's home, milk the cows, dry the cattle dung; let her be a faithful wife and not a profligate'; and so forth, asking them to make the union a lasting and happy one. He then spears the ox and it is cut up by the wife's people, the visitors, and divided among them in the customary portions, only the head, neck, and a few other pieces of meat going to the people of the

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bridegroom. The visiting maidens at once cook and eat the ribs, kidneys, and stomach, besides filling themselves with porridge and beer, the bride alone abstaining because she may not eat in the home of her mother-in-law. They take the rest of the carcass back to their homes for their elders. The master of ceremonies may perform another duty associated with his office in anointing the bride with butter. Her father will already have blessed her in this manner before she set out for her husband's home. 585

Now takes place the rite of lustration, the *lak tetni ka cik*, the washing of the hands with bracelets. The visiting maidens, the young wife's companions, sit in a hut and a pot of warm water is passed to them. One of them washes her hands in the water and then takes a bracelet off her arm, drops it into the pot, and passes the pot to one of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent. Any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm.

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's family, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as 'the removal of the hairs of maidenhood', and they say afterwards of the girl '*Ca ciek*', 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her.

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *ciek ma kau*, a newly-wed. Her parents give her a hut of her

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585 own and a sleeping-hide, a brush, and a couple of gourds for ablu-
[591] tions. When her husband comes to visit her in her father's home-
stead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about. Her parents are supposed to know nothing of his visits, though, of course, they know all about his movements, and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut to see him depart. I was told that should he oversleep and his mother-in-law see his spears outside her daughter's hut, she makes them forfeit, and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves. He is then the father of their daughter's child and through the child has a kind of kinship with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made from the first millet of the year—a pretty custom known as *puthene kuan*, honouring with porridge.

842 All are equally anxious for a child to be born, the husband and wife because they want a son, and the wife's parents and kin because they cannot, without risking complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had sud-
853 denly to be returned to the husband. When a child is born the
591 mother remains with her parents till she has weaned it. This is a
862 suitable regulation, because after bridewealth has been paid the

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husband's father is likely to be short of lactating cows, while the [853] wife's parents will have plenty of milk from their herd. If, for some 862 reason, the wife goes to live with her husband before the child is 591 weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule. A *keagh*, first child, belongs to *cieng mandongni*, the home of his maternal grandparents, and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

Shortly after the birth of her first-born the wife, now called 851 *paidap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ash. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's 851 home, and returns with the child to the village of her parents. She 591 has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a mud windscreen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

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585 The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

III

583 Like many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of the series of ceremonial acts I have just described. These ceremonies and payments of cattle proceed *pari passu* as inter-connected movements towards the completion of the union. It should be remembered that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

I first describe the principles on which bridewealth is paid. These can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its ideal distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also.

583 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the

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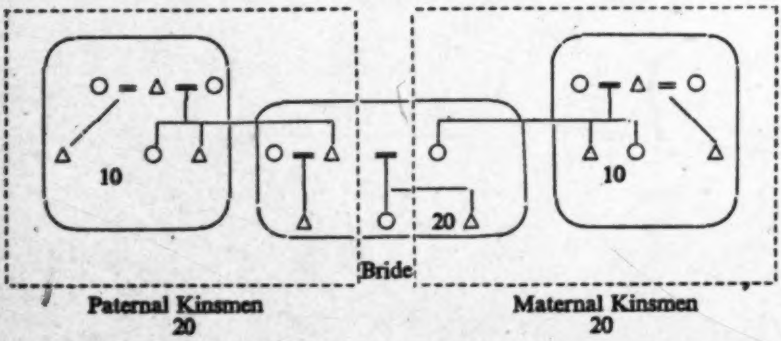
bride's own family, her father's family, and her mother's family. 583
The bride's own family receive 20 head of cattle, which are known 602
as the *ghok dieth*, the cattle of parenthood. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in the diagram below, in which these distributions are shown, that the bride's mother's sons count as maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in



terms of individual relationships and, when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

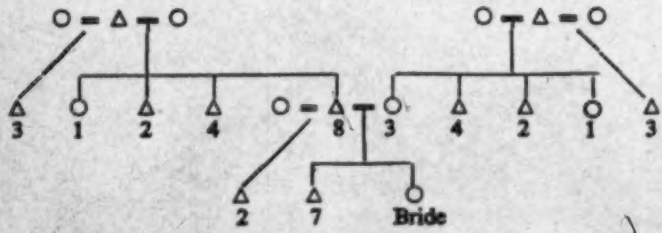
	Cattle	*Total*
KWI GWAN **(on the paternal side)**		
Gwan **(father)**	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf	8
Gat gwan **(father's son)**	A cow, and another cow	2
Gwanlen (indit) kwi mane **or** ***kwi dwiel*** **(father's elder brother by the same mother)**	A cow and its calf, a calf, and an ox	4
Gwanlen kwi gwane **or** ***kwi luak*** **(father's brother by a different mother)**	A cow and its calf, and an ox	3
Gwanlen (intot) kwi mane **or** ***kwi dwiel*** **(father's younger brother by the same mother)**	A cow, and an ox	2
Wac **(father's sister)**	A heifer	1
		20

MARRIAGE

	Cattle	*Total*
583 602 ***KWI MAN*** **(on the maternal side)**		
Man **(mother)**	A cow and its calf and a heifer	3
Deman **(brother by the same mother)**	An ox, another ox, a cow, another cow, a cow and its calf, and another cow	7
Nar (indit) kwi mane **or** ***kwi dwiel*** **(mother's elder brother by the same mother)**	A cow and its calf, another cow, and an ox	4
Nar kwi gwane **or** ***kwi luak*** **(mother's brother by a different mother)**	A cow and its calf, and an ox	3
Nar (intot) kwi mane **or** ***kwi dwiel*** **(mother's younger brother by the same mother)**	A cow and its calf	2
Manlen **(mother's sister)**	A heifer	1
		20

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer, when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: '*Manlen a cuong*', 'The maternal aunt has a right'; '*Wac a cuong*', 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated below:



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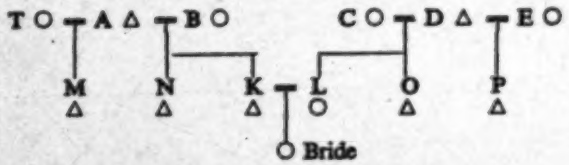
It must be added that the four grandparents of the bride are entitled each to a cow, called *wangnen*, in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, sons inherit the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaatgwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaatwac* (father's sister's sons), and so forth. But whereas cattle must be paid, whatever may be the circumstances, to the names of these kinsmen, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in the diagram below, A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later, these cattle of the grandparents are not paid in addition to the forty already listed.



Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's kinship to certain of her kinsfolk, but is also an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is not only an expression of the relationship between a father's brother and his brother's daughter, but also of that between brother and brother. A man marries from the

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583 family herd in which his brothers have equal rights with himself,
602 and his wife is, as the brothers say, 'our wife', because she was married with 'our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'our children' since they are 'children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are not only an expression of the relationship between a mother's brother and his sister's daughter, but also of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father, and that the part of her bridewealth paid to them is to some extent considered as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles,

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or as future maternal uncles, and youths regard them as policies 583
which will fall due in the future and enable them to marry wives 602
themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaatman*) and sons of the father (*gaatgwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel* on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications. The statement of the ideal distribution thus assumes polygamous families.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sister's bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does

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583 602 not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. If there is only one widow this is likely to happen, but when there are several widows the family often breaks up, the widows going with their children to live in different places, and the herd may in course of time become scattered. Eventually the family, especially the composite or polygamous family, ceases to have corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages, and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers.

In reckoning the cattle which have to be transferred Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. Whatever else the bride's family and kin get, they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwane*, the cows of the paternal grandparents.
   wangnen mane, the cows of the maternal grandparents.
2. *yang gwane kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   yang mane kene doude, the cow of the mother with its calf.
3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
   yang nara kene doude, kene thakde, ke puangde, the cow

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of the maternal uncle with its calf, and his ox, and his *puang* (ox).

4. *dou* (*nac*) *waca*, the calf (heifer) of the paternal aunt.
   dou (*nac*) *manlene*, the cow (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
   yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
   thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any one of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' In actual payments of bridewealth the fact that the kin of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds. If one of them is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion-spirit and a brindled cow for the crocodile-spirit. A cow so dedicated to a spirit must remain in the kraal of the parents, and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact, just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different

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583 spirit both must be honoured by having a cow of the bride-
602 cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it. Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father.

The maternal side of the family have a prior claim to consideration in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, but the maternal relatives are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round.

583 In marriages today the actual payments and distributions of
602 cattle to definite persons, as distinct from the ideal allotment of
178 fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which, apart from the relative desire of both parties to bring about the union, are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants and the shares allotted to them in other marriages, and the configuration of the bride's family.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. In recent years the herds have diminished through rinderpest, and raids on Dinka stock, the

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traditional means of recuperation, are prevented by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland, and it would today in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30. It has been mentioned that there are a number of relationships with basic rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims, the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know who are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly. [178] 583 602

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are claims on the bride's father as much as on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known

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to the bride's people. The spokesman for the bridegroom says, for example, that they have a brindled cow and its calf in such-and-such a kraal, and the spokesman for the family replies that these will be the cow of the mother and its calf. The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have agreed among themselves which particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put forward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed on one side or parsimony on the other, but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to pay the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never paid. If the husband has cattle and his wife's brothers want to marry, they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been paid before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a brother tries to obtain the remainder of his sister's bridewealth before this happens. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had

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been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage, but 'the cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt, she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts, they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due, and, at the same time, admit the rights of the others to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, a lineal heir is entitled to the beasts; but a collateral kinsman may not inherit. If there is neither a claimant nor a lineal heir other relatives on that side of the family receive larger shares than they would have expected had there been either. To reach an understanding of any actual distribution it is often necessary to relate it to distributions at other marriages, for, especially today when cattle are scarce, consideration will always be given, in seeking a fair agreement, to rights claimed or forgone in previous, and to expectations in future, marriages of daughters of the family and kin.

Paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with

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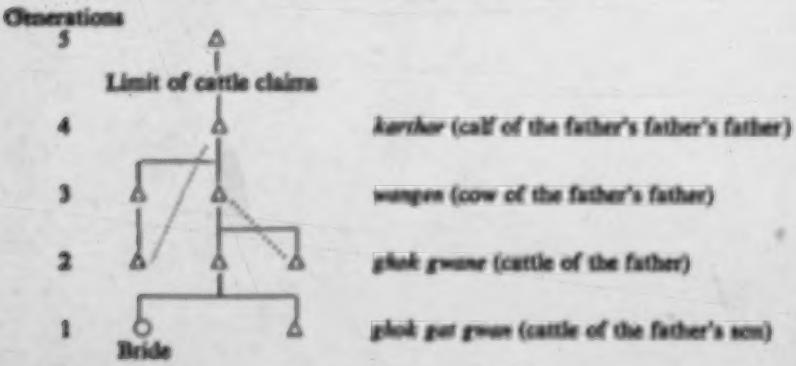
583 602 a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle proper and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as a sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may *attest* his kinship by asking a small gift, and it will not be refused. This privilege, which is not widely exercised, includes also natural and affinal kin. I have seen a bride's maternal uncle's natural (not legal) son and a bride's paternal uncle's wife's brother demand, and given, spears at marriages. The master of ceremonies of the bride's family is always given a calf, sheep, or goat, known as 'the cow of the spear' (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. At this point it need only be said that distribution on the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We

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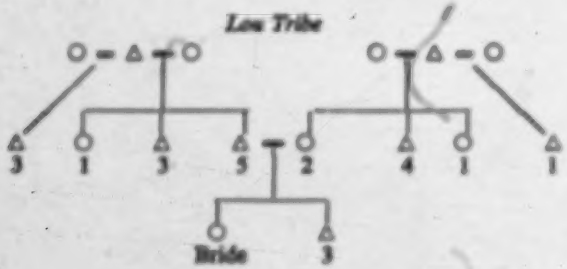
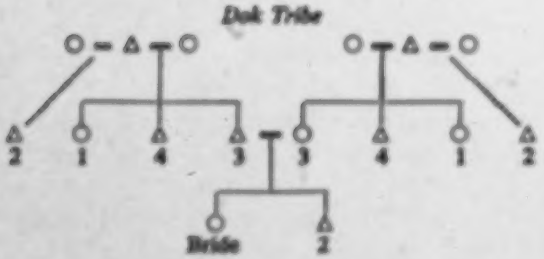
need only note further that when the genitor of the bride is a different person from her pater, as is often the case among the Nuer, he has a right to a cow, 'the cow of the begetting', and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive. 583 602

I conclude this section on bridewealth with three illustrations of actual payments and distributions at the present time. The first is from the Lou tribe of eastern Nuerland, the second from the Dok tribe of western Nuerland, and the third from the Leek tribe of western Nuerland.





It will be observed from these two examples that in spite of smaller payments today the balance of distribution between paternal and maternal relatives is preserved. It will be noted also that smaller bridewealth does not mean that the rights of the family take precedence over those of the extra-family kinsmen. On the contrary, the family bear the greater proportional loss. In the Lou marriage the family received only 10 out of 23 beasts and in the Dok marriage only 8 out of 22 (the calf received by the master of ceremonies in each case not being included in the reckoning). The uncles and aunts must always be satisfied and their claims settled first, so that if there is to be a loss or debt the family must

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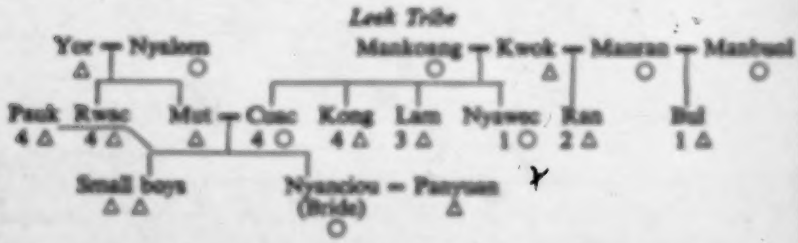
583 602 bear it. This conclusion was borne out by records of paythents in other marriages.

I now examine in greater detail a payment of 23 beasts in a marriage in the Leek tribe to show the kind of considerations which affect distribution of bridewealth in particular marriages. At the time of my inquiries the marriage had been consummated but a child had not been born.



Pauk, the biological father of the bride, received three beasts in addition to 'the cow of the begetting'. There were two reasons for this generosity: he had brought the bride up from birth, and he was living with her mother and kept his cattle with hers. He was, in fact, acting as husband and father in the bride's family, and since he had no family of his own the bride's small brothers (not named in the chart) were regarded as his heirs. He had begotten them also. So the family received in fact eight beasts and not just the four shown in the chart, which, the father being dead, were allocated to the names of father and mother jointly. It was agreed also that the bride's eldest brother should receive a cow (not listed *in the chart) before the eldest son of Nyanciou's* marriage to Panyuan is initiated. Rwac, the bride's paternal uncle, received in addition to the three animals held to be the right of the paternal uncle in the discussions preceding the marriage a fourth beast, the cow of the paternal aunt, since there was no one standing in this relationship to the bride. This was not an inherited right but a device for ensuring that the father's side to the marriage received their fair quota of cattle. Such adjustments are common in division of bridewealth. In other respects distribution on this occasion was normal and requires no further comment.

It may be noted, however, that though the allocation of cattle was as I have just stated it the full brothers of the bride's mother had not yet received their shares of the bridewealth. The reason for this was that the bride was not living with her paternal kinsmen,

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who took little interest in her, but she and her mother were living in the village of her maternal kinsmen, from which she was married. The paternal kinsmen therefore in this instance received the cattle immediately available for distribution. Had the bride been living with her paternal kin the maternal uncles would not have been so accommodating. It may further be noted that whereas the maternal half-uncles had received their share of the cattle, the senior maternal full uncle had received up to the time when my inquiries were made none of the animals promised to him and the junior maternal full uncle was still owed a heifer. The maternal half-uncles had to be given their shares first because if any debt is incurred it must be borne by those primarily responsible for the marriage agreement and chiefly in control of its arrangements, in this case the bride's full maternal uncles in whose village she was living. The single example I have given will, I hope, be sufficient to show how various circumstances may influence any actual distribution of bridewealth.

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IV

In the account I have given of bridewealth it was brought out that there are two connected, but separate, movements in its transfer: the payment by the bridegroom's kin to the bride's kin, and the further division of the cattle among the bride's relations. I feel that it would be profitable here to make some further comments on the first movement in order to elucidate the general functions of bridewealth in Nuer society.

It is no longer necessary to show that the African payment of bridewealth is not a purchase. But to say that it is not price or purchase is not to say that the objects handed over have no significance outside the particular purpose they serve in bringing about a union. Cattle for Nuer are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk-gourds and butter-gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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583 602 It is for this reason that Nuer found it difficult to understand what I meant when I told them that among my people we marry without paying bridewealth: 'It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother full?' Of the neighbouring Anuak people, who marry with beads and spears, they say: 'Of what use are these things? Can people live on them?' In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or heifers in-calf so that they may enjoy immediate benefit from the transaction.

Nevertheless, Nuer men show greater interest in the bridewealth character of cattle than in their nutritive qualities. It is not that having great nutritive value they acquire through it a general social value, become a standard of worth, and are therefore employed in ritual, for indemnification of injury, and as a means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life, because a wife means to him his own home and that he becomes a link in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a common-sense inference that payment of bridewealth has a stabilizing action in marriage. If the wife leaves her husband the cattle will have to be returned, and as it would be always unpleasant, and often difficult, to return them it might be supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: 'But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle.' It must be remembered that not only have the cattle to be returned but their calves also—I have known a divorce in which one of the bridewealth cows

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had to be returned with no less than eight calves—and as these may have been widely dispersed much altercation may ensue. Indeed, one of the earliest British officers in Nuerland wrote that 'the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles'.* Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce. 583 602

Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce. The marriage tie is severed by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned, except 'the cow (ox) of the hairs and the cow of the skirts',† unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle, which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of 'the hairs and the skirts', are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand, they may leave all their cattle with the wife's family and kin and maintain thereby their rights in any children she may 'bear in the bush', that is, by lovers. She is then not divorced, but is only separated, from her husband, and she cannot remarry. 586 602

I was told that if a wife dies after having borne two children no cattle are returned, it being held that 'cattle which have children

* Bimbashi H. Gordon, *Sudan Intelligence Reports*, June 1903, No. 107.

† According to my own information these two animals are always retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. H. C. Jackson (*Sudan Notes and Records*, vol. vi, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

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on their backs cannot be returned'. Nuer said that should a wife leave her husband after having borne two children the cattle would remain with her kinsmen and any children she might bear by other men would be claimed by her husband's people. She is still married to him though she lives as concubine to another man. They said that the husband's people would generally be content with this arrangement but, whether content or not, it would be useless for them to ask for return of their cattle and the progeny of these cattle. The wife's people would say to them: 'You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush.'

The rules stated above are principles which are flexibly applied according to the circumstances. In cases of divorce much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation, the husband may claim back everything to which he has a right: cattle, sheep, goats, spears, tobacco, millet, and ornaments, including his wife's bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes, he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law; and if she dies childless he may also leave some of the cattle to which he has a right with her parents in the hope that they will later give him her sister in her place, or just from sympathy. If he leaves any of the cattle, preference will be given to the portions of *the spirits and the ghosts*.

Another contingency which is taken into consideration is whether the wife is being sent away by her husband for barrenness or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him, such as neglect or cruelty. Whatever the circumstances are, the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this—and they would not do so unless she had already borne him a child and had lived in his home—he has to accept their decision. There are no courts he can appeal to

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and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again, and this time to some distant part of the country. If he complains to her parents they say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her sons. I have never known a case in which a wife's parents have refused to return her husband's cattle after they have married her to another man, and when I asked what would happen were they to try to do so, I was told that the husband's kin would undoubtedly use violence to get back their cattle and, in addition, curse the wife so that either she would become barren or her children die. On the other hand, it sometimes happens that the wife's people promise to return the cattle as soon as they are able to do so but fail to return them all, through procrastination on one pretext or another or prevarication, for they may hide some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community, difficulties of this kind are not likely to arise and, if they do, they can be settled by discussion and compromise. If the two men belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case in all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yika*). During this period, when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. At this stage, therefore, there is no great difficulty about returning

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586 602 the cattle, which are, indeed, kept ready at hand to be returned should the need arise. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give figures, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal negotiations, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of, a case of divorce, or even of separation, after the birth of a second child. My own observations are very limited, but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife is most unlikely to leave her husband's home while he is alive. Were she to do so the cattle would not, in any case, as I have explained, be returned. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. As we have earlier noted, it is then not incumbent on the husband to replace them, or on his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only return beasts in the place of those which have died after they have transferred them to third parties or which they have butchered. The father-in-law could not in these circumstances break off the marriage and marry his daughter to another man, for the cattle, though dead, are still 'on the wife's back'. When I asked what would happen were he to try to do so, I was told that the husband's kin would claim back their cattle and if necessary use force to obtain them. Should a wife leave her husband in these circumstances the problem of bridewealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

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586 602 I think it is evident, in view of the facts stated above, that the fear of having to repay bridewealth cannot be said to be a very powerful sanction of the marriage union. Nor is there any evidence of which I am aware that would suggest that the greater the number of cattle handed over the more stable the marriage is likely to prove. Indeed, I am prepared to say definitely that the stability of Nuer marriage rests on quite other foundations than payments of bridewealth: affection between the spouses, the good reputation of the husband, mutual goodwill between the families of husband and wife, especially personal friendship between the fathers or between the husband and his wife's brother, and moral and legal norms.

It is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her before asking for her hand, and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to complete it, and yet more time between the consummation and the birth of a child. I do not say that pressure may not be put on her by her family to accept her husband, but Nuer girls are not easily coerced. Nuer have good grounds for their assumption that a newly-wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As Nuer observe a weaning taboo, this means at least three years after the birth of the first child.

Mutual goodwill between the families is also a necessary condition of a successful marriage. Marriage is not only a conjugal relationship but also a set of affinal relations, and it can be stable only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what Nuer regard as a good husband but also to be a polite and helpful son-in-law and his wife's family try to act correctly towards him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by

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586 approbation and censure, which give stability to marriage and
602 security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 Conjugal and affinal relations are personal relationships which
602 require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *ruagh*, in-law relation-
583 ship, becomes *mar*, kinship. Bridewealth payments may therefore
602 be viewed as a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

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the next rite, and through it greater security. When the bride's 583
people consent to hold the next ceremony they express by so doing 602
their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As Nuer see it, these payments continue long after the marriage is fully established in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

Bridewealth has so far been viewed as a means of organizing 583
personal relations between the husband and his people on one side 602
and the wife and her people on the other side. It has also a more 613
general structural function. When a woman is married she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights in her, and his unmarried brothers may benefit from her labour as much as he does. The husband's exclusive marital privilege is recognized in the acknowledgement that he may claim damages for adultery. He has, of course, also rights in any children she may bear, but the children are not only his. They are children of his lineage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performance of them and in the acceptance that he may correct her should she neglect them.

For the loss of their daughter, or rather of her children, her lineage receive cattle which enable them to obtain a wife from a third lineage to bear them children. When the daughters of these wives are married, the cattle received for them enter the kraals of the lineages to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed among the kinsmen of the bride's father and mother, but this is corrected by the fact that the cattle the father and paternal uncles do not receive on the marriage of their daughter come to them through other marriages in which they stand to the bride in other relationships. Hence it is that Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example,

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583 602 613 that '*cieng* Pual have married a wife', or that '*cieng* Dumien have given their daughter in marriage'.

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange 583 of a daughter for a wife. Bridewealth may be fruitfully compared 681 from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 613 To see the Nuer custom of bridewealth in its structural perspective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimatized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

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ties between persons and of regulating the interrelations between 583
these persons till such time as their relationships become assimilated to kinship patterns—broadly speaking its role in the kinship system—and its structural role in interlineage relations.

V

The parents and kin of a young wife scarcely acknowledge her 606
husband's existence until a second child has been born to the union. If there is any need to refer to him they speak of him as *co*, the husband of, followed by his wife's name, and they speak of his village as his wife's village and of his children by reference to her name and not to his. It is also customary for the wife's people to [601]
give her children different personal names from those given them by their father's people, and if they address them by an honorific title they use that of their own clan and not that of the husband's clan.

Nevertheless, after the birth of the first child the marriage is held to have become a complete union. The husband has established a kinship tie with his wife's kin, who now address him as father of so-and-so, after the name of his eldest child. He is no longer merely the husband of their daughter. Instead of paying clandestine visits to the home of his parents-in-law (*ciengthu*) he may visit them openly, though he must continue to treat his in-laws, particularly his parents-in-law, with great respect, expressed in formal modes of address, which are reciprocal, and in other ways, most emphatically in the prohibitions on eating in their home and appearing naked before them.

Even before a young man has started to look for a bride he will [576]
not generally eat with much senior men, unless they are kin, because one of them might become his father-in-law. Once he has asked for a girl's hand in marriage he may in no circumstances eat in her home, and the prohibition continues, sometimes greatly to his discomfort, until two or three children have been born, when it is relaxed by a formal ceremony if the parties are on good terms with one another. The father-in-law prepares beer, kills a goat or sheep, and invites the son-in-law and his kin to his home to partake of a feast. He tells his son-in-law that there is no need for him to respect his parents-in-law any more. The son-in-law will refuse to eat, however, till compelled to do so by the insistence of his father-in-law's kin and by his father-in-law's gift of a cow, 'the

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cow of the eating of the husband of a daughter', to *cocangnyade*, his daughter's husband's brother. This ceremony is sometimes held when a young sister of the wife is about to be married, so that her husband may take part in the nuptial feasts. Later, the father-in-law visits the homestead of his daughter's husband's brother and will be given beer and meat. Before he can eat or drink he must be given a bull calf or sheep by the owner of the homestead. His daughter's husband is now said to regard him as a father. Before these payments have been made, a son-in-law is to his father-in-law and his wife's paternal uncles in a position formally like that of the kin of a slayer to the kin of the man he has slain in that they cannot eat in one another's homes. The maternal uncle of a wife, who is also *gwanthu*, his father-in-law, may likewise give her husband's brother a goat to enable the husband to eat in the homes of his wife's maternal kinsmen.

A son-in-law also respects his parents-in-law by hiding his nakedness in their presence with a wild cat's skin from the day he asks for their daughter's hand in marriage till the day his brother receives a cow to enable him to eat in their home. While the prohibition is in force a son-in-law who is living in the same village or camp as his parents-in-law avoids them as far as possible even when he is wearing a skin. A son-in-law must also—at any rate in some parts of Nuerland—wear sandals when visiting his mother-in-law, as he is dangerous to her should he visit her bare-footed and might cause her to become barren. There are various other customs indicating the mother-in-law to son-in-law relationship, such as the obligation on the survivor, should either die, to visit the grave a few days after burial and throw a bracelet on it. Also a son-in-law must not visit his parents-in-law when they are sick, and they must not visit him when he is sick. A man avoids his mother-in-law and her attitude to him is one of shyness and reserve. Unlike fathers-in-law and brothers-in-law, who ask a husband directly for whatever they want, a mother-in-law trusts that her son-in-law will remember her wants or, if in great need, asks him for a gift through her daughter. The mother-in-law relationship among the Nuer is a subject of mirth, and the foulest slips of the tongue are attributed to mothers-in-law when talking to their daughters' husbands.

All these rules regulating the behaviour of a man to his parents-in-law, and the avoidance and the attitude of reserve which accompany them, are eased after the birth of a second child and slowly

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break down as patterns of affinity change into patterns of kinship, the husband becoming 'the father of our daughter's children' instead of 'our daughter's husband'. A man may even joke with his mother-in-law when there are several children. 606

The rules about eating and nakedness apply, though in a lesser degree, to kinsfolk of the wife of her parents' generation as well as to the parents themselves, for all her kinsfolk are her husband's in-laws. A man will not appear naked or eat in the homes of his wife's paternal and maternal uncles and aunts or appear naked before the wives of his wife's close kinsmen. I have seen a man's wife's paternal aunt make a great fuss when unintentionally he appeared naked before her. He knelt behind another man to hide his nakedness and receive her reproaches when he became aware of his misdemeanour. On another occasion the fuss was made by a bride's paternal uncle's wife while the astonished bridegroom hastily retired into a hut. Unintentional affronts of this kind are quieted by small payments, such as a spear or a goat. As the genealogical distance from the wife increases, the obligation on the part of her husband to observe these rules lessens. It altogether ceases when the wife's father and maternal uncle have paid beasts to enable him to eat in their homes. Should a divorce take place, the son-in-law at once ceases to treat his in-laws with respect.

The wife's brother and her other kinsmen of his generation are not avoided, but her eldest brother may refrain from eating with the bridegroom before a child has been born. Nuer say, 'the wife's brother is your brother; since he gave you his sister he became your brother', and 'the husband of your sister is your brother because he will get a cow (the *yang waca*) on the marriage of your daughter'. After the birth of children a man and his wife's brother can, if great friends, jokingly curse one another in obscene language. The wife's brother's wife is highly respected till a child has been born, though not to the same extent as the mother-in-law, unless the mother-in-law is dead; then 'she becomes your mother-in-law and must be respected as deeply as a mother-in-law'. Nuer say that she then becomes your real mother-in-law and that '*ca mandong*', 'she has become a grandmother' (to the children of her husband's sister, who call their maternal uncle's wife 'grandmother'). The only in-law whom a man need not at any time treat with reserve is his wife's sister. He can joke with her and even exchange abusive language with her. However, if his mother-in-law 607

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601 is dead he treats her eldest daughter with reserve, for she has then taken her mother's place: 'she has placed the food on the fire' (at her mother's mortuary ceremony). A man and his wife's sister's husband, whom he calls *warombaida*, may be on intimate terms.

602 It is only when the bride is still a maiden that the father and uncles and brothers of the bridegroom are reserved with his parents-in-law. After the marriage is consummated only the husband's father or, if the father is dead, his eldest brother will respect his parents-in-law and only to a small extent, not usually with regard to nakedness and food. Nevertheless, it is customary for the father of the bridegroom to give the father of the bride a spear or goat, and for the father of the bride to make him a similar gift, to enable the two men to eat in one another's homes without shame. A husband's younger brothers do not in any way respect his in-laws and they eat and go naked in their homesteads. On the other hand, it is customary, at any rate in the Lou tribal area, for the youth who acted as the husband's best man in the marriage ceremonies to respect his in-laws till they give him a goat to break down his reserve.

606 Obviously a wife is in a different position *vis-à-vis* her husband's people from that of a husband *vis-à-vis* his wife's people. Nevertheless, while avoidance is impracticable, she treats her parents-in-law with great respect, and in the early days of her marriage she keeps herself apart from them as much as domestic requirements permit. She cannot eat with her mother-in-law, and this prohibition may continue for some years after the birth of her first child. She cannot eat in her husband's home at all before the birth of her first child, and even after this event, when she has come to live with him, she ought not to see him eat or be seen eating by him. However, the inconvenience of this prohibition is evident, and soon after she has taken up residence in her husband's home it will be arranged that her husband enters as though by accident a hut in which she is eating. After this it is no longer shameful for husband and wife to see one another eating, and though the wife is at first shy, she will eventually share her husband's meal when
607 they are alone. Before the birth of her first child a woman respects her husband's sisters and will not eat out of the same dish with them. After the birth of a child she can be on free and easy terms with them, though personal difficulties sometimes make for reserve. Should the mother be dead, her eldest daughter tends to

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take her place in the family, and this affects her relationship to her brother's wife. 607

Just as a husband need not respect his wife's sisters but is on familiar terms with them, so a wife is on familiar terms with her husband's brothers. Among brothers the wife of one is in a general social sense the wife of all. A man seldom refers to his brother's wife as '*ciekdemar*', 'the wife of my brother', but as '*ciekgoala*', 'the wife of my home', and she refers to him as '*gwangaanko*', 'the father of our children.' Another word a wife uses to refer to her husband's brothers (mostly for his younger brothers), and also for his paternal cousins, is '*cocangda*', which seems to mean 'my husband of the daytime' as distinct from the husband of the night, the real husband, for Nuer say that '*corar gule, cowar gule*', 'the husband of the outside is different, the husband of the night is different'.* Here again, though relations between a wife and her husband's brothers are free and easy, should her father-in-law be dead the eldest brother takes his place as head of the family and must be treated with deference. When she has borne several children she and her husband's brothers and paternal cousins may curse each other in foul language. In the horseplay which takes place on the day boys are initiated and on the day initiates pass out of seclusion it is the *cocangda*, generally a paternal cousin of the husband, who lifts up the skirt of the mother of an initiate and spits and utters a cry.

A woman enters her husband's home as a wife of the home. She also enters it as the mother of a child of her husband's lineage, and this is emphasized by the usual teknonymous mode of address for a married woman in her husband's community—mother of so-and-so, after the name of her eldest child, the link which joins her to her husband's lineage—in contrast to the patronymic mode of address for the husband—son of so-and-so, after the name of his father, his link with his lineage. Through the child she has kinship with the people of the home of her adoption by marriage. '*Jigoala*', 'people of my home', a woman's favourite ejaculation, is the term by which she refers collectively to the domestic society of which she regards herself as a member. The expression was constantly on her lips before marriage in reference to her paternal family and kin. When she comes to live with her husband it is still constantly 601

* However, Father Kiggen (*Nuer-English Dictionary*, 1948, p. 63) gives *cowang*, a formation which would not bear the same literal meaning as *cocang*.

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601 on her lips, but then it means the people of her husband's home, for they have become her people, and she now identifies herself with them and not with her father's people. She uses in speaking to her husband's kin the same terms of address as he uses.

602 613 When a woman joins her husband she comes under the protection of his lineage spirits and ancestral ghosts, and when she builds a mud windscreen they are summoned by her husband's father to come and abide there. On the day she constructs it her father-in-law pours over it beer and butter and utters some of the pious formulae spoken on such occasions. When beer is brewed the wife pours a little at the side of the windscreen, and a sacrificial goat or sheep is often tethered there for the ghosts to see it before it is killed. When the woman who owns the hut has a grandchild, a *gatnyade*, a son of her daughter, she sends for the boy to come and break down her windscreen and sacrifice a goat. Since a wife is accepted by the ghosts and spirits of her husband's lineage, she may perform ritual for that lineage in which invocation of its ghosts and spirits forms part.

But though a woman joins her husband's group and becomes part of it, she never entirely ceases to belong to her own family and lineage, under the protection of whose ghosts and spirits she remains. If she is ill treated by her husband she will ask her father and uncles and brothers to help her. On the other hand, should she in a quarrel with her husband disfigure him—knock a tooth out, for example—her father must pay him compensation. I have myself on two occasions seen a father pay a heifer to his son-in-law to atone for insults hurled at the husband's head by his wife when irritated by accusations of adultery.

602 I have given a short account of the conventional attitudes and patterns of behaviour Nuer regard as proper between relations-in-law. I repeat that for Nuer the relationships which contain these attitudes and patterns change in course of time into a kind of kin-relationship through the children to the marriage, and they might then perhaps be best described as kinship-in-law.

VI

601 So far I have been speaking about normal matrimony, the usual domestic union in Nuer society. There are, however, other forms of domestic union among the Nuer of which I now give an account.

I presented in Chapter I some genealogical tables to illustrate

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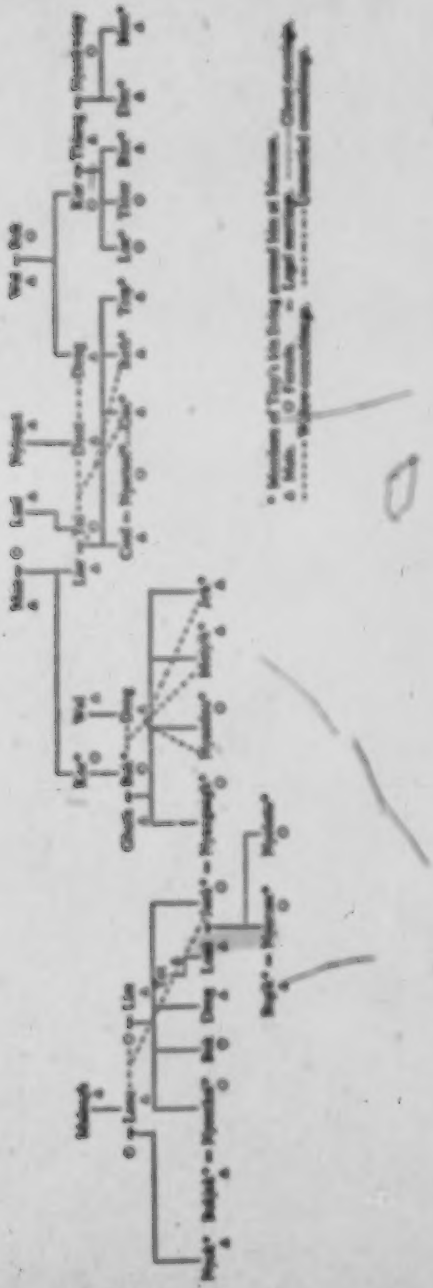

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601 the network of kinship ties we find in any local community of Nuerland. Though these tables were simplified, they showed some of the different domestic unions which I am about to describe. Before doing so, and in order that their significance in the networks of kinship ties to which I have referred may be better appreciated, I subject another configuration of kin to the scrutiny of a more powerful lens than that used in the examination of the earlier specimens. The diagram above, and a brief commentary on it, reveal some of the complications these forms of union make in kinship relations. The people figured in it were living in 1935 in the Eastern Jikany village of Mancom, a large settlement, containing a high proportion of persons of Dinka descent, at the mouth of the Nyanding river. I spent over a month there in the rains of that year because it was the home of Tiop-Lier, a youth whom I knew well and who was at the time acting as my cook. His relatives made me welcome on his account.

I made an investigation into the kinship structure of the village, but I purpose here only to give a brief account of Tiop's own home, the immediate companions of his daily life. Lier, Tiop's pater, was a Luac Dinka. He married Tai, who bore him a son Cuol, who died from the bite of a snake while still a boy. After her husband's death Tai went to live with a man called Duot. Duot and Lier are known to have been distantly related through their mothers, being *ram kene gutwandev*, a man and his mother's sister's son (in a classificatory sense), but Tiop and his brothers were unable to trace the relationship between them with genealogical precision. By Duot, Tai bore two sons, Gac and Bath. Between the births, however, Tai had a disagreement with her lover and went to live for a time with a man called Deng-Wel, at present living in the interior of Lou country, by whom she bore my friend Tiop. Gac, the eldest of the three brothers, had recently married a wife, Nyacuol, to the name of his dead paternal half-brother Cuol. It had been arranged that when Bath marries he is to take a wife to the name of his dead genitor Duot.

Tiop, through whose eyes I saw the social world around us at Mancom, had come to live there to be near his natural mar, his genitor's sister, Kur (since dead) and her sons, and in 1935 he and his brother Bath were sharing a byre with Dier and Mun, the sons of her co-wife. Tiop and Bath called these youths 'gutwandi', 'sons of my paternal aunt', and they called Tiop and Bath

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'*gaatnaw*', 'sons of my maternal uncle', though in the usual Nuer fashion they all addressed each other as '*dewar*', 'my mother's son'. Later Tiop brought to live at Mancom his legal wac, his pater's sister, also called Kur, from Lak tribal country. This Kur had a daughter called Buk who had married a husband, Ghuth, and had borne him a daughter, Nyangaagh, before leaving him on account of ill treatment to go to live in the country of the Luac Dinka from which her mother's people had originally come. There she lived as concubine to Deng Wol, to whom she bore a daughter and two sons. All efforts by her husband to secure her return failed, and though he seized Nyangaagh and brought her back to his home she ran away and returned to her mother. Later, in a year of famine, Tiop's brother Gac brought Kur and her daughter Buk and Buk's children to live at Mancom. Ghuth contented himself by taking the cattle on the father's side on the marriages of Buk's daughters. 601

The eldest of them, Nyangaagh, was married by a woman, Jaak-Lim, to the name of her dead brother. The father of Jaak-Lim had two daughters at the time of his death, Buk and Nyanthal. His widow became concubine to Lezo-Maleagh, to whom she bore a third daughter Jaak who, as already stated, married Nyangaagh, Tiop's *nyanyawac*, paternal aunt's daughter's daughter. Jaak had herself been previously married to Luak-Tot and had borne him two children before his death. She called in Nyok, the son of her genitor, to give her, or rather to give her dead brother, children by Nyangaagh.

It will thus be seen that to Tiop and his brothers the immediate and intimate circle of kinsmen among whom they live and share their daily experience are the clusters of kin around their paternal aunt Kur and Tiop's natural paternal aunt of the same name. It is for this reason that in giving me the connexions of his family Tiop always stressed the female links which united him to those around him and neglected the names of the husbands of these women, for they had little interest for him.

The genealogical chart of Tiop's immediate social milieu[1] contains examples of several different types of union other than matrimony in the ordinary sense, ghost-marriage, widow-concubinage, woman-marriage, and a variety of unmarried concubinage, and will serve as a starting-point for an examination of these diverse unions which have so important a place in the social life of the Nuer. 601 588

1 [op. cit. 116, p. 105 -- Analysis]

MARRIAGE

581 The ordinary Nuer marriage is a union such as we understand matrimony to be in our own civilization, with this difference perhaps, that the Nuer do not consider the union to be complete till a child is born to it. As we have seen, a Nuer union of this kind is instituted by payment of cattle and the performance of nuptial ceremonies. It is to this type of union that I refer when I speak of marriage without qualifications; and when I use the word family in an unqualified sense I refer to the partners to such a union and the children born to the wife in the union (but not necessarily begotten by the husband). However, since the terms marriage and family are also used in this book in a qualified sense to refer to other unions and groups, I sometimes speak of a simple legal marriage and a simple legal family to avoid confusion or to point a contrast.

595 When a man marries two or more women there results a complex legal family, which we call a polygamous family, in which are comprised several simple legal marriages with the male partner the same in all of them. I discuss some of the features of polygamous marriages and families in the following chapter. They present no immediate difficulties.

588 What seems to us, but not at all to Nuer, a somewhat strange union is that in which a woman marries another woman and counts as the pater of the children born of the wife. Such marriages are by no means uncommon in Nuerland, and they must be regarded as a form of simple legal marriage, for the woman-husband marries her wife in exactly the same way as a man marries a woman. When the marriage rites have been completed the husband gets a male kinsman or friend or neighbour, sometimes a poor Dinka, to beget children by her wife and to assist, regularly or when assistance is particularly required, in those tasks of the home for the carrying out of which a man is necessary. When the daughters of the marriage are married he will receive for each a 'cow of the begetting' and more beasts if he has played any considerable part in the maintenance of the home. We may perhaps refer to this kind of union as woman-marriage.

A woman who marries in this way is generally barren, and for this reason counts in some respects as a man. She acquires cattle through the marriages of kinswomen, including some of those due to uncles on the marriage of a niece, or by inheritance, since she counts as a man in these matters. A barren woman also often

[cf. cat. 16, pp. 127 ff. -- p. 201/202 (108)]

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practises as a magician or diviner and thereby acquires further cattle; and if she is rich she may marry several wives. She is their legal husband and can demand damages if they have relations with men without her consent. She is also the pater of their children, and on the marriages of their daughters she receives 'the cattle of the father', and her brothers and sisters receive the other cattle which go to the father's side in the distribution of bridewealth. Her children are called after her, as though she were a man, and I was told that they address her as 'father'. She administers her home and herd as a man would do, being treated by her wives and children with the deference they would show to a male husband and father. 588

A very common feature of Nuer social life is a union I have called ghost-marriage. If a man dies without legal male heirs, a kinsman of his or the succeeding generation—brother, natural son, paternal nephew, or, where a man has, in the absence of lineal heirs, inherited cattle from his mother's brother, sister's son—ought to take a wife to his name.

Except in the case of a barren woman and in the special circumstances and manner mentioned on page 16, where it might be said that in a sense she does so, a daughter does not carry on the lineage of her father. She becomes one of her husband's people and her children belong to his lineage. Hence Nuer say: '*Nyal, mo ram me guagh*', 'A daughter, that is an unrelated person.' As the Roman lawyers put it, she is *finis familiae*, the terminus of the family. But a man's name must continue in his lineage, and Nuer consider it very wrong if a man who dies without male heirs is not married a wife by a kinsman who will raise up seed to him by her so that he will be remembered in his sons. This is a most elementary obligation of kinship, and if it is neglected the dead man's ghost may haunt his kin. 611

In speaking of these ghost-marriages Nuer say, for example, that '*ce deman kwen ciek*', 'he-his brother-married-wife' ('he married his brother a wife'). This is a clumsy and ambiguous expression in English, so I shall speak of a man marrying a wife to the name of a dead kinsman, it being understood that it is not he, but the dead man, who is the legal husband. Nuer also speak of a man 'kindling the fire' of his dead kinsman, a euphemism for raising up seed to him. 588

This is a vicarious marriage, the vicarious husband acting as

588 though he were the true husband in the marriage ceremonies and afterwards in cohabitation and domestic life. In all but the strict legal sense he counts as husband and father in the family. He has the same legal rights over the wife as her husband would have were he alive, and he exercises the same authority over the children when they are minors as their pater would do. While the children are small, at any rate, one cannot observe any difference in sentiment and behaviour between a ghost-family and a simple legal family. It is only when the sons grow up that their connexion with their pater becomes significant. In everyday usage people speak of the living man as though he were the true husband and father, so that it is only by inquiring that one discovers the name of the true husband. The name of the pater looms larger when the children grow up, and Nuer told me that it is his name which finally survives in the genealogy of the lineage; but when the pater and the genitor are agnatic kin it is by reference to the name of the genitor that the children will be addressed, except in certain legal and ceremonial situations when it is desired to indicate their correct genealogical position. A child always knows the name of his pater.

Nevertheless, the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bridewealth was paid and the ritual of matrimony was performed. The woman is *cirkjooka*, the wife of a ghost, and her children are *gaatjooka*, children of a ghost. The family that develops out of a ghost-marriage may be called a ghost-family in acknowledgement of the ghostly status of the pater of the children. It consists of a ghost, his wife, his children born in the union of marriage, and the kinsman who begat these children and acts as father to them. It is a variety of the simple legal family, which is contained in its structure. This is why, Nuer say, a man may not marry a wife to the name of a kinsman of a younger generation, for such a marriage would mean that the wife would cohabit with a man who was her father-in-law.

These ghost-marriages must be almost as numerous as simple legal marriages. Not only do many youths die before marriage but for one reason or another married men do not always have male heirs. A man's wife may bear him only daughters or her sons may die before marriage. In this last eventuality, his kinsmen must raise up seed not only to him but to his sons also, unless they died in childhood. A very common circumstance is that a man takes a

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wife to the name of a dead kinsman and is unable later to marry a wife in his own right, for, seeing that he enjoys the material benefits of marriage, his younger brothers must be allowed to marry from the family herd before he can contract a second, and legal, marriage. If he is ever rich enough to marry again he may feel that he must forgo the privilege in the interests of the sons he has raised up to his dead kinsman. He thus dies legally childless and it will be the duty of one of these sons to marry a wife to his name. In a case of this kind, it is more than ever incumbent on his sons to marry a wife to his name because he has died in possession of cattle. These cattle, *ghok jookni*, cattle of the ghosts, are sacred and in the special circumstances ought not to be used for any purpose other than marrying a wife to the name of their dead owner. When Nuer raid a herd to seize cattle in compensation for some injury they will not take cattle reserved for the marriage of a ghost. 588

Except in the circumstances I have just related, it is usually a younger brother who marries a wife to the dead. As brothers [582] marry in order of seniority, it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry in his name. However, if the next brother is only a paternal half-brother they are likely to leave the pious obligation to a full brother who is yet younger.

The custom of marrying a wife to the name of a dead man makes obvious complications in the kinship system of the Nuer, for a child of the union is both a son of the man who is in the place of his pater and, in virtue of his attachment to his pater, stands also to him in a different relationship: father's brother's son, brother, brother's son, or maternal uncle's son.

A further complication arises when, as occasionally happens, a woman marries a wife to the name of a dead kinsman, usually of a dead uterine brother. It is said: *'Ce rude kwen ciek, ciek thok dwiel mun'*, 'She has taken a wife to herself, a wife for the hut of her mother', that is to say, for her uterine brother. The persons involved in a marriage of this kind are the dead man, his kinswoman who marries a wife to his name, the wife, and the man who is brought in to cohabit with the wife. A woman may instead marry a wife herself and instruct the son of this marriage to marry a wife, when he grows up, for her brother (his paternal uncle, since the sister is his pater).

583 Yet more rarely a man marries a wife to the name of a dead sister or other kinswoman who was barren in her life, 'for she then counts as a man'. This is perhaps only done when the dead woman's ghost causes sickness to draw attention to her unhappy condition. The children are called after their female pater, and her brother, who has married their mother to her name, counts as their paternal uncle, 'for his sister has become his brother'. On the marriage of the daughters he gets the cattle due to a paternal uncle. It seems that he must not cohabit with the wife himself, because in these circumstances 'your wife is like your sister' (she stands in the place of your sister), but must arrange for a stranger, perhaps a Dinka, to cohabit with her in the hut he builds for her in his homestead.

587 Another type of union, and one that might be expected in a society which has ghost-marriage, is the levirate. Among many African peoples a widow is inherited by her dead husband's brother or son and becomes his wife. This is not the case among the Nuer. With them the bonds of marriage are not severed at death. The widow remains the wife of her dead husband, and any children she may bear after his death, by whomsoever they are begotten, count as his children. Hence Nuer never allow one to use the word *kuen*, to marry, in reference to the taking of a deceased brother's wife. They themselves usually say of the brother that '*ce ciekdeman lath duil*', 'he has provided his brother's wife with a hut'. She is still the wife of her dead husband and therefore cannot be remarried. Indeed, I found great difficulty in making the Nuer understand that in our country it is possible for a widow to remarry.

The levir is normally a brother, and a brother is the most approved substitute for the dead man. If a young man dies his sons would not be old enough to take his widow, and he is most unlikely in any case to have another wife than their mother. When an old man with several wives dies, the wives, being as a rule senior women, may be past child-bearing and therefore wish to live with their children, or they may prefer to lead an independent life with lovers than to live with a kinsman of the husband. It is only when an old man dies who has lately married a young wife, who has not yet borne a child or has borne a single child, that a son takes his father's wife. By this time all the father's brothers will have married; and it was probably understood at the time of the old

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vi. A married woman, wearing skirt
In the background a man plays on a harp

[Facing p. 112]

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587 man's marriage that he was taking the girl to wife for one of his sons. It is certainly rare today for a son to take his father's wife. I was told also that it very occasionally happens that a sister's son takes his mother's brother's widow. Sometimes a paternal cousin of some degree takes the widow. This may be regarded as coming within the idea of the levirate, and Nuer so speak of it. But it rarely happens, and when it happens the union, in fact, partakes more of the nature of concubinage than of leviratic marriage. A brother, especially a full brother, ought to be the levir, and if any of the brothers are unmarried their rights are paramount. So, bearing in mind these rare exceptions, we may use the term levirate in its classical sense.

Leviratic marriage is very different from ghost-marriage. In a ghost-marriage the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the rites of marriage, even though in the name of another. In leviratic marriage the legal husband has performed these actions himself and the brother merely enters as pro-husband a family already in being. The widow is always referred to as the wife of the dead man and not as the pro-husband's wife, as she generally is in ghost-marriage. Moreover, the children clearly regard themselves as members of a legal family to which the brother of their pater does not belong, although he is their foster-father and may also be their genitor. He may be opposed by the sons when they grow up.

It is true that the brother is the accepted guardian of his dead brother's children, and if he enters into a leviratic union with the widow he has in it the status of legal representative of the husband, so that he can demand compensation if anyone commits adultery with her. He can also, in certain circumstances, as I will explain, divorce her. To this extent leviratic marriage must be regarded as a variety of legal marriage, the simple legal family being contained in its structure as it is in the structure of the ghost-family. But it is also true that, in practice, the pro-husband in leviratic marriage has far less control over his partner than the pro-husband in ghost-marriage; and a widow in Nuer leviratic marriage is much freer than an inherited widow in other African societies. Her favourable position is due to the rule by which a widow is still married to her dead husband, for after his death she can continue to perform her reproductive obligations to his lineage by bearing him children as well by a stranger as by one of his

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587 brothers, and as well in the home of a stranger as in the home of her husband's kin. If she has children begotten by her husband, her domestic duties to her husband's people are adequately performed by her services to his children. In these circumstances the husband's kin must give her her freedom.

Briefly, the position is this. A woman is married not simply by her husband but by his brothers as well, since she is married with the cattle of their common herd. Consequently, if her husband dies, his brothers expect to exercise their rights in her, and if she is young and some of the brothers are unmarried they may insist on them to the point of dissolving the marriage if they are denied them. In practice, a young widow generally consents to live with one of her husband's younger unmarried brothers. Tradition, good form, and the threat of divorce are powerful sanctions to conformity in this matter, though these influences are not so strong in the case of a paternal half-brother as in the case of a full brother. After the death of a man the children of each of his wives often live with their mothers as largely independent units, each mother looking after the home of her children. If the mother is dead and the eldest son of the hut is married, his younger brothers and his unmarried sisters group themselves round his home, where his wife cooks for them and milks their cows. She takes the place of the mother. Unmarried youths are then dependent on the wife of a full brother for daily necessities, and if he dies and she does not consent to live with one of them, they lose not only a mate but also a housekeeper, cook, dairy-maid, and gardener. They therefore strongly object to her going to live with a lover, especially a lover in a different village. If they are on good terms with their half-brothers they will not resist the widow's desire to live with one of them, but will group themselves around the half-brother whom she chooses, and share his byre and the domestic services of their dead brother's wife in his homestead. If they are not on good terms with their half-brothers they may out of spite tell her, if she refuses to live with one of themselves, to go and bear children by a stranger. Much depends on the strength of family sentiment in any particular case. A full brother has strongest claims on the widow and the strongest feelings of obligation to the dead and his family, and he is therefore likely to oppose her, should she wish to take a lover, more strongly than half-brothers and paternal cousins would do, for their claims are weaker and they have less personal

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interest in the family of the dead, sometimes caring little with whom the widow lives so long as they get their shares of the bridewealth of her daughters. 587

One finds that, in practice, a young widow who has borne her husband a single child sometimes lives with strangers. The husband's kin try to persuade her to live with a brother, but if they fail, they often, especially in eastern Nuerland, reconcile themselves to her obduracy, though they may insist that she continues to live in their village, as a member of their home, and there bear children to her dead husband by a lover. If she refuses this stipulation they can divorce her, leaving with her parents six head of the bridewealth cattle to retain their rights in the child. If she agrees to it they have few grounds for complaint. The children she bears by a lover are not only their kin but they are born amidst them and reared by them, and the lover not only begets children for them but also acts as their protector and breadwinner if he is a member of the village, or frequently visits the mother to assist her in gardening if he lives in a neighbouring village. 589

The position of a widow who has borne her husband two or more children is different. The return of her bridewealth cannot in any case be demanded: '*Ghok te jokdien ke nath ca ke de lony*', 'Cattle which have people (children) on their backs cannot be loosened (returned).' In these circumstances a woman is free to live where and with whom she pleases, and in fact many Nuer widows of this seniority do not live with kinsmen of their dead husbands but 'give birth in the bush' (*'diesh dor'*), as the Nuer say. Wherever a widow lives and by whomsoever her children are begotten, they are all children of the dead husband and their kin will claim them sooner or later. When she is old and past child-bearing she will probably return to her husband's home to be with her grown-up sons. A widow who has grown-up children at the time of her husband's death will not want to take a lover. She will choose to live with one of her children.

A widow is asked to make her choice at her husband's mortuary ceremony. The kin are not likely to challenge her decision on this solemn occasion. If she refuses the brothers and sons of her husband, they ask her whether she wishes to take a lover away from their village (*lum dor*) or to take a lover in the village (*lum ciang*). They hope that she will choose the latter alternative. However, widows often elect to return to their paternal homes and there take

589 lovers, so that, as we have earlier noted, it often comes about that children are brought up among their maternal kin. Many widows neither remain for long in the homes of their dead husbands nor in the homes of their own kinsfolk, but after a while go to live with lovers, sometimes in different districts and even in different tribal areas. Relations between a widow and her lover tend to be unstable, and she often abandons one lover to take another. She may wander from place to place. If her children by her husband are small she takes them with her, so during childhood they are members of the households of her lovers, who act as their foster-fathers. Thus a widow may go to live with a lover accompanied by children begotten both by her husband and by former lovers. Some old widows, long past child-bearing, live with men to cook for them, the man having no wife and the widow no adult children to look after her.

588 When a widow lives with a man who is not of her husband's kin we have a different kind of union to that of leviratic marriage. Indeed, it cannot be regarded as marriage in any sense, but must be regarded as a form of concubinage. I call it widow-concubinage. A widow-concubine—that is to say, a widow who takes a stranger for a lover—is called in Nuer a *cuk ma lak*, and a child of such a union is called a *gat lake*, a child of concubinage. The structure of the original simple legal family remains unimpaired, however much the configuration of the household may change: it consists throughout of the wife, the husband who married her with cattle, and the children of the wife. Whoever begets these children, their pater is the husband of their mother. The *concubinus* does not stand in the place of the husband and has therefore no authority over the wife. He cannot compel her to live with him—she goes from man to man or has a succession of lovers in her own home as she feels inclined—and he has no redress if she has relations with other men while she is living with him. His position is thus very different from that of a man living in leviratic marriage. Likewise, he has no legal control over the children, who can be taken away from him by the kin of their pater whenever they choose to remove them. He is only their genitor, and his sole right in them lies in the obligation of their paternal kin to pay him a 'cow of the begetting' when each of his natural daughters by the widow is married. His position in this respect also is very different from that of a levir. A brother stands in the place of the pater, a lover

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does not. Consequently the group that results from the union of widow-concubinage, when children are born of it, must be regarded as a natural family and not, as in the cases we have hitherto been considering, a variant of the legal family.

There is another kind of domestic union to which I must allude in this place, because it corresponds to widow-concubinage in all respects but one: that the wife is not a widow. A man marries a wife who for some reason is not content to remain with him after she has borne him a child, and she leaves him. Her family are not prepared to pay back to the husband's people the cattle they have received from them, either because they cannot do so or because they consider that the breach is the husband's fault and not their responsibility. They tell the husband to let their daughter bear him children 'in the bush'. He may then have to acquiesce in his wife living with another man in some distant village. He is in any case the pater of any children she may bear to other men. She is still his wife, since his cattle are 'on her back', but nevertheless he cannot claim compensation for adultery, for she is living apart from him in circumstances which may not have his approval but which he has perforce to accept. The union between his wife and her lover can be classed as a variety of widow-concubinage, though Nuer tend to speak of her as a simple concubine.

In all the forms of union I have so far described—simple legal marriage, woman-marriage, ghost-marriage, levirate marriage, and widow-concubinage—the woman is always legally married and all her children belong in virtue of her marriage to her husband's lineage. I now describe a type of union in which the mother is not married to any man, and which may perhaps be called unmarried concubinage or simple concubinage. A girl is dissatisfied with the man to whom she has been espoused and provokes a divorce, if such it can be called, before she has borne a child. This may happen a second time with a second husband, and her parents, finding that they cannot control their daughter, let her do as she pleases. This may mean allowing her to live with a man of whom she is fond but who cannot, or will not, marry her with cattle. Other women of this category are those who have borne children while maidens and have never afterwards been married. An unmarried concubine is called by Nuer a *ciek ma kough*, and a child by her is known as a *gat kouke*. Their definition of her status is that 'she has no cattle on her back'. 'A *kough* is a woman

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588 from whose back cattle have been returned.' Either the cattle paid for her have been sent back to her husband's people or she was not at any time married with cattle. These concubines often spend a few years with one lover and then a few years with another. They move from village to village, taking their infants with them. I found unmarried mothers in every Nuer village where I made inquiries; and I have known an unmarried concubine bear eight children by as many as seven different men.

Those unmarried concubines whom I have known personally have been women of strong character who valued their independence and did not desire matrimony. Nuer recognize that they are temperamentally unfit for normal married life and are unlikely to settle down till they are old. Their behaviour is not stigmatized as [848] immoral, but they are not so highly esteemed as wives and in a quarrel their children may suffer the reproach of bastardy. Also, an unmarried concubine cannot expect the same support from her kinsmen in domestic disputes as a wife can expect. What a wife can demand as a right, a concubine can only ask as a privilege. It does not follow that a man treats a concubine differently to a wife, and one cannot know in a household who is wife and who is concubine by bare observation of behaviour. Indeed, a man may treat a concubine with more consideration than a wife, for he has only what control over her his personal influence gives him. He cannot claim compensation should she be unfaithful to him, and he cannot restrain her should she wish to leave him for a new lover.

588 He has, however, undisputed right to legitimatize any children 848 she may bear him by paying for each child a fee of from four to six head of cattle to her parents—they are not divided among the kin. This fee (*ruok*) is not bridewealth. It gives him no rights in the woman nor in any further children she may bear to him or to other men. Children born of a concubine by different men become in consequence members of different lineages. If a concubine leaves one lover to live with another she takes her small children by the first with her to the second, but they will eventually be claimed by the man who by payment of cattle is their pater. By payment of a fee the genitor becomes the pater also.

588 It is, of course, possible for a man to legitimatize his union with a concubine by payment of bridewealth, but though he will almost invariably legitimatize his children, he is seldom eager to marry their mother, because experience has taught Nuer that a woman

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who leaves one man is likely to leave another. However, some 588
women become concubines through misfortune, and not by choice, and are not unsuited or averse to the married state. A girl becomes pregnant in courtship and her swain has no cattle with which to marry her, or a young mother, unhappy when she comes to live in her husband's home, runs away from him and her bridewealth is returned. In such circumstances a lover may well be prepared to pay bridewealth for her, though fewer cattle than he would pay for a maiden, and to go through the nuptial rites with her, so that he may have full legal rights in her and in all children she has borne or may bear to him or to any other man. The *cieh ma keagh*, unmarried concubine, then becomes *cieh pany*, a true wife. It sometimes happens too that a youth makes a girl pregnant and would like to marry her but has insufficient cattle. He pays what cattle he can get together, and the girl's people let him take her on the promise that he will pay the rest when he is able to do so; but they refuse to solemnize the marriage, so she is regarded as a sort of concubine. The marriage rites may not be performed till years afterwards, sometimes not till just before the marriage of her eldest daughter. Then the wedding dance is held and the cattle are blessed to make an honest woman of her, as we would say. Till then she can only be described as half-concubine, half-wife.

We may perhaps speak of an unmarried woman, the man with 589
whom she lives, and the children she bears to him in his home as 594
a simple natural family in contrast to a simple legal family. We cannot deny that this group is some kind of family, for its members live together in a common household on the pattern of a simple legal family, at any rate for some years. But whereas in the simple legal family the tie between pater and child is derived from the tie between husband and wife created by payment of bridewealth, in the simple natural family it is a direct tie created by payment of cattle for the child and not for the mother. We may compare the simple natural family also with the kind of family that springs from widow-concubinage. This last is a complex group in that the woman and the children she bears to her lover belong not only to the natural family of a man, his mate, and their children, but to a different, and legal, family as well. The genitor can never pay a fee to become pater of his natural children. When a man begets children by an unmarrind woman there is no

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591 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

837 It is adultery if a man has relations with another man's wife, including ghost-wives and levirate wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter light-heartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

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eastern Nuerland for good and was completing my study of the Nuer in western Nuerland, but Mr. Howell assures me that it is common to all the tribes to the east of the Nile except the Jikany. Among the western Nuer it is believed that if the cattle are not returned the child may die and his ghost haunt his pater. The sixth cow, the one that remains with the husband, is called *yang kula*, the cow of the hide. The payment protects the husband from the sickness he might otherwise suffer were he to have relations with his wife after the adulterer has had relations with her—on the same sleeping-hide, as the Nuer put it. Among the western Nuer an adulterer may even receive 'the cow of the begetting' on the marriage of a daughter born of his adultery. I was told that her kin do not relish paying it, but may do so because it is feared that otherwise he may curse her and cause her to be barren or her children to die in infancy. In no circumstances can an adulterer claim the child of his adultery. Likewise a youth who impregnates an unmarried girl cannot claim the child of his fornication.

It will have been noted that the test of the nature of a procreative union is in the division of the bridewealth of a daughter born of it among those who count in one or other way as members of her family, and I conclude this section by a summary of the rules which regulate its distribution. When the pater is alive he receives 'the cattle of the father' and 'the cattle of the mother'. If he is dead they go to his sons, the bride's full and half-brothers. In ghost-marriage and levirstic marriage these rights are vested in the bride's brothers. The genitor as such has no legal claim to these cattle, but, since in a ghost-marriage he stands in the place of the pater with regard to the bride's brothers as well as to the bride herself, the cattle in any case join his herd and he will dispose of them in the interests of his sons, the bride's brothers. When the genitor has begotten the bride in levirstic marriage, division of the cattle may be more complicated because the bride may have grown-up brothers begotten by her dead pater. When the bride has been born in widow-concubinage the cattle which are the right of the parents go to her brothers, those due to the father going particularly to any sons begotten by her pater.

The genitor in ghost-marriage and in levirstic marriage may always ask for a cow for having begotten the bride in addition to any cattle due to a kinsman standing in his relationship to her. 'The cow of the begetting' or 'the cow of the loins', as it is also

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583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimatized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and the birth of her children, or is a man or a woman. Hence it follows [60] that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all 602 have the same pater. It is the fertility of the womb which a lineage 603 receives by payment of bridewealth. All children born of that 604 womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and levirstic marriage raise up seed to their kinsmen subordinates the

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exclusive interests of the family to those of the wider circles of the paternal kin and of the lineage. The prevalence of widow-concubinage and simple concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions.

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CHAPTER IV

THE FAMILY

I

593 SIMPLE legal marriage and the simple legal family which derives from it are standards to which the other kinds of union and family I have described are made to approximate in the interrelations of the persons concerned as far as circumstances permit. Even in widow-concubinage and in simple concubinage the male partner takes on himself, though to a lesser degree than a true husband, the attitude of respect a man should display to his parents-in-law. A man who lives with a woman and her children, whether as the legal representative of the husband and pater or not, models his relations with them on those obtaining in the home of a simple legal family. It is of such a home and family that I now give some account.

592 We noted in the first chapter that a Nuer homestead, the home of a family, to the household of which other kin may be attached, consists of a byre and its attendant hut or huts. The byre, a massive wattle-and-daub structure of some 15 to 20 feet in diameter, is the material and moral centre of the homestead. A man who builds a byre has started a family, herd, and home of his own. The byre stands for the father's status in the family. While he is alive his wives and sons and daughters are bound to him.

The byre looks on to the kraal and is the sleeping-place of the cattle in the rains; and some of the young men of the household may also sleep there, on a platform over the dung fire kept burning in the centre of it to give the cattle protection from mosquitoes. In the daytime it is the club-room of the household and the guest-room of the homestead, for byres, besides signifying the presence of a family and its head, are centres of social life in Nuer villages. When one sees a hut by itself it means that the byre has fallen down and has not yet been rebuilt or that the owner of the hut possesses at the time too few cattle to make it worth his while to build a byre for himself, since he can easily house his animals in that of a kinsman; unless it is the hut of an old widow or of a semi-detached concubine, neither of whom are likely to have cattle of their own. It sometimes happens that even an unmarried man

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may have a byre if he is the eldest son of a dead man. When he is 542
initiated into manhood his paternal uncles ought to build him a byre, 'so that his father's fire may be relit', and to hand over to him his father's herd which they have held in trust till he should take his father's place as head of the family.

The wife has her hut at the side of the byre, and in a poly- [895]
gamous family each wife has her own hut, where she and her children sleep. Near to it there may be a simple shelter for cooking. In a large homestead there may also be a hut for the youths of the household to sleep in, and perhaps a hut for the senior girls. The head of the family has no hut of his own but sleeps in the huts of his wives. In such a polygamous family all the huts of the wives are built around the byre, and this attachment symbolizes for Nuer what we call the agnatic principle of their society, which insists that all the sons of a man belong to his lineage irrespective of their maternal affiliations, their links with the kin of their mothers through the different huts within the homestead. Very early in life small boys are driven by their father or elder brothers away from their mothers' huts to the byre, the place of the menfolk of the family, where they eat, sleep, and spend the leisure hours of the day. When they are about seven or eight years of age they sleep there instead of in their mothers' huts, where the women and girls eat and sleep and near which they spend most of the day. The men and boys, to whichever hut they may belong, belong also, and primarily, to the byre and to its gol, a word which means, as I have earlier explained, the fire of cattle-dung kept burning day and night in the centre of the byre (there is sometimes a second one in the kraal) and its hearth; and also homestead, hamlet, family, household, and even lineage in certain contexts. Daughters belong to the huts and they will be married from them into stranger lineages, into which they are absorbed. Sons belong to the byre and to the lineage of its owner. This connexion between byre and lineage is seen when a new byre is built, [615]
for then the master of ceremonies of the family is summoned to make a libation of beer to the guardian spirits and ancestral ghosts of the lineage before its central support is planted, so that they may give peace and prosperity to all who dwell therein. In the byre, at the side of the hearth, is kept a branch, decorated with metal rings and pieces of skins of sacrificed beasts, which serves as an ancestral shrine. In summer camps a windscreen takes the place

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A snuff box
(Millet cane bound with the skin of a cow's tail)

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of the byre as the men's dormitory and club, and the shrine is placed at its entrance. Small grass beehive huts take the place of the wattle-and-daub huts of the villages as the dwellings of the womenfolk of the home. 592

The polygamous family is a unit, the *gui* of the husband of the several wives. '*Ngiuale*', 'the people of my hearth', are my family in this inclusive sense. But the children of each wife also belong exclusively to her *dwil* (or *ut*), hut, and to her *mac*, cooking-fire, so that the polygamous family is divided into a number of separate domestic groups within the larger whole. The huts of the different wives are the centres of these elementary families which have a common husband and father. Outside her hut each wife has her *duer*, a mud windscreen, against which she makes her cooking-fire, and near to it is her *thoung*, a plastered hole in the ground for pounding millet (she has another fire-place and another pounding-hole inside her hut for use on rainy days). This mud screen, the top of which is fashioned into three humps, is the sign of a married woman's status as the mistress of her home and the mother of children, just as the hearth in the byre is the sign of a man's status as the father of a family and the master of household and herd; and it also has ritual associations, for sacrifices are made near it. It is the centre of a married woman's life. Here her friends and neighbours gossip with her when she is working or in the evening when work is done. 595

As boys grow up they attach themselves more and more to the byre, but each remains, both in sentiment and by social alinement, also a member of his mother's hut. Hence one may distinguish between full brothers and paternal half-brothers by saying that the first are brothers *kwi dwiel*, on the side of the hut (as we say, on the distaff side), while the second are brothers *kwi lusak*, on the side of the byre (as we say, on the spear-side); and this distinction is a fundamental one in Nuer society, for it runs not only through the family but through the kin also, and is moreover the paradigm of the lineage structure. [593 611]

With the huts go the gardens, with the byre go the cattle and the kraal. Each wife has her own garden and granaries, and with her millet she makes porridge for herself and her daughters, small sons, and guests, and also porridge and beer for the men and boys in the byre, the male members of the whole household, only some of whom would be her own sons, and any male neighbours and

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595 guests who may be present. A husband may have a garden of his own, but, if so, he distributes the millet among his wives when their supplies are running short.

422 The cattle belong to the husband. It is the usual practice for a
683 man to divide his cows among his wives, but they only have the use of them for milking and cannot dispose of them. A cow given to a wife is merely what Nuer call 'a cow of the churning-gourd', seeing that it is given to the wife only so that she may have milk for her little ones and butter and cheese to pour over her porridge. It is true that the husband ought not to dispose of the cow without consulting her, and I have heard a wife protest strongly that she had not been advised of her husband's intentions; but she cannot refuse her consent to its disposal for the benefit of the family. Nor can she dispose of it herself. When I asked some Nuer whether a wife could give a cow which she always spoke about as 'my cow' to her brother, they wondered whether I was joking: 'Could she do such a thing? Would not her husband kill her? Give one of his cows to her brother indeed! Eh he!' If a man dies, leaving only young children, and his wives remain in his homestead or live with his brothers, they continue to have use of the cows he allocated to them during his lifetime. A dying man may expressly direct that they should do so. However, the trustees of the animals are the dead man's brothers and their disposal is subject to the claims of the family as a whole and must be in their common interest. If a widow tried to remove the cows from the herd and take them to the home of her brother, or of some man with whom she was living in concubinage, her husband's kin would certainly not, except in very special circumstances, permit their dispersal, for the cattle belong to the lineage, to the sons as a whole, who are links between the ancestors and its as yet unborn members. If the sons are men when their father dies they ought to go on living together round a common kraal. Nevertheless, as will be seen, they frequently do not do so. Whether they do so or not, the cattle belong to all of them and should be used, when the herd is large enough, to obtain wives for them in order of seniority, though in practice they are sometimes a bone of contention. Even cattle which come to wives on the marriages of their kinswomen (the cow of the paternal aunt and the cow of the maternal aunt) are not their property in an absolute sense. They have the use of them and should their husband die their sons inherit them, but while the

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VII. A youth singing in praise of his ox. His arms are raised in imitation of its horns

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422 593 husband is alive the beasts count as part of his herd and the wives cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to, take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

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594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

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Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

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462 exclusive privilege of women. Men manufacture most of the weapons and ornaments they use for themselves and for the cattle, and women the utensils and ornaments they use.

In general it may be said that men take on themselves a fair share of the labour of the home, that the routine work of the homestead is chiefly in the hands of women and a man's work very largely in the bush, and that tasks requiring greater strength are done by men. Division of labour between age-grades is also equitable.

594 A Nuer home is run by the combined efforts of all its members and the labour of running it is fairly distributed among them. One cannot but be struck by the camaraderie of the family as they assist one another in daily and seasonal tasks, either by direct aid or by co-ordination of activities. No work is considered degrading, no one is a drudge, all have leisure for rest and recreation, and all are content with their roles in the economy of the home. Indeed, the division of labour between sexes and ages accords with the social and personal freedom of women and children in Nuerland and with the recognition, so striking among the Nuer, of the independence and dignity of the individual.

462 I have omitted details in this brief account of division of labour, but there is one to which attention must be drawn. No man may milk the cows. This can only be done by women and uninitiated boys, and boys do not generally milk if there are women in the home. Woman's exclusive role of milkmaid combined with her roles of dairymaid and cook make her the centre of family and household. However many cattle a man may possess, he is helpless without a wife or mother or sister to milk the cows. It is only through marriage that a man can have a home of his own, and one of the most serious consequences of divorce is that it compels him to attach himself to the home of a kinsman whose womenfolk can milk and cook for him. Hence, also, if a man dies leaving motherless unmarried sons, efforts are made for the eldest of them to be married as soon as possible so that the others may group themselves around him, or rather round his wife, who cooks and milks for them all. Otherwise the brothers may scatter to the homes of their married sisters, of their mothers' brothers, or of some other kinsmen. Even after men are married and have homes of their own there are many occasions when they have to rely on the wives of brothers or of other neighbours and kinsmen for the

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milking of their cows. Nuer group themselves round a herd, and the rule prohibiting men from milking means that in grouping themselves around a herd they also group themselves around the milkmaid who serves the herd. This central position a wife has in Nuer economy, like the central position she has as a mother in the lineage, to which I have earlier referred, enhances her status in society. Here again also her position in this respect as in the other tends to break down narrow family exclusiveness and to draw closer to her husband his brothers and close paternal kin.

The family produces most of what it needs, and most of what it produces it consumes. Nevertheless, some tasks cannot be performed, and others are often not performed, by the ordinary family without assistance from kith and kin; and there is much sharing among neighbours. Most hunting, and much of the fishing, require more participants than the family can muster, and unless families take it in turn to herd, a single family would find it difficult or impossible, especially in dry-season camps, to look after its cattle, calves, sheep, and goats, as well as to attend to the children and the tasks of kraal and kitchen. Help in activities requiring co-operation, as well as in milking when that is required, is given by close neighbours who are also kinsmen. Also, there are other tasks which, though they might be accomplished by the family unaided, are often, but by no means always, performed by co-operative parties of neighbours: clearing gardens, making drainage trenches, dams, and seed-beds in swampy ground, weeding, harvesting, threshing, and building. The helpers are given beer or porridge or both. Thus Nuer say of building a byre: 'We Nuer cut the supports with beer, we cut the grass with beer, we build the walls with beer, and we erect the supports with porridge.' Although a family probably spends as much labour in helping other people as would, had it been expended in their own home and gardens, have enabled them to be self-sufficient in maintaining them, it is much more pleasantly spent when distributed in this way. Not only is a family relieved of the necessity of tackling particularly laborious jobs unaided, but when the work is done by mutual aid it becomes something of a game, losing its monotony in merry company and in the feelings of good-neighbourliness it engenders; for the beer and porridge are not payment for work done but hospitality provided for friends and kin, who accept the invitation to take part in the work because they are friends and

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kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer eat so much in each other's byres and windscreens that, as far as the men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

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Nuer have told me, though they do not like to speak of it, for it touches on death, that there is what we would call a latent hostility between husband and wife, and indeed between man and woman. They say that when a man has begotten several children by his wife he wants her to die, and may even pray for this to happen, for he does not want to die before her and another man to cohabit with her, rule in his home, use his cattle, and perhaps ill treat his children and rob them of their birthright. Men say also that women in their hearts wish for their husbands' deaths. Whatever may be the significance that should be attached to these statements and to stories in which similar sentiments are expressed, family life among the Nuer is remarkably harmonious on the surface. I attribute this, in part at any rate, to the unchallenged authority of the husband in the home. A woman must obey her husband, and Nuer say that when he swears at her she must not answer back, and that he has the right to chastise her if she neglects her children or domestic duties. They told me that should he kill her (I have never heard of a case of the kind), whatever trouble his action may otherwise bring on him, he will not have to pay compensation, for she belongs to her husband's people and he only destroys what is his own, losing thereby both wife and the cattle he paid for her. No doubt there are cases of cruelty, especially where captive Dinka women are concerned, and I have been told of such, but I must record that during a year spent in intimate contact with Nuer in villages and camps I did not once see a man strike his wife or hear a serious quarrel between spouses, and I believe therefore that these are rare happenings.

Women know their duties and unless they are by nature lazy and slovenly, or wish to goad their husbands into divorcing them, they avoid domestic shortcomings. The husband, for his part, does not interfere with his wife's organization of her duties. So long as she performs them she may do so in her own way. For instance, when there is meat, a man hands it to his wife to prepare and leaves it to her discretion to decide how much of it to keep for herself and her children and how much to serve to the menfolk in the byre. Moreover, it is difficult for a man to ill-treat his wife, even should he wish to do so, for his conduct cannot be kept secret and his kinsmen would certainly intervene on her behalf. I have been told that no reputation in Nuerland is more shameful than that of a wife-beater, a man who prefers *kur man*, fighting with women, to

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593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he [586] decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.

562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them [681] with respect. In saying that their status in society is high I am judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.

595 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

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ominously, 'to be jealous'. The first wife has no special status, though the husband generally consults her more than the other wives because he married her first and started his home and family with her. On the contrary, Nuer insist on the equality of wives, and they recognize that custom of the home is intended to eliminate as far as possible friction between them. The wives generally cook in turn for the husband and the byre, and each cooks as well for herself, her daughters, and small sons; but it is also a convention that a wife shall frequently cook for the family of a co-wife and that the children of one hut may eat in any other hut. I was told that if there is any trouble between the huts this convention is unlikely to be observed. Nuer have told me also that some women, while they give food they have cooked to their co-wives, remove part of it before doing so and hide it for their own children to eat in secret; and there is even a word for this part. It is impressed on boys that when they bring fish or meat to the home they should not give it to their own mothers but to another of their father's wives. A man would never address one of his mother's co-wives as [601] '*ciek gwar*', 'my father's wife', but either as '*ma*', mother', or by some honorific title; and she would reply '*gatda*', 'my son', and not '*gat nyakda*', 'son of my co-wife'. Indeed, there is the same kind of assertion, in the face of reason and experience, that '*ciek gur*', 'your father's wife', is '*mor*', 'your mother', as is made when Nuer say that '*gat gur*', 'your father's son', is '*demor*', 'your mother's son'; and the two assertions are different sides to the same dogma, to a further consideration of which I shall return. But though children are told that their father's other wives should not be treated differently from their mother, it seems to be acknowledged by all that there is likely to be jealousy between co-wives, especially if the husband appears to favour one wife or her children, and that it is a misfortune for children should their mother die and they be left to the care of a co-wife. Nuer say that this is what happened to *gukur*, the dove, and is the reason for its plaintive note '*giek ciek gur*', 'bad is your father's wife'.

Before considering briefly relations between parents and children it is, I think, important to recognize that a Nuer child is not born into the family alone and then slowly extends his awareness to members of the household and kin, but is born into a wider circle than the family, in the sense that all those who share the homestead of the father and adjacent homesteads take an interest

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595 in the child from the time the mother leaves her flat after bearing him. The father's other wives, his brothers and their wives, and other kinsmen and affines of the father if they live near him, take

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Wooden neck-rests or pillows

595 frequent notice of the child, nurse him, talk to him, and make him understand that they belong to him. If he is an eldest child and is brought up in his maternal grandparents' home, he will have the same close relations with corresponding persons there.

842 Nuer welcome children and hope when they marry that their wives will be fertile.

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wives will be fertile. Abortion is said to be very rare and practised 847
only by unmarried girls. Though the men of the kraal may hope
that monorchids and babies born with defects and deformities
will not survive, they do not kill them or let them die. The proper 854
care and nurture of children is the concern of the whole family
and household, and from the moment of birth care is taken to
isolate the child from any contact which might be injurious to it.
Even the father keeps away from the mother's hut for the first few
days lest he inadvertently cause it some misfortune. The prohibi- 853
tion on coitus between parents till the child is weaned is seldom
infringed, although it imposes long abstinence, for the child is
suckled till he can digest solid food and can toddle about home-
stead and camp by himself. Artificial aids to weaning are rarely 862
necessary, infants passing slowly from the breast to cow- and goat-
milk, though sometimes they are sent to their maternal grand-
parents for some weeks to make the break. Children have first
claim in the allocation of milk from the herd, and if there is a
shortage it is the adults, and not they, who go without.

The care of small children falls naturally to the mother, and it 851
is she who feeds and bathes them and attends to their other wants. 593
But the father also takes an interest in his infant children, and one
often sees a man nursing his child while the mother is engaged in
the tasks of the home. Nuer fathers are proud of their children and
give much time to them, petting and spoiling them, giving them
titbits, playing with them, and teaching them to talk; and the
children are often in the byres with the men. The affection of
children for their fathers is very striking in Nuerland. I have
never seen a man beat his child or lose his temper with him, how-
ever aggravating he might be. When a father speaks crossly to his [861]
child, as he does if, let us say, the child goes to the edge of a river
or among the cattle, where he may be injured, it is evident that
the child is not afraid of his loud words and obeys from affection
rather than fear. In his first years a child is corrected by his mother
and elder brothers and sisters, who may give him a few strokes
with a grass switch if he is naughty.

Daughters grow up under the direction of their mothers. 867
Mother and elder sisters give a girl training in household tasks 868
and what moral advice and worldly wisdom they care to impart. 593
The father takes little interest in the affairs of his daughters. His
chief concern with them is to ensure that they are well married.

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968 Boys come under their father's direction. He and the other men of
593 the kraal see that they carry out their duties in the care of flocks and herds. Boys learn from their elder brothers and cousins how to fish, hunt, cultivate, dance, flirt, and engage in the other activities of men. A boy can see the stages of his life before him—initiation, courtship, marriage, and the starting of a family and home—and he realizes even in childhood that these stages are bound up with his father's herd, and that he and his brothers have a common interest with their father in the herd. It is very noticeable that when boys talk about the cattle it is in reference to marriage and when girls talk about them it is in reference to milk.

593 In my experience, it is only when a father is selfish or extravagant in his use of the herd that, even when his sons are men, any serious disagreement is likely to arise between them. Even then, young men submit to their father's indiscretions. If they may show their disapproval by going to stay with relatives for a time they say little, partly, no doubt, because they fear a father's anger and curse, but chiefly, I believe, because, in spite of faults, they love and respect their fathers. Though relations between a father and his son may be strained, the sorrow and anxiety of the son should his father fall sick are most apparent. Nuer say that should father and son fail altogether to agree the son may go to live permanently with his maternal uncle, but this would be a most serious offence in the eyes of Nuer, being *dakene mar*, the breaking of kinship. I have never known it happen.

Boys treat their mothers with affection, though they are offhanded with them and are sometimes rude to them. When they are approaching the threshold of manhood a feeling of male superiority seems to affect their attitude to their mothers. I was told that a youth would never interfere on his mother's behalf should his father be angry with her, though should the father wish to beat her the son would not reveal her hiding-place lest she
[842] should curse him. A mother's curse prevents a man from begetting male children. Fear of it was the reason given me for the care Nuer take of their mothers when they are very old, carrying them on their shoulders from village to camp and from camp to village, but, here again, I think that natural affection is a stronger motive.

My observations of the relations between parents and children do not permit me to develop the subject beyond such general impressions as I have given. I would like, however, to draw attention

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to the peculiar position in each elementary family of the eldest 543
child.* The eldest child of either sex is known as *gat ma keagh* and [601]
the mother may address him (or her) as *keaghda*, my first-born.
This child must never use the spoon of his father or mother, and I
have sometimes been given to understand that this is one of the [603]
reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose.
When an eldest male child is initiated an extra incision is made, at [321]
any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is
the keystone of the marriage. Till he is born the marriage is not
regarded as complete. He is also the link through which the kin of [602]
the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

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593 structure towards the father's kin and lineage, and a pull of personal affection towards the mother's people. Rights in the herd, duties of blood revenge, and status in the community hold a man to his father's kin, but with these go jealousy about cattle, resentment against authority, and personal rivalries. A man has no rights in his maternal uncle's herd, he has no obligation to assist his maternal uncle's people in their feuds, and he has no hereditary status in his maternal uncle's community. But the fact that he lacks these rights and duties and status means that he is not burdened with the disputes and tensions they engender. The paternal ties are stronger, if there is a touch of hardness in them. The maternal ties are weaker and for this reason are tenderer. In the Nuer family the tension is greatest in the case of the eldest child, especially an eldest son, for both families more strongly assert their rights in him than in the younger children, but it is inherent in the nature of the Nuer family and has also a more general social significance in the counter-attraction of the lineage on one side and the wider society on the other.

595 This pull in opposite directions, towards the father's kin and towards the mother's kin, is most evident in polygamous families, where the sons of each hut have different sets of kinsmen on the mother's side. I cannot say what is the frequency of polygamy in Nuer society, and it would in any case be difficult, in view of the variety of Nuer domestic unions, to decide on a criterion of polygamy; but though monogamous marriage is much commoner, polygamy is frequent enough to have set its stamp, through its association with wealth and social influence, on the lineage system. The polygamous family is for the Nuer the ideal form of family life and every man would like to attain to it. It has therefore importance out of all proportion to the actual number of such families. The values and the whole conception of the lineage system are reflected in it.

613 A Nuer lineage is often named after a woman, its ancestress, because lineages are generally thought of as dividing out from within a polygamous family. They cannot be differentiated by reference to the name of the father of the founders of the different lines of descent, but only by reference to the names of the founders themselves or of their mothers. Thus the typical lineage structure is conceived of as being present in the structure of the polygamous family and in the distribution of huts in the homestead it occupies.

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This is why a lineage is generally called a *thok dwiel*, the entrance 613
to the hut—not the byre—or a *thok mac*, the hearth of the fire at which women cook—not that around which men sit and sleep.

There is involved here a contradiction between the dogma of the 593
unity of brothers, which the Nuer so often enunciate, and both the lineage system and the common experience of family life. It is a cardinal teaching that all brothers are equal and undivided, for they are all sons of the same father and therefore, through their identification with him, equivalent in the lineage. Maternal descent does not count within the lineage and therefore ought not to count within the family, for by the agnatic principle in Nuer social life the family derives from the father. Hence, Nuer say, if your uterine brother and your paternal half-brother quarrel you must not enter the dispute on your uterine brother's side, because by so doing you divide the family. You split, as it were, the father.

That the huts do not divide the byre is particularly emphasized 593
by, and in, the rule, previously referred to in our discussion of 582
bridewealth, that brothers must marry in order of seniority of birth, a division by age reinforced by the distinctions of the age-set system, irrespective of whether in each marriage the cattle of the bridewealth came into the family herd from the previous marriages of the particular brother's full or half-sisters. Also, all the brothers must marry before any one of them takes a second wife. Even after the father is dead, opinion enforces this rule. It is only when, as rarely happens, there are enough cattle for a further marriage from the herd before the younger brothers are old enough to take wives that an elder brother may marry a second wife before they are married. When a man dies his eldest son takes his place as head of the family: 'He changes himself into something like their father.' It is then his duty to see that his unmarried brothers are not unfairly treated. Should the family disperse and one of the brothers attempt to take for himself all 'the cattle of the mother' of his uterine sisters' marriages, and refuse to allow them to be used for the marriage of a half-brother who is the senior of the unmarried sons of the family, it might prove difficult to prevent his doing so; but were he to do so, he would cut himself off from his brothers and paternal kinsmen. They would not any more assist him in his troubles and quarrels. 'They may even let him be killed unaided and recoup themselves for his past meanness

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593 with the cattle they receive in compensation for his death.' This is
582 the final and, to a Nuer, most frightful sanction.

593 Nuer feelings about this matter are reflected in their use of kin-
601 ship terms. Although '*demar*' (or '*gatmar*') means 'my uterine brother' and '*gatgwar*' is the term for 'my father's son' (paternal half-brother), they almost invariably use the term for the uterine brother to refer to, or address, the half-brother and keep the term for 'father's son' to speak about or address paternal cousins. To address a father's son by the term for this relationship is regarded as very bad form because it makes a cleavage in the family. It would be even worse to call your full brother '*gatgwar*', 'my father's son'. The term would only be used for this person as an affectionate meiosis. In the same way, a man must not address his paternal half-sister by the term for this relationship ('*nyigwa*'), for '*nyagur e jen nyimor*', 'your father's daughter (paternal half-sister) is your mother's daughter (full sister)'. It is true, as will be seen in the next chapter, that there is a general tendency for Nuer to use kinship terms for persons who stand in a more distant relationship to those which they denote and that the terms '*demar*' ('*gatmar*') and '*nyimar*' are freely used for almost any person of a man's own generation, but Nuer particularly emphasize the need for this displacement in the case of half-brothers and half-sisters. Nuer have told me that they are so anxious not to distinguish between full and half-brothers that should a man go with his half-brother to visit his mother's sister's home, the young men of that home will make a point of greeting the half-brother first and of addressing him as '*gatmar*', 'son of my mother', before addressing their true mother's sister's son by this term (which correctly applies to him and not to his half-brother). I have earlier noted that the wife of one brother is spoken about as the wife of all the brothers and her children as the children of them all.

595 But although Nuer are constantly asserting the solidarity of the
polygamous family, it is as evident to themselves as it is to the
593 observer that things are often different. They recognize that whereas full brothers pool their resources, helping each other even to the point of forgoing their rights, paternal half-brothers insist on their rights and try to avoid their obligations, doing for each other only what self-interest demands of them. Nuer are not surprised at—they expect—coldness between half-brothers, and disagreements and disputes between them, and between paternal

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cousins, are endemic in Nuer society. Quarrels between half-brothers are a frequent theme in stories of the separation of lineages and the dispersal of paternal kin. They are the 'bulls' of whom I said in Chapter I that each goes his own way and seeks to gather round himself a separate cluster of kin and affines. Even when there are no disagreements half-brothers tend to drift apart after the death of their father, especially after they are married, and go to live with their different maternal and affinal kin.

However, sons ought to continue to live together on the death of their father, and it is hoped that they will do so. If they live together there is less chance of unfairness in the disposal of the cattle and of resultant disputes. A man may anticipate difficulties of the kind by directing before his death how his herd is to be divided among his sons. If he does not do this, it ought to remain undivided till all the sons are married. What is left of it may then be divided among them at a family council. There is more likelihood of this being done if all the sons live together, for then, even though the herd is divided among the huts, it is still very much a single herd in a common kraal. When one of the brothers wants to marry, the different huts will all 'loosen cattle' for his marriage, as they would have done had the father been alive. But if a widow takes her sons to her own kin or to the home of a lover in a distant part of the country, the half-brothers who remain in their father's home are less inclined to help them when they want to marry, and if they have no uterine sisters they may then find it difficult to do so. Nevertheless, a boy without uterine sisters is to some extent protected by the rules governing division of bridewealth, which ensure that he will receive at least some of the cattle of the marriages of his paternal half-sisters. He will also receive cattle on the marriages of other female relatives: the daughters of his father's brothers and sisters and the daughters of his mother's brothers and sisters. He may possibly also receive *wang-nen* cattle of his grandparents. Though he lives apart from them, his half-brothers will not seek to deprive him of his rights in bridewealth, even if they are not ready to help him by gifts from their own herds.

In discussing the shortcomings of half-brothers Nuer often further mention the obligation to marry a wife to the name of a man who dies without heirs. If he leaves behind an unmarried uterine brother, this brother will use the cattle brought into the

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593 home on the marriage of one of their sisters to take a wife in his name. If he had only half-brothers it is feared that they may try to 'blot out' the dead man's name and use the cattle to marry wives in their own names. To prevent this it is said that the dead man's mother's people may, if there was no close friendship between him and his half-brothers, arrange for his uterine sister to marry a wife to his name. Her husband then takes the cattle which would have gone to the dead man on the marriages of his sisters and makes the arrangements for his wife to marry a wife to his name with them, though he does not himself cohabit with this wife. Nuer say that in affairs of this kind a sister's son can be trusted better than a paternal half-brother. As I have mentioned in the last chapter, the disposal of widows may occasion rancour among paternal half-brothers.

604 The distinction between full and half-brothers runs right the way through the Nuer kinship system. Nuer say that '*gurlen kwi dwiel*', 'your father's brother on the side of the hut' (his uterine brother), is a real father to you, but '*gurlen kwi luak*', 'your father's brother on the side of the byre' (his paternal half-brother), is only a father in his talk. If your father is dead and you are still a boy he may take advantage of your youth to deprive you of your rights. Similarly, Nuer say that the *nar mande* (or *nar kwi dwiel*), the mother's uterine brother, is a real mother and father, but not the *nar gwande* (or *nar kwi luak*), the mother's paternal half-brother. I once asked a youth who was threatening to fight his maternal uncle over an insult he considered he had received from him, 'But surely he is your maternal uncle?' 'Yes,' he replied, 'but only a maternal uncle on the father's side.'

593 When we speak of uncles on the byre-side we speak of half-brothers of the parents who own their own herds and homesteads, maybe in different villages, districts, or even tribes. They have already become distinct points of growth on the lineage branch. There is no pretence here that they are undivided. This dogma does not go beyond the family: sons in relation to their father. As we have seen, within the family it is the assertion of an ideal in the face of recognized social actualities which only partly conform to it; for the difference between full and half-brothers, or between the huts, in a family is both marked and a matter of concern to Nuer. It is clearly connected with the lineage structure and with the importance of the maternal kin in social life, which is related

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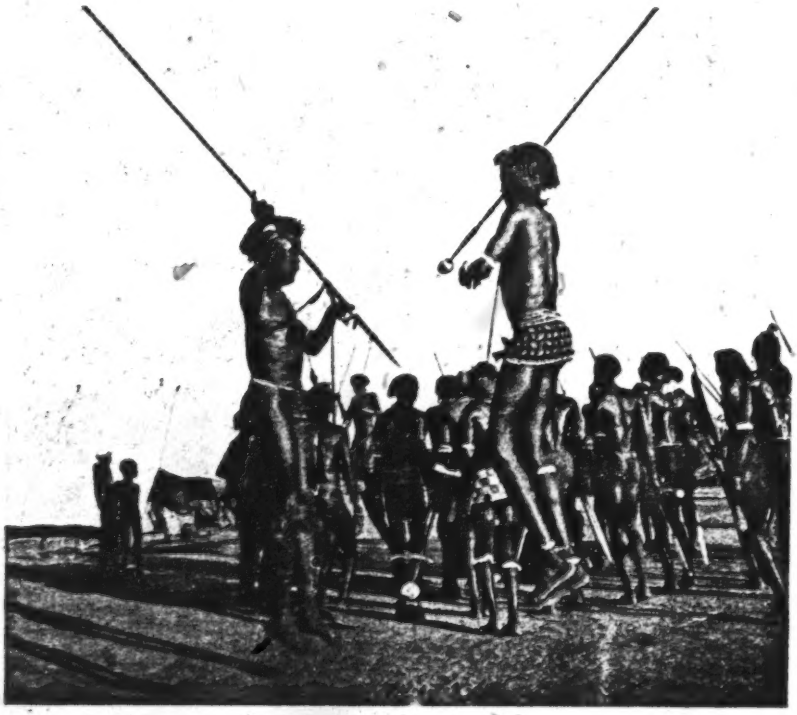

VIII. The leaping movement (*rau*) in a dance

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593 to that structure, for both act to pull apart the children of different wives of the same husband.

593 611 I shall return to the distinction between full and half-brothers when discussing the Nuer kinship system. We will then see how categories of relationship fall into two broad classes: the 'bulls', the paternal kin and members of the lineage, and those traced in one way or another through women, the *gaatnyiet*, the children of girls. Half-brothers are 'bulls', but full brothers, who form the closest of all relationships except for that of twins,* are not only paternal kin but also maternal kin. A full brother 'is like your mother and your father'.

III

593 Complicated patterns of family relationships arise from the different forms of domestic union I described in the last chapter, and a rather lengthy discussion of them cannot be avoided.

Often there is opposition between the interests of the legal family and the interests of these other bio-domestic groups; that is to say, between the interests of the group united by marriage and descent and the interests of the procreative group united by common residence and life. When a child is a member of both groups it sometimes happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected, and one can only guess how he will act when one knows the characters as well as the status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained. In any particular case their actions will tend to follow the lines here laid down. Only the position of sons is considered. Daughters will not remain with either their genitor or the kinsmen of their pater, but will become members of their husbands' households. Control over their persons is therefore not disputed, and division of their bridewealth is so well defined by custom that it is a matter of minor importance where they are brought up.

845 * Twins have a peculiar social position, being treated as one person, and are the object of special observances which I have described in detail in the *Uganda Journal* (1936).

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593 The simple legal family in which husband and wife are both legal and natural parents of the children has great cohesion and permanent lines of descent join father and sons. It has the advantage over the other domestic groups under discussion that the formal status of its members towards one another is generally in harmony with their sentiments. For example, the respect and affection of a son for a father are directed towards a legal father. Also, even when there is friction between son and father, there is no opposing group to which the son can attach himself without losing to some extent the privileges of his birthright. This is the sense of a remark made to me by a youth who was openly on bad terms with his father: 'If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own.' A youth is firmly bound to his family from motives of self-interest no less than from habit and sentiment of home. If he leaves them he will not go to live at the home of another man he calls 'father' but with his mother's kin or with affinal relations.

When a man marries a wife to the name of his father or brother or paternal uncle, the relations between the members of the group that ensues are the same as those between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged by behaviour and expression of sentiment, and it is only in legal alinement that the groups differ; but when the sons become men there is a significant difference between them. A son of a simple legal family has no property rights independent of his father. But when, for example, a man has married a wife in the name of his paternal uncle, the son he begets is his father's brother's son and belongs to a different family to that of the man who begat him. When the son grows up his legal personality is merged in that of his dead pater, whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held them in trust for his sons. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in his family herd and in the bridewealth of sisters and kinswomen, and these rights his sons inherit. Consequently, if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position than a son born of simple legal marriage. However, I know of no serious dispute

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between a ghost-son and his genitor where they are paternal kin, for the genitor stands in the place of the pater and has the same desire to see his sons, having probably no legal children of his own, happy and wealthy as a pater has. A ghost-son is generally content to see his genitor dispose of his cattle during his boyhood, knowing that when he is old enough to marry he will be provided for. 593

When a man marries a wife in the name of his maternal uncle a difficult situation may arise. Such a marriage usually takes place when the dead man has no close paternal kinsmen; and the sister's son often marries the wife with part of the uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those in a ghost-family in which pater and genitor are paternal kinsmen, but when the sons grow up differences between them and their genitor are likely to be acute if the genitor has abused his trust. It is less an abuse for a paternal kinsman to use the dead man's cattle for his own purposes, since they both belong to the same agnatic and cattle-group, than for a sister's son to do the same, for the sister's son is not a member of the lineage of the pater and has no rights in their cattle. When the daughters he begets by his maternal uncle's wife are married he ought to keep the cattle of their bridewealth till the brothers of the girls are old enough to marry with them. Nevertheless, he may take advantage of their minority. Since the dead man's paternal kin are unlikely to be very close kin, they may do little beyond protesting, especially if, as is probable, the sister's son lives among them; but there is almost certain to be bad feeling in the family. The position of the sons is difficult, and the conflict between their regard for their genitor, whom they have always regarded as their father in every practical sense, and their resentment at the injustice done to them may only be solved by their going eventually to join the household of some paternal kinsman of their pater.

If he is to avoid trouble a man who cohabits with his brother's widow must likewise remember that her children, whether begotten by the dead man or by himself, are his wards and that he is trustee and not owner of his brother's herd. When the eldest son has been initiated into manhood he takes the place of his pater as head of the family. If his guardian is wise he will respect his nephew's independent status and will build him a byre next to his own and give him the cattle to which he is heir. Then difficulties between them need not arise, and his nephews will retain their 593 604

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593 604 respect and affection for him and will share their cattle with him. But Nuer are greedy where cattle are concerned, and the temptation to use a dead brother's herd and the bridewealth of his daughters to marry wives for himself during the minority of his sons is sometimes more than a man can resist. When his nephews grow up they find that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. A nephew in this position is unlikely to move away from the village in which he has been brought up because it is his own village where his paternal kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance, he may go to live elsewhere, perhaps with his maternal kin. Here again conflicting loyalties may make a youth's position difficult, for as a son he feels he ought to respect and obey his father and as a nephew he feels he ought to insist on his rights. Trouble is most likely to arise when a boy falls under the guardianship of a brother of his dead pater and is not begotten by him.

593 The opposition between the legal family and the natural family is most evident when a son is born in widow-concubinage. In ghost-marriage and leviratic marriage the genitor is a legal substitute for the pater, but the genitor of a child born in widow-concubinage has no such status. When the brothers of the pater are alive and family feeling is strong they insist on his sons being initiated in his home and living with them afterwards. Nuer say that an orphan who has been initiated at his uncles' home and has rights in cattle there will not want to leave it. They are likely also to bring the dead man's daughters to live with them so that they can be married from their home. The genitor cannot deny them their right when they tell him that they want the children of their cattle. Thus it often happens that a boy is brought up in one social group but belongs legally to, and later joins, a different social group. The sentiments of childhood attach him to the home of his mother and genitor, and while he is small he does not think of any other place as his home. But when he reaches manhood the sense of paternal kinship so strong in Nuer, and desire for the cattle of his heritage, attract him to the village of his true paternal kinsmen.

If a dead man has brothers they are almost certain, especially if

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they are uterine brothers, to want their child to live among them. Where we find adult sons living with their natural fathers in Nuerland it generally means that they have no close paternal kin. Or it may mean that the genitor is rich in cattle while the paternal kin, though close kin, are poor. A youth with close kin who possess herds does not care to live in the home of his genitor after his initiation, for he is always regarded there as to some extent an outsider, whereas in the home of his pater he is there by right of birth: 'He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father.'

A youth's allegiance also to some extent depends on the circumstances of the widow-concubinage in which he was born. If his natural father lived apart from his mother and merely visited her from time to time he counts for little, but if he shared her home he is of greater importance and his children will retain their affection for him and pay him frequent visits should he be later separated from them. Knowing how powerful an influence feelings of kinship and cattle interests will have on his sons when they grow up, he tries to win their love when they are small so that it may endure all the changes of life. 'When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home.' If a lover wins the affection of his sons in this way he may be able to keep them with him, especially if he and the paternal kinsmen of the sons occupy the same village, for sons generally wish to live after initiation with their paternal kin. Should he and the widow live elsewhere the sons are likely to part from them. This is a great stumbling-block to Nuer. 'You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married.' The sons are almost certain to depart sooner or later and for one reason or another. When their genitor has a legal family of his own they may feel neglected. If he has no legal family of his own it is because he has no cattle. Also he loses all hope of keeping the children if he loses the mother, for they are attached to him through her; and widow-concubines often change their lovers. Nuer say also that 'when a widow-concubine has finished bearing children she has no more

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use for her lover'. They say further that the lover of a widow has no chance of keeping sons begotten by her dead husband, however good a foster-father he may have been to them. 'A boy who knew his father does not forget him.'

But though children leave their natural father, the tie between him and them is never entirely severed. Even when a genitor has had little to do with his children a mystical tie unites them to him, so that Nuer say that if he is ill-disposed towards them they may suffer injury. Also, a natural son recognizes all the near kin of his genitor as his own kin and they acknowledge him to be their kinsman. When a man has been on intimate terms with his natural children the tie is much stronger. In his district they are called after him. A man may sacrifice a bull in honour of his genitor as well as in honour of his pater, and if his genitor did not beget legal children he may marry a wife to his name. *Liem*, the begging of a gift, is said by Nuer to be the most typical expression of the relationship between a man and his natural father. A father is not likely to refuse his natural son's appeal for help, and if he can, he will assist him to marry. He knows that his generosity will be rewarded by frequent visits.

Something has been said about the relation between sons and fathers in simple legal marriage, ghost-marriage, leviratic marriage, and widow-concubinage. It remains to say a few words about that between a son of an unmarried concubine and his pater. His position is very different from that of the son of a widow-concubine. 'A son of an unmarried concubine is your own son.' So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he leaves you he has no other father to whom he can go. If the mother leaves her lover and goes to live with another man, the father of their children will put no obstacles in the way of their visiting her when they choose. He is confident that a son, even though he is a child, will return to him, 'because he is old enough to know his father, for when his father kills an animal he will keep meat for him to eat, and when food is served in the byre he will call his little son to eat with him'. An unmarried concubine who goes to live with another man will probably remain with this man if she bears him children, but she is likely to return to her first lover to be with her children by him if she bears no children to her second lover. Nevertheless, the son of an unmarried concubine is not so strongly

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bound to his father as a *gat ghok pany*, a true child of cattle, that is to say, a child born of a legal marriage. If a boy born of an unmarried concubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people. 573

The personal relations engendered by all these diverse forms of family life present a picture of changing configurations which are most confusing. The flux, movements and comings and goings, we noted in our survey of local communities is here again evident in domestic life; and here again beneath the apparent confusion in personal relations we perceive how in the lineage system the dynamic process is slowed down and stabilized into structure. Individuals and families seem to float about, as it were, and lead an independent existence, but they are anchored always to some lineage by the agnatic principle, which decrees not only that every man must have a pater but that through a pater he must be attached to a lineage. We noted in the first chapter how, if persons become permanently detached from their own lineage, as captured Dinka do, they may attach themselves through female links, regarding them as paternal links, to another lineage, take root in its stem, and become part of its growth.

Here again we observe that the wider groups of paternal kin and lineage gain at the expense of the family, especially when it is a natural and not a legal family. The position of the father in these unions other than that of simple legal marriage is to a greater or lesser degree undermined by attachment of greater legal significance to the pater, who represents the principle of the lineage. Another important consequence, which will be better appreciated later, is the effect of these unions on kinship relations. We have noted that there is a balance in the kinship system between the paternal kin and the maternal kin and that this balance is felt in the pull on children, especially in polygamous households, in both directions. It is particularly evident also in the case of the unions I have described because the splitting of the roles of the father, and in the case of children of unmarried concubines the attachment of children of the same mother to different legal fathers, increases the bias towards the mother's side.

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CHAPTER V

KINSHIP

I

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A MAN's kin are those persons with whom he is genealogically connected through his father and mother. This does not mean that kin relationships are merely an extension of relationships within the family. The kinship system exists in its own right, and a child who is born into a family is born at the same time into a kinship system. Nor does it mean that kin relationships are of the same order as family relationships. They are not—certainly to a Nuer. To him, his father and mother and brothers and sisters are not *mar*, kin, and he does not speak of them as such. They are members of his *gol*, his family, the intimate circle which he sees as something quite distinct from kin, just as we do when we say that someone is a relative and not a member of the family or that another is almost one of the family.

I have said earlier that anyone to whom a man can trace relationship of any kind, or to whom he merely knows that he stands in a certain category of relationship without knowing its degree, is in the wide sense of the Nuer term *mar*, kin to him. I have shown that this means in fact that everybody in his village and those with whom he has dealings outside it are either true kin or are in one way or another treated as such.

Kinship categories are limited in number and they have a definite arrangement to any person. It is not merely that the anthropologist perceives that they have a pattern. The Nuer himself perceives it and can describe it without reference to any particular person, or as an abstract system. Also, when the pattern is enunciated in behaviour and there is no one to fill one of the roles, it is recognized that the actual configuration does not correspond to the ideal configuration, and that it should be made to conform to it by substitution, if this is possible.

In the arrangement of categories, and in the attention paid to them, there is a recognized balance between the kin on the father's side and the kin on the mother's side, and this balance is emphasized on certain formal occasions, above all in the notation of

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bridewealth rights when a marriage is being discussed. When a girl is married the bridewealth is, as we have seen, distributed among the following categories of kin: *gwanlen*, father's brother, *wac*, father's sister, *nar*, mother's brother, *manlen*, mother's sister, *gwandong*, father's father and mother's father, and *mandong*, father's mother and mother's mother. When a man is killed and cattle are paid in compensation, the cattle which are not reserved for marrying a wife to the name of the dead man are divided among the kin on the same principle as obtains for division of bridewealth. When an elephant is killed its tusks, or the cattle obtained for them by exchange, are divided among persons standing in the same set of relationships to the slayers of it. I believe also that when in the old days large numbers of cattle were taken on raids on the Dinka they were similarly divided among the kin of their captor. Though shares in these situations are the *cuong*, right, of the categories of kin I have mentioned, one cannot in any particular instance know for certain to which person a share will go because there may be more than one person standing in a certain category of relationship to a bride, a slain man, a killer of an elephant, or a raider of cattle; or the person to whom it would have gone had he been alive is dead and his right is inherited by his sons. But the right of the relationship is an absolute right. Bridewealth rights, in particular, are the most rigidly formulated of all the privileges of kinship. A man may neglect, elude, or defy the more fluid customary duties to kin without severing the bonds of kinship or even without seriously weakening them, but refusal to give a man the bridewealth cattle to which he is entitled is a total breach of kinship. It is not merely that those who refuse a man his right in this matter would be refused their rights by him when his daughters were married. The refusal cuts a man off from his kin altogether.

These categories of kin are again clearly defined by their representation in the distribution of sacrificial meat at weddings and other important feasts among the family and kin. There are variations in the allocations in different parts of Nuerland, but the same kin are everywhere represented in the distribution. The ideal distribution is usually cited in pairs of relationships in the same manner as the ideal distribution of bridewealth, bloodwealth, and elephant tusks is described: 'The right hindleg is the right of the father's brother and the left hindleg is the right of the

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602 mother's brother; the right foreleg is the right of the father's sister and the left foreleg is the right of the mother's sister'; and so forth. In the case of the uncles the allocations are further distinguished by defining whether the recipients are full or paternal half-brothers of father and mother. Some of the kinsmen who have a right to meat may be dead or absent, and it then goes to an heir or to someone standing in the same kinship category as the missing person. On the other hand, there may be several persons of the same category present, in which case the joint is divided among them. The joints may be described by reference to the relationships which have rights in them. On these occasions some of the meat given to a kinsman as his right may be eaten by him and his age-mates together, since a man's age-mates may have secondary rights in it. Representatives of collateral lineages, the *jibuthni*, also have rights in sacrificial meat. When beer is provided on certain ceremonial occasions it is distributed in the same manner as sacrificial meat among the kin on the father's side and the kin on the mother's side, and here again the recipients may share their pots with their age-mates.

Another situation in which the categories of kinship are ceremonially defined is the bringing of gifts at certain sacrifices, particularly those performed when a person has been killed by lightning, at mortuary ceremonies, when a man honours his dead father, and after the birth of twins. I have recorded some of these ceremonies elsewhere.* In describing what happens at a sacrifice in honour of a dead father a Nuer said: 'All your kinsmen are summoned on the day of sacrifice—the sons of your mother's sisters and the sons of your father's sisters, the sons of your mother's brothers and the sons of your father's brothers. Each brings beer to the sacrifice.' This way of speaking of the ceremonial functions of kin is almost a descriptive formula for the several rites I have just mentioned.

Apart from such formal definitions, Nuer speak of their close kinsfolk as their real (*pany*) kin as distinct from more distant kin. 'They are your real kinsfolk, they are the people who help you.' In spite of all disputes and shortcomings, a man's kin assist him in trouble. They help him in the more laborious tasks of his home.

* 'Customs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936; 'The Nuer *Col Wic*', *Man*, 1949; and 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949.

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They give him support by their presence at his rites. They nurse him when he is sick. They give him food when he or his children are hungry. They assist him to marry, often beyond their obligations, when he is poor, and in certain circumstances others besides those normally asked to contribute cattle will do so: for example, a man's sister's son or a widow-concubine with whom he is living. His kin rush to a man's assistance when he is in danger, the strength of kinship ties being very noticeable when quarrels break out, as they so frequently do in Nuerland, at dances. A man in difficulties then shouts for his kin and they rush to aid him without consideration of how the quarrel may have come about or who might be responsible for it, for he is a father's brother's son, a sister's son, a father's sister's son, or whatever it may be. Consequently those who attack a man must be ready to reckon with his kin also, and a man who cuts himself off from his kin faces disaster. If kinsmen find themselves facing one another in intercommunity fights they move to different positions in the lines to avoid having to fight each other.

It is true that it is particularly the duty of his paternal kin to help a man. It is their duty to avenge him if he is killed. They must hold a mortuary ceremony for his ghost when he dies. They must marry a wife to his name if he dies without male heirs. But if he has no close paternal kin, the kin among whom he has lived may perform these duties towards him. To break kinship (*dakene mar*) with the paternal kin is the worst of misfortunes. The man who does this can no longer claim rights in bridewealth or bloodwealth or sacrificial animals. If he is attacked his kinsmen look the other way, and he knows that if he is killed they will not avenge him. But to deny kinship with any close kin, maternal as well as paternal, is a misfortune. A man who wrongs a kinsman is shamed and he may incur also a curse and ghostly vengeance.

With his kin a man feels at ease. He does not, as we would say, have to keep up appearances with them. This is shown in one way by the manner in which kin swear (*kwith*) at one another. This is particularly the privilege of kin, who hurl the most abusive and obscene expressions at one another. Such behaviour is avoided in the family, though a man might swear mildly at his sister or even at one of his father's wives in anger, and it would almost certainly lead to a fight if an unrelated man were so insulted. Among kin, however, no offence is taken at abuse so long as it is

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602 an elder who abuses a younger, as an uncle a nephew, or the two are of the same generation, as between cousins.

The sentiment of *mar*, of communion with his kin, gives a Nuer 612 the comfort of security, the feeling of being in a known and 602 friendly world. I would again stress that *mar* is cognatic kinship, a set of relationships to any person through either father or mother and, among the Nuer, embracing also close affines, and further that in this general interpersonal sense one does not evaluate between the relationships. The maternal uncle is just as much kin as the paternal uncle, and the mother's sister's son as the father's sister's son. They are all people one helps when they need help and who help oneself when one needs aid. '*Jimarida*', 'my kin', are the people who are near me, irrespective of their precise category of relationship, the people on whom I can rely. It is interesting to note that *mar*, like the Old English 'sib', may also have the sense of 'peace'—'*te mar kamdien*', 'they are at peace'—and that it appears also to be the same word as that used for 'my mother'. In a sense all kinship is through the mother, even kinship with the father and hence with the paternal kin.

I have been speaking of the nuclear kin, but, as was noted in Chapter I, there is no limit to the number of relationships a man can in one way or another establish in Nuerland. The kinship system is like a circular elastic band which can be stretched on an ever-widening circumference as a child grows up and increases the number of his social contacts and enlarges the area of their distribution. By this wide recognition of kin a man thus brings in some degree his whole personal society, all those with whom he has dealings, into the circle of relationships in which attitudes and behaviour are shaped by sentiments of kinship.

I shall say more later about kinship in this wider sense and restrict my present remarks to the nuclear kin, which ordinarily can be regarded as the paternal and maternal uncles and aunts and their children and the children of brothers and sisters. A specific kinship term can be used to describe persons in each of these categories, and the relationships they embrace are the prototypes of all kinship ties of the wider kind.

II

These categories of relationship fall into two bread types. The first comprises the agnates, the kin of the byre-side, the 'bulls', as

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Nuer would say, who are also referred to collectively and in a general way of speaking as the *gaatgwanlene*, the children of paternal uncles. We have noted how these are divided off as the kin *kwi gwan*, on the father's side (of the family), in division of bridewealth, and also how among themselves they are more or less exempted from the prohibition which defines as incest congress with the wives of kinsmen because their wives are all wives of the lineage. We have further noted that consciousness of being members of a social group with common ancestors and symbols and corporate rights in territory and, within the limited range of nuclear kin, common interests in cattle and wives and common residence pull the children of their wives to the father's side. The second broad type comprises the cognates who are not agnates, the kin on the hut-side, whom Nuer describe collectively and in a general sense as *gaatnyiet*, the children of girls or daughters—that is to say, all kin to whom a man is related through women. Either they are children of daughters of his lineage or he is the son of a daughter of their lineage. Within the restricted range of reference of bridewealth distribution these are the kin *kwi man*, on the mother's side (of the family). They are the kinsmen with whose wives it is incestuous to have congress. We have earlier noted how important this concept is in the network of kinship ties of any Nuer community, with regard both to interpersonal relations and also to the establishing of links with its dominant lineage. I shall have occasion later to emphasize further its significance in this respect in considering the kinship system in relation to society as a whole. The relationships in which these two types are, as it were, summed up and contrasted for a Nuer are that of the *gwanlen*, the paternal uncle, and that of the *nar*, the maternal uncle.

The *gwanlen*, particularly the father's paternal half-brother, is portrayed by Nuer as the wicked uncle and is contrasted with the good uncle, the *nar*, particularly the mother's uterine brother. Both youths and maidens have often told me that they are more at one with their mothers' brothers than with their fathers' brothers and with their mothers' sisters than with their fathers' sisters. 'Wa! Your *nar* is far better (than your *gwanlen*)', said a Nuer to me once, expressing with force this common partiality. When I asked him why the maternal uncle was better he gave no further answer than the usual reply to this question: 'Because he is the brother of your mother'. However, I pressed him for a fuller

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604 explanation, and he told me, as I have often heard from other Nuer, that you can rely on your maternal uncle for assistance. Even if your mother is dead he will gladly give you cattle to marry with, because you are the son of his sister and an orphan, whereas your paternal uncle, especially your father's half-brother, helps you reluctantly. If your paternal uncle is angry with you he may split your head open with his club, but however angry with you your maternal uncle may be, he would never strike you, for you are his sister's son.

I have been told time and again that Nuer youths whose fathers have died prefer to live with their maternal uncles, if they are full brothers to their mothers, than with their paternal uncles, though the father's full brother is regarded as a less formidable person than the father's paternal half-brother. The stereotyped portrait of a father's brother in the role of a step-father is of a selfish and mean man. Nuer say that if your father has died while you are still a child and his brother has taken your mother in leviratic union he will be kind to you for your mother's sake while you are a child, but when you grow up he will try to bully you and will be stingy with you. He will favour his own children and neglect you. Even if you are older than his own sons he may try to obtain wives for them first. What is worse, he may try to use your father's cattle and the cattle of your sisters' marriages for this purpose, or to marry another wife for himself, while you are still little and unable to protect your own. Your mother may be weak and consent to this wrong. His wives may give food to their sons who are still small boys while you, a man, have to wait for your portion; and when those boys are grown into men their mothers may hide food for them so that when you have shared the common bowl with them and rise from it still hungry they can eat again in secret and be filled.

A paternal uncle's obligation to assist his nephew to marry is another cause of bad feeling between them. We have noted that payment of bridewealth to kin is a legal obligation which involves the very principle of kinship and may in no way be avoided. The legal title to bridewealth on a girl's marriage implies a moral obligation to contribute cattle, though fewer than those received, to help her brother to marry, but it is an obligation which depends for its strength on personal relations and on ability to assist. It may not be carried out, and if it is not carried out the uncle does not

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thereby forfeit his title to bridewealth on the marriages of other sisters. Nevertheless, public opinion would censure a paternal uncle, or his son should he be dead, were he to refuse assistance, especially if, as is normally the case, they are living in the same or nearby homesteads. Paternal uncles are expected to help each of their nephews to marry in turn and to make a more generous contribution—perhaps two or three beasts at each marriage—than that looked for from the maternal uncle, for their nephews are their sons and are marrying wives to their lineage. The bulk of the bridewealth is provided by the family, but as the cattle of married brothers, though owned by them separately, are often herded together and tethered in the same kraal, the contributions by the father and his brothers may come from a single herd. Indeed, in a sense it is not easy to make a rigid distinction between what the father gives and what the uncles give towards the expenses of a marriage. The obligation on uncles is weightiest when they are full brothers of the father, live with or near him, and are on friendly terms with him. A half-brother of the father, especially if they live in different villages or districts, may feel that he has done all that should be required of him if he gives a beast on the marriage of one of his nephews. The younger brothers of the bridegroom must look for help to their other paternal half-uncles when it is their turn to marry. 604

The rivalry and conflict between paternal kin of which I have spoken comes out most clearly in relations between *gaatgwanlen*, male ortho-cousins, the sons of brothers, particularly of paternal half-brothers. Enmity between half-brothers is as far as possible suppressed, or at least not given public expression, on account of the father. If brothers disagree they separate, but they try to avoid scandal. Difference of generations inhibits either familiarity or declared hostility between a man and his paternal uncles, but the sons of these uncles are of his own generation and he can be as intimate or quarrelsome with them as he pleases. He is bound to them by ties of loyalty which do not derive from, or depend on, either mutual affection or common affection for a third person, as is the case with half-brothers who share the same father, and which generally necessitate close contact in situations likely sometimes to engender conflict. It is perhaps this contradiction between social bonds and personal feelings which gives rise to the joking or teasing relationship between ortho-cousins. 605 593

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605 195 I will not discuss here the use of obscene language in general among the Nuer but only the custom called *leng*, conventionalized exchange of obscenities, which is regarded as being pre-eminently a form of behaviour between paternal cousins of the same sex and generation, generally between males, whether they be first cousins or farther removed. It would be most improper for a man to exchange obscenities in this way with other kinsmen. A man says to a paternal cousin '*ban leng*', 'let us have a slanging-game'. Then they abuse each other in turn, prefacing each epithet with the exclamation *awai yah!* The exchange often develops into a contest to see which of the two can continue the longest without repeating himself. As Nuer are practised and have a fertile imagination in such matters, the duel may be kept up for several minutes before one of the men cannot think of an obscenity he has not already used and thus loses the duel, which is closed by shouts of laughter on both sides. The obscenities, which are the most extravagant I have ever heard, cover, with many elaborations, every possible kind of sexual act, the sodomy motif being the most prominent, and refer to the partners to the duel themselves and their fathers, mothers, sisters, paternal and maternal aunts and uncles, grandparents, and sweethearts, though only terms of relationship and not proper names are used. The partners also call one another Dinka, witches, spongers, bastards, gluttons, and so forth. No offence is taken at the foulest sexual references to relatives, though I was told that paternal first cousins ought to avoid mentioning the father and the paternal aunt—'you do not do this because of your father'—and to restrict their observations to the mother and persons on her side of the family. Paternal cousins farther removed appear to feel no embarrassment in mentioning the father and his sister. However, paternal cousins avoid such exchanges in the presence of unrelated persons of the opposite sex.

604 The *wac*, father's sister, is not so prominent in the picture of family portraits as the father's brother because she is generally a member of a different local community, but Nuer say that she is like the father's brother: 'Your *wac* is your *gwanlen* also.' She may treat you badly when you are little, and even if she is kind she does not love you: 'The ones she loves are her grandchildren and the children of her sisters.' A Nuer told me that 'she thinks of you merely as "*gatdemar*" ("son of my brother")', by which he meant that she does not think of you as '*gatda*' ('my son'). She may talk

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friendly with you, but really she cares nothing for you and always favours her own children at your expense should you be living at her home. 'Your father's sister blesses you with her mouth, meaning nothing, but she cares nothing for you in her heart.' Nuer contrast her, especially the father's paternal half-sister, with the mother's sister, as they contrast the father's brother with the mother's brother. When you visit her she lets you remain hungry till evening instead of preparing a meal for you at once as a mother's sister would do. They also say that it is very likely she was resentful of your mother and takes it out of you. Nevertheless, a paternal aunt may be asked to assist her nephew to marry and with the consent of her husband, or son, she may contribute a heifer, though she is only likely to do so once. If there are several aunts and several nephews, one of the aunts will be asked for assistance on the marriage of one nephew and another aunt on the marriage of another nephew. Moreover, though the father's sister belongs to the 'bulls', her children are 'children of daughters' and the relationship of father's sister's son has the kindlier associations of this type of kinship.

604

It is only fair to say that the account given above is a gross distortion of the usual relations of a man with his paternal uncles and aunts, and indeed Nuer readily accept that they may be harmonious. They admit that many an orphan finds a true father in his father's brother and a true mother in his father's sister. They say that much depends on the character of the person concerned, the temper of relations between uncle or aunt and father and mother, and above all whether father and uncle have lived together, which often enough means whether they were full brothers, for then the uncle is one of those who has brought his brother's son up from childhood and regards him as much a son as a nephew.

I would remark here that, as was noted in our review of Nuer ideas about incest, though all paternal uncles and aunts are agnates, those who are uterine brothers and sisters of the father, while not, of course, in the Nuer sense of the word *gaatnyiet*, seem to partake in a kind of way of the quality of kinship through women just as, in a higher degree, the uterine brother does, for their kinship with the father is both on the byre-side and on the hut-side. They share with the father not only his paternal kin but his maternal kin also.

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602 Nevertheless, distortion though it may be, it is a distortion which by over-emphasizing certain features of relationship on the paternal side brings out one of their essential characteristics, the personal rivalries generated by corporate life and common interests. It is understandable that those who live together have many opportunities for quarrelling and that their common interests, especially in regard to cattle in which they all have rights, provide occasion for it. A Nuer is bound to his paternal kin from whom he derives aid, security, and status, but in return for these benefits he has many obligations and commitments. Their often indefinite character may be both evidence of, and a reason for, their force, but it also gives ample scope for disagreement. Duties and rights easily conflict. Moreover, the privileges of agnatic kinship cannot be divorced from authority, discipline, and a strong sense of moral obligation, all of which are irksome to Nuer. They do not deny them, but they kick against them when their personal interests run counter to them. We noted in the last chapter that Nuer realize that the paternal half-brother relationship is one in the nature of which there are cleavage and opposition. In the nephew-paternal uncle and the ortho-cousin relationships the opposition is perhaps less tense because the persons belong to different families and households and their interests are more divergent, and because less effort has to be made to repress antagonisms. In their interrelations we have in embryo and between persons the same complementary tendencies towards fission and fusion that we find between opposed segments in the lineage system which derives from these paternal relationships as branches derive from twigs on a tree. We shall later see how the relation of the agnatic type of kinship to the type of relationship through women, and the relation of the lineage system to the whole society, are of the same pattern. First we must consider the categories of kinship on the mother's side of the family.

604 Nuer say of the maternal uncle that he is both father and mother, but most frequently that 'he is your mother'. He is a man's great supporter when he is in trouble. If a youth has committed adultery or involved himself in some other trouble, and his father's people refuse to aid him, he goes to his maternal uncle for help. He will help his sister's son for his mother's sake. Nuer say also that 'your maternal uncle will give you a cow and its calf to start a herd, and more cattle when you marry'. Indeed, he is expected

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at any time to give you a goat or a spear, or even a cow if he can afford it, when you are in need of these things, though you ought some day to make return to him. The relationship between sister's son and mother's brother is one of tenderness. Nuer have often told me how indulgent a mother's brother is with the little children of his sisters. They say, for example, that if a boy living at his maternal uncle's home feels out of sorts and does not want to spread out the cattle-dung to dry in the sun or to perform some other domestic task of boyhood, and the sons of the home think he is shirking work and abuse him, their father will admonish them to leave his sister's child in peace. If this happened at the home of a paternal uncle he would support his own sons and upbraid his nephew for laziness and even beat him. If a man's father is dead and his father's brothers have few cattle or are unfriendly towards him, he may go to live with his maternal uncle, and the uncle's wife will cook for him. He may even marry from the uncle's herd. Also, a youth during his father's lifetime often visits his mother's kinsmen and stays with them for weeks together. A Nuer lad has always a second home if his maternal uncle is a full brother to his mother. A mother's half-brother is regarded as a more distant person.

A man particularly looks for assistance from his mother's brothers when he wants to marry. If a mother's full brother likes his sister's eldest son he may give him two or three cows to help him get a wife, and he may make further contributions on the marriages of the younger sons. However, as in the case of the paternal half-uncle, a maternal half-uncle considers that he has done his duty if he assists one son of his sister's family to marry. He expects his next nephew to marry to approach his brothers for help. Even a maternal full uncle is not obliged to contribute to his nephew's bridewealth. If he refuses aid he cannot be deprived of cattle on the marriages of the young man's sisters. Any assistance he may give is regarded as an act of friendship and not as a return for the cattle he receives. The only cattle the mother's people are obliged to pay to her sons are a male and a female calf, which in eastern Nuerland are known as the *ghok jookni*, the cattle of the ghosts. This claim becomes due when the mother has reached the menopause.

The mother's brother-sister's son relationship is marked by a number of special observances. A youth at his initiation may ask

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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [164] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [253] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a 604 maternal uncle is desired, his curse is believed to be among the 789 worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

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and fishing and hunting, if he is disobedient or refuses a request or in some other way offends him. The curse may also prevent the nephew from begetting male children. Nuer therefore, however angry they may be, avoid swearing at their maternal uncles: 'Above all you must not swear at your maternal uncle. You might even think of swearing at your father but never, never, at your maternal uncle.'

It is the privilege of a maternal uncle's wife to swear abusively at her husband's sister's son. She does this teasingly and not in anger. He will not answer her back unless he is of about her age. A mother's brother's wife is often addressed by the anomalous term '*mandong*', 'grandmother', though '*ma*', 'mother', may also be used. When so addressed she answers her husband's sister's son as '*gatnyimar*', 'son of my sister', or '*gatnyieti*', 'son of daughters', 'on account of her husband whose sister bore him', and not as 'grandson'. Nuer have given me two reasons for this usage. I was told that 'after the mother of your mother has died she (your maternal uncle's wife) turns herself into something like your grandmother'. This corresponds to a man calling his wife's elder sister 'mother' when his mother-in-law is dead and respecting her as a mother-in-law. I was also told that 'you call her (your maternal uncle's wife) *mandong* (grandmother) because if he (your maternal uncle) dies you may take his wife'. Though in my experience this seldom happens, the second explanation is consistent with another anomalous usage, the description by a woman of her husband's sister as '*mancoada*', which means literally 'mother of my husband', and of the son and daughter of her husband's sister as '*gatmancoada*' and '*nyamancoada*', 'my husband's mother's son' and 'my husband's mother's daughter'. In spite of these explanations it may be suggested that these peculiarities of behaviour and language relating to the maternal uncle's wife may be most appropriately interpreted in terms of the position of the maternal uncle in the kinship system.

The many observances relating to the mother's brother-sister's son relationship are indicative of this position, a further indication perhaps being the fact that, as will be seen in the following section, he alone among kinsfolk is not usually addressed by terms proper to the family. He is not, of course, strictly speaking a *gatnyiet* to his sister's son, but the relationship is one of this kind because his sister's children are *gaatnyiet* to him and his sons. Also in a

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604 general sense, in contrast to the 'bulls', the maternal uncle is a relative through a female, the mother. Indeed, he is spoken about
601 by Nuer as a kind of male mother himself. The significance of his position is due to the fact already drawn attention to, that there is a pull on a man in two directions in the Nuer kinship system, towards his father's kin and away from them towards his maternal kin, a tension especially marked in the case of an eldest child and in polygamous and concubinary families.

604 This balance is, as we have seen, very marked in the Nuer kinship system. When one lives among Nuer the relationships of *gwanlen, nar, wac, manlen,* and their children are hardly ever out of one's mind, for there are few conversations in which one or other of them does not figure; and in all discussions of a formal or ceremonial nature they go in pairs of opposites, the paternal uncle with the maternal uncle, the paternal aunt with the maternal aunt, and the sons of the one with the sons of the other. The balance between father's kin and mother's kin is always maintained on important occasions of social life, such as marriages, settlements of feuds, and religious feasts, when relationships are formally defined.

604 The balance is felt also by Nuer in their everyday life, and it strongly affects the relationships. A mother's brother, for example,
602 is not just a mother's brother. He is, so to speak, a mother's brother and not a father's brother; and the fact that a man has a mother's brother towards whom he can turn in trouble affects his relations with his paternal kin. Relationships are tinged with their opposites. This is not a mere relation of opposites within a formal pattern. We have constantly noted throughout this book the very powerful and frequent attraction of the maternal kin in such a practical question as where a man resides. We have seen that a first-born ought to be brought up by his maternal grandparents; that fatherless young men often go to live with their maternal uncles; that youths frequently stay with their mother's people; that attraction to the maternal kin is accentuated by one or other form of concubinage; and that men easily identify themselves through female links with the lineage with whom they reside. A man has always the choice of several homes, and if he does not care to reside with his paternal kin he can attach himself to the home of other male or female kinsfolk. It is generally towards his mother's brother's people that he turns his eyes when

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he has disputes with his paternal kin or feels unhappy among them. I had the impression that Nuer, who often talk about it, are very conscious of this pull away from the paternal kin which is personified in the maternal uncle. It signifies not only a balance between paternal and maternal kin within the kinship system but also a balance between the lineage and the society which contains it—between the lineage system and the total social structure. 604 602

The relationship between the *gaatnar*, the children of the mother's brother, and the *gaatwac*, the children of the father's sister, who belong to different lineages and, usually, different local communities, is considered by Nuer to be one of easy companionship. Friendship between a man and the sons of his maternal uncle is not blended with the reserve which difference of generation introduces into his relationship with their father. However, the tension personified in the mother's brother cannot but to some extent affect the relationship with his sons. The sons of the mother's brother are the counterpart to the agnatic cousins, the sons of the father's brother, and the two relationships seem for Nuer to stand in opposition. 605

It remains to say a few words about the *manlen*, the mother's sister. Nuer say of her that she is like the mother's brother, that 'she is your mother', and that she will love you as a son. 'Your mother's sister is your friend. Is she not the sister of your mother?' If you live at her home she will not, like the father's sister, favour her own children at your expense. You are her son and you will eat with her own child and share and share alike with him like brothers. When you visit her from a distance she sees that you are hungry from your journey and at once leaves off what she was doing to prepare a meal for you, and she pours her best butter over the porridge she has prepared for you. It is the mother's sister relationship that Nuer mostly invoke when hurling their spears in hunting and fishing: '*Tet cueda malene*', 'My right hand, my mother's sisters.' This is equal to the *moc*, the invocation of a favourite ox. A mother's sister, like a father's sister, will be asked to contribute a heifer on the marriage of one of her nephews, but she, also, will not be expected to contribute again on the marriage of another son of the same sister. I was told that when a mother's sister dies her nephew may not visit her grave without a goat for sacrifice. 604

The mother's sister-sister's son relationship belongs to the

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604 *gaatnyiet* category, for the children of each of two sisters are children of the daughters of the lineage to the other. Of all Nuer relationships it is the one of the most unadulterated benevolence. The two women and their children may generally be expected to live in different local communities, so that their interrelations are limited to friendly visits. There are none of the elements of opposition which make the relationship of mother's brother to sister's son more complex and explosive. The husbands of the sisters are not likely to be near kinsmen. There are between them none of the bridewealth transactions which complicate the mother's brother-sister's son relationship. There is no pull on the children towards the mother's sister as there is towards the mother's brother and the maternal kinsmen who live in the mother's home. It is perhaps because of the simple affection that the relationship implies to Nuer that *gatmalen*, son of my mother's sister, is a form of address sometimes used to unrelated friends whom a man wishes nevertheless to address by some kinship term.

III

000 I have been speaking up to the present of relations between close kin, the nuclear kin, who fall in relation to any particular person into a limited number of categories of relationship. These categories make a pattern which we call the kinship system. It was shown in the first chapter how all the members of a person's community are kin (including affines in this term) to him in one way or another, that is, they can all be placed in one or other of these categories. Clearly they are kin in a more remote sense. It is to this more general aspect of the kinship system that I now turn. It is perhaps most conveniently approached in the conventional manner of anthropological writings by an examination of the use of kinship terms.

601 Nuer kinship terms can be used descriptively to speak of any particular relationship, either with or without reference to a particular person. The construction of these terms is simple, e.g. the father's sister's daughter is *nyawac* (*nya*, daughter, *wac*, father's sister) and the mother's brother's son is *gatnar* (*gat*, son, *nar*, mother's brother). One can combine the primary terms to describe any relationship, e.g. *gatnyawac*, father's sister's daughter's son (*gat*, son, *nya*, daughter, *wac*, father's sister), and

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gatgatnar, mother's brother's son's son (*gat*, son, *gat*, son, *nar*, mother's brother). The terms can, indeed, be presented in a perfectly symmetrical form, for it is correct, though unusual, to say in Nuer *gwanman* (*gwan*, father, *man*, mother) or *gwangwan* (*gwan*, father, *gwan*, father) when speaking of the mother's father or of the father's father if one particularly wishes to distinguish between the maternal and paternal grandfathers; or one can say *demangwan* (*deman*, uterine brother, *gwan*, father) or *gatgwangwan* (*gat*, son, *gwan*, father, *gwan*, father) in speaking of the father's uterine brother or of his paternal half-brother if one wishes to emphasize the distinction, though here again the usage would be cumbersome and uncommon. In fact, it is possible to describe any relationship by combinations of the family terms *gwan*, father, *man*, mother, *deman*, brother, *nyiman*, sister, *gat*, son, and *nya*, daughter, though it would be unusual to describe, for example, the *wac*, father's sister, as *nyimangwan*, sister (daughter of the mother) of the father. Conjugal relationships are very simply indicated by the prefixes *co*, husband, and *ciek*, wife, e.g. *cowac*, husband of the father's sister, and *ciekgatmanlen*, wife of the son of the mother's sister. The husband's affinal relations are denoted by the words for members of the family suffixed by *thu*, e.g. *manthu*, mother-in-law, *nyimanthu*, sister-in-law. The same terms are used for the wife's parents-in-law, but, as we have earlier noted, her husband's brother is her *cocang* and his sister her *mancoa*.

When a Nuer speaks about his family and kin and affines he uses these terms in a slightly different, the possessive, form, e.g. '*gwadong*', 'my grandfather' (paternal and maternal), '*mar*', 'my mother', '*nyimar*', 'my sister', '*gatda*', 'my son', '*wacda*', 'my father's sister', '*nara*', 'my mother's brother', '*gwathu*', 'my wife's (husband's) father', '*conyimar*', 'my sister's husband', &c.

When he addresses them, as in greeting them, he normally uses, and in many cases ought to use, an even simpler nomenclature. Both grandfathers are addressed as '*gwadong*' (or '*gwandong*') and both grandmothers as '*madong*' (or '*mandong*'). The father, his brothers, his paternal cousins, and the husbands of all kinswomen of his and the mother's generation are addressed as '*gwa*', 'father', or sometimes by the respectful form '*gwadin*'; so also are the male kinsmen and affines of the wife by her husband and the male kinsmen and affines of the husband by his

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601 wife if they belong to an older generation. A man addresses his mother, his father's other wives, the wives of his father's brothers and paternal cousins, his father's sisters, his mother's sisters, and the wives of all maternal kinsmen of an older generation as '*ma*', 'mother', or sometimes by the respectful form '*madin*', as well as by such terms as '*wacda*', 'my father's sister', and '*malen*', 'my mother's sister'. Also, all those women his wife addresses as '*ma*', 'mother', among her relatives and affines are addressed by the same term by her husband, and all those women the husband calls '*ma*' among his relatives and affines his wife calls '*ma*' also. The maternal uncle is addressed as '*nar*'. A man addresses his brothers and sisters and the sons and daughters of his father's and mother's kinsmen and kinswomen of their generation as '*demar*' (or '*gatmar*'), 'my (uterine) brother', and '*nyimar*', 'my (uterine) sister', as well as by such terms as '*gatwac(da)*', 'son of (my) father's sister', '*nyanar*', 'daughter of (my) mother's brother', and '*gatmalen*', 'son of my mother's sister'. He may likewise address the husbands of kinswomen and the wives of kinsmen as 'brother' and 'sister' if they are of his generation instead of by such terms as '*conyimar*', 'husband of my sister', and '*ciekdemar*', 'wife of my brother'. A man addresses his wife's kinsfolk and affines of her generation and she addresses his kinsfolk and affines of his generation by the same terms. Sons and daughters are addressed as '*gatda*', 'my son', and '*nyada*', 'my daughter', and the sons and daughters of all members of the speaker's paternal and maternal kin of his generation may be addressed by the same terms as well as by '*gatdemar*', 'son of my brother', '*nyademar*', 'daughter of my brother', '*gatnyimar*', 'son of my sister', and '*nyanyimar*', 'daughter of my sister'. The children of affines, and of their affines, of the speaker's generation are also habitually addressed as 'son' and 'daughter', and also their spouses. The children of those addressed as '*gatda*' and '*nyada*' are generally addressed by the same terms, though the son's son may be addressed as '*gatdoda*' and I believe that the daughter's daughter is sometimes addressed as '*nyadoda*'.

In other words, all kinsfolk—paternal, maternal, and affinal—of an ascending generation, except the mother's brother, and even he sometimes, are commonly addressed as '*gwa*', 'father', or '*ma*', 'mother' ('*gwadong*', 'grandfather', and '*madong*', 'grandmother', being only variations meaning 'aged father' and 'aged mother');

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all kinsfolk of the speaker's generation are commonly addressed as *'demar'* (or *'gatmar'*), 'my uterine brother', or *'nyimar'*, 'my uterine sister'; and all kinsfolk of the descending generation are commonly addressed as *'gatda'*, 'my son', or *'nyada'*, 'my daughter'. 601

Even within the family and close kin Nuer use kinship terms so unprecisely that it is only possible to know more or less, when one hears a term used, the type of relationship referred to. A man may be described as *'deman* Cam', 'Cam's uterine brother', when he is in fact his paternal half-brother, or as *'gwan'*, his 'father', when he is in fact his father's brother. A man may describe his relationship to a woman by saying that she is *'nyimar'*, 'my sister', or *'nyamalen'*, 'my mother's sister's daughter'; or he may use both terms, indicating his relationship to her both less and more precisely: *'Nyamemo e nyimar, e nyamalen'*, 'That girl is my sister, is my mother's sister's daughter.' A man may address his maternal uncle as *'nara'*, 'my maternal uncle', or as *'gwa'*, 'father', and the uncle may reply *'gatnyimar'*, 'my sister's son', or *'gatnyieti'*, 'son of daughters', or *'gatda'*, 'my son'. Choice of terms is influenced by the age and genealogical propinquity of the persons concerned. A man may address his *gatnyawac*, the son of his father's sister's daughter, as *'gatnyada'*, 'son of my daughter', and the man may then reply *'gwadong'*, 'my grandfather', but they will also, and usually, address one another as *'demar'*, 'my brother', if they are of about the same age. If a man addresses another of about his age as 'grandfather' he does so jestingly, even though the man in fact stands to him in a classificatory sense in this relationship, e.g. is a member of his maternal grandmother's clan. Although a man may stand to another as maternal uncle in that he is a member of his mother's lineage and of her generation, he is unlikely to address him by the term *'nar'*, 'mother's brother', unless he is closely related to his mother. He is more likely to address him by the general term of respect *'gwa'*, 'father'.

In spite of this vagueness there is discernible in the use by Nuer of their kinship terms a tendency, so general as to be a convention, to place kinsmen in a category of relationship nearer to the speaker than their genealogical relationship to him. As I explained in the last chapter, a man almost invariably uses *'demar'* (or *'gatmar'*), 'my uterine brother', when speaking to, or about, his paternal half-brother instead of *'gatgwar'*, 'my father's son', a term he keeps for the sons of his paternal uncles. He uses *'gatgwalen'*,

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601 'son of my father's brother', for more distant cousins, members of his lineage and clan of his generation. To use '*gatgwalen*' in ordinary conversation for your actual father's brother's son suggests that your relations with him are not cordial. Likewise, to speak to this man's father as '*gwalen*', 'my father's brother', instead of '*gwa*', 'father', is suggestive of coldness in the relationship. The same tendency is observable in the use of terms for relatives on the mother's side also. A man calls his mother's sister's son '*gątmar*', 'son of my mother', and keeps '*gatmalen*', 'son of my mother's sister', for more distant maternal cousins, or as a courtesy term for unrelated persons. It is bad form to use the correct term for a near kinsman. They say that it is cutting the *gol*, the hearth, off from the *wec*, camp, that is to say, it is drawing a distinction between members of your family and members of the community of kin among whom you live.

Nuer say that when a man uses kinship terms in their exact and literal sense it is because he wishes to stress the precise relationship in which a man stands to him in order to evoke from him some action which is contained in the pattern of behaviour the relationship carries. It generally means that the speaker is asking for a gift or favour: '*Bi e lim ka duob maridun*', 'You beg for it in the path of your kinship'. Another way of making the same emphasis is by using the *cyot gwan* or *cyot man*, calling the man after the proper name of his father or mother. One also hears the correct usages on ceremonial occasions. One hears them also at dances, for it is then customary for youths to shout them out formally to kinsmen. On such occasions, and as a complimentary usage in chatting, one hears the otherwise rarely used term '*degwar*', 'son of my father'—the correlative to '*demar*', 'son of my mother', as '*gatgwar*' is to '*gatmar*'—though it would only be used for paternal cousins and not for the real father's son. I was told that one would also use this term to stress an agnatic link if one required assistance in fighting. The exact usages are also heard when grown-ups or older children are talking to small children about their elders and wish to impress on them the precise relationship in which they stand to them. In like manner, members of the forms of family other than the simple legal family use the same terms of address to one another as members of a simple legal family do, except in such legal or ritual situations as seem to require indication of legal status.

Ordinarily, with near kin relationships are contracted. The

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person addressed is taken out of a more distant category of relationship and placed in a more intimate one, but he can be telescoped back again to his genealogical position on occasions. When a Nuer calls a paternal uncle 'father' he is avoiding excluding him from the family circle by calling him 'father's brother'. For this reason terms of relationship are of greater significance among the extra-family kin than they are in the family itself, where intimacy between its members is so self-evident that if any mode of address is required some other mode is commonly employed, such as the use of personal names.

As Nuer have only a limited number of terms of relationship, they have to ring the same changes with them whether a relationship is more or less remote. A paternal cousin six times removed is a *gatgwanlen* no less than a first paternal cousin and can equally be addressed by the terms '*gatgwar*', 'son of my father', or '*demar*', 'my uterine brother'. The son of a woman of my mother's clan is '*gatmalen*', 'my mother's sister's son', whether he is a first cousin or of unknown genealogical distance, and he will equally be addressed as '*gatmar*' or '*demar*', 'my uterine brother'. Again, any member of the wife's father's or mother's clans is a *gwanthu*, father-in-law, and will therefore be addressed as '*gwa*', 'father'. Consequently a kinship term, even when used in its right place, can only denote the category of relationship and not its degree. Moreover, the relationship need not be of a direct personal kind at all but may derive from a link between lineages of any distance back. When a man of one lineage has married a woman of another lineage some generations ago all his descendants by her can be regarded, should anyone care to remember the marriage, as *gaatwac*, children of the paternal aunt, or *gaatnyiet*, children of sisters, by the men of the second lineage, and they can be regarded as *gaatnar*, children of the maternal uncle, by the men of the first. Likewise, lineages descended from sisters can regard each other as *gaatmanlen*, children of the mother's sister. There are so many cross-strands in Nuer society that a man can always find some relationship to another man should he care to do so, and hence place him in one or other of the categories of the kinship system and address him by a term appropriate to this category. Nuer squeeze all members of their communities, all those whom they meet often, into the system somehow. For example, I once asked a Nuer lad why he referred to another man as '*gatgwar*', 'son of

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601 my father', and he replied: 'He is my father's brother's son (*gatgwalen*)'. As I knew that the two men were either not at all or very distantly related, I asked how this could be. The lad then said that the man was 'a son of my father's distant brother (*gatgwalen ka noni*)'—a distant paternal cousin—and he added: 'He has lived so long among us that I call him "son of my father" ("*gatgwar*"). He has become my father's son. Also, his father and mine were of the same age-set.'

601 561 The example I have given introduces a complication, for, quite apart from the kinship system, every adult in Nuer society can be addressed by one of the family relationship terms in virtue of his position in the age-set system. As I have described this system elsewhere it need here be considered only in so far as it is immediately relevant to the subject of kinship. Males are divided into the grades of boys and men, boys being initiated by successive sets into manhood by a severe ordeal. Without discussing the intricacies of the system it may be said that this arrangement of males by age means that from the point of view of any individual man all the other men of his society are formally classed as seniors, equals, and juniors, the division corresponding roughly to three generations —the older, his own, and the younger. To seniors he must show deference, with his equals he is on free and easy terms, and from his juniors he expects deference. Women are brought within the system as being daughters, sisters, and wives of members of sets. The age-set system thus supplements the kinship system in the organization of interpersonal relations in everyday social life. Again without going into details, men of an older generation within the system are 'fathers' and their sisters and wives are 'mothers', men of a man's own generation are 'brothers' ('sons of the father' or 'sons of the mother') and their sisters and wives are 'sisters', and men of a junior generation are his 'sons' and their sisters and wives are his 'daughters'. People address one another accordingly, except that men of the same generation usually salute one another by their ox-names. Thus everybody in Nuerland can be addressed as 'father', 'mother', 'brother', 'sister', 'son', or 'daughter' by reference to their position in the age-set system, and this usage may be regarded as a special instance, and one of the widest radius, of the classificatory use of relationship terms. All men of a man's father's age-set are his 'fathers', and all sons of a man's age-mates are his 'sons', and so forth. A man even speaks

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collectively of members of a set senior to his own, other than his father's set, as in-laws if they are senior enough for it to be likely that he will marry one of their daughters. In a sense everybody in the age-set system—that is to say, everybody in Nuerland in one way or another—is kin to everybody else, and the word *mar*, kinship, can be used in this connexion: *mar rica*, age-set kin. The use of relationship terms for persons within the system may in part—the common use of personal names may be another reason—account for the very informal, even haphazard, use of kinship terms among the Nuer, for the terminology of address of the age-sets may cut across that of kinship. For example, a man may be to another a classificatory paternal uncle or grandfather genealogically, but if he is of the same generation he is his 'brother' and would so address him and be addressed by him. Contradiction between the two systems is avoided by the assimilation of the values of both to those of the family by the use of the family relationship terms, for though one may not know whether a man is being addressed as 'father' in virtue of his place in the kinship system or in the age-set system, it could never happen that a term appropriate in the one would be inappropriate in the other. It is always correct to address very old persons as 'grandfather' and 'grandmother', persons of one's parents' generation as 'father' and 'mother', persons of one's own generation as 'brother' and 'sister', and persons of the generations of one's children and their children as 'son' and 'daughter'; and this usage may be quite independent of either kinship or age-sets, being merely a courtesy extension of the family terms to all men.

All members of a man's community, whether it be large or small, can thus be addressed by one of the family relationship terms. We do not, I think, understand this convention so well by regarding it, as it is often regarded, as an extension of family terms and sentiments from members of the family to kin as when we regard it as the verbal telescoping of kin into the circle of family reference so that, as Nuer say, the *gol* is not cut off from the *wec*, the hearth from the camp, the family from the community. A man belongs not only to his family but to a wider society.

IV

The classificatory use of terms of relationship is a special problem to be considered separately from the wide recognition of

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kinship from which it derives. A Nuer, as has been reiterated, establishes a kinship tie with all with whom he has frequent intercourse. Consequently a *ram mo gwagh*, an unrelated person, is a relative term. It signifies a person to whom a man has no genealogical position close enough to prevent intermarriage between their families, someone with whom, even if he could trace relationship, it would be remote. To all intents and purposes he is not kin but a stranger, which amounts to saying that he is neither a close kinsman nor a member of one's immediate local community, that one does not stress a kinship link with him because one has no close social relations with him. Ultimately and potentially everybody is kin, or can be made to appear so if circumstances demand. This is understandable in a society where kinship values are the only guide in interpersonal relations. When a man has constant intercourse with another it is therefore necessary that each be in some category of kinship in respect of the other so that each may have a rough-and-ready guide to the kind of behaviour expected of him and which he may expect from the other. The categories of the kinship system give him only a formal pattern of relationships, and the content of each relationship depends on genealogical distance, proximity of residence, personal feelings, and other factors. But they enable him to systematize his social contacts, to place everybody in a definite position in relation to himself, and so to have the security of living in an ordered world.

Now, as we have noted, these kinship values tend to fall into two broad types, the agnatic type and the type through women. The first is characterized by common group interests and a certain hardness between those who share them, and the second by lack of common group interests and the absence of the jealousies and disharmonies they entail, being no more than a set of separate personal relationships. Relationships of the first type harden into lineage structure, those of the second type remain on an interpersonal kinship footing. This means that a Nuer's contacts with all persons outside the agnatic groups to which he belongs are on a pattern the common design of which is one of tenderness, an attenuated benevolence of family sentiments; and this includes both immediate relationships between persons through female links and, in a lesser degree, relationships between persons through lineage links of the same category at some more or less distant point of time. Thus members of the same lineage are

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bound to each other by common descent, by ritual ties, by common cattle-interests, by the duty of blood-revenge and other moral obligations, by association with a common territory, and so forth, while they are united within the wider society to persons, and as a group to other lineages, by multiple ties of kinship, all of which lack the ambivalence of agnatic kinship. We have noted, moreover, that the Nuer lineage is not merely a descent group but is a descent group with political functions. It may not therefore be too fanciful to suggest that the agnatic type of kin relationships is associated with the autonomy of political segments and their structural opposition to one another—the process of fission, and the non-agnatic type of kin relationships is associated, through a complex network of ties of this type, with the wider social system which binds these segments together and contains them—the process of fusion. The one set of attitudes emphasizes the singularity and exclusiveness of the agnatic group, in terms of which political values are expressed, and the other emphasizes the community life in which such groups are merged.

In ultimate analysis it might be held that the in-groups, the lineages, and the political units associated with them carry the sentiment of the father-son relationship, and the total community comprised within the multiple strands of the kinship system carries the sentiment of the mother-son relationship. I do not myself hold to such a psychological reduction. I do not think it is true that there are such simple and opposite feelings towards father and mother or that the attitudes to parents are extended to kinsfolk in so simple a manner. I prefer a sociological interpretation in terms of jural relations within the Nuer social system.

I have tried to show in *The Nuer* how the lineage system provides the framework of their political system through the association of lineages with tribal segments, and in this book how, when we examine the constitution of each such segment, we find that it consists of a network of interpersonal kinship ties which connect all its members to one another and directly or indirectly to its dominant lineage, thereby giving to the lineage its corporate character. It is the interaction of the lineage principle with the values of the kinship system which makes any neighbourhood or residential group structurally significant. Through the fusion of all elements into the dominant lineage within each local community, when the community functions as a political unit, the

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lineage system becomes the organizing principle of the political structure of the wider society which contains it.

The antithesis between kinship and neighbourhood made by Maine and Morgan can therefore be only a logical one and may easily be misleading. Kinship values and political values based on locality are interdependent. All who live together express their relations to one another in terms of the kinship system, and they express their collective interests as a unit in the political system in terms of the lineage system to which they are attached by various kinship ties. The internal network of kinship links gives the local community the cohesion necessary for it to function as a political unity, but it is also true that it is because people are living together that kinship between them is emphasized and effective in the ordering of their interrelations. Hence it is that individuals stress whatever category of kinship is most significant in the particular circumstances of residence in which at any time they find themselves. People do not live together unless they are kin, but kinship is made effective by living together. But though interconsistent, the political system and the kinship system are not only different kinds of system but are on different levels of abstraction. The whole society can be regarded as a network of strands of relationship which regulates relations between persons throughout Nuerland, or can be viewed as a set of relations between local groups in which these strands are ordered by the lineage system into corporate collectivities on the basis of territorial distribution.

In every primitive society we find both family groups and a politically organized society in which they are contained and without which they could not maintain themselves. The values of each affect the other in a two-way movement. The kinship system derives from the family, being, through marriage, built up of a series of families, and it has among the Nuer, as we have seen, an almost limitless extension, at any rate in the sense that everyone can in one way or another and in some degree be placed in a kinship category by everybody else and addressed by them by a kinship term which in common usage is a family relationship term. The whole society is, in this sense, one great family. It has been noted that *mar*, kinship, also means 'my mother', and that this is perhaps significant because all kinship, even with the father and hence with the paternal kin, is through the mother; and in this

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general sense of kinship one does not grade its categories but gives them equivalence. 601

The impress of the structural form of the wider society on the kinship system and the family group is no less important. It determines, at any rate to some extent, the emphasis placed on categories of relationship and how far kinship, and therefore descent, are traced through father and mother. It is evident that in Nuer lineages, as I have explained at length in *The Nuer*, agnatic kinship has an extension and depth correlative to their political functions. It may also be suggested that the pull in opposite directions, towards the paternal kin and towards the maternal kin, to which attention has been drawn, is related to the lineage system. The fissiparous tendencies of the lineage system give particular value to the distinction between full brothers and paternal half-brothers in both family and kin, and hence also to the polygamous family and to the position of wives in it. The supremacy of the agnatic principle which the lineage system embodies, also, it has been suggested, by subordinating the roles of the family and of the father to the interests of the wider groups of paternal kin and the lineage, allows the many variants of forms of the family which are so common in Nuerland, and also the widespread adoption of Dinka, the easy translation of affinal and age-set ties into the values of the kinship system, considerable social mobility, and high status of women. All these features seem to be interconsistent.

It may also be suggested that the balance between paternal and maternal kin and in general the equivalence given to all relationships in the kinship system in ordinary social life is related to the lineage system. As we have seen, Nuer lineages are dispersed groups and a man's neighbours belong for the most part to lineages other than his own. Therefore, since Nuer move freely and far, they must trace kinship widely through female links, particularly on the mother's side, as well as agnatically, if they are to make the attachments to persons and lineages which local associations demand, and so live in an ordered world in which every person can be placed in some relationship. The size of a man's local community and the degree of his mobility in it—his social space—affect the manner and range of his counting of kinship, spreading it widely on the mother's side. The individual, it is true, sees the kinship system only in relation to himself and does not reflect on

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601 its general social functions, but the student perceives it, without reference to any particular person, as a means by which the members of Nuer society are interconnected in a complex network of numberless strands of relationship. We have noted that the wide tracing of kinship through both father and mother, and indeed through the wife also, and in every direction, is found together, as might be expected, with an extensive distribution of marriage prohibitions, to which the conventions governing bridewealth claims are complementary.

In seeking to understand Nuer society, abstractions from behaviour have been related to one another in order that it may be seen as a whole in the patterns which emerge from the confusion of actualities. We have dealt in this book mainly with the family, the kinship system, and the lineage system, and we have discussed their relations to one another in the whole society, particularly in terms of its political structure to which my earlier book was devoted. As I have explained there, the values of the different social systems operate in different situations and at different levels of social life. I have here attempted to show in demonstration of this thesis how interpersonal kinship relationships deriving from marriage and the family are organized into segments of the political structure through the dominant, or politically significant, lineages which, in the absence of any other principle of organization, alone make possible the large-scale community necessary, in the oecological conditions prevailing, to the Nuer way of life. The dominant lineages have a central position, for at one end they are structural groups with political functions, while at the other end they spread out into relationships of a kinship kind through which the attachments are made which enable them, while remaining distinct descent groups in certain situations, to become in other situations identified with residential groups and so to function politically.

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NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage
583 is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

583 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are
431 said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father)
602 and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

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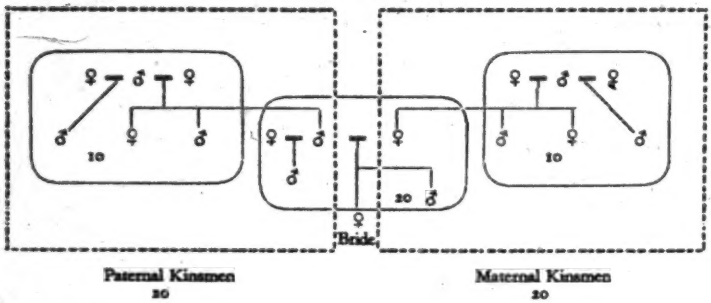
DIAGRAM I



when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	*Total*
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf[1] .	8
Gat gwan (father's son)	A cow, and another cow[2] . . .	2
Gwanlen (*indit*) *kwi mane* or *kwi dwiel* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox .	4
Gwanlen kwi gwane or *kwi luak* (father's brother by a different mother)	A cow and its calf, and an ox . .	3
Gwanlen (*intot*) *kwi mane* or *kwi dwiel* (father's younger brother by the same mother)	A cow, and an ox	2
Wac (father's sister)	A heifer[3]	1
	Total	20
KWI MAN (on the maternal side)		
Man (mother)	A cow and its calf, and a heifer . .	3
Deman (brother by the same mother)	An ox, another ox, a cow (*yang deman*), another cow (*yang cika*), a cow and its calf, and another cow[4] . . .	7
Nar (*indit*) *kwi mane* or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

[1] The single calf is sometimes called *puang*(*de*) and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang luak*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kwoth*, the cow of the spirit of the father.

[2] These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

[3] This animal joins her husband's herd if he is alive.

[4] The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

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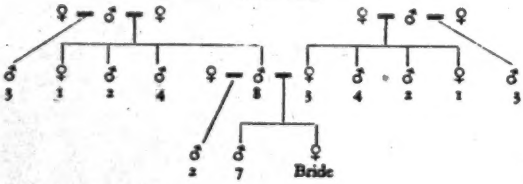
	Cattle	*Total*
Nar kwi gwan or *kwi luak* (mother's brother by a different mother)	A cow and its calf, and an ox . . .	3
Nar (intot) kwi man or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer[1]	1
	Total	20

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: *Manlen a cuong*, 'The maternal aunt has a right'; *Wac a cuong*, 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:

DIAGRAM II



It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaat gwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaat wac* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of these kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

[1] This animal joins her husband's herd if he is alive.

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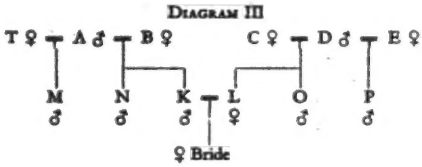
It is probably for this reason that the cows given to grandparents or their sons are called *wangnen* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at the most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later these cattle of the grandparents are not paid in addition to the 40 already listed.

DIAGRAM III



SOME FEATURES OF THE DISTRIBUTION

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

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aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*wany*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaat man*) and sons of the father (*gaat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel*, on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*gol*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.[1]

Mode of Reckoning Bridewealth

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bridewealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearthed by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bridewealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwanr*, the cows of the paternal grandparents.
   wangnen mam, the cows of the maternal grandparents.
2. *yang gwanr kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   yang mam kene doude, the cow of the mother with its calf.

[1] See *The Nuer*, chap. v.

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3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
   yang nara kene doude, kene thakde, ke puangde, the cow of the maternal uncle with its calf, and his ox, and his *puang* (ox).
4. *dou* (*nac*) *waca*, the calf (heifer) of the paternal aunt.
   dou (*nac*) *manlene*, the calf (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
   yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
   thak gat gwan, the ox of the paternal half-brother.

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It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangnen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nare*, the cattle of the maternal uncles, to the home of the senior of them.

Number of Cattle Paid To-day

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[1] It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

[1] Mr. Jackson, writing in 1923 (*Sudan Notes and Records*, vol. vi, p. 154), gave 13 to 15 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the payment of 40 was said to have been not unusual. Mr. Coriat, writing somewhat later, said that the original bridewealth of the Gaawar tribe was 50 head of cattle, but that it had dwindled to 15 or 30.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put foward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

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When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some dozen beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others

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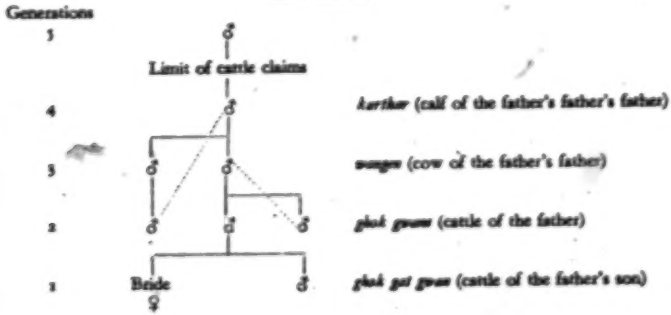
to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

DIAGRAM IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gwan buthai*, is always given a calf, sheep, or goat, known as the *yang mute*, the 'cow' of the spear (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *genitor* of the bride is a different person from her *pater*, as is often the case among the Nuer, and is also not merely a kinship substitute for him, the *genitor* has a right to a cow, called *yang leta*, the cow of the loins, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

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NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

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MARRIAGE among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

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The chief ceremonies are the *lawing*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about; especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1932 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The sociological and political background is given in *The Nuer*, Clarendon Press, 1940.

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flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen from this paper that there are always, besides prolonged discussions about bridewealth, sacrifices, and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and very often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

An essential rite in the marriage ceremonies is the sacrifice of a beast to the ghosts and spirits by which they are made cognizant, and witnesses, of the union in an address delivered to them before the beast is slain. This part of the rite concerns only the close kin of the bride or bridegroom and the address is sometimes spoken in so low a tone that it is almost inaudible amid the general clamour. People chat and shout to each other about affairs which have no connexion with the marriage, or interpolate comments into the address, a long rambling speech which may refer to almost anything which interests the speaker so long as he mentions the object of the rite and puts into it now and again some traditional phrases. The young people are dancing, the women engaged in household tasks, and it is the older men, mostly kinsmen of the bride and bridegroom, who gather round to watch the sacrifice, which to them is just one of the phases of the ceremony, like the bridewealth talks and the beer-drinking, and does not entail any special attitude on their part. The sacrifice also is often a great confusion, everyone shouting advice and instructions to everyone else and arguing good-humouredly about the division of the meat. The specifically religious part of a ceremony seems to be lost amid all the talk and movement, but it is none the less the core of the ceremony, what occasions it and gives it meaning.

Even the kinsmen of the bride or bridegroom, as the case may be, attend the sacrifice largely because it is the prelude to a division of meat, for though the ox is dedicated to the ghosts and spirits, its material destiny is to be eaten by the kin of one partner to the marriage, who, being guests, have to be provided with meat by the kin of the other partner. The people who sacrifice the beast, usually an ox, eat very little of it. They are interested in the religious part of the rite since it is their ancestors and spirits to whom the beast is dedicated. The visitors are not concerned with the ghosts and spirits of the other party but are interested in the meat which is their due, to each kinsman his customary portion. A sacrifice is thus a distribution of gifts of meat by the kin of one of the spouses to the kin of the other.

One notices the same lack of formality in the order of the rites, and the sequence of their parts, as in the performance of them. The place of each movement is determined only by the logic of necessity. An ox has to be pegged before it can be speared and it has to be skinned before it can be cut up and cooked. Otherwise there is merely a usual time for acts to be done, though it would not matter if they were done at a different time or in a different order. For example, it is usual to sacrifice an ox at the betrothal ceremony towards the end of the evening dance, but it can equally well be done on the following morning. Nuer ritual procedure is generally happy-go-lucky.

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The Preliminaries

Generally, there has long been an understanding between the youth and the girl he wishes to marry and she has been his sweetheart (*luw*), though sometimes a youth decks himself as a bridegroom, and in the company of another youth, arrayed in the ornaments of a best man, tours the countryside in search of a bride. In either case, the youth will not ask for the hand of the girl without her consent.[1] A maiden consents to marry a youth only if he has cattle. He and his friends must then ask her family and they will consult their kinsfolk. So long as there is no kinship bar to the marriage and the youth has both cattle and a good reputation they are not likely to reject his suit. They know what is going on long before they are formally asked for her hand, so when a girl tells her menfolk in the byre that there are guests outside who wish to speak to them, the men know what they have come for. The suitor and his friends enter the byre and seat themselves to the right, the girl's people being seated to the left. They say that the girl has accepted them and ask whether the elders will accept them also. The elders ask them what cattle they have. This is the *riet gink*, the cattle talk. *The best man answers for the suitor, who, to create a good* impression, says as little as possible. Both wear skins to cover their genitals before possible future parents-in-law. The bridegroom's best man and two other friends accompany him through all the trials of marriage and take full advantage of the opportunities for love-making and courtship. The girl's people accept the suit in a preliminary way and the youths depart to eat at a neighbouring homestead, since they cannot eat in the home of the bride at this stage.

There will later be other and more formal and definite discussions about the cattle in the byre of the father of the girl. The suitor has in the meanwhile been able to consult his own family and kinsmen and when he returns with his friends for further talks the cattle are more precisely specified and ear-marked for particular claimants. The girl's people are satisfied. They say that the marriage is finished and tell the bridegroom, as he can now properly be called, and his friends to bring the *gink lipa*, the cattle of betrothal, on a certain day. The discussions are still in an early stage and by 'finished' they mean only that they are prepared to continue negotiations on the basis of the demands already met and to hold the betrothal ceremony. Before the visitors rise to go, various men who can claim distant cognatic kinship with the bride, too distant for them to receive assigned portions of the bride-wealth, may ask for gifts, ranging from a 'cow' (which means a sheep or goat) to a spear. Some of their demands are at once satisfied, the spears being handed over there and then, while others are met with promises or evasions.

The Betrothal

A betrothal ceremony, *larving* or *bul luw*, is not necessary. It is possible to proceed at once to the full wedding ceremony, and this is sometimes done when the bride-groom is a rich man with plenty of cattle and the bride is a *jur*, a girl who has passed the usual age of marriage. Usually the betrothal ceremony is held in the rainy season and the wedding in the following windy season. If there is a longer interval it is

[1] It occasionally happens that a man marries a child to his small son. When he does so he puts a bracelet on her arm and later pays a few head of cattle. However, when the boy grows up he will try to win the girl by courting her. If he does not gain her favour he is unlikely to marry her.

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584 generally due to poverty. A poor suitor pays two or three cows to a man who is short of stock at the time in order to obtain a lien on his small daughter while he collects adequate bridewealth to marry her later. Were the suitor a richer man he would seek a bride among older maidens, and were the father a richer man he would not feel the need to betroth his daughter at so early an age. A nubile maiden would not be betrothed for several years to a poor man. Her brothers would not brook the delay, for they themselves want to marry with the cattle of her bridewealth. Moreover, she would almost certainly become pregnant by some lover.

The holding of the *larving* ceremony means that the marriage is provisionally agreed upon by both sides, and the transfer to the bride's family of the *ghok lipa* or *ghok luow*, the cattle of the betrothal, maybe three or four to ten head, is a further acknowledgement of this understanding. Before the ceremony takes place it has been agreed upon in general terms how many cattle should eventually be handed over. The ceremony is held in the bride's home. When the morning work of the kraal is finished the bridegroom and his party drive before them the cattle of the betrothal, led by a fine ox, the pride of the herd, its horns decorated with tassels, for the bride's brother. They advance on the bride's village in war formation and continue their martial exercises in her father's kraal, chanting their war songs before the huts and byres, especially before the hut of the bride's mother, who must be shown particular respect. The bridegroom's girl relatives and friends arrive about the same time as the men and they also dance in the kraal. The youths of the bride's village then form their *dep*, village fighting formation, and start their own exercises and the girls of the village their dancing. Then the drums are brought out and general dancing begins. Towards sunset the betrothal cattle, which were left outside the village to graze, are brought into the kraal and tethered. Dancing, duelling, singing, and love-making between the youths and maidens continue well into the night, and all pay special attention to the bridegroom, resplendent with his ivory armlets and a coil of brass twisted round his arm, and distinguished also by the *dang*, wedding stick, in his hand. Before midnight the father of the bride leads forth an ox which, with a ceremonial rubbing of ashes (*buk*) on its back, is dedicated to the lineage ghosts and spirits in a long address (*law*) by the *gaar bathei*[1] of the lineage. He tells the spirits to take their ox and let the people be at peace. His address is followed by shorter speeches by old men of the bride's kindred and perhaps by her father, all first rubbing ashes on the beast's back. The *fiess*, the bridegroom's people, take no part in these proceedings, but the flesh of the sacrifice is, with the exception of head, neck, and some of the entrails, their right, and if the ox is not to their liking they insist on a bigger one being sacrificed or, which amounts to the same thing from their point of view, being slaughtered for their dinner. When the addresses are finished the *gaar bathei* of the bride's lineage, or her father or another of her senior kinsmen, stabs the ox—the *yang luow* as it is called—to the heart with a single thrust. It stands for a moment and falls to the ground, those present watching to see that it falls cleanly. The bridegroom's people, often directed by the bridegroom, though he may not himself eat in the home of his future father-in-law, amid much shouting and chaffing, divide the meat among themselves, each kinsman receiving his customary due. The ribs and part of the back are taken next day by the visiting girls to their parents and

[1] *Gaar bathei*: the man who performs the appropriate rituals on special occasions.

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elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them. 584

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go the bridegroom, if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco.

The wedding takes place some weeks later and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his wife's home in the company of his best man and other friends, and on these occasions he may try to cohabit with his wife, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage and his only hope is to get his best man to persuade his bride to visit him in the gardens.

The Wedding

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. In the homestead of the bride the reception, especially the beer, is being prepared, and in the homestead of the bridegroom there is much rejoicing, men and women chanting songs or poems into the night. They also chant on their way to the wedding and during its celebration. The main features of a wedding (*kwin*) are discussion about cattle in the morning and the invocation over the cattle of the bridewealth (*tuor gloi*), the wedding dance, and the wedding sacrifice, in the afternoon and evening. 585

Early in the morning the bridegroom's kin discuss the situation in his father's byre. They know what outstanding claims are likely to be advanced because they

585 know the persons on the other side who stand in those relationships to the bride to which beasts are due by custom. They run over their herds and assign particular beasts to meet probable claims, so that no last-moment demand shall be made which they have not allowed for or cannot reject. Similar talks are going on among the bride's kin in her father's byre. They know more or less what animals the bridegroom can muster and they have also to agree on the division of the bridewealth among themselves; the problem often being not so much the total number of beasts to be paid but to which of the bride's kin they shall be allotted. The bride's father will do his best to protect his son-in-law against too greedy kinsmen. As we have seen, the bridegroom's people have several times discussed the whole question of the bridewealth with the bride's people, but there are certain to be demands not yet agreed to, or kept back till the last moment, so that they can be exacted under threat of forbidding the wedding dance.

The older people of the bridegroom's kin go ahead of the bridegroom's party of youths and maidens to the bride's home to finish the discussions in the late morning and early afternoon. They are generally still arguing when the bridegroom's party arrives, the paternal uncles on both sides taking the foremost part, for it is thought impolite of the fathers to take too prominent a part in the discussions, especially if they are younger than the uncles. The bridegroom's kin sit on the right side of the byre and the bride's kin, often called *jitwar*, on the left side, as they would sit were a case being arbitrated between them by a leopard-skin chief. The byre has been swept clean in expectation of the guests, and ox-hides and mats have been spread on the floor. The bridegroom and his *gwan buthni* and the bride's father and his *gwan buthni* wear wild-cat skins round their loins to hide their nakedness, and the *gwan buthni* of the bridegroom holds a wedding stick across his knees (occasionally a woman officiates in this capacity). After the involved Nuer greetings have been exchanged they begin the final cattle talk over their pi[illegible]ach claim being stated and restated and discussed in the deliberate Nuer way— [illegible] puff, puff of tobacco, a few words, then puff, puff, puff again. While the *jicw*[illegible]e people with rights to cattle of the bridewealth, are developing their claims, first on the father's side, then on the mother's side, the *gwan buthni* of the bride brings a tray on which are lumps of tobacco and an equal number of pieces of charcoal and hands these round to the bridegroom's senior relatives. The cattle talk, even at this stage, is often loud and it looks, till one is used to Nuer, as though agreement would be impossible.

While the discussions are going on in the byre, the youths of the bri[illegible]groom's village charge into the homestead, chanting and skirmishing as they come. They rush the kraal and the bridegroom hurls his spear at his mother-in-law's *buor*, while the girls of the bride's village attack the visiting youths in mock combat and try to catch the bridegroom and seize his wedding stick. If they succeed he will have to pay them a calf. The *buor* is a mud windscreen, such as every Nuer woman has in front of her fireplace outside her hut; it is the symbol of domesticity and of wifely status and is associated with the spirit of the husband's lineage. On the occasion of the marriage of a daughter of the hut the windscreen is heightened, or a new one is constructed for the bridegroom to spear, and some of his close ki[illegible]men may spear it also. It is easily repaired. The spear belongs to the mothe[illegible] the bride, but as it is a war spear one of the men of her homestead grabs it. The bridegroom

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has already given, or promised, her a pipe, tobacco, and a smaller spear, which she may give to a small son or keep for scraping hides. The bridegroom may also throw a spear into the threshold of the byre. This goes to his father-in-law. Other parties of youths from nearby villages are by this time beginning to arrive, for the wedding was announced by drums on the previous day. It is difficult for the older people, still talking in the byre and puffing away at their pipes and drinking beer, to hold up the dance any longer. They give permission for it to begin and it continues for the rest of the afternoon and well into the night and is resumed on the following morning.

Before the dance begins, or as soon as it has begun, the kin on both sides signify their approval of the marriage by calling out the spear-names of the lineages of the bride and bridegroom and invoking the ghosts of their ancestors to look upon the cattle of the bridewealth—a rite which makes them partners to the union and witnesses of it. The *gwan buthni* of the bride—his role is ritual and he has no part in the bridewealth talks—rises and demands a cow and receives the promise of a calf or sheep. He then walks up and down the byre, brandishing his spear and delivering a long address. He shouts out his ox-name and the spear-name of his lineage and he calls on the ghosts of the bride's ancestors to witness that she is married openly with 50 cattle (it is conventional to say this number) and not with shame and by stealth. He says that she will bear her husband a male child. He addresses also the bridegroom's kin, his own kin, and anybody else he feels inclined to bring into his speech, and while talking he pours beer and sprinkles a little tobacco on the floor of the byre, on its threshold, and on the hearth in the centre of it, asking God (*Gwandong*) to take his 'cow', the tobacco. Then the *gwan buthni* of the bridegroom's lineage, whose role is also purely ritual, has his say, or he may speak first. He talks in much the same vein and also pours out beer and sprinkles tobacco in sacrifice as he walks up and down the byre brandishing, instead of a spear, a wedding stick. The father of the bride may then speak and may be followed by a senior kinsman of the bridegroom. Then people chant poems.

During the dance another rite, but not of the same importance, takes place. The father of the bride removes a tethering cord from one of the pegs in the kraal and throws it into the air between two lines of men drawn up for the purpose, the bride's relatives on one side and the bridegroom's relatives on the other. They try to hook it in the air with their spears and clubs and whoever catches it may demand a calf or a goat from the opposite side, though he cannot be sure of receiving it.

Towards sunset, or on the following morning, the marriage ox, provided by the bride's father, is sacrificed by the *gwan buthni* of her lineage or a senior kinsman. He rubs ashes on its back and speaks to it saying: 'We do not kill you for an evil thing, we kill you about a good thing. Fall well.' It is a wedding ox and not a funeral ox. The meat, except for the head, neck, and a few other bits, goes to the bridegroom's kin who, as in the betrothal ceremony, divide the carcass, on the principle determining the division of bridewealth, between the kin *kwi gwan*, on the father's side, and those, *kwi man*, on the mother's side. The distribution at these ceremonies depends on the number of relationships represented by persons or proxy, the number of persons standing in these relationships, and other circumstances. Most of the meat is taken back by the bridegroom's people to their homes for the older people

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

585 who have not been able to attend the wedding and those who have remained to look after the herds and milk the cows. The rest is eaten on the spot.

A large part of the night is spent in dancing and flirting and love-making. The bride and the girls of her homestead are cooking while the bridegroom, who is fasting, is seeing that his companions are being properly looked after. On the following morning beer is served, pots being distributed to the bridegroom's kin, his father, his father's full-brother, his father's half-brother, his paternal and maternal aunts, and his mother's full- and half-brothers, who share the beer with members of their age-sets. After a meal the youths resume dancing and their elders, fortified with beer, probably start once more on the seemingly endless cattle talks, for there are generally an odd claim or two outstanding, the discussion of which was interrupted by the wedding dance, though their settlement was assured before it began.

The *ngut* does not conclude the marriage. It is the *mut* and the birth of a child which do this. But the chances are now overwhelmingly in favour of a successful conclusion, for had the bride's people not been satisfied with the bridewealth already handed over, or promised, they would not have allowed the dance to proceed. The wedding has also cost them a second ox for which there is no return in the event of the marriage not being consummated. Nevertheless, marriages do occasionally break up between wedding and consummation, though, in my experience, this is rare and is due to the reluctance of the bride rather than to objections or demands on the part of her family and kin.

If the maternal uncle of the bride lives too far away for his people to attend the bridewealth talks and the wedding, talks will be held later in his byre to settle the cattle due to him and his brothers and sisters, and he may give a wedding dance on his own account and sacrifice an ox at it. He may even do this when the father and he are members of the same large village. The senior paternal uncle occasionally does the same if he lives far away and is the father's half-brother.

The Consummation

The *mut*, the third of the three public marriage ceremonies, is the one which, at any rate among the eastern Nuer,[1] makes the union legally binding. After it the husband, as he can then be called, can claim compensation for adultery, which he could not have done before. Previously the bride's brothers did not feel it obligatory to prevent her from attending evening dances in the neighbourhood, though they well knew from their own experience that she was likely to have relations with old sweethearts at them. Her future husband's people could not then complain if she attended these dances, whereas after the *mut* they would make an unpleasant scene were they to find her at one, for this ceremony makes man and wife, and the cattle which have been paid are no longer regarded as a pledge but as marriage cattle. They now say of the bride *Te yang jokde* ('She has cattle on her back'). Moreover, if cattle paid to the bride's family and kin die in their kraals before the *mut*—and they may all die in a year of rinderpest—they have to be replaced by the bridegroom's people, whereas if they die after the *mut* they still count as part of the bridewealth and the husband's people do not have to substitute for them similar beasts. This

[1] Among the western Nuer it would seem to be the *twor ghok*, the invocation of the ghosts, which permits a suit of adultery and may therefore be considered the action which makes the union a contract.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

distinction does not apply to animals killed by the bride's family and kin or which have been disposed of by them and have died outside their kraals, for these count as bridewealth before, as well as after, the consummation. On the other hand, any calves the cattle may bear before this ceremony count as original bridewealth and not as increment. Likewise, if the incomplete union is broken before the *mut*, all the cattle and their increase, including those which have died, must be returned, whereas in the event of divorce after the *mut* the bride's people do not have to return animals which have died a natural death in their own kraals, and they have a right to retain two cows, the *yang yani* and the *yang miemne*, the cow of the skirt, the mark of married status, and the cow of the hair, which is shaved off the bride's head at the consummation. 585

It is the *mut* therefore which makes the union a contract. Consequently, it occasionally happens, when people are anxious to expedite the marriage, that the consummation takes place before the wedding. I heard it suggested that this should be done in the case of a youth who had been speared and could not take the bridegroom's usual part in weddings, and although it was decided to hold the wedding first, with the bridegroom as a spectator, no one suggested that in the circumstances a reversal of the ceremonies would have been improper. Mrs. Smith, of the American Mission, told me of a case of an elderly man who, desiring to marry a girl with the approval of her family but against her own wishes, prevailed on her relatives to rush her through the *mut*, leaving the wedding to be held later.

The day of the consummation has to be fixed in advance because beer has to be brewed for the visitors. In the early morning the bridegroom goes with a company of the youths of his village to fetch the bride, his womenfolk remaining behind to prepare for their visitors. They chant on the way, for this is a happy occasion for the village. Sometimes they find on arrival that the bride's mother has prepared beer for them. They have to ask her permission to take her daughter away and she asks them for presents before she gives it, such things as a spear, armlets, a pipe, and tobacco. The young men promise to give her what she asks for and depart, escorting the bride and her girl companions, who have oiled and decked themselves with ornaments for the ceremony. They go chanting to the bridegroom's village, one of the poems often being a composition of the bride in honour of her future husband, and there is much horseplay between the sexes. When they near the village the young men go ahead and the girls are met by the youths of the village who bring them into the kraal where they serenade the bridegroom's mother with poems outside her hut. The ceremony is mostly a female affair, the men looking on.

After a while a kinsman of the bridegroom places a tethering-cord across the inner threshold of one of the huts and the bridegroom crawls over it, followed by the bride, the best man, and a special girl friend of the bride. This action is said to make the marriage fruitful. Then, towards evening, takes place the rite of consummation, though it must be said again that there is no invariable order of events in these ceremonies and no fixed time-table. The bride retires to a hut wearing a special goatskin cap and here the bridegroom joins her. His age-mates seek him out and say to him: 'Come now, let the people go to bed, come and loosen the bride's girdle.' He is bashful and gets the business over as quickly and inconspicuously as he can. He enters the hut and gives his bride a cut with a switch and seizes her thigh, she

842 585 833 585

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

233 refusing his advances and crouching by the wall of the hut. He strikes her with a
585 tethering-cord, snatches the cap off her head, breaks her girdle, and consummates the marriage. Reluctance is imposed on her by custom and she pretends to resist even when she has known her husband often before in the gardens. In Nuerland it is most unlikely that a bride will be a virgin. That is not expected. Wedding and consummation ceremonies are held even for a girl who is pregnant or one who has been divorced and is being married a second time if she has not borne children. They say that 'She has returned to maidenhood.' It is only divorced women who have led profligate lives who are not remarried with these ceremonies. Maidenhood is a social, not a physical, state.

585 His duty done, the bridegroom leaves the hut, sometimes the bride's girl friends rushing at him and beating him with their fists as he emerges. The rest of the evening is given to the favourite pastimes of Nuer youth, *muong* and *lum*, flirting with the girls and making love to them. There will be many youths present: the people of the bridegroom's homestead, his mother's kin, if they live near, the local *dep*, the youths of the village, and bands of youths from villages for miles round, for the *mut* is a popular ceremony and it is known that many girls will attend it. Then all retire for the night, the bride's companions sleeping in a hut reserved for them.

On the following morning take place three rites which may on no account be omitted, the sacrifice (which may take place the evening before), the lustration, and the shaving of the bride's head. The sacrificial beast should be an ox, but if the bridegroom's father is poor, and at this stage of the marriage he is likely to be hard up, the *yang muot*, the 'cow' of the consummation, may be a goat, or even just beer. The bridegroom's *gwan buthui* rubs ashes on its back, calls out the spear-name of his lineage and speaks of the beast and the bride, telling the spirits and ghosts of his lineage to witness the union and to bless it with sons so that the lineage may continue. He says to them, 'Now you see your ox; you see this maid; let her be a good wife; let her bear many children, many sons; let her work well in her husband's home, milk the cows, dry the cattle dung; let her be a faithful wife and not a profligate'; and so forth, asking them to make the union a lasting and happy one. He then spears the ox and it is cut up by the wife's people, the visitors, and divided among them in the customary portions, only the head, neck, and a few other pieces of meat going to the people of the bridegroom. The visiting maidens at once cook and eat the ribs, kidneys, and stomach, besides filling themselves with porridge and beer, the bride alone abstaining because she may not eat in the home of her mother-in-law. They take the rest of the carcass back to their homes for their elders. As generally happens when there is a feast, outsiders, persons not of the bridegroom's closest kin, hang about the carcass like kites when it is being cut up, hoping to obtain a piece of meat by begging, snatching, or persistently getting in the way. There is much shouting, argument, and general confusion. The *gwan buthni* may perform another duty associated with his office in anointing the bride with butter. Her father will already have blessed her in this manner before she set out to go to her husband's home.

Now takes place the rite of lustration, the *lak teetni ka ciik*, the washing of the hands with bracelets. The visiting maidens, the young wife's companions, sit in a hut and a pot of warm water is passed to them. One of them washes her hands in the water and then takes a bracelet off her arm, drops it into the pot, and passes the pot to one

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *woci miem nyietde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kau*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made

591 606 606 [844] [602] 593 591

593 from the first millet of the year—a pretty custom known as *puthem kwon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents,
602 and I have seen a husband pay several cattle to atone for contravention of this rule. A *ker*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's
591 homestead facing the family kraal. He then goes to ask his parents-in-law for his
585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *bwor*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until [436] very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *luil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in [567] reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kwen*) with cattle but exchanged (*luil*) for cattle"

583 The word *kwen* means the whole proceedure
431 by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

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man marries the woman and not the woman the man: one can say "Duob has married Nyaluak" or "Nyaluak has been married by Duob", but one cannot say that Nyaluak has married Duob. It is understood that the woman was *kwen ka ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *kwen* them (*be gwanlen yang kene doude kwen*, the paternal uncle will receive a cow and a calf) and they are said to be *kwen* by the cattle (*baa deman kwen e thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok kwin nyal*, the cattle of marrying a girl.

But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book on the Nuer,[3] many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

[233]

It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

[3] *The Nuer*, 1940, Chap. 1.

[p. 181 b]

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empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *pie* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a commonsense inference that payment of bridewealth has a stabilising action in marriage. If the wife leaves her husband the cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

[586]

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583 One of the earliest British officers in Nuerland wrote
431 that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 Nevertheless, it can only be accepted that
431 payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang miemde* and the *yang yani*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual proceedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is
586 divorced and can remarry. On the other hand they
431 may leave all their cattle with the wife's family
848

[1] Bimbashi H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the mariage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

[p. 182b]

586 and kin and maintain thereby their rights in any
431 children she may 'bear in the bush' (*dieth dor*),
848 that is by lovers. She is then not divorced, but is only separated from her husband, and she cannot remarry.

If a wife dies after having borne two children no cattle are returned, it being held that "Cattle which have children on their backs cannot be returned".[1] Should a wife leave her husband after having borne two children the cattle will remain with her kinsmen and any children she may bear by other men will be claimed by her husband's people. She is still married to him though she lives as concubine to another man. The husband's people are said to be generally content with this arrangement but, whether content or not, it would be useless for them to reclaim their cattle and the progeny of these cattle and deduct the total cattle to legitimatize each child. The wife's people would say to them: "You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush."

586 The rules stated above are principles which
431 are flexibly applied in actual cases according to the circumstances of each case. Much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation the husband will claim back everything to which he has a right: cattle,[2] sheep, goats, spears, tobacco, millet, and ornaments, including his wife's *yoah* or bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law, and if she dies childless he may also leave some of the cattle to which he has a right

[1] I did not record a case of a wife dying after all of her several children had predeceased her in infancy, and Nuer merely told me, in reply to my queries about rights to the cattle should this happen, that it was most unlikely to happen. Whether the cattle or how many of them would be returned would probably depend on the age at which the children had died.

[2] When possible the identical cattle are returned but if they are dead or it is difficult to recover them after dispersal others may be substituted for them and if they are of the same quality as those paid by the husband's kin they must accept them.

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586 with her parents in the hope that they will later
431 give him her sister in her place. If he leaves any of the cattle preference will be given to the portions of the spirits and the ghosts. When these have to be returned ashes are rubbed on their backs and the spirits and ghosts are told of the divorce and are promised that they will one day be given cows in the place of those they are losing.

Another circumstance which is taken into consideration is whether the wife is being sent away by her husband for barreness,[9] or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him such as neglect or cruelty. Whatever the circumstances are the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this, and they would not do so unless she had already borne him a child and had lived in his home, he has to accept their decision. There are no courts he can appeal to and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again and this time to some distant part of the country. If he complains to her parents they will say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her
587 sons. I have never known a case in which a wife's
431 parents have kept her husband's cattle and at the same time tried to marry their daughter to another man, and when I asked what would happen were they to try to do so I was told that the husband's

[9] As a rule a husband will not divorce a barren wife. He will take back most of his cattle but will leave a few with her parents in recognition of her place in his home as mate and housewife.

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587 kin would undoubtedly use violence to get back
431 their cattle and, in addition, curse (*bëi*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return
586 the cattle as soon as they are able to do so but
431 fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piek*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' house, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is
[844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thang yike*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

[p. 184a]

586 431 a child. At this stage, therefore, there is no great difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observation are very limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

586 583 431 It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. It is then not encumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (*kuik*) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his kraal. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

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586 asked what would happen were he to try to do so
583 I was told that the husband's kin would claim
431 back their cattle and, if necessary, use force to
[587] obtain them. Should a wife leave her husband
in these circumstances the problem of bride-
wealth would probably be solved by the common
Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
431 wealth cannot be said to be a very powerful
591 sanction of the marriage union. Nor is there
593 any evidence of which I am aware that would
suggest that the greater the number of cattle handed
over the more stable the marriage is likely to
prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage can insist, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in hoeing, fishing, building, and herding, and the
accretion to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girls' brother are
comrades.

581 I am prepared to say definitely that the stability
593 of Nuer marriage rests on quite other foundations
than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

581 complete it and yet more time between the consummation and the birth of a child. I do not
593 say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As the Nuer observe a weaning taboo
[862] this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage. Marriage is not only a conjugal relationship but
606 also a set of affinal relations and it can be stable only if the kin on both sides behave towards the
593 other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal relationships which require adult adjustment
602 that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

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582 him with a wife, or, indeed, to assist him in any
602 way in a society which recognises no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruan*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

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584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer she is transferred from one lineage to another.
684 The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle
593 on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

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593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 431 Marriage is, structurally-speaking, the taking away of a woman of one lineage to bear children to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.[1] In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "*Cieng* Pual have married a wife" or that "*Cieng* Dumien have given their daughter in marriage".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

[1] Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second-lineage afterwards takes a wife from the first. This is unusual, but I have know a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconsistences. However, a brother and a sister should not marry respectively a sister and her brother.

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583 of a daughter for a wife. Payment of bridewealth
431 is a particular, and very striking, example of the principle of equivalence. A parallel example is the payment of cattle in compensation for homicide,[2] which among the Nuer is 40 head of cattle,
682 the same number as is paid for a bride. These bloodwealth cattle are divided among the kinsmen
431 of the dead man on the same plan of distribution as that obtaining in the distribution of bride-
583 wealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. Just as in bridewealth the principle is the replacement of a daughter by a wife, of a woman by a woman, so in bloodwealth the principle is the replacement of a son by a wife who will bear a son in his place, of a man by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth.[3] Nuer are aware of the equivalence of bridewealth and bloodwealth, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural perspective we must therefore think in
431 terms of lineages. Children are attached by payment of bridewealth to the lineage of their father,
611 the attachment of the sons being of chief importance, though daughters may also be structurally significant in the lineage system. Children born in the union of marriage are "children of the cattle" and therefore of the man in whose name they were paid and they become joints in his branch of descent. The man in whose name the cattle were paid is always their *pater*, the sociological or lineage father, of the children, whether he is their *genitor* or not. If he dies, or is already dead before his marriage, the widow should be taken by one of her husbands and the fathers of his sons, that is to say by one of his brothers (or sons). But even

[2] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[3] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

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587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

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583 The distribution of bridewealth is a different
431 process to the payment itself and, since it belongs more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper
121 on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

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SUDAN NOTES & RECORDS

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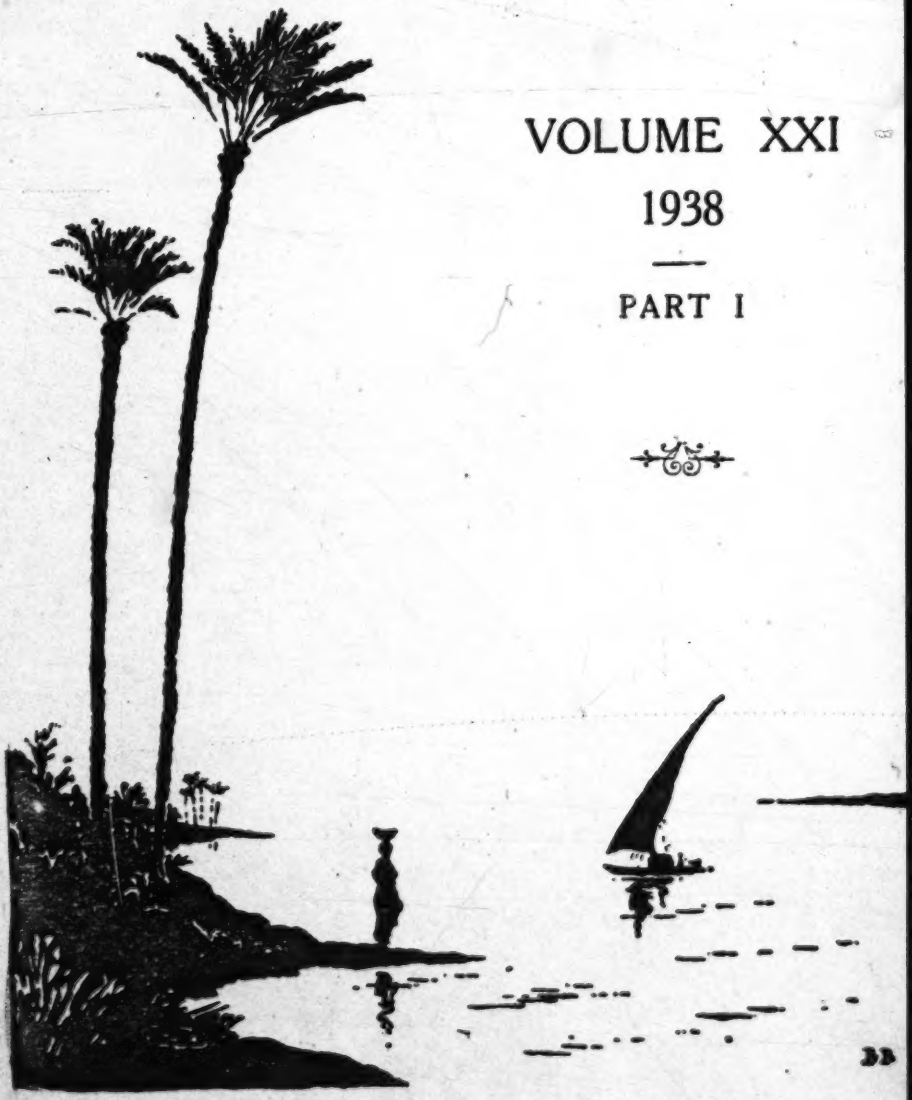

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PART I

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ECONOMIC LIFE OF THE NUER : CATTLE.

By E. E. Evans Pritchard.

II.

621 The chief characteristices of Nuer social life can be understood only when their pastoral activities are viewed in relation to the country in which they live. Social instutitions are to a large extent a function of this dynamic relationship between mode of livelihood and environment. I have said something about cattle and the esteem in which Nuer hold them. I will now say something about the country in which these cattle have to be maintained.

186 133 From the European's point of view Nuerland has no favourable qualities, unless its severity be counted such, for its endless marshes and wide savannah plains have an austere monotonous charm. It is throughout hard on man and beast, being for most of the year either a swamp or a parched and waterless tract. Trekking across the Nuer plains is a great weariness to body and spirit. But Nuer do not share this opinion. They think that they live in the finest country on earth, envying no people their heritage, and, it must be admitted, for herdsmen their country has many admirable features. It provides pasturage all the year round and absence of forest prevents the encroachment of tsetse. I have long since given up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt more useless since a few Nuer have been taken to Khartoum, a place they consider to be the home of all white men. Having seen the desert scrub which surrounds Khartoum they are confirmed in their opinion that their own land is superior to ours.

134 The grasses upon which depends the welfare of the herds depend, for existence in their turn, on soil and water. The soils of Nuerland are heavy clays which look very much alike to me and which are equally unpleasant to walk on in the dry season, when they are broken by the sun into deep cracks, and in the wet season when they form

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134 sticky water-laden mud. The clayey plains are broken by occasional sandy ridges and knolls upon which the débris of years of occupation has accumulated. However, Nuer distinguish between the black 134 soil, of such areas as Eastern Jikany country, which they call *mun* 823 *mi car* or *dök* and the more sandy soil, which is found, for example, in parts of Lou country, and which they call *mun lita*. The black heavy clays are more suitable for cultivation of millet because they hold up rain water, but they are bad for cattle which in the rains have to struggle through the sticky mud and to eat the high coarse grasses which such soil nurtures rather than the sweeter short grasses which prevail on more sandy soils. Thus the Lou people say in favour of their country " Our cattle do not come back each day from grazing caked in mud but they return with clean hooves." On the other hand the more sandy parts of Lou country, *e.g.*, near Muot Dit, do not hold up rain water which makes cultivation of millet difficult so that even a slight drought destroys the young plants, and often makes it necessary for the people to wander early and far from their villages in the dry season to obtain sufficient pasturage. There [135] are no salt-licks in Nuerland.

Surface water comes partly from direct rainfall over Nuerland [133] and partly from the flooding of the principal rivers which traverse it 132 and which derive most of their water from rainfall elsewhere. In an average year the rains commence in April and continue till the end of October. Towards the middle or end of April a few showers come down and the sky is overclouded. It is not till the end of May that the rains set in with a will. July and August are the months with heaviest rainfall and the weather is cool, even cold in the mornings and evenings and a south-westerly wind prevails. The sun is overcast during most of the day. Showers become lighter and less frequent in October and by the middle of November have ceased altogether. In November the north wind begins to blow and it blows consistently down the valley of the Nile from the Mediterranean to the Plateau of the Great Lakes till the approach of the next rains. The weather becomes warmer and warmer and from January till March is a great trial to Europeans.

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The mean monthly rainfall up to 1927 is given in millimetres by Hurst and Phillips* for the Bahr el Jebel and Bahr el Ghazal area (Western and part of Eastern Nuerland) and for the Sobat and Baro area (most of Eastern Nuerland) as follows :— 132

	Bahr el Jebel and Bahr el Ghazal		*Sobat and Baro*	
January	4	millimetres.	6	millimetres.
February	13	"	14	"
March	38	"	33	"
April	92	"	80	"
May	131	"	137	"
June	134	"	158	"
July	161	"	173	"
August	168	"	199	"
September	145	"	153	"
October	112	"	90	"
November	43	"	48	"
December	8	"	10	"
Year	1049	"	1091	"

The rainfall is fairly even over the whole of Nuerland. It is not nearly so heavy as it is to the east, on the Abyssinian Plateau, or to the south, in the basin of the Victoria Nile or in the neighbourhood of the Nile-Congo Divide. The effects, however, are felt far more than in these regions because the beds of clayey soil hold up the water and the flatness of the country prevents surface drainage. Moreover, the rivers flood at the same time as the rains pour down and the numerous swampy watercourses which thread their way through Nuerland are prevented from discharging water from their mouths. 132 133

The whole of Nuerland is an almost dead flat plain, in the main treeless and during the rains covered with high grasses which reach to the waist and, near streams where they are higher and coarser, reach to the shoulders of the tall Nuer. In my experience they grow somewhat higher in Eastern Nuerland than in Western Nuerland. At 133 137

* The Nile Basin by H. E. Hurst and P. Phillips, 1931, Vol. I, p. 47.

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484 At this season of the year[1] traversing open country is always difficult
133 and even along the paths inconvenient, especially as the land is
137 inundated at the same time. One can just see the horns of the great oxen at pasture. Only in the habitual grazing grounds on the slopes of slightly elevated ridges, where the cattle and the close-cropping sheep and goats have kept down the shorter species of grasses, is there any freedom of movement.

137 Nuerland approximately coincides with the extension of true savannah in the Sudan. Here and there are stretches of thornwood forest but they are never extensive. A belt of forest sometimes lines a river where its banks are high, *e.g.*, on the Sobat and along sections of the Bahr el Ghazal and the Bahr el Arab, but it never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters parklike savannah forest which becomes thicker the further south one proceeds, though it always turns to marshland as the Bahr el Jebel is approached. To the south of Western Nuerland one touches the fringes of ironstone country, likewise covered with savannah forest.

Though thornwood forest is found along sections of the rivers, as a rule when they are in flood they have no banks and the country
133 lying on either side of them is swamp. This is especially the case with the whole course of the Bahr el Jebel through Nuerland and the greater part of the Bahr el Ghazal. The Bahr el Zeraf channel is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all. According to my own observations the area of swamp is smaller than is generally supposed.

This vast plain is threaded with depressions which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions threading the land with a network of waterways which prevent drainage from the saturated earth so that the rainwater lies every-

[1] [i.e., during the rain season--Analyst]

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where in deep puddles which slowly extend till by the middle of June the whole surface of the country, except for occasional higher land, is under water. Nuerland has then the appearance of a great grass-covered swamp, there being stagnant rivers, lagoons, and pools, wherever there is a depression in the level surface, and islands wherever slightly elevated ridges and knolls rise from the ground. On these elevated spots are perched the Nuer villages. 133

The rivers begin to fall about the same time as the rains begin to cease. Nuerland then dries quickly. The blazing sun evaporates the surface water while the streams instead of being channels of overflow from the rivers now begin to feed the rivers, and hence drain their basins, as they sink in their beds. The grasses are dry enough by the middle of November for the Nuer to commence to fire them and by the middle of December most of the country has been burnt and the surface is cracked into deep fissures. So parched is it at this season that it is difficult to find enough water for men and herds. The wet and dry seasons are therefore very pronounced in Nuerland. 132 133

The main characteristics of the country are (1) that it is dead flat, (2) that it has clayey soils, (3) that it is mainly treeless, (4) that it is covered with high grasses in the rains, (5) that it is subject to a heavy seasonal rainfall, (6) that all its rivers flood, and (7) that when the rains cease and the rivers fall it is subject to a season of severe drought. 13

A year in which the rivers are low is probably not so serious for the Nuer as a year in which there is little rain. Nevertheless, when the rivers are low the clay beds may not hold up sufficient water to enable the grasses to spring up again after the annual firing, and the inland watercourses, which to a great extent rely for their water on the flooding of the rivers, may fail early in the dry season and compel the people to move to lakes and river banks earlier than they would normally do, and there may also be a shortage of marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. On the other hand, if there is insufficient rain the millet crop dies and the grasses, deprived of subterranean supplies of water, do not spring 312

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312 up after firing. Therefore, whilst a year of little flooding may cause some inconvenience a year of low rainfall may cause famine. It is probable that years of low rainfall over Nuerland are also years when river water is low, *i.e.*, when the rainfall is low over the whole of North East Africa. The two together may cause Nuer great distress. Similarly, a year of exceptionally high rainfall is probably also a year of high river water and the combination sometimes causes such serious flooding that it is very difficult for the cattle to find pasturage. The hardy millet plant does not seem to be affected by moderate flooding.

133 Such are the general conditions in Nuerland. So important is it to understand these conditions that I may be pardoned for adding
312 some further observations. Most of my sojourn among the Nuer was spent in Lou country or on its confines, and what I write of Lou country applies equally to the whole region between the Nile and the Pibor and to most of the Eastern Jikany area to the north of the Sobat. Lou country is part of the flat plain that lies between the Nile and the foothills of the Abyssinian escarpment. It is bounded to the north by the Sobat River and to the east by the Pibor River. It thus forms part of the basin of the Sobat, which is formed from the junction of the Baro and the Pibor. The water of the Baro comes entirely from the Abyssinian highlands. The water of the Pibor comes mostly from the same region though the river drains also to a lesser degree the northern slopes of the Plateau of the Great Lakes and the Sudan Plains. The Baro is a mountain torrent in the Abyssinian highlands but when it reaches the plains it begins to wind about and form swamps. The three main streams which run from south to north across Lou country, the Nyanding, the Wangnyait, and the Filus, are channels of overflow from the Sobat when it is in flood. It is the same to the north of the Baro-Sobat, in Gaajok country, where, for example, water flows out of the Baro along the Macar stream to lose itself in the vast Macar swamp. Here and there in Lou country are low ridges, some stretching several miles, and on the banks of the Sobat and Pibor are occasional knolls, known in the Sudan as *dabbas*, and on these islands of elevated ground the Nuer

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build their huts and byres. As most of Lou country is under water in the rains they are then literally islands. 133 312

The Sobat begins to rise at the end of April or the beginning of May and it is at its highest when the rains are at their greatest. Water flows over its banks forming lagoons and down the streams which traverse Lou country. According to the Nuer, as the water flows out of the Sobat southwards down these streams it meets the rainwater flowing northwards from their upper reaches. Thus one may observe the Pibor flowing first one way and then the other way. Whilst rainwater pours in numerous small channels into the streams they are discharging water along swampy depressions into the interior of the country.

The amount of surface water in Lou country varies from year to year but in most years it is flooded to several inches deep from July to September. This would not prevent one from trekking, unpleasant experience though it would be, but the depressions which occur at frequent intervals are a more serious obstacle for they necessitate constant wading through deep water. Even at the end of May long treks are more than Europeans care to face—the Nuer themselves move freely at all seasons of the year. Thus, at the end of May, in 1935, I found it a struggle to reach Konye from Akobo though it is only a distance of some ten miles. In July of the same year I was practically imprisoned at Yakwac for water lay everywhere several inches deep at the back of the hamlet and progress through the rank grasses was laborious and even dangerous because it was impossible to detect the deep water-filled holes in which a leg might easily be broken.

Sometimes the inundation reaches the proportions of a flood. Lou Nuer have told me that the Fadang Dinka, who occupied Lou country before the Nuer ousted them, once sustained a season of drought followed by such devastating floods that people lived on the tops of trees and ate leaves. There was great loss of life among the older people. Jackson records that in 1918 "An abnormally high river resulted in the Bahr el Zeraf overflowing its banks and inundating [173]

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133 the country to the east (Gaawar country) to such an extent that a
312 journey which, in the ordinary course of events (in the dry season) is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks or more later.† While the land is being drained by the Sobat the
132 rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

[491] Travelling in February from the Sobat to Pathai and thence
133 eastward to Pul Fadoi, along the newly-made motor road, one traverses slightly higher ground through a thin *heglig* forest which screens the
137 full desolation of the country, for, though in reality it offers scanty
311 shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *heglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hurst and Phillips, *op. cit.*

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ashes. Where the grasses have been burnt some time ago green shoots 133
have sprung up around the charred stems. Here and there stand 137
isolated, thorny, shadeless trees, stunted by fire and spreading out their
black tortured branches. Often no tree is visible in any direction and a 311
desolate waste stretches everywhere to the horizon. The burning of the tall grasses has revealed low termite mounds, blackened by fire like the ground from which they rise. There is smoke and flame where parts of the country are still on fire. This country is uninhabited in the rains, being under water, but in February one sees occasional cattle camps around the deeper pools.

In Western Nuerland conditions are in the main similar though 133
there are certain differences. Western Nuerland lies between the Bahr el Jebel and the Bahr el Ghazal and extends to the north of the Bahr el Ghazal as far as the southern boundary of Kordofan Province. It consists for the most part of 'cotton soil' and like Eastern Nuerland is so dead flat that if one mounts a small termite mound one can see in all directions as far as the eye can reach. Here and there are ridges of higher ground. These village sites are always inland because, whereas the higher banks of the Sobat and Pibor allow occupation here and there, the Bahr el Jebel and the Bahr el Ghazal have no banks in their flood seasons and their beds are bordered by wide marshes. These marshes often run for several miles inland and there are very few spots on the Bahr el Jebel where it is possible to land and penetrate into the interior of the country, even in the dry season.

I have already expressed an opinion that the area covered by 137
swamp vegetation has been exaggerated. That is an empirical judgment. The marsh vegetation, generally referred to as *sudd* in the Sudan, is a solid mass of water plants, the principal among them being papyrus (*cyperus Papyrus*), '*Um sif*' (*Panicum pyramidale*) and the common reed (*Phragmites Communis*), to which cling a number of swimming plants (*Utricularia, Vallisneria, Azolla, Pistia, Aldrovandia, etc.*). Creepers especially *Vigna Nilotica* and *Ipomaea*, bind the marsh plants together into a tangled mass. Here and
there grow patches of ambatch trees.* Lagoons run out of the 133

* Anglo-Egyptian Sudan, pp. 302-3.

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133 Bahr el Jebel, separated from the river by narrow stretches of papyrus (from river), and they often run parallel to the course of the river.

161 From the deck of a steamer passing down the Bahr el Jebel there is no sign of human occupation and a traveller might judge the country to be without inhabitants. But inland ridges support a [36] large population. These ridges are, as a rule, widely separated and one treks often enough ten to fifteen miles between one village and the next. In places there are broader belts of high ground covered 133 by thick thornwood forest, as in parts of Rengyan country, or wide 137 sandy ridges covered with scrub and palms (*doleb*) and *dom*), as in parts of Dok and Rengyan countries. Those used to the bare monotony of Nuerland will be surprised to meet for the first time these sandy stretches which, with the classic beauty of the *dom* palms that surmount them, seem out of place in savannah plains. In the extreme south, in Nyuong country, which I have not visited, the clay runs into the ironstone belt and savannah gives way to savannah forest in which *Anogissus Leocarpus* predominates. In the north of Western Nuerland, to the north of the Bahr el Ghazal, in Lek and Bul countries, a maze of watercourses and lagoons running in all directions impede progress for the first few miles inland from the river. Then an open treeless plain extends to the borders of Kordofan. Bul country on the lower reaches of the Bahr el Arab is said to be for the greater part under water in the rainy season, though ridges of sand and forest occur on its northern and western limits.

Most of Western Nuerland is under water in the rains and the Bahr el Jebel and the Bahr el Ghazal are practically united by surface water on the intervening plain. Nevertheless the Western Nuer are probably better favoured for village sites than the Eastern Nuer.

I entered Western Nuerland at Adok on October 1st, 1936. This year was drier than usual but in a seventeen days tour round the country we walked almost the whole time in several inches of water and were often up to our armpits when crossing depressions which are constantly met on the route. How laborious such trekking is can

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be imagined when one has to stamp one's way through water for ten miles at a stretch. The rank grasses prevent one from leaving the paths and the paths form miniature depressions down which water flows so that it is like walking in the bed of a tiny stream, a sticky bed where every step requires an effort to extract the foot. Rengyan country is amazing at this season of the year. One walks for miles through water to emerge suddenly on a ridge, screened by high grasses till one begins to mount it. Here is a village. One walks through the village to descend into water the other side, and then through miles of water to the next inhabited island. To live in such a country one should be amphibious, like the Nuer, who seem to be in no way inconvenienced by what are to Europeans appalling conditions. 135 137

The rains cease in November but so saturated is the earth that a late heavy shower will again inundate the country for 48 hours. 132 312

The dry season among the Western Nuer is not so severe as it is among the Eastern Nuer because there is never a shortage of water and the villages are never far from deep lagoons and streams, nor even from the main rivers themselves with their broad fringe of marshes. It is probably only in an exceptionally dry year that the larger inland watercourses entirely dry up. Probably this is in the main due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds like the Sobat and Pibor, since they are fed by permanently flowing streams and have enormous lake and marsh reservoirs. The water of streams and lagoons in Western Nuerland is therefore not so rapidly drained as in Eastern Nuerland. Certainly the water in big streams in Dok country seems to be permanent and in walking through Lek country as late as February in 1930 we had to wade frequently through deep swampy streams and lagoons.

Nuer have expressions to denote the natural features of their country. A treeless plain they call *ghaw wi dee* or, in contrast to dry elevated ridges, *paw*. A ridge or knoll is called *kwir* and *thur* or, in reference to its suitability for human occupation, *gwaak wec*. Land which is partly inundated in the wet season, but not sufficiently to be called swampy, and is therefore suitable for growing millet, is called 823 104

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823 *tap*. A big open river is generally called *kir e.g.* the Bahr el Jebel and
104 the Sobat but a river may have its proper name, *e.g.* the Bahr el Ghazal is called Naam. Smaller rivers or streams are denoted by the word *yir*. A marshy depression inland is called *wang* and a big lagoon running out of one of one of the main rivers is called *bar*. A marshy depression running parallel to a river bank is called *tor*. *Toc* are extensive swamps which form the flood plains of rivers.

VIII

311 From my description of their country it will be seen that the Nuer are faced with problems which daunt men better equipped than them. For they are so poor that they have little but their courage and their knowledge to master a harsh environment. Nuer have to consider how to protect and pasture their cattle and also how to grow maize and millet, for they practise both cattle husbandry and hoe-culture and have to take the requirements of both into account. As gardeners their difficulties only arise in the rains for in the dry season nothing will grow in the waterless wastes. As herdsmen there are problems to be solved at all seasons. Gardening will be described later. Here we may consider how Nuer ensure the welfare of their herds by adapting their life to the seasons.

233 Excess or insufficiency of water is their first problem. It is
361 essential that men and cattle should be protected from the water which covers most of the country in the rains. Cattle get diseases of the
243 hooves and die if they have to stand in water. Protection is given to man and beast by building huts and byres on higher ground. In selecting a village site two considerations must be borne in mind. Firstly there must be a sloping ridge off which rain-water can run to the plain below and this ridge must be broad enough to allow huts and byres to be built and for the cattle to be tethered in the kraals outside the byres. Preferably it should also be broad and long enough to allow the flocks and herds to pasture without having to descend into the inundated plains to graze among the tall rank grasses. Secondly there must be land on one side of the ridge suitable for cultivations, *i.e.*, land which will retain sufficient water for the millet to grow

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but not enough to drown it altogether. The ideal arrangement, which I have often observed among the Western Nuer, is to build on the edge of a whale-backed ridge with the huts and byres facing the broad back of the ridge. This ensures that the cattle will have dry kraals and also permits them to graze on the short grasses of the ridge. At the back of the huts and byres on slightly lower ground are the gardens. These must be on lower ground because the ridge itself is usually sandy and, where occupied, has a hard trodden floor of ashes and debris and is therefore unsuitable for cultivation of millet. They must also be at the back of the huts and byres so that the cattle can move freely to and from their kraals without invading the standing millet. To prevent this happening people erect a thornwood fence between the kraals and the gardens and extend it along both sides of the kraal, so that only the side opening on to the ridge is left unfenced. In Western Nuerland I have seen low mud dykes erected between the flooded plain and the approach to the ridge. These are to prevent the water encroaching too far in years of high flood. 233 361 243 [312]

I have sometimes wondered why Nuer so often build their villages on shadeless ridges in the middle of a treeless plain when it would be possible to build in some of the stretches of thornwood or palm forest that one finds here and there in their country. I have often noticed villages built in the open when shady spots are to be found a few hundred yards away. But Nuer can give good reasons for keeping to their dreary sites exposed to the fierce tropical sun and the bitter north wind. In the open their animals are safer from wild beasts; they are less worried by insect pests, and their kraals soon dry after rain. It would appear also that thornwood forest is less suitable for cultivation of millet than more open country. Nevertheless Nuer sometimes build in open forest. I have seen forest villages in parts of Lou and Eastern Gaajok country. The Eastern Gaajok villages, which I have not visited, are mainly in forest country.

Most of these ridges and knolls have probably been occupied for a very long period of time, perhaps long before the Nuer lived in their present home. In digging graves Nuer have found pots and cooking 361 172

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361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinamen will leave a village if there are many deaths, if the cattle are poorly (*be ran giew kā kwi kith, kā kwi ghok*), or if fights have taken place in the village. Byres
[342] and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
333] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dar*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
However, ownership is mainly a matter of sentiment, based on long
602 association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is usually able to settle in a village where he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyaor*, or high river-flood, their ridges remain dry

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whereas in a similar year Eastern Gaajok country is under water and 361
cattle have to be sent into Lou country while the men fish from trees. Lou are very scornful of Eastern Jikany village sites. I once asked Wicthiel, who now lives at Mancom in Jikany country, whether he could call his present home a *gwaadh wec* (village site) and he replied "Well, it is what the Jikany call a *gwaagh wec*, but it is not what we consider a *gwaadh wec* in our own country (Lou). They just build their villages in the forest anyhow." Huts built [342]
on piles, such as one sees in parts of Dinkaland, are unknown in Nuerland.

Water is as scarce in the dry season as it is excessive in the wet 233
season. About the beginning of December, therefore, the young 221
men and some of the girls take most of the cattle to camps some miles from the villages and leave the rest of the women and the married men to harvest the second millet crop and repair huts and byres. A few lactating cows are left in the village to provide milk for the small children. The cattle are taken to camps partly to give [311]
them clean water and partly to pasture them. The grasses are burnt and some species spring up again a few days after they are fired. This is a good time for the cattle because they can move freely, the tall grasses which impeded them in the rains having been burnt, and because they can graze to their hearts' content on the tender young shoots.

Local conditions determine the time of leaving the village. In 361
1936 the first youths to take their cattle into camp from the village 221
of Nyueny moved on November 13th, at the beginning of the Nuer month of *Kur*. This is much earlier than is usual for most villages and was due to lack of clean water at Nyueny and over-grazing of the pastures in the vicinity. The country around the village was all under water in the middle of October but was parched a month later. Most people do not move till the end of the month of *Kur* or the beginning of the month of *Tiop indit* (about the middle of December).

In Lou country the first camps are often made in thornwood forests near deep pools, but in parts of Nuerland, especially in the

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West, they are often made by streams for fishing. When the second harvest is reaped the cattle are brought back to the village to eat the millet stalks, if the camps are near. As pools dry up, or pasturage is exhausted, or the fishing becomes poor, the young men make new camps and several intermediate camps may be made before they move to their large annual camping grounds at the side of lakes or marshes or on river banks. The early camps are often small, being manned by a few kinsmen but tend to get larger as the season continues and water becomes scarcer. The final camps may contain several hundred persons. By the middle of January the villages in the Lou country are deserted but in areas more favoured with water supplies, for example in Lek country, some of the older people may still be in the villages in the middle of February.

The Lou people stay inland as long as they can and in a wet year may remain inland throughout the dry season. They fall back on the deeper pools, some large enough to be called lakes, which hold up the water in a stream or depression, *e.g.*, at Muōt tōt, Muot dit, Fading, Fadoi, Gwonggwong, Yollei, Tepjor and Nyerol. These pools supply them with abundant fish. If forced to leave them the Gun major tribal section moves north to the Sobat and south-west to the flooded plain of the Bahr el Zeraf in the country of the Twic Dinka (*toc Twiai*) and the Mor major tribal section moves northeast to the Nyanding river or East to the Geni and Pibor rivers.

[721]

In the old days fighting frequently occurred if the Lou moved to these camping sites because the banks of the Sobat belonged to the Balak people, while occupation of the Geni and Pibor brought them into contact with the Beir and Anuak peoples, and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding river do not belong to the Lou for the Gaajok have their villages along it and have fishing rights in its pools.

The Madjok villagers with whom I camped for several months at Yakwac in 1931 had moved to Pul Telā for an intermediate camp early in December and had reached Yakwac about the middle of

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January. They remained at Yakwac till the beginning of June when they moved back to their village. As the Nuer put it "They started to move in the month of *Tiop indit* and remained *dar* (in between village and river) in the *muth* (second half) of *Tiop indit*, the whole of the month of *Tiop intot* and the *bor* (first half) of the month of *Pet*. In the first half of *Pet* they arrived at the river and remained there till the first half of the month of *Kornyuot*."

The Eastern Jikany have not the same need to move as have the Lou. Nevertheless, all the Gaajok, Gaajak, and Gaagwang tribal sections fall back on rivers before the dry season is far advanced. The three primary tribal sections of the Gaajok move as follows: The Laang concentrate on the Sobat, the Wangkeac move south-east to the banks of the Pibor and Gila, and the Yol either camp southwards near the junction of the Wokau and the Sobat or northwards along the edges of the Macar swamp. The Gaajak primary tribal sections move as follows: The northern Thiang sections (Kang and Luony) go north to the Daga river, the southern Thiang sections (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei rivers. The Gaajak camping grounds are mainly in Abyssinian territory.

I do not know anything of the seasonal movements of the Lak, Gaawär, and Thiang tribes beyond the fact that they fall back on the Bahr el Jebel and the Bahr el Zeraf and on streams flowing into these two rivers.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual people mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac streams. All these streams join the Bahr el Ghazal. The Dok camp near pools in the bed of the Waard stream. Without attempting to give full details, which indeed I could not furnish, about other dry season encampments among the Western Nuer it may be said that the people of this part of Nuerland do not travel in the dry season on the same scale as the Eastern Nuer, especially the Lou. Some of their earlier camps are made a few hundred yards from the

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villages. In 1936 the people of Puic had formed two camps on the Gany stream which could be seen from the village and were so near that the girls came to the camps twice a day from the village to milk the cattle.

The western Jikany move to the Jikany marshes (*toc Jikany*) at the edge of the Bahr el Ghazal. These flood plains of rivers are the most favoured camping sites because, as the swamps slowly dry up, they provide succulent pasturage for the cattle and there is always sufficient water in their deep depressions. In Lou country there are no big stretches of *toc* such as one finds in the flood plains of the Bahr el Ghazal, the Gila River, the Bahr el Zeraf, and in the Macar swamps.

A village tends to move about the same time and to visit the same pastures each year though time and place are determined to some extent by variations of rainfall and river flooding.

The population of camps varies from about 20 to 100 in the smaller intermediate camps, up to several hundred at the larger camps. That is an approximate estimate based on a limited number of bare observations.

Most of the Nuer are in their big dry season camps by February and remain there till May when the married men and women return to the wet season villages to clear the cultivations and to erect fences and to repair huts and byres. If there is then a temporary drought they may return to the camps. The young men and girls follow with the cattle in May or June according as the rains are early or late. The young men encamped at Yakwac in 1930 left early in June for their inland village of Majok. Those encamped at Konye had left for Fadoi shortly before I visited the village on May 15th in 1935. The young men break up camp as soon as their elders who have preceded them to the village send back a messenger to tell them that the rains have fallen heavily in the interior and that sowing has commenced. Instead of the leisurely journey from villages to the big dry season camps, which may take some six weeks, the journey back to the villages in completed as quickly as possible and takes one or two days according to the distance.

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The word *ghuth* is used to describe these movements. It does not denote a mere journey but implies a change of residence and the movement of cattle and household goods. It is used alike of men who drive the cattle from village to camp, from camp to camp, and from camp to village. It is also used of women who move separately, carrying their milk vessels and other possessions in baskets, for "*kwak cereka ghok*" "Household goods are like cattle." Of the movement from villages to camps one says "*Ce nath ghuth wicni*," "the people have moved into camp" and of the movement from camps back to villages one says "*Ce nath ghuth ciäng*," "the people have moved to the villages."

The Nuer pastoral year may therefore be divided into two main periods, the six wet season months, from June to December, when the people live in their villages, and the six dry season months, from December to June, when they live in camps. The dry season half of the year may be further divided into the earlier part when people are burning the grasses and living in intermediate small camps for a few weeks, and the latter part when they live for several months in large camps near lakes or wells or on the banks of rivers.

IX.

Inland, especially in Lou country, it is usually necessary to dig wells at the height of the dry season. Twenty years ago this was probably more general than it is today, because, as already explained, the main rivers and marshes lay outside Lou territory. Wells are sometimes dug also in Eastern Jikany country.

As the Sobat falls it drains the streams that intersect Lou country and, before long, their water is reduced to occasional pools where the beds are deepest. In the smaller streams these soon dry up and wells are excavated. Capt. H. H. Wilson first drew attention to these wells at Muöt töt (*Amwot el Sogheir*) in 1902 and wrote of them: "Dug on the sandy banks of the *khor*, their depth varied from 20 to 30 feet, with a diameter of about 2 feet 6 inches. Owing to the solidarity of the ground, the walls of the well stood without much

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312 need of revetting, and great labour must have been expended in their construction. Steps were cut in the wells on opposite sides, to enable a man to descend and ascend."* When I was camped on the Nyanding river in February and March of 1932 only the pools on its lower reaches still contained water, and that was fouled and slimy. Mankac was the last place where there was still surface water to be found. Upstream cattle camps were centred around wells sunk in the beds of the river. The following description was written at Yik.

312 Most of the men leave whatever exhausted pool they have been camped around a few days in advance of the women, and cattle,
332 and a few youths left in charge of the cattle, in order that they may prepare the wells, for the cattle must drink as soon as they arrive in their new quarters. Digging wells is a heavy task. The men begin by chopping out a circle in the bed of the river to define the circumference of the well and then pour water over the hard ground to make digging possible. For the first four to six feet down they cut through black river mud, caked hard for the first two feet or so but softer and moister afterwards. They then strike sand and cut through sand for another twenty to thirty feet till they reach water. All the wells at Yik, like those seen by Wilson at Muōt tōt, were estimated to be from 20 to 30 feet deep, so that Jackson's statement that "There are no wells in the Nuer country—unless a slight excavation of no greater depth than six feet in certain places can be dignifed by this name"† is incorrect. The wells at Yik were about a yard in circumference at the top but lower down they were slightly wider, being funnel-shaped. The sand gets moister the lower the well is dug.

Until a man has dug to some five feet down he can work unaided. Men take it in turn to excavate and throw the mud out of the hole to the surface. When the worker has reached sand an assistant remains at the edge of the well and hauls out the sand in a gourd which has a block of wood running across it and is enclosed in a net. The gourd is lowered by a cord and when filled with sand is hauled to

* Anglo-Egyptian Sudan, p. 140.
† Jackson, *op. cit.*, p. 65.

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the surface, the sand being deposited a little way from the mouth of the well. Steps are hollowed out on the opposite sides of the walls at intervals of about two feet. 312 332

When water is reached a thick coil of grass tied with twine is lowered to the worker at the bottom and he places it round the sides of the well from the basis to two or three feet up the walls. This is done to prevent sand from falling from the walls into the water. The water is about a foot deep and is clear and fresh.

The work of digging a well takes two or three days. Each *gol*, household, has its own well and each well is surrounded by several circular troughs. A trough (*pany*) is fashioned from the mud excavated from the well. It is about four feet in diameter having a wall a foot high. The wall and floor are pounded hard with a cow's horn, or a bone, to make the trough water-tight, and they are then coated with a layer of sand to keep the water clean and make it attractive to the cattle.

Watering cattle from wells is an unceasing labour. Cattle drink from the troughs as soon as they are loosened in the morning; they return from grazing at midday for another drink, and are watered a third time in the evening before being tethered. Therefore three times a day the troughs have to be filled by the slow process of drawing gourdfuls of water from the well, the gourds being weighted and let down with a cord, and of carrying them to the troughs. Men work late at night to fill the troughs for the morning drink and a large part of the mornings and afternoons are spent in preparing for the midday and evening drinks. 312 233

To avoid confusion a man generally loosens a few of his cattle at a time so that they can drink their fill and then give place to others. While they are drinking their masters squat by the side of the trough to prevent any beast from putting its feet in the water and fouling it and to see that it does not damage the walls of the trough. If a cow puts its hoof on the wall or in the water he gives it a sharp rap on the leg with his club. The animals soon understand this rule and meekly circle round the trough, or kneel at the edge of the wall, to

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312 drink. Each beast also soon gets to know its special trough and
233 when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muōt tōt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep
[681 and goats belonging to another household to drink the water drawn
593] for his father's cattle is in for a whipping from his elder brother. Even the cows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side.
[515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

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cleans it out, and rearranges the grass coil around the sides. The 312
discoloured water is then drawn out in gourdfuls and thrown away. They continue drawing the water till they are satisfied that the well is clean again. Every day the walls of the trough receive a fresh 312
coating of sand and are thus kept smooth and clean. All the work 462
falls to the men and boys. Men, assisted by the bigger boys, dig the wells and make the troughs and draw the water. The smaller boys guard the water. Women and girls only draw water for household purposes.

There were dozens of wells at Yik, the bed of the river having been 312
bored every few yards. As each well supplied two or three troughs the ground was covered with shiny pools.

X.

Water is the primary problem of the herdsman's life in Nuerland. 233
A secondary problem, for it arises from excess or insufficiency of water, is pasturage. In their seasonal movements Nuer are not only seeking water but also nourishing grasses and when herdsmen take the cattle from camp to their grazing grounds they do not guide them haphazardly across the plain but drive them to where they know of succulent grasses. The best pastures are often far from camp and the cattle have to be milked early so that they may have time to graze, drink water, chew the cud, and graze again before returning to camp. It is necessary to herd the cattle in the dry season, but Nuer say that it is better to do so at all times of the year though they do not always act accordingly. When I brought one of my cows from Yakwac to Mancom early in the rains it was noticeably thinner than the Mancom cattle. The Mancom people said that the Yakwac cattle do not do so well as their own because the Yakwac people do not herd their cattle in the rains and take them to the best pastures but leave them to graze by themselves. Consequently they graze on the exhausted pasturage near the homesteads. At Mancom a man always accompanied the cattle and took them to the richest grasses.

Nuer are great authorities on grasses and know all about their 824
habits and distributions. They never make a mistake in identifying 233

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824 233 those grasses which are *wal ghok*, cattle-grasses, and those plants which are eaten regularly by cattle, sheep, and goats or are used for veterinary purposes. One is only given names of plants with hesitation or given different names by different persons when they have no 824 particular value or use. One should not, however, bring leaves and flowers home and ask a Nuer for the names, for this confuses him, but he knows them at once when he sees them growing, as he would normally see them. Not the form of the plant alone but its form together with its habitat enable him quickly to identify it, for some plants are found in gardens, others on sandy ridges, others in the open plain, and others near streams.

824 It is probable that Nuer expansion has to a considerable degree been influenced by the distribution of pasture grasses. I am not 167 a botanist and can only record a few of the main grasses which are 137 found in both Western and Eastern Nuerland without being able to give their distribution in these latitudes. However, Nuer have told me that the reason they did not oust the Ngok Dinka from their enclave was that their pastures are not up to the grazing standards Nuer demand for their cattle. It has also been pointed out to me by Nuer that Shillukland is very poor in grazing grasses, a statement which seems to me, from a very slight acquaintance with Shilluk country, to be true.

137 There are some Nuer grasses the cattle like, some they will eat if 233 they are hungry, and some which they refuse at all times. The richness of pasture varies at different times of the year and in different places and it is these seasonal and local variations which determine Nuer annual, and daily, movements.

132 In the season of *Rwil*, the springtime of the year when the early 137 rains fall, all the grasses either send up new shoots or begin to grow again after several months of arrested growth. This is a season of 233 fatness for the cattle. All the pasture grasses are short and tender and they can choose the most luscious of them and graze on them to their hearts' content. In this time of plenty they nibble the heads of the grasses of which they are not greatly fond while they graze to the ground a favourite grass like *gau* (*Andropogon Gayanus Kunth*).

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But when the rainy season (*tōt*) is well advanced, grazing becomes more difficult, partly because the country is inundated and partly because some of the best grasses like *dut cieng nath* (*Echinochloa pyramidalis Hitchc. and Chase*) grow tall and rank and are no longer favoured by the cattle, though this particular grass which grows in the open plain and may, perhaps, be regarded as the characteristic grass of Western Nuerland, does not grow so coarse as many others and is the great stand-by of the cattle in a bad year. Other grasses which are eaten in the early rains but become too rank in the middle of the rains to appeal to the cattle are *dik* (*Sorghum dimidiatum stapf*), *dinding* (*Ischaemum brachyatherum Fenzl*), both grasses of the open plains, *yiu* (*Rottboellia exaltate L.f.*), which is found mainly away from streams and grows best on sandy ridges, and when full-grown is covered with spines on account of which it is also called *lep yang*, 'cow's tongue'; and *yuol* (*Pennitetum ramosum Schweinf.*) a grass of the open plains which has spiky heads that when it is full grown, run into the eyes of the cattle and make them sore so that they have to be bathed.

Therefore at the height of the rains, especially in a flood year, grazing is often a serious problem and cattle have to rely largely on the short grasses of the village ridges. This is where Lou country has an advantage over the Eastern Jikany districts and why many villages in Western Nuerland are so well placed. Such grasses are *jual jok* 'dog's tail' (*Setaria pallide-fusca Stapf and Hubbard*), and *bogh* (*Eriochloa nubica Hack. and Stapf.*), neither of which cattle relish, though *bogh* is eaten avidly by goats and sheep. Another ridge grass is *muōth* (*Cynodon Dactylon Pero.*). These grasses are supplemented by grasses of the open plains that grow at the foot of the ridges, particularly *dut cieng nath*, and have been beaten down by rain. In those parts of Nuerland which are not favoured by wide ridges the cattle may starve in a year of very high flood.

Early in the season of *jiom*, the windy season that succeeds the rains and is the first part of the dry season, the grasses dry up and seed. It is not a good time for the cattle since the tall grasses impede their movement, no longer provide succulent pasturage, and may

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shelter beasts of prey. Nuer hasten to burn them as soon as they are dry enough, usually in the latter part of November and in the early part of December. If they are fired too early they are only half burnt and though new shoots spring up the old charred stems remain standing.

Some grasses which cattle eat in the wet season fail to come up after firing till the following rains. Such are *wal* (or *dut*) *lony*, 'lion's grass' which grows in the open plains; an excellent grazing grass called *gogh* (*Brachiaria obtusiflora Stapf*). also of the open plains and favouring shallow depressions; *töl muoth*, also of the open plains and good pasture in the rainy season.

Other grasses send up tender young shoots a few days after they are burnt. Probably this is due to their long roots which tap water held up in the clay beds and it may be partly due also to their clump formation which protects the core of the plants from the flames. If it were not for the fact that some grasses send up new shoots after firing it would be difficult for the cattle to survive. It would, I think, be impossible for them to survive inland in a dry year. Some of the main grasses which come up again, though they do not grow till the next rains, are *twät* (*sporobolus pyramidalis Beauv.*), a grass found mainly near sandy ridges and not greatly favoured by the cattle; *ghol* (*Setaria sp.*) which also the cattle do not much care for; *rïëth* (*Setaria Lynesii Stapf and Hubbard*) a grass found mainly along shallow depressions; and *gau*. But the two grasses mainly to be depended on, and both much eaten by cattle, are *dut cieng nath* and a very tall grass, found near streams and pools, called *dut in lum* or *dut jaangni*. Some of the grasses which come up again grow near village sites and are therefore of little use because the cattle are in camps in the open plains, *e.g.*, *twät* and *ghol*. It seems to depend to some extent on the amount of rainfall to what extent grasses send up shoots and in a very dry year grasses which would in a wet year send up shoots may not do so.

After the grasses have been burnt the cattle have a good time as they can wander as they please, being no longer impeded by surface

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water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng naḷh* may fail (it is said *ce tōr* or *ce juac tōr*).
Nuer then make for rivers, swamps, lagoons, and deep marshy [221]
depressions where they can always find enough vegetation to keep
the cattle alive. The chief marsh grasses are *poon* (*Onyza Barthi A. cheval*), *giēk*, *buogh*, and *kuth yang*. Nuer say that no grasses give [234]
more milk than these if the cows can obtain them in abundance.

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass-grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaavia repens L.*) another plant called *tiltil* (*Indigofera Sp.*); *Wangrial* (*Justicia matammensis* (*Schweinf*) *oliv.*), *nār yiawa* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schleria foliosa A. Rich.*), *wōōr* (*Portulaca Quadrifida L.*), *kuthakdeet* (*Glycine Borianii Bak*), *tac* (*Ipomoea reptans Poir*), *pac* (*Urochloa a;.*), *nyiōk indil pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kār jaakoak* ('crow's pumpkins'), *thil in cōt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

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233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire of dried dung sends out clouds of smoke so dense that it is impossible
136 for a European to remain there for several minutes. One cannot
372 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are
237 so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realize that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

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fires, but they are quickly driven into huts and byres to seek protection amid the smoke of their fires. The doors of the huts are closed tightly, air-holes are blocked, and fires are lit. Mosquito-nets are the only European product, apart from spears, for which the Nuer express any great enthusiasm, but very few, perhaps one in several thousand, possess them. 136 [439 177]

During my residence at Mancōm on the Sobat in July, 1935 I was almost eaten alive by mosquitos. My cotton mosquito house afforded me some protection at night but insects soon made holes in it and the mosquitos entered. Moreover, they swarmed outside like a beleaguering army and on my leaving or entering the house battalions invaded it. The worst time was between six and nine o'clock in the morning when hundreds of mosquitos collected in my tent to escape the sun so that it was impossible to sit in it without being repeatedly bitten. One gets little rest, and fever is sooner or later inevitable.

Mosquitos are absent away from pools and river banks in the dry season and even in the vicinity of water—and one must live near water—they are not troublesome from January to May. In the dry season, therefore, the cattle sleep in the open, the herd being surrounded by windscreens in which the Nuer themselves sleep. If a beast of prey approaches people know of its approach by observing that the cattle are restless. The alarm is given and in a moment the whole camp is awake and men rush, with spears in their hands, to the place of danger. I have seen camps awake half the night chasing lions away, for a lion makes many attempts before he acknowledges defeat. But even in the dry season dung fires envelope the camps in smoke at night to protect the cattle from insects. 233 136

According to the Nuer it was Woman who first brought mosquitos to the habitations of men. Woman found Mosquito in the open plain and asked him "What do you eat?" Mosquito replied, "Oh! grass. Just nothing." Woman said to him, "Well come home with me and we will share our homestead together" When God heard Woman's words he asked her, "What about your husband?" Woman replied, 136 773

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136 773 "Oh! He can brush away Mosquito with a bird's wing." God said, "All right." For the first few days Man brushed mosquitos aside. Then he found that it was useless so he suffered them.

136 233 Another unpleasant insect pest is the seroot fly (*rōm*). Seroot are seasonal. They flourish on cloudy days from May to July. I have not seen them in this latitude from the end of July to the beginning of May. When I was at Konye in May and at Yakwac in July they appeared in swarms every morning shortly before the cattle were driven to pasture, between 9 and 9.30 a.m. At the same hour every morning I was driven from my tent by their painful stings. Fortunately when the cattle go to pasture the seroot flies accompany them. On most mornings at Konye about two hours after being driven to pasture the herd came stampeding back kicking their legs and lashing out with their tails and dung fires had to be lit in the kraal to protect them. There was no need to tether the cattle for they were only too grateful to be allowed to stand near the fires and let the smoke envelope them. Only when there was a shower of rain did they get any relief in the pastures, for rain drives seroot away. On cloudy rainless days the poor beasts ran back to the village covered with seroot and their flanks stained with blood. On such days they were not able to graze for more than two or three hours.

136 232 By August the seroot has gone but the stumoxis (*wuik*) remains. It is a small black biting fly which is present in the rains and, I think, in the dry season also. It is probably responsible for the presence of trypanosomiasis in parts of Nuerland, tramferring the trypanosomes directly on its proboscis from beast to beast, for the tsetse (*mi or luk liec*) does not occur in Nuerland, except perhaps in parts of Eastern Gaajak country, which I have not visited, though its lethal character is well known to Nuer. Indeed they have probably had to take it into account in their expansion eastwards for there can be little doubt that the main reason for their evacuation of Anuakland, which they conquered as far as the foothills of the Abyssinian escarpment was the loss of their cattle from trypanosomiasis carried by tsetse, which occupy a belt of country at the foot of the escarpment whenever dense forest occurs.

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There are other insect pests beside mosquitos, ceroot and stumoxis, which annoy the cattle though whether any of them carry disease in this latitude is unknown. The eight-legged cattle ticks (*ruk*) attach themselves so firmly to the dewlap, brisket, chest, belly, and udder that their blood-bloated bodies have to be sharply tugged if they are to be dislodged. Nuer remove them frequently in the evenings but not often enough and not systematically enough. There is another insect called *tharkwar* which is said to live on the bodies of cattle though its bite does not cause bleeding. 136 233

Personally, of all the insects that abound in African luxuriance in Nuerland I hate most the ordinary black fly, which is like our house fly in appearance. Nuer do not pay much regard to it and they are doubtless less objectionable to the cattle than most insects, though they worry them a good deal in hot weather. These flies settle on one and drive one crazy from dawn till sunset. On trek one is accompanied by an attendant swarm round one's head and shoulders. They do not seem to mind travelling any distance. When one is seated they settle persistently on the exposed parts of one's body. When one is eating they get in the food. All day long one is brushing them away. Their most annoying habit is experienced at sunset when they seek some cavity in one's body in which to spend the night, selecting the ears, nostrils, and eyes for this purpose. They are worst in the middle of the dry season for wet and cold keep them away—probably kill them off—to some extent in the rains and in the windy season that succeeds the rains. In the dry season they are sometimes intolerable. When I was encamped at Mankar and Biel on the Nyanding River there was very little water, and that fouled, in the pools, and the cattle were dying daily of rinderpest. A man might have thought that every fly in the world had come to live around the pools and to feed on carcases and excreta. In my more bitter moments I used to think of Nuerland as a land where the first mosquitos begin to bite one's legs as the last flies crawl into one's ears and nostrils. 136

While I am recalling my own experiences of insects I will mention in conclusion the red soldier ants (*mirmir*). I have only seen these

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136 ants in the wooded area near the junction of the Sobat and the Nyanding Rivers and they may be regarded as uncommon in Nuerland, since they are probably found only where there is fairly thick forest. They sometimes get into the byres and the cattle have to be taken outside while efforts are made to drive them away with ashes. When they invaded my camp our efforts were unavailing. We fought them for five days with fire and ashes and water and, though it was the worst time of the year for mosquitos, I was compelled to sleep the last three nights in a deck-chair surrounded by a ring of fire. On the sixth day we gave up the struggle and broke camp.

114 I have ventured to give some of my own experiences because one of the great difficulties of working as an anthropologist, or indeed in any other capacity, in Nuerland, is the constant irritation caused by insects and the exhaustion and sickness that finally ensue. To 233 appreciate what the Nuer have to endure it is well to endure for a while the same torments. While their cattle have to live in such conditions the breed cannot well be improved and the milk yield increased, for they never get any real rest and the continual irritation caused them by insects must greatly lower their vitality and render them an easy prey to disease. In the circumstances their hardiness and endurance is remarkable.

XII.

232 Having had no veterinary training I cannot list all the diseases from which cattle suffer in Nuerland. The most serious scourge is certainly rinderpest (*eyeper, eyeper Deang, eyeyor mennyuer*).

The usual name in most parts of Nuerland is *eyeper*. It is given a female name because of the supposed female properties of serious epidemics. Similarly, severe cases of smallpox are spoken of as female and light cases as male. A Nuer, with whom Miss Soule was once discussing rinderpest, when asked by her why it had a feminine prefix replied, "Would any man do such a thing as to kill all the cattle?" The wild dog is called *jiok eyeper* and I have been told that it is so called because wild dogs brought rinderpest to the cattle (*cae eyeper ecoog diir a kee*).

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232 Nuer know no way of combating rinderpest once it has attacked a herd but they are aware that an infected herd must be isolated. The Lou along the Sobat River in 1931 did their best to prevent any cattle from moving across their grazing grounds from infected districts and seemed well aware that the disease is carried on the hooves of cattle. They may have gained this knowledge from Europeans but Jackson records as early as 1924, when contact with Europeans was very slight: "Diseased skins are sold to the pedlars (Arabic speaking traders from the northern Sudan) who wander through their country. To this fact the Nuer themselves attribute the widespread disease that has taken enormous toll of their herds during the past few years. It is also interesting to note that they believe the disease to be carried on the hooves of the pedlars' donkeys.....The Jekaing, however, in the Bahr el Ghazal Province (Western Jikany) make such stringent quarantine regulations that if a man is known to have eaten of an animal that has died of cattle plague he is not allowed in a district free of the disease."

232 Nuer also try to protect their cattle by splitting up the herd, especially in the dry season, so that if rinderpest breaks out in some 233 districts and is not carried to every district, only part of the herd is affected. Thus a man may keep some of his cattle in camp at the inland pool of *Mwöt dit* while his son takes two or three animals to the Geni River and one or two cows are placed with a relative-in-law in Gaawir country or in the Dinka swamps. Likewise many men who camp on the Sobat leave some of their cattle at inland pools at Nyarol.

232 Nuer are aware that if an animal recovers from rinderpest it is immune from future attacks and greatly value such beasts. They are also aware that immunity of a cow does not mean immunity for its calves.

Rinderpest causes havoc among the herds and it is a bitter experience to live among the Nuer when their cattle are infected. They can only look on helplessly, more morose and resigned than ever, while it destroys some two thirds of their beasts. Youths see

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their chance of marrying in the near future vanish and everyone is threatened with hunger and poverty. When we consider all that cattle mean to Nuer it is easy to imagine their grief and forebodings. But they do not show grief or express forebodings. They do not let one see what they suffer. They meet disaster with calm mien and speak of their loss with philosophic detachment.

Next to rinderpest the most serious contagious disease is probably bovine pleuro-pneumonia (*jɔ̈ɔ̈dapuɔ̈th, jɔ̈k puɔ̈thei, jok nya puɔ̈th dɔ̈ɔ̈b*). In some years it causes heavy mortality among the herds. Nuer treat it by chewing certain leaves or bark and blowing them up the nostrils of sick animals.

Among the Eastern Jikany—and perhaps in other parts of Nuerland—though I am uncertain of this—cattle sometimes die of trypanosomiasis (*nei jɔ̈klace*). As already explained tsetse is not the carrier but biting flies, probably stumoxis and perhaps, seroot, are responsible for direct transmission. What effect this mode of transmission has on the trypanosomes does not appear to be known, but it is evident that the disease must be to some extent endemic and that it manifests itself only in periods of low vitality, as in years of heavy floods or of exceptional drought. Mr. Corfield tells me that among the Eastern Jikany an animal showing signs of trypanosomiasis is burnt across the back with a piece of red-hot iron, probably a heated spearhead: "Firing marks are about six inches across, three inches on each side of the spine and extend from the withers, below the hump, almost to the root of the tail." This treatment, presumably, is useless.

There is a disease called *ɔ̈ɔ̈n*, probably ringworm, which causes sores all over the body. Nuer treat it by pounding the dung of ostriches and hyaenas and dusting the sores with this powder. Another disease is called *dɔ̈ɔ̈ny*. Its symptoms are unknown but the treatment is to tie a strip of buffalo's or tiang's skin round the cow's neck and to tether it in the sun without food or water for two or three days. This is said to cure it. *Dät*, probably, foul on the foot, is a disease

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of the hooves which is often fatal. Another disease of unknown symptoms is *fuc* (*fuc nyacar, nyacar*). There is a disease called *kec* which is treated by the animals ears, and sometimes its horns also, being cut with a spear heated in the fire (*ke kec tem kä mar*). This sickness causes abscesses in the ears which are therefore scraped out. It also causes the horns to become hollow and if this is found to be the case the horns are either cut or bored. 232

Goats and sheep have their special diseases: *fanynain*, probably sheep-pox, *wiiwany*, fluke, in which the liver and gall-bladder are enlarged and full of sores, etc. They also suffer from trypanosomiasis.

Jök is a generic name for all diseases of cattle, sheep and goats. The word may be incorporated from the Dinka and some expressions in which it figures, *e.g.*, *jöndapuöth*, bovine pleural-pneumonia, show very clearly Dinka construction. The kind of *jök* which is affecting the cattle is specified in the names of different diseases or in different names for the same disease, *e.g.*, *jöndapuöth*, *jöklaar*, *jökdin*, *jök nyantial*, and *jök nyanjat*. Nuer appear to regard contagious diseases of cattle as spirits which suddenly come, for no apparent reason, as diseases of men come. Nuer say that they are spirits sent by God. They say "*Ce jök kaw piny, cas kaw piny e kuik*," "The disease has come to earth, it is brought to earth by God."

Besides veterinary medicines used to cure sickness, some of which may have therapeutic properties and be considered drugs, Nuer possess medicines which are used for other purposes than to cure sickness and we probably do not wrongly assess their value when we say it is purely of a magical order. Such are the medicines placed in churning gourds and churned with the milk to ensure a good supply of cheese. The roots of the following plants were recorded as having this use: *Cancun*, (*Trianthema pentandra*) *gitkual*, *kuäk*. The seeds of a sweet smelling plant that grows on camp and village sites called *mölök* (*Ocimum americanum L.*), are boiled with the cheese to make it sweet and keep long. 232 789 251 789

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232 Before a cow is taken to a bull to be served the root of a plant called *rialm* (*Clitoria Ternatea L.*) is chewed and blown up its nostrils to ensure conception. A plant called *nâr teyânga* (*wal thiiira yang*) is given in an infusion to be swallowed by a cow which has aborted its calf. An infusion made from a plant called *tam bwir* is administered to cows which are milk-bound. An infusion from the *dep gawy* plant is given to a cow which retains the afterbirth and an infusion from the stalks of the *cancan* creeper is given to a cow which refuses to suckle its calf.

Nuer love to hear their favourite oxen lowing and Mr. Corfield tells me that among the Eastern Jikany to induce an ox to low they take the feathers of the ground hornbill (*rwowat*), a bird which has a deep-toned booming call, and after grinding them and mixing them with water, give them to their oxen to drink. Better still, if the whole bird can be obtained, its innards are used in this way instead of its feathers. Another bird used for the same purpose is the African cuckoo (*kwei bitbair*).

The usual ways of administering medicines to cattle are to give them in an infusion through the mouth or to chew them and blow them up the nostrils (*liang yang*).

[789] There are very few cattle medicines. Indeed, the Nuer, like other Nilotic peoples are very deficient in all forms of magic and in those situations where ritual is employed the ghosts or the spirits are invoked.

The only wounds of cattle which I have seen treated are broken horns. It sometimes happens that a cow or ox is horned by another in a byre and in turning to get out of the way it cracks its horns against one of the big trunks that support the roof of the byre and breaks one of them. Nuer fear lest the animal may die since there is rain everyday and, in the early part of the wet season, many flies. They cover the wound with *dil look*, the brown sooty deposit which collects over the wood and thatch of byres when fires have burnt in them for some years.

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XIII.

Although there is more food in the rains the young men prefer the dry season for they can then spend all day in close association with their comrades and there is plenty of opportunity and leisure for dancing, flirting and displaying themselves before girls from other villages. In the dry season also people can sleep outdoors in the open air with their cattle, for there are few mosquitos. The dry season is also the time for fishing in pools, rivers, and lagoons, and this occupation gives amusement as well as providing tasty and nourishing food. Tiop told me "When the north wind blows at the end of the rains the young men rejoice because the windy season has come. Now they can sleep outside and there are no mosquitos. Now the whole land is burnt and a man can see over the countryside in every direction. Now a man can go out fishing by himself and may be he will not return to camp at night but will sleep on the river-bank. Now they drive the cattle to distant pastures. Only the old men prefer the rains because their bellies are then filled with millet and maize and beer: but the young men rejoice when the north wind blows."

A Western Nuer said "The dry season is good, for then you kill hippopotami and animals of the open plains, and there is the *dompiey* dance and flirting with the girls and jumping and singing behind your oxen. The wet season is good also for then there is plenty of millet, food and beer. Both seasons are good."

As camp life is not everywhere exactly the same it is easier for me to describe the life of members of a section of the Lou tribe who collected at Yakwar on the Sobat River in 1931, as they do every year, and to make comments which will denote certain differences between the mode of life I observed during a lengthy residence there and modes of life observed at dry season camps in other parts of Nuerland.

Camp life is monotonous and drives an anthropologist to despair as nothing unusual happens. Nuer are not eager to fight at this time of the year and marriage, mortuary, and initiation ceremonies are normally held during, or at the end of, the rains, when millet and beer are plentiful. I have spent weeks in camps watching the same daily round. A description of one day serves for any day.

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221 Hunger is partly responsible for the low pulse of life at this season. As has been explained, Nuer cultivate little and in most districts, especially in Lou country, they have to husband their grain if it is not to be exhausted long before the new harvest has ripened. They leave most of the grain in their wet season villages for seed and to support themselves during the hungry weeks that last from sowing to harvest time. They do not carry much millet to the camps so that they have to use it sparingly, though, if the camps are only a day or two away from the villages, women will sometimes return to get further supplies from the village granaries. When the dry season is well advanced the cows often cannot obtain sufficient pasturage of a nourishing quality and give little milk. Those Nuer who camp at the edge of inland pools and lagoons can supplement their diet with fish, but on the Sobat we only had what few fish boys could spear in the shallows and the yield of harpooning from our single canoe. From time to time members of our camp managed to kill wild beasts: gazelle, cob, tiang and giraffe. Otherwise our meat supply was limited to an occasional ox or cow which died and to blood from the necks of cows.

805 223 Camp life is regulated by requirements of the cattle and Nuer speak of periods of the day by reference to pastoral tasks rather than to the course of the sun, *e.g.*, they say that they will do something at the time of milking, or after the cattle are driven to pasture, or when the calves return to camp. The camp time-table varies little from day to day. It is approximately as follows:—

512 234

A.M.

6.00 Everybody rises.

6.45 The cows are milked.

8.00 The cattle are driven to pasture, the kraal is cleaned and the morning meal is served.

8.15 Goats and sheep are milked and taken to pasture.

P.M.

4.30 Calves, sheep and goats are brought back to camp.

5.00 Cows which have recently calved come running home.

5.30 The herd returns and the cows are milked.

7.30 The evening meal is served.

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Everyone wakes before sunrise and satisfies the needs of nature. 512
For about three quarters of an hour after sunrise men sit by their hearths protected by windscreens and women outside their beehive grass huts chatting, smoking and gazing at the cattle which lie, still sleeping, many with their muzzles tucked into their barrels, and chew the cud. Being close together they rub their bodies against one another and lick each other. They present a medley of colour: fawn, grey, mouse, black, brown, blue and chestnut-roan, with many variations of shade and distribution.

The huts and windscreens are generally erected in a semi-circle 361
with their backs to the prevailing wind, though they sometimes form an almost complete circle and at other times are arranged in lines. Windscreens are of simple construction. A narrow trench 343
is dug for three quarters of a circle and handfuls of grass are planted, root downwards into the trench. Each handful is beaten tightly against the last one so that a solid screen of grass is formed. The grasses generally used for this purpose are *dut in lum*, a tall coarse riverside grass called *wath* (*Sorghum lanceolatum Stapf.*) and *wer* (*Vetiveria nigritiana Stapf*). Where camps are made near villages millet stalks are sometimes used instead of grass. All these grasses are tall and sturdy and they bend to the wind and do not break. Men sleep in the shelter of these screens on the hearths which occupy the whole of the enclosed space. Here the fire is never allowed to go out, and from day to day the height of the hearth is slowly raised by accumulation of ashes. Women make huts in the same way as 342
men make windscreens but they bend the tops of the grasses so that they meet. They are then tied together and the sides are plastered with cattle dung. Within these flimsy shelters, which contrast with the massive byres and well-built huts of their wet season villages Nuer spend about half the year. Sometimes, as at Yakwac, a camp is made in a wet season village belonging to kinsmen at the edge of a river. Then the men desert their windscreens at midday for the [512
cool interiors of the byres and the women sleep at night in the village 513]
huts instead of erecting special grass huts. But even when, as in 361
certain parts of Nuerland where there is no great deficiency of water

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361 or dearth of pasturage, the people remain on their village sites or move only a short distance from them, they insist on making a camp nearby, for such is the ancient dry-season custom.

342 The windscreen (*geaw*) does not seem to be used in Western Nuerland. In the camps I have seen there both sexes live in grass huts plastered with dung, the huts of married couples being rather larger than those occupied by youths or girls. The huts appear also to be more carefully constructed than in Eastern Nuerland. In
343 Nuer camps one sometimes sees a rough shelter (*geaw dawi*) constructed of branches with grass, often the riverside *bwor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

234 Before and during milking youths display themselves in company
883 with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *raw* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 Milking starts between 6-30 and 7-00. If the morning is misty
462 it may be delayed till slightly later. As men are forbidden to milk

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they sit in their windscreens while the women and boys milk the cows. This task takes about half an hour and the cattle then remain for a while tethered to their pegs. Each household milks its own cows and if there are strong boys and girls they do most of the work, leaving the married women to cook and attend to their babies, but adult women milk troublesome cows which require experience and firm handling and if they have no adolescent sons and daughters have to milk all the cows of their household. 234 462 512

Between 7-30 and 8-0 the cattle are taken to pasture. If some of the beasts are loosened before milking is finished they do not leave the herd but wait nearby the kraal till they are driven out with the herd. By this time the sun is high in the heavens. When there is good pasturage near the camp they may not be loosened till 9-0—10-0 o'clock because they will have plenty of time to eat their fill before sunset. Mr. Corfield tells me that they are generally taken to pasture at this late hour among the Eastern Jikany whose countryside not so arid as that of the Lou. I gathered from statements of Western Nuer that in their country it is customary for the cattle to be loosened even later in the day. 233 512

No one gives an order for the cattle to be loosened but when all the cows have been milked someone begins to loosen his cattle and the others follow suit, the cows being loosened in [illegible]. The herdsmen for the day take them out of the kraal. Usually several men accompany the cattle for a short distance but some of these return to camp and only two or three men spend the day with them in the grazing grounds. Each household in turn provides a herdsman and the men who herded the cattle today arrange with others to herd them tomorrow. The adult occupants of each windscreen must take their turns as herdsmen. After being loosened, some beasts make at once for nearby water while others wait till they have reached their grazing grounds and drink there, for, about midday, the herdsmen accompany them to a pool. If water is near the cattle make their way to it, but if it is distant they have to be driven there. Herding is considered a hardship and is conducted by young adults. They have to keep a close watch over the cattle during the heat of the day in case they wander and

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233 512 [533] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp [264] and, except when there are plenty of *Aegig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 462 234 237 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back to the kraal in the evening; but women and boys continue their labours. Women milk the goats and sheep and prepare the morning meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat [857] and milks it, holding it by the horns with one hand while he puts its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 462 224 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most mornings parties of two and three leave camp at dawn with their dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

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Much attention is devoted to hair-dressing in the dry season. In the rains the hair is sometimes neglected though never for a long time unless a man is in mourning. Nuer hair is naturally crinkly and black but when treated with ashes of cattle dung mixed with wood ash it is oxidised and becomes straight and golden. A man takes a heap of ash from his wind-screen fire, mixes it with wood ash, and places them on his sleeping skin where he removes any lumps, leaving only fine ash. To make the ashes finer still he beats them with a mallet and shakes and taps the skin so that the ashes are spread over it and can be searched for foreign matter which is then extracted. When he is satisfied he divides the ashes into two heaps, one of which he mixes with water. The Eastern Nuer do not use urine for this purpose as the Dinka and, to a lesser extent, the Western Nuer do. The scalp is now massaged with the damp ashes. When this is finished the hair is gathered into a peak at the back or front of the head and the dry ashes are sprinkled on top. The head remains for two or three days in its ash plaster which is then removed and the hair is sprinkled with oil. Nuer hair freshly treated in this way has a golden tint and glistens in the sun. Young men spend many hours in their wind-screens, after the cattle have gone to pasture, preparing their hair in this way. 362

By about 10 o'clock most of the men are sleeping behind their windscreens, beneath trees, or, if the camp is near a wet season village, in byres. Only if game is sighted is there any male activity in the camp for an hour or two before noontide. The men grasp their spears and with their dogs sprint after the animal to encircle it and run it down. After the first rains all able-bodied men leave camp to search for giraffe-tracks and if they find the animals they pursue them till they are exhausted and overtaken and speared. Nuer sometimes chase giraffe all day long and their endurance will scarcely be believed till it is seen, being especially remarkable when we recollect that they are weakened by hunger at this time of the year. But at the height of the dry season it is useless to hunt giraffe as they are too fleet on hard ground. While the men are sleeping the women are engaged in churning last night's milk. 512 462 224 [274]

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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
237 men hold them between their legs and lifting up their heads compel them to swallow water. At this time the boys bring back the larger
372 calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*faw*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household and women and boys commence at once to milk the cows and they
264 finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

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In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *paipat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

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512 221 226 515 283 137 vary much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

136 [132] On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came [524] to the river to drink and were attacked by hungry Nuer. Animals 312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 512 In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave [322] camp and one meets them along paths, carrying their household goods [233] in rectangular cane baskets. Youths leave camp early in the morning [283] to cut stakes, generally of thorewood (*bwoc*) and they spend a large [513] part of the day shaping them into tethering pegs. They also twist 221 new cord. The weather being cooler people do not feel so keenly the need to sleep towards noon. Everyone is becoming restless and

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anxious to start for the wet season villages. At the beginning of June the camps nearest to ours, those at Dengatwor and Wecgin, broke up and our companions at Yakwac began to move inland a few days later. 221

The dry season (*mai*) is over and the wet season (*ñiñ*) has begun. The camp (*ewr*) is broken up and the village (*riewg*) is occupied once more. The long idle days are ended and men and women turn to strenuous work in their gardens.

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NUER RULES OF EXOGAMY AND INCEST[1]

835 753 864 THE Nuer word *ruai* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*duer*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv [1935], 5).

582 place between them. An ox of the *ma jok thieng* colour is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say *Bakesa nar*, 'We break kinship', and *Ba bak ar kir*, 'It (kinship) is broken with a gourd.' It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the *genitor*, is a different man from the sociological father, the *pater*, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage even where this would not have been allowed had their father been their *pater*. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar lala*, the natural son of his maternal grandfather.

582 597 The adoption of a Dinka boy into a Nuer minimal lineage—an event which very frequently takes place—prevents him from marrying into that lineage, and he would normally not be allowed to marry into a collateral minimal lineage of the same minor lineage.[1] Some of my informants were of the opinion that he ought not to marry into the clan at all, but marriages of adopted Dinka into collateral major, and even minor, lineages undoubtedly take place sometimes. When this happens it is permitted because Nuer hold of adoption that 'It stops there (in

[1] An instance of a marriage of this kind is given in 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, xvii (1934), p. 15.

the joint family) and remains in their lineage (minimal), it would not jump over their fire-place (joint family) to a collateral lineage'; but to avoid the appearance of a breach of exogamy the spear-name *mat jangwu*, spear of this Dinka, is called out in the invocation of the ghosts on the day of the adopted Dinka's wedding in addition to the clan spear-name which becomes his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. A man and woman with the same spear-name cannot marry, because this is evidence of common clanship. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may claim some part of it. Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs and then hands her over to another man to bring up outside his village 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the household (*gut*) and becomes a member of the household.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth, for several generations. She herself can be married to a clansman of her captor and foster-father so long as her husband does not belong to his minimal lineage, which is to say, so long as those who pay her bridewealth cannot also claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle.

582 607 A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children.[1] It is said that were he to do so the children of the marriage would die. When I argued that there was no kinship between a man and his wife's sister Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman since she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow, and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that you cannot marry your child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

582 961 A man may not marry the daughter of an age-mate, a member

[1] A single case of marriage to two sisters at the same time was recorded. A well-known magician on the Sobat river defied the prohibition. When, however, one of his daughters fell sick with syphilis, or yaws, he gave up the second sister.

of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rin*, of the bridewealth of the daughter of one of his mates, and a man may not be in the position of paying bridewealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage rarely surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *ruai* but Nuer say that it is 'like *ruai*'. The prohibition is said to have been ordained by God and it is believed that the guardian spirit of the age-set (*kwoth riedim*) will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterised by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. Thus Nuer may be heard to say of such a set as the Wangdel, 'The Karamai marry their daughters, we the Piluali do not', meaning that the Karamai, who belong to the set next junior to the Wangdel, would not be their sons, whereas the Piluali, who belong to the next set but one, would be mostly their sons. When one of the fathers is dead marriage can take place but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This ritual exchange is in payment to the *rin*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead, because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

582 For completeness it must be mentioned that a leopard-skin
629 chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

582 The exogamous rules I have recorded above can be generalised by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *bath*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *tiear*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in
582 the breach of them. Thus I have known of a peculiar matriage
583 into the clan in which, on the day of the wedding, tribute was

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

INCEST

It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

7. Evans-Pritchard E-5 (1931-1936) 1949 F322 Nuer F322

835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kuel*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kuei mat*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tut thilke rual*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*ciang*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal
[834] cousins are not subject to the same restraint. It is not *rual* to
[561] have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

835 It is forbidden on incestuous grounds to have relations with
587 the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

divides them with a sheep.' The widow and the man who is taking his kinsman's place squat inside a hut and the *guan bathei* of the dead husband's (in the case of the maternal uncle's widow, of the maternal uncle's) lineage, the man who performs sacrifices for the lineage, squats outside. They hold between them a sheep stretched across the threshold and it is there cut in twain. The top half is eaten by the kinsmen of the man who is taking the widow, though he does not himself partake of its flesh, and the bottom half by the women of the household. The hide on which the widow and her dead husband slept is also cut in half and the skin of the sacrificed sheep may be sewn to another to provide a new sleeping-hide. 'The father (or brother, or maternal uncle) is removed', as the Nuer say, not so much, if at all, because there would be any danger of *ruai* but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife, which might injure her or her children. A twin may not take his brother's widow, for twins are one person. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *ruai* is more pronounced. §35 §37

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *ruai*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths, who make love to maidens very freely, are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who form the same *dep*, dancing-line, which means kinsmen who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if §35 §36

835 they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

835 There are, as we have seen, a very large number of relationships which carry the incest taboo and it is not surprising that
844 there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with shame or embarrassment. Parents teach their sons at an early age the rules of sex: to avoid the wives of others and those who *tak mar*, have kinship. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nai ti gua*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives to other men, for fornication with an unrelated girl, a *gua Nati*, as they say, is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the exogamous permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter are also terrible. I have heard of one case of each.

Incest with the paternal half-sister, whether daughter *of pater* or *genitor*, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'For one man knows kinship and another man does not know kinship, that is a man whose heart was made differently.' Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for social kinsmen. I was told, for instance, that a man might make love to the daughter of the natural son of his maternal grandfather (*gua nar lala*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister and it is worse with a mother's brother's daughter than with a father's brother's daughter and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one and with a kinswoman in the restricted than in the classificatory sense. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of exogamy and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' 'What! Do you not want the cattle of your daughter's marriage and would you not die of *rual*?' And so forth. Incest with the wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *rual* while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Incest with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest

835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *syaguanien* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *syaguan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *syiman pany*, her true (uterine) sister.

835 To avoid the consequences of incest Nuer make sacrifices,
783 and the weight they attach to the breach of the taboo may be
789 estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confusion then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *ruai* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *ruai* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *ruai*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *ruai*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat guan*, father's son, to Bul, whose marriage, which had in any case not escaped

835 critical comment, might then have entailed risks. Even then
684 Bul might have taken the risks, claiming that the child was *dath laka*, born in concubinage, and therefore not a true brother if his *genier* did not pay a fee to legitimatize him: 'Their spears [spear-names] are different: it is not real kinship.' In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

SOME OBSERVATIONS

835 I now make some general observations, within the scope of
682 this essay, on Nuer exogamy and incest, or about the Nuer concept of *ruai*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *ruai*, incestuous. Speaking sociologically, I think we may reverse this statement and say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of exogamy to marry them. I would hold that the incest taboo can only be understood in the light of the rules of exogamy and that these rules are to be explained by their function in the Nuer kinship system and in their whole social structure.

835 It is evident that the incest prohibition is not derived from notions of consanguinity only, or even to any extent, but from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster father's brother, between a man and the daughter of one of his age-mates, and, necessarily, between a ghost-son and the women of his clan. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I contend that it is to be regarded primarily

as a way of providing a moral norm, a reason, and a sanction for the exogamous regulations of their society and is therefore a product of their social structure. §35

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *real*, and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans and that the Nuer themselves recognize that the limits of exogamy are arbitrarily fixed. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law among the Nuer, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the rules of exogamy and not the rules of incest which are basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.[1] §32

It is true also that Nuer call *real* relations with women already married to kinsmen, and because they are married to kinsmen, and that they cannot be counted as possible mates to whom any rule of exogamy could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest

[1] Although Nuer declare 'You cannot make love to the daughter of an age-mate because you call her *gnade* ("my daughter")', the prohibition is not emphasized, since there would be little chance of a man obtaining the favour of a girl so much younger than himself in any other way than by marrying her with cattle, which is forbidden.

235 taboo not so much as wives of kinsmen but rather as mothers of kinsmen. 'It is like this. The girl is married with cattle. You get your wife and her father gets your cattle. The girl is now your kinswoman and not kin to her father's people.' Nuer say that your wife becomes your *gaan buthni*, which means that she can perform ritual on behalf of your lineage. One man described her position thus: 'Now she [your wife] is like your mother; she cooks for you and milks the cows and performs the other services which your mother once performed for your household. She is a real kinswoman. She is like your mother. She has been exchanged for cattle and brought to agnatic kinship with another household (*ene nang buthni gol dudum*).'

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every kind are regarded as being either incestuous peccadilloes or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the joint family and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group and of its cattle. Hence sexual relations with the wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence also, whereas relations with, for example, the wife of the maternal uncle means relations with the *ok nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with *okdan*, our wife, and the mother of *gatdan*, our child. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Patrilineal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by a man and his maternal

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aunt's son makes for confusion within the kinship system, which is a system of personal relations of a different kind to lineage relations. Two sisters are potentially members of different lineages, those of their future husbands, which they join and to which they bear children. The position of the uterine brother is peculiar, because full brothers are not just 'bulls' to one another, members of the same lineage: they are maternal kinsmen as well as paternal kinsmen, and sexual relations with each other's wives seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the rules of exogamy, by differentiating between persons in Nuer society, indicate kinship status and are one of the most effective means of doing this and thereby of maintaining the kinship system, which is based on the distinctions between the various categories of relationships. The rules of exogamy prevent confusion between one relationship and another and the contradiction such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this essay, of Nuer themselves, who see that it is undesirable to obliterate or confuse the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; were a man to marry the daughter of an age-mate his age-mate would also be his father-in-law. But if the wife has died childless marriage with her sister is permitted because the relationship of a man to his child's mother's sister is no longer at issue, and if one of two age-mates is dead the son of one may marry the daughter of the other because the fathers can no longer be brought into a relationship of affinity. This explanation of exogamous rules holds not only for the Nuer but, as Professor Radcliffe-Brown has taught for very many years, for all societies.

The consistency between the Nuer rules of exogamy and the 835
payment of bridewealth and its distribution, the ritual of 582
marriage, and the laws of marriage and descent cannot be discussed here. I can only say that the payment, the ritual, and the laws could hardly exist in the form in which they do exist were it not for the coexistence of the rules of exogamy I have recorded in this essay.

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recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. The Nuer political structure was treated in that book as a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

community of kindred every member of which regulates his 621
behaviour to every other member in accordance with a variety 619
of kinship patterns and can predict their behaviour to himself 613
in conformity with the same norms. 614

When a local community becomes in this way a network of 582
kinship ties it is necessary, so varied and extensive are the re- 602
lationships which come under the exogamous ban, to marry 621
outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

E. E. Evans-Pritchard

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Photo: Dr. J. H. Hutton

LAK PUEM AND HIS BONG-BULL

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A MANUAL OF NUER LAW

Being an account of Customary Law, its Evolution and Development in the Courts established by the Sudan Government

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FOREWORD

I ESTEEM it a privilege to have been asked by Dr. Howell to write a foreword to this book. He is well qualified to be the author of a handbook on Nuer law, for he combines anthropological training with administrative experience, a combination very necessary if the principles of Nuer law, which can only be revealed by anthropological research, are to be presented in the form most useful to Officers of the Administration. He took the Anthropological Tripos at Cambridge shortly before the last war and a D.Phil. in Anthropology at Oxford after it. It is greatly to his credit that he has been able to maintain his anthropological interests in the midst of manifold official duties and even more so that he has found time to engage in research and to publish its results; for, in addition to this book, he has made contributions to our knowledge not only of other departments of Nuer social life but also of the Shilluk, the Dinka, and the Baggara Arabs, his papers on the Shilluk being of special importance. Since he is acquainted with anthropological literature, and the theories and problems contained in it, Dr. Howell is in a position to address himself, as he does in this book, to an anthropological as well as to an administrative audience.

The present volume is a valuable addition to the literature on the Nuer, which is now, for a primitive people, quite considerable. There are, apart from a number of articles in journals, no less than seven books, published or about to be published, on their social life: Mr. Jackson's pioneering account, to which I again pay tribute; Miss Huffman's book, which, though slender, contains much useful information and also some acute comments; Father Crazzolara's detailed study of Nuer religion, of which only a condensed account has yet appeared (in the eighth volume of P. W. Schmidt's *Der Ursprung der Gottesidee*); this book by Dr. Howell; and my own trilogy; and there are also excellent studies of their language by Father Crazzolara and Father Kiggen. It is very seldom that we have so many separate accounts of a primitive people written in different circumstances, at different times, in different places, and by people with largely different backgrounds. We have here something similar to the variety of documentary sources which is so important for the historian in reaching a verdict on facts. But, in other respects, we have here also something different, because the sources are not just contemporaneous documents which unintentionally serve to support or weaken testimony, but are successive studies in which each writer in turn has, it may be presumed, deliberately sought to test the statements and interpretations of those who wrote before him. That so many books and articles should have been written on the Nuer is also surely a tribute

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to the Nuer themselves. Twenty years ago they were not highly regarded; but little by little we have learnt to appreciate their qualities, and I think that it is true to say that all of us have persevered in our efforts to record their way of life very largely because we felt that they are a people whose values are worth handing down to posterity.

Dr. Howell's book will doubtless prove of great assistance to Officers of the Sudan Political Service. It is hardly within my province to speak about it from that point of view, and, in any case, its practical value to the Administration will depend largely on the direction taken by political developments in the Sudan in the near future, and this cannot be altogether foreseen. I can speak only as an anthropologist and of its value to anthropology. It is of anthropological value for a number of reasons.

First, it adds, and on some topics quite considerably, to our knowledge of the Nuer. It is true that much of the book summarizes what has been published earlier, mostly by myself. This could not have been avoided if one of its main purposes, to serve as a handbook on Nuer law for the guidance of Officers of the Political Service, was to be achieved. However, not only is there also much that is new, but what is old is presented from a new angle; and I should add further that most of Dr. Howell's book had already been written before much of what I have since published had appeared in print, so that what might appear to someone unacquainted with the circumstances to be a summary of existing knowledge is in fact largely based on Dr. Howell's own observations and enquiries.

Secondly, it provides a most useful check on previous writings on the Nuer, and particularly on my own books. An anthropologist is too often in the unfortunate position of being the sole authority on a primitive people. The value of his account is thereby much diminished since it requires more faith to accept the evidence of a single witness than of several. Dr. Howell has indeed dealt with me with perhaps undue generosity. Nevertheless, he does not hesitate to state, and without equivocation, where he considers my account to be wrong, insufficient, or in other ways at fault. This is all to my advantage because it may therefore be assumed that where he does not find it necessary to correct or criticize my statements it is for the reason that he has tested and confirmed them.

Thirdly, it enables us to view Nuer society in a wider historical setting. Ethnographic studies of peoples usually have only the slightest historical background, and lack altogether historical foreground. They give the appearance therefore of being photographic. Here the value of Dr. Howell's book lies not merely in its description of changes which have taken place among the Nuer during the last twenty-five years. His observations have a further significance. They provide a kind of experimental situation in which the validity of earlier theoretical conclusions can be tested by the movement of events. If they

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were sound, then, given modern developments, certain changes might logically be expected. Moreover, the fundamental values of a society may sometimes be most clearly seen when it is in process of readjustment to new historical circumstances. One then sees what stands the test, what holds firm, what acts as a rallying-point. 114

Fourthly, it is a contribution to a subject of some importance about which we are not well informed, namely the development of custom into law through the establishment, in this case by an outside authority, of courts and by what amounts to the beginnings of codification; for, as Dr. Howell has shown, the decisions of the courts established and to some extent controlled by an alien government nevertheless express and remain true to the principles of indigenous custom. Yet there are also some strange developments. It is evident that the courts and legal procedures instituted by the Administration have sometimes accentuated or increased the disputes they were intended to settle. All sorts of unintended results have ensued. For example, a premium is put on adultery, for if a wife commits it with more than one man her lovers pay less, or no, compensation to the husband; and to correct this absurdity the offence tends to become more and more treated as a crime rather than as a tort. To take a second example, penal sanctions are now applied where in Nuer custom no civil, far less criminal, action lies; as when a man has congress with another man's concubine (in the Nuer sense of this word). To take a third, a person accused of the evil eye may today be sentenced by the courts to imprisonment, and his, or more often her, sentence has the effect of purification, something like penance. All this is of the greatest interest and, for me at any rate, sheds light on many puzzling features of Nuer custom.

I should like to conclude with two remarks. The first is that we social anthropologists are a very small body who can make our professional studies only here and there, and that we therefore rely very much indeed on the assistance of administrative officers and missionaries. This, however, requires in the administrator or missionary some training in anthropology; and I think that Dr. Howell's book shows how valuable this is. Not only does it enable the administrator, as is here so clearly shown, to make important contributions to anthropology, but also, by adding to his understanding, it makes him a better servant to those whom he serves. Secondly, I would like, if Dr. Howell will permit me this opportunity, to pay tribute to all those Political Officers, of whom he is one, who have served in Nuerland and have, without exception, and in many different ways, encouraged anthropological research among the Nuer in the hope that it might be of benefit to the people with whom they have so obviously bound up their own lives.

E. E. EVANS-PRITCHARD

OXFORD
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CHAPTER I

INTRODUCTION

1. INTRODUCTORY

Sources, Methods, and Objectives

THE Nuer are a Nilotic people who live in the savannah and swamps of the Upper Nile Province in the Anglo-Egyptian Sudan. My acquaintance with them began in 1942 when I was appointed Assistant District Commissioner of the then Zeraf District which included three of their tribes. In 1943 a special body known as the Nuer District Commissioners' Meeting, and now called the 'Nuer Chiefs' Council', was set up by the Governor of the Province. The object was to enable administrators and chiefs, chosen from all Nuer Districts to represent their people, to discuss common interests, and ensure some consistency in administrative policy. One of the main subjects for discussion was the growing body of 'customary law' administered in Nuer tribunals established by the Government, and the obvious need for standardization of the general principles, although it was agreed that any form of rigid codification should be avoided. One of the first resolutions passed at this first meeting was that an investigation should be made of the principles of Nuer customary law and a record kept. This Manual of Nuer Law springs from that resolution. I was able to study and record the cases which appeared before the courts throughout my service in the Zeraf District, and later, when the Lou Nuer tribe was incorporated to form what is now called Central Nuer District, to extend my enquiries further afield. Subsequently I had occasional opportunities of visiting other Nuer Districts and, although I was not then dealing with administrative affairs, I was able to check some of the information previously recorded. This Manual is, however, largely based on information from the Lak, Thiang, Gawaar and Lou tribes, and it must be appreciated that I have not been able to cover all the detailed variations of customary law which are to be found in so large an area. It would be a mistake to believe that every Nuer court would give judgement always and exactly according to the law I have described, even though there is great consistency in general principles—a consistency which is fortified by decisions made subsequently at meetings of the Nuer Council.

By 'customary law' I mean the body of 'native law and custom' which is administered in Nuer courts under the Chiefs' Courts

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671 Ordinance of 1931.[1] Such terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. From the time when I first visited Nuerland it was the 692 177 agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to pro- 123 vide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

[1] '7 (i). A Chief's Court shall administer—
(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

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their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law.

It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', greeted as an intimate by men and women of all ages, praised, but often severely criticized, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come.

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for

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691 such is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure is not even confined to actions in the courts. The negotiations which [584] take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (*kur*) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

126 The sources of my information are therefore from the courts them-
114 selves; a close analysis of several thousands of actual cases. These were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

121 This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

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It is also intended to provide further material for those whose interests lie in a more general and theoretical study of 'primitive law', although I have myself rarely attempted to interpret that material in terms of comparative jurisprudence. 121

These two objectives are not entirely compatible and involve difficulties of presentation. I must therefore seek indulgence in advance for those passages which may appear abstruse and far removed from the practical problems which face the administrator and for those passages which may appear self-evident or over-simplified to the jurist and the anthropologist. Whether the book will be of value in the administration of Nuerland in the near future or in the self-governing Sudan must be judged by posterity. It is dedicated with affection to the Nuer people themselves in the hope that they may find security and fulfilment in the direction of their own affairs with due regard for their traditions.

Presentation and Orthography

Since it is not easy to isolate one aspect of the social and political affairs of the Nuer from another, the system of classification is arbitrary and not based on any conventional legal form. There are also obvious repetitions when a particular institution or concept is examined in different contexts. I begin with a summary account of the social and political structure of the Nuer for the benefit of those who have not studied previous literature on the subject, and this inevitably leads to generalizations which are not equally valid throughout the whole area. The Nuer are, however, sufficiently homogeneous to make generalizations at least possible. For further information the reader may turn to the publications listed in the Bibliography. Chapter II concerns homicide and bodily injuries which are not at all uncommon in Nuerland even today. Chapter III concerns marriage, the means by which it is achieved, the rights and duties which arise and which are often in dispute before the courts. Part II of the same Chapter concerns the dissolution of marriage, a process which is unfortunately more common nowadays than it was in the past. Chapter IV concerns the violation of rights in women, also a common cause for litigation. In Chapter V I have attempted to outline some of the main features of Nuer concepts of ownership and corporeal property which are at present no real problem, but which may well need a more complex and precise system of law in the future. In Chapter VI I have attempted, very briefly, to describe the part played by religion as a sanction for social conformity, and the functions of the various religious and magical experts, some of which are recognized in the administration of tribal law and custom. In Chapter VII I have attempted to analyse in very simple terms the nature of Nuer customary law as it was in the past, and the way in which it is developing under modern conditions. 128

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128 A general index is included, but for easy reference a detailed list of contents is given at the beginning.

128 For the sake of consistency I have, with few exceptions, followed
104 the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *sh* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendixes.

Note on Cattle Terminology

231 Nuer law is principally concerned with rights and claims in cattle,
104 and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok thunge*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok gwande* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nac*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dou*. An entire bull is *tut*, the stud bull being referred to as *tut wec*, 'the bull of the herd'. An ox is *thak*
[435] if it is full-grown, all other bull-calves being *ruath*. Cattle obviously have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dou*); a pregnant heifer (*nac me liac*) or a pregnant cow (*yang me liac*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang me but*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

[584] Conventional claims or rights (*cuong*) are usually specified: for example, the *yang kwoth gwande*, 'the cow of the father's spirit', is one specific item included in the *ghok gwande*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gwande*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gwande* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

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In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay. 231 104 681

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*hon nsi te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*hon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *ahot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan. 101 773 101 175 181

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and sub-segments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western 631

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lotuo* (Missioni Africane, Verona, 1950–51) do not provide much further information on Nuer origins.

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Nuer District, which includes the Bul, Leik,[1] Jikany Cieng,[2] Jagei, Dok (and Aak), and Nuong (and Dur) tribes, with its headquarters at Bentiu on the Bahr el Ghazal; Central Nuer District, which includes the Lak, Thiang, Gaawar[3] and Lou[4] tribes, with its headquarters at Fangak on the Bahr el Zeraf; Eastern Nuer District, which is occupied by the whole of the Jikany Dhor people, divided into the Gaajok, Gaajak and Gaagwang tribes, with headquarters at Nasir on the river Sobat. Generally speaking, the administrative system follows the tribal pattern with centres in each tribal area, and in some cases in each primary segment of a tribe, though nowadays there is a tendency for segments to be combined in the development of Local Government based on territorial rather than traditional considerations.

175

At the beginning of the nineteenth century all Nuer were living west of the Nile. By the end of that century they had occupied an area stretching from the White Nile in the north, north-east of the river Sobat and north-west of the Bahr el Ghazal, eastwards to the Ethiopian frontier, and southwards along the Pibor river to the borders of Murle country and across to the headwaters of the Bahr el Zeraf.

An historical account of their warlike invasions of Dinka country and their gradual migration and expansion eastwards is not part of this book, but there are certain observations concerning their history which are relevant to a study of their customary law. There appear to have been five main periods in Nuer history: (i) The period before their move eastwards, about which little is known, but when they must have been fewer in numbers and more closely united as a people. What was then a tribe would, in numbers, be approximate to a tribal segment today, and tribal boundaries were less clearly defined. (ii) The period of initial invasion when they moved eastwards in a series of waves which began with cattle raids and ended in permanent occupation. This period is recounted in traditions relatively fresh in the minds of the Nuer and not yet merged into tribal mythology. (iii) The period of numerical expansion by natural processes and by the absorption of huge numbers of Dinka and therefore much of Dinka culture. It should be noted that this period was characterized by the facility with which Dinka elements were incorporated into Nuer society without friction or a trace of symbiosis. It is probable that at this time the Nuer lost much of their former cohesion, particularly as they were almost simultaneously subjected to the disrupting effects of slave raids from the north. (iv) At any rate the third period seems to have been followed almost immediately by a period of disharmony, suspicion,

[1] Sometimes spelt Leek.
[2] Variously spelt Jikany, Jikaing, Jekain, etc. The Jikany Cieng—lit. 'homeland Jikany'—are the parent tribe from which the Jikany Dhor—lit. 'outside Jikany'—originally sprung.
[3] More commonly, though incorrectly, spelt Gewair.
[4] Sometimes spelt Lau.

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internal strife and political fission. (v) As the pressure from the north increased, a return to a semblance of cohesion was necessary and there emerged the great Nuer leaders or 'Prophets' who arose as symbols of tribal resistance to foreign aggression represented first in the Dervish forces who attempted to establish slaving centres in Nuerland and finally by the forces of the present Government. (vi) In the years which followed, administration was limited to an attempt to hold the Nuer from their attacks on the Dinka, to prevent fighting among themselves, and to the collection of taxes. Naturally enough the Nuer resented this, particularly the collection of tribute in cattle and the prevention of cattle raids, and despite the outstanding efforts of individual administrators such as Struvé, Stigand, and Jackson, the attempt to establish ordered administration was only partially successful. Resistance, raids on neighbouring tribes, and lack of internal security reached a climax in 1928. Captain Fergusson, then District Commissioner of Western Nuer, was assassinated; the Lou Nuer led by Gwek Ngundeng[1] had been showing open defiance for some time previously, and in that year too the Gaawar Nuer led by Dwal Diu[2] descended on the Dinka of Bor District and attacked the Government Post at Duk Faiwil. Reprisals followed and took the form of a series of strenuous military operations which were known as the 'Nuer Settlement'. Whatever the moral verdict, the Nuer learnt their lesson and came to heel. A period of pacification followed, and through the just and sympathetic methods of such men as Captain H. A. Romilly, Captain A. H. Alban, and Mr. H. G. Wedderburn-Maxwell, the feelings of fear and suspicion, which were natural enough in the circumstances, were quickly eradicated. It was these men who laid the foundations of the sound administrative system which was to follow. From an excessively arrogant, unco-operative and suspicious people, the Nuer rapidly became what they are now: still proud, still intensely democratic with a fine spirit of independence, but essentially friendly.

Topography and Ecology

Nuer country, set in the savannah and marshland of the Southern Sudan between latitudes 10° N. and 7° N. and with a seasonal rainfall between 800 and 1,000 mm.,[3] has its special topographical and climatic features which account for the present mode of life of the people. The total area of Nuerland in the Sudan is approximately

[1] See P. Coriat, 'Gwek the Witch-doctor and the Pyramid of Dengkur', *S.N.R.*, 1939.

[2] The son of Deng Likua, sometimes called the Prophet Diu, who rallied the Gaawar Nuer against the slavers at the end of the nineteenth century.

[3] Averages are: Malakal, 818 mm.; Fangak, 1136 mm.; Bentiu, 797 mm.; Leer, 900 mm.; Abwong, 744 mm.; Akobo, 925 mm.; Shambe, 819 mm. Fangak is exceptional, possibly owing to the heavy bush and Acacia forest in that region.

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131 32,000 square miles and, as it has a population of about 350,000, it
[161] will be seen that the density of population is low. Some areas are, however, more densely populated than others.

361 During the rainy season, roughly from May until November but varying from year to year, the people occupy higher ground which is better drained and comparatively free from flood. This higher ground, where they build their permanent villages and cattle-byres and have their cultivations, is limited and widely distributed. In some areas it is concentrated in a series of narrow ridges, usually running parallel to the main channels of the rivers, in others dispersed in a series of isolated outcrops. Such natural features have their effects on the size of communities, on communications and therefore social contacts, and, as a result, on political and social structure, producing local variations of detail which make generalizations difficult.

133 Surrounding the higher ground are the vast areas of open grass
137 plain with thickets of acacia bush,[1] intersected by a network of grass-choked watercourses and the main rivers whose flood-plains produce different ecological conditions and different associations of grass types. Each of these regions has its function in the seasonal activities, which largely concern animal husbandry, but in which crop production, the collection of natural vegetation, and fishing play an important part. It must be emphasized here that the Nuer economy is still essentially at subsistence level and that there is no specialization or organized trade.

I do not propose to enlarge here on the subject of grass associations and pasture utilization. It is worth noting, however, that apart from soil, temperature, and length of day, one of the most important factors in the determination of grass types is the depth and period of immersion during the rainy season. On the higher ground, where the Nuer build their permanent villages, comparatively flood-free conditions produce a mixture of perennial and a few annual grasses which are fully grazed when the cattle are unable to move farther afield. Below this level are the vast 'intermediate' plains, subject to accumulations of rainfall and overflow from the drainage channels, where the grasses are predominantly perennials (*Setaria spp.*, *Hyparrhenia rufa*, &c.). These grasses are unpalatable and virtually useless except as bulk when in a dry and mature condition. So long as moisture is retained in the soil, however, they produce a green regrowth which provides valuable pasture, but in most areas the moisture is gone by the end of January, sometimes earlier. At this point, the cattle must be driven on to the riverain marshes, which, subject to deeper and longer inundation from the rivers and watercourses as well as from rain-flood, produce other types of perennial grasses (*Vossia cuspidata*, *Echinochloa pyramidalis*, *Oryza spp.*, &c.). These grasses are of variable value during the dry season, but generally speaking provide green nutritive grazing

[1] Mainly *Acacia seyal* Del., *Acacia fistula* Schwfth., *Balanites aegyptiaca* Del., &c.

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throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy. 133 137 [262]

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country tails away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped *tabanids* which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *pilual*, the Duk ridge was packed with refugees fleeing from the rising waters. [136] [731]

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toics* left on the edges of the khor Fullus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire 133 166

[1] This word has no more precise meaning than 'marshland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

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for better fishing which the rivers provide. It is also possible, and this is a Nuer contention, that the watercourses which flow through Lou country are becoming clogged with silt and vegetation, with the result that water-points dry out earlier in the year though grazing may be improved.

Eastern Nuer District, which lies north of the Sobat up to the borders of Ethiopia, is flanked in the west by the vast Machar swamps, a region which might provide plentiful grazing. In fact, the people prefer to descend to the upper reaches of the Sobat and Baro rivers, where there is not only adequate pasture for their herds, but also exceptionally good fishing and an opportunity to raise a rich crop of maize on the fertile silt left by the flood water.

This whole area, the Zeraf Valley, Lou, and Jikany Dhor, is often referred to generally as 'Eastern Nuer' in contrast to 'Western Nuer', the region west of the Nile. The latter area is known to the Nuer who live east of it simply as *kwi Kir*, 'over the Nile', but it is known that it is the original homeland of all the Nuer and is sometimes referred to as *cieng Naadh*, 'Nuer homeland', as opposed to *dhor*, 'the outside'. This distinction between eastern and western Nuer is only valid in so far as those east of the Nile are all colonizers, for though there are minor cultural differences between western Nuer and the Zeraf tribes, these do not seem to me to be any greater than are those between the latter and the Lou or the Jikany (Dhor). In speaking of the 'Eastern Nuer' therefore, I refer specifically to those people (i.e. the Jikany Dhor) who live in Eastern Nuer District, an administrative classification, and not to all Nuer east of the Nile.

Western Nuer District is divided geographically and to some extent demographically into two distinct parts. There is first the area lying north of the Bahr el Ghazal and partly west of it, and secondly the region south of that river. The difference in terrain is not very great, but whereas the people who live in the north rely on the Bahr el Ghazal itself or the rivers which flow into it, those in the south rely almost entirely on the pastures provided by the natural and seasonal irrigation of the Bahr el Jebel or by the flood waters of rivers coming in from the south-west. In the southern area are the Nuong and Dur, Dok and Aak' and Jagei. These tribes, whose permanent settlements and cultivations are on a ridge of sandy ground which runs parallel to the Bahr el Jebel, graze their cattle in the dry season along the edges of that river or along inland water systems referred to as the Bilnyang system. This system is partly dependent on spill water from the Nile and partly on water derived from a different catchment area. Hence in years when the Nile provides inadequate grazing or is inaccessible owing to heavy flooding, the Bilnyang system gives an alternative. North of these tribes are the Jikany Cieng whose country lies in the triangle formed by the intersection of the Bahr

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el Jebel and the Bahr el Ghazal. The Leik and Bul tribes are nearly all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

All Nuer are compelled to migrate during the dry season and to set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'intermediate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the *toic*. The distances covered in these seasonal migrations vary considerably. Many of the Lak and Thiang Nuer, for example, move only a few miles from their permanent homes, while many of the Gaawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

The distribution of population in Nuerland is determined by the physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

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a greater or lesser extent isolated at certain times of the year. Such periodic isolation is one of the factors which tend to emphasize the distinction between social groups and strengthen the ties within them, for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

Climatic conditions adverse to the cultivation of millet coupled with widespread cattle disease (rinderpest, contagious bovine pleuro-pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

Small quantities of maize are planted in the early rains and the crop matures, if they are lucky, about the end of July, providing temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

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241 132 famine. The distribution of rainfall is, however, not universally favourable or otherwise to all areas of Nuerland. Heavy rainfall in low-lying regions may prove fatal, while it is suitable for crops planted on better drained, sandier soil. Thus crops are not as a rule universally good or bad throughout Nuerland, nor within one tribal territory. Some families have good crops, others bad, and the position may be reversed in another year.

621 On a wider scale this leads to trading or a reaffirmation of more remote obligations of kinship; on a limited scale it leads to a re-emphasis of the ties of mutual assistance which are raised both by kinship and by association in a common territory. Economic considerations of this sort are important in the determination and maintenance of social groupings and in the maintenance of peaceful relations. This is a feature of Nuer society which has been at least partially modified by modern administrative methods since grain is often imported and sold in years of shortage.

The other principal factor making for social integration is the need for common defence against opposing groups or, in a much wider sense, defence against foreign aggression. It is obviously another factor which is most readily affected by modern influences and the introduction of an ordered administration. The need for mutual defence is lessened, and doubtless the feeling of opposition to an alien government is less intense now that the Nuer are used to it.

Whatever the factors making for social integration or the reverse, the pattern which extends within and across social groupings is the kinship system, both as a fact and as an ideal. The smaller the social unit the more important these factors are and the greater the need for mutual assistance and co-operation. Later we shall come to examine in greater detail how these factors have altered through normal contacts with other peoples and through the active policy of the Government, and in particular the resulting effect on legal concepts and procedures.

Social and Political Structure

114 Professor Evans-Pritchard has recorded a full analysis of the political and kinship systems of the Nuer. For the purpose of this work, which aims at the examination of legal processes and procedures in the present and to a lesser extent in the past, it is unnecessary to do more than summarize his observations and conclusions which, with the exception of minor local variations of no great importance in the general picture, are much the same as my own. Where I use examples, I often refer to the Zeraf Valley tribes, Gaawar, Thiang, and Lak, which Professor Evans-Pritchard has not studied. There is therefore some object in this summary, apart from its necessity as an introduction to the subject of law, since it provides further evidence from other parts

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of Nuerland in support of his views. There is often the danger of over-simplification and generalization in a summary account of this nature and the reader must bear this warning in mind. 114

Professor Evans-Pritchard has classified the different forms or sizes of local community among the Nuer as follows: 114 621

The MONOGAMOUS FAMILY attached to a single hut.

The HOUSEHOLD which occupies a single HOMESTEAD consisting of a cattle-byre and a number of dwelling huts occupied by a POLYGYNOUS family.

The HAMLET, a group of households living in a restricted area, but varying considerably in size and numbers.

The VILLAGE, a group of hamlets and scattered homesteads in a distinct area.

The CAMP, which is essentially a dry season formation, but not necessarily corresponding in the exact number of persons or the same individuals to the hamlet or larger unit from which the majority of its occupants come.

The DISTRICT, 'an aggregate of villages and camps which have easy inter-communication.' This usually corresponds to a small tribal segment.

The TRIBAL SEGMENTS OR SECTIONS of varying sizes.

The PEOPLE (Nuer: *Naadh*).

The 'INTERNATIONAL COMMUNITY', the limits of which are the Nuer's social horizon.

The homestead and the hamlet are essentially domestic units, while larger units are political as well as economic in character. The size and distribution of local communities are largely determined by physical conditions but partly by political considerations—the need for mutual defence, for example—which are variable in time and intensity. Hamlets or villages are usually the smallest political units and are composed of a group of people bound by loyalties which do not spring from kinship association alone but from the need for mutual co-operation in other spheres.

The Tribe and Tribal Segments

Among the Nuer one is faced with the usual problems of defining the segments of a segmentary society. According to Professor Evans-Pritchard the tribe is the largest political ~~unit within~~ the Nuer nation, since it is the largest aggregate of peoples who consider that 'disputes between its members should be settled by arbitration and that it ought to combine against communities of the same kind and against foreigners'. If the Dur (usually classed with the Nuong) and the Aak (often classed with the Dok) are considered to be separate tribes and the eastern Jikany peoples are composed of three separate tribes, the Gaajok, Gaajak and Gaagwang, there are fifteen such tribes in Nuerland, varying in size from approximately 6,700 (Aak) to 67,000 souls (Lou).[1] Each tribe has a dominant clan, round which other clans are clustered. Each has a common name, often derived from that of the original 619

[1] See Appendix I.

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619 ancestor of the dominant clan, from the name of his favourite bull, or having some mythical origin.[1]

The tribe is therefore a unit of society bound by ties resulting from common residence, by the possession of a common territory, by a network of kinship and other social links in relation to the dominant clan from which it takes its name, by the need for mutual defence against external aggression and for co-operation in warfare against other tribes and peoples.

619 Each tribe is further divided into primary tribal segments, these again into secondary segments, and these into tertiary segments, the
613 lines of cleavage usually but not always following the segmentation of the lineages of the dominant clan. As an example, the primary and secondary segments of the Gaawar tribe are shown in the diagram (Fig. 1).

Within each tribe only a small proportion of the people has the genuine right to claim direct descent from the original ancestor from whom the tribal name is derived. The majority are descended from later immigrants from other parts of Nuerland, or from Dinka accretions absorbed by the fiction of adoption into Nuer society. Genuine descendants are termed *diel*,[2] although this term is rarely used except in a context where the distinction is necessary, for the *diel* do not enjoy any great or noticeable privileges which distinguish them from other lineages which are called *rul*. The distinction exists only within the tribe and within its component segments. Beyond tribal boundaries it no longer has any significance. A Gaawar Nuer, a true descendant of War, is only *diel* within that tribe; he would be *rul* if he lived in Thiang country. Likewise a descendant of the dominant lineage in Thiang would be *rul* in Gaawar. A more common distinction made by the Nuer is between *gaat tutni* (sing. *gat tuot*),[3] the 'sons of bulls', the descendants of the male line dominant in that area, and *gaat nyiet* (sing. *gat nyal*), the 'sons of daughters', i.e. descendants through the female line and by this means attached to the dominant lineage. Others can claim marital relationships and refer to the dominant lineage as *ji cieng thu*, 'in-laws' or more literally, 'people of the in-laws' home', or *gaat nar*, 'mother's brother's sons', so that there is throughout a network of such relationships which provides explanation for political association and occupation of a common territory.

The political significance of the clan system is to be found in its association with the territorial segments of the tribe. The clan is itself

[1] For example, the Gaawar call themselves *gaat gan* War 'the sons of the sons of War'. Thiang refers to the bull-name of an ancestor, while *ji hany* (Jikany), the 'people of the gourd', refers to the twin birth of their original ancestor in a gourd together with the ancestor of the Ngok Dinka. Jagei, 'people of Gei or Gea', and so on.

[2] Professor Evans-Pritchard calls the *diel* 'aristocratic lineages'. This is an apt enough description provided it is remembered that there is no class distinction.

[3] A term now used to mean Government 'headman'.

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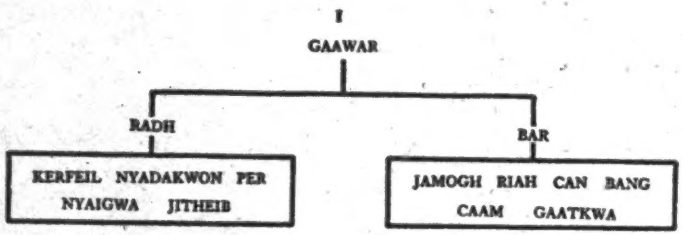
segmented, its lineages usually corresponding to the segmentation of the tribe, but this correspondence is not always exact. Thus in Gaawar the Bang, Caam, and Gaatkwa segments are by origin offshoots of the Per lineage, but whereas Per is a segment of the Radh primary segment, 619 613

FIGURE I

The Segmentation of the Gaawar Tribe



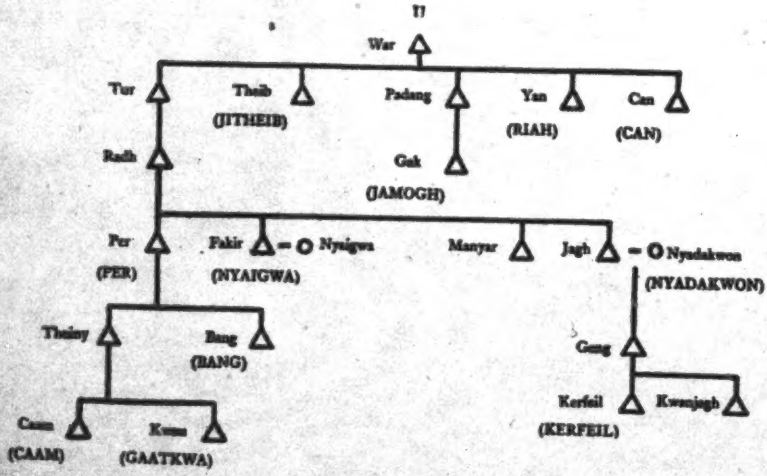


Table I shows the primary and secondary segments of the tribe as they are grouped in political and territorial association. Table II shows the actual genealogies cited by the Gaawar to explain these associations. It will be noted that the segmentation does not entirely correspond with lineal connexions, since Cieng Bang, Cieng Caam, and Cieng Gaatkwa derive from Cieng Per, one of the main secondary segments of Radh.

the former are all segments of the Bar primary segment. There is no conflict of loyalty involved, for kinship allegiance is sufficiently

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619 remote to be overshadowed by territorial association. If there were
613 an occasion when the whole of Radh found themselves ranged against Bar, the Bang, Caam, and Gaatkwa segments would follow Bar rather than Radh.

The territorial segments of a Nuer tribe have the same characteristics as the tribe itself, viz. a common sentiment strengthened by tradition and mythology, exclusive rights in land and common occupation of a recognized territory, mutual co-operation in certain economic activities and in warfare both offensive and defensive, and a common name derived from a central lineage. With these characteristics in common, and generally speaking the smaller the segment, the greater the reality and meaning of such characteristics, primary segments are segments of a tribe, secondary segments are segments of a primary segment, and tertiary segments are segments of secondary segments. Finally a tertiary segment is divided into a number of villages and villages into basic domestic units represented in the homesteads which are also family groups. The smaller the unit, the more nearly it corresponds with a kinship group.

The Meaning of the word cieng

619 The word *cieng* is normally used to describe these segments of
621 society but, like the segments themselves, is a reflection of structural relativity. Hence it is a term which leads to much confusion among Europeans unacquainted with the social structure of the Nuer. I can do no better than quote some remarks of Professor Evans-Pritchard on this subject because they provide a key to an understanding of Nuer society and hence to an understanding of modes of behaviour, social relations, and also of legal concepts, which are the subject of this book.

When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, all social groups: their structural relativity. What does a Nuer mean when he says 'I am a man of such and such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question, he will tell one that his home is in Oxfordshire, whereas if one meets him in that county, he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng* Nath, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary

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or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of varying dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers.[1]

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Cieng is a word which is used to describe residence, whether common residence implies kinship relationship or not. Thus when a man says he is a member of *cieng* Kerfeil, it does not necessarily mean that he can claim lineal descent from Kerfeil who is the ancestor of the Kerfeil lineage, though he can usually claim some form of affinity with that lineage, which is also the dominant one within that tertiary segment of the Gaawar and from which the name of that segment is derived. The word *cieng* is therefore variable in its application and meaning. In referring to a kinship group without any territorial implications there is another term which is commonly used, *thok dwiel*.[2] It must be remembered that this term is also relative. If asked his *thok dwiel*, his clan or lineage, a Nuer may say, for example, Gaawar, he may say Radh, he may say Kerfeil, or make a further distinction by saying Teng (Kerfeil), or he may refer to the name of some more recent ancestor. Since tribal segments and territorial units are seen by the Nuer in terms of kinship, the word *cieng* is, in many contexts, synonymous with the term *thok dwiel*, but the former is more specifically a term of residence, the latter a term of kinship, and both are relative.

It will be seen, therefore, that the kinship system provides a framework upon which wider political loyalties are extended. Political association is expressed in kinship terms. Thus the Gaawar are *gaat gan* War, the 'sons of the sons of War', and any member of the tribe will speak of himself as such in contrast to other tribes. All Gaawar, however, are not direct descendants of War, and in a context where a distinction is necessary the fact may be stressed. The tribe is usually closely associated with the clan from which it takes its name and which usually has greater numerical representation in that tribe than any other clan, but the clan is not restricted to any one locality and is itself segmented. These segments of the clan or lineages give their names to the component segments of the tribe and so on down the scale until the final unit of society is more nearly a kinship group

[1] Evans-Pritchard, *The Nuer*, pp. 135–6.

[2] Literally 'entrance to the house'. The best translation in English is 'house', in the sense of a lineage—'the House of Bourbon', &c. The Arabic equivalent is *Khashm beit* (خشم بيت) which is often used in Arab society with the same relativity. As in Nuer society, among Arabs social relationships and political associations are expressed in kinship terms.

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occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *cuong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

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Given that there were rules of conduct expressed in the terms *cuong*, 'right', and *duer*, 'wrong', which controlled the relations of one Nuer with another and of one group with another group, what were the sanctions which made for the observance of those rules? The primary sanction, and one which is most affected by the establishment of public security and ordered administration today, is the sanction of self-help; retaliation if a wrong is committed, or the use of force to claim a right. This applies to individuals, who fear that those they have wronged or those to whom definite obligations have not been fulfilled will take physical action against them, and fear also that, because their action is agreed to be wrong, they will receive no support from their fellows in resisting. Moreover the wronged may receive the assistance of their own kinsmen and neighbours, who will overwhelm any attempt at resistance. This applies to groups of individuals in relation to other groups in the same way, and is expressed in the balanced opposition of tribal segments and kinship groups. A Nuer may owe one of his kinsmen a cow and refuse to pay it. His kinsman will take the cow by stealth or wrest it from him by force, and the success of this action will depend on the extent of the non-intervention of other relatives. In the relationship of individuals there is also the prevailing principle of collective responsibility, so that in fact there is rarely an isolated individual wrong or an isolated right. The strength of the right, or the extent of the wrong, is qualified by the relationship of the parties concerned. Further sanctions are social reprobation, unpopularity, loss of approval and respect of neighbours, and hence loss of the privileges which the individual possesses as a member of a community and which the community possesses as part of a larger social group. Such privileges are both social and political. They are also economic, because so many economic activities must be carried out collectively. For some wrongs there is also a religious sanction, but, as I shall attempt to show later, the religious sanction is often an expression of kinship ideals.

627 [672] 626

The force of all these sanctions is relative to the position in the social structure of the persons concerned. Clearly social obligations are likely to be more binding on persons not only related by blood but also closely associated in the activities of day to day life. Loss of privilege is a greater loss in such circumstances. Generally speaking, the closer the relationship, expressed in terms of kinship, in association by common residence, and economic co-operation, the greater the need to abide by accepted modes of behaviour. Not only is the need greater and therefore the likelihood of obedience greater too, but also the difficulty of composition, when there is a quarrel, is less, because the sanctions which ensure good relations with other persons within the group in other respects are more intense and therefore more effective. The reaction of indignation is not likely to run to such a pitch of ill-feeling.

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671 The significance of the 'structural relativity' of Nuer society is there-
626 fore most important in a study of customary law, for although the rules
and principles which govern the conduct of all Nuer are essentially the
same, the extent of their application is relative and largely dependent on
684 the social context. This is best illustrated by use of an example. It is
a legal wrong to commit adultery with another man's wife. It is a
wrong which, if social relations are to continue between the two parties
and the possibility of retaliation on the part of the wronged husband
is to be removed, will require the payment of cattle as an indemnity.
In the first place, the likelihood of the wrongdoer paying the cattle
at all is determined by the relationship of the parties, both in terms of
actual kinship and in terms of territorial proximity, in residence and all
the sanctions which go with common residence. It will not be paid if
there is no pressure on the part of the community in which they live,
and there will be pressure in proportion to the extent to which the men's
mutual animosity disturbs the tranquillity of that community; generally
speaking, the greater the structural distance between them, the less
the likelihood of composition. But in another aspect of the law con-
cerning adultery the reverse is found. If we analyse the concepts
behind the payment of the indemnity, we find that, of the six cattle
required, one has purely ritual significance. It is a cow called *yang
kule* ('the cow of the sleeping mat'), the payment of which is demanded
as expiation for the spiritual pollution which is caused by adultery,
rather than as an indemnity required to appease the indignation of the
husband. In disputes over acts of adultery which arise between men
who are close kinsmen it is rare that anything more than this one cow
will be demanded, for not only is the moral indignation much less,
but the group of which they are part is sufficiently well-knit to resist
the disturbance caused within it. Not only is the wrong a lesser one
because the wronged person has other associations with the wrong-
doer which mitigate the offence,[1] but social equilibrium has not been
disturbed to a degree which other sanctions making for good relations
671 cannot rectify. Thus we see that the closer the structural relationship
of the parties involved, the more likely is the wrong to be rectified, but
626 the smaller is the indemnification required to do so. Conversely, the
more remote the relationship the greater the indemnification neces-
sary but the smaller the likelihood that the wrong will be rectified
at all. This is a principle which applies to all wrongs which require

[1] There is another method of analysis which expresses the same idea. It is that in the payment of indemnification in cattle between two persons closely related the limitation of rights in cattle must be considered. An individual has rights in cattle limited by mutual obligations which apply to him as member of a kinship group. If the wrongdoer is a kinsman of the wronged he has limited rights in the cattle of the wronged, and the closer the relationship, the greater the rights. Hence the recipient of the cattle is also a person upon whom may lie the obligation to assist in the payment. This principle is more clearly illustrated in payment of compensation for homicide, and will be discussed more fully later.

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indemnification,[1] but is nowadays modified by the fact of enforcement of the law through the agency of Nuer courts. 671 626

Restitutive Sanctions

Rules of conduct towards kinsmen and neighbours are upheld by these sanctions. If good relations are to continue, certain breaches of conduct usually require the payment of compensation. Adultery, as we have seen, requires six head of cattle for this purpose; bodily injuries require compensation in proportion to the seriousness of the injury and there are complicated scales laid down in tradition. Homicide requires the transference of forty head of cattle from the kinsmen of the killer to those of the deceased in order to restore the balance between them. Scales of compensation for wrongs can be quoted by the older generation of Nuer with surprising consistency, but this is an indication neither of rigidity of custom nor of constant application. Whether compensation was paid at all and, if paid, whether the scales were strictly followed, depended largely on the relationship of the persons involved. If a dispute arose between groups of people after a wrong had been inflicted on one of them, we have seen that their relationship in the social structure determined the likelihood of settlement. The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them which extended beyond the political limits of the tribe. Similarly an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous. It also depended on the state of the relations obtaining between the two segments, for there was often a feud (*ter*) between them. These observations are less true of members of secondary segments, since the smaller the social sphere the greater the possibility that compensation would be paid, and would be also a matter of extreme expediency. The application of Nuer law was therefore relative to the social structure, and the extent to which it was followed depended on current relations of the social units concerned. It was unlikely that minor disputes involving the payment of compensation to wronged individuals would ever be settled so long as the communities with whom each was associated remained in a state of feud. The situation would be substantially altered if the feud itself was composed by payment of compensation (*thung*) between them. Composition of a feud was 681 681 628

[1] Homicide and bodily injury, defamation of character, infringement of rights in property, violation of rights in women, &c.

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681 628 therefore often followed by the settlement of other and less serious disputes.

681 In the absence of a legal system for the enforcement of the law, settlement was not easily achieved, and should the situation be such that the disputants were persuaded to come together, there had to be some basis upon which negotiations could be opened. The discussion had to begin somewhere, and an opening was made by reference to traditional scales of compensation which existed largely for that purpose.

There is some evidence that bloodwealth in the form of forty head of cattle was usually paid in full if it was paid at all. In this there was a distinct rigidity which is still maintained in the courts, and it seems that this is not only a result of the enforcement of the law of homicide by the Government. The reason is, perhaps, that the peaceful settlement of a feud required strong sanctions, and negotiations were not usually governed by such considerations as the availability of cattle; a large group of people was involved, and therefore cattle usually were available.

On the other hand compensation for injuries less than death and for other wrongs recognized as demanding indemnification is of a more individual nature, though this does not mean that it is not incumbent on kinsmen to assist in the collection of the cattle. It often happens that a man has not the necessary cattle to pay and, if his kinsmen will not help him, a compromise must be reached. For example, in a dispute over adultery, the wronged husband may eventually agree to accept only three head of cattle. Even though there may be little chance of getting the remainder, his face is saved because six head is the established custom and the rest will be due to him in the form of a debt. 'Saving face' is a primary consideration to the Nuer in the settlement of disputes.

This is true of the past as well as the present, and may be seen in the courts today. In its judgement the court orders that the wrongdoer shall pay the wronged so many cattle known to be in the former's possession. It will further order that the remainder shall be paid at a time when more cattle come into the possession of the wrongdoer; in other words, when some debt, which the defendant is usually called upon to state, is discharged to him; when bridewealth is paid for his sister or daughter or when some other obligation in cattle is fulfilled.[1] All these considerations are thrown into the issue, and a Nuer court is faced not only with the problem of judgement but also with an equally complex problem of execution.

[1] The discharge of one debt leads to a claim for another. This is another reason why litigation is increasing. As soon as a man is ordered by the court to pay, he will look around for some excuse to claim cattle from some other party. This sometimes happens immediately after judgement, so that execution often depends on the judgement given in the next case and so on.

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Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains. 681

Legal Procedures and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement. 692

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuar nuer* or *kuac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make 692 628 624

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the attempt to intervene. Similarly legal disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decision of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

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It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 154–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gawar, Lak, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

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on the part of the Administration to find an indigenous foundation on which to graft a system of indirect rule in which authority must be vested in political and legal agents, it may be that their estimate of the powers of the Leopard-Skin Chief is exaggerated. The Leopard-Skin Chief in the early days of administration often acquired political authority because he was chosen to represent the Government. There appears to me to be little or no evidence that Leopard-Skin Chiefs had political authority in the past except in so far as they were the centre of prevailing political cohesion. If a man chose to ignore a ruling given by the chief, he could do so with impunity; but if public opinion was behind the chief's decision, he might lose the privileges which membership of his group gave him. He could always move elsewhere. It is the sanctions which normally operate for the settlement of disputes which are embodied and find expression in the person of the chief, and not a legal sanction derived from his status. Some personalities attempted to further political cohesion within the group, and this was expected of them, but their success depended on the degree of cohesion already existing or the force of sanctions normally making for cohesion. Hence the Leopard-Skin Chief's status and effectiveness are both the expression and the inspiration of collective aims.

Professor Evans-Pritchard writes:

> In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise . . . he has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities. Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.[1]

In the Zeraf tribes the Leopard-Skin Chief usually had powerful kinsmen, and in the majority of tribal segments Leopard-Skin families were represented in the dominant lineage. In Gaawar, the family of Kerfeil, for example, in Lak in the lineage of Winyang, and in Thiang in the lineage of Toi Thiep, who have always provided leadership in those areas, are Leopard-Skin Chiefs. Moreover, certain personalities often had the backing of a populous community in the sense that political cohesion was sufficient to ensure composition of quarrels and disputes within it. This leads us to the subject of leadership in Nuer society in more general terms.

There is no verb in the Nuer language meaning 'to order', and the

[1] Evans-Pritchard, op. cit., pp. 174–5.

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There is no verb in the Nuer language meaning 'order', and the
181 imperative is not used with any sense of authority behind it. To get another man to perform some task on his behalf the Nuer must first draw attention to some special relationship between them, whether it be real or fictitious. It is an appeal to the mutual obligations inherent in kinship and is expressed in kinship terms. '*Gat mar*', 'O kinsman', is the preface to any request which might otherwise take the form of an order. By this I do not mean that the imperative is never used, but it is used only to persons with whom the speaker has an actual and constant relationship, and usually only when the speaker is a senior kinsman. When telling a foreman wood-cutter, for example, to order his men to cut down certain trees, the District Commissioner, allowed greater licence than others, will use the imperative, but the foreman will pass the order on in more euphemistic terms and include himself in the effort to be made. This is merely an example of the exceptional independence of character of the Nuer and their refusal to admit superiority or domination.

173 624 There is, however, a word which implies not so much 'authority', even in a general sense, as 'leadership', or more precisely 'spokesmanship'. The expression *ruic Naadh*, 'leaders of the people', is frequently used when referring to outstanding personalities of the past. The meaning can only be understood by reference to Nuer history. In the early stages, particularly during the period of invasion and expansion when the Nuer were more closely co-ordinated in tribal groups[1] and united by a common purpose, some form of leadership was not only necessary but more easily achieved. Nuer talk of Buogh Kerfeil, the leader of the Gaawar during their migration across the Bahr el Jebel on to the Zeraf Island and again in their raids to the east into Dinka territory, as *ruic* Ganwaar; Wur Winyang and his father Winyang Kwac were both *ruic* of the Lak Nuer at one time, while in Lou we hear of Bedit Kweinyang, who is associated in Nuer tradition with Latjor of the Jikany and led the people against the Anuak to the east. In Lou, after Bedit's death, Bec Colieth led the majority of the tribe back towards the west into their present habitat, partly because of repeated raids by the Anuak who had the advantage of firearms which they traded from the Abyssinians, and partly because of the ravages of fly on their cattle. The third *ruic* was Nyakong, a Leopard-Skin Chief of Jimem extraction, who at first led the Lou Nuer against the Arab slavers but subsequently, like Nuer Teng in Gaawar, turned traitor.[2] Their position was subsequently acquired by the 'prophet' Ngundeng and his son Gwek.

[1] It has already been noted that the Nuer were probably then less numerous and tribal groups much smaller than today.

[2] Bedit Kweinyang was a *kuar thai* or water expert. Bec Colieth was a *wut ghok* or cattle expert. Nyakong was a Leopard-Skin Chief—as indeed was Ngundeng, his successor. I am indebted to Mr. B. A. Lewis for this information. See also B. A. Lewis, 'Nuer Spokesmen', *S.N.R.*, 1951.

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We have seen that the period of invasion from the west, when the Nuer had a high degree of political cohesion, was followed by a period of expansion and absorption of Dinka. In the absence of external opposition a process of segmentation and political fission followed. In Gaawar we find that the descendants of Kerfeil began to lose their influence, particularly during the early period of Arab penetration, and it is at this period too that the division of Gaawar into the Bar and Radh primary segments became particularly marked. The majority of the Radh threw in their lot with Arab slavers and preyed upon their neighbours, and although the line of political cleavage did not follow strictly the distinction between the primary segments of the tribe, the Bar section to the south, joined by certain Radh secondary segments living in that direction and especially those resident on the Zeraf Island, were in permanent opposition to the remainder of the Radh. At this period Nuar Mer, an adopted son (of Dinka origin) of the Kerfeil lineage, is sometimes referred to as *ruic* of the Radh, while in Bar, although there was never sufficient cohesion to allow complete ascendancy, we hear of such leaders as Liaab Liou. Finally, in the event of extreme danger the Bar began to turn to Deng Likea, who certainly had no hereditary claim to leadership but had magical powers and the gift of prophecy much admired by the people. When the Dervishes withdrew he rallied the forces of Bar around him, inflicted a crushing defeat on the treacherous Nuer sections who had assisted them, and killed Nuar Mer. Deng Likea is also referred to as *ruic* Ganwaar. This process can be traced in most Nuer tribes. 173

For a while the concept of *ruic Naadh* remained vested in the Nuer 'prophets' in opposition to foreign aggression in the form of the present Government, but this has vanished since their defeat and removal, and nowadays if a Nuer is asked who is *ruic Nâadh*, he will reply that it is the Government or more likely the District Commissioner. 624

The term *ruic*, like the word *cieng*, is relative to the social structure. There were also *ruic* whose influence was effective only in segments of a tribe and their significance was greatest at a period when political cohesion on a tribal scale was at its lowest ebb. There was no idea of an institutionalised authority set at the head of a tribe or a tribal segment, though there was perhaps always a tendency for the office to run on hereditary lines within the dominant lineage. Any person might achieve such influence over his fellows by reason of certain qualities which the Nuer consider admirable: generosity in the giving of cattle and in hospitality, which itself indicates a special regard for the obligations of kinship; wisdom and even temper in settling disputes between others; ability to hold the group together, a further expression of the kinship idea; bravery and powers of leadership in war. 624 554

These characteristics are also inherent in the conception of the *gat*

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624 554 *tuot* or *tut wec*, the 'bull of the herd', a position which is acquired within a dominant lineage and extended in relation to other lineages. The expression *gat tuot*, as we have seen, is used in the same sense as *diel* and refers to any member of a dominant lineage, but it has a more restricted meaning and is used nowadays to indicate a 'headman' in the Government system of administrative agents. The *tut wec*, the 'bull of the herd', however, is used generally to refer to the man who is recognized within the segment, whatever its size, as the most important adult male. His position is in the first place derived from his place in the genealogy of the dominant lineage, but it is largely dependent on his personality and prestige. The word *ruic* is sometimes applied to the *tut wec*, but has clearly a much wider significance in political relations and in past history. Finally, it is worth noting that there [619] were never any *ruic* whose influence extended over a unit of society larger than the tribe, which tends to support Professor Evans-Pritchard's contention that the tribe is the largest unit of any permanent political significance.

There is even some evidence that the *ruic Naaah* in much earlier days had greater influence, though the emphasis is placed on their ritual rather than political status. I have heard Nuer say of Buogh Kerfeil that he assumed the stool (*kum* or *kuom*),[1] a fact which suggests some special symbol of office. They also talk of a ceremony in which he was 'lifted up to God' by his fellows, suggesting a ritual investiture. Yet, although Nuer tradition refers to events which happened in the time of old men's grandfathers and, being thus much more recent than Dinka or Shilluk mythology, may have a greater degree of historical accuracy, the story scarcely provides adequate evidence that a form of institutionalized authority was then in existence or that the *ruic Naaah* approximated even remotely to the general conception of an African Chief with political and executive powers.

The essential distinction is that among the Nuer the concept of *ruic* does not imply a crystallized institution in the form of a position in society automatically filled when the present holder dies. In the past, if a hereditary successor did assume the position, this did not mean that his influence would necessarily extend over the sphere affected by the actions of his predecessor. If a *ruic* died his successor gradually established himself by the accumulation of prestige and popularity among the people and gained their acceptance. There is no evidence of a stabilized institution continuing on a permanent level throughout Nuer history. The *ruic* of a tribe only exercised authority, if influence based on powers of persuasion can be called authority, so

[1] The Nuer *kum* is an ambatch stick-shield which is also used to sit on. The idea of a stool as a throne is unknown to the Nuer, but may here be derived from the Shilluk. Among the Shilluk the *reth* or king is ceremonially enthroned on the sacred stool (*kuom*) at his installation. See P. P. Howell and W. P. G. Thompson, 'The Death of a Shilluk *Reth* and the Installation of his Successor', *S.N.R.*, 1946.

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long as there was a semblance of political unity in the tribe or segment in opposition to other tribes or foreigners. His authority was not at any time equally effective in all segments of a tribe. *Ruic Naadh* is a concept which follows the lines of political cleavage. 624 554

It seems, then, that Professor Evans-Pritchard's critics display a confusion of thought when they suggest that there was anything in the nature of a formalized political institution inherent in the status of the Leopard-Skin Chief or indeed in the concept of *ruic Naadh*, but Professor Evans-Pritchard has not made it sufficiently clear that the concept of *ruic Naadh* did exist. Writing of the Nuer political system, he says: 624

> The Nuer constitution is highly individualistic and libertarian. It is an acephalous state, lacking legislative, judicial, and executive organs. Nevertheless it is far from chaotic. It has a persistent and coherent form which might be called 'ordered anarchy'. The absence of centralized government and bureaucracy in the nation, in the tribe, and in tribal segments—for even in the village authority is not vested in anyone—is less remarkable than the absence of any persons who represent the unity and exclusiveness of these groups.[1]

Yet the Nuer are, and always have been, acutely conscious of the need for unity and are always seeking someone by whom and through whom social disharmony can be averted. Their traditions, which are sufficiently recent to contain at least an element of fact, are full of references to great leaders, as we have seen; and these were persons who achieved at least a semblance of co-ordination and came to symbolize common aspirations. Whereas among some African peoples these aspirations are attached to organized and permanent institutions, among the Nuer they were focussed on personalities. Their principal characteristics are to be seen in Nuer ideals: the desire and the ability to bind the people together; to mediate and to settle internal quarrels and disputes; to negotiate agreements with other tribes and peoples if they are to the advantage of the Nuer; to maintain good relations between neighbours; in fact, to check the process of fission which to the Nuer is highly undesirable. These qualities are stressed in Nuer tradition far more frequently than ability to lead the warriors into battle against the Dinka, and are more important than their sagas of great exploits and daring. The *ruic Naadh* were men who, by outstanding personality and powers of leadership, gained such prestige that they were able to persuade the unruly Nuer to listen to them. They achieved a degree of authority acceptable only so long as the sanctions making for political unity within the group which they swayed were sufficiently strong to maintain it. 624 554

The word *ruic* is itself significant. It is derived from the word *ruac* meaning speech or talk. The best translation is therefore 'spokesman'. Nuer also talk of the quality of *ruac*, which really means the

[1] Evans-Pritchard in *African Political Systems*, Oxford, 1940. p. 296.

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624 ability to speak for the people; in fact, to voice their will. It is in this
554 sense that the word expresses the Nuer idea of leadership, leadership which is derived from powers of persuasion. There is no sense of domination. The concept runs right through the tradition of Nuer leaders in the past who emerged at a time when political unity was required in the face of external aggression or for the furtherance of common enterprise.

The Appointment of Tribal Authorities Today

624 The concept of *ruic* has been mentioned here, not so much because its existence provides evidence of anything in the nature of formalized legal procedures which operated in the past, but because it is relevant to the appointment of tribal representatives today.

[792] In the early stages of the Administration there was a tendency to use as administrative agents persons who had acquired significance not from their positions in the dominant lineages of the tribes but from their possession of magical or religious attributes. This was at any rate partly due to the fact that at the time of the arrival of the Sudan Government, what leadership existed was vested in the 'prophets' who had usurped the position from men whose status was derived from a traditional and more orthodox background in society.

624 Minor administrative agents, the representatives of smaller tribal
554 segments, were nearly always chosen from dominant (*diel*) lineages, a fact which finds expression in the use of the term *gat tuot* to denote a 'headman' of a village or a lineage. Clearly, even in the early stages, these minor agents were essentially persons put forward by the people themselves and drawn from sources which would normally provide leaders; they were not nominees chosen regardless of their status in society. A *gat nyal* from a *rul* lineage was usually disqualified from the start. For example, in the Island section of the Radh Gaawar, a man called Gatluak Ngigni was appointed chief of the Per section. I intervened in this appointment rather more emphatically than usual, for there was a shortage of suitable candidates, and Gatluak was a man who had served satisfactorily for many years as a tribal policeman and as personal assistant to the previous chief. There was noticeable opposition from some sections of the community but the majority voted for his appointment. Later he became unpopular and opposition became open. There were clearly other reasons why they wished to get rid of him, but the main reason actually given was that he was a *gat nyal* of recent Western Nuer origin. To be a *gat nyal* does not entirely disqualify a man from gaining authority over his fellows or, nowadays, from holding an official position, but it is certainly a disadvantage, and only a strong and popular character can overcome the handicap.

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In Central Nuer District, at any rate, election of Court Presidents and lesser chiefs[1] has been carried out with the minimum of interference, and the considerations which govern the choice are significant. There is often a tendency to hide the person most closely associated with the aura of the dominant lineage, for the Nuer feel that, in the somewhat precarious position of a chief *vis-à-vis* the Government, that aura may somehow be impaired. This is a religious concept, for the leading man in any lineage is considered to have inherent in him something of the spiritual qualities associated with the ancestral spirits of the kinship group. There is also always a tendency to defer to the supposed wishes of the District Commissioner. This does not necessarily mean that Nuer choose a man known to be popular with the Administration, but rather a man capable of maintaining an even and unirksome balance between the Administration and themselves. In fact, they seek someone who can give the appearance of exceptional zeal while protecting them as far as possible from the more laborious tasks imposed on them by Government. For this reason too there is sometimes a tendency to choose a man of weak character; but on the whole a strong man is chosen because, even if considered tiresome and over-zealous, he will somehow persuade them to perform those tasks, for they know well enough that the performance will in the end be less painful than the punishment imposed for the avoidance of public duties. Since there is often rivalry between opposing segments or lineages, there is finally a tendency to choose from a source which will be neutral in such rivalries, usually from the dominant lineage because this is one of the functions of the dominant lineage in the political structure.

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The hierarchy of administrative agents is now largely drawn from dominant lineages, in the case of the tribe from the dominant lineage of that tribe, and so on down the segmentary scale. There are minor differences in the system to be found in the different districts, though the formation of the Nuer Council has tended to standardize Government policy in this respect. In each tribal area, or in some cases in a primary tribal segment, a court is established which is not only a legal institution through which legal disputes are settled and which has recognized forms of legal procedure, but is also an administrative organ through which administrative functions are carried out. In each court there is a president, called by the Nuer *kuaar* 'Book',[2] a number of chiefs representing the larger tribal segments,[3] called in Nuer *kuaar lama*,[4]

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[1] Technically such chiefs and members are appointed by the Governor of the Province or, in the case of Special (C) Courts, by the Governor with the consent of the Governor-General. Therefore I do not mean anything in the nature of a formal election, but public opinion is consulted.

[2] 'Chief of the book' in reference to the court register held by the president.

[3] Secondary or tertiary tribal segments.

[4] *Lama* refers to the sash given by the Government as a badge of office. From the Arabic *alama*—sash or badge.

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624 692 and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

175 Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to pre-[651] vent raids on the Dinka, and to collect taxes in the form of cattle, efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

692 We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

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showed little sign of improvement. The decision continued to lie with the District Commissioner, and there was a tendency to avoid any legal procedure in order to approach him direct; for this was the surest and speediest way to get justice, whether it was justice according to the principles of Nuer law or not. 692

This tendency was formally recognized as retrogressive in 1942, and administrative policy was changed accordingly. Thereafter the policy has been for the District Commissioner to divorce himself as far as possible from any real participation in the administration of tribal law. Further, there is now a more formalized system of appeal courts in which the judgement of a local court, based on a tribal section, can be tested in an appeal court consisting of members from other localities less likely to be biased by local considerations. In these the District Commissioner still acts as clerk to the court, for the Nuer still demand at least the presence of the District Commissioner, who remains a symbol of impartiality and whose presence may be a guarantee for prompt execution.

Courts and Tribal Structure

Although the general policy of the Sudan Government is to build up a system of courts based on territorial groupings rather than on kinship and tribal affiliation, Nuer courts in fact still closely correspond to the traditional divisions of tribal structure. Despite minor modifications, the court system throughout Nuerland is still largely tribal in basis.

Similarly, the court members are representatives of tribal segments. The *kuaar lama* represent primary or secondary segments according to the circumstances. The Awoi court, for example, has six *kuaar lama*, each representing one of the six secondary segments of the Bar primary segment of Gaawar. The Jagei (area) court has one chief for each of the four primary segments of the Jagei tribe. A section chief, a *kuaar lama*, represents a secondary segment, and under him are a number of headmen, *gaat tutni*, who represent tertiary segments or lineages, of which there are a great number.

The way in which these courts operate, the legal procedures followed, and the effect that the very existence of such courts has had on Nuer society in general is discussed more fully in later chapters. It is now necessary to examine the principles of the law administered in those courts. The legality of social institutions and relationships is maintained by the system of cattle exchange between one individual and another or between one group and another. In marital relationships, for example, the transfer of bridewealth cattle is the material symbol of the transfer of rights which in their turn create reciprocal rights. The transfer of cattle is the means by which equilibrium is maintained. 671

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671 [673] It is also the means by which any disturbance of equilibrium is set right. For this reason most legal disputes concern claims for cattle as indemnities for recognized wrongs—homicide, bodily injuries, defamation of character, adultery, and seduction. Otherwise they concern claims for cattle as part of a system of rights accorded to the individual as a member of a kinship group or acquired by marriage. It is these wrongs and indemnities, these rights and claims, which we must now examine in detail.

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CHAPTER II

HOMICIDE AND BODILY INJURIES

PART I HOMICIDE

1. INTRODUCTION

Nuer Concepts Concerning Homicide

SPEAR-FIGHTS between rival factions are not uncommon, and the blood-feud is still a reality among the Nuer despite severe deterrents applied by the Administration. Casualties are sometimes heavy, and most Nuer bear the marks of some armed affray, but fatalities are fortunately comparatively rare. Battles range from the minor clashes of a few individuals within a small community to fights between local lineages and tertiary segments in which perhaps thirty or forty warriors are drawn up on either side. Often the attitude of hostility spreads to much larger groups of people even though actual fighting is limited to a few. On the whole, hostilities on a tribal scale or even between primary segments of a tribe are uncommon. The feeling of antagonism and the call for vengeance may extend through or beyond such larger groups, but it is not usual nowadays for them to combine against each other in full force. I do not wish to exaggerate the incidence of fighting among the Nuer, but it is sometimes believed that although the 'balanced opposition' of tribes or smaller segments is a feature of Nuer society, feuds are merely a conventional expression of that opposition. This is only partially true, and it would be a mistake to believe that the Nuer do not frequently use in earnest the spears and clubs which they keep always at their sides.

Fighting is sometimes described as the national pastime of the Nuer, but it is not so much a pastime as a necessary means of protecting individual and collective rights in the absence of established authority by which wrongs may be righted. This absence is now remedied by the introduction of Nuer courts with powers of coercion, though these have not yet reached a high enough standard of efficiency to eliminate all breaches of the peace. Self-help and retaliation are still common enough in Nuerland. There is still little restraint put on the actions of the young and hot-headed by a body of public opinion consciously opposed to bloodshed as a moral wrong. Nuer will admit that homicide is wrong (*duer*) and that fighting is undesirable, but this is because they realize that these lead to a most uncomfortable state of insecurity. Nuer are always acutely conscious of the need for social cohesion.

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682 There is, however, very little expression of an unfavourable reaction
577 to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 Homicide and blood-feuds arising out of homicide must be con-
628 sidered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict
[624] it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

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followed, whether it was revenge by the former or offers of compensation by the latter, was intended to satisfy the people who had suffered the injury. To kill a person of the other group restored the balance by reducing their numbers proportionately, but it was a negative way of dealing with a situation which required more positive action if a permanent feud was to be avoided. The principle of a life for a life rarely led to permanent peace even if honour was satisfied for the moment. The likelihood of positive settlement by payment of compensation and the performance of the necessary ritual depended largely on the degree of social integration and interdependence of the groups involved. Both were usually segments of an even larger group. Political and historical factors also played their part. Two tertiary tribal segments, for example, previously hostile might have to settle their differences because of the threat of violence from another and less closely related segment of the tribe.

These observations apply to the past, for homicide is now a criminal offence and strong action is taken to prevent the continuation of a feud. The crime is punished, but the feud is settled on traditional lines even though composition is compulsory. The payment of compensation in cattle is still made as a positive and effective way of restoring the balance and allowing social and economic contacts to continue. It involves the fundamental principle that a deceased person must be 'married a wife' so that her children, begotten by some kinsman on his behalf,[1] will bear his name, belong to his branch of the lineage, and may concern themselves with his interests in posterity. *Thung*, the indemnity for homicide, is primarily intended for this purpose. For this reason compensation should theoretically be in proportion to current rates of bridewealth, although, as we shall see later, the proportion is not exact as there are other claims to be met. Part of the cattle at any rate will be used to marry a 'ghost-wife' to the deceased, and although the physical father will be some other member of his lineage, the children will legally belong to his line. The group as a whole also loses in the deceased an economic asset both in ensuring the subsistence of his immediate family and in the collective economic interests of his associates. Therefore other close kinsmen must receive some share of the compensation to meet this loss, to satisfy their indignation and their desire for revenge, and because, were the position reversed, they might be called upon to subscribe towards the payment of compensation to some other group.

Theoretically the question of intention does not enter into the assessment of compensation because the principal object of the payment is to restore the balance which has been disturbed, but Nuer do in fact take it into consideration. It has already been mentioned that in all Nuer disputes scales of compensation are treated more as a basis upon

[1] For this institution—'ghost-marriage'—see Chapter III, pp. 74 et seq.

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682 which a compromise can be reached than an exact rule, and in the case of unintentional killing the indignation of the dead man's kin will 628 be less than in cases of intentional homicide and a compromise more likely. Nowadays it is accepted that accidental killing demands only half the compensation required for intentional killing.

I must stress once more that these observations apply largely to the past. Homicide is now a criminal offence, and is invariably punished. Moreover, the Government insists on the prompt and peaceful composition of feuds arising out of homicide. The method of compensation, however, is no different from what it always was, and is usually assessed in a separate transaction after the trial for homicide is over. It is therefore necessary to describe in some detail the traditional procedures, ceremonies, and ritual involved before turning to modern procedure in the courts, where homicide is treated as a crime.

Definition of Terms

682 Before turning to the processes by which settlement of a feud is reached, it is necessary to define some of the Nuer terms which will be used. The verb 'to kill' in Nuer is *nak*, and the expression '*ce ran nak*', 'he has killed a man', is used generally for all forms of killing. Nuer further distinguish between killing which occurs in fair fight, whether in battle or single combat (all covered by the term *nak*), and killing by stealth or ambush, which is called *biem*. To them the latter form of killing is particularly reprehensible, although the circumstances are mitigated if it is done in revenge for a previous killing. The word *kur* is used to describe fighting in raids and battles, as opposed to the word *duac*, which is used exclusively to describe single combat or duels. The word *ter* means literally 'a state of feud'.

682 The two parties concerned in a feud are referred to as *ji ran*, which means 'the people of the man' (i.e. the deceased). These are the people 628 who will seek vengeance on the *ji thunge*, 'the people of the compensation', who are the kinsmen of the killer and will be called upon to pay *thung* or compensation. The killer is usually referred to in the singular as *gwan thunge*, and in cases of homicide where more than one is responsible, the man to strike the first blow against the deceased is called the *ran me koic e-je*, and the second, the *ran me gam e-je*, a distinction which is important in assessing the liability to pay compensation. These expressions are used extensively in describing the processes of settlement, the circumstances of the incident, and the state of opposition between the two parties. The emotional attitude of the *ji ran* is characterized by intense indignation and a reluctance to accept compensation. Custom demands that they express in a conventional manner a sentiment of vindictiveness. Convention also demands that the *ji thunge*, the killer's kin, shall approach the *ji ran*

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in a spirit of conciliation coloured by a genuine fear that vengeance may be exacted. These sentiments are always to the fore if settlement is sincerely desired. 682 628

Compensation in Nuer is called *thung*. *Thung* is usually qualified according to the circumstances of the killing, and the number of cattle demanded is graded accordingly. These qualifications are described more fully later, but briefly they are *thung ran*, which is full compensation in cattle for the death of a man killed in a fight whatever the weapon used, and *thung nyindiet*, which means compensation demanded for a man who dies as a result of an injury inflicted a considerable time before. There is another and less usual term (restricted, I think, to Lou and Gaawar Nuer), *thung loic*, which refers to the compensation demanded when the killer has not confessed to his crime until long after the death of his victim. *Thung gwacha* refers to unintentional or accidental killing; *thung yiika* to compensation demanded for a woman who dies in childbirth when the father of the child is not her legal husband.

The special Nuer functionary who is called upon to act as arbitrator in the settlement of a blood-feud is, as we have seen, the *kuaar muon* or 'Land Chief'. His badge of office is the Leopard-Skin (*kwac*), and for this reason he is more usually referred to as *kuaar kwac*, a term which is universally translated as 'Leopard-Skin Chief' and is nowadays used extensively both in works on the Nuer and in Government documents. His powers, however, are derived from his association with the land, and extend to mankind because it is upon the products of the land that mankind exists. 628 624

In the settlement of feuds, these 'Chiefs' are called in to remove spiritual difficulties by ritual performances and to act as intermediaries between the warring parties. The Leopard-Skin Chief, by reason of his special association with the land, can curse people, and traditionally he may use these powers to intervene. He can, for instance, interpose himself between the contestants in an actual fight and draw a line on the earth between them which theoretically no man would dare to pass. This action, however, is merely a symbolic expression of general opinion which condemns the continuation of a feud, and if both parties were really determined to come to blows, it is unlikely that it would be sufficient to deter them, although hostilities might be postponed until a time when the Leopard-Skin Chief was not on the scene. I know of only one recent instance when this duty was performed. A few of the more hot-headed warriors did cross the line and were condemned by public opinion afterwards, principally because by doing so they showed an excessive determination to join battle with the other party in a situation where the majority wanted peaceful settlement. In fact, the final result of the Leopard-Skin Chief's action was to provoke a much more serious conflict than would

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628 624 otherwise have been the case, because the side opposed to the youths who had rashly crossed the line were so incensed that they found a way of renewing the fight next day in another part of the area, well removed from the place in which the line had been drawn, and in greater force than before.

In most cases, however, the Leopard-Skin Chief only exerts his influence when he knows that the contestants wish him to do so. He will use threats to break down the opposition and expression of hatred demanded by convention rather than intervene on his own initiative when there exists a real determination to fight. Essentially, so far as the law is concerned, the Leopard-Skin Chief is the mediator who conducts the opposed groups peacefully through the elaborate processes of settlement, who acts as assessor where cattle are concerned, and who deals with the problems of taboo and spiritual observance which arise. He is the appointed and traditional 'Third Party', theoretically impartial, whose duty it is to smooth the path of the negotiations for both sides in a situation which is potentially dangerous. In some parts of Nuerland a special functionary, the *kuaar thoan*,[1] exists to mediate in disputes between two opposing Leopard-Skin families. In Eastern Nuer areas this function must be performed by a commoner or *dwek*.

2. BLOOD-FEUDS

The Process of Settlement and the Functions of the Leopard-Skin Chief as Mediator

The Leopard-Skin Chief concerned with the Individual

Apart from his duties in the settlement of feuds, the Leopard-Skin Chief is concerned with the spiritual welfare of a killer as an individual. [778] The Leopard-Skin Chief's home is sanctuary and the group who seek vengeance may not enter, though they may lie in wait outside. As a mark of the sanctity and neutrality inherent in the office of Leopard-Skin Chief it is traditional that no spears may be carried into his presence or brought into his home.

A man who has killed another may not eat or drink until his blood has been let by a Leopard-Skin Chief; *ce riem-de kam rar* ('his blood has been taken out'). This ceremony is known as *birr*, and is performed by the Leopard-Skin Chief himself or one of his relatives. A fish-spear is taken and the arm of the killer scratched therewith until blood flows. The killer may not shave his head, and his home and cattle-byre are closed. His family may seek refuge with the Leopard-Skin Chief or may rely on the safety of numbers and group themselves round other relatives.

At this ceremony a bull-calf, known as *ruath birre*, is sacrificed by

[1] *Thoan*, serval cat (*Felis serval*).

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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion. 628 624

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de cerike luak gwan thunge*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*buor*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made. [783]

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and *ji thunge*

As soon as a man is killed a state of feud (*ter*) begins between the *ji ran* and *ji thunge*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *nueer*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *math*, and is rarely performed unless the two groups are very closely related. [784]

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thunge*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thunge* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Nueer* usually takes the form of painful but not necessarily fatal diarrhoea. The word *nueer* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *nueer*.

[3] 'There is blood between them'—*teke riem kandien*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

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628 624 to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thunge* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thunge* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

628 624 783 Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tut ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale loic*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *cail*. Apparently the initiative should come from the *ji ran* rather than the *ji thunge*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *math*.[2] The

[1] 'Cattle of appeasement'. *Pale loic* can be best translated as 'to ease the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *math* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *math-da*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the latent hostility which persists after settlement of a blood-feud in normal cases should disappear.

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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coka* is sacrificed and ceremonially divided between the *ji ran* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cail*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

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Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

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ruath birre: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kweini or *yang jal:* 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyup: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji ran* by the *gnan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok dwiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyup* should be the first cow to be handed over.

ruath kethe: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

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ruath riem and *yang kuac*: 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

ghok pale loic: 'the cattle of the easing of the heart'. These consist of the *yang tuake*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

yang tal coka: 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *ruath* ceremony, divided, and partaken of by the *ji ran* and *ji thange* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

682 Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*wut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*had*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 50 head of cattle, of which 10 go to the Government as a fine.

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Persons who are normally concerned in the Collection and Receipt of Compensation

We have seen that compensation payments for homicide are linked to bridewealth payments because the ultimate purpose is to provide the dead man with a wife so that children may be raised to his name. In the collection of the compensation cattle it will probably be those persons who normally contribute to bridewealth who will provide assistance. In marriage, when assembling all the cattle for bridewealth, a man will have a number of recognised claims both by inheritance and on the marriages of female relatives. He may take several years to assemble them even if a part of the bridewealth comes to him not in fulfilment of definite rights but from the spontaneous generosity of his kinsmen. Compensation for homicide, however, will have to be collected without delay, and other than the general obligation of all kinsmen, including as in marriage maternal kinsmen, there is no definite pattern. Moreover it seems that the obligation to assist a killer in the payment of *thang* is cast wider and includes kinsmen who would not normally assist him to marry. By this is meant kinsmen of collateral lineages who have no title to a portion of the bridewealth of the killer's female relatives, but sometimes receive small gifts as a token of their relationship to the bride.[1]

The Distribution of Bloodwealth

The distribution among the *ji ran*, the people of the dead man, is also in many respects similar to the distribution of bridewealth among the relatives of a bride for, apart from those cattle set aside for sacrifice and those paid as fees to the Leopard-Skin Chief, certain categories of kinsmen of the dead man will demand a share. The remainder will go to the man whose duty it is to marry a wife to the deceased. There is in fact a conventional pattern of distribution which is still followed in Western Nuer District.

Leik Nuer (total compensation—40 head of cattle)

Initial Payments:

ruath riew and yang bunu: To Leopard-Skin Chief and assistants.
ruath mum: To the man who buried the deceased.
yang jiwp: *To gum bathel* of the dead man's kin.
thak or *ruath bathe* and *tut ghok*: Sacrificed.

Total: 6 head of cattle.

[1] I.e. beyond the limits of the *bathel*: the reader will understand these statements more clearly after reading Chapter III, Section 5, 'Distribution of Bride-wealth'.

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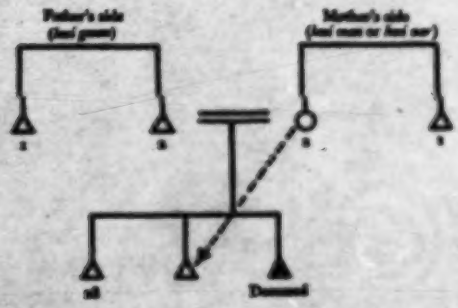
682 *To the Deceased's Kinsmen:*

hui gwan (father's side): *gwan* (father), a cow and cow-calf.
gwanlen (paternal uncle), a cow-calf.

hui man (or *nar*) (mother's side): *man* (mother), a cow and cow-calf (as with bridewealth these go to her own sons).
nar (maternal uncle), a cow-calf.
Total: 6 head of cattle.

To the dead man's heir (usually his son or brother): The remainder to marry him a wife.
Total: 28 head of cattle.



Thus a small portion at least will go to the deceased's paternal and maternal kin, though those set aside in the name of the mother (*man*) will be inherited by her sons and will remain with the paternal lineage.

The Bul Nuer give a more elaborate system of distribution:

Bul Nuer (total compensation=40 head of cattle)

Initial Payments:

As among the Leik (above) . . . . . Total: 6 head of cattle.

To the Deceased's Kinsmen:

hui gwan (father's side): *gwan* (father), a cow and cow-calf.
gwanlen mamde (paternal uncle: father's uterine brother), a cow.
gwanlen gwandé (paternal uncle: father's brother by different mother), a cow-calf.
nar (paternal aunt), a cow-calf.

hui man (or *nar*) (mother's side): *man* (mother), a cow and a cow-calf.
nar mamde (maternal uncle: mother's uterine brother), a cow.
nar gwandé (maternal uncle: mother's brother by different mother), a cow-calf.
mainlen (maternal aunt), a cow-calf.
Total: 10 head of cattle.

To the deceased's heir: The remainder to marry him a wife.
Total: 24 head of cattle.

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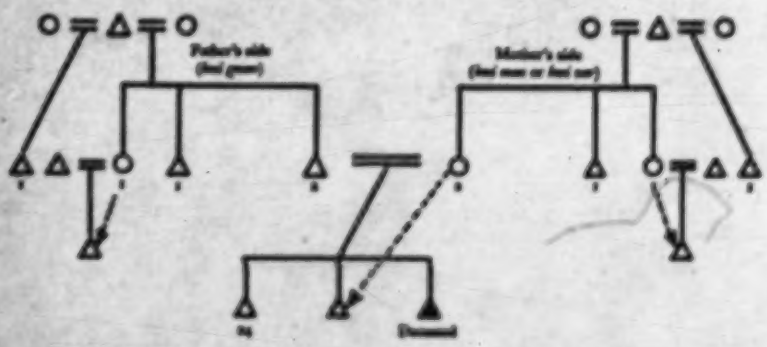
It will be noted that in all four lineages are involved, those of the father and mother of the dead man and those of his paternal and maternal aunts' husbands, since cattle given to them will be taken by their sons. 682



These examples are from Western Nuer where compensation for homicide has always been maintained at 40 head of cattle.[1] Among the Zeraf Nuer, after compensation had been reduced to 20 head, this distribution was not followed. Apart from initial payments, all the remainder went to the dead man's heir to marry him a wife. Since only 14 were left, it was usual to wait until the cattle had increased to the number required for normal bridewealth (not less than 18 to 20). Now that compensation has been increased once more to 40 head of cattle, the Zeraf tribes may well return to the old system of distribution.

Degree of Responsibility where Homicide is Committed Jointly

In assessing the payment of compensation for a man killed by more than one assailant, Nuer do not take into consideration the severity of the wounds inflicted on his body, nor do they attempt to attach the cause of death to any particular wound. Once the fact of homicide is established, all persons involved are considered responsible, but it is the man who strikes the first blow, the *raw me kuic e-je*, who is considered to have a much greater degree of responsibility than those who follow him. This applies however superficial the wound he inflicts on the body of the deceased. Most cases of this sort occur in battle, and usually those who fight side by side are kinsmen. The *raw me kuic e-je* is therefore in many cases closely related to those who assisted him in the act of homicide, including the *raw me gaw e-je* ('second spearer'). The collection of cattle for compensation is not therefore an unusually complicated matter, and is subject to agreement within the 682 672

[1] It is worth noting that some Western Nuer tribes say that the Leopard-Skin Chief is entitled to 4 head of cattle in all for his services: two bulls, a cow and a cow-calf. Anh Nuer say that these beasts should be given over and above the total of 40, although this is not a normal Nuer custom (as it is among some Dinka tribes).

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682 kinship group. In some cases, however, the *ran me hoic e-je* is not
672 closely related to those who acted with him, and the collection of compensation becomes more complicated. It seems that, according to usual custom, the kinamen of the *ran me hoic e-je* are expected to pay the bulk of the compensation, although there are no definite rules on this subject. Some Nuer suggest that the 'first spearer' should pay all the compensation.

These rules have caused some confusion in the courts and the matter was standardized in 1945 at a meeting of the Nuer Council. It was then laid down that the *ran me hoic e-je* should pay three-quarters of the compensation and the *ran me gam e-je* one quarter, and, if there were more than one *ran me gam e-je*, this quarter should be divided equally between them.

3. FORMS OF HOMICIDE AND COMPENSATION RECOGNIZED IN NUER LAW

682 The various forms of *thang* or bloodwealth recognized in Nuer Law and graded according to the seriousness of the wrong perpetrated against the dead man's kin have already been defined. It is now necessary to examine these in greater detail.

Thang ran

Thang ran, which is the general term used to describe compensation for homicide, is also used more specifically in circumstances in which a man has been killed intentionally. In the past this was subject, as we have seen, to certain qualifications. The rate of compensation depended on the weapon used, a distinction which perhaps reflected the degree of intent with which the act was carried out.

Thang loic ran

A blood-feud means that a spiritual barrier is raised between the two groups concerned, and that a breach of certain observances and taboos current between them while a state of feud exists leads to contamination which is physically manifested in disease (*nuer*). It is therefore incumbent upon a man to confess when he has killed another. Failure to do so would be a serious breach of moral duty. Moreover, he must do so in order that both groups may not involuntarily contaminate themselves and so that they may scrupulously observe the rules of behaviour necessary in these circumstances. In the event of a man subsequently confessing to homicide or the fact of his guilt being established later, the *ji ran* demand a higher scale in compensation referred to as *thang loic ran*. Nuer feelings are outraged by behaviour of this sort,

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and it takes more to appease the feelings of the *ji ran*: indignation runs high because of the risks which are involved. Moreover they will naturally attribute certain deaths and illness in their family, which have occurred between the killing and the confession, to this cause.

The concept of *loic ran* remains in the category of private law. It is merely that extra compensation is required to restore a balance which has been more acutely disturbed, and to make good the ritual danger which has been added to the original wrong. It should be noted that the concept is extremely vague and is not known to all tribes. It is problematical whether *thung loic ran* was ever paid at all.

Thung nyindiet

The word *nyindiet* is not easy to translate, and I am indebted to Mr. Buth Diu, lately Nuer representative in the Sudan Legislative Assembly, for the following remarks:

> This is a most difficult word, which the Nuer themselves cannot explain. It is not really *nyindiet*, though the majority pronounce it that way, but *nin diet*. The first part of the word *nin* therefore could mean 'days', 'previous', 'old', or 'deep'. In fact the expression *nin diet* is not only used in the context you have described, but of something which happened in the past implying a previous quarrel. Thus *teke nin diet kam dien ne nolke* means 'there was a grudge between them in the old days'. The second part of the expression *diet* is not easily understandable. *Dit* has three meanings: 'bird', 'song', 'deed'. It is presumably the latter meaning which applies here, and the expression *nin diet* then means simply 'deed of the past'.

Thung nyindiet is demanded when a man dies as a result of an old wound. If a man dies a year or so after a fight in which he has sustained a wound full compensation is demanded. This is regarded as a normal killing and not *nyindiet*. If, however, he should die after a period of years, *thung nyindiet* only is called for. The period of time which must pass before *thung ran* changes to *thung nyindiet* is not clearly stated and is often in dispute. Moreover compensation may be sought for a man who dies so long after the infliction of the wound that to attribute death to it is absurd. Cases are continually arising in which men who die at the ripe old age of seventy or more are considered to have been killed by someone who struck them perhaps forty years previously.

As will be seen later, *thung nyindiet* has now been universally abolished, but it is worth noting that disputes arising over *nyindiet* are themselves probably the creation of the Government. The mere fact that *nyindiet* was previously recognized in the courts, and that Government action was taken when judgements were not executed, may account for the fact that what was formerly a very tentative concept, and in all probability never paid, has become a legal reality.

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Thung gwacka

682 Compensation for accidental killing is usually paid on a reduced scale. Theoretically this should not be so, for, in the general balance of opposed groups, a life is a life, whatever the circumstances of death. Yet it is natural that when the act is unintentional, the feelings of those who would normally demand redress will not be so intensely inflamed, and they will be prepared to accept less. Here again the relationship of the parties is relevant, and the Nuer make a clear distinction in the terminology of their law. They speak of *gwac mara*, the accidental killing of a kinsman, as a minor wrong which will demand only tokens and ritual expiation. *Gwac gwoka*, the accidental killing of a person who is not related to the killer, is different, and an indemnity in cattle will be demanded, though usually on a much reduced scale. The dividing line between *gwac mara* and *gwac gwoka* is obviously difficult to determine, especially as the fiction of kinship is carried right through the tribal structure as an integrating principle and an explanation of political association. Nowadays the distinction is not valid, though it is doubtful whether compensation would be demanded for the accidental death of a brother or even a father's brother's son, but it is recognized that the full indemnity for homicide need not be paid. Usually half the standard indemnity is considered correct, but circumstances are important, and a Nuer court, though its members would be quite unable to express this as a general principle of law, takes into consideration what we should call negligence and the degree of criminal responsibility. There are certain extreme cases where the principal is held to be liable in theory, even though no compensation is necessary. For example, if a man who is thatching another's house falls and is killed or seriously injured, the owner must pay *thung diit*,[1] a purely symbolic payment in bundles of grass and ropes accompanied by appropriate ritual.

Thung yiika

682 According to Nuer Law, if a man seduces an unmarried girl and as
684 a result she dies in childbirth, he is held responsible for her death. Her relatives will demand compensation known as *thung yiika*. This concept follows the general principle governing homicide, that the kinsmen, or in the case of a married woman, her husband, are entitled to compensation for the wrong. They should already have demanded compensation for seduction or adultery, which is known as *ruok*,[2] and for this reason it seems probable that the act is considered to be homicide, and not merely a breach of behaviour regarding women. The use of the word *thung* rather than *ruok* indicates that this is so. *Thung yiika* is, however, described in more detail under the heading of violation

[1] *Diit*, here meaning 'thatcher'. [2] See under Adultery, pp. 135 et seq.

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of rights in women, a subject which is discussed in a later chapter.[1] *Thung yiika* has now been abolished officially and is not recognized by the courts, but even before that, in most parts of Nuerland, as a custom it seems to have been dying out (except perhaps in Western Nuer) and it is probable that it was rarely paid.

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Biem

The distinction between killing a person in fair fight and killing a person by stealth or ambush has already been mentioned, and we noted that the latter arouses in the Nuer a reaction of moral indignation, not because a life has been taken, but because it is an offence against Nuer standards of chivalry. It is therefore somewhat surprising that a higher rate of compensation is not required to appease the more intense feelings of outrage displayed by the dead man's kin. The reaction of horror or displeasure against an act of what we should call 'cold-blooded murder' is almost universal, and one might expect that the sentiment would be expressed in the scales of compensation traditional in Nuerland. There is, however, no suggestion of this in Nuer law, though a feud arising from such circumstances might well be harder to settle than one arising from straightforward homicide in battle or single combat. I think that the explanation lies in the fact that the circumstances rarely, if ever, arise except in the form of an ambush against a particular individual in pursuance of a feud.[2] If carried out as an act of vengeance the circumstances are considered to be mitigated. The literal meaning of the word *biem* is, in fact, 'to kill by ambush'.

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4. THE STATUS OF PERSONS IN CONNEXION WITH HOMICIDE

Persons for whom Compensation was paid at Reduced Rates

In the past there was also a recognized distinction in the rates of compensation for the taking of human life according to the status of the person killed. There were certain categories of persons for whom compensation was paid on a much lower scale.

[1] See Chapter IV, p. 155.

[2] 'Fair fight' is a Nuer maxim. In the years 1943–4 there was a sudden and unusual incidence of cold-blooded murder among the Lak Nuer. In nearly all cases there was no actual motive, and the offenders gave as an explanation that they were directed by certain spirits (*kuth*) in their actions. Nearly all the accused, both in preliminary police investigations, enquiries, and during trial, displayed characteristics of mental instability, but not sufficient to disable them from conducting their defence. In most cases they revealed a curious persecution mania focussed on the person of their victim, though evidence that no persecution existed in fact was overwhelming. It is interesting to note that these murders, with one exception, were restricted to the Kwacbor primary segment of the Lak Nuer, and all took place within a comparatively short space of time. Public opinion in Lak country was genuinely shocked and other tribes expressed strong disapproval. The Lak had an unsavoury reputation for some time to come.

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Dinka in the Category of Slaves

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Nuer distinguished between what they called *jaang cieng* and *jaang dhor*. *Jaang dhor* (literally, 'outside Dinka') were Dinka who had no connexion with Nuer and did not live among them. Scales of compensation, which varied according to the tribe, probably depended on their past relations with Dinka with whom their boundaries marched. A scale of compensation was recognized, although this does not mean that compensation was often paid. *Jaang cieng* (literally, 'home Dinka') meant those Dinka who had taken up residence with Nuer, associating themselves with some Nuer lineage and ultimately identifying themselves with it. Dinka recently arrived, and living thus in Nuerland, received compensation at a much lower rate—the scale varying from tribe to tribe. Dinka born in Nuer country and adopted, i.e. in the second generation, were usually treated as pure Nuer. In this connexion it must be remembered that adopted Dinka did not necessarily suffer social or political disabilities and often attained positions of great prominence among the Nuer. Deng Likea, a Dinka of Ngok extraction, became the acknowledged leader of Bar Gaawar through his spiritual powers, and his descendants are still the most important people there; Nuar Mer, an adopted son of Mer Teng Kerfeil, whose real name was Nuar Bul and who was of Dinka extraction, attached himself to the powerful Teng Kerfeil section of Radh Gaawar and gained great power through his treacherous alliance with Arab slave raiders. There are other notable examples. Dinka captured in war were not slaves in the usual sense of the word and were soon assimilated into Nuer society; their descendants, after a generation or two, would trace a fictitious descent relationship to a common ancestor through the lineage of the man who adopted them.

Witches, Ghouls, and Anti-social Persons

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For killing a person believed to be *peth*—one who possessed the evil eye—Nuer say that compensation was six head of cattle only. For a *rodh*, a ghoul who performed unnatural rites with the bodies and graves of the dead, no compensation was paid at all if, in killing him, only sticks were used and he was not hit on the head.[1] There are also instances in tradition of witches, *gwan wal* (owners of medicines), *let* (werewolves) and the like, being done to death by general consent of the community and no compensation being demanded.

I know of no recorded instance where a Nuer court has had to deal with a situation of this sort, and it is a matter of tradition rather than the present administration of Nuer customary law. This is true also of the distinction between Nuer and Dinka, for no such

[1] The subject of witches and other anti-social persons is discussed more fully in Chapter V. See Howell and Lewis, 'Nuer Ghouls: a Form of Witchcraft', *S.N.R.*, 1947.

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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes. 682 754

Uninitiated Boys

Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident. 682 858

In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: 10 head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation 682 562 593

[1] 'Ungarred', 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

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at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.[1]

Legal Responsibility for Act of Homicide committed by a Woman

[672] A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognized as *keagh* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.[2]

5. PEACE CEREMONIES: COMPOSITION ON A TRIBAL SCALE

728 The laws of homicide described in the previous sections concern feuds (*ter*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*cot*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaawar when Liab Liou, the leader

[1] I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

[2] The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

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(*ruic*) of the Bar primary segment, called upon the whole tribe, the Radh section included, to unite once more. This was after the separation of the two primary segments of the tribe and when there was a marked deterioration in tribal cohesion, but before the tribe was finally split by the raids of Arab slavers and the treacherous alliance of some of the Radh with the intruders. 728

6. CONCLUSIONS

Traditional Concepts and Action in the Past

We have seen that the laws relating to homicide among the Nuer are directed towards the maintenance of an equilibrium, and that in Nuer society this equilibrium is expressed in the balanced opposition of the segments of a tribe. Theoretically compensation should be the same whatever the circumstances of the killing and whatever the intention of the killer. These principles still largely apply, but in the past the main objective of restitution in the form of payment was achieved only with difficulty because, whatever the sanctions which exerted pressure on the aggrieved people to accept and whatever their actual feelings, convention demanded that they should accept only after a great display of hostility and reluctance. Moreover the degree of reluctance was genuinely affected by the actual circumstances of the incident. Some, but not all, Nuer tribes distinguished between intentional and unintentional homicide in assessing compensation. Compensation for intentional homicide was usually at least double that for accidental killing. The difference in the weapon used was also a qualification among some Nuer tribes, though it seems probable that they merely considered use of the fighting-spear an indication of intention. In contrast, reactions to homicide achieved by means which the Nuer consider unfair and therefore a greater wrong did not find expression in an increased rate of compensation. Unconfessed homicide was regarded by some Nuer tribes as a much more serious offence, and although this is a theoretical concept and without recorded examples, Nuer say that double the full rate of bloodwealth was necessary before settlement could be achieved. In this case, however, it was not so much an assessment of the quality of the homicidal act as a reaction to an offence committed by the killer afterwards, for he had, by concealing the deed, endangered the whole community including both factions. Nuer believe that the killer enters into a condition of ritual impurity which must be neutralized by the operations of the Leopard-Skin Chief if the community is not to share in that condition. An act of homicide therefore creates a state of grave danger. Actual danger springs from a state of feud, for there is always the likelihood of retaliation and further violence. Spiritual danger arises from the contamination of a man who has 682

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spilt the blood of a human being, and this may extend to his kin.[1] Between the group thus tainted and the kin of the dead man no social contact is possible until the pollution is removed by elaborate rites performed by the special functionary who exists for that purpose.

In connexion with the general theory of primitive law it is also worth noting that among the Nuer the composition of homicide was achieved by a payment which varied according to the status of the dead person, but this distinction, which is no longer valid, applied only to Dinka slaves of the first generation, and probably only to those captured in war and not fully adopted. Otherwise there was no differentiation according to class because no class distinction ever existed.[2] Moreover the age or sex of the deceased was not taken into consideration, the compensation for a woman or an uninitiated boy being the same as that for an adult male. It is true that low scales of compensation were demanded for the killing of certain categories of anti-social persons, witches and the like, and it might be argued that such persons were set in a lower status in society because of the evil reputation which attached to them, and in this also the germs of a concept of public law may be detected.

Unlike the scale of indemnities for lesser wrongs, compensation for homicide (*thung*) appears to have been maintained at a more constant level, with the provisos already mentioned. It was set as an ideal, though it is now difficult to say how often it was fully paid in the past, just because homicide and violent retaliation were the very first features of Nuer society to receive the attention of the Administration. The consistency with which these scales are quoted, however, seems to me partly due to its dependence on bridewealth, which is also expressed as an ideal. The main objective in the payment of the indemnity is to provide the deceased with a wife—a 'ghost-wife' who will bear children to his name and enable him to be the founder in posterity of a distinct collateral branch of his patrilineal descent group. It is therefore logical that the number of cattle paid as *thung* should be equal to those paid as bridewealth, though nowadays the difference between the latter ideal and the number actually paid is variable and often considerable. The distribution of bloodwealth among the kinsmen of the deceased follows closely the method of distribution of bridewealth, both maternal and paternal kinsmen having definite claims. It would, however, be a mistake to believe that bloodwealth should be exactly equal to bridewealth just because the former is intended

[1] There is also an idea that the spirit (*cien*) of the dead man will haunt his slayer and bring about his destruction and disaster to his kinsmen.

[2] E.g., there is not a higher rate of compensation for a specialist functionary like the Leopard-Skin Chief as opposed to the ordinary people (*dwek*). It is worth noting here, however, that Nuer have in recent years often pressed for official recognition of a higher rate for Government chiefs and policemen when killed in the execution of their duty.

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mainly to provide the dead man with a wife. Other claims must be met first. Of the forty head of cattle some go to the kinsmen in the manner already described, others go to the Leopard-Skin Chief and his assistants, still others are sacrificed, so that only between twenty and thirty are left for the 'ghost-marriage'. These are normally kept until they increase sufficiently to reach the mark of current bride-wealth, and may then be supplemented by other cattle to which the dead man would have had a claim were he alive. Nevertheless Nuer feel that the two payments should be equal; a life for a life or a wife for a life, a logical equation which is entirely consistent with the principles of their customary law. 682

Observations on the Effects of Government Policy

Nuer are able to quote instances where compensation was paid and blood-feuds settled in the past before the advent of the present Government, but this does not mean that every case, or even the majority of cases, was settled. There is no doubt that blood-feuds, especially between tribal segments remotely related in terms of space and kinship, often continued for many generations, and the tradition of such feuds is still a source of political friction and a problem which faces the Administration today. Even when compensation has been paid and the ceremonies of composition performed the feud may break out again with renewed vigour. Generally speaking, the nearer the social relationship of the opposed groups, the greater the likelihood of permanent settlement. This observation applies theoretically, but only in the sense that in the initial stages feuds between less closely related groups were more likely to continue and no action be taken to bring about an agreement. In fact, they do not often continue nowadays because the Government intervenes and acts as a purely artificial and new medium through which hostile groups are brought together. Paradoxically enough, it is nowadays often the case that feuds between closely related groups are the most difficult to deal with. The reason is, I think, that feelings of hostility receive the permanent reminder of almost daily communication, while the primary sanction for composition, the threat of aggressive action by other groups, is much modified by the action of the Government in maintaining the peace. 678 177

The concept of punishment of the individual for offences which we, but not the Nuer, regard as criminal is another innovation which has had widespread repercussions. In cases of homicide capital punishment is sometimes inflicted and imprisonment or fine or both are always applied. Further, in cases of major conflict, fines are sometimes exacted on a collective basis, and in any case, even if the fine is inflicted on the individual culprit, it amounts to collective punishment because in Nuer society the principles governing mutual assistance in 681 177

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681 the collection of bridewealth, bloodwealth or other kinship obligations
177 automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realization that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always
682 understood. Fratricide, for example, is considered a great wrong, and
177 is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring
593 himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

671 Apart from the difficulties of understanding an alien system of justice,
178 there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

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Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

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The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
>
> (*a*) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
>
> (*b*) The second result of the increase in blood-money is the reluctance of the chiefs to break *mar* which is a system by which relations exchange cattle

[584] 681 177 602

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681 177 602 on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *mar*, but since the Fangak meeting chiefs are very reluctant to break *mar* as the more so-called relations there are available to collect blood-money, the better.[1]

681 177 In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

681 177 621 The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *mar*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

177 671 682 The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*dar*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thang nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[1] Unpublished administrative records (Eastern Nuer District), 1946.

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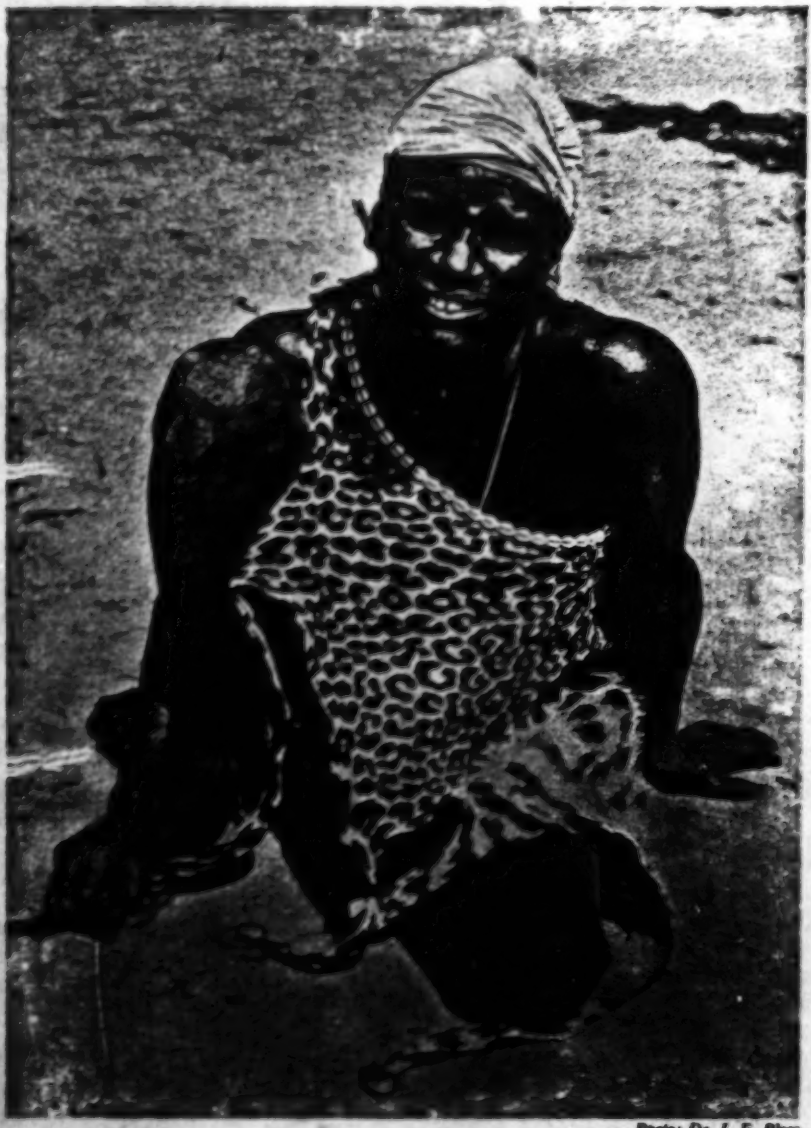

Photo: Dr. J. F. Blue

LEOPARD-SKIN CHIEF

[facing p. 64]

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probably as a token payment. I have not been able to find evidence of *thung nyindiet* being paid in pre-government times. Yet, until it was abolished in 1945, the demand for *thung nyindiet* was frequent, and although the claims were sometimes carried to extremes of fantasy, they were also frequently enforced. For example, the family of an old headman, Loiny Kur, who must have been over seventy and scarcely able to walk for several years before he died, at once claimed compensation for his death, which, they claimed, was due to a blow on the head. Further investigation revealed that this blow, which caused him considerable discomfort at the time, but no more, was delivered about forty years before his death.

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At the meeting of 1945 it was agreed to abolish claims for *thung nyindiet*, but over this a further difficulty arose, because there is no clear distinction between what would be called *thung ran*—compensation for direct killing—and *thung nyindiet*. A man may linger on in a disabled condition as a result of a blow for years before dying. In this case, if compensation for an injury has been paid, the cattle and their offspring will be assessed as part of the claim for bloodwealth, for this is one of the objects of compensation for hurt; but there are some injuries which do not in Nuer custom demand any compensation at all, notably blows on the head. The final ruling given by Chiefs at the 1945 meeting was as follows:

> *Nyindiet* is abolished. Only compensation for a man who dies as a direct result of a wound may be claimed and then full compensation will be paid. The test is this: if a man, as a result of a wound, is confined to his home and is unable to take part in the normal economic activities of the Nuer and finally dies after a period of years, then full compensation will be claimed. If he recovers, then if compensation for an injury is applicable according to Nuer laws it should be paid.[1]

This has subsequently led to much confusion, though the meeting of 1947 recorded that 'a series of test cases with the chiefs of Eastern Nuer straightened out their ideas.' This is an instance in Nuer law in which the circumstances of the case, as deduced from formally recorded evidence, must be the guiding factor and, as medical facilities increase, medical evidence also. In normal homicide cases brought before Nuer courts, the facts are not generally in dispute or concealed by the defendant party.

Recent legislation (in 1947) by the Nuer Chiefs' Council has also abolished the payment of *ghok pale loic*, mainly because in some parts of Nuerland there was an endless demand for such compensation as final payment for cases settled years ago. The idea exists in tradition, but was clearly of very rare application. As we have already seen, *thung yiika* has also been abolished.

[1] Minutes of the Nuer Chiefs' Meeting, Fangak, 1945 (unpublished).

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THE LITIGANT

[Facing p. 65]

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Modern Procedure

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Cases of individual homicide are nowadays often tried by a Major Court[1] convened under the Code of Criminal Procedure of the country. This always applies in cases of murder, since murder is not triable by Chiefs' Courts.[2] The slayer is tried under the Penal Code for murder or, if the act is qualified by one of the five mitigating circumstances laid down, for culpable homicide not amounting to murder.[3] These circumstances can be reasonably adapted to Nuer standards, and the implications are well understood, since murder is *biew*, though even here 'grave and sudden provocation', one of the mitigating circumstances, might still apply in circumstances which the Nuer classify as *biew*. All other forms of homicide are simply *nak*. In the case of a murder for which sentence of death is passed and executed, compensation (*thang*) is naturally not paid, although the kinsmen of the murdered man often demand it. The State has assumed the role of the avenging kinsmen. Where the sentence is commuted to life imprisonment, the indemnity is usually paid.

The more straightforward forms of killing, which take place in collective hostilities, in brawls when the feelings of the participants are roused to extremes of passion, or in sudden unpremeditated quarrels, usually fall within the mitigating circumstances and, as culpable homicide not amounting to murder, may, with the permission of the District Commissioner, be tried by Chiefs' Courts.[4] There are naturally occasions when an act of homicide quickly leads to extensive hostilities and the chiefs appointed by the Government are either unwilling or afraid to intervene and restrain their fellows. In such circumstances the intervention of State police armed with rifles is sometimes necessary. Normally, especially in the more advanced parts of Nuerland—for the effectiveness of Nuer courts is not everywhere the same—the chiefs, their headmen, and tribal police quickly regain control. It is rare that a killer attempts to conceal his guilt, even if in the heat of the battle there are no witnesses, and he will usually give himself up to the nearest authority after performing the necessary purificatory ritual with a Leopard-Skin Chief. Other persons involved are put under arrest, and in most cases a number of cattle are seized, often from both parties and in excess of the number which will later be required as compensation. These are held as surety. A meeting of the court is quickly called, and the relative guilt of the parties is determined. Sentences of imprisonment, sometimes up to the maximum powers granted by law, are imposed on the killer or killers, and

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[1] Consisting of a Magistrate of the First Class and two lesser Magistrates. Some Nuer chiefs are Magistrates of the Third Class for the purpose of sitting on Major Courts.

[2] Chiefs' Courts Ordinance.

[3] Sudan Penal Code, Section 249.

[4] Chiefs' Courts Ordinance, 1931.

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those who participated in or instigated the affair are punished. Fines are often imposed collectively on one or both sides and collected with the minimum of delay. A Leopard-Skin Chief is then appointed by the court to conduct the ceremonies of composition, and these are carried out strictly according to the procedure already described.

It would of course be idle to pretend that all acts of homicide are dealt with so rapidly and efficiently, but in this sphere—in circumstances where public security is most obviously and severely threatened—Nuer courts are surprisingly effective. At any rate, during my time in Central Nuer District there were not many occasions when I had to intervene to restore order, though I was, of course, called in to confirm the judgement of the courts. Indeed, there was one occasion when I interfered too hastily by sending mounted police to round up the culprits and their cattle. As a result I was publicly and most soundly rebuked by the elder statesmen of the area, and was told that such matters should be left to the chiefs themselves. Many feuds were quickly settled during my absence when I was away from the district on leave, sometimes for several months at a time and there was no one to take my place.

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PART II HURT

1. INTRODUCTION

683 NUER demand compensation in cattle for injuries sustained in all forms of affray and individual fighting. Certain definite injuries are recognized in traditional law, and for these there are scales of compensation. There are also notable exceptions. For example, while elaborate scales of compensation in cattle exist for fracture of individual bones of the hand and for different fingers, there is no traditional compensation for a broken skull.[1]

The compensation is intended not only to appease the feelings of the injured party, but also to restore the balance between the conflicting groups. It seems that the fundamental principle involved is that an injury should be met by compensation in direct ratio to its severity, and the severity is assessed by the extent of a man's disability. Disability is judged by the extent to which a man is incapacitated from co-operating in the communal activities of defence and the maintenance of his immediate family and the whole group to which he belongs. It is a collective concern as well as one of individual redress. Fracture of the bones of the hand or the fingers may amount to a very serious injury if the man is unable to hold a spear in defence of his kin or to assist in the cultivation of his fields. In the case of a broken skull, the victim either dies—in which case a feud probably follows or bloodwealth must be paid in full—or he makes a complete recovery.

683 682 A second principle inherent in the payment of compensation for personal injury less than death is directly related to the law of homicide. It is that in payment of compensation in cattle the culprit insures himself, in the event of his victim dying at some later date, against the possibility of the deceased's kinsmen attributing death to that wound. This association of ideas has close connexion with the law of *nyindiet*. If cattle have been handed over as compensation for the injury at the time, it is unlikely that a claim for *thang nyindiet* could or would be pressed, for in theory the cattle have increased to a number equivalent to or more than the number normally demanded for *nyindiet*. In this respect it is also significant that most claims for *thang nyindiet* refer

[1] Although there is no traditional compensation, a Nuer court will nowadays sometimes award a cow or two to the injured party.

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back to wounds inflicted on the head of the deceased, particularly a broken skull.

As in the case of homicide, the existence of traditional scales of compensation for personal injuries does not indicate either a high exactitude of application or the inevitable and prompt settlement of disputes. In the past settlement depended largely on the relationship of the disputants. The principal inducement for payment was fear of retaliation, and in the case of a wound or a blow retaliation was likely to take a more personal and individual form than in the case of homicide. The injured party was on the look-out to avenge himself on the person of the offender. Generally speaking, too, the smaller and more integrated the community to which the disputants belonged, the more likely was it that pressure would be exerted to have the matter settled by payment of cattle and thus remove the danger of further friction within the group. The smaller the group, the greater was this pressure and the greater, too, the opportunity to exact personal revenge on the body of the culprit. Nowadays, injuries are assessed by the court and compensation is awarded with due regard for these traditional scales.

2. INJURIES RECOGNIZED IN NUER LAW

There are many specific injuries recognised in Nuer customary law as demanding compensation in cattle. Most of these injuries are fractures of bones, but it is usually on the subsequent effects of the injury —the stiffening of joints or paralysis causing permanent disablement— that the extent of the compensation is judged. Specific injuries recognized are given in the table (p. 70). Scales of compensation were extremely variable throughout Nuerland, but fairly consistent within one tribe. Elders can usually quote the rates current in the past. As in the case of most indemnities among the Nuer, I think that the rates were essentially idealized and therefore only a basis upon which a suitable compromise could be reached. This principle still operates in Nuer courts today, although there is an increasing tendency to quote past precedents established in case law. An attempt was made in 1945 to stabilize the scales, and the results are also recorded in the table, though it was appreciated that any rigid rule at this stage might be unwise. It is worth noting that theoretically total blindness is tantamount to death among the Nuer, and that loss of both eyes should demand full bloodwealth. At the Nuer Chiefs' meeting where these scales were discussed it was said that a man who loses his sight is 'like one who is dead', and the main object of the indemnity was to provide him with a wife, as in homicide. It was agreed, however, that in modern conditions ten head of cattle should be sufficient.

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SCALES OF COMPENSATION FOR BODILY INJURIES, 1945

Injury	*Head of cattle*	*Sexes*
tul jaath-pata (Fracture of the forearm: either ulna or radius)	2	1 cc+1 bc
(Fracture of both)	4	2 cc+2 bc
tul ciel (Fracture of the elbow)	2	1 cc+1 bc
(when the injury results in permanent disablement)	6[1]	3 cc+1 bc
tul mokc (Fracture of the upper arm: *humerus*)	6	3 cc+1 bc
tul thak muol (Fracture of the kneecap: *patella*)	2	1 cc+1 bc
(when the injury results in permanent disablement)	6[1]	3 cc+1 bc
tul ghom (Fracture of the thighbone: *femur*)	6	3 cc+1 bc
tul pete (Fracture of the collar-bone)	2	1 cc+1 bc
tul yuel pak matat (Fracture of the little finger)	1	1 cc
tul yuel pak mudit (Fracture of the thumb or big toe)	1	1 cc
tul yuel (Fracture of the bones of the hand)	(not specified)	
tul jaak (Fracture of or permanent injury to the shoulder)	6	3 cc+1 bc
tew ral cake (cutting of the tendons of the heel or wrist)	2	1 cc+1 bc
(if permanent disability results)	4[1]	3 cc+1 bc
ghar ker ryal (knocking out a girl's teeth)	2 to 4	
mat mang (loss of an eye)	5	4 C+1 B
mat nyin dang rew (loss of both eyes)	10	8 C+2 B

C=Cow. B=Bull. cc=cow-calf. bc=bull-calf.

3. DEFAMATION OF CHARACTER

Defamation of character is a recognised wrong in Nuer law, and is usually associated with false accusation of witchcraft, though sometimes of such offences as adultery. The Nuer expression is *kerjak* (*take kerjak*). Here the slandered person is likely to suffer a loss of status and privilege and run the risk of destruction at the hands of his fellows. In the case of false accusation of adultery, he runs the risk of retaliation by the husband. Hence, particularly in the latter instance, there is danger of breach of the peace in which opposed kinship groups will be involved, and the offence calls for some form of compensation. Nuer say that cases of this sort were frequent in the past, compensation being made by payment of one cow (*yang kerjak*), and cases are occasionally brought before the courts today.

[1] The distinction depends on the results of the injury—which applies to all injuries, but is here specified.

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CHAPTER III

MARRIAGE AND DIVORCE

PART I

MARRIAGE AND MARRIAGE LAWS

1. INTRODUCTION

The Functions of Bridewealth

THE majority of legal disputes which are brought before a Nuer court concern marriage relationships, matters arising out of marriage, claims to a share in bridewealth cattle or a return of bridewealth cattle if the marriage is dissolved. Cattle provide a legal symbol which runs through the whole structure of kinship and marital relationships. A thorough understanding of marriage, the bridewealth system, and rights in cattle raised by kinship is essential to a study of customary law administered in the courts. 691 583 [231]

The test of legality in all Nuer marriages is found in the transference of bridewealth cattle from the bridegroom and his kinship-group on the one hand, to the legal parent or guardian of the bride and his kinship group on the other. The main functions of bridewealth are as follows: 583

(i) It supplies a material symbol which legalizes the union of man and woman and establishes the legitimacy of the children of the union and their lawful inheritance.

(ii) It gives emphasis and legality to the conventions and patterns of behaviour and the reciprocal obligations which are raised between the kinship groups concerned and must be observed if the union is to be successful.

(iii) It gives stability to the union, particularly in the initial stages when it has not been confirmed and fortified by the birth of children who will subsequently form a link between the lineages concerned.

(iv) To some extent it stands as security for the good behaviour of the wife in her new home and for the observance of her marital duties towards her husband and his kin. It will be in the interests of her kinsmen to encourage her in this matter because her husband can demand his cattle back and dissolve the union. In this they may sustain no loss since the woman can be married again, but it will certainly cause them inconvenience, especially if the bridewealth

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583 has been passed on in other marriages. It is also in the interests of the husband to protect and care for his wife, for if harm should befall her through ill-treatment or carelessness on his part, he may lose his wife and find difficulty in getting his cattle back.

(v) It serves as legal indemnity for the loss of the woman's services to her own family and kin, particularly her economic and domestic services, and since, in an exogamous patrilineal society, she cannot bear children to her kinsmen, bridewealth provides them with the means to marry and raise children to their own name. The social equilibrium is thus maintained, the patrilineal identity of the lineage preserved, and its continuity in posterity assured.

(vi) It invokes the interest of ancestral spirits and their blessing, and by doing so fulfils a duty towards them. This is really a religious expression of the principles described in (v) above, but some of the bridewealth cattle are actually set aside and dedicated to the spirits of the lineage.

422 It is important to remember that cattle are held collectively by the
583 family or kinship group in the sense that their disposal is governed by conventions operative within that group. Kinship relationships govern the limitation of rights in cattle. The collection of bridewealth and its transference are not simple transactions between the prospective husband and the father or legal guardian of the bride. Certain persons standing in special relationships to the bridegroom within the kinship structure, and some of them maternal relatives, are expected to assist him in collecting the required number of cattle. Persons standing in special relationships to the bride are entitled to their shares in the distribution of the cattle when received, and these rights have been raised because they are the persons who co-operated in the collection and giving of bridewealth cattle in previous marriages, particularly the marriage of the bride's mother. This principle runs through the conventional form of reciprocal obligations and rights which are found in the kinship structure.[1]

583 Bridewealth is not, therefore, a payment in the sense that the bride is purchased from her family, though clearly the cattle are not regarded as merely tokens in the marriage system. They have economic value of extreme importance to the Nuer, since milk and meat products are

[1] It should be mentioned at once, though the subject is examined more fully later in connexion with divorce laws, that this does not mean that there is not a measure of individual ownership of cattle. Alienation of cattle is governed by definite rules of inheritance, posthumous rights, and present obligations. A Nuer possesses his cattle as an exclusive right in relation to persons of another kinship group, but the cattle he receives as member of his own kinship group are not his exclusive property; their alienation is not possible without a degree of permission from his kinsmen. This is one of the reasons why Nuer do not on the whole sell their cattle. In contrast, cattle received from other sources, by purchase for example, are his exclusive property even in relation to his kinsmen, though if used for marriage they are, as it were, put into the pool and lose this quality in the future.

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part of their basic diet. In an article on the subject of bridewealth, Professor Evans-Pritchard says:

> Until very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *kak*, now used to denote the act of purchasing something from an Arab merchant with money, had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *lail* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull-calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours.[1]

The word *kwen* is commonly used to denote marriage, and refers in a general way to the whole procedure of marriage, but more particularly to the distribution of the bridewealth cattle. The word *kwen* is also used to denote the 'counting' or 'division' of money nowadays, but in this connexion it does not have any meaning of payment or purchase. A man will *kwen* or count his own money, *ce yoke kwen*, or he will count a sum of money out, giving each person his portion. He will also use the word in reference to the counting of cattle: to count them as they return from grazing. The use of the word *kwen*, which implies nothing in the nature of purchase, seems to me significant.

2. DIFFERENT FORMS OF MARRIAGE

Among the Nuer there are different forms of domestic union, of which some have a legal basis and some have not.[2] The key to the legality of such unions lies in the transference of cattle in relation to the persons concerned: to whom and by whom. An understanding of the legal principles involved is essential to a study of Nuer Law.

Simple Legal Marriage

The normal legal union which approximates to our own form of marriage consists of the marriage of a man with a girl by the payment of bridewealth and by the completion of the social and ritual processes described later in this chapter. This form of union has been termed by Professor Evans-Pritchard 'Simple Legal Marriage'. The children of such a marriage are usually both legally and biologically the children of the husband, and they trace their descent to his name, since Nuer marriage is patrilineal in basis.[3]

[1] Evans-Pritchard, 'Bridewealth among the Nuer', *African Studies*, 1947.

[2] See also Evans-Pritchard, 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938. Reprinted in *Rhodes-Livingstone Paper*, No. 11, 1945. The terminology employed in this section is taken from the above article, and I have little to add to his observations.

[3] Nuer call themselves by the name of their father and he by the name of his father, and so on up the line. Dak the son of Gai calls himself Dak Gai; Gai the son of Pan calls himself Gai Pan. To be extremely exact when there is possibility of confusion, Dak will be referred to as Dak Gai Pan.

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'Ghost-Marriage'

588 769 It is an accepted rule among the Nuer that if a man dies before he is married or dies without male issue one of his kinsmen, often his brother, must marry to him a wife. This is one of the strongest mutual obligations of kinship.[1] It is considered essential that a man should have an heir who can carry on his name and 'keep it green' in order to further the interests of the lineage in posterity. To die without male issue amounts to oblivion. Female children do not count since their offspring belong to their husbands' lineages, as in any patrilineal society.

This obligation of kinship is nearly always carried out when sufficient cattle are available. Failure to observe the obligation would mean restlessness on the part of the dead man's spirit, who would bring evil (*cien*)[2] upon his kinsmen.

588 The main characteristics of 'ghost-marriage' are as follows:

(1) It is the dead man, to whose name the wife is married, who is considered the legal father of the children. The ritual processes of marriage are performed in his name, and the bridewealth is paid on his behalf. Therefore, while he is not the physiological father of the children, he is their legal father, and it is from his name that they trace their descent.

(2) The man who marries a wife to the name of his dead kinsman is father in all roles and is in every respect the husband of the woman except in the strictly legal sense.

(3) The physiological father fulfils all the domestic duties of husband and father. In this respect the characteristics are the same as in a normal legal union, and it is only by enquiry that his true legal status can be discovered.

(4) On enquiry, though not in normal circumstances, the wife will be called *ciek jooka*, 'ghost-wife', and the children will be called *gaat jooka*, 'children of a ghost'.

(5) Since the husband is a substitute for his dead kinsman and performs all ritual and domestic obligations on his behalf, the features of a simple legal marriage are found in the structure of this form of union.

(6) The behaviour and obligations of the pro-husband are indistinguishable from those of a man who is both legal and physiological husband and father.

For purpose of definition, the legal father of children will be referred to as *pater* and the physiological father as *genitor*. The difference therefore between a simple legal family and a 'ghost family' is that

[1] The Nuer expression is '*ce deman kwen ciek*', lit. 'he his brother married a wife'.
[2] *Cien:* A spirit which haunts or is restless. See also under Homicide, p. 60, n. 1.

8:Howell E, G-5 (1942-1944)1954
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the former consists of a man who is both *pater* and *genitor*, a wife, and the children born of that wife, while the latter consists of a 'ghostly husband', who is the *pater* and legal husband, a vicarious husband who is the *genitor*, a wife and the children borne by her. 588

Since mortality among males is high[1] 'ghost-marriage' is extremely common and, in an analysis of the marital unions of Nuer, will be found nearly, if not quite, as common as simple legal marriage.

Categories of Persons on whose behalf 'Ghost-Marriages' are made

(1) As a general rule, the system is not usually carried back more than one generation. A man would not marry a wife for his grand-father or grand-uncle. It was the duty of his father or uncles to do so.

(2) Kinsmen for whom a wife may be married are: brothers, paternal uncles, maternal uncles, and fathers.[2] The system, except in the case of brothers, is not usually reversible. That is to say, a man would not marry a wife to the name of his son because he would then assume the status of both husband and father-in-law to the wife, which would be incestuous. A man may marry his maternal uncle a wife, but a maternal uncle would not marry his sister's son a wife.

(3) Only kinsmen are expected to marry a wife to the name of a dead man.

(4) In exceptional cases a wife is married to the name of a female relative, but usually only in the case of barren women, who are counted as men and provide a link in the paternal line. 588 842

(5) An old woman, especially if she has no paternal relatives living and has the cattle required, will marry a woman to the name of one of them in order to reopen the line. She will invite some unrelated male to act as husband and as *genitor* of the children. In this case the legal husband will be the dead kinsman, whose interests will be guarded by the woman. Sometimes a woman will marry a wife to the name of her dead husband if she has no children and is herself beyond the age of child-bearing. She will do this if she has cattle which are legally the property of her dead husband and there are no heirs in the paternal line to whom they would normally pass.

(6) Sometimes an old man, or one who is impotent, will marry a wife to himself and invite another man to act as *genitor*. This is not

[1] The rule applies also to males who die even before they reach marriageable age. An infant is sometimes regarded as a personality in the lineage structure, but not usually before it has cut its second teeth. If it dies before that event, it may be buried without the normal mortuary ceremonies, in which case its name will not continue. After that age it is of more significance in the lineage and 'ghost-wives' are sometimes married to the names of small boys, but usually in a later generation when the boy (whose age on death is no longer remembered) becomes a paternal uncle.

[2] A son will sometimes marry a wife to the name of his father if it is considered that his father had insufficient male issue.

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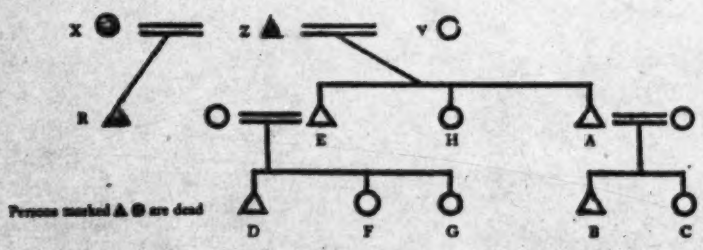
588 842 'ghost-marriage', because the legal husband is still living, but the functions of the *pater* and the *genitor* are similar to those found in 'ghost-marriage'.

'Ghost-Marriage' and Bridewealth

588 Although 'ghost-marriage' is an obligation of kinship, it is obvious that not all men who die without issue are honoured in this fashion. There are too many considerations to make generalization possible, but it seems that the first consideration is the configuration of the lineage. If it is ill-balanced and there are many categories of relatives who simply do not exist, this must be remedied. It is ill-balanced if, for example, a man has no half-brothers or uterine brothers or persons who will be paternal uncles to his children. This links with the second consideration, which is the number of cattle available for bridewealth, for in many cases a man will, on the marriage of a daughter of the house, receive portions which should have gone to some recognized kinsman who is dead or never existed. This will be more easily understood when the principles which govern the distribution of bridewealth have been mastered. The reader should refer to Section 5 of this chapter. For example:



A's father, Z, had two sons E and A by his wife Y. He had one son R by his other wife X. R died without issue. R could have claimed cattle on the marriage of his half-sister H (as *deman kwi gwande*: paternal half-brother), and he might have expected at least some of the cattle which went to his father Z in this marriage (the *ghok gwande*: father's cattle) because it is usual for the major part of this portion of bridewealth to go to the bride's half-brother, i.e. brother by another mother. Again, on the marriages of F, G, and C, he (or his heirs if he had any) might expect the portions called *ghok gwanlen gwande*, 'the cattle of the father's brother by another mother'. Since R is dead and has no heirs, all these cattle must go to A and his brother E or their heirs. They have therefore obtained a number of cattle which would not otherwise have been at their disposal, and one of them, assisted by the other, will marry a wife to Z, their father, so that there will eventually be a collateral lineage descending from him

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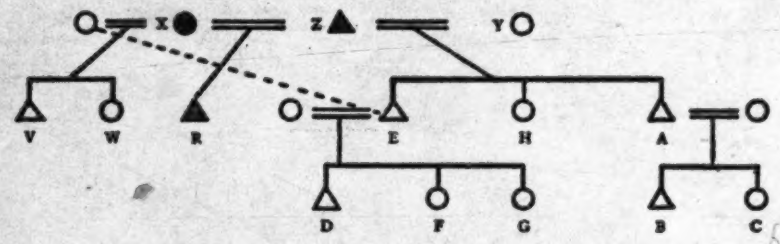
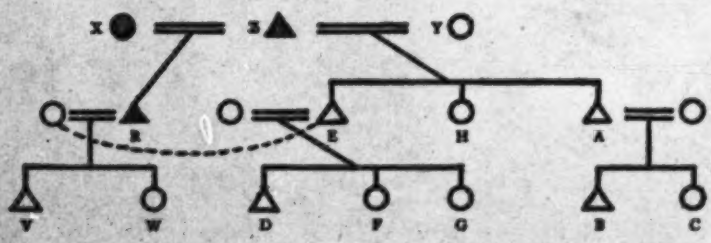
—the lineage which would have sprung from R had he lived. The configuration will then become: 588



In the initial stages the relations of E (who has married a 'ghost-wife' to his father Z) with V and W will be indistinguishable from his relations with his own children, even though V and W are technically his father's children (*gaat gwan*), and therefore theoretically of his own generation. In normal circumstances he will refer to them as his own children, but their rights in the bridewealth of future marriages will be determined by their legal status in the lineage. The disparity in age will disappear in the next generation. A much more likely alternative, since it will avoid any confusion in status, is for E to marry a wife to R. In these circumstances children born of the 'ghost-marriage' will be legally R's, and hence brother's sons to E and A, and father's brother's sons to their children (*gaat gwanlen*), and therefore no confusion of status or generations will arise. It is also more usual to marry a wife to the brother (rather than the father), because the father already has heirs and ultimately the configuration of the lineage descending from him will be the same. In this case the immediate configuration will be:



It is very unusual for a man to marry a wife in the name of his grandfather or a kinsman of his grandfather's generation because, unless there are many gaps in the lineage, descendants will be too far removed in the lineage structure for there to be a proper reciprocal interchange of bridewealth claims in subsequent generations; e.g. C marries X to his grandfather A. D, son of C, is too far

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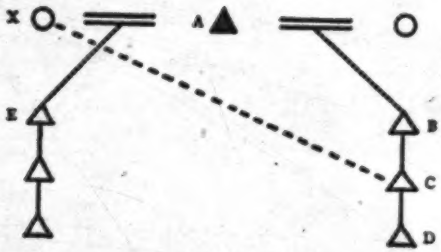
588 removed from E (his father's father's father's son) for there to be any interchange.



The reader will realize that many possible configurations may result. As a general rule the object is to create two balanced branches of a lineage descending from the sons of one father: sons of one mother or of different mothers, but with a common fath r. (As an actual example, see the marriage of Deng Rea to Nyalam Dhor, p. 120.)

The Levirate

587 Bridewealth cattle are not collected by the individual efforts of one man; certain categories of kinsmen co-operate and assist him to get married. Moreover many cattle are held in trust by the family, particularly those inherited by brothers. It is not the legal husband alone who benefits from the domestic and economic services of his wife, and though the children link themselves directly to his name, they are part of the lineage to which he belongs, and his brothers are equally anxious that his offspring shall swell the numbers of their patrilineal group. Therefore, if a man dies, his widow is expected to continue bearing children to his name. Theoretically also she is expected to remain in the vicinity of his near kinsmen and to assist them in normal domestic and economic activities. For both these reasons it is desirable that she should live with one of his brothers or, in certain circumstances, with other categories of kinsmen. The union of a widow with her husband's kinsman does not constitute a remarriage or a 'ghost-marriage': the marriage is already in existence, and legally she is still the wife of the dead man. Any children she may bear after his death are legally his. It merely means that a kinsman, or another man, acts as *genitor* and foster-father of her children.

The levirate is a legal union, and in certain circumstances a man may demand the divorce of his dead kinsman's wife. As will be seen later, this is rarely allowed, and nowadays when the husband is dead a court would only grant a dissolution of the marriage in very exceptional circumstances. Moreover, if an outsider has sexual relations with a widow, her dead husband's kin have a right to demand

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compensation for adultery unless some previous agreement has been reached between them. The legal husband of the woman and the legal father of her children is still the man who has died. The children will be linked in the lineage of his family to his name, and the legality of the marriage is guarded by his heirs. In his name, his heir or heirs will continue to represent his interests, and indeed those interests are their own as members of his kinship group. This point is all-important in the assessment of rights in a widow in legal disputes which appear before Nuer courts. If, as sometimes happens, the bridewealth cattle are returned to the wife's family in the event of her husband's death, no further rights in that woman are retained by the dead man's heirs; but in this case the legal marriage has been dissolved, and the situation is not really different from normal cases of divorce.

Differences between 'Ghost-Marriage' and the Levirate

(i) A 'ghost-marriage' means that the vicarious husband as legal representative of the dead man actually *marries* the wife in the sense that he collects and hands over the bridewealth cattle for her and performs the marriage ceremonies with her on behalf of the dead man. In the levirate, the kinsman merely enters as a substitute into a marriage which is already in existence.

(ii) Generally speaking, in the case of the levirate, since the marriage was not actually initiated and negotiated by the pro-husband, he has less control over the widow than he would over a 'ghost-wife'.

(iii) The levirate differs from 'ghost-marriage' in that the legal husband (*pater*) and his widow once lived together as man and wife.

(iv) Although the leviratic family, like the 'ghost-family', consists of the dead husband (*pater*), the pro-husband (*genitor*) and the children born of the woman, the children, or at least some of them, may have been begotten by the dead man. Therefore in a 'ghost-marriage' the dead man is the *pater* but never the *genitor* of the children; in a leviratic union the dead man is always the *pater* and he may have been the *genitor* of all or some of the children. The distinction is emphasized in Nuer terminology: a child begotten by the dead man is known as *ret*, an orphan. A 'ghost-child' is known as *gat jooka*.

The levirate is established by the previous payment of bridewealth cattle. Therefore, unless the bridewealth is returned for some definite misbehaviour on the part of the widow, the simple legal marriage continues after the death of the husband and children born either before or after his death are legally his.

Categories of Person with whom a Widow lives

The most usual and correct form of leviratic union implies the cohabitation of a woman with her dead husband's brother, and in

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587 rarer cases with a half-brother or more distant kinsman. Sometimes a widow lives with her husband's son (by another wife), but this is usually only in the case of an old man who dies leaving a young widow. Normally, if a man dies young, his children will be too young to inherit his widow. If a man dies old, his wives will usually be old too and will live with their own offspring, not as wife, but as 'mother of the household'. In very rare cases a widow is taken by her husband's sister's son.

According to customary law a widow is expected to live with one of her late husband's brothers. Among the Nuer brothers must marry in strict order of seniority, and the cattle held by them as a family are used in that order. Therefore if a married man dies leaving an unmarried brother, the latter will expect to take over his widow. Legally, he is entitled to do so, and if she refuses he can call for a dissolution of the marriage and return of the bridewealth cattle. The application of this law varies according to circumstances, and also according to the conventions held by different Nuer tribes, but it is rarely employed. If the widow is determined to live with someone else, and particularly if she declares her determination from the beginning, that is at the mourning ceremony of her husband, she is usually allowed to have her way. Moreover, if she has borne two or more children, she is considered to have fulfilled her procreative obligations, and it is less likely that there will be any objection to her taking a stranger as her lover. A widow, according to the circumstances, may elect:

(i) to live with her late husband's brother or kinsman;

(ii) to take a lover who is not a relative from her late husband's village community. In this case her husband's group is not deprived of her assistance in communal economic activities, and they are able to watch over the upbringing and education of her children.

(iii) to return to her own family and live among them, taking a lover or lovers from some stranger lineage.

[586] (iv) to go off to some other vicinity and there live with a lover. If she did so without the agreement of her late husband's family, a divorce could be demanded, unless she had sufficient children to make it unlikely that it would be in the interests of her husband's kinsmen to demand it.

611 587 In all the circumstances described above, her children, wheresoever born and by whomsoever begotten, are legally the children of her late husband. This is the hard and fast rule. Only the circumstances set forth in (i) above can be described as the levirate. The other forms of union differ both from 'ghost-marriage' and the levirate. Such unions have been termed 'widow-concubinage' by Professor Evans-Pritchard.

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Photo: Dr. J. F. Bloss

THE CHIEF, KIC WUR WINYANG OF THE LAK NUER

[facing p. 80]

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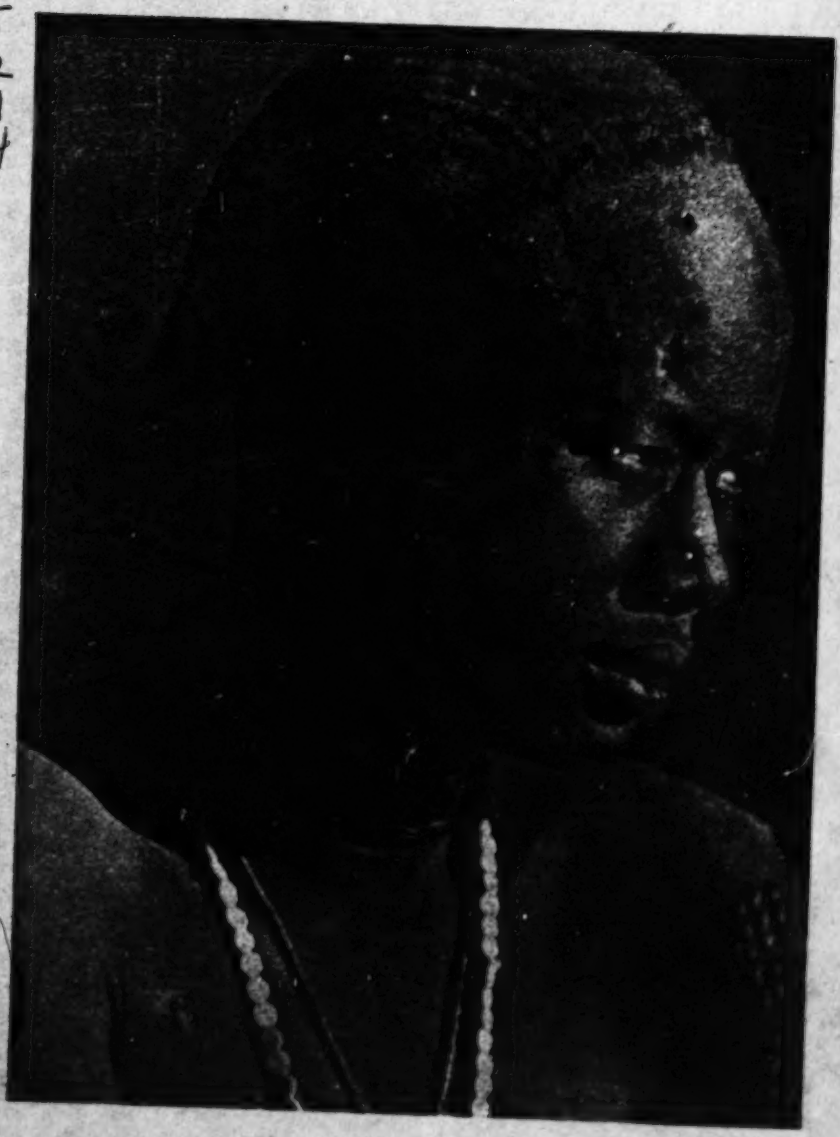

THE BRIDE

[facing p. 81]

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562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they 836 please with lovers of their own choice and without either the sanction 588 of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 684 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in 835 the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*rual*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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(*nuer*), sometimes resulting in death, falls equally on both parties and 582
even upon their relatives. There are therefore strong social and ritual 684
sanctions. For the purposes of this Manual I shall do no more than
summarize the laws of exogamy, and refer the reader to published 835
literature on the subject.

Nuer clans and lineages are exogamous. The patrilineal descendants 582
of a common ancestor may not intermarry. The laws of exogamy
extend farther than this and include persons who are closely related 835
by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows:

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occur- 582
rence[1] among the Nuer, and the links created between father and
adopted child receive social recognition and ultimately legal recog- 835
nition amounting to true kinship.[2] A man would not be allowed to
marry or have sexual intercourse with a kinswoman of his adopted 597
father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law.

[1] Obviously more common in the past.
[2] See also under Homicide, Chapter II, p. 96. The distinction between *jaang dhor* and *jaang ciang* is relevant.

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(v) A man may not marry again into his wife's lineage. Nuer say that a man may not have intercourse with two closely related women at the same period of time. The link is really through the children; a man may not marry his wife's sister because she will also be the maternal aunt of his children and entitled to a portion of the bridewealth of his daughters. A confusion of status of this kind must be avoided.

(vi) A man may not marry the daughter of an age-mate. Common initiation brings about an association similar to kinship. This is symbolized in the giving of the 'cow of the age-mate' (*yang ric* or *ruath ric*).[1] To marry the daughter of any age-mate is to bring him into the category of father-in-law; the avoidance due to the latter is incompatible with the conventional familiarity which exists between age-mates.

Professor Evans-Pritchard summarizes these rules in an article on the subject.[2] He says:

> The exogamous rules . . . can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; the kinship by analogy of the *ric*, the age-set, and the *tuac*, the leopard-skin.[3]

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We shall see that the greatest care is taken during the social processes of marriage to avoid any possible breach of these rules,[4] and it is unlikely that a bar to marriage would be discovered subsequently, at any rate one which involves a prohibition sufficiently strong to be unavoidable. Unless the relationship is singularly remote, however, the union would be dissolved without further delay and the appropriate ritual of appeasement and decontamination performed. This is usually performed by a Leopard-Skin Chief, who neutralizes the effects of the breach of taboo. A cow is sacrificed to the ancestral spirits, and the whole carcase divided into halves,[5] one half being consumed by the relatives of the man, the other half by the relatives of the woman. The presence of the Leopard-Skin Chief and the fact that a cow (possibly only a barren one) is sacrificed would indicate that the breach is a serious one and likely to bring great misfortune to the people concerned. As Professor Evans-Pritchard points out, the value of the sacrifice is

[1] See p. 110.

[2] *Social Structure: Studies presented to A. R. Radcliffe-Brown*, Oxford, 1949.

[3] Evans-Pritchard points out that 'a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated'. This contention may be true of Lou and eastern Nuer, where Leopard-Skin families are few, but I doubt whether it is applied in the western parts of Nuerland, where they are more common.

[4] See pp. 87, 91, 92.

[5] *Yang ne bak he ruai*, 'the cow of dividing for incest'.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nuer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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582 still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

835 Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

584 The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in levirate marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Moru. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 13, 190, 200, 229-8, 235, 237; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1940. Further information will be found in various articles by the same author: 'Nuer Bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', *ibid.*, XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. These twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

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held by young people and has danced and 'flirted' with her for some time.[1]

Only the most important ritual and negotiations are recorded. Moreover it must be remembered that the form and order of ceremonial among primitive peoples usually vary considerably on each occasion, and no marriage ceremony is word for word, act for act, an exact repetition of another. Further, there may be local variations of custom.[2] It does not follow that all the ceremonies described below are necessarily performed in all Nuer marriages, nor that they are always performed with the same degree of ceremonial and publicity. Older men, especially men with many cattle, who already have other wives would think it unseemly to court a girl with the same intensity as would a younger Nuer, and they would not be expected to go through all the preliminaries.

Courting and Betrothal

When a Nuer youth has been accepted by a girl she will hasten to inform her family, provided she knows that her lover has sufficient cattle to legalize the union. It may be that her legal representatives in the family—that is, her more important male kinsmen—will ban the marriage from the start for some reason or other. Relations with the prospective bridegroom's family may already be strained, and they may have no desire to associate with it; there may even be blood between them (*tak riew kumdiw*), or the memory of a blood feud. They may know at once that a marriage is precluded by the rules of exogamy. In such circumstances the girl will be discreetly told to avoid her lover in future. If, however, there is no objection she will be encouraged to continue and will receive their permission, though this is not made public. The first ceremony may then take place. This does not concern the older members of either family, and is confined to the prospective bride and bridegroom and their friends and coevals. It is in fact no more than a formal recognition among the younger people that the couple are courting, and it does not involve any legal negotiation. It is known in Nuer as *kaw ryel*.

[1] Dances provide the best opportunity for flirtation and courting. In the normal pursuits of daily life the Nuer does not have much contact with girls except those who are related to him, and these he cannot marry. Dances, particularly big dances held in the rainy season, are usually attended by considerable numbers of people from different and unrelated lineages. These dances often lead to quarrels and violence and even bloodshed. Spirits are high, and for this reason tribal authorities (in the *Lord* tribal), representing the Government, sometimes attempt to ban dancing. This has not received the support of the Government, but it is worth noting that a ban on dancing would give the Nuer youth less chance to meet and flirt with a wide choice of girls which is undoubtedly a factor making for stability in marriage.

[2] My description of the ceremonial sometimes differs from the accounts given by Professor Evans-Pritchard. Where there is any great difference I have recorded it in a footnote, but it should be noted that his observations were made in Lou and Eastern Jikany, while mine are drawn from experience among the *Lord* tribes and later among Western Nuer.

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Luom nyal: 'Courting the Girl'

The meeting is held at the home of some person who is related neither to the girl nor to the young man, often the home of the latter's best friend (*matk*). A few friends of both parties are present, and among them is the prospective bridegroom's official spokesman, who is known as the *gnaw tuar* and performs the duties of a 'Best Man'. The girl also has a personal friend, a girl who is known as *ngi nyal*, and who takes her part in the ceremony, and leads the conversation and the friendly chaff which are characteristic of these occasions.[1] The meeting usually takes place at night, sometimes all night, inside a hut. No elderly people are present, and the time is spent in the exchange of elaborate compliments which sometimes go on for half an hour or more without break.[2] The verb *luo* in Nuer, from which *luom* is derived, is used to describe any form of courting, even casual flirtation at dances, but its use here implies a degree of formality not previously recognised, the recognition of the engagement being restricted to the young people who take part in dances together, and not including the adult members of the communities concerned.

Thiar nyal: 'Asking for the Girl'

After the *luom nyal*, which is not a serious engagement and more often than not comes to nothing, a meeting takes place known as *thiar nyal*, 'asking for the girl'. This again may lead to nothing, but it is a more formal affair than any preceding it, and for the first time the girl's parents or guardian are approached by the prospective bridegroom and possibly by some of his senior kinsmen. It amounts to an opening of negotiations between the two families, but is not binding. If the members of the girl's family are satisfied by this time that the young man is in earnest and has cattle in support of his suit—for they have probably made discreet enquiries long before this—they will ask that the first tokens of formal betrothal be paid. They hope to receive at least four head of cattle (though they may be satisfied with less) known as the *yang gnaw nyal*, a cow and calf which are intended to supply the girl's father with milk, *thak dawar nyal*, a bull or bull-calf for the bride's brother,[3] and a *yang kuoth*, a cow which will be dedicated to

[1] *Gnaw tuar* and *ngi nyal* might be translated as 'Best Man' and 'Bridesmaid' respectively, but although the part they play in this and subsequent ceremonies is similar to our conception of the functions of the Best Man and Bridesmaid, I prefer to use Nuer terms hereafter.

[2] Complimentary speeches of this sort, often full of subtle and suggestive phrases with a good deal of bantering, are spoken in a language which is almost poetic in form and not easy to understand.

[3] The *thak dawar nyal*, by bringing in the interest of the brother who expects to benefit most by his sister's marriage, is in the nature of a personal guarantee, and is important. The prospective bridegroom expects this brother to further his cause with the girl's family and to keep other lovers away from her. These cattle, which are really the father's portion, are sometimes included in the bridewealth payments, sometimes not; *i.e.* a man will sometimes have to pay a further four *ox ghak*

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the spirits of their lineage. The distribution of these cattle is significant. In the first place the girl's father or, if he is dead, her eldest brother or paternal uncle, must receive a guarantee in material form that the prospective bridegroom is in earnest. The ancestral spirits must be called in to bless and assure the future union, and the *yang kwoth* is dedicated to them. Finally, the bride's eldest brother, often a coeval of the bridegroom, must be placated, for it is he who expects to benefit most by her marriage, which will bring in bridewealth which he himself will use for his own marriage. If the girl's family are in agreement, a day is then fixed for the formal betrothal, in the form of a meeting when the cattle of engagement will be paid over. This is known as *cuei*, and the Nuer will say *ee cuei-de cuei*, 'he has engaged himself'. 584

Cuei: Betrothal

The *cuei* is part of the betrothal negotiations, and amounts to a more public acknowledgement by the bridegroom's family in paying, and by the bride's family in accepting, the cattle which are considered necessary for that purpose. The cattle are driven straight to the homestead of the girl's father, and there remain shut in the cattle-byre while the meeting takes place. The prospective bridegroom and his *gwan tuar* are expected to observe rigidly the special restrictions on their movements in the bride's home, the signs of respect and other observances which characterize behaviour towards relatives-in-law. They are not allowed to enter any of the houses, and they must cover their nakedness with a special cat-skin known as *tuar thoan*. It is for this reason that the principal assistant of the bridegroom is known as *gwan tuar*, 'owner of the skin', and a husband, is usually expected to wear it in the presence of his wife's mother.[1] Beer has been brewed beforehand, and is handed round among the senior guests; dancing takes place, and a bull-calf known as *yang kwee* or *yang kwe* (the 'cow of marriage' or 'of courting') is sacrificed and eaten.[2] [292]

The adult males of the two families (with the exception of the bridegroom himself) have therefore drunk together and the kinsmen of the bridegroom have partaken of meat provided by the girl's father. The

gwan tyal (see p. 100, n. 1). It is, on the whole, unusual for a man to pay as many as four head of cattle on betrothal, especially if there is likely to be delay in the actual marriage ceremonies. If any of these cattle died while in the possession of the betrothed girl's family, the prospective bridegroom would be expected to replace them.

[1] The *thoan* or serval cat-skin is to the Nuer a mark of respect shown to a wife's relatives by any of her husband's kin, and in a sense is a symbol of marriage.

[2] The word *yang*, cow, is used here in a figurative sense, for the animal should more correctly be referred to as *ruath* (bull-calf). Nuer say that in older and better times a cow would be sacrificed, though doubtless a heifer was. *Yang* means cow, and it might be supposed that a cow would be slaughtered. It may refer to a past custom when cattle were more plentiful, but nowadays the use of these terms in connexion with sacrificial animals is often elastic, and *yang*, which is certainly cow, is often used to refer to cattle of either sex.

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bridegroom's kinsmen have accepted hospitality and provided the cattle of betrothal to give legal stability to the pledge. This preliminary betrothal feast does not concern the rest of the local community, though many of them will turn up uninvited because of the beer and meat which are available. The formal gathering really concerns only the kinsmen of the girl and the kinsmen of the bridegroom. As in the case of negotiations for the composition of homicide, Nuer have a concise terminology for both parties. The bride's family are throughout known as the *ji nyal*, while those of the bridegroom are known as *ji wata*. These terms mean no more than the 'girl's people' and the 'man's people', but they are used expressly in connexion with marriage negotiations,[1] and stress the distinction between the two parties.

Sometimes girls are betrothed at a very early age, and quite often when they are ten to fifteen years old. This does not mean that they are pledged by their families without their knowledge or consent, for they are usually approached first by the man concerned and are proud to accept, for girls thus engaged appear to have an enhanced attraction for other Nuer youths. Two cows are paid, which are known as the *dau cieh*, the 'cow-calf of the ring or bracelet' (*cieh*), and a larger cow-calf called *nar pieth*, the 'heifer of up-bringing' (referring to the fact that her family will have to continue to care for her and provide her with food for a long time to come). These cattle are not included in the bridewealth, and are not usually returned if, after the marriage has gone through, there is a divorce. Early betrothals of this sort are not common and, even if made, often come to nothing. If this is the case, the *dau cieh* and the *nar pieth* will be quietly returned; they are rarely a subject for dispute in the courts because, until they are returned, it would not be seemly to start the negotiations for another engagement.

Professor Evans-Pritchard speaks of the betrothal as *lawiang or bal kom*.[2] It is clear that this is the same ceremony as that described above, which is sometimes known as *dear* in Lou country, and although his description gives the impression of greater formality and more elaborate ceremonial than I have encountered myself, I do not think that there is any difference in principle. The *cuei* ceremony is usually performed in the rainy season when grain is plentiful, but sometimes takes place in the dry season, in which case it is likely to be less elaborate for there will be little or no beer, and the final wedding ceremonies will have to wait until the people return to the cultivations.

[1] It is useful to know these terms for they are sufficiently concise to avoid obvious confusion in cases of litigation over marriage payments.

[2] Evans-Pritchard, 'Nuer Marriage Ceremonies', *Africa*, 1948, and *Kinship and Marriage among the Nuer*, pp. 58-59.

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Marriage

Tuor ghok: 'Invocation of the Cattle'

The betrothal ceremonies described above are followed by the first marriage ceremony, the *tuor ghok*, 'invocation of the cattle'. The length of time which is allowed to elapse between them is variable, and depends largely on the agreement reached at the *cuei* ceremony. It is not usually in the interest of either of the parties to delay matters, though this sometimes happens if the bridegroom finds difficulty in collecting sufficient cattle and yet retains the goodwill of the girl's family who wish the union to take place. 585

The *tuor* is the crucial ceremony of all the processes of marriage and is public in the widest sense, although the actual negotiations over cattle and the more intimate ritual are restricted to the closer kinsmen of the bride and bridegroom. Most of the bride's kinsmen who expect to receive a portion of the bridewealth are actually present, and if they are not they will usually send someone to represent their interests. We see therefore that, as the processes of betrothal and marriage proceed, increasingly large numbers of persons from both kinship groups are concerned. This emphasizes the collective nature of a union and the extent of the social ties and obligations which are involved.

Dancing begins early in the morning and the bridegroom, his father, and the *gaan tuor*, as well as the senior legal representative of the bridegroom's lineage, appear dressed in cat-skins (*tuor thaat*) as a conventional sign of respect to the bride's mother and her kinsmen and those of her husband. It should be noted that the bridegroom and the bride really have two representatives. At the bridegroom's side is the *gaan tuor*, who is his personal aide. At the *tuor* ceremony he is represented also by the *gaan bathel*, an agnatic kinsman of a collateral branch of the lineage, whose activities are not so much personal as concerned with the interests of the bridegroom's lineage as a whole. His duties are both legal and ritual. He is expected to take the lead in the arguments which arise about the bridewealth cattle and to see that the claims of all those connected with the marriage are noted. It is also his duty to invoke the ancestral spirits of the lineage and to seek their blessing, to call out the honorific (*yaak*) and spear-names (*mar*) of the clan and state any further distinctions so that all possibility of a breach of the rules of exogamy is avoided. Similarly, the bride has her personal attendant in the *api ayual*, who is a girl of her own age, usually from another and unconnected lineage, while the *gaan bathel* of her lineage represents them in ritual and legal procedures. The *gaan tuor* and the *api ayual* are usually age-mates of the bridegroom and bride respectively, they are unrelated to either, and their duties are essentially personal, while the *gaan bathel*, usually much older men, represent the kinship interests of their respective sides.

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After preliminary dancing and singing, which go on more or less continuously throughout the day, the people most nearly concerned in the negotiations take up their positions in the cattle-byre. The bride's family seat themselves on the left of the entrance facing the bridegroom's party, and her *gaan bathai* sits in the central hearth (*gaw*) of the byre. On the right side mats are laid (*yik*), and on these sit the bridegroom's party with their *gaan bathai* nearest the door. The bride herself and her *ngi nyal* do not appear during the negotiations. They are usually closeted inside the mother's hut (*dwil* or *ghot*) nearby. When all are seated the *gaan bathai* of the bride breaks up some tobacco and hands it to the father, paternal uncles, and other senior relatives of the bridegroom as a symbol of friendship and hospitality.[1] It is also calculated to ease the tension, for Nuer regard the whole procedure as a nerve-racking ordeal, and like to smoke when they are nervous. He then rises to his feet and calls out the honorific and spear-names of the bride's lineage, and calls upon their ancestors to take note of the proceedings. The *gaan bathai* of the bridegroom's family then rises and scatters tobacco at the entrance of and inside the cattle-byre as an offering to the ancestral spirits of the bride. He then calls upon his own ancestral spirits, which are those of the bridegroom's lineage, to witness the negotiations, and calls out their honorific and spear-names. If the honorific or spear-names of the bridegroom coincide with those called out by the bride's *gaan bathai*, it will be obvious that the rules of exogamy preclude all possibility of the union, but the invocation is largely a formality, because it is unlikely that negotiations for the marriage would be allowed to go so far if there were any possibility of incest.

Negotiations about the cattle then begin. The number of cattle subsequently handed over, as well as those actually transferred during the final marriage ceremonies, will vary considerably, but there are a number of persons standing in certain relationships to the bride who expect to receive their share. They are the *ji ceangni*—the 'people of rights'. In theory, the bridegroom must produce cattle to meet the claims of all these kinsmen of the bride, but in fact negotiations usually deteriorate into a heated argument, not always in keeping with the supposed solemnity of the occasion, and the main object of the bride's party is to get as many good cattle as possible, and of the bridegroom's family to avoid payment. It is, however, noticeable that negotiations of this sort are less clamorous than other Nuer affairs. The *gaan bathai* are expected to speak for the parties they represent, but most of those present will have their say. The colours, sex, and qualities of the cattle are fully discussed, and it is probable that the recipients will have a clear idea of what these qualities are. As soon as negotiations

[1] For this service he can demand payment of a bull-calf. It is rare, however, always paid, and it is not considered good manners to argue about the matter or press for payment.

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have started the immediate kinsmen of the bride will have set to work to find out as much as they can about these cattle. In the initial stages of the discussion, however, a certain formality is observed; it is opened by the *gaan bathai* of the bride, who will speak the names of those persons in the bride's family who have a claim on the cattle and, as the argument continues in connexion with each animal quoted by the bridegroom's family, will state to which relative they should go. No cattle are handed over on this day, though a cow called *yang gawi*, the 'cow of the hearth', which is part of the bride's father's portion, is sometimes handed over on the spot. This is a convention which is not often followed nowadays.

When the negotiations over the cattle are finished, the parties go outside for the feasting which follows. There is no prohibition on the two families eating together,[1] but the bridegroom himself and his *gaan tuar* are not expected to eat of the meat or drink of the beer provided by the bride's people. They are allowed to join in the dancing, and the bride and her *api nyal* appear for the first time on the scene and enter the dance. The bride wears a black skin known as *tuar cara*, usually the skin of a black calf.

After the dancing is over, those who are not closely related to either party go home, but the legal representatives of the bridegroom and the bride's family and some of their close kinsmen, both male and female, go into a hut specially prepared for them which is known as the *deil kaam* for the occasion. There they sit all night joking and conversing with their hosts until dawn. Another hut, known as the *deil tuaani* or *deil kaam*, is set aside for the young people of both parties, and the bride and bridegroom, their *gaan tuar* and *api nyal*, sit there with their friends and courtship singing and exchanging courting bedinage all night through. This completes the ceremony known as *tuar*.[2] The marriage is not supposed to have been consummated,

[1] An ox is sacrificed and the meat divided between the bride's people and those of the bridegroom in a formal manner. The hide of the ox is given to the bridegroom's family, and much of it is taken back to their home to share with the old people who have not been able to attend the ceremony.

[2] The account of the tuar ceremony given by Professor Evans-Pritchard does not differ in any substantial way from my own, but he mentions certain rites which take place on the same day which I have not myself witnessed but which I have heard Nuer mention when describing the ceremonial. One is the ceremony in which the bridegroom and his followers rush the homestead of the bride and he tries to spear the door or small boards of his future mother-in-law, while the bride's brothers and the young men of her group try to stop him and to wrest from him his special wedding stick or dang. This and other rites symbolize the potential opposition between the two parties and the endeavours of the bride's people to the demands of the bridegroom, and the final removal of their resistance by the payment of cattle. All such rites, although not always performed and often substantially different in one part of Nuerland from those performed in another, are part of the sacrament of marriage and are highly symbolic of the conventional attitude which both parties are expected to display. From the legal point of view they are significant in emphasizing these attitudes and explaining the rules and conventions which govern the social relations subsisting between relatives-in-law. They are not, of course, the subject of subsequent litigation.

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but has acquired by this time a degree of legality. Some Nuer say that the marriage is now legal in the sense that, were another man to have intercourse with the bride, full compensation for adultery could be claimed by the bridegroom. Lak and Thiang Nuer at any rate say that the significant act which confirms the status of the bride as a wife and which subsequently will be recognized in law, is the ceremony known as *yier nyal*, which takes place on the evening immediately after the conclusion of the negotiations for the cattle, when the bride, and also her brothers and sisters present, are rubbed with butter by the *gwan buthni* of the bridegroom. The legal status of the bride in relation to the bridegroom and his family at this point in the social and ritual processes of marriage (and it must be remembered that the bride-wealth has not necessarily yet been transferred in full to the bride's family) is a controversial subject and one which is sometimes disputed in legal arguments. The subject of the legality of marriage is discussed later.

The *tuoc* ceremony, at which negotiations over the cattle are completed and the blessing of the ancestral spirits is publicly invoked, does not usually take place before the girl has not only reached puberty but is ready for marriage. When talking of a girl who has reached marriageable age the Nuer will say that she is ready for the *muot* ('shaving') which is the next ceremony to take place. *Muot* amounts to a public recognition of physical consummation, although this does not necessarily mean that the girl has not had sexual relations with her bridegroom before. In fact, previous to the *muot*, he has no legal right to physical consummation and must visit his wife in secret, though her family will usually allow him to do so. *Muot nyal* therefore follows the *tuoc* ceremony almost immediately.

Muot nyal: 'The Shaving of the Bride'

The ceremonies which are known collectively under this heading are of distinct legal significance, as will be seen later, and include three important stages.

Loiny deb: 'Loosing the Rope'

First, the bridegroom with his *gwan tuoc*, again suitably dressed in cat-skins for the occasion, accompanied by other youths of his own age, goes to the bride's home to ask for her people's official consent to consummation. There they enter a hut specially set aside for them and are joined by the bride, her *agi nyal*, and other girls of her lineage and neighbourhood. They spend the day and the whole of the night in conversation and singing. There is as usual a good deal of sexual badinage, but no physical consummation. Next morning, the bridegroom approaches his mother-in-law on the subject of the *muot* which is to follow. Before giving her consent she will expect to receive, or

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at any rate obtain the promise of, special presents, which are known as the *nyin daba*.[1] These include a goat or two, a spear, a fish-spear, a ring and other offerings, and if she has any co-wives who stand in the relationship of mother to the bride they will expect to benefit too. There follows the ritual performance known as *loiny deb*, 'loosing the rope', which symbolizes the bride's release from her father's homestead.[2] The bridegroom and his representatives stand on one side of the cattle-byre, the bride and her friends on the other, while her father casts a cattle rope between them. The bride is then ceremonially dressed in the clothes which distinguish a married woman from unmarried girls: a leather apron or a skirt of plaited cotton.

Noong nyal: 'The Bringing of the Bride'

The same evening, representatives of the bridegroom go to inform the bride's relatives that all is ready for them. The bride is then conducted to the bridegroom's home by a party of her girl friends (who are called *nong*, 'bringers'). On her arrival she sits down on a special mat provided for her outside the bridegroom's house by his *gwan buthni*. A bull is brought out and sacrificed, while the *gwan buthni* again calls out the honorific and spear-names of the lineage and calls upon the ancestral spirits to bless the union, to accept the bride, and to give her male children to uphold the spear-name in posterity and girl children to bring cattle to the kinship group. The bride then lies on the mat and is covered with a skin (*tuac cara*). Meanwhile the bridegroom presents his mother-in-law with a goat or sheep in order to release her, temporarily at any rate, from the taboo on eating in his home.[3] The bride is then assisted into the hut and the bridegroom, whip in hand, goes after her. After he has given her a thorough beating inside the hut (*wec dhouri nyal*), the couple spend the night together and the marriage is said to be officially consummated. The beating is said to symbolize the bridegroom's authority over his bride who is now his wife, emphasizing the rights he now has in her.[4]

Muut nyal: 'Shaving the Bride'

The next day the *muut nyal*, the actual 'shaving of the bride', takes place. In the morning the bride is usually taken away to the home of some unrelated person nearby, but is brought back to the bridegroom's home towards evening. Her head is then ceremonially shaved by one of the senior female relatives of the bridegroom, usually his elder sister,

[1] *Nyin daba*, 'the things of bearing'. In other words the mother's due for bearing the bride and bringing her up.

[2] *Deb* means a cattle rope, and the phrase signifies her release from her father's herd.

[3] She does not, of course, eat with the bridegroom himself, or with any of the male members of his lineage, for women do not eat in the company of men on any occasion, but she is thereby allowed to partake of the food of the house with the other women.

[4] In the case of opposite twins this performance is inflicted on the bride's twin brother as well.

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a co-wife of his mother, or sometimes the wife of his *gwan buthni*. At any rate the shaving should be performed by a married woman of the bridegroom's family, and signifies the bride's reception into the status of married woman in that family. She is then taken once more to her own home.

After these ceremonies are over the bride rarely takes up residence in her husband's home, but lives for a period in her own home, where her husband has the right to visit her. Often a special hut is set aside for her there. There is no general rule in this matter, but it is regarded by the Nuer as proper that she should remain in her own home until her first child is born and weaned, for until then, although the marriage has a legal basis, it is not considered to be confirmed. Sometimes, however, the husband has no one to assist him in his home and to cook for him, in which case he may receive permission from his wife's people for her to live with him permanently as soon as the *muot* has been performed. When the first child is weaned, the wife's mother can claim the *yang doth gata*, the 'cow of bearing a child', a cow which is considered a fee for assisting the girl to give birth to a child. This is usually followed by a formal change of residence. The *yang doth gata* is the last cow which need be paid by the husband, although his wife's family may beg him to give them other cattle when further children are born and weaned; but he is not bound to do so and claims of this sort, if they ever arise, would not nowadays be upheld in a Nuer court.[1]

Conclusion

This concludes a very condensed account of the ritual and social processes of marriage among the Nuer. It is the payment of bridewealth which legalizes a union, and the fact that some of the ceremonies are sometimes not performed at all is not necessarily evidence in Nuer courts today that a marriage is not a legal union. The payment of cattle, however, usually follows the ceremonies described. As Professor Evans-Pritchard has pointed out, 'payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect'. In fact, it is unlikely that a ceremony would be allowed to take place unless the appropriate stage in the negotiations over cattle had been reached, so that in seeking to determine the legality of a union, a Nuer court will first ask what ceremonies have been performed. The issue in such cases concerns not so much the number of cattle paid or to whom they were paid, but the liabilities and

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[1] It may be noted here that among some Nuer tribes the husband may claim a cow from his wife's family, the *yang jakni*, 'cow of the spirits'. I do not think this is normally paid unless the first child dies, and it is then given in the form of a dedication to ancestral spirits to ensure that the next child will live.

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rights of the husband in his wife. It would be relevant, for example, if a woman committed a wrong. If she killed someone, the payment of compensation would be a liability on her husband if she was legally his wife, but if there was insufficient legal determination in the union, the responsibility would rest with her own kinsmen. Similarly if a man lies with a woman who is not his wife, he may be charged with adultery (*dhu ciek*) and compensation will be claimed, but he might with justification plead that she is not a married woman in the legal sense, and therefore the act is not adultery. In the event of his proving that the union is not a legal one, he has no liability to the husband, but this will not entirely absolve him from responsibility, for in certain circumstances her kinsmen may claim damages on the grounds of seduction of an unmarried girl. There are, of course, many circumstances which will be considered by the court, circumstances which are discussed later under the heading of wrongs in relation to women. In such cases the legality or otherwise of the marriage is in issue, and it is sometimes difficult to find out what constitutes legality. In most tribes it seems that the ceremony which is considered to legalise the union is the *nuot*, but this, as will be seen later, is not a universal law among the Nuer.

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5. THE DISTRIBUTION OF BRIDEWEALTH

When a man wishes to get married his relatives will usually assist him to collect the necessary cattle in addition to those already allotted to him in his father's herd. There are no set rules governing the actual assembly of bridewealth cattle, and in any case the circumstances are too varied to warrant generalisation on the subject. Brothers should marry in strict order of age, and the majority of the cattle they use for the purpose will be drawn from their father's herd. The legal father of a family is responsible for the distribution among his sons of those cattle which have come to him as his rights in the bridewealth cattle of his sisters, daughters, and other female relatives. If he is dead, his legal representative will be his brother, usually the senior paternal uncle of his sons, or his eldest son. The assembly of marriage cattle is, however, partly dependent on the rules of distribution applied to previous marriages in the bridegroom's family. In the application of these rules we shall see that there is a tendency to alternate because no family is exactly symmetrical. There is usually more than one claimant to one particular portion and none to another. In the first instance the junior claimant will have to await his turn until the next marriage in the family; in the second, the portion will be inherited by the claimant's heirs. In some cases these will be his own sons, in others, his brother's sons. There are conventions which govern the inheritance of rights in such cattle. The portion allotted to the mother

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583 (the *ghok mande*), for example, should go to her own sons; that allotted to the father (the *ghok gnande*) should go to his sons by another wife; the grandfather's portion (the *mangnen gnande*) should go to his sons by a wife other than the bride's father's mother, i.e. to the paternal half-brothers of the bride and so on. These rules are applied according to the circumstances within the bridegroom's family.[1] Some of the cattle which he transfers to the family of his bride will have been acquired in this manner. Others may have come to him from kinsmen or friends as gifts, others in settlement of debts unconnected with marriage. Nowadays he may have acquired cattle by purchase with cash which he has earned. In the past he might have seized cattle in raids on the Dinka.

The Ideal

While the collection of the bridewealth cattle by an individual for his own marriage depends on a wide variety of circumstances, the distribution of that bridewealth among the family and kinsmen of the bride is governed by rules which can be stated as an ideal. In an article on the subject, Professor Evans-Pritchard says:

> Bridewealth should consist of 40 head of cattle. Among the Eastern Nuer 20 are said to go *kui gnam*, to the father's side, and 20 *kui nam*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family.[2]

In this version, the mother's portion is included on the mother's side (*kui nam*), whereas in reality the cattle transferred in her name are inherited by her sons, and therefore go to the father's side (*kui gnam*). Professor Evans-Pritchard draws attention to this difference between theory and fact. This is a matter of some importance when we come to consider the proportions paid to each side, and will be discussed later. It may be noted in passing that the Zeraf tribes and (as noted by Professor Evans-Pritchard) the Western Nuer tribes often refer to the maternal side as *kui nam*, lit. 'maternal uncle's side', rather than *kui nam*. This is certainly a more accurate description.

In the course of my own investigations on the subject I never heard forty head of cattle consistently given as the ideal bridewealth, nor the exact proportions quoted. This may be because I never put the question in the right form, or because the Thiang and Lak have for a long time been poorer in cattle than most tribes of the Eastern Nuer.

[1] See under Inheritance, Chapter V, Section 3, pp. [illegible].
[2] 'Nuer Bridewealth', [illegible], p. [illegible].

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I have not often heard a specific number given as the ideal, only a list of recognized relations of the bride to whom certain cattle must be paid. My informants were perhaps talking in terms of a minimum. Certainly forty head of cattle is usually given as the traditional rate of compensation for homicide and, as we have seen, bridewealth and bloodwealth should in theory be equal since the object of the payment of bloodwealth (*thang*) is to provide a wife to the name of the dead man.[1] Marriages are nowadays completed by payment of as little as 17 to 20 head of cattle and sometimes even less, though the average in well-to-do families is usually nearer 30. Professor Evans-Pritchard says that the usual payment is from 20 to 30. This is a reasonably accurate estimate of bridewealth today, but it must be remembered that bridewealth varies not only from tribe to tribe but also within the tribe from year to year. A particularly heavy epidemic may carry off as much as 30 per cent. of the cattle population, and bridewealth must drop accordingly. 583

An Nuer Version

I quote the ideal distribution, based on the payment of forty head of cattle, given by Professor Evans-Pritchard in full, before examining, by way of comparison, versions cited among other Nuer tribes.[2] 583 601

	Cattle	*Total*
NWI OWAR (on the paternal side) *Gaam* (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf*	8
Gat gaam (father's son)	A cow and another cow** . .	2
Gaandan (*dadi*) *hai naar* o *hai dial* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
Gaandan bag gaam or *hai bak* (father's brother by a different mother)	A cow and its calf, and an ox .	3
Gaandan (*gatar*) *hai naar* or *hai dial* (father's younger brother by the same mother)	A cow, and an ox	2
Wan (father's sister) . . .	A heifer***	1
	Total	20

* The single calf is sometimes called *yoang* (*ab*), and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang bank*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang bank*, the cow of the spirit of the father.

** These animals join the herd of the claimant's father, if he is alive, and count as his paternal ox. The father therefore receives 10 beasts.

*** This animal joins her husband's herd if he is alive.

[1] Nuer say and think that this should be so, but as already stated they are not too careful about the exchanges of the transaction. In point of fact a substantial proportion are distributed among the kinsmen of the deceased, so that much less than forty are left to marry the 'ghost-wife'. See pp. 29, 31.

[2] Evans-Pritchard in 'Nuer Bridewealth', *Africa*, XVI, 4, 1946, and in *Kinship and Marriage among the Nuer*, Oxford, 1951.

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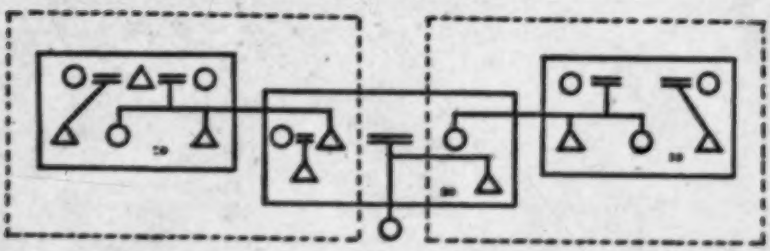

PATERNAL KINSMEN ∞ BRIDE MATERNAL KINSMEN ∞

	Cattle	Total
KWI MAN (on the maternal side):		
Man (mother)	A cow and its calf, and a heifer .	3
Dewan (brother by the same mother)	An ox, another ox, a cow (*yang dewan*), another cow (*yang cika*), a cow and its calf, and another cow*	7
Nar (*indit*) *hui mane* or *hui duiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nar hui gwane or *hui luak* (mother's brother by a different mother)	A cow and its calf, and an ox .	3
Nar (*intot*) *hui mane* or *hui duiel* (mother's younger brother by the same mother)	A cow and its calf	2
Mandan (mother's sister) . .	A heifer**	1
	Total	20

* The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.
** This animal joins her husband's herd if he is alive.

Zeraf Nuer Versions

The principles which underlie the distribution of bridewealth cattle as described by Professor Evans-Pritchard apply to all Nuer tribes, and it would be impossible to improve on his account. There are, however, differences of detail which are worth recording her... My own observations on the Lak and Thiang Nuer of the Zeraf Valley and, to a lesser extent, the Gaawar, were made before the results of Professor Evans-Pritchard's investigations had been published. This work was carried out between 1942 and 1945. Subsequently, in 1949, I had several opportunities of testing out his and my own observations among the Western Nuer tribes.

Kinship Terminology

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Before making comparisons, it will be as well to give some account of Nuer kinship terminology, especially as the terminology employed

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by Professor Evans-Pritchard sometimes differs from my own. The difference is one of dialect, and it may be noted that, although all the terms used are understood in all parts of Nuerland, nearly all of them have alternatives which are current in one part or another. There are in fact many ways of saying the same thing. Nuer could, of course, employ the most highly descriptive terminology, just as we could. We could say 'father's brother' or we could say 'paternal uncle'; Nuer could say *deman gwan* or they could say *gwanlen*. To be more descriptive we could say 'father's brother by the same mother' or 'father's full brother'; the Nuer could say *deman gwan kwi mande* or *kwi dwiel*, or they could say *gwanlen gwande* or *kwi luak*.

In normal speech, especially in conversation about or with a particular relative, the finer qualifications are not employed. If the context does not demand any precise distinction, a man will say *gwanlende*, 'his paternal uncle'. The distribution of bridewealth, however, demands such precise distinction. The term used for a particular relative is therefore qualified by the addition of *gwande* or *kwi gwande*, 'on the father's side', or *kwi luak*, 'on the *luak* (cattle-byre) side', and *mande* or *kwi mande*,[1] 'on the mother's side', or *kwi dwiel*, 'on the hut side'. The significance of the 'cattle-byre' side and the 'hut side' is that, since each wife has her own hut (*dwil*) in which she lives with her children, those of the hut (*kwi dwiel*) are uterine brothers and sisters; the cattle-byre (*luak*) is common to the whole family, i.e. the father, his wives and all their children. Hence when a relative is described as *kwi luak* it implies that he is not of the same mother, though by definition he is of the same family group.

Other differences between terminology employed by Professor Evans-Pritchard and myself are:

(a) The distinction between elder paternal uncle (*gwanlen indit*) and younger paternal uncle (*gwanlen intot*), etc. *Indit* simply means 'big' and *intot* 'small'.

(b) Professor Evans-Pritchard uses *gat gwan*, literally 'father's son', for half-brother of the bride. Another way of describing this relationship is to say *deman kwi luak*, which is more normal in Western Nuer.

The variations are recorded in the diagram on page 102.

Note.—Relationship to the bride is given in the third person, e.g. *Maw* (or *Maw nyal*), the bride's mother; *Manlen* (or *Manlen nyal*), the bride's maternal aunt.

[1] The personal possessive *dn*, *dt*, *dc*, is also difficult. Professor Evans-Pritchard records, for example, the paternal uncle (by the same mother) as *kwi* mane. This is simply because some Nuer tribes (notably Lou) drop the consonant *d* and say mane instead of mande.

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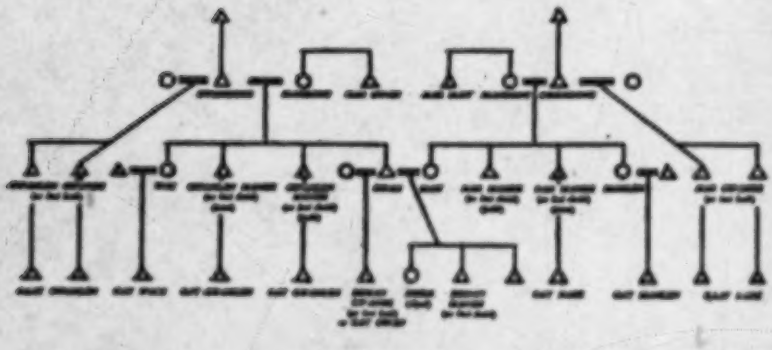
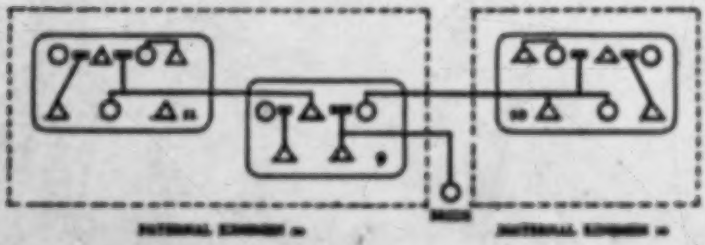
NUER KINSHIP TERMS



Zeraf Valley Version (Lak and Thiang)



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Relationship to bride	*Cattle*	*Total*
TWI OWAN (on the paternal side)		
Gaam (father)[1]	*yang gaamdi, a cow and its calf.*	
	yang kaath, a cow dedicated to his ancestral spirits.	
	thak gaam nyal, an ox (These should go to his sons, often to half-brothers of the bride. The ox is usually considered the right of the eldest half-brother.)	4
Dawan (brother by the same mother)	*thak dawan, an ox* (The bridegroom is usually expected to please his future brother-in-law by finding an ox of the latter's favourite colour.)	5
Dawan kai kuk (brother by a different mother)	*thak dawan, an ox* (This is not always demanded, and is often merely included under the father's portion. See above.)	5

[1] A man will often have paid four head of cattle as his bridewealth (*ward*: see p. 98 n. 1), so the father's portion is sometimes 5 (as in the Eastern Nuer version), but I think that the previous 4 head usually count as the total allowance to the father nowadays. This may account for the disparity.

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Relationship to bride	*Cattle*	*Total*
Gwanien mundi (father's brother by same mother)	A cow and its calf. An ox. A cow-calf, sometimes called *puong* . . .	4
	(Nuer refer to this relationship as *gwanien mundi* or, in full, *gwanien kui mundi*, i.e. the father's uterine brother. The calf called *puong* is sometimes said to be the special right of the youngest uterine brother.)	
Gwanien gwandi (father's brother by a different mother)	A cow and its calf and (sometimes) an ox .	3
	(Nuer refer to this relationship as *gwanien kui lusk*, but more often *gwanien gwandi*.)	
Wur (father's sister)	*yang nuon*, a cow	1
	(This cow goes to the woman's husband and his sons, and is therefore transferred outside the father's lineage.)	
Gwandong (father's father)	*yang nongnuon gwandi*, a cow or heifer .	1
	(This cow should go to the father's youngest brother and often the youngest half-brother. Among the *Zeraf* tribes it is usually included whether the father's father is living or not, and even if he died before the bride was born.)	
Mandong (father's mother)	*yang nongnuon mundi*, a cow or heifer . .	1
	(This cow should go to a younger uterine brother of the bride's father.)	
Nur gwon (*nyal*) (father's maternal uncle)	Sometimes called *lathar*, a cow-calf . .	1
	(This should go to the sons of the father's maternal uncle and hence outside the father's lineage.)	
Mam (mother) . .	*yang nuon nyal*, a cow and its calf. (This should go to the bride's oldest uterine brother.) *yang hanuk*, a cow	3
	(Dedicated to the mother's ancestral spirits and usually later inherited by one of her younger sons.)	
	Total	20

nyu nuon (on the maternal side often referred to as *kui nuon*, maternal uncle's side)

Nur mundi (mother's brother by the same mother)	*ghok nuon* or *ghok nur mundi*, a cow and cow-calf. An ox. A cow-calf (*puong*)	4
	(The cow-calf called *puong* is said to be the right of the youngest uterine brother of the bride's mother.)	

[1] The *Zeraf* tribes include the mother's patrion and that of the bride's uterine brother under the paternal side. This is also so in Western Nuer, as Professor Evans-Pritchard observes. This point is discussed here.

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Relationship to bride	*Cattle*	*Total*
Nar guande (mother's brother by a different mother)	*yang nar kai luak* or *nar guande*, a cow and its calf	2
Mandon (mother's sister).	*yang mandon*, a cow-calf . . . . (This goes to her sons and therefore outside the maternal lineage.)	1
Gwandong (mother's father)	*yang wangwar guande*, a pregnant cow . (This should go to one of his younger sons, e.g. half-brother of the maternal uncle above.)	1
Mandong (mother's mother)	*yang wangwar mande*, a pregnant cow . (This should go to one of her younger sons, e.g. a uterine brother of the maternal uncle above.)	1
Nar nam (eyal) (mother's maternal uncle)	Sometimes called *hethar*, a cow-calf . . (This goes to his sons and therefore outside the maternal lineage.)[1]	1
	Total	10

Apart from the disparity in numbers of cattle, there are obvious differences in this version from the ideal given by Professor Evans-Pritchard:

(i) Among the *Zeraf* tribes, the cattle of the grandparents, called *wangwar*, are nearly always included, and usually at least some of them are paid whatever the circumstances. On this subject Professor Evans-Pritchard says:

> It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distributions given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle.
>
> . . . a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is probably for this reason that the cows given to the grandparents or their sons are called *wangwar* (*wang*, eye, *war*, to see). It is possible, therefore, for there to be four *wangwar* claims, but there are generally one or two at the most.[2]

(ii) Professor Evans-Pritchard's version includes:

Gwandon ketet (father's younger brother by the same mother).
Nar ketet (mother's younger brother by the same mother).

[1] There is not only a definite division between the bride's paternal relatives on the one hand and her maternal relatives on the other, but also a distinction between the bride's immediate relatives, e.g. her father and his sons (both uterine and half-brothers of the bride) and the more remote relatives on either side who in this context are classed as *jî wangwar*, 'the people who have rights'. The cattle to which they are entitled are known as *ghok wangwar*, 'Times of the bride's father and his sons are referred to as *ghok dhok*, 'the cows of begetting'.

[2] Op. cit. (in *Africa*, 1948), p. 109.

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Now, it is just these relatives of the bride who inherit in the first instance the *mangnen mande* on the father's side, and in the second, the *mangnen mande* on the mother's side. It may therefore be that they are exactly equivalent, and if, for example, a cow is paid as *mangnen mande* on the father's side, a cow for the *gwanlen intot* is not to be expected. Similarly the *mangnen gwande* (grandfather's cattle on both sides) by right descend to the bride's father's younger half-brother (i.e. *gwanlen kwi luak* or *gwande*) on the one side and to the bride's mother's younger half-brother (i.e. *nar kwi luak* or *nar gwande*) on the other. These relatives are sometimes included, sometimes not. It seems that Nuer often treat these portions as alternatives, and this may explain the fact that not all of them are always included. It must be emphasised here that Nuer find considerable difficulty in quoting the claims of various relatives in a hypothetical marriage. This difficulty does not arise in an actual marriage because all the relatives who claim some portion as a right (*cuong*) are known personalities. Such negotiations over bridewealth are carried out with unusual decorum, and although feelings run high there is generally a spirit of compromise. Talking of these things Nuer sometimes say '*ruoah latha ked de dut*', 'you must put your stick in the grass for your wife's family'. The word *ruoah* is a polite way of speaking about relatives-in-law, and the expression implies that a man must put his anger aside if his wife's family are unreasonable in their demands.

(iii) Professor Evans-Pritchard's version does not include the *kethar* portions which go to the *nar guan nyal* (the bride's father's maternal uncle) and the *nar man nyal* (the bride's mother's maternal uncle). These portions are nearly always quoted by Zeraf Nuer tribes and, as will be seen later, by Western Nuer. They are often but not always paid. This point is important because these relatives are outside the lineages of both the bride's father and bride's mother, so that when these cattle which go to the bride's paternal and maternal aunts and their sons are included, in all six different lineages are involved in one marriage,[1] as will be seen in the diagram on page 106.

[1] Of the *kethar* (or *karthar*) portions, Professor Evans-Pritchard writes:

'A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet further removed' (op. cit. p. 257).

I do not think that the expression *karthar* is used except in the circumstances I have already described, i.e. of a special portion which goes to the maternal uncle of the bride's father on the one side and the maternal uncle of the bride's mother on the other side. Some Nuer tribes, notably the Dok, Nyang and Gawar, who have a close historical connexion, sometimes say that a cow-calf called *dong* should be paid to the bride's father's father's father and less commonly the mother's father's father's father. I think that this is a claim which is nowadays rarely made, and therefore rarely included in a list of bridewealth claims, though it may have been customary in the past.

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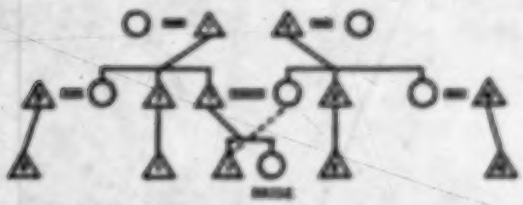
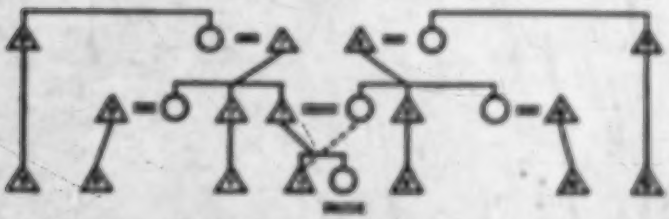
LINEAGES INVOLVED IN BRIDEWEALTH DISTRIBUTION

Lou Nuer (as quoted by Professor Evans-Pritchard)



Lineage 1—Bride's father and agnatic kinsmen.
Lineage 2—Bride's mother's father and agnatic kinsmen.
Lineage 3—Bride's paternal aunt's husband and agnatic kinsmen.
Lineage 4—Bride's maternal aunt's husband and agnatic kinsmen.

Zeraf and Western Nuer Versions



Lineage 1—Bride's father and agnatic kinsmen.
Lineage 2—Bride's mother's father and agnatic kinsmen.
Lineage 3—Bride's paternal aunt's husband and agnatic kinsmen.
Lineage 4—Bride's maternal aunt's husband and agnatic kinsmen.
Lineage 5—Bride's father's maternal uncle and agnatic kinsmen.
Lineage 6—Bride's mother's maternal uncle and agnatic kinsmen.

Minimum Claims

The difference in numbers of cattle is perhaps accounted for by the fact that Professor Evans-Pritchard is quoting an ideal from Lou Nuer, while the Zeraf version given here is not an ideal, but is closer to reality and nearer to what is considered the minimum although not actually the minimum. On this subject, Professor Evans-Pritchard says:

> In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their claims are always the first to be acknowledged. The conventional order is as follows:
>
> 1. *nyanyar gaanu*, the cows of the paternal grandparents 2
> *nyanyar nuan*, the cows of the maternal grandparents 2
> 2. *yang gaanu bow dandi*, *bi thokdi*, the cow of the father with its calf, and his ox 3

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BRIDEWEALTH DISTRIBUTION

	cattle
yang nuer hoor dindi, the cow of the mother with its calf	1
3. *yang gwandow hoor dindi, ke thokdi*, the cow of the paternal uncle with its calf and his ox	3
yang nuer hoor dindi, hoor thokdi, ke gwangdi, the cow of the maternal uncle with its calf, and his ox, and his *gwang* (ox)	4
4. *dee (nee) nuer*, the calf (heifer) of the paternal aunt	1
dee (nee) nuerow, the calf (heifer) of the maternal aunt	1
5. *yang hoorik gwandi*, the cow of the father's spirit	1
yang hoorik nuerdi, the cow of the mother's spirit	1
6. *thok dowan*, the ox of the uterine brother	1
thok gat gwan, the cow of the paternal half-brother	1
	22

This, with the exception of the *thok gat gwan* (which in the Zeraf is included in the father's portion) and the *yang nuer gwan* and *yang nuer nuan*, approximates very closely to the Zeraf version.[5] It is noticeable, however, that the cattle of the grandparents, the *wangwan*, are included in the minimum, while they are omitted in the ideal. The cattle of the paternal and maternal uncles, the *gwandow* and the *nuer*, are correspondingly reduced in numbers, and since, as we have seen, it is these relations who would inherit the *wangwan* cattle, this is perhaps not surprising.

Western Nuer Version

In Western Nuer there appears to be considerable variation of detail and, as will be seen later, of proportions, but no difference of principle. The Jikany system approximates very closely to that of Thiang and Lak, with the following variations:

(a) Sometimes two cows (*yang hoorik*) are paid in the father's portion instead of one.

(b) As in Lou, the *wangwan* cattle are never paid unless the grandparent concerned was alive at the time of the bride's birth. This is, however, balanced by a proportionately higher claim by the bride's paternal and maternal uncles, who are normally considered the heirs to the *wangwan* cattle.

(c) The *hoduar* cattle—*dee* the father's maternal uncle (*nuer gwan nyal*) and the mother's maternal uncle (*nuer nuan nyal*)—are considered essential payments, but it is unusual for a bridegroom to pay more than one. Jikany say that these payments should alternate with the marriages of the daughters of the house: to the *nuer gwan nyal* on the first marriage, to the *nuer nuan nyal* on the second, and so on.[6]

[5] op. cit., pp. 190-3.

[6] Also the *yang nuer gwan* and *yang nuer nuan* are often omitted in actual marriages today—as the minima are virtually the same.

[7] *Nuer nuan nyal*, &c. This is sometimes referred to as *nuer nuanda*, which could also be interpreted as 'maternal uncle'—uterine brother of the bride's mother—and *nuer gwanda* as 'paternal uncle'—half-brother of the bride's mother. It is really the tone and emphasis which distinguish these relationships.

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(*d*) Every brother of the bride may expect an ox, but only one need be given to the half-brothers.

Among the Bul Nuer, who on the whole are inclined to marry with larger numbers of cattle than most Nuer tribes, there are no essential differences except that there appears to be a more exact definition of claims in the paternal and maternal uncles' portions, and in this their system resembles the Lou Nuer ideal.

Gwandee mandi (father's brothers by the same mother)	eldest, a cow and cow-calf. second or middle, a cow-calf and bull. youngest is reckoned to get the *mangwee mandi*, or if not paid, will get a bull.
Gwandee gwandi (father's brothers by a different mother)	eldest, a cow and cow-calf. second, a cow-calf. youngest is reckoned to get the *mangwee gwandi*, or if not paid, a bull-calf.

This approximates more closely to the system recorded by Professor Evans-Pritchard.

Similar proportions are paid to the maternal uncles of the bride on the mother's side (*bul nam*) and again the youngest maternal uncles, the bride's mother's youngest uterine and youngest half-brother can claim the *mangwee mandi* and *mangwee gwandi* respectively. These distinctions, with variation in numbers, apply also to the Lak.

Among the Dok, the system approximates very closely to the Lak and Thiang Nuer systems, but it is worth while noting here that the Dok Nuer were often confused and inconsistent in quoting the ideal, more so perhaps than most Nuer.

I do not think that the variations to be found in the systems quoted reveal any fundamental difference of principle. The key to the problem of distribution lies in the rules of inheritance which are applied during the negotiations or will apply in the future, rather than in the actual relationship to the bride in the name of which cattle are transferred or the portions and number of cattle quoted. Throughout the system there is the principle of alternation and in addition conventional indications, though they are too loosely applied in practice to be more than indications, as to who should receive the cattle.[1] Thus, for example, the cattle classified as those of the bride's mother (*ghok mandi*) should go to her own, i.e. uterine brothers of the bride, while those of the bride's father (*ghok gwandi*) should go to his sons by another wife, i.e. half-brothers of the bride. Similarly, a generation higher up the scale, as we have already seen, the paternal grandmother's portion (*mangwee mandi*) goes to her own sons (*gwandee mandi* of the bride) and that of the paternal grandfather (*mangwee gwandi*) to his sons by another wife, i.e. half-brothers of the bride's father (*gwandee gwandi* of the bride).

[1] This subject is discussed here under 'Inheritance': see Chapter V, Section p.

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These are conventional rules which essentially apply within each lineage, but do not apply with any exactitude in practice because not all the relatives concerned exist or, if they do, have already received portions on the marriage of another daughter or will do so in the future. The rules are therefore sufficiently elastic to meet almost any situation within a family group yet sufficiently clear to avoid undesirable friction and confusion.

Proportions

In the version current among the Lou Nuer and recorded by Professor Evans-Pritchard, the cattle of the mother (*ghok mane*) and also of her son (*ghok dewane*), who is uterine brother of the bride, are included on the maternal side, the *kui mane*. He points out, however, that—

> Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

It is perhaps significant that in Western Nuer the claims of the maternal relatives are classified under the heading of *kui nare*, 'the maternal uncle's side', which excludes the mother's portion (the *ghok mande*). In Lou Nuer it appears to be a social fiction that the cattle should be divided equally between the paternal and maternal kin of the bride in the ratio of 20 : 20, for in fact the division is 30 : 10.

On this subject, Professor Evans-Pritchard says:

> I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them.[1]

There are in fact many ways in which these proportions may be regarded. First there is the proportion in theory (when the mother's and uterine brothers' cattle are included on the maternal side) and in fact (when they are not) between the paternal and maternal sides. In the Lou Nuer ideal as recorded by Professor Evans-Pritchard these proportions are 20 : 20 in the first method of assessment and 30 : 10 in the second: ratios of 1 : 1 and 3 : 1 respectively. Among the Lek and Thiang Nuer, and also the Jikany and Dok, they are 16 : 14 and 20 : 10; among the Bul Nuer they are 17 : 17 and

[1] Evans-Pritchard, op. cit., p. 149.

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23 : 11; among the Leik they are 16 : 15 and 22 : 9. Among these last-named people the ratios are therefore approximately 1 : 1 and 2 : 1. These more nearly approximate to the proportions found in the minimum quoted by Professor Evans-Pritchard, and allowing for minor inconsistencies and for the fact that the Nuer do not think of these things in terms of exact figures,[1] the balance and proportions are approximately the same throughout Nuegland.

Secondly, there is the proportion of cattle which go to the immediate family of the bride, the *ghok dieik*, and those which go to the more remote relatives, the *ghok caangai ran*. In the Lou Nuer ideal version the ratio is 20 : 20 and 8 : 14 in the minimum version. Elsewhere they are: Lak and Thiang, 9 : 21, Jikany and Dok, 10 : 20, Bul, 12 : 22, and Leik, 10 : 21. The ratio throughout is therefore approximately 1 : 2. Analysis of actual marriages (though not necessarily the examples quoted below, where in some instances all payments have not been completed) shows very approximately similar proportions. If, therefore, there has been a reduction in the number of cattle payable as bridewealth, at any rate a reduction from the ideal, it has not been in the portion of the more remote kinsman but in that of the bride's immediate family. A decrease in the cattle population in relation to human population has not at any rate led to a diminution of the network of claims which marriage involves. Marriage has not become a more individual affair in which only the bridegroom and the bride's father are concerned but has retained its collective nature.

Other Payments

Professor Evans-Pritchard points out that 'any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift and it will not be refused'.[2] This is true of all Nuer tribes. There are also certain categories of persons who may claim special gifts which among the Zeraf tribes are known collectively as *thanypiny*:

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rin . . . A spear dedicated to the central pole of the bride's father's cattle-byre. This is usually a symbolic off-ring to the ancestral spirits of the lineage and is often given to the *gaaw bethel* of the bride's family.

ruath rin . . A bull-calf or a ram or at least a spear[3] given to an age-mate of the bride's father, often a man who has undergone the ceremonies of initiation with him.

[1] A pregnant cow is sometimes assessed at two head of cattle, sometimes one, for example.

[2] Among the Lak, for example, a spear called *dong*, considered the right of the bride's paternal great-grandfather, is usually paid and will be given to one of his male descendants, but in a different line from that of the bride's father.

[3] Sometimes a cow. This is usually a purely ceremonial transaction. *Rin* means 'age-set'.

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wut ghak . . A goat or a fish-spear sometimes given to the cattle expert for his services in performing ritual to ensure the fertility of the bride. In some tribes the Leopard-Skin Chief is asked to attend the ceremonies and receives a goat or a spear for his services. These are, however, really only fees for specialist assistance and are in no sense part of the marriage payments, even though the bridegroom will be expected to produce them.

yang mathe . A cow for the bride's father's 'best friend' (*mathe*). This is very often paid.

yang bunth . A cow or calf claimed (though not often received) by the bride's father in recognition of his energy in providing for her in times of famine (*bunth*).

yang gawi . A cow dedicated to the bride's father's 'mouth'.

There is an infinite variety of such gifts and payments among different Nuer tribes. They are regarded as obligatory on the bridegroom, but such obligations are not necessarily honoured, nor upheld in the courts. They remain a matter of obligatory custom rather than enforceable law.

Claims for Begetting and Fostering Children outside Legal Union

A man who is physiological but not legal father of a female child may claim a cow from her bridewealth when in due course she gets married. The cow is known as *yang lots*, the 'cow of the loins'. This term is not considered polite, and it is more usual to refer to *yang dieth*, the 'cow of birth' or, where the child is born in the more respectable union of 'widow-concubinage', *yang lakn*, the 'cow of widowhood'. Sometimes it is called *yang tuac*, literally, the 'cow of the skin', referring to the sexual cut-skin worn in the presence of relatives-in-law and hence politely and euphemistically avoiding emphasis on the illegal nature of the union. *Yang lots* is given to the *genitor* in 'ghost-marriage' and in levirate union, though it is here often the case that he can claim other portions of his natural daughter's bridewealth by reason of his kinship relationship to her legal but deceased father. This is rarely so in 'widow-concubinage', for here the father is either unrelated to the *pater*, or so remotely related that no legal claim in the kinship system exists. In addition, a man may also claim *yang pibo*, the 'cow of growing', which, however, refers not so much to physical parenthood as to upbringing. It is a definite and quite separate fee payable for the care and attention lavished on a child during its early years. It may be claimed by a man who is neither *pater* nor *genitor* but simply 'foster-father', though the majority of such demands arise in the more stable relationship of 'widow-concubinage'.

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583 These fees, which are sometimes taken from the father's (*pater's*) portion of the bridewealth and sometimes demanded from the girl's husband as an extra payment, may even be claimed by an adulterer on the marriage of his natural daughter, for the Nuer recognize physiological ties even if they run counter to legal relationships. There is something of a mystical bond between father and child whatever the circumstances of birth, and Nuer believe that the natural father has power to curse his daughter with perpetual barrenness if his claims are thwarted. For this reason both the girl's kinsmen and those of her husband are usually anxious to placate him. In adultery, when a child is
[644] born of the act, the indemnity (*rwak ruar ciek*) is reduced from six head of cattle to one cow. This is the *yang bada*, the 'cow of the sleeping mat', which has a ritual and expiatory purpose only. The principle of reciprocity and of legal claims raised by the transfer of cattle is so strong that even cattle paid specifically as indemnification sometimes lead to a confusion of legal rights in the future. We shall consider this matter more fully later, but it may be noted here that such claims are something quite separate from the *yang bita* which refers precisely to physiological parenthood and *yang pinke* which refers to the fostering of children and the expense of their upbringing. When a child is born to an unmarried, and usually young, girl her seducer would rarely dare to claim such fees. Had no child been born, he might be expected to pay an indemnity of two head of bovids (*rwak dhe ryal*), though in the past he was more likely to meet the violent retaliation of her brothers. If a child is born, the girl's kinsmen may legitimately claim a similar indemnity (*rwak ruar ryal*). Usually they will not press these demands, again to avoid legal confusion in the future, and if this has been the case, the father of a girl-child will scarcely ever have the courage to make claims on her bridewealth at a later date.

Nevertheless, such claims are socially recognized and often upheld in Nuer courts, and hence become legal. They are often paid without question, even in cases of adultery, because after eighteen years or more have passed between birth and marriage, resentment of the initial wrong has long since vanished. In many cases the *genitor* and the *pater* or his heirs are the best of friends. In other cases, however, such claims may be the subject of the most acrimonious disputes and litigation.

These observations apply to female children born out of legal marriage only. A man may expect, obviously enough, no benefits from his natural sons. On the contrary, he may expect certain liabilities, for it is considered that a man should help his sons, even though they have no legal claim upon his cattle. In many cases the *genitor* will be dead by the time his natural son comes of age, and the claims of the latter on the *genitor's* heirs are often a source of friction and embarrassment.

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It is not possible to enumerate here all the various circumstances which establish legal rights to such shares in bridewealth. Without the use of endless examples, generalizations are risky, but the principles described above are usually accepted by a Nuer court and enforced as legal. *Yang bita* is sometimes, but rarely, claimed by the physiological father long before the marriage of his natural daughter; but he thereby forgoes all claim to a larger portion of her bridewealth, especially among those tribes—Western Nuer in particular—where the major portion of the *pater's* share, three cattle in all, is sometimes given as *yang bita* when the *pater* is dead and the genitor has had a specially constant and stable relationship with his daughter's kinsmen. This usually happens only in 'ghost-marriage', levirate unions, or 'widow-concubinage', and rarely outside such permanent unions.

Reverse Payments

Among the majority of Dinka tribes west of the Nile payment of bridewealth by the bridegroom to the bride's family is followed by a reciprocal payment by the bride's family to the bridegroom, which is known as *arueth*. The number of cattle varies and may be as much as one-third of the total bridewealth paid. This practice is unknown to the Nuer, though the same concept is to be found in the payment of *thiak* among the Jagei, Dok and Aak tribes. On final consummation of the marriage two cows are paid to the bridegroom's family, one from the *bari gwanda* and one from the *bari nomda*. These are reckoned to be the right of the bride's future sons.[1] The payment is accompanied by ritual which symbolizes the removal of the taboo on the two families eating and drinking together and the necessity of wearing a cut-skin in the presence of relatives-in-law. A cow is sometimes paid to the bridegroom on the marriage of his wife's younger sister, but this is not common nor a formal custom as among some Dinka tribes, where as much as five head of cattle (*arieth*) are paid.[2] These payments do not seem to be current elsewhere in Nuerland. I have sometimes heard Nuer say that they used to be paid and on a larger scale in the old days when 'people married with many cattle', but I am inclined to believe that this is not a Nuer custom. The Dok, Jagei, and Aak are in close contact with Dinka tribes, among whom *arueth* is an essential part of the marital system. At the same time, the Bul and, to a lesser extent, the Leik are also in touch with these Dinka, but do not practise the custom or its equivalent, though the idea is known to them.

[1] Some Western Nuer tribes say that a cow—*yang bighol*, 'the cow of the spirits'—should be given to the husband by the wife's father on the birth of the first child.

[2] I have discussed this in a recent article on 'The Dignity Dinka of Western Kordofan', *A.A.A.*, 1951.

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Examples of Actual Marriages

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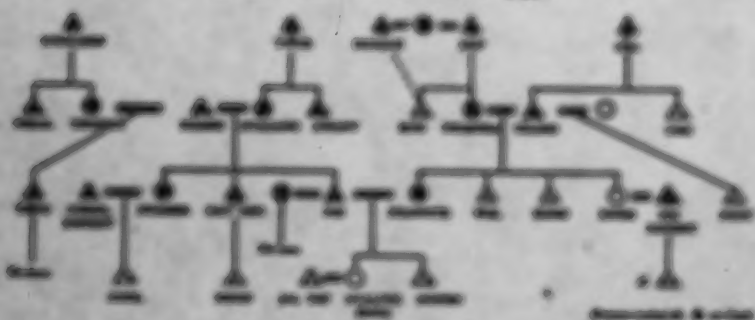
When following the principles described above in actual examples of Nuer marriages, it must be remembered that not all the relatives of the bride to whom a portion of the bridewealth should go necessarily exist in fact. In such circumstances, the Nuer would say that the portions should be inherited by their legal heirs. Sometimes a claim is honoured, sometimes not. At the same time it is unlikely that a marriage would be refused, dissolved, or declared illegal if one or more portions included in the 'minimum' of claims were omitted. The procedure is clear. The bride's family will put in their demand for any portion which is considered a definite right; the bridegroom's representatives will name a cow. The bride's representatives will say that this will go as the young member or the young female member, meaning a definite portion as the case may be. If in the final assessment the bridegroom has not met or cannot meet all the recognized claims, they will ultimately judge the matter in terms of the over-all number of cattle which he is able to pay. It is usual for representatives of each claim to attend the negotiations in person. Hence there are not only arguments between the bridegroom's representatives and the bride's family, which are on the whole restrained, but arguments between the various members of the bride's family themselves. These discussions are usually more heated.

The examples which follow are not intended as evidence of the principles already described, but rather to show how these principles

Marriage of Tut Tap to Nyadik, daughter of Pei Nyagh
(Nuer Nuer; Recorded in 1938)



are applied in practice.[1] It will be found that the distribution is made as approximate as far as possible to the ideal. The relationships are

[1] It would be difficult to find a marriage in which there was a perfect configuration of both lineages and in which all claims had been met. These examples are chosen at random.

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shown in a chart shows the distribution of the bridewealth. Each claim is recorded under the actual relationship term employed (in relation to the bride) and the name of the person who actually received the cow or cattle is given. In many cases the person will be not the actual claimant to a title, but his heir. If the principles are applied, the reasons will be obvious, but where the circumstances are exceptional they are recorded in the text.

BRIDEWEALTH DISTRIBUTION

[illegible] group

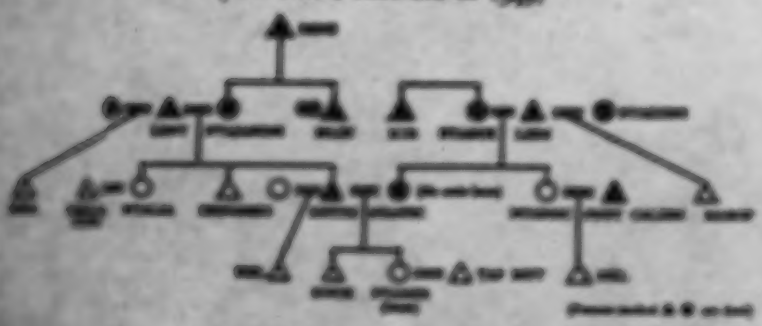
Gaam. A cow-calf } To *nyawan*.
A bull } (as heir to Pol).
Ganam. A bull: To *nyawan*.
Wac. A heifer: To *cuol*.
Gumdong. A cow: To *nyawan* } *Wangnan*.
Mandong. A cow: To *nyawan* }
Nam. A cow and a cow (young female): To *nyawan*.

[illegible] man (or man)

Nar (*nyawan*). A heifer: To *wan*.
Mandon. A bull: To *a*.
Wangnan { *gumdong*. A cow: To *ruot*.
mandong. A cow: To *nyawan*.

This marriage took place in 1948, only a few months before it was recorded. Full bridewealth has not yet been paid. *Jal* stated he would complete the payments when he had collected cattle from the marriage of his sister. The most ceremony had been performed, but no *thiak* cattle had been paid to *Jal* by *Nyawan*. In *Nyawan's* possession, *Jal* stated he would pay: a cow as young female for the mother's portion, and also a bull-calf; two cows as personal mother' portions (*pandar*); on the maternal side—a cow as *bedar* (mother's maternal uncle's portion). This in fact would go to *Kong*, legal, but not physiological son of *Dap*. It should be noted that other than *Nyawan* (bride's brother) and *Nyam* (bride's father's brother's son: *gar gumdon* cousin) there are no living claimants on the paternal side.

Marriage of Tap Mat to Nyamar, daughter of Kuoth Lony
(Dok Nuer; Recorded in 1948)



BRIDEWEALTH DISTRIBUTION

[illegible] group

Gaam. A cow and cow-calf } To
A cow (young female) } [illegible]
A bull }

[illegible] man (or man)

Nar. A heifer and a bull-calf: To *nyawan* (as his mother *nyawan* has no full brothers).

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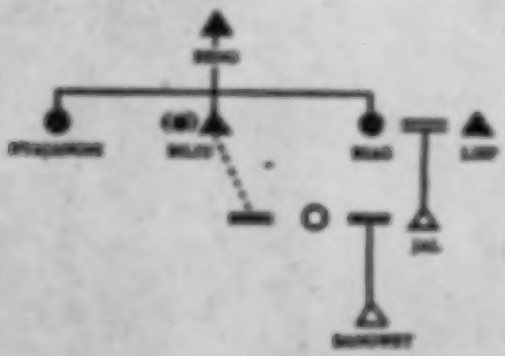
Dewow. A bull: To KWOR. KWOR.
Dewow kul lauk. A cow:
To MIL. KWOR.
Gwandow (*wandit*). A bull:
To [illegible].
Wac. A cow-calf: To MIRAL. GAM.
Gwandang. A cow and cow-calf: To MIR
Mandang. A cow:
To [illegible].
} *Wangwan*.
Nar gwan (*kulian*).
A cow: To JAL. LIEP or his son NAMWEET (sister's son to MILIU who married a wife in MILIU's name).
Mau. A cow and calf: To KWOR.
Mandow. A heifer: To MIR. TUOT.
Wangwan
gwandang. A cow:
To MAMOP.
mandang. A cow:
To KWOR.



Tap Mut married Nyanor, daughter of Kwith Lang, in 1947. There is as yet no child of this union; Kwith himself predeceased the marriage, and his brother Dhigdhig is senior legal representative. The bridewealth payments are not considered complete, and Tap has promised to pay more when he can do so. The marriage is, however, considered legal and the ceremony of *mut* has been performed.

The following points are significant:

(i) All grandparents' claims (*wangwan*) have been met, although Lang, at least, was not alive when Nyanor was born. It appears that among the Dok Nuer these claims are met, whenever the circumstances.

(ii) Tap stated that he would pay a cow as *yang kwoth* as part of the mother's portion (*ghak nandi*) and two cows as paternal uncle's portion (*ghak gwandar nandi*) to Dhigdhig. Dhigdhig stated that no further claims would be made beyond this.

(iii) No *ghak nandi* (see Bridewealth Payments) have been paid, but Dhigdhig stated that this would be done when the bridewealth had been completed by (ii) above.

(iv) On the mother's side (*kul nar*) there are no *nar nandi* (mother's brothers by the same mother). Since their portions should go to her father's (*Lieu's*) lineage, it might be expected that they would go to her half-brother Mawop. In fact they go to her own son, Kwak. (See also bridewealth of *Cop Nyang* in *Dinkiang Rows*, p. 115.)

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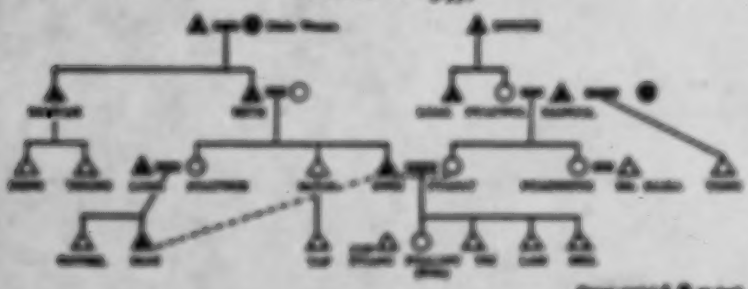
(v) A man called Jal Liep married a wife to his maternal uncle, Bilin Rang, who had died without issue. Jal's physiological son Bangwet is therefore legal son of Bilin and in fact calls himself Bangwet Bilin. Bangwet is therefore heir to the young nar gwan (father's mother's brother) or father.

Marriage of Cap Nyang to Nyaliey Ruea (Jikany Nuer; Recorded in 1935)



BRIDEWEALTH DISTRIBUTION

gwet cwan	*gwet nua (jar nuer)*
Gwan.	*Nar (female):*
A cow and cow-calf A bull A heifer (young female) A heifer (young female) dedicated to the spirits of Reth's father's wife, a Dinka woman	Held in trust by *cruaret* for her sons, who are minors.	A cow and cow-calf A cow (young)	To *cruaret*, for her sons
Zumain.	*Nar (gwandi).*
Three bulls: To *ten*, *Lam* and *nen* (minors).	A cow and cow-calf: To *tuong nuanyan*.
	Mandon.
	A cow: To *nin*, *wunka's* sons.
	Nar nuer (father).
	A heifer: To the heirs of *Lual nwanyin*.
Gwandon (gwandi).	*cruaret nyanyan*
A cow and cow-calf: To *tuong nuanyan*.	*Chak Jaka.* To *Lual's* son, most now dead and heirs to *nyanyan*. (Ox cattle yet paid.)
A heifer: To *nyanyan nuanyan*.	
Gwandon (nwandi).	*Tang nuaka.*
A cow and cow-calf: To *nyanyan*.	A cow: To *nyanyan nuanyan* as *nwan's* friend and for bringing up the bride.
Wan.	
A cow: To *dawan*, *Lowa*.	*Nandi nuar gluk.*
Allan.	A bull-calf: To *nyanyan nuar*, a distant kinsman of *nwan's*.
A cow and cow-calf and a cow (young female)	Held by *cruaret* for her sons.

This marriage took place some *all* years before recording. There is only one surviving child—a girl aged four. Certain peculiarities about the relationships of the persons concerned are worth noting:

(i) The bride is the legal daughter of *Bowi* (gen. *Dowi*), but physiological daughter of *Kang Lang*. She and her brothers are often referred to as *gwan Kinka* (*Kang*) but are legally *gwan Bowa*—however *Kang* married their mother *Nyagwet* to *Bowi's* name.

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(ii) Their physiological father, Ring Long, was sister's son to their legal father Rwei. Ring died and the children were brought up by his brother Gatbel. Thus the bride has one man as legal father (*gaar*), another as physiological father (*gwaar*), and yet another as foster-father.

(iii) Rwei had no half-brothers who would normally be entitled to a portion as *gwaar* gwaak. In these circumstances this portion should go to Rwei's uterine brother, Magh. In fact they go to the sons of Mawak, father's brother to Rwei. This is not usual, but it appears that Mawak made substantial contributions to the bridewealth used by Ring to marry a 'ghost-wife' to Rwei. Hence Mawak (or his heirs) have a special interest in the daughter of this 'ghost-marriage'.

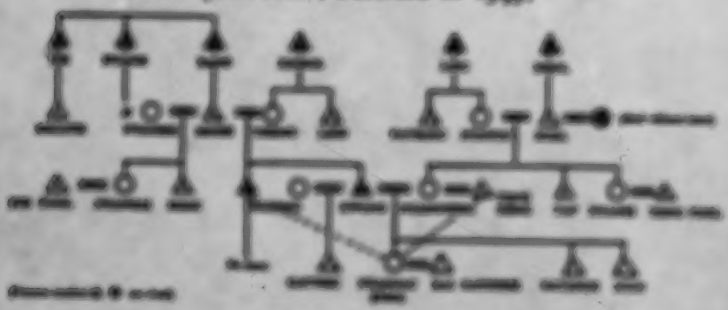
(iv) On the maternal side, Nyapat is the daughter of Mangol, a man of Kawang Dinka extraction. He had no sons by his first wife Nyakwol, and hence the cattle of the *nar* wanak (mother's brothers by same mother) are held in trust by Nyapat and will eventually go to her sons who are now minors. Since Tong is the only living representative of the maternal lineage, one might expect that these cattle would go to him. This would at any rate be correct according to normal usage. Yet the maternal uncle's portions (*nar* wanak though not *nar* gwaak) are often inherited by his sisters' sons. See a further example of this in the marriage of Tap Mur to Nyanor (p. 116 (iv)).

(v) No *nongnam* cattle were paid on behalf of the grandparents, yet a cow was paid in the name of the bride's father's father's mother (a Dinka woman) described as *yang kwoth jaangat*, literally: 'cow of the Dinka spirits' and included in the father's portion.

(vi) A cow, referred to as *yang kwoth gwaak*, was paid in the name of the bride's father's father and included in the father's portion. The explanation given was that both these ancestors were 'mothers' and required sacrifice.

(vii) Only one cow was paid as *kathar* (for the bride's mother's maternal uncle). In accordance with Jikany practice a similar dedication should be made on the paternal side (bride's father's paternal uncle) at the next marriage in the family.

Marriage of Kai Gatbeak to Nyarwar, daughter of Kawang Magh
(Dok Nuer; Recorded in 1949)



BRIDEWEALTH DISTRIBUTION

[illegible]	[illegible]
Gaar. A cow and a bull: To [illegible].	*Nar.* A cow and bull: To [illegible].
Dawan. A bull: To [illegible].	*Mawan.* A heifer: To [illegible].

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Gwandee (mundu). A bull: To *nyiyuan.*
Wan. A heifer: To *nyanzan* and *pan nyan.*
Gwandang. Two bulls: To *nyan.*
Mandang. A cow: To *nyiyuan.*
Nar gwan. A heifer: To *zam.*
Gwan gwan. A heifer (*dang*): To *nyanzi's baim a.*
Gwandee gwan. A heifer (*dang*): To *nyanzan.*

Wangwan { *gwandang.* A cow: To *nyan.* / *mandang.* A cow: To *nyan.*

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OTHER PAYMENTS

Tang baba. A cow: To *nyan nimo* (as gratuity).

SPECIAL PAYMENTS

Tang jaghai nyal. A cow: (To *nyan* from *nyiyuan*) to ensure fertility and avoid future calamity when *nyanzan's* first child died.

Thiah. A cow: (To *nyan* through his mother from *nyiyuan*).

Kai married Nyanzan about 1933 and has had by her nine children in all, of which six died in infancy. The situation at the time of marriage should be noted. Cattle had died in considerable numbers during the previous years, and bridewealth had been much reduced. Nyanzan's family will say that they would not have accepted so few cattle had this not been so. This marriage is of considerable interest, and several points emerge:

(i) Kwang married Nyangwari as a 'ghost-wife' for his dead brother Bedang. Kwang then died himself and Nyangwari was taken by Tang Gong in levirate union (Tang being a distant kinsman of Kwang). Tang is physiological father of Nyanzan while her legal father is Bedang. Despite this, she is referred to in ordinary conversation as daughter of Kwang. Kwang (and Bedang) had no uterine brothers, only Ruan, a half-brother.

(ii) In addition to normal payments a cow was paid as *dang*[1] to Kwang and Bedang's father's father's brother, and similarly a cow referred to as *dang* gwandee, i.e. father's father's father's brother to the bride. These payments are exceptional elsewhere in Plateau, but it appears that they are often made in Dob.

(iii) There are no exceptional circumstances on the maternal side except that nearly all cattle went to Tap since he is the only son of Ruan (mother's father).

(iv) One cow was paid to Kai (husband) as *thiah* and another, as *pang jaghai nyal*, on the birth of the first child.

In normal circumstances a cow would have been paid by Kai to his wife's mother on the birth of the first child. This also might be called *pang jaghai*, which merely means 'cow of the spirits'. But the child died, and it was held that the father's spirits should be placated.

[1] See p. 100.

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Marriage of Dong Ran to Nyalam, daughter of Dhar Thiep
(Thiang Nuer: Recorded in 1944)

BRIDEWEALTH DISTRIBUTION

[illegible]
Gaam. A cow and its calf (very female). A heifer and an ox } To very [illegible].
Dhaam. An ox: To very [illegible].
Gaandan. A cow and calf, an ox: To [illegible].
and a heifer (young): To [illegible].
Gaandan. A cow (pregnant): To [illegible] (they will get the calf).
(*Dhaam*): A heifer: To [illegible] (heir to master).
Wan. A heifer: To [illegible] (the heir [illegible]).
Gaandang. A cow: To [illegible] } Wrongness.
Mandang. A heifer: To [illegible] } Wrongness.
Mian. A cow and a bull: To very [illegible].

[illegible]
Tiang dhith. A cow and calf: To very [illegible] for begetting [illegible].
Tiang pitin. A heifer and an ox: To very [illegible] for bringing up [illegible].

[illegible] (or [illegible])
Nar (*mandi*). A cow and bull-calf
and (*gaandi*) A cow and a cow: To [illegible].
A bull calf: To very [illegible].
Mandan. A heifer: To [illegible].
Gaandang. A heifer: To very } Wrongness.
Mandang. A cow and a calf: To [illegible] } Wrongness.

* There are no mother's brothers by a different mother.

The family of Thiep is a powerful one in the Bedj primary section of Thiang. They are Bantu [illegible], and Tai Thiep is recorded in early Government reports (1898–1914) as the most powerful personality in this region. His half-brother Pant was for some time Court President, and Thiep Tai is a "Section Chief". In all twenty-nine head of cattle [illegible] paid, but Dong Ran is expected to give two or three more. The bride-wealth is therefore a large one (particularly in view of her heavy losses from sickness) for the Thiang Nuer, but this might be expected considering the advantages of an alliance with so powerful a family. A claim will be made for Dhar's removal under an heifer, and Dong

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admitted this claim in the presence of his relatives-in-law. Certain points should be noted: 583

(i) Dhor died without issue and his brother Tut married Nyaciel as Dhor's 'ghost-wife'. Tut therefore receives the *yang dieth* and *yang pilic* as *gwaiter* and former father of the bride and also a *cull* as *gwaiter* *ruanda*.

(ii) Mut Dhor receives the father's portion as Dhor's heir.

(iii) All *wangwan* cattle have been paid, though Thiep and Nyakong were both dead long before Nyakun was born.

(iv) Thiep Tut receives a *cow* (*gwaiter* *ruanda*) though one would expect this to go to Kolang or Tut. The explanation was that the latter had benefited in excess of their rights on the marriage of Nyakwogh, Thiep's daughter. Thiep and Dung might also be expected to get the *gwaiter* *gwanda* portions, but did not do so for the same reason.

(v) Ngwaley (on the maternal side) had a second wife, but she died without issue. Hence there are no *nar gwanda*, and Mut and Kun receive their cattle as well as the *wangwan* *gwanda* (*gwandang*).[1]

Number of Cattle Paid Today

Professor Evans-Pritchard points out that—

there is good reason to suppose that all thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[2] 583 231

To rinderpest must be added the ravages of trypanosomiasis, a disease which appears to have increased during the last decade owing to mechanical transmission through other biting flies rather than tsetse. We must also bear in mind that the human population may have been less in these days, for although there are no statistical records available to work on, there are indications that the Nuer are increasing. Some tribes are, however, poorer in cattle than others,[3] and bridewealth payments are not everywhere the same. It would probably be unsafe to state an average figure anywhere without an analysis of a very large number of marriages. Some marriages are referred to by the Nuer as *bonu ma bangh*. This expression, which is a contradiction in terms, is used very loosely in this context for a literal translation would imply that they are illegal.[4] What is meant is that the number of cattle paid is much less than normal, even by present-day standards, but it should be noted that marriages made in these circumstances 583

[1] Mut stated that as he and Kun had received many cattle which in normal circumstances would have gone to a half-brother, they proposed to marry a 'ghost-wife' to their father Ngwaley. Mut would die as her 'Ghost-bridegroom' and Bridewealth', pp. 39-42).

[2] Evans-Pritchard, op. cit., p. 250.

[3] See Appendix I.

[4] For the various meanings of *bangh*, see pp. 84, 250, 290, n. 2.

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are often stable. Moreover it is not usual for the wife's family to press for further payments provided the union is confirmed by the birth of children. It is not, therefore, necessarily the number of cattle paid or the fact that sufficient have been paid to meet the minimum claims which makes a marriage stable, but the social relationship of the two families concerned. In examining the legality of a marriage, a Nuer court may ascertain generally the number of cattle transferred, but will not examine each of the many claims. The most telling evidence in this respect is the performance of the marriage ceremonies, for it is assumed that performance indicates the acceptance of the bride's family and this implies that they have been satisfied in the matter of bridewealth cattle.

Disputes over Bridewealth Payments and Distribution

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Disputes over bridewealth between the bridegroom and the bride's family do not often arise. Even if the bridegroom does not pay all the cattle required to meet the claims made at the time of marriage, but promises to do so later and then fails, the bride's family can always threaten a divorce which is usually a sanction strong enough to ensure payment. The claims of the *ji ewangel ran* are usually met first, and if any cattle are forgone or postponed, it is by arrangement with the immediate family of the bride. Moreover claims made by the *ji ewangel* will be against the bride's immediate kinsmen, not against her husband, for the distribution of bridewealth among his wife's family is not his direct concern.

The rules of distribution apply within the group of the wife. These are collectively referred to by the husband as *ji nuar* ('people of the skin', or relatives-in-law). Further rules govern the distribution between the father's lineage and the mother's lineage and then lineages brought in by other marital relationships. Disputes over these claims are common, and there is an unfortunate tendency to use the courts as a sanction for the fulfilment of kinship obligations. The majority, however, are settled by the elders of the lineages concerned, and the courts often dismiss such cases as *ruar ciang*, 'house talk', which should be settled within the kinship group.

There may be more than one person standing in a special relationship to the bride which carries with it a claim to part of her bridewealth, and if this is so there is always a tendency to alienate. If a man fails to get cattle on the marriage of one of the daughters, he will expect to do so on the marriage of her sister. Disputes sometimes arise, especially over claims that have remained unpaid in the second generation. Such matters are strictly speaking governed by the rules of inheritance, but so far as cattle are concerned, the rules of distribution are part of inheritance. Two examples are quoted below. Both are typical, and it will be noted that the first was dismissed by the

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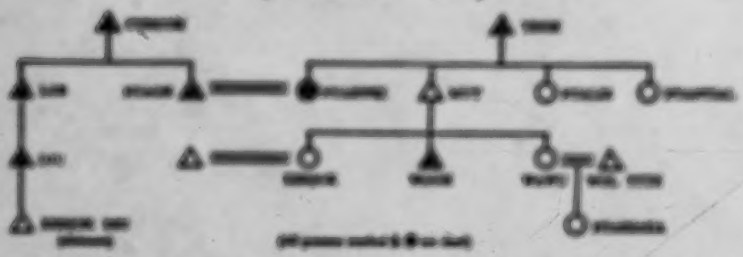
court on the grounds that the claim was too old to be valid, the second on the grounds that the dispute was purely an intimate family concern.

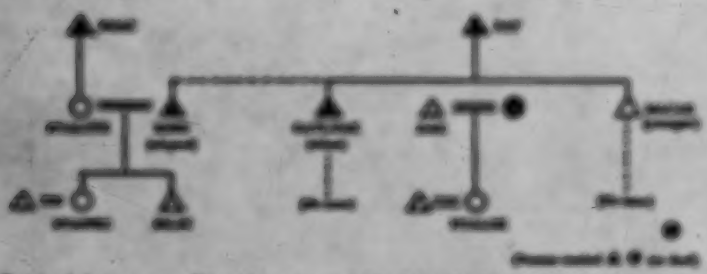
Dispute between family of Cuhrah and family of Yagh
(Gaanar Nuer Case)



Nyakwei, daughter of Yagh, was married by Nyagh, son of Cuhrah. Nyakwei died without issue, but there was no dissolution of marriage, Nyagh being content to leave his cattle with Yagh's family. Nyagh, as Nyakwei's husband, would, according to the laws of distribution of bridewealth, be entitled to claim a young cow (one of the personal cows) on the marriage of any of Mut's daughters. In fact the young cows of Kerjok's marriage went to Nyalai and that of Wawa to Nyamjial. Mut promised to give Nyagh the young cows of Wagh's marriage, but it was not paid at the time of her marriage, and she died shortly afterwards. Kerjok Diu as heir to Nyagh (brother's son's son) then claimed young cows on the marriage of Wawa's daughter Nyarlaka, on the grounds that it should go to Wagh, whose own young cows should have gone to Nyagh through Nyakwei.

The court was at first puzzled by this case, and said that the cows of Nyarlaka should go to Wagh's husband. Kerjok Diu then produced evidence that Wagh's marriage had been dissolved as she had died without issue, and pointed out that her sister Kerjok had already received a young cow on the marriage of another of Wawa's daughters. The court was unable to give an exact definition of the law in these circumstances, but dismissed Kerjok Diu's claim on the grounds that it was based on a claim which had not been fulfilled in the time of his grandfather and that his claim had therefore lapsed.

Nyalith Bear v. Mawar Pal (Lak Nuer Case)



Pal had four sons—Riing (an adopted Dinka), Cuhrah (the eldest or laugh), Dak (the middle son, or dot) and Mawar (the youngest or pupil).[1] On the

[1] For further explanation of these terms of seniority, see p. 190.

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marriage of Deb's daughter Nyalak, Mawer got a cow (pay company) and a cow-calf (gamble). Ring was by that time dead, but his wife Nyalith received the remainder of the gamble cattle—the cattle of the paternal uncle—on behalf of her son Bilio, then a minor: a cow, an ox and a bull-calf. On the marriage of Ring's daughter Nyawer, the glak gamble—a cow—and the company—a cow-calf—were given to Mawer again as heir to Gatkuk, then dead with no issue. Deb objected to this and, as a payment, seized the cattle held by Nyalith (received on the marriage of Nyalak) for her son. Nyalith then took the matter to court and demanded the transfer of the cattle received by Mawer on the marriage of Nyawer, to Deb, so that Deb would give her back her cattle. Court dismissed the case on the grounds that—

(i) Mawer, as heir to Gatkuk, has a right to the company and gamble of Nyalith. Deb cannot receive these cattle for the marriage of his own daughter.

(ii) The dispute is entirely between Nyalith and Deb.

But (iii) it is a purely family matter which they must settle themselves, because Nyalith is living with Deb in levirate union, he has no male heirs, and all his cattle will anyway go to Bilio to whom Deb is paternal uncle.

6. THE LEGALITY OF MARRIAGE

General Principles

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From an analysis of the social and ritual processes of marriage and of the transfer of bridewealth cattle from one group to another, there emerge certain legal principles which are relevant to a study of Nuer law as administered in the courts today:

(i) Apart from the social and ritual processes, the performance of which are only given stability to marriage but emphasizes the degree of agreement reached at any stage, the key to the legality of a union lies in the transfer of cattle from one kinship group to another on behalf of an individual. The individual thereby obtains rights in his wife which are domestic, economic, and procreative. Even though these are sometimes assumed as far as domestic and economic rights are concerned, they are never assumed in situations where the legal status of the children is concerned unless cattle have been transferred.

(ii) Therefore, in any dispute which concerns bridewealth, the return of bridewealth, or rights in the distribution of bridewealth, reference must be made to the individual on whose behalf cattle were transferred. Whether he be alive or dead, he is the nuclear point from which legal discussion must start, and the rights of others are determined by their relationship to him in the kinship structure or the relationship created by marriage. At a later stage, when children are born of the union, all parties concerned become linked through the position of the children in the kinship structure of both sides.

We have seen that, although marriage is still precarious and does not necessarily achieve a high degree of lability until a child is born of the union and the bride takes up her abode permanently with her

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husband, at a certain stage in the proceedings she acquires not only social status as married woman and wife but also legal status. It is at this point that the bridegroom becomes legal husband of the woman. 583 581

It is, however, sometimes difficult to determine the exact point at which this occurs. The problem is best examined in reference to wrongs in relation to the woman, and perhaps best exemplified in cases of adultery, for a man cannot claim damages in such a situation unless he is legal husband of the woman concerned. There is in fact considerable variation on this point in Nuerland, and it has become a controversial subject in cases which arise between individuals of different tribes, now brought together through the agency of the courts. Clearly it is ultimately the amount of cattle paid to satisfy the claims of the bride's relatives which determines the legality of a union, but this cannot be expressed as a rigid rule, for an equal number of cattle is not and cannot be transferred in all marriages, and the period over which they are paid is variable. This is particularly true today when there are less cattle in relation to population than before, because to insist on full transfer of bridewealth in one transaction would mean endless delay in collecting bridewealth, and this is not acceptable either to the bridegroom, who is impatient for his bride, or to her family, who wish to use the bridewealth cattle for their own marriages. The 581
legality of marriage therefore finds expression in the degree of agreement reached by the people concerned, this being reflected in each stage of the marriage procession. Some tribes consider that acceptance of the cattle negotiated at the *tem* ceremony, and particularly at the *tha ciekel piir nyal*, even if they appear totally inadequate when compared to the bridewealth *ciekel*, amounts to legal recognition. Others consider that legality is established at the *dhol* ceremony which follows, and certainly it is at this ceremony that the change of status of the bride from a girl (*nyal*) to a married woman (*ciek*) in relation to society as a whole is most clearly symbolized.[1] For the first time she is released from her family (*ñany dit*) and from parental care. For the first time she is introduced publicly into the home of her bridegroom (*wang nyal*) and physical consummation is recognized. Further, she is ceremonially shaved by her bridegroom's female relative (*mach*), and this not only has ritual significance in connection with her fertility, but signifies, too, her acceptance as a married woman, her status being determined in relation to other women of the household and through

[1] It might be argued that the ceremony performed at the *tem*, when the bride is dressed by the clothes which signify a married woman, symbolizes a change of status from girl (*nyal*) to 'married woman' (*ciek*). Presumably this is so among those tribes who consider that the *tem* constitutes legal marriage. But it must be remembered that it is not as much her general status, as her status in relation to her husband and his kin which is important from the legal aspect, and this is only brought out at the *dhol*. The *tem* *nyal* and *ciek* do not clarify the position, because a man will often refer to his affianced bride as *ciek* (wife) at a very early stage in the proceedings, and the woman is often referred to as *nyal* long after the *tem*.

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581 them to all members of their group. These ceremonies are referred to generally as *wuot ryal*, and many Nuer tribes consider that this is the point where legal status is established. In these tribes the first question asked at the opening of a legal case will be '*ce ryal wuot*', 'has the girl been shaved?', if the legality of the marriage is in doubt. Nuer assume that if the ceremonies have reached this stage, the girl's family have admitted the legality of the union, whether the cattle paid, in comparison with other marriages, are adequate or not.

581 672 As soon as the legality of the marriage is established, the legal husband or, in the case of 'ghost-marriages', his legal representative, who is the man who has married on his behalf, accepts liabilities in the woman's future behaviour. If she kills someone it will be he and his kinsmen who must pay compensation (*dang*), although her own family will undoubtedly assist them in such circumstances; if she injures someone, and this is naturally more frequent than homicide, it will be her husband who has to pay damages. Equally if she is killed or injured, compensation should be paid to her husband, and it will be his legal right to receive it, even if he is usually willing to hand over some of the cattle to her family. These rights are extended to his kinsmen, since his rights are always limited by the position he holds as a member of a kinship group, and in this strictly legal sense the wife must now be regarded as a member of his lineage rather than her own. Cattle have been paid for her; rights in her life have been transferred to those who paid the cattle. This issue is not often in question in disputes which appear before the courts, but, as already mentioned, it is often raised in disputes over adultery. The defendant will plead that the woman is not legally married (*bere bunu ke ghok*—'she is not married with cattle') and that he is only liable to her family. This is usually to his advantage because her family cannot claim damages for adultery; there can be no adultery if the woman is not legally married. They can claim damages for the seduction of an unmarried girl (*wuok dhe ryal*), but the number of cattle demanded is less than in adultery (*wuok ciak*).

Recent Legislation at the Nuer Chiefs' Council Meeting of 1947

581 The subject of the legality of marriage was discussed by chiefs from all parts of Nuerland in 1945. Opinion was divided, though it was generally agreed that in the past at any rate all ceremonies up to and including the *wuot ryal* should be performed before a man could safely claim all legal rights in his wife. The Eastern Nuer tribes, represented by the Jikany Dinar, maintained that (i) a man has legal rights in his wife as soon as she comes to live with him and has left home with the permission of her family. Other Nuer tribes argued (ii) that it was the *wuot ryal* ceremony alone which was important, and that a

8:Howell E, G-S (1942-1944)1954
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women is not legally married until this has been performed. In fact, there is no great difference in these opinions because in a normal marriage a woman's family will rarely allow her to take up residence with her husband until the *mut* has been performed. 581

Finally in this connexion, I must comment on a statement made by Professor Evans-Pritchard in his most recent book on the Nuer. He says:

> Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. Then till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thang yiko*).[1] [683]

The use here of the word 'incomplete' seems to me relative. If a 'complete' marriage is one which is legally indissoluble, then this condition is reached only at a much later stage when at least two, and probably three, children have been born. If it is 'complete' when the rights in the woman are legally transferred from her family to her husband, then this occurs much earlier in the proceedings, at some time between the *tuor* and *mut* ceremonies, and usually long before the birth of the first child. Nor does the wife necessarily remain with her family until the first child is born though it is usual for her to return to them to give birth to it, a custom which is common to nearly all Nilotic peoples. At this point and after it any co[illegible] would have to pay *rook ziek*, compensation for adultery with a married woman, which is payable to her husband, and *ant rook ayal*, compensation for intercourse with an unmarried girl, which is payable to her family. [684]

It therefore seems to me more correct to say that marriage is legally valid after the *mut*, is not dissoluble after the birth of two or three three children, and that the likelihood of divorce diminishes with the birth of each child, but I should not like to say at what point the Nuer consider it 'complete'. Finally it is incorrect to say that a husband will have to pay bloodwealth, *thang yiko*, should his wife die in giving birth to her first child. *Thang yiko* is an indemnity demanded only when the child is the result of an illicit union and is not applicable to the husband within the institution of marriage. I have already explained that a man is not liable to pay bloodwealth should he accidentally or intentionally kill his wife. Such a liability comes on more as bridewealth cattle have been transferred and the *mut* ceremony performed. This also applies to *thang yiko*, and the only circumstances in which a woman's family might justifiably demand it from 581 682

[1] Evans-Pritchard, *Kinship and Marriage among the Nuer*, p. 99.

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her husband is before the court and before he has met their claims for bridewealth, in which case strictly speaking the man is not her husband at all.

9. THE LEGITIMACY OF CHILDREN

Establishment of Legitimacy by Legal Marriage

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Legal marriage is performed by the transfer of a number of cattle acceptable to the woman's family, and usually also by the performance of ceremonies and ritual observance. Children born of such unions are legally the children of the man who transferred the cattle or on whose behalf the cattle were transferred, and his rights in these children, and the rights which descend to his heirs, are valid and indisputable unless the cattle are returned. No conflict can theoretically arise, for a woman cannot have more than one legal husband at one time. Nor can any one of her children have more than one legal father or *pater*, though sometimes different children of the same mother may have different legal fathers. From the legal aspect, legitimacy brings to male children status and privilege as members of the legal father's lineage and the rights of inheritance from that father. They acquire rights in the cattle of the kinship group—rights which are determined by their position in the kinship structure; rights to cattle inherited and to cattle brought in by the marriages of females of that lineage. Female children provide a means by which cattle will be acquired by the lineage in the future on the normal principles of distribution of bridewealth (*ghok bai ganude*), and they further stand as a legal link between the lineages of the father and the mother, for the mother's relatives may also claim cattle from their bridewealth (*ghok bai nandi*).

Thus the children of a simple legal marriage will belong to the legal husband by whomsoever begotten (for they may be begotten in adultery—which does not affect the legality of the marriage). In 'ghost-marriage' children are attached to the name of the man on whose behalf the marriage was performed, although in other respects their relationship to their physiological father (*genitor*) is normally the same as that found in simple legal marriage. The *genitor* is usually the principal heir to the *pater* by reason of the fact that he procured the cattle on the father's behalf, and also through normal rules of inheritance derived from their relative positions in the kinship structure of their lineage. It is probable that the children will be brought up in their *genitor's* household, and he is therefore also their foster-father. He may die, however, and his position will be assumed by his own heir.

Similarly, in levirate unions or 'widow-concubinage' the status of the children is determined from that of their legal father, although he is dead. Their physiological father will have authority over them and rights in them derived from his relationship to their

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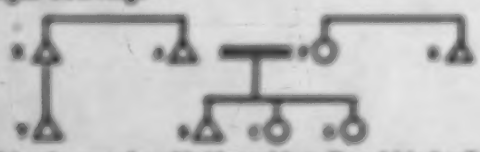
legal father, although, as we have seen, *genitor* and foster-father be may acquire certain personal rights to cattle subsequently paid as bridewealth for daughters. These rights in bridewealth cattle, which are not in any case substantial, may be acquired whatever the circumstances, but it is clear that the greater the degree of coincidence in one man as heir to the *pater*, *genitor*, and as foster-father, the closer the relationship between him and the children and the greater the rights he will hold. If there is a high degree of coincidence there will be no great need for an exact definition of rights.

In these circumstances the legitimacy of children in respect to the acquisition and inheritance of rights is clear. The law is logical and can always be carried to logical conclusions even though there is often a conflict in fact. It is obvious that there is an infinite variety of possible situations depending on the relationships within the kinship structure of the lineage of the persons concerned and the functions performed by persons outside the lineage as *genitor* or foster-father. For the purpose of illustration a number of such situations are recorded.

In Simple Legal Marriage



A married P by the transfer of bridewealth to B and his family.

(i) If all the persons recorded above are living, A, who is the legal father of B, C, and D, will be the link through whom their relationship to other members of A's family and lineage is traced, and A will be the point from which the distribution of the bridewealth of C and D will be determined.

(ii) If A is dead, the point of determination will be the same, but X, A's brother or, if dead, his son Y, will represent A, unless by that time B, A's son, has come of age.

(iii) It will probably be X (though it may be another brother or some more distant agnatic kinsman) who brings up A's children and will stand in the relationship of foster-father to B, C, and D, and so he is also A's heir until B grows up, he will perform most of the tasks of *pater*.

In 'Ghost-Marriage'

X married P on behalf of his brother A.

(i) These children, B, C, and D, are born of this union. In this case A is legal father (*pater*) of the children and X is the *genitor*, but since X is also brother of A he will represent him as *pater*, and the distinction is not stressed.

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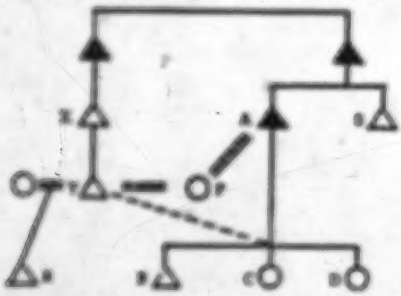
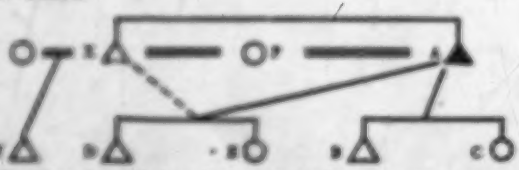
(ii) Hence in all matters concerning kinship obligations and inheritance, particularly in the matter of the bridewealth of C and D, A is the first point of determination in the kinship structure, and X, as his uterine brother and legal heir, comes next. X may expect the *pater's* portion of the bridewealth, a portion which may be inherited by his son Y, though in some cases—depending on their relative ages—B may inherit these as well as claiming the brother's portion.

The position may not be so simple as this. For example:



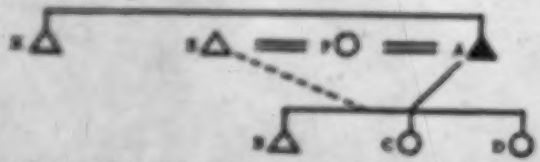
Y, one of A's less closely related kinsmen, marries P on behalf of A with cattle which he has inherited from A. Y is both *genitor* and foster-father of the children B, C, and D, and as heir to A he can claim many of the privileges of *pater*. He would normally claim the *ghok gwonde*, the father's portion, on the marriages of C and D, though this will depend partly on the configuration of the lineage, since S or his heirs may have counter claims, but normally they could only claim the *ghok gwonde*, the paternal uncle's portion.

In Levirate Union



A marries P. She gives birth to B and C of whom A is both *genitor* and *pater*. A dies and P goes to live with A's brother X, who begets D and E. A remains *pater* of all these children, and they will all call themselves by his name. X is naturally foster-father of B and C and he is *genitor* of D and E. He is also *pater* to all four in the sense that he represents their interests and is legal heir to A, though here the future claims of A's sons will have greater emphasis than in 'ghost-marriage'.

In 'Widow-Concubinage'



A marries P but dies before any children are born. P goes to live with Z, a relationship which is recognized by X, who is heir to A. Z is the *law*

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or lover of P and has received the formal recognition of her late husband's kinsmen. Three children are born, B, C, and D. All these remain legally the children of A, and their rights are determined from his position in the kinship structure, but X, as heir to A, performs all the duties of *pater*. Z is merely *genitor* and in this case foster-father. On the marriage of C and D, he cannot claim the father's (*guan*) portion, but he may expect to receive *yang lete*, which in this case may amount to two or three head of cattle since the union is a stable and agreed one. In such cases Z might be the *genitor* only while X brings the children up in his home.

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The variety of circumstances in the examples given above is considerable, but all situations are not covered. The legal and sociological relationships of the members of a Nuer family are often a complicated matter. The family preserves the outward appearance of a simple legal union, and in day-to-day affairs the differences are not stressed. Analysis will, however, often reveal a complicated pattern and a variety of legal relationships which are relevant in the distribution of bridewealth and inheritance.

The system may appear complex and sometimes confusing. It is not so to the Nuer themselves and, in a court session, even if the court members are not already aware of the relationships involved, a few introductory remarks and a few pertinent questions will give them a clear picture of the legal aspect of the case before them.

Disputes sometimes arise over inheritance and the obligations of kinsmen in the collection of bridewealth on behalf of others. Clearly in such cases the legality of an individual's position within the framework of the lineage is relevant. Sometimes the *pater* himself, or more often his heirs, refuse to recognize the claims of a legal son who has been brought up in the home of the *genitor*. Sometimes the *genitor* acquires cattle on behalf of his natural son and holds them in trust. At a later date he or his heirs may refuse to hand them over, which amounts to a breach of trust. Such disputes are not frequent, and in the past were usually settled because public opinion will always press for the fulfilment of kinship obligations based on legitimate relationships. The courts are now often called upon to intervene.

The Position of Children born of Unmarried Concubines

Children born out of legal wedlock are illegitimate,[1] and strictly speaking should be linked to the lineage of their mother's father. Sometimes their *genitor* will choose to legalize their position by marrying their mother with cattle, and usually her family will press him to do so, particularly if she is not *heagh*, in the sense of a woman who is unable to remain long with one husband, or has been married before

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[1] I am aware that the use of the term 'illegitimate' may be challenged. Children born in wedlock are *legitimately* the offspring of their mother's legal husband; children born of an unmarried woman are *legitimately* linked to their mother's lineage.

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and divorced. There is no moral stigma attached to illegitimate children, though the instability of their position may in later life put upon them psychological strains and cause emotional conflicts. A man who is linked to a lineage through his mother will have to compete with the legitimate members of that lineage, and, since his mother may not have brought bridewealth cattle to the family, he may be poorly treated by them. He will sometimes find it difficult to collect sufficient cattle to marry a wife though this is not by any means always so.

The *genitor* may also legitimize his offspring by payment of *rusk gaambe* (or *rusk naar*). This is a legitimization fee, and in no sense a marriage, for it does not carry with it any rights in the mother of the child, but only in the child itself.[1] It is further a more individual transaction between the *genitor* and the woman's immediate kinsmen, her father or brothers. If the woman is subsequently married to another man by transference of bridewealth, even if the number of cattle accepted by her kinsmen is less than normal, a conflict may arise between the legal father of her first child, who has acquired this position by the payment of *rusk gaambe*, and her legal husband, who has married her with bridewealth. Legal marriage usually implies legal paternity of all the children of the wife, whether born immediately[2] before or after the marriage. Hence, the legal husband will often insist on the return of the *rusk* cattle from the woman's family to the *genitor*; otherwise the first child would in one context be the legal son of the man who paid the *rusk*, in another the legal son of its mother's husband. This is a confusion of legal status and is not proper. Nuer would say that the cattle of the *genitor* of a child, especially in cases of adultery, and those of the legal husband cannot meet in one herd. It is a situation which may not only cause legal difficulties in the future, especially in the matter of inheritance of posthumous rights, but also bring upon those concerned the disapproval of the ancestral spirits. This will lead to sickness and misfortune. Yet the woman may continue to move from one man to another, living with each for a short period and bearing children to some or all of them. If each legitimizes his child or children, it is possible for her to be the mother of several children each of which has a different legal father. Thus, though it is possible for the children of one mother to have different physiological fathers, it is not possible for one child to have more than one legal father. I quote one case by way of illustration taken from court records.

[1] A position similar to that of a husband who divorces his wife but allows her family sufficient cattle to legitimize the children (see pp. 134, 139).

[2] I.e. children in arms, but not older children. The point is controversial, and there does not seem to be any set agreement. If the child is weaned before the new marriage takes place it will probably not go to its mother's new husband. If it is born within a month or two before or after the marriage it will almost certainly be accepted as a child of the new husband.

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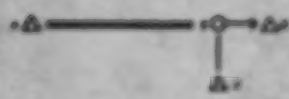
A married B. She gave birth to a son, C, but then deserted her husband and went to live with X. A's marriage to B was then dissolved by order of the court. While living with X, B gave birth to another child, this time a daughter F. B's family strongly objected to X, who had made no attempt to produce bridewealth to legalize the union, and, through the intervention of the court, he was made to leave her. Later he was persuaded again to pay *rook gaanda* to retain legal parenthood of his natural daughter F. B returned home, but was later married by T, who agreed to hand over a much reduced bridewealth, all that her family could expect in the circumstances. Her former husband had forgiven all claims on C, but, on B's remarriage, T claimed that all the children should be his. X was persuaded to accept return of the cattle he had paid as *rook gaanda*. The two children, and those born subsequently, were then regarded as T's. This complicated situation was reached in four stages, the final stage being a permanent one and, unless further difficulties arise, it will remain legally valid in the future.

(i)

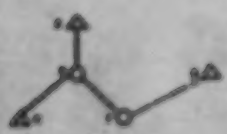
A married B by payment of bridewealth and is therefore legal father of C.

(ii)



X seduces B, who goes to live with him. A dissolves the union and forgives all rights in C.

(iii)



F is born and would normally belong legally to her mother's lineage, i.e. through X, but X pays *rook gaanda* and becomes her legal father. X then leaves B.

(iv)

B returns home and is eventually married to T (who in this case paid only seven *bull* of cattle for her). X's *rook* cattle are returned to him and T claims legal parenthood of F. T also claims that he is legal father of C.

In this particular instance the mother's position is constant, for the legitimacy of the children is not traced through her except in stage (iii) in respect of F but not of C. The position of the *pater* has changed throughout. In future, when C and F have reached maturity, their position will be determined by the final picture shown in stage (iv). C will call himself son of T, though he might—as is often the case—revolt and link himself to his physiological father A. T's lineage will have undisputed claim to the father's portion of F's bridewealth, the *ghak kai gaanda*, while B's family will claim the *ghak kai nandi*, a claim which cannot be altered whatever the circumstances.

The Position of Children born of Adultery

By definition adultery cannot happen unless the woman concerned is legally married, in which case all her children, whoever the *genitor*, belong to her legal husband. He is always *pater* so long as the union remains legally valid. An adulterer cannot under any circumstances

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legitimize his child by the payment of *rwak gumbe* while the marriage stands. A child cannot have two legal fathers at one time. It is for this reason that when an adulterer has been prevailed upon, or compelled by a court, to pay full compensation to the woman's legal husband—*rwak dak* (not cows, but sometimes less, than six head of cattle)—if a child is born and attributed to the act of adultery, all these cattle must be returned except *yang bak*,[1] which is not part of the indemnity but has special ritual significance. Unless this is done there may be confusion over the true legal father of the child: a confusion of *rwak dak*, which is paid as compensation to the husband, and *rwak gumbe*, which should be paid to the woman's family to legitimize the child. In fact, there is not necessarily any confusion, because the compensation (*rwak dak*) goes to the legal husband as damages, while *rwak gumbe* as a legitimization fee *should* go to the woman's family. A confusion may arise in the future, however, especially if there is a divorce, and usually a wronged husband will return the cattle without argument. This rule applies in all tribes west of the Nile, among the *Lowl* tribes, and in Lou, but is not followed in Eastern Jikany.[2] We shall consider this matter again in connexion with divorce and adultery.

The Position of Children on Dissolution of Marriage

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As will be seen later, if a legal union is dissolved the husband may retain legal parentship of any children born prior to dissolution by leaving sufficient cattle as legitimization fees with his wife's family.[3]

Legitimization Fees: Recent Legislation

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Fees payable for this purpose have varied considerably from one Nuer tribe to another. At the Chiefs' meeting of 1945, they were standardized as follows:

for a male child 5 head of cattle
for a female child 6 head of cattle.

Chiefs said that the fee payable for a girl should be higher than that for a boy because in the case of a girl the mother's family could expect to benefit materially on her marriage.

If a man declares his intention of legitimizing the child at once, he will not be expected to pay more than the five or six head of cattle, as the case may be. If, however, he disowns the child or declares that he will have nothing to *do* with it, he will have to pay a higher

[1] See also under Adultery (p. 156).
[2] See recent legislation on this subject, pp. 166–8.
[3] See under Dissolution of Marriage, p. 149.

8;Howell E. G.-5 (1942-1944)1954
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one—up to ten head of cattle—if he wishes to legitimize it later. Chiefs said that he had a right to do so even if the girl's family objected, provided the woman had not been legally married to someone else in the meantime.

If a man pays legitimization fees and the child subsequently dies at an early age, all his cattle must be returned to him except a bull-calf and a cow-calf; in other words, the normal compensation for seduction of the girl, *rual ayal*,[7] when no child is born as a result.[8]

8. CONCLUSION

The complexities of Nuer marriage and other forms of procreative union may appear chaotic. At first sight the relations of the sexes may even seem to be indiscriminate in the extreme. This is not so, and to the Nuer themselves there is rarely any confusion at all. The terminology which describes special relationships, special circumstances in marriage and descent, besides the normal terminology of kinship, is sufficient to place any man in his correct status both within his patrilineal descent group and in Nuer society as a whole. This status is determined from the status of the *pater*, and the basis of all marital relations lies in the relatively stable position of the *pater*. It is true that the *pater* is sometimes changed, but not without the passage of cattle from one group to another, an event which stamps the change indelibly in the minds of the people concerned. This legal principle runs through the whole structure of Nuer society because it is the basis of the lineage organization upon which other and larger units of society are built. A Nuer finds his position in the lineage through his legal father or *pater* and from no one else, and, as a member of his father's lineage, can ultimately be placed in correct relationship to the members of other lineages within his tribal segment and through them to the tribe. He is a member of a patrilineal descent group (*thok dwiel*), and that group has a recognized position in the community, which is composed of similar lineages. He has through his *pater* a position in the lineage which provides the means for social, economic and political security.

There is adequate literature on this subject, and it is not the purpose of this book to enter into the details of the structure of Nuer society. It must be emphasized again, however, that a full understanding of Nuer law, both the customary law operated by sanctions prevailing in the past and the law now operated by the courts when those sanctions tend to fail, is impossible without a full understanding of the political and social organization of the Nuer. Law is after all only a feature of that organization as well as a means through which the

[7] See under Violation of Rights in Women, Chapter IV, Section 2.
[8] Extracts from minutes of Nuer Chiefs' Council, 1948.

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600 organization can be maintained, and in so far as Nuer courts operate today they are in fact a means by which it is maintained.

23 The multiple factors and circumstances which have bearing on a
58 dispute over cattle cannot be summarized, but if the principles are
583 understood it is easy enough to see the issues. Cattle provide the key to status within the kinship group and between two kinship groups when marital relationship is established. The payment of bridewealth cattle determines the legality of the union, and if this is not done, the legitimacy of the children can be made valid by the payment of fees in cattle. Disputes often arise over such matters, but it is rarely the legal aspect which is denied; it is rather that certain persons refuse to honour their legal obligations, and the court then enforces the law. As we shall see in the next part of this chapter, other cases arise over the return of bridewealth cattle in divorce and the dissolution of marriage, over the non-fulfilment of the obligations of kinship in the distribution of cattle, and from claims on the bridewealth of daughters, both by the mother's and the father's kinsmen. Disputes also arise over wrongs committed, violations of rights established in legal marriage, and the legitimisation of children. Whether, in the settlement of the dispute before the court, the legal principles can be accurately and rigidly applied, depends on the circumstances. The law is not sufficiently exact to cover all situations.

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PART II

DIVORCE LAWS AND THE DISSOLUTION OF MARRIAGE

We have seen that marriage is achieved by the performance of social and ritual ceremonies and the transfer of cattle to the kinsmen of the bride. It is now necessary to examine the reverse process by which a union is dissolved. This involves no public ceremonies or ritual, but only the return of bridewealth cattle, with various deductions in respect of rights received and, in the case of children, rights retained by the husband. A distinction must be made between active divorce in which both parties are living at the time of the proceedings, and dissolution of marriage which sometimes follows the death of the wife, though not the death of the husband. There is no distinction in terminology; both situations are *dak bum*, 'the breaking of marriage', and the same general principles apply, but the details vary. 586

1. DISSOLUTION OF MARRIAGE ON DEATH OF THE WIFE

The death of his wife is usually considered to give the husband some right to claim the return of his cattle, although he will not always exercise that right. It will depend on a variety of circumstances. If the union has lasted a long time and the husband is on good terms with his wife's family, he may not wish to sever his connexion with them, though he will usually demand return of the bridewealth cattle if she has borne him no children at all. Her family will not necessarily dispute the case, and often wish to assist him. There is after all a human element in Nuer marriages which a coldly analytical approach tends to ignore. The birth of one or two children will alter the situation substantially. The father will in any case usually leave sufficient cattle to retain legal parenthood over them. The number of cattle varied in the past from tribe to tribe and, in some tribes, according to the sex of the children, but for two children a man will have to leave at least ten head of cattle (legitimisation fees have now been standardized at five head for a boy and six for a girl),[1] and, after deduction of these, in some marriages there will not be many cattle left to return. Nowadays many Nuer get married with as little as twelve or fifteen head of cattle, and if some of them have died in the possession of the wife's family they will not be returnable. In other marriages a larger number of cattle may have been transferred, and 586 768 848

[1] See under Legitimacy of Children, pp. 128–35.

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their property may be considerable. There is no hard and fast rule, nor any convention which governs the attitude taken by the husband. At the same time his rights in such circumstances are usually clear, and nowadays a Nuer court will tend to uphold those rights even though they will nearly always attempt to find a compromise.

In fact disputes over the return of cattle when the wife has died are rare because relations between a husband and his wife's kinsmen are not strained, as they must necessarily be in a case of divorce where both husband and wife are living. No generalization is safe on this subject beyond saying that when the wife dies without issue the husband is likely to demand and receive without undue argument all his cattle; that if one child is born the wife's family will retain sufficient cattle to legitimize that child; and if two children are born the husband may be content to leave all his bridewealth cattle with the wife's family or may demand the remainder after deduction of legitimization fees. A Nuer court will sometimes allow the latter, sometimes not. If more than two children have been born the return of bridewealth is regarded as impossible. It is then considered that the wife has performed her obligations in this respect in full. It must be remembered that the birth of children is also an indication of the time factor and, generally speaking, the longer a union has lasted the less likely is it to be broken. I quote here four actual cases, taken from a large number of similar cases, which indicate both the principles and the tendency to follow them:

(c) *Majok Dappyang v. Cak Mawut (Dok Nuer Case)*

Lich Mawut (brother of Cak) married Majok's daughter. The woman died leaving one male child. Lich then began to claim return of his cattle but died before negotiations were completed. Cak continued this claim as Lich's heir and further demanded return of all cattle and stated that he did not wish to legitimize the child. Chiefs' court ruled that all cattle should be returned with the exception of five head for the boy (*ruak nuer*).

(b) *Curuk Jyath v. Wun Tuang (Dok Nuer Case)*

Curuk married Wun's daughter, who died after bearing two children. Court ruled that Curuk should receive all cattle paid by him after deductions had been made for the children.

(c) *Kwic Thowath v. Ngutkek Deng (Bul Nuer Case)*

Kwic married Ngutkek's brother's daughter. After bearing him three children she died, and Kwic demanded return of his cattle after legitimization fees had been deducted. Court ruled that the woman had fulfilled her obligations and that Kwic had no right to any cattle. Court, however, stated that Ngutkek should assist by payment of *ghok ruaks*.[1] This judgement was confirmed on appeal.

(d) *Cuol Duk v. Liep Balou (Dok Nuer Case)*

Liep married Cuol's daughter who died after bearing him four children. Liep subsequently claimed return of his cattle after deductions for the children

[1] *Ghok* (young) *ruaks*. The significance of this payment is explained later.

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had been unusual. Court ruled that no dissolution of marriage was possible, but ordered Cuol to give Lang a cow (*yang tuabe*) 'for his sister's cow'. This judgement was confirmed on appeal.

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These cases are not unusual, and similar disputes and judgements may be found in any court case book. They provide illustrations of the principle that on the death of a wife who has borne one, and in some instances, two, children, the husband may expect the return of all his cattle with the exception of sufficient for him to remain legal parentbond of these children. If, however, the wife has borne three or more children she is considered to have fulfilled her obligations, and there is no claim on her family at all, though they may be expected to assist her husband by payment of what the Nuer refer to as *yang tuabe*. This privilege sometimes extends to the husband's heirs, if he too is dead, should a cow or cows be required for milk for the children. The distinction is clear. In the first instance the union is dissolved and no longer exists, even though the children continue legitimate and therefore legally members of their father's lineage with all the privileges which that entails. In the second instance there is no dissolution at all, but the wife's kinsmen are expected to assist her widower, either to get married again or at least to bring up the children.

Ghok tuabe

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Yang or ghok tuabe means literally 'the cow or cows of the cooking pot', and in this sense refers to the loss of the domestic assistance a husband should receive from his wife. It is also sometimes referred to as *ghok pitho gaat*,[1] or 'the cattle of bringing up the children'. There is therefore contained in the idea the necessity both of compensating a widower for this loss of domestic assets, and of providing him with cattle for the subsistence of the children of the union. The number of cattle which may be claimed varies considerably from tribe to tribe. Among the Lak only one cow at most is paid, while some tribes give as an ideal at least six head of cattle. The Leik, who are comparatively rich in cattle, give eight as the accepted number, and state a definite form of distribution among the dead woman's relatives upon whom the obligation falls. The brother and half-brother of the wife (*dewan kui mandu* and *dewan kui gwandu*) should each pay a cow; her father's uterine brother (*gwandu mandu*) and father's half-brother (*gwandu gwandu*) should each pay a cow; likewise her father's sister (*war*) and mother's sister (*mandu*), her mother's brother and half-brother (*war mandu* and *war gwandu*) should each pay a cow.[2]

The payment of *ghok tuabe* is not always honoured, but it is a

[1] Here used in a different context from those claimed outside marriage (see pp. [illegible]).

[2] In other words, an equitable distribution among the kinsmen of the wife, both paternal and maternal, who have already received a portion of the bridewealth according to the pattern of distribution.

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definite right, and a Nuer court will often enforce it. In this it is expressing public opinion, which feels that a reasonable man will in certain circumstances assist his brother-in-law and his sister's sons. There is, however, an obvious difference of opinion which may be seen in the four different views on the subject expressed by the chiefs at the meeting of 1947 as follows:

That if a woman dies after fulfilling her procreative obligations—

(i) The legal husband has a right to at least one cow, and the *ji ranyol cur* (the more remote relatives who have received a portion of the bridewealth) may be expected to give him an additional cow or two to help him to marry another wife; but this should be a matter of agreement and should not be enforced in the courts.

(ii) *As above*, but that the *ji ranyol cur* should be compelled to assist him if necessary.

(iii) No more than one cow should be given to the husband.

(iv) *Yang tuabe* plus one cow from the wife's maternal uncle's portion (*nyit*) and one from the paternal uncle's portion (*gwandende*) must be given to the husband.

In fact the payment of *gluak tuabe* is largely a matter of agreement; a compromise in the case of a man whose wife has died without issue, or with too few children to prevent him from claiming the return of all the bridewealth cattle; an obligation if his wife has fulfilled her obligations in this respect, and he cannot hope for any return. In the first instance, being a compromise and a convenient way of avoiding dissolution of the union, more cattle will be paid than in the second instance, where the payment is usually restricted to one, or at most two, cows.

Yang ruaan

When a wife dies without having fulfilled her procreative obligations at all and no children have been born of the union, the husband is sometimes expected to leave with her family one cow known as *yang ruaan*, 'the cow of the earth or burial', representing a token payment for the woman's death, if he claims the return of bridewealth. This is largely of ritual significance, but is sometimes given in place of the much *ruiemi* and *yang yuatini*, deductions left by the husband in divorce when both parties are living, which will be described later.

e. DISSOLUTION OF MARRIAGE WHEN BOTH PARTIES ARE LIVING

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The simplest method of recording the law and circumstances relevant to divorce is to describe some of the commonest situations which arise as exemplified in actual cases brought before the courts. Before doing so, it is necessary to consider what the Nuer believe to be grounds for divorce.

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Grounds for Divorce

Marriage implies a stable relationship between the husband and his kinsmen on the one hand, and the wife and her kinsmen on the other. The relationship is maintained by a complex system of reciprocal obligations, duties, and conventional patterns of behaviour. In connexion with the actual relationship of the couple as individuals there are certain, breaches of good behaviour or of recognized rights which the Nuer will quote as the usual causes of divorce. A man may claim a divorce from his wife for the following reasons:

(i) *Barrenness.* If his wife fails to produce children at all, a divorce will usually be demanded by the husband, and all the cattle will be returned to him. If she bears only one child or two at most (again the exact number of children is controversial) and then fails to produce over a number of years, a divorce may follow and the cattle are returned with the exception of those left to legitimize such children as exist. Barrenness amounts to failure of the woman to fulfil those procreative obligations to which her husband has a legal right. Continued mortality among the wife's children is also a common reason for divorce.

(ii) *Nagging and Grumbling.* A Nuer may institute a divorce against his wife if she is an unpleasant character and wearies him with her continual grumbling, especially if, in a polygynous household, she fails to get on with her co-wives or with her husband's female relatives.

(iii) *Laziness.* A Nuer has domestic and economic rights in his wife, and he may call for a divorce if she is lazy in preparing his food, slack in household duties and in milking the cattle or cultivating the gardens. In this case she fails to fulfil her economic and domestic obligations towards her husband.

(iv) *Adultery.* A man may institute a divorce if he discovers that his wife has committed adultery, but he will rarely do so unless she persists in adultery either with one man or with a number of men.

(v) *Desertion.* If a wife runs away to live with another man, her husband is more likely to seek a divorce and the return of his cattle, although he may ignore the loss of her physical assets if she has borne sufficient children to his name.

These are the reasons given by Nuer if asked to quote the usual causes of divorce when instituted by the husband. In this the attitude of mind is not confined to the individual but extends to the kinship group. Therefore there must usually be a reason which is accepted as a conventional one and will receive the backing of the husband's relatives and be recognized by the community in which he lives. The actual cause of divorce is usually a combination of such reasons; the wife is lazy and also an adulteress; or she is lazy besides

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586 bearing no children; or she is all of these things. By far the most important consideration, however, is her function in producing male children to further the name of the husband's lineage, or female children to bring to them cattle in the form of bridewealth—in itself a means of marrying women into the group and therefore producing more children to the name of the lineage. It is her function in furthering the continuity of the kinship group in posterity which concerns her husband's kinsmen most acutely.

The reasons given by the husband as grounds for divorce, or the reasons which make him wish for a divorce, are less cogent than those which must be produced by a wife to convince her family that life with her husband is no longer bearable. Her family have in a sense much more to lose, for they must return the bridewealth cattle, and it often happens that they will not receive so many on her remarriage, especially if she has a reputation for barrenness or for being a shrew. In these circumstances they will resist the demands of the wife for dissolution of marriage as much as they can. The grounds for divorce which will receive the support of a wife's family are as follows:

(i) *Impotence or Sterility of the Husband.* A woman may divorce her husband if she bears no children and it is known that her husband, a man of virile years, is impotent. In such a situation her family will usually acknowledge her plea for a divorce and allow her to marry elsewhere, even though her husband has paid a very satisfactory bridewealth for her. If, however, the husband is an old man of failing physical powers they have probably arranged the marriage out of greed for his cattle or the desire for a useful political alliance, which is an important consideration, and may use force to compel her to stay with her husband. But in most cases of this sort the husband will allow his wife to take a lover and will be glad if she begets children by this means, for the children are legally his own.

[584] (ii) *Stinginess.* Stinginess is sometimes cited as grounds for divorce. The husband may resent his wife's hospitality to her friends and neighbours, and meanness of this sort is considered particularly reprehensible by the Nuer. What is really meant by this, however, is that the husband is stingy in the giving of those small items—food, tobacco, presents of spears and so on—which his wife's people expect. These are not legal rights but obligations inherent in the marital relationship, and they symbolise the respect he should have for all his wife's relatives.

(iii) *Failure to support the Wife.* If the husband fails to fulfil his economic duties towards his wife and children; if he is too lazy to cultivate, too lazy or weak to hunt or fish, or too poor in cattle to provide sufficient milk, her family may seek a divorce. A husband, however, who is poor in cattle may make up for the deficiency by industrious cultivation, hunting, and fishing.

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(iv) *Ill-treatment.* A woman may demand a divorce and receive the support of her family if her husband persistently ill-treats her (*ciang jiegh*) or beats her without reason. Her brother will often seek to prevent her from serious maltreatment, and her family are interested in her welfare.

Whether the family of the wife will support her depends on a variety of circumstances and a combination of all matters which are customarily regarded as grounds for divorce. They may agree with her if her husband not only persistently ill-treats her but also is lax in his duties towards them or does not approach them with the respect (*thok*) which is due to relatives-in-law. If he has paid substantial bridewealth for her, it is, of course, in their interests that the marriage should continue, but this may be outweighed by other considerations. It is their desire too that a daughter of the house should have children, though their feeling in this respect is not so intense as that of the husband's family. Her children, although legally placed in the patrilineal lineage of their father, will be so near to the maternal line. We have seen that in the marriage a substantial part of the bridewealth goes to the maternal kin, and the matter of the husband's potency is therefore of practical concern to them. Moreover the final consideration which will often compel them to seek a divorce, whatever the difficulties and inconvenience to themselves, is the fear that she will run away to some other part of the country, in which case they may lose not only the cattle of this marriage but the possibility of getting others from her remarriage. In extreme cases she may even commit suicide.[1] [762]

It is the interaction of all these considerations and circumstances which determines the stability of marriage or the reverse. They are in fact features of the relations subsisting between the two groups concerned: first between the husband and his wife, then through them between their families and by extension between the two kinship groups as a whole. As children are born of the union, so stability increases and the likelihood of dissolution by the return of bridewealth gradually disappears until, in the event of three or more children having been born and still living, the possibility of a return of the bridewealth no longer exists, and it is no longer legally possible to claim it. This is recognized in Nuer law now administered in the courts, for, as we have seen, it is reckoned that a man cannot have a right to the return of any portion of his bridewealth if his wife has borne him two or, in the case of some tribes, three children who are still living. In fact, he would rarely seek dissolution, even if his wife had left him or was dead, for the disadvantages of her absence from his home are

[1] This is not common, but I have known several cases, and in one instance a woman attempted to hang herself from a tree under which I was sitting in an official capacity. The intention, however, may not have been serious, but merely to draw my attention to her grievances.

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effect by the existence of the children as well as the advantages he receives from close and amicable relations with his wife's family.

General Observations

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Nuer sometimes say that divorce was rare in the old days, and that when the marriage ceremonies had reached the stage of the meat, and even more so if a child had been born, neither side was at all likely to seek one. It is also said that if a woman died before or during the birth of her first child, her husband had no right to claim back his cattle: the responsibility rested with him. It is not now possible to assess the truth of a general statement of this sort, particularly as the informant can rarely quote actual examples, but it is clear that the number of cases of divorce which are brought before the courts is considerable and is increasing.

This is, perhaps, a reflection of the wider process of social disintegration which is taking place in Nuerland. The modification in those sanctions which make for social solidarity is likely to react on the institution of marriage as well as on the integration of the kinship group. Moreover, I suggest that the stability of marriage is deeply affected by the attitude of the parties concerned. If there was less chance of recovering bridewealth cattle or less chance of escape by the wife, they would be more likely to make the effort necessary for a successful marriage. Nuer imply that in the past it was not easy for a husband, having entered into marital relations with the bride's group and confirmed the marriage by the performance of the meat, to recover his cattle should he no longer want his wife. It was therefore in his interests to make a greater effort to retain his wife's affections and to fulfil the conventional obligations towards her and her relatives. She might run back to her home and, unless he had the support of a numerically superior community, he might find it difficult to obtain redress. Clearly the situation was affected by many different circumstances, and not least of these was the relative position in the social structure of the kinship groups involved and the distance in space between them. Divorce was not so easy, the husband had to make greater efforts to retain his wife, and probably entered marriage with greater care and consideration than he does today, although the slow process of courtship of girls and the eventual choice of a mate is presumably the same as it has always been, and is in itself a factor making for stability when marriage comes.

The comparative facility with which divorce can be obtained through the agency of the courts today means that the husband need not make so great an effort as in the past, because his cattle are nearly always recoverable. It might, of course, be argued that the wife's family must be more conciliatory towards the husband because divorce is

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recognized and is enforceable in the courts, and they have a greater chance of losing their cattle. I do not think that these are really major considerations because the Nuer do not think of marriage entirely in terms of cattle, but rather in terms of the union of which the cattle are merely a material symbol. Moreover, and this must be stated at once, the courts do not regard divorce with favour at all, and every effort is made by the court members to prevent it. There is intense feeling on this subject, and divorce is a symptom of social disintegration of which the Nuer are themselves aware. It is not so much the possibility of legal enforcement as the general recognition that divorce is possible at all, particularly when the most and other children have been born of the union, which is the cause of the increase in the number of divorces. Added to this is the fact that union of peoples required for political security is less necessary than in the past, and therefore intermarriage does not serve the same purpose as it did then.

These features are apparent not only in the increased number of divorces but in the growing body of law concerning marriage and divorce which is administered in Nuer courts today. A complex system of law is only necessary when social relations cannot be controlled or maintained by any other means. Now that the sanctions which governed these relations are modified by external influences there is a greater need for law, and an evolutionary process can be seen, particularly because the courts are backed by legal sanctions entirely unknown in the past.

The following are a few representative cases which illustrate the processes of divorce and the circumstances accepted by the courts as sufficient grounds.

Dang Kong v. Nyag Rik (Ash Nuer Appeal)

Dang married Nyag's sister. There were no children, and Dang demanded a divorce on grounds of his wife's barrenness. This was refused by the court in the first instance but was allowed two years later by the appeal court.

Nuer courts will usually allow divorce on grounds of barrenness, but demand adequate proof. The passage of time (in this case about five years—including two years between the initial dispute and the appeal) is therefore relevant. Judgement against divorce by the court in the first instance and then reversal on appeal is therefore a common occurrence. By instituting proceedings the husband is bringing to the notice of the court and of the public his allegation that his wife is barren. The passage of time between this and the hearing of the appeal is then taken into consideration.

In some cases the birth of one child followed by non-productivity is grounds for divorce.

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Kor Kunyuk v. Wior Lam (Leik Nuer Case)

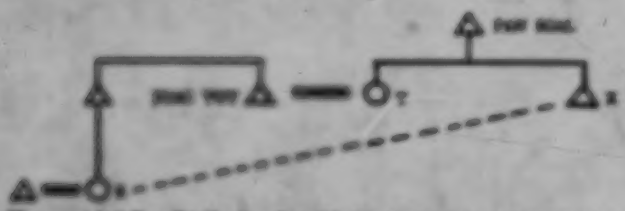
Kor married Wior's sister. During the five years of their marriage she bore only one child, and Kor demanded a divorce. This was refused by the Leik court, but allowed two years later by the appeal court. In this case all cattle were returned to Kor with the exception of sufficient to retain legitimate possession of the child.

Kidual Tutrel v. Kong Kopkuop (Bul Nuer Case)

Kidual married Kong's daughter. There were no children of the union, and Kong demanded a divorce for his daughter on the grounds that Kidual was impotent. Kidual appealed to the court against this demand, but judgement was given against him.

This case is simple enough, but illustrates clearly that impotence or sterility on the part of the husband is equally a ground for divorce. It also shows that Nuer are interested in the children of their daughters, although they will belong legally to another lineage.

Juac Tut v. Pan Riel (Leik Nuer Case)



Juac Tut married Pan Riel's daughter Y. X, Y's brother, committed adultery with Z, Juac's brother's daughter. Juac then demanded a divorce from Y on the grounds that she not was virginally immaculate. On the first hearing the court refused the divorce, but on appeal all bridewealth cattle were returned to Juac.

Breaches of this sort of conventional behaviour and normal obligations between relatives-in-law are often compounded by payment of gifts and, in the case of incest, by ritual expiation.

Impediments to Marriage Discovered Subsequently

Two other exceptional circumstances which sometimes result in divorce must be mentioned.

Incest

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At any stage of the marriage it may be discovered that the union is incestuous (*ruai*), in which case, unless the consanguinity is extremely remote, the marriage must be instantly dissolved. Such an occurrence must be rare[1] among the Nuer, (for we have already seen how

[1] Within my own personal experience in Nuerland, I have only known of one case in which a marriage had to be dissolved owing to kinship between husband and wife. At the same time such cases are unlikely to appear before the courts or be the subject

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elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clansmen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

Blood-Feuds

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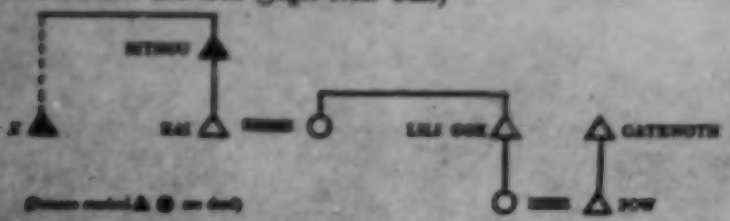
There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *tak rieu kowdun*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unavenged feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

Kai Bithou v. Lili Gok (Jagei Nuer Case)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak nuer*).

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kinsmen of Kol's (a). Kol then claimed dissolution of marriage on the grounds that there was 'blood between them'. On appeal the court was divided. The minority were of the opinion that dissolution was essential; the majority ruled that, since compensation had been paid for the act of homicide and the feud settled by the Lengwel-Bilin Chief, no bar to marriage existed. It will be noted that Lili's family are not involved in the feud, and Kol's connection is that Lili, by marrying his daughter into a family who are concerned, has brought himself within the range of the impediment. At the same time Gatkuoth was the actual killer of a, not merely an agnatic kinsman of the killer, which reconciles the feeling of indignation.

In this particular case, it is doubtful whether Kol wanted a divorce merely because of these circumstances, or whether the 'blood between them' provided a reasonable excuse for a divorce which he desired for other reasons.

For this reason it is safe to conclude that, although the existence of a feud is considered a serious bar to marriage, the action taken in such circumstances depends largely on the actual relationship in the kinship structure (in this case extended to marital relationships) of husband and wife to the killer and the killed. It also depends on the actual terms on which the two families are living, for if neither party wishes for dissolution some excuse will be found of avoiding it.

Circumstances in which Divorce is Considered Impossible

586 Nuer consider that the dissolution of marriage, instituted by either party, is impossible if the wife has fulfilled her procreative obligations. Generally speaking, though this point is sometimes controversial, two living children constitute fulfilment in this respect. Three are always sufficient. This, as we have seen, applies also when the wife dies, and examples have been given to illustrate the point. Two further examples are recorded here, there being no difference except that both parties were living at the time of the dispute.

Riak Teng v. Kuk Diet (Dok Nuer Appeal)

Riak's sister was married to Kuk Diet, twenty-three head of cattle being paid as bridewealth. Kuk subsequently claimed a divorce on grounds of his wife's desertion. Original judgment was reversed by the appeal court on the grounds that two children had been born of the union. Riak was ordered to arrange the return of his sister to her husband.

Puot Teng v. Bilin Bayypiny (Lak Nuer Case)

Puot married Bilin's sister. She bore him three children, and then deserted him for a man called Jany Maior. Puot raised the case before the Lak (Kwachot) court but the court ruled that no divorce was possible.

These are simple cases. A Nuer court will always attempt to bring about a reconciliation, but if this fails, which is often the case, the woman continues to live with her lover, her children and any born subsequently remaining those of her legal husband. There are, however, borderline cases which sometimes cause perplexity. In particular, the

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question whether children who have died in infancy should count is a controversial one. Among most Nuer tribes it is generally accepted that those which die in early infancy should not be so counted. From the legal point of view a small child is not considered a being at all, and if it dies before cutting its second teeth no mortuary ceremonies will be performed. Nor will a 'ghost-wife' be married to its name, though there are many exceptions to this rule, especially when there are few adult males to represent the lineage. The test ultimately lies in whether mortuary ceremonies have been performed or not, and the situation is not uncommon owing to the high rate of infant mortality among the Nuer. Opinion, however, is often divided, as is illustrated in the example of Ghuth Bangoany *v.* Riak Buth recorded below.

3. RULES CONCERNING THE RETURN OF BRIDEWEALTH CATTLE ON DISSOLUTION OF MARRIAGE

Deductions: ruath miemni and *yang yaatni*

I have explained that when a marriage is dissolved on the death of a wife who has not fulfilled her procreative obligations, all cattle must be returned to the husband with the exception of sufficient for him to retain legal parenthood of any children (*ruok gaanke* or *ruok muor*), and sometimes a cow referred to as the *yang muon*, 'the cow of the earth' or 'mourning'. When both parties are living, similar deductions are made for children, though naturally there is no claim for *yang muon*. There are, however, other deductions which are deemed necessary. These are known as the *ruath miemni* and the *yang yaatni*. *Ruath miemni* means literally the 'bull-calf of the hairs', and refers to the shaving of the wife's hair at the *muot* ceremony, while *yang yaatni*, 'the cow of the skirts', refers to her ritual dressing in the married woman's skirt (*yat*), and hence her change of status from girl to married woman. These deductions are therefore considered just recompense for the wife's loss of maidenhood. They will not usually be demanded by her family if the husband is willing to leave cattle with them to legitimise any children born of the union. I do not think that *ruath miemni* and *yang yaatni* are often paid when the wife dies. They are essentially payments demanded in divorce when both parties are living, and some Nuer say that they should not be made if it is the wife who is at fault. There are, however, obvious exceptions which the following example shows, and the law on these points is not everywhere consistent.

Ghuth Bangoany v. *Riak Buth* (*Lou Nuer Case*)

Ghuth married Nyabieli for 15 head of cattle paid to the kinsmen and heirs of her father Lathuor. She had two sons who died in infancy. Nyabieli

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then died, and Ghuth claimed dissolution of marriage and return of the bridewealth. Court ruled that no dissolution was possible because Nyabieli had fulfilled her procreative obligations by bearing two sons for whom mortuary ceremonies had been performed. Ghuth, however, was granted *yang tuoke*. On appeal Ghuth was granted return of all his cattle save two (*yang mande* and *yang gwande*), these being counted as *ruath miemni* and *yang yaatni*. Both judgements, though entirely different, are logical. The original court ruled that the children though dead should count as living, and that no dissolution was possible. Ghuth could therefore only claim *yang tuoke*. The appeal court ruled that the children could not be so counted, and that therefore Ghuth was entitled to return of his bridewealth cattle. This was tantamount to saying that Nyabieli had borne no children at all. Hence, though Ghuth was entitled to his bridewealth, Nyabieli's kinsmen were entitled to *yang yaatni* and *ruath miemni*.

Original Cattle or Substitutes

Theoretically the original bridewealth cattle must be returned, and with them their offspring, even if born after they have been passed on by the wife's family as bridewealth in their own marriages or further still. This rule is presumably a survival of the days when divorce was comparatively rare, at any rate in instances where all ceremonies had been performed and children born of the union. In the early stages of marriage the cattle will not have moved far afield because there will have been little time for them to do so and their progeny will not be numerous. The complications of collecting thirty or forty head of cattle plus all their offspring born over a number of years will be realized. It is now generally accepted that unless the original cattle are actually in the possession of the wife's family, no return is possible, and that substitutes may be provided. This in itself often leads to dispute because endless arguments arise as to the relative merits of the cattle produced as substitutes as compared to the original cattle. This is, of course, a feature of most disputes which appear before a Nuer court.

Cattle which are not Returnable

Bridewealth cattle are not returnable to the husband on divorce or dissolution of marriage if—

(*a*) *While in the possession of the wife's family*, they have died of disease or have been killed by wild animals or lost by reason of some other misadventure. The wife's family is not held responsible for providing substitutes, although the husband is not expected to replace such casualties while the marriage continues. Animals passed on in other marriage transactions, or sold or slaughtered for meat, must be replaced by substitutes.

(*b*) *While in the possession of the wife's family*, they have been paid as compensation for homicide or in payment of fines imposed by the courts. This does not apply to compensation for other offences

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nor to the normal settlement of debts. This is an interesting point of law because it shows that the enforced payment of compensation (*thung*) and the imposition of punishment in the form of fines are regarded as acts of God rather than the individual responsibility of the offender. It is of course assumed that the bridewealth cattle were used for one of those purposes unwittingly and without previous knowledge that owing to divorce their return would be demanded. The first rule (*a*) appears to be traditional, the second (*b*) is probably a recent development though there are no records of legislation or of intervention by the Administration. 586

Further Rules in Divorce

A Woman may not be remarried until Previous Marriage has been Dissolved 586 587

It is a fundamental rule that a remarriage cannot take place until the previous marriage has been dissolved and all the necessary cattle returned to the husband. Nor may bridewealth cattle from a remarriage be used to pay back cattle owed on a previous one where the same woman is concerned. This sometimes occurs, but is rare because there is a religious sanction as well as a social one involved. Nuer say that the cattle should not mix and that if they did disasters would follow.

Wiea Nyah v. *Nyadoiny Yol* (*Bul Nuer Appeal*)

Wiea married Nyadoiny's daughter X, who bore him one son. Wiea then demanded a divorce on grounds of desertion. Nyadoiny is a widow, and her late husband had no close kinsmen. She had already used some of the bridewealth cattle in payment of previous debts incurred by her late husband, and was unable to return all the bridewealth. Seven cattle remained outstanding. Dayim Turuk then began negotiations for marriage with X and paid several head of cattle. Wiea immediately claimed these through the courts. Appeal court ordered return of all cattle to Dayim and return of X and child to Wiea. The union between Wiea and X was still considered legal, while Dayim's cattle had been received illegally.

Return of Extra-marital Payments

Payments made as gifts or as compensation for minor offences against prescribed marital relationships are not normally claimable by either party on divorce. Such payments are considered outside the general bridewealth transactions.[1]

This and other points are illustrated in the following cases:

Gac Cuol v. *Mathot Cung* (*Nuong Nuer Case*)

Gac Cuol married Mathot's sister. He then divorced her on grounds of her infertility. All cattle were returned to Gac with the exception of one cow-calf,

[1] As will be seen later, offences by an outsider against the husband's physical rights in his wife are treated differently (see p. 166).

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which Mathot alleged had been killed by a lion while in his possession. Gac disputed this, and further claimed a cow from Mathot on the grounds that he had previously given Mathot two mosquito nets (value: 150 piastres). Court ruled that:

(i) Cow-calf had been killed by a wild animal while in Mathot's possession. He was therefore not responsible.

(ii) The mosquito nets were a gift outside the transaction of marriage, and were not reclaimable in any form.

Riak Deng v. *Gatbuok Nyak* (*Nuong Nuer Case*)

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Gatbuok married Riak's sister. In the first year of marriage Gatbuok was profoundly shocked because his wife urinated in his cattle-byre.[1] This nearly led to divorce, but the affair was patched up by Riak paying Gatbuok 40 piastres as compensation to 'ease his heart' (*pale loic*). With this money and some of his own, Gatbuok bought a cow which subsequently produced five calves. After five years the marriage was dissolved at Gatbuok's request. Riak then claimed the cow and five calves, which in his opinion were his legal right. Court ruled that Gatbuok had the right to retain only the original cow, while Riak should have the offspring. This ruling was given after considerable argument, and was an obvious compromise. The judgement was reversed on appeal on the grounds that the 40 piastres was paid as compensation for a definite offence committed by the woman, was not part of bridewealth, and was therefore not returnable in any form.

Gatkeg Luop v. *Tutdel Turuk* (*Jikany Nuer Appeal*)

Tutdel was court policeman under Chief Gatkeg Luop. Tutdel subsequently married Gatkeg's daughter, but divorced her. All cattle were returned to Tutdel, but Gatkeg claimed one cow previously given to Tutdel. Court ruled that the cow had been given to Tutdel as a gift in return for his official and personal services and was not affected by the marital relationship of the two. Gatkeg had no claim on the cow. This was confirmed on appeal.

Divorce of Widows living in Leviratic Union or 'Widow-Concubinage' (see pp. 78, 81)

Generally speaking, the death of the husband precludes the possibility of dissolution of marriage. A Nuer court will not allow proceedings for a divorce to go through unless the husband is present to state his claims. This applies even when no children have been born of the union previous to the husband's decease or subsequently in leviratic union or 'widow-concubinage'.

Can Lony v. *Kolang Cal* (*Leik Nuer Appeal*)

Can's paternal uncle married Kolang's sister. The uncle then died, and Can took the woman to live with him. Can then claimed a divorce on grounds of the woman's barrenness. Appeal court upheld previous judgement that no dissolution was possible even though the woman had borne no children at all.

Riek Kwar v. *Latjor Kwon* (*Dok Nuer Appeal*)

Gatmac Kwar married Latjor's sister. Gatmac died, and Riek took over the woman in leviratic union. She then deserted him for another man. The

[1] A breach of good manners and a particularly reprehensible offence because it was done in the cattle-byre (*luak*), which is the exclusive stronghold of the male sex.

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woman had one child. Riek then demanded dissolution of the union but this was refused both in the original court and on appeal.

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I think that Nuer feel that a widow should have a wide choice as to whom she takes as her lover after her husband's death and that, provided the rights of the deceased husband, including the legal status of the children, are recognized, there should be no interference. Dissolution on grounds of barrenness is, however, sometimes accepted, especially if the marriage had not lasted long before the husband's death. The age of the widow is therefore relevant, and it must be remembered that a young and attractive woman is likely to be guarded more closely by her late husband's kinsmen than an older woman. In the first instance physical rights over her are in issue, in the second only domestic and economic rights, and the emphasis is on her ability to produce children to her late husband's name.

In 'ghost-marriage' the position is different. The vicarious husband is regarded as the principal, and if the reasons were sound and acceptable, a Nuer court would undoubtedly allow dissolution. 'Ghost-marriages' are in fact treated in exactly the same way as simple legal marriages.

4. SUMMARY

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Based on these principles the law of divorce is rarely disputed, and cases which appear before the courts usually concern specific claims for cattle which have not been honoured. For example, a divorce takes place, and all cattle are returned save two. The wife's people ask for time to find them, and the debt hangs over for a number of years, possibly until the next generation. A dispute may then arise as to whether the cattle were actually paid or not or whether their theoretical increase in the interim should be taken into consideration. Though there are points which are sometimes disputed, Nuer divorce laws, unlike so much of the customary law administered in their courts, can be conveniently summarized:

Dissolution of Marriage owing to Death of Wife

(i) A △ marries B ○. B dies before bearing any children to A. A has a right to demand the return of all his cattle paid as bridewealth. Among some tribes he might be expected to leave one cow as *yang muon* (the 'cow of burial') with her family, but this is a ritual payment rather than a specific deduction.

(ii) A △ marries B ○. B dies leaving one child alive. A is entitled to the return of all his cattle, but will usually leave sufficient to retain legal parenthood of the child (*ruok muor* or *ruok gaanke*).

(iii) A △ marries B ○. B dies leaving two children. In some tribes B will be said to have fulfilled her procreative obligations, and a dissolution of marriage therefore is unwarranted. In other areas A might expect the return of all his cattle less deductions for the two children.

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(iv) A △ marries B ○. B dies leaving three children. In all tribes B is said to have fulfilled her procreative obligations to A and no divorce will be allowed.[1]

(v) In the circumstances described in (iii) and (iv) above, A might expect assistance from his relatives-in-law in the form of *yang* or *ghok tuoke* varying from one cow to eight head of cattle, provided that there has been no dissolution.

Divorce when both Parties are living

(i) A △ marries B ○. A institutes a divorce on grounds of B's misbehaviour, and before any children are born. A can expect the return of all his cattle.

(ii) A △ marries B ○. A demands a divorce for no accepted reason. No children have been born of the union. A can expect the return of all his cattle with the exception of two—*ruath miemni* and *yang yaatni*.[2]

(iii) If children have been born of the union and are living at the time of the proceedings, A will almost invariably leave sufficient cattle to retain legal parenthood. He will not, however, be expected to pay *ruath miemni* and *yang yaatni* in addition to these fees.

(iv) If two children are born of the union, or in some tribes three, a divorce is not considered possible, and will certainly not be allowed in the courts unless the circumstances are exceptional—e.g. if the wife deserts her husband and refuses to return, but even then he will usually waive his domestic and physical rights in her provided she continues to bear children who remain legally his.

These rulings contain the general principles, but it must be emphasized that there are often cases where exceptions are accepted as valid. One does not know how far these rules were followed in the past, or how much they are the product of more recent case law. There are still anomalies and points which are confused, and the law of divorce has not yet developed to its logical conclusion. The general concepts which are behind such claims as *yang muon*, *ghok tuoke*, *ruath miemni*, *yang yaatni* and *ruok gaanke* are known to most Nuer. The precise interpretation in different circumstances varies from region to region, and recent discussions at the Nuer Chiefs' Council have not yet achieved complete standardization.

[1] Commenting on this statement, Captain G. S. Renny says of Eastern Nuer: 'I think that even in the case of three children all cattle would be returned to the husband less legitimization fees. Strictly speaking the divorce should go through and the legitimization of the children be carried out as a separate transaction.'

[2] As we have seen, some Nuer tribes say that these payments should be made by the husband whatever the circumstances. See also Evans-Pritchard, *Kinship and Marriage among the Nuer*, p. 91.

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CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

NUER courts come into operation only when a recognized wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognized rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all. 692 [684]

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer. 611 [837] [833]

8:Howell E, G-5 (1942-1944)1954
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684 837 Despite this general attitude to physical paternity, and despite the fact that birth out of wedlock is in no sense ignominious, a Nuer who is in full possession of his physical powers will bitterly resent an intrusion, and adultery is reckoned a serious infringement of a husband's rights. A husband will take violent steps to prevent it, and it is commonly recognized that a man caught in adultery runs a risk of serious injury or even death at the hands of the woman's husband. There are not, however, nowadays many instances of physical violence or injury arising from adultery (as among some Sudan tribes), and the injured husband will usually resort to the courts.

Adultery is a wrong which demands indemnification in the form of cattle, and this is nearly always enforced by the courts unless circumstances are considered to mitigate the offence. The compensation for adultery[1] (*ruok ciek*) is six head of cattle, and this is common to all Nuer tribes. Of these, five are considered to be direct compensation for the injury caused to the husband, and the sixth, *yang kule*, 'the cow of the sleeping-skin', has a ritual significance. It is considered dangerous for a man to sleep with his wife after she has had intercourse with another man. She is in a state of impurity, and a return to conjugal relations will bring misfortune to them both unless expiation is made by the guilty party. The *kul* or sleeping-skin is symbolic of conjugal relations.

Cattle Returnable if a Child is born of the act of Adultery

684 848 The majority of Nuer tribes west of the Nile, the Zeraf tribes and Lou (but not Eastern Jikany), consider that if a child is born of an adulterous union, then all cattle paid previously as compensation must be returned by the husband with the exception of *yang kule*. The reason is not far to seek if we consider the logical principles which underline the concept of legal parenthood already described.[2] It is not so much because the adulterer is considered to have done the husband a service in begetting a child on his behalf—although I have often heard Nuer give this as the reason for the return of the cattle—but because the five head of cattle paid as compensation (*ruok ciek*) have the flavour of legitimization fees (*ruok gaanke*). Unless they are returned there may be confusion of legal concepts. Subsequently, and especially if the marriage was dissolved, the adulterer might claim the child as his legal right.[3]

[1] *Dhu*, lit. 'fornication with'. *dhu ciek* therefore means adultery, while if a child is born of the act, it will be called *ruet ciek*. *Ruok ciek*, or more precisely *ruok dhu ciek* or *ruok ruet ciek*, means compensation for adultery.

[2] See Legitimacy of Children, pp. 128–35.

[3] Nuer say that the cattle and the child must not be in the same place together—'they may not meet'. Moreover, the aggrieved husband will always get rid of these cattle as soon as possible even if a child is not born. In the interim between acceptance and their ultimate disposal he will keep them with a friend and well apart from his

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Deng Kac v. *Nyuon Makwac* (*Gaawar Nuer Case*, 1943)

Nyuon Makwac committed adultery with the wife of Deng Kac. Before the court he admitted his guilt and was ordered to pay six head of cattle. Some eighteen months later, when pressed for execution of the judgement, since he had only paid three cattle, he appealed because Deng's wife had in the interim borne a child, and stated that on these grounds he not only refused to pay the remaining cattle but demanded the return of two head leaving only *yang kule*, for this was the law. Evidence was produced, principally on the admission of the woman, that Nyuon was physiological father of the child. Deng Kac was therefore ordered to return two head of cattle to Nyuon, leaving only one cow as *yang kule*.

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This is a simple and typical case, which illustrates the rule that only *yang kule* is due if a child is born as a result of the act of adultery.

Not Pet v. *Gac Nyol* (*Thiang Nuer Case*, 1944)

Gac Nyol committed adultery with the wife of Not Pet. Not instituted a legal case against Gac before the Thiang court. The accusation was admitted and Gac ordered to pay six head of cattle as *ruok ciek*. Subsequently the woman gave birth to a child, and Gac appealed for the return of five of the cattle on the grounds that the child was his. Court examined the evidence and ruled that the child was born too long after the act of adultery for Gac to be physiological father. Appeal dismissed.

This raises a point which is of some difficulty to the Nuer. What constitutes proof of physical paternity? There may of course be evidence that the husband was away at the time, and it is in the interests of the adulterer, at this point in the proceedings, to admit access to the woman because he is seeking the return of the cattle. The time element is also of importance and possibly presents a difficulty, but the Nuer are nowadays better able to assess time than they were in the past. Reference can be made to court sittings, inter-tribal meetings, tribute collection, as well as to the seasons. In most cases the evidence of the woman is given weighty consideration.

Legality of Marriage is a Fundamental Consideration

The legality of marriage is also a primary consideration. We have seen that the legality of marriage is established by the payment of cattle and the performance of ceremonies. A man clearly cannot claim damages for adultery with a woman who is not his legal wife, even if he cohabits with her.

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Kwol Biliu v. *Cuol Puot* (*Lak Nuer Case*)

Kwol Biliu (a government policeman) claimed damages from Cuol Puot for adultery with his wife. Act of adultery was admitted, but Cuol pleaded

own herd. An emotional tie always exists between a *genitor* and his natural child and, I think, Nuer do not wish to give legal emphasis to this by the transference of cattle. As we have seen, even in adultery this tie is recognized, for the physical father may claim a cow on the marriage of his daughter: the *yang leta* or 'cow of the loins'.

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that Kwol was in no sense the husband of the woman. She was *keagh* and merely living as his mistress. Court adjourned the case until further evidence could be got from Western Nuer District, where the woman's family lived (obtained through the District offices concerned). The evidence finally produced showed that Kwol had paid her family three head of cattle and a small sum of money. It was also proved that the woman had been living with another man in Malakal (Province Headquarters) until she took up with Kwol. Court ruled that the woman was *keagh* (unmarried) and dismissed the case.

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This kind of dispute is, as a matter of fact, not infrequent, and is the result of the increasing number of unmarried women who move from one man to another or live at Government Posts where they have greater freedom and are attracted by the facilities which urban life provides. The men who cohabit with them are often themselves detribalized in the sense that they seek permanent work and cash. They are usually from poor families, and cannot afford to get married in the normal way. In the first instance, they seek work so that they can buy cattle at the auction sales held periodically by the Government, but soon they become attached to an urban life and find that the expense involved gives them little opportunity to save in any case.

Puot Dwil v. *Mut Loinyjok* (*Central Nuer Appeal*)

Puot Dwil claimed damages from Mut Loinyjok for adultery with his wife. Mut agreed, and paid two of the six head of cattle awarded, but subsequently demanded their return on the grounds that Puot had not married the woman. This argument was finally taken before a court, which ruled that the union was not legal. The woman was *keagh* (unmarried) at the time because *here ghoke twoc*, 'he had not performed the ceremony of *twoc*', the cattle had not been bespoken. Further, and this was regarded as all-important, *ce ciekde here mut*, 'his wife had not been shaved', referring to the ceremony of *muot*. Court ruled that cattle should be returned to Mut. Puot then appealed, and brought further evidence that not only had the bridewealth cattle been paid (17 in all), but that he had full intention of performing the ceremony of *muot* when the incident occurred. He had not carried out his intention because of the incident. Puot further stated that he would insist on dissolution of marriage unless its legality was accepted. Appeal court accepted the evidence that the ceremony of *twoc ghok* had been performed, and that evidence of preparations for the *muot* on his part was also evidence of his intention. Court ordered Mut to pay a total of six head of cattle, i.e. full compensation for adultery.

The Main Legal Principles

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The main legal principles concerning adultery can therefore be summarized as follows:

(i) An act of adultery is a wrong against the legal husband of the woman, and requires the payment of compensation in the form of six head of cattle, of which five are intended to appease the wrath of the husband for an infringement of his rights in his wife, and the sixth, called *yang kule*, is to compensate him for the risk of impurity

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and its consequences which he runs in resuming sexual relations with his wife. *Yang kule* is both indemnification and spiritual expiation. 684

(ii) If a child is born of the act of adultery, the five head of cattle must be returned to the adulterer to avoid any possibility of confusion over the legal paternity of that child, but *yang kule* must always remain with the husband.[1] [848]

Application of these Principles depends on Circumstances

Adultery is therefore an offence because it amounts to an infringement of the legal husband's physical rights in his wife, and also a wrong against the ritual status of the husband which may be impaired by his wife's impurity. This is the law, although its application will depend on a variety of circumstances: the physical condition of the husband and of the wife; the morals of the wife and the age of the wife; the position in the social structure of the parties concerned.

Impotence of the Husband

The physical potency of the husband is sometimes questioned by the defendant, and if the point is proved, the court will rarely enforce the payment of compensation or even of *yang kule*. A man's physical rights in his wife will not be guarded or upheld by the law if he cannot take advantage of them, nor is he likely to suffer any ritual impurity if he is unable to have sexual relations with his wife.[2] On the other hand, it may be argued that the legal husband has acquired rights in his wife by the transfer of cattle to her kin, and if he is unable to enjoy those rights personally, at least he is entitled to dispose of them as he pleases. This at any rate would carry the theory of rights acquired by the transfer of cattle to its logical conclusion, but the Nuer do not look at it in quite this way. We have seen that impotence is recognized as a ground for divorce on the part of the woman, and a man who is impotent has failed in his duties as a husband. In these circumstances he should be pleased that his wife has borne him a child, whoever the father may be. To the Nuer, if he is not pleased, he ought to be. 684 833 837

In cases of this sort a court will sometimes enforce the payment of *yang kule*, though by no means always, but will certainly never allow a claim for the rest of the accepted number of cattle. The concept reflects not so much a definite law as a circumstance which any court

[1] That this rule has been altered by recent legislation will be clear later.

[2] There is, I think, a conscious distinction here. If the husband is impotent and unable to have intercourse with his wife, then there is no risk of the impurity which the *yang kule* is intended to neutralize. If he is able to enjoy sexual intercourse with her, but is sterile and unable to beget children, then the adulterer will still be protected against liability for full compensation (*ruok ciek*), but is liable to pay *yang kule*. The husband, though sterile, still runs the risk of contamination.

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will consider in assessing the wrong and the amount of compensation to be paid. It is a plea which is frequently raised by defendants to a charge of adultery and is, of course, not easy to prove. Evidence is based not so much on the statement of the wife as on general reputation (and it must be remembered that in the intimate life the Nuer lead there is not much which can be concealed), and also on the existence or otherwise of other children and the evidence of co-wives if there are any.

Barrenness of the Wife and Age of the Wife

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It is sometimes held that adultery with a woman who is known to be barren is not an offence, though this view is certainly not universally held. Adultery with a woman who has borne several children and is elderly is also considered a minor offence and rarely requires compensation, especially if she has adult children. At most *yang kule* will be demanded in these circumstances.[1]

Morals of the Wife

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The temperament and morals of the wife are also factors which a Nuer court will consider. If the husband, usually a man who has been absent from home for a long time, brings charges of adultery against two or more men and the charge is proven, the court will order that each shall pay part of the compensation.[2] There is a limit to this. Nuer consider that a woman who has had sexual relations with more than three men is a *ciek me jok*, a 'loose woman', and that the men concerned cannot be held responsible. For this reason the defendant or defendants in a case of adultery will often attempt to prove that the woman has committed adultery with a fourth man. In this case a court will not enforce the payment of compensation, or of *yang kule*, though, if a child is born of one of them, it may compel him to pay *yang kule*. In such circumstances, the husband will often institute a divorce against his wife, and if there is any dispute between himself and his wife's relatives, a court will usually take his side.

Jal Bath v. *Gai Nyal* (*Thiang: Central Nuer Appeal*)

Jal Bath claimed compensation (*ruok ciek*) from Gai Nyal on grounds of adultery with his legal wife Nyandeang. A child had been born in consequence of the act of adultery, or so Jal alleged. This was admitted by Gai. (It was in his interests to do so.) Jal claimed *yang kule* only, but Gai refused to pay. The matter was taken to court and Gai ordered to pay. Some months later,

[1] This was recorded at the Nuer Chiefs' Council Meeting of 1945: 'When a man commits adultery with a woman who has adult sons or daughters, he is only liable to pay *yang kule* and not full compensation.'

[2] E.g. if two men, each will pay three head of cattle, if three men, each will pay two head of cattle.

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Photo: Dr. J. F. Blass

THE BRIDEGROOM

[facing p. 160]

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Gai appealed on the grounds that he had evidence that Nyandeng had committed adultery with three other men, Koh Col, Ngwom Diu, Top Bath, and had done so during the same period as with Gai, and in the absence of Jal. Appeal court accepted this evidence as true. Jal then stated that he did not deny the allegations of Gai, though he had not heard of them before, but the evidence was not relevant to the case. He had claimed *yang kule* only, not full compensation. He admitted Gai was father of the child, and so did Gai. Court upheld previous judgement and ruled that Jal should keep the *yang kule*. 684 837- 593

Questioned on the legal issues involved, the court held that if a man has sexual intercourse with a woman who is the legal wife of another, he is liable to pay six head of cattle which include *yang kule*. If she bears a child attributed to the act of the adulterer, five head must be returned, *yang kule* remains. The fact that the woman is proved to have committed adultery with other men, if more than three men are involved, absolves all of them from paying compensation whether a child is born or not, but if one of them is proved to be the father of the child, he must still pay *yang kule*.[1]

Compensation cannot be Claimed more than twice where one Woman is Concerned

It is also generally held that a man cannot claim compensation for adultery with his wife (the same wife) on more than two occasions. After the fulfilment of two claims of this sort, in which he may have received no less than twelve head of cattle, his wife acquires the reputation of being 'loose'. He will certainly not succeed in a claim instigated out of court, and it is extremely unlikely that a Nuer court would uphold his claim. Moreover he may well be suspected of exploiting his wife's physical charms to his own advantage.

Adultery with Widows

When a woman whose husband is dead has sexual relations with a man without the express permission of her husband's legal heirs, damages for adultery may be claimed, but the right is not often exercised. It depends on a variety of circumstances, particularly the age of the woman, for, if she is young and attractive, one of her husband's kinsmen will wish her to live with him. As we have seen, the main object in the minds of the dead husband's kinsmen is that the woman shall bear children to his name, and they are usually prepared to give her a wide choice, provided she does not go to live too far away from them. They will often object if she goes to live with a man whom they have not accepted as her lover (*lam*), and they will also object 684 587

[1] See recent legislation on this subject, p. 167. The idea is a Nuer one, but the amount is the result of legislation prompted by the Administration.

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MAN OF GOD. RIAG LOINYJOK (see p. 215)

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if the act of adultery, for it amounts to this in such circumstances, is casual with no permanent basis of cohabitation. In 'widow-concubinage' a stable relationship between the widow's mate and the kinsmen of her husband is naturally desirable. They will expect him to treat them as kinsmen, and between them will arise a relationship which is patterned on kinship. The rights of the husband in his wife are inherited and upheld by his heirs, and they are entitled to compensation for an infringement of those rights.

Tec Nyagh v. *Kwoiny Ruok*

Jegh married Nyabwogh. Jegh died shortly afterwards without issue. Nyabwogh was a young woman, and Tec, as one of Jegh's heirs, wished her to live with him so that he might benefit from her presence in the home, not only as a mate but in carrying out domestic duties. He had no wife himself. Nyabwogh ran off with Kwoiny Ruok, who was living in another part of the country. Tec made some effort to persuade her to return to him, but she refused. He then went to court and judgement was given that Kwoiny, who was deemed responsible for enticing Nyabwogh away, should pay one cow as *yang kule*. His act was considered to be adultery. Court ordered immediate return of Nyabwogh to Tec.[1]

A case of this sort is not common, and I have no record of a court ordering the payment of compensation in full, only of *yang kule*, although theoretically the deceased's heirs have the right to claim it. In this case Nyabwogh had borne a child to Kwoiny Ruok, who, as physiological father, would in any case only be liable to pay *yang kule*.

From these and other cases of the same nature, it is clear that the death of a husband does not theoretically imply a reduction in his legal rights over his wife and her children whoever their physiological father may be, and that these rights are guarded by his heirs. It is also clear that the husband's domestic, economic, and physical rights are not diminished in theory, but whether his heirs will lay strict claim to them depends on a variety of circumstances. If the wife is young, his heirs will be reluctant to let her go, though they do not usually insist on her staying. In any case she is likely to have a wide choice from among his kinsmen. They will also wish to benefit from her domestic and economic activities and, of course, always prefer that she should stay within their community. Even if she goes to a man outside the community, they wish her relations with him to be stable and permanent and, if accepted, he will be drawn to some extent into the field of kinship and become one of them. 'Widow-concubinage' does not imply complete sexual freedom of an indiscriminate kind. At any time the dead

[1] This was not the end of the case. It was subsequently discovered that Nyabwogh had gone off to live with another man, an arrangement made by her brother, who had also illegally accepted three head of cattle, although she was already legally married to Jegh and there had been no return of bridewealth. Finally, the marriage was dissolved, her brother was punished for what is considered a serious wrong, and Kwoiny received his cow back again.

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husband's heirs may draw attention to their rights in the woman and, if she has relations with a man who is objectionable to them, they may treat the case as one of normal adultery and claim damages. Such cases are nowadays usually taken to court, and the line adopted by its members will again depend on circumstances. They will, however, admit the validity of the claim even though they are not always prepared to enforce it. 684 587

Bang Wic v. *Lia Ran* (*Dok Nuer Case*)

Lia Ran committed adultery with the wife of Bang's deceased brother. The case was brought before the Dok court, which judged that no compensation was necessary, 'as the woman is a widow'. This judgement was, however, revised by the appeal court, and Lia ordered to pay to Bang one cow as *yang kule*.

Adultery and 'Ghost-Marriage'

The same theoretical law applies to 'ghost-marriages', but the attitude is different. A 'ghost-wife' is actually married by a man's heir *after* his death, and the vicarious husband in this case performs all the ceremonial of marriage as well as operating the transfer of bride-wealth. Except that legal paternity is vested in the person of the deceased, which fact is of greater significance when the children of the union come of age, the union does not differ from a straightforward simple legal marriage. Moreover the vicarious husband, in his capacity of legal heir to the deceased, stands in the same relationship to the woman and the children as her 'ghost-husband'. The only real difference is that the children will link their names in the lineage structure to the latter, and this is a matter of greater importance in posterity than the present. For this reason, the emotional attitude of the vicarious husband to the wife, their relationship, and their life together are indistinguishable from those found in simple legal marriage, and considering the high proportion of 'ghost-marriages' this is not surprising. The woman is usually his own choice, he has courted her, won her, married her, and his relationship is therefore much more intense and personal than his relationship with his brother's widow. Hence, though a man may overlook an act of adultery with his brother's widow, or the widow of any man to whom he is legal heir, he will certainly not do so in the case of his brother's 'ghost-wife'. The reaction to adultery in 'ghost-marriages' is identical with that found in simple legal marriages, and it is doubtful if a Nuer court would regard the theoretical distinction as relevant to the issue. 684 588

Adultery with the Wives of Kinsmen

The full rate of compensation is usually demanded unless the husband and the adulterer are on exceptionally good terms in other 684 835

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respects, or their relationship in the kinship structure is sufficiently close to modify feelings of moral indignation on the part of the husband. Although the wives of kinsmen are brought within the sphere of kinship by the process of marriage, and to have relations with the wife of a kinsman is in a sense tantamount to a breach of the rules of exogamy, this is modified by the feeling that a wife, acquired by the transfer of cattle in which other kinsmen have limited rights, is theoretically the wife of all of them. Yet it is not considered correct that two kinsmen should have sexual relations with the same woman at the same period. There is no real conflict in these two concepts, but the attitude behind the payment of *yang kule* includes an idea that sexual relations with the legal wife of another man create an impurity, and that there is greater impurity if two men of the same kinship group have sexual relations with the same woman. It is felt that the wife of a kinsman is in some degree also a kinswoman, especially as a potential mother of kinsmen in the next generation. The act is therefore tantamount to incest (*rual*).

These ideas appear in the arguments put forward in the course of litigation in the courts today. The court will attempt to persuade the wronged husband to accept less than five head of cattle, though they will normally enforce payment of the sixth, the *yang kule*. Talking to the husband they will say of the adulterer: 'Is not this man your kinsman? Is it not a man's duty to assist his kinsman?' The implications are that adultery is an offence which brings greater spiritual dangers when the husband and the adulterer are kinsmen, but just because they are kinsmen it is an offence which must be wiped out by expiation in the form of sacrifice and prayer. One does not pay compensation to kinsmen because they are the persons who assist in the collection of compensation for offences against others. The intensity with which these ideas operate is relative and depends on the relationship of the principals.

Kin Nyah v. *Pagwir Wicdier* (*Bul: Western Nuer Appeal*)

Pagwir committed adultery with Kin's wife. Court awarded reduced compensation of 3 cattle to Kin on the grounds that Kin and Pagwir are kinsmen (common great-grandfather). Pagwir refused to pay, and was then ordered by the court to pay full compensation of 6 cattle as punishment. The court was exasperated by Pagwir's defiance of its orders. The use of the word punishment is perhaps incorrect here because the additional cattle went to the plaintiff, but the motive was punishment for flagrant disobedience.

Nin Puor v. *Dhoar Muol and Po Gwet* (*Lou: Central Nuer Appeal*)

Dhoar committed adultery with Nyalok, wife of Nin's paternal uncle Uth. Uth was living at the time, but died before the case was brought to court. Subsequently Po Gwet also committed adultery with Nyalok. The chronological sequence is here important, though it was not realised by the court in the initial stages of the dispute.

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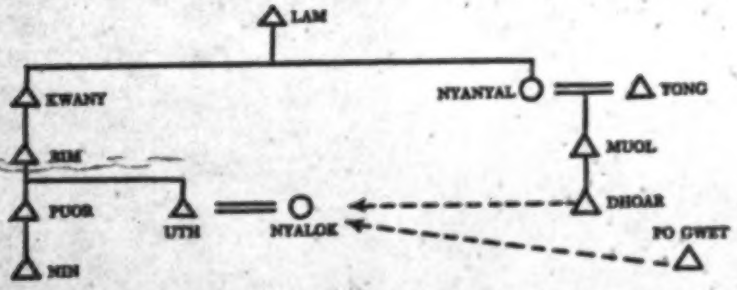
Dhoar and Po were absent when these allegations were made against them by Nin, but since there seemed to be no doubt about Po's guilt his father Gwet Thic (himself a chief) was prevailed upon to pay compensation as *ruok ciek*, and had already handed over 3 head of cattle when Po and Dhoar returned. In the meantime Nyalok had confessed that she had also committed adultery with Dhoar, an act which was held to be incest (*rual*), and also that Uth had 684 835



died as a result—he 'had died of incest', *ce lieu he rual*. This complicated case was naturally the subject of prolonged discussion in the court which finally ruled that:

(i) Po had sexual relations with the woman *after* Uth's death, and even had some encouragement from Uth's family. Court held that he must be treated as the woman's *lum* (i.e. recognized lover in 'widow-concubinage'). Po was therefore in no way liable to pay compensation, and those cattle already handed over to Nin by Po's father Gwet were returned.

(ii) Dhoar committed incest (*rual*) by having sexual relations with Nyalok while her husband Uth was still living, and his act must be accepted as the cause of Uth's death. Dhoar to pay two cattle to Nin as Uth's heir; one cow as *yang kule*, one bull as *yang ne bak he rual*, 'the cow of dividing for incest', to be sacrificed and divided in the manner prescribed by custom in order to avoid further evil effects of the act of incest.

Further Qualifying Circumstances

Nuer sometimes make a distinction between what they call *dhu ciek dhor*, 'adultery with a woman outside (the home)' and *dhu ciek cieng*, 'adultery with a woman in the home'. The distinction is not really a valid one from the legal point of view, and the meaning is sometimes contradictory. *Dhu ciek dhor* sometimes implies an act of adultery committed with a woman who is not living with her husband—a less serious offence than *dhu ciek cieng*—but it can also mean adultery with enticement to desert the husband, i.e. that the adulterer has run away with the woman, or attempted to do so. This distinction is not reflected in the scale of compensation; the maximum is always six head of cattle whatever the circumstances, but in the case of *dhu ciek dhor* in the latter sense, the indignation of the wronged husband and his kin will be more intense and they will not be so ready to accept less than six head as a compromise. For this reason the distinction is now 684

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accepted in court as relevant, and a court will nearly always award full compensation in cases of *dhu ciek dhor* when the adulterer has enticed the woman to leave her husband.

Liability Ceases with the Death of the Adulterer

Mayol Lah v. *Dayim Make* (*Jikany Nuer Appeal*)

Dayim committed adultery with Mayol's wife and paid five head of cattle in compensation. She then committed adultery with Bul Thic. No compensation was paid because Bul died shortly after. Dayim then appealed on the grounds that if Bul had paid no compensation, why should he? Court dismissed this appeal as frivolous.

There is nothing unusual in this case but it shows that liability for compensation for adultery ceases with the death of the adulterer and does not fall on his heirs. Although a man may expect his relatives to assist him in adversity and to help him in the collection of the indemnity cattle, adultery is regarded as largely an individual offence.

Return of Compensation Cattle on Dissolution of Marriage

It is a generally accepted rule among the Nuer that an adulterer may reclaim any cattle paid by him as compensation for his offence should the husband subsequently divorce his wife. This at least is theoretical law, though whether it was followed in the past is problematical. This rule is at any rate upheld in Nuer courts as the following example indicates:

Gwigwi Kuah v. *Nyot Lacler* (*Jikany Nuer Case*)

Nyot committed adultery with Gwigwi's wife. Court awarded six head of cattle as compensation, of which only four were actually paid. The wife then died, and the union was dissolved. Court then ordered return of these cattle to Nyot with the exception of one cow which had been paid as *thang* (blood-wealth)[1] by Gwigwi in the interim.

This rule, as will be seen later, has been altered recently. It is unlikely that any action would be taken in instances where a considerable time had elapsed between the act of adultery and divorce, but the idea is essentially a Nuer one and not an innovation.

Recent Legislation

At the Nuer Chiefs' Council of 1945, the subject of adultery was discussed with considerable interest, more so perhaps than is usual

[1] Cattle which die by misadventure in the possession of the wronged husband are not returnable, a rule which is now extended to cattle paid as compensation for homicide. See p. 190.

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on such occasions. It was generally felt that adultery was on the increase and was a threat to the stability of marriage as well as to public security. It was held by representatives from Eastern Nuer District that in their own country there was never any question of returning compensation cattle to the adulterer should a child be born of his act. Chiefs of the Zeraf and Western Nuer tribes were prevailed upon to accept this view, and it became universal law among the Nuer that six head should be paid whether a child was born or not. My own view is that Zeraf and Western Nuer practice is more in accord with Nuer concepts. These tribes admitted that steps should be taken to stop adultery, but said that the way to do so was to introduce penal sanctions as a deterrent rather than alter a principle which to them is fundamental and thus run the risk of confusion over the status and legitimacy of children. This became even more apparent at the meeting of 1949.

At this later meeting, the law that compensation cattle should be returned to the adulterer if the marriage is dissolved, was attacked on moral grounds by one of the British representatives of the Administration present. It was held that an adulterer should not be allowed to benefit in such circumstances, and that there was often collusion between the adulterer and the wife's family in obtaining a divorce so that both might benefit. This argument is clearly fallacious, for whatever the adulterer may gain thereby, the woman's family gain nothing; they will have all the trouble of returning the bridewealth cattle to the husband and will not necessarily receive more from the adulterer even if he chooses to marry the woman. At the discussion which followed it was those tribes who had previously upheld the rule that a husband is entitled only to one cow (*yang kule*) if a child is born of the act of adultery, who most steadfastly opposed the proposal that the husband should retain the compensation cattle in the event of a divorce. They opposed even more strongly the proposal that the cattle should be handed to the wife's family. This latter proposal is at least logical, for the husband in relinquishing his rights over his wife should waive any benefits gained thereby in favour of her family.[1] Yet by accepting these cattle the wife's family would be admitting the adulterer's claim to legal parenthood of the child, and if the former husband had also left cattle with them as legitimization fees there

[1] It may be argued that the act of adultery was an offence against the husband alone. This at least would be consistent when we consider what I have termed 'extra marital payments' in connexion with divorce (see p. 151). But the Nuer do not look at the matter in this way, especially if a child has been born. Cattle were only claimable in the first instance because the husband held legal rights in his wife. In dissolving the union and thereby waiving those rights he must forgo any benefits accrued in the past. Nuer themselves explain the matter in terms of rights (*cuong*). The husband had a right (*ce tabe cuong*), but now it is the wife's family who have the right. Yet they cannot receive it because of the legal confusion it may cause. Hence the cattle must be returned to the adulterer.

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would be a clash of interests and a subsequent confusion of status. The embarrassing results are clear enough when we consider the complications which would arise over the claims to bridewealth if the child were a girl, or the claims on the bridewealth of others if the child were a boy. Nuer law is designed to avoid such confusion. The only way out of the dilemma was, as usual, to throw responsibility on the Administration and to decide that, in the event of a divorce, cattle paid as compensation for adultery should go to the Government. The perplexing implications of this decision will be discussed in a later chapter, but it will be seen that adultery is now a civil offence in the first instance and a criminal offence, enforceable under the Chiefs' Courts Ordinance, in the second.

Further legislation at these meetings is recorded here, though the general principles have already been stated:

> Chiefs agreed that:
>
> (i) A man who repeatedly commits adultery with the same woman is not liable to pay compensation (*ruok*) more than twice, but shall be liable to punishment by imprisonment or fine.
>
> (ii) Where two or more men commit adultery with the same woman, the following rules are to apply in future:
>
> If 2 men do so, then each shall pay 3 head of cattle=6.
>
> If 3 men do so, then each shall pay 2 head of cattle=6.
>
> If 4 men do so, then no compensation may be demanded by the woman's husband.
>
> (iii) A man can only claim compensation for adultery for the same wife twice; e.g. B commits adultery with A's wife and pays 6 head of cattle (*ruok*). Shortly afterwards C does the same, and he pays 6 head of cattle too. Should anyone else do so, no further compensation is payable, but the third adulterer renders himself liable to a fine or imprisonment.[1]

These rules are not so much an innovation or an alteration as an articulation of existing practice. It is difficult to say whether they are based on exact tradition or whether they represent an evolution of case law based on past precedents. It is probable that each has an element of traditional practice as a basis, but it is unlikely that any were applied in the past with the rigidity implied, even in disputes which reached the final stage of settlement. It is interesting to note too that nowadays when civil liability ceases, penal sanctions may still be applied.

2. SEXUAL INTERCOURSE WITH UNMARRIED WOMEN AND GIRLS

Sexual Intercourse with Unmarried Concubines

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Nuer talk of *dhu ciek*, meaning simply sexual intercourse with any woman, but it usually implies that the woman is legally married

[1] Extracts from Minutes of the Nuer Chiefs' Council Meeting, 1945 (unpublished).

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whether the marriage is a simple legal union, 'ghost-marriage', leviratic union, or 'widow-concubinage'. Hence the term *dhu ciek* usually implies a violation of marriage rights and closely approximates to the European concept of adultery. We have already seen that, if the wrongdoer can prove that his mistress is not legally married to the man who claims to be her husband, no action for adultery lies. The woman in such circumstances is *ciek me keagh*; she is *ciek*, having the status of a married woman, but she is *keagh*, unmarried. This does not necessarily imply any feeling of disrespect, for the expression is sometimes used of a woman who has not yet completed the full processes of legal marriage with her husband, or sometimes of a woman who has been married and divorced and awaits remarriage of a respectable nature. *Keagh*, however, has a wide range of meaning and, used contemptuously, implies that the woman is wanton and self-willed and that, if she is not legally married, she ought to be. In all these circumstances it is her family who have rights in her, and legally it is for them to claim damages for any infringement of those rights. They rarely do so and, if they did, would be unlikely to receive the support of a Nuer court. 684 588

Such women often cohabit with men on a reasonably stable basis, and the union sometimes has the appearance of legality. This is particularly so in detribalized communities to which women of this temperament tend to go, and there are sometimes disputes which appear before the courts. It is noticeable that, although a Nuer court will never award compensation to the man who claims to be husband (*cou*) of the woman, nor, indeed, to her family, they will often punish the offender. Penal sanctions are being applied to offences which must have been comparatively rare in the past and for which there is no traditional remedy.

The Seduction of Unmarried Girls: dhu nyal

The seduction of a young girl (*nyal*) is considered a wrong. Nuer will say it is a great wrong, a *duer medit*, but what they imply is that a girl who gains the reputation of offering herself indiscriminately to any young man will not be approached with genuine offers of marriage. She will be a *nyal me jok*, a 'bitch'.[1] Such girls, once they have gained 684 836

[1] This expression is as disrespectful and rude as it would be in our own language, and is not used openly. I recall a girl of this sort in Thiang country who appeared regularly at dances in company with girls obviously much younger than herself. She appeared to me to be attractive, and I asked some youths of my acquaintance whether they did not think so. They replied that she was extremely attractive, a statement which was followed by a good deal of chaffing and laughter on the part of their fellows. Subsequently I was told by one of my followers that she was considered *jok*, and although older men were much attracted to her, none of them wished to marry her, and the young men left her alone because to have relations with her was regarded as slightly ridiculous and they feared the scorn of other girls. The girl eventually took up with an Arab merchant. See example, *Cany Tut* v. *Dar Jal* (p. 172).

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an unsavoury reputation, may have to wait for a long time for marriage and are also *jut* (which is merely an unmarried girl beyond the age at which girls are usually expected to marry), and when a serious suitor does come along, he will do so because her family are likely to ask less cattle for her than is usual. She is likely to marry a poor man if she marries at all.

Illicit sexual intercourse with an unmarried girl is therefore a wrong in itself, but it is the effects that public knowledge of her wantonness will have on her reputation which are regarded as important. Technically a girl (*nyal*) is supposed to be a virgin, but by the time she reaches the stage of marriage this is unlikely to be a fact. Her family do not necessarily object on any moral principles. Their attitude is a reflection of their real desire to see her properly married so that they may acquire cattle for their own marriages, and they do not tolerate any attention from an outsider which is likely to compromise her chances of making a suitable match with a man who has cattle. A young man with no cattle who pays marked attention to a girl will be warned off by her brothers. But unless her chances are lessened by a reputation for promiscuity in the choice and number of her lovers her family are unlikely to take action, and a complaint on their part will rarely be recognized in a Nuer court. Nuer say, however, that *dhu nyal* is an offence which may require the payment of compensation (*ruok nyal*), and by this they mean that if a complaint is made by a girl's family, and there is proof that they have suffered an injury or potential loss, compensation should be paid to them.

Dhu nyal cieng and *Dhu nyal dhor*

Nuer also make the distinction between what they call *dhu nyal dhor*, 'fornication with an unmarried girl outside (or in the bush)' and *dhu nyal cieng*, 'fornication with an unmarried girl in the home'. The terms are not very clear, since *dhu nyal cieng* is often used to describe cases of elopement—i.e. when the girl has been taken from her home. The former offence, *dhu nyal dhor*, is considered much less serious, and refers largely to casual encounters at dances held by the young people.

Elopement and Abduction: kwil nyal

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It is considered a much more serious offence if a man entices an unmarried girl away from her family and persuades her to live with him. Whether a child is born of the union or not, a Nuer court will take action against the wrongdoer and compel him to marry the girl or pay compensation which will not be returned even if the girl is subsequently married to another man. To seduce a girl, persuade her to take up residence away from her home, so that she appears to be

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a married woman, without the transfer of cattle, is *kwil nyal*, 'theft of a girl'. The girl will sometimes assume the costume of a married woman (a leather apron or skirt) and, in examining the circumstances of the case, a court will usually ask whether this has happened or not. It is evidence against the wrongdoer, and implies a greater wrong. 684

Riek Nuon v. *Nger Cut* (*Leik: Western Nuer Appeal*)

Nger seduced Riek's daughter. The girl did not become pregnant, but Riek claimed that Nger's attentions were undesirable, and had compromised his daughter's chances of marriage. In considering the case, the court first examined Nger's circumstances, and stated that he should marry the girl. On finding that he had very few cattle and no prospects of more, the court ordered him to pay two head of cattle as *ruok nyal* to Riek. In the course of the discussions it appeared that Nger had several times been warned to keep away from the girl, not only by her family, but by the local headman (*gatuot*), and finally by the chief. For this reason Nger was sentenced to one year's imprisonment, and the sentence was upheld on appeal.

Liep Balou v. *Biel Dang* (*Dok Nuer Case*)

Biel eloped with Liep's sister. He was subsequently arrested by the chief's police and brought before the court. It was found that Biel had no cattle at all and no prospects of obtaining any. The girl was not pregnant, and the court noted that this was a single incident. Elopement is, however, a serious offence, and Biel was sentenced to six months' imprisonment, though no compensation was awarded.

It is doubtful whether the present compensation, which most Nuer tribes say should be a cow-calf and a bull-calf, though some say three head of cattle, has any basis in tradition. It is more probably based on past precedents from the courts and, as we have seen, is not often awarded unless there has been a flagrant attempt to avoid the ritual of marriage and the transfer of bridewealth or the girl was betrothed to some other man at the time.

Sexual Intercourse with an Unmarried Girl resulting in Pregnancy: ruet nyal

It is another matter if the girl gives birth to a child. It is clear that in the past violent action might be taken against a girl's lover by her brothers, who would seek to compel him to marry her. They would seize cattle from his home and, depending again on their relationship in the social structure, and the relative strength of the sanctions for social integration between the communities to which they belonged, the seizure would be accepted and regarded as a preliminary move towards marriage. Resistance might lead to an open battle between them and even to a feud. Hence, within a limited community or tribal segment, there were strong sanctions derived from fear of retaliation which made for amicable settlement of a case of this sort. It was 684 848

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also possible to legitimize a child born in these circumstances by the payment of fees (*ruok gaanke* or *ruok muor*).[1]

Cany Tut v. *Dar Jal* and *Kwol Panyal* (*Lak Nuer Case*)

Dar Jal seduced the sister of Cany Tut. She gave birth to a child and, since Dar refused to marry her or to legitimize the child, Cany took the case to court. The court ordered Dar to pay a cow-calf and a bull-calf as *ruok nyal*. Dar was dissatisfied with this judgement and brought the matter to court again on the grounds that another man, Kwol Panyal, was the father of the child. Judgement was reversed and the cattle were returned to Dar. Cany then demanded *ruok nyal* from Kwol Panyal. The latter countered by proving that the girl was wanton, *nyal me jok*. Court accepted this and refused to enforce payment of *ruok nyal*. This judgement was subsequently confirmed on appeal.

Nguot Reth v. *Mut Roa* (*Gaawar Appeal*)

Mut Roa seduced Nyadeb Reth, an unmarried girl (about nineteen years of age). She conceived and bore a child to him, and the dispute which followed was referred to the court. Mut had insufficient cattle to marry the girl, and was ordered to pay compensation *ruok* (*ruet*) *nyal* consisting of a cow-calf and a bull-calf. The girl was subsequently married to another man, but Mut's cattle were not returned to him. Mut then appealed, not on the grounds that his cattle should be returned to him, but that he had actually paid a full-grown cow in place of the cow-calf ordered by the court. He stated that the traditional scale of compensation in such circumstances was as the court directed, a cow-*calf* and a bull-calf. Court ruled that this was now irrelevant, because had he paid a cow-calf it would by that time be a large cow: it would have grown in the interval.

It is an even more serious offence for a man to return to a girl after he has been made to pay compensation for seducing her. If she has borne one child, her chances of marrying well are not generally lessened. Indeed some Nuer say that her chances are enhanced, for it is thereby proved that she is fertile, and this is a serious consideration to a man contemplating marriage. To return again to the same girl, and particularly to get her with child for the second time, may cause grave loss to her family. A man will be unlikely to look at her as a possible wife if this has happened, and if she gets married at all it will probably be to a man who is poor in cattle and unable to afford a full bridewealth. An offence of this sort is nowadays almost always punished, not only by forcing the guilty party to pay compensation, but by fine or imprisonment as well. Again penal sanctions, previously unknown to the Nuer, are now commonly applied.

Top Bath v. *Manyang Tut* (*Thiang: Central Nuer Appeal*)

Manyang Tut got Nyaluk, unmarried daughter of Top Bath, with child. Manyang refused to marry her, and had insufficient cattle to do so anyway. The court ordered payment of two head of cattle as *ruok nyal*. This was paid. Subsequently Nyaluk ran off to Manyang again and lived with him for a short time, though no child was conceived on this occasion. Court ordered the

[1] See 'Legitimacy of Children', p. 132.

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immediate return of Nyaluk to her family, though no further *ruok nyal* was demanded. Manyang was sentenced to five months' imprisonment. 684

In this case the court punished the wrongdoer because not only had he committed a serious offence, but he had openly defied the original order of the court.

Compensation (ruok nyal) and Legitimization Fees (ruok gaanke or *muor)*

Legitimization fees for children have already been discussed in a separate section.[1] It is worth mentioning here that a man who gets an unmarried girl (*nyal*) with child is not expected to pay both compensation (*ruok nyal*) and legitimization fees (*ruok gaanke* or *muor*) as well. The two payments are in a sense interchangeable. A man who has paid compensation may increase the payment if it is subsequently discovered that the girl is with child, thereby changing it to a recognized fee to legitimize that child. On the other hand, if there is any likelihood of the girl getting married fairly soon after the event, her family may waive their claim to *ruok nyal*, for then the child will go with its mother to her future husband. In some instances even if legitimization fees have been paid they will be returned on the girl's marriage. 684 848

Can Cakwen v. *Tutkwac Diu* (*Thiang: Central Nuer Appeal*)

Tutkwac Diu seduced the sister of Can Cakwen, and she gave birth to a child. Tutkwac paid no compensation (*ruok nyal*) for this, and the girl was subsequently married by Buth Jal. Some time later Tutkwac asked to be allowed to pay *ruok gaanke* to legitimize the child to his own name. A dispute arose, and the matter was taken to court. Court ruled that Tutkwac had no right to the child, as the girl's marriage to Buth Jal was by then legally valid. She had performed the ceremony of *muot*, and the child had in fact been born after the marriage.

A man who has paid legitimization fees for his child is not usually able to reclaim them should the child die, as he would be able to do in other circumstances. The legitimization fees become compensation in retrospect.

Lam Twiel v. *Jeh Col* (*Jikany: Western Nuer Appeal*)

Jeh seduced Lam's sister and she gave birth to a male child. Jeh was ordered by the court to pay four head of cattle as legitimization fees (*ruok gaanke*), since he refused to marry the girl. This was in 1944.[2] The child died two years later, and Jeh appealed to the court for return of his cattle. The court ruled that the cattle should not be returned. Jeh had refused to marry the girl though he had cattle with which to do so. The four head of cattle must therefore be considered compensation *ruok* (*ruet*) *nyal*.

[1] See pp. 128–35.

[2] Before the Nuer Chiefs' Council Meeting of 1954, when legitimization fees were standardized (see pp. 134–5).

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Summary

From the circumstances and examples described above, it appears that—

(i) The mere act of sexual intercourse with an unmarried girl (*dhu nyal*) is considered a wrong and one which may demand the payment of compensation. This attitude is conditioned, not by any idea that sexual intercourse before marriage is morally reprehensible, but by the fact that a girl who is known to be free with her favours and to have had many lovers is often considered an undesirable wife. Her chances of making a good marriage may be compromised. It will be the girl's family and kinsmen who will suffer in consequence.

(ii) Compensation is called *ruok nyal*, and varies throughout Nuerland from two to three head of cattle. The majority of tribes reckon *ruok nyal* to be two head: a cow-calf and a bull-calf. This is rigid and unalterable in the sense that there can be no increase over that figure for a single offence.

(iii) Nuer distinguish between what they call *dhu nyal dhor*, 'seduction of a girl in the bush', and *dhu nyal cieng*, 'seduction of a girl in the home'. The former offence has a degree of social recognition and is not usually regarded as a serious matter; the latter is considered a more flagrant violation of the rights which a girl's family have in her. This distinction is, however, somewhat academic and is certainly not reflected in the actual number of cattle demanded as compensation.

(iv) *Dhu nyal cieng* is sometimes used to describe an act of elopement. This is a much more serious offence, especially if the girl assumes the appearance of a married woman by wearing a skirt and openly living with the culprit. He has stolen the girl, '*ce nyal kwal*', and the offence will be referred to as *kwil nyal*.

(v) These distinctions, though they do not alter the amount of compensation, are relevant to the action which the girl's family will take. Although the culprit is liable to pay compensation, it is unlikely that the girl's kinsmen will pursue the matter unless he persists in his attentions or actually runs away with the girl. If he does persist their attitude will depend on a variety of circumstances. If he is known to have cattle, they will begin by trying to persuade him to legalize the union by payment of bridewealth. If he is undesirable they will warn him to keep away and, if he ignores the warning, may resort to violence by seizing cattle from his kinsmen. His kinsmen may take steps to recover them by aggressive action, they may ask for them to be returned on the understanding that they will pay the recognized compensation, or they may allow them to remain with the girl's family, thereby indicating that they are willing to open negotiations for legal marriage.

(vi) Nowadays, in most parts of Nuerland and largely depending on

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the prestige and effectiveness of the local authorities, the girl's family will usually resort to the court. To begin with the man will be publicly admonished by the headman or chief; if he ignores this he will be brought before the court. The court will usually try to bring about a legal union between the pair, but if this is unacceptable to either party or impossible because the culprit has insufficient cattle, it will enforce the payment of *ruok nyal*.

(vii) Penal sanctions now enter into the matter, not only in ensuring that action one way or another will be taken to satisfy the girl's kinsmen, but in the infliction of punishment on the wrongdoer if his act is regarded as a particularly serious wrong. It is noticeable, however, that punishment is usually inflicted only in cases where the wrongdoer has disobeyed the orders of the local authority, usually the headman, or sometimes the orders of the court. The punishment is therefore usually, though not always, applied because the culprit has committed an offence against the authorities, not because his initial offence was punishable in law.

(viii) The birth of a child as a result of illicit intercourse with an unmarried girl in any of the circumstances described above does not alter the law or the amount of compensation payable to compound the offence. But the girl's family are likely to display greater indignation and to force the issue with greater determination. A simple act of sexual intercourse with an unmarried girl is often ignored. If a child is born as a result, whatever the circumstances, the offence will certainly not be ignored.

(ix) This offence is known as *ruet nyal*—impregnation of an unmarried girl. It may be compounded at the same rates as *dhu nyal*. There arise, however, obvious complications over the legitimate parenthood of the child. The culprit may simply pay compensation (*ruok nyal*) and forgo any future claims on his child. The child then belongs to its mother's lineage or, more usually, to the man who subsequently marries her with full bridewealth, especially if she is married fairly soon after the event. The culprit may pay a legitimization fee (*ruok gaanke*).

(x) If he pays *ruok gaanke*, he will not be expected to pay also *ruok nyal*; but should the child die, the cattle will not be returned to him. What he has paid as a legitimization fee becomes compensation in retrospect for the act of sexual intercourse with the girl. As we have seen, a man must announce his intention of legitimizing the child at once. He cannot do so at a later date, at any rate without paying much higher rates.

I rather doubt whether the scales of compensation quoted by Nuer as being traditional, though obviously again a formula for compromise, had any exact application in the past. They seem to me to be the product of more recent decisions in the courts and of case law.

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Recent Legislation

Rulings given by the chiefs at the meeting of 1945 were as follows:

(*a*) When a man seduces an unmarried girl he must pay compensation (*ruok dhu nyal*) of a cow-calf and a bull-calf to her guardian. If he elopes with her or persuades her to leave home he is liable to pay two cow-calves. This applies only in cases where the girl does not bear a child. This is *ruok dhu nyal*.

(*b*) If the girl bears a child, her seducer is not liable to pay compensation, i.e. *ruok ruet nyal*.

(*c*) In the circumstances given in (*b*) above, the seducer has the option of marrying the girl in the normal way or of legitimizing the child by payment of fees (*ruok gaanke*). If he declares that the child is not his or that he will have nothing to do with it, he can only legitimize it at a later period by payment of from six to ten head of cattle according to the age and sex of the child.

(*d*) Any man who seduces a girl and, after payment of compensation or legitimization fees, returns to her again, renders himself liable to imprisonment.[1]

There appears to be considerable variation of opinion on this subject throughout Nuerland, and it is surprising that this agreement took the form it did. Some chiefs said that if a girl bore a child her chances of getting married to someone else were not reduced. The birth of a child proved her fertility, which was an important consideration to a prospective husband. It may also be noted that these rules give legal recognition to the distinction between mere seduction and seduction which amounts to abduction. A man will now pay a cow-calf and a bull-calf for the former offence and two cow-calves for the latter. Though the latter was regarded as a more serious offence in the past, the distinction was not, as we have seen, reflected in the compensation claimed.

3. OTHER WRONGS

Thung yiika

Thung yiika has already been mentioned under the heading of homicide. *Thung* is the normal word used for bloodwealth and *yiik* refers to the married woman's mat, and hence is a symbol of marriage and childbirth. The expression therefore refers to the indemnity which a woman's family may demand if she dies in childbirth. Nuer opinion on the subject is vague, and the law has now been abolished. Prior to its abolition in 1947 it was generally accepted in Nuer courts that—

(i) The indemnity was never claimed from the husband of a legally married woman. It could not be claimed by a woman's husband from an adulterer should his wife die as a result of the latter's wrong.

(ii) It was demanded for unmarried girls who died in childbirth. The definition of 'unmarried' in this context is not entirely clear. The indemnity might be demanded from a man whose betrothed wife died in childbirth before the final bridewealth payments

[1] Extract from Minutes of Nuer Chiefs' Council Meeting, 1945 (unpublished.)

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GATLUAK NGINGI (*see p. 34*)

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had been made or before the *muot*; a woman in such circumstances is *keagh*, still unmarried.[1]

(iii) A man was only liable to pay *thung yiika* in certain circumstances, for example, if the girl died in childbirth before the child was delivered or before she rid herself of the afterbirth.

Up to 1947 there were occasional claims for *thung yiika* through the courts, but this does not necessarily indicate that it was applied either consistently or often in the past. It is worth noting, however, that the special expert known in Nuer as the *kuaar yiika* was concerned with the assessment of compensation in such cases, acted as arbitrator, and performed the necessary ritual. He was concerned generally with the fertility of women, and had a traditional and orthodox position in Nuer society like other experts of that category.

Thung yiika was at one time standardized at six head of cattle. Among the Gaawar, Thiang, and Lak tribes it had previously been set at eight head of cattle (five cows and three bulls), and at six head among the Dok and Jagei of Western Nuer District. I have, however, heard the Eastern Jikany say that it was previously thirty head, and the Bul and Leik sometimes say that it should be twenty. I doubt that such large numbers of cattle were ever paid. *Thung yiika* was abolished at the Nuer Council of 1947, and is therefore no longer law.

Thiang

Sexual intercourse with a woman who is pregnant or is suckling a child is a serious breach of taboo, and will result in harm to the woman or her child. A husband who commits this offence is scorned; his family, as well as that of his wife, will insist on the performance of ritual expiation and sacrifice. If the man who does so is not the legal husband of the woman and his act results in her death, he will be held liable and will have to compensate her husband, though the rate of compensation is not fixed. I have no records of a case of this sort, though I have heard of instances where a man has been prevailed upon to pay. Disputes do not usually arise, for, apart from the fact that the offence is rarely committed, ritual sanctions are usually sufficient to secure payment. The wrongdoer will fear the consequences to himself, although it is considered that the woman runs a graver risk. I recall one case among the Rut Dinka who have the same custom.[2] A man called Thon de Kur had intercourse with a woman who was suckling a child. The child died subsequently, a dispute arose, and he was made to pay a cow as compensation (Dinka: *puk de thiang*).

[1] See under 'Legality of Marriage', pp. 124–8. Nuer simply say *nyal me kaa kuen ni caa liu ba thung yiika cal*, '(if) a girl who is not married dies (in childbirth) *thung yiika* will be called'.

[2] The idea is common to all Nilotes, including the Shilluk, and is everywhere known by the same name.

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CHAPTER V

PROPERTY RIGHTS

1. OWNERSHIP

General Considerations

421 EVEN though radical changes are now taking place with the introduction of a cash economy, the concept of 'ownership' among the Nuer is still largely expressed in terms of kinship. The principles of group solidarity which apply in marriage relations, homicide, and the balanced opposition of social groups extend also to property relations. Nuer speak of ownership in definite terms of speech. They will say *dun-da*, 'my thing', or *nyin-ke*, 'his things', but further analysis shows that these expressions of individual ownership are qualified by kinship relations. A man may well speak of a cow as *his* cow (*yang-da*), but in most instances his ownership of or right to that cow is qualified by his membership of a kinship group. The cow has come to him through one of the many intricate channels in the kinship structure and will not be his for long. Either it will be paid to some kinsman in discharging another obligation of kinship or it will be passed on in marriage. When a man leaves cattle to his sons, these do not become their permanent and inalienable property. They have the right to use them for the time being, but sooner or later it will be incumbent upon them to use them to marry a wife, either on behalf of one of their number or on behalf of some dead kinsman, or they may be obliged to assist some living kinsman to marry. It should be emphasized here that it is obligatory upon them to use the cattle for this purpose; obligatory because the cattle are part of a collective, not an individual system of ownership. A Nuer can rarely sell a cow without the express permission of his kinsmen, and this will probably only be granted if the transaction is both expedient and to the common advantage of them all. This is, of course, one of the reasons why sales of cattle in Nuerland are still so small.[1] Therefore, when a man speaks of his cow as *yang da* 'my cow', he means that he has the right to use that cow for the subsistence of himself and his family, to marry a wife, or to discharge some debt, but he only has that right by virtue of his membership of a kinship group. In this sense ownership of cattle is collective. It must be remembered, too, that although most articles of importance in the material culture of the Nuer are reckoned in terms of cattle, the handing over of cattle

[1] See pp. 195–6.

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in marriage is not a financial transaction but an operation which maintains the balance of exogamous groups, defines their limits, and emphasizes the legality of their marriages.

There is, as will be seen later, no concept of the ownership of land by an individual. Ownership of the land, both for cultivation and for grazing, or of stretches of water for fishing, is expressed in terms of kinship and follows the lines of social cleavage. Disputes over land are again associated with the balanced opposition of tribal segments, not of individuals.

Property other than Livestock and Land

Apart from cattle and land there are other forms of property, the ownership of which is in some cases more individual in character. These are articles of clothing, ornaments, weapons (except sacred spears), utensils and domestic tools, pottery, houses, and agricultural implements.

It is necessary here to make some distinction according to actual values in the past. That these values have been altered by the introduction of trade goods which may be bought with cash will be seen later. In the past there appear to have been four categories of such property:

(1) Articles made from local materials easily available, the manufacture of which required no technical skill or knowledge. In this category were such things as cattle-ropes (particularly the less ornamented kind), sandals made from cow-hide, spear-shafts and cattle-pegs. Such articles could always be made by any Nuer with the minimum of trouble. They were of little permanent value and were given away freely. Hence the right to ownership rarely, if ever, became the subject of dispute, and there is no tradition of accepted scales of compensation for misappropriation, nor for that matter any likelihood of legal remedy.

(2) Articles made from local materials, the manufacture of which required both skilled technique and knowledge. Here a further distinction may be made according to the sex of the manufacturer, e.g. pots were made by women, bull-collars by men. Moreover, although there were very few hereditary craftsmen in Nuer society, some individuals acquired the reputation of especial skill and were able to barter their wares for things of equal or greater value, and sometimes for goats, sheep or even cattle. Such articles included clubs, shields of hide, ornaments of leather, pottery, spear-shafts of a more ornate kind, decorated gourds, and wooden or bone spear-heads. These were exchanged freely and were given to relatives without much demur if asked for, but Nuer would object strongly to their removal by a stranger.

(3) Articles of local materials manufactured by skilled and sometimes, though rarely, hereditary craftsmen, the value of which was in

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421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were canoes and ivory bangles (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (4) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hooks, iron hoes, &c. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron wares were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*cut*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantages obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[424] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

421 178 436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

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obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited. 421 178

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuer now practise agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered. 436

2. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuer east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuer society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *rul*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuer clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuer society. Many *rul* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tutni*,[1] 'sons of bulls'. *Diel* are always *gaat tutni* in the area they occupy; *gaat nyiet* are always *rul*, though *rul* are not all necessarily *gaat nyiet*. It seems that the word *rul* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuer 423 614

[1] See p. 18.

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history to a nuclear clan have acquired so much associated tradition that the attachment is confirmed.

Land tenure here means the holding of, and rights to, the high ridges and sandy outcrops which the Nuer occupy during the wet season, where they build their permanent villages and cattle-byres and clear their cultivations, and the various forms of land used for pastures and fishing in the dry season. That certain communities, consisting of the *diel* and later accretions by association, have a definite right to distinct areas is clearly recognized by all Nuer. The sanction for possession in the past was, however, physical force and power to resist the encroachment of others, while nowadays the *status quo* is maintained by the Government.[1]

Occupation of the land and prescriptive rights to a certain territory are often expressed in mythological terms linked to the history of the nuclear lineage. The original ancestor is said to have divided land among his sons, themselves ancestors of particular collateral lineages, in the same way as he divided his cattle and sometimes his ritual functions among them. But this is merely an idiom which gives emotional emphasis to ownership of land vested in that nuclear lineage, for land, either arable or pasture, is not a form of property which is normally controlled by the laws of inheritance. A man's eldest son will inherit his huts and cattle-byre, while the other sons continue to occupy them so long as they wish to do so, particularly if they are not married; but, as younger sons, they have no specified portions of their father's land, and there is consequently no individual inheritance of land. When they wish to do so, they will build their houses and set up their homes in some area which is unoccupied, for there is usually no shortage.

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As I have explained in the introduction, three types of land are utilized by the Nuer, and each is of definite value at certain times of the year. The 'high land', ridges of higher, better-drained ground, provides for the permanent settlements mainly occupied during the rains from approximately May until November, though the period varies according to latitude and local climatic conditions. This area is largely used for the cultivation of millet (their staple crop), of maize and tobacco and the few vegetables which some Nuer grow. Beyond, and usually surrounding the higher ridges, are the 'intermediate' grass plains which are subject to variable flooding from accumulated rainfall which only drains away with difficulty, especially if the ground is already saturated. These 'intermediate' areas are utilized at the end of the rains for pasture so long as sufficient moisture remains in the soil to allow a green regrowth from the perennial grasses after they

[1] Nuer did not confine their aggressive movements to the Dinka. Other Nuer tribes were often attacked and their territory occupied. For example, the Leu Nuer originally occupied the Zeraf Island, but a military alliance between Thiang and Lak drove them out.

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have been burnt or close cropped. Later they dry out and become unpalatable, and by this time the inland pools are also dry, so that the people must move their herds to the *toic*. The word *toic* in some contexts merely means 'summer grazing', in others more specifically the marshes bordering the main channels of the rivers, their smaller tributaries, and the network of minor drainage channels found everywhere in Nuerland. Here a combination of soil, depth and period of immersion from river-spill and other factors produces grasses which, to a greater or lesser degree, are valuable as pasture throughout the dry months of the year. Beyond this are the permanent papyrus swamps (*sudd*), which scarcely dry out at all and are useless for grazing and (at present) are not used for crop production. 311

This classification is necessarily arbitrary and relative, for the difference of level is rarely more than a few feet, and there is no clear-cut boundary between the different types of land.[1] Moreover, though 'high land' is nearly always limited,[2] 'intermediate' land may extend no more than a few hundred yards before *toic* is found in the flood-plain of neighbouring watercourses, or it may continue for more than fifty miles. Such varying distances have their effect on the seasonal movements of the people, but—again as a broad generalization—the main feature, the balanced utilization of all three types of land according to the season, is common to all Nuer.

For these reasons ownership of the land necessarily includes all three, and when a Nuer speaks of his *rol*, his country, or sometimes his *dhor*, he envisages a territory which includes 'high land' for cultivations and permanent settlements, 'intermediate' land for pasture in the early months of the dry season, *toic* for summer grazing and fishing. *Rol* Gaawar is a complete territory in this respect; within it each primary segment has its own complete area, *rol* Radh and *rol* Bar, and within these the secondary segments, *rol* (*cieng*) Kerfeil, *rol* (*cieng*) Per and so on.[3] Thus territory and rights in land follow the segmentary system, but this does not mean that an individual or even a small group of people will necessarily confine their movements to the territory of the segment to which by tradition and practice they should belong. Living in one permanent settlement during the rains, they may well choose to herd their cattle in the dry season pastures of a different segment of the tribe, or in some cases to cross the boundaries of another tribe. They will do so, however, only by agreement with the 'owners' of that territory, though such agreements are often implicit rather than defined. It is clearly recognized that ownership of the land lies with the segment of the tribe from which the name of the area derives; in other words, from the dominant lineage. *Rol* (*cieng*) Kerfeil is theoretically the exclusive property of all descendants of 423

[1] See Jonglei Investigation Team. *Progress Report, 1948-9.*
[2] See map on p. 13. [3] See p. 19.

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Kerfeil and those linked with them by permanent association. Within it each collateral branch of the main clan has definite rights to a certain part, usually specified by reference to villages on higher ground, and elsewhere to pools which provide water and fish and to the pastures which surround them. *Rol* (or *dhor*) is relative like the word *ciang*, which has much the same meaning on a smaller scale.[1]

I must emphasize again that land to the Nuer must include all types, for their subsistence economy is maintained by the balanced and seasonal utilization of all three, but it may be as well to examine separately and in more detail the types of land used for crop production and animal husbandry and the rights in water-points and fisheries which go with them.

Arable Land

From the legal point of view the problem of rights in arable land is not a complicated one among the Nuer, and there is virtually no litigation concerning either individual or collective claims. The reasons are not far to seek. During the cultivation season the Nuer occupy the high ground which is free from river floods or swamping by heavy rain. Such high ground is limited when compared to the total area occupied by Nuer tribes, but there is generally more than enough available. An intricate and complex system of rights in land cannot be necessary unless there is scarcity, and this is not usually the case. Nuer like to have their gardens close to their dwellings, so that they can protect them against wild animals and straying cattle. They do not usually fence their fields, particularly in those areas where wood and thorn are not easily available.[2] The Nuer village, moreover, is not built on a concentrated pattern, and each homestead is separated from its neighbours by a considerable distance ranging from about a hundred yards to over a mile. The Nuer ideal is to live in the bosom of his own immediate family as isolated as possible from his neighbours and free from tiresome intrusions. This individualistic outlook is, however, limited by a variety of considerations. In the clearing of land, in the heavier tasks of cultivation, and in harvesting, collective assistance, dependent on the mutual obligations of kinship and neighbourhood and the provision of beer and meat for workers, is necessary. A Nuer would not wish to live so far away from his neighbours that it would be impossible to take advantage of their help. Further, in the past at any rate, the need for defence and concentration against

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[1] For definition of the word *ciang*, see pp. 20–21.

[2] Fencing is used in some areas, particularly in the heavily forested regions of the Zeraf Valley, but usually only on newly cleared ground. The branches of trees cut are then used to make thorny enclosures, but these do not last for more than a year or two at most and there is rarely an attempt made to renew them. Fencing is employed particularly when new cultivations are cleared and sown before the homestead has been rebuilt close to them.

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attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil. 361 476

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mara*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country. 423 [242] 476 602 476

Claims on the hospitality of kinsmen are often carried to extremes 602

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

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476 and well beyond the limits of the reciprocal distribution of bridewealth
602 cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as
438 the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

621 A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will
609 objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

423 For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

423 During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own.
233 The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate
361 huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

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interests. In most parts of Nuerland too the nature of the terrain—isolated outcrops of flood-free ground often widely separated—usually precludes the possibility of clashes between different settlements. Likewise when the rains cease the cattle are widely dispersed in small camps over the 'intermediate' plains. There is no shortage and no need for a clear demarcation of boundaries between the units of one community, or between different communities coming from different settlements. 423 233 361

As the dry season advances, when the 'intermediate' grasses become unpalatable and water supplies run short, concentration increases, and the small camps join together in larger ones in the *toic*. Cattle-camps with five or six thousand animals are not uncommon, and often there are many of such camps clustered along the banks of a river or water-course in one region. More careful regard for rights in these pastures and in the fisheries which go with them may be necessary if disputes are to be avoided. Yet there is usually plenty of grazing, though this varies according to prevailing climatic conditions. In one year the river may be low and the rains light, with the result that the Nuer must penetrate farther into the riverain marshes; in another, a high river level may limit their movements to the fringes. Both circumstances may result in shortages, and something between the two extremes is probably the ideal; but many Nuer tribes have alternative grazing grounds which are utilized in varying proportions according to the year. For example, the Dok and Jagei Nuer can use the marshes of the Bahr el Jebel in a year when that river is low and much of the flood-plain uncovered, or they can move to the pastures of the Bilnyang system, which are produced partly by water spilling from the main river, and partly by water draining from a different catchment area. Some Nuer tribes do not have these advantages; in some areas periodic plagues of biting flies or mosquitoes, whose incidence also obviously varies with different climatic conditions, prevent the full utilization of their summer grazing grounds. Generally speaking, there are rarely acute shortages, and even in the *toic* the boundaries between tribes or tribal segments need not be closely guarded.

In certain circumstances, however, such boundaries become essential, and their infringement may then cause disputes, which often result in violence and bloodshed. Sometimes there is an unusual shortage both of grazing grasses and water-points, and people who have normally tolerated the intrusion of outsiders less favourably provided than themselves, turn upon them and demand their withdrawal. Again, an epidemic of some contagious disease such as rinderpest or contagious bovine pleuro-pneumonia makes quarantine and segregation of the herds essential. Fear of the spread of disease compels the owners to guard their boundaries more closely. To bring contaminated cattle into an area recognized as the exclusive right of other segments, and 423 233 361 578

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where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

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Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

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Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me hoic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes. 224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

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423 emphasis nor is there any demarcation of boundaries. Within each tribe which owns a territory in opposition to other tribes there is a further division according to primary segments and smaller communities. The lower down the scale of segmentation the less clearly defined are these boundaries, because ultimately they correspond to regions occupied by people closely bound by ties of kinship and by the need for close co-operation in the economic sphere. Individuals and small groups of people cross these boundaries, but must do so with the consent, tacit or consciously given, of those with whom the territory is associated, the *diel*, and those who link themselves to them. Thus with the exception of occasional quarrels over the riverain grazing grounds, land is not often in dispute. In the past rival claims to territory were settled with the spear, and there existed no complex laws of land tenure governing human relationships where land was concerned. Land tenure is not a serious problem in Nuerland nor the subject of much litigation in the courts, and is unlikely to become so while there is no shortage.[1]

3. INHERITANCE

428 Laws of inheritance might more properly be discussed under the heading of marriage, for they are inseparable from the general kinship system and the rules of bridewealth distribution. Matters of inheritance are not a common cause of litigation; they are essentially *ruac cieng*, private affairs which should be settled in the home. Nevertheless, disputes of this kind are sometimes brought before the courts, even by persons as closely related as brothers or half-brothers.

Inheritance of Cattle

Nuer society is essentially patrilineal where the inheritance of property is concerned, and a man's belongings should go to his sons, or failing that to his brothers or brothers' sons. Property or titles to cattle accorded in the name of a woman (for example, the mother's, maternal aunt's, and paternal aunt's portions in bridewealth) should go to her own sons and hence to the lineage of her husband, not that of her father. This rule is normally applied though it may be ignored in certain circumstances upon which no generalization can be made.[2]

428 The laws concerning inheritance are not distinct, for the owner is
582 normally expected to divide the cattle actually in his possession among his sons or relatives before he dies. The underlying principle, however, for the distribution of cattle among a man's sons is that brothers

[1] As there may be when the Equatorial Nile Project is in full operation.

[2] See for example the marriages described on pp. 115–117. In these, since there were no uterine brothers of the bride's mother, their portions went to their maternal nephews, though one might expect them to go to their paternal kinsmen.

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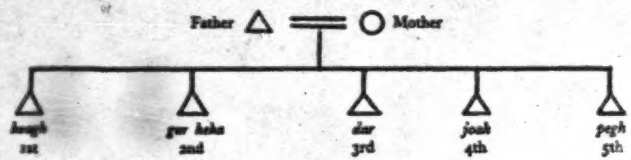
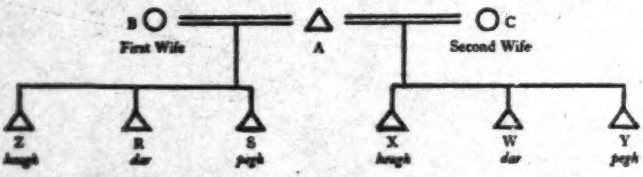
must marry in order of seniority—the eldest first. In a simple family consisting of a man, his wife, and sons, the sons are referred to as *keagh, gur keka, dar, joah* and *pegh* respectively. Thus: 428 582



(The 'first', 'the one after the first', 'the middle', 'the (one before the) last', 'the youngest'.)[1]

When a man has more than one wife, the sons of each wife are thus titled separately, each family beginning with *keagh* and ending with *pegh*. The principle of priority in marriage, however, is applied according to age, and does not depend on the status of the wife.



Thus, if X is older than Z, he will marry first. If W is older than Z, he will marry first and so on.

Certain indications of inheritance rights are also given in the distribution of bridewealth, not only between actual claimants standing in a particular relationship to the bride, but also between the persons who should rightfully inherit the title to those claims should the claimant be dead. I do not propose to describe here all the details of these indications because they have already been mentioned in connexion with bridewealth distribution,[2] but certain principles must be emphasized again.

The first of these principles is based on the distinction between the sons of the father (by another mother) and the sons of the mother (in this connexion the mother of the bride). A family group among the Nuer is made up of a number of domestic units each of which consists of a wife and her children. A man who has two wives is in the position of being husband and father to two such units. The children of one unit are uterine brothers and sisters; to each other they are *kwi dwiel*, 'on the side of the house or hut', because each wife must have her own 428 601

[1] The terminology is interesting. The word *keagh* is used to describe a woman who is unmarried or has not yet completed the processes of marriage. *Gur keka* (*gur keagh*) means simply 'the follower of the *keagh*'. *Dar* means 'middle', 'in the midst', *joah* or *joagh* means 'last', while *pegh* means 'end or limit'.

[2] See pp. 97–124.

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hut (*dwil*). They are half-brothers and half-sisters to the children of another wife of their father; these are *kwi luak* because the *luak* or cattle-byre is common to all, as is their father. The *kwi dwiel—kwi luak* distinction is also brought out in other terms of speech, as we have already seen; those who are *kwi dwiel* are *kwi man* or *mande* ('of the mother'), those who are *kwi luak* are *kwi gwan* or *gwande* ('of the father'). In normal speech these distinctions are not used because the context does not demand a distinction. A man's paternal uncle is referred to as *gwanlen*, whether he is a full or uterine brother of the man's father or a half-brother. A distinction is, however, demanded in matters of bridewealth distribution and inheritance. He is *gwanlen kwi luak* or *gwanlen kwi gwan* and so on. The first principle, therefore, of bridewealth distribution and the inheritance thereof is that there should be an equitable distribution on both sides of a family group described above. We have seen that each of the persons standing in a particular and accurately described relationship to the bride has a title to a portion of the bridewealth according to an ideal. This, however, concerns direct and contemporary claims. It becomes a matter of inheritance when the actual claimant is dead.

If the claimant is a male, the heirs to his title may be any one of his sons, though in bridewealth there is always a tendency to say that his sons by a woman who is not the mother of the bride should inherit in these circumstances. These are in fact half-brothers of the bride, and the system is one of mutual alternation, since the bride's uterine brothers already have a special portion and will expect in return to benefit on the marriage of the half-brothers' uterine sisters. Moreover the paternal grandfather's portion (*wangnen kwi gwan*) should always go to his son born of another wife and not to the son of the bride's paternal grandmother. This rule is applied with considerable exactitude unless no such person exists. If the claimant is a female, then her portion should always go to one of her own sons. For example, the paternal grandmother's portion (*wangnen kwi man*) goes to her own sons (other than the bride's father), i.e. one of the paternal uncles of the bride who are classified as *gwanlen kwi dwiel* or *kwi man*. Similarly, the bride's mother's portion should go to her own sons, i.e. the bride's uterine brothers.

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These distinctions concern the different domestic units of a family group and of a minimal lineage, and govern the distribution and inheritance of claims on both the paternal and maternal sides. There are also indications within a single domestic unit as to which of the brothers should receive a particular cow. Thus, for example, the paternal grandmother's portion (*wangnen kwi man*) is said to be the right of her younger or youngest son (either the *dar*, *joah* or *pegh*). Similarly the cow called *puong* of the father's portion should go to his youngest son, i.e. the bride's youngest half-brother.

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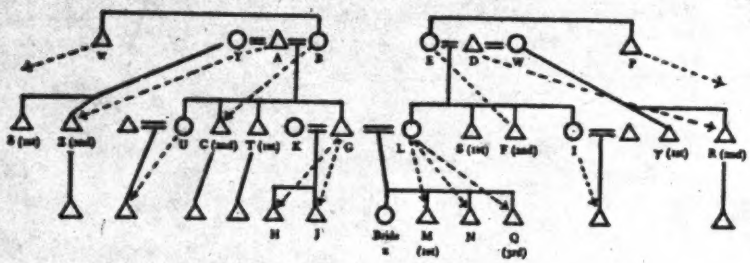

Conventional Indications Bridewealth Portions		*Claims on Cattle acquired on Marriage of x* *From*	*To*
Gwandong	(paternal grandfather)	A	his younger son by Y =Z
Mandong	(paternal grandmother)	B	her younger son by A =C
Gwandong	(maternal grandfather)	D	his younger son by W =R
Mandong	(maternal grandmother)	E	her younger son by D =F
Gwan	(father)	G	his sons by K =H and J (the *puong* to J)
Man	(mother)	L	her sons by G =M, N and Q (the *puong* to Q)

Other portions go to the sons of the actual claimants without distinction.

Gwanlen kwi man	(father's brother by same mother)	=T or C and sons
Gwanlen kwi gwan	(father's brother by different mother)	=Z or δ and sons
Nar kwi man	(mother's brother by same mother)	=S or F and sons
Nar kwi gwan	(mother's brother by different mother)	=R or γ and sons
Wac	(father's sister)	=U to *her* sons
Manlen	(mother's sister)	=I to *her* sons
Nar gwan	(father's maternal uncle)	=π and sons
Nar man	(mother's maternal uncle)	=P and sons

The reader should compare the above diagram with those on pp. 102, 114–23.

There are therefore conventional indications based on distinctions within the family group of the various domestic components and on the seniority of the individual. These are illustrated in the diagram. It must be realized, however, that they are no more than indications because other principles and circumstances intervene. In the first place there is the rule that sons should be granted cattle from the family herd with which to marry in strict order of seniority, as already described. This rule is often incompatible with the conventional indications. In the second place persons to fill exactly the relationships required may not all exist. Finally, while alive, a man will have absolute authority in allotting cattle which are his by right among his own sons, and usually he declares a definite distribution before he dies. Here the indications to inheritance rights are not relevant, but they will be so in connexion with cattle which are acquired after his death, or if he dies suddenly without opportunity to make known his will.

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Cattle which are not necessarily part of the marriage distribution system, for example cattle acquired by a man in compensation for such wrongs as hurt and adultery, are not usually bound by these rules, and a man will allot them to his sons before his death, though he will always bear in mind the order of their marriages.

These rules apply generally to the inheritance of cattle by a man's sons. Sometimes, of course, a man has no sons, and in this case his property goes to his next of kin, his brother, or through his brother to his brother's sons, according to the normal rules of relationship of a patrilineal descent group. It must be remembered also that in inheriting a man's cattle the heir inherits his liabilities and claims—liabilities and claims which are in fact part of the system of obligations inherent in the kinship structure. For this reason, apart from cattle actually in a man's possession which pass in the way described above into the possession of his heirs, the laws of inheritance are extremely complicated. Which liabilities and which claims pass to which of the heirs is a question that is decided, and not necessarily immediately after death, by yet other liabilities and claims already in existence or which come to exist between the heirs. Inheritance is therefore an involved problem which requires a full understanding of the bridewealth system in relation to the obligations of kinship. Except for cattle acquired individually by payment of cash or, in the past, in cattle raids, and to some degree cattle acquired as compensation for wrongs, which are accepted within the kinship group as individually owned, inheritance involves all those rules which govern the collective ownership and distribution of cattle within a lineage.

Inheritance of Other Property

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These observations apply mainly to cattle, but also to some extent to sheep and goats. Other corporeal property, including spears, shields, hoes, canoes, ornaments, and nowadays cash, is divided among a man's heirs by common agreement. In the case of cherished objects, particularly spears which have some sacred association, a man will sometimes indicate his heir before he dies, usually his eldest son. This practice is confirmed not only in everyday examples but also in tradition. The original founder of a Nuer clan is often quoted as having decreed that this one of his sons shall perform a particular function in the political and spiritual activities of the clan, and that another son shall receive a particular cow, and so on. Since, however, arguments do not on the whole arise, there is no need for a complicated or exact system of law. Moreover, apart from cattle, or articles which have a recognized value in terms of cattle, Nuer possessions are so easily replaceable that no argument need arise. Disputes over small items of property never appear before the courts.

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4. TRADE AND LOANS

Trade has never been extensive among the Nuer. There is, of course, a division of labour according to sex, but there are few people who can be accounted specialist craftsmen. Individuals acquire the reputation for making certain specific objects with exceptional skill, but they rarely if ever belong to a family especially associated with such activities. This is an exceptional contrast to specialization in the spiritual sphere, for there are hereditary experts capable of dealing with almost any unusual phenomena: ritual experts, magicians, sooth-sayers and medicine-owners, who demand fees, often in cattle, for their services. [438] [462] 463

The reason lies, perhaps, in the extraordinary simplicity of Nuer material culture. Most things necessary for their migratory way of life (and this applies to all peoples who move with the seasons) can be made either from wood or grass or from the products of their cattle. Seasonal migration in any case precludes a high degree of virtuosity, for things are liable to breakage and are often an unnecessary encumbrance. Moreover the Nuer, who do not use their animals for transport, must carry everything by hand. 105 [482]

Certain objects were of relatively high value, and were exchanged for cattle or sheep and goats. Nowadays, however, most of these articles—hoes, spears, ornaments and the like—can be obtained for cash, and disputes do not often arise in the courts except over the sale of grain. 437

Trade in Cattle

Trade in cattle is clearly increasing as a cash economy becomes more important to the Nuer but, as yet, cattle are rarely sold except when the purchase of grain is necessary. A significant paragraph from the Jonglei Investigation Team's *Third Interim Report* (1948) is worth quoting, for the figures given, although taken from all Nilotic inhabitants of the Upper Nile Province, include all the Nuer: 439 231

> The disposal of surplus livestock is governed by private, family, and tribal circumstances, and is at present tied up with the need to find cash; this is required mainly for the purchase of grain and veterinary vaccines and, to a small extent, for the payment of taxes. There are four channels through which the inhabitants can dispose of their animals:
>
> (*a*) By sale to the Veterinary Laboratory at Malakal, where they will be used to produce cattle-plague vaccine and serum.
>
> (*b*) By sale to Malakal butchers for local consumption.
>
> (*c*) By export to Equatoria Province, in which case most of them will be butchered in Juba.
>
> (*d*) By export northwards to the markets of Kosti and Omdurman.
>
> In the majority of cases all trade is carried out through merchants as intermediaries. . . . Previously it had often been necessary for the District Commissioner concerned to exercise pressure before the local inhabitants could be induced to sell.

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Numbers of Cattle sold in or exported from Malakal in Yearly Totals from 1935 to 1947 Inclusive

1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947
2,586	2,413	1,590	2,385	2,817	2,116	2,283	3,124	2,204	3,012	5,944	5,380	5,278[1]

When it is remembered that the Nuer alone possess over half a million head of cattle, these sales figures are not impressive, but the increase in sales is significant.

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There is still relatively little internal trade in cattle among the Nuer. Cattle are not bought and sold in local markets, and disputes over prices or payment rarely come before the courts. Cattle continue to be exchanged, however, and there are still customary rates of exchange.

Exchanges and Loans

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The Nuer word for exchange is *gual*, and is used specifically in connexion with the exchange of cattle. '*Ce thak gual ke dou*', 'he exchanged a bull for a cow-calf.' The expression, which is often loosely applied, refers to a direct exchange. In some cases cattle may be exchanged for sheep. It is generally recognized that a large bull or ox is worth a cow-calf, and a cow-calf is worth anything from 10–20 sheep. Such transactions are frequent.[2] In certain situations of spiritual danger—famine, sickness, or death—or in any situation which demands a sacrifice, a sacrificial animal is necessary, and this may not be immediately available. In such circumstances a man will be forced to make an immediate exchange: a cow-calf for a bull-calf, and so on. More probably he will borrow a bull or in some cases a ram on the understanding that he will pay the owner its recognized equivalent at some later date. This is in the nature of a loan, and involves some measure of interest. A full-grown ox is worth at least a cow-calf if the debt is discharged at some later date, a ram is worth a bull-calf, and so on. In this case the word *ngual* is usually employed. The word *ngual* implies the passage of time before the transaction is complete, and is thus best translated as 'loan'.

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In many cases a Nuer will specify beforehand that he will pay the first cow-calf born to such and such a cow. Such loans are a frequent cause of litigation, for a man is often unwilling to repay the loan after his immediate need has been met, or unable to do so.

[1] Jonglei Investigation Team, *Third Interim Report*, 1948, p. 20.

[2] Among some Nuer and Dinka tribes there is a considerable trade in this manner with Baggara Arabs from the north. Cow-calves are brought in by the latter and exchanged for large oxen, which are then driven north and sold in the markets. This form of trade is, however, limited, for it seems that Baggara cattle will not survive in the areas south of approximately latitude 9°, and though the Nuer have been tempted to try, the experiment has usually been unsuccessful. In any case, there are no statistics available because the practice is not encouraged by the Government owing to the spread of disease.

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Disputes are easily settled by the courts, though execution of judgement is often slow.

Loans Arising from the Institution of Nak

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Slightly different situations arise from the institution known as '*nak*'.[1] It appears probable that *nak*—the common word meaning 'to kill', but in this context meaning 'a slaughter'—was part of the tribal ceremonies concerned with the division of age-sets. Age-mates of the younger age-set would segregate themselves from the rest of the community at the cattle-byre of one of their number and live entirely on the meat of oxen slaughtered for the occasion.

Two or three of the youths would club together to provide an ox and, if their immediate relatives were unable to supply one, they would appropriate one from someone else. In this they were given considerable licence and, should the owner object, they could seize it with impunity. Public opinion would not allow the owner to resist, and certainly he would be unable nowadays to obtain immediate redress in the courts. In return, the youths are bound by convention, with the full force of public opinion behind it, to make return after a specified number of years (usually announced by the *wut ghok*).

The exchange values of cattle provided in this manner are much higher than those recognized in normal exchanges or loans. They are:

1 large bull = 2 cow-calves and 1 bull-calf.
1 medium bull = 2 cow-calves.
1 bull-calf = 1 cow-calf.

The debts were not, of course, discharged with the rigidity which these rates imply, but they are quoted by Nuer as being traditional. Just as a man is expected to hand over his ox without show of reluctance in the first place, so would his debtors be expected to discharge their obligations without argument. Nuer are particularly emphatic on this point, but disputes are, none the less, frequently taken to court.

Nearly all these exchanges are necessary to meet some ritual situation, and are therefore of frequent occurrence. Sacrifice is extremely common, and Nuer consume more meat than is commonly supposed. Recent statistics indicate that a large proportion of the total cattle population is slaughtered.[2]

Exchange of Cattle for Grain

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Finally, cattle are sometimes exchanged for grain in times of famine. This has not been so frequent in recent years, because grain, imported

[1] I have discussed this institution in more detail in an article, 'The Age-set System and the Institution of 'Nak' among the Nuer', *S.N.R.*, 1948.
[2] See Jonglei Investigation Team, *Progress Report, 1948–9*.

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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (math)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Nger Ngwen v. *Can Nyoi* (*Jikany Nuer Case*).

Nger and Can were 'best friends' (*math*). Nger gave Can a black cow as a gift. Can gave Nger a cow when Nger got married. Nger then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Nger, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Nger's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kwal*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

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from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*cuong*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to blows between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ce yang-da kwal*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

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Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, disputes may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

> He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.[1]

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This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 165. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *wuan*:[1] a man will say *ce yang-da wuan* or *ce yoka wuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pec* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Wuan* also implies stealth or cunning.

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he fled to some other Nuer tribe, and the force of local public opinion would compel him to return them if he wished to continue residence in his own community. Upon occasion a man will steal another man's barren cow or bull and kill and eat it, motivated by greed or hunger. This, which is known as *yang micaa luc* in Nuer, is considered a serious offence, and Nuer say that in the old days compensation of ten head of cattle would be demanded. In the past at any rate restitution in equivalent value was not considered sufficient to appease the feelings of the persons who had suffered the loss. Nuer consciously express the concept of a deterrent when they say that such damages are demanded because otherwise others would do the same. Another offence, which is recognized as such in Nuer law, is to misappropriate someone's cow and try to disguise the fact by altering the ear marks on the animal. Nuer say that the cow would have to be returned or another substituted and a bull-calf paid as compensation to satisfy the wronged owner. The principle of compensation applied in cases where cattle are stolen and secretly eaten by the thief is applied also in the cases of sheep and goats, *dei micaa luc*. The traditional scale of compensation for the latter was six head of cattle. Apart from the fact that cases of this sort are nowadays almost unknown, it is doubtful whether more than equivalent restitution would be enforced by the court. It is more likely that the culprit would be sentenced to imprisonment.

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Theft of Other Material Possessions

Apart from cattle, there are few material possessions which come within the scope of this term. Nuer are persistent beggars, though they take refusal light-heartedly. They pester friends and relations to give them personal property which has taken their fancy—spears, cloth, beads, tobacco, &c. Sometimes they may take these things without the owner's permission. Depending largely on the relationship of the persons involved, the owner will rarely do more than protest or grumble and demand (later) some equivalent privilege in return. Neither the word *kwal* nor *tuan* would be used in these circumstances. Most articles of personal property are so easily obtainable, being made from raw materials locally available, that a man would scarcely bother to take them, or if he did, their removal would not be missed. Apart, however, from such easily acquired possessions as described above, certain material objects were, in the past, only obtained with difficulty through meagre trade channels, and their misappropriation was considered a cause for litigation or retaliation. It should be noted also that most of these material objects were bought with cattle, and that their removal would cause proportionate discomfort or suffering to the plaintiff because they were one and all

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important items in the subsistence economy of the people. Their illicit removal by a stranger would again be *wuan*—'theft'.

In analysing some of the customary scales of compensation for misappropriation, it is apparent that in many cases the damages were out of all proportion to the wrong. As in the case of hurt, the compensation was directly proportionate to the suffering of the persons concerned. As has been explained in the introduction, the likelihood of such compensation being paid depended largely on the relationship of the persons involved and the social cohesion of the community in which they dwelt. It is also probable that all these scales of customary compensation date right back to a period of Nuer history when the people lived in more closely-knit groups and before the major processes of expansion began; that is, before they occupied huge tracts of country and absorbed large numbers of Dinka in doing so.

Those material possessions for which compensation (*cut*) was demanded included fish-spears, hoes, and axes—all articles made of iron. The scales of compensation differed considerably from tribe to tribe. The Gaawar, for instance, say that six head of cattle would be demanded for the theft of a fish-spear. Lak Nuer say that one cow was sufficient. The probable reason for this disparity was that compensation was conditioned locally by the relative difficulty of obtaining those articles, and also by the number of cattle paid for them in the first instance. The Gaawar, remotely situated from the trade channels through which iron wares came, could only obtain them from the Anuak to the east or through the Atuot Dinka to the west. In Lak country a cow would purchase a bundle of these things but in Gaawar the cost was much higher.

Again, we find that not only were these articles initially purchased with cattle but all had very considerable value in the subsistence economy of the Nuer. The loss of a fish-spear might cause great hardship because Nuer are often compelled to rely on fish as a major item in their diet, especially when grain is short. Hoes were essential for agricultural processes. Canoes, for which a high rate of compensation was also demanded, were of considerable economic importance not only for fishing, but for swimming cattle across rivers in the course of seasonal migrations. Canoes, however, may have had a trade value nearly equal to the compensation, for suitable timber is rare in Nuerland even today.[1]

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It is therefore possible that in these traditional scales of compensation for the loss of certain possessions, there are the germs of deterrent and punitive concepts, but it is more likely that they still fall within the category of private law. There was certainly no organized political

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[1] Canoes have a high value. Those imported from Anuak, Shilluk or the south and west are worth several head of cattle. Canoes made of doleib palm trunks which are available locally are comparatively cheap and are usually sold for cash.

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body capable of enforcing payment. To steal an article of this nature was a private delict and could only be settled by payment of compensation sufficient to appease the owner. Since ownership was in a sense collective, it was necessary to restore the balance between the groups concerned if hostilities were to be avoided. Compensation represented restitution or the equivalent value of the article and in addition recompense for the potential economic loss which might occur.[1] Clearly compensation was not paid rigidly according to conventional rules, but the scales were there to quote—once more as a basis for compromise. 685

Compensation in excess of the actual trade value of the article stolen is never applied today. For one thing, most of these articles are no longer purchased with cattle but for small sums of money. Moreover they are so easily obtainable from local shops that the owner is scarcely likely to be involved in any real hardship. Ownership of such articles is now a more individual matter, and it is unlikely that two communities will embark on hostilities over such trivial matters as this unless other motives already exist. Even with possessions which still demand a high rate in cattle or substantial sums of money, like canoes, there is never any question of compensation in excess of that value, only restitution or the equivalent. [178]

If the wrong is considered particularly grievous or if there has been a danger of a breach of public security, a Nuer court will usually inflict punishment on the culprit in the form of imprisonment or fine. Thus theft is rapidly becoming a criminal offence, rather than a private delict the seriousness of which was gauged by the potentialities of economic discomfort to the wronged and by the extent of compensation required to restore the balance between opposed groups. No economic discomfort is likely, and if there is any danger of hostilities this is met by penal sanctions. It is gratifying to be able to record that theft of this kind is still comparatively rare in Nuerland, though it is alarming and ominous that it is of more frequent occurrence in communities where detribalization is most apparent.

[1] It is interesting to note that the ordinary fighting-spear (*mat*), though made of iron, was not included in this category.

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CHAPTER VI

RELIGIOUS CONCEPTS IN RELATION TO LAW

000 IN the preceding chapters I have described what may be called the secular aspects of Nuer customary law. The terms of the law described are largely rational, and only at certain points and in certain contexts have religious and magical associations been mentioned. The isolation of rational procedures from the religious background, however, gives an incomplete picture, and some mention must be made of Nuer religion and ritual sanctions in relation to legal concepts. To do so is to embark on a highly complex subject and one which, as an administrator, I had least time and opportunity to investigate. There is also a danger of over-simplification and generalization. The reader must bear this in mind.

Nuer Religious Beliefs

771 776 The Nuer are an intensely religious people. As a basis is the concept of *kwoth*, an all-pervading deity associated with the sky but present to a greater or lesser degree in all things, which supplies, directly or indirectly, an explanation for phenomena which cannot be accounted for in terms of everyday life.[1] This applies to material objects, human beings, events, and situations. Thus a particularly vicious snake may be a manifestation of *kwoth*, thunder and lightning are *kwoth*, a magician is possessed by or possesses *kwoth*, an unexplained accident or illness is due to *kwoth*, spirits are *kuthai* (a plural form of the word *kwoth*) and the unpredictable future is *ruac kwoth*, literally 'God-talk' or 'the will of God'. The word *kwoth* also has connexion with the whole range of spiritual forms and concepts: ancestral spirits, household spirits, spirit medicines, talking spirits, sky spirits, earth spirits. The special functions of the ritual experts of the kind already mentioned and their magical powers are derived from and are dependent upon *kwoth*. Nuer themselves find great difficulty in describing their beliefs because *kwoth* is accepted without

[1] In a recent article Professor Evans-Pritchard says: 'God is a spirit who is in the sky and also everywhere, he is the creator of the universe, the father and friend of man and the guardian of the social order; and in comparison with him man is an ignorant and puny creature. . . . There is nothing which can properly be called a cult of God, the spirit who is in the sky, and indeed the absence of a cultus is very much in keeping with the whole Nuer metaphysic.' 'A Note on Nuer Prayers', *Man*, Vol. LII, 140, 1952.

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query and is an abstract idea which they cannot explain in terms of specific examples; but this does not cause confusion to them because, although all aspects of their religion are an indirect extension of the idea of *kuoth*, there is a special terminology which refers to every kind of manifestation and category. 771 776

For example, there are, as will be seen later, *kolangni*, special spiritual forms which come into the possession of and possess individuals or kinship groups, and of these there are many different types of manifestation. They are often the cause of physical illness or misfortune. A particular individual may be subject to epileptic fits or periods of mental instability, and speaking in general terms the Nuer will say *teke kuoth*, 'he *has* or is possessed by *kuoth*'; but they will usually go further and qualify this statement by saying that he is possessed by some particular manifestation of *kuoth* which has a definite name. In some cases the individual will have called upon himself evil effects (though the same spirit may equally bring beneficial effects) in angering the spirit by some action, or more probably by failure to carry out some ritual obligation. There are special functionaries whose duty, in return for fees paid, usually in cattle, is first to diagnose the cause of the trouble and then to suggest a remedy, often assisting in the ritual which follows. [753] [791]

Kuoth is sometimes spoken of in the rôle of creator, but creation is more often explained in mythology by reference to ancestors. Such ancestors are not consciously thought of as manifestations of *kuoth*, although their origin would be explained as *kuoth*.[1] Ancestors are intermediaries between man and God; prayer is offered through them to *kuoth*. There is therefore a close relation between the concept of *kuoth* and religious practices associated with a patrilineal descent group. The word *thek* is used to express the idea of respect to ancestral spirits, and also, by extension, respect for kinship relations. Misfortunes and illness, sometimes referred to as *nuew*, are often believed to be caused by ancestral spirits who are angered on account of a breach of observance—such as neglect of prayers, which should be addressed to them—or by actual relations between living descendants. An offensive action against a kinsman demands not only some compensation in the form of apology or even material indemnification but also prayer and expiation. There is therefore a religious sanction for kinship obligations and observances.[2] 776 769

[1] E.g. when asking Nuer to relate their genealogies, one often finds that they get stuck at a particular ancestor—and there is, of course, always an ancestor beyond whom they cannot go. Pressed for an answer they will simply say that this man came from *kuoth*.

[2] *Thek*. A full explanation of the word *thek* is given in an article by Professor Evans-Pritchard in *Man*, Vol. XLIX, 98, 1949. He says: 'We can therefore perhaps best think of *thek* as a term indicating a category of ritual prohibition or taboo, and of *nuew* as a term commonly used both for the infringement and the sanction of this class of taboo.' My own view is that *thek* implies not only negative action in the form of prohibition or avoidance but also positive action in carrying out some observance or duty.

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Few disputes derived from religious situations appear before the tribunals established by the Government today except occasional accusations of witchcraft, or violent action against persons believed to be practising witchcraft, and the claims of religious experts for fees from their clients. Before turning to these matters, however, I propose to consider two aspects of Nuer religious belief which are relevant to a study of their customary law. The first aspect is the part which is played by religion as a sanction for the fulfilment of obligations towards kinsmen and to Nuer as a whole, and as a deterrent against breaches of recognized behaviour. The second aspect concerns the part played by religious functionaries in connexion with legal processes. This aspect has been discussed at some length both in the introductory chapter and in the chapter on homicide, but mainly in connexion with the Leopard-Skin Chief. More must be said of other experts who have specific functions to perform.

Religious Sanctions and Legal Processes

Religious sanctions for the operation of accepted rules of conduct have already been mentioned in connexion with homicide and the spilling of blood. We have seen too that in certain offences concerning women there is a sense not only of a secular wrong but also of sin which must be expiated by ritual observance.

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It is clear, however, that religious concepts do not provide a deterrent; a man is not deterred from killing another simply because he fears spiritual contamination or the pollution of those with whom he is associated. He might do so were there no definite means by which he can remove the danger, but the means exist. What he and his kinsmen fear is the voluntary, or more probably involuntary, breach of observance which will bring them disaster in the form of natural disease (*mew*) or of sterility among themselves and their cattle. Religion among the Nuer is therefore not so much a deterrent to homicide as a sanction for carrying out accepted modes of behaviour after the event. It is further a sanction for the immediate confession of homicide, and this is why the Nuer rarely if ever attempt to conceal their guilt. The dangers of concealing an act of homicide are expressed in the concept of *luic*.[1] When a man fails to confess, there is a graver disruption of equilibrium; both his own kin and those of his victim run into the danger of involuntarily breaking the taboos on social contact, and consequently an incident of this sort may demand a higher rate of compensation if peace is to be restored.

There appears to be no formal reaction on the part of the community as a whole to an act of homicide, nor any general expression of reprobation. The killer is not thought of as an evil-doer because of his

[1] See p. 32.

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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance. 771 682 [776]

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralize the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security. 682 783

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organized political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status. 682 621

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*duer*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger, 682 783

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The ghost of the dead stranger,

no less than that of a fellow tribesman, may haunt the slayer, and the mere act of homicide creates a situation of spiritual danger.[1] This is a religious concept, but it does not provide an effective sanction against homicide because the consequences can be avoided.

(ii) The killing of a fellow tribesman, and to a much lesser extent a fellow Nuer of another tribe who is within the orbit of the killer's social sphere, is a wrong because it is an offence against the stability of society in its most extended form. But it is a private delict and not a crime, and demands only retaliation or restitution. The closer the relationship between the component tribal segments involved, the greater the sanction for restitution. It is also an act which brings spiritual contamination upon the killer and his kin, and expiation and ritual purification are necessary. Moreover the closer the relationship the more dangerous the consequences and the greater the need for purification, because the act of homicide amounts to a more grievous breach of kinship observance.

(iii) Finally in the narrowest definition of blood relationship, where kinship is a reality and not merely a fictional social form—that is, within the lineage or the extended family group—restitution becomes less and less necessary because the persons who assist in the payment of compensation are also the recipients. To put this in negative form, those who are in duty bound to take vengeance are also those upon whom vengeance should be wreaked. The situation then reached is so near to patricide or fratricide that the idea of vengeance or restitution must disappear. The situation is indeed something akin to suicide, which is the negation of the principle of kinship solidarity, and, as in suicide, the danger is not the threat of retaliation nor the need to pay cattle as compensation to some other group but spiritual damnation from within.[2] Hence the act does not constitute a private delict but is

[1] To the Nuer this idea applies to all mankind. The disgruntled spirit (*cien*) of the dead man will haunt his killer and bring him misfortune or even death. The act of spilling blood in itself creates a condition of impurity which afflicts the killer, amounting to an impairment of his ritual status, and therefore requires expiation. Hence the ceremony of *biev*, which includes not only sacrifice but the letting of the slayer's blood. The danger involved in the spilling of human blood is exemplified in the rules concerning the destruction of certain categories of anti-social persons, notably the *ruth* or *gheel*, with the consent of the community. No blood must be spilt; the *gheel* should be beaten to death with sticks. No such contamination arises from the spilling of animals' blood except that of an elephant. For this the ceremony of letting the blood of the killer must be performed or the ghost (again *cien*) of the animal will haunt him. It is especially interesting to note in this connexion that elephants are closely associated with mankind and are linked in mythology to the genealogies of certain lineages.

[2] This statement is, of course, qualified by the actual relationship of the persons concerned. Between brothers or half-brothers there could be no payment of compensation; between patrilineal cousins some form of compensation might be paid, but conditioned then and subsequently by other mutual obligations in connexion with cattle. The real test probably lies in the obligation to marry a wife to the name of a dead kinsman. If the killer were also the man, or one of the men, who normally might be expected to discharge this duty on behalf of the deceased, then no form of compensation would be necessary.

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a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible. 682 783

These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*nuer*), and their kinsmen may suffer subsequently, particularly from sterility, infant mortality, or a series of disasters which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently efficacious, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could. 783 684 835

There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse 783 684

[1] For minor infractions gifts—tobacco, food, &c.—may be offered to an offended kinsman.

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with a woman who is pregnant or a nursing mother. If the man who so offends is the woman's own husband, her relatives are likely to express great indignation and, if he is to continue on good terms with them, he will have to take steps to neutralize the consequences by ritual purification and sacrifice; otherwise the woman or her child will die. Moreover the ill-effects may extend to her kin, and in some cases these will demand a cow from the offender, not, I think, as direct compensation for a wrong but as a gift which will probably be dedicated to their ancestral and household spirits who otherwise may bring trouble to them.[1]

If the act is committed by a man who is not the woman's husband, it is certainly considered serious, but it is treated as a normal case of adultery and the compensation (*ruok*) demanded by her husband will not be greater than in normal adultery, although his indignation will be more intense and the likelihood of his taking violent action against the offender greater. For this reason alone such cases are likely to be settled by indemnification more promptly, and in this sense the religious concept is also a sanction for payment; the compensation is conditioned not by the likelihood of the spiritual effects, but by the traditional assessment of the wrong to the husband. Thus in this case religious belief is a sanction for the operation of a recognized process of law but has no effect on the amount of compensation. The idea of pollution is also present in cases of straightforward adultery where, as we have seen, among most Nuer tribes one cow should be paid in order to counteract the pollution involved, the cow called *yang kule* ('the cow of the sleeping mat'), which will allow the husband to resume relations with his wife in safety, and which is something quite different and apart from other cattle paid as compensation for what is regarded as a secular wrong. It is worth noting that if the adulterer is closely related to the cuckold no compensation will be demanded, but the *yang kule* is always paid.

There are also many customs which are not normally the cause of litigation in the courts, nor indeed of much dispute of any kind, but for which a form of compensation is necessary. For example, it causes offence for a man to appear naked before his mother-in-law or any woman who stands in that relationship to him. This applies even if he does so unwittingly, especially in the early stages of marriage. It is an offence which will require some small gift as compensation, and the offender may also be expected to make a token offering, a pinch of tobacco or something of the sort, to the ancestral spirits of his wife's lineage. Observances of this kind and the action taken if they are ignored are upheld by ritual sanctions, as well as by sanctions derived from the purely social relations arising in marriage and kinship.

[1] *Thiang*, see p. 177.

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Religious Functionaries and Magical Experts

We have seen that the Leopard-Skin Chief has certain duties to perform in connexion with the composition of blood-feuds and that he may be called upon to arbitrate in disputes of almost any kind. His rôle is purely that of a mediator whose powers, both ritual and secular, are brought into operation only if there is a genuine desire by the hostile parties to reach an agreement. He has no executive powers with political force behind them, although it is expected that he will attempt to intervene in the early stages of a feud, and he sometimes threatens to use his power to curse the disputants if they will not agree. Moreover, in all matters in dispute, the frequency with which he will be approached depends largely on his prestige and personality, and not merely on his hereditary status. Other persons with no hereditary ritual status might easily acquire a reputation for fairness and tact and be employed as arbitrators in minor disputes. Skill in arbitration was considered by the Nuer one of the attributes of leadership (*ruec*), and the *ruic naadh* often extended their influence into the sphere of legal disputes.[1]

There are also other kinds of ritual experts who have specific functions to perform for public welfare: fertility in man and cattle, success in hunting and fishing, in raids and warfare. In this category are the *wut ghok* or cattle expert, the *kuaar thoi*, the water expert, the *kuaar yiika*, who is mainly concerned with the fecundity of women, the *kuaar juath*, who deals with epidemic diseases among humans, the *gwan tang* or *kuaar bith*, who ensures the success of warriors in battle. These experts have regular duties to perform, a fact which distinguishes them from other categories of magical expert; they have an established ritual status in society, and are expected to carry out religious tasks which in some African tribes are less specialized or even embodied in the person of one man.[2]

Professor Evans-Pritchard has mentioned most of these experts in his writings on the Nuer, and has recorded most, but not all, of their duties. They are:

Kuaar kuac or kuaar muon: The Leopard-Skin Chief or Land Chief

The functions of this expert in connexion with homicide have been fully described in Chapter II. His is essentially an hereditary office,

[1] We are dealing here with the past. The functions of traditional experts are now much modified.

[2] The *rath* of the Shilluk, for example, who is, apart from his political and executive functions, generally responsible for fertility in man, cattle and crops, for success in hunting and fishing. (See Howell and Thomson, op. cit., p. 9; and *Africa*, XXII, 1952.) He is responsible, however, for these matters as affecting the whole tribe. There is also among the Shilluk a number of specialists responsible for local interests, *fal yuath*, *ajwaga*, &c.

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but all members of the lineage do not practise. Professor Evans-Pritchard has listed his functions as:

(i) Anything to do with the land—especially the welfare of crops.
(ii) A limited rôle in rain-making and the regulation of the weather.
(iii) The ritual of homicide (see Chapter II).
(iv) The ritual of incest (see Chapter III, Section 3).
(v) The ritual of preventing feuds and protecting warriors on raiding expeditions.
(vi) Arbitration in all kinds of disputes.

Wut ghok: The Cattle Expert

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This is also an office the potentiality of which runs in certain families, and it is to that extent hereditary. The functions of the *wut ghok* are purely ritual and, apart from cattle, are concerned with the social processes of the age-grade system.

Other functions may be listed as follows:

(i) To increase the fertility of cattle and milk production and to ensure that cows give birth to cow-calves. To avoid cattle disease.
(ii) To perform the ritual of warfare, and in particular to ensure that many cattle are captured in raids.
(iii) To perform fecundity rites for women and to assist elderly spinsters to secure husbands.

As in the case of the *kuaar muon*, the *wut ghok* is concerned with activities which are both beneficial and widespread. I only know of two cases brought before the court where a *wut ghok* was alleged to have used his powers for personal gain or for revenge upon the cattle of an enemy. One of these cases caused something of a sensation and considerable animosity.

Kuaar thoi: The Water Expert

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A hereditary office running in certain lineages, sometimes of reputed extraneous origin (probably Shilluk or Anuak or what the Nuer call Bar). The *kuaar thoi* may be called upon to bless raiding parties and to perform ritual to ensure that they do not drink of water poisoned by the enemy. His principal function, however, is to bless the water, and to see that there is an abundance of fish and that the people are successful in catching them. He also performs ritual against crocodiles, and is indeed particularly associated with crocodiles and often called *kuaar nyang* (crocodile expert). A *kuaar thoi* is often called in to assist when cattle are fording a river. To ensure that crocodiles do not attack them, he takes a pole which he thrusts into the reeds along the bank and places on this an iron ring. He then takes a sheep, ties its legs

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and thrusts it into the river alongside the pole, calling upon the crocodiles to desist. This is, in fact, a common practice, since some Nuer are bound to cross rivers or crocodile-infested waterways in the course of the dry season migration.

Kuaar juath

The badge of this office is a cow-skin which he beats with a stick, and by performing this and other forms of ritual the *kuaar juath* stops the spread of disease among humans (notably small-pox). This office is also hereditary.

Kuaar yiika

The badge of this office is the *yiik* or woman's mat. The *kuaar yiika* is called in to arbitrate in cases where a woman dies in childbirth and *thung yiika* is demanded. Some Leopard-Skin families claim that this is their duty and that the *kuaar yiika* is only an assistant who should help in a subordinate capacity.

Gwan tang (*sometimes kuaar tang*)[1]

The word *tang* means 'spear-shaft'. The *gwan tang* is particularly concerned with the success of raiding parties and the performance of elaborate ritual to avoid spear-wounds to the warriors. Part of the ritual process is to break off the tip of the spear-shaft and cast it in the direction of the enemy. Some of these specialists are known as *gwan bith* (*bith* means fish-spear), but I know of only one family which claims this distinction, and their functions and the ritual they perform appear to be identical with those of the *gwan tang*.

Many of the functions of these various experts appear to overlap. This is true in general terms, but closer analysis will, I think, show that they are not identical. Thus the *kuaar kwac*, the *wut ghok*, the *kuaar thoi* and the *gwan tang* are all concerned with cattle raids and warfare. The *kuaar kwac*, however, is expected to ensure success in a more general and unspecified way, the *wut ghok* has specifically the duty of seeing that the raiders are successful in capturing cattle, the *kuaar thoi* is expected to protect them from poisoned water, and the *gwan tang* to give them success in inflicting spear-wounds on their enemies and in avoiding injuries to themselves. The *kuaar kwac* is also expected to protect them against the ghosts of slain enemies, which is one of his specific duties in cases of homicide. All experts of this kind are known as owners of *twac* (*gwan twac—ji twac*),[2] stressing their right to wear a particular skin as a badge of office, although some of them, notably the *wut ghok*, have none; the rest of the

[1] *Kuaar* is best translated as 'expert', though the word 'chief' is more often used; *gwan* (father) here simply means 'owner or possessor of'.

[2] *Twac* is a generic term for skin: *kwac* means leopard-skin, *thoan* serval cat-skin, and so on.

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people who have no such distinction are known as *dwek*. There is no suggestion of a caste system or, indeed, any social distinction, but only of the possession of a special ritual status in society which is emphasized by the hereditary nature of their functions and in tribal tradition and mythology.

I do not propose here to discuss in great detail the part played by these experts in legal procedures. We have already seen that the *kuaar kwac* or *kuaar muon* had special functions to perform as a mediator in blood-feuds and in other forms of dispute. The *kuaar yiika*, though his functions were almost purely ritual, was called in when an unmarried woman died in childbirth as a result of illicit sexual intercourse. Yet it would not be true to say that the *wut ghok* intervened in disputes concerning cattle for his functions were entirely ritual. This applies also to other kinds of religious functionary and, as will be seen later, magical experts of other categories. It is, however, true to say that any man of influence would intervene in disputes, both between individuals and between lineages or tribal segments, and since possession of spiritual attributes brings influence of this sort, doubtless such experts played their part in political and legal affairs. Again, it is necessary to stress that these observations, though still partially true, concern principally the past. It will be obvious that whatever political and legal functions were performed by these people in the old days are now much modified by the introduction of modern tribunals with the sanction of government action behind them.

Other Types of Religious Expert

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Religious experts of the second category have no analogous traditional status or specialization of social and economic function, although in most cases their position becomes hereditary. These are the *ji kuthni* (sing. *gwan kwoth*), of which there are many kinds. The first are the possessors of 'sky-spirits'—direct and identified manifestations of *kwoth*—some of whom gained considerable political power and widespread fame during the last century. Professor Evans-Pritchard speaks of these as 'Prophets', and suggests that the concept was of Dinka origin. Many of these prophets were themselves of Dinka extraction.

It must be remembered that the great majority of these people gained no widespread prestige and had no political influence at all, their activities being limited to the ordinary ritual divination and diagnosis of the cause of the minor misfortunes which beset the individual. Nowadays they are unlikely to gain any extensive political power, although there are many who have exceptional influence over the Nuer, and it is interesting to note that they are never brought forward as possible representatives of the people to the Government. For example, there is a *gwan kwoth* called Macar Teng, who lives in comparative

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isolation among the few Gaawar who occupy the southern and almost inaccessible part of the Zeraf island, and has considerable influence over Gaawar affairs. Another, Riak Loinyjok,[1] commonly called by his bull name, *tut me bor*, has recently acquired tremendous prestige and, although he lives among the Lak, is known and visited by people from as far away as the Eastern Jikany. His activities have no political aspect, and he concerns himself with the curing of the sick.[1] These are exceptional cases; the vast majority have no such fame.

There are also owners of lesser spirits, and the multitude of persons who operate through 'talking or spirit medicines', which are described very briefly below. 'Prophets' and persons possessed of spirits and magicians of lesser importance are clearly distinguished from the *ji twac*, religious functionaries who have a traditional right to a skin (*twac*) as a badge of office. These distinctions may be summarized as follows:

(i) The *ji twac* have not only hereditary status, but status which is firmly established in tribal tradition. Their ancestors, themselves operating as *kuaar kwac*, *kuaar thoi* and the like, are figures of great repute in Nuer tribal history.[2] Other types of religious expert can acquire their powers suddenly, alleging possession by a spirit after a trance or epileptic fit, or even by purchase from someone else, but although these qualities may thereafter become hereditary, it is never a hereditary status which goes far back into the history of the lineage.

(ii) The *ji twac* have no particular manifestation or spirit linked to themselves as individuals, only ritual association with earth, cattle, water, &c., as the case may be, while the *ji kuthni* are possessed by much more definite manifestations, each of which has a distinguishing name and sometimes even a known personality.

(iii) The *ji twac* have functions to perform in connexion with the people as a whole or with natural phenomena or events which are likely to affect the whole community or the tribe. The *kuaar kwac* is associated with the land and is therefore responsible for control of the weather, the *kuaar thoi* with the abundance of fish in the waters, the *wut ghok* with the welfare of cattle. Owners of spirits are more concerned with individuals, and are approached by individuals to perform ritual tasks for them in return for an agreed fee.[3]

The distinction given above is not, of course, always crystallized. The *kuaar kwac* may, for example, be approached by an individual, who will ask him to bless his land or his wives and ensure

[1] Since the political activities of *ji kuthni* have been so severely repressed by the Government, those who now practise are usually at pains to emphasize the purely spiritual nature of their activities.

[2] See pp. 30–31.

[3] This does not mean that the *ji twac* do not also receive fees. There are recognized fees for specific functions: for example, fees paid to the *kuaar kwac* for arbitration in blood-feuds, &c.

[1] [See plate facing p. 161 -- Analyst]

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791 fertility. Moreover it is clear that those of the second category who acquire great prestige and influence often seek to misappropriate the functions and insignia of more reputable experts. There is a tendency to assume the leopard-skin. Deng Likea, Prophet of Gaawar, did so, and his son Gaw Bang—for many years President of the Bar Gaawar Court—often conducted the ritual of homicide although he had no traditional right to do so. Riak Loinyjok (mentioned above) wears the leopard-skin, though he would not be accepted as arbiter in blood-feuds. There is clearly a desire by these people to establish themselves in a ritual and traditional, and therefore more orthodox, status in society.

A *gwan kwoth* of repute will also claim that he possesses or is possessed by a large number of different spirits, not a single spirit. Deng Likea, whose principal spirit was called Diu, possessed many others, [551] and he married a wife in the name of each. His sons are usually referred to first by their own names and then by the name of the spirit in whose name the mother of each was married, and not by that of their father, according to normal Nuer custom. Thus Deng Likea's sons were called Macar Diu, Gaw Bang, and so on.

There is a large number of different categories of spirit owners: owners of 'sky-spirits' (*kuth nial*), owners of 'spirits' of the wind (*kuth dange*), owners of 'earth spirits' (*kuth piny*) and 'talking medicines', these last being divided into a large variety of different forms, and finally, possessors of *wal*, medicine, which is usually present in more tangible form.

It is not within the scope of this book to describe at length the multitudinous concepts concerning *goah* and *kolangni*. *Goah* is said to be of Dinka origin, while *kolangni* are essentially Nuer. Under these two main headings are numerous spirits which have special names—*biel*, *maluth*, *gulung*, *mathiang*, &c.,—and special characteristics. The spirits are used to assist in the diagnosis of ills and misfortunes, the possessor acting as a medium and often going into a trance at a seance attended by a considerable number of people. The spirit is said to speak from the mouth of the medium, from a special pot or gourd, from the ground, or sometimes only through dreams.

789 *Wal* is a word which has the more literal meaning of medicine, since it is also applied to herbs, purges, and astringents as well as nowadays 754 to medicines supplied by the government medical service. In this connexion it refers to magic roots and sometimes to other objects which have intrinsic magical power and which are operated by the performance of ritual for some specific purpose. There are different forms of *wal* (one called *nyeth*, for example, is believed to be particularly potent and also dangerous), but the Nuer do not consider themselves to be experts in their use, and regard them as being of foreign origin. In fact such roots are usually obtained from other tribes, and a Nuer will sometimes go on a special journey to purchase them.

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They can be and are used for beneficial purposes, but they are associated more often with the practice of witchcraft, and owners of such medicines are often greatly feared. This fear has perhaps been particularly impressed on the Nuer by the action of the Government in banning the possession of roots or medicines and inflicting severe penalties on their owners, whether they were believed to use them for good magic or for witchcraft. This reaction has not applied so much to the ownership of spirit medicines, presumably because, being for the most part entirely incorporeal, there was no proof of possession, and Government intervention was therefore much more difficult. Spirit medicines, *kolangni* and the like, can none the less be used for anti-social purposes, although they are normally regarded as beneficent and used as such.

A further category of Nuer magic experts is the *tiet*, who have special powers of divination,[1] but their techniques are not usually dependent on a particular spirit manifestation or on possession of a medicine. Their methods are more mundane in character, for they often use cowrie shells or pebbles, which are cast on the ground, and an interpretation is given of the formation in which they fall.

Beneficial and *Anti-social Activities*

We see, therefore, that the functions of all these experts are generally considered to be beneficial; those of the *ji twac* to the people as a whole; those of other experts or possessors of spirits and medicines to their individual clients. Their power can, however, be used for purely anti-social purposes. The *ji twac* have the power to curse by invoking the element or object with which they are particularly associated. We have seen that the Leopard-Skin Chief may call a curse upon those who refuse to listen to his exhortations in connexion with blood-feuds and homicide,[2] but he is not expected to do so for his own benefit or from personal animosity. Similarly the *wut ghok*, who has the power to benefit the people by ensuring the good health and fertility of their cattle, can also curse their cattle. Yet none of these religious functionaries can be regarded

[1] *Tiet:* a common Nilotic word used to cover a very large variety of magical experts.

[2] In connexion with warfare and cattle raids they are expected to work magic against other tribes; to make the infliction of wounds upon them easy; to destroy or weaken their defences. This is not witchcraft so far as the Nuer are concerned, for their action is pro-Nuer and to them in no sense anti-social. The definition of witchcraft is here relative. It will also apply to cases of warfare against other Nuer tribes or even tribal segments. An expert who performs ritual to bring about the downfall of enemies in another tribal section is acting in the interests of his own tribal section. His action is beneficial magic to his own people, black magic to those of the opposing segment, and there is no formalized community to which both belong and which would consciously react against his performance. His action is not witchcraft in the more exact definition of the term. Nefarious practices against an individual or even a kinship group within the community are a different matter, because there is a body of collective opinion which considers such action anti-social and, as we shall see in the next section, is prepared to take collective steps to remove the danger.

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as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *gwan wal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *peth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rodh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rodh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *peth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective. 839 684

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*lorjok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours. 754 683 [783]

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kweng*, *kwil*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate. 695

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

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Kap tang

695 In this ceremony, although the name *kap tang* refers to the spear of the Leopard-Skin Chief, the most important ritual association is clearly with the earth, and the ceremony amounts to a symbolic and sympathetic enactment of the process of burying the dead. A small hole is dug in the ground by the Leopard-Skin Chief, and this represents the grave; over it are placed sprigs of *Calotropis procera* and *Balanites aegyptiaca*, for these are usually placed over the newly buried dead as a protection against the diggings of hyenas. Over this hole the Leopard-Skin Chief puts his spear, while the disputants squat on either side and place their right hands on the spear-shaft and each swears his innocence or belief in the other's guilt as the case may be. It is believed that the one who is telling a lie will be seized with sickness possibly followed by death unless an antidote is applied. If either party falls ill he will hurry to the Leopard-Skin Chief, who reverses the process and thereby removes the contamination. Sometimes the ritual is less elaborate; the disputants simply pass under the outspread leopard-skin held by the owner.

Math

695 784 This is usually, but not always, applied in cases of homicide where the killer has not confessed or is quite unknown. It is performed by the Leopard-Skin Chief, who fills a gourd with milk from one of the cows belonging to the dead man. Those who protest their innocence are then expected to drink of the milk. This act openly defies the taboo on drinking or eating which automatically comes into operation between the hostile parties in a blood-feud. Indeed there could be no graver danger than drinking the milk of the dead man's cow if there is blood between them. Since contamination is extended to all kinsmen of the unknown killer, it is unlikely that anyone would agree to take the oath unless he was absolutely certain of the innocence of all his kin.

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CHAPTER VII

THE NATURE OF NUER LAW

Private Law and Public Law

WHEN speaking of Nuer systems of social control in the past we should not be justified in making a distinction between criminal and civil law, though we might, in some instances, be justified in doing so now. Such a distinction is based on the conventions of legal principles inherent in our own culture, and these are not applicable. We can, instead, as recommended by Professor Radcliffe-Brown, distinguish between 'the law of public delicts and the law of private delicts'. He points out that— 671

> in any society a deed is a public delict if its occurrence normally leads to an organized and regular procedure by the whole community or by the constituted representatives of social authority which results in the fixing of responsibility upon some person within the community and the infliction, by the community or by its representatives, of some hurt or punishment upon the responsible person. This procedure, which may be called the penal sanction, is in its basic form a reaction by the community against an action of one of its members which offends some strong and definite moral sentiment and thus produces a condition of social dysphoria. The immediate function of the reaction is to give expression to a collective feeling of moral indignation and so to restore the social euphoria. The ultimate function is to maintain the moral sentiment in question at the requisite degree of strength in the individuals who constitute the community.[1]

It is worth while examining this statement in the light of what has emerged in the preceding chapters. Our first difficulty among the Nuer is, of course, to define a community. Nuer society is segmentary, and therefore a group of persons or a segment of a tribe may have political significance at one moment, and at another moment no significance at all. This difficulty is accentuated by the process of fission and fusion described by Professor Evans-Pritchard.[2] A tertiary segment of a tribe has, in this sense, a more constant political existence, and a localized lineage even more so, than a secondary segment or larger unit until we reach the tribe which is, or was, the limit of political unity. The fact that political co-ordination, especially in matters of law, now extends beyond tribal boundaries, because the Government provides the link, in no way alters this argument, for we are still considering the past. Even with this qualification, however, and with full realization that the sanctions for conformity have a variable social range and that a 621 671

[1] *Encyclopaedia of Social Sciences*, New York, 1933.
[2] Evans-Pritchard, *The Nuer*, p. 148.

[p. 221]

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621 community among the Nuer is relative, like the Nuer word *cieng*, which
671 roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 The sanction, even for the most serious of offences, homicide, was retaliatory, requiring only an act of vengeance against the killer or any
621 one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. This balance is disturbed by the act of homicide, and the two
[783] groups or segments of a tribe are at once in a state of feud (*ter*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thunge*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated processes of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus assuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

[1] The Nuer *cieng* has already been discussed; see pp. 21–22.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

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may be described as public law. There is no evidence of a penal sanction applied by anything which resembles 'politically organized society', nor anything which indicates that such procedure is enforced by the will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard-Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective. 681 621 [624]

A further point of significance is the fact that the Nuer distinguish between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardized by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of laws concerning homicide which are consistently applied. 684 681

In the past, then, the outcome of blood-feuds depended on the social relations of the groups involved, even though the division over these events might follow the lines of segmentation until a whole tribe was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing. 684 621 681

Similarly other legal wrongs required the payment of an indemnity to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or 681 621

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681 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was
621 not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts.
[684] Adultery requires the payment of an indemnity in cattle, and we have noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organized action against the culprits, is not a public delict among the Nuer. Certainly no punitive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the contamination (*nuer*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalized body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 The only form of procedure which might fall within the category of public law was the repressive action taken against witches and
621 ghouls. Although the Nuer themselves say that this action was sometimes taken and, in quoting instances in their history, refer to indi-
683 viduals who have at least an established position in known genealogies,

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there is no documented evidence, and we are again approaching a subject which is a matter of conjecture. It may be presumed, however, that violence probably resulting in death was sometimes used against persons who had acquired such an evil reputation that their continued existence in the community became intolerable. Nuer tell us that in the case of ghouls (*rodh*) no indemnity would be demanded by the dead man's kinsmen, and only a much reduced indemnity in the case of possessors of the evil eye (*peth*), and sometimes magicians (usually *tier*) who were alleged to have used their powers for strictly anti-social purposes. This does not necessarily suggest that anything in the nature of organized or concerted action was taken but that the act of revenge on the person of a witch by an individual, or a few individuals who supported him, was condoned by public opinion to such an extent that the kinsmen of the deceased dared not retaliate, or perhaps themselves condoned the act, considering themselves well rid of a dangerous factor within their own lineage. At any rate a blood-feud was unlikely to follow, and although vague statements of this kind must be substantiated by actual examples[1] before any definite conclusion may be drawn, we might be justified in saying that here at least is the germ of public law.

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Trends and Changing Conditions: the Transformation of Custom into Law

We have seen in the introduction and throughout the descriptive passages of this book that among the Nuer there are recognized rules of conduct which find expression in the terms *cuong*, 'right', and *duer*, 'wrong'. These concern the relations of one Nuer with another and, since the individual cannot be considered in isolation, one group with another. The distinction between custom and law has also been mentioned. The term 'law' is sometimes used of all processes of social control, and by this definition any of the obligations, customary actions, and conventions inherent in the social system might be described as law. It is less confusing to adopt the hypothesis that the extent of the law is limited to social control which is maintained by organized legal sanctions and applied by some form of organized political mechanism. By this definition, the Nuer had no law, for, as we have already seen, there was in the past nothing in the nature of politically organized society. There were in a sense courts of arbitration dependent on the person of the Leopard-Skin Chief, but resort to this functionary only occurred if both parties were willing or found it expedient to do so, and there was certainly no means through which a judgement could be enforced even if it was given.

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On this subject, Professor Evans-Pritchard has written:

[1] It is perhaps now too late to collect reliable evidence on this subject.

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671 In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict.[1]

When this statement is applied to the past, no criticism can be made. So far as it is now possible to discover what happened in those days, we may safely say that arbitration only occurred when it was expedient for both parties to submit to it. We may also conclude that the conventional compensations referred to were in the nature of a formula for compromise. A start in the negotiations had to be made with reference to some scale, especially when the disputants were under the stress of heated emotions, but although such scales have a traditional consistency, there was no constancy or rigidity of application. 692 Finally we may say that there was no mechanism for enforcement should either party refuse to continue negotiations at any stage of 178 the proceedings.

Professor Evans-Pritchard goes on to say:

The recent introduction of Government courts, before which disputes are now sometimes settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.[2]

This was written of the Lou Nuer as they were some twenty years ago, and the rapidity with which Government tribunals have developed since then is considerable. If it is argued that these tribunals are now applying the law beyond the limits of reality in the past, this statement is entirely true. If it is argued that the courts are administering a system of law which has no foundation in tradition at all, the statement is less true, though it is manifest that there are many innovations which are the result of an evolution of case law based on precedents, some of which are the natural development of Nuer ideas, some of which are due to the direct intervention of the Government. Rules of behaviour administered in the courts are none the less law, provided they are administered consistently on recognized principles and are enforced.

681 We have considered almost all those aspects of Nuer life which are subjects of discussion and dispute in the courts today: homicide and bodily injury; marital relationships, rights, and obligations; divorce and dissolution of marriages; the legitimacy of children; violation of rights in women; the infringement of grazing and fishing rights; theft and the misappropriation of property; witchcraft and other nefarious practices. In the past the sanctions for conformity with rules of conduct and for the composition of wrongs, if a breach of those rules

[1] Evans-Pritchard, *The Nuer*, p. 180. [2] Ibid.

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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be attested by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuoke*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the home'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuoke* in such circumstances and that the husband is in the right: *teke cuong*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *yang ric*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognised. If questioned the Nuer would undoubtedly say that the age-mate has a right (*cuong*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

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671 583 the bridegroom. The question arises whether or not he will meet this particular claim. If pressed he will probably do so because the bride's family might terminate the negotiations, though this is unlikely to happen over so remote a claim as the cow of the age-mate. In the second place the bride's father is concerned with his age-mate, and here there is an element of reciprocal exchange.[1] A cow is not given to all age-mates of the bride's father, only to one who has a particularly close connexion with him and has probably undergone with him the ritual processes of initiation which impart a mystical association analogous to kinship. We see therefore that the custom is a complicated one involving two separate transactions and subject to different sanctions. If a dispute over this payment reached a Nuer court, payment would in most instances be enforced. When there are sufficient precedents to constitute a consistent application of a custom of this sort, we should be justified in speaking of the claim as a legal and enforceable right.

671 791 Again, certain categories of magical experts are entitled to a fee for their services. Such claims often appear before the courts. The court will consider the circumstances, estimate whether the alleged benefits have been received or not, and if necessary order the client to pay the fee. The transaction is in the nature of a contract which is now enforceable in law. In the past the sanctions were retaliatory, though in this particular instance forceful retaliation would be unlikely since more commonly the magician's supernatural powers, which might be used against his client, would be feared.

671 673 Compensation for wrongs, recognized in tradition, expressed in traditional scales, and originally a basis for compromise, is now enforced in the Courts. Adultery, for example, is a recognized wrong and one which should be rectified by the payment of a suitable indemnity. Whether or not this was paid in the past depended again on the sanctions prevailing, but nowadays the wrongdoer will in the final event be compelled to pay. This applies to other legal wrongs, such as the seduction or impregnation of unmarried girls, and theft or damage of property.

671 177 Among the Nuer there is a vast field of custom and convention which is now supported by legal sanctions and thus becomes the law. Moreover this transformation of custom into law is being carried to extremes among the Nuer, for there is an increasing tendency to treat all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have sometimes been speaking of the present, sometimes of the past. Under the influence of modern administration systems of social control are

[1] The age-mate will receive the cow if the bride's father has received a like privilege on the marriage of the age-mate's daughter or has the expectation of doing so. See p. 110 and n. 3.

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changing very rapidly, so that this distinction in time is clearly essential. We have seen that most social obligations and systems of social control were maintained in the past by sanctions which made conformity essential or at least expedient. Such sanctions were operative upon individuals or groups and their force was variable according to the position in the social structure of the parties concerned. Theoretically at least, the law was the same but its application was relative. For the most part the establishment of Nuer tribunals, with the threat of force behind them, has provided a substitute for other means by which the political balance was maintained.

In the initial stages of administration the policy was to intervene only in those affairs which constituted a breach of the peace: affray, continued blood-feuds, or individual fights. This action was to modify or even remove the retaliatory sanction. The next stage was to intervene in matters which were likely to lead to a breach of the peace, and to see that disputes were peacefully settled. Both actions took the form of direct intervention by the District Commissioner, his decisions being enforced, as far as was then possible, by State police. The next stage was the appointment of tribal agents. This led to the establishment of Nuer courts whose authority was backed in the first instance by the tribal retainers or 'Chiefs' police', some of whom were armed with an outmoded pattern of rifle, but was upheld in the final instance by the District Commissioner. Since then Nuer courts have gradually developed in efficiency, power, and formality of procedure, until in some areas they may be said to compare favourably with similar courts in the more developed parts of the Northern Sudan.

This raises another important point which is relevant to a study of Nuer law. The courts are not equally effective or efficient in all parts of Nuerland. The extent to which past sanctions have already changed, and the rapidity with which they are changing now, are therefore not constant. For example, the difference between such tribes as the Lak and the Nuong is considerable. The Lak of Central Nuer District, whose country is close to the administrative headquarters of the province and the district centre at Fangak, who are easily accessible at all times of the year, and whose permanent settlements are concentrated, have been closely administered for the past twenty years or more. The courts have reached, comparatively speaking, a high level of efficiency, and a man can usually obtain redress for wrongs committed against him. The Nuong, whose country lies in the southern extremity of Western Nuer District, which as a whole has perhaps been less closely administered than Central Nuer District, are not easily accessible at any time of the year. There are no roads leading to their permanent settlements and only one moderately easy approach to their country by river. At most they have received the personal attention of a District Commissioner for a few weeks each year. The courts,

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established it is true for many years, can scarcely be described as efficient and, unless other considerations are present or other opportunities arise,[1] a man can only obtain redress with difficulty.

I do not propose to digress further on this particular aspect of the changing political situation in Nuerland, but must draw attention to these facts because generalizations about the law as it is administered today are qualified accordingly. We can say, for example, that in Lak country a Nuer will almost certainly obtain compensation for an act of adultery committed with his wife and in that area there can be few adulterers who escape the penalty, but this statement would not be true of Nuong. In Nuong country the courts may be instrumental in bringing a similar dispute to a satisfactory conclusion or they may not. If a dispute is not settled by the intervention of Government-sponsored authorities, then the likelihood of the indemnity being paid to the wronged husband depends largely on sanctions similar to those operative in the past. It is true to say that in those areas where the courts are least effective these sanctions are proportionately stronger, mainly because there is in consequence less public security, and retaliation, the strongest sanction of all, is for this reason much more likely. It would be unsafe to make further generalizations because the likelihood of a dispute being settled, even in these days and even in the most advanced areas, still depends on so many variable and unpredictable circumstances.

Modern Procedure

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Where courts are concerned we must distinguish between judgement and execution. It is one thing for a court to give judgement and quite another for the judgement to be carried out. Many cases which appear before the courts and appeal courts are no more than demands for execution of a previous judgement. It must be presumed that, if a dispute reaches this stage of legal procedure, it is unlikely that other sanctions unconnected with the court will be effective in bringing about execution once judgement is given. Yet in many cases the main function of the court is to establish publicly and to the satisfaction of both disputants that one of them is in the right. In the past it may have been fully recognised within a community that a man had a definite right to certain cattle, either in fulfilment of some obligation, in settlement of a debt, or as compensation for an injury. There was, however, no organised body representing public opinion to enforce payment. It is true to say that such a body now exists in the court itself and in the administrative agents with executive powers appointed by the Government; but the action taken by them

[1] Such as personal relationships or close friendship with chiefs or notables who have a degree of authority accorded to them by the Government. Similar comparisons may be made between all the different tribal areas in Nuerland. I was struck by the contrast in this particular instance on a visit to the Nuong Nuer.

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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation.

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Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost

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[1] Branch and Main Courts. See Appendix II.

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692 certainly mean that he will be called upon to pay compensation and
681 forced to comply. In the past there was no certainty that he would be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

692 We find, then, that the establishment of the courts, though in one
177 sense preserving the social system from complete breakdown, is in another sense contributing to social maladjustment. Moreover the
691 establishment of courts with powers of coercion behind them tends to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

621 In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

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were often at feud with each other. Scarcity of food, an annual occurrence among the Nuer, made mutual assistance in the subsistence economy essential, and this in turn created mutual obligations and reciprocal duties which extended beyond the sphere of economics. Isolation during the rains, varying degrees of necessity to migrate during the dry season in search of pasture, and the variable quality of the grazing available affected the quality and cohesion of the community and its relations with other communities. 621

These factors are much modified today. The need for common defence or aggression is considerably less because of the intervention of the Government. The scarcity of food and the fear of famine is reduced because in the last resort the Government has, at any rate for the past fifteen years, arranged to import grain for sale to the Nuer, should it be necessary. Isolation at any time of the year is less complete since communications have improved. The integration of the territorial groupings of Nuer society is for these reasons much affected. Communities are essentially territorial in basis and integrated by common sentiments which naturally arise. Through them stretch the concept of patrilineal descent and ties arising from marital relationships. Any modification of the sanctions which uphold the balance of this social system leads to a conflict of loyalties and a tendency to revert to kinship ties alone, even though kinship ties are themselves loosened by the growing process of social disintegration. Fission is caused by the modification of those sanctions which make fusion necessary. In the past, as Professor Evans-Pritchard has pointed out, the latter process was a complement of the former. When a group broke away from its homeland or split owing to a feud within itself, unless the members were sufficiently numerous to retain their identity and resist external aggression, they had to find a place in society somewhere or suffer political or economic insecurity. 621 178

Nowadays, when security against the opposition of others and the need for economic insurance are no longer so acutely necessary, the process is confined to splitting into smaller units of segmentation. This is a fundamental tendency apparent in Nuer society today, and the political aspect of the process is manifest in the endless demands for further and yet further representation in the courts by headmen (*gaat tutni*) who are the leaders of smaller and smaller segments. Representation in the courts so that personal claims in legal disputes may receive personal backing is the real motive behind this tendency. Yet the factor of 'balanced opposition' is still evident in the procedure of Nuer tribunals. It is more particularly manifest when a joint meeting is held between tribes or secondary segments. The attitude of the chiefs in such circumstances is always 'if you settle these cases, we will settle those'. Thus, to take an example, a court meeting of the Thiang Bang (primary segment) may appear chaotic so long as 621 178 692

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621 disputes are confined to tertiary or lesser segments within it. A man
178 of *cieng* Bedit (a secondary segment) will receive the backing of court
692 members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

621 The spirit of compromise usually prevails. In disputes which are
692 hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilizing factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

671 Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [684]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [682]

[1] See p. 62. [2] See pp. 63 et seq.

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692 this was usually inflicted by the District Commissioner sitting as a magistrate, or by the court on the advice of the District Commissioner,
681 this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery
684 is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially
671 a private delict, becomes a public delict, and a criminal offence should the husband decide to dissolve the union subsequently. There is
177 therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

[1] See pp. 166-8.

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legal concepts. This process of admixture may be seen in other legal matters and is leading to an illogical and confusing evolution. It is no part of this book to predict what will occur in the future, but it is obvious that some sort of order must be applied to a system which may otherwise become chaotic.

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We have been considering throughout these chapters a system of law in a segmentary society which is in a state of evolution. In the first place this evolutionary process is rooted in the traditional methods of controlling the acts of individuals and groups, none of which methods was rigid or enforceable. The application of the principles which we have found was not constant in time or place, but was subject to the balanced opposition of the segments of Nuer society. The evolution has also been deeply affected by decisions made in the courts, often by the direct intervention of British officials who had neither knowledge nor understanding of the principles involved. Often, too, these decisions were made in the mistaken idea that this was justice, without realizing that Nuer ideas of justice are often different from our own. Further decisions have been made which spring directly from the penal code of the country and the penal sanction enters as an active force in the administration of the law, but often without order or consistency. An attempt is being made in one direction to introduce a system which recognizes the fundamental principle of individual responsibility, in another to preserve a system which is essentially based on the principles of collective responsibility. These latter principles will continue to be effective so long as Nuer society remains homogeneous and retains its present form. Yet despite these conflicting forces, we cannot say that the customary law now administered in the Nuer courts is based not on Nuer principles but on our own. If this were so the Nuer, who are a headstrong and independent people, would not submit to it.

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APPENDIX I

NUERLAND

Populations and Area

Central Nuer District

Tribe	*Humans*[1]	*Cattle*[2]	*Area in square miles*[3]	*Courts*
Lak . . .	37,000	44,000*	1,500	
Gaawar . .	39,000	48,000*	5,120	11 (B) Regional Courts
Thiang . .	13,000	15,000*	970	1 (C) Main Court
Lou . . .	63,000	126,000*	5,290	

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Western Nuer District

Bul . . .	32,000	50,000	2,320	
Leik. . .	27,000	40,000	2,140	
Jagei . .	14,000	31,000*	1,220	5 (B) Regional Courts
Dok (and Aak) .	21,000	35,000*	1,930	2 (C) Main Courts
Nuong (and Dur)	14,000	16,000	2,490	
W. Jikany . .	18,000	29,000*	1,100	

Eastern Nuer District

Gaajok . .	45,000	45,000	7,190	4 (B) Regional Courts
Gaajak . .	33,000	33,000		11 (A) Branch Courts
Totals . .	356,000	512,000	31,270	

[1] Based on recent tax-payer figures multiplied by 4·5 to nearest 1000 (1952). This multiplier is purely arbitrary and is probably high, but the figures given are consistent.
[2] Figures marked * are statistics taken from veterinary inoculation campaigns and represent a minimum figure. It is clear that all cattle were not counted, and possibly up to 20 per cent. should be added. Other figures are merely a rough estimate.
[3] Areas estimated by planimeter, but boundaries are not clearly demarcated or mapped and the areas are necessarily only approximate.

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APPENDIX II

CHIEFS' COURTS ORDINANCE 1931

692 Nuer courts are established under the Chiefs' Courts Ordinance 1931, which applies to the three southern Provinces of the Sudan: the Bahr el Ghazal, Equatoria, and the Upper Nile. The Ordinance has been reprinted in full in *The Laws of the Sudan, Supplement to Volume 4*, pp. 76-81. It should be noted that this Ordinance has been altered by the terms of the Self Government Statute (1953), section 76, i.e.:

'(5) There shall be vested in the Chief Justice all the powers conferred upon the Governor-General . . . by . . . the Chiefs' Courts Ordinance 1931. . . .

(6) There shall further be vested in the Chief Justice all the powers conferred upon Governors by the Chiefs' Courts Ordinance 1931. . . . Provided that:

(*a*) the Chief Justice may delegate all or any of the said powers to the Governor concerned;

(*b*) the Chief Justice may delegate any power, other than the powers of establishing and convening Courts and of appointing Presidents and members of Courts, to the Judge of the Civil High Court of a Province;

(*c*) neither the Chief Justice nor a Judge of the Civil High Court shall exercise any of the said powers except after consultation with the Governor concerned.'

As a result of the various constitutional changes which will take place during the next few years, further modifications of the Ordinance may be expected.

Each court is established by warrant—under the hand of the Chief Justice—which lays down the jurisdiction, constitution, powers, etc., in accordance with the provisions of the Ordinance, but subject to the Regulations which accompany the warrant. A 'Main Court' has jurisdiction over a District or part of a District. For example, the Central Nuer Court has jurisdiction over all tribes in that district including a few small Dinka tribes. In Western Nuer District there are two Main Courts. A Main Court sits only occasionally, five members in addition to the president forming a quorum, of whom at least two must be presidents of Regional Courts or Magistrates under the Criminal Code of Procedure. There are then a series of 'Regional Courts' within each District. The area over which each Regional Court has jurisdiction corresponds to the territory of a tribe, an amalgamation of tribes, or in some cases the primary segments of a tribe, although the name of the Regional Court often derives from that of the place at which the court

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centre is situated. In some districts there are also 'Branch Courts' of more limited jurisdiction and powers.

Under section 7 (1) of the Chiefs' Courts Ordinance 1931:

'A Chief's Court shall administer—

(*a*) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order;

(*b*) the provisions of any ordinance which the Court may be authorised to administer in its warrant or regulations.'

Right of appeal is from the court to the District Commissioner or 'to such Chiefs' Courts as the Governor, with the consent of the Governor-General (now of the Chief Justice) may authorize to hear appeals'. In most cases appeals from Regional Courts go to a Main Court and only in very exceptional cases to the District Commissioner or higher authority.

Apart from the technicalities of the legal procedure, which the Nuer litigant so often ignores, a civil dispute of the kind already described usually follows a standard course. The dispute is first discussed within the local group or kinship circle and some attempt is made by the elders and headmen to settle it. Up to this point the dispute is *ruac cieng*, 'home talk'. Failing a settlement the plaintiff refers the case to a Branch or Regional Court and, if dissatisfied with the judgement, then appeals to the Main Court of the District.

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CENTRAL NUER DISTRICT COURTS

SCHEDULE I. 'B' COURTS (REVISED UP TO 1951)[1]

No. and Name	*President*	*Jurisdiction*	*Quorum*	*Powers*	*Appeal*	*Remarks*[2]
B.1 Wath Kec	Head of Wath Kec L.G. Area	Wath Kec L.G. Area	President and 3 members	Imprisonment up to 2 years: Fine up to £E.25 —15 lashes; 10 strokes cane. Civil suits up to £E.100[3]	To 'C' Court	Lak Nuer: Jenyang Primary Segment
B.2 Fagwir	Head of Fagwir L.G. Area	Fagwir L.G. Area	"	"	"	Lak Nuer: Kwacbor Primary Segment
B.3 Mareng	Head of Mareng L.G. Area	Mareng L.G. Area	"	"	"	Thiang Nuer
B.4 Jumbiel	Head of Jumbiel L.G. Area	Jumbiel L.G. Area	"	"	"	Gaawar Nuer: Those on Zeraf Island
B.5 Ayod (Awoi)	Head of Ayod L.G. Area	Ayod L.G. Area	"	"	"	Gaawar Nuer: Bar Primary Segment
B.6 Falagh	Head of Falagh L.G. Area	Falagh L.G. Area	"	"	"	Gaawar Nuer: Radh Primary Segment
B.8 Thul	Head of Thul L.G. Area	Thul L.G. Area	"	"	"	Lou Nuer: Gun Primary Segment
B.9 Muot Tot (Fattai)	Head of Muot Tot L.G. Area	Muot Tot L.G. Area	"	"	"	Lou Nuer: Gun Primary Segment
B.10 Ful Burra (Yusi)	Head of Ful Burra L.G. Area	Ful Burra L.G. Area	"	"	"	Lou Nuer: Gun Primary Segment
B.11 Faddoi	Head of Faddoi L.G. Area	Faddoi L.G. Area	"	"	"	Lou Nuer: Mor Primary Segment

[1] Powers increased to three years' imprisonment in cases of homicide or recidivists in affray cases.

[2] Not included in warrant, but inserted to show the way in which the court system follows the segmentary structure of the tribes. Court B.7 includes only Dinka tribes and is omitted here.

[3] The schedule has been brought up to date up to the end of 1951. From time to time there have been alterations as and when Courts have been amalgamated.

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GLOSSARY

ariek . . . Dinka term for cattle claimed by a man on the marriage of his wife's younger sister. There is no formal equivalent in Nuer.

arueth. . . Dinka term for cattle given to the bridegroom by the bride's father or guardian: a 'reverse payment' of which the Nuer equivalent is *thiuk*, but only customary among some western Nuer tribes and in a reduced form.

bak (*baɛ̈*) . . to split or divide in two, as in *yang me bak ke rual*, 'the cow of dividing for incest'—used in the ritual required to avoid the consequences of incest.

biem . . . to kill by stealth or ambush.

birr (*biir*) . . to scratch the arm of a killer during the ceremony performed by a Leopard-Skin Chief to remove the pollution which follows an act of homicide.

bith . . . fish-spear, usually barbed.

buov . . . mud hearth or fire-screen used for cooking and hence the symbol of the wife or mother in the house.

buthni . . *guan buthni*, an agnatic kinsman of a collateral branch of the lineage who represents its ritual and legal interests.

ciah . . . bracelet: of significance in marriage.

ciek . . . woman, and by inference a wife or married woman as opposed to *nyal*, girl, or an adult woman who is not married and is, specifically, *ciek me keagh*. *ciek jooka*, a 'ghost-wife'; the wife of a spirit, a woman who is married to the name of a dead man. *ciek me jok*, a 'loose' woman, lit. 'a bitch'. *ciek me lak*, widow living with a man in 'widow-concubinage'.

cien . . . the revengeful spirit of a dead man, usually one who has met a violent end.

cow . . . husband.

cuei . . . betrothal. '*ce cuei de cuei*', 'he has betrothed himself': a formal step towards marriage.

cuil . . . a ceremony performed in the final stages of composition in blood-feuds.

cuong . . . a right. '*teke cuong*', 'he is (has) right', as opposed to *duer*, wrong.

ji cuongni (*rur*), 'the people of rights' (outside), i.e. those relatives of the bride, other than her immediate family, who have rights to definite portions of her bridewealth.

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cut . . . indemnity. A general term for indemnity or compensation. Nuer say that certain wrongs (*duer*) *teke cut*, 'have compensation'.

dak . . . to break, sever, breakage.
dak kwen, divorce.
dak mara, the severing of kinship.

dap (*dab*) . . to give birth.
nyin daba, the 'things of birth'—given to the bride's mother as something apart from her claims on the bridewealth cattle.

dar . . . back or middle. Hence the 'middle' (usually third) son in a family.

deb . . . rope, tethering rope for cattle.
loiny deb, a ceremony symbolizing the bride's release from her father's herd.

dhu . . . to fornicate with; *dhu ciek*, adultery.

diel (*dil*) . . original occupants of a specific area, often referred to in literature as 'aristocrats', as opposed to *rul*, 'newcomers'.

dou . . . cow-calf.

duac (*dwac*) . . to hit; hence duel between two persons.

duer (*dwer*) . . a wrong, mistake, as opposed to *cuong*, right.

dun (pl. *nyin*): . thing or possession as in *dun-da*, my thing, *nyin-he*, his things.

dwek (*duek*) . . 'commoners' as opposed to 'experts' (*kuar*) or the *ji twac*, the 'people of skins' who wear skins as insignia of office.

dwiel (*duil*) . . house, hut. *thok dwiel*, 'the entrance to the house', i.e. lineage, genealogy. Also *kui dwiel*, 'the hut side', i.e. mother's side as opposed to *kui luak*, 'cattle-byre side', i.e. father's side; terms used to distinguish half-brothers in a polygynous household.

gat (pl. *gaat*) . child, son.

gat jooka . . 'son of a ghost' (in 'ghost-marriage').

gat laka . . son of a widow (in 'widow-concubinage').

gat nyal (pl. *gaat nyiet*) 'son of a daughter', 'sons of daughters', i.e. those attached to the lineage through marriage and descent through the female line.

gat tuot (pl. *gaat tutni*) 'son of a bull', 'sons of bulls' i.e. of the paternal line; headman.

ghok (ɣok) . . cattle.

ghot (ɣot) . . dwelling hut.

gorei . . . the central hearth of the homestead and therefore a symbol of the family unit.

gual (*gwal*) . . to exchange or barter: direct exchange as opposed to *ngual*, which implies a loan, usually with profit.

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guk (*guh*) . . 'prophet', owner of a 'sky spirit' (*kwoth nial*): a 'spirit owner', *gwan kwoth* of exceptional powers and prestige.

gurkeka . . the 'one who follows the *keagk*'; hence the second son in a family.

gwan (*guan*) (pl. *ji*) lit. father, father of. Hence 'owner of', as in *gwan bith* or *tang*, 'owners of spears', who have special ritual functions.

gwan nyal, the father of the bride.

gwan thunge, one who has to pay *thung*, compensation, and hence a killer.

gwan tuac, owner of a skin (badge of office), as opposed to *dwek*, ordinary person or commoner. Also the bridegroom's representative in marriage because he must wear a skin (*tuac*), symbol of respect for relatives-in-law.

gwan wal, owner of medicine, magician.

jal . . . journey.

ji . . . people, as in *ji kany* (Jikany tribe), *j(a)gei* (Jagei tribe): a common Nilotic root, *ji*, *ja*, *jal*. Also used in some senses as the plural of *gwan*, father, owner, as in—

ji nyal, 'bride's people', as opposed to the *ji wute*, 'bridegroom's people'.

ji ran, 'people of the (dead) man', as opposed to the *ji thunge*, 'people of the compensation', i.e. kinsmen of the killer.

ji tuac, 'people of the skin', ritual experts (pl. of *gwan tuac*).

jut . . . a girl past the normal age for marriage not yet betrothed.

kap tang . . 'hold the spear-shaft', a form of oath.

kethar (*karthar*) . kinsmen (of an older generation) standing at the limits of relationship to the bride which carries a legal claim on her bridewealth.

KINSHIP TERMS . . The reader should refer to the chart on p. 102. These are given throughout in the third person singular in reference to the bride.

kok . . . a word now used to denote the act of purchase, as in '*ca bol kok ke jilab*', 'I bought grain from the merchant'.

kolang . . a form of spirit of which there are many manifestations.

kuar . . . expert, chief: thus:

kuar kuac or *kuar muon*, Leopard-Skin Chief or Land Chief.

kuar thoa, lit. 'Serval Cat-Skin Chief', a special kind of Land Chief who arbitrates between two Leopard-Skin lineages.

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kuar juath, expert in diseases, especially small-pox.
kuar nyang, 'crocodile expert'.
kuar thui, 'water or river expert'.
kuar yiika, 'chief of the skirts', ritual expert responsible for the fertility of women.

kul . . . skin, sleeping-skin, and hence a symbol of conjugal rights. *cf. yang kule*, 'the cow of the sleeping-skin'; the cow paid to the wronged husband by an adulterer as expiation and to remove pollution.

kur . . . battle, fight, war.

kuen (*kuen*) . . to count out, assess; hence assessment of the bride-wealth cattle in marriage—therefore the act of marriage, the institution of marriage.

kui (*kui*) . . on the side of. Thus *kui guan*, 'bride's father's side' in marriage, as opposed to *kui nan*, 'mother's side', or more often *kui nar*, 'maternal uncle's side'. See also under *duiel*—*kui duiel* and *kui kuak*.

kuil (*kuil*) . . from the verb *kuul*, to steal. Theft.

kuil nyal . . abduction.

kuak . . . cattle-byre.

kur . . . to disguise an animal wrongfully by altering the owner's markings.

lak (*laX*) . . case, trial. *ce lak de lak*, 'his case has been tried'.

nar . . . kinship.

nath . . to drink; hence a ceremony of composition in feuds where the opposing parties partake of food and in particular drink together.

nath (*nnath*) . 'Best Friend'; an institutionalised and formal relationship between persons.

nuan . . . earth, land. Hence also mourning, burial.

nuat . . . ceremony of shaving the bride's hair, which has legal as well as ritual significance. From *nat*, to shave. Nuer say '*ce nyal nuat*', 'has the bride been shaved?'

nuat . . . spear.

Nuath (*Nath*) . the 'People', i.e. the Nuer.

nac . . . heifer.

nak . . . to kill, slaughter.

ngi nyal . . 'bridesmaid'—the bride's special representative who accompanies her through all the ceremonies of marriage.

ngual (*ngual*) . loan or debt; to borrow an animal and repay it with another (better) one.

nang . . . bring; hence *nang nyal*, the ceremony of 'bringing the bride'.

nuar . . . a form of spiritual pollution which follows the infringement of certain taboos, notably incest, manifest in physical disease.

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nyin . . . things (sing. *dwe*).

nyindiet . . . compensation due for a man who dies from wounds a considerable time after they were inflicted.

pale loic . . . lit. 'easing of the heart'; hence *ghok pale loic*, cattle paid to the kinsmen of the deceased in the final stages of settlement of a feud.

pagh (pak) . . . limit, boundary; hence youngest son.

piec mac . . . to kindle fire—usually a ritual performance.

puong (puung) . . . portion of the bridewealth usually set aside for the bride's youngest brother or the youngest in the family.

raw ma gum e-je . . . the second to inflict a wound, used in reference to homicide or hunting.

raw ma loic e-je . . . the first to inflict a wound.

ret . . . . orphan, one whose legal and physiological father is dead, as opposed to *gat jookn*, 'son of a ghost', one whose legal father is dead, but whose physiological father is alive having married his mother to the name of his legal father. *cf.* also *gat cawa*, son of a widow (also *gat lakn*).

ric . . . . age-set.

riem . . . . blood. *ce riem de kum ran*, 'his blood has been let'—during the ritual of *bire* (see under *bire*), and *take riem kumdiw*, 'there is blood between them'—in the sense of a feud, not kinship.

riet . . . . a decision, judgement.

ruar . . . . talk. *ruar ciang*, lit. 'home talk', i.e. a matter which should be decided in the home rather than in court. *ruar kuoth*, 'the will of God'—hence also, 'an act of God'.

ruath . . . . bull-calf.

ruer . . . . spokesmanship in the sense of expressing popular ideas or the will of the people.

ruet . . . . to get with child. *cick ma ruet*, pregnant woman.

ruic . . . . spokesman, leader.

ruoh . . . . compensation; to indemnify violations of rights in women:

. *ruoh dhu cick*, indemnity for the act of fornication with a married woman.

ruoh ruet cick, indemnity for adultery resulting in pregnancy and birth of a child.

ruoh nyal (as above, *dhu* and *ruet*), fornication with an unmarried girl.

ruoh gaonke, often *ruoh mace*, 'legitimation fees', fees paid by a man outside marriage or in divorce to acquire or retain legal paternity of children.

tum . . . . rot, tear.

tur . . . . blood-feud.

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thak (pl. *thaak*) . ox, castrated bull.

thanypiny . . certain gifts given in addition to bridewealth.

thiang, thiany . spiritual pollution caused by sexual intercourse with a woman who is pregnant or nursing a child.

thiah . . . cattle given by bride's family to her husband (*cf. arueth*).

thak duiel . . entrance to the house; hence lineage or patrilineal descent group.

thu . . . in-law. *nen-thu, guan-thu*, mother-in-law, father-in-law.

thung . . . indemnity for homicide. *thung gnacku*, indemnity for accidental killing; *thung yiika*, compensation for an unmarried woman who dies in childbirth.

toic (*toc*) . . riverain (summer) pasture. Grazing grasses produced by inundation from rivers or watercourses.

tul . . . break, as in *tul coke*, to break a bone.

tuoc . . . invocation of the cattle during the negotiations of marriage—usually at the *larcieng* ceremony; hence the main ceremony of marriage.

yang . . . cow.

yang dieth or *dithe*, 'the cow of birth'.

yang doth gata, cow given by a man to his wife's mother on birth of first child.

yang kule, 'the cow of the sleeping mat', given by an adulterer to the wronged husband as expiation.

yang kuoth, lit. 'cow of God', a cow dedicated to the spirits of the lineage.

yang leta, 'the cow of the loins', or *yang laka*, 'the cow of widowhood': portions of a girl's bridewealth claimed by her natural father if she has been born outside marriage or in widowhood or concubinage. Also *yang pithe gaat*, claimed by a man, not the girl's legal father, who has brought her up in his household.

yang tuake, 'the cow of the cooking pot', cow or cows given to bereaved husband by his dead wife's family.

yang yuatni, 'the cow of the skirts', cow (together with a bull-calf, *ruath nimum*) deducted from the bridewealth in divorce and retained by wife's family as compensation for her loss of maidenhood.

See also under portions of bridewealth, pp. 102 et seq., and bloodwealth, pp. 47 et seq.

yat (pl. *yaatni*) . married woman's skirt—hence a symbol of married woman's status.

yiik (*yik*) . . a mat, sleeping mat and symbol of conjugal rights and maternity; *cf. thung yiika*.

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PART II

[Title page]

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THE NUER: AGE-SETS.

By E. E. Evans-Pritchard.

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X[1]. Introductory note. Rôle of departmental experts in organisation of age-sets. The operation. Period of licence. Nomenclature and organisation of age-sets.

XI. Age-sets not regiments. Change in social status. Age-sets and kinship ties. Regulation of marriage. Influence of age-sets on leadership.

IN my earlier paper on the Nuer tribe and clan their age-set system was mentioned shortly as providing social stratification on a basis of age, and was hence one of the institutions relating to political authority and leadership. In the present paper age-sets are dealt with in more detail and their ritual of initiation, their structure and machinery, their ideology, and their social functions are described. A great part of the information given in this paper was collected from the lips of informants since I had no opportunity of witnessing initiation ceremonies, but on the other hand close contact with Nuer in their cattle camps enabled me to observe the less spectacular but perhaps more important relations of the age-set system in its daily commonplace action in social life. We are fortunate in possessing other accounts of Nuer age-sets, though I have no doubt that our combined accounts give a very incomplete picture of the institution.[2] The subject is not only of interest for those who come into contact with the Nuer but is of great importance for a general study of the age-set system in East Africa which still awaits comparative treatment.

A few words may be said here about the difference between "Age-grade" and "Age-set," a distinction in which I follow Prof. Radcliffe-Brown. An age-set is "a recognised and sometimes organised group consisting of persons (often male persons only) who are of the same age. .....In Africa, at any rate in East and South Africa, an age-set is normally formed of all those males who are initiated at one time..... Once a person enters a given age-set, whether at birth or by initiation, he remains a member for the remainder of his life." An age-grade is a term which "should be kept for recognised divisions of the life of an

[1] Numbered in continuation of my previous paper on "The Nuer: Tribe and Clan," *Sudan Notes and Records*, Vols. XVI-XVIII. The diagrams in this paper are also numbered in continuation of the diagrams in my previous paper.

[2] See bibliography in my earlier paper.

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56 individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[5]

[12] In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

881 Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[6] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[8]

[791] The chief officer in respect to initiation into age-sets is the *wut ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly [illegible] milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

[5] A. R. Radcliffe-Brown. *Man*, 13, 1909.

[6] C. G. and B. Z. Seligmann. "The Pagan Tribes of the Southern Sudan," pp. 70-3.

[8] *Id.* pp. 170-2 and 283-6. Cf. the lengthy account of age-sets among the Nilotic Lango of Uganda by J. H. Driberg.

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From the point of view of initiation Nuer life is divided into two periods, the initiatory period and the period when no initiation may take place. These alternating periods are known as that when the knife is brought out, *ngom ham rar*, at the commencement of the period of initiation, and that when the knife is hung up, *ba ngom ngal*, at the conclusion of the period. At the commencement of an initiation period the cattle-expert kills a bullock, a big dance is held, and he makes a speech opening a new period of initiation. It seems that in each tribe there is one cattle expert whose authority is recognised in matters concerning the age-set cycle. 881

In Gaajak country there was a serious dispute between two cattle-experts about commencing a new age-set. The privilege of giving orders for initiation had previously been in the hands of the lineage of Ngweny Riek. Owing to the fact that there was no son old enough to perform the duty it was carried out by the lineage of Jop Gai. Afterwards these two lineages appear to have taken over the duty in turn; the lineage of Riek gave orders for the *That* age-set to be initiated, the lineage of Gai gave orders for the *Boiloc* age-set to be initiated and so on. When it came to the *Rialmac* age-set it was Ngweny's turn to order initiation to commence but Jop refused to allow him to officiate. In revenge Ngweny made indentations into the ceremonial knife to render it useless and uttered a curse, saying that if the knife was his right then pus would come out of the ears of Jop, whereas if the knife belonged to Jop then pus would come out of his own ears. Another informant said that the dispute was occasioned by the question whether the knife should be brought out or hung up, *i.e.*, whether the period of initiation should be opened or closed and that Ngweny said," Let the knife now be hung up and not *be taken down again till one of us has died. When one of us has died* let the other order initiation to commence." Jop died and his rival initiated the *Rialmac* age-set. This same informant said that the knife will in future remain in the hands of the lineage of Ngweny since, as a result of Jop's death from the curse, his lineage would not again shoulder the responsibility. 881 578 791

It is the cattle-expert who gives a name to each age-set, *e.g.*, *Dengwaga*, *Makor*, *Lilkgac*, etc., at the end of a period of initiation and no one may then be initiated until he has opened a new period. It is believed that if a boy were to be initiated after the cattle-expert had given orders for 881

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881 the period to be closed his head would swell and he would die. It is possible however, if a boy is much older than the age at which Nuer generally have incisions made on their foreheads and if his family greatly desire him to be initiated, for the ceremony to take place in a neighbouring tribe where the period of initiation is still open, since not every tribe has its open and closed periods at the same time and there is often overlapping in this respect between different tribes. Thus I was told that Lou boys who insisted upon being cut at a time when the Lou were in a closed period might cross over into the adjoining Ngok Dinka country and be initiated there if it were still in an open period.

881 791 When the *wut ok* wishes to close an initiation period he takes a bullock and rubs ashes on its back and makes a speech formally closing the age-set and starting a closed period in which no boys in the tribe may be initiated. The tip of his ceremonial knife is then placed in the fire and afterwards stowed away in a pot. The bullock, after its legs have been cut off, is divided longitudinally into halves. I believe that one half is taken by members of the set which has just been closed and the other half by the set immediately senior to them. They then eat the flesh together. However, I am not sure about this point.

Though I have spoken throughout of the *wut ok* or cattle-expert as the authority who decides upon opening and closing age-sets we are not all agreed upon this point. My own information is derived from two or three informants but it is supported by statements of Stigand and Crazzolara.[1] Jackson, on the other hand, says that as a rule the oldest surviving member of the senior existing age-set gives the order for the ceremony to be held and that it is he who initiates the first boy who should be his own son or a near relative. He adds that this man must be a leopard-skin chief and that after he has initiated the first boy the cattle-experts in each division of the Nuer are responsible for sectional arrangements.[2] Mr. Coriat also writes: "The classes are not regulated by a cattle-expert; the *wut ok* or Man of the Cattle is responsible only for the initiation ceremony itself. Age classes are now regulated and named by certain 'kwar mon,' Land Chiefs, with traditional powers."[3]

[1] Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, p. 116. Pater Crazzolara, "Die Gar Zeremonie bei den Nuer," *Africa*, Vol. V, 1932, p. 28.

[2] *Op. cit.*, p. 145.

[3] Privately circulated memorandum.

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Boys are usually initiated between the ages of 14 and 16 but sometimes they are younger than 14 and sometimes they are older than 16. Sometimes a boy will just miss being initiated during an initiation period and he will then have to wait till the next age-set opens, by which time he may be somewhat older than is usual at initiation. On the other hand in order to avoid this happening a boy will sometimes be initiated at an unduly young age. Consequently one often sees tall youths without the marks of manhood on their foreheads and at the same time quite small boys with these marks. Another factor determining the age at which a boy will be initiated is the wealth of his family since they are not always able to supply their son and his comrades with corn and milk during their convalescence. If a family is as poor as this their son will either have to wait till the following year when his family will be better off or he will rely on the generosity of his relatives. His relations will generally assist him in the circumstances and it is frequently his maternal uncle who undertakes the expenses of initiation on behalf of his sister's son. Also a boy will not hesitate to appeal to his father's brothers for support and they would certainly not refuse him their assistance. Nothing is more humiliating for a boy than to see his playmates "become men" while he remains a "boy" compelled to work side by side with the womenfolk of his household and cattle-camp.

When his father has agreed to his initiation the boy goes to a member of his father's age-set and this man will pluck out a tuft of the boy's hair from the centre of his head (*nhiam dây*) and will spit on it and afterwards rub the boy's face and head with it (*be yinya ṭeinde*). It appears that it is necessary for the father's age-set to give their blessing to his son through their representative. Also the boy's own father will rub his son's head with ashes, and both of these men will address the boy saying: "May there not be the slightest difficulty in the initiation."

Several boys are usually initiated at the same time, being either members or relatives of the same village. It is thought a bad thing for a boy to be initiated by himself as he will be lonely and will ail if he is cut off from his playmates and fellow-members of his age-set. He will pine for them (*be riode tien*). In the part of Nuer country which I know arrangements are made for about four to a dozen boys to come together and be initiated at the same time and to spend their convalescence together. It does not matter when they are initiated so long as it is during an open

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881 period (which lasts several years) and at the right time of the year. The right time is in the *jiow* (our winter) when there is plenty of food after the harvest and the north wind, which cicatrizes the wounds, is blowing. But a boy may be initiated also in what corresponds to our springtime. I have no knowledge of initiation being restricted to a few days during which hundreds of boys are initiated, as Jackson gives one to suppose: "Some two hundred boys can be initiated in a day, each boy having the operation begun and completed on the same day. The doctors move from village to village where the boys are collected."[1]

304 881 The boy himself makes arrangements with the operator to cut his marks of manhood. There are a large number of these operators and there seems no reason why anyone should not practise if he has the necessary skill. The boy takes a fishing spear to the operator and presents it to him. With this is dug the hole into which the blood will flow and it afterwards becomes the property of the operator.

The operation takes place in the early morning before the sun is high, and the head is prepared on the previous day. It is closely shaved at midday since it is not considered well to shave the head in the morning. Just before the cutting the forehead is well washed with water and is rubbed with pancreas (*hôl*) (*ba nhiamde cuth ha hôl*) and finally with dust (*tup*). A hole (*koakriem*) is dug to receive the blood and in this the head rests on a grass circle (*thar*). After the operation is completed this hole is filled in with earth as it is thought a bad thing for the blood to remain exposed lest a dog or other animal might eat it. The cutting takes place in front of a hut or byre, and I was told that it would be highly improper for it to take place outside the homestead, for the boys' blood should be spilt in the homestead itself. Mothers and fathers and relatives and friends, even girl friends, watch the boys undergoing their ordeal. Tradition lays it down that a boy must show no signs of fear before or during the operation but often the ordeal is so terrible that their nerves give way. It is said that some boys will defecate with fear and pain, and some have been known to struggle and even to run away, though when this happens they are held down with force and their relatives are occasioned great shame. It is common for boys to faint during the operation and then their heads are slightly raised and milk is poured down their throats to revive them. Nevertheless as a rule boys display admirable

[1] Op. cit., p. 143.

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courage and betray neither fear nor pain, fortitude assisted by the presence of relatives whom they do not wish to disgrace and girls whose favours they hope to win. 881 304

The first cut is the most painful, probably because it severs the supra-orbital nerves. It is known as the *wuc dokl* (the wiping out of boyhood) and runs just above the eyebrows right across the temples. The second cut is made just above the first and is called *guec man duial* because before initiation if a boy were hungry he would go to the entrance of his mother's hut and ask for food, whereas after initiation, when he has become a man, he will not plead for food but will sit quietly and bear the pangs of hunger. Altogether six cuts are made from the centre of the forehead to level with the right ear and the operator then completes them by commencing from the incisions at the centre of the forehead and cutting to level with the left ear. There are thus six parallel cuts running right across the temple from ear to ear.

The best description of the operation is given by Miss Huffman who has witnessed it and whose account I give here rather than my own which is based on oral accounts. "A hole from four to six inches in diameter and about six or eight inches deep is dug for each boy. The earth which is taken out of the hole is pulverized and spread around the hole in order that it may absorb the blood. Women and girls attired in their dance skirts rush in, singing and dancing. One boy is called. He comes out, stark naked, not even wearing a bead. He lies down on his back with his head in the hole. He folds his arms over his chest and then he is ready. The man, kneeling beside him, begins to cut. He starts at the centre of the forehead and extends the cut to or even past the ear. The first cut is made just above the eyes, then the remaining cuts are made parallel to it until they are six in number. Then the man goes over to the left side and, kneeling there, repeats the same process. Then he returns to the right side and makes sure that all the cuts are deep and continuous at the *centre of the forehead and that they are six in number*..... As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife on the bone. The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position....."[1] [114]

[1] Ray Huffman, "Nuer Customs and Folk-lore," 1931, pp. 30-31.

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As soon as the cutting is finished the boys go and sit in front of the hut before which the operation has taken place. If they are able to do so they walk unaided with their heads held back from the shoulder. Otherwise they are assisted. Seated with their backs to the hut and with their heads held back they wave away flies from their lacerated foreheads. Meanwhile their mothers and the other women present utter ceremonial cries of joy as they dance in front of them (*be yi ua kuk*).

The lines cut are six in number but occasionally one meets men with seven cuts. Father Crazzolara says that this is due to the fact that the operator "in his artistic elation, forgets to count, and adds one or two lines beyond the number demanded by the fashion that prevails at the time."[1] This does not seem to me a very likely explanation. In Lou country I was invariable told that when two brothers were initiated at the same time the youngest received seven cuts, a statement borne out by the several cases I was able to investigate. A youth from Lek country on the Bahr-el-Ghazal who had seven cuts on his forehead told me that it was the custom in his tribe for the eldest son in a family to receive an extra cut but I was unable to check his statement from other informants. Miss Huffman writes that sometimes the operator "happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six."[2]

I do not think that there is any need to emphasise the severity of the ordeal, which may readily be understood from Father Crazzolara's statement that the cuts are distinctly visible on the skulls of dead Nuer. It is surprising therefore that it does not often result in death. Yet I have never heard of a boy dying during or after the operation though I made enquiries on the point, and the staff of the American Mission at Nasser told me that in their long experience of the country they had never heard of a fatal operation. Father Crazzolara on the other hand states that death is not infrequent.[3]

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On the day on which a boy is initiated from four to ten pots of beer

[1] *Op. cit.*, p. 32. "Es soll vorkommen, dass der Geremeister manchmal in Eifer für seine Kunst, das Zählen vergisst, und eine oder zwei Linien mehr ritzt als das Gesetz verlangt. Darumgum wird vielfach ein Zeitmesser aufgestellt, der darauf zu achten hat, dass der Patient nicht mehr als nötig gepeitscht wurde."

[2] *Op. cit.*, p. 32.

[3] "Die ersten 24 bis 48 Stunden sind die ernstesten, wegen der Gefahr des Verblutens. Es ist keine Seltenheit, dass ein alter Mann, der nachts oder in aller Frühe nachhause kommt, einen der Knaben unbedenklich, ja in der Tadmaiteaue antrifft." *Id.*, p. 32.

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are brewed and a bullock or sheep is killed. It seems that they do not always kill an animal but they must do so when it is an eldest son who is being initiated or a boy whose eldest brother has died. Members of the father's age-set eat the meat at night and they alone. During the night they sing songs amid the cattle. On the following day, in the afternoon, they drink beer and leap about behind the bullocks and there is a lot of horseplay. The womenfolk seize the penises of members of their husbands' age-set, the father of an initiated boy especially being subject to this treatment. They tie cord to the penises of the men and pull them while the men retaliate by tugging at the skin aprons of the wives of their age-mates. A man of the age-set of the father of an initiate will lift up the apron of his wife (the boy's mother) and will utter a ceremonial cry into her vagina. This man is generally the woman's *oscanda*, that is to say a paternal cousin of her husband. Only members of the father's age-set and their wives will partake in this horseplay in the homestead of the father of the initiate. Thus if the boy is the son of a *maker* all members of the *maker* age-set will take part in the festivities, together with their wives, while members of the other age-sets, *e.g.*, the *Dangwaga*, will have their own fun in a neighbouring homestead with their wives. Younger people will not go near these festivities of their elders because they might see the genitals of their mothers and aunts. All those who have married daughters of the men who are sporting themselves will also give the festivities a wide berth lest they should see the nakedness of their mothers-in-law. This dance is called *bul ruathni* or *bul ruath dhoi*. They say that they make this horseplay because they are glad that their child has become a man.

After the cutting, which is called *gar*, the boys are shut up in a hut. This is not built for the purpose but is temporarily vacated by the women of the family in whose homestead the operation has taken place.

Between the cutting and the ceremonial exit from the period of convalescence the boys are known as *ok*. The boys suffer excruciating pain during the first two days or so after the operation and nothing can be done to relieve their agony. These first few days are recognised as being a time of great danger for the boys since the wounds may break open again and great loss of blood ensue. Youths and girls are prohibited from visiting the boys during this period since they are likely to be sexually unclean. Especially are pregnant women kept away from the vicinity

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881 and only those women who are nursing babies or who have reached the
784 menopause are allowed near their hut. One or two men, often a youth who was initiated the year before, and who abstain from sexual relations for the time, will keep guard over the boys to prevent their heads from falling sideways, so that the grass circle which they use as a pillow sticks to their temples and in the effort to get it loose the wounds are re-opened. They must sleep on their backs with the backs of their heads on the grass pillows. An old woman may also sleep in the hut and assist in looking
[757] after the boys. Should the wounds break open and bleeding be renewed the place is cauterised with a *rip* which has been heated in the fire.

Until they are taken to the river and cleansed at the end of their seclusion the boys must strictly avoid any contact with the cattle. This is a ritual prohibition, a *bôt*, which involves a curse if it is infringed. Not only are they prohibited from going among the cattle but they must even avoid treading on cattle dung. It is said that if a cow approaches them the boys must immediately run away into the shelter of their hut. It is believed that a breach of this prohibition would prevent the formation of regular scars (*piar*) on the forehead so that all the marks of initiation, the pride of manhood, would be obliterated with the exception of the *nor dokî*, the cut just above the eyebrows. In this connection Miss Huffman records of an initiate that, "When one asks him if his wounds are healed he will always say 'not yet,' but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed although the boy will not say so for fear someone with the evil eye should hear of it."[1]

881 During their convalescence the boys are given food in liberal quan-
262 tities and are probably better fed than at any other time in their lives. Considering that the Nuer is always hungry and frequently starving this abundance of food makes an impression that it is hard for us to appreciate fully. When speaking of their experiences at this period one finds that the festal nature of their convalescence is frequently stressed. They say that if any youth who has not been freshly initiated looks longingly at their food the initiates will belabour him while if it were an older man they would not strike him but neither would they invite him to partake of the meal. The boys share and share alike, as befits comrades, in any food

[1] *op. cit.*, p. 32.

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that is brought to them. One mother will cook for them in the morning and another in the afternoon and they will take it in turns to provide their sons with food, but what each brings is shared by all and not eaten by her son alone. The mothers themselves bring the food to the hut in which the boys are confined unless they have *thar*, are ritually unclean. If one mother has much milk from the cows of her homestead she will bring it to the boys, while if another cannot procure milk she will make up for her poverty in this respect by supplying plenty of corn for their meals. During the period of their seclusion the boys are restricted to soft food that can be easily swallowed, such as milk and flour paste, but a soft corn mash and even soft and finely chopped meat (*wig ma kuchu*) is allowed them in Lou and Jokany countries. These eatables do not require mastication, a muscular exercise that might cause the veins to break again. Father Crazenzara writes of the West Bank Nuer that the boys are confined for two months and that for the first fortnight no food other than milk and milk mixed with flour is allowed to them.[1] I do not think that this is the case among the Lou and Jokany tribes where the boys eat porridge and soft meat at the commencement of their seclusion and where the period of confinement to their hut does not last for more than a week to a fortnight. During this time they may not wash their faces. After about a week they are allowed to sit up but must remain quietly in a single sitting position. After a few more days they are considered to be healed even though their wounds have not yet closed. Not all the boys heal at the same time: some are healed at the end of a fortnight while others only after a couple of months. When they are allowed to come out of their hut they sit by the door in the evenings and anoint their foreheads with oil and sleep with them oiled. They wake before dawn and wash their foreheads with warm water and then one of the men who is looking after them cleans out clotted blood from the cuts. They then sit and shiver in front of their hut while the cold north wind blows into the wounds and causes them to cicatrize.

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Apparently it is between the time when they are well enough to leave the hut and the day on which they are ritually cleansed by bathing in a river that they are considered to enter into a period of mildly prescribed licence. They still avoid contact with the cattle and spend their time wandering about in bands in neighbouring gardens and bush. In Lek country at this time they wear a special cord, called *kawik*, around their

881 786

[1] *Op. cit.* p. 91. "We do which what also which cross that considerable and on cross [illegible] first gulcoler; cross first and bilek and for on your Nuerkam first cross Kuet. Cross Pukadiallim and cheuiala gens this gulcoler Pukich bilen spirar dum [illegible]."

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881 786 necks but this is not the custom in Lou country. On both sides of the Nile, however, they carry a special stick, called *rir*. In Lou country the boys wear a special necklace of *kaac* beads. During this period the boys are allowed to behave in a manner that would not be tolerated at ordinary times. If they meet uninitiated boys in the gardens they set upon them and flog them with their neck cords or sticks and tear their flesh with thorns. An uninitiated boy, Tot, showed me scars on his body which had resulted from this treatment. They also beat girls whom they meet but generally they give them the choice of being beaten or submitting to sexual intercourse (*makwi ngath kie makwi dwac*). A party of boys will meet a single girl or several girls together and compel them to submit to intercourse. I was told also that if they meet a dog they may kill it. They are not answerable for any of these irregularities for they are now in a special state in which they are known as *cilwi* and it is the privilege of *cilwi* to act in these ways. Nevertheless they do not molest initiated men but only boys who do not bear the marks of manhood, and girls.

881 One morning, early, an old woman goes into their hut (*dwil cilwi*) and beats the boys out of it with a bunch of green grass. Occasionally this takes place in the evening. They run out of the hut into the gardens where a crowd of people, consisting mainly of women, pelt them with cattle dung (*bak ke wir*). They run down to a neighbouring stream to wash themselves and on their return to the homestead may beat the cattle with wild rice (*ficec*). They then go and rub themselves in their beloved ashes and sprawl in contentment around the dung fires. They spend the rest of the day leaping behind the bullocks given them by their fathers and maternal uncles.

I am not certain that I have recorded these events in their correct order and it is possible that the cleansing ceremony takes place earlier than I believe. There is also later a concluding ceremony at which a big dance takes place (*ke ruath ywot*) and there is general merriment and much duelling. The people who take part in these festivities are members of the age-sets of the fathers of the boys, and their wives, for the boys themselves tour the neighbourhood to ask for presents of giraffe hair and beads and other ornaments from their relatives. At the conclusion of this ceremony a boy's maternal uncle may demand from his father a cow (*yang gwel*, the cow of initiation) on the grounds that his sister's son has now reached manhood. Before the cutting takes place a maternal uncle rubs his sister's son with ashes (*bak*) and makes an address over him (*lam*) so that he will pass through the ordeal without difficulty.

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According to Jackson, after the wounds have completely healed the boys go into camp. He says that a group of about a hundred boys is formed and that a bull is provided for each of them. They settle in a spot about an hour's distance from the village and gorge themselves with meat. A young boy or an old woman cooks for them but they may not be visited by girls. During this time they indulge in feats of endurance and when they have eaten all the bullocks they return to their villages.[1] This account by Jackson is not entirely in accord with my own information which does not lead me to consider these camps as part of the institution of age-sets (*ric*) but as only incidentally associated with it. According to my information the newly initiated boys do not always collect in camps after their wounds have healed but only in some years, about every second year, and then it is not only the new initiates who form a camp but also members of their age-set who have been initiated in previous years and even members of senior age-sets. I was told that even a married man would attend and that a man would attend until his son was old enough to replace him. I think that these camps (called *ailit* or *kawar*) are a custom separate from the age-set system, though related to it by the fact that its members are mostly recruited from the unmarried youths of the village and are hence mainly of the same age-set. These camps are also held, moreover, during the closed periods when "the knife is hung up" and no further initiation is allowed to take place. They are held when the first harvest, the *kal wec*, is ripe. Any youth who possesses a bullock, other than his favourite beast (*dil shakde*), will take it to the *kal*, as these camps are also called, in general with all camps which are without cows and the ordinary activities of pastoral life. A youth will ask his father to give him a bullock so that he may join his comrades at their feasts, and if his father has no beast to spare and his son is insistent in his request he will arrange for him to share a bullock with a friend and will later pay the owner a male calf for the half which is lent to his son. The young men spend a month, or even two months, in the camp, living mainly on meat, for a bullock is killed every three days or so. Nevertheless they also eat a quantity of porridge, since women in the neighbourhood of the camp, which is generally five to ten miles from the homes of the youths, will make porridge and will bring it to the camp to exchange for meat. The skin of slaughtered bullocks and some parts of the meat are taken back to the village for the older men. Apart from eating meat and indulging in the pursuits incidental to this season of the year, especially

[1] *Op. cit.* p. 146-143.

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883 hunting, the camp does not seem to have any expressed purpose or activity. Certainly I never heard that there was any organised educational training. The young men return to their homesteads in time to eat the *mak*, a mash made by beating out the ear and grinding corn not yet fully ripe and still soft.

881 561 What I have recorded above is all I know about the ceremonies of cutting the tribal marks and the periods of seclusion and licence associated with the *gar*. So far nothing has been said about the organisation of the *ric*, the age-sets, and I will now turn to this point. According to Jackson "the initiation ceremony should in theory be held about once every 15 years, and this may have been the rule when the tribe was less numerous than it is at the present moment. Nowadays the boys are initiated when there are sufficient of them to make it worth while."[7] It seems to me that this estimate of 15 years is too large since it would mean that many youths would be from 20 to 25 years old at their initiation, which would be contrary to the purpose of the rite. I was told by a good authority in Lou country (Tutrial) that there is always a four years' interval between the closing of one age-set and the commencement of the next one. This information accords with Father Crazenzara's statement that "as a rule the *Gar* takes place once every four years" but he adds that the cattle chief may deviate from this rule for public or even private reasons[8]. He reckons that we may allow about seven years for each *ric* when reckoning a man's age: thus members of the *Pilual* age-set are from 15 to 22 years of age, members of the *Rual* age-set from 22 to 29, members of the *Tambour* age-set from 29 to 36, and so on. If we can say with fair certainty that there is a four years' interval between each period of initiation we must therefore conclude on this reckoning that each period of initiation lasts about three years. But I am not convinced that we can make so sure a deduction, nor that there is complete regularity in the periods of time during which initiation takes place. Father Crazenzara himself says that the period of initiation may last only a year or up to four years according to the district.[9] On the other hand, at any rate in Lou country, this period may last for several years and youths have been initiated into the *Ringar* age-set continuously for at least eight years. Judging from this

[7] Op. cit. p. 129.

[8] "Les adolescents subissent chez Gar alle vier Jahre vorgeschrieben. Der Landesvorsteher kann aber beschliessen Gerhalten kurze oder Zeitdauerung abkürzen können. Es wurde auch schon einmal Landesvorsteher bei der Einführung der Gerrett entgegenstellt, es einige Jahre bei den Erstarkeitung, ob sein Sohn dieses gegen wurden will oder ihn ausbeten Rat, wenn und erwägen, dass das ausbeten Gar zwei abschliessen wurde, wenn sein (ihn Spezialmann) auch sehr jungen Jahre auch gegen wurden können, wenn nur auch 3 oder 4 Jahren." Op. cit. pp. 18-9.

[9] Op. cit. p. 19. "Die Gerrentsbeln können ein Jahr oder auch ein vier Jahren, je nach dem Bezirk dieser Bezirkes."

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fact and reckoning from the appearance of age which members of the various age-sets present, I think that it would be wise to allow a ten years' interval between each age-set and at the same time remember that this is likely to be fictitious, since the periods during which boys are being initiated are not regular, though the time interval between the cessation of one period of initiation and the commencement of the next are probably the same. Thus I should reckon that the youngest age-set, the *Lilipar*, in Lou country commenced about 1923 and that the oldest age-set, members of which are still alive (the *Thol*), commenced about 1873. This would make these few survivors about 70–75 years of age to-day. Miss Huffman gives a lower estimate which makes these members of the *Thol* age-set between 60 and 70 years of age, an estimate nearer to that of Father Crazzolara than to mine.[1] However, any calculation must be only roughly approximate since it is not possible to count in the exact manner which the regular cycles of other peoples allow. I am not certain that among the Jokany tribes there are any breaks in initiation, and I am under the impression that initiation goes on every year and that the sets are divided by a declaration of the *wut ok* that all the youths initiated up to a certain time belong to the one set, and all initiated after the time to another set. Then I was told that in Gaajak country the *lilipar* were cut off from the *Riabnar*, but that since the *wut ok* had not come in person to cut them into two sets, in Gaajak country they still remained members of the same set.

The following are the complete lists of age-sets given by various authorities (the oldest age-sets are given first) :—

Jokany (Jackson)[2]	Jokany (Huffman)	Gaajak (Jackson)
Tut	*Tilbith*	*Rugh*
Bul Lolob	*Lojok*	*Jok*
Bandar	*Cuanar*	*Dul Bor*
Wang Dol	*Nyanjing*	*Gor Lolob*
Kolth	*Thol* (60–70)	*Tumolob*
Wunnol	*Bular* (50–60)	*Til Bok*
Karam	*Mabar* (40–)	*Ngam Ping*
Dual Mydhar	*Dongandu* (30–)	*Ghol Ghar*
Dil Nuak	*Cuchar* (20–30)	*Lilipar*
	Lilipar Nadir (10–20)	*Tut*
	Lilipar Amir (00–10)	*Bul Lolob*
	Gol Tutut (1919)	*Mabar*
	Lawal (1920)	*Dong Gongo*
		Gar Bol
		Lil Gatob (1919)

[1] Op. cit. p. 10.
[2] Jackson says that this list is incomplete and that the Jok have the same age-sets.
[3] Said to be only one man still living at the time when Jackson wrote.

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Jokaw (S-P)	Lui (S-P)	Gurwa, Lak, Tawee (Jackson)
Nyangay	Gilo	[illegible]
Yiloh	Gilo	Tawagaing
Gumum	Tiluak	Mal Bar
Tuc	Tuc	Gumuh
Gilo	Lilgaway	Gal Lulah
Lulah (all dead)	Nyangay	Tilar Tilumuah
Tial	Yiloh	Kar Nyang
Bulu	Tulgo (all dead)*	Bal Lulah
Mulu	Tial	Mulu
Dalgaga	Bulu	Lulah
Gilo	Mulu	Lui
Lilgar	Dalgaga	Dang Gong
Bulu*	Lui	Tilulu (Lulah)
	Lilgar	Lil Gulah
		Kawa (var.)

Bria (Jackson)	Kadul (S-P)	Jagei (S-P) (assumption)
Bar	Tiangi	Wau
Tuck	Lilgaway	Tial
Gumuh	Bulu	Bulu
Kar nyang	Wunlual	Bulu
Bumulu	Bal	Wunlual
Lul Bal	Tiial	Lui
Kar		Kawa
Bal lul		Tiial
Tiangi		
Lul Rang		
Lul Tilulu*		
Lul Nyang		
Bulu		
Wang Bal		
Nyang		
Gal (var.)		

Each age-set has two or three sub-divisions. Each year in the initiation period may receive a separate name though probably two years often have the same name. But though a set is thus stratified internally by a different commaleiture for each year or for every two years, all members of the set have a common name which is the name of the first division of the set to be initiated. This common name persists while the subsidiary names fall eventually into disuse. The set are a unity in relation to other sets while the conventional division between different years in the set

* See reference to *Bulu* and *Lilgar* on p. 247.

* An alternative list going upwards from That two senior age-sets runs: *Lulah, Dalgo, Gumum, Nyangay, Tuc, Gilo, Tawang, Lilul, Jalg, Kawang, Bar.*

* This set and all above it are dead.

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itself tend to disappear as the years go on. Thus in Lou country to-day one hears of *Lieth indit* and *Lieth inear* and *Piluel (Cuiyat)* and *Rialnar (Rial dang)* as four sections of the present initiation period, but all of them are *Lilipar* and the three subsidiary names will fall into disuse and all will one day be called simply *Lilipar*. In the same way one does not hear to-day of *Maker indit* and *Ngwak* but only of *Maker* under which name both divisions are included. In the same manner one hears little to-day of *Gaong indit*, *Carbar*, and *Nyanyam* but only of *Dangangu* or *Gaong* which covers all these sub-divisions. The senior division is called *indit*, the greater, and when the subsidiary names are dropped the *indit* is dropped also since its purpose is to distinguish the upper divisions from the other ones. Hence we have *That indit* and *Maker indit* and *Bulan indit*, the elder *That*, the elder *Maker*, and the elder *Bulan*, but the *indit* ending in these names is eventually dropped and the complete sets become known as *That*, *Maker*, and *Bulan*.

The following are the subdivisions in the age-sets in Lou country as far as I was able to ascertain them :—

That	*That indit*
	Wanhjang
	Lieth
	Bulan indit
	Gelangkiliel
Bulan	*Lilipar*
	Maker indit
Maker	*Ngwak*
	Gaong indit
	Carbar
Gaong	*Nyanyam*
	Lear indit
	Rialnar
Lear	*Cuiyat*
	Lieth indit (inlar)
	Lieth inear
	Cuiyat (Piluel)
Lilipar	*Rialnar (Rialdang)*

Sometimes a section or sub-section has two different names, *e.g.*, *Gaong* and *Dangangu*, *Lieth indit* and *Lieth inlar*, *Cuiyat* and *Piluel*, but I do not think that this has any significance, being due simply to the transition of different names to different parts of the country so far as the great sub-divisions are concerned and being a variation when it occurs in the permanent name of the age-set.

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I believe that these sub-divisions occur all over Nuerland and that they become merged into the single name of the whole set as in Lou country. This fact probably accounts for a number of differences in the lists given above since I think that sometimes sub-divisions have been given as though they were different age-sets whereas in reality they are only two divisions of the same age-set. These divisions occur on the west bank of the Nile no less than on the east bank, and I record beneath a list which I collected from a Lek youth, and though it is almost certainly inaccurate in some particulars it gives clearly enough the method of sub-division :—

Thuyi	
	Lilnyang
Lilnyang	*Lilou*
	Ruak
Ruak	*Lilwath*
	Wandong
Wandong	*Tanghow*
Bul	*Pilual*
	Jang
Pilual	*Jawak*
	Gandiko

An informant in Lou country (West) told me that the reason for having different divisions in the same age-set is to prevent a boy and his brother from having an identical status in the age-set. It sometimes happens that two brothers are initiated on the same day but in this case they are distinguished by the younger brother receiving seven cuts across his forehead while the elder brother receives the usual six. Much more frequently it happens that a boy and his brother are initiated into the same age-set though during different years, perhaps two or three years apart from one another. In this case they are distinguished by belonging to different sub-divisions of the age-set.

The names of the age-sets seem quite fortuitous. They are not stereotyped and recurrent as is often the case in East Africa where the age-sets are organised into an age-cycle. Among the Nuer each age-set requires a name by association with some incident of the period of initiation which may have a specific connection with the members of the set or may be of a general nature. Jackson gives a number of interpretations of these names in his papers on the Nuer, *e.g.*, *Riar* (Bul country) were called after the heads of dura (*riar*) because the seed dura

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which was hung up in the huts in preparation for the rains was eaten prematurely; *Qui* (*Kiwi*) (Bul country) were called after a *thak ma kuc*, a fish-eagle bullock, black with a white face, which was sacrificed by the cattle-expert before the initiation period was opened. Father Crazzolara derives the name *Pilual*, red water, from the fact that red-coloured beer was served up in the age-set. He says that this *ric* is also called *Codeyalle* (Lak country) because an ox of this name was slaughtered, and also *Lak Warabwi* because of the recent introduction of cotton (*lak*) into the country by the late Capt. Ferguson, whom the Nuer called *Warabwi*. He says that *Lak Gac* are so-called because a couple of recently initiated boys broke into a hut and stole butter (*lak*) from it. They are also called *Ruol* because at the conclusion of the festivities to celebrate their initiation an ox of this name was slaughtered. *Tankow* are so-called because an ox *ma kwai* was slaughtered.

To these derivations I may add those given to me for the names of the Lou age-sets: *Lak ioloor* was so-called because the bullock that was sacrificed at the commencement of this *ric* by Gai Jaang, the Gaajak cattle-expert, was of this colour; *Lwac* was so-called because it was a period of great hunger and the boys and newly initiated men were forced to satisfy their hunger with gum from acacias (*lwac*); *Dangwaya* (an individual member of this set being called *gwong*) was so-called because the boys in hunger were forced to fall back on guinea fowl (*gwong*), which they caught in nooses or struck with clubs thrown at them in the branches of trees to which dogs had driven them; *Maker* was so called because a bullock of this colour was sacrificed, or according to another version it was a Nuer effort to pronounce the arabic word *askari*, as these soldiers were then prominent and used to go about with the government chiefs (the full name according to this second version is *Maskari*); *Boiler* was so-called because this was a year of cattle plague, and of those which died only the beasts which had a white heart (*boi, lac*) were eaten, the others being considered unfit for consumption; I do not know why the *Thot* age-set is so-called. I believe that the name of the set, which is always taken from the name given to the initiates of the first year, is given by the cattle-expert, but the names of the sub-divisions of other years are not given formally by anyone but are a chance popular creation.

There are different ways of referring to the *ric*. Generally one speaks of its members and one then uses the plural of the words given

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561 in the lists above. Thus one speaks of the *Pibuak*, the *Kawaai*, the *Ruobai*, the *Lithgawi*, the *Thaini*, the *Rialwaai*, the *Makei*, the *Nyawayawai*, etc.

XI.

881 867 In seeking to understand the social action of the Nuer age-set system I think that we should first of all abandon the idea that there is any purposive education in initiation. Neither in connection with the cutting nor during any subsequent stage does the initiation of the boys include educational or moral training. It is true that a father may admonish his son at this time to be brave in war, to avoid the wives of other men, to be generous, and never to display greed, but such advice is of the general kind which may be given unsystematically at any time during boyhood. I could find no evidence that there is any kind of teaching of the boys during initiation, either of technique or of traditions. Nor was I told upon repeated enquiry that there was any moral instruction.

561 114 I cannot agree with Stigand's description of the Nuer age-sets in this respect and I think that he was largely reading into them the purpose and methods of the Masai system with which he was familiar. He wrote of initiated youths: "When finished they are trained by the old class; the training includes mock battles, fighting with sticks and pelting one another with balls of dried clay—to learn quickness in avoiding spear thrusts. After two years the training is complete, the old class then retire and gradually get married whilst the new class having finished their training go back to live in their villages." He says: "The newly-made warrior may not marry until relieved by the next class."[1] I found nothing which could confirm this account of two-years' training and the prohibition of marriage on the older class during the training of the set which was to replace it, and there is nothing in Jackson's account and little in the recent paper by Father Crazzolara which bears it out.

561 701 I think, moreover, that the Nuer age-sets are only incidentally a military system at all, though Stigand and, less dogmatically, Jackson give them this character. It is perfectly true that in warfare the junior age-sets play the chief part, but this is simply due to the fact that they are old enough, and yet not too old, to fight. Boys do not take part in

[1] *Op. cit.* p. 103.

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warfare because they would certainly be killed if they did and the same applies to old men. Nevertheless a good number of the older men who are more active than fellow-members of their age-set will accompany expeditions. Moreover, war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side, there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regimental, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in these rather than in its ritual that we must look for its significance.

In its economic relations Nuer social life comprises three groups of persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they have been initiated into manhood. Consequently initiation means that a boy ceases to milk; he severs his association with women's work; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life.

If cessation from milking is the most outstanding change in a boy's occupations after initiation it is by no means the only one, for his whole

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858 561 mode of life changes when he becomes a man, that is to say when he is made a man by social machinery, for he does not become a man in virtue of biological condition alone. An initiated boy comes also to assist women and girls in the more menial tasks of cattle culture. It is no longer his duty to clear dung from the byres nor to smear it on the floor of the kraals* and dry it for fuel. Neither taboo nor shame attaches to these tasks, it is true, and if there are no women or boys to perform them a man will do them himself, but it is considered to be work for boys and girls. No more will an initiated boy have to milk the goats and sheep and take them out to pasture with the calves. Instead he will sometimes guard the main herd of cattle in their dry season pastures or more generally sit and gossip around the embers of a smouldering dung fire and wait for the womenfolk to bring him the morning meal.

A boy is everybody's servant. Not only must he milk the cattle and sheep and goats and keep clean byre and kraal but he is frequently ordered about by initiated men, sent to draw water, fetch fuel, light pipes, made to go messages, to lead the bullocks round the camp when his elders wish to keep (see) behind them, and to perform any other task which they require. Certainly boyhood is the period in a man's life when he is more occupied, does more work, than at any other period of his life. One gets the impression when living in a Nuer cattle camp that among the males all the routine work of the camp is done by the boys. After initiation 884 561 461 a boy may look forward to a long life of ease. His are now the delights of sitting round a smouldering dung fire with his beloved cattle tethered in front of him. Here he can smoke, sleep, drink milk, gossip, and watch others do the daily monotonous routine work of homestead, dairy, and kraal. There is no one now to disturb his peace by ordering him about. At last he is completely his own master and may work or not as he thinks fit. Every initiated Nuer is his own lord, paying respect to age and the obligations of kinship, but free and independent, owing no man service. A newly initiated boy may now order his juniors about, see that they do their work thoroughly, and admonish and beat them if they are remiss 884 561 in any task. Even though he is quite small, and perhaps no older than many who are uninitiated, he is a *wut*, a man, while they are *dhol*, boys.

* "Byre" refers to the large byre in which cattle are housed in the wet season and which is used also as a sheep fold. "Kraal" is used to denote the space in front of the byre, sometimes enclosed, where the cattle are tethered and also for the space where they are tethered, surrounded by a wind-screen, in dry season camps.

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He will respect his elders but they will treat him as a man and with the consideration due to an equal rather than to an inferior.[1] 884

He has now the supreme joy, to which every Nuer boy looks forward with longing, of entering into the full life of the cattle. He will wander with them over their dry season pastures and will have his own bullock, perhaps more than one, to meet when it returns to camp in the evening, strutting along and waving the long tassel attached to its horns as it tosses its head. He will rub its back with ashes in the evening and perhaps invoke the spirit of his lineage or his dead ancestors as he does so. He may now order a boy to lead his bullock round the camp at morning or evening so that he can leap behind it in the sight of the girls, and may walk among the cattle at night ringing a cattle bell and singing about his cattle, his relatives, and his lovers, activities which would be mere presumption in a boy, who would not indeed attempt them. 561

The elation, the feeling of happy superiority, which accompany this change in a boy's life are evident in his behaviour, and their opposites are strikingly shown in the cases of boys who for some reason have not been initiated at the same time as their contemporaries and playmates. The position of such a boy is pathetic. His friends have been promoted and he is left behind. They are men and he is still a boy. Once his equals they have become his superiors. I knew well one boy in this humiliating position and it was painful to observe how acutely he felt it on occasions. He evidently felt chagrin at the performance of his boys' duties and tried to associate as much as possible with his initiated companions, with whom he had everything in common, rather than with the smaller boys with whom he was socially identified. I think that his friends tried to spare him humiliation as far as they could by treating him as one of themselves though his work and play were of necessity different from theirs. On one occasion a man of about 18 years of age was beating the boys for neglecting their work and idling around my tent, but when he came to this boy of the same age as himself he raised his hand to strike him and said: "And you! what are you doing here?" but he smiled and did not strike him.

After initiation also a boy may give himself over to the absorbing interests of love-making. He may now dance and flirt (*fuse*) and indulge 836 883

[1] We speak not exaggerated this equality. Elder men will still call an initiated person who is young enough to be their child *dhol*, boy, and will order him to fetch them things they require. There is no feeling of resentfulness in it. But the difference has become doing a favour to an elder man who speaks to you as his son and being ordered about like a servant by a superior.

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836 883 in sexual relations with girls. Before initiation boys may go to dances but they merely watch and do not take part in them. After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*ganda*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 884 421 An initiated boy is now invested with two external signs of manhood besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation. If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 554 553 421 A boy is even prouder when he becomes the owner of a bullock and is invested with a bullock name. Even a small boy will speak of his father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it is only his in the general psychological sense of family communism. It

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is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right. 233 554 563 421

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having theirs lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nilotes towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members 232 553

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of the age-sets directly senior and junior to his set may also call him by his bullock name. Members of his family and kin will address him by his birth name or by a relationship term. The use of a bullock name has egalitarian implications so that it would not be used between persons whose age-sets are distant from one another. A younger man would not address one much older than himself by his bullock name but as "gwa," "father," or by the complimentary title of "son of so-and-so," mentioning the name of his father, or "father of so-and-so," mentioning the name of his oldest child whether son or daughter. Also an old man would not address a much younger one by his bullock name, but as "gaida," "my son."

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The change of social behaviour which takes place in the life of a Nuer when he passes from the grade of boyhood to the grade of manhood, from *dhol* to *wut*, is shown in the customs I have just described, milking, household tasks of byre and kraal, love-making, dancing, ownership of spear and bullock and bullock-names, etc. But these are customs which differentiate one grade from another grade and not one set from another set. All the age-sets are equivalent in their enjoyment of these privileges and present an undifferentiated opposition to the boys who are deprived of them. There are no further grades into which a set as a whole advances. The Nuer age-sets do not pass out of the grade of warriors into the grade of elders as these grades are not clearly defined among the Nuer. A man, as explained above, ceases to fight when he considers himself too old for this sport and not because his set passes out of a warrior-grade. He marries when he is old enough to do so and when there are sufficient cattle to provide him with a bride, and not because his set passes into a grade of married elders. Instead of the three grades of the Masai system, Boy-grade, Warrior-grade, Elder-grade, there are properly only two Nuer grades, Boy-grade and Man-grade.

But though not graded the sets are stratified and have a traditional pattern of behaviour between one another so that membership of one set evokes a different pattern of behaviour from members of all the other sets. Thus, from the point of view of an individual Nuer, male society falls into three adult groupings; those whom you respect as seniors (associated with your fathers); those with whom you are on terms of intimacy (associated with your brothers); those who owe respect to you (associated with your sons). These patterns of authority, subordination and equality, are the only three possible patterns of behaviour between

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individuals in any society, and every society has techniques for determining beforehand which pattern a man employs towards any given member of his community. Nuer culture does this by means of its age-sets as well as through its kinship structure. Any doubt as to how you should act towards a fellow Nuer is eliminated because your attitude towards him is largely determined by your respective memberships of age-sets. Friction and hesitation are avoided because the life of a set evokes from its members a clear pattern of behaviour (*a*) among themselves, (*b*) towards members of senior-sets, (*c*) towards members of junior-sets.

It may be objected that there are more than three age-sets living at the same time, but from the point of view of an individual, the age-sets tend to fall into three groups corresponding with the three generations of father—self—son. Generations are only distinct for the individual. Thus, to-day, in Lou country the following age-sets still have living members: *Thut*, *Braiac*, *Maker*, *Dangunga*, *Lour*, *Lithgar*, and any three of these will generally form a generation in relation to the life history of an individual. To a *Lithgar* son of a *Maker* father all members of the *Maker* age-set are his "fathers" and form a group whose daughters he ought not to marry because their "fathers" are his father's sons. To this group he owes respect. The age-sets of *Thut* and *Braiac* fall into the same category as the *Maker* with certain differences due to the greater age of their members. On the other hand a *Lithgar* regards the members of the *Lour* age-set as being on much the same plane as himself in relation to *Dangunga* and *Maker*. The *Lour* and the *Lithgar* will call one another by their bullock-names, and if a *Dangunga* man kills a bullock at a ceremonial feast they will eat together and not with the *Dangunga*. It occurs that if a *Maker* man kills a beast at a feast the *Maker* and the *Braiac* will eat together and the *Dangunga* and *Lour* together; while the *Lithgar* will eat by themselves. Thus, at any one time, owing to the limitations of life, there is a tendency for the age-sets to fall into three divisions in respect to any individual, his seniors, his equals and his juniors. At the beginning of manhood there are only two divisions, equals and seniors, and at the end of manhood there are also only two divisions, equals and juniors, but in middle life there are three divisions.

This social overlapping fits in with biological overlapping, for not all of a man's sons are initiated into the same set. Generally the oldest

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son is initiated into an age-set with one (or sometimes two) intervening age-sets between his age-set and his father's age-set, but two (or sometimes three) age-sets intervene between the age-sets of younger sons and the age-set of their father. This overlapping seems complicated to us but is not so to a Nuer. If we consider the position of a member of the *Maker* age-set we shall see that the *Bulim* are too young to be his "fathers" and he tends to regard them as his equals in contrast to the *Thet*. A man of the *Dangwaya* age-set in the same way regards the *Maker* as his equals because they belong to a younger age-set than that of his "fathers"; but he recognizes the authoritarian position of the *Bulim*. Any set tends to regard the set directly senior to it as its equals, though seniors, in contrast to the set higher up who are not only its seniors by a long period of years but also its "fathers." So that while the *Dangwaya* regard themselves as of much the same status as the *Maker* in relation to the *Bulim* the *Maker* regard themselves as of much the same status as the *Bulim* in relation to the *Dangwaya*. Or, while the *Lithgar* consider their position approximately that of the *Lear* when speaking of the *Dangwaya*, the *Lear* group themselves with the *Dangwaya* when speaking of the *Maker*.

The few examples given herewith show actual cases of division between age-sets of fathers and sons. I have stated where the son is the eldest son, but in other cases where I have written younger son I am unable to say for certain his position in the order of sons.

Father.	*Age-set.*	*Son.*	*Age-set.*	*Intervening sets.*
Nathan	*Maker*	Wun (eldest son)	*Lithgar* (*Gatyat*)	one
Bol	*Maker*	Jok (eldest son)	*Lithgar* (*Dedit*)	two
Gaw	*Dangwaya*	Wu (eldest son)	*Lithgar* (*Gatyat*)	one
Gawak	*Thet*	Gak (eldest son)	*Dangwaya*	two
Jok	*Thet*	Bol (eldest son)	*Dangwaya*	two
Rubem	*Dangwaya*	Wuol (eldest son)	*Thet*	one
Ngundeng	*Thet*	Kang (youngest son)	*Lear*	three
Ngundeng	*Thet*	Riek (eldest son)	*Maker*	one
Gang	*Thet*	Gak (eldest son)	*Dangwaya*	two
Gang	*Thet*	Jok (youngest son)	*Lear*	three
Ngut	*Lhayang*	Rubem (eldest son?)	*Wandat*	one

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In this list there are only two cases where two generations are recorded, and though two cases are not adequate to show the normal number of age-sets which go to a generation I think that, nevertheless, these two are typical.

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Thiel	*Gatwak*	generation
Diidar		
Mabor		
Dengwajo	*Gaw*	generation
Lual		
Lilapar	*Wir*	
Lilapanyi	*Nyat*	generation
Bach		
Wanghol	*Rubum*	
Bol		generation
Pilwal	*Wiual*	

It is not easy to describe the patterns of behaviour which operate between age-sets as they are of a very general nature. They are formally expressed in feasts when members of an age-set, or of two consecutive age-sets, eat together and apart from their seniors and juniors, or when members of an age-set purposely abstain from taking part in a feast when one of their members has died. But also in the daily life of village and cattle camp juniors show seniors deference in all situations which occur, in disputes, discussions, economic activities, etiquette, and so on. Father Crazzolara gives an example of this deference when he says "a boy has caught a fish, and an old man, a *ric*-comrade of his father, desires to have this fish and the boy must give it to him, and when his father, for whom it was intended, hears of this, he is glad that his son has such good manners."[1]

Age-mates are on terms of complete equality. They associate together in all activities of life, in work and war and leisure. A man does not stand on ceremony with an age-mate but sets and plays and jokes with him as an equal. When two men of the same *ric* are quarrelling, so long as their quarrel has not resulted in a serious fight, others ought not to interfere. I have often noticed that when small boys of about the same age are fighting with their spiked bracelets the men will laugh and encourage them, saying that they are of the same *ric*, that is to say, of the same age, but the women talk run to separate the boys and to take the part

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[1] Not also Shorobo among Panik village and the Abagumnam among Yanam villages (in, as last or first descendants on gabon; and among the Yiron, the due the Pach Lankamai war, dawan lakri, ward or sick then among grandmagnam Salim Amam).

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of the lad belonging to their family. Age-mates are those who naturally associate together in any society in the world. Father Crazzolara writes "A kind of relationship springs up between the *Rio*-comrades, akin to close comradeship. According to the views of the people they belong to one another. When they live together or meet by chance, the meals prepared for the one or the other are eaten in common. In travelling *Rio*-comrades are natural hosts."[3] A man may address a fellow member of his *rio*, his age-set, as *rioda*, *da* being a suffix meaning "my."

Apart from this general pattern of egalitarian behaviour between members of the same age-set, their like mode of behaviour towards members of other age-sets, their common title, and their exogamous relations, there are a number of customs that ritually express their equality. The chief of these is the strict prohibition on any member of a dead man's age-set of partaking of the flesh of a beast killed at his mortuary ceremony. Anyone who broke this rule would inevitably die of *mar*, the punishment which falls on those who break serious taboos.

Another custom allows a man of your age-set to ask you if anyone has claimed your daughter's eldest cow, and if you reply that no one has claimed it he will take a bracelet from off his arm and place it on the little girl's leg. When she is married he will then be entitled to claim the young *rion*, "the beast of the age-set." It is important to note this custom in its relation to the rule that a man must not marry the daughter of an age-mate since the acceptance of any part of bride-wealth is recognition of an exogamous relationship between the people concerned. Further customs that express the social equivalence of age-mates are the rule which says that when two members of the same age-set have adjoining gardens they shall not erect the usual boundary-line of raised earth between them, and the custom which says that if a youth gets a thorn under his finger nail and has to cut it out all members of his age-set who are present ought also to cut off the tip of a toe nail as well. As we have seen at initiation feasts a man is permitted to joke and take liberties with the wife of a man of his own age-set. She is not a possible future mother-in-law, since a man cannot marry a daughter of an age-mate, whereas the

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[3] *Op. cit.* p. 48. "Zwischen den *Rioverwandten* entsteht eine Art Verwandschaft, ähnlich einer engen Kameradschaft. Diese Rioverwandten, auf Dinkisch gehen Leute beisammen sie wenigstens zusammen. Wo sie zusammen wohnen oder zufällig zusammen treffen, speist das Vorgesetzte Essen, das einen oder anderen zuerst gereichtem gemeinsam. Auf Reisen sind *Rioverwandten* die natürlichen Gastgeber."

wives of men of other age-sets may one day become his mother-in-law. I have never heard it suggested that men have any sexual rights over wives of their age-mates and Nuer were always shocked at my enquiries about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement; but I have no certain evidence about this. 561 835

But it is chiefly at feasts that the age-sets are divided up ceremonially as I have explained above. The *kaw* of an animal goes to the *ric mabil*, the junior age-set who may eat themselves or may share the meat with the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kaw* would go to the *Lithpar* in Low country, the *bow* to the *Makwi* and the *jaak* to the *Boiler*. If a *Dangwanga* killed the animal we would therefore expect the *Lear* to eat with the *Lithpar*, the *Dangwanga* with the *Makwi* and the *Boiler* by themselves or with any remaining members of the *Thed* set; while if the animal belonged to a *Makwi* we would expect the *Dangwanga* to eat with the *Makwi* and the *Lear* with the *Lithpar*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me that sometimes at a marriage feast the father of the bride will kill a "young ox," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father. 561 574 [585]

One of the actions of the age-set system is the regulation of marriage. In my previous essay I pointed out that the clan is an exogamous group and that any near genealogical relationship through the female line is also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one 561 582

561 582 who counts by fiction, or analogy, as his daughter. I think we are justified also in regarding the actual ceremony of initiation as creating something in the nature of blood-brotherhood between the members of an age-set, since the Nuer seem to regard them as having a kind of community through the blood they have shed together. The Nuer also regard the lineage and clan as a group of people physiologically related as well as sociologically connected, since they have a notion of the common blood of kin.

[835] Not only is a man prohibited from marriage with the daughter of his age-mates, but he will refrain from having love affairs with them or flirting with them. When I asked what would happen if a man were to marry the daughter of an age-mate, I was told that his comrades would appeal to the *kwoth nicakow*, the spirit of their age-set, stating in an invocation that this man has no respect for their set and asking that he might be removed. He would then die. It is difficult to know how we are to interpret *kwoth nicakow*, but it seems that such *nic* is thought to be associated with its special guardian spirit though I do not think that these have special names.

This prohibition on the marriage of daughters with age-mates on the grounds of brotherhood between them is quite conventional and does not mean that age-mates are regarded as equivalent to brothers in either physiological or sociological sense. Perhaps the function of the prohibition is to be sought in the pattern of equitarian behaviour existing between age-mates and their wives, a pattern of behaviour quite incompatible with that existing between a man and his father- and mother-in-law. If a man were to marry a daughter of an age-mate his age-mate would become his father-in-law and his wife would become his mother-in-law and he would have to act towards them with such respect as to make it impossible for him to eat or drink in their homestead. But the Nuer system decrees also that a man may act with the greatest freedom, as we have seen earlier, towards his age-mates and their wives. There would hence be a clash between two completely opposed patterns of behaviour, and this is avoided by the fiction of brotherhood considered as the relationship equal to real brotherhood in respect to marriage with daughters though different in most other respects. Doubtless the prohibition is re-enforced by the fact that there would always be a very great difference in age between a man and the daughter of an age-mate, for

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marriage between people of about the same age is usual in the Nuer society and marriage with a girl of the age of one's children is exceptional. 561

Conventionality of the prohibition is shown when we come to consider the relations of a man to the daughters of his father's age-mates, because if there were any real identity between age-set relationships and kinship relationship these women would stand in the position to him of sister (father's brother's daughter). In point of fact, Nuer theory holds that children of age-mates may not marry and they form a secondary exogamous group based on the age-set system. 582

Diagram No. XXIII.

A	Age Mates ♂
B	Children of A ♂ ♀

Thus members of group A may not marry into group B, A and B together forming an exogamous group comprising two generations. A is not an exogamous group since it contains only males and these are permitted to marry one another's sisters, if they are not prohibited from marriage on other accounts. B on the other hand forms in itself an exogamous group consisting of males and their sisters who are not supposed to intermarry.

However, the prohibition on inter-marriage between children of age-mates (between members of group B) is not seriously enforced, at any rate to-day, though I was told that in the past the rule was upheld. Thus, in Diagram No. XXIV, theoretically C ♂ cannot marry D♀ since A ♂ and B ♂ are age-mates. Because A ♂ and B ♂ are "brothers," B ♂ is the "father" of C ♂ and C ♂ cannot marry D ♀ his "father's daughter." It seems, however, that to-day so long as A ♂ or B ♂ is dead, the marriage is allowed between C ♂ and D ♀ on condition that they make exchange of a special cow or sheep or goat as atonement (*ual*) for breaking the taboo. This animal is probably ear-marked for the *kwak riedim*, spirit of their age-set, though I was not told that this was the case.[2] An instance of this kind was told in the family of one of my Nuer servants, Tot, whose sister was married to a man whose father was an age-mate of Tot's father. The husband gave Tot, whose father was dead, a female

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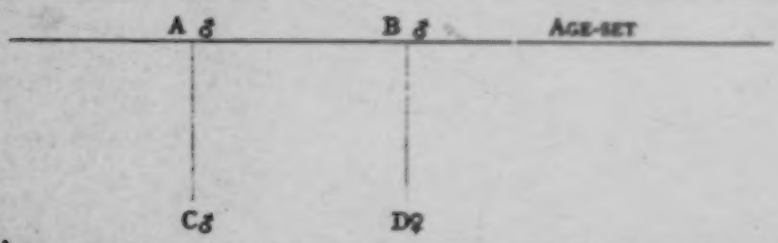
561 goat, and Tot gave the husband's father a male sheep. It may be doubted,
582 nevertheless, whether such a marriage would have been regarded as correct by the older generation. I was told, however, that a man would
[832] not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it
182 regulates the behaviour of members of a community towards one another. It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
602 set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

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life. Certainly the Nuer always speaks of them in terms of family and kin. Not only does he speak of his "fathers" and "sons," but he speaks about members of age-sets senior to his own but not of his father's age-set as though they were his fathers-in-law and their wives his mothers-in-law. These peoples must be respected because their daughters are your lovers and one day may be your wives. Thus a *Lilkpar* son of a *Makar* father will regard members of the *Dangwaga* age-set and their wives as potential mothers- and fathers-in-law. 561 602

The analysis presented in this paper may appear difficult, perhaps unconvincing, when stated in abstract terms, but observe how daily contacts and occupations in a Nuer cattle-camp operate smoothly and how their smooth working is partly a result of social stratification by age. We have seen how the question of who shall perform tasks connected with the monotonous task of cattle-raising is settled by the clear cleavage between the duties of men and the duties of boys. In the many situations that arise in the daily life of cattle-camps, one has opportunity to see how the young give way to the old and listen without interrupting to their advice and admonition in disputes and discussions of all kinds. They will order the younger men to perform services for them and will lecture them upon shortcomings; and the extraordinary pride of a Nuer, the object of ceaseless astonishment to Europeans, no matter how long they have resided in the country, is not injured by orders and admonition from a man of a senior age-set. One observes that the frequent quarrels in a Nuer cattle-camp are between members of the same age-set, and for a man to struggle with the members of a junior age-set would be ignoble for both alike. Everybody's behaviour to everybody else is thus defined on rough, general lines in the daily range of their contacts. In your relations with A he must pay deference to you since he belongs to an age-set junior to your own. On the other hand when you meet B you must defer to his opinion and you may do as he asks you to do without losing your dignity. Boys are everybody's servants. You have left your spear in your windscreen when you have been visiting friends and you want someone to bring it to you. You look round and see C, a boy, and you tell him to go and fetch it. Then there is D, who is of the same age-set as yourself. He is your comrade and your equal. He can say anything he likes to you and you can reply to him as you like. Your equality is shown as much in your quarrels as in your fellowship. It is 561 182 561

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561 expressed in your close association, in love-making and dancing, in hunting and warfare, in mutual visiting and sharing of meals. The essence of such a system is that it should work automatically for there is no one to enforce it. You ought to behave with deference or equality or superiority to men of different age-sets, and if you do not behave towards a man as his age-status requires you to do, then you will have done the wrong thing—people will say so openly and your father and uncles will consider themselves insulted by your conduct towards a member of their age-set and you will suffer from their chagrin. That the system works is perhaps in part due to its association with kinship ideology and also to the fact that it does not have to work outside the local community where the bonds of kinship are effective. It stratifies members of the local grouping, of the village and district and cattle-camp.

008 Every society regulates the interaction of its members, among other ways by organising them into age-grades that are associated with the ideology of family life. The problem is : why does age become stratified into formal sets ? I do not know that any satisfactory answer can be given to that question and none will be attempted here. It is pertinent to ask, however, whether there are any other means of determining community interrelations in questions of leadership and authority. From this point of view, it would be desirable to make a comparative study of what happens in neighbouring cultures like those of the Shilluk and Dinka, especially among the Shilluk where the system has almost entirely broken down, for we may suppose that it has at one time been less negligible a social influence than at present, and also in those East African societies, like the Masai, where the age-set institution has reached its highest development. But, although such questions can only be treated on the basis of comparative study we may, nevertheless, note once more the absence of any very decided political status among the
624 Nuer. Nor does a kinship system provide an adequate means of denoting
561 leadership. Even in the narrowest type of kinship relations, that between brothers, authority is not an integral part of patterns of kinship behaviour.
182 And we have to remember that wielding of authority is always a difficult matter in any society, and where it is not based on open restraint this is due to a clear cleavage between those who order and those who obey, each person knowing at once to which party the other belongs. Among the Nuer it can hardly be said that leadership and authority are highly

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developed, but in so far as they are present, they derive their sanction to a large extent from the age-set system. We must also remember that age-sets are organised tribally and are one of the institutions common to all members of the same tribe and may, therefore, be supposed to act as a unifying agency in the loose political life which we have seen to characterise Nuer tribes. As much as language, moreover, it is participation in a Nuer age-set that stamps a man as a Nuer and distinguishes him from Dinka, Shilluk, Anuak, and other peoples. When you have six weals running across your forehead you are a real Nuer, a member of the finest nation on earth. The Nuer does not doubt his superiority over the other folk and is intensely proud of the marks on his forehead which prove his nationality.

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182

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THE NUER OF THE SOUTHERN SUDAN

By E. E. Evans-Pritchard

I WRITE shortly of the Nuer because I have already recorded a considerable part of my observations on their political constitution and the whole is about to be published as a book.[1] They have, nevertheless, been included in this volume for the reasons that their constitution is representative of East Africa and that it provides us with an extreme political type.

1. Distribution

To discover the principles of their anarchic state we must first review briefly the oecology of the people: their means of livelihood, their distribution, and the relation of these to their surroundings. The Nuer practise cattle-husbandry and agriculture. They also fish, hunt, and collect wild fruits and roots. But, unlike the other sources of their food supply, cattle have more than nutritive interest, being indeed of greater value in their eyes than anything else. So, although they have a mixed economy, Nuer are predominantly pastoral in sentiment.

Nuerland is more suited for stock-breeding than for agriculture: it is flat, clayey, savannah country, parched and bare during the drought and flooded and covered with high grasses during the rains. Heavy rain falls and the rivers overflow their banks from June to December. There is little rain and the rivers are low from December to June. The year thus comprises two seasons of about equal duration. This seasonal dichotomy, combined with pastoral interests, profoundly affects political relations.

During the rains Nuer live in villages perched on the backs of knolls and ridges or dotted over stretches of slightly elevated ground, and engage in the cultivation of millet and maize. The country which intervenes between village and village, being more

[1] This record is printed in a series of papers in *Sudan Notes and Records* from 1933 to 1938. The research was done on four expeditions and was financed mainly by the Government of the Anglo-Egyptian Sudan and partly through a Leverhulme Fellowship. Rather than merely describe again what I have already described elsewhere, I have presented my material in a more abstract form than would be permissible were a descriptive account not accessible.

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or less flooded for six months, is then unsuitable for habitation, agriculture, or grazing. Anything from five to twenty miles may separate neighbouring villages, while greater distances may divide sections of a tribe and tribe from tribe. 105

At the end of the rains, the people burn the grasses to provide new pasture and leave their villages to reside in small camps. When the drought becomes severe, the inmates of these intermediate camps concentrate on permanent water supplies. Although these moves are made primarily for the sake of the cattle, they also enable the Nuer to fish, which is generally impossible from village sites, and, to a lesser degree, to hunt and collect wild fruits and roots. When the rains set in again, they return to their villages, where the cattle have protection and the higher ground permits agriculture.

The distribution of the Nuer is determined by the physical conditions and mode of life we have outlined. During the rains, villages are separated, though by no means isolated, from their neighbours by flooded stretches of grassland, and local communities are therefore very distinct units. During the drought, people of different villages of the same district eventually concentrate on permanent water-supplies and share common camps. On the other hand, some families of a village may go to one camp and some to another, though the majority form a local community throughout the year.

Nuer seldom have a surplus of food and at the beginning of the rains it is often insufficient for their needs. Indeed, it may be said that they are generally on the verge of want and that every few years they face more or less severe famine. In these conditions, it is understandable that there is much sharing of food in the same village, especially among members of adjacent homesteads and hamlets. Though at any time some members may have more cattle and grain than others, and these are their private possessions, people eat in one another's homesteads at feasts and at daily meals, and food is in other ways shared, to such an extent that one may speak of a common stock. Food is most abundant from the end of September to the middle of December in a normal year, and it is during these months that most ceremonies, dances, &c., take place.

The Nuer have a very simple technology. Their country lacks iron and stone and the number and variety of trees are small, and

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185 they are generally unsuited for constructive purposes other than building. This paucity of raw materials, together with a meagre food supply, contracts social ties, drawing the people of village or camp closer, in a moral sense, for they are in consequence highly interdependent and their pastoral, hunting, fishing, and, to a lesser degree, their agricultural activities are of necessity joint undertakings. This is especially evident in the dry season, when the cattle of many families are tethered in a common kraal and driven as a single herd to the grazing grounds.

Thus, while in a narrow sense the economic unit is the household, the larger local communities are, directly or indirectly, co-operative groups combining to maintain existence, and corporations owning natural resources and sharing in their exploitation. In the smaller local groups the co-operative functions are more direct and evident than in the larger ones, but the collective function of obtaining for themselves the necessities of life from the same resources is in some degree common to all local communities from the household to the tribe.

These local communities are the monogamous family attached to a single hut, the household occupying a single homestead, the hamlet, the village, the camp, the district, tribal sections of varying size, the tribe, the people, and the international community the limits of which are a Nuer's social horizon. We regard the family, the household, and the hamlet as domestic, rather than political, groups, and do not discuss them further in detail.

The distribution of these local communities is very largely determined by physical conditions, especially by the presence of ground which remains above flood-level in the rains, and of permanent water which survives the drought. In any village, the size of population and the arrangement of homesteads is determined by the nature of the site. When perched on an isolated knoll, homesteads are crowded together; when strung out along a ridge, they are more widely separated; and when spread over a broad stretch of higher ground, several hundred yards may intervene between one hamlet and the next. In any large village, the homesteads are grouped in clusters, or hamlets, the inmates of which are generally close kinsmen and their spouses. It is not possible to give more than a rough indication of the size of a village population, but it may be said to vary from 50 to several hundred souls.

As explained, villages are separated by several miles of savannah.

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An aggregate of villages lying within a radius which allows easy inter-communication we call a 'district'. This is not a political group, for it can only be defined in relation to each village, since the same villages may be included in more than one district; and we do not regard a local community as a political group unless the people who comprise it speak of themselves as a community by contrast with other communities of the same kind and are so regarded by outsiders. Nevertheless, a district tends to coincide with a tertiary tribal section and its network of social ties are what gives the section much of its cohesion. People of the same district often share common camps in the drought and they attend one another's weddings and other ceremonies. They intermarry and hence establish between themselves many affinal and cognatic relationships which, as will be seen later, crystallize round an agnatic nucleus. 105

Villages, the political units of Nuerland, are grouped into tribal sections. There are some very small tribes to the west of the Nile which comprise only a few adjacent villages. In the larger tribes to the west of the Nile and in all the tribes to the east of it, we find that the tribal area is divided into a number of territorial sections separated by stretches of unoccupied country, which intervene also between the nearest habitations of contiguous tribes.

As all Nuer leave their villages to camp near water, they have a second distribution in the dry season. When they camp along a river, these camps sometimes succeed one another every few miles, but when they camp around inland pools, twenty to thirty miles often separate one camp from the next. The territorial principle of Nuer political structure is deeply modified by seasonal migration. People who form separate village communities in the rains may unite in a common camp in the drought. Likewise, people of the same village may join different camps. Also, it is often necessary, in the larger tribes, for members of a village to traverse wide tracts of country, occupied by other village communities, to reach water, and their camp may lie close to yet other villages. To avoid the complete loss of their herds by rinderpest or some other misfortune, Nuer often distribute the beasts in several camps.

In western Nuerland, where the tribes are generally smaller than to the east of the Nile, there is usually plenty of water and

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/55 pasturage, and it is possible, therefore, for village communities of the rains to maintain a relative isolation in the drought. But where, as in the Lou tribe, for example, scarcity of water and pasturage compels more extensive movement and greater concentration, people who are very widely distributed may have more social contact with one another than is the case in western Nuerland. The isolation and autonomy of local communities are broken up by economic necessity and the size of the political group is thereby enlarged. This fact has to be considered in relation to the further fact that to the east of the Nile wider stretches of elevated ground allow larger local concentrations in the rains than is usual to the west of that river. Moreover, seasonal concentration offers an explanation, though by no means a full one, of the location of tribal boundaries, since they are determined not only by the distribution of villages, but also by the direction in which the people turn in their move to dry season pastures. Thus the tribes of the Zeraf Valley fall back on the Zeraf River and therefore do not share camps with the Lou tribe, and that part of the Lou tribe which moves east and north-east make their camps on the Nyanding River and on the upper reaches of the Pibor and do not share their waters and pasture with the Jikany tribes, who move to the upper reaches of the Sobat and the lower reaches of the Pibor. Furthermore, that some of the larger Nuer tribes are able to preserve a degree of tribal unity without governmental organs may in part be attributed to seasonal migration, since, as explained above, the different local sections are forced by the severity of the latitude into mutual contact and develop some measure of forbearance and recognition of common interests.

Likewise, a tribal section is a distinct segment, not only because its villages occupy a well-demarcated portion of its territory, but also in that it has its unique dry-season pastures. The people of one section move off in one direction and the people from an adjoining section move off in a different direction. Dry-season concentrations are never tribal, but always sectional, and at no time and in no area is the population dense.

The total Nuer population is round about 300,000. I do not know the total square mileage of the country, but to the east of the Nile, where there are, on a rough estimate, some 180,000 Nuer, they are said to occupy 26,000 square miles, with the low density of about seven to the square mile. The density is probably no

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higher to the west of the Nile. Nowhere is there a high degree of local concentration. 106

Although dry-season movement produces more social interrelations between members of different tribal sections than the rainy season distribution might lead us to expect, these contacts are mainly individual or, when they concern groups, only smaller

DIAGRAM No. I

local communities, and not the larger tribal sections, are brought into association. This is probably one of the reasons for the lack of structural complexity and of great variation of types of social relations among the Nuer. Outside small kinship groups and village and camp communities, there are no co-operative economic combinations and there are no organized ritual associations. Except for occasional military ventures, active corporate life is restricted to small tribal segments.

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II. Tribal System

What is a Nuer tribe? The most obvious characteristic is its territorial unity and exclusiveness, and this was even more marked before European conquest than to-day. The population of a tribe varies from a few hundreds among some small tribes to the west of the Nile—if these are rightly regarded as tribes, for very little research was conducted in that area—to many thousands. Most tribes have a population of over 5,000 and the largest number between 30,000 and 45,000 souls. Each tribe is economically self-sufficient, having its own pastures, water-supplies, and fishing reservations, which its members alone have the right to exploit. It has a name which is the symbol of its distinction. The tribesmen have a sense of patriotism: they are proud to be members of their tribe and they consider it superior to other tribes. Each tribe has within it a dominant clan which furnishes a kinship framework on which the political aggregate is built up. Each also regulates independently its age-set organization.

None of the above-mentioned attributes clearly make a formal distinction between a tribe and its divisions. The simplest definition states that a tribe is the largest community which considers that disputes between its members should be settled by arbitration and that it ought to combine against other communities of the same kind and against foreigners. In these two respects there is no larger political group than the tribe and all smaller political groups are sections of it.

Within a tribe there is law: there is machinery for settling disputes and a moral obligation to conclude them sooner or later. If a man kills a fellow tribesman, it is possible to prevent, or curtail, a feud by payment of cattle. Between tribe and tribe there is no means of bringing together the parties to a dispute and compensation is neither offered nor demanded. Thus, if a man of one tribe kills a man of another tribe, retribution can only take the form of intertribal warfare. It must not be supposed that feuds within a tribe are easy to conclude. There is considerable control over retaliation within a village, but the larger the local community the more difficult settlement becomes. When two large divisions of a tribe are concerned in a feud, the chances of immediate arbitration and settlement are remote. The force of law varies with the distance in tribal structure that separates the

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persons concerned. Nevertheless, so long as a sense of community 619
endures and the legal norm is formally acknowledged within a tribe, whatever may be the inconsistencies and contradictions that appear in the actual relations between tribesmen, they still consider themselves to be a united group. Then either the contradiction of feuds is felt and they are settled, the unity of the tribe being maintained thereby, or they remain so long unsettled that people give up all hope and intention of ever concluding them and finally cease to feel that they ought to be concluded, so that the tribe tends to split and two new tribes come into being.

Nor must it be supposed that the political limits of the tribe are the limits of social intercourse. People move freely all over Nuerland and are unmolested if they have not incurred blood-guilt. They marry and, to a small extent, trade across tribal boundaries, and pay visits to kinsmen living outside their own tribe. Many social relations, which are not specifically political, link members of different tribes. One has only to mention that the same clans are found in different tribes and that everywhere the age-sets are co-ordinated. Any Nuer may leave his tribe and settle in a new tribe, of which he thereby becomes a member. In time of peace, even Dinka foreigners may visit Nuerland unharmed. Moreover, we must recognize that the whole Nuer people form a single community, territorially unbroken, with common culture and feeling of exclusiveness. Their common language and values permit ready inter-communication. Indeed, we might speak of the Nuer as a nation, though only in a cultural sense, for there is no common political organization or central administration.

Besides being the largest group in which legal obligation is 619
acknowledged, a tribe is also the largest group which habitually 721
combines for offence and defence. The younger men of the tribe went, till recently, on joint raiding expeditions against the Dinks and waged war against other Nuer tribes. Raids on the Dinka were very frequent; war between tribes less so. In theory, if two sections of different tribes were engaged in hostilities, each could rely on the support of the other sections of the same tribe, but in practice they did not always join in. Contiguous tribes sometimes combined against foreigners, especially against the Dinka, though there was no moral obligation to do so, the alliance was of short duration, and the allies conducted their operations independently, even when in collaboration.

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At the present time, Nuer are to the west and south bordered by Dinka, who appear to have very much the same kind of political system as their own, i.e. they comprise a congeries of tribes without centralized government. From the earliest times the Nuer have been fighting the Dinka and have been generally on the

offensive. We know that during the first half of the last century waves of Nuer broke from their homeland to the west of the Nile on to the Dinka lands to the east of that river and that they conquered and absorbed the inhabitants in most of what is now eastern Nuerland (the Nuer distinguish between *Nath cieng*, the 'homeland', or western Nuer, and *Nath doar*, the 'migrated', or eastern Nuer). Fighting between the two peoples has continued till the present time but there does not appear, if maps made by early

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travellers are to be trusted, to have been much change of territory during the last fifty years. This eastwards migration is a fact that has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes. 619 721

To the north, the Nuer are in varying degrees of contact with Arabs, the peoples of the Nuba Hills, the powerful Shilluk kingdom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character. 619 648

Arab slave-raiders from the Northern Sudan intruded here and there into the more accessible portions of Nuerland in the second half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting. 648 175

A tribe is divided into territorial segments which regard themselves as separate communities. We refer to the divisions of a tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^3 tertiary division of tribe B sees himself as a member of Z^3 community in relation to Z^1, but he regards himself as a member of Y^2 and not of Z^3 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^2, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue 619 631

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of his non-membership of other groups of the same type which he stands outside of, and he is likewise not a member of the same community in virtue of his membership of a segment of it which stands in opposition to its other segments. Hence a man counts as a member of a political group in one situation and not as a member of it in a different situation, e.g. he is a member of a tribe in relation to other tribes and he is not a member of it in so far as his segment of the tribe is opposed to other segments. In studying the Nuer political constitution, it is therefore essential that we

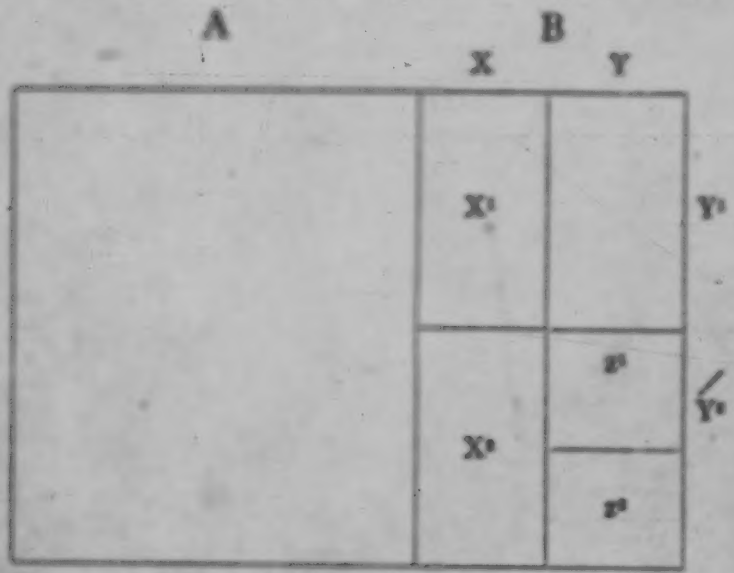

DIAGRAM No. II

view it together with those of their enemies as a single political system, for the outstanding structural characteristic of Nuer political groups is their *relativity*. A tribal segment is a political group in relation to other segments of the same kind, and they jointly form a tribe only in relation to other Nuer tribes and to adjacent foreign tribes which form part of their political system, and without these relations very little meaning can be attached to the concepts of 'tribe' and 'tribal segment'. That the distinction and individuality of a political group is in relation to groups of the same kind is a generalization that embraces all Nuer local communities, from the largest to the smallest.

128 The relation between tribes and between segments of a tribe

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which gives them political unity and distinction in one of opposi- 628
tion. Between tribes, or federations of tribes, and foreign peoples [628]
this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither spared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or [621]
camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense 634
of patriotism, a dominant lineage, territorial distinction, economic 619
resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a 619
relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

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segments or with two tribes. The tribal system as defined by sociological analysis can, therefore, only be said to approximate to any simple diagrammatic presentation. A tribe is an exemplification of a segmentary tendency which is characteristic of the political structure as a whole. The reason why we speak of Nuer political groups, and of the tribe in particular, as relative groups and state that they are not easily described in terms of political morphology, is that political relations are dynamic. They are always changing in one direction or another. The most evident movement is towards fusion. The tendency of tribes and tribal sections towards fusion and internal opposition between their parts is balanced by a tendency in the direction of fusion, of the combination or amalgamation of groups. This tendency towards fusion is inherent in the segmentary character of Nuer political structure, for, although any group tends to split into opposed parts, these parts tend to fuse in relation to other groups. Hence fission and fusion are two aspects of the same segmentary principle and the Nuer tribe and its divisions are to be understood as a relation between these two contradictory, yet complementary, tendencies. Physical environment, way of livelihood, mode of distribution, poor communications, simple economy, &c., to some extent explain the incidence of political cleavage, but the tendency towards segmentation seems to be inherent in political structure itself.

III. Lineage System

Tribal unity cannot be accounted for by any of the facts we have so far mentioned, taken alone or in the aggregate, but only by reference to the lineage system. The Nuer clan is not an undifferentiated group of persons who recognize their common kinship, as are many African clans, but is highly segmented. The segments are genealogical structures, and we therefore refer to them as lineages and to the clan as an exogamous system of lineages which trace their descent to a common ancestor. The defining characteristic of a lineage is that the relationship of any member of it to other members can be exactly stated in genealogical terms. His relationship to members of other lineages of the same clan is, therefore, also known, since lineages are genealogically related. Thus, in the diagram below, A is a clan which is segmented into maximal lineages B and C and these again bifurcate

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into major lineages D, E, F, and G. In the same manner, minor 619
lineages H, I, J, and K are segments of major lineages E and F; 613
and L, M, N, and O are minimal lineages which are segments of
minor lineages H and J. The whole clan is a genealogical structure, [614]
i.e. the letters represent persons to whom the clan and its segments
trace their descent, and from whom they often take their names.
There must be at least twenty such clans in Nuerland, without
taking into account many small lineages of Dinka origin.

The Nuer lineage is a group of agnates, and comprises all living

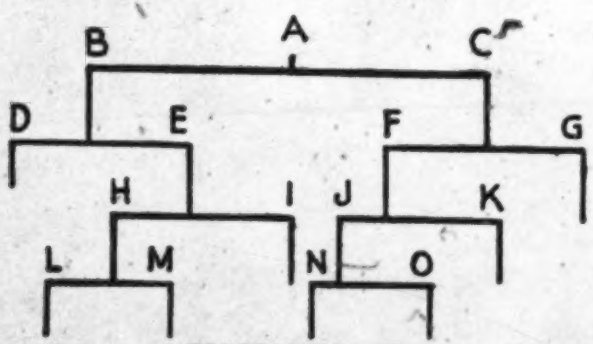

DIAGRAM No. III

persons descended, through males only, from the founder of that particular line. Logically, it also includes dead persons descended from the founder, but these dead persons are only significant in that their genealogical position explains the relationship between the living. The wider agnatic kinship is recognized the further back descent has to be traced, so that the depth of a lineage is always in proportion to its width.

The Nuer clan, being thus highly segmented, has many of the 613
characteristics which we have found in tribal structure. Its lineages are distinct groups only in relation to each other. Thus, in the diagram, M is a group only by opposition to L, H is a group only by opposition to I, D is a group only by opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are no longer separate minimal lineages, but are a single minor lineage, H, in opposition to I, and D and E are no longer separate major lineages, but are a single maximal lineage, B, in opposition to C. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation

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613 to a certain group and not a member of it in relation to a different group. Lineages are thus essentially relative groups, like tribal sections, and, like them, also are dynamic groups. Therefore they can only be described satisfactorily in terms of values and situations.

613 Nuer lineages are not corporate localized communities though
621 their members often have an association with a locality and speak of the locality as though it were an exclusive agnatic group. Every Nuer village is associated with a lineage, and though the members of it often comprise a small proportion of the community, it is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the designation of the village community by the name of the lineage. It is only in reference to rules of exogamy and certain ritual activities that one needs to regard lineages as completely autonomous groups. In social life generally, they function within local communities, of all sizes from the village to the tribe, and as part of them. We cannot here discuss the ways by which residential groups become a network of kinship ties—marriage, adoption, and various fictions—but the result tends to be that a local group is a cognatic cluster round an agnatic core, the rules of exogamy being the operating principle in this tendency.

614 Nuer clans are everywhere much dispersed, so that in any village or camp one finds representatives of diverse clans. Small lineages have moved freely over Nuerland and have settled here and there and have aggregated themselves to agnatically unrelated elements in local communities. Migration and the absorption of Dinka have been circumstances favouring the dispersal and mixture of clans. Being a conquering, pastoral people and not
[769] having an ancestral cult, the Nuer have never been bound to any particular spot by necessity or sentiment.

Nevertheless, there is a straight relation between political structure and the clan system, for a clan, or a maximal lineage, is associated with each tribe, in which it occupies a dominant position among other agnatic groups. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often a linguistic identification, between the parts of a clan and the parts of a tribe. Thus if we compare Diagrams II[1] and III[2] and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary

[1] [see p. 282, cat. 116 -- Analyst]
[2] [see p. 285, cat. 285 -- Analyst]

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sections X and Y; major lineages D and E correspond to secondary section X^1 and X^2; major lineages F and G correspond to secondary sections Y^1 and Y^2; and minor lineages J and K correspond to tertiary sections Z^1 and Z^2. 614

We speak of a clan which is dominant in a tribe as the aristocratic clan, although, except on the periphery of Nuer expansion eastwards, its predominance gives prestige rather than privilege. Its members are in a minority—often a very small minority—in the tribe. Not all members of the aristocratic clan live in the tribe where it is dominant, but many are also found in other tribes. Not all clans are associated with a tribe in this manner. A man is only an aristocrat in the one tribe in which his clan is dominant. If he lives in another tribe, he is not an aristocrat there.

There is consequently in every tribe some social differentiation. 614 There are aristocrats, Nuer of other clans, and Dinka, but these 565 strata are not classes and the second and third are properly to be regarded as categories rather than as groups. The Dinka who have been absorbed into Nuer society have been for the most part incorporated into their kinship system by adoption and marriage, and conquest has not led to the development of classes or castes. This is, perhaps, to be attributed, in part at any rate, to the fact that the Dinka, like the Nuer, are chiefly pastoralists and that in other respects their ways of life are very similar.

Without presenting all the evidence and without making every qualification, we attempt an explanation of why Nuer clans, especially the dominant clans, are segmented into lineages to a far greater degree than is usual among African peoples. In our view, they are segmented because the political structure to which they correspond is segmented in the way we have described. Social obligations among the Nuer are expressed chiefly in a kinship idiom and the interrelations of local communities within a tribe are defined in terms of agnatic relationship. Therefore, as the tribe segments the clan segments with it and the point of separation between the tribal sections becomes the point of divergence in the clan structure of the lineages associated with each section. For, as we have seen, clans and their lineages are not distinct corporate groups, but are embodied in local communities, through which they function structurally. Such being the case, it is not surprising that they take the form of the State which gives them corporate substance.

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619 Those clans which are associated with tribes have generally
614 greater lineage extension and depth than those which are not so
565 associated, and the larger the tribe the more significance this association has for the Nuer. It is in the largest tribes, territorially and numerically, and those which have expanded most and assimilated most foreigners, like the Lou and Eastern Gaajak and Gaajok tribes, that we find the greatest attention paid to the distinct and dominant position of the aristocratic clans. Indeed, not only do political relations affect the clan structural form, splitting it into segments along the lines of political fission, but also the clan system may be said to have a corresponding action on the political structure. In a confusion of lineages of different clan origin and in an amorphous network of cognatic links, the political structure is given consistent form, in the language of kinship, by one clan—a single system of lineages—being made to correspond to the tribe and to its structure of opposed segments. Just as a man is a member of a tribal segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a strict correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Moreover, the distance in clan structure between two lineages of a dominant clan tends to correspond to the distance in tribal structure between the two sections with which they are associated. Thus the system of lineages of the dominant clan enables the Nuer to think of their tribe in the highly consistent form of clan structure. In each segment the network of kinship ties are given unity and coherence by their common relationship to the lineage of the dominant clan that resides there, and as these separate lineages are composite in relation to other clans so the whole tribe is built around an exclusive agnatic framework. Though the sections may tend to draw apart and to split, a common agnatic value, shared by the dominant lineages contained in them, endures.

IV. Age-set System

561 Another tribal institution is the age-set system, which is socially more significant among the Nuer than among other Nilotic peoples of the Sudan. Nuer boys pass into the grade of manhood through

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a severe ordeal and a series of rites connected with it. These initiations take place whenever there are a sufficient number of boys of from about fourteen to sixteen years of age in a village or district. All the youths who have been initiated in a successive number of years belong to one age-set, and there is a four-year interval between the last batch of initiates of one set and the first batch of the next set, and during this interval no boys may be initiated. The initiation period is open for about six years, so that, with the four years of the closed period, there are about ten years between the commencement of any age-set and the commencement of the set that precedes or succeeds it. The age-sets are not organized in a cycle. 561

Nuer age-sets are a tribal institution in the sense that, in the larger tribes at any rate, all the sections of a tribe have the same open and closed periods and call the sets by the same names. They are also the most characteristic of all Nuer national institutions, for initiation scars are the sign of their communion and the badge of their supremacy. Moreover, though each big tribe has its own age-set organization, adjacent tribes co-ordinate their sets in periods and nomenclature, so that the Western Nuer, the Eastern Nuer, and the Central Nuer tend to fall into three divisions in this respect. But even when a man travels from one end of Nuerland to the other, he can always, and easily, perceive the set which is equivalent to his own in each area. The age-set system, therefore, like the clan system, whilst having a tribal connotation, is not bound by lines of political cleavage. 561 619

There is usually in each tribe a man whose privilege it is to open and close initiation periods and to give each set its name. This man belongs to one of those lineages which have a special ritual relationship to cattle and are known as 'Men of the Cattle'. He opens and closes initiation periods in his own district, and other districts of his tribe follow suit. Once a period has been opened, each village and district initiates its boys when it pleases. The age-sets have no corporate activities and cannot be said to have specific political functions. There are no grades of 'warriors' and 'elders' concerned with the administration of the country, and the sets are not regiments, for a man fights with the members of his local community, irrespective of age. In the rites of initiation there is no educative or moral training. There is no leadership in the sets. 561 [564]

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561 There are probably never more than six sets in existence at any time, since six sets cover about seventy-five years. As each set dies its name is remembered only for a generation or two. Each set becomes more senior as the years go on, so that a man rises from a junior to a middle, and from a middle to a senior position in his community as a member of a group. The stratification of the age-set system is thus a further exemplification of the principle of segmentation which we have seen to be a characteristic of the political and kinship systems. There is further stratification within each set, but this is not of great importance, for the set sees itself, and is seen by others, as an undivided group in relation to other sets, and its divisions become merged as the set becomes more senior. A set once complete does not change its membership, but the sets are constantly changing their positions in relation to the whole system. There is also a certain relativity about these stratified sets similar to that we noted about tribal sections and clans, for, while they keep their distinction, there is often a situational fusion of two sets in relation to a third. This is especially apparent at feasts. Whether a set is regarded as junior or equal depends not only on its position in the age-set structure, but also on the status of a third set concerned in any situation, a tendency due to the connexion between age-sets and generations.

The most evident action of age-sets in determining behaviour is the way duties and privileges are effected by a transition from boyhood to manhood. Also, in virtue of the position of his set in the structure, every male Nuer is in a status of seniority, equality, or juniority towards every other Nuer man. Some men are his 'sons', some his 'brothers', and some his 'fathers'. Without entering here into further detail, we may say that the attitude of a man towards other men of his community is largely determined by their respective positions in the age-set system. Hence age relations, like kinship relations, are structural determinants of behaviour. The age-set system may, moreover, be regarded as a political institution, since it is, to a large extent, segmented tribally and since it divides a tribe—as far as its male members are concerned—into groups, based on age, which stand in a definite relation to each other. We do not consider, however, that it has any direct accord with the tribal structure, based on territorial segmentation, which we have recorded. The politico-territorial

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system and the age-set system are both consistent in themselves 561
and to some extent overlap, but they are not interdependent.

V. Feuds and other Disputes

The political system operates largely, we think, through the 628
institution of the feud which is regulated by a mechanism known 624
as the 'leopard-skin chief', a title we retain, although the appellation of 'chief' is misleading. This person is one of those specialists who are concerned, in a ritual capacity, with various departments of Nuer social life and of nature. Leopard-skin chiefs belong to certain lineages only, though not all members of these lineages utilize their hereditary ritual powers. In most of Nuerland, the lineages are not branches of dominant clans.

When a man has killed another, he must at once go to a chief, who cuts his arm so that the blood may flow. Until this mark of Cain has been made, the slayer may neither eat nor drink. If he fears vengeance, as is normally the case, he remains at the chief's home, for it is sanctuary. Within the next few months the chief elicits from the slayer's kin that they are prepared to pay compensation to avoid a feud and he persuades the dead man's kin that they ought to accept compensation. During this period neither party may eat or drink from the same vessels as the other and they may not, therefore, eat in the home of the same third person. The chief then collects the cattle—till recently some forty to fifty beasts—and takes them to the dead man's home, where he performs various sacrifices of cleansing and atonement. Such is the procedure of settling a feud, and before the present administration it had often to be used, for the Nuer are a turbulent people who esteem courage the highest virtue and skill in fighting the most necessary accomplishment.

In so brief a description, one may give the impression that the chief judges the case and compels acceptance of his decision. Nothing could be further from the facts. The chief is not asked to deliver a judgement: it would not occur to Nuer that one was required. He appears to force the kin of the dead man to accept compensation by his insistence, even to the point of threatening to curse them, but it is an established convention that he shall do so, in order that the bereaved relatives may retain their prestige. What seems really to have counted were the acknowledgement of community ties between the parties concerned, and hence of the

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628 moral obligation to settle the affair by the acceptance of a tradi-
624 tional payment, and the wish, on both sides, to avoid, for the time being at any rate, further hostilities.

628 A feud directly affected only close agnatic kinsmen on both sides. One did not avenge oneself on cognates or on distant agnates. Nevertheless, we believe that the feud had a wider social connotation and that therein lies its political significance. We must first recognize that feuds are more easily settled the smaller the group involved. When a man kills a near kinsman or a close neighbour, the matter is quickly closed by compensation, often on a reduced scale, being soon offered and accepted, for when a homicide occurs within a village general opinion demands an early settlement, since it is obvious to every one that were vengeance allowed corporate life would be impossible. At the other end of the scale, when a homicide occurs between primary or secondary sections of a tribe, there is little chance of an early settlement and, owing to distance, vengeance is not easily achieved, so that unsettled feuds accumulate. Such homicides are generally the result of intertribal fights in which several persons are killed. This not only increases the difficulty of settlement, but continues between the sections the mutual hostility that occasioned the fight, for, not only the close agnatic kinsmen of the dead, but entire local communities are involved. Feud, as a choice between direct vengeance and acceptance of compensation, without the necessity of immediate settlement, but requiring eventual conclusion, is especially a condition that flourishes between villages of the same district. The kinsmen of the dead man are near enough to strike at the kinsmen of the slayer and far enough from them to permit a temporary state of hostility between the local communities to which the parties belong. For whole communities are of necessity involved, though they are not subject to the rigid taboos that a homicide imposes on close agnatic kinsmen of slayer and slain, nor are they threatened with vengeance. Nevertheless, their members are, as a rule, closely related by cognatic or affinal ties to the principals and must assist them if there is an open fight. At the same time, these communities have frequent social contacts, so that eventually the mechanism of the leopard-skin chief has to be employed to prevent their complete dislocation. The feud thus takes on a political complexion and expresses the hostility between political segments.

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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 554
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

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183 they are prepared to use force, he has a good chance of obtaining
671 what is due to him, if the parties live near to one another. The usual way of obtaining one's due is to go to the debtor's kraal and take his cattle. To resist is to run the risk of homicide and feud. It seems that whether, and how, a dispute is settled depends very largely on the relative positions of the persons concerned in the kinship and age-set systems and the distance between their communities in tribal structure. In theory, one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so unless he is a member of one's local community and a kinsman. The force of 'law' varies with the position of the parties in political structure, and thus Nuer 'law' is essentially relative, like the structure itself.

671 During the year I spent with the Nuer, I never heard a case being conducted, either before an individual or before a council of elders, and I received the impression that it is very rare for a man to obtain redress except by force or threats of force. And if the Nuer has no law, likewise he lacks government. The leopard-skin chief is not a political authority and the 'Man of the Cattle' and other ritual agents (totemic specialists, rain-makers, fetich-owners, magicians, diviners, &c.) have no political status or functions, though they may become prominent and feared in their locality. The most influential men in a village are generally the heads of joint families, especially when they are rich in cattle, of strong character, and members of the aristocratic clan. But they have no clearly defined status or function. Every Nuer, the product of a hard and equalitarian upbringing, deeply democratic, and easily roused to violence, considers himself as good as his neighbour; and families and joint families, whilst co-ordinating their activities with those of their fellow villagers,
792 regulate their affairs as they please. Even in raids, there is very little organization, and leadership is restricted to the sphere of fighting and is neither institutionalized nor permanent. It is politically significant only when raids are controlled and organized by prophets. No Nuer specialists can be said to be political agents and to represent, or symbolize, the unity and exclusiveness of local groups, and, apart from the prophets, none can be said to have more than local prominence. All leaders, in this vague sense of influential persons in a locality, are adults and, except for an occasional prophetess, all are men.

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Owing to the fact that Nuer prophets had been the foci of opposition to the Government, they were in disgrace, and the more influential of them under restraint or in hiding, during my visit to Nuerland, so that I was not able to make detailed observations on their behaviour. Nuer are unanimous in stating that they did not arise much before the end of the last century and there is some evidence to suggest that their emergence was connected with the spread of Mahdism. However that may be, there can be no doubt that powerful prophets arose about the time of Arab intrusion into Nuerland and that at the time of British conquest they were more respected and had wider influence than any other persons. No extensive raids were undertaken without their sanction and often they led them, received part of the spoil, and to some extent supervised the division of the rest of it. Though there seems to be good evidence that the earlier prophets were no more than ritual agents, some of the later ones appear to have begun to settle disputes, at any rate in their own districts. However, their chief political importance rather lay elsewhere. For the first time a single person symbolized, even if in a mainly spiritual form, the unity of a tribe, for the prophets were essentially tribal figures, though—and this fact is also of great political significance—their influence often extended over tribal boundaries and brought about a larger degree of unity among adjacent tribes than there appears to have been hitherto. When we add that there was a tendency for the spirits which possessed prophets to pass, at their deaths, into their sons, we are justified in concluding that development was taking place towards a higher degree of federation between tribes and towards the emergence of political leadership, and in explaining these changes by reference to Arab and European intrusion. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government overthrew the prophets, this development was checked.

VI. Summary

We have briefly described and analysed what we regard as Nuer political structure: the relations between territorial segments within a territorial system and the relations between that and other social systems within an entire social structure. We have examined intertribal relations, and the relations between tribal

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segments. It is these relations, together with the tribal and inter-tribal contacts with foreign peoples, that we define as the Nuer political system. In social life the political is combined with other systems, particularly the clan system and the age-set system, and we have considered what relation they bear to the political structure. We have also mentioned those ritual specialisms which have political significance. The political system has been related to environmental conditions and modes of livelihood.

The Nuer constitution is highly individualistic and libertarian. It is an acephalous state, lacking legislative, judicial, and executive organs. Nevertheless, it is far from chaotic. It has a persistent and coherent form which might be called 'ordered anarchy'. The absence of centralized government and of bureaucracy in the nation, in the tribe, and in tribal segments—for even in the village authority is not vested in any one—is less remarkable than the absence of any persons who represent the unity and exclusiveness of these groups.

It is not possible from a study of Nuer society alone, if it be possible at all, to explain the presence and absence of political institutions in terms of their functional relationship to other institutions. At best we can say that certain social characteristics seem to be consistent. Environmental conditions, mode of livelihood, territorial distribution, and form of political segmentation appear to be consistent. So do the presence of clans with genealogical structure and a developed age-set system seem to go together with absence of political authority and of class-stratification. Comparative studies alone will show whether generalizations of such a kind are true and, moreover, whether they are useful. We cannot here discuss these questions and will only say, in conclusion, that the consistency we perceive in Nuer political structure is one of process rather than of morphology. The process consists of complementary tendencies towards fission and fusion which, operating alike in all political groups by a series of inclusions and exclusions that are controlled by the changing social situation, enable us to speak of a system and to say that this system is characteristically defined by the relativity and opposition of its segments.

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THE RHODES-LIVINGSTONE PAPERS NUMBER ELEVEN

000

SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

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Two Shillings

THE RHODES-LIVINGSTONE INSTITUTE, LIVINGSTONE, NORTHERN RHODESIA
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[p. 1] [p. 2 contains no Textual material]

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INTRODUCTORY NOTE

114 The Nuer of the Southern Sudan, whose family organisation and marriage rules are considered in this paper, live far from the Central African region which is the main field of the Rhodes-Livingstone Institute's research. However, here, as in all Dr. Evans-Pritchard's work, principles of social organisation are set out which apply throughout Africa, and not only to the tribe he studied. Evans-Pritchard's first analysis, of *Witchcraft Oracles and Magic among the Azande* of the Anglo-Egyptian Sudan (1936), illuminated systems of mystical belief throughout the world. His work on political organisation in relation to kinship and territorial groups in *The Nuer* (1940) and *The Political System of the Anuak of the Anglo-Egyptian Sudan* (1940), as well as his editorial introduction (with Fortes) to *African Political Systems* (1940), similarly advanced the approach of sociologists to these problems.

In 1938 Evans-Pritchard published an essay on *Some Aspects of Marriage and the Family among the Nuer* in the *Zeitschrift für Vergleichende Rechtswissenschaft*, at the request of Dr. Leonhard Adam, now Melbourne University Research Scholar in Anthropology. In this technical journal the essay was not only not available to laymen interested in African sociology, but also escaped the attention of professional Africanists. For example, in a critical review (*A Problem of Anthropological Approach*) in *Bantu Studies* of March 1941, of Evans-Pritchard's book *The Nuer*, Richards complained that he had not given data on the Nuer family which had in fact appeared in this essay. This applies also to a review by Forde written in October 1941 in the *Journal of the Royal African Society*.

I have noticed a similar lack of knowledge of the essay in other recent sociological books on Africa; and indeed I have been unable to find any reference to it in the quarterly bibliographies on Africa which are published in *Africa*, the journal of the International Institute of African Languages and Cultures.

I myself from experience have learnt the value of this study of the Nuer family and marriage. I read it first just after I had returned from my first research field, Zululand, to England. In the Nuer institutions described by Evans-Pritchard (ghost-marriage, leviritic-marriage, woman-marriage-to-a-wife, widow-concubinage, etc.) I immediately recognised old Zulu friends, but as I read his analysis of the relation of these institutions to the principle of agnatic descent and the payment of bride-cattle, I realised how barren my own investigation into this problem had been. For distant though Nuerland is, the principles of their marriage rules appear in all East, Central, and South African tribes which are organised in patrilineal lineages. Therefore I suggested to Dr. Evans-Pritchard that he allow us to reprint this essay and make it available easily both to professional sociologists and to laymen interested in African social organisation, for it is undoubtedly among the most stimulating analyses of African

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114 life yet written. I am grateful to him for agreeing to my request. I also thank Dr. Adam, as editor at the time of the journal in which the essay appeared, for consenting to this reprinting.

The Institute in the next year will publish my own *Comparative Study of the Instability of Lozi Marriages*, where I found principles of family organisation whose contrast with those analysed for the Nuer by Evans-Pritchard was made clear to me by his study. Richards' *Bemba Marriage and Modern Economic Conditions* (Rhodes-Livingstone Paper No. 4) offers a further contrast in its analysis of marriage and the family in a matrilineal society.

Evans-Pritchard is on active service as this paper goes to press, and I have therefore compiled the index. This may therefore be arranged on a plan different from the one he would himself have adopted.

MAX GLUCKMAN,
Director, Rhodes-Livingstone Institute.

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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, she does not bear male children (even after his death), one of his kinsmen must marry a wife to his name. Daughters are not regarded as heirs, because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, mo ram me gwa* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead 588 768 [611]

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

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588 kinsman but that he marries his dead kinsman a wife. Nuer say of a man
768 *Ce deman kwen cek*, " He (*ce*) his brother (*deman*) married (*kwen*) a wife (*cek*) " i.e. he married his brother a wife. This is a clumsy and ambiguous expression in English so I shall frequently speak of a man marrying a wife to the name of a dead kinsman. I ask readers to remember that it is not he, but the dead man, who is the legal husband.

The obligation to marry a wife to the name of a dead kinsman is invariably carried out when the dead man has any close kinsmen to interest themselves in saving his name from oblivion. No initiated male (*wut*) should be allowed to lie in his grave unremembered in his children and Nuer say that if an uninitiated boy dies " after his testicles have fallen ", that is, after he has reached puberty (*juil*), he must be married a wife. They often state this rule by saying that a boy must be married a wife " after he has gone among the cattle " or " when he knows all about cattle " (*Ce pek ghok ngac*). I have even been told that a boy who has had his second lower incisors removed ought to have a wife, but in practice a small boy who dies is not married a wife unless he is a first-born son and then only if his ghost troubles his kinsmen in dreams or shows its displeasure by killing members of their families. It seems preposterous to Nuer that a dead man without heirs should not be married a wife and that a kinsman should not raise up seed to him. They always expressed great astonishment when I informed them that we do not have a similar custom, believing that no society exists which does not enforce so elementary an obligation of kinship.

588 When asked why they marry wives to dead men Nuer say that until a
768 man marries and begets children he has not reached full manhood, and that a man desires children who will keep his memory green and to whom
581 he can make his wants known in dreams. A ghost likes to think of people asking " Whose son is that ? " and being told in reply that it is the son of so-and-so. Thus his name continues on the lips of men. They also say that if the kin of a dead man neglect to provide him with a wife he will haunt them. In my discussions with Nuer on this subject they almost invariably stressed anger of the ghosts as the sanction for their obligations to dead kinsmen. " The ghosts are bad and if you do not marry them a wife they will not spare you." A ghost will bring evil upon (*cien*) the family of a man who fails to do his duty.

588 This is a vicarious marriage. The vicarious husband acts as though he
768 were the true husband in the ritual that precedes and brings about marriage, and in domestic duties when he and his " wife " begin to share a home. In his physiological and domestic roles he is husband in all but the strict legal sense. In everyday usage people speak of him as the husband of the wife so that it is only by enquiring that one learns the man to whose name she was ceremonially espoused. Nevertheless, it must be clearly understood that the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bride-cattle were paid and the marriage ritual performed. Moreover if we speak of the group consisting of a woman, her vicarious husband, and the children born of the woman and begotten of the man, as a " family " we

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can only do so in a qualified sense. However, it is difficult to construct 588
an adequate terminology to describe every type of Nuer procreative union 768
and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to [175]
Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *gaat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man [517]
marries his father's brother a wife they say of him *Ce mac gwanlende pet*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

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588 youths die before marriage—and this was yet more the case before the
768 Government restricted fighting—but, for one reason or another, married men do not always leave male children to continue their line. A man's children may die. He and his wife may die. His widow may have no children or go back to her own people and be married to another man. He may beget only daughters.

Even if a man begets sons who become initiated men he may leave no male heirs for these sons may die before they have married and begotten children. In this case a man's kinsmen must raise up seed not only for him but for his dead sons also. Thus in Diagram No. 1 A ♂ dies leaving two initiated sons B ♂ and C ♂ both of whom die unmarried. E ♂ will then marry A ♂ a wife (N ♀) with A's cattle and by her beget F ♂ and G ♂. When F ♂ and G ♂ reach manhood they will marry wives (Q ♀ and Z ♀) to the names of their brothers, C ♂ and B ♂, before taking wives to their own names.

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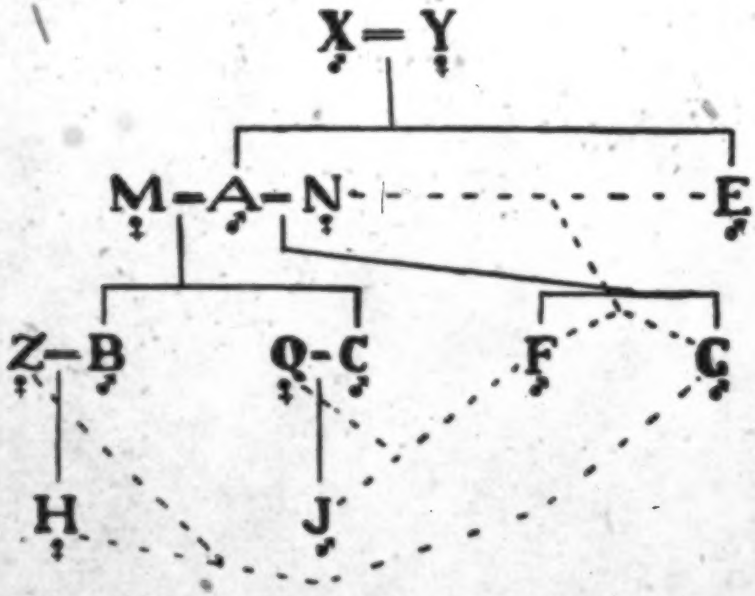

Diagram I

Moreover all the men who in the last generation married wives to the names of sonless kinsmen and were unable to marry further wives in their own right are legally childless because the children they have begotten count as children of the kinsmen to whose names the wives were married. It is the names of these dead kinsmen, and not their own names, which will ultimately survive as links which attach children to their trees of

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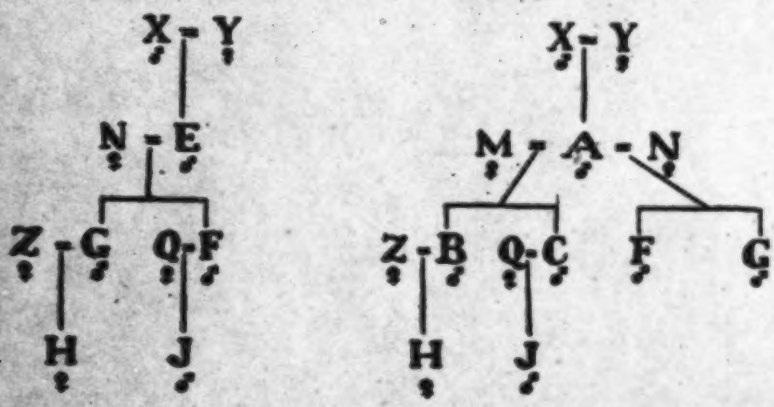
ascent. Thus in Diagram No. 1 F ♂ and G ♂ take wives to the names of C ♂ and B ♂. The children of these unions (J ♂ and H ♀) are children of C ♂ and B ♂. Therefore F ♂ and G ♂ will be left childless if they cannot afford to marry further wives in their own right. This frequently happens when there is a large family and one brother marries another, and dead brother, a wife, for the living brother may never again be rich enough to contract a legal marriage on his own account. He enjoys the material advantages of matrimony in the person of his brother's wife and his younger brothers have the right to marry wives with the family herd before he can contract a legal marriage. If, in this way, a man marries a wife to the name of a dead brother and does not later marry a wife of his own, then one of the sons he has begotten (his physiological sons and legal nephews) will marry him a wife after his death.

During the childhood of ghost-children the fact that in legal reckoning their father is a ghost is of small importance, since their relations with their genitor are exactly what their relations with their pater would be, were he alive, but after the ghost-sons are initiated their relationship to their pater has more significance since it confers on them legal and ritual privileges. The man who stands in the place of the pater may be all-important in his lifetime but the pater's name looms larger when the children grow to maturity and, Nuer tell me, it is the pater's name that will finally survive in genealogies at the expense of the vicarious parent. This point will be more readily understood later but it is worth contrasting here, as is done in Diagram No. II, the legal descent of the persons shown



Natural Descent Legal Descent

Diagram II

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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* (" cattle of the ghosts "), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize " the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them. 588 768 428

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right. 588 768 593

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

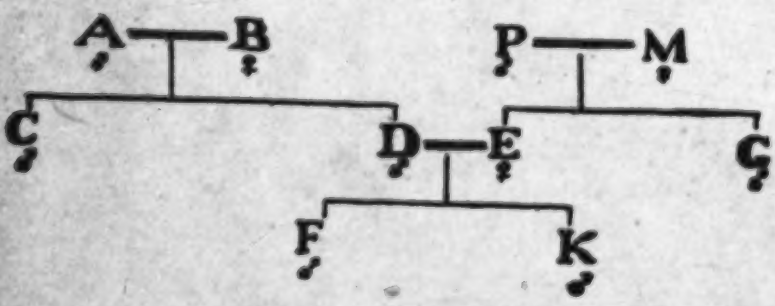

Diagram III

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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat deman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek ma rol*) "for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife: He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

588 768 These vicarious marriages by women or on behalf of women are very

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rare and of little social importance. I know of no cases at first hand and am therefore unable to vouch for the information given to me and to say what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂ -Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂ -Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father"). 588 768

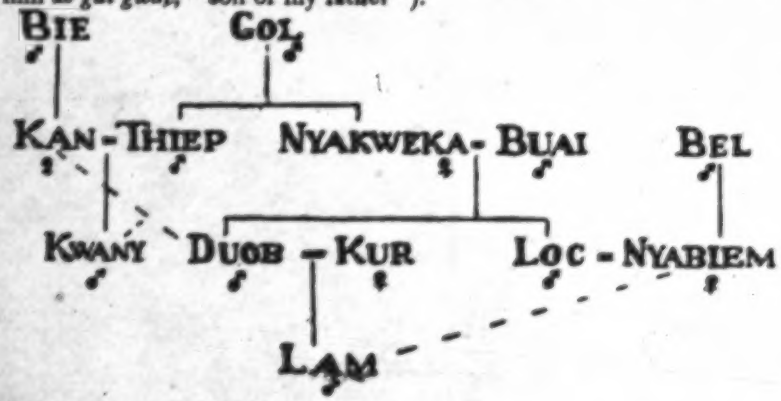

Diagram IV

Another type of procreative union results from the custom of the levirate. When a man marries, his kinsmen provide the bride-cattle and the cattle go to the wife's people and there breed and provide them with food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a 587 588 768 [611]

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587 woman ought, on the death of her husband, to go to live with one of his
588 brothers, since she was married with the cattle of their kraal. This is not
768 a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kwen*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek deman lath dwil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as
[186] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 Leviritic marriage is very different from ghost-marriage as will be seen
588 when we consider the relations between the children and their genitor.
593 It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

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Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

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587 milks the cows, and performs other domestic services for her sons. If
768 she is dead and her eldest son is married his wife acts as a cook, house-
593 keeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere.
[848] Her husband's people permit her to take this course because all the child-
[611] ren she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle
[586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath caa ka de lony*, "Cattle which have children on their backs cannot be returned".

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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*cang giekni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Ceke, guri bi wa lum dor kie bi lum cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cek me kere wide yar be lar "Ghan gan ca be wa lum gwadh dodien, Me ca gat coada gur, ba lum golkun"*, "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 837 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

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587 768 593 591 dead, so that they may view with equanimity the departure of the widow and her children, having no feelings of close parentage towards the sons and being assured that they will receive whatever bride-wealth is their due on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she [611] determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends [586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy [776] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 611 A widow who lives with a stranger after the death of her husband is called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 593 A *cek ma lak* is translated in this paper as "widow-concubine" for she is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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those of a pater towards members of a legal family. It must be emphasized that while the natural family is not a legal family the position of the genitor is socially recognized in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

IV 588

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 593

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588 also in Nuerland many children born of unmarried mothers and children
848 born of an unmarried mother may belong to different social groups, be-
611 cause their physiological fathers have a right to pay a fee of from four to
593 six head of cattle to legitimatize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*ruok*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma kea*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat keaka*.[1]

588 In some respects the social position of unmarried mothers, and their
[848] children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimatize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

[1] In Lóu country people often speak of them by the term for the children of widow-concubine, *gaat laka*. In this part of Nuerland the expression *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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husband towards them. One can only know by enquiry. In no way is 588
their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried 588
concubine is that a widow-concubine has had cattle paid to her kinsmen 587
and these cattle are still "on her back" (*te ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Kea e cek me caa ghok luny jok jaude*, "A *kea* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimatization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a 588
man marries the mother and, by payment of bride-wealth, not only legi- 583
timatizes the child but also any future children whom she may bear by him 848
or by any other man. A *cek ma kea*, an unmarried concubine, then becomes a *cek pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to 588
remain with him. For sometimes a girl becomes a concubine, not through 581
unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *kea* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.

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588 A man is content to pay a fee to obtain possession of any children he may
581 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

588 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word "family" to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

848 It is clear from what I have already recorded that Nuer do not attach
842 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither pater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

837 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

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sive act. If they have begotten children by the wives of other men they 837
are rather proud of this evidence of their virility.

The legal position about adultery is as follows: If a man finds another 837
committing adultery with his wife they will probably fight, though the 684
adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery.

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard 585
begotten of a certain man, the genitor will sometimes claim "the cow of 848
begetting" on her marriage. Her kin do not relish handing him over a 431
cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful.

The verb *ruok* is used to describe the paying of compensation. Thus 684
one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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When a man merely visits a widow for purposes of procreation and is 585
not a resident member of her household, and therefore not foster-father 431
to her children, the cow which he receives on the marriage of each daughter
he has begotten by her is called *yang leta*, " cow of the loins." One uses 292
the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dieth*, " cow of begetting ", or *yang twac*, " cow of the genet's skin ". It is called *yang twac* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsmen would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some [606]
extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang me ci rit ne twac naru*, " The cow with which you twisted to your front the genet's skin of your maternal uncle ", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife 585
to his name or having lived with his widow, he receives besides " the cow 431
of begetting " whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives " the cattle of the father's brother ", and when a man marries his maternal uncle a wife he receives " the cow of the paternal aunt ", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for " a cow of begetting " when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Caa dieth gooka*, " It was born in the grass ".

When the daughter of an unmarried concubine is married " the cattle of the father " go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand " the cattle of the mother " belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.* In Fig. I when C ♀ is married " the cattle of the father " and " the cattle of the mother " go to A ♂. If A ♂ is dead they go to D ♂ and P ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive " the cow of begetting "

* [see p. 27. - Analyst]

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585 possibly three or four cows for having brought C ♀ to maturity, the cattle
431 due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂, "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀'s marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 (A) It is payment of cattle which defines the exact status of each
585 member of the various procreative and domestic groups to the other
431 members of the same group, or, otherwise expessed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

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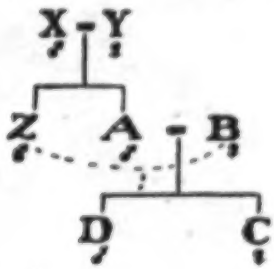
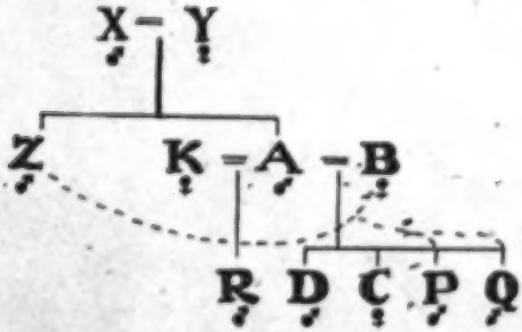
583

1. Simple Marriage

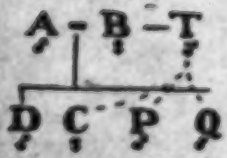


2. Ghost Marriage

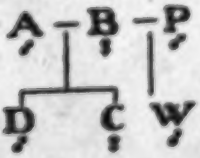


3. Leviritic Marriage

Diagram V



4. Widow Concubinage



5. Simple Concubinage

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611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 593 562 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 611 593 (E) Types of procreative unions and families are classed by the nature of the social tie that links children to their pater, and of the social relationship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 602 (F) I do not more than draw attention here to the effect on kinship structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions. 583-602

VIII

That these different forms of marriage and concubinage are of great sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages. 121

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny. 124

Nyueny is a typical Nuer village. It consists of a number of huts and byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest 361

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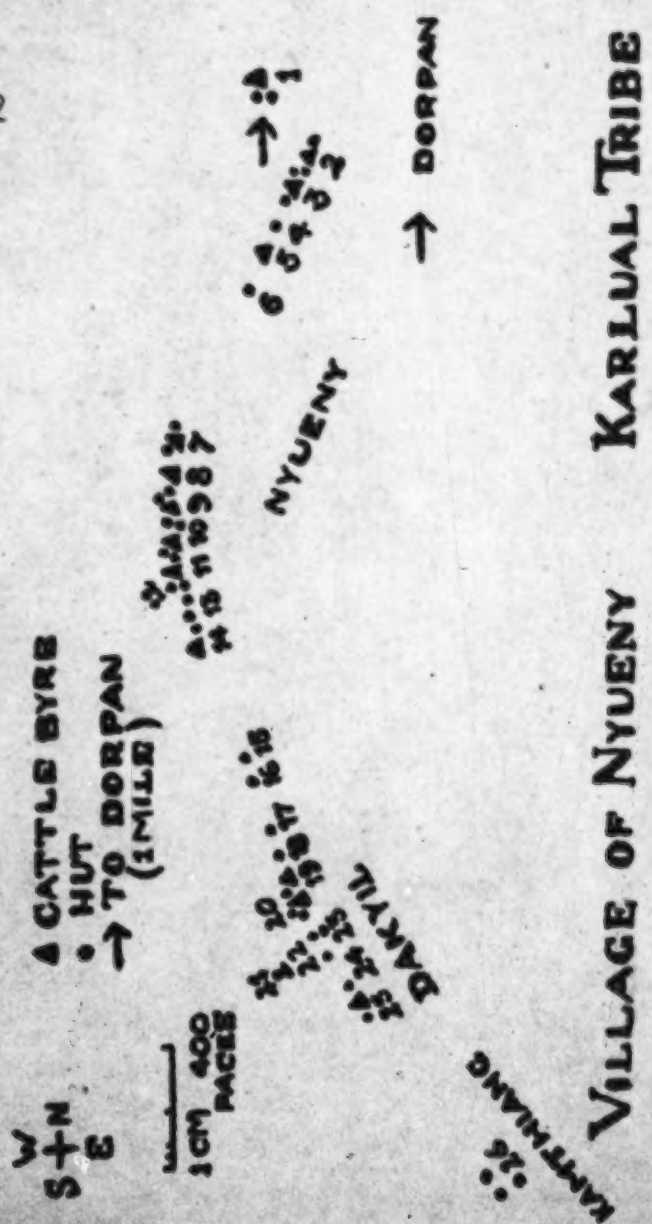

VILLAGE OF NYUENY KARLUAL TRIBE

Diagram VI

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Nyueny is one of the finest
ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂, and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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592 of the kraal and homestead with the skill of an experienced herdsman
593 and householder and stands no interference in matters pertaining to the
588 cattle, even from her initiated son, Majak ♂.

592 *Homestead No. II.* Col ♂ —Ngunjok ♂. He lives with Nyarueni ♀
588 whom he married to the name of his father (see Diagram No. VII). He is now contemplating marriage on his own account. I am uncertain whether Nyarueni has a baby or not. The byre of this homestead originally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No. I), who lived there for a time before moving to her present hamlet.

[611]

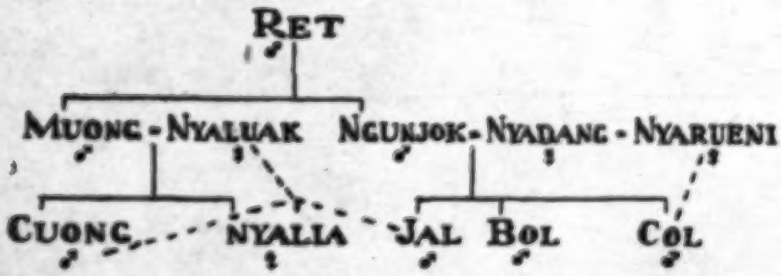

Diagram VII

Homestead No. III. Baranyai ♂ —Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂—Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀—Kuth ♂ and those who know about her brother speak of him as Yoah ♂—Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side, Yoah ♂ and his brothers and sons being all dead, so "the cattle of the maternal uncle" went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Galuak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

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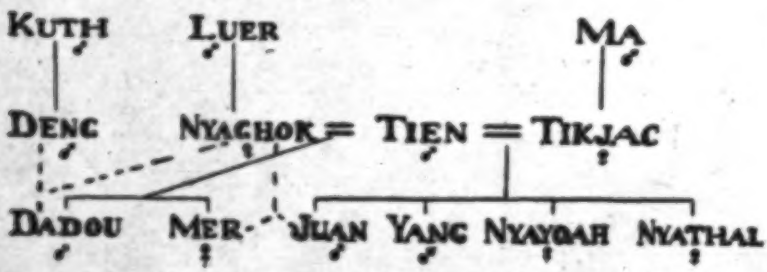
Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]



[611]

Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Malith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister, Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yoah ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yoah ♂: Wectwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No. IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [586]

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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and
[748] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle
[43] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Gaiuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of
588 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was
[775] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he
[586] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. [682]

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII; when I asked why the brothers do not live together I was told *Juan mun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ [764] who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Galuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabath ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiac ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Puot ♂, Nyagwar ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol. 592 587

Nyadhiac's mother, Nyaleeni ♀, a very old Baggara Arab captive, lives with her. [227]

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kulanga ♂, a Bor woman, and his brothers, Buth ♂ and Duoth ♂, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No, XXVI). 592

Homestead No. XXVI. Nyaluak ♀—Yoah ♂, widow of Dit ♂—Bicuk ♂, to whom she bore Rwot ♂, Yangdoah ♀, Nyakur ♀, Nyampath ♀, and Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyaduoth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyaudol ♀—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

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583 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dok girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyaleeni ♀ of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impresion is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It [591] must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates
165 (who are also widows) suggests a very high mortality rate among males. This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

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IX

I commenced this paper by outlining the formal structure of the family and other procreative and domestic groups and then illustrated these groups by a survey of a typical Nuer village and some genealogical tables. We must now enquire what are the actual relations between members of these different types of domestic groups and, in particular, what are the relations between a father (pater, genitor, or foster-father) and his sons. 121

It is often difficult to know what these relations are and I only know a few households sufficiently well to be able to assess them. Indeed, it is often difficult to discover even the formal status of members of a household and I have no doubt that a longer investigation at Nyueny and elsewhere would reveal that some unions which I have thought to be simple legal marriage are unions of a different order.

The difficulty is due in part to the fact that Nuer are not consistent in their use of kinship nomenclature. If a man marries a woman and she bears him a son, the child is always called after his pater, e.g. Nhial ♂ is always known as Nhial ♂—Rainen ♂ (Homestead No. VI). Likewise if a child is born to a man during his lifetime by adulterous congress between his wife and another man it is always called after the pater (at any rate in the pater's village. It might be called after its genitor in his village though I cannot assert that this is so), e.g. Dadou ♂ is known as Dadou ♂—Tien ♂ (Homestead No. VII). An orphan (*ret*), i.e. a child born of a leviritic union is also generally called after its pater, e.g. Mer ♀—Tien ♂ (Homestead No. VII). [601] 611

On the other hand, when a man marries a wife to the name of an agnatic kinsman a son born of this union is in ordinary social life called after the man who stands in the place of the pater and who has begotten the son. One rarely hears his name coupled with that of his ghostly pater, though it is so coupled at ceremonies. When the boy is initiated they tell his pater: "See, your son has been initiated. He has become a man. Your fire is kindled"; ~~and~~ when he is married they tell his pater: "See, your son is married. Your descendants will not cease. They will remember your name." A man's name is also coupled with that of his pater in legal situations where ownership of property is at issue.

But ordinarily such children take the name of their genitor and one may remain ignorant that the genitor is not also the pater. Thus I spent over three months in the tiny hamlet of Yakwac in 1931 without knowing that Kerker ♂ was not the pater of the boys whom we always knew as *gaat Kerker*, "the sons of Kerker". I spent hours every day with these boys but it was by mere chance that I discovered that Kerker had married a wife to the name of this dead brother, Duob, and had begotten my companions. When I visited Yakwac again in 1935 Kerker had died and his eldest son (legal nephew), Wan, had married him a wife, Kur ♀—War ♂ to perpetuate his genitor's name. The children begotten by Wan ♂ in this union will be legally his father's brother's children. Similarly in the village of Nyueny, I would certainly never have discovered that such men as Wec (Homestead No. X.) and Loc (Homestead No. XIV) were not the paters of their children had I not made persistent enquiry.

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611 Nevertheless, Nuer tell me that in course of time the name of the pater survives and the name of the genitor is forgotten, even though the name of the pater is little used in the lifetime of his children. When a man marries a wife to the name of an agnatic kinsman it might seem that it does not matter whether the descendants of this union trace their ascent to the founders of their lineage and clan through their pater or through their genitor, but the purpose of ghost-marriage is to preserve the name of the pater, and, according to Nuer, the name of the genitor is therefore likely to be effaced in time. The name of the pater has an almost purely ritual and legal significance during the lifetime of his sons and in succeeding generations this significance endures, if in an ever-lessening degree, whereas ties between sons and their genitors being based on sentiment and common domestic interests do not long survive the conditions that create them.

The position is rather different when a man marries a wife to the name of his maternal uncle for then the man and the children he begets belong to different clans. The name of the pater is here very important, even in the lifetime of his sons, because it is from him, and not from their genitor that they inherit their clan and lineage emblems. The sons have no *buth*, agnatic kinship, with their genitor and neither he nor they can act for the other in a ritual capacity at ceremonies. The children belong to different social groups to their genitor and this is sometimes very apparent on ceremonial occasions. Normally, therefore, a son born of such a union is called after his genitor in his genitor's hamlet, and perhaps even in his village and district, but is called after his pater among his pater's people. Thus my servant Wia ♂, whose history is recorded later, was always known to us at Yakwac as Wia ♂—Cam ♂, because Yakwac was Cam's hamlet, and he was also known as Wia ♂—Cam ♂ among the Gaajok tribe, because Cam was a Gaajok aristocrat by adoption; but throughout Lou country he was known as Wia ♂—Dar ♂ after his pater, because Dar ♂ was a Lou aristocrat. It is only when the pater has no kin to join his name to the names of his sons that the name of the sister's son (genitor) almost entirely obliterates, for the time being, that of the mother's brother (pater). Thus I was informed that it is generally unknown that the sons begotten by Baranyai are not his legal sons but are the legal sons of Pan (Homestead No. III). At Nyueny we always referred to them as *gaat Baranyai*, "sons of Baranyai" and Pan has no close kin alive who might refer to them as *gaat Pan* "sons of Pan". Nevertheless, the name of Pan is likely in the long run to survive that of Baranyai.

When a widow goes to live with a lover who is not a kinsman of her dead husband and bears him children in concubinage the children are called after her lover in his village and amid his kinsfolk, but they are called after the dead man in his village and amid his kinsfolk. Thus Rainen ♂ and Dol ♂ are known to everyone in Karlual country as sons of Ngwoth ♂ because Ngwoth was a man of the Jikul section of the Karlual tribe but when they go to Bul country they are called sons of Luak ♂, because Luak ♂ was a Bul tribesman. In this way a man may even be called after different fathers in different hamlets of the same village, e.g. Galuak ♂

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(Homestead No. III) was known to us at the northern end of Nyueny as Galuak ♂—Baranyai ♂ but at the southern end he was known as Galuak ♂—Diet ♂, because whilst his genitor, Baranyai ♂, lived at the northern end the kinsmen of Diet ♂, his pater, lived at the southern end. Two ways of referring to a boy may run concurrently in the same hamlet. Thus we spoke equally of Bol ♂—Luak ♂ (pater) or Bol ♂—Panyuan ♂ (genitor) in the hamlet of Nyueny ♂ (Homestead No. IV). 611

When the kin of the pater are numerous and near by and take an interest in the children his name has as much, if not more, currency, than that of the genitor, even though the children continue to live in the genitor's homestead. When the pater's kin take charge of the children his name is used almost exclusively, that of the genitor only surviving among his kinsmen and fellow-villagers. But when the pater's kin live far away, are a small people, and are not closely enough related to the children to take an interest in them the name of the genitor may become established to the detriment of the pater's name, e.g. Karlual ♂—Kwenwar ♂ (Homestead No. IX) and his brothers and sisters are almost always referred to as children of Jany ♂ because they live in Jany's district whereas Kwenwar ♂ was a man of different tribe and his kinsmen have never shown any interest in the children, as will be explained in greater detail later. (In cases of this kind no Nuer thinks of enlightening one about the legal interrelations of the persons concerned and it is necessary to enquire into them if one wishes to discover them.) But however exclusively the lover's name may be used during the lifetime of his sons it has little chance of permanent survival because legally and ritually the children of these sons are united to the lineage of their pater and not to the lineage of their genitor.

Whether it ever happens that the name of the genitor permanently replaces the name of the pater I cannot say. If this were to happen I would expect the line springing from the genitor to regard themselves as members of the pater's clan and to incorporate the genitor into one of its lineages.

Sometimes a man is called after his foster-father. This may happen if the child is born in widow-concubinage and is removed by his mother from the home of his genitor to that of a new lover's home. An example is Nyajol ♀—Kuth ♂ (Homestead No. III).

The patronymic selected by a man for the ordinary purposes of life depends mainly on his place of residence because the name links him to a group. Thus a man who lives in his genitor's village is likely to take his genitor's name and thereby assimilate himself to his local group through ties of kinship. The action is reciprocal because members of the group also incorporate him into their community by use of kinship terms and patronymics; and it is they who give him the name rather than he who takes it. Similarly a man brought up in his maternal uncle's village is generally referred to after the name of his mother and if his descendants remain members of the group this woman is treated in their tree of descent as though she were a man. All Nuer obligations are those of kinship and the patronymics of persons and the kinship terms used to them are

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611 not only indications of their status but also a means of evoking behaviour. Hence it is understandable that a man takes different patronymics in different localities.

611 A child who is old enough to walk and to speak always knows his pater's
867 name regardless of the manner of his birth and the place of his upbringing. His mother always teaches him his pater's name and if there are any of his pater's kin in the village they will impress on the child his true patronymic. Therefore one may ask a very small child for the name of his father and though he will give you the name of his genitor if he is living in his home you can ascertain the name of his pater by asking him the name of *gur dodien*, " your other father ".

611 Owing to the Nuer custom of referring to women of all ages by their proper names one would not usually speak of a woman as " the wife of so-and-so " unless one wished to indicate especially her matrimonial status. One would then speak of a wife in simple legal marriage, in leviritic marriage, and in widow-concubinage, as the wife of the true husband, the man in whose name bride-cattle had been paid. But a woman who is partner in ghost-marriage would be referred to as the wife of the vicarious husband who stands in the place of the true and ghostly husband. Consequently only members of a man's kin and village may know that the woman with whom he is living is not legally his own wife but the wife of a dead kinsman. Other people may be ignorant of the real state of affairs or, if cognizant of them, may not know the name of the ghost-husband. As a courtesy-title one may also speak of an unmarried concubine who has lived with a man for several years as his " wife ".[1]

Before leaving the subject of nomenclature a few words must be said about terms of address between persons who stand to one another in two different sets of relationship, the legal and the biological. It is my experience and it is the statement of my informants that when a man and woman and their children live together, whether the union be ghost-marriage, leviritic marriage, widow-concubinage, or concubinage with an unmarried woman, they use the same terms of address to one another as members of a simple legal family use. There is no reason why in widow-concubinage and concubinage with an unmarried woman the terms for " father " " mother ", " son " and " daughter ", should not be used in the same manner as they are used in the simple legal family. It might be supposed, however, that in ghost-marriage and leviritic marriage the members of the domestic groups that spring from them use terms that indicate their legal, rather than natural, status to one another. As I have said, this is not the case. The terms describing the legal relationship between a man and the son he has begotten (other than in simple legal marriage) are only used in legal and ritual situations and when one of the two parties desires to influence the behaviour of the other by recalling the legal relationship between them and the obligations it entails. A man

[1] The term, '*cek*', has a wider range of meaning than 'wife'. It may be used to describe any woman who has once been married or who has borne children.

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

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593 that the groups differ. But when the sons become men, there is this
602 difference between them. A son in the simple legal family has no property
428 rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

When a man marries a wife to the name of his maternal uncle a more
604 delicate and complicated set of interrelations are brought about. Such a
428 marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitue for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind. 604 428

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begat Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicoko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuakland. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajok aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajok country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuom's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son. 604 428 578

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*labe ram goal gule*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Labi gat joka, kweni cek thok dwielun*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsman. The con-

[1] After the Anuak word 'to die' (*thou*). It is equivalent to the Nuer name Bilieu.

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604 sequence of Cam's action in everyone's opinion is to be seen in the death
428 of all Wia's brothers. The ghost of Dar ♂ is angry because his cattle
578 have not been used to marry his son a wife, and he has killed his sons.

Wia's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ♂ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dar ♂ and stands to Cam in the relationship of mother's brother's son. When I first knew Wia ♂ he was inclined to accept the position in mute protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later his heart had hardened and he was more obstinate. He told me that he had first entered my service, come *rei Turuk*, " among the Turks ", because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wia was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wia's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wia to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with these cattle and not Wia's business to work with Englishmen to earn cattle for his own marriage. Wia said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussinos on this theme. Wia himself said little but refused to give away. He was so obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wia was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wia's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of parental control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mac* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging ♂—Ging ♂ who was resident at Nyueny during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep ♂—Deng ♂ of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

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604 of Tutgar so that the rite might be performed there for it is a dishonour to
428 a boy's agnatic kinsmen if it is not performed in their village and nothing
more strongly binds a boy to them than the knowledge that they undertook
884 the expenses of his initiation and the remembrance of the place where he suffered so great pain to win his manhood. After his initiation Ging ♂'s uncle built him a byre and handed over to him his father's cattle. Although he is only a small boy he is a *gwan cieng*, an independent householder. I used often to talk to him and he was very proud of his position and of having a byre and cattle of his own, and evidently liked and respected his uncle. By acting straightly with Ging his uncle firmly attached him to his father's people and though he pays, and will continue to pay, frequent visits to his mother and his foster-father he will never desert his agnatic kinsmen among whom he has his byre and herd.

The heritage of children must be respected. Thus, to give one more example: the widow, Nyaruithni ♀ (Homestead No. VIII), has her own byre where her dead husband's cattle are herded by her brother's son, Gai ♂. The byre and herd are being held in trust for her little son, Malith ♂, and when he is initiated he will assume sole charge of them. In a case of this kind it would be impossible for one of his maternal uncles to use the cattle during his minority for the others would not allow him to do so. Moreover, this would be a serious offence in Nuer eyes because when Nyaruithni ♀ was married they received her bride-cattle and it would be very wrong to add to these cattle those of her children. The husband's kinsmen would strongly object. Probably Malith ♂ will let Gai ♂ have a few cows to help him marry but this will be a gift out of affection and of gratitude for his services.

The difference between this case and that of Ging ♂ is that in Malith's case his maternal relatives are acting as his guardians whereas in Ging's case it was his paternal relations who were his guardians. It remains to be seen, however, whether Malith's paternal relations show sufficient interest in the boy to bring him to their home to be initiated. If they do this he will probably join them for good.

X

604 The opposition between the legal family and the biological family is
428 most evident when a son is born in widow-concubinage. The opposition is clearer, and hence the sociological interest greater, because in ghost-marriage and leviritic marriage the genitor is a legal substitute for the pater whereas the genitor of a child born in widow-concubinage has no legal status as pro-pater. If the pater's brothers are alive and family feeling is strong they are likely to insist on his sons being initiated in their home and living with them after initiation. They may also bring his daughters to live with them and marry them from their home. The genitor cannot deny them their right when they tell him *Gerena goat ghok ho*, "We want the children of our cattle". Thus it often happens that a boy is brought up amid one social group but belongs legally to a different social group. The sentiments of childhood attach him to the home of his mother and genitor and while he is small he does not think of

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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, [578] for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club.

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

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588 the mother" may then mix with the genitor's herd and he held in trust by
428 him for the brothers of the brides. In such cases the genitor has assumed the full responsibilities of a pater and the daughters will be married from his home and the sons initiated there. Even so the widow and her lover may occupy nearby but separate homesteads, each family keeping itself spacially distinct as they are legally distinct. Panyuan's father-in-law and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a serious disadvantage when his natural sons grow up for they will want to own cattle both for display and for marriage and are drawn irresistibly to the home of their pater's kinsmen in whose charge are the cattle. It would be very difficult for a boy to remove the cattle to the home of his his genitor. That would cause a row of the first magnitude. A dead man's cattle must occupy his byre till his son is old enough to be initiated and to take his father's place in the byre. It is only when a genitor is rich in cattle and his natural son is assured of marrying a wife from his herd while his pater's kinsmen are poor and have no cattle to give him that he might remain with his genitor instead of joining his uncles. I think that this is rare. Where there are full-brothers of the pater alive and where the pater's herd still exists there are these two powerful magnets, sentiment of kinship and sentiment of cattle, drawing a boy away from his mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who lives in his genitor's homestead and village is always to some extent an outsider living there on sufferance. A man who lives in his pater's homestead and village is there by right of birth. The byre he sits in is his own byre. When he sprawls in contentment in the ashes of the *gol* (household) it is his own *gol* and from it he watches his own herds. He is one of a band of owner-kinsmen. To one he is a son, to another a brother, to yet another a father. Hence a Nuer said to me when explaining the position of a boy born of a widow-concubine: "He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature of the widow-concubinage in which he is born. If the widow continued to live in her dead husband's village or if she went to live with her own people and was merely visited from time to time by a lover for procreative purposes the genitor counts for little. But if her lover formed part of her household, even if not entirely resident there, he is of greater importance and the children will retain their affection for him and pay him frequent visits if he is later separated from them, for they will be brought up among their paternal or maternal kinsmen while he may return to live among his own people.

588 When the widow lives at her lover's home and the children are brought
428 up there the relations are more complex. The genitor has no legal control
593 over his sons and if one of them has a disagreement with his genitor he will join his true kinsmen without qualms. It is to his interest to join them and if it is also his inclination to separate from his genitor his depar-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them. 588 428 593

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always." [83]

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat lake*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat Lucnome*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

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Diagram IX

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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 428 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lek tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karlual ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-weeded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*ŋaec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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588 kinsmen and take his family with him. It is quite likely, moreover, that
428 Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his
593 recently espoused bride to his home, for she will be mistress of the home and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them." That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *gat laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine.
588 By her Jany ♂ begat Karlual ♂,
428 Gogh ♂, Baranyai ♂, Nyaudol ♀,
593 and Nyaruithni ♀. Jany also married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyuan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatize the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Caa kwen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilieu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.

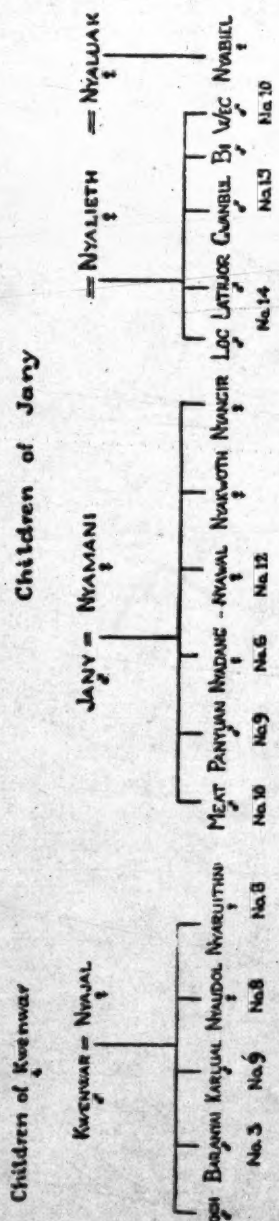

Diagram X

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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 428 593

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*). 587 588 428 593 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be among their true kinsmen, but that they will find that the sons of Jany
593 are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their 587
welfare. Then they will return to their brothers, the sons of Jany. 588
"For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he 428
was born and his heart yearns for the place of birth and he returns there". 593

If Baranyai ♂ departs Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riaagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
588 but that, if Baranyai does not return to Nyueny, Galuak will one day by
himself.

428 Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

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a kind of kinship. Very often when a man has no legal children of his 587
own he will join his natural children in their pater's village, as it is suggest- 588
ed that Juan will do and as Luak, the father of Rainen and Dol (Home- 428
stead No. VI), did.

A youth often asks his natural father for a gift. In fact *liem*, the beg- 593
ging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*).

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" 588
in simple legal marriage, in ghost-marriage, in leviritic marriage, and in 593
widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons."

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

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588 cubine is dissatisfied with his lot in his father's home, or if his father
593 dies, he may go to live with his mother's people, by whom he is often brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

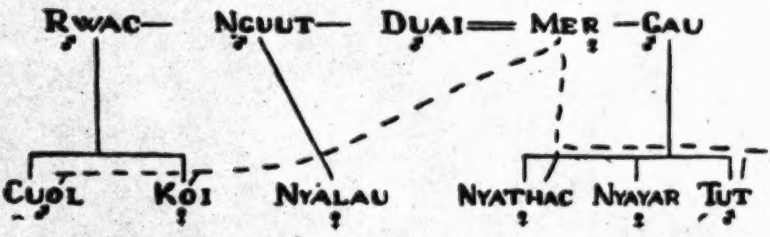

Diagram XI

On my first vist to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931 Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what
[835] happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

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XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Meat ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Meat ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the 611 551

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589 village are given matronymics instead of patronymics. Thus at Nyueny
591 one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀
611 instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
551 villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

We see herein the fundamental principle that gives structural uniformity
602 to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

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The social configuration of the Jany (Kwenwar) cluster of today will not be the social configuration of tomorrow. As we have seen, the sons of Kwenwar may join their agnatic kinsmen in Lang country. The sons of Jany told me that one day they will leave Nyueny and return to Puic where they can sit in the shade of the tree beneath which their father sat. The sons of Nyaruithni ♀, Nyawal ♀, and Nyaudol ♀ will probably join the kinsmen of their paters. Nhial and Galuak, sons of Rainen, will probably one day join their agnatic kinsmen, the Jikul. 602

Moreover, if a man remains permanently with a cluster of people who are not his agnatic kinsmen he makes them such by the simple procedure of turning cognates into agnates, i.e. he makes the actualities conform to the principle. He does this by treating the matrilineal link as though it were a patrilineal one. The woman who links a descent group to the lineage among whom they live is reckoned as though she were a man. "She has become a man" as the Nuer themselves say. We see the commencement of this process in the invariable indication of sisters' sons by their maternal kinsmen, if they reside at their mother's homes, by reference to the name of their mothers. The end process is seen in genealogies when a man traces his descent to the dominant lineages of his district through one or more women, so that when he gives you his descent he treats these women as though they were men and if they are not clearly distinguished by a feminine prefix they may even become men.

Our survey of domestic conditions at Nyueny showed everywhere change and confusion. One enquires how so mercurial a system can work. Has there not been some deep error, some serious misunderstanding, in the investigation? I think not. The change and confusion which are so evident in family and domestic associations are not to be seen in the larger social groups, particularly in the lineages. The dynamic social process is there slowed down and is stablised into structure. For it is very apparent that there are two kinship configurations of persons among the Nuer: the one consisting of their domestic interrelations and the other their legal relationships. The domestic interrelations have a relatively low degree of consistency and durability compared with the legal and, in our sense of the word, structural, interrelations.

Living among Nuer it is deeply impressed on one that the lineages are the stable framework of kinship structure and that families, even simple legal families, are, in comparison, loose and unstable associations which are the means by which new structural tissues are formed. Individuals and "family" associations of one kind and another seem to float about, as it were, and have an independent existence. But they are anchored to some lineage, or, if they break away from it sooner or later attached themselves to another lineage, take root in its stem, and become part of its growth.

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SUDAN NOTES AND RECORDS

Vol. XVI Part I 1933

THE NUER: TRIBE AND CLAN.

By E. E. Evans-Pritchard.

(PLATES I—VIII.)

000

I—Introductory remarks—Fieldwork conditions—Homogeneity of Nuer nation—Its place in the Nilotic conglomerate of peoples.

II—Tribal system—Common territory—Common name and sentiment—Etymology of tribal names—Regulation of disputes between tribesmen—Combination of tribesmen for common warfare—Tribal segmentation—*Cieng*, *gol*, and *dor*.

III—Clan system—Etymology of clan names—Nature of lineages—Major and minor lineages—Lineages of JIRACÁ and GAT GAN KIER—Family of Nuer clans—Difference between kinship groups and political aggregates—Clan segmentation.

IV—The clan a diffused, the tribe a localised group—Partial localisation of clans—*Diel* (clan aristocracies)—*Rul* (strangers)—*Jaang* (Dinka)—Adopted Dinka and Dinka immigrants—Ngok Dinka—Other Dinka tribes—Linguistic use of terms *Diel*, *rul*, *jaang*—Summary.

V—The clan an exogamous group—Source of error in the word *cieng*—Marriage into the mother's clan—Range of exogamy among the kindred—Position of adopted Dinka and their descendants.

VI—Clan totemism—Symbolic spears—Honorific clan titles—Clan traditions—*Mar* and *bath*.

VII—Regulation of public life—*Gaat ruot* (elders)—*Age-sets*—*Kuaar wunu*—Land expert—Leopard-skin chief—Blood feuds—Civil disputes—Incest—Rain-making.

VIII—*Wut ok* (cattle expert)—Gac—Prophets—Ngundeng—Magicians.

IX—Summary.

NOTE.—*Clans and clan lineages are printed in capitals to distinguish them from tribes and tribal sections.*

I.

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THIS paper is based on a report read before the British Association in August, 1931. Some sections of the original paper have, however, been enlarged, while others have been deleted. Part of my data has been recorded in Prof. and Mrs. Seligman's book, *The Pagan Tribes of the Nilotic Sudan*. It deliberately omits more than the briefest reference

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to many processes of Nuer social life, in particular their economic life, the life of family and kin, their ritual, and their age-sets. It attempts to define the form and functions of larger groups than family or kin, namely, the clan, the tribe, and the nation. I have, consequently, used my data in a preliminary manner and for illustrative purposes rather than tried to present a final and detailed account.

Nothing but the briefest notes on Nuer customs existed before Jackson wrote his account of their life in *Sudan Notes and Records* in 1923 and very little has since been added to the facts which he collected. In spite of serious handicaps Jackson wrote an excellent general survey of Nuer social organisation. It is with a full appreciation of his pioneer work that I write this paper to supplement and, I hope, in some particulars, to clarify his account. It is largely due to the complexity of the facts that Jackson's account of them is sometimes unintelligible, but confusion has also arisen from his hazy notions about ethnological terms. To-day several of us are trying to follow the route mapped out by Jackson and to explore new territory, and it will greatly facilitate collation of our researches if we all use the same terms to describe the same features of Nuer social organisation. Special attention has, therefore, been devoted to terminology, since nothing but muddle can result from use of native words like *cieng*, which symbolises a number of different social groups, for though it is generally clear from the context about which group a Nuer is speaking the same clarity cannot be carried into a sociological account. In such a situation it is inevitable that one should abandon native terminology and use English symbols instead. I believe that this usage will not only make for scientific accuracy, but will also facilitate administration.

I do not regard my work among the Nuer as finished, and I hope to complete it when circumstances are more favourable. I spent three and a half months in Nuer country in 1930 and five months in 1931. From the point of view of an anthropological field worker whose time is limited the conditions of work were depressing. The whole of my first trip and a large part of my second trip were occupied with an attempt to master the language sufficiently to make enquiries through it. Only those who have tried to learn a difficult language without the aid of

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a single interpreter and without adequate grammar or dictionary[1] will 114
fully understand the limitations which these conditions impose upon research. The Nuer would at any time have been a difficult job to [648]
tackle and the task was undoubtedly rendered more difficult by events of preceding years which had led to warfare with the Government and military control with consequent disillusionment and resentment. What work I was able to accomplish was made possible by the encouragement and assistance of Mr. A. G. Pawson, Governor of the Upper Nile Province, and Capts. A. H. A. Alban and H. A. Romilly and Mr. J. F. Tierney, and I wish to make special acknowledgment to the staff of the American Mission at Nasser who gave me hospitality and generously placed their time and knowledge at my disposal. Their co-operation was invaluable. I was mainly resident among the Lou Nuer to the east of the Nile, but 121
I also visited the Lek Nuer on the Bahr-el-Ghazal and the Jekany who stretch westwards along the Sobat from the frontiers of Abyssinia. I have seen the Nuer of these regions during the dry season and the commencement of the rains but have not stayed among them during the rainy season. I was also restricted to a few cattle camps owing to lack of transport, so that spacially my acquaintance with the Nuer was confined to a very small area as temporally it was confined to a single

[1] At the time two long Nuer-English vocabularies existed, *A Nuer-English Vocabulary*, compiled by the late C. H. Stigand, Cambridge University Press, 1923, and *Nuer-English Dictionary*, by Ray Huffman, Dietrich Riemer, Berlin, 1929. Since my return from Nuerland Miss Huffman has published an English-Nuer vocabulary (*English-Nuer Dictionary*. Oxford University Press, 1931.) An earlier, but smaller, English-Nuer vocabulary has been compiled by Prof. Diedrich Westermann, and his account of Nuer phonetics and grammar are still all we possess on these subjects. It includes a number of native texts. ("The Nuer Language," by Diedrich Westermann. *Mitteilungen des Seminars für Orientalische Sprachen*. Berlin, 1912, pp. 84–141.) The oldest lists of words are those compiled by Brun-Rollet ("Vocabularien der Dinka-, Nuehr- und Schilluk-Sprachen." *Petermann's Mitt.*, 1861) and by Marno (Kleine Vocabularien der Fungi-, Tabi, Bertat-und Nuehr-Sprache." *Reisen im Gebiete des blauen und weissen Nil*. Wien, 1874.) 113

The following accounts of Nuer customs exist: Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, pp. 116–118. Major C. H. Stigand, "The Story of Kir and the White Spear," *Sudan Notes and Records*, Vol. II, 1919, pp. 224–226. Capt. V. H. Fergusson, "The Nuong Nuer," *Sudan Notes and Records*, Vol. IV, 1921, pp. 146–155. H. C. Jackson, "The Nuer of the Upper Nile Province," *Sudan Notes and Records*, Vol. VI, 1923, pp. 59–107 and 123–189. P. Coriat, "The Gawcir Nuer"—terminal essay in Jackson's combined account of *The Nuer of the Upper Nile Province* (his two papers in *Sudan Notes and Records*), El Hadara Printing Press, Khartoum, no date. Capt. V. H. Fergusson, "Nuer Beast Tales," *Sudan Notes and Records*, Vol. VII, 1924, pp. 105–112. Ray Huffman, *Nuer Customs and Folk-Lore*, Oxford University Press, 1931, pp. 105. Pater Crazzolara, "Die Gar-Zeremonie bei den Nuer," *Africa*, Vol. V., 1932, pp. 28–39. Miss Soule, *Some Nuer Terms in Relation to the Human Body*, Book I, Parts 1 and 2, the American Mission, Nasser, Sudan, October, 1931.

As far as I am aware this list, together with reports by a number of early travellers, completes the literature on the Nuer.

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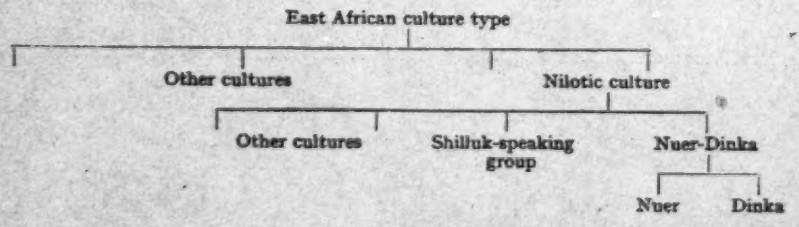
121 season of the year. Illness prevented a final visit to Lek country in the early part of the rains. I mention these facts because it is essential that conditions of research should be understood if its results are to be rightly evaluated. In a final account I shall describe more fully the methods of research which I employed to meet these conditions.

[161] 105 The population of the Nuer to the east of the Nile is given by Jackson as about 320,000, and an estimate made in 1928 puts their total population on both sides of the Nile at 430,000. They form a homogeneous nation. All are pastoralists, though they make keen use of what opportunities their unruly climate allows them to cultivate the soil, and they are tireless in pursuit of game and fish. With slight regional differences their material culture is everywhere the same. Everywhere one sees the same kind of cattle byres and huts, milking vessels and other technical necessities of stock-raising, household utensils and ornaments, etc. Dialectical differences in their language are slight throughout the entire area, and in spite of local variation there is a common mythology and ritual. Likewise there are no appreciable differences in social organisation in the different countries of Nuerland. The Nuer, therefore, may be spoken of as a homogeneous nation which, with the Dinka nation, form a sub-group of the larger Nilotic conglomerate.

101 The Nuer belong to an East African culture type, the limits of which are at present ill defined both geographically and in terms of culture. Within this heterogeneous complex they form in the Anglo-Egyptian Sudan a unit of related cultures with the Shilluk (including the Anuak, Bor, and other peoples which speak dialects of the Shilluk tongue) and Dinka nations of the Nile valley. Shilluk culture is so divergent from the other two that we may speak of Nuer-Dinka culture in contrast to it. Thus we may construct the following diagram :—

DIAGRAM No. 1.



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Nuer[1] and Dinka customs and languages are far too similar for any doubt to arise about their common origin, but in the present state of our knowledge even a tentative reconstruction of their historical relations with each other which led to the formation of two distinct cultures is out of the question. Our knowledge of neither is adequate, and probably never will be adequate, to solve historical problems of this kind. Moreover, it is not yet certain whether the many Dinka tribes differ from each other sufficiently for some of them to approach the Nuer in their culture more closely than they approach other members of their own conglomerate, though, personally, I hold this to be highly improbable. The Atwot are a peculiar case, for they speak a dialect of Nuer but are alleged to approximate more closely to some of the Dinka tribes in other elements of their culture. On the other hand, the Jekany tribes, who to-day have a typically Nuer culture, appear to be of Dinka origin. Even were we in possession of more knowledge about both nations we should still have to face the insuperable difficulty that not only have Dinka and Nuer almost certainly a common cultural origin but that there has also been continuous contact between them which has led to extensive borrowing by the Nuer from the Dinka, and possibly the process has been mutual, so that one cannot know for sure whether a similar trait in the two cultures is due to their common cultural origin or to later borrowing.

Moreover, any attempt to differentiate between the two peoples by a comparison between their physical characters is equally dangerous until a very large number of individuals whose ancestry is well known have been measured. I have little doubt myself that there are physical differences between Nuer and Dinka, though both are undoubtedly of the same race. But we have to remember that there has been absorption of Dinka on a gigantic scale by Nuer invasions during the first half of the 19th century. At that time most of the country east of the Nile was occupied by Dinka tribes who were dispersed and largely absorbed by the Nuer who crossed the Nile in waves from their home on the west bank. To such an extent were Dinka assimilated to Nuer that I consider it safe to say that not more than 50 per cent. of the Nuer to the east of the Nile are of pure descent, and though on the west bank the process

[1] I use the word "Nuer" but with a protest. They call themselves "Nath" (sing-*ran*), and if ever a more ambitious account of them is written this term will be used.

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167 of expansion and absorption has not been so extensive it has, nevertheless,
101 been considerable. Both Nuer and Dinka myths recognise their common
177 ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

648 The Nuer have not been greatly affected by foreign influences owing
131 to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as " homeland Nuer " (*Nath cieng*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as " bush Nuer " (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

631 Nuerland is divided into a number of territorial sections, the occupants
619 of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

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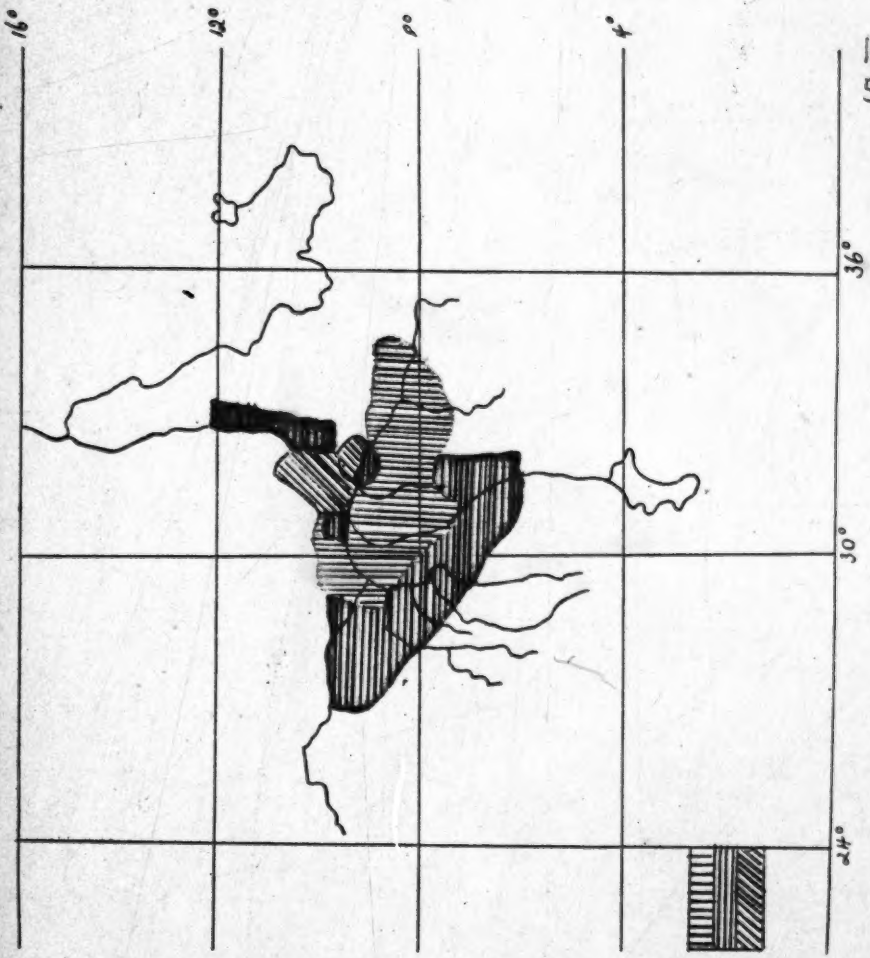

SKETCH MAP NO. I.

NUER .... GREEN.
DINKA .... RED.
SHILLUK .... BLUE.
(Other Members of the Shilluk-speaking group are not marked).

[facing p. 6]

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EASTERN NUER.

Tribe.		Population.	
Thing	10,000[1]		—
Lou	70,000[1]		100,000[2]
Lak	30,000[1]		(+Thiang 40,000)[3]
Gaawär	50,000[1]		30,000[2]
Jekany (Gaajok, Gaajak, Gaagwang)	160,000[1]		200,000[2]
Total for Eastern Nuer	320,000[1]		370,000[2]

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There is no doubt that many of these estimates are excessive. The latest figures, and doubtless the most accurate ones, have not yet been published, but I have been privileged to see some of them. They place the Thiang at 7,750, the Lou at 19,025,[3] the Lak at about 18,000, the Gaawär at 18,000. There is a probability, therefore, that the Eastern Nuer do not exceed 200,000–300,000 in total number.

Jackson does not furnish figures for the Western Nuer. Those given in the Rejaf Conference Report present a total population of 60,000 for all tribes. The only tribal figures I have seen are based partly on tribal affinity and partly on areas of administration. They are :—

WESTERN NUER.

Tribe.	Population.	
Dok	11,063	(1927)
Jagei	5,195	(1927)
Nuong	7,421	(1927–1929)
Bul	10,924	
Lek (one section)	8,353	
Lek (another section + two sections of Jekany)	3,120	
Kilual (+ some Jekany)	2,953	(1927)
Jekany (one section)	4,031	(1927)
Total	53,060	

I am fairy certain that not every one of the names given on the map represents a tribe in the sense in which I am using the term. The exact nature of these political divisions will be known only as a result of further research. A tribe is defined as the largest political unit within the nation and it has four characteristics : (1) it has a territorial basis, (2) its members have a common name and sentiment, (3) it regulates disputes between its members, (4) it unites for war against other tribes or segments of other nations.

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[1] Is an estimate given by Jackson (*op. cit.*) in 1923.

[2] Is an estimate given in the *Report of the Rejaf Language Conference*, in 1928.

[3] The wide discrepancy between the latest and earlier estimates for the Lou is possibly due in part to inclusion in the earlier figures of the Ngok Dinka and those Dinka who have since been transferred to Dinkaland by the Government.

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631 (1) The territory of each tribe is clearly marked off from those
619 of its neighbours. Each tribe has its permanent villages and its fields of economic exploitation. The Lou, for instance, have their tribal grazing grounds, hunting areas, wells and lakes and rivers for dry season occupation and for fishing. The Gaajok also have their grazing grounds, etc., and if the Lou infringe on these there is sure to be fighting unless some arrangement has been reached between the tribal sections concerned.

(2) Each tribe has not only its territory, but its members have a
619 common name and sentiment. Thus Lek, Lou, Lak, Gaawär, etc., are the names by which the country and its occupants are known. Lou country is known as *rol looka* (genitive of lou) and Lek country is known as *rol legni* (genitive of lek), and an inhabitant of these two countries is spoken of as *ran looka* and *ran legni* respectively.

I am unable always to give the etymology of these tribal names. Some of them are clan names like Gaajok and Gaawär, since the tribe is named after its dominant clan. I will speak later of the meaning of clan names. Other tribes have stories accounting for their names, but these are in the nature of popular etymology and are sometimes contradictory. Thus the Lou and Rengyan tribes have aristocracies sprung
175 from a common ancestor, Denac, and are said to be so called because
619 there was a fight between the herd bulls of the two lineages. A *tut ma lou* (mouse-coloured bull) represented the lineage which migrated to Lou country and a *tut ma reng yan* (bull with fawn markings) represented the lineage which remained behind in Rengyan country (part of the country marked Jagei in the sketch map). Hence the two countries and the tribesmen who occupy them are called after those two bulls. I have heard a similar story accounting for the split which took place between the lineages which give their names to Lek and Kärlual countries. Here again the bulls of the two lineages had a fight, that occupying Lek country being represented by a *tut ma lek* (bull with giraffe-like markings) and that occupying Kärlual country being represented by a *tut ma kär lual* (bull with brown markings). Another man told me that when the original occupiers of Lek country entered it they discovered a pool crowded with a species of fish which they caught to satisfy their hunger, and that, as this species of fish is known as *lek*, the country and tribe
619 were called after them. Jekany is another tribal name of which the meaning is far from clear. Jackson (p. 75) recounts that when Kir

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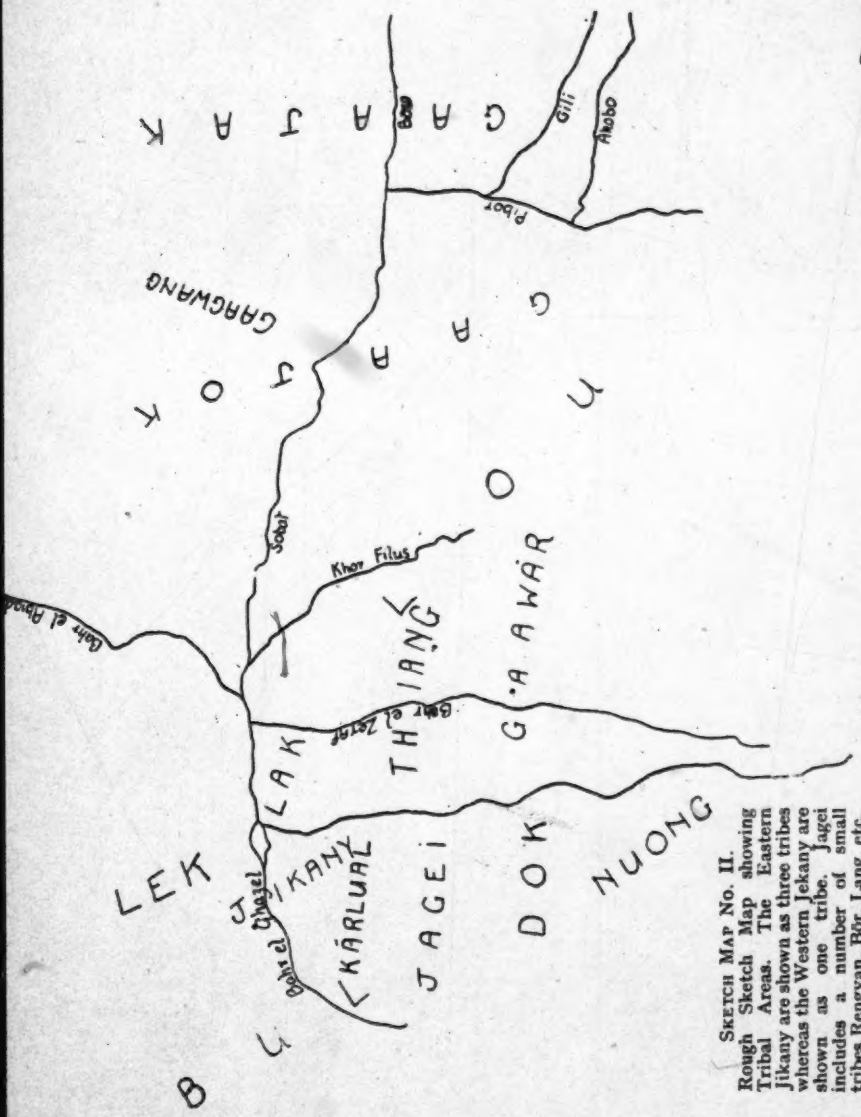

SKETCH MAP No. II.
Rough Sketch Map showing Tribal Areas. The Eastern Jikany are shown as three tribes whereas the Western Jekany are shown as one tribe. Jagei includes a number of small tribes, Rengyan, Bor, Lang, etc.

[facing p. 8]

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619 fled from the Dinka who had brought him up they said "*achilo kang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany, but it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kany?*" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Thus we find [E78] lengthy feuds going on between one section and another within the tribe itself.

619 (3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled 621 sooner or later when they take place between segments of the same tribe, 622 whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jimac and Jemac.

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considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

[1] Privately circulated.

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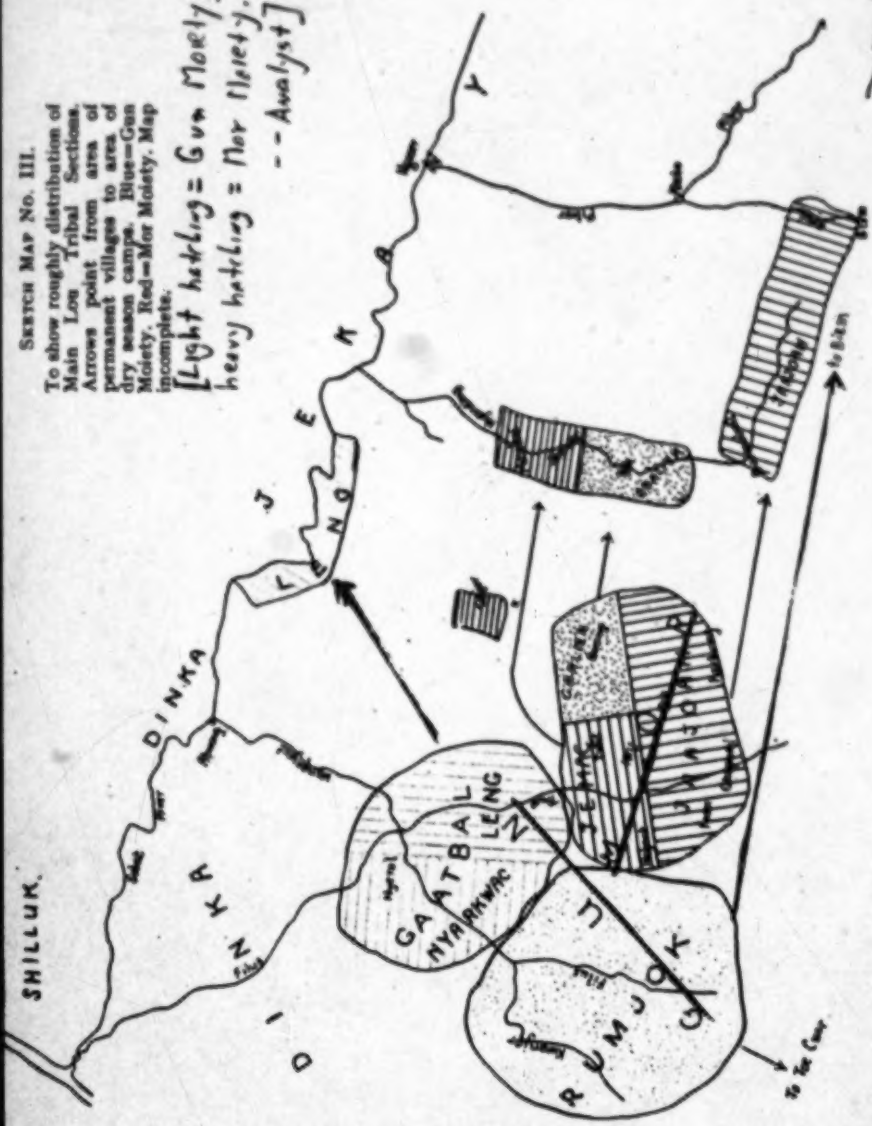

SKETCH MAP No. III.

To show roughly distribution of Main Lou Tribal Sections. Arrows point from area of permanent villages to area of dry season camps. Blue=Gun Moiety. Red=Mor Moiety. Map incomplete.

[Light hatching = Gun Moiety; heavy hatching = Mor Moiety. --Analyst]

[facing p. 10]

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619 and Gaawir or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
677 true that tribes are not water-tight compartments. People moved all
[581] over Nuerland with remarkable freedom and there are strong social bonds
[619] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
698 Lou tribesmen from all over the tribal area for a combined raid on the Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Atwak,

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619 Garweir and Lou against the Dinka. In fact, the tribes combined in
721 their first conquests of the Dinka." I was aware of these combinations,
648 but I preferred to regard them as alliances between two political units. In the same way in Europe, nations, the largest political units of our culture, combine together for purposes of warfare, but they do not lose their political autonomy by doing so. The comparison goes no further. Here again I wish to make it clear that I do not regard Nuer tribes as cohesive, clearly defined, water-tight, political groups. They are surely not. There are constant feuds between segments of the same tribe; there is constant marriage, fraternisation, and recognition of common kinship, between members of different tribes. Moreover, the tribe, as is explained more fully later, comprises within its boundaries a number of fairly cohesive segments cut off from each other territorially and these segments are united to one another by slender links which frequently snap so that new tribes are formed by fission. When tribes allied for warfare, each organised itself separately, so far as I could gather. Thus, when Lou united with Gaajok and Gaajak each organised its fighting force under its own leaders and magicians.

619 In my opinion, the Nuer tribes may be said to have had these political functions even if they carried them out very inadequately, and it is in this belief that I have spoken of the Lou as a tribe which includes two primary sections, the Gun and the Mor, but I have classed the eastern Gaajok, Gaajak, and Gaagwang as three separate tribes rather than as three sections of a Jekany tribe. I admit that the Nuer tribes did not carry out their functions in the clear-cut manner which we find among the tribes of many other African nations, e.g., the Azande. The Nuer tribe is a very fluid affair. It is not a constant and static group, but it is variable and dynamic. The way in which it has segmented is sufficient evidence of this. Fission takes place as a result of slow but continual social changes, the tendency being always that as the tribe gets larger it loses solidarity accordingly, so that it is not always possible to say with certainty when a tribe, in the sense in which I have used the term, is a single tribe with two moieties or whether it would not be more correct to speak of two separate tribes. I do not want to be guilty of the despicable offence of word-polishing. Those who wish to speak of the Gun and Mor moieties of the Lou tribe as two tribes or of the Gaajok and Gaajak tribes as two primary sections of one Jekany tribe are free to do so.

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Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that "tribe" among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that "tribe" must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage. 619

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together 1-19 161 167 233 619 621 602

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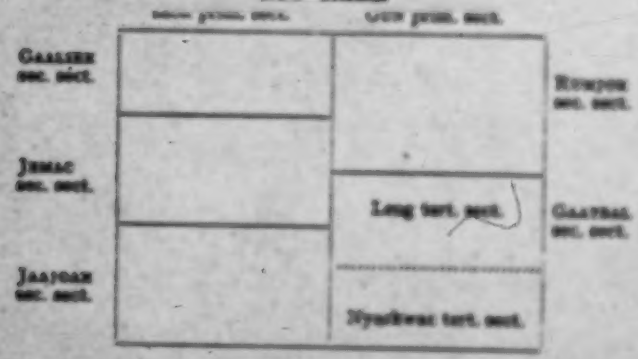
619 as a blood-revenge group? Moreover, as will be seen later, Nuer kinship
621 groups are always being diluted by assimilation of unrelated elements,
602 and the tendency is for community of living to supplant community of blood as the functioning element in Nuer society.

619 We have to bear in mind that segmentation is taking place all the time with every kind of territorial group, from the smallest to the largest, within the tribe, just as it happens to the tribe itself. I shall speak of the largest segments into which a tribe is divided as primary tribal sections, though when these are two in number, as often happens, we may speak of them as tribal moieties, e.g., the Lou tribe is split into moieties of Gun and Mor and, according to Jackson, the Thiang tribe is split into moieties of Ria and Bang. The Gaajok, Gaajak, and Gaagwang, which to-day have the status of separate tribes among the Jekany on the East bank of the Nile, were once primary sections of the Jekany tribe as they probably still are in its western homeland. Now, just as the Lou tribe is split into two primary tribal sections, Gun and Mor, so these sections are split into what I shall call secondary tribal sections, e.g., Gun is divided into secondary tribal sections of Rumjok and Gaatbal, while Mor is divided into secondary tribal sections of Gaaliek, Jaajoah, and Jemac. Each of these secondary tribal sections is split into further divisions which I will call tertiary tribal sections, e.g., the Gaatbal secondary tribal section is split into two tertiary tribal sections, the Leng and Nyarkwac. This may be shown diagrammatically (capitals do not here denote clans) :—

DIAGRAM No. II.
LOU TRIBE.



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In the same manner diagram No. III shows the primary sections of the Gaagwang tribe and the primary and secondary sections of the Gaajak and Gaajok tribes. These are presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I do not know for sure what are the secondary tribal sections of the Gaagwang tribe. 619

Diagram No. III.
EASTERN JEKANY TRIBES.

	Gaajok tribe.	Gaagwang tribe.	Gaajak tribe.	
Laang prim. sect.	Thiar sec. sect.	Gaatuka prim. sect.	nyajan sec. sect.	Gaagwang prim. sect.
	Dwong sec. sect.		ciany sec. sect.	
	Kwith sec. sect.		wun sec. sect.	
Wanukat prim. sect.	Minyiki sec. sect.	Nyuong prim. sect.	kiug sec. sect.[1]	Rang prim. sect.
	Wang sec. sect.		cui sec. sect.	
	Nyuthol sec. sect.		dhilmak sec. sect.	
Yor prim. sect.	Pwot sec. sect.	Nyaang prim. sect.	tar sec. sect.	Tuang prim. sect.
	Kwal sec. sect.			
	Yiic sec. sect.		kang sec. sect.	
	Cam sec. sect.			
	Kwal sec. sect.			

Each of these tribal sections possesses the characters of the tribe itself, but more intensified. Each has its name, but the smaller the segment the stronger the sentiment associated with it. Each has a territorial basis, but the smaller the segment the more compact the territory, the more contiguous its members. Just as the tribe itself is crystallised around a clan so each segment is crystallised around a lineage of the clan and the smaller the segment the closer the relationship between members of this kinship nucleus. As I have said before, the smaller the area the greater the social cohesion. 619 631

Each of these segments is a political group and an economic group. As a political group it unites for warfare. The principle of unity is as 619 631 628

[1] Also called Yiek and Yaar.

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619 631 628 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyarkwac tertiary tribal section, and in fact there has been a long feud between the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemae, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 721 When a raid into Dinka country was organised Mor and Gun would both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 628 631 A similar principle was supposed to operate among the Jekany (*see* diagram No. III). Thus Minykäl, Wang and Nyathuol would combine against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang. 619 628 631

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Piber river in the neighbourhood of Beirland. Here they say that they were attacked by "Turuk" and fled north again 619 621 623 166

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to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwa, but his descendants will be *gaat* kwith and his village *ciang* kwith. A clan is called after a man Yi and becomes *ciang yie*, or after *yual* and becomes *ciang yul*. I fear that I have sometimes used the nominative and sometimes the genitive name. Hence on Map No. V Yual and Wanghear may be read as Yol and Wanghar.

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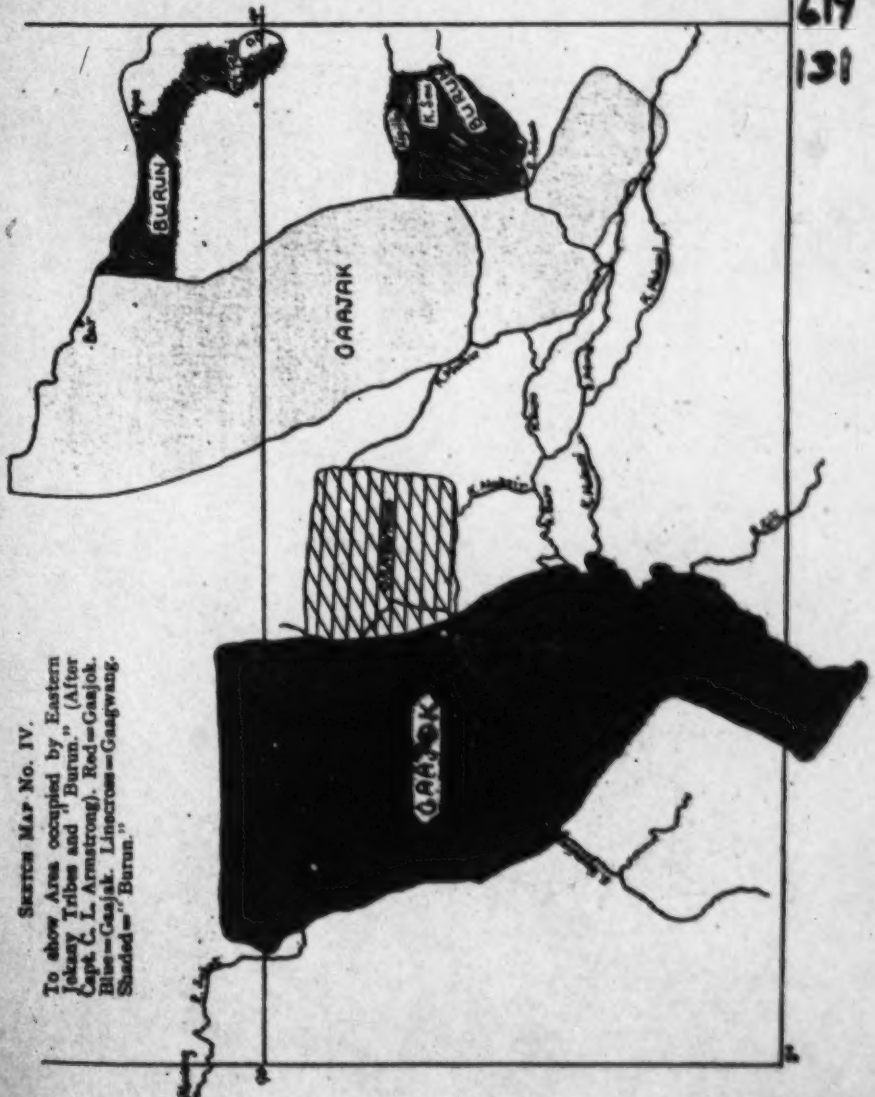

SKETCH MAP No. IV.

To show Area occupied by Eastern Jokany Tribes and "Burun." (After Capt. C. L. Armstrong). Red=Ganjok. Blue=Gaajak. Lincross=Gangwang. Shaded="Burun."

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321 in the year. At about this time the younger men of the tribe take the
133 cattle out of the villages while the older men and the women reap the harvest. When the harvest is completed they burn the grass around the various pools which they intend to make their dry season quarters. As these rain-water pools dry up, the various household groups and groups of households which have been quartered near them begin to concentrate around larger pools in river beds or near a river bed in which it is known that wells can be dug or along the banks of the Sobat itself. Here they spend the remainder of the dry season. The Sobat begins to rise again about May and further drainage ceases. In June the rains commence and a double process of irrigation occurs. The Sobat runs out along what, on a map, appear to be its tributaries, but are more accurately its channels of overflow, while at the source end of these streams the rains begin to collect and run towards the Sobat, so that the two waters, the outgoing river water and the incoming rain water, meet. As soon as the rains commence, part of the occupants of the dry season camps return to their villages to sow the crops and as soon as it is seen that the rains have set in for good, they are followed by the young men who drive the cattle as quickly as possible to the villages where they will spend the height of the wet season.

Year by year this ebb and flow from village to dry season camps and back again goes on, but, though it is repeated each year, the time of movement, the density of concentration around water supplies, and even the place of concentration, vary according to the severity of the season. Thus, the Lou will remain as long as possible around their area of permanent villages and will concentrate around large pools like Tepjor, Nyerol, Muot Dit, Muot Tot, Fading, rather than migrate to the Sobat, Nyanding and Geni rivers, and the Dinka marshes, though I think that they generally find their way to these localities before the dry season is over.

361 A permanent village may consist of a group of huts and byres on an
114 isolated *dabba*, but those I have seen generally comprise a slightly raised area of ground of a few hundred square yards dotted with strings of homesteads. A village may cover an area of several square miles without intermission of dwellings. I regret that I am not able to give any clear idea of the social distribution of these villages since I have only lived with the Nuer in their dry season camps save for a short stay at

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361 Pakur village (Lek tribe) on my introduction to Nuerland when I was quite
114 unable to make any maps of social distribution upon which I have the slightest reliance. Under these circumstances I shall speak somewhat loosely of districts and villages, meaning by district an area occupied by secondary and tertiary tribal sections such as the Leng and the Nyajekany of the Lou tribe and the Minyaal and Thiur sections of Gaajok, and by villages I shall mean a part of a district which is well demarcated through the proximity of its homesteads and hamlets, each being more or less joined to its neighbours by cultivated grounds, and through the wide gaps which divide it from other similarly occupied parts of the district, gaps filled by forest, bush or swamp. The precision of these terms and the size of the group to which they refer are very variable. My ignorance of Nuer country, over which I was unable to travel more than a few miles, prevents me from presenting a map of such distributions. I speak, to make it clearer to those on the spot, of such places as Muot Dit, Kurmayom (Lou), Pakur (Lek), Panyam (Dok) as villages, but I am by no means certain that among the Western Nuer and in the eastern Jekany countries villages of this kind are so well defined by geographical isolation.

621 Those cattle camps which I have seen vary in size from a cluster of windscreens protecting some 80 persons to a number of clusters protecting some two to three thousand persons. What information I possess on this dry season distribution will be written up under the heading of Nuer kinship and at the present I only wish to notice that there is a greater degree of solidarity, spacial and moral, in the dry season when the inhabitants of a district are living around a single water supply and when dissentions are subdued than in the wet season when they are scattered in their different villages and when the pulse of life beats stronger, largely owing to increased food supplies which follow from harvesting, and quarrels are considered seasonable.

361 By hamlets I mean groups of homesteads which often enough form a separate cluster on a village plain and which are occupied by a man and his brothers and other persons united to them by marriage or other social links. I do not suggest that these hamlets are always very distinct. By homesteads I mean the dwellings of a single man and his wives and children and cattle. These consist of a single cattle byre and kraal and a number of sleeping and cooking huts grouped around it. It is often convenient to speak of a joint homestead to denote several homesteads,

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generally manned by a man and his brothers or married sons, with a common kraal or contiguous kraals. Up till the present I have refrained as far as possible from the use of Nuer words when referring to their political and territorial segments. Especially have I avoided the term *cieng* (*shieng*), which has been the source of much confusion. I will now speak briefly of these native terms and explain their meanings, as far as my knowlege of the Nuer language goes, in relation to the ethnological expressions I have employed in this essay. 361

The word *cieng* means "home." When you ask a Nuer where is his home, you ask him what is his *cieng*. Hence the word may have a large number of different meanings which vary with the situations in which it is spoken. If you meet an Englishman in Germany and you ask him where is his home, he will reply that his home is in England. If you meet him in London and ask him the same question he will tell you that his home is in Oxfordshire, whereas if you meet him in that county he will tell you the name of the town or village in which he lives. If you ask him where is his home in the town or village where he lives he will mention a particular street or house. So it is with the Nuer. If you meet a Nuer outside Nuerland he will tell you that he comes from *cieng Nath* (Nuerland, the home of the Nuer). If you meet him east of the Nile he may tell you that he comes from *Nath cieng* (the homeland Nuer, or the Nuer who live to the west of the Nile, in contrast to the *Nath doar* (Bush Nuer), or the Nuer to the east of the Nile). These are, however, particular uses of the word *cieng*, which usually refers to much smaller territorial units. I cannot recollect a Nuer speaking of his country (tribal area) as a *cieng*, though I see no reason why he should not do so. Normally he calls his country his *rol*. It is of the tribal sections that he uses the word *cieng*, and if you ask him where is his *cieng* he presumes you want to know the name of his village or district. Hence he tells you the name of the village where he lives, e.g., *cieng* Minyâl (Jekany) or *cieng* Dumien (Lou) or *cieng* Pakur (Lek), the villages of Minyâl or Dumien or Pakur, or he may mention under the same term larger districts such as *cieng* Leng or *cieng* Wangkuac, the districts of Leng and Wangkuac. In different contexts he may speak of even larger areas as *cieng*, e.g., the tertiary tribal section of Gaathel as *cieng* Gaathel (Lou). On the other hand he may use *cieng* when speaking of smaller units than the village, such as the hamlet and

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196 homestead. *Ciengda* (my home), in the singular, generally means "my homestead" where I live with my family, whereas *ciengdan* (our home) means usually "our hamlet" or "our village." Thus a man will say "*wa ciengdan*" ("I am going (to our) home") in reference to his village, such as the village of Pakur (Lek), but if he is already in the village of Pakur and says "*wa ciengdan*" ("I am going (to our) home") he means that he is returning to the hamlet where he and his relatives live in a particular section of the village. If he is in the hamlet and says "*wa ciengda*" ("I am going (to my) home") he means that he is going to his hut or cattle byre. I remember making a mistake in this way when I used to say "*wa ciengdan*," meaning that I was off to my tent, for which the Nuer would good-humouredly rebuke me, saying, "Isn't this, our camp, your home?" whereas when I said "*wa ciengda*," in the singular, it passed without the criticism which the Nuer unfailingly bring to bear on any error in grammar or pronunciation. *Cieng* thus means homestead, village, district, tribal sections, homeland and even "home" in an unspecified sense, e.g., it may be said in a story *nyaang ce wa cieg* (the crocodile went home) or *jicieng* (villagers), etc., etc.; for this reason I use the word as little as possible.

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619 There is a further reason for avoiding its use, and though I shall have occasion when speaking of the Nuer clan system to mention it more fully I will refer to it in this place. The *cieng*, in the sense of homestead, is called after the man who lives there, e.g., the homestead occupied by Rainen is called *cieng* Rainen. When Rainen is dead and his sons and nephews live together in a hamlet they will call the hamlet after him and it will be said that they live in *cieng* Rainen. If Rainen was an important enough man and founded a strong enough lineage, the whole village where his descendants and strangers who have intermarried with them live will then become known as *cieng* Rainen. In course of time his descendants will have multiplied and will occupy a district or a large tribal area which will come to be known as *cieng* Rainen. Hence it comes about that many of the tribal sections I have mentioned as examples for the use of *cieng* are called after persons, e.g., Minyäär, Dumien, Wangkeac, Gaatbal. As will be explained more clearly later a lineage thus becomes identified in speech with the territory which it occupies—the district occupied by the major lineage of WANGKEAC, for example, being known as *cieng* Wangkeac. The Nuer then talks

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about the district and the lineage which lives there as interchangeable 361
terms and speaks of *cieng* WANGKEAC in the sense of the WANGKEAC lineage. 196
This leads a European into depths of confusion since the WANGKEAC 619
lineage and the people who live in the village of Wangkeac are by no means the same thing. I shall have occasion to plumb these depths of confusion, into which I have myself been long plunged, in the following sections.

Cieng, in the singular, e.g., ciengda (my homestead), is the same as *gol* in the singular, e.g., *golla* (my homestead), and *cieng* in the plural, e.g., *ciengdan* (our hamlet), which means the same as *gol* in the plural, e.g., *gollan* (our hamlet). The literal meaning of *gol* is the large dung fire which occupies the centre of every cattle byre. During the wet season this is kept continually alight and serves to keep mosquitoes away from the cattle and the young men who sleep on a platform above it, while during the daytime people sit around it and chat. In the dry season the *gol* is a huge heap of ashes enclosed by a windscreen and around it sleep the inmates of the windscreen and there also they spend a large part of the day watching their cattle, drinking milk, sleeping and smoking. This dung fire signifies the home and especially symbolises the household from the point of view of its male occupants since women have their own cooking fires. *Jígoalla* (the people of my *gol*) are the people of my household, especially the menfolk of my household. *Gol* Cam or *gol* Pec is the homestead or windscreen of Cam or Pec and hence means the household of Cam or Pec. *Ran gol* Cam is a member of Cam's household and *jígoal* Pec is the household of Pec, i.e., the people who habitually live in his homestead and make use of his cattle byre.

The only other Nuer word I will draw attention to in this place 823
is *dor*. I think that the most comprehensive meaning of *dor* is what is 196
not actual homestead. The word generally means "bush" in contrast to *cieng* (home), e.g., "*wa dor*" ("I am going into the bush" almost "I am going out") is the opposite to "*wa cieng*" ("I am going home"). Different parts of the bush can be designated by some conspicuous landmark as the *dor* of such and such a thing. The word is noticed in this place because it is often used to refer to the unoccupied land lying around a homestead or hamlet which is used for sowing maize or on which goats and sheep and calves graze. In this sense *doran* (our dor) has much the same meaning as *ciengdan* (our *cieng*), though the former word seems

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823 196 rather more inclusive. But both are used to refer to " our home," " our hamlet," "our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that the territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not clearly differentiate between them.

619 361 614 Herein lies a great difficulty. The Nuer tribe always has a name derived from the name of the country which it occupies, e.g., one may

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speak of Lou tribesmen as *ji looka* (people of Lou), or of Lek tribesmen as *ji legni* (people of Lek); but generally this name is also the name of the clan, for a country is often called after its first occupants and owners, e.g., Gaawär is the name of the tribal territory of the tribesmen who occupy it, and presumably, for I have not been there, of the clansmen who form the dominant element in the tribal territory. GAAJAK and GAAGWANG are clan lineages who have given their names to the countries where they live. To eliminate this difficulty I have throughout written tribes and tribal sections in small letters and clans and clan lineages in capitals. Hence if I say that a man is a Gaawär I mean that he is a man inhabiting Gaawär country, i.e., a member of the Gaawär tribe, whereas if I say that a man is a GAAWÄR I mean that he is a descendant in the male line from Wär, i.e., a member of the GAAWÄR clan. I will give two more examples to make this point quite clear. If you ask a Lou man what is his *cieng*, you are asking him where he lives, what is his homestead, village or district. Suppose that he replies that his *cieng* is *cieng* Pual, you can ask him what his *cieng* forms part of, and he will tell you that it is part of *cieng* Leng, giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng forms part of *cieng* Gaatbal, a secondary tribal section, and he will explain that *cieng* Gaatbal is a division of the Gun primary tribal section which is a moiety of the Lou tribe. But he has told you nothing about his clan relationship. He may or may not be a member of the PUAL clan lineage which forms a part of the LENG lineage, which forms part of the GAATBAL lineage, which forms part of the clan of JINACA or GAAT GAN NACA, the people of Nac or the children of the children of Nac. In the same way, if a Jekany man tells you that he belongs to *cieng* Kwith of the Gaatjok, it does not follow that he is descended from Kwe (Kwith) who is descended from Kun (whose bullock name was majok), but he merely means that he lives in a tribal section occupied by the KWITH lineage which forms part of the tribe occupied by the GAAJOK who are a principal lineage of the GAAT GAN KIIR, the children of the children of Kir. I shall shortly explain the meaning of these lineages.

Owing to the fact that the Nuer have no word for clan, as we understand the group, and that they have no stereotyped modes of referring to clansmen, we are in some difficulty in writing about them. The

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614 ordinary words for clansmen are composed of the names of the founder with a prefix of *gaat* (children) or *gaat gan* (children of children) or *ji* (people), e.g.,

gaat Wär (GAAWÄR), the children of Wär.
gaat gan Kiir, the children of the children of Kir.
ji Diet, the people of Dit.

My main difficulty arises from my ignorance about the names by which the dominant clans, the *tut* or *diel*, in many tribes are called (e.g., I do not know the names of the founders, nor can I trace the descent of the dominant elements, in such tribes as the Dok, Lek, Nyuong, Jagei, Lak, Bul, etc.). In the case of the Lek and the Dok tribes, which I visited on my first trip to Nuerland, I had unfortunately not formulated the problem of clan descent clearly enough to direct enquiry into it, since I was still shaking myself free from the shackles which a wrongly conceived notion of the *ciong* had fastened upon me. Hence it is rather by analogy than research that I conclude that the *diel* of the Gaawär tribe are the GAAWÄR clan. Often it would seem that the birth name of the founder of a clan or lineage has not been chosen as the title of his descendants, but that they have called themselves after his bullock name. Thus, while one of the major lineages of the JINACA is called GAATBAL after their ancestor Bal, his brother Dak's lineage is called RUMJOK after his bullock name. It is possible that the third brother, Nyaang, is really a bullock name and that his birth name was Liek or Lik, since these descendants are known as GAACIEK (*gaat Liek*—children of Liek or Lik). The lineage of the GAAJAK among the Jekany is doubtless called after the bullock name of their ancestor Mathiang, though this, too, has the appearance of a bullock name (*ma jak* is a bullock with a brown rump, *ma thiang* is a bullock coloured like the thiang). The Lou lineage of NYARKWAC is called after the bullock name of its founder Bang, his bullock being spotted like a leopard (*kwac*) and noted for the manner in which it strutted about sedately (*thak ma jale ajarwyar*). MACOK, another Lou lineage, though not a *diel* lineage, is so called because the favourite bullock of its founder was so restless that it had to have its legs bound with cord (*cok*). It is not possible, however, to say with certainty that because a lineage has a bullock name that this was necessarily the bullock name of its founder. It may have been his proper birth name, or it may have been the name of a cow which suckled him, or it may have

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been the name of a bullock which formed part of the bride-wealth with which his mother was married. Thus I have heard a Nuer suggest that Thiang was *thak me ca kuen man* (the bullock by which his (the lineage founder) mother was married). It is seldom that the Nuer are certain about the origin of such names. The question is, however, one of philological rather than sociological importance. Often I can offer no explanation of the meaning of a lineage cognomen, e.g., the lineages of GAAGWANG and GAAGWONG (*gaat gwang* and *gaat gwong*) among the Jekany. Miss Huffman gives *gwong* for hedgehog and *gwong* for guinea fowl and *gwang* for axillary or sound of fish in water, but none of these meanings give a clue to the origin of the lineage names. Jackson (pp. 75–76) suggests the origin of the name Gwang by reference to the Kir cycle of myths and his account of Nuer names in general will give an idea of the innumerable incidents which determine the birth names of Nuer (pp. 171–173). Of Gwang he writes :— 614

> " On the death of Kir, Madjok was appointed by his father as head of the tribe and given the hereditary leopard skin, without which no case of killing can be tried. Matiung and Kunjokjak decided privately not to accept Madjok as their chieftain, but to deprive him of the guardianship of the sacred spear. . . . When this agreement was come to Madjok was outside looking after the cattle, but on his return he at once divined that something was wrong. He spoke to his relations and was greeted with the remark that he was from henceforth of no more account and had been deprived of the leopard skin and sacred spear. . . . His wife shortly afterwards gave birth to a boy named Gwang, i.e., the secret plot." (pp. 75–76.) 614 173 551

I cannot corroborate this tale, but it is a good example of the way in which a Nuer gets his birth name, which then becomes the cognomen of his lineage. It will be noticed in my paper that sometimes lineages are called after women and this is generally evident from the feminine prefix *nya*. I defer discussion on this feature till a paper on Nuer kinship in which setting it will be more easily explained.

What exactly is meant by lineage and clan? One thing is fairly certain, namely, that the Nuer does not think in group abstractions called clans. In fact, as far as I am aware, he has no word meaning clan and you cannot ask a man an equivalent of " What is your clan? " 614

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614 as you can ask a Zande, for example, "*Ngbwatungaro nga da?*" You
[196] get at his clan by degrees, if you get at it at all, by asking a man what is his *thok mac* or *thok dwiel* (the hearth of his fire or the entrance to his hut). In my experience the latter expression is the more common and I will use it here. The reader will observe that it is analogous in its literal and extended meanings to the Arabic *khashm el bet*. A man's *thok dwiel* are all those persons of either sex who can trace their descent through males exclusively to a common ancestor. *Thok dwiel* is, therefore, a relative term since its extension depends on the particular person who is selected as the point of departure. Thus if we begin with the father then the *thok dwiel* will include only sons and daughters, but if we take the grandfather as our point of departure it will include all his sons and daughters and the children of his sons. A larger and larger number of agnates (persons related through the male line exclusively) will be included in the term *thok dwiel* the higher up the line of ascent we take the point of departure. Now the Nuer does not generally, if ever, refer to the group of father and children as a *thok dwiel*. These people, together with the mothers, form so obviously a family and household (*gol*). *Thok dwiel* of a man means essentially his father's kinsman and the only question is how far back the Nuer goes up the line of ascent before he hits on an ancestor whose descendants in the male line he includes in his notion of kin. The answer to this question is complicated since there is no invariable rule in the matter and since the notion of kin is relative, more people being included in some contexts than in others by the same speaker.

613 Thus in diagram No. IV W, X, Y, and Z are four sons of S and they sleep in their father's kraal and form part of his family and household (*gol*). Many years later we return to their country and we find that S is long since dead and that his sons, W, X, Y, and Z, have each a family of their own. We may now speak of W, X, Y, and Z, with their sons and daughters as forming a *thok dwiel*, which would be called after S, their common ascendant. In the terminology employed in this paper we would speak of the lineage of S since we are using the term lineage to denote the unilateral group of agnatic kin which the Nuer calls his *thok dwiel*. If you ask any member of this line of descent from S what is his lineage, he will reply that he belongs to the house (*nieng*) of S. Here again it is necessary to re-emphasise that in saying that he belongs

to *ciang* S, he is using the term for "house" or "home" or "village" in the sense of "lineage" or "genealogical relationship through the father." Hence the fact that a man tells you that he belongs to *ciang* S does not prove that he is descended from S since it may merely imply, as explained earlier in this essay, that he is now living in the same village as the descendants of S. If you wish to make quite certain whether he means that he is descended from S or is merely a member of the locality of his descendants it is advisable to ask subsidiary questions to establish his descent beyond all doubt. Thus, if a man tells you that he is a member of *ciang* S in answer to your question, "What is your *thok dwiel?*" you can then ask him whether the line of descent through males from S is his true lineage (*thok dwillun pawy*) or whether his family are of different descent and have simply aggregated themselves to the lineage from S. You try to establish his real origin (*kuachien*—their reeds or clan origins).

Hence one's questions take something like the following order :—

Codu coal adi?	... ...	What is your name?
Coda coal a Nhial	... ...	Ny name is Nhial.
a jin ram ciang nga?	... ...	What is your village?
ghan ran ciang Muot Dit	...	I come from Muot Dit village.
wocdun a wec nga?	... ...	Which is your cattle camp?
wocda a wec Titcuong	... ...	My camp is the camp of Titcuong.
a jin gat nga?	... ...	Who is your father?
ghan gat Titcuong	... ...	My father is Titcuong.
thok dwillun a mith?	... ...	Which is your lineage?
thok dwillun a Ciang Rue	...	Our lineage is the RUE lineage.
Ciang Rue bebdiow cualadi?	...	What is the lineage of which the RUE lineage forms part?
bebdiow a ciang Nyajekany	...	They form a lineage of the NYAJEKANY lineage.
Ciang Rue a thok dwillun pawy?		Is the RUE lineage your real lineage?

In the sense in which we speak of "the S lineage" (the lineage from S), his brothers R, T, U, and V, and their descendants are excluded from it. On the other hand, R, T, U, and V, and their descendants are all of the same lineage as S if we take as our point of departure for determining the lineage an ancestor higher up the line of ascent than S. In point of fact our Nuer (let us suppose he is a son of Z) would be unlikely to give

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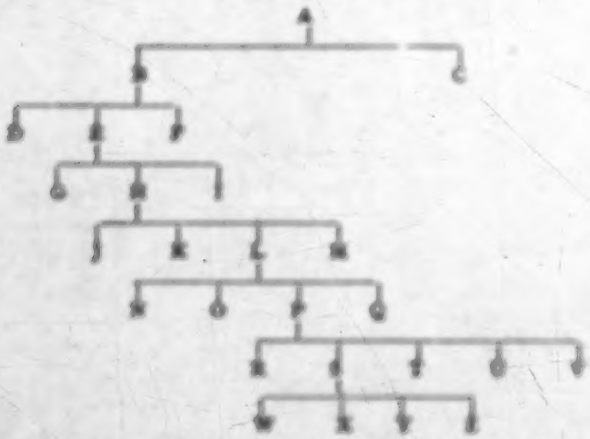
6/13 his lineage from S since S is only his grandfather. He might do so, but he would be more likely to choose someone higher up in ascent. Thus, if he says that he is a member of the lineage of P then he counts in his lineage all the descendants of R, S, T, U, and V, through the male line (i.e., themselves, their sons and daughters and their sons' sons and daughters). If he says that he is a member of the *thok dwiel* of L then he includes all the descendants of N, O, P, and Q, through the male line, in his lineage.

DIAGRAM No. IV.



(All the persons represented on this diagram are males.)

Seen diagrammatically this seems a very simple exposition, but it is hard to understand when one is living among the Nuer. This is chiefly due to the fact that the Nuer make use of a word like *ciang* or *thok dwiel* to describe a number of things which we need to distinguish more precisely by use of varied terminology, but it is also due to difficulty in grasping the intricacies of the Nuer genealogical system. Nuer usages are easier to understand if English terms are employed to describe social groups instead of native terms and if the essential characters of the lineage are constantly borne in mind. A lineage is a group of agnates, i.e., everyone descended through the male line from a given individual. A man cannot, therefore, be a member of his mother's lineage.[1] A woman

[1] Except when a woman founds a line of descent, a feature not dealt with in this paper. Evidence that descent is traced through males to the ancestress of the lineage.

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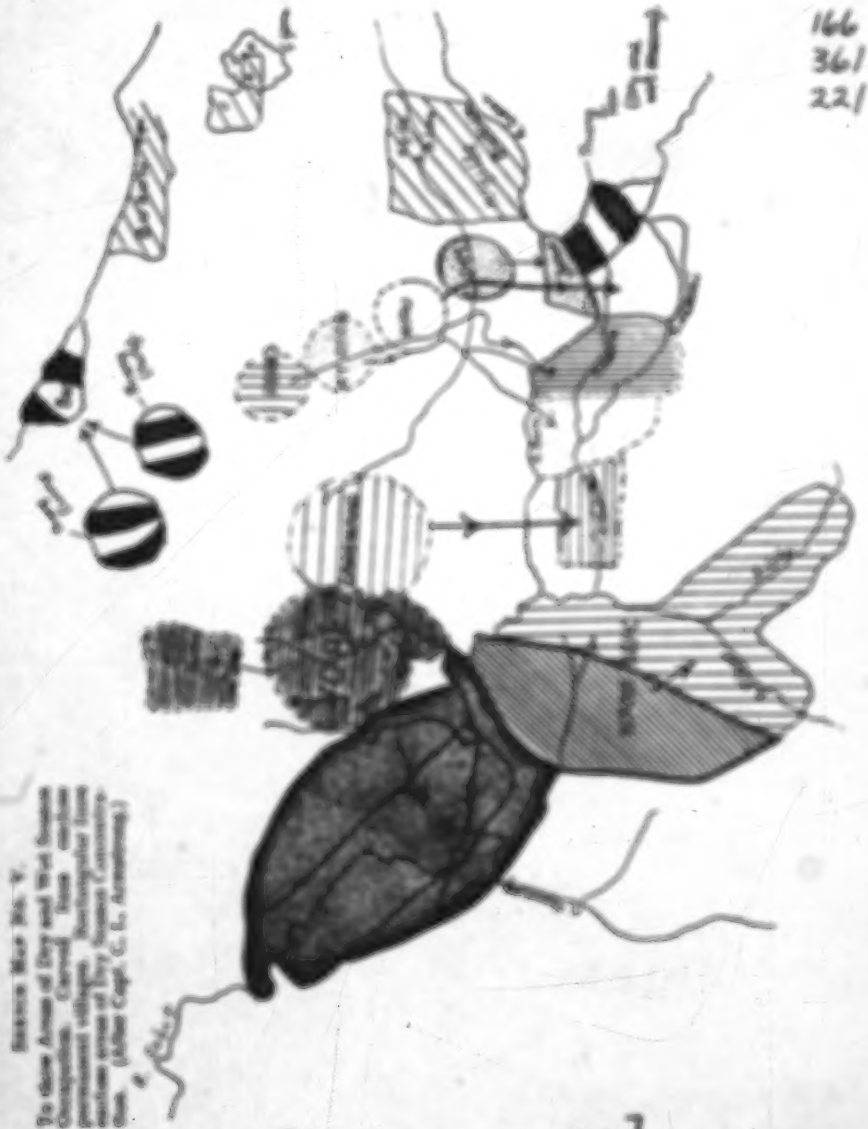

Sudan Map No. V.
To show Areas of Dry and Wet Season Occupation. Central Nuer, showing permanent villages, Bentiu-Fashoda Road, and areas of Dry Season Cattle-Camps. (After Capt. C. L. Armstrong.)

[facing p. 30]

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613 is a member of her father's lineage, but her children are of her husband's lineage, hence a woman and her children belong to different lineages—*mulier est finis familiæ*. A lineage, moreover, is not a loose group of people with mutual but undifferentiated relationship, each member extending to all the other members a vague preferential treatment, as is the case with many African clans, but it is a compact group of persons the relationship of any one of whom is different to each other member of the lineage. The exact genealogical position of each member of a lineage in respect to each other member is easily traceable in the network of its genealogical system. Thus, two men, whom we will call A and B, are any two members of the same lineage, but A is not simply B's fellow clansman, his lineal peer, but is related to him by a succession of steps which can be followed by anyone familiar with the ascent of both, i.e., A is perhaps B's father's father's father's brother's son's son's son. We must remember, besides, about the Nuer lineages that many of their members appear by adoption and not by birth and it will be explained later how Dinka captives are incorporated into Nuer lineages by adoption. Lastly, we have to stress the fact that a lineage is always a relative term since it depends upon how far up the line of ascent the ancestor, from whom all members of the lineage are descended, is chosen. Hence, two 614 lineages which are separate and opposite in relation to each other are 614 single and composite in relation to a third. Every male Nuer is (1) a member of his father's lineage, and (2) the potential founder of a lineage of his own. In fact, however, not every Nuer reaches the dignity of being regarded after his death as the founder of their lineage by his descendants and they will not necessarily call their village after his name. Here and there in a group of brothers and cousins one man or one line of descent proves dominant and gives his name to the village in which they all live. The descendants of his brothers and cousins as well as quite unrelated people who have come to live in that village now speak of themselves as members of *cieng* so-and-so and owing to the tendency, which I have already noticed, for the kin who live together to become identified with the village in which they live, all villagers tend to speak as though they have a common lineage even when their claims are quite fictitious. In the case of descendants of brothers of the man after whom the village is called there is, however, a definite merging of the kin into one lineage. In this situation the brothers are regarded

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613 614 as though they were equivalent. Many collateral lines are lost by this process of merging in which they come to regard one of their ancestors as though he was the common ancestor of them all.

I shall refer in this paper to major lineages and minor lines. A certain degree of latitude must attach to these expressions since it is impossible, owing to their variations, to use them with complete precision. By minor lineage I mean the ancestor to whom the Nuer refers in answer to your question, what is his *thok dwiel*, i.e., the first descendant in their common line of descent to whom a large number of families refer as their common ancestor and whose name is the name after which their village or district is called. Thus a large number of families in the Lou tribe will tell you, if you ask them what is the name of their *thok dwiel*, that they are members of a *ciewg* PUAL (in this sense meaning that they are members of the PUAL lineage). Some of the families may sometimes speak of themselves as members of a lineage called after some ascendant nearer to them than Pual, but this is generally because in the special context in which they are speaking they are contrasting their section of PUAL lineage with another section. On the whole, the normal designation for all these families is *ciewg* PUAL and the first emphasis placed upon any ancestor by present-day Nuer of these families is placed upon Pual. By major lineage I mean a larger lineage of which a minor lineage forms only one line of descent among other lines of descent from the same ancestor. Thus Pual is not only the founder and highest ascendant of the lineage called after him, but he is himself the descendant of another lineage. Having discovered that your informant is really a member of PUAL lineage (see diagrams Nos. V and VII) and is not merely a man of different descent living among them in their village you can ask him what is the *bak of ciewg* PUAL, i.e., what is the greater lineage from which the PUAL lineage springs. Your informant will reply that the PUAL lineage forms a section of the GAATRAL lineage and this is what I shall call the major lineage. You can continue to question your informant along these lines by asking him what is the *bak* (the greater lineage) to which the major lineage of the GAATRAL belongs, what is the trunk, as it were, out of which this branch grows. In this particular case your informant will tell you that the GAATRAL are children of DEMAC, the founder of the clan of the JIMACA, but in other cases, your informant may give you a further major lineage before he reaches the clan or main trunk

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Diagram No. V.
Tree of Descent of GARTBACA Lineage.

Diagram No. VI.
Tree of Descent of GAT GAN KUR Lineage.

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from which the different lineages branch out. Similarly, he might have given you a smaller minor lineage before giving you *ciang* PUAL in answer to your first question, what is his *thok dwiel*; *e.g.* he might have said that he was a member of the KWAYTH or MALDAL lineages (shown in the accompanying tree, diagram No. V). Each lineage is a branch in relation to the twigs which shoot out from it, but is a twig of the larger branch from which it sprang. The following two trees of descent are appended to illustrate graphically the NUER system of lineages. One represents a JIKACA (Lou tribe) lineage and the other a GAT GAK KIR (Jekany tribe) lineage. In each diagram only one line of descent is shown from the roots to the twigs, from the clan ancestor to the families of to-day, but the other main branches and boughs, the other major and minor lineages, are indicated where they leave the stem.

These trees and genealogical tables may be compared with the maps (Nos. III, IV, and VI) which show the distribution of tribal sections among the Lou tribe and the Eastern Jekany tribes.

The descendants of Nyaang, son of Dengar, form the nucleus of the Gaatlial primary section; the descendants of Bol, sons of Dengar, form the nucleus of the Gaatlial primary section; the descendants of Dak, son of Dengar, form the nucleus of the Ramjok primary section. The only sections shown on the map which are not accounted for in the genealogical tree and table are the Jaajwak and Jimar sections which have clan nuclei of foreign origin.

We must guard against thinking that because most of the Lou primary sections are called after sons of Dengar that they are solely composed of these lineages. This would be a serious error, as in all probability true descendants from Dengar in these sections are in a small minority. Large foreign lineages are included in the sons designated by a title taken from any of the sons of Dengar (e.g., the TEMAN lineage in the Gaatlial primary section) and there are innumerable families of stranger (Nuer) and Dinka descent clustered around families of true GAATHAGA origin. Thus, if one visits the villages or cattle camps owned by minor lineages which spring from the GAALDIR major lineage, the lineages of LIBWOOTH, WAANDIT, KUOTH, one will find them occupied by a relatively small number of members of these lineages while most of the residents will be found to have sprung from other Nuer and Dinka clans.

[See paras pp. 10, 18, 20, category 16. -- Analyst]

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565 The descendants of Majok Kiir form the aristocratic nucleus of
614 the Gaajok tribe; the descendants of Mathiang Kiir and Kun Kiir form
619 the aristocratic nucleus of the Gaajak tribe; the descendants of Gwang Majok and Nyang Mathiang form the aristocratic nucleus of the Gaagwang tribe. Thus, on map No. V, these lineages are shown as tribal sections, i.e., they have given their names to the tribal sections which have aggregated to them. Here the three main lineages descended from Majok, LAANG, YOL, and WANGKAC, are shown as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient magnitude to be shown separately, but it must not be supposed for this reason that the descendants of Majok form anything but a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises all sorts of foreign elements besides the descendants of Nyang Mathiang[1] and Gwang Majok. The same applies to the Gaajak tribe. As far as my information goes the GAA(T)GWONG lineage are completely united in tribal life with the GAA(T)JAK lineage and so are classified as forming part of the same Gaatjak tribe. In the map the primary sections of L-ny, Kang and Tar are all called after descendants of Mathiang and the primary sections of Nyayan, Cany and Wan are all called after descendants of Kun. Hence, in map V, the only section not accounted for in diagram No. VII is the primary section of Rang,[2] the nucleus of whom are of mixed foreign origin.

619 The clan is the largest lineage which consider themselves as one for
[882] purposes of exogamy. This is the minimum definition of a clan. In theory the clan preserves the same form as the smaller lineages which comprise it because it is supposed to be possible to trace the exact genealogical relationship of any member of the clan to any other member of it. Doubtless this can generally be done by a panel of competent genealogists, but most Nuer tend to confusion in the upper stages of ascent and either miss out or misplace names between the ancestor of their clan and the founder of their minor lineage. In consequence of this confusion which is associated with the social functions of clan and lineages there is a tendency for clansmen who do not also belong to the same minor lineage to have an undifferentiated relationship to one another, recognising their kinship to one another through common membership of a social group rather than by genealogical relationship. Hence they tend to recognise

[1] Nyang was the biological son of Mathiang, but as he was born of one of Kir's wives he is actually a son of Kir.

[2] I believe that Rang is the bullock name of Gying, the founder of the most important clan lineage in the Rang primary section of the Gaajak tribe. One of the secondary sections of this tribe is called Dhiethach which is, I think, a bullock name of Bunh, son of Gying.

[See paring p. 30, category 116. -- Analyst]

[See prong p. 36. -- Analyst]

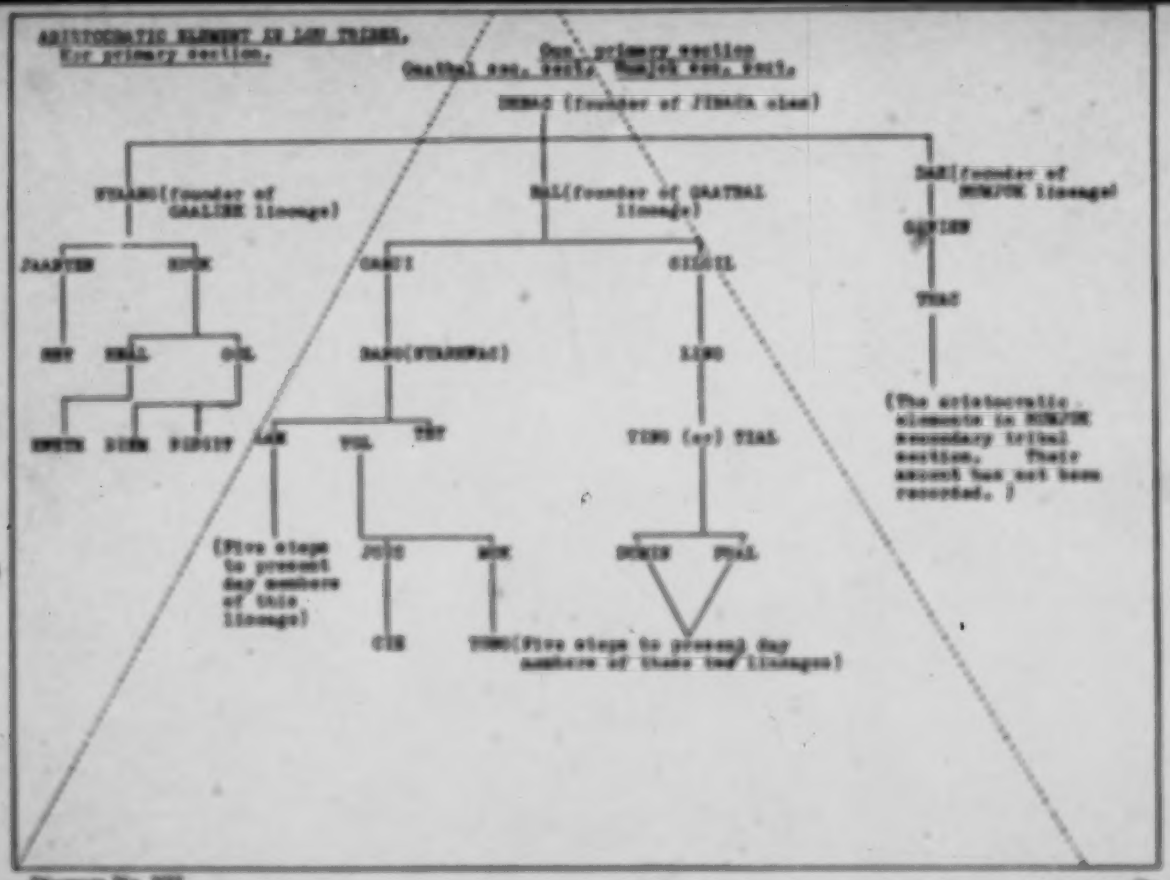

Diagram No. VII.

[facing p. 34]

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their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their families. But when they belong to the same minor lineage they recognize their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical descent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAW KIR of the Jikany tribe, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

Consequently one cannot say that relationship ends with the clan or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the "Homeland Nuer" to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

I will condense here the main discoveries of Mr. Jackson in this field, together with the writings of the late Capt. Ferguson and notes taken by myself. There figure in all accounts certain mythical persons who link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Gheak, two brothers who are possibly to be

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regarded as historical personages. According to Jackson's account, from A'ak (his spelling for Ghaak) are sprung Nyong, Dok, Jalak, Qwai (Beig (God) Quaich)[1] (spellings in this paper are Nyoong, Dok, Jalak, Kwe, Beagh, Gaatkwac, for these tribes) and from Ga'a (Jackson's spelling of Gaa) are sprung Bor,[2] Lang,[2] Raiyong,[2] Wott,[2], Rur,[2] Bull, Leig,[2] Lak,[2] Thang,[2] Lan,[2] Kaiyiwal[2] (spellings in this paper are Bir, Lang, Rengyan, Wot, Rur, Bul, Lak, Lak, Thiang, Lon, Kiebul, for these tribes). All the Nuer clans, with few exceptions, fit into this family. It is not at all clear, however, from Jackson's account who are the ancestors of many of the clans he lists, since he speaks of tribes as though they were clans. And, indeed, the Nuer himself often speaks in the same manner, identifying linguistically the tribe with the dominant clan element of the area in which it lives. Thus they may speak of Lou as being descended from Dengar when what they mean is that the dominant clan of Lou country are descendants from Dengar. It is, therefore, impossible at present to draw up a genealogical table which will show the descent of all the Nuer clans who spring from Gaa and his brother. On the eastern side of the Nile, among the Lou, at any rate, one only hears of Gaa and not of his brother. In this tribe people speak as though you were either a pure Nuer descended ultimately from Gaa or a Dinka or a descendant of Wir or Kir.

Kir, the founder of the GAT GAW KIR, who form the nucleus of the Jikany tribes, was, according to all accounts, found in a gourd by the Ngok Dinka and was brought up by them. He later married three daughters of Gaa by whom he gave birth to the major lineages of his clan, the GAAPOK, the three GAAJAK, and the GAACWONG. The GAT GAW KIR clan is, therefore, attached through its mothers to the lineage of Gaa.

All accounts equally agree in saying that Wir, the ancestor of the GAAWIR clan, who are, presumably, the dominant element in the Gaawir tribe, fell down from heaven. Jackson says that he was brought up by A'ak and that his descendants are considered to have attached themselves to the Ghaak division of the Nuer nation.

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[1] Jackson says that Beig and Quaich belong to A'ak, but he does not give A'ak as their ancestor in the following genealogical table, in spite of this and the genealogical tables, pp. 70 and 72.

[2] All born of the same mother. All want bush tribes.

[3] Bull, Bill and Thang are three sons of one mother. Bull is the ancestor of Raiyong and Lou and Bill the ancestor of Kaiwal, Leig and Lak.

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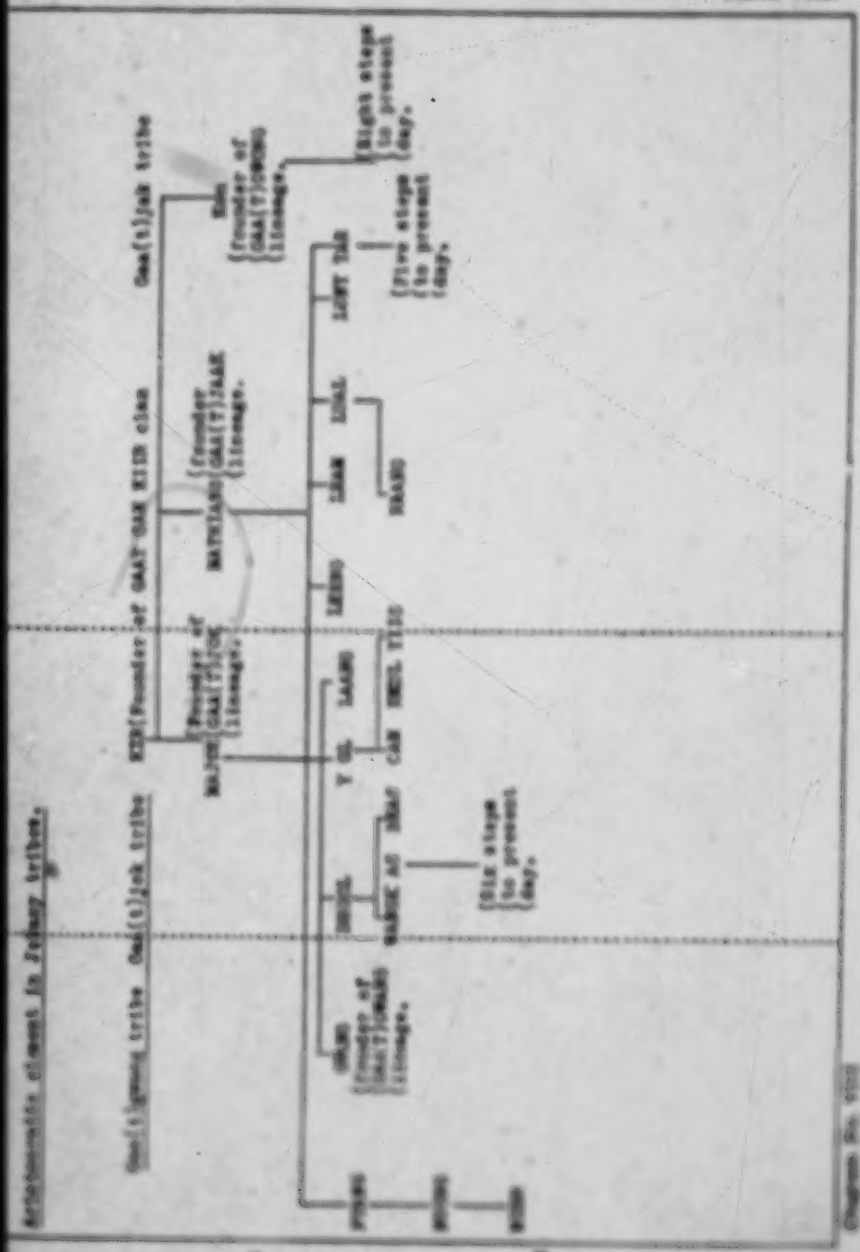

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614 The ancestor of the JIKUL clan is also said to have fallen down from
173 heaven, and Jackson says that he was fostered by Gaw to whose division
775 his descendants considered themselves attached. Nowhere do they form a dominant clan element in a tribe but are scattered among many tribes.

The late Capt. Ferguson speaks of these two national divisions as Ghaark and Gair. On the western bank Ghaark are Nuong, Adok, and Gwai; and Gair are Bul, Lake, Jaluing, Bur, Naijh, Wad, and Long.[1]

619 Considering the confusion which has existed between clan and tribe,
614 Jackson's classification into the Gaw and Ghaak[2] groups cannot be regarded as exact though it may well be conventional. I was given a somewhat similar division myself by a man from the west bank of the Nile. But it appears at first sight that there are two pertinent criticisms of the classification. In the first place several clans are obviously missing, e.g., JIMET and JIWIR. In the second place it is doubtful what line of descent is reckoned when speaking of a tribe as descended from Gaw or Ghaak, e.g., the Lak tribe apparently comprises two main lineages, *gaat twat* Dok, children of Dok aristocrats, and *gaat nya* Lagni, children of Lak aristocrats through the female line and of doubtful parentage through the male line. Whilst, even if this is correct, they would both belong to the Gaw group of clans in a conventional grouping it is of some importance to know their exact mode of descent.[3] Under the circumstances we can only make a conventional classification which is a mixture of clan and tribal units and wait till further research elucidates the true state of affairs. It is possible that the Family of Nuer Clans is correctly described in confused and hazy terms, since it may well be conceived by the Nuer without logical system. For it may be pointed out that errors are often not the fault of observers like Jackson or myself but are due to the hazy notions which the Nuer themselves have about their ancestry, at any rate on collateral lines. Thus one well-informed man told me that the aristocratic lineages of Lou, Rengwan, and Thiang tribes are all descended from Dimar by his three

[1] Unpublished Government report.

[2] Besides R'ek (Jackson) and Ghaak I have heard the name Gwan, and one old man said that there were three brothers, Gaw, Ghaak, and Gwan—Ghaak producing the aristocratic lineages in Rengwan, Jalak, Bangi mentioned, and Gwan producing the aristocratic lineages in Dok, Nyuong, Gaadwan, and Bul mentioned.

[3] One informant, Tot, said that the Gaawir tribe count as belonging to the Ghaak group and the Lak tribe as belonging to the Gaw group, though it is difficult to know exactly what he meant.

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619 sons Bany (bull-calf) name *ma lwi*), Yini (bull-calf) name *ma reagwa*) and
614 Thiang, a genealogy which differs from those already given in this paper. Only detailed research by several observers in different areas can finally solve the problems, for solutions cannot be deduced satisfactorily from our present data.

In our account of the tribe we explained how a continual process of fission is going on and how when we speak of a tribe we are using a relative term, since it is difficult to know whether we should speak of a single tribe with moieties or of two separate tribes. Exactly the same process of segmentation is going on within the clan, since a tribe is a political aggregation round a clan or clan lineage. Thus the clan, like its political superstructure the tribe, is also going through a constant process of integration and segmentation. Division into lineages here corresponds with territorial division into tribal sections. Our statement that the larger the territorial area covered by a tribe or a tribal segment the weaker its cohesion finds its kinship counterpart in the tendency for the solidarity of a lineage to weaken the more it expands. Weakening bonds of kinship re-enforce special division in destroying communal interests in tribal life just as special division re-enforces widening kinship branches in undermining community of blood. For example, the division of the Lou into two moieties of Ker and Gun is not simply a political and special division but is also a kinship cleavage between the descendants of three sons of Dimar, Nyang, Dak and Bol, or to state the position in other terms, the division between the sons of Nyang, Dak, and Bol is not simply a creation of genealogical distance but also of political and special distance.

619 The clan itself has practically no social cohesion; a major lineage
614 has greater cohesion than the clan of which it forms part but less cohesion
621 than one of the minor lineages into which it is divided. A minor lineage has great solidarity as has the village or district which represents the minor lineage with its political aggregate clustered around it. Here close ties of blood are backed up by community of daily life. Thus the Gaf Naca display little communal feeling in their social behaviour, the major lineage of Gaatbal, on the contrary, owing to their epithesis, their common political and economic interests, and their close kinship bonds, show a much stronger tendency to regard themselves as a distinct social group.

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A minor lineage like the PUAL lineage of the GAATHAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MIN lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation. 6/3 6/1

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units. 6/3 6/4 6/5 6/6 6/7

DIAGRAM No. IX.

Clan = aggregate of minorages	.. ..	= Tribe.
Major Clan lineage = aggregate of minorages		= Primary tribal section.
Minor " " " " "		= Secondary tribal section. Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two sections. Thus the JIKANY are descended from DENGE or NIC. So also are the RAWYAN and perhaps also the TEMOG[1]. All these people are therefore JIKANY, the people of NIC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the LOU JIKANY marry a woman from the RENGRAN JIKANY? At present I have no means of deciding this question since LOU and RENGRAN are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the RENGRAN JIKANY. If they belong to the same major lineages as the LOU JIKANY, namely the lineages of GAGIER, RIWYOK and GAATHAL, we 6/14

[1] I write RENGRAN and TEMOG in capitals, though correctly speaking I suppose we should write the JIKANY of RENGRAN and TEMOG below.

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619 may safely regard them as one clan. This is possibly the case, since the Lou Jikaca left their homes in Rengyan to conquer their present tribal area. On the other hand they may represent a distinct line of descent from Deme. There is not the same certainty as there is for the history of the children of Kir, a part of whom journeyed from their home on the Bahr-el-Ghazal to the tribal areas of the Eastern Jikany. The Gaajok, Gaajak, Gaagwong and Gaagwang major lineages are found both among the Eastern Jikany and the Western Jikany, and they still belong to one clan, since a man of the Eastern Gaajok lineage may not marry a woman of the Western Gaajak or Gaagwong lineages. It is possible that in time the Gaajok lineage of the Gat Gan Kir clan will split away from the Gaajak lineage and that two separate clans will be formed by fission. The Nuer themselves speak as though this may happen since they say that a Gaajok man may "not yet" marry a Gaajak woman. "*Ngoto dinke*," "they are still close" (in relationship), say the Nuer, suggesting that it will one day be possible, a suggestion in keeping with their acceptance of a scheme of clans all ultimately descended from Gaa. I have found that informants lay great stress on the fact that Gaa bisected a bullock and thus enabled the clans descended from him to intermarry whereas Kir did not perform similar ritual, with the result that intermarriage between the clans descended from him is prohibited. Nevertheless I cannot produce a sure example of clans splitting into two or more exogamous lineages. Even when political fission takes place as between the Gaajok and the Gaajak the clan maintains its unity, and a Gaajok man and a Gaajak man are still members of a single exogamous clan.

IV.

691 All tribesmen live in the same country. A man may emigrate to
619 another country, but if he settles there he and his children become
619 members of the tribe among whom he has settled. When we speak of the Lou and Rengyan we speak of the people who live in Lou and Rengyan countries. Clansmen on the other hand do not all live in the same country, the great majority of them may do so but not all of them. Thus probably the majority of Jikaca live in Lou country and Rengyan country, but by no means all of them live there. Many Jikaca live scattered among other tribes. Moreover the number of Jikaca clansmen who live

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in Lou country and Rengyan country forms only a small proportion of the total population of Lou and Rengyan tribesmen. Again, Gaajok country contains a dominant element of GAT GAW KIR clansmen of GAAJOK lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry. [512]

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gawär country. But this by no means holds for all clans. There is no tribal area in which the JIKAW mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIRK, JIKEY, BERK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristocratic element there. The JIKACA of Lou country lived originally with the JIKACA of Rengyan country, but they split off from them and conquered Lou country from the Dinka. Here they were the first occupants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JIKACA. The GAT GAW KIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

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Nile, from the Dinka, and settled there as lords of the country. I think that it will probably be correct to say that every Nuer tribal area has its *diel* (sing. *dil*) clan owners, aristocrats, dominant element, but that not every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoiei* and *dil lueiw*, members of the clans which own Thor and Lou: tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JIWACA or GAATWACA is a *dil looke*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *ral* or stranger. He may still call himself a *pat dile looke*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jokany countries. In the same way a *dil Jokany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *ral* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIEEW or JIWIL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIEEW in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

I do not wish to be misunderstood when I speak of a tribal aristocracy based on a clan predominance in a tribal area. The Nuer are intensely democratic and the idea of one man lording it over the others is abhorrent to them. However there is a prestige in being a *dil* of the country in which you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In other tribes the advantage of being an aristocrat are more concrete. Among the Eastern Jokany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

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countries. There is some doubt about the exact organization of blood-cattle (*ual*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *ual* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jikany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dhiu Jikany (a member of the GAT GAW KIRR clan),
13 cows and 3 bullocks (20).

Gat Gawa (a member of any pure Nuer clan),
12 cows and 3 bullocks (17).

Jaang dhiu (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
12 cows and 3 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAW KIRR	40 cattle.
Gat Gawa	40 cattle.
Jaang bedwi (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAW KIRR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAW KIRR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

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554
614
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own clan, members of those other clans, who have count as *rul* or strangers, assured me that payments in both cases were equal. Assessors on both sides were clearly coloured by recent practice which has been based on government rulings at different times and by what regulations they hoped the Government would institute in the future. On the whole I consider that there was probably a differentiation between members of the dominant clan and members of other clans, but that the differentiation was not rigid and depended upon the special circumstances of each case, where length of residence in the country, marriage alliances with members of the dominant clan, and so on, were taken into consideration.

Quite definitely, however, there was a clear difference made between Nuer and Dinka in the assessment of blood-cattle compensation. This difference is found all over Nuer country, though there seems to have been difference of opinion in different parts of Nuerland about what constitutes a Dinka for purposes of homicide payments. Among the Lou the practice was to class members of the dominant clan, the JIMACA, and members of the other Nuer clans together and make 40 cattle (32 cows and 8 bullocks) the regular payment for both. The son of a Dinka born in Lou country was considered to have become a Nuer (see *Naik*) and his death was also compensated for by 40 cattle; but a captured Dinka or visiting Dinka or a Dinka who had taken up his abode in the country was reckoned as a *Jaang* and was compensated by only 6 cattle (4 cows and 2 bullocks). A Dinka even when given *bath* appears to have counted as *Jaang* and not as *Naik*, but his children were reckoned as Nuer for homicide purposes. Two informants told me that in Jagei country on the west bank of the Nile compensation for homicide was reckoned as follows :—

Gat dila (member of the dominant clan in the tribe),
34 cows and 6 bullocks (40).

Rial who has built his cattle-byre,
34 cows and 6 bullocks (40).

Rial and *Jaang* who have not built their cattle-byre,
6 cows and 4 bullocks (10).

The point of stressing the building of a cattle-byre was that a man who built one, whether a Nuer stranger or a Dinka, had obviously come to stay and became a permanent member of your social group and a member of your village. He became "your man" (*rwaba*), who owed you a kind of allegiance and who relied on your protection. Hence he is assessed on

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the same footing as an ordinary resident born into the community. On 554
the other hand I was told by some Eastern Jekany Nuer at Nasser that 614
once a Dinka always a Dinka was the rule, and that the children and 619
grandchildren of Dinkas never counted as equal to pure Nuer in blood- 682
cattle assessment. I regard this statement, however, as being, in all 563
probability, too rigidly formulated.

The second element in a Nuer village are the *rul*. A *rul* is a stranger, 554
one who is not a member of the *diel*, one who has no place in the lineage 614
of the dominant clan. Such people may be more numerous than the clan 619
itself but they have not the same hereditary status in the tribe. 173
Sometimes their lineages compose powerful tribal sections and in these 773
sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kêng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COT and DHELEAR) was equivalent to *gat mawlow* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KÊWC, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAK clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JIMACA, but are nuclei of two large segments which, together with the Gaalek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Duk, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *lot*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two

[1] In the Jemac section are included the important JAAGWATH lineage who are supposed to be distantly related to the Jemac.

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554 brothers whom the *lei* had eaten. His father said to him, "Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of "bulls" or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

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JIMACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a wer (a home) of their own. Thus there is a story that the JIMEM once had a big wer but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lak country. 554 614 669 621 1875

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage. 721 167 614

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*ciko dak piny*). Then their close relationship (*mar*) ends (*ci mar thuk*). They go and live in the midst of other clans who are 614

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604 distantly related to them (*yiko ath ke yi kolieu ahiow*). Here they dwell as friends (*wunu ngar kil ed*) and slowly forge new relationship by intermarriage (*ca nuar ruat a kee*).

609 I believe that there is another Nuer word which means the same
572 as *rul*, namely, *yiaw*. Thus one speaks of strangers living in the village
621 of *diel* as *yiawkiow*, "their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wec* save through their mothers. Nevertheless *rul* and *yiaw* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineage and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yiaw*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *jaang*. These strangers are accepted as equal members of the *wec*.

604 One of my informants, Jok, explained modes of Nuer aggregation
621 very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat tuut*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wec* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *jaang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

604 Hence there is always a tendency towards fusion between two line-
609 ages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

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the ancestor of one lineage and the ancestress of the other (as with the JIKACA and the JIKAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JIKAC lineage (*rual*) in the Mor society of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JIKAC woman, though he might marry a descendant of a JIKAC woman two or three generations removed. 614 619

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat teet*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said "He is poor and has nothing because he has given everything away"—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wer* of the man who has befriended them, and here their children will be brought up as children of the *wer* and count almost as *gaat teet* since they were born through the cattle of a *dat*. 641 577 614

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local "chiefs" whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *bal* of some other lineage than the dominant lineage of his tribe who has been able to 614 624 621

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[illegible] establish himself and his sons as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (see section No. VII).

[illegible] We have seen that two elements in a Nuer village are the *dial* nuer and the *rul* nuer. The third element in a Nuer village is the Dinka *jaang* nuer and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you." When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

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Were a man of another village or of a different kin to call him by the title of *Jaang* it would be a serious matter because the sons of the man who had captured him would resent the remark. To them he is *dawar*, my brother, and they will quarrel with anyone who calls him *Jaang* and there may be bloodshed. They will ask "Who is a Jaang? Did your father seize him or did ours?" 563 :97 727

Just as a captured Dinka suffers from few disabilities owing to his birth so he enjoys most of the privileges of a free-born Nuer. The man who has adopted him will give him cattle with which to marry a wife, and he will be thus enabled to marry according to the same rules of priority as if he were a real son. If he is older than a real son of the family he will marry before him. A and B are real sons of X, and C is an adopted Dinka whose age comes in between the ages of A and B. The order of marriage will be A, C, B. When A and B's daughters are married, C, the Dinka, will receive the cattle of a *gwaalaw* (paternal uncle) just as if he were an ordinary brother to A and B. [491]

Dinka who have been taken in war and brought up by a Nuer family will eventually be formally adopted and given *bak* (*or bak bakei*, he is given relationship). One youth, Wan, told me that the man who brought up a captured Dinka would give him *bak* (relationship), but two other informants, Tutrial and Jok, disputed this statement, saying "He will not do so because the Dinka is his son, so why should he?" The son of this man, or more likely his brother's son (*gat gwaalaw*) will, however, invite his Dinka boy, when grown-up and initiated into manhood, to come and tether a bullock in his kraal and kill it. The bullock is first of all invoked by the owner of the kraal and he addresses the spirits of his clan and tells them that this man is now a member of his family. This ceremony is regarded as being very much the affair of the spirits who guard your clan and your own special lineage. It is your duty to let them know if you are adopting a new member into your kin because all members of your kin are under their care. Another informant said that the bullock is killed at the entrance to the sponsor's byre and that the Dinka's body is smeared with the undigested contents of its stomach while the spirits of the clan are asked to accept him into it. After this ceremony the Dinka becomes a member of your lineage, he becomes a relation of yours (*gwan bakei ka ji*) and the spirits of your lineage will go to him and be his spirits also. After the bullock has been invoked it

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563 is sacrificed and cut up and the son of the house and his Dinka "brother"
697 each take half the skin and the *fuak*, and the Dinka takes the neck. On
727 all future occasions when animals are killed by his relative by adoption he
will be able to claim his share of the meat on the grounds of relationship
[98] (see Section No. VI). It seems that, whilst before this ceremony of being given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a "member of the clan" of his "father." *Cas fuak tow*, they have cut through the scrotum, he is now a member of their clan.

563 We may, at any rate for the moment, speak of these captured Dinka
697 who go through a ceremony of adoption into the lineage of their captor
727 as becoming affiliated to Nuer clans in the framework of which they trace
641 their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for works considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *bath* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *bath* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into

Nuer lineages belongs more to a study of kinship than to the plan of the present paper. Its importance may be gauged by the fact that probably some 75 per cent. of the Lou tribe are of Dinka descent, belonging either to families sprung from a man who has been *kath bulloc*, given relationship, in a Nuer lineage, or to the families which have retained their full status as independent Dinka lineages.

This is the second type of Dinka domiciled among the Nuer to whom I made reference earlier. In the old days, and still to-day, Dinka frequently came to live among Nuer of their own accord and were always well received and allowed to settle and become members of the village community. There are a number of reasons which may have influenced a Dinka in taking this step. Along the Nuer-Dinka border intermarriage was frequent and Dinka would come to live near their married sisters and perhaps settle there and bring up a family who are Nuer in everything but descent. In the same way if a Nuer captured a Dinka girl and brought her up and give her in marriage he might expect a visit from her brother, who would perhaps settle in his sister's village, in which case his brother-in-law would certainly give him one or two cows to start a herd. Many Dinka families came into Lou country to escape hunger and the other attendant miseries to which they had been reduced by constant Nuer raiding which left them cattleless.[1] Moreover there must have been a very large element of the original Dinka owners of country to the east of the Nile absorbed into the social system of their Nuer conquerors. They cannot all have been dispersed, and the probability is that what happened during the Nuer invasions was similar to what was happening along the Nuer-Dinka border right up to the present day when raiding and intermarriage occupied long lulls between waves of fresh invasion.

[1] I was told that it sometimes happened that a poor Dinka would come and live with a rich Nuer and would help to herd his cattle and cultivate his gardens so that the Nuer, being gratified, would give him a blind or lame daughter whom no one wanted to marry. This is apparently considered a proper marriage, since the Dinka presents his wife with a skirt (*yol*). My informants said that, of course, no one would give a nice girl to a Dinka in this way.

(To be continued.)

100 A. Basic Economy

1. Primarily pastoral, with important secondary agriculture. Fishing, hunting and gathering are dry-season activities, but only the first seems genuinely important. Agriculture is of bound-village type, without irrigation, fertilization, crop rotation, or fallow periods. The staple crop is millet, of which several species are grown, with maize of secondary importance, and a few beans are also grown. Goats, dogs, and sheep, though kept, are relatively unimportant, and chickens are not kept because both their flesh and eggs are despised. Cattle, however, are the very core of Nuer life. They are very numerous, numbering at least four times as many per capita as among the neighboring Shilluk. Milk, butter, and cheese are important items of diet, and blood is drawn almost daily from the necks of cattle; meat is also used, but only from sacrificed animals or those dying a natural death.

2. Men alone hunt and do most of the fishing. Women do the gathering. Cattle are herded exclusively by men, but milking is done only by women and uninitiated boys. Women also make butter and cheese. Men clear the land and participate equally with women in cultivation.

B. Property

1. Livestock are by far the most important possessions; they are owned by the heads of families rather than by individuals. Land is owned collectively by the community, technically by the lineage with which it is identified, and everyone has equal grazing and cultivating rights.

2. Inheritance is patrilineal. When a man dies, his cattle are inherited by his sons, who may keep them together in one herd or ultimately divide them; no one of the sons may use them to marry a second wife until all his brothers have been provided with a first

wife. If a man dies without sons, a brother or(if no brothers) a fillo marries in his name, and the sons of this marriage are the heirs.

9. The Nuer have no slaves. They include, however, numerous Dinka war captives and immigrants, who are adopted and in a few generations become indistinguishable from other Nuer; in the meantime, however, they have a somewhat lower social status than native-born Nuer— the Chief class distinction reported in the literature. Dinka captive girls ordinarily are treated as daughters by their captors; captive and immigrant Dinka males commonly reside matrilocally, since they have no patrilineal kin to provide bride-prices.

C. Marriage and the Family

1. A substantial bride-price is paid in cattle (reduced in cases of matrilocal or avunculocal residence). Though the amount is subject to negotiation, the ideal is 40 head, distributed according to the following pattern:
   a. 20 head to bride's patri-kin:
      1. 10 head to immediate family—8 to Fa and 2 to FaBo.
      2. 10 head to others —4 to FaElBr, 2 to FaYoBr, 2 to Fa's half-brothers, 1 to FaSi.
   b. 20 head to bride's matri-kin:
      1. 10 head to immediate family—3 to Mo and 7 to brothers.
      2. 10 to others —4 to MoElBr, 2 to MoYoBr, 1 to MoSi, 3 to Mo's half-brothers.

   The bride-price comes from the herd of the groom's family head, but contributions are made by paternal and maternal uncles and aunts as well. Bride-service prevails only as a means of reducing bride-price for poor men through matrilocal or avunculocal residence.
2. Polygyny is preferential and exclusively non-sororal. All wives are equal in status, and each has her own hut.

105 Polygyny is apparently not actually very common, since all of a group of brothers must have a first wife before any can take a second, and because a high proportion of plural unions are of "seed raising" type rather than true marriages in a legalistic sense. There are several special kinds of marriage, as follows:

a. Woman-marriage. It is fairly common for a woman (usually a barren one) to marry one or more other women with a bride-price in the role of a man.

b. "Ghost-marriage." When any man dies without leaving a legal male heir, one of his relatives—a Br, So, BrSo, or sometimes a SiSo or even a Si—marries in his name to raise seed for him. This is a real marriage except in name, but the children are counted those of the man in whose name the marriage was contracted and inherit from him; if the seed-raising Hu has no other wife, there will have to be a ghost-marriage to raise seed for him after his death.

c. Levirate unions. When a man dies, his widows commonly go to his Br (preferably YoBr), but sometimes to a So or SiSo, but these unions are not regarded as true marriages, for the levirate husband only raises seed for the first Hu.

3. The residential group is a small extended family-basically patrilocal but with modifications in keeping with the residence rules (see D1). A man's sons reside with their father after marriage as a rule (but see D1), and try to remain together after his death in order not to split the cattle herd, but ultimately they tend to set up independent families of their own. The huts of an extended family are centered on a common cattle byre with an adjacent kraal.

D. Residence

1. The prevailing rule of residence is matri-patrilocal.

106 The young wife usually lives in a hut in her father's homestead, where she is visited by her husband only at night, until the first child has been born and weaned, when she moves to a new hut in the homestead of her husband's father. Matrilocal residence is also fairly common, especially for poor men, who secure a reduction in bride-price thereby, and for captive or immigrant Dinka, who have no patrilineal kin to provide a bride-price; Dinka commonly continue matrilocal residence indefinitely, and some Nuer do so also, but most Nuer ultimately remove with their families to the village of their father. Avunculocal residence is also fairly common; it sometimes results from widows returning to the village of their brother instead of following the levirate usage, so that their sons come to be particularly close to their *Mother* and prefer to reside with him after marriage; also, since the eldest child is supposed to go to live with his maternal grandparents, he, if a son, may similarly feel closer to his *Mother* than to his *Fa* and prefer to reside avunculocally. Neolocal residence also results when men realize the ideal of establishing their own community. All in all, residence rules are quite flexible, and men commonly change communities from time to time, now living with some kin, now with others. This flexibility does not, however, destroy the general patrilocal bias. Except for an eldest child, children continue to live with their parents until puberty, but at 7 or 8 boys go to the cattle byre to sleep (or sometimes to a special hut in large villages), and unmarried girls live in a separate hut.

2. Since the members of a settlement are usually akin in one way or another, and marriage taboos encompass most kin, marriages nearly always occur between members of different communities.

E. Consanguineal Kin Groups and Exogamy

1. Incest and marriage prohibitions are extended bilateral-

105 by, apparently to include third cousins. The *nuer* relationship practically amounts to a bilateral kindred.

2. There are exogamous, finite, non-localized *pati*-sib, each with *ngear* names. They are divided into lineages of different levels; Evans-Pritchard distinguishes maximal, major, minor, and minimal lineages. Three generations at least are required to establish a minimal lineage. The exogamous rule is extended to all members of one's mother's maximal *pati*-lineage but not to other members of the mother's sib. Patrilineal kinship is called *buth* - to distinguish it from bilateral kinship (*mar*).
3. Avunculocal residence, the avunculate, and other facts suggest the responsibility of former matrilineal descent. Evans-Pritchard (1951, p. 29), however, makes the speculative allegation that it is "because the agnatic principle is unchallenged in Nuer society that the tracing of descent through women is so prominent and matrilocality so prevalent."

F. Kinship Terminology
1. See special kinship sheets.
2. Avuncular and nepotic terminology is bifurcate collateral.
3. Cousin terminology is descriptive, and thus of Sudanese type.

G. Community Organization
1. The Nuer are semi-nomadic. Their permanent villages, occupied during the rainy season, are located on knolls or ridges, and consist of clusters of hamlets, which in turn consist of clusters of homesteads. During the dry season, however, they live in cattle camps (of identical social composition as a rule). In the cattle camps they live in crude "beehive" huts of boughs or brush slightly rounded at the top and covered with grass or a reed mat, or often simply behind a crude windbreak of sticks and grass for pro-

100 section against the north wind. In the permanent settlements the dwellings are round with wattle-and-daub walls and conical thatched roofs.

2. The local settlement is essentially a patrilocal clan-community or (if large) a segmented community with patrilocal clan-barrios occupying the distinct sections. In either case the clan is composed of distinct homesteads, which are small patrilocal extended families (see C8). This social composition, however, is appropriately modified to the extent that residence is matrilocal or avunculocal (see D1). Lineages are localized, with rights to particular territories, but rarely do the members of any level of lineage actually live in the territory associated with it. In any local group, however, there is typically one dominant lineage. Boys are initiated into age-grades by circumcision on the forehead at intervals of about four years, and remain members of the same age-grade for life. Age-grades have names, and involve exogamous rules, but do not have special military or political functions.

3. The smallest political unit is the local community, called "village" by Evans-Pritchard. It has no chief or council of elders, and is held together only by a general sense of social solidarity.

4. Above the community level, the Nuer are integrated (according to E-P) into the following units of increasing size: tertiary tribal section, secondary tribal section, primary tribal section, tribe, and an eastern and a western overall division of the Nuer. These varying groups fuse and segment temporarily according to the nature of the opposing segment; thus a primary section is always arrayed against a primary section, etc. There are no chiefs, no definite mechanisms for settling feuds, although there are "leopard-skin chiefs" who are ritual agents who attempt to settle feuds, but they

are charged only voluntarily and have no real power. Witchdoctors have the greatest influence.

8. Warfare was once extremely common--especially against the Dinka.

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106 I. Identification

1. The Nuer tribe of the Anglo-Egyptian Sudan numbered about 430,000 in 1931, and occupied a territory of about 26,000 square miles. In language they belong to the Lao branch of the Nilotic subdivision of the Southern division of the East Sudanic linguistic stock.

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NUER CUSTOMS AND FOLK-LORE

By RAY HUFFMAN

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INTRODUCTION

THE Nuer are among the less accessible peoples of the Sudan. One of their characteristic features is a marvellous amount of self-content, one might say race-consciousness; unlike so many other Africans, they are delighted with everything that is their own and are almost aloof from the new things that come from abroad. They are slow to appreciate the blessings of European civilization and the benefits arising from an ordered administration of their country. Although this outspoken self-consciousness was bound to lead to conflicts, it must be admitted that the personal qualities of the people that caused these conflicts are of a kind that ought to be cultivated and guided rather than blamed or suppressed. 181

One consequence of the reserve and seclusion in which the Nuer lived, and partly continue to live, is that comparatively little is known about them. The present book will therefore be welcomed by all interested in the population of the Sudan. It is not, nor does it pretend to be, a complete monograph on the Nuer tribe, but it gives a considerable amount of information, practically all of which is new. The special value of the material presented by Miss Huffman lies in the fact that it is absolutely reliable. The author, who has a thorough practical knowledge of the language, speaks of what she herself has experienced and seen during several years' life and work among the Nuer. Whenever her information is not first hand she says so. 114

The Nuer people belong to the Nilotic family of tribes, which live in the mainly flat country watered by the 101

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101 White and the Blue Nile. The northern and southern boundaries of the tribe are about 10° northern latitude (200 miles south of Khartoum) and the north-eastern shores of Lake Victoria respectively.

144 Most nearly related to the Nuer are the Dinka and
177 Shilluk. The latter have numerous sub-sections, such as the Anuak in the Sobat river system, the Jur south-west of the Bahr-el-Ghazal, the Gang or Acholi north-east of Lake Albert, and the Jaluo (Nilotic Kavirondo, as opposed to the Bantu-speaking Kavirondo) in Uganda and Kenya Colony. Nuer, Dinka, and Shilluk show a distinct linguistic affinity, the Nuer and Dinka languages being closely related. The second main group of Nilotic tribes is represented in the Sudan by the Bari, Latuko, and Dongotono. These, on the other hand, show ethnic linguistic relations to the Masai, Nandi, and kindred tribes.

It is natural that people scattered over so large a territory should differ in appearance and culture, yet with all this they show unmistakable common features in language as well as in their ethnic characteristics. It is worth noting that the Nubian tribes living on the shores of the Nile south of Aswan speak a language related to the Nilotic tongues.

144 One may assume that the Nilotic people are the result of a symbiosis and miscegenation between an autochthonous negro population and immigrating eastern Hamitic tribes. The Hamitic element, in physical appearance, culture, and language, is stronger in the Bari-Latuko-Dongotono group; they are therefore called Niloto-Hamitic, as opposed to the northern (Dinka-Nuer-Shilluk) Niloto-Sudanic group.

141 Generally speaking, the Nilotic tribes are tall, rather lean, narrow in the shoulders, their arms and their legs,

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with thin calves, are long, their hands and feet small. 141
The skin is dark. Men with well-shaped features, thin [142]
lips, and noses with high bridges and narrow nostrils are not unfrequently met.

Most of the men are fierce, proud, and even haughty in 105
aspect. The Nuer are essentially pastoral; some kind of farming is done, fishing and hunting are also common, but the only occupation worthy of a man is to look after his cattle. The attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious. The one real sport for men is fighting, or cattle raiding, which is practically the same thing. These predatory expeditions are carried on wherever opportunity offers and are a cause of constant friction among the tribes. In their folk-lore tales a favourite subject is the story of cattle fights.

The main groups of the Nuer and the districts in which 162
they live are:[1] 101

Garjok, Garjak, Jekiang (Nasser District) .	200,000
Lau (Abwong District)	100,000
Gaweir (Fanjak District)	30,000
Lak and Thiang (Zeraf Island, Fanjak District)	40,000
Western Nuer (Yivrol District) . . .	60,000

One group, the Atwot, have partly adopted Dinka as 197
their language.

The Nuer houses lie close to large river systems, so 361
that during the rains a large part of their country is a great swamp, the villages being mostly situated on ridges along the rivers. The chief vegetation is high grass, interspersed with single trees or groups of trees. The country on the upper Sobat, near or in Abyssinia, is however better wooded and has sparse forests.

[1] Cf. Report of the Rejaf Language Conference 1928, London 1928.

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342 Their huts are built with great care and skill. They are
361 cylindrical in form with a conical roof consisting of grass, reeds, or leaves, while the walls are made of mud; and are decidedly superior to the buildings of the Dinka, Anuak, and other kindred tribes. The houses stand in small groups, sometimes only two or three together, the land for cultivation lying immediately around each house.

342 In the dry season the men leave their villages to seek
233 better pasture in the swampy regions of the country. Here temporary huts of straw are erected for the young men who look after the cattle and milk them. During the night the cattle are driven into large enclosures of thorny trees; a fire of dried cow-dung is constantly kept smouldering, to protect the cattle from the stings of mosquitoes. When the rains begin to fall, about April, the people return to their villages to plant dura.

776 Very little is known about the religion of the Nuer. Miss Huffman mentions on page 56 some names of their gods, but we learn little as to their significance in the lives and beliefs of the people. While I was studying the Shilluk people in the Sudan in 1910, still another Nuer god, viz. Kot, was mentioned to me by a number of Nuer men whom I had with me for some time. This word Kot occurs in a large number of Nilotic languages, its general meaning is 'rain', but in Nuer it designates a god, the idea of this god being evidently connected with that of rain. To Kot is attributed the creation of the world, as the following report dictated to me by a native Nuer shows:[1]

[1] This record and the following ones were, together with the original Nuer text, first published in my study on the Nuer language in the *Mitteilungen des Seminars für Orientalische Sprachen. Afrikanische Studien*, p. 84 ff. Berlin, 1912.

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'When God created the people, he created man, and he 773
created the cow, and dura for the people to eat, and goats to eat. He made a spear and a fish-spear, and a dancing stick, such a one as is wrapped with gold. He made the elephant, giraffe, buffalo, teang, waterbuck, reed-buck and gazelle—the yellow and white one, the pig, the cattle-eating lion and the man-eating lion, the hyena, the leopard, the civet-cat and the fox, the rat, the crocodile and hippopotamus, the fish, turtle and snake, the heglig, nabag and ardeb trees, the talḥ tree, the deleb palm, the kwar and lwal trees.

'And God said to the men: "You are my children, whom I have created; you are four, this is the Dinka, this is the Shilluk, this is the Nubian, and this man shall rule over you; he has the gun, his name is Cwalcotke, he is also called the Turk. He has no cows, but you shall be caught by him, he shall govern."'

Prayers and sacrifices are offered to Kot on important 782
incidents of life. Here is a prayer for a sick person: 'Oh God, let the man recover, let him become well, that he may get strength again. God, what is this? Leave the sick one with us, let him recover. Return to thine own body. Take thy cow, for she was ordered for the deliverance of souls. It is thee thyself who said thus. Take the cow that she may deliver the soul of the sick one. It is thou who created us, it is the cow that delivers souls. Here is the goat, and the wild cucumber. Let him recover! In what have we wronged? Give us the soul of the sick one. Thou art our father. Why shall we suffer from sickness all days? Give us the soul, we pray thee, our great-grandfather.'

At a burial the following prayer is offered: 'Oh God, why dost thou pursue us? Return thyself, take this thy dead man and go; let him be sufficient, do not look at us

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782 again. In what have we failed?' Then a cow is speared, and the chief continues praying: 'Oh God, take thy cow. And you [dead man] turn away, do not look at us again. We will give you your own things, but then leave us alone.' The wife of the deceased is now given to another male member of his family with these words: 'Bear children by her, that their fire may be raised up [that their family may not be extinguished], and their family may be able to manage their own affairs.'

A prayer by the chief for a woman in travail: 'God, what is it? why can the woman not bear? It is thou who has ordered the woman to bear children, that she may create descendants, that the man's family may be preserved.'

789 233 An important annual event is the bringing of the cattle across the river, where they find better pasturage. For this the help of the sorcerer is sought. He has to find a propitious day for the transaction and to perform the necessary magic rites. He spends the night before in making witchcraft, and the following morning he prays: 'Oh God, it is thou who said that I should be sorcerer, I should do witchcraft, I should bewitch the crocodile. The cattle has no more grass, let the cattle go across the river that they may graze on yonder shore. Oh God, it is thou who created the cow, that man might be nourished by her, let them swim safely across.' When the cows have been brought to the crossing-place, the sorcerer invokes the river or the spirit presiding over the river: 'Thou river of a certain man, let the cattle go across safely, all of them, let them reach the shore safely, let no one be touched by the crocodile. We are making a bargain.[2] As a ram is brought, he goes on saying: 'Take it, O river!' The ram's mouth is tied, so he goes to the river with it, and drives it into the water. Now the

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cattle are driven into the boats and they begin rowing them.

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These are but a few glimpses into the religious life of the Nuer. The subject requires careful investigation based on a thorough knowledge of the language and can be carried out only by persons who have the confidence of the natives.

It is well worth while to win this confidence and to study the people intimately. They may at first sight not appear attractive and may not generally be inclined to look upon every white man as a higher being, but Miss Huffman is certainly right in saying that they improve on acquaintance; they reveal to him who lives and works among them noble qualities of which this book gives us some fine examples and which justify the labours of those who strive to help them in finding their way from the old, independent, and unfettered existence to changed conditions of life and to a new outlook.

The information given in this book will be welcome to scientists, but even more it will be of value to the growing number both of missionaries and of administrators who are coming into touch with the Neur.

D. WESTERMANN

Director
International Institute of African Languages and Cultures.

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Chapter One

THE TRIBE—HISTORY AND APPEARANCE

101 THE Nuer tribe are found in the southern part of the Anglo-Egyptian Sudan in the Nasser and Abwong districts and also on the Zeraf island and along the Nile.

161 At the Rejaf Language Conference in 1928, the Nuer population was estimated as 430,000.

565 There are a certain number of Nuer who constitute what they call their 'aristocracy'. These are not supposed to intermarry as they are considered as one family. They are called 'dil'. A chief is always a 'dil'.

622 There are various chiefs in different parts of Nuerland, but their individual domains are not large. The people do not make obeisance before them as other tribesmen do when in the presence of their chief. But they show them respect and preference in many ways. If a chief is among those waiting to go across the river in canoes, he is always accorded a place in the first canoe to go across.

Then there are chiefs of the leopard skin, which position is hereditary. These chiefs wear a leopard skin over the shoulders, which is the insignia of their position and authority.

STORIES OF ORIGIN

773 The Nuer have a number of stories of their origin in folk-lore tales which are handed down from one generation to another. They have a firm belief in these tales of long ago. 'Would our people lie to us?' they ask.

A very large gourd is supposed to have fallen down from heaven. In it were a spear, a leopard's skin, and a person. This person they call Kiir and he is the father of the first Nuer.

173 They also tell the following tale about the time when the Nuer first came to the country they now inhabit.

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173 The Nuer people came to this country long ago, many, many years ago. In a country far away to the west, over across the Nile, there were many, many people.

Latjor, one of the Nuer chiefs, called his people to accompany him as he wanted to go to a distant country where there were no people.

They started out, travelling eastward. They came to the Nile at a point about ten miles south of the present site of Melut. They had no boats. The river was wide. They did not know how they could get across.

While they waited on the bank, talking the matter over, they saw a large blue heron standing in the middle of the river. They wondered among themselves whether it was standing on an island or on floating grass or possibly on a tree. Latjor, their leader, a tall, fearless man, said he would try to wade out to it and investigate.

He waded in. The water was ankle deep, then knee deep. A little farther on it was waist deep, but he waded clear over to the other side. Then his people were not afraid but crossed over after him.

This fording place is called the Ford of the Blue Heron because the blue heron showed it to them.

Latjor led his people eastward, seeking for a good location until they reached Abyssinia. An epidemic of smallpox killed many of his Nuer. Those who remained returned westward and settled in the uninhabited area through which they had passed. Latjor settled in Dwac which is a village in the Garjiok section. He named the different sections of Nuerland after his sons—Garjak, Garjiok, Lau, Gagwang, Geuwar, and Lak.

APPEARANCE AND CLOTHING

[141] 302 The Nuer man is tall, muscular, straight of back, and clear-eyed. He powders his whole body with ashes made from

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cow manure until he is a greyish-white. He keeps his hair 302
either cut short or shaved off entirely (possibly a tuft may be left on the top of the head), or he lets it grow long and bleaches it by frequent applications of cow-manure ashes applied wet. While the bleaching process goes on he may dress his hair in various styles with a point at the back or at the front or at both places. When the hair is bleached to a light bronze shade he dusts the ashes out of it and is quite proud of the effect. Long black hair is worn only by medicine men. The Nuer man may continue to adorn his body with ornaments and ashes and will especially do so if he is planning another marriage.

The Nuer usually have clean teeth. They clean them 515
with cow-manure ashes, using a twig the end of which has been chewed into the semblance of a small brush.

Nuer men, possibly because they use ashes so constantly on their bodies, and probably because they do not usually wear clothing, seldom have lice. But the strands of beads [301]
worn by women and girls are often infested with them.

The Nuer age early, and both men and women look 145
older than they really are. One would guess some of the older men one meets at between 65 and 70. The Nuer woman usually keeps her erect carriage, but in middle life her flabby breasts, broken teeth, or vacant places where teeth have been pulled out tend to increase the appearance of age.

Clothing is not considered essential by the Nuer man 291
and is not usually worn. He may wear a bright coloured cloth—resembling a red plaid tablecloth, only somewhat more brilliant, he may be satisfied with a piece of the cheap blue cloth that is sold by the Arab merchant, his cloth may be of unbleached muslin, or possibly the District Commissioner has honoured him by giving him a cloth or (if he is a chief) one of the gowns they usually give the

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291 chiefs. If he does wear a cloth, he wears it under one arm and knotted over the opposite shoulder. The Nuer appropriates any old cast-off clothing he may find. Sometimes grotesque effects are produced when he appears attired in his new wardrobe.

576 A man must never appear before his mother-in-law unless he is wearing some kind of a loin-cloth. It may be of skin (Fig. 1) or cloth, but he must have at least a one-piece suit on besides his beads.

291 A woman after marriage must always wear a loin-cloth of some description. And as she grows older, she usually wears a cloth or sheepskin over the upper part of her body, under one arm and fastened over the opposite shoulder.

The married woman's garb (Figs. 2 and 5) consists of a triangular piece of sheepskin worn over the pubic region, with a larger triangular piece of sheepskin at the back, the two pieces meeting at the waistline at each side but not overlapping to any extent. The lower point of each is longer and narrower than the upper points, terminating in a narrow strip about one or two inches wide. The piece that is worn in front usually has a border of beads sewed on it and may have a small bell hung on the end.

Sometimes a number of little thin strips of sheepskin about eight to ten inches long are fastened together and then worn in front in place of the triangular piece of sheepskin that is usually worn there.

The back part of this garb has a border of beads (from one and one-half to two inches wide) at the waist but not on the sides, unless the woman is quite old, and then she may if she wishes have a border of beads on the sides also.

[301] Bells, charms, shells, pendants of any kind, short pieces of cowtails, may be fastened at the waistline on the back part of the married woman's dress.

482 A Nuer girl, when quite young, begins to carry burdens such as water-jars on her head.

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such as water-jars on her head. This accounts to some extent for the straight, erect bearing of the women and girls. She may have a number of iron anklets—possibly from one to six—on each ankle, the weight of which causes her to throw her feet outward when walking so that the anklets of one leg do not hit the other leg, but her general posture is graceful.

Grass skirts are made by taking the outer bark of a certain tall grass and tearing it into long thin strips. These are then rolled tightly and made into grass skirts by a method of weaving and binding at one side, leaving the other ends loose. Grass skirts are made in two sizes, one—the short one—being from six to ten inches long. The short grass skirt may also be worn as a garment by a married woman, for every married woman must wear a loin-cloth of some description. The long grass skirt reaches from hip to ankle, and is worn as a dance dress. It is made in the same manner as the short skirt, but the longer grass is used for its construction.

The short grass skirt (Fig. 4) is usually worn over the long grass skirt at dances. Sometimes a bead is fastened on the end of each strand of grass in the short grass skirt. Both long and short grass skirts are oiled until they are soft and pliable and a dark brown in appearance. When worn at a dance, short bushy stubs of cowtails are worn around the waist at the back over the grass skirts.

The Nuer girl may or may not wear a cloth, just as it suits her. If she does wear one, it is worn under one arm and knotted over the opposite shoulder. Those living near the Arab settlements may dress somewhat as the Arab women do, or they may wear the dresses the Arab merchants make for sale to them. But no matter how many garments she may possess, the Nuer girl—if unmarried—may discard any or all of them at will.

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ORNAMENTS

301 The Nuer man wears necklaces of many strands of giraffe hair (Fig. 3) which are strung through a large bead. He has a method of knotting the loose ends which is clever and neat and at the same time very firm. Indeed, so firm is it that if one person can get hold of another by this necklace, he may lead him wherever he wants him to go as there is no danger of the knot giving way. Sometimes after the hairs have been made into a firm knot the ends may be left and ornamented by having many bright coloured beads strung on them. A man may wear several of these necklaces with various pendants hung on them (especially if he is unmarried or is thinking of acquiring a second or third wife).

A strand of beads, with probably fifteen to twenty of one colour, then the same number of another colour alternately, may be worn over one shoulder and under the opposite arm, while a similar strand is worn on the other side, the strands crossing at the centre, front and back, and the coloured beads glistening against the dark skin. Strands of beads, a number of one colour alternating with the same number of some contrasting colour, are worn around the waist.

An ivory armlet may be worn just above the elbow, a smaller one may be worn on the other arm just above the elbow, and a third (a small one) on the upper arm several inches above the large ivory armlet, usually on the left arm. But when three ivory armlets are worn it is a sure indication that the man is to be married in the immediate future.

Wristlets made either of brass or wire, pounded into various shapes, are worn. The wristlet may be made of a wire which has been beaten flat and thin, it may have several sharp prongs or possibly it may be made of wire with two sharp prongs several inches in length.

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From forty to fifty brass wire armlets of graduated sizes may be worn on the forearm (Fig. 3). They cover the arm from wrist to elbow. This ornament is usually worn on the left arm. The brass wire is heavy, and when first put on causes the hand to swell and often a sore forms on the arm under the bracelets. The man must hold the arm high in order to relieve it of the pain and weight caused by this ornament. But he wears a ring of brass on the right thumb and frequently rubs the ring up and down the bracelets, enjoying the sound made thereby and causing others to notice his ornament. 301

In case a sore forms under the bracelets, a certain leaf is put in over it. The man is proud of his ornament, and will endure a good deal of suffering in order to wear it. But that arm is incapacitated for work in many cases until the bracelets are removed.

Boys who have not as yet had the tribal marks cut do not wear the brass bracelets.

A man whose wife expects to be a mother may wear a wristlet of either white and black or red and black or possibly red and white beads alternating one by one. This supposedly keeps him from sores and scratches caused by grass. 301 751

A few large wooden beads strung on wire and worn either as anklet or wristlet will keep any one from scratches from grass according to the firm belief of the Nuer.

An armlet which is worn just above the elbow may be made out of the hipbone of a cow. It is cut in a circular shape and a hole is made in the centre while the outer edge is notched. 301

Small beads made out of ostrich eggshell, cut round with a hole in the centre of each, are strung together, and may be worn as a wristlet, or a strand of them may be wound about the waist or neck.

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301 A strand of beads, one black, one white, or one red, one white alternating, with a larger bead in the centre may be worn as a headband, the larger bead being worn in the centre of the forehead. A headband consisting of a number of round blue disks may also be worn (these are, however, bought from the Arab merchants).

Numerous finger and thumb rings are worn. A wire wrapped around the finger several times, or a ring with one or two long prongs may be stylish.

Styles—even in beads—change. At one time bead girdles were worn by the Nuer men, consisting of as many as one hundred and fifty strands of beads, but that fashion seems to be a thing of the past since 1925.

Nuer of both sexes delight in wearing a string of aluminium hearts around the waist (Fig. 3).

An older woman usually has but few ornaments. When she is married, she gives all her ornaments to her husband's people, who, in return, give her the married woman's dress and such ornaments as they wish to give her. She usually gives many more than she receives. Sometimes the husband may from time to time give her either necklace or bracelets, but more often the decrease in ornaments starts at the time of her marriage. Later on, she may give some of her ornaments to her children or to a relative. One frequently sees the older woman wearing wooden beads, and possibly some of the beads they get from the Arab merchants, but seldom has she giraffe-hair ornaments.

302 If a woman has only one child she may cut her hair, leaving one little tuft on top of her head, and one on either side, and also one in the centre front and back of her head to indicate this.

301 The Nuer girl adorns her body with many bead necklaces, iron or brass anklets and wristlets, headbands of

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beads similar to those worn by the men, strings of beads 301
over each shoulder and under the opposite arm, and many strands around her waist. As she nears the marriageable age she has numerous strands of giraffe hair—with various pendants—about her neck.

She may also bleach her hair and wear brass bracelets [302]
on her arm. But she does not wear nearly as many of these brass bracelets as her brother, nor does she wear them as tightly, for no matter how much she may wish for ornaments, she must do her work of pounding the dura and must not incapacitate her arm for that work. None the less, the bracelets give many a girl a sore.

Wristlets are also made of giraffe hair with beads of various colours strung on the various hairs. These are quite pretty and add a bright bit of colour to a girl's arm. She usually wears a spiked bracelet—even the small children wear them—and they are a dangerous weapon when they are angry with one another, and wish to strike.

The Nuer girl has a hole pierced in the centre of her 301
upper lip. She may wear a blade of grass, a flower, or a 304
small stick of wood in it, but usually she wears a nail with the point sticking outward.

The ears of a girl are pierced in from five to seven places along the outer edge. This is done with a sharp-pointed native needle, and then little sticks or straws are worn in the holes in order to keep them open. The ears are frequently very sore and sometimes quite painful and slow in healing after this operation. The ears are usually pierced before the girl is in her teens, part of the holes being pierced at one time, the remainder when the first sores caused by the piercing are well. She often wears bead or grass ornaments in them. But the object of this is that the ears may be ready for the white beads which will be put in them when the girl is married. If

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301 she has not already had her ears pierced, her husband
304 or his people may pierce all the places in both ears at once and put in the white beads that are the insignia of her married state. Whether her ears are sore or not, she must wear these white beads that proclaim her married status to all who see her.

301 Bands of beads may be worn on the upper arm or just below the knee. Sometimes strings of beads several inches in length are attached as pendants.

Feathers are frequently worn in the hair and sometimes in the lowest holes that are pierced in the ears. Sometimes a quill is worn in the upper lip.

[751] A newborn baby is not very old before it is attired in bead anklets, wristlets, or a necklace with charms to keep the evil eye away from the child. A strand of beads around the waist, sometimes with a tiny bell as pendant, may be worn. As the child grows older, if a girl, anklets of wire are put on. Also any little child may be seen with wristlets of wire. Shells or beads may be tied to the hair.

302 If an only child, the hair may all be cut except five little tufts, one being at top of head, one at each side, and one at the centre back and front.

301 Wooden beads are also worn by babies. No clothing
291 is worn unless some dress has been received as a gift and donned for special occasions—especially if the donor be present. The mother covers the tiny baby with her cloth if she possesses one.

301 As the child grows older, he wears more beads, either the wooden beads or those purchased of the merchant. But he wears no giraffe hair until—if a boy—he has the six tribal marks cut. A girl when nearing the age of puberty, or even younger, may begin to wear giraffe hair.

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Chapter Two

RESOURCES OF THE NUER

WILD ANIMALS AND CATTLE

WILD animals abound in Nuerland. Lions, leopards, 136
giraffes, buffaloes, elephants, hippos, monkeys are found as well as other species, and also crocodiles, snakes, and scorpions.

Sometimes animals are killed with spears (Fig. 4), some- 224
times traps are made to catch them. Holes are dug into which they fall and are unable to get out. Men sometimes chase them and drive them toward the trap which they have made. Giraffes may be killed in this way as they cannot run fast, especially if the ground be muddy. Monkeys are safe in Nuerland as a Nuer will not willingly kill them. If a monkey is killed, it will surely rain hard, but [825]
if it is killed in the dry season, the weather will only become cloudy.

Probably the largest snake found here is the python. 136
Many of the snakes are deadly poisonous. One is a spitting snake. Another is said to bite and also sting its victim with its tail at the same time, much as a scorpion stings. Another snake, the 'thatut', is said to leave a tooth in the person it bites. The Nuer believe that if a [825]
person is once bitten by a 'thatut' no other snake will deign to bite him.

The number of cattle owned by individuals varies in 231
different parts of Nuerland. Those who live along the Nile have many cattle. Those in the Garjak country have more cattle than those near Nasser. In the regions where cattle are more plentiful the number of cattle asked as a marriage price is greater.

Cattle with the wide-spreading long horns are the most 231
desirable. A Nuer is afraid that a cow without horns may 776

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231 turn into a 'Lat' (a combination of ogre and cannibal which
[776] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[325] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[342] bee-hive-shaped houses—even the walls are of grass.

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The women and children sleep in these; the men sleep 226
in the barns, if there are any, or among the cattle. 221

People under one chief spend the fishing season at the same fishing camp. Old people sometimes remain in the villages, but the younger ones enjoy the companionship of others and the change from the routine village life. It serves the same purpose as our summer trip.

While at the camp, fish are caught by spearing them 226
with a special spear or by a hook and line left out all night as a trout line is sometimes left, or by the use of a fishing net, if any one is fortunate enough to possess one.

Later on, when the river is lower, fish traps are made by placing sticks close together in the river. When fish get into this enclosure they are unable to find the exit and are speared and taken. Nuer sometimes imitate the sound of fish by making a splashing noise in the water with a stick. Other fish gather, as they think, to where their fellows are, and are speared.

If many fish are caught they are dried and taken back [251]
to the village for later use, or possibly they are sent back at once to those who have stayed behind. Sometimes fish are not plentiful and then return trips have to be made to the villages to get dura for food.

When the river begins to rise, fishing in the swamps 226
may be continued for a little while. But soon all return 221
to their villages, for as soon as the rains start, hoeing must be done and dura planted. Also, should their permanent village be across the river from the fishing camp, they must take their cattle over the river before it rises so much that the cattle are unable to swim it in safety.

THE FOOD-SUPPLY

The Nuer food-supply is frequently limited in quantity; 262
it is also limited in variety. The foods the Nuer will eat

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262 are dura, corn, mutton, beef, the flesh of some wild animals—antelope, gazelle, waterbuck—guinea fowl, fish, crocodile—which is considered a choice food—beans, milk, and sometimes greens. This does not mean that these foods are constantly at hand. The average diet of a Nuer consists of dura, fish, milk, and occasionally meat. This limitation of diet works the greatest hardship for little children and the sick and aged.

A Nuer seldom kills a cow unless one has to be offered as a sacrifice. Sheep are not often primarily killed for food. Wild animals are not often available for they usually must be killed with a gun—and who has a gun? Even guinea fowl are not easily caught.

A Nuer will, generally speaking, not eat wild duck. Eggs are not eaten by men as they are considered effeminate. Milk is likewise not regarded as food for men, but women and children and sick men may drink it. Women refuse [841] to drink milk during their menstrual periods.

243 The staple article of food is dura, or kaffir corn as we call it. The dura is planted in May, providing the early rains have begun. If the rainy season is late the planting is delayed until the ground has been softened by several rains so that hoeing is possible. Small hand-hoes are used. Everybody hoes—men, women, and children each do their part in getting the field ready to be planted. The seed dura, which has been kept over from the past year, is sown. It requires to be hoed several times during the season, for the frequent rains make weeds grow as well as dura. In late September or early October, according to the time of planting, the dura is ready to be cut.

[791] When harvest time approaches a 'guk kwoth' or 'prophet of god' is consulted as to when they may cut their dura, and his advice is heeded.

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Every one helps in the work of the harvest, for the 243
stalks must be cut down and the heads cut off and placed upon a rack which has been placed in the yard for that purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she has plastered with mud, using a long pole. She usually chants a song as she pounds, the thud of the pounding serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part of the food of a Nuer. He eats it without salt or sugar; sometimes he has a little milk on it. Or the dura may be soaked and then allowed to sour a little, and then cooked, in order to give the family a little variety in their meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild greens. Beans are also eaten, but I know of no Nuer who plants them in his own village. Men consider these wild greens effeminate and will not eat them except in times of famine. Sometimes in times of famine they gather certain [261]
wild grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be assured of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows such an array of beads and cloths that the Nuer is tempted

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262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

323 Women sometimes make earthen pots and sell or
438 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

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Fig. 2. A Nuer married woman

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Fig. 1. A Nuer, wearing the skin of a wildcat as a loin-cloth

[facing p. 16]

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465 Many Nuer find work near the Arab settlements, or at the mission. But the work that they do at these places is different from what they have done in their tribal life. Wages for a man who works—or should work, but often does not—six hours a day range from fifty piastres to £1 per month, plus five piastres additional each week for food. This is the wage given at one mission. (The wages given are approximately equivalent to $2.50 to $5 per month, plus 25 cents. per week for food.) Wages are based upon the kind of work done. Those working for the Arabs near this same mission do not get as much. Girls who work in the Arab homes frequently get gifts of food.

Some boys receive higher wages than this for special kinds of work which they have been trained to do.

463 In one mission some boys have learned to do quite accurate work on the multigraph, others have developed into good teachers, showing remarkable ability, while a few have shown that they have talent which could be used in public speaking or preaching.

Some of the houseboys have developed into splendid cooks, being able to read a menu written in Nuer and prepare the meal desired without help. A number also can bake bread.

The District Commissioners use interpreters who can write, and are finding more use for boys who have had some school training.

501 Occasionally some Nuer fell a tree, cutting the trunk to the length required for a canoe. Then they will hollow it out and make a canoe of it.

000 All this goes to prove that the Nuer has latent powers which are capable of accomplishing much if rightly developed. It must be admitted that there are Nuer—or at least one—whose mind periodically turns toward

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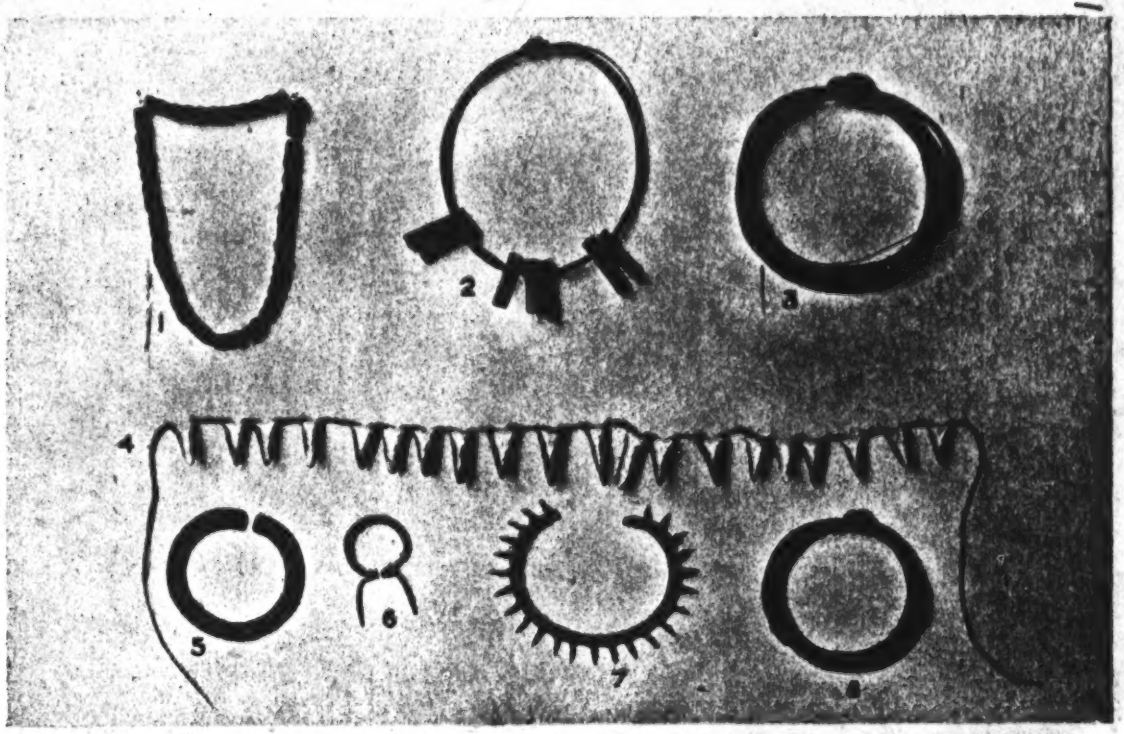

Fig. 3. ORNAMENTS

1. Necklace of wooden beads. 2. Necklace of giraffe hair with wooden pendants. 3. Necklace of giraffe hair (note the knot). 4. Aluminium ornaments worn around waist. 5. Wristlet of brass wire, pounded flat. 6. Two-pronged wristlet. 7. Many-pronged wristlet. 8. Wristlet of giraffe hair with beads

[facing p. 17]

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evolving a plan for higher wages, and he succeeds in getting others to quit work with him and await an increase in wages.

Thus one is brought face to face with the fact that the first result of education, even in Nuerland, is to bring out what is latent in heart and mind.

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Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his 626
particular village, and his actions affect all his relatives, no matter how distant the relationship may be. This fact checks him to some extent in his misdeeds, for any infringement of Nuer law not only affects him but all his people as well. He must give heed to them and to Nuer law in general if he is to count on their support and aid in time of need (Fig. 7).

The men and boys of the village usually sleep in the 513
barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls 342
up to about three feet or more from the ground, then the sloping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. 351
The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a bunch of grass tightly tied [412]
together at one end suffices for a broom. One part of the 252
enclosure is plastered with mud for a radius of two or three feet, and in the centre is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

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252 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

411 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

513 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

854 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

352 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

354 A fire, with earthen shield to protect it from the wind,

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occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 482
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

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512 she goes. She steadies her jar with her hand as she goes
482 down the river bank.

She rinses her jar with water, then fills it. She usually stops to wash her face and is then ready to return to her village. She calls one of the other women who are getting water, or if there are none there to help she calls some passer-by, who—even if it be a man—will usually stop to help her to lift the jar up and put it on her head. On the homeward trip she steadies the jar with one hand, as being full of water it is much heavier.

512 When she returns to her home the morning meal must
252 be ready by nine or ten o'clock. So she pounds the dura in the hole already described,[1] and sifts it until she has enough for the morning meal. Or perhaps she has a large stone, in which case she takes a small piece of smoothed wood resembling our rolling-pin and grinds the dura on the stone with it.

Then the fire is built with cane-stalks for fuel, and the earthen cooking-pot, partly filled with water, is put over the fire. It is supported by three little mounds of hard baked earth, and she keeps shoving the stalks of cane into the fire as fast as they burn away. The pounded dura is put into the water gradually, a little at a time, and stirred frequently with a cane-stalk having two small cross-pieces fastened at right angles at the end of it, made for that purpose. When the food is ready, the woman dishes up the men's portion in a large half-gourd which serves as a dish, puts the mussel-shell spoons in it, and calls the men to their breakfast. They go into the house and eat.

512 Then the women, if they are young or newly married,
264 eat where they will not be seen by the men. If they have been married several years they may eat together.

512 The yard has to be swept, the children fed and cared for, more dura must be pounded for the evening meal.

[1] [Cf. pp. 19-20, Category 116.--Analyst]

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If there are cattle to be milked, the woman must milk them, morning and evening. In the afternoon she must again go to the river to refill the water-jar. She usually stops to bathe if she comes from any distance. 512 [234]

Sometimes this work of getting the water-jars filled twice a day is not as merely routine as it sounds; it may be fraught with danger in this crocodile infested river. One afternoon about five o'clock, a huge crocodile was seen sunning itself on the river bank right in the path down which the women would come to get water between five and six o'clock. 000

The bank was steep, no one could possibly see the crocodile until he started down the slope. Then it would be practically impossible to get away until too late, because the woman would be burdened with her heavy water-jar, and that, together with the steep bank and her surprise at finding the crocodile there, would retard her escape.

But a missionary was passing in the launch and saw the crocodile. He realized its purpose, but not in time to shoot as he went by. But the launch quickly circled around again and slowly approached the path where the crocodile lay awaiting its prey. He shot the top of its head off; it gave one shudder and then never moved from its place. The Nuer in the launch wanted the meat, for crocodile tail in their estimation makes delicious steak. [262] But one of the women missionaries in the launch objected seriously when the men wanted to cut off the crocodile's tail. She wanted to be sure it was dead, so that there would be no possible chance of any objections from the crocodile to the tail-amputation affair. The men did not seem to feel that a crocodile with the top of its head blown off would have much power to object to anything that might be done to it. But to appease feminine fears

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000 the pistol was brought and another bullet was fired into the lifeless body of the victim.

One wonders what happened during the next hour when the women came to fill their water-jars. What would their thoughts be as they stepped down the river bank and at a turn in the path encountered the brainless, tailless body of a huge crocodile? Would they think of the dreadful fate from which they had been saved, just because a launch happened to pass that way a few minutes before, or would they grieve because the choicest steak had already been taken?

512 The woman has the bulk of the work, but she seems to expect it. When the day's toil is over, the dura pounded, the two meals cooked, the water carried, the children cared for, the mother sits there in the light of the smudge fire which is made to keep mosquitoes away. She has had [521] a busy day. Now they all sit around in the firelight, visiting, or telling tales of long ago, or maybe they are telling [534] riddles. Some one may be strumming a native-made stringed musical instrument, another may be singing, and [513] yet the conversation goes on uninterruptedly. If in the light of the moon, bedtime does not come early—probably not until ten or twelve o'clock or later—but if it is in the dark of the moon, they seek sleep earlier and nine or ten o'clock finds the village quiet. Another day is past, the woman is in her home, her children about her, her husband satisfied with his food for the day and happy with her. What more could she wish?

512 The baby must be cared for during the day and taken 853 up and nursed every time it cries. The Nuer baby is nursed until it is at least two years of age, and more often until it is three or even four. They have a superstition that usually keeps the husband and wife from having 000 another child while a child is not yet weaned. Water

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Water must be heated in the late afternoon for the baby's bath. 512 854
It is no short process. (Fig. 11)

A MAN'S WORK

A man's work usually begins at sunrise too. He has 512
probably slept in the barn. He arises, covered with cow- [515]
manure ashes. He cleans his teeth with the ash and later on in the morning may wash his face and hands. While he may drink a large quantity of water during the day he seldom drinks any water before breakfast or with a meal. He usually stays among the cattle until he is called to his [231]
breakfast about nine o'clock. Then he eats and is ready to spend the day among the cattle. He takes them out to graze about ten o'clock in the morning and returns with them in the late afternoon. He loves his cattle. His day is a happy one spent in their midst, his human companions being other men who have taken their cattle out to graze also. His spear and club are ever with him. In the late afternoon he comes home with his cattle, finding his supper is being prepared. A plunge in the river every time he goes to it refreshes him. After supper is over visiting until bedtime is the usual close of the work of the average day.

The day's work may be varied if any of his cattle are 512
sick or if there is a dance which he wishes to attend. Or 691
maybe the District Commissioner is in the village hearing cases or collecting taxes, and so he joins the throng and spends his day listening to the cases or bringing up some case of his own before this representative of the Government.

During the planting season, the fishing season, or the 512
season when the dura must be cut, this daily programme of the Nuer man differs and his work for the day may be a little more strenuous.

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THE CHILDREN

857 The little children of the village spend their day in play, eating, and sleeping. The babies are often cared for by the grandmothers. The older children are called on to carry water or to help in some way. The older girl helps her mother in the routine duties of the day.

The little boy in the home plays games. He may have a cane-stalk and string for a fishing-rod and line, and sometimes a bent pin for a hook. When he is about eight years old he begins to herd the sheep each day. He often makes men and cattle out of mud and plays with them.

881 When he is old enough to have the tribal marks cut, his status is at once changed from that of boy to man. His privileges are also increased. He is now interested in securing cattle and sheep of his own.

857 538 524 The children love their folk-lore tales and the many animal stories that are told them by their elders. They believe these implicitly and fear the dreadful ogre that is usually the central figure of the story. They also amuse themselves by guessing riddles, of which they have a large number.

857 But while they are learning many things that are interesting and useful, they are learning many things they do not need to know. They learn to curse. They learn indecency in regard to sexual matters. Indeed, the child mind is full of many things that pollute both thoughts and actions. The lack of privacy in the village and family life account for much of this pollution of mind and action which infests the child. And there is no decidedly corrective method used by the elders of the village. Life was always so, it always will be so, they think.

THE NUER GIRL IN HER HOME LIFE

The life of a girl in the Nuer home is a foretaste of the life of the mother. The bulk of the work which can be done

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by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [3547]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [513]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857, 593

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857 for her future. She must do as they say or pay for her
573 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the
[743] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

573 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

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Chapter Four

CUTTING THE TRIBAL MARKS

DETAILS OF THE RITE

BY far the most important event in the life of a Nuer boy comes when he has about reached the age of puberty. His people decide that he must have the tribal marks (Fig. 8) cut when the cold winds blow. He knows that now, at least for a short time, he will be the centre of attraction in his village. The younger boys follow after him; he enjoys their admiration and envy. 881

He has his hair shaved off, not a spear of hair must be left. He removes all his clothing, if he has any, and beads. Ornaments of all kinds, every one of them, must be discarded.

Some men are known to be expert at cutting the tribal marks and they are much in demand as the season of cold winds approaches, for each year there are usually boys in each locality who must have the tribal marks cut and the services of some one who is an adept at the work is required. 881 304

Usually this rite is executed upon several boys at the same time and place, so that they may find companionship in the company of each other while they recuperate from this dreadful ordeal. For ordeal it is, no matter how much they try to bolster up their courage.

The boys are allotted a house in which to sleep the night before this rite takes place. Sometimes they secure the kind of pillow which is used by Nuer women, a ring of cane-leaves having a hole in the centre. They practice sleeping on it, for they must use that kind of a pillow until their wounds heal. [513]

The night passes, but little sleeping is done. Before daybreak the people are stirring, for the man who will

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881 cut the tribal marks comes at or before sunrise in order
304 that the ordeal may be over and the boys safely back in the house before the heat of the day begins.

The boys remain in the house, awaiting their call, so that no one with the evil eye may see them.

The girl friends of the boys are also *en route* before sunrise, so that they may see how bravely the boys act when suffering so intensely. The women of the village don their long grass dancing skirts.

A hole from four to six inches in diameter and about six or eight inches deep is dug for each boy. The earth which is taken out of the hole is pulverized and spread around the hole in order that it may absorb the blood. Women and girls attired in their dance skirts rush in, singing and dancing.

One boy is called. He comes out, stark naked, not even wearing a bead. He lies down on his back with his head in the hole. He folds his arms over his chest and then he is ready.

The man, kneeling beside him, begins to cut. He starts at the centre of the forehead and extends the cut to or even past the ear. The first cut is made just above the eyes, then the remaining cuts are made parallel to it until they are six in number. Then the man goes over to the left side and, kneeling there, repeats the same process. Then he returns to the right side and makes sure that all of the cuts are deep and continuous at the centre of the forehead, and that they are six in number.

The boy usually lies absolutely still, for a show of fear on his part would bring ridicule from the girls and women that would be hard to bear, and if he moves it will mean that the cut will not be straight and he will always have to wear a scar that will proclaim to any Nuer that he flinched while the tribal marks were being cut.

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As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife upon the bone. 881 304

The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position. The man who cuts these tribal marks is supposed to stay for a while if he can, in case there should be haemorrhage.

If there should be haemorrhage, pressure and the application of cow-manure ash is tried to relieve it. Also fear is expressed that some one with the evil eye must have seen the boy or else there would have been no haemorrhage. [752] [754]

Soon after the tribal marks are cut a sheep is sacrificed in order to insure safe healing of the cuts. A little later a mock fight is staged between the men and the women of the village in which the women are allowed to use clubs, but the men must defend themselves bare-handed.

The boy is carefully guarded against the evil eye. He wears a piece of sheepskin over his head, this piece of sheepskin usually being one part, the back section, of a married woman's garb which has been given for this purpose. No one is supposed to view the cuts until they are healed, but the boy usually gives some trusted friend an opportunity to see them.

After some days the cuts are washed, but not immediately, for the clotted blood is left undisturbed for some time.

The boy usually carries a large cluster of feathers as a fan in order to keep the flies away from his head.

He is the centre of attraction at his village now. All visitors to the village are met at a little distance and their

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881 names announced before they may come near, for the evil
304 eye must constantly be guarded against.

An animal skin is always spread on the ground for him to sit on. Food is specially prepared for him in order that he may speedily regain his strength and vigour again. He is treated as a most honoured guest in the village, and is the centre of concern.

Later on the boy is supposed to give some gift to the man who cut the tribal marks for him. Sometimes this man happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six.

The boy takes cane-stalks and peels them, cutting them into four-inch lengths. He makes a girdle or belt of them by fastening them together side by side. He may go visiting at night after his wounds are well on the way to recovery, and he always wears this belt. He also carries a long stick which has a piece of ambatch or other light wood at the end of it, and also a cluster of white feathers.

He is not allowed to go among the cattle until he is entirely well. When one asks him if his wounds are healed he will always say 'not yet', but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed, although the boy will not say so for fear some one with the evil eye should hear of it.

[843] No pregnant woman must come near the boy until his wounds are healed; a man whose wife is pregnant must also be avoided.

301 Nuers do not wear bead necklaces after the tribal marks are cut, although strands of beads may be worn around the waist or over each shoulder and under the opposite arm. Wooden beads may be worn for a few months, then they may wear the giraffe hair necklaces.

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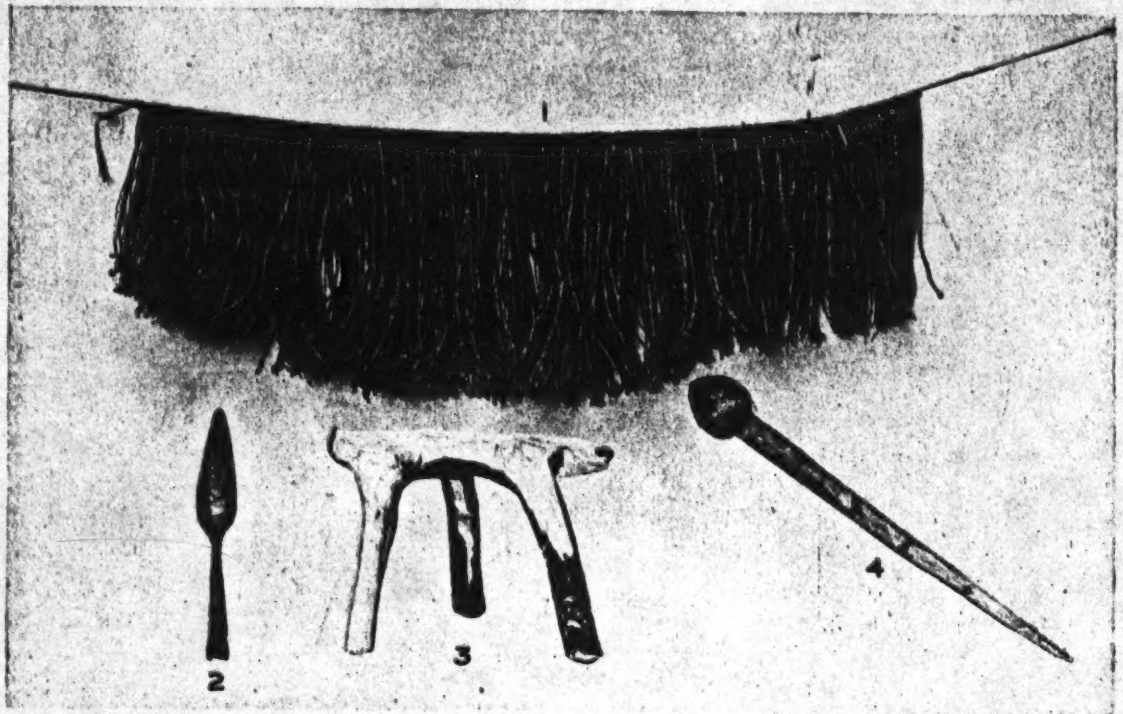

Fig. 4. ESSENTIAL ARTICLES

1. Short grass skirt. 2. Blade of spear. 3. Pillow (for men). 4. Club

[facing p. 32]

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881 This rite changes the status of the boy from that of boy to man. Now he may attend all dances, he may carry a spear—in fact, all the privileges of a man are his. He also may exercise authority over boys who have not as yet had the tribal marks cut, and his sisters must treat him more respectfully than in the past, for now he has a voice in the affairs that concern them. However, he must render due deference to those who have had their tribal marks cut before him.

NUER CLASS NAMES

881 All the boys who have had their tribal marks cut during
551 a certain period (usually consisting of from three to
561 eight or ten years) are given a certain class name. While no Nuer knows his age exactly, he will always tell you to which class he belongs. Those who know the sequence of classes may judge his age approximately.

Classes of Nuer with approximate age now (1929).

Liereni	Tribal marks cut in 1927 (but only one authority for this name. All others call this class of 1927 Cai Yatni or Wum Kelunka).
Cai Yatni	Marks cut in 1925.
Lithgaac intot	Age now 20–25 years.
Lithgaac indit	25–27 years.
Carboc	27–35 years.
Dongonka	40– years.
Meker	50– years.
Bailoc	55–60 years.
Thut	60–70 years, but few living.
Nompiny	Probably none living now.
Cuatcuor	
Lajok	
Yilbith	

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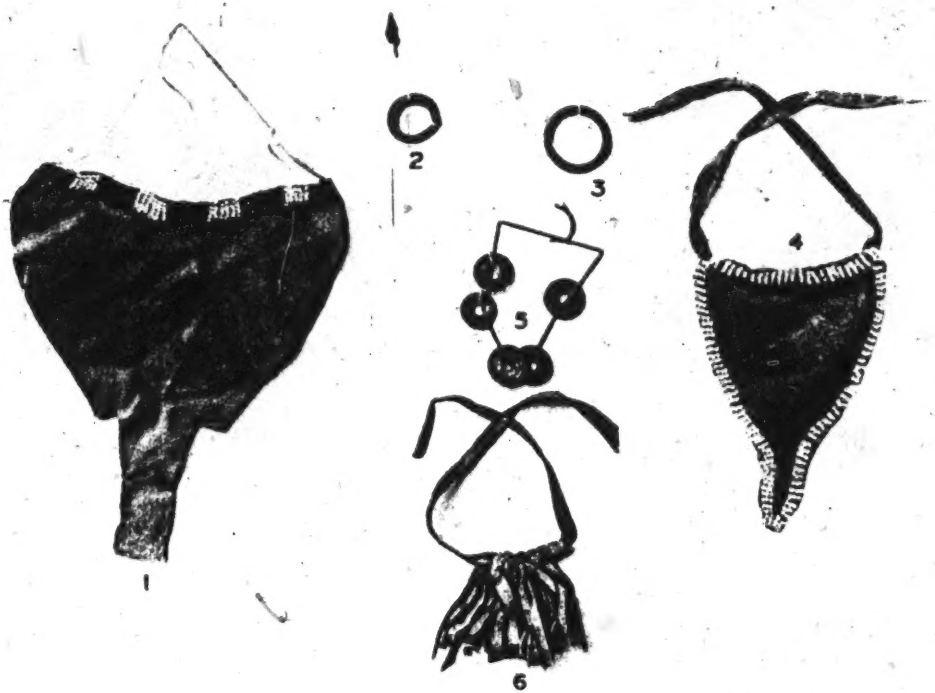

Fig. 5. WOMEN'S GARB

1. Back section of married woman's two-piece suit. 2. Brass wristlet (many of these of graduated sizes may be worn). 3. Iron anklet (for girls). 4. Front section of married woman's two-piece suit. 5. Small coins, as tied on wrist. 6. Front section of married woman's dress (interchangeable with 4)

[facing p. 33]

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000 One cannot but admire the bravery and stoicism displayed by the boy, but it is a dreadful ordeal and a most gruesome sight. How long this custom will be continued is a question one cannot answer. Knowing the Nuer, one would be almost tempted to say that it will never be discontinued as long as there remains one Nuer boy unmarked. Yet one Christian boy showed definitely that he had not the same fear of the evil eye as his companions. But until the Nuer people as a whole become Christians, there seems to be but little hope that this dreadful practice will be discontinued.

304 Near Abwong the tribal marks are not cut as deeply as they are at Nasser, and heal much more quickly.

A mother who has borne six or seven sons may have these tribal marks cut on her forehead at the same time as her youngest son has his cut. It is considered a great honour.

304 757 One may occasionally see a woman who has from one to four cuts across her forehead, but that indicates that she has had severe eye trouble, and the cuts have been made to relieve that condition. The cuts are on the forehead only, and do not extend to the region above the ears.

143 At least one Nuer—a man—is an albino. His hair, unbleached, is flaxen. His skin is pink-white. I have heard that other members of the same family are albinos, although some of them are black, but I have seen but this one member of the family. His parents are black. Nuer have always been afraid of him, fearing that he has a god in him.

826 When he was old enough to have the tribal marks cut, no one wanted to cut them, for they feared this god that was supposed to be in him. But the boy was insistent, so finally he had the tribal marks cut, but they were

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not cut as deep as they usually are, and his scars are 826
but very thin lines. He is not yet married. One wonders what a Nuer girl's thoughts will be as the sight of this man's cattle lures her father and brothers to give her to him.

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Chapter Five

COURTSHIP AND MARRIAGE AND THE BABY

PREPARATION AND CHOICE

583 PROBABLY the most important event in the life of a Nuer girl is her courtship and marriage.

Her thoughts, even when a child, are upon her future husband, who he may be, what he may pay as the marriage price. Of course she often hears the village talk of how many cattle may be received for her. Sometimes her father or her brothers need cattle to help them out of financial difficulties incurred possibly through their own marriage plans. So they arrange the girl's marriage while she is yet a little girl and secure an initial payment of a cow or two in order to help them out. The husband does not take the girl to his village then but waits until she is older, and then he must pay the rest of the wedding price for her. Sometimes this man may be young, but more often he is an older man who has the cattle to help her father out of his extremity. And this older man may be planning to take her for his second or third wife, or possibly to get her for a wife for his son.

304 301 During her younger years she must have each ear pierced in from five to seven places along the outer edge, and she must have her upper lip pierced in the centre in order to wear a nail in it. When she is first taken to her husband's home white beads, as has already been noted, must be put in her ears, which will proclaim her status as a married woman to all who see her.

857 During her girlhood she must learn all the tasks that fall to woman's lot.

301 As she nears marriageable age she adorns her body with all the beads, anklets, wristlets, necklaces of various

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kinds, and rings that she can acquire. She also bleaches her hair and wears several headbands of beads. 301

Some neighbouring young man may be the cause of all of this effort on her part.

During the fishing season the lover is neither idle nor silent in his efforts to win the regard of his bride. He may be at the same fishing camp as she is; if so, he carefully grooms his best ox, then adorns his body with all possible ornaments and, getting some one to lead his ox, they circle around the camp. He dances as he follows the ox and sings praises of his ox, himself, and his sweetheart in loud tones that may be heard for some distance. This performance may be continued for some hours, especially the singing. 584

Usually the young man knows when he is not repulsive to the girl. When he has her assurance that she loves him, his people take up the subject of the marriage price with her people. The girl's physical appearance and possibility of bearing children figure largely in the estimate of her desirability. Also her temper and ability to control it are considered. [581]

A certain day is agreed on for the marriage talk. Then all the men who are interested on the bridegroom's side assemble at the village of the bride-to-be. Places have been arranged for the relatives of the bridegroom to sit on one side of an open area, facing the relatives of the bride who are seated upon the opposite side.

A stick with both ends curved in a scroll design is carried by the speaker and twirled in the hands as he walks back and forth between the two factions and presents his arguments. He also wears a loin-cloth, often the skin of a wildcat. Sometimes it happens that each speaker is not the possessor of a loin-cloth, so a quick change is made, as one speaker concludes his speech and another prepares to take his turn.

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584 One speaker at a time presents his arguments. If a relative of the bridegroom, he must try to get the girl for the least number of cows possible and still laud the girl as if she were worth many more cattle. The statements made by the bridegroom and his relatives are worthy of more praise than they usually get.

Each speaker carries the wedding stick as he talks, twirling it in his hands as he paces up and down between his hearers and waxes eloquent over his subject.

The relatives of the bride argue that such a fine girl as she should bring a maximum number of cattle, and they may specify which cattle they want if they know something of the cattle belonging to the bridegroom and his relatives.

The arguments continue and may even be resumed another day. Finally, if terms can be fixed that are agreeable to both parties, the argument is concluded (Fig. 10). But before the final decision, the bride is called and she states whether she agrees or disagrees with the decision arrived at. If she assents the bridegroom makes plans to collect his cattle and bring them, while the girl's people prepare for the wedding dance, for much food must be prepared as well as a good amount of the drink they make from dura.

But if the bride-to-be should disagree with the decision arrived at by her family and refuse to marry the man of their choice, her lot is not likely to be a happy one until they reach some sort of agreement (see Chapter VII.)

584 Possibly her brother is anxiously awaiting her marriage
593 so that the cattle received may help him out in his own wedding plans. So he will not be inclined to listen to any objections from her which may mean the postponement of his own cherished plans. He may decide to discipline his sister by means of a good beating and may repeat it if

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the first dose does not bring the desired result in the form 584
of her assent. Scolding is also resorted to, her lack of 593
regard for her people being especially urged.

She may be strong enough in her determination to withstand the beating, but many girls succumb to the combined beatings and scoldings. She is then willing to send word to the groom that she assents to the family's arrangement for her future, but that assent does not imply that there is any willingness to be his wife or any love, but merely an assent to the marriage because of the persistent insistence of her family.

Sometimes, if the bride is very persistent in her objections, the bridegroom may withdraw his offer, not wanting a wife who will be so unhappy with him.

But if her objections are not too violent, the family usually depend upon scoldings and beatings to silence her, and the plans for taking her to her husband's village proceed. When she has gone to her husband's house, and if she is still persistent in her objections, he may beat her and his people may put thorny branches in front of the door, thus blockading her way of escape should she resist him. But they tell me that these cases are rare.

Many weddings take place in the dry season before [585]
the people go to the fishing camp.

If the girl has jilted the man who has paid cattle for her 534
in order to take the man of her choice, as I describe in chapter VI, the wedding dance is not held, and there is no set time for giving her the garb of the married woman. She usually does not wear the beads in her ears that are the insignia of her married status. Keeping quiet and letting the commotion they have caused subside seems to be the object. Sometimes they have the wedding dance when the child is a year or two old, but it may be dispensed with entirely.

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THE WEDDING

585 But if all has gone well the day is set for the wedding
535 dance. The food is ready, word has been sent around that friends may come. The bridegroom and his people bring the cattle.

Girls in their grass skirts wearing every possible ornament are there. Men and boys, their bodies also ornamented as much as possible have come, carrying their spears and clubs, and some few with guns. From a distance the dance looks like a huge cloud of dust, but as one nears the scene the glint of spears is seen as the men run and jump up and down advancing upon some imaginary foe. The men dance in a mass formation, high jumping being a characteristic feature. The girls also dance in a group by themselves, led by the bride. They circle around the group of dancing men, but do not dance with them.

The bride leads the girls in the dance, facing them, which necessitates her dancing with her back to the mass of dancing men. One wonders how they manage to keep from being speared or from spearing some one in this crowd.

585 After the dance the feast is held, and then this part of the marriage ceremony is over.

Possibly the same night of the dance, but more likely several days later, the bridegroom asks that the bride be brought to his village. Her girl friends accompany her, timing their arrival so that it may be evening when they arrive at his village. They are attired in their dancing skirts.

A house is given the bridegroom for himself and bride; another house is given the girl guests who have accompanied the bride.

The bride gives her husband's family all her ornaments. She is not allowed to keep a single one of them.

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The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

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She continues her work the same as usual before the 843
baby's advent. Some neighbour woman who has helped 844
other children into the world is probably on hand to help usher hers in. But the help given is negligible. They await nature's process, sometimes holding the mother up in a sitting posture with just her feet touching the ground. A sheep may be sacrificed to expedite matters.

When the child is born the cord is cut with a knife or a 844
sharp piece of cane. It is not tied, and does not bleed.

The mother's food consists of gruel for some days. 846
Then she resumes her usual diet. She cares for her baby, 853
the neighbour woman or her mother bathing it for her for several weeks. She feeds the baby whenever it cries and usually gives it cow's milk until she has enough of her own for it.

When preparing the bath for the baby an earthen pot of 854
water is heated. The baby is bathed in the late afternoon. The body is thoroughly gressed all over, then the water (to us it seems like quite hot water) is splashed upon it, while the one who is bathing the baby rubs it briskly, massaging its back especially. Then when this part of the bath is over, she washes the child's eyes by licking them with her tongue, much as a cat would do with its kitten. The nose is also cleaned in like manner.

Various plans are resorted to in order to guard the baby from the evil eye. Charms are put upon its body, being fastened to necklace or wristlet. A rope is stretched out in the yard so that passers-by will know that strangers are not welcome.

The young mother sends word to her husband when 846
she wants him to know about the birth of the child, so that he may come. No one asks whether it is a boy or a girl. The father may bring his wife a present of fish, and he may try to keep her supplied with fish for a little while.

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THE CARE OF BABIES

854 A basket made of branches of a pliable wood is used as a baby-basket. A piece of animal skin which has had the hair scraped off, and is smooth, is put in the basket for the baby to lie on. If the mother has a piece of cloth she may cover the baby with it. Then a large woven grass mat is placed on top of the basket, being rolled up at each side until it just covers the top of the basket and keeps the sun off the baby and also keeps an active baby from sitting up in the basket while being carried. The mother always holds the side of the basket with one hand while carrying the baby in it upon her head.

When she arrives at her destination she carefully lowers the basket to the ground and unties the strings which hold the mat secure, and peeps at the baby. If it is asleep she unrolls the ends of the mat and lets them down to the ground at either side so that the baby may sleep undisturbed by light or sound. But if the baby is awake she carefully pulls the cloth or sheepskin covering that is over the upper part of her body round in front of her and over the baby-basket, and lifts up the baby under the cloth into her lap, so that no one—especially one with the evil eye—may see it.

A rattle is made by taking a small gourd which has a neck to it and putting a few pebbles in it. This is shaken vigorously when the child is crying.

A pacifier may be made for an older child (at least one year old or older) by taking the neck of a small gourd and cutting it off about one inch from the end. This may then be fastened to the wrist of the child with a string of beads and is ever ready when desired.

A little child is often given a strand of its mother's beads to play with, but its playthings are few.

846 The mother wears a leather belt with a border of shells;

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she may call herself 'a woman who has just given birth to a child' for months afterwards, and try to solicit privileges on that account. 846

Nuer mothers love their babies and try to do all they can in their limited way for them. Whatever the child may lack, it does not lack its mother's love while she is living. But if the mother dies life is a different thing for the child that is left. A new-born baby demands food, and the artificial feeding of babies is an art entirely unknown to the Nuer. What to do with the small piece of humanity is a serious proposition. 854

Rumour says that they may bury the new-born baby with the dead mother, arguing that it will die soon anyhow, but I do not know of any authentic case where the live child has been buried. It is, however, very true that the motherless baby soon follows its mother. Five motherless infants have been brought to the mission at Nasser, as the people know that the art of the artificial feeding of infants is not unknown there. Two of these babies died, while three have lived so far. 847 165

TWINS

Twins are not uncommon, but are usually a cause of distress to their parents, for they are sure that one will die—and it usually does fail to survive. The mother always nurses one child at one breast and the second child at the other breast, and thus divides the supply of food as evenly as she can between them. 845 [853]

When a man is the father of twins, his brother will sacrifice a sheep before he eats with him so that no harm may come to the babies.

The Nuer has a superstition in regard to the burial of new-born twins. Rumour says that they prefer to tie the hands together and hang them up in a tree rather than 766

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766 bury them in the ground. I have never seen this done, nor have I known a case of new-born twins both dying.

895 I have heard in rather an indefinite way of triplets, but know of no authentic case.

One Nuer told me an almost unbelievable tale. I have tried to verify it from time to time, but have not been able to verify the main part of the story.

His story is as follows:—

A woman in a certain village gave birth to six babies at one time. She and her husband were much distressed as to what they should do to feed them. They finally decided that she could nurse two of them, but could devise no plan for feeding the others. So they decided to keep the two largest, healthiest-looking babies, and they took the other four babies, put them in a baby-basket together, and carried them to the forest which was about one and one-half miles away. They hung the basket up in a tree and left the four living babies—uncovered—in it. Then they returned to their village. The two babies they kept are well, strong children now, and are well cared for. My informant declares this to be true.

In my efforts to verify this tale I have found the name of the village, the name of the mother, the fact that they have 'twin' children the age that the two they kept should be, to be true as given by my informant. But I have not been able to verify his statement that she gave birth to six children.

Is the story a fabrication, or is it true and they are afraid to have it known to a white person? It is easy for a Nuer to say 'No' or 'I do not know', regardless of the facts, if he is afraid to give some information, or does not want to. They know that we would not approve of their method of solving their problem, although any one who knows the Nuer and his limited resources could easily realize what a serious problem the birth of six babies would be to them.

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Chapter Six

DISEASE, DEATH AND BURIAL

DISEASES AND THEIR REMEDIES

PROBABLY the greatest cause of physical distress is 164
the tropical disease which is commonly called yaws. It is prevalent throughout a large section of Nuerland, although it has not as yet invaded the Lau country.

This disease is characterized at the onset by aching in the muscles and joints, then lesions may form over various parts of the body. The mucous membrane of the mouth and nose becomes inflamed. Large ulcers may form on the limbs; when they do, the aching in muscles and joints usually stops. The bridge of the nose may be destroyed by inflammation.

Yaws is spread by contact with the discharges of the body of the person affected or discharges from the ulcers. It is not of syphilitic origin.

Sometimes the ulcers are quite large and deep; four to eight inches of tissue may be involved. Others, of course, are smaller.

The Nuer tries various treatments which have been 757
recommended to him by his elders. Certain leaves may be tied around the neck, a massage with hot water may be given to relieve the aching muscles and joints. The ulcer may be scraped with a shell, the edge of the shell having been previously sharpened. If a kernel forms in the groin due to an ulcer on the leg, a special grass is tied around the ankle to relieve it. The disease may wear itself out in time without medical care.

The Government doctors have trained some natives to 757
give the intravenous injections of the drug which is used 759
to eradicate this disease. These native men usually 651
accompany the District Commissioners on their rounds

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757 to collect taxes, and thus come across many cases of yaws.
759 Probably few patients receive more than one injection,
651 for the Government officials do not stay long in one place, but that at least does its bit towards the healing process and also towards the prevention of the spread of this disease. And no doubt this medical work brought right to the Nuer's door, helps to alleviate the pain caused by the loss of their cattle as they are taken for the payment of taxes.

743 During the rainy season when the Sobat river is
757 navigable, and in all seasons on the Nile, the hospital boat—the *Lady Baker*—with at least one English physician and his helpers on board, provides treatment for all cases that can be reached in the towns along the rivers. Intravenous injections are given, and dressings are done. The dreadful ulcers receive one day's treatment at least. All who come to the hospital boat are treated for their various complaints. Those who wish may accompany the doctor to the hospital at Malakal, where they will receive free medical, surgical, and hospital care; they are given free transportation there and back to their villages again.

At Nasser there is a mission clinic. Here patients are encouraged to stay until they have received four of the intravenous injections and also a large daily dose of potassium iodide. Their sores are also dressed three times a week. Many, of course, leave before this course of treatment is completed, but others stay until a complete cure is effected. Skin grafts have been done at different times, three cases have been really successful.

Other remedies, such as bismuth, have been tried at this clinic, but beyond a palliative effect have been useless; the result has been time wasted for the Nuer and no definite cure. The intravenous injections were finally found satisfactory.

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342.

Fig. 6. Grass house

Fig. 7. A group in a Nuer village

[facing p. 48]

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757 It is surprising how quickly the ulcers respond to treatment at first. Later, when they are partly healed, the process seems to be slower, an ulcer may persist in being almost but not quite well for some time. Scar tissue breaks down easily, and the bare Nuer limb gets many a scratch and bruise which tend to cause a recurrence of the sore.

[302] When a man is downcast because a sore is slow in healing, he may bind his hair closely to the head by sewing it with cotton thread until it has the effect of a hair-net. He may wear his hair like this until his cause of distress of mind and sorrow of heart is relieved. This in itself explains to those who see him that there is a reason why he is not adorning his body, and that he is not careless about his personal appearance without cause.

One attack of yaws does not render a man immune. Of course, those who have had no complete cure of the first attack are specially subject to a recurrence of this disease.

164 Leprosy is rare among the Nuer although neighbouring tribes are subject to it.

Trachoma probably causes more trouble in Nuerland than any other disease with the exception of yaws. It is so widespread, and is the cause of much partial and total loss of sight. Many have trichiasis, but when, as in the past, there was a doctor at Nasser many were relieved of this affliction by operation. At the Government hospital at Malakal, both in the past and in the present, relief was, and is, offered to all who come.

[136] Flies are so numerous in this land that they have a very active part in the spread of disease.

Amoebic dysentery also takes its toll of life and weakens the people, although it is not as prevalent as some other diseases.

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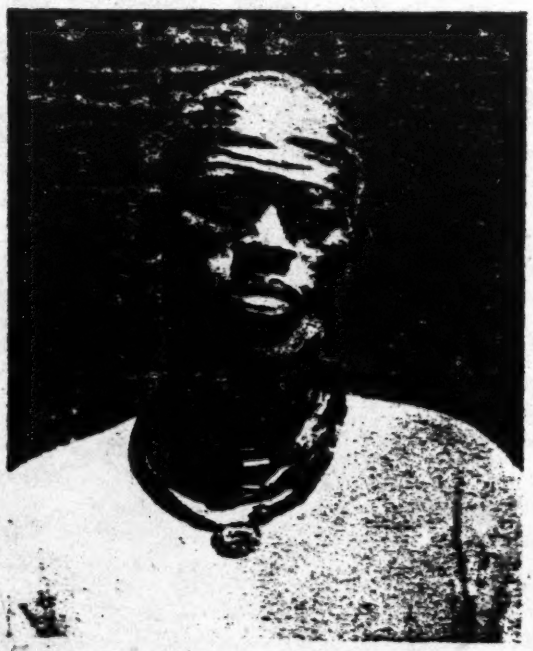

Fig. 8. Tribal markings on forehead

415

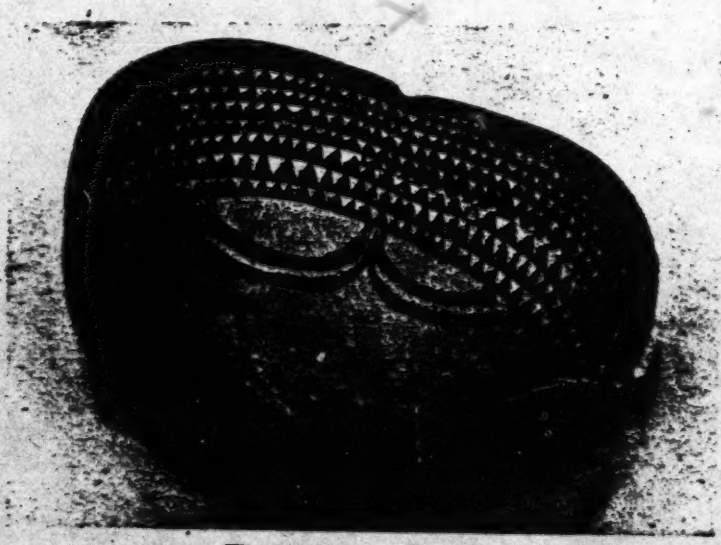

Fig. 9. A carved gourd

[facing p. 49]

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164 757 Pneumonia is hard to cope with in this land, and is much dreaded. As soon as the Nuer thinks that he has pneumonia he refuses to take medicine, asserting that if a victim of pneumonia takes medicine, the remedy will drive the disease all over the body instead of just letting it stay in the lungs. So the patient sits in the sunshine and the usual precautions are taken to guard him from those who might cast the evil eye upon him. Hot milk is given him to drink, if milk is obtainable. But he spends his nights shut up in a windowless house, the door being shut also, and possibly a small fire within for warmth. Many die, but some cases, even those who have had haemorrhages, have lived.

752 Sometimes when empyema follows pneumonia another Nuer will operate on the patient, opening up the pleural cavity in order to let the pus out. He may even cut the rib. The Nuer give you the name of the tree from which a twig may be cut in order to splice the rib. But I know of no one who has survived this operation. The patient is forcibly held down while this operation is in progress as they have no anaesthetics.

164 753 Various other diseases of more or less importance may be found. Cases of what they fear is a severe stomach disorder may eventually be found to be simply due to their fear of a curse.

164 The Nuer dread smallpox; when there is any danger of an epidemic of it they are quite anxious to be vaccinated. Smallpox is usually virulent in this country, and their dread of it is justified by the fact that it takes a heavy toll of life.

Chicken-pox, measles, and mumps may also be found. I have not known of any scarlet fever or diphtheria. Tuberculosis of the lungs is rare, although tubercular bone cases may be found.

Syphilis is not common, and when found its origin

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may generally be traced to a source outside the Nuer. 164
The Nuer have a superstition that dreadful things may happen—the nose may rot away, the head may split down the back—if they contract syphilis. Probably this superstition more than anything else tends to keep them from contracting the disease.

Gonorrhea, like syphilis, is not very common. It, too, may not infrequently be traced to a source which has no connection with the Nuer.

Children and the aged often suffer from malnutrition 146
owing to their limited diet.

A Nuer child has the six central lower teeth removed 753
when he is about six or eight years old. They frequently 752
think that some illness the child has had is due to the teeth, 304
and so have them extracted. Even though there be no illness the teeth are removed while the child is little. There is no such thing in Nuerland as painless extraction of teeth, judging from the cries we have heard and sore mouths we have seen.

Broken bones are also not infrequent, tiny splints for 752
them are made out of cane stalk or some small twigs of a pliable wood. These are placed side by side and laced together, the splint thus formed being tied around the limb at the site of the broken bone.

Spear wounds are occasionally to be seen, but if they are the result of a fight, they are seldom brought to the clinic for medical treatment. The wound is cared for by the relatives of the injured person in the village so that the evil eye may not see the wound and retard its healing.

The art of the medicine man is often sought in order to 755
cure any disease that baffles ordinary treatment. He (or she, as the case may be, for women are also adepts at this art) may remove (?) various things from the throat and stomach, and thereby relieve (?) the cause of distress.

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755 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offered, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[J36] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.

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~~A description~~ is given in Chapter VII of the way in 000
which the body of a person who has been killed by lightning is disposed of.

For those who die of other causes a grave is dug. 764
Relatives, usually the older ones, seem to consider it their right and privilege to dig the grave and bury the body. A twin does not help to dig a grave. The oldest child will break the ground at the site of the grave, but will do no digging if a parent is to be buried.

The work of digging the grave may last for several hours, for the ground is hard and the hoes used to dig with are quite inadequate. Sometimes relatives of the deceased, if near the mission, will borrow spades and hoes, and frequently welcome the assistance of a missionary in using them. If in a distant village they would simply follow Nuer customs as they are.

The grave may not be quite long enough, but the body is made to fit in. It is laid on the right side, so that the spirit may always walk aright and bring good to those left behind.

The body is stripped of all ornament and the head is shaved. To neglect this is to show disregard for the dead. Pieces of animal skin are placed under the right hip and ear and over the other hip and ear so as to protect them from the clods of earth.

Those who fill the grave sit with their backs to it, so that they may not see the earth fall upon the body of their dear one. Anybody who has once seen the Nuer burial can well understand why they should not want to see into the grave—it is a gruesome sight. After the burial those who have dug the grave bathe, and also wash the implements used for digging.

Only the family come to the burial. It is permissible to ask a few others, but it is seldom done.

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764 The same day the stalk of the wild rice is swished all over the house and premises where the body lay after death, and is then put on the grave. The grave may be inside the house, or close to it outside. In the latter case it is plastered over with mud, and thorny branches are laid on it, or a cane-stalk fence is built round it, as the hungry hyena is ever near.

THE CLOSE OF THE MOURNING

765 After the burial the people eat little food for several days. Then some near friend comes and tells them that we all must die and urges them to cheer up.

The period of mourning varies. It may be from five to six months for a man and probably two months or more for a woman or child. A longer period of mourning is customary for a chief or his family.

When in mourning the hair is shaved off and it is not again cut or bleached until the period of mourning is over. No ornaments are worn. A rope is worn round the waist.

Word is sent to all the relatives that the period of mourning is to be finished upon a certain day. They come, sometimes from a long distance. The women pound dura and bring water.

A good friend of the family is master of the ceremony. This man brings lumps of earth to make a new fireplace. He makes a fire. He puts an earthen pot (a new one if possible) over the fire and puts dura mush on to cook. The women stir it.

The friend takes a spear in his left hand and a piece of grass in his right and walks up and down between the people and the food. He beseeches the god that this sorrow may pass. If the deceased is a woman or child, no spear is carried.

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Sometimes this ceremony may be continued for hours. 765
If the master of ceremony is tired another may relieve him for awhile. But when the ceremony is finished he dishes up the food himself. After all are served and have finished eating he cleans up the place, removing the fire and everything pertaining to it.

When all is clean he takes a clean half-gourd and sprinkles people, village, and houses with the water. The house of the dead person is sprinkled inside.

After this ceremony the ornaments may be resumed and the hair may be either cut or bleached. Now the mourners may attend dances again to which they have not been allowed to go during this period.

If the deceased has been murdered all the ornaments are not taken off and no rope is worn about the waist, but the rest of these customs are followed.

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Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] [784] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

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in a way this is true. The Nuer find it hard to believe 781
that God is a God of love. Even when they learn to love Him they still find it hard to trust Him when things go wrong. But the missionaries do not get too discouraged, for, after all, is not that habit world-wide?

A large portion of the Nuer tribe has never heard the 177
Christian message. Of those who have heard it, few have yet made full response. Yet the influence of those who honour the name of Christ will make its mark upon the Nuer and lead to the forsaking of unworthy customs inherited from the past.

Although the Arab traders throughout Nuerland are Moslem, their religion has not appealed to the Nuer; the Moslem faith has so far gained no ground in Nuerland.

SUPERSTITIONS

The Nuer mind is full of superstitions, some of them 000
being age-old. They believe them implicitly; 'Would our parents lie to us?' they ask when any doubt is expressed. Many of the superstitions have to do with cattle (see Chapter II) and marriage (see Chapter V.)

A woman must never drink milk during her menstrual 541
period. Nor at this time may she eat food which has been cooked in a kettle in which milk has been boiled. Why? Because to do so would harm the cattle.

If a woman is impregnated while still nursing a child, 843
they cut a small piece off the ear of a dog and this is worn around the child's neck in order to keep it from harm. Any one walking in the footsteps of the father of this child may be the victim of dreadful things—his head may split right down the back.

If a child should have an attack of vomiting just after 753
some strangers have been to the village, the strangers are at once suspected of having in part caused the attack.

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753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 843 An anklet or wristlet made of large wooden beads of a certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

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They have a definite code, just as strict as any we may devise, but the emphasis is placed in entirely different places. 000

The Nuer does not live to himself. He is a member of his family, and his actions must be in accord with Nuer law as recognized by them. For should he trangress, he is sure to need their help. 593

Laws regarding sexual relations are decidedly lax according to our western standards. Many young men do not marry the mothers of their firstborn. Illicit relationship may exist between boys and girls. But when a girl reaches marriageable age she is usually under closer surveillance than before. 836

When a girl for whom part of the wedding price has been paid by a man whom she does not wish to marry, is dissatisfied with the arrangement made by her people because she cares for some more desirable and possibly younger man, there is only one way for her to cancel her engagement and thus free herself in order to marry the man of her choice. And this way is fraught with danger which may threaten for some time. 584

She will bear a child for the man she loves, and when her condition becomes known, her engagement to the man of her father's and brother's choice is automatically cancelled. Then for a time there is trouble. Her first lover wants his payment refunded at once. Her family want the marriage price from the man of her choice at once. Very probably he has not got it, so he takes the best way out of the situation (for him) and flees to some distant village, where he has friends or relatives, until the anger of the girl's people cools a little and they are more inclined to listen to him.

This is one of the times when he is thankful that he may depend upon his family and friends to help him out. They may or may not approve of his conduct, but they

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584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he *is* fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

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husband may demand the return of his cattle and return her to her father's village. Likewise, if the husband fails his wife in this respect, her people very probably will cancel the marriage and seek another husband for her. Representatives of both parties interested meet together and discuss the matter before the actual separation takes place. 586

One time, when asking a woman her name, I was surprised to hear her give a woman's name as her surname. Upon inquiry I found that she considered this woman whose name she bore as her nominal father. 588

The older woman was unable to bear children, but she had a number of cattle, so she paid for a girl who was considered as her wife. She got a man to come and live with the girl in order to beget a child. Then the child when born was considered as belonging to its mother and to her. She might give the man a cow, but he would have no claim upon the child or its mother then or at any other time.

This woman had several 'wives' and a number of children. She was the central figure of authority in her village and was considered a good leader of her people. I had heard of her before, but had never met her. She seemed to be a competent, capable woman, well respected by those who knew her and by the Government official as well. Her face, her speech and her manner were utterly different from what one might expect to find in one who—according to our western standards—had allowed herself to sink to depths of degradation.

Instead, one saw a Nuer woman a little past middle age, matronly, capable, and kind in appearance. She in in her way had sought children—and found them—and she loved them and cared for them.

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Chapter Eight

CHARACTERISTICS, GAMES, AND MEASUREMENTS

THE REAL NUER

157 THE Nuer improves upon acquaintance. At first sight his better qualities are hidden from the casual glance and his body is anything but beautiful in its usual grey coating of cow-manure ashes. But to know the Nuer is to love him; for as one becomes acquainted with him he will begin to trust you, and you may penetrate the surface mask of reserve and find a depth of finer qualities within.

The favourite expression of a Nuer when asked a question which he does not care to answer is 'I do not know'. But as one becomes better acquainted with him he becomes willing to confide in any one whom he respects.

I have found refinement, consideration for others, courtesy, and faithfulness, as well as many other qualities, not only dormant but active in many Nuer.

153 The Nuer, probably because he has never been able to
151 write, has a splendid memory, and is a good talker and imitator. He may relate some conversation he has heard and imitate each person in tone and manner. He can also imitate birds and animals.

SENSE OF COMMUNITY

264 When the Nuer eat they always use a common dish, and if one person is late to the meal, they await his arrival before beginning to eat so that all may share alike. Likewise, if one has had sufficient food and stops eating before the food is finished, the others ask him why he does not eat more before they proceed to finish their meal, eating the remainder of his portion of food.

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We have had several small thefts of fruit at the mission, 577
and Nuer living on the compound have assumed the part of self-appointed police without any idea of material gain for themselves. They have occasionally assumed such responsibility for the property of the white man as to make it necessary for them to declare a Nuer—even a relative—to be a wrongdoer.

A Nuer is faithful to his family and tribe, remembering 577
his obligations to them and knowing that he may be 621
sure of their support in times of urgent need. This pride in his tribe must not be undermined. Age-old customs and teaching have given him a heritage of which he may well be proud.

As the white man and the Arab mingle in his life and 000
as western civilization touches Nuerland may the good in the Nuer remain undestroyed. May he not become dissatisfied because his ways are not those of western nations, but help to make his tribe better because he has lived in it. We must be careful not to designate as evil everything that is not part of our western civilization. If we teach the Nuer of Christ and they follow in His way, He will perfect their lives.

POISE

You cannot hurry a Nuer unless you can give their 157
war cry—which brings immediate action.

Nuer have been taken to Khartoum, and while they were amazed at all the wonderful (to them) things which they saw, no one who saw them on the street could have guessed any of their thoughts by their actions. They were quiet and self-possessed amid surroundings that were entirely strange to them. One boy was even heard to remark that 'Khartoum had nothing to boast of, except that it did not have mosquitoes'.

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157 I have seen a boy about sixteen years of age save a little girl from drowning. In less than a minute afterwards he was nonchalantly taking a bath, less concerned outwardly than if he had brought a fish out of the river instead of a human being.

The Nuer often asks for one thing or another, such as a safety pin, a piece of cloth or thread. Sometimes one is inclined to think that he wants something continually. But when one sees their meagre possessions one is surprised that they do not ask for more than they do.

FAITHFULNESS

One Nuer showed his faithfulness to his white friends in a way which caused him to give up his own cherished plans and take a long walk.

He had accompanied some of the missionaries in their launch to Malakal, a distance of about 200 miles. They were *en route* to Rejaf and were to board the Nile steamer at Malakal. He intended to buy some cattle and had been counting a great deal on this trip for several months.

As the Nile steamer left for the south at midnight a telegram was given to this Nuer and he was shown how to send it. The next morning he appeared at the post office with the telegram (post office and telegraph office are usually housed together in many places in the Southern Sudan). The postmaster—seeing the signature to the telegram—asked him if he was 'a person of the preacher's?' He replied 'Yes'; so the postmaster—a black man—asked him if he would take the post-bag to the mission. He thought of the cattle he wanted to buy, of this trip he had planned for so long, but he also thought of his white friends and of the eagerness with which they always welcomed the post-bag. So he immediately said 'Yes', he would take it. He gave his name to the postmaster, and

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Fig. 10. The end of a wedding talk

Fig. 11. A Nuer woman and her baby

[facing p. 64]

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157 received the heavy post-bag, for belated Christmas presents made it weigh more this time than usual.

The only thing that did not occur to him was that there might be any other preacher than the one at Nasser. He set out on his return trip to Nasser afoot, carrying a heavy bag of post—belonging to the Doleib Hill Mission which is about fifteen miles overland from Malakal, instead of to the Nasser Mission two hundred miles up river.

But he was blissfully ignorant of his mistake, and after a walk of seven days' duration, he delivered the Doleib Hill post-bag at the Nasser Mission, confident that there ought to be enough post in that heavy bag to gladden the hearts of all his white friends for some time.

He was deeply chagrined when told of his mistake. But possibly the memory of what he was willing to do for them will remain to gladden the hearts of his white friends longer than any news they might have received in that post-bag—had it been theirs.

Another Nuer, who knew how to steer the launch, showed his faithfulness to us by steering the launch all night when a hurried trip had to be made owing to illness. And later, even though Nuer are much averse to being close to dying persons, he would be found sitting on the porch outside the sickroom so that the nurse within—sitting by an unconscious, dying woman—might not feel so entirely alone. He had not been asked to stay there, he was not even expected to do so, but all he said was that he thought he would stay there so that the nurse might not feel entirely alone. It does not sound worth much—unless you are the nurse, alone with a hopeless case in the African stillness after midnight.

NUER GAMES

524 Boys make cattle out of mud, colouring them with ash or charred wood. They curve the horns and show quite a

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Fig. 12. The Nasser Mission on the Sobat

Fig. 13. The Nasser Mission (clinic in foreground)

[facing p. 65]

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524 talent for clay modelling. They may also make clay figures of persons, and play with them and their cattle.

Possibly one of the principal games played with the clay cattle is that in which a mock wedding is enacted.

The boys make a number of cattle. Then one boy chooses the girl he wants. He and his friends tell her people that he wants to marry her, and they inquire as to how many cattle he is willing to give for her. The older people of the village may join in with the children in this —to them—delightful game.

The boy makes an-armlet out of a gourd in lieu of the ivory armlet, he adorns his body with all the ornaments he can possibly get, borrowing from his friends in order to supplement his own meagre supply.

He and his friends meet with the relatives of the girl, and the wedding talk, which is a real debate, goes on. The bridegroom must try to get the bride for the least possible number of cattle without saying anything disparaging about her.

After the wedding talk, food may be served to the children and possibly they may stage a little wedding dance. This game lasts over several days, and the boy-groom gets a little experience to prepare him for the time when he will be required to bring real cattle and make a reality of what to-day is a game for children.

Interesting games are played with mud-balls.

Mud-balls are arranged four in a group and there are seven groups for each of the two players. One takes up two of the first group, the other player takes the remaining two, and so on, until the last group is reached when one player takes three balls while the other player takes but one. Then each player takes his balls in both hands, shaking his hands up and down vigorously and chanting 'bir chor' repeatedly. Then each player puts his balls

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down in groups of four each, and the player who picked up the one ball out of the last group finds that he has three in his last group now, while the other player who took three balls out of the last group is amazed to find that his last group now contains but one. They play it over and over again and enjoy it each time, but cannot explain it. 524

One boy was seen to do a trick quite cleverly by changing a mud-ball from one hand to another much to the amazement of his friends.

Another game is played with mud-balls in which points are scored as cattle with which to buy a wife. The Nuer enjoy this game very much, but they assure me it is far too difficult for me to learn and much beyond my feminine comprehension.

Boys make a ring of cane-leaves and then throw it, trying to throw a stick through it as it rolls.

They also play a game resembling shinny, and are quite clever at it.

Girls often play a game with pieces of cane-stalk about eight or ten inches long. One throws them on the ground and the way in which the different sticks fall indicates how many cattle will be paid as the marriage price; other points count as different things pertaining to the marriage. The pieces are thrown again and again, some positions in which they fall indicating the loss of a cow.

The girls play a game in which the hands are repeatedly clapped on the knees, and they chant a little song as they clap.

Little girls play house, pounding up clods of earth for dura, sifting it in order to get coarse particles out, and imitating their mothers in their work about the home.

On moonlight nights, the dance is a favourite amusement of both children and young people. A drum is made, possibly out of an old kerosene tin which has had the ends 535 534

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535 cut out and sheepskin pulled tightly over it, or it may be
534 a large gourd with a sheepskin covering, or possibly it is made of a piece of the trunk of a tree, hollowed out and covered with sheepskin. But whatever its construction it emits enough sound to please any Nuer when it is beaten in the dance. The drummer beats a rather steady, rhythmic tune on it. One person usually chants a line of a song while all the other dancers chant an alternate line which serves as a chorus.

535 The dance is a group formation. Couples do not dance together.

The men run in in a long line and dance in a group. High jumping is a feature and one is amazed at the height they achieve. Quick advances upon an imaginary foe are made with much brandishing of spears.

One girl leads the group of girls, facing them and leading them as they advance and retreat before her. They keep time to the music with a quick movement of the head and hips.

534 A fiddle is made of a large piece of wood which has been hollowed out, or of a half-gourd, sheepskin being tightly laced over it. Strings are made of gut, and one can play as many as four different notes on some of the fiddles. While the player plays a tune on the strings of the fiddle he keeps up a steady, low accompaniment by thrumming the bowl of the fiddle with the fingers of the other hand.

533 Nuer are naturally musical, and many of them are quite good singers. They improvise many of their songs as occasion requires. Many of their songs pertain to marriage, many of them laud cattle or persons and proclaim their praises. Sometimes they voice their disapproval of some individual in song so that all may hear. They have a lullaby for babies also. Some of their songs are of a

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vulgar type. In construction they are similar, consisting 533
of a verse of one or more lines and a refrain. The verse is usually sung in a higher tone, the refrain being sung in lower tones. They seldom repeat any phrase over and over, but express the same meaning by the use of other words.

Another frequent form of amusement is the asking of 524
riddles. If no one can guess the answer, the propounder of the riddle is asked if he or she would take so-and-so of the opposite sex as husband or wife, as the case may be. When an acceptable name is suggested, the propounder gives the answer to the riddle.

They have many riddles. Some seem anything but comprehensible to us, but they always tell us that 'a Nuer would understand'. Others are quite intelligible and good.

Sometimes Nuer children draw cattle or other animals; 532
they always make the bodies rectangular in shape. A woman may draw on a gourd (Fig. 9) by making scratches and then rubbing them with charred wood, which gives the figures the effect of having been burnt in. The bodies of animals are drawn in rectangles, but other designs may be used. A border effect of points is often made.

MEASURING LENGTH AND HEIGHT

A Nuer indicates the length of small articles by extending 804
the left arm and placing the tips of the fingers of his right hand at a point on the left arm. The distance between the tips of the fingers of the left hand and the place where the fingers of the right hand touch the left arm indicates the length that is meant.

When he desires to show the height of an animal he extends the right hand, palm downward. The distance between the ground and the extended palm is the height indicated.

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804 When he wishes to show the height of a person the arm is extended, but this time the palm is held in an upright position, the distance between the palm and the ground being the height shown.

Distance is indicated by the number of hours or days required to make a journey between the two points mentioned.

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Chapter Nine

WIDER RELATIONS AND INFLUENCES

THE NUER AS NEIGHBOURS

NUER living along the borders of Nuerland raid the neighbouring tribes and are raided by them, taking cattle. In the past they have taken people, but I do not believe that is done now to any large extent. 721

A number of Nuer have Dinka 'slaves' or servants, who have been taken in these raids, but they are usually treated as members of the family, except that the Nuer son or daughter takes precedence over the captive Dinka in being allowed to be married first. The Nuer name for Dinka means slave, and they consider them as an inferior tribe. [567]

The Nuer sees nothing wrong in these border raids, but rather delights in the fact that it gives him a chance to show his prowess over his neighbour.

Sometimes one Nuer village raids another Nuer village, and this starts a feud that is hard to quell. It may last over several years. If some one is killed retaliation is sought. A life for a life is generally the rule.

Government interference is usually necessary to settle any large raid or incessant raiding.

Nuer wars and troubles between villages and different tribes are usually the result of cattle raids or the infringement of Nuer marriage customs.

In case two neighbouring villages are at war, especially if they be Nuer and Anuak, each assembles all their people and adherents. A war-dance and song are staged for the benefit of the opposite side, so that they may be impressed with the large number and possible prowess of their opponents. 726

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THE NUER AND THE GOVERNMENT

669 177 The Nuer have occasionally had trouble which has required definite Government interference to settle it.

Several years ago the Government put on a patrol to quell an uprising in the Garjak section of Nuerland. There the Nuer saw his first aeroplane. To him it meant a huge boat that could fly and from which unseen guns could be fired. Hence they call the aeroplane the 'boat of the sky'.

669 177 791 The Nuer had great faith in one of their prophets, but when he failed to save them at this crucial time their faith in him was shattered. Again, more recently, they have been led astray by faith in another of their number—Gwek Ngundeng—and again they have found that he, too, was but a human being such as they, and no more powerful than any one of them would be.

Ngundeng, father of Gwek, had made a huge mound in the Lau section of Nuerland, and the Nuer considered this mound sacred. Many things were buried in it. But the mound was blown up by the English in the early part of their second patrol in order to shatter the Nuer faith in their god. The Nuer asked themselves—could this mound, a sacred place, be blown up? Was it possible? Then when they realized that it not only could be blown up, but had actually been destroyed, doubt entered their minds as to whether the mound had really been sacred or not.

When Ngundeng, father of Gwek, died, they then ascribed his power to his son Gwek. They had great faith in him, but when they heard that he had been killed in this patrol faith dropped to the zero point: 'Could a god be killed?' they asked. But if their faith in him died they still felt that he had been a most wonderful person, even if he were not a god. Shortly before word came of his death there had been a number of showers during the

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dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

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641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinka and take their cattle.

641 The Nuers learn to trust the District Commissioner and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

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to take a little ride one day. Several chiefs were induced 177
to try a ride, but one chief especially became quite frightened and a quick landing had to be made in order to keep him from jumping out.

The Nuer were quite alarmed when the planes appeared that morning, although they had been told some days before that planes were to come. Children ran screaming into the houses, men and women were badly frightened and dubious as to the purpose for which the 'boats of the sky' had come. Children stayed in the houses or near their homes, women would not go up to the merchants while the planes were flying.

Many were amazed by the short time taken for the flight from Malakal to Nasser, and realized to some extent that in case of need the planes with their guns might quickly come.

In the recent patrol the aeroplanes were again used as agents of war, so it is little wonder that to the Nuer the aeroplane is a thing of destruction, and they fear it accordingly.

The Government has shown an interest in the education of the Nuer and is eager to have schools among them. 871
The authorities have sent several boys from Abwong to the mission school at Nasser and paid their expenses while there. These boys work in various capacities for the District Commissioner at Abwong, and when he is away he is anxious to have them in school. They were apt pupils. This same District Commissioner had one of the older boys from the Nasser school to conduct a school at Abwong for one season.

MISSION WORK AMONG THE NUER

The American Mission has long had a station at Nasser 797
(Figs. 12 and 13). They work on evangelistic, medical,

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797 and educational lines. Itinerating work is also done by the members of the mission.

They have a church, clinic, and school, as well as three dwelling houses and a storeroom. A number of fruit trees have been planted and they have plenty of fruit for personal use.

The personnel of this station consists of from four to six adults.

797 871 Practically all the school pupils are working on the compound. They go to school for an hour or two at least and then work the remainder of the working day. Their wages are based upon their working hours, but all children, especially those who show any aptitude in learning, are required to attend school. Should they refuse, which they seldom do, they are dropped from the workers' list and some other eager applicant is taken on who is not averse to going to school.

At the Nasser Mission the work-bell rings at 6 a.m. All workers then attend the service with morning prayers and roll-call from 6 a.m. to 6.30. a.m. At 6.30 the workers go to their work and school opens. Lessons continue in the school until nine o'clock when chapel is held.

At 9.30 all workers are given one-half hour for breakfast. At ten o'clock the work-bell again rings and work on the compound and in the school is resumed until 1 p.m. when the working day is finished.

797 743 At 6.30 a.m. the clinic is opened by the Nuer helpers, the doctor (if there is one) or nurses not coming until 9 o'clock, except for supervisory or emergency work.

Arabic-speaking people are cared for at the clinic from 9–10 a.m. as are all the workers who come. From 10 to 10.30 a.m. the clinic service is held, which consists of songs, prayers, and a Bible story. All Nuer and Anuak

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patients, except those working on the compound, are 797
supposed to be present if they wish for medicine that day; 745
emergency cases are always treated at any time. After this service treatment is given to all who come.

On Sundays services are held in the church consisting of church service and Sunday school; in the afternoon a song service may be held. Or the song service may be omitted and a night church service held in one of the homes. The church can seldom be used at night on account of the ever-present mosquito. Sometimes the Bible lesson in church is given by a Nuer. Some of them show real talent for public speaking. There are from 150 to 160 Christians, but they are scattered throughout the various sections of Nuerland.

The church is not yet organized in the sense in which we understand organization. There is a committee of native Christians who have been appointed to supervise the receipt and expenditure of monies, but always with the aid of a missionary. A session is also appointed who help to examine candidates for baptism. Sometimes the examination they give is indeed rigid. The candidate's major sins of the past may be mentioned in detail. He is not merely asked to forsake sin, but those sins to which he is more subject are mentioned in particular. Sometimes a member of the session may be suspended, owing to some sin in which he has actively taken part.

Sometimes it seems as if the results of our work were small. Then some incident fills us with encouragement and we are amazed to find the extent to which the Nuer Christians are willing to trust Him whom they have so recently accepted as their God.

School work is carried on five days a week. The fact 797
that all books must either be written in this language 871
or translated into it is a serious handicap, for this transla-

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tion work takes time, and it is hard to keep new material prepared for the higher classes. English is taught to some extent, but the Nuer is taught in his own language first that he may learn to appreciate the things that are Nuer.

Student teachers are employed, pupils being thus trained to teach those who have not as yet learned as much as they have. In this way, a pupil teacher, returning to his village, knows how to teach what he has learned, be it much or little, to others.

A Nuer who is also a pupil in the advanced classes is supervisor of the school under the direction of a missionary.

The pupils do not pay for tuition. Only one case is known where a pupil at this school paid for his schooling in any way. This man was only able to go to school for an hour a day, but he was anxious to keep up with his class who were having two hours' instruction daily. He paid a Nuer for his services as private tutor each afternoon. This aspirant after an education was an Anuak, both he and his tutor were pupils in this school.

The Nuer boys sent by the Government official at Abwong to this school formed the greater portion of a boys' boarding school while they were there. The two men who are working for the District Commissioner at Nasser as his interpreters attend school all the time when they are not on trek.

The mission is busy now getting the books translated which were recommended by the Rejaf Language Conference of 1928.

There is a Roman Catholic Mission in another section of Nuerland, but I am unable at this time to give any definite facts about the work. I understand that one of the main features of it is the school. This mission will also use the course of study recommended by the Rejaf Language Conference.

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Missionaries usually are victims of the ever-prevalent malaria but it does not daunt them, and they continue to love their people and their work. 797

But much remains undone; there is urgent need of mission work along any or all of the present lines—evangelistic, educational, and medical.

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Chapter Ten

THE NUER LANGUAGE

RESULTS OF STUDY

197 THE Nuer language in most points has some simililarity to the other Nilotic languages, having many of the same sounds, but it is a distinct language in itself, and not an outgrowth of the others. Possibly it shows more similarity to the Dinka than to any other of the neighbouring tongues.

212 Various systems have been used in reducing this language to writing, but no one system has been found which seemed to satisfy the different missions and the Government officials who were using a Nilotic language. So in April 1928 the Sudan Government called a conference at Rejaf, where representatives of the missions and governments engaged in work among the Nilotic tribes were present.

The Government had invited Professor Westermann of the International Institute of African Languages and Cultures to prepare a system of certain signs to represent the unusual sounds of the Nilotic tongues. Professor Westermann was present and the new system was tested with the various natives at the conference who were present for that purpose from the different tribes.

Thus for the first time a common system was adopted for general use throughout all the Nilotic tribes wherever any effort is being made to reduce any of these languages to writing. This in itself is a big accomplishment, as all missions as well as all Government officials have accepted the system.

872 A standard course of study for the elementary schools was also adopted.

214 The Nuer language so far has not been very largely

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transmitted to paper. The two missions working among the Nuer have a limited number of school-books printed in this language. The American Mission has six readers, one of which contains much folk-lore. They also have a translation of Dr. Mary Blacklock's book on Hygiene. But the white man when he arrives in Nuerland has but little to help him to a quick understanding of the language. A Nuer-English dictionary has just been published, and an English-Nuer dictionary will soon be ready for the publisher. In each a few pages of Nuer grammar has been included. But so far the white man has had to extract his knowledge of the language from the Nuer himself, and this process takes time—and patience. 214

The Nuer language as I have found it has an extensive vocabulary. I have listed over 3,100 words in the above mentioned dictionary, many of them root-forms only, and I constantly find how limited my knowledge of the language is. One finds new words each day. It seems like an endless mine. 192

In working on this language distinctive points are noted. 193

The same forms are used for all genders in pronouns. A change of vowel or an additional vowel is common in forming the possessive of a noun. Many proper names are the same in both masculine and feminine cases, but the prefix *nya-* or *nyan-* is always used with the feminine. The supply of adverbs seems inadequate, but possibly we have not discovered them all. Also the names of many virtues are lacking, and we frequently find that we need more adjectives. Change of inflection plays an important part in this language in making negative forms and plurals. 192 193

Nuer sentences are short. The Nuer seems to prefer a new sentence instead of using many connectives. He often states a fact, modifying it in the next sentence, e.g. 'Every one went away, I only was left.'

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538 The Nuer language has a wealth of animal and bird stories, tales of the origin of the tribe and folk-lore. Also games, songs, riddles, and superstitions. All of these are as yet practically untouched by the pen. A sort of cannibal-ogre combination, capable of changing into an animal, is usually a prominent character in their folk-lore.

192 The language contains no word for 'thank you' as far as I have delved into it, but one does not need to be in Nuerland long to discover that the Nuer has a word for 'I am mistaken', and is willing to use it.

TIME, SEASONS, MOON, AND STARS.

[305] 821 The Nuer gauges time by moons, the light or dark of the moon. He knows the stars, and has names for many of the constellations. He is a keen observer of them and makes his own observations concerning them. Orion's belt is called 'gat rum juk'. One star is supposed to be a man leading a horse, the second star is supposed to be the horse, while the third star is another man driving the horse as he follows him.

The evening star is called 'Lipai chiing', as it is considered to be like a girl in the village waiting for the moon to come up and when it does come up, she goes away with it. Hence the name, which means 'wait in the village for the moon'.

The Southern Cross, the Little Dipper and other constellations are also noted and named.

825 805 The Nuer firmly believes, as already noted, that the cattle see the new moon the night before it is visible to the human eye. I have frequently asked them concerning this. The date upon which the cattle see the new moon always seems to be the date specified upon the calendar as the date when the new moon should be visible. Yet the Nuer has no calendar.

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The year is divided into months according to the moon. 105

There are four seasons. The fishing season usually starts in the latter part of December or the first of January. It lasts probably three months, then when the rainy season starts and the river rises, the spring season begins. The spring season is called 'rwil' while the fishing season is called 'mei', or as we would pronounce it 'mse'. The season in which the dura is growing is called 'tot' (pronounced 'tawt') and corresponds to our summer season. The autumn season is called the season of winds or 'jom'.

There is no Government thermometer at Nasser, and I 132
can give no definite scale of temperature. I have had a thermometer in my sitting-room for several years—(a room with brick walls and grass roof, two large windows and two doors). The minimum temperature which I have happened to note was 56 degrees F. The maximum in this room was 105 degrees F. As a rule the temperature ranged from 84–100 degrees F. Of course different temperatures may be registered when the thermometer is placed elsewhere. I just give the temperature of the room where I was working during the hottest part of the day. Others have found their thermometers to register 110 degrees.

However the sun does a thorough job in heating the bath water. The pipes are on the surface of the ground and the water is often far too hot to use until after it has [illegible]

The day is also divided, so while the Nuer cannot tell 105
what time it is by giving the hour, they can give a very definite idea of what they mean.

ra e durdur	not yet daybreak.
ci ra bak	daybreak.
ci cag kany	sunrise.
thal cag	about ten o'clock.

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T05 caŋdar	noon.
buoka caŋ	middle of afternoon.
ke thiaŋ	late afternoon.
ci war lip	early evening.
war	night.
wardar	midnight.

('ci' is pronounced 'chi', 'caŋ,' is pronounced 'chang', 'thiaŋ', is pronounced 'thiang'.)

NAMES OF NUER—DETERMINING DATES

[527] A Nuer has a splendid memory, but dates, birthdays, and anniversaries are not the things he stores away in it.

A parent may tell you in what season of the year a child was born, but after a few years the number of its years becomes but a confused memory.

When some special event has transpired which fixes a date firmly in their minds, they may date an event from that time. The time when the English patrol was in the Garjak country is often used when dates are discussed; an event may be dated either so long before or after the 'boats of the air' came. A flood, a famine, a year when wild animals were numerous, all may be used to mark time.

T05 561 WHEN THE AGE OF A CHILD IS SMALL it may be determined from the reply to such questions as:

does he crawl?	one year.
is he weaned?	(if so) three years old.
does he herd sheep?	8–12 years old.

T05 551 561 For later ages one may ask 'when will he have the tribal marks cut?' (tribal marks are usually cut when the boy is from 14–16 years old). After the tribal marks are cut, age may be determined by the class name, providing the sequence of classes is known (see Chapter IV.)

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A woman may be asked 'If you were a man, what class would you be in?' and her age determined by the answer. [305] 551

A child is often named to commemorate some event that has just occurred so the name in itself gives an idea of the date: for instance 'Rath' is famine. Possibly the boy was born in a famine year. If the family are in mourning when the child is born, it may be called 'Mun' if a boy or 'Nyamwon', if a girl. The name means 'ground' or 'daughter of the ground'. 561

An orphan—whose mother is dead, although the father may still be living—is often called 'Ret' which means 'orphan'. 'Bany Piny' is also a name given to an orphan which means 'left on the ground'. A girl orphan is often called 'Nyaret'. 551

Twins are often given names which mean 'the leader' and 'the one who was left', indicating their order of birth. The feminine prefix is used if a girl.

Buth	the leader (a boy).
Nyadwoth	the one who was left (a girl).

A child always takes the personal name of its father as its surname, although in so doing the possessive form of the father's name is often used, but not always.

Mun Dup	name of father.
Rath	personal name of son.
[illegible]	[illegible] of son.
Pec Kak	name of father.
Nyaliza	personal name of daughter.
Nyaliza Pec	full name of daughter.

A girl's name almost always has the prefix 'nya-' or 'nyan-' meaning 'daughter of'.

A girl retains her father's personal name as her surname throughout life as she does not assume her husband's name when she marries.

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NUER GREETINGS

576 The Nuer have a number of forms of greeting and are rather strict in observing their usage.

Probably the most common form is 'chi nienu', or 'have you slept well?' To this greeting, one responds with a grunt resembling an 'aw' sound. Then the second greeting is given. In response to this you again reply with a grunted 'aw'. Then you, in turn, ask your friend if he slept well, and he responds with the grunted 'aw'; you give the second greeting and he responds in like manner.

Two greetings are always given; the first one is always 'chi nienu', but the second one may vary; as—

chi palu	have you prayed?
chi tolu	have you smoke (in your village —the inference being that you have a fire and are cooking food)?
malu	are you well?

Any one of these three may be used as the secondary greeting.

When two people meet and have perhaps discussed some matter before greeting each other, they will use this first greeting before they part as well as the one used when

In parting, the one who is leaving says 'ku lo nien a gwaa' which practically means 'may you be well after I leave'; to this the responsive 'aw' is given. Those who are left behind reply with 'wir a gwaa' meaning approximately 'go in peace' which draws the responsive 'aw' again.

It is not a Nuer custom to shake hands with a person. The Nuer greeting is given by word of mouth. Nuer who shake hands with one are imitating their Arab or white brothers.

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When a guest comes to a village he sits down. His host or hostess may place a sheepskin on the ground for him to sit on. He sits there, and presently his host and hostess greet him. 576

'Gwadin' and 'madin' are titles of respect given to men and women respectively when a younger person addresses an older one. An old woman, wishing to use a term of respect toward a young man may address him as 'wadin'.

A younger man may greet an older woman by taking her hands in his, spitting upon them and rubbing them. Then he bends his head and she spits on the top of his head. Or he may take her hands and blow upon them, and then incline his head while she spits upon it.

A father, returning from a journey, usually spits upon the heads of his children.

Girls who are nearing the marriageable age begin to use this method of greeting one another if they have not seen each other for some time; each in turn inclines the head while the other spits upon it.

In explanation of this method of greeting it might be said that the Nuer method of spitting when greeting any one is different from his method at other times. At the time of greeting he really sprays the head or hands, as the case may be, with a very fine spray of saliva.

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Chapter Eleven

NUER FOLK-LORE

538 THE Nuer language is rich in folk-lore. Many tales have been handed down from one generation to another. In these tales the people implicitly believe.

Nuer folk-lore may be classed under four different headings. There are tales which relate to the origin and history of the Nuer tribe; some of these have already been given in the text. There are animal and bird stories. There are tales whose central figure is a sort of ogre; these correspond in part to our own fairy tales. There are also riddles, some of them handed down from generation to generation. Several specimens of animal, bird and ogre stories and a few of the Nuer riddles are given here. On some future occasion it may be possible to print a fuller collection, with the Nuer text.

000 Acknowledgements are due to Mrs. P. J. Smith of the American Mission at Nasser, who has been instrumental in getting the Nuer interested in writing their folk-lore for use in the schools, and to Nyan Yut, who wrote down the riddles for me as 'a present to my sister'.

THE COMING OF FIRE

[illegible] wanted food the grains of dura were pounded one by one until the place in which it was pounded was full. Then the pounded dura was ground, wetted, and put to dry in the sun. When the top dried it was picked off and eaten. What remained dried again after a time and was again picked off and eaten until all the dura was finished.

One day Dog set off on his travels to hunt for fire. He arrived at the village of a snake who was cooking food. When he appeared they said 'Make way for the traveller'

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and moved aside. He sat down by the fire. Suddenly he wrapped his tail round a burning stick and ran away with it swiftly. Snake raced after him, but could not overtake him. He brought the burning stick back with him and gave it to the people saying, 'Blow the fire'. 539

The people soon cooked their food with fire.

THE STORY OF KIIR

Yul is he who gathered Kiir up in the river.

Yul and his people were travelling when a gourd fell from the heavens with a spear and the skin of an animal. The gourd was very big, higher than the people. Yul said to the people 'You take the gourd.' Everybody feared because the gourd was so big. Yul was not afraid at all. The people who travelled with Yul fled, so he was left alone beside the gourd. He split it open himself, and Kiir came out of it. One side of the gourd had seeds.

Kiir is a sorcerer. Yul said to him, 'We are going to the village.' When Kiir refused to go Yul left him. Kiir is a bad sorcerer and went off alone. When he saw elephants and other animals he would pierce their hearts.

One day the people came to Kiir and besought him. 'Let us go together to the village. We will give you a girl.' At first Kiir would not go, but when the people wearied him with their talk he went. In the village they gave him a girl and he begat children.

Kiir has a family now.

LEST THE EARTH SHOULD QUAKE

Long ago people walked slowly lest quick walking should cause the ground to quake. They kept on doing this. One day a man raced by at great speed. 'You will cause the earth to quake,' they said. But he took no notice of what they said. When the people saw that the earth did

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539 not quake under his footsteps they walked fast too. The earth did not quake at all.

THE WORDS OF GOD AND OF THE PEOPLE

Long ago God and the people talked together. God asked if they would rather live for ever, or die. The people told God that the earth was growing full of people; it would be better that some should die and make room for those who come after them. God said, 'Oh! All right!'

That day Dog went among the cattle. When he had seen them he went to the village. He cried, 'Did God talk to the people to-day?' They answered 'The people and God talked.'

Dog asked, 'What did he say?' The people replied, 'He told us to choose life or death. The people chose that some might die while others came after them.'

Dog said, 'What did he do?' The people said, 'He threw a stone into the river'. Dog said, 'You show me the place.' They showed him the place. He dived. He brought up a little stone. People are always restored by it.

THE WORDS OF A MAN

A man found snakes fighting one day. As he came near and looked at them he saw that one snake had been killed. He reproved them. He said 'Go away.' The snake gave him a charm saying, 'By means of that charm you will hear all things. When the rat talks, you will hear it. When the cow talks, you will hear it. You will hear everything that is said.' The man passed on. He came to the village.

At night the man's wife locked the house so that there was no open place. All was quite dark. She and her husband lay down to sleep. A mosquito came to the

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door. It examined the house. It found no way in. The mosquito exclaimed, 'They have locked the house very tightly. How can one get in?' The man understood and laughed. 'What are you laughing about?' asked his wife. 'Nothing,' said he. 539

Again, a rat came. He examined the door. He found it fast closed and left it. He tried the eaves of the house and got in. He searched everywhere. He wanted butter. He found none. He said, 'Oh, where has that woman stored her butter?' The man laughed. His wife asked him, 'What are you laughing about?' He answered, 'Nothing.'

In the morning the man went to his barn. He let the cattle out. When it was nearly milking time his wife came to milk. When she arrived the cow said, 'Of course you come, but you will not milk me to-day. I will withhold my milk. My calf will drink it afterwards.' The man laughed. His wife asked him, 'What are you laughing at?' He answered, 'Nothing.'

The wife left the cow. She returned to the village. Then the calf sucked its mother.

Next day the wife again came to milk. The cow again withheld its milk. In the afternoon the woman's child was ill for want of milk. She brought it to the barn. She talked to her husband. She said, 'That calf will kill my daughter.' The cow interrupted, 'What! My daughter will kill your daughter?' The man laughed. His wife asked him, 'What are you laughing about?' He answered, 'Nothing.'

When it was nearly sunset his wife said, 'I will get a divorce.' She called all the people. They came to her husband's place. They seated themselves. They said to the wife, 'You and your husband talk. We will listen.' The wife talked. She said to the people, 'When we lie down to sleep, my husband always laughs at me without

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539 any reason. When I ask him why he does it he hides the reason from me. That is why I object to him.'

Then they asked the husband, 'Why do you laugh at your wife? Tell us.' He answered, 'Nothing.' They said again, 'Tell us.' He answered, 'Men, if I tell it, I will die.' They said, 'Tell it, man! Do not hide it.' He replied, 'Oh, men, I will not tell. I will surely die.' They urged him. When he was worn out he told them. He said to the people, 'This is the reason why I laughed when we were lying down in the house. After a while at night the mosquito would talk. It would say, 'Who is this woman that has locked up her house so tightly? Where can one get in?' 'That is why I laughed.'

The man died, as he had said. The people cried. Some of them dug a grave. As they were about to bury the body a certain snake hastened to the desolate spot. It wrapped itself round the body. It stuck its tail in the nose of the dead man. He sneezed. The people were amazed. Some of them said, 'Is it his god?' Others replied, 'Why ask who it is?' When the man stood up the snake left.

When the man had quite recovered he travelled through the desolate places. He found the snake under a tree. The snake said, 'But why did you tell? Long ago when I gave you that charm I told you it would make you hear all things.' The man replied, 'They urged me, so I told them.' The snake said, 'Oh!' Then the snake gave him another charm saying, 'You will hear the words of the birds which eat the kaffir corn. When a bird eats the kaffir corn in the field you will hear.'

The snake went away.

The man returned to the village. He heard many things. When a bird was eating the kaffir corn, if another bird came near the first one would say, 'Bird! Do not

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come. We will be seen. I am eating quietly. This is my place. Let us separate. The field is large.' After a while another bird would reply, 'What! I shall be found out.' A third would break in, 'How will you get out? Perhaps they will find us.' 'Let him go' cried one bird. 'I am not going,' said the other. The man laughed there in the kaffir corn. 539

When the birds had finished talking he urged them to go. They scattered. The birds were provoked because one bird said to him, 'If you had not come they would not have found me.'

The man always held that snake sacred as his god.

THE STORY OF THE YOUNG WIFE

There is a story of a man who married and took his wife to his village. His work was to go out and herd cattle. One day at the edge of the swamp he found an ogre who was dying of hunger. The man had caught an antelope. He beckoned to the ogre, though he knew what he was. He showed him the antelope. The ogre ate of it. Then he drank water. When he had finished drinking he asked the man, 'Did you know who I was a little while ago?' The man replied, 'I knew you were an ogre.' The ogre said, 'Oh! You saw a person that was starved.' I was helping a person,' said the man. The ogre replied, 'Oh! I have nothing much to say, but I will show you something.'

He dug up a sweet potato and gave it to the man. The man asked, 'Is there no other?' The ogre gave him one. He ate it. Again he asked the ogre, 'Is there none left?' He was given another. He asked the ogre, 'What is this called?' The ogre replied, 'It is called—what?' He signed to the man with his head. He said, 'This belongs to you alone. Do not show it to the people.' The man went on digging his potatoes.

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539 When he brought the cattle back to the village his wife gave him mush. He refused it and called some one in to eat it. The next day he went out with the cattle again. He dug up his sweet potatoes again and ate them. He had plenty. When he brought back the cattle his wife brought him mush. He refused it. Every day it was the same.

One day his young wife said, 'People of my village, why does my husband always refuse my food? Why does a man want to marry a wife?' The people replied, 'A man marries in order to have some one to cook his food.' The wife said, 'Now my husband always refuses my food.' The men who were of the same age as her husband said, 'We do not know what he is doing.' They said, 'Tell us,' but he said nothing. They left him there.

Next day the man took the cattle out. His wife followed him. He dug up his potatoes and came to the edge of the swamp to wash his hands. His wife arrived. 'Oh, yes, that is why he always refuses my food. Yet he married me by paying cattle for me. Oh, but your mind is lost.' The wife left. The man was taken aback. He ate what he had dug up. He brought the cattle back to the village.

Next day when he brought the cattle out he hunted for his sweet potatoes, but he could not find them. In the afternoon he went home. He was offered food and ate it. He did not refuse mush again.

THE MAN AND THE CROCODILE

Long ago a man went to the river's edge to get a drink of water. As he put his mouth to the river to drink a crocodile caught him and brought him to its house in the bottom of the river. This house was dry. There was no water in it. The crocodile brought the man in.

The man stayed there. It was not possible for him to

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get away for the dooryard was full of small fish. When he tried to get out the small fish cried. The crocodile on hearing them hurried from wherever he was. The man seeing the crocodile coming would fall to the ground and look forlorn. 539

One day the crocodile went off to a distant place. The man, taking courage, sprang out of the house. At first he was under the water. When he came to the surface he breathed a very big breath. He gasped a big gasp also. He floated on the top of the water. He reached the land. He sat down for a little.

When he was rested he stood up. He started out. He journeyed. But he did not know that wells had been dug ahead of him. The tops of the wells were covered. They looked like the rest of the ground. As the man went on he fell into a well.

And an elephant came and fell into the well also. It stuck fast in the middle of the well. It did not reach the bottom. The person was in the bottom of the well. The elephant was in the upper part. At first the elephant filled the mouth of the well. There was no open place. Then the man found a small place at the side of the elephant. He put his nose to it. His breath came. So he did not die.

The people, hearing the cry of the elephant in the middle of the village, ran. They arrived. They jumped in, cutting off pieces of the elephant. They cut the whole elephant up. The man was all the time in the bottom of the well. His body was very red from all the blood. When the people had finished skinning the elephant he called to them, 'Children! Oh, men! Take hold of my hand.' The people refused. They said, 'Is it not an ogre?' They left.

One man returned. He said, 'If it is a person I will go and find him.' He came to the top of the well. He asked,

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539 'Are you a person in the bottom of the well or are you an animal?' 'I am a person,' was the reply. The man knew from the voice that a person was speaking. He went to the bottom of the well. He brought the person out. He took him to the river. He was bathed. The man took him to his own place and massaged him with hot water.

The person's body was soon well. He never went away to any other place. He belonged to the man who brought him out of the well.

THE CROCODILE AND THE WHITE FISH

Long ago the crocodile lived in fear of a certain fish. He went some distance away but he and the fish met again. Crocodile passed by at the side. Fish said, 'You are always afraid of me.' Then he added 'Come near to me; see my mouth.'

Crocodile refused because he was afraid. 'You are a big person, Fish, they often tell me you will eat me. That is why I am afraid.'

Fish said, 'Do not fear; I have no teeth.'

'Open your mouth' said Crocodile 'and I will see from a distance.'

Fish opened his mouth. Crocodile looked in. He came close by. He saw no teeth. He said to Fish 'Heretofore I have feared without cause.'

They travelled for a little together. Then Crocodile ate Fish.

THE ARGUMENT OF THE FROG AND THE OSTRICH

One day the ostrich had an argument with the frog. The frog said to the ostrich, 'Boy, they always brag about your running. But if you and I ran a race, do you think you could then keep my body in sight?' The ostrich replied, 'Why, man, could you pass me?' After their

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argument the frog said to the ostrich, 'I will name the day for the race. We will choose a rainy day when the water lies in puddles on the ground.' 539

They waited seven days. Then when it had rained all the frogs assembled themselves together. They lined up for a long distance. They had all made a plan. The frog went to notify the ostrich that he was ready.

They raced. After a while the ostrich said, 'Am I not beating the frog?' But the frog who was waiting for him at that place exclaimed, 'Tawt! You cannot beat me.'

The ostrich set off to race again. Again he called to the frog, 'Am I not beating you now?' But the frog who was just ahead exclaimed, 'Tawt! You cannot beat me, man.' This went on until the ostrich was worn out. He was so exhausted that he died.

None would have beaten the ostrich if a plan had not been laid against him.

THE STORY OF THE MONKEYS

God made the monkey somewhat like a person.

They say there are many monkeys in the Garjak country. When the people come to the river the monkeys also assemble there. They sit on the opposite side of the river and they play. Then half of them will go to drink while the others throw clods into the river. When they have finished the others drink while the first lot throw clods. Then the mothers come guarding their children. One will put her child on the ground, dip up water with her hand and give it to her child. After the little monkeys have drunk the mothers drink too.

The young monkeys pull the tall grass. They spend the day chewing it. In the afternoon they come to their village bringing their mothers tall grass. The monkeys go fishing too. They kill very small black fish.

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539 Then the young ones sit on the river-bank or gather wood while the male monkeys sit down.

The people come to watch the monkeys as they eat. The big person will divide the fish among them all, giving himself some. They will eat. After a while, when they have finished, they go away.

They say that the monkeys dig wild potatoes. They bring them to the river-bank. They roast them. The child will ask the mother, 'Mother, are they not roasted?' The mother will reply, 'They are not roasted yet.' The child will answer, 'Oh!' After a time the child will ask again, 'Mother, are they roasted yet?' The mother will reply, 'Not yet, my child'. After a time the monkeys take out their own potatoes and eat them.

They say that one day the monkeys whipped a Nuer man. They loosened the rope which was round his waist and whipped him with it. They chased him into the barn and went away.

They say that one day when the monkeys were drinking and throwing clods on the river-bank three big male monkeys were the last to go. A crocodile caught one. When they saw that one of them was caught they all threw themselves into the river. They dived, hunting for him. They rose to the surface together in the middle of the river. When they failed to find the captured monkey they came out. One of them cried. It may have been his brother or his wife. One male monkey went to comfort it as it threw itself again and again on the ground.

THE LION AND THE FOX

The lion was very hungry. He saw antelope at night and chased them. When he was near one he sprang upon it, but he fell into a deep well. He was in that well for many days. There was no way to get out of it. It was a slippery

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well. When he tried to get out he fell back. The lion was very much bewildered. 539

One day the fox came to the top of the well. He stopped. The lion asked him, 'Who are you?' He said, 'I am the fox.' The lion said, 'Oh! son of my sister, come to me.' The fox looked into the well. He said to the lion, 'How did you fall into the well?' The lion said to him, 'I was springing upon an antelope.' He said to the fox, 'Son of my sister, come to me.' The fox said to him, 'How would I get you out, uncle? Would not I fall in?' The lion said, 'I would take hold of your foot.' The fox refused. He went away.

A monkey came. He stopped at the top of the well. 'Who are you?' called the lion. 'I am a monkey,' he replied. The lion said, 'Come to me, son of my sister.' The monkey refused.

The fox heard their conversation. He called the monkey and said to him, 'You help the uncle of a person out.' The monkey was surprised, but he said to the lion, 'How will you get out?' The lion said to him, 'I will take hold of your foot.'

The monkey went down. The lion caught hold of his foot. They came out. Then the monkey said, 'Let go my foot; let us travel. I brought you out, uncle.' The lion said to the monkey, 'I am starved to death. I will eat you, son of my sister. I am absolutely famished. Maybe my body will then be strong! The monkey said, 'Why! Uncle! What! But I brought you out!'

The fox heard their conversation. He did not come near. His words were from a distance. He and the monkey made a plan. He said to the monkey, 'You let the uncle of a person eat you.' He said to the lion, 'The people of the village are resting after work. We will go under the tree in the shade.' The lion came, bringing the

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537 monkey with him. They talked. The fox said to the monkey, 'Let the lion eat you. The uncle of a person is utterly famished. But one always eats a monkey in a tree.' The monkey heard the words of the fox gladly. With a spring he was in the top of the tree. The lion was left on the ground. The fox fled.

The lion cried on the ground under the tree; he cried as he went away.

THE FOX AND HIS MOTHER

A long time ago the fox and his mother had a village. The fox often went fishing. In the afternoon he would come home with his catch. He would put the fish on the ground. He would say to his mother, 'Prepare this catch of fish; you cook it.' The mother would prepare the fish and the fox would eat it. The same thing would happen next day. When the fish were cooked he would say to his mother, 'Bring me all the fish and the head and the neck. Bring it all.' The mother would give him all. He ate it. He would leave his mother out.

This went on for a month. He himself ate all the fish. He went fishing, brought his catch home and said to his mother, 'Mother, why is the tail of the fish like this? Bring the other parts and the head and the neck and the gravy. Bring all of it, mothfr.'

The mother was very thin, resembling a certain very thin fish. When he had finished eating he would call to his mother, 'Mother, mother-of-the-fox, bring water. Your son has had enough.' The mother would hiss. The fox would hear. The fox would say, 'What, mother-of-the-fox, did you hiss at your child?' The mother would say, 'Nothing, my son.' She would go to the river. She would give him the water.

When the mother grew very thin, she went to a woman

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called Nyajwani. Nyajwani knew how to plan all kinds of things. The mother-of-the-fox said to Nyajwani, 'My sister, my child is killing me. My son has no consideration. Show me what to do.' Nyajwani said to her, 'Go to the forest. Bring gum from the tree. I will show you a plan. You will surely be healthy after to-day.' 539

Mother-of-the-fox brought the gum. She gave it to Nyajwani. Nyajwani formed a very nice woman, a very red woman, she put beads in her ears and she put anklets on her legs also. She made her out of gum. She was a very good woman who had never had children yet. When she was finished Nyajwani created a name for her. She called her Nyaluac.

That day the fox went fishing. They gave Nyaluac to the mother-of-the-fox. The mother brought her to the house. She spread a mat and put her sitting on it. In the afternoon the fox brought in fish. He threw them on the ground and called his mother. 'Mother-of-the-fox, cut up that catch of fish.' His mother said to him, 'Oh, my son, there is a traveller at the village, a woman who refuses to live with her husband. She says "My husband is the fox!" The fox exclaimed, 'I told you to hurry with the fish so that the guest may eat.' His mother answered, 'Oh!' She roasted the catch of fish. She offered it to the fox. The fox refused. He said to his mother, 'I know, mother-of-the-fox, that I am ashamed to eat in front of my sweetheart. Give the fish to the guest.' Mother-of-the fox brought the food into the house and ate it herself. Every time fish was cooked she offered it to the fox, but he refused to have it. Mother-of-the-fox brought it again into the house. Mother-of-the-fox ate it.

Mother-of-the-fox got so fat that her skin was very smooth. When she knew that she was fat she said to the fox, 'My son, to-day you and your wife may visit. I will

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539 tell you one thing, my son. Do not whip the daughter of the Nuer. This one has a very tender skin. Do not harm her.' The fox answered. 'Oh!'

Late that afternoon the fox went to the house. When he went into the house he said to Nyaluac, 'Blow the fire.' She was silent. The fox said, 'I will blow the fire in the house of my mother.' When he had blown the fire he said to the woman, 'What is it?' She was silent still.

He pushed her with his club. The club stuck. He tried to pull it back and thought that the woman perhaps had caught it. He said to her, 'Let my club alone.' The woman was silent. He said, 'What! Have you not heard that I always whip a guest? I am the fox.' He said again to the woman, 'Do you want to be whipped. Are you not a guest? Let go of my club.' The club fell of its own accord. He again pushed the woman with the club. 'What's the matter?' The club again stuck in the body of the woman.

The fox again said to Nyaluac, 'But why are you always holding my club? Let it alone, if you are really like the daughter of a man.' The woman was silent. The fox did not know that the woman was formed of gum. He took his raw-hide whip. He struck the woman across the back. Her back broke.

The fox fled.

THE FOX AND HIS BROTHER TUTLUET

The fox said to Tutluet, 'My brother, we will go and hunt us a cow.' His brother replied, 'O, yes.' They took their weapons. They started out. They arrived at a certain village and entered it. It was a village of the ogres. They went to the barn. Tutluet found a cow. He called the fox, 'Come, here is our cow.' The fox replied,

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'Brother, that is not our cow. But come.' Tutluet came, but that cow was an ogre. 539

They started out. Tutluet led the cow while the fox drove it. The sky was clouded. The clouds opened. The fox saw the anger of the ogre. Tutluet said, 'My brother, I will come. Drive our cow.' While Tutluet led the cow the fox stole away.

When the ogre was worn out, he asked Tutluet, 'A while ago, when you came and brought me away, did you know whether I was a cow or a wild animal?'

Tutluet fled. He tripped and fell. The ogre caught him. He said to Tutluet, 'No, I will not eat you. But it is different with your brother. I will hunt for his body, that fox.'

The fox meantime hurried to the village and began to play the fiddle in his house. The ogre came to the door. 'Village of mother-of-the-fox,' he called, 'I am waiting at your house.' The fox knew his voice. He said to his mother, 'Mother, what shall we do?' His mother replied, 'My son, what shall we do?' He said to his mother, 'Put me in the big gourd.' His mother said, 'Can you get in?' He said to his mother, 'I can get in.' They hung the gourd up high.

The ogre waited outside the house. He asked mother-of-the-fox, 'Where is the fox?' Mother-of-the-fox said to him, 'Where could he be here in the house?' The ogre said to her, 'Who played the fiddle? Did you know how to play the fiddle long ago?' Mother-of-the-fox said, 'If the fox came into this house there is no place where he could hide himself.' The ogre said, 'Tell me at once where he is.' Mother-of-the-fox replied, 'I do not know.'

The ogre said to mother-of-the-fox, 'I will not leave without a gift in my hand. What is in that gourd?' Mother-of-the-fox said, 'Beans which I will plant in the

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537 spring.' The ogre said, 'Is it full?' She said, 'It is full.' Mother-of-the-fox hoisted. The ogre exclaimed, 'No, give it to me at once.' She stood up. She gave it to him.

The ogre left. He talked to himself as he went along the path. 'That god of the village of mother-of-the-fox! Why! I left empty-handed without finding a thing.' The fox spoke. 'Where are you taking the ground which belongs to the village of mother-of-the-fox? Let it down to the ground slowly.'

The ogre exclaimed, 'God, wait. I will let it down slowly.' He put it down and fled.

Then the fox exclaimed, 'Let us each catch a person.' They turned back to back. The fox ran to his village and the ogre to the ogres. The fox said, 'You, ogre, measured yourself against me. Did you find my cleverness?'

RIDDLES

524 1. Guess what are the red dates which are in the sky but never fall?
(*Answer*) They are stars.

2. Guess what tree it is which stands in the middle of the river but never goes under the water?
(*Answer*) It is a lotus.

3. Guess what is a fat woman?
(*Answer*) It is a window.

4. Guess what is a red hornless cow but its horns are of skin?
(*Answer*) It is a dog.

5. Guess what tree it is that has many heads but never climbs?
(*Answer*) It is kaffir corn.

6. Guess a red thing which carries its horn?
(*Answer*) It is a scorpion.

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7. Guess what big girl it is who has a dancing skirt but never goes to a dance? 524

(*Answer*) It is a house. (The Nuer house has long grass eaves, crudely resembling the grass dancing skirt.)

8. Guess what big man it is near whom they have the wedding talk but he never makes a remark?

(*Answer*) It is a barn. (The wedding talk is often staged near the barn.)

9. Guess what two males it is that hold their father?

(*Answer*) They are pillars (supporting the barn).

10. Guess what forest it is which one may cut down but it is never finished?

(*Answer*) It is the hair.

11. Guess what death it is where they never have the ceremony of terminating the period of mourning?

(*Answer*) It is sleep.

12. Guess what it is which one holds but it will never overcome a person?

(*Answer*) Kaffir corn which has been sifted. (The sifting process is called 'holding it'.)

13. Guess what are two big males which will never meet?

(*Answer*) The clouds and the earth.

14. Guess what are two big rugs?

(*Answer*) They are the sky and the earth.

15. Guess two big males?

(*Answer*) They are the banks of the river.

16. Guess the crocodile which cries?

(*Answer*) It is a (native made) fiddle.

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ETHNOGRAPHIC SURVEY OF AFRICA

edited by

DARYLL FORDE

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EAST CENTRAL AFRICA

PART IV

THE NILOTES OF THE ANGLO-EGYPTIAN SUDAN AND UGANDA

by

AUDREY BUTT

[p1]

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ETHNOGRAPHIC SURVEY OF AFRICA

FOREWORD

121 The preparation of a comprehensive survey of the tribal societies of Africa was discussed by the Executive Council of the Institute as far back as 1937, but the interruption and restricting of its activities caused by the war resulted in the postponement of the project. Events and developments during recent years, however, have led to a wider recognition of the need for collecting and making more generally available the wealth of existing but uncoordinated material on the ethnic groupings and social conditions of African peoples, particularly in connection with plans for economic and social development. Moreover, it appeared that the International African Institute, as an international body which has received support from and performed services for the different Colonial governments, was in a very favourable situation for undertaking such a task.

121 122 The Institute, therefore, in 1944 worked out a scheme for the preparation of an Ethnographic Survey of Africa. A committee, under the chairmanship of Professor Radcliffe-Brown, was appointed to consider the scope and form of the Survey (the Editor's name appears on each volume) and collaboration was established with research institutions in South Africa, Rhodesia, East Africa, French West Africa, Belgium and the Belgian Congo. In addition to a grant from the British Colonial Development and Welfare Fund, awarded on the recommendation of the Colonial Science Research Council, the Institute has received a grant from the Government of the Anglo-Egyptian Sudan to assist in the preparation and publication of sections relevant to that territory, and this assistance is gratefully acknowledged in connection with the present study.

121 123 The aim of the Ethnographic Survey is to present a concise, critical, and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and cult practices, technology and art of the African peoples. The material is to be presented as briefly and as consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

128 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or cluster of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those interested in specific areas or groups. A list of the sections which have already appeared is given on the cover of this volume.

121 127 Since the unequal value and the generally unsatisfactory nature of the available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can make no claim to be complete or definitive. Every effort has been made, however, to systematise all available literature and to check it by reference to unpublished sources and to workers actually in the field; when it is

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121 intended to present a clear picture of our existing knowledge and to point
127 out the directions in which the need for further studies is most pressing. Any assistance from those who are in a position to remedy deficiencies and correct inaccuracies by providing supplementary material will be greatly appreciated.

000 The International African Institute expresses its thanks to the many scholars, research workers, administrative officers and missionaries in Europe and Africa who have generously responded to our requests for information, and who have spared time to correct and supplement drafts. Personal communications are acknowledged in footnotes. Our thanks are especially due to Professor Evans-Pritchard for assistance in supervising the work on this section of the Survey and for providing his bibliography of the Nilotes.

DARYLL FORDE,
Director.

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Acknowledgments

Ethnological and social anthropological studies in the Anglo-Egyptian Sudan and in East Africa generally have been built up over the last fifty years by a number of eminent scholars and contributors from other professions. In writing this survey I have been greatly indebted to them all. In particular, I wish to thank Professor E.E. Evans-Pritchard under whose guidance this survey has been written, and whose numerous and excellent studies of the Nilotic peoples have been freely drawn upon. His bibliography of the most important works on the Nilotes is here published for the first time. I also wish to thank Miss. Beaver, Mr. Dewapleness and Mr. Jacobs-Quick for advance information on official population figures and for other unpublished material incorporated in this study.

Audrey Butt.

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Part I

GENERAL

The designation 'Nilotic' has, for a great number of years, been applied indiscriminately by explorers, traders, government officials and travellers to all those peoples who live in the Upper Nile Valley, along the banks and in close vicinity to the great river and its tributaries. 101

As with most old terms, applied in the first instance to little-known areas and peoples, it later became necessary to redefine and limit its scope. The term Nilotic has come to have a specialized meaning for anthropologists. It refers only to certain groups of people in the Nile valley - and to some further south in Uganda, Kenya and Tanganyika - who have closely related physical, linguistic and other cultural characteristics as well as traditions and myths suggesting common origin. It is these features, together with certain characteristic types of social structure and organization, which have led anthropologists to feel themselves justified in including all such groups under one common title - 'Nilotes' - and to recognize the Nilotic peoples as a unique ethnic group. Other groups of people living in the same area have been greatly affected by the Nilotes, through intermarriage, warfare, and constant borrowing over many generations of close, and sometimes intimate contact. In turn, the Nilotes have been greatly modified, physically, linguistically and culturally, by their neighbours and in several cases it has been difficult to determine, often with the slightest and most inadequate ethnographic material, whether a certain group of people should be assigned to the Nilotic peoples or to some other ethnic group, such as the Nilo-Hamitic peoples of East Africa.

The classification of the lesser known tribes of the Upper Nile basin is still controversial, even where language has been acknowledged as the chief criterion of affinity to one or another ethnic group. It may be that some groups will never be classified with certainty owing to extensive mingling with neighbours; in other cases further research will determine the peoples they most closely resemble. For the purpose of this survey only those which can be classified with certainty, and for which we possess adequate information for comparative purposes, will be considered in full.

LOCATION, POPULATION AND NOMENCLATURE

The Nilotic tribal groups are contained approximately within the limits of Lat. 12°N. - Lat. 4°N. and Long. 26°E. - Long. 32°E. The southern half of the Anglo-Egyptian Sudan is the present homeland of the majority of the Nilotes, who are found in the Provinces of Darfur, Kordofan, White Nile, Fung, Upper Nile, Bahr el Ghazal and Equatoria. Certain Nilotic groups, however, are oriented in the western borderland areas of Abyssinia, in the northern regions of Uganda, and in Eastern Kenya, while in two instances they overlap into the Belgian Congo and Tanganyika. The 101 131

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101 Nilotes do not occupy one continuous stretch of territory. In the north
131 there is the block consisting of the Dinka, Nuer, Shilluk and Anuak; separated from these are the Pari, Baryu-speaking people, Atuot and scattered groups of the Bahr el Ghazal. The central Nilotes (Acholi, Lango, Alur and Jo-Paluo) are separated from the northern block by Sudanic and Nilo-Hamitic peoples, and the southernmost Nilotic groups are further separated from each other and from the central block by Nilo-Hamites and Bantu. At a broad estimate they number about two and a half millions.

000 A more detailed account of the location, population, nomenclature and neighbouring tribes of the Nilotic groups follows the list of tribal groups given below:

1. Dinka
2. Nuer
3. Shilluk
4. Anuak
5. Acholi
6. Lango
7. Luo
8. Baryu
9. The Bor Nilotics
10. Jo Luo (Jur)
11. Shilluk Luo tribes of the Bahr el Ghazal
12. Pari
13. Alur (a) Jo Padhola (b) Jo Paluo

The official population figures given below are in many cases only approximate owing to the difficulties of carrying out an adequate census in remote and often inaccessible areas.

THE DINKA

LOCATION

The Dinka extend over a vast area from 12° - 6°N. Lat., from Renk in the north to Melut and Tonga in the south, only about 240 miles from the Uganda border. There is a wide extension to the west so that the people occupy much of the Bahr el Ghazal province and also the most southern part of Kordofan province, immediately north of the Bahr el Arab river. There is a long intervening wedge of Nuer about the Bahr el Ghazal, Bahr el Zeraf and main Nile rivers. The Dinka tribes are usually divided into geographical sections as follows:-(1)

(a) *The Northern Dinka*, situated mainly in the Upper Nile Province; they extend south to the Bahr el Zeraf, Lake No and the Bahr el Ghazal. The main Dinka tribes inhabiting this area are known as the Padang Dinka.

(b) *The Eastern Dinka*, situated on the right bank of the Nile from south east of Ayod to Melut.

(c) *The Central Dinka*, inhabiting the area on the left bank of the Nile, extending west to Tonj.

(d) *The Western Dinka*, situated west of the Nuer about the Jur river area from Tonj in the south and the Bahr el Arab in the north and westwards of Aweil. This area is inhabited by the Malual Dinka and other lesser tribes. In addition the Rueng-jur live in the swamp among the Bek Dinka between the rivers Jur and Lol. The Rueng-jur are Jo Luo people who took

(1) Beaver and Tucker, *Distribution of the Nilotic and Nilo-Hamitic languages*, 1948, p.1.

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refuge among the Western Dinka to avoid the Arab slave raids and, later, the conflict between the Dinka and Anuak. They are rapidly being absorbed by the Dinka and are consequently losing their Jo Lao customs and dialect. They are said to number 1,000 - 2,000 souls approximately.

NEIGHBORS

The neighbors of the Dinka include the Nuer. There has been conflict between the two for a long time and relations have been predominately warlike and marked by interminable cattle raiding. In the north east the Dinka are in contact with the Shilluk while, in the south west, in the Bahr el Ghazal province, there is the confusion of tribes in the neighborhood of Wau. Among the Wau district tribes there is the Nilotic Jo Lao (Jur) who have been in immediate contact with their Dinka neighbors for a number of generations and have been subordinate to them to a certain extent.

POPULATION

Total population has been estimated at 500,000 souls approximately.

NOMENCLATURE

The Dinka name for themselves is Jieng. Dinka is believed to be the anglicized form of the Arabic Denkawi, from Jieng.

THE NUER

LOCATION

131
619

The Nuer inhabit the savannah stretching on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal rivers and on both banks of the two tributaries. The Nile divides the Nuer country into two parts, Eastern and Western Nuerland. According to Evans-Pritchard the most important tribal groups of the Western Nuer are: the Bul, Jagei, Lak, Nyang and Dok. The most important tribes of the Eastern Nuer are: the Thiang, Lak, Gawar and Lou.(1) The Jokawy tribes are found on the west bank of the Nile and also far to the east of the Sobat river where they extend over the Anglo-Egyptian border into Abyssinia.

NEIGHBORS

921

The western parts of Nuerland are in direct contact, and usually conflict, with their Dinka neighbors. Nuer expansion has been at the expense of their Dinka neighbors and it is generally recognized that much of present day Nuer country was Dinka in the middle of the 19th century. Relations between Nuer and Dinka will be discussed in the account of the Nuer political structure. The Shilluk are separated from the Nuer by the Dinka, except in a small area, and there has been little contact between the two groups, perhaps owing to the more highly organized society of the Shilluk which renders them difficult to raid with impunity. The Nuer give the

(1) Evans-Pritchard, The Nuer, 1940, p.4 (map).

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721 means that the Shilluk have no cattle and they only raid people with cattle.(1) Although in direct contact with the Anuak in the far eastern parts of Nuer territory, tsetse fly and absence of cattle make the area unsuitable for encampment and the Anuak were only occasionally raided by the Nuer. When rifles were introduced and the Anuak could defend themselves they retaliated with raids on the Nuer. The Burun were occasionally raided by the Nuer for captives. Other communities, Arab and those of the Nuba mountains, were raided only occasionally. Except for the
829 Bor whom the Nuer appear to have respected, and the Dinka whom they fought, most foreign peoples were classed by the Nuer as *Bar*, that is, cattle-less folk, or people possessing few cattle. Another category was *Jar*, cattle-less people whom the Nuer regarded as living on the outskirts of their world. Those included the Anuak, Europeans, and the Dango etc., although the Nuer have differentiating terms for most of them.

POPULATION

161 Official estimate of population is 300,000. Estimates for the
619 various tribes are given approximately as follows by Evans-Pritchard.(2)

THE EASTERN NUER

The Bahr Nuer				The Sobat Nuer		
Gwajok	Gawong	Gwajok	Law	Lak	Thiang	Gawar
40,000	7,000	40,000	35,000	24,000	9,000	30,000

THE WESTERN NUER

Gaf	Leek	2 Nyangan (Jikany Tribes)	Jagei (Gikany)	Gak	Nyang
27,000	12,000	11,000	10,000	12,000	5,000

NOMENCLATURE

101 The Nuer call themselves Naath, (sing. *Nar*). The Shilluk, Arabs and Dinka call them Nuer. The Nuer also speak of the tribes west of the Bahr el Jebel as Naath *cuang* - 'the lowland Nuer', and of those east of the river as Naath *jiar* - 'Naath Nuer'.(3)

THE ATWOT

000 Atwot appear to be a Nuer tribe, speaking a Nuer dialect, but having adopted many Dinka habits. They are situated in the Lakes District south west of Tonpai, south of the Dinka; they number 31,000 approximately. Little is known of them.

(1) Evans-Pritchard, The Nuer, 1940, p.123.
(2) Ibid. p.12.
(3) Seligman, Pagan Tribes of the Nilotic Sudan, 1932, p.297.

15: Box E-4 (No date) 1952 F222 Nuer F222

000 mother observes certain taboos. Usually the first-born child is delivered in the home of the maternal grandparents and, when strong enough, is taken to its father's home.

Twins are believed to be a manifestation of Nyalich. If they are both boys, it is said that they will desire their mother's death; if girls they will desire their father's death; but if one is a girl and the other a boy, each will defend one parent and so both mother and father are safe from their ill-will. After the birth of twins, prayers are made to Nyalich and a bull calf is sacrificed.

BURIAL

Death is followed by immediate burial. The body is placed in the position of sleep, being curled up on its side facing westwards. Skins are placed above and below it. The place of burial is on the right-hand side of the doorway of the house occupied in life. The head of a household may, however, be buried near his father's burial place or in his own cattle byre.[13] The ox not is buried in the cattle enclosure. Except for 'bull tumbs', graves are not marked.

For four days the brothers and the father of the deceased sit around the grave and sleep there; during this time they are not allowed to drink milk or to go near the cows. At the end of this period they wash, and food taboos are over. After the death of an important man, the head of a lineage, the warriors make such raids upon their neighbours 'to find the man who killed him' and to rest my cattle.

The Bam

The bam is a particular kind of shrine which resembles the front half of a hut; it is made of mud and has real horn inserted. Some of these shrines are surrounded by a fence and all have pegs near them to which cattle may be tied, to delight the ancestors when the shrine is repaired each year after the rains, and sacrifice is made. Bull tombs are not common. They are built a few days after death in the compound near the grave. Offerings of milk, beer and food are made there, rather than on the grave itself. If the lineage moves, the descendants may built a bam in the new settlement. It is not at all clear who is entitled to build these shrines but among the Dinka of the Bahr el Ghazal they are made for departed spear-chiefs.

THE *NUER*[14]

MORAL CONDITIONS

135 The Nuer inhabit the marshes and savannahs which stretch from either side of the Nile south of the point where it is joined by the Sobat and Bahr el Ghazal tributaries. These regions have all the most extreme

[13] Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, p.[illegible]
[14] Professor Evans-Pritchard has published a number of full length studies of different aspects of Nuer society, particulars of these are given in the bibliography. The present outline brings only a summary outline of the essential material.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pasture in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since some varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pasturage becomes exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become sparser and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

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221 *March - April.* When the rains begin the old people return to the village for sowing.

241

233 *June.* The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 Economically, cattle are chiefly important for milk and milk products,
262 such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as
[252] flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beaters. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

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ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 291

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [491]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [519] [572]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [561] [572] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

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SOCIAL ORGANISATION AND POLITICAL STRUCTURE

SOCIAL UNITS

572 1. A single living hut occupied by a wife, her children and, at times, her husband if the family is a polygynous one.

2. The homestead *(gol)* consisting of a kyre and huts, and containing a single family group or polygynous family, sometimes with other relatives attached.

621 3. The hamlet *(dhur)* consisting of a cluster of homesteads surrounded by their pastures and cultivations. Each hamlet has its own name and is generally inhabited by close agnatic kinsmen, often brothers and their families.

621 4. The village, a very distinct unit, usually referred to as *ring* (home). The population may be anything from fifty to several hundred.
361 If the village is built on a ridge, homesteads and hamlets may be strung out for a considerable distance. Villages are usually distinct from each other, there being several miles of bush, swamp and grass between them. Well-marked paths, made by the constant visits exchanged by the inhabitants, join the villages to each other.

621 A village consists of a community linked by common residence and by a network of kinship and affinal ties. The inhabitants co-operate in many activities - social, economic and military - and form dry-season camps together. The village is the political unit of Nuerland and is the smallest group which is not specifically of a kinship order.(1) People of one village have a strong feeling of solidarity vis à vis people of other villages.

621 5. The cattle camp *(wec)*; early cattle camps may be found wherever
361 there are depressions, pools, and patches of fresh pasture. The location of the larger camps is largely predetermined, as only a few places provide adequate pasture and water at the height of the dry season. The size of the camp depends on these resources and, whereas early camps consist only of a few households, later camps vary from 100 to 1,000 souls. Such concentrations comprise larger or smaller tribal sections and each group has its own separate section of the camping ground. Neighbouring villages participate in a cattle camp, and relatives from distant villages may join their kinsmen. There is more co-operation within a camp than within a village; as the cattle are herded together and milked at the same time, whereas in a village each homestead, in the main, herds its own cattle. A large camp is called after the dominant lineage in it or after the main village community occupying it.

634 6. The district, "an aggregate of villages and camps which have easy intercommunication".(2) It corresponds to a small tribal segment, although it may include a whole tribe or more in the case of very small

(1) Evans-Pritchard, *The Nuer*, 1940, p.115.
(2) *Ibid.*, p.116.

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tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 631

Members in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 631

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and uses and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.[1] The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 619 721

Within a tribe compensation (*ret*) is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.[2] Between tribesmen there is also *ruak* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 652 653

A tribe is a segmented structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

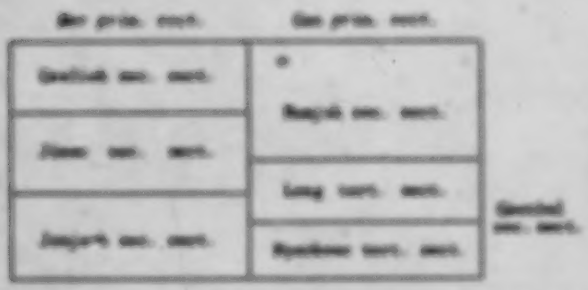
Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

STRUCTURAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gaa and Bor primary sections. Gaa primary section is segmented into Ruejak and Gaatial secondary sections and the Gaatial secondary section into Long and Nyarkow tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmentation is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmentation may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentiments of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmental structure and there is opposition between its parts. Members of
[721] any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. For example, if there is a fight between Bor and Gaa primary sections Ruejak and Gaatial (the secondary segments of Gaa primary segment), will unite against the combined Bor secondary sections. Each primary section (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2)

578 The Nuer distinguish between various types of hostility:

628 721

1. Dwar. Individual duelling.
2. Tor. A feud within a tribe where compensation can be made.
3. Kor. A fight between tribes where no compensation can be made.
4. Pur. Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, The Nuer, 1940, p.139.
(2) Ibid., p.143.

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with clubs. Spears are not used between neighbours lest someone be killed 578
and a blood feud started which will disrupt the community. No third person may intervene in these duels.

In fights between persons of different villages spears are used and 628
every adult male takes part. Fighting occurs mainly between small tribal segments; only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognized and the machinery for settlement exists. Between tribes settlement can only be effected by war.

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will 78
ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of patrilineal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 20 have been handed over. The cattle are distributed among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the meat of the sacrifices, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement.

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.(1)

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken; kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organisation, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle, 721

(1) Evans-Pritchard, *The Nuer*, 1940, p.159.

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721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.[1] The Nuer have incorporated a considerable area of Dinkaland into their own territorial and have also absorbed the Dinka population: the result has been fusion and not a clean structure.[2]

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

754 Injuries are billed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cang)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

MEDIATORS: SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuar mam)

791 He is a sacred person and is believed to have a mystical association
624 with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to his since relations between groups are regulated through him;[3] his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, having up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125. (3) *Ibid.*, p.176.

Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolize the unity and conjunctiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called nar (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. 624

A nar is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality.

The gat ter is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no leaders or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an amphibious kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 619

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fission of collateral 619 [619]

(1) Evans-Pritchard, The Nuer, 1940, p.181.

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6/3 lineages of the same branch in relation to a collateral branch.[1]

6/21 6/3 Although Nuer lineages are not corporate, localized communities, they are frequently associated with territorial units.[2] Every Nuer village is associated with a lineage, though the members of it may form only a small part of the population. The village community is identified with, and called by the name of, the lineage which forms the agnatic core to which the other families and lineages are aggregated. For everyday purposes the position of this dominant lineage does not appear to be very different from that of the other lineages in the community. It is only in connection with certain ritual matters and in reference to rules of exogamy, that lineages are completely autonomous groups and become clearly differentiated from each other. Lineages function within, and as part of, local communities of all sizes, from the village to the tribe.

THE DOMINANT LINEAGE AND
STRANGER LINEAGES

6/3 When a tribal section is called after a lineage it does not follow that all the members of the lineage live there, though the majority may do so. It merely means that the lineage is a dominant one, the nucleus of the community, although large stranger lineages are often included in the area.

Migration, quarrels, intermarriage and so forth, have caused a dispersion of lineages. If, for some reason, a man or a group of brothers leave their village, they may go and live in the village of a married sister. Here they are recognized as *jiernghtha* (in-laws) and their children are recognized as *gaat nur* (children of the mother's brother). The people they join are to them *ring cowpur* - 'the people of my sister's husband', and *gaat nyal* - children of a female agnate. Except for ceremonial purposes, they will enter into close relationships with the dominant lineage of the community. However closely associated lineages may become, a lineage never merges into a different clan, for there are always certain ritual observances which cannot be shared, and only a certain amount of inter-marriage may occur, for otherwise the incest rules would be violated. A lineage can only merge with a collateral lineage of the same clan.

6/4 6/3 The close association between lineages and territorial segments, which constitutes the political importance of the clan system, is seen in the correspondence between the segments of a dominant clan and the tribal or territorial segments.[3] A certain tribe has a dominant clan associated with it. The maximal lineage of the clan corresponds to the primary sections of the clan; the major lineages correspond to the secondary sections, the minor lineages to the tertiary sections and the minimal lineages are associated with the villages comprising the tertiary sections (see above p.160). The dominant clan is therefore a framework on which the political system of the tribe is built up through a complex series of kinship links.[4]

(1) See Evans-Pritchard, *The Nuer*, 1940, pp.192-3, for full discussion of the segmentation of lineages and underlying structural principles.
(2) Evans-Pritchard, *The Nuer*, 1940, p.201.
(3) *Ibid.*, pp.211-12.
(4) *Ibid.*, pp.201-12 for further details.

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel, rul* and *jowng*. 614

The dominant clan in diel and members of other clans settling after the establishment of the dominant lineage are rul (strangers). But every member of a clan lives in a tribe where his clan has a superior status; a man is a diel (an aristocrat) only in the tribe in which his clan is dominant, for the status of diel derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the diel; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554-

A rul (stranger) in a Nuer who is not a diel in the tribe in which he lives. He may be influential, highly respected and even a rut (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 607

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the rul bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 613 554

A Dinka adopted into a joint family is a *jowng* to the people of its family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 577

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originating agencies and the sums of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 614

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.270.
(2) Ibid., p.290.

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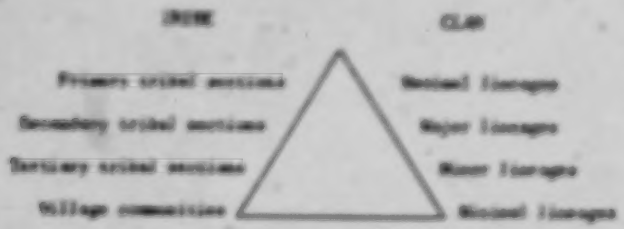
not corporate groups but are embedded in local communities through which they function structurally.(1) The tendency towards the co-ordination of territorial and lineage segmentation can be seen in various stages of territorial expansion between the household and the tribe.(2)



The action and interaction of the various tribal segments and the underlying principles of opposition and fusion are seen in operation when disputes and cases of homicide are dealt with, and in times of feud and war. This acephalous kinship system has a determining influence on the nature of the age sets, on the roles of company, on the character of kinship, on the people, and indeed on every aspect of Nuer life.

NUER NAMES

Every Nuer has a personal or birth name *(cot pany)* which is given without ceremony by the parents shortly after birth; he may have a second personal name given by his maternal grand-parents. In later life, he is addressed as *gaw* (father) by the younger generation. In addition, everyone inherits a *cot p-nak*, an honorific or praise name of the clan of his father, which is used mostly on ceremonial occasions. A man's maternal kin will tend to use the honorific name of the mother's clan.

At initiation a man acquires an ox name derived from the colour or characteristics of the ox given him on this occasion by his father. A man is given his ox name by his age mates in particular. Maidens take ox names from the bulls calved by the cows they milk, but these are seldom used except at dances.

A dance name, nickname, or traditional name may be used in conjunction with ox names at dances. In addition a man is often addressed as 'son of --' followed by the name of his father. Among maternal relatives the matronymic is used instead of the patronymic used among paternal kinsmen. A man is called after his older son by his in-laws, while a woman who has status in her husband's home in virtue of having borne him a child is addressed by the name of her eldest child. A Nuer, therefore, may be addressed by a number of different names or titles. The one actually used on any occasion depends on the age, relationship, and clan of the speaker, and also on the response and mode of behaviour which it is intended to evoke.(3)

(1) Evans-Pritchard, *The Nuer*, 1940, p.240. (2) *Ibid.*, p.248.
(3) Evans-Pritchard, *Uganda Journal*, 1948, Vol.12, No.2, p.166.

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AGE-SET ORGANISATION

INITIATION

Formerly boys were initiated at the age of 14 to 18, each village making its arrangements independently. The ceremony usually takes place after the rains. The officer in charge of initiation into age sets is the wut gluk (the man of the cattle). He opens the period when initiation may take place, 'when the knife is brought out' (ngam kam rur) and closes it 'when the knife is hung up' (ba ngam ngak). At the beginning of an initiation period the cattle expert kills a bullock, a big dance is held and he makes a speech opening a new period of initiation. In each tribe there is a cattle expert whose authority is acknowledged in matters concerning age-set organisation. 881

At the initiation ceremony 6 deep cuts are made across the forehead of the boy, extending from ear to ear. After the cutting (gar) the boys, who suffer great pain, are shut up in a hut for two days. There is a period of confinement (lasting one to two weeks) which is followed by one of mild licence. During the whole of this time the initiates must strictly avoid any contact with cattle. Finally, cleansing ceremonies are carried out and a concluding ceremony and dance. After this the youths are recognised as adults and enter into normal adult life and affairs, and into lifelong contact with the herds. [108]

AGE SETS

All boys initiated during a number of successive years belong to a single age set (rir). Until recently there was a four years' interval between the end of one set and the beginning of the next, and this was the period when the man of the cattle hung up his knife and no more initiations were held. 881 561

The age sets are organised independently in each tribe, but it often happens that, when a new set has been started in one tribe, an adjacent tribe will follow suit.(1) A set usually lasts for ten years before being cut and there are generally members of six sets alive at any one time. The names of the sets are not uniform for the whole of Nuerland, and they are not repeated. Each age set has two or three subdivisions, each with a separate name. Subdivisions are made up of those initiated together in one year or possibly the combined initiates of two years. All the members of a set are known by the name of the first division. At initiation the individual enters the set in which he will remain for the rest of his life. The members of a set have a common name, equal status, and observe certain patterns of behaviour towards one another and towards members of senior and junior sets (see below p.168). 881 561 562

The sets are not specifically graded as boys, warriors, and elders, as in some forms of age-set organisation, nor have they any political, juridical or military functions. Their importance is of a social nature in that a person's position in the age-set structure determines his social behaviour. Milking and other women's work is forbidden to a youth after 561 881

(1) Evans-Pritchard, *The Nuer*, 1940, p.250.

561 initiation. He is a man, a man, whereas before he was one of the dhil
881 (boys). He is now treated by his elders as a man and he has close obligations with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 Certain ritual observances are practised between members of the same
764 age set, and between members of different sets. Sets are segregated at
582 sacrificial feasts; members of a set cannot bury an age mate or participate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her. A man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of
senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

561 Relations between sets are defined in ordinary kinship terms. Mem-
608 bers of a father's age set are fathers, their wives are mothers; members of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clansfolk, close agnates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage.* If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1949, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1930, pp.308-9.

families; it is only in matters of descent and inheritance that the old-fashioned man. It is the dead pater's name which will survive in genealogies. 587 [6-1]

Ghost marriages are arranged on behalf of brother, paternal uncles, maternal uncles and fathers (i.e. physiological fathers who are not also pater). A man of a senior generation is not allowed to marry a wife in the name of a kinsman of a junior generation because the man would be both vicarious husband to the woman and her father-in-law. A man never marries a woman in the name of his father's father or his mother's father since that was the duty of their sons. Only a kinsman takes a wife in the name of a dead man. Occasionally a woman marries someone in the name of a dead kinsman, and the wife so married would cohabit with a stranger to raise up children for the ghost.[1]

2. *The Levirate.* When a husband dies, the children his wife may subsequently bear are still counted as the children of the dead man. It is held that the woman should live with one of the dead man's brothers for she was married with the cattle of their kraal. Whoever inherits the widow does not marry her; she is still the wife of the dead man, and the man with whom she lives merely acts as genitor. Children born of the union regard themselves as their pater's family and inherit from him and not from their genitor. Levirate marriage is different from ghost marriage. In ghost marriage bridewealth is paid and the marriage rites are performed by the vicarious husband; in levirate marriage the husband has already performed these actions and the brother or other male kinsman inheriting the widow merely enters, as pro-husband, a family already in being.[2] 587 611

Tradition, threat of divorce and social pressure, all persuade a young widow to live with her husband's brother or with a man by a co-wife. She has a certain amount of choice among the relatives available. If she prefers to go and live with lovers and to 'give birth in the bush', all children born are counted as those of her dead husband, and his lineage has legal rights over them. Some widows return to their parents' village and live with a man there.

3. *Widow Concubinage.* A widow living with a stranger after the death of her husband, is called a cok ne lak (widow concubine).[3] Her lover has no legal rights over her and cannot compel her to stay with him, nor has he any legal control over children born of the union. A man, a widow concubine and their children form a natural, as opposed to a legal, family, and the position of the genitor, though precarious, is acknowledged socially in several ways. 587

4. *Unmarried Concubinage.* A child of an unmarried woman has no pater but his genitor may become his pater on payment of a fee of 4 to 6 cattle to legitimise him. If the fee is not paid, the child belongs to the mother's lineage, and any man whom the mother cares to live with for the time being is regarded as his foster father. In certain respects the status 548 [611] 610

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.318.
(2) Evans-Pritchard, op.cit., 1938, p.320.
(3) Ibid., p.325.

[illegible]

In certain respects the status

*532 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,[1] but her position may be regularised at any time by payment of cattle to her lineage.

*532 *533 The rules of company apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be recognised by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal father of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and subversions to plain.

537 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems then the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

533 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, part passu with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.[2]

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth distribution; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.[3]

MARRIAGE CEREMONIES

534 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1951, p.239.
(2) Evans-Pritchard, Africa, XIV, 1944, p.349.
(3) Evans-Pritchard, African Studies, XI.4, 1947, p.181.

cattle has been handed over.(1) A marriage which has reached the final 539
stage may be regarded as a stable union.

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal (lawong).

When a definite agreement has been reached about bridewealth cattle, 535
the wedding ceremony (ngut) is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed.

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the nat (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife 391
sleeps in a hut at her parents' homestead and she remains with her parents 605
until the child is weaned. The first-born child belongs to the home of 352
his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth.

After the weaning, the husband builds his wife a hut in his father's 591
homestead. She goes to live with him as a true wife in that she will sow with his seed and bear his children and not those of her father. She makes a fear, a sacrificial fire screen, until the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2)

In-Law Relationships

In-law relationships are marked by certain evidences and displays of 606
respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of these children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom 607
a man need not treat with formal respect is his wife's sister.

(1) Evans-Pritchard, *Africa*, XXIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XXIII, 1948, p.40.

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606 607 For a man's wife, avoidance is impracticable, but she treats her parents-in-law with great respect and, in the early days of marriage, keeps herself apart from them as much as possible. She is on joking terms with her husband's brothers sons, among brothers, the wife of one is, in the social sense, the wife of all.(1)

DIVORCE

586 If a wife dies childless or if her husband divorces her the bride-wealth cattle have to be returned. If a child has been born and is left with the husband then the cattle are returned, minus six. If two children have been born, no cattle are returned. Divorce is recognized as having taken place only if cattle are returned; if a wife leaves her husband to live with another man, and her husband does not claim return of the bridewealth, any children she may bear are his. Divorce after the birth of a child is very unusual, and after the birth of a second child, almost unknown.

RITUAL AND OTHER CULTURAL FEATURES

TOTEMISM

776 The various Nuer lineages have specific ritual attitudes towards certain natural objects and living creatures. They respect the lion, reptiles, birds and plants; some lineages respect rivers and streams but, for all Nuer, rivers are specially associated with the mother spirit, Deb Bandeang, who is held in reverence by all the people. Some lineages respect cattle with certain markings and therefore do not keep them. The largest clan in Nuerland - the Gaetgaathir of the Jikany tribes - respect guards, since, it is said, the ancestor of the clan was found in a guard. In general, however, totems are associated with lineages rather than with clans.

[177] Nuer totems (*kwoth*) are neither peculiar nor particularly important, and the Nuer themselves state that the majority of the totems come from the Dinka; they further maintain that the *kuth* of Nuer lineages are sky spirits, or spirits of persons who have been killed by lightning and have become sky spirits. The totemic relationship is explained in the myths which tell how ancestors of the lineages and the members of the species related to the lineages, were born twins. A man respects his wife's totem and a woman her husband's, while children respect their mother's totem generally. A totemic relationship of the same type does not prevent marriage.

Respect for a totem consists in refraining from hurting it or eating it; in paying it some recognition and consideration, and in making an expression of regret should it be found dead. In turn the totemic species is expected not to cause any harm to those who respect it. Sacrifices and prayers are made to the totem and cattle are dedicated to it. The species itself is not worshipped although the representatives are

(1) Evans-Pritchard, Man, 1948, No.2, p.5.

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requested; it is the spiritual being, the kwoth, which the totem stands for, which is revered. The totems are symbols or manifestations of a spirit which can be in communion with men and beasts.(1) 776

Totem spirits are called kuth piny (earth spirits) a category which includes kwoth; this is in contrast to the much more important kuth wiel, sky spirits. Yet, although the two categories are thus distinguished, the Nuer maintain that they worship totemic spirits and that these spirits are with god in the sky. The totem seems to be the symbol of the spirit and the spirit to be an aspect of the spirit of the sky which is connected with the various lineages and is symbolised differently in each.

Kwoth

In addition to totemic spirits, kwoth also refers to 'god in the sky' and can mean any one of the sons of the sky god - the kwoth dengo. Each sky spirit is associated with a certain aspect of nature; for example, Deng refers to the rain spirit. Another group of spirits are the col ric - the spirits of persons who have been killed by lightning and taken up to heaven. Persons supposed to have been taken into heaven by a whirlwind and those found dead in the bush without any apparent cause are also col ric. A col ric is considered to be a sacred spirit of his lineage - a kwoth gool - and most lineages have at least one of these spirits to whom cows are dedicated. Sometimes a col ric spirit enters into a member of his family or lineage and, when this happens, the man thus he possesses falls sick; on recovery, he makes a shrine in his homestead and becomes a prophet of Col (gok cuel), and the spirit of lightning contacts the people through him.(2) [791]

SACRIFICES

Sacrifices play an important part in all ritual practices, and are usually all of a similar nature. An animal is selected and is dedicated to a spirit by rubbing ashes along its back. An invocation is then made and the animal is killed by spearing it through the heart. It is cut in two halves when there is a cutting of social ties, and also at mortuary ceremonies when there is one half for the living and another for the dead. Sickness is the most frequent occasion for sacrifices. 782

THE CONCEPTS OF THEK AND NUER

Thek means 'to respect', and is used in various social contexts; for example, it denotes the behaviour expected of a man towards his parents-in-law; in blood feuds the kin of the slayer and of the slain may not eat from the utensils which the other party has used, and these are respected. In mortuary ceremonies a man's age-mates thek the meat which has been sacrificed in his honour. A man also pays respect to his totem. Failure to show respect where there is a thek relationship is thought to bring about misfortune.(3) Any serious sickness following the breach of a thek taboo is called nuer. 576 [753]

(1) Evans-Pritchard, Annali Lateranensi, 1949, Vol.XIII, p.267.
(2) Evans-Pritchard, Man, 1949, No.2, p.9.
(3) Ibid., 1949, No.96, p.75.

Cien

753 775 Cien is the vengeance wrought by a ghost which produces sickness and misfortune; like the other Nilotic tribal groups, the Nuer hold the concept of cien, and believe that ghostly vengeance will fall on those who have wronged a man and allowed him to die with a grudge. Fear of cien tends to make a Nuer more careful to treat others with justice.

[782] To stop the effects of cien it is necessary to make a sacrifice to god in the sky and, when possible, to make reparation.

NUER CURSES AND GHOSTLY VENGEANCE

789 Curses are uttered by someone who has been wronged. The efficacy of a curse is largely conditioned by the relationship of the curser to the cursed. The Nuer regard the curse of a mother or father as serious; it may result in death. The curse of a mother's brother is feared because, being of a different lineage, he may curse cattle, which is the worst of all curses in the eyes of the Nuer. The curse of an eldest child is feared by the mother and maternal uncle.

There are other curses imposed by those of the ric (age-set), by the leopard-skin chief, the man of the cattle and guk, the prophet.(1) The Nuer also believe in conditional curses which may be laid on a man and become operative if he, or any of his descendants, should do a certain thing.

RITUAL PERSONS

791 There are several ritual figures among the Nuer who are important in the village community.

1. *The Leopard-Skin Chiefs.* They have a special relationship with the earth and can affect the welfare of the crops. They also have a limited role in rain-making and in the general regulation of the weather. They conduct the rituals concerned with homicide, with cleansing the parties to incestuous relations, with preventing feuds, and protecting warriors on raiding expeditions.

2. *The Wut Ghok.* Members of certain lineages have hereditary ritual powers in relation to cattle; they are asked to cure cows of various diseases and to ensure the fertility of barren animals. Their role is, however, a more restricted one than that of the leopard-skin chief, who has functions relating to social as well as to natural processes. Usually the *wut ghok* is a member of a stranger lineage, as is the leopard-skin chief, and this is presumably an advantage when they have to mediate between powerful and antagonistic lineages.

3. *Totemic Experts.* There are a number of totemic experts whose ritual connections with lions, crocodiles, and other dangerous creatures, enable them to influence the beasts' behaviour to the advantage of the community. A totemic specialist is the possessor of the spirit of his totem; he has no political significance.

(1) Evans-Pritchard, *Africa*, 1949, IXX, p.289.

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4. *War Specialist.* It is the duty of the war specialist to shake a spear in the face of the enemy and to make an invocation against them. The war specialist is known as the *gwan nuot*, the possessor of the spear. He is often a member of a senior lineage of the dominant clan.

5. *Magicians.* The Nuer have a number of leeches, diviners, owners of medicine and fetishes. Only the owners of fetishes obtain any considerable status, and this is because the people are afraid of fetish spirits and believe them to be so powerful that they will even give cattle to purchase them. A fetish owner may become the most influential man in the village, but he holds no special office and does not represent the village in inter-village relationships.

6. *The Gwan Buthni.* Each small lineage has its *gwan buthni* - an official who performs certain ritual services for the family members. He functions at marriages, at mortuary ceremonies, and also performs the task of severing kinship bonds when a marriage is arranged between two very distantly related people; this he does by splitting a gourd in two or cutting a sheep in half.

7. *Prophets.* A prophet is a man possessed by one of the sky spirits or gods whom the Nuer regard as sons of the sky god.(1) Since the Nuer greatly respect and reverence these spirits they fear those possessed by them. Prophets exert a wider influence than any other category of persons in the entire society. Ngundeng was the first prophet *(guk)* to gain great influence by means of his healing powers, prophecies, and prolonged fasts. He led expeditions against the Dinka and, according to his followers, was possessed by the sky god Deng. He built a vast pyramid of earth and ashes with a palisade of ivory tusks. Originally each prophet's influence was confined to a small locality, but at the end of the nineteenth century they began to have a tribal significance and organised the opposition against the Arabs and Europeans. Eventually the power of the more important prophets spread beyond tribal boundaries and they came to represent the unity of a tribe or a number of tribes. This development of the political powers of individuals brought about a structural change;(2) since the sky gods passed into the sons of a prophet after his death it would appear that the hereditary principle was beginning to assert itself. The prophets were eventually suppressed by the Administration. It seems probable that, if this action had not been taken, they would have become divine kings of some sort, perhaps similar to the Shilluk *reth*. In general, the predominant interests of the Nuer in ritual matters are expressed in beliefs of a spiritual rather than a magical nature. Unlike the other Nilotes the Nuer have comparatively few magical practices; even magic coming from the west through Dinkaland tends to be spiritualised by them.

RAIN-MAKING

The Nuer attach little importance to rain-making. Any member of the Gaawar clan can act as rain-maker, since the ancestor of the clan came down from heaven holding a sprig of the *nyot* tree and a small round stone. He has no special political status or any extra prestige.

(1) Evans-Pritchard, *The Nuer*, 1940, p.185.
(2) *Ibid.*, p.189.

791 In certain parts of Nuerland, land experts and prophets claim to be able to produce rain. In certain areas, the leopard-skin chief acts as rain-maker. The title *gwan pini* (owner of water) is given to any ritual specialist who has powers in connection with rain and floods.

The Tiet

The Nuer distinguish clearly between the prophet *(guk)* and the specialist in magic *(tiet)*. The former relies on the sky spirit which possesses and indwells him; the latter relies on various magical substances and actions. The *tiet* has a minor earth spirit, such as a totem spirit. A *tiet* is always a local specialist practising in his own community only, though a magician who possesses powerful magic *(gwan wal)* may become well known and be recognised by a whole district. All these spirits come under the general category of *kwoth* but[1] three main classes may be distinguished:

1. *Guk*. The prophet in whom a sky spirit dwells.

2. *Tiet*. A specialist in magic, acting as leech and diviner.

3. *Gwan Val*. These are of two types: one using ordinary medicines *(wal)*; another using 'talking medicines'; the latter are owners of fetishes, since their medicines are inhabited by earth spirits known as *kulangni*.

The *tiet gweeni* (mussel shell diviner) answers questions put to him by throwing mussel shells on the convex surface of a gourd and divining from the positions into which they fall on the ground. Every mussel shell diviner has his *kwoth*, the spirit which assists him in his practice.

[755] The *Tiet Dala* cures headaches, recovers lost property, and performs magic to lessen the watchfulness of those who have stolen cattle so that the true owner may get them back again undetected. He also performs magic to ensure safe journeys and to protect warriors from danger. He possesses love magic. *Tiet ne Ngwet (or Tiet Coli)* removes objects placed by a witch in a sick man's body.

There are also various other specialists[2] who treat barren women, important men and so forth.

NUER MEDICINES *(WAL)*

754 Most of the Nuer medicines have been borrowed from neighbouring peoples, especially from the Dinka; the Nuer, however, endow them with spirits.[3] The most powerful medicines are *kulangni* (talking medicines). Although the earth spirits in the medicines cannot compete in power with the sky spirits, the people fear the owners of fetishes and respect them. In the past a fetish owner was in great danger of being killed by avengers. He was safe among his fellow villagers, for it was believed that a man would not harm a member of his own kin and community; but if a fetish

(1) Evans-Pritchard, *S.N.R.*, 1935, Vol.XVIII, pt.1, p.67.
(2) *Ibid.*, p.70, for fuller details on Nuer magical experts.
(3) *Ibid.*

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olin kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendents who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *rodh* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *rodh* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *rodh* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 304

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.R.*, 1935, p.74.

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582 marriage ceremony with partners selected for the purpose, and, in the ceremony, the role of the sexes is reversed.(1)

BURIAL

764 The grave is dug and the corpse buried as quickly as possible and without ceremony. Young people and age-mates of the deceased do not participate. The grave site is at the left-hand side of a man's hut. All ornaments are removed and the body is buried in a flexed position, one arm being placed under the head and the other over it. The body lies on the right side facing west. Graves are not long remembered, and are not places for ritual. When a leopard-skin chief or a *wut ghok* dies he is buried on a platform and covered with skins.

A few days after death, the *gwan buthni*, the ritual expert of the lineage, makes a sacrifice and cleanses the people of the homestead. The ghost *(joak)* is told not to trouble the living. Some believe that spirits live in the sky, others that they continue to live under the earth the same kind of life as they lived when alive.(2)

765 Relatives mourn until the mortuary ceremony which is held several months after death. The purpose of this ceremony, the *wocene cuol* or *cuol woc*, is to prevent misfortune which might befall the relatives on account of the death and to cut off the dead from the living.

THE BURUN

000 GENERAL

The Burun inhabit the regions between the White and Blue Niles in the province of Dar Fung. The country is a flat plain, with rocky hills emerging from it. These jebels are in some cases of considerable size and, wherever there is water in or near them, they have settlements on them. The populations of the hills have been considerably affected by foreign influence over a long period of time and, as a consequence, are very mixed. The Burun-speaking peoples may be divided into two groups:

The Northern Burun, comprising the settlements on hills Maiak, Surkum, Jerok, Mufwa, Kurmuk, Kudul, Ragreig, Abuldugu, Mughaja, and Tullok;

The Southern Burun, comprising the Meban of the southern plains, the dwellers on hills Ulu and Gerwai and the Jumjum on hills Tunya, Terta, Wadega and along Khor Jukjum.

The following account is a brief summary of the information available on the social organisation, cultural features and ritual beliefs and practices of the Burun-speaking people. Each hill community is treated separately for, according to the authorities, each is entirely independent of the rest. Most of the information available is contained in Evans-Pritchard's article in S.N.R., 1932, Vol.XV, Pt.I.

(1) Evans-Pritchard, *Uganda Journal*, 1936, Vol.III, No.3, p.233.
(2) Evans-Pritchard, *African Affairs*, 1949, Vol.48, p.57.

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THE NILOTIC PEOPLE OF THE ANGLO-EGYPTIAN SUDAN

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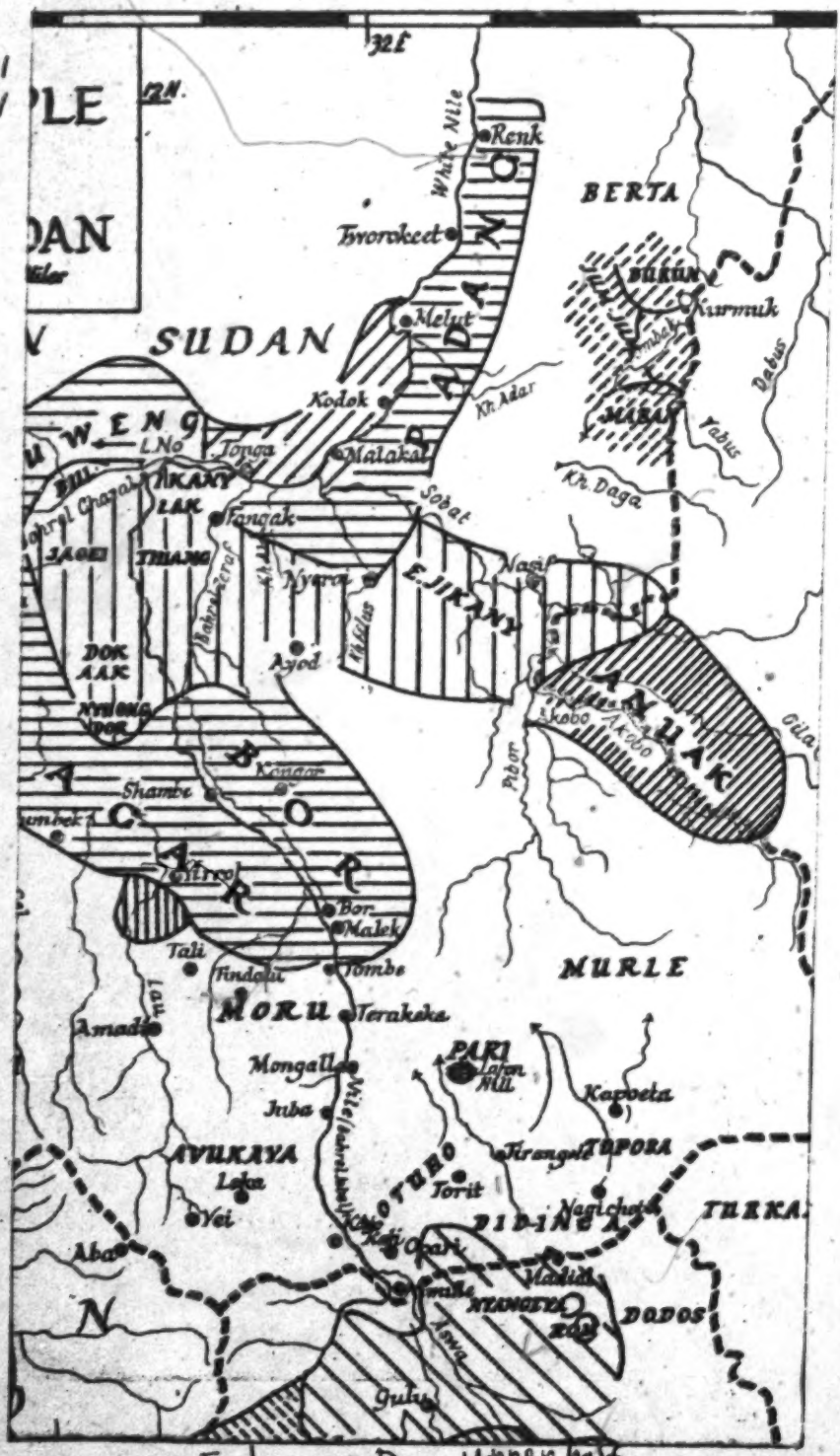

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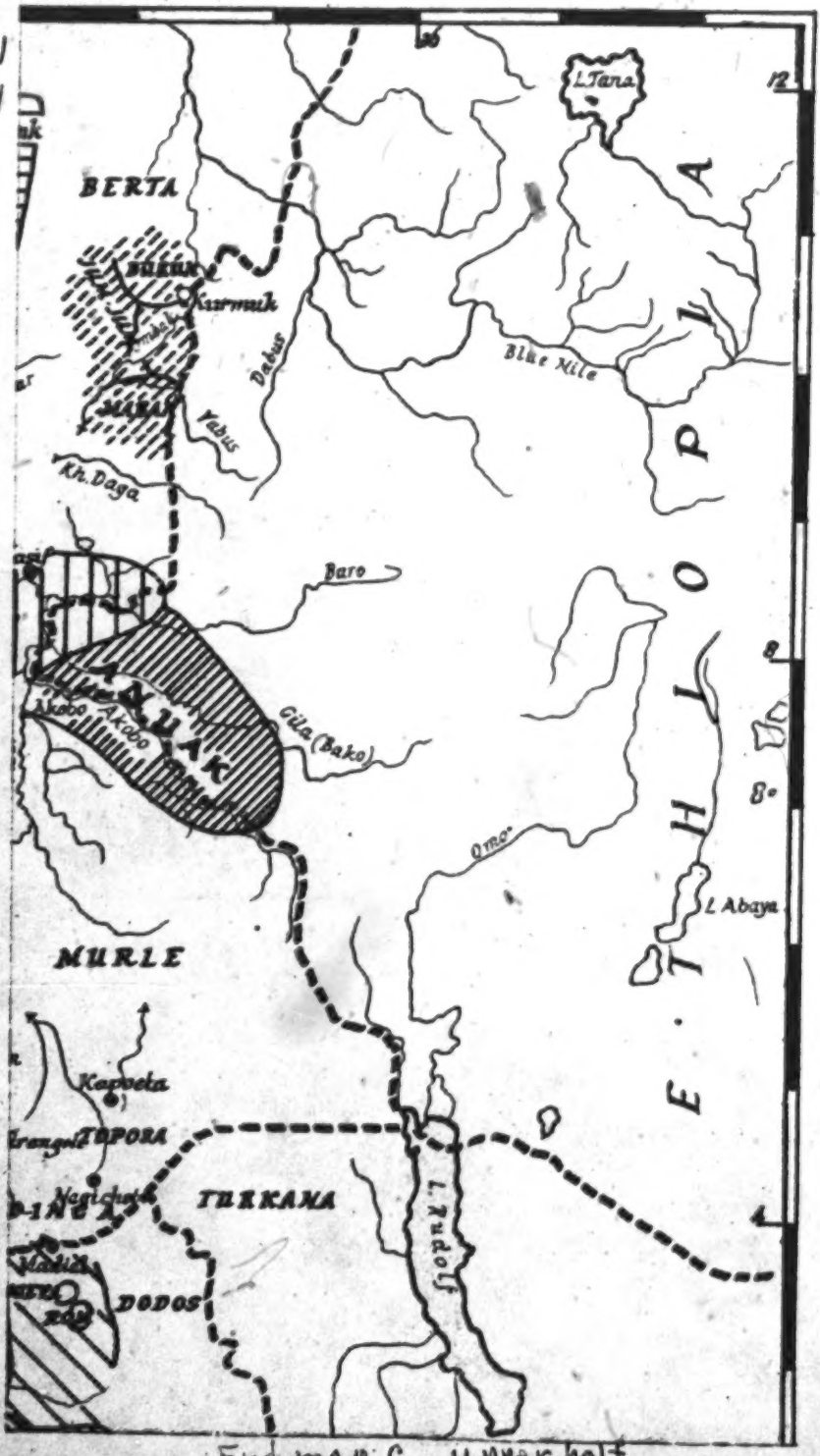

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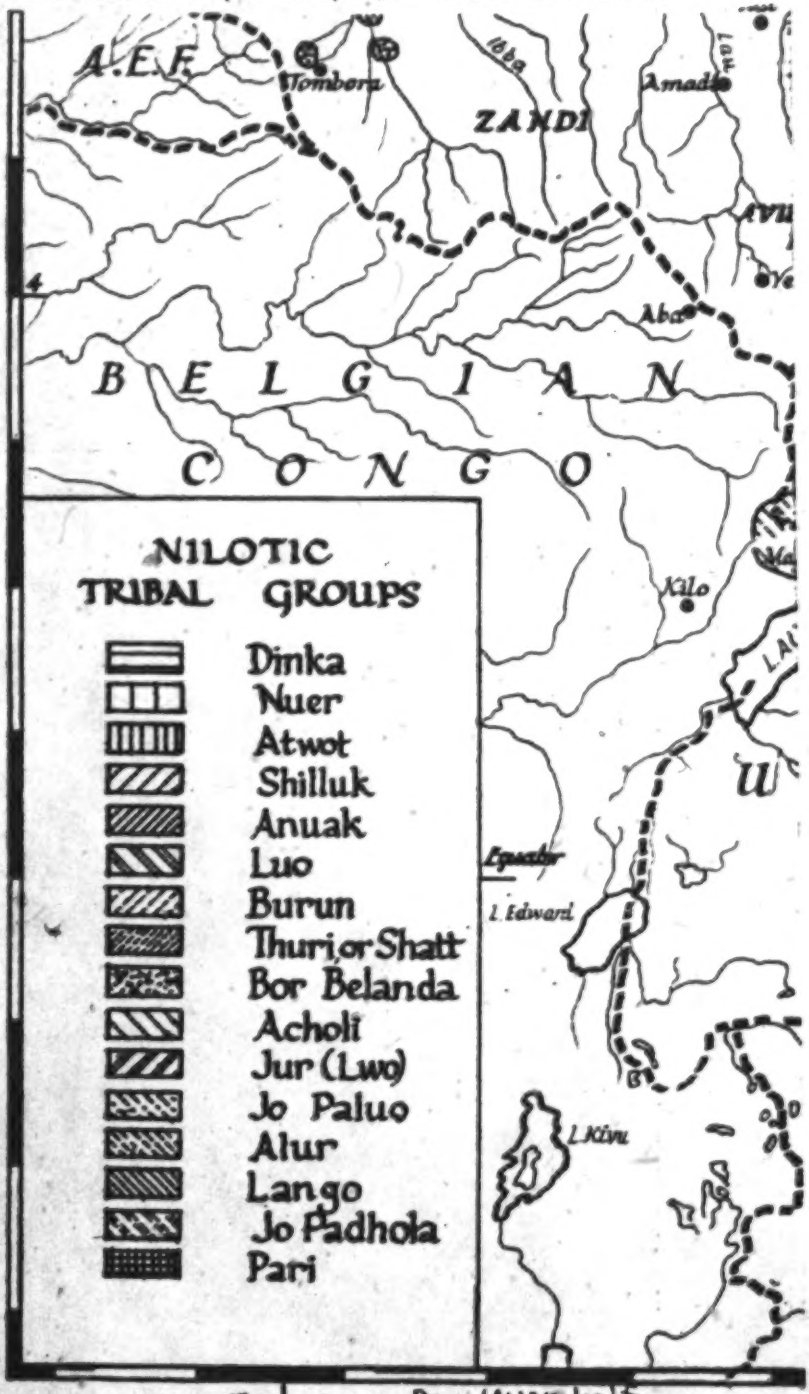

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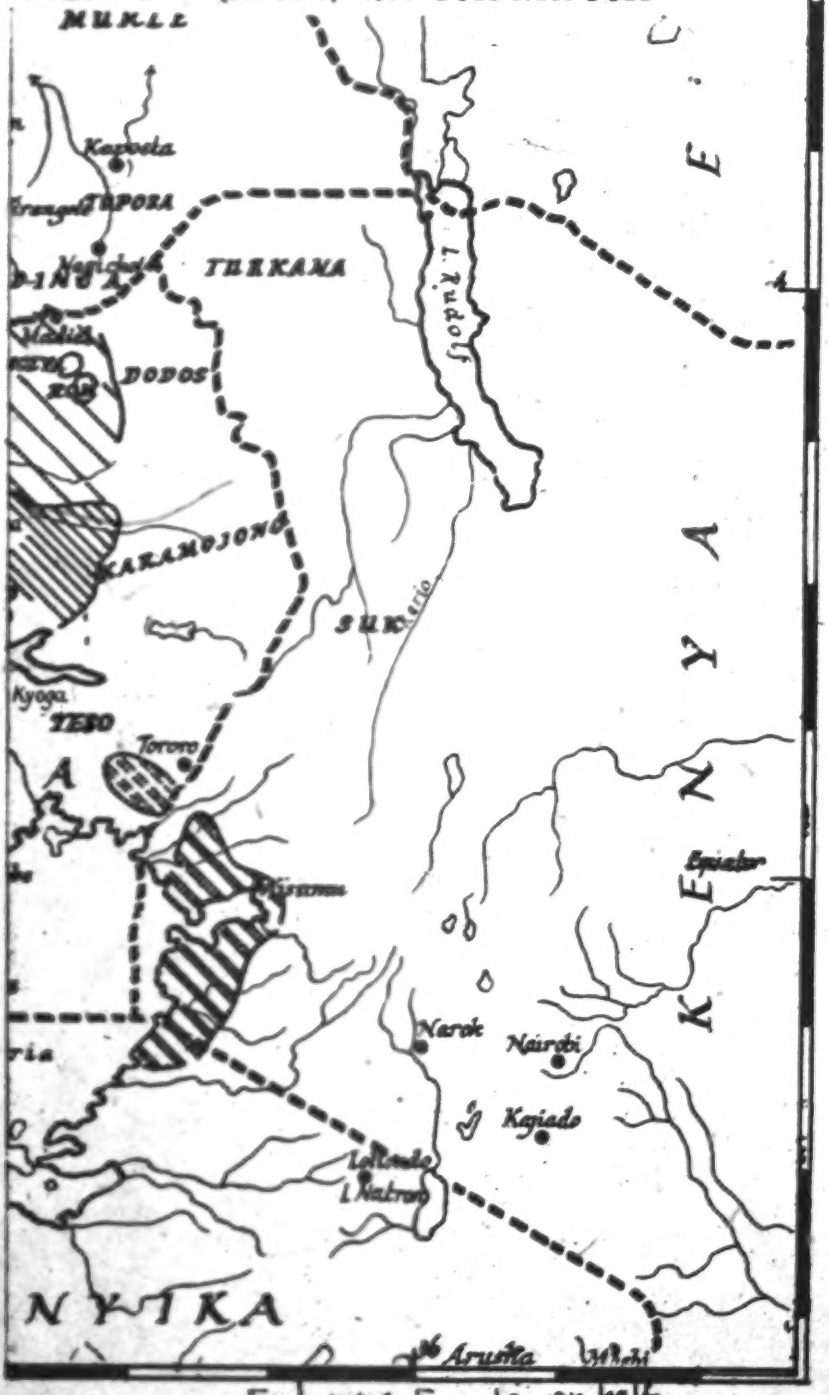

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16: Evans-Pritchard E-5 (1931, 1936) 1956
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NUER RELIGION

BY

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OXFORD
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PREFACE

114 I HAVE previously written two books on the Nuer, a cattle-herding people dwelling in the swamps and savannah of the southern Anglo-Egyptian Sudan: *The Nuer. A Description of the Modes of Livelihood and Political Institutions of a Nilotic People* was published in 1940 and *Kinship and Marriage among the Nuer* in 1951. The present volume, *Nuer Religion*, completes a study of the Nuer which began in 1930.

Accounts of religion in writings on the Nuer are generally meagre and superficial. The only detailed treatment is in Father J. P. Crazzolara's *Zur Gesellschaft und Religion der Nueer* (1953), much of which appeared earlier in volume viii of Father W. Schmidt's *Der Ursprung der Gottesidee* (1949). Those who read his account will see that it differs in many respects from what I now present, though less with regard to fact than in emphasis and interpretation.

Although Nuer religious ideas and practices were a part of their way of life which greatly interested me, it was that to which I was able to give least attention during my short residence of a year in Nuerland. It was necessary to learn their language and to study their manner of livelihood and their family, kinship, and political activities before giving close attention to the more difficult problems of their religious thought. These tasks, all the heavier in the arduous conditions in which they had to be carried out, left me little time to pursue anything which could be called a systematic inquiry into religious matters. What I record I witnessed myself or is information given spontaneously during talks about other and more practical affairs or in comment on some event or experience. Such observations may, however, be more valuable in a study of religious thought than those derived from purposive inquiry. This is especially so when a people lack, as the Nuer do, anything which offers easy scope for such an inquiry, for they have nothing which can properly be called dogma, liturgy, and sacraments (*in sensu stricto*), and they lack a developed religious cult and mythology. This is doubtless one of the reasons why for the most part those who have written about the Nuer have said so little about their religion.

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121 A study of Nuer religion is a study of what they consider to be the nature of Spirit and of man's relation to it. I had previously spent many months among the Azande people of the Nile–Uelle divide. From my earliest days among them I was constantly hearing the word *mangu*, witchcraft, and it was soon clear that if I could gain a full understanding of the meaning of this word I should have the key to Zande philosophy. When I started my study of the Nuer I had a similar experience. I constantly heard them speaking of *kwoth*, Spirit, and I realized that a full understanding of that word was the key to their—very different—philosophy. The attempt to reach it and, even more, to present my conclusions has occupied me for a long time and has proved to be a formidable task. The difficulties which had to be overcome will be very apparent in the pages which follow, but I mention some of them now.

One of the difficulties of presentation has been the different senses the word *kwoth* may have. I have tried to overcome it by speaking of 'God' when the word has a sense near enough to our own conception of God to permit the usage; of 'Spirit' where it refers, either in Nuer or, more frequently, in my exposition, to spiritual nature rather than to any definite, precise, or stated form; and of 'a spirit', 'the spirit', and 'spirits' where it specifically denotes some particular spiritual figure or figures other and lesser than God. The reasons for making these distinctions will become clearer as the book proceeds, and it will then also be perceived why it is impossible to adhere to them rigidly or to use them without any ambiguity.

A further difficulty relates not to Nuer words but to our own. Although the considerable literature on primitive religions which appeared towards the end of the last century and the early years of the present century made us familiar with such terms as animism, fetishism, totemism, mana, tabu, and shamanism, their meanings are still obscure. The very fact that some of these terms are borrowed from native languages is an indication of the failure to build up an adequate and agreed-upon terminology in Comparative Religion, a subject which, moreover, has been since sadly neglected, especially in this country. In these circumstances sometimes even communication is difficult. If I speak of 'spear' or 'cow' everybody will have pretty much the same idea of what I speak of, but this is not so when I speak of 'Spirit', 'soul', 'sin', and so forth.

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This difficulty is not easily overcome, because it is not merely a matter of definitions but involves also personal judgement. It would be useless to deny this and rash to ignore it. It may be said that in describing and interpreting a primitive religion it should make no difference whether the writer is an agnostic or a Christian, Jew, Muslim, Hindu, or whatever he may be, but in fact it makes a great deal of difference, for even in a descriptive study judgement can in no way be avoided. Those who give assent to the religious beliefs of their own people feel and think, and therefore also write, differently about the beliefs of other peoples from those who do not give assent to them. This is not the place to discuss further this difficulty. I merely wish to recognize that it exists and that it introduces into writings about religion complications which are not present when writing about, for example, kinship or husbandry.

I am, of course, well aware that Nuer religion is very unlike what we know in general about Negro religions. One cannot even say that it is a typical Nilotic religion. It is certainly very unlike the religion of the Anuak, of the Luo of Kenya, of the Acholi, of the Alur, or of the Shilluk. Indeed, only the religion of the Dinka can be said to have strongly marked affinities with it, and it can be further said that in some respects the religions of these two peoples resemble less other Negro religions than some of the historic religions. They have features which bring to mind the Hebrews of the Old Testament. Professor C. G. Seligman clearly sensed this, as his account of the Dinka and Nuer shows; and Miss Ray Huffman, an American Presbyterian missionary who spent many years among the Nuer, remarks that 'the missionary feels as if he were living in Old Testament times, and in a way this is true'.[1] When, therefore, I sometimes draw comparisons between Nuer and Hebrew conceptions, it is no mere whim but is because I myself find it helpful, and I think others may do so too, in trying to understand Nuer ideas to note this likeness to something with which we are ourselves familiar without being too intimately involved in it.

[1] C. G. and B. Z. Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, chaps. iv–vi; Ray Huffman, *Nuer Customs and Folk-Lore*, 1931, pp. 56–57. This raises questions which lie outside the scope of the present volume. They are discussed by C. G. Seligman, op. cit., 'Prolegomena', and in his earlier 'Some Aspects of the Hamitic Problem in the Anglo-Egyptian Sudan', *Journal of the Royal Anthropological Institute*, 1913; also by P. W. Schmidt, op. cit., pp. 571 seq.

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PREFACE

121 I have to emphasize that this is a study of religion. So strong has been rationalist influence on anthropology that religious practices are often discussed under the general heading of ritual together with a medley of rites of quite a different kind, all having in common only that the writer regards them as irrational; while religious thought tends to be inserted into a general discussion of values. Here the view is taken that religion is a subject of study *sui generis*, just as are language or law. Consequently I do not feel that I am obliged to describe fully such ceremonies as those that take place at initiations, engagements, weddings, &c., which on no definition of religion can be regarded as religious phenomena, but only to indicate what, if anything, in them has religious significance. Likewise, I do not consider that I have to discuss Nuer moral judgements in general, but only in so far as they more immediately concern their religious thought and practice.

128 The chapters of this book were first written to be delivered as lectures, mostly in university courses at Oxford, though some were written for more formal occasions. Chapter I was a Presidential Address to the Royal Anthropological Institute (1951), Chapter XI the Henry Myres Lecture to the same Institute (1954), Chapter IV the Monro Lecture in the University of Edinburgh (1952), Chapter V a lecture to the University of London Anthropological Club (1954), and Chapter X an address delivered at the Fourth International Congress for Anthropology and Ethnology in Vienna (1952). Some repetition is inevitable in this form of presentation but I have eliminated all that was avoidable.

000 I thank the editors of the following journals for permission to reprint what has appeared in them: *Journal of the Royal Anthropological Institute*, *Man*, *Sudan Notes and Records*, *Africa*, *African Affairs*, *American Anthropologist*, *Annali Lateranensi*, *Anthropological Quarterly*, and *Sociologus*.

I owe a very great debt to Dr. R. G. Lienhardt. He has read the whole of this book at various stages of its growth and has made many suggestions which I have adopted. We have discussed its contents so often that I am scarcely able to say what I owe to him and what I do not. I can only say that I doubt whether I would have written it at all if it had not been for his interest and encouragement. His help has been all the more valuable, and the more generous, in that it was given in the light of as yet unpublished conclusions he had reached by his study of Dinka religion,

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a study fuller and deeper than I was able to make of Nuer religion. Dr. Lienhardt also made inquiries on my behalf among the Nuer themselves.

I am also most grateful to Dr. Mary Smith of the American Presbyterian Mission at Nasser on the Sobat river. Her parents, also at one time members of that Mission, are old and much esteemed friends who helped me unreservedly during my residence among the Nuer; and she was brought up among the Nuer, to whom, like her parents, she has devoted her life. I sent this book out to her, chapter by chapter. She confirmed many conclusions, added new information, and made some criticisms.

Dr. P. J. Bohannan and Mr. J. M. Beattie kindly read through the book in manuscript. I received also some useful comments on the contents of Chapter V from Professor Dorothy Emmett and Mr. Brian Farrell. Professor A. N. Tucker has given me advice on linguistic matters. Mr. F. D. Corfield has again allowed me to include some of his excellent photographs. Plate XV is from a negative lent to me by Major-General Sir Charles Gwynn. I am indebted to the late Mr. Henry Balfour, Mr. T. K. Penniman, and and Mr. Louis Clarke, for the drawings of specimens in my collections in the Pitt-Rivers Museum at Oxford and the University Museum of Archaeology and Ethnology at Cambridge. Fig. 3 is reproduced, with her permission, from Mrs. Grace M. Crowfoot's *Flowering Plants of the Northern and Central Sudan*. I thank the Government of the Anglo-Egyptian Sudan for a grant of money towards the cost of publication.

It is sad that I must now say a final farewell to a people who have for so many years occupied my thoughts. I was a *ger*, what they call a *rul*, an alien sojourner, among them for only a year, but it was a year's relationship of great intensity, and the quality of a relationship counts for more than its duration. This final volume of my trilogy is dedicated to them in memory of an experience which has greatly influenced my life.

E. E. E.-P.

Oxford
January 1956

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ERRATA

Page 44, seven lines from bottom: *for* '*Ruah*' *read* '*Ruaḵ*'

Page 45, line 3: *for* 'extirpation' *read* 'expiration'

Page 69, two lines from bottom: *for* 'prosrated' *read* 'prostrated'

Page 234, last line: *for* 'patricular' *read* 'particular'

Page 306, seven lines from bottom: *for* 'diu' *read* '*dïu*'

Page 317, line 1 of par. 2: *for* 'characterstics' *read* 'characteristics'

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CHAPTER I

GOD

I

×776 THE Nuer word we translate 'God' is *kwoth*,[1] Spirit. Nuer also speak of him more definitely as *kwoth nhial* or *kwoth a nhial*, Spirit of the sky or Spirit who is in the sky. There are other and lesser spirits which they class as *kuth nhial*, spirits of the sky or of the above, and *kuth piny*, spirits of the earth or of the below. I discuss the conception of God first because the other spiritual conceptions are dependent on it and can only be understood in relation to it.

×776 196 The Nuer *kwoth*, like the Latin *spiritus*, the Greek *pneuma*, and the English derivatives of both words, suggests both the intangible quality of air and the breathing or blowing out of air. Like the Hebrew *ruaḥ* it is an onomatope and denotes violent breathing out of air in contrast to ordinary breathing.[2] In its verbal form it is used to describe such actions as blowing on the embers of a fire; blowing on food to cool it; blowing into the uterus of a cow, while a tulchan is propped up before it, to make it give milk; snorting; the blowing out of air by the puff fish; and the hooting by steam pressure of a river steamer. The word is also found, and has the same general sense, in some of the other Nilotic languages.

×776 As a noun, however, *kwoth* means only Spirit, and in the particular sense we are now discussing it means *kwoth nhial* or *kwoth a nhial*, Spirit of the heavens or Spirit who is in the heavens, the copula *a* in the second designation being one of the verbs we translate 'to be'. *Nhial* is the sky, and combined with verbs the word may also refer to certain natural processes associated with the sky, as raining and thundering; but it may also have merely the sense of 'on high' or 'above'. We may certainly say that the Nuer do not regard the sky or any celestial phenomenon as God, and this is clearly shown in the distinction made between God and

[1] The word has been variously spelt by European writers. I shall throughout use *kwoth* (pl. *kuth*), neglecting the genitive and locative forms.

[2] Norman H. Snaith, *The Distinctive Ideas of the Old Testament*, 1944, chap. vii.

×776 the sky in the expressions 'Spirit of the sky' and 'Spirit who is in the sky'. Moreover, it would even be a mistake to interpret 'of the sky' and 'in the sky' too literally.

×776 821 It would equally be a mistake to regard the association of God with the sky as pure metaphor, for though the sky is not God, and though God is everywhere, he is thought of as being particularly in the sky, and Nuer generally think of him in a spatial sense as being on high. Hence anything connected with the firmament has associations with him. Nuer sometimes speak of him as falling in the rain and of being in lightning and thunder. Mgr. Mlakic says that the rainbow is called the necklace of God.[1] I have never heard a spontaneous reference to the sun as a divine manifestation, but if one asks Nuer about it they say that it too belongs to God, and the moon and the stars also. They say that if a man sees the sun at night this is a divine manifestation, and one which is most dangerous for him; but I think that the light they say is occasionally seen is not regarded as an appearance of the physical sun but as some peculiar luminous vision. When Nuer see the new moon they rub ashes on their foreheads and they throw ashes, and perhaps also a grain of millet, towards it, saying some short prayer, as 'grandfather, let us be at peace' or 'ah moon, *nyadeang* (daughter of the air-spirit *deng*) we invoke (God) that thou shouldst appear with goodness. May the people see thee every day. Let us be (*akolapko*).' Mgr. Mlakic says that they mark their foreheads with ashes in the form of a cross and that it is called *ngei kwoth*, God's sign.[2] I must add that the language is here figurative, even playful. They may address the moon, but it is God to whom they speak through it, for the moon is not regarded, as such, as Spirit or as a person.

×776 It would be quite contrary to Nuer thought, as I have remarked, and it would even seem absurd to them, to say that sky, moon, rain, and so forth are in themselves, singly or collectively, God. God is Spirit, which, like wind and air, is invisible and ubiquitous. But though God is not these things he is in them in the sense that he reveals himself through them. In this sense, which I discuss further in Chapter V, he is in the sky, falls in the rain, shines in the sun and moon, and blows in the wind. These divine manifesta-

[1] *The Messenger*, 1943–4 (I have not seen the original articles but only a typewritten copy of them, so I cannot give page references).
[2] Ibid.

tions are to be understood as modes of God and not as his essence, which is Spirit. 776 ×

God being above, everything above is associated with him. This is why the heavenly bodies and the movements and actions connected with them are associated with him. This is why also the spirits of the air are regarded as *gaat kwoth*, children of God, in a way other spirits are not, for they, unlike other spirits, dwell in the air and are also thought of as being in the clouds, which are nearest to the sky. This is why also the *colwic* spirits are so closely associated with God, for he touched them with his fire from heaven and took them to himself. Some birds also are spoken about by [825] Nuer as *gaat kwoth*, especially those which fly high and seem, to us as well as to Nuer, to belong to heaven rather than to earth and therefore to be children of light and symbols of the divine. The feeling that they are in a measure detached from the earth is enhanced in the case of migratory birds[1] by their disappearances and reappearances. I have heard the idea expressed that in their absence from Nuerland they have gone to visit God's country. This is probably no more than poetic fancy, but we can say that the disappearance of these birds strengthens the allegory of God's children which arises from their ability to do what man cannot do, fly towards heaven and God. Twins also, in a very special sense, [845] are *gaat kwoth*. They belong to the above, and Nuer say that they are birds. The Jikul clan and the Gaanwar clan, whose ancestors [773] fell from heaven, are also *ji kwoth*, God's people, for that reason and are thought to have special powers.

Thus anything associated with the sky has virtue which is lacking in earthly things. Nuer pathetically compare man to heavenly things. He is *ran piny*, an earthly person and, according to the general Nuer view, his ghost is also earth-bound. Between God and man, between heaven and earth, there is a great gulf, and we shall find that an appreciation of the symbolism of the polarity of heaven and earth helps us to understand Nuer religious thought and feeling and also sheds light on certain social features of their religion, for example the greater prestige of prophets than of priests.

[1] I am indebted to Miss Ray Huffman and Dr. Mary Smith for the information that, among others, these are the pied crow, the kite, the pelican, the maribou stork, the eagle, the crested crane, the Cape Paradise flycatcher, the wagtail, and the durra-birds.

GOD

×776 Before discussing further the separation of God from man I will mention some of the chief attributes of God. He is in the sky, but his being in the sky does not mean that he is not at the same time elsewhere, and on earth. Indeed, as will be seen, Nuer religious thought cannot be understood unless God's closeness to man is taken together with his separation from man, for its meaning lies precisely in this paradox.

Nuer say that God is everywhere, that he is 'like wind' and 'like air'. According to Father Crazzolara,[1] he may be spoken of by the epithets *jiom*, wind, and *ghau*, universe, but these words only [538] stand for God in poems or in an allegorical sense and are illustrations of the liking the Nilotic peoples show in their poetry for metonymy and synecdoche. God is not wind, but *cere jiom*, like wind; and he is not *ghau*, the universe, but *cak ghaua*, the creator of the universe. Another poetic epithet by which he may be referred to is *tutgar*. This is an ox-name, taken from an ox of the [231] kind Nuer call *wer*, which has wide spreading horns and is the most majestic of their beasts (Plate I). The name is a combination of two words: *tut*, which has the sense of 'strength' or 'greatness', and *gar*, which has the sense of 'omnipresent', as in another of God's titles, *kwoth me gargar*, the omnipresent God (*gargar* can also be translated 'limitless').[2] But the commonest Nuer way of trying to express their idea of the nature of God is to say that he is like wind or air, a metaphor which seems appropriate to us because it is found throughout the hierological literature of the world and we are particularly familiar with it in the Old Testament. Among the Nuer the metaphor is consistent not only with the absence of any fixed abode of God but also of any places where he is thought particularly to dwell, for air and wind are everywhere. Unlike the other spirits God has no prophets or sanctuaries or earthly forms.

×776 196 God, Spirit in the heavens who is like wind and air, is the creator and mover of all things. Since he made the world he is addressed in prayers as *kwoth ghaua*, Spirit of the universe, with the sense of creator of the universe. The word *cak*, used as a noun, can mean the creation, that is, all created things, and hence the

[1] Op. cit. p. 72.

[2] Dr. Mary Smith tells me that if a ne'er-do-well is asked how he expects to live he may reply '*kwoth e gargar*', 'God is limitless' (in his power to aid), in the same way as a man may say of the earth or of the universe that it is *gargar*, limitless.

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PLATE I

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Ox with spreading horns

[facing p. 4]

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nature or character proper to a person or thing; it can be used in a very special sense to refer to an abnormality, *cak kwoth*, a freak; and, though I think rarely, it is used as a title of God, the creator, as in the expression *cak nath*, creator of men. As a verb 'to create' it signifies creation *ex nihilo*, and when speaking of things can therefore only be used of God. However, the word can be used of men for imaginative constructions, such as the thinking of a name to give a child, inventing a tale, or composing a poem, in the same figurative sense as when we say that an actor creates a part. The word therefore means not only creation from nothing but also creation by thought or imagination, so that 'God created the universe' has the sense of 'God thought of the universe' or 'God imagined the universe'.

Professor Westermann wrote at the dictation of a Nuer an account of how God created the world and made all things in it. It begins '*Me chak koth nath, chwo ran thath*', which he has translated 'When God created the people, he created man.'[1] It will be observed that he has translated two different words, *cak* (*chak*) and *tath* (*thath*), by 'create', but they have not quite the same sense, for whereas *cak* means creation *ex nihilo* and in thought or imagination, *tath* means to make something out of something else already materially existing, as when a child moulds clay into the shape of an ox or a smith beats a spear out of iron. The sentence would therefore be better translated 'When God created people then he made (or fashioned) man.' The distinction is similar to that between 'created' and 'made' in the first chapter of Genesis, 'created' there being a translation of the Hebrew *br'*, which can only be used for divine activity.

The complementary distinction made in Genesis between 'the heaven and the earth' is made, by implication at least, in a slightly different way by the Nuer. A parallelism often heard in their prayers is '*e pinydu, e ghaudu*', 'it is thine earth, it is thy universe'. *Piny* is the down-below, the earth in the sense of the terrestrial world as the Nuer know it. *Ghau* has many meanings—world, sky, earth, atmosphere, time, and weather—which taken together, as they should be in a context of prayer, mean the universe. Another common, and related, strophe in prayers is '*e ghaudu, e rwacdu*', 'it is thy universe, it is thy word'. *Rwac* in ordinary

[1] Diedrich Westermann, 'The Nuer Language', *Mitteilungen des Seminars für Orientalische Sprachen*, 1912, p. 115.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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contexts means speech, talk, or word, but when used in prayers and invocations in the phrase '*e rwacdu*', 'it is thy word', it means the will of God; and when used in reference to creation it has almost the meaning of the creative word: 'he created the world, it is his word'.

The Nuer can hardly be said to have a creation myth, though our authorities[1] record some fragmentary accounts of the creation of men, parts of which I have myself heard. These state that men were created in the Jagei country of western Nuerland at a certain tamarind tree, at the foot of which offerings, and according to Mr. Jackson sacrifices, were sometimes made till it was destroyed by fire in 1918. Many details in the versions given by Mr. Jackson and Captain Fergusson are clearly foreign, either Dinka or in Mr. Jackson's account Shilluk and in Captain Fergusson's account possibly even Atwot or Mandari, and I regard Father Crazzolara's version as the closest to Nuer tradition. In this version the tamarind tree, called Lic, was itself the mother of men who, according to one account, emerged from a hole at its foot or, according to another account, dropped off its branches like ripe fruits.

Whether they are speaking about events which happened *ne walka*, in the beginning or long ago, or about happenings of yesterday or today, God, creative Spirit, is the final Nuer explanation of everything. When asked how things began or how they have come to be what they are they answer that God made them or that it was his will that they have come to be what they are. The heavens and the earth and the waters on the earth, and the beasts and birds and reptiles and fish were made by him, and he is the author of custom and tradition. The Nuer herd cattle and cultivate millet and spear fish because God gave them these things for their sustenance. He instituted their marriage prohibitions. He gave ritual powers to some men and not to others. He decreed that the Nuer should raid the Dinka and that Europeans should conquer the Nuer. He made one man black and another white (according to one account our white skins are a punishment by God for incest committed by our ancestor with his mother), one man fleet and another slow, one strong and another weak. Everything in nature, in culture, in society, and in men is as it is because

[1] H. C. Jackson, 'The Nuer of the Upper Nile Province', *Sudan Notes and Records*, 1923, pp. 70–71; V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 148–9; J. P. Crazzolara, op. cit., p. 66.

GOD

God made or willed it so. Above all else God is thought of as the giver and sustainer of life. He also brings death. It is true that Nuer seldom attribute death—in such cases as death by lightning or following the breach of a divinely sanctioned interdiction—to the direct intervention of God, but rather to natural circumstances or to the action of a lesser spirit, but they nevertheless regard the natural circumstances or the spirits as instruments or agents of God, and the final appeal in sickness is made to him. Nuer have often told me that it is God who takes the life, whether a man dies from spear, wild beast, or sickness, for these are all *nyin kwoth*, instruments of God. 776 × 791

In the Nuer conception of God he is thus creative Spirit. He is also a *ran*, a living person, whose *yiegh*, breath or life, sustains man. I have never heard Nuer suggest that he has human form, but though he is himself ubiquitous and invisible, he sees and hears all that happens and he can be angry and can love (the Nuer word is *nhok*, and if we here translate it 'to love' it must be understood in the preferential sense of *agapō* or *diligo*: when Nuer say that God loves something they mean that he is partial to it). However, the anthropomorphic features of the Nuer conception of God are very weak and, as will be seen, they do not act towards him as though he were a man. Indeed, such human features as are given him barely suffice to satisfy the requirements of thought and speech. If he is to be spoken about, or to, he has to be given some human attributes. Man's relation to him is, as it is among other peoples,[1] on the model of a human social relationship. He is the father of men. 776 ×

A very common mode of address to the Deity is '*gwandong*', a word which means 'grandfather' or 'ancestor', and literally 'old father', but in a religious context 'father' or 'our father' would convey the Nuer sense better; and '*gwara*' and '*gwandan*', 'our father', and the respectful form of address '*gwadin*', 'father', are also often used in speaking to or about God. God is the father of men in two respects. He is their creator and he is their protector.

He is addressed in prayers as '*kwoth me cak gwadong*', 'God who created my ancestor'. Figuratively, and in conformity with Nuer lineage idiom, he is sometimes given a genealogical position in relation to man. A man of the Jinaca clan, for example, after tracing his pedigree back to Denac, the founder of his clan, may

[1] Friedrich Heiler, *Das Gebet*, 3rd ed., 1921, pp. 490 seq.

× 776 go on to say that Denac was a son of Gee, who was a son of *Ran*, man, who was a son of *Ghau*, the universe, who was a son of *Kwoth*, God. When Nuer thus speak of God as their remote ancestor and address him as 'father' or 'grandfather', and likewise when in praying to him they speak of themselves, as they commonly do, as '*gaatku*', 'thy children', their manner of speech is no more to be taken literally than are those frequent passages in the Old Testament in which Israel is spoken of as the spouse or son of Jehovah. Such ideograms are common enough in all religions.[1] Also, when Nuer speak of spirits, birds, and twins as '*gaat kwoth*', 'children of God', they speak in an allegorical sense. Similarly, [551] when children are named after God or one of the spirits of the air, for example, Gatkwoth, son of God, or Gatdeang, son of (the air-spirit) *deng*, all we are to understand from these theophorous proper names is that the child was conceived in answer to prayer or sacrifice. Even in Nuer family and kinship usages the word *gat*, son, does not necessarily, or even usually, signify a son in a physiological sense but a son in one or other of several social senses. That the language is here allegorical is shown by the use of the word *cak* in the expression '*kwoth me cak gwadong*', 'God who created my ancestor', for *cak* means to create and not to beget. It is also shown by the fact that the word *dieth*, to beget, is not only not used in this expression but is never used in reference to God.[2] It is true that Father Crazzolara records the sentence '*gwandong ce nadh dieth ke diedh nadhe*', which, as he rightly says, means 'God did not beget men with the begetting with which men are begotten', but he adds that the word *dieth* was only used by his informant because the question he himself had asked required its use.[3] Nuer do not think of God as the begetter of man but as his creator.

God is also the father of men in that he is their protector and friend. He is '*kwoth me jale ka ji*', 'God who walks with you', that is, who is present with you. He is the friend of men who helps them in their troubles, and Nuer sometimes address him as '*madh*', 'friend', a word which has for them the sense of intimate

[1] Rudolf Otto, *The Idea of the Holy*, Eng. trans., 4th impress., 1926, *passim*.

[2] Cf. the Anuak who use 'to beget' as well as 'to create' of God: '*inica na gho jwokki na cwac jii, jwok anyuol ki nyiee mi detgi da yier*', 'once upon a time when God came and created people, God begat children with hair on their bodies' (the author's unpublished *Anuak Grammar*).

[3] Op. cit., p. 66.

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friendship. The frequent use in prayers of the word *rom* in reference to the lives, or souls, of men indicates the same feeling about God, for it has the sense of the care and protection parents give to a child and especially the carrying of a helpless infant. So does another word often used in prayers, *luek*, to comfort. God is asked to '*luek nei*' to 'comfort the people'. The Nuer habit of making short supplications to God outside formal and ritual occasions also suggests an awareness of a protective presence, as does the affirmation one hears every day among the Nuer, '*kwoth a thin*', 'God is present'. Nuer say this, doubtless often as a merely verbal response, when they are faced with some difficulty to be overcome or some problem to be solved. The phrase does not mean 'there is a God'. That would be for Nuer a pointless remark. God's existence is taken for granted by everybody. Consequently when we say, as we can do, that all Nuer have faith in God, the word 'faith' must be understood in the Old Testament sense of 'trust' (the Nuer *ngath*) and not in that modern sense of 'belief' which the concept came to have under Greek and Latin influences. There is in any case, I think, no word in the Nuer language which could stand for 'I believe'. *Kwoth a thin* means that God is present in the sense of being in a place or enterprise, the *a* being here again a verb 'to be'. When Nuer use the phrase they are saying that they do not know what to do but God is here with them and will help them. He is with them because he is Spirit and being like wind or air is everywhere, and, being everywhere, is here now.

But though God is sometimes felt to be present here and now, he is also felt to be far away in the sky.[1] If he hears a whispered prayer, it is spoken with eyes and hands raised to the distant heavens. However, heaven and earth, that is, God and man, for we are justified here in treating the dichotomy anagogically, are not entirely separated. There are comings and goings. God takes the souls of those he destroys by lightning to dwell with him and in him they protect their kinsmen; he participates in the affairs of men through divers spirits which haunt the atmosphere between heaven and earth and may be regarded as hypostasizations of his modes and attributes; and he is also everywhere present in a way

[1] These contrasted feelings are probably common to all predominantly theistic religions and they have often been noted by scholars, e.g. by Antonio Anwander in his discussion of *pietà della 'lontananza'* and *pietà della 'vicinanza'* in his *Introduzione alla Storia delle Religioni*, 1932, pp. 168 seq.

which can only be symbolized, as his ubiquitous presence is symbolized by the Nuer, by the metaphor of wind and air. Also he can be communicated with through prayer and sacrifice, and a certain kind of contact with him is maintained through the social order he is said to have instituted and of which he is the guardian, a matter I discuss briefly later. But in spite of these communications and contacts the distance between heaven and earth is too great to be bridged.

God's separation and remoteness from man are accounted for in a myth recorded by Father Crazzolara which relates that there was not always a complete separation of heaven and earth and that there might never have been but for an almost fortuitous event. I did not myself hear Father Crazzolara's version of the myth, and I judge it to be of Dinka origin, partly because it occurs among the Dinka but more because I think it is very probably only current among Nuer to the west of the Nile,[1] which would indicate recent introduction into Nuerland from Dinka sources; but, whether it is Dinka or not, it accords well with Nuer religious conceptions in general. The myth relates that there was once a rope from heaven to earth and how anyone who became old climbed up by it to God in heaven and after being rejuvenated there returned to earth. One day a hyena—an appropriate figure in a myth relating to the origin of death—and what is known in the Sudan as a durra-bird, most likely a weaver-bird, entered heaven by this means. God gave instructions that the two guests were to be well watched and not allowed to return to earth where they would certainly cause trouble. One night they escaped and climbed down the rope, and when they were near the earth the hyena cut the rope and the part above the cut was drawn upwards towards heaven. So the connexion between heaven and earth was cut and those who grow old must now die, for what had happened could not be made not to have happened ('aber was geschehen war, konnte nicht mehr ungeschehen gemacht werden'). A variant of this myth has been recorded by Captain Fergusson.[2]

[1] This conjecture is strengthened by information from Dr. Mary Smith that the story is not known to the Eastern Jikany Nuer. A version current among the Central Nuer is recorded in *The Nuer*, p. 230.

[2] J. P. Crazzolara, op. cit., p. 68; V. H. Fergusson, op. cit., pp. 148–9.

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II

It is in the light of their feeling that man is dependent on God 976x
and helpless without his aid and that God, though a friend and 781
present, is yet also remote that we are to interpret a word Nuer frequently use about themselves when speaking to or about God: *doar*. The meanings of this word given in Nuer–English dictionaries, 'idiot', 'stupid', 'fool', and 'weak-minded', do not adequately convey the sense of the word, especially when it is used to refer to man's relationship to God. Then it means rather 'simple' or 'foolish' or 'ignorant'—'idiot' in the sense the word used to have in the English language and which the word from which it is derived had in Greek. Nuer say that they are just ignorant people who do not understand the mysteries of life and death, and of God and the spirits, and why things happen as they do.

A favourite Nuer expression is '*yie wicda*', 'my head goes 186
round' or 'I am bewildered'. They are at a loss because they are 773
just foolish people who do not understand the why and the wherefore. In saying that they are simple or foolish or ignorant Nuer are not being modest in respect to other peoples, though I have often had the impression that they regard themselves as guileless compared with other peoples, especially compared with the Dinka, whom they regard as cleverer and more cunning than themselves, a difference dramatized in one of their myths. The story, which reminds us of that of Esau and Jacob, is cited by Nuer to explain why they have always raided the Dinka. Nuer and Dinka—the peoples are personified in the myth—were both sons of God, who had promised to give an old cow to Dinka and its young calf to Nuer. Dinka came by night to God's byre and deceived him by imitating Nuer's voice, and God gave him the calf. When God found that he had been deceived he charged Nuer to raid the herds of Dinka to the end of time. In other words, the Nuer may be robbers but the Dinka are thieves. Another story relates that God offered men the choice between cattle and rifles. Nuer and Dinka chose cattle and Arabs and Europeans chose rifles. Here both Nuer and Dinka are figured as simple compared to Arabs and Europeans. Nuer regard themselves as having manly virtues exceeding those of other peoples, but compared with them they
are artless. However, when they use the word *doar* in a reli- 781
gious context they are speaking of themselves being foolish in 776x

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781 comparison with God and in his eyes. The same idea is expressed
× 776 in speaking of themselves as *cok*, small black ants, particularly in their hymns to spirits of the air, that is, they are God's ants, or in other words what a tiny ant is to man, so man is to God. This is a conscious and explicit analogy. Thus Father J. Kiggen quotes the phrases '*kondial labne cuugh, ke min kueine ke kuoth*', which I would translate 'we, all of us, have the nature of ants in that we are very tiny in respect to God', and '*kondial gaad cuughni ke kuoth*', which I would translate 'all of us are like little ants in the sight of God'.[1] The same metaphor has been recorded for the Dinka by Archdeacon Shaw.[2] We are reminded of Isaiah's likening of men to grasshoppers (xl. 22).

In speaking about themselves as being like ants and as being simple Nuer show a humbleness in respect to God which contrasts with their proud, almost provocative, and towards strangers even insulting, bearing to men; and indeed humbleness, a consciousness of creatureliness, is a further element of meaning in the word *doar*, as is also humility, not contending against God but suffering without complaint. Humbleness and humility are very evident on occasions of religious expression among the Nuer—in the manner and content of prayer, in the purpose and meaning of sacrifices, and, perhaps most evidently, in their sufferings. Nuer accept misfortunes with resignation. Whatever the occasion of death and other misfortunes may be, whether they be what Nuer call *dung cak*, the lot of created things, or whether they be the result of what they call *dueri*, faults, they come to one and all alike, and Nuer say that they must be accepted as the will of God. The best that can be hoped for is that God will hear the prayers and accept the sacrifices of those who suffer and spare them any extra burden. Nuer do not complain when misfortunes befall them. They say that it is God's will (*rwac kwoth*), that it is his world (*e ghaude*), and—I have often heard Nuer say this in their sufferings—that he is good (*goagh*). When a child dies women lament, but only for a little while, and men are silent. They say that God has taken his own and that they must not complain; perhaps he will give them another child. This is a common refrain with Nuer, especially in their invocations at mortuary ceremonies. They say of the dead man that God has taken him and that he was in the right in the matter, for it was his man; he has taken

[1] *Nuer-English Dictionary*, 1948, p. 60. [2] 'Dinka Songs', *Man*, 1915.

only what was his own. Also, when a byre is destroyed by lightning Nuer tell him that they do not complain. The grass of the thatch is his, and he has a right to take what belongs to him. Likewise if a cow or an ox of your herd dies Nuer say that you must not complain if God takes his own beast. The cattle of your herd are his and not yours. If you grieve overmuch God will be angry that you resent his taking what is his. Better be content, therefore, that God should do what he wishes, seeing not that he has taken one of your cows but that he has spared the others. If you forget the cow God will see that you are poor and will spare you and your children and your other beasts. I cannot convey the Nuer attitude better than by quoting the Book of Job: 'the Lord gave, and the Lord hath taken away; blessed be the name of the Lord' (1. 21).[1]

Father Crazzolara records much the same of the Nuer in this respect as I have done. He says, for example, that if God kills a man or destroys property by lightning, Nuer say that he has only taken what was his, what was his right.[2] God is always in the right, always, as Nuer say, has *cuong*, a word I discuss later. Nuer also say, when some calamity has happened to them, *'thile me lele'*, which means that there is nothing which can be done about it because it is the will of God and therefore beyond man's control.

People comfort a man who has lost cattle by telling him these things, but they find it hard to comfort a youth who has lost his *dil thak*, his favourite ox, for he is young and the ox was perhaps his only ox and has been his companion. He has cared for it and played with it and danced and sung to it. He now sits by himself and pines, and his friends try to cheer him up. They tell him that he must not be tearful or God will be angry: 'God is good, he might have taken you, but he has taken your ox instead.' Here we have a further and very common reflection in adversity. God has been gracious and he has taken something belonging to a man and has spared the man himself. What appears to be misfortune is therefore really fortune. Nuer here use the word *gang*, to shield or protect, saying that the thing has shielded the man.

[1] This quotation is also given by Professor and Mrs. Seligman (op. cit., p. 230). It was, however, like most of their account of the Nuer, taken from my notebooks. I mention this fact because I have found that Professor and Mrs. Seligman are often quoted, for example by P. W. Schmidt in his *Der Ursprung der Gottesidee*, as independent authorities. This is no fault of Professor and Mrs. Seligman, but it makes nevertheless for confusion.

[2] Op. cit., p. 96.

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× 776 I was told that in spite of these encouragements a youth who has lost his favourite ox has to be pressed to partake of its cooked flesh, his friends saying to him 'What? Are they not all the cattle of God? And if he has taken one of them you must not refuse its flesh. Why do you sit moping?' I have also heard it said that if the owner refuses its flesh and puts his spear away in the rafters of his byre, the spear may cut his hand or leg some later day because it was put away as though useless. In any case, in the end no Nuer can resist meat. A Nuer once told me wistfully that a man's eye and heart are mournful at the death of his beast but his teeth and stomach are glad. Nuer say that the stomach prays to God independently of the heart.

× 776 777 576 In taking things God, as we have noted, takes only what is his, but he is compassionate and, as we have also noted, spares a man if he sees that he is poor and miserable (*can*). In talking about these matters with Nuer I received the impression that, while of course they like to be rich, they think it safer for a man not to have too much good fortune. Pride in the number of his children or cattle may cause God to take them away. For this reason Nuer show great uneasiness if their good fortune is so much as mentioned. 777 576 It is proper to praise a man's moral qualities, to say that he is brave, generous, or kind, but it is more than rude to remark on his physical well-being, the size of his family, or the number and quality of his beasts and other possessions, for evil consequences may follow. It is what Nuer generally call *yop*. Thus to say to a man, 'Well, you *are* fat', may make him thin; and it is the ambition of every Nuer to be fat, though I have never seen one who achieved it. It is also very bad to praise a cow, especially to remark on its exceptional milk yield, because it may then cease to give milk. I was told that 'only when her husband has married a wife with a cow will a woman praise it', that is, after it has ceased to be her cow. It is also most dangerous to tell a lad who has recently been initiated that the cuts on his forehead are healing well, or indeed to make any allusion to them, because a comment may result in an unhealed spot festering anew. I was often in trouble with Nuer on counts of this kind. I was always reprimanded if I counted children, saying, for instance, 'Let me see, so-and-so has four children, has he not? So-and-so, so-and-so, so-and-so, and so-and-so.' On one occasion I was eating porridge with Nuer and complimented my host on the size of the meal.

one was most embarrassed and I was later taken aside by a Nuer friend and told that I must never make such comments. On another occasion I got into trouble for asking a man in jest, and, I admit, in bad taste, whether it was food or beer inside him, for his belly was as tight as a drum. I was told that my question might well make the man sick, and one of those present said that once a man had remarked to him, 'Well, you are full', and shortly afterwards he was violently sick. The worst offence is to praise a baby. In referring to it one should use some such expression as '*giakeme*', 'this bad thing'. When blessing children by spitting on them, which is the Nuer manner of showing favour to a child, kinsmen, and more especially kinswomen, utter some opprobrious remarks, sometimes a string of obscenities, over them.

The idea here is not that of the evil eye (*peth*), though the two ideas may in some ways resemble one another and also overlap.[1] In Nuer opinion the evil eye is an act of covetousness or envy, whereas here, I think, the emphasis is on the danger of rejoicing in unusual good fortune lest it should be taken away. There is a feeling that God evens things out, so that if he helps the needy he may take away from those with superfluity. As I understood their view it expresses a certain uneasiness at attention being drawn to possessions lest pride should bring about retribution. That this is their view is further suggested by a number of their stories which relate how God punished presumptuousness. I mention only one in this place, a short myth which reminds us of the story of Elijah and the priests of Baal and which is obviously either taken from some foreign people or is a fairly recent creation of Nuer imaginative thought, because it is about the *Turuk*, Turks, and their rifles. The word *Turuk* means in Nuer, as it does in the languages of many of the black peoples of the Southern Sudan, all lighter-skinned northerners with whom they have had dealings during the last hundred years, that is, Turks, Egyptians, Arabs, and Nubians of the Northern Sudan, and ourselves and other Europeans. The 'Turks' compared their rifles to God's thunder, and there was a trial of strength between them and God. God made a huge mud image of an elephant and told the 'Turks' to shoot at it, which they did to no effect. God then brought clouds and darkness and thunder and lightning and smashed the image

[1] *Yop* is presumably the same word as the Shilluk *yuop* which Wilhelm Hofmayr (*Die Schilluk*, 1925, p. 221) translates by '*böse Blick*'.

777 to dust and killed many of the 'Turks' as well because they had
x 776 compared the rifle he had given them to his power. The point of
773 this story is not merely that God was stronger than the 'Turks' but that he was in the right and the 'Turks' were at fault.

x 776 This brings me to an extremely important Nuer concept, an
577 understanding of which is very necessary to a correct appreciation
196 of their religious thought and practice. This is the concept of *cuong*. This word can mean 'upright' in the sense of standing, as, for example, in reference to the supports of byres. It is also used figuratively for 'firmly established', as in the phrase '*be gole cuong*', 'may his hearth stand', which has the sense of *stet fortuna domus*. It is most commonly employed, however, with the meaning of 'in the right' in both a forensic and a moral sense. The discussion in what we would call legal cases is for the purpose of determining who has the *cuong*, the right, in the case, or who has the most right; and in any argument about conduct the issue is always whether a person has conformed to the accepted norms of social life, for, if he has, then he has *cuong*, he has right on his side. We are concerned with the concept here both because it relates directly to man's behaviour towards God and other spiritual beings and the ghosts and because it relates to God in a more indirect way, in that he is regarded as the founder and guardian of morality. Up to this point I have been describing Nuer ideas about the nature of God. I shall now describe their ideas about what God requires of them.

III

I do not want to suggest that God is thought to be an immediate sanction for all conduct, but I must emphasize that the Nuer are of one voice in saying that sooner or later and in one way or another good will follow right conduct and ill will follow wrong conduct. People may not reap their rewards for good acts and punishments for bad acts for a long time, but the consequences of both follow behind (*guor*) them and in the end catch up on those responsible for them. You give milk to a man when he has no lactating cows, or meat and fish to him when he is hungry, or you befriend him in other ways, though he is no close kinsman of yours. He blesses you, saying that your age-mates will die while

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your children grow old with you. God will see your charity and give you long life. Those who have lived among the Nuer must have heard, and received, their blessings. My lamented friend Miss Soule, of the American Mission at Nasser, once related to me how a Nuer woman had told her that her husband wished to throw her monorchid child into a river and how she dissuaded him by saying to him 'Maybe if we take care of this baby God will do great things for us.' Miss Soule was herself often blessed by Nuer, being told that she would have a long life because she cared for orphans and babies whose mothers were unable to suckle them. I have myself had similar experiences during my illnesses in Nuerland. Men who appeared to be unsympathetic at other times would visit me then and say gently, 'You will drink Nile water', that is, 'You will return to your home'; or 'Well, pray to God and tell him that you have come on a journey to the country of the Nuer and that you have not hit anyone or stolen anything or done any bad thing there, and then he will leave you alone'; or 'It is nothing. You will not die. This is our earth and you shall not die on it. Why should you die? You have not wronged us, and you are friend to all our children. It (the sickness) is nothing. If you call on God it will finish. Let it blow there, and there, and there (pointing in different directions), let it go to the ends of the earth.' As these admonitions imply, if a man does wrong God will sooner or later punish him.

The Nuer have the idea that if a man keeps in the right—does not break divinely sanctioned interdictions, does not wrong others, and fulfils his obligations to spiritual beings and the ghosts and to his kith and kin—he will avoid, not all misfortunes, for some misfortunes come to one and all alike, but those extra and special misfortunes which come from *dueri*, faults, and are to be regarded as castigations. The word *duer* means 'a fault', and the verbal *dwir* means 'to be at fault'. Like similar words in other languages (e.g. Hebrew, Greek, and German), *dwir* has both the sense of missing a mark aimed at—in throwing a spear, and today also in firing a rifle—and also of a dereliction, a fault which brings retribution. I discuss interdictions in Chapter VII. Here I wish only to observe that not only a sin (a breach of certain interdictions) but also any wrong conduct to persons is spoken of as *duer*, a fault. Any failure to conform to the accepted norms of behaviour towards a member of one's family, kin, age-set, a guest, and so forth is a fault which

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× 776 577 may bring about evil consequences through either an expressed curse or a silent curse contained in anger and resentment (pp. 165–73), though the misfortunes which follow are regarded by Nuer as coming ultimately from God, who supports the cause of the man who has the *cuong*, the right in the matter, and punishes the person who is at fault (*dwir*), for it is God alone who makes a curse operative. Nuer are quite explicit on this point. What, then, Nuer ideas on the matter amount to is, in our way of putting it, that if a man wishes to be in the right with God he must be in the right with men, that is, he must subordinate his interests as an individual to the moral order of society. A man must honour his father and his father's age-mates, a wife must obey her husband, a man must respect his wife's kin, and so on. If an individual fails to observe the rules he is, Nuer say, *yong*, crazy, because he not only loses the support of kith and kin but also the favour of God, so that retribution in one form or another and sooner or later is bound to follow. Therefore Nuer, who are unruly and quarrelsome people, avoid, in so far as they can restrain themselves, giving gratuitous offence. Therefore, also, a man who is at fault goes to the person he has offended, admits the fault, saying to him '*ca dwir*', 'I was at fault', and he may also offer a gift to wipe out the offence. The wronged man then blesses him by spitting or blowing water on him and says that it is nothing and may the man be at peace. He thereby removes any resentment he may have in his heart. Nuer say that God sees these acts and frees the man from the consequences of his fault. Similarly, the conse-
[782] quences of faults which are more directly of a religious order, like the breach of an interdiction or the neglect of some spirit, may be avoided by a timely sacrifice, though Nuer say that sacrifice without contrition is of no use. But—and this is the point I want to bring out here—the fact that the consequences of a fault can be stayed by contrition and reparation shows that the consequences of wrong-doing are not thought to be automatic.

That this is so, and there is a moral, and therefore uncertain and alterable, element involved is further shown by another fact. In estimating the likelihood, or degree, of misfortune that may be expected to follow from an act, Nuer take deliberation into the reckoning. They distinguish between *duer* and *gwac*. The word *duer*, as we have seen, means a fault, and it normally implies that the fault was deliberate, though, as will be seen later, this is not

always or entirely so. *Gwac* means a mistake, an unintentional 776x
error and generally one of no great consequence, one in which a 577
serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both [682]
with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of [864]
moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Like- [835]
wise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals [262]
eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

×776 was done in error. Similarly, they say that he will not allow a
577 curse to harm a man who has done no deliberate wrong.

One can make too rigid distinctions between the meanings of words, and while an error or accident is clearly regarded by Nuer as different from a deliberate and premeditated act, the concepts of *gwac* and *duer* shade into each other. There is perhaps always an element of the unintentional in the worst fault, and a Nuer who has committed a bad fault is inclined to excuse himself, as we would do, by calling it a mistake; but it is also true that, except in matters of no moment, and although the consequences may not be so severe, a wrong act is always a fault, whether it was deliberate or was due merely to forgetfulness or even involuntary, and may involve liability. Thus the men who in ignorance have relations with the same girl, the man who unknowingly has relations with a kinswoman, and the man who by mistake eats the flesh of his totem have all committed *dueri*, faults, and they cannot be certain that evil consequences will not follow. The effects may be the same as if the acts had been wilful. Likewise a man who inadvertently eats from a dish from which a man with whom his kin have a blood-feud has eaten, and a man who appears naked before a kinswoman of his wife (Nuer men normally have no covering), not having noticed her presence, have committed faults. It may well happen that a man does not know he has done wrong till he suffers the consequences of the wrong. For example, a man takes a woman for concubine not knowing that she is distantly related to him, and his children by her die. He then makes inquiries and discovers the relationship. He sinned, like Oedipus, in ignorance, but that did not alter what he had done and, like Oedipus, he paid the penalty of his fault. Even the innocent may suffer, as the example I have just given shows. Indeed the whole human race suffers death on account of what was no more than a trivial over-
×776 sight. If man had prevented the hyena and the durra-bird from
577 escaping from heaven there would have been no death.[1] This is
773 the lesson of another story, probably also of Dinka origin, re-
177 counted by Father Crazzolara about the origin of death. It makes death follow from a mere blunder or a trifling act of malice. When man was created God took a piece of a gourd vessel and threw it into water to indicate that man would live for ever just as the rind would float for ever on the water. He then sent a

[1] Op. cit., p. 67.

[See p. 10, cat. 116, ... Analyst]

barren, or divorced, woman to men to tell them that they would 776x
live for ever, but, in delivering her message, she threw, instead of 577
a piece of gourd, a potsherd into the water, and it sank. Almost 773
fortuitous though this incident was, what had happened, as we 177
have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not.

Hence when Nuer suffer misfortune they ponder how it may 776x
have come about, for it follows from what has just been said and 577
from the fact we noted earlier that God is always in the right, that 782
if misfortune comes to a man it is most likely on account of some 777
fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation.

When Nuer suffer they sometimes at once know what is the 776x
cause of their suffering because they are well aware of some 577
particular fault. They sometimes, as we would say, tempt God by 777
doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the

x 776 577 777 suffering is just something, like death in old age, which had to happen. It may be due to a fetish or the evil eye. It may be the outcome of a curse or the anger of a ghost. Nevertheless, Nuer generally appear to feel that suffering is due to some fault of theirs, and it is probable that there is always an element of this feeling in every situation of misfortune, whatever its immediate cause may be thought to be.

IV

782 I have discussed in a preliminary way the conception Nuer have of God, the ideas and feelings they have about their relations with him, and some of the actions they think bring about divine intervention in human affairs. I take these topics up again in succeeding chapters after the notion of Spirit has been broadened by an account of other spiritual conceptions. A brief consideration of some of the commoner expressions used in Nuer prayers may, however, be given now because they are used only when speaking to God.

For obvious reasons Nuer prayers are most commonly heard on public and formal occasions, generally in connexion with sacrifices. At any important sacrifice, and sometimes on other important occasions also, Nuer make long invocations, called *lamni*, about the event which gave rise to the occasion, and into these long rambling addresses are every now and again introduced short prayers, mostly petitionary prayers. These what we may call stock prayers are often strung together in strophes in a kind of Pater Noster, such as 'Our father, it is thy universe, it is thy will, let us be at peace, let the souls of the people be cool, thou art our father, remove all evil from our path', and so forth. However, there are no set form and order to these prayers, and each petition may be used separately and anywhere and at any time, and not only in invocations but also in private and spontaneous prayer, whether spoken or inward, and as pious ejaculations. If he is in any trouble or anxiety, the head of a Nuer household may pace up and down his kraal brandishing his spear and uttering some of these supplications; or, less formally, he may say them standing or squatting with his eyes turned towards heaven and his arms outstretched from the elbows, moving his hands, palms uppermost, up and down. They may also be uttered, if he says anything

They may also be uttered GOD if he says anything
at all, in the petition a man on a journey makes to God as he knots '782
grasses together at the side of a path, a practice Nuer call *tuc*. A 777
man may do this because he has knocked his 'bad foot' against a stump in the path, for this presages misfortune, which can be avoided by asking God to let the badness remain in the grass so that the traveller may continue his journey with fortune. Each man has a 'good (auspicious) foot' and a 'bad (inauspicious) foot' and he learns which is which by experience. Nuer tie grass in the same manner to ensure success in any enterprise for which a journey is undertaken, often at the present day when they go to buy or beg something from an Arab merchant. They ask God to let them make a good bargain or that the merchant may make them a gift.[1] Nuer may also utter these phrases of prayer at any time as devout ejaculations, and not only when they are in trouble or desire a boon, for they have told me that they like to speak to God when they are happy (*loc tedh*) and because they are happy, and that they often say a few words to him as they go about their daily affairs.

I have already discussed the significance of some of these 782
prayerful words and expressions: 'our father', 'it is thy universe', 'it is thy will', and others. I will now consider the meaning of yet a few others, choosing for the purpose the commonest petitionary phrases. Before doing this I would draw attention to the fact that the petitioner generally uses the first person plural. In private ejaculations a Nuer may use such expressions as 'ah, my God', 'ah, God, what is this?', and 'let me journey well', but he will also use the plural pronoun, and in prayers and invocations uttered in public the plural is invariably used: 'let us be at peace', or whatever the expression may be.[2] I draw attention to this because it is not, I believe, just an indication that there are other people on whose behalf the speaker is asking God's favours. It is rather that the occasions on which prayers are publicly offered are generally

[1] Some Nuer have told me that this custom of knotting grasses originated among the Dinka. It is found among some, if not all, the Dinka tribes (R. T. Johnston, 'The Religious and Spiritual Beliefs of the Bor Dinka', *Sudan Notes and Records*, 1934, p. 126).

[2] There are two pronominal suffixes for the first person plural, *ko* and *ne*, which are respectively exclusive and inclusive. For example, '*bako wa*', 'we shall go', includes the speaker and others but not the person or persons spoken to, whereas '*bane wa*', 'we shall go', includes also the person or persons spoken to. In speaking to God Nuer have, of course, to use the exclusive form. [193] [195]

782 such as emphasize by their gravity that, particularly in relation to God, all are members one of another. It is of course natural as well as noticeable that close kin stick together in danger and when a wrong has been done to any one of them, but Nuer also quite clearly show that they feel that a misfortune for any member of their community is a misfortune for all, that when one suffers all suffer, and that if each is to be at peace all must be at peace. This feeling of oneness is particularly evident in Nuer prayers, because they are asking to be delivered from suffering, which has a common quality, the more so in that it is suffering in general rather than particular misfortunes of which they speak.

782 576 Perhaps the commonest phrase in Nuer prayers, and the one with which they often start prayer, is '*akonienko*'. Literally this means 'let us sleep', but here it should be rendered 'let us be at peace'. The commonest of the Nuer greetings and, when others are said, the first to be spoken is '*ci nien?*' or '*ci nienu?*', literally, 'have you slept?' The saluted man replies to this, as to other greetings, by a grunt of affirmation. This is something of a joke among Europeans because Nuer have a reputation with them for being lethargic and lazy; but the question means something rather different from 'have you slept?' It means even more than our 'did you sleep well?' What Nuer understand by the question is rather, I think, 'have you rested?' or 'are you at ease?' The sense of 'ease' is reinforced by the question which generally follows: '*male?*' or '*maleu?*', which can be translated 'are you well?' but is better translated in the same general sense as the first question as 'are you at ease?' or 'are you at peace?'—not, however, so much with the meaning of not being at strife with others as with that of being at peace within. The word *mal* is also used in farewells: '*wer ke mal*', 'go in peace', and '*dudhni ke mal*', 'remain in peace'. It has in the Nuer tongue the sense of 'easy' or 'light', and in other Nilotic tongues it means 'heaven' or 'above' and in its verbal form 'to pray'—images which go with sleep which eases the mind.

576 That Nuer regard being at ease or at peace as having something to do with being in friendship with God is shown by a further question which may follow: '*ci pal?*' or '*ci palu?*', 'have you prayed?' I think that the idea implied here is that being at peace in yourself means being at peace with God as well as with your fellow men. A fourth question asked in greetings is '*ci tol?*', the sense of which is: does the smoke rise from your hearth, that is,

is everything well with your home? A fifth question sometimes asked is '*ci bagh?*', 'has it dawned (well for you)?' Not all these questions are always asked, but often two or three of them are, and sometimes more. In the full greeting we therefore get a composite picture of easy sleep and fresh awakening, contentment, prayer, and a smoking hearth, that is, of a person at peace in himself. 576

This digression was made to explain the meaning of the expression '*akonienko*' in prayer. The phrase is in harmony with some other expressions used in prayer: '*apwonyko pwol*', 'may we be light', and '*apwonyko koc*', 'may we be cool'. *Pwony* means 'body' or 'self' and here it means 'self' in the sense of the person as an entire person, body and soul. There is no reason why a Nuer should want to be light or cool in a purely physical sense. What is intended is to ask that the people may be light not only in the sense of physical well-being but also in the sense of *pwol loc*, of being light-hearted or joyful, free from burdens and troubles; and that they may be cool in the sense of not being anxious or worried, cool in the sense of calm. This is shown by a variant which is one of the commonest Nuer prayers, '*a yiegh neni koc*', which can in this context only be translated 'may the souls of the people be cool', though in other contexts *yiegh* can mean 'breath' or 'life'. Very often the word *thei* is added, '*a yiegh neni koce thei*', and this gives an emphasis: 'may the souls of the people be very cool'. Obviously Nuer are not asking, unless it be metaphorically, that their breath or life may be very cold. The word *koc* is also used in expressions of good will towards persons, especially in the blessing '*apwonydu koc*', 'may you be cool', that is, 'may you be at peace'.[1] 782 196

The word *koc* can also mean 'soft' or 'tender', and though it is best translated 'cool' in prayers the two meanings may blend. Here again, Nuer clearly do not want to be physically soft. Indeed the expression '*koce thei*' in the physical sense of softness means when applied to men 'to be completely impotent sexually'. The idea of softness is seen in the metaphor often heard in prayers and invocations: 'may we tread on wild rice'. *Poon*, wild rice, is, Nuer say, the softest of grasses to the feet, as it is also one of the 782 196 137

[1] The symbolism can at once be appreciated by ourselves, especially by those acquainted with the Vulgate and other Latin sacred texts where *refrigerium*, a cooling, is used in the tropical senses of 'consolation', 'mitigation', 'refreshing', and 'comfort'.

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[137]

tenderest pasture grasses, being sometimes gathered to feed small calves by hand. Nuer speak of life as walking through pastures and they ask for a path that has no hidden dangers, that is, is free from evil, and for softness underfoot, that is, a mind at ease. Hence they petition also '*gwenyi ko kwel gwath me jalko ko*', 'make clear a way for us in the place where we journey', and '*gwenyi ko gwath*', 'clear for us a place'. Here again the sense is mainly allegorical. The words do not usually refer to any particular place or journey but to the journey through life, and the making clear of the way does not refer only, or even at all, to any particular dangers of travelling through the bush but to all the sufferings and evils which beset the life of man.

Peace and deliverance are the key-notes of these petitions. They are seen again in the phrase '*kwoth ngaci rum yieni, romni yieko*', 'God, thou (who) knowest how to support [or care for] souls, support [or care for] our souls'. The general sense of the prayer is that God should protect those who supplicate him as a parent protects his helpless infant. This desire for peace, deliverance, and protection is summed up in another common petition: '*akoteko*', 'let us be'. I am not certain whether the verb here is *tek*, to be alive, or, as I think it is, *te*, to be. There is in any case a considerable overlap in meaning between the two words, and in this context there would not be any great difference in meaning between the one and the other, for the sense is: let us go on living and as we are. Nuer are asking for life, but not just life in the sense of living but of living abundantly, free from the troubles and sufferings which make life, as we say, not worth living. That this is the right interpretation is further suggested by another expression frequently heard in prayer, '*akolapko*', which also has to be translated 'let us be', and here again signifies, and in a deeper moral sense, life in the mode and manner of leading it. The verb is *labe*. It expresses a continuous state and can, I think, only be used of persons. It indicates a particular quality of a person which is part of his nature as that person and is therefore unchangeable, as in the phrases '*labe kuaar*', 'he is a leopard-skin priest', '*laba Nac*', 'I am a Jinaca clansman', '*laba ran*', 'I am a Nuer' or 'I am a man', and *labbo cok*', 'we are (like) ants [in the sight of God]'.

It will have been observed that these expressions in Nuer prayers, as is the case among other peoples, are often repetitions, but rather in the form of parallelisms than of tautologies, for they

16: Evans-Pritchard E-5 (1931, 1936) 1956
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are variations of meaning within the same general meaning. Different images are used to express the same general idea, each stressing a different aspect of it.[1] 782 196

The distinctive and significant features of Nuer mystical and moral theology cannot be extracted from the short affirmations and petitions which constitute their prayers if these are considered entirely by themselves without Nuer comments on them and without some knowledge of their ritual and of their ideas and values in general, but once these have been delineated they are seen to be summed up concisely in the prayers. They are asking God for deliverance from evil, so that they may have peace, denoted by a variety of images with emotional and ideational relatedness—sleep, lightness, ease, coolness, softness, prayer, the domestic hearth, abundant life, and life as it should be according to the nature of the person. As I have explained, Nuer regard the ills they wish to be delivered from as due to faults and they think they can only be avoided by keeping in the right in their dealings with God and men. These two ideas, of being in the right and of deliverance from evil, are basic to their religious thought and they are also, of course, complementary. A fuller understanding of these cardinal concepts of Nuer religion can be obtained only by taking into account their attitudes towards other spirits associated with God, their conception of the soul and of sin, and their sacrificial rites. 782

[1] Archbishop R. C. Trench discusses this feature of prayer in his *Synonyms of the New Testament*, 1871, *passim*.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER II

SPIRITS OF THE ABOVE

I

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In the last chapter I discussed *kwoth*, Spirit, thought of in such a manner—as creator, father, judge, and so forth—that we may say it has a general correspondence to what we understand by God. We now have to consider the problem which arises when we discover that there are besides divers particular spirits each of which is also *kwoth* and that the word has a plural form, *kuth*, by which are indicated a number of such spirits. These spirits are of two categories, those of the above and those of the below. The *kuth nhial*, spirits of the above, are the *kuth dwanga*, spirits of the air or of the breezes, and the *colwic* spirits. The spirits of the air are the most powerful of all the lesser spirits and they are thought of, together with the *colwic* spirits which I discuss later, as being nearest to God. This is expressed in the two ways of referring to them. In imagery taken from the physical universe God is symbolized by the sky and the spirits of the air by the air or breezes which are between heaven and earth, and they are also associated with the clouds which are nearest to the sky. In a metaphor taken from the social order God is the father of the spirits of the air and they are his children. These spirits, which are greater than the other spirits because they proceed directly from God, might be described as gods or godlings, or as daemons, angels, or apparitors, but though each of these designations may appear suitable from some angle none adequately (perhaps 'daemons' the most adequately) describes their nature. I shall therefore speak of them as Nuer do, as spirits of the air.

Apart from certain general linguistic and conceptual difficulties which confronted me in an attempt to gain an understanding of the nature of the different Nuer spirits, and in particular how they are seen in relation to God, there were special difficulties in the case of the spirits of the air. They are much more prominent to the west than to the east of the Nile where I spent most of my time. Another adverse circumstance was the hostility of the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Government at the time of my inquiries towards prophets of these spirits. Nuer, who at the best of times are reticent when asked about their spirits, were consequently embarrassed and taciturn when the subject was mentioned. 776 ×

A further difficulty arises from historical considerations. All Nuer with whom I discussed the matter said that in olden times they had no spirits other than God and the *colwic*, and that the spirits of the air had all 'fallen' into foreign countries and had only recently entered into Nuerland and become known to them, often in the first instance through the capture or absorption of Dinka, and especially through taking to wife Dinka girls, to whose children they have passed and attached themselves. When speaking of the coming to earth of these spirits Nuer use the word *pean*, to fall, as in the expressions '*ce pen piny*', 'it fell to earth (or downwards)', and '*ce pean nhial*', 'it fell from the sky (or from above)'. To judge from Nuer statements and other evidences, particularly from what we know about their prophets, they did not make their appearance in Nuerland till as late as the second half of last century. 776 × 177

The spirit *deng* is said to have been the first to fall, and it is regarded as the greatest of the spirits of the air. It is also called *deng kwoth*, *deng* son of God, and by its ox-name *dengkur*. It is especially associated with sickness, which is very often attributed to it in one or other of its manifestations: *deng* (without qualification), *deng jur*, *deng* of the foreigners (in this context probably the so-called Jur peoples to the south of Rumbek), *deng jaangni*, *deng* of the Dinka, *deng yier*, *deng* of the river, and others. It has two sons, *dayim* and *dhol*. *Deng*, which is said to have fallen to earth among the Dinka, is manifestly the Dinka spirit *deng*, a word which among that people also means 'rain' (it has no such secondary meaning among the Nuer); and *dayim* and *dhol* may likewise be accepted as Dinka conceptions.

Another spirit of the air is *teny*—possibly the same word as that meaning 'sun after rain'—whose ox-name is *dhuorangun*. It is sometimes said to be the *bil*, craftsman, of God who fashions man, occasionally making sport of them by giving their bodies a twist so that they are born deformed. It is said to be a Dinka spirit, and the fact that it is well known to the west of the Nile and is little spoken about among the most easterly tribes supports this view. *Diu* is likewise regarded as a Dinka spirit and is better

16: Evans-Pritchard E-5 (1931, 1936) 1956
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x 776 177 known to the west than to the east of the Nile. It appears to be associated with a cattle-plague, also called *diu*, and it may have a further association with the sun, but I am uncertain of this; and I must say that this uncertainty may not be entirely due to my ignorance, for in many cases these associations between spirits and natural phenomena are not emphasized by Nuer and are even vague and fanciful ways of giving a bare outline of individuality to the spirits. The spirit *col* has associations with rain, lightning, a river believed to run through the sky, a tree called *nyuot* (*Cordia Rothii*), of which Nuer say that 'God loves it', and the *colwic* spirits who are the souls of those killed by lightning. This spirit is probably a Nuer conception, but then it is hardly conceived of as an individual spirit, but rather as all the *colwic* spirits merged together. *Rang* or *rangdit* and its son *mabith* are [196] both spirits associated with wild animals and hunting, *mabith* having a special association with giraffes; and it may be noted that the word *rang* means also 'a good spearsman', that is, one who shines, for yet a further meaning of the word is 'sunshine' and its verbal form means 'to shine' or 'to dazzle'. In some contexts the word could be translated 'light'. The two spirits are said to have come from the country of the *karegni*, the Baggara Arabs, whom the western Nuer used to raid for stock and women; and it is perhaps significant that the Baggara are great hunters of giraffes. Further, Dr. Lienhardt has pointed out to me that the Rek Dinka say that their spirit *garang*, which is also associated with giraffes and is doubtless the same as the Nuer *rang*, came to them from the Twic Dinka who neighbour the Baggara Arabs.[1] The spirit *mani*, whose ox-names are *luthpara* and *bilcuany*, and which is particularly associated with war, is certainly of foreign origin and I believe that it is generally regarded by the western Nuer as having come from somewhere to the north of them. It is therefore perhaps worth drawing attention to the belief in a mysterious power called *mani* in northern Darfur.[2] The spirit *nai* is asso-

[1] This spirit evidently has today a wide distribution among the Dinka for it is mentioned by Mr. Johnson (op. cit., p. 124) as being regarded by the Bor Dinka as a son of *deng*. Mr. Johnston says that 'in every respect his attributes are equivalent to those of Satan'.

[2] A. J. Arkell, 'Mani Magic in Northern Darfur', *Sudan Notes and Records*, 1936. As Mr. Arkell suggests, there may be some connexion between the Darfur *mani* magic and the *mani* magic of the Azande (E. E. Evans-Pritchard, '*Mani*, a Zande Secret Society', ibid., 1931). The word *mani* is almost certainly a loan-word in the Nuer language.

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ciated with ostriches. I do not know where it is supposed to have originated. 776x 177

One of the spirits that are best known throughout Nuerland is *wiu*, a spirit of war and associated with clan spear-names. It is particularly associated with the sacred spear *wiu* of the Gaatgankir clan, the dominant clan of the Jikany tribes. *Wiu* is also associated with thunder, '*ce wiu mar*' being equivalent to '*ce nhial mar*', 'it thundered (lightened)'. We may readily accept the Nuer statement that it was made known to them by the Gaatgankir clan, who are acknowledged by all to be of Dinka descent. That the *wiu* spear is of some age and that the Gaatgankir clan have long been indistinguishable from other Nuer in their general culture suggest, in view of Nuer statements that the spirits of the air fell recently, that the spear is older than the spirit, and this may be so, for in the story accounting for the spear there is no mention of the spirit.

A spirit of great interest is *buk*, also called *buk man deang*, *buk* the mother of (the air-spirit) *deng*, and *bungdit*, a Dinka title meaning *buk* the great. This female spirit, known throughout Nuerland, is associated with rivers and streams. It is *kwoth yier*, a river-spirit. Dr. Lienhardt has recorded a song in which it is called 'daughter of fire-flies' and by its cow-name '*kwacwar*', 'leopard of the night', imagery bringing to mind fire-flies and consequently streams, near which they are particularly numerous. Nuer sometimes offer first-fruits of their millet and make libations to it in streams and in times of sickness they may sacrifice animals to it on the banks. They also throw beer and tobacco, and maybe a bound goat as well, into the water as offerings when they take their herds across rivers or engage in large-scale fishing, praying that they may be protected from injury by crocodiles, water-snakes, bones of fish, sharp shells, and lost fishing-spears. On such occasions they may also sing hymns to it, the best known of which I record later. *Buk* is said to have two daughters, also associated with streams, or with particular streams, *candit* and *nyaliep*. 'Daughters' is a figure of speech, for I was told that they were once Nuer maidens whom God took and put in the water, where they became spirits. *Candit* is said to have once been seized by a man of the Mitnyaal lineage of the Gaatgankir clan on a river bank and to have lived with him till she bore him a child, when she returned to the river. The spirit is therefore revered as the 776x 782 177

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*776 782 177 guardian spirit of this lineage. They dedicate cows and sheep to it and pour libations of their milk for it into rivers. Since *buk* is in rivers and streams it belongs to the below and I discuss it further in connexion with the tellurian spirits, but as the mother of *deng* it also belongs to the above, though it does not possess men as other spirits of the above do. Nuer explain its being both above and below by saying that as Spirit (*kwoth*) it is in the sky but materially (*pwonyde*) it is in rivers and streams. That *buk* is of Dinka origin is clear both from its being the mother of *deng* and from its Dinka title *bungdit*.[1]

*776 177 There are other spirits of the air, though I know little about them. I have heard of one called *mar*, probably the same word as that meaning 'to thunder'. Miss Huffman mentions a *cul*, sender of dreams.[2] Father Crazzolara, speaking presumably of the Leek tribe, whose territory, where the Catholic mission is situated, is near the Shilluk kingdom, says that the Nuer have taken over the Shilluk spirit *nyikang*.[3] There are probably others.

*776 Father Crazzolara, though he contrasts fetish spirits and nature sprites with spirits like *nai*, *dayim*, *nyikang*, and *deng*, labels them all *Erdgeister*.[4] In my opinion, on the contrary, these spirits are undoubtedly classed by Nuer in the category of the above, though some are, I concede, regarded as inferior to others, for example *nai* and *dayim*, whom Nuer speak of as *gaat gaat kwoth*, children of the children of God, rather than as *gaat kwoth*, children of God, a usage which indicates that they are more distant from God and belong to the lowest rank of the heavenly beings. That my account is here at variance with that of Father Crazzolara may be due to the fact that the spirits of the air have only the vaguest personalities and lack distinct individualities defined by clear differentiation of attributes, so that Nuer have nothing very definite to say about them. The figures are all more or less alike, and their celestial and other associations are not so much indications of function as a means of differentiation. For the Nuer themselves one spirit of the air is distinct from another really only because it has a different name. For this reason I have written 'it'

[1] It is probably common to all the Dinka sections. Further evidence of its Dinka origin is the fact, which I have learnt from Dr. Lienhardt, that *buk* or *bung* denotes in Dinka black and white markings, like those of the pied crow with which the Nuer *buk* is also associated (p. 81).

[2] Ray Huffman, *Nuer-English Dictionary*, 1929, p. 10.

[3] Op. cit., p. 136.

[4] Ibid., pp. 133 seq.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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when speaking of them and I have used small instead of capital first letters in writing their names. This enables me also to maintain more clearly the distinction between God and other spirits, though strictly speaking, and following the gender of *pneuma*, the neuter is not inappropriate for any conception of Spirit. 776 x

II

With the exception of *buk* and *col*, who are of some general interest to all Nuer, the spirits of the air are not conceptions of the same importance for everybody, and in this respect, as in others, they are unlike the conception of God. They have a more general significance than the totemic spirits, which are important only to certain lineages, whereas the spirits of the air are not tied to particular social groups. Nevertheless, a certain spirit of the air is significant for certain persons and families and not for others, because unless it has at some time or other possessed a man or one of his family or forebears he does not feel that he is personally concerned with it. 776 x 613

Possession is generally known by sickness, though in the case of prophets it may also be known by abnormal behaviour. Sickness, usually, I think, of a severe and sudden kind, may be diagnosed as being due to a particular spirit and the sufferer may in future, after he has recovered, regard it as one of his personal *kuth*; and then his descendants may continue to revere it. These two ways of acquiring a spirit, by being possessed and made sick and by inheritance, are interconnected, because an inherited spirit often shows that it regards itself as still attached to the family of a man after he has died by causing one of his children to fall sick, and it is likely to be neglected and forgotten if it does not occasionally remind the family of their obligations by troubling them. So when Nuer fall sick they may, if they cannot establish the cause, with the aid of a prophet or diviner examine their heredity to discover whether one or other grandparent, very likely a Dinka, may not have had a spirit whom they have forgotten or not thought important and who is bringing their negligence to their notice by the sickness. 776 x 753

Spirits may thus pass in and out of families, be forgotten and then remembered again, and perhaps in many instances forgotten altogether in course of time; or in other instances they may become 776 x 177 613

×776 177 613 spirits of small lineages and their families, especially of lineages of Dinka descent. The fact that they are not found as spirits of larger lineages is perhaps further evidence of the late introduction of these spirits into Nuerland.[1] I speak here of ordinary Nuer, many, perhaps most, of whom do not in any case, particularly to the east of the Nile, have any special relationship to one or other of the spirits of the air, though they may have relationships to spirits of other kinds. In the case of prophets, their spirits are most unlikely to be forgotten and pass out of their lines of descent altogether.

×776 791 753 Seizure of a man by a spirit may be temporary or permanent. When it is permanent the possessed person becomes a prophet. It will be simpler if I describe temporary possession first. Spirits cause sickness to their devotees and sometimes to others, and illness is often, especially in western Nuerland, attributed to them. If it is thought to be due to a spirit but there is uncertainty which particular spirit is responsible, the relatives consult a prophet or diviner to determine the responsibility, so that sacrifice may be made to the right spirit. They give it *duor*, a thing, as Nuer say—that is, they sacrifice to it to appease it. The sick man's recovery means that the spirit has released him. If he has not already done so, he then dedicates an animal to the spirit to show it that he is aware of their special relationship, and from time to time he makes sacrifice to it to let it know that he has not forgotten it. Otherwise it may cause trouble again.

I will describe what happened at a ceremony held when a youth called Galuak, of the Leek tribe, was sick on account of his having been seized by the spirit *nai*. This spirit, whom I have only heard mentioned in western Nuerland, has, as I have earlier remarked, a special association with ostriches, to which it is said to be very partial. When an ostrich is killed those who have a special relationship to the spirit tie some of its plumes to the entrances to their byres. When I asked whether *nai* would not be angry at the killing of one of its birds I was told that it cares nothing for the body of the bird, only for its plumes. Prophets of *nai* decorate the shafts of their spears with ostrich plumes. *Nai* seems to be regarded as one of the most inferior of the spirits of the air.

[1] Further evidence is the fact that while people are now often named after the spirits, especially after *deng*, these spirit-names do not occur at the upper levels of Nuer genealogies.

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SPIRITS OF THE ABOVE

It was this spirit, a particularly dangerous one, that was troubling Galuak. Nuer use the word *kap*, to take hold of or to lay hold on, to describe the possession of a man by a spirit. It was known that it was *nai* who was responsible because when the year before Galuak had a similar sickness a prophet of *nai* had divined that he was possessed by this spirit. On that occasion his family had sacrificed goats, but during the past year no sacrifice had been made or ceremony held in the spirit's honour, an omission of which Galuak's family now felt very conscious. In the circumstances a return of the spirit to Galuak might have been expected. 776 x 791 753 782

The same prophet had been sent for from a neighbouring village and was expected to arrive before evening. In the meanwhile Galuak's kinsmen sought high and low for a beast to sacrifice right away to *nai*. All animals in the village suitable for sacrifice had recently been killed in other ceremonies (p. 59) and the kinsmen were unable to bring back even a goat for their pains. I was told that *nai* would not, however, kill Galuak in the meantime because it would see that they were trying to find an animal. The prophet arrived, as was expected, in the evening and he was accompanied by two friends. No doubt the matter was discussed in the byre that night, but no action was taken till the following morning.

In the morning, after a talk in the byre, the persons concerned went across to the hut of Galuak's mother, Nyadang, and I was invited to accompany them as a friend of the family. Nhial, Galuak's brother, was working for me. Here the prophet was presented with five piastres—on his visit the year before he had been given a war-spear and a fish-spear. He sat with his back to the wall of the hut, and Galuak and his father, Rainen, sat on a mat facing him and with their backs to the door, which was closely drawn against the entrance to the hut. The windows had been blocked with grass so that the hut was illumined only by faint shafts of light which penetrated round the edges of the door. Even this dim light could not be seen by Galuak and his father, for skins had been placed over their heads so that they might be in total darkness. Altogether there were, besides Galuak and his father, thirteen persons in the hut, sitting with their backs to the wall. The atmosphere was stifling. 776 x 791 755

The seance began by the prophet shaking his rattle and singing. Karlual, one of Galuak's maternal uncles, also shook a rattle on one side of the prophet and one of the two friends who had

16: Evans-Pritchard E-5 (1931, 1936) 1956
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[276]

accompanied him to the village shook a rattle on the other side. The instrument is called *jogh*, possibly a Dinka word. It is a bottle-gourd containing seeds, in this instance the seeds of a wild leguminous plant. While the rattles were being rattled and the prophet sang hymns to *nai* the congregation clapped their hands and smacked them on their thighs in accompaniment. Nuer say that they *pat*, clap, or slap, for the spirit.

After about ten minutes' singing Rainen began to have premonitory spasms. It should be noted that it was not the sick youth but his father who became possessed during the seance. A spirit takes hold of an older and experienced man in cases of this kind and uses him as a medium to make its demands known. As the singing, rattling, and clapping continued, Rainen began to twitch and shake from head to foot and then suddenly leapt into the air and fell back on to the floor of the hut where he lay stiff as though in a paroxysm. After lying tense and prostrate for a while he sat up, but shortly afterwards collapsed again. Then for about a quarter of an hour he threw himself wildly about the hut, writhing and twitching as though in agony. He reminded me of a hen which has had its throat cut in the Muslim way, and is thrown on the ground to die. If the people around had not broken most of his falls he might have injured himself. As it was, he complained to me on the following day of the soreness of his arms and legs. Every now and again he barked like a dog. In describing these spasms Nuer say that the spirit wrestles (*kuer*) with the man it possesses.

At the end of a particularly violent seizure, Rainen, who in his exertions had divested himself of the skin over his head, sprang at the prophet, tore his rattle from his hands, and sat

FIG. 1
Pipe

16: Evans-Pritchard E-5 (1931, 1936) 1956
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in front of him, shaking it violently and barking. At this point the prophet called for his pipe, and after lighting it and puffing at it for a while he began to question the spirit *nai* in Rainen, and it answered through Rainen's lips. It was very difficult to follow what the spirit said because Rainen spoke in a jerky, guttural voice very different from his usual voice and he hiccuped and barked a good deal as well. 'The speech of Rainen was wiped out (woc). It was pressed down his gullet.' I was, however, able to follow part of what the spirit said. It said that it was *nai* and that it wanted a gift. It had waited till Nhial had returned to the village because it knew that he would be able to provide a gift out of the wages he had received from me, and it had then taken hold of Galuak. It admitted that it had received gifts from Rainen in the past but it now wanted a final gift, and it promised that if it were satisfied now it would trouble Galuak no more. If it needed anything further it would seize another person and get it from him. It pointed out, however, that it was not the only spirit troubling Galuak. The spirit of Luak, Galuak's paternal grandfather, had also taken hold of him. This was *kwoth doar*, a nature sprite, and it was worrying Galuak because the family had not dedicated a cow of their herd to it. Both Galuak's father and mother are of Dinka descent and the family have a number of different spirits attached to them.

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It was very noticeable during the ceremony how those present, as is often the case in Nuer ceremonies, chatted among themselves, asked for tobacco, and so on. They evidently, especially the children, enjoyed the spectacle. I was surprised, however, this being the first and only ceremony of its kind I witnessed, at the familiar and off-handed way in which the prophet spoke to the spirit, calling it 'wuta', 'man'—almost 'old chap'—, bargaining with it about the oblation demanded, and insisting that when the sacrifice had been made it should keep its promise and leave Galuak alone. Galuak himself showed little concern with what was going on. While prophet and spirit were conversing he removed the skin from over his head, walked casually about the hut looking for a pipe, and then filled it with tobacco and sat puffing at it by his father's side. The only part he took in the proceedings was to reply to a question put to him by his maternal uncle, that he had not had sexual relations with a kinswoman. It was thought advisable to make certain that there had been no incest because

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776 791 755 they wanted to be sure that when *nai* and the other spirit had been satisfied there would be nothing further to prevent a speedy recovery. As for Rainen, if his manner of speech was that of a man out of his senses, its content showed reflection and purpose. What he, or the spirit in him, said was aimed at compelling Nhial to hand over his wages for the purchase from government herds of beasts for sacrifices, an object Rainen had been vainly trying to attain for some days previous to the ceremony. Rainen also justified himself, in what the spirit said, for the slaughter of a number of beasts to appease his various spirits, for which his family had criticized him for extravagance. They felt that too much of the family property was being devoted to religious purposes, whereas the spirit made it clear that, far from having made too many sacrifices, he had not made enough. Had he made more, Galuak would not have fallen sick. Religious and personal issues were interwoven in the spirit's declarations.

776 791 782 778 When the spirit had ceased speaking we left the hut, and Galuak's paternal uncle, Dol, went to chop down a branch of the 'wild date' (*Balanites aegyptiaca*), a tree to which *nai* is said to be very partial, to erect it as a shrine (*riek*) to the spirit near the hut. When it had been erected a clump of *tuat* grass was dug up by the roots and planted at the side of the branch in a hole first filled with water, it being the dry season. A he-goat—by this time one had been procured—was then brought out and the prophet waved his spear, decorated with ostrich plumes, over its back and made a short invocation, telling the spirit that they were honouring it, saying that it would now cease to trouble Galuak, and asking God that the people might rest in peace. He then cut the goat's throat. It was later eaten by himself and his two friends. The people of the homestead did not partake of its flesh, but when it had been cooked some children were called from a nearby homestead and given pieces of the meat and told to run back to their home with them. The Nuer said of this: '*ca gat kwoth nang cieng*', 'the son of God is taken home'. Finally a *buor*, a mud mound in the shape of an ordinary kitchen windscreen, was erected near the shrine. On the following evening Rainen rubbed ashes on the back of a cow of his herd and dedicated it to the spirit of his father. By so doing he felt that he had appeased the second spirit which was troubling his son.

776 782 The relations between Nuer and their spirits centre in these

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dedicated cattle, and much of the trouble the spirits cause them is occasioned by failure to devote animals to the spirits or by some fault concerning these beasts. When a spirit is by descent attached, or of its own accord attaches itself, to a family they should devote to it a cow or an ox, generally a cow; and they sometimes, especially at eventide, rub ashes along its back, an act which is in itself a kind of recognition of the spirit, and they may also pour a little milk or beer over the peg to which it is tethered. I do not think that there is any Nuer herd which has not at least one animal dedicated to one or other spirit of the above or of the below, and often there are several, for many families have several spirits and dedicate an animal to each of them. A dedicated beast is often to be identified by metal rings attached to its leather collar. These are ornaments devoted to the spirit and not phylacteries. When a daughter of the family marries, the *kwoth* of one or other parent is given a cow of her bridewealth, being treated in this matter as though it were a kinsman with rights in their daughter. Sometimes the *kuth* of both parents receive cattle at the same marriage, but if a spirit does not get a cow on the marriage of one daughter it will get one on the marriage of one of her sisters.

When a spirit gets a cow, whether it be dedicated to it at a marriage or in its honour on some other occasion, the cow ought not to be disposed of, and should it die it ought to be replaced. However, Nuer seem to feel that as long as the spirit has one cow in the herd it will not be angry if a second cow is disposed of. Thus if the spirit gets a cow of a daughter's bridewealth, they feel that there is not the same need to keep the cow previously dedicated to it. Nevertheless, there is always a risk in disposing of any dedicated animal. The male calves of a dedicated cow, or at any rate one of them, may eventually be offered to the spirit in sacrifice. However, it seems to be held that the human owner may dispose of the calves of a spirit's cow for marriage if he explains his purpose to the spirit. If a dedicated cow is driven off with other cattle by persons seeking redress for some injury it will not be kept in the byre of its captors when they realize its character but will either be returned to its owner or will be loosened to wander, lest misfortune should fall on them. When I bought from the Government some cattle which had been taken from Nuer in fines it was pointed out to me by Nuer friends that one of the cows

× 776 was a *yang kwoth*, the cow of a spirit, and that no good would
782 come of my possessing it. They were not surprised when one night it tore up its tethering-peg and fell into the Sobat river and was drowned. The *Sudan Intelligence Report* of September–October 1934, No. 69, records the interesting case of a man who was ordered by a Government Chiefs' Court to pay a cow in damages to another Nuer. As at the time he possessed only one cow and this was dedicated to a spirit, the Court permitted him to defer payment while he went to obtain a cow owing to him in a different part of the country. During his absence from home on
[761] this errand one of the Government chiefs took his cow. The owner was killed by an elephant on his journey and his kinsmen claimed compensation from the chief because they attributed his death to the removal of the cow devoted to his spirit. The milk of a spirit's
[262] cow should only be drunk by members of the family. It belongs to the spirit and is therefore reserved for the people to whom it is attached. I was first made aware of this rule when on a journey I fell sick in a Nuer village and was compelled to spend a few days there. Being unable to eat solid food, I asked a lad of the nearest homestead if I might have a little milk. He said that he was sorry, but the only cow giving milk in his family herd was the cow of his mother's spirit, and he could not let me have its milk without her permission. He later brought some milk and told me that it would be all right for me to drink it as I was sick, but when I could eat again only the children of the home might either milk the cow or drink its milk.

Should a man neglect to dedicate a cow to his spirit when he is in a position to do so, or should he dispose of a beast already devoted to the spirit and not dedicate another to it, sickness is
[753] likely to fall on his family or herd. But although Nuer say this, and believe what they say, it is not uncommon for them to use a spirit's cow for bridewealth or some other purpose, hoping that they will soon be able to replace it. They know that they are doing wrong but they think that maybe the spirit, having been informed of their intentions, will understand their difficulty and will excuse their manner of overcoming it, knowing that they mean to keep their promise to give it another cow as soon as they can. But they may not find it easy to procure another cow for some time and the spirit has in the meantime to go without one; or they keep on putting off the replacement because they want to use

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their cattle for other purposes, and also because they say to themselves that as no evil has befallen them since they disposed of the spirit's cow it does not matter; or they are just careless and forgetful. I have known of several cases of men using the cattle of spirits as bridewealth. Then a child of the family died, and then maybe a second child, or some other misfortunes happened to them, and they began to be sorry that they were so casual and summoned a prophet or diviner to confirm that their sufferings were due to the anger of a spirit about the loss of its cow. In one case I heard discussed the spirit *deng* was not appeased even when a new cow was dedicated to it in the place of its cow given as bridewealth, but continued to make trouble for the family. Efforts were therefore made to get back the original cow. Unfortunately the man who had received it in the allocation of the bridewealth, the natural father of the bride, had in the meanwhile dedicated it to his own spirit, and he was making difficulties about its return. He did not see why the consequences of a transgression should be passed to him. In another case which I had the opportunity to follow, a man had given a cow as his contribution to the bridewealth paid on the marriage of his sister's son. This cow calved a female calf in the home of one of the bride's mother's brothers, and then it died there. As the marriage had not been completed, the calf was regarded as having taken the place of its dam. A difficulty then arose. The cow had been the donor's spirit's cow and ought never to have left his herd, and subsequent misfortunes in his family were attributed to his having given it away. He therefore pressed for the calf to be handed over to him so that he could give it to his spirit in the place of the beast it had lost. The bride's maternal uncle was not inclined to be helpful, and negotiations had not been concluded by the time I left Nuerland. Had it been the bride's own family who had received the cow they would, for their daughter's sake, have let the man have the calf without argument, on the understanding that he would one day let them have a similar animal in its stead. Thus I have known a family who had recently disposed of all their cattle in making a marriage to ask for, and receive, the return of an ox of the bridewealth from the family of the bride when one of them fell sick, so that they might dedicate it to God, to whom it would one day be sacrificed.[1]

[1] Cows are not dedicated to God, only to spirits. Oxen are occasionally dedicated to God but, in my experience, only on such an occasion as this, when the

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x 776 782 231 426 To appreciate how Nuer get into such difficulties with their dedicated cattle as I have mentioned we must bear in mind the overwhelming importance of cattle in their lives, that cattle are generally the issue in disputes, and that almost every Nuer owes cattle and has cattle owing to him, debts which are often not settled, if at all, for years and sometimes even for generations. Nuer will go to almost any lengths to obtain cattle to which they think they have a right and to put off the settlement of their own debts. It is not surprising that in these circumstances a man may postpone fulfilling his obligation to a spirit if it is a question of having to choose between the claims of an importunate creditor and of a spirit which, it is hoped, will be satisfied for the time being with the man's good intention; or that to fulfil an unavoidable obligation to a kinsman a man may take a liberty with a spirit which, he hopes, will not take offence at a fault in such compelling circumstances.

x 776 782 Besides dedicating a cow to his spirit and sacrificing an ox, sheep, or goat to it when it is displeased, a Nuer ought now and again to hold a ceremony in its honour. This generally takes place after the harvest has been gathered in and there is plenty of beer. I attended one of these ceremonies in the home of Karlual, who figured in the story of Galuak's sickness which I have just related. It was held in honour of *deng*, who is what the Nuer call *kwoth ciengde* or *kwoth goale*, the spirit of his home or of his family. I was told that each of Karlual's numerous brothers holds a like ceremony in turn till it is his turn to hold it again. The ceremony of the year before had been on a large scale and an ox had been sacrificed at it. *Deng* had afterwards told Karlual through the mouth of someone who had become possessed by it that all it wanted this year was some beer, so the ceremony I witnessed was on a smaller scale. It is known as 'the bathing of the cow in beer'.

The ceremony was held in the morning and was very late in starting because those who attended it, or some of them, had first attended a ceremony of the same kind elsewhere in the village, that held by a man called Mokwac for the spirit of his concubine's dead husband. When I arrived at Karlual's homestead I found that a gourdful of beer had been placed at the side of a clump of grass at the edge of the kraal. Karlual's brothers and their families

intention is to sacrifice it in the near future, the dedication being in the nature of a consecration for sacrifice.

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and a number of kinsmen and neighbours were present, one of whom, Dhoal, was asked to preside because he was a leading man in the community. He began by pouring some of the beer out of the gourd over the tethering-peg of the cow devoted to *deng* when Karlual shouted to him to wait till they brought him a ladle. When it was brought, he poured a libation with it over the peg. A small son of Karlual was then told to do the same and afterwards to drink what was left in the ladle. Then various kinsmen also poured libations over the peg and all present poured beer into their hands and threw it into the air, an act called *kith*. The people then sat around the gourd and drank the remainder of the beer while they discussed family affairs.

All kinsmen who can do so should attend a ceremony of this kind, especially close agnatic kinsmen, for this is an occasion when kin are expected to reveal any resentment they may have in their hearts towards one another. Each tells the others where they have been at fault (*duer*) in speech or act during the past year, and the issues raised are then settled peacably by discussion. A man must not keep a grievance hidden, and if he does not reveal it now he must for ever keep silence. Nuer say that all the evil in their hearts is then blown away. I think that this is the meaning of the throwing of beer into the air. They also say '*giakni dial ba ke bap e yang*', 'all evils (which they have done to one another) will be gathered to (or taken over by) the cow'. All present place ashes on the back of the beast, probably an ox, and it is then cleansed by sprinkling or blowing beer on it. However, I did not see this part of the ceremony because owing to the lateness in starting it the beast had gone to pasture with the rest of the herd. I was told that it was performed in the afternoon when the herd returned from grazing.

III

In what I have said so far about the spirits of the air I have been speaking of their relations to ordinary Nuer. Sometimes a spirit possesses a man and when he has recovered from the seizure abides with him, giving him powers of healing, divination, exorcism, and foresight. I discuss the functions of these prophets in Chapter XII. Here I give only such information about them as is necessary for an appreciation of the spirits which possess them.

SPIRITS OF THE ABOVE

× 776 792 Nuer call such a charismatic person *gwan kwoth*, owner or possessor of Spirit, the name of the particular spirit sometimes being added, as *gwan kwoth deang*, the possessor of the spirit *deng*, or *gwan kwoth mani*, the possessor of the spirit *mani*. He is also referred to as the *guk* of the spirit, a word meaning a leather bag. The prophet is a bag containing the spirit. 'Possessor' might seem to be here an inappropriate translation of *gwan* ('father', 'owner', or 'master') since the spirit possesses the man rather than the man the spirit, but the man does own the spirit in the sense that it is in him and gives him spiritual power ordinary people lack.

× 776 792 828 It appears to be first known that a man has become possessed permanently by a spirit, either without or after sickness, by sustained abnormal behaviour and occasional bouts of frenzy. In these states, which are said to occur most frequently in the earlier phases of possession, when the spirit comes, or leaps, upon, or moves the prophet (to use Old Testament expressions) he acts like a madman (*yong*), and Nuer cannot always distinguish for certain at this stage between a prophet and a madman or epileptic (*gwan noka*); but if there is any doubt it is dispelled by the later behaviour of a prophet, for he ceases to prophesy only when possessed in the narrow sense of being for the time out of his mind and gives spiritual guidance when in a normal state to those who ask for it. From time to time he may have renewed mantic seizures, but these are regarded by Nuer as only outward signs of a spiritual power which directs his utterances whenever he speaks as a prophet and also when, as sometimes happens, he speaks as a judge and political leader. Nuer conceive of permanent possession of this kind, in contrast to temporary seizure in the form of Spirit-induced sickness and mediumistic trances, as a filling with Spirit as with air. They use the word *gwang* to denote Spirit penetrating or entering into and filling the man. A prophet is a person filled with, or inspired by, Spirit, which controls him as the *Ruah Adonai* controlled the prophets of the Old Testament. The word [196] *gwang*, which has much the same general sense in Dinka,[1] is used for such actions as scraping out a gourd, hollowing out a canoe or mortar, or the burrowing of a hole by a wild beast. Something is hollowed out to allow entry for something else. Dr. Mary Smith tells me that Nuer have told her that when a spirit *gwange ran*,

[1] R. Trudinger, *English–Dinka Dictionary*, 1942, p. 216.

fills a man, his character is changed. The man is hollowed out by Spirit to receive it. In this sense *gwang* is complementary to *kwoth*, inspiration to extirpation.[1] 776 × 792 ✓ 828 ✓

Prophets may perform sacrifices on behalf of individuals or of the people of their neighbourhoods in times of sickness, for barrenness, and on other occasions when spiritual aid is required, but the main social function of the leading prophets in the past was to direct cattle-raids on the Dinka and fighting against the various foreigners who troubled the Nuer from the northern Sudan. For the most part the air-spirits are conspicuously associated with war, and Nuer prophets are chiefly regarded as the medium through which God gives orders to fight and victory. The spirits accompany the warriors to battle. 776 × 792 721

Before Nuer set off for any large-scale fighting against strangers their prophets made sacrifice and sang hymns to the spirits of the air while the warriors, kneeling on one knee and with the points of their spears resting on the ground, sang the responses. The same posture is adopted by warriors in making the responses to these songs when they are sung by a song-leader on ceremonial occasions. Also people, generally and perhaps always under a prophet's direction, sing hymns to the spirits on occasions of sickness and of other troubles; though Nuer say that they sometimes sing the hymns, as at dances, 'just to be happy with the son of God'. Unfortunately I did not have the opportunity to record more than a few verses of these hymns. 776 × 792 721 533

I give below a short hymn to *buk*. It is known all over Nuerland and is therefore probably earlier than most hymns. It is sometimes sung at mortuary ceremonies, and it is also sung before fishing battues are begun, on account of the spirit's association with rivers and streams. 776 × 533 539

Mother of *deng*, the ants (the Nuer) ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee,
The mother of *dengkur* brings life,
The mother of *dengkur* brings me life,
Life is revived.
She brings life and our children play,
They cry aloud with joy,
With the life of the mother of *deng*, with the life of the mother of *deng*.

[1] [Should be expiration, see errata, cat. 116.]

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SPIRITS OF THE ABOVE

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The pied crows are given life and are filled.[1]
Our speech is good, we and *buk*,
Our speech is excellent;
The country of the people is good.
We journey on the path of the *pake*.[2]
We are here, we and *buk deang*,
Buk, mother of *deng*, the ants ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee.
We give thee red blood.
The ants of *deng* are simple people, they do not understand how their lives are supported.
Let all the people of the cattle camps bring tobacco to the river.

The general sense of this hymn is that *buk* protects the people from dangers and gives them life. Protection and life are given them in exchange for oblations of animals (the red blood) and tobacco. I give the opening verses of another hymn, which appears to be addressed to both *dayim* and *mani*. It is a war hymn, although I heard it myself at a ceremony in western Nuerland held in honour of a person killed by lightning.

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Stars and moon which are in the heavens,
Blood of *deng* which you have taken,[3]
You have not summoned the ants of *deng* capriciously,[4]
Blood of *deng* which you have taken,
The wing of battle on the river bank is encircled by plumes.[5]
Dayim, son of God, strike the British to the ground,
Break the steamer on the Nile and let the British drown,
Kill the people on the mountains,[6]
Kill them twice,[7]

[1] The pied crow 'is' *buk* (p. 81).

[2] This is not a Nuer word but the Arabic *faki*, a fakir or holy man. In Nuer the word is used for an Arab pedlar or merchant. The use of the word in this hymn, probably one of the oldest Nuer hymns, is further evidence of the late introduction of these spirits into Nuerland.

[3] Dinka blood on Nuer spears.

[4] The spirits which summoned the Nuer to raid the Dinka through the mouths of their prophets did not summon them in vain. The raid was successful. The ants are the Nuer.

[5] When warriors are drawn up for battle the prophet runs along the flanks shouting encouragement to them and waving his spear decorated with ostrich plumes.

[6] The people of the Nuba hills.

[7] Slay them two years in succession.

SPIRITS OF THE ABOVE

Do not slay them jestingly.[1]
Mani goes with a rush,
He goes on for ever,
The sons of Jagei are proud in the byres,[2]
Proud that they always raid the Dinka.

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I do not know the time or circumstances of composition of this hymn, but as it not only exults in defeats of the Dinka and asks for victory over the people of the Nuba hills but also demands the destruction of the British it must be fairly recent and probably dates from the early days of British occupation of the Southern Sudan. Dr. Lienhardt has recorded a hymn about *deng* which vividly suggests the mobility of the spirits of the air and the ubiquity of Spirit. A man says he is tired of the demands made by *deng* and that he will move. But *deng* replies

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A man avoiding *deng*
Will find *deng* in front,
On the right he will find *deng*,
On the left he will find *deng*,
Behind him he will find *deng*.

In another hymn he recorded there is a metaphor in which protection of the people by *deng* is compared to the coiling of a python around its young. These hymns are, I believe, always the creations of prophets, and Nuer say that they come to them in dreams, unlike ordinary songs or poems which men construct for themselves when idling, as when herding in the grazing grounds. We need not concern ourselves greatly with their word to word meaning. Nuer do not do so, or even know it, and the songs may be sung on occasions which in no way concern the particular spirits they are addressed to and for which the words have no relevance, the songs merely serving to create atmosphere and to express a general sense and intention. I have been told that the hymns sometimes come to a prophet through a drum, called *bul kwoth*, spirit's drum, dedicated to his spirit, which is thought to be in some way immanent in it. These drums, which are beaten at dances held in honour of the spirits to which they are dedicated, are formally dedicated by being rubbed with ashes, in the same

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[1] Do not trifle with them but strike them hard.
[2] The Jagei are a small group of Nuer tribes; but since the Nuer believe that they were created in their territory the word probably here refers to the Nuer as a whole.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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way as an animal is dedicated, while a short invocation is made. They are decorated with beads and metal rings. I was told that now and again, especially after dreams, a prophet rubs his spirit's drum with ashes, and sometimes also with butter, and asks God for peace and happiness. A prophet also builds a mud shrine, called *yik* or, if it is shaped like a windscreen, *buor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a nhial*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

In the first place, it is shown by the way Nuer regard the beliefs of neighbouring peoples. It creates no problem for them when they find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

[1] In 1940, some years after I had concluded my research, there were 464 Nuer (250 Catholics and 214 Protestants), easily the lowest figure for

16: Evans-Pritchard E-5 (1931, 1936) 1956
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theirs. I have found that when one of these Nuer who has had 776x
contacts with foreign peoples speaks of their religious beliefs and 177
practices he shows that he does not regard them as having a different God from his own but merely as having a different name for him and a different manner of communicating with him. A Dinka prays to *kwoth a nhial*, whom he calls *nhialic*. Similarly the Muslim or Christian prays to *kwoth a nhial* under other names. Hence, though Nuer have taken over from neighbouring peoples various lesser spirits like the Dinka *deng* and the Shilluk *nyikang*, they have not taken over their deities, such as *nhialic* and *jwok*. The reason for this is undoubtedly that they identify these other deities with *kwoth a nhial*. *Kwoth a nhial*, *nhialic*, and *jwok* are one person who has different titles among different peoples. The Nuer attitude in this matter shows clearly the markedly monotheistic tendency of their religious thought. It is polyonymous, but not henotheistic. The inference we can draw from this in considering the spirits of the air is that they are not thought of as independent gods but in some way as hypostases of the modes and attributes of a single God.

A number of circumstances may have influenced Nuer thought 776x
in this matter. One important circumstance is that they have no proper name for God. He is simply *kwoth*, Spirit, and if they wish to distinguish him in speech they can only do so by a qualifying clause. It follows that since the Nuer God has no proper name he cannot be sharply distinguished in the mind from the God of a neighbouring people who is also inevitably regarded by the Nuer as *kwoth* and is therefore easily identified with him; and the titles by which other peoples call God do not present to the Nuer an obvious challenge or any kind of contradiction which might lead to monolatry or to more precise metaphysical definition. It follows also that since the only word in Nuer for God, *kwoth*, means simply 'Spirit' any spiritual being is also *kwoth*. This in itself, apart from the absence of any organized cult and developed political institutions,[1] has allowed easy entrance to foreign spirits. All

any of the major peoples of the Southern Sudan. The missions were then 797
American Presbyterian at Nasser on the Sobat (founded in 1913), Catholic at Yoahnyang on the Bahr al-Ghazal (founded in 1929), and Anglican at Ler to the west of the Nile (founded in 1932) and Jusibor to the east of the Nile (founded in 1936). This information was supplied by the heads of the various missions.

[1] W. Hofmayr, op. cit., p. 160, reports that a Shilluk who erected a shrine to

16: Evans-Pritchard E-5 (1931, 1936) 1956
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× 776 spirits, whatever their particular names may be, are *kwoth*, and God being *kwoth* also, and having no isolating name of his own, they and he are merged together in the same concept as they are denoted by the same word. It is not that the other spirits form a class with *Kwoth a nhial*, for the nature of spirit, 'like wind' and 'like air', is not such that a clear differentiation of individuals is easy, or even possible to conceive.

Further light is shed on this question by other linguistic evidences. The spirits of the air can be referred to collectively as *kuth nhial*, spirits of the above, in contrast to the *kuth piny*, spirits of the below, but we cannot say of any one of them that it is *kwoth nhial* except in making this contrast and in this sense. Otherwise the phrase can only mean 'Spirit of the heavens', that is, God. Also, the particularizing particle *in* when coupled with the adjective *dit*, great, can only be used when speaking of God and is not used when speaking of even the most powerful of the spirits of the air, for which, however, the indefinite particle *me* may be employed.[1] Thus one may say that a spirit of the air is a *kwoth me dit*, a great spirit, compared, that is, with lesser spirits, but *kwoth in dit*, the great Spirit, can only be used of God. It should be noted further that God is always addressed, in a way familiar to ourselves, in the singular and never in the plural. Moreover, it would, I think, be an impossible usage to address God together with one or more of the spirits as '*yen kuth*', 'you spirits'. This could only denote several spirits other than God.

The use of the expressions *gaat kwòth*, sons, or children, of God and *kuth dwanga*, spirits of the air, is a clear indication that these spirits are regarded as something lesser and lower than the Father-God in the sky; and they are not regarded by Nuer, as he is, as creative spirits but as beings that derive from him. Nuer speak of them in a more material and, in spite of their lack of distinct personality, in a more anthropomorphic way than they speak of God. They are spirits, it is true, but they have fallen from above, and though they are in the air they are also in prophets and speak through them, seize men and make them sick, and enter into mediums, wrestle with them, and speak through their lips. They

the Dinka spirit *deng* had to pay the fine of an ox, this being considered an affront to the national cult of *jwok*. It is inconceivable that anything of the kind could have happened in Nuerland.

[1] The same distinction is made in Anuak by use of the particles *man* or *mand* (*ma-in*) and *ma* (*mi*, *mo*).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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regularly have cows dedicated to them and they have their shrines and drums. 776*

Also, the Nuer attitude towards them is different from their attitude to God, who, though he punishes men, is their father and friend. The spirits of the air are not so benevolent, and they are more immediately exacting. To the European observer they seem to be greedy, capricious, and hostile, but this is not quite how they appear to the Nuer, for though they demand that animals be devoted to them and animal oblations made, and bring misfortunes on those who neglect these duties, and though, as the hymns *to them show, they delight in blood* and battle and bring sickness and death, yet they only cause misfortunes to those who in one way or another are at fault. They give victory in war, and they favour those persons and families to whom they attach themselves, but they are jealous spirits who demand tribute from their votaries. The Nuer fear them but they do not feel so much resentful as guilty when they bring sickness on them. They recognize that an angry spirit generally has right on its side, and they seek to make amends so that it will cease to trouble them; and in making amends through sacrifice a bargain is struck in a much cruder and more human way than when a sacrifice is made to God. No Nuer would try to bargain with God as he bargains with a spirit, trying to buy it off as cheaply as he can, and no Nuer would use such familiar terms in addressing God as he sometimes uses in addressing spirits of the air. One reason for this difference is perhaps not far to seek: the spirits of the air are 'owned' by persons and they make their wishes known through men, through prophets who may be ambitious and greedy, and through mediums whose revelations may be coloured by their own interests.

Yet, though one may say all this, the spirits of the air are, nevertheless, being Spirit, also God. They are many but also one. God is manifested in, and in a sense is, each of them. I received the impression that in sacrificing or in singing hymns to an air-spirit Nuer do not think that they are communicating with the spirit and not with God. They are, if I have understood the matter correctly, addressing God in a particular spiritual figure or manifestation. They speak to God directly or they speak to God in, for example, the figure of *deng*, whichever mode is most appropriate in the circumstances. They do not see a contradiction here, and 776* 782

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× 776 there is no reason why they should see one. God is not a particular
782 air-spirit but the spirit is a figure of God. So while in a sacrifice one can say that the oblation is made to *deng* and not to *wiu*, *mani*, or any other spirit of the air, one cannot say that it is not made to God. The spirits are not each other but they are all God in different figures. Consequently, if one asks a Nuer whether a sacrifice is to God or to a spirit of the air the question makes no sense to him. Nuer pass without difficulty or hesitation from a more general and comprehensive way of conceiving of God or Spirit to a more particular and limited way of conceiving of God or Spirit and back again. This is often very apparent in invocations made at their sacrifices and in what they say in times of sickness and other troubles. Therefore a queston which tries to present a disjunction, an either . . . or, in answer to which either one proposition or the other may be accepted but not both, is not understood.

× 776 It is in the nature of the conception of Spirit that it can be thought of in this sort of way, that what is distributed in a number of beings is, though different, yet the same and, though divided, yet a whole. Therefore, what has been said in this respect about the conception of God in relation to the conception of spirits of the air can also be said of the spirits of the air themselves. *Deng* has several forms but they are all the same *deng*, and *deng* may be in a number of different prophets at the same time, each of whom is *deng*, without *deng* being in any way divided.

V

× 776 Another sort of spirits which are regarded as spirits of the above
769 in contrast to those of the below are the *colwic*, spirits which were once persons. These persons were struck by lightning or, more rarely, disappeared in a whirlwind; and some Nuer included also persons found dead in the bush without the cause of death being apparent. They are conceived as having been, as we would say, metamorphosed. The human has been changed into the divine. *Tic*, soul, has become *kwoth*, spirit. Nuer think of these persons as having been 'taken by God into the sky' and they say that there are multitudes of such spirits in the sky. Their names are for the most part forgotten in course of time but a few become tutelary spirits of lineages and are for that reason remembered. Such a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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kwoth goal, spirit of a lineage, is called on for aid, especially, I was told, by a man seeking refuge from enemies pursuing him. Most lineages seem to have at least one *colwic* patron spirit, to which cows are dedicated and their bull calves sacrificed. In their role of patrons of lineages they are similar to the totemic spirits, which I discuss in the following chapter, but they are treated in the present place, and not with the totemic spirits, partly because in other respects they obviously lack what are usually regarded as totemic characteristics, but chiefly because they are spoken about by Nuer as spirits of the above whereas totemic spirits are spirits of the below. 776* 769

Although each *colwic* spirit, so long as it is remembered, retains its individuality in relation to its family and lineage, all of them are also conceived of as merged in God or in his hypostasis of *col*, the air-spirit of lightning. I have heard it said that *col* is black-haired and that this is the reason for calling a person killed by lightning a *colwic*. This suggestion, which is not entirely satisfactory grammatically, may have been put forward by the Nuer I was conversing with as a piece of *ad hoc* etymology deemed adequate to satisfy my curiosity,[1] but whether this is so or not, the first part of the word, *col*, means 'dark', and the spirit to which the word also refers is a spirit of storms; so in the word *colwic* there is an association of some kind with darkness and the suggestion made to me shows that Nuer are conscious of this.

Many people are killed by lightning, as memorials erected in their honour in villages bear witness, and it is therefore not surprising that Nuer are anxious when violent storms break over their homes and the sky is pierced by flashes of lightning. Then there is silence in the byres and one may see old men throw pieces of tobacco from the doorways into the storm, uttering a simple prayer, such as 'ah God, father, take this tobacco [or they may say "ox"]. I have paid thee ransom (*kok*) father [with this offering]. 776* 821 782

[1] Miss Soule informed Professor and Mrs. Seligman (op. cit., p. 158) that the expression is *colwec*, 'col of the village community'. Father Crazenzara (op. cit., pp. 97–98) writes *colwic*, gen. *colwec*, but he does not give a literal translation of the expression. In my opinion the second syllable of the word is *wic*, gen. *wec*, 'head', and not *wec*, gen. *wic*, 'cattle-camp' or 'community'. Dr. Mary Smith tells me that she has heard Nuer speak of *coldour* in reference to a person killed by lightning in the bush (*dour*), though *colwic* is also used. On the other hand, some Nuer told her that people killed by lightning are called *colwic* because they do not have their heads shaved after death, as other people do. Clearly the syllables which compose the word have no definite meaning for Nuer.

*776 821 782 Come to earth gently, do not come with fury to thy grass [the thatched roof]. Come gently to thy grass. No one disputes with thee. It is thy universe. It is thy will, thine alone.' Or a man may take a mallet, used for driving tethering-pegs into the ground, lay it in the doorway to his byre, and, after asking God to 'rain well' for it is his universe, throw some ashes into the air in offering. Once when after a heavy storm I told a Nuer that should there be another storm of like severity I would desert my tent and take shelter in his byre he rebuked me, saying 'God does not wish the thunder to come like that again. You should not suggest it.'

*776 761 766 When a person is killed by lightning Nuer are resigned. They say that God has struck him with his fire and that as God has taken him there is nothing to be said. God has taken the soul of the man to himself and 'he would be angry if he saw you grieving for the person whom he has taken'. The death is not a punishment for some fault but a mysterious act of divine will, almost what some theologians call an election. All death is ultimately attributed to God, but only in the sense of his being the first and necessary cause which operates through secondary and contingent causes. In the case of a *colwic*, however, God has chosen a particular person for himself and taken him with his own hand. Nuer say that the chosen person has entered into kinship, or friendship, *776 766 with God.[1] For this reason a person struck by lightning does not receive an ordinary burial and the usual mortuary rites are not held for him. I was under the impression, and have elsewhere stated, that, nevertheless, the formal rules of mourning were observed, but Dr. Mary Smith tells me that this is not so, and what she says is more in accordance with what I have recorded above.[2]

A person is usually struck in his byre or hut and the walls of the burnt-out building are broken down over the body, and the

[1] In a published note on *colwic* (*Man*, 1949) I have translated a phrase, '*ca mar e kwuck*' by 'he has been brought into kinship with God'. As written it could mean this, but I now think that I may not have heard the words correctly and that what was said should be translated 'he was struck by God (with lightning)'. However, the idea of kinship, or friendship, with God was also expressed where the context allowed no room for misunderstanding.

[2] We find the same idea among the Shilluk. They do not bury or mourn a person killed by lightning. The death is an honour and the family feel that they have made an offering and will therefore prosper (the Rev. D. E. Oyler, 'Shilluk Notes', *Sudan Notes and Records*, 1928, pp. 58-59). Dr. Lienhardt tells me that the Dinka also do not mourn a person killed by lightning.

charred remains of the rafters, supports, and thatch are heaped 776*
on top of them. If a man is struck in the bush his body is covered 766
with grass and thornwood. Nuer say that it is only the *ring*, the flesh, which they cover up. The *yiegh*, the life, or in this sense the soul, has been taken by God and has become part of him. Sacrifices 776*
must be made at once. The people sacrifice to God even if a byre 782
or hut is struck without causing death because the misfortune, being a direct intervention of God in human affairs, is a danger which must be got rid of. They say '*ba lusk kier ka del*', 'the byre is expiated with one of the flock'.[1] If a person is killed, his kith and kin feel that they are in grave danger and anyone closely connected with the dead makes sacrifice as soon as he hears of the calamity. The dead man's paternal and maternal kin and his affines bring oxen and sheep and goats to the mortuary mound and sacrifice them there. Even distant kinsmen and unrelated friends and neighbours make sacrifice; and if a girl is killed by lightning her sweetheart will sacrifice an animal. The whole community is involved, and fellow villagers who do not feel that they are sufficiently connected with the dead for animal sacrifice to be necessary throw leaves of the tobacco plant on the mound in silence. It is believed that unless sacrifices are made at once the *cuiwic* may return bringing death to man and beast. Also, the 776*
close kinsmen of the dead are so unclean that relatives and neigh- 782
bours may not eat or drink in their homes before they have sacri- 783
ficed; animals must follow the dead before the people can rest in peace. Nuer say '*ca je kir ka det kene rueth*', 'he (the dead man) was expiated with some of the flock (goats and sheep) and oxen'. The sacrifices cleanse the kith and kin and ward off from them further misfortune.[2]

But only immediate danger is warded off by these sacrifices. 776*
The kin are not yet free from the ordinary contamination of 783
death and they will not be till another ceremony has been per- 766
formed some weeks or months later. This ceremony resembles the usual *cuol wuc* mortuary ceremony held for a person who has died in some other way than by lightning and which I describe later, but Nuer do not call it by that name. Indeed they say, as I have

[1] *Del* means both 'sheep' and 'goat'.

[2] Dr. R. G. Lienhardt tells me that an ox must be sacrificed on the evening after the death, just before sunset, and that its flesh must be consumed during the night, a rule which obtains for sacrifice only on this occasion. This is perhaps a further association of *cuiwic* with darkness.

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* 776 783 766 mentioned, that one does not hold a mortuary ceremony for a *colwic*. The difference between an ordinary mortuary ceremony and a ceremony to commemorate a *colwic* would appear to be that whereas in both one purpose of sacrifice is to cleanse the living, another purpose in an ordinary mortuary ceremony, to send the soul of the dead to the ghosts, is lacking in the commemoration ceremony for a *colwic*. The soul of a man killed by lightning is at the moment of death translated to its heavenly home. Nevertheless, it may be that this ceremony is performed not only to cleanse the living and to commemorate the dead but also to fix his soul firmly in the above so that there will be no return to the living, just as an ordinary mortuary ceremony fixes the soul in the underworld of the ghosts.

* 776 766 I had the opportunity in 1936 to witness this ceremony when it was held for a girl called Nyakewa, the daughter of Rwacar, among the western Nuer. During the afternoon the women of the village collected in the garden of the dead girl's home to make beer, for it is the custom on this occasion for the women to work together instead of each in her own home. While they were engaged in making beer rain began to fall and wood ash[1] was thrown into the air and Nyakewa was addressed: 'Sister, wouldst thou spoil our work in this way? It is for thee we do it.' The rain soon passed over, though the sky remained overclouded for the rest of the day. Nuer expect rain to fall on this day, but after they have sacrificed. They say 'we have slaughtered cattle for God. The chyme (*mau*) will be watered today by God, and the blood also.'

The ceremony began in the late afternoon in the homestead where Nyakewa was killed, that of her mother Nyaruithni and of her brother Malith, an uninitiated boy. Her *pater*—she had been begotten in adultery by another man during his lifetime—was dead. The ceremony was held in her mother's home and not in her husband's home because, although bridewealth had been paid for her, she had not passed through the consummation ceremony before she was struck by lightning. A fully married woman who is killed by lightning becomes a *colwic* of her husband's lineage and not of her father's lineage. Her husband is *gwande*, her owner or master, and they say of such a spirit that she was married with cattle and will not return to her father's lineage—that is, will not

[1] The ash of women's cooking fires, not the ash of cattle-dung of the men's fires of byre and kraal.

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be its patron. I have noted that when a widow is killed by lightning at the home of a man with whom she cohabited after her husband's death her memorial is erected at her husband's home, though his people invite her lover to attend the commemoration ceremony. 776* 766

Lat, son of Pan, the master of ceremonies (pp. 287–9) of Nyakewa's father's family, made fire ritually with firesticks and from it were lighted the various fires on which pots were placed for boiling the beer. The mud supports for the pots were made on the spot, for one does not use old utensils on these occasions. Since the ceremony was for a woman a new mud windscreen was constructed. The master of ceremonies then erected a *riek*, a shrine-stake, in the centre of the funeral mound and planted at the side of the mound a sapling of the *nyuot* tree. Such a mound and stake are shown in Mr. Corfield's photograph in Plate II.[1] The *nyuot* tree is, as we have noted, associated with the spirit *col* and also with rain and with the sky from which rain and lightning come and to which the soul of the dead person has gone. When planted in the rains the sapling generally takes root. If it dies they plant another. Many of the trees one sees in Nuer villages have been planted in this manner. 776* 766 782 [778]

Shortly before sunset a procession of about twenty men arrived bearing in their hands leaves of the tobacco plant and heads of millet. They threw down these offerings near the mound with the freshly erected shrine-stake in the centre of it. No one comes to the place of sacrifice empty-handed. The procession was headed by the master of ceremonies leading a black ox, *a thak ma col*. It should preferably be a black one. This *ma col* sacrificial victim, *col* the spirit of lightning, and the *colwic* make a harmony of darkness (*col*), the darkness of storm. Before the ox was sacrificed men came from all directions leading oxen and castrated he-goats and wethers. The father of the dead girl's husband brought an ox, as did one of her maternal uncles. Among those who brought he-goats and wethers were the girl's mother, one of her maternal aunts, one of her maternal uncles, several of her father's kinsmen, and the man who had begotten her brother in adulterous congress

[1] This is almost certainly a *colwic* shrine, but it is more elaborate than most and the offerings of tobacco seen at the base would not be seen at shrines in other parts of Nuerland. The photograph was taken among the eastern Jikany Nuer who border the Anuak, great cultivators of tobacco.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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with her mother, for her brother had also been begotten in adultery, though by a different man from the man who begat her. The black ox was speared near the funeral mound and the other oxen and the sheep and goats were speared immediately afterwards. I have not known sheep and goats to be speared in any other sacrifices. The usual mode of sacrifice for them is by cutting the throat. Dr. Mary Smith tells me that they are speared on this occasion to symbolize the instantaneous death of a *colwic* by lightning. As soon as a goat or sheep fell it was cut in half through the belly. The oxen were also cut up unskinned, for one does not use the hides of animals sacrificed for a *colwic*, as one uses those of most sacrificial beasts, for sleeping on or for women's skirts. The head, hooves, some of the entrails, and part of the skin of the black ox were placed at the foot of the stake or hung on it. The chyme of the animals was collected and placed at the foot of the stake, and their tethering-cords were hung on it. Most of the flesh of the black ox went to the girl's father's lineage, on whose behalf it was sacrificed, but some went to collateral lineages, some to women of the father's lineage married to men of other lineages, and some to the girl's maternal uncles. I did not inquire how the other animals were divided but it may, I think, be assumed that in each case the animal was mostly consumed by the paternal kinsmen of the man who brought it to the sacrifice.

At dawn on the following morning the dead girl's senior maternal uncle sacrificed a bull on behalf of the maternal kinsfolk. It was first castrated in his byre because animals are not sacrificed entire. The uncle made a short invocation before spearing it. The meat of this animal was divided between the dead girl's own family, her maternal uncles, and various other relatives on the mother's side who were present. A man representing the mother then sacrificed an ox at the mound on behalf of the family. However the flesh of these sacrificed oxen may be divided according to rights of kinship, all present must receive pieces of meat, even though they be unrelated persons, because all must taste the meats of sacrifice to show the *colwic* that they do not reject or disregard (*cawy*) it. The last sacrifice I witnessed was of a goat by a brother of the husband of the dead girl's mother's sister, on behalf of this maternal aunt; but I was told that more sheep and goats were slaughtered on subsequent days and that in all more than twenty animals were sacrificed. These were in addition to

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PLATE II

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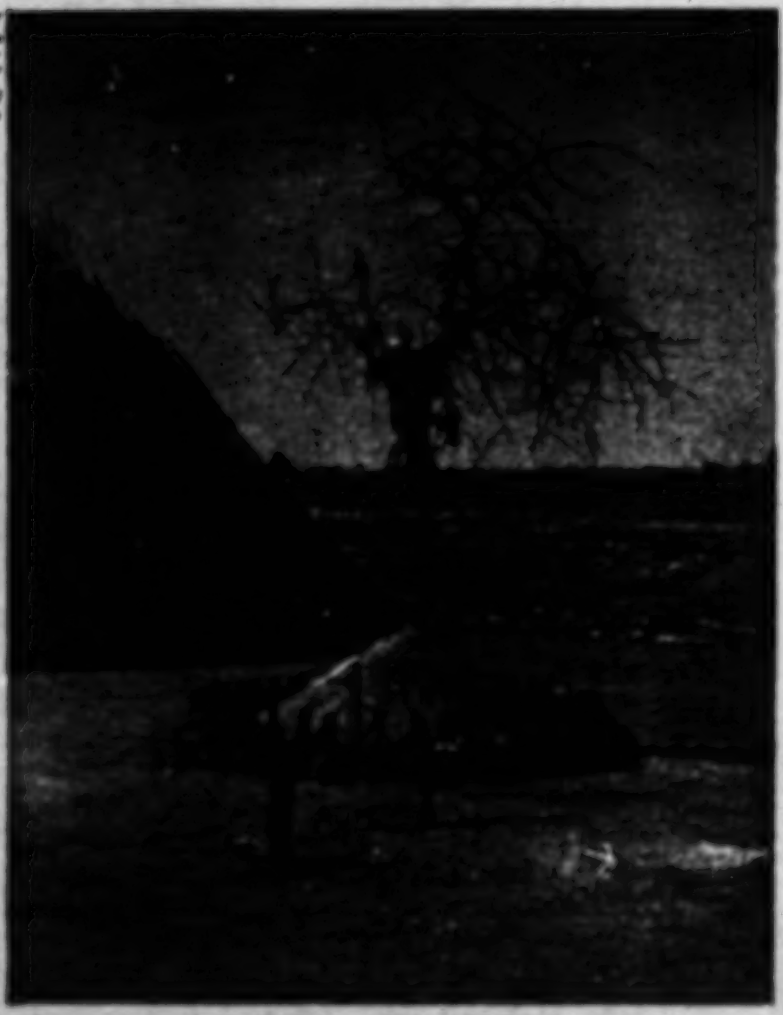

Shrine for person struck by lightning

[facing p. 58

16: Evans-Pritchard E-5 (1931, 1936) 1956
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those which had been killed immediately after Nyakewa had been struck by lightning. As the husband of one of Nyakewa's maternal aunts was killed at the same moment as herself while he was on a visit to her village many animals of the village had also to be sacrificed on his behalf in his own village. The flocks of the village were so depleted that there was no suitable beast available for sacrifice in a case of serious sickness which occurred in the village shortly afterwards (p. 35). The number of beasts sacrificed is an indication both of the seriousness of the event which occasioned the ceremony and of the wide circle of persons it affected.

When the sun was high in the heavens on this second day of the ceremony the beer was drunk, though it had not properly fermented. The old men poured some on the sacred stake while uttering a few words. I heard one of the maternal uncles say 'Nyakewa, we have no kinship with God. Thou hast kinship with him now. See, thy mother remains here; do not let the spirits trouble her.' Towards the end of the beer-drinking the people sang hymns to spirits of the air to the accompaniment of hand-clapping.

Later the waste products of the beer were heaped around the base of the stake on top of the tobacco leaves and millet heads and parts of the sacrificed beasts. The dead girl's ox-tassels, her horn spoon, her butter-gourd, and two lumps of tobacco were tied to the stake. These things were said to belong to God, for the girl's soul was now with God. They had become holy and could not be used by man. Finally the cooking stones and pots used in the beer-making were neatly arranged around the heap of offerings. I was told afterwards: 'Nyakewa has altogether departed from us who are men and has become Spirit (*kwoth*). Henceforward we will invoke her name in battle as we brandish our spears.' About a year after this ceremony kinsmen gather again at the shrine to drink beer and to sprinkle (*kith*) some of it into the air as an offering.

Sometimes a *colwic* spirit seizes a member of its family or lineage, in the same way as a spirit of the air may seize a man, and makes him sick. When he recovers he makes a small mound-shrine (*yiik*) in his homestead and this then takes the place of the original shrine at the home of the person killed by lightning. Some of the dead person's ornaments may be inserted into the mound of the new shrine and others hung on the stake erected in it and on the low fence enclosing it.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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x776 [792]

it and on the low fence enclosing it. Occasionally the spirit, again as the spirits of the air may do, enters into (*gwang*) a man to abide with him. He then becomes a *guk col*, a prophet of *col*, and the spirit of lightning speaks through him to the people. Or he may be called a *gwan colwec*, the owner of a *colwic*. There is no clear distinction here between the spirit *col* and the *colwic* spirits, *col* being a collective representation of the *colwic* spirits in general.

x776

The *colwic* is a conception which appears to be, unlike many of their religious conceptions, not only native to the Nuer but at one time also peculiar to them;[1] and it is one of unusual interest. Its significance cannot be altogether perceived at this stage of our inquiry, but certain features of it may be remarked upon.

In that a *colwic* is a spirit which dwells in the sky and can fall and enter men it is like the air-spirits which also have their abode in the above and fall and enter men; but there is an important difference between the two conceptions. The spirits of the air derive, or proceed, directly from God but the *colwic* spirits were once human beings, created things. Consequently, whereas the spirits of the air are *gaat Kwoth*, sons of God, the *colwic* spirits are not, at any rate in the same sense. In the one case God descends to man, in the other he takes man up to him.

Apart from the fact that the spirits of the air and the *colwic* spirits both dwell on high there is in another respect something common to the two conceptions. In discussing prophets it was observed how Spirit in the form of spirits of the air can enter into men, the human being expelled, as it were, and the divine taking its place. There is in the idea a suggestion of the natural man being changed into the spiritual man. In the *colwic* conception we have again, though in a rather different form, this idea of the soul in exceptional circumstances being transmuted into Spirit. I emphasize this aspect of the belief because, as will be seen more clearly later, it is essential to an understanding of Nuer religious thought that the conceptions of 'soul' and 'spirit' should be distinguished

[1] Dr. Lienhardt tells me that the *colwic* of the Rek Dinka is a very different conception. It is an evil spirit of the bush. The Dinka probably borrowed both the idea and the word from the Nuer and they seem then to have quite changed its meaning in assimilating it to their own notions, especially to their *macardit* conception. The Twic Dinka conception is nearest to the Nuer one (Fr. A. Nebel in P. W. Schmidt, op. cit., p. 161). Twic country is coterminous with that of the Bul Nuer.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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and kept apart. The distinction is made very clearly in what Nuer say of a *colwic*—that he is a person who has become Spirit. They say of him that '*coa kwoth*', 'he has become Spirit'. 776x

Having become Spirit the soul of the dead person is now not only a spirit but, as a spirit, part of God, who is all Spirit, and also, when Nuer think of the manner and instrument of death, of God conceived of in his hypostasis of *col*, the spirit of lightning. We are here faced with the problem I have been discussing with regard to the spirits of the air and which I discuss again in more general terms in Chapter IV. Each *colwic* spirit is a quite distinctive being, bearing, if it is remembered and revered, the name it had on earth as a person, so that one can say that a sacrifice is made to one particular *colwic* and not to another. But, here again, one cannot say that sacrifice is being made to a *colwic* spirit and not to God or to God in the figure of *col*. The argument developed in reference to the spirits of the air holds also for the *colwic* spirits. The relation of these spirits to God is not a disjunction, an either . . . or, but a conjunction, a both . . . and. A *colwic* is itself and it is also God.

We may develop the argument a bit further. If a *colwic* is God it is God thought of with reference to a particular family or lineage. It is true that, as we have seen, in relation to the awesome event, the death by lightning, all who had any social connexion with the dead person are involved, but when the ceremonies I have described are over they cease to be. Afterwards only members of the spirit's family and lineage are concerned with it. A *colwic* which has become the patron of a lineage is not revered by members of other lineages. It has significance for that lineage alone. Hence there is here an important difference not only between a *colwic* spirit and Spirit comprehensively conceived of as God but also between a *colwic* spirit and a spirit of the air. The spirits of the air are much more general and mobile conceptions. Though they may be of direct concern only for those persons, families, and lineages to which they have attached themselves they may attach themselves to any person, family, or lineage and indirectly, through the political role of their prophets, they can be of importance for local communities. The *colwic* spirits, on the contrary, are confined within the narrow limits of families and lineages. They cannot attach themselves to persons who are not members of their own families and lineages. We begin to see how 776x 613

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x 776 613 the conception of Spirit is refracted by the social structure, and this will be more clearly seen when an account has been given in the next chapter of the totemic and totemistic spirits, which are also patrons of lineages, families, and persons and of significance only for those lineages, families, and persons to whom they stand in a tutelary relationship.

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CHAPTER III

SPIRITS OF THE BELOW

I

NUER speak of *kuth piny*, spirits of the below or of the earth, in contrast with the *kuth nhial*, spirits of the above or of the sky, which I have so far been discussing. In a certain sense all spirits of the below are thought to have fallen from above, and inevitably so, because the above is the abode of Spirit. In one way of thinking about them they are conceived of as being still in the above, though they are also conceived of as immanent in creatures and things on earth, and they are then opposed in thought to the spirits of the above. It might be urged that much the same could be said of the spirits of the air for they are also conceived of as immanent in their prophets on earth. But they can easily be thought of, once people are familiar with their names, quite independently of the persons in whom they manifest themselves. The spirits of the below, on the contrary, can hardly be dissociated in the mind from their earthly appearances, for it is only by reference to them that they are known at all. Moreover, Nuer evaluate the two kinds of spirit quite differently. The spirits of the air are not only 'of the above' but also 'great spirits'. Those of the below are not only 'of the below' but also 'little spirits', and Nuer do not hold them in high esteem.

The spirits of the below can be classed into a number of separate categories, what I am calling totemic spirits, totemistic spirits, nature sprites, and fetishes. This classification is made partly for descriptive convenience but it also in part rests on a Nuer classification. Although they describe all alike as *kuth*, spirits, and, in contrast with the spirits of the above, *kuth piny*, spirits of the below, they have separate class names for the last two categories, *bieli* and *kulangni*, and the fetishes are also *wal*, medicines. Consequently *kuth piny*, when not being used inclusively to point a contrast with the spirits of the above, generally refers specifically to the totemic and totemistic spirits. I describe these sorts of spirits first, using 'totemic' in the classical sense of

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×776 the word to denote a relationship between a social group and a natural species or a class of objects and 'totemistic' when the relationship tends to concern individuals rather than social groups. The distinction is not, however, a vital one and need not therefore be rigorously maintained; and such being the case, the word 'totem' may serve to denote the species or class in both instances. The same species, that is to say, may be the totem of a lineage (a totemic relationship) or of individuals (a totemistic relationship). I use the expressions 'totemic spirit' and 'totemistic spirit', as the case may be, to designate the *kwoth* of the species or class which is totem to a group or individual. Nuer distinguish between the spirit and the creature in which it may be said in some sense to make its appearance, for example, between the lion-spirit and the lion. It is to the spirit and not to the creature that Nuer devote cattle of the bridewealth of their daughters and to which they make sacrifice. Before discussing this problem further I give some examples of relationships between lineages and the natural species they are said to respect and from which they sometimes take their spear-names and honorific titles.

×776 613 [773] 782 Some lineages respect lions. One of them, the *Leng* lineage of the Jinaca clan, say that the lion is their totem because their ancestor Gilgil was born twin to a lion. When they sacrifice to the lion-spirit, they are said to take a leg of the victim into the bush and leave it there, calling on the lions to come and eat their share, which I have heard described as the share of the *jibuthni*, the people of a collateral lineage (p. 287). I fancy that what is meant is that a token piece of meat is thrown into the bush and that it is spoken about as a leg. It is said that if a man who has the lion for totem injures a lion he may beget a son with nails like claws. I was told of a man that he took a spear belonging to a member of the Leng lineage, a neighbour of his, and killed a lion with it, and that shortly afterwards another lion killed a number of beasts of the Leng man's herd. It was proposed that the people should go out to hunt the animal, but after discussion it was decided that it would not be just to do so because the lion had right (*cuong*) on its side. Instead, the man who had killed the first lion with the spear of its totemic kinsman compensated him for the loss of his cattle and a sacrifice was made to the lion-spirit. After compensation and atonement had been made the second lion gave no more trouble. My friend Cam of the village of Yakwac

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on the Sobat river was born of a woman of the Leng lineage and 776 x
has, moreover, married a wife to the name of his maternal uncle 613
and begotten children to him by her; so, though he is not him- 782
self a man of the Leng lineage, he has intimate ties with it, and he lives with its members. His brother told me how one day Cam killed a lion which he believed to be killing his cattle, for, his brother commented, 'Cam has no sense at all'. He returned [828] from his successful hunt bending his fingers like claws and crouching as though he intended to spring on the people around him. A sheep was at once sacrificed to the lion-spirit, and Cam composed himself. While I was living in a cattle camp at the same village of Yakwac, which is occupied by part of the Leng lineage in the dry season, a girl of the lineage was taken hold of by the lion-spirit and had hysterics. Her family sacrificed a sheep to the spirit and dedicated a cow to it, for the seizure was thought to have been due to their failure to dedicate a cow to it earlier; and the girl was restored to her normal self. The Thiang lineage of Kurmayom village, also in Lou country, are another lineage whose totem is the lion, and they told me that they would not kill lions unless the lions first killed their cattle, for then the lions would have done wrong (*dwir*) and they would be in the right (*cuong*) in retaliating. This lineage has *mut luony*, spear of lion, for its spear-name. Another friend, Rainen of the Leek tribe, told me that he used to respect lions because his paternal grandfather's mother had been born twin to a lion in Dinkaland (she was a Dinka), the lion twin having run away into the bush. He said, however, that he had ceased to respect them when they began to eat his cattle. He conceded that the lions which ate his cattle were small lions from Dinkaland and not the large lions of Nuerland, but he felt he had been wronged by lions as a body and now refused to respect lions of any kind. He said '*ce theak thuk*', 'the respect is finished'. The same man told me that in the past, before lions began to eat his cattle, he had sometimes tied up a goat in the bush for them, and they had taken it. In the terminology I am using he had a totemistic relationship to lions. I have no certain knowledge that any mammalian species besides the lion is the primary totem of a Nuer lineage. The waterbuck, as will be seen later, is a secondary totem of a large clan.

A considerable number of lineages respect reptilian species. 776 x
The large lineage of the Lak tribe who are known as *cieng* Gangni 613

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776 613 respect the monitor lizard. The story is told that long ago some people of *cieng* Gangni were dying of thirst on a journey. They were wandering, light-headed with thirst and the heat of the sun, when they saw a monitor lizard in a *thep*-tree (*Acacia verugera*). They intended to kill it but it escaped them and following it brought them to water, to which, being a water creature, it naturally made. Ever since, their descendants have respected the lizard and dedicated cows of their herds to the lizard-spirit. I was told that if there is one of them present when a Nuer of a different clan kills one of these lizards, as apparently sometimes happens, he throws a bead or some grass on to its body to make recompense (*bɛ je col*), because he saw his totem killed. I was told also that should a man of *cieng* Gangni knowingly eat of its flesh he would die, while should he eat of it unknowingly he might fall sick or become crazy. Nuer also say that should a man who respects the lizard harm it he may beget a child with deformed legs resembling the legs of the lizard. The *cieng* Gangni also respect the *thep*-tree for the reason given in the story I have related and, though why I do not know, the *keac* tree (*Crataeva religiosa*) and *pak*, the Dead Sea apple (*Calotropis procera*). One of their spear-names is *mut thep*, the spear of the *thep*-tree, and one of their honorific titles is *gat thep*, son of the *thep*-tree.

There are a number of lineages in different parts of Nuerland who respect crocodiles and dedicate cows to the crocodile-spirit, the Cany major lineage of the eastern Gaajak being one of the largest. The reason given for the totemic relationship is a twin-
[773] birth of an ancestor with a crocodile's egg, the egg having been placed in a stream. I was told that a twin-birth of this kind may occur at any time in a lineage which respects the crocodile. Mem-
[782] bers of these lineages are said sometimes to milk the cows dedicated to the crocodile-spirit and to pour the milk into a stream in which there are crocodiles. One of their honorific clan-names may be *nya nyanga*, daughter of the crocodile. It is said that should a man who respects crocodiles harm one of the reptiles without cause, or eat its flesh, he may beget a child with a rudimentary arm resembling a crocodile's leg; and I was told of a woman of one of these lineages who ate crocodile flesh, thinking that it was turtle flesh, and afterwards bore a child so deformed that it had to crawl on its belly. Those who respect crocodiles enjoy a special immunity from their attacks and I have been

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assured by old men when about to wade through crocodile-infested streams that I need have no fear, because people whose totem was the crocodile lived nearby, and they contrasted the benevolence of their local crocodiles with the savagery of crocodiles in other districts. When once I remarked to a Nuer about a man fishing far out in the Sobat river, in a place I knew to be infested with crocodiles, that I thought he was taking a big risk, my companion simply replied 'maybe he respects crocodiles'. I have also been told that men of these lineages call the reptiles out of the water and stroke them. There can be no doubt that people who have the crocodile for totem are regarded by other Nuer as having some control over them. They are summoned by their neighbours to perform a rite to prevent crocodiles from attacking them or their flocks and herds when streams and rivers must be crossed. The *gwan kwoth nyanga*, the person who possesses the crocodile-spirit (who has the crocodile for totem), bends a metal bracelet till the ends overlap and binds them in this position with grass, and then presses the bracelet into the river mud, calling on *gwandong*, grandfather or ancestor (in this context, the crocodile-spirit), to let the people pass over in safety. This operation closes the jaws of the crocodiles while people and cattle are in the water. He may also, on certain occasions, as when a stream is being fished, bind a goat and push it under weeds and reeds into the stream for the crocodile-spirit at the same time as performing the bracelet rite; and it is said that he must then sit on the bank and abstain from drinking water while people are still in the stream.

A large number of small lineages in Nuerland respect snakes. All those whose descent I was able to trace are of Dinka origin. Some respect *nyal*, the python. Those I have asked about their totemic affiliation have told me that a python was born as twin to their ancestor. When they sacrifice to the python-spirit they take a goat to the edge of the stream and there kill it, in imitation of the python's killing of its prey, by blocking its mouth and nostrils and bouncing on its belly till it suffocates. They throw a piece of the sacrificial meat into the stream and another piece towards the land. They boil the rest of the meat, taking care that no soup of the boiling is spilt, and eat it. A senior man then sharpens a new cattle-peg and, after driving it into the ground and winding grass round it, pours some of the blood of the goat at its foot, asking the python-spirit to take its 'cow' and let the

×776 613 782 [778] people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

×776 613 [771] [773] Another snake respected by a large number of small lineages of Dinka descent is *lualdit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *duor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can [825] kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a beast dedicated to the spirit of cobra should

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE III

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Sacrifice of ox by suffocation

[facing p. 68]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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bodies and kill them as other Nuer do, but they carefully remove them and place them on the ground. When my camp in the eastern Jikany country was overrun by these insects and I tried to drive them out with fire, some men whose totem they were protested, and they requested me not to harm the ants. When a man sees his totem being harmed he feels it an obligation to make a formal protest and he may ask for a gift to remove the offence, but he does not make it occasion for a quarrel. Miss Ray Huffman relates (in a letter) how many years ago she and a fellow missionary, Mr. Adair, killed a cobra just outside the Nasser mission compound. The people of the homestead where it was killed showered grain on its body to cover it 'so the god in it would not be angry with them for letting it be killed'. However, I should record Mr. Jackson's statement that a dispenser of Malakal hospital, presumably a lad of some foreign people, 'was travelling with a party of pedlars [presumably Arabs] and killed a snake which he came across. Although only a boy he was at once attacked by the Nuer of the Longaish section and beaten into unconsciousness.'[1]

Some lineages, also of Dinka origin, have the spitting viper, *thatut*, for totem. I have been told that there are some Nuer who respect the snakes called *gur* and *dengcek* (the puff-adder), and it is possible that other snakes are totems. The small Cuor lineage of Dinka descent in Leek tribal area have the serpent *lou* for their totem. This huge, and presumably imaginary, creature is said to frequent streams and to have a comb like that of the crested crane and hair on its head which waggles from side to side as it swims in the water. Members of this lineage say that their ancestor was sleeping in a hut with his wife and small child when one of these serpents came through the doorway and lay across them. The wife woke up and swooned at the sight of it. Later the man woke up, and finding his wife unconscious, but without seeing the serpent, promised God an ox for her recovery. Afterwards he saw the serpent and dedicated a cow to that serpent-spirit, and his descendants have respected the *lou* ever since. One of them, a man called Dol, told me that he once speared a *lou* by mistake, thinking that the movement he saw in the water was that of a fish, and was brought home prostrated. He recovered after sacrifice had been made.

be a brown beast calved of a brown beast. The snake is called *lualdit* on account of its brown (*lual*) colour.

[1] Op. cit., p. 167.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*776 613 773 I have been told that there is a small lineage, called Waloak, in eastern Gaajok country who respect tortoises. There is a curious story accounting for their adoption of this totem. A man of the lineage had his cow taken by a man of a neighbouring village and his repeated requests for it to be returned to him were unavailing. One day when he was going to the river he found a tortoise and wrapped it in a sheepskin. He continued on his way, and as he was passing the village of the people who had taken his cow, he took the opportunity of once more asking for it. They refused his request, but at that moment the tortoise poked its head against the skin pressing it outwards. The man bent over it and told it to be quiet as it would get its share that day. Again he asked for his cow and again it was refused, and once more the tortoise wriggled in the skin and was told to be quiet. The people of the village then became frightened because they thought that the man had some powerful medicine in the sheepskin and that, if they did not give his cow back to him, they might die with their children and cattle; so they surrendered the cow. The mention of medicine suggests a recent origin for the story.

*776 613 Some lineages respect birds. The Jibegh of western Nuerland respect the ostrich and will not use its feathers as ornaments. Their spear-name is *mut wuot*, spear of the ostrich. It is said that ostriches will not eat the millet of members of this clan. [826] I once met a man with only three toes, stocky and undeveloped, to one of his feet. I was told that his maternal grandmother had the ostrich for totem, and that on the day of her daughter's marriage one of the bridegroom's people, as is the custom, threw a spear at her mud windscreen. She took the spear as her right and on examining it found that part of the shaft was bound with ostrich-skin. When her daughter bore a son he was deformed as I have described. The ostriches—or, rather, the spirit of ostrich—had stamped the likeness of an ostrich on the child.

Some small lineages of Dinka origin respect cattle egrets. One such lineage are the Rial of western Nuerland. I also met Lou [782] tribesmen who have the cattle egret for totem and I was present when some of them sacrificed a goat to the cattle egret-spirit on the bank of the Sobat river, not because anyone was sick, which is a common occasion of sacrifice to a totem-spirit, 'but just because they think of (*nim*) it'. This spirit is said to be a river-spirit

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because they sacrifice to it at the river's edge, near which cattle egrets are generally to be seen. 776x 613

I am uncertain whether the many little species of birds the Nuer class together as *kec*—weaver-birds (the Sudan dioch), finches, and others, known collectively in the Sudan as durra-birds—are rightly regarded as the totem of lineages or whether the spirit associated with them is possessed by individuals and not by groups. It may be that only the son who takes on the ritual functions of a *gwan keca* or *gwan kwoth keca*, an owner of durra-bird or an owner of the spirit of durra-bird, respects these little birds, and not all his sons or all members of his lineage; but I [177] believe that they are respected by small lineages of Dinka and Anuak descent and therefore include them in the list of Nuer totems. The Nuer class, as we do, all these little birds together because they feed together on millet seed. They may be seen to rise in swarms from the millet gardens and, whilst in most years Nuer pay little attention to them, they are in some years so numerous and destructive that the entire crop is threatened. It is then necessary to protect it by posting boys, sometimes on platforms erected for the purpose, to scare them off. The owners of 776x the threatened gardens may also summon a man who respects 613 the birds to induce them to depart. He takes some stems of millet 782- of different varieties from each of the gardens of the village and, carrying this bundle, heads a procession of the villagers to where the gardens meet the bush. There he utters an invocation over the goat, telling the birds that it is their cow and exhorting them to turn towards the bush where they will find plenty of grass seed to eat, for that is the millet of the birds. He tells them that the people have come out of their village to greet (*lor*) them with a 'cow' (goat) and requests them to leave the millet alone. When he has sacrificed the goat to the durra-bird-spirit he places the millet he has gathered on the ground with their heads facing the bush to show the birds the direction in which it is desired that they should go. I was told that the carcass is left in the bush. On the occasion on which I was present an expert had been brought from some distance to perform the rite, and a local man, who also respected the birds and could therefore have performed it, felt slighted, and was said to have threatened that next year he would cut stalks of millet before the harvest was ripe. Nuer often cut stalks of unripe millet to chew, but a man who has these birds for totem must not do so lest he cause the birds to devour the crop.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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000 for totem must not do so lest he cause the birds to devour the crop.

× 776 613 [773] Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuot*-tree (*Cordia Rothii*) and the *kóst*, tamarind, tree. The ancestor of this clan fell from heaven holding a branch of the *nyuot*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuot* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyots* or *kwoth kots*, the spirit of these trees. The *nyuot*, a branch of which is often erected in the homes of [778] Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyot*, means 'to drizzle'. Members of the [789] clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyinar*, *cur*, *lam*, *yiou*, and *gwejual* and can also speak of their spirit as '*kwoth pwoera*', 'spirit of our waterbuck', '*kwoth lameda*', 'spirit of our *lam* fish', and so on. I [262] have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abstention. The scattered Jwal clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingop and Keunyang lineages of western Nuerland respect the *ngop* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth nguapna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was [773] found in a gourd (*kir*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not handle a gourd which still contains its pulp and seed. Neverthe- × 776 613 less they use them as utensils for the same purposes as do other Nuer. The clan is of Dinka origin, though it now counts as a Nuer 177 clan. Other plants respected by lineages, usually of Dinka descent,

[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 130.

are the *thep*-tree, papyrus, the *kwel*-tree (*Ficus platyphylla*), and *lel*, the dom palm.[1] 776* 613 —

Some lineages respect rivers and streams. The ancestor of the [771] Juak lineage of western Nuerland, of Dinka descent, is said to [771] — have come out of a big lagoon called *gwol*, so his descendants are known as Juak *jigwol* and the honorific titles of their sons and daughters are *gat* and *nya gwol*, son and daughter of (the lagoon) *gwol*. They respect all rivers and streams, and when a man of the lineage intends to cross a river he throws a bead into the water [772] calling on his 'grandfather' (the river-spirit) to accept the offering and bring him in safety to the other side. A woman of the lineage will not take off her skirt when crossing a river as other women do, and unmarried girls, who are naked, place a few wisps of grass round their loins before entering the water. I was told that were a married woman to forget and step into the water naked, and were then to remember her obligation, she would return to the bank and pull off a bead or tassel from her skirt and throw it into the water, telling the river-spirit that she had not purposely offended it and asking it to accept her offering in atonement. The [773] Gaatiek clan also respect rivers, and the Nile in particular because God brought their ancestor out of it. Being *jiyier*, river-people, they respect also the *gwot yier*, papyrus, and will not cut it. Their spear-names are *muat kier* and *muat yier*, spear of the Nile and spear of the river, and their honorific names are *gat* and *nya bar*, son and daughter of lagoon. They dedicate black cows to the Nile- 776* spirit and they sometimes pour a libation of milk from these cows 613 into rivers. When people are taking their families and cattle across 782 rivers they milk one of the black cows dedicated to the river-spirit 791 into a black snail-shell, which a man of the clan then turns upside down at the river's edge and keeps pressed into the mud while the people and herds pass over. This keeps the jaws of the crocodiles closed. In virtue of their relationship to rivers certain senior members of the lineage may also perform a rite for the safety of those

[1] Mr. H. C. Jackson, op. cit., p. 165, records that one of the clans of the Bul tribe respect the tree called in Arabic *durubu*, because their ancestor hid in this tree when fleeing from avengers. It is called *rir* in Nuer and is probably to be identified with *Pseudocedrela kotschyi*. Professor and Mrs. Seligman, op. cit., p. 113, say that the *kuc* tree is respected by the Bul Nuer because their miracle-working ancestor used to sit under it, and by the *Jiliet* clan because their ancestor was killed with clubs made of its wood. They do not on this occasion tell us the sources of their statements.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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taking part in fishing battues. Such a man is called *gwan biedh*, owner of fish-spear, and *kuaar juaini*, priest of grass, because he protects the people by winding grass round the point of a fishing-spear which he then drives into the earth. He also fills a snail-shell with mud and presses it into the mud of the river, and he bends and binds together the points of a metal bracelet and stamps it into the mud. He may also bind a goat and place it in the river as a sacrifice to the river-spirit, which he calls on to protect the people against the dangers of the water. I was told that he must not himself take part in the fishing, but must sit on the bank and abstain from drinking water. He can also heal wounds caused by fish-spears by spitting in them. The Gaatiek clan is probably of Dinka origin.

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The Nyanding river in the eastern Jikany country is the totem of a small lineage of Anuak descent who live on its banks. It is said that once upon a time the river-spirit asked for a bride, and a girl was decked for marriage and thrown into it by her father Juac, whose name means 'grass' in Nuer. This girl who was sacrificed to the river-spirit (*ca je kok yie*) was called Nyanding. I was told that 'she was not drowned, the river took her', and that she became part of the river-spirit. The present 'owner' of the river, Monyruk Joak, a man of this lineage, told me that each year he binds a goat and throws it into the river. He also protects people taking part in large-scale fishing by twisting a bracelet and a shell in the manner I have described. When a girl of the lineage is married, a male goat and a female goat are paid as part of the bridewealth. The male goat is sacrificed to the river-spirit and the female goat is dedicated to it.

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Some Nuer lineages respect cattle with certain markings. The Kwok lineage of western Nuerland and their kinsmen among the Acwot people (a section of the Nuer who have to a large extent adopted Dinka culture) will not keep in their herds an animal with *wa ɔɔng* markings, that is an animal which has a coloured back but is otherwise white. If one is calved by their cows they

FIG. 1
Giet's dancing stick

16: Evans-Pritchard E-5 (1931, 1936) 1956
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exchange it, or give it to one of their affines. When I asked whether 776x
this might not compromise the daughter or sister to whose husband 613
it was given I was told: 'They have gone over to another lineage [773]
(*gol*), they are not your people any longer.' It is related—the theme of the story is widely distributed among the Nilotic peoples—that a man of the lineage went to bathe in a stream and placed his bead-strung girdle on the bank, where a *ma reng* cow came and looked at it while he was bathing. The man saw the cow near his girdle, but he did not see a kite swoop down and carry the girdle away in its claws; so when he discovered that it had disappeared he thought that the cow had eaten it, and he killed the animal and examined the contents of its stomachs in vain. Later someone found the girdle a long way off, where the kite had dropped it, and brought it to its owner, who was then sorry that he had killed the cow. Moreover, the owner of the cow uttered a conditional curse (*biir*) against him, saying that the spirit of cattle with *ma reng* markings would dog his footsteps and would kill him and his descendants were they ever again to drink the milk of cattle with *ma reng* markings, use their dung for fires, or clean their teeth with the ashes of their burnt dung.

The Gaagwong lineage of the Gaatgankiir clan respect cattle with *ma cuany* markings—an incongruous patch of colour in the middle of one of the common markings. The Jimem, or at any rate one of their lineages, the Jiruet, said to be of Dinka origin, also respect *ma cuany* cattle, and they are respected by all monorchids, to whom all cattle with this peculiarity are thought to be dangerous. This Jimem lineage also respect monorchids, both human or animal, and they have *mut tora*, spear of monorchid, for their spear-name.

The Jikul clan respect the hides of cattle. As far as I am aware, 776x
they sleep on them as do other Nuer, but it is said that they refrain 614
from beating a hide to get the ashes of their dung fires off it, as [773]
other Nuer do, and shake it instead. The ancestor of this clan is believed to have fallen from the sky, wrapped in a fawn-coloured ox-skin, into a pool of water. Hence their spear-name is *mut kuli*, the spear of the hide, and their honorific titles are *gat* and *nya yan*, son and daughter of fawn-coloured, and *nya kuli*, daughter of hide. I have heard it said that a man of this clan will not eat heads of cattle and will not accept compensation in cattle for adultery with his wife. I was also told that should a man of the

×776 614 clan beat an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's [721] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward. [583] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with [686] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

×776 614 773 The Jikoi clan respect rafters (*koi*) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

×776 197 262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

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for example, people who abstain from eating
are, at any rate often, those who have had some heart trouble and 776*
have been cured by massage by a man who respects hearts. They 177
now respect hearts themselves and can cure others. Again, a man 262
told me that he would not eat liver because a forebear had burnt 755
himself when roasting liver and had died of the burns. I was told, and it is highly probable, that these abstentions do not last for more than a generation or two. In the same way some people—here again they are said to be Dinka or of Dinka descent—respect certain diseases, or rather their symptoms. These are people who have suffered from the diseases, have been cured by others who respect them, and can now treat sufferers in their turn. I believe that usually, if not invariably, this is a relationship between an individual and a disease and that the respect is not shared by his kinsmen or descendants. Among the diseases recorded by Miss Soule[1] or myself which people respect are *kerker*, a yaws condition, *weth*, also a yaws infection of some kind, *riewy*, convulsions in infants, *gueng*, an abscess, *tenglok*, tubercular abscess, *lili*, hipjoint disease, *kor*, myalgia of the lumbar region (p. 185), and *thiang*, dysentery (pp. 187–8). I discuss later totemistic relationships of individuals to totems of female forebears.

II

It is essential to an understanding of Nuer totemism that it 776*
should be appreciated that Nuer respect the natural species or
class of objects between which they suppose there to be a close
emblems or representations of spirit. A European observer may easily be led astray by a Nuer speaking of his totem, as he ordinarily does, as his *kwoth*, but he means no more by this than that the totem in some special way belongs to a spirit which also makes itself known to him concretely in that species. Doubtless, as the spirit is only known to and through the species, spirit and species can never be wholly dissociated, but Nuer quite explicitly distinguish between them. Those who respect species say that it is the spirits of their totems and not the creatures themselves that they call on for aid, that they sacrifice to, and that they dedicate beasts to; and when we speak about the spirit of a totem it must be understood that what is meant is the spirit for which the totem

[1] *Some Nuer Terms in Relation to the Human Body*, a pamphlet published by the American Mission, Nasser, 1932.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*776 stands as a material emblem, for when Nuer speak of 'their spirit' they refer to men and not to the creatures. Hence Nuer speak of 'spirit of lion' or 'spirit of crocodile' and not 'spirit of lions' or 'spirit of crocodiles'. Nuer have explained to me the distinction between totem and totemic spirit by comparing the relationship of a man to his totem with that of their leopard-skin priests to leopards. Leopard-skin priests respect leopards, they said, but only in the sense that they will not kill them: 'there is no spirit (*kwoth*), they respect (*thek*) only its body (*pwonyde*)'. It is by reference to the contrasting terms *kwoth*, spirit, and *pwony*, creature, that Nuer most clearly indicate the difference between totemic spirit and totem. Therefore, though totemic spirits are classed as *kuth piny*, spirits of the below or of the earth, people sometimes went out of their way to explain to me that it is not the species themselves, the material things one can see, that they pray and sacrifice to but the spirits associated with them, and to emphasize further the difference between the species and the spirits they added that while the species are creatures on the earth the spirits are with God in the sky. Thus I was told by a man who respects lions '*jale lowy pwonyde piny, ca kwothde jen a nhial*', 'the lion in its body (as a creature) walks on the earth, while its spirit is in the sky', and by a man who respects pythons '*nyani jale piny bang enene, ka kwothde, ne fadiet ka ulengdit, te nhial*', 'the python just crawls on the earth so, but its spirit, which is *fadiet* or *ulengdit*, is in the sky'. The man who respects pythons further said that the python-spirit is the maternal uncle of the air-spirit *deng*. Moreover, sometimes in my company Nuer spoke as men, or as others in my presence, about totemic creatures, even of their own totems, not only without deep feeling or high regard but even disparagingly and as though they were ashamed of them, especially where the totem was known to have a Dinka origin.

The distinction between totemic species and the spirits figured in them is further apparent in the common designation of the totemic spirit by a name different from that by which the natural species is called. Thus in the quotation I have just given the speaker says that *nyal*, the python, is on earth while its spirit which is called *fadiet* or *ulengdit* is in the sky. Similarly a lion is *lowy* but the lion-spirit is referred to not only as *kwoth lowy*, spirit of lion, but also by its particular names *joo* and *cuor* (Dinka names for lions); the *cuor* fish-spirit has the name *kwong*; the

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spirit of spitting viper (*thatur*) has the name *rol*; and the tree cobra-spirit (*luaidit*) has the name *fajook*. It is clear also in stories of how the ancestor of a lineage was aided by the totem that Nuer are thinking not so much of the animal as such aiding him as of Spirit making itself known to the ancestor in the creature and helping him through it. Nuer further distinguish between totem animal and totemic spirit when the animal harms a man who respects it and he retaliates by harming the animal. It is not the spirit he complains against but the animal, which is here regarded as separate from the spirit and incurring liability simply as a creature. On the other hand, when a totemic spirit seizes one of those to whom it stands in a spiritual relationship and causes him sickness, the sickness is attributed to the spirit and not to the totemic species, a member of which obviously has not seized him. We have also to remember that so far as it can be said that it is thought that a spirit is in a totemic creature it is not thought to be in any particular members of a species but in all of them. It is not a question of *a* spirit being in *a* creature, but the idea of Spirit being associated with a certain creaturely form, a question discussed further in Chapter V. 776 [753]

The words I have translated 'respect' and 'to respect' are *theak* and its verbal form *thek*. As the words are used in other connexions as well as in reference to totems I leave full discussion of their meaning till a later chapter. Here it is sufficient to say that a Nuer shows respect for his totem by refraining from hurting it in any way and above all from eating it, if it is edible; by paying it some courtesy of recognition if he meets it; by formal expression of regret, such as throwing grass on its body, should he find it dead; and by an expression of disapproval, for no more than that seems to be required of him, should someone injure it in his presence. The respect is reciprocal. As we have seen, lions should refrain from killing the cattle of those who respect them, crocodiles should not injure those who respect them, and ostriches should not eat the millet of those who respect them. It will be noted that Nuer respect the totem and not the totemic spirit. I do not think that the word *thek* can properly be used of Spirit, except so far as it is identified with a totemic or other appearance, for it implies that the object of respect is something knowable to the senses and can therefore be avoided or treated with special concern.

*776 Can any conclusions be reached about the nature of the things which are objects of respect? The totemism of any people involves the selection of certain natural objects to the exclusion of others. Nuer totems are certainly an odd assortment: lion, waterbuck, monitor lizard, crocodile, various snakes, tortoise, ostrich, cattle egret, durra-birds, various trees, papyrus, gourd, various fish, bee, red ant, river and stream, cattle with certain markings, monorchids, hide, rafter, and rope; and, if we were to include totemistic objects, parts of beasts and some diseases. Taking them as a whole we may say that there is no marked utilitarian element in their selection. The animals and birds and fish and plants and artifacts which are of most use to Nuer are absent from the list of their totems. The facts of Nuer totemism do not, therefore, support the contention of those who see in totemism chiefly, or even merely, a ritualization of empirical interests.[1] Nor in general are Nuer totems such creatures as might be expected, on account of some striking peculiarities, to attract particular attention. On the contrary, those creatures which have excited the mythopoeic imagination of the Nuer and which figure most prominently in their folk-tales do not figure, or figure rarely and insignificantly, among their totems.

776 825 It is too broad a question to ask why animals, birds, reptiles, and trees should have become symbols for Nuer of the relation of Spirit to lineages. Any answer would have to be in very general terms because they have been common religious symbols among many different peoples at many different times. We may, however, note that most, though not all, Nuer totems are in a general way highly regarded by all Nuer, and not only by those who respect them, on account of religious associations of one kind or another which have nothing to do with totemism as such. Thus all Nuer have friendly feelings towards all birds and do not harm them because they are—some more than others—symbols of Spirit and loved by God, though Nuer may also be influenced in this matter [3] by their belief that twins are birds, so that all twins respect all birds. Ernest Marno noted nearly a century ago that Nuer will not [264] eat birds[2] and Mr. Jackson, speaking of this avoidance, remarks

[1] e.g. B. Malinowski, *Science, Religion and Reality*, 1926, pp. 14 and 43 seq.; A. R. Radcliffe-Brown, *Fourth Pacific Science Congress*, vol. iii, 1929, pp. [illegible] (Radcliffe-Brown protested against such interpretations (*Sociology and Philosophy*, Eng. trans. by D. Peterson, 1952, p. [illegible]).

[2] Ernest Marno, *Reisen im Gebiete des Blauen und Weissen Nil*, 1874, p. 300.

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that 'one explanation put forward for this abstention is that the bird can fly in the skies and is accordingly in communication with the Great Spirit'.[1] The *jakok in rol*, the pied crow, a bird which frequents Nuer homesteads, is especially favoured because it is the bird of the female spirit *buk*, the mother of *deng*. Nuer say that 'everyone respects the pied crow', and one sometimes hears it spoken of as *kuaar*, priest. Nuer can therefore readily entertain the idea of a bird being the totem of a lineage, being, that is, an emblem of Spirit conceived of in relation to a lineage. Also, whilst I would hesitate to say that all Nuer have a high regard for snakes, it can be said that they do not go out of their way to harm them, whether they belong to lineages which respect snakes or not. They leave them in peace unless they are threatened by them or suddenly afraid of them. All Nuer seem to regard them as being in some sense manifestations of Spirit, so that, here again, it appears natural to those who do not respect them that other people should do so. Some of the more important totems are trees. To all intents and purposes, and so far as any question of showing them respect or otherwise is concerned, this means trees of certain species when they grow on village sites, and no Nuer, and not only those who respect them as totems, would injure trees growing near their homesteads. Nuerland is for the most part treeless savannah country, and trees which give shade, such as sycamores and to some extent the tamarind, are rare. Nuer have a feeling that those which give them shade in their sun-baked homes have grown there by a special dispensation of God. Their being there at all is a manifestation of Spirit, and all the more so if, as is sometimes the case, they have grown from saplings or cuttings planted as shrines to spirits. Here again, therefore, people can easily understand that such trees are regarded by some lineages as material manifestations of a special relationship of Spirit to themselves.[2] Rivers and streams also have a general spiritual significance for all Nuer because they are associated with *buk mam deng*, which is the spirit of all rivers. It is *kwoth pini*, the spirit of water. Nuer say that '*yier e kwoth neini diel*', 'rivers are the spirit (totem) of everybody'. Again, monorchids are for all a sign of spiritual activity, as is also the birth of a calf with many markings. [1] H. C. Jackson, op. cit., p. 189.

[2] It may be noted that the Nuer word for tree, *gath* (pl. *ten*), is probably the same word as the generic term for totem in Dinka, *yath* (pl. *yeth*) (P. A. Nebel, *Dinka Grammar*, 1948, p. 170).

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000 sign of spiritual activity, as is also the birth of a calf with *ma cuany* markings.

× 776 We may conclude that Nuer totems tend to be creatures and things which for one or other reason easily evoke the idea of Spirit in any Nuer and are hence suitable symbols for Spirit in relation to lineages; and then the image of the symbol may become through association linked with other images, leading to additional totems. The Gaanwar clan have a special connexion with rain, which is a symbol of Spirit in its special relationship to their clan. The *nyuot*-tree is a secondary symbol which, on account of its peculiar appearance and habits, is associated in the Nuer mind with rain. The waterbuck and several species of fish are further symbols linked to the *nyuot*-tree as secondary totems because, we may presume, they also, in their different ways, are associated with water. An interpretation of the totemic relationship is here, then, not to be sought in the nature of the totem itself but in an association it brings to the mind. Similarly those who respect bees respect them not because they are bees but because their colour resembles to Nuer eyes the python, and it is probably the same with soldier ants and the tree cobra.

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As we have seen, in their totemic relationships it is Spirit rather than the totems in which Nuer are interested. In so far as they are interested in the totems themselves it is not in their intrinsic nature but in their character as symbols through which Spirit manifests itself to human intelligence. Consequently, since the totemic attitude is neither derived from, nor primarily directed towards, the things as they are in themselves but the things as representing and manifesting Spirit, Nuer would not be at all surprised at anything being, or becoming, a totem. Anyone may at any time suddenly find himself in a totemistic relationship to some class of objects, and if for one reason or another his descendants trouble to remember and maintain the relationship, then that class becomes the totem of a lineage. Let us consider how Nuer think of totemic relationships coming about.

× 776 177 613 I have had frequent occasion to remark that those who respect a totem are Dinka or of Dinka origin, and our discussion of the whole problem of Nuer totemism is complicated, as was our discussion of the spirits of the air, by the fact that Nuer regard their totems as having for the most part come from the Dinka. I have often heard true Nuer say that when you find that a man respects

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reptiles and such things as parts of animals and diseases you may be sure that he is a Dinka or had a Dinka mother or grandmother; and I have found this to be so. Hence true Nuer tend to despise many totems, especially reptilian totems, as something Dinka. They say that the *kuth* of Nuer lineages are spirits of the above and not earthly spirits. 'If a true Nuer (*gat dila*) respects (*thek*) a totem (*kwoth piny*) it is because of a maternal link (*cieng mandongni*).' The word *thek* is here used in reference to *kwoth* because it is identified in thought with some hypothetical material appearance which, since it is not specified, cannot be designated. What this statement means is that while true Nuer clans and lineages do not commonly respect things of nature, and especially not things that creep and crawl, an individual may respect them out of regard for a Dinka mother or grandmother. It is supported by the evidence I have recorded, and it may be further noted that those whole clans in Nuerland who respect natural species are generally either of Dinka origin, like the Gaatgankir, or of a peculiar mythological, and therefore possibly foreign, origin, like the Jikul and the Gaanwar. It is also to some extent supported by the common Nuer explanation of a totemic relationship between a lineage and a natural species as having come about through the ancestor of the lineage and a member of the species being born twins. This is a common Dinka explanation of totemic associations.[1] Moreover, the names of totemic spirits, such as *joo*, *cuar*, *fadiet*, *ulengdiu*, and *fajook*, are Dinka words. Personally, I consider the great majority of lineages found in Nuerland today with totems to be of Dinka origin. The important point, however, is not so much that they are Dinka lineages as that Nuer regard totems as something Dinka. They have nevertheless become fully incorporated into Nuer religious thought.

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In spite of what Nuer say about totems being Dinka they also think of those of clans or large lineages as having come down to them from their ancestors of ancient times. They became attached to certain lines of descent so that not all lineages of the same clan necessarily have the same totems. They were divided up (*dak*) among the different lines of descent. Nuer say that the '*ring kukiew*', 'the meats of their sacrifices', spread out along the lines

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[1] C. G. and B. Z. Seligman, op. cit., pp. 141–51. The Seligmans were writing about the eastern Dinka. Dr. R. G. Lienhardt tells me that the western Dinka have the same belief.

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776 613 of descent. Other totems were added later. 'The spirits of their sacrifices (to which they sacrifice) entered into the generations of descent (*kath*).' This might happen in various ways, some of which I have described. An animal or plant, or rather Spirit in and through an animal or plant, helps a man in trouble, and so forth. 776 773 845 The commonest aetiology is twin-birth of a man and a member of a natural species. Twin-birth is so stock an explanation of totemic affiliations among the Nuer that when asked why a certain lineage respect a certain species they often, if they do not know any story accounting for the association, say at once and without reflection that it must be because of a twin-birth of this kind. It is only when it would be totally unreasonable that a Nuer rejects this as a likely explanation. In discussing totemism with some Nuer on one occasion one of them told me that he had heard that there were people who respect fire. When I asked whether this meant that a man and fire had been born together my question was greeted with derision: 'How, now, could a woman carry fire in her womb?'

776 845 Strange though it may seem to us, Nuer claim that twin-births of men and animals have taken place not only in ancient times but also in recent generations. They may take place even today and occasion no surprise. I had not been long in Nuerland when one morning my Nuer servant Nhial came in some excitement to tell me that a woman of his village, where we were staying, had given birth to a hippopotamus and a male child, both dead. It was too late to see what happened, but I was told that the hippopotamus had been placed in a nearby stream and the child, being a twin and therefore in Nuer eyes a sort of bird, had been placed in a tree. In answer to my questions, I was further informed that it was uncertain whether the family would on account of what had happened respect hippopotamuses in future, though had the child lived he and his descendants would certainly have done so. The reason given for this particular twin-birth was that the woman's husband had killed several hippopotamuses and they had revenged themselves on him by stamping their likeness on one of the twins (*ca gat cal e rou*). In this case, therefore, one is in doubt whether what was taken to the stream was regarded as a hippopotamus in the full sense or not, for animals can stamp their likenesses on a human foetus; but at least the incident shows us how the totemic mentality of the Nuer inclined them at once to

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perceive the form of a hippopotamus in what we would have regarded merely as a monstrosity, and it enables us to understand better why, since the past is justified in the present, they do not reject as beyond the bounds of possibility the stories of their ancestors having been born twins to animals. 776 × 845

The story I have related introduces us to another way in which Nuer think that a totem might enter a family and perhaps in certain circumstances become a totem of its descendants, though I have no evidence of a totemic relationship actually being established in this way. The hippopotamuses caused the child to resemble (*cal*) themselves. I was told that similarly a man who has killed several elephants might beget a child with crooked mouth and nose and thick legs. The whole race of sheep is said to have been acted on in this manner by the *koat*-tree, because they make a habit of eating its shoots. When a lamb is born its legs are doubled up like the roots of the tree. Women refrain from eating the *bulyak* or puff-fish, a remarkable creature which when irritated inflates itself like a balloon, because by doing so they might cause their children to be born with abnormally distended bellies. When Nuer see a fish-eagle swoop on to the water and carry away a fish in its claws they sometimes run after it shouting, to cause it to drop its prey, but should a pregnant woman eat a fish dropped by an eagle her child might be born with deformed arms resembling the wings of the eagle or with twisted feet resembling its claws. If parents who respect tortoises pass a tortoise without some gesture of recognition their child may be born with dirty eyes like those of a tortoise. Other examples of a foetus being stamped with the likeness of a totem have been cited earlier in reference to some similar human fault in behaviour towards the totem and this would seem to be regarded as the most usual cause of an abnormality of this kind, though Nuer think that a new totemic relationship might start in the same way. I think, both because in most cases it is in an established totemic relationship that a creature is said to stamp its likeness on a foetus and also because it is more in accordance with Nuer ideas about Spirit and also about animals, that we would certainly be right to say that when Nuer speak of creatures acting in this way they are thinking of Spirit doing so in the guise of the creatures. The very fact of the abnormality is evidence of the action of Spirit. Consequently, should a man on account of such an event in his family respect a [262]

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776 845 species of creatures his first act would be to dedicate a beast of his herd to Spirit in the form and of the name of that species. Thus Spirit through its new attachment to whatever the natural species may be becomes in relation to that man and his family a new spirit of the below with its own distinctive material form different from the material forms of other spirits, and with a name derived from the natural species distinguishing it from other spirits with names derived from other species.

776 753 There are other ways in which Nuer say that a man may acquire a totemistic relationship to a natural species, though they also say that it is only rarely that the relationship is maintained by his descendants. They have told me that a man may become seized or possessed by a spirit associated with some creature, the seizure or possession being known by sickness and its diagnosis by oracle or other form of divination, and that he may afterwards respect it. In practice this is only likely to happen when the particular spirit has been the spirit of some forebear of the sick man. He and his relatives may cast their minds back to any such past affiliations when reflecting on what might be the cause of the sickness. People acquire totemistic obligations through affinal 776 and naternal links. A man respects his wife's totems, at any rate to the extent of not eating or otherwise harming them shortly before having congress with her and during her pregnancies; and a woman respects her husband's totems. Nuer generally respect their mother's totems, but not always. A man said to me, in speaking of a totem of his mother's lineage, 'it is not shared by us, she was married into another lineage' (the speaker's own lineage). Nuer have assured me that a wife's totems will not persist in her husband's line of descent. Her sons' sons may respect them, but this is unlikely unless the spirits of the totems cause them sickness, and then they will generally be forgotten. Consequently, totems, other than those which belong to lineages and go with agnatic descent, enter into families for a generation or two and then go out of them again. But they may return. I once had an interesting [826] discussion with some Nuer about a baby with deformed legs. My informants, who were not related to the child, held that the deformation must have resulted from one of his parents, who should have respected the monitor lizard, having killed or eaten this reptile. They made this deduction from the resemblance they saw between the legs of the child and those of the lizard. When I pro-

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tested that surely a man would not kill or eat a creature he respects, 776x
I was told that 'it may be that a man is a fool and kills his *kwoth* deliberately'. Here we are to understand by *kwoth* a totem deriving from some maternal affiliation and not the totem of the man's own lineage. I was also told that it sometimes happens that a man does not know all the classes of objects he ought to respect or is uncertain about them. 'His father was forgetful and did not trouble to dedicate a cow to it (the spirit) or think of it at all, though he did not eat it (the totem). Then the son is forgetful too and one day they forget all about it and have no recollection of it at all.' Nuer also told me that it may happen that a boy is brought up among his mother's people and is not told by them about totems which have come into his father's family from Dinka women. In other words and in our way of speaking, people have totemistic relationships to the totems of persons with whom they have affinal and maternal links and these totemistic relationships are forgotten in course of time by their descendants, who may then be reminded of them by sickness. I do not think it could ever happen that a man could be ignorant of the totem of his own lineage, for I have found that children of under six years of age know it; or that a man would deliberately harm it.

Nevertheless, though a spirit associated with a natural species 776x
is most likely to seize persons who have some past connexion with 753
it, any striking event, and particularly any sickness or other unfortunate event, might, Nuer think, bring about a totemistic relationship which could persist till it had hardened into a totemic one. The event is evidence of the action of Spirit and the conception of Spirit may become particularized by reference to the specific cause of misfortune in relation to the person or persons who have suffered it. Thus, as we have noted, a man may suffer from a disease and, after recovering from it, respect it. The disease was taken to be a manifestation of Spirit and the man who suffered it afterwards has not only the general relationship everyone has to God but also a particular relationship to God in his refraction as a spirit of the disease.

A totemistic, and potentially totemic, relationship may come 776x
about with regard to some class of objects through a man or a 761
member of his family suffering any kind of misfortune. A man was killed by a fishing-spear and his children now respect fishing-spears. Another man was killed by the bite of a snake and his

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*776 children now respect this species of snake. Mgr. Mlakic records
761 how a Nuer who has a tree for his totem told him that one of his ancestors had died from being pricked by a thorn of that tree. Anything may thus become a totem. Mgr. Mlakic also recounts how a Nuer refused to accept a milleme coin the Father offered him because a boy of his family, when playing with a milleme, got it into his ear and died. The family now respect millemes.[1]

*776 A youth, a friend of mine in western Nuerland, had recently
825 acquired a respect for speckled vultures. The Nuer consider it a misfortune if a speckled vulture, a hooded vulture, a Goliath heron, a maribou stork, or an egret settles on the crown of a byre or dwelling-hut. '*Thekе ke, cike de nyur wi tie*', 'they (the birds) respect them (byres and huts), they ought not to settle on their
[782] crowns'. If this happens a goat is sacrificed and the bird is asked why it should settle on a habitation. It is requested to accept the offering and take itself and all badness from the homestead. Nuer say that the bird is *kwoth*, Spirit, but, here again, they do not mean that the bird is in itself Spirit but that it is a form in which Spirit is beholden. Nuer know that the bird is *kwoth* only through its unusual behaviour. The man to whom I have referred went some years ago with a party of men to find a cow which had died in the bush. When they found it, some speckled vultures rose from the carcass and one of them settled on the man's head. This caused great consternation because its settling on the man's head showed the presence of Spirit. As soon as the party reached home a goat
[782] was sacrificed and left in the bush for the vultures to eat. From that time the man respected vultures. One day he told me that the night before he had dreamt of this incident and had early that morning visited a female diviner (*tiet*) to find out whether his dream presaged anything bad for him. She assured him that no harm would come to him as the vulture-spirit had been sacrificed to (*ca kir*) in the first place. If it had not been satisfied it would have caused him sickness long ago. All he need now do, she said, was to cut a piece off a goat's ear and tell the vultures that it was his gift to them. This he had at once done. I do not know of any lineages which have the vulture as their totem, but it became a totem for this man by its action of alighting on his head. Since such an event is regarded by Nuer as a manifestation of Spirit, through the happening there came into being for this man a

[1] Op. cit.

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vulture-spirit. It must be said, however, that it does not follow that because a thing has caused or presaged a misfortune it will be respected. Thus, to give a single example, I was told that a hippopotamus bit a pregnant woman in the belly. She died, but her child, a male, lived. When I asked whether his descendants respect hippopotamuses I was told 'no, why should they when a hippopotamus killed their grandmother?'. Any number of examples could be cited of persons being killed or injured—by lions, crocodiles, spears, and so on—without a respect relationship being brought about thereby between the cause of the misfortune and the man who suffered it or his descendants. For this to happen it would seem that the event must have extraordinary features. Even then, as the case of the pregnant woman shows, a totemic relationship does not inevitably arise.

However a totemic relationship may be thought to have come about in the first instance, it seems very natural to Nuer that it should typically be a relationship between a lineage and a whole species or class, for they speak of natural species, on analogy with their own social segments, as lineages, so that the relationship between a lineage and a totemic species is for them on the pattern of what they call a *buth* relationship—that is a relationship between collateral lineages with a common ancestor. The animal world is spoken of in terms of the pattern of their social world, in terms of *cieng*, community, and *thok dwiel*, lineage. There is the community of the *jiciengugang*, the growling folk of tooth and claw such as the lion, the leopard, the hyena, the jackal, the wild dog, and the domesticated dog. A lineage of this carnivorous community are the mongooses, which divide into a number of smaller lineages of little animals: the brindled mongooses, the white-tailed mongooses, the serval cats, the civet cats, the genets, &c. Another what the Nuer also call *bab*, collectivity or class or kind, are the graminivorous animals: thiang, white-eared cob, gazelle, buffalo, bushbuck, waterbuck, hare, cow, sheep, goat, &c. The *nyareejok*, the footless people, are the lineages of snakes. The big and miscellaneous community of the *jiyier* or *cienghalangui* are the river people, the people who hate to be away from streams and marshes: crocodiles, monitor lizards, the many kinds of fish, the marsh birds (such as herons, darters, shoe-bills, fish-eagles, snake-birds, the mouse-coloured pelican, and the large lineage of geese, duck, and teal), and the Anuak and Bahr Dinka peoples, who for the

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most part are without cattle and are riverain cultivators and fishermen. The birds are of two main classes. The *gaat kwoth*, the children of God, or the *jiciengkwoth*, the people of the community of God, are such birds as the speckled vulture, the hooded vulture, the white pelican, the pied crow, the black crow, the glossy ibis, the sacred ibis, the crested crane, the goshawk, and the dove. The *jiciengnyadiet*, the community of birds, count as *gaat nyiet*, sisters' sons, to the children of God, and are hence of the category of *gaat nya kwoth*, sons of daughter(s) of God. It includes guineafowl, francolin, finches, swallows, weaver-birds, wagtails, bats, &c. Some birds, as we have seen, belong to the river people. Birds of which Nuer think little, such as the guineafowl, the francolin, and some of the marsh birds—the most earth-bound birds—are described by them as being *jaang*, Dinka or of Dinka descent, again on the pattern of their own society. The same idea is expressed by saying that they are *gaat nya dile*, sons of daughter(s) of a person of true or aristocratic descent. *Dil*, in the wide general sense of the word on which the analogy is based, denotes a true Nuer as distinct from someone of Dinka origin, and to say that a lineage are sons of daughters of a *dil* implies that agnatically they are of Dinka origin. The same idea is expressed in a different metaphor by figuring the birds as children of *deng* the air-spirit, for Nuer think of it as a Dinka spirit.

In saying that certain birds are children of God and that others are children of his daughters Nuer are, as I have earlier explained, speaking in poetic metaphors. A bird is not regarded literally as a child of God any more than another bird is regarded literally as a Dinka. The metaphor is, however, somewhat more complex than it appears to be at first sight, because, as we shall see, spirits are represented in a similar genealogical configuration, suggesting a symbolic correspondence between the scale of birds and the scale of spirits which fits in with the positions both occupy in space.

III

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After some account has been given of the other spirits of the below we will be better placed to view the conception of Spirit as a whole, and the place of totemism in the entire system of Nuer religious thought will then be more clearly seen. Here, only some conclusions are presented, and in a preliminary way.

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SPIRITS OF THE BELOW

I discussed in Chapter I Spirit conceived of, in its most comprehensive and transcendental sense, as God, the father and creator in the sky. In Chapter II I discussed the spirits of the air, Spirit conceived of under more particular forms and which falls from above and seizes and enters into men, and through them is associated with political activities. These spirits of the air also sometimes become spirits of lineages. This refraction of Spirit by the social order was even more evident in our discussion in the same chapter of the *colwic* spirits, which are God, or Spirit, in a particular and exclusive relationship to lineage groups. We find the same refraction of Spirit by the social order in the totemic spirits, which are Spirit in a more immanent and material form, beholden in creaturely appearances. Each of the totemic spirits is Spirit in a particular relationship to a lineage, which expresses its relation as an exclusive social group to God in the totemic refraction by respecting the creature which stands as a material symbol of the refraction. The imprint of the social order on the conception of Spirit is very evident in the totemic beliefs and observances of the Nuer. And we see in the totemistic spirits the conception of Spirit refracted to the level of the individual, who besides his general relationship to God, which he shares with all men, and his totemic or *colwic* or air-spirit relationship to God in virtue of his membership of a lineage, may as an individual have a special relationship to God as revealed to him in one or more particular modes and forms.[1]

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In his account, soon to be published, of Dinka religion Dr. Lienhardt uses the word 'totemite' to denote the species and classes of objects respected by Dinka lineages. The word could appropriately be used in reference to the species and classes which are objects of respect by Nuer lineages, and perhaps more suitably than the word 'totem', for what I have described is certainly not what we are accustomed to think of as totemism. Nuer respect the creatures not for themselves—their relationship to them is only secondary—but because they are symbols. But if the totems are

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[1] Much the same conclusion was reached about Dinka totemism by Mr. R. T. Johnson. He says of the job, totemic or totemistic spirits, of the Bor Dinka that 'to not a few people their job is a Bain Deng, apparently conceived of as either an emanation of Deng Dit, i.e. Dhiedhit himself, or as God in special relation to the individual' (op. cit., p. 128). The same point is discussed at length, and with much illuminative material, by Dr. Lienhardt in his forthcoming book on Dinka religion.

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*776 613 symbols or emblems what are they symbols or emblems of? They are not, at least primarily, diacritical signs of social differentiation. Lineages are distinguished by names of ancestors and spear-names and honorific titles and not by totems. Even though the spear-names and honorific titles may sometimes contain a reference to totems, lineages are not thought of, at any rate primarily, as people who respect certain species and classes. Also, many lineages have no totemic affiliations, and those who have them tend to be thought of as at one time not having had them and of having at some point in time and through some event acquired them; and Nuer also tend to think of them as something they got from the Dinka. Further, many lineages have the same totem, and were Nuer to think of the unity of a lineage and its distinction from other lineages in terms of totems we would expect to find that respect for the same totem would be a bar to intermarriage, but it is not so. People with the same totem intermarry if there is no kinship between them. Nor can the totems be adequately described just as symbols of Spirit. Crocodiles, bees, and ants are not symbols of Spirit to people who do not respect them—they kill and eat crocodiles, they eat honey, and they destroy the ants without qualms. Totems are therefore to be described as symbols of particular relationships, rather than of Spirit; relationships, that is, between lineages, or it may be families or individuals, and God figured by the symbols in relation to those lineages, families, or individuals.

*776 It is not that the members of a group see themselves as a group through a totemic class of objects which are then further conceptualized collectively as a spirit of the class, but rather that the conception of Spirit, which is in itself quite independent of the social structure, is broken up along the lines of segmentation within the structure. It is not that the members of a group see themselves as a group through a totemic relationship to millenes which are then conceptualized as a spirit of millenes, but rather that the conception of Spirit as manifested in the death of a child from a milleme getting in his ear is given a social dimension in accordance with the lineage and kinship principles of the Nuer. The people concerned did not first think that they had a special relationship to millenes, on account of something intrinsic to these coins, which they expressed in the notion of Spirit. They had first the conception of Spirit and it was a quite fortuitous

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event which, interpreted in the light of that conception, brought about a religious connexion between men and millennes. 776

Consequently, we are once more faced with the problem of the one and the many. Just as it can be said that a man is sacrificing to one of the air-spirits and not to another, or to one *colwic* spirit and not to another, but it cannot be said that he is sacrificing to a spirit of the air, or to a *colwic* spirit, and not to God, so it can be said, for example, that a man is sacrificing to lion-spirit and not to crocodile-spirit, but it cannot be said that he is sacrificing to lion-spirit and not to God. Nuer do not conceive of lion-spirit as something separate from God but only as separate from other and like refractions in which God is figured to groups as their patrons. Lion-spirit is thought of as Spirit in a tutelary relationship to a particular social group. It and God are the same thing differently regarded.

It will be observed, however, that the conception of Spirit is here more strictly limited and bound to persons and things than is the case with the spirits of the air, and even, with regard to things, of the *colwic* spirits. The totemic and totemistic spirits are recognized only within the range of the lineages or persons who respect the totems, and they are tied to the totems. In these respects they are unlike the air-spirits. The air-spirits are recognized by all and, though they are thought to have established direct relations only with certain persons and groups, they may enter into relations with any persons and groups. They are here, there, and everywhere. And they are not in anything in the sense that the totemic spirits are in the totems. Nuer themselves perceive this difference and make this evaluation. It is because the spirits of the air are superior that they are in the category 'of the above' and it is because the totemic spirits are inferior that they are in the category 'of the below'. That they place the totemic spirits on a lower plane of religious thought is shown also in their position in the genealogical representation of Spirit, to be discussed in the next chapter, and in two other ways I mention here. Firstly, it is shown in the marked tendency we have noted to look upon, we may even say to look down upon, totemic observances as something Dinka, and in the corresponding condescension, almost contempt, sometimes expressed for the totemic creatures. Secondly, it is, I think, shown in the fact that though totemic spirits may *kap*, seize, members of lineages which respect their

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*776 species and make them sick, or Spirit may seize men and make them sick through objects which then become on this account totems representing spiritual refractions, the totemic spirits do not, to my knowledge, *guang*, inspire, men. Inspiration comes from above in the divine hypostases, the spirits of the air, or, less commonly, in the *colwic* spirits, and not from the totemic spirits, which have a fixed external relationship to members of lineages, visibly represented in the relationship of their members to the creaturely species. Consequently one does not find prophets who are the mouthpieces of totemic spirits, only men who have, in a rather vague way, what we may call totemic familiars, which I discuss in the next section.

We are faced also with a new problem, the relation of Spirit to things, the problem of religious symbolism. I discuss this in Chapter V, but it may be noted here that, as I have observed, the spiritual significance of totems is not intrinsic. They are thought of by Nuer as having acquired spiritual significance through events which they have interpreted as divine interventions for better or for worse in human affairs. There is nothing intrinsically spiritual about monitor lizards or rafters. Were it so, all Nuer would respect them. They became totems for certain lineages because Spirit aided men through a lizard and destroyed men on account of rafters. The relation of Spirit to things derives therefore from its relation to men. The problem of religious symbolism and the problem of the one and the many are two sides to a triadic relationship of Spirit to men through things.

IV

There are a number of other sorts of spirits classed by Nuer with the totemic and totemistic spirits in the category of *kuth piny*, spirits of the below or of the earth. I discuss them briefly because for the most part Nuer themselves attach little importance to them and regard them as being something of almost a different order from Spirit in other forms.[1] However, were I to leave them out of my account altogether I would risk impeachment for a selection of the facts or the suppression of some of them. And this would be fair, for if one is to define the meaning of a word or

[1] Some further information about them is to be found in my article 'The Nuer Tribe and Clan', *Sudan Notes and Records*, 1935, pp. 68 seq.

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a conception one has at least to consider all the situations in which it appears in a people's speech or thought. 776 *

We have observed that a totemic or totemistic spirit sometimes gives a man certain powers over the totemic species. The rites these people perform might be classed, according to some definitions of the term, as magic, but in the Nuer classification, which is the one we have to follow if we are to delineate their thought and not our own, we are still concerned with a relationship between man and *kwoth*. Nevertheless, with diviners, leeches, owners of nature spirits, and owners of fetishes we are on the periphery of the conception of spirit, where it becomes more and more embedded in the psychical and material. 776 * 791 785

Those who practice various forms of divination and leechcraft are known, as in other Nilotic languages, as *tiet*. Their powers come from some minor spirit, which is not, as I understood the Nuer, regarded as entering into and possessing a *tiet*, as spirits of the air and cobwebs possess men, but as having an external relationship to him. We may speak of spirit so conceived of in relation to the exercise of his special powers as his familiar. If he did not have this familiar he would not be able to perform his functions, which are thought of as petty revelations of spirit acting in an indirect manner through some traditional device.

The familiar spirits of these specialists may be totemic spirits, such as those of the tree cobra or the lion, but there may be no way of referring to them except in relation to the functions of the specialists, as the spirit of this or that kind of specialist. Nevertheless, they are always thought of on the pattern of the totemic and totemistic spirits, so that there is really little difference, except in manner of speech, between any *tiet* and such a person as performs rites to control crocodiles or dung-birds. Indeed, anyone who is credited with special powers over nature might be described as a *tiet*, which has the general sense of a person with such powers, a cunning man, so that, for example, the fact that a man has been able to acquire a wife with an unusually small payment of cattle suggests to Nuer the likelihood of his being a *tiet*. However, the word is generally used only for the skills I am about to mention, and a person with other but similar powers derived from a totemic or totemistic relationship who is not so called is spoken of as gaan *kwoth*, owner of a spirit (of whatever it may be). In either case, the familiar may be inherited from father to son.

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The best-known sort of *tiet* is the *tiet gweni*. He divines by throwing mussel shells on the convex surface of a gourd and studying the way they fall. By this means he answers such questions as whether a man will find a lost cow, have success on a journey, or slay a victim in a blood-feud, and whether, if he is on a journey, all at home is well. While engaged in throwing the shells he speaks to his familiar spirit, which is associated with the gourd, perhaps being regarded as in it during the seance. Another sort of specialist of this order is the *tiet dala*. I was told that some of his functions are to aid a man to recover cattle by performing a rite to make the herdsmen inattentive, to aid a man to recover a runaway wife, to win female favours, to exact vengeance in blood-feud, and to avoid enemy spears in fighting. Another sort is the *tiet me ngwet*. She—all I heard of were women—is a leech who removes objects from the bodies of sick persons which have been put there by a *peth*, a witch or possessor of the evil eye. Another sort is the *tiet me monye dholi*, a leech who massages constipated children with his spittle. Other sorts of *tiet* treat barren women, impotent men, and sick calves; and there may be yet others with minor skills.

Nuer do not highly regard these people and have small confidence in them. They are little men and women who perform their petty rites for the benefit of their immediate neighbours and for inconsiderable rewards. They never achieve social prominence, far less tribal renown, and their possession of special powers is not likely to be known outside their own village or its immediate vicinity. But, apart from this, they are regarded as being in themselves something very humble and of quite a different class and order from the prophets, who, whether they achieve great renown or not, are inspired by spirits of the above, whereas these diviners and leeches and other specialists of the same order merely have little spirits of the below as familiars. Were this not to be made clear there would be a danger that Nuer religious ideas and practices might be viewed in false perspective, for they are not all of the same significance for Nuer. Some are important and some are unimportant, and they are of different kinds and of different orders. It was because this was not appreciated by British administrators that the role and nature of the prophets was very largely misunderstood and their treatment of them ill-considered (pp. 303-7). Nuer do not regard all manifestations of Spirit as of equal value, nor do they accept all claims to spiritual guidance at their face value.

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value, nor do they accept all claims to spiritual guidance at their face value.

Nuer also class among the *kuth piny*, the tellurian spirits, certain nature sprites they call *bieli*, and also certain fetishes or spirits of 'medicines'. I give only such a brief and condensed account of these notions as is sufficient to indicate their nature. It is unnecessary to discuss them at length for Nuer regard them, like the practices of their diviners and leeches, as so low a manifestation of Spirit as to be almost something of a different kind.

Nevertheless, here again, some reference to them must be made because they are spoken of as *kuth*, spirits. Moreover, the nature sprites are spoken about, and in some respects are treated, as having some resemblance to the spirits of the air, though much inferior to them, being associated with things, material objects in which they are manifested and to which they are in a sense bound; although it must be emphasized that it is not the things themselves which are regarded as Spirit. This is clear from the fact that the spirits are thought to become attached to, or detached from, them. Their presence in objects and processes is known by luminosity or phosphorescence. We see here again the implicit metaphor, which runs through Nuer religion, of light and dark, associated with sky and earth; and the word *biel* is probably the same as that meaning 'colour', which for Nuer is not an absolute abstraction but a relationship of light and dark shades.

One of these sprites is the *biel pam*, the meteorite-sprite, also called *biel pauka*, ash-sprite. It is, I believe, the same as that called *biel nhial*, sky-sprite, and *biel nuac*, fire-sprite. Like all the nature sprites, it can be purchased from its owner (*gwan biel*)—for a goat or two in the first place. I was told that he does not hand over the meteorite itself but a small gourd containing ashes of cattle-dung—hence the name ash-sprite. The purchaser hangs this from the porch of his byre and sacrifices a goat to the sprite, telling it that he will one day dedicate a cow to it and asking it to fall. The gourd of ashes remains in the byre till a meteorite falls. When it does so, the man anoints it with butter and makes a sacrifice, and he then lays it on the floor at the back of his hut. One day '*be macde dop wi pam, be cu pet*', 'it (the sprite) lights its fire on the surface of the meteorite, and then it burns (shines)'. When the man sees this light he sacrifices a goat and makes beer and gives a feast at which the assembled people clap their hands and sing hymns to the

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*776 782 spirit in the manner I have described when speaking of the spirits of the air. He must then give the man from whom he purchased the spirit some cattle to get him to invoke it, asking it to assist the purchaser and not to harm his family, for spirits of this kind are regarded as dangerous for the families of their possessors. They may protect their owners and bring them good fortune, but they are also liable to turn on members of their families and kin if they are not frequently offered gifts. The new owner now hangs the meteorite in a gourd in his hut and hangs also near it offerings of butter, ashes, and tobacco in other gourds.

*776 825 782 Similar spirits are the *bieli yier*, river-spirits. They are found, under the name *biel ruc*, hippopotamus-spirit, in some hippopotamuses, and also in certain fish, *ruc cor*, *ladh* (lung-fish), *ieb*, and *ral*.[1] Nuer declare that 'cike *ruc*', 'they have congregated', in certain hippopotamuses. It is said that if a man kills one of these animals he will see a light on its head, and that afterwards the spirit will seize him. He breaks the skull of the animal with an axe and takes out the brains and boils them, rubs a little of the boiled brains on his forehead and right arm, and eats the rest of them. Shortly afterwards he falls sick, and if his surmise that it is the spirit which has made him sick is confirmed by a prophet, or by a possessor of this or another kind of spirit, a hand-clapping and hymn-singing ceremony is held, in the course of which the sick man becomes dissociated and the spirit speaks through his lips, saying what it is and what it wants. A sacrifice is then made [778] and the bones and chyme of the victim are placed near the entrance to the man's hut and a mound of ashes is piled over them, forming a shrine (*yik biliel*), into the top of which a branch of the *nyuat*-tree is stuck. The spirit then leaves the man, but he continues to pay it attention from time to time, dedicating an animal to it and making it offerings, and his children may continue to do so after his death. Other *bieli* are the *biel piath*, tree-spirit, *biel ruai*, termite mound-spirit, and what is sometimes called *kwoth puoni*, spirit of grasses, which manifests itself in a will-o'-the-wisp coming from rotting swamp vegetation and is perhaps the same as *kwoth doar*, spirit of the bush. Dr. Howell speaks also of a *biel rir*, cobra-spirit, and a *biel loi*, cattle peg-spirit, connected with *776

[1] For identifications of some of the fish mentioned in this chapter see Sidney Gregg, 'A List of Common Fish of the Upper Nile with their Shilluk, Dinka, and Nuer Names', *Sudan Notes and Records*, 1948, pp. 100–5.

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the fertility of cows.[1] These various spirits seem to have much the same character as that of the meteorite-spirit and to be treated in a similar way. 776*

A collection of hymns sung to nature spirits might tell us much more than I have recorded about them, but I took down only one specimen,[2] which begins: 776* 528 177

> *Biel*, you love a cow in the heavens,
> Son of the master of *deng*, you love a cow in the heavens,
> Say if you want a brown cow,
> Say if you want a white cow,
> The cow of *biel deng* is a cow which will calve.

I quote these lines because, whatever their precise meaning may be, if they have one, they bear the unmistakable imprint of Dinka influence and therefore support the conclusion I reached on other grounds, mainly on the fact that these spirits are little heard of in eastern Nuerland, that the *biel* have been taken over by the Nuer from their Dinka neighbours. The spirit is represented as the son of the Dinka spirit *deng* and the word I have translated, following Dr. Lithgardt's usage, 'master' in the second line is *bany*, which must in this context be a Dinka word.

Likewise, and even more surely, the fetishes, with which the *biel* are sometimes classed, may be considered to be of foreign origin and to have been introduced fairly recently into Nuerland. At the time I was living there they were rarely found among the most easterly tribes and those who possessed them there had journeyed to the west of the Nile to purchase them. All Nuer whom I consulted were unanimous that the fetishes are foreign and new, those of the Lou tribe saying that they first began to hear of them in the time of the initiation period of the Dengdengs age-set, roughly some 50 years ago. The Nuer get them from the Dinka, but it is highly probable that the Dinka first got them from the Sudanic so-called *Jur* peoples (*Beli*, *Sofi*, *Ghori*, *Mittu*, and *Lorij*.[3] The Nuer have tried, not entirely successfully, to assimilate 776* 775 177

[1] P. P. Howell, 'Some Observations on "Fertility Spirits" among the Nuer', Man, 1955.

[2] Others have been recorded by Father Crazzolara, op. cit., p. 146, and Dr. Howell, ibid.

[3] The conclusion that they come from the *Jur* is based partly on what Nuer say and partly on a number of ethnological considerations arising out of my earlier contacts—much still unpublished—among the *Jur* and neighbouring peoples. It gains support from a note by Capt. V. H. Fergusson ("Marching Gold"

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*776 these Sudanic medicines, which represent something quite alien
778 to their traditional way of thinking, to their conception of Spirit.
177 The Nuer word for what I have called fetishes is *kulangwi*, and they often use this plural form even when they are speaking of a particular fetish. They are what the Nuer call *wal*, a word which means in its widest sense 'plants' but in a special sense, as here, what are usually spoken of as 'medicines' in writings on African peoples—magical substances. The fetishes are so called because they are pieces of wood, though Nuer distinguish them from ordinary magical substances by calling them 'medicines which talk'. By this they mean that the spirits in them talk, because, here again, Nuer can conceive of the spirits as separate from the material substances in which they have their abode.[1] What has been said earlier about air-spirits and terrestrial spirits must be said also about nature spirits and fetishes. The same spirit is in a number of different luminosities or bundles of wood.

Like the nature spirits these fetishes bear some resemblance, especially in the manner by which men communicate with them, to the spirits of the air. Nuer have tried to assimilate them to an earlier model of Spirit, and this is indicated metaphorically by calling both types of spirits *gwiryadoong*, children of daughter(s) of *deng*, a Nuer way of saying both that they are Dinka and that they are spirits of a very inferior order. There are quite a number of fetishes: *mathiang*, *ngo*, *mazar*, *dengak*, *mabor*, *mabul*, *madal*, *madath*, *gwacion*, and others.[2] The names of several of those I have mentioned are colour-names: the white one, the black one, the brown one, &c.

*776 Fetishes are amoral in their action. They are acquired in the
778 first instance by purchase, though they may later be inherited,
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[1] Westermann, *Sudan Notes and Records*, 1929, pp. 170–71) in which he says that an Agar Dinka first got this kind of medicine from the Jur about the year 1900. Writing in 1929 he says 'To-day it is universally used throughout the entire Bahr-el-Ghazal District and many Dinka are switching themselves by introducing it into the Nuer Country.'

[2] Capt. Ferguson (*Ibid.*, p. 170) also notes that the substance is 'mostly a visible sign of Spirit.

[3] Parker Gillmore (op. cit., p. 138) divides them into the *kulang* type, which speak through men, and the *gok* type, chthonic beings which speak from the earth. Dr. Howell (op. cit.) makes the same division, though he would agree with me that 'kulangwi' can be, and commonly is, used to cover both. I am ready to accept a formal division into these two types but I cannot agree with Dr. Howell's opinion that the *kulang* type is of Nuer, and the *gok* type of Dinka, origin. I am fully convinced that both are of foreign origin.

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for private ends and personal aggrandisement. They are highly dangerous, not only to those who are at enmity with their owners, but also to their owners' families, kin, and neighbours if they do not receive sufficient attention. When they seize people death follows rapidly on the first symptoms, which are said to be generally violent pains in the abdomen sometimes combined with blood in the faeces, unless steps are at once taken to appease them and, in the case of enemies, their owners also. Therefore a *gwan kulangwi*, an owner of a fetish, whom I shall speak of as a 'wizard,'* is much feared by those with whom he disputes and by those around him. Some wizards ape prophets by growing little beards and they sometimes thread beads on the hairs and can be identified by this mark.

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I have only known one of these wizards, a man called Bol in Lou tribal country. I was living in his village, Kormayom on the Sobat river, when he returned home with a fetish he had acquired on a visit to western Nuerland, it was said from the Jur people. The whole village was in a state of alarm, so much so that, finding my previously friendly relations with the villagers severed, I thought it best to leave it. A goat was sacrificed on his arrival and I was told that offerings of porridge, milk, and tobacco would have been placed on the ground near the fetish, which is said to 'eat' (*yam*) the 'souls' of these things (*piethdiew*), its owner later consuming their substance. Though everyone was nervous and anxious about what might happen, I was told on this and on other occasions that a man who has acquired a fetish may be welcomed in his village, its people feeling that, if it is placated, it may be a protection for them and a useful weapon against outsiders, and one hears men of the village speaking of 'another', 'our fetish'; but some the less my impression was that they would much rather be without it.

A wizard uses his fetish to avenge what he regards as injuries (others may not regard them as such), to obtain cattle which he considers to be owing to him (others may not think so), and in general to make himself a person of importance. Nuer told me that European administrations has made it easier for men to acquire and exercise these powers. They said that when fetishes

* There is a resemblance to the Jewish *ob*, 'wizards that peep and mutter', of the Old Testament, the *ob* being a familiar spirit which seemed to speak either from beneath the ground or out of the stomach of the diviner, and to the Greek *enenos* (W. Robertson Smith, *The Prophets of Israel*, 1895 ed., pp. xxx and xxvi).

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first appeared in Nueriand their owners ran the risk of being killed by avengers if it was thought that they had been responsible for people's deaths, and that therefore a man belonging to a numerically weak community would not own a fetish. It is sometimes known that a wizard has caused a man's death by his falling sick after a dispute with him. If, however, a man falls sick and only suspects that his sickness may be due to a fetish he confirms whether this is so by getting a diviner to reveal the cause, or he may summon a friendly wizard to determine it, and if it prove to be a fetish, which fetish. I have not seen this operation but I was told that the friendly wizard shakes a gourd-rattle while the people rock their bodies, clap their hands, and sing hymns to the fetish till the sick man enters into a dissociated state. The wizard then questions the spirit in the sick man and it reveals to him its name. The wizard also questions his own fetish-spirit, which is in the rattle during the seance and answers by grunts his questions about the sickness, such as what sacrifice is required and whether the patient will recover if it is made. The sickness may be caused by the fetish of a kinsman which wants attention, or it may be due to some wizard having pointed his *wut* in the sick man's direction to kill him. If the name of a fetish is not revealed by these procedures it is thought that the sickness must be due to some other cause and not to a fetish at all. If the responsible agent is found to be the fetish of a kinsman the sick man's family placate it by dedicating a beast to it and by sacrificing to it—'they send them (the *kulengwal*) back (to where they came from) with a "*uow*"'. A little of the boiled meat of the sacrifice is minced and thrown as an offering to the spirit to the four points of the compass. The rest is divided between the wizard and the people of the home. If it is the fetish of an enemy, sacrifice is made, I believe to the fetish of the wizard who has conducted the seance, and afterwards he goes to the enemy wizard and asks him to desist. I was told that the enemy wizard may either deny responsibility or give some reason why he has pointed his fetish at the man who has fallen sick and promise that he will call it off if his wrong is set right. Should his victim die he must sacrifice a sheep or a goat, a rite known as *lake wungkiew*, the washing of their (the fetish's) eye, and said to be equivalent to the rite of incising the arm of a homicide.

When a wizard dies his fetish is likely to be put aside, but if so,

it is expected that before long the spirit will seize a member of his family or kin, causing him sickness, and announce through his lips that it is offended at neglect. They then give it offerings of food and tobacco; and when the sick man has recovered he respects (*ghek*) the fetish, as its previous owner did when he possessed it, and makes it offerings from time to time. Or a son, brother, or wife may just take over the dead man's fetish without it first causing sickness, but they are not likely to do this if they are young. Young people prefer to be free from such ambiguous encumbrances. 776 x 778 754

What I have recorded about these fetishes is no more than hearsay. It is possible, nevertheless, to reach some general conclusions about them and about the Nuer attitude towards them. It is easy to observe that Nuer feelings in the matter are either hostile or ambivalent. They fear and dislike the fetishes and are afraid even of those of their kin, perhaps most afraid of those; and they seem to be confused and bewildered about the whole question of fetishes. This is understandable in that here is something that has entered into Nuerland with the reputation of being mobile and of having lethal powers, attributes which the Nuer can only think of in terms of their own culture as spirit in some form or other, and yet it is used for private ends that they regard with disfavour sufficient to consider that homicide caused by it requires vengeance. Those men with whom I was best acquainted among the eastern Nuer spoke harshly against these fetishes and would gladly have seen the end of them. I do not myself know the circumstances in western Nuerland, but Father Crazzolara says that there is much hostility to them there also, and also great confusion concerning them, for new fetishes frequently appear, they become well known in one district and are unknown in others, and they wax and wane in popularity.[1] We would doubtless be right in seeking for an explanation of the anxiety Nuer express lest their fetishes may turn on themselves and of their emphasis on the almost insatiable greed of fetishes for offerings, which are moreover of the lowest kind (such as porridge) and presented to them in the most materialistic way, in their perception that spiritual powers are being used for selfish ends. It would not be going beyond Nuer feelings on the matter to speak of their fetishes as evil spirits. 773 776

[1] Op. cit., pp. 135 ff.

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773 Indeed, the fetishes seem only to have been placed in the cate-
776 gory of Spirit by the logical necessity of assimilating the powers attributed to them to some model the Nuer already possessed. They are also of the category of *wut*, medicines, which sharply differentiates them from Spirit proper, but since they can reveal their wants and wishes in speech, move about, and kill people, they seem to Nuer to fall between the two categories. It is to be remarked that the *kuie qwi* and the *biöli*, which are closer to totemic representations of Spirit, are generally referred to by these names and not, like the totemic spirits, as *buöth*, as though by distinction of name they were being marked off from the other spirits. It should be stressed also, in this connexion, that the fetishes, and to some extent the nature spirits, are spoken of in the plural, as when we speak of angels, devils, goblins, and fairies, showing that they are conceived of as having less individuality than other spirits.

757 It remains only to say a few words about medicines which do not talk, the ordinary *wut*, magical substances which have an efficacy in themselves and do not derive their power from Spirit. Coming to the Nuer from Zandeland, where everyone is a magician and medicines are legion and in daily use, I was at once struck by their negligible quantity and importance in Nuerland, and further experience confirmed my first impression. I mention them chiefly for the reason that their rarity and unimportance are highly indicative of the orientation of Nuer thought, which is always towards Spirit.

759 In speaking of Nuer magic we are faced with the same historical
777 problem that I have mentioned earlier, for all Nuer with whom I have spoken on the subject have said that medicines were almost entirely lacking—only a few are thought to be old—in the days of their fathers and that most of the few medicines they now possess have been taken over from neighbouring peoples. My own view is that ethnological evidences support their statements, but the point that is important for us here is rather that Nuer regard medicines as something foreign and strange. They think easily in terms of Spirit but not in terms of medicines, the idea of which as it obtains among their Sudanic neighbours they seem scarcely able to grasp.

759 Nuer medicines of today are mostly of the nature of talismans
778 for fortune—in hunting, fishing, courting, and travelling. I did not find that Nuer had much faith in them. Medicines are also

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used, sometimes as infusions, to protect a person from, or cure him of, sickness brought about by breach of an interdiction. There are also medicines, or people say there are, against the evil eye, monorchids, children conceived by suckling mothers, and fetishes. Nuer also have a few simples for treating common ailments, such as constipation, throat and lung complaints, fevers, and swellings, and for treating sick cattle. These medicines are thought to be efficacious only in very small matters or as secondary to the performance of a religious rite. No *wal* is of any use, at any rate by itself, as protection against the consequences of a serious breach of an interdiction or in any violent sickness. Only prayer and sacrifice are then of avail; and this holds. Nuer who know anything about them think, for European medicines—quinine, for example, as well as for their own.

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CHAPTER IV

SPIRIT AND THE SOCIAL ORDER

* 77L It is evident from what has been said in earlier chapters that Nuer have a number of quite different spiritual conceptions. It is no less evident, on the other hand, that we are dealing with a single conception, for all the spirits are *kwoth*. This problem of unity in diversity confronts students of the religions of many peoples.

The great variety of meanings attached to the word *kwoth* in different contexts and the manner in which Nuer pass, even in the same ceremony, from one to another may bewilder us. Nuer are not confused, because the difficulties which perplex us do not arise on the level of experience but only when an attempt is made to analyse and systematize Nuer religious thought. Nuer themselves do not feel the need to do this. Indeed, I myself never experienced when living with the Nuer and thinking in their words and categories any difficulty commensurate with that which confronts me now when I have to translate and interpret them. I suppose I moved from representation to representation, and backwards and forwards between the general and particular, much as Nuer do and without feeling that there was any lack of co-ordination in my thoughts or that any special effort to understand was required. It is when one tries to relate Nuer religious conceptions to one another by abstract analysis that the difficulties arise.

We have seen that Nuer use the word *kwoth* either in the sense of God (as defined in Chapter I) or in the sense of one or other spirit of the above or of the below (as defined in Chapters II and III). When Nuer pray to God, though often looking to the sky as they do so, they usually address him simply as *kwoth*, Spirit, the 'who is in the sky' being understood or expressed in gesture. On the other hand, the word may be used for some particular spirit—an air-spirit, a totemic spirit, and so forth—without its being indicated by name, it being understood in the context that this particular spirit is referred to. Thus Nuer may say, for example when speaking of the spirits of lion in reference to a certain lineage, 'o *kwoth-dhiow*', 'it is their spirit'. They also speak of a green *kwoth*, possessor of a spirit, and of a young *kwoth*, a spirit's cow, without

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specifying which spirit they have in mind. Those who are aware of the circumstances will know which particular spirit is being referred to. Those who are not aware of them will only know that the man possesses one or other spirit and that the cow belongs to one or other spirit, without knowing which one. 776

Since God is *kwoth* in the sense of all Spirit and the oneness of Spirit, the other spirits, whilst distinct with regard to one another, are all, being also *kwoth*, thought of as being of the same nature as God. Each of them, that is to say, is God regarded in a particular way; and it may help us if we think of the particular spirits as figures or representations or refractions of God in relation to particular activities, events, persons, and groups.

That the diverse spiritual figures of Nuer thought are to be regarded as social refractions of the idea of God will be understood better if some examples are given of the problem in action. The ceremony I am about to describe concerned a *nin dier*, a delayed homicide. When a man has been wounded and recovers but dies some months, or even years, later his death may be attributed to the wound he received and compensation for homicide exacted. A blood-feud is unlikely to break out in these circumstances, for the killing may generally be regarded as accidental and, in any case, a long period of time has elapsed between the act and its consequence; and fewer, some twenty, head of cattle are demanded than for a straight killing, though the number seems to vary in different parts of Nuerland and is probably everywhere reached by negotiation between the parties, both of whom are anxious to reach a settlement as soon as possible. In the ceremony I witnessed, which took place in western Nuerland, the first and final rites of an ordinary homicide were combined, the slayer being cleansed of the blood and peace between the parties being made at the same time, and it took place after only some of the cattle had been paid. 637 776

It was held because a man of the Jikiel clan had wounded a man of the Lual lineage with a fishing-spear some years before and he had just died. The fact that he had been wounded by a fishing-spear was important because among the western Nuer less compensation is paid for a killing by fishing-spear or club than for a killing by fighting-spear, for it is less likely to have been premeditated. Apart from the slayer himself, there were no Jikiel present at the ceremony, which on their side was conducted by their traditional allies the Ngwal lineage and in a Ngwal village. The

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absence of Jikul and the holding of the ceremony in a village of a third party made it easier for the Lual to be conciliatory.

After some drinking of beer, a sure sign that a settlement was certain, the people sat in the sun to watch proceedings. The heat was so intense that from time to time boys were told to place fresh cattle-dung on the ground so that those delivering addresses could stand in it now and again to cool their feet. One of them interrupted his narration to ask God to send a shower of rain to cool him, and the downpour which closed the proceedings was regarded as an answer to his request. The ceremony began with the castration of the young bull to be sacrificed. A Ngwol man then drove a stake into the centre of the kraal and tethered the ox to it, and many of the men present threw ashes over its back—a rite I discuss later. Then lengthy invocations, taking over three hours to deliver, were spoken by a Lual man, a Ngwol man, and a leopard-skin priest of the Kentyang lineage, the dominant lineage of the area in which all these lineages have their villages. I give only the gist of what they said because most of it little concerns the question we are considering.

Each speaker began his address by calling out his clan spear-name. He delivered his address walking up and down the kraal brandishing his spear. Most of what was said was addressed to the audience, who entered into lengthy arguments with the speakers about the matter in hand, besides carrying on conversation among themselves. But in the midst of their harangues the speakers frequently addressed *kwoth* by one or other title and explained to spirit so addressed the circumstances which had brought the people together.

The Lual representative, who made the first speech, besides addressing *kwoth*, spirit, and *kwoth a nhial*, spirit who is in the sky, called on '*kwoth wicde, kwoth ngoupwi*', 'spirit of our home or community (literally, cattle camp), spirit of our fig-tree', the fig-tree being the totem of his lineage. He began with a long account of the history of the lineage of the man responsible for the death with interminable reference to past disputes, showing that if ever the Jikul or the Ngwol fought his people again the Lual would exterminate them, to all the events which led up to the quarrel in which the dead man had been wounded, and to cattle which had been paid or promised in compensation for the homicide and the further cattle which were being demanded.

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Among his observations he accused the Ngwol of having buried a living ox with some beads and a spear to kill the Loal, and this provoked a violent argument in which the Ngwol part of the audience reported that the Loal had buried a dog alive in a byre to kill them (I do not know whether such practices ever really occur). 627 776*

The Ngwol representative then delivered a rambling address. He often mentioned *kwoth* in it, though not, so far as I heard, with any particular specifications. His chief point was that the Jikul were paying compensation in cattle for the dead man and that if the Loal reopened the quarrel it would be to their disadvantage, the Jikul being fully able to look after themselves if it came to fighting again. He then, from the Jikul angle, repeated the whole history of the affair, a recapitulation which stirred up involved controversy with the Loal men present. In these invocations grievances, both real and imagined, are made public, not with the purpose of complicating the issue or inflaming passions, but because it is the rule of such gatherings that everything a man has in his heart against others must be revealed and no bitterness kept secret.

Finally, the leopard-skin priest, whose function is to cleanse a killer and to perform rites to terminate a blood-feud, rose and addressed the assembly. In his invocation he frequently, in addition to speaking to *kwoth* and *kwoth a nhial*, called on 'kwoth *riengdit*', a phrase which literally means 'spirit of our flesh' and which refers to the spiritual source of ancestral power. He told the slayer that as some of the cattle had already been paid and the remainder were about to be paid he might go abroad without fear of vengeance. He told the kinsmen of the dead man that if they started a feud their spears would ruin their crops and that they would do well to take the cattle and settle the affair for ever. He warned the kinsmen of the slayer not to try and hide their cattle, that is, send them secretly to the kraals of distant kinsmen and then say that they had not the wherewithal to meet their obligations. He, also, recapitulated the whole history of the quarrel, from the point of view of an impartial onlooker and mediator. 627 776* 783

At the end of his address he opened the ox and three persons rushed in, as is the custom on this occasion, to obtain what they could of the carcass, hacking and slicing, waving their spears, and shouting. It was a scene of great confusion. When things had

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stretched down the leopard-skin priest cut off some of the hair of the head of the man who had occasioned the death: 'the blood which entered into his body is purged (*riem me ce ne pacweyde he ne*), other hairs will grow (*bi ciem ni ciem dowy*), the blood is finished (*ce riem tholi*)'.

The ceremony I have described is typical in form of Nuer religious ceremonies. What I want here to draw attention to in it are the different titles mentioned in the invocations: *kwoth*, Spirit, without further designation, *kwoth a ciial*, Spirit who is in the sky, *kwoth wic(de)*, spirit of the home, *kwoth ngwp(ne)*, spirit of the fig-tree, and *kwoth riengi(de)*, spirit of the flesh (the virtue of the leopard-skin priests); and there may have been others which I did not hear. Besides these titles such expressions as *grandsons*, *grandfather*, and *kwoth gwem*, spirit of our fathers, were used. At other ceremonies at which people of different families and lineages from those concerned in this particular ceremony have been represented I have heard references in invocations to a variety of other spirits—ancestor spirits, *colwic* spirits, and spirits of the air. How are we to interpret Nuer thought about the nature of Spirit as it is expressed in such ceremonies as the one I have described?

In this particular ceremony several groups were opposed to each other, and the leopard-skin priest was acting in his priestly capacity as mediator between them and to conclude a settlement by sacrifice. The persons who made the invocations therefore appealed to, or spoke about, God not only as God but also as God in his special relation to the groups they represented, and in the case of the leopard-skin priest to God in his special relation to the priestly function as well as to a particular priestly lineage. The circumstances may be compared to a war between European powers in which each prays for victory to the God of its fathers, Lord of its battle-lines. Those engaged in the struggle do not believe that two distinct deities are being appealed to. That this is the correct interpretation of the Nuer material is shown by a number of observations, one of the most significant being the fact that although the invocations were made to different titles they were all made over the same victim and this same victim was offered up by all the parties concerned. This appears to me to be proof that the sacrifice was made to one and the same being. Another significant observation is the fact that in situations in which no sectional interests are at stake but where men approach God simply as men and in the

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contract of their common humanity, as, for example, when furious storms are raging, in times of severe drought and famine, or when a man is seriously ill, then God alone, or in certain circumstances one of his hypostases by which he is figured in relation to some particular natural phenomenon, is addressed and he is not, as it were, divided by a variety of cities along the lines of the social structure. This may also be to a large extent the case even where different social groups are involved, so long as they are not antagonistic but have a common interest and intention. I give one such illustration.

A youth in a village where I was residing was badly wounded in the shoulder by a spear in a fight with a man of the next village. His antagonist had not intended to kill him and the people of the two villages were on good terms, so his kinsmen at once sent the spear with which the wound had been inflicted to the injured youth's home with expressions of regret and wishes for a speedy recovery. The elders of the wounded lad's home heat the point of the spear and placed it point downwards in a pot of cold water. This was done to lessen the pain of the wound, especially when it was washed, and to cool the inflammation. Next morning the wounder's village sent in a deputation, leading a goat for sacrifice. By this further indication of their regret and of their willingness to pay compensation at once should the lad die they anticipated a blood-feud. It was hoped in any case that the danger of death would be obviated by the sacrifice of the goat. The wound would, as the Nuer put it, 'be finished with the goat'.

Before the animal was sacrificed the visitors consecrated it by rubbing ashes on its back. It was then tied to a stake opposite the hut of the wounded youth's maternal grandmother and an invocation was delivered over it by a man called Lol, a leopard-skin priest and also a prophet, who had been summoned from a distance to officiate, partly, I think, because his presence would give greater importance, and therefore perhaps efficacy, to the ceremony and partly because it would be a further insurance for a peaceful outcome to the incident. His address was largely taken up with exhortations that the youth would not die and with giving to God and the people a lengthy and detailed account of how the accident had occurred. He sacrificed the goat at the conclusion of his speech. Our home party then brought forward a wether and it was also consecrated with ashes. Afterwards a man of the home

16: Evans-Pritchard E-5 (1931, 1936) 1956
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poured a libation of water over its tethering-peg as a prelude to following an oration. He told the story of the accident all over again and commented on it to God in this vein: 'ah God! We call on you about this wound. There is no enmity between us [the party of the injured youth and the party of the spearer]. This wound came of itself [they do not attribute it to the spearer because it was an accident and also because the youth will not die and so there will be no thorny debt of homicide]. Throw the badness away with this cow [they call a sheep or goat a 'cow' in sacrificial contexts]. Let the wound heal. Ah God! it is only a headache [it is not a sickness of any importance—they speak of the most ghastly wounds in this way], let it be finished, let it go right on [heal without complications]. Let it be removed from the man's body. Let us be at peace.' Another man of the home party also made an invocation in much the same language: 'Friend (*mandi*), God who is in this village, as you are very great we tell you about this wound, for you are God of our home in very truth. We tell you about the fight of this lad. Let the wound heal. Let it be removed [with the sheep]'; and so forth. A representative of the visitors now said a few words to the same purpose and the sheep was then sacrificed. The meat of both sacrifices was eaten by the people of the home after the visiting deputation had departed; and also the carcass of a third animal, another wether, which the people of the home have sacrificed after three of them had made further invocations over it in much the same vein.

In this ceremony Spirit was addressed simply as *kwoth* and no designated refractions were mentioned, and when on such occasions Nuer speak to, or about, *kwoth* without differentiating specifications they are, as I have explained, speaking to, or about, Spirit in the comprehensive conception of God the creator and the sustainer of life. This is often the case in their sacrifices, and it is the same when they pray for peace and deliverance from evil.

Than emphasis is given to the refractions when a social group, acting as such and marking itself off from other groups, makes a sacrifice on behalf of itself or of one of its members in virtue of his membership of it, and that they are then to be regarded as diverse exclusive representations of God by which he is figured to the groups concerned in a special way as their patrons is evident also from other considerations. It is clear that totemic spirits of lineages are Spirit conceived of in a totelary relationship to the

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Movement in wedding dance

[facing p. 112]

776 lineages. The *colwic* spirits are also Spirit in a tutelary relation-
613 ship to the families and lineages to which they belonged in the flesh before they were metamorphosed into spirit. Also, the spirits of the air may have a tutelary relationship to families and lines of descent, and where their attachment is more to an individual prophet he has public functions through which the spirit becomes patron of local and political communities. Totemic spirits may also, though in a rather different manner, have a secondary significance for political groups through the association of dominant lineages with tribal sections. Likewise, though to a lesser extent, nature spirits are Spirit in a tutelary relationship to families; and even fetishes, though of a rather different complexion, are Spirit in a tutelary relationship to individuals, and sometimes to local communities to which these individuals belong. The attachment of all these spiritual figures to social groups is indicated in various ways, most noticeably in ceremonial and in payment of cattle to them at marriages.

776 That these spiritual conceptions lack autonomy and are rightly regarded as social refractions of God is further shown by the fact that *kwoth*, without any distinguishing name, can become associated with any social group or office. Thus, as we have seen, Nuer speak of the *kwoth* of a leopard-skin priest, 'the spirit of the flesh', and they speak also of '*kwoth mocwode*', 'the spirit of his (the priest's) earth' (pp. 290–1). This is no particular *kwoth* but is Spirit seen in relation to priestly powers and functions. Likewise
[305] they speak of *kwoth cuokni*, the spirit of twins, to which sacrifices are made at the birth of twins and to which a cow of the bride-wealth of the sisters of twins is dedicated. Here again, this is not thought of by Nuer as some particular spirit which has an existence and name of its own but as God in a special relationship to twins, or rather to the event of a twin-birth. Another example is the
[306] way in which they speak of the *kwoth* of an age-set, the tutelary, numinous, spirit which protects the members of the set and avenges wrongs done to men by their age-mates. This cannot be a distinctive spirit in its own right as it were, if only because the sets pass in turn into oblivion and are replaced by others. It is rather God thought of in relation to a particular set, just as he is also the separate, while still being the same, guardian spirit of the other sets. He is both the one and the many—one in his nature and many in his diverse social representations.

*776 782 Moreover, though God is God of all men he is not only conceived of, in the various totemic and other representations we have considered, as the special patron of descent, and sometimes of local, groups, but each family regards him, without specific differentiation of title, as having a particular relation to itself; and he may be spoken about in terms of a particular household, hamlet, or village community. One hears Nuer say in invocations, as in the one I have just recorded, 'God who is in this village', or 'God who is in this home'. When a Nuer builds a byre he holds a small ceremony before its central support is erected. Beer is prepared, and before the people drink it the master of ceremonies or the owner of the byre pours a libation of it to God and the ghosts at the entrance to the byre and in the centre of it, where the hearth and shrine will be, and asks God to give peace and prosperity to the home, its people and its cattle. They think then of God looking after their home in a special way, of being particularly attached to it so that he then becomes, as it were, in a special sense the family's God, a household God. The shrine, a forked post, in the [777] shrine of God within the home, God of the hearth, as well as being associated with any of his particular representations—totemic, colour, air-spirits, etc.—in which he may stand in a tutelary relationship to the lineage or family of the owner of the homestead, and also with the ancestral ghosts. He is spoken of in this domestic representation as *kwoth ruka*, God of the post (shrine). Further, every member of a Nuer lineage, whether or not it has totemic or other specifically designated spirits, will in invocations speak of '*kwoth gwaw*', 'spirit of our fathers', or in reference to the name of the ancestor of the lineage or clan, just as the Old Testament speaks of 'the God of our fathers' or 'the God of Abraham, Isaac, and Jacob'. Similarly one hears the leopard-skin priests address God as '*kwoth Gooke*', 'spirit of Goo'. Goo was the first leopard-skin priest from whom all the leopard-skin priests derive their powers, so that the expression refers to God figured as patron of priests; though it also has a wider, national, sense, for Goo was also the ancestor of the most important Nuer clans.

*776 Apart from the use of names or titles as directional signs to indicate an inclusive or exclusive relationship to God, Nuer make the same distinction grammatically through their inclusive or exclusive pronominal suffixes. These particles are rather complicated when they are attached to family and kinship terms, as in

16: Evans-Pritchard E-5 (1931, 1936) 1956
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reference to God as 'Father', and it is perhaps sufficient to say that they enable the speaker to indicate whether he speaks to Spirit as 'Spirit of our fathers' in the sense of Spirit in relation to his lineage alone or in the sense of Spirit in relation to everyone. He can thus stress the unity of all present in relation to God or their separateness as social groups in a distinctive relationship to him as such. 776*

The ambiguities which seem at first to be so puzzling a feature of Nuer religion are, at least to some extent, resolved by considering in this way their religious ideas in relation to their social order, for in all societies religious thought bears the impress of the social order. Given the segmentary political and lineage structure of the Nuer it is understandable that the same complementary tendencies towards fission and fusion and the same relativity that we find in the structure are found also in the action of Spirit in the social life. Just as, for example, two lineages are distinct and opposed groups in relation to one another at one level of segmentation and are a single unit at a higher level of segmentation, so Spirit as conceived in relation to these segments must be divided at the lower level and undivided at the higher level. It is intelligible, therefore, that in its relation to the segmentary social order the conception of Spirit is broken up into diverse refractions, while in relation to nature and man in general the many become again the one. 771 776*

In the light of what has been said above it is not surprising that any number of new spirits may come into existence without discovering the Nuer, either being borrowed from neighbouring peoples or derived from some unusual experience. We have good reason to believe that the spirits of the air, the fetishes, and, at any rate for the most part, the totemic spirits have been introduced, some of them very recently, into Nuerland, and probably the same is true of the nature spirits.[1] I think it can be assumed—I do not see how it can have been otherwise—that there have always been different representations of *kwoth* among the Nuer, and if this is so the old, or traditional, religion must have contained, 771 776* 177

[1] Many of these spirits are probably new not only for the Nuer but also for the Dinka. Even those which can be shown to have some antiquity in Dinka culture, e.g. *deng*, may be supposed, since they are not found among some other, or all other, Nilotic peoples, to have come into existence after the dispersal of these peoples took place. Complicated philological issues are raised by these questions.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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as far as the notion of Spirit is concerned, of the conceptions of God, of God figured to specific social groups by grammatical indications or by reference to their names, of *colwic* spirits, and of some totemic spirits.

The taking over of new spiritual conceptions from neighbouring peoples may have been partly fortuitous, but I would suggest that it may also in part be accounted for by reference to recent Nuer history. During the last hundred years the Nuer have absorbed a great number of Dinka and have also been brought into closer contact, directly or indirectly, with other peoples of the Southern Sudan and also with Arabs and ourselves. This provided opportunities for borrowing foreign ideas. But it may be suggested that not only was the opportunity there, but also the need. Nuer statements lead us to suppose that certain social developments were taking place at the same time. They say that their clans and lineages were being broken up by expansion, and were incorporating into their stocks Dinka lines of descent, besides assimilating politically Dinka communities—hence the Dinka totems in Nuerland today; that prophets emerged who directed large-scale raids on the Dinka and defence against the 'Turks' (the Arabs and the British)—hence the Dinka and other foreign spirits of the air; and that the peace and administration imposed on them by the government of the Anglo-Egyptian Sudan have given protection to those who wish to pursue private gain and vengeance—hence the introduction of fetishes and their spread. Ethnological evidences support what they say, and we can add that it is in accord with the logic of the Nuer conception of Spirit that it should be represented by figures corresponding to these new social phenomena. Dr. Lienhardt tells me that since I was last in Nuerland the number of spirits has increased and that they have spread widely and freely. This is what we would expect to follow further social disintegration (p. 309).

God may thus be figured in numberless ways in reference to social groups and to persons, and in relation to effects which are significant for them; and in none of them has the figure any sharply defined individuality. This is fairly easy to understand when we are dealing with refractions which are referred to simply as *kwoth* of a group and without distinguishing name or title; but it may fairly be asked whether those spirits which are named can adequately be thought of as refractions and are not rather to be

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regarded as quite independent conceptions. We must distinguish here between class names and individual or personal names. The reason why Nuer divide the spirits into kinds, spirits of the above, spirits of the below, *colwic* spirits, *bieli*, and so forth, is that they regard them as different sorts of manifestation of Spirit and of varying degrees of importance. This is a matter I discuss later. It is rather the individual names with which we are immediately concerned. 776 771

The reason why some of the refractions have distinguishing names is, I think, mainly a matter of ownership. We have seen that, in the sense already defined (p. 44), Spirit can be owned by persons. Now, no one in this sense owns God, but all the various spirits may be owned by persons; and it may be said that the most distinctive naming of them is where individual ownership is most marked, in the case of the spirits of the air and the fetish spirits, which have proper names and ox-names. A prophet who is inspired by Spirit has in the logic of the situation to give it a name which distinguishes it as his particular spirit from the spirits of other prophets of his neighbourhood who are his rivals for renown and influence; for the attachment here is to individuals who build up through it a personal following, and not, at least primarily, to social groups. When a spirit falls from above and enters into a man who becomes its prophet, it attains individuality by revealing through the prophet what it is called—its name; and when a person becomes possessed for the first time the immediate endeavour of his neighbours is to get the spirit to reveal its name when he is in a dissociated state. The spirit gets its name, the *numen* gets its *nomen*, by being owned by the person it possesses and to whom, by possessing him, it brings power and prestige. Fetishes are also owned by individuals who compete, though in a different way from prophets, for prestige and power against one another, so they must have distinguishing names. Thus it is through the name that ownership is established. The individuality is, in a sense, that of the person and not that of the spirit, the spirit getting its name through him. 776 771 424 652

The conclusion we have reached is that the conception of *kwoth* has a structural dimension. At one end Spirit is thought of in relation to man and the world in general as omnipresent God. Then it is thought of in relation to a variety of social groups and activities and to categories of persons: to political movements 776 771

16: Evans-Pritchard E-S (1931, 1936) 1956
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*77 77/ connected with prophets, and in a special relation to warfare, as spirits of the air; to descent groups as *colwic* and totemic spirits; and to a variety of ritual specialists as totemic, totemistic, and similar spirits. At the other end it is conceived of more or less in relation to individuals in a private capacity as nature sprites and fetishes. God figured as common father and creator is patron of all men; figured in spirits of the air he is patron of political leaders; figured in *colwic* and totemic spirits, and also in unnamed refractions, he is patron of lineages and families; and figured in nature sprites and fetishes he is patron of individuals. I give only a general indication of the main lines of social demarcation between the various types of refractions, and I do not discuss exceptions and overlappings.

This impress of the social structure on Nuer religious thought is to be marked also in the natural and moral attributes of the different types of spiritual refractions. Mighty celestial phenomena, and great and terrible happenings, such as plagues and famines, and the moral order which concern all men are attributed to God, while processes and events which do not have so general a range of impact tend to be attributed to whichever particular refraction or type of refraction the situation and context evoke. Likewise the refractions tend to decrease in the degree of universality, stability, and morality attributed to them the smaller the social space to which they refer. I give a brief indication of this tendency, illustrated by a few examples.

God is everywhere; he is permanent and changeless in his relation to the constant elements in the natural and moral orders; he is one, and he is all-powerful, just, and compassionate. The spirits of the air are in particular persons and places, and even when their prophets are politically important persons they have a limited spread of influence; they have fallen from the clouds in recent times and their renown depends on the personal prestige of their prophets and on political circumstances, both of which are unstable factors and may be ephemeral; they are multiple, though compared with lesser spirits they are few in number; and they are unpredictable, and even capricious and ill-intentioned. The *colwic* and totemic spirits are restricted to certain lineages and families; they became tutelary spirits of these groups at certain points of time and many are sooner or later forgotten; they are numerous; and compared to the spirits of the air they are unimportant. The

16: Evans-Pritchard E-S (1931, 1936) 1956
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nature sprites and fetishes are for the most part acknowledged only by the persons who own them and by their immediate kin. The fetishes certainly, and the nature sprites probably, are very recent introductions, and they enter into relationships with persons and families and are forgotten by their descendants. The sprites flit here and there, come into homes, and then return to the bush. The fetishes are bought and sold and pass from hand to hand. Their reputations wax and wane with those of their owners. They lose ground and are replaced by others. Both alike are potentially inexhaustible in number. Though some fetishes are feared, neither they nor the sprites are highly regarded and the fetishes are in general disapproved of. On the other hand, the lower down the scale of Spirit we descend and the more it can be said to be owned the more prominent do cult features appear. God is approached in simple prayer and sacrifice. The spirits of the air receive more elaborate ceremonial attentions, into which enter hymns, possession, and divination. Cult features are also prominent at the level of the colwic and totemic spirits. The most regular ritual attention appears to be given to the fetishes, which receive frequent offerings from their owners and in the most material form.

In relating the configuration of Nuer religious thought to the structural order of their society I am, of course, relating abstractions to one another by a method of sociological analysis. It is not suggested that the Nuer see their religion in this sort of way. Nevertheless, the structural configuration we abstract by this process is of the same design as the symbolic configuration in which they think of their various *kuth*. The various spirits in their symbolic configurations occupy the same positions in relation to each other as they do in the structural configuration we perceive through sociological analysis.

In a typically Nuer way they represent the interrelationship of the spirits in a genealogical metaphor. God is the father of the greater spirits of the air, and the lesser of them are said to be children of his sons, of his lineage. The totemic spirits are often said to be children of his daughters, that is, they are not of his lineage, which is the Nuer way of placing them yet lower in the spiritual scale. The fetishes (and possibly also the nature sprites) come lowest of all in the representation of children of daughters of the air-spirit *deng*. Another way of indicating this spiritual

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hierarchy is in terms of descent values in their political communities. The spirits of the air are *diel*, true or aristocratic spirits, the totemic spirits are *jaang*, Dinka-like spirits, and the fetishes are *jur*, despised foreigners. It has earlier been noted that a similar metaphorical evaluation in terms of genealogical and social status is made by Nuer in their classification of birds (p. 90).

The interrelationship of the spirits is represented also in the symbolism of height or space, or more accurately in the relation of sky to earth. The spirits, as we have noted, are those of the above and those of the below. God is symbolized by the sky and the spirits of the air by the atmosphere, the clouds, and the breezes, the lower ones being nearer to the earth than the greater ones. The totemic spirits as spirits are above and as creatures are below. The nature sprites may also be thought of as having a dual existence. The fetishes are the most earthly of the spirits, some of them speaking from beneath the ground. Implicit in this symbolic configuration is also an evaluation in terms of light and darkness, ranging from celestial brightness to subterranean darkness.

We see, and in their own way of looking at the matter Nuer see, degrees of immanence in this symbolic configuration. The cosmological representation of Spirit, and in particular the dichotomy between heaven and earth, the spirits of the above and those of the below, is further indicated by the mode and manner of appearances, the forms in which Spirit is manifested to humans. At one end there is pure Spirit, transcendental being which is everywhere and in nothing particular, Spirit as it is in itself, God. God is seen only in the works of his creation and he speaks only in the language of inner spiritual experience. The spirits of the air, on the other hand, and sometimes also the *colwic* spirits, appear to men in their prophets, through whom they are known and speak. Then Spirit is manifested in totemic species, which are mostly creatures, and at the farther end in things, the natural things associated with sprites and the magical substances which are the outward appearances of fetishes, which are Spirit in its lowest and most material form, Spirit which 'eats' offerings and which is bought and sold. Nuer themselves draw these comparisons, and it is evident from their observations that they themselves perceive that they are dealing with Spirit at different levels of thought and experience, Spirit in itself, Spirit in persons, Spirit in beasts, and Spirit in things. Moreover, I think we may conclude further that

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they perceive these different levels of immanence also as levels in time. This is implied in the genealogical representation of Spirit, for father must come before children and children before grandchildren; and possibly also in its spatial representation in the falling of spirits from above in a succession of descents at points in time. But it is also explicit in Nuer statements of the order in which their various spirits appeared among them. God was always there, then at various points of time colour spirits, spirits of the air, totemic spirits, nature spirits, and foreign spirits appeared on the scene, the foreign spirits being the most recent arrivals.

These refractions correspond, as we have noted, with different levels of social activity, but an interpretation in terms of social structure merely shows us how the idea of Spirit takes various forms corresponding to departments of social life. It does not enable us to understand any better the intrinsic nature of the idea itself. The varying degrees of immanence in which the conception is expressed show us that the different social levels at which Spirit is manifested are also different degrees of religious perception. Spirit is sometimes perceived, intellectually and intuitively, as one, transcendental, pure Spirit and at other times, in relation to human affairs and interests, as one or other of a great number of figures through which it is made known, in varying degrees of materialization, concretely to human intelligence. Nor is it, even with strict reference to a purely structural interpretation of the conception of Spirit in Nuer society, simply a matter of social levels, for, as we have seen, God is also experienced unrefracted at all levels, down to the individual; so that a structural interpretation explains only certain characteristics of the refractions and not the idea of Spirit in itself. I have only tried to show that, and how, that idea is broken up by the refracting surfaces of nature, of society, of culture, and of historical experience.

This way of looking at the Nuer conception of Spirit gives us a model by reference to which we can reduce the bewildering variety of their spirits to some sort of order in our own minds, and research could be carried deeper on the lines I have indicated. But the value of the model for our present inquiry is limited, for it does not help us to understand the specifically religious facts any better. The analysis made in this chapter is from the outside, and were I writing about Nuer social structure this is the feature of their religion it would be most necessary to stress. But in a

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study of religion, if we wish to seize the essential nature of what we are inquiring into we have to try to examine the matter from the inside also, to see it as Nuer see it, to examine how they differentiate at each level between one spirit and another. Naturally, they do not differentiate between them in sociological terms, but rather by grammatical distinctions, by reference to descent, and by names of one sort or another. However, were the distinctions purely verbal, inevitable confusion, we may assume, would result. But the words are linked to visible objects which enable the mind to hold them, and so keep them apart. There is not the same need of visible symbols in thinking of God. Signs are indeed required, for it would be difficult otherwise to think about him at all, but what is one and has none like it does not require ~~thought~~ discritical differentiation. Where, on the contrary, there are a number of like representations they can only be kept apart by concrete differentiation, some thing which brings the name and the idea it stands for to the mind. In the case of the spirits of the air this requirement is provided by the prophets they possess, in the case of *colwic* spirits by the persons who have become such, in the case of the totemic spirits by the creatures they are beholden in, in the case of the nature spirits by luminous objects, and in the case of fetishes by the substances they are in, or attached to. This differentiation of spiritual forms through their identification with material phenomena presents us with a very difficult and delicate problem in religious thought. If what distinguishes one spiritual form from another is an object, we have to consider whether the object is the spiritual form or in what sense it may be said to symbolize it.

16: Evans-Pritchard E-S (1931, 1936) 1956
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CHAPTER V

THE PROBLEM OF SYMBOLS

In the last chapter I discussed how the Nuer conception of Spirit is figured in different ways to different persons and categories and groups. In this chapter I consider the material forms in which Spirit manifests itself or is represented. God is, properly speaking, not figured in any material representations, nor are almost all the spirits of the above, though both God and his supra-terrestrial refractions may reveal themselves in signs. But the spirits of the below are represented in creatures and things. Our problem chiefly concerns these spirits of the below. It can be simply stated by the question: What meaning are we to attach to Nuer statements that such-and-such a thing is *kwoth*, spirit? The answer is not so simple.

There are several ways in which what we would render as 'is' is indicated in the Nuer language. The one which concerns us here is the particle *e*. It is used to tell the listener that something belongs to a certain class or category and hence about some character or quality it has, as '*e dit*', 'it is a bird', '*gat nath e car*', 'the Nuer is black', and '*Duob e ram me gaagh*', 'Duob is a good man.' The question we are asking is what meaning or meanings it has for Nuer when they say of something '*e kwoth*', 'it is Spirit' (in the sense either of God or of a divine refraction).

Nuer do not claim to see God, nor do they think that anyone can know what he is like in himself. When they speak about his nature they do so by adjectives which refer to attributes, such as 'great' and 'good', or in metaphors taken from the world around them, likening his invisibility and ubiquity to wind and air, his greatness to the universe he has created, and his grandeur to an ox with widespread horns. They are no more than metaphors for Nuer, who do not say that any of these things is God, but only that he is like (*cere*) them. They express in these poetic images as best they can what they think must be some of his attributes.

Nevertheless, certain things are said, or may be said, 'to be' God —rain, lightning, and various other natural—in the Nuer way of speech, created—things which are of common interest. There is here an ambiguity, or an obscurity, to be elucidated, for Nuer are

16: Evans-Pritchard E-5 (1931, 1936) 1956
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not now saying that God or Spirit is like this or that, but that this or that 'is' God or Spirit. Elucidation here does not, however, present great difficulties.

God being conceived of as in the sky, those celestial phenomena which are of particular significance for Nuer, rain and lightning, are said, in a sense we have to determine, to be him. There is no noun denoting either phenomenon and they can only be spoken of by verbs indicating a function of the sky, as '*ce wheat dawn*', 'the sky rained', and '*ce wheat mar*', 'the sky thundered'. Also pestilences, murrains, death, and indeed almost any natural phenomenon significant for men are commonly regarded by Nuer as manifestations from above, activities of divine being. Even the earthly storms are conceived of as a relationship deriving from some singular intervention of Spirit from above in human affairs. It is chiefly by these signs that Nuer have knowledge of God. It might be held, therefore, that the Nuer conception of God is a conceptualization of events which, on account of their strangeness or variability as well as on account of their potentiality for fortune or misfortune, are said to be his activities or his activities in one or other of his hypostases or refractions. Support for such a view might be found in the way Nuer sometimes speak of one or other of these effects. They may say of rain or lightning or pestilence '*e kwoth*', 'it is God', and in storms they pray to God to come to earth gently and not in fury—to come gently, it will be noted, not to make the rain come gently.

I do not discuss this ontological question here beyond saying that were we to suppose that such phenomena are in themselves regarded as God we would misunderstand and misrepresent Nuer religious thought, which is pre-eminently dualistic. It is true that for them there is no abstract duality of natural and supernatural, but there is such a duality between *kwoth*, Spirit, which is immaterial rather than supernatural, and *cak*, creation, the material world known to the senses. Rain and lightning and pestilences and murrains belong to this created world and are referred to by Nuer as *nyin kwoth*, instruments of God.

Nevertheless, they and other effects of significance for men are *koonyule*, signs or manifestations of divine activity; and since Nuer apprehend divine activity in these signs, in God's revelation of himself to them in material forms, the signs are, in a lower medium, what they signify, so that Nuer may say of them '*e*

16: Evans-Pritchard E-5 (1931, 1936) 1956
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kwoth', 'it is God'. Rain and pestilence come from God and are therefore manifestations of him, and in this sense rain and pestilence are God, in the sense that he reveals himself in their falling. But though one can say of rain or pestilence that it is God one cannot say of God that he is rain or pestilence. This would make no sense for a number of reasons. In the first place, the situation could scarcely arise, God not being an observable object, in which Nuer would require or desire to say about him that he is anything. In the second place, the word *kwoth* does not here refer to a particular refraction of Spirit, a spirit, but to Spirit in its essence, God, and he could not be in any way identified with any one of his manifestations to the exclusion of all the others. A third, and the most cogent, reason is that rain is water which falls from the sky and pestilence is a bodily condition and they are therefore in their nature material things and not Spirit. Indeed, as a rule, rain is only thought of in connexion with Spirit, and is therefore only said to be Spirit, when it does not fall in due season or falls too much or too violently with storm and lightning—when, that is, the rain has some special significance for human affairs. This gives us a clue to what is meant when Nuer say of something that it is God or that it is a spirit of the air, as thunder may be said to be the spirit *wiu* or a prophet of the spirit *deng* may be said to be *deng*—especially as Nuer readily expand such statements by adding that thunder, rain, and pestilence are all instruments (*ryiet*) of God or that they are sent by (*jak*) God, and that the spirit *deng* has filled (*gwong*) the prophet through whom it speaks. In the statement here that something is Spirit or a spirit the particle *e*, which we translate '*is*', cannot therefore have the meaning of identity in a substantial sense. Indeed, it is because Spirit is conceived of in itself, as the creator and the one, and quite apart from any of its material manifestations, that phenomena can be said to be sent by it or to be its instruments. When Nuer say of rain or lightning that it is God they are making an elliptical statement. What is understood is not that the thing in itself is Spirit but that it is what we would call a medium or manifestation or sign of divine activity in relation to men and of significance for them. What precisely is posited by the hearer of any such elliptical statement depends on the nature of the situation by reference to which it is made. A vulture is not thought of as being in itself Spirit; it is a bird. But if it perches on the crown of a byre or hut Nuer may

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p. 776 say 'a bush', 'it is Spirit', meaning that its dying on is a spiritual signal presaging disaster. A lion is not thought of as being in itself Spirit; it is a beast. But it may, on account of some event which brings it into a peculiar relation to man, such as being born, as Nuer think sometimes happens, so twin to a human child, be regarded as a revelation of Spirit for a particular family and lineage. Likewise, diseases, or rather their symptoms, are not thought
[p. 128] of as being in themselves Spirit, but their appearance in individuals may be regarded as manifestations of Spirit for those individuals. Spirit acts, and thereby reveals itself, through these creatures. This distinction between the nature of a thing and what it may signify in certain situations or for certain persons is very evident in totemic relationships. A crocodile is Spirit for certain persons, but it is not thought to be in its nature Spirit, for others kill and eat it. It is because Nuer separate, and quite explicitly when questioned about the matter, spiritual conceptions from such material things as may nevertheless be said 'to be' the conceptions, that they are able to maintain the unity and autonomy of Spirit in spite of a great diversity of accidents and are able to speak of Spirit without reference to any of its material manifestations.

So far I have been mostly speaking of the conception of God and of those of his refractions which belong to the category of the sky or of the above. With two possible exceptions,[1] we cannot say that the things said 'to be' these spirits are material symbols or representations of them; at any rate not in the same sense as we can speak of things being symbols of those lesser refractions of Spirit Nuer call spirits of the earth or of the below, in which God stands in a special relationship to lineages and individuals—such diverse things as beasts, birds, reptiles, trees, phosphorescent objects, and pieces of wood. These lesser refractions of Spirit, regarded as distinct spirits in relation to each other, cannot, unlike the spirits of the air, easily be thought of except in relation to the things by reference to which they derive their individuality, and which are said 'to be' them.

p. 776 196 When, therefore, Nuer say that the pied crow is the spirit *buk* or that a snake is Spirit, the word 'is' has a different sense from what it has in the statement that rain is Spirit. The difference does not

[1] The spear wife may be said to stand for the spirit wife (pp. 31 and 141), and the pied crow may be said to stand for the spirit *buk* which is the most terrestrially conceived of among the greater spirits (pp. 31–32 and 81).

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mently lie in the fact that *kwoth* has here a more restricted connotation, being spoken of in reference to a particular and exclusive refraction—a spirit—rather than comprehensively as God or Spirit in its totality. It lies also in the relation understood in the statement between its subject (snake or crow) and its predicate (Spirit or a spirit). The snake in itself is not divine activity whereas rain and lightning are. The story accounting for a totemic relationship may present it as arising from a revelation of divine activity, but once it has become an established relationship between a lineage and a natural species, the species is a representation or symbol of Spirit to the lineage. What then is here meant when it is said that the pied crow 'is' *kwk* or that a snake 'is' Spirit: that the symbol 'is' what it symbolizes? Clearly Nuer do not mean that the crow is the same as *kwk*, for *kwk* is also conceived of as being in the sky and also in rivers, which the pied crow certainly is not; nor that a snake is the same as some spiritual refraction, for they say that the snake just crawls on the earth while the spirit it is said to be is in the sky. What then is being predicated about the crow or snake in the statement that either is Spirit or a spirit?

It will be simpler to discuss this question in the first place in relation to a totemic relationship. When a Nuer says of a creature '*e nyang*', 'it is a crocodile', he is saying that it is a crocodile and not some other creature, but when he says, to explain why a person behaves in an unusual manner towards crocodiles '*e kwothdiew*', 'it (the crocodile) is their spirit', he is obviously making a different sort of statement. He is not saying what kind of creature it is (for it is understood that he is referring to the crocodile) but that what he refers to is spirit for certain people. But he is also not saying that the crocodile is Spirit—it is not so for him—but that certain people so regard it. Therefore a Nuer would not make a general statement that '*nyang e kwoth*', 'crocodile is Spirit', but would only say, in referring to the crocodile, '*e kwoth*', 'it is Spirit', the distinction between the two statements being that the first would mean that the crocodile is Spirit for everyone whereas the second, being made in a special context of situation, means that it is Spirit for certain persons who are being discussed, or are understood, in that context. Likewise, whilst it can be said of the crocodile that it is Spirit, it cannot be said of Spirit that it is the crocodile, or rather, if a statement is framed in this form it can only be made when the word *kwoth* has a pronominal suffix which gives it the

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776 196 meaning of 'his spirit', 'their spirit', and so forth; in other words, where the statement makes it clear that what is being spoken of is spirit conceived of in relation to particular persons only. We will have to ask, however, in what sense the crocodile is spirit for these persons.

Since it is difficult to discuss a statement that something which can be observed, crocodile, is something more than what it appears to be when this something more, spirit, cannot be observed, it is helpful first to consider two examples of Nuer statements that things are something more than they appear to be when both the subject term and the predicate term refer to observable phenomena.

776 196 782 811 When a cucumber is used as a sacrificial victim Nuer speak of it as an ox. In doing so they are asserting something rather more than that it takes the place of an ox. They do not, of course, say that cucumbers are oxen, and in speaking of a particular cucumber as an ox in a sacrificial situation they are only indicating that it may be thought of as an ox in that particular situation; and they act accordingly by performing the sacrificial rites as closely as possible to what happens when the victim is an ox. The resemblance is conceptual, not perceptual. The 'is' rests on qualitative analogy. And the expression is asymmetrical, a cucumber is an ox, but an ox is not a cucumber.

776 196 811 846 A rather different example of this way of speaking is the Nuer assertion that twins are one person and that they are birds.[1] When they say 'twins are not two persons, they are one person' they are not saying that they are one individual but that they have a single personality. It is significant that in speaking of the unity of twins they only use the word *ran*, which, like our word 'person', leaves sex, age, and other distinguishing qualities of individuals undefined. They would not say that twins of the same sex were one *dhol*, boy, or one *nyal*, girl, but they do say, whether they are of the same sex or not, that they are one *ran*, person. Their single social personality is something over and above their physical duality, a duality which is evident to the senses and is indicated by the plural form used when speaking of twins and by their treatment in all respects in ordinary social life as two quite distinct individuals. It is only in certain ritual situations, and symbolically,

[1] I have given a more detailed account in 'Customs and Beliefs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936.

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that the unity of twins is expressed, particularly in ceremonies 776
connected with marriage and death, in which the personality 196
undergoes a change. Thus, when the senior of male twins marries, 811
the junior acts with him in the ritual acts he has to perform; 896
female twins ought to be married on the same day; and no mor- [512]
tuary ceremonies are held for twins because, for one reason, one [766]
of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin 776
dies, and I was told that twins do not attend the mortuary cere- [795]
monies held for their dead kinsfolk, nor mourn them, because a 766
twin is a *ran ebiel*, a person of the sky or of the above. He is also 196
spoken of as *gut kwoth*, a child of God. These dimeric descrip- 811
tions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*diil*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dil*, [581]
bird, *Gwong*, guineafowl, or *Ngac*, francolin.[1] All Nuer consider [242]
it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nuaer*, a grave sin, for twins respect (*ebek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

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776 a cord basket or winnowing-tray and placed in the fork of a tree,
945 because birds rest in trees. I was told that birds which feed on
966 carrion would not molest the bodies but would look at their dead
176 kinsmen—twins and birds are also said to be kin, though the
911 usage may be regarded as metaphorical—and fly away again. When I asked a Nuer whether adult twins would be buried like other people he replied 'no, of course not, they are birds and their souls go up into the air'. A platform, not used in the normal mode of burial, is erected in the grave and a hide placed over it. The body is laid on this hide and covered with a second hide. Earth is then carefully patted over the upper hide instead of being shovelled in quickly, as in the burial of an ordinary person. I was told that the corpse is covered with earth lest a hyena eat it and afterwards drink at a pool, for men might drink at the same pool and die from contamination (*nuer*).

776 It is understandable that Nuer drew an analogy between the
945 multiple hatching of eggs and the dual birth of twins. The analogy
911 is explicit, and, through an extension of it, the flesh of crocodiles
[262] and turtles is also forbidden to twins on the ground that these creatures too, like birds, lay eggs. Miss Soule once had a girl twin in her household who refused fish for the same reason—the only case of its kind known to either of us. But the analogy between multiple births in birds and men does not adequately explain why it is with birds that human twins are equated when there are many other creatures which habitually bear several young at the same time and in a manner more closely resembling human parturition. It cannot be just multiple birth which leads Nuer to say that twins are birds, for these other creatures are not respected by twins on that account. The prohibition on eating eggs is clearly secondary, and it is extended to include crocodiles and turtles—and by Miss Soule's girl fish also—not because they lay eggs but because their laying eggs makes them like birds. Moreover, it is difficult to understand why a resemblance of the kind should in any case be made so much of. The multiple hatching of chicks is doubtless a resemblance which greatly strengthens the idea of twins being birds, but it is only part of a more complex analogical representation which requires to be explained in more general terms of Nuer religious thought. A twin, on account of his peculiar manner of conception is, though not Spirit himself, a special creation, and, therefore, manifestation of Spirit; and when he dies his

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and goes into the air, to which things associated with Spirit belong. He is a *cuer ebiel*, a person of the above, whereas an ordinary person is a *cuer piny*, a person of the below. A bird, though also not in itself Spirit, belongs by nature to the above and is also what Nuer call, using 'person' metaphorically, a *cuer ebiel*, a person of the above, and being such is therefore also associated with Spirit. It cannot, of course, be determined for certain whether a twin is said to be a person of the above because he is a bird or whether he is said to be a bird because he is a person of the above, but the connexion in thought between twins and birds is certainly not simply derived from the multiple birth similitude but also, and in my view primarily, from both birds and twins being classed by Nuer as *gaar kwoth*, children of God. Birds are children of God on account of their being in the air, and twins belong to the air on account of their being children of God by the manner of their conception and birth.

It seems odd, is not absurd, to a European when he is told that a twin is a bird as though it were an obvious fact, for Nuer are not saying that a twin is like a bird but that he is a bird. There seems to be a complete contradiction in the statement; and it was precisely on statements of this kind recorded by observers of primitive peoples that Lévy-Bruhl based his theory of the prelogical mentality of these peoples, its chief characteristic being, in his view, that it permits such evident contradictions—that a thing can be what it is and at the same time something altogether different. But, in fact, no contradiction is involved in the statement, which, on the contrary, appears quite sensible, and even true, to one who presents the idea to himself in the Nuer language and within their system of religious thought. He does not then take their statements about twins any more literally than they make and understand them themselves. They are not saying that a twin has a beak, feathers, and so forth. Nor in their everyday relations with twins do Nuer speak of them as birds or act towards them as though they were birds. They treat them as what they are, men and women. But in addition to being men and women they are of a twin-birth, and a twin-birth is a special revelation of Spirit; and Nuer express this special character of twins in the 'twins are birds' formula because twins and birds, though for different reasons, are both associated with Spirit and this makes twins, like birds, 'people of the above' and 'children of God', and hence a bird

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a suitable symbol in which to express the special relationship in which a twin stands to God. When, therefore, Nuer say that a twin is a bird they are not speaking of either as it appears in the flesh. They are speaking of the *ancestor* of the twin, what they call this tie, a concept which includes both what we call the personality and the soul; and they are speaking of the association birds have with Spirit through their ability to enter the realm to which Spirit is likened in metaphor and where Nuer think it chiefly is, or may be. The formula does not express a dyadic relationship between twins and birds but a triadic relationship between twins, birds, and God. In respect to God twins and birds have a similar character.

It is because Nuer do not make, or take, the statement that twins are birds in any ordinary sense that they are fully aware that in ritual relating to twins the actions are a kind of miming. This is shown in their treatment of the corpse of a twin, for, according to what they themselves say, what is a bird, the *tie* or *animo*, has gone up into the air and what is left and treated—in the case of adults platform burial being a convenient alternative to disposal in trees—as though it might be a bird is only the *ring*, the flesh. It is shown also in the convention that should one of a pair of twins die, the child who comes after them takes his place, counting as one of them in the various ceremonies twins have to perform and respecting birds as rigorously as if he were himself a twin, which he is not. The ceremonies have to be performed for the benefit of the living twin and their structure and purpose are such that there have to be two persons to perform them, so a brother or sister acts in the place of the dead.

This discussion of what is meant by the statement that a twin is a bird is not so far away from the subject of totemism as it might seem to be, for the stock explanation among the Nuer of a totemic relationship is that the ancestor of a lineage and a member of a natural species were born twins. The relationship of lineage to species is thereby made to derive not only from the closest of all possible relationships but also from a special act of divine revelation; and since the link between a lineage and its totem is the tutelary spirit of the lineage associated with the totem it is appropriate that the relationship should be thought of as having come about by an event which is a direct manifestation of Spirit.

However, an examination of the Nuer dogma that twins are

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PLATE V

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Windscreen

[facing p.132]

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*77 birds was made not on account of totemic relationships com-
811 monly being explained in terms of twinship but because it was hoped that it would be easier to understand, in the light of any conclusions reached about what is meant by the statement that a twin is a bird, what Nuer mean when they say that some totemic creature, such as the crocodile, is Spirit. Certainly there is here neither the sort of metaphor nor the sort of ellipsis we found in earlier statements. Nor can Nuer be understood to mean that the creature is identical with Spirit, or even with a spirit, Spirit conceived of in a particular totemic refraction. They say quite definitely themselves that it is not; and it is also evident, for Nuer as well as for us, that a material symbol of Spirit cannot, by its very nature, be that which it symbolizes. Nevertheless, though crocodile and Spirit are quite different and unconnected ideas, when the crocodile is for a certain lineage a symbol of their special relationship to God, then in the context of that relationship symbol and what it symbolizes are fused. As in the case of the 'twins are birds' formula, the relation is a triadic one, between a lineage and a natural species and God.

*77 There are obvious and significant differences between the
811 creature-Spirit expression and the cucumber-ox and bird-twin expressions. Cucumber, ox, man, and bird are all things which can be known by the senses; but where Spirit is experienced other than in thought it is only in its effects or through material representations of it. We can, therefore, easily see how Nuer regard it as being in, or behind, the crocodile. The subject and predicate terms of the statement that something is Spirit are here no longer held apart by two sets of visible properties. Consequently, while Nuer say that totemic spirits and totems are not the same they sometimes not only speak of, but act towards, a totem as if the spirit were in it. Thus they give some meat of a sacrifice to the lion-spirit to lions, and when they sacrifice to the durra-bird-spirit they address also the birds themselves and tell them that the victim is for them. Nevertheless, they make it clear in talking about their totems that what respect they show for them is on account of their representing the spirits associated with them and not for their own sake.

Another difference is that whereas in the cases of the cucumber-ox and twin-bird expressions the equivalence rests on analogies which are quite obvious even to us once they are pointed out—

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the cucumber being treated in the ritual of sacrifice as an ox is, and twins and birds both being 'children of God' and also multiple births—analogy is lacking in the creature-Spirit expression. There is no resemblance between the idea of Spirit and that of crocodile. There is nothing in the nature of crocodiles which evokes the idea of Spirit for Nuer, and even for those who respect crocodiles the idea of Spirit is evoked by these creatures because the crocodile is a representation of Spirit in relation to their lineage and not because there is anything crocodile-like about Spirit or Spirit-like about crocodiles. We have passed from observation of resemblances to thought by means of symbols in the sort of way that the crocodile is used as a symbol for Spirit.

We are here faced with the same problem we have been considering earlier, but in what, in the absence of analogical guidance to help us, is a more difficult form. The difficulty is increased by Nuer symbols being taken from an environment unfamiliar to us and one which, even when we familiarize ourselves with it, we experience and evaluate differently. We find it hard to think in terms of crocodiles, snakes, and fig-trees. But reflection shows us that this problem is common to all religious thought, including our own; that a religious symbol has always an intimate association with what it represents, that which brings to the mind with what it brings to the mind. Nuer know that what they see is a crocodile, but since it represents Spirit to some of them it is for those people, when thought of in that way, also what it stands for. The relationship of members of a Nuer lineage to Spirit is represented by a material symbol by which it can be thought of concretely, and therefore as a relationship distinct from the relationships of other lineages to Spirit. What the symbols stand for is the same thing. It is they, and not what they stand for, which differentiate the relationships. There results, when what acts as a symbol is regarded in this way, a fusion between Spirit, as so represented, and its material representation. I would say that then Nuer regard Spirit as being in some way in, or behind, the creature in which in a sense it is beholden.

The problem is even more difficult and complex than I have stated it, because we might say that what are fused are not so much the idea of Spirit and its material representation as the idea of Spirit and the idea of its material representation. It is rather the idea of crocodile than the saurian creatures themselves which

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stands for Spirit to a lineage. If a Nuer cannot see Spirit he likewise in some cases seldom, if ever, sees his totem; so that it is no longer a question of a material object symbolizing an idea but of one idea symbolizing another. I doubt whether those who respect monorchid bulls or waterbuck often see a member of the class or species, and children in these and other cases must often be told about their totemic attachments before they have seen their totems. There must also be Nuer who respect dom palms who live in parts of Nuerland to the east of the Nile where this tree does not grow.[1] Indeed, I feel confident that one totem, the *lou* serpent, a kind of Loch Ness monster, does not exist, and if this is so, a totem can be purely imaginary. As this point has some theoretical importance for a study of totemism I draw attention to a further significant fact. Nuer do not speak of the spirit of crocodiles, lions, tamarind-trees, and so on, but always of the spirit of crocodile, lion, and tamarind-tree, and they would never say that crocodiles, lions, and tamarind-trees were somebody's spirit but always that crocodile, lion, and tamarind-tree was his spirit. The difference in meaning between the plural and singular usage is not, perhaps, very obvious in English but it is both clear and vital in Nuer. It is the difference between crocodiles thought of as they are seen in rivers and crocodiles thought of as crocodile or as the crocodile, as a type of creature, crocodile as a conception. The point I am making is exemplified by the story already recorded (p. 65) of a man who gave up respecting lions because they killed his cattle. He still regarded lion-spirit, Spirit in the representation of lion, as a spirit connected with his family. But if a totemic relationship may be an ideal one, and has always something of the ideal in it, I would still say that Nuer regard Spirit as being

[1] Dr. Liebhardt tells me that a number of lineages in western Dinkaland respect creatures which no longer exist there. A Dinka who travelled with him to other parts of the Southern Sudan was astonished when he first saw his totem, an elephant. Nana Kobina Nketsia IV of Sekondi permits me to say that the first time he saw his totem, the buffalo, was last year in a film at Oxford. Professor I. Schapera tells me that the ruling family of the senior tribe in the Bechuanaland Protectorate, the Kwena, have been living for a hundred years in a region where their totem, the crocodile, is unknown (see also what he says in *The Tswana* (International African Institute), 1953, p. 35, and Hugh Ashton, *The Basuto*, 1952, p. 14). Other examples could be cited. It may help us to appreciate the point better if we consider the nearest parallels in our own country. When we think of the lion as our national symbol we do not think of the mangy creatures of the African bush or in zoos. Nor does it incommode us that there are no unicorns and never have been any.

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in some way in, or behind, totemic creatures when they think of them as representations of Spirit.

This must be all the more so with the other spirits of the below, the *bieli*, nature sprites, and the *kulangni*, fetishes. In general much of what has been said in this chapter about the totemic spirits applies to these other spirits also, but there is one important difference. In the statement 'crocodile is their spirit' both terms of the proposition can be thought of quite separately and are indeed so presented in the statement. This is partly because the crocodile is Spirit only for some persons and not for others, and also because, even for those for whom it is Spirit, it also exists in its own right as a reptile and may be so regarded by them without the idea of Spirit being involved. The reptile can be said to be Spirit only because it is something which may represent it and is, therefore, different from it. But in the case of a luminescence, such as will-o'-the-wisp from rotting swamp vegetation, the appearance can scarcely be represented in thought apart from what appears in it. It does not seem to be regarded, as rain may be, as a manifestation of Spirit through a medium which can be said to be sent by, or to be an instrument of, Spirit, but as an emanation of Spirit or as Spirit itself revealed in the light, a theophany like the burning bush in Midian. Nuer speak of it sometimes as the spirit's fire, and of its fire burning. Nor is it, as a crocodile may be, regarded as a representation of Spirit which, being apart from what it represents, can be said to be what it represents. On the contrary, whilst the lights are easily kept apart in the mind from the things on which they are accustomed to appear—swamp vegetation, hippopotamuses, meteorites, and other objects—they are not themselves conceived of as other than Spirit in the form of *bieli* and under that name. They are not something that is thought to exist in its own right but can be said to be Spirit. They are in themselves Spirit, in however lowly a form. Consequently, though they have a special significance for those persons who have acquired a relationship to the *bieli* spirits, they are Spirit also for those not directly concerned with them. Rain and crocodiles are created things with which Spirit may, or may not, be associated, according to circumstances and persons, but a will-o'-the-wisp is a property of Spirit, fractionally conceived of as a spirit of a special kind, and it cannot be thought of in terms other than of Spirit.

So when a Nuer says of a light in the bush that it is Spirit the

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problem we have been considering has changed its form and, at least on first consideration, seems to elude, if not altogether to escape, us. For us the light is a gas arising from swamp vegetation, so that the statement that it is Spirit is of the same kind as the statement that a crocodile is Spirit; and whatever meaning might be attached to the one would be the same for the other. But we cannot say that they are statements of the same kind for Nuer. For them, whereas the crocodile is a thing conceived of separately from Spirit, even though in a certain sense and for certain people it may be said to be Spirit, the phosphorescence is a descent of Spirit in the form of light on to something which is not in any way said to be Spirit, such as a hippopotamus, and on which it may appear at certain times and places and not at other times and places. So we are no longer asking what sense it has for Nuer when one of them says of a thing, which is not for them in itself Spirit, that it is Spirit. We are asking what sense it has for them when one of them says of a thing which has no meaning for them other than an emanation of Spirit that it is Spirit. In the case of the crocodile what is perceived is the reptile, and in certain circumstances it may be conceived of as Spirit for certain persons. In the case of the *bieli* what is perceived may indeed be said to be just light but it can only be conceived of as Spirit, for it has no other name which differentiates it from any other sort of light or fire than *bieli*. When, regarding such a light, Nuer say 'it is Spirit' they are no longer saying that something is something else but are merely giving a name to what is observed; so that here 'it is Spirit' belongs to the same class of statements as 'it is a crocodile', and it might be held that the question we have been examining does not properly arise. Nevertheless, this is not entirely the case, as I will explain later. 776x 811

What has been said of the lights of the nature sprites can be said also of the little bundles of wood in which the *kulangni*, the fetish spirits, have their abode, but for a different reason. A bundle of wood in which a fetish spirit has its abode is not a symbol of spirit, as a crocodile may be. Nor is it, like the *bieli*, a visible appearance of Spirit. It is a thing where a particular spirit abides. Nevertheless, it must be difficult for a fetish-owner to regard the bundle as being just anything which serves as a lodging for the spirit. It is before the bundle that he makes his offerings and it is the bundle he points at an enemy he wishes the spirit to harm. 776x 811 778

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× 776 811 778 Moreover, the bundles are fashioned solely as habitations for spirits and have no significance other than is derived from this purpose and use. Hence when Nuer say of a fetish-bundle that it is Spirit they are not saying that something which also has for them a separate meaning as something in itself, which is other than Spirit, is something else, namely Spirit, but that something which has no meaning of any kind outside its being an abode and a material sign of Spirit is Spirit. So the fetish-bundles cannot easily be thought of, as can rain or crocodile, either in terms of Spirit or in terms of their purely material natures, but only in terms of Spirit.

× 776 811 But though in the case of both the lights and the bundles there seems to be a more complete and fixed fusion between things and Spirit than in the case of the totems, the problem of something being something else is still present, though in a more complex, and also a more obscure and roundabout, form. Here again, although it can be said of a light in the bush or of a fetish-bundle that it is Spirit, the statement cannot be reversed. It cannot be said of Spirit that it is the light or the bundle, for that would mean to Nuer that Spirit in its oneness, conceived of as God, is entirely in the light or the bundle, which would make no sense to them. In the statement that the light or bundle is Spirit what, therefore, has to be understood by Spirit is a refraction of Spirit, or a spirit. But, even so, the 'is' is not one of identity, for though a phosphorescent light is a nature sprite exhibiting itself and is not conceived of as anything else, the nature sprite may be thought of independently of the light; and though the fetish-bundle may be a meaningless object except in relation to the fetish-spirit which occupies it, the spirit which occupies it can be thought of independently of it. When the light is no longer visible the *biel* sprite is none the less present for certain people as their sprite, which is Spirit in relation to them as an idea quite apart from its sporadic appearances as a light. A fetish-spirit takes its abode in a fetish-bundle of wood and it may leave it; and it is also present for certain people as Spirit in relation to them as an idea quite apart from its material home. In either case the spirits are thought to come, or at some time to have come, from above to earth and to be independent, as Spirit, of any material forms. Consequently the same nature sprite or fetish-spirit can be in different lights or in different bundles at the same time, just as an air-spirit can be in different prophets at

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the same time or a totemic spirit can be in any number of members of a species at the same time. 776 × 811

There is a further fact to be taken into consideration. When Nuer speak of lights in the bush or of fetish-bundles as Spirit they normally would not use the generic word for Spirit, *kwoth*, or even its plural and fractionary form *kuth*, spirits. They would say of them that they were *bieli* or *kulangni*. So whilst it is true that *bieli* and *kulangni* are *kuth piny*, spirits of the below, the fact that they are given distinctive class names and that consequently it is possible for Nuer to explain them by saying that they are Spirit or that they are spirits attached to certain persons shows that though they are regarded as Spirit or spirits they are also somehow regarded differently from the way in which Spirit is usually regarded. So the problem here is further complicated by a third term being understood in the statement about something that it is something else: the light is *bieli*, and the *bieli* are Spirit; the bundle is *kulangni*, and the *kulangni* are Spirit. This added complication may be supposed to be due to the fact that though these spirits cannot be said to be identical with things they are more closely bound to them than is the case with other, and higher, spiritual conceptions; and the more Spirit is thought to be bound to visible forms the less it is thought of as Spirit and the more it is thought of in terms of what it is bound to. In other words, there are gradations of the conception of Spirit from pure unattached Spirit to Spirit associated with human, animal, and lifeless objects and more and more closely bound to what it is associated with the farther down the scale one goes. This scale of Spirit, as I have explained earlier, is related to segmentation of the social order and is represented by Nuer by levels of space as well as by levels and degrees of immanence. So when Nuer say of something that it is Spirit we have to consider not only what 'is' means but also what 'Spirit' means. Nevertheless, though the sense of '*kwoth*' varies with the context, the word refers always to something of the same essence; and what is being said, directly or indirectly, in the statements is always the same, that something is that essence.

We can make some contribution towards a solution of the problem in the light of this discussion. When Nuer say of something '*e kwoth*', 'it is Spirit', or give it a name of which it can be further said 'that is Spirit', the 'is' does not in all instances have

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the same connotation. It may be an elliptical statement, signifying that the thing referred to is a manifestation of Spirit in the sense of God revealing himself in instruments or effects. Or it may be a symbolical statement, signifying that what in itself is not Spirit but represents Spirit to certain persons is for these persons Spirit in such contexts as direct attention to the symbolic character of an object to the exclusion of whatever other qualities it may possess. Or it may be a statement signifying something closer to identity of the thing spoken of with what it is said to be, Spirit. The statements never, however, signify complete identity of anything with Spirit, because Nuer think of Spirit as something more than any of its modes, signs, effects, representations, and so forth, and also as something of a different nature from the created things which they are. They are not able to define what it is, but when it acts within the phenomenal world they say it has come from above, where it is conceived to be and whence it is thought to descend. Consequently Spirit in any form can be detached in the mind from the things said to be it, even if they cannot always be so easily detached from the idea of Spirit.

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I can take the analysis no farther; but if it is inconclusive it at least shows, if it is correct, how wide of the mark have been anthropological attempts to explain the kind of statements we have been considering. Anthropological explanations display two main errors. The first, best exemplified in the writings of Lévy-Bruhl, is that when a people say that something is something else which is different they are contravening the Law of Contradiction and substituting for it a law of their own prelogical way of thinking, that of mystical participation.[1] I hope at least to have shown that Nuer do not assert identity between the two things. They may say that one is the other and in certain situations act towards it as though it were that other, or something like it, but they are aware, no doubt with varying degrees of awareness, and readily say, though with varying degrees of clarity and emphasis, that the two things are different. Moreover, it will have been noted that in the seemingly equivocal statements we have considered, with perhaps one exception, the terms cannot be reversed. The exception

[1] I refer to his earlier writings, in particular *Les Fonctions mentales dans les sociétés inférieures* (1910) and *La Mentalité primitive* (1922). The second part of his last book, *L'Expérience mystique et les symboles chez les primitifs* (1938), which took account of modern research, is a brilliant discourse on the problems we have been discussing.

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is the statement that twins are birds, because it can also be said that birds are twins. That a hatch of birds are twins is a statement, to which we also can give assent, which does not derive logically from the statement that twins are birds but from a perception independent of that proposition; so it does not concern our problem. Rain may be said to be God but God cannot be said to be rain; a cucumber may be called an ox but an ox cannot be called a cucumber; and the crocodile may be said to be Spirit but Spirit cannot be said to be the crocodile. Consequently these are not statements of identity. They are statements not that something is other than it is but that in a certain sense and in particular contexts something has some extra quality which does not belong to it in its own nature; and this quality is not contrary to, or incompatible with, its nature but something added to it which does not alter what it was but makes it something more, in respect to this quality, than it was. Consequently, no contradiction, it seems to me, is involved in the statements.

Whether the predicate refers to a conception or to a visible object the addition makes the subject equivalent to it in respect to the quality which both now have in common in such contexts as focus the attention on that quality alone. The things referred to are not the same as each other but they are the same in that one respect, and the equivalence, denoted by the copula, is not one of substance but of quality. Consequently we cannot speak here, as Lévy-Bruhl does, of mystical participation, or at any rate not in his sense of the words, because the two things are not thought to be linked by a mystical bond but simply by a symbolic nexus. Therefore, what is done to birds is not thought to affect twins, and if a totem is harmed the spirit of that totem may be offended but it is not harmed by the harm done to the totemic creature.

That the relation between the thing said to be something else and that something else it is said to be is an ideal one is indeed obvious, but anthropological explanations of modes of primitive thought as wide apart as those of Tylor, Max Müller, and Lévy-Bruhl, are based on the assumption that though for us the relation is an ideal one primitive peoples mistake it for a real one; and those anthropologists who sponsor psychological explanations often make the same assumption. This is the second error. If my interpretation is correct, Nuer know very well when they say that a crocodile is Spirit that it is only Spirit in the sense that Spirit is

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represented to some people by that symbol just as they know very well that a cucumber is only an ox in the sense that they treat it as one in sacrifice. That they do not mistake ideal relations for real ones is shown by many examples in this book: the identification of a sacrificial spear with that of the ancestor (p. 240), the identification of man with ox in sacrifice (p. 262), the identification of a man's herd with that of the ancestor of his clan (p. 258), the identification of sickness and sin in a sacrificial context (pp. 191–2), and the identification of the left hand with death and evil (pp. 233–6). It is shown also in the symbolism of many of their rites, where their purpose is expressed in mimicry (pp. 231–2).

I think that one reason why it was not readily perceived that statements that something is something else should not be taken as matter-of-fact statements is that it was not recognized that they are made in relation to a third term not mentioned in them but understood. They are statements, as far as the Nuer are concerned, not that *A* is *B*, but that *A* and *B* have something in common in relation to *C*. This is evident when we give some thought to the matter. A cucumber is equivalent to an ox in respect to God who accepts it in the place of an ox. A crocodile is equivalent to Spirit only when conceived of as a representation of God to a lineage. Consequently, though Nuer do not mistake ideal relations for real ones, an ideal equivalence is none the less true for them, because within their system of religious thought things are not just what they appear to be but as they are conceived of in relation to God.

This implies experience on an imaginative level of thought where the mind moves in figures, symbols, metaphors, analogies, and many an elaboration of poetic fancy and language; and another reason why there has been misunderstanding is that the poetic sense of primitive peoples has not been sufficiently allowed for, so that it has not been appreciated that what they say is often to be understood in that sense and not in any ordinary sense. This is certainly the case with the Nuer, as we see in this chapter and in many places elsewhere in this book, for example, in their hymns. In all their poems and songs also they play on words and images to such an extent that no European can translate them without commentary from Nuer, and even Nuer themselves cannot always say what meaning they had for their authors. It is the same with their cattle- and dance-names, which are chosen both for euphony

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and to express analogies. How Nuer delight in playing with words is also seen in the fun they have in making up tongue-twisters, sentences which are difficult to pronounce without a mistake, and slips of the tongue, usually slips in the presence of mothers-in-law, which turn quite ordinary remarks into obscenities. Lacking plastic and visual arts, the imagination of this sensitive people finds its sole expression in ideas, images, and words.

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In this and the last chapter I have attempted to lay bare some features of the Nuer conception of Spirit. We are not asking what Spirit is but what is the Nuer conception of *kwoth*, which we translate 'Spirit'. Since it is a conception that we are inquiring into, our inquiry is an exploration of ideas. In the course of it we have found that whilst Nuer conceive of Spirit as creator and father in the heavens they also think of it in many different representations (what I have called refractions of Spirit) in relation to social groups, categories, and persons. The conception of Spirit has, we found, a social dimension (we can also say, since the statement can be reversed, that the social structure has a spiritual dimension). We found also that Spirit, in the Nuer conception of it, is experienced in signs, media, and symbols through which it is manifested to the senses. Fundamentally, however, this is not a relation of Spirit to things but a relation of Spirit to persons through things, so that, here again, we are ultimately concerned with the relation of God and man, and we have to consider not only what is the God-to-man side of the relationship, to which attention has so far mostly been given, but also the man-to-God side of it, to which I now turn.

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CHAPTER VI

SOUL AND GHOST

I

775 RELIGION is the reciprocal relation between God and man. Our study of Nuer religion is therefore a study not only of this people's conception of *kwoth*, God, but also of their conception of *ran*, man, and of the relation between the two conceptions. They stand to each other as opposites, symbolized in the opposites of sky and earth; and this is one of the salient contrasts of Nuer thought. I have already discussed the ideas they have about God, and I now propose to discuss some of their ideas about man. We can perhaps best start this discussion by considering what happens at death when man disintegrates into his three component parts, *ring*, flesh, *yiegh*, breath or life, and *tie*, intellect or soul.

764 Nuer say that a man who does not fear death summons his family and closest kin to his death-bed, but all who are not grave-diggers leave his homestead immediately he is dead, and the grave is dug and the corpse buried as quickly as possible and without ceremony. Usually only two or three people dig the grave and these are senior kinsmen, or sometimes kinswomen. A member of a man's age-set must not dig his grave, and all children and young people keep away from the homestead, even those nearest to the dead, such as his sons and younger brothers, however grieved they may be at their loss. They may weep but they do [761] not attend the burial, for death is an evil thing and only those who must get rid of the corpse should go near the grave. Men do not wail, and if women wail it is not for long, just a little as soon as the person has died and again shortly before he is buried to let the neighbours know of the death and burial. I have never witnessed a burial and it was with difficulty I obtained a description of what happens. Death is a subject Nuer do not care to speak about.

The shaft is dug near the left-hand side (as one faces it) of the dead man's hut or, if he dies in camp, his windscreen. This is the *kwi giakni*, the side of evil. The grave is dug to the depth of a

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man's chest as he stands in it. Nuer say that were a man to be 764
buried in a shallow grave and his corpse to be scratched up by hyenas he would haunt those responsible. The head of the corpse is shaved and all ornaments are removed from the body before burial. A man goes to the grave as naked as he was born. A woman is buried in her loin skin, closely drawn between the legs. The legs of both sexes are flexed and one arm is placed under the head and the other over it as the corpse lies on its right side on a strip of ox-hide. Another strip of ox-hide is placed over it and pieces are also placed over the ears to prevent earth entering them. I believe that in western Nuerland a man is buried facing east and a woman facing west, but in eastern Nuerland both sexes are buried facing west. Nuer have told me that this is because the eastern Nuer came orginally from the west and that it was in western Nuerland that their ancestors were created; but, as will be seen, they also associate the passage from birth to death with the movement of the sun across the sky. The grave-diggers heap the earth they dig around the edge of the shaft, five heaps for a man and four for a woman. When filling the shaft they sit or stand with their backs to it and scoop the earth back with their hands, at first slowly and then quickly, from each heap in turn. When the earth is above the level of the ground they beat it down. The small hump which is left is stamped down a few days later so that there is then no sign of the grave, unless it is an old woman's grave, when her pipe or neckrest or cooking-pot may be placed on it. Graves are not places of cult and are not long remembered. I have never heard a man speak of the grave of an ancestor or kinsman. The dead man's hut continues to be occupied after the women have beaten it inside and outside with wild rice. Persons killed by lightning, twins, and holders of certain ritual offices have special modes of burial (pp. 54–55 and 129–30).

When the burial is completed the master of ceremonies of the dead man's family dips a handful of wild rice in water and asperses the grave-diggers with it. They then go to the nearest stream to wash themselves. They may not drink water before they have been aspersed and have washed lest they die of the consequences (*nueer*). A few days later the master of ceremonies sprinkles all the people of the homestead and close kin who live 764
nearby in the same manner and sacrifices an animal to God, an 782
ox if the dead man had a large herd, otherwise one of the flock,

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764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

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fortune hanging over them and that the death may be only part 765
of it. It is necessary to clear off the whole debt before any further 775
evil comes to them. Otherwise people may cut their feet when fishing, pierce their feet when hunting, cut themselves with spears when dancing, or indeed meet with almost any misfortune, even death. Nuer also feel that if the dead is not appeased by this ceremony he may return in anger to fetch the living, especially his wives and children, and the cattle.

I have only once witnessed this ceremony, rather early in my 765
study of the Nuer, and I have supplemented my account of what 782
I then saw with statements made to me later. The ceremony was held at Dini in the Lou tribal area for the ghost of an important old man called Lam. When I arrived at the dead man's village towards evening the people had just sacrificed an ox outside his kraal. This sacrifice had been for Tutthiang, Lam's father, for it was known that Lam had intended before he died to sacrifice this animal in his father's honour. Next morning, before sunrise, an ox and a cow and its bull-calf were speared at their tethering-pegs in Lam's kraal. People watched to see how they fell; because if a sacrificed animal falls over cleanly on its side, especially if it falls on its right side, it is a good omen and shows that the ghost is content, whereas if it falls on its head or totters about before falling it is a bad omen. It is regarded as important that a cow still giving milk should be sacrificed for the ghost of an old man who had a position in his community lest he should feel that sufficient sacrifice had not been made. To kill a cow in milk is the greatest sacrifice a Nuer can make. An animal must be sacrificed for each wife of the dead by one of her sons or by some kinsman on behalf of her hut. If the ceremony is for a young unmarried man his favourite ox should be sacrificed. A cow should be sacrificed for a senior woman if the herd is large, and a male calf for a young woman. However, there are no hard and fast rules about the matter. The people of the home should sacrifice what they can afford, cattle if possible, but a goat or sheep if they cannot obtain at least a male calf, which is unlikely, because a man can generally borrow one from a neighbour.

At Dini after the cattle had been killed they were skinned and 764
the meat apportioned to the various categories of kin. It is an 782
absolute rule, however, that no member of the ghost's age-set 561
may partake of the meat of animals sacrificed at his mortuary

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765 ceremony, and I was told that it is dangerous for them even to
782 smell the cooking meat. Everyone then moved off to sit in front
[561] of a hut to listen to the commemorative orations, which are also invocations; and here were spread out on the ground the ghost's possessions, his fighting-spears and fishing-spears, his beads, his metal arm-rings, his ostrich-shell girdles, his pipe, and, since his son was senior government interpreter in the district, his clothes and whistle, articles not possessed by ordinary Nuer. At the side of these were placed the heads and hides of the cattle which had just been sacrificed. The people sat with their backs to the now rising sun and facing the direction of the setting sun because 'death follows the setting sun'. Nuer say that 'the west is the side of
[823] death, the east the side of life', and the verb *kwony* in their
[196] language means both 'to bury' and 'to set' (the sun). When they sacrifice an ox for a sick man they hope it will fall towards the east. The master of ceremonies (pp. 287–9) of the ghost's family made the first commemorative oration, after throwing some tobacco towards east and west. As he spoke he walked up and down in front of the people brandishing the spear with which the animals had been sacrificed. He commenced his address (*lam*) by shouting out his ox-name. He must also have shouted out his clan spear-name, though I have not recorded it in my notebooks.

I did not take down his address at the time but I was told later that a master of ceremonies speaks in this wise: 'God, now thou hast given us badness, or is it simply the lot of creation? [Is the death thou hast sent us a special evil designed for us or has the dead man merely suffered what soon or late comes to all created things?] Now thou hast taken so-and-so [he names the dead man], now he has become one of thy people, turn about and take him right away. We who are left in the world, give us peace. Let his children who remain in the world be at peace. He is not finished, his children will carry on his name. In the future they will bear his name. Let no further evil befall us.' The master of ceremonies is now speaking to the ghost: 'So-and-so, my brother [or 'my father' if he was a much older man], now thou art one of God's people. Do not forget us, let it be thy habit to speak [on our behalf] to thy father [God]. When we go into the bush let us tread on wild rice [avoid all dangers and troubles]. Let us beget children. May all evil be taken away from us now, and may we remain in peace.' The master of ceremonies again addresses God: 'God, and

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you ghosts! Thou, God, madest man and thou also madest death. 765
[Thou hast said] thou, man, I made thee only that thou mightest 782
perish. God, it is thy world. Thou hast shown us death this year. Now we here, we go about with this debt, there has been no laughing with happiness for us this year; thou hast given us mourning. God, turn about and take away the man thou hast taken. Breathe on us with favourable breath (*ku ko ngok ni yiegh me goagh*). Thou hast taken this man, take also this ox of his together with him.' He addresses the ghost once more: 'and thou, so-and-so, art thou now in the great cattle camp [community] of the dead? Where art thou, our father? Where are all the people of our home? Eh! It is the camp to which we all go at last. We who remain in the world, may we be at peace. May the children thou hast left behind thee rest in peace. Thou who hast gone before do not close thine eyes to us. Thou art a person of God. May there be nothing further bad for us to see.'

The master of ceremonies spoke for a long time in this vein and when he had finished five senior kinsmen made similar orations, one after another, the six addresses taking over four hours to deliver. The kinsmen harangued the ghost. They told him that when his daughters were married he would receive the finest cows of their bridewealth. They asked him to be a good ghost and not to trouble his kinsmen. They frequently admonished him to turn away from them (*ku ro du rit*). They wanted the ghost to look away from them and not to trouble them. His kinship (*mar*) was now with God and not with men. This request to turn away, made to both God and the ghost of the dead man, is a constant refrain in mortuary ceremonies. In a text given by Professor Westerman, the translation of which I have slightly emended, the speaker says on such an occasion, 'Oh God, why dost thou pursue us? Why dost thou pursue us? Turn thyself away, take this thy man and go; let him be sufficient; do not look at us again! In what are we at fault?' And also 'Oh God, take thy cow! And thou [the dead man] turn away! Turn thy face away into the bush! Do not look at us again! We have given thee thine own things, but then leave us alone!'[1] The kinsmen at Dini also told the ghosts that if they must give them something bad they should give them hunger and not sickness and death. They pointed out to the dead man that his age-mates were present to honour him. They implored God

[1] Op. cit., pp. 117–18.

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765 that they might sleep quietly and their souls be 'cool' (*koce thei*).
782 Their remarks also contained many reflections on life and human destiny and the transience of all living things, and they recounted the deeds of the dead and reiterated that he had left sons to carry
[627] on his name and lineage. Speakers and listeners also stated any grievances they had in their hearts towards kinsmen, for any of the kin of the dead man who bears a grudge against a relative must now declare it. If he does not do so now, he must for ever keep silence. This is an occasion for amicable settlement of family and kinship quarrels. Thus at this ceremony the senior wife of Mayan, the eldest son of the dead man, complained that her cow had been given by her husband to his second wife. A wife of the dead man who had gone to live with another man, taking her daughter with her, said that she wished now to live at her dead husband's home, and cattle of her bridewealth which had been returned were sent back again to her people on the day of the ceremony.

765 A part of the ceremony I did not see, for it was taking place elsewhere during these orations, was the preparation of porridge and beer. The master of ceremonies makes three new clay fire-stones, places on them a new pot, and pours water into the pot. He then puts out the old fire in the dead man's homestead, throws its ashes and fire-stones into the bush, and starts a new fire under the pot. He begins the mixing and stirring of the porridge. When the women have cooked the porridge he ladles it out with a new gourd-ladle into a new gourd-dish. All the utensils are new for the occasion. The porridge and a pot of beer were now carried to where we were sitting, and as each of the later speakers rose to make his speech he dipped a gourd-ladle into the pot of beer and poured a libation to the ground.

When the last speech was finished everyone stood up and the master of ceremonies dipped wild rice into a gourdful of milk and aspersed the people with it. He did this many times till everyone had been aspersed. He then sprinkled the dead man's possessions and poured what was left of the milk at the side of a tethering-peg over the dung which had been spread out to dry, and knelt down and kneaded the milk with the dung. I was told that the cattle and huts were also aspersed with milk. I believe that milk is only used in this rite if the dead man was, like Lam, 'a man of the cattle' (pp. 300–2). In the case of a leopard-skin priest water

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mixed with blood is used. For ordinary people water is used. Then 765
butter was brought out in a small gourd and was smeared on the backs and chests of those present and on the dead man's spears. Those who were wearing mourning cords came forward and the master of ceremonies cut them from their waists and necks and carried them into the bush and threw them away. Afterwards the porridge was distributed and eaten.

The master of ceremonies now began to divide up the dead 768
man's possessions. He gave the tobacco to a woman of the dead 765
man's household and his spears to a younger son. He gave half the skin of the sacrificed ox to the eldest son and he took the other half for himself as his right. The rest of Lam's possessions were tied in a bundle for future distribution among his wives and sons. The people then washed themselves. At a mortuary ceremony there is a feeling of pollution and the need to cleanse men and things. The dead man's goods were also washed. I left at this point, while the meat of the sacrifices was still being cooked.

The rites were concluded shortly after sunrise on the following 765
morning. Two men stretched a goat on its back and a third, acting on behalf of Lam's eldest widow and the mother of his dead son Deng, cut it in two with a spear from throat to tail. Even the tail was carefully severed in twain and to complete the division the head was split in two with an axe. While the carcass was being halved in this way an old man and the senior widow pulled at it on one side and Lam's sons pulled at it on the other side till with laughter and cheering it fell apart. The old man and the senior widow ran with their half, the left or bad half, into the bush and threw it there, while the sons carried their half, the right or good half, to the hut outside which the sacrifice had been made. The old man carefully collected half the chyme of the goat and deposited it with the bad half in the bush. Lam's eldest son collected the other half and placed it with the good half of the goat. They express in this manner the departure of evil from the home, where people may now rest in peace. The left half which was carried away represents death and misfortune and the right half which was left in the home represents life and prosperity. Nuer say also that with the bad half go all the secret enmities between the dead and the living and any resentment and guilt there may have been between them. For example, one of the sons may have quarrelled with his father and his father may have

16: Evans-Pritchard E-5 (1931, 1936) 1956
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765 nourished secret resentment in his heart, or a son may have had relations with one of his father's wives and not confessed his guilt. I was told that the bad half of the goat was eaten by persons unrelated to the dead man and the good half by members of his family.

765 768 Lam's goods which had been tied up for later distribution on the first day were now brought out again and divided among members of the family by the eldest son assisted by the master of ceremonies and some senior kinsmen. The clothes, beads, and ostrich-shell girdles were given to Lam's wives. His series of metal arm-rings was broken up and the rings distributed among the men and boys of the family.

765 The ceremonies were concluded by all the people shaving their heads. On this account the mortuary ceremony is often spoken of as the *mut*, the cutting. The cutting of the hair of the kin symbolizes the cutting off of the dead from the living just as in the marriage ceremonies the rite, known by the same word *mut*, by which the bride's hair is shaved off, symbolizes the cutting of the ties between her and her family and kin. The mortuary ceremony is one of deep 'silence and sadness', the marriage ceremony one of 'happiness and laughter'. They also say of the dead man *ca je mut*, he has been cut off (by this ceremony). It is clear from the orations and actions of the mortuary ceremony that part, perhaps the main part, of their purpose is to cut the dead from the living. 775 The dead man has to be given the full status of ghost and persuaded to accept it so that he will remain as a ghost and not try to 765 return to the living with the taint of death on him. This is the 761 constant refrain of the invocations: 'Now you ghosts, you are finished with us, you are the people of God, you are the people on the other side.'

That this is one of the main purposes of the ceremony is further shown by a curious observation I made in western Nuerland. There was living in a village there an unhappy-looking man of unkempt appearance, called Gatbuogh. This man had some years before gone on a distant journey and had not been heard of for a long time. Then there came to his village news of his death and in course of time the mortuary ceremony was held for him. He later returned home and was living in the village at the time of my visit. He was described as *joagh in tegh*, the living ghost. I was told '*ca tiede mut. ce tiede wa kene tie yang kel. ce te ni ringe*

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PLATE VI

778

Riek shrine

[facing p. 152]

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775 *cunge*', 'his soul was cut off. His soul went with the soul of the
765 (sacrificed) ox together. His flesh alone remains standing.' His
761 soul, the essential part of him, had gone and with it his social personality. Although people fed him he seems to have lost such privileges of kinship as pertain to the living and not to the dead. I was told that he could not partake of sacrificial meat because his agnatic kinship (*buth*) had been obliterated (*woc*) by the mortuary ceremony. A neighbour said to me 'he lives in our village with Baranyai but we do not count him a member of it because he is dead. The mortuary ceremony has been held for him.'

765 There were doubtless points I missed in the mortuary ceremony I witnessed and possibly some I did not hear about in later discussions with Nuer. A feature I did not observe but which, I was later told, is common, was the singing of hymns to the spirits of the air, in particular the hymn to *buk* which I have recorded earlier. These hymns are not an integral, and therefore essential, part of the ceremony and their meaning is in no way related to the matter in hand. They are in keeping, however, with the religious character of the rites and enhance it.

765 In conclusion I should say that Mayan told me at Dini that he
782 would later cut the ears of the bulls of his dead father's herd and that this is always done when the dead man was a person of age and social importance. The cattle would then prosper. For such a man another ox may be sacrificed some months later. The master of ceremonies again prepares porridge for those who gather to honour the ghost, and the senior kinsmen again make speeches to God and to the dead man and to all the ghosts of the lineage. Before the animal is speared all the people, men, women and children, bring ashes of cattle-dung and rub them on the ox. I discuss the meaning of this act in later chapters. The meat is distributed to all present, and also the porridge and the beer, which has been prepared in advance. An ox sacrificed in this manner to honour a dead man is known as *thak bar* or *thak joka*. A man may at any time decide to honour his father in this way and Nuer sometimes set apart an ox or an old bull (*tut jookni*) for their dead fathers, as Lam had done for his father Tutthiang, and await a suitable occasion for sacrificing it, as when they see their fathers in dreams and know that they want something. An ox so set apart cannot be disposed of but must be kept in the herd till it is sacrificed.

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SOUL AND GHOST

II

761 Two main questions arise from the account I have given of ceremonies connected with death: In what way do Nuer conceive of the disintegration of the person at death and how do they regard those who have departed? I discuss these two questions in turn, but I must say at the outset that Nuer are neither very clear nor very explicit in what they say about the matters they concern.

As I have said, Nuer avoid as far as possible speaking of death and when they have to do so they speak about it in such a way as to leave no doubt that they regard it as the most dreadful of all dreadful things. This horror of death[1] fits in with their almost total lack of eschatology. Theirs is a this-worldly religion, a religion of abundant life and the fullness of days, and they neither pretend to know, nor, I think, do they care, what happens to them after death.

761 774 196 When a man dies the flesh, the life, and the soul separate themselves out. The idea of *ring*, flesh, presents no difficulties. All creatures have *ring*, and it is what, when a man dies, is committed to the earth. *Yiegh*, life, is a more difficult concept, especially as, as will be seen, its meaning overlaps with that of *tie*, soul—they are different aspects of what in a living man is a single whole. *Yiegh* means both 'breath' and 'life'. In the sense of 'life' it may mean, according to the context, either mere life, what is common to man and all living creatures, or it may include the intellectual and moral faculties as well. At one end the meaning is much the same as *tegh*, life, in contrast to *liagh*, death, and at the other end it approximates to *tie*, the soul. A man's *yiegh* may be stronger or weaker according to circumstances. When he is drunk he is partly dead, and also when he is ill. Sleep is also a partial death, the death, Nuer say, for which people do not mourn. When a man is dying the life slowly weakens and then it departs from him altogether, and Nuer say it has gone to God from whom it came. Nuer ideas on this matter are relatively simple and also easy for us to understand. Life comes from God and to him it returns.

[1] Horror of death is probably the reason for the great reluctance with which Nuer discuss dreams, even impersonally and with reference only to stereotyped interpretations, for these only too often are prognostications of death: as when a man dreams of death, or of a fish called *rec me car*, black fish, or of a turtle walking about which the dreamer fails to catch.

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SOUL AND GHOST

Tie corresponds to the *anima* in scholastic writings and presents 761
many of the difficulties of that word. It would appear to be that 774
part of the *yiegh* which embraces the intellectual and moral faculties of man, his rational soul as distinct from his mere life as a 196
living creature.[1] It is used in varying contexts in a variety of senses and might sometimes be translated 'cleverness', 'wisdom', and 'disposition', but the English word that best covers its general sense is 'soul'. It is true that sometimes 'life' is a more appropriate rendering than 'soul', just as *yiegh* may sometimes be more suitably translated 'soul' than 'life', but when this is so it is the psychic life rather than the animal life that is to be understood. The essential difference, in spite of mutual overlap, between the two conceptions is clearly to be seen in the already related case of Gatbuogh. He ostensibly had breath and life (*yiegh*), but what made him a person (*ran*), his soul (*tie*), had departed. Hence, although he was described as 'a living ghost' he was also said to be 'dead'. It is to be seen also in the Nuer dogma about twins, that they are one person. Ostensibly each has his independent individual life, but they have a single soul and are therefore one person. The distinction also emerges at death. The *yiegh*, the life, returns to God at the moment of death, so we may suppose—and Nuer remarks on the whole lead us to the same conclusion—that what survives death in an independent, if shadowy, existence as a ghost or shade is the *tie*, the soul. I return to this aspect of the matter later.

Associated with the *tie* is the *tiep*, the common Nilotic word for 774
a shadow or reflection. In Nuer it may simply mean 'shade', as the 196
shade of a tree, and also the reflection of anything in water. When used for the human shadow it might sometimes be translated 'soul', though in its general sense *tiep* cannot be equated with *tie* and when it is used in a context where we might expect *tie* to be used it would seem to be in the sense of an external representation or symbol of the soul. There may be here a merging of ideas, but Nuer are nevertheless fully aware that a man's shadow is only a reflection visible at certain times and in certain circumstances

[1] Psychical functions are associated with the head and the heart. The head is the seat of intelligence and will and by synecdoche stands for the whole person, especially when a pronominal suffix is added. The heart is similarly used as a periphrasis for the personal pronoun when a man's affections, emotions, or sentiments are referred to. (Cf. Aubrey R. Johnson, *The Vitality of the Individual in the Thought of Ancient Israel*, 1949, pp. 77–88.)

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774 and is not an integral part of him. They do not attach any impor-
[196] tance to it and there are no beliefs and practices connected with it. They presumably see an analogy between a man's shadow and his soul, the shadow being the best way they can find to figure the sort of thing the soul might be. The analogy may derive from the idea of ghosts being shadowy replicas of the living. The fact that other creatures and things have shadows does not lead Nuer to say that they have souls; and since they have no souls, in their case the shadow does not at any time have a figurative meaning.

Nuer hold no decided opinions about the nature of the soul, which does not surprise us in view of their lack of interest in what happens after death, or of how there comes to be one. They know
[842] that the foetus begins as a result of the male sperm entering into the womb. The child is begotten (*dieth*) by man. But it is also created (*cak*) by God, so it appears that they think of conception as a product of this combination of human and divine action. But it does not necessarily follow that because a man is alive he has a soul. Gatbuogh was alive. So when we observe that Nuer
[858] do not mourn or hold a mortuary ceremony for a dead child, it suggests to us that either they do not think of a small child as having a soul or they regard it as immature. It is only when he begins to take part in activities of the social life that he is said to be a person (*ran*), and Nuer sometimes indicate that the sign of having become a person is the removal of the second lower incisor teeth, which is done when the child is about seven or eight years of age. On the other hand they speak of infant twins having one soul. Clearly they hold no definite opinion about the matter.

774 Though Nuer would not themselves bring the ideas of flesh,
828 life, and soul so neatly together, we can see that taken together they are covered by the concepts of both *pwony* and *ran*. *Pwony* means the whole creature, the individual or the self, what is one man and not another. '*Pwonyda*' is 'myself' and '*pwonyda pany*' is 'my very self'. *Ran* is what we may describe as 'the person', the social being as distinct from the individual creature. Its plural form *nath* is the word Nuer use to distinguish themselves from other peoples. They are *nei ti nath*, people (in the general sense of the word) who are people (in the sense of persons as Nuer think of themselves). *Pwony* is, as it were, the total organism, *ran* the total personality. As I have explained, a small child is the one but not

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the other, and twins are two *pwony* but a single *ran* (p. 128). However, the idea of the soul, as we have noted, seems to be attached chiefly to the concept of *ran*, to belong to the representation of a developed social being. An animal has, or is, a *pwony*, but it is not a *ran*, except in a purely figurative sense. 774 823

Nuer do not attribute souls to creatures other than man except perhaps cattle and elephants. They speak of the *tie* of a man at his mortuary ceremony going together with the *tie* of the sacrificed beast away from the living to wherever the ghosts may be, and since in sacrifice, especially in piacular sacrifice, there is an identification, discussed in a later chapter, between man and ox, it is understandable that, at any rate in sacrificial contexts, Nuer should speak of the souls of cattle. But though Nuer imply in relation to sacrifice that cattle have souls, they have no clearly formulated belief to that effect, and I am not sure that they would agree to the proposition if it were put to them as a question unrelated to sacrificial intention. Nevertheless, it may be supposed that since Nuer sometimes speak of an ox's *tie* they think that cattle have in some degree intelligence and will and a personality that survives death, however vague it may be.[1] Moreover, they speak of the ghosts as herding cattle in wherever it is they have their abode. That Nuer reflect on this question, and also that they are undecided about the answer to it, is shown by the fact that Dr. Smith, so she tells me, has often been asked by Nuer whether she thinks cattle have souls. 774

Though I have never heard Nuer speak of an elephant's *tie*, that it is thought to have one is implicit in the belief that if the rules about the division of the tusks of a slain elephant are not observed the dead beast may *gwor*, track down, those responsible (Dr. Lienhardt tells me that in Dinka the word means 'to take revenge'). *Gwor* has here, therefore, the same sense as *cien*, haunt. Also, Dr. Howell states that the man who first speared a slain elephant, and is therefore by a convention regarded as responsible for its death, has to have his right arm incised by a leopard-skin priest before he can eat or drink just as if he had slain a man, and a beast is sacrificed in the one case as in the other. He says 774 224 [782]

[1] That a cow in a kind of way can be thought of as a person is suggested by other facts. A rite is performed to separate twin cows, which are hence, unlike other beasts, regarded till then as being one, as human twins are. A rite is also performed, to prevent the calf sickening, when the first milk of its dam is taken for human consumption. See also Chap. X.

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774 further that when the tusks are removed they are first buried
224 under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kirpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

774 The only occasions on which I have heard Nuer speak of crea-
778 tures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*came nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

774 I have discussed this question partly because it was necessary
776 to do so to make clear that in Nuer thought the soul is something essentially human which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be
[121] seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

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is a person of the above (*ran nhial*)' and that man, or ghost, 'is a 774
person of the below (*ran piny*)'. The difference, and the contrast, 776
is clearly seen in the Nuer belief that the soul of a person struck by lightning is changed into Spirit. It is evident also in the way they speak about their prophets and about sick persons. They say that Spirit comes from above and enters into them or takes hold of them. Since, therefore, Spirit and soul are conceived of as of different natures, the conception of Spirit cannot be derived from a development of the conception of soul. On the contrary, it is precisely because God and man are thought of as quite different sorts of being that Nuer can think of themselves in relation to God and that God can be represented in different ways to different persons and social groups. Therefore it is necessary, if we wish not only to avoid confusion but also to seize upon the essential content of Nuer religious thought, that we should speak of the 'soul' and not of the 'Spirit' of man and of the 'ghosts' and not of the 'spirits' of the departed.

It follows from the Nuer orientation towards Spirit that they 775
are little interested in the ghosts of the dead, so long as they cause
no trouble. When people 'disappear'—Nuer avoid using the word [195]
'die'—only one thing is certain, that they have departed for good. 'They dwell apart, they have become ghosts.' It is taken for granted that people have some sort of existence after death, though Nuer do not presume to know where they have it or what kind of life it is that they lead. Sometimes they say that they may be under the earth and live a life like that they lived when they were on earth amid their cattle and dung fires in villages and camps. This seems to be the general opinion and it is perhaps strengthened by the discovery, when digging wells, of goats' dung and fire-stones deep down in the earth, for I have heard Nuer say that maybe these belong to the ghosts. But Nuer also say of a dead man '*ce mat ka kwoth*', 'he has joined God', and '*ce tiede wa nhial, ca ringde kwony*', 'his soul has gone above, (only) his flesh was buried'. One often hears also the idea expressed that the dead have lost their relationship to the living and have therefore no further claims on them for attentions and services, and that they have instead 'become kin to God' or have 'become God's people'. Sometimes Nuer say that since the dead are near to God they can intercede with him on behalf of their families and relatives. However, no one supposes he can know where is the *wec indit*, the great

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775 community (of the departed) which all, each in his turn, must join, or what it is like.

It is possible that the apparent contradiction between being under the earth and being with God in the sky arises from the vagueness of the concept of *tie* and in particular from the absence of any dogma that it is the *tie*, soul, which becomes a *joagh* (pl., *jook*), ghost. It is perhaps important that Nuer always speak of the *joagh* of the departed and never of his *tie* when speaking of his survival as a person. They speak of the 'ghosts' of the dead and not of the 'souls' of the dead. This distinction would seem to allow both for the idea of the dead leading some sort of existence in the Nuer sheol as shadowy replicas of the living and also at the same time for the idea that their souls are taken on high by God. They cannot say anything more definite about this question of what is conceived to survive, or how or where.

There is a further question: when does a man become a ghost? Here again there is no formal doctrine to help us. We have to draw conclusions from what seems to be implicit in the mortuary rites. As we have seen, they not only close the period of mourning and cleanse the home and the kin from the pollution of death but also send the dead man away to join the ghosts and cut him off formally and finally from the living. Only when that has been done can his property be taken by his heirs and his widows cohabit with those with whom they have decided to live. It follows that the dead must be thought to be in some way still among the living till he is dispatched by these rites to the community of the ghosts.[1]

775 196 The word for ghost, *joagh*, is found in various forms in all the Nilotic languages. In most of the Shilluk–Luo group of languages it means 'God' or 'Spirit'. In some of the Nilotic languages, including Nuer, the word is either the same as, or is closely related to, that used to denote plagues, pestilences, murrains, and indeed any serious sickness; and, this being so, it is perhaps wise to point out that such calamities are not thought to come from the ghosts but from God: '*ce jok ben piny*', Nuer say, '*ca kam piny e kwoth*', 'the murrain came to earth, it was given to earth by God'. In Nuer

[1] Robert Hertz ('Contribution à une étude sur la représentation collective de la mort', *L'Année sociologique*, vol. x, 1907, reprinted in *Mélanges de sociologie religieuse et de folklore*, 1928) was the first to draw attention to the universality of this idea and to show the great variety and complexity of its forms.

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the word *joagh* also means 'back' or 'behind' and this cannot be fortuitous, not only because in Dinka the word for a troublesome ghost, *cien*, likewise also means 'back' and 'behind', but also because it is a common Nuer refrain in speaking to, or about, the ghosts that they should have their backs to the living, the Nuer way of saying that they should keep away from the living. If they return to the living, except when summoned as witnesses on formal occasions, it is only to cause trouble, to fetch the living to join them in the place of the dead or to punish them for faults and shortcomings. We have already noted how pronounced is this apotropaic motif in the mortuary rites, and especially in the invocations spoken at them, the speakers frequently adjuring the dead '*bi rodu rit*', 'turn thyself about'. They ask the dead to turn away from the living, to turn his back on them. Father Crazzolara notes the same sentiment. He says that the dead are buried with their backs to the huts and their faces to the bush and that a dead man is addressed: 'turn thine eyes to the bush, do not turn them to the home'. He comments that this means that the dead man must not regard the doings of the living, for he might see something which offends him and draw another person after him to death.[1] The living do not want the dead to take any interest in their lives. The dead had best look after their own affairs and let the living look after theirs. That the ideas of 'behind' and of 'the ghosts' are related is further shown by the fact that Nuer sometimes use the phrase 'to go behind' as a euphemism for 'to go to the ghosts' and hence 'to die'. 775 196

It is consistent with the idea of the ghosts being turned away from the living so that they do not see their affairs that the ghosts are relatively unimportant in Nuer religious thought and practice, even the troublesome ones, which I discuss later; and they are in the ordinary course of affairs seldom mentioned. But though Nuer pay them little attention they cannot entirely ignore them, for there are some occasions when they are directly concerned with what is happening and their relationship to the living has to be emphasized, occasions of collective sacrifice (pp. 198–9), such as their funeral and mortuary ceremonies, settlement of blood-feuds started on account of their violent deaths, and the marriages of their children. Occasionally also dutiful sons honour their memory by sacrifice, especially if they have had vivid dreams 775 782

[1] Op. cit., p. 173.

775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[769] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance both for the Nuer themselves and also for an understanding on
551 our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

16: Evans-Pritchard E-5 (1931, 1936) 1956
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but rather as names numbered, as it were, in the archives of the 613
lineage. They think of the dead continuing in this way in the 768
living. It is to ensure the survival of the dead in their names, Nuer 551
say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage.

I have discussed these practices at length elsewhere,[1] and here 587
it is only necessary to show their connexion with the matter under 611
discussion. Nuer practise the true levirate. Widows are neither 551
remarried nor inherited but continue till death to be married 768
to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of 588
ghost-marriage further ensures that every man must have a son 551
who will be called after him '*gat* so-and-so', 'son of so-and-so'. If a 611
man dies without a male heir and without leaving a widow to bear 768
him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name.

The memory of a dead man is thus kept alive by its being con- 551
stantly on people's lips through the favoured patronymic usage 768
during the lifetime of his children and afterwards in the recita- 583
tion of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*,

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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551 768 583 'cattle of the ghosts', and they must be handed over to his sons, at once if they are adults, and later if they are children. It is a grave fault for a kinsman to take advantage of the minority of children to use the cattle of ghosts for his own purposes. The rights of the dead in bridewealth cattle derive not only from the fact that it is their kinswoman who is being married but also from the feeling Nuer have that a line of descent is attached to its herd. Whatever individual may have control over the herd it is thought of as being in a vague general sense owned by the ghosts who once tended it, for though the animals change the herd is felt to have a sort of continuity. This is partly why the ghosts are addressed in invocations at weddings. It must be explained to those on the bridegroom's side that the cattle are leaving the herd so that a girl of another lineage may come into the family to bear sons who will continue their own lineage; and it must be explained to those on the bride's side that she is being married with cattle which will enable her family to acquire a wife who will bear sons to continue their lineage.

551 768 The great importance attached to the maintenance of a dead man's name and the privileges and obligations of the living which derive from their relationship to him—*ciek joka*, ghost's wife, *gat joka*, ghost's son, and so on—give sharp individuality to the dead; and it is interesting to note that in the Nuer language the word for the departed has singular and plural forms, unlike many languages in Africa and elsewhere, which, like the Latin *manes*, can indicate only a collectivity. It is possible that we are to seek in the desire for survival of the self in the name—not just survival in the children—the reason for the fact that Nuer do not, at any rate in normal circumstances, care to call a son by the same name as his father and even show aversion at the suggestion that one might do so. Were father and son to bear the same name they would be likely in course of time to become merged in the recitation of a genealogy. I think Nuer realize this. However, it would be necessary, were such an interpretation advanced, to account for the fact that some of the other Nilotic peoples have no objection to father and son bearing the same name, the Anuak for instance, and Dr. Lienhardt tells me that it is also the case among the Dinka.

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III

When a ghost comes to trouble the living it is said to *cien* them. 775
It is useful to discuss this concept in the light of another, that of 789
biit, to curse,[1] because the two are closely connected, the ability of a ghost to harm being the *post mortem* operation of the projective power of the psyche, the power to harm another through the mind and the heart.

The curse of certain persons in Nuer society is believed to be 789
effective if they have been wronged. If they utter curses without due cause (*cuong*) the curses will either be ineffective or harm the speakers of them. A man curses another by uttering an invocation (*lam*)—which in this context is an imprecation—over, or about, him; and Nuer distinguish different kinds of curse by reference to the relationship of the persons implicated in it—*biit gwan*, the curse of a father, *biit nara*, the curse of a maternal uncle, *biit kuaara*, the curse of a leopard-skin priest, and so forth. Some of these curses are regarded as weightier than others.

The curse of father or mother is serious. A man may curse his 789
son for constant disobedience and for meanness, especially for 593
refusing him meat. Indeed, any old man may curse a youth for [561]
refusing him food, because both in a general sense and in terms of the age-set system all youths are sons to the aged, but his curse would not be as weighty as that of the true father. 'A father's curse is to hunting, to fishing, and to hoeing, but he will not curse him (his son) to cattle.' The youth may then miss his mark in hunting, fishing, and war, and his crops may fail. He may also injure himself in these occupations, or suffer one of the many possible misfortunes that beset a traveller, both in the literal sense of mishaps to one on a journey and in the figurative sense of evils that face a man on his journey through life, which the Nuer, who have a liking for meiosis, speak of collectively as 'thorns'. At its worst the curse of a father or mother may be a *biit liagh*, a curse which results in death. However, 'a father will not curse his son to cattle', because the cattle belong to the lineage and if he caused them to die he would only be harming himself and his kinsmen and ancestors.

[1] A *biit* is a curse in the sense of consigning a person to misfortune and not in the sense of swearing at a person, which is *kwith* or, where there is a joking relationship, *leng*.

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789 A mother may curse her son for neglect, especially when she
593 is old and must rely on others for support, or for divulging her hiding-place to her husband if he is angry with her and seeks for her to chastise her. A mother's curse may have the same effects as a father's curse; but it is thought that, in addition, it has the particular effect of preventing the son from begetting male children. A mother's curse may thus injure the lineage, and in this respect her curse is more like that of the mother's brother than that of the father. I have also been told that a mother may, because she loves a son who has wandered to a distant country, curse him mildly so that he may suffer some minor sickness which will put him in memory of his home and cause him to return to it.

The curse of a mother's brother—at any rate that of a mother's
789 uterine brother—is also greatly feared by Nuer, for he, unlike the
604 father, may curse a man 'to cattle', so that he loses his entire herd. Nuer seem to regard it as the worst of all curses and they recognize it as a strong sanction behind the demands of their mothers' brothers, where these are just. A sister's son who fails to carry out
[753] certain duties or who fails to observe certain interdictions concerning his mother's brother may develop a disease called *keth nara* (disease of the *nar*, mother's brother), which may be fatal. Nuer describe it as '*cere ke biit*', 'like to a curse'. People say that
[603] the curses of father, mother, and mother's brother are the worst, though that of a paternal grandmother is also said to be bad, and
[593] it is said that the curse of an eldest child is feared by his parents, especially his mother, and by his maternal uncle; in certain circumstances a sister's son, especially the eldest son of the sister, may curse his maternal uncle's herd. The only other kinsfolk of whom I have been specifically told that they may curse a man, in the sense that one may speak of a curse of the kinship category in which they stand, are the father's sister and the mother's sister, and Nuer say that these are very small curses and they do not therefore give them much thought; but a person standing in any social relationship to another may curse him if he has been wronged by him. However, the more distant the relationship the less effective the curse, because the less the obligation and therefore the less the wrong.

789 A run of misfortunes may be attributed to the curse of one of
593 these relatives. I tell one story in illustration. Luak, a man of the Leek tribe, refused to stay at home and help his father Thicjok to

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herd the cattle and hoe the gardens, but spent his time attending 789
dances and courting girls. He wandered about the country having 593
a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the 789
age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man [561]
wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs [624]
him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

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789 curse is said to be feared because it may injure the cherished herds. It may also cause a man diarrhoea whenever he drinks milk. Much of the influence exercised by the Nuer prophets who were so prominent in recent times was due to the fear their curses inspired.

789 773 A *biit*, in a conditional form, is often cited by Nuer as a mythological explanation of some custom. Somebody in past times cursed certain persons if ever they or their descendants should do certain things. I give a few examples. A member of the aristocratic lineage of the Karlual section of the Leek tribe will not live in the country of the Lang tribe. The explanation is that once upon a time a Karlual aristocrat and a Lang aristocrat together speared a buffalo, which charged and knocked down the Lang man and began to worry him. He called out to the Karlual man to spear the animal again, but the Karlual man did not do so, fearing that he might injure his companion. Before Lang (tribes are personified in myths) died he cursed Karlual, saying that if ever a member of the dominant clan of Karlual settled in Lang country he would die. Another story is about the Riaagh lineage, who are a branch of the Keunyang lineage, the dominant lineage in the Karlual country referred to in the story I have just related. It concerns their relations with the Ngwol lineage of the same tribal section who are said to be descended from a man of this name who was a foundling adopted by Keunyang. Riaagh had a newborn child and the mother was so busy looking after it that she often let her fire out and rekindled it by borrowing a brand from the fire of Ngwol's wife. One day Ngwol fell sick with smallpox and sent word to Riaagh that his wife was not to come to his home again for fire as he was ill. Riaagh did not believe him and sent his wife again to borrow fire. A fight ensued and Ngwol killed Riaagh. Riaagh's mother then uttered a curse, saying that the descendants of Ngwol would suffer misfortune if ever they were to eat out of the same pot as the descendants of Riaagh or to sit near their cooking-pots. If today a Ngwol man sits near a Riaagh pot there will be a quarrel. The Keunyang lineage figures in another myth of this kind. If a man of this lineage crosses the Gazelle river to settle among the collateral lineages of Deng and Cuaagh, or a member of either of these two lineages crosses the river to settle among the Keunyang, the settler builds his byre without an entrance of the usual form. This custom is said to date from the time when the Deng and Cuaagh lineages first crossed the river to settle

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to the north of it, leaving the Keunyang in what had been their 789
common home to the south of it. Quarrels ensued and Keunyang 773
uttered a *biit* making it a condition of any future settlement. Yet another story relates how Jwal and Gaawar (clans, like tribes, are personified in myths) went fishing together. Jwal lacked a pot in which to cook his catch and he asked Gaawar to lend him his pot, but Gaawar refused, so Jwal had to do the best he could with a gourd plastered with mud. To mark this meanness he uttered a *biit* saying that if a member of either clan were to take shelter during rain under the same roof as a member of the other clan lightning would destroy them both. I have heard people shout to a member of one of these clans who had entered a hut for shelter from a storm to get out as there was a member of the other clan present. This story may be connected with the association of the Gaawar clan with sky and rain. There are a number of such stories relating to inter-clan relations which probably mirror actual or historical local and political interrelations which lie outside the present discussion.

A *biit* of a rather different kind is that relating to certain girls 789
called *kuony*, who are said to be dangerous to their husbands. It is said that a girl of this name was affianced by her brothers to a man with some unpleasant complaint. She refused to marry him and was often beaten by her brothers on this score, because the man had many cattle. Eventually she gave way and married him, but then she refused to cohabit with him. Her husband eventually died of his complaint and the girl was left alone in his home, and lions and hyenas came by night and ate the cattle and beasts of the flock, as there was no man in the home to defend it. So she uttered a curse over her kinsmen, saying that in future daughters of their lineage would always bring death to their husbands. I have met *kuony* girls in western Nuerland, where it was pointed out to me that their husbands, as I could see for myself, had died young. However, this does not seem to prevent men from marrying them, and I was told that they are regarded as unusually attractive.

There are also many examples of a *biit* in Nuer just-so stories 789
explaining how animals acquired their characteristics and habits. 538
The giraffe has what looks like a hollow in the top of its head. When his mother died giraffe asked shrewmouse to lend him a hoe to dig a grave in the earth to bury her, but as shrewmouse

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789 refused to let him have a hoe he had to bury her in his head. As a
538 result of this incident giraffe and shrewmouse uttered conditional curses, giraffe saying that if ever a shrewmouse crossed a path he would die, and shrewmouse saying that if ever a giraffe ate grass he would die. This is why one never sees a shrewmouse on a path unless it be dead,[1] and why one never sees a giraffe eating grass, only the leaves of trees. The mother of goat, in another story, borrowed a knife from the mother of hyena and lost it. The mother of hyena cursed her, saying that in future her descendants would eat goats wherever they found them. This is the reason why goats are always pawing the ground. They are still looking for the lost knife of the mother of hyena. Another story relates how man lent his running-powers to ostrich and ostrich refused to return them. It is because man then cursed the race of ostriches that today men sometimes hunt them for their feathers and lions kill them for meat. Shoebills eat fish and blue herons eat frogs and other small creatures of marsh and shallows. The reason for this is that *bany*, the shoebill, and *ngok*, the blue heron, were sons of one father and because *ngok* neglected an uncle's duties to *bany*'s children when their father died, *bany*'s mother cursed him and his descendants. Yet another of many such stories relates how the village mouse, after having taught men how to beget children, taught women how to bear them. In return for this service woman uttered a *biit*, saying that village mice would share the food of the home with its mistress. This last story introduces us to a further sense of the word *biit*, an invocation which is a blessing and not a curse; for a man can *biit* a person to good fortune, as woman did in the case of mouse, instead of to bad fortune. In my experience this sense is rare.

789 The curse is undoubtedly a powerful sanction of conduct, largely
626 because it is not thought necessary that a wronged man should utter it aloud for misfortune to follow. He has only to think it. Such an unspoken curse Nuer call a *biit loac*, a curse of the heart. Indeed, it would seem that he need not expressly formulate a curse in his mind at all, a mere feeling of resentment arising from a genuine grievance being sufficient to cause injury to the person who occasioned it. Thus I was told that if a man is killed by his wife's brother and the wife laments his death, her sorrow and sighs are themselves a kind of *biit*. God hears them and will cause

[1] Cf. the old belief in England that a shrew cannot cross a footpath and live.

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the slayer to become a wanderer on the face of the earth and to 789
die in the midst of his wanderings. He becomes one of the *jibiet*, 626
the cursed ones, and what Nuer also call a *gwan giakni*, a man possessed by evil. An action by itself may bear evil fruit without anyone saying or doing anything to make it bear. Nuer say that 'it is like a *biit*'. A man who kills another finds all the strength gone out of him. The infringement of a religious interdiction carries its own penalty, for the interdiction is 'like a *biit*'. For example, misfortune will fall, if only in that the cuts of manhood on his brow will not cicatrize, on a lad who during the period of seclusion after initiation has contact with the cattle.

Though the word *biit* may not often be used with the sense of 789
blessing it is sometimes so used, and as the idea of blessing has 827
some importance in Nuer thought a few words may be devoted to it before making some concluding remarks about curses.[1] An older person blesses a younger one by spitting on his head. The spittle (*ruei*) has, as in other parts of Africa, a special virtue and is said to benefit the *yiegh*, the life, of the person who receives it. I was told that this is particularly done by a man's parents when he returns from a long journey, and one man said that it is then done so that the ghosts, who may have forgotten their kinsman, may know him again. A mother also blesses a son about to set out on a long journey by taking his middle finger in her hand, spitting on him, and saying something like 'friend, my son. you will journey on this earth, you will go round [avoid] all thorns [troubles]'. She may also take some soot from the bottom of a pot and mix it with butter and daub this paste on the soles of his feet, under the knees, and on thighs, chest, and head. Spitting figures as a blessing in various other contexts. If a woman does not conceive, her father's kin spit into a gourd and rub her belly with the spittle, asking God that she may conceive. If she does so, the child may be named *Ruei*, Spittle, or *Nyarueu*, Daughter of Spittle. The spittle of a prophet is considered to be especially efficacious in curing barrenness. When a leopard-skin priest arbitrates between two parties and gives a decision in favour of one of them, that man may hand his spear to the priest,

[1] Another word which sometimes has the sense of blessing is *puth*, but, though it sometimes has this sense, it is most commonly used in reference to the making of a gift to in-laws and is then, as in most other contexts, best translated 'to honour'.

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789 who returns it to him after having first spat on it. When a father
827 has agreed to his son's initiation the boy goes to a member of his father's age-set and this man plucks out a tuft of the boy's hair, spits on it, and brushes it against the boy's face and head. This is the blessing of the father's age-set. A leech massages a sick person with his spittle. Mr. B. A. Lewis records that when the Gaawar tribe chose a certain Bwoogh Kerpel to lead them across the Nile to conquer fresh lands from the Dinka the people lifted him on high so that God might see that he had been chosen, and they gave him a gourdful of milk to drink into which they had all spat.[1] In all these examples—and others could be given—there is the idea of blessing. However, a blessing can be given without spitting. Any person can bless another (pp. 16–17), but the blessings of those whose curses are most effective are also the most effective.

789 It is important to note that, as with curses, blessings are thought
776 to be effective only because God makes them so. Just as a curse is an imprecatory prayer (for if God is not formally addressed in it it is understood that it is his affair), so a prayer is implied in a blessing. It is a benedictory prayer. Hence (and here again as with curses), a man can be aided merely by a person thinking well of him, bearing him in sweet recollection (*tim*) without formally blessing him. He blesses him in his heart, and just as God sees a man's just resentment for a wrong and the resentment then has the force of a curse, so he sees the love and the love has then the force of a blessing. So when a Nuer says '*ba ji tiem*', 'I will think of you', he means that he will think fondly of you and so blesses you. A good action in itself may bring fortune to a man. God sees it and it becomes, Nuer say, like a *biit* for good, just as he sees a bad action and it becomes a *biit* for ill.

789 The religious significance of cursing and blessing lies in a
776 dominant motif of Nuer religion, that of *cuong* in opposition to *duer*, right in opposition to wrong. A person's curse of another
626 is only effective if he is in the right and the other is in the wrong. There must have been damage or negligence, and in Nuer reckoning this implies a social relationship of some kind between the two persons, such as, in fact, is bound to exist between any persons so involved in Nuer society. It is when the obligations of a relationship have not been observed that a curse can act, its effectiveness increasing with the closeness or social significance of the relation-

[1] B. A. Lewis, 'Nuer Spokesmen', *Sudan Notes and Records*, 1931, p. 81.

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Youth and boy

[facing p. 172]

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789 ship; and it can be quieted by reparation to the wronged person.
776 In an account of Nuer religion what is here important is that the
626 curse is only effective, Nuer say, because God sees that one man has right and the other wrong and allows it to act. It seems to the observer therefore that the curse, like the blessing, has its own psychic power, but that Nuer relate it to a set of moral rules of which God is conceived of as guardian and judge. The power of a curse or a blessing thus lies ultimately not with man, who is only the medium, but with God. God's role is not merely permissive, for, as we have noted, a wrong itself may, through the sufferings and lamentations of the wronged persons, bring retribution to the wrongdoers without their taking any action in the matter themselves. This is why also Nuer say of the infringement of a religious interdiction, in which no immediate question of wrong to another may arise, that it has a certain similarity to a *biit*. Formally the two ideas are quite distinct, and Nuer see a similarity between them only because in both cases there is a fault which is punished by God, in the first case indirectly and in the second directly. Consequently we are once again faced with the Nuer idea of faults, which necessitates a fuller discussion than I have so far given to it but which is also more appropriately treated separately in the next chapter.

775 The concept of *cien*, to which I now turn, has certain similarities
626 to that of *biit*, especially to the silent curse, 'the curse of the heart'. Nuer think that it bodes ill for those who have wronged a man if he dies with resentment in his heart, for he will then take ghostly vengeance on them from the grave.

The word *cien* is found in one form or another, and with common elements of meaning, in all the Nilotic languages. In Nuer it means the vengeance, generally producing sickness or other misfortune ending in death, taken by an aggrieved ghost on the living, and in its verbal form the taking of such vengeance. Nuer regard it as a most serious matter if a man dies with a legitimate grievance in his heart, for while it may be possible to make amends to a living man for a wrong done to him and thereby rid oneself of his *biit*, it is often impossible to make peace with the dead. Fear of *cien* undoubtedly, if we are to believe what Nuer say, makes them avoid, at any rate sometimes, persistently denying men justice lest they take their wrongs to the grave and from there seek settlement.

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775 I give some examples of the kind of circumstances in which
626 *cien* acts. A man haunts his kinsmen because he was slain and
761 they neither avenged him nor exacted compensation in cattle for his death. When a man slays a close kinsman 'they [may] say "do not spear him, let him die of *cien*"'. After a while he becomes distracted and his ears ring. He loses his wits and takes to wandering alone in the bush and to sleeping there by himself at night, or he wanders to a distant country and lives there haunted. 'Nuer have no sense. A man may slay even his mother's son in anger. Well, he haunts him from the grave. He [the living man] sits moping. For two or three days together he refuses food. He wanders by himself in the bush. Then he sickens and dies.' A man may kill another secretly when they are alone together in the bush and tell no one of the deed. Then the dead man's ghost will pursue him from the grave. I was told of a case of this kind among the eastern Jikany in which the slayer married some two or three years after his crime. His first child died, then his second child, then his third child; and 'he remained childless like an impotent man'. He consulted a diviner, who wormed out of him that 'he had something in the earth', a euphemism for the body of his victim. On the diviner's advice he confessed and paid compensation for the life he had taken. Nuer told me also that a man who has witnessed a killing, though he had no part in it, yet if he keep silence, will suffer misfortune because 'it is like as though he had hidden the [dead] man'. A man who commits serious incest, such as one who has carnal relations with a woman and then with her daughter, and so causes the death of the daughter, will be haunted by her ghost. The ghost will summon him to the land of the dead, saying '*ban wa jogh*', 'let us go behind' [to the *jookni*, ghosts]. A
[762] girl who is married to a man she detests and commits suicide may take vengeance from the grave on her kin who forced her to marry him. However, those Nuer whom I questioned were not in agreement in this case, some holding that the girl would not have *cuong*, right, and could not therefore harm her kin. A man who knows that his son had congress with his wife may keep silence, hoping that the son will confess and ask his forgiveness, but the son also keeps silence, even when he sees that his father is dying, so the father takes his resentment with him to the grave and punishes him from there. A man who has not been properly buried may haunt his kin. However, a man who has suffered any

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injustice may take ghostly vengeance. Nuer say also that a ghost 775
watches over his kin and punishes those who commit some grave 626
fault, especially that of depriving his young sons of the cattle of 761
his herd or of their sisters' marriages. When a father or other close kinsman summons a man from the grave to join him in death Nuer use the word *tul*, which has the sense of 'to punish', to describe his action as well as the word *cien*; and they may also use the verb *be*, with the sense of sending for, or coming to fetch, or returning to get something.

An appreciation of two considerations arising from what Nuer 775
say about ghostly vengeance gives us a further understanding of 626
their ideas about the dead. The dead are thought to have the same feelings as when they were alive. They are resentful of injustice and bear malice to those who have wronged them. It stands to reason therefore—and this is the second consideration—that it is only those who have recently departed who avenge themselves on the living, for it is only they who can have been wronged by them. Nuer do not think of *cien* in connexion with ancestral ghosts but only in connexion with those who have recently become ghosts. It would appear that a man can still take vengeance even after he has been dispatched to the community of the ghosts by the mortuary rites, but a dead man seems to be most dangerous and his living kinsmen the most vulnerable the less the lapse of time after his death, and consequently in the period between death and the mortuary ceremonies. Those nearest to the dead are those who are most likely to be affected, for though a man can *cien*, just as he can *biit*, anyone who has done him an injury, what has been said of the *biit* can be said of the *cien*: the closer the relationship of the persons concerned the worse both the offence and its consequences. Curses and ghostly vengeance are thus two sides to the same idea and in general they have the same social incidence.

To stop the effects of *cien* it is necessary to make sacrifice to God [782]
and, where possible, reparation to the ghost for the wrong done to him. Sacrifice without reparation is of no avail. Nuer say that it may temporarily wipe out (*woc*) the *cien* from the body of the haunted man, but it will return if he does not make amends. Therefore, when he makes sacrifice he tells God 'I am sorry, I have erred; take thy cow and let the *cien* leave me.' Nuer say that God is to understand that such an expression of contrition implies the intention to make reparation, if this is possible.

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775 As Nuer speak about *cien* it has, therefore, the sense of an
626 injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of
[843] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands,
[177] an idea some of the eastern Nuer have taken over from the Anuak;
[841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mai*): the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after,
[842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

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CHAPTER VII

SIN

I

NUER do not think of the relation of man to God as one of soul, as a separate entity, to Spirit but as one of the whole man to Spirit. The state of the conscience, as we would call it, may be one element in the relation but peace of mind is very much bound up with welfare of body and estate. This is evident from the way they regard the breach of an interdiction which is thought to bring into operation directly, and often almost immediately, spiritual sanctions. We may speak of such a breach as sin. 776 783

Sin with the suffering it brings about is central to the study of Nuer religion. If God was thought by Nuer merely to have created man and then to have ceased to interest himself in human affairs there would be no point at all in their paying any attention to him and sacrifice would be a meaningless act. It is because Spirit constantly manifests itself to men and intervenes in their enterprises and affairs that we have the subject of this book, a religion. I draw attention again to the paradox I mentioned in Chapter I, of God being far away in the sky and yet present with men on earth; but we now see that it might better be described as an intuitive understanding of the relation between God and man. God is far removed from man in that man cannot ascend to him. He is very near in that he can descend to man.

Nuer, like other people, want it both ways. They want God to be near at hand, for his presence aids them, and they want him to be far away, for it is dangerous to them. It is particularly dangerous in such situations and relationships as are marked off by religious interdictions.

One of the more important interdictory concepts is that of *thek*, a word we have had occasion to consider earlier in connexion with totems. It has a sense which I translate 'to respect', the word 'respect' being used throughout this book only where Nuer would use *thek*. The word has a similar, but perhaps wider, range of meaning among the Dinka. I/1 196 [171]

[See p.79, cat. 116 -- Analyst]

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196 576 264 Nuer use it for the attitude and behaviour expected of a man towards his wife's parents and to a lesser extent her other kinsmen also. He expresses his respect particularly by abstaining from eating in their homes and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the home of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating [551] with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nueer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

196 583 784 There are also avoidances concerning bridewealth cattle which derive from these relationships of respect relating to marriage. A bride respects the *ghok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciek ma kau*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

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in the home of his parents-in-law they avoid offering him milk 196
from the cattle he has paid them. Further, if there is a divorce and 583
the bridewealth cattle are returned to the husband's people they 784
sacrifice a goat before they drink of their milk.

Nuer 'respect with regard to food' unrelated people (*nei ti* 196
gwagh) of the opposite sex, especially if they are unmarried and 264
possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word 196
thek is homicide. I discuss it in greater detail in Chapter XII. A 784
man who slays another respects water—he may not drink—until 628
a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thek*, which, as always, contains the 196
idea of avoidance, is in reference to burial and to mortuary sacri- 784
fices. Those who bury a corpse respect water—they may not drink [764]
—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the 196
mother to be barren and injure the father, himself, and the cattle. 784
A man is also said to respect his as yet unconceived children by 834
abstaining from congress with his wife when she is menstruating[1] 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*luth*) the days of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39–40) but it would not be classed as *nueer*.

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evident. They are intended to keep people apart from other people 196
or from creatures or things, either altogether or in certain circum- 784
stances or with regard to certain matters, and this is what they achieve. Some of them have important secondary functions in the regulation of the social order—for example, those which determine behaviour between affines and between parties to feuds; but we need not now inquire why they concern certain persons, things, and situations and not others, nor what these persons, things, and situations have in common. We are concerned only with the fact that a violation of the prohibition is to a greater or lesser degree a fault which in many cases brings disaster to the transgressor.

Failure to show respect when there is a *thek* relationship is 196
more than a breach of decorum. It entails to a greater or lesser 784
extent religious sanctions. It is true that in some cases, as, for 576
example, to be seen naked by a mother-in-law, the breach is chiefly regarded as one of good manners which, since the offence was at the worst one of negligence, can be made up for by presenting the offended person with some small gift. But even here a religious sanction is not entirely lacking, because it is believed that failure to respect the parents-in-law may injure the children, and this would ultimately be attributed to God. Nuer say that were a man's nakedness to be seen often by his wife's parents his children might go blind. However, it is not the sight of the genitals in itself which is thought to cause injury so much as the disrespect in not observing the convention. That this is so may be seen from the fact that though Nuer near the American mission at Nasser, Dr. Mary Smith tells me, now often wear shorts, they continue to wear as well and over them when they visit their parents-in-law the wild cat's fur traditionally worn on such occasions. We may surmise that the convention is felt by Nuer to have also a moral significance from the violent indignation I have witnessed in female relatives of wives at exposure by husbands in their presence although they were not their mothers-in-law and the exposures were entirely accidental. The violence of their complaints would have been out of proportion to the offence were it merely a matter of etiquette. To see inadvertently an unrelated person of the opposite sex eat, or accidentally to be seen eating by the same, is perhaps the lack of respect nearest to a simple, though serious, breach of manners, but Nuer nevertheless give the impression of believing that some misfortune may follow from it.

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196 Nuer speak of these conventions with regard to nakedness and
784 eating as *theak ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*theak ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is
[753] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 The attitude Nuer call *thek* is thus different from mere avoid-
784 ance of doing things considered to be unbecoming. Failure to
577 conform to *thek* prohibitions involves the culprit in something
262 more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer*
196 it is also sinful.

784 There are, as will be seen, prohibitions with religious sanctions
783

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

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which do not form part of respect relationships and are, therefore, 196
not called *thek*, but *thek* is the most important Nuer category of 784
interdiction. An infringement of the other prohibitions is not 783
usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, 784
which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one 835
most frequently spoken of is *rual*, incest, which Nuer say is '*cere* 783
ke nueer', 'like *nueer*', and they may use the verbal form *nuer* when speaking of its consequences, for example, '*ce nyiman nuer*', 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an eldest son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

835 use the word *rual* for incestuous relations, and it can also be used
783 for the consequences of them. These, generally certain forms of yaws or syphilis, though they may be any kind of misfortune, are more or less grave according to the closeness of the relationship between the persons concerned. Nuer think that if they are very closely related death may follow, possibly within a few days, while if they are very distantly related nothing untoward may happen. In cases of serious incest the penalty may fall not only on the partners to the offence but also on their nearest relatives, particularly on their children. The greater the danger of punishment the more likely and the more expeditiously will the act be followed by sacrifice and the more valuable will be the thing sacrificed. When the incest is considered to be very slight, what Nuer call a *rual ma*
[789] *tot*, small incest, *wal ruali*, incest medicine, an antidote which some people are said to possess, may be thought adequate protection, and if it is deemed wise to make sacrifice, a cucumber or a pendulous fruit of the sausage tree is considered a sufficient offering. When the offering is a cucumber it is cut in two and then the left half is thrown away and the contents of the right half are squeezed into water and drunk by the partners to the act. If the fruit of the sausage tree is the offering it also is cut in two. I have several times seen youths in western Nuerland, where this tree is commoner than to the east of the Nile, cutting down its fruits for the purpose, and it is interesting to note that the Dinka call the tree *rual*, the Nuer word for incest. If there is incest with the wife of a close kinsman her sleeping-hide may be cut in two. In cases of major incest the antidote is not thought to be sufficient protection, nor a vegetable offering a sufficient sacrifice, and a goat or sheep, and in the most serious cases an ox, must be sacrificed without delay, and a leopard-skin priest should conduct the ceremony. The beast is slaughtered by being cut vertically in twain from head to tail, and afterwards the guilty persons drink incest medicine infused in the gall of the victim. All these cuttings are spoken about as *bakene rual*, the cutting, or splitting, in two of the incest.

835 One hears much about incest among the Nuer, and sacrifices to cleanse parties to it are frequent. One reason for this is that the prohibition on sexual congress covers a very wide area of social relationships. The more important categories covered by it are clanship, close cognation, close natural kinship, close kinship

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through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753]
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from 177
that people that they took over a preventive and curative treatment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

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837 783 [77] the fact that the word *kor* has no further meaning in Nuer whereas in Dinka it is the verb for 'to commit adultery'.[1]

Adultery medicine is probably used only as a precaution and perhaps in addition to sacrifice if a man falls sick and the symptoms suggest *kor*. The main safeguard and remedy is sacrifice, and in cases where the adulterer is known he hands over the *yang kula* for this purpose. It is generally conducted on behalf of the husband by some religious functionary, perhaps a leopard-skin priest or a man who respects *kor* (a man who has himself at some time suffered from it and has recovered), in the presence of the families and friends of the parties involved. He or another person first invokes God that the sick man may recover. Immediately the ox has fallen the adulterer and his friends take hold of its head and forelegs, and the husband and his wife and friends of their family take hold of its hindlegs while the man who is conducting the rite cuts the carcass in two through the loins.[2] The *yang kula* is sacrificed to wipe out the pollution whether the husband falls sick or not. That it has this significance is shown by the fact that when, for reasons I have set forth elsewhere,[3] in the event of a child being born of adulterous congress the cattle paid in compensation, or others in their stead, are returned to the adulterer, the *yang kula*, if it has not yet been sacrificed, remains with the husband for that purpose, and if it has been sacrificed he is under no obligation to return another ox in its place; and by the fact that if the husband forgoes compensation, as he may do if the adulterer is a close agnatic kinsman and neighbour, the *yang kula* must be paid to protect him from evil consequences. It is not part of the *ruok*, the compensation, but is handed over in addition to it, and for a different purpose. Even the cattle of compensation are tainted for the husband. He keeps them away from his own cattle, putting them in the care of a friend or kinsman well away from his own homestead, and he rids himself of them as soon as he can, either by marrying with them or by giving them to one of his brothers for the same purpose. I was told that above all he would

[1] P. A. Nebel, op. cit., pp. 13 and 88. The noun form *akor* means 'adultery'.

[2] Dr. Mary Smith tells me that if a man suffers from *kor* and the adulterer is unknown the officiant holds the forelegs while someone else cuts through the carcass (of a sheep). She says that in the part of Nuerland she resides in the idea of *kor* is no longer prevalent.

[3] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938, pp. 332–4.

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not drink their milk and that should he even tread on their dung 837
he might cause grave injury either to himself or to his cattle. Like- 783
wise, a man will not accept as bridewealth for his daughter cattle paid to her husband in compensation for adultery she has committed. This is a shocking idea to Nuer, who say that it is like incest.

The pollution may spread (*dop*) beyond those directly concerned 837
in it. The adulterer, the husband, and the wife are dangerous to 783
anyone they come into contact with who has an open sore, for the 753
kor may enter him through it. One day at a wedding a youth was trying to reconcile his desire to watch the dancing with the need to hide an open wound from the eyes of those who might cause it to fester, by watching the dance from the shelter of maize plants. I heard his mother shout to him in reprimand 'there you stand in the maize where people can see you. Is *ther* (p. 176) a good thing, and is *kor* a good thing, that you thus expose yourself?' It is largely from fear lest an adulterer or adulteress or cuckold might see them that lads are so closely secluded while they still have open wounds on their foreheads after initiation. Adultery may also cause a wife who has been partner to it to suffer in childbirth, and if she finds the pains of labour grievous she will make known to the midwife any adulterous acts she may have committed. The sin and its consequences become less by being confessed.

Another dangerous influence is that brought about by a man 783
having congress with his wife while she is nursing a child. Respon- 834
sibility rests with the husband, 'for this is an affair of men, and it is not a woman's business to deny her husband access'. As has been noted, this is an offence that comes within the category of *nueer*, but the specific name for it is *thiang*. This word denotes the act itself, the consequences which follow from it, and the rite performed to ward off the consequences. Since children are not weaned till they are about three years old it might be thought that husbands must often give way to temptation, but one seldom hears of a wife becoming pregnant before her child at the breast is weaned, and Nuer themselves say that it is uncommon. I cannot say whether a husband who commits the offence would generally perform the prescribed rites unless the pregnancy of his wife made it common knowledge. In the only cases I have come across action was taken when it became evident that a nursing mother was pregnant. I was told that it was then taken to ward off the

783 serious danger of dysentery, perhaps causing death, her condition
834 threatens to the child she is suckling. The infant is laid at the side of a small termite mound, and a person who respects *thiang*—in this sense the sickness which results from a breach of the interdiction—circles a handful of burning grass over it, and also holds the child over the flame.[1] A dog is then brought and the child is placed on its back. They cut a piece off the dog's ear and it is released and runs off 'taking the *thiang* with it'. Finally a goat is sacrificed and a piece cut from one of its ears is tied with the piece of the dog's ear round the child's neck. Nuer say that in this way the dangerous influence of the abnormality (*buom*) is wiped out (*woc*). The rite is performed by old women, though it is a man who sacrifices the goat. The old women eat the sacrificial meat. On the occasion on which I witnessed it all the older women of the cattle camp ran, shouting, out of the camp, each carrying a child which she placed on a small termite mound so that, I was told, the *thiang* might go into the mound. All the small children of the camp were treated in this way because the husband whose conduct had brought about the situation had eaten and drunk from the same vessels as others in the camp, and had smoked tobacco from the same pipes as they, so that the *thiang* might have spread (*dop*) to the other families in it and endangered all the infants of the community. At the end of the rite the husband and wife wash in a stream to cleanse themselves from their uncleanness. A child born in these circumstances is regarded as dangerous (p. 176).

II

783 In using the word 'sin' to refer to the ideas I have been discussing we have to be more than usually on guard against thinking into Nuer thought what may be in our own and is alien to theirs. From our point of view the ethical content of what the Nuer regard as grave faults may appear to be highly variable, and even altogether absent. A fault of inadvertence, though it may not

[1] Both the word *thiang* and the rite I describe have probably been taken over from the Dinka. I cannot prove that this is the case but it is strongly suggested by this totemistic relationship some people have to the sickness caused by a breach of the prohibition (p. 77). Dr. Mary Smith, who kindly inquired into the matter on my behalf, tells me that the Nuer at her mission say that the word is a Dinka one.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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have such serious consequences as a deliberate fault, may nevertheless, as I pointed out in Chapter I, entail grave consequences; and most of the acts Nuer class as *nueer* would seldom, if ever, be committed deliberately. Moreover, the sinful act may bring misfortune not only to the persons who committed it but also to persons who are, as we think of it, in no way responsible. It is not the adulterer but the injured husband who is likely to be sick, or it may be some person with a sore who is quite unrelated to either who suffers. It is not the husband or his nursing wife who suffers if he has congress with her but their child, and possibly also children of other parents. Likewise, incest may harm relations of the partners to the sin who are not even cognizant of it. Nuer show deep insight with regard to both inadvertence and the incidence of consequences of sin. 783

It is difficult also for the European observer to understand why Nuer regard as grave faults, or even as faults at all, what seem to him rather trivial actions. That incest and adultery are regarded as faults and, in the sense we have given to the word, sins, he can understand, but not a man milking his cow and drinking the milk, or a man eating with persons with whom his kin are at blood-feud. I can only say that these rules make sense when viewed in the total context of Nuer social life as interdictions arising out of basic social relations. I have discussed these relations in two earlier volumes. Here we have to take them as given. We are interested not in the structural aspect of the interdictions but in the religious sanctions which uphold them; and we have to note that the force of the sanction is in ratio to the strength of the prohibition. The sin lies not so much in the act itself as in the breach of the interdiction. Consequently Nuer can give no reasons for the acts being bad other than that God punishes them. Consequently also, sins do not arouse indignation, as some quite minor fault may do. The consequences of incest may arouse hostility on the grounds of damage (p. 300), but I have only heard Nuer express indignation about incest as such when it is with the closest kinswomen, and even then they condemn the man's folly rather than the man. Acts of the kind they call *nueer*, with the exception of the suckling interdiction, are, as I have said, almost invariably unwitting offences. Nuer do not, therefore, though they fear the consequences, blame the man. They are sorry for him. In cases of incest with distant relatives and of intercourse with a suckling mother

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783 they tend to take the view that it is scarcely for them to censure a man whose desires have got the better of him. When there is adultery, the husband may be indignant and demand compensation for the injury done to him, but Nuer do not become indignant at the idea of adultery. The essential point is that such faults as we are considering are, wholly or in part, conceived of as offences against God, and Nuer think that it is he who punishes them. It is God's *cuong*, right, rather than, or as well as, man's, that has been violated. The man who commits them, therefore, places himself, and possibly others too, in danger by having done something which brings Spirit into action in the affairs of men.

783 196 This danger is a condition which to some extent appears to be regarded as physical, the threatening misfortune, usually sickness, which results and is the outward manifestation of the sin being already in the man before it manifests itself. He is contaminated by his act. This is why medicines, aspersions, fumigations, and other modes of expulsion and cleansing are used in addition to the atoning act of sacrifice. This is more than mimicry. The pollution is substantival. That the sin is felt to be attached to the man is further expressed by two words of great significance, *dop* and *woc*. *Dop* means to catch alight, the spreading of a flame or fire. It is also used to describe a man catching a disease, yaws for example, from another and the spreading of an epidemic or murrain, such [753] as smallpox or rinderpest (Nuer are aware that such diseases are spread by contact); and it can likewise refer to anything spreading, as a fight developing out of a quarrel and people other than the principals becoming involved in it. The general idea is that of a person catching something from another, an infection, whether it be a disease, a quarrel, or a bad habit. In our present context the word means that the uncleanness which results from sins may pass to others closely related to those who are directly concerned in them. They also are in danger. *Woc* is used in a number of contexts in which the sense is getting rid of something, especially by wiping it out. It is the ritual ones which more particularly concern us. The first cut across the forehead at initiation is called the *woc dhol*, the wiping out of boyhood. The final rites of marriage are said to wipe out maidenhood. As we have noted, the mortuary ceremony is called *col woc*, the wiping out of death and mourning with their association of debt. The word is also used in reference to sacrifices made on account of a transgression. Sacrifice is

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said to *woc*, wipe out, *nueer*, *rual*, *kor*, and *thiang*, and indeed any *duer*, fault. The transgressor is healed by the blotting out of his transgression. God turns away, as the Nuer put it. He does not regard it any more, so it ceases to be. When used in reference to sacrifices made on account of sins the word has thus the sense of expiation, and it is interesting that the same word which Nuer use for wiping out a transgression means in Dinka 'to err', 'to sin', and 'offence'.[1] We have in the words *dop* and *woc* two ideas which throw much light on the way Nuer regard sins and sacrifices made in consequence of them. Sin, as has been noted, is something which destroys and which tracks down. Two other characteristics of it are now revealed. It can spread and it can be wiped out by sacrifice. But though sin is regarded as bringing about a condition of the person which is contagious, the uncleanness is not simply a physical impurity which can be washed or purged away. It is also a spiritual state which can only be changed by sacrifice; and not even sacrifice is sufficient by itself to change it, only sacrifice which carries with it the will and desire of the sinner. What gives emphasis to the physical quality of the condition is the fact that the consequences of sin, which in a sense form part of it, are physical. This brings us to a very important matter, the identification of disease with sin.

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Nuer may speak, as we have seen, of the consequences of a sin by the same word (in which the interdiction is also implied) as they use when they speak of the sin itself. *Rual* is incest, and it is also syphilis and yaws. *Nueer* is a breach of certain interdictions, and it is also the violent sickness which follows the breach. *Thiang* is a breach of the weaning interdiction, and it is also the dysentery the breach causes. Different diseases have different names, it is true, but if the sin which brought the sickness about is known it is spoken of by the name of the sin. The particular form of the sickness, the particular consequences which have resulted from the sin, are of secondary interest. Had the man suffered from a different ailment it would have been from the same cause. Therefore one may say that where there is a state of sin such sickness as it appears in is a symptom of the sin, or even in a sense is the sin. Even where there has been no breach of a specific interdiction, and there is consequently not the same verbal identification, any sickness tends to be regarded as the operation of Spirit on account

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[1] J. C. Minervemer, *Die Dinka Sprache*, 1866, p. 303; Trudinger, op. cit., p. 198.

783 of some fault on the part of the sick person or of someone closely
753 related to him, and it may simply be said to be *kwoth*, meaning that it is the action of Spirit. A sickness may always be a sign of some fault. No attempt may be made to discover whether there has been a fault or not or what the fault, if any, was, but Nuer think that a man would not be sick if there had been no error, though the thought is not always expressed.

Since sickness is the action of Spirit therapeutic treatment is sacramental. The sickness is only a symptom of the spiritual condition of the person, which is the underlying cause of the crisis; and it can only be cured by expiation—sacrifice—for the sin which has brought it about. This, then, is a further characteristic of sin. It causes physical misfortune, usually sickness, which is identified with it, so that the healing of the sickness is felt to be also the wiping out of the sin. When Nuer say that sacrifice wipes out the *giak*, the badness or evil, they do not just mean that the sickness will depart but also that what may have caused it will be no more. When a serious sin has been committed sacrifice is made before there are any signs of sickness.

783 So far we have been discussing certain definite ideas and con-
577 ventions. Certain violations of specific interdictions are held to be divinely punished and these have special names, *nueer*, *rual*, and so forth. But they are covered by the general term *dueri*, faults. That term covers also breaches of any social convention. There is, therefore, no convenient terminological distinction in Nuer which we can follow in translation to mark off faults of the kind we have been considering and have called sins from faults of some other kind. Moreover, God is regarded as the guardian of the social order and his intervention as a possible sanction for any rule of conduct. We cannot, therefore, make an absolute distinction between what we have called sins and other faults. We can only say that the religious sanction is more severe, and more definite, and tends also to be more exclusive, in the case of the faults we have been discussing than in cases of other faults.

A *duer*, fault, of any kind may, as we have earlier noted, bring about divine punishment. It may do so through the action of a curse or of ghostly vengeance, and as in such cases God is thought to be the arbiter the fault involves to some extent the idea of divine intervention and consequently the need for sacrifice; and a misfortune may be attributed to a curse of the living or to anger of the

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ghosts and hence to injuries done to them. It may do so through 783
fetishes, though, as we have noted, there is some ambiguity and 577
confusion about their morality. Particular calamities are not other- [753]
wise attributed to specific breaches of custom, and I have never seen or heard of sacrifices performed on account of such breaches. Serious sickness, the commonest occasion of sacrifice, in all cases I have examined, was attributed, when attributed to anything, to an infraction of one of the interdictions we have been discussing, to seizure or possession by a spirit, generally seizure on account of neglect of obligations to it, to ghostly vengeance, or to a fetish, and not simply to failure to observe the social code. But we have to bear in mind that when there is sickness not attributed to some specific cause sacrifice is, nevertheless, performed to cover any or all unknown causes and that among such causes may be moral faults which have caught up with the sick man in his sickness, and this is so because God has taken notice of them.

Consequently, such moral faults as meanness, disloyalty, dishonesty, slander, lack of deference to seniors, and so forth, cannot be entirely dissociated from sin, for God may punish them even if those who have suffered from them take no action of their own account. Nuer seem to regard moral faults as accumulating and creating a condition of the person predisposing him to disaster, which may then fall upon him on account of some act or omission which might not otherwise and by itself have brought it about. This is further suggested by the custom of confession at certain sacrifices, when it is necessary to reveal all resentments and grievances a man may have in his heart towards others. This may be rather a peculiar kind of confession, that of other people's shortcomings, but the point is that the faults together with the feelings they have engendered are placed on the victim and flow away into the earth with its blood.

But though the notion of *kwoth* is as ubiquitous as the air to which it is likened and may be evoked in relation to any question of right and wrong there are differences between its association with such sins as incest or eating with persons with whom one is at feud and its association with faults which have a moral or legal, rather than a religious character, such as lack of deference to an elder or refusal to pay a debt. When an action of the first kind, which is definitely and wholly of a sinful character, has been committed it is likely, if it is thought to be a serious transgression, to

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783 lead to sacrifice before any effects follow from it. This would not
577 happen in the case of faults of the second kind. Also, if sacrifice is not made and the act is followed by sickness Nuer know that the sickness is a result of that sin. They start, as it were, from the sin and reason from it to the sickness. But if there is no known and specific sin they start from the sickness and reason that maybe it results from some fault or faults. In the first case, the linking up of the two events is precise; and sacrifice is made to expiate the known sin to stay its consequences. In the second case it is vague. Sacrifice is made to get rid of the sickness and whatever it is which has brought it about, for though the cause may not be determined it is, as it were, contained in the sickness. For some reason not known God has sent, or allowed, the sickness, and the evil manifest in it must be got rid of by sacrifice. The difference is one of emphasis or of direction. In the one case the emphasis is on the actions from which one looks forward to the sickness which, when it comes, is identified with them. In the other case the emphasis is on the sickness and one looks backwards from it to faults which might have brought it about, even if one makes no attempt to discover what they were. An effort may be made to link up the effect with a cause, a wrong done to the living or the dead, but generally people are content to let it go that there must be something wrong somewhere or there would not be the sickness. And this something wrong may be some fault or faults or it may be nothing in particular. It may be nothing more than what we would call natural evil, what happens to man because he is man, or just human folly. I have often been struck in listening to Nuer myths and folk-tales with the way God is figured in them when man wants to do something foolish. He lets him do it, and when he is made to speak he says something like what we would render by 'all right, have it your own way'. Man is given the choice, and if he chooses wrongly he must put up with the consequences.

Nevertheless, though there is this feeling that wrongful actions may be punished by God, it would lead us entirely astray were we to try to equate sin with breaches of custom and convention. I have already noted that Nuer do not express indignation at sin and that what they get most indignant about is not thought of as sin. Nuer do not reason that incestuous congress with a kinswoman is bad and therefore God punishes it but that God causes misfortune to follow it and therefore it is bad. It is bad not in itself but in its

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consequences. Furthermore, we must note that the conditions in 783
which an interdiction, a breach of which is *nueer*, arises may in no 577
way come about through the breaking of a social regulation. Homicide is not forbidden, and Nuer do not think it wrong to kill a man in fair fight. On the contrary, a man who slays another in combat is admired for his courage and skill. Nevertheless he places himself and his kinsmen in a state of grave spiritual danger. Certainly no one is blamed for the birth of twins, the parents being thought to be most fortunate, but it brings about a precisely similar interdiction. Consequently, we are not primarily concerned with people's morals, whether according to Nuer ideas they are good or bad people, but with their spiritual condition, though good or bad conduct may affect this condition.

When there is sin a man's spiritual state is changed. I have spoken of him then as polluted, contaminated, or unclean. We now see that the pollution, contamination, or uncleanness is Spirit itself acting on the man on account of the violation of some interdiction. Nuer themselves say this when they simply remark of the sickness that it is *kwoth*. As we regard the matter from the outside we see that the ethical significance of sin lies in the violation of the interdiction. The interdiction itself may have no ethical significance, only a spiritual one. It may be some trifling injunction, like not drinking water. The circumstances in which spiritual danger attaches to certain events, circumstances in which Spirit is present and threatening, can be said to be good or bad only in the sense that they are fortunate (as the birth of twins) or unfortunate (as death) for the persons concerned. But if notions of sin are not just a rationalization of social convention neither are they just a rationalization of chance. The question whether the circumstances are fortunate or unfortunate is not really a relevant one. Nuer have the idea of luck (*bang*), but it does not arise here. Fundamentally in this context it is not a matter of being lucky or unlucky, or of being good or bad.

We shall see later how this double aspect of Spirit, what aids and what harms, what sustains and what destroys, is represented in the rite of sacrifice. In the present place we need only note further that it has some bearing on the question of the one and the many which we have earlier discussed. The idea of Spirit as the holy with whom it is extremely dangerous for man to be in contact is only absolute where God is concerned, and in such situations as have been

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783 discussed in this chapter. It is not absent in his refractions—
577 prophets are treated with reserve as containers of Spirit, totems are avoided as creatures in which Spirit appears to man, and the objects associated with nature sprites and fetishes are not handled by others than their owners—but though Spirit in these forms is dangerous there is no feeling of the lethal contamination of it which derives from the idea of it being something so wholly different from what is human as to be incompatible with it. In them Spirit is not in its entirety and it is also, as it were, filtered through material things. Man can then possess it and use it for his own purposes; but what he then possesses, as Nuer would be the first to recognize, is not God but *deng, teny, colwic, kwoth nyanga, kwoth nyoia, biel roa, mathiang*, and so forth.

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CHAPTER VIII

SACRIFICE

I

WE have seen how Nuer regard Spirit and creature as things of different orders and standing conceptually in opposition, and that Spirit is always, though it may aid him, dangerous to man. It is in the light of these observations that the most typical and expressive act of Nuer religion, the turning to God in the rite of sacrifice, is to be viewed and understood. It is an enactment of their most fundamental religious conceptions. Nuer, as we have seen, cannot say, because they do not know, what God is, but we shall at least learn from their sacrifices more of what they conceive man's relationship to him to be. 782

I speak here only of bloody sacrifice. I exclude from the discussion cereal and other offerings. People sometimes place heads of the first maize and millet in the thatch over the entrance to their byres as a thank-offering to God, though this is not obligatory. They also sometimes throw grain into streams as an offering to the spirit *buk*. I exclude also the casting away of lumps of tobacco, beads (especially a woman's offering), or some other small piece of property in minor troubles or anxieties, when there is a sudden danger for which immediate action has to be taken and there is no time for formalities, or when a man is in the bush and cannot lay his hands on a beast or even a cucumber. The suppliant asks God to take the offering and spare him. I exclude also the offering of beer or milk, poured in libation, often at the foot of a tethering-peg, probably a peg to which a beast dedicated to some spirit is tied, by a very poor person who cannot afford animal sacrifices. On the other hand, I include as coming within the sense of bloody sacrifice offerings of cucumbers, for they are consecrated and immolated as surrogates for oxen.

Nuer sacrifice on a great many occasions: when a man is sick, when sin has been committed, when a wife is barren, sometimes on the birth of a first child, at the birth of twins, at initiation of sons, at marriages, at funerals and mortuary ceremonies, after

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782 homicides and at settlements of feuds, at periodic ceremonies in honour of one or other of their many spirits or of a dead father, before war, when persons or property are struck by lightning, when threatened or overcome by plague or famine, sometimes before large-scale fishing enterprises, when a ghost is troublesome, &c.

When we examine this variety of occasions we see that Nuer sacrifices fall into two broad classes. Most sacrifices are made to prevent some danger hanging over people, for example on account of some sin, to appease an angry spirit, or at the birth of twins; or to curtail or to get rid of a misfortune which has already fallen, as in times of plague or in acute sickness. On all such occasions Spirit intervenes, or may intervene, for better or more often for worse, in the affairs of men, and its intervention is always dangerous. Any misfortune or grave danger is a sign of spiritual activity. Such sacrifices are made for a person or persons and not for social groups and they involve ideas of propitiation, expiation, and related intentions. As they are the most common and the most specifically religious sacrifices I shall devote chief attention to them. There are other sacrifices which accompany various social activities, mostly of the *rites de passage* kind, such as initiation, marriage, and death. We cannot make an absolute distinction between the two sorts of sacrifice. A sacrifice of the *rites de passage* kind may contain elements of meaning characteristic of the other type. Sacrifices in marriage ceremonies—at betrothal, at the wedding, and at the consummation—are the best examples of the second type. A sacrifice to ward off the consequences of serious incest is a good example of the first type. A sacrifice to end mourning is an example of the blending of the two. It is a routine sacrifice in a *rites de passage* context, but it is also intended to get rid of the contamination of death and any evil there may be in men's hearts. For the purpose of discussing the meaning or meanings of sacrifice it is necessary to make the distinction, even if there is some overlapping. I shall speak of the one type as personal sacrifice and of the other as collective sacrifice. These terms draw attention to the formal distinction between sacrifices offered for persons and those offered on behalf of social groups, but we shall see that they differ also in intention, the first having primarily a piacular intention, and the second a confirmatory one; or, to use Hubert and Mauss's terms, the first are sacrifices of 'désacralization' (they make the sacred profane, they get rid of Spirit from man) and the second

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PLATE VIII

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Consecration

[facing p. 198]

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are sacrifices of 'sacralization' (they make the profane sacred, they bring Spirit to man).[1]

This chapter is mostly devoted to a discussion of personal sacrifices but I say something of the collective ones before giving exclusive attention to them. The primary purpose of collective sacrifices, and also their main function, is to confirm, to establish, or to add strength to, a change in social status—boy to man, maiden to wife, living man to ghost—or a new relationship between social groups—the coming into being of a new age-set, the uniting of kin groups by ties of affinity, the ending of a blood-feud—by making God and the ghosts, who are directly concerned with the change taking place, witnesses of it. The ceremonies are incomplete and ineffective without sacrifice, but sacrifice may be only one incident in a complex of ceremonies, dances, and rites of various kinds, which have no religious significance in themselves. Its importance lies in the fact that it sacralizes the social event and the new relationships brought about by it. It solemnizes the change of status or relationship, giving it religious validation. On such occasions sacrifice has generally a conspicuously festal and eucharistic character.

Collective sacrifices thus have a marked structural character. Sacrifices may be made on behalf of whole communities, as in times of epidemic, but they are then made for a great number of individuals. Here, however, we are dealing with something rather different, with sacrifices made on behalf of social segments, lineages, and age-sets, which are concerned as whole groups, sometimes in relation to groups of like order. This is why they have to be performed by specially appointed representatives of the groups concerned or by public functionaries, as is explained later.

It is indicative of Nuer religious thought that these sacrifices performed as part of social activities are concerned with relations within the social order and not with relations between men and their natural environment. We are often told in accounts of African peoples that their sacrifices are concerned with weather, rain, fertility of the soil, seed-time, fructification, harvest, and fishing and hunting. Generally no rite of any kind is performed by Nuer in connexion with these processes, certainly no regular and obligatory rite; and if in certain circumstances one is performed,

[1] H. Hubert and M. Mauss, 'Essai sur la nature et la fonction du sacrifice', *L'Année sociologique*, vol. ii, 1899, pp. 89 seq.

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782 as before large-scale fishing, it is rarely a sacrifice, and if it is a sacrifice it is not regarded as either necessary or important. All this may be due to some extent to lack of interest in agriculture and hunting, but it is also because Nuer take nature for granted and are passive and resigned towards it. They do not think that they can influence it to their own advantage, being merely ignorant folk. What happens there is the will of God, and that has to be accepted. Hence Nuer are little interested in ritual for bringing rain and even consider it presumptuous to think of asking God for rain before sowing. This mentality is illustrated in one of their stories which relates how death came to a girl who asked that the setting of the sun might be delayed till she had finished her work. Nuer rather turn their eyes inwards, to the little closed social world in which they live, they and their cattle. Their sacrifices are concerned with moral and spiritual, not natural, crises.

II

We have now first to ask to whom sacrifices are made. This brings us again up against the problem of the one and the many. When a sin is expiated or pollution is wiped out by sacrifice it is made to God alone. Likewise in major calamities, such as plagues and murrains. Also when a person is struck by lightning, in connexion with death, and in cases of sickness not attributed to a specific cause. We are here dealing with circumstances common to all men and with universals—with the moral law which is the same for all men, with effects of common interest and concern, and with dangers and misfortunes which fall on each and all alike. Sacrifices may, however, be made on some occasions to one or other spirit, for example, to a spirit of the air before battle or when it is thought to have brought about sickness in a man or if it is feared that it may do so; or to a totemic or other spirit of the below in circumstances already mentioned in earlier chapters. We are here dealing with something more particular and specific, the relation of certain persons to Spirit figured to them, and not to others, in one or other special form as a spirit. Nevertheless, as I have earlier explained, these spirits may be regarded as hypostases, representations, or refractions of God, and in the already defined sense in which this is so we can say that a sacrifice to any one of them is a sacrifice also to God. The cause of sickness, or of any

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misfortune, is always thought to be, either immediately or in the last resort, Spirit, which in some circumstances may be more specifically defined as a certain spirit. Furthermore, when sickness is attributed to an air-spirit, for example *deng*, whether the patient recovers or not is thought to rest with God, that is, with Spirit in the comprehensive sense which includes *deng* as one manifestation of it. The two representations may thus be separated in the mind in relation to cause and cure, but they are fused in the sacrificial act. If, therefore, it can be said that, in this sense, God is sacrificed to in all sacrifices, it must be added that in particular circumstances connected with particular persons or social groups Spirit conceived of in some lower form may be dominant. This inevitably affects to some extent the character of the rite.

Spirit conceived of as God does not seize people and make them sick as some air-spirits and earth-spirits may. They exact a special tribute which God does not demand, a payment for special protection and favour, and this can hardly fail to affect the meaning of the sacrificial act. We have to take this fact into consideration, and it complicates our problem. To avoid ambiguities and obscurities at this stage I shall take sacrifice to God as my model and describe that, and then state later what modifications and qualifications are required when sacrifice is made to a spirit.

In the case of collective sacrifices, which, for reasons already given in Chapter IV, may be to Spirit in some totemic or other refraction, the changes in social status and relations they serve to bring about involve the ghosts, who are usually little or not at all concerned in personal sacrifices. At collective sacrifices they may therefore be invoked together with God in some such formula as 'God, thou and the ghosts'. Since the matter has been discussed earlier I need only say here that the sacrifices are made to God, even on those occasions which most directly concern the dead. The ghosts must be summoned as witnesses and the matter must be explained to them because it concerns them, but they are only witnesses as the living are, and what is explained to them is explained to the living also. Even when sacrifice is made at a mortuary ceremony or when a man commemorates his dead father it cannot be said that the victim is sacrificed to the ghost. It is sacrificed for the dead man, but the life of the victim is given to God and not to the ghost.[1] Even when a ghost is troublesome and

[1] Dr. Lienhardt tells me that this is also the case for the Dinka; it is probably

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782 sacrifice has to be made to pacify it the victim is consecrated to God and not to the ghost. It is to God that expiation for the wrong done to the ghost must be made. What is made to the ghost is reparation, where this is possible. It follows from all that has been said about the Nuer notion of faults, and it will be seen that it also follows from the whole character of the sacrificial act, that it is only to Spirit that sacrifice can be made.

Our second question is, What is sacrificed? The sacrificial animal *par excellence* is an ox, and in important social ceremonies, such as weddings and those held for settlement of feuds, the victim must be an ox. Oxen are also sacrificed in times of general calamity, sometimes when people are dangerously ill, and occasionally to spirits. A barren cow may take the place of an ox. Bulls are only sacrified in one of the rites closing a blood-feud, and occasionally, though only old beasts, in honour of a dead father. Except in these instances a male victim must be a neuter. If it is not, it is castrated before the rites begin. Fertile cows are only sacrificed at mortuary ceremonies, and then only for senior persons, as a tribute to their position in the community. It does not matter what is the colour of the victim, though in certain sacrifices there is a preference for beasts with certain markings.

However, Nuer have not large herds and could not afford to slaughter oxen on every occasion of sacrifice, so, except on such occasions as the slaughter of an ox is obligatory, they generally use wethers and castrated he-goats as surrogates. Female and stud beasts would not be used if young males were available. This means in practice that it is one of the flock that is sacrificed when there is sickness and on most other occasions, and a poor man may use one of these animals where a rich man might use an ox. The ritual procedure is the same whatever the animal may be. It is of no significance that oxen are speared through the heart while the other beasts generally have their throats cut with the spear.

The animal, whatever it may be—cow or ox or bull, ewe or wether, nanny-goat or castrated billy-goat—is spoken of in invocations and in any sacrificial context as '*yang*', 'cow'. This word, like our 'cow', denotes in ordinary usage any bovine animal of any age and of either sex or, when used more exclusively, a female and, still more exclusively, an adult female. When translating what

so for the Shilluk as well (C. G. and B. Z. Seligman, op. cit., pp. 97–98, where several authorities are cited).

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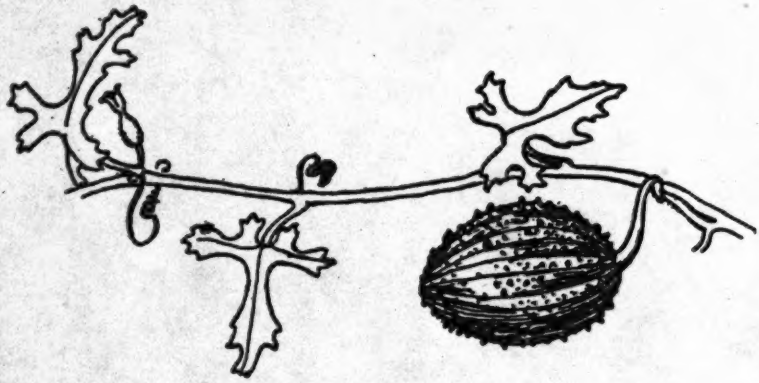
Nuer have said in sacrifices or about them I have preserved their sacrificial idiom. It must be understood, therefore, that in this context the word 'cow' seldom refers to a cow but almost always, when the victim is an animal, to an ox, a wether, or a castrated he-goat. In a sacrificial context Nuer also always speak of a cucumber-victim as '*yang*', 'cow'. 789

Should for some reason no beast be available Nuer may instead, or as a temporary expedient, sacrifice a small trailing knobbly



[137]

FIG. 3
Cucumis prophetarum (Crowfoot)

cucumber called *kwol*, or *kwol yang*, cow's cucumber (*Cucumis prophetarum*) which grows wild on cultivated sites.[1] If necessary, animal sacrifice is made later, when a victim can be acquired. Nuer also sacrifice this cucumber in minor anxieties, as when they have bad dreams or have committed petty incest. It is treated as though it were an animal victim. It is presented and consecrated, an invocation is said over it, and it is slain by the spear, being cut in half along its edge. The left, or bad, half is then thrown away and the right, or good, half is squeezed and its juice and seeds rubbed on the chest and forehead of the officiant and maybe on others present. This half is afterwards put in the thatch over the entrance to the byre, or sometimes to the dwelling-hut. In cases of petty

[1] I have described it in some earlier accounts as 'a yellow tomato-like fruit'. This is probably the Nuer *kot* (*Solanum incanum*) and not their *kwol* (*Cucumis prophetarum*): *vide* Grace M. Crowfoot, *Flowering Plants of the Northern and Central Sudan*, n.d., Nos. 34 and 129. I am indebted to Dr. Lienhardt for the correction of this unfortunate error.

782 incest a fruit of the sausage tree (*Kigelia aethiopica*) may be cut
[137] in half, though I am uncertain whether this constitutes a sacrifice *in sensu stricto*.

We have discussed to whom sacrifice is made and what is sacrificed. We have now to ask by whom it is made, and when and where. We have first to distinguish between the person (or social group) on whose behalf it is made, whom we may speak of as the sacrificer, though with some danger of misunderstanding, because he may not take an active part in the rite performed on his behalf, and those who act on his behalf, the actors in the drama.[1] There may be a number of these. Several people may take part in the consecration and several men may deliver invocations. One man may present the victim, another consecrate and make the invocation over it, and yet another slay it. Nevertheless, there are always one or more prime actors, those who make the consecrations and invocations, which, rather than the actual killing, constitute for Nuer the main acts in the series of rites making up a sacrifice; and we may therefore speak of anyone who, after consecrating the victim, makes an invocation over it as the officiant. There may be several of them. In certain sacrifices, particularly those of the collective kind, whoever else may invoke God, one or other particular functionary either must do so or it is thought highly desirable that he should do so. I discuss in Chapter XII the sacrificial roles of these various functionaries in Nuer society. Normally any senior man, usually the head of the family of the sacrificer, can officiate at personal sacrifices. He would generally be one of the sacrificer's paternal kinsmen but it would not matter if he were not. The sacrifice is to God and not to ghosts, and it therefore does not matter who officiates. A youth would not officiate if there were
[561] an older man present, but this is a matter of social convention only: there is no ritual bar to his acting. Women do not sacrifice.
[562] They may assist in the act of consecration with ashes and they may pray, but they do not make invocations or slay victims. Neither the sacrificer nor the officiant has to be in a state of ceremonial purity. This is an idea entirely unknown to Nuer.

It is obvious that in the collective sacrifices the rites must have to some extent a determined place in the whole social activities of

[1] Hubert and Mauss, op. cit., pp. 48 seq., make the distinction by using 'sacrifiant' and 'sacrificateur'. A word corresponding to 'sacrifiant' is not so easily formed in English.

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which they form a part, though Nuer are not usually particular 782
about the exact moment of their execution. For example, an ox must be sacrificed at a betrothal ceremony and it is usually slaughtered towards the end of the dancing in the evening, but it does not matter if it is sacrificed on the following morning instead. Personal sacrifice may be made at any time if a sudden crisis arises. If it is not acute, people may delay sacrifice till they have discovered its cause with the aid of a prophet or diviner if they suspect that it may be due to something particular, perhaps some sin or the anger of some spirit or ghost. The intention of the offering can then be more precisely formulated. But if the crisis is acute, sacrifice would, whatever opinion, if any, might be held about its cause, be made at once to God. Mgr. Mlakic was clearly recording what he witnessed or heard at the time it happened from a witness when he described how when lightning set fire to a byre its owner entered its flaming interior to save his family and cattle. His first act, however, was to spear a beast of the herd, saying 'God, what do you do to us?' Then he gave his attention to saving people and beasts.[1]

If there is no urgency a sacrifice may be put off till a time convenient for the sacrificer. The collective sacrifices and sacrifices in honour of spirits of one kind or another are normally held in the villages during the rains, and even in cases of sickness, if it is not acute, in dry-season camps Nuer prefer to put off animal sacrifice till they return to their villages. They may consider that though a sickness is due to neglect of some spirit there is no pressing need for immediate sacrifice. To keep the spirit content in the meantime they may sacrifice a cucumber, if they have one, or offer it some tobacco or a libation; or they may make an animal sacrifice in intention by devoting to the spirit then and there an animal by rubbing ashes on its back and then wait till they are back in their permanent homes to sacrifice it. Consequently one rarely sees animal sacrifices in dry-season camps.

A sacrifice is also a feast, and a feast is more suitably held in the 782
surroundings of huts and byres. Nuer, especially the older people, 574
think of the *cieng*, the homestead and village, rather than of the *wec*, the cattle camp, as their home. This is all the more weighty a reason in the case of collective sacrifices, because the kin who should attend them and have rights in the sacrificial flesh may be

[1] Op. cit.

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782 scattered in the drought. There is also plenty of beer and porridge
574 in the rains to add to the meat of the sacrifices for feasting, and little or none in the dry-season camps, for even if their millet is not exhausted people are often too far from their granaries to transport it. Moreover, the social activities which are the occasion of collective sacrifices take place, largely because there is plenty of food, in the rains. I think also it is possible that there is more, and more serious, sickness in the rains and hence the greater need for sacrifices then.

782 It does not seem usually to matter at what time of day a sacrifice takes place, though the early morning is preferred on big occasions when oxen are sacrificed; but I have witnessed sacrifices when the sun was high and also in the evening. Early morning and evening are the most convenient times because then the men are at leisure and it is cool, but the early morning has the additional advantage that it gives time for what are sometimes lengthy ceremonies to be performed with slow dignity. I suppose that if there were need Nuer would sacrifice at night, but I have never known this happen, and it would cause certain inconveniences.

There is no particular spot at which the rites must be performed. The ceremony may be held in the space in front of the dwelling-huts if it is on a domestic scale. This is a suitable place for sacrifice, [778] for a man often erects there a *riek*, post-shrine, and there also is the wife's *buor*, mud wind-screen (Plate V), which also has a certain sacred significance, being the woman's counterpart to the *riek*, as well as serving its practical purpose. But in major sacrifices of the collective type, when there may be many persons present, the sacrifices are likely to be held in the kraal, where there may also be a *riek* (Plate VI), or at its edge, on account of the cattle, or even if they are absent, to avoid the tethering-pegs incommoding those making the invocations. It is not, however, a matter of importance and anywhere convenient will do—properly speaking Nuer have no fanes.[1] It is the same for place as for time. They do not worry about such details. God is at all times and everywhere; there are no specially sacred times and places for sacrifice. Likewise, there are no specially sacred persons who must make sacrifice: any man

[1] God, spirits, and ghosts are associated with the *riek*, which may be in the courtyard, in the kraal, or at the side of the *gol*, the central hearth in the byre, which is the symbol of the family conceived of as a group of agnates and hence of the lineage; and for women, with the *buor*, the symbol of the elementary family, the domestic group.

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can offer sacrifice on behalf of himself or others, intermediaries 782
are not required.

Before giving an account of the succession of acts which constitute a sacrifice it is advisable to say further that though the acts 782 781
are almost always the same and performed in the same order they are much more elaborate on some occasions than on others. A mortuary ceremony must begin between dawn and sunrise and is carried out by long, slow, solemn stages. The rites of sacrifice at marriage ceremonies are, on the contrary, often carried out in a perfunctory manner, giving the impression that they are regarded as little more than a formality. Likewise there is much variation in the attention paid to the rites by those present but not taking an active part in them. In some sacrifices they pay little attention to them, or even ignore them altogether, continuing their dancing or talking among themselves about their own affairs. Thus, in my experience, at sacrifices in marriage ceremonies only close kin of the persons immediately concerned take much, or even any, interest in the ritual. Even sacrifices in honour of a spirit may be performed in a perfunctory manner, it being thought that all that is required is that a beast be offered so that the spirit may know that it has not been forgotten. But on occasions of serious sickness, of grave danger, and of death the spectators sit quietly in a line or semicircle and give silent attention to what is being said and done. The amount of attention paid and its intensity depend on the nature of the occasion and the degree to which spectators are personally involved.

Therefore the many attempts that have been made to explain 782
primitive religions in terms of supposed psychological states—awe, 781
religious thrill, and so forth—are, as far as the Nuer are concerned, 121
inept because the feelings of officiants and spectators are, in so far as they are discernible, clearly different on different occasions and in different parts of the same ceremony. This is obvious to anyone who sees a few Nuer sacrifices. Some people are paying attention and others not. Some are solemn, others gay. Wedding and funeral sacrifices do not evoke the same response, nor do initiation and incest sacrifices, nor even the opening and closing sacrifices of a mortuary ceremony. The feelings of close kin are not the same as those of distant kin. There is no need to labour the point. What is important in sacrifice is not how people feel, or even how they behave—a serious mien when the occasion is a solemn one is a

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782 matter of sentiment and good manners, not of religion. What is
781 important is that the essential acts of sacrifice be carried out and,
121 especially in personal sacrifices, with a right intention, which is a matter of disposition, not of emotion.

III

792 Almost all sacrifices, whether personal or collective, have the same general features. A description of one is therefore, apart from details, a description of almost all. The victim is brought to the place of sacrifice and there are performed in succession the four acts which compose the sacrificial drama: presentation, consecration, invocation, and immolation. Other features may be added, such as libations and aspersions and, mostly in sacrifices to spirits, hymn-singing, but these are supernumerary acts. The essential rites of the sacrifice proper are the four I have mentioned. They form what might be called the canon of sacrifice.

The first act is the *pwot*, the driving into the ground of a tethering-peg and the tethering of the animal to it. The officiant presents the victim to God. The man who stakes the victim is called *pwot yang*, the tetherer of the cow, and as in collective sacrifices this is generally done by the master of ceremonies of the family concerned he is commonly referred to in a sacrificial context by this title. Sometimes, after the victim has been staked, a libation, of milk, beer, or water, is poured over, or at the foot of, the peg.

Then takes place the *buk*, the rubbing (with ashes), the act of consecration (Plate VIII). The man who is about to speak the first invocation rubs ashes of cattle-dung lightly on the victim's back with his right hand. Each speaker does this in turn, and in some sacrifices all present place ash on the victim's back whether they make invocations or not. I discuss later (pp. 261–2 and 279–81) the meaning of rubbing ashes, when I shall try to show that it is not only a consecration of the beast to God but also an identification of man with ox.

Then takes place the *lam*, the invocation (Plate IX). The officiant, holding his spear in his right hand, speaks to God over the consecrated victim. The invocation states the intention of the sacrifice and matters relevant to it. Occasionally, when a sacrifice is a very perfunctory affair, no words are spoken. When asked about the omission Nuer say that the sacrifice is the *lam*, by which they

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PLATE IX

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Invocation

[facing p. 208]

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782 mean that the intention is implied in the sacrifice itself in the circumstances in which it is made. However, even in the most perfunctory rites, it is more usual for a few formal phrases to be spoken by the officiant as he consecrates the victim, either in a scarcely audible patter or even silently. He is addressing God and not the people present. This is what Nuer call a *lam me tot*, a short invocation. They say '*ca be lam̈ bec*', 'they will not invoke (God) much'. Normally, however, and always in a serious situation which also permits leisurely action, there is a *lam me dit*, a long invocation. The officiant walks up and down past the tethered beast, brandishing his spear, and uttering his words loud and clear —he is then addressing the audience as well as God, and they may interrupt him with promptings, advice, and even argument. In a long address of this kind certain petitionary formulae recur again and again but it has no set form or prescribed words. Each speaker may say what he likes so long as what he says is true and also in some way relevant to the intention of the sacrifice. These long rambling addresses, sometimes taking over an hour to deliver, contain, besides a statement of intention and petitions, all sorts of affirmations, exhortations, reflections about life, anecdotes, and opinions; and also complaints, for on very formal occasions the speaker must reveal any grievance he may have in his heart. As there may be several such invocations by different persons before the victim is slain, a sacrifice may be a very lengthy affair, and for a European rather tedious to assist at. He has to sit in the sun for several hours listening to addresses which are difficult for him to follow. Some of the sentences may be inaudible, the speaker speaking too low or having his back turned to the audience, who may also be talking among themselves; and the invocations are apt to require a more detailed knowledge of past events and relationships than a stranger is likely to have. These difficulties are added to by a marked tendency in the invocations towards periphrasis and aposiopesis.

782 196 The word *lam*, which has much the same range of meaning in other Nilotic languages, expresses a number of interconnected ideas, one or other of which is stressed according to the direction of interest. In reference to God it has to be translated 'to invoke'. In reference to a sacrificial victim it can be translated 'to sacrifice'. With reference to a man the ordinary meaning is 'to curse', more rarely 'to bless'. It may also refer to a formal pronouncement in

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ordeals, and in animal stories to the ordeal itself. 'Invocation' would seem best to cover all these special senses. For the verbal form I shall generally use the phrase 'to make an invocation'. Nuer usually employ it in what we call a passive or intransitive mood when speaking of sacrifices, saying '*ba lam*', 'an invocation is made', or '*be lam ke lam*', 'he will invocate with an invocation'; but since it is understood that it is God (though it may be in some refraction and sometimes coupled with ghosts) who is invoked it is legitimate also to use the phrase 'to invoke God' even when this is not a word-for-word translation of what is said in Nuer.[1] Even in curses and blessings it is God who is implicitly, if not explicitly, invoked, since the desired action can come only from him. A curse is therefore an imprecatory, and a blessing a benedictory, address to God.

The full significance of the *lam* will emerge later when the symbolism of the spear and the role of the ox have been discussed. Here I define only its outward character as a ritual form of speech. The word indicates a distinctive form of address rather than its content, which varies according to circumstances. We can perhaps best grasp its distinctive character by contrasting invocation (*lam*) with prayer (*pal*). *Pal* is to make a simple and direct petition to God for some favour, usually of a general nature, such as the petitions I recorded in Chapter I; and the supplication is so often spoken with a pleading of the hands that the word implies this gesture—*be tet pal*, praying with the hands, being understood. The word may also be used to refer to congregational hymn-singing to spirits, though since this is frequently done to the accompaniment of hand-clapping the word *pat*, to clap, is often used instead. The form and character of the *lam* are different. Its characteristic accompanying gesture is brandishing a spear, and although it contains petitions (*lang kwoth*) which are the same as those uttered in praying these are not its main or typical feature. The invocation has an incisiveness prayer lacks. What is said in it is more definite and particular; and its clauses are mostly affirmations, formal statements, rather than petitions, and these affirmations, declarations of what is, have a sort of virtue in themselves.

[1] The difficulty is that the verb 'invoke', unlike the now rarely used 'invocate', cannot be used intransitively in English as the verb *lam* can be used in Nuer. However, the grammatical distinctions we make between transitive and intransitive and between passive and active do not entirely suit the Nuer language.

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I do no mean by this that an invocation is a spell—far from it— 782
but there is a difference between an assertion and a supplication. 176
Thus in a sacrifice for sickness what is said is not so much may the sick man be healed as that his sickness is of no account and that he will be healed in the moment of sacrifice. Intention and what is intended are brought together. The sickness is finished, it is blown away, it is no more. And here we have again to emphasize the significance of the identification of sickness with sin. If the sacrifice wipes out the sin it wipes out also the material form in which it is manifested and known. That this emphasis is required is confirmed by a letter I have received from Dr. Mary Smith in which she tells me that the Nuer at her mission do not use the word *lam* if they are speaking of praising or giving thanks but only, and always, where sin is involved. But the validity of the assertion that the evil is no more depends on the general validity of all else that is said. Nuer say that a man must make invocation in truth (*thuogh*). Even in recounting the most trivial details in a history of events which have led up to a situation in which sacrifice is necessary every statement made in the presence of God must be true; and I think this, rather than just a desire to interrupt or dispute, accounts for the emendations, additions, and contradictions of the assistants. The victim offered to God has placed on its back by the *lam* what is said in the *lam*, and if the sacrifice is to be efficacious what is said must be true.

Now takes place the immolation, what Nuer generally call the 782
kam yang, the giving, or offering, of the victim when speaking of personal sacrifices, and the *nak*, the killing, when speaking of collective sacrifices. By the use of one or the other word they indicate whether a sacrifice is for them more a religious or a festal event, whether its purpose is mainly piacular or social. Nuer do not, in so far as I have observed or heard, wait for the animal to urinate before killing it, as do some of the other Nilotic peoples. An ox is speared on the right side, and so expert are the Nuer that I have never known a second thrust to be necessary or the beast to move for more than a few seconds after the thrust has been made. Sheep and goats have their throats cut (Plate X). A bovine victim should fall well to make a perfect sacrifice. Falling well means falling cleanly on its side, preferably on its right side, and with its head in the desired direction, which in most sacrifices is towards the huts and the people who sit outside them. I have been told that

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782 should an ox fall badly, and there is another handy, they repeat the sacrifice. I have not, however, seen this done, and in my experience those present say that the animal has fallen well whichever way it falls. I have also been told that a lion will not eat an animal it has killed if it falls on its left side, but most Nuer ridiculed this statement.

We may, indeed, note here that Nuer are not a highly ritualistic people. We have already noted that they are not particular about the time and place of sacrifice or who performs the rite, that neither sacrificer nor officiant has to submit to any ceremonial interdictions, and that there is no prescribed content of their invocations, neglect of which would invalidate the rite. There is a certain air of casualness and lack of ceremony about the whole sacrificial procedure. So, although it is better if the ox falls well, it does not much matter if it does not. Nuer are more interested in purpose than in details of procedure. An oblation must be made to validate a social status or relationship or so that people may be free from evil and danger—small details of ceremony do not matter.

Sacrifice proper finishes with the *kam yang* or *nak*, the offering or killing of the victim, and since these expressions describe the culminating movement of the drama they can stand for the whole sacrifice and have the general sense of 'to sacrifice'. In this final moment, at which the invocation may be intensified (Plate XI), the consecrated life has gone to God.

Nuer say that God takes the *yiegh*, the life, and I have heard them say also that he takes the *tie*, the soul. This raises a problem touched on earlier (p. 157). They also say that what in sacrifice belongs to God are the *riem*, blood, which soaks into the ground, and the *wau*, chyme or perhaps a mixture of chyme and chyle. In what sense do Nuer speak of the blood and the chyme being what God receives? No doubt we have here to take into consideration the different levels at which Nuer conceive of Spirit. I have heard them say that after sacrifice to a spirit you can see the flesh of the speared beast twitching as the spirit pulls at it, and we have earlier noted in the hymn to the river-spirit *buk* the emphasis on red blood and also how the fetishes are said to 'eat' the 'soul' of offerings. But, as I have said before, the word *cam*, to eat, even in reference to fetishes is a metaphorical usage. I think that it may be accepted that there is no question of Nuer believing that in animal

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sacrifice Spirit, even as most materially conceived of, eats the 782
blood and the chyme, not even in the sense of consuming their essence. Clearly, they are not materially consumed. Nuer do not say that Spirit feeds on (*mieth*) or eats (*cam*) or drinks (*madh*, *ruidh*) them. They do not use these words, but say that God, or a spirit, *kan*, takes, them. It is not a question of eating anything—what eating there is is done by the people—but of taking something, the life. This would seem to be a matter of great importance in an estimation of Nuer religious thought.

When, therefore, Nuer say that the blood and the chyme belong 782
to God we are to understand, I would suggest, that this is a way 761
of saying that the life belongs to him. It is true that we cannot say for the Nuer, as for the Hebrews, that the blood is the life. The word for life, *yiegh*, is also the word for breath, so that if we were to say that anything 'is' the life we would have to say it of the breath; though even here the word 'is' must not be taken to imply identity but a symbolic relationship. We must rather suppose that the blood and the chyme, and especially the blood, are also symbols of the life.

Human blood has for the Nuer a peculiar psychical value. When 782
kinsmen and neighbours fight they use clubs instead of spears. No [578]
doubt this convention is most easily explained as making homicide 826
a less likely outcome than if spears were permitted and, should it happen that a man be killed, of making a settlement easier to bring about on the grounds of absence of intent; but there may be a different, or at any rate an additional, reason for it. It may be that behind it is the notion that not the same responsibility is felt if the life-blood does not flow as it would from a fatal spear wound—that in a sense the man has not taken the life, that the death happened of itself, as Nuer would put it. That Nuer have some such idea is shown by the fact that a ghoul may be killed with impunity, but only if he is beaten to death with clubs and his blood is not shed. The blood of a man slain with the spear is moreover thought to enter in some way into the slayer, and he must therefore at once have his arm cut by a leopard-skin priest to let it out. This must mean that blood is thought to have some vitality of its own. The rite of initiation must be held in a homestead because the blood of the initiates must not be shed outside the home, and care is taken to bury it in the holes into which it flows lest dogs eat it. These examples, and others could be cited,

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782 826 show that human blood has mysterious properties but they do not justify our saying that Nuer regard the life as something contained in the blood. Moreover, in the case of cattle, which is the case at issue, we have to bear in mind that Nuer have no objection to shedding their blood. They do so when they cut their horns, when they castrate them, and when they pierce veins in the necks of cows (*bar*) in the dry season for veterinary purposes or, more usually, to obtain blood for boiling or roasting for their own consumption. But if the blood is not thought of literally as containing the life, the life of a sacrificed ox ebbs with its flow so that Nuer say either that God takes the life (or breath) or that he takes the blood—the blood and the breath being symbols of the life, as also appears to be, in a lesser degree, the chyme.

782 The chyme (*wei*) is what makes the flesh and maintains the life of the beast. Dr. Lienhardt tells me that *wei*, the word for it in Dinka, means in that language also 'life' and 'breath'. It does not appear to have so important a place in Nuer ritual as it has in the ritual of some other Nilotic peoples. The only reference in my notes to its sacramental use in connexion with sacrifice is to its being smeared on a Dinka at his adoption into a Nuer lineage, but Father Crazzolara says that sometimes after sacrifice the head of the family takes some of the chyme and after adding some of the beast's blood and his own spittle he rubs this mixture on his own breast, back of neck, and maybe also forehead, and perhaps also on the same parts of members of his family.[1]

782 574 God takes the *yiegh*, the life. Man takes the *ring*, the flesh, what is left over after the sacrifice. The carcass is cut up and skinned as soon as the animal falls. In most sacrifices the meat is consumed by members of the family and kin of the person on whose behalf it was made. In marriage and most other collective sacrifices it is divided among relatives, both paternal and maternal, in traditional portions; and the age-mates of the owner of the beast and representatives of lineages collateral to his may also have rights to shares. If the principal officiant is not a member of the family or of the close kin but a master of ceremonies of the family or a priest or a prophet, he also receives his share. This part of the proceed-

[1] Op. cit., p. 80. Among the Shilluk, at any rate in their sacrifices to end feuds, the chyme of the victim is put on the youths to indicate unity. A bean was a bit here and a bit there: in the stomach it becomes one (D. S. Oyler, 'The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1930, p. 195).

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ings is of general interest and not merely for those directly concerned in the rites. If it is at all a public occasion people, whether they are concerned in the matter or not, gather round to watch the meat being cut up and handed to those to whom it is due, and there is often much shouting and argument as the distribution is goodhumouredly disputed and men tug at the carcass and snatch or beg pieces of meat. Even outsiders who get in the way and beg persistently enough are likely to receive pieces of it. According to the circumstances those who on such an occasion receive meat take it to their homes, maybe in different villages, for cooking and eating, or it is cooked by women of the homestead in which the sacrifice took place and eaten there by groups, according to sex, age, and kinship. The meat is cooked, served, and eaten as would be that of a wild beast slaughtered in hunting. It is boiled, though tit-bits may be roasted in the embers of a fire. I want to make it clear indeed that the cutting up of the victim, the preparation of its flesh, and the eating of it are not parts of the sacrifice. To regard the eating of the animal as part of the sacrificial rite would be like regarding a wedding feast as part of the marriage service in our own country. But if it does not form part of the rite and has no sacramental significance it forms part of the whole ceremony in the broader sense and has a social significance. We have always to remember that a sacrifice, even piacular sacrifice, furnishes a feast and that in the circumstances in which Nuer live and by convention this means that neighbours are likely in one way or another to share in it.

IV

The ordinary Nuer sacrifice is carried out in the manner I have described—*pwot*, *buk*, *lam*, *nak* (*kam yang*), presentation, consecration, invocation, immolation. In some sacrifices, however, there are differences of order and procedure.

Mortuary ceremonies open with the slaughter of one or more beasts before sunrise, and as the invocations do not take place till later in the day they are not spoken over the victims as in other sacrifices. I do not think that this reversal of phases has in itself any special significance. Since the cattle have to be killed before the sun rises it is convenient to postpone the invocations, which are very lengthy on this occasion. Moreover, though in the mortuary

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782 ceremony which I witnessed the speakers of the invocations did not
765 as they spoke walk up and down past tethered victims, as in normal sacrifices, they walked up and down past the dead man's possessions to which had been added the heads and hides of the slaughtered beasts; and I believe this to be the usual practice. As these heads and hides represented the victims it may be said that the invocations were said over them *post mortem*. What is of significance is rather the fact that the cattle must be slaughtered before the sun rises. The sacrifices concern death and the ghost of a dead man, so that the killing before sunrise is in accord with the association of east and light with life and of west and darkness with death. This part of the ceremony is for the dead man. The sacrifices are for him. Another sacrifice, which concludes the ceremonies, is for the release of the living. This explains also another difference, one of procedure.

It is understandable that on this occasion there is no formal presentation, for the beasts are killed at their habitual tethering-pegs in the kraal; but that there is also no consecration with ashes calls for comment. The explanation I would put forward, and which I discuss further in later chapters, is that the rubbing with ashes is, besides a consecration, an identification, at any rate in sacrifice which has a piacular meaning, of life of man with life of ox. Here sacrifice is for the dead. His soul, as we have seen earlier, goes to the abode of the ghosts with the souls of the cattle slaughtered at his mortuary ceremony. It is not for the living, so the living do not identify themselves with the victim in the usual manner.

There are some peculiar features in other sacrifices, apart from the supernumerary acts, such as libations, I have mentioned as sometimes accompanying the main rites, but they are only variations in the mode of slaughter or special acts performed after the sacrifice has been made.

782 In sacrifices in which the idea of separation is strong, as in cases of incest, to sever kinship, and in one of the mortuary rites, instead of the ox being speared and then skinned it is thrown on the ground and cut longitudinally in half, an operation known as *bak*. They begin the cutting by making an incision in the throat, so that the animal is soon dead, and they then cut towards the tail, slitting even that in two. Finally, they split the head in two with an axe. In other sacrifices in which the same idea is present the animal is speared, or its throat is slit, but instead of being skinned

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it is cut in two laterally across the belly (*ngok*). This is done at ceremonies in honour of a *colwic* spirit, and also in rites performed to avoid misfortune coming to a man whose wife has been unfaithful or who takes a widow in leviratic marriage. 782

In sacrifices to spirits associated with rivers and streams and with creatures which live in them (generally the crocodile), and also sometimes in a sacrifice to God for rain, the victim—a sheep or goat, not an ox—may be bound and pushed under the water among the reeds and weeds. When sacrifice is made to the python-spirit the victim is suffocated. The openings of its body are stuffed with grass and it is jumped on and pummelled to death. In practice it is assumed to be dead at an early stage and the point of a spear is inserted in its throat to begin the skinning. Nuer regard this as a Dinka mode of sacrifice, as indeed it is, contrasting suffocation with *yiedh*, stabbing with the spear, their own normal mode of sacrificing oxen. [177]

I have not seen a sacrifice to the python-spirit, but I have seen an ox suffocated in a different and rare ceremony. I think that perhaps what I witnessed should not be regarded as a sacrifice at all, at any rate in the usual sense, for the beast does not seem to have been consecrated and there was no invocation. It has more the appearance of what we might better describe as a magical rite, almost certainly of Dinka origin. I feel nevertheless that, as it was the only occasion I saw a killing by suffocation, I should give a brief description of it. When a girl is espoused early in life, probably before the commencement of the menses, the premature payment of bridewealth may cause her to be barren unless a special ceremony is performed. In western Nuerland, where I saw it, it is called *gorot*.[1] I believe that in eastern Nuerland a rather different ceremony is performed. On the occasion when I was present it took place in the girl's home after her marriage had been consummated. An ox was thrown and its forelegs and back legs tied in pairs. It was then slowly suffocated, grass being first pushed up its anus with a stick, and then into its mouth and nostrils (Plate III). During its sufferings the husband and a youth of his age-set, the wife and a maiden of about her age, and a small boy and a small [842]

[1] J. Kiggen (op. cit., pp. 108 and 117) gives this word as the name of a different ceremony, for a woman without children who has smallpox. He says that a small gourd is opened, beer is poured into it, it is rubbed over the woman, and a goat is killed. The rite I describe is probably his *guar*, the meaning of which he gives as 'animal sacrifice to the Dinka god'.

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782 girl sat on its flank. After a while they rose and the ox's throat was cut. Dr. Lienhardt tells me that this mode of slaughter by cutting the throat, otherwise unknown among the Nuer in the killing of oxen, is the usual manner of sacrificing oxen among the Dinka. The ox was then cut up and from each joint and major organ a bit of meat was sliced off. The bits were cooked and then minced. The conductor of the rite, a female diviner, threw some of the mincemeat towards the hut where the husband and wife were cohabiting and placed some of it in the mouths of the spouses. Both spat it out. The husband told me afterwards that the putting of the meat into his mouth was the most humiliating part of the rite because he had never before allowed food to touch his lips in the presence of his wife. The small boy was then seated on the husband's lap and the small girl on the wife's lap. A gourdful of the mincemeat was emptied into the husband's cupped hands and he transferred it to the cupped hands of the boy. The action was repeated by the wife and the small girl. A pot of boiled blood was then taken into the hut and the diviner scraped some of it with a mussel shell across the mouths of husband and wife and the companions of their own age. The door of the hut was then closed and the butter was placed on the fire. While it was melting, a boy, the wife's brother, circled the hut outside with the boiled hump of the ox on the point of a fishing-spear. When he stuck the hump through the first window of the hut the diviner asked 'what will you give me?' and someone in the hut answered that she would give a brown calf. The action was repeated at the other windows of the hut, the answer referring to either a brown or a black calf. Then the door was opened and the diviner hung round the wife's neck the stomach lining of the ox and the skin of its umbilicus to which brass rings and part of its tail had been attached. She then anointed husband and wife and their companions and others present with the butter. On their departure the husband's people took the meat of the ox home with them, except the head, which remained with the wife's people who had provided the ox. I was told that the purpose of the ceremony was to ensure that in spite of the unusual circumstances of betrothal a child would speedily be born to the union.

I cannot explain the symbolism, if it has any, of this particular rite, but in cases of sacrifice proper in which a victim is slain in an unusual manner the symbolism is manifest. The beast is cut in

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PLATE X

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Immolation

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782 twain to sever a relationship. The beast is drowned because the sacrifice is associated in one way or another with water. The beast is suffocated because that is how the python kills its prey. All this is mimicry, symbolic action by which some peculiar feature or some particular purpose of the sacrifice is expressed. The different modes of slaughter do not constitute different kinds of sacrifice but merely variations of the rite.

There are also variations in the manner of disposal of the carcass. In sacrifices in settlements of feuds the sacrificial ox is not skinned and its flesh then distributed in fixed traditional portions, but as soon as it falls all the men fall upon it and hack it to pieces with their spears, each taking what he can slice off and get away with. This is called *koak*. A scene of great confusion results and those taking part in the scrimmage are lucky if they are not injured by the spears used to cut off pieces of the flesh. An animal found dead in the bush is treated in the same way; and according to Father Crazzolara also cattle burnt in a byre struck by lightning.[1] Dr. Howell says that when an elephant is killed by hunters it is hacked to pieces in the same manner: 'the chaos which follows has to be seen to be believed'.[2] Occasionally sacrifices are holocausts, as when sacrifice is made to God to stay a plague or murrain, or to the durra-bird-spirit for the birds to leave the millet and return to the bush. The victim is left lying where it falls and its flesh is not eaten. I believe that it is the same with an ox sacrificed before an advancing enemy. In these instances the victims are slain in the bush and not, as in ordinary sacrifices, in the homestead.

These variations in the disposal of the carcass would seem to be connected with special circumstances in which sacrifice is sometimes made. We have a clue to the general scramble for meat at sacrifice to conclude a feud in the other occasions when a scramble is customary. Then the animal does not belong to anyone. An elephant's tusks belong to the first and second spearer but its flesh is the right of all who participate in the hunt. There are no individual rights in it. Likewise a beast found dead in the bush was a wild creature that belonged to no one and it did not die as a result of anyone's efforts. Similarly cattle burnt to death in a byre, although they belonged to the owner of the byre, were not slaugh-

[1] Op. cit., pp. 96–97.
[2] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

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782 tered by him but by God, and when God took them they ceased to be his. It would seem likely therefore that some such idea of the beast belonging to no one is present in the sacrifice to end a feud. The holocaust appears to be, at any rate usually, a manner of disposal, like the burnt offering of the Hebrews, when sacrifice is made on behalf of the whole community against a common danger, plagues and murrains and an enemy. Here sacrifice is not made to serve any individual interest nor the exclusive interests of particular lineages or clans but the interests of all the people alike. The reason for abandoning the carcasses, however, seems to be the idea that the evil has entered them through the sacrificial act.

It remains only to mention briefly some other peculiar features of ritual attached to some sacrifices. A small piece of the hide of a victim may after any sacrifice be tied to the *riek* shrine as a memento, but after sacrifice to a spirit a more elaborate memorial, a *yik*, may be constructed. This is a small mound of ash and mud with a *riek* set in the middle of it. The bones, or some of them, of the victim may be buried in the mound. In sacrifices for incest and [783] in settlement of feuds the gall of the victim is drunk in infusion. This has nothing to do with the sacrifice itself but is a post-sacrificial act to cleanse the bodies of those who have been contaminated or to protect those who run a risk of contamination. It is a sort of medicine to counteract physically the consequences of the breach, or the possible breach, of an interdiction. It is something extra added to the sacramental action of the sacrifice proper. Some sacrifices are accompanied by the rite of aspersion. I discuss this later.

V

I have given some account of the structure of the Nuer sacrificial rite which, allowing for the variations and peculiar features I have mentioned, is the same for all sacrifices, those of the collective type as well as those of the personal type. Most sacrifices, as we have already noted, have a markedly piacular purpose. They are made in times of trouble and their general object is always the same, to get rid of the evil or threatening evil by offering to God a victim whose death will take it away. Nuer express this in various ways. They say that the evil 'will be finished with a thing (*duor*)'—that is, with an oblation. They say that it 'goes into the earth with the blood of the cow'. They say that 'the cow shields (*gang*)' the persons threatened by it. They say that God 'turns away'—as we have

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seen that in a sense the evil is he, in a certain aspect of the relation 782
of Spirit to man, so, in this sense, it is he who is 'finished with a thing', he who 'goes into the earth' with the blood, he against whom the ox 'shields' man.

But though sacrifices made in times of trouble have this basic piacular meaning in common, certain tones in it are emphasized more in some sacrifices than in others, and this is sometimes indicated by some special word being used in reference to the intention. These words lie within the circuit of the general term denoting a piacular offering, *kam*, to give. An examination of them will shed further light on the character of the whole class of piacular sacrifices, and hence on the meaning of sacrifice in general. I speak now only of personal sacrifices, those which have a piacular intention.

When the notion of redemption is strongly marked the word 782
kuk, with the verbal form *kok*, seems generally to be used when 789
speaking of the sacrifice and in the invocation made at it. A *kuk kwoth*, sacrifice to God (or to some spirit), appears to be regarded as a ransom which redeems the person who pays it from a misfortune that would, or might, otherwise fall on him. By accepting the gift God enters into a covenant to protect the giver of it or help him in some other way. Through the sacrifice man makes a kind of bargain with his God.

In violent storms Nuer, fearful of the lightning, throw small pieces of tobacco into the air, asking God to take them, and saying that they have paid him ransom with this offering. When a man in sudden illness or danger takes off a bead or bracelet and throws it away he says 'grandfather [God], take thy cow [bead or bracelet], I have paid thee ransom (*kok*), let my sickness depart'. When an ox is sacrificed there is the idea that the evil goes into the ox and then into the earth with its blood, and there seems to be here the idea of its going into the bead and residing there; for I was once about to pick up a bead I saw lying on the ground in the bush when a Nuer stopped me, saying that it had probably been given to God as an offering by a sick man and if I took it the sickness might enter into me. Likewise, when Nuer sacrifice before crossing a river or wading into a lake to fish, and ask for the protection of the female spirit *buk* against the dangers of the water, they say 'take thy cow, we are ransomed (*kok*)'. In a story of how a girl, Nyanding, was sacrificed to the river which bears her name she

789 is said to have been paid in ransom to the river. The river was
782 bought, as it were, by her sacrifice; just as the hippopotamus had
[538] to buy the river in one of the Nuer just-so stories. Fox had found hippopotamus on land, where he had been created, and exacted from him, in payment for taking him to a river, the flesh around his mouth—which accounts for his funny face today. When they arrived at the river hippopotamus had to pay it (*kok*) the marrow of his leg bones before it would receive him—which accounts for their having no marrow, so Nuer say, in them today. 'Bought' and 'buy' are renderings I discuss below.

782 When in serious sickness an animal is sacrificed Nuer may say
755 '*ca kwoth kok ke yang*', 'God is paid a cow [in ransom]'. I was present when a Nuer was defending himself against silent disapproval on the part of his family and kinsmen of his frequent sacrifices. He had been given to understand that it was felt that he was destroying the herd from inordinate love of meat. He said that this was not true. The oxen he had killed—and he had killed his own favourite ox among them—had been sacrificed to his mother-in-law's and wife's spirit *deng*, which came from Dinkaland and was frequently troubling his children and his wife and her brother with sickness. It was all very well for his family to say that he had destroyed the herd, but he had killed the cattle for their sakes. It was '*kokene yiekien ke yang*', 'the ransom of their lives with cattle'. He repeated this phrase many times as one by one he recounted cases of serious sickness in his family and described the ox he had sacrificed on each occasion to placate the spirit *deng*. If his sons saw fit to complain let them regard their sisters. Would they not get the cattle of their sisters' bridewealth? And were not the cattle killed to save their sisters' lives?

782 The word *kuk* would seem therefore to suggest that God, or a
789 spirit, is placed by the sacrifice under an obligation. A woman says 'God, take thy cow and give me a child', and Nuer say of the river-spirit that 'it is given a gift and then it gives life to the people'. The child and the life are given to suppliants in return for the gifts they make. The action of the rite is not effective in itself. God, or a spirit, is not constrained by the sacrifice to grant the favour asked for. An animal sacrificed to God is his animal anyhow, and what he gives the suppliant in return is a *muc*, a free gift. Nevertheless, my impression was, at any rate where spirits of the air and of the earth are concerned, that Nuer feel that the recipient of a sacrifice

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is at fault if it does not fulfil its part of the bargain. A costly sacrifice having been made, *cuong*, right or justice, is on the human side in the matter. Thus the man of whom I was speaking above said during his harangue that after all the sacrifices he had made to the spirit *deng* on account of sickness in his family, his little daughter had been bitten by a snake and died. He had given all these oxen to *deng* and look what had happened! He felt aggrieved and had consulted a prophet of *deng* who had told him that if the spirit had taken his daughter it would compensate him for his loss; and it had indeed done so by giving him twins: '*ca col e kwoth ke cuek*', 'it [the death of the daughter] was compensated by the spirit with twins'. The use of the word *col*, as will be seen later, here implies that the spirit was in debt to the man. This Nuer Job complained that the spirit had only compensated him because he told it that he had had enough of it and that it could take all his children if it pleased, for then he would have finished with it because it would have nothing more to take from him.

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The word *kok* occurs in the other Nilotic languages with much the same range of meaning, outside its sacrificial usage, as it has today in Nuer, for one most frequently hears it used today to describe the purchasing of goods from an Arab merchant. That a word which had chiefly, and perhaps primarily, a sacrificial meaning should come to be employed for the recent practice of buying something from a shop, a commercial sense it has also in other Nilotic tongues, sheds some light not only on Nuer ideas about trading but also on their ideas about sacrifice. Since the present range of meaning of the word includes buying and selling one might say that God or a spirit is 'bought' by sacrifice. The dangers of translation that beset one at every step in an attempt to understand and make intelligible Nuer religious ideas are here very apparent, for once we use the word 'bought' the associations it has among ourselves rush in to colour the Nuer conception. But Nuer do not regard purchase from an Arab merchant in the way in which we regard purchase from a shop. It is not to them an impersonal transaction, and they have no idea of price and currency in our sense. Their idea of a purchase is that you give something to a merchant who is thereby put under an obligation to help you. At the same time you ask him for something you need from his shop and he ought to give it to you because, by taking your gift, he has entered into a reciprocal relationship with

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782 437 196 you. Hence *kok* has the sense of either 'to buy' or 'to sell'. The two acts are an expression of a single relationship of reciprocity. As an Arab merchant regards the transaction rather differently misunderstandings arise. In the Nuer way of looking at the matter what is involved in an exchange of this kind is a relation between persons rather than between things. It is the merchant who is 'bought' rather than the goods, just as it is God or a spirit who is bounden by sacrifice; or it can be better put by saying that the partners, Nuer and merchant, man and God, *kok* each other. The general notion conveyed by the word is therefore that of exchange. This sense covers, as do our own words 'ransom' and 'redemption', both religious and commercial usages. In both there is the idea of a relationship expressed in gift and counter-gift. The mere fact that the word has been made use of to denote what we regard as plain and simple commerce shows that some idea of a bargain is implied in its sacrificial use. Whatever else it may also be, sacrifice can be regarded, as Socrates says in the *Euthyphro*, as being in a sense a 'commercial technique', a way of doing business between gods and men. A bargain is struck. There is an exchange. This is further shown by the use of the verb *luel*, not in reference to any particular kind or situation of sacrifice but in invocations at personal sacrifices. A consideration of its use shows us better what sort of exchange Nuer sacrifice is.

782 755 One of Professor Westermann's texts records a sacrificial invocation made on behalf of a sick man. I would translate it as follows: 'God, what is this? Leave him with us; let him recover. Turn about, take thy cow. It has been decreed for the life. It is thou who hast spoken thus. Take the cow that it may be in exchange for the life (*bi je luele yei*). It is thou who hast created us; it is the cow which is exchanged for life (*e bi yang a luel ne yei*). Take the goat and the cucumber; and let him recover! In what have we erred? Give us the life. Thou art our father. Why must we always suffer? Give us the life, we pray thee, our father.'[1]

437 196 In other contexts the word *luel* means 'to exchange' or 'to change'. Something takes the place of another thing equal to it —a simple exchange of two things considered to be of more or less

[1] Op. cit., pp. 116–17. The sentence 'Take the goat and the cucumber' would not occur in any actual invocation, for the two things would not be sacrificed at the same time. Whoever spoke the text has inserted a gloss in the sense of 'Take the cow [ox], that is to say, the goat or the cucumber' [as the case may be].

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equal value by the persons concerned in the exchange, as when a man who is leaving his neighbourhood exchanges his old byre for a bull calf or when a man exchanges an ox with certain markings desired by his partner to the exchange for one with his own favourite markings. The difference between *kok* and *luel* is that between the reciprocal relation between persons in an exchange and equivalence of objects exchanged. In either case the action is immediate, unlike that implied by use of the words *ngual*, to borrow, and *gwal*, to lend. In loans a man makes a gift and the recipient later returns it or something of greater value. There are two distinct and separate movements between which there is a long passage of time. In its piacular context, therefore, the word *luel* means that the life of the victim is exchanged in the moment of its immolation for the life of a man. In the sacrificial situation the two things are of equal value, so that the one can be substituted for the other. This puts men and cattle in a very peculiar relationship to each other, a matter I discuss in Chapter X.

In personal and piacular sacrifices the animals are substitutions for men. To this extent sacrifice is an exchange, but it is also something very much more than just a simple exchange. It is not a simple idea at all but a very complex one in which many other elements are present. I discuss the problem in more general terms later, but we may here note how other terms are used to describe personal sacrifices which emphasize rather the related ideas of propitiation, expiation, atonement, and purification.

Sometimes the word *lor* is used to describe a sacrifice. The word means 'to go to meet', perhaps its most common usage being to describe the formal greeting that Nuer, especially women, make to a visitor of importance when they go from their homes to receive him outside their homestead or village. The word has therefore the further sense of 'to honour', as would appear to be the case also in Dinka and other Nilotic tongues. But in the religious sense of the word people go out of their villages to meet a plague or other danger not with the purpose of bringing it to their homes to give it hospitality there but with the opposite purpose of preventing it from entering their homes. They go out to meet and stay a plague or murrain with sacrifice. They say '*bane je luor*', 'let us go out to meet it'. The well-known prophet Ngundeng of the Lou tribe did this in times of epidemics, sometimes, I was told, sacrificing dozens of oxen and leaving their carcasses in

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782 789 [726] a line in the bush. He also used to sacrifice before his followers as they advanced to battle. His son Gwek appears to have met his death while making such a sacrifice before a military patrol sent against him. Mr. Coriat, one of the officers on this patrol, has described how the Nuer attack was launched. 'Two long lines of men rushed out to either flank in an attempt to surround the troops while the main body of Nuer in the centre advanced more slowly but singing lustily and driving ahead of them a solitary white bull. The order to fire was given. The leading men and the bull reached to within 120 yards of the square before they fell and within a few minutes the whole mass of Nuer were fleeing in all directions. A long pursuit over rough and broken ground followed. Gwek, arrayed in a leather skirt with an iron skewer clutched tight in his hand and a brass pipe, the pipe of Dengkur [Ngundeng], lying beside him, was picked up dead beside the white bull.'[1]

782 789 Other prophets acted in the same manner in epidemics and war. It has also been described to me how a whole section of the eastern Jikany Nuer went out to meet smallpox which was advancing into their territory. They went out to meet it with goats and sheep and pots of beer, and they slaughtered the animals and left their carcasses and the pots of beer in a line over which the smallpox should not cross. It was described to me as being like a *kegh*, a boundary line—more closely in meaning a line a leopard-skin priest makes on the ground before advancing warriors halt them so that a fight may be prevented.

When I was living in a small village on the Sobat river swarms of locusts descended on it and on its gardens, and the people went out to meet (*lor*) them in a body, leading a fawn-coloured goat (roughly the colour of the locusts) and beating their ox-hides, where the gardens adjoined the bush, and there sacrificed the goat. It fell with its head towards the bush. This was regarded as a favourable sign as it was in that direction that the people wanted the locusts to go. They soon departed. The carcass was left where it fell. I have earlier described how people go out to meet durra-birds which are eating their crops and how they make a similar sacrifice and leave the carcass in the bush. Nuer use the same word when speaking of the sacrifices made by kinsmen of twins at their birth. They say '*ba cuek luor*', 'the twins are met [with sacrifice]'.

[1] P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', *Sudan Notes and Records*, 1939, p. 237.

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On those occasions on which Nuer use the word *lor* in a religious context the danger is definite and immediately before them, and it has to be met with sacrifice to propitiate God so that of his kindness he may stay its approach. It is true that they speak of going out to meet the smallpox, the locusts, the durra-birds, or whatever the threatening thing may be, but when they say that they 'meet it with a cow', that is, by sacrifice, we are to understand that the 'it' is not the thing itself but Spirit manifested in the thing. It is a vehicle of Spirit and only God can stay it. We have then in the concept of *luor* another element in sacrificial intention, homage to God by a whole community, or on its behalf, at a time of common crisis. 782 789

The word *kier*, with the verbal form *kir*, is more difficult to translate than the other words used for sacrifice because it has no meaning outside its sacrificial usage. I have translated it by 'expiation' because that idea together with the idea of purification seem to me to be strongly represented in the situations of its use, the appeasement of God or spirits when an event which places people in a state of danger, usually grave, has taken place. The danger, which is Spirit itself, is not merely possible, nor is it seen to be approaching. It is already present and people must rid themselves of it before it injures them or causes them further injury. 782 783

Nuer say of a spirit which has made a man seriously ill '*ba kwoth kier ke del*', 'expiation is made to the spirit with one of the flock'. They say of the sacrifice made after the burial of a man that '*ba kier piny ke del*', '[the dead man] is expiated in the earth with one of the flock'. They say of a byre which has been struck by lightning that '*ca kir ke ghik*', 'it has been expiated with cattle', and of a man killed by lightning that '*ca je kir ke det kene ruath*', 'he was expiated with some of the flock and with oxen'. When a speckled vulture settled on a man's head (pp. 88–89) expiation was made (*ca kir*) by sacrifice. I have also heard it said of sacrifices made on account of the birth of twins '*ca ke kir*' 'they [the twins] have been expiated'. One does not visit the home of a kinsman who has begotten twins without something to sacrifice in one's hands. Further examples of the use of the word *kier* for sacrifices are given by Father Kiggen, on account of a man being lost and on account of a bad dream.[1]

It may seem a peculiar expression to speak of a man, twins, and

[1] Op. cit., p. 145.

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782 a byre being expiated and it is true that it is not they who are
783 expiated but the death of the man, the birth of the twins, and the striking of the byre by lightning, or rather, since these events are all signs of God's presence it is Spirit itself which is expiated. This is what is said, literally, in the first example of the use of *kier* I have given, '*kwoth* (Spirit) is expiated with one of the flock'. A payment is made to get rid of it and the state of danger its presence means. It is expiation in that sense, not in the sense of paying penalty for fault; for in the examples I have given the idea of fault, or at any rate of some definite fault, is negligible, if not altogether lacking. What we observe is a feeling of something dangerous being in the village, a sort of miasma, which must be dispelled if the people are to be at peace, and a defilement from which the people must be cleansed. In some of the examples the ideas of defilement and purification are apparent. Where this sense is strong the sacrifice is often accompanied by the rite of aspersion; and it may be noted that the word *kir* has in some of the other Nilotic languages the sense of 'to asperse', 'to sprinkle', and similar meanings.

We have seen that the *lor* concept adds the idea of honouring to that of an exchange or bargain in the general meaning of sacrifice. The *kier* concept adds something more. Sacrifice in the situations for which this word is used is made to prevent misfortune, or further misfortune, by an oblation. The danger is not disposed of till there has been an act of human will, a turning to God in sacrifice. Only when expiation has been made will it be wiped out. And the expiation is not just a payment, it is also the recognition of a debt. This aspect of sacrifice is most clearly brought out in the concept of *cuol*.

The ideas of expiation and purification are also markedly present in those sacrifices for which Nuer use the verb *col*, but there is a further and different emphasis as well. *Col* in its most general sense means, as in the other Nilotic languages, to pay compensation for an injury, and it is perhaps best translated 'to indemnify'. Indemnification for homicide or bodily injury, or indeed reparation made for any injury, may be spoken of as *col*. The word is also used in a religious sense when speaking of sacrifices to wipe out (*woc*) by indemnification the wrong done to God or a spirit by sin, such as, for example, having harmed a totem; when sacrificing for sickness if the sickness is thought to be due to some particular

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE XI

782

Death of victim and end of invocation

[facing p. 228]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 fault; and, most specifically, to describe mortuary rites. The im-
783 plication is that just as, let us say, a woman who has been wronged by her daughter's husband exposing his nakedness to her must be indemnified by a gift, so if God or a spirit is wronged by some act or neglect he or it must be indemnified by sacrifice. In the religious sense of the word it can perhaps best be translated 'to atone' and 'atonement'.

As the use of the word *col* implies in all other contexts that reparation for some wrong or fault is due we may suppose that it has something of the same sense when it is used with reference to mortuary ceremonies. A mortuary ceremony is known as *col woc*, an expression which might be translated by some such phrase as 'the wiping out of debt'. As it is not necessarily felt that any definite wrong has been done for which reparation must be made we may ask why this expression is used. I would answer that not only do Nuer seem to regard death itself as a kind of payment of debt, but they also seem to regard the dead man's kin as being involved in the debt, just as they would be had he incurred a debt to someone in his lifetime. The death still clings to them till they have made atonement by sacrifice and have been purified from its contamination by a purificatory rite which, while being particularly noticeable in the mortuary ceremonies, may accompany any sacrifice, such as those referred to by the terms *kier* and *cuol*, in which the idea of pollution is accentuated. The rite is known as *kith*, a word which means 'to sprinkle' and may be translated in its religious use as 'to asperse'. The aspergillum is a handful of wild rice, a plant which has other religious associations. It is dipped in water or milk or blood and water mixed and shaken over the persons involved in whatever the calamity may be, and in rites concerning death over the dead man's possessions as well. The word *kith* is also used for the sprinkling of beer at a ceremony in honour of a spirit over the ox dedicated to it, the beer being thrown over the animal's back by hand or blown over it from the mouth, a rite also called 'the bathing (of the ox)'; but here different ideas are expressed (pp. 42–43).

We may suppose that Nuer would not use so many different words when speaking of sacrifice unless the rite meant for them sometimes more one thing than another thing; and in our examination of these words we have found that they do indeed express rather different conceptions. No doubt these conceptions are only

16: Evans-Pritchard E-5 (1931, 1936) 1956
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792 variations of a single general meaning, are logically interconnected, and shade into one another, but they indicate nevertheless
793 distinct differences of emphasis. What all of them express, however, is the central piacular idea of substitution of lives of cattle for lives of men. That is on the surface. We have to inquire further if we are to understand its interior meaning.

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CHAPTER IX

SPEAR SYMBOLISM

When I think of the sacrifices I have witnessed in Nuerland there are two objects I see most vividly and which sum up for me the sacrificial rite: the spear brandished in the right hand of the officiant as he walks up and down past the victim delivering his invocation, and the beast awaiting its death. It is not the figure of the officiant or what he says which evokes the most vivid impression, but the brandished spear in his right hand. 782

We have noted that the *lam* or invocation states the intention of the sacrifice. Its words are a projection of the will and desire of the person as he turns towards Spirit; and an essential part of the action is the brandishing of the spear. As the officiant walks up and down delivering his oration the movements of the spear in his right hand emphasize his words: opening and closing his fingers on it, poising it in his hand, raising it as though to strike, making little jabs with it into the air, pointing it towards the victim, and so on. These movements are an integral part of the expression of intention, and there is more in the action than meets the eye.

In Nuer ritual the meaning of symbolism is generally at once evident to ourselves, at any rate in its main import, for there is an intrinsic relation between the symbol and what it stands for. When an animal is cut in half in cases of incest, to allow inter-marriage between distant kin, before a man takes his dead brother's wife in levirate union, at the closing of an age-set, in mortuary ceremonies, and on other occasions, we can at once perceive how the purpose of the rite is expressed in the severing of the carcass. A relationship of one kind or another between persons is being severed. Likewise the symbolism of the rite, common among primitive peoples, of putting out fires and relighting them at a man's mortuary ceremony, and in the case of the rehabilitation of a homicide the relighting of them with fire-sticks, is at once evident for us. The past is finished with; one begins anew.

The shaving of the head of a bride at her marriage, of a boy at his initiation, of a kinsman at a mortuary ceremony, and of a homicide at the settlement of a feud expresses, and brings about,

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782 the passing from one state to another as obviously for us as for Nuer. Again, we can see immediately also the appropriateness of the action to the situation and purpose in the ritual making of a line or boundary (*kegh*). A leopard-skin priest cuts a line between opposing factions to forbid combat. The dominant lineages of the Gaagwong and Leek tribes may not, for a mythical reason, tether their cattle in a common kraal, but if they cannot conveniently avoid doing so a line of earth is thrown up between the sections of the kraal occupied by each. On the other hand, whilst there is generally a ridge of raised earth dividing adjacent gardens of neighbours this is absent when the owners of them are members of the same *ric* or age-set. When in certain ceremonies Nuer throw ashes into the air or asperse their bodies we do not have difficulty in perceiving that they are expressing the idea of evil being blown or washed away. Another, and final, example is that of a man who leaves the tribal territory where he was born and brought up to reside in the territory of a different tribe. He may then—it may not be a regular practice, though I was told that a man might die of *nueer* were he not to take the precaution—take a pot of earth from his natal territory and mix it in an infusion with earth from the territory of his adoption, and drink the infusion, on each occasion adding more of the new earth and less of the old, thereby slowly making the transference from his old to his new home. We have no difficulty at all in understanding and entering into this symbolism. Likewise we readily understand the imagery of various rites I have described in this book, such as the bending of a bracelet to close the jaws of crocodiles, the placing of the corpses of infant twins on branches of trees, and many other rites.

Since we at once perceive the meaning of the symbolism of the ritual action we may suppose that Nuer also perceive its logical fitness to its purpose; and, indeed, it is often certain that they do so, for if asked to explain what they are doing they interpret the symbolism of a rite in terms of its purpose. The symbolism is manifest to them, as it is to us. But there is a deeper symbolism which is so embedded in ritual action that its meaning is neither obvious nor explicit. The performer may be only partly aware or even unaware that it has one. Interpretation may then be difficult for a person of alien culture, and the door is open for every kind of extravagant guesswork to enter. Nevertheless, if it be rash in such circumstances to put forward symbolic interpretations of ritual

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sets, or features of them, we are sometimes compelled to make the attempt, as in this excursus on the spear, by the very emphasis given to them by the culture we are trying to understand. 782

Since we have no spears ourselves and nothing which takes their place in our lives it is difficult for us to appreciate their importance for Nuer. Nuer have no knives, other than that (*ngom*) used for cutting the marks of manhood at initiation, so that their fighting-spears, besides their use as weapons, have to serve where other peoples use knives.[1] A man's fighting-spear (*mut*) is constantly in his hand, forming almost part of him—when he is fighting, hunting, travelling, herding, dancing, displaying himself with his oxen, playing with his comrades, and so on—and when he lays it down it is within his reach; and he is never tired of sharpening and polishing it, for a Nuer is very proud of his spear. In writing a preliminary account of Nuer age-sets many years ago and without reference to the symbolic significance of the spear I wrote that 'one is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon'. Later I came to realize better that in a sense it is animate, for it is an extension and external symbol of the right hand, which stands for the strength, vitality, and virtue of the person. It is a projection of the self, so when a man hurls his spear he cries out either 'my right hand' or the name of the ox with which he is identified. 411

The spear, being an extension of the right hand, stands for all that the right hand stands for, for what is strong, virile, and vital, and consequently for masculinity and hence for the paternal kin [826] 811

[illegible] wealth in the byre of the bride's home on her wedding day the bridegroom's people sit on the right side of the byre and the bride's people on the left side. Therefore, also, when the carcasses of oxen sacrificed at marriage ceremonies are divided among the kin, the right fore and hind legs are the portions of the father's brothers and sisters and the left fore and hind legs are the portions of the mother's brothers and sisters. The left side symbolizes evil

[1] Being the only thing they have which cuts and is therefore suitable for shaving—their other spears only pierce—the verbal form of the word for fighting-spear, *mut*, besides its meaning of 'to spear' means 'to cut' or 'to shave hair'. When used in the last sense it often refers to ritual shaving of the head, and it may then be used for the whole ceremony of which shaving of the head forms part, as the final marriage ceremony of consummation and consecration is sometimes called [illegible].

811 as well as femininity; and there is here a double association, for the female principle is also associated with evil directly, as it were, and not merely through the convergence of femininity and evil in the concept of the left side. Thus we have two opposites, the one comprising the left side, weakness, femininity, and evil, and the other comprising the right side, strength, masculinity, and goodness.[1]

That the right side is the good side and the left side the evil side may have been noted in various places in this book. When a fruit or animal is cut in two at sacrifices the left half may be either thrown or given away and only the right half be consumed by the people of the home. It is propitious for a sacrificial ox stabbed with the spear to fall on its right side and unpropitious for it to fall on its left side. A dead man is buried to the left of his hut or windscreen, the side of misfortune. A woman is said to warn her son that when he visits his bride to cohabit with her she may crouch to the right side of the entrance to the hut so that he has to enter by the left side. If she does this he must order her to the other side lest some ill come to him.[2]

When I was in Nuerland I was only half aware of the significance of left and right for Nuer. When writing this book I found therefore that in several respects my observations, or at any rate what I had recorded, were insufficient to answer certain questions that arose from a further consideration of the left-right polarity. It occurred to me that if the representations were as I supposed them to be then, for example, when Nuer deform the horns of their favourite oxen with which they identify themselves, it should always be the left, and never the right, horn which is [illegible] sacred pole, associated with God, the spirits of their lineage, and also with its ghosts, at the entrance to their windscreens, which is their practice, it should always be to the right of the windscreen (taking, in this case, bearings from within it). My recollection,

[1] Among many primitive peoples the slight organic asymmetry between the left hand and the right is made the symbol of absolute moral polarity. Robert Hertz has treated the subject systematically in a brilliant essay, 'La prééminence de la main droite', *Revue philosophique*, xxxiv, 1909 (reprinted in *Mélanges de sociologie religieuse et de folklore*, 1928).

[2] Left and right are of course relative to the orientation of the person. Thus when a man takes his bearings from the entrance to hut or windscreen what is left from the inside will be right from the outside. I do not think, however, that the point of orientation affects the argument, for it is conventional that in reference to any particular context the one side is left and the other right.

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PLATE XII

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302

Youth wearing *chiau* (arm-rings)

[facing p. 234]

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811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [123] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [124] left and right in Nuer thought that Nuer youths should empha-
301 size the contrast between the two hands by putting the left arm out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiou*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] oxen which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the
811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windbreaks, but Nuer count branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

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826 handed man that his left hand is his right hand.
811 It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 It is suggested that the spear as a projection of
885 the right hand symbolizes the vitality of man,
562 the manhood of man with the associations of lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear
[881] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*lam*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

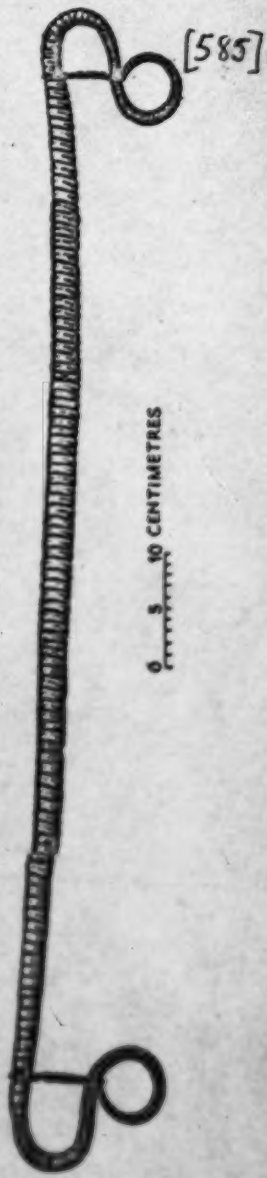

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *nuor ghok* mentioned later.

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SPEAR SYMBOLISM

It is important here, and before we proceed further with the argument, to note that the spear we are concerned with is the *mut*, the metal fighting-spear (or, in a more restricted sense, spear-head), the only spear used in sacrifice. It is not a *bidh*, a metal fishing-spear, and it is not a *giit*, a fighting-spear fashioned out of substances other than metal. We have further to bear in mind that though spears are now easily obtained by purchase from Arab traders this is a very recent development. There is no iron in Nuerland, and what metal spears the Nuer used to possess were procured in one way or another from neighbouring peoples, and it is certain that till recently there were very few of them. Nuer made up for the deficiency by fashioning spears from horn and bone and hard wood. Spears fashioned from these materials were still plentiful when I was living in Nuerland, though they were taking on more and more a purely sentimental and ceremonial value, being often used in dances but seldom for fighting and hunting. Since, however, the spears of the ancestors, the names of which are cried out in invocations, were iron fighting-spears, and since Nuer could not have done without some of these cutting blades, there must always have been a certain number of them, and also a certain number of iron fishing-spears (for which horn, bone, and wood substitutes are unsuitable), but, as Dr. Howell has pointed out, they were few in number, this accounting, in his opinion, for the high value—several head of cattle—placed upon them.[1] I agree with him that it must have been very rare for a man to have had more than one *mut*, the *giit* spears being regarded as supplementary to it. This must consequently have been a very valuable possession and, if lost, most difficult to replace; and it was not just a private possession but a family heirloom passed from father to son down the generations. This does not mean that it was a relic. It was for practical use and therefore when worn was presumably replaced; otherwise one would see these ancestral spears today. However, the age of a spear has no great significance for Nuer. For them,

It is not a sacrificial invocation. It must be a very rare occurrence for a woman to play this role. Probably she can only take the part if she is acting on behalf of the bridegroom's family and hence holds in her hand, not a spear, but the instrument called *dang* (Fig. 4), and also if she is an old woman, of whom Nuer say 'she has become a man'. There is one occasion when women bear spears. Twins go through a fictional wedding before they can go through a real one. In this ceremony men array themselves as women, and women as men.

[1] P. P. Howell, 'On the Value of Iron among the Nuer', *Man*, 1947, No. 144.

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411 even if the spear a man's father gives him at his initiation has been bought from an Arab merchant, and is not in fact the spear the father received from his father and the father's father from his father, it is ideally so regarded and thus serves as a symbol of filiation. The spear is thus a point at which two complex social representations meet, that of the person and that of the lineage. Consequently I do not think that the high assessment of spears in cattle can be assigned to scarcity alone or even that scarcity was at any time the primary consideration. Spears, both fighting- and fishing-spears, were something more, and fighting-spears something much more, than weapons of war or of the chase. They were almost parts of the person. I have seen Nuer enraged when neighbours have borrowed their spears without permission, especially if they have lost them, their anger being out of all proportion to the offence if we think of the matter solely in terms of economic value, for the economic value of spears is negligible at the present day. It is the audacity and the insult which outrage the owner, as though someone had taken, and perhaps lost, part of his person; and all the more so in the case of the fighting-spear, with which are bound up his manhood and his participation in his lineage, as we see from the manner of his receiving it at his initiation.

411 881 I have discussed elsewhere[1] the ritual of initiation and I do so again in connexion with the role of cattle in Nuer religion. All that need be said here is that when a boy is initiated into manhood and takes on the full responsibilities of that status he is pre-

—the two objects in which, as I have said, the whole drama of sacrifice is centred. I discuss here only the spear. A boy may before initiation possess a fishing-spear, but even today he is most unlikely to own a fighting-spear. Even should he do so, he would still be presented with a spear by his father at his initiation, for it is a ceremonial gift expressing formal recognition of his manhood and all that that means in the social life of the Nuer, and also the handing over by one generation to another. It is not just a spear, but a new status also that he is being given. The boy is now boy no longer but man and warrior and soon to be husband and father. He takes part in feuds and wars and raids. He also for the first time engages in dances and displays with oxen, both of which among the Nuer are martial exercises as well as play intimately

[1] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936.

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associated with courtship; and also in the pursuits of herding and 411
hunting. All these activities require the use of the spear, but it is 881
important that we recognize that it is not the acquisition of a weapon, whatever its economic value might have been in the past, nor even its utility, great though that may be, that gives a crucial significance to the gift of a spear at initiation. Its significance is moral, not merely utilitarian. It is not the spear itself, nor its possession, which is stressed but the activities associated with it: war and raiding, dancing and display, and herding. The uses of the spear itself and the evaluations of its uses as an index of social personality are blended, so that the spear is not just a weapon but also something which stands for a very complex set of social relations.

But the investment of a youth with a spear at his initiation 411
would seem to be something more, for, as we will see in discussing 881
the sacrificial role of cattle, initiation is not only into the social life 231
of adults but also into a new relationship with the cattle which has an important religious side to it. There is now established an identification, deriving from the sacrificial situation, between the initiates and cattle and, looked at from this point of view, the rites of initiation may be said to have a sacramental character. The boy enters into communion with the spirits and ghosts of his lineage through the cattle. 'The spear of the cutting (initiation)' is thus a symbol of a sacramental change as well as of a change in social status. In both symbolic aspects it is an extension of, and stands for, the right arm and represents strength, strength of the body as well as strength of the body of the person; and, as I shall attempt to show, in both the symbolism is also a representation of the collective strength of the lineage to which the person belongs.

I have suggested that the fighting-spear has a symbolic meaning 411
for Nuer besides what it means for them as a weapon and tool— 782
that it is a projection of the self and stands for the self. This is most important for an understanding of Nuer sacrifice. Its manipulation in the most common, and for a study of religion the most significant, sacrifices, the personal and piacular ones, expresses, if our interpretation is right, the throwing of the whole person into the intention of the sacrifice. It is not only said but also thought, desired, and felt. Not only the lips make it but also the mind, the will, and the heart. This interpretation makes the miming with the spear intelligible for, as an extension of the right arm, it stands

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411 782 for the whole person.[1] It is for this reason that a spear must be carried during the invocation and not in order to slay the animal at the end of it. Other invocations by other men may follow before that is done, and the quick dramatic thrust into its heart which concludes the rite may be made by anyone, and not necessarily by a man who has made an invocation or by a spear used in the invocation.

411 782 614 But we have also to note that on many sacrificial occasions—those of a collective kind held in structural situations—when a man makes an invocation he does so as the representative of his clan (where 'clan' is used in this context 'clan or lineage' is to be understood—a man may be speaking in reference to his maximal lineage). He identifies himself with the clan by identifying his spear with that of the ancestor of the clan. It is his own spear which he brandishes but the name of the spear he shouts out as he does so is that of the spear of the ancestor of the clan, the clan spear-name. This is characteristic of sacrifices of the collective type, and it is towards them that the discussion is now directed.

[552] Each of the Nuer clans has a spear-name and sometimes a large lineage of a clan has a secondary name which is different from that of another lineage of the same clan. This spear-name is shouted out by a representative of the clan while he brandishes a spear in his right hand, in war, at weddings, and on other public occasions when the clan as a whole is concerned—ideally, that is, and never actively and corporately. It is especially shouted out as an exordium to sacrificial invocations on occasions of collective significance (pp. 288–9). It is *mut gaara*, 'the spear of our fathers'. On such of these occasions as require the services of a leopard-skin priest he calls out the spear-name '*mut Geaka*', 'spear of Gee', a spear-name which combines the representation of the priestly office with that of the Nuer as a whole.

It is essential to note that, with two exceptions, no actual spears of the ancestors of the clans exist, and it is not held by Nuer that they ever did exist, except in the sense that the ancestors had their own spears. The virtue is in the idea of 'the spear of our fathers', not in any material clan relic. Consequently, in invocations any spear will serve the purpose of the rite and represent that of the

[1] Among the Shilluk the officiant rubs his spear on the back of the victim, as the Nuer places his right hand on its back (D. S. Oyler, *Sudan Notes and Records*, 1920, p. 198).

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ancestor of the clan and hence symbolize the clan as a whole. Any spear will do, but, for the reason I have stated, there must be a spear; and when Nuer sitting in my tent recounted to me what is said in invocations they gestured with their right hands as though they held spears in them, for they found it difficult to speak the words without making the gestures, just as in recounting what is said in prayers (*pal*) they found it difficult to do so without moving outstretched hands up and down. 411 782 614

Published literature on the Nuer records information about only two actual spears of clans. The one about which we are told most is the spear, called *wiu*, of the Gaatgankir clan, who are regarded by all, including themselves, as being of Dinka origin; and the spear is a Dinka, and not a Nuer, type of spear. A mysterious origin and power are attributed to it. It is believed to have been held by Kir, the ancestor of the clan, when he was cut out of the gourd in which he was found, and it is also associated with the air-spirit *wiu*, which is regarded as being in some sense immanent in it. When I was in Nuerland it was in the charge of a family of leopard-skin priests of the Tar lineage of the eastern Gaajak tribe. I did not myself see it, but it has been described by Mr. H. C. Jackson, who saw it in 1922 near the Pibor river.[1] He records that it was decorated with cowrie shells and beads and was housed in a special grass hut where visitors treated it with great deference. He says that it was prayed and sacrificed to, especially before raids on the Dinka and Burun peoples;[2] that if two sections of the Nuer [illegible] placed between them to prevent an engagement; and that oaths were taken on it. I was told that only old people would look upon it. The importance of this spear to our discussion of clan spear-names is that, as I will explain later, all such spear-names have an 411 614 [177]

[1] H. C. Jackson, op. cit., pp. 168 and 179–81.

[2] We are probably to understand, in view of Nuer religious conceptions in general, that Nuer respect (*thek*) the spear and pray and sacrifice to the spirit *wiu*, which is in the sky as well as in the spear. Mr. R. T. Johnston reached the same conclusion with regard to a similar spear among the Bor Dinka. He observes that 'the spear by itself, except by association and as a symbol, is not sacred' (op. cit., p. 11). Dr. Lienhardt tells me that when the Government, with remarkable lack of imagination, confiscated and removed this spear lest it should become a focus of opposition to the administration the Dinkas' faith was in no way lessened. The only result was that the spirit associated with the spear, no longer having a recognized material symbol in a single place, manifested itself all over the tribal territory, defying any further intervention.

411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through
613 the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
[582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in [illegible] about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
[585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*twoc ghok*)
613 by shouting out their clan spear-names. The spear-name is also
597 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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into the lineage of the man who has given him domicile, the expression for adopting being either *lath buthni*, to be given shares (in sacrificial meats) and hence to be given agnation, or *lath muot*, to be given a spear (-name), and hence to be made a member of the clan. He also shouts it out in sacrificial invocations at mortuary ceremonies, at settlement of blood-feuds, at initiations, and on other occasions which concern the whole clan (p. 288). When, as mentioned above, clan and tribe are identified politically in war and raiding a representative of the dominant clan of the tribe brandishes a spear and calls out the spear-name of his clan on behalf of the whole tribe. This man, called *ngul*,[1] is usually, perhaps always, a leading man of the senior lineage of the dominant clan, that descended from the eldest son of the ancestor of the clan. Thus in the Lou tribe this rite is performed by a man of the Gaaliek lineage of the Jinaca clan. Likewise the Tar lineage who have charge of the *wiu* spear are descendants of Thiang, the eldest son of the founder of the clan; and the Thiang clan who own the *thiang* spear are descended from Thiang, the eldest son of Gee.

[597] 411 613 614 552

I cannot always explain the meaning of these spear-names or even translate them, and Nuer themselves cannot always say for certain what they mean, for they arose in ancient days. It is clear, however, that they are charged with symbols expressing the unity and continuity of clans and lineages. I give a few examples, choosing those in which the meaning is more or less evident. The Jiruet lineage have *mut tora*, spear of the monorchid. This lineage respects monorchids, whether they be man or beast. The Gaatiek clan have *mut yier*, spear of the stream, because their ancestor came out of a stream. The Gaatnaca clan have *mut ghama*, spear of the thigh. This seems to refer to the loins of the ancestor from whom they sprang. The Gaaliek lineage of this clan have the secondary spear-name *mut tang*, spear of the spear-shaft, because the *ngul*, whom I have referred to above, of the Lou tribe is of this lineage. He uses a spear-shaft in war ritual. The Gaatleak clan have *mut leak*, the word *leak* being simply, it would seem, taken from the clan name itself. Many leopard-skin priests are members

[1] He is also called *ngul ghak*, *ngul* of cattle, an expression which probably refers to the taking of enemy cattle on raids, and *gaam muot*, possessor of the spear. As he may break a spear-shaft in two and throw the pieces in the direction of the enemy he is further known as *gaam tang*, possessor of the spear-shaft. I was told that he may also invoke God for success in hunting in time of famine.

411 of this clan and, as I have explained, they use *mut Geaka*, spear
614 of Gee, as an alternative expression. The Thiang lineage have a
613 secondary spear-name *mut Thiang*, spear of Thiang, which is the
552 name of their ancestor.

When a man calls out his clan spear-name he often does so with embellishments, which are further symbolical representations of the clan. They refer to its ancestor, its spirits, its totems, its ghosts, its cattle, or its origin and traditions. Thus a Gaatgankir clansman in making invocations adds to *mut wiu* such expressions as *mut kwe, mut jangemo me coali Kir*, and *mut gwara*. *Kwe* is the fish-eagle and also a colour distribution of cattle. The shining of the spear is likened to the white face of the fish-eagle against its black body and to the white splash on the head of a dark coloured cow or ox. *Jaangemo me coali Kir* means 'that Dinka who is called Kir' and refers to the Dinka origin of the clan. *Mut gwara* means 'spear of our fathers'. The spear in the hand of the speaker, the spear *wiu*, the spear used to cut open the gourd in which the ancestor was found, and the spirit *wiu* all seem to be fused in the representation. In a similar manner the Gaawar clan may add to their spear-name *mut wang*, spear of the eye (I think), such expressions as *mut nhial, mut puara*, and *mut kwoth nyota*. I do not know why the spear is called 'spear of the eye' (if that is the right translation). *Nhial* is the firmament and *puar* is a cloud. Their ancestor fell from the sky and the clan is therefore associated with sky, clouds, and rain. When he fell he had in his hand a sprig of the *nyuot* tree, a tree associated with rain. Hence the *kwoth nyota*,

Thus the spear-name is either that of the ancestor of the lineage or clan or in some way signifies him, and the elaborations of it, such as by reference to a spirit or a totem, are also just different ways of denoting the lineage or clan as a whole; for the name of the ancestor stands for the whole clan, both here and elsewhere. We have noted earlier (p. 169) how in myths a lineage is personified for the purpose of the action of the story, the name of the lineage or of its tribal territory being used to indicate its ancestor. Nuer sometimes even insert the name of a lineage into a genealogy as its founder, though the form of the word shows that it is the name of a group and not of a person; or they give the founder a composite name, appending the name of the lineage to the personal name, for example, Nyang Gaaliek, Nyang being the name of the person and Gaaliek the name of the lineage of his descendants.

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name of the person and Gaaliek the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial invocations stands for the person and that when this person speaks as a representative and on behalf of the clan, as he does in collective sacrifices, it stands for the clan. In the one case it is the right hand (vitality) of the individual and in the other the right hand (vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host.

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *bidh*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general sense of taking part in war and raiding: *'ce Nath ue mut'*, 'the Nuer went raiding'; *'ca mut nang Jaang'*, 'war was taken (by the Nuer) to the Dinka'. The idea expressed by the word *mut* in these examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates *'te he mud medid'* (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'.

[1] It is true that Nuer lick any metal in taking an oath (p. 197), but I regard this as being a derivative from licking a spear, for which any metal stands as a substitute, in the same way as the hereditary titles of the Gaarganhir clan, son, and daughter, of iron, derive from the win spear. The words *yieth*, metal, and *yiedh*, to spear or to wash, are surely connected.

[2] J. Kiggen, op. cit., p. 108. One may ask, in the light of this discussion about

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SPEAR SYMBOLISM

552 411 614 721

It is, I believe, in somewhat such sense of the clan militant that we should interpret the spear symbolism of the clans. Nuer always speak of 'spear' where I have used the expression 'spear-name'. However, not only are there in almost all cases no actual spears, but it is not even the idea of any particular spear that they have in mind. What they have in mind is the clan as a whole for which the spear stands as a symbol not just as a spear but as representing the collective strength of the clan in its most conspicuous corporate activity, for clan and lineages are most easily and distinctly thought of as corporativities—through their identification with tribes and tribal segments—in relation to war. That the representation is of the clan as a battle host is shown by the Nuer statement about their clan spears that they only exist in the sense that 'they are in the mouths of men when they go to battle'. Two remarks made by Nuer give further support to an interpretation along these lines. One man said of all clan spears that '*tuokdien e wiu*', 'their origin is *wiu*' and that *wiu* is the *kwoth*, spirit, of all clan spears. There was some discussion about this remark among Nuer present, and I gathered from it that all clan spears in this wide and symbolic sense of the word *mut* as the battle host signify the clan as a social group in relation to God in the conception of him as Lord of Hosts. The man could not have meant that other clan spears were derived or copied from the spear *wiu*. That would have made no sense, but because there are no actual spears and also because the Gaatgakir clan who own the spear *wiu* are regarded by everybody as a Dinka clan of later origin than the [illegible]. This spiritual conception of *wiu* was meant is further evident from a remark made to me by another Nuer, a man of exceptional ability, that when the Gaatgankir clan reach ten generations from their ancestor Kir—when they have grown up, so to speak—they will doubtless cease to respect (*thek*) the

the east, why it is that the title of spiritual leaders in Dinkaland is taken from the fishing-spear (*bith*) instead of from the fighting-spear. An explanation might be put forward in terms of the analysis I have presented. Whereas among the Nuer the fighting-spear is the symbol of the clan because what is being symbolized is exclusiveness and opposition, among the Dinka the fishing-spear is the symbol of spiritual leadership because what is being symbolized is inclusiveness and unity. This is a guess but it receives some support from the fact that among the Nuer, at any rate in western Nuerland, when a leopard-skin priest goes to settle a feud he is accompanied by a kinsman called the *guan bieth*, the master of the fishing-spear, which is the title of the Dinka spiritual leaders. However, this may be a loan from the Dinka.

spear *wiu*, as they do at present, and will respect (the word is here 552
used to balance the statement and not literally) only its name. As 411
we should put it, they will not then feel the need for a material 614
symbol of the spiritual relationship, and a verbal or ideational 721
symbol will suffice. The association of clan spears with the spirit *wiu* is clear to us when we recall that the spirit is also associated with lightning with which, in this hypostasis, God strikes as man strikes with the spear.[1]

In invocations in which clans are involved as such God is 552
appealed to, as I have explained earlier, in some refraction by 411
which he is figured as their patron. This is the '*kwoth gwara*', 'the 782
God of our fathers'. It is on such occasions also that the spear-name 614
of the clan is shouted out as an exordium to the invocation. This is the '*mut gwara*', 'the spear of our fathers'. I would suggest that we have here in the spear-name a symbolic representation of the clan in its relation to God. God is invoked in relation to the clan through the spear of the ancestor held in imagination in the hand of one of his descendants.

If this interpretation is right, then in those sacrifices in which the clan as a whole is concerned the calling out of the clan spear-name by the officiant identifies the whole clan with the intention of the sacrifice as spoken in the invocation. The sacrificial spear in his hand becomes through the exordium the clan sacrificial spear through which in symbol the whole clan offers up the victim to God. The officiant in such sacrifices must therefore be a representative of the clan, what the Nuer call a *gwan buthni*; whereas in personal and piacular sacrifices, in which appeal is made on behalf of an individual or a number of individuals, anyone can officiate and the officiant is usually a senior member of the family or kin of the sacrificer. The intention, and therefore character, of the sacrificial act is different in the two cases. In the first it is of the nature of a validation, in the second of the nature of a *piaculum*; though in some situations there may be a broad overlap. Religion has always these two sides, the one concerned chiefly with the social life and the other with the relation of the individual soul to its God.

[1] Nuer, however, use for God striking a man with lightning the verbs *nuer*, to strike, and *piin*, to strike in the sense of 'to hit' or 'to punch', and not *yiedh*, to strike in the sense of to thrust or to stab.

CHAPTER X

THE SACRIFICIAL ROLE OF CATTLE

I

23/ Nuer are very largely dependent on the milk of their herds, and in their harsh environment they probably could not live without them, any more than the cattle could live without the care and protection of their owners. Their carcasses also furnish Nuer with [227] meat, tools, ornaments, sleeping-hides, and various other objects of domestic use; and their sun-dried dung provides fuel for the great smouldering smudges that give protection from mosquitoes to man and beast alike. Women are more interested in the cows, and this is natural for they have charge of milking and dairy work. Men's interest in the cow is, apart from their value for breeding, rather for their use in obtaining wives, and they are interested in the oxen for the same reason, and also because they provide them with a means of display and, which is the matter I am about to discuss, a means of sacrifice. But for all Nuer—men, women, and children—cattle are their great treasure, a constant source of pride and joy, the occasion also of much foresight, anxiety, and quarrelling; and they are their intimate companions from birth to death. It is not difficult to understand, therefore, that Nuer give their cattle devoted attention, and it is not surprising that they talk more of cattle than of anything else and have a vast vocabulary relating to them and their needs.

23/ 77/ Though I restrict myself here to a consideration of the religious significance of their cattle for Nuer we must not for a moment forget that this is bound up with their secular uses. Otherwise it will not be appreciated what it is that Nuer surrender in sacrifice, the most precious thing they possess. Nevertheless, if cattle were only used for food and obtaining wives writers about the Nuer, and also about other Nilotic peoples, might have been content just to draw attention to the great interest these peoples have in them. But cattle figure so prominently in their lives in ways not directly concerned with their maintenance or their use for practical pur-

poses that European observers have perceived that in the relationship between men and cattle there is something more than can be stated in simple terms of husbandry and exploitation. I mention only those whose observations refer specifically to the Nuer. Ernst Marno says that we may speak of their veneration (Verehrung) of cattle, that the largest and finest ox of a herd is regarded as a guardian genius (schützende Genius), and that they refer to this beast by the same name, '*wyelodit*', as they assign to the conception of a Supreme Being and to thunder.[1] Likewise, Mr. H. C. Jackson tells us that the bull which a youth receives from his father at initiation 'is a kind of guardian spirit of its owner who calls upon it in times of stress and difficulty', and in another place he speaks of this bull as the 'tutelary spirit' of its owner.[2] Captain H. H. Wilson says of the Nuer that, like the other Nilotic peoples of the White Nile, 'what religion they possess is centred in the cow';[3] and Professor D. Westermann writes that 'the attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious'.[4] There is, however, no evidence at all that cattle are venerated or in themselves are in any way regarded as guardian spirits, and in so far as it may be true to say that Nuer religion 'is centred in the cow' or that their attachment to cattle 'may almost be called religious', in so far, that is, that we may legitimately speak, as Marianne Schmidl did in her interesting paper on the subject,[5] of '*die sakrale Stellung des Rindes*', it is for a different reason.

Another writer about the Nilotic peoples and a very experienced anthropologist, my teacher Professor C. G. Seligman, said about Nilotic cattle that 'it is difficult to describe their importance to their masters or the love and care the latter have for their beasts, but it is certainly no exaggeration to say that it amounts to what psychologists would term "identification"'.[6] What seems chiefly to have persuaded Professor Seligman to use this word is the Nilotic

[1] Ernst Marno, op. cit., pp. 343 and 349-50. What he says about '*wyelodit*' is unintelligible.

[2] H. C. Jackson, op. cit., pp. 94 and 98.

[3] *The Anglo-Egyptian Sudan*, edited by Lieut.-Col. Count Gleichen, vol. I, 1905, p. 140.

[4] Roy Huffman, *Nuer Customs and Folk-Lore*, 1931, p. vii.

[5] Marianne Schmidl, 'Die Grundlagen der Viehzucht', *Mitteilungen der Anthropologischen Gesellschaft in Wien*, LXV. Band, Wien, 1935. See also Johannes Wilsenhaus, *Vieehzucht in Afrika*, 1940, p. 18.

[6] C. G. and B. Z. Seligman, op. cit., p. 169.

23/ 553 custom of taking personal names from their cattle in addition to the personal names they are given soon after birth. I have discussed elsewhere[1] the general social significance of names and other modes of address among the Nuer and here I speak only of their cattle-names and principally of their ox-names, these being of chief importance.

These names are often spoken of in writings about the Nuer as bull-names, but ox-names, in the use of the word 'ox' to denote a castrated bull, is a more correct designation.[2] Nuer speak always of such a name as *cor thak*, the name of an ox, and *thak* is a castrated animal in contrast to a *tut*, an entire animal. It is true that when a youth takes his name from a beast it may be entire, but it will be castrated later. Nuer may not castrate a male calf till it is nearly two years old, but they do so before it is likely to gender with the cows. It is not for pedantry that I make the distinction: it has a logical, and perhaps psychological, appositeness to the equation of man and ox in sacrifice.

Ox-names are essentially the names of men, males who have passed through the rite of initiation to manhood. Boys may take ox-names in play but only in imitation of their elders. Likewise, maidens may take ox-names, from bull calves of the cows they milk, but they are mainly used only between girls themselves and in the nature of a game, copying their brothers; and the names are short-lived. Married women use cow-names among themselves, but, here again, this is similitude, and it has none of the significance of the ox-names of men. Perhaps also here again the distinction between the copy-names of boys, girls, and women and those taken by men may be important because of its logical relation, which concerns our present discussion, to the fact that men, and not boys or women, are the sacrificial agents. The two sides of the standard equation are the human male and the bovine male, man and ox.

23/ [371] 715 When a boy is initiated his father gives him in sign of his manhood an ox or, as I have explained, a bull calf which will later be castrated: and this ox, which he describes as '*thak gawde*', 'the ox of my cutting (initiation)', becomes his *dil thak*, what I have spoken above as his favourite ox (Marno's '*Lieblingsrind*'), though

[1] 'Nuer Modes of Address', *Uganda Journal*, 1948.
[2] Throughout the literature on the Nuer, 'ox' or 'steer' or 'bullock' should in most cases be substituted for 'bull'.

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the word *dil* has generally the sense of 'pure', 'true', 'perfect', or 'aristocratic'. It is the ox of perfection. It is the young man's friend and companion. He plays with it and fondles it. He composes poems about it and sings them to it, and he gets a small boy to lead it round the camp in the morning or evening as he leaps behind it chanting poems. He walks among the cattle at night ringing a cattle-bell and singing of his kin, his loves, and his cattle, and he praises this ox among all other oxen. He makes tassels to hang from one of its horns, and he loves to see it toss the tassel in the air with a sweep of the neck. He acquires an iron bell to hang round its neck, and no music, unless it be the ox's lowing, is sweeter to his ears than its tinkling in the pastures. He goes to the edge of the camp to meet it when it returns from grazing in the evening. He is never tired of describing its points, and as he does so, and also in dancing, he may hold up his arms in imitation of its horns. Should the ox die he is downcast; and should he die it must be sacrificed at his mortuary ceremony.

The youth now also enters through this ox into a new kind of relationship with God, the guardian spirits of his family and lineage, and the ghosts of his ancestors. When he has tethered it in the kraal for the night he may pet it, removing ticks from its belly and scrotum and picking out adherent dung from its anus; and he may at the same time rub ashes on its back. Ordinarily I think he does this simply because the ox, which has suffered from parasites throughout the day, gets relief from its back being rubbed, but I was told that he may occasionally as he does so speak a few words to God or to the ghosts. While it is not until a man marries and has children and an independent household that he sacrifices

FIG. 5
Hollowed-out ambatch log, used as stool, &c.

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231 animals, dedicates them to spirits, and in other ways makes formal
883 use of them for religious purposes, nevertheless, the ox a father
776 gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 From the colours, their distribution, the shape of the horns, and
553 other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cut thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long
[561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems
[538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the
[552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*ma rial*', 'black-and-white (ox)', or '*thakda ma rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

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gwongo,[1] but I avoid doing so in an account of Nuer religion partly because I have in it used these words to translate another word, *lam*, but also because nothing is in fact invoked, and it is precisely the use of the words in connexion with oxen that has led to the erroneous conclusion that a favourite ox is a sort of 'tutelary spirit'. The ox is not called on, but called out. It is not an invocation but a cry of excitement and triumph as the striker strikes his foe or prey. That the ox is not being called on for aid is conclusively shown by the fact that in the same circumstances a Nuer may shout out instead '*tet cuede*' followed by a kinship term, usually that referring to the mother's sister: '*tet cuede maiewe*', 'my right hand, my mother's sisters'. Nuer are not calling on their mother's sisters for aid but using an emotive ejaculation, in which the ideas of strength (the right hand) and good-will (the mothers' sister) are combined. When they cry out the names of their oxen the ejaculation is a triumphant assertion of the self, for which the ox stands as a symbol. Also a man may cry out the name of his ox on occasions when there is no question of success or failure: as he brandishes his spear as though to strike in dancing, when making spectacular leaps into the air (*ruu*), and sometimes in making a sacrificial invocation. It is both self-expression and a drawing of attention to the self.

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It should be borne in mind that a man normally retains his ox-name and continues to be called by it and also to shout out the name of the ox from which it is derived long after the ox is no more in his possession. A man may part, though always with regret, with a favourite ox for marriage or sacrifice, or the ox may die. It is then replaced by another favourite, though when a man is older and has a herd of his own he may not identify himself in quite the same way or to the same extent as when he was young with any one particular ox. If another ox takes the place of the first favourite, the ox of initiation, its owner may take, or be given, a new ox-name derived from this second ox, the new name then either taking the place of the old or both being used; but most men keep for life the ox-names they acquire at the time of their initiation. It is the name of this ox that a man shouts out in war, hunting, dancing and leaping, and in sacrificial invocations, and

[1] J. H. Driberg, *The Lango*, 1923, pp. 199–201: 'One who takes a hostile spear on his shield invokes by name a favourite bull belonging to his father or maternal uncle (*gwongo mum*).'

231/ 663 by which, in one or other form he is addressed by his peers; though it has long ago departed. Fundamentally, therefore, it is not the ox of initiation itself with which there is 'identification' but ox, the idea of oxen. The ox of initiation is the prototype of the ox-man relationship, and it is a kind of focal point at which the feelings a Nuer has towards cattle converge and run over into demonstration by word and gesture. When the ox is long ago dead the relationship continues, because ultimately it is not one between a man and a particular beast but a general relationship of a human being to cattle, an essential feature of which, I am about to suggest, is the sacramental equation of man and beast in sacrifice. Any ox will therefore serve the purpose, or, indeed, no ox at all—only the memory, or rather the idea, of an ox.

231 We may ask why the identification is with oxen and not with bulls. It might be expected that a man, who is himself a *tut*, a bull, not only in the general sense of 'male', but also in a common metaphor of speech derived expressly from cattle, would take his name from a bull rather than from an ox. The commonsense answer is that Nuer castrate all but a very few of their bulls, so that there would not be enough entire animals to go round, and this may be the right explanation. Even if it is not, or is not a sufficient explanation, we must here take it as given that the equation is between man and ox. We may, however, note further the fact, on which emphasis is later to be laid, that since an ox or a surrogate for an ox is almost always the sacrificial victim, the sacrificial equivalence is between men (the sacrificers) and oxen (the victims). If a beast is entire it is castrated before sacrifice. It is perhaps also necessary to remark that Nuer evaluation of bulls and oxen is not ours. Our representation of an ox, in contrast to a bull, is a docile, inferior, and slightly contemptible beast destined for the slaughter-house. In the Nuer representation a fat ox is a thing of grandeur and beauty. It is oxen which arouse their admiration. Bulls evoke utilitarian interest rather than emotional and aesthetic attention.

The facts I have related make it understandable that Professor Seligman should have spoken of 'identification' of men with their favourite oxen. Had he had either a first-hand or a wider knowledge of the Nuer he would no doubt have elaborated his theme, and especially by drawing on their ceremonies of initiation for illustrations.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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THE SACRIFICIAL ROLE OF CATTLE

A youth takes his cry and his personal name from the markings 28/
and other traits of the ox his father gives him at initiation. By the 559
rites of initiation boys are made men,[1] and this means, among 78/
other things, a conspicuous change in their relation to the cattle. They now cease to look after the calves and sheep and goats and to perform the more menial services of kraal and byre. Instead they tend the adult cattle. The most marked change is that whereas before initiation they helped the women milk the cows they now altogether cease to milk. But these external and evident changes are accompanied by a deeper, and hidden, transformation, men and oxen being brought into an intimacy of relationship on a different plane to that of mere proximity and association, however close, so that in some way an equation is brought about between man and ox. Such would seem to be the interpretation of certain very peculiar, though outstanding, features of the initiation rites. I have described these rites and discussed their social significance elsewhere,[2] and in this place I shall only draw attention to those features which have special relevance to our immediate subject.

The rites direct our attention throughout to the relationship 23/
between man and cattle. It is the ear gluk, the man of the cattle, 78/
to which he stands in a special ritual relationship, who opens and closes the periods of initiation. During initiation the initiates may not have any contact with the cattle, which are a danger to them till their wounds are completely healed and they formally pass out of seclusion. The prohibition extends even to rubbing ashes of cattle-dung over their bodies, a daily practice common to all men and boys; and Dr. Mary Smith tells me that Nuer say that it may harm the lads if the smoke of the smudges reaches them; though the fact that they drink milk suggests that the interdiction really concerns their relation to the ox rather than to cattle in general, just as the interdiction on women drinking milk during their periods concerns their relation to cows and not to cattle in general. In the terminal rite of initiation, when the initiates are

[1] Or, perhaps, one should rather say 'Nuer men', for Nuer do not regard other people as 'men', whatever their age. They think of man, mankind, as something specifically Nuer. Consequently Dinka who have already been initiated in their own country have their foreheads cut in the Nuer fashion across the crown of their Dinka initiation if they become members of Nuer communities.

[2] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936. Since this article was written I have obtained further information which has not been published.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE XIII

23/

Ox with reclined horns

[facing p. 256

16: Evans-Pritchard E-5 (1931, 1936) 1956
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23/ 88/ 'loosened' (*lony rar*, the verb *lony* being that used for loosening cattle from their tethering-pegs) they re-establish their contact with the cattle. They are pelted (smeared) by their seniors with cattle-dung (*buk ke war*). Then they wash in a stream. On their return to the homestead they beat the cattle with wild rice, and afterwards rub themselves with ashes of cattle-dung. They spend the rest of the day leaping and chanting behind the oxen given them by their fathers and possibly, if they are lucky, by their paternal and maternal uncles also, which are the first oxen they can call their own. The fact that after initiation there is an interdiction on men milking also seems to point to an opposition between women and cows on the one side and men and oxen on the other side and further to emphasize the equation of man and ox.

One might perhaps feel that one was attributing to the facts a symbolical significance which the evidence does not sustain were it not that further, and very striking, observations push one to the interpretation put forward. Thus, the name of the dances held at the initiation ceremonies is *ruath*, the word for a bull calf from the time it is weaned, that is to say a bull, normally destined to be an ox, which has broken with its dam in the same way as a youth at initiation cuts, as we would put it, the apron strings which before have tied him to his mother, especially in the matter of food, as some of the symbolism of the rites indicates. Further, between the cutting of the marks of manhood on a boy's forehead and his ceremonial emergence from seclusion (or exclusion from the normal life) he is known as *cot*, which appears to be the same word as that used for a hornless cow or ox. It is remarkable also that Nuer compare to the initiation of youths the cutting (*ngut*) of the horns of two-year oxen (they are entire animals at the time) so that they will grow against the cut at fancy angles, generally in a curve across the muzzle (*ma gut*). They say that the operation, which is performed before castration, is the *gar*, the cutting of the marks of manhood, on the young bulls. If the operation has not already been carried out before a father presents a young bull to his son at initiation it is likely to be one of the young man's first acts in the period immediately following his own initiation. I have noted earlier how soon after their initiation youths, if they can procure the metal, fasten bracelets up their left arms so tightly as to render them, for the time of

231 their wearing, incapable of use, and that they also render useless
881 the left horns of their favourite oxen by deforming them.f

Human thought and expression are inevitably constructed out of man's experience of the world around him. There is nothing that should surprise us in Nuer speaking metaphorically of boys by the same word (*ruath*) as they use for young bulls and for the male young of other animals, and, by contrast, of men by the same word (*tut*) as they use for adult bulls and adult males of other animal species. It is natural—it would be remarkable were it not so—that Nuer use cattle metaphors in speech and gesture. Nevertheless, the evidence, some of which I have presented, suggests that there is more in it than that. Whether Professor Seligman's psychological use of the word 'identification' is correct is a question that lies outside my own competence and the scope of this book, but it cannot be denied that there is a moral identification, a participation imposed on the individual by his culture and inextricably bound up with religious values. When henceforward I speak of identification it is to be understood in this sense.

f [See p. 230, cat. 116, — Analyst]

II

231 We have noted that there is a personal side and a collective side
782 to Nuer religion and that we may speak of personal and collective
623 types of sacrifice. We have noted also that in the collective type the
624 officiant represents the whole clan, that the spear he holds in his hands is that of the ancestor of the clan, and that he invokes God as the God who created his ancestor and the God of his fathers. We have further noted that the sacrificial victim, although in fact it is an ox or a surrogate for an ox, is not spoken of as *thak*, ox, but as *yang*, cow, a general term referring to any bovine beast, with a plural form *ghok*, meaning 'cattle'. This suggests that the victim embodies the general idea of the equivalence of cattle and men in the sacrificial act, and there is certainly what we may speak of as a collective identification of clans and lineages with their herds. This is expressed in the honorific titles of clans and lineages. We have been discussing hitherto the equation of man with ox. These titles introduce us to the idea of an enduring relationship between a social group and its ancestral herd.

On the day when, by the cutting of lines on his forehead, a boy

16: Evans-Pritchard E-5 (1931, 1936) 1956
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On the day when, by the cutting of lines on his forehead, a boy

581 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

231 613 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 613 614 553 776 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed, and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mat kowr pauk jalke ket*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *pauk*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as informal visits, at dances,

[SAA, 77-260-47, CA 119 — Analysis]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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and at marriage and initiation ceremonies. Otherwise it is mostly a complimentary usage which expresses a formal relationship of reserve, as between a husband's mother and her son's wife, and then it is chiefly a woman's mode of address. 23/ 613 614 613 196

The title consists of *gat*, son (of), or *nya*, daughter (of), followed by a word which usually refers to a cow said to be that on whose milk the ancestor of the clan or lineage was nurtured in infancy, though it may refer to the place where the clan or lineage is said to have originated, or to some object connected with its ancestor, or to its totem. Nuer say that clans either '*ba paak ka kwi yengdiew*', 'are saluted by reference to their cow' or '*ba paak ka kwi ciengdiew*', 'are saluted by reference to their (original) village site', but since the salutation generally refers to a cow the expressions '*paak*', 'honorific salutation', and '*paakwa yang*', 'honorific salutation of cow', are synonyms. The words are often exceedingly difficult to translate, or even to discover the meaning of, especially when they relate to cows, for here the Nuer language proliferates symbolism in luxuriant elaborations of fancy; and representations of ancestral cow, ancestral home, totem, and totemic spirit, are sometimes fused in the titles, which are built out of a number of residues all of which derive from and express lineage values. I have listed and discussed some of these honorific titles elsewhere,[1] and there is no need here for a detailed consideration of them. We have only to note the central place the idea of a cow has in them, the cow standing for the herd and hence also for the lineage of its masters.

It need not surprise us that it is a cow that is referred to and not an ox or bull. It would be inappropriate to refer to an ox since, as I understand the matter, the whole point of using a symbol from the herds is to express in a single representation the idea of the unity of a lineage and its cattle, the cattle which sustain the lineage by their milk (the cow suckles the ancestor) and by continuous calving provide them with bridewealth for marriages whereby sons are born and the lineage continued, and with a means of maintaining communication with spirit and ghosts. Male animals do not answer the requirements of the symbolism. The great majority of the bulls are castrated, and, if not later disposed of in marriage, those which survive castration are sacrificed, and the animals which are left entire are not thought of as being, like the 23/ 613 613 196

[1] 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, 1936, pp. 1–29.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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mae members of a human lineage, a line of descent. In tracing bac the lineage of a beast, which Nuer can sometimes do to seral generations, they do so by the points of the dams and not thepoints of the sires: an ox of certain markings was born of a cow of crtain markings and it of a cow of other markings. Descent in theherd is, so to speak, traced matrilineally; and it is the cows wich are seen as the stable element, which calve cow-calves, wich calve cow-calves in their turn, and so provide the constant an continuous nexus between herd and lineage. Consequently, if at arriage most of a herd is dispersed and only a core is retained, it i some cows which are kept so that the herd may be built up anw through them. Therefore, it is to the cows of the ancestors, an not to their bulls, that the honorific titles of clans and lineages rfir.

'he lineage-herd equation can thus be considered as a collective expression of the man-ox equation. The one does not derive from thother but they are parts of a single complex representation, wich finds its most logical expression in the rites of sacrifice. The ame of the ox of the speaker may be shouted out in sacrificial invocations because its name stands for his own, but when the sacrifice is on behalf of a whole clan the exoglial words are the spear-name of the clan, which goes together with the cow-title of theclan, representing the relation of the clan to its ancestral herd. Th two symbols, ox-name and spear-name, represent two aspects of the sacrificial relationship between men and cattle, the personal an the collective. The one or other aspect is emphasized accordinto the nature of the sacrifice.

III

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'he facts we have examined, taken severally or together, point ame conclusion that there is the idea of equivalence between men an cattle, and the only plane on which there is anything that can beallled equivalence is that on which men and cattle are things ofhe same order, so that one can be substituted for the other, nmely in sacrifice, or in other words in relation to God. We have an that in those sacrifices which have the most significance for thestudy of Nuer religion, the personal ones, the lives of oxen are substituted for the lives of men. This is not only evident in what

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Nuer say but is indicated also in the rites themselves, and especially in the rite of consecration. In discussing this rite I speak for the present only of personal sacrifice. 231 712

When ashes are rubbed on the back of an animal in giving it to a spirit I speak of the act as one of dedication. When they are rubbed on its back in sacrifice I speak of it as consecration. It is useful to make this distinction for several reasons. Animals are not dedicated to God except on rare occasions when sacrifice is to take place shortly afterwards, but they are consecrated to him in sacrifice. Cows are the animals usually dedicated to spirits, whereas it is oxen which are sacrificed. Though even a cow dedicated to a spirit may ultimately be sacrificed and at least one of its male calves is destined for sacrifice, sacrifice does not follow dedication, if at all, for months or even years after the dedication. What is devoted by dedication to a spirit is the animal and its milk, but when ashes are rubbed on the back of a beast at sacrifice what is devoted is its life. That there is a difference of meaning between the two acts is shown by the fact that an animal which has been dedicated to a spirit by ashes being rubbed on its back has ashes again rubbed on it when it is sacrificed to that spirit. It is—if we care to use these terms—dedicated to the spirit in the first act and consecrated for sacrifice to it in the second. The difference is that the rubbing of ashes in dedicating an animal to a spirit is the sign and the manner of its passing out of man's possession (though in fact he does not part with it) into a spirit's possession, whereas the rubbing of ashes in consecrating an animal for sacrifice is a substitution of life of man for life of beast and hence also an identification of man with beast, sacrificer with victim.

It will be remembered that in sacrifice the animal is consecrated with ashes, has an invocation spoken over it, and is speared. I have already discussed the *lam* or invocation. What concerns us now is the *buk*, the consecration. This word, which in other Nilotic languages has the sense of 'to smear' and sometimes of 'to sacrifice', means in Nuer 'to rub' or 'to smear' and generally 'to rub with ashes'. In a sacrificial context it describes the placing, and usually lightly rubbing, of ashes on the victim's back. It is clear that it is a rite of consecration, the animal's life being thereby devoted to God; but also in the personal and piacular sacrifices it is, as we have seen, sacrificed for sacrifice in substitution for the life of a man. It would seem, therefore, that the laying of the right

16: Evans-Pritchard E-5 (1931, 1936) 1956
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hand on the animal's back identifies the man who lays it, or the person on whose behalf he is acting, with the beast, the right hand standing, as we have earlier noted, for the whole person. If this is so, then it is himself, or the person for whom he is proxy, that the officiant offers up; or, to put it in another way, in the act of consecration the representations of man and ox, of sacrificer and victim, are fused.

This interpretation is supported by the fact that when ashes are ritually rubbed on persons the meaning which fits the action best is unity, solidarity, or identification, the expression of the idea of 'I am with you', as when, for example, before initiation a boy's father, maternal uncle, and family's master of ceremonies rub (*buk*) his forehead with ashes, uttering an invocation, or when a man returns from a long journey and his father rubs ashes on his forehead. It is confirmed by two other observations. As we have noted, there is no laying of hands on cattle sacrificed at mortuary ceremonies, nor is there, Dr. Smith tells me, in sacrifices at colour ceremonies. They are given to God, but the person on whose behalf they are sacrificed is dead. Also, cattle slain for reasons other than for sacrifice may have an invocation said over them but there is no laying on of hands.

I discuss this question again later in relation to the whole rite of sacrifice and the various theoretical interpretations of it which students have put forward. We may here note further, however, that the fact that it is ash which is *placed* on the back of the victim and not something else and that this ash must be that of cattle-dung (*pow*) and not wood-ash (*ngeth*) may be significant, for the ash is taken from the *gol*, the household enclosure which symbolizes for Nuer the home in various senses. *Gol* means primarily the home in a domestic sense. It is identified with the father of a family, *gol* so-and-so being the 'home' of that man and hence his 'family' also. But it can also be used for the lineage, 'the family' in that wider sense. The ash comes from the *gol* which represents the family or the lineage, and the officiant who places it on the animal's back represents, according to the type of sacrifice, either the members of the family or the members of the lineage.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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IV

It may be asked how the fact that in piacular sacrifice an ox is substituted for a man affects the general relationship of men to cattle. The answer is that all cattle are reserved for sacrifice. It is not just that in a particular ceremony a particular ox stands for a particular man. The equivalence is a general one between men and cattle. Some caution is necessary here. Nuer are very fond of meat, and whether an animal is killed in sacrifice or dies a natural death its flesh is eaten. All cattle, sheep, and goats, except those sacrificed in holocausts, eventually go into the pot. Also, it is very noticeable that on ceremonial occasions which are not also occasions of calamity, most people show more interest in the festal than in other aspects of the ceremonies. People show their desire for meat without reserve and it is the festal character of sacrifices which gives them much of their significance in the life of the Nuer. This is perhaps most noticeable at weddings, when, moreover, those who get the flesh are not those who sacrifice the animal; and also on those occasions when men scramble for meat. Further, Nuer themselves recognize that some men are too eager to sacrifice an ox, sheep, or goat on the slightest excuse, a craving for meat rather than a pressing need for spiritual aid being the incentive for sacrifice. It is undoubtedly true that it is sometimes craving for meat which reminds a man that sacrifice to some spirit is long overdue, religious obligations providing a ready excuse for a feast. However, the fact that Nuer accuse men of making unnecessary sacrifices to have feasts of meat in itself shows that animals should not be slaughtered except in sacrifice; and there is indeed a very strong feeling, amounting to a moral injunction, that domestic animals—sheep and goats as well as cattle—must not be slaughtered except in sacrifice and, save in very special circumstances, they are never slaughtered for food, a fact noted by Ernest Mayne nearly a century ago.[1] This injunction explains why Nuer are not expected to, and do not, provide meat for guests, and also why I was unable to buy beasts from them for food for my own household.

[1] Op. cit., p. 148. The Dinka likewise do not slaughter cattle for food (see that curious book *The Ethiopian Valley*, n.d., pp. 10 and 32, by Hamdi Abdel Kadir, a Dinka convert to Christianity). This is the case among many African pastoral peoples.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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231 The very special circumstances in which cattle are killed for
731 food are times of severe famine and in what are called *nak*, or in
261 some parts of Nuerland *kowar* or *cual*, camps. Within my own short experience, in 1931, a year of great hunger, the Lou Nuer killed many oxen for food, and during a famine in western Nuerland in 1935 a great number of beasts were slaughtered to keep the people alive. Dr. Howell says that in the Zeraf valley in 1943, likewise a year of famine, animals were being killed for food.[1] The Lou Nuer even have a reputation, of which they are ashamed, for killing oxen when hungry, for not waiting, that is, till faced with starvation. How often this situation used to occur is not, and cannot, be known. If it is not altogether a modern phenomenon, we may suppose that it was much less likely to have arisen before rinderpest depleted the herds and imposed peace prevented their rehabilitation through raiding, the milk supply thus being increased.[2] *Nak* camps are presumably so called because they are
231 formed for the express purpose of killing (*nak*) oxen. They are
731 formed in some years only, in the rains or at the commencement of the dry season, by youths, each of whom takes an ox to the camp where one by one they are slaughtered and the young men gorge themselves on their flesh. Now that cattle have become scarce two youths may share a single animal, though it is still thought that there ought to be an ox to a man. There is some doubt about the precise significance of this custom. When I published an account of the Nuer age-set system[3] I considered that it did not form an integral part of the rites of initiation but was only incidentally connected with them. I may have been wrong in this conclusion, and my own later researches revealed features which incline me to accept Dr. Howell's contention that they are connected with the age-set system.[4] Certainly there is more in the *nak* than merely killing oxen for feasting. That it has a ritual significance is clear from the fact that the youths who take part in it are segregated. Girls are not allowed to enter, or at any rate to sleep in, the camps. Abstinence is imposed at a time when the company
[734] of girls and their favours are a Nuer's chief interest. Now may the

[1] P. P. Howell, 'The Age-Set System and the Institution of "Nak" among the Nuer' (with a Note by E. E. Evans-Pritchard), *Sudan Notes and Records*, 1948, p. 180. I was told that an ox made on the Dinka pilaped oxen were slaughtered for food. [2] E. E. Evans-Pritchard, The Nuer, 1940, pp. 19-20.
[3] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936.
[4] P. P. Howell, loc.

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young men attend dances, which therefore do not take place at this time. Also, they may have no contact of any kind with the herds other than with the oxen with which they are segregated. It is to be noted further that the borrowing from kin and neighbours of oxen for slaughter by youths whose families are unable to provide them with suitable animals is no ordinary loan but is of a peculiar and ritual character. The owner of a beast who is asked for it by a youth may not refuse the request, and not only for social reasons but also, says Dr. Howell, because 'he would run the risk of spiritual contamination resulting in sickness or even death among the members of his family'.[1] Nor may he demand repayment for some years. These facts considered in the light of the great reluctance, to say the least of it, of Nuer to kill an ox other than for sacrifice suggest strongly that a slaughter on this scale has some religious significance. I asked Dr. Lienhardt and Dr. Smith to inquire about this matter. The former informs me that an old man makes an invocation over one of the oxen, which stands for all of them, and the latter that the older men who have contributed the beasts make invocations over them, though they do not consecrate them with ashes. It would seem, therefore, that if their slaughter is not a proper sacrifice it has to some extent a sacrificial character. It is significant also that not only is the killing obligatory but also that each youth ought to provide an ox for slaughter, an ox for a man, for we seem to have here again the equivalence of a man with an ox, which is the basis of piacular sacrifice: and it can easily be seen that the death of an ox at the termination of the rites of initiation would be a sacramental act appropriate to the whole setting of initiation.

Except on these rare occasions when dire necessity or custom compels them to do so, Nuer do not kill cattle except in sacrifice: and it is regarded as a fault to kill them 'being lost', 'just for nothing', the Nuer way of saying that they ought not to be killed for meat. This is clearly shown, apart from the facts I have already instanced, by the statement that an ox slain simply from desire for meat may also, take ghostly vengeance on, its slayer, for it has cattle, sight, in the matter. Maybe Nuer do not take this very seriously, but that they say it at all is an indication of how they regard the matter, for, as we have seen, they fear ghostly vengeance and hold that it operates only because God is permissive,

[1] Ibid., p. 136.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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231 782 784 seeing that an injustice has been done. The man had no right to take the life of the ox and by doing so he committed a fault. In sacrificial invocations Nuer explain to God why the life of the ox is being taken, and they may also address the ox and tell it why it is being killed—not that they think it understands. They are justifying themselves in taking its life.

231 731 782 Consequently I was not surprised to learn from Dr. Mary Smith, whom I asked to inquire into the question, that when cattle are killed in time of famine Nuer, though they do not consecrate the beasts, may make an invocation over them asking God that 'the meat may be soft in their stomachs and not bring them sickness'. This does not constitute sacrifice, there being no sacrificial intention, but it shows that there is a feeling of guilt about killing animals for food even when hunger compels it, and we can say that all cattle, and also sheep and goats, are reserved, or set apart, for sacrifice and their lives should not be taken, except in the special circumstances I have mentioned, for any other purpose. In that sense we may speak of cattle as being 'sacred'. If we do so, however, we must note that they are not sacrificed because they are regarded as sacred intrinsically, or for reasons extraneous to the sacrificial situation, but, on the contrary, they are regarded as sacred only because they are reserved for sacrifice and in the sense defined by that purpose. I have discussed beasts of the herd only and not those of the flock because, as we have noted earlier, in sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently their role to play the victim's part in sacrifice and they are consequently also reserved for sacrifice, but the sacrificial equivalence is always between ox and ox, man and 'cow', never between man and sheep or goat, for even when it is a sheep or goat which is being killed the ideal equivalence is preserved in speech.

231 [262] 234 In order that the sacrificial killing of beasts of the flocks and herds may be seen in a wider setting both of the taking of lives of creatures and of the eating of flesh, it should be realized that, except for fish, Nuer seldom kill wild creatures but rely almost entirely on the flesh of their domesticated animals for meat. For religious reasons they are averse to killing birds, except occasionally the ostrich, to which the same symbolism does not attach, for its feathers: and also reptiles, except the turtle and the crocodile (perhaps occasionally the monitor lizard). But even where there is no objection to killing animals, as in the case of mammals, Nuer

seldom go out of their way to kill them. They do not go out to 231/
hunt lions, leopards, and hyenas, unless they molest the flocks and 224
herds, and usually they only pursue those graminivorous animals which come to drink near their camps and seem to offer themselves for slaughter. It is not that it is thought to be wrong to kill them, but that except in time of famine, Nuer are little interested in hunting. They speak of it as a Shilluk and Dinka practice beneath the serious attention of a Nuer who can boast of a herd—as a pursuit, that is, of foreigners or of men without cattle. Even those who deliberately set out to hunt elephants and giraffe do so less to obtain meat than to acquire ivory and hair which can be exchanged for cattle, sheep, and goats. This lack of interest in hunting may be due to the fact that their flocks and herds supply them, through sacrifice, with meat and to the nature of their country which renders hunting difficult, but, whatever the reason, they are not interested, so that any killing of animals outside sacrifice is rare; and we may here say again, as has been said before in a rather different context, that the Nuer mind is turned inwards towards his own society of men and cattle. He is not unobservant of nature but he sees it with a contemplative and not with a predatory eye that seeks to destroy and exploit. He sees wild creatures as something in their own right, and his disposition is to live and let live. His folk-stories reflect this attitude and the feeling that killing, like death, is something which has come about almost by accident and is not in the original nature of things.

A large part of Nuer folk-lore consists of stories about animals.[1] 537
There are stories about apes; a cycle of adventure stories about 325
how cunning fox tricked hyena; many just-so stories which tell why hyenas limp, why plovers have thin legs, why guinea-fowl crouch, why millipedes are blind, why cows have no upper incisors, and so forth; and stories of yet other sorts. God sometimes figures in these stories as a judge in a way which appeals to the Nuer sense of humour as well as to our own. For example, fish, finding that they were visible to man in the water and hence easily speared, appealed to God who let them be invisible. God sometimes figures

[1] I have not published the folk-stories I collected among the Nuer. Some of these given by Miss Hoffman (*Nuer Customs and Folk-Lore*, 1931, pp. 88–104) show Anuak influence. Those recorded by Capt. V. H. Ferguson (*Nuer Some Tales*, *Sudan Notes and Records*, 1932) have Nuer themes but may be Anuak, or even Shambala, versions of them. Ter rill, the jackal, and ojang, the hawk, are two main figures in them, and these are pure Nuer words.

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538 in them because the animals are made to act like men after the
F25 manner of fables. They are given human speech and feelings, live in villages and camps, and have kinship relations on the pattern of human relations; and as men stand in a certain relationship to God in real life, so the animals are placed in a similar relationship in the make-believe of the stories. Miss Huffman says of these stories that the Nuer 'implicitly believe' in them.[1] This was not my impression. It appeared to me that they realize that their folk-tales are just tales which are true only in the sense that they are, as we say, true to life, a dramatization of real situations and an accurate characterization of human and animal, and indeed also of spiritual, qualities. It does not, therefore, worry them that their folk-stories may not accord with, and may contradict, both evidences of the senses and those of tradition and myth, and also each other.

539 These stories reflect an attitude of mind about man's relation
F25 to other creatures, and I mention them in this place, without, how-
773 ever, laying great stress on their significance, because they tell of an original age of innocence in which all creatures lived in amity in a common camp. Various stories, though separate tales and not related as parts of a coherent structure or dramatic plan, nevertheless taken together give us a picture of man at that time, or rather in that state, for the setting of myth and folk-lore lies outside time. He is entirely simple. He does not suffer from hunger, because what later became his stomach lives a life of its own in the bush where it feeds on small insects. He does not have to labour to live because, according to another story, which contradicts the last one, a single grain of millet soaked in water makes a sufficient meal. In this Nuer Eden there is no desire and mating, for the male and female organs are also not yet part of man and woman but live apart from them and separate from each other. As other, and once again contradictory, stories have it, man does not know how to beget or woman to bear. Man has no knowledge of fire and he does not know the spear. Then all changed. The new order is sometimes presented as arising from a quarrel in the camp started, it would seem, by fire persuading cooking-pots to throw a club into elephant's face. The animals separated and each went its own way and began to live as they now live and to kill each other. Stomach entered into man and he is now always hungry. Elephant taught

[1] Ibid., p. 18.

him how to pound millet so that he now satisfies his hunger only 788
by ceaseless labour. The sexual organs attached themselves to man 725
and woman so that they are now constantly desirous of each other. 775
Mouse taught man how to beget and woman how to bear. Dog
brought fire to man. And we are told that while fire was plotting to
new dimension among the beasts he gave man the spear and taught
him how to use it. It was then that man began to kill, and his first
killing seems to have been that of the mother of cow and buffalo,
or rather the mother of cattle, for at that time cows and buffaloes
were the same. This led to a feud between men and cattle, buffaloes
avenging their mother by attacking men in the bush and cows by
causing men to quarrel and slay one another.

It may perhaps sharpen our focus on sacrifice to know not only 775
that Nuer seldom kill wild animals but also that they can imagine 782
a state in which man did not kill, that there might have been a 231
beginning to killing as to culture, to pounding grain, and to other
things men do now. Viewed in relation to the dialectic of the
source, the killing of cattle is then seen not to be, as it were,
derived from a state of nature in which men kill animals for food,
as just one sort of killing among others, but as a product of a new
dispensation in which cattle are allotted a sacrificial role and are
set apart for this purpose. Other animals may, as a matter more
or less of chance, and now and again, be killed, but it is the role
and destiny of cattle to be slaughtered in sacrifice. Sacrificial
slaughter thus stands at the very centre of the idea of killing, and
sacrificial flesh at the very centre of the idea of food.

We may conclude, therefore, that the observations we have 231
made earlier concerning the relationship of a man with his 782
favourite ox, the ritual of initiation, &c., must be viewed in the
light of the identification of men with cattle in sacrifices. A Nuer
does not look upon his cattle as a stockbreeder or dairy farmer
does, for in his case his relationship to his beasts is complicated,
apart from their use in marriage, by their reservation for sacrifice.
And it is not just that he must not kill cattle except in sacrifice
because if he were to slaughter them for meat he would lower his
resources for food, marriage, and religious purposes. It is not
merely a negative injunction. It is not 'thou must not kill' but
'thou must sacrifice'. It is not that they must only kill for sacrifice
but that they must sacrifice to kill.

We must not be led astray by this conclusion to suppose that in

We must not be led astray by this conclusion to suppose that

the everyday life of the Nuer they think of and treat their animals in a 'religious' manner. They do not even treat those dedicated to spirits in any special way. Ordinarily Nuer think of their beasts from the practical point of view of herdsmen who are largely dependent on them for food and are dependent on them entirely for marriage. But if it would be a mistake to leave out of consideration the practical uses of cattle it would be no less a mistake were we to ignore the religious significance they have for Nuer. This is easier to do for two reasons. Firstly, because Nuer are themselves reticent in speaking of their cattle in this connexion. They tend to be reserved in discussing religious matters, and it may even be said that a certain secrecy adheres to them; and those whom a European tends to know best, the younger men, have less awareness of the sacramental role of cattle than the older people. Secondly, because we have no direct experience of our own which associates animals with anything similar in our culture. We are, therefore, inclined to reason that cattle have ritual significance because they have great practical value. If this were really so the cow, and not the ox, would be the object of identification, but, apart from that consideration, an attempt to interpret the religious importance of cattle on this one-way track of reasoning changes the whole character of the relationship between men and cattle. It makes the animals themselves to be in some way the object of religious attention, and nothing could be farther from the truth.

The religious significance of cattle is of a very different kind. Cattle are necessary to Nuer not only for food and marriage but also for salvation, for the sanctification of their social undertakings and for overcoming evil in its twofold character of sickness and sin. As Professor Westermann's text has it, 'she (the cow) was ordered (by God) for the deliverance of souls'.[1] This soteriological function pertains to cattle as much as their economic, bridewealth, and other functions. It is not just that in Nuer sacrifices something that for other reasons is valuable obtains through its consecration and sacramental death a religious significance, which would consequently be secondary and momentarily derived from the immediate sacrificial act. The sacrificial role is always dormant in cattle, which in sacrifice are being used for an ordained purpose for which they are set apart. This is why the rubbing of ashes on an ox's

[1] Or, as I have translated the passage (p. 124): 'It [the cow] has been decreed for the life [of men].'

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back while uttering some short prayer or invocation is a rite which can at any time be performed. The animal, even when not dedicated to a spirit, is already destined for sacrifice. The sacrificial situation is present, as it were, in the act, though no actual sacrifice is made. 251/ 782

When, therefore, we seek to estimate what their cattle are to Nuer and how they see them, we have to recognize that they are the means by which men can enter into communication with God, that they are, as Father Crazzolara puts it, 'the link between the perceptible and the transcendental'.[1] In fulfilling this role, his cattle shield a man and his family from disaster, and he conceives of them also collectively as a herd which from the beginning of time has helped his fathers in distress, performing in each generation the same sacrificial service. In the time of the ancestor of his clan the 'cow' gave her life for his salvation and so it is today. Whence springs the identification of man with ox, of lineage with herd, and of men with cattle. 251/ 782 771/

[1] J. P. Crazzolara, 'Die Bedeutung des Rindes bei den Nuer', *Africa*, 1934, p. 320.

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CHAPTER XI

THE MEANING OF SACRIFICE

I

782 THE points I have tried to establish with regard to Nuer sacrifice are as follows. (1) There are two broad types of sacrifice, that which is chiefly concerned with social relations—changes of social status and the interaction of social groups—and that which is concerned rather with the moral and physical welfare of the individual. Our attention has been mostly directed to the second, the personal and piacular type, because of its greater importance for an understanding of Nuer religion; but it was not possible to draw a firm line of demarcation between the two classes. (2) The piacular sacrifices are performed in situations of danger arising from the intervention of Spirit in human affairs, often thought of as being brought about by some fault. In such sacrifices ideas of propitiation and expiation are prominent. They centre, however, in the general idea of substitution of life of ox for life of man. (3) Almost all sacrifices consist of four movements—formal presentation, consecration, invocation, and immolation. It is particularly in the invocation and consecration that we must look for the meaning of the whole drama. The invocation states the intention of the sacrifice, and it is made with the spear in the right hand. The spear represents the virtue and vitality of man and through it, as well as by speech, he throws his whole self into the intention. In symbol the spear is the man. When a whole lineage or clan is concerned in the sacrifice the spear is that of the ancestor of the lineage or clan and represents the whole group which, through its representative, offers up the victim. (4) The consecration by placing ashes on the back of the victim with the right hand is also, at any rate in the piacular sacrifices, a gesture of identification of man with victim; and this is a special and emphatic expression within the sacrificial situation of an identification which has a more general denotation, perhaps arising from that situation, for in sacrifice man and ox can be said to be really equivalent. So if in symbol the sacrificial spear is the man, so also is the sacrificial victim. We may now ask

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ourselves what light is shed by what we have discovered about Nuer sacrifice on theories of sacrifice put forward by anthropologists and others and attempt, with the aid of these theories, and in terms of them, to reach a deeper understanding of it. 782

Much has been written about the nature of sacrifice, and this is not surprising in view of the central position it has had in the Hebrew and Christian religions and in the religions of pagan Greece and Rome. As is well known, there have been two main theories of sacrifice, the communion theory and the gift theory. The communion theory was given wide currency by Robertson Smith in his *Lectures on the Religion of the Semites* (1889). Briefly, his theory was that primitive sacrifice, and particularly early Semitic sacrifice, was a feast in which the god and his worshippers ate together. It was a communion or act of social fellowship—not a gift, not a tribute, not a covenant, not an expiation, not a propitiation. All these ideas were either much later or, if present in the earliest forms of sacrifice, were secondary or even merely germinal. Moreover, the sacrificial victim was a sacred beast, not in virtue of being set apart or consecrated for sacrifice, but intrinsically. It was the totem of the clan and hence of the same blood as the people who slew it and ate it. But in a sense it was also the god himself, for the god was the ancestor of the clan and therefore kin to both his worshippers and their totemic victim. By sacramentally eating their god, the theanthropic and theriomorphic victim, the worshippers acquired spiritual strength. 782 121

The totemic part of this theory is unacceptable, since there is almost no evidence that can be adduced in support of it, either from the literature concerning the early Hebrews, with whom Robertson Smith was chiefly concerned, or from accounts of primitive peoples, to which he made appeal. Moreover, I think that every competent Old Testament scholar would today admit the accuracy of Buchanan Gray's conclusions that the idea of gift rather than that of communion was predominant in even the earliest Hebrew sacrifices known to us, that the ideas of expiation and propitiation were present in these earliest sacrifices, and that it is clear that by the time of Deuteronomy a eucharistic intention was present.[1] Even, therefore, in its more reasonable form, minus the totemic character of the victim, Robertson Smith's attempt to

[1] Buchanan Gray, *Sacrifice in the Old Testament: Its Theory and Practice*, 1925, pp. 1–82.

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752 (2) show that festal communion between worshippers and their gods was the original form of Semitic sacrifice could only be a highly speculative hypothesis for times for which records, and hence evidence, are totally lacking. Nor do ethnographic accounts support it with regard to predominantly theistic religions, such as that of the Nuer. They only show, if their conclusions are correct, that among some peoples, such as some of the Bantu[1] who have a cult of the ancestors, sacrifices are sometimes communion feasts at which the ghosts and their living kinsmen are thought to feed together on the victim.

The communion theory as held by Robertson Smith and those who have accepted his interpretations gives us little aid towards understanding the nature of Nuer sacrifices to God, and they do not lend it support. The idea is excluded by definition in the case of their holocausts. The flesh of other victims can only be said to be in any sense sacred in such sacrifices as those in which parts of it may not be eaten by the sacrificers. In their common sacrifices of wild cucumbers the victims are in any case inedible. In none of their sacrifices is there any suggestion that God partakes of the essence of the flesh. What goes to him is the life, and it would be to extend the communion theory beyond legitimate bounds to say that his taking—not consuming—the life and man's eating of the flesh constitute a communion in the sense given to the idea by its upholders. Moreover, though men eat the carcass, and any man may partake of the flesh, their eating of it, however important socially this festal side to sacrifice may be, is not a sacramental meal but an ordinary commensual act of family or kin which, moreover, falls outside the sacrificial rites. Those who eat the flesh are not thought to gain spiritual strength by doing so. It might be held that the juices of the cucumber, and occasionally the chyme of a beast, have a sacramental use in the sacrificial situation, but the same could not be maintained of the flesh of animal victims. In the etymological sense of the word 'sacrifice' it is the life which is made *sacer* by the consecration, not the flesh which the sacrificers and others eat.

It is only in a mystical, and not in a material, sense that Nuer sacrifice might be called a communion, in the sense that through sacrifice man communicates with God, who is invoked to be present (*in-vocare*) to receive the life of the consecrated victim and

[1] W. C. Willoughby, *The Soul of the Bantu*, 1928, pp. 396 seq.

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to hear what it is that those who make the sacrifice desire of him. It is communion in this sense of union, of a *koinonia* established through the victim, that H. Hubert and M. Mauss were speaking of in their 'Essai sur la nature et la fonction du sacrifice'[1] when they said that in sacrifice a communication is established between the sacred and the profane by the intermediation of a victim. We may readily accept that the victim is an intermediary between God and man, in that they are brought together in the offering of its life. And if we ask why communion should be through a life, we are given an answer by the fourth-century neo-Platonist Salloustius,[2] that two living objects which are distant from one another can only be brought into union (*koinonia*) by means of an intermediary (*pandesis*) of the same order, a third life.

We have, nevertheless, to bear in mind that the purpose of Nuer piacular sacrifices is to establish communication with God rather in order to keep him away or get rid of him than to establish a union or fellowship with him. What Georges Gusdorf[3] says of religious sacrifice in general, that it is made not only to the gods but against the gods, is very true for the Nuer, in whose piacular sacrifices prophylactic and apotropaic features are very evident. They are made in times of trouble, present or feared, and the trouble comes from God and in a sense is God. Sacrifice is made to persuade him to turn away from men and not to trouble them any more. It is made to separate God and man, not to unite them. They are already in contact in the sickness or other trouble. The sacrifice is intended to rid the sufferer of the spiritual influence whose activity is apparent in the sickness. There is here a paradox. God is separated from man by an act which brings them together. The solution of the paradox would seem to lie in a distinction between two kinds of union, union on a material plane which is to be dissolved in the moment of sacrifice by bringing about union on a moral plane. This solution is consistent with the Nuer representation of sickness in which the sickness itself, the moral or spiritual state of the sufferer, and the action of Spirit form a complex whole; and also with the essential ambiguity of their conception of God as the source of good and ill.

[1] Op. cit., p. 133.
[2] Salloustius, *Concerning the Gods and the Universe*, edit. with Prolegomena and Translation by Arthur Darby Nock, 1926, pp. 19–30 (sect. xvi of text).
[3] *L'Expérience humaine du sacrifice*, 1948, p. 78.

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II

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Much older than the communion theory of sacrifice is the gift theory, supported among anthropological writers by Sir Edward Tylor and Herbert Spencer. For Tylor[1] sacrifices are gifts made to a deity as if he were a chief. This would not be a happy explanation for Nuer sacrifice, as they have no chiefs. For Spencer[2] sacrifice has developed from the placing of offerings on the graves of the dead to please their ghosts. This would also not be a happy explanation in the case of the Nuer, who do not make offerings in this manner to the dead. Other writers who regard sacrifice as being essentially a gift to gods stress a variety of motives: to nourish the gods, to obtain favours from them, to propitiate their wrath, to draw nearer to them, to create harmony between God and man, to expiate sins; or they emphasize their eucharistic, commemorative, or other intentions.

Now Nuer sacrifice is clearly a gift of some sort. They say that they are giving God a thing, a gift. But it is a gift which is immolated, it is that which makes the offering a sacrifice. And the gift must be a life or something which stands for a life. Moreover, a gift is a far from simple idea. It is a symbol which may have many different meanings and shades of meaning. We have to determine what sense or senses it has in Nuer sacrifices.

In their piacular sacrifices to God, which I am now discussing, they give something to get rid of some danger or misfortune, usually sickness. We found that the general idea underlying such sacrifices was that of substitution, the life of a beast being given in exchange for the life of a man. The ideas of purchase, redemption, indemnification, ransom, exchange, bargain, and payment are very evident in Nuer sacrifices, as the words by which they refer to them indicate; and they are not peculiar in this, for, as Hubert and Mauss rightly emphasize, there is probably no sacrifice in which there is not some idea of redemption and something of the nature of a contract.[3] As in the reciprocity of all giving and receiving, as Mauss points out also in his 'Essai sur le Don',[4] sacrifice establishes a contractual relationship between persons, those who give and those who receive. We can say definitely that a relation-

[1] *Primitive Culture*, 1913 ed., chap. xviii.
[2] *The Principles of Sociology*, vol. ii, 1885, p. 101.
[3] Op. cit., p. 134.
[4] *L'Année sociologique*, 1925, pp. 53-60 (Eng. trans. by Ian Cunnison: *The Gift*, 1954, pp. 12-18).

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ship of this kind, based on a sort of exchange, is involved in Nuer sacrifices; but if they include, they go beyond, the dialectic of exchange and contract, even when thought of in terms of persons and not of things, for we can hardly speak of simple exchange or contract when one side in reality gets nothing and the other side may get nothing too. 782 121

This is an old problem. Since in most Nuer sacrifices men eat the carcass of the victim, what is God supposed to receive? Nuer say that he gets the life, but they also sense that, as this is his already, he gets nothing. It is his already not only in that it is no longer man's because man has consecrated it to him, so that in the sacrificial invocation the officiant tells God to take 'thy cow' and not 'my cow' or 'our cow', sometimes putting his hand on the beast or pointing at it with his spear as he does so to direct attention to the devoted animal, and uses the expressions *kaw yang*, to give a beast in the sense of delivering what is due, and *kaw yang*, to take a beast in the sense of taking what is the right of the taker. Nor is it his only in the wider sense that all beasts of the flocks and herds are in a general way of speaking devoted to him, being reserved for sacrifice to him, so that they ought not to be killed for any other purpose. The victim is always his in a yet more general religious sense which extends beyond, and is not derived from, the sacrificial situation, in the sense, that is, that everything belongs to him. In giving a beast to God man without doubt loses something but God, to whom it belongs anyhow, gains nothing. But though this sense of God's ownership may be general it is not imprecise. Thus, Nuer do not complain when a beast is killed by lightning or sickness, for God has a right to take his own, and here also they speak to God about it as '*yangde*', 'thy cow', so the expression is not determined by formal consecration, which merely gives greater emphasis to it. All life belongs to God. It comes from him and to him it returns, and when he wants it he takes it. Indeed, his taking a beast by lightning or sickness has a certain similarity to sacrifice in that Nuer say that God takes the life of the beast in the place of the life of its master, the beast, as they say, in this manner shielding the man; but it differs otherwise from true sacrifice where man makes an offering of his own accord, and what he offers is a consecrated life.

If God gains nothing have we then to interpret Nuer sacrifice in terms of what man loses, in the sense of abnegation the word

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782 'sacrifice' has come to have in our own language? Is it that man
121 deprives himself of something that should take the emphasis? This also is an old problem. It cannot be denied that, although there is no sacrificial tariff, Nuer feel that the greater the crisis the greater should be the offering. At least some cattle should be slaughtered to stay a plague, and their carcasses are abandoned. In mortuary ceremonies oxen, and even cows, must be sacrificed. In cases of serious sin or grave sickness it is desirable to sacrifice an ox if one can be spared. In lesser crises a goat or a sheep suffices, or even a cucumber. All this suggests that the greater the danger the higher should be the payment, the more valuable the gift or substitute and the more complete the surrender of it. But though it may be so, the matter is more complex. It is of course true that cattle are by far the most valuable possessions of the Nuer, but, though doubtless their high value is an important consideration, we have to remember that it is not merely a question of relative value but also one of religious tradition and convention. Men and oxen have a symbolic equivalence in the logic of sacrifice, so that whatever is sacrificed is an 'ox'. If there were enough oxen one might always sacrifice an ox, and in symbol and by surrogate one does so; but as there are not enough, other offerings have to take their place and oxen be kept for the greater crises and those important ceremonial occasions when quantity of meat is a primary consideration. When an ox is sacrificed it is not just a matter of making the highest bid for divine favour when it is most needed, on the principle that the greater the gift the greater will be the return. This is evident from the fact that the victims in marriage ceremonies must be oxen, for here the ideas of substitution and exchange are least in evidence and the purpose of sacrifice is social rather than religious. Nor, in piacular sacrifices, should the holocaust be taken as evidence that it is simply a matter of the greater the need the greater must be the surrender, for when the carcasses of victims are abandoned to stave off plagues and murrains there is the idea of the evils entering into their bodies; and since the sacrifices are made on behalf of everybody no one can eat them. They are holy for all and not, as in some sacrifices where one half of the victim is abandoned, only for certain persons.

But valuable though his beasts are to Nuer and great the loss of them—even though he may feast on their carcasses he still loses them—they themselves freely explain that it is not so much what

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is sacrificed that is important as the intentions of those who sacrifice. If a man is poor he will sacrifice a goat, or even a cucumber, in the place of an ox, and God will accept it. A man should give according to his circumstances, and the sacrifice is not less efficacious because it is a small thing. The emphasis is not on the receiving but on the giving, on the sincerity of intention. It is a question, Nuer say, of the heart or, as we would say, of disposition. It is clear, indeed, that if God is prepared to accept a cucumber instead of an ox it is not merely the thing itself which is significant, for a cucumber can have no use or value for him. We should fix our attention on the supplicant as well as on what he offers, for what he offers is not only whatever it may happen to be but also the expression of an interior state. If a cucumber costs man nothing and benefits God not at all, we have surely to seek deeper into the ideas of payment, substitution, or exchange for the meaning of sacrificial gifts. 772 121

All gifts are symbols of inner states, and in this sense one can only give oneself; there is no other kind of giving. This has often been said and in the sense in which it is said it is true. But the idea is a very complex one. When Nuer give their cattle in sacrifice they are very much, and in a very intimate way, giving part of themselves. What they surrender are living creatures, gifts more expressive of the self and with a closer resemblance to it than inanimate things, and these living creatures are the most precious of their possessions, so much so that they can be said to participate in them to the point of identification.

But it is not only in this rather general sense of identification of men with cattle that Nuer can be said to offer up themselves in offering up their cattle in sacrifice. We have seen that one of the chief features of their sacrifices is the rubbing of ashes along the backs of the victims. It is true that this may be regarded as an act of consecration but it is also, to a greater or lesser degree, an act of identification. Identification of sacrificer with victim is a common interpretation by ancient and modern writers on the subject. Indeed, it is quite explicit in some religions, in particular in certain Vedic, Hebrew, and Muslim rites, that what one consecrates and sacrifices is always oneself, and this is sometimes symbolically represented by laying of hands on the victim. It is an interpretation which makes good sense for Nuer piacular sacrifices. I have not, it is true, heard Nuer say that this is what the laying on of

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122 hands means to them—it is our interpretation, what it means to
121 us—but I have already given reasons for my conclusion that this meaning is implicit in their sacrifices also, and I do not think that their piacular sacrifices, where the life of an animal is substituted for the life of a man, are intelligible unless this is granted.[1]

But if a man gives himself in sacrifice he does so in the symbolism of substitution, in what Leiris calls a 'figuration' (*Miroir d'Afrique sur le sacrifice*, 1938). He is acting a part in a drama. It is the ox which dies, not he. Once again, this is an old problem. In trying to solve it we must recall that the purpose of Nuer piacular sacrifices is either to get rid of some present evil or to ward off some threatening evil, and also that the evil is very often connected with ideas of sin, fault, and error, and hence with feelings of guilt. The notions of elimination, expulsion, protection, purification, and propitiation and expiation cannot easily be separated out in these sacrifices, though in any particular sacrifice it may be possible to say that one or other notion is most in evidence. The sense of fault is, as we have noted, clearly expressed in the sacrificial rites, in the confession of grievances and resentments, which is a feature of some sacrifices, and also in the sacrificial invocations, which must state a true account of everything which has led up to the crisis. But it is most clearly and dramatically expressed by the common practice of all present placing ashes on the back of a beast and then either washing them off or slaughtering it. Nuer say that what they are doing is to place all evil in their hearts on to the back of the beast and that it then flows into the earth with the water or the blood. This is not done in most piacular sacrifices, but in almost all such sacrifices someone places ashes on the victim's back on behalf of those for whom the sacrifice is being made; and Nuer say of the sacrifice that whatever evil has occasioned it is placed on the back of the victim and flows away with its blood

[1] It is quite explicit among the neighbouring Shilluk people. The Rev. D. S. Oyler ('The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 198) describes how in a sacrifice by their king he says in his invocation over the victim 'the flesh of this animal is as my flesh, and its blood is the same as my blood'. I asked Dr. Mary Smith to discuss with Nuer the rubbing of ashes on sacrificial victims in the light of what has been said about it in this chapter. Nuer told her that it was done to show God his animal and also so that the bad or evil would go out of them into the ox—they said it was '*baël ni tok*', 'exchanging life' (life of man for life of beast). She concludes 'it certainly seems to me that you are right when you draw this conclusion from these actions and what they say'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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into the ear. We have also seen how in some animal sacrifices, and always when a cucumber is sacrificed, the evil is said to go into the left ear of the victim, which is therefore abandoned, and how in the case of other offerings they are entirely abandoned for the same reason. They are asking God to take away the evil and that the evil may be ransomed or expiated or wiped out with the victim. It is clear, therefore, that the laying on of hands is not only a consecration and an identification but also a transference on to the victim of the evil which troubles the sacrificer, and which, as we have seen earlier, is in a sense spirit itself. It is put on to the victim and parts with its life. The victim thus has the role of scapegoat. This does not mean that the victim is made responsible for the evil; there is no suggestion of *poena vicaria*. The ox is not punished in the place of the man but is a substitute for him in the sense of representing him. In the laying on of hands the ideas of consecration, identification, and transference seem to be blended in a representation of a substitute. If this is so, it would follow that what the sacrificer is doing is to identify himself with the victim within the meaning of the transference. In other words, he identifies that part of himself which is evil with the victim so that in its death that part may be eliminated and flow away in its blood. As Gdorf,[1] quoting Nietzsche, aptly remarks, 'en morale, l'homme ne traite pas comme un *individuum*, mais comme un *dividuum*'. The same idea is expressed when in danger Nuer throw away as an offering to God something representing themselves and as substitutes for themselves—a bead, a tassel, or some other small object of personal adornment or a lump of tobacco—that the evil may depart with it and they be spared.[2]

In sacrifice then, some part of a man dies with the victim. It can be regarded both as an absolution and a rebirth; and also as a self-immolation (the psycho-analysts use the word 'suicide').[3] Fundamentally, however, if we have to sum up the meaning of Nuer sacrifice in a single word or idea, I would say that it is a substitu-

[1] Op. cit., p. 8.

[2] Dr. P. P. Howell (*A Manual of Nuer Law*, 1954, p. 118) has recorded a most interesting, as far as I know unique, act of self-mutilation for the same purpose. An elder of some social standing committed an act of bestiality with a cow and was overcome by shame and remorse that, in addition to sacrificing a beast, 'as an act of expiation he cut off one of his own fingers with a spear'. Dr. Mary Smith was told by Nuer that a man who committed such an act would take his own life.

[3] R. Money-Kyrle, *The Meaning of Sacrifice*, 1930, pp. 248, 252, *et passim*.

16: Evans-Pritchard E-S (1931, 1936) 1956
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782 121 tion, *vita pro vita*. If it were not so it would be difficult to understand at all why offerings to God should be immolated. The life can only be given by its liberation through death, as Professor E. O. James emphasizes in his *Origins of Sacrifice*.[1] Substitution, a common enough interpretation of sacrifice,[2] is the central meaning of the rites—they are a giving or exchange or an expiation in that sense—whatever other ideas are mixed up in it or become attached to it.

But to sum up the meaning of Nuer piacular sacrifices in a single word scarcely does justice to the very complex set of ideas they express. We have found it necessary to use a variety of words in speaking of them: communion, gift, apotropaic rite, bargain, exchange, ransom, elimination, expulsion, purification, expiation, propitiation, substitution, abnegation, homage, and others. According to situation and particular purpose one element in this complex of meaning may be stressed in one rite and another element in another rite, or there are shifts in emphasis from one part of the sacrificial rite to another. The matter becomes yet more complicated and resistant to precise definition when we take into consideration the scale on which Spirit is figured to Nuer on different levels, and also their collective sacrifices, for in this chapter I have so far been discussing only sacrifices to God and only those made to him which belong to the piacular class.

III

782 776 In piacular sacrifices to God the *do ut des* notion, some sort of exchange or bargain, may never be entirely absent but it appears in a refined and sublimated form. The favour requested does not follow automatically the sacrifice, *ex opere operato*. God is not compelled by the sacrifice to grant it. It is indeed obvious, to Nuer as well as to us, that, apart from there being no means by which bargaining with God can be conducted, it is no use trying to haggle with him, because he is master of everything and can want nothing. Nor is there any idea that God is at fault if he does not give what is asked for in sacrifice; in his dealings with man he always has the *cuong*, is in the right. But when we examine sacri-

[1] 1933, *passim*. His interpretation, as I understand it, of primitive sacrifice in terms of the *do ut possis dare* motif does not, however, accord with Nuer ideas.

[2] Given, among anthropologists, some emphasis by Edward Westermarck (*The Origin and Development of the Moral Ideas*, 1908, vol. ii, pp. 616 seq.).

16: Evans-Pritchard E-S (1931, 1936) 1956
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fers to spirits of the air and of the earth the relations between Spirit and man are somewhat different and colour the meaning of the sacrifices accordingly. The lower spirits are in competition, and if one of them has a cow dedicated to it its prestige is thereby increased. They do not, as God does, own all the beasts anyhow, but only those men give to them. This is why one dedicates beasts to the spirits but only rarely and in very special circumstances to God, for there is little point in giving him what is his already. Likewise, a sacrificed life, which is God's anyhow, is something spirits are thought to gain. Further, since God needs nothing he does not ask for anything. He does not demand sacrifices of men and cause them ill if they are not made. The spirits do. They demand attention, and they are not to be satisfied with cucumbers. They require bloody offerings. And if they are not given animal sacrifices they seize their devotees and make them sick. Nuer, therefore, do not hesitate to bargain with these spirits, speaking through their mediums, in a downright way which astonished me. The sense of the bargain is always the same: if we give you an ox or a sheep or a goat will you leave the sick man alone that he may recover; or what do you require of us this year in sacrifice that we may not be troubled by you? The lower in the scale is the conception of Spirit the more it is thought of as taking delight in what is offered.

Thus even though sacrifices to God and to the spirits may both have a piacular purpose and though the apotropaic element in both is very evident they cannot have precisely the same meaning. Even in piacular sacrifices to God there may be much variation of meaning, as, for example, between those in which the idea of expiation is most in evidence, such as those made to wipe out some definite sin like incest, and those made so that people may recover from wounds and ailments not attributed to specific offences and which, therefore, do not have the same moral connotation. But in either case the general attitude is the same. Man approaches God through sacrifice and asks for aid. It is man and not God who benefits by the sacrifice. Man's attitude in these sacrifices contrasts with his attitude in the case of sacrifices to spirits who have seized people to exact gifts from them or may do so if they are not satisfied. It is true that men generally have a feeling that the spirits would not have troubled them if they had been given their due and that their devotees have only themselves to blame if they have

16: Evans-Pritchard E-S (1931, 1936) 1956
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782 neglected them, and also that men give to the spirits for the same
776 reason that they often give to God, that they may be left alone. But the psychology of gifts to spirits is different. Here the substitution is blended with the idea of propitiation and satisfaction rather than of expiation or solicitation for aid, and the experience is on a different level of thought. Man does not wrestle with God, but here man and a spirit are pitted against one another, and the bargaining is conducted through a human agency—in, in fact, between humans, between the sacrificer and the representative of a spirit, a prophet and generally a very minor one. God has no such representatives. The leopard-skin priests are men's representatives to him, not his representatives to men. We are here faced again with the problem of the one and the many; and we see in these differences of attitude in sacrifices to God and in those made to lesser spirits a facet of the ambiguity of the idea of Spirit, the source of good and ill, as represented in the paradox of unity and plurality.

782 Thus we see that in Nuer sacrifice there are different shades of meaning. The pattern varies. There are shifts of emphasis. Any attempt to present a general interpretation, to put forward a simple formula to cover all Nuer sacrifices, meets with further difficulty when we turn to the collective and confirmatory sacrifices. Here the intention is clearly different. God, or whichever of his refractions may be involved, is not angry and therefore does not have to be propitiated. No sin has been committed which must be expiated, and there is no situation requiring expiation in the broader sense of payment to be rid of a state of danger due to the presence of Spirit. Life is not usually endangered so there is no need for substitution. Initiations and weddings are occasions of mirth, and even mortuary ceremonies, though they are solemn occasions, mark the end of mourning and therefore have a joyous side to them. There may always be some element of anxiety in these *rites de passage*, and perhaps also—it is difficult to say—of a feeling of the possibility of fault. In some confirmatory sacrifices, those concerned with death, these elements are manifest, but in others, such as marriage ceremonies, they are not evident and the stress is rather on ensuring the success of a social activity and validating it. As I have said earlier, we cannot make a rigid distinction between the one type of sacrifice and the other. Mortuary sacrifices might be placed in either class, according to the point of view.

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But in initiation and marriage ceremonies the sacrifices are only incidents in a succession of ceremonial acts, and they have a maximum of festal, and a minimum of religious, significance. The sacrifice adds strength to what is being accomplished by other means and it provides a meal for those attending what is primarily a social gathering, so much so that those who have a right to the carcass of the victim in marriage sacrifices may demand that a bigger ox be slaughtered than that provided. In these ceremonies we have to distinguish between the religious rite of sacrifice and the secular rites and ceremonial acts which it accompanies and sacrifices, and both from the feasting on porridge and beer and the flesh of the sacrificial victims and other acts of simple sociability. A boy is initiated into manhood by the making of six incisions across his forehead and by various other acts of a ritual and ceremonial character. The sacrifice is something extra added to these acts which protects the lad from harm, makes God and the ghosts witnesses of his change of status, and provides a feast for the living witnesses, his ever-hungry kinsmen and neighbours. Likewise in marriage, though sacrifices must be made to mark and secure the completion of the stages leading to the full union of man and wife as well as to give the visiting relatives-in-law a meal, the union itself is brought about mainly by other than religious acts: payment of bridewealth, wedding ceremonial and festivities, and so forth. The sacrifices form only a part of the whole series of ritual and other activities, and a part in which the religious content is reduced to a minimum, the movements of the sacrifice being conducted in a perfunctory manner. To indicate the place of the religious element in the total event, one might perhaps compare it among ourselves to grace before a festal meal on some important ceremonial occasion. There is, therefore, a difference of attitude and hence of meaning between the collective and the personal sacrifices. We must suppose that in the laying on of hands in the former by representatives of the lineages which offer up the victims the ideas of identification and of transference of evil are not so prominent as in the piacular sacrifices.

Yet we cannot exclude these killings from the general category of sacrifice. We can, nevertheless, say that the most typical collective and confirmatory sacrifices, those sacrifices which lack, at any rate to any marked degree, piacular significance, are least important to an understanding of the character of Nuer religion. The

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732 role of this religion in the regulation of the social life, its structural role, is subsidiary to its role in the regulation of the individual's relations with God, its personal role. The two roles are of different orders and have different functions, and it is the second which has the greater interest for us, for though Nuer religious activity is part of their social life and takes place within it they conceive it as expressing essentially a relationship between man and something which lies right outside his society; and it is, therefore, within the framework of that conception that our study of their religion has to be made and its central act of sacrifice has to be understood.

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CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that 782
though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies.

The verb *buth* means 'to share', and since collateral lineages of 613
a clan and also clans with common ancestry may claim portions 614
of the flesh of sacrificial victims at each other's collective sacrifices, 727
there is said to be *buth* between them. They are to one another 782
jibuthni, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices.

Buth relationship is stated also in terms of the division of 613
elephant tusks or of cattle exchanged for them. When hunters 614
kill an elephant the right tusk goes to the *koc*, the man who first 224
speared it, and the left tusk to the *gam*, the man who speared it [301]
next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for

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613 cattle, and the portions of ivory or the cattle are divided among
614 those relatives of the spearsmen who receive cattle of bridewealth
224 and bloodwealth and the flesh of sacrifices. Those standing in a
both relationship to the spearsmen also have rights in the tusks.
This means in practice that a section of the tusk, or its equivalent
in cattle, goes to the particular *thok mar*, minimal lineage, of the
spearsman's clan to which the *gaow buthni*, master of ceremonies,
of his family belongs, and it is this man who gets it.[1]

782 Each family has its master of ceremonies, who is a member of
a lineage collateral to that of its head and therefore one of his
613 distant agnatic kinsmen. A son takes his father's place in this
593 service. The same man may act on behalf of the heads of several
families of the same minimal lineage, and one of his close agnatic
kin may act in his stead, since he carries out his functions not as
an individual but as representative of a group. The office is not
necessarily reciprocal, for a man may act as master of ceremonies
to a family of one collateral lineage and have as master of cere-
monies to his own family a man of a different collateral lineage.
Also, a family may have more than one master of ceremonies, the
second belonging to a different collateral lineage from the first.
Moreover, it would seem that if one of the persons who usually
acts in this capacity is not available his place may be taken by any
distant kinsman who can be held to represent him. Nuer are very
latitudinarian in such matters; but the point we have to note is
that on certain occasions a whole clan or large lineage offers up the
sacrifice, and the officiant ought then to be someone outside the
family and close kin most immediately concerned who represents
the interest of the wider group, which participates in the sacrifice
through him.

782 A master of ceremonies functions at weddings, mortuary and
613 *colwic* ceremonies, settlements of blood-feuds, adoptions, initia-
tions, severings of kinship to allow intermarriage or cohabitation,
the building of new byres, and the division of elephant tusks. On
these occasions he calls out the clan or lineage spear-name and
then makes an invocation, usually prior to animal sacrifice. By
calling out the spear-name he identifies the whole clan or lineage
with the offering. When the victim has been killed he cuts through
the scrotum (*juak tem*), this being the commencement of the skin-

[1] See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.

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ning in ordinary sacrifices at which he officiates; and Nuer often 782
refer to him in his sacrificial role as 'the cutter of the scrotum'. 613
Does this usage symbolize the principle of agnation? Possibly, for [727]
after the sacrifice by which a Dinka is adopted into his captor's lineage it is said '*ca juak tem*', 'the scrotum has been cut', to signify that the Dinka is now a member of the lineage. If we are right in thinking that it may have this meaning, then the cutting of the scrotum is a most appropriate symbolic act, for the *gwan buthni* represents, as a member of a collateral lineage, the unity of the clan as a corporation of segments, the principle of fission which is in the very nature of a lineage structure. The master of ceremonies receives some of the sacrificial meat at sacrifices at which he officiates and he generally has a right also to the hide or half of it. He has also a right, as I have explained, to a section of any elephant tusk that comes into possession of the family he serves, and the first turtles and the skins of the first leopards and serval cats killed by its sons are given to him. He receives a calf or sheep from the husband's people when one of its daughters is married.

The role of the *gwan buthni* in sacrifice is seen to be a social 782
role rather than one of a specifically religious kind. He does not function in virtue of any qualities in himself. He is a *dwek*, a layman, not a *kuaar*, a priest. He is called upon to make the first invocation when the sacrifice concerns the interest of a whole clan or lineage. His clan or lineage alone is involved or if, as in marriage, another clan is also involved he acts on behalf of his own group alone; and consequently he addresses Spirit in the refraction by which it is represented to the clan—maybe in a totemic refraction or just as '*kwoth gwara*', 'God of our fathers'. His role in the proceedings is, therefore, determined primarily by the nature of the social activities in connexion with which he is asked to make sacrifice and not by any specifically religious considerations.

II

When sacrifice is made in consequence of some sin or to end 782
certain states of interdiction, of sin-potential—in circumstances, 793
that is, which involve the notion of *nueer* or of notions akin to it—it is desirable, and sometimes necessary, for the rite to be performed by a *kuaar twac* or *kuaar muon*, a priest of the leopard-skin

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782 or of the earth. It might seem that it is in no way here the nature
793 of the social group involved which requires an officiant from outside the family and close kin, but the nature of the circumstances which occasion the sacrifice, circumstances which call for consecration and invocation to be made by someone with special religious qualities. Nevertheless, as will shortly be evident, although the exclusive sacrificial functions by which priestly office is defined have a special sacramental character, they arise, like those ideas of sin with which they are particularly concerned, from situations which require for full understanding a knowledge of the social structure.

793 When the Government of the Anglo-Egyptian Sudan first began to take an interest in the Nuer the attention of its officers was at once drawn to what became known as 'leopard-skin chiefs', for these men were distinguished from the rest of the Nuer by the leopard-skins they wore over their shoulders (Plate XIV). It was thought that they were some kind of 'chiefs' or, in the language of those days, 'shaikhs' or 'sultans' through whom the Government might conduct its administration. It soon became apparent, however, that they lacked any real authority; and it is clear that, although the exercise of their religious functions has an important political role, they have no political, administrative, or judicial office. I have discussed the political significance of their religious functions in *The Nuer*,[1] and I limit further discussion of them here to what is necessary for an understanding of the topics treated in the present book.

The word which Europeans have translated 'chief' and which I translate 'priest' is *kuaar* (pl. *kuar*).[2] This person is often referred to as *kuaar twac*, priest of the (leopard-) skin, or as *gwan twac*, possessor of the (leopard-) skin, on account of the leopard-skin he wears over his shoulders. In its original sense the word *kuaar* conveys to Nuer a category of persons with traditional ritual functions. Its opposite is *dwek* (pl. *dueghni*), an ordinary person who has no such functions, a layman. Used by itself the word *kuaar* would normally, perhaps invariably, mean for a Nuer a leopard-skin priest, but combined with other words it may be used

[1] Chap. iv.

[2] He is referred to in all government files as 'leopard-skin chief', and rather than make for local confusion I used this designation in my reports and later, with a caveat, in my earlier books. In a book on Nuer religion I feel that a title should be used which indicates better his religious character.

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PLATE XIV

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Leopard-skin priest

[facing p. 290]

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793 to refer to other persons with traditional ritual functions, such as the *wut ghok* or man of the cattle, though this usage is loose and should perhaps be regarded as derived by analogy from its primary use to denote a leopard-skin priest. When the Government chose certain leading persons in the various Nuer communities and appointed them 'Government Chiefs' with administrative and judicial duties and privileges these chiefs became known as *kuar biei*, chiefs of the cloth (the robes of office presented to them by the Government), either because Europeans referred to them as *kuar* or because Nuer saw a resemblance between the robes and the leopard-skins worn by priests. Both are worn over the right shoulder. *Kuaar* became as well the title by which Europeans are addressed by Nuer, perhaps for one or other of the same reasons. The word has thus gained a wider range of meaning.

A more usual title than *kuaar twac* or *gwan twac* is *kuaar muon*, priest of the earth, the word *mun* (gen. *muon*) meaning 'earth' in the sense of 'soil'; and if it were not that in the literature on the Nuer the priest of whom we speak is always designated by reference to his leopard-skin I should be inclined to write of him as the priest of the earth, because the leopard-skin title is taken only from his badge whereas the earth title is derived from a symbolic association with the earth of deeper significance. It is said that a leopard-skin priest (henceforward generally referred to simply as 'priest') will not approach people when they are making pots lest the pots crack; and in this sense he may be said to respect (*thek*) the earth. If anything goes wrong with the standing crops he may be asked to anoint (*yir*) the earth with butter. He may also be asked to anoint seed and digging-sticks with butter
764 before sowing. When a priest is buried, his corpse, so that it will not be in contact with the earth, is placed between hides on a light platform erected in the grave, which is dug in his hut if he dies while the people are in their villages. These and other observances express a mystical relationship of priests with the earth in virtue of which their curses are thought to have special potency, for, as was noted earlier (p. 167), they can affect not only a man's crops
793 but his welfare generally, since human activities all take place on
787 the earth. However, in spite of the power attributed to their curses, I have never known Nuer stand in awe of them nor have I known the power to be used outside a situation of feud; and then a priest's threat to curse is regarded as a routine convention. It gives the

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793 [789] injured party an excuse to accept compensation without loss of honour.

It is a matter of surprise that the Nuer priesthood should have this association with the earth and take its most common title from it. There is no cult of the earth such as we find in West Africa. Priests are not traditionally linked to a particular territory as are the 'fathers of the land', ritual agents who are such in virtue of being descendants of first settlers, among some other Nilotic peoples. Nor can a satisfactory explanation be advanced in terms of agricultural activities. Nuer do not highly esteem cultivation of crops and may be presumed to have engaged in it even less in the past when cattle were more numerous. Cattle husbandry receives more of their attention and is their absorbing interest, but it and fishing, which is also most important for them, so far as they are the object of ritual attention, are the concern of other, and less important, ritual specialists than the priest of the earth. Moreover, Nuer do not attach much importance to such ritual as he performs in connexion with the crops, and it is entirely secondary to his other functions. On the other hand, it can be seen that the association of priesthood with the earth is a representation which accords with the general idea of man being identified with the earth and God with the sky, the priest being essentially a person who sacrifices on behalf of man below to God above.

793 613 614 Lineages of leopard-skin priests are found in all tribal sections, and in most parts of Nuerland they are in the category of *rul*, strangers, and not of *diel*, members of the clans which own the tribal territories. It is necessary that they should be widely spread, because their services are essential to Nuer everywhere, and it is significant that they are generally not members of lineages identified with political groups, because they have to act as peacemakers between such groups. The two best-known priestly clans, the Gaatleak and the Jimem, have no tribal territories of their own but live, as families and small lineages, in most or all territories owned by other clans. They are like Levi, divided in Jacob and scattered in Israel. Their priestly filiation goes back to Gee, the first man and the first priest, from certain of whose sons the priestly virtue (*ring*) has passed down the generations. However, although their powers are hereditary, and although all members of a priestly lineage can, therefore, act in a priestly capacity, in practice only certain families do so, and these families can function as priests wherever

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they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *letde*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy. 793 613 614

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character. 793 628

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of 782 793 628 783

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

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782 the priest, his family and cattle being dispersed to homes of kins-
793 men, leaving his homestead deserted. He will not be molested
628 there because of the sacred character of the priesthood. For the
783 same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

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to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nueer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

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I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang ketha*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 102–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 106 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

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782 it has fallen the dead man's kin hack it to pieces in a wild scramble.
793 The gall-bladder is extracted and placed on one side. This is later
628 squeezed into a gourd containing water and a little milk and is
783 drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nueera*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nueer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang hetha*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

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The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life. 782 793 628 783

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses 793 628 695 793 695

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793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter incest, between, that is, persons more distantly related, some lesser
835 specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least
782 usually, serious incest are the exclusive domain of the leopard-skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

Since a good deal has been written about the importance of
[793] 'rain-makers' in this part of Africa it is perhaps wise to note also
789 that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-

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cedures. Any Nuer can pray to God to send rain, and his prayers may be supported by placing a sprig of the *nyuot* tree in water, though this is best done, together with sacrifice of one of the flock to *kwoth nyota*, spirit of the *nyuot* tree, by a member of the widely scattered Gaawar clan on account of their association with both rain and the tree (p. 72). Some Nuer said that a prophet's prayers and sacrifices for rain might be effective, and they seem to have had some faith in those of the prophet Gwek; but I found that in general Nuer showed little interest in the subject. They certainly do not think that anyone can 'make' rain. Whoever it may be, priest, prophet, member of the Gaawar clan, or just an ordinary person, he can only pray to God to send the rain. They say, 'There is nothing we can do if it does not rain. God has given us nothing [to make it]. We are merely ignorant folk.' When I urged that surely there was something they could do, a Nuer replied, 'Oh well, the leopard-skin priest may sacrifice a cow [probably a goat was meant] and pray to God for rain, and that is all; perhaps God will give it and perhaps he won't.' When I asked about Car, a well-known prophet, whether he could bring rain, I was told, 'Oh well, he will pray to his spirit [an air-spirit] and ask for rain, but that is all.'

In whatever circumstances a priest acts as intermediary between men and God the virtue which gives efficacy to his mediation resides in his office rather than in himself. Consequently, it does not matter what sort of person he is, socially, psychologically, or morally. The virtue derives from the office having been established by God at the beginning of things as part of the social order. Consequently the priest is a traditional public functionary thought of as having always existed and as representative of man, rather than of any particular men, to God in certain critical situations. Therefore when he invokes God at sacrifice he does so in phrases which recall the universal and enduring character of his role: '*Kwoth muonda*', 'Spirit of our earth', '*Kwoth Jagei*', 'Spirit of all the Nuer' (*Jagei* has here this sense), and '*Kwoth rieng gwari*', 'Spirit of the virtue of our fathers'.

When we examine the critical situations in which the priest is called upon to exercise his functions we see that the priesthood can be regarded either as a political institution functioning within a set of religious ideas and values or as a religious institution functioning within a set of political ideas and values. His essential and

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793 distinctive role is that which he plays in homicide, that is to say,
628 when two social groups, groups of kin and local and political groups, are in a state of violent opposition to each other and the whole community is involved in consequence, directly or indirectly, in a state of interdiction. He functions as administrator of oaths in a similar setting. The oaths either arise out of homicide or concern matters which may result in homicide. There are strong feelings of hostility between the parties; otherwise oaths, with their terrible consequences, would not be taken. Serious incest may provoke similar feelings, because, Nuer ideas about incest being what they are, the persons concerned in it may belong to different descent groups and, indeed, are for various reasons likely to do so. In situations of *nueer* in which hostile feelings are not aroused, as when twins are born or a person is killed by lightning, the head of the family or its master of ceremonies officiates. These are family and lineage affairs. So, whereas the *gwan buthni* acts in sacrifice on behalf of an exclusive social group, the leopard-skin priest for the most part performs sacrifices in situations in which two groups are opposed to one another and which therefore require a person unidentified by lineage attachment to either to act on behalf of the whole community. The priest thus has a central position in the social structure rather than in religious thought, for his priestly functions are exclusive not because, on account of the sanctity of his office, only he can perform sacrifices, but because representatives of neither party to a dispute can effectively act in the circumstances obtaining. As he entirely lacks any real political authority or powers it is understandable that he could not carry out his functions unless during their performance his person was sacrosanct. The presence of a priesthood adds nothing to the dominant ideas of Nuer religion. It is rather these ideas which give to a political role its necessary attributes. Put in another way, the Nuer have priests who perform certain politico-religious functions but their religion is not intrinsically a priestly religion.

613 Another hereditary and traditional functionary is the *wut ghok*,
793 the man of the cattle, sometimes also spoken of as *kugar ghok*, the 'priest' of the cattle, or *ring ghok*, the 'virtue' (literally, 'flesh') of
231 the cattle. There are men of the cattle in every tribe and tribal section, and they belong to lineages of a number of different clans, all those I have come across being of true Nuer descent. As in the

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case of the leopard-skin priestly lineages, any member of a lineage 613
of men of the cattle can perform the services attached to that office, 793
but in practice only some, and senior, persons would normally be 231
called upon to do so. These services have less religious and social importance than those of the *kuaar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwothde*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at [766]
his own mortuary ceremony his kinsmen and possessions are aspersed with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 255–6), initiation of boys to 793
manhood is intimately bound up with their relation to the cattle. [881]
It is therefore appropriate that it should be a man of the cattle 561
who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

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793 561 between successive age-groups within the age-set system and not between kin-groups or local and political communities.

It is remarkable that, considering what cattle mean to Nuer, the 793 578 man of the cattle is not socially or ritually so important a figure as the priest of the earth. Doubtless this is because his functions in the organization of the age-sets are not so often brought into play, nor so striking and important, spiritually and socially, as the priest's functions in homicides and the feuds that arise from them. There is an opposition in thought between the two. It cannot often happen that a man of the cattle quarrels with a priest of the earth; yet Nuer volunteer the information that if they quarrel and curse one another the man of the cattle asks the leopard-skin priest on what he expects to live if all his cattle die, and the priest counters by asking the man of the cattle whether he intends to take his cattle up to the skies as he can no longer pasture them on earth. Nuer say that since both are placed in an impossible situation they exchange gifts to dissolve the curses. Mr. P. Coriat in a Government Report of 27 February 1931 remarks that some of the Karlual tribe were feeling the need for a man of the cattle (for some reason they did not, I suppose, have one at the time), and he adds that the reason for this is a belief that if a man quarrels with a leopard-skin priest his cattle will not be acceptable as sacrifices as the earth cannot absorb their bones and blood. Therefore the services of a man of the cattle are necessary, so that the sacrifices will go direct to heaven. Mr. Coriat's observation suggests that Nuer tend to think of the man of the cattle in relation to the above and of the leopard-skin priest in relation to the below. This may be so, but I have no clear evidence that the former is classed as a *ran nhial*, a person of the above.[1]

793 As I have said earlier, the word *kuar* may be used in a general sense to describe persons with ritual powers in contrast to *dueghni*, laymen. I do no more than mention the titles and functions of some others than those we have been discussing, because they are not prominent figures in Nuer society and play only occasional and minor roles in their religious life. The *kuaar yika* or *kuaar yiini*, priest of the mat or mats, acts as arbitrator between the

[1] To P. W. Schmidt (op. cit., pp. 2–4, *et passim*) the problem is solved in terms of culture-complexes. With agriculture go mother-right, evidences of which he finds among the Nuer, and an earth-religion. With cattle husbandry go father-right and a Sky-God religion. Nuer culture is a mixture of the two.

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husband's people and the wife's people should the wife die in her first child-birth, and it is possible that he performs sacrifice in the course of the negotiations.[1] The word *kuaar* is also occasionally used instead of the more usual word *gwan*, possessor, in the titles of the *gwan muot* (or *ngul* or *ngul ghok*), possessor of the spear, who performs rites for success in war and hunting (p. 243); the *gwan biedh*, possessor of the fishing-spear, a kinsman of the leopard-skin priest who acts in homicide cases as his assistant in western Nuerland (p. 246); the *gwan nyanga* or *gwan thoi*, possessor of crocodile or of grass, who performs rites to protect people during fishing (p. 67); the *gwan biedh*, possessor of the fishing-spear, or *kuaar juaini*, priest of grass, who performs rites for the same purpose (p. 74); the *gwan pini*, possessor of water, who performs ritual against floods in western Nuerland; and the *gwan keca*, possessor of durra-bird (p. 71). When asked about these specialists, Nuer say that when God created men he designated people to carry out certain functions, and their descendants have continued to perform them. I have, however, never heard *kuaar* used in speaking of the *tiet*, diviner or leech (p. 95). Nor is it ever used of persons possessed by spirits of the air or owners of nature sprites or fetishes, none of whom have traditional offices.

III

Gwan kwoth, possessor of a spirit, is an expression which may refer to what I have called a prophet or to someone who has a sprite or fetish or a totemic or totemistic familiar. All these persons may make sacrifice to their particular spirits on their own behalf or on behalf of others when they or others have been seized by the spirits or desire protection against dangers the spirits are associated with. I have already discussed them in earlier chapters, and here I speak further, though briefly, only of the prophets. A prophet, as we saw in Chapter II, is a person who is possessed by a spirit of the air or occasionally a *colwic* spirit, the possession giving him spiritual powers lacking in other persons, including the leopard-skin priests. The possessed is thus also the possessor.

[1] I have no detailed account of his functions. Mr. Jackson (op. cit., p. 151) gives a different account of them, and Dr. Howell's account (*A Manual of Nuer Law*, p. 54) differs from mine in one important particular. I imagine that the *kuaar yiké* was not often called upon to act.

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PRIESTS AND PROPHETS

793 Some of the chief characteristics of a prophet can be seen by com-
792 paring him to the priest. The priest is a traditional functionary of Nuer society; the prophet is a recent development. The priest has an appointed sacrificial role in certain situations of the social life, particularly in homicide and blood-feud; the prophet's functions are indeterminate. The priest's powers are transmitted by descent from the first priest—a social heritage; the prophet's powers are charismatic—an individual inspiration. The virtue of the priest resides in his office; that of the prophet in himself. The priest has no cult; the prophet has certain cultic features. But the most outstanding conceptual difference is that whereas in the priest man speaks to God, in the prophet God, in one or other of his hypostases, speaks to man. The priest stands on the earth and looks to the sky. Heavenly beings descend from the sky and fill the prophets. The prophet is the mouthpiece of a spirit, its interpreter; it is he who speaks but he speaks under its control. We can only understand Nuer faith in their prophets, and also their fear of them, when we know that when they speak as prophets it is Spirit which speaks by their lips, theopneustic speech. The prophet in making his declarations says, 'I am such-and-such', naming the spirit, and '*kwoth a lar*', 'Spirit says', just as the Old Testament prophets say, 'saith Yahweh', or the Prophet Muhammad says, 'saith Allah'. What the prophet says and what Spirit says are all mixed up together, the two being interspersed in such a manner that they cannot be separated. When we reflect on the dangerous quality in Spirit we do not have to wonder at the reverence Nuer show the vehicles of this manifestation of it in their midst. Another important difference is that while the priest has, when acting as priest, dealings only with Spirit in its most comprehensive sense of God the prophets deal with particular spirits, 'spirits of the air' or 'children of God'. God does not enter into men and inspire them. It will readily be seen that there is a fundamental difference, and one that will be still more apparent when a short account of prophets has been given, between the representative of man to the divine and the representative of the divine to man.

792 But though Nuer regard priests and prophets as very different sorts of persons they do not think of them as being opposed to one another. Government officials, who were very hostile to the prophets and described them, confusing prophets with diviners and leeches, most inappropriately as 'magicians', 'necromancers', and

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'witchdoctors' and as 'reactionary upstarts' and 'anti-tribal', speak of them, indeed, as having undermined the traditional privileges of the priests. But this is not a Nuer way of looking at the matter. They do not think of their leopard-skin priests as being privileged persons. Also, I have never heard a Nuer contrast priest with prophet or suggest that there could be rivalry between them as such. Moreover, some of the best-known prophets were, like Jeremiah and Ezekiel of the Old Testament, both priests and prophets. 792

Owing to the action taken against them by the Government I had no opportunity to get to know any Nuer prophets well enough to reach an understanding of the *forma mentis* of a prophet.[1] According to Nuer tales about them their behaviour was most abnormal. The first prophet, or at any rate the first to achieve fame, was Ngundeng son of Bung, of the Lou tribe, a prophet of the spirit *deng*, who died in 1906. He acquired his powers by prolonged fasts. It is said that he lived for weeks by himself in the bush, eating animal and human excrement, that he used to sit on a cattle-peg in his kraal and let it penetrate his anus, that he used to wander about the bush for days mumbling to himself or sit in his cattle byre doing the same, and that when in such a mood he would refuse all food except ashes, which he had cooked for him. Mr. Coriat says that he was in the habit of falling into trances on the top of the roof of his cattle byre.[2] After he had established himself as a prophet he seems to have given up his solitary wanderings, though he still used to shut himself up in his hut from time to time to undergo long fasts. Nuer say that when the spirit *deng* seized him he could climb into the air without support and could also run up and down from the ground to the top of his byre. His son Gwek, described by Mr. Coriat as of squat body, misshapen arms and legs, and a short toad-like head, also had a reputation for daemonic exhibitions. Mr. Coriat records that he would spend, and spent during Mr. Coriat's visit to his home, all day shouting from the top of what has been described as a pyramid, a remarkable feat both of agility, for the pyramid was most difficult of ascent, and of endurance.[3] Perhaps we would be right in seeing in the habit of mounting to tops of byre and pyramid a symbolic 792 792 785 792

[1] When I began my studies Gwek, the leading prophet, had already been shot; Dwal, the next most prominent, was in prison; so also was the well-known prophet Car (I declined the administration's offer that I might visit them in prison); and the influential prophet Buom was banished in the course of them.

[2] Op. cit., p. 224.

[3] Ibid., pp. 226–9.

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792 expression of the prophet's relation to Spirit, the spirit in him lifting him up, as it were, to its own realm.

792 The construction of this so-called pyramid (*bie*), a conspicuous
778 landmark in Lou tribal territory, was begun by Ngundeng and completed by Gwek. It was a huge mound of earth and debris some fifty to sixty feet high with a base diameter of about a hundred feet. It was surmounted by elephant tusks and a spear decorated with an ostrich egg and feathers and encircled at the base with dozens of elephant tusks, numbers of which were also buried in the mound.[1] The purpose of the mound seems to have been to honour *deng* and increase the prestige of his prophet, though it may have expressed also the feeling of the above quality of Spirit. It became a cult centre, people from the whole of eastern Nuerland, and even from the west of the Nile, bringing cattle there for sacrifice; and Ngundeng and Gwek kept in a kraal near by a herd of cattle with black and white markings (*rial*) dedicated to *bungdit*, the mother of *deng*, with whom these markings are
[177] associated. All this is more in accordance with Dinka than Nuer thought and custom, and there is some reason to suppose that the idea of the mound was, like the *deng* conception itself, borrowed from the Dinka. There is said to be a similar, though smaller, mound at Thoc, in eastern Gaajak country, built by a prophet called Deng, son of Dul. Ngundeng's mound was blown up with high explosive by the British administration during a punitive expedition in 1928 against his son's followers. However, much of it still remains, and Dr. Lienhardt tells me that it is said at the present time that sometimes at night a strange light is seen shining from it; and when a recent eclipse of the sun occurred people said that Ngundeng was returning. Another prophet, Deng Leaka, a
792 prophet of the spirit diu, a Dinka of the Gaawar tribe, also
785 acquired his spirit by fasting and solitude. He left his home and wandered in the bush where for many days he sat under a tree without eating. When found he was engaged in collecting hundreds of shells of the giant land snail and arranging them in rows. This abnormal side to the prophets is to be seen in their unkempt hair and their beards, both of which are objectionable to ordinary

[1] Captain H. H. Wilson in *The Anglo-Egyptian Sudan*, edited by Count Gleichen, 1905, vol. i, p. 140; information from Major C. H. Stigand, *Sudan Notes and Records*, 1918, p. 210; H. C. Jackson, op. cit., p. 158; P. Coriat, op. cit., p. 224.

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PLATE XV

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Prophet

[facing p. 306]

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792 Nuer. The photograph of a prophet in Plate XV was taken by
785 Major-General Sir Charles Gwynn early in the present century. We see from it how different is the appearance as well as the representation of a prophet from that of a priest!

792 The ascetic and abnormal element in the prophetic personality would seem to have been mixed up with personal ambition, a striving after renown, power, and riches, a combination which made the prophets outstanding figures in Nuerland. Reports by administrative officials constantly denounced them for their greed and ambition and for being 'plausible and unscrupulous' and 'charlatans'. Though these reports do not show great sensitivity in distinguishing between the ideas of holiness and morality, there is an element of truth in what they say. We have noted that it was not just by chance that a man acquired an air-spirit. There is nothing an ordinary Nuer desires less than to be in contact with Spirit. He seeks by sacrifice to rid himself of it or to keep it at a distance, for it is dangerous to him. But a prophet sought inspiration, entry of Spirit into himself and its filling him; and in seeking it he could not but have been aware of the influence it would bring him. Gwek seems to have been what we should call avaricious, though I never heard Nuer say so, and the only prophet of distinction I met, Buom of Dok country, whose spirit was *teny*, was, I would say, a man of cunning whom Nuer themselves regarded as selfish and greedy to acquire large herds. The hostility I sensed among his neighbours may have been due in his case to the support given him by the Government, which had appointed him a 'chief', but I think it is true to say in general that though Nuer feared their leading prophets, their fear, shown in the great outward deference, and in the case of women one might say veneration, they paid them, was tinged with resentment and hostility. They were glad to have people with such powers among them, but it always goes against the grain with Nuer to have to put themselves in an inferior position towards anyone; and in the main we may agree with Capt. V. H. Fergusson when he wrote: 'None of my Nuer [the western Nuer] will tolerate injustice in his everyday life even from a witchdoctor [prophet].'[1] Their attitude to their prophets displayed the same ambivalence that they showed towards the spirits of the air themselves and indeed to Spirit in any form. They wanted it and at the same time did not want it.

[1] *Sudan Notes and Records* 1923, p. 107.

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792 A very complex representation would seem to be involved here, in which ideas about persons and ideas about Spirit are mixed together with regard to a man who in one way of thinking about him is man and in another way of thinking about him is Spirit and who is also conceived of as both man and Spirit.

As explained in Chapter II, the chief function of such prophets
792 as gained any considerable following and became political figures
787 was their hermeneutic role in warfare. They spoke the directions of the spirits of the air for raids on the Dinka[1] and for resistance to the slavers and the administration and made sacrifices to them. Their other functions were subsidiary and were exercised by lesser
[755] prophets also: healing, particularly curing barrenness of women, staying of epidemics lethal to men or cattle, and exorcism of troublesome spirits. They were also credited with power to foretell events and with a more than usual insight (*gwic*). A prophet heals people by rubbing his spittle on them or by sprinkling them with water, milk, or butter, and his inspiration gives him foreknowledge, but he, like anyone else, relies on sacrifice in times of trouble; and he may be asked to sacrifice for any purpose except on those occasions reserved to the priesthood. People ask him to sacrifice on their behalf, not because they cannot make sacrifice themselves, but because sacrifice by him is felt to have special efficacy in that he has a special and intimate association with Spirit. Nevertheless, though prophets, like priests, may sacrifice on behalf of other people, the distinctive character of the prophet is not, as it is of the priest, his sacrificial role, but his revelational role deriving from spiritual inspiration. Hence, so I have been told, women, as well as men, may become minor prophets, though I believe only an old, and possibly barren, woman, of whom Nuer say '*coa wut*', 'she has become a man', would do so. A female prophet would not sacrifice.

792 I mentioned briefly, because I have treated the matter elsewhere,
668 the political significance of the Nuer priests, their office being a politico-religious institution of the traditional social order. The prophets can also be regarded from the same point of view, as a politico-religious institution which has recently emerged in answer to changes in the social order. It may be hard to believe that people with prophetic powers have not always existed among the Nuer, but there is no evidence that they have; and all Nuer with whom

[1] They acquired substantial herds from their share of the booty.

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PRIESTS AND PROPHETS

I have discussed the question stated that in old days, before *deng*, the first of the air-spirits to fall to earth, entered into men towards the end of last century there were no prophets at all, only the *kuar*, the priests. I have suggested in an earlier book that their appearance might be explained by historical events—the expansion of the Nuer and, more particularly, the threat to their independence by northern Arab slavers, the Mahdists, and Anglo-Egyptian rule, which required, if it were to be met, greater political unity and the development of political authority. This view accords also with what has been said in general about the relation of Nuer religious conceptions to their social structure. It is possible that some of the prophets might have established political authority and leadership overriding local loyalties and sectional interests had they been allowed to, for prophetic powers tend to become hereditary, passing to whichever son is susceptible. Thus the mantle of Ngundeng fell upon his son Gwek, who was more a political, and less a religious, figure than his father had been; and the mantle of Deng Leaka fell upon his son Dwal. The Government effectively stopped development in this direction. Direct British administration was instituted, and no more influential prophets emerged. On the other hand, far from the idea of spirits —air-spirits, totemic and totemistic spirits, nature sprites, and fetish spirits—dwelling among men having been eclipsed it has spread more widely and in ever-increasing variety. This was already beginning to happen when I was in Nuerland (in the years 1930, 1931, 1935, and 1936), but the Nuer of the areas in which I carried out most of my research, the Lou and eastern Jikany tribes, had heard of only a few of the many spirits already familiar to those to the west of the Nile. So strongly have they now invaded these territories that, Dr. Lienhardt tells me, they have established themselves among the Anuak, who live yet farther to the east and had no knowledge of them as late as 1940. If my interpretation of the emergence and proliferation of new religious conceptions in terms of structure and structural developments is correct it would follow that we have here a counterpart in religious thought to an increasing fragmentation and individualization amounting by this time to a breakdown of the traditional social order.

792 668 792 776 182

Historical circumstances have brought the Nuer into closer communication at all points with foreign ideas; and the breakdown of their traditional way of life and the taking over of some

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792 776 182 [177] of these ideas are part of the same process of change. As we have noted, they say of their air-spirits which inspire their prophets, and also in general of spirits which have fallen from above to earth, that they took them over from foreign peoples, mostly from the Dinka; and it is also possible that, as Mr. H. C. Jackson suggests,[1] there is a relation between the appearance of prophets among the Nuer and the spread of Dervish influence, for it was about the time of the Mahdist upheaval that their first prophets arose, and I was expressly told by one Nuer that the first spirit they heard of entering men was *madi* (?al-Mahdi) in the lands of the north and that afterwards they heard of *deng* and then of other spirits.

792 182 Although the emergence of prophets can be interpreted in terms of historical events and structural changes just as the priesthood can be interpreted in terms of the functioning of the traditional tribal system, the prophet's significance for an understanding of Nuer religious thought calls for comment not required in the case of the priest. The rise of prophets and the increase of every other kind of 'owners' of spirits may indeed be a response, first to a challenge and then to disintegration, but it is a response made within a set of religious conceptions and has, therefore, a significance for the study of those conceptions without regard to whatever it may have been which occasioned the response. That the response should have taken a religious form does not surprise us, for that has been a common enough reaction to European rule in Africa and elsewhere, and the Nuer are, in any case, conspicuously religious. What claims our attention is rather the kind of religious form it took, a form which is at the same time both a development of potentialities in their traditional religion and a change in its character. We have seen in an earlier chapter how the Nuer notion of Spirit lends itself to refraction without limits. If this had not been so all the new spiritual conceptions which have arisen in the course of the last two generations could not have come into existence without entirely changing the character of Nuer religious thought. As it is, they have partly changed it.

[1] Op. cit., p. 91.

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CHAPTER XIII

SOME REFLECTIONS ON NUER RELIGION

THE theories of writers about primitive religion have not been sustained by research. During the last century what was presented as theory was generally the supposition that some particular form of religion was the most primitive and that from it developed other forms, the development being sometimes presented as a succession of inevitable and well-defined stages. The form of religion presented by a writer as the most primitive was that which he considered to be the most simple, crude, and irrational; to exhibit most conspicuously 'crass materialism', 'primeval stupidity', 'naïve eudaemonism', 'crude anthropomorphism', or 'daemonic dread'. Many such origins have been propounded: magic, fetishism, manism, animism, pre-animism, mana, totemism, monotheism, &c. All this was for the most part pure conjecture. The determination of the *primordium*, in the absence of historical evidences, was, as Schleiter, among others, has shown, quite arbitrary.[1] 121

Nuer religion, like any other, has, of course, a history, but we can only trace it in so far as it survives in the memories of the Nuer themselves, for reports by travellers, which start barely a century ago, are on this matter slight and unreliable. Ethnological research can supply us only with indirect evidences; archaeological research, were it to be undertaken, probably with none at all. However, Nuer statements, supported by ethnological evidences, enable us to say with a fair degree of probability what have been the main lines of development during the last hundred years. Now, if we take the Nuer as we find them today and as we have good reason to think them to have been in the recent past, an account of their religion at least shows the inadequacy of most of these so-called evolutionary theories and exposes the conceit of the assumptions on which they were based. The Nuer are undoubtedly a primitive people by the usual standards of reckoning, but their religious thought is remarkably sensitive, refined, and intelligent. It is also highly complex. 771 121

[1] Frederick Schleiter, *Religion and Culture*, 1919, p. 39.

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SOME REFLECTIONS ON NUER RELIGION

121 Explanations of primitive religions were often couched at the same time both in terms of historical origins and of psychological origins, which made for great confusion, especially as the logical and chronological senses of 'primitive' and 'origin' were also seldom kept distinct. The psychological explanations were very varied, changing with changes in psychological theory. Intellectualist interpretations were succeeded by emotionalist interpretations and they by psycho-analytical intepretations. Religion was discussed and explained in terms of association of ideas, of personification of natural phenomena, of awe, of thrill, of fear, anxiety and frustration, of projection, and so forth. Most of these theories have long ago been discredited as naïve introspective guesses.

781 121 Certainly one cannot speak of any specifically religious emotion for the Nuer. One can only judge by overt behaviour on occasions of religious activity and, as I have noted, on such occasions Nuer may be afraid, anxious, joyful, indifferent, or in other states, according to the situation and the degree to which they are involved in it. Miss Ray Huffman says that their religion is one of fear,[1] and I feel I ought to say, and I do so with her permission, that this is the one point with which Dr. Mary Smith finds serious fault in my account of it. She, like Miss Huffman, holds that it is a religion of fear, even of terror. For me this is an over-simplification and a misunderstanding. It is true that Nuer, like everyone else, fear death, bereavement, sickness, and other troubles, and that it is precisely in such situations that they so often pray and sacrifice. It can be admitted also that, in that these troubles are manifestations of Spirit, they fear Spirit and wish to be rid of it. But we cannot say that on that account their religion is simply one of fear, which is, moreover, a very complex state of mind, and one not easy to define or assess. On the contrary, it is because Nuer are afraid of these misfortunes that one might speak of their religion as one of hope and comfort. But I think what fits the facts best is to say that it is a religion of both fear and trust, which may be opposites but are not contraries, or that the Nuer attitude towards Spirit might be described as ambiguous, and perhaps as ambivalent. The question is much complicated by the different ways Nuer represent Spirit to themselves and their different attitudes to it at different levels of representation. We have further to recognize

[1] Op. cit., p. 56.

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that the sense of guilt which is often so evident in misfortunes is 781
not just fear but a complex psychological state, and also that it 121
varies in intensity from one situation to another. Nuer thought in these matters is involved, for a serious danger may not be just an adventitious intrusion of Spirit into human affairs. It often has a moral significance. It is then not so much regarded as a natural crisis which can be overcome by spiritual aid as a moral crisis brought about by human action, and of which the outcome, it is thought, may depend on so delicate and indiscernible a factor as intention. Faced with so complex and variable a problem, to speak of Nuer religion simply as one of fear or awe, or as a projection or as cathartic, and so forth, must be a distortion, and one that does not greatly help us to understand it. All emotions enter into it; they blend; and there is nothing constant that we can say is characteristic of the religious life, which is rather to be defined in terms of disposition than of emotion.

Sociological theories of religion have frowned on evolutionary 121
and psychological explanations alike. They have rather sought to understand primitive religions, or certain aspects of them, as products of social life. Fustel de Coulanges, Robertson Smith, Durkheim, Mauss, Hertz, and others have shown successfully that many features of these religions can be understood only by sociological analysis, by relating them to the social structure. This is true of Nuer religion. I do not think, for example, that the configuration of Spirit, the faults which are regarded as sins, and the roles of master of ceremonies, priest, and prophet in sacrifice can be fully understood without a knowledge of the social order. But Durkheim and his colleagues and pupils were not content to say that religion, being part of the social life, is strongly influenced by the social structure. They claimed that the religious conceptions of primitive peoples are nothing more than a symbolic representation of the social order. It is his society that primitive man worships in the symbol of a god. It is to his society that he prays and makes sacrifice. This postulate of sociologistic metaphysic seems to me to be an assertion for which evidence is totally lacking. It was Durkheim and not the savage who made society into a god.

All these theories about primitive religions, evolutionary, psychological, and sociological, suffered from a common weakness. The facts on which they were based were both inadequate and unreliable. Indeed, such wide generalizations could only have

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121 been put forward at a time when systematic studies of the religions of primitive peoples were lacking, and by persons with no direct, however slight, experience of them. That they were in reality *a priori* assumptions posited on the facts rather than scientific conclusions derived from them became increasingly apparent as new knowledge of these religions came to light and their variety and complexity were better appreciated. It is indeed surprising that these writers, whose speculations were for the most part attempts to explain religion as a general phenomenon, should have turned their attention exclusively to the religions of present-day primitive peoples or to the earliest forms of the higher religions—to those religions, that is, about which information was the most lacking and the most uncertain—rather than to the contemporaneous world religions with their vast literatures and known histories, to Christianity, Islam, Hinduism, Buddhism, and others. Had they done so, however, and, even more, had they conducted research into what these religions mean to ordinary people rather than into how philosophers, theologians, lawyers, mystics, and others have presented them, they would have seen how inadequate their theories were. Also, the religions of primitive peoples could not then have been treated, as they so often were, as something so unlike the religions of civilization that they appeared to require a special kind of interpretation and a special vocabulary.

The insufficiencies of the theories of primitive religions I have mentioned are apparent to all students today, but little has been put in their place. Certainly one reason for this is that though during the last thirty or so years many and intensive investigations of primitive peoples have been made there have been few systematic studies of what we may call, in order to include a wider range of phenomena than are usually placed under the rubric of religion, primitive philosophies. The word 'philosophy' is used here, for want of a better, in the general sense of the German 'Weltanschauung'. That more studies of the kind have not been made can be attributed to some extent to a lack of interest among anthropologists, and this is perhaps in part to be accounted for by the fact that the theories they inherited from earlier students could not be broken down into problems permitting investigation in the field. No one can put to the test of observation a theory that magic preceded religion or that when a people worship a spiritual being

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it is nature or their own society that they worship. We have, therefore, in the study of primitive philosophies to begin anew to build up a body of theory and to formulate problems in the light of it. There is only one way in which this can be done. A number of systematic studies of primitive philosophies has to be made. When that has been done a classification can be made on the basis of which comparative studies can be undertaken which possibly may lead to some general conclusions. This book is intended as a contribution which it is hoped may be useful in the building up of a classification of African philosophies. /2/

Such a classification of African philosophies must naturally be by reference to their chief and characteristic features. Among all African peoples we find in one form or another theistic beliefs, manistic cult, witchcraft notions, interdictions with supernatural sanctions, magical practices, &c., but the philosophy of each has its own special character in virtue of the way in which among that people these ideas are related to one another. It will be found that one or other belief, or set of beliefs, dominates the others and gives form, pattern, and colour to the whole. Thus, among some peoples, notably a large proportion of the Bantu, the dominant motif is provided by the cult of ancestors; among others, some of the Sudanic peoples for example, it is found in the notion of witchcraft, with which are bound up magical and oracular techniques; among others, such as the Nuer, Spirit is in the centre of the picture and manistic and witchcraft ideas are peripheral; and among other peoples yet other notions predominate. The test of what is the dominant motif is usually, perhaps always, to what a people attribute dangers and sickness and other misfortunes and what steps they take to avoid or eliminate them. /2/ 77/

Nuer philosophy is, as we have seen, essentially of a religious kind, and is dominated by the idea of *kwoth*, Spirit. As Spirit cannot be directly experienced by the senses, what we are considering is a conception. *Kwoth* would, indeed, be entirely indeterminate and could not be thought of by Nuer at all were it not that it is contrasted with the idea of *cak*, creation, in terms of which it can be defined by reference to effects and relations and by the use of symbols and metaphors. But these definitions are only schemata, as Otto puts it, and if we seek for elucidation beyond these terms, a statement of what Spirit is thought to be like in itself, we seek of course in vain. Nuer do not claim to know. 77/

77/ They say that they are merely *doar*, simple people, and how can simple people know about such matters? What happens in the world is determined by Spirit and Spirit can be influenced by prayer and sacrifice. This much they know, but no more; and they say, very sensibly, that since the European is so clever perhaps he can tell them the answer to the question he asks.

Nevertheless, we can reach certain conclusions about the basic features of the conception. We have seen that Nuer religion is pneumatic and theistic. Whether it can rightly be described as monotheistic is largely a matter of definition. I would say, for the reasons I have given, that it can be so described in the sense already discussed, for at no level of thought and experience is Spirit thought of as something altogether different from God. It follows from the conception of God as Spirit that though he is figured in many diverse figures he can be thought of both as each and as all alike and one. But if we say that in spite of the many different spirits Spirit is one and that Nuer religion is in this sense monotheistic we have to add that it is also modalistic. Spirit, though one, is differently thought of with regard to different effects and relations.

We have, indeed, in this matter to be particularly careful not to be led into false conclusions. A theistic religion need not be either monotheistic or polytheistic. It may be both. It is a question of the level, or situation, of thought rather than of exclusive types of thought. On one level Nuer religion may be regarded as monotheistic, at another level as polytheistic; and it can also be regarded at other levels as totemistic or fetishistic. These conceptions of spiritual activity are not incompatible. They are rather different ways of thinking of the numinous at different levels of experience. We found these different ways of thinking reflected in the complex notions involved in sacrifice; and also in the variety of Nuer attitudes towards Spirit, ranging from love to fear, from trust to apprehension, from dependence to hostility.

Since the basic feature of Nuer religion is the idea of Spirit it is not surprising that certain features of other African religions are unimportant among them or even entirely lacking. The conception of ancestral ghosts is altogether subordinate. Animistic ideas are almost entirely absent. Witchcraft ideas play a very minor role, and magic a negligible one. Both are incompatible with a theocentric philosophy, for when both fortune and misfortune come

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from God they cannot also come from human powers, whether innate or learnt. Likewise, it is easily understandable that there is no idea of an impersonal force, a dynamism or vital force, which we are told is characteristic of some African religions. It is true that when Nuer speak of *kwoth* without specifying any particular representation of it the impression may be conveyed that it has an impersonal character; but it is always understood that what is being referred to is Spirit conceived of either as God or as some particular hypostasis or refraction of him, though it may not be known which of them is concerned in the situation they have in mind. Moreover, it is certain that, for the most part at any rate, the many representations of Spirit we find in Nuerland today are a fairly recent introduction and development, and Nuer are aware of this. Another negative feature of Nuer religion is the complete absence of ritual, in the sense of ceremonial, interdictions, so prominent among other African peoples. No interdictions on food, drink, or sexual intercourse condition the efficacy of religious rites (nor, for the matter of that the success of any undertaking), and, there being no ritual interdictions, there can be no ideas of ritual purity and impurity. Nuer interdictions are not of a ritual order at all, but of a moral one, so that breaches of them result in a state of moral impurity or sin, of which the resultant situation and manifestation may be sickness or other misfortune. And what counts in sacrifice is not the outward, physical, state of the sacrificer, but his moral state, the sincerity of his intention.

We can say that these characterstics, both negative and positive, of Nuer religion indicate a distinctive kind of piety which is dominated by a strong sense of dependence on God and confidence in him rather than in any human powers or endeavours. God is great and man foolish and feeble, a tiny ant. And this sense of dependence is remarkably individualistic. It is an intimate, personal, relationship between man and God. This is apparent in Nuer ideas of sin, in their expressions of guilt, in their confessions, and in the dominant piacular theme of their sacrifices. It is evident also in their habit of making short supplications at any time. This is a very noticeable trait of Nuer piety, and my conclusions are here borne out by Dr. Lienhardt's observations. He tells me that when he was in western Dinkaland he had in his household a Nuer youth whose habit of praying to God for aid on every occasion of difficulty greatly astonished the Dinka. In prayer and sacrifice

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alike, in what is said and in what is done, the emphasis is on complete surrender to God's will. Man plays a passive role. He cannot get to God but God can get to him. Given this sort of piety, we are not surprised to find that the prophet is more influential than the priest.

In this sense of the totality of Nuer religious beliefs and practices forming a pattern which excludes conflicting elements and subordinates each part to the harmony of the whole, we may speak of their religious system. This does not mean, however, that it is an entirely consistent set of ideas. On the contrary, like other religions, it contains unresolved ambiguities and paradoxes, as that God is remote from men, a *deus absconditus* in the sky, and also very near to them, a *deus revelatus* in human enterprises and affairs; and that he is both friend and foe, whom one summons for aid and asks to turn away, seeking at the same time union with him and separation from him. It might, indeed, be argued that the breaking up of the conception of Spirit into a number of different representations, evoked in different situations, could be regarded as a means of resolving both ambiguities; but there would be certain difficulties in this view. Both must always have been there, whereas the spirits are a new phenomenon. Also, they are not regarded as something different and apart from God, so that the ambiguities are not really resolved. Moreover, although some of the spirits have a capricious side to them and Nuer may be said to have in a way an aversion to some of them, they are, nevertheless, a coming down of Spirit to earth into a homely relationship to men, so that while they may trouble them they also put themselves at their service. In them man and Spirit meet. A prophet, indeed, seeks so complete a union with a spirit that he is no longer himself but the spirit. That these spirits have come into Nuer thought during the last few decades might, therefore, be rather interpreted, at this level of interpretation, in terms of the sufferings Nuer have endured in them.

It is in the nature of the subject that there should be ambiguity and paradox. I am aware that in consequence I have not been able to avoid what must appear to the reader to be obscurities, and even contradictions, in my account. When one looks at Nuer religion from one angle it seems to be like this and when one looks at it from another angle it seems to be like that, and this and that do not always correspond. The difficulties of investigation and presen-

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tation have been further added to by the great increase in the number and types of spiritual forms. 771

The taking over from neighbouring peoples of new spiritual conceptions has, if not produced, greatly accentuated the paradox of the one and the many, one of the chief problems of Nuer religion today, and one to which I have had to devote particular attention. And it has made yet more apparent a further problem, to which I have also given special attention—that of the relation of symbol to what it symbolizes—for every new representation requires, if it is to acquire more than nominal distinctness, a visible, material symbol. Indeed, our difficulties are everywhere greatly increased by historical changes in Nuer religion. I have attempted to interpret these changes by relating them to other social changes going on at the same time. I think that to some extent they are elucidated by this sort of interpretation, but one has to admit that it is not susceptible of proof, and also that Nuer have borrowed much from their neighbours at various times—for example, not only spirits but also such ideas as *ther*, *kor*, and *thiang*—without our being able to give sure reasons for the loan or the time of it. We can only suppose that since such ideas as I have mentioned are intimately connected with women, they have entered Nuerland through the intermarriage of Nuer with Dinka and Anuak. But if one has to admit that religious conceptions have some autonomy and pass from one people to another without our being able to say why they do so, we can show that they are much altered in the process, being made to conform to the already existing set of ideas into which they are taken. The ideas of *deng*, *colwic*, and *kor* are very different among the Dinka and the Nuer, that of *ther* has a very different place in Nuer thought to that which it has in Anuak thought, and *nyikang* is a very different figure in Nuer religion from what it is in Shilluk religion.

The new conceptions of Spirit Nuer have borrowed from neighbours or have developed within their own culture are thought of as having appeared at points of time in events in relation to persons. But though they are always so presented in myths and traditions there is a difference between such personal experiences in stories which account for a relationship of a social group to a spiritual form and the personal experience each man has in the critical events of his own life and of the lives of those near to him. I have throughout my account emphasized, especially in my

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771 discussion of sacrifice, the difference between the personal and collective aspects of Nuer religion and that the first is more important for an understanding of its fundamental character. We learn from the collective expression of religion more about the social order than about what is specifically religious thought and practice. Its personal expression tells us more of what religion is in itself. If we recognize that the collective expression is only one form of religious activity we shall not make the mistake of trying to explain Nuer religion in terms of their social structure alone.

Sociological writers, as I have already observed, have often treated religious conceptions, because they refer to what cannot be experienced by the senses, as a projection of the social order. This is inadmissible. That Nuer religious thought and practices are influenced by their whole social life is evident from our study of them. God is conceived of not only as the father of all men but also under a variety of forms in relation to various groups and persons. Consequently we may say that the conception is coordinated to the social order. Also, he is conceived of not only as creator but also as guardian of the social order who punishes transgressions, which are breaches of interdictions which serve to maintain the social order. But the Nuer conception of God cannot be reduced to, or explained by, the social order.

114 In my first book on the Nuer I gave an account of their ecology, their modes of livelihood, and their political structure. I tried to show that some features of their modes of livelihood can be understood only if we take their environment into account; and also that some features of their political structure can be understood only if we take their modes of livelihood into account. I did not, however, try to explain their modes of livelihood as a function of their environment or their political structure as a function of their economy. In my second book I tried to show how some features of their family and kinship systems were more intelligible when seen in relation to tribal and lineage systems; but it is not suggested that they could be explained in terms of them. In this final volume I have tried to show how some features of their religion can be presented more intelligibly in relation to the social order described in the earlier volumes but I have tried also to describe and interpret it as a system of ideas and practices in its own right.

771 When the purely social and cultural features of Nuer religion

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have been abstracted, what is left which may be said to be that which is expressed in the social and cultural forms we have been considering? It is difficult to give a more adequate answer to this question than to say that it is a relationship between man and God which transcends all forms. It is not surprising therefore that we cannot give any clear account of what for Nuer is the nature of this spiritual relationship. We feel like spectators at a shadow show watching insubstantial shadows on the screen. There is nothing Nuer can say of the nature of God other than that he is like wind or air. They can speak of their experience of Spirit but can tell us nothing of Spirit itself. The spirits of the air are little more than names to them. Were a possessed man, when asked what possessed him, to utter a new name there would be a new spirit. It is much the same with the totemic representations of Spirit. They are not in themselves of a spiritual nature but only material symbols which serve to differentiate Spirit in its relation to some people from its relation to other people. A study of the symbols tells us nothing of the nature of what is symbolized. Spirit in itself is for Nuer a mystery which lies behind the names and the totemic and other appearances in which it is represented. 771

We can, therefore, say no more than that Spirit is an intuitive apprehension, something experienced in response to certain situations but known directly only to the imagination and not to the senses. Nuer religious conceptions are properly speaking not concepts but imaginative constructions. Hence the response to them is imaginative too, a kind of miming. Words and gestures transport us to a realm of experience where what the eye sees and the ear hears is not the same as what the mind perceives. Hands are raised to the sky in supplication, but it is not the sky which is supplicated but what it represents to the imagination. Formal respect is paid to an animal not on account of what the animal is in itself but on account of what for some people it stands for in thought as a symbol. The spear he bought from an Arab merchant in the hands of an officiant representing a clan is in the mind's eye the spear of the ancestor in the drama of sacrifice. The ancestor's spear does not exist, and a man may make sacrificial gestures with this non-existent spear merely by moving his hand as though he held a spear in it, the ancestral spear being represented by nothing but a thought. A piacular ox is the sacrificer himself and in the ox he dies in symbol. But the sacrificer is not present. The hand of the

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77/ officiant on the back of the ox represents his hand. And when we look for the ox about to be slaughtered we see a cucumber. To the mind sickness caused by sin is the sin and in the mind it is wiped out by the sacrificial act. We seem indeed to be watching a play or to be listening to someone's account of what he has dreamt. Perhaps when we have this illusion we are beginning to understand, for the significance of the objects, actions, and events lies not in themselves but in what they mean to those who experience them as participants or assistants. If we regard only what happens in sacrifice before the eyes it may seem to be a succession of senseless, and even cruel and repulsive, acts, but when we reflect on their meaning we perceive that they are a dramatic representation of a spiritual experience. What this experience is the anthropologist cannot for certain say. Experiences of this kind are not easily communicated even when people are ready to communicate them and have a sophisticated vocabulary in which to do so. Though prayer and sacrifice are exterior actions, Nuer religion is ultimately an interior state. This state is externalized in rites which we can observe, but their meaning depends finally on an awareness of God and that men are dependent on him and must be resigned to his will. At this point the theologian takes over from the anthropologist.

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[Information on gwan kwoth or prophets are filed according to their functions under category 791 or 792.]

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[For discussion of God and spirits, see category 116, pp. 1-22, 28-104, 106-143.]

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[Information on leopard skin chiefs or priests are filed according to their functions under category 624, 791 or 793.]

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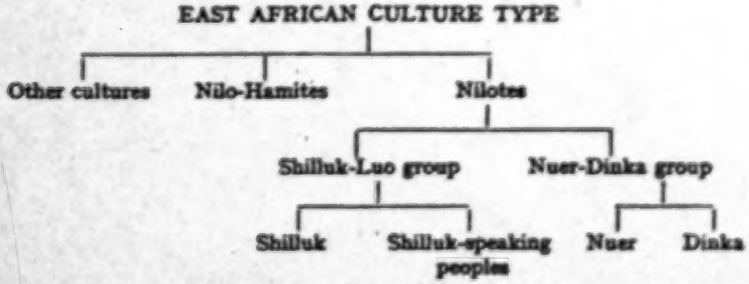
II

I describe in this volume the ways in which a Nilotic people obtain their livelihood, and their political institutions. The information I collected about their domestic life will be published in a second volume. 121

The Nuer,[1] who call themselves *Nath* (sing. *ran*), are round about 200,000 souls and live in the swamps and open savannah that stretch on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal, and on both banks of these two tributaries. They are tall, long-limbed, and narrow-headed, as may be seen in the illustrations. Culturally they are similar to the Dinka, and the two peoples together form a subdivision of the Nilotic group, which occupies part of an East-African culture-area the characteristics and extent of which are at present ill-defined. A second Nilotic subdivision comprises the Shilluk and various peoples who speak languages similar to Shilluk (Luo, Anuak, Lango, &c.). Probably these Shilluk-speaking peoples are all more alike to one another than any one of them is to the Shilluk, though little is yet known about most of them. A tentative classification may be thus presented:



Nuer and Dinka are too much alike physically and their languages and customs are too similar for any doubt to arise about their common origin, though the history of their divergence is unknown. The problem is complicated: for example, the Atwot, to the west of the Nile, appear to be a Nuer tribe who have adopted many Dinka habits,[2] while the Jikany tribes of

[1] The word 'Nuer' is sanctioned by a century of usage. It is probably of Dinka origin. I use it in singular and plural, speaking of 'a Nuer man' and of 'the Nuer people'.

[2] Poncet, op. cit., p. 54. They appear as Atot in the map on p. 129.

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CHAPTER III

TIME AND SPACE

I

•121 In this chapter we look backwards on our description of Nuer interest in cattle and of their oecology and forwards to an account of their political structure. Their oecology limits and in other ways influences their social relations, but the value given to oecological relations is equally significant in understanding the social system, which is a system within the oecological system, partly dependent on it and partly existing in its own right. Ultimately most, perhaps all, concepts of time and space are determined by the physical ambient, but the values they embody are only one of many possible responses to it and depend also on structural principles, which belong to a different order of reality. In this book we are not describing Nuer cosmology but their political and other institutions, and are, therefore, interested mainly in the influence of oecological relations on these institutions rather than the influence of the social structure on the conceptualization of the oecological relations. Thus, to give one example, we do not describe how Nuer classify birds into various lineages on the pattern of their lineage structure. This chapter is therefore a bridge between the two parts of the book, but we cross it in one direction only.

805 In describing Nuer concepts of time we may distinguish between those that are mainly reflections of their relations to environment, which we call oecological time, and those that are reflections of their relations to one another in the social structure, which we call structural time. Both refer to successions of events which are of sufficient interest to the community for them to be noted and related to each other conceptually. The larger periods of time are almost entirely structural, because the events they relate are changes in the relationship of social groups. Moreover, time-reckoning based on changes in nature and man's response to them is limited to an annual cycle and therefore cannot be used to differentiate longer periods than seasons. Both, also, have limited and fixed notations. Seasonal

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stratification integrates the members of a tribe has little to commend it.

V

In the way we have written this book we have in some measure broken away from the tradition of lengthy monographs on primitive peoples. These weighty volumes generally record observations in too haphazard a fashion to be either pleasant or profitable reading. This deficiency is due to absence of a body of scientific theory in Social Anthropology, for facts can only be selected and arranged in the light of theory. It is aggravated by the error of confusing documentation with illustration. We have also tried to describe Nuer social organization on a more abstract plane of analysis than is usual, for usually abstract terms are mistaken for abstractions. Whether we have succeeded in doing so is for the reader to judge, but in case it be said that we have only described the facts in relation to a theory of them and as exemplifications of it and have subordinated description to analysis, we reply that this was our intention. 121

It is difficult to know how far one is justified in pressing an abstraction. Once one has a theoretical point of view it is fairly simple to decide what facts are significant, since they are significant or otherwise to the theory, but it may be doubted whether it is wise, in discussing the political institutions of a primitive people, to give only the barest reference to their domestic and kinship life. Can this be done successfully? That is precisely the question we have asked ourselves, and we have concluded that an answer can only be given to it by making the attempt.

1. We first gave an account of Nuer absorption in their cattle and showed how this value in their system of oecological relations necessitates a certain mode of distribution and transhumance. We then described the concepts of time and space that arise very largely from ways of livelihood and disposition of settlements. We then examined the territorial sections which, through the values attached to them, form a political system. We further noted that structural distance in the lineage systems

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121 of the dominant clans is a function of structural distance in the tribal systems and that there is no comparable interdependence between age-set structure and political structure.

2. By social structure we mean relations between groups which have a high degree of consistency and constancy. The groups remain the same irrespective of their specific content of individuals at any particular moment, so that generation after generation of people pass through them. Men are born into them, or enter into them later in life, and move out of them at death; the structure endures. In this definition of structure the family is not considered a structural group, because families have no consistent and constant interrelations as groups and they disappear at the death of their members. New families come into being, but the old for ever vanish. We do not suggest that the family is for this reason of less importance than structural groups; it is essential for the preservation of the structure, for it is the means by which new persons are born into its segments and the system is maintained. Nor do we suggest that the relations we consider structural are between groups that do not in any way vary. Territorial, lineage, and age-set systems change, but more slowly, and there is always the same kind of interrelationship between their segments. We do not, however, insist on this limiting definition of structure and our description and analysis do not depend on it.

3. Structural relations are relations between groups which form a system. By structure we therefore further mean an organised combination of groups. The territorial distribution of a Nuer tribe is not a haphazard aggregate of residential units, but every local group is segmented and the segments are fused in relation to other groups, so that each unit can only be defined in terms of the whole system. Similarly a lineage or age-set can only be defined in terms of the systems of which they form part. We have tried to show this in our account.

4. By structure we mean relations between groups of persons within a system of groups. We stress that it is a relation between groups, for relations between individuals may also be arranged on a regular plan, e.g., kinship relationships may be spoken of as a kinship system. By 'group' we mean persons who regard themselves as a distinct unit in relation to other

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units, are so regarded by members of these other units, and who all have reciprocal obligations in virtue of their membership of it. In this sense a tribal segment, a lineage, and an age-set are groups, but a man's kindred are not a group. A kinship relationship is a category and the kinship system a co-ordination of categories in relation to an individual. In our opinion strangers and Dinka ought to be described as persons of certain categories rather than as members of social groups and that the relations between them and aristocrats are not, strictly speaking, to be described as structural relations.

5. The social structure of a people is a system of separate but interrelated structures. This book deals mainly with the political structure. Faced with the initial difficulty of defining what is political we decided to regard the relations between territorial groups as such, taking the village as our smallest unit, for though a village is a network of kinship ties it is not a kinship group, but a group definable only by common residence and sentiment. We found that the complementary tendencies towards fission and fusion, which we have called the segmentary principle, is a very evident characteristic of Nuer political structure. The lines of political cleavage are determined chiefly by oecology and culture. Harsh environment together with dominant pastoral interests cause low density and wide gaps in the distribution of local communities. Cultural differences between the Nuer and their neighbours also cause varying degrees of political distance. Oecological and cultural relations often combine to produce fission. In Nuerland itself culture is homogeneous, and it is oecological relations that chiefly determine the size and distribution of segments.

6. These tendencies in, or principles of, political structure control actual behaviour between persons through values. These values appear contradictory. They are only seen to be consistent when we view structure as sets of relations defined by reference to specific social situations. By political values we mean the common feeling and acknowledgement of members of local communities that they are an exclusive group distinct from, and opposed to, other communities of the same order, and that they ought to act together in certain circumstances and to observe certain conventions among themselves. It does not follow that

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121 behaviour always accords with values and it may often be found to be in conflict with them, but it always tends to conform to them.

7. Not only can we speak of the relations between territorial groups as a political system, the relations between lineages as a lineage system, the relations between age-sets as an age-set system, and so forth, but also in a society there is always some relationship between these systems in the whole social structure, though it is not easy to determine what this relationship is. We have shown that there is interdependence of a kind between the Nuer lineage system and their political system. This does not mean a functional relationship between clan groups and territorial groups, although they have a certain association, for clans, and even their lineages have no corporate life. Nor does it mean that when a man behaves in a certain way to a fellow clansman and in a different way to a fellow tribesman that there is a functional relationship between these two modes of behaviour. Nor, again, does it mean that there is a functional relationship between those members of a dominant clan who live in a tribe and the tribe of which they form part. But it means that there is structural consistency between the two systems—a consistency between abstractions. We are unable to show a similar interdependence between the age-set system and the political system.

8. Can we speak of political behaviour as a distinct type of social behaviour? We have assumed that certain activities, such as war and feuds, may be called political, but we do not consider that much is gained by so designating them. It is only on the more abstract plane of structural relations that a specific sphere of political relations can be demarcated. The behaviour of persons to one another is determined by a series of attachments, to family, joint family, lineage, clan, age-set, &c., and by kinship relationships, ritual ties, and so forth. These strands of relationships give to every man his sphere of social contacts. His field of actual contacts is limited; his field of potential contacts is unlimited. We distinguish a man's social sphere in this sense from structural space, the distance between social segments, which are groups of people who compose units in a system. We do not therefore say that a man is acting politically

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or otherwise, but that between local groups there are relations of a structural order that can be called political. 121

9. We do not describe the different social ties which exist between persons living in the same district, but we may say that, in our view, the relations between this network of individual relationships, that together make up a community, and political structure, the relations that exist between territorial segments, present a problem of considerable importance, and we make some comments on it. (*a*) Social relationships are ordered by the political structure, so that a man's social sphere, and the joint social sphere of a number of persons living in the same village, tend always to be limited by the extension of their political groups. (*b*) Local communities, relations between which constitute the political structure, are only groups because of these many and varied relationships between the individuals who compose them. But it is the organization of these relationships into groups standing in a certain relation to one another within a system that interests us in our present discussion and we only study them in this organised form; just as one can, for certain purposes, study the relation between organs of the body without studying the interrelation of the cells that compose the organs. (*c*) In our view the territorial system of the Nuer is always the dominant variable in its relation to the other social systems. Among the Nuer, relationships are generally expressed in kinship terms, and these terms have great emotional content, but living together counts more than kinship and, as we have seen, community ties are always in one way or another turned into, or assimilated to, kinship ties, and the lineage system is twisted into the form of the territorial system within which it functions.

10. We have defined structure by what amounts to the presence of group segmentation and have discussed some Nuer systems from this point of view. We again emphasize that we do not insist on our definition and that we recognize that structure can be otherwise defined. But having so defined it, frequent allusion to a principle of contradiction in it was forced on us. To avoid misunderstanding, however, we would remark that the contradiction we have alluded to is on the abstract plane of structural relations and emerges from a systematization of

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121 values by sociological analysis. It is not to be supposed that we mean that behaviour is contradictory or that groups stand in contradiction to one another. It is the relations of groups within a system that constitutes and exemplifies the principle. There may sometimes be conflict of values in the consciousness of an individual, but it is structural tension to which we refer. Likewise when we refer to the relativity of the structure we do not mean that a group is anything than an actual mass of people who can be seen and counted and plotted in space and time. We mean that on the plane of structural relations its position in a system is relative to the functioning of the system in changing situations.

11. Besides making a contribution to the ethnology of the Nilotes we have attempted in this book a short excursion into sociological theory, but we can only make a theoretical analysis up to a certain point, beyond which we perceive vaguely how further analysis might be made. Our experience in research and in writing this essay has intimated the lines of more extensive treatment. Social anthropology deals at present in crude concepts, tribe, clan, age-set, &c., representing social masses and a supposed relation between these masses. The science will make little progress on this low level of abstraction, if it be considered abstraction at all, and it is necessary for further advance to use the concepts to denote relations, defined in terms of social situations, and relations between these relations. The task of exploring new country is particularly difficult in the discipline of politics where so little work has been done and so little is known. We feel like an explorer in the desert whose supplies have run short. He sees vast stretches of country before him and perceives how he would try to traverse them; but he must return and console himself with the hope that perhaps the little knowledge he has gained will enable another to make a more successful journey.

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PREFACE

114 In 1940 I published under the title *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*, referred to henceforward as *The Nuer*, the first part of a general summary of the information collected during twelve months spent among the Nuer of the Nilotic Sudan in the years 1930, 1931, 1935, and 1936. The present volume forms the second part of this general account. I had planned to publish it in 1942 and it was already partly written before the war. During the years of war military service compelled me to relinquish literary work, and the completion of the book has since been further delayed by academic duties and also by a change of interests which led me to give my first attention to a history of the Sanusi of Cyrenaica.

101 The Nuer are a Nilotic people of between 200,000 and 300,000 souls living in savannah country near the Upper Nile and its tributaries. They are a cattle people, the ebb and flow of whose transhumant life follow the seasons. They are divided into a number of tribes, the largest political groups of their society, and these tribes are segmented into sections and subsections corresponding structurally to the segments, or lineages, of the clans [114] dominant in each tribal territory. In *The Nuer* I described the form of segmentation in political and descent groups and I attempted to show the principles which underlie it. I also gave a short account of the age-set system; but I omitted all but the briefest references to marriage, family, and kinship because I believe that political structure presents problems which are better inquired into apart from social relations of a different kind.

• 121 In this second volume I first show that the members of a Nuer village or camp are not only kith but also kin, and how the network of kinship ties within local communities is connected with the lineage system of the Nuer and through that system with their tribal, or political, constitution. This demonstration serves as a bridge between the theme of my earlier book and the subject of marriage to which the present volume is largely devoted. The network of kinship ties within any Nuer community can ultimately be reduced to a series of marriage unions. Among the Nuer, as in all human societies, marriage and the family are the most fundamental institutions.

The role of kinship values in Nuer society cannot be understood

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[835 602] The role of kinship values in Nuer society cannot be understood

•121 unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

000 I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records, Uganda Journal, Africa, African Studies, Zeitschrift für Vergleichende Rechtswissenschaft, Social Structure, African Systems of Kinship and Marriage*, and *Man*, and to the Director of the Rhodes-Livingstone Institute. Much detail omitted in this book is recorded in these articles.

113 * A. H. Alban, 'Gwek's Pipe and Pyramid', *S.N. & R.*, 1940; P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', ibid. 1939; P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', ibid. 1945; 'On the Value of Iron among the Nuer', *Man*, 1947; (with B. A. Lewis) 'Nuer Ghouls: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "Nak" among the Nuer', ibid. 1948; F. D. Kingdon, 'The Western Nuer Patrol 1927–8', ibid. 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer *Col Wic*', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer-English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

2:Evans-Pritchard E-5 (1931,1936) 1951
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CHAPTER III

MARRIAGE

I

/2/ I HAVE suggested in the last chapter that the range of the Nuer incest taboo can be understood only in relation to their rules prohibiting marriage between kin. These in their turn are only intelligible when viewed as part of the kinship system to which they belong, and that kinship system derives its particular form from its function in the political structure of the Nuer.

Kinship is a general word for describing any relationship of one individual to another through his father or mother. All kinship ties thus derive from the family, that universal and fundamental social group which everywhere and in some way or another incorporates the institution of marriage. It is therefore partly for logical reasons that I describe first how matrimonial unions are brought about among the Nuer and discuss the kinship relations which derive from them later. I describe marriage and kinship in this order also partly for convenience, in that kinship among the Nuer is so largely defined by reference to bridewealth.

I describe in this first section relations between the sexes before marriage, and in the following sections the chief ceremonies by which marriage is brought about, the payments of bridewealth which together with the ceremonies create valid and durable unions, the affinal relations which arise from the unions, and the various forms of domestic union we find among the Nuer side by side with matrimony in the full legal sense.

581 831 Sexual activities are from their earliest manifestations given the stamp of cultural values. They are from the first associated with marriage, which is the final goal of the sex life of men and women. Even the very poor and the disabled form domestic establishments of some kind and talk proudly of 'my father-in-law' and 'my mother-in-law'. It is the chief ambition of a youth to marry and have a home (*gol*) of his own, for when Nuer speak of marriage they speak of a home. They say of a youth: 'He is married—he has *a gol*.' Even in childhood it is clear to Nuer that marriage and the birth of children are the ultimate purpose of the sexual functions

2:Evans-Pritchard E-5 (1931,1936) 1951
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476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer 574 eat so much in each other's byres and windscreens that, as far as the 621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

● 121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431 583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

583 431 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

5:Evans-Pritchard E-5 (1931, 1936) 1947
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121

The distribution of bridewealth is a different process to the payment itself and, since it belongs more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

[p. 188b]

8:Howell E, G-5 (1942-1944)1954
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691 such is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure [584] is not even confined to actions in the courts. The negotiations which take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (*kur*) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

126 The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These 114 were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

121 This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

8:Howell E, G-5 (1942-1944)1954
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It is also intended to provide further material for those whose interests lie in a more general and theoretical study of 'primitive law', although I have myself rarely attempted to interpret that material in terms of comparative jurisprudence.

These two objectives are not entirely compatible and involve difficulties of presentation. I must therefore seek indulgence in advance for those passages which may appear abstruse and far removed from the practical problems which face the administrator and for those passages which may appear self-evident or over-simplified to the jurist and the anthropologist. Whether the book will be of value in the administration of Nuerland in the near future or in the self-governing Sudan must be judged by posterity. It is dedicated with affection to the Nuer people themselves in the hope that they may find security and fulfilment in the direction of their own affairs with due regard for their traditions.

Presentation and Orthography

Since it is not easy to isolate one aspect of the social and political affairs of the Nuer from another, the system of classification is arbitrary and not based on any conventional legal form. There are also obvious repetitions when a particular institution or concept is examined in different contexts. I begin with a summary account of the social and political structure of the Nuer for the benefit of those who have not studied previous literature on the subject, and this inevitably leads to generalizations which are not equally valid throughout the whole area. The Nuer are, however, sufficiently homogeneous to make generalizations at least possible. For further information the reader may turn to the publications listed in the Bibliography. Chapter II concerns homicide and bodily injuries which are not at all uncommon in Nuerland even today. Chapter III concerns marriage, the means by which it is achieved, the rights and duties which arise and which are often in dispute before the courts. Part II of the same Chapter concerns the dissolution of marriage, a process which is unfortunately more common nowadays than it was in the past. Chapter IV concerns the violation of rights in women, also a common cause for litigation. In Chapter V I have attempted to outline some of the main features of Nuer concepts of ownership and corporeal property which are at present no real problem, but which may well need a more complex and precise system of law in the future. In Chapter VI I have attempted, very briefly, to describe the part played by religion as a sanction for social conformity, and the functions of the various religious and magical experts, some of which are recognized in the administration of tribal law and custom. In Chapter VII I have attempted to analyse in very simple terms the nature of Nuer customary law as it was in the past, and the way in which it is developing under modern conditions.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[1]

•[121] In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

881 Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[2] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[3]

[791] The chief officer in respect to initiation into age-sets is the *wud ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly 784 prohibited from milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any 881 contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

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[1] A. R. Radcliffe-Brown. *Man*, 13, 1929.

[2] C. G. and B. Z. Seligman. "The Pagan Tribes of the Southern Sudan," pp. 72-3.

[3] *Id.* pp. 170-2 and 263-4. Cf. the lengthy account of age-sets among the Nilotic Lango of Uganda by J. H. Driberg.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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family, both legal and domestic, to demand a man's major allegiance at the 583
expense of the solidarity of the wider kinship group which provides a boy 602
with scope for his deepest interests and ambitions.

VIII

That these different forms of marriage and concubinage are of great 121
sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages.

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full 124
enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny.

Nyueny is a typical Nuer village. It consists of a number of huts and 361
byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest

11:Evans-Pritchard E-5 (1931, 1936) 1945
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IX

I commenced this paper by outlining the formal structure of the family and other procreative and domestic groups and then illustrated these groups by a survey of a typical Nuer village and some genealogical tables. We must now enquire what are the actual relations between members of these different types of domestic groups and, in particular, what are the relations between a father (pater, genitor, or foster-father) and his sons. 121

It is often difficult to know what these relations are and I only know a few households sufficiently well to be able to assess them. Indeed, it is often difficult to discover even the formal status of members of a household and I have no doubt that a longer investigation at Nyueny and elsewhere would reveal that some unions which I have thought to be simple legal marriage are unions of a different order.

The difficulty is due in part to the fact that Nuer are not consistent in their use of kinship nomenclature. If a man marries a woman and she bears him a son, the child is always called after his pater, e.g. Nhial ♂ is always known as Nhial ♂—Rainen ♂ (Homestead No. VI). Likewise if a child is born to a man during his lifetime by adulterous congress between his wife and another man it is always called after the pater (at any rate in the pater's village. It might be called after its genitor in his village though I cannot assert that this is so), e.g. Dadou ♂ is known as Dadou ♂—Tien ♂ (Homestead No. VII). An orphan (*ret*), i.e. a child born of a leviritic union is also generally called after its pater, e.g. Mer ♀—Tien ♂ (Homestead No. VII). [601] 611

On the other hand, when a man marries a wife to the name of an agnatic kinsman a son born of this union is in ordinary social life called after the man who stands in the place of the pater and who has begotten the son. One rarely hears his name coupled with that of his ghostly pater, though it is so coupled at ceremonies. When the boy is initiated they tell his pater: "See, your son has been initiated. He has become a man. Your fire is kindled"; and when he is married they tell his pater: "See, your son is married. Your descendants will not cease. They will remember your name." A man's name is also coupled with that of his pater in legal situations where ownership of property is at issue.

But ordinarily such children take the name of their genitor and one may remain ignorant that the genitor is not also the pater. Thus I spent over three months in the tiny hamlet of Yakwac in 1931 without knowing that Kerker ♂ was not the pater of the boys whom we always knew as *gaat Kerker*, "the sons of Kerker". I spent hours every day with these boys but it was by mere chance that I discovered that Kerker had married a wife to the name of this dead brother, Duob, and had begotten my companions. When I visited Yakwac again in 1935 Kerker had died and his eldest son (legal nephew), Wan, had married him a wife, Kur ♀—War ♂ to perpetuate his genitor's name. The children begotten by Wan ♂ in this union will be legally his father's brother's children. Similarly in the village of Nyueny, I would certainly never have discovered that such men as Wee (Homestead No. X.) and Loc (Homestead No. XIV) were not the paters of their children had I not made persistent enquiry.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Meat ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Meat ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the 611 551

12;Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

114 to many processes of Nuer social life, in particular their economic life, the life of family and kin, their ritual, and their age-sets. It attempts to L12[] define the form and functions of larger groups than family or kin, namely, the clan, the tribe, and the nation. I have, consequently, used my data in a preliminary manner and for illustrative purposes rather than tried to present a final and detailed account.

Nothing but the briefest notes on Nuer customs existed before Jackson wrote his account of their life in *Sudan Notes and Records* in 1923 and very little has since been added to the facts which he collected. In spite of serious handicaps Jackson wrote an excellent general survey of Nuer social organisation. It is with a full appreciation of his pioneer work that I write this paper to supplement and, I hope, in some particulars, to clarify his account. It is largely due to the complexity of the facts that Jackson's account of them is sometimes unintelligible, but confusion has also arisen from his hazy notions about ethnological terms. To-day several of us are trying to follow the route mapped out by Jackson and to explore new territory, and it will greatly facilitate collation of our researches if we all use the same terms to describe the same features of Nuer social organisation. Special attention has, therefore, been devoted to terminology, since nothing but muddle can result from use of native words like *cieng*, which symbolises a number of different social groups, for though it is generally clear from the context about which group a Nuer is speaking the same clarity cannot be carried into a sociological account. In such a situation it is inevitable that one should abandon native terminology and use English symbols instead. I believe that this usage will not only make for scientific accuracy, but will also facilitate administration.

I do not regard my work among the Nuer as finished, and I hope to complete it when circumstances are more favourable. I spent three and a half months in Nuer country in 1930 and five months in 1931. From the point of view of an anthropological field worker whose time is limited the conditions of work were depressing. The whole of my first trip and a large part of my second trip were occupied with an attempt to master the language sufficiently to make enquiries through it. Only those who have tried to learn a difficult language without the aid of

12:Evans-Pritchard E-5 (1930-1931) 1933
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a single interpreter and without adequate grammar or dictionary[1] will 114
fully understand the limitations which these conditions impose upon research. The Nuer would at any time have been a difficult job to [648]
tackle and the task was undoubtedly rendered more difficult by events of preceding years which had led to warfare with the Government and military control with consequent disillusionment and resentment. What work I was able to accomplish was made possible by the encouragement and assistance of Mr. A. G. Pawson, Governor of the Upper Nile Province, and Capts. A. H. A. Alban and H. A. Romilly and Mr. J. F. Tierney, and I wish to make special acknowledgment to the staff of the American Mission at Nasser who gave me hospitality and generously placed their time and knowledge at my disposal. Their co-operation was invaluable. I was mainly resident among the Lou Nuer to the east of the Nile, but 121
I also visited the Lek Nuer on the Bahr-el-Ghazal and the Jekany who stretch westwards along the Sobat from the frontiers of Abyssinia. I have seen the Nuer of these regions during the dry season and the commencement of the rains but have not stayed among them during the rainy season. I was also restricted to a few cattle camps owing to lack of transport, so that spacially my acquaintance with the Nuer was confined to a single area as temporally it was confined to a single

[1] At the time two long Nuer-English vocabularies existed, *A Nuer-English Vocabulary*, compiled by the late C. H. Stigand, Cambridge University Press, 1923, and *Nuer-English Dictionary*, by Ray Huffman, Dietrich Riemer, Berlin, 1929. Since my return from Nuerland Miss Huffman has published an English-Nuer vocabulary (*English-Nuer Dictionary*. Oxford University Press, 1931.) An earlier, but smaller, English-Nuer vocabulary has been compiled by Prof. Diedrich Westermann, and his account of Nuer phonetics and grammar are still all we possess on these subjects. It includes a number of native texts. ("The Nuer Language," by Diedrich Westermann. *Mitteilungen des Seminars für Orientalische Sprachen*. Berlin, 1912, pp. 84-141.) The oldest lists of words are those compiled by Brun-Rollet ("Vocabularien der Dinka-, Nuehr- und Schilluk-Sprachen." *Petern. Mitt.*, 1861) and by Marno (Kleine Vocabularien der Fungi-, Tabi, Bertat-und Nuehr-Sprache." *Reisen im Gebiete des blauen und weissen Nil*. Wien, 1874.) 113

The following accounts of Nuer customs exist: Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, pp. 116-118. Major C. H. Stigand, "The Story of Kir and the White Spear," *Sudan Notes and Records*, Vol. II, 1919, pp. 224-226. Capt. V. H. Ferguson, "The Nuong Nuer," *Sudan Notes and Records*, Vol. IV, 1921, pp. 146-155). H. C. Jackson, "The Nuer of the Upper Nile Province," *Sudan Notes and Records*, Vol. VI, 1923, pp. 59-107 and 123-189. P. Coriat, "The Gawar Nuer"—terminal essay in Jackson's combined account of *The Nuer of the Upper Nile Province* (his two papers in *Sudan Notes and Records*), El Hadara Printing Press, Khartoum, no date. Capt. V. H. Ferguson, "Nuer Beast Tales," *Sudan Notes and Records*, Vol. VII, 1924, pp. 103-112. Ray Huffman, *Nuer Customs and Folk-Lore*, Oxford University Press, 1931, pp. 105. Pater Crazzolara, "Die Gar-Zeremonie bei den Nuer," *Africa*, Vol. V, 1932, pp. 28-39. Miss Soule, *Some Nuer Terms in Relation to the Human Body*, Book I, Parts 1 and 2, the American Mission, Nasser, Sudan, October, 1931.

As far as I am aware this list, together with reports by a number of early travellers, completes the literature on the Nuer.

12:Evans-Pritchard E-5 (1930-1931) 1933
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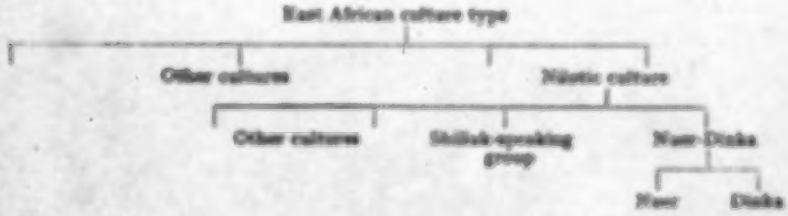
•/12/ season of the year. Illness prevented a final visit to Lek country in the early part of the rains. I mention these facts because it is essential that conditions of research should be understood if its results are to be rightly evaluated. In a final account I shall describe more fully the methods of research which I employed to meet these conditions.

[161] 105 The population of the Nuer to the east of the Nile is given by Jackson as about 320,000, and an estimate made in 1928 puts their total population on both sides of the Nile at 430,000. They form a homogeneous nation. All are pastoralists, though they make keen use of what opportunities their unruly climate allows them to cultivate the soil, and they are tireless in pursuit of game and fish. With slight regional differences their material culture is everywhere the same. Everywhere one sees the same kind of cattle byres and huts, milking vessels and other technical necessities of stock-raising, household utensils and ornaments, etc. Dialectical differences in their language are slight throughout the entire area, and in spite of local variation there is a common mythology and ritual. Likewise there are no appreciable differences in social organisation in the different countries of Nuerland. The Nuer, therefore, may be spoken of as a homogeneous nation which, with the Dinka nation, form a sub-group of the larger Nilotic conglomerate.

101 The Nuer belong to an East African culture type, the limits of which are at present ill defined both geographically and in terms of culture. Within this heterogeneous complex they form in the Anglo-Egyptian Sudan a unit of related cultures with the Shilluk (including the Anuak, Bor, and other peoples which speak dialects of the Shilluk tongue) and Dinka nations of the Nile valley. Shilluk culture is so divergent from the other two that we may speak of Nuer-Dinka culture in contrast to it. Thus we may construct the following diagram :—

DIAGRAM No. 1.



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ETHNOGRAPHIC SURVEY OF AFRICA

FOREWORD

121 The preparation of a comprehensive survey of the tribal societies of Africa was discussed by the Executive Council of the Institute as far back as 1937, but the interruption and restricting of its activities caused by the war resulted in the postponement of the project. Events and developments during recent years, however, have led to a wider recognition of the need for collating and making more generally available the wealth of existing but uncoordinated material on the ethnic groupings and social conditions of African peoples, particularly in connection with plans for economic and social development. Moreover, it appeared that the International African Institute, as an international body which has received support from and performed services for the different Colonial governments, was in a very favourable situation for undertaking such a task.

121 122 The Institute, therefore, in 1944 worked out a scheme for the preparation of an Ethnographic Survey of Africa. A committee, under the chairmanship of Professor Radcliffe-Brown, was appointed to consider the scope and form of the Survey (the Editor's name appears on each volume) and collaboration was established with research institutions in South Africa, Rhodesia, East Africa, French West Africa, Belgian and the Belgian Congo. In addition to a grant from the British Colonial Development and Welfare Fund, awarded on the recommendation of the Colonial Science Research Council, the Institute has received a grant from the Government of the Anglo-Egyptian Sudan to assist in the preparation and publication of sections relevant to that territory, and this assistance is gratefully acknowledged in connection with the present study.

121 128 The aim of the Ethnographic Survey is to present a concise, critical, and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and cult practices, technology and art of the African peoples. The material is to be presented as briefly and as consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

128 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or cluster of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those interested in specific areas or groups. A list of the sections which have already appeared is given on the cover of this volume.

121 127 Since the unequal value and the generally unsystematic nature of the available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can make no claim to be complete or definitive. Every effort has been made, however, to scrutinize all available literature and to check it by reference to unpublished sources and to workers actually in the field; thus it is

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intended to present a clear picture of our existing knowledge and to point out the directions in which the need for further studies is most pressing. Any assistance from those who are in a position to remedy deficiencies and correct inaccuracies by providing supplementary material will be greatly appreciated.

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The International African Institute expresses its thanks to the many scholars, research workers, administrative officers and missionaries in Europe and Africa who have generously responded to our requests for information, and who have spared time to correct and supplement drafts. Personal communications are acknowledged in footnotes. Our thanks are especially due to Professor Evans-Pritchard for assistance in supervising the work on this section of the Survey and for providing his bibliography of the Nilotes.

DARYLL FORDE,
Director.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PREFACE

●121 A study of Nuer religion is a study of what they consider to be the nature of Spirit and of man's relation to it. I had previously spent many months among the Azande people of the Nile–Uelle divide. From my earliest days among them I was constantly hearing the word *mangu*, witchcraft, and it was soon clear that if I could gain a full understanding of the meaning of this word I should have the key to Zande philosophy. When I started my study of the Nuer I had a similar experience. I constantly heard them speaking of *kwoth*, Spirit, and I realized that a full understanding of that word was the key to their—very different—philosophy. The attempt to reach it and, even more, to present my conclusions has occupied me for a long time and has proved to be a formidable task. The difficulties which had to be overcome will be very apparent in the pages which follow, but I mention some of them now.

One of the difficulties of presentation has been the different senses the word *kwoth* may have. I have tried to overcome it by speaking of 'God' when the word has a sense near enough to our own conception of God to permit the usage; of 'Spirit' where it refers, either in Nuer or, more frequently, in my exposition, to spiritual nature rather than to any definite, precise, or stated form; and of 'a spirit', 'the spirit', and 'spirits' where it specifically denotes some particular spiritual figure or figures other and lesser than God. The reasons for making these distinctions will become clearer as the book proceeds, and it will then also be perceived why it is impossible to adhere to them rigidly or to use them without any ambiguity.

A further difficulty relates not to Nuer words but to our own. Although the considerable literature on primitive religions which appeared towards the end of the last century and the early years of the present century made us familiar with such terms as animism, fetishism, totemism, mana, tabu, and shamanism, their meanings are still obscure. The very fact that some of these terms are borrowed from native languages is an indication of the failure to build up an adequate and agreed-upon terminology in Comparative Religion, a subject which, moreover, has been since sadly neglected, especially in this country. In these circumstances sometimes even communication is difficult. If I speak of 'spear' or 'cow' everybody will have pretty much the same idea of what I speak of, but this is not so when I speak of 'Spirit', 'soul', 'sin', and so forth.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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This difficulty is not easily overcome, because it is not merely a matter of definitions but involves also personal judgement. It would be useless to deny this and rash to ignore it. It may be said that in describing and interpreting a primitive religion it should make no difference whether the writer is an agnostic or a Christian, Jew, Muslim, Hindu, or whatever he may be, but in fact it makes a great deal of difference, for even in a descriptive study judgement can in no way be avoided. Those who give assent to the religious beliefs of their own people feel and think, and therefore also write, differently about the beliefs of other peoples from those who do not give assent to them. This is not the place to discuss further this difficulty. I merely wish to recognize that it exists and that it introduces into writings about religion complications which are not present when writing about, for example, kinship or husbandry.

I am, of course, well aware that Nuer religion is very unlike what we know in general about Negro religions. One cannot even say that it is a typical Nilotic religion. It is certainly very unlike the religion of the Anuak, of the Luo of Kenya, of the Acholi, of the Alur, or of the Shilluk. Indeed, only the religion of the Dinka can be said to have strongly marked affinities with it, and it can be further said that in some respects the religions of these two peoples resemble less other Negro religions than some of the historic religions. They have features which bring to mind the Hebrews of the Old Testament. Professor C. G. Seligman clearly sensed this, as his account of the Dinka and Nuer shows; and Miss Ray Huffman, an American Presbyterian missionary who spent many years among the Nuer, remarks that 'the missionary feels as if he were living in Old Testament times, and in a way this is true'.[1] When, therefore, I sometimes draw comparisons between Nuer and Hebrew conceptions, it is no mere whim but is because I myself find it helpful, and I think others may do so too, in trying to understand Nuer ideas to note this likeness to something with which we are ourselves familiar without being too intimately involved in it.

[1] C. G. and B. Z. Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, chaps. iv–vi; Ray Huffman, *Nuer Customs and Folk-Lore*, 1931, pp. 56–57. This raises questions which lie outside the scope of the present volume. They are discussed by C. G. Seligman, op. cit., 'Prolegomena', and in his earlier 'Some Aspects of the Hamitic Problem in the Anglo-Egyptian Sudan', *Journal of the Royal Anthropological Institute*, 1913; also by P. W. Schmidt, op. cit., pp. 571 seq.

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PREFACE

•121 I have to emphasize that this is a study of religion. So strong has been rationalist influence on anthropology that religious practices are often discussed under the general heading of ritual together with a medley of rites of quite a different kind, all having in common only that the writer regards them as irrational; while religious thought tends to be inserted into a general discussion of values. Here the view is taken that religion is a subject of study *sui generis*, just as are language or law. Consequently I do not feel that I am obliged to describe fully such ceremonies as those that take place at initiations, engagements, weddings, &c., which on no definition of religion can be regarded as religious phenomena, but only to indicate what, if anything, in them has religious significance. Likewise, I do not consider that I have to discuss Nuer moral judgements in general, but only in so far as they more immediately concern their religious thought and practice.

128 The chapters of this book were first written to be delivered as lectures, mostly in university courses at Oxford, though some were written for more formal occasions. Chapter I was a Presidential Address to the Royal Anthropological Institute (1951). Chapter XI the Henry Myres Lecture to the same Institute (1954). Chapter IV the Monro Lecture in the University of Edinburgh (1952). Chapter V a lecture to the University of London Anthropological Club (1954). and Chapter X an address delivered at the Fourth International Congress for Anthropology and Ethnology in Vienna (1952). Some repetition is inevitable in this form of presentation but I have eliminated all that was avoidable.

000 I thank the editors of the following journals for permission to reprint what has appeared in them: *Journal of the Royal Anthropological Institute, Man, Sudan Notes and Records, Africa, African Affairs, American Anthropologist, Annali Lateranensi, Anthropological Quarterly*, and *Sociologus*.

I owe a very great debt to Dr. R. G. Lienhardt. He has read the whole of this book at various stages of its growth and has made many suggestions which I have adopted. We have discussed its contents so often that I am scarcely able to say what I owe to him and what I do not. I can only say that I doubt whether I would have written it at all if it had not been for his interest and encouragement. His help has been all the more valuable, and the more generous, in that it was given in the light of as yet unpublished conclusions he had reached by his study of Dinka religion.

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the same connotation. It may be an elliptical statement, signifying that the thing referred to is a manifestation of Spirit in the sense of God revealing himself in instruments or effects. Or it may be a symbolical statement, signifying that what in itself is not Spirit but represents Spirit to certain persons is for these persons Spirit in such contexts as direct attention to the symbolic character of an object to the exclusion of whatever other qualities it may possess. Or it may be a statement signifying something closer to identity of the thing spoken of with what it is said to be, Spirit. The statements never, however, signify complete identity of anything with Spirit, because Nuer think of Spirit as something more than any of its modes, signs, effects, representations, and so forth, and also as something of a different nature from the created things which they are. They are not able to define what it is, but when it acts within the phenomenal world they say it has come from above, where it is conceived to be and whence it is thought to descend. Consequently Spirit in any form can be detached in the mind from the things said to be it, even if they cannot always be so easily detached from the idea of Spirit.

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I can take the analysis no farther; but if it is inconclusive it at least shows, if it is correct, how wide of the mark have been anthropological attempts to explain the kind of statements we have been considering. Anthropological explanations display two main errors. The first, best exemplified in the writings of Lévy-Bruhl, is that when a people say that something is something else which is different they are contravening the Law of Contradiction and substituting for it a law of their own prelogical way of thinking, that of mystical participation.[1] I hope at least to have shown that Nuer do not assert identity between the two things. They may say that one is the other and in certain situations act towards it as though it were that other, or something like it, but they are aware, no doubt with varying degrees of awareness, and readily say, though with varying degrees of clarity and emphasis, that the two things are different. Moreover, it will have been noted that in the seemingly equivocal statements we have considered, with perhaps one exception, the terms cannot be reversed. The exception

[1] I refer to his earlier writings, in particular *Les Fonctions mentales dans les sociétés inférieures* (1910) and *La Mentalité primitive* (1922). The second part of his last book, *L'Expérience mystique et les symboles chez les primitifs* (1938), which took account of modern research, is a brilliant discourse on the problems we have been discussing.

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is the statement that twins are birds, because it can also be said that birds are twins. That a hatch of birds are twins is a statement, to which we also can give assent, which does not derive logically from the statement that twins are birds but from a perception independent of that proposition; so it does not concern our problem. Rain may be said to be God but God cannot be said to be rain; a cucumber may be called an ox but an ox cannot be called a cucumber; and the crocodile may be said to be Spirit but Spirit cannot be said to be the crocodile. Consequently these are not statements of identity. They are statements not that something is other than it is but that in a certain sense and in particular contexts something has some extra quality which does not belong to it in its own nature; and this quality is not contrary to, or incompatible with, its nature but something added to it which does not alter what it was but makes it something more, in respect to this quality, than it was. Consequently, no contradiction, it seems to me, is involved in the statements.

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Whether the predicate refers to a conception or to a visible object the addition makes the subject equivalent to it in respect to the quality which both now have in common in such contexts as focus the attention on that quality alone. The things referred to are not the same as each other but they are the same in that one respect, and the equivalence, denoted by the copula, is not one of substance but of quality. Consequently we cannot speak here, as Lévy-Bruhl does, of mystical participation, or at any rate not in his sense of the words, because the two things are not thought to be linked by a mystical bond but simply by a symbolic nexus. Therefore, what is done to birds is not thought to affect twins, and if a totem is harmed the spirit of that totem may be offended but it is not harmed by the harm done to the totemic creature.

That the relation between the thing said to be something else and that something else it is said to be is an ideal one is indeed obvious, but anthropological explanations of modes of primitive thought as wide apart as those of Tylor, Max Müller, and Lévy-Bruhl, are based on the assumption that though for us the relation is an ideal one primitive peoples mistake it for a real one; and those anthropologists who sponsor psychological explanations often make the same assumption. This is the second error. If my interpretation is correct, Nuer know very well when they say that a crocodile is Spirit that it is only Spirit in the sense that Spirit is

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represented to some people by that symbol just as they know very well that a cucumber is only an ox in the sense that they treat it as one in sacrifice. That they do not mistake ideal relations for real ones is shown by many examples in this book: the identification of a sacrificial spear with that of the ancestor (p. 240), the identification of man with ox in sacrifice (p. 262), the identification of a man's herd with that of the ancestor of his clan (p. 258), the identification of sickness and sin in a sacrificial context (pp. 191–2), and the identification of the left hand with death and evil (pp. 233–6). It is shown also in the symbolism of many of their rites, where their purpose is expressed in mimicry (pp. 231–2).

I think that one reason why it was not readily perceived that statements that something is something else should not be taken as matter-of-fact statements is that it was not recognized that they are made in relation to a third term not mentioned in them but understood. They are statements, as far as the Nuer are concerned, not that *A* is *B*, but that *A* and *B* have something in common in relation to *C*. This is evident when we give some thought to the matter. A cucumber is equivalent to an ox in respect to God who accepts it in the place of an ox. A crocodile is equivalent to Spirit only when conceived of as a representation of God to a lineage. Consequently, though Nuer do not mistake ideal relations for real ones, an ideal equivalence is none the less true for them, because within their system of religious thought things are not just what they appear to be but as they are conceived of in relation to God.

This implies experience on an imaginative level of thought where the mind moves in figures, symbols, metaphors, analogies, and many an elaboration of poetic fancy and language; and another reason why there has been misunderstanding is that the poetic sense of primitive peoples has not been sufficiently allowed for, so that it has not been appreciated that what they say is often to be understood in that sense and not in any ordinary sense. This is certainly the case with the Nuer, as we see in this chapter and in many places elsewhere in this book, for example, in their hymns. In all their poems and songs also they play on words and images to such an extent that no European can translate them without commentary from Nuer, and even Nuer themselves cannot always say what meaning they had for their authors. It is the same with their cattle- and dance-names, which are chosen both for euphony

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and to express analogies. How Nuer delight in playing with words is also seen in the fun they have in making up tongue-twisters, sentences which are difficult to pronounce without a mistake, and slips of the tongue, usually slips in the presence of mothers-in-law, which turn quite ordinary remarks into obscenities. Lacking plastic and visual arts, the imagination of this sensitive people finds its sole expression in ideas, images, and words.

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In this and the last chapter I have attempted to lay bare some features of the Nuer conception of Spirit. We are not asking what Spirit is but what is the Nuer conception of *kwoth*, which we translate 'Spirit'. Since it is a conception that we are inquiring into, our inquiry is an exploration of ideas. In the course of it we have found that whilst Nuer conceive of Spirit as creator and father in the heavens they also think of it in many different representations (what I have called refractions of Spirit) in relation to social groups, categories, and persons. The conception of Spirit has, we found, a social dimension (we can also say, since the statement can be reversed, that the social structure has a spiritual dimension). We found also that Spirit, in the Nuer conception of it, is experienced in signs, media, and symbols through which it is manifested to the senses. Fundamentally, however, this is not a relation of Spirit to things but a relation of Spirit to persons through things, so that, here again, we are ultimately concerned with the relation of God and man, and we have to consider not only what is the God-to-man side of the relationship, to which attention has so far mostly been given, but also the man-to-God side of it, to which I now turn.

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774 further that when the tusks are removed they are first buried
224 under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kirpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

774 The only occasions on which I have heard Nuer speak of crea-
778 tures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*came nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

774 I have discussed this question partly because it was necessary
776 to do so to make clear that in Nuer thought the soul is something essentially human which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be
● [121] seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

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can offer sacrifice on behalf of himself or others, intermediaries 782
are not required.

Before giving an account of the succession of acts which constitute a sacrifice it is advisable to say further that though the acts 782 781
are almost always the same and performed in the same order they are much more elaborate on some occasions than on others. A mortuary ceremony must begin between dawn and sunrise and is carried out by long, slow, solemn stages. The rites of sacrifice at marriage ceremonies are, on the contrary, often carried out in a perfunctory manner, giving the impression that they are regarded as little more than a formality. Likewise there is much variation in the attention paid to the rites by those present but not taking an active part in them. In some sacrifices they pay little attention to them, or even ignore them altogether, continuing their dancing or talking among themselves about their own affairs. Thus, in my experience, at sacrifices in marriage ceremonies only close kin of the persons immediately concerned take much, or even any, interest in the ritual. Even sacrifices in honour of a spirit may be performed in a perfunctory manner, it being thought that all that is required is that a beast be offered so that the spirit may know that it has not been forgotten. But on occasions of serious sickness, of grave danger, and of death the spectators sit quietly in a line or semicircle and give silent attention to what is being said and done. The amount of attention paid and its intensity depend on the nature of the occasion and the degree to which spectators are personally involved.

Therefore the many attempts that have been made to explain 782
primitive religions in terms of supposed psychological states—awe, 781
religious thrill, and so forth—are, as far as the Nuer are concerned, 121
inept because the feelings of officiants and spectators are, in so far as they are discernible, clearly different on different occasions and in different parts of the same ceremony. This is obvious to anyone who sees a few Nuer sacrifices. Some people are paying attention and others not. Some are solemn, others gay. Wedding and funeral sacrifices do not evoke the same response, nor do initiation and incest sacrifices, nor even the opening and closing sacrifices of a mortuary ceremony. The feelings of close kin are not the same as those of distant kin. There is no need to labour the point. What is important in sacrifice is not how people feel, or even how they behave—a serious mien when the occasion is a solemn one is a

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782 matter of sentiment and good manners, not of religion. What is
781 important is that the essential acts of sacrifice be carried out and,
121 especially in personal sacrifices, with a right intention, which is a matter of disposition, not of emotion.

III

792 Almost all sacrifices, whether personal or collective, have the same general features. A description of one is therefore, apart from details, a description of almost all. The victim is brought to the place of sacrifice and there are performed in succession the four acts which compose the sacrificial drama: presentation, consecration, invocation, and immolation. Other features may be added, such as libations and aspersions and, mostly in sacrifices to spirits, hymn-singing, but these are supernumerary acts. The essential rites of the sacrifice proper are the four I have mentioned. They form what might be called the canon of sacrifice.

The first act is the *pwot*, the driving into the ground of a tethering-peg and the tethering of the animal to it. The officiant presents the victim to God. The man who stakes the victim is called *pwot yang*, the tetherer of the cow, and as in collective sacrifices this is generally done by the master of ceremonies of the family concerned he is commonly referred to in a sacrificial context by this title. Sometimes, after the victim has been staked, a libation, of milk, beer, or water, is poured over, or at the foot of, the peg.

Then takes place the *buk*, the rubbing (with ashes), the act of consecration (Plate VIII). The man who is about to speak the first invocation rubs ashes of cattle-dung lightly on the victim's back with his right hand. Each speaker does this in turn, and in some sacrifices all present place ash on the victim's back whether they make invocations or not. I discuss later (pp. 261–2 and 279–81) the meaning of rubbing ashes, when I shall try to show that it is not only a consecration of the beast to God but also an identification of man with ox.

Then takes place the *lam*, the invocation (Plate IX). The officiant, holding his spear in his right hand, speaks to God over the consecrated victim. The invocation states the intention of the sacrifice and matters relevant to it. Occasionally, when a sacrifice is a very perfunctory affair, no words are spoken. When asked about the omission Nuer say that the sacrifice is the *lam*, by which they

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ourselves what light is shed by what we have discovered about Nuer sacrifice on theories of sacrifice put forward by anthropologists and others and attempt, with the aid of these theories, and in terms of them, to reach a deeper understanding of it. 782

Much has been written about the nature of sacrifice, and this is not surprising in view of the central position it has had in the Hebrew and Christian religions and in the religions of pagan Greece and Rome. As is well known, there have been two main theories of sacrifice, the communion theory and the gift theory. The communion theory was given wide currency by Robertson Smith in his *Lectures on the Religion of the Semites* (1889). Briefly, his theory was that primitive sacrifice, and particularly early Semitic sacrifice, was a feast in which the god and his worshippers ate together. It was a communion or act of social fellowship—not a gift, not a tribute, not a covenant, not an expiation, not a propitiation. All these ideas were either much later or, if present in the earliest forms of sacrifice, were secondary or even merely germinal. Moreover, the sacrificial victim was a sacred beast, not in virtue of being set apart or consecrated for sacrifice, but intrinsically. It was the totem of the clan and hence of the same blood as the people who slew it and ate it. But in a sense it was also the god himself, for the god was the ancestor of the clan and therefore kin to both his worshippers and their totemic victim. By sacramentally eating their god, the theanthropic and theriomorphic victim, the worshippers acquired spiritual strength. 782 121

The totemic part of this theory is unacceptable, since there is almost no evidence that can be adduced in support of it, either from the literature concerning the early Hebrews, with whom Robertson Smith was chiefly concerned, or from accounts of primitive peoples, to which he made appeal. Moreover, I think that every competent Old Testament scholar would today admit the accuracy of Buchanan Gray's conclusions that the idea of gift rather than that of communion was predominant in even the earliest Hebrew sacrifices known to us, that the ideas of expiation and propitiation were present in these earliest sacrifices, and that it is clear that by the time of Deuteronomy a eucharistic intention was present.[1] Even, therefore, in its more reasonable form, minus the totemic character of the victim, Robertson Smith's attempt to

[1] Buchanan Gray, *Sacrifice in the Old Testament: Its Theory and Practice*, 1925, pp. 1–82.

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show that festal communion between worshippers and their gods was the original form of Semitic sacrifice could only be a highly speculative hypothesis for times for which records, and hence evidences, are totally lacking. Nor do ethnographic accounts support it with regard to predominantly theistic religions, such as that of the Nuer. They only show, if their conclusions are correct, that among some peoples, such as some of the Bantu[1] who have a cult of the ancestors, sacrifices are sometimes communion feasts at which the ghosts and their living kinsmen are thought to feed together on the victim.

The communion theory as held by Robertson Smith and those who have accepted his interpretations gives us little aid towards understanding the nature of Nuer sacrifices to God, and they do not lend it support. The idea is excluded by definition in the case of their holocausts. The flesh of other victims can only be said to be in any sense sacred in such sacrifices as those in which parts of it may not be eaten by the sacrificers. In their common sacrifices of wild cucumbers the victims are in any case inedible. In none of their sacrifices is there any suggestion that God partakes of the essence of the flesh. What goes to him is the life, and it would be to extend the communion theory beyond legitimate bounds to say that his taking—not consuming—the life and man's eating of the flesh constitute a communion in the sense given to the idea by its upholders. Moreover, though men eat the carcass, and any man may partake of the flesh, their eating of it, however important socially this festal side to sacrifice may be, is not a sacramental meal but an ordinary commensual act of family or kin which, moreover, falls outside the sacrificial rites. Those who eat the flesh are not thought to gain spiritual strength by doing so. It might be held that the juices of the cucumber, and occasionally the chyme of a beast, have a sacramental use in the sacrificial situation, but the same could not be maintained of the flesh of animal victims. In the etymological sense of the word 'sacrifice' it is the life which is made *sacer* by the consecration, not the flesh which the sacrificers and others eat.

It is only in a mystical, and not in a material, sense that Nuer sacrifice might be called a communion, in the sense that through sacrifice man communicates with God, who is invoked to be present (*in-vocare*) to receive the life of the consecrated victim and

[1] W. C. Willoughby, *The Soul of the Bantu*, 1928, pp. 396 seq.

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to hear what it is that those who make the sacrifice desire of him. It is communion in this sense of union, of a *communio* established through the victim, that H. Hubert and M. Mauss were speaking of in their 'Essai sur la nature et la fonction du sacrifice'[1] when they said that in sacrifice a communication is established between the sacred and the profane by the intermediation of a victim. We may readily accept that the victim is an intermediary between God and man, in that they are brought together in the offering of its life. And if we ask why communion should be through a life, we are given an answer by the fourth-century neo-Platonist Sallustius,[2] that two living objects which are distant from one another can only be brought into union (συναφή) by means of an intermediary (μεσότης) of the same order, a third life.

We have, nevertheless, to bear in mind that the purpose of Nuer piacular sacrifices is to establish communication with God rather in order to keep him away or get rid of him than to establish a union or fellowship with him. What Georges Gusdorf[3] says of religious sacrifice in general, that it is made not only to the gods but against the gods, is very true for the Nuer, in whose piacular sacrifices prophylactic and apotropaic features are very evident. They are made in times of trouble, present or feared, and the trouble comes from God and in a sense is God. Sacrifice is made to persuade him to turn away from men and not to trouble them any more. It is made to separate God and man, not to unite them. They are already in contact in the sickness or other trouble. The sacrifice is intended to rid the sufferer of the spiritual influence whose activity is apparent in the sickness. There is here a paradox. God is separated from man by an act which brings them together. The solution of the paradox would seem to lie in a distinction between two kinds of union, union on a material plane which is to be dissolved in the moment of sacrifice by bringing about union on a moral plane. This solution is consistent with the Nuer representation of sickness in which the sickness itself, the moral or spiritual state of the sufferer, and the action of Spirit form a complex whole; ~~and~~ also with the essential ambiguity of their conception of God as the source of good and ill.

[1] Op. cit., p. 133.
[2] Sallustius, *Concerning the Gods and the Universe*, edit. with Prolegomena and Translation by Arthur Darby Nock, 1926, pp. 29–30 (sect. xvi of text).
[3] *L'Expérience humaine du sacrifice*, 1948, p. 78.

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Much older than the communion theory of sacrifice is the gift theory, supported among anthropological writers by Sir Edward Tylor and Herbert Spencer. For Tylor[1] sacrifices are gifts made to a deity as if he were a chief. This would not be a happy explanation for Nuer sacrifice, as they have no chiefs. For Spencer[2] sacrifice has developed from the placing of offerings on the graves of the dead to please their ghosts. This would also not be a happy explanation in the case of the Nuer, who do not make offerings in this manner to the dead. Other writers who regard sacrifice as being essentially a gift to gods stress a variety of motives: to nourish the gods, to obtain favours from them, to propitiate their wrath, to draw nearer to them, to create harmony between God and man, to expiate sins; or they emphasize their eucharistic, commemorative, or other intentions.

Now Nuer sacrifice is clearly a gift of some sort. They say that they are giving God a thing, a gift. But it is a gift which is immolated, it is that which makes the offering a sacrifice. And the gift must be a life or something which stands for a life. Moreover, a gift is a far from simple idea. It is a symbol which may have many different meanings and shades of meaning. We have to determine what sense or senses it has in Nuer sacrifices.

In their piacular sacrifices to God, which I am now discussing, they give something to get rid of some danger or misfortune, usually sickness. We found that the general idea underlying such sacrifices was that of substitution, the life of a beast being given in exchange for the life of a man. The ideas of purchase, redemption, indemnification, ransom, exchange, bargain, and payment are very evident in Nuer sacrifices, as the words by which they refer to them indicate; and they are not peculiar in this, for, as Hubert and Mauss rightly emphasize, there is probably no sacrifice in which there is not some idea of redemption and something of the nature of a contract.[3] As in the reciprocity of all giving and receiving, as Mauss points out also in his 'Essai sur le Don',[4] sacrifice establishes a contractual relationship between persons, those who give and those who receive. We can say definitely that a relation-

[1] *Primitive Culture*, 1913 ed., chap. xviii.
[2] *The Principles of Sociology*, vol. ii, 1883, p. 102.
[3] Op. cit., p. 134.
[4] *L'Année sociologique*, 1925, pp. 53–60 (Eng. trans. by Ian Cunnison: *The Gift*, 1954, pp. 12–16).

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ship of this kind, based on a sort of exchange, is involved in Nuer sacrifices; but if they include, they go beyond, the dialectic of exchange and contract, even when thought of in terms of persons and not of things, for we can hardly speak of simple exchange or contract when one side in reality gets nothing and the other side may get nothing too. 782 121

This is an old problem. Since in most Nuer sacrifices men eat the carcass of the victim, what is God supposed to receive? Nuer say that he gets the life, but they also sense that, as this is his already, he gets nothing. It is his already not only in that it is no longer man's because man has consecrated it to him, so that in the sacrificial invocation the officiant tells God to take 'thy cow' and not 'my cow' or 'our cow', sometimes putting his hand on the beast or pointing at it with his spear as he does so to direct attention to the devoted animal, and uses the expressions *kam yang*, to give a beast in the sense of delivering what is due, and *kan yang*, to take a beast in the sense of taking what is the right of the taker. Nor is it his only in the wider sense that all beasts of the flocks and herds are in a general way of speaking devoted to him, being reserved for sacrifice to him, so that they ought not to be killed for any other purpose. The victim is always his in a yet more general religious sense which extends beyond, and is not derived from, the sacrificial situation, in the sense, that is, that everything belongs to him. In giving a beast to God man without doubt loses something but God, to whom it belongs anyhow, gains nothing. But though this sense of God's ownership may be general it is not unprecise. Thus, Nuer do not complain when a beast is killed by lightning or sickness, for God has a right to take his own, and here also they speak to God about it as '*yangdu*', 'thy cow', so the expression is not determined by formal consecration, which merely gives greater emphasis to it. All life belongs to God. It comes from him and to him it returns, and when he wants it he takes it. Indeed, his taking a beast by lightning or sickness has a certain similarity to sacrifice in that Nuer say that God takes the life of the beast in the place of the life of its master, the beast, as they say, in this manner shielding the man; but it differs otherwise from true sacrifice where man makes an offering of his own accord, and what he offers is a consecrated life.

If God gains nothing have we then to interpret Nuer sacrifice in terms of what man loses, in the sense of abnegation the word

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782 'sacrifice' has come to have in our own language? Is it that man
121 deprives himself of something that should take the emphasis? This also is an old problem. It cannot be denied that, although there is no sacrificial tariff, Nuer feel that the greater the crisis the greater should be the offering. At least some cattle should be slaughtered to stay a plague, and their carcasses are abandoned. In mortuary ceremonies oxen, and even cows, must be sacrificed. In cases of serious sin or grave sickness it is desirable to sacrifice an ox if one can be spared. In lesser crises a goat or a sheep suffices, or even a cucumber. All this suggests that the greater the danger the higher should be the payment, the more valuable the gift or substitute and the more complete the surrender of it. But though it may be so, the matter is more complex. It is of course true that cattle are by far the most valuable possessions of the Nuer, but, though doubtless their high value is an important consideration, we have to remember that it is not merely a question of relative value but also one of religious tradition and convention. Men and oxen have a symbolic equivalence in the logic of sacrifice, so that whatever is sacrificed is an 'ox'. If there were enough oxen one might always sacrifice an ox, and in symbol and by surrogate one does so; but as there are not enough, other offerings have to take their place and oxen be kept for the greater crises and those important ceremonial occasions when quantity of meat is a primary consideration. When an ox is sacrificed it is not just a matter of making the highest bid for divine favour when it is most needed, on the principle that the greater the gift the greater will be the return. This is evident from the fact that the victims in marriage ceremonies must be oxen, for here the ideas of substitution and exchange are least in evidence and the purpose of sacrifice is social rather than religious. Nor, in piacular sacrifices, should the holocaust be taken as evidence that it is simply a matter of the greater the need the greater must be the surrender, for when the carcasses of victims are abandoned to stave off plagues and murrains there is the idea of the evils entering into their bodies; and since the sacrifices are made on behalf of everybody no one can eat them. They are holy for all and not, as in some sacrifices where one half of the victim is abandoned, only for certain persons.

But valuable though his beasts are to Nuer and great the loss of them—even though he may feast on their carcasses he still loses them—they themselves freely explain that it is not so much what

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is sacrificed that is important as the intentions of those who sacrifice. If a man is poor he will sacrifice a goat, or even a cucumber, in the place of an ox, and God will accept it. A man should give according to his circumstances, and the sacrifice is not less efficacious because it is a small thing. The emphasis is not on the receiving but on the giving, on the sincerity of intention. It is a question, Nuer say, of the heart or, as we would say, of disposition. It is clear, indeed, that if God is prepared to accept a cucumber instead of an ox it is not merely the thing itself which is significant, for a cucumber can have no use or value for him. We should fix our attention on the suppliant as well as on what he offers, for what he offers is not only whatever it may happen to be but also the expression of an interior state. If a cucumber costs man nothing and benefits God not at all, we have surely to seek deeper into the ideas of payment, substitution, or exchange for the meaning of sacrificial gifts.

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All gifts are symbols of inner states, and in this sense one can only give oneself; there is no other kind of giving. This has often been said and in the sense in which it is said it is true. But the idea is a very complex one. When Nuer give their cattle in sacrifice they are very much, and in a very intimate way, giving part of themselves. What they surrender are living creatures, gifts more expressive of the self and with a closer resemblance to it than inanimate things, and these living creatures are the most precious of their possessions, so much so that they can be said to participate in them to the point of identification.

But it is not only in this rather general sense of identification of men with cattle that Nuer can be said to offer up themselves in offering up their cattle in sacrifice. We have seen that one of the chief features of their sacrifices is the rubbing of ashes along the backs of the victims. It is true that this may be regarded as an act of consecration but it is also, to a greater or lesser degree, an act of identification. Identification of sacrificer with victim is a common interpretation by ancient and modern writers on the subject. Indeed, it is quite explicit in some religions, in particular in certain Vedic, Hebrew, and Muslim rites, that what one consecrates and sacrifices is always oneself, and this is sometimes symbolically represented by laying of hands on the victim. It is an interpretation which makes good sense for Nuer piacular sacrifices. I have not, it is true, heard Nuer say that this is what the laying on of

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782 hands means to them—it is our interpretation, what it means to
121 us—but I have already given reasons for my conclusion that this meaning is implicit in their sacrifices also, and I do not think that their piacular sacrifices, where the life of an animal is substituted for the life of a man, are intelligible unless this is granted.[1]

But if a man gives himself in sacrifice he does so in the symbolism of substitution, in what Loisy calls a 'figuration' (*Essai historique sur le sacrifice*, 1920). He is acting a part in a drama. It is the ox which dies, not he. Once again, this is an old problem. In trying to solve it we must recall that the purpose of Nuer piacular sacrifices is either to get rid of some present evil or to ward off some threatening evil, and also that the evil is very often connected with ideas of sin, fault, and error, and hence with feelings of guilt. The notions of elimination, expulsion, protection, purification, and propitiation and expiation cannot easily be separated out in these sacrifices, though in any particular sacrifice it may be possible to say that one or other notion is most in evidence. The sense of fault is, as we have noted, clearly expressed in the sacrificial rites, in the confession of grievances and resentments, which is a feature of some sacrifices, and also in the sacrificial invocations, which must state a true account of everything which has led up to the crisis. But it is most clearly and dramatically expressed by the common practice of all present placing ashes on the back of a beast and then either washing them off or slaughtering it. Nuer say that what they are doing is to place all evil in their hearts on to the back of the beast and that it then flows into the earth with the water or the blood. This is not done in most piacular sacrifices, but in almost all such sacrifices someone places ashes on the victim's back on behalf of those for whom the sacrifice is being made; and Nuer say of the sacrifice that whatever evil has occasioned it is placed on the back of the victim and flows away with its blood

[1] It is quite explicit among the neighbouring Shilluk people. The Rev. D. S. Oyler ('The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 198) describes how in a sacrifice by their king he says in his invocation over the victim 'the flesh of this animal is as my flesh, and its blood is the same as my blood'. I asked Dr. Mary Smith to discuss with Nuer the rubbing of ashes on sacrificial victims in the light of what has been said about it in this chapter. Nuer told her that it was done to show God his animal and also so that the bad or evil would go out of them into the ox—they said it was '*luoli ni tek*', 'exchanging life' (life of man for life of beast). She concludes 'it certainly seems to me that you are right when you draw this conclusion from these actions and what they say'.

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into the earth. We have also seen how in some animal sacrifices, and always when a cucumber is sacrificed, the evil is said to go into the left half of the victim, which is therefore abandoned, and how in the case of other offerings they are entirely abandoned for the same reason. They are asking God to take away the evil and that the evil may be ransomed or expiated or wiped out with the victim. It is clear, therefore, that the laying on of hands is not only a consecration and an identification but also a transference on to the victim of the evil which troubles the sacrificer, and which, as we have noted earlier, is in a sense Spirit itself. It is put on to the victim and departs with its life. The victim thus has the role of scapegoat. This does not mean that the victim is made responsible for the evil. There is no suggestion of *poena vicaria*. The ox is not punished in the place of the man but is a substitute for him in the sense of representing him. In the laying on of hands the ideas of consecration, identification, and transference seem to be blended in the representation of a substitute. If this is so, it would follow that what the sacrificer is doing is to identify himself with the victim within the meaning of the transference. In other words, he identifies that part of himself which is evil with the victim so that in its death that part may be eliminated and flow away in its blood. As Gusdorf,[1] quoting Nietzsche, aptly remarks, 'en morale, l'homme ne se traite pas comme un *individuum*, mais comme un *dividuum*'. The same idea is expressed when in danger Nuer throw away as an offering to God something representing themselves and in substitution for themselves—a bead, a tassel, or some other small object of personal adornment or a lump of tobacco—that the evil may depart with it and they be spared.[2]

In sacrifice, then, some part of a man dies with the victim. It can be regarded both as an absolution and a rebirth; and also as a self-immolation (the psycho-analysts use the word 'suicide').[3] Fundamentally, however, if we have to sum up the meaning of Nuer sacrifice in a single word or idea, I would say that it is a substitu-

[1] Op. cit., p. 178.

[2] Dr. P. P. Howell (*A Manual of Nuer Law*, 1954, p. 118) has recorded a most interesting, and as far as I know unique, act of self-mutilation for the same purpose. An elder of some social standing committed an act of bestiality with a cow and was so overcome by shame and remorse that, in addition to sacrificing a beast, 'as an act of expiation he cut off one of his own fingers with a spear'. Dr. Mary Smith was told by Nuer that a man who committed such an act would take his own life.

[3] R. Money-Kyrle, *The Meaning of Sacrifice*, 1930, pp. 148, 152, *et passim*.

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782 tion, *vita pro vita*. If it were not so it would be difficult to under-
121 stand at all why offerings to God should be immolated. The life can only be given by its liberation through death, as Professor E. O. James emphasizes in his *Origins of Sacrifice*.[1] Substitution, a common enough interpretation of sacrifice,[2] is the central meaning of the rites—they are a giving or exchange or an expiation in that sense—whatever other ideas are mixed up in it or become attached to it.

But to sum up the meaning of Nuer piacular sacrifices in a single word scarcely does justice to the very complex set of ideas they express. We have found it necessary to use a variety of words in speaking of them: communion, gift, apotropaic rite, bargain, exchange, ransom, elimination, expulsion, purification, expiation, propitiation, substitution, abnegation, homage, and others. According to situation and particular purpose one element in this complex of meaning may be stressed in one rite and another element in another rite, or there are shifts in emphasis from one part of the sacrificial rite to another. The matter becomes yet more complicated and resistant to precise definition when we take into consideration the scale on which Spirit is figured to Nuer on different levels, and also their collective sacrifices, for in this chapter I have so far been discussing only sacrifices to God and only those made to him which belong to the piacular class.

III

782 In piacular sacrifices to God the *do ut des* notion, some sort of
776 exchange or bargain, may never be entirely absent but it appears in a refined and sublimated form. The favour requested does not follow automatically the sacrifice, *ex opere operato*. God is not compelled by the sacrifice to grant it. It is indeed obvious, to Nuer as well as to us, that, apart from there being no means by which bargaining with God can be conducted, it is no use trying to haggle with him, because he is master of everything and can want nothing. Nor is there any idea that God is at fault if he does not give what is asked for in sacrifice; in his dealings with man he always has the *cuong*, is in the right. But when we examine sacri-

[1] 1933, passim. His interpretation, as I understand it, of primitive sacrifice in terms of the *do ut possis dare metti* does not, however, accord with Nuer ideas.

[2] Given, among anthropologists, some emphasis by Edward Westermarck (*The Origin and Development of the Moral Ideas*, 1908, vol. ii, pp. 418 seq.).

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CHAPTER XIII

SOME REFLECTIONS ON NUER RELIGION

THE theories of writers about primitive religion have not been sustained by research. During the last century what was presented as theory was generally the supposition that some particular form of religion was the most primitive and that from it developed other forms, the development being sometimes presented as a succession of inevitable and well-defined stages. The form of religion presented by a writer as the most primitive was that which he considered to be the most simple, crude, and irrational; to exhibit most conspicuously 'crass materialism', 'primeval stupidity', 'naive eudaemonism', 'crude anthropomorphism', or 'daemonic dread'. Many such origins have been propounded: magic, fetishism, manism, animism, pre-animism, mana, totemism, monotheism, etc. All this was for the most part pure conjecture. The determination of the *primordium*, in the absence of historical evidences, was, as Schleiter, among others, has shown, quite arbitrary.[1] 121 ●

Nuer religion, like any other, has, of course, a history, but we can only trace it in so far as it survives in the memories of the Nuer themselves, for reports by travellers, which start barely a century ago, are on this matter slight and unreliable. Ethnological research can supply us only with indirect evidences; archaeological research, were it to be undertaken, probably with none at all. However, Nuer statements, supported by ethnological evidences, enable us to say with a fair degree of probability what have been the main lines of development during the last hundred years. Now, if we take the Nuer as we find them today and as we have good reason to think them to have been in the recent past, an account of their religion at least shows the inadequacy of most of these so-called evolutionary theories and exposes the conceit of the assumptions on which they were based. The Nuer are undoubtedly a primitive people by the usual standards of reckoning, but their religious thought is remarkably sensitive, refined, and intelligent. It is also highly complex. 771 121

[1] Frederick Schleiter, *Religion and Culture*, 1919, p. 39.

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/2/ Explanations of primitive religions were often couched at the same time both in terms of historical origins and of psychological origins, which made for great confusion, especially as the logical and chronological senses of 'primitive' and 'origin' were also seldom kept distinct. The psychological explanations were very varied, changing with changes in psychological theory. Intellectualist interpretations were succeeded by emotionalist interpretations and they by psycho-analytical intepretations. Religion was discussed and explained in terms of association of ideas, of personification of natural phenomena, of awe, of thrill, of fear, anxiety and frustration, of projection, and so forth. Most of these theories have long ago been discredited as naïve introspective guesses.

781 /2/ Certainly one cannot speak of any specifically religious emotion for the Nuer. One can only judge by overt behaviour on occasions of religious activity and, as I have noted, on such occasions Nuer may be afraid, anxious, joyful, indifferent, or in other states, according to the situation and the degree to which they are involved in it. Miss Ray Huffman says that their religion is one of fear,[1] and I feel I ought to say, and I do so with her permission, that this is the one point with which Dr. Mary Smith finds serious fault in my account of it. She, like Miss Huffman, holds that it is a religion of fear, even of terror. For me this is an over-simplification and a misunderstanding. It is true that Nuer, like everyone else, fear death, bereavement, sickness, and other troubles, and that it is precisely in such situations that they so often pray and sacrifice. It can be admitted also that, in that these troubles are manifestations of Spirit, they fear Spirit and wish to be rid of it. But we cannot say that on that account their religion is simply one of fear, which is, moreover, a very complex state of mind, and one not easy to define or assess. On the contrary, it is because Nuer are afraid of these misfortunes that one might speak of their religion as one of hope and comfort. But I think what fits the facts best is to say that it is a religion of both fear and trust, which may be opposites but are not contraries, or that the Nuer attitude towards Spirit might be described as ambiguous, and perhaps as ambivalent. The question is much complicated by the different ways Nuer represent Spirit to themselves and their different attitudes to it at different levels of representation. We have further to recognize

[1] Op. cit., p. 56.

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that the sense of guilt which is often so evident in misfortunes is not just fear but a complex psychological state, and also that it varies in intensity from one situation to another. Nuer thought in these matters is involved, for a serious danger may not be just an adventitious intrusion of Spirit into human affairs. It often has a moral significance. It is then not so much regarded as a natural crisis which can be overcome by spiritual aid as a moral crisis brought about by human action, and of which the outcome, it is thought, may depend on so delicate and indiscernible a factor as intention. Faced with so complex and variable a problem, to speak of Nuer religion simply as one of fear or awe, or as a projection or as cathartic, and so forth, must be a distortion, and one that does not greatly help us to understand it. All emotions enter into it; they blend; and there is nothing constant that we can say is characteristic of the religious life, which is rather to be defined in terms of disposition than of emotion. 781 121

Sociological theories of religion have frowned on evolutionary and psychological explanations alike. They have rather sought to understand primitive religions, or certain aspects of them, as products of social life. Fustel de Coulanges, Robertson Smith, Durkheim, Mauss, Hertz, and others have shown successfully that many features of these religions can be understood only by sociological analysis, by relating them to the social structure. This is true of Nuer religion. I do not think, for example, that the configuration of Spirit, the faults which are regarded as sins, and the roles of master of ceremonies, priest, and prophet in sacrifice can be fully understood without a knowledge of the social order. But Durkheim and his colleagues and pupils were not content to say that religion, being part of the social life, is strongly influenced by the social structure. They claimed that the religious conceptions of primitive peoples are nothing more than a symbolic representation of the social order. It is his society that primitive man worships in the symbol of a god. It is to his society that he prays and makes sacrifice. This postulate of sociologistic metaphysic seems to me to be an assertion for which evidence is totally lacking. It was Durkheim and not the savage who made society into a god. 121

All these theories about primitive religions, evolutionary, psychological, and sociological, suffered from a common weakness. The facts on which they were based were both inadequate and unreliable. Indeed, such wide generalizations could only have

• 12.1 been put forward at a time when systematic studies of the religions of primitive peoples were lacking, and by persons with no direct, however slight, experience of them. That they were in reality *a priori* assumptions posited on the facts rather than scientific conclusions derived from them became increasingly apparent as new knowledge of these religions came to light and their variety and complexity were better appreciated. It is indeed surprising that these writers, whose speculations were for the most part attempts to explain religion as a general phenomenon, should have turned their attention exclusively to the religions of present-day primitive peoples or to the earliest forms of the higher religions—to those religions, that is, about which information was the most lacking and the most uncertain—rather than to the contemporaneous world religions with their vast literatures and known histories, to Christianity, Islam, Hinduism, Buddhism, and others. Had they done so, however, and, even more, had they conducted research into what these religions mean to ordinary people rather than into how philosophers, theologians, lawyers, mystics, and others have presented them, they would have seen how inadequate their theories were. Also, the religions of primitive peoples could [illegible] thing so unlike the religions of civilization that they appeared to require a special kind of interpretation and a special vocabulary.

The insufficiencies of the theories of primitive religions I have mentioned are apparent to all students today, but little has been put in their place. Certainly one reason for this is that though during the last thirty or so years many and intensive investigations of primitive peoples have been made there have been few systematic studies of what we may call, in order to include a wider range of phenomena than are usually placed under the rubric of religion, primitive philosophies. The word 'philosophy' is used here, for want of a better, in the general sense of the German 'Weltanschauung'. That more studies of the kind have not been made can be attributed to some extent to a lack of interest among anthropologists, and this is perhaps in part to be accounted for by the fact that the theories they inherited from earlier students could not be broken down into problems permitting investigation in the field. No one can put to the test of observation a theory that magic preceded religion or that when a people worship a spiritual being

16: Evans-Pritchard E-S (1931, 1936) 1956
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it is nature or their own society that they worship. We have, therefore, in the study of primitive philosophies to begin anew to build up a body of theory and to formulate problems in the light of it. There is only one way in which this can be done. A number of systematic studies of primitive philosophies has to be made. When that has been done a classification can be made on the basis of which comparative studies can be undertaken which possibly may lead to some general conclusions. This book is intended as a contribution which it is hoped may be useful in the building up of a classification of African philosophies. /21/

Such a classification of African philosophies must naturally be by reference to their chief and characteristic features. Among all African peoples we find in one form or another theistic beliefs, manistic cult, witchcraft notions, interdictions with supernatural sanctions, magical practices, &c., but the philosophy of each has its own special character in virtue of the way in which among that people these ideas are related to one another. It will be found that one or other belief, or set of beliefs, dominates the others and gives form, pattern, and colour to the whole. Thus, among some peoples, notably a large proportion of the Bantu, the dominant motif is provided by the cult of ancestors; among others, some of the Sudanic peoples for example, it is found in the notion of witchcraft, with which are bound up magical and oracular techniques; among others, such as the Nuer, Spirit is in the centre of the picture and manistic and witchcraft ideas are peripheral; and among other peoples yet other notions predominate. The test of what is the dominant motif is usually, perhaps always, to what a people attribute dangers and sickness and other misfortunes and what steps they take to avoid or eliminate them. /21/ 771

Nuer philosophy is, as we have seen, essentially of a religious kind, and is dominated by the idea of *kwoth*, Spirit. As Spirit cannot be directly experienced by the senses, what we are considering is a conception. *Kwoth* would, indeed, be entirely indeterminate and could not be thought of by Nuer at all were it not that it is contrasted with the idea of *cak*, creation, in terms of which it can be defined by reference to effects and relations and by the use of symbols and metaphors. But these definitions are only schemata, as Otto puts it, and if we seek for elucidation beyond these terms, a statement of what Spirit is thought to be like in itself, we seek of course in vain. Nuer do not claim to know. 771

1; Evans-Pritchard E-5 (1931, 1936) 1940
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000 Azande before embarking on a new task. I also knew that a study of the Nuer would be extremely difficult. Their country and character are alike intractable and what little I had previously seen of them convinced me that I would fail to establish friendly relations with them.

123 I have always considered, and still consider, that an adequate sociological study of the Nuer was impossible in the circumstances in which most of my work was done. The reader must judge what I have accomplished. I would ask him not to judge too harshly, for if my account is sometimes scanty and uneven I would urge that the investigation was carried out in adverse circumstances; that Nuer social organization is simple and their culture bare; and that what I describe is almost entirely based on direct observation and is not augmented by copious notes taken down from regular informants, of whom, indeed, I had none. I, unlike most readers, know the Nuer, and must judge my work more severely than they, and I can say that if this book reveals many insufficiencies I am amazed that it has ever appeared at all. A man must judge his labours by the obstacles he has overcome and the hardships he has endured, and by these standards I am not ashamed of the results.

It may interest readers if I give them a short description of the conditions in which I pursued my studies, for they will then be better able to decide which statements are likely to be based on sound observation and which to be less well-grounded.

• 122 I arrived in Nueriand early in 1930. Stormy weather prevented my luggage from joining me at Marseilles, and owing to errors, for which I was not responsible, my food stores were not forwarded from Malakal and my Zande servants were not instructed to meet me. I proceeded to Nueriand (Leek country) with my tent, some equipment, and a few stores bought at Malakal, and two servants, an Atwot and a Bellanda, picked up hastily at the same place.

When I landed at Yoahnyang[9] on the Bahr el Ghazal the Catholic missionaries there showed me much kindness. I waited

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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● 122 for nine days on the river bank for the carriers I had been promised. By the tenth day only four of them had arrived and if it had not been for the assistance of an Arab merchant, who recruited some local women, I might have been delayed for an indefinite period.

On the following morning I set out for the neighbouring village of Pakur, where my carriers dropped tent and stores in the centre of a treeless plain, near some homesteads, and refused to bear them to the shade about half a mile further. Next day was devoted to erecting my tent and trying to persuade the Nuer, through my Atwot servant who spoke Nuer and some Arabic, to remove my abode to the vicinity of shade and water, which they refused to do. Fortunately a youth, Nhial, who has since been my constant companion in Nuerland, attached himself to me and after twelve days persuaded his kinsmen to carry my goods to the edge of the forest where they lived.

My servants, who, like most natives of the Southern Sudan, were terrified of the Nuer, had by this time become so scared that after several sleepless and apprehensive nights they bolted to the river to await the next steamer to Malakal, and I was left alone with Nhial. During this time the local Nuer would not lend a hand to assist me in anything and they only visited me to ask for tobacco, expressing displeasure when it was denied them. When I shot game to feed myself and my Zande servants, who had at last arrived, they took the animals and ate them in the bush, answering my remonstrances with the rejoinder that since the beasts had been killed on their land they had a right to them.

My main difficulty at this early stage was inability to converse freely with the Nuer. I had no interpreter. None of the Nuer spoke Arabic. There was no adequate grammar of the language and, apart from three short Nuer-English vocabularies, no dictionary. Consequently the whole of my first and a large part of my second expedition were taken up with trying to master the language sufficiently to make inquiries through it, and only those who have tried to learn a very difficult tongue without the aid of an interpreter and adequate literary guidance will fully appreciate the magnitude of the task.

After leaving Leek country I went with Nhial and my two

1: Evans-Pritchard E-5' (1931, 1936) 1940
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Zande servants to Lou country. We motored to Muot dit with the intention of residing by the side of its lake, but found it entirely deserted, for it was too early for the annual concentration there. When some Nuer were found they refused to divulge the whereabouts of nearby camps and it was with considerable difficulty that we located one. We pitched our tents there and when the campers retired on Muot dit we accompanied them. /22

My days at Muot dit were happy and remunerative. I made friends with many Nuer youths who endeavoured to teach me their language and to show me that if I was a stranger they did not regard me as an obnoxious one. Every day I spent hours fishing with these lads in the lake and conversing with them in my tent. I began to feel my confidence returning and would have remained at Muot dit had the political situation been more favourable. A Government force surrounded our camp one morning at sunrise, searched for two prophets who had been leaders in a recent revolt, took hostages, and threatened to take many more if the prophets were not handed over. I felt that I was in an equivocal position, since such incidents might recur, and shortly afterwards returned to my home in Zandeland, having accomplished only three and a half months' work among the Nuer.

It would at any time have been difficult to do research among the Nuer, and at the period of my visit they were unusually hostile, for their recent defeat by Government forces and the measures taken to ensure their final submission had occasioned deep resentment. Nuer have often remarked to me, 'You raid us, yet you say we cannot raid the Dinka'; 'You overcame us with firearms and we had only spears. If we had had firearms we would have routed you'; and so forth. When I entered a cattle camp it was not only as a stranger but as an enemy, and they seldom tried to conceal their disgust at my presence, refusing to answer my greetings and even turning away when I addressed them.

At the end of my 1930 visit to Nuerland I had learnt a little of the language but had the scantiest notes of their customs. In the dry season of 1931 I returned to make a fresh attempt, going first for a fortnight to the American Mission at Nasser, where I was generously assisted by the American and Nuer staff,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

•/22 and then to cattle camps on the Nyanding river—an unfortunate choice, for the Nuer there were more hostile than those I had hitherto encountered and the conditions were harsher than any I had previously experienced. The water was scanty and foul, the cattle were dying of rinderpest, and the camps swarmed with flies. The Nuer would not carry my stores and equipment, and as I had only two donkeys, one of them lame, it was impossible to move. Eventually I managed to obtain a lorry and extricate myself, but not before experiencing the Nuer in his most paralysing mood. As every effort was made to prevent me from entering the cattle camps and it was seldom that I had visitors I was almost entirely cut off from communication with the people. My attempts to prosecute inquiries were persistently obstructed.

Nuer are expert at sabotaging an inquiry and until one has resided with them for some weeks they steadfastly stultify all efforts to elicit the simplest facts and to elucidate the most innocent practices. I have obtained in Zandeland more information in a few days than I obtained in Nuerland in as many weeks. After a while the people were prepared to visit me in my tent, to smoke my tobacco, and even to joke and make small talk, but they were unwilling either to receive me in their windscreens or to discuss serious matters. Questions about customs were blocked by a technique I can commend to natives who are inconvenienced by the curiosity of ethnologists. The following specimen of Nuer methods is the commencement of a conversation on the Nyanding river, on a subject which admits of some obscurity but, with willingness to co-operate, can soon be elucidated.

I: Who are you?
Cuol: A man.
I: What is your name?
Cuol: Do you want to know my name?
I: Yes.
Cuol: You want to know my name?
I: Yes, you have come to visit me in my tent and I would like to know who you are.
Cuol: All right. I am Cuol. What is your name?
I: My name is Pritchard.
Cuol: What is your father's name?

1: Evans-Pritchard E-5 (1931, 1936) 1940
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I: My father's name is also Pritchard.
Cuol: No, that cannot be true. You cannot have the same name as your father. 122
I: It is the name of my lineage. What is the name of your lineage?
Cuol: Do you want to know the name of my lineage?
I: Yes.
Cuol: What will you do with it if I tell you? Will you take it to your country?
I: I don't want to do anything with it. I just want to know it since I am living at your camp.
Cuol: Oh well, we are Lou.
I: I did not ask you the name of your tribe. I know that. I am asking you the name of your lineage.
Cuol: Why do you want to know the name of my lineage?
I: I don't want to know it.
Cuol: Then why do you ask me for it? Give me some tobacco.

I defy the most patient ethnologist to make headway against this kind of opposition. One is just driven crazy by it. Indeed, after a few weeks of associating solely with Nuer one displays, if the pun be allowed, the most evident symptoms of 'Nuerosis'.

From the Nyanding I moved, still without having made any real progress, to a cattle camp at Yakwac on the Sobat river where I pitched my tent a few yards from the windscreens. Here I remained, save for a short interval spent at the American Mission, for over three months—till the commencement of the rains. After the usual initial difficulties I at last began to feel myself a member of a community and to be accepted as such, especially when I had acquired a few cattle. When the campers at Yakwac returned to their inland village I had no means of accompanying them and intended to visit Leek country again. A severe attack of malaria sent me to Malakal hospital, and thence to England, instead. Five and a half months' work was accomplished on this second expedition.

During the tenure of a subsequent appointment in Egypt I published in *Sudan Notes and Records* essays which form the basis of this book, for I had not expected to have a further opportunity to visit the Nuer. However, in 1935 I was granted a two years' research fellowship by the Leverhulme trustees to make an intensive study of the Pagan Galla of Ethiopia. As delay was caused by diplomatic chicanery I spent two and a half

1: Evans-Pritchard E-5 (1931, 1936) 1940
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●122 months on the Sudan–Ethiopian frontier making a survey of the Eastern Anuak, and when, at last, I entered Ethiopia the imminence of Italian invasion compelled me to jettison my Galla studies and enabled me to advance my investigation of the Nuer, during a further seven weeks' residence in their country, by revising earlier notes and by collecting more material. I visited the Nuer who live on the Pibor river, renewed my acquaintance with friends of the Nasser Mission and at Yakwac, and spent about a month among the Eastern Jikany at the mouth of the Nyanding.

In 1936, after making a survey of the Nilotic Luo of Kenya, I spent a final seven weeks in Nuerland, visiting that part of it which lies to the west of the Nile, especially the Karlual section of the Leek tribe. My total residence among the Nuer was thus about a year. I do not consider a year adequate time in which to make a sociological study of a people, especially of a difficult people in adverse circumstances, but serious sickness on both the 1935 and 1936 expeditions closed investigations prematurely.

123 Besides physical discomfort at all times, suspicion and obstinate resistance encountered in the early stages of research, absence of interpreter, lack of adequate grammar and dictionary, and failure to procure the usual informants, there developed a further difficulty as the inquiry proceeded. As I became more friendly with the Nuer and more at home in their language they visited me from early morning till late at night, and hardly a moment of the day passed without men, women, or boys in my tent. As soon as I began to discuss a custom with one man another would interrupt the conversation in pursuance of some affair of his own or by an exchange of pleasantries and jokes. The men came at milking-time and some of them remained till midday. Then the girls, who had just finished dairy-work, arrived and insisted on attention. Married women were less frequent visitors, but boys were generally under the awning of my tent if grown-ups were not present to drive them away. These endless visits entailed constant badinage and interruption and, although they offered opportunity for improving my knowledge of the Nuer language, imposed a severe strain. Nevertheless, if one chooses to reside in a Nuer camp one must submit to Nuer custom, and they are persistent and tireless visitors. The chief

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

ETHNOGRAPHIC SURVEY OF AFRICA

FOREWORD

121 The preparation of a comprehensive survey of the tribal societies of Africa was discussed by the Executive Council of the Institute as far back as 1937, but the interruption and restricting of its activities caused by the war resulted in the postponement of the project. Events and developments during recent years, however, have led to a wider recognition of the need for collating and making more generally available the wealth of existing but uncoordinated material on the ethnic groupings and social conditions of African peoples, particularly in connection with plans for economic and social development. Moreover, it appeared that the International African Institute, as an international body which has received support from and performed services for the different Colonial governments, was in a very favourable situation for undertaking such a task.

121 The Institute, therefore, in 1944 worked out a scheme for the pre-
122 paration of an Ethnographic Survey of Africa. A committee, under the chairmanship of Professor Radcliffe-Brown, was appointed to consider the scope and form of the Survey (the Editor's name appears on each volume) and collaboration was established with research institutions in South Africa, Rhodesia, East Africa, French West Africa, Belgium and the Belgian Congo. In addition to a grant from the British Colonial Development and Welfare Fund, awarded on the recommendation of the Colonial Science Research Council, the Institute has received a grant from the Government of the Anglo-Egyptian Sudan to assist in the preparation and publication of sections relevant to that territory, and this assistance is gratefully acknowledged in connection with the present study.

121 The aim of the Ethnographic Survey is to present a concise, critical,
128 and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and cult practices, technology and art of the African peoples. The material is to be presented as briefly and on as consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

128 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or cluster of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those interested in specific areas or groups. A list of the sections which have already appeared is given on the cover of this volume.

121 Since the unequal value and the generally unsystematic nature of the
127 available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can make no claim to be complete or definitive. Every effort has been made, however, to scrutinize all available literature and to check it by reference to unpublished sources and to workers actually in the field; thus it is

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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privation was the publicity to which all my actions were exposed, and it was long before I became hardened, though never entirely insensitive, to performing the most intimate operations before an audience or in full view of the camp. 123

Since my tent was always in the midst of homesteads or windscreens and my inquiries had to be conducted in public, I was seldom able to hold confidential conversations and never succeeded in training informants capable of dictating texts and giving detailed descriptions and commentaries. This failure was compensated for by the intimacy I was compelled to establish with the Nuer. As I could not use the easier and shorter method of working through regular informants I had to fall back on direct observation of, and participation in, the everyday life of the people. From the door of my tent I could see what was happening in camp or village and every moment was spent in Nuer company. Information was thus gathered in particles, each Nuer I met being used as a source of knowledge, and not, as it were, in chunks supplied by selected and trained informants. Because I had to live in such close contact with the Nuer I knew them more intimately than the Azande, about whom I am able to write a much more detailed account. Azande would not allow me to live as one of themselves; Nuer would not allow me to live otherwise. Among Azande I was compelled to live outside the community; among Nuer I was compelled to be a member of it. Azande treated me as a superior; Nuer as an equal.

I do not make far-reaching claims. I believe that I have understood the chief values of the Nuer and am able to present a true outline of their social structure, but I regard, and have designed, this volume as a contribution to the ethnology of a particular area rather than as a detailed sociological study, and I shall be content if it is accepted as such. There is much that I did not see or inquire into and therefore plenty of opportunity for others to make investigations in the same field and among neighbouring peoples. I hope they will do so and that one day we may have a fairly complete record of Nilotic social systems.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

CHAPTER I

INTRODUCTION

1. INTRODUCTORY

Sources, Methods, and Objectives

THE Nuer are a Nilotic people who live in the savannah and swamps of the Upper Nile Province in the Anglo-Egyptian Sudan. My acquaintance with them began in 1942 when I was appointed Assistant District Commissioner of the then Zeraf District which included three of their tribes. In 1943 a special body known as the Nuer District Commissioners' Meeting, and now called the 'Nuer Chiefs' Council', was set up by the Governor of the Province. The object was to enable administrators and chiefs, chosen from all Nuer Districts to represent their people, to discuss common interests, and ensure some consistency in administrative policy. One of the main subjects for discussion was the growing body of 'customary law' administered in Nuer tribunals established by the Government, and the obvious need for standardization of the general principles, although it was agreed that any form of rigid codification should be avoided. One of the first resolutions passed at this few meeting was that an [127] investigation should be made of the principles of Nuer customary law and a record kept. This *Manual of Nuer Law* springs from that resolution. I was able to study and record the cases which appeared before the courts throughout my service in the Zeraf District, and later, when the Lou Nuer tribe was incorporated to form what is now called Central Nuer District, to extend my enquiries further afield. Subsequently I had occasional opportunities of visiting other Nuer Districts and, although I was not then dealing with administrative affairs, I was able to check some of the information previously recorded. This Manual is, however, largely based on information from the Lak, Thiang, Gawar and Lou tribes, and it must be appreciated that I have not been able to cover all the detailed variations of customary law which are to be found in so large an area. It would be a mistake to believe that every Nuer court would give judgement always and exactly according to the law I have described, even though there is great consistency in general principles—a consistency which is fortified by decisions made subsequently at meetings of the Nuer Council.

By 'customary law' I mean the body of 'native law and custom' which is administered in Nuer courts under the Chiefs' Courts

8:Howell E, G-5 (1942-1944)1954
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671 Ordinance of 1931.[1] Such terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. From the time when I first visited Nuerland it was the 692 177 123 agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to provide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

[1] '7 (1). A Chief's Court shall administer—

(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law.

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It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adopted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', [551]
greeted as an intimate by men and women of all ages, praised, but often severely criticized, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come.

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for 691

2:Evans-Pritchard E-5 (1931,1936) 1951
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000 inter-relations of collateral lineages because they do not here directly concern us.

III

621 Having made what preliminary explanations seemed to be
602 necessary, I recount some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *mar*, kin, to one another: any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind —real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

[101] The village of Kenye is on a site on the left bank of the Pibor
361 and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and
• 124 attached homesteads was eighty to a hundred souls. I spent only a few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

2;Evans-Pritchard E-5 (1931, 1936) 1951
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the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye. 124

The chief man of the village is Rue-Wor (homestead 8)[1] and his son Deng-Rue (homestead 12)[2] is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*rul*) and not as an aristocrat (*dil*) in the Lou tribal territory where he resides, is the *tut*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruei wer*, an expression which appears to mean 'spittle of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village. 621

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community. 621 602 601

It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships,

[1] (cf. op. cit., p. 10) -- [illegible]

11:Evans-Pritchard E-5 (1931, 1936) 1945
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family, both legal and domestic, to demand a man's major allegiance at the 583
expense of the solidarity of the wider kinship group which provides a boy 602
with scope for his deepest interests and ambitions.

VIII

That these different forms of marriage and concubinage are of great 121
sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages.

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full 124
enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny.

Nyueny is a typical Nuer village. It consists of a number of huts and 361
byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest

8;Howell E. G-5 (1942-1944)1954
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[91] with in the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure is not even confined to actions in the courts. The negotiations which [514] take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (bar) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

[12.6] 114 The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

[12.] This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

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CHAPTER I

INTRODUCTION

1. INTRODUCTORY

Sources, Methods, and Objectives

THE Nuer are a Nilotic people who live in the savannah and swamps of the Upper Nile Province in the Anglo-Egyptian Sudan. My acquaintance with them began in 1942 when I was appointed Assistant District Commissioner of the then Zeraf District which included three of their tribes. In 1943 a special body known as the Nuer District Commissioners' Meeting, and now called the 'Nuer Chiefs' Council', was set up by the Governor of the Province. The object was to enable administrators and chiefs, chosen from all Nuer Districts to represent their people, to discuss common interests, and ensure some consistency in administrative policy. One of the main subjects for discussion was the growing body of 'customary law' administered in Nuer tribunals established by the Government, and the obvious need for standardization of the general principles, although it was agreed that any form of rigid codification should be avoided. One of the first resolutions passed at this first meeting was that an investigation should be made of the principles of Nuer customary law and a record kept. This Manual of Nuer Law springs from that resolution. I was able to study and record the cases which appeared before the courts throughout my service in the Zeraf District, and later, when the Lou Nuer tribe was incorporated to form what is now called Central Nuer District, to extend my enquiries further afield. Subsequently I had occasional opportunities of visiting other Nuer Districts and, although I was not then dealing with administrative affairs, I was able to check some of the information previously recorded. This Manual is, however, largely based on information from the Lak, Thiang, Gawar and Lou tribes, and it must be appreciated that I have not been able to cover all the detailed variations of customary law which are to be found in so large an area. It would be a mistake to believe that every Nuer court would give judgment always and exactly according to the law I have described, even though there is great consistency in general principles—a consistency which is fortified by decisions made subsequently at meetings of the Nuer Council.

By 'customary law' I mean the body of 'native law and custom' which is administered in Nuer courts under the Chiefs' Courts

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ETHNOGRAPHIC SURVEY OF AFRICA

FOREWORD

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121 122 The Institute, therefore, in 1946 worked out a scheme for the preparation of an Ethnographic Survey of Africa. A committee, under the chairmanship of Professor Radcliffe-Brown, was appointed to consider the scope and form of the Survey (the Editor's name appears on each volume) and collaboration was established with research institutions in South Africa, Rhodesia, East Africa, French West Africa, Belgian and the Belgian Congo. In addition to a grant from the British Colonial Development and Welfare Fund, awarded on the recommendation of the Colonial Science Research Council, the Institute has received a grant from the Government of the Anglo-Egyptian Sudan to assist in the preparation and publication of sections relevant to that territory, and this assistance is gratefully acknowledged in connection with the present study.

121 128 The aim of the Ethnographic Survey is to present a concise, critical, and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and cult practices, technology and art of the African peoples. The material is to be presented as briefly and as consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

128 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or cluster of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those interested in specific areas or groups. A list of the sections which have already appeared is given on the cover of this volume.

121 127 Since the unequal value and the generally unsystematic nature of the available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can make no claim to be complete or definitive. Every effort has been made, however, to scrutinize all available literature and to check it by reference to unpublished sources and to workers actually in the field. Thus it is

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intended to present a clear picture of our existing knowledge and to point out the directions in which the need for further studies is most pressing. Any assistance from those who are in a position to remedy deficiencies and correct inaccuracies by providing supplementary material will be greatly appreciated.

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The International African Institute expresses its thanks to the many scholars, research workers, administrative officers and missionaries in Europe and Africa who have generously responded to our requests for information, and who have spared time to correct and supplement drafts. Personal communications are acknowledged in footnotes. Our thanks are especially due to Professor Evans-Pritchard for assistance in supervising the work on this section of the Survey and for providing his bibliography of the Nilotes.

DARYLL FORDE,
Director.

[p. iii]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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101 Nuerland are said to be of Dinka origin. Moreover, there has been continuous contact between the two peoples that has resulted in much miscegenation and cultural borrowing. Both peoples recognize their common origin.

When we possess more information about some of the Shilluk-speaking peoples it will be possible to state what are the defining characters of Nilotic culture and social structure. At present such a classification is exceedingly difficult and I postpone the attempt, devoting this book to a plain account of the Nuer and neglecting the many obvious comparisons that might be made with other Nilotic peoples.

•128 Political institutions are its main theme, but they cannot be understood without taking into account environment and modes of livelihood. I therefore devote the earlier part of the book to a description of the country in which the Nuer live and of how they obtain the necessities of life. It will be seen that the Nuer political system is consistent with their oecology.

The groups chiefly dealt with in the later part of the book are the people, the tribe and its segments, the clan and its lineages, and the age-sets. Each of these groups is, or forms part of, a segmentary system, by reference to which it is defined, and, consequently the status of its members, when acting as such towards one another and to outsiders, is undifferentiated. These statements will be elucidated in the course of our inquiry. We first describe the interrelation of territorial segments within a territorial, or political, system and then the relation of other social systems to this system. What we understand by political structure will be evident as we proceed, but we may state as an initial definition that we refer to relations within a territorial system between groups of persons who live in spatially well-defined areas and are conscious of their identity and exclusiveness. Only in the smallest of these communities are their members in constant contact with one another. We distinguish these political groups from local groups of a different kind, namely domestic groups, the family, the household, and the joint family, which are not, and do not form part of, segmentary systems, and in which the status of members in respect to each other and to outsiders is differentiated. Social ties in domestic groups are primarily of a kinship order, and corporate life is normal.

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The Nuer political system includes all the peoples with whom they come into contact. By 'people' we mean all persons who speak the same language and have, in other respects, the same culture, and consider themselves to be distinct from like aggregates. The Nuer, the Shilluk, and the Anuak each occupy a continuous territory, but a people may be distributed in widely separate areas, e.g. the Dinka. When a people is, like the Shilluk, politically centralized, we may speak of a 'nation'. The Nuer and Dinka, on the other hand, are divided into a number of tribes which have no common organization or central administration and these peoples may be said to be, politically, a congeries of tribes, which sometimes form loose federations. The Nuer differentiate those tribes which live in the homeland to the west of the Nile from those which have migrated to the east of it. We find it convenient to make the same distinction and to speak of the Western Nuer and the Eastern Nuer. The Eastern Nuer may be further divided, for descriptive purposes, into those tribes which live near the *Zeraf river* and those which live to north and south of the *Sobat river*.

The largest political segment among the Nuer is the tribe. There is no larger group who, besides recognizing themselves as a distinct local community, affirm their obligation to combine in warfare against outsiders and acknowledge the rights of their members to compensation for injury. A tribe is divided into a number of territorial segments and these are more than mere geographical divisions, for the members of each consider themselves to be distinct communities and sometimes act as such. We call the largest tribal segments 'primary sections', the segments of a primary section 'secondary sections', and the segments of a secondary section 'tertiary sections'. A tertiary tribal section consists of a number of villages which are the smallest political units of Nuerland. A village is made up of domestic groups, occupying hamlets, homesteads, and huts.

We discuss the institution of the *kwal* and the part played in it by the leopard-skin chief in relation to the political system. The word 'chief' may be a misleading designation, but it is sufficiently vague to be retained in the absence of a more suitable English word. He is a sacred person without political authority. Indeed, the Nuer have no government, and their

1; Evans-Pritchard E-5 (1931, 1936) 1940
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state might be described as an ordered anarchy. Likewise they lack law, if we understand by this term judgements delivered by an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

After an examination of the political structure we describe the lineage system and discuss the relation between the two. Nuer lineages are agnatic, i.e. they consist of persons who trace their descent exclusively through males to a common ancestor. The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

After discussing the lineage system in its relation to territorial segmentation we describe briefly the age-set system. The adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

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passing through positions of relative seniority till it becomes the senior set, after which its members die and the set becomes a memory, since its name does not recur. The only significant age-grades are those of boyhood and manhood, so that once a lad has been initiated into a set he remains in the same age-grade for the rest of his life. There are no grades of warriors and elders such as are found in other parts of East Africa. Though the sets are conscious of their social identity they have no corporate functions. The members of a set may act jointly in a small locality, but the whole group never co-operates exclusively in any activity. Nevertheless, the system is organised tribally and each tribe is stratified according to age independently of other tribes, though adjacent tribes may co-ordinate their age-sets.

The Nuer, like all other peoples, are also socially differentiated according to sex. This dichotomy has a very limited, and negative, significance for the structural relations which form the subject of this book. Its importance is domestic rather than political and little attention is paid to it. The Nuer cannot be said to be stratified into classes. Within a tribe there is slight differentiation of status between members of a dominant clan, Nuer of other clans, and Dinka who have been incorporated into the tribe, but, except perhaps on the periphery of Nuer expansion eastwards, this constitutes distinction of categories rather than of ranks.

Such, briefly, is the plan of this book and such are the meanings we attach to the words most frequently used to describe the groups discussed in it. We hope in the course of our inquiry to refine these definitions. The inquiry is directed to two ends: to describe the life of the Nuer, and to lay bare some of the principles of their social structure. We have endeavoured to give as concise an account of their life as possible, believing that a short book is of greater value to the student and administrator than a long one, and, omitting much material, we have recorded only what is significant for the limited subject of discussion.

III

When the Government of the Anglo-Egyptian Sudan asked me to make a study of the Nuer I accepted after hesitation and with misgivings. I was anxious to complete my study of the

8:Howell E, G-5 (1942-1944)1954
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It is also intended to provide further material for those whose interests lie in a more general and theoretical study of 'primitive law', although I have myself rarely attempted to interpret that material in terms of comparative jurisprudence. 121

These two objectives are not entirely compatible and involve difficulties of presentation. I must therefore seek indulgence in advance for those passages which may appear abstruse and far removed from the practical problems which face the administrator and for those passages which may appear self-evident or over-simplified to the jurist and the anthropologist. Whether the book will be of value in the administration of Nuerland in the near future or in the self-governing Sudan must be judged by posterity. It is dedicated with affection to the Nuer people themselves in the hope that they may find security and fulfilment in the direction of their own affairs with due regard for their traditions.

Presentation and Orthography

Since it is not easy to isolate one aspect of the social and political affairs of the Nuer from another, the system of classification is arbitrary and not based on any conventional legal form. There are also obvious repetitions when a particular institution or concept is examined in different contexts. I begin with a summary account of the social and political structure of the Nuer for the benefit of those who have not studied previous literature on the subject, and this inevitably leads to generalizations which are not equally valid throughout the whole area. The Nuer are, however, sufficiently homogeneous to make generalizations at least possible. For further information the reader may turn to the publications listed in the Bibliography. Chapter II concerns homicide and bodily injuries which are not at all uncommon in Nuerland even today. Chapter III concerns marriage, the means by which it is achieved, the rights and duties which arise and which are often in dispute before the courts. Part II of the same Chapter concerns the dissolution of marriage, a process which is unfortunately more common nowadays than it was in the past. Chapter IV concerns the violation of rights in women, also a common cause for litigation. In Chapter V I have attempted to outline some of the main features of Nuer concepts of ownership and corporeal property which are at present no real problem, but which may well need a more complex and precise system of law in the future. In Chapter VI I have attempted, very briefly, to describe the part played by religion as a sanction for social conformity, and the functions of the various religious and magical experts, some of which are recognized in the administration of tribal law and custom. In Chapter VII I have attempted to analyse in very simple terms the nature of Nuer customary law as it was in the past, and the way in which it is developing under modern conditions.

8:Howell E, G-5 (1942-1944)1954
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•128 A general index is included, but for easy reference a detailed list of contents is given at the beginning.

128 104 For the sake of consistency I have, with few exceptions, followed the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *ch* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendices.

Note on Cattle Terminology

231 104 Nuer law is principally concerned with rights and claims in cattle, and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok* *thangu*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok* *gwanda* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nar*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dou*. An entire bull is *tut*, the steer bull being referred to as *tut nar*, 'the bull of the herd'. An ox is *thak* if it is full-grown, all other bull-calves being *ruath*. Cattle obviously [§15] have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dou*); a pregnant heifer (*nar nar lier*) or a pregnant cow (*yang nar lier*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang nar lier*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

[§16] Conventional claims or rights (*nang*) are usually specified: for example, the *yang kwath gwanda*, 'the cow of the father's spirit', is one specific beast included in the *ghok* *gwanda*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gwanda*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gwanda* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

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121 The aim of the Ethnographic Survey is to present a concise, critical, and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and rites, practices, technology and art of the African peoples. The material is to be presented as briefly and as consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

121 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or element of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those concerned in specific areas or groups. A list of the societies which have already appeared is given on the cover of this volume.

121 Since the unequal value and the generally unsatisfactory nature of the available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can also be 127 shown to be complete or definitive. Every effort has been made, however, to incorporate all available information and no doubt to be reference to unpublished sources and to authors actually in the field, than to be

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PREFACE

121 I have to emphasize that this is a study of religion. So strong has been rationalist influence on anthropology that religious practices are often discussed under the general heading of ritual together with a medley of rites of quite a different kind, all having in common only that the writer regards them as irrational; while religious thought tends to be inserted into a general discussion of values. Here the view is taken that religion is a subject of study *sui generis*, just as are language or law. Consequently I do not feel that I am obliged to describe fully such ceremonies as those that take place at initiations, engagements, weddings, &c., which on no definition of religion can be regarded as religious phenomena, but only to indicate what, if anything, in them has religious significance. Likewise, I do not consider that I have to discuss Nuer moral judgements in general, but only in so far as they more immediately concern their religious thought and practice.

0/25 The chapters of this book were first written to be delivered as lectures, mostly in university courses at Oxford, though some were written for more formal occasions. Chapter I was a Presidential Address to the Royal Anthropological Institute (1951), Chapter XI the Henry Myers Lecture to the same Institute (1954), Chapter IV the Munro Lecture in the University of Edinburgh (1952), Chapter V a lecture to the University of London Anthropological Club (1954) and Chapter X an address delivered at the Fourth International Congress for Anthropology and Ethnology in Vienna (1952). Some repetition is inevitable in this form of presentation but I have eliminated all that was avoidable.

500 I thank the editors of the following journals for permission to reprint what has appeared in them: *Journal of the Royal Anthropological Institute*, *Man*, *Sudan Notes and Records*, *Africa*, *African Affairs*, *American Anthropologist*, *Annali Lateranensi*, *Anthropological Quarterly*, and *Sociologus*.

I owe a very great debt to Dr. R. G. Lienhardt. He has read the whole of this book at various stages of its growth and has made many suggestions which I have adopted. We have discussed its contents so often that I am scarcely able to say what I owe to him and what I do not. I can only say that I doubt whether I would have written it at all if it had not been for his interest and encouragement. His help has been all the more valuable, and the more generous, in that it was given in the light of as yet unpublished conclusions he had reached by his study of Dinka religion.

6: Evans-Pritchard E-5 (1931, 1936)1938
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where in deep puddles which slowly extend till by the middle of June the whole surface of the country, except for occasional higher land, is under water. Nuerland has then the appearance of a great grass-covered swamp, there being stagnant rivers, lagoons, and pools, wherever there is a depression in the level surface, and islands wherever slightly elevated ridges and knolls rise from the ground. On these elevated spots are perched the Nuer villages. 131

The rivers begin to fall about the same time as the rains begin to cease. Nuerland then dries quickly. The blazing sun evaporates the surface water while the streams instead of being channels of overflow from the rivers now begin to feed the rivers, and lesser drain their basins, as they sink in their beds. The grasses are dry enough by the middle of November for the Nuer to commence to fire them and by the middle of December most of the country has been burnt and the surface is cracked into deep fissures. So parched is it at this season that it is difficult to find enough water for men and beeds. The wet and dry seasons are therefore very pronounced in Nuerland. 132 133

The main characteristics of the country are (i) that it is dead flat, (ii) that it has clayey soils, (iii) that it is mainly treeless, (iv) that it is covered with high grasses in the rains, (v) that it is subject to a heavy seasonal rainfall, (vi) that all its rivers flood, and (vii) that when the rains cease and the rivers fall it is subject to a season of severe drought. 130

A year in which the rivers are low is probably not so serious for the Nuer as a year in which there is little rain. Nevertheless, when the rivers are low the clay beds may not hold up sufficient water to enable the grasses to spring up again after the annual firing, and the inland watercourses, which to a great extent rely for their water on the flooding of the rivers, may fail early in the dry season and compel the people to move to lakes and river banks earlier than they would normally do, and there may also be a shortage of marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. On the other hand, if there is insufficient rain the millet crop dies and the grasses, deprived of subterranean supplies of water, do not spring 312

1: Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

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Map showing approximate area (shaded) occupied by the Nuer.

[Face p. 1]

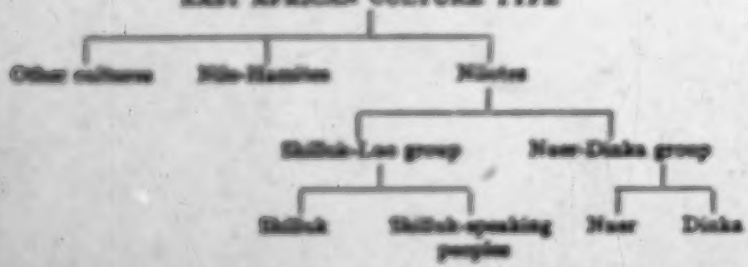
1; Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

II

I describe in this volume the ways in which a Nilotic people obtain their livelihood, and their political institutions. The information I collected about their domestic life will be published in a second volume. 121

The Nuer,[1] who call themselves *Naṅ* (sing. *ran*), are round about 200,000 souls and live in the swamps and open savannah that stretch on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal, and on both banks of these two tributaries. They are tall, long-limbed, and narrow-headed, as may be seen in the illustrations. Culturally they are similar to the Dinka, and the two peoples together form a subdivision of the Nilotic group, which occupies part of an East-African culture-area the characteristics and extent of which are at present ill-defined. A second Nilotic subdivision comprises the Shilluk and various peoples who speak languages similar to Shilluk (Lou, Anuak, Lango, &c.). Probably these Shilluk-speaking peoples are all more alike to one another than any one of them is to the Shilluk, though little is yet known about most of them. A tentative classification may be thus presented: 101 131 [142] 101

EAST AFRICAN CULTURE TYPE



Nuer and Dinka are too much alike physically and their languages and customs are too similar for any doubt to arise about their common origin, though the history of their divergence is unknown. The problem is complicated: for example, the Atwot, to the west of the Nile, appear to be a Nuer tribe who have adopted many Dinka habits,[2] while the Jikany tribes of

[1] The word 'Nuer' is sanctioned by a century of usage. It is probably of Dinka origin. I use it in singular and plural, speaking of 'a Nuer man' and of 'the Nuer people'.

[2] Fouret, op. cit., p. 54. They appear as Atot in the map on p. 129.

l: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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Sketch-map showing the larger Nuer tribes.

[p. 8]

1: Evans-Pritchard E-S (1931, 1936) 1940
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and is cracked into deep fissures. The wet and dry seasons are therefore very pronounced and the transition from one to the other sudden.

Scarcity of rain is probably more serious than low river water, but both may inconvenience Nuer to the point of famine, because sufficient water may not be held up in the clay beds to enable the grasses to recover from firing; inland watercourses may quickly dry up and compel movement to lakes and rivers earlier than is desirable; and there may be a shortage of the marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. Insufficient rain may also destroy the millet. Moreover, it is probable that low rainfall over the whole of North-East Africa causes insufficiency of rain and low rivers to occur in Nuerland simultaneously. Western Nuerland is less subject to drought than Eastern Nuerland, and to the west of the Nile there is always water within easy reach of villages. This seems largely due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds to any extent, since they are fed by perennial streams and have enormous marsh and lake reservoirs. High rainfall and high river water probably also go together and in such years of flood it is difficult for the cattle to find enough grazing to maintain life.

The main characteristics of Nuerland are: (1) It is dead flat. (2) It has clay soils. (3) It is very thinly and sporadically wooded. (4) It is covered with high grasses in the rains. (5) It is subject to heavy rainfall. (6) It is traversed by large rivers which flood annually. (7) When the rains cease and the rivers fall it is subject to severe drought.

These characteristics interact with one another and compose an environmental system which directly conditions Nuer life and influences their social structure. The determination is of so varied and complex a nature that we do not attempt to summarise its full significance at this stage of our description, but shall ask ourselves a simpler question: to what extent are the Nuer controlled by their environment as herdsmen, fishermen, and gardeners? We have demonstrated that their chief interest is in their herds and shall first discuss how this interest, combined with physical conditions, necessitates a certain mode of life.

[p.56 contains no Textual material]

1: Evans-Pritchard E-S (1931, 1936) 1940
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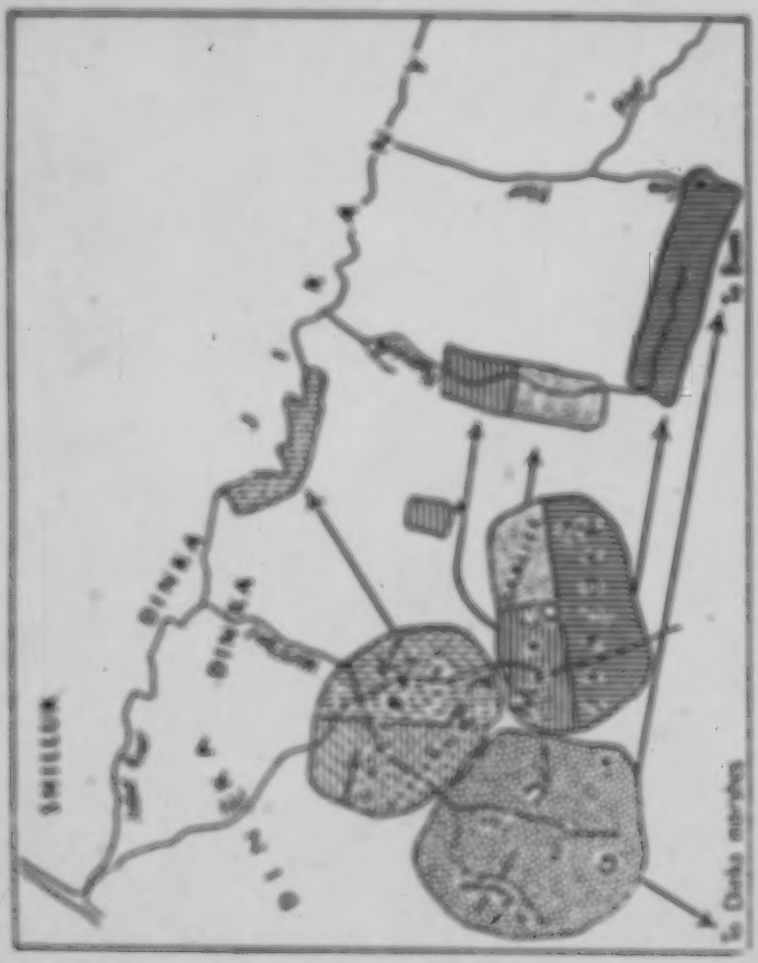

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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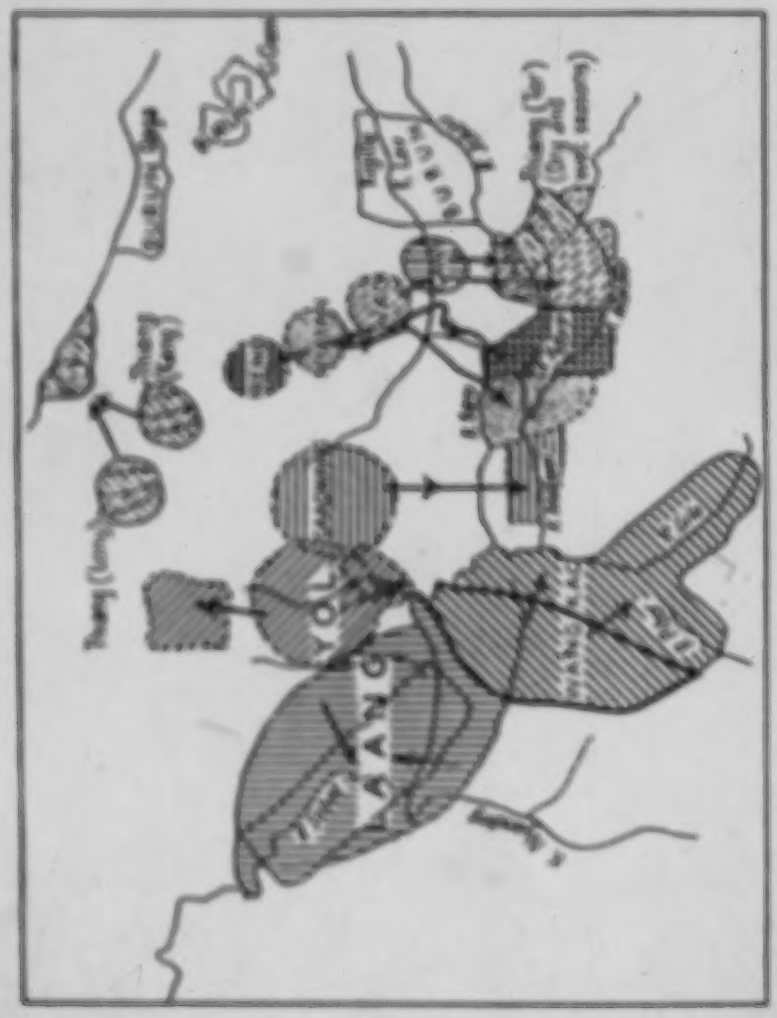
Bahr el Ghazal
Bahr el Jebel
Bahr el Zeraf

1: Evans-Pritchard E-5 (1931, 1936) 1940
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761 maps are mainly, and often entirely, without village sites, and in Western Nuerland the whole area between the Nile and the Bahr el Ghazal is very sparsely dotted with small villages; and the same is probably true of the country to the north of the Bahr el Ghazal.

I am compelled to describe the distribution of dry season camps as vaguely as the distribution of villages. Early camps may be found almost anywhere and often comprise only a few households; but the location of larger camps, formed later in the season, can be known in advance because there are only a few places which provide adequate water. Their size depends largely on the amount of water and grazing and their population varies from about a hundred to over a thousand souls. These concentrations are never tribal but comprise larger or smaller tribal sections. Round a lake a camp may be distributed in several sections with a few hundred yards between each; or one may then speak of contiguous camps. In any camp a few wind-screens are generally adjacent to, almost touching, one another, and such a group may often at a glance be seen to be a distinct unit with its own section of the common kraal. Along the left bank of the Sobat and the right bank of the Baro one may observe from a steamer camps almost anywhere, separated from one another by only a few miles; but up streams, like the Nyanding and Filus, in which only isolated pools of water remain, several miles separate camps. Some large camps in the interior of Lou country are separated by more than twenty miles of bush.

131 Great rivers flow through Nuerland and it is often these
619 natural boundaries which indicate the lines of political cleavage. The Sobat separates the Gaajok tribe from the Lou tribe; the Pibor separates the Lou tribe from the Anuak people; the Zeraf separates the Thiang and Lak from the Dinka; the Ghazal separates the Karlual primary section of the Leek tribe from its other two primary sections; and so forth. Marshes and areas inundated in the rains likewise separate political groups. The Macar swamps divide the Eastern Gaajak from the Gaajok and Gaagwang; water-covered stretches divide, in the rains, the Rengyan from the Wot, Bor, &c.; and so on.

000 This account of distribution is unavoidably vague, but the main conditions and their significance can easily be summed up.

8:Howell E. G-5 (1942-1944)1954
F322 Nuer F322

internal strife and political fission. (v) As the pressure from the north increased, a return to a semblance of cohesion was necessary and there emerged the great Nuer leaders or 'Prophets' who were as symbols of tribal resistance to foreign aggression represented first in the Dervish forces who attempted to establish slaving centres in Nuerland and finally by the forces of the present Government. (vi) In the years which followed, administration was limited to an attempt to hold the Nuer from their attacks on the Dinka, to prevent fighting among themselves, and to the collection of taxes. Naturally enough the Nuer resented this, particularly the collection of tribute in cattle and the prevention of cattle raids, and despite the outstanding efforts of individual administrators such as Howell, Stigand, and Jackson, the attempt to establish ordered administration was only partially successful. Resistance, raids on neighbouring tribes, and lack of internal security reached a climax in 1928. Captain Ferguson, then District Commissioner of Western Nuer, was assassinated; the Lou Nuer led by Gwek Ngundeng[1] had been showing open defiance for some time previously, and in that year too the Gaawar Nuer led by Dwal Diu[2] descended on the Dinka of Bor District and attacked the Government Post at Duk Faiwil. Reprisals followed and took the form of a series of strenuous military operations which were known as the 'Nuer Settlement'. Whatever the moral verdict, the Nuer learnt their lesson and came to heel. A period of pacification followed, and through the just and sympathetic methods of such men as Captain H. A. Romilly, Captain A. H. Alban, and Mr. H. G. Wedderburn-Maxwell, the feelings of fear and suspicion, which were natural enough in the circumstances, were quickly eradicated. It was these men who laid the foundations of the sound administrative system which was to follow. From an excessively arrogant, unco-operative and suspicious people, the Nuer rapidly became what they are now: still proud, still intensely democratic with a fine spirit of independence, but essentially friendly.

Topography and Ecology

Nuer country, set in the savannah and marshland of the Southern Sudan between latitudes 10° N. and 7° N. and with a seasonal rainfall between 800 and 1,000 mm.,[3] has its special topographical and climatic features which account for the present mode of life of the people. The total area of Nuerland in the Sudan is approximately

[1] See P. Coriat, 'Gwek the Witch-doctor and the Pyramid of Dengkur', *S.N.R.*, 1939.

[2] The son of Deng Likua, sometimes called the Prophet Diu, who rallied the Gaawar Nuer against the slavers at the end of the nineteenth century.

[3] Averages are: Malakal, 818 mm.; Fangak, 1136 mm.; Bentiu, 797 mm.; Lor, 902 mm.; Abwong, 744 mm.; Akobo, 923 mm.; Shambe, 810 mm. Fangak is exceptional, possibly owing to the heavy bush and Acacia forest in that region.

Howell E. G-5 (1942-1944)954
F222 Nuer F222

31 [64] 38,000 square miles and, as it has a population of about 350,000, it will be seen that the density of population is low. Some areas are, however, more densely populated than others.

941 During the rainy season, roughly from May until November but varying from year to year, the people occupy higher ground which is better drained and comparatively free from flood. This higher ground, where they build their permanent villages and cattle-byres and have their cultivations, is limited and widely distributed. In some areas it is concentrated in a series of narrow ridges, usually running parallel to the main channels of the rivers, in others dispersed in a series of isolated outcrops. Such natural features have their effects on the size of communities, on communications and therefore social contacts, and, as a result, on political and social structure, producing local variations of detail which make generalizations difficult.

133 137 Surrounding the higher ground are the vast areas of open grass plain with thickets of acacia bush,[1] intersected by a network of grass-choked watercourses and the main rivers whose flood-plains produce different ecological conditions and different associations of grass types. Each of these regions has its function in the seasonal activities, which largely concern animal husbandry, but in which crop production, the collection of natural vegetation, and fishing play an important part. It must be emphasized here that the Nuer economy is still essentially at subsistence level and that there is no specialization or organized trade.

I do not propose to enlarge here on the subject of grass associations and pasture utilization. It is worth noting, however, that apart from soil, temperature, and length of day, one of the most important factors in the determination of grass types is the depth and period of inundation during the rainy season. On the higher ground, where the Nuer build their permanent villages, comparatively flood-free conditions produce a mixture of perennial and a few annual grasses which are fully grazed when the cattle are unable to move farther afield. Below this level are the vast 'intermediate' plains, subject to accumulations of rainfall and overflow from the drainage channels, where the grasses are predominantly perennials (*Setaria spp.*, *Hyparrhenia rufa*, &c.). These grasses are unpalatable and virtually useless except as bulk when in a dry and mature condition. So long as moisture is retained in the soil, however, they produce a green regrowth which provides valuable pasture, but in most areas the moisture is gone by the end of January, sometimes earlier. At this point, the cattle must be driven on to the riverain marshes, which, subject to deeper and longer inundation from the rivers and watercourses as well as from rain-flood, produce other types of perennial grasses (*Vossia cuspidata*, *Echinochloa pyramidalis*, *Oryza spp.*, &c.). These grasses are of variable value during the dry season, but generally speaking provide green nutritive grazing

[1] Mainly *Acacia seyal* Del., *Acacia fistula* Schweinf., *Balanites aegyptiaca* Del., &c.

Howell E. G-5 (1942-1944)1954
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133 for better fishing which the rivers provide. It is also possible, and
166 this is a Nuer contention, that the watercourses which flow through Lou country are becoming clogged with silt and vegetation, with the result that water-points dry out earlier in the year though grazing may be improved.

Eastern Nuer District, which lies north of the Sobat up to the borders of Ethiopia, is flanked in the west by the vast Machar swamps, a region which might provide plentiful grazing. In fact, the people prefer to descend to the upper reaches of the Sobat and Baro rivers, where there is not only adequate pasture for their herds, but also exceptionally good fishing and an opportunity to raise a rich crop of maize on the fertile silt left by the flood water.

103 This whole area, the Zeraf Valley, Lou, and Jikany Dhor, is often
101 referred to generally as 'Eastern Nuer' in contrast to 'Western Nuer', the region west of the Nile. The latter area is known to the Nuer who live east of it simply as *bani Kir*, 'over the Nile', but it is known that it is the original homeland of all the Nuer and is sometimes referred to as *cieng Nuath*, 'Nuer homeland', as opposed to *diew*, 'the outside'. This distinction between eastern and western Nuer is only valid in so far as those east of the Nile are all colonizers, for though there are minor cultural differences between western Nuer and the Zeraf tribes, these do not seem to me to be any greater than are those between the latter and the Lou or the Jikany (Dhor). In speaking of the 'Eastern Nuer' therefore, I refer specifically to those people (i.e. the Jikany Dhor) who live in Eastern Nuer District, an administrative classification, and not to all Nuer east of the Nile.

131 Western Nuer District is divided geographically and to some extent
361 demographically into two distinct parts. There is first the area lying north of the Bahr el Ghazal and partly west of it, and secondly the region south of that river. The difference in terrain is not very great, but whereas the people who live in the north rely on the Bahr el Ghazal itself or the rivers which flow into it, those in the south rely almost entirely on the pastures provided by the natural and seasonal irrigation of the Bahr el Jebel or by the flood waters of rivers coming in from the south-west. In the southern area are the Nuong and Dur, Dok and Aak' and Jagei. These tribes, whose permanent settlements and cultivations are on a ridge of sandy ground which runs parallel to the Bahr el Jebel, graze their cattle in the dry season along the edges of that river or along inland water systems referred to as the Bilnyang system. This system is partly dependent on spill water from the Nile and partly on water derived from a different catchment area. Hence in years when the Nile provides inadequate grazing or is inaccessible owing to heavy flooding, the Bilnyang system gives an alternative. North of these tribes are the Jikany Cieng whose country lies in the triangle formed by the intersection of the Bahr

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8;Howell E. G-5 (1962-1964)1954
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131 361 al Jebel and the Bahr el Ghazal. The Lek and Bul tribes are nearly all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

361 166 All Nuer are compelled to migrate during the dry season and to set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'intermediate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the move. The distances covered in these seasonal migrations vary considerably. Many of the Lek and Thiang Nuer, for example, move only a few miles from their permanent homes, while many of the Gaawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

[214] 361 621 The distribution of population in Nuerland is determined by the physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

12,Evans-Pritchard E-5 (1930-1931) 1933
F322 Nuer F322

167 101 177 of expansion and absorption has not been so extensive it has, nevertheless, been considerable. Both Nuer and Dinka myths recognize their common ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

478 131 The Nuer have not been greatly affected by foreign influences owing to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as "lowlands Nuer" (*Naath riong*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as "bush Nuer" (*Naath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

631 619 Nuerland is divided into a number of territorial sections, the occupants of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

12:Evans-Pritchard E-5 (1930-1931) 1933.
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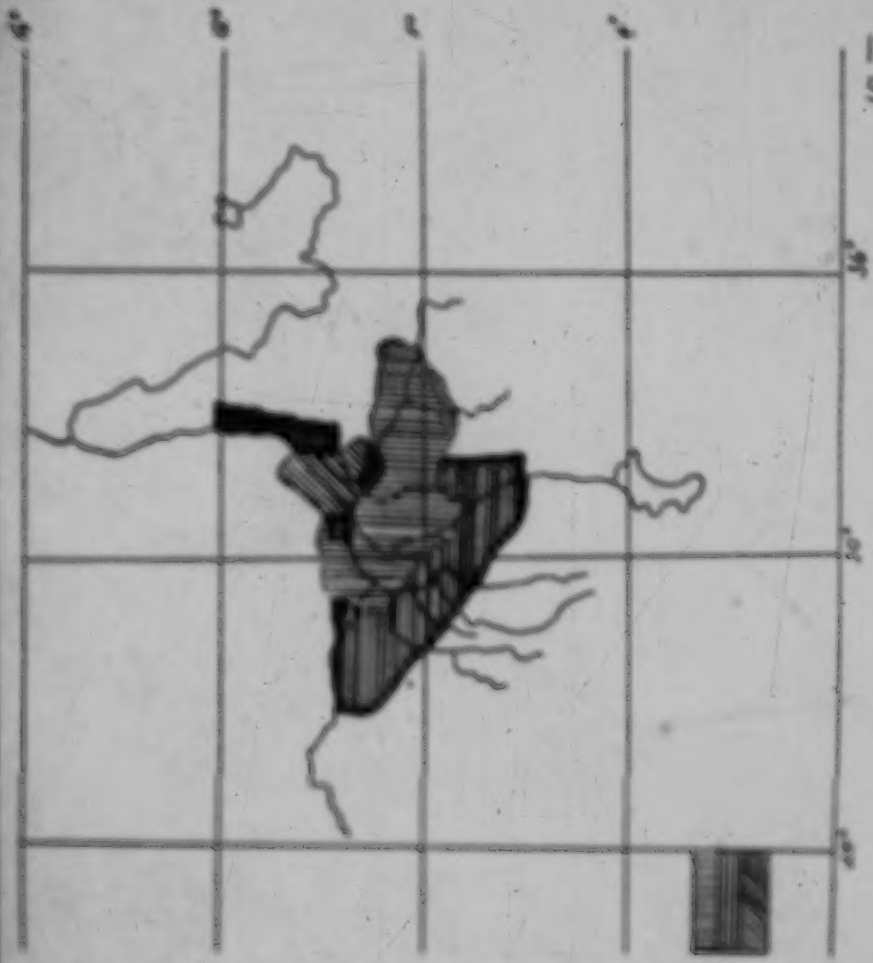

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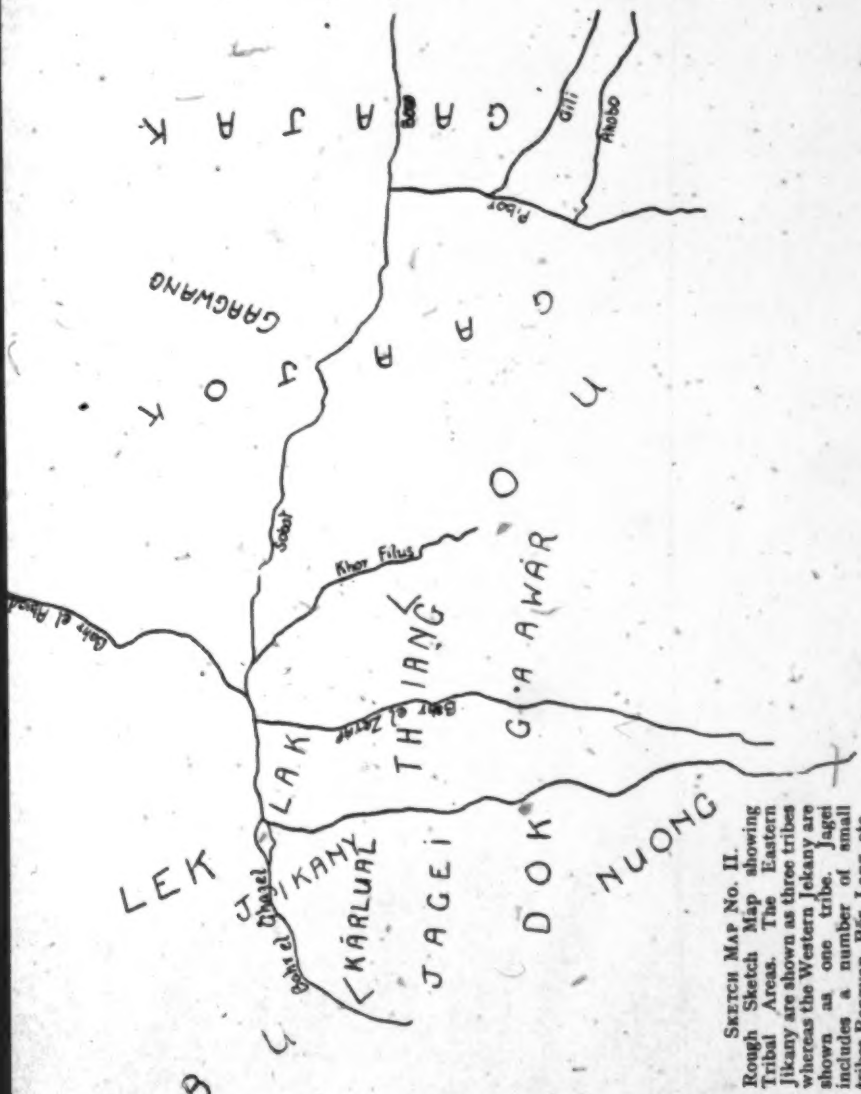

SKETCH MAP No. II.
Rough Sketch Map showing Tribal Areas. The Eastern Jikany are shown as three tribes whereas the Western Jekany are shown as one tribe. Jagei includes a number of small tribes, Rengyan, Bor, Lang, etc.

[facing p. 8]

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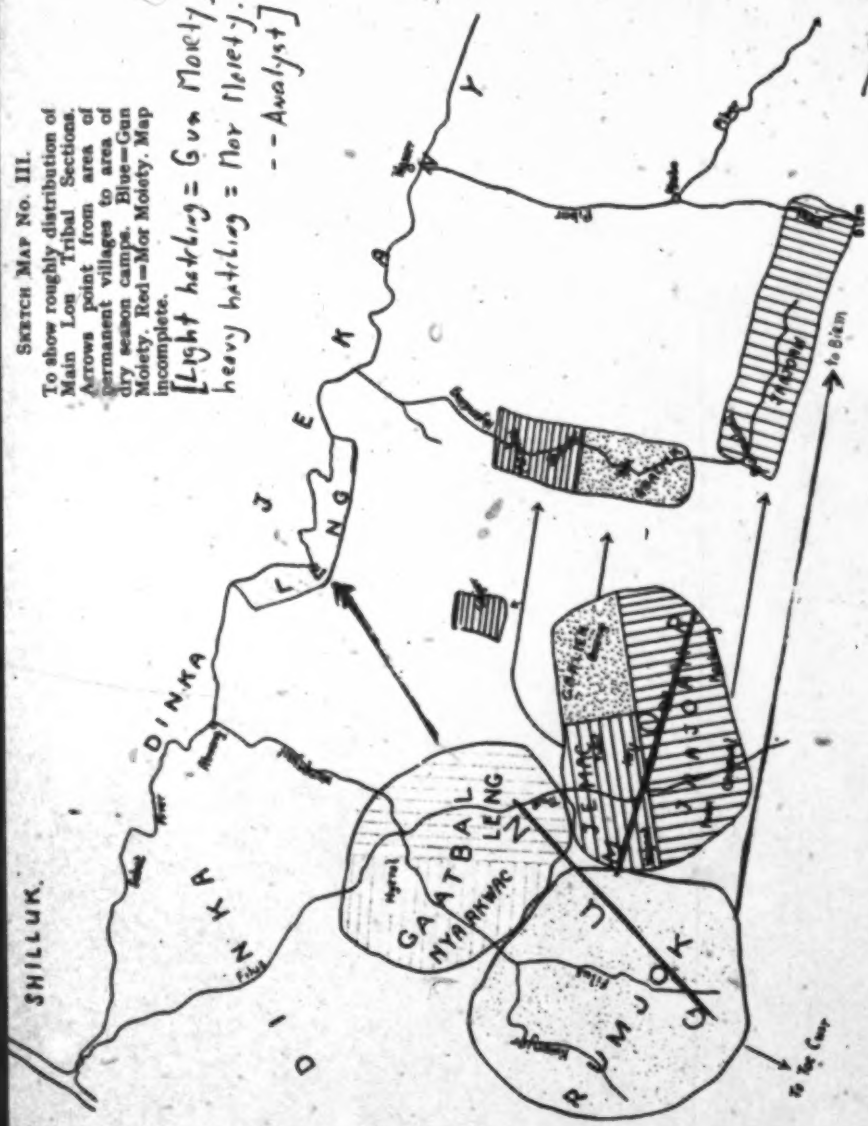

SKETCH MAP NO. III.

To show roughly distribution of Main Lou Tribal Sections. Arrows point from area of permanent villages to area of dry season camps. Blue—Gun Moiety. Red—Mor Moiety. Map incomplete.

[Light hatching = Gun Moiety; heavy hatching = Mor Moiety. -- Analyst]

[facing p. 10]

12:Evans-Pritchard E-5 (1930-1931) 1933
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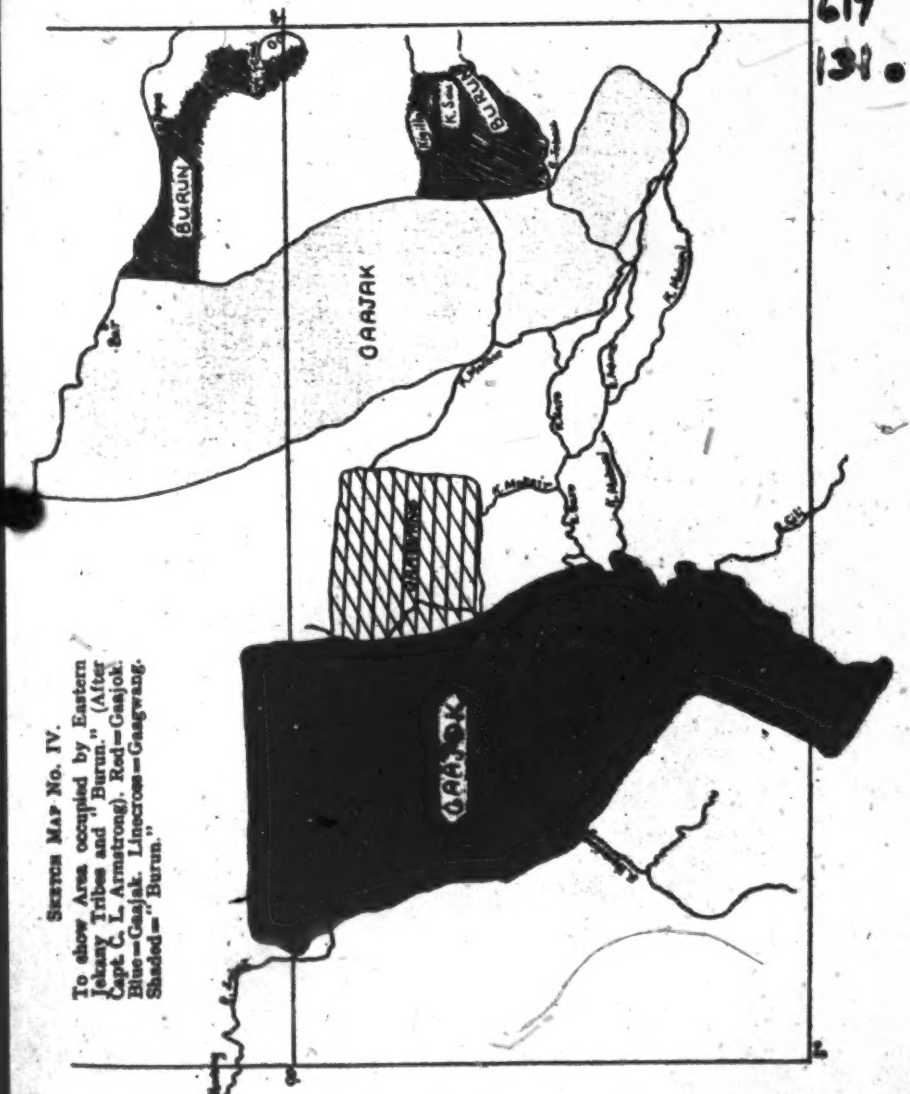

SKETCH MAP No. IV.
To show Area occupied by Eastern Jikany Tribes and "Burun." (After Capt. C. L. Armstrong). Red=Gaajok. Blue=Gaajak. Linecross=Gaagwang. Shaded="Burun."

[facing p. 18]

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

Part I

GENERAL

The designation 'Nilotic' has, for a great number of years, been applied indiscriminately by explorers, traders, government officials and travellers to all those peoples who live in the Upper Nile Valley, along the banks and in close vicinity to the great river and its tributaries. 101

As with most old terms, applied in the first instance to little-known areas and people, it later became necessary to redefine and limit its scope. The term Nilotic has come to have a specialised meaning for anthropologists. It refers only to certain groups of people in the Nile valley - and to some further south in Uganda, Kenya and Tanganyika - who have closely related physical, linguistic and other cultural characteristics as well as traditions and myths suggesting common origin. It is these features, together with certain characteristic types of social structure and organisation, which have led anthropologists to feel themselves justified in including all such groups under one common title - 'Nilotes' - and to recognise the Nilotic peoples as a unique ethnic group. Other groups of people living in the same area have been greatly affected by the Nilotes, through intermarriage, warfare, and constant borrowing over many generations of close, and sometimes intimate contact. In turn, the Nilotes have been greatly modified, physically, linguistically and culturally, by their neighbours and in several cases it has been difficult to determine, often with the slightest and most inadequate ethnographic material, whether a certain group of people should be assigned to the Nilotic peoples or to some other ethnic group, such as the Nilo-Hamitic peoples of East Africa.

The classification of the lesser known tribes of the Upper Nile basin is still controversial, even where language has been acknowledged as the chief criterion of affinity to one or another ethnic group. It may be that some groups will never be classified with certainty owing to extensive mingling with neighbours; in other cases further research will determine the peoples they most closely resemble. For the purpose of this survey only those which can be classified with certainty, and for which we possess adequate information for comparative purposes, will be considered in full.

LOCATION, POPULATION AND NOMENCLATURE

The Nilotic tribal groups are contained approximately within the limits of Lat. 12°N. - Lat. 4°S. and Long. 36°E. - Long. 22°E. The southern half of the Anglo-Egyptian Sudan is the present homeland of the majority of the Nilotes, who are found in the Provinces of Darfur, Kordofan, White Nile, Fung, Upper Nile, Bahr el Ghazal and Equatoria. Certain Nilotic groups, however, are situated in the western borderland areas of Abyssinia, in the northern regions of Uganda, and in Eastern Kenya, while in two instances they overlap into the Belgian Congo and Tanganyika. The 101 131

101 Nilotes do not occupy one continuous stretch of territory. In the north there is the block consisting of the Dinka, Nuer, Shilluk and Anuak; separated from these are the Pari, Burun-speaking people, Atwot and scattered groups of the Bahr el Ghazal. The central Nilotes (Acholi, Lango, Alur and Jo-Paluo) are separated from the northern block by Sudanic and Nilo-Hamitic peoples, and the southernmost Nilotic groups are further separated from each other and from the central block by Nilo-Hamites and Bantu. At a broad estimate they number about two and a half millions.

000 A more detailed account of the location, population, nomenclature and neighbouring tribes of the Nilotic groups follows the list of tribal groups given below:

1. Dinka
2. Nuer
3. Shilluk
4. Anuak
5. Acholi
6. Lango
7. Luo
8. Burun
9. The Bor Belanda
10. Jo Luo (Jur)
11. Shilluk Luo tribes of the Bahr el Ghazal
12. Pari
13. Alur (a) Jo Padhola (b) Jo Paluo

The official population figures given below are in many cases only approximate owing to the difficulties of carrying out an adequate census in remote and often inaccessible areas.

THE DINKA

LOCATION

The Dinka extend over a vast area from 12° - 6°N. Lat., from Renk in the north to Malek and Tombe in the south, only about 160 miles from the Uganda border. There is a wide extension to the west so that the people occupy much of the Bahr el Ghazal province and also the most southern part of Kordofan province, immediately north of the Bahr el Arab river. There is a long intervening wedge of Nuer about the Bahr el Ghazal, Bahr el Zeraf and main Nile rivers. The Dinka tribes are usually divided into geographical sections as follows:-(1)

(a) *The Northern Dinka*, situated mainly in the Upper Nile Province; they extend south to the Bahr el Zeraf, Lake No and the Bahr el Ghazal. The main Dinka tribes inhabiting this area are known as the Padang Dinka.

(b) *The Eastern Dinka*, situated on the right bank of the Nile from south east of Ayod to Malek.

(c) *The Central Dinka*, inhabiting the area on the left bank of the Nile, extending west to Tonj.

(d) *The Western Dinka*, situated west of the Nuer about the Jur river area from Tonj in the south and the Bahr el Arab in the north and westwards of Aweil. This area is inhabited by the Malual Dinka and other lesser tribes. In addition the Manangier live in the swamps among the Rek Dinka between the rivers Jur and Lol. The Manangeir are Jo Luo people who took

(1) Bryan and Tucker, *Distribution of the Nilotic and Nilo-Hamitic Languages*, 1948, p.7.

refuge among the Western Dinka to avoid the Arab slave raids and, later, the conflict between the Dinka and Azande. They are rapidly being absorbed by the Dinka and are consequently losing their Jo Luo customs and dialect. They are said to number 1,000 - 2,000 souls approximately. 000

NEIGHBOURS

The neighbours of the Dinka include the Nuer. There has been conflict between the two for a long time and relations have been predominently warlike and marked by interminable cattle raiding. In the north east the Dinka are in contact with the Shilluk while, in the south west, in the Bahr el Ghazal province, there is the confusion of tribes in the neighbourhood of Wau. Among the Wau district tribes there is the Nilotic Jo Luo (Jur) who have been in immediate contact with their Dinka neighbours for a number of generations and have been subordinate to them to a certain extent.

POPULATION

Total population has been estimated at 500,000 souls approximately.

NOMENCLATURE

The Dinka name for themselves is *Jien*. Dinka is believed to be the anglicized form of the Arabic *Denkawi*, from *Jien*.

THE NUER

LOCATION 131 619

The Nuer inhabit the savannah stretching on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal rivers and on both banks of the two tributaries. The Nile divides the Nuer country into two parts, Eastern and Western Nuerland. According to Evans-Pritchard the most important tribal groups of the Western Nuer are: the Bul, Jagei, Lek, Nuong and Dok. The most important tribes of the Eastern Nuer are: the Thiang, Lak, Gaweir and Lou.(1) The Jekany tribes are found on the west bank of the Nile and also far to the east of the Sobat river where they extend over the Anglo-Egyptian border into Abyssinia.

NEIGHBOURS 721

The western parts of Nuerland are in direct contact, and usually conflict, with their Dinka neighbours. Nuer expansion has been at the expense of their Dinka neighbours and it is generally recognised that much of present day Nuer country was Dinka in the middle of the 19th century. Relations between Nuer and Dinka will be discussed in the account of the Nuer political structure. The Shilluk are separated from the Nuer by the Dinka, except in a small area, and there has been little contact between the two groups, perhaps owing to the more highly organised society of the Shilluk which renders them difficult to raid with impunity. The Nuer give the

(1) Evans-Pritchard, *The Nuer*, 1940, p.8 (map).

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

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End map A Upper half

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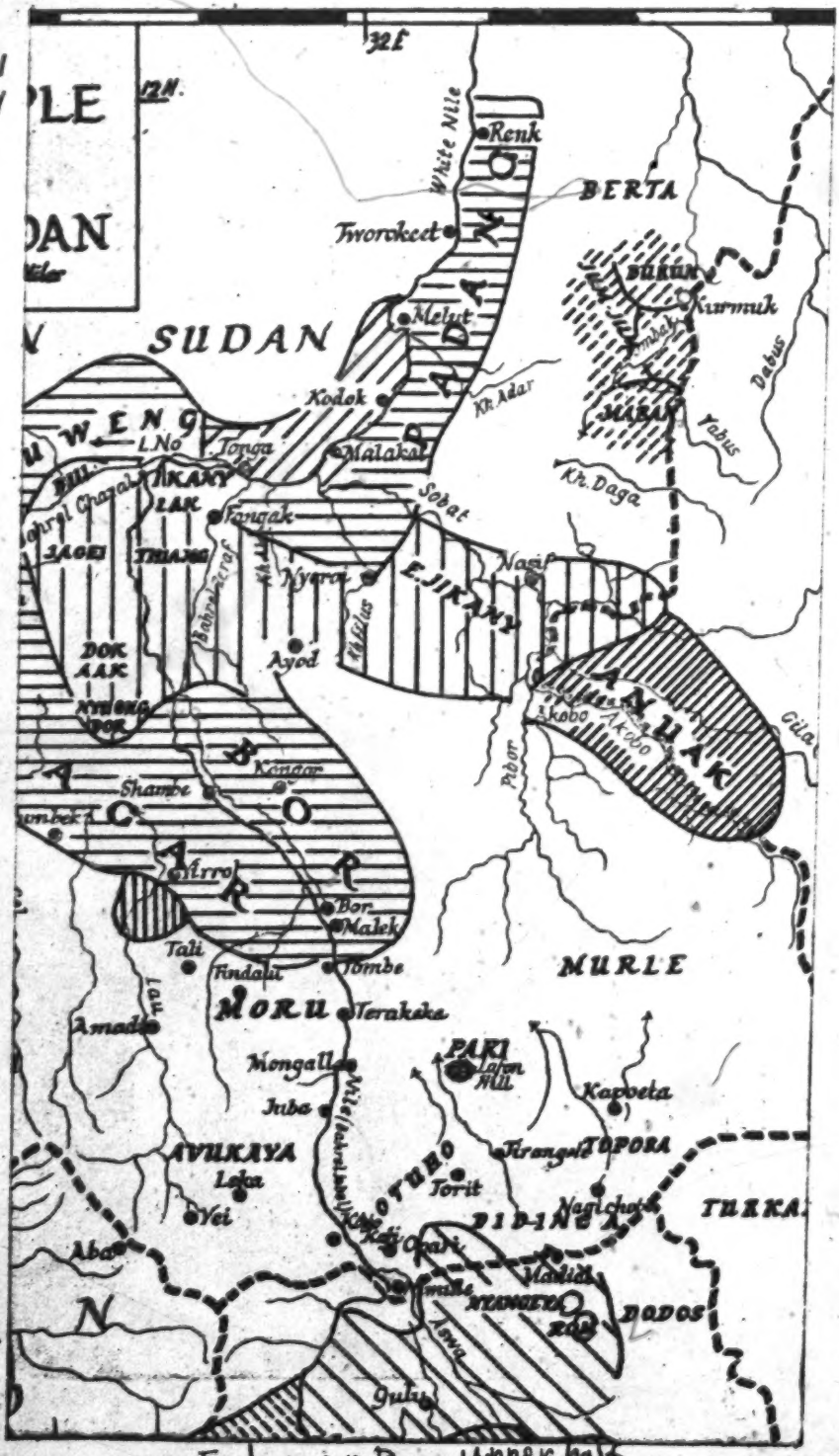

End map B upper half

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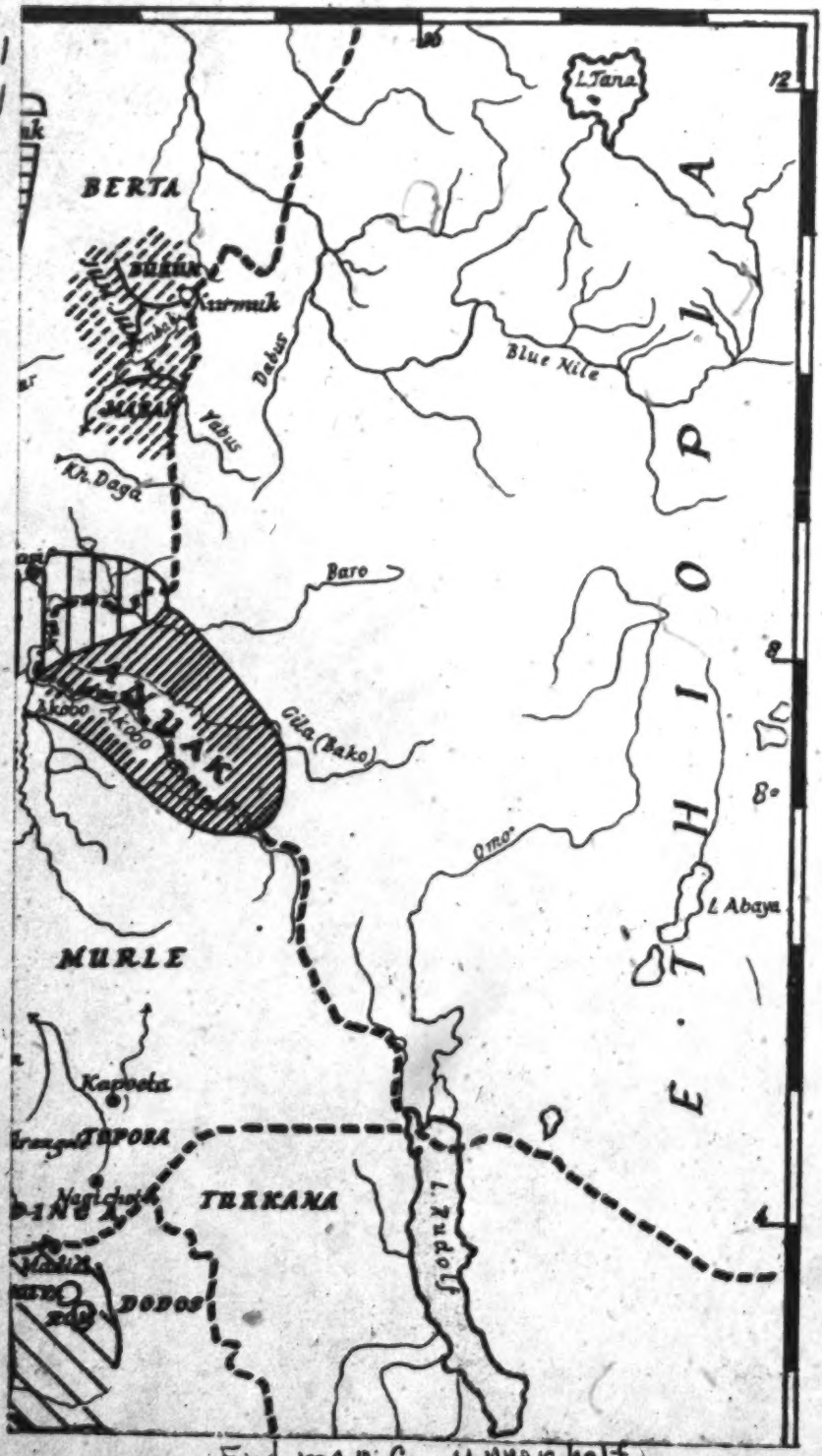

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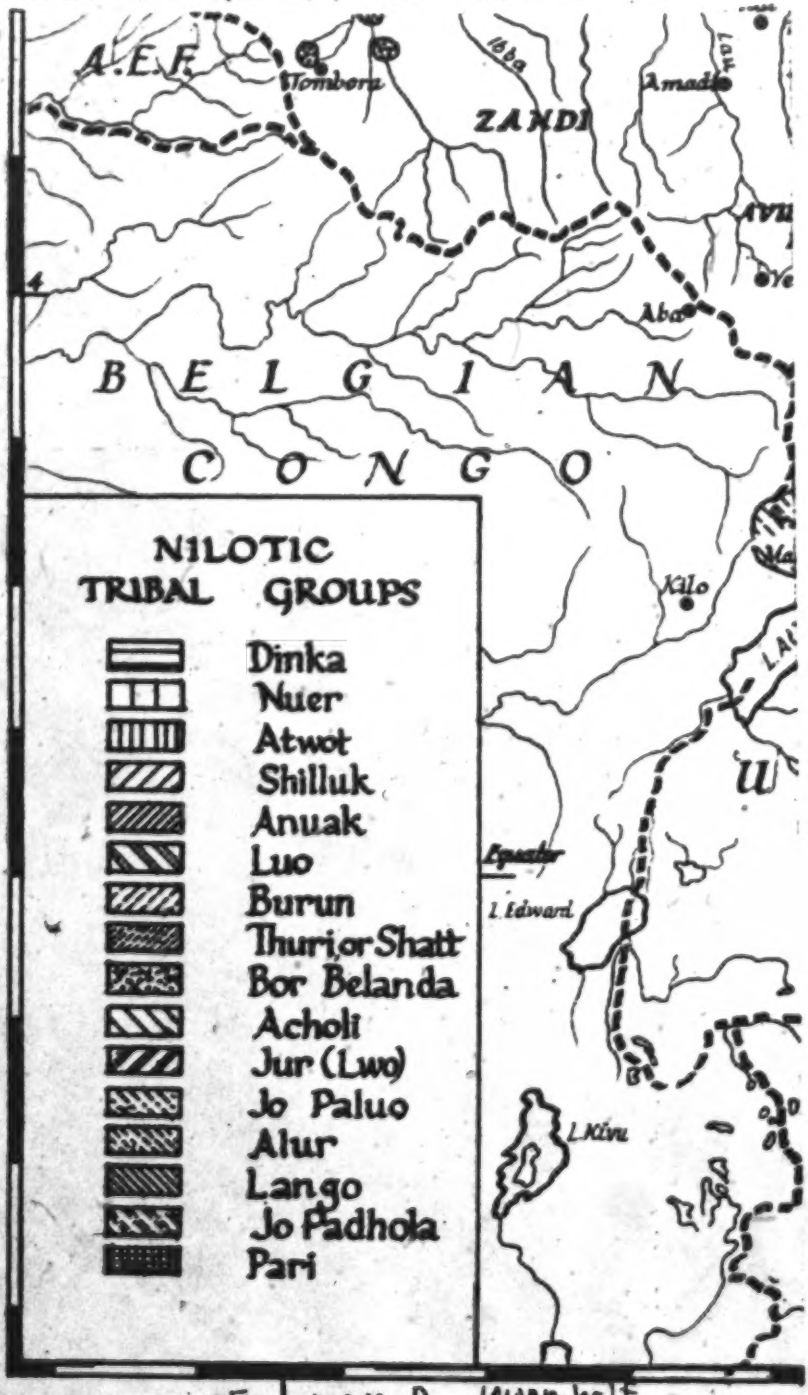

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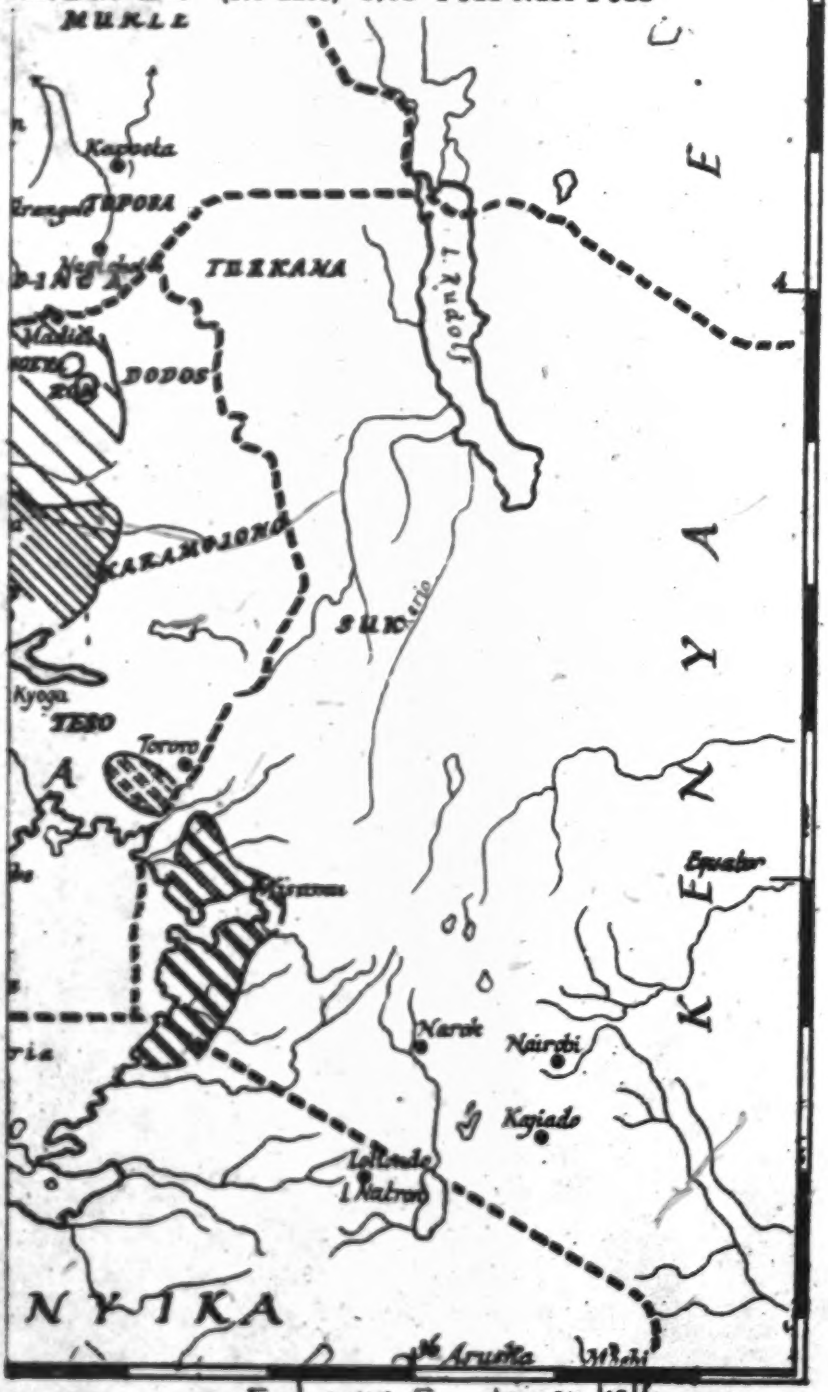

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1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

CHAPTER II

OECOLOGY

I

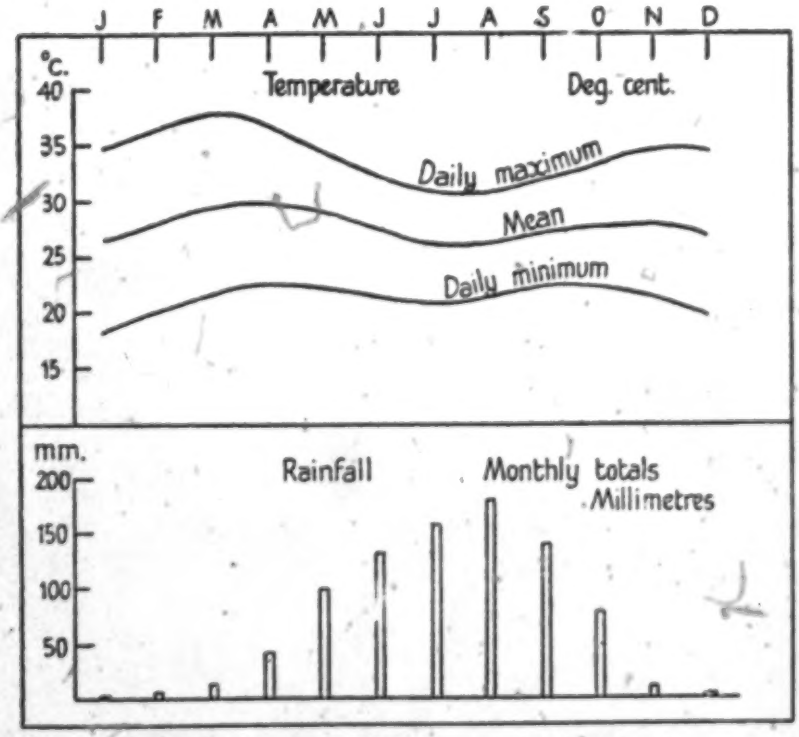
FROM a European's point of view Nuerland has no favourable qualities, unless its severity be counted as such, for its endless marshes and wide savannah plains have an austere, monotonous charm. It is throughout hard on man and beast, being for most of the year either parched or a swamp. But Nuer think that they live in the finest country on earth and, it must be admitted, for herdsmen their country has many admirable features. I soon gave up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt rendered more useless since a few of them have been taken to Khartoum, which they consider to be the home of all white men, and, having seen the desert scrub of that latitude, have been confirmed in their opinion that their land is superior to ours.

The grasses necessary for the welfare of the herds depend for existence on suitable conditions of soil and water. The soils of Nuerland are heavy clays, broken by the sun into deep cracks in the drought and sodden in the rains. They hold up water and consequently enable certain species of grasses to survive the dry months and provide pasture for the cattle. Nuer and their cattle would not, however, be able to live if it were not that there are more sandy elevated spots on which they can take refuge in flood-time and where they can practise horticulture.

Surface water comes partly from rainfall and partly from the flooding of the rivers which traverse Nuerland and is more than adequate to make grass. In an average year the rains commence in April, when a few showers fall and the sky is overclouded, but it is not till the end of May that they set in with a will. At their maximum, in July and August, the weather is cool, even cold in the mornings and evenings, the sun is overcast during most of the day, and a south-westerly wind prevails. Showers become lighter and less frequent in October and usually have ceased altogether by the middle of November when the north wind begins to blow. It blows consistently down the valley of the Nile

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

132 till March. In March and April the heat is intense. The rainfall, which is fairly even over all parts of Nuerland, is not so heavy as farther east, on the Ethiopian Plateau, or south, in the basin of the Victoria Nile and along the Nile-Congo divide, though the effects are more felt, because clay beds hold up the water,



Temperature and Rainfall estimates for Nuerland.
(*Physical Department of the Egyptian Government.*)

the flatness of the country prevents surface drainage, and the annual flooding of the rivers occurs simultaneously.

133 The main rivers which so greatly influence Nuer life are shown on the map on p. 8. They are the Nile itself, known in these regions as the Bahr el Jebel, which derives its water from the Plateau of the Great Lakes; its western tributaries the Bahr el Ghazal and the Bahr el Arab, which are fed by streams flowing from the Nile-Congo divide; the Baro, the lower reaches of which are known as the Sobat, coming from the Ethiopian

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

133 and a desolate waste stretches everywhere to the horizon
137 (Plates VI and XI (*a*) and (*b*)). A belt of forest sometimes lines a river where its banks are high, but never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters park-like savannah forest which becomes thicker the farther south one proceeds, though it usually turns to marshland as the Bahr el Jebel is approached. The southern borders of Western Nuerland fringe ironstone country, likewise covered with savannah forest. As a rule when the rivers are in flood they have no banks and the country lying on either side of them is swamp threaded with wide lagoons, often running parallel to the main channel. This is especially the case with the Bahr el Jebel and the greater part of the Bahr el Ghazal and the Bahr el Arab, the Jebel and the Ghazal being practically united by surface water in the rainy season. The Bahr el Zeraf is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all.

133 This vast plain is threaded with depressions, like that shown
132 on Plate XIX (*b*), which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous, these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions, making a network of waterways which prevents drainage from the saturated earth, so that the rainwater lies everywhere in deep puddles which slowly extend till by the middle of June the whole country, except for occasional higher land, is inundated. The water remains several inches deep till September, and Nuerland has the appearance of a great grass-covered swamp; there are streams, lagoons, and pools wherever there are slight depressions, and islands, on which are perched villages, wherever there are ridges and knolls. The rivers begin to fall about the same time as the rains decline, the fall being most rapid on the Sobat (diagram on p. 53). The blazing sun then quickly evaporates the surface water, while the streams, instead of being channels of overflow from the rivers, now feed them, and by the middle of November the grasses are dry enough to be fired. By the end of December a great part of the country has been burnt

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

132 and is cracked into deep fissures. The wet and dry seasons
133 are therefore very pronounced and the transition from one to the other sudden.

312 Scarcity of rain is probably more serious than low river water, but both may inconvenience Nuer to the point of famine, because sufficient water may not be held up in the clay beds to enable the grasses to recover from firing; inland watercourses may quickly dry up and compel movement to lakes and rivers earlier than is desirable; and there may be a shortage of the marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. Insufficient rain may also destroy the millet. Moreover, it is probable that low rainfall over the whole of North-East Africa causes insufficiency of rain and low rivers to occur in Nuerland simultaneously. Western Nuerland is less subject to drought than Eastern Nuerland, and to the west of the Nile there is always water within easy reach of villages. This seems largely due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds to any extent, since they are fed by perennial streams and have enormous marsh and lake reservoirs. High rainfall and high river water probably also go together and in such years of flood it is difficult for the cattle to find enough grazing to maintain life.

131 The main characteristics of Nuerland are: (1) It is dead flat. (2) It has clay soils. (3) It is very thinly and sporadically wooded. (4) It is covered with high grasses in the rains. (5) It is subject to heavy rainfall. (6) It is traversed by large rivers which flood annually. (7) When the rains cease and the rivers fall it is subject to severe drought.

These characteristics interact with one another and compose an environmental system which directly conditions Nuer life and influences their social structure. The determination is of so varied and complex a nature that we do not attempt to summarize its full significance at this stage of our description, but shall ask ourselves a simpler question: to what extent are the Nuer controlled by their environment as herdsmen, fishermen, and gardeners? We have demonstrated that their chief interest is in their herds and shall first discuss how this interest, combined with physical conditions, necessitates a certain mode of life.

[p.56 contains no Textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

361 and the Eastern Jikany are especially fortunate in this respect, but in Western Nuerland, though there are many suitable ridges, the country is more inundated and there are few elevated stretches of any size, except, as far as my observations go, among sections of the Leek and Dok tribes, which are better off than those tribes which lie in between.

What is needed for a village site is not only room for building but also for grazing and cultivations. Many villages are perched on mounds (Plates VII and XVI), the surfaces of which are accumulations of debris, at the edge of those rivers that have banks in flood, and the cattle graze on the slopes or in near-by thornwood forest, where also gardens are cultivated. More usually homesteads are strung out along sandy ridges (Plate VIII), a mile or two in length and a few hundred yards in breadth, sites which allow greater spacial division between them, and the gardens run at their backs and the grazing-grounds to their fronts. In some parts of Nuerland, especially in the favoured tribes I have mentioned, stretches of higher ground, sometimes several miles in extent, enable the people to build anywhere, except near the narrow depressions that thread them, and little groups of homesteads are dotted here and there, surrounded, and separated, by their gardens and grazing grounds. Nuer prefer to dwell in this greater privacy and show no inclination for true village life.

By making their villages on elevated ground Nuer keep themselves and their cattle above the flood that lies everywhere on the vast plain beneath and gain some protection from the swarms of mosquitoes which breed in the standing water. In [312] Western Nuerland I have seen low mud dykes at the foot of occupied ridges to keep back the water in years of heavy 361 flood. As they build always on the highest spots the torrential 132 rains that fall daily after June run off the slope so that the hard floors of kraals soon dry. How terrific are these rains may be judged from Plate XIV, taken from under the awning of my tent during a moderate shower in August, and how considerably they flood all but village sites may be seen in Plate XII, which shows a millet garden, on a higher level than the plain, in October. On a tour of Western Nuerland in October of 1936, a fairly dry year, we walked almost continuously in several

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

inches of water for seventeen days, apart from having to cross 361
numerous deep depressions. In some parts of Lou and Eastern 132
Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their 343
byres are of size and workmanship that have evoked the admira- 342
tion of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two 351
sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, 423
trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part 361
of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women 342
in beehive-huts, or both sexes in beehive-huts. These flimsy 513
shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

134 sticky water-laden mud. The clayey plains are broken by occasional sandy ridges and knolls upon which the débris of years of occupation has accumulated. However, Nuer distinguish between the black 134 soil, of such areas as Eastern Jikany country, which they call *mun* 823 *mi car* or *dök* and the more sandy soil, which is found, for example, in parts of Lou country, and which they call *mun lita*. The black heavy clays are more suitable for cultivation of millet because they hold up rain water, but they are bad for cattle which in the rains have to struggle through the sticky mud and to eat the high coarse grasses which such soil nurtures rather than the sweeter short grasses which prevail on more sandy soils. Thus the Lou people say in favour of their country "Our cattle do not come back each day from grazing caked in mud but they return with clean hooves." On the other hand the more sandy parts of Lou country, *e.g.*, near Muot Dit, do not hold up rain water which makes cultivation of millet difficult so that even a slight drought destroys the young plants, and often makes it necessary for the people to wander early and far from their villages in the dry season to obtain sufficient pasturage. There [135] are no salt-licks in Nuerland.

Surface water comes partly from direct rainfall over Nuerland [133] and partly from the flooding of the principal rivers which traverse it and which derive most of their water from rainfall elsewhere. In 132 an average year the rains commence in April and continue till the end of October. Towards the middle or end of April a few showers come down and the sky is overclouded. It is not till the end of May that the rains set in with a will. July and August are the months with heaviest rainfall and the weather is cool, even cold in the mornings and evenings and a south-westerly wind prevails. The sun is overcast during most of the day. Showers become lighter and less frequent in October and by the middle of November have ceased altogether. In November the north wind begins to blow and it blows consistently down the valley of the Nile from the Mediterranean to the Plateau of the Great Lakes till the approach of the next rains. The weather becomes warmer and warmer and from January till March is a great trial to Europeans.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

The mean monthly rainfall up to 1927 is given in millimetres by Hurst and Phillips* for the Bahr el Jebel and Bahr el Ghazal area (Western and part of Eastern Nuerland) and for the Sobat and Baro area (most of Eastern Nuerland) as follows :— 132

	Bahr el Jebel and Bahr el Ghazal		*Sobat and Baro*	
January	4	millimetres.	6	millimetres.
February	13	"	14	"
March	38	"	33	"
April	92	"	80	"
May	131	"	137	"
June	134	"	158	"
July	161	"	173	"
August	168	"	199	"
September	145	"	153	"
October	112	"	90	"
November	43	"	48	"
December	8	"	10	"
Year	1049	"	1091	"

The rainfall is fairly even over the whole of Nuerland. It is not nearly so heavy as it is to the east, on the Abyssinian Plateau, or to the south, in the basin of the Victoria Nile or in the neighbourhood of the Nile-Congo Divide. The effects, however, are felt far more than in these regions because the beds of clayey soil hold up the water and the flatness of the country prevents surface drainage. Moreover, the rivers flood at the same time as the rains pour down and the numerous swampy watercourses which thread their way through Nuerland are prevented from discharging water from their mouths. 132 133

The whole of Nuerland is an almost dead flat plain, in the main treeless and during the rains covered with high grasses which reach to the waist and, near streams where they are higher and coarser, reach to the shoulders of the tall Nuer. In my experience they grow somewhat higher in Eastern Nuerland than in Western Nuerland. At 133 137

* The Nile Basin by H. E. Hurst and P. Phillips, 1931, Vol. I, p. 47.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

where in deep puddles which slowly extend till by the middle of June the whole surface of the country, except for occasional higher land, is under water. Nuerland has then the appearance of a great grass-covered swamp, there being stagnant rivers, lagoons, and pools, wherever there is a depression in the level surface, and islands wherever slightly elevated ridges and knolls rise from the ground. On these elevated spots are perched the Nuer villages. 133

The rivers begin to fall about the same time as the rains begin to cease. Nuerland then dries quickly. The blazing sun evaporates the surface water while the streams instead of being channels of overflow from the rivers now begin to feed the rivers, and hence drain their basins, as they sink in their beds. The grasses are dry enough by the middle of November for the Nuer to commence to fire them and by the middle of December most of the country has been burnt and the surface is cracked into deep fissures. So parched is it at this season that it is difficult to find enough water for men and herds. The wet and dry seasons are therefore very pronounced in Nuerland. 132 133

The main characteristics of the country are (1) that it is dead flat, (2) that it has clayey soils, (3) that it is mainly treeless, (4) that it is covered with high grasses in the rains, (5) that it is subject to a heavy seasonal rainfall, (6) that all its rivers flood, and (7) that when the rains cease and the rivers fall it is subject to a season of severe drought. 13

A year in which the rivers are low is probably not so serious for the Nuer as a year in which there is little rain. Nevertheless, when the rivers are low the clay beds may not hold up sufficient water to enable the grasses to spring up again after the annual firing, and the inland watercourses, which to a great extent rely for their water on the flooding of the rivers, may fail early in the dry season and compel the people to move to lakes and river banks earlier than they would normally do, and there may also be a shortage of marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. On the other hand, if there is insufficient rain the millet crop dies and the grasses, deprived of subterranean supplies of water, do not spring 312

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

133 the country to the east (Gaawär country) to such an extent that a
312 journey which, in the ordinary course of events (in the dry season) is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks
•132 or more later.† While the land is being drained by the Sobat the rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

[491] Travelling in February from the Sobat to Pathai and thence
133 eastward to Pul Fadoi, along the newly-made motor road, one traverses
137 slightly higher ground through a thin *heglig* forest which screens the full desolation of the country, for, though in reality it offers scanty
311 shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *heglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hurst and Phillips, *op. cit.*

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

be imagined when one has to stamp one's way through water for ten miles at a stretch. The rank grasses prevent one from leaving the paths and the paths form miniature depressions down which water flows so that it is like walking in the bed of a tiny stream, a sticky bed where every step requires an effort to extract the foot. Rengyan country is amazing at this season of the year. One walks for miles through water to emerge suddenly on a ridge, screened by high grasses till one begins to mount it. Here is a village. One walks through the village to descend into water the other side, and then through miles of water to the next inhabited island. To live in such a country one should be amphibious, like the Nuer, who seem to be in no way inconvenienced by what are to Europeans appalling conditions. 135 137

The rains cease in November but so saturated is the earth that a late heavy shower will again innundate the country for 48 hours. 132 312

The dry season among the Western Nuer is not so severe as it is among the Eastern Nuer because there is never a shortage of water and the villages are never far from deep lagoons and streams, nor even from the main rivers themselves with their broad fringe of marshes. It is probably only in an exceptionally dry year that the larger inland watercourses entirely dry up. Probably this is in the main due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds like the Sobat and Pibor, since they are fed by permanently flowing streams and have enormous lake and marsh reservoirs. The water of streams and lagoons in Western Nuerland is therefore not so rapidly drained as in Eastern Nuerland. Certainly the water in big streams in Dok country seems to be permanent and in walking through Lek country as late as February in 1930 we had to wade frequently through deep swampy streams and lagoons.

Nuer have expressions to denote the natural features of their country. A treeless plain they call *ghau mi dea* or, in contrast to dry elevated ridges, *pan*. A ridge or knoll is called *kwir* and *thur* or, in reference to its suitability for human occupation, *gwaadh wec*. Land which is partly inundated in the wet season, but not sufficiently to be called swampy, and is therefore suitable for growing millet, is called 823 104

6: Evans-Pritchard E-5 (1931, 1936)1938
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824 those grasses which are *wal ghok*, cattle-grasses, and those plants
233 which are eaten regularly by cattle, sheep, and goats or are used for veterinary purposes. One is only given names of plants with hesitation or given different names by different persons when they have no
824 particular value or use. One should not, however, bring leaves and flowers home and ask a Nuer for the names, for this confuses him, but he knows them at once when he sees them growing, as he would normally see them. Not the form of the plant alone but its form together with its habitat enable him quickly to identify it, for some plants are found in gardens, others on sandy ridges, others in the open plain, and others near streams.

824 It is probable that Nuer expansion has to a considerable degree been influenced by the distribution of pasture grasses. I am not
167 a botanist and can only record a few of the main grasses which are
137 found in both Western and Eastern Nuerland without being able to give their distribution in these latitudes. However, Nuer have told me that the reason they did not oust the Ngok Dinka from their enclave was that their pastures are not up to the grazing standards Nuer demand for their cattle. It has also been pointed out to me by Nuer that Shillukland is very poor in grazing grasses, a statement which seems to me, from a very slight acquaintance with Shilluk country, to be true.

137 There are some Nuer grasses the cattle like, some they will eat if
233 they are hungry, and some which they refuse at all times. The richness of pasture varies at different times of the year and in different places and it is these seasonal and local variations which determine Nuer annual, and daily, movements.

•132 In the season of *Rwil*, the springtime of the year when the early
137 rains fall, all the grasses either send up new shoots or begin to grow again after several months of arrested growth. This is a season of
233 fatness for the cattle. All the pasture grasses are short and tender and they can choose the most luscious of them and graze on them to their hearts' content. In this time of plenty they nibble the heads of the grasses of which they are not greatly fond while they graze to the ground a favourite grass like *gau* (*Andropogon Gayanus Kunth*).

6: Evans-Pritchard E-5 (1931, 1936)1938
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But when the rainy season (*töt*) is well advanced, grazing becomes more difficult, partly because the country is inundated and partly because some of the best grasses like *dut cieng nath* (*Echinochloa pyramidalis Hitchc. and Chase*) grow tall and rank and are no longer favoured by the cattle, though this particular grass which grows in the open plain and may, perhaps, be regarded as the characteristic grass of Western Nuerland, does not grow so coarse as many others and is the great stand-by of the cattle in a bad year. Other grasses which are eaten in the early rains but become too rank in the middle of the rains to appeal to the cattle are *dik* (*Sorghum dimidiatum stapf*), *dinding* (*Ischaemum brachyatherum Fenzl*), both grasses of the open plains, *yiu* (*Rottboellia exaltate L.f.*), which is found mainly away from streams and grows best on sandy ridges, and when full-grown is covered with spines on account of which it is also called *lep yang*, 'cow's tongue;' and *yuol* (*Pennitetum ramosum Schweinf.*) a grass of the open plains which has spiky heads that when it is full grown, run into the eyes of the cattle and make them sore so that they have to be bathed.

Therefore at the height of the rains, especially in a flood year, grazing is often a serious problem and cattle have to rely largely on the short grasses of the village ridges. This is where Lou country has an advantage over the Eastern Jikany districts and why many villages in Western Nuerland are so well placed. Such grasses are *jual jok* 'dog's tail' (*Setaria pallide-fusca Stapf and Hubbard*), and *bogh* (*Eriochloa nubica Hack. and Stapf.*), neither of which cattle relish, though *bogh* is eaten avidly by goats and sheep. Another ridge grass is *muöth* (*Cynodon Dactylon Pero.*). These grasses are supplemented by grasses of the open plains that grow at the foot of the ridges, particularly *dut cieng nath*, and have been beaten down by rain. In those parts of Nuerland which are not favoured by wide ridges the cattle may starve in a year of very high flood.

Early in the season of *jiom*, the windy season that succeeds the rains and is the first part of the dry season, the grasses dry up and seed. It is not a good time for the cattle since the tall grasses impede their movement, no longer provide succulent pasturage, and may

6: Evans-Pritchard E-5 (1931, 1936)1938
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233

shelter beasts of prey. Nuer hasten to burn them as soon as they are dry enough, usually in the latter part of November and in the early part of December. If they are fired too early they are only half burnt and though new shoots spring up the old charred stems remain standing.

Some grasses which cattle eat in the wet season fail to come up after firing till the following rains. Such are *wal* (or *dut*) *lony*, 'lion's grass' which grows in the open plains; an excellent grazing grass called *gogh* (*Brachiaria obtusiflora Stapf*). also of the open plains and favouring shallow depressions; *töl muoth*, also of the open plains and good pasture in the rainy season.

Other grasses send up tender young shoots a few days after they are burnt. Probably this is due to their long roots which tap water held up in the clay beds and it may be partly due also to their clump formation which protects the core of the plants from the flames. If it were not for the fact that some grasses send up new shoots after firing it would be difficult for the cattle to survive. It would, I think, be impossible for them to survive inland in a dry year. Some of the main grasses which come up again, though they do not grow till the next rains, are *twät* (*sporobolus pyramidalis Beauv.*), a grass found mainly near sandy ridges and not greatly favoured by the cattle; *ghol* (*Setaria sp.*) which also the cattle do not much care for; *rïëth* (*Setaria Lynesii Stapf and Hubbard*) a grass found mainly along shallow depressions; and *gau*. But the two grasses mainly to be depended on, and both much eaten by cattle, are *dut cieng nath* and a very tall grass, found near streams and pools, called *dut in lum* or *dut jaangni*. Some of the grasses which come up again grow near village sites and are therefore of little use because the cattle are in camps in the open plains, *e.g.*, *twät* and *ghöl*. It seems to depend to some extent on the amount of rainfall to what extent grasses send up shoots and in a very dry year grasses which would in a wet year send up shoots may not do so.

After the grasses have been burnt the cattle have a good time as they can wander as they please, being no longer impeded by surface

6: Evans-Pritchard E-5 (1931, 1936)1938
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water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng nath* may fail (it is said *ce tör* or *ce juac tör*).
Nuer then make for rivers, swamps, lagoons, and deep marshy
depressions where they can always find enough vegetation to keep [221]
the cattle alive. The chief marsh grasses are *poon* (*Onyza Barthi A. cheval*), *giëk*, *buogh*, and *kuth yang*. Nuer say that no grasses give
more milk than these if the cows can obtain them in abundance. [234]

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaaira repens L.*) another plant called *tiltil* (*Indigofera Sp.*), *Wangrial* (*Justicia matammensis* (*Schwenf*) *oliv.*), *när yiauwa* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schleria foliosa A. Rich.*), *wöör* (*Portulaca Quadrifida L.*), *kutkakdeet* (*Glycine Borianii Bak*), *tac* (*Ipomoea replans Poir*), *pac* (*Urochloa s'.*), *nyiök indit pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kër jaakoah* ('crow's pumpkins'), *thil in cöt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

6: Evans-Pritchard E-5 (1931, 1936)1938
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vary much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave camp and one meets them along paths, carrying their household goods in rectangular cane baskets. Youths leave camp early in the morning to cut stakes, generally of thornwood (*bwau*) and they spend a large part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the need to sleep towards noon. Everyone is becoming restless and

8:Howell E, G-5 (1942-1944)1954
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internal strife and political fission. (v) As the pressure from the north increased, a return to a semblance of cohesion was necessary and there emerged the great Nuer leaders or 'Prophets' who arose as symbols of tribal resistance to foreign aggression represented first in the Dervish forces who attempted to establish slaving centres in Nuerland and finally by the forces of the present Government. (vi) In the years which followed, administration was limited to an attempt to hold the Nuer from their attacks on the Dinka, to prevent fighting among themselves, and to the collection of taxes. Naturally enough the Nuer resented this, particularly the collection of tribute in cattle and the prevention of cattle raids, and despite the outstanding efforts of individual administrators such as Struvé, Stigand, and Jackson, the attempt to establish ordered administration was only partially successful. Resistance, raids on neighbouring tribes, and lack of internal security reached a climax in 1928. Captain Fergusson, then District Commissioner of Western Nuer, was assassinated; the Lou Nuer led by Gwek Ngundeng[1] had been showing open defiance for some time previously, and in that year too the Gaawar Nuer led by Dwal Diu[2] descended on the Dinka of Bor District and attacked the Government Post at Duk Faiwil. Reprisals followed and took the form of a series of strenuous military operations which were known as the 'Nuer Settlement'. Whatever the moral verdict, the Nuer learnt their lesson and came to heel. A period of pacification followed, and through the just and sympathetic methods of such men as Captain H. A. Romilly, Captain A. H. Alban, and Mr. H. G. Wedderburn-Maxwell, the feelings of fear and suspicion, which were natural enough in the circumstances, were quickly eradicated. It was these men who laid the foundations of the sound administrative system which was to follow. From an excessively arrogant, unco-operative and suspicious people, the Nuer rapidly became what they are now: still proud, still intensely democratic with a fine spirit of independence, but essentially friendly.

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Topography and Ecology

Nuer country, set in the savannah and marshland of the Southern Sudan between latitudes 10° N. and 7° N. and with a seasonal rainfall between 800 and 1,000 mm.,[3] has its special topographical and climatic features which account for the present mode of life of the people. The total area of Nuerland in the Sudan is approximately

131 [132]

[1] See P. Coriat, 'Gwek the Witch-doctor and the Pyramid of Dengkur', *S.N.R.*, 1939.

[2] The son of Deng Likes, sometimes called the Prophet Diu, who rallied the Gaawar Nuer against the slavers at the end of the nineteenth century.

[3] Averages are: Malakal, 818 mm.; Fangak, 1136 mm.; Bentiu, 797 mm.; Ler, 902 mm.; Abwong, 744 mm.; Akobo, 925 mm.; Shambe, 819 mm. Fangak is exceptional, possibly owing to the heavy bush and Acacia forest in that region.

8:Howell E, G-5 (1942-1944)1954
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a greater or lesser extent isolated at certain times of the year. Such periodic isolation is one of the factors which tend to emphasize the distinction between social groups and strengthen the ties within them, for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

Climatic conditions adverse to the cultivation of millet coupled with widespread cattle disease (rinderpest, contagious bovine pleuro-pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

Small quantities of maize are planted in the early rains and the crop matures, if they are lucky, about the end of July, providing temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

8:Howell E, G-5 (1942-1944)1954
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241 132 famine. The distribution of rainfall is, however, not universally favourable or otherwise to all areas of Nuerland. Heavy rainfall in low-lying regions may prove fatal, while it is suitable for crops planted on better drained, sandier soil. Thus crops are not as a rule universally good or bad throughout Nuerland, nor within one tribal territory. Some families have good crops, others bad, and the position may be reversed in another year.

621 On a wider scale this leads to trading or a reaffirmation of more remote obligations of kinship; on a limited scale it leads to a re-emphasis of the ties of mutual assistance which are raised both by kinship and by association in a common territory. Economic considerations of this sort are important in the determination and maintenance of social groupings and in the maintenance of peaceful relations. This is a feature of Nuer society which has been at least partially modified by modern administrative methods since grain is often imported and sold in years of shortage.

The other principal factor making for social integration is the need for common defence against opposing groups or, in a much wider sense, defence against foreign aggression. It is obviously another factor which is most readily affected by modern influences and the introduction of an ordered administration. The need for mutual defence is lessened, and doubtless the feeling of opposition to an alien government is less intense now that the Nuer are used to it.

Whatever the factors making for social integration or the reverse, the pattern which extends within and across social groupings is the kinship system, both as a fact and as an ideal. The smaller the social unit the more important these factors are and the greater the need for mutual assistance and co-operation. Later we shall come to examine in greater detail how these factors have altered through normal contacts with other peoples and through the active policy of the Government, and in particular the resulting effect on legal concepts and procedures.

Social and Political Structure

114 Professor Evans-Pritchard has recorded a full analysis of the political and kinship systems of the Nuer. For the purpose of this work, which aims at the examination of legal processes and procedures in the present and to a lesser extent in the past, it is unnecessary to do more than summarize his observations and conclusions which, with the exception of minor local variations of no great importance in the general picture, are much the same as my own. Where I use examples, I often refer to the Zeraf Valley tribes, Gaawar, Thiang, and Lak, which Professor Evans-Pritchard has not studied. There is therefore some object in this summary, apart from its necessity as an introduction to the subject of law, since it provides further evidence from other parts

The year is divided into months according to the moon. 805

There are four seasons. The fishing season usually starts in the latter part of December or the first of January. It lasts probably three months, then when the rainy season starts and the river rises, the spring season begins. The spring season is called 'rwil' while the fishing season is called 'mei', or as we would pronounce it 'mae'. The season in which the dura is growing is called 'tot' (pronounced 'tawt') and corresponds to our summer season. The autumn season is called the season of winds or 'jom'.

There is no Government thermometer at Nasser, and I 132 ● can give no definite scale of temperature. I have had a thermometer in my sitting-room for several years—(a room with brick walls and grass roof, two large windows and two doors). The minimum temperature which I have happened to note was 56 degrees F. The maximum in this room was 105 degrees F. As a rule the temperature ranged from 84–100 degrees F. Of course different temperatures may be registered when the thermometer is placed elsewhere. I just give the temperature of the room where I was working during the hottest part of the day. Others have found their thermometers to register 110 degrees.

However the sun does a thorough job in heating the bath water. The pipes are on the surface of the ground and the water is often far too hot to use until after it has stood for a while, as there is no cold water to cool it with.

The day is also divided, so while the Nuer cannot tell 805 what time it is by giving the hour, they can give a very definite idea of what they mean.

au e durdur	not yet daybreak.
ci au bak	daybreak.
ci caŋ kany	sunrise.
thal caŋ	about ten o'clock.

features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pastures in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since some varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pasturage becomes exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become scarcer and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER II

OECOLOGY

I

FROM a European's point of view Nuerland has no favourable qualities, unless its severity be counted as such, for its endless marshes and wide savannah plains have an austere, monotonous charm. It is throughout hard on man and beast, being for most of the year either parched or a swamp. But Nuer think that they live in the finest country on earth and, it must be admitted, for herdsmen their country has many admirable features. I soon gave up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt rendered more useless since a few of them have been taken to Khartoum, which they consider to be the home of all white men, and, having seen the desert scrub of that latitude, have been confirmed in their opinion that their land is superior to ours. 133 823

The grasses necessary for the welfare of the herds depend for existence on suitable conditions of soil and water. The soils of Nuerland are heavy clays, broken by the sun into deep cracks in the drought and sodden in the rains. They hold up water and consequently enable certain species of grasses to survive the dry months and provide pasture for the cattle. Nuer and their cattle would not, however, be able to live if it were not that there are more sandy elevated spots on which they can take refuge in flood-time and where they can practise horticulture. 134

Surface water comes partly from rainfall and partly from the flooding of the rivers which traverse Nuerland and is more than adequate to make grass. In an average year the rains commence in April, when a few showers fall and the sky is overclouded, but it is not till the end of May that they set in with a will. At their maximum, in July and August, the weather is cool, even cold in the mornings and evenings, the sun is overcast during most of the day, and a south-westerly wind prevails. Showers become lighter and less frequent in October and usually have ceased altogether by the middle of November when the north wind begins to blow. It blows consistently down the valley of the Nile 132

1: Evans-Pritchard E-5 (1931, 1936) 1940
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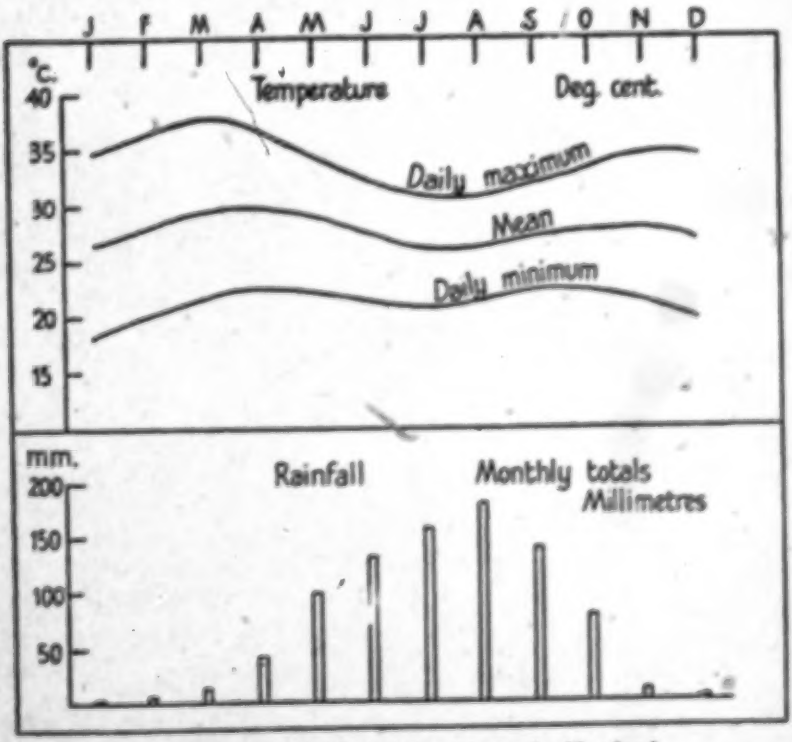
132 till March. In March and April the heat is intense. The rainfall, which is fairly even over all parts of Nuerland, is not so heavy as farther east, on the Ethiopian Plateau, or south, in the basin of the Victoria Nile and along the Nile-Congo divide, though the effects are more felt, because clay beds hold up the water,



Temperature and Rainfall estimates for Nuerland.
(*Physical Department of the Egyptian Government.*)

the flatness of the country prevents surface drainage, and the annual flooding of the rivers occurs simultaneously.

•133 The main rivers which so greatly influence Nuer life are shown on the map on p. 8. They are the Nile itself, known in these regions as the Bahr el Jebel, which derives its water from the Plateau of the Great Lakes; its western tributaries the Bahr el Ghazal and the Bahr el Arab, which are fed by streams flowing from the Nile-Congo divide; the Baro, the lower reaches of which are known as the Sobat, coming from the Ethiopian

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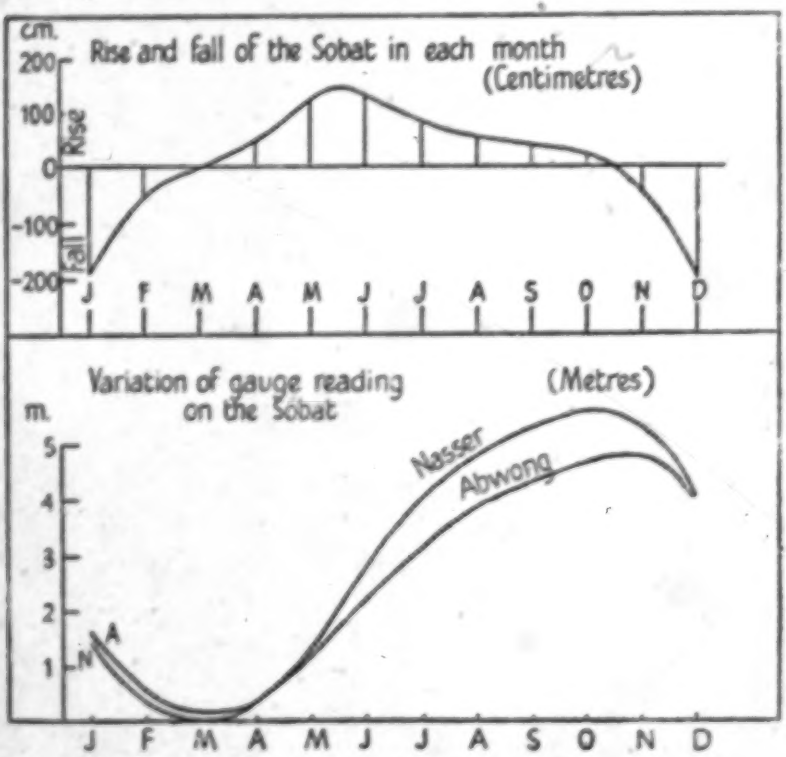
Highlands; and the Pibor which flows from the same direction 133
and also drains to a lesser extent the northern slopes of the Plateau of the Great Lakes and the Sudan Plains. The Bahr el Zeraf is another channel of the Bahr el Jebel.[1] All these rivers flood at the time of the rains and, owing to its flatness, the country is turned into a vast morass.



Rise and fall of the Sobat river.
(*Physical Department of the Egyptian Government.*)

The whole of Nuerland is an almost dead level plain, covered 133
during the rains with high grasses reaching to the waists, and 137
near streams, where they are higher and coarser, to the shoulders of the tall Nuer. It approximately coincides with the extension of true savannah in the Sudan. Here and there are patches of thornwood forest, but often no tree is visible in any direction

[1] For an excellent description of these rivers see H. E. Hurst and P. Phillips, *The Nile Basin*, vol. I, 1931.

1; Evans-Pritchard E-5 (1931, 1936) 1940
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133 and a desolate waste stretches everywhere to the horizon
137 (Plates VI and XI (*a*) and (*b*)). A belt of forest sometimes lines a river where its banks are high, but never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters park-like savannah forest which becomes thicker the farther south one proceeds, though it usually turns to marshland as the Bahr el Jebel is approached. The southern borders of Western Nuerland fringe ironstone country, likewise covered with savannah forest. As a rule when the rivers are in flood they have no banks and the country lying on either side of them is swamp threaded with wide lagoons, often running parallel to the main channel. This is especially the case with the Bahr el Jebel and the greater part of the Bahr el Ghazal and the Bahr el Arab, the Jebel and the Ghazal being practically united by surface water in the rainy season. The Bahr el Zeraf is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all.

133 This vast plain is threaded with depressions, like that shown
132 on Plate XIX (*b*), which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous, these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions, making a network of waterways which prevents drainage from the saturated earth, so that the rainwater lies everywhere in deep puddles which slowly extend till by the middle of June the whole country, except for occasional higher land, is inundated. The water remains several inches deep till September, and Nuerland has the appearance of a great grass-covered swamp; there are streams, lagoons, and pools wherever there are slight depressions, and islands, on which are perched villages, wherever there are ridges and knolls. The rivers begin to fall about the same time as the rains decline, the fall being most rapid on the Sobat (diagram on p. 53). The blazing sun then quickly evaporates the surface water, while the streams, instead of being channels of overflow from the rivers, now feed them, and by the middle of November the grasses are dry enough to be fired. By the end of December a great part of the country has been burnt

1: Evans-Pritchard E-5 (1931, 1936) 1940
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132 and is cracked into deep fissures. The wet and dry seasons
133 are therefore very pronounced and the transition from one to the other sudden.

3/2 Scarcity of rain is probably more serious than low river water, but both may inconvenience Nuer to the point of famine, because sufficient water may not be held up in the clay beds to enable the grasses to recover from firing; inland watercourses may quickly dry up and compel movement to lakes and rivers earlier than is desirable; and there may be a shortage of the marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. Insufficient rain may also destroy the millet. Moreover, it is probable that low rainfall over the whole of North-East Africa causes insufficiency of rain and low rivers to occur in Nuerland simultaneously. Western Nuerland is less subject to drought than Eastern Nuerland, and to the west of the Nile there is always water within easy reach of villages. This seems largely due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds to any extent, since they are fed by perennial streams and have enormous marsh and lake reservoirs. High rainfall and high river water probably also go together and in such years of flood it is difficult for the cattle to find enough grazing to maintain life.

131 The main characteristics of Nuerland are: (1) It is dead flat. (2) It has clay soils. (3) It is very thinly and sporadically wooded. (4) It is covered with high grasses in the rains. (5) It is subject to heavy rainfall. (6) It is traversed by large rivers which flood annually. (7) When the rains cease and the rivers fall it is subject to severe drought.

These characteristics interact with one another and compose an environmental system which directly conditions Nuer life and influences their social structure. The determination is of so varied and complex a nature that we do not attempt to summarize its full significance at this stage of our description, but shall ask ourselves a simpler question: to what extent are the Nuer controlled by their environment as herdsmen, fishermen, and gardeners? We have demonstrated that their chief interest is in their herds and shall first discuss how this interest, combined with physical conditions, necessitates a certain mode of life.

[p.56 contains no Textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE VIII

133

Sandy ridge with cattle byres on the horizon (Dok)

[Face p. 68]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XIX

361

a. Cattle camp (Leek)

133

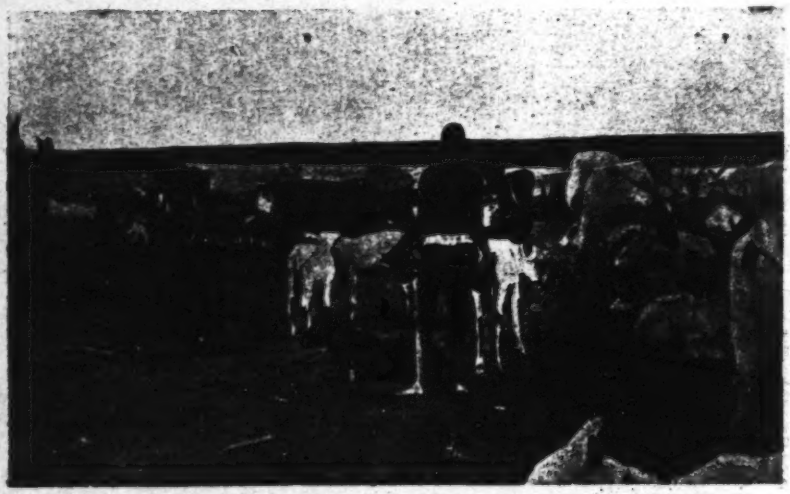
b. Typical swampy depression in November (Western Jikany)

[Face p. 176]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXIII

233



a. Section of camp kraal (Lou)

133

b. Sobat river in the dry season (Lou)

[Face p. 216]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

ECONOMIC LIFE OF THE NUER : CATTLE.

By E. E. Evans Pritchard.

II.

621 The chief characteristices of Nuer social life can be understood only when their pastoral activities are viewed in relation to the country in which they live. Social instutitions are to a large extent a function of this dynamic relationship between mode of livelihood and environment. I have said something about cattle and the esteem in which Nuer hold them. I will now say something about the country in which these cattle have to be maintained.

186 From the European's point of view Nuerland has no favourable qualities, unless its severity be counted such, for its endless marshes
•133 and wide savannah plains have an austere monotonous charm. It is throughout hard on man and beast, being for most of the year either a swamp or a parched and waterless tract. Trekking across the Nuer plains is a great weariness to body and spirit. But Nuer do not share this opinion. They think that they live in the finest country on earth, envying no people their heritage, and, it must be admitted, for herdsmen their country has many admirable features. It provides pasturage all the year round and absence of forest prevents the encroachment of tsetse. I have long since given up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt more useless since a few Nuer have been taken to Khartoum, a place they consider to be the home of all white men. Having seen the desert scrub which surrounds Khartoum they are confirmed in their opinion that their own land is superior to ours.

134 The grasses upon which depends the welfare of the herds depend, for existence in their turn, on soil and water. The soils of Nuerland are heavy clays which look very much alike to me and which are equally unpleasant to walk on in the dry season, when they are broken by the sun into deep cracks, and in the wet season when they form

6: Evans-Pritchard E-5 (1931, 1936)1938
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134 sticky water-laden mud. The clayey plains are broken by occasional sandy ridges and knolls upon which the débris of years of occupation has accumulated. However, Nuer distinguish between the black 134 soil, of such areas as Eastern Jikany country, which they call *mun* 823 *mi car* or *dok* and the more sandy soil, which is found, for example, in parts of Lou country, and which they call *mun lita*. The black heavy clays are more suitable for cultivation of millet because they hold up rain water, but they are bad for cattle which in the rains have to struggle through the sticky mud and to eat the high coarse grasses which such soil nurtures rather than the sweeter short grasses which prevail on more sandy soils. Thus the Lou people say in favour of their country " Our cattle do not come back each day from grazing caked in mud but they return with clean hooves." On the other hand the more sandy parts of Lou country, *e.g.*, near Muot Dit, do not hold up rain water which makes cultivation of millet difficult so that even a slight drought destroys the young plants, and often makes it necessary for the people to wander early and far from their villages in the dry season to obtain sufficient pasturage. There [135] are no salt-licks in Nuerland.

Surface water comes partly from direct rainfall over Nuerland •[133] and partly from the flooding of the principal rivers which traverse it 132 and which derive most of their water from rainfall elsewhere. In an average year the rains commence in April and continue till the end of October. Towards the middle or end of April a few showers come down and the sky is overclouded. It is not till the end of May that the rains set in with a will. July and August are the months with heaviest rainfall and the weather is cool, even cold in the mornings and evenings and a south-westerly wind prevails. The sun is overcast during most of the day. Showers become lighter and less frequent in October and by the middle of November have ceased altogether. In November the north wind begins to blow and it blows consistently down the valley of the Nile from the Mediterranean to the Plateau of the Great Lakes till the approach of the next rains. The weather becomes warmer and warmer and from January till March is a great trial to Europeans.

6: Evans-Pritchard E-5 (1931, 1936)1938
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The mean monthly rainfall up to 1927 is given in millimetres by Hurst and Phillips* for the Bahr el Jebel and Bahr el Ghazal area (Western and part of Eastern Nuerland) and for the Sobat and Baro area (most of Eastern Nuerland) as follows :— 132

	Bahr el Jebel and Bahr el Ghazal		*Sobat and Baro*	
January	4	millimetres.	6	millimetres.
February	13	"	14	"
March	38	"	33	"
April	92	"	80	"
May	131	"	137	"
June	134	"	158	"
July	161	"	173	"
August	168	"	199	"
September	145	"	153	"
October	112	"	90	"
November	43	"	48	"
December	8	"	10	"
Year	1049	"	1091	"

The rainfall is fairly even over the whole of Nuerland. It is not nearly so heavy as it is to the east, on the Abyssinian Plateau, or to the south, in the basin of the Victoria Nile or in the neighbourhood of the Nile-Congo Divide. The effects, however, are felt far more than in these regions because the beds of clayey soil hold up the water and the flatness of the country prevents surface drainage. Moreover, the rivers flood at the same time as the rains pour down and the numerous swampy watercourses which thread their way through Nuerland are prevented from discharging water from their mouths. 132 133

The whole of Nuerland is an almost dead flat plain, in the main treeless and during the rains covered with high grasses which reach to the waist and, near streams where they are higher and coarser, reach to the shoulders of the tall Nuer. In my experience they grow somewhat higher in Eastern Nuerland than in Western Nuerland. At 133 137

* The Nile Basin by H. E. Hurst and P. Phillips, 1931, Vol. I, p. 47.

6: Evans-Pritchard E-5 (1931, 1936)1938
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484 At this season of the year[1] traversing open country is always difficult
133 and even along the paths inconvenient, especially as the land is
137 inundated at the same time. One can just see the horns of the great oxen at pasture. Only in the habitual grazing grounds on the slopes of slightly elevated ridges, where the cattle and the close-cropping sheep and goats have kept down the shorter species of grasses, is there any freedom of movement.

137 Nuerland approximately coincides with the extension of true savannah in the Sudan. Here and there are stretches of thornwood forest but they are never extensive. A belt of forest sometimes lines a river where its banks are high, *e.g.*, on the Sobat and along sections of the Bahr el Ghazal and the Bahr el Arab, but it never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters parklike savannah forest which becomes thicker the further south one proceeds, though it always turns to marshland as the Bahr el Jebel is approached. To the south of Western Nuerland one touches the fringes of ironstone country, likewise covered with savannah forest.

Though thornwood forest is found along sections of the rivers, as a rule when they are in flood they have no banks and the country
133 lying on either side of them is swamp. This is especially the case with the whole course of the Bahr el Jebel through Nuerland and the greater part of the Bahr el Ghazal. The Bahr el Zeraf channel is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all. According to my own observations the area of swamp is smaller than is generally supposed.

This vast plain is threaded with depressions which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions threading the land with a network of waterways which prevent drainage from the saturated earth so that the rainwater lies every-

[1] [i.e., during the rain season--Analyst]

6: Evans-Pritchard E-5 (1931, 1936)1938
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where in deep puddles which slowly extend till by the middle of June 133
the whole surface of the country, except for occasional higher land, is under water. Nuerland has then the appearance of a great grass-covered swamp, there being stagnant rivers, lagoons, and pools, wherever there is a depression in the level surface, and islands wherever slightly elevated ridges and knolls rise from the ground. On these elevated spots are perched the Nuer villages.

The rivers begin to fall about the same time as the rains begin to 132
cease. Nuerland then dries quickly. The blazing sun evaporates 133
the surface water while the streams instead of being channels of overflow from the rivers now begin to feed the rivers, and hence drain their basins, as they sink in their beds. The grasses are dry enough by the middle of November for the Nuer to commence to fire them and by the middle of December most of the country has been burnt and the surface is cracked into deep fissures. So parched is it at this season that it is difficult to find enough water for men and herds. The wet and dry seasons are therefore very pronounced in Nuerland.

The main characteristics of the country are (1) that it is dead 13
flat, (2) that it has clayey soils, (3) that it is mainly treeless, (4) that it is covered with high grasses in the rains, (5) that it is subject to a heavy seasonal rainfall, (6) that all its rivers flood, and (7) that when the rains cease and the rivers fall it is subject to a season of severe drought.

A year in which the rivers are low is probably not so serious for 312
the Nuer as a year in which there is little rain. Nevertheless, when the rivers are low the clay beds may not hold up sufficient water to enable the grasses to spring up again after the annual firing, and the inland watercourses, which to a great extent rely for their water on the flooding of the rivers, may fail early in the dry season and compel the people to move to lakes and river banks earlier than they would normally do, and there may also be a shortage of marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. On the other hand, if there is insufficient rain the millet crop dies and the grasses, deprived of subterranean supplies of water, do not spring

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

312 up after firing. Therefore, whilst a year of little flooding may cause some inconvenience a year of low rainfall may cause famine. It is probable that years of low rainfall over Nuerland are also years when river water is low, *i.e.*, when the rainfall is low over the whole of North East Africa. The two together may cause Nuer great distress. Similarly, a year of exceptionally high rainfall is probably also a year of high river water and the combination sometimes causes such serious flooding that it is very difficult for the cattle to find pasturage. The hardy millet plant does not seem to be affected by moderate flooding.

•133 Such are the general conditions in Nuerland. So important is
312 it to understand these conditions that I may be pardoned for adding some further observations. Most of my sojourn among the Nuer was spent in Lou country or on its confines, and what I write of Lou country applies equally to the whole region between the Nile and the Pibor and to most of the Eastern Jikany area to the north of the Sobat. Lou country is part of the flat plain that lies between the Nile and the foothills of the Abyssinian escarpment. It is bounded to the north by the Sobat River and to the east by the Pibor River. It thus forms part of the basin of the Sobat, which is formed from the junction of the Baro and the Pibor. The water of the Baro comes entirely from the Abyssinian highlands. The water of the Pibor comes mostly from the same region though the river drains also to a lesser degree the northern slopes of the Plateau of the Great Lakes and the Sudan Plains. The Baro is a mountain torrent in the Abyssinian highlands but when it reaches the plains it begins to wind about and form swamps. The three main streams which run from south to north across Lou country, the Nyanding, the Wangnyait, and the Filus, are channels of overflow from the Sobat when it is in flood. It is the same to the north of the Baro-Sobat, in Gaajok country, where, for example, water flows out of the Baro along the Macar stream to lose itself in the vast Macar swamp. Here and there in Lou country are low ridges, some stretching several miles, and on the banks of the Sobat and Pibor are occasional knolls, known in the Sudan as *dabbas*, and on these islands of elevated ground the Nuer

6: Evans-Pritchard E-5 (1931, 1936)1938
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build their huts and byres. As most of Lou country is under water in the rains they are then literally islands. 133 312

The Sobat begins to rise at the end of April or the beginning of May and it is at its highest when the rains are at their greatest. Water flows over its banks forming lagoons and down the streams which traverse Lou country. According to the Nuer, as the water flows out of the Sobat southwards down these streams it meets the rainwater flowing northwards from their upper reaches. Thus one may observe the Pibor flowing first one way and then the other way. Whilst rainwater pours in numerous small channels into the streams they are discharging water along swampy depressions into the interior of the country.

The amount of surface water in Lou country varies from year to year but in most years it is flooded to several inches deep from July to September. This would not prevent one from trekking, unpleasant experience though it would be, but the depressions which occur at frequent intervals are a more serious obstacle for they necessitate constant wading through deep water. Even at the end of May long treks are more than Europeans care to face—the Nuer themselves move freely at all seasons of the year. Thus, at the end of May, in 1935, I found it a struggle to reach Konye from Akobo though it is only a distance of some ten miles. In July of the same year I was practically imprisoned at Yakwac for water lay everywhere several inches deep at the back of the hamlet and progress through the rank grasses was laborious and even dangerous because it was impossible to detect the deep water-filled holes in which a leg might easily be broken.

Sometimes the inundation reaches the proportions of a flood. Lou Nuer have told me that the Fadang Dinka, who occupied Lou country before the Nuer ousted them, once sustained a season of drought followed by such devastating floods that people lived on the tops of trees and ate leaves. There was great loss of life among the older people. Jackson records that in 1918 "An abnormally high river resulted in the Bahr el Zeraf overflowing its banks and inundating [173]

6: Evans-Pritchard E-5 (1931, 1936)1938
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133 312 the country to the east (Gaawär country) to such an extent that a journey which, in the ordinary course of events (in the dry season) is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks or more later.† While the land is being drained by the Sobat the 132 rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

[491] 133 137 311 Travelling in February from the Sobat to Pathai and thence eastward to Pul Fadoi, along the newly-made motor road, one traverses slightly higher ground through a thin *heglig* forest which screens the full desolation of the country, for, though in reality it offers scanty shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *heglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hurst and Phillips, *op. cit.*

6: Evans-Pritchard E-5 (1931, 1936)1938
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ashes. Where the grasses have been burnt some time ago green shoots have sprung up around the charred stems. Here and there stand isolated, thorny, shadeless trees, stunted by fire and spreading out their black tortured branches. Often no tree is visible in any direction and a desolate waste stretches everywhere to the horizon. The burning of the tall grasses has revealed low termite mounds, blackened by fire like the ground from which they rise. There is smoke and flame where parts of the country are still on fire. This country is uninhabited in the rains, being under water, but in February one sees occasional cattle camps around the deeper pools. 133 137 311

In Western Nuerland conditions are in the main similar though there are certain differences. Western Nuerland lies between the Bahr el Jebel and the Bahr el Ghazal and extends to the north of the Bahr el Ghazal as far as the southern boundary of Kordofan Province. It consists for the most part of 'cotton soil' and like Eastern Nuerland is so dead flat that if one mounts a small termite mound one can see in all directions as far as the eye can reach. Here and there are ridges of higher ground. These village sites are always inland because, whereas the higher banks of the Sobat and Pibor allow occupation here and there, the Bahr el Jebel and the Bahr el Ghazal have no banks in their flood seasons and their beds are bordered by wide marshes. These marshes often run for several miles inland and there are very few spots on the Bahr el Jebel where it is possible to land and penetrate into the interior of the country, even in the dry season. 133

I have already expressed an opinion that the area covered by swamp vegetation has been exaggerated. That is an empirical judgment. The marsh vegetation, generally referred to as *sudd* in the Sudan, is a solid mass of water plants, the principal among them being papyrus (*cyperus Papyrus*), '*Um sūf*' (*Panicum pyramidale*) and the common reed (*Phragmites Communis*), to which cling a number of swimming plants (*Utricularia, Vallisneria, Azolla, Pistia, Aldrovandia, etc.*). Creepers especially *Vigna Nilotica* and *Ipomaea*, bind the marsh plants together into a tangled mass. Here and there grow patches of ambatch trees.* Lagoons run out of the 137 133

* Anglo-Egyptian Sudan, pp. 302-3.

6: Evans-Pritchard E-5 (1931, 1936)1938
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133 Bahr el Jebel, separated from the river by narrow stretches of papyrus (from river), and they often run parallel to the course of the river.

161 From the deck of a steamer passing down the Bahr el Jebel there is no sign of human occupation and a traveller might judge the country to be without inhabitants. But inland ridges support a [361] large population. These ridges are, as a rule, widely separated and one treks often enough ten to fifteen miles between one village and the next. In places there are broader belts of high ground covered 133 by thick thornwood forest, as in parts of Rengyan country, or wide 137 sandy ridges covered with scrub and palms (*doleib* and *dom*), as in parts of Dok and Rengyan countries. Those used to the bare monotony of Nuerland will be surprised to meet for the first time these sandy stretches which, with the classic beauty of the *dom* palms that surmount them, seem out of place in savannah plains. In the extreme south, in Nyuong country, which I have not visited, the clay runs into the ironstone belt and savannah gives way to savannah forest in which *Anoglissus Leocarpus* predominates. In the north of Western Nuerland, to the north of the Bahr el Ghazal, in Lek and Bul countries, a maze of watercourses and lagoons running in all directions impede progress for the first few miles inland from the river. Then an open treeless plain extends to the borders of Kordofan. Bul country on the lower reaches of the Bahr el Arab is said to be for the greater part under water in the rainy season, though ridges of sand and forest occur on its northern and western limits.

Most of Western Nuerland is under water in the rains and the Bahr el Jebel and the Bahr el Ghazal are practically united by surface water on the intervening plain. Nevertheless the Western Nuer are probably better favoured for village sites than the Eastern Nuer.

I entered Western Nuerland at Adok on October 1st, 1936. This year was drier than usual but in a seventeen days tour round the country we walked almost the whole time in several inches of water and were often up to our armpits when crossing depressions which are constantly met on the route. How laborious such trekking is can

6: Evans-Pritchard E-5 (1931, 1936)1938
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be imagined when one has to stamp one's way through water for ten miles at a stretch. The rank grasses prevent one from leaving the paths and the paths form miniature depressions down which water flows so that it is like walking in the bed of a tiny stream, a sticky bed where every step requires an effort to extract the foot. Rengyan country is amazing at this season of the year. One walks for miles through water to emerge suddenly on a ridge, screened by high grasses till one begins to mount it. Here is a village. One walks through the village to descend into water the other side, and then through miles of water to the next inhabited island. To live in such a country one should be amphibious, like the Nuer, who seem to be in no way inconvenienced by what are to Europeans appalling conditions. 135 137

The rains cease in November but so saturated is the earth that a late heavy shower will again innundate the country for 48 hours. 132 312

The dry season among the Western Nuer is not so severe as it is among the Eastern Nuer because there is never a shortage of water and the villages are never far from deep lagoons and streams, nor even from the main rivers themselves with their broad fringe of marshes. It is probably only in an exceptionally dry year that the larger inland watercourses entirely dry up. Probably this is in the main due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds like the Sobat and Pibor, since they are fed by permanently flowing streams and have enormous lake and marsh reservoirs. The water of streams and lagoons in Western Nuerland is therefore not so rapidly drained as in Eastern Nuerland. Certainly the water in big streams in Dok country seems to be permanent and in walking through Lek country as late as February in 1930 we had to wade frequently through deep swampy streams and lagoons.

Nuer have expressions to denote the natural features of their country. A treeless plain they call *ghau mi dea* or, in contrast to dry elevated ridges, *pan*. A ridge or knoll is called *kwir* and *thur* or, in reference to its suitability for human occupation, *gwaadh wec*. Land which is partly inundated in the wet season, but not sufficiently to be called swampy, and is therefore suitable for growing millet, is called 823 104

8:Howell E; G-5 (1942-1944)1954
FJ22 Nuer FJ22

131 [161] 32,000 square miles and, as it has a population of about 350,000, it will be seen that the density of population is low. Some areas are, however, more densely populated than others.

361 During the rainy season, roughly from May until November but varying from year to year, the people occupy higher ground which is better drained and comparatively free from flood. This higher ground, where they build their permanent villages and cattle-byres and have their cultivations, is limited and widely distributed. In some areas it is concentrated in a series of narrow ridges, usually running parallel to the main channels of the rivers, in others dispersed in a series of isolated outcrops. Such natural features have their effects on the size of communities, on communications and therefore social contacts, and, as a result, on political and social structure, producing local variations of detail which make generalizations difficult.

133 137 Surrounding the higher ground are the vast areas of open grass plain with thickets of acacia bush,[1] intersected by a network of grass-choked watercourses and the main rivers whose flood-plains produce different ecological conditions and different associations of grass types. Each of these regions has its function in the seasonal activities, which largely concern animal husbandry, but in which crop production, the collection of natural vegetation, and fishing play an important part. It must be emphasized here that the Nuer economy is still essentially at subsistence level and that there is no specialization or organized trade.

I do not propose to enlarge here on the subject of grass associations and pasture utilization. It is worth noting, however, that apart from soil, temperature, and length of day, one of the most important factors in the determination of grass types is the depth and period of immersion during the rainy season. On the higher ground, where the Nuer build their permanent villages, comparatively flood-free conditions produce a mixture of perennial and a few annual grasses which are fully grazed when the cattle are unable to move farther afield. Below this level are the vast 'intermediate' plains, subject to accumulations of rainfall and overflow from the drainage channels, where the grasses are predominantly perennials (*Setaria spp.*, *Hyparrhenia rufa*, &c.). These grasses are unpalatable and virtually useless except as bulk when in a dry and mature condition. So long as moisture is retained in the soil, however, they produce a green regrowth which provides valuable pasture, but in most areas the moisture is gone by the end of January, sometimes earlier. At this point, the cattle must be driven on to the riverain marshes, which, subject to deeper and longer inundation from the rivers and watercourses as well as from rain-flood, produce other types of perennial grasses (*Vossia cuspidata*, *Echinochloa pyramidalis*, *Oryza spp.*, &c.). These grasses are of variable value during the dry season, but generally speaking provide green nutritive grazing

[1] Mainly *Acacia seyal* Del., *Acacia fistula* Schwfth., *Balanites aegyptiaca* Del., &c.

8:Howell E, G-5 (1942-1944)1954
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throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy. 133 137 [262]

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country tails away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped *tabanids* which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *pilual*, the Duk ridge was packed with refugees fleeing from the rising waters. [136] [131]

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toicr* left on the edges of the khor Fullus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire 133 166

[1] This word has no more precise meaning than 'marshland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

133 for better fishing which the rivers provide. It is also possible, and
166 this is a Nuer contention, that the watercourses which flow through Lou country are becoming clogged with silt and vegetation, with the result that water-points dry out earlier in the year though grazing may be improved.

Eastern Nuer District, which lies north of the Sobat up to the borders of Ethiopia, is flanked in the west by the vast Machar swamps, a region which might provide plentiful grazing. In fact, the people prefer to descend to the upper reaches of the Sobat and Baro rivers, where there is not only adequate pasture for their herds, but also exceptionally good fishing and an opportunity to raise a rich crop of maize on the fertile silt left by the flood water.

103 This whole area, the Zeraf Valley, Lou, and Jikany Dhor, is often
101 referred to generally as 'Eastern Nuer' in contrast to 'Western Nuer', the region west of the Nile. The latter area is known to the Nuer who live east of it simply as *kui Kir*, 'over the Nile', but it is known that it is the original homeland of all the Nuer and is sometimes referred to as *cieng Naadh*, 'Nuer homeland', as opposed to *dhor*, 'the outside'. This distinction between eastern and western Nuer is only valid in so far as those east of the Nile are all colonizers, for though there are minor cultural differences between western Nuer and the Zeraf tribes, these do not seem to me to be any greater than are those between the latter and the Lou or the Jikany (Dhor). In speaking of the 'Eastern Nuer' therefore, I refer specifically to those people (i.e. the Jikany Dhor) who live in Eastern Nuer District, an administrative classification, and not to all Nuer east of the Nile.

131 Western Nuer District is divided geographically and to some extent
361 demographically into two distinct parts. There is first the area lying north of the Bahr el Ghazal and partly west of it, and secondly the region south of that river. The difference in terrain is not very great, but whereas the people who live in the north rely on the Bahr el Ghazal itself or the rivers which flow into it, those in the south rely almost entirely on the pastures provided by the natural and seasonal irrigation of the Bahr el Jebel or by the flood waters of rivers coming in from the south-west. In the southern area are the Nuong and Dur, Dok and Ask' and Jagei. These tribes, whose permanent settlements and cultivations are on a ridge of sandy ground which runs parallel to the Bahr el Jebel, graze their cattle in the dry season along the edges of that river or along inland water systems referred to as the Bilnyang system. This system is partly dependent on spill water from the Nile and partly on water derived from a different catchment area. Hence in years when the Nile provides inadequate grazing or is inaccessible owing to heavy flooding, the Bilnyang system gives an alternative. North of these tribes are the Jikany Cieng whose country lies in the triangle formed by the intersection of the Bahr

12:Evans-Pritchard E-5 (1930-1931) 1933
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to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwo, but his descendants will be *gaat kwith* and his village *ciang kwith*. A clan is called after a man yi and becomes *ciang yiɛ*, or after yual and becomes *ciang yul*. I fear that I have sometimes used the nominative and sometimes the genitive case. Hence on Map No. V Yual and Wanghear may be read as Yol and Wanghar.

12:Evans-Pritchard E-5 (1930-1931) 1933
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in the year. At about this time the younger men of the tribe take the cattle out of the villages while the older men and the women reap the harvest. When the harvest is completed they burn the grass around the various pools which they intend to make their dry season quarters. As these rain-water pools dry up, the various household groups and groups of households which have been quartered near them begin to concentrate around larger pools in river beds or near a river bed in which it is known that wells can be dug or along the banks of the Sobat itself. Here they spend the remainder of the dry season. The Sobat begins to rise again about May and further drainage ceases. In June the rains commence and a double process of irrigation occurs. The Sobat runs out along what, on a map, appear to be its tributaries, but are more accurately its channels of overflow, while at the source end of these streams the rains begin to collect and run towards the Sobat, so that the two waters, the outgoing river water and the incoming rain water, meet. As soon as the rains commence, part of the occupants of the dry season camps return to their villages to sow the crops and as soon as it is seen that the rains have set in for good, they are followed by the young men who drive the cattle as quickly as possible to the villages where they will spend the height of the wet season.

Year by year this ebb and flow from village to dry season camps and back again goes on, but, though it is repeated each year, the time of movement, the density of concentration around water supplies, and even the place of concentration, vary according to the severity of the season. Thus, the Lou will remain as long as possible around their area of permanent villages and will concentrate around large pools like Tepjor, Nyerol, Muot Dit, Muot Tot, Fading, rather than migrate to the Sobat, Nyanding and Geni rivers, and the Dinka marshes, though I think that they generally find their way to these localities before the dry season is over.

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A permanent village may consist of a group of huts and byres on an isolated *dabba*, but those I have seen generally comprise a slightly raised area of ground of a few hundred square yards dotted with strings of homesteads. A village may cover an area of several square miles without intermission of dwellings. I regret that I am not able to give any clear idea of the social distribution of these villages since I have only lived with the Nuer in their dry season camps save for a short stay at

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

000 mother observes certain taboos. Usually the first-born child is delivered in the home of the maternal grandparents and, when strong enough, is taken to its father's home.

Twins are believed to be a manifestation of Nyalich. If they are both boys, it is said that they will desire their mother's death; if girls they will desire their father's death; but if one is a girl and the other a boy, each will defend one parent and so both mother and father are safe from their ill-will. After the birth of twins, prayers are made to Nyalich and a bull calf is sacrificed.

BURIAL

Death is followed by immediate burial. The body is placed in the position of sleep, being curled up on its side facing westwards. Skins are placed above and below it. The place of burial is on the right-hand side of the doorway of the house inhabited in life. The dead of a household may, however, be buried near his father's burial place or in his own cattle byre.(1) The *ban wut* is buried in the cattle enclosure. Except for 'bull tombs', graves are not marked.

For four days the brothers and the father of the deceased sit around the grave and sleep there; during this time they are not allowed to drink milk or to go near the cows. At the end of this period they wash, and food taboos are over. After the death of an important man, the head of a lineage, the warriors make mock raids upon their neighbours 'to find the man who killed him' and to raid any cattle.

The Buor

The *buor* is a particular kind of shrine which resembles the front half of a bull; it is made of mud and has real horn inserted. Some of these shrines are surrounded by a fence and all have pegs near them to which cattle may be tied, to delight the ancestors when the shrine is repaired each year after the rains, and sacrifice is made. Bull tombs are not common. They are built a few days after death in the compound near the grave. Offerings of milk, beer and food are made there, rather than at the grave itself. If the lineage moves, the descendants may built a *buor* in the new settlement. It is not at all clear who is entitled to build these shrines but among the Dinka of the Bahr el Ghazal they are made for departed spear-chiefs.

THE NUER(2)

ECOLOGICAL CONDITIONS

/33 The Nuer inhabit the marshes and savannahs which stretch from either side of the Nile south of the point where it is joined by the Sobat and Bahr el Ghazal tributaries. These regions have all the most extreme

(1) Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, p.291.
(2) Professor Evans-Pritchard has published a number of full length studies of different aspects of Nuer society, particulars of these are given in the bibliography. The present volume attempts only a summary outline of the essential material.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pastures in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since some varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pasturage becomes exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become scarcer and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER II

OECOLOGY

I

FROM a European's point of view Nuerland has no favourable qualities, unless its severity be counted as such, for its endless marshes and wide savannah plains have an austere, monotonous charm. It is throughout hard on man and beast, being for most of the year either parched or a swamp. But Nuer think that they live in the finest country on earth and, it must be admitted, for herdsmen their country has many admirable features. I soon gave up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt rendered more useless since a few of them have been taken to Khartoum, which they consider to be the home of all white men, and, having seen the desert scrub of that latitude, have been confirmed in their opinion that their land is superior to ours.

The grasses necessary for the welfare of the herds depend for existence on suitable conditions of soil and water. The soils of Nuerland are heavy clays, broken by the sun into deep cracks in the drought and sodden in the rains. They hold up water and consequently enable certain species of grasses to survive the dry months and provide pasture for the cattle. Nuer and their cattle would not, however, be able to live if it were not that there are more sandy elevated spots on which they can take refuge in flood-time and where they can practise horticulture.

Surface water comes partly from rainfall and partly from the flooding of the rivers which traverse Nuerland and is more than adequate to make grass. In an average year the rains commence in April, when a few showers fall and the sky is overclouded, but it is not till the end of May that they set in with a will. At their maximum, in July and August, the weather is cool, even cold in the mornings and evenings, the sun is overcast during most of the day, and a south-westerly wind prevails. Showers become lighter and less frequent in October and usually have ceased altogether by the middle of November when the north wind begins to blow. It blows consistently down the valley of the Nile

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

ECONOMIC LIFE OF THE NUER : CATTLE.

By E. E. Evans Pritchard.

II.

621 The chief characteristices of Nuer social life can be understood only when their pastoral activities are viewed in relation to the country in which they live. Social instutitions are to a large extent a function of this dynamic relationship between mode of livelihood and environment. I have said something about cattle and the esteem in which Nuer hold them. I will now say something about the country in which these cattle have to be maintained.

186 133 From the European's point of view Nuerland has no favourable qualities, unless its severity be counted such, for its endless marshes and wide savannah plains have an austere monotonous charm. It is throughout hard on man and beast, being for most of the year either a swamp or a parched and waterless tract. Trekking across the Nuer plains is a great weariness to body and spirit. But Nuer do not share this opinion. They think that they live in the finest country on earth, envying no people their heritage, and, it must be admitted, for herdsmen their country has many admirable features. It provides pasturage all the year round and absence of forest prevents the encroachment of tsetse. I have long since given up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt more useless since a few Nuer have been taken to Khartoum, a place they consider to be the home of all white men. Having seen the desert scrub which surrounds Khartoum they are confirmed in their opinion that their own land is superior to ours.

•134 The grasses upon which depends the welfare of the herds depend, for existence in their turn, on soil and water. The soils of Nuerland are heavy clays which look very much alike to me and which are equally unpleasant to walk on in the dry season, when they are broken by the sun into deep cracks, and in the wet season when they form

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

134 sticky water-laden mud. The clayey plains are broken by occasional sandy ridges and knolls upon which the débris of years of occupation has accumulated. However, Nuer distinguish between the black 134 soil, of such areas as Eastern Jikany country, which they call *mun* 823 *mi car* or *dok* and the more sandy soil, which is found, for example, in parts of Lou country, and which they call *mun lita*. The black heavy clays are more suitable for cultivation of millet because they hold up rain water, but they are bad for cattle which in the rains have to struggle through the sticky mud and to eat the high coarse grasses which such soil nurtures rather than the sweeter short grasses which prevail on more sandy soils. Thus the Lou people say in favour of their country "Our cattle do not come back each day from grazing caked in mud but they return with clean hooves." On the other hand the more sandy parts of Lou country, *e.g.*, near Muot Dit, do not hold up rain water which makes cultivation of millet difficult so that even a slight drought destroys the young plants, and often makes it necessary for the people to wander early and far from their villages in the dry season to obtain sufficient pasturage. There [135] are no salt-licks in Nuerland.

Surface water comes partly from direct rainfall over Nuerland [133] and partly from the flooding of the principal rivers which traverse it 132 and which derive most of their water from rainfall elsewhere. In an average year the rains commence in April and continue till the end of October. Towards the middle or end of April a few showers come down and the sky is overclouded. It is not till the end of May that the rains set in with a will. July and August are the months with heaviest rainfall and the weather is cool, even cold in the mornings and evenings and a south-westerly wind prevails. The sun is overcast during most of the day. Showers become lighter and less frequent in October and by the middle of November have ceased altogether. In November the north wind begins to blow and it blows consistently down the valley of the Nile from the Mediterranean to the Plateau of the Great Lakes till the approach of the next rains. The weather becomes warmer and warmer and from January till March is a great trial to Europeans.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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135 Nuerland lacks the two raw materials that have played so important a part in the manufacture of primitive tools: iron and stone. Nuer have always been poor in iron objects. Till recently 411 they possessed very few iron spears, cherished as heirlooms, but used instead the straightened horns of antelope and buck, ebony wood, and the rib-bones of giraffe, all of which are still used to-day, 412 though almost entirely in dances (Fig. 11). Wooden hoes were used for gardening, and are still sometimes so used to-day. Iron 301 bells (Fig. 4) are rare and highly prized even at the present time, and in the old days iron rings and bracelets were important pieces of property. Wooden bells and ivory and leather rings and bracelets took their place in common use. Nuer have no knowledge of 325 smelting and little of the blacksmith's art. I have never seen a forge and, though there are certainly some blacksmiths, their art is crude and may be regarded as a recent innovation, at any rate in most parts of Nuerland. Spears bought from Arab merchants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside villages I have never seen a stone. They are sometimes brought 412 from neighbouring areas and employed as hammers, for smoothing 323 metal ornaments, for rubbing skins, and so on. Grinding grain seems to have been a recent introduction. The grinder is made from thornwood and the grindstone from baked marsh mud mixed with finely pounded potsherds (Fig. 12). With clay, mud, and sand, Nuer also make pots, grain-bins, pipes, toys, hearthstones, and firescreens; construct the walls of byres and huts; and coat floors and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her gift of wood. Large trees are rare. Thornwood and low brush- 322 wood provide timber for building, spear-shafts, harpoon-shafts, clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets, and winnowing trays. Probably no trees in Nuerland are suitable for carving and Nuer possess no wooden utensils. Even the ebony they use for making spears is not found in their country. Ambatch-trees grow in some parts of the swamp areas and from it is made an object which serves as a parrying stick, tobacco pouch, [372] pillow, and seat (Plate XXIX). Byre and kraal fires are fed with dried dung, and wood fuel is only employed in the kitchen—grasses and millet stalks sometimes being used as a substitute. Grasses, millet stalks, and some plants are also used for various purposes: rafters, windscreens, thatching, cord, basketwork, &c. Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and earthy materials instead. Animal products are also a valuable

6: Evans-Pritchard E-5 (1931, 1936)1938
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are simply constructed, the roots of grasses, or occasionally stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

Another circumstance that determines Nuer movements is the abundance of insect life, which is an ever-present menace, for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

Mosquitoes swarm in the rains, their ravages being terrible from July to September, when, as soon as the sun sets, men and beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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they are surrounded by windscreens in which their masters sleep at the side of dung fires from which smoke rises on every side to envelop the camp. 136 231 372

Another unpleasant pest is the seroot fly. It appears to be seasonal, flourishing on cloudy days from May to July, though it sometimes appears at other times of the year. The seroot attack the cattle in the mornings and accompany them to pastures, where they bite them so effectively that they are often driven, stained with blood, back to camp, where dung fires are lit to give them protection. On such days the cattle are unable to graze, fitfully, for more than two or three hours. Another biting fly, the *stomoxys*, is prevalent throughout the year, being especially conspicuous in the dry season and early rains. It is probably this fly which is responsible for the presence of trypanosomiasis in parts of Nuerland, especially among the Eastern Jikany, by transmitting the trypanosomes directly on its proboscis from beast to beast, for the tsetse does not occur in Nuerland, except, perhaps, on its eastern extremities, though its lethal character is well known to Nuer. There are other insects which annoy the cattle, but it is not known whether any of them carry disease in this latitude. Of these may be mentioned the eight-legged cattle tick, which Nuer remove from the bodies of their animals when they return to camp in the evenings—though not frequently or systematically enough; an insect called *tharkwac* which is said to live on the bodies of cattle, though its bites do not cause bleeding; a fly called *miek*; and the common black fly, like our house fly in appearance, which worries the herds a good deal in hot weather—damp and cold seem to kill it off. Red soldier ants occasionally infest the byres so that the cattle have to be removed while the floors are sprinkled with ashes, but they are rare in Nuerland. Nuer are helpless against most of these insects, though, no doubt, smoke keeps them away to some extent. 136 231

Speaking from personal experience I may say that one is continuously tormented by insects in Nuerland, especially by the common black fly and the mosquito. It is evident that the cattle suffer considerably from their attentions and there can be little doubt that this constant irritation lowers their vitality and affects their milk yield, for they seldom have any real rest. In the circumstances their hardiness and endurance are remarkable.

Since several species of tsetse in the Southern Sudan carry trypanosomes pathogenic to cattle it is fortunate for the Nuer that they do not occur in his country. This immunity is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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undoubtedly due to the absence of shady forest which, in its turn, is probably due in the main to flooding and partly to firing. The prevalence of tsetse in the forest belt that stretches along the foot-hills of the Ethiopian escarpment has prevented the Nuer from expanding as far eastwards as they might have done, for it is clear that one of the reasons for their evacuation of Anuak-land was the loss of stock. In relation to tsetse the Nuer, in their present territory, occupy a more favourable position than most Southern Sudan peoples.

A further consideration of great importance is the presence of many microscopic organisms that cause disease in men and cattle. This is not a subject about which we can say much. With regard to stock it may, however, be said that it suffers from many different diseases and that Nuer usually have some treatment for them, though it may be doubted whether it has much, if any, therapeutic value. The two most serious contagious diseases are bovine pleuro-pneumonia, which in some years causes heavy mortality among the herds, and rinderpest. Rinderpest entered the Sudan not more than fifty years ago and Nuer refer to the period before it came, along with Arab invaders, at the time the Boiloc age-set was being initiated, as 'the life of the cattle'. They have no way of combating the scourge once it has attacked a herd, but they are aware that an infected herd ought to be isolated. They are so used to it now that they generally take the precaution of splitting up their herd in the dry season, when it is prevalent, and placing beasts in widely separated camps, so that if it breaks out in any part of the country the cattle placed in another part may escape. An animal which recovers from the disease is known to be immune from further attacks and its value is thereby enhanced, though Nuer are aware that its calves will not enjoy the same immunity. Miss Soule tells me that Nuer claim to be able to tell if an animal has had rinderpest by scraping the tip of the horns and noting the colour beneath the surface. If it is white the animal is immune. Though threatened with starvation in the years of its visitation Nuer face the scourge with resignation and detachment.

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Rinderpest has caused and continues to cause terrible havoc in the herds. It cannot exactly be estimated what, and how

1: Evans-Pritchard E-5 (1931, 1936) 1940
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extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognize that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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226 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks
[501] of large rivers sometimes fish from dug-out canoes (Plate IX)
[227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

226 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish.
[773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the
[22] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract
[252] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang
[262] and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but
[292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

1: Evans-Pritchard E-5 (1931, 1936) 1940
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frequently happens, especially in the early dry season. They 136
seldom go out to hunt game animals, except gazelle and giraffe, 224
and only pursue those that approach their camps. Indeed, they cannot be considered keen hunters and may even be said to treat the sport with a measure of condescension, holding that only absence of cattle makes a man engage in it other than casually. Their flocks and herds provide them with meat, and this fact probably accounts in part for their lack of interest in hunting, which is, however, also to be related to the nature of their country, for its open plains offer little opportunity for successful hunting with the spear.

Nuer refuse all reptiles, except the crocodile and the turtle. 136
Ostriches, bustards, francolin and guinea-fowl, geese, duck, 262
teal, and other waterfowl, abound, but Nuer consider it shameful for adults to eat them and, except in very severe famines it is probable that only children, poor cattleless men, and an occasional elderly person, eat them, and then rarely and secretly in the bush. They do not keep domesticated fowls and show [235]
particular repugnance to the idea of eating them. Likewise eggs are not eaten. No insects are eaten, but the honey of wild bees is collected after the firing of the grasses in December and January and is either eaten in the bush or with porridge at home.

The only tribe who possess more than an odd gun or two are 224
the Eastern Gaajak, who obtain them from Ethiopia. Nuer hunt with dogs and the spear, and rely on their fleetness, endurance, and courage. Hunting in the rains is therefore impossible, because not only does rank vegetation impede pursuit but also animals can choose their ground, there being everywhere sufficient water and grazing. At the height of the dry season they are forced to drink at the same pools, lagoons, and river inlets as men, and the dry bare country allows open chase, for except in tracking giraffe, Nuer hunt by sight and not by spoor. It is only gazelles, which are worried by dogs, and buffaloes, which prefer attack to flight, that can be tackled by one or two men. Other animals, such as tiang, cob, and buck, are only killed when they approach a camp and can be cut off by a large number of young men. I saw several animals killed on the Sobat by being surrounded on the landward side and driven into

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng nath* may fail (it is said *ce tōr* or *ce juac tōr*).
Nuer then make for rivers, swamps, lagoons, and deep marshy [221]
depressions where they can always find enough vegetation to keep
the cattle alive. The chief marsh grasses are *poon* (*Onyza Barthi A. cheval*), *giēh*, *buogh*, and *kuth yang*. Nuer say that no grasses give [234]
more milk than these if the cows can obtain them in abundance.

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaaira repens L.*) another plant called *tiltil* (*Indigofera Sp.*), *Wangrial* (*Justicia malammensis* (*Schwenf*) *oliv.*), *nār yiauwa* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schleria foliosa A. Rich.*), *wōōr* (*Portulaca Quadrifida L.*), *kulkakdeel* (*Glycine Borianii Bak*), *tac* (*Ipomoea reptans Poir*), *pac* (*Urochloa s.*), *nyiōk indit pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kār jaakoah* ('crow's pumpkins'), *thil in cōt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire
136 of dried dung sends out clouds of smoke so dense that it is impossible for a European to remain there for several minutes. One cannot
372 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are
237 so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realize that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

fires, but they are quickly driven into huts and byres to seek protection amid the smoke of their fires. The doors of the huts are closed tightly, air-holes are blocked, and fires are lit. Mosquito-nets are the only European product, apart from spears, for which the Nuer express any great enthusiasm, but very few, perhaps one in several thousand, possess them. 136• [439 1771]

During my residence at Mancöm on the Sobat in July, 1935 I was almost eaten alive by mosquitos. My cotton mosquito house afforded me some protection at night but insects soon made holes in it and the mosquitos entered. Moreover, they swarmed outside like a beleaguering army and on my leaving or entering the house battalions invaded it. The worst time was between six and nine o'clock in the morning when hundreds of mosquitos collected in my tent to escape the sun so that it was impossible to sit in it without being repeatedly bitten. One gets little rest, and fever is sooner or later inevitable.

Mosquitos are absent away from pools and river banks in the dry season and even in the vicinity of water—and one must live near water—they are not troublesome from January to May. In the dry season, therefore, the cattle sleep in the open, the herd being surrounded by windscreens in which the Nuer themselves sleep. If a beast of prey approaches people know of its approach by observing that the cattle are restless. The alarm is given and in a moment the whole camp is awake and men rush, with spears in their hands, to the place of danger. I have seen camps awake half the night chasing lions away, for a lion makes many attempts before he acknowledges defeat. But even in the dry season dung fires envelope the camps in smoke at night to protect the cattle from insects. 233 136

According to the Nuer it was Woman who first brought mosquitos to the habitations of men. Woman found Mosquito in the open plain and asked him "What do you eat?" Mosquito replied, "Oh! grass. Just nothing." Woman said to him, "Well come home with me and we will share our homestead together" When God heard Woman's words he asked her, "What about your husband?" Woman replied, 136 773

6: Evans-Pritchard E-5 (1931, 1936)1938
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•136 773

"Oh! He can brush away Mosquito with a bird's wing." God said, "All right." For the first few days Man brushed mosquitos aside. Then he found that it was useless so he suffered them.

136 233

Another unpleasant insect pest is the seroot fly (*rôw*). Seroot are seasonal. They flourish on cloudy days from May to July. I have not seen them in this latitude from the end of July to the beginning of May. When I was at Konye in May and at Yakwac in July they appeared in swarms every morning shortly before the cattle were driven to pasture, between 9 and 9.30 a.m. At the same hour every morning I was driven from my tent by their painful stings. Fortunately when the cattle go to pasture the seroot flies accompany them. On most mornings at Konye about two hours after being driven to pasture the herd came stampeding back kicking their legs and lashing out with their tails and dung fires had to be lit in the kraal to protect them. There was no need to tether the cattle for they were only too grateful to be allowed to stand near the fires and let the smoke envelope them. Only when there was a shower of rain did they get any relief in the pastures, for rain drives seroot away. On cloudy rainless days the poor beasts ran back to the village covered with seroot and their flanks stained with blood. On such days they were not able to graze for more than two or three hours.

136 232

By August the seroot has gone but the stumoxis (*wak*) remains. It is a small black biting fly which is present in the rains and, I think, in the dry season also. It is probably responsible for the presence of trypanosomiasis in parts of Nuerland, transferring the trypanosomes directly on its proboscis from beast to beast, for the tsetse (*mi* or *luk lier*) does not occur in Nuerland, except perhaps in parts of Eastern Gaajak country, which I have not visited, though its lethal character is well known to Nuer. Indeed they have probably had to take it into account in their expansion eastwards for there can be little doubt that the main reason for their evacuation of Anuakland, which they conquered as far as the foothills of the Abyssinian escarpment was the loss of their cattle from trypanosomiasis carried by tsetse, which occupy a belt of country at the foot of the escarpment whenever dense forest occurs.

6: Evans-Pritchard E-5 (1931, 1936)1938
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There are other insect pests beside mosquitos, seroot and stumoxis, which annoy the cattle though whether any of them carry disease in this latitude is unknown. The eight-legged cattle ticks (*cak*) attach themselves so firmly to the dewlap, brisket, chest, belly, and udder that their blood-bloated bodies have to be sharply tugged if they are to be dislodged. Nuer remove them frequently in the evenings but not often enough and not systematically enough. There is another insect called *tharkwar* which is said to live on the bodies of cattle though its bite does not cause bleeding. 136 233

Personally, of all the insects that abound in African luxuriance in Nuerland I hate most the ordinary black fly, which is like our house fly in appearance. Nuer do not pay much regard to it and they are doubtless less objectionable to the cattle than most insects, though they worry them a good deal in hot weather. These flies settle on one and drive one crazy from dawn till sunset. On trek one is accompanied by an attendant swarm round one's head and shoulders. They do not seem to mind travelling any distance. When one is seated they settle persistently on the exposed parts of one's body. When one is eating they get in the food. All day long one is brushing them away. Their most annoying habit is experienced at sunset when they seek some cavity in one's body in which to spend the night, selecting the ears, nostrils, and eyes for this purpose. They are worst in the middle of the dry season for wet and cold keep them away—probably kill them off—to some extent in the rains and in the windy season that succeeds the rains. In the dry season they are sometimes intolerable. When I was encamped at Mankac and Biel on the Nyanding River there was very little water, and that fouled, in the pools, and the cattle were dying daily of rinderpest. A man might have thought that every fly in the world had come to live around the pools and to feed on carcases and excreta. In my more bitter moments I used to think of Nuerland as a land where the first mosquitos begin to bite one's legs as the last flies crawl into one's ears and nostrils. 136

While I am recalling my own experiences of insects I will mention in conclusion the red soldier ants (*mörmör*). I have only seen these

6: Evans-Pritchard E-5 (1931, 1936)1938
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•/3 b ants in the wooded area near the junction of the Sobat and the Nyanding Rivers and they may be regarded as uncommon in Nuerland, since they are probably found only where there is fairly thick forest. They sometimes get into the byres and the cattle have to be taken outside while efforts are made to drive them away with ashes. When they invaded my camp our efforts were unavailing. We fought them for five days with fire and ashes and water and, though it was the worst time of the year for mosquitos, I was compelled to sleep the last three nights in a deck-chair surrounded by a ring of fire. On the sixth day we gave up the struggle and broke camp.

114 I have ventured to give some of my own experiences because one of the great difficulties of working as an anthropologist, or indeed in any other capacity, in Nuerland, is the constant irritation caused by insects and the exhaustion and sickness that finally ensue. To 233 appreciate what the Nuer have to endure it is well to endure for a while the same torments. While their cattle have to live in such conditions the breed cannot well be improved and the milk yield increased, for they never get any real rest and the continual irritation caused them by insects must greatly lower their vitality and render them an easy prey to disease. In the circumstances their hardiness and endurance is remarkable.

XII.

232 Having had no veterinary training I cannot list all the diseases from which cattle suffer in Nuerland. The most serious scourge is certainly rinderpest (*nyapec, nyapec Deang, nyanjat munnyuac*).

The usual name in most parts of Nuerland is *nyapec*. It is given a female name because of the supposed female properties of serious epidemics. Similarly, severe cases of smallpox are spoken of as female and light cases as male. A Nuer, with whom Miss Soule was once discussing rinderpest, when asked by her why it had a feminine prefix replied, " Would any man do such a thing as to kill all the cattle ? " The wild dog is called *jiok nyapec* and I have been told that it is so called because wild dogs brought rinderpest to the cattle (*cou nyapec noong döör e kew*).

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as
233 they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still
137 retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

•136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came
[324] to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave
[322] camp and one meets them along paths, carrying their household goods
[233] in rectangular cane baskets. Youths leave camp early in the morning
[283] to cut stakes, generally of thornwood (buon) and they spend a large
[513] part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the
221 need to sleep towards noon. Everyone is becoming restless and

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy. 133 137 [262]

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country falls away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped *tabanids* which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *pilual*, the Duk ridge was packed with refugees fleeing from the rising waters. [136] [131]

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toics* left on the edges of the khor Fulus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire 133 166

[1] This word has no more precise meaning than 'marshland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Two

RESOURCES OF THE NUER

WILD ANIMALS AND CATTLE

WILD animals abound in Nuerland. Lions, leopards, 136
giraffes, buffaloes, elephants, hippos, monkeys are found as well as other species, and also crocodiles, snakes, and scorpions.

Sometimes animals are killed with spears (Fig. 4), some- 224
times traps are made to catch them. Holes are dug into which they fall and are unable to get out. Men sometimes chase them and drive them toward the trap which they have made. Giraffes may be killed in this way as they cannot run fast, especially if the ground be muddy. Monkeys are safe in Nuerland as a Nuer will not willingly kill them. If a monkey is killed, it will surely rain hard, but [325]
if it is killed in the dry season, the weather will only become cloudy.

Probably the largest snake found here is the python. 136
Many of the snakes are deadly poisonous. One is a spitting snake. Another is said to bite and also sting its victim with its tail at the same time, much as a scorpion stings. Another snake, the 'thatut', is said to leave a tooth in the person it bites. The Nuer believe that if a [325]
person is once bitten by a 'thatut' no other snake will deign to bite him.

The number of cattle owned by individuals varies in 231
different parts of Nuerland. Those who live along the Nile have many cattle. Those in the Garjak country have more cattle than those near Nasser. In the regions where cattle are more plentiful the number of cattle asked as a marriage price is greater.

Cattle with the wide-spreading long horns are the most 231
desirable. A Nuer is afraid that a cow without horns may 776

757 It is surprising how quickly the ulcers respond to treatment at first. Later, when they are partly healed, the process seems to be slower, an ulcer may persist in being almost but not quite well for some time. Scar tissue breaks down easily, and the bare Nuer limb gets many a scratch and bruise which tend to cause a recurrence of the sore.

[302] When a man is downcast because a sore is slow in healing, he may bind his hair closely to the head by sewing it with cotton thread until it has the effect of a hair-net. He may wear his hair like this until his cause of distress of mind and sorrow of heart is relieved. This in itself explains to those who see him that there is a reason why he is not adorning his body, and that he is not careless about his personal appearance without cause.

One attack of yaws does not render a man immune. Of course, those who have had no complete cure of the first attack are specially subject to a recurrence of this disease.

164 Leprosy is rare among the Nuer although neighbouring tribes are subject to it.

Trachoma probably causes more trouble in Nuerland than any other disease with the exception of yaws. It is so widespread, and is the cause of much partial and total loss of sight. Many have trichiasis, but when, as in the past, there was a doctor at Nasser many were relieved of this affliction by operation. At the Government hospital at Malakal, both in the past and in the present, relief was, and is, offered to all who come.

[136] Flies are so numerous in this land that they have a very active part in the spread of disease.

Amoebic dysentery also takes its toll of life and weakens the people, although it is not as prevalent as some other diseases.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

755 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offered, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[36] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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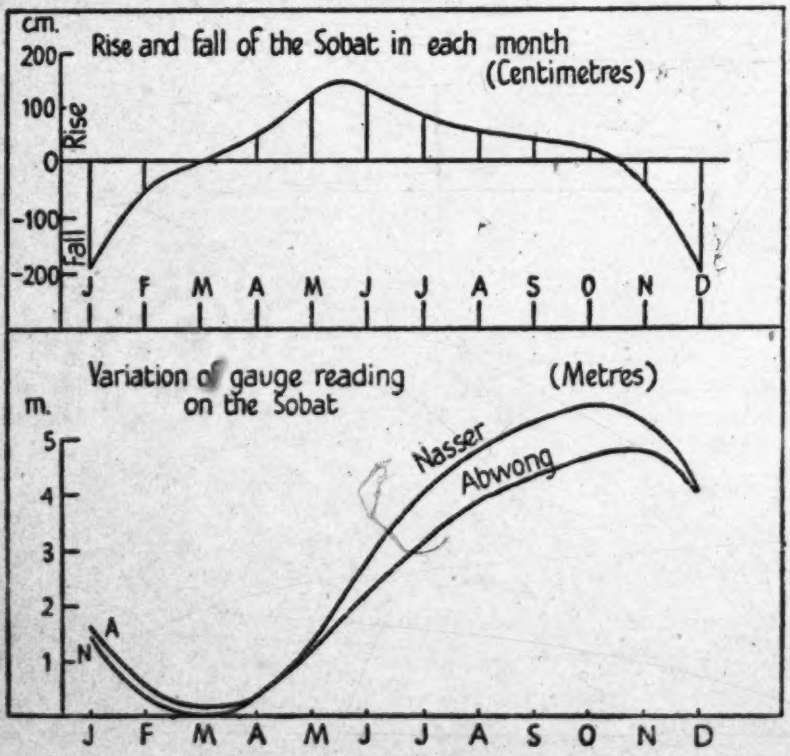
Highlands; and the Pibor which flows from the same direction and also drains to a lesser extent the northern slopes of the Plateau of the Great Lakes and the Sudan Plains. The Bahr el Zeraf is another channel of the Bahr el Jebel.[1] All these rivers flood at the time of the rains and, owing to its flatness, the country is turned into a vast morass.



Rise and fall of the Sobat river.
(Physical Department of the Egyptian Government.)

The whole of Nuerland is an almost dead level plain, covered during the rains with high grasses reaching to the waists, and near streams, where they are higher and coarser, to the shoulders of the tall Nuer. It approximately coincides with the extension of true savannah in the Sudan. Here and there are patches of thornwood forest, but often no tree is visible in any direction

[1] For an excellent description of these rivers see H. E. Hurst and P. Phillips, *The Nile Basin*, vol. i, 1931.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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133 and a desolate waste stretches everywhere to the horizon
137 (Plates VI and XI (*a*) and (*b*)). A belt of forest sometimes lines a river where its banks are high, but never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters park-like savannah forest which becomes thicker the farther south one proceeds, though it usually turns to marshland as the Bahr el Jebel is approached. The southern borders of Western Nuerland fringe ironstone country, likewise covered with savannah forest. As a rule when the rivers are in flood they have no banks and the country lying on either side of them is swamp threaded with wide lagoons, often running parallel to the main channel. This is especially the case with the Bahr el Jebel and the greater part of the Bahr el Ghazal and the Bahr el Arab, the Jebel and the Ghazal being practically united by surface water in the rainy season. The Bahr el Zeraf is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all.

133 This vast plain is threaded with depressions, like that shown on Plate XIX (*b*), which run in all directions, often crossing one
132 another, and linking up with the main rivers. Where continuous, these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions, making a network of waterways which prevents drainage from the saturated earth, so that the rainwater lies everywhere in deep puddles which slowly extend till by the middle of June the whole country, except for occasional higher land, is inundated. The water remains several inches deep till September, and Nuerland has the appearance of a great grass-covered swamp; there are streams, lagoons, and pools wherever there are slight depressions, and islands, on which are perched villages, wherever there are ridges and knolls. The rivers begin to fall about the same time as the rains decline, the fall being most rapid on the Sobat (diagram on p. 53). The blazing sun then quickly evaporates the surface water, while the streams, instead of being channels of overflow from the rivers, now feed them, and by the middle of November the grasses are dry enough to be fired. By the end of December a great part of the country has been burnt

1: Evans-Pritchard E-5 (1931, 1936) 1940
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VII

In most years wild fruits, seeds, and roots are not an important 137
item in Nuer diet. Their country is mainly treeless and fruits 262
therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in 222
occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected [263] and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting 221
are dry-season occupations and produce during that season the 262
necessary supplement to an insufficient milk diet. In the wet 241
season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness 241
of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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135 Nuerland lacks the two raw materials that have played so important a part in the manufacture of primitive tools: iron and stone. Nuer have always been poor in iron objects. Till recently
411 they possessed very few iron spears, cherished as heirlooms, but used instead the straightened horns of antelope and buck, ebony wood, and the rib-bones of giraffe, all of which are still used to-day,
412 though almost entirely in dances (Fig. 11). Wooden hoes were used for gardening, and are still sometimes so used to-day. Iron
301 bells (Fig. 4) are rare and highly prized even at the present time, and in the old days iron rings and bracelets were important pieces of property. Wooden bells and ivory and leather rings and brace-
325 lets took their place in common use. Nuer have no knowledge of smelting and little of the blacksmith's art. I have never seen a forge and, though there are certainly some blacksmiths, their art is crude and may be regarded as a recent innovation, at any rate in most parts of Nuerland. Spears bought from Arab merchants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside villages I have never seen a stone. They are sometimes brought
412 from neighbouring areas and employed as hammers, for smoothing
323 metal ornaments, for rubbing skins, and so on. Grinding grain seems to have been a recent introduction. The grinder is made from thornwood and the grindstone from baked marsh mud mixed with finely pounded potsherds (Fig. 12). With clay, mud, and sand, Nuer also make pots, grain-bins, pipes, toys, hearthstones, and firescreens; construct the walls of byres and huts; and coat floors and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her gift of wood. Large trees are rare. Thornwood and low brush-
322 wood provide timber for building, spear-shafts, harpoon-shafts, clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets, and winnowing trays. Probably no trees in Nuerland are suitable for carving and Nuer possess no wooden utensils. Even the ebony they use for making spears is not found in their country. Ambatch-trees grow in some parts of the swamp areas and from it is made an object which serves as a parrying stick, tobacco pouch,
[372] pillow, and seat (Plate XXIX). Byre and kraal fires are fed with dried dung, and wood fuel is only employed in the kitchen—grasses and millet stalks sometimes being used as a substitute. Grasses, millet stalks, and some plants are also used for various purposes: rafters, windscreens, thatching, cord, basketwork, &c. Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and earthy materials instead. Animal products are also a valuable

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

The mean monthly rainfall up to 1927 is given in millimetres by Hurst and Phillips* for the Bahr el Jebel and Bahr el Ghazal area (Western and part of Eastern Nuerland) and for the Sobat and Baro area (most of Eastern Nuerland) as follows :— 132

	Bahr el Jebel and Bahr el Ghazal		*Sobat and Baro*	
January	4	millimetres.	6	millimetres.
February	13	"	14	"
March	38	"	33	"
April	92	"	80	"
May	131	"	137	"
June	134	"	158	"
July	161	"	173	"
August	168	"	199	"
September	145	"	153	"
October	112	"	90	"
November	43	"	48	"
December	8	"	10	"
Year	1049	"	1091	"

The rainfall is fairly even over the whole of Nuerland. It is not nearly so heavy as it is to the east, on the Abyssinian Plateau, or to the south, in the basin of the Victoria Nile or in the neighbourhood of the Nile-Congo Divide. The effects, however, are felt far more than in these regions because the beds of clayey soil hold up the water and the flatness of the country prevents surface drainage. Moreover, the rivers flood at the same time as the rains pour down and the numerous swampy watercourses which thread their way through Nuerland are prevented from discharging water from their mouths. 132 133

The whole of Nuerland is an almost dead flat plain, in the main treeless and during the rains covered with high grasses which reach to the waist and, near streams where they are higher and coarser, reach to the shoulders of the tall Nuer. In my experience they grow somewhat higher in Eastern Nuerland than in Western Nuerland. At 133 137

* The Nile Basin by H. E. Hurst and P. Phillips, 1931, Vol. I, p. 47.

6: Evans-Pritchard E-5 (1931, 1936)1938
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484 At this season of the year[1] traversing open country is always difficult
133 and even along the paths inconvenient, especially as the land is
•137 inundated at the same time. One can just see the horns of the great oxen at pasture. Only in the habitual grazing grounds on the slopes of slightly elevated ridges, where the cattle and the close-cropping sheep and goats have kept down the shorter species of grasses, is there any freedom of movement.

137 Nuerland approximately coincides with the extension of true savannah in the Sudan. Here and there are stretches of thornwood forest but they are never extensive. A belt of forest sometimes lines a river where its banks are high, *e.g.*, on the Sobat and along sections of the Bahr el Ghazal and the Bahr el Arab, but it never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters parklike savannah forest which becomes thicker the further south one proceeds, though it always turns to marshland as the Bahr el Jebel is approached. To the south of Western Nuerland one touches the fringes of ironstone country, likewise covered with savannah forest.

Though thornwood forest is found along sections of the rivers, as a rule when they are in flood they have no banks and the country
133 lying on either side of them is swamp. This is especially the case with the whole course of the Bahr el Jebel through Nuerland and the greater part of the Bahr el Ghazal. The Bahr el Zeraf channel is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all. According to my own observations the area of swamp is smaller than is generally supposed.

This vast plain is threaded with depressions which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions threading the land with a network of waterways which prevent drainage from the saturated earth so that the rainwater lies every-

[1] [i.e., during the rain season--Analyst]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

133 the country to the east (Gaawär country) to such an extent that a
312 journey which, in the ordinary course of events (in the dry season) is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks or more later.† While the land is being drained by the Sobat the
132 rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

[491] Travelling in February from the Sobat to Pathai and thence
133 eastward to Pul Fadoi, along the newly-made motor road, one traverses
•137 slightly higher ground through a thin *heglig* forest which screens the full desolation of the country, for, though in reality it offers scanty
311 shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *heglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hurst and Phillips, *op. cit.*

6: Evans-Pritchard E-5 (1931, 1936)1938
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ashes. Where the grasses have been burnt some time ago green shoots have sprung up around the charred stems. Here and there stand isolated, thorny, shadeless trees, stunted by fire and spreading out their black tortured branches. Often no tree is visible in any direction and a desolate waste stretches everywhere to the horizon. The burning of the tall grasses has revealed low termite mounds, blackened by fire like the ground from which they rise. There is smoke and flame where parts of the country are still on fire. This country is uninhabited in the rains, being under water, but in February one sees occasional cattle camps around the deeper pools. 133 137• 311

In Western Nuerland conditions are in the main similar though there are certain differences. Western Nuerland lies between the Bahr el Jebel and the Bahr el Ghazal and extends to the north of the Bahr el Ghazal as far as the southern boundary of Kordofan Province. It consists for the most part of 'cotton soil' and like Eastern Nuerland is so dead flat that if one mounts a small termite mound one can see in all directions as far as the eye can reach. Here and there are ridges of higher ground. These village sites are always inland because, whereas the higher banks of the Sobat and Pibor allow occupation here and there, the Bahr el Jebel and the Bahr el Ghazal have no banks in their flood seasons and their beds are bordered by wide marshes. These marshes often run for several miles inland and there are very few spots on the Bahr el Jebel where it is possible to land and penetrate into the interior of the country, even in the dry season. 133

I have already expressed an opinion that the area covered by swamp vegetation has been exaggerated. That is an empirical judgment. The marsh vegetation, generally referred to as *sudd* in the Sudan, is a solid mass of water plants, the principal among them being papyrus (*cyperus Papyrus*), '*Um suf*' (*Panicum pyramidale*) and the common reed (*Phragmites Communis*), to which cling a number of swimming plants (*Utricularia, Vallisneria, Azolla, Pistia, Aldrovandia, etc.*). Creepers especially *Vigna Niletica* and *Ipomaea*, bind the marsh plants together into a tangled mass. Here and there grow patches of ambatch trees.* Lagoons run out of the 137 133

* Anglo-Egyptian Sudan, pp. 300-3.

6: Evans-Pritchard E-5 (1931, 1936)1938
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133 Bahr el Jebel, separated from the river by narrow stretches of papyrus (from river), and they often run parallel to the course of the river.

161 From the deck of a steamer passing down the Bahr el Jebel there is no sign of human occupation and a traveller might judge the country to be without inhabitants. But inland ridges support a [36] large population. These ridges are, as a rule, widely separated and one treks often enough ten to fifteen miles between one village and the next. In places there are broader belts of high ground covered 133 by thick thornwood forest, as in parts of Rengyan country, or wide •137 sandy ridges covered with scrub and palms (*doleib* and *dom*), as in parts of Dok and Rengyan countries. Those used to the bare monotony of Nuerland will be surprised to meet for the first time these sandy stretches which, with the classic beauty of the *dom* palms that surmount them, seem out of place in savannah plains. In the extreme south, in Nyuong country, which I have not visited, the clay runs into the ironstone belt and savannah gives way to savannah forest in which *Anogissus Leocarpus* predominates. In the north of Western Nuerland, to the north of the Bahr el Ghazal, in Lek and Bul countries, a maze of watercourses and lagoons running in all directions impede progress for the first few miles inland from the river. Then an open treeless plain extends to the borders of Kordofan. Bul country on the lower reaches of the Bahr el Arab is said to be for the greater part under water in the rainy season, though ridges of sand and forest occur on its northern and western limits.

Most of Western Nuerland is under water in the rains and the Bahr el Jebel and the Bahr el Ghazal are practically united by surface water on the intervening plain. Nevertheless the Western Nuer are probably better favoured for village sites than the Eastern Nuer.

I entered Western Nuerland at Adok on October 1st, 1936. This year was drier than usual but in a seventeen days tour round the country we walked almost the whole time in several inches of water and were often up to our armpits when crossing depressions which are constantly met on the route. How laborious such trekking is can

6: Evans-Pritchard E-5 (1931, 1936)1938
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be imagined when one has to stamp one's way through water for ten miles at a stretch. The rank grasses prevent one from leaving the paths and the paths form miniature depressions down which water flows so that it is like walking in the bed of a tiny stream, a sticky bed where every step requires an effort to extract the foot. Rengyan country is amazing at this season of the year. One walks for miles through water to emerge suddenly on a ridge, screened by high grasses till one begins to mount it. Here is a village. One walks through the village to descend into water the other side, and then through miles of water to the next inhabited island. To live in such a country one should be amphibious, like the Nuer, who seem to be in no way inconvenienced by what are to Europeans appalling conditions. 139 137

The rains cease in November but so saturated is the earth that a late heavy shower will again inundate the country for 48 hours. 132 312

The dry season among the Western Nuer is not so severe as it is among the Eastern Nuer because there is never a shortage of water and the villages are never far from deep lagoons and streams, nor even from the main rivers themselves with their broad fringe of marshes. It is probably only in an exceptionally dry year that the larger inland watercourses entirely dry up. Probably this is in the main due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds like the Sobat and Pibor, since they are fed by permanently flowing streams and have enormous lake and marsh reservoirs. The water of streams and lagoons in Western Nuerland is therefore not so rapidly drained as in Eastern Nuerland. Certainly the water in big streams in Dok country seems to be permanent and in walking through Lek country as late as February in 1930 we had to wade frequently through deep swampy streams and lagoons.

Nuer have expressions to denote the natural features of their country. A treeless plain they call *ghau mi dee* or, in contrast to dry elevated ridges, *pan*. A ridge or knoll is called *luir* and *thur* or, in reference to its suitability for human occupation, *gwaadh wer*. Land which is partly inundated in the wet season, but not sufficiently to be called swampy, and is therefore suitable for growing millet, is called 823 104

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824 those grasses which are *wal ghak*, cattle-grasses, and those plants
233 which are eaten regularly by cattle, sheep, and goats or are used for veterinary purposes. One is only given names of plants with hesitation or given different names by different persons when they have no
824 particular value or use. One should not, however, bring leaves and flowers home and ask a Nuer for the names, for this confuses him, but he knows them at once when he sees them growing, as he would normally see them. Not the form of the plant alone but its form together with its habitat enable him quickly to identify it, for some plants are found in gardens, others on sandy ridges, others in the open plain, and others near streams.

824 It is probable that Nuer expansion has to a considerable degree been influenced by the distribution of pasture grasses. I am not
167 a botanist and can only record a few of the main grasses which are
•137 found in both Western and Eastern Nuerland without being able to give their distribution in these latitudes. However, Nuer have told me that the reason they did not oust the Ngok Dinka from their enclave was that their pastures are not up to the grazing standards Nuer demand for their cattle. It has also been pointed out to me by Nuer that Shillukland is very poor in grazing grasses, a statement which seems to me, from a very slight acquaintance with Shilluk country, to be true.

137 There are some Nuer grasses the cattle like, some they will eat if
233 they are hungry, and some which they refuse at all times. The richness of pasture varies at different times of the year and in different places and it is these seasonal and local variations which determine Nuer annual, and daily, movements.

132 In the season of *Rwil*, the springtime of the year when the early
137 rains fall, all the grasses either send up new shoots or begin to grow again after several months of arrested growth. This is a season of
233 fatness for the cattle. All the pasture grasses are short and tender and they can choose the most luscious of them and graze on them to their hearts' content. In this time of plenty they nibble the heads of the grasses of which they are not greatly fond while they graze to the ground a favourite grass like *gaw* (*Andropogon Gayanus Kunth*).

6: Evans-Pritchard E-5 (1931, 1936)1938
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But when the rainy season (*lôi*) is well advanced, grazing becomes more difficult, partly because the country is inundated and partly because some of the best grasses like *dut cieng nath* (*Echinochloa pyramidalis Hitchc. and Chase*) grow tall and rank and are no longer favoured by the cattle, though this particular grass which grows in the open plain and may, perhaps, be regarded as the characteristic grass of Western Nuerland, does not grow so course as many others and is the great stand-by of the cattle in a bad year. Other grasses which are eaten in the early rains but become too rank in the middle of the rains to appeal to the cattle are *dik* (*Sorghum dimidiatum Stapf*), *dinding* (*Ischaemum brachyatherum Fenzl*), both grasses of the open plains, *yiw* (*Rottboellia exaltate L.f.*), which is found mainly away from streams and grows best on sandy ridges, and when full-grown is covered with spines on account of which it is also called *iep yang*, 'cow's tongue;' and *yuol* (*Pennisetum ramosum Schweinf.*) a grass of the open plains which has spiky heads that when it is full grown, run into the eyes of the cattle and make them sore so that they have to be bathed.

Therefore at the height of the rains, especially in a flood year, grazing is often a serious problem and cattle have to rely largely on the short grasses of the village ridges. This is where Lou country has an advantage over the Eastern Jikany districts and why many villages in Western Nuerland are so well placed. Such grasses are *jual jok* 'dog's tail' (*Setaria pallide-fusca Stapf and Hubbard*), and *bugh* (*Eriochloa nubica Hack. and Stapf.*), neither of which cattle relish, though *bugh* is eaten avidly by goats and sheep. Another ridge grass is *malith* (*Cynodon Dactylon Pers.*). These grasses are supplemented by grasses of the open plains that grow at the foot of the ridges, particularly *dut cieng nath*, and have been beaten down by rain. In those parts of Nuerland which are not favoured by wide ridges the cattle may starve in a year of very high flood.

Early in the season of *jiow*, the windy season that succeeds the rains and is the first part of the dry season, the grasses dry up and seed. It is not a good time for the cattle since the tall grasses impede their movement, no longer provide succulent pasturage, and may

6: Evans-Pritchard E-5 (1931, 1936)1938
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233

shelter beasts of prey. Nuer hasten to burn them as soon as they are dry enough, usually in the latter part of November and in the early part of December. If they are fired too early they are only half burnt and though new shoots spring up the old charred stems remain standing.

Some grasses which cattle eat in the wet season fail to come up after firing till the following rains. Such are *wal* (or *dut*) *lowy*, 'lion's grass' which grows in the open plains; an excellent grazing grass called *gugk* (*Brachiaria obtusiflora Stapf*), also of the open plains and favouring shallow depressions; *tiil wuuk*, also of the open plains and good pasture in the rainy season.

Other grasses send up tender young shoots a few days after they are burnt. Probably this is due to their long roots which tap water held up in the clay beds and it may be partly due also to their clump formation which protects the core of the plants from the flames. If it were not for the fact that some grasses send up new shoots after firing it would be difficult for the cattle to survive. It would, I think, be impossible for them to survive inland in a dry year. Some of the main grasses which come up again, though they do not grow till the next rains, are *twit* (*sporobolus pyramidalis Beauv.*), a grass found mainly near sandy ridges and not greatly favoured by the cattle; *ghol* (*Setaria sp.*) which also the cattle do not much care for; *rieth* (*Setaria Lynesii Stapf and Hubbard*) a grass found mainly along shallow depressions; and *gaw*. But the two grasses mainly to be depended on, and both much eaten by cattle, are *dut ciang nath* and a very tall grass, found near streams and pools, called *dut in lum* or *dut jaangwi*. Some of the grasses which come up again grow near village sites and are therefore of little use because the cattle are in camps in the open plains, *e.g.*, *twit* and *ghol*. It seems to depend to some extent on the amount of rainfall to what extent grasses send up shoots and in a very dry year grasses which would in a wet year send up shoots may not do so.

After the grasses have been burnt the cattle have a good time as they can wander as they please, being no longer impeded by surface

6: Evans-Pritchard E-5 (1931, 1936)1938
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water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng nath* may fail (it is said *ce lōr* or *ce juac lōr*).
Nuer then make for rivers, swamps, lagoons, and deep marshy
depressions where they can always find enough vegetation to keep [221]
the cattle alive. The chief marsh grasses are *poon* (*Oryza Barthi A. chevul*), *gīāk*, *bungk*, and *kuāk yang*. Nuer say that no grasses give
more milk than these if the cows can obtain them in abundance. [234]

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaavia repens L.*) another plant called *tiltil* (*Indigofera Sp.*), *Wangrial* (*Justicia matammensis* (*Schweif*) *oliv.*), *nār yiauw* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schkuria foliosa A. Rich.*), *wīīr* (*Portulaca Quadrifida L.*), *kuthakdeet* (*Glycine Boriensii Bak*), *tac* (*Ipomoea reptans Poir*), *pac* (*Urochloa ?*), *nyīīk indit pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kūr faakuak* ('crow's pumpkins'), *thil in cōt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in
lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and
along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no
longer shallows and bathing is a hasty dip for there is danger from
crocodiles. The grazing grounds are changed from time to time as
233 they become exhausted and as streams and lagoons dry up. At
Yakwac there was succulent pasturage only where marsh plants still
• 137 retained their moisture at the river end of lagoons. The people are
still in camp when the first rains fall at the end of April or early in
May and then there is everywhere an abundance of pasturage. The
brown bush becomes green and the baked fissured earth a sodden
mire. Dry lagoons become inland flowing streams. The scorching
sun is clouded.

136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for
inland pastures where they would not have to face death every time
they approached the river. Other animals likewise moved southwards,
even the gazelle. On the northern bank, however, buffaloes still came
[524] to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except
in inland lakes and lagoons, men, cattle, and wild beasts must drink at
the same places. One can hear them at night cautiously coming
to the pools to drink. [illegible]

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of
game, but also by camp activities. The women are the first to leave
[322] camp and one meets them along paths, carrying their household goods
[233] in rectangular cane baskets. Youths leave camp early in the morning
[283] to cut stakes, generally of thornwood (bum) and they spend a large
[513] part of the day shaping them into tethering pegs. They also twist
221 new cord. The weather being cooler people do not feel so keenly the
need to sleep towards noon. Everyone is becoming restless and

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

131 [61] 38,000 square miles and, as it has a population of about 350,000, it will be seen that the density of population is low. Some areas are, however, more densely populated than others.

361 During the rainy season, roughly from May until November but varying from year to year, the people occupy higher ground which is better drained and comparatively free from flood. This higher ground, where they build their permanent villages and cattle-byres and have their cultivations, is limited and widely distributed. In some areas it is concentrated in a series of narrow ridges, usually running parallel to the main channels of the rivers, in others dispersed in a series of isolated outcrops. Such natural features have their effects on the size of communities, on communications and therefore social contacts, and, as a result, on political and social structure, producing local variations of detail which make generalizations difficult.

133 137 Surrounding the higher ground are the vast areas of open grass plain with thickets of acacia bush,[1] intersected by a network of grass-choked watercourses and the main rivers whose flood-plains produce different ecological conditions and different associations of grass types. Each of these regions has its function in the seasonal activities, which largely concern animal husbandry, but in which crop production, the collection of natural vegetation, and fishing play an important part. It must be emphasized here that the Nuer economy is still essentially at subsistence level and that there is no specialization or organized trade.

I do not propose to enlarge here on the subject of grass associations and pasture utilization. It is worth noting, however, that apart from soil, temperature, and length of day, one of the most important factors in the determination of grass types is the depth and period of inundation during the rainy season. On the higher ground, where the Nuer build their permanent villages, comparatively flood-free conditions produce a mixture of perennial and a few annual grasses which [illegible] Below this level are the vast 'intermediate' plains, subject to accumulations of rainfall and overflow from the drainage channels, where the grasses are predominantly perennials (*Setaria* spp., *Hyparrhenia rufa*, &c.). These grasses are unpalatable and virtually useless except as bulk when in a dry and mature condition. So long as moisture is retained in the soil, however, they produce a green regrowth which provides valuable pasture, but in most areas the moisture is gone by the end of January, sometimes earlier. At this point, the cattle must be driven on to the riverain marshes, which, subject to deeper and longer inundation from the rivers and watercourses as well as from rain-flood, produce other types of perennial grasses (*Vossia cuspidata*, *Echinochloa pyramidalis*, *Oryza* spp., &c.). These grasses are of variable value during the dry season, but generally speaking provide green nutritive grazing

[1] Mainly *Acacia seyal* Del., *Acacia flavida* Schweinf., *Balanites aegyptiaca* Del., &c.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy. 133 137 [262]

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country falls away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped *tabanids* which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *pilual*, the Duk ridge was packed with refugees coming from the rising waters. [136] [131]

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toic* left on the edges of the Khor Fulus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire 133 166

[1] This word has no more precise meaning than 'wasteland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

is everything well with your hoeng? A fifth question sometimes asked is 'ci *baghi*', 'has it dawned (well for you)?' Not all these questions are always asked, but often two or three of them are, and sometimes more. In the full greeting we therefore get a composite picture of easy sleep and fresh awakening, contentment, prayer, and a smoking hearth, that is, of a person at peace in himself. 576

This digression was made to explain the meaning of the expression '*akowicako*' in prayer. The phrase is in harmony with some other expressions used in prayer: '*apwonyko pwol*', 'may we be light', and '*apwonyko koc*', 'may we be cool'. *Pwony* means 'body' or 'self' and here it means 'self' in the sense of the person as an entire person, body and soul. There is no reason why a Nuer should want to be light or cool in a purely physical sense. What is intended is to ask that the people may be light not only in the sense of physical well-being but also in the sense of *pwol koc*, of being light-hearted or joyful, free from burdens and troubles; and that they may be cool in the sense of not being anxious or worried, cool in the sense of calm. This is shown by a variant which is one of the commonest Nuer prayers, '*a yiegh newi koc*', which can in this context only be translated 'may the souls of the people be cool', though in other contexts *yiegh* can mean 'breath' or 'life'. Very often the word *thei* is added, '*a yiegh newi koce thei*', and this gives an emphasis: 'may the souls of the people be very cool'. Obviously Nuer are not asking, unless it be metaphorically, that their breath or life may be very cold. The word *koc* is also used in expressions of good will towards persons, especially in the blessing '*apwonyan koc*', 'may you be cool', that is, 'may you be at peace'.[1] 782 196

The word *koc* can also mean 'soft' or 'tender', and though it is best translated 'cool' in prayers the two meanings may blend. Here again, Nuer clearly do not want to be physically soft. Indeed the expression '*koce thei*' in the physical sense of softness means when applied to men 'to be completely impotent sexually'. The idea of softness is seen in the metaphor often heard in prayers and invocations: 'may we tread on wild rice'. *Pwom*, wild rice, is, Nuer say, the softest of grasses to the feet, as it is also one of the 782 196 157

[1] The symbolism can at once be appreciated by outsiders, especially by those acquainted with the Vulgate and other Latin sacred texts where refrigerium, a cooling, is used in the empirical senses of 'consolation', 'mitigation', 'refreshing', and 'comfort'.

782
196
●[137]

tenderest pasture grasses, being sometimes gathered to feed small calves by hand. Nuer speak of life as walking through pastures and they ask for a path that has no hidden dangers, that is, is free from evil, and for softness underfoot, that is, a mind at ease. Hence they petition also '*gwenyi ko kwel gwath me jalko ko*', 'make clear a way for us in the place where we journey', and '*gwenyi ko gwath*', 'clear for us a place'. Here again the sense is mainly allegorical. The words do not usually refer to any particular place or journey but to the journey through life, and the making clear of the way does not refer only, or even at all, to any particular dangers of travelling through the bush but to all the sufferings and evils which beset the life of man.

Peace and deliverance are the key-notes of these petitions. They are seen again in the phrase '*kwoth ngaci rum yiem, romni yieko*', 'God, thou (who) knowest how to support [or care for] souls, support [or care for] our souls'. The general sense of the prayer is that God should protect those who supplicate him as a parent protects his helpless infant. This desire for peace, deliverance, and protection is summed up in another common petition: '*akoteko*', 'let us be'. I am not certain whether the verb here is *tek*, to be alive, or, as I think it is, *te*, to be. There is in any case a considerable overlap in meaning between the two words, and in this context there would not be any great difference in meaning between the one and the other, for the sense is: let us go on living and as we are. Nuer are asking for life, but not just life in the sense of living but of living abundantly, free from the troubles and sufferings which make life, as we say, not worth living. That this is the right interpretation is further suggested by another expression frequently heard in prayer, '*akoiepko*', which also has to be translated 'let us be', and here again signifies, and in a deeper moral sense, life in the mode and manner of leading it. The verb is *iebe*. It expresses a continuous state and can, I think, only be used of persons. It indicates a particular quality of a person which is part of his nature as that person and is therefore unchangeable, as in the phrases '*iebe kuaer*', 'he is a leopard-skin priest', '*iebe Nuer*', 'I am a Jinaca citizen', '*iebe ron*', 'I am a Nuer' or 'I am a man', and *iebbo cok*, 'we are (like) ants [in the sight of God]'.

It will have been observed that these expressions in Nuer prayers, as in the case among other peoples, are often repetitions, but rather in the form of parallelisms than of tautologies, for they

SACRIFICE

Nuer have said in sacrifices or about them I have preserved their sacrificial idiom. It must be understood, therefore, that in this context the word 'cow' seldom refers to a cow but almost always, when the victim is an animal, to an ox, a wether, or a castrated he-goat. In a sacrificial context Nuer also always speak of a cucumber-victim as '*yang*', 'cow'. 789

Should for some reason no beast be available Nuer may instead, or as a temporary expedient, sacrifice a small trailing knobbly

[137]

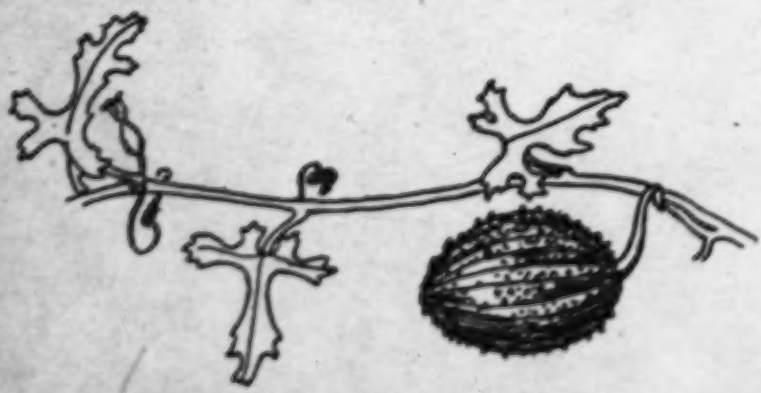

FIG. 3
Cucumis prophetarum (Crowfoot)

cucumber called *kwol*, or *kwol yang*, cow's cucumber (*Cucumis prophetarum*) which grows wild on cultivated sites.[1] If necessary, animal sacrifice is made later, when a victim can be acquired. Nuer also sacrifice this cucumber in minor anxieties, as when they have bad dreams or have committed petty incest. It is treated as though it were an animal victim. It is presented and consecrated, an invocation is said over it, and it is slain by the spear, being cut in half along its edge. The left, or bad, half is then thrown away and the right, or good, half is squeezed and its juice and seeds rubbed on the chest and forehead of the officiant and maybe on others present. This half is afterwards put in the thatch over the entrance to the byre, or sometimes to the dwelling-hut. In cases of petty

[1] I have described it in some earlier accounts as 'a yellow tomato-like fruit'. This is probably the Nuer *kot* (*Solanum incanum*) and not their *kwol* (*Cucumis prophetarum*): *vide* Grace M. Crowfoot, *Flowering Plants of the Northern and Central Sudan*, n.d., Nos. 34 and 129. I am indebted to Dr. Lienhardt for the correction of this unfortunate error.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

782 incest a fruit of the sausage tree (*Kigelia aethiopica*) may be cut
[137] in half, though I am uncertain whether this constitutes a sacrifice *in sensu stricto*.

We have discussed to whom sacrifice is made and what is sacrificed. We have now to ask by whom it is made, and when and where. We have first to distinguish between the person (or social group) on whose behalf it is made, whom we may speak of as the sacrificer, though with some danger of misunderstanding, because he may not take an active part in the rite performed on his behalf, and those who act on his behalf, the actors in the drama.[1] There may be a number of these. Several people may take part in the consecration and several men may deliver invocations. One man may present the victim, another consecrate and make the invocation over it, and yet another slay it. Nevertheless, there are always one or more prime actors, those who make the consecrations and invocations, which, rather than the actual killing, constitute for Nuer the main acts in the series of rites making up a sacrifice; and we may therefore speak of anyone who, after consecrating the victim, makes an invocation over it as the officiant. There may be several of them. In certain sacrifices, particularly those of the collective kind, whoever else may invoke God, one or other particular functionary either must do so or it is thought highly desirable that he should do so. I discuss in Chapter XII the sacrificial roles of these various functionaries in Nuer society. Normally any senior man, usually the head of the family of the sacrificer, can officiate at personal sacrifices. He would generally be one of the sacrificer's paternal kinsmen but it would not matter if he were not. The sacrifice is to God and not to ghosts, and it therefore does not matter who officiates. A youth would not officiate if there were
[561] an older man present, but this is a matter of social convention only: there is no ritual bar to his acting. Women do not sacrifice.
[562] They may assist in the act of consecration with ashes and they may pray, but they do not make invocations or slay victims. Neither the sacrificer nor the officiant has to be in a state of ceremonial purity. This is an idea entirely unknown to Nuer.

It is obvious that in the collective sacrifices the rites must have to some extent a determined place in the whole social activities of

[1] Hubert and Mauss, op. cit., pp. 48 seq., make the distinction by using 'sacrifiant' and 'sacrificateur'. A word corresponding to 'sacrifiant' is not so easily formed in English.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

Nuer[1] and Dinka customs and languages are far too similar for any doubt to arise about their common origin, but in the present state of our knowledge even a tentative reconstruction of their historical relations with each other which led to the formation of two distinct cultures is out of the question. Our knowledge of neither is adequate, and probably never will be adequate, to solve historical problems of this kind. Moreover, it is not yet certain whether the many Dinka tribes differ from each other sufficiently for some of them to approach the Nuer in their culture more closely than they approach other members of their own conglomerate, though, personally, I hold this to be highly improbable. The Atwot are a peculiar case, for they speak a dialect of Nuer but are alleged to approximate more closely to some of the Dinka tribes in other elements of their culture. On the other hand, the Jekany tribes, who to-day have a typically Nuer culture, appear to be of Dinka origin. Even were we in possession of more knowledge about both nations we should still have to face the insuperable difficulty that not only have Dinka and Nuer almost certainly a common cultural origin but that there has also been continuous contact between them which has led to extensive borrowing by the Nuer from the Dinka, and possibly the process has been mutual, so that one cannot know for sure whether a similar trait in the two cultures is due to their common cultural origin or to later borrowing.

Moreover, any attempt to differentiate between the two peoples by a comparison between their physical characters is equally dangerous until a very large number of individuals whose ancestry is well known have been measured. I have little doubt myself that there are physical differences between Nuer and Dinka, though both are undoubtedly of the same race. But we have to remember that there has been absorption of Dinka on a gigantic scale by Nuer invasions during the first half of the 19th century. At that time most of the country east of the Nile was occupied by Dinka tribes who were dispersed and largely absorbed by the Nuer who crossed the Nile in waves from their home on the west bank. To such an extent were Dinka assimilated to Nuer that I consider it safe to say that not more than 50 per cent. of the Nuer to the east of the Nile are of pure descent, and though on the west bank the process

[1] I use the word "Nuer" but with a protest. They call themselves "Naath" (sing. *ran*), and if ever a more ambitious account of them is written this term will be used.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

101 White and the Blue Nile. The northern and southern boundaries of the tribe are about 10° northern latitude (200 miles south of Khartoum) and the north-eastern shores of Lake Victoria respectively.

144 177 Most nearly related to the Nuer are the Dinka and Shilluk. The latter have numerous sub-sections, such as the Anuak in the Sobat river system, the Jur south-west of the Bahr-el-Ghazal, the Gang or Acholi north-east of Lake Albert, and the Jaluo (Nilotic Kavirondo, as opposed to the Bantu-speaking Kavirondo) in Uganda and Kenya Colony. Nuer, Dinka, and Shilluk show a distinct linguistic affinity, the Nuer and Dinka languages being closely related. The second main group of Nilotic tribes is represented in the Sudan by the Bari, Latuko, and Dongotono. These, on the other hand, show ethnic linguistic relations to the Masai, Nandi, and kindred tribes.

It is natural that people scattered over so large a territory should differ in appearance and culture, yet with all this they show unmistakable common features in language as well as in their ethnic characteristics. It is worth noting that the Nubian tribes living on the shores of the Nile south of Aswan speak a language related to the Nilotic tongues.

144 One may assume that the Nilotic people are the result of a symbiosis and miscegenation between an autochthonous negro population and immigrating eastern Hamitic tribes. The Hamitic element, in physical appearance, culture, and language, is stronger in the Bari-Latuko-Dongotono group; they are therefore called Niloto-Hamitic, as opposed to the northern (Dinka-Nuer-Shilluk) Niloto-Sudanic group.

141 Generally speaking, the Nilotic tribes are tall, rather lean, narrow in the shoulders, their arms and their legs,

14: Huffman M-5 (no date) 1931
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with thin calves, are long, their hands and feet small. 141
The skin is dark. Men with well-shaped features, thin [142]
lips, and noses with high bridges and narrow nostrils are not unfrequently met.

Most of the men are fierce, proud, and even haughty in 105
aspect. The Nuer are essentially pastoral; some kind of farming is done, fishing and hunting are also common, but the only occupation worthy of a man is to look after his cattle. The attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious. The one real sport for men is fighting, or cattle raiding, which is practically the same thing. These predatory expeditions are carried on whenever opportunity offers and are a cause of constant friction among the tribes. In their folk-lore tales a favourite subject is the story of cattle fights.

The main groups of the Nuer and the districts in which 162
they live are:[1] 101

Garjok, Garjak, Jekiang (Nasser District) .	200,000
Lau (Abwong District)	100,000
Gawair (Fanjak District)	30,000
Lak and Thiang (Zeraf Island, Fanjak District)	40,000
Western Nuer (Yivrol District) . . .	60,000

One group, the Atwot, have partly adopted Dinka as 197
their language.

The Nuer houses lie close to large river systems, so 361
that during the rains a large part of their country is a great swamp, the villages being mostly situated on ridges along the rivers. The chief vegetation is high grass, interspersed with single trees or groups of trees. The country on the upper Sobat, near or in Abyssinia, is however better wooded and has sparse forests.

[1] Cf. Report of the Rejaf Language Conference 1928, London 1928.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

173 The Nuer people came to this country long ago, many, many years ago. In a country far away to the west, over across the Nile, there were many, many people.

Latjor, one of the Nuer chiefs, called his people to accompany him as he wanted to go to a distant country where there were no people.

They started out, travelling eastward. They came to the Nile at a point about ten miles south of the present site of Melut. They had no boats. The river was wide. They did not know how they could get across.

While they waited on the bank, talking the matter over, they saw a large blue heron standing in the middle of the river. They wondered among themselves whether it was standing on an island or on floating grass or possibly on a tree. Latjor, their leader, a tall, fearless man, said he would try to wade out to it and investigate.

He waded in. The water was ankle deep, then knee deep. A little farther on it was waist deep, but he waded clear over to the other side. Then his people were not afraid but crossed over after him.

This fording place is called the Ford of the Blue Heron because the blue heron showed it to them.

Latjor led his people eastward, seeking for a good location until they reached Abyssinia. An epidemic of smallpox killed many of his Nuer. Those who remained returned westward and settled in the uninhabited area through which they had passed. Latjor settled in Dwac which is a village in the Garjiok section. He named the different sections of Nuerland after his sons—Garjak, Garjiok, Lan, Gagwang, Geuwar, and Lak.

APPEARANCE AND CLOTHING

[141] 302 The Nuer man is tall, muscular, straight of back, and clear-eyed. He powders his whole body with ashes made from

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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Fig. 2. A Nuer married woman

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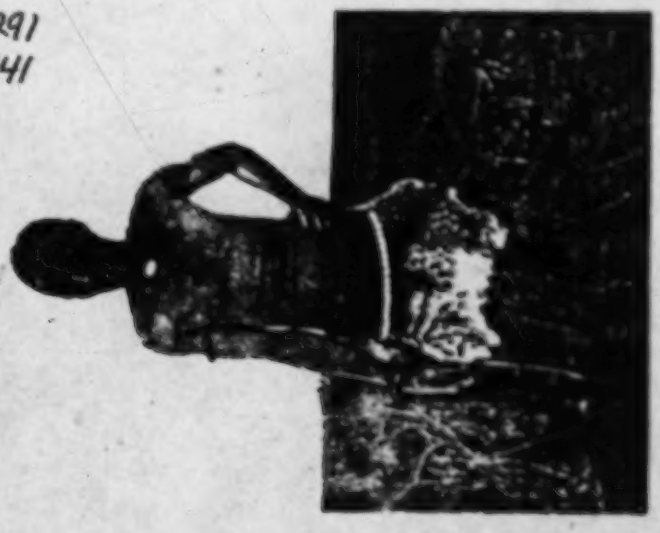

Fig. 1. A Nuer, wearing the skin of a wildcat as a loin-cloth

[facing p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

II

I describe in this volume the ways in which a Nilotic people obtain their livelihood, and their political institutions. The information I collected about their domestic life will be published in a second volume. 121

The Nuer,[1] who call themselves *Naath* (sing. *raw*), are round about 200,000 souls and live in the swamps and open savannah that stretch on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal, and on both banks of these two tributaries. They are tall, long-limbed, and narrow-headed, as may be seen in the illustrations. Culturally they are similar to the Dinka, and the two peoples together form a subdivision of the Nilotic group, which occupies part of an East-African culture-area the characteristics and extent of which are at present ill-defined. A second Nilotic subdivision comprises the Shilluk and various peoples who speak languages similar to Shilluk (Luo, Anuak, Lango, &c.). Probably these Shilluk-speaking peoples are all more alike to one another than any one of them is to the Shilluk, though little is yet known about most of them. A tentative classification may be thus presented: 101 131 [142] 101

Nuer and Dinka are too much alike physically and their languages and customs are too similar for any doubt to arise about their common origin, though the history of their divergence is unknown. The problem is complicated: for example, the Atwot, to the west of the Nile, appear to be a Nuer tribe who have adopted many Dinka habits,[2] while the Jikany tribes of

[1] The word 'Nuer' is mentioned by a century of usage. It is probably of Dinka origin. I use it in singular and plural, speaking of 'a Nuer man' and of 'the Nuer people'.

[2] Punch, op. cit., p. 50. They appear as *Ahot* in the map on p. 104.

2:Evans-Pritchard E-S (1931, 1936) 1951
FJ22 Nuer FJ22

•142
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n. A maiden, smoking pipe

[facing p. 90]

2:Evans-Pritchard E-S (1931, 1936) 1951
FJ22 Nuer FJ22

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302

m. A youth. His hair is dressed with ochre

[following p. 48]

:Evans-Pritchard E-5 (1931, 1936) 1951
F322 Nuer F322

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[Facing page 68]

2;Evans-Pritchard E-S (1931,1936) 1951
FJ22 Nuer FJ22

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vi. A married woman, wearing skirt
In the background a man plays on a lucy

[Facing p. 112]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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VII. A youth singing in praise of his ox. His arms are raised in imitation of its horns

[Facing page 128]

8;Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Photo: Dr. J. F. Shaw

LEOPARD-SKIN CHIEF

[facing p. 64]

8:Howell E, G-5 (1942-1944)1954
F322 Nuer F322

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THE LITIGANT

[Facing p. 65]

8:Howell E, G-5 (1942-1944)1954
F322 Nuer F322

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Photo: Dr. J. P. Kirby

THE CHIEF, KAC WEN WIRTANG OF THE LAK NUER

[facing p. 80]

Stillwell E, G-S (1942-1944)1954
F322 Nuer F322

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THE DEEDS

[facing p. 81]

Stillwell E. G-S (1942-1944)1954
F322 Nuer F322

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THE [illegible]

[facing p. 40]

8:Howell E. C-5 (1942-1944)1954
FJ22 Nuer FJ22

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•142

MAN OF GOD, BING LOUTYJOK (see p. [illegible])

[facing p. 161]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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142

GATLEAK, MOONGE (see p. 34)

[facing p. 176]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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NUER GIRL

[facing p. 177]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

with thin calves, are long, their hands and feet small. 141
The skin is dark. Men with well-shaped features, thin [142]
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wherever opportunity offers and are a cause of constant
friction among the tribes. In their folk-lore tales a
favourite subject is the story of cattle fights.

The main groups of the Nuer and the districts in which 162
they live are:[1] 101

Gaijok, Gaijak, Jekiang (Nasser District) .	200,000
Lau (Abwong District)	100,000
Gawar (Panjak District)	30,000
Lak and Thiang (Zeraf Island, Panjak District)	40,000
Western Nuer (Yirol District) . . .	60,000

One group, the Atwot, have partly adopted Dinka as 197
their language.

The Nuer houses lie close to large river systems, so 361
that during the rains a large part of their country is a
great swamp, the villages being mostly situated on
ridges along the rivers. The chief vegetation is high
grass, interspersed with single trees or groups of trees.
The country on the upper Sobat, near or in Abyssinia,
is however better wooded and has sparse forests.

[1] Cf. Report of the Relief Language Conference 1928, London 1928.

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

000 One cannot but admire the bravery and stoicism displayed by the boy, but it is a dreadful ordeal and a most gruesome sight. How long this custom will be continued is a question one cannot answer. Knowing the Nuer, one would be almost tempted to say that it will never be discontinued as long as there remains one Nuer boy unmarked. Yet one Christian boy showed definitely that he had not the same fear of the evil eye as his companions. But until the Nuer people as a whole become Christians, there seems to be but little hope that this dreadful practice will be discontinued.

304 Near Abwong the tribal marks are not cut as deeply as they are at Nasser, and heal much more quickly.

A mother who has borne six or seven sons may have these tribal marks cut on her forehead at the same time as her youngest son has his cut. It is considered a great honour.

304 757 One may occasionally see a woman who has from one to four cuts across her forehead, but that indicates that she has had severe eye trouble, and the cuts have been made to relieve that condition. The cuts are on the forehead only, and do not extend to the region above the ear.

• 103 At least one Nuer—a man—is an albino. His hair, unbleached, is flaxen. His skin is pink-white. I have heard that other members of the same family are albinos, although some of them are black, but I have seen but this one member of the family. His parents are black. Nuer have always been afraid of him, fearing that he has a god in him.

326 When he was old enough to have the tribal marks cut, no one wanted to cut them, for they feared this god that was supposed to be in him. But the boy was insistent, so finally he had the tribal marks cut, but they were

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

101 White and the Blue Nile. The northern and southern boundaries of the tribe are about 10° northern latitude (100 miles south of Khartoum) and the north-eastern shores of Lake Victoria respectively.

144 177 Most nearly related to the Nuer are the Dinka and Shilluk. The latter have numerous sub-sections, such as the Anuak in the Sobat river system, the Jur south-west of the Bahr-el-Ghazal, the Gang or Acholi north-east of Lake Albert, and the Jaluo (Nilotic Kavirondo, as opposed to the Bantu-speaking Kavirondo) in Uganda and Kenya Colony. Nuer, Dinka, and Shilluk show a distinct linguistic affinity, the Nuer and Dinka languages being closely related. The second main group of Nilotic tribes is represented in the Sudan by the Bari, Latuko, and Dongotono. These, on the other hand, show ethnic linguistic relations to the Masai, Nandi, and kindred tribes.

It is natural that people scattered over so large a territory should differ in appearance and culture, yet with all this they show unmistakable common features in language as well as in their ethnic characteristics. It is worth noting that the Nubian tribes living on the shores of the Nile south of Aswan speak a language related to the Nilotic tongues.

144 One may assume that the Nilotic people are the result of a symbiosis and miscegenation between an autochthonous negro population and immigrating eastern Hamitic tribes. The Hamitic element, in physical appearance, culture, and language, is stronger in the Bari-Latuko-Dongotono group; they are therefore called Niloto-Hamitic, as opposed to the southern (Dinka-Nuer-Shilluk) Niloto-Sudanic group.

141 Generally speaking, the Nilotic tribes are tall, rather lean, narrow in the shoulders, their arms and their legs,

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

cow manure until he is a greyish-white. He keeps his hair 302.
either cut short or shaved off entirely (possibly a tuft may be left on the top of the head), or he lets it grow long and bleaches it by frequent applications of cow-manure ashes applied wet. While the bleaching process goes on he may dress his hair in various styles with a point at the back or at the front or at both places. When the hair is bleached to a light brownish shade he dusts the ashes out of it and is quite proud of the effect. Long black hair is worn only by medicine men. The Nuer man may continue to adorn his body with ornaments and ashes and will especially do so if he is planning another marriage.

The Nuer usually have clean teeth. They clean them 515
with cow-manure ashes, using a twig the end of which has been chewed into the semblance of a small brush.

Nuer men, possibly because they use ashes so constantly on their bodies, and probably because they do not usually wear clothing, seldom have lice. But the strands of beads [301]
worn by women and girls are often infested with them.

The Nuer age early, and both men and women look 145
older than they really are. One would guess some of the older men one meets at between 65 and 70. The Nuer woman usually keeps her every carriage, but in middle life her flabby breasts, broken teeth, or vacant places where teeth have been pulled out tend to increase the appearance of age.

Clothing is not considered essential by the Nuer man 291
and is not usually worn. He may wear a bright coloured cloth—resembling a red plaid tablecloth, only somewhat more brilliant, he may be satisfied with a piece of the cheap blue cloth that is sold by the Arab merchant, his cloth may be of unbleached muslin, or possibly the District Commissioner has honoured him by giving him a cloth or (if he is a chief) one of the gowns they usually give the

16: Evans-Pritchard E-S (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE VII

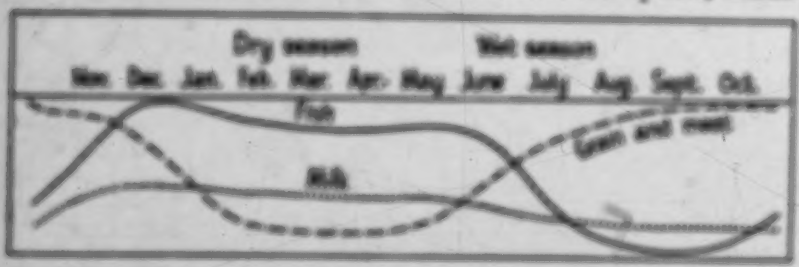
301
411
J45

[facing p. 172]

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

sumption follows that of grain consumption. We need not consider consumption of bush products in a normal year, though it may be kept in mind that they are very useful in famine years, chiefly from January to April.

It will be seen from this chart of relative consumption, which



is only presented as a virtual approximation, that fish largely takes the place of grain and meat as the principal food from January to June and that the time when there is most likely to be a shortage of milk and when few, or no, fish are caught is that when there is plenty of porridge and beer. 'The hungry months', as the Nuer call them, are from May to August when the supply of fish quickly diminishes and maize and millet are still ripening. The months of plenty are from September to the middle of December, when there is abundant millet, and generally much meat, while the end of this period is the best time for fishing. Nuer say that they put on flesh in the rains and lose it in the drought. We may conclude, I think, that even in normal years Nuer do not receive as much nourishment as they require. Their diet is well-balanced, but there is not enough of it at some seasons and there is no surplus to fall back on in the all-too-frequent years of scarcity. Much of Nuer custom and thought is to be attributed to this insufficiency of food. It is wittily related in one of their stories how once upon a time Man's stomach led an independent life in the bush and lived on small insects roasted by the firing of the grasses, for 'Man was not created with a stomach. It was created apart from him.' One day Man was walking in the bush and came across Stomach there and put it in its present place that it might feed there. Although when it lived by itself it was satisfied with tiny morsels of food, it is now always hungry. No matter how much it eats it is soon craving for more.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

may generally be traced to a source outside the Nuer. 184
The Nuer have a superstition that dreadful things may happen—the nose may rot away, the head may split down the back—if they contract syphilis. Probably this superstition more than anything else tends to keep them from contracting the disease.

Gonorrhea, like syphilis, is not very common. It, too, may not infrequently be traced to a source which has no connection with the Nuer.

Children and the aged often suffer from malnutrition 196
owing to their limited diet.

A Nuer child has the six central lower teeth removed 753
when he is about six or eight years old. They frequently 752
think that some illness the child has had is due to the teeth, 304
and so have them extracted. Even though there be no illness the teeth are removed while the child is little. There is no such thing in Nuerland as painless extraction of teeth, judging from the cries we have heard and sore mouths we have seen.

Broken bones are also not infrequent, tiny splints for 752
them are made out of cane stalk or some small twigs of a pliable wood. These are placed side by side and laced together, the splint thus formed being tied around the limb at the site of the broken bone.

Spear wounds are occasionally to be seen, but if they are the result of a fight, they are seldom brought to the clinic for medical treatment. The wound is cared for by the relatives of the injured person in the village so that the evil eye may not see the wound and retard its healing.

The art of the medicine man is often sought in order to 755
cure any disease that baffles ordinary treatment. He (or she, as the case may be, for women are also adepts at this art) may remove (?) various things from the throat and stomach, and thereby relieve (?) the cause of disease.

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

Chapter Eight

CHARACTERISTICS, GAMES, AND MEASUREMENTS

THE REAL NUER

157 THE Nuer improves upon acquaintance. At first sight his better qualities are hidden from the casual glance and his body is anything but beautiful in its usual grey coating of cow-manure ashes. But to know the Nuer is to love him; for as one becomes acquainted with him he will begin to trust you, and you may penetrate the surface mask of reserve and find a depth of finer qualities within.

The favourite expression of a Nuer when asked a question which he does not care to answer is 'I do not know'. But as one becomes better acquainted with him he becomes willing to confide in any one whom he respects.

I have found refinement, consideration for others, courtesy, and faithfulness, as well as many other qualities, not only dormant but active in many Nuer.

153 The Nuer, probably because he has never been able to
• 151 write, has a splendid memory, and is a good talker and imitator. He may relate some conversation he has heard and imitate each person in tone and manner. He can also imitate birds and animals.

SENSE OF COMMUNITY

264 When the Nuer eat they always use a common dish, and if one person is late to the meal, they await his arrival before beginning to eat so that all may share alike. Likewise, if one has had sufficient food and stops eating before the food is finished, the others ask him why he does not eat more before they proceed to finish their meal, eating the remainder of his portion of food.

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[p. 62]

1: Evans-Pritchard E-5 (1931, 1936) 1940
F322 Nuer F322

co-ordination of activities and less scope for leadership. Only in war is there any lengthy direct co-operation. Men noted for their prowess and ability stir up among the youths enthusiasm for a raid against the Dinka or a fight against another tribal section, and direct what simple tactics are employed, but these men have no political status or permanent leadership. The warriors mobilize in local divisions of their own accord, for there are no regiments and companies under officers, and in fighting they follow the most forward and courageous among them. Some of these warriors become renowned and their reputation quickly attracts recruits for raids. Two of the most famous war leaders were Latjor who led the Jikany tribes, and Bidit who led the Lou, eastwards. Neither had any ritual qualifications, but both were men of outstanding ability who were members of the dominant clans of their tribes. It is not said by Nuer that either established any political control, or even had great authority, in their tribes. The role of prophets in war is examined later. Between tribal segments there are no other joint activities that require organization and direction.

XII

The lack of governmental organs among the Nuer, the absence of legal institutions, of developed leadership, and, generally, of organised political life is remarkable. Their state is an acephalous kinship state and it is only by a study of the kinship system that it can be well understood how order is maintained and social relations over wide areas are established and kept up. The ordered anarchy in which they live accords well with their character, for it is impossible to live among Nuer and conceive of rulers ruling over them.

The Nuer is a product of hard and egalitarian upbringing, is deeply democratic, and is easily roused to violence. His turbulent spirit finds any restraint irksome and no man recognises a superior. Wealth makes no difference. A man with many cattle is envied, but not treated differently from a man with few cattle. Birth makes no difference. A man may not be a member of the dominant clan of his tribe, he may even be of Dinka descent, but were another to allude to the fact he would run a grave risk of being clubbed.

1: Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

156 That every Nuer considers himself as good as his neighbour is
181 evident in their every movement. They strut about like lords of the earth, which, indeed, they consider themselves to be. There is no master and no servant in their society, but only equals who regard themselves as God's noblest creation. Their respect for one another contrasts with their contempt for all other peoples. Among themselves even the suspicion of an order rises a man and he either does not carry it out or he carries it out in a casual and dilatory manner that is more insulting than a refusal. When a Nuer wants his fellows to do something he asks it as a favour to oblinemen, saying, 'Son of my mother, do so-and-so', or he includes himself in the command and says: 'Let us depart', 'Let the people return home', and so forth. In his daily relations with his fellows a man shows respect to his elders, to his 'fathers', and to certain persons of ritual status, within the circuit of its reference, so long as they do not infringe on his independence, but he will not submit to any authority which clashes with his own interests and he does not consider himself bound to obey any one. I was once discussing the Shilluk with a Nuer who had visited their country, and he remarked, 'They have one big chief, but we have not. This chief can send for a man and demand a cow or he can cut a man's throat. Whoever saw a Nuer do such a thing? What Nuer ever came when some one sent for him or paid any one a cow?'

181 I found Nuer pride an increasing source of amusement. It is
609 as remarkable as their constant aloofness and reticence. I have already described how Nuer would interrupt my inquiries. I mention here three incidents typical of the cavalier way in which they treated me. On one occasion I asked the way to a certain place and was deliberately deceived. I returned in chagrin to camp and asked the people why they had told me the wrong way. One of them replied, 'You are a foreigner, why should we tell you the right way? Even if a Nuer who was a stranger asked us the way we should say to him, "You continue straight along that path", but we would not tell him that the path forked. Why should we tell him? But you are now a member of our camp and you are kind to our children, so we will tell you the right way in future.'

576 In this same camp, at the end of my stay, when I was sick and being removed by steamer, I asked the people to carry my tent and belongings to the river's edge. They refused, and my servant, a Nuer youth, and I had to do it ourselves. When I asked him why the people were churlish, he replied, 'You told them to carry your belongings to the river. That is why they refused. If you had asked them, saying, "My mother's sons, assist me", they would not have refused.'

14: Huffman M-5 (no date) 1931
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[p. 62]

14: Huffman M-5 (no date) 1931
F322 Nuer F322

We have had several small thefts of fruit at the mission, 577
and Nuer living on the compound have assumed the part of self-appointed police without any idea of material gain for themselves. They have occasionally assumed such responsibility for the property of the white man as to make it necessary for them to declare a Nuer—even a relative—to be a wrongdoer.

A Nuer is faithful to his family and tribe, remembering 577
his obligations to them and knowing that he may be 621
sure of their support in times of urgent need. This pride in his tribe must not be undermined. Age-old customs and teaching have given him a heritage of which he may well be proud.

As the white man and the Arab mingle in his life and 600
as western civilization touches Nuerland may the good in the Nuer remain undestroyed. May he not become dissatisfied because his ways are not those of western nations, but help to make his tribe better because he has lived in it. We must be careful not to designate as evil everything that is not part of our western civilization. If we teach the Nuer of Christ and they follow in His way, He will perfect their lives.

POETS

You cannot hurry a Nuer unless you can give their 157
war cry—which brings immediate action.

Nuer have been taken to Khartoum, and while they were amazed at all the wonderful (to them) things which they saw, no one who saw them on the street could have guessed any of their thoughts by their actions. They were quiet and self-possessed amid surroundings that were entirely strange to them. One boy was even heard to remark that 'Khartoum had nothing to boast of, except that it did not have mosquitoes'.

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

#157 I have seen a boy about sixteen years of age save a little girl from drowning. In less than a minute afterwards he was nonchalantly taking a bath, less concerned outwardly than if he had brought a fish out of the river instead of a human being.

The Nuer often asks for one thing or another, such as a safety pin, a piece of cloth or thread. Sometimes one is inclined to think that he wants something continually. But when one sees their meagre possessions one is surprised that they do not ask for more than they do.

FAITHFULNESS

One Nuer showed his faithfulness to his white friends in a way which caused him to give up his own cherished plans and take a long walk.

He had accompanied some of the missionaries in their launch to Malakal, a distance of about 200 miles. They were *en route* to Rejaf and were to board the Nile steamer at Malakal. He intended to buy some cattle and had been counting a great deal on this trip for several months.

As the Nile steamer left for the south at midnight a telegram was given to this Nuer and he was shown how to send it. The next morning he appeared at the post office with the telegram (post office and telegraph office are usually housed together in many places in the Southern Sudan). The postmaster—seeing the signature to the telegram—asked him if he was 'a person of the preacher's?' He replied 'Yes'; so the postmaster—a black man—asked him if he would take the post-bag to the mission. He thought of the cattle he wanted to buy, of this trip he had planned for so long, but he also thought of his white friends and of the eagerness with which they always welcomed the post-bag. So he immediately said 'Yes', he would take it. He gave his name to the postmaster, and

14: Huffman M-S (no date) 1931
F 322 Nuer F 322

157 received the heavy post-bag, for belated Christmas presents made it weigh more this time than usual.

The only thing that did not occur to him was that there might be any other preacher than the one at Nasser. He set out on his return trip to Nasser alone, carrying a heavy bag of post—belonging to the Doleib Hill Mission which is about fifteen miles overland from Malakal, instead of to the Nasser Mission two hundred miles up river.

But he was blindfully ignorant of his mistake, and after a walk of seven days' duration, he delivered the Doleib Hill post-bag at the Nasser Mission, confident that there ought to be enough post in that heavy bag to gladden the hearts of all his white friends for some time.

He was deeply chagrined when told of his mistake. But possibly the memory of what he was willing to do for them will remain to gladden the hearts of his white friends longer than any news they might have received in that post-bag—had it been theirs.

Another Nuer, who knew how to steer the launch, showed his faithfulness to us by steering the launch all night when a hurried trip had to be made owing to illness. And later, even though Nuer are much averse to being close to dying persons, he would be found sitting on the porch outside the sickroom so that the nurse within—sitting by an unconscious, dying woman—might not feel so entirely alone. He had not been asked to stay there, he was not even expected to do so, but all he said was that he thought he would stay there so that the nurse might not feel entirely alone. It does not sound worth much—unless you see the nurse, alone with a hopeless case in the African stillness after midnight.

NUER GAMES

524 Boys make cattle out of mud, colouring them with ash or charred wood. They curve the horns and show quite a

1: Evans-Pritchard E-5 (1931, 1936) 1940
F322 Nuer F322

571 distance is meant, as we have already indicated in the preceding section, the distance between groups of persons in a social system, expressed in terms of values. The nature of the country determines the distribution of villages and, therefore, the distance between them, but values limit and define the distribution in structural terms and give a different set of distances. A Nuer village may be equidistant from two other villages, but if one of these belongs to a different tribe and the other to the same tribe it may be said to be structurally more distant from the first than from the second. A Nuer tribe which is separated by forty miles from another Nuer tribe is structurally nearer to it than to a Dinka tribe from which it is separated by only twenty miles. When we leave territorial values and speak of lineages and age-sets, structural space is less determined by environmental conditions. One lineage is closer to another than to a third. One age-set is closer to another than to a third. The values attached to residence, kinship, lineage, sex, and age, differentiate groups of persons by segmentation, and the relative positions of the segments to one another gives a perspective that enables us to speak of the divisions between them as divisions of structural space. Having defined what is meant by structural space we may now proceed with a description of its political divisions.

IV

161 We cannot, owing to lack of adequate population statistics (see p. 117) and survey records, present a map showing the density of the different tribes, but a rough estimate is possible for the whole of Nuerland. Jackson says that the area to the east of the Nile amounts to some 26,000 square miles,[1] and recent censuses put its population at about 144,000, making about 5·5 to the square mile. The area to the west of the Nile is no less sparsely inhabited and possibly has a lower density. The total area of Nuerland is probably about 30,000 square miles and the total population round about 200,000. We may estimate that tribal density probably varies from about 4 to 10 to the square mile and that the average distribution for the whole of Nuerland is from about 5 to 6 to the square mile. Given the hydrological conditions of Nuerland and the present economy

[1] Jackson, op. cit., p. 62.

1: Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

of the people it may be doubted whether it could support a much larger population than it does. This is particularly the case to the west of the Nile and it is likely, as Nuer themselves suggest, that their expansion eastwards was due to over-population. It is possible for there to be great local concentration in spite of low density for tribal areas, for the estimates of square mileage include vast stretches of land devoid of villages and camps, which is grazed over in the drought or merely traversed in seasonal movements. The degree of actual concentration, in this sense, varies from tribe to tribe and from tribal section to tribal section and from season to season.

I cannot figure such distributions more accurately than the sketch-maps on pp. 56, 58, and 60, and I can only indicate them verbally in the most general terms. As we have seen, the size of a village depends on the space available for building, grazing, and horticulture, and its homesteads are crowded or strung out accordingly, forming in most villages small clusters of huts and byres which we call hamlets, each being separated from its neighbours by gardens and unoccupied land on which calves, sheep, and goats graze. The population of a village—we can make no precise statement—may be anything from fifty to several hundred souls and may cover from a few hundred yards to several miles. A village is usually well demarcated by the contiguity of its residences and the stretches of bush, forest, and swamp which separate it from its neighbours. In my small experience one may, in most parts of Nueriand, traverse five to twenty miles from village to village. This is certainly the case in Western Nueriand. On the other hand, where the nature of the ground allows, villages may be much closer together and follow one another at short intervals over wide areas. Thus the greater part of the Lou are concentrated within thirty miles of Muot tot, the greater part of the Dok within ten miles of Ler, while the Lak, Thiang, and part of the Gaawar run fairly continuously along a wide ridge between the Nile and the Zeraf. Villages are always joined to their neighbours by paths created and maintained by their social interrelations. In every part of Nueriand there are also large areas, inundated in the rains, with no, or very few, villages. Those parts of the tribal areas left blank or shaded to show dry-season occupation in the sketch-

1: Evans-Pritchard E-5 (1931, 1935) 1940
F322 Nuer F322

(1) Physical conditions which are responsible for scarcity of food and a simple technology also cause low density and sparse distribution of settled areas. Lack of political cohesion and development may be related to the density and distribution of the Nuer and, furthermore, in general their structural simplicity may be due to the same conditions. (2) The size of elevated stretches of land and the distances between them permit in some parts of Nuerland larger and closer concentration than in others. In the larger tribes a large population is often compelled by the nature of the country to build their homes within a short radius. (3) Where there is relatively great density of population in the rains there tends also to be greater need in the drought for early and far movement to new pastures. This need compels recognition of a common tribal value over large areas and enables us to understand better how it is that in spite of a necessary lack of political cohesion within the tribes they often have so large a population and occupy so large a territory.

V

We have noted that structural distance is the distance between groups of persons in social structure and may be of different kinds. Those which concern us in our present account are political distance, lineage distance, and age-set distance. The political distance between villages of a tertiary tribal section is less than the distance between tertiary segments of a secondary tribal section, and that is less than the distance between secondary segments of a primary tribal section, and so forth. This forms the subject of Chapter IV. The lineage distance between segments of a minor lineage is less than the distance between minor segments of a major lineage, and that is less than the distance between major segments of a maximal lineage, and so forth. This forms the subject of Chapter V. The age-set distance between segments of an age-set is less than the distance between successive age-sets and that is less than the distance between age-sets which are not successive. This forms the subject of Chapter VI. As we wish to develop our argument and therefore to avoid analysis which does not allow the reader to refer back to statements

1: Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

extension according to the size of the tribe, are grouped into small tribal sections and these into larger ones. In the larger tribes it is convenient to distinguish between primary, secondary, and tertiary tribal sections. These sections, of whatever size, are, like a village, spoken of as '*ciang*'. Since the next chapter is devoted to these tribal segments no more is said about them here.

VI

The main Nuer tribes are shown on p. 8. The name 'Jagei' inserted to the west of the Nile includes a number of small tribes—Lang, Bor, Rengyan, and Wot. There are also some small tribes—if they are rightly regarded as tribes, for little research was done in the area—in the vicinity of the Dok Nuer: Bengh, Jeaingh, (Gaan)Kwac, and Rol. A crude census, compiled from various Government sources, gives, in round figures, the more recent estimates for the larger tribes as follows:

Sobat Nuer: Gaajak, 40,000; Gaagwang, 7,000; Gaajok, 45,000; Lou, 33,000. Zeraf Nuer: Lak, 24,000; Thiang, 9,000; Gaawar, 20,000. Western Nuer: Bul, 17,000; Leek, 11,000; the three Western Jikany tribes, 11,000; the various Jagei tribes, 10,000; Dok, 12,000; Nuong, 9,000. These figures are probably more accurate for the Eastern than for the Western Nuer. Estimates show wide discrepancies and there has been much guesswork. On the basis of those recorded, the Sobat Nuer are 98,000, the Zeraf Nuer 53,000, and the Western Nuer 70,000, making a total of 224,000 for the whole of Nuerland. The population of only a few tribal segments is known. Among the Lou the Gun primary section number about 21,000 and the Mor primary section about 12,000; among the Gaawar the Radh primary section number about 10,000 and the Bar primary section about 10,000; and among the Lak tribe the Kwacher primary section number about 12,000 and the Jeuyang primary section number about 12,000.

It will be remarked that the tribes of Western Nuerland are generally smaller than those on the Zeraf, and those on the Zeraf smaller than those on the Sobat. Tribes tend to be larger the farther eastwards one proceeds. Their territories also tend to be more extensive. It may be suggested that the larger population of the Eastern Nuer tribes is due to the integrating effects of conquest and settlement and to the absorption of large numbers of Dinka which resulted therefrom, but we do not think that such explanations

I: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

account for their maintaining a semblance of tribal unity over such large areas in the absence of any central government. It is evident that the size of tribal populations is directly related to the amount of high land available for wet season occupation, and also to its disposition, for tribes like the Lou and Eastern Gaajok and Gaajak can have a concentration of homesteads and villages on wide stretches of elevated land, which is not possible for the smaller tribes of Western Nuerland, whose only building sites are small and sparsely distributed ridges. But we hold that this fact in itself would not determine the lines of political cleavage, which can only be understood by taking into consideration also the relation between village sites and dry season water-supplies, pasturage, and fishing. We have noted earlier how tribal sections move from their villages to dry season pastures, each having spatial distinction in the rains which is maintained in the drought, but whereas in Western Nuerland there is always plenty of water, grazing, and fishing, generally not far from the villages, and it is possible for wet season village communities, isolated by inundated tracts in the rains, to maintain their isolation and independence in dry season camps, in the larger tribes of Eastern Nuerland, such as the Lou, drier conditions compel greater concentration and wider seasonal movements, with the result that village communities not only have a greater spatial, and we may say also moral, density in the drought than in the rains, but have to mix with one another and share water and pastures and fishing. Distinct villages are found side by side around a pool. Moreover, people of one section have to cross the territories of other sections to reach their camps, which may be situated near the villages of yet another section. Families and joint families often camp with kinsmen and affines who belong to other villages than their own, and it is a common practice to keep cattle in two or more parts of the country to avoid total loss from rinderpest, which is a dry season pestilence. It is understandable, therefore, that local communities which, though they are isolated in the rains, are forced in the drought into relations that necessitate some sense of community and the admission of certain common interests and obligations, should be contained in a common tribal structure. The severer the dry season conditions the greater the need for some measure of contact and therefore of forbearance and recognition of interdependence. The Zeraf tribes move less than the Sobat tribes and more than the Western Nuer tribes, the Gaawar moving more than the Thiang and Lak. We may again point out that on the whole where there is plenty of elevated country which permits concentration in the rains there is likewise the greater need for large concentrations in the dry

G. Evans-Pritchard E-9 (1931, 1936)1938
F.222 Nuer F.222

133 Bahr el Jebel, separated from the river by narrow stretches of papyrus (from river), and they often run parallel to the course of the river.

961 From the deck of a steamer passing down the Bahr el Jebel there is no sign of human occupation and a traveller might judge the country to be without inhabitants. But inland ridges support a [34] large population. These ridges are, as a rule, widely separated and one treks often enough ten to fifteen miles between one village and the next. In places there are broader belts of high ground covered 133 by thick thornwood forest, as in parts of Reagyan country, or wide 137 sandy ridges covered with scrub and palms (*doleib* and *doum*), as in parts of Dok and Reagyan countries. Those used to the bare monotony of Nuerland will be surprised to meet for the first time these sandy stretches which, with the classic beauty of the *doum* palms that surmount them, seem out of place in savannah plains. In the extreme south, in Nyuong country, which I have not visited, the clay runs into the ironstone belt and savannah gives way to savannah forest in which *Anogeissus Leiocarpus* predominates. In the north of Western Nuerland, to the north of the Bahr el Ghazal, in Lek and Bul countries, a maze of watercourses and lagoons running in all directions impede progress for the first few miles inland from the river. Then an open treeless plain extends to the borders of Kordofan. Bul country on the lower reaches of the Bahr el Arab is said to be for the greater part under water in the rainy season, though ridges of sand and forest occur on its northern and western limits.

Most of Western Nuerland is under water in the rains and the Bahr el Jebel and the Bahr el Ghazal are practically united by surface water on the intervening plain. Nevertheless the Western Nuer are probably better favoured for village sites than the Eastern Nuer.

I entered Western Nuerland at Adok on October 1st, 1936. This year was drier than usual but in a seventeen days tour round the country we walked almost the whole time in several inches of water and were often up to our armpits when crossing depressions which are constantly met on the route. How laborious such trekking is can

Howell E. G-5 (1942-1944)1954
F322 Nuer F322

131 [64] 38,000 square miles and, as it has a population of about 350,000, it will be seen that the density of population is low. Some areas are, however, more densely populated than others.

361 During the rainy season, roughly from May until November but varying from year to year, the people occupy higher ground which is better drained and comparatively free from flood. This higher ground, where they build their permanent villages and cattle-byres and have their cultivations, is limited and widely distributed. In some areas it is concentrated in a series of narrow ridges, usually running parallel to the main channels of the rivers, in others dispersed in a series of isolated outcrops. Such natural features have their effects on the size of communities, on communications and therefore social contacts, and, as a result, on political and social structure, producing local variations of detail which make generalizations difficult.

133 137 Surrounding the higher ground are the vast areas of open grass plain with thickets of acacia bush,[1] intersected by a network of grass-choked watercourses and the main rivers whose flood-plains produce different ecological conditions and different associations of grass types. Each of these regions has its function in the seasonal activities, which largely concern animal husbandry, but in which crop production, the collection of natural vegetation, and fishing play an important part. It must be emphasized here that the Nuer economy is still essentially at subsistence level and that there is no specialization or organized trade.

I do not propose to enlarge here on the subject of grass associations and pasture utilization. It is worth noting, however, that apart from soil, temperature, and length of day, one of the most important factors in the determination of grass types is the depth and period of immersion during the rainy season. On the higher ground, where the Nuer build their permanent villages, comparatively flood-free conditions produce a mixture of perennial and a few annual grasses which are fully grazed when the cattle are unable to move farther afield. Below this level are the vast 'intermediate' plains, subject to accumulations of rainfall and overflow from the drainage channels, where the grasses are predominantly perennials (*Setaria spp.*, *Hyparrhenia rufa*, &c.). These grasses are unpalatable and virtually useless except as bulk when in a dry and mature condition. So long as moisture is retained in the soil, however, they produce a green regrowth which provides valuable pasture, but in most areas the moisture is gone by the end of January, sometimes earlier. At this point, the cattle must be driven on to the riverain marshes, which, subject to deeper and longer inundation from the rivers and watercourses as well as from rain-flood, produce other types of perennial grasses (*Vossia cuspidata*, *Echinochloa pyramidalis*, *Oryza spp.*, &c.). These grasses are of variable value during the dry season, but generally speaking provide green nutritive grazing

[1] Mainly *Acacia seyal* Del., *Acacia Sieberiana* Schwfth., *Balanites aegyptiaca* Del., &c.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

APPENDIX I

NUERLAND

Populations and Area

Central Nuer District

Tribe	*Humans*[1]	*Cattle*[2]	*Area in square miles*[3]	*Courts*
Lak . . .	37,000	44,000*	1,500	
Gaawar . .	39,000	48,000*	5,120	11 (B) Regional Courts
Thiang . .	13,000	15,000*	970	1 (C) Main Court
Lou . . .	63,000	126,000*	5,290	

Western Nuer District

Bul . . .	32,000	50,000	2,320	
Leik . . .	27,000	40,000	2,140	
Jagei . .	14,000	31,000*	1,220	5 (B) Regional Courts
Dok (and Aak) .	21,000	35,000*	1,930	2 (C) Main Courts
Nuong (and Dur)	14,000	16,000	2,490	
W. Jikany . .	18,000	29,000*	1,100	

Eastern Nuer District

Gaajok . .	45,000	45,000	7,190	4 (B) Regional Courts
Gaajak . .	33,000	33,000		11 (A) Branch Courts
Totals . .	356,000	512,000	31,270	

[1] Based on recent tax-payer figures multiplied by 4·5 to nearest 1000 (1952). This multiplier is purely arbitrary and is probably high, but the figures given are consistent.

[2] Figures marked * are statistics taken from veterinary inoculation campaigns and represent a minimum figure. It is clear that all cattle were not counted, and possibly up to 20 per cent. should be added. Other figures are merely a rough estimate.

[3] Areas estimated by planimeter, but boundaries are not clearly demarcated or mapped and the areas are necessarily only approximate.

[p. 238 is blank]

[p. 239]

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

Nyueny is one of the finest
ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

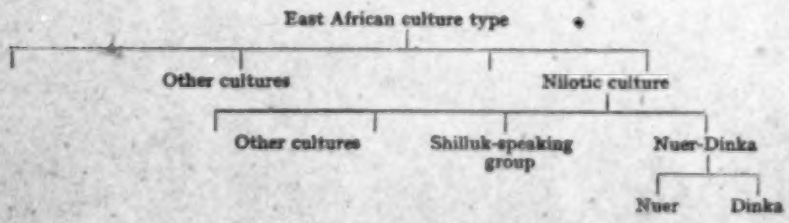
12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

121 season of the year. Illness prevented a final visit to Lek country in the early part of the rains. I mention these facts because it is essential that conditions of research should be understood if its results are to be rightly evaluated. In a final account I shall describe more fully the methods of research which I employed to meet these conditions.

[161] 105 The population of the Nuer to the east of the Nile is given by Jackson as about 320,000, and an estimate made in 1928 puts their total population on both sides of the Nile at 430,000. They form a homogeneous nation. All are pastoralists, though they make keen use of what opportunities their unruly climate allows them to cultivate the soil, and they are tireless in pursuit of game and fish. With slight regional differences their material culture is everywhere the same. Everywhere one sees the same kind of cattle byres and huts, milking vessels and other technical necessities of stock-raising, household utensils and ornaments, etc. Dialectical differences in their language are slight throughout the entire area, and in spite of local variation there is a common mythology and ritual. Likewise there are no appreciable differences in social organisation in the different countries of Nuerland. The Nuer, therefore, may be spoken of as a homogeneous nation which, with the Dinka nation, form a sub-group of the larger Nilotic conglomerate.

101 The Nuer belong to an East African culture type, the limits of which are at present ill defined both geographically and in terms of culture. Within this heterogeneous complex they form in the Anglo-Egyptian Sudan a unit of related cultures with the Shilluk (including the Anuak, Bor, and other peoples which speak dialects of the Shilluk tongue) and Dinka nations of the Nile valley. Shilluk culture is so divergent from the other two that we may speak of Nuer-Dinka culture in contrast to it. Thus we may construct the following diagram :—

DIAGRAM No. 1.



12:Evans-Pritchard E-5 (1930-1931) 1933
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EASTERN NUER.

Tribe.		*Population.*	
Thing	10,000[1]	...	—
Lou	70,000[1]	...	100,000[3]
Lak	30,000[1]	...	(+Thiang 40,000)[2]
Gaawār	50,000[1]	...	30,000[2]
Jekany (Gaajok, Gaajak, Gaagwang)	160,000[1]	...	200,000[2]
Total for Eastern Nuer	320,000[1]	...	370,000[2]

There is no doubt that many of these estimates are excessive. The latest figures, and doubtless the most accurate ones, have not yet been published, but I have been privileged to see some of them. They place the Thiang at 7,750, the Lou at 19,025,[3] the Lak at about 18,000, the Gaawār at 18,000. There is a probability, therefore, that the Eastern Nuer do not exceed 200,000–300,000 in total number.

Jackson does not furnish figures for the Western Nuer. Those given in the Rejaf Conference Report present a total population of 60,000 for all tribes. The only tribal figures I have seen are based partly on tribal affinity and partly on areas of administration. They are :—

WESTERN NUER.

Tribe.	*Population.*	
Dok	11,493	(1927)
Jagei	5,195	(1927)
Nuong	7,421	(1927–1929)
Bul	10,924	
Lek (one section)	8,353	
Lek (another section + two sections of Jekany)	3,120	
Kilual (+ some Jekany)	2,953	(1927)
Jekany (one section)	4,031	(1927)
Total	53,060	

I am fairly certain that not every one of the names given on the map represents a tribe in the sense in which I am using the term. The exact nature of these political divisions will be known only as a result of further research. A tribe is defined as the largest political unit within the nation and it has four characteristics : (1) it has a territorial basis, (2) its members have a common name and sentiment, (3) it regulates disputes between its members, (4) it unites for war against other tribes or segments of other nations.

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[1] Is an estimate given by Jackson (*op. cit.*) in 1923.

[2] Is an estimate given in the *Report of the Rejaf Language Conference*, in 1928.

[3] The wide discrepancy between the latest and earlier estimates for the Lou is possibly due in part to inclusion in the earlier figures of the Ngok Dinka and those Dinka who have since been transferred to Dinkaland by the Government.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that "tribe" among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that "tribe" must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage. 619

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together

619 161 167 233 619 621 602

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter One

THE TRIBE—HISTORY AND APPEARANCE

101 THE Nuer tribe are found in the southern part of the Anglo-Egyptian Sudan in the Nasser and Abwong districts and also on the Zeraf island and along the Nile.

●161 At the Rejaf Language Conference in 1928, the Nuer population was estimated as 430,000.

565 There are a certain number of Nuer who constitute what they call their 'aristocracy'. These are not supposed to intermarry as they are considered as one family. They are called 'dil'. A chief is always a 'dil'.

622 There are various chiefs in different parts of Nuerland, but their individual domains are not large. The people do not make obeisance before them as other tribesmen do when in the presence of their chief. But they show them respect and preference in many ways. If a chief is among those waiting to go across the river in canoes, he is always accorded a place in the first canoe to go across.

Then there are chiefs of the leopard skin, which position is hereditary. These chiefs wear a leopard skin over the shoulders, which is the insignia of their position and authority.

STORIES OF ORIGIN

773 The Nuer have a number of stories of their origin in folk-lore tales which are handed down from one generation to another. They have a firm belief in these tales of long ago. 'Would our people lie to us?' they ask.

A very large gourd is supposed to have fallen down from heaven. In it were a spear, a leopard's skin, and a person. This person they call Kiir and he is the father of the first Nuer.

173 They also tell the following tale about the time when the Nuer first came to the country they now inhabit.

721 reason that the Shilluk have no cattle and they only raid people with cattle.(1) Although in direct contact with the Anuak in the far eastern parts of Nuer territory, tsetse fly and absence of cattle make the area unsuitable for encroachment and the Anuak were only occasionally raided by the Nuer. When rifles were introduced and the Anuak could defend themselves they retaliated with raids on the Nuer. The Burun were occasionally raided by the Nuer for captives. Other communities, Arab and those of the Nuba mountains, were raided only occasionally. Except for the 829 Beir whom the Nuer appear to have respected, and the Dinka whom they fought, most foreign peoples were classed by the Nuer as *Bar*, that is, cattle-less folk, or people possessing few cattle. Another category was *Jur*, cattle-less people whom the Nuer regarded as lying on the outskirts of their world; these included the Azande, Europeans, and the Bongo etc., although the Nuer have differentiating terms for most of them.

POPULATION

161 Official estimate of population is 260,000. Estimates for the various tribes are given approximately as follows by Evans-Pritchard.(2)
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THE EASTERN NUER

The Sobat Nuer				The Zeraf Nuer		
Gaajak	Gaawang	Gaajok	Lou	Lak	Thiang	Gaawar
42,000	7,000	42,000	33,000	24,000	9,000	20,000

THE WESTERN NUER

Bul	Leek	3 Western Jikany Tribes	Jagei Tribes	Dok	Nuong
17,000	11,000	11,000	10,000	12,000	9,000

NOMENCLATURE

101 The Nuer call themselves *Naath*, (sing. *Ran*). The Shilluk, Arabs and Dinka call them *Nuer*. The Nuer also speak of the tribes west of the Bahr el Jebel as *Nath cieng* - 'the homeland Nuer', and of those east of the river as *Nath Doar* - 'Bush Nuer'.(3)

THE ATWOT

000 These appear to be a Nuer tribe, speaking a Nuer dialect, but having adopted many Dinka habits. They are situated in the Lakes district south west of Yirrol, south of the Dinka; they number 31,600 approximately. Little is known of them.

(1) Evans-Pritchard, *The Nuer*, 1940, p.132.
(2) Ibid. p.117.
(3) Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, p.207.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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583 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dok girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyaleeni ♀ of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impresion is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It [591] must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates 165 (who are also widows) suggests a very high mortality rate among males. This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

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EASTERN NUER.

Tribe.		*Population.*	
Thing	10,000[1]	...	—
Lou	70,000[1]	...	100,000[3]
Lak	30,000[1]	...	(+Thiang 40,000)[3]
Gaawär	50,000[1]	...	30,000[3]
Jekany (Gaajok, Gaajak, Gaagwang)	160,000[1]	...	200,000[3]
Total for Eastern Nuer	320,000[1]	...	370,000[3]

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Nuong	7,421	(1927–1929)
Bul	10,924	
Lek (one section)	8,353	
Lek (another section + two sections of Jekany)	3,120	
Kiual (+ some Jekany)	2,953	(1927)
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[1] Is an estimate given by Jackson (*op. cit.*) in 1923.

[2] Is an estimate given in the *Report of the Rejaf Language Conference*, in 1928.

[3] The wide discrepancy between the latest and earlier estimates for the Lou is possibly due in part to inclusion in the earlier figures of the Ngok Dinka and those Dinka who have since been transferred to Dinkaland by the Government.

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with thin calves, are long, their hands and feet small. 141
The skin is dark. Men with well-shaped features, thin [142]
lips, and noses with high bridges and narrow nostrils are not unfrequently met.

Most of the men are fierce, proud, and even haughty in 105
aspect. The Nuer are essentially pastoral; some kind of farming is done, fishing and hunting are also common, but the only occupation worthy of a man is to look after his cattle. The attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious. The one real sport for men is fighting, or cattle raiding, which is practically the same thing. These predatory expeditions are carried on wherever opportunity offers and are a cause of constant friction among the tribes. In their folk-lore tales a favourite subject is the story of cattle fights.

The main groups of the Nuer and the districts in which 162 ●
they live are:[1] 101

Garjok, Garjak, Jekiang (Nasser District) .	200,000
Lau (Abwong District)	100,000
Gaweir (Fanjak District)	30,000
Lak and Thiang (Zeraf Island, Fanjak District)	40,000
Western Nuer (Yivrol District) . . .	60,000

One group, the Atwot, have partly adopted Dinka as 197
their language.

The Nuer houses lie close to large river systems, so 361
that during the rains a large part of their country is a great swamp, the villages being mostly situated on ridges along the rivers. The chief vegetation is high grass, interspersed with single trees or groups of trees. The country on the upper Sobat, near or in Abyssinia, is however better wooded and has sparse forests.

[1] Cf. Report of the Rejaf Language Conference 1928, London 1928.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and captured many children and cattle, a feat which brought the Government down the Pibor, thereby closing hostilities. Many evidences show that at one time the Anuak extended far westward of their present distribution and were displaced from these sites, or assimilated, by the Nuer. 648

The other peoples with whom Nuer come into contact may be mentioned very briefly as their interrelations have little political importance. Another south-eastern neighbour is the Beir (Murle) people. As far as I am aware the Nuer did not raid them often and those few who know something of them respect them as devoted herdsmen. To the north-east of Nuerland the Gaajak have for several decades had relations with the Galla of Ethiopia. These appear to have been peaceful and there was a certain amount of trade between the two peoples. Absence of friction may be attributed largely to the corridor of death that divides them, for when the Galla descend from their plateau they quickly succomb to malaria while any attempt on the part of the Nuer to move eastwards is defeated by the tsetse belt that runs along the foot-hills. The Gaajak raided the Burun and Koma (both often referred to vaguely as 'Burun') for captives, and they were too small in numbers and too unorganized to resist or retaliate. To the north-west the Jikany, Leek, and Bul tribes occasionally raided the Arabs and the communities of the Nuba Mountains; and, to judge from a statement by Jules Poncet, the trouble over water and grazing in the dry season that occurs to-day between Nuer and Arabs has long occurred.[1] [164]

The Arab slavers and ivory traders, who caused so much misery and destruction among the peoples of the Southern Sudan after the conquest of the Northern Sudan by Muhammad Ali in 1821, very little inconvenienced the Nuer. They sometimes pillaged riverside villages, but I know of no record of their having penetrated far inland, and it was only the more accessible sections of the Zeraf River tribes that appear to have suffered to any extent from their depredations. I do not believe that anywhere were the Nuer deeply affected by Arab contact.[2] The Egyptian Government and, later, the Mahdist Government, which were supposed to be in control of the Sudan from 1821 to the end of the century, in no way administered the Nuer or exercised control over them from the riverside posts they established on the fringes of their country.

[1] Poncet, op. cit., p. 25.

[2] I find myself unable to accept Casati's statement of the position (op. cit., vol. i, p. 38), but consider that greater reliance should be placed on the opinion of other authorities. See Romolo Gessi's letter to the Editor of *Esploratore* in 1880 (op. cit., p. xx), and Lejean's report from Khartoum in 1860 (op. cit., p. 215).

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857 for her future. She must do as they say or pay for her
593 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

●164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the
[743] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

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Chapter Six

DISEASE, DEATH AND BURIAL

DISEASES AND THEIR REMEDIES

PROBABLY the greatest cause of physical distress is 164
the tropical disease which is commonly called yaws. It is prevalent throughout a large section of Nuerland, although it has not as yet invaded the Lau country.

This disease is characterized at the onset by aching in the muscles and joints, then lesions may form over various parts of the body. The mucous membrane of the mouth and nose becomes inflamed. Large ulcers may form on the limbs; when they do, the aching in muscles and joints usually stops. The bridge of the nose may be destroyed by inflammation.

Yaws is spread by contact with the discharges of the body of the person affected or discharges from the ulcers. It is not of syphilitic origin.

Sometimes the ulcers are quite large and deep; four to eight inches of tissue may be involved. Others, of course, are smaller.

The Nuer tries various treatments which have been 757
recommended to him by his elders. Certain leaves may be tied around the neck, a massage with hot water may be given to relieve the aching muscles and joints. The ulcer may be scraped with a shell, the edge of the shell having been previously sharpened. If a kernel forms in the groin due to an ulcer on the leg, a special grass is tied around the ankle to relieve it. The disease may wear itself out in time without medical care.

The Government doctors have trained some natives to 757
give the intravenous injections of the drug which is used 759
to eradicate this disease. These native men usually 651
accompany the District Commissioners on their rounds

[p. 47]

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757 It is surprising how quickly the ulcers respond to treatment at first. Later, when they are partly healed, the process seems to be slower, an ulcer may persist in being almost but not quite well for some time. Scar tissue breaks down easily, and the bare Nuer limb gets many a scratch and bruise which tend to cause a recurrence of the sore.

[302] When a man is downcast because a sore is slow in healing, he may bind his hair closely to the head by sewing it with cotton thread until it has the effect of a hair-net. He may wear his hair like this until his cause of distress of mind and sorrow of heart is relieved. This in itself explains to those who see him that there is a reason why he is not adorning his body, and that he is not careless about his personal appearance without cause.

One attack of yaws does not render a man immune. Of course, those who have had no complete cure of the first attack are specially subject to a recurrence of this disease.

164 Leprosy is rare among the Nuer although neighbouring tribes are subject to it.

Trachoma probably causes more trouble in Nuerland than any other disease with the exception of yaws. It is so widespread, and is the cause of much partial and total loss of sight. Many have trichiasis, but when, as in the past, there was a doctor at Nasser many were relieved of this affliction by operation. At the Government hospital at Malakal, both in the past and in the present, relief was, and is, offered to all who come.

[136] Flies are so numerous in this land that they have a very active part in the spread of disease.

Amoebic dysentery also takes its toll of life and weakens the people, although it is not as prevalent as some other diseases.

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164 757 Pneumonia is hard to cope with in this land, and is much dreaded. As soon as the Nuer thinks that he has pneumonia he refuses to take medicine, asserting that if a victim of pneumonia takes medicine, the remedy will drive the disease all over the body instead of just letting it stay in the lungs. So the patient sits in the sunshine and the usual precautions are taken to guard him from those who might cast the evil eye upon him. Hot milk is given him to drink, if milk is obtainable. But he spends his nights shut up in a windowless house, the door being shut also, and possibly a small fire within for warmth. Many die, but some cases, even those who have had haemorrhages, have lived.

752 Sometimes when empyema follows pneumonia another Nuer will operate on the patient, opening up the pleural cavity in order to let the pus out. He may even cut the rib. The Nuer give you the name of the tree from which a twig may be cut in order to splice the rib. But I know of no one who has survived this operation. The patient is forcibly held down while this operation is in progress as they have no anaesthetics.

164 753 Various other diseases of more or less importance may be found. Cases of what they fear is a severe stomach disorder may eventually be found to be simply due to their fear of a curse.

164 The Nuer dread smallpox; when there is any danger of an epidemic of it they are quite anxious to be vaccinated. Smallpox is usually virulent in this country, and their dread of it is justified by the fact that it takes a heavy toll of life.

Chicken-pox, measles, and mumps may also be found. I have not known of any scarlet fever or diphtheria. Tuberculosis of the lungs is rare, although tubercular bone cases may be found.

Syphilis is not common, and when found its origin

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may generally be traced to a source outside the Nuer. 164
The Nuer have a superstition that dreadful things may
happen—the nose may rot away, the head may split down
the back—if they contract syphilis. Probably this super-
stition more than anything else tends to keep them from
contracting the disease.

Gonorrhea, like syphilis, is not very common. It, too,
may not infrequently be traced to a source which has
no connection with the Nuer.

Children and the aged often suffer from malnutrition 146
owing to their limited diet.

A Nuer child has the six central lower teeth removed 753
when he is about six or eight years old. They frequently 752
think that some illness the child has had is due to the teeth, 304
and so have them extracted. Even though there be no
illness the teeth are removed while the child is little.
There is no such thing in Nuerland as painless extraction
of teeth, judging from the cries we have heard and sore
mouths we have seen.

Broken bones are also not infrequent, tiny splints for 752
them are made out of cane stalk or some small twigs of a
pliable wood. These are placed side by side and laced
together, the splint thus formed being tied around the
limb at the site of the broken bone.

Spear wounds are occasionally to be seen, but if they
are the result of a fight, they are seldom brought to the
clinic for medical treatment. The wound is cared for by
the relatives of the injured person in the village so that
the evil eye may not see the wound and retard its healing.

The art of the medicine man is often sought in order to 755
cure any disease that baffles ordinary treatment. He (or
she, as the case may be, for women are also adepts at this
art) may remove (?) various things from the throat and
stomach, and thereby relieve (?) the cause of distress.

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755 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offered, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[36] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.

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641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinka and take their cattle.

641 The Nuers learn to trust the District Commissioner and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

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As soon as the cutting is finished the boys go and sit in front of the hut before which the operation has taken place. If they are able to do so they walk unaided with their heads held back from the shoulder. Otherwise they are assisted. Seated with their backs to the hut and with their heads held back they wave away flies from their lacerated foreheads. Meanwhile their mothers and the other women present utter ceremonial cries of joy as they dance in front of them (*be yi wa kuk*).

The lines cut are six in number but occasionally one meets men with seven cuts. Father Crazzolara says that this is due to the fact that the operator "in his artistic elation, forgets to count, and adds one or two lines beyond the number demanded by the fashion that prevails at the time."[1] This does not seem to me a very likely explanation. In Lou country I was invariable told that when two brothers were initiated at the same time the youngest received seven cuts, a statement borne out by the several cases I was able to investigate. A youth from Lek country on the Bahr-el-Ghazal who had seven cuts on his forehead told me that it was the custom in his tribe for the eldest son in a family to receive an extra cut but I was unable to check his statement from other informants. Miss Huffman writes that sometimes the operator "happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six."[2]

I do not think that there is any need to emphasize the severity of the ordeal, which may readily be understood from Father Crazzolara's statement that the cuts are distinctly visible on the skulls of dead Nuer. It is surprising therefore that it does not often result in death. Yet I have never heard of a boy dying during or after the operation though I made enquiries on the point, and the staff of the American Mission at Nasser told me that in their long experience of the country they had never heard of a fatal operation. Father Crazzolara on the other hand states that death is not infrequent.[3]

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On the day on which a boy is initiated from four to ten pots of beer

[1] *Op cit*, p. 32. "Es soll vorkommen, das der Garmeister manchmal in Eifer für seine Kunst, das Zählen vergisst, und eine oder zwei Linien mehr aufträgt als das Gesitz verlangt. Deswegen wird vielfach ein Beisitzer aufgestellt, der darauf zu sehen hat, dass der Patient nicht mehr als nötig gequält werde."

[2] *Op cit*, p. 32.

[3] "Die ersten 24 bis 28 Stunden sind die ernstesten, wegen der Gefahr des Verblutens. Es ist keine Seltenheit, dass ein alter Mann, der nachts oder in aller Frühe nachsehen kommt, einen der Knaben unbeweglich, ja in der Todesstarre antrifft." *Id.*, p. 32.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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583 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dok girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyaleeni ♀ of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impresion is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It [591] must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates (who are also widows) suggests a very high mortality rate among males. 165 This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

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she may call herself 'a woman who has just given birth to a child' for months afterwards, and try to solicit privileges on that account. 846

Nuer mothers love their babies and try to do all they can in their limited way for them. Whatever the child may lack, it does not lack its mother's love while she is living. But if the mother dies life is a different thing for the child that is left. A new-born baby demands food, and the artificial feeding of babies is an art entirely unknown to the Nuer. What to do with the small piece of humanity is a serious proposition. 854

Rumour says that they may bury the new-born baby with the dead mother, arguing that it will die soon anyhow, but I do not know of any authentic case where the live child has been buried. It is, however, very true that the motherless baby soon follows its mother. Five motherless infants have been brought to the mission at Nasser, as the people know that the art of the artificial feeding of infants is not unknown there. Two of these babies died, while three have lived so far. 847 165

TWINS

Twins are not uncommon, but are usually a cause of distress to their parents, for they are sure that one will die—and it usually does fail to survive. The mother always nurses one child at one breast and the second child at the other breast, and thus divides the supply of food as evenly as she can between them. 845 [853]

When a man is the father of twins, his brother will sacrifice a sheep before he eats with him so that no harm may come to the babies.

The Nuer has a superstition in regard to the burial of new-born twins. Rumour says that they prefer to tie the hands together and hang them up in a tree rather than 766

1: Evans-Pritchard E-5 (1931, 1936) 1940
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in the diagram is the primary section of Reng, the Kong and Dhilleak divisions of which have clan nuclei of different origin to the other sections. 619

In all these tribes and tribal sections there is much admixture of lineages in communities. The same conditions are found in the Zeraf valley and also, and perhaps to a larger degree, in Western Nuerland. Nuer say that feuds and quarrels between lineages chiefly led to their dispersal, and they can cite many examples. Thus the descendants of Nyang–Thiang left the other sons of Thiang and joined the people with whom they form the Gaagwang tribe, and the NYARUNY lineage left their kinsmen of the Thiang primary section and joined the Reng primary section of the Gaajak tribe. After fights, a whole community, led by its dominant lineage, may in this way move to a different section or tribe and take up permanent residence with them. Migration led to further dispersal, since some lineages remained in the homeland to the west of the Nile and others crossed the Nile and Zeraf and settled to the east of these rivers. Nuer say that in the earliest stages of the migration the warriors used to raid Dinka and return home to their kinsmen after each raid. Then they settled to the east, but kept in close contact with the people of their lineage to the west. But as they shifted farther away the contact lessened and finally, in most cases, ceased altogether. When lineages migrated they must already have been nuclei of heterogeneous accretions and not exclusive groups of agnates: but admixture was no doubt hastened and made more complete by movement. 613 619 166

Two factors other than migration, quarrels, intermarriage, &c., have probably contributed to the dispersal of lineages. The Nuer are mainly a pastoral people with dominant pastoral interests and do not feel themselves bound by economic necessity or by ritual ties to any particular spot. Where his cattle are is the Nuer's home; his hearth is the droppings of his cattle and his altar a light pole (*rick*) which he plants wherever he may wander. The spirits which give him protection and the ancestral ghosts that watch over his welfare are no more bound to the soil than he is and they are present wherever are the herds. Beasts dedicated to ghosts and spirits are his wandering shrines. Also the Nuer have no organized cult of ancestral ghosts. The dead 181 771 769

8:Howell E, G-5 (1942-1944)1954
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throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy. 133 137 [262]

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country tails away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped *tabanids* which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *pilual*, the Duk ridge was packed with refugees fleeing from the rising waters. [136] [731]

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toics* left on the edges of the khor Fullus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire 133 166●

[1] This word has no more precise meaning than 'marshland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

8:Howell E. G-5 (1942-1944)1954
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133 for better fishing which the rivers provide. It is also possible, and this is a Nuer contention, that the watercourses which flow through
166 Lou country are becoming clogged with silt and vegetation, with the result that water-points dry out earlier in the year though grazing may be improved.

Eastern Nuer District, which lies north of the Sobat up to the borders of Ethiopia, is flanked in the west by the vast Machar swamps, a region which might provide plentiful grazing. In fact, the people prefer to descend to the upper reaches of the Sobat and Baro rivers, where there is not only adequate pasture for their herds, but also exceptionally good fishing and an opportunity to raise a rich crop of maize on the fertile silt left by the flood water.

103 This whole area, the Zeraf Valley, Lou, and Jikany Dhor, is often referred to generally as 'Eastern Nuer' in contrast to 'Western Nuer', the
101 region west of the Nile. The latter area is known to the Nuer who live east of it simply as *kwi Kir*, 'over the Nile', but it is known that it is the original homeland of all the Nuer and is sometimes referred to as *cieng Naadh*, 'Nuer homeland', as opposed to *dhor*, 'the outside'. This distinction between eastern and western Nuer is only valid in so far as those east of the Nile are all colonizers, for though there are minor cultural differences between western Nuer and the Zeraf tribes, these do not seem to me to be any greater than are those between the latter and the Lou or the Jikany (Dhor). In speaking of the 'Eastern Nuer' therefore, I refer specifically to those people (i.e. the Jikany Dhor) who live in Eastern Nuer District, an administrative classification, and not to all Nuer east of the Nile.

131 Western Nuer District is divided geographically and to some extent demographically into two distinct parts. There is first the area lying
361 north of the Bahr el Ghazal and partly west of it, and secondly the region south of that river. The difference in terrain is not very great, but whereas the people who live in the north rely on the Bahr el Ghazal itself or the rivers which flow into it, those in the south rely almost entirely on the pastures provided by the natural and seasonal irrigation of the Bahr el Jebel or by the flood waters of rivers coming in from the south-west. In the southern area are the Nuong and Dur, Dok and Aak' and Jagei. These tribes, whose permanent settlements and cultivations are on a ridge of sandy ground which runs parallel to the Bahr el Jebel, graze their cattle in the dry season along the edges of that river or along inland water systems referred to as the Bilnyang system. This system is partly dependent on spill water from the Nile and partly on water derived from a different catchment area. Hence in years when the Nile provides inadequate grazing or is inaccessible owing to heavy flooding, the Bilnyang system gives an alternative. North of these tribes are the Jikany Cieng whose country lies in the triangle formed by the intersection of the Bahr

8:Howell E, G-5 (1942-1944)1954
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el Jebel and the Bahr el Ghazal. The Leik and Bul tribes are nearly all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

All Nuer are compelled to migrate during the dry season and to set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'intermediate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the *toic*. The distances covered in these seasonal migrations vary considerably. Many of the Lak and Thiang Nuer, for example, move only a few miles from their permanent homes, while many of the Gaawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

The distribution of population in Nuerland is determined by the physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

12:Evans-Pritchard E-5 (1930-1931) 1933

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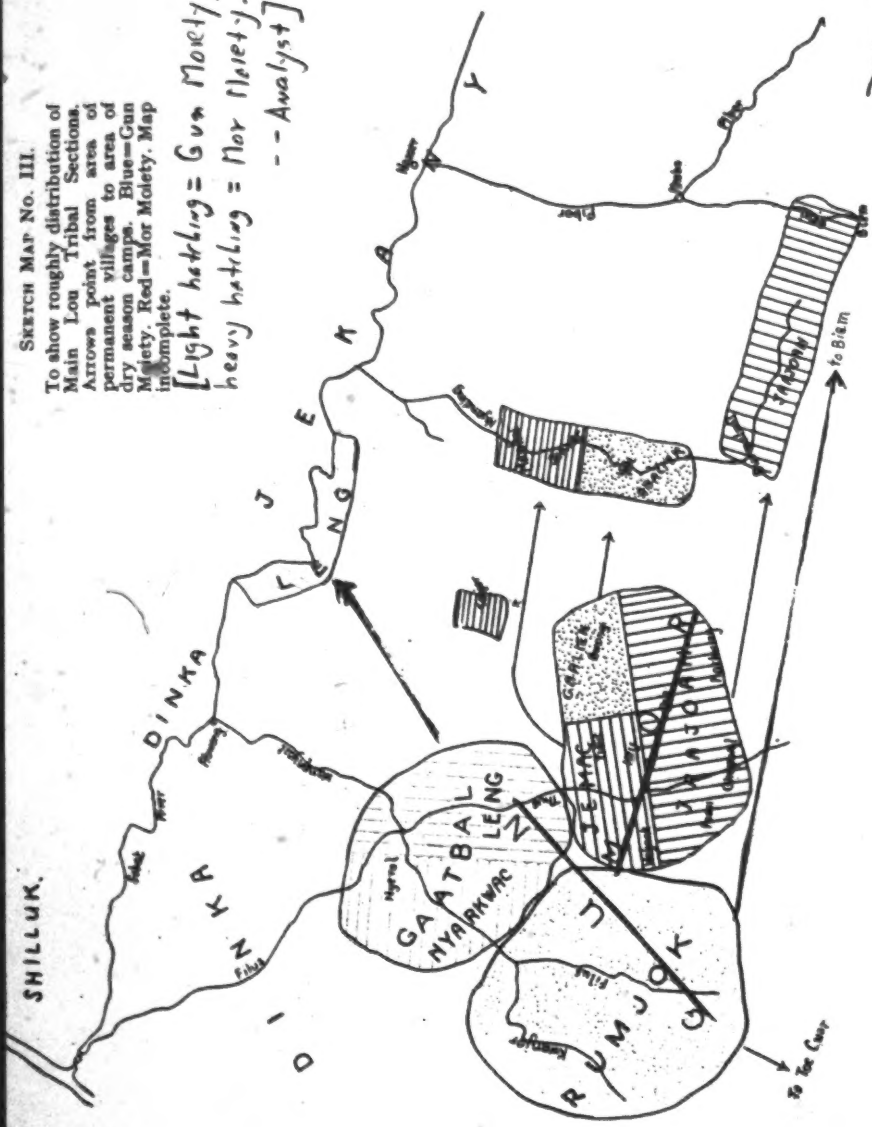
SKETCH MAP No. III.

To show roughly distribution of Main Lou Tribal Sections. Arrows point from area of permanent villages to area of dry season camps. Blue=Gun Moiety. Red=Mor Moiety. Map incomplete.

[Light hatching = Gun Moiety; heavy hatching = Mor Moiety. --Analyst]



[facing p. 10]

12:Evans-Pritchard E-5 (1930-1931) 1933
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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Maçar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

12:Evans-Pritchard E-5 (1930-1931) 1933
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to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *gaat* kwith and his village *cieng* kwith. A clan is called after a man yi and becomes *cieng* yie, or after yoal and becomes *cieng* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

12:Evans-Pritchard E-5 (1930-1931) 1933
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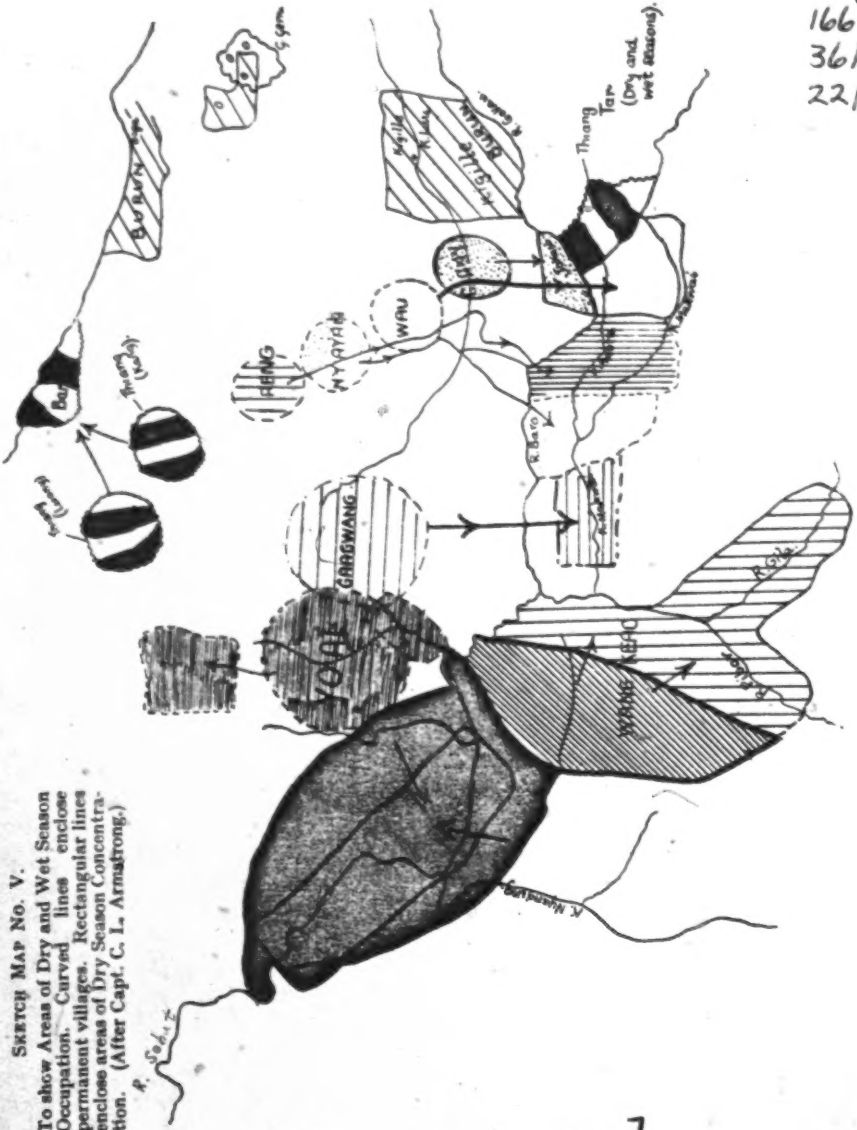

SKETCH MAP No. V.
To show Areas of Dry and Wet Season Occupation. Curved lines enclose permanent villages. Rectangular lines enclose areas of Dry Season Concentration. (After Capt. C. L. Armstrong.)

[facing p. 30]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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721 in the enemy's kraal, the oxen being mainly slaughtered for food. If the Dinka gathered reinforcements and returned to fight they were met in full battle formation. Nuer fight in three divisions with two or three hundred yards between each, and if one division is engaged the others advance or retreat parallel to it according to the fortunes of war. A party of scouts are in advance of the central division and they charge up to the enemy, hurl their spears at them, and fall back on the main body.

The raiders spent several weeks in Dinkaland and sometimes remained there throughout the dry season, living on the milk and flesh of captured cattle, on pillaged grain, and on fish. Using a captured kraal as a base they extended their raid against distant camps. Nuer migrations seem to have been conducted on these lines, the raiders settling permanently in Dinka country and by systematic raiding compelling the inhabitants to withdraw farther and farther from the points of occupation. In the following season a new series of raids was initiated and the process was repeated till the Dinka were compelled to seek refuge with their kinsfolk of another tribe and leave their country to its invaders. If settlement was not contemplated, however, the raiders returned home when they considered that they had sufficient booty.

721 167

727 Before camp was broken up there took place a custom highly indicative of Nuer sense of equality and justice. It was recognized that the whole force was jointly responsible for the success of the raid and there was therefore a redistribution of the booty. The prophet whose revelations sanctioned the raid first made a round of the camp and selected from each household a cow for the divine spirit of whom he was the mouthpiece. By this time a household possessed some fifty head, so that it was no hardship to be asked to give one to the spirit. There then took place a general scramble and everybody rushed amid the herd to earmark beasts for himself. A man who could first seize an animal, tether it, and cut its ear had absolute claim to it. The man who originally captured a cow had the advantage that it was tethered near his windscreen, but if he and members of his household had an undue share of the booty they could not earmark all the beasts before they were seized by others. As might be supposed, men frequently sustained injury in these scrambles, for if two men seized the same cow they fought with clubs for possession of it. One must not use the spear on these occasions. Men of neighbouring camps took part in one another's redistributions and there must have been great confusion. Captives, women of marriageable age, boys, and girls, were not redistributed but belonged to their original captor. Older women and babies were clubbed and, when the raid was on a village, their

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6: Evans-Pritchard E-5 (1931, 1936)1938
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824 those grasses which are *wal ghok*, cattle-grasses, and those plants
233 which are eaten regularly by cattle, sheep, and goats or are used for veterinary purposes. One is only given names of plants with hesitation or given different names by different persons when they have no
824 particular value or use. One should not, however, bring leaves and flowers home and ask a Nuer for the names, for this confuses him, but he knows them at once when he sees them growing, as he would normally see them. Not the form of the plant alone but its form together with its habitat enable him quickly to identify it, for some plants are found in gardens, others on sandy ridges, others in the open plain, and others near streams.

824 It is probable that Nuer expansion has to a considerable degree been influenced by the distribution of pasture grasses. I am not
•167 a botanist and can only record a few of the main grasses which are
137 found in both Western and Eastern Nuerland without being able to give their distribution in these latitudes. However, Nuer have told me that the reason they did not oust the Ngok Dinka from their enclave was that their pastures are not up to the grazing standards Nuer demand for their cattle. It has also been pointed out to me by Nuer that Shillukland is very poor in grazing grasses, a statement which seems to me, from a very slight acquaintance with Shilluk country, to be true.

137 There are some Nuer grasses the cattle like, some they will eat if
233 they are hungry, and some which they refuse at all times. The richness of pasture varies at different times of the year and in different places and it is these seasonal and local variations which determine Nuer annual, and daily, movements.

132 In the season of *Rwil*, the springtime of the year when the early
137 rains fall, all the grasses either send up new shoots or begin to grow again after several months of arrested growth. This is a season of
233 fatness for the cattle. All the pasture grasses are short and tender and they can choose the most luscious of them and graze on them to their hearts' content. In this time of plenty they nibble the heads of the grasses of which they are not greatly fond while they graze to the ground a favourite grass like *gau* (*Andropogon Gayanus Kunth*).

12:Evans-Pritchard E-5 (1930-1931) 1933
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Nuer[1] and Dinka customs and languages are far too similar for any doubt to arise about their common origin, but in the present state of our knowledge even a tentative reconstruction of their historical relations with each other which led to the formation of two distinct cultures is out of the question. Our knowledge of neither is adequate, and probably never will be adequate, to solve historical problems of this kind. Moreover, it is not yet certain whether the many Dinka tribes differ from each other sufficiently for some of them to approach the Nuer in their culture more closely than they approach other members of their own conglomerate, though, personally, I hold this to be highly improbable. The Atwot are a peculiar case, for they speak a dialect of Nuer but are alleged to approximate more closely to some of the Dinka tribes in other elements of their culture. On the other hand, the Jekany tribes, who to-day have a typically Nuer culture, appear to be of Dinka origin. Even were we in possession of more knowledge about both nations we should still have to face the insuperable difficulty that not only have Dinka and Nuer almost certainly a common cultural origin but that there has also been continuous contact between them which has led to extensive borrowing by the Nuer from the Dinka, and possibly the process has been mutual, so that one cannot know for sure whether a similar trait in the two cultures is due to their common cultural origin or to later borrowing.

Moreover, any attempt to differentiate between the two peoples by a comparison between their physical characters is equally dangerous until a very large number of individuals whose ancestry is well known have been measured. I have little doubt myself that there are physical differences between Nuer and Dinka, though both are undoubtedly of the same race. But we have to remember that there has been absorption of Dinka on a gigantic scale by Nuer invasions during the first half of the 19th century. At that time most of the country east of the Nile was occupied by Dinka tribes who were dispersed and largely absorbed by the Nuer who crossed the Nile in waves from their home on the west bank. To such an extent were Dinka assimilated to Nuer that I consider it safe to say that not more than 50 per cent. of the Nuer to the east of the Nile are of pure descent, and though on the west bank the process

[1] I use the word "Nuer" but with a protest. They call themselves "Nath" (sing-ran), and if ever a more ambitious account of them is written this term will be used.

12:Evans-Pritchard E-5 (1930-1931) 1933
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167 101 177 of expansion and absorption has not been so extensive it has, nevertheless, been considerable. Both Nuer and Dinka myths recognise their common ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

648 131 The Nuer have not been greatly affected by foreign influences owing to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as "homeland Nuer" (*Nath ciewg*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as "bush Nuer" (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

631 649 Nuerland is divided into a number of territorial sections, the occupants of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

12;Evans-Pritchard E-5 (1930-1931) 1933
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Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that "tribe" among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that "tribe" must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage. 619

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together 619 161 167 233 619 621 602

12;Evans-Pritchard E-5 (1930-1931) 1933
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JIHACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country.

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage.

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*cike dak piny*). Then their close relationship (*mar*) ends (*ci mar thuh*). They go and live in the midst of other clans who are

1: Evans-Pritchard E-5 (1931, 1936) 1940
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224 the reeds, where their only escape was by swimming the river. In this district, and perhaps elsewhere, Nuer, spurred by hunger, leave camp after the first heavy showers to look for giraffe tracks and pursue these animals relentlessly till they overtake them. This is only possible at the time of the first rains when the animals still have to approach camps to drink while their large hooves stick in the moist earth and slow down their movements. The Nuer, particularly those of the Zeraf river, have a reputation for their courage and skill in hunting elephants, which are surrounded and speared by large parties.

Nuer hunting has thus the same character of simplicity as their fishing. They use little cunning and, except for the spiked-wheel trap, no mechanical devices. This trap is used by immigrant Dinka in most parts of Nuerland and by some of the Lou Nuer, who, nevertheless, regard it as a Dinka contrivance and accordingly tend to despise it, regarding its use as unworthy of men possessing cattle but allowable to poor persons who can thereby obtain meat and even cattle, for giraffe-hair is highly valued for necklaces, such as those which can be seen on Nuer in many plates (especially Plates I and XXVIII(*b*)). Hence one finds a few members of a camp setting traps while the rest abstain. They are set around drinking-pools at the end of the dry season or in the early rains when surface water is still restricted and the ground is not yet moist enough to rot the leather nooses. In 1930 on the Sobat large numbers of giraffe were captured by means of spiked-wheel traps, but it appears to have been an exceptional year. If game-pits are dug at all by Nuer they are very rare and found only on the borders of Dinka tribes, and the burning of stretches of grass that have survived the annual firing in order to spear or club the animals that flee the flames is a very casual practice. In the dry season in Western Nuerland, and probably in other parts, though not on the Sobat, men harpoon hippopotami along the tracks to their nightly grazing grounds. Hippopotamus hunting is not, however, considered a Nuer practice, but a habit of Shilluk and some of the Dinka tribes; and even in those parts where Nuer hunt them it is said to be only men with a few cattle who do so. We may conclude that hunting does not give Nuer much meat and that they do not greatly esteem it as a sport.

[171] [381]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 We have not enumerated them, for their names are irrelevant. The fighting between the two peoples has been incessant from time immemorial and seems to have reached a state of equilibrium before European conquest upset it. (Malte-Brun's map compared with modern maps suggests that tribal positions have not greatly altered since 1860.) In the earlier part of the historic period, from about 1840 to near the end of the century, Nuer appear to have been expanding in search of new grazing, but continued raiding for cattle, an aggressive action which we attribute to the structural relations between the two peoples, but which was, no doubt, intensified by rinderpest.

Though Dinka relations with Nuer are extremely hostile and war between them may be called an established institution, they have, nevertheless, united occasionally to make war against the Egyptian Government and there have sometimes been joint social gatherings. In times of famine Dinka have often come to reside in Nuerland and have been readily accepted and incorporated into Nuer tribes. In times of peace, also, Dinka visited their relations who had been captured or who had settled in Nuerland, and, as remarked earlier, there seems in parts to have been some trade between the two peoples. The strands of social relationships of a general kind, which are often numerous across the boundaries of adjacent Nuer tribes and which stretch across Nuerland, are thus prolonged weakly beyond the limits of Nuerland in occasional and hazardous contacts with foreigners.

648 829 All Dinka come into the category of *Jaang*, and Nuer feel that category to be nearer to themselves than other categories of foreigners. These foreign peoples, with all of whom the Nuer have reached a state of balanced hostility, an equilibrium of opposition, expressed occasionally in fighting, are, with the exception of the Beir, generally classed as *Bar*, cattleless people or people possessing very few cattle. A further category are the *Jur*, cattleless people whom the Nuer regard as lying on the periphery of their world, such as the Bongo-Mittu group of peoples, the Azande, the Arabs, and ourselves. However, they have separate names for most of these peoples.

648 171 We have remarked that Nuer feel Dinka to be nearer to themselves than other foreigners, and in this connexion we draw

1: Evans-Pritchard E-5 (1931, 1936) 1940
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attention to the fact that Nuer show greater hostility towards, and more persistently attack, the Dinka, who are in every respect most akin to themselves, than any other foreign people. This is undoubtedly due, in some degree, to the ease with which they can pillage the vast Dinka herds. It may also, in part, be attributed to the fact that of all neighbouring areas Dinkaland alone opposes no serious oecological handicaps to a pastoral people. But it may be suggested further that the kind of warfare that exists between Nuer and Dinka, taking into consideration also the assimilation of captives and the intermittent social relations between the two peoples between raids, would seem to require recognition of cultural affinity and of like values. War between Dinka and Nuer is not merely a clash of interests, but is also a structural relationship between the two peoples, and such a relationship requires a certain acknowledgement on both sides that each to some extent partakes of the feelings and habits of the other. We are led by this reflection to note that political relations are profoundly influenced by the degree of cultural differentiation that exists between the Nuer and their neighbours. The nearer people are to the Nuer in mode of livelihood, language, and customs, the more intimately the Nuer regard them, the more easily they enter into relations of hostility with them, and the more easily they fuse with them. Cultural differentiation is strongly influenced by oecological divergences, particularly by the degree to which neighbouring peoples are pastoral, which depends on their soils, water-supplies, insect life, and so forth. But it is also to a considerable extent independent of oecological circumstances, being autonomous and historical. The cultural similarity of Dinka and Nuer may be held largely to determine their structural relations; as, also, the relations between the Nuer and other peoples are largely determined by their increasing cultural dissimilarity. The cultural cleavage is least between Nuer and Dinka; it widens between Nuer and the Shilluk-speaking peoples; and is broadest between the Nuer and such folk as the Koma, Burun, and Bongo-Mittu peoples.

Nuer make war against a people who have a culture like their own rather than among themselves or against peoples with cultures very different from their own. The relations between

16: Evans-Pritchard E-5 (1931, 1936) 1956
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x 776 196 contexts means speech, talk, or word, but when used in prayers and invocations in the phrase '*e rwacdu*', 'it is thy word', it means the will of God; and when used in reference to creation it has almost the meaning of the creative word: 'he created the world, it is his word'.

773 The Nuer can hardly be said to have a creation myth, though our authorities[1] record some fragmentary accounts of the creation of men, parts of which I have myself heard. These state that men were created in the Jagei country of western Nuerland at a certain tamarind tree, at the foot of which offerings, and according to Mr. Jackson sacrifices, were sometimes made till it was destroyed by fire in 1918. Many details in the versions given by Mr. Jackson and [171] Captain Fergusson are clearly foreign, either Dinka or in Mr. Jackson's account Shilluk and in Captain Fergusson's account possibly even Atwot or Mandari, and I regard Father Crazzolara's version as the closest to Nuer tradition. In this version the tamarind tree, called Lic, was itself the mother of men who, according to one account, emerged from a hole at its foot or, according to another account, dropped off its branches like ripe fruits.

x 776 761 Whether they are speaking about events which happened *ne walka*, in the beginning or long ago, or about happenings of yesterday or today, God, creative Spirit, is the final Nuer explanation of everything. When asked how things began or how they have come to be what they are they answer that God made them or that it was his will that they have come to be what they are. The heavens and the earth and the waters on the earth, and the beasts and birds and reptiles and fish were made by him, and he is the author of custom and tradition. The Nuer herd cattle and cultivate millet and spear fish because God gave them these things for their sustenance. He instituted their marriage prohibitions. He gave ritual powers to some men and not to others. He decreed that the Nuer should raid the Dinka and that Europeans should conquer the Nuer. He made one man black and another white [826] (according to one account our white skins are a punishment by God for incest committed by our ancestor with his mother), one man fleet and another slow, one strong and another weak. Everything in nature, in culture, in society, and in men is as it is because

[1] H. C. Jackson, 'The Nuer of the Upper Nile Province', *Sudan Notes and Records*, 1923, pp. 70–71; V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 148–9; J. P. Crazzolara, op. cit., p. 66.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

CHAPTER VII

SIN

I

NUER do not think of the relation of man to God as one of soul, as a separate entity, to Spirit but as one of the whole man to Spirit. The state of the conscience, as we would call it, may be one element in the relation but peace of mind is very much bound up with welfare of body and estate. This is evident from the way they regard the breach of an interdiction which is thought to bring into operation directly, and often almost immediately, spiritual sanctions. We may speak of such a breach as sin. 776 783

Sin with the suffering it brings about is central to the study of Nuer religion. If God was thought by Nuer merely to have created man and then to have ceased to interest himself in human affairs there would be no point at all in their paying any attention to him and sacrifice would be a meaningless act. It is because Spirit constantly manifests itself to men and intervenes in their enterprises and affairs that we have the subject of this book, a religion. I draw attention again to the paradox I mentioned in Chapter I, of God being far away in the sky and yet present with men on earth; but we now see that it might better be described as an intuitive understanding of the relation between God and man. God is far removed from man in that man cannot ascend to him. He is very near in that he can descend to man.

Nuer, like other people, want it both ways. They want God to be near at hand, for his presence aids them, and they want him to be far away, for it is dangerous to them. It is particularly dangerous in such situations and relationships as are marked off by religious interdictions.

One of the more important interdictory concepts is that of *thek*, a word we have had occasion to consider earlier in connexion with totems. It has a sense which I translate 'to respect', the word 'respect' being used throughout this book only where Nuer would use *thek*. The word has a similar, but perhaps wider, range of meaning among the Dinka. 1/1 196 [171]

[See p.79, cat. 116 -- Analyst]

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but not enough to drown it altogether. The ideal arrangement, which I have often observed among the Western Nuer, is to build on the edge of a whale-backed ridge with the huts and byres facing the broad back of the ridge. This ensures that the cattle will have dry kraals and also permits them to graze on the short grasses of the ridge. At the back of the huts and byres on slightly lower ground are the gardens. These must be on lower ground because the ridge itself is usually sandy and, where occupied, has a hard trodden floor of ashes and debris and is therefore unsuitable for cultivation of millet. They must also be at the back of the huts and byres so that the cattle can move freely to and from their kraals without invading the standing millet. To prevent this happening people erect a thornwood fence between the kraals and the gardens and extend it along both sides of the kraal, so that only the side opening on to the ridge is left unfenced. In Western Nuerland I have seen low mud dykes erected between the flooded plain and the approach to the ridge. These are to prevent the water encroaching too far in years of high flood. 233 361 243 [312]

I have sometimes wondered why Nuer so often build their villages on shadeless ridges in the middle of a treeless plain when it would be possible to build in some of the stretches of thornwood or palm forest that one finds here and there in their country. I have often noticed villages built in the open when shady spots are to be found a few hundred yards away. But Nuer can give good reasons for keeping to their dreary sites exposed to the fierce tropical sun and the bitter north wind. In the open their animals are safer from wild beasts; they are less worried by insect pests, and their kraals soon dry after rain. It would appear also that thornwood forest is less suitable for cultivation of millet than more open country. Nevertheless Nuer sometimes build in open forest. I have seen forest villages in parts of Lou and Eastern Gaajok country. The Eastern Gaajok villages, which I have not visited, are mainly in forest country.

Most of these ridges and knolls have probably been occupied for a very long period of time, perhaps long before the Nuer lived in their present home. In digging graves Nuer have found pots and cooking 361 172

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361 stones and remains of fires. They have been occupied by many generations of Nuer. Families are not, however, bound to any
• 172 particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342 *ieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
233] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans. However, ownership is mainly a matter of sentiment, based on long
602 association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyuoc*, or high river-flood, their ridges remain dry

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cannot be understood until structural distance is known, since it is a reflection of it, and we must, therefore, ask the reader to forgive a certain obscurity at this point and to reserve criticism till we have had an opportunity of explaining more clearly what is meant by structural distance. 805 601 613

We have restricted our discussion to Nuer systems of time-reckoning and have not considered the way in which an individual perceives time. The subject bristles with difficulties. Thus an individual may reckon the passage of time by reference to the physical appearance and status of other individuals and to changes in his own life-history, but such a method of reckoning time has no wide collective validity. We confess, however, that our observations on the matter have been slight and that a fuller analysis is beyond our powers. We have merely indicated those aspects of the problem which are directly related to the description of modes of livelihood which has gone before and to the description of political institutions which follows. 805

We have remarked that the movement of structural time is, in a sense, an illusion, for the structure remains fairly constant and the perception of time is no more than the movement of persons, often as groups, through the structure. Thus age-sets succeed one another for ever, but there are never more than six in existence and the relative positions occupied by these six sets at any time are fixed structural points through which actual sets of persons pass in endless succession. Similarly, for reasons which we explain later, the Nuer system of lineages may be considered a fixed system, there being a constant number of steps between living persons and the founder of their clan and the lineages having a constant position relative to one another. However many generations succeed one another the depth and range of lineages does not increase unless there has been structural change. These statements are discussed more fully on pp. 198–200. 805 561 613

Beyond the limits of historical time we enter a plane of tradition in which a certain element of historical fact may be supposed to be incorporated in a complex of myth. Here the points of reference are the structural ones we have indicated. At one end this plane merges into history; at the other end into myth. Time perspective is here not a true impression of actual distances like that created by our dating technique, but a 805 173

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reflection of relations between lineages, so that the traditional events recorded have to be placed at the points where the lineages concerned in them converge in their lines of ascent. The events have therefore a position in structure, but no exact position in historical time as we understand it. Beyond tradition lies the horizon of pure myth which is always seen in the same time perspective. One mythological event did not precede another, for myths explain customs of general social significance rather than the interrelations of particular segments and are, therefore, not structurally stratified. Explanations of any qualities of nature or of culture are drawn from this intellectual ambient which imposes limits on the Nuer world and makes it self-contained and entirely intelligible to Nuer in the relation of its parts. The world, peoples, and cultures all existed together from the same remote past.

It will have been noted that the Nuer time dimension is shallow. Valid history ends a century ago, and tradition, generously measured, takes us back only ten to twelve generations in lineage structure, and if we are right in supposing that lineage structure never grows, it follows that the distance between the beginning of the world and the present day remains unalterable. Time is thus not a continuum, but is a constant structural relationship between two points, the first and last persons in a line of agnatic descent. How shallow is Nuer time may be judged from the fact that the tree under which mankind came into being was still standing in Western Nuerland a few years ago!

Beyond the annual cycle time-reckoning is a conceptualization of the social structure, and the points of reference are a projection into the past of actual relations between groups of persons. It is less a means of co-ordinating events than of co-ordinating relationships, and is therefore mainly a looking-backwards, since relationships must be explained in terms of the past.

III

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We have concluded that structural time is a reflection of structural distance. In the following sections we define further what we mean by structural distance, and make a formal,

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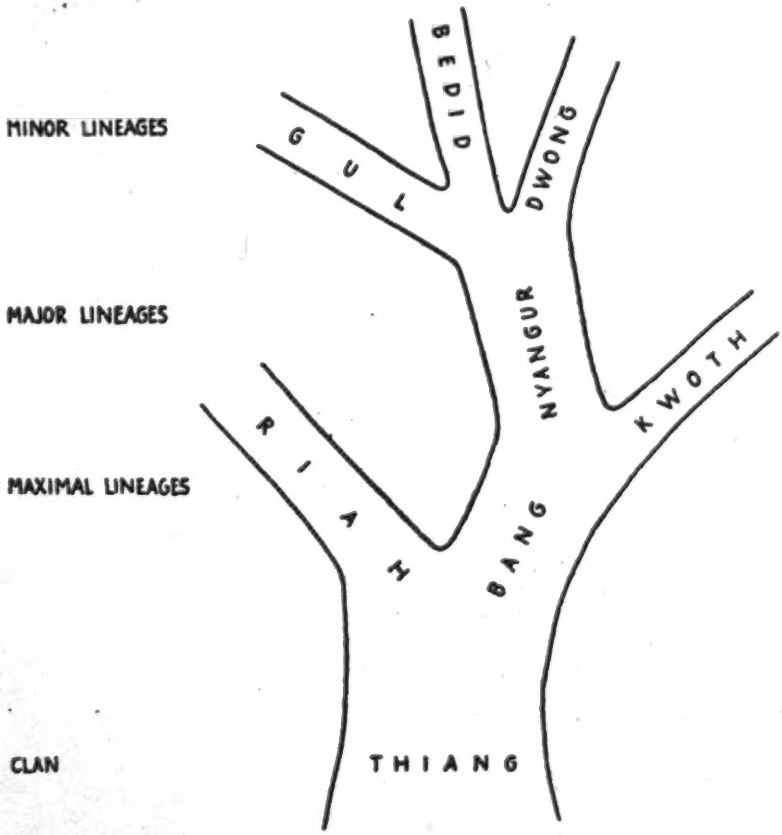
613 single maximal lineage, B, in opposition to C, and not separate
614 lineages. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation to a certain group and not a member of it in relation to a different group. Lineage values are thus essentially



relative like tribal values, and we suggest later that the processes of lineage segmentation and political segmentation are to some extent co-ordinate.

613 Since humans propagate themselves, the clans might be sup-
614 posed to be further and further removed from their founder, and the living representatives of a clan to become wider and
173 wider separated in lineage structure. However, we do not believe that this is the case. In theory every man is a potential founder of a lineage, but, in fact, lineages spring from very few

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names. The others, for one reason or another, drop out, so that only certain lines of descent are remembered. Also, in those lines that persist names drop out of the steps in ascent to the founder of the clan, so that the distance in generations from the founder of a clan to the present day remain fairly constant. We have suggested in our discussion on Nuer time-reckoning that there is always this difference between a true genealogy and a genealogy which Nuer deem to be true. The evidence for the assertion depends partly on a comparative study of East African genealogies and partly on a study of Nuer genealogies. We mention some of the reasons, arising from reflections on Nuer genealogies, that have led us to this conclusion, since the validity of some arguments, developed later in the chapter, depends on their acceptance.

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(1) All the main clans have about ten to twelve generations from the present day to the ancestors who gave rise to them. There is no reason to suppose that the Nuer came into existence ten to twelve generations ago. (2) When a Nuer is asked his lineage he gives it by reference to an ancestor, the founder of his minimal lineage, who is from three to six, generally four to five, steps in ascent from the present day. These steps are certain and agreed upon. This is understandable, since five steps represent a man, his father, his grandfather, and his grandfather's father and grandfather, and since a man instructs his children in the names of his immediate forbears. It is evident that after five or six generations the names of ancestors become lost. Young men often do not know them, and there is frequent confusion and disagreement among older persons. The founder of the minor lineage must be placed somewhere between the founder of the minimal lineage and the founder of the major lineage; the founder of the major lineage must be placed somewhere between the founder of the minor lineage and the founder of the maximal lineage; and the founder of the maximal lineage must be placed somewhere between the founder of the major lineage and the founder of the clan. The names of these founders of lineage-branches must go into the line of ascent somewhere, and in a definite order, because they are significant points of reference. It is immaterial whether other names go in or not, and their order is without significance. Consequently some informants put them in and some leave them out, and some put them in one order and others in a different order. It is evident, moreover, that since the minimal lineage consists of four or five actual steps in ascent, there has been telescoping of the agnatic

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line from the founder of the minimal lineage further up the line of ascent to the founder of the clan, for the founder of the minimal lineage was himself the extremity of another minimal lineage which has, by increase in generations, become the minor lineage, and so on. Consequently, even were the supposed founder of the clan the real founder of it, there ought to be at least sixteen steps from him to the present day, assuming that minimal lineages have always been of the same character as at the present time. The length of each fork in the tree of descent ought logically to be of equal length, whereas the twig, so to speak, is longer than the branch or stem from which it springs. (3) There is another way in which only significant ancestors, i.e. ancestors who form the apex of a triangle of descent, are denoted in genealogical trees, and irrelevant ancestors, i.e. ancestors who do not give their name to a group of descendants, are obscured and finally forgotten. Not only do links drop out of the direct line of descent, but also collateral lines merge. It is clear from a study of Nuer genealogies that the descendants of one or two brothers become numerous and dominant, that the descendants of others die out, and that the descendants of yet others are relatively few and weak and attach themselves, as is explained in later sections, by participation in local and corporate life, to a stronger and dominant collateral line. They become assimilated to this line in ordinary lineage reference and eventually are grafted on to it by misplacement of their founder, who becomes a son instead of a brother of its founder. The merging of collateral lines higher up a lineage seems to be common, and to be more frequent and necessary the higher up one proceeds. It is necessary because, as will be seen later, the lineage system provides one of the principles of political organization.

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The structural form of clans remains constant, while actual lineages at any point in time are highly dynamic, creating new bifurcations and merging old ones. They may therefore be presented as trees. But a presentation more useful for sociological analysis is in terms of structural distance, for lineages are groups of living agnates, and the distance between them varies with their relative positions in clan structure. Thus, in the diagram below, the line A–B represents the JINACA clan. The agnatic distance between the MAR minimal lineage and other lineages of the same clan is represented both on the line A–B and also in its time depth by their point of convergence in ascent on the line B–C. The wider the range of agnation specified the further back their point of convergence, so that

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608 in which large pockets of strangers and Dinka are incorporated
609 into the conceptual scheme of a tribe.

563 It has frequently been emphasized that political relations
773 are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

613 We do not propose to give a collection of Nuer myths. We
773 have so far only mentioned one myth explaining group inter-
173 relations: that which tells why the Nuer raid the Dinka. There are very few myths of this general kind. Most relate to clans and lineages in their corporate territorialized form and explain their association with one another as tribes and tribal segments, particularly the relations between dominant lineages and large stranger lineages living with them. We are not always able to explain mythological relations by the present-day political system, but this can often be done, and where we fail to do it we attribute our inability to ignorance, especially to ignorance of tribal history.

The two large Lou tribal sections, the Jimac and the Jaajoah which appear on the map on p. 56, but not on the clan tree of the JINACA, the dominant clan of the tribe, on p. 196, are divisions called after the JIMAC and JAAJOAH lineages. They are said to be *gaat nyiet*, children of daughters of the founder of the JINACA clan, and there is a myth accounting for this maternal link. Denac was said to have had, according to the Lou story, four sons, named Yin, Dak, Bal, and Bany, by one wife, and Nyang and two nameless brothers by a second wife. These wives are sometimes said to have been called Nyagun and Nyamor and the two primary sections of the tribe, Gun and Mor, to be named after them. Nyang's two brothers were eaten by an ogre. When, afterwards, the sons of Denac went fishing, the four sons of one mother went by themselves and Nyang by himself, for he would not accompany his half-

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brothers, but pined for the sons of his mother. When he caught a fish someone would come and steal it from him, for he was all by himself and only a boy. When he came home he would not sit with the other boys facing his father, but sat apart with his back to him, and when his father asked him why he was troubled he replied that he was thinking of his brothers whom the ogre had eaten. His father said to him, 'Never mind, take your two sisters and let them be your brothers.' So when Nyang went fishing he was accompanied by his sisters Nyabil and Fadwai. Nyang is the founder of the GAALIEK lineage, Nyabil of the JIMAC lineage, and Fadwai of the JAAJOAH lineage. These lineages together form the kinship framework of the Mor primary section of the Lou tribe and the myth explains their association. This maternal link has not prevented intermarriage between the GAALIEK and the JIMAC. Apart from questions of ritual and exogamy the descendants of Nyabil and Fadwai are treated as though these daughters had been sons, and they possess a mythological patent which gives them equal status in the tribe with the *diel*. In tracing their agnatic ascent members of these lineages do not go further back than their ancestress. From her they continue to her father, Denac.

In the Gaawar tribe there is an important JAKAR lineage which is mythologically attached to the GAAWAR, the aristocrats of the tribe, in the following manner. A man called Kar, or Jakar, descended from heaven by a rope that connected the sky with a tamarind tree, probably the tree in Lang country beneath which mankind is said to have been created. He was later followed by War, the founder of the GAAWAR clan, who was found sitting in the tree by Kar's sister who was gathering firewood accompanied by her dog. She returned to tell her brother that she had found a man whose head was covered in blood. Kar tried to persuade him to come to the village but he refused to do so. They then sacrificed an ox and roasted its flesh and the smell so attracted War, who was very greedy, that he climbed down the tree and entered the village. When he had eaten he wanted to return to heaven, but Kar cut the rope. Mr. B. A. Lewis has kindly furnished me with what he says is a less common version, found in the Gaawar tribe. War fell from heaven in a rainstorm and was discovered by a dog which belonged to Logh, but was with Kwec's wife when she was looking for wood in the forest and War was found. Kwec's wife took him home with her and a dispute arose between Kwec and Logh about the ownership of the foundling. Logh claimed War on the ground that it was his dog which had discovered him, and Kwec claimed him because his wife had found him. Then Kar joined in the discussion, saying that War was his brother.

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This myth brings War and Kar and Logh into some kind of relationship to one another and is to be explained by the fact that the two main clans in the Gaawar tribe, next to the aristocratic clan of the GAAWAR, are the JAKAR and the JALOGH. The JALOGH are presumably the same clan as live to the south of Dok country where a small territory is named after them. Kwec was, doubtless, the founder of the KWEC lineage after whom a small territory, next to the Jalogh country, is named. We may surmise that, since both lineages are found in Gaawar country at the present day and in its present site to the east of the Nile, they also had close relations with the GAAWAR when all three clans lived in their homeland to the west of the Nile.

The richest clan mythology is that of the GAATGANKIIR, and it clearly illustrates the mythological integration of lineages of different origins to the dominant lineage system in a political structure, and shows how territorial relations are given a kinship value.

There are several versions of many of the incidents relating to Kir, the founder of the GAATGANKIIR clan, and we give an abridgement of one of these. A Dinka of the Ngok tribe, called Yul, saw a stalk of a gourd on a river bank and, having followed it a long way, arrived at a huge gourd. He cut this gourd open and out of it came Kir with various ritual objects. Yul's wife suckled the child as well as her own baby, Gying. When Kir grew up he turned out to be a witch and magician and the sons of Yul tried to kill him because his evil powers were destroying the cattle. Only Gying remained Kir's friend, and said to him, as he fled from Yul's home, that he would one day follow after him and join him.

In his flight Kir came to the Nile where he saw a man, called Tik, in the river and asked him for help. Tik struck the waters of the Nile and cut them in two and Kir crossed over to the west bank. Kir told Tik that when he had found a place to settle in Tik was to come after him. Tik accompanied Kir till they met a man of the Wot tribe who took them to his home where the JIDIET, the dominant clan of the Wot, sacrificed a black ox so that the lethal power of witchcraft might leave Kir's eyes and enable him to look at people and cattle without killing them. Kir then dug a hole for himself in a termite-mound near a cattle camp of the GAAWAR, where he performed many strange feats. Eventually the GAAWAR offered sacrifices and persuaded him to leave the mound and took him to their camp.

Kir was then given a wife, Nyakwini, who bore him Thiang before he killed her with his witchcraft. He then married Nyabor who bore him Kun. He likewise killed her. The people then gave him

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a lame woman, Duany, who bore him Jok. In Lou and Eastern Jikany versions the three wives were all daughters of Gee, the founder of the GAATGANGEEKA family of clans, and in versions to the west of the Nile the first two were GAAWAR and Duany a NYAPIR of the Bul tribe, but all accounts make Nyakwini and Nyabor more closely related to one another than either to Duany. After Duany had borne Jok she killed Kir with witchcraft, for she, also, was a witch. Later Thiang, her dead husband's eldest son, cohabited with her and begat Nyang.

In all the variants of the Kir myth the parts played by Gying and Tik are stressed. Gying was suckled with him and afterwards joined him and lived with him as a brother. When Kir died his eldest sons Thiang and Kun possessed cattle, but the youngest son, Jok, and Gying had no cattle. Thiang wanted to prevent Gying from acquiring cattle, but Kun gave him some, so Thiang said that Kun and Gying were to live together. Tik had saved Kir's life and had gone to live with him. There is a further story of how Gying and Tik were threatened by an ogre and shared a hut together and became like brothers, so that the lineages descended from these two men do not intermarry.

Without recording further details we may note how actual political relations are mythologically represented in the characters of these stories. The two largest segments of the Gaajak tribe which are named after nuclei of strangers are the Kong section, the stranger nucleus of which is a lineage descended from Tik, and the Dhilic section, the stranger nucleus of which is a lineage descended from Gying, and these two sections live together as parts of the Reng primary section (see diagram on p. 140, and sketch-map on p. 58). The myth tells also how Jok and Nyang are sons of the same mother, Duany, Jok being begotten by Kir and Nyang by Thiang. This is a mythological representation of the structure of the Gaagwang tribe which has dominant lineage nuclei descended from both Nyang and Jok, and also of the political relations between the Gaagwang tribe and the Gaajok tribe, for these relations, especially to the west of the Nile, are of close alliance compared to the more distant relations between the Gaagwang tribe and the primary sections of the Gaajak tribe that also border them, the Thiang and the Reng. Thiang and Kun were begotten by Kir and borne by women who are generally represented as sisters, and the sections in which their descendants are dominant are the Thiang and Gaagwong primary sections of the Gaajak tribe, the third primary section of which, the Reng, has nuclei descended from Thiang, Gying, and Tik, whose relationships in the myth have already been noted.

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In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyueny and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

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By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

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619 tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle
614 within the structure which gives it conceptual consistency and
565 a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

619 In the Kir myth not only are the ancestors of important lineages, and, through them, the lineages and the territorial
614 segments in which they are incorporated brought into relation-
173 ship, but the ancestors of clans, and, through them, the clans
773 and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEKKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a single kinship structure, which we call the clan system as distinct from the lineage system of a clan.

173 The clan is the farthest range to which agnatic kinship is
773 traced when the marriage of two persons is in question, but
614 some clans have, nevertheless, an agnatic relationship to other clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

614 We here note again that the dominant lineages in more than
613 one tribe sometimes form part of the same clan structure. Thus,
619 the lineages dominant in the Gaajok, Gaajak, and Gaagwang

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614 descent. By so doing they stress community relations and
773 obscure clan differentiation in a political context. This habit often makes their statements appear confused, and even contradictory, but it accords with a strong tendency in social life, as we have seen in discussing the various meanings of the word *'cieng'*, to identify the lineage system and the political system in a specific set of relations.

173 Many Nuer regard their ancestors Gee and Ghaak as the
773 progenitors of all true Nuer, though one is given different
619 classifications in different parts of Nuerland. Among the Lou it is said that all the tribes are descended from Gee, except the Jikany and Gaawar tribes. These two alone are differentiated because their proximity makes them significant for the Lou, whereas all the other tribes, which have no direct relations with the Lou, are vaguely classified as children of Gee. Among the Eastern Jikany all true Nuer tend to be classed as 'Gee' in contrast to 'Kir', the Jikany themselves. In the valley of the Zeraf and in Western Nuerland, where the tribes have a very much wider range of intertribal contacts, there is a wider range of differentiation. The Nuer tribes there fall into three classes: the Gee group, consisting of Bor, Lang, Rengyan, Bul, Wot, Ror, Thiang, and Lou, stretches in an unbroken line, from north-west to south-east, across the centre of Nuerland; the Ghaak group, consisting of Nuong, Dok, Jalogh, Beegh, Gaankwac, and Rol, occupies the south-western part of Nuerland; and the Ril group, consisting of the Leek and Lak, occupies the lower reaches of the Zeraf and the Ghazal near their junction with the Nile. I have sometimes heard the Bul included in the Ril group. However, in Dok country and in adjacent tribal areas people further distinguish between the tribes elsewhere classed as sons of Ghaak and divide them into a Ghaak group, comprising Beegh, and Jaalogh, and a Gwea group, comprising Dok, Nuong, Gaankwac, and Rol.

614 In these classifications we note a further exemplification of
619 what we have often observed elsewhere about Nuer classifications: their segmentary tendency and their relativity. Whilst, for example, other Nuer see the Dok and the Beegh as Ghaak they only see themselves as an undivided Ghaak group in opposition to the Gee fraternity and otherwise see themselves

1: Evans-Pritchard E-5 (1931, 1936) 1940
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segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a definite correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Therefore, the distance in clan structure between two lineages of a dominant clan tends to correspond to the structural distance between the tribal segments with which they are associated. Hence the tribal system draws out and segments the dominant clans and gives them their characteristic lineage form. Evidence in support of this contention could be cited from any Nuer tribe; we propose to examine only a few typical examples. 619 613 614

We have observed that in the Lou tribe the Gaatbal and Rumjok secondary sections form the primary section of Gun in opposition to the Mor primary section, and how the dominant lineages of the Gaatbal and the Rumjok sections are descended from one wife of Denac and the dominant lineage of the Mor section is descended from a different wife, so that Gaatbal and Rumjok are to one another in a relation analogous to that of full brothers and the Gun stand to the Mor in a relation analogous to that of half-brothers. We have noted, likewise, how the dominant lineages of the Gaajak are descended from two closely related wives of Kir while the dominant lineages of the Gaajok and Gaagwang, which have a very close alliance, are descended from a third wife.

The GAATGANKIIR lineages in their relation to the segmentary structure of the Jikany tribes provide an excellent test of the hypothesis that lineage structure is twisted into the form of the political structure, for the same lineages are found at extremities of Nuerland where political conditions are not identical. Had I had more time in the Jikany countries, or had I formulated the problem more clearly in the little time I had to spend there, I might have been in a position to state my conclusions more dogmatically. We will briefly analyse the lineage system of the GAATGANKIIR in its relation to two of the Gaajak primary sections.

Thiang was the eldest son of Kir. He had two wives, Nyagaani and Baal. From these two wives spring the three main lineages of *ciang* Thiang, the Thiang primary tribal section, TAR, LONY (or GEK), and KANG. What is said to have happened is shown in the diagram on p. 242. Tar, being the only son of his mother, has founded an independent lineage and tribal section, that which lives in the 613 173

1: Evans-Pritchard E-5 (1931, 1936) 1940
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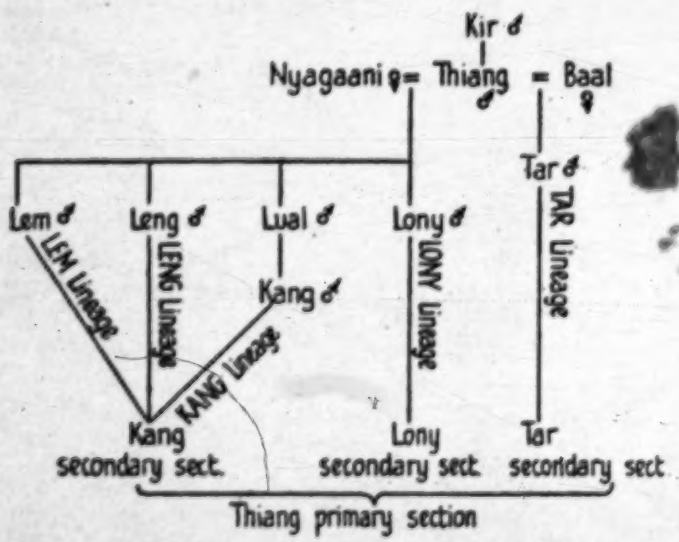
extreme south of Eastern Gaajak country. The other four lineages are all sprung from Nyagaani and are collectively known as *cieng* Nyagaani. At first her four sons stuck together, but later Lony's family increased and became more powerful than those of his brothers and tried to lord it over them, especially over Lem, the eldest. Kang, son of Lual, took the lead against Lony, and compelled him to migrate. Owing to the prominent part played by Kang, the lineages descended from Lem, Leng, and Lual are collectively known as *cieng* KANG in contrast to *cieng* LONY. These two lineages live to the extreme north of Eastern Gaajak country.[1] When the brothers are spoken about, as quarrelling, migrating, and so forth, it must be understood that the lineages and the local communities of which they form part are being personified and dramatized.



We see in this diagram how the splitting and merging of lineages, determined by the logic of lineage structure, follows the lines of tribal fission and fusion. Thus the descendants of Lem, Leng, and Lual, who live together, are merged in opposition to the LONY, and the LONY, who live adjacent to them, are merged with them in opposition to the TAR. The diagram does not show us the lines of descent which have become completely merged in those recorded,

[1] The distribution of the three divisions of the Thiang primary section of the Gaajak tribe contrasts with the unbroken territory of the segments of primary sections elsewhere in Nuerland. I have not visited the area, and cannot explain this unusual distribution by historical events nor state its structural consequences.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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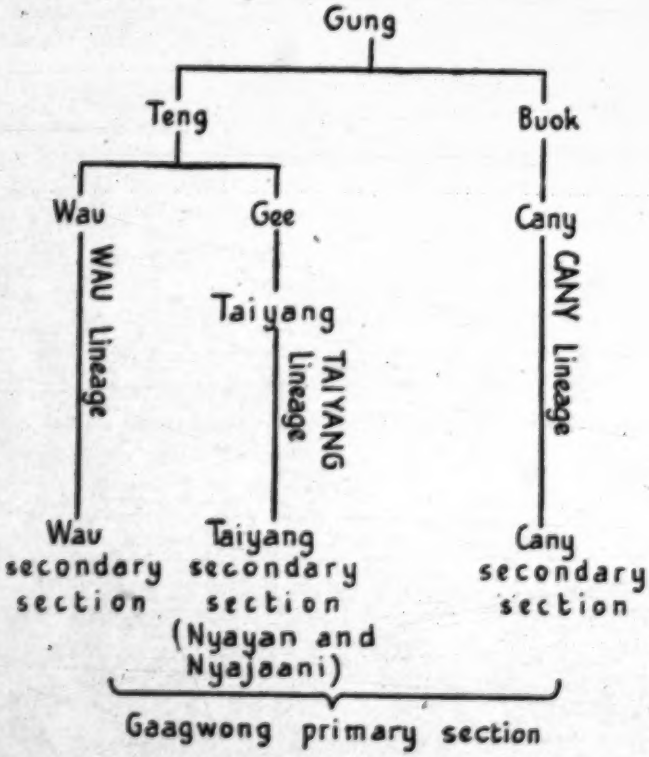
because such lines, having no localities specifically associated with them and therefore no community value, are not differentiated. That the diagram[1] does not truly record historic lineage growth, but is a distortion of it, is further suggested by the fact that there are, on an average, five generations from the present day to Lem and Leng, six to Lual, and seven to Lony, who was the youngest of the four brothers.

The GAAGWONG lineage, which is the nucleus of the Gaagwong section, is called after Gung, son of Kun, son of Kir. The GAAGWONG maximal lineage splits into several major lineages. To make illustration easier only those important among the Eastern Jikany are figured in the diagram: CANY, WAU, and TAIYANG (NYAYAN and NYAJAANI), the descendants of Buok, Wau, and Gee.



The CANY major lineage split up, as shown in the diagram on p. 244, into a number of smaller lineages of three to four generations in depth. In this diagram the traditional representation of cleavage between sons of the same father but of different mothers is shown

[1] [See p. 242 -- Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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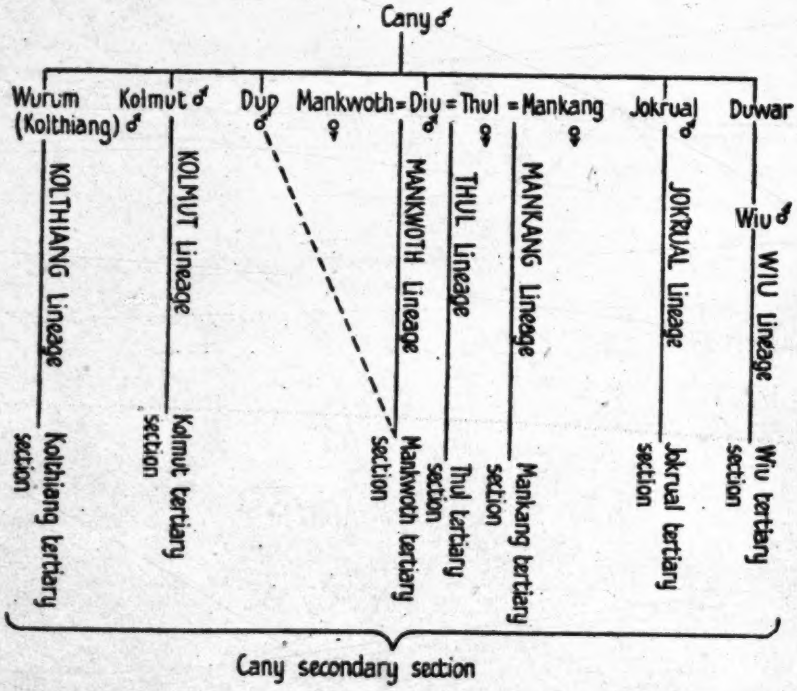
in the lines which spring from Diu through his three wives: Mankwoth, Thul, and Mankang. The descendants of Dup are normally referred to as *cieng* MANKWOTH because they live with them. Common residence has reacted on the lineage structure, so that the DUP lineage has become very largely merged in the MANKWOTH lineage. For this diagram I am indebted to the Government



files of Nasser District. I have no record of the divisions of the WAU lineage.

In Western Nuerland WAU and CANY are politically unimportant lineages and are merged with *cieng* Taiyang, which is contrasted with *cieng* Jueny, called after Jueny, son of Teng, son of Gung, who founded a lineage politically unimportant among the Eastern Jikany. The TAIYANG lineage has two branches called after his wives Nyayan and Nyajaani. In Western Nuerland there is a third lineage springing from a third wife, Nyakoi.

It is interesting to observe that Jueny, whose line is politically unimportant among the Eastern Jikany, is there given as a son of Gee and merged in the TAIYANG line, while Duob is given as a son of Nyajaani and merged in her lineage. Here again we see how lineage structure is influenced by political relations.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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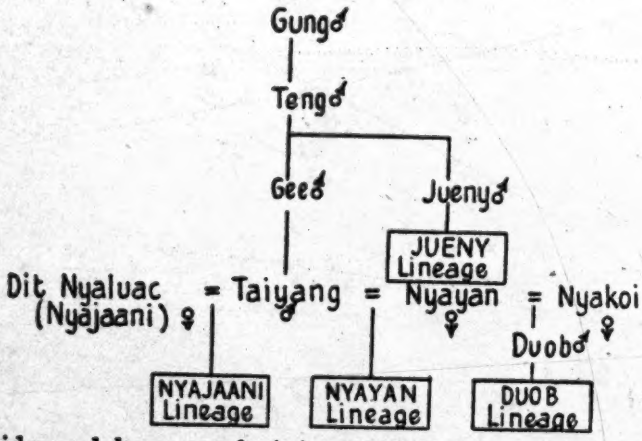

A wider and deeper analysis is required to prove the thesis we have put forward and of which we have given a few out of many examples. It is, however, supported by evidence of a different kind. We found that it was always easier to obtain a more complete record, and a longer line, of descent from members of dominant lineages in the larger tribes than in the smaller tribes, showing that greater attention is paid to the lineage system in the larger tribes and that the clan structure is broadened and deepened to serve its structural function. Also, we found it easy to obtain from any adult member of an aristocratic lineage an account of the other maximal and major lineages of his clan and a long list of ancestors, some nine or ten at least, giving a consistent length from the founder of the clan; whereas we found that we could not elicit the same information from members of clans which have no tribal associations. They were often able to trace their descent back for only some four to six generations, the time depth they gave was seldom consistent, and they were usually unable to give a coherent account of the other lineages of their clan. We attribute this fact to the absence of systemization through association with tribal structures. A lineage does not stand in territorial opposition to other lineages of its clan, but has with them only a vague ceremonial relationship, and this relationship may never be expressed in corporate action. Consequently there is generally a complete absence of any elaborate system of lineages like those of the dominant clans. There are many JIMEM clansmen and doubtless one could by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 putting together their genealogies construct some sort of tree
173 of descent from Mem, in which the agnatic relationship between various lineages could be indicated; but it would be very unlike the spontaneous statements that at once delineate the lineage system of large clans like the JINACA, associated with tribal territories.

[412]

It is also very noticeable that Nuer knowledge of the lineage system of a dominant clan tends to be restricted to those parts of the system that correspond to segments of their tribe. Thus the JINACA lineages which are associated with segments of the Lou tribe are well known to Lou tribesmen, but they have no, or very little, knowledge of the JINACA lineages of the Rengyan tribe. Likewise I experienced much difficulty in obtaining from Gaajok and Gaajak tribesmen a clear account of the lineages of the GAATGANKIIR clan which form the dominant nucleus of the Gaagwang tribe, though they were well informed about the lineages of the same clan which are associated with segments of their own tribes.

FIG. 15. Leather flail.

It follows from our account that, as we have suggested before, the lineage system of a clan can only to a very limited extent be considered a true record of descent. Not only does its time depth appear to be limited and fixed, but also the distance between collateral lineages appears to be determined by the political distance between the sections with which these lineages are associated, and it may be supposed that a lineage only persists as a distinct line of descent when it is significant politically. Ancestors above the founder of a minimal lineage are relevant only as points of departure for denoting lines of descent when these lines are rendered significant by the political role of the lineage system. We have suggested that the depth of lineages is a function of the range of counting agnation on an existential plane, and we now further suggest that the range of counting agnation is largely determined by its organizing role in political structure.

6: Evans-Pritchard E-5 (1931, 1936)1938
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build their huts and byres. As most of Lou country is under water in the rains they are then literally islands. 133 312

The Sobat begins to rise at the end of April or the beginning of May and it is at its highest when the rains are at their greatest. Water flows over its banks forming lagoons and down the streams which traverse Lou country. According to the Nuer, as the water flows out of the Sobat southwards down these streams it meets the rainwater flowing northwards from their upper reaches. Thus one may observe the Pibor flowing first one way and then the other way. Whilst rainwater pours in numerous small channels into the streams they are discharging water along swampy depressions into the interior of the country.

The amount of surface water in Lou country varies from year to year but in most years it is flooded to several inches deep from July to September. This would not prevent one from trekking, unpleasant experience though it would be, but the depressions which occur at frequent intervals are a more serious obstacle for they necessitate constant wading through deep water. Even at the end of May long treks are more than Europeans care to face—the Nuer themselves move freely at all seasons of the year. Thus, at the end of May, in 1935, I found it a struggle to reach Konye from Akobo though it is only a distance of some ten miles. In July of the same year I was practically imprisoned at Yakwac for water lay everywhere several inches deep at the back of the hamlet and progress through the rank grasses was laborious and even dangerous because it was impossible to detect the deep water-filled holes in which a leg might easily be broken.

Sometimes the inundation reaches the proportions of a flood. Lou Nuer have told me that the Fadang Dinka, who occupied Lou country before the Nuer ousted them, once sustained a season of drought followed by such devastating floods that people lived on the tops of trees and ate leaves. There was great loss of life among the older people. Jackson records that in 1918 "An abnormally high river resulted in the Bahr el Zeraf overflowing its banks and inundating [173]

8:Howell E, G-5 (1942-1944)1954
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There is no verb in the Nuer language meaning "order", and the
181 imperative is not used with any sense of authority behind it. To get another man to perform some task on his behalf the Nuer must first draw attention to some special relationship between them, whether it be real or fictitious. It is an appeal to the mutual obligations inherent in kinship and is expressed in kinship terms. '*Gat mar*', 'O kinsman', is the preface to any request which might otherwise take the form of an order. By this I do not mean that the imperative is never used, but it is used only to persons with whom the speaker has an actual and constant relationship, and usually only when the speaker is a senior kinsman. When telling a foreman wood-cutter, for example, to order his men to cut down certain trees, the District Commissioner, allowed greater licence than others, will use the imperative, but the foreman will pass the order on in more euphemistic terms and include himself in the effort to be made. This is merely an example of the exceptional independence of character of the Nuer and their refusal to admit superiority or domination.

173 There is, however, a word which implies not so much 'authority',
624 even in a general sense, as 'leadership', or more precisely 'spokesmanship'. The expression *ruic Naadh*, 'leaders of the people', is frequently used when referring to outstanding personalities of the past. The meaning can only be understood by reference to Nuer history. In the early stages, particularly during the period of invasion and expansion when the Nuer were more closely co-ordinated in tribal groups[1] and united by a common purpose, some form of leadership was not only necessary but more easily achieved. Nuer talk of Buogh Kerfeil, the leader of the Gaawar during their migration across the Bahr el Jebel on to the Zeraf Island and again in their raids to the east into Dinka territory, as *ruic* Ganwaar; Wur Winyang and his father Winyang Kwac were both *ruic* of the Lak Nuer at one time, while in Lou we hear of Bedit Kweinyang, who is associated in Nuer tradition with Latjor of the Jikany and led the people against the Anuak to the east. In Lou, after Bedit's death, Bec Colieth led the majority of the tribe back towards the west into their present habitat, partly because of repeated raids by the Anuak who had the advantage of firearms which they traded from the Abyssinians, and partly because of the ravages of fly on their cattle. The third *ruic* was Nyakong, a Leopard-Skin Chief of Jimem extraction, who at first led the Lou Nuer against the Arab slavers but subsequently, like Nuer Teng in Gaawar, turned traitor.[2] Their position was subsequently acquired by the 'prophet' Ngundeng and his son Gwek.

[1] It has already been noted that the Nuer were probably then less numerous and tribal groups much smaller than today.

[2] Bedit Kweinyang was a *kuar thoi* or water expert. Bec Colieth was a *wut ghok* or cattle expert. Nyakong was a Leopard-Skin Chief—as indeed was Ngundeang, his successor. I am indebted to Mr. B. A. Lewis for this information. See also B. A. Lewis, 'Nuer Spokesmen', *S.N.R.*, 1951.

8:Howell E, G-5 (1942-1944)1954
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We have seen that the period of invasion from the west, when the Nuer had a high degree of political cohesion, was followed by a period of expansion and absorption of Dinka. In the absence of external opposition a process of segmentation and political fission followed. In Gaawar we find that the descendants of Kerfeil began to lose their influence, particularly during the early period of Arab penetration, and it is at this period too that the division of Gaawar into the Bar and Radh primary segments became particularly marked. The majority of the Radh threw in their lot with Arab slavers and preyed upon their neighbours, and although the line of political cleavage did not follow strictly the distinction between the primary segments of the tribe, the Bar section to the south, joined by certain Radh secondary segments living in that direction and especially those resident on the Zeraf Island, were in permanent opposition to the remainder of the Radh. At this period Nuar Mer, an adopted son (of Dinka origin) of the Kerfeil lineage, is sometimes referred to as *ruic* of the Radh, while in Bar, although there was never sufficient cohesion to allow complete ascendancy, we hear of such leaders as Liaab Liou. Finally, in the event of extreme danger the Bar began to turn to Deng Likea, who certainly had no hereditary claim to leadership but had magical powers and the gift of prophecy much admired by the people. When the Dervishes withdrew he rallied the forces of Bar around him, inflicted a crushing defeat on the treacherous Nuer sections who had assisted them, and killed Nuar Mer. Deng Likea is also referred to as *ruic* Ganwaar. This process can be traced in most Nuer tribes. 173

For a while the concept of *ruic Naadh* remained vested in the Nuer 'prophets' in opposition to foreign aggression in the form of the present Government, but this has vanished since their defeat and removal, and nowadays if a Nuer is asked who is *ruic Nǎadh*, he will reply that it is the Government or more likely the District Commissioner. 624

The term *ruic*, like the word *cieng*, is relative to the social structure. There were also *ruic* whose influence was effective only in segments of a tribe and their significance was greatest at a period when political cohesion on a tribal scale was at its lowest ebb. There was no idea of an institutionalized authority set at the head of a tribe or a tribal segment, though there was perhaps always a tendency for the office to run on hereditary lines within the dominant lineage. Any person might achieve such influence over his fellows by reason of certain qualities which the Nuer consider admirable: generosity in the giving of cattle and in hospitality, which itself indicates a special regard for the obligations of kinship; wisdom and even temper in settling disputes between others; ability to hold the group together, a further expression of the kinship idea; bravery and powers of leadership in war. 624 554

These characteristics are also inherent in the conception of the *gat*

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631 (1) The territory of each tribe is clearly marked off from those
619 of its neighbours. Each tribe has its permanent villages and its fields of economic exploitation. The Lou, for instance, have their tribal grazing grounds, hunting areas, wells and lakes and rivers for dry season occupation and for fishing. The Gaajok also have their grazing grounds, etc., and if the Lou infringe on these there is sure to be fighting unless some arrangement has been reached between the tribal sections concerned.

(2) Each tribe has not only its territory, but its members have a
619 common name and sentiment. Thus Lek, Lou, Lak, Gaawär, etc., are the names by which the country and its occupants are known. Lou country is known as *rol looka* (genitive of lou) and Lek country is known as *rol legni* (genitive of lek), and an inhabitant of these two countries is spoken of as *ran looka* and *ran legni* respectively.

I am unable always to give the etymology of these tribal names. Some of them are clan names like Gaajok and Gaawär, since the tribe is named after its dominant clan. I will speak later of the meaning of clan names. Other tribes have stories accounting for their names, but these are in the nature of popular etymology and are sometimes con-
175 tradictory. Thus the Lou and Rengyan tribes have aristocracies sprung
619 from a common ancestor, Denac, and are said to be so called because there was a fight between the herd bulls of the two lineages. A *tut ma lou* (mouse-coloured bull) represented the lineage which migrated to Lou country and a *tut ma reng yan* (bull with fawn markings) represented the lineage which remained behind in Rengyan country (part of the country marked Jagei in the sketch map). Hence the two countries and the tribesmen who occupy them are called after those two bulls. I have heard a similar story accounting for the split which took place between the lineages which give their names to Lek and Kärlual countries. Here again the bulls of the two lineages had a fight, that occupying Lek country being represented by a *tut ma lek* (bull with giraffe-like markings) and that occupying Kärlual country being represented by a *tut ma kär lual* (bull with brown markings). Another man told me that when the original occupiers of Lek country entered it they discovered a pool crowded with a species of fish which they caught to satisfy their hunger, and that, as this species of fish is known as *lek*, the country and tribe
619 were called after them. Jekany is another tribal name of which the meaning is far from clear. Jackson (p. 75) recounts that when Kir

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been the name of a bullock which formed part of the bride-wealth with 614
which his mother was married. Thus I have heard a Nuer suggest that Thiang was *thak me ca kwen man* (the bullock by which his (the lineage founder) mother was married). It is seldom that the Nuer are certain about the origin of such names. The question is, however, one of philological rather than sociological importance. Often I can offer no explanation of the meaning of a lineage cognomen, e.g., the lineages of GAAGWANG and GAAGWONG (*gaat gwang* and *gaat gwong*) among the Jekany. Miss Huffman gives *gwong* for hedgehog and *guong* for guinea fowl and *gwang* for axillary or sound of fish in water, but none of these meanings give a clue to the origin of the lineage names. Jackson (pp. 75–76) suggests the origin of the name Gwang by reference to the Kir cycle of myths and his account of Nuer names in general will give an idea of the innumerable incidents which determine the birth names of Nuer (pp. 171–173). Of Gwang he writes :—

> " On the death of Kir, Madjok was appointed by his father as 614
> head of the tribe and given the hereditary leopard skin, without 173
> which no case of killing can be tried. Matiung and Kunjokjak 551
> decided privately not to accept Madjok as their chieftain, but to deprive him of the guardianship of the sacred spear. . . . When this agreement was come to Madjok was outside looking after the cattle, but on his return he at once divined that something was wrong. He spoke to his relations and was greeted with the remark that he was from henceforth of no more account and had been deprived of the leopard skin and sacred spear. . . . His wife shortly afterwards gave birth to a boy named Gwang, i.e., the secret plot." (pp. 75-76.)

I cannot corroborate this tale, but it is a good example of the way in which a Nuer gets his birth name, which then becomes the cognomen of his lineage. It will be noticed in my paper that sometimes lineages are called after women and this is generally evident from the feminine prefix *nya*. I defer discussion on this feature till a paper on Nuer kinship in which setting it will be more easily explained.

What exactly is meant by lineage and clan? One thing is fairly 614
certain, namely, that the Nuer does not think in group abstractions called clans. In fact, as far as I am aware, he has no word meaning clan and you cannot ask a man an equivalent of " What is your clan? "

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614 their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their [613] families. But when they belong to the same minor lineage they recognise their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical ascent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAN KIIR of the Jekany tribes, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

614 619 Consequently one cannot say that relationship ends with the clan or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the " Homeland Nuer " to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

614 173 773 776 I will condense here the main discoveries of Mr. Jackson in this field, together with the writings of the late Capt. Fergusson and notes taken by myself. There figure in all accounts certain mythical persons who link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Ghaak, two brothers who are possibly to be

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regarded as historical personages. According to Jackson's account, from A'ak (his spelling for Ghaak) are sprung Nuong, Dok, Jaluk, Qwei (Beiq (Gad) Quaish)[1] (spellings in this paper are Nyuong, Dok, Jaluk, Kwe, Beegh, Gaatkwac, for these tribes) and from Ga'a (Jackson's spelling of Gee) are sprung Bor,[2] Lang,[2] Raiyung,[3] Wott,[2], Ror,[2] Bull, Leiq,[2] Lak,[3] Tiung,[3] Lau,[3] Keirluwal[3] (spellings in this paper are Bör, Läng, Rengyan, Wot, Ror, Bul, Lek, Lak, Thiang, Lou, Kärlual, for these tribes). All the Nuer clans, with few exceptions, fit into this family. It is not at all clear, however, from Jackson's account who are the ancestors of many of the clans he lists, since he speaks of tribes as though they were clans. And, indeed, the Nuer himself often speaks in the same manner, identifying linguistically the tribe with the dominant clan element of the area in which it lives. Thus they may speak of Lou as being descended from Denac when what they mean is that the dominant clan of Lou country are descendants from Denac. It is, therefore, impossible at present to draw up a genealogical table which will show the descent of all the Nuer clans who spring from Gee and his brother. On the eastern side of the Nile, among the Lou, at any rate, one only hears of Gee and not of his brother. In this tribe people speak as though you were either a pure Nuer descended ultimately from Gee or a Dinka or a descendant of Wär or Kir.

Kir, the founder of the GAT GAN KIIR, who form the nucleus of the Jikany tribes, was, according to all accounts, found in a gourd by the Ngok Dinka and was brought up by them. He later married three daughters of Gee by whom he gave birth to the major lineages of his clan, the GAAJOK, the three GAAJAK, and the GAAGWONG. The GAT GAN KIIR clan is, therefore, attached through its mothers to the lineage of Gee.

All accounts equally agree in saying that Wär, the ancestor of the GAAWÄR clan, who are, presumably, the dominant element in the Gaawär tribe, fell down from heaven. Jackson says that he was brought up by A'ak and that his descendants are considered to have attached themselves to the Ghaak division of the Nuer nation.

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[1] Jackson says that Beiq and Quaish belong to A'ak, but he does not give A'ak as their ancestor in the following paragraph nor in his genealogical tables, *id.* pp. 72 and 79.

[2] All born of the same mother. All west bank tribes.

[3] Najh, Reill and Tiung are three sons of one mother. Najh is the ancestor of Raiyung and Lau and Reill the ancestor of Keirlual, Leiq and Lak.

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614 The ancestor of the JIKUL clan is also said to have fallen down from
173 heaven, and Jackson says that he was fostered by Gee to whose division
773 his descendants considered themselves attached. Nowhere do they form a dominant clan element in a tribe but are scattered among many tribes.

The late Capt. Fergusson speaks of these two national divisions as Ghraark and Gair. On the western bank Ghraark are Nuong, Adok, and Gwai; and Gair are Bul, Lake, Jakaing, Bur, Naijh, Wad, and Lung.[1]

619 Considering the confusion which has existed between clan and tribe,
614 Jackson's classification into the Gee and Ghaak[2] groups cannot be regarded as exact though it may well be conventional. I was given a somewhat similar division myself by a man from the west bank of the Nile. But it appears at first sight that there are two pertinent criticisms of the classification. In the first place several clans are obviously missing, e.g., JIDIET and JIMEM. In the second place it is doubtful what line of descent is reckoned when speaking of a tribe as descended from Gee or Ghaak, e.g., the Lak tribe apparently comprises two main lineages, *gaat twot* Dok, children of Dok aristocrats, and *gaat nya* Legni, children of Lek aristocrats through the female line and of doubtful parentage through the male line. Whilst, even if this is correct, they would both belong to the Gee group of clans in a conventional grouping it is of some importance to know their exact mode of descent.[3] Under the circumstances we can only make a conventional classification which is a mixture of clan and tribal units and wait till further research elucidates the true state of affairs. It is possible that the Family of Nuer Clans is correctly described in confused and hazy terms, since it may well be conceived by the Nuer without logical system. For it may be pointed out that errors are often not the fault of observers like Jackson or myself but are due to the hazy notions which the Nuer themselves have about their ancestry, at any rate on collateral lines. Thus one well-informed man told me that the aristocratic lineages of Lou, Rengyan, and Thiang tribes are all descended from Denac by his three

[1] Unpublished Government report.

[2] Besides A'ak (Jackson) and Ghraark I have heard the name Gwea, and one old man said that there were three brothers, Gee, Ghaak, and Gwea—Ghaak producing the aristocratic lineages in Kwe, Jaluk, Beegh countries, and Gwea producing the aristocratic lineages in Dok, Nyuong, Gaaktwac, and Rol countries.

[3] One informant, Tut, said that the Gaawär tribe count as belonging to the Ghaak group and the Lak tribe as belonging to the Gee group, though it is difficult to know exactly what he meant.

12:Evans-Pritchard E-5 (1930-1931) 1933
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the same footing as an ordinary resident born into the community. On the other hand I was told by some Eastern Jekany Nuer at Nasser that once a Dinka always a Dinka was the rule, and that the children and grandchildren of Dinkas never counted as equal to pure Nuer in blood-cattle assessment. I regard this statement, however, as being, in all probability, too rigidly formulated. 554 614 619 682 563

The second element in a Nuer village are the *rul*. A *rul* is a stranger, one who is not a member of the *diel*, one who has no place in the lineage of the dominant clan. Such people may be more numerous than the clan itself but they have not the same hereditary status in the tribe. Sometimes their lineages compose powerful tribal sections and in these sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Köng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlen* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KÖNG, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *let*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two 554 614 619 173 773

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

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554 614 619 173 773 brothers whom the *let* had eaten. His father said to him, "Never mind, take your two sisters and let them be your brothers." So in future when Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage, Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework. [611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of "bulls" or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 614 619 621 Not all strangers form such important lineages as the THIANG, JEMAC, JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many *rul* are members of small lineages of strangers living in the midst of other small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

12:Evans-Pritchard E-5 (1930-1931) 1933
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JIMACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country. 554 614 619 621 1173

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage. 721 167 614

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*oike dak piny*). Then their close relationship (*mar*) ends (*ei mar thal*). They go and live in the midst of other clans who are 614

14: Huffman M-5 (no date) 1931
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Chapter One

THE TRIBE—HISTORY AND APPEARANCE

101 THE Nuer tribe are found in the southern part of the Anglo-Egyptian Sudan in the Nasser and Abwong districts and also on the Zeraf island and along the Nile.

161 At the Rejaf Language Conference in 1928, the Nuer population was estimated as 450,000.

565 There are a certain number of Nuer who constitute what they call their 'aristocracy'. These are not supposed to intermarry as they are considered as one family. They are called 'dil'. A chief is always a 'dil'.

622 There are various chiefs in different parts of Nuerland, but their individual domains are not large. The people do not make obeisance before them as other tribesmen do when in the presence of their chief. But they show them respect and preference in many ways. If a chief is among those waiting to go across the river in canoes, he is always accorded a place in the first canoe to go across.

Then there are chiefs of the leopard skin, which position is hereditary. These chiefs wear a leopard skin over the shoulders, which is the insignia of their position and authority.

STORIES OF ORIGIN

773 The Nuer have a number of stories of their origin in folk-lore tales which are handed down from one generation to another. They have a firm belief in these tales of long ago. 'Would our people lie to us?' they ask.

A very large gourd is supposed to have fallen down from heaven. In it were a spear, a leopard's skin, and a person. This person they call Kiir and he is the father of the first Nuer.

• 173 They also tell the following tale about the time when the Nuer first came to the country they now inhabit.

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THE TRIBE—HISTORY AND APPEARANCE

173 The Nuer people came to this country long ago, many, many years ago. In a country far away to the west, over across the Nile, there were many, many people.

Latjor, one of the Nuer chiefs, called his people to accompany him as he wanted to go to a distant country where there were no people.

They started out, travelling eastward. They came to the Nile at a point about ten miles south of the present site of Melut. They had no boats. The river was wide. They did not know how they could get across.

While they waited on the bank, talking the matter over, they saw a large blue heron standing in the middle of the river. They wondered among themselves whether it was standing on an island or on floating grass or possibly on a tree. Latjor, their leader, a tall, fearless man, said he would try to wade out to it and investigate.

He waded in. The water was ankle deep, then knee deep. A little farther on it was waist deep, but he waded clear over to the other side. Then his people were not afraid but crossed over after him.

This fording place is called the Ford of the Blue Heron because the blue heron showed it to them.

Latjor led his people eastward, seeking for a good location until they reached Abyssinia. An epidemic of smallpox killed many of his Nuer. Those who remained returned westward and settled in the uninhabited area through which they had passed. Latjor settled in Dwac which is a village in the Garjiok section. He named the different sections of Nuerland after his sons—Garjak, Garjiok, Lau, Gagwang, Geuwar, and Lak.

APPEARANCE AND CLOTHING

[141] 302 The Nuer man is tall, muscular, straight of back, and clear-eyed. He powders his whole body with ashes made from

8:Howell E, G-5 (1942-1944)1954
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In giving judgment, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay.

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadk*,[1] which simply means 'people', '*hon nei te Naadk*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*hon Nuer*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *akut* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan.

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and sub-segments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western

[1] Sometimes spelt *Naath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lotuko* (Missionaria Africana, Verona, 1950–51) do not provide much further information on Nuer origins.

S:Howell E, G-5 (1942-1944)1954
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631

Nuer District, which includes the Bul, Leik,[1] Jikany Cieng,[2] Jagei, Dok (and Aak), and Nuong (and Dur) tribes, with its headquarters at Bentiu on the Bahr el Ghazal; Central Nuer District, which includes the Lak, Thiang, Gaawar[3] and Lou[4] tribes, with its headquarters at Fangak on the Bahr el Zeraf; Eastern Nuer District, which is occupied by the whole of the Jikany Dhor people, divided into the Gaajok, Gaajak and Gaagwang tribes, with headquarters at Nasir on the river Sobat. Generally speaking, the administrative system follows the tribal pattern with centres in each tribal area, and in some cases in each primary segment of a tribe, though nowadays there is a tendency for segments to be combined in the development of Local Government based on territorial rather than traditional considerations.

175

At the beginning of the nineteenth century all Nuer were living west of the Nile. By the end of that century they had occupied an area stretching from the White Nile in the north, north-east of the river Sobat and north-west of the Bahr el Ghazal, eastwards to the Ethiopian frontier, and southwards along the Pibor river to the borders of Murle country and across to the headwaters of the Bahr el Zeraf.

An historical account of their warlike invasions of Dinka country and their gradual migration and expansion eastwards is not part of this book, but there are certain observations concerning their history which are relevant to a study of their customary law. There appear to have been five main periods in Nuer history: (i) The period before their move eastwards, about which little is known, but when they must have been fewer in numbers and more closely united as a people. What was then a tribe would, in numbers, be approximate to a tribal segment today, and tribal boundaries were less clearly defined. (ii) The period of initial invasion when they moved eastwards in a series of waves which began with cattle raids and ended in permanent occupation. This period is recounted in traditions relatively fresh in the minds of the Nuer and not yet merged into tribal mythology. (iii) The period of numerical expansion by natural processes and by the absorption of huge numbers of Dinka and therefore much of Dinka culture. It should be noted that this period was characterized by the facility with which Dinka elements were incorporated into Nuer society without friction or a trace of symbiosis. It is probable that at this time the Nuer lost much of their former cohesion, particularly as they were almost simultaneously subjected to the disrupting effects of slave raids from the north. (iv) At any rate the third period seems to have been followed almost immediately by a period of disharmony, suspicion,

[1] Sometimes spelt Leek.
[2] Variously spelt Jikany, Jekaing, Jekain, etc. The Jikany Cieng—lit. 'homeland Jikany'—are the parent tribe from which the Jikany Dhor—lit. 'outside Jikany'—originally sprang.
[3] More commonly, though incorrectly, spelt Gawar.
[4] Sometimes spelt Law.

8:Howell E, G-5 (1942-1944)1954
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internal strife and political fission. (v) As the pressure from the north increased, a return to a semblance of cohesion was necessary and there emerged the great Nuer leaders or 'Prophets' who arose as symbols of tribal resistance to foreign aggression represented first in the Dervish forces who attempted to establish slaving centres in Nuerland and finally by the forces of the present Government. (vi) In the years which followed, administration was limited to an attempt to hold the Nuer from their attacks on the Dinka, to prevent fighting among themselves, and to the collection of taxes. Naturally enough the Nuer resented this, particularly the collection of tribute in cattle and the prevention of cattle raids, and despite the outstanding efforts of individual administrators such as Struvé, Stigand, and Jackson, the attempt to establish ordered administration was only partially successful. Resistance, raids on neighbouring tribes, and lack of internal security reached a climax in 1928. Captain Fergusson, then District Commissioner of Western Nuer, was assassinated; the Lou Nuer led by Gwek Ngundeng[1] had been showing open defiance for some time previously, and in that year too the Gaawar Nuer led by Dwal Diu[2] descended on the Dinka of Bor District and attacked the Government Post at Duk Faiwil. Reprisals followed and took the form of a series of strenuous military operations which were known as the 'Nuer Settlement'. Whatever the moral verdict, the Nuer learnt their lesson and came to heel. A period of pacification followed, and through the just and sympathetic methods of such men as Captain H. A. Romilly, Captain A. H. Alban, and Mr. H. G. Wedderburn-Maxwell, the feelings of fear and suspicion, which were natural enough in the circumstances, were quickly eradicated. It was these men who laid the foundations of the sound administrative system which was to follow. From an excessively arrogant, unco-operative and suspicious people, the Nuer rapidly became what they are now: still proud, still intensely democratic with a fine spirit of independence, but essentially friendly.

Topography and Ecology

Nuer country, set in the savannah and marshland of the Southern Sudan between latitudes 10° N. and 7° N. and with a seasonal rainfall between 800 and 1,000 mm.,[3] has its special topographical and climatic features which account for the present mode of life of the people. The total area of Nuerland in the Sudan is approximately

[1] See P. Corlet, 'Gwek the Witch-doctor and the Pyramid of Dengkur', *S.N.R.*, 1939.

[2] The son of Deng Likon, sometimes called the Prophet Diu, who rallied the Gaawar Nuer against the slavers at the end of the nineteenth century.

[3] Averages are: Malakal, 818 mm.; Fangak, 1136 mm.; Bentiu, 797 mm.; Leer, 900 mm.; Abwong, 744 mm.; Akobo, 925 mm.; Shambe, 819 mm. Fangak is exceptional, possibly owing to the heavy bush and Acacia forest in that region.

8:Howell E, G-5 (1942-1944)1954
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624 and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, 692 executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

175 Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to pre- [651] vent raids on the Dinka, and to collect taxes in the form of cattle, efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

692 We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

10:Evans-Pritchard E-5 (1931-1936) 1940
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travellers are to be trusted, to have been much change of territory 619
during the last fifty years. This eastwards migration is a fact that 721
has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes.

To the north, the Nuer are in varying degrees of contact with 619
Arabs, the peoples of the Nuba Hills, the powerful Shilluk king- 648
dom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character.

Arab slave-raiders from the Northern Sudan intruded here and 648
there into the more accessible portions of Nuerland in the second 175
half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting.

A tribe is divided into territorial segments which regard them- 619
selves as separate communities. We refer to the divisions of a 631
tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^2 tertiary division of tribe B sees himself as a member of Z^2 community in relation to Z^1, but he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^2, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue

1: Evans-Pritchard E-5 (1931, 1936) 1940
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241 May and start to prepare the ground around their homesteads for
221 maize. At the end of the month, or in June, the younger people return with the cattle and assist in clearing last year's millet gardens and in the hard work of hoeing new ground. Prolific grasses spring up with the millet which has to be weeded at least three, and maybe four or five, times. The more weeding done for the first crop the less is needed for the second crop.

While the first crop is ripening adjacent strips are cleared for the second crop (Plate XI (*b*)), which is sown shortly before the first is harvested, at the end of August or in September, and it grows together with the new shoots that spring from the roots of the first crop after its stems have been chopped down. In Eastern Nuerland the second sowing is made among the standing crop or on an extension of the garden, but in Western Nuerland and in parts of the Zeraf Island the ground is so flooded that it is made on prepared mounds of earth. I would again draw attention to Plate XII, where these mounds are illustrated, for it admirably shows what Nuerland is like in the rains and conveys a clear impression of the obstacles confronting Nuer horticulture. The second crop has also to be weeded several times and, as the same garden will be used for the first sowing in the following rains, the more thoroughly it is weeded now the less work there will be to do then. In many parts of Nuerland the second harvest may be almost as big as the first, and it is probable that where local conditions are adverse to one crop they favour the other. It appears that while the sown millet of the second crop requires much moisture and will not flourish if the rains fall off early the millet which sprouts from the old stems does best in drier conditions and may be spoilt by late heavy showers, so that one or the other is likely to ripen, and in moderate conditions both may thrive.

• [177] In some districts of the Lou and Eastern Jikany tribes the culture of a slow-maturing millet called *jaak* (*Sorghum durra*) has been copied from the Dinka. The spot chosen for cultivation is not burnt at the annual firing of the bush, but early in the following rains when the new grasses have sprung up among the old. Although this kind of millet has certain disadvantages it has caught on in a few places because it requires less clearing and weeding and is very hardy.

241 Nuer know nothing of crop rotation, having indeed no crops to rotate, nor of manures, though the droppings of cattle and the ashes of burnt weeds and brushwood no doubt act as fertilizers. They never allow their homestead gardens to lie fallow for a year to enable the soil to recuperate, but plant year

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 182 619 We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

671 627 There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

671 627 177

1: Evans-Pritchard E-5 (1931, 1936) 1940
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settled, in no way weakens this impression, because one well 627
knows how among other African peoples cases are brought before 671
courts under Government supervision which would not previously have been settled in a court, or even settled at all, and 177
how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.

Before discussing the chief characteristics of Nuer legal procedure I record that, according to verbal information, for I have 624
never observed the procedure, one way of settling disputes is to 627
use a leopard-skin chief as mediator. Thus, I was told that a man who has a cow stolen may ask a leopard-skin chief to go with him to request the return of the cow. The chief goes first, with several of the elders of his village, to the plaintiff's homestead, where he is given beer to drink. Later they go, with a deputation from the plaintiff's village, to the defendant's village, and here also the chief may be presented with some beer or a goat. The chief is considered to be neutral and a certain sanctity attaches to his person so that there is little likelihood of the deputation being injured. The visiting elders sit with elders of the defendant's village and the chief in one of the byres and talk about the matter in dispute. The owner of the animal gives his view and the man who has stolen it attempts to justify his action. Then the chief, and anybody else who wishes to do so, expresses an opinion on the question. When every one has had his say the chief and elders withdraw to discuss the matter among themselves and to agree upon the decision. The disputants accept the verdict of the chief and the elders and, later, the owner of the animal gives the chief a young steer or a ram unless he is a very poor man, when he gives him nothing.

If a man has a dispute with another of the same neighbourhood they may both go to the homestead of a local leopard-skin chief and lay their spears on the ground in his byre. A man would not [576]
plant his spear upright in a chief's byre, and I was told that were he to do so a bystander might appropriate it, as disrespect had thereby been shown to the chief. When both men have stated their views the chief and the elders discuss the matter outside the byre and re-enter it to acquaint the disputants of their decision. The person in whose favour the decision has been given hands his spear to the chief, who either gives it to a friend or spits on it and returns it to its owner. It was clear from the way in which my informants described the whole procedure that the chief gave his final decision as an opinion couched in persuasive language and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 possessed, even if a generation or two later, and the chosen vessel generally becomes aware of its entry by experiencing severe sickness with delirium. Ordinary Nuer, particularly if they are young, do not want to be possessed, and it seems that it is often an abnormal person who is possessed in the first place, while it is the most ambitious of his sons on whom his mantle falls, for he would seem to welcome possession, although not undergoing fasts to procure it. Gwek was killed by Government forces in 1928. Another famous prophet, Diu or Dengleaka, of the Gaawar tribe, was a captured Dinka who set about to acquire a spirit by fasting and solitude. He later achieved fame and power by successful campaigns against the Dinka, whose country his followers occupied, and against Arab slavers. Like Ngundeng he had a reputation for performing miracles. Dengleaka died in 1908 and his son Dwal became possessed with the spirit of the Sky-god, Diu. He is at present a political prisoner. The only prophet I have met, Buom, of Dok country, was possessed by the spirit of a Sky-god, Teeny. He was regarded as selfish and greedy by his neighbours, having been cunning enough to get himself accepted as a Government chief. He showed too great ambition, however, and is now in exile. Well-known prophets, in other parts of Nuerland, were Mut of the Eastern Gaajak, Kulang in Western Nuerland, and others.

Brief reference must be made to the very remarkable pyramid
792 erected by Ngundeng, and added to by Gwek, in the Rumjok
778 section of the Lou tribe. It was fifty to sixty feet high with large elephant tusks planted round the base and at the summit. Dr. Crispin's photograph on Plate XXV, taken in 1901, shows the pallisade of ivory tusks, the type of material of which it was constructed, and weathering, due to rains, round the base. It was blown up by Government forces in 1928. The material used in construction consisted of ashes, earth, and debris excavated from sites of cattle camps. People came from all over Lou and the Eastern Jikany tribes, bringing oxen with them for sacrifice, to assist in the building. Nuer say that it was built in honour of the Sky-god Deng and for the glory of his prophet Ngundeng. There is no doubt that the cult of Deng was of Dinka origin and probably
[177] the idea of a mound came from the same source. Besides the famous Lou pyramid there is said to be a smaller one at Thoc in Eastern Jikany country, built by a prophet called Deng, son of Dul.

792 Nuer are unanimous in stating that these prophets are a recent development. They say that Deng descended from the sky in recent times—within living memory, in fact—and that he was the first, or almost the first, of the Sky-gods to come to

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 earth. They state that in the old days there were no prophets; only the ritual officials mentioned earlier. The records of European travellers are not explicit enough to confirm or reject this statement. Poncet says that among the Nuer in his day were rich and important persons, honoured after their death, whom he calls *devins ou sorciers* and *jongleurs*,[1] and Brun-Rollet says that the Nuer had a kind of pope for whom they had veneration akin to worship, but his account is too fanciful to carry weight.[2] Whilst it is difficult to believe that there were

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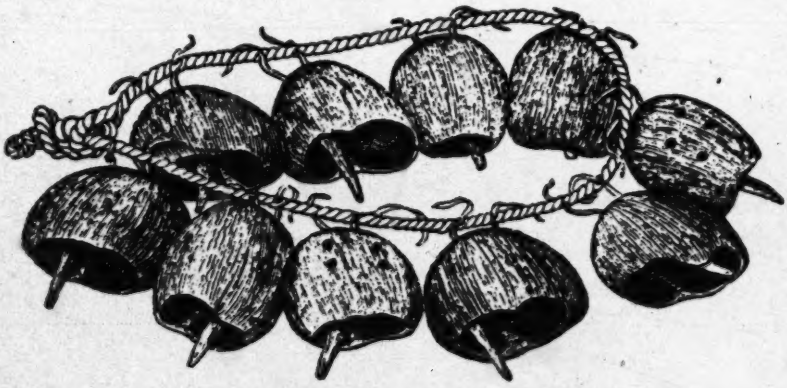

FIG. 13. Calf's bell-necklace of palm nuts.

no cases of possession sixty years ago we must, in the absence of conflicting evidence, accept so unanimous a declaration by Nuer that there was no possession by Sky-gods, and it seems fairly certain that if there were any prophets at that time their influence was restricted to small localities and had not the tribal [177] significance of more recent times. There is some evidence that the development of Nuer prophets was related to the spread of Mahdism from the Northern Sudan. However that may be, there is no doubt that powerful prophets arose about the time when Arab intrusion into Nuerland was at its height and that after the reconquest of the Sudan they were more respected and had more influence than any other persons in Nuerland.

792 Nevertheless, we consider that the power of these prophets, 619 even of the most successful ones, has been exaggerated and that

[1] Poncet, op. cit., p. 40. [2] Brun-Rollet, op. cit., p. 222.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 182 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [582] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

6: Evans-Pritchard E-5 (1931, 1936)1938
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fires, but they are quickly driven into huts and byres to seek protection amid the smoke of their fires. The doors of the huts are closed tightly, air-holes are blocked, and fires are lit. Mosquito-nets are the only European product, apart from spears, for which the Nuer express any great enthusiasm, but very few, perhaps one in several thousand, possess them. 136 [439 177b

During my residence at Mancöm on the Sobat in July, 1935 I was almost eaten alive by mosquitos. My cotton mosquito house afforded me some protection at night but insects soon made holes in it and the mosquitos entered. Moreover, they swarmed outside like a beleaguering army and on my leaving or entering the house battalions invaded it. The worst time was between six and nine o'clock in the morning when hundreds of mosquitos collected in my tent to escape the sun so that it was impossible to sit in it without being repeatedly bitten. One gets little rest, and fever is sooner or later inevitable.

Mosquitos are absent away from pools and river banks in the dry season and even in the vicinity of water—and one must live near water—they are not troublesome from January to May. In the dry season, therefore, the cattle sleep in the open, the herd being surrounded by windscreens in which the Nuer themselves sleep. If a beast of prey approaches people know of its approach by observing that the cattle are restless. The alarm is given and in a moment the whole camp is awake and men rush, with spears in their hands, to the place of danger. I have seen camps awake half the night chasing lions away, for a lion makes many attempts before he acknowledges defeat. But even in the dry season dung fires envelope the camps in smoke at night to protect the cattle from insects. 233 136

According to the Nuer it was Woman who first brought mosquitos to the habitations of men. Woman found Mosquito in the open plain and asked him "What do you eat?" Mosquito replied, "Oh! grass. Just nothing." Woman said to him, "Well come home with me and we will share our homestead together" When God heard Woman's words he asked her, "What about your husband?" Woman replied, 136 773

8:Howell E, G-5 (1942-1944)1954
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671 Ordinance of 1931.[1] Such terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. 692 From the time when I first visited Nuerland it was the 177 agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to pro- 123 vide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

[1] '7 (i). A Chief's Court shall administer—

(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

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their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law. 692 177 123

It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', greeted as an intimate by men and women of all ages, praised, but often severely criticized, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come. [551]

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for 691

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mainly to provide the dead man with a wife. Other claims must be met first. Of the forty head of cattle some go to the kinsmen in the manner already described, others go to the Leopard-Skin Chief and his assistants, still others are sacrificed, so that only between twenty and thirty are left for the 'ghost-marriage'. These are normally kept until they increase sufficiently to reach the mark of current bride-wealth, and may then be supplemented by other cattle to which the dead man would have had a claim were he alive. Nevertheless Nuer feel that the two payments should be equal; a life for a life or a wife for a life, a logical equation which is entirely consistent with the principles of their customary law. 682

Observations on the Effects of Government Policy

Nuer are able to quote instances where compensation was paid and blood-feuds settled in the past before the advent of the present Government, but this does not mean that every case, or even the majority of cases, was settled. There is no doubt that blood-feuds, especially between tribal segments remotely related in terms of space and kinship, often continued for many generations, and the tradition of such feuds is still a source of political friction and a problem which faces the Administration today. Even when compensation has been paid and the ceremonies of composition performed the feud may break out again with renewed vigour. Generally speaking, the nearer the social relationship of the opposed groups, the greater the likelihood of permanent settlement. This observation applies theoretically, but only in the sense that in the initial stages feuds between less closely related groups were more likely to continue and no action be taken to bring about an agreement. In fact, they do not often continue nowadays because the Government intervenes and acts as a purely artificial and new medium through which hostile groups are brought together. Paradoxically enough, it is nowadays often the case that feuds between closely related groups are the most difficult to deal with. The reason is, I think, that feelings of hostility receive the permanent reminder of almost daily communication, while the primary sanction for composition, the threat of aggressive action by other groups, is much modified by the action of the Government in maintaining the peace. 628 177

The concept of punishment of the individual for offences which we, but not the Nuer, regard as criminal is another innovation which has had widespread repercussions. In cases of homicide capital punishment is sometimes inflicted and imprisonment or fine or both are always applied. Further, in cases of major conflict, fines are sometimes exacted on a collective basis, and in any case, even if the fine is inflicted on the individual culprit, it amounts to collective punishment because in Nuer society the principles governing mutual assistance in 681 177

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681 the collection of bridewealth, bloodwealth or other kinship obligations
•177 automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realization that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always
682 understood. Fratricide, for example, is considered a great wrong, and
177 is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring
593 himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

671 Apart from the difficulties of understanding an alien system of justice,
178 there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

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Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

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The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardise blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
>
> (a) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
>
> (b) The second result of the increase in blood-money is the reluctance of the chiefs to break *nar* which is a system by which relatives exchange cattle

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on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *nuer*, but since the Fangak marriage chiefs are very reluctant to break *nuer* as the more so-called relations there are available to collect blood-money, the better.[1]

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In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

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The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *nuer*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

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The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*dwar*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgments are enforced because a too literal application of the traditional principles is made. A typical example of this is *ayindiet*. It seems likely that in the past *thang ayindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[1] Unpublished administrative records (Eastern Nuer District), 1946.

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probably as a token payment. I have not been able to find evidence of *thung nyindiet* being paid in pre-government times. Yet, until it was abolished in 1945, the demand for *thung nyindiet* was frequent, and although the claims were sometimes carried to extremes of fantasy, they were also frequently enforced. For example, the family of an old headman, Loiny Kur, who must have been over seventy and scarcely able to walk for several years before he died, at once claimed compensation for his death, which, they claimed, was due to a blow on the head. Further investigation revealed that this blow, which caused him considerable discomfort at the time, but no more, was delivered about forty years before his death.

At the meeting of 1945 it was agreed to abolish claims for *thung nyindiet*, but over this a further difficulty arose, because there is no clear distinction between what would be called *thung ruo*—compensation for direct killing—and *thung nyindiet*. A man may linger on in a disabled condition as a result of a blow for years before dying. In this case, if compensation for an injury has been paid, the cattle and their offspring will be assessed as part of the claim for bloodwealth, for this is one of the objects of compensation for hurt; but there are some injuries which do not in Nuer custom demand any compensation at all, notably blows on the head. The final ruling given by Chiefs at the 1945 meeting was as follows:

> *Nyindiet* is abolished. Only compensation for a man who dies as a direct result of a wound may be claimed and then full compensation will be paid. The test is this: if a man, as a result of a wound, is confined to his home and is unable to take part in the normal economic activities of the Nuer and finally dies after a period of years, then full compensation will be claimed. If he recovers, then if compensation for an injury is applicable according to Nuer laws it should be paid.[1]

This has subsequently led to much confusion, though the meeting of 1947 recorded that 'a series of test cases with the chiefs of Eastern Nuer straightened out their ideas.' This is an instance in Nuer law in which the circumstances of the case, as deduced from formally recorded evidence, must be the guiding factor and, as medical facilities increase, medical evidence also. In normal homicide cases brought before Nuer courts, the facts are not generally in dispute or concealed by the defendant party.

Recent legislation (in 1947) by the Nuer Chiefs' Council has also abolished the payment of *ghok pale loic*, mainly because in some parts of Nuerland there was an endless demand for such compensation as final payment for cases settled years ago. The idea exists in tradition, but was clearly of very rare application. As we have already seen, *thung yiika* has also been abolished.

[1] Minutes of the Nuer Chiefs' Meeting, Fangak, 1945 (unpublished).

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that Kwol was in no sense the husband of the woman. She was *haagh* and merely living as his mistress. Court adjourned the case until further evidence could be got from Western Nuer District, where the woman's family lived (obtained through the District offices concerned). The evidence finally produced showed that Kwol had paid her family three head of cattle and a small sum of money. It was also proved that the woman had been living with another man in Malakal (Province Headquarters) until she took up with Kwol. Court ruled that the woman was *haagh* (unmarried) and dismissed the case.

[177] This kind of dispute is, as a matter of fact, not infrequent, and is the result of the increasing number of unmarried women who move from one man to another or live at Government Posts where they have greater freedom and are attracted by the facilities which urban life provides. The men who cohabit with them are often themselves detribalized in the sense that they seek permanent work and cash. They are usually from poor families, and cannot afford to get married in the normal way. In the first instance, they seek work so that they can buy cattle at the auction sales held periodically by the Government, but soon they become attached to an urban life and find that the expense involved gives them little opportunity to save in any case.

Puot Dwil v. Mut Loinyjok (Central Nuer Appeal)

Puot Dwil claimed damages from Mut Loinyjok for adultery with his wife. Mut agreed, and paid two of the six head of cattle awarded, but subsequently demanded their return on the grounds that Puot had not married the woman. This argument was finally taken before a court, which ruled that the union was not legal. The woman was *haagh* (unmarried) at the time because *kere ghake tuoc*, 'he had not performed the ceremony of *tuoc*', the cattle had not been bespoken. Further, and this was regarded as all-important, *ce ciakde kere nuat*, 'his wife had not been shaved', referring to the ceremony of *nuat*. Court ruled that cattle should be returned to Mut. Puot then appealed, and brought further evidence that not only had the bridewealth cattle been paid (17 in all), but that he had full intention of performing the ceremony of *nuat* when the incident occurred. He had not carried out his intention because of the incident. Puot further stated that he would insist on dissolution of marriage unless its legality was accepted. Appeal court accepted the evidence that the ceremony of *tuoc ghak* had been performed, and that evidence of preparations for the *nuat* on his part was also evidence of his intention. Court ordered Mut to pay a total of six head of cattle, i.e. full compensation for adultery.

The Main Legal Principles

684 The main legal principles concerning adultery can therefore be summarized as follows:

(i) An act of adultery is a wrong against the legal husband of the woman, and requires the payment of compensation in the form of six head of cattle, of which five are intended to appease the wrath of the husband for an infringement of his rights in his wife, and the sixth, called *yang kule*, is to compensate him for the risk of impurity

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671 the bridegroom. The question arises whether or not he will meet
583 this particular claim. If pressed he will probably do so because the bride's family might terminate the negotiations, though this is unlikely to happen over so remote a claim as the cow of the age-mate. In the second place the bride's father is concerned with his age-mate, and here there is an element of reciprocal exchange.[1] A cow is not given to all age-mates of the bride's father, only to one who has a particularly close connexion with him and has probably undergone with him the ritual processes of initiation which impart a mystical association analogous to kinship. We see therefore that the custom is a complicated one involving two separate transactions and subject to different sanctions. If a dispute over this payment reached a Nuer court, payment would in most instances be enforced. When there are sufficient precedents to constitute a consistent application of a custom of this sort, we should be justified in speaking of the claim as a legal and enforceable right.

671 Again, certain categories of magical experts are entitled to a fee for
791 their services. Such claims often appear before the courts. The court will consider the circumstances, estimate whether the alleged benefits have been received or not, and if necessary order the client to pay the fee. The transaction is in the nature of a contract which is now enforceable in law. In the past the sanctions were retaliatory, though in this particular instance forceful retaliation would be unlikely since more commonly the magician's supernatural powers, which might be used against his client, would be feared.

Compensation for wrongs, recognised in tradition, expressed in
671 traditional scales, and originally a basis for compromise, is now
673 enforced in the Courts. Adultery, for example, is a recognised wrong and one which should be rectified by the payment of a suitable indemnity. Whether or not this was paid in the past depended again on the sanctions prevailing, but nowadays the wrongdoer will in the final event be compelled to pay. This applies to other legal wrongs, such as the seduction or impregnation of unmarried girls, and theft or damage of property.

Among the Nuer there is a vast field of custom and convention
671 which is now supported by legal sanctions and thus becomes the law.
177 Moreover this transformation of custom into law is being carried to extremes among the Nuer, for there is an increasing tendency to treat all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have sometimes been speaking of the present, sometimes of the past. Under the influence of modern administration systems of social control are

[1] The age-mate will receive the cow if the bride's father has received a like privilege on the marriage of the age-mate's daughter or has the expectation of doing so. See p. 110 and n. 3.

8:Howell E, G-5 (1942-1944)1954
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changing very rapidly, so that this distinction in time is clearly essential. We have seen that most social obligations and systems of social control were maintained in the past by sanctions which made conformity essential or at least expedient. Such sanctions were operative upon individuals or groups and their force was variable according to the position in the social structure of the parties concerned. Theoretically at least, the law was the same but its application was relative. For the most part the establishment of Nuer tribunals, with the threat of force behind them, has provided a substitute for other means by which the political balance was maintained.

In the initial stages of administration the policy was to intervene only in those affairs which constituted a breach of the peace: affray, continued blood-feuds, or individual fights. This action was to modify or even remove the retaliatory sanction. The next stage was to intervene in matters which were likely to lead to a breach of the peace, and to see that disputes were peaceably settled. Both actions took the form of direct intervention by the District Commissioner, his decisions being enforced, as far as was then possible, by State police. The next stage was the appointment of tribal agents. This led to the establishment of Nuer courts whose authority was backed in the first instance by the tribal retainers or 'Chiefs' police', some of whom were armed with an outmoded pattern of rifle, but was upheld in the final instance by the District Commissioner. Since then Nuer courts have gradually developed in efficiency, power, and formality of procedure, until in some areas they may be said to compare favourably with similar courts in the more developed parts of the Northern Sudan.

This raises another important point which is relevant to a study of Nuer law. The courts are not equally effective or efficient in all parts of Nuerland. The extent to which past sanctions have already changed, and the rapidity with which they are changing now, are therefore not constant. For example, the difference between such tribes as the Lak and the Nuong is considerable. The Lak of Central Nuer District, whose country is close to the administrative headquarters of the province and the district centre at Fangak, who are easily accessible at all times of the year, and whose permanent settlements are concentrated, have been closely administered for the past twenty years or more. The courts have reached, comparatively speaking, a high level of efficiency, and a man can usually obtain redress for wrongs committed against him. The Nuong, whose country lies in the southern extremity of Western Nuer District, which as a whole has perhaps been less closely administered than Central Nuer District, are not easily accessible at any time of the year. There are no roads leading to their permanent settlements and only one moderately easy approach to their country by river. At most they have received the personal attention of a District Commissioner for a few weeks each year. The courts,

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established it is true for many years, can scarcely be described as efficient and, unless other considerations are present or other opportunities arise,[1] a man can only obtain redress with difficulty.

I do not propose to digress further on this particular aspect of the changing political situation in Nuerland, but must draw attention to these facts because generalizations about the law as it is administered today are qualified accordingly. We can say, for example, that in Lak country a Nuer will almost certainly obtain compensation for an act of adultery committed with his wife and in that area there can be few adulterers who escape the penalty, but this statement would not be true of Nuong. In Nuong country the courts may be instrumental in bringing a similar dispute to a satisfactory conclusion or they may not. If a dispute is not settled by the intervention of Government-sponsored authorities, then the likelihood of the indemnity being paid to the wronged husband depends largely on sanctions similar to those operative in the past. It is true to say that in those areas where the courts are least effective these sanctions are proportionately stronger, mainly because there is in consequence less public security, and retaliation, the strongest sanction of all, is for this reason much more likely. It would be unsafe to make further generalizations because the likelihood of a dispute being settled, even in these days and even in the most advanced areas, still depends on so many variable and unpredictable circumstances.

Modern Procedure

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Where courts are concerned we must distinguish between judgement and execution. It is one thing for a court to give judgement and quite another for the judgement to be carried out. Many cases which appear before the courts and appeal courts are no more than demands for execution of a previous judgement. It must be presumed that, if a dispute reaches this stage of legal procedure, it is unlikely that other sanctions unconnected with the court will be effective in bringing about execution once judgement is given. Yet in many cases the main function of the court is to establish publicly and to the satisfaction of both disputants that one of them is in the right. In the past it may have been fully recognised within a community that a man had a definite right to certain cattle, either in fulfilment of some obligation, in settlement of a debt, or as compensation for an injury. There was, however, no organised body representing public opinion to enforce payment. It is true to say that such a body now exists in the court itself and in the administrative agents with executive powers appointed by the Government; but the action taken by them

[1] Such as personal relationships or close friendship with chiefs or notables who have a degree of authority accorded to them by the Government. Similar comparisons may be made between all the different tribal areas in Nuerland. I was struck by the contrast in this particular instance on a visit to the Nyating Nuer.

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692 certainly mean that he will be called upon to pay compensation and
681 forced to comply. In the past there was no certainty that he would be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

692 We find, then, that the establishment of the courts, though in one sense preserving the social system from complete breakdown, is in another sense contributing to social maladjustment. Moreover the
• 177 establishment of courts with powers of coercion behind them tends
691 to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of *increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.*

'Balanced Opposition' in the Court System

621 In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation, aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [684]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [682]

[1] See p. 62. [2] See pp. 63 et seq.

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692 this was usually inflicted by the District Commissioner sitting as a magistrate, or by the court on the advice of the District Commissioner,
681 this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery
684 is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially a private delict, becomes a public delict, and a criminal offence should
671 the husband decide to dissolve the union subsequently. There is
177 therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

[1] See pp. 166-8.

8:Howell E, G-5 (1942-1944)1954
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legal concepts. This process of admixture may be seen in other legal matters and is leading to an illogical and confusing evolution. It is no part of this book to predict what will occur in the future, but it is obvious that some sort of order must be applied to a system which may otherwise become chaotic.

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We have been considering throughout these chapters a system of law in a segmentary society which is in a state of evolution. In the first place this evolutionary process is rooted in the traditional methods of controlling the acts of individuals and groups, none of which methods was rigid or enforceable. The application of the principles which we have found was not constant in time or place, but was subject to the balanced opposition of the segments of Nuer society. The evolution has also been deeply affected by decisions made in the courts, often by the direct intervention of British officials who had neither knowledge nor understanding of the principles involved. Often, too, these decisions were made in the mistaken idea that this was justice, without realizing that Nuer ideas of justice are often different from our own. Further decisions have been made which spring directly from the penal code of the country and the penal sanction enters as an active force in the administration of the law, but often without order or consistency. An attempt is being made in one direction to introduce a system which recognizes the fundamental principle of individual responsibility, in another to preserve a system which is essentially based on the principles of collective responsibility. These latter principles will continue to be effective so long as Nuer society remains homogeneous and retains its present form. Yet despite these conflicting forces, we cannot say that the customary law now administered in the Nuer courts is based not on Nuer principles but on our own. If this were so the Nuer, who are a headstrong and independent people, would not submit to it.

12:Evans-Pritchard E-5 (1930-1931) 1933
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Nuer[1] and Dinka customs and languages are far too similar for any doubt to arise about their common origin, but in the present state of our knowledge even a tentative reconstruction of their historical relations with each other which led to the formation of two distinct cultures is out of the question. Our knowledge of neither is adequate, and probably never will be adequate, to solve historical problems of this kind. Moreover, it is not yet certain whether the many Dinka tribes differ from each other sufficiently for some of them to approach the Nuer in their culture more closely than they approach other members of their own conglomerate, though, personally, I hold this to be highly improbable. The Atwot are a peculiar case, for they speak a dialect of Nuer but are alleged to approximate more closely to some of the Dinka tribes in other elements of their culture. On the other hand, the Jekany tribes, who to-day have a typically Nuer culture, appear to be of Dinka origin. Even were we in possession of more knowledge about both nations we should still have to face the insuperable difficulty that not only have Dinka and Nuer almost certainly a common cultural origin but that there has also been continuous contact between them which has led to extensive borrowing by the Nuer from the Dinka, and possibly the process has been mutual, so that one cannot know for sure whether a similar trait in the two cultures is due to their common cultural origin or to later borrowing.

Moreover, any attempt to differentiate between the two peoples by a comparison between their physical characters is equally dangerous until a very large number of individuals whose ancestry is well known have been measured. I have little doubt myself that there are physical differences between Nuer and Dinka, though both are undoubtedly of the same race. But we have to remember that there has been absorption of Dinka on a gigantic scale by Nuer invasions during the first half of the 19th century. At that time most of the country east of the Nile was occupied by Dinka tribes who were dispersed and largely absorbed by the Nuer who crossed the Nile in waves from their home on the west bank. To such an extent were Dinka assimilated to Nuer that I consider it safe to say that not more than 50 per cent. of the Nuer to the east of the Nile are of pure descent, and though on the west bank the process

[1] I use the word "Nuer" but with a protest. They call themselves "Naath" (ning-eat), and if ever a more ambitious account of them is written this term will be used.

12:Evans-Pritchard E-5 (1930-1931) 1933
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167 of expansion and absorption has not been so extensive it has, nevertheless,
101 been considerable. Both Nuer and Dinka myths recognise their common
•177 ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

648 The Nuer have not been greatly affected by foreign influences owing
131 to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as "homeland Nuer" (*Nath cieng*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as "bush Nuer" (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

631 Nuerland is divided into a number of territorial sections, the occupants
619 of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

14: Huffman M-5 (no date) 1931
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in a way this is true. The Nuer find it hard to believe 781
that God is a God of love. Even when they learn to love Him they still find it hard to trust Him when things go wrong. But the missionaries do not get too discouraged, for, after all, is not that habit world-wide?

A large portion of the Nuer tribe has never heard the 177
Christian message. Of those who have heard it, few have yet made full response. Yet the influence of those who honour the name of Christ will make its mark upon the Nuer and lead to the forsaking of unworthy customs inherited from the past.

Although the Arab traders throughout Nuerland are Moslem, their religon has not appealed to the Nuer; the Moslem faith has so far gained no ground in Nuerland.

SUPERSTITIONS

The Nuer mind is full of superstitions, some of them 000
being age-old. They believe them implicitly; 'Would our parents lie to us?' they ask when any doubt is expressed. Many of the superstitions have to do with cattle (see Chapter II) and marriage (see Chapter V.)

A woman must never drink milk during her menstrual 841
period. Nor at this time may she eat food which has been cooked in a kettle in which milk has been boiled. Why? Because to do so would harm the cattle.

If a woman is impregnated while still nursing a child, 843
they cut a small piece off the ear of a dog and this is worn around the child's neck in order to keep it from harm. Any one walking in the footsteps of the father of this child may be the victim of dreadful things—his head may split right down the back.

If a child should have an attack of vomiting just after 753
some strangers have been to the village, the strangers are at once suspected of having in part caused the attack.

14: Huffman M-5 (no date) 1931
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THE NUER AND THE GOVERNMENT

669 177 The Nuer have occasionally had trouble which has required definite Government interference to settle it.

Several years ago the Government put on a patrol to quell an uprising in the Garjak section of Nuerland. There the Nuer saw his first aeroplane. To him it meant a huge boat that could fly and from which unseen guns could be fired. Hence they call the aeroplane the 'boat of the sky'.

669 177 791 The Nuer had great faith in one of their prophets, but when he failed to save them at this crucial time their faith in him was shattered. Again, more recently, they have been led astray by faith in another of their number—Gwek Ngundeng—and again they have found that he, too, was but a human being such as they, and no more powerful than any one of them would be.

Ngundeng, father of Gwek, had made a huge mound in the Lau section of Nuerland, and the Nuer considered this mound sacred. Many things were buried in it. But the mound was blown up by the English in the early part of their second patrol in order to shatter the Nuer faith in their god. The Nuer asked themselves—could this mound, a sacred place, be blown up? Was it possible? Then when they realized that it not only could be blown up, but had actually been destroyed, doubt entered their minds as to whether the mound had really been sacred or not.

When Ngundeng, father of Gwek, died, they then ascribed his power to his son Gwek. They had great faith in him, but when they heard that he had been killed in this patrol faith dropped to the zero point: 'Could a god be killed?' they asked. But if their faith in him died they still felt that he had been a most wonderful person, even if he were not a god. Shortly before word came of his death there had been a number of showers during the

14: Huffman M-5 (no date) 1931
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dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

14: Huffman M-5 (no date) 1931
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641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinka and take their cattle.

The Nuers learn to trust the District Commissioner
641 and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

14: Huffman M-5 (no date) 1931
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to take a little ride one day. Several chiefs were induced to try a ride, but one chief especially became quite frightened and a quick landing had to be made in order to keep him from jumping out. 177

The Nuer were quite alarmed when the planes appeared that morning, although they had been told some days before that planes were to come. Children ran screaming into the houses, men and women were badly frightened and dubious as to the purpose for which the 'boats of the sky' had come. Children stayed in the houses or near their homes, women would not go up to the merchants while the planes were flying.

Many were amazed by the short time taken for the flight from Malakal to Nasser, and realized to some extent that in case of need the planes with their guns might quickly come.

In the recent patrol the aeroplanes were again used as agents of war, so it is little wonder that to the Nuer the aeroplane is a thing of destruction, and they fear it accordingly.

The Government has shown an interest in the education of the Nuer and is eager to have schools among them. The authorities have sent several boys from Abwong to the mission school at Nasser and paid their expenses while there. These boys work in various capacities for the District Commissioner at Abwong, and when he is away he is anxious to have them in school. They were apt pupils. This same District Commissioner had one of the older boys from the Nasser school to conduct a school at Abwong for one season. 871

MISSION WORK AMONG THE NUER

The American Mission has long had a station at Nasser (Figs. 12 and 13). They work on evangelistic, medical, 797

606 607 For a man's wife, avoidance is impracticable, but she treats her parents-in-law with great respect and, in the early days of marriage, keeps herself apart from them as much as possible. She is on joking terms with her husband's brothers since, among brothers, the wife of one is, in the social sense, the wife of all.(1)

DIVORCE

586 If a wife dies childless or if her husband divorces her the bride-wealth cattle have to be returned. If a child has been born and is left with the husband then the cattle are returned, minus six. If two children have been born, no cattle are returned. Divorce is recognised as having taken place only if cattle are returned; if a wife leaves her husband to live with another man, and her husband does not claim return of the bridewealth, any children she may bear are his. Divorce after the birth of a child is very unusual, and after the birth of a second child, almost unknown.

RITUAL AND OTHER CULTURAL FEATURES

TOTEMISM

776 The various Nuer lineages have specific ritual attitudes towards certain natural objects and living creatures. They respect the lion, reptiles, birds and plants; some lineages respect rivers and streams but, for all Nuer, rivers are specially associated with the mother spirit, Bah Mandong, who is held in reverence by all the people. Some lineages respect cattle with certain markings and therefore do not keep them. The largest clan in Nuerland - the Gaatgankiir of the Jikany tribes - respect gourds, since, it is said, the ancestor of the clan was found in a gourd. In general, however, totems are associated with lineages rather than with clans.

●[177] Nuer totems (*kwoth*) are neither peculiar nor particularly important, and the Nuer themselves state that the majority of the totems come from the Dinka; they further maintain that the *kuth* of Nuer lineages are sky spirits, or spirits of persons who have been killed by lightning and have become sky spirits. The totemic relationship is explained in the myths which tell how ancestors of the lineages and the members of the species related to the lineages, were born twins. A man respects his wife's totem and a woman her husband's, while children respect their mother's totem generally. A totemic relationship of the same type does not prevent marriage.

Respect for a totem consists in refraining from hurting it or eating it; in paying it some recognition and consideration, and in making an expression of regret should it be found dead. In turn the totemic species is expected not to cause any harm to those who respect it. Sacrifices and prayers are made to the totem and cattle are dedicated to it. The species itself is not worshipped although the representatives are

(1) Evans-Pritchard, Ibo, 1948, No.2, p.3.

x 776 which can only be symbolized, as his ubiquitous presence is symbolized by the Nuer, by the metaphor of wind and air. Also he can be communicated with through prayer and sacrifice, and a certain kind of contact with him is maintained through the social order he is said to have instituted and of which he is the guardian, a matter I discuss briefly later. But in spite of these communications and contacts the distance between heaven and earth is too great to be bridged.

x 776 773 God's separation and remoteness from man are accounted for in a myth recorded by Father Crazzolara which relates that there was not always a complete separation of heaven and earth and that there might never have been but for an almost fortuitous event. I did not myself hear Father Crazzolara's version of the [177] myth, and I judge it to be of Dinka origin, partly because it occurs among the Dinka but more because I think it is very probably only current among Nuer to the west of the Nile,[1] which would indicate recent introduction into Nuerland from Dinka sources; but, whether it is Dinka or not, it accords well with Nuer religious conceptions in general. The myth relates that there was once a rope from heaven to earth and how anyone who became old climbed up by it to God in heaven and after being rejuvenated there returned to earth. One day a hyena—an appropriate figure in a myth relating to the origin of death—and what is known in the Sudan as a durra-bird, most likely a weaver-bird, entered heaven by this means. God gave instructions that the two guests were to be well watched and not allowed to return to earth where they would certainly cause trouble. One night they escaped and climbed down the rope, and when they were near the earth the hyena cut the rope and the part above the cut was drawn upwards towards heaven. So the connexion between heaven and earth was cut and those who grow old must now die, for what had happened could not be made not to have happened ('aber was geschehen war, konnte nicht mehr ungeschehen gemacht werden'). A variant of this myth has been recorded by Captain Fergusson.[2]

[1] This conjecture is strengthened by information from Dr. Mary Smith that the story is not known to the Eastern Jikany Nuer. A version current among the Central Nuer is recorded in *The Nuer*, p. 130.

[2] J. P. Crazzolara, op. cit., p. 68; V. H. Fergusson, op. cit., pp. 148-9.

*776 was done in error. Similarly, they say that he will not allow a
577 curse to harm a man who has done no deliberate wrong.

One can make too rigid distinctions between the meanings of words, and while an error or accident is clearly regarded by Nuer as different from a deliberate and premeditated act, the concepts of *guoc* and *duer* shade into each other. There is perhaps always an element of the unintentional in the worst fault, and a Nuer who has committed a bad fault is inclined to excuse himself, as we would do, by calling it a mistake; but it is also true that, except in matters of no moment, and although the consequences may not be so severe, a wrong act is always a fault, whether it was deliberate or was due merely to forgetfulness or even involuntary, and may involve liability. Thus the men who in ignorance have relations with the same girl, the man who unknowingly has relations with a kinswoman, and the man who by mistake eats the flesh of his totem have all committed *dueri*, faults, and they cannot be certain that evil consequences will not follow. The effects may be the same as if the acts had been wilful. Likewise a man who inadvertently eats from a dish from which a man with whom his kin have a blood-feud has eaten, and a man who appears naked before a kinswoman of his wife (Nuer men normally have no covering), not having noticed her presence, have committed faults. It may well happen that a man does not know he has done wrong till he suffers the consequences of the wrong. For example, a man takes a woman for concubine not knowing that she is distantly related to him, and his children by her die. He then makes inquiries and discovers the relationship. He sinned, like Oedipus, in ignorance, but that did not alter what he had done and, like Oedipus, he paid the penalty of his fault. Even the innocent may suffer, as the example I have just given shows. Indeed the whole human race suffers death on account of what was no more than a trivial over-
*776 sight. If man had prevented the hyena and the durra-bird from
577 escaping from heaven there would have been no death.[1] This is
773 the lesson of another story, probably also of Dinka origin, re-
● 177 counted by Father Crazzolara about the origin of death. It makes death follow from a mere blunder or a trifling act of malice. When man was created God took a piece of a gourd vessel and threw it into water to indicate that man would live for ever just as the rind would float for ever on the water. He then sent a

[1] [See p. 10, cat 116, – Op. cit., p. 63.]

barren, or divorced, woman to men to tell them that they would 776*
live for ever, but, in delivering her message, she threw, instead of 577
a piece of gourd, a potsherd into the water, and it sank. Almost 773
fortuitous though this incident was, what had happened, as we 177
have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not.

Hence when Nuer suffer misfortune they ponder how it may 776*
have come about, for it follows from what has just been said and 577
from the fact we noted earlier that God is always in the right, that 782
if misfortune comes to a man it is most likely on account of some 777
fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation.

When Nuer suffer they sometimes at once know what is the 776*
cause of their suffering because they are well aware of some 577
particular fault. They sometimes, as we would say, tempt God by 777
doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the

Government at the time of my inquiries towards prophets of these 776 R
spirits. Nuer, who at the best of times are reticent when asked about their spirits, were consequently embarrassed and taciturn when the subject was mentioned.

A further difficulty arises from historical considerations. All 776 R
Nuer with whom I discussed the matter said that in olden times 177
they had no spirits other than God and the *colwic*, and that the spirits of the air had all 'fallen' into foreign countries and had only recently entered into Nuerland and become known to them, often in the first instance through the capture or absorption of Dinka, and especially through taking to wife Dinka girls, to whose children they have passed and attached themselves. When speaking of the coming to earth of these spirits Nuer use the word *peaw*, to fall, as in the expressions '*ce peu piny*', 'it fell to earth (or downwards)', and '*ce peaw nhial*', 'it fell from the sky (or from above)'. To judge from Nuer statements and other evidences, particularly from what we know about their prophets, they did not make their appearance in Nuerland till as late as the second half of last century.

The spirit *deng* is said to have been the first to fall, and it is regarded as the greatest of the spirits of the air. It is also called *deng kwoth*, *deng* son of God, and by its ox-name *dengkur*. It is especially associated with sickness, which is very often attributed to it in one or other of its manifestations: *deng* (without qualification), *deng jur*, *deng* of the foreigners (in this context probably the so-called Jur peoples to the south of Rumbek), *deng jaangwi*, *deng* of the Dinka, *deng yier*, *deng* of the river, and others. It has two sons, *dayim* and *dhol*. *Deng*, which is said to have fallen to earth among the Dinka, is manifestly the Dinka spirit *deng*, a word which among that people also means 'rain' (it has no such secondary meaning among the Nuer); and *dayim* and *dhol* may likewise be accepted as Dinka conceptions.

Another spirit of the air is *tewy*—possibly the same word as that meaning 'sun after rain'—whose ox-name is *dhaawangun*. It is sometimes said to be the bill, craftsman, of God who fashions man, occasionally making sport of them by giving their bodies a twist so that they are born deformed. It is said to be a Dinka spirit, and the fact that it is well known to the west of the Nile and is little spoken about among the most easterly tribes supports this view. *Dau* is likewise regarded as a Dinka spirit and is better

16: Evans-Pritchard E-5 (1931, 1936) 1956
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known to the west than to the east of the Nile. It appears to be associated with a cattle-plague, also called *diu*, and it may have a further association with the sun, but I am uncertain of this; and I must say that this uncertainty may not be entirely due to my ignorance, for in many cases these associations between spirits and natural phenomena are not emphasized by Nuer and are even vague and fanciful ways of giving a bare outline of individuality to the spirits. The spirit *col* has associations with rain, lightning, a river believed to run through the sky, a tree called *nyuot* (*Cordia Rothii*), of which Nuer say that 'God loves it', and the *colwic* spirits who are the souls of those killed by lightning. This spirit is probably a Nuer conception, but then it is hardly conceived of as an individual spirit, but rather as all the *colwic* spirits merged together. *Rang* or *rangdit* and its son *mabith* are

[194]

both spirits associated with wild animals and hunting, *mabith* having a special association with giraffes; and it may be noted that the word *rang* means also 'a good spearsman', that is, one who shines, for yet a further meaning of the word is 'sunshine' and its verbal form means 'to shine' or 'to dazzle'. In some contexts the word could be translated 'light'. The two spirits are said to have come from the country of the *karegni*, the Baggara Arabs, whom the western Nuer used to raid for stock and women; and it is perhaps significant that the Baggara are great hunters of giraffes. Further, Dr. Lienhardt has pointed out to me that the Rek Dinka say that their spirit *garang*, which is also associated with giraffes and is doubtless the same as the Nuer *rang*, came to them from the Twic Dinka who neighbour the Baggara Arabs.[1] The spirit *mani*, whose ox-names are *luthpara* and *bilcuany*, and which is particularly associated with war, is certainly of foreign origin and I believe that it is generally regarded by the western Nuer as having come from somewhere to the north of them. It is therefore perhaps worth drawing attention to the belief in a mysterious power called *mani* in northern Darfur.[2] The spirit *nai* is asso-

[1] This spirit evidently has today a wide distribution among the Dinka for it is mentioned by Mr. Johnson (op. cit., p. 124) as being regarded by the Bor Dinka as a son of *deng*. Mr. Johnston says that 'in every respect his attributes are equivalent to those of Jonam'.

[2] A. J. Arkell, 'Mani Magic in Northern Darfur', *Sudan Notes and Records*, 1936. As Mr. Arkell suggests, there may be some connexion between the Darfur *mani* magic and the *mani* magic of the Azande (E. E. Evans-Pritchard, 'Mani, a Zande Secret Society', *ibid.*, 1931). The word *mani* is almost certainly a loan-word in the Nuer language.

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ciated with ostriches. I do not know where it is supposed to have originated. 776* 177●

One of the spirits that are best known throughout Nuerland is *wiu*, a spirit of war and associated with clan spear-names. It is particularly associated with the sacred spear *wiu* of the Gaatgankir clan, the dominant clan of the Jikany tribes. *Wiu* is also associated with thunder, '*ce wiu mar*' being equivalent to '*ce nhial mar*', 'it thundered (lightened)'. We may readily accept the Nuer statement that it was made known to them by the Gaatgankir clan, who are acknowledged by all to be of Dinka descent. That the *wiu* spear is of some age and that the Gaatgankir clan have long been indistinguishable from other Nuer in their general culture suggest, in view of Nuer statements that the spirits of the air fell recently, that the spear is older than the spirit, and this may be so, for in the story accounting for the spear there is no mention of the spirit.

A spirit of great interest is *buk*, also called *buk man deng*, *buk* the mother of (the air-spirit) *deng*, and *bungdit*, a Dinka title meaning *buk* the great. This female spirit, known throughout Nuerland, is associated with rivers and streams. It is *kwoth yier*, a river-spirit. Dr. Lienhardt has recorded a song in which it is called 'daughter of fire-flies' and by its cow-name '*kwacwar*', 'leopard of the night', imagery bringing to mind fire-flies and consequently streams, near which they are particularly numerous. Nuer sometimes offer first-fruits of their millet and make libations to it in streams and in times of sickness they may sacrifice animals to it on the banks. They also throw beer and tobacco, and maybe a bound goat as well, into the water as offerings when they take their herds across rivers or engage in large-scale fishing, praying that they may be protected from injury by crocodiles, water-snakes, bones of fish, sharp shells, and lost fishing-spears. On such occasions they may also sing hymns to it, the best known of which I record later. *Buk* is said to have two daughters, also associated with streams, or with particular streams, *candit* and *nyaliep*. 'Daughters' is a figure of speech, for I was told that they were once Nuer maidens whom God took and put in the water, where they became spirits. *Candit* is said to have once been seized by a man of the Mitnyaal lineage of the Gaatgankir clan on a river bank and to have lived with him till she bore him a child, when she returned to the river. The spirit is therefore revered as the 776* 782 177

*776 782 177 guardian spirit of this lineage. They dedicate cows and sheep to it and pour libations of their milk for it into rivers. Since *buk* is in rivers and streams it belongs to the below and I discuss it further in connexion with the tellurian spirits, but as the mother of *deng* it also belongs to the above, though it does not possess men as other spirits of the above do. Nuer explain its being both above and below by saying that as Spirit (*kwoth*) it is in the sky but materially (*pwonyde*) it is in rivers and streams. That *buk* is of Dinka origin is clear both from its being the mother of *deng* and from its Dinka title *bungdit*.[1]

*776 177 There are other spirits of the air, though I know little about them. I have heard of one called *nuer*, probably the same word as that meaning 'to thunder'. Miss Huffman mentions a *cul*, sender of dreams.[2] Father Crazzolara, speaking presumably of the Leek tribe, whose territory, where the Catholic mission is situated, is near the Shilluk kingdom, says that the Nuer have taken over the Shilluk spirit *nyikang*.[3] There are probably others.

*776 Father Crazzolara, though he contrasts fetish spirits and nature spirits with spirits like *nuer*, *deyim*, *nyikang*, and *deng*, labels them all *Erdgeister*.[4] In my opinion, on the contrary, these spirits are undoubtedly classed by Nuer in the category of the above, though some are, I concede, regarded as inferior to others, for example *nuer* and *deyim*, whom Nuer speak of as *gaat gaat kwoth*, children of the children of God, rather than as *gaat kwoth*, children of God, a usage which indicates that they are more distant from God and belong to the lowest rank of the heavenly beings. That my account is here at variance with that of Father Crazzolara may be due to the fact that the spirits of the air have only the vaguest personalities and lack distinct individualities defined by clear differentiation of attributes, so that Nuer have nothing very definite to say about them. The figures are all more or less alike, and their celestial and other associations are not so much indications of function as a means of differentiation. For the Nuer themselves one spirit of the air is distinct from another really only because it has a different name. For this reason I have written 'it'

[1] It is probably common to all the Dinka sections. Further evidence of its Dinka origin is the fact, which I have learnt from Dr. Lienhardt, that *buk* or *bung* dancers in Dinka black and white markings, like those of the pied cow with which the Nuer *buk* is also associated (p. 81).

[2] Ray Huffman, *Nuer-English Dictionary*, 1929, p. 10.

[3] Op. cit., p. 136. [4] Ibid., pp. 133 seq.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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when speaking of them and I have used small instead of capital first letters in writing their names. This enables me also to maintain more clearly the distinction between God and other spirits, though strictly speaking, and following the gender of *pwoma*, the neuter is not inappropriate for any conception of Spirit. 776*

II

With the exception of *buk* and *col*, who are of some general interest to all Nuer, the spirits of the air are not conceptions of the same importance for everybody, and in this respect, as in others, they are unlike the conception of God. They have a more general significance than the totemic spirits, which are important only to certain lineages, whereas the spirits of the air are not tied to particular social groups. Nevertheless, a certain spirit of the air is significant for certain persons and families and not for others, because unless it has at some time or other possessed a man or one of his family or forebears, he does not feel that he is personally concerned with it. 776* 613

Possession is generally known by sickness, though in the case of prophets it may also be known by abnormal behaviour. Sickness, usually, I think, of a severe and sudden kind, may be diagnosed as being due to a particular spirit and the sufferer may in future, after he has recovered, regard it as one of his personal *buth*; and then his descendants may continue to revere it. These two ways of acquiring a spirit, by being possessed and made sick and by inheritance, are interconnected, because an inherited spirit often shows that it regards itself as still attached to the family of a man after he has died by causing one of his children to fall sick, and it is likely to be neglected and forgotten if it does not occasionally remind the family of their obligations by troubling them. So when Nuer fall sick they may, if they cannot establish the cause, with the aid of a prophet or diviner examine their heredity to discover whether one or other grandparent, very likely a Dinka, may not have had a spirit whom they have forgotten or not thought important and who is bringing their negligence to their notice by the sickness. 776* 753

Spirits may thus pass in and out of families, be forgotten and then remembered again, and perhaps in many instances forgotten altogether in course of time; or in other instances they may become 776* 177 613

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*776 spirits of small lineages and their families, especially of lineages
●177 of Dinka descent. The fact that they are not found as spirits of
613 larger lineages is perhaps further evidence of the late introduction of these spirits into Nuerland.[1] I speak here of ordinary Nuer, many, perhaps most, of whom do not in any case, particularly to the east of the Nile, have any special relationship to one or other of the spirits of the air, though they may have relationships to spirits of other kinds. In the case of prophets, their spirits are most unlikely to be forgotten and pass out of their lines of descent altogether.

*776 Seizure of a man by a spirit may be temporary or permanent.
791 When it is permanent the possessed person becomes a prophet. It
753 will be simpler if I describe temporary possession first. Spirits cause sickness to their devotees and sometimes to others, and illness is often, especially in western Nuerland, attributed to them. If it is thought to be due to a spirit but there is uncertainty which particular spirit is responsible, the relatives consult a prophet or diviner to determine the responsibility, so that sacrifice may be made to the right spirit. They give it *dour*, a thing, as Nuer say—that is, they sacrifice to it to appease it. The sick man's recovery means that the spirit has released him. If he has not already done so, he then dedicates an animal to the spirit to show it that he is aware of their special relationship, and from time to time he makes sacrifice to it to let it know that he has not forgotten it. Otherwise it may cause trouble again.

I will describe what happened at a ceremony held when a youth called Gakuak, of the Lerk tribe, was sick on account of his having been seized by the spirit *nai*. This spirit, whom I have only heard mentioned in western Nuerland, has, as I have earlier remarked, a special association with ostriches, to which it is said to be very partial. When an ostrich is killed those who have a special relationship to the spirit tie some of its plumes to the entrances to their byres. When I asked whether *nai* would not be angry at the killing of one of its birds I was told that it cares nothing for the body of the bird, only for its plumes. Prophets of *nai* decorate the shafts of their spears with ostrich plumes. *Nai* seems to be regarded as one of the more inferior of the spirits of the air.

[1] Further evidence is the fact that while people are now often warned after the spirits, especially after dreams, these spirits seldom do not occur at the upper levels of Nuer genealogies.

*776 way as an animal is dedicated, while a short invocation is made.
523 They are decorated with beads and metal rings. I was told that
792 now and again, especially after dreams, a prophet rubs his spirit's
534 drum with ashes, and sometimes also with butter, and asks God
[778] for peace and happiness. A prophet also builds a mud shrine, called *yok ce*, if it is shaped like a windscreen, *bwor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

^776 I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a wiel*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

*776 In the first place, it is shown by the way Nuer regard the beliefs
● 777 of neighbouring peoples. It creates no problem for them when they find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

797 [1] In 1940, some years after I had concluded my research, there were 180 Nuer (150 Catholics and 30 Protestants), mostly the lowest figure for

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their. I have found that when one of these Nuer who has had contacts with foreign peoples speaks of their religious beliefs and practices he shows that he does not regard them as having a different God from his own but merely as having a different name for him and a different manner of communicating with him. A Dinka prays to *kwoth a nhial*, whom he calls *nhialic*. Similarly the Muslim or Christian prays to *kwoth a nhial* under other names. Hence, though Nuer have taken over from neighbouring peoples various lesser spirits like the Dinka *deng* and the Shilluk *ayikang*, they have not taken over their deities, such as *nhialic* and *jwok*. The reason for this is undoubtedly that they identify these other deities with *kwoth a nhial*. *Kwoth a nhial*, *nhialic*, and *jwok* are one person who has different titles among different peoples. The Nuer attitude in this matter shows clearly the markedly monotheistic tendency of their religious thought. It is polyonymous, but not henotheistic. The inference we can draw from this in considering the spirits of the air is that they are not thought of as independent gods but in some way as hypostases of the modes and attributes of a single God.

A number of circumstances may have influenced Nuer thought in this matter. One important circumstance is that they have no proper name for God. He is simply *kwoth*, Spirit, and if they wish to distinguish him in speech they can only do so by a qualifying clause. It follows that since the Nuer God has no proper name he cannot be sharply distinguished in the mind from the God of a neighbouring people who is also inevitably regarded by the Nuer as *kwoth* and is therefore easily identified with him; and the titles by which other peoples call God do not present to the Nuer an obvious challenge or any kind of contradiction which might lead to monolatry or to more precise metaphysical definition. It follows also that since the only word in Nuer for God, *kwoth*, means simply 'Spirit' any spiritual being is also *kwoth*. This in itself, apart from the absence of any organized cult and developed political institutions,[1] has allowed easy entrance to foreign spirits. All

[illegible] of the major peoples of the Southern Sudan. The missions were then American Presbyterian at Nasser on the Sobat (founded in 1913), Catholic at Wathyong on the Bahr al-Ghazal (founded in 1904), and Anglican at Ler to the west of the Nile (founded in 1931) and Jonglei to the east of the Nile (founded in 1936). This information was supplied by the heads of the various missions.

[1] W. Hofmayr, op. cit., p. 180, reports that a Shilluk who opened a shrine to

assured by old men when about to wade through crocodile-infested streams that I need have no fear, because people whose totem was the crocodile lived nearby, and they contrasted the benevolence of their local crocodiles with the savagery of crocodiles in other districts. When once I remarked to a Nuer about a man fishing far out in the Sobat river, in a place I knew to be infested with crocodiles, that I thought he was taking a big risk, my companion simply replied 'maybe he respects crocodiles'. I have also been told that men of these lineages call the reptiles out of the water and stroke them. There can be no doubt that people who have the crocodile for totem are regarded by other Nuer as having some control over them. They are summoned by their neighbours to perform a rite to prevent crocodiles from attacking them or their flocks and herds when streams and rivers must be crossed. The *gaan kwoth nyanga*, the person who possesses the crocodile-spirit (who has the crocodile for totem), bends a metal bracelet till the ends overlap and binds them in this position with grass, and then presses the bracelet into the river mud, calling on *gaandong*, grandfather or ancestor (in this context, the crocodile-spirit), to let the people pass over in safety. This operation closes the jaws of the crocodiles while people and cattle are in the water. He may also, on certain occasions, as when a stream is being fished, bind a goat and push it under weeds and reeds into the stream for the crocodile-spirit at the same time as performing the bracelet rite; and it is said that he must then sit on the bank and abstain from drinking water while people are still in the stream.

A large number of small lineages in Nuerland respect snakes. All these whose descent I was able to trace are of Dinka origin. Some respect *nyai*, the python. Those I have asked about their totemic affiliation have told me that a python was born as twin to their ancestor. When they sacrifice to the python-spirit they take a goat to the edge of the stream and there kill it, in imitation of the python's killing of its prey, by blocking its mouth and nostrils and bouncing on its belly till it suffocates. They throw a piece of the sacrificial meat into the stream and another piece towards the land. They boil the rest of the meat, taking care that no soup of the boiling is spilt, and eat it. A senior man then sharpens a new cattle-peg and, after driving it into the ground and winding grass round it, pours some of the blood of the goat at its foot, asking the python-spirit to take its 'tow' and let the

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776 615 782 078 people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

776 63 [071] [778] Another snake respected by a large number of small lineages of Dinka descent is *luaidit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *dwor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can [125] kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a house dedicated to the spirit of cobra should

776 613 bodies and kill them as other Nuer do, but they carefully remove them and place them on the ground. When my camp in the eastern Jikany country was overrun by these insects and I tried to drive them out with fire, some men whose totem they were protested, and they requested me not to harm the ants. When a man sees his totem being harmed he feels it an obligation to make a formal protest and he may ask for a gift to remove the offence, but he does not make it occasion for a quarrel. Miss Ray Huffman relates (in a letter) how many years ago she and a fellow missionary, Mr. Adair, killed a cobra just outside the Nasser mission compound. The people of the homestead where it was killed showered grain on its body to cover it 'so the god in it would not be angry with them for letting it be killed'. However, I should record Mr. Jackson's statement that a dispenser of Malakal hospital, presumably a lad of some foreign people, 'was travelling with a party of pedlars [presumably Arabs] and killed a snake which he came across. Although only a boy he was at once attacked by the Nuer of the Longaish section and beaten into unconsciousness.'[1]

[117] Some lineages, also of Dinka origin, have the spitting viper, *thetut*, for totem. I have been told that there are some Nuer who respect the snakes called *gur* and *dengcek* (the puff-adder), and it is possible that other snakes are totems. The small Cuor lineage of Dinka descent in Leek tribal area have the serpent *lou* for their totem. This huge, and presumably imaginary, creature is said to frequent streams and to have a comb like that of the crested crane and hair on its head which waggles from side to side as it swims in the water. Members of this lineage say that their ancestor was [173] sleeping in a hut with his wife and small child when one of these serpents came through the doorway and lay across them. The wife woke up and swooned at the sight of it. Later the man woke up, and finding his wife unconscious, but without seeing the serpent, promised God an ox for her recovery. Afterwards he saw the serpent and dedicated a cow to that serpent-spirit, and his descendants have respected the *lou* ever since. One of them, a man called Deil, told me that he once speared a *lou* by mistake, thinking that the movement he saw in the water was that of a fish, and was brought home prostrate. He recovered after sacrifice had been made.

by a brown beast coloured of a brown beast. The snake is called *bachiki* [illegible] of the brown (black) colour.

[1] Op. cit., p. 183.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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because they sacrifice to it at the river's edge, near which cattle spirits are generally to be seen. 776* 613

I am uncertain whether the many little species of birds the Nuer class together as *kec*—weaver-birds (the Sudan dioch), finches, and others, known collectively in the Sudan as durra-birds—are rightly regarded as the totem of lineages or whether the spirit associated with them is possessed by individuals and not by groups. It may be that only the son who takes on the ritual functions of a *gwan kece* or *gwan kwoth kece*, an owner of durra-bird or an owner of the spirit of durra-bird, respects these little birds, and not all his sons or all members of his lineage; but I believe that they are respected by small lineages of Dinka and Anuak descent and therefore include them in the list of Nuer totems. The Nuer class, as we do, all these little birds together because they feed together on millet seed. They may be seen to rise in swarms from the millet gardens and, whilst in most years Nuer pay little attention to them, they are in some years so numerous and destructive that the entire crop is threatened. It is then necessary to protect it by posting boys, sometimes on platforms erected for the purpose, to scare them off. The owners of the threatened gardens may also summon a man who respects the birds to induce them to depart. He takes some seeds of millet of different varieties from each of the gardens of the village and, carrying this bundle, heads a procession of the villagers to where the gardens meet the bush. There he utters an invocation over the goat, telling the birds that it is their cow and exhorting them to turn towards the bush where they will find plenty of grass seed to eat, for that is the millet of the birds. He tells them that the people have come out of their village to greet (*ler*) them with a 'cow' (goat) and requests them to leave the millet alone. When he has sacrificed the goat to the durra-bird-spirit he places the millet he has gathered on the ground with their heads facing the bush to show the birds the direction in which it is desired that they should go. I was told that the carcass is left in the bush. On the occasion on which I was present an expert had been brought from some distance to perform the rite, and a local man, who also respected the birds and could therefore have performed it, felt slighted, and was said to have threatened that next year he would cut stalks of millet before the harvest was ripe. Nuer often cut stalks of unripe millet to chew, but a man who has these birds for totem must not do so, lest he cause the birds to devour the crop. [77] 776* 613 782

16: Evans-Pritchard E-5 (1931, 1936) 1956
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for totem must not do so lest he cause the birds to devour the crop.

Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuot*-tree (*Cordia Rothii*) and the *kost*, tamarind, tree. The ancestor of this clan fell from heaven holding a branch of the *nyuot*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuot* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyots* or *kwoth kots*, the spirit of these trees. The *nyuot*, a branch of which is often erected in the homes of Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyot*, means 'to drizzle'. Members of the clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyimar*, *cur*, *law*, *yiow*, and *gwejual* and can also speak of their spirit as '*kwoth puoera*', 'spirit of our waterbuck', '*kwoth lawada*', 'spirit of our *law* fish', and so on. I have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abomination. The scattered Jwal clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingop and Kennyang lineages of western Nuerland respect the *ngop* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth ngoepna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was found in a gourd (*kir*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not handle a gourd which still contains its pulp and seed. Nevertheless they use them as utensils for the same purposes as do other Nuer. The clan is of Dinka origin, though it now counts as a Nuer clan. Other plants respected by lineages, usually of Dinka descent,

[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 130.

are the *thep*-tree, papyrus, the *kwel*-tree (*Ficus platyphylla*), and *lol*, the dom palm.[1] 776 613

Some lineages respect rivers and streams. The ancestor of the [772] Juak lineage of western Nuerland, of Dinka descent, is said to [773] have come out of a big lagoon called *gwol*, so his descendants are known as Juak *jigwol* and the honorific titles of their sons and daughters are *gat* and *nya gwol*, son and daughter of (the lagoon) *gwol*. They respect all rivers and streams, and when a man of the lineage intends to cross a river he throws a bead into the water [782] calling on his 'grandfather' (the river-spirit) to accept the offering and bring him in safety to the other side. A woman of the lineage will not take off her skirt when crossing a river as other women do, and unmarried girls, who are naked, place a few wisps of grass round their loins before entering the water. I was told that were a married woman to forget and step into the water naked, and were then to remember her obligation, she would return to the bank and pull off a bead or tassel from her skirt and throw it into the water, telling the river-spirit that she had not purposely offended it and asking it to accept her offering in atonement. The [773] Gaatiek clan also respect rivers, and the Nile in particular because God brought their ancestor out of it. Being *jiyier*, river-people, they respect also the *gwot yier*, papyrus, and will not cut it. Their spear-names are *mut kier* and *mut yier*, spear of the Nile and spear of the river, and their honorific names are *gat* and *nya ker*, son and daughter of lagoon. They dedicate black cows to the Nile- 776 spirit and they sometimes pour a libation of milk from these cows 613 into rivers. When people are taking their families and cattle across 782 rivers they milk one of the black cows dedicated to the river-spirit 791 into a black snail-shell, which a man of the clan then turns upside down at the river's edge and keeps pressed into the mud while the people and herds pass over. This keeps the jaws of the crocodiles closed. In virtue of their relationship to rivers certain senior members of the lineage may also perform a rite for the safety of those

[1] Mr. H. C. Jackson, op. cit., p. 169, records that one of the clans of the Bul tribe respect the tree called in Arabic *durubu*, because their ancestor hid in this tree when fleeing from strangers. It is called *ric* in Nuer and is probably to be identified with *Pseudocedrela kotschyi*. Professor and Mrs. Seligman, op. cit., p. 113, say that the *kuc* tree is respected by the Bul Nuer because their miracle-working ancestor used to sit under it, and by the *Jiliet* clan because their ancestor was killed with clubs made of its wood. They do not on this occasion call to the sources of their ancestors.

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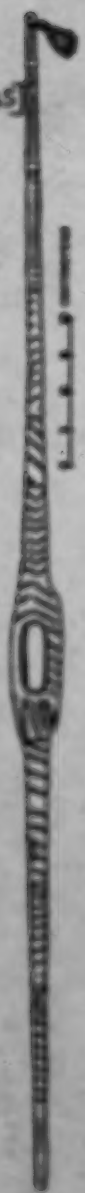

FIG. 2
Clan's fishing-spear

taking part in fishing battues. Such a man is called *gwan bieth*, owner of fish-spear, and *kuaar juaini*, priest of grass, because he protects the people by winding grass round the point of a fishing-spear which he then drives into the earth. He also fills a snail-shell with mud and presses it into the mud of the river, and he bends and binds together the points of a metal bracelet and stamps it into the mud. He may also bind a goat and place it in the river as a sacrifice to the river-spirit, which he calls on to protect the people against the dangers of the water. I was told that he must not himself take part in the fishing, but must sit on the bank and abstain from drinking water. He can also heal wounds caused by fish-spears by spitting in them. The Gaatiek clan is probably of Dinka origin.

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The Nyanding river in the eastern Jikany country is the totem of a small lineage of Anuak descent who live on its banks. It is said that once upon a time the river-spirit asked for a bride, and a girl was decked for marriage and thrown into it by her father Juac, whose name means 'grass' in Nuer. This girl who was sacrificed to the river-spirit (*ca je kok yie*) was called Nyanding. I was told that 'she was not drowned, the river took her', and that she became part of the river-spirit. The present 'owner' of the river, Monytuk Joak, a man of this lineage, told me that each year he binds a goat and throws it into the river. He also protects people taking part in large-scale fishing by treating a bracelet and a shell in the manner I have described. When a girl of the lineage is married, a male goat and a female goat are paid as part of the bridewealth. The male goat is sacrificed to the river-spirit and the female goat is dedicated to it.

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Some Nuer lineages respect cattle with certain markings. The Kwok lineage of western Nuerland and their kinsmen among the Atwot people (a section of the Nuer who have to a large extent adopted Dinka culture) will not keep in their herds an animal with *ma ferg* markings, that is an animal which has a coloured back but is otherwise white. If one is calved by their cows they

*776 614 clan beat an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's [921] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward. [918] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with [916] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

*776 614 773 The Jikul clan respect rafters (*kol*) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

*776 • 177 262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineage or even by their close kin. There are people, probably all or mostly of Dinkê origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and horns. In these few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

16: Evans-Pritchard E-5 (1931, 1936) 1956
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for example, people who abstain from eating
are, at any rate often, those who have had some heart trouble and 776
have been cured by massage by a man who respects hearts. They 177
now respect hearts themselves and can cure others. Again, a man 262
told me that he would not eat liver because a forebear had burnt 755
himself when roasting liver and had died of the burns. I was told, and it is highly probable, that these abstentions do not last for more than a generation or two. In the same way some people—here again they are said to be Dinka or of Dinka descent—respect certain diseases, or rather their symptoms. These are people who have suffered from the diseases, have been cured by others who respect them, and can now treat sufferers in their turn. I believe that usually, if not invariably, this is a relationship between an individual and a disease and that the respect is not shared by his kinsmen or descendants. Among the diseases recorded by Miss Soule[1] or myself which people respect are *kerker*, a yaws condition, *weth*, also a yaws infection of some kind, *riewy*, convulsions in infants, *gueng*, an abscess, *ceuglok*, tubercular abscess, *lil*, hipjoint disease, *kor*, myalgia of the lumbar region (p. 183), and *thiang*, dysentery (pp. 187–8). I discuss later totemistic relationships of individuals to totems of female forebears.

II

It is essential to an understanding of Nuer totemism that it 776
should be appreciated that Nuer respect the natural species or class of objects because they regard them as being in some manner emblems or representations of Spirit. A European observer may easily be led astray by a Nuer speaking of his totem, as he ordinarily does, as his *kwoth*, but he means no more by this than that the totem in some special way belongs to a spirit which also makes itself known to him concretely in that species. Doubtless, as the spirit is only known to and through the species, spirit and species can never be wholly dissociated, but Nuer quite explicitly distinguish between them. Those who respect species say that it is the spirits of their totems and not the creatures themselves that they call on for aid, that they sacrifice to, and that they dedicate beasts to; and when we speak about the spirit of a totem it must be understood that what is meant is the spirit for which the totem

[1] *Some Nuer Terms in Relation to the Human Body*, a pamphlet published by the American Mission, Nasir, 1931.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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000 sign of spiritual activity, as is also the birth of a calf with *ma* *cuony* markings.

*776 We may conclude that Nuer totems tend to be creatures and things which for one or other reason easily evoke the idea of Spirit in any Nuer and are hence suitable symbols for Spirit in relation to lineages; and then the image of the symbol may become through association linked with other images, leading to additional totems. The Gaanwar clan have a special connexion with rain, which is a symbol of Spirit in its special relationship to their [921] clan. The *eyuot*-tree is a secondary symbol which, on account of its peculiar appearance and habits, is associated in the Nuer mind with rain. The waterbuck and several species of fish are further symbols linked to the *eyuot*-tree as secondary totems because, we may presume, they also, in their different ways, are associated with water. An interpretation of the totemic relationship is here, then, not to be sought in the nature of the totem itself but in an association it brings to the mind. Similarly those who respect [925] bees respect them not because they are bees but because their colour resembles to Nuer eyes the python, and it is probably the same with soldier ants and the tree cobra.

As we have seen, in their totemic relationships it is Spirit rather than the totems in which Nuer are interested. In so far as they are interested in the totems themselves it is not in their intrinsic nature but in their character as symbols through which Spirit manifests itself to human intelligence. Consequently, since the totemic attitude is neither derived from, nor primarily directed towards, the things as they are in themselves but the things as representing and manifesting Spirit, Nuer would not be at all surprised at anything being, or becoming, a totem. Anyone may at any time suddenly find himself in a totemistic relationship to some class of objects, and if for one reason or another his descendants trouble to remember and maintain the relationship, then that class becomes the totem of a lineage. Let us consider how Nuer think of totemic relationships coming about.

*776 I have had frequent occasion to remark that those who respect
●177 a totem are Dinka or of Dinka origin, and our discussion of the
613 whole problem of Nuer totemism is complicated, as was our discussion of the spirits of the air, by the fact that Nuer regard their totems as having for the most part come from the Dinka. I have often heard true Nuer say that when you find that a man respects

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reptiles and such things as parts of animals and diseases you may be sure that he is a Dinka or had a Dinka mother or grandmother; and I have found this to be so. Hence true Nuer tend to despise many totems, especially reptilian totems, as something Dinka. They say that the *kuth* of Nuer lineages are spirits of the above and not earthly spirits. 'If a true Nuer (*gat dile*) respects (*thek*) a totem (*kwoth piny*) it is because of a maternal link (*cieng mandongwi*).' The word *thek* is here used in reference to *kwoth* because it is identified in thought with some hypothetical material appearance which, since it is not specified, cannot be designated. What this statement means is that while true Nuer clans and lineages do not commonly respect things of nature, and especially not things that creep and crawl, an individual may respect them out of regard for a Dinka mother or grandmother. It is supported by the evidence I have recorded, and it may be further noted that those whole clans in Nuerland who respect natural species are generally either of Dinka origin, like the Gaatgankir, or of a peculiar mythological, and therefore possibly foreign, origin, like the Jikul and the Gaanwar. It is also to some extent supported by the common Nuer explanation of a totemic relationship between a lineage and a natural species as having come about through the ancestor of the lineage and a member of the species being born twins. This is a common Dinka explanation of totemic associations.[1] Moreover, the names of totemic spirits, such as *joo*, *cuer*, *fadiet*, *aleng-dit*, and *fajook*, are Dinka words. Personally, I consider the great majority of lineages found in Nuerland today with totems to be of Dinka origin. The important point, however, is not so much that they are Dinka lineages as that Nuer regard totems as something Dinka. They have nevertheless become fully incorporated into Nuer religious thought.

In spite of what Nuer say about totems being Dinka they also think of those of clans or large lineages as having come down to them from their ancestors of ancient times. They became attached to certain lines of descent so that not all lineages of the same clan necessarily have the same totems. They were divided up (*dak*) among the different lines of descent. Nuer say that the '*ring bukiew*', 'the meats of their sacrifices', spread out along the lines

[1] C. G. and B. Z. Seligman, op. cit., pp. 141-51. The Seligmans were writing about the eastern Dinka. Dr. R. C. Lienhardt tells me that the western Dinka have the same belief.

the fertility of cows.[1] These various sprites seem to have much the same character as that of the meteorite-sprite and to be treated in a similar way. 776*

A collection of hymns sung to nature sprites might tell us much more than I have recorded about them, but I took down only one specimen,[2] which begins: 776* 538 177

> *Biel*, you love a cow in the heavens,
> Son of the master of *deng*, you love a cow in the heavens.
> Say if you want a brown cow,
> Say if you want a white cow,
> The cow of *biel deng* is a cow which will calve.

I quote these lines because, whatever their precise meaning may be, if they have one, they bear the unmistakable imprint of Dinka influence and therefore support the conclusion I reached on other grounds, mainly on the fact that these sprites are little heard of in eastern Nuerland, that the *bieli* have been taken over by the Nuer from their Dinka neighbours. The sprite is represented as the son of the Dinka spirit *deng* and the word I have translated, following Dr. Lienhardt's usage, 'master' in the second line is *bany*, which must in this context be a Dinka word.

Likewise, and even more surely, the fetishes, with which the *bieli* are sometimes classed, may be considered to be of foreign origin and to have been introduced fairly recently into Nuerland. At the time I was living there they were rarely found among the most eastern tribes and those who possessed them there had journeyed to the west of the Nile to purchase them. All Nuer whom I consulted were unanimous that the fetishes are foreign and new, those of the Lou tribe saying that they first began to hear of them in the time of the initiation period of the Dangungs age-set, roughly some 50 years ago. The Nuer got them from the Dinka, but it is highly probable that the Dinka first got them from the Sudanic so-called Jur peoples (*Beli*, *Sofi*, *Gberi*, *Mitu*, and *Lorh*).[3] The Nuer have tried, not entirely successfully, to assimilate 776* 773 177

[1] P. P. Howell, 'Some Observations on "Earthly Spirits" among the Nuer', Man, 1953.

[2] Others have been recorded by Father Crazzolara, op. cit., p. 146, and Dr. Howell, ibid.

[3] The conclusion that they come from the Jur is based partly on what Nuer say and partly on a number of ethnological considerations arising out of my earlier research—much still unpublished—among the Jur and neighbouring peoples. It gains support from a note by Capt. V. H. Fergusson ("Identifying Gods"

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776 these Sudanic medicines, which represent something quite alien
778 to their traditional way of thinking, to their conception of Spirit.

177 The Nuer word for what I have called fetishes is *kuloengwi*, and they often use this plural form even when they are speaking of a particular fetish. They are what the Nuer call *wut*, a word which means in its widest sense 'plants' but in a special sense, as here, what are usually spoken of as 'medicines' in writings on African peoples—magical substances. The fetishes are so called because they are pieces of wood, though Nuer distinguish them from ordinary magical substances by calling them 'medicines which talk'. By this they mean that the spirits in them talk, because, here again, Nuer can conceive of the spirits as separate from the material substances in which they have their abode.[1] What has been said earlier about air-spirits and totemic spirits must be said also about nature spirits and fetishes. The same spirit is in a number of different luminescences or bundles of wood.

Like the nature spirits these fetishes bear some resemblance, especially in the manner by which men communicate with them, to the spirits of the air. Nuer have tried to assimilate them to an earlier model of Spirit, and this is indicated metaphorically by calling both types of spirits *gaatweydeong*, children of daughter(s) of *deng*, a Nuer way of saying both that they are Dinka and that they are spirits of a very inferior order. There are quite a number of fetishes: *mathiang*, *ngo*, *mocar*, *dengak*, *mabor*, *mabul*, *mabil*, *mabuk*, *gouiow*, and others.[2] The names of several of those I have mentioned are colour-names: the white one, the black one, the brown one, &c.

776 Fetishes are amoral in their action. They are acquired in the
778 first instance by purchase, though they may later be inherited,
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'Witchcraft', *Sudan Notes and Records*, 1923, pp. 112–14) in which he says that an Agar Dinka first got this kind of medicine from the Jur about the year 1900. Writing in 1923 he says 'To-day it is universally used throughout the entire Eastern and Rumbek Districts and many Dinka are enriching themselves by introducing it into the Nuer Country.'

[1] Capt. Ferguson (*Ibid.*, p. 110) also notes that the substance is 'merely a visible sign' of Spirit.

[2] Professor Czernowitz (op. cit., p. 138) divides them into the *kulong* type, which speak through men, and the *gok* type, chthonic beings which speak from the earth. Dr. Howell (op. cit.) makes the same division, though he would agree with me that '*kulongwi*' can be, and commonly is, used to cover both. I am ready to accept a formal division into these two types but I cannot agree with Dr. Howell's opinion that the *kulong* type is of Nuer, and the *gok* type of Dinka, origin. I am fully convinced that both are of foreign origin.

Indeed, the fetishes seem only to have been placed in the category of spirit by the logical necessity of assimilating the powers attributed to them to some model the Nuer already possessed. They are also of the category of *wut*, medicines, which sharply differentiates them from spirit proper, but since they can reveal their wants and wishes in speech, move about, and kill people, they seem to Nuer to fall between the two categories. It is to be remarked that the *kulongni* and the *bieli*, which are closer to totemic representations of spirit, are generally referred to by these names and not, like the totemic spirits, as *kuth*, as though by distinction of name they were being marked off from the other spirits. It should be stressed also, in this connexion, that the fetishes, and to some extent the nature spirits, are spoken of in the plural, as when we speak of angels, devils, goblins, and fairies, showing that they are conceived of as having less individuality than other spirits.

It remains only to say a few words about medicines which do not talk, the ordinary *wut*, magical substances which have an efficacy in themselves and do not derive their power from spirit. Coming to the Nuer from Zandeland, where everyone is a magician and medicines are legion and in daily use, I was at once struck by their negligible quantity and importance in Nuerland, and further experience confirmed my first impression. I mention them chiefly for the reason that their rarity and unimportance are highly indicative of the orientation of Nuer thought, which is always towards spirit.

In speaking of Nuer magic we are faced with the same historical problem that I have mentioned earlier, for all Nuer with whom I have spoken on the subject have said that medicines were almost entirely lacking—only a few are thought to be old—in the days of their fathers and that most of the few medicines they now possess have been taken over from neighbouring peoples. My own view is that ethnological evidences support their statements, but the point that is important for us here is rather that Nuer regard medicines as something foreign and strange. They think easily in terms of spirit but not in terms of medicines, the idea of which as it obtains among their Sudanic neighbours they seem scarcely able to grasp.

Nuer medicines of today are mostly of the nature of talismans for fortune—in hunting, fishing, courting, and travelling. I did not find that Nuer had much faith in them. Medicines are also

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reference to God as 'father', and it is perhaps sufficient to say that they enable the speaker to indicate whether he speaks to Spirit as 'Spirit of our fathers' in the sense of Spirit in relation to his lineage alone or in the sense of Spirit in relation to everyone. He can thus stress the unity of all present in relation to God or their separateness as social groups in a distinctive relationship to him as such. 776x

The ambiguities which seem at first to be so puzzling a feature of Nuer religion are, at least to some extent, resolved by considering in this way their religious ideas in relation to their social order, for in all societies religious thought bears the impress of the social order. Given the segmentary political and lineage structure of the Nuer it is understandable that the same complementary tendencies towards fission and fusion and the same relativity that we find in the structure are found also in the action of Spirit in the social life. Just as, for example, two lineages are distinct and opposed groups in relation to one another at one level of segmentation and are a single unit at a higher level of segmentation, so Spirit as conceived in relation to these segments must be divided at the lower level and undivided at the higher level. It is intelligible, therefore, that in its relation to the segmentary social order the conception of Spirit is broken up into diverse refractions, while in relation to nature and man in general the many become again the one. 771 776x

In the light of what has been said above it is not surprising that any number of new spirits may come into existence without disconcerting the Nuer, either being borrowed from neighbouring peoples or derived from some unusual experience. We have good reason to believe that the spirits of the air, the fetishes, and, at any rate for the most part, the totemic spirits have been introduced, some of them very recently, into Nuerland, and probably the same is true of the nature spirits.[1] I think it can be assumed—I do not see how it can have been otherwise—that there have always been different representations of *kwoth* among the Nuer, and if this is so the old, or traditional, religion must have consisted, 771 776x 177

[1] Many of these spirits are probably new not only for the Nuer but also for the Dinka. Even those which can be shown to have some antiquity in Dinka culture, e.g. deng, may be supposed, since they are not found among most other, or all other, Nilotic peoples, to have come into existence after the dispersal of these peoples took place. Complicated philological issues are raised by these questions.

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771
× 776 as far as the notion of Spirit is concerned, of the conceptions of
● 177 God, of God figured to specific social groups by grammatical indications or by reference to their names, of colwic spirits, and of some totemic spirits.

The taking over of new spiritual conceptions from neighbouring peoples may have been partly fortuitous, but I would suggest that it may also in part be accounted for by reference to recent Nuer history. During the last hundred years the Nuer have absorbed a great number of Dinka and have also been brought into closer contact, directly or indirectly, with other peoples of the Southern Sudan and also with Arabs and ourselves. This provided opportunities for borrowing foreign ideas. But it may be suggested that not only was the opportunity there, but also the need. Nuer statements lead us to suppose that certain social developments were taking place at the same time. They say that their clans and lineages were being broken up by expansion, and were incorporating into their stocks Dinka lines of descent, besides assimilating politically Dinka communities—hence the Dinka totems in Nuerland today; that prophets emerged who directed large-scale raids on the Dinka and defence against the 'Turks' (the Arabs and the British)—hence the Dinka and other foreign spirits of the air; and that the peace and administration imposed on them by the government of the Anglo-Egyptian Sudan have given protection to those who wish to pursue private gain and vengeance—hence the introduction of fetishes and their spread. Ethnological evidences support what they say, and we can add that it is in accord with the logic of the Nuer conception of Spirit that it should be represented by figures corresponding to these new social phenomena. Dr. Lienhardt tells me that since I was last in Nuerland the number of spirits has increased and that they have spread widely and freely. This is what we would expect to follow further social disintegration (p. 309).

× 776 God may thus be figured in numberless ways in reference to
771 social groups and to persons, and in relation to effects which are significant for them; and in none of them has the figure any sharply defined individuality. This is fairly easy to understand when we are dealing with refractions which are referred to simply as *kwoth* of a group and without distinguishing name or title; but it may fairly be asked whether those spirits which are named can adequately be thought of as refractions and are not rather to be

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775 As Nuer speak about *cien* it has, therefore, the sense of an
626 injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of
[843] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands,
•[177] an idea some of the eastern Nuer have taken over from the Anuak;
[841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mun*); the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after,
[842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

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through adoption, and close affinity. It is also incestuous for a man 836
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753] sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treat- 177
ment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

837 the fact that the word *kor* has no further meaning in Nuer
778 whereas in Dinka it is the verb for 'to commit adultery'.[1]
[271] Adultery medicine is probably used only as a precaution and perhaps in addition to sacrifice if a man falls sick and the symptoms suggest *kor*. The main safeguard and remedy is sacrifice, and in cases where the adulterer is known he hands over the young *kuie* for this purpose. It is generally conducted on behalf of the husband by some religious functionary, perhaps a leopard-skin priest or a man who respects *kor* (a man who has himself at some time suffered from it and has recovered), in the presence of the families and friends of the parties involved. He or another person first invokes God that the sick man may recover. Immediately the ox has fallen the adulterer and his friends take hold of its head and forelegs, and the husband and his wife and friends of their family take hold of its hindlegs while the man who is conducting the rite cuts the carcass in two through the loins.[2] The young *kuie* is sacrificed to wipe out the pollution whether the husband falls sick or not. That it has this significance is shown by the fact that when, for reasons I have set forth elsewhere,[3] in the event of a child being born of adulterous congress the cattle paid in compensation, or others in their stead, are returned to the adulterer, the young *kuie*, if it has not yet been sacrificed, remains with the husband for that purpose, and if it has been sacrificed he is under no obligation to return another ox in its place; and by the fact that if the husband forgoes compensation, as he may do if the adulterer is a close agnatic kinsman and neighbour, the young *kuie* must be paid to protect him from evil consequences. It is not part of the *ruok*, the compensation, but is handed over in addition to it, and for a different purpose. Even the cattle of compensation are tainted for the husband. He keeps them away from his own cattle, putting them in the care of a friend or kinsman well away from his own homestead, and he rids himself of them as soon as he can, either by marrying with them or by giving them to one of his brothers for the same purpose. I was told that above all he would

[1] P. A. Nebel, op. cit., pp. 13 and 88. The noun form *ahor* means 'adultery'.

[2] Dr. Mary Smith tells me that if a man suffers from *kor* and the adulterer is unknown the officiant holds the forelegs while someone else cuts through the carcass (of a sheep). She says that in the part of Nuerland she resides in the idea of *kor* is no longer prevalent.

[3] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938, pp. 232–4.

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is cut in two laterally across the belly (*ngok*). This is done at 782
ceremonies in honour of a *colwic* spirit, and also in rites performed to avoid misfortune coming to a man whose wife has been unfaithful or who takes a widow in levirate marriage.

In sacrifices to spirits associated with rivers and streams and with creatures which live in them (generally the crocodile), and also sometimes in a sacrifice to God for rain, the victim—a sheep or goat, not an ox—may be bound and pushed under the water among the reeds and weeds. When sacrifice is made to the python-spirit the victim is suffocated. The openings of its body are stuffed with grass and it is jumped on and pummelled to death. In practice it is assumed to be dead at an early stage and the point of a spear is inserted in its throat to begin the skinning. Nuer regard [171]
this as a Dinka mode of sacrifice, as indeed it is, contrasting suffocation with yield, stabbing with the spear, their own normal mode of sacrificing cattle.

I have not seen a sacrifice to the python-spirit, but I have seen an ox suffocated in a different and rare ceremony. I think that perhaps what I witnessed should not be regarded as a sacrifice at all, at any rate in the usual sense, for the beast does not seem to have been consecrated and there was no invocation. It has more the appearance of what we might better describe as a magical rite, almost certainly of Dinka origin. I feel nevertheless that, as it was the only occasion I saw a killing by suffocation, I should give a brief description of it. When a girl is exposed early in life, probably [942]
before the commencement of the menses, the premature payment of bridewealth may cause her to be barren unless a special ceremony is performed. In western Nuerland, where I saw it, it is called *gwot*.[1] I believe that in eastern Nuerland a rather different ceremony is performed. On the occasion when I was present it took place in the girl's home after her marriage had been consummated. An ox was thrown and its forelegs and back legs tied in pairs. It was then slowly suffocated, grass being first pushed up its anus with a stick, and then into its mouth and nostrils (Plate III). During its sufferings the husband and a youth of his age-set, the wife and a maiden of about her age, and a small boy and a small

[1] J. Kiggen (*op. cit.*, pp. 116 and 117) gives this word as the name of a different ceremony, for a woman without children who has smallpox. He says that a small *gwot* is opened, beer is poured into it, it is rubbed over the woman, and a goat is killed. The rite I describe is probably his *gwar*, the meaning of which he gives as 'animal sacrifice to the Dinka god'.

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ancestor of the clan and hence symbolize the clan as a whole. Any spear will do, but, for the reason I have stated, there must be a spear; and when Nuer sitting in my tent recounted to me what is said in invocations they gestured with their right hands as though they held spears in them, for they found it difficult to speak the words without making the gestures, just as in recounting what is said in prayers (*pal*) they found it difficult to do so without moving outstretched hands up and down. 411 732 614

Published literature on the Nuer records information about only two actual spears of clans. The one about which we are told most is the spear, called *wiu*, of the Gaatgankir clan, who are regarded by all, including themselves, as being of Dinka origin; and the spear is a Dinka, and not a Nuer, type of spear. A mysterious origin and power are attributed to it. It is believed to have been held by Kir, the ancestor of the clan, when he was cut out of the gourd in which he was found, and it is also associated with the air-spirit *wiu*, which is regarded as being in some sense immanent in it. When I was in Nuerland it was in the charge of a family of leopard-skin priests of the Tar lineage of the eastern Gaajak tribe. I did not myself see it, but it has been described by Mr. H. C. Jackson, who saw it in 1922 near the Pibor river.[1] He records that it was decorated with cowrie shells and beads and was housed in a special grass hut where visitors treated it with great deference. He says that it was prayed and sacrificed to, especially before raids on the Dinka and Burun peoples;[2] that if two sections of the Nuer wished to engage in fighting among themselves it would be placed between them to prevent an engagement; and that oaths were taken on it. I was told that only old people would look upon it. The importance of this spear to our discussion of clan spear-names is that, as I will explain later, all such spear-names have an 411 614 [171]

[1] H. C. Jackson, op. cit., pp. 168 and 179-81.

[2] We are probably to understand, in view of Nuer religious conceptions in general, that Nuer respect (*thek*) the spear and pray and sacrifice to the spirit *wiu*, which is in the sky as well as in the spear. Mr. R. T. Johnston reached the same conclusion with regard to a similar spear among the Bor Dinka. He observes that 'the spear by itself, except by association and as a symbol, is not sacred' (op. cit., p. 127). Dr. Lienhardt tells me that when the Government, with remarkable lack of imagination, confiscated and removed this spear lest it should become a focus of opposition to the administration the Dinkas' faith was in no way lessened. The only result was that the spirit associated with the spear, no longer having a recognized material symbol in a single place, manifested itself all over the tribal territory, defying any further intervention.

792 expression of the prophet's relation to Spirit, the spirit in him lifting him up, as it were, to its own realm.

792 778 The construction of this so-called pyramid (*bie*), a conspicuous landmark in Lou tribal territory, was begun by Ngundeng and completed by Gwek. It was a huge mound of earth and debris some fifty to sixty feet high with a base diameter of about a hundred feet. It was surmounted by elephant tusks and a spear decorated with an ostrich egg and feathers and encircled at the base with dozens of elephant tusks, numbers of which were also buried in the mound.[1] The purpose of the mound seems to have been to honour *deng* and increase the prestige of his prophet, though it may have expressed also the feeling of the above quality of Spirit. It became a cult centre, people from the whole of eastern Nuerland, and even from the west of the Nile, bringing cattle there for sacrifice; and Ngundeng and Gwek kept in a kraal near by a herd of cattle with black and white markings (*rial*) dedicated to *bungdit*, the mother of *deng*, with whom these markings are [177] associated. All this is more in accordance with Dinka than Nuer thought and custom, and there is some reason to suppose that the idea of the mound was, like the *deng* conception itself, borrowed from the Dinka. There is said to be a similar, though smaller, mound at Thoc, in eastern Gaajak country, built by a prophet called Deng, son of Dul. Ngundeng's mound was blown up with high explosive by the British administration during a punitive expedition in 1928 against his son's followers. However, much of it still remains, and Dr. Lienhardt tells me that it is said at the present time that sometimes at night a strange light is seen shining from it; and when a recent eclipse of the sun occurred people said that Ngundeng was returning. Another prophet, Deng Leaka, a 792 prophet of the spirit diu, a Dinka of the Gaawar tribe, also 785 acquired his spirit by fasting and solitude. He left his home and wandered in the bush where for many days he sat under a tree without eating. When found he was engaged in collecting hundreds of shells of the giant land snail and arranging them in rows. This abnormal side to the prophets is to be seen in their unkempt hair and their beards, both of which are objectionable to ordinary

[1] Captain H. H. Wilson in *The Anglo-Egyptian Sudan*, edited by Count Gleichen, 1905, vol. i, p. 140; information from Major C. H. Stigand, *Sudan Notes and Records*, 1918, p. 210; H. C. Jackson, op. cit., p. 158; P. Coriat, op. cit., p. 224.

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792 of these ideas are part of the same process of change. As we have
776 noted, they say of their air-spirits which inspire their prophets,
182 and also in general of spirits which have fallen from above to
[177] earth, that they took them over from foreign peoples, mostly from the Dinka; and it is also possible that, as Mr. H. C. Jackson suggests,[1] there is a relation between the appearance of prophets among the Nuer and the spread of Dervish influence, for it was about the time of the Mahdist upheaval that their first prophets arose, and I was expressly told by one Nuer that the first spirit they heard of entering men was *mudi* (?al-Mahdi) in the lands of the north and that afterwards they heard of *deng* and then of other spirits.

792 Although the emergence of prophets can be interpreted in terms
182 of historical events and structural changes just as the priesthood can be interpreted in terms of the functioning of the traditional tribal system, the prophet's significance for an understanding of Nuer religious thought calls for comment not required in the case of the priest. The rise of prophets and the increase of every other kind of 'owners' of spirits may indeed be a response, first to a challenge and then to disintegration, but it is a response made within a set of religious conceptions and has, therefore, a significance for the study of those conceptions without regard to whatever it may have been which occasioned the response. That the response should have taken a religious form does not surprise us, for that has been a common enough reaction to European rule in Africa and elsewhere, and the Nuer are, in any case, conspicuously religious. What claims our attention is rather the kind of religious form it took, a form which is at the same time both a development of potentialities in their traditional religion and a change in its character. We have seen in an earlier chapter how the Nuer notion of Spirit lends itself to refraction without limits. If this had not been so all the new spiritual conceptions which have arisen in the course of the last two generations could not have come into existence without entirely changing the character of Nuer religious thought. As it is, they have partly changed it.

[1] Op. cit., p. 91.

1; Evans-Pritchard E-5 (1931, 1936) 1940
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undoubtedly due to the absence of shady forest which, in its turn, is probably due in the main to flooding and partly to firing. The prevalence of tsetse in the forest belt that stretches along the foot-hills of the Ethiopian escarpment has prevented the Nuer from expanding as far eastwards as they might have done, for it is clear that one of the reasons for their evacuation of Anuak-land was the loss of stock. In relation to tsetse the Nuer, in their present territory, occupy a more favourable position than most Southern Sudan peoples.

A further consideration of great importance is the presence of many microscopic organisms that cause disease in men and cattle. This is not a subject about which we can say much. With regard to stock it may, however, be said that it suffers from many different diseases and that Nuer usually have some treatment for them, though it may be doubted whether it has much, if any, therapeutic value. The two most serious contagious diseases are bovine pleuro-pneumonia, which in some years causes heavy mortality among the herds, and rinderpest. Rinderpest entered the Sudan not more than fifty years ago and Nuer refer to the period before it came, along with Arab invaders, at the time the Bollok age-set was being initiated, as 'the life of the cattle'. They have no way of combating the scourge once it has attacked a herd, but they are aware that an infected herd ought to be isolated. They are so used to it now that they generally take the precaution of splitting up their herd in the dry season, when it is prevalent, and placing beasts in widely separated camps, so that if it breaks out in any part of the country the cattle placed in another part may escape. An animal which recovers from the disease is known to be immune from further attacks and its value is thereby enhanced, though Nuer are aware that its calves will not enjoy the same immunity. Miss Soule tells me that Nuer claim to be able to tell if an animal has had rinderpest by scraping the tip of the horns and noting the colour beneath the surface. If it is white the animal is immune. Though threatened with starvation in the years of its visitation Nuer face the scourge with resignation and detachment.

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Rinderpest has caused and continues to cause terrible havoc in the herds. It cannot exactly be estimated what, and how

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extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognise that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millett harvest is often meagre and uncertain. Fish,

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sacrifices to them by their prophets were believed to ensure booty and safety.

For the first time a single person symbolized, if only to a moderate degree and in a mainly spiritual and unconstitutional form, the unity of a tribe, for prophets are tribal figures. But they have a further significance, for their influence extended over tribal boundaries. Gwek had great influence in Gaajok, and it is said that because of it the Lou and the Gaajok for a time paid compensation for homicide between them. His influence reached as far as the Eastern Gaagwang and Gaajak. Dengleaka had a similar influence in the valley of the Zeraf, especially among the Thiang. Some of the Western Nuer prophets had a reputation among a number of neighbouring tribes which united for raids at the direction of their spirits. They were not a mechanism of tribal structure like leopard-skin chiefs, but were pivots of federation between adjacent tribes and personified the structural principle of opposition in its widest expression, the unity and homogeneity of Nuer against foreigners. Probably, the coalition of tribes and the organization of joint raids is very largely their achievement—though one cannot be sure of this in the absence of historical records—and has made them important and powerful figures in Nuerland. This interpretation explains how it is that prophets began half a century ago, or at any rate came to the fore then. Certain structural changes were taking place in response to changed conditions: the development of functions that were more purely political than any exercised by individuals before and of a greater degree of unity among neighbouring tribes than there had been hitherto. As Sky-gods passed at the death of prophets into their sons we are further justified in suggesting growth of hereditary political leadership which, with the strong tendency towards federation between adjacent tribes we attribute to the new Arab-European menace. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government crushed the prophets this tendency was checked. As we understand the situation, the prophets were inevitably opposed to the Government because it was this opposition among the people which led to their emergence and was personified in them. 792 698 178

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583 602 spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it. Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father.

The maternal side of the family have a prior claim to consideration in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, but the maternal relatives are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round.

583 602 178 In marriages today the actual payments and distributions of cattle to definite persons, as distinct from the ideal allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which, apart from the relative desire of both parties to bring about the union, are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants and the shares allotted to them in other marriages, and the configuration of the bride's family.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. In recent years the herds have diminished through rinderpest, and raids on Dinka stock, the

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traditional means of recuperation, are prevented by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland, and it would today in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 10 to 30. It has been mentioned that there are a number of relationships with basic rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no wangrow and spirit claims, the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know who are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are claims on the bride's father as much as on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known

8:Howell E, G-5 (1942-1944)1954
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681 177 the collection of bridewealth, bloodwealth or other kinship obligations automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realization that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always understood. Fratricide, for example, is considered a great wrong, and is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

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671 178 Apart from the difficulties of understanding an alien system of justice, there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

8:Howell E. G-5 (1942-1944)1954
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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

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Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

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The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
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> (a) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
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> (b) The second result of the increase in blood-money is the reluctance of the chiefs to break war which is a system by which relations exchange cattle

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586 effect by the existence of the children as well as the advantages he receives from close and amicable relations with his wife's family.

General Observations

586 Nuer sometimes say that divorce was rare in the old days, and that when the marriage ceremonies had reached the stage of the *ment*, and even more so if a child had been born, neither side was at all likely to seek one. It is also said that if a woman died before or during the birth of her first child, her husband had no right to claim back his cattle: the responsibility rested with him. It is not now possible to assess the truth of a general statement of this sort, particularly as the informant can rarely quote actual examples, but it is clear that the number of cases of divorce which are brought before the courts is considerable and is increasing.

178 This is, perhaps, a reflection of the wider process of social disintegration which is taking place in Nuerland. The modification in those sentiments which make for social solidarity is likely to react on the institution of marriage as well as on the integration of the kinship group. Moreover, I suggest that the stability of marriage is deeply affected by the attitude of the parties concerned. If there was less chance of recovering bridewealth cattle or less chance of escape by the wife, they would be more likely to make the effort necessary for a successful marriage. Nuer imply that in the past it was not easy for a husband, having entered into marital relations with the bride's group and confirmed the marriage by the performance of the *ment*, to recover his cattle should he no longer want his wife. It was therefore in his interests to make a greater effort to retain his wife's affections and to fulfil the conventional obligations towards her and her relatives. She might run back to her home and, unless he had the support of a numerically superior community, he might find it difficult to obtain redress. Clearly the situation was affected by many different circumstances, and not least of these was the relative position in the social structure of the kinship groups involved and the distance in space between them. Divorce was not so easy, the husband had to make greater efforts to retain his wife, and probably entered marriage with greater care and consideration than he does today, although the slow process of courtship of girls and the eventual choice of a mate is presumably the same as it has always been, and is in itself a factor making for stability when marriage comes.

The comparative facility with which divorce can be obtained through the agency of the courts today means that the husband need not make so great an effort as in the past, because his cattle are nearly always recoverable. It might, of course, be argued that the wife's family must be more conciliatory towards the husband because divorce is

8:Howell E. G-S (1942-1944)1954
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recognised and is enforceable in the courts, and they have a greater chance of losing their cattle. I do not think that these are really major considerations because the Nuer do not think of marriage entirely in terms of cattle, but rather in terms of the union of which the cattle are merely a material symbol. Moreover, and this must be stated at once, the courts do not regard divorce with favour at all, and every effort is made by the court members to prevent it. There is intense feeling on this subject, and divorce is a symptom of social disintegration of which the Nuer are themselves aware. It is not so much the possibility of legal enforcement as the general recognition that divorce is possible at all, particularly after the marriage and after children have been born of the union, which is the cause of the increase in the number of divorces. Added to this is the fact that union of peoples required for political security is less necessary than in the past, and therefore intermarriage does not serve the same purpose as it did then.

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These features are apparent not only in the increased number of divorces but in the growing body of law concerning marriage and divorce which is administered in Nuer courts today. A complex system of law is only necessary when social relations cannot be controlled or maintained by any other means. Now that the sanctions which governed these relations are modified by external influences there is a greater need for law, and an evolutionary process can be seen, particularly because the courts are backed by legal sanctions entirely unknown in the past.

The following are a few representative cases which illustrate the processes of divorce and the circumstances accepted by the courts as sufficient grounds.

Dang Kang v. Nyag Bik (Ash Nuer Appeal)

Dang married Nyag's sister. There were no children, and Dang demanded a divorce on grounds of his wife's barrenness. This was refused by the court in the first instance but was allowed two years later by the appeal court.

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Nuer courts will usually allow divorce on grounds of barrenness, but demand adequate proof. The passage of time (in this case about five years—including two years between the initial dispute and the appeal) is therefore relevant. Judgement against divorce by the court in the first instance and then reversal on appeal is therefore a common occurrence. By instituting proceedings the husband is bringing to the notice of the court and of the public his allegation that his wife is barren. The passage of time between this and the hearing of the appeal is then taken into consideration.

In some cases the birth of one child followed by non-productivity is grounds for divorce.

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421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were canoes and ivory bangles (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (4) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hooks, iron hoes, &c. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron wares were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*cut*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantages obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[434] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

421 78 436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

8:Howell E, G-5 (1942-1944)1954
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obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited. 421 178 436

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuer now practise agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered.

2. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuer east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuer society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *rul*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuer clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuer society. Many *rul* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tutni*,[1] 'sons of bulls'. *Diel* are always *gaat tutni* in the area they occupy; *gaat nyiet* are always *rul*, though *rul* are not all necessarily *gaat nyiet*. It seems that the word *rul* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuer 423 614

[1] See p. 18.

8:Howell E, G-5 (1942-1944)1954
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body capable of enforcing payment. To steal an article of this nature was a private delict and could only be settled by payment of compensation sufficient to appease the owner. Since ownership was in a sense collective, it was necessary to restore the balance between the groups concerned if hostilities were to be avoided. Compensation represented restitution or the equivalent value of the article and in addition recompense for the potential economic loss which might occur.[1] Clearly compensation was not paid rigidly according to conventional rules, but the scales were there to quote—once more as a basis for compromise.

Compensation in excess of the actual trade value of the article stolen is never applied today. For one thing, most of these articles are no longer purchased with cattle but for small sums of money. Moreover they are so easily obtainable from local shops that the owner is scarcely likely to be involved in any real hardship. Ownership of such articles is now a more individual matter, and it is unlikely that two communities will embark on hostilities over such trivial matters as this unless other motives already exist. Even with possessions which still demand a high rate in cattle or substantial sums of money, like canoes, there is never any question of compensation in excess of that value, only restitution or the equivalent.

If the wrong is considered particularly grievous or if there has been a danger of a breach of public security, a Nuer court will usually inflict punishment on the culprit in the form of imprisonment or fine. Thus theft is rapidly becoming a criminal offence, rather than a private delict the seriousness of which was gauged by the potentialities of economic discomfort to the wronged and by the extent of compensation required to restore the balance between opposed groups. No economic discomfort is likely, and if there is any danger of hostilities this is met by penal sanctions. It is gratifying to be able to record that theft of this kind is still comparatively rare in Nuerland, though it is alarming and ominous that it is of more frequent occurrence in communities where detribalization is most apparent.

[1] It is interesting to note that the ordinary fighting-spear (*wut*), though made of iron, was not included in this category.

8:Howell E, G-5 (1942-1944)1954
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671 In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict.[1]

When this statement is applied to the past, no criticism can be made. So far as it is now possible to discover what happened in those days, we may safely say that arbitration only occurred when it was expedient for both parties to submit to it. We may also conclude that the conventional compensations referred to were in the nature of a formula for compromise. A start in the negotiations had to be made with reference to some scale, especially when the disputants were under the stress of heated emotions, but although such scales have a traditional consistency, there was no constancy or rigidity of application. Finally we may say that there was no mechanism for enforcement should either party refuse to continue negotiations at any stage of the proceedings.

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Professor Evans-Pritchard goes on to say:

The recent introduction of Government courts, before which disputes are now sometimes settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.[2]

This was written of the Lou Nuer as they were some twenty years ago, and the rapidity with which Government tribunals have developed since then is considerable. If it is argued that these tribunals are now applying the law beyond the limits of reality in the past, this statement is entirely true. If it is argued that the courts are administering a system of law which has no foundation in tradition at all, the statement is less true, though it is manifest that there are many innovations which are the result of an evolution of case law based on precedents, some of which are the natural development of Nuer ideas, some of which are due to the direct intervention of the Government. Rules of behaviour administered in the courts are none the less law, provided they are administered consistently on recognized principles and are enforced.

681 We have considered almost all those aspects of Nuer life which are subjects of discussion and dispute in the courts today: homicide and bodily injury; marital relationships, rights, and obligations; divorce and dissolution of marriages; the legitimacy of children; violation of rights in women; the infringement of grazing and fishing rights; theft and the misappropriation of property; witchcraft and other nefarious practices. In the past the sanctions for conformity with rules of conduct and for the composition of wrongs, if a breach of those rules

[1] Evans-Pritchard, *The Nuer*, p. 162. [2] Ibid.

8:Howell E, G-5 (1942-1944)1954
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were often at feud with each other. Scarcity of food, an annual occurrence among the Nuer, made mutual assistance in the subsistence economy essential, and this in turn created mutual obligations and reciprocal duties which extended beyond the sphere of economics. Isolation during the rains, varying degrees of necessity to migrate during the dry season in search of pasture, and the variable quality of the grazing available affected the quality and cohesion of the community and its relations with other communities.

These factors are much modified today. The need for common defence or aggression is considerably less because of the intervention of the Government. The scarcity of food and the fear of famine is reduced because in the last resort the Government has, at any rate for the past fifteen years, arranged to import grain for sale to the Nuer, should it be necessary. Isolation at any time of the year is less complete since communications have improved. The integration of the territorial groupings of Nuer society is for these reasons much affected. Communities are essentially territorial in basis and integrated by common sentiments which naturally arise. Through them stretch the concept of patrilineal descent and ties arising from marital relationships. Any modification of the sanctions which uphold the balance of this social system leads to a conflict of loyalties and a tendency to revert to kinship ties alone, even though kinship ties are themselves loosened by the growing process of social disintegration. Fission is caused by the modification of those sanctions which make fusion necessary. In the past, as Professor Evans-Pritchard has pointed out, the latter process was a complement of the former. When a group broke away from its homeland or split owing to a feud within itself, unless the members were sufficiently numerous to retain their identity and resist external aggression, they had to find a place in society somewhere or suffer political or economic insecurity.

Nowadays, when security against the opposition of others and the need for economic insurance are no longer so acutely necessary, the process is confined to splitting into smaller units of segmentation. This is a fundamental tendency apparent in Nuer society today, and the political aspect of the process is manifest in the endless demands for further and yet further representation in the courts by headmen (*gaat tutni*) who are the leaders of smaller and smaller segments. Representation in the courts so that personal claims in legal disputes may receive personal backing is the real motive behind this tendency. Yet the factor of 'balanced opposition' is still evident in the procedure of Nuer tribunals. It is more particularly manifest when a joint meeting is held between tribes or secondary segments. The attitude of the chiefs in such circumstances is always 'if you settle these cases, we will settle those'. Thus, to take an example, a court meeting of the Thiang Bang (primary segment) may appear chaotic so long as

8:Howell E, G-5 (1942-1944)1954
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621 disputes are confined to tertiary or lesser segments within it. A man of *cieng* Bedit (a secondary segment) will receive the backing of court 178 members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision 692 reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

621 The spirit of compromise usually prevails. In disputes which are 692 hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilizing factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

671 Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 They are watered during the afternoon, and boys bring them grasses, especially *poon* (*Oryza Barthii*), which is very fattening. They begin to go to pasture with the older calves, under the care of herdboys, in about their third month and are kept apart from their dams by being driven in the opposite direction to that taken earlier in the day by the adult herd. They run with the herd when they are about a year old, by which time their dams are again in calf.

We shall have opportunities for noting further the attention Nuer give to their cattle and the wisdom of their methods. I have merely given in this section a few examples to illustrate a general conclusion reached in the course of my study: that Nuer cattle husbandry could not in any important particular be improved in their present oecological relations; that, consequently, more knowledge than they possess would in no way assist them; and that, as will be shown, were it not for their unceasing vigilance and care the cattle would not survive the harsh conditions of their environment.

VII

233 181 It has been remarked that the Nuer might be called parasites of the cow, but it might be said with equal force that the cow is a parasite of the Nuer, whose lives are spent in ensuring its welfare. They build byres, kindle fires, and clean kraals for its comfort; move from villages to camps, from camp to camp, and from camps back to villages, for its health; defy wild beasts for its protection; and fashion ornaments for its adornment. It lives its gentle, indolent, sluggish life thanks to the Nuer's devotion. In truth the relationship is symbiotic: cattle and men sustain life by their reciprocal services to one another. In this intimate symbiotic relationship men and beasts form a single community of the closest kind. In a few paragraphs I direct attention to this intimacy.

233 512 181 The men wake about dawn at camp in the midst of their cattle and sit contentedly watching them till milking is finished. They then either take them to pasture and spend the day watching them graze, driving them to water, composing songs about them, and bringing them back to camp, or they remain in the kraal to drink their milk, make tethering-cords and ornaments

1: Evans-Pritchard E-5 (1931, 1936) 1940
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for them, water and in other ways care for their calves, clean their kraal, and dry their dung for fuel. Nuer wash their hands and faces in the urine of the cattle, especially when cows urinate during milking, drink their milk and blood, and sleep on their hides by the side of their smouldering dung. They cover their bodies, dress their hair, and clean their teeth with the ashes of cattle dung, and eat their food with spoons made from their horns. When the cattle return in the evening they tether each beast to its peg with cords made from the skins of their dead companions and sit in the windscreens to contemplate them and to watch them being milked. A man knows each animal of his herd and of the herds of his neighbours and kinsmen: its colour, the shape of its horns, its peculiarities, the number of its teats, the amount of milk it gives, its history, its ancestry and its progeny. Miss Soule tells me that most Nuer know the points of the dam and grand-dam of a beast and that some know the points of its forebears up to five generations of ascent. A Nuer knows the habits of all his oxen, how one bellows in the evenings, how another likes to lead the herd on its return to camp, and how another tosses its head more than the rest are wont to do. He knows which cows are restless during milking, which are troublesome with their calves, which like to drink on the way to pasture, and so forth.

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If he is a young man he gets a boy to lead his favourite ox, after which he takes his name, round the camp in the morning and leaps and sings behind it; and often at night he walks among the cattle ringing an ox-bell and singing the praises of his kinsmen, his sweethearts, and his oxen. When his ox comes home in the evening he pets it, rubs ashes on its back, removes ticks from its belly and scrotum, and picks adherent dung from its anus. He tethers it in front of his windscreen so that he can see it if he wakes, for no sight so fills a Nuer with contentment and pride as his oxen. The more he can display the happier he is, and to make them more attractive he decorates their horns with long tassels, which he can admire as they toss their heads and shake them on their return to camp, and their necks with bells, which tinkle in the pastures. Even the bull calves are adorned by their boy-owners with wooden beads and bells (Fig. 13). The horns of young bulls, destined to be

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 181 castrated later, are generally cut so that they will grow in a shape that pleases their masters. The operation, called *ngat*, is probably performed towards the end of their first year and usually takes place in the dry season, as it is said that a steer may die if its horns are cut in the rains. The animal is thrown and held down while its horns are cut through obliquely with a spear. They grow against the cut. The beasts appear to suffer much pain during the operation and I have sometimes heard Nuer compare their ordeal to the initiation of youths into manhood.

When a Nuer mentions an ox his habitual moroseness leaves him and he speaks with enthusiasm, throwing up his arms to show you how its horns are trained. 'I have a fine ox', he says, 'a brindled ox with a large white splash on its back and with one horn trained over its muzzle'—and up go his hands, one above his head and the other bent at the elbow across his face. In singing and dancing they call out the names of their oxen and hold their arms in imitation of their horns.

233 181 854 The attitude towards cattle varies with varying situations in social life and with changes in social development. As soon as children can crawl they are brought into close intimacy with the flocks and herds. The kraal is their playground and they are generally smeared with dung in which they roll and tumble. The calves and sheep and goats are their companions in play and they pull them about and sprawl in the midst of them. Their feelings about the animals are probably dominated by desire for food, for the cows, ewes, and she-goats directly satisfy their hunger, often suckling them. As soon as a baby can drink animal's milk its mother carries it to the sheep and goats and gives it warm milk to drink straight from the udders.

233 181 857 868 The games of rather older children of both sexes centre round cattle. They build byres of sand in camps and of moistened ashes or mud in villages, and fill the toy kraals with fine mud cows and oxen (Fig. 7), with which they play at herding and marriage. The first tasks of childhood concern cattle. Very small children hold the sheep and goats while their mothers milk them, and when their mothers milk the cows they carry the gourds and pull the calves away from the udders and tether them in front of their dams. They collect urine in gourds and

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wash themselves in it. When they are a little older and stronger they have to clean the byres and kraals, assist in the milking, and herd the small calves and the sheep and goats at pasture.

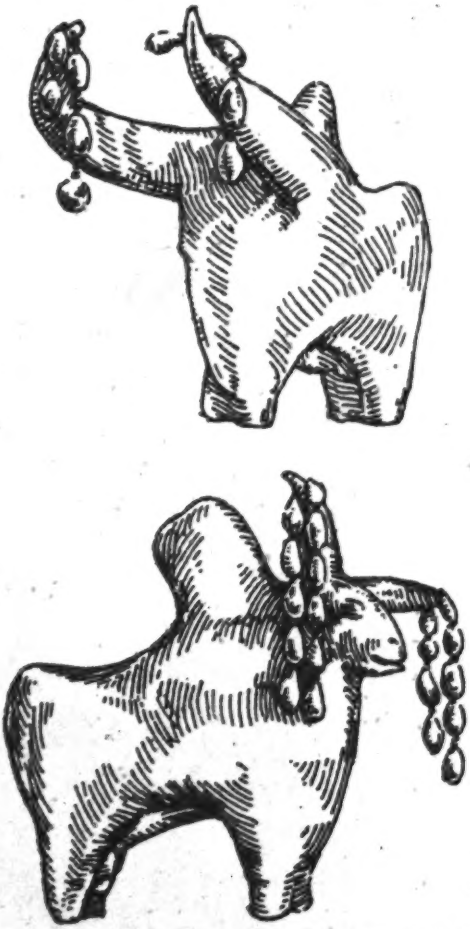

FIG. 7. Mud figures of oxen decorated with tassels.

Food and play contacts with the cattle have changed to labour contacts. At this age the interests of the sexes in cattle begin to diverge and the divergence becomes more apparent as they grow up. The labour of girls and women is restricted to the byres and the kraals and is concerned mostly with the cows, while boys herd the calves at pasture, as well as assisting in the kraal,

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181 233 462 and after initiation they herd the adult cattle and in the kraal give their attention mainly to the oxen. The women are dairy-maids; the men herdsmen. Moreover, to a girl the cows are essentially providers of milk and cheese and they remain such when she grows up and is married and milks and churns for her husband's people, whereas to a boy they are part of the [421] family herd in which he has property rights. They have entered the herd on the marriage of his kinswomen and one day he will marry with them. A girl is separated from the herd on marriage; a boy remains as its owner. When a boy becomes a youth and is initiated into manhood the cattle become something more than food and the cause of labour. They are also a means of display and marriage. It is only when a man marries and has children and an independent household and herd, when he has become an elder and man of position, that he often uses cattle as sacrifices, invests them with a sacred significance, and employs them in ritual.

181 233 The Nuer and his herd form a corporate community with solidarity of interests, to serve which the lives of both are adjusted, and their symbiotic relationship is one of close physical contact. The cattle are docile and readily respond to human care and guidance. No high barriers of culture divide men from beasts in their common home, but the stark nakedness of Nuer amid their cattle and the intimacy of their contact with them present a classic picture of savagery. I ask the reader to look at some of the illustrations, for example the Frontispiece and Plates III, V, and XVII, which will convey to him better than I can do in words the crudity of kraal life.

Cattle are not only an object of absorbing interest to Nuer, having great economic utility and social value, but they live in the closest possible association with them. Moreover, irrespective of use, they are in themselves a cultural end, and the mere possession of, and proximity to, them gives a man his heart's desire. On them are concentrated his immediate interests and his farthest ambitions. More than anything else they determine his daily actions and dominate his attention. We have remarked on the over-emphasis on cattle produced by their wide range of social and economic uses. So many physical, psychological, and social requirements can be satisfied from

1: Evans-Pritchard E-5 (1931, 1936) 1940
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this one source that Nuer attention, instead of being diffused in a variety of directions, tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity with themselves. We will now examine briefly some linguistic material wherein we shall perceive further evidence of this hypertrophy of a single interest and of the identification of men with cattle to which I have alluded. 181 233

VIII

Linguistic profusion in particular departments of life is one of the signs by which one quickly judges the direction and strength of a people's interests. It is for that reason, rather than for its intrinsic importance, that we draw the reader's attention to the volume and variety of the Nuer cattle vocabulary. Like all the pastoral Nilotes they use an enormous number of words and phrases about cattle and the tasks of herding and dairy-work, and from this vast assortment we select for comment a single class: the terms by which they describe cattle, chiefly by reference to their colours.[1] These terms are more than a linguistic technique which enables Nuer to speak of cattle with precision in situations of practical husbandry and in the many social contexts in which they figure, for they establish associations on the one hand between wild creatures and cattle and on the other hand between cattle and their masters; they furnish certain ritual categories; and they greatly enrich the language of poetry. 192 231

In naming a Nuer cow one has to notice its colours and the way in which they are distributed on its body. When it is not of one colour the distribution of colours is the significant character by which one names it. There are ten principal colour terms: white (*bor*), black (*car*), brown (*lual*), chestnut (*dol*), tawny (*yan*), mouse-grey (*lou*), bay (*thiang*), sandy-grey (*lith*), blue and strawberry roan (*yil*), and chocolate (*gwir*). When a cow is of a single colour it is described by one of these terms. An animal may combine two or more colours, but a combination of more than two, known as *cuany*, is very rare. Normally there is a combination of white with one other colour and twelve common distributions of this com- 192 231 552

[1] I have recorded some information on this neglected subject among a neighbouring people in 'Imagery in Ngok Dinka Cattle-Names', *Bulletin of the School of Oriental Studies*, 1934.

[pp. 42-43 contain no textual material]

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571 may be supposed to lead to a small range of relationship-forms with a high degree of solidarity in the smaller local and kinship groups and we may expect to find a simple social structure.

●181 Some outstanding traits in Nuer character may be said to be consistent with their low technology and scanty food-supply. I again emphasize the crudity and discomfort of their lives. All who have lived with Nuer would, I believe, agree that though they are very poor in goods they are very proud in spirit. Schooled in hardship and hunger—for both they express contempt—they accept the direst calamities with resignation and endure them with courage. Content with few goods they despise all that lies outside them; their derisive pride amazes a stranger. Reliant on one another they are loyal and generous to their kinsmen. One might even to some extent attribute their pronounced individualism to resistance to the persistent claims of kinsmen and neighbours against which they have no protection but stubbornness. The qualities which have been mentioned, courage, generosity, patience, pride, loyalty, stubbornness, and independence, are the virtues the Nuer themselves extol, and these values can be shown to be very appropriate to their simple mode of life and to the simple set of social relations it engenders.

XI

571 It is unnecessary to write more on what are generally called economics. They can be further considered in an account of kin-
463 ship and family life. I will only ask the reader to bear in mind the following matters. (1) One cannot treat Nuer economic relations by themselves, for they always form part of direct social relationships of a general kind. Thus, division of labour is part of general relationships between persons of different sexes and of different ages, between spouses, between parents and children, between kinsmen of one order or another, and so forth. (2) There is some specialization, but it is occasional, and there are no occupations which can be called professions. Some women make better pots, grindstones, and baskets than others; only smiths can make certain objects; there are only a few men who understand how to make and put on the arm the tight-fitting bracelets which young men wear to show their endurance, and so on; and people who want these things either ask for them in the name of kinship or give the maker of them some millet for his services, or make him a gift on some future occasion. The man who wants the object

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 The Nuer sometimes raided these posts and were sometimes raided from them,[1] but on the whole it may be said that they pursued their lives in disregard of them.

This disregard continued after the reconquest of the Sudan by Anglo-Egyptian forces and the establishment of the new administration. The Nuer were the last important people to be brought under control and the administration of their country cannot be said to have been very effective till 1928, before which year government consisted of occasional patrols which only succeeded in alienating them further. The nature of the country rendered communications difficult and prevented the establishment of posts in Nuerland itself, and the Nuer showed no desire to make contact with those on its periphery. Little control was exercised and it was impossible to enforce decisions.[2] A further difficulty was the absence of Nuer who had travelled in foreign parts and spoke Arabic, for their place was usually taken, as interpreters and in other capacities, by Dinka and Anuak, who were distrusted, and rightly so, by the Nuer against whom they lodged every kind of complaint.

648 181 The truculence and aloofness displayed by the Nuer is conformable to their culture, their social organization, and their character. The self-sufficiency and simplicity of their culture and the fixation of their interests on their herds explain why they neither wanted nor were willing to accept European innovations and why they rejected peace from which they had everything to lose. Their political structure depended for its form and persistence on balanced antagonisms that could only be expressed in warfare against their neighbours if the structure were to be maintained. Recognition of fighting as a cardinal value, pride in past achievements, and a deep sense of their common equality and their superiority to other peoples, made it impossible for them to accept willingly domination, which they had hitherto never experienced. Had more been known about them a different policy might have been instituted earlier and with less prejudice.[3]

[1] See, for example, Casati, op. cit., p. 221.

[2] For an account of conditions at this time see the *Sudan Intelligence Reports*, especially those by Kaimakam F. J. Maxse (no. 61, 1899), Capt. H. H. Wilson (no. 128, 1905), and O'Sullivan Bey (no. 187, 1910).

[3] For abusive references to the Nuer see Sir Samuel Baker, *The Albert N'Yanza*, 1913 (first published in 1866), pp. 39–42; Capt. H. H. Austin, *Among Swamps and Giants in Equatorial Africa*, 1902, p. 15; Count Gleichen, op. cit., 1905, vol. i, p. 133; C. W. L. Bulpett, *A Picnic Party in Wildest Africa*, 1907, pp. 22–3 and 35; Bimbashi Coningham, *Sudan Intelligence Report*, no. 192, 1910; H. Lincoln Tangye, *In the Torrid Sudan*, 1910, p. 222; E. S. Stevens, *My Sudan Year*, 1912, pp. 215 and 256–7; H. C. Jackson, op. cit., p. 60; *The Story of Fergie Bey. Told by himself and some of his Friends*, 1930, p. 113; and J. G. Millais, *Far away up the Nile*, 1924, pp. 174–5.

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In larger groups than a village and camp there is far less

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co-ordination of activities and less scope for leadership. Only in war is there any lengthy direct co-operation. Men noted for their prowess and ability stir up among the youths enthusiasm for a raid against the Dinka or a fight against another tribal section, and direct what simple tactics are employed, but these men have no political status or permanent leadership. The warriors mobilize in local divisions of their own accord, for there are no regiments and companies under officers, and in fighting they follow the most forward and courageous among them. Some of these warriors become renowned and their reputation quickly attracts recruits for raids. Two of the most famous war leaders were Latjor who led the Jikany tribes, and Bidiit who led the Lou, eastwards. Neither had any ritual qualifications, but both were men of outstanding ability who were members of the dominant clans of their tribes. It is not said by Nuer that either established any political control, or even had great authority, in their tribes. The role of prophets in war is examined later. Between tribal segments there are no other joint activities that require organization and direction.

XII

The lack of governmental organs among the Nuer, the absence of legal institutions, of developed leadership, and, generally, of organized political life is remarkable. Their state is an acephalous kinship state and it is only by a study of the kinship system that it can be well understood how order is maintained and social relations over wide areas are established and kept up. The ordered anarchy in which they live accords well with their character, for it is impossible to live among Nuer and conceive of rulers ruling over them. 181 156

The Nuer is a product of hard and egalitarian upbringing, is deeply democratic, and is easily roused to violence. His turbulent spirit finds any restraint irksome and no man recognizes a superior. Wealth makes no difference. A man with many cattle is envied, but not treated differently from a man with few cattle. Birth makes no difference. A man may not be a member of the dominant clan of his tribe, he may even be of Dinka descent, but were another to allude to the fact he would run a grave risk of being clubbed.

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156 That every Nuer considers himself as good as his neighbour is evident in their every movement. They strut about like lords of
● 181 the earth, which, indeed, they consider themselves to be. There is no master and no servant in their society, but only equals who
[186] regard themselves as God's noblest creation. Their respect for one another contrasts with their contempt for all other peoples. Among themselves even the suspicion of an order riles a man and he either does not carry it out or he carries it out in a casual and dilatory manner that is more insulting than a refusal. When a
[576] Nuer wants his fellows to do something he asks it as a favour to a kinsman, saying, 'Son of my mother, do so-and-so', or he includes himself in the command and says: 'Let us depart', 'Let the people return home', and so forth. In his daily relations with his fellows a man shows respect to his elders, to his 'fathers', and to certain persons of ritual status, within the circuit of its reference, so long as they do not infringe on his independence, but he will not submit to any authority which clashes with his own interests and he does not consider himself bound to obey any one. I was once discussing the Shilluk with a Nuer who had visited their country, and he remarked, 'They have one big chief, but we have not. This chief can send for a man and demand a cow or he can cut a man's throat. Whoever saw a Nuer do such a thing? What Nuer ever came when some one sent for him or paid any one a cow?'

181 I found Nuer pride an increasing source of amazement. It is as remarkable as their constant aloofness and reticence. I have
609 already described how Nuer would interrupt my inquiries. I mention here three incidents typical of the cavalier way in which they treated me. On one occasion I asked the way to a certain place and was deliberately deceived. I returned in chagrin to camp and asked the people why they had told me the wrong way. One of them replied, 'You are a foreigner, why should we tell you the right way? Even if a Nuer who was a stranger asked us the way we should say to him, "You continue straight along that path", but we would not tell him that the path forked. Why should we tell him? But you are now a member of our camp and you are kind to our children, so we will tell you the right way in future.'

576 In this same camp, at the end of my stay, when I was sick and being removed by steamer, I asked the people to carry my tent and belongings to the river's edge. They refused, and my servant, a Nuer youth, and I had to do it ourselves. When I asked him why the people were churlish, he replied, 'You told them to carry your belongings to the river. That is why they refused. If you had asked them, saying, "My mother's sons, assist me", they would not have refused.'

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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen, what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories. 609

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values. 609 181

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern. 181 602

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed 181 602 431

1: Evans-Pritchard E-5 (1931, 1936) 1940
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among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

1: Evans-Pritchard E-5 (1931, 1936) 1940
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 613

in the diagram is the primary section of Reng, the Kong and Dhilleak divisions of which have clan nuclei of different origin to the other sections. 619

In all these tribes and tribal sections there is much admixture of lineages in communities. The same conditions are found in the Zeraf valley and also, and perhaps to a larger degree, in Western Nuerland. Nuer say that feuds and quarrels between lineages chiefly led to their dispersal, and they can cite many examples. Thus the descendants of Nyang-Thiang left the other sons of Thiang and joined the people with whom they form the Gaagwang tribe, and the NYARUNY lineage left their kinsmen of the Thiang primary section and joined the Reng primary section of the Gaajak tribe. After fights, a whole community, led by its dominant lineage, may in this way move to a different section or tribe and take up permanent residence with them. Migration led to further dispersal, since some lineages remained in the homeland to the west of the Nile and others crossed the Nile and Zeraf and settled to the east of these rivers. Nuer say that in the earliest stages of the migration the warriors used to raid Dinka and return home to their kinsmen after each raid. Then they settled to the east, but kept in close contact with the people of their lineage to the west. But as they shifted farther away the contact lessened and finally, in most cases, ceased altogether. When lineages migrated they must already have been nuclei of heterogeneous accretions and not exclusive groups of agnates: but admixture was no doubt hastened and made more complete by movement. 613 619 166

Two factors other than migration, quarrels, intermarriage, &c., have probably contributed to the dispersal of lineages. The Nuer are mainly a pastoral people with dominant pastoral interests and do not feel themselves bound by economic necessity or by ritual ties to any particular spot. Where his cattle are is the Nuer's home; his hearth is the droppings of his cattle and his altar a light pole (*rick*) which he plants wherever he may wander. The spirits which give him protection and the ancestral ghosts that watch over his welfare are no more bound to the soil than he is and they are present wherever are the herds. Beasts dedicated to ghosts and spirits are his wandering shrines. Also the Nuer have no organized cult of ancestral ghosts. The dead 181 771 769

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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 clining, his garden exhausted, his relations with some of his
607 neighbours uncongenial, or merely if he is restless, he moves to
601 a different part of the country and resides with some kinsmen. It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat năr*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

6: Evans-Pritchard E-5 (1931, 1936)1938
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232 their chance of marrying in the near future vanish and everyone is threatened with hunger and poverty. When we consider all that [181] cattle mean to Nuer it is easy to imagine their grief and forebodings. But they do not show grief or express forebodings. They do not let one see what they suffer. They meet disaster with calm mien and speak of their loss with philosophic detachment.

Next to rinderpest the most serious contagious disease is probably bovine pleuro-pneumonia (*jöndapuöth, jök puöthni, jok nya puöth dööb*). In some years it causes heavy mortality among the herds. Nuer treat it by chewing certain leaves or bark and blowing them up the nostrils of sick animals.

Among the Eastern Jikany—and perhaps in other parts of Nuerland—though I am uncertain of this—cattle sometimes die of tryponosomiasis (*noi jöklace*). As already explained tsetse is not the carrier but biting flies, probably stumoxis and perhaps, seroot, are responsible for direct transmission. What effect this mode of transmission has on the trypanosomes does not appear to be known, but it is evident that the disease must be to some extent endemic and that it manifests itself only in periods of low vitality, as in years of heavy floods or of exceptional drought. Mr. Corfield tells me that among the Eastern Jikany an animal showing signs of trypanosomiasis is burnt across the back with a piece of red-hot iron, probably a heated spearhead: "Firing marks are about six inches across, three inches on each side of the spine and extend from the withers, below the hump, almost to the root of the tail." This treatment, presumably, is useless.

There is a disease called *köön*, probably ringworm, which causes sores all over the body. Nuer treat it by pounding the dung of ostriches and hyaenas and dusting the sores with this powder. Another disease is called *dööny*. Its symptoms are unknown but the treatment is to tie a strip of buffalo's or tiang's skin round the cow's neck and to tether it in the sun without food or water for two or three days. This is said to cure it. *Dät*, probably, 'foul on the foot,' is a disease

8:Howell E, G-5 (1942-1944)1954
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In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay.

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*kon nei te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*kon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *akot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan.

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and sub-segments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lwoo* (Missioni Africane, Verona, 1950–51) do not peovide much further information on Nuer origins.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

There is no verb in the Nuer language meaning "order", and the
•181 imperative is not used with any sense of authority behind it. To get another man to perform some task on his behalf the Nuer must first draw attention to some special relationship between them, whether it be real or fictitious. It is an appeal to the mutual obligations inherent in kinship and is expressed in kinship terms. *'Gat mar'*, 'O kinsman', is the preface to any request which might otherwise take the form of an order. By this I do not mean that the imperative is never used, but it is used only to persons with whom the speaker has an actual and constant relationship, and usually only when the speaker is a senior kinsman. When telling a foreman wood-cutter, for example, to order his men to cut down certain trees, the District Commissioner, allowed greater licence than others, will use the imperative, but the foreman will pass the order on in more euphemistic terms and include himself in the effort to be made. This is merely an example of the exceptional independence of character of the Nuer and their refusal to admit superiority or domination.

173 There is, however, a word which implies not so much 'authority',
624 even in a general sense, as 'leadership', or more precisely 'spokesmanship'. The expression *ruic Naadh*, 'leaders of the people', is frequently used when referring to outstanding personalities of the past. The meaning can only be understood by reference to Nuer history. In the early stages, particularly during the period of invasion and expansion when the Nuer were more closely co-ordinated in tribal groups[1] and united by a common purpose, some form of leadership was not only necessary but more easily achieved. Nuer talk of Buogh Kerfeil, the leader of the Gaawar during their migration across the Bahr el Jebel on to the Zeraf Island and again in their raids to the east into Dinka territory, as *ruic* Ganwaar; Wur Winyang and his father Winyang Kwac were both *ruic* of the Lak Nuer at one time, while in Lou we hear of Bedit Kweinyang, who is associated in Nuer tradition with Latjor of the Jikany and led the people against the Anuak to the east. In Lou, after Bedit's death, Bec Colieth led the majority of the tribe back towards the west into their present habitat, partly because of repeated raids by the Anuak who had the advantage of firearms which they traded from the Abyssinians, and partly because of the ravages of fly on their cattle. The third *ruic* was Nyakong, a Leopard-Skin Chief of Jimem extraction, who at first led the Lou Nuer against the Arab slavers but subsequently, like Nuer Teng in Gaawar, turned traitor.[2] Their position was subsequently acquired by the 'prophet' Ngundeng and his son Gwek.

[1] It has already been noted that the Nuer were probably then less numerous and tribal groups much smaller than today.

[2] Bedit Kweinyang was a *kuaar thoi* or water expert. Bec Colieth was a *mut ghok* or cattle expert. Nyakong was a Leopard-Skin Chief—as indeed was Ngundeang, his successor. I am indebted to Mr. B. A. Lewis for this information. See also B. A. Lewis, 'Nuer Spokesmen', *S.N.R.*, 1951.

12:Evans-Pritchard E-5 (1930-1931) 1933
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614 Nile, from the Dinka, and settled there as lords of the country. I think
619 that it will probably be correct to say that every Nuer tribal area has its
554 *diel* (sing-*dil*) clan owners, aristocrats, dominant element, but that not
565 every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoini* and *dil luaica*, members of the clans which own Thoc and Luac tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JINACA or GAATNACA is a *dil looka*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *rul* or stranger. He may still call himself a *gat dila looka*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jekany countries. In the same way a *dil Jekany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *rul* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIMEM or JIKUL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIMEM in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

614 I do not wish to be misunderstood when I speak of a tribal aristocracy
619 based on a clan predominance in a tribal area. The Nuer are intensely
554 democratic and the idea of one man lording it over the others is abhorrent
565 to them. However there is a prestige in being a *dil* of the country in which
[181] you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In some tribes
[682] the advantage of being an aristocrat are more concrete. Among t Eastern Jekany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

14: Huffman M-5 (no date) 1931
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INTRODUCTION

THE Nuer are among the less accessible peoples of the Sudan. One of their characteristic features is a marvellous amount of self-content, one might say race-consciousness; unlike so many other Africans, they are delighted with everything that is their own and are almost aloof from the new things that come from abroad. They are slow to appreciate the blessings of European civilization and the benefits arising from an ordered administration of their country. Although this outspoken self-consciousness was bound to lead to conflicts, it must be admitted that the personal qualities of the people that caused these conflicts are of a kind that ought to be cultivated and guided rather than blamed or suppressed. 181

One consequence of the reserve and seclusion in which the Nuer lived, and partly continue to live, is that comparatively little is known about them. The present book will therefore be welcomed by all interested in the population of the Sudan. It is not, nor does it pretend to be, a complete monograph on the Nuer tribe, but it gives a considerable amount of information, practically all of which is new. The special value of the material presented by Miss Huffman lies in the fact that it is absolutely reliable. The author, who has a thorough practical knowledge of the language, speaks of what she herself has experienced and seen during several years' life and work among the Nuer. Whenever her information is not first hand she says so. 114

The Nuer people belong to the Nilotic family of tribes, which live in the mainly flat country watered by the 101

[p. v.]

14: Huffman M-5 (no date) 1931
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occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 482
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 When a man has killed a neighbour a cow is often immediately paid over in earnest so that the community may remain at peace. It must not be supposed, however, that the ease with which feuds are settled is an indication of lack of strong indignation or that the difficulty with which they are settled is an indication of greater indignation.

628 182 Feuds are settled with comparative ease in a restricted social milieu where the structural distance between the participants is narrow, but they are more difficult to settle as the milieu expands, until one reaches intertribal relations where no compensation is offered or expected. The degree of social control over feuds varies with the size of the tribal segment, and Nuer themselves have often explained this to me. Long and intense feuds may take place between tertiary tribal sections, but an effort is generally made to close them, for a segment of this size has a strong sense of community, close lineage ties, and some economic interdependence. However, it is far less easy to stop a feud between persons of different tertiary sections than to stop a feud in a village or between neighbouring villages, where a quick and permanent settlement is assured, and unsettled feuds between sections of this size tend to accumulate. This is especially the case where there has not been a single death resulting from a personal quarrel but several deaths in a fight between the two sections. When a fight has taken place between secondary tribal sections there is little chance of exacting vengeance except by a general fight, and people feel less the need to submit to mediation since they have few social contacts and these of a temporary kind, for the relative ease with which feuds are settled is an indication of the cohesion of the community. The larger the segment involved the greater the anarchy that prevails. People say that there is payment of blood-cattle between primary tribal sections, but they do not greatly feel the need of paying it. The tribe is the last stage in this increasing anarchy. It still has nominal political unity, and it is held that feuds between its most distant members can be settled by compensation, but often they are not settled, and if many men are killed in a big fight between large sections nothing is done to avenge them or to pay compensation for their deaths. Their kinsmen abide their time till there is another

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628 182 fight. The political integument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualness.

VII

The likelihood of a homicide developing into a blood-feud, its force, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of the Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

628 602 [613] The kinsmen of a slain man try to kill the *gwan thunga*, the slayer, but they have a right to kill any of his close agnates (*gaat gwanlen*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

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are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

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We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

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Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

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The feud is a political institution, being an approved and regulated mode of behaviour between communities within a tribe. The balanced opposition between tribal segments and their complementary tendencies towards fission and fusion, which we have seen to be a structural principle, is evident in the institution of the feud which, on the one hand, gives expression to the hostility by occasional and violent action that serves to keep the sections apart, and, on the other hand, by the means provided for settlement, prevents opposition developing into complete fission. The tribal constitution requires both elements of a feud, the need for vengeance and the means of settlement. The means of settlement is the leopard-skin chief, whose role we shall examine later. We therefore regard the feud as essential to the political system as it exists at present. Between tribes there can only be war, and through war, the memory of war, and the potentiality of war the relations between tribes are defined and expressed. Within a tribe fighting always produces feuds, and a relation of feud is characteristic of tribal segments and gives to the tribal structure a movement of expansion and contraction.

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There is, of course, no clear-cut distinction between fighting against another tribe and fighting against a segment of one's own tribe. Nuer, however, stress that the possibility of arbitration and payment of blood-wealth for deaths resulting from a fight within a tribe makes it a *ter*, feud, and that this is different from a fight between tribes, *kur*, in which no claims for compensation would be recognized. Both differ from raiding of Dinka, *pec*, and from individual duelling, *dwac*, though all fighting is *kur* in a general sense. But it is obvious that a fight in a village which at once leads to payment of compensation for deaths and a fight between tribes in which there is no compensation for deaths are two poles, and that the further we go from a village community the fights between tribal sections become more like fights between tribes in that blood-wealth is paid with increasing difficulty and infrequency, so that between primary sections the tribal value, the feeling that blood-wealth can, and even ought to, be paid, alone distinguishes their fights from fights between tribes. Here again we would emphasize the conclusion that the tribal value is relative to the structural situation.

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We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

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There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

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The first point to note about Nuer law is that it has not everywhere the same force within a tribe, but is relative to the position of persons in social structure, to the distance between them in the kinship, lineage, age-set, and, above all, in the political, systems. In theory one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so when he is not a member of one's district and a kinsman. The wider the area which contains the parties to a dispute the weaker the feeling of obligation to settle it and the more difficult the task of enforcing settlement, and, consequently, the less the likelihood of it being settled. Within a village differences between persons are discussed by the elders of the village and agreement is generally and easily reached and compensation paid, or promised, for all are related by kinship and common interests. Disputes between members of nearby villages, between which there are many social contacts and ties, can also be settled by agreement, but less easily and with more likelihood of resort to force. The nearer we get to the tribe the less the chances of settlement. Law operates weakly outside a very limited radius and nowhere very effectively. The lack of social control to which we have often referred is thus shown in the weakness of law, and the structural interrelations of tribal segments are seen in the relativity of law, for Nuer law is relative like the structure itself.

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A cogent reason why there is little chance of redress between members of different secondary and primary tribal sections is that the basis of law is force. We must not be mislead by an enumeration of traditional payments for damage into supposing that it is easy to exact them unless a man is prepared to use force. The club and the spear are the sanctions of rights. What chiefly makes people pay compensation is fear that the injured man and his kin may take to violence. It follows that a member of a strong lineage is in a different position from that of a member of a weak lineage. Also the chances of a man obtaining redress for an injury are less the further removed he is from the man who has injured him, since the opportunity for violence and the effectiveness of kinship backing lessen the wider the distance between the principals. Since self-help, with some backing of public opinion, is the main sanction it is only operative when

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XIV

We have tried to show how distribution depends on oecology and how the lines of political cleavage tend to follow distribution in relation to modes of livelihood. But consideration of oecology only helps us to understand some demographic features of Nuer tribes and tribal segments and not the nature of their structural relations. These can only be understood in terms of certain structural principles and we have tried to isolate these principles, though not, we admit, at a very deep level of analysis. The chief points we have made are here briefly summarized.

(1) Nuer attach values to their geographical distribution and these evaluations give us socio-spacial units and relate these units into a system. (2) In all such units there is evident a tendency to segment into opposed segments, and also for these segments to fuse in relation to other units. (3) The smaller is the segment the greater is its cohesion, and it is for this reason that a segmentary system exists. (4) The political system of the Nuer can only be understood in relation to a whole structure of which other peoples form part and, likewise, the character of all Nuer communities must be defined by their relations with other communities of the same order within the whole political system. (5) The social system is much wider than spheres of actual political relations and cuts across them. (6) Political values depend on more than residential relations. Political relations can be isolated and studied independently of other social systems, but they are a specific function of the whole set of social relations. These are mainly of a kinship type and the organization of kinship relations into political relations in certain situations is one of our major problems. (7) The structural relations between Nuer tribes and other peoples and between tribe and tribe are maintained by the institution of warfare and the structural relations between segments of the same tribe are maintained by the institution of the feud. (8) There is no central administration, the leopard-skin chief being a ritual agent whose functions are to be interpreted in terms of

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the structural mechanism of the feud. (9) Law is relative to the structural distance between persons and has not the same force in different sets of relations. (10) The new conditions of Arab-European intrusion have probably caused the development of prophets, with embryonic juridical functions, and greater intertribal solidarity.

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Nuer consider that lineage cleavage arises from a fundamental cleavage in the family between *gaatgwan*, children of the father, and *gaatman*, children of the mother. Where there are two wives and each has sons, the lineage bifurcates from this point. A lineage bifurcation is a polygamous family writ large. *Thok dwiel*, lineage, means this; it is 'the entrance to the hut.', the mother's hut. The tiny twigs we see in the *gol*, household, grow into the great branches of the lineages. It is for this reason that lineages are so often named after women, the mothers from whose wombs sprang the different lines of descent. As we understand the process, what happens is that certain lineage groups gain political importance and exclusiveness, becoming nuclei of tribal sections, and that only by so doing is their structural position stabilized and are the points of their bifurcation rendered fixed and permanent points of convergence in lineage structure. This explains how it is that in only a few out of a vast number of polygamous families is maternal descent structurally significant, and why the bifurcation occurs in the lineage where it occurs in the tribe.

This tendency towards co-ordination of territorial segmentation and lineage segmentation can be seen in the various stages of territorial expansion between the household and the tribe. When brothers of an influential family live in different parts of a village and gather around them a cluster of relations and dependants, these hamlet-groups are named after them and they become the point at which the lineage is likely to bifurcate. Thus, if the brothers are called Bul and Nyang, people speak of the *gol* of Bul and the *gol* of Nyang, and if later the grandchildren of one of them move to a different village site the lineage will split into two branches. Such minimal lineages as those pictured in the diagrams on pages 196–7 occupy adjacent villages, or widely separated divisions of the same large straggling village, and make separate camps along the same stretch of river or adjacent camps around a small lake. The points of divergence of lineages from clan trees are thus related to the size and distribution of inhabited sites in a tribal area.

The association of the tribal system with a clan may thus be supposed to influence the form of the lineage structure. We may further emphasize the morphological consistency between

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561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to ●18v undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [584] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

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far it is determined by specific age-set relationships. When speaking about sets senior to his own, but not that of his father or the set immediately senior to his own, a Nuer sometimes speaks about them collectively as though all their members were his fathers-in-law and their wives his mothers-in-law, for he is courting their daughters and is likely to marry one of them and so is circumspect in his dealings with their parents. Thus a *Lithgac* son of a *Maker* father regards members of the *Dangunga* set and their wives as potential fathers-in-law and mothers-in-law.

The age-set system thus influences persons through a kinship idiom and on the pattern of kinship. The sets never act corporately, but they function locally between individuals and, in ceremonial situations, between small aggregates of persons who live near to one another, for a man only has frequent contacts with those members of his set and of other sets who live in his district. No doubt relative positions in age-set structure to some extent determine behaviour between neighbours, and it can sometimes be observed that they determine it, but it is difficult to say to what extent, for men who live near one another are not only members of the same age-set or of different age-sets but are also kinsmen or affines. The age-set patterns of behaviour are, except in specific rites, of so general a nature that they cannot be isolated in a community where everyone is related in a number of different ways to everybody else. We have noted how persons who live together are always able to express their relations to one another in the language of kinship and how, when they are not actual kinsmen, they are recognized as equivalent to such by adoption or through some traditional, or mythological, connexion. The age-set stratification of all men, and by analogy all women, into groups whose interrelations are on the pattern of family relationships is one of the ways by which community relations are expressed in kinship patterns and is comparable to the classificatory system of kinship nomenclature in its assimilation of social relations to a few elementary types. Age-relations are part of the general social ties of a kinship type which unite all persons living in a community. The members of a local group have group relations only with other groups of the same kind and it is these relations

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561 608 •182 which we call political. They also have manifold contacts with one another—economic, ceremonial, food, play, and so forth—and political relations may be viewed as a specific organization of the texture of social ties, which control these contacts, in certain situations. It is this action of the age-set system, in establishing ties between members of local communities and in giving them a kinship value, that we chiefly stress in a political context rather than its indication of leadership, for outside small kinship and domestic groups the authority derived from seniority is negligible, and the sets lack leadership and administrative and judicial functions.

561 619 The age-set system has been briefly treated because of this action and also because, in the larger tribes at any rate, it is a tribal institution. It segments the male population of a tribe into stratified groups which stand in a definite relationship to one another and it cuts across territorial divisions, giving identity of status where there is political disparity and differentiating status where there is political identity. However, the political system and the age-set system do not seem to be interdependent. Both are consistent in themselves and to some extent overlap and influence one another, but it is easy to conceive of the political system existing without an age-set organization. There is evidence in East Africa that political development produces atrophy of the age-set organization. In conclusion we would again emphasize that adjacent tribes co-ordinate their sets and that the sets of any tribe are easily translated into the sets of another tribe. Initiation rites, more than anything save language, distinguish Nuer culture and give Nuer that sense of superiority which is so conspicuous a trait of their character. Only in the sense that age-sets are organized tribally and are common to all tribes can there be said to be a correspondence between the age-set system and the political system. There is no positive structural correspondence of the kind we have noted between the lineage system of dominant clans and tribal segmentation. It may be said, therefore, that whereas the political system and the lineage system of dominant clans are interdependent, the political system and the age-set systems are only a combination, in Nuer society. We may add that the common assumption that an age-set system merely by

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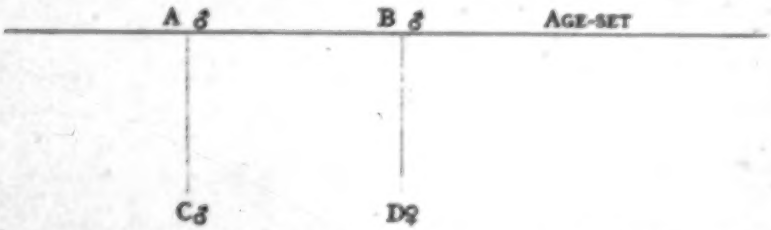
561 goat, and Tot gave the husband's father a male sheep. It may be doubted,
582 nevertheless, whether such a marriage would have been regarded as correct by the older generation. I was told, however, that a man would
[832] not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it
•182 regulates the behaviour of members of a community towards one another. It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
602 set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

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life. Certainly the Nuer always speaks of them in terms of family and kin. Not only does he speak of his "fathers" and "sons," but he speaks about members of age-sets senior to his own but not of his father's age-set as though they were his fathers-in-law and their wives his mothers-in-law. These peoples must be respected because their daughters are your lovers and one day may be your wives. Thus a *Lithgac* son of a *Makw* father will regard members of the *Dangunga* age-set and their wives as potential mothers- and fathers-in-law. 561 602

The analysis presented in this paper may appear difficult, perhaps unconvincing, when stated in abstract terms, but observe how daily contacts and occupations in a Nuer cattle-camp operate smoothly and how their smooth working is partly a result of social stratification by age. We have seen how the question of who shall perform tasks connected with the monotonous task of cattle-raising is settled by the clear cleavage between the duties of men and the duties of boys. In the many situations that arise in the daily life of cattle-camps, one has opportunity to see how the young give way to the old and listen without interrupting to their advice and admonition in disputes and discussions of all kinds. They will order the younger men to perform services for them and will lecture them upon shortcomings; and the extraordinary pride of a Nuer, the object of ceaseless astonishment to Europeans, no matter how long they have resided in the country, is not injured by orders and admonition from a man of a senior age-set. One observes that the frequent quarrels in a Nuer cattle-camp are between members of the same age-set, and for a man to struggle with the members of a junior age-set would be ignoble for both alike. Everybody's behaviour to everybody else is thus defined on rough, general lines in the daily range of their contacts. In your relations with A he must pay deference to you since he belongs to an age-set junior to your own. On the other hand when you meet B you must defer to his opinion and you may do as he asks you to do without losing your dignity. Boys are everybody's servants. You have left your spear in your windscreen when you have been visiting friends and you want someone to bring it to you. You look round and see C, a boy, and you tell him to go and fetch it. Then there is D, who is of the same age-set as yourself. He is your comrade and your equal. He can say anything he likes to you and you can reply to him as you like. Your equality is shown as much in your quarrels as in your fellowship. It is 561 182 561

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561 expressed in your close association, in love-making and dancing, in hunting and warfare, in mutual visiting and sharing of meals. The essence of such a system is that it should work automatically for there is no one to enforce it. You ought to behave with deference or equality or superiority to men of different age-sets, and if you do not behave towards a man as his age-status requires you to do, then you will have done the wrong thing—people will say so openly and your father and uncles will consider themselves insulted by your conduct towards a member of their age-set and you will suffer from their chagrin. That the system works is perhaps in part due to its association with kinship ideology and also to the fact that it does not have to work outside the local community where the bonds of kinship are effective. It stratifies members of the local grouping, of the village and district and cattle-camp.

Every society regulates the interaction of its members, among other ways by organising them into age-grades that are associated with the ideology of family life. The problem is: why does age become stratified into formal sets? I do not know that any satisfactory answer can be given to that question and none will be attempted here. It is pertinent to ask, however, whether there are any other means of determining community interrelations in questions of leadership and authority. From this point of view, it would be desirable to make a comparative study of what happens in neighbouring cultures like those of the Shilluk and Dinka, especially among the Shilluk where the system has almost entirely broken down, for we may suppose that it has at one time been less negligible a social influence than at present, and also in those East African societies, like the Masai, where the age-set institution has reached its highest development. But, although such questions can only be treated on the basis of comparative study we may, nevertheless, note once more the absence of any very decided political status among the Nuer. Nor does a kinship system provide an adequate means of denoting leadership. Even in the narrowest type of kinship relations, that between brothers, authority is not an integral part of patterns of kinship behaviour. And we have to remember that wielding of authority is always a difficult matter in any society, and where it is not based on open restraint this is due to a clear cleavage between those who order and those who obey, each person knowing at once to which party the other belongs. Among the Nuer it can hardly be said that leadership and authority are highly

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developed, but in so far as they are present, they derive their sanction to a large extent from the age-set system. We must also remember that age-sets are organised tribally and are one of the institutions common to all members of the same tribe and may, therefore, be supposed to act as a unifying agency in the loose political life which we have seen to characterise Nuer tribes. As much as language, moreover, it is participation in a Nuer age-set that stamps a man as a Nuer and distinguishes him from Dinka, Shilluk, Anuak, and other peoples. When you have six weals running across your forehead you are a real Nuer, a member of the finest nation on earth. The Nuer does not doubt his superiority over the other folk and is intensely proud of the marks on his forehead which prove his nationality.

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16: Evans-Pritchard E-5 (1931, 1936) 1956
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PRIESTS AND PROPHETS

I have discussed the question stated that in old days, before *deng*, the first of the air-spirits to fall to earth, entered into men towards the end of last century there were no prophets at all, only the *kuar*, the priests. I have suggested in an earlier book that their appearance might be explained by historical events—the expansion of the Nuer and, more particularly, the threat to their independence by northern Arab slavers, the Mahdists, and Anglo-Egyptian rule, which required, if it were to be met, greater political unity and the development of political authority. This view accords also with what has been said in general about the relation of Nuer religious conceptions to their social structure. It is possible that some of the prophets might have established political authority and leadership overriding local loyalties and sectional interests had they been allowed to, for prophetic powers tend to become hereditary, passing to whichever son is susceptible. Thus the mantle of Ngundeng fell upon his son Gwek, who was more a political, and less a religious, figure than his father had been; and the mantle of Deng Leaka fell upon his son Dwal. The Government effectively stopped development in this direction. Direct British administration was instituted, and no more influential prophets emerged. On the other hand, far from the idea of spirits —air-spirits, totemic and totemistic spirits, nature sprites, and fetish spirits—dwelling among men having been eclipsed it has spread more widely and in ever-increasing variety. This was already beginning to happen when I was in Nuerland (in the years 1930, 1931, 1935, and 1936), but the Nuer of the areas in which I carried out most of my research, the Lou and eastern Jikany tribes, had heard of only a few of the many spirits already familiar to those to the west of the Nile. So strongly have they now invaded these territories that, Dr. Lienhardt tells me, they have established themselves among the Anuak, who live yet farther to the east and had no knowledge of them as late as 1940. If my interpretation of the emergence and proliferation of new religious conceptions in terms of structure and structural developments is correct it would follow that we have here a counterpart in religious thought to an increasing fragmentation and individualization amounting by this time to a breakdown of the traditional social order.

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Historical circumstances have brought the Nuer into closer communication at all points with foreign ideas; and the breakdown of their traditional way of life and the taking over of some

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792 776 ●182 [177] of these ideas are part of the same process of change. As we have noted, they say of their air-spirits which inspire their prophets, and also in general of spirits which have fallen from above to earth, that they took them over from foreign peoples, mostly from the Dinka; and it is also possible that, as Mr. H. C. Jackson suggests,[1] there is a relation between the appearance of prophets among the Nuer and the spread of Dervish influence, for it was about the time of the Mahdist upheaval that their first prophets arose, and I was expressly told by one Nuer that the first spirit they heard of entering men was *madi* (?al-Mahdi) in the lands of the north and that afterwards they heard of *deng* and then of other spirits.

792 182 Although the emergence of prophets can be interpreted in terms of historical events and structural changes just as the priesthood can be interpreted in terms of the functioning of the traditional tribal system, the prophet's significance for an understanding of Nuer religious thought calls for comment not required in the case of the priest. The rise of prophets and the increase of every other kind of 'owners' of spirits may indeed be a response, first to a challenge and then to disintegration, but it is a response made within a set of religious conceptions and has, therefore, a significance for the study of those conceptions without regard to whatever it may have been which occasioned the response. That the response should have taken a religious form does not surprise us, for that has been a common enough reaction to European rule in Africa and elsewhere, and the Nuer are, in any case, conspicuously religious. What claims our attention is rather the kind of religious form it took, a form which is at the same time both a development of potentialities in their traditional religion and a change in its character. We have seen in an earlier chapter how the Nuer notion of Spirit lends itself to refraction without limits. If this had not been so all the new spiritual conceptions which have arisen in the course of the last two generations could not have come into existence without entirely changing the character of Nuer religious thought. As it is, they have partly changed it.

[1] Op. cit., p. 91.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 583 clearly pointed at marriage, when movements of cattle from kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

233 553 The importance of cattle in Nuer life and thought is further exemplified in personal names. Men are frequently addressed by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

233 775 Since cattle are a Nuer's most cherished possession being an essential food-supply and the most important social asset, it is easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

233 183 We have seen in a brief survey of some Nuer institutions and customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

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times to despair that I never discussed anything with the young men but live stock and girls, and even the subject of girls led inevitably to that of cattle. Start on whatever subject I would, and approach it from whatever angle, we would soon be speaking of cows and oxen, heifers and steers, rams and sheep, he-goats and she-goats, calves and lambs and kids. I have already indicated that this obsession—for such it seems to an outsider—is due not only to the great economic value of cattle but also to the fact that they are links in numerous social relationships. Nuer tend to define all social processes and relationships in terms of cattle. Their social idiom is a bovine idiom.

Consequently he who lives among Nuer and wishes to understand their social life must first master a vocabulary referring to cattle and to the life of the herds. Such complicated discussions as those which take place in negotiations of marriage, in ritual situations, and in legal disputes can only be followed when one understands the difficult cattle-terminology of colours, ages, sexes, and so forth.

Important though horticultural and piscatorial pursuits are in Nuer economy, pastoral pursuits take precedence because cattle not only have nutritive utility but have a general social value in other respects. I have mentioned a few situations in which this value is manifested, but have not recorded every role of cattle in Nuer culture, for they are significant in many social processes, including some I have mentioned, which lie outside the limited scope of this book. It seemed necessary to give an introductory sketch on these lines in order that the reader might understand that Nuer devotion to the herdsman's art is inspired by a range of interests far wider than simple need for food, and why cattle are a dominant value in their lives. We shall ask later how this value is related to environmental conditions and how far the two, taken together, help us to explain some characteristics of Nuer political structure.

II

Before the present century Nuer were far richer in cattle than they are now and it is probable that they cultivated less millet. Their stock has been impaired by repeated outbreaks of rinderpest, which still decimate the herds. It was probably more

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It is not necessary to add more examples of cattle-terms and
192 their uses to demonstrate that we are dealing with a galaxy of
183 words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 Another way in which Nuer engrossment in cattle can be
183 illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 At the present time cattle are the main cause of hostility
231 towards, and suspicion of, the Government, not so much on
721 account of present taxation as of earlier tax-gathering patrols
578 which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

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chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

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183 231 626 vulnerability of cattle coupled with the extensive living-space required for them are compatible only with a far recognition of conventions in the settlement of disputes, or, in other words, the existence of a tribal organization embracing a large territory, and of some feeling of community over yet larger areas.

Fighting about ownership of cattle and seizing cattle for what are claimed as debts and compensation for losses are of a somewhat different order to raiding for cattle over which no rights, other than the power of the strong, are asserted. War 721 against foreign peoples, as distinct from warfare within a tribe, is almost entirely for plunder. Nuer war against the Dinka, therefore, differs from most primitive warfare in that its primary object is acquisition of wealth, for cattle are a form of wealth that not only lasts a long time and reproduces itself, but is, also, easily seized and transported. Furthermore, it enables invaders to live on the country without commissariat. Crops and dwellings can be destroyed, but cattle can be confiscated and taken home. This quality, which has given pastoral peoples a bias in favour of the arts of war rather than the arts of peace, has meant that the Nuer are not entirely dependent on their own cattle, but can augment their herds and restore the ravages of rinderpest, and have, in fact, for a long time increased their stock, and hence supplemented their food-supply, by raiding; a condition that has shaped their character, economy, and political structure. Skill and courage in fighting are reckoned the highest virtues, raiding the most noble, as well as the most profitable, occupation, and some measure of political agreement and unity a necessity.

We hasten to add that an explanation of warfare between Nuer and Dinka by reference to cattle and pastures alone is too simple a reduction. Hostility is expressed in terms of cattle, and desire for cattle accounts for some peculiarities of the struggle and some characteristics of the political organizations involved in it, but the struggle itself can only be fully understood as a structural process and we present it as such later.

000 We now pass to a brief examination of the oecological system of which Nuer and their cattle form part to discover the conditions in which cattle-husbandry is practised and how far its practice in a certain environment influences political structure.

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Here we make only two observations of a more general order. (1) Although the Nuer have a mixed pastoral-horticultural economy their country is more suitable for cattle husbandry than for horticulture, so that the environmental bias coincides with the bias of their interest and does not encourage a change in the balance in favour of horticulture. If it were not for rinderpest—a recent introduction—it might be possible to live a purely pastoral life, but, as we shall see later, a purely horticultural life would be precarious. (2) Nuer cannot, except in a few favoured spots, live in one place throughout the year. The floods drive them and their herds to seek the protection of higher ground. Absence of water and pasture on this higher ground compels them to move during the drought. Hence their life is of necessity migratory, or, more strictly, transhumant. A further reason that urges them to change their abode according to the seasons is their inability at the present time to subsist solely on the products of their cattle. A milk and meat diet has to be supplemented by grain and fish; and whereas the most suitable place for cultivation of millet is inland, on the edge of slightly elevated ground, fish are found in rivers which are generally distant from these elevated stretches.

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II

Excess or insufficiency of water is the first problem that faces Nuer. It is essential that cattle should be protected from the water that covers the country in the rains, for they quickly get diseases of the hoof if they have to stand in water for long periods. Village sites are selected on the only spots affording such protection to man and beast: patches of slightly higher ground. When the rains have ceased water supplies near villages are soon exhausted, because, naturally, the highest and driest sites have been selected for building, and it becomes necessary to move to pools, lakes, lagoons, marshes, and rivers. Owing to the vast rivers that traverse Nuerland and the thorough irrigation they give to the country through a network of channels there is seldom difficulty about finding surface water, though people may have to go far to obtain it. Only in parts of Lou, Gaawar, and Eastern Jikany, as far as is known, are they regularly forced to dig wells in the beds of streams at the height of the

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[p. 58 contains no textual material]

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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 554
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

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183 they are prepared to use force, he has a good chance of obtaining
671 what is due to him, if the parties live near to one another. The usual way of obtaining one's due is to go to the debtor's kraal and take his cattle. To resist is to run the risk of homicide and feud. It seems that whether, and how, a dispute is settled depends very largely on the relative positions of the persons concerned in the kinship and age-set systems and the distance between their communities in tribal structure. In theory, one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so unless he is a member of one's local community and a kinsman. The force of 'law' varies with the position of the parties in political structure, and thus Nuer 'law' is essentially relative, like the structure itself.

671 During the year I spent with the Nuer, I never heard a case being conducted, either before an individual or before a council of elders, and I received the impression that it is very rare for a man to obtain redress except by force or threats of force. And if the Nuer has no law, likewise he lacks government. The leopard-skin chief is not a political authority and the 'Man of the Cattle' and other ritual agents (totemic specialists, rain-makers, fetich-owners, magicians, diviners, &c.) have no political status or functions, though they may become prominent and feared in their locality. The most influential men in a village are generally the heads of joint families, especially when they are rich in cattle, of strong character, and members of the aristocratic clan. But they have no clearly defined status or function. Every Nuer, the product of a hard and equalitarian upbringing, deeply democratic, and easily roused to violence, considers himself as good as his neighbour; and families and joint families, whilst co-ordinating their activities with those of their fellow villagers,
792 regulate their affairs as they please. Even in raids, there is very little organization, and leadership is restricted to the sphere of fighting and is neither institutionalized nor permanent. It is politically significant only when raids are controlled and organized by prophets. No Nuer specialists can be said to be political agents and to represent, or symbolize, the unity and exclusiveness of local groups, and, apart from the prophets, none can be said to have more than local prominence. All leaders, in this vague sense of influential persons in a locality, are adults and, except for an occasional prophetess, all are men.

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619 object of their allegiance, their joking disparagement of other tribes, and their indication of cultural variations in their own tribe as symbols of its singularity. A man of one tribe sees the 619 people of another tribe as an undifferentiated group to whom 186 he has an undifferentiated pattern of behaviour, while he sees himself as a member of a segment of his own tribe. Thus when a Leek man says that So-and-so is a Nac (Rengyan) he at once defines his relationship to him. Tribal sentiment rests as much on opposition to other tribes as on common name, common territory, corporate action in warfare, and the common lineage structure of a dominant clan.

How strong is tribal sentiment may be gathered from the fact that sometimes men who intend to leave the tribe of their birth to settle permanently in another tribe take with them some earth of their old country and drink it in a solution of water, slowly adding to each dose a greater amount of soil from their new country, thus gently breaking mystical ties with the old and building up mystical ties with the new. I was told that were a man to fail to do this he might die of *nueer*, the sanction that punishes breach of certain ritual obligations.

619 A tribe is the largest group the members of which consider it 721 their duty to combine for raiding and for defensive action. The younger men of the tribe went, till recently, on joint expeditions against the Dinka and waged war against other Nuer tribes. Wars between tribes were less frequent than attacks on the Dinka, but there are many examples in recent Nuer history of border disputes among tribes and even of one tribe raiding another for cattle, and such fighting is traditional among the Nuer. The Leek tribe raided the Jikany and Jagei tribes, and a Leek tribesman told me, 'The cattle with which my father married were Gee (Jagei) cattle.' Poncet remarks: 'Les Elliab (Dok) se battent avec les Egnan (Nuong) du sud et les Reïan (Rengyan) du nord; les Ror de l'intérieur avec ces derniers et les Bior (Bor) de Gazal (Ghazal river). Toutes leurs querelles viennent des pâturages qu'ils se disputent, ce qui n'empêche pas qu'ils voyagent les uns chez les autres sans aucun danger, à moins cependant qu'on n'ait un parent à venger.'[1] In theory a tribe was regarded as a military unit, and if two sections of different tribes

[1] Op. cit., p. 39.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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rated communities of the same tribe. The first may have more social contacts; the second be structurally nearer. But between Nuer tribes there is no common organization or central administration and hence no political unity that we can refer to as national. Nevertheless, adjacent tribes, and the Dinka who face them, form political systems, since the internal organization of each tribe can only be fully understood in terms of their mutual opposition, and their common opposition to the Dinka who border them. 619

Beyond these systems of direct political relations the whole Nuer people see themselves as a unique community and their culture as a unique culture. Opposition to their neighbours gives them a consciousness of kind and a strong sentiment of exclusiveness. A Nuer is known as such by his culture, which is very homogeneous, especially by his language, by the absence of his lower incisors, and, if he is a man, by six cuts on his brow. All Nuer live in a continuous stretch of country. There are no isolated sections. However, their feeling of community goes deeper than recognition of cultural identity. Between Nuer, wherever they hail from, and though they be strangers to one another, friendly relations are at once established when they meet outside their country, for a Nuer is never a foreigner to another as he is to a Dinka or a Shilluk. Their feeling of superiority and the contempt they show for all foreigners and their readiness to fight them are a common bond of communion, and their common tongue and values permit ready intercommunication. 186

Nuer are well aware of the different divisions of their country, even if they have never visited them, and they all look upon the area to the west of the Nile as their common homeland, to the occupants of which they still have distant kinship ties. People also journey to visit kinsmen in other tribes and often settle for long periods far from their homes, sometimes in different tribes, in which, if they stay there long enough, they become permanently incorporated. Constant social intercourse flows across the borders of adjacent tribes and unites their members, especially members of border communities, by many strands of kinship and affinity. If a man changes his tribe he can at once fit himself into the age-set system of the tribe of his adoption, and there is 484 619

1: Evans-Pritchard E-5 (1931, 1936) 1940
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does not see himself as a member of that same group in so far as 829
he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments.

Therefore the diagram presented on p. 114 illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer 186
political structure: the smaller the local group the stronger the 621
sentiment uniting its members. Tribal sentiment is weaker than 619
the sentiment of one of its segments and the sentiment of a seg- 571
ment is weaker than the sentiment of a village which is part of
it. Logically this might be supposed to be the case, for if unity

[See category 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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•186 within a group is a function of its opposition to groups of the
621 same kind it might be surmised that the sentiment of unity
619 within a group must be stronger than the sentiment of unity
571 within a larger group that contains it. But it is also evident that the smaller the group the more the contacts between its members, the more varied are these contacts, and the more they are co-operative. In a big group like the tribe contacts between its members are infrequent and corporate action is limited to occasional military excursions. In a small group like the village not only are there daily residential contacts, often of a co-operative nature, but the members are united by close agnatic, cognatic, and affinal ties which can be expressed in reciprocal action. These become fewer and more distant the wider the group, and the cohesion of a political group is undoubtedly dependent on the number and strength of ties of a non-political kind.

It must also be stated that political actualities are confused and conflicting. They are confused because they are not always, even in a political context, in accord with political values, though they tend to conform to them, and because social ties of a different kind operate in the same field, sometimes strengthening them and sometimes running counter to them. They are conflicting because the values that determine them are, owing to the relativity of political structure, themselves in conflict. Consistency of political actualities can only be seen when the dynamism and relativity of political structure are understood and the relation of political structure to other social systems is taken into consideration.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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156 That every Nuer considers himself as good as his neighbour is
181 evident in their every movement. They strut about like lords of the earth, which, indeed, they consider themselves to be. There is no master and no servant in their society, but only equals who regard themselves as God's noblest creation. Their respect for [186] one another contrasts with their contempt for all other peoples. Among themselves even the suspicion of an order riles a man and he either does not carry it out or he carries it out in a casual and dilatory manner that is more insulting than a refusal. When a [576] Nuer wants his fellows to do something he asks it as a favour to a kinsman, saying, 'Son of my mother, do so-and-so', or he includes himself in the command and says: 'Let us depart', 'Let the people return home', and so forth. In his daily relations with his fellows a man shows respect to his elders, to his 'fathers', and to certain persons of ritual status, within the circuit of its reference, so long as they do not infringe on his independence, but he will not submit to any authority which clashes with his own interests and he does not consider himself bound to obey any one. I was once discussing the Shilluk with a Nuer who had visited their country, and he remarked, 'They have one big chief, but we have not. This chief can send for a man and demand a cow or he can cut a man's throat. Whoever saw a Nuer do such a thing? What Nuer ever came when some one sent for him or paid any one a cow?'

181 I found Nuer pride an increasing source of amazement. It is as remarkable as their constant aloofness and reticence. I have
609 already described how Nuer would interrupt my inquiries. I mention here three incidents typical of the cavalier way in which they treated me. On one occasion I asked the way to a certain place and was deliberately deceived. I returned in chagrin to camp and asked the people why they had told me the wrong way. One of them replied, 'You are a foreigner, why should we tell you the right way? Even if a Nuer who was a stranger asked us the way we should say to him, "You continue straight along that path", but we would not tell him that the path forked. Why should we tell him? But you are now a member of our camp and you are kind to our children, so we will tell you the right way in future.'

576 In this same camp, at the end of my stay, when I was sick and being removed by steamer, I asked the people to carry my tent and belongings to the river's edge. They refused, and my servant, a Nuer youth, and I had to do it ourselves. When I asked him why the people were churlish, he replied, 'You told them to carry your belongings to the river. That is why they refused. If you had asked them, saying, "My mother's sons, assist me", they would not have refused.'

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

ECONOMIC LIFE OF THE NUER : CATTLE.

By E. E. Evans Pritchard.

II.

621 The chief characteristices of Nuer social life can be understood only when their pastoral activities are viewed in relation to the country in which they live. Social instutitions are to a large extent a function of this dynamic relationship between mode of livelihood and environment. I have said something about cattle and the esteem in which Nuer hold them. I will now say something about the country in which these cattle have to be maintained.

186 133 From the European's point of view Nuerland has no favourable qualities, unless its severity be counted such, for its endless marshes and wide savannah plains have an austere monotonous charm. It is throughout hard on man and beast, being for most of the year either a swamp or a parched and waterless tract. Trekking across the Nuer plains is a great weariness to body and spirit. But Nuer do not share this opinion. They think that they live in the finest country on earth, envying no people their heritage, and, it must be admitted, for herdsmen their country has many admirable features. It provides pasturage all the year round and absence of forest prevents the encroachment of tsetse. I have long since given up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt more useless since a few Nuer have been taken to Khartoum, a place they consider to be the home of all white men. Having seen the desert scrub which surrounds Khartoum they are confirmed in their opinion that their own land is superior to ours.

134 The grasses upon which depends the welfare of the herds depend, for existence in their turn, on soil and water. The soils of Nuerland are heavy clays which look very much alike to me and which are equally unpleasant to walk on in the dry season, when they are broken by the sun into deep cracks, and in the wet season when they form

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

587 woman ought, on the death of her husband, to go to live with one of his
588 brothers, since she was married with the cattle of their kraal. This is not
768 a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kwen*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek deman lath dwil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as
●[186] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 Leviritic marriage is very different from ghost-marriage as will be seen
588 when we consider the relations between the children and their genitor.
573 It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

619 ned from the Dinka who had brought him up they said "*achilo kang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany, but it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kany?*" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

•186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Thus we find lengthy feuds going on between one section and another within the tribe itself.

(3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled sooner or later when they take place between segments of the same tribe, whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jimac and Jemac.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

GOD

II

It is in the light of their feeling that man is dependent on God 776x
and helpless without his aid and that God, though a friend and 781
present, is yet also remote that we are to interpret a word Nuer frequently use about themselves when speaking to or about God: *doar*. The meanings of this word given in Nuer–English dictionaries, 'idiot', 'stupid', 'fool', and 'weak-minded', do not adequately convey the sense of the word, especially when it is used to refer to man's relationship to God. Then it means rather 'simple' or 'foolish' or 'ignorant'—'idiot' in the sense the word used to have in the English language and which the word from which it is derived had in Greek. Nuer say that they are just ignorant people who do not understand the mysteries of life and death, and of God and the spirits, and why things happen as they do.

A favourite Nuer expression is '*yie wicda*', 'my head goes 186
round' or 'I am bewildered'. They are at a loss because they are 773
just foolish people who do not understand the why and the wherefore. In saying that they are simple or foolish or ignorant Nuer are not being modest in respect to other peoples, though I have often had the impression that they regard themselves as guileless compared with other peoples, especially compared with the Dinka, whom they regard as cleverer and more cunning than themselves, a difference dramatized in one of their myths. The story, which reminds us of that of Esau and Jacob, is cited by Nuer to explain why they have always raided the Dinka. Nuer and Dinka—the peoples are personified in the myth—were both sons of God, who had promised to give an old cow to Dinka and its young calf to Nuer. Dinka came by night to God's byre and deceived him by imitating Nuer's voice, and God gave him the calf. When God found that he had been deceived he charged Nuer to raid the herds of Dinka to the end of time. In other words, the Nuer may be robbers but the Dinka are thieves. Another story relates that God offered men the choice between cattle and rifles. Nuer and Dinka chose cattle and Arabs and Europeans chose rifles. Here both Nuer and Dinka are figured as simple compared to Arabs and Europeans. Nuer regard themselves as having manly virtues exceeding those of other peoples, but compared with them they are artless. However, when they use the word *doar* in a reli- 781
gious context they are speaking of themselves being foolish in 776x

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

this one source that Nuer attention, instead of being diffused in a variety of directions, tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity with themselves. We will now examine briefly some linguistic material wherein we shall perceive further evidence of this hypertrophy of a single interest and of the identification of men with cattle to which I have alluded. 181 233

VIII

Linguistic profusion in particular departments of life is one of the signs by which one quickly judges the direction and strength of a people's interests. It is for that reason, rather than for its intrinsic importance, that we draw the reader's attention to the volume and variety of the Nuer cattle vocabulary. Like all the pastoral Nilotes they use an enormous number of words and phrases about cattle and the tasks of herding and dairy-work, and from this vast assortment we select for comment a single class: the terms by which they describe cattle, chiefly by reference to their colours.[1] These terms are more than a linguistic technique which enables Nuer to speak of cattle with precision in situations of practical husbandry and in the many social contexts in which they figure, for they establish associations on the one hand between wild creatures and cattle and on the other hand between cattle and their masters; they furnish certain ritual categories; and they greatly enrich the language of poetry. 192 231

In naming a Nuer cow one has to notice its colours and the way in which they are distributed on its body. When it is not of one colour the distribution of colours is the significant character by which one names it. There are ten principal colour terms: white (*bor*), black (*car*), brown (*lual*), chestnut (*dol*), tawny (*yan*), mouse-grey (*lou*), bay (*thiang*), sandy-grey (*lith*), blue and strawberry roan (*yil*), and chocolate (*gwir*). When a cow is of a single colour it is described by one of these terms. An animal may combine two or more colours, but a combination of more than two, known as *cuany*, is very rare. Normally there is a combination of white with one other colour and twelve common distributions of this com- 192 231 552

[1] I have recorded some information on this neglected subject among a neighbouring people in 'Imagery in Ngok Dinka Cattle-Names', *Bulletin of the School of Oriental Studies*, 1934.

[pp. 42-43 contain no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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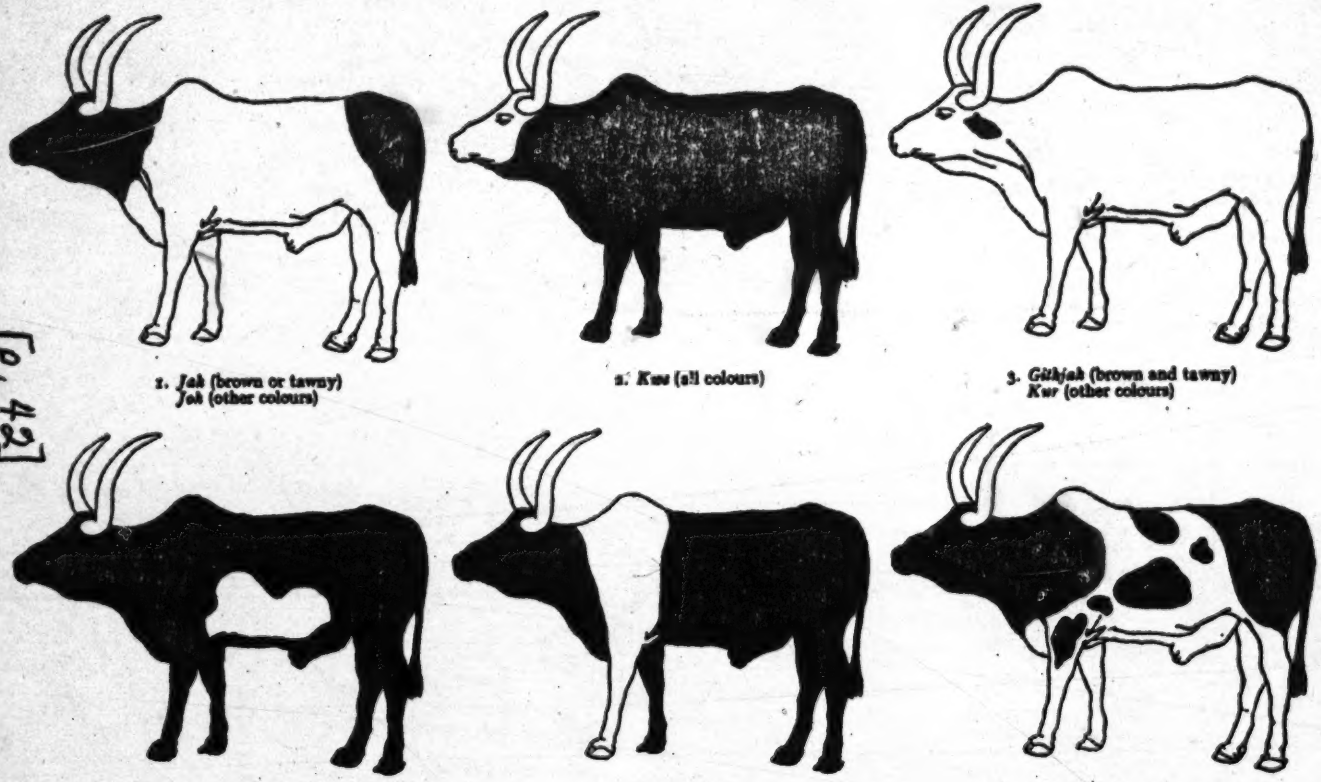


1. *Jak* (brown or tawny)
Jak (other colours)

2. *Kuc* (all colours)

3. *Gilh/ak* (brown and tawny)
Kur (other colours)

4. *Kal* (brown and tawny)
Bil (other colours)

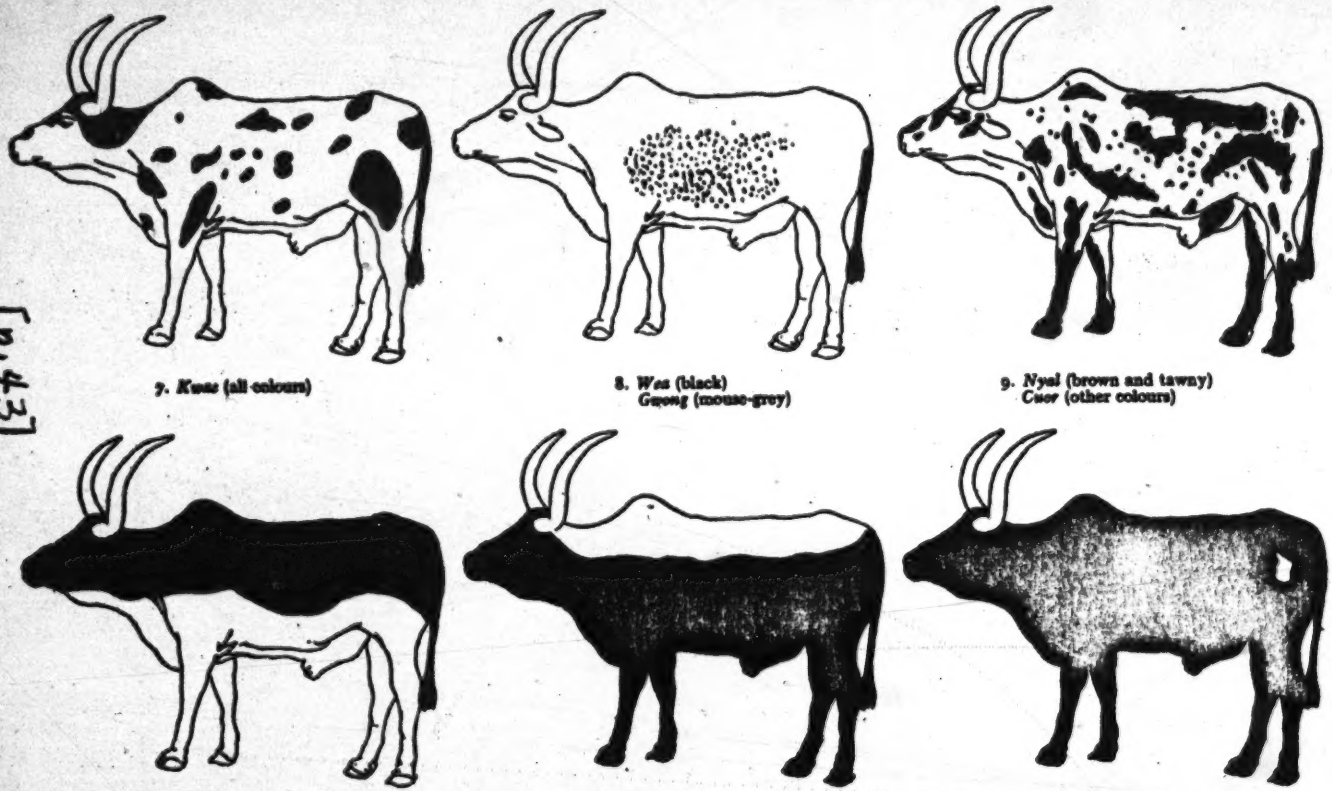
5. *Rol* (all colours)

6. *Par* (brown and tawny)
Rial (other colours)

FIG. 8. Diagrammatic representation of colour distributions.

[p. 42]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22



7. *Kuas* (all colours)

8. *Was* (black)
Gwong (mouse-grey)

9. *Nyal* (brown and tawny)
Cuor (other colours)

10. *Rmg* (all colours

11. *Ding* (brown and tawny)
Kar (other colour

12. *Kwol* (all colours)

FIG. 9. Diagrammatic representation of colour distributions.

[p. 43]

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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bination are shown in Figs. 8 and 9. There are, however, many more combinations, at least twenty-seven, one of the commonest being varieties of a striped or brindled coat (*nyang*).

In describing a beast one often denotes both the form of distribution and the colour that is combined with white. Thus an ox may be entirely mouse-grey (*lou*); have a mainly mouse-grey colour with a white face (*kwe looka*), white back (*kar looka*), white splash on barrel (*bil looka*), white shoulder (*rol looka*), or white belly (*reng looka*): be brindled mouse-grey (*nyang looka*): be white with large mouse-grey patches (*rial looka*), medium mouse-grey patches (*kwac looka*), or a mouse-grey rump (*jok looka*), &c. There are at least a dozen terms describing different combinations of white and mouse-grey and there are a similar number of terms for a combination of white with each of the other colours. A further example is given to illustrate the wide range of variations: a white shoulder and foreleg (*rol*) may be found on a cow of any colour, e.g. *rol cara*, *rol yan*, *rol thiang*, *rol yili*, &c. There may also be a combination of one form of distribution with another and, in this case, the two combinations constitute the terms of reference and there is no need to denote the colouring that occurs in them, e.g. a white shoulder and foreleg (*rol*) may be combined with a white face (*kwe roal*), black spots (*rol kwac*), speckling (*rol cuor*), brown patches (*rol paara*), white back (*kar roal*), white face and black ears (*kur roal*), &c. There are at least twenty-five terms which include the *rol* distribution, and the other distributions likewise have wide ranges of combinations with colours and with one another.

As I shall elsewhere, and at length, analyse the principles of colour terminology and abstract the rules of nomenclature,[1] I need no more than remark here that it is evident from the few examples cited that there are several hundred colour permutations.

Some colours and combinations of colours are associated with animals, birds, reptiles, and fish, and this association is often indicated by secondary terms of reference and by ritual usages, e.g. *lou* (mouse-grey) is the bustard, *nyang* (striped) is the crocodile, *lith* (sandy-grey) is associated with *manlieth*, the grey kestrel, *thiang* (bay) is the tiang, *dwai* (brown with white stripes) is the female sitatunga, *kwe* (white-faced) is the fish eagle, *kwac* (spotted) is the leopard, *cuor* (speckled) is the vulture, *gwong* (spotted) is the guinea-fowl, *nyal* (brown-spotted) is the python, &c. These linguistic identifications and other colour associations lead to many

[1] 'Nuer Cattle Terms', to appear in *Sudan Notes and Records*.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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fanciful elaborations of nomenclature, e.g. a black ox may be called *rual mim*, charcoal-burning or *won car*, dark clouds; a brown ox *riem dol*, red blood, or *rir dol*, red tree-cobra; a blue roan ox *bany yiel* after the blue heron; a mouse-grey ox *duk lou*, the shady gloom of forests, &c. These fancy names add greatly to the list of Nuer cattle terms. 192 552 231

Besides the vast vocabulary which refers to colours, distribution of colours, and colour associations, cattle can also be described by the shape of their horns and, as the horns of oxen are trained, there are at least six common designations in use besides several fancy names. Words denoting shape of horns add considerably to the number of permutations, for they can be combined with many of the colour and distribution terms, e.g. a sandy-grey cow with horns which almost meet in a curve above the head is a *duot lieth*, a shorthorn with *rial* markings is a *cot rial*, a brindled ox with one horn trained across its face is a *gut nyang*, &c. The ears of cattle, sheep, and goats are often cut in different shapes and it is permissible, and with sheep and goats usual, to describe them by reference to these incisions. Sheep and goats have very different mixtures of colours from those one finds among cattle, but the same terms can be used to cover all combinations, because they are never exact descriptions of colour dispositions but represent ideal distributions, to one or other of which any actual disposition approximates.

A further range of permutations is created by prefixes which denote the sex or age of an animal, e.g. *tut*, bull, *yang*, cow, *thak*, ox, *nac*, heifer, *ruath*, male calf, *dou*, female calf, *kol*, calf which has not yet begun to graze, and so forth. Thus one may speak of a *tut ma kar looka*, *dou ma rial*, *thak ma cuany*, &c. Indeed, if we were to count every possible mode of referring to animals of the flocks and herds they would be found to number several thousand expressions—an imposing and complicated system of ramifications which bears eloquent witness to the social value of cattle.

Furthermore, as we have mentioned, every man takes one of his names from the term by which one of his oxen is described, and these ox-names are the preferred salutations among age-mates. A youth generally takes his first ox-name from the beast his father gives him at his initiation, but he may later 551

1: Evans-Pritchard E-5 (1931, 1936) 1940
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551 take further names from any oxen of his herd which delight him. Men salute one another with these names and shower them, with many a fanciful elaboration, on their companions at dances. They also chant them when they display themselves with their oxen in camps, sing them in their poems, and shout them when they spear men, animals, or fish.

551 A man may be called by the identical name of his ox, e.g. Bi(l)rial, Kwac(c)uor, Werkwac, and so forth, but generally one
●192 part of the term is dropped and the other part is prefixed by a new term, usually descriptive of some ornament worn by the ox or some characteristic of it, not employed in defining its own name, e.g. *luth*, a large bell (Fig. 4), *gier*, a small bell, *lue*, a long tassel, *dhuor*, a short tassel (Plate IV), *wak*, the tinkling of an ox-bell, *lang*, a brass ring attached to an ox's collar or tethering-cord (one can be seen on the animal in the foreground of Plate II), *rot*, bellowing of oxen, *cwai*, fatness, *boi*, shining whiteness, &c. Thus a man whose favourite ox has *rial* distribution of colours may be called Luthrial, Gierrial, Luerial, Dhuorrial, Boirial, and so on. When ox-names are used between age-mates at dances they are generally preceded by dance-names which are selected to harmonize with the ox-names, euphony being considered of great importance in all these word formations. Ox-names are voluminous and abstruse, and in describing them, as in describing cattle-colours, I have not only made a meagre selection from the wealth at my disposal, but have also chosen for illustration the simplest examples and neglected the more obscure.

533 Names of cattle, especially of oxen, and ox-names of men are used profusely in songs. The Nuer, like most pastoral peoples, are poetic and most men and women compose songs which are sung at dances and concerts or are composed for the creator's own pleasure and chanted by him in lonely pastures and amid the cattle in camp kraals. Youths break into song, praising their kinsmen, sweethearts, and cattle, when they feel happy, wherever they may be. I give a free translation of the first verses of two songs, the first sung by girls as they sit together in the evening after the day's work is done, and the second sung by its creator when he is happy.

539 1. The wind blows *wirawira*;[1]
Where does it blow to?

[1] Literally 'My wind'. The singer runs against it and seems by so doing to add to its strength. This is the north wind which blows at the time of rich

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

192 183 It is not necessary to add more examples of cattle-terms and their uses to demonstrate that we are dealing with a galaxy of words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 183 Another way in which Nuer engrossment in cattle can be illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 231 721 578 At the present time cattle are the main cause of hostility towards, and suspicion of, the Government, not so much on account of present taxation as of earlier tax-gathering patrols which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

8:Howell E, G-5 (1942-1944)1954
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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coka* is sacrificed and ceremonially divided between the *ji ran* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cuil*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

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Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

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ruath birre: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kweini or *yang jal:* 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyup: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji ran* by the *gwan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok dwiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyup* should be the first cow to be handed over.

ruath kethe: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

8:Howell E, G-5 (1942-1944)1954
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628 624 192

ruath riem and *yang kwac:* 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

ghok pale loic: 'the cattle of the easing of the heart'. These consist of the *yang tuoke*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

yang tul coka: 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *math* ceremony, divided, and partaken of by the *ji ran* and *ji thunge* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

682 Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*mut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*ked*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 50 head of cattle, of which 10 go to the Government as a fine.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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The Nuer language as I have found it has an extensive vocabulary. I have listed over 3,100 words in the above mentioned dictionary, many of them root-forms only, and I constantly find how limited my knowledge of the language is. One finds new words each day. It seems like an endless mine. 192

In working on this language distinctive points are noted. 193

The same forms are used for all genders in pronouns. A change of vowel or an additional vowel is common in forming the possessive of a noun. Many proper names are the same in both masculine and feminine cases, but the prefix *nya-* or *nyan-* is always used with the feminine. The supply of adverbs seems inadequate, but possibly we have not discovered them all. Also the names of many virtues are lacking, and we frequently find that we need more adjectives. Change of inflection plays an important part in this language in making negative forms and plurals. 192 193

Nuer sentences are short. The Nuer seems to prefer a new sentence instead of using many connectives. He often states a fact, modifying it in the next sentence, e.g. 'Every one went away, I only was left.'

14: Huffman M-5 (no date) 1931
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538 The Nuer language has a wealth of animal and bird stories, tales of the origin of the tribe and folk-lore. Also games, songs, riddles, and superstitions. All of these are as yet practically untouched by the pen. A sort of cannibal-ogre combination, capable of changing into an animal, is usually a prominent character in their folk-lore.

192 The language contains no word for 'thank you' as far as I have delved into it, but one does not need to be in Nuerland long to discover that the Nuer has a word for 'I am mistaken', and is willing to use it.

TIME, SEASONS, MOON, AND STARS.

[805] 821 The Nuer gauges time by moons, the light or dark of the moon. He knows the stars, and has names for many of the constellations. He is a keen observer of them and makes his own observations concerning them. Orion's belt is called 'gat rum juk'. One star is supposed to be a man leading a horse, the second star is supposed to be the horse, while the third star is another man driving the horse as he follows him.

The evening star is called 'Lipai chiing', as it is considered to be like a girl in the village waiting for the moon to come up and when it does come up, she goes away with it. Hence the name, which means 'wait in the village for the moon'.

The Southern Cross, the Little Dipper and other constellations are also noted and named.

825 805 The Nuer firmly believes, as already noted, that the cattle see the new moon the night before it is visible to the human eye. I have frequently asked them concerning this. The date upon which the cattle see the new moon always seems to be the date specified upon the calendar as the date when the new moon should be visible. Yet the Nuer has no calendar.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 231

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [691]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [593] [572]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [752] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

× 776 not now saying that God or Spirit is like this or that, but that this or that 'is' God or Spirit. Elucidation here does not, however, present great difficulties.

God being conceived of as in the sky, those celestial phenomena which are of particular significance for Nuer, rain and lightning, are said, in a sense we have to determine, to be him. There is no [192] noun denoting either phenomenon and they can only be spoken of by verbs indicating a function of the sky, as *'ce nhial deam'*, 'the sky rained', and *'ce nhial mar'*, 'the sky thundered'. Also pestilences, murrains, death, and indeed almost any natural phenomenon significant for men are commonly regarded by Nuer as manifestations from above, activities of divine being. Even the earthly totems are conceived of as a relationship deriving from some singular intervention of Spirit from above in human affairs. It is chiefly by these signs that Nuer have knowledge of God. It might be held, therefore, that the Nuer conception of God is a conceptualization of events which, on account of their strangeness or variability as well as on account of their potentiality for fortune or misfortune, are said to be his activities or his activities in one or other of his hypostases or refractions. Support for such a view might be found in the way Nuer sometimes speak of one or other of these effects. They may say of rain or lightning or pestilence *'e kwoth'*, 'it is God', and in storms they pray to God to come to earth gently and not in fury—to come gently, it will be noted, not to make the rain come gently.

I do not discuss this ontological question here beyond saying that were we to suppose that such phenomena are in themselves regarded as God we would misunderstand and misrepresent Nuer religious thought, which is pre-eminently dualistic. It is true that for them there is no abstract duality of natural and supernatural, but there is such a duality between *kwoth*, Spirit, which is immaterial rather than supernatural, and *cak*, creation, the material world known to the senses. Rain and lightning and pestilences and murrains belong to this created world and are referred to by Nuer as *nyin kwoth*, instruments of God.

Nevertheless, they and other effects of significance for men are διοσημία, signs or manifestations of divine activity; and since Nuer apprehend divine activity in these signs, in God's revelation of himself to them in material forms, the signs are, in a lower medium, what they signify, so that Nuer may say of them *'e*

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man may do this because he has knocked his 'bad foot' against a stump in the path, for this presages misfortune, which can be avoided by asking God to let the badness remain in the grass so that the traveller may continue his journey with fortune. Each man has a 'good (auspicious) foot' and a 'bad (inauspicious) foot' and he learns which is which by experience. Nuer tie grass in the same manner to ensure success in any enterprise for which a journey is undertaken, often at the present day when they go to buy or beg something from an Arab merchant. They ask God to let them make a good bargain or that the merchant may make them a gift.[1] Nuer may also utter these phrases of prayer at any time as devout ejaculations, and not only when they are in trouble or desire a boon, for they have told me that they like to speak to God when they are happy (*loc tedh*) and because they are happy, and that they often say a few words to him as they go about their daily affairs.

I have already discussed the significance of some of these 782
prayerful words and expressions: 'our father', 'it is thy universe', 'it is thy will', and others. I will now consider the meaning of yet a few others, choosing for the purpose the commonest petitionary phrases. Before doing this I would draw attention to the fact that the petitioner generally uses the first person plural. In private ejaculations a Nuer may use such expressions as 'ah, my God', 'ah, God, what is this?', and 'let me journey well', but he will also use the plural pronoun, and in prayers and invocations uttered in public the plural is invariably used: 'let us be at peace', or whatever the expression may be.[2] I draw attention to this because it is not, I believe, just an indication that there are other people on whose behalf the speaker is asking God's favours. It is rather that the occasions on which prayers are publicly offered are generally

[1] Some Nuer have told me that this custom of knotting grasses originated among the Dinka. It is found among some, if not all, the Dinka tribes (R. T. Johnston, 'The Religious and Spiritual Beliefs of the Bor Dinka', *Sudan Notes and Records*, 1934, p. 126).

[2] There are two pronominal suffixes for the first person plural, *ke* and *ne*, which are respectively exclusive and inclusive. For example, 'bake we', 'we shall go', includes the speaker and others but not the person or persons spoken to, whereas 'bene we', 'we shall go', includes also the person or persons spoken to. In speaking to God Nuer have, of course, to use the exclusive form. [193] [195]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

CHAPTER V

THE PROBLEM OF SYMBOLS

In the last chapter I discussed how the Nuer conception of Spirit is figured in different ways to different persons and categories and groups. In this chapter I consider the material forms in which Spirit manifests itself or is represented. God is, properly speaking, not figured in any material representations, nor are almost all the spirits of the above, though both God and his supra-terrestrial refractions may reveal themselves in signs. But the spirits of the below are represented in creatures and things. Our problem chiefly concerns these spirits of the below. It can be simply stated by the question: What meaning are we to attach to Nuer statements that such-and-such a thing is *kwoth*, spirit? The answer is not so simple.

There are several ways in which what we would render as 'is' is indicated in the Nuer language. The one which concerns us here is the particle *e*. It is used to tell the listener that something belongs to a certain class or category and hence about some character or quality it has, as '*e dit*', 'it is a bird', '*gat nath e cor*', 'the Nuer is black', and '*Duob e ram me goagh*', 'Duob is a good man.' The question we are asking is what meaning or meanings it has for Nuer when they say of something '*e kwoth*', 'it is Spirit' (in the sense either of God or of a divine refraction).

Nuer do not claim to see God, nor do they think that anyone can know what he is like in himself. When they speak about his nature they do so by adjectives which refer to attributes, such as 'great' and 'good', or in metaphors taken from the world around them, likening his invisibility and ubiquity to wind and air, his greatness to the universe he has created, and his grandeur to an ox with widespread horns. They are no more than metaphors for Nuer, who do not say that any of these things is God, but only that he is like (*cere*) them. They express in these poetic images as best they can what they think must be some of his attributes.

Nevertheless, certain things are said, or may be said, 'to be' God —rain, lightning, and various other natural—in the Nuer way of speech, created—things which are of common interest. There is here an ambiguity, or an obscurity, to be elucidated, for Nuer are

2:Evans-Pritchard E-5 (1931,1936) 1951
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I will not discuss here the use of obscene language in general among the Nuer but only the custom called *leng*, conventionalized exchange of obscenities, which is regarded as being pre-eminently a form of behaviour between paternal cousins of the same sex and generation, generally between males, whether they be first cousins or farther removed. It would be most improper for a man to exchange obscenities in this way with other kinsmen. A man says to a paternal cousin '*ban leng*', 'let us have a slanging-game'. Then they abuse each other in turn, prefacing each epithet with the exclamation *awai yah!* The exchange often develops into a contest to see which of the two can continue the longest without repeating himself. As Nuer are practised and have a fertile imagination in such matters, the duel may be kept up for several minutes before one of the men cannot think of an obscenity he has not already used and thus loses the duel, which is closed by shouts of laughter on both sides. The obscenities, which are the most extravagant I have ever heard, cover, with many elaborations, every possible kind of sexual act, the sodomy motif being the most prominent, and refer to the partners to the duel themselves and their fathers, mothers, sisters, paternal and maternal aunts and uncles, grandparents, and sweethearts, though only terms of relationship and not proper names are used. The partners also call one another Dinka, witches, spongers, bastards, gluttons, and so forth. No offence is taken at the foulest sexual references to relatives, though I was told that paternal first cousins ought to avoid mentioning the father and the paternal aunt—'you do not do this because of your father'—and to restrict their observations to the mother and persons on her side of the family. Paternal cousins farther removed appear to feel no embarrassment in mentioning the father and his sister. However, paternal cousins avoid such exchanges in the presence of unrelated persons of the opposite sex.

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The *wac*, father's sister, is not so prominent in the picture of family portraits as the father's brother because she is generally a member of a different local community, but Nuer say that she is like the father's brother: 'Your *wac* is your *gwanlen* also.' She may treat you badly when you are little, and even if she is kind she does not love you: 'The ones she loves are her grandchildren and the children of her sisters.' A Nuer told me that 'she thinks of you merely as "*gatdemar*" ("son of my brother")', by which he meant that she does not think of you as '*gatda*' ('my son'). She may talk

16: Evans-Pritchard E-5 (1931, 1936) 1956
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16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

is a person of the above (*ran nhial*)' and that man, or ghost, 'is a 774
person of the below (*ran piny*)'. The difference, and the contrast, 776
is clearly seen in the Nuer belief that the soul of a person struck by lightning is changed into Spirit. It is evident also in the way they speak about their prophets and about sick persons. They say that Spirit comes from above and enters into them or takes hold of them. Since, therefore, Spirit and soul are conceived of as of different natures, the conception of Spirit cannot be derived from a development of the conception of soul. On the contrary, it is precisely because God and man are thought of as quite different sorts of being that Nuer can think of themselves in relation to God and that God can be represented in different ways to different persons and social groups. Therefore it is necessary, if we wish not only to avoid confusion but also to seize upon the essential content of Nuer religious thought, that we should speak of the 'soul' and not of the 'Spirit' of man and of the 'ghosts' and not of the 'spirits' of the departed.

It follows from the Nuer orientation towards Spirit that they 775
are little interested in the ghosts of the dead, so long as they cause
no trouble. When people 'disappear'—Nuer avoid using the word [195]
'die'—only one thing is certain, that they have departed for good. 'They dwell apart, they have become ghosts.' It is taken for granted that people have some sort of existence after death, though Nuer do not presume to know where they have it or what kind of life it is that they lead. Sometimes they say that they may be under the earth and live a life like that they lived when they were on earth amid their cattle and dung fires in villages and camps. This seems to be the general opinion and it is perhaps strengthened by the discovery, when digging wells, of goats' dung and fire-stones deep down in the earth, for I have heard Nuer say that maybe these belong to the ghosts. But Nuer also say of a dead man '*ce mat ka kwoth*', 'he has joined God', and '*ce tiede wa nhial, ca ringde kwony*', 'his soul has gone above, (only) his flesh was buried'. One often hears also the idea expressed that the dead have lost their relationship to the living and have therefore no further claims on them for attentions and services, and that they have instead 'become kin to God' or have 'become God's people'. Sometimes Nuer say that since the dead are near to God they can intercede with him on behalf of their families and relatives. However, no one supposes he can know where is the *wec indit*, the great

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

648 In 1920 large-scale military operations, including bombing and machine-gunning of camps, were conducted against the Eastern Jikany and caused much loss of life and destruction of property. There were further patrols from time to time, but the Nuer remained unsubdued. In 1927 the Nuong tribe killed their District Commissioner, while at the same time the Lou openly defied the Government and the Gaawar attacked Duk Faiyuil Police Post. From 1928 to 1930 prolonged operations were conducted against the whole of the disturbed area and marked the end of serious fighting between the Nuer and the Government. Conquest was a severe blow to the Nuer, who had for so long raided their neighbours with impunity and whose country had generally remained intact.

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000 In our account of Nuer time-reckoning we noted that in one department of time their system of reckoning is, in a broad sense, a conceptualization, in terms of activities, or of physical changes that provide convenient points of reference for activities, of those phases of the oecological rhythm which have peculiar significance for them. We further noted that in another department of time it is a conceptualization of structural relations, time units being co-ordinate with units of structural space. We have given a brief description of these units of structural space in its political, or territorial, dimension and have drawn attention to the influence of oecology on distribution and hence on the values given to the distribution, the interrelation between which is the political system. This system is not, however, as simple as we have presented it, for values are not simple, and we now attempt to face some of the difficulties we have so far neglected. We start this attempt by asking what it is the Nuer mean when they speak of their *cieng*.

196 621 Values are embodied in words through which they influence behaviour. When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, of all social groups: their structural relativity.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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What does a Nuer mean when he says, 'I am a man of such-and-such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question he will tell one that his home is in Oxfordshire, whereas if one meets him in that county he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng Nath*, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of various dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers. I emphasize this character of structural distance at an early stage because an understanding of it is necessary to follow the account of various social groups which we are about to describe. Once it is understood, the apparent contradictions in our account will be seen to be contradictions in the structure itself, being, in fact, a quality of it. The argument is here introduced in its application to local communities, which are treated more fully in the next chapter, and its application to lineages and age-sets is postponed to Chapters V and VI.

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A man is a member of a political group of any kind in virtue of his non-membership of other groups of the same kind. He sees them as groups and their members see him as a member of a group, and his relations with them are controlled by the structural distance between the groups concerned. But a man

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generally manned by a man and his brothers or married sons, with a common kraal or contiguous kraals. Up till the present I have refrained as far as possible from the use of Nuer words when referring to their political and territorial segments. Especially have I avoided the term *cieng* (*shieng*), which has been the source of much confusion. I will now speak briefly of these native terms and explain their meanings, as far as my knowlege of the Nuer language goes, in relation to the ethnological expressions I have employed in this essay. 361

The word *cieng* means "home." When you ask a Nuer where is his home, you ask him what is his *cieng*. Hence the word may have a large number of different meanings which vary with the situations in which it is spoken. If you meet an Englishman in Germany and you ask him where is his home, he will reply that his home is in England. If you meet him in London and ask him the same question he will tell you that his home is in Oxfordshire, whereas if you meet him in that county he will tell you the name of the town or village in which he lives. If you ask him where is his home in the town or village where he lives he will mention a particular street or house. So it is with the Nuer. If you meet a Nuer outside Nuerland he will tell you that he comes from *cieng Nath* (Nuerland, the home of the Nuer). If you meet him east of the Nile he may tell you that he comes from *Nath cieng* (the homeland Nuer, or the Nuer who live to the west of the Nile, in contrast to the *Nath doar* (Bush Nuer), or the Nuer to the east of the Nile). These are, however, particular uses of the word *cieng*, which usually refers to much smaller territorial units. I cannot recollect a Nuer speaking of his country (tribal area) as a *cieng*, though I see no reason why he should not do so. Normally he calls his country his *rol*. It is of the tribal sections that he uses the word *cieng*, and if you ask him where is his *cieng* he presumes you want to know the name of his village or district. Hence he tells you the name of the village where he lives, e.g., *cieng* Minyääl (Jekany) or *cieng* Dumien (Lou) or *cieng* Pakur (Lek), the villages of Minyääl or Dumien or Pakur, or he may mention under the same term larger districts such as *cieng* Leng or *cieng* Wangkeac, the districts of Leng and Wangkeac. In different contexts he may speak of even larger areas as *cieng*, e.g., the tertiary tribal section of Gaatbal as *cieng* Gaatbal (Lou). On the other hand he may use *cieng* when speaking of smaller units than the village, such as the hamlet and

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homestead. *Ciengda* (my home), in the singular, generally means "my homestead" where I live with my family, whereas *ciengdan* (our home) means usually "our hamlet" or "our village." Thus a man will say "*wa ciengdan*" ("I am going (to our) home") in reference to his village, such as the village of Pakur (Lek), but if he is already in the village of Pakur and says "*wa ciengdan*" ("I am going (to our) home") he means that he is returning to the hamlet where he and his relatives live in a particular section of the village. If he is in the hamlet and says "*wa ciengda*" ("I am going (to my) home") he means that he is going to his hut or cattle byre. I remember making a mistake in this way when I used to say "*wa ciengdan*," meaning that I was off to my tent, for which the Nuer would good-humouredly rebuke me, saying, "Isn't this, our camp, your home?" whereas when I said "*wa ciengda*," in the singular, it passed without the criticism which the Nuer unfailingly bring to bear on any error in grammar or pronunciation. *Cieng* thus means homestead, village, district, tribal sections, homeland and even "home" in an unspecified sense, e.g., it may be said in a story *nyaang ce wa cieng* (the crocodile went home) or *jicieng* (villagers), etc., etc.; for this reason I use the word as little as possible.

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There is a further reason for avoiding its use, and though I shall have occasion when speaking of the Nuer clan system to mention it more fully I will refer to it in this place. The *cieng*, in the sense of homestead, is called after the man who lives there, e.g., the homestead occupied by Rainen is called *cieng* Rainen. When Rainen is dead and his sons and nephews live together in a hamlet they will call the hamlet after him and it will be said that they live in *cieng* Rainen. If Rainen was an important enough man and founded a strong enough lineage, the whole village where his descendants and strangers who have intermarried with them live will then become known as *cieng* Rainen. In course of time his descendants will have multiplied and will occupy a district or a large tribal area which will come to be known as *cieng* Rainen. Hence it comes about that many of the tribal sections I have mentioned as examples for the use of *cieng* are called after persons, e.g., Minyääl, Dumien, Wangkeac, Gaatbal. As will be explained more clearly later a lineage thus becomes identified in speech with the territory which it occupies—the district occupied by the major lineage of WANGKEAC, for example, being known as *cieng* Wangkeac. The Nuer then talks

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about the district and the lineage which lives there as interchangeable terms and speaks of *cieng* WANGKEAC in the sense of the WANGKEAC lineage. This leads a European into depths of confusion since the WANGKEAC lineage and the people who live in the village of Wangkeac are by no means the same thing. I shall have occasion to plumb these depths of confusion, into which I have myself been long plunged, in the following sections. 361 196 619

Cieng, in the singular, e.g., ciengda (my homestead), is the same as *gol* in the singular, e.g., *golla* (my homestead), and *cieng* in the plural, e.g., *ciengdan* (our hamlet), which means the same as *gol* in the plural, e.g., *gollan* (our hamlet). The literal meaning of *gol* is the large dung fire which occupies the centre of every cattle byre. During the wet season this is kept continually alight and serves to keep mosquitoes away from the cattle and the young men who sleep on a platform above it, while during the daytime people sit around it and chat. In the dry season the *gol* is a huge heap of ashes enclosed by a windscreen and around it sleep the inmates of the windscreen and there also they spend a large part of the day watching their cattle, drinking milk, sleeping and smoking. This dung fire signifies the home and especially symbolises the household from the point of view of its male occupants since women have their own cooking fires. *Jigoalla* (the people of my *gol*) are the people of my household, especially the menfolk of my household. *Gol* Cam or *gol* Pec is the homestead or windscreen of Cam or Pec and hence means the household of Cam or Pec. *Ran gol* Cam is a member of Cam's household and *jigoal* Pec is the household of Pec, i.e., the people who habitually live in his homestead and make use of his cattle byre.

The only other Nuer word I will draw attention to in this place is *dor*. I think that the most comprehensive meaning of *dor* is what is not actual homestead. The word generally means " bush " in contrast to *cieng* (home), e.g., " *wa dor* " (" I am going into the bush " almost " I am going out ") is the opposite to " *wa cieng* " (" I am going home "). Different parts of the bush can be designated by some conspicuous landmark as the *dor* of such and such a thing. The word is noticed in this place because it is often used to refer to the unoccupied land lying around a homestead or hamlet which is used for sowing maize or on which goats and sheep and calves graze. In this sense *doran* (our dor) has much the same meaning as *ciengdan* (our *cieng*), though the former word seems 823 196

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823 rather more inclusive. But both are used to refer to " our home," " our
196 hamlet," "our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that tne territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not
619 clearly differentiate between them.

361 Herein lies a great difficulty. The Nuer tribe always has a name
614 derived from the name of the country which it occupies, e.g., one may

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614 as you can ask a Zande, for example, "*Ngbwatungaro nga da?*" You
[196] get at his clan by degrees, if you get at it at all, by asking a man what is his *thok mac* or *thok dwiel* (the hearth of his fire or the entrance to his hut). In my experience the latter expression is the more common and I will use it here. The reader will observe that it is analogous in its literal and extended meanings to the Arabic *khashm el bet*. A man's *thok dwiel* are all those persons of either sex who can trace their descent through males exclusively to a common ancestor. *Thok dwiel* is, therefore, a relative term since its extension depends on the particular person who is selected as the point of departure. Thus if we begin with the father then the *thok dwiel* will include only sons and daughters, but if we take the grandfather as our point of departure it will include all his sons and daughters and the children of his sons. A larger and larger number of agnates (persons related through the male line exclusively) will be included in the term *thok dwiel* the higher up the line of ascent we take the point of departure. Now the Nuer does not generally, if ever, refer to the group of father and children as a *thok dwiel*. These people, together with the mothers, form so obviously a family and household (*gol*). *Thok dwiel* of a man means essentially his father's kinsman and the only question is how far back the Nuer goes up the line of ascent before he hits on an ancestor whose descendants in the male line he includes in his notion of kin. The answer to this question is complicated since there is no invariable rule in the matter and since the notion of kin is relative, more people being included in some contexts than in others by the same speaker.

613 Thus in diagram No. IV W, X, Y, and Z are four sons of S and they sleep in their father's kraal and form part of his family and household (*gol*). Many years later we return to their country and we find that S is long since dead and that his sons, W, X, Y, and Z, have each a family of their own. We may now speak of W, X, Y, and Z, with their sons and daughters as forming a *thok dwiel*, which would be called after S, their common ascendant. In the terminology employed in this paper we would speak of the lineage of S since we are using the term lineage to denote the unilateral group of agnatic kin which the Nuer calls his *thok dwiel*. If you ask any member of this line of descent from S what is his lineage, he will reply that he belongs to the house (*cieng*) of S. Here again it is necessary to re-emphasise that in saying that he belongs

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CHAPTER I

GOD

I

*776 THE Nuer word we translate 'God' is *kwoth*,[1] Spirit. Nuer also speak of him more definitely as *kwoth nhial* or *kwoth a nhial*, Spirit of the sky or Spirit who is in the sky. There are other and lesser spirits which they class as *kuth nhial*, spirits of the sky or of the above, and *kuth piny*, spirits of the earth or of the below. I discuss the conception of God first because the other spiritual conceptions are dependent on it and can only be understood in relation to it.

*776 The Nuer *kwoth*, like the Latin *spiritus*, the Greek *pneuma*, and
196 the English derivatives of both words, suggests both the intangible quality of air and the breathing or blowing out of air. Like the Hebrew *ruaḥ* it is an onomatope and denotes violent breathing out of air in contrast to ordinary breathing.[2] In its verbal form it is used to describe such actions as blowing on the embers of a fire; blowing on food to cool it; blowing into the uterus of a cow, while a tulchan is propped up before it, to make it give milk; snorting; the blowing out of air by the puff fish; and the hooting by steam pressure of a river steamer. The word is also found, and has the same general sense, in some of the other Nilotic languages.

*776 As a noun, however, *kwoth* means only Spirit, and in the particular sense we are now discussing it means *kwoth nhial* or *kwoth a nhial*, Spirit of the heavens or Spirit who is in the heavens, the copula *a* in the second designation being one of the verbs we translate 'to be'. *Nhial* is the sky, and combined with verbs the word may also refer to certain natural processes associated with the sky, as raining and thundering; but it may also have merely the sense of 'on high' or 'above'. We may certainly say that the Nuer do not regard the sky or any celestial phenomenon as God, and this is clearly shown in the distinction made between God and

[1] The word has been variously spelt by European writers. I shall throughout use *kwoth* (pl. *kuth*), neglecting the genitive and locative forms.

[2] Norman H. Snaith, *The Distinctive Ideas of the Old Testament*, 1944, chap. vii.

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x776 Before discussing further the separation of God from man I will mention some of the chief attributes of God. He is in the sky, but his being in the sky does not mean that he is not at the same time elsewhere, and on earth. Indeed, as will be seen, Nuer religious thought cannot be understood unless God's closeness to man is taken together with his separation from man, for its meaning lies precisely in this paradox.

Nuer say that God is everywhere, that he is 'like wind' and 'like air'. According to Father Crazzolara,[1] he may be spoken of by the epithets *jiom*, wind, and *ghau*, universe, but these words only [538] stand for God in poems or in an allegorical sense and are illustrations of the liking the Nilotic peoples show in their poetry for metonymy and synecdoche. God is not wind, but *cere jiom*, like wind; and he is not *ghau*, the universe, but *cak ghaua*, the creator of the universe. Another poetic epithet by which he may be referred to is *tutgar*. This is an ox-name, taken from an ox of the [231] kind Nuer call *wer*, which has wide spreading horns and is the most majestic of their beasts (Plate I). The name is a combination of two words: *tut*, which has the sense of 'strength' or 'greatness', and *gar*, which has the sense of 'omnipresent', as in another of God's titles, *kwoth me gargar*, the omnipresent God (*gargar* can also be translated 'limitless').[2] But the commonest Nuer way of trying to express their idea of the nature of God is to say that he is like wind or air, a metaphor which seems appropriate to us because it is found throughout the hierological literature of the world and we are particularly familiar with it in the Old Testament. Among the Nuer the metaphor is consistent not only with the absence of any fixed abode of God but also of any places where he is thought particularly to dwell, for air and wind are everywhere. Unlike the other spirits God has no prophets or sanctuaries or earthly forms.

x776 196 God, Spirit in the heavens who is like wind and air, is the creator and mover of all things. Since he made the world he is addressed in prayers as *kwoth ghaua*, Spirit of the universe, with the sense of creator of the universe. The word *cak*, used as a noun, can mean the creation, that is, all created things, and hence the

[1] Op. cit. p. 72.

[2] Dr. Mary Smith tells me that if a ne'er-do-well is asked how he expects to live he may reply '*kwoth e gargar*', 'God is limitless' (in his power to aid), in the same way as a man may say of the earth or of the universe that it is *gargar*, limitless.

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nature or character proper to a person or thing; it can be used in a very special sense to refer to an abnormality, *cak kwoth*, a freak; and, though I think rarely, it is used as a title of God, the creator, as in the expression *cak nath*, creator of men. As a verb 'to create' it signifies creation *ex nihilo*, and when speaking of things can therefore only be used of God. However, the word can be used of men for imaginative constructions, such as the thinking of a name to give a child, inventing a tale, or composing a poem, in the same figurative sense as when we say that an actor creates a part. The word therefore means not only creation from nothing but also creation by thought or imagination, so that 'God created the universe' has the sense of 'God thought of the universe' or 'God imagined the universe'.

Professor Westermann wrote at the dictation of a Nuer an account of how God created the world and made all things in it. It begins '*Me chak koth nath, chwo ran thath*', which he has translated 'When God created the people, he created man.'[1] It will be observed that he has translated two different words, *cak* (*chak*) and *tath* (*thath*), by 'create', but they have not quite the same sense, for whereas *cak* means creation *ex nihilo* and in thought or imagination, *tath* means to make something out of something else already materially existing, as when a child moulds clay into the shape of an ox or a smith beats a spear out of iron. The sentence would therefore be better translated 'When God created people then he made (or fashioned) man.' The distinction is similar to that between 'created' and 'made' in the first chapter of Genesis, 'created' there being a translation of the Hebrew *br'*, which can only be used for divine activity.

The complementary distinction made in Genesis between 'the heaven and the earth' is made, by implication at least, in a slightly different way by the Nuer. A parallelism often heard in their prayers is '*e pinydu, e ghaudu*', 'it is thine earth, it is thy universe'. *Piny* is the down-below, the earth in the sense of the terrestrial world as the Nuer know it. *Ghau* has many meanings—world, sky, earth, atmosphere, time, and weather—which taken together, as they should be in a context of prayer, mean the universe. Another common, and related, strophe in prayers is '*e ghaudu, e rwacdu*', 'it is thy universe, it is thy word'. *Rwac* in ordinary

[1] Diedrich Westermann, 'The Nuer Language', *Mitteilungen des Seminars für Orientalische Sprachen*, 1912, p. 115.

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contexts means speech, talk, or word, but when used in prayers and invocations in the phrase '*e rwacdu*', 'it is thy word', it means the will of God; and when used in reference to creation it has almost the meaning of the creative word: 'he created the world, it is his word'.

The Nuer can hardly be said to have a creation myth, though our authorities[1] record some fragmentary accounts of the creation of men, parts of which I have myself heard. These state that men were created in the Jagei country of western Nuerland at a certain tamarind tree, at the foot of which offerings, and according to Mr. Jackson sacrifices, were sometimes made till it was destroyed by fire in 1918. Many details in the versions given by Mr. Jackson and Captain Fergusson are clearly foreign, either Dinka or in Mr. Jackson's account Shilluk and in Captain Fergusson's account possibly even Atwot or Mandari, and I regard Father Crazzolara's version as the closest to Nuer tradition. In this version the tamarind tree, called Lic, was itself the mother of men who, according to one account, emerged from a hole at its foot or, according to another account, dropped off its branches like ripe fruits.

Whether they are speaking about events which happened *ne walka*, in the beginning or long ago, or about happenings of yesterday or today, God, creative Spirit, is the final Nuer explanation of everything. When asked how things began or how they have come to be what they are they answer that God made them or that it was his will that they have come to be what they are. The heavens and the earth and the waters on the earth, and the beasts and birds and reptiles and fish were made by him, and he is the author of custom and tradition. The Nuer herd cattle and cultivate millet and spear fish because God gave them these things for their sustenance. He instituted their marriage prohibitions. He gave ritual powers to some men and not to others. He decreed that the Nuer should raid the Dinka and that Europeans should conquer the Nuer. He made one man black and another white (according to one account our white skins are a punishment by God for incest committed by our ancestor with his mother), one man fleet and another slow, one strong and another weak. Everything in nature, in culture, in society, and in men is as it is because

[1] H. C. Jackson, 'The Nuer of the Upper Nile Province', *Sudan Notes and Records*, 1923, pp. 70–71; V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 148–9; J. P. Crazzolara, op. cit., p. 66.

777 to dust and killed many of the 'Turks' as well because they had
x 776 compared the rifle he had given them to his power. The point of
773 this story is not merely that God was stronger than the 'Turks'
but that he was in the right and the 'Turks' were at fault.

x 776 This brings me to an extremely important Nuer concept, an
577 understanding of which is very necessary to a correct appreciation
196 of their religious thought and practice. This is the concept of *cuong*. This word can mean 'upright' in the sense of standing, as, for example, in reference to the supports of byres. It is also used figuratively for 'firmly established', as in the phrase *'be gole cuong'*, 'may his hearth stand', which has the sense of *stet fortuna domus*. It is most commonly employed, however, with the meaning of 'in the right' in both a forensic and a moral sense. The discussion in what we would call legal cases is for the purpose of determining who has the *cuong*, the right, in the case, or who has the most right; and in any argument about conduct the issue is always whether a person has conformed to the accepted norms of social life, for, if he has, then he has *cuong*, he has right on his side. We are concerned with the concept here both because it relates directly to man's behaviour towards God and other spiritual beings and the ghosts and because it relates to God in a more indirect way, in that he is regarded as the founder and guardian of morality. Up to this point I have been describing Nuer ideas about the nature of God. I shall now describe their ideas about what God requires of them.

III

I do not want to suggest that God is thought to be an immediate sanction for all conduct, but I must emphasize that the Nuer are of one voice in saying that sooner or later and in one way or another good will follow right conduct and ill will follow wrong conduct. People may not reap their rewards for good acts and punishments for bad acts for a long time, but the consequences of both follow behind (*gwor*) them and in the end catch up on those responsible for them. You give milk to a man when he has no lactating cows, or meat and fish to him when he is hungry, or you befriend him in other ways, though he is no close kinsman of yours. He blesses you, saying that your age-mates will die while

is everything well with your home? A fifth question sometimes asked is '*ci bagh?*', 'has it dawned (well for you)?' Not all these questions are always asked, but often two or three of them are, and sometimes more. In the full greeting we therefore get a composite picture of easy sleep and fresh awakening, contentment, prayer, and a smoking hearth, that is, of a person at peace in himself. 576

This digression was made to explain the meaning of the expression '*akoniemko*' in prayer. The phrase is in harmony with some other expressions used in prayer: '*apwonyko pwol*', 'may we be light', and '*apwonyko koc*', 'may we be cool'. *Pwony* means 'body' or 'self' and here it means 'self' in the sense of the person as an entire person, body and soul. There is no reason why a Nuer should want to be light or cool in a purely physical sense. What is intended is to ask that the people may be light not only in the sense of physical well-being but also in the sense of *pwol koc*, of being light-hearted or joyful, free from burdens and troubles; and that they may be cool in the sense of not being anxious or worried, cool in the sense of calm. This is shown by a variant which is one of the commonest Nuer prayers, '*a yiegh neni koc*', which can in this context only be translated 'may the souls of the people be cool', though in other contexts *yiegh* can mean 'breath' or 'life'. Very often the word *thei* is added, '*a yiegh neni koce thei*', and this gives an emphasis: 'may the souls of the people be very cool'. Obviously Nuer are not asking, unless it be metaphorically, that their breath or life may be very cold. The word *koc* is also used in expressions of good will towards persons, especially in the blessing '*apwonydu koc*', 'may you be cool', that is, 'may you be at peace'.[1] 782 196

The word *koc* can also mean 'soft' or 'tender', and though it is best translated 'cool' in prayers the two meanings may blend. Here again, Nuer clearly do not want to be physically soft. Indeed the expression '*koce thei*' in the physical sense of softness means when applied to men 'to be completely impotent sexually'. The idea of softness is seen in the metaphor often heard in prayers and invocations: 'may we tread on wild rice'. *Poon*, wild rice, is, Nuer say, the softest of grasses to the feet, as it is also one of the 782 196 137

[1] The symbolism can at once be appreciated by ourselves, especially by those acquainted with the Vulgate and other Latin sacred texts where *refrigerium*, a cooling, is used in the tropical senses of 'consolation', 'mitigation', 'refreshing', and 'comfort'.

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tenderest pasture grasses, being sometimes gathered to feed small calves by hand. Nuer speak of life as walking through pastures and they ask for a path that has no hidden dangers, that is, is free from evil, and for softness underfoot, that is, a mind at ease. Hence they petition also '*gwenyi ko kwel gwath me jalko ko*', 'make clear a way for us in the place where we journey', and '*gwenyi ko gwath*', 'clear for us a place'. Here again the sense is mainly allegorical. The words do not usually refer to any particular place or journey but to the journey through life, and the making clear of the way does not refer only, or even at all, to any particular dangers of travelling through the bush but to all the sufferings and evils which beset the life of man.

Peace and deliverance are the key-notes of these petitions. They are seen again in the phrase '*kwoth ngaci rum yieni, romni yieko*', 'God, thou (who) knowest how to support [or care for] souls, support [or care for] our souls'. The general sense of the prayer is that God should protect those who supplicate him as a parent protects his helpless infant. This desire for peace, deliverance, and protection is summed up in another common petition: '*akoteko*', 'let us be'. I am not certain whether the verb here is *tek*, to be alive, or, as I think it is, *te*, to be. There is in any case a considerable overlap in meaning between the two words, and in this context there would not be any great difference in meaning between the one and the other, for the sense is: let us go on living and as we are. Nuer are asking for life, but not just life in the sense of living but of living abundantly, free from the troubles and sufferings which make life, as we say, not worth living. That this is the right interpretation is further suggested by another expression frequently heard in prayer, '*akolapko*', which also has to be translated 'let us be', and here again signifies, and in a deeper moral sense, life in the mode and manner of leading it. The verb is *labe*. It expresses a continuous state and can, I think, only be used of persons. It indicates a particular quality of a person which is part of his nature as that person and is therefore unchangeable, as in the phrases '*labe kuaar*', 'he is a leopard-skin priest', '*laba Nac*', 'I am a Jinaca clansman', '*laba ran*', 'I am a Nuer' or 'I am a man', and *labbo cok*', 'we are (like) ants [in the sight of God]'.

It will have been observed that these expressions in Nuer prayers, as is the case among other peoples, are often repetitions, but rather in the form of parallelisms than of tautologies, for they

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are variations of meaning within the same general meaning. Different images are used to express the same general idea, each stressing a different aspect of it.[1] 782 196

The distinctive and significant features of Nuer mystical and moral theology cannot be extracted from the short affirmations and petitions which constitute their prayers if these are considered entirely by themselves without Nuer comments on them and without some knowledge of their ritual and of their ideas and values in general, but once these have been delineated they are seen to be summed up concisely in the prayers. They are asking God for deliverance from evil, so that they may have peace, denoted by a variety of images with emotional and ideational relatedness—sleep, lightness, ease, coolness, softness, prayer, the domestic hearth, abundant life, and life as it should be according to the nature of the person. As I have explained, Nuer regard the ills they wish to be delivered from as due to faults and they think they can only be avoided by keeping in the right in their dealings with God and men. These two ideas, of being in the right and of deliverance from evil, are basic to their religious thought and they are also, of course, complementary. A fuller understanding of these cardinal concepts of Nuer religion can be obtained only by taking into account their attitudes towards other spirits associated with God, their conception of the soul and of sin, and their sacrificial rites. 782

[1] Archbishop R. C. Trench discusses this feature of prayer in his *Synonyms of the New Testament*, 1871, *passim*.

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776 177 known to the west than to the east of the Nile. It appears to be associated with a cattle-plague, also called *diu*, and it may have a further association with the sun, but I am uncertain of this; and I must say that this uncertainty may not be entirely due to my ignorance, for in many cases these associations between spirits and natural phenomena are not emphasized by Nuer and are even vague and fanciful ways of giving a bare outline of individuality to the spirits. The spirit *col* has associations with rain, lightning, a river believed to run through the sky, a tree called *nyuot* (*Cordia Rothii*), of which Nuer say that 'God loves it', and the *colwic* spirits who are the souls of those killed by lightning. This spirit is probably a Nuer conception, but then it is hardly conceived of as an individual spirit, but rather as all the *colwic* spirits merged together. *Rang* or *rangdit* and its son *mabith* are [194] both spirits associated with wild animals and hunting, *mabith* having a special association with giraffes; and it may be noted that the word *rang* means also 'a good spearsman', that is, one who shines, for yet a further meaning of the word is 'sunshine' and its verbal form means 'to shine' or 'to dazzle'. In some contexts the word could be translated 'light'. The two spirits are said to have come from the country of the *kareqni*, the Baggara Arabs, whom the western Nuer used to raid for stock and women; and it is perhaps significant that the Baggara are great hunters of giraffes. Further, Dr. Lienhardt has pointed out to me that the Rek Dinka say that their spirit *garang*, which is also associated with giraffes and is doubtless the same as the Nuer *rang*, came to them from the Twic Dinka who neighbour the Baggara Arabs.[1] The spirit *mani*, whose ox-names are *luthpara* and *bilcueny*, and which is particularly associated with war, is certainly of foreign origin and I believe that it is generally regarded by the western Nuer as having come from somewhere to the north of them. It is therefore perhaps worth drawing attention to the belief in a mysterious power called *mani* in northern Darfur.[2] The spirit *mai* is asso-

[1] This spirit evidently has today a wide distribution among the Dinka for it is mentioned by Mr. Johnson (op. cit., p. 124) as being regarded by the Bor Dinka as a son of *deng*. Mr. Johnson says that 'in every respect his attributes are equivalent to those of Satan'.

[2] A. J. Arkell, 'Mani Magic in Northern Darfur', *Sudan Notes and Records*, 1936. As Mr. Arkell suggests, there may be some connexion between the Darfur *mani* magic and the *mani* magic of the Azande (E. E. Evans-Pritchard, '*Mani*, a Zande Secret Society', *ibid.*, 1931). The word *mani* is almost certainly a loan-word in the Nuer language.

* 776 792 Nuer call such a charismatic person *gwan kwoth*, owner or possessor of Spirit, the name of the particular spirit sometimes being added, as *gwan kwoth deang*, the possessor of the spirit *deng*, or *gwan kwoth mani*, the possessor of the spirit *mani*. He is also referred to as the *guk* of the spirit, a word meaning a leather bag. The prophet is a bag containing the spirit. 'Possessor' might seem to be here an inappropriate translation of *gwan* ('father', 'owner', or 'master') since the spirit possesses the man rather than the man the spirit, but the man does own the spirit in the sense that it is in him and gives him spiritual power ordinary people lack.

* 776 792 825 It appears to be first known that a man has become possessed permanently by a spirit, either without or after sickness, by sustained abnormal behaviour and occasional bouts of frenzy. In these states, which are said to occur most frequently in the earlier phases of possession, when the spirit comes, or leaps, upon, or moves the prophet (to use Old Testament expressions) he acts like a madman (*yong*), and Nuer cannot always distinguish for certain at this stage between a prophet and a madman or epileptic (*gwan noka*); but if there is any doubt it is dispelled by the later behaviour of a prophet, for he ceases to prophesy only when possessed in the narrow sense of being for the time out of his mind and gives spiritual guidance when in a normal state to those who ask for it. From time to time he may have renewed mantic seizures, but these are regarded by Nuer as only outward signs of a spiritual power which directs his utterances whenever he speaks as a prophet and also when, as sometimes happens, he speaks as a judge and political leader. Nuer conceive of permanent possession of this kind, in contrast to temporary seizure in the form of Spirit-induced sickness and mediumistic trances, as a filling with Spirit as with air. They use the word *gwang* to denote Spirit penetrating or entering into and filling the man. A prophet is a person filled with, or inspired by, Spirit, which controls him as the *Ruah Adonai* controlled the prophets of the Old Testament. The word [196] *gwang*, which has much the same general sense in Dinka,[1] is used for such actions as scraping out a gourd, hollowing out a canoe or mortar, or the burrowing of a hole by a wild beast. Something is hollowed out to allow entry for something else. Dr. Mary Smith tells me that Nuer have told her that when a spirit *gwange ran*,

[1] R. Tredinnick, *English-Dinka Dictionary*, 1942, p. 216.

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X 776 say '*e kwoth*', 'it is Spirit', meaning that its doing so is a spiritual signal presaging disaster. A lion is not thought of as being in itself Spirit; it is a beast. But it may, on account of some event which brings it into a peculiar relation to man, such as being born, as Nuer think sometimes happens, as twin to a human child, be regarded as a revelation of Spirit for a particular family and lineage. Likewise, diseases, or rather their symptoms, are not thought [753] of as being in themselves Spirit, but their appearance in individuals may be regarded as manifestations of Spirit for those individuals. Spirit acts, and thereby reveals itself, through these creatures. This distinction between the nature of a thing and what it may signify in certain situations or for certain persons is very evident in totemic relationships. A crocodile is Spirit for certain persons, but it is not thought to be in its nature Spirit, for others kill and eat it. It is because Nuer separate, and quite explicitly when questioned about the matter, spiritual conceptions from such material things as may nevertheless be said 'to be' the conceptions, that they are able to maintain the unity and autonomy of Spirit in spite of a great diversity of accidents and are able to speak of Spirit without reference to any of its material manifestations.

So far I have been mostly speaking of the conception of God and of those of his refractions which belong to the category of the sky or of the above. With two possible exceptions,[1] we cannot say that the things said 'to be' these spirits are material symbols or representations of them; at any rate not in the same sense as we can speak of things being symbols of those lesser refractions of Spirit Nuer call spirits of the earth or of the below, in which God stands in a special relationship to lineages and individuals—such diverse things as beasts, birds, reptiles, trees, phosphorescent objects, and pieces of wood. These lesser refractions of Spirit, regarded as distinct spirits in relation to each other, cannot, unlike the spirits of the air, easily be thought of except in relation to the things by reference to which they derive their individuality, and which are said 'to be' them.

X 776 ●196 When, therefore, Nuer say that the pied crow is the spirit *buk* or that a snake is Spirit, the word 'is' has a different sense from what it has in the statement that rain is Spirit. The difference does not

[1] The spear *wiu* may be said to stand for the spirit *wiu* (pp. 31 and 241), and the pied crow may be said to stand for the spirit *buk* which is the most terrestrially conceived of among the greater spirits (pp. 30–31 and 81).

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merely lie in the fact that *kwoth* has here a more restricted connotation, being spoken of in reference to a particular and exclusive refraction—a spirit—rather than comprehensively as God or Spirit in its oneness. It lies also in the relation understood in the statement between its subject (snake or crow) and its predicate (Spirit or a spirit). The snake in itself is not divine activity whereas rain and lightning are. The story accounting for a totemic relationship may present it as arising from a revelation of divine activity, but once it has become an established relationship between a lineage and a natural species, the species is a representation or symbol of Spirit to the lineage. What then is here meant when it is said that the pied crow 'is' *buk* or that a snake 'is' Spirit: that the symbol 'is' what it symbolizes? Clearly Nuer do not mean that the crow is the same as *buk*, for *buk* is also conceived of as being in the sky and also in rivers, which the pied crow certainly is not; nor that a snake is the same as some spiritual refraction, for they say that the snake just crawls on the earth while the spirit it is said to be is in the sky. What then is being predicated about the crow or snake in the statement that either is Spirit or a spirit?

It will be simpler to discuss this question in the first place in relation to a totemic relationship. When a Nuer says of a creature '*e wyang*', 'it is a crocodile', he is saying that it is a crocodile and not some other creature, but when he says, to explain why a person behaves in an unusual manner towards crocodiles '*e kwothdiew*', 'it (the crocodile) is their spirit', he is obviously making a different sort of statement. He is not saying what kind of creature it is (for it is understood that he is referring to the crocodile) but that what he refers to is Spirit for certain people. But he is also not saying that the crocodile is Spirit—it is not so for him—but that certain people so regard it. Therefore a Nuer would not make a general statement that '*wyang e kwoth*', 'crocodile is Spirit', but would only say, in referring to the crocodile, '*e kwoth*', 'it is Spirit', the distinction between the two statements being that the first would mean that the crocodile is Spirit for everyone whereas the second, being made in a special context of situation, means that it is Spirit for certain persons who are being discussed, or are understood, in that context. Likewise, whilst it can be said of the crocodile that it is Spirit, it cannot be said of Spirit that it is the crocodile, or rather, if a statement is framed in this form it can only be made when the word *kwoth* has a pronominal suffix which gives it the

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meaning of 'his spirit', 'their spirit', and so forth; in other words, where the statement makes it clear that what is being spoken of is Spirit conceived of in relation to particular persons only. We still have to ask, however, in what sense the crocodile is Spirit for these persons.

Since it is difficult to discuss a statement that something which can be observed, crocodile, is something more than what it appears to be when this something more, Spirit, cannot be observed, it is helpful first to consider two examples of Nuer statements that things are something more than they appear to be when both the subject term and the predicate term refer to observable phenomena.

When a cucumber is used as a sacrificial victim Nuer speak of it as an ox. In doing so they are asserting something rather more than that it takes the place of an ox. They do not, of course, say that cucumbers are oxen, and in speaking of a particular cucumber as an ox in a sacrificial situation they are only indicating that it may be thought of as an ox in that particular situation; and they act accordingly by performing the sacrificial rites as closely as possible to what happens when the victim is an ox. The resemblance is conceptual, not perceptual. The 'is' rests on qualitative analogy. And the expression is asymmetrical, a cucumber is an ox, but an ox is not a cucumber.

A rather different example of this way of speaking is the Nuer assertion that twins are one person and that they are birds.[1] When they say 'twins are not two persons, they are one person' they are not saying that they are one individual but that they have a single personality. It is significant that in speaking of the unity of twins they only use the word *ran*, which, like our word 'person', leaves sex, age, and other distinguishing qualities of individuals undefined. They would not say that twins of the same sex were one *dhol*, boy, or one *nyal*, girl, but they do say, whether they are of the same sex or not, that they are one *ran*, person. Their single social personality is something over and above their physical duality, a duality which is evident to the senses and is indicated by the plural form used when speaking of twins and by their treatment in all respects in ordinary social life as two quite distinct individuals. It is only in certain ritual situations, and symbolically,

[1] I have given a more detailed account in 'Customs and Beliefs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936.

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that the unity of twins is expressed, particularly in ceremonies 776 x
connected with marriage and death, in which the personality 196 ●
undergoes a change. Thus, when the senior of male twins marries, 811
the junior acts with him in the ritual acts he has to perform; 845
female twins ought to be married on the same day; and no mor- [582]
tuary ceremonies are held for twins because, for one reason, one [766]
of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin 776 x
dies, and I was told that twins do not attend the mortuary cere- 845
monies held for their dead kinsfolk, nor mourn them, because a 766
twin is a *ran nhial*, a person of the sky or of the above. He is also 196
spoken of as *gat kwoth*, a child of God. These dioscuric descrip- 811
tions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in
various ways. Very often a twin is given the proper name *Dit*, [551]
bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider [262]
it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

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*776 845 766 196 811 a reed basket or winnowing-tray and placed in the fork of a tree, because birds rest in trees. I was told that birds which feed on carrion would not molest the bodies but would look at their dead kinsmen—twins and birds are also said to be kin, though the usage may be regarded as metaphorical—and fly away again. When I asked a Nuer whether adult twins would be buried like other people he replied 'no, of course not, they are birds and their souls go up into the air'. A platform, not used in the normal mode of burial, is erected in the grave and a hide placed over it. The body is laid on this hide and covered with a second hide. Earth is then carefully patted over the upper hide instead of being shovelled in quickly, as in the burial of an ordinary person. I was told that the corpse is covered with earth lest a hyena eat it and afterwards drink at a pool, for men might drink at the same pool and die from contamination (*nueer*).

*776 845 811 [262] It is understandable that Nuer draw an analogy between the multiple hatching of eggs and the dual birth of twins. The analogy is explicit, and, through an extension of it, the flesh of crocodiles and turtles is also forbidden to twins on the ground that these creatures too, like birds, lay eggs. Miss Soule once had a girl twin in her household who refused fish for the same reason—the only case of its kind known to either of us. But the analogy between multiple births in birds and men does not adequately explain why it is with birds that human twins are equated when there are many other creatures which habitually bear several young at the same time and in a manner more closely resembling human parturition. It cannot be just multiple birth which leads Nuer to say that twins are birds, for these other creatures are not respected by twins on that account. The prohibition on eating eggs is clearly secondary, and it is extended to include crocodiles and turtles—and by Miss Soule's girl fish also—not because they lay eggs but because their laying eggs makes them like birds. Moreover, it is difficult to understand why a resemblance of the kind should in any case be made so much of. The multiple hatching of chicks is doubtless a resemblance which greatly strengthens the idea of twins being birds, but it is only part of a more complex analogical representation which requires to be explained in more general terms of Nuer religious thought. A twin, on account of his peculiar manner of conception is, though not Spirit himself, a special creation, and, therefore, manifestation of Spirit; and when he dies his

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the same time or a totemic spirit can be in any number of members of a species at the same time. 776x 811

There is a further fact to be taken into consideration. When Nuer speak of lights in the bush or of fetish-bundles as Spirit they normally would not use the generic word for Spirit, *kwoth*, or even its plural and fractionary form *kuth*, spirits. They would say of them that they were *bieli* or *kulangni*. So whilst it is true that *bieli* and *kulangni* are *kuth piny*, spirits of the below, the fact that they are given distinctive class names and that consequently it is possible for Nuer to explain them by saying that they are Spirit or that they are spirits attached to certain persons shows that though they are regarded as Spirit or spirits they are also somehow regarded differently from the way in which Spirit is usually regarded. So the problem here is further complicated by a third term being understood in the statement about something that it is something else: the light is *bieli*, and the *bieli* are Spirit; the bundle is *kulangni*, and the *kulangni* are Spirit. This added complication may be supposed to be due to the fact that though these spirits cannot be said to be identical with things they are more closely bound to them than is the case with other, and higher, spiritual conceptions; and the more Spirit is thought to be bound to visible forms the less it is thought of as Spirit and the more it is thought of in terms of what it is bound to. In other words, there are gradations of the conception of Spirit from pure unattached Spirit to Spirit associated with human, animal, and lifeless objects and more and more closely bound to what it is associated with the farther down the scale one goes. This scale of Spirit, as I have explained earlier, is related to segmentation of the social order and is represented by Nuer by levels of space as well as by levels and degrees of immanence. So when Nuer say of something that it is Spirit we have to consider not only what 'is' means but also what 'Spirit' means. Nevertheless, though the sense of '*kwoth*' varies with the context, the word refers always to something of the same essence; and what is being said, directly or indirectly, in the statements is always the same, that something is that essence.

We can make some contribution towards a solution of the problem in the light of this discussion. When Nuer say of something '*e kwoth*', 'it is Spirit', or give it a name of which it can be further said 'that is Spirit', the 'is' does not in all instances have

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the same connotation. It may be an elliptical statement, signifying that the thing referred to is a manifestation of Spirit in the sense of God revealing himself in instruments or effects. Or it may be a symbolical statement, signifying that what in itself is not Spirit but represents Spirit to certain persons is for these persons Spirit in such contexts as direct attention to the symbolic character of an object to the exclusion of whatever other qualities it may possess. Or it may be a statement signifying something closer to identity of the thing spoken of with what it is said to be, Spirit. The statements never, however, signify complete identity of anything with Spirit, because Nuer think of Spirit as something more than any of its modes, signs, effects, representations, and so forth, and also as something of a different nature from the created things which they are. They are not able to define what it is, but when it acts within the phenomenal world they say it has come from above, where it is conceived to be and whence it is thought to descend. Consequently Spirit in any form can be detached in the mind from the things said to be it, even if they cannot always be so easily detached from the idea of Spirit.

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I can take the analysis no farther; but if it is inconclusive it at least shows, if it is correct, how wide of the mark have been anthropological attempts to explain the kind of statements we have been considering. Anthropological explanations display two main errors. The first, best exemplified in the writings of Lévy-Bruhl, is that when a people say that something is something else which is different they are contravening the Law of Contradiction and substituting for it a law of their own prelogical way of thinking, that of mystical participation.[1] I hope at least to have shown that Nuer do not assert identity between the two things. They may say that one is the other and in certain situations act towards it as though it were that other, or something like it, but they are aware, no doubt with varying degrees of awareness, and readily say, though with varying degrees of clarity and emphasis, that the two things are different. Moreover, it will have been noted that in the seemingly equivocal statements we have considered, with perhaps one exception, the terms cannot be reversed. The exception

[1] I refer to his earlier writings, in particular *Les Fonctions mentales dans les sociétés inférieures* (1910) and *La Mentalité primitive* (1922). The second part of his last book, *L'Expérience mystique et les symboles chez les primitifs* (1938), which took account of modern research, is a brilliant discourse on the problems we have been discussing.

765 ceremony, and I was told that it is dangerous for them even to
782 smell the cooking meat. Everyone then moved off to sit in front
[561] of a hut to listen to the commemorative orations, which are also invocations; and here were spread out on the ground the ghost's possessions, his fighting-spears and fishing-spears, his beads, his metal arm-rings, his ostrich-shell girdles, his pipe, and, since his son was senior government interpreter in the district, his clothes and whistle, articles not possessed by ordinary Nuer. At the side of these were placed the heads and hides of the cattle which had just been sacrificed. The people sat with their backs to the now rising sun and facing the direction of the setting sun because 'death follows the setting sun'. Nuer say that 'the west is the side of
[123] death, the east the side of life', and the verb *kwony* in their
[196] language means both 'to bury' and 'to set' (the sun). When they sacrifice an ox for a sick man they hope it will fall towards the east. The master of ceremonies (pp. 287–9) of the ghost's family made the first commemorative oration, after throwing some tobacco towards east and west. As he spoke he walked up and down in front of the people brandishing the spear with which the animals had been sacrificed. He commenced his address (*lam*) by shouting out his own name. He must also have shouted out his clan spear-name, though I have not recorded it in my notebooks.

I did not take down his address at the time but I was told later that a master of ceremonies speaks in this wise: 'God, now thou hast given us badness, or is it simply the lot of creation? [Is the death thou hast sent us a special evil designed for us or has the dead man merely suffered what soon or late comes to all created things?] Now thou hast taken so-and-so [he names the dead man], now he has become one of thy people, turn about and take him right away. We who are left in the world, give us peace. Let his children who remain in the world be at peace. He is not finished, his children will carry on his name. In the future they will bear his name. Let no further evil befall us.' The master of ceremonies is now speaking to the ghost: 'So-and-so, my brother [or 'my father' if he was a much older man], now thou art one of God's people. Do not forget us, let it be thy habit to speak [on our behalf] to thy father [God]. When we go into the bush let us tread on wild rice [avoid all dangers and troubles]. Let us beget children. May all evil be taken away from us now, and may we remain in peace.' The master of ceremonies again addresses God: 'God, and

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SOUL AND GHOST

II

761 Two main questions arise from the account I have given of ceremonies connected with death: In what way do Nuer conceive of the disintegration of the person at death and how do they regard those who have departed? I discuss these two questions in turn, but I must say at the outset that Nuer are neither very clear nor very explicit in what they say about the matters they concern.

As I have said, Nuer avoid as far as possible speaking of death and when they have to do so they speak about it in such a way as to leave no doubt that they regard it as the most dreadful of all dreadful things. This horror of death[1] fits in with their almost total lack of eschatology. Theirs is a this-worldly religion, a religion of abundant life and the fullness of days, and they neither pretend to know, nor, I think, do they care, what happens to them after death.

761 774 •196 When a man dies the flesh, the life, and the soul separate themselves out. The idea of *ring*, flesh, presents no difficulties. All creatures have *ring*, and it is what, when a man dies, is committed to the earth. *Yiegh*, life, is a more difficult concept, especially as, as will be seen, its meaning overlaps with that of *tie*, soul—they are different aspects of what in a living man is a single whole. *Yiegh* means both 'breath' and 'life'. In the sense of 'life' it may mean, according to the context, either mere life, what is common to man and all living creatures, or it may include the intellectual and moral faculties as well. At one end the meaning is much the same as *teyh*, life, in contrast to *liegh*, death, and at the other end it approximates to *tie*, the soul. A man's *yiegh* may be stronger or weaker according to circumstances. When he is drunk he is partly dead, and also when he is ill. Sleep is also a partial death, the death, Nuer say, for which people do not mourn. When a man is dying the life slowly weakens and then it departs from him altogether, and Nuer say it has gone to God from whom it came. Nuer ideas on this matter are relatively simple and also easy for us to understand. Life comes from God and to him it returns.

[1] Horror of death is probably the reason for the great reluctance with which Nuer discuss dreams, even impersonally and with reference only to stereotyped interpretations, for these only too often are prognostications of death: as when a man dreams of death, or of a fish called *rec wa cuv*, black fish, or of a turtle walking about which the dreamer fails to catch.

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SOUL AND GHOST

Tie corresponds to the *anima* in scholastic writings and presents many of the difficulties of that word. It would appear to be that part of the *yiegh* which embraces the intellectual and moral faculties of man, his rational soul as distinct from his mere life as a living creature.[1] It is used in varying contexts in a variety of senses and might sometimes be translated 'cleverness', 'wisdom', and 'disposition', but the English word that best covers its general sense is 'soul'. It is true that sometimes 'life' is a more appropriate rendering than 'soul', just as *yiegh* may sometimes be more suitably translated 'soul' than 'life', but when this is so it is the psychic life rather than the animal life that is to be understood. The essential difference, in spite of mutual overlap, between the two conceptions is clearly to be seen in the already related case of Gatbuogh. He ostensibly had breath and life (*yiegh*), but what made him a person (*ran*), his soul (*tie*), had departed. Hence, although he was described as 'a living ghost' he was also said to be 'dead'. It is to be seen also in the Nuer dogma about twins, that they are one person. Ostensibly each has his independent individual life, but they have a single soul and are therefore one person. The distinction also emerges at death. The *yiegh*, the life, returns to God at the moment of death, so we may suppose—and Nuer remarks on the whole lead us to the same conclusion—that what survives death in an independent, if shadowy, existence as a ghost or shade is the *tie*, the soul. I return to this aspect of the matter later.

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Associated with the *tie* is the *tiep*, the common Nilotic word for a shadow or reflection. In Nuer it may simply mean 'shade', as the shade of a tree, and also the reflection of anything in water. When used for the human shadow it might sometimes be translated 'soul', though in its general sense *tiep* cannot be equated with *tie* and when it is used in a context where we might expect *tie* to be used it would seem to be in the sense of an external representation or symbol of the soul. There may be here a merging of ideas, but Nuer are nevertheless fully aware that a man's shadow is only a reflection visible at certain times and in certain circumstances

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[1] Psychical functions are associated with the head and the heart. The head is the seat of intelligence and will and by synecdoche stands for the whole person, especially when a pronominal suffix is added. The heart is similarly used as a periphrasis for the personal pronoun when a man's affections, emotions, or sentiments are referred to. (Cf. Aubrey R. Johnson, *The Vitality of the Individual in the Thought of Ancient Israel*, 1949, pp. 77–88.)

774 and is not an integral part of him. They do not attach any impor-
[196] tance to it and there are no beliefs and practices connected with it. They presumably see an analogy between a man's shadow and his soul, the shadow being the best way they can find to figure the sort of thing the soul might be. The analogy may derive from the idea of ghosts being shadowy replicas of the living. The fact that other creatures and things have shadows does not lead Nuer to say that they have souls; and since they have no souls, in their case the shadow does not at any time have a figurative meaning.

Nuer hold no decided opinions about the nature of the soul, which does not surprise us in view of their lack of interest in what happens after death, or of how there comes to be one. They know
[842] that the foetus begins as a result of the male sperm entering into the womb. The child is begotten (*dieth*) by man. But it is also created (*cak*) by God, so it appears that they think of conception as a product of this combination of human and divine action. But it does not necessarily follow that because a man is alive he has a soul. Gatbuogh was alive. So when we observe that Nuer
[858] do not mourn or hold a mortuary ceremony for a dead child, it suggests to us that either they do not think of a small child as having a soul or they regard it as immature. It is only when he begins to take part in activities of the social life that he is said to be a person (*ran*), and Nuer sometimes indicate that the sign of having become a person is the removal of the second lower incisor teeth, which is done when the child is about seven or eight years of age. On the other hand they speak of infant twins having one soul. Clearly they hold no definite opinion about the matter.

1771 Though Nuer would not themselves bring the ideas of flesh,
828 life, and soul so neatly together, we can see that taken together they are covered by the concepts of both *pwony* and *ran*. *Pwony* means the whole creature, the individual or the self, what is one man and not another. '*Pwonyda*' is 'myself' and '*pwonyda pany*' is 'my very self'. *Ran* is what we may describe as 'the person', the social being as distinct from the individual creature. Its plural form *nath* is the word Nuer use to distinguish themselves from other peoples. They are *nei ti nath*, people (in the general sense of the word) who are people (in the sense of persons as Nuer think of themselves). *Pwony* is, as it were, the total organism, *ran* the total personality. As I have explained, a small child is the one but not

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775 community (of the departed) which all, each in his turn, must join, or what it is like.

It is possible that the apparent contradiction between being under the earth and being with God in the sky arises from the vagueness of the concept of *tie* and in particular from the absence of any dogma that it is the *tie*, soul, which becomes a *joagh* (pl., *jook*), ghost. It is perhaps important that Nuer always speak of the *joagh* of the departed and never of his *tie* when speaking of his survival as a person. They speak of the 'ghosts' of the dead and not of the 'souls' of the dead. This distinction would seem to allow both for the idea of the dead leading some sort of existence in the Nuer sheol as shadowy replicas of the living and also at the same time for the idea that their souls are taken on high by God. They cannot say anything more definite about this question of what is conceived to survive, or how or where.

There is a further question: when does a man become a ghost? Here again there is no formal doctrine to help us. We have to draw conclusions from what seems to be implicit in the mortuary rites. As we have seen, they not only close the period of mourning and cleanse the home and the kin from the pollution of death but also send the dead man away to join the ghosts and cut him off formally and finally from the living. Only when that has been done can his property be taken by his heirs and his widows cohabit with those with whom they have decided to live. It follows that the dead must be thought to be in some way still among the living till he is dispatched by these rites to the community of the ghosts.[1]

775 The word for ghost, *joagh*, is found in various forms in all the
181 Nilotic languages. In most of the Shilluk-Lango-group languages it means 'God' or 'Spirit'. In some of the Nilotic languages, including Nuer, the word is either the same as, or is closely related to, that used to denote plagues, pestilences, murrains, and indeed any serious sickness; and, this being so, it is perhaps wise to point out that such calamities are not thought to come from the ghosts but from God: '*ce jok ben piny*', Nuer say, '*ca kam piny e kwoth*', 'the murrain came to earth, it was given to earth by God'. In Nuer

[1] Robert Hertz ('Contribution à une étude sur la représentation collective de la mort', *L'Année sociologique*, vol. x, 1907, reprinted in *Mélanges de sociologie religieuse et de folklore*, 1928) was the first to draw attention to the universality of this idea and to show the great variety and complexity of its forms.

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the word *joagh* also means 'back' or 'behind' and this cannot be fortuitous, not only because in Dinka the word for a troublesome ghost, *cien*, likewise also means 'back' and 'behind', but also because it is a common Nuer refrain in speaking to, or about, the ghosts that they should have their backs to the living, the Nuer way of saying that they should keep away from the living. If they return to the living, except when summoned as witnesses on formal occasions, it is only to cause trouble, to fetch the living to join them in the place of the dead or to punish them for faults and shortcomings. We have already noted how pronounced is this apotropaic motif in the mortuary rites, and especially in the invocations spoken at them, the speakers frequently adjuring the dead '*bi rodu ri*', 'turn thyself about'. They ask the dead to turn away from the living, to turn his back on them. Father Crazzolara notes the same sentiment. He says that the dead are buried with their backs to the huts and their faces to the bush and that a dead man is addressed: 'turn thine eyes to the bush, do not turn them to the home'. He comments that this means that the dead man must not regard the doings of the living, for he might see something which offends him and draw another person after him to death.[1] The living do not want the dead to take any interest in their lives. The dead had best look after their own affairs and let the living look after theirs. That the ideas of 'behind' and of 'the ghosts' are related is further shown by the fact that Nuer sometimes use the phrase 'to go behind' as a euphemism for 'to go to the ghosts' and hence 'to die'.

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It is consistent with the idea of the ghosts being turned away from the living so that they do not see their affairs that the ghosts are relatively unimportant in Nuer religious thought and practice, even the troublesome ones, which I discuss later; and they are in the ordinary course of affairs seldom mentioned. But though Nuer pay them little attention they cannot entirely ignore them, for there are some occasions when they are directly concerned with what is happening and their relationship to the living has to be emphasized, occasions of collective sacrifice (pp. 198–9), such as their funeral and mortuary ceremonies, settlement of blood-feuds started on account of their violent deaths, and the marriages of their children. Occasionally also dutiful sons honour their memory by sacrifice, especially if they have had vivid dreams

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[1] Op. cit., p. 173.

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CHAPTER VII

SIN

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NUER do not think of the relation of man to God as one of soul, as a separate entity, to Spirit but as one of the whole man to Spirit. The state of the conscience, as we would call it, may be one element in the relation but peace of mind is very much bound up with welfare of body and estate. This is evident from the way they regard the breach of an interdiction which is thought to bring into operation directly, and often almost immediately, spiritual sanctions. We may speak of such a breach as sin. 776 783

Sin with the suffering it brings about is central to the study of Nuer religion. If God was thought by Nuer merely to have created man and then to have ceased to interest himself in human affairs there would be no point at all in their paying any attention to him and sacrifice would be a meaningless act. It is because Spirit constantly manifests itself to men and intervenes in their enterprises and affairs that we have the subject of this book, a religion. I draw attention again to the paradox I mentioned in Chapter I, of God being far away in the sky and yet present with men on earth; but we now see that it might better be described as an intuitive understanding of the relation between God and man. God is far removed from man in that man cannot ascend to him. He is very near in that he can descend to man.

Nuer, like other people, want it both ways. They want God to be near at hand, for his presence aids them, and they want him to be far away, for it is dangerous to them. It is particularly dangerous in such situations and relationships as are marked off by religious interdictions.

One of the more important interdictory concepts is that of *thek*, a word we have had occasion to consider earlier in connexion with totems. It has a sense which I translate 'to respect', the word 'respect' being used throughout this book only where Nuer would use *thek*. The word has a similar, but perhaps wider, range of meaning among the Dinka. 196 [171]

[See p.79, cat. 16 -- Analyst] (177)

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•196 576 264 Nuer use it for the attitude and behaviour expected of a man towards his wife's parents and to a lesser extent her other kinsmen also. He expresses his respect particularly by abstaining from eating in their homes and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the home of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating [551] with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nueer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

196 583 784 There are also avoidances concerning bridewealth cattle which derive from these relationships of respect relating to marriage. A bride respects the *ghok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciek ma kau*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

in the home of his parents-in-law they avoid offering him milk 196
from the cattle he has paid them. Further, if there is a divorce and 583
the bridewealth cattle are returned to the husband's people they 784
sacrifice a goat before they drink of their milk.

Nuer 'respect with regard to food' unrelated people (*nei si* 196
gwagh) of the opposite sex, especially if they are unmarried and 264
possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word 196
thek is homicide. I discuss it in greater detail in Chapter XII. A 784
man who slays another respects water—he may not drink—until 628
a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thek*, which, as always, contains the 196
idea of avoidance, is in reference to burial and to mortuary sacri- 784
fices. Those who bury a corpse respect water—they may not drink [764]
—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the 196
mother to be barren and injure the father, himself, and the cattle. 784
A man is also said to respect his as yet unconceived children by 834
abstaining from congress with his wife when she is menstruating[1] 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*kuth*) the days of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39-40) but it would not be classed as *nuer*.

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evident. They are intended to keep people apart from other people or from creatures or things, either altogether or in certain circumstances or with regard to certain matters, and this is what they achieve. Some of them have important secondary functions in the regulation of the social order—for example, those which determine behaviour between affines and between parties to feuds; but we need not now inquire why they concern certain persons, things, and situations and not others, nor what these persons, things, and situations have in common. We are concerned only with the fact that a violation of the prohibition is to a greater or lesser degree a fault which in many cases brings disaster to the transgressor. 196 784

Failure to show respect when there is a *thek* relationship is more than a breach of decorum. It entails to a greater or lesser extent religious sanctions. It is true that in some cases, as, for example, to be seen naked by a mother-in-law, the breach is chiefly regarded as one of good manners which, since the offence was at the worst one of negligence, can be made up for by presenting the offended person with some small gift. But even here a religious sanction is not entirely lacking, because it is believed that failure to respect the parents-in-law may injure the children, and this would ultimately be attributed to God. Nuer say that were a man's nakedness to be seen often by his wife's parents his children might go blind. However, it is not the sight of the genitals in itself which is thought to cause injury so much as the disrespect in not observing the convention. That this is so may be seen from the fact that though Nuer near the American mission at Nasser, Dr. Mary Smith tells me, now often wear shorts, they continue to wear as well and over them when they visit their parents-in-law the wild cat's fur traditionally worn on such occasions. We may surmise that the convention is felt by Nuer to have also a moral significance from the violent indignation I have witnessed in female relatives of wives at exposure by husbands in their presence although they were not their mothers-in-law and the exposures were entirely accidental. The violence of their complaints would have been out of proportion to the offence were it merely a matter of etiquette. To see inadvertently an unrelated person of the opposite sex eat, or accidentally to be seen eating by the same, is perhaps the lack of respect nearest to a simple, though serious, breach of manners, but Nuer nevertheless give the impression of believing that some misfortune may follow from it. 196 784 576

SIN

196 Nuer speak of these conventions with regard to nakedness and
784 eating as *theak ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*theak ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is
[753] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 The attitude Nuer call *thek* is thus different from mere avoid-
784 ance of doing things considered to be unbecoming. Failure to
577 conform to *thek* prohibitions involves the culprit in something
262 more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer*
196 it is also sinful.
784 There are, as will be seen, prohibitions with religious sanctions
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[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

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which do not form part of respect relationships and are, therefore, 196
not called *thek*, but *thek* is the most important Nuer category of 784
interdiction. An infringement of the other prohibitions is not 783
usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, 784
which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one 835
most frequently spoken of is *rual*, incest, which Nuer say is '*cere* 783
ke nueer', 'like *nueer*', and they may use the verbal form *nueer* when speaking of its consequences, for example, '*ce nyiman nueer*', 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an elder son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

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783 they tend to take the view that it is scarcely for them to censure a man whose desires have got the better of him. When there is adultery, the husband may be indignant and demand compensation for the injury done to him, but Nuer do not become indignant at the idea of adultery. The essential point is that such faults as we are considering are, wholly or in part, conceived of as offences against God, and Nuer think that it is he who punishes them. It is God's *cuong*, right, rather than, or as well as, man's, that has been violated. The man who commits them, therefore, places himself, and possibly others too, in danger by having done something which brings Spirit into action in the affairs of men.

783 196 This danger is a condition which to some extent appears to be regarded as physical, the threatening misfortune, usually sickness, which results and is the outward manifestation of the sin being already in the man before it manifests itself. He is contaminated by his act. This is why medicines, aspersions, fumigations, and other modes of expulsion and cleansing are used in addition to the atoning act of sacrifice. This is more than mimicry. The pollution is substantival. That the sin is felt to be attached to the man is further expressed by two words of great significance, *dop* and *woc*. *Dop* means to catch alight, the spreading of a flame or fire. It is also used to describe a man catching a disease, *yaws* for example, from another and the spreading of an epidemic or murrain, such [759] as smallpox or rinderpest (Nuer are aware that such diseases are spread by contact); and it can likewise refer to anything spreading, as a fight developing out of a quarrel and people other than the principals becoming involved in it. The general idea is that of a person catching something from another, an infection, whether it be a disease, a quarrel, or a bad habit. In our present context the word means that the uncleanness which results from sins may pass to others closely related to those who are directly concerned in them. They also are in danger. *Woc* is used in a number of contexts in which the sense is getting rid of something, especially by wiping it out. It is the ritual ones which more particularly concern us. The first cut across the forehead at initiation is called the *woc dhol*, the wiping out of boyhood. The final rites of marriage are said to wipe out maidenhood. As we have noted, the mortuary ceremony is called *col woc*, the wiping out of death and mourning with their association of debt. The word is also used in reference to sacrifices made on account of a transgression. Sacrifice is

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said to woc, wipe out, *nuer*, *ruai*, *kor*, and *thiang*, and indeed any *duer*, fault. The transgressor is healed by the blotting out of his transgression. God turns away, as the Nuer put it. He does not regard it any more, so it ceases to be. When used in reference to sacrifices made on account of sins the word has thus the sense of expiation, and it is interesting that the same word which Nuer use for wiping out a transgression means in Dinka 'to err', 'to sin', and 'offence'.[1] We have in the words *dop* and woc two ideas which throw much light on the way Nuer regard sins and sacrifices made in consequence of them. Sin, as has been noted, is something which destroys and which tracks down. Two other characteristics of it are now revealed. It can spread and it can be wiped out by sacrifice. But though sin is regarded as bringing about a condition of the person which is contagious, the uncleanness is not simply a physical impurity which can be washed or purged away. It is also a spiritual state which can only be changed by sacrifice; and not even sacrifice is sufficient by itself to change it, only sacrifice which carries with it the will and desire of the sinner. What gives emphasis to the physical quality of the condition is the fact that the consequences of sin, which in a sense form part of it, are physical. This brings us to a very important matter, the identification of disease with sin.

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Nuer may speak, as we have seen, of the consequences of a sin by the same word (in which the interdiction is also implied) as they use when they speak of the sin itself. *Ruai* is incest, and it is also syphilis and yaws. *Nuer* is a breach of certain interdictions, and it is also the violent sickness which follows the breach. *Thiang* is a breach of the weaning interdiction, and it is also the dysentery the breach causes. Different diseases have different names, it is true, but if the sin which brought the sickness about is known it is spoken of by the name of the sin. The particular form of the sickness, the particular consequences which have resulted from the sin, are of secondary interest. Had the man suffered from a different ailment it would have been from the same cause. Therefore one may say that where there is a state of sin such sickness as it appears in is a symptom of the sin, or even in a sense is the sin. Even where there has been no breach of a specific interdiction, and there is consequently not the same verbal identification, any sickness tends to be regarded as the operation of Spirit on account

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[1] J. C. Mitscherlich, *Die Dinka Sprache*, 1866, p. 303; Trudinger, op. cit., p. 198.

782 mean that the intention is implied in the sacrifice itself in the circumstances in which it is made. However, even in the most perfunctory rites, it is more usual for a few formal phrases to be spoken by the officiant as he consecrates the victim, either in a scarcely audible patter or even silently. He is addressing God and not the people present. This is what Nuer call a *lam me tot*, a short invocation. They say '*ca be lam e bec*', 'they will not invoke (God) much'. Normally, however, and always in a serious situation which also permits leisurely action, there is a *lam me dit*, a long invocation. The officiant walks up and down past the tethered beast, brandishing his spear, and uttering his words loud and clear —he is then addressing the audience as well as God, and they may interrupt him with promptings, advice, and even argument. In a long address of this kind certain petitionary formulae recur again and again but it has no set form or prescribed words. Each speaker may say what he likes so long as what he says is true and also in some way relevant to the intention of the sacrifice. These long rambling addresses, sometimes taking over an hour to deliver, contain, besides a statement of intention and petitions, all sorts of affirmations, exhortations, reflections about life, anecdotes, and opinions; and also complaints, for on very formal occasions the speaker must reveal any grievance he may have in *ain* heart. As there may be several such invocations by different persons before the victim is slain, a sacrifice may be a very lengthy affair, and for a European rather tedious to assist at. He has to sit in the sun for several hours listening to addresses which are difficult for him to follow. Some of the sentences may be inaudible, the speaker speaking too low or having his back turned to the audience, who may also be talking among themselves; and the invocations are apt to require a more detailed knowledge of past events and relationships than a stranger is likely to have. These difficulties are added to by a marked tendency in the invocations towards periphrasis and aposiopesis.

782 The word *lam*, which has much the same range of meaning in
796 other Nilotic languages, expresses a number of interconnected ideas, one or other of which is stressed according to the direction of interest. In reference to God it has to be translated 'to invoke'. In reference to a sacrificial victim it can be translated 'to sacrifice'. With reference to a man the ordinary meaning is 'to curse', more rarely 'to bless'. It may also refer to a formal pronouncement in

16: Evans-Pritchard E-5 (1931, 1936) 1956
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ordeals, and in animal stories to the ordeal itself. 'Invocation' would seem best to cover all these special senses. For the verbal form I shall generally use the phrase 'to make an invocation'. Nuer usually employ it in what we call a passive or intransitive mood when speaking of sacrifices, saying '*ba lam*', 'an invocation is made', or '*be lam ke lam*', 'he will invocate with an invocation'; but since it is understood that it is God (though it may be in some refraction and sometimes coupled with ghosts) who is invoked it is legitimate also to use the phrase 'to invoke God' even when this is not a word-for-word translation of what is said in Nuer.[1] Even in curses and blessings it is God who is implicitly, if not explicitly, invoked, since the desired action can come only from him. A curse is therefore an imprecatory, and a blessing a benedictory, address to God.

The full significance of the *lam* will emerge later when the symbolism of the spear and the role of the ox have been discussed. Here I define only its outward character as a ritual form of speech. The word indicates a distinctive form of address rather than its content, which varies according to circumstances. We can perhaps best grasp its distinctive character by contrasting invocation (*lam*) with prayer (*pal*). *Pal* is to make a simple and direct petition to God for some favour, usually of a general nature, such as the petitions I recorded in Chapter I; and the supplication is so often spoken with a pleading of the hands that the word implies this gesture—*be tet pal*, praying with the hands, being understood. The word may also be used to refer to congregational hymn-singing to spirits, though since this is frequently done to the accompaniment of hand-clapping the word *pat*, to clap, is often used instead. The form and character of the *lam* are different. Its characteristic accompanying gesture is brandishing a spear, and although it contains petitions (*lang kwoth*) which are the same as those uttered in praying these are not its main or typical feature. The invocation has an incisiveness prayer lacks. What is said in it is more definite and particular; and its clauses are mostly affirmations, formal statements, rather than petitions, and these affirmations, declarations of what is, have a sort of virtue in themselves.

[1] The difficulty is that the verb 'invoke', unlike the now rarely used 'invocate', cannot be used intransitively in English as the verb *lam* can be used in Nuer. However, the grammatical distinctions we make between transitive and intransitive and between passive and active do not entirely suit the Nuer language.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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I do no mean by this that an invocation is a spell—far from it— 782
but there is a difference between an assertion and a supplication. 196
Thus in a sacrifice for sickness what is said is not so much may the sick man be healed as that his sickness is of no account and that he will be healed in the moment of sacrifice. Intention and what is intended are brought together. The sickness is finished, it is blown away, it is no more. And here we have again to emphasize the significance of the identification of sickness with sin. If the sacrifice wipes out the sin it wipes out also the material form in which it is manifested and known. That this emphasis is required is confirmed by a letter I have received from Dr. Mary Smith in which she tells me that the Nuer at her mission do not use the word *lam* if they are speaking of praising or giving thanks but only, and always, where sin is involved. But the validity of the assertion that the evil is no more depends on the general validity of all else that is said. Nuer say that a man must make invocation in truth (*thuogh*). Even in recounting the most trivial details in a history of events which have led up to a situation in which sacrifice is necessary every statement made in the presence of God must be true; and I think this, rather than just a desire to interrupt or dispute, accounts for the emendations, additions, and contradictions of the assistants. The victim offered to God has placed on its back by the *lam* what is said in the *lam*, and if the sacrifice is to be efficacious what is said must be true.

Now takes place the immolation, what Nuer generally call the 782
kam yang, the giving, or offering, of the victim when speaking of personal sacrifices, and the *nak*, the killing, when speaking of collective sacrifices. By the use of one or the other word they indicate whether a sacrifice is for them more a religious or a festal event, whether its purpose is mainly piacular or social. Nuer do not, in so far as I have observed or heard, wait for the animal to urinate before killing it, as do some of the other Nilotic peoples. An ox is speared on the right side, and so expert are the Nuer that I have never known a second thrust to be necessary or the beast to move for more than a few seconds after the thrust has been made. Sheep and goats have their throats cut (Plate X). A bovine victim should fall well to make a perfect sacrifice. Falling well means falling cleanly on its side, preferably on its right side, and with its head in the desired direction, which in most sacrifices is towards the huts and the people who sit outside them. I have been told that

is at fault if it does not fulfil its part of the bargain. A costly sacrifice having been made, *cuong*, right or justice, is on the human side in the matter. Thus the man of whom I was speaking above said during his harangue that after all the sacrifices he had made to the spirit *deng* on account of sickness in his family, his little daughter had been bitten by a snake and died. He had given all these oxen to *deng* and look what had happened! He felt aggrieved and had consulted a prophet of *deng* who had told him that if the spirit had taken his daughter it would compensate him for his loss; and it had indeed done so by giving him twins: '*ca col e kwoth ke cuek*', 'it [the death of the daughter] was compensated by the spirit with twins'. The use of the word *col*, as will be seen later, here implies that the spirit was in debt to the man. This Nuer Job complained that the spirit had only compensated him because he told it that he had had enough of it and that it could take all his children if it pleased, for then he would have finished with it because it would have nothing more to take from him. 782 789 [755]

The word *kok* occurs in the other Nilotic languages with much the same range of meaning, outside its sacrificial usage, as it has today in Nuer, for one most frequently hears it used today to describe the purchasing of goods from an Arab merchant. That a word which had chiefly, and perhaps primarily, a sacrificial meaning should come to be employed for the recent practice of buying something from a shop, a commercial sense it has also in other Nilotic tongues, sheds some light not only on Nuer ideas about trading but also on their ideas about sacrifice. Since the present range of meaning of the word includes buying and selling one might say that God or a spirit is 'bought' by sacrifice. The dangers of translation that beset one at every step in an attempt to understand and make intelligible Nuer religious ideas are here very apparent, for once we use the word 'bought' the associations it has among ourselves rush in to colour the Nuer conception. But Nuer do not regard purchase from an Arab merchant in the way in which we regard purchase from a shop. It is not to them an impersonal transaction, and they have no idea of price and currency in our sense. Their idea of a purchase is that you give something to a merchant who is thereby put under an obligation to help you. At the same time you ask him for something you need from his shop and he ought to give it to you because, by taking your gift, he has entered into a reciprocal relationship with 782 437 196

782 437 196 you. Hence *kok* has the sense of either 'to buy' or 'to sell'. The two acts are an expression of a single relationship of reciprocity. As an Arab merchant regards the transaction rather differently misunderstandings arise. In the Nuer way of looking at the matter what is involved in an exchange of this kind is a relation between persons rather than between things. It is the merchant who is 'bought' rather than the goods, just as it is God or a spirit who is bounden by sacrifice; or it can be better put by saying that the partners, Nuer and merchant, man and God, *kok* each other. The general notion conveyed by the word is therefore that of exchange. This sense covers, as do our own words 'ransom' and 'redemption', both religious and commercial usages. In both there is the idea of a relationship expressed in gift and counter-gift. The mere fact that the word has been made use of to denote what we regard as plain and simple commerce shows that some idea of a bargain is implied in its sacrificial use. Whatever else it may also be, sacrifice can be regarded, as Socrates says in the *Euthyphro*, as being in a sense a 'commercial technique', a way of doing business between gods and men. A bargain is struck. There is an exchange. This is further shown by the use of the verb *luel*, not in reference to any particular kind or situation of sacrifice but in invocations at personal sacrifices. A consideration of its use shows us better what sort of exchange Nuer sacrifice is.

782 758 One of Professor Westermann's texts records a sacrificial invocation made on behalf of a sick man. I would translate it as follows: 'God, what is this? Leave him with us; let him recover. Turn about, take thy cow. It has been decreed for the life. It is thou who hast spoken thus. Take the cow that it may be in exchange for the life (*bi je luele yei*). It is thou who hast created us; it is the cow which is exchanged for life (*e bi yang a luel ne yei*). Take the goat and the cucumber; and let him recover! In what have we erred? Give us the life. Thou art our father. Why must we always suffer? Give us the life, we pray thee, our father.'[1]

437 196 In other contexts the word *luel* means 'to exchange' or 'to change'. Something takes the place of another thing equal to it —a simple exchange of two things considered to be of more or less

[1] Op. cit., pp. 116–17. The sentence 'Take the goat and the cucumber' would not occur in any actual invocation, for the two things would not be sacrificed at the same time. Whoever spoke the text has inserted a gloss in the sense of 'Take the cow [or], that is to say, the goat or the cucumber' [as the case may be].

equal value by the persons concerned in the exchange, as when a 437
man who is leaving his neighbourhood exchanges his old byre for 196
a bull calf or when a man exchanges an ox with certain markings
desired by his partner to the exchange for one with his own
favourite markings. The difference between *kok* and *luel* is that
between the reciprocal relation between persons in an exchange
and equivalence of objects exchanged. In either case the action
is immediate, unlike that implied by use of the words *ngual*, to
borrow, and *gwal*, to lend. In loans a man makes a gift and the 426
recipient later returns it or something of greater value. There are
two distinct and separate movements between which there is a
long passage of time. In its piacular context, therefore, the word 782
luel means that the life of the victim is exchanged in the moment 196
of its immolation for the life of a man. In the sacrificial situation
the two things are of equal value, so that the one can be substituted
for the other. This puts men and cattle in a very peculiar relationship to each other, a matter I discuss in Chapter X.

In personal and piacular sacrifices the animals are substitutions for men. To this extent sacrifice is an exchange, but it is also something very much more than just a simple exchange. It is not a simple idea at all but a very complex one in which many other elements are present. I discuss the problem in more general terms later, but we may here note how other terms are used to describe personal sacrifices which emphasize rather the related ideas of propitiation, expiation, atonement, and purification.

Sometimes the word *lor* is used to describe a sacrifice. The word 782
means 'to go to meet', perhaps its most common usage being to 789
describe the formal greeting that Nuer, especially women, make 196
to a visitor of importance when they go from their homes to
receive him outside their homestead or village. The word has
therefore the further sense of 'to honour', as would appear to be
the case also in Dinka and other Nilotic tongues. But in the religious sense of the word people go out of their villages to meet a
plague or other danger not with the purpose of bringing it to their
homes to give it hospitality there but with the opposite purpose
of preventing it from entering their homes. They go out to meet
and stay a plague or murrain with sacrifice. They say '*lane je*
lor', 'let us go out to meet it'. The well-known prophet Ngundeng 782
of the Leu tribe did this in times of epidemics, sometimes, I was 789
told, sacrificing dozens of oxen and leaving their carcasses in

16: Evans-Pritchard E-5 (1931, 1936) 1956
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On the day when, by the cutting of lines on his forehead, a boy

881 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

231 615 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 615 614 583 •196 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed,* and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mut kene paak jalke kel*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *paak*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as in formal visits, at dances,

* [See p. 240-47, Ch. 11] — Analyst
(238)

16: Evans-Pritchard E-5 (1931, 1936) 1956
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and at marriage and initiation ceremonies. Otherwise it is mostly a complimentary usage which expresses a formal relationship of reserve, as between a husband's mother and her son's wife, and then it is chiefly a woman's mode of address. 231 613 614 553 196

The title consists of *gaz*, son (of), or *nya*, daughter (of), followed by a word which usually refers to a cow said to be that on whose milk the ancestor of the clan or lineage was nurtured in infancy, though it may refer to the place where the clan or lineage is said to have originated, or to some object connected with its ancestor, or to its totem. Nuer say that clans either '*ba paak ka kwi yengdiew*', 'are saluted by reference to their cow' or '*ba paak ka kwi ciengdiew*', 'are saluted by reference to their (original) village site', but since the salutation generally refers to a cow the expressions '*paak*', 'honorific salutation', and '*paakene yang*', 'honorific salutation of cow', are synonyms. The words are often exceedingly difficult to translate, or even to discover the meaning of, especially when they relate to cows, for here the Nuer language proliferates symbolism in luxuriant elaborations of fancy; and representations of ancestral cow, ancestral home, totem, and totemic spirit, are sometimes fused in the titles, which are built out of a number of residues all of which derive from and express lineage values. I have listed and discussed some of these honorific titles elsewhere,[1] and there is no need here for a detailed consideration of them. We have only to note the central place the idea of a cow has in them, the cow standing for the herd and hence also for the lineage of its masters.

It need not surprise us that it is a cow that is referred to and not an ox or bull. It would be inappropriate to refer to an ox since, as I understand the matter, the whole point of using a symbol from the herds is to express in a single representation the idea of the unity of a lineage and its cattle, the cattle which sustain the lineage by their milk (the cow suckles the ancestor) and by constant calving provide them with bridewealth for marriages whereby sons are born and the lineage continued, and with a means of maintaining communication with Spirit and ghosts. Male animals do not answer the requirements of the symbolism. The great majority of the bulls are castrated, and, if not later disposed of in marriage, those which survive maturing are sacrificed; and the animals which are left entire are not thought of as being, like the 231 613 553 196

[1] 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, 1934, pp. 23-29.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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male members of a human lineage, a line of descent. In tracing back the lineage of a beast, which Nuer can sometimes do to several generations, they do so by the points of the dams and not the points of the sires: an ox of certain markings was born of a cow of certain markings and it of a cow of other markings. Descent in the herd is, so to speak, traced matrilineally; and it is the cows which are seen as the stable element, which calve cow-calves, which calve cow-calves in their turn, and so provide the constant and continuous nexus between herd and lineage. Consequently, if at marriage most of a herd is dispersed and only a core is retained, it is some cows which are kept so that the herd may be built up anew through them. Therefore, it is to the cows of the ancestors, and not to their bulls, that the honorific titles of clans and lineages refer.

The lineage-herd equation can thus be considered as a collective expression of the man-ox equation. The one does not derive from the other but they are parts of a single complex representation, which finds its most logical expression in the rites of sacrifice. The name of the ox of the speaker may be shouted out in sacrificial invocations because its name stands for his own, but when the sacrifice is on behalf of a whole clan the exordial words are the spear-name of the clan, which goes together with the cow-title of the clan, representing the relation of the clan to its ancestral herd. The two symbols, ox-name and spear-name, represent two aspects of the sacrificial relationship between men and cattle, the personal and the collective. The one or other aspect is emphasized according to the nature of the sacrifice.

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The facts we have examined, taken severally or together, point to the conclusion that there is the idea of equivalence between men and cattle, and the only plane on which there is anything that can be called equivalence is that on which men and cattle are things of the same order, so that one can be substituted for the other, namely in sacrifice, or in other words in relation to God. We have seen that in those sacrifices which have the most significance for the study of Nuer religion, the personal ones, the lives of oxen are substituted for the lives of men. This is not only evident in what

14: Huffman M-5 (no date) 1931
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101 White and the Blue Nile. The northern and southern boundaries of the tribe are about 10° northern latitude (100 miles south of Khartoum) and the north-eastern shores of Lake Victoria respectively.

144 Most nearly related to the Nuer are the Dinka and
197 Shilluk. The latter have numerous sub-sections, such as the Anuak in the Sobat river system, the Jur south-west of the Bahr-el-Ghazal, the Gang or Acholi north-east of Lake Albert, and the Jaluo (Nilotic Kavirondo, as opposed to the Bantu-speaking Kavirondo) in Uganda and Kenya Colony. Nuer, Dinka, and Shilluk show a distinct linguistic affinity, the Nuer and Dinka languages being closely related. The second main group of Nilotic tribes is represented in the Sudan by the Bari, Latuko, and Dongotono. These, on the other hand, show ethnic linguistic relations to the Masai, Nandi, and kindred tribes.

It is natural that people scattered over so large a territory should differ in appearance and culture, yet with all this they show unmistakable common features in language as well as in their ethnic characteristics. It is worth noting that the Nubian tribes living on the shores of the Nile south of Arwan speak a language related to the Nilotic tongues.

144 One may assume that the Nilotic people are the result of a symbiosis and miscegenation between an autochthonous negro population and immigrating eastern Hamitic tribes. The Hamitic element, in physical appearance, culture, and language, is stronger in the Bari-Latuko-Dongotono group; they are therefore called Niloto-Hamitic, as opposed to the southern (Dinka-Nuer-Shilluk) Niloto-Sudanic group.

141 Generally speaking, the Nilotic tribes are tall, rather lean, narrow in the shoulders, their arms and their legs,

14: Huffman M-5 (no date) 1931
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with thin calves, are long, their hands and feet small. 141
The skin is dark. Men with well-shaped features, thin [142]
lips, and noses with high bridges and narrow nostrils are
not unfrequently met.

Most of the men are fierce, proud, and even haughty in 105
aspect. The Nuer are essentially pastoral; some kind of
farming is done, fishing and hunting are also common,
but the only occupation worthy of a man is to look after
his cattle. The attachment of a man to his cows and of a
boy to the bull with which his father presents him may
almost be called religious. The one real sport for men is
fighting, or cattle raiding, which is practically the same
thing. These predatory expeditions are carried on
whenever opportunity offers and are a cause of constant
friction among the tribes. In their folk-lore tales a
favourite subject is the story of cattle fights.

The main groups of the Nuer and the districts in which 162
they live are:[1] 101

Garjok, Garjak, Jekiang (Nasser District) .	100,000
Lau (Abwong District)	100,000
Gawar (Panjak District)	30,000
Lak and Thiang (Zeraf Island, Panjak District)	40,000
Western Nuer (Yirwol District)	60,000

One group, the Atwot, have partly adopted Dinka as 197
their language.

The Nuer homes lie close to large river systems, so 361
that during the rains a large part of their country is a
great swamp, the villages being mostly situated on
ridges along the rivers. The chief vegetation is high
grass, interspersed with single trees or groups of trees.
The country on the upper Sobat, near or in Abyssinia,
is however better wooded and has sparse forests.

[1] Cf. Report of the Relief Language Conference 1928, London 1928.

14: Huffman M-5 (no date) 1931
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Chapter Ten

THE NUER LANGUAGE

RESULTS OF STUDY

197 THE Nuer language in most points has some similiarity to the other Nilotic languages, having many of the same sounds, but it is a distinct language in itself, and not an outgrowth of the others. Possibly it shows more similarity to the Dinka than to any other of the neighbouring tongues.

212 Various systems have been used in reducing this language to writing, but no one system has been found which seemed to satisfy the different missions and the Government officials who were using a Nilotic language. So in April 1928 the Sudan Government called a conference at Rejaf, where representatives of the missions and governments engaged in work among the Nilotic tribes were present.

The Government had invited Professor Westermann of the International Institute of African Languages and Cultures to prepare a system of certain signs to represent the unusual sounds of the Nilotic tongues. Professor Westermann was present and the new system was tested with the various natives at the conference who were present for that purpose from the different tribes.

Thus for the first time a common system was adopted for general use throughout all the Nilotic tribes wherever any effort is being made to reduce any of these languages to writing. This in itself is a big accomplishment, as all missions as well as all Government officials have accepted the system.

872 A standard course of study for the elementary schools was also adopted.

214 The Nuer language so far has not been very largely

[p. 80]

2;Evans-Pritchard E-5 (1931, 1936) 1951
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VII. A youth singing in praise of his ox. His arms are raised in imitation of its horns

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14: Huffman M-5 (no date) 1931
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transmitted to paper. The two missions working among the Nuer have a limited number of school-books printed in this language. The American Mission has six readers, one of which contains much folk-lore. They also have a translation of Dr. Mary Blacklock's book on Hygiene. But the white man when he arrives in Nuerland has but little to help him to a quick understanding of the language. A Nuer-English dictionary has just been published, and an English-Nuer dictionary will soon be ready for the publisher. In each a few pages of Nuer grammar has been included. But so far the white man has had to extract his knowledge of the language from the Nuer himself, and this process takes time—and patience. 214

The Nuer language as I have found it has an extensive vocabulary. I have listed over 3,100 words in the above mentioned dictionary, many of them root-forms only, and I constantly find how limited my knowledge of the language is. One finds new words each day. It seems like an endless mine. 192

In working on this language distinctive points are noted. 193

The same forms are used for all genders in pronouns. A change of vowel or an additional vowel is common in forming the possessive of a noun. Many proper names are the same in both masculine and feminine cases, but the prefix *nya-* or *nyan-* is always used with the feminine. The supply of adverbs seems inadequate, but possibly we have not discovered them all. Also the names of many virtues are lacking, and we frequently find that we need more adjectives. Change of inflection plays an important part in this language in making negative forms and plurals. 192 193

Nuer sentences are short. The Nuer seems to prefer a new sentence instead of using many connectives. He often states a fact, modifying it in the next sentence, e.g. 'Every one went away, I only was left.'

1: Evans-Pritchard E-5 (1931, 1936) 1940
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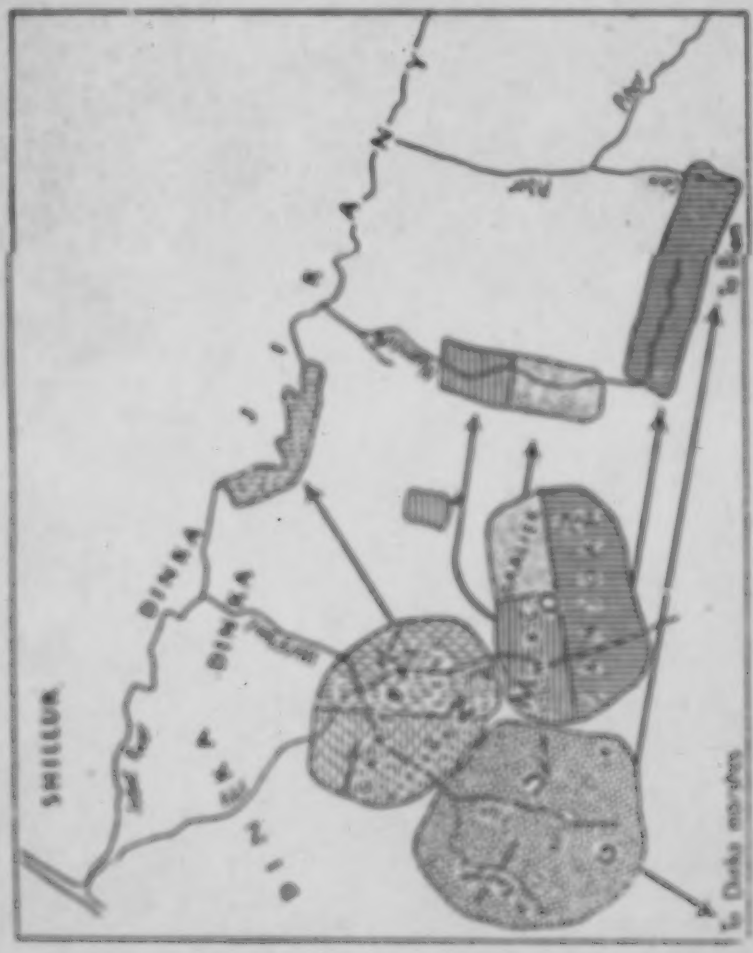

Sketch-map to show distribution of Lou tribal sections (names print from area of villages in dry season camps).

[p. 56]

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Here we make only two observations of a more general order. (1) Although the Nuer have a mixed pastoral-horticultural economy their country is more suitable for cattle husbandry than for horticulture, so that the environmental bias coincides with the bias of their interest and does not encourage a change in the balance in favour of horticulture. If it were not for rinderpest—a recent introduction—it might be possible to live a purely pastoral life, but, as we shall see later, a purely horticultural life would be precarious. (2) Nuer cannot, except in a few favoured spots, live in one place throughout the year. The floods drive them and their herds to seek the protection of higher ground. Absence of water and pasture on this higher ground compels them to move during the drought. Hence their life is of necessity migratory, or, more strictly, transhumant. A further reason that urges them to change their abode according to the seasons is their inability at the present time to subsist solely on the products of their cattle. A milk and meat diet has to be supplemented by grain and fish; and whereas the most suitable place for cultivation of millet is inland, on the edge of slightly elevated ground, fish are found in rivers which are generally distant from these elevated stretches.

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II

Excess or insufficiency of water is the first problem that faces Nuer. It is essential that cattle should be protected from the water that covers the country in the rains, for they quickly get diseases of the hoof if they have to stand in water for long periods. Village sites are selected on the only spots affording such protection to man and beast: patches of slightly higher ground. When the rains have ceased water supplies near villages are soon exhausted, because, naturally, the highest and driest sites have been selected for building, and it becomes necessary to move to pools, lakes, lagoons, marshes, and rivers. Owing to the vast rivers that traverse Nuerland and the thorough irrigation they give to the country through a network of channels there is seldom difficulty about finding surface water, though people may have to go far to obtain it. Only in parts of Lou, Gaawar, and Eastern Jikany, as far as is known, are they regularly forced to dig wells in the beds of streams at the height of the

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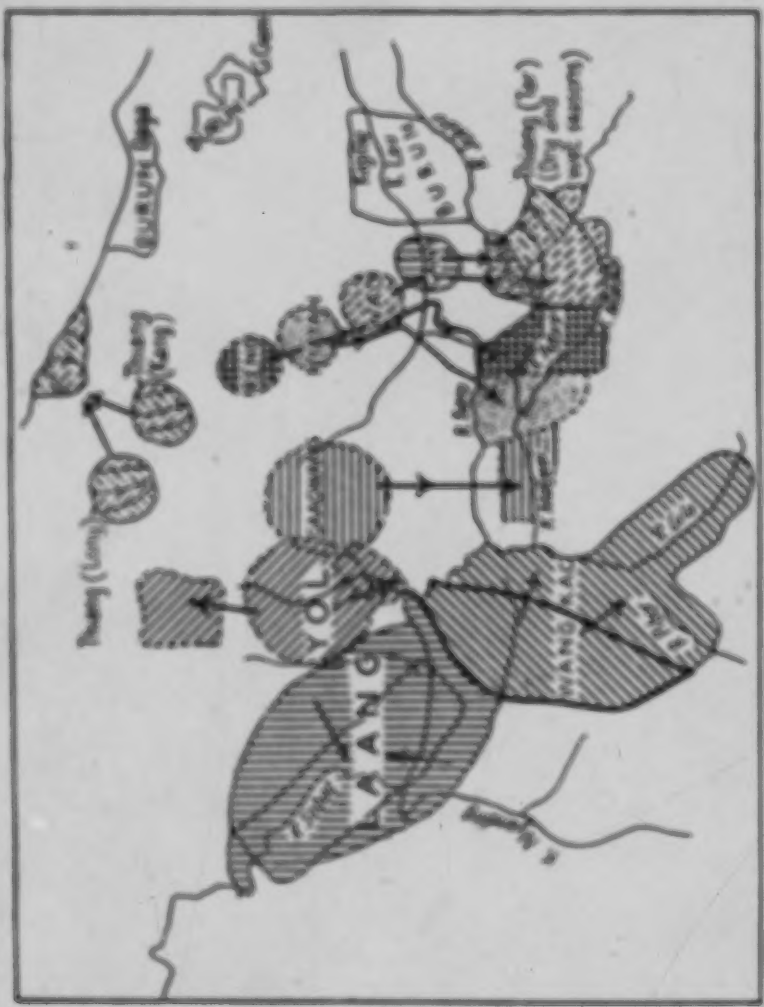
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drought. Twenty years ago this was probably more customary among the Lou than to-day, for they had not then the undisputed access to open water that most sections now enjoy. The wells, which have to be redug each year, are two to three feet in diameter and twenty to thirty feet in depth, and their excavation takes two or three days of hard labour. The water, about a foot deep, is clean and fresh and the wells are frequently cleaned out, steps being cut in the walls for this purpose (Plate XV (b)). Each household has its own well which is surrounded by shallow mud troughs where the cattle are watered three times daily. Considerable labour is required to draw water for them and much attention is devoted to prevent it from being fouled by sheep and goats, which have their special troughs. Fights sometimes break out over these troughs.

The problem of water is closely related to that of vegetation. In their seasonal movements Nuer seek pasturage as well as drinking-water and they take the cattle to where they know that both can be obtained. When herdsmen drive the cattle from camp to grazing grounds they do not guide them haphazardly across the plain, but with purpose towards stretches of succulent grasses. It is probable, too, that not only are daily and seasonal movements influenced by distribution of grasses, but also that the direction of Nuer expansion has been controlled by their habitat. Nuer claim that they have not overrun the country of the Ngok Dinka because it is poor pasture land and that they are little interested in the Shilluk kingdom for the same reason.

The early rains are the season of fatness, for then the grasses germinate, or renew their growth after the long drought, and the cattle can graze on the young shoots to their content. As the rains advance, grazing becomes more difficult, the ground being flooded and the vegetation rank, and in years of high water may be a serious problem. The cattle have to rely on the short grasses that prevail on village ridges: a further reason that compels Nuer to occupy these sites in the rains. When rain ceases, the overcropped grasses on these ridges soon wither, while the rank grasses of the plains impede the movements of the herds and no longer provide good grazing. Therefore Nuer hasten to burn them as soon as they are dry, since some species

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send up new shoots a few days after being fired—probably those that have rootslong enough to tap water held up in the clay beds and a clump formation that protects the core of the plants from the flames. If it were not for this habit cattle could not survive, at any rate inland, during a dry year. When the grasses have been fired cattle can wander as they please, being no longer frustated by surface water and rank growth, and satisfy their apetites on the new shoots. As water becomes scarcer and grazing poorer Nuer fall back on permanent water where they make large camps and the cattle can graze on marsh plants that abound in numberless depressions and make good milk. In May, when the new rains set in, they are able to return to their villages. The few cattle Nuer possess, the vast spaces they can exploit, and their nomadic existence ensure that there is nowhere serious overgrazing.

Variation of water-supplies and vegetation thus forces Nuer to move and determines the direction of their movements. In a later section we shall see that fishing is another important consideration in these movements. In late November or early December the youths and some of the girls take the cattle from the villages to camps, generally some miles away, leaving the older people to harvest the second millet crop and repair huts and byres. Usually a few lactating cows are left behind to provide milk for the small children. These early camps (*wec jiom*) are made near pools in a place where the grasses have previously been fired. In Lou country they are often made in thornwood forest, where *Balanites aegyptiaca* is abundant, but in many parts of Nuerland, especially to the west of the Nile, they are formed on stream banks for fishing. When the second harvest has been reaped the cattle are brought back to the villages to eat the millet stalks, if they are near enough. As pools dry up, pasturage is exhausted, or fishing becomes poor, the youths make new camps, where they are joined by the married people, and they may move camp several times before settling in their final camping grounds (*wec mai*) at the side of lakes or rivers in January and February. The early camps are small, being manned by a few kinsmen, but they tend to get larger as the season advances and water becomes scarcer, and the final camps may contain several hundred persons.

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The dry season movements of the Lou, the Eastern Jikany, and the Zeraf River tribes are shown on the sketch-maps accompanying this section. Of the Sobat tribes, the Lou stay inland as long as they can and in a wet year may remain inland throughout the dry season, falling back on the deeper pools, some large enough to be called lakes, e.g. Muot tot, Muot dit, Fading, Fadoi, Gwong-gwong, Yollei, Tepjor, and Nyerol. If forced to leave them the Gun primary section moves north to the Sobat and south-west to the flooded plains of the Bahr el Zeraf in the country of the Twic Dinka, and the Mor primary section moves north-east to the Nyanding river and east to the Geni and Pibor. In the old days fighting frequently occurred if the Lou moved to these camping sites, because the banks of the Sobat were in the hands of the Balak Dinka while their occupation of the Geni and Pibor was disputed by the Anuak and Beir and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding do not belong to the Lou, but to the Gaajok. Therefore they probably only moved to these sites when absolutely necessary. [721]

The Eastern Jikany have not so much need to move as have the Lou. Nevertheless they all fall back on rivers or marshes before the drought is far advanced. The three primary sections of the Gaajok move as follows: the Laang concentrate on the Sobat, the Wangkac move south-east to the banks of the Pibor and Gila, and the Yol either camp near the junction of the Wokau and Sobat or northwards along the edges of the Machar swamp. The Gaagwang move to the western end of Khor Makwai. The Gaajak primary sections move as follows: the northern Thiang sections (Kang and Lony) go to the Daga river while the southern Thiang section (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei, mainly in Ethiopia.

The three Zeraf river tribes fall back on the Bahr el Jebel and the Bahr el Zeraf and streams flowing into these two rivers, as shown in Mr. Lewis's sketch. The Gaawar who live on the left bank of the Zeraf can build their villages on high ground near that river and do not have to move far in the drought.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual primary section of the Leek tribe mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac, all of which link up with the Bahr el Ghazal. The Dok camp near pools in the beds of inland streams. The Western Jikany move to the Jikany marshes at the edge of the Bahr el Ghazal. Without giving

[See pp 50, 58, 60 — analyst]

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further details, which, indeed, I could not furnish, about the disposition of the Western Nuer in the dry season, it may be said that they travel very much less than most of the Eastern Nuer tribes, especially the Lou.

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Different villages and sections tend to move about the same time and to visit the same pools each year, though time and place and, to some extent, degree of concentration vary according to climatic conditions. Usually, however, the main dry season camps are formed yearly at the same spots. When the rains commence in May the older people return to the villages to prepare the ground for sowing and they are joined there in June by the youths and girls, who bring the cattle with them. When the younger people return the whole camp is broken up on the same day, and the cattle are driven to their village with as few halts as possible. The move from villages to camps, on the contrary, is less concerted and abrupt. The younger members of two or three families form a small camp, after the firing of the grasses in November, when and where they please. Several days later they may be joined by other people from the same village, or these may form a separate camp. There is still water and some grazing on the village sites and there is still work to be accomplished in gardens and homesteads. Thus, while camps change into villages overnight, villages change into camps more slowly. By the height of the drought every one is in camp and the villages are silent and deserted.

The year thus consists of a period in villages and a period in camps, and the camp period is divided into the early part of the dry season when the younger people move from small camp to small camp and the latter part of the dry season when every one is concentrated in large camps round permanent water which they do not leave till they return to their villages.

III

361

Nuer are forced into villages for protection against floods and mosquitoes and to engage in horticulture, and are forced out of villages into camps by drought and barrenness of vegetation and to engage in fishing. I describe these villages and camps very shortly.

Some tribes are better off for sites than others. The Lou

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are simply constructed, the roots of grasses, or occasionally stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

Another circumstance that determines Nuer movements is the abundance of insect life, which is an ever-present menace, for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

Mosquitoes swarm in the rains, their ravages being terrible from July to September, when, as soon as the sun sets, men and beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

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226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 The rivers teem with fish of many edible species which greatly
262 supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epidemics among the herds. In choosing camp sites opportunities
[361] for fishing are considered no less than water and pasturage. Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (*kul*) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of Anuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes
[92] and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 It is the seasonal flooding, due to the rise and fall of the rivers
221 and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

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their presence by striking the withies. My friend the late Mr. L. F. Hamer, who took the photograph reproduced in Plate XXII(*a*), about sunrise, reckoned that quite a hundred fish are caught from a dam in a single night. The dams are lowered as the water falls.

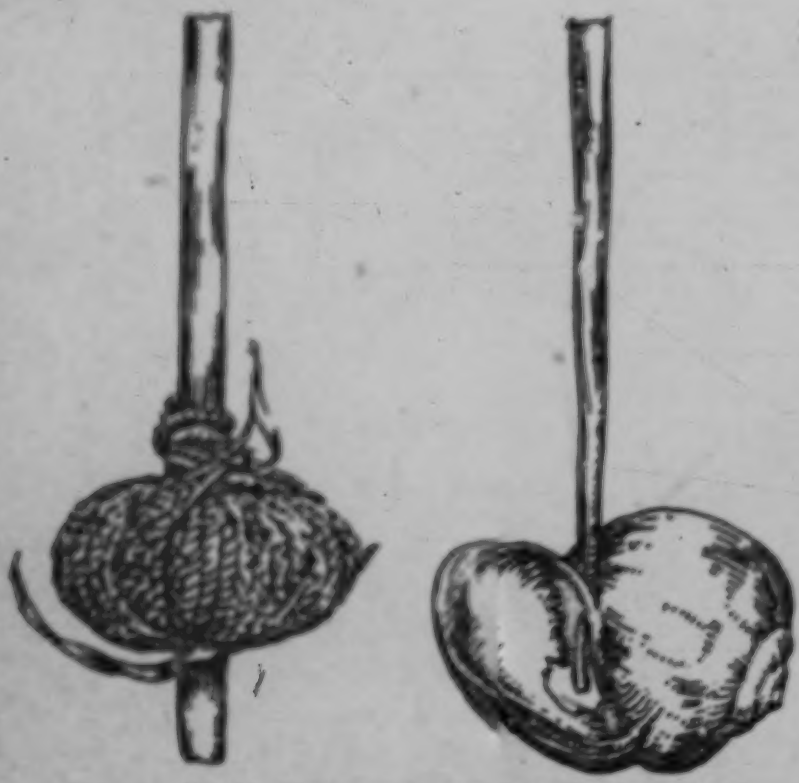

FIG. 10. Instruments for attracting fish.

As the dry season advances a great number of fish are imprisoned in lakes and lagoons from which there is no outlet, and as these dry up they are confined to a smaller and smaller expanse of water and are killed by individual fishers using barbed spears and long harpoons (Plates X and XXII (*b*)), and, at the end of the season, by battues in which gaffs and basket traps may also be employed. Fishing is fairly consistently productive throughout the drought, its yield increasing somewhat in the battue period and rising to a second peak at the

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226 commencement of the rains, in April and May, when the rivers
• 221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks [301] of large rivers sometimes fish from dug-out canoes (Plate IX) [227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

226 Nuer are fine spearmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish. [773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the [227] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract [252] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang
[262] and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but [292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

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VII

In most years wild fruits, seeds, and roots are not an important 137
item in Nuer diet. Their country is mainly treeless and fruits 262
therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in 222
occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected [263] and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting 221
are dry-season occupations and produce during that season the 262
necessary supplement to an insufficient milk diet. In the wet 241
season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness 241
of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

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seedlings by beating them into the sticky clay or by washing the soil from their roots. I have not known a season in Nuerland in which drought or excessive rain did not in some measure destroy the crops after sowing. Elephants do much damage when the millet has passed the vulnerable seedling period and I have known the gardens of a village to be partially destroyed three years in succession by these beasts. Weaver-birds take an annual toll when the millet is ripening, but Nuer do nothing to scare them unless they are in such numbers that they threaten to consume the whole harvest, when they erect bird-watching platforms in the gardens. In some years—I do not know how often—the country is visited by locusts which cause immediate and wholesale destruction. At various stages of growth guinea-fowl, crows, ostriches, and some of the smaller antelopes do much damage, and waterbuck show a great liking for the second crop. Sometimes, though I think rarely, Nuer build huts in their gardens, if they are some way from the village, to guard the millet from these depredations, but generally they show little concern, hoping that the proximity of dwellings will keep animals away and, if it does not, accepting the consequences with a detachment that appears sometimes to be almost indifference.

HORTICULTURAL CALENDAR

Apr.	*May*	*June*	*July*	*Aug.*	*Sept.*	*Oct.*	*Nov.*	*Dec.*	*Jan.*
Sow maize			Harvest maize						
	Sow first millet				Harvest first millet				
		Sow beans				Harvest beans			
			Sow *jaah* millet				Harvest *jaah* millet		
			Sow tobacco			Harvest tobacco			
					Sow second millet			Harvest second millet	

The calendar shown above is an approximation, since the time of sowing and harvesting depends on the commencement of the first heavy rains, which is subject to annual variations. The horticultural season generally begins at the end of March for those who are able to spend the drought in or near their homes on river banks, but most people have to wait till they can return to their villages in April or May before they can start clearing their gardens. Married people usually return to their villages in the first half of

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241 May and start to prepare the ground around their homesteads for
221 maize. At the end of the month, or in June, the younger people return with the cattle and assist in clearing last year's millet gardens and in the hard work of hoeing new ground. Prolific grasses spring up with the millet which has to be weeded at least three, and maybe four or five, times. The more weeding done for the first crop the less is needed for the second crop.

While the first crop is ripening adjacent strips are cleared for the second crop (Plate XI (*b*)), which is sown shortly before the first is harvested, at the end of August or in September, and it grows together with the new shoots that spring from the roots of the first crop after its stems have been chopped down. In Eastern Nuerland the second sowing is made among the standing crop or on an extension of the garden, but in Western Nuerland and in parts of the Zeraf Island the ground is so flooded that it is made on prepared mounds of earth. I would again draw attention to Plate XII, where these mounds are illustrated, for it admirably shows what Nuerland is like in the rains and conveys a clear impression of the obstacles confronting Nuer horticulture. The second crop has also to be weeded several times and, as the same garden will be used for the first sowing in the following rains, the more thoroughly it is weeded now the less work there will be to do then. In many parts of Nuerland the second harvest may be almost as big as the first, and it is probable that where local conditions are adverse to one crop they favour the other. It appears that while the sown millet of the second crop requires much moisture and will not flourish if the rains fall off early the millet which sprouts from the old stems does best in drier conditions and may be spoilt by late heavy showers, so that one or the other is likely to ripen, and in moderate conditions both may thrive.

[177] In some districts of the Lou and Eastern Jikany tribes the culture of a slow-maturing millet called *jaak* (*Sorghum durra*) has been copied from the Dinka. The spot chosen for cultivation is not burnt at the annual firing of the bush, but early in the following rains when the new grasses have sprung up among the old. Although this kind of millet has certain disadvantages it has caught on in a few places because it requires less clearing and weeding and is very hardy.

241 Nuer know nothing of crop rotation, having indeed no crops to rotate, nor of manures, though the droppings of cattle and the ashes of burnt weeds and brushwood no doubt act as fertilizers. They never allow their homestead gardens to lie fallow for a year to enable the soil to recuperate, but plant year

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often received some such reply as: 'Oh well, such is our custom. We have cattle.' 241

I wish to emphasize, in conclusion, the following points: (1) that Nuer cultivate only enough grain for it to be one element in their food-supply and not enough to live on it alone; (2) that with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto. 241 231

IX

It has been mentioned that Nuer must have a mixed economy in the given oecological relations because no one source of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted. 262 221

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk is a staple food all the year round, though cows probably tend to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the respective contributions of cattle and millet to Nuer food-supply are brought out in a story in which Cow and Millet have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it, [234] 262 538 221

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262 538 221 and there is plenty of porridge and beer. Cow argues that anyhow porridge without milk is unpalatable and that her milk will be finished by the time Millet is ripe. It is difficult to confirm these variations in the yield of milk or to estimate their importance, but the tendency for it to rise slightly in the dry season is indicated in the chart opposite.

262 221 Millet is consumed as porridge and beer in large quantities in the months between the first harvest and departure for dry-season camps. If the harvest has been good people like to eat their daily porridge in camps, and when the camp grain-supply runs short women journey to the villages to replenish it. When camps break up and people return to their villages millet consumption increases, beer being again brewed, and in a good year there is sufficient to satisfy requirements till the new harvest is ripe. In a normal year Nuer can just tide over these months if they are economical and have been careful not to use much grain in camp. Only in the most favoured parts of the country are they assured of an adequate supply throughout the year. In most parts there is always a very narrow margin between sufficiency and want, and in a bad year starvation is not infrequent. If the crops fail people survive on milk, fish, and wild fruits, and in extremity may kill some of their beasts. [331] Rinderpest is considered a worse calamity. When rinderpest and failure of crops occur in the same year people expect the older age-sets to be wiped out. Much suffering may be caused by excessive drought or flood, which injure both crops and grazing.

There are good and bad fishing years. Generally, over the greater part of the country, consumption of fish is very low, or entirely absent, at the height of the rains. It rises rapidly to a peak at the commencement of the dry weather, and after descending from this point of great abundance remains fairly constant through the drought, rising again in the early rains. Meat of domesticated stock is mainly eaten after harvest when sacrifices and feasts take place. Cattle are seldom slaughtered in the dry season and, in my experience, Nuer do not kill many wild animals, so that consumption of meat is very low at this time of year, though the deficiency is to some extent made up by bleeding the cows and, in rinderpest years, by eating the carcasses of its victims. On the whole the curve of meat con-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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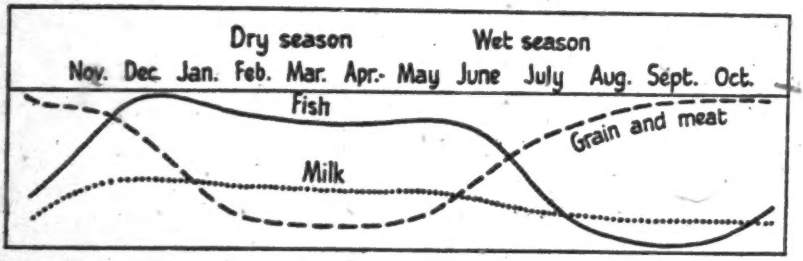
sumption follows that of grain consumption. We need not consider consumption of bush products in a normal year, though it may be kept in mind that they are very useful in famine years, chiefly from January to April. 262 221

It will be seen from this chart of relative consumption, which



is only presented as a virtual approximation, that fish largely takes the place of grain and meat as the principal food from January to June and that the time when there is most likely to be a shortage of milk and when few, or no, fish are caught is that when there is plenty of porridge and beer. 'The hungry months', as the Nuer call them, are from May to August when the supply of fish quickly diminishes and maize and millet are still ripening. The months of plenty are from September to the middle of December, when there is abundant millet, and generally much meat, while the end of this period is the best time for fishing. Nuer say that they put on flesh in the rains and lose it in the drought. We may conclude, I think, that even in [146] normal years Nuer do not receive as much nourishment as they require. Their diet is well-balanced, but there is not enough of it at some seasons and there is no surplus to fall back on in the all-too-frequent years of scarcity. Much of Nuer custom and thought is to be attributed to this insufficiency of food. It is [538] wistfully related in one of their stories how once upon a time Man's stomach led an independent life in the bush and lived on small insects roasted by the firing of the grasses, for 'Man was not created with a stomach. It was created apart from him.' One day Man was walking in the bush and came across Stomach there and put it in its present place that it might feed there. Although when it lived by itself it was satisfied with tiny morsels of food, it is now always hungry. No matter how much it eats it is soon craving for more.

1. Evans-Pritchard E-5 (1931, 1936) 1940
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●221 Seasonal variation in quantity and kind of food is sociologically significant for several reasons, though not all are relevant to the present study. It is, however, important to note that abundance of millet is the main reason for holding ceremonies in the rains, for ritual is seldom complete without porridge and beer and, since it consists of sacrifice, of meat also. Weddings, initiation rites, and religious ceremonies of various kinds take place in the rains and early drought, generally after the first millet harvest. This is also the main season for [721] raiding the Dinka. Nuer say that hunger and war are bad companions and that they are too hungry to fight in the full dry season; and it is evident that they are then not so eager to come to blows over personal and community quarrels as they are in the rainy months, when they are replete with grain and meat and, especially at wedding dances, sometimes slightly intoxi- [535] cated. Nor do the young men find dancing so attractive in the drought, whereas in the rains they dance as much as possible and think nothing of travelling many miles to attend weddings, at which they dance from eventide till well into the morning. The tempo of village life is different from that of camp life. Owing to flooding at the height of the rains these joint activities take place mainly at the beginning and end—chiefly at the end —of the wet season.

264 Scarcity of food at times and the narrow margin that for most of the year divides sufficiency from famine cause a high 574 degree of interdependence among members of the smaller local groups, which may be said to have a common stock of food. Although each household owns its own food, does its own cooking, and provides independently for the needs of its members, men, and much less, women and children, eat in one another's homes to such an extent that, looked at from outside, the whole community is seen to be partaking of a joint supply. Rules of hospitality and conventions about the division of meat and fish lead to a far wider sharing of food than a bare statement of the principles of ownership would suggest. Young men eat at all byres in the vicinity; every household gives beer parties which their neighbours and kinsmen attend; the sar e people are given food and beer at the co-operative work parties that assist in any difficult and laborious task; in camps it is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and lunar changes repeat themselves year after year, so that a Nuer standing at any point of time has conceptual knowledge of what lies before him and can predict and organize his life accordingly. A man's structural future is likewise already fixed and ordered into different periods, so that the total changes in status a boy will undergo in his ordained passage through the social system, if he lives long enough, can be foreseen. Structural time appears to an individual passing through the social system to be entirely progressive, but, as we shall see, in a sense this is an illusion. Oecological time appears to be, and is, cyclical.

The oecological cycle is a year. Its distinctive rhythm is the backwards and forwards movement from villages to camps, which is the Nuer's response to the climatic dichotomy of rains and drought. The year (*ruon*) has two main seasons, *tot* and *mai*. *Tot*, from about the middle of March to the middle of September, roughly corresponds to the rise in the curve of rainfall, though it does not cover the whole period of the rains. Rain may fall heavily at the end of September and in early October, and the country is still flooded in these months which belong, nevertheless, to the *mai* half of the year, for it commences at the decline of the rains—not at their cessation—and roughly covers the trough of the curve, from about the middle of September to the middle of March. The two seasons therefore only approximate to our division into rains and drought, and the Nuer classification aptly summarizes their way of looking at the movement of time, the direction of attention in marginal months being as significant as the actual climatic conditions. In the middle of September Nuer turn, as it were, towards the life of fishing and cattle camps and feel that village residence and horticulture lie behind them. They begin to speak of camps as though they were already in being, and long to be on the move. This restlessness is even more marked towards the end of the drought when, noting cloudy skies, people turn towards the life of villages and make preparations for striking camp. Marginal months may therefore be classed as *tot* or *mai*, since they belong to one set of activities but presage the other set, for the concept of seasons is derived from social activities rather than from the climatic changes which determine them, and a year is to Nuer

1: Evans-Pritchard E-5 (1931, 1936) 1940
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a period of village residence (*cieng*) and a period of camp residence (*wec*).

I have already noted the significant physical changes associated with rains and drought, and some of these have been presented in charts on pp. 52 and 53. I have also described, in the last chapter, the oecological movement that follows these physical changes where it affects human life to any degree. Seasonal variations in social activities, on which Nuer concepts of time are primarily based, have also been indicated and, on the economic side, recorded at some length. The main features of these three planes of rhythm, physical, oecological, and social, are charted on the opposite page.

The movements of the heavenly bodies other than the sun and the moon, the direction and variation of winds, and the migration of some species of birds are observed by the Nuer, but they do not regulate their activities in relation to them nor use them as points of reference in seasonal time-reckoning. The characters by which seasons are most clearly defined are those which control the movements of the people: water, vegetation, movements of fish, &c.; it being the needs of the cattle and variations in food-supply which chiefly translate oecological rhythm into the social rhythm of the year, and the contrast between modes of life at the height of the rains and at the height of the drought which provides the conceptual poles in time-reckoning.

Besides these two main seasons of *tot* and *mai* Nuer recognize two subsidiary seasons included in them, being transitional periods between them. The four seasons are not sharp divisions but overlap. Just as we reckon summer and winter as the halves of our year and speak also of spring and autumn, so Nuer reckon *tot* and *mai* as halves of their year and speak also of the seaons of *rwil* and *jiom*. *Rwil* is the time of moving from camp to village and of clearing and planting, from about the middle of March to the middle of June, before the rains have reached their peak. It counts as part of the *tot* half of the year, though it is contrasted with *tot* proper, the period of full village life and horticulture, from about the middle of June to the middle of September. *Jiom*, meaning 'wind', is the period in which the persistent north wind begins to blow and people harvest, fish

[p. 97 Contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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May June July August September October November December January February March April

R A I N S

D R O U G H T

R I V E R S R I S E

R I V E R S F A L L

H O R T I C U L T U R E

Preparation of gardens for first millet sowing and for maize

Preparation of gardens for second millet sowing

Harvest maize

Harvest first millet crop

BURNING OF THE BUSH

F I S H I N G

BUILDING & REPAIRING

Harvest second millet crop

SCARCITY OF FOOD

H U N T I N G A N D C O L L E C T I N G

P L E N T Y O F F O O D

V I L L A G E S

Older people return to villages

Younger people return to villages

C A M P S

Younger people in early camps

Every one in main dry-season camps

Wedding, initiation, mortuary, and other ceremonies

Main season for raiding Dinka

[p. 97]

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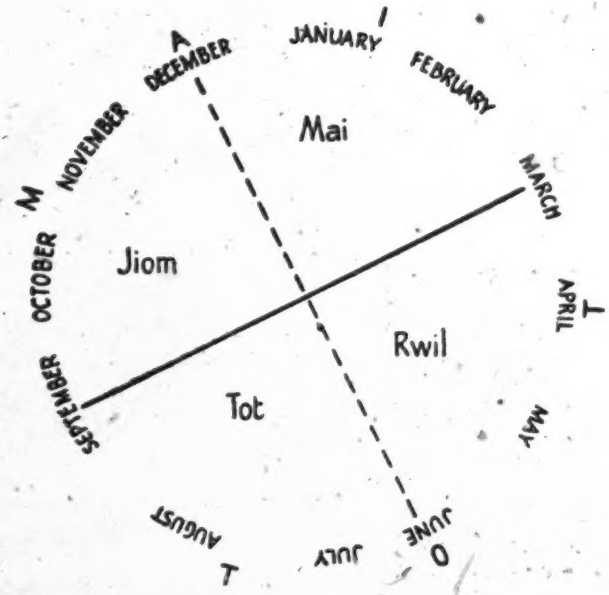
from dams, fire the bush, and form early camps, from about the middle of September to the middle of December. It counts as part of the *mai* half of the year, though it is contrasted with *mai* proper, from about the middle of December to the middle of March, when the main camps are formed. Roughly speaking, therefore, there are two major seasons of six months and four



minor seasons of three months, but these divisions must not be regarded too rigidly since they are not so much exact units of time as rather vague conceptualizations of changes in oecological relations and social activities which pass imperceptibly from one state to another.

In the diagram above a line drawn from mid March to mid September is the axis of the year, being an approximation to a cleavage between two opposed sets of oecological relations and social activities, though not entirely corresponding to it, as may be seen in the diagram below, where village life and camp life are shown in relation to the seasons of which they are the focal points. Nuer, especially the younger people, are still in camp for part of *tot* (the greater part of *rwil*) and are still in villages, especially the older people, for part of *mai* (the greater part of

1: Evans-Pritchard E-5 (1931, 1936) 1940
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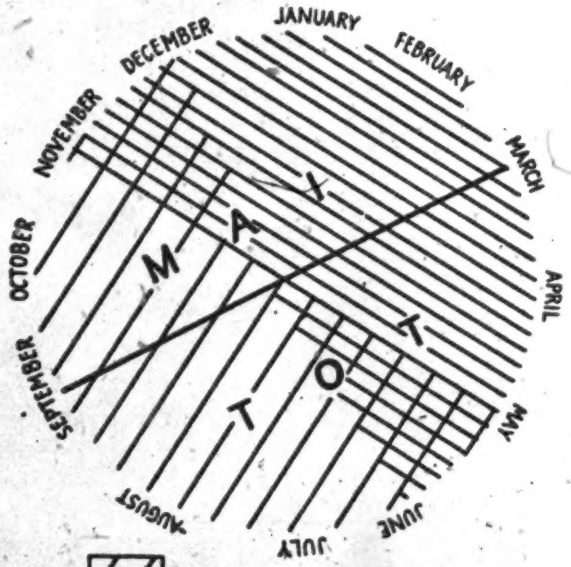
jiom), but every one is in villages during *tot* proper and in camps during *mai* proper. Since the words *tot* and *mai* are not pure units of time-reckoning but stand for the cluster of social activities characteristic of the height of the drought and of the height of the rains, one may hear a Nuer saying that he is going to '*tot*' or '*mai*' in a certain place.



The year has twelve months, six to each of the major seasons, and most adult Nuer can state them in order. In the list of months given below it has not been possible to equate each Nuer name with an English name, because our Roman months have nothing to do with the moon. It will be found, however, that a Nuer month is usually covered by the two English months equated to it in the list and generally tends to coincide with the first rather than the second.

teer	Sept.–Oct.	*duong*	Mar.–Apr.
lath (*boor*)	Oct.–Nov.	*gwaak*	Apr.–May
kur	Nov.–Dec.	*dwat*	May–June
tiop (*in*) *dit*	Dec.–Jan.	*kornyuot*	June–July
tiop (*in*) *tot*	Jan.–Feb.	*paiyatni* (*paiyene*)	July–Aug.
pet	Feb.–Mar.	*thoor*	Aug.–Sept.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer would soon be in difficulties over their lunar calendar if they consistently counted the succession of moons,[1] but there are certain activities associated with each month, the association sometimes being indicated by the name of the month. The calendar is a relation between a cycle of activities and a conceptual cycle and the two cannot fall apart, since the conceptual cycle is dependent on the cycle of activities from which it derives its meaning and function. Thus a twelve-month system does not incommode Nuer, for the calendar is anchored to the cycle of oecological changes. In the month of *kur* one makes the first fishing dams and forms the first cattle camps, and since one is doing these things it must be *kur* or thereabouts. Likewise in *dwat* one breaks camp and returns to the villages, and since people are on the move it must be *dwat* or thereabouts. Consequently the calendar remains fairly stable and in any section of Nuerland there is general agreement about the name of the current month.

In my experience Nuer do not to any great extent use the names of the months to indicate the time of an event, but generally refer instead to some outstanding activity in process at the time of its occurrence, e.g. at the time of early camps, at the time of weeding, at the time of harvesting, &c., and it is easily understandable that they do so, since time is to them a relation between activities. During the rains the stages in the growth of millet and the steps taken in its culture are often used as points of reference. Pastoral activities, being largely undifferentiated throughout the months and seasons, do not provide suitable points.

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There are no units of time between the month and day and night. People indicate the occurrence of an event more than a day or two ago by reference to some other event which took place at the same time or by counting the number of intervening 'sleeps' or, less commonly, 'suns'. There are terms for to-day, to-morrow, yesterday, &c., but there is no precision about them. When Nuer wish to define the occurrence of an event several days in advance, such as a dance or wedding, they do so by

[1] There is some evidence of an intercalary month among the Eastern Jikany, but I cannot be definite on this point, and I have not heard it mentioned in other parts of Nuerland.

2:Evans-Pritchard E-5 (1931,1936) 1951
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KINSHIP AND THE LOCAL COMMUNITY

361 The Nuer speak of a man's homestead as his *gol*, the primary meaning of which word is the heap of smouldering cattle-dung in the centre of a byre and the hearth around it. In its narrowest social use the word means family, the occupants of the homestead, and it may also therefore have the further sense of household, since there may be other persons living there than members of the owner's family who count nevertheless, as we would say, as members of the family. Frequently the byres and huts of two or three families, the heads of which are commonly brothers or a man and his married sons, are grouped around a common kraal so that we may then speak of a composite homestead; or several homesteads, owned generally by close kin, are adjacent to one another and form distinct clusters which we may call hamlets. Nuer speak of a composite homestead as the *gol* of so-and-so, naming its senior member, although they also refer to each of its component homesteads as the *gol* of its particular owner. They may use the same word to describe what I have called a hamlet, though a cluster of this kind with the land around it is also designated by the word *dhor*, combined with the name either of its senior member, as *dhor* Nyang, the hamlet of Nyang, or of some natural feature, as *dhor ngop*, the hamlet of the wild fig-tree. In its widest connotation *gol* may have the sense of 'lineage', when a lineage is thought of as a residential group. The word *cieng*, which has the general sense of 'home', may be employed to describe a residential group of any size, from single homestead to large tribal division. It is usually coupled with the name of a lineage when it refers to local groups of any size.

When Nuer leave their villages in the dry season they collect, often after temporary dispersal, in large waterside camps. There is then greater solidarity, both spatial and moral, than in the rains. The community of a camp is crowded together in grass windscreens and little grass beehive huts, and the herds which in the rains are tethered in separate kraals are now tethered in the same [233] kraal or in adjacent kraals. In the rains, when water is abundant and pasturage near at hand, the cattle are either not herded at all or each family, or a group of adjacent families, herds its own; but in the dry season, when conditions are different, the cattle of a camp are watered and pastured together and the different families • 221 take it in turn to provide herdsmen. Activities performed of necessity or by preference in parties—hunting, fishing, and collecting—

2:Evans-Pritchard E-5 (1931,1936) 1951
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are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alinements are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

All the members of such a village or camp as I have briefly described are kin. Before giving examples in illustration of this statement I must say again what I have already said in *The Nuer* about the difference between lineage relations and kin relations because it is a very important difference. In speaking of lineages I refer to unilateral groups of kin—among the Nuer groups of

[cf. cat. 116, pp. 2 ff. -- Analyst]

6: Evans-Pritchard E-5 (1931, 1936) 1938
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whereas in a similar year Eastern Gaajok country is under water and cattle have to be sent into Lou country while the men fish from trees. Lou are very scornful of Eastern Jikany village sites. I once asked Wicthiel, who now lives at Mancom in Jikany country, whether he could call his present home a *gwaadh wec* (village site) and he replied "Well, it is what the Jikany call a *gwaagh wec*, but it is not what we consider a *gwaadh wec* in our own country (Lou). They just build their villages in the forest anyhow." Huts built on piles, such as one sees in parts of Dinkaland, are unknown in Nuerland.

Water is as scarce in the dry season as it is excessive in the wet season. About the beginning of December, therefore, the young men and some of the girls take most of the cattle to camps some miles from the villages and leave the rest of the women and the married men to harvest the second millet crop and repair huts and byres. A few lactating cows are left in the village to provide milk for the small children. The cattle are taken to camps partly to give them clean water and partly to pasture them. The grasses are burnt and some species spring up again a few days after they are fired. This is a good time for the cattle because they can move freely, the tall grasses which impeded them in the rains having been burnt, and because they can graze to their hearts' content on the tender young shoots.

Local conditions determine the time of leaving the village. In 1936 the first youths to take their cattle into camp from the village of Nyueny moved on November 13th, at the beginning of the Nuer month of *Kur*. This is much earlier than is usual for most villages and was due to lack of clean water at Nyueny and over-grazing of the pastures in the vicinity. The country around the village was all under water in the middle of October but was parched a month later. Most people do not move till the end of the month of *Kur* or the beginning of the month of *Tiop indit* (about the middle of December).

In Lou country the first camps are often made in thornwood forests near deep pools, but in parts of Nuerland, especially in the

6: Evans-Pritchard E-5 (1931, 1936)1938
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West, they are often made by streams for fishing. When the second harvest is reaped the cattle are brought back to the village to eat the millet stalks, if the camps are near. As pools dry up, or pasturage is exhausted, or the fishing becomes poor, the young men make new camps and several intermediate camps may be made before they move to their large annual camping grounds at the side of lakes or marshes or on river banks. The early camps are often small, being manned by a few kinsmen but tend to get larger as the season continues and water becomes scarcer. The final camps may contain several hundred persons. By the middle of January the villages in the Lou country are deserted but in areas more favoured with water supplies, for example in Lek country, some of the older people may still be in the villages in the middle of February.

The Lou people stay inland as long as they can and in a wet year may remain inland throughout the dry season. They fall back on the deeper pools, some large enough to be called lakes, which hold up the water in a stream or depression, *e.g.*, at Muōt tŏt, Muot dit, Fading, Fadoi, Gwonggwong, Yollei, Tepjor and Nyerol. These pools supply them with abundant fish. If forced to leave them the Gun major tribal section moves north to the Sobat and south-west to the flooded plain of the Bahr el Zeraf in the country of the Twic Dinka (*toc Twini*) and the Mor major tribal section moves northeast to the Nyanding river or East to the Geni and Pibor rivers.

[721] In the old days fighting frequently occurred if the Lou moved to these camping sites because the banks of the Sobat belonged to the Balak people, while occupation of the Geni and Pibor brought them into contact with the Beir and Anuak peoples, and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding river do not belong to the Lou for the Gaajok have their villages along it and have fishing rights in its pools.

The Madjok villagers with whom I camped for several months at Yakwac in 1931 had moved to Pul Telä for an intermediate camp early in December and had reached Yakwac about the middle of

6: Evans-Pritchard E-5 (1931, 1936)1938
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January. They remained at Yakwac till the beginning of June when they moved back to their village. As the Nuer put it "They started to move in the month of *Tiop indit* and remained *dar* (in between village and river) in the *muth* (second half) of *Tiop indit*, the whole of the month of *Tiop intot* and the *bor* (first half) of the month of *Pet*. In the first half of *Pet* they arrived at the river and remained there till the first half of the month of *Kornyuot*."

The Eastern Jikany have not the same need to move as have the Lou. Nevertheless, all the Gaajok, Gaajak, and Gaagwang tribal sections fall back on rivers before the dry season is far advanced. The three primary tribal sections of the Gaajok move as follows: The Laang concentrate on the Sobat, the Wangkeac move south-east to the banks of the Pibor and Gila, and the Yol either camp southwards near the junction of the Wokau and the Sobat or northwards along the edges of the Macar swamp. The Gaajak primary tribal sections move as follows: The northern Thiang sections (Kang and Luony) go north to the Daga river, the southern Thiang sections (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei rivers. The Gaajak camping grounds are mainly in Abyssinian territory.

I do not know anything of the seasonal movements of the Lak, Gaawär, and Thiang tribes beyond the fact that they fall back on the Bahr el Jebel and the Bahr el Zeraf and on streams flowing into these two rivers.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual people mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac streams. All these streams join the Bahr el Ghazal. The Dok camp near pools in the bed of the Waard stream. Without attempting to give full details, which indeed I could not furnish, about other dry season encampments among the Western Nuer it may be said that the people of this part of Nuerland do not travel in the dry season on the same scale as the Eastern Nuer, especially the Lou. Some of their earlier camps are made a few hundred yards from the

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villages. In 1936 the people of Puic had formed two camps on the Gany stream which could be seen from the village and were so near that the girls came to the camps twice a day from the village to milk the cattle.

The western Jikany move to the Jikany marshes (*toc Jikany*) at the edge of the Bahr el Ghazal. These flood plains of rivers are the most favoured camping sites because, as the swamps slowly dry up, they provide succulent pasturage for the cattle and there is always sufficient water in their deep depressions. In Lou country there are no big stretches of *toc* such as one finds in the flood plains of the Bahr el Ghazal, the Gila River, the Bahr el Zeraf, and in the Macar swamps.

A village tends to move about the same time and to visit the same pastures each year though time and place are determined to some extent by variations of rainfall and river flooding.

The population of camps varies from about 20 to 100 in the smaller intermediate camps, up to several hundred at the larger camps. That is an approximate estimate based on a limited number of bare observations.

Most of the Nuer are in their big dry season camps by February and remain there till May when the married men and women return to the wet season villages to clear the cultivations and to erect fences and to repair huts and byres. If there is then a temporary drought they may return to the camps. The young men and girls follow with the cattle in May or June according as the rains are early or late. The young men encamped at Yakwac in 1930 left early in June for their inland village of Majok. Those encamped at Konye had left for Fadoi shortly before I visited the village on May 15th in 1935. The young men break up camp as soon as their elders who have preceded them to the village send back a messenger to tell them that the rains have fallen heavily in the interior and that sowing has commenced. Instead of the leisurely journey from villages to the big dry season camps, which may take some six weeks, the journey back to the villages in completed as quickly as possible and takes one or two days according to the distance.

6: Evans-Pritchard E-5 (1931, 1936)1938
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The word *ghuth* is used to describe these movements. It does not denote a mere journey but implies a change of residence and the movement of cattle and household goods. It is used alike of men who drive the cattle from village to camp, from camp to camp, and from camp to village. It is also used of women who move separately, carrying their milk vessels and other possessions in baskets, for "*kwak cereka ghok*" "Household goods are like cattle." Of the movement from villages to camps one says "*Ce nath ghuth wicni*," "the people have moved into camp" and of the movement from camps back to villages one says "*Ce nath ghuth ciang*," "the people have moved to the villages." 361 221

The Nuer pastoral year may therefore be divided into two main periods, the six wet season months, from June to December, when the people live in their villages, and the six dry season months, from December to June, when they live in camps. The dry season half of the year may be further divided into the earlier part when people are burning the grasses and living in intermediate small camps for a few weeks, and the latter part when they live for several months in large camps near lakes or wells or on the banks of rivers.

IX.

Inland, especially in Lou country, it is usually necessary to dig wells at the height of the dry season. Twenty years ago this was probably more general than it is today, because, as already explained, the main rivers and marshes lay outside Lou territory. Wells are sometimes dug also in Eastern Jikany country. 312

As the Sobat falls it drains the streams that intersect Lou country and, before long, their water is reduced to occasional pools where the beds are deepest. In the smaller streams these soon dry up and wells are excavated. Capt. H. H. Wilson first drew attention to these wells at Muöt töt (*Amwot el Sogheir*) in 1902 and wrote of them: "Dug on the sandy banks of the *khor*, their depth varied from 20 to 30 feet, with a diameter of about 2 feet 6 inches. Owing to the solidarity of the ground, the walls of the well stood without much

6: Evans-Pritchard E-5 (1931, 1936)1938
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water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng nath* may fail (it is said *ce tör* or *ce juac tör*).
Nuer then make for rivers, swamps, lagoons, and deep marshy
depressions where they can always find enough vegetation to keep [221]
the cattle alive. The chief marsh grasses are *poon* (*Onyza Barthi A. cheval*), *giëk*, *buogh*, and *kuth yang*. Nuer say that no grasses give
more milk than these if the cows can obtain them in abundance. [234]

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaaira repens L.*) another plant called *tiltil* (*Indigofera Sp.*); *Wangrial* (*Justicia malammensis* (*Schwenf*) *oliv.*), *när yiauwa* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schleria foliosa A. Rich.*), *wöör* (*Portulaca Quadrifida L.*), *kutkakdeet* (*Glycine Borianii Bak*), *tac* (*Ipomoea replans Poir*), *pac* (*Urochloa sp.*), *nyiök indil pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kär jaakoah* ('crow's pumpkins'), *thil in cöt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

6: Evans-Pritchard E-5 (1931, 1936)1938
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XIII.

Although there is more food in the rains the young men prefer the dry season for they can then spend all day in close association with their comrades and there is plenty of opportunity and leisure for dancing, flirting and displaying themselves before girls from other villages. In the dry season also people can sleep outdoors in the open air with their cattle, for there are few mosquitos. The dry season is also the time for fishing in pools, rivers, and lagoons, and this occupation gives amusement as well as providing tasty and nourishing food. Tiop told me "When the north wind blows at the end of the rains the young men rejoice because the windy season has come. Now they can sleep outside and there are no mosquitos. Now the whole land is burnt and a man can see over the countryside in every direction. Now a man can go out fishing by himself and may be he will not return to camp at night but will sleep on the river-bank. Now they drive the cattle to distant pastures. Only the old men prefer the rains because their bellies are then filled with millet and maize and beer: but the young men rejoice when the north wind blows."

A Western Nuer said "The dry season is good, for then you kill hippopotami and animals of the open plains, and there is the *dompiny* dance and flirting with the girls and jumping and singing behind your oxen. The wet season is good also for then there is plenty of millet, food and beer. Both seasons are good."

As camp life is not everywhere exactly the same it is easier for me to describe the life of members of a section of the Lou tribe who collected at Yakwac on the Sobat River in 1931, as they do every year, and to make comments which will denote certain differences between the mode of life I observed during a lengthy residence there and modes of life observed at dry season camps in other parts of Nuerland.

Camp life is monotonous and drives an anthropologist to despair as nothing unusual happens. Nuer are not eager to fight at this time of the year and marriage, mortuary, and initiation ceremonies are normally held during, or at the end of, the rains, when millet and beer are plentiful. I have spent weeks in camps watching the same daily round. A description of one day serves for any day.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

•221 Hunger is partly responsible for the low pulse of life at this season. As has been explained, Nuer cultivate little and in most districts, especially in Lou country, they have to husband their grain if it is not to be exhausted long before the new harvest has ripened. They leave most of the grain in their wet season villages for seed and to support themselves during the hungry weeks that last from sowing to harvest time. They do not carry much millet to the camps so that they have to use it sparingly, though, if the camps are only a day or two away from the villages, women will sometimes return to get further supplies from the village granaries. When the dry season is well advanced the cows often cannot obtain sufficient pasturage of a nourishing quality and give little milk. Those Nuer who camp at the edge of inland pools and lagoons can supplement their diet with fish, but on the Sobat we only had what few fish boys could spear in the shallows and the yield of harpooning from our single canoe. From time to time members of our camp managed to kill wild beasts: gazelle, cob, tiang and giraffe. Otherwise our meat supply was limited to an occasional ox or cow which died and to blood from the necks of cows.

805 233 Camp life is regulated by requirements of the cattle and Nuer speak of periods of the day by reference to pastoral tasks rather than to the course of the sun, *e.g.*, they say that they will do something at the time of milking, or after the cattle are driven to pasture, or when the calves return to camp. The camp time-table varies little from day to day. It is approximately as follows:—

512 234

A.M.

6.00 Everybody rises.

6.45 The cows are milked.

8.00 The cattle are driven to pasture, the kraal is cleaned and the morning meal is served.

8.15 Goats and sheep are milked and taken to pasture.

P.M.

4.30 Calves, sheep and goats are brought back to camp.

5.00 Cows which have recently calved come running home.

5.30 The herd returns and the cows are milked.

7.30 The evening meal is served.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *patpat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At
233 Yakwac there was succulent pasturage only where marsh plants still
137 retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came
[124] to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave
[322] camp and one meets them along paths, carrying their household goods
[233] in rectangular cane baskets. Youths leave camp early in the morning
[283] to cut stakes, generally of thornwood (*bwau*) and they spend a large
[513] part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the
221 need to sleep towards noon. Everyone is becoming restless and

6: Evans-Pritchard E-5 (1931, 1936)1938
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anxious to start for the wet season villages. At the beginning of June the camps nearest to ours, those at Dengatwor and Wecgin, broke up and our companions at Yakwac began to move inland a few days later. 22/•

The dry season (*mai*) is over and the wet season (*töt*) has begun. The camp (*wec*) is broken up and the village (*cieng*) is occupied once more. The long idle days are ended and men and women turn to strenuous work in their gardens.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *gaat* kwith and his village *cieng* kwith. A clan is called after a man yi and becomes *cieng* yie, or after yoal and becomes *cieng* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

12:Evans-Pritchard E-5 (1930-1931) 1933
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133

in the year. At about this time the younger men of the tribe take the cattle out of the villages while the older men and the women reap the harvest. When the harvest is completed they burn the grass around the various pools which they intend to make their dry season quarters. As these rain-water pools dry up, the various household groups and groups of households which have been quartered near them begin to concentrate around larger pools in river beds or near a river bed in which it is known that wells can be dug or along the banks of the Sobat itself. Here they spend the remainder of the dry season. The Sobat begins to rise again about May and further drainage ceases. In June the rains commence and a double process of irrigation occurs. The Sobat runs out along what, on a map, appear to be its tributaries, but are more accurately its channels of overflow, while at the source end of these streams the rains begin to collect and run towards the Sobat, so that the two waters, the outgoing river water and the incoming rain water, meet. As soon as the rains commence, part of the occupants of the dry season camps return to their villages to sow the crops and as soon as it is seen that the rains have set in for good, they are followed by the young men who drive the cattle as quickly as possible to the villages where they will spend the height of the wet season.

Year by year this ebb and flow from village to dry season camps and back again goes on, but, though it is repeated each year, the time of movement, the density of concentration around water supplies, and even the place of concentration, vary according to the severity of the season. Thus, the Lou will remain as long as possible around their area of permanent villages and will concentrate around large pools like Tepjor, Nyerol, Muot Dit, Muot Tot, Fading, rather than migrate to the Sobat, Nyanding and Geni rivers, and the Dinka marshes, though I think that they generally find their way to these localities before the dry season is over.

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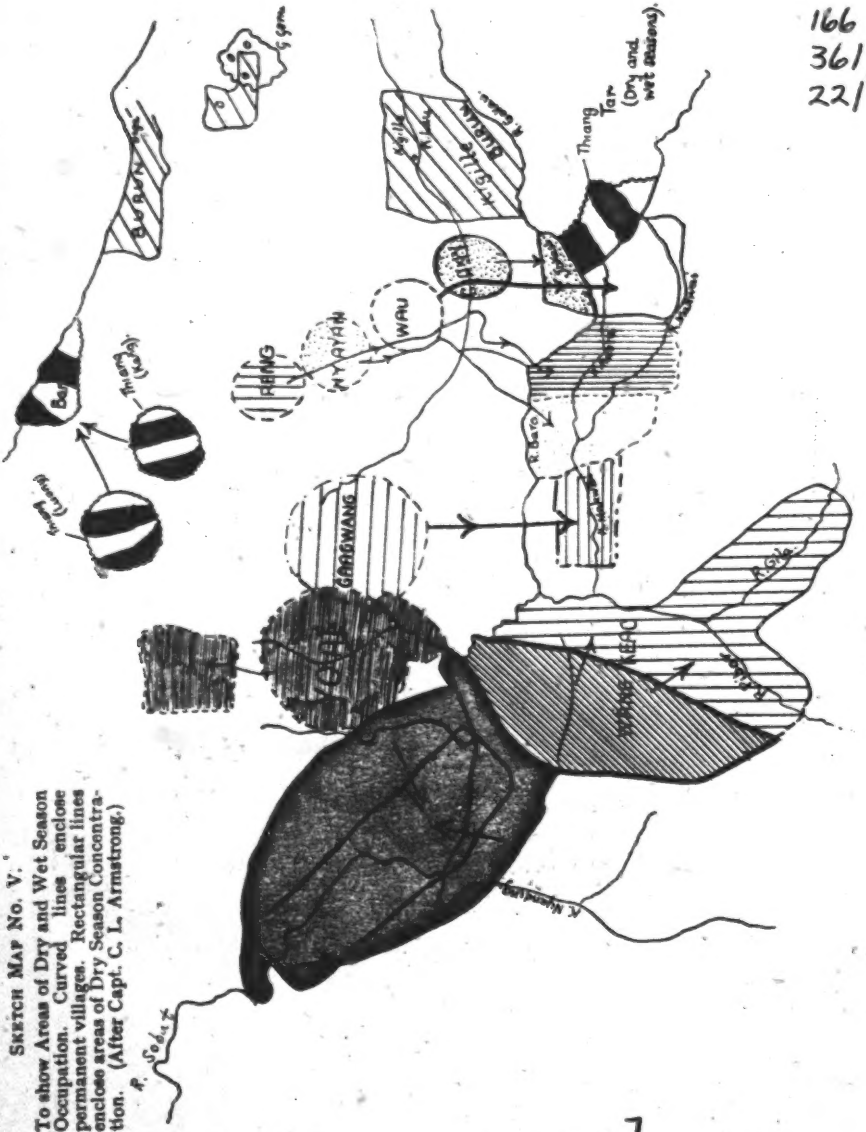
114

A permanent village may consist of a group of huts and byres on an isolated *dabba*, but those I have seen generally comprise a slightly raised area of ground of a few hundred square yards dotted with strings of homesteads. A village may cover an area of several square miles without intermission of dwellings. I regret that I am not able to give any clear idea of the social distribution of these villages since I have only lived with the Nuer in their dry season camps save for a short stay at

12;Evans-Pritchard E-5 (1930-1931) 1933

FJ22 Nuer FJ22



SKETCH MAP No. V.
To show Areas of Dry and Wet Season Occupation. Curved lines enclose permanent villages. Rectangular lines enclose areas of Dry Season Concentration. (After Capt. C. L. Armstrong.)

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[facing p. 30]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

231 turn into a 'Lat' (a combination of ogre and cannibal which
[776] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[825] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[302] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

The women and children sleep in these; the men sleep in the barns, if there are any, or among the cattle. 226 221

People under one chief spend the fishing season at the same fishing camp. Old people sometimes remain in the villages, but the younger ones enjoy the companionship of others and the change from the routine village life. It serves the same purpose as our summer trip.

While at the camp, fish are caught by spearing them with a special spear or by a hook and line left out all night as a trout line is sometimes left, or by the use of a fishing net, if any one is fortunate enough to possess one. 226

Later on, when the river is lower, fish traps are made by placing sticks close together in the river. When fish get into this enclosure they are unable to find the exit and are speared and taken. Nuer sometimes imitate the sound of fish by making a splashing noise in the water with a stick. Other fish gather, as they think, to where their fellows are, and are speared.

If many fish are caught they are dried and taken back to the village for later use, or possibly they are sent back at once to those who have stayed behind. Sometimes fish are not plentiful and then return trips have to be made to the villages to get dura for food. [251]

When the river begins to rise, fishing in the swamps may be continued for a little while. But soon all return to their villages, for as soon as the rains start, hoeing must be done and dura planted. Also, should their permanent village be across the river from the fishing camp, they must take their cattle over the river before it rises so much that the cattle are unable to swim it in safety. 226 221

THE FOOD-SUPPLY

The Nuer food-supply is frequently limited in quantity; it is also limited in variety. The foods the Nuer will eat 262

features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pastures in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since some varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pasturage becomes exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become scarcer and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

221 *March - April.* When the rains begin the old people return to the village for sowing.

241
233 *June.* The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231
262 Economically, cattle are chiefly important for milk and milk products, such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as
[252] flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beaters. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

1; Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

VII

In most years wild fruits, seeds, and roots are not an important item in Nuer diet. Their country is mainly treeless and fruits therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting are dry-season occupations and produce during that season the necessary supplement to an insufficient milk diet. In the wet season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

231 262 [252] the worse for their experience. Indeed, it may well be, as Nuer assert, that they are the better for it, for they lead a sluggish life. The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it coagulates into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

231 825 Nuer do not regard the blood of cows as a staple article of diet and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any unfitness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and graze avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

231 262 [224] The following two points seem to us to be significant. (1) Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient meat to satisfy their craving and have no pressing need to hunt wild animals, an activity in which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

237 231 Apart from milk, meat, and blood, cattle furnish Nuer with numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

237 Their skins are used for beds, trays, for carrying fuel (Plate XVII), cord for tethering and other purposes, flails (Fig. 15), leather collars for oxen (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

[p. 29 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

226 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks [501] of large rivers sometimes fish from dug-out canoes (Plate IX) [227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

226 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish. [773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the [22] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract [252] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang
[262] and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but [292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

frequently happens, especially in the early dry season. They 136
seldom go out to hunt game animals, except gazelle and giraffe, 224
and only pursue those that approach their camps. Indeed, they cannot be considered keen hunters and may even be said to treat the sport with a measure of condescension, holding that only absence of cattle makes a man engage in it other than casually. Their flocks and herds provide them with meat, and this fact probably accounts in part for their lack of interest in hunting, which is, however, also to be related to the nature of their country, for its open plains offer little opportunity for successful hunting with the spear.

Nuer refuse all reptiles, except the crocodile and the turtle. 136
Ostriches, bustards, francolin and guinea-fowl, geese, duck, 262
teal, and other waterfowl, abound, but Nuer consider it shameful for adults to eat them and, except in very severe famines it is probable that only children, poor cattleless men, and an occasional elderly person, eat them, and then rarely and secretly in the bush. They do not keep domesticated fowls and show [235]
particular repugnance to the idea of eating them. Likewise eggs are not eaten. No insects are eaten, but the honey of wild bees is collected after the firing of the grasses in December and January and is either eaten in the bush or with porridge at home.

The only tribe who possess more than an odd gun or two are 224
the Eastern Gaajak, who obtain them from Ethiopia. Nuer hunt with dogs and the spear, and rely on their fleetness, endurance, and courage. Hunting in the rains is therefore impossible, because not only does rank vegetation impede pursuit but also animals can choose their ground, there being everywhere sufficient water and grazing. At the height of the dry season they are forced to drink at the same pools, lagoons, and river inlets as men, and the dry bare country allows open chase, for except in tracking giraffe, Nuer hunt by sight and not by spoor. It is only gazelles, which are worried by dogs, and buffaloes, which prefer attack to flight, that can be tackled by one or two men. Other animals, such as tiang, cob, and buck, are only killed when they approach a camp and can be cut off by a large number of young men. I saw several animals killed on the Sobat by being surrounded on the landward side and driven into

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

224 the reeds, where their only escape was by swimming the river. In this district, and perhaps elsewhere, Nuer, spurred by hunger, leave camp after the first heavy showers to look for giraffe tracks and pursue these animals relentlessly till they overtake them. This is only possible at the time of the first rains when the animals still have to approach camps to drink while their large hooves stick in the moist earth and slow down their movements. The Nuer, particularly those of the Zeraf river, have a reputation for their courage and skill in hunting elephants, which are surrounded and speared by large parties.

Nuer hunting has thus the same character of simplicity as their fishing. They use little cunning and, except for the spiked-
[[71]] wheel trap, no mechanical devices. This trap is used by immigrant Dinka in most parts of Nuerland and by some of the Lou Nuer, who, nevertheless, regard it as a Dinka contrivance and accordingly tend to despise it, regarding its use as unworthy of men possessing cattle but allowable to poor persons who can
[381] thereby obtain meat and even cattle, for giraffe-hair is highly valued for necklaces, such as those which can be seen on Nuer in many plates (especially Plates I and XXVIII(*b*)). Hence one finds a few members of a camp setting traps while the rest abstain. They are set around drinking-pools at the end of the dry season or in the early rains when surface water is still restricted and the ground is not yet moist enough to rot the leather nooses. In 1930 on the Sobat large numbers of giraffe were captured by means of spiked-wheel traps, but it appears to have been an exceptional year. If game-pits are dug at all by Nuer they are very rare and found only on the borders of Dinka tribes, and the burning of stretches of grass that have survived the annual firing in order to spear or club the animals that flee the flames is a very casual practice. In the dry season in Western Nuerland, and probably in other parts, though not on the Sobat, men harpoon hippopotami along the tracks to their nightly grazing grounds. Hippopotamus hunting is not, however, considered a Nuer practice, but a habit of Shilluk and some of the Dinka tribes; and even in those parts where Nuer hunt them it is said to be only men with a few cattle who do so. We may conclude that hunting does not give Nuer much meat and that they do not greatly esteem it as a sport.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

XIII.

Although there is more food in the rains the young men prefer the dry season for they can then spend all day in close association with their comrades and there is plenty of opportunity and leisure for dancing, flirting and displaying themselves before girls from other villages. In the dry season also people can sleep outdoors in the open air with their cattle, for there are few mosquitos. The dry season is also the time for fishing in pools, rivers, and lagoons, and this occupation gives amusement as well as providing tasty and nourishing food. Tiop told me "When the north wind blows at the end of the rains the young men rejoice because the windy season has come. Now they can sleep outside and there are no mosquitos. Now the whole land is burnt and a man can see over the countryside in every direction. Now a man can go out fishing by himself and may be he will not return to camp at night but will sleep on the river-bank. Now they drive the cattle to distant pastures. Only the old men prefer the rains because their bellies are then filled with millet and maize and beer: but the young men rejoice when the north wind blows."

A Western Nuer said "The dry season is good, for then you kill hippopotami and animals of the open plains, and there is the *dompiny* dance and flirting with the girls and jumping and singing behind your oxen. The wet season is good also for then there is plenty of millet, food and beer. Both seasons are good."

As camp life is not everywhere exactly the same it is easier for me to describe the life of members of a section of the Lou tribe who collected at Yakwac on the Sobat River in 1931, as they do every year, and to make comments which will denote certain differences between the mode of life I observed during a lengthy residence there and modes of life observed at dry season camps in other parts of Nuerland.

Camp life is monotonous and drives an anthropologist to despair as nothing unusual happens. Nuer are not eager to fight at this time of the year and marriage, mortuary, and initiation ceremonies are normally held during, or at the end of, the rains, when millet and beer are plentiful. I have spent weeks in camps watching the same daily round. A description of one day serves for any day.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

233 512 [533] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp [264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 462 234 237 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back to the kraal in the evening; but women and boys continue their labours. Women milk the goats and sheep and prepare the morning meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat and milks it, holding it by the horns with one hand while he pats its [857] udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 462 224 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most mornings parties of two and three leave camp at dawn with their dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

6: Evans-Pritchard E-5 (1931, 1936)1938
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Much attention is devoted to hair-dressing in the dry season. In the rains the hair is sometimes neglected though never for a long time unless a man is in mourning. Nuer hair is naturally crinkly and black but when treated with ashes of cattle dung mixed with wood ash it is oxidised and becomes straight and golden. A man takes a heap of ash from his wind-screen fire, mixes it with wood ash, and places them on his sleeping skin where he removes any lumps, leaving only fine ash. To make the ashes finer still he beats them with a mallet and shakes and taps the skin so that the ashes are spread over it and can be searched for foreign matter which is then extracted. When he is satisfied he divides the ashes into two heaps, one of which he mixes with water. The Eastern Nuer do not use urine for this purpose as the Dinka and, to a lesser extent, the Western Nuer do. The scalp is now massaged with the damp ashes. When this is finished the hair is gathered into a peak at the back or front of the head and the dry ashes are sprinkled on top. The head remains for two or three days in its ash plaster which is then removed and the hair is sprinkled with oil. Nuer hair freshly treated in this way has a golden tint and glistens in the sun. Young men spend many hours in their wind-screens, after the cattle have gone to pasture, preparing their hair in this way. 302

By about 10 o'clock most of the men are sleeping behind their windscreens, beneath trees, or, if the camp is near a wet season village, in byres. Only if game is sighted is there any male activity in the camp for an hour or two before noontide. The men grasp their spears and with their dogs sprint after the animal to encircle it and run it down. After the first rains all able-bodied men leave camp to search for giraffe-tracks and if they find the animals they pursue them till they are exhausted and overtaken and speared. Nuer sometimes chase giraffe all day long and their endurance will scarcely be believed till it is seen, being especially remarkable when we recollect that they are weakened by hunger at this time of the year. But at the height of the dry season it is useless to hunt giraffe as they are too fleet on hard ground. While the men are sleeping the women are engaged in churning last night's milk. 512 462 224 [234]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

vary much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave camp and one meets them along paths, carrying their household goods in rectangular cane baskets. Youths leave camp early in the morning to cut stakes, generally of thornwood (*bwau*) and they spend a large part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the need to sleep towards noon. Everyone is becoming restless and

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes. 224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Two

RESOURCES OF THE NUER

WILD ANIMALS AND CATTLE

WILD animals abound in Nuerland. Lions, leopards, 136
giraffes, buffaloes, elephants, hippos, monkeys are found as well as other species, and also crocodiles, snakes, and scorpions.

Sometimes animals are killed with spears (Fig. 4), some- 224
times traps are made to catch them. Holes are dug into which they fall and are unable to get out. Men sometimes chase them and drive them toward the trap which they have made. Giraffes may be killed in this way as they cannot run fast, especially if the ground be muddy. Monkeys are safe in Nuerland as a Nuer will not willingly kill them. If a monkey is killed, it will surely rain hard, but [825]
if it is killed in the dry season, the weather will only become cloudy.

Probably the largest snake found here is the python. 136
Many of the snakes are deadly poisonous. One is a spitting snake. Another is said to bite and also sting its victim with its tail at the same time, much as a scorpion stings. Another snake, the 'thatut', is said to leave a tooth in the person it bites. The Nuer believe that if a [825]
person is once bitten by a 'thatut' no other snake will deign to bite him.

The number of cattle owned by individuals varies in 231
different parts of Nuerland. Those who live along the Nile have many cattle. Those in the Garjak country have more cattle than those near Nasser. In the regions where cattle are more plentiful the number of cattle asked as a marriage price is greater.

Cattle with the wide-spreading long horns are the most 231
desirable. A Nuer is afraid that a cow without horns may 776

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

the other, and twins are two *pwony* but a single *ran* (p. 128). However, the idea of the soul, as we have noted, seems to be attached chiefly to the concept of *ran*, to belong to the representation of a developed social being. An animal has, or is, a *pwony*, but it is not a *ran*, except in a purely figurative sense. 774 828

Nuer do not attribute souls to creatures other than man except perhaps cattle and elephants. They speak of the *tie* of a man at his mortuary ceremony going together with the *tie* of the sacrificed beast away from the living to wherever the ghosts may be, and since in sacrifice, especially in piacular sacrifice, there is an identification, discussed in a later chapter, between man and ox, it is understandable that, at any rate in sacrificial contexts, Nuer should speak of the souls of cattle. But though Nuer imply in relation to sacrifice that cattle have souls, they have no clearly formulated belief to that effect, and I am not sure that they would agree to the proposition if it were put to them as a question unrelated to sacrificial intention. Nevertheless, it may be supposed that since Nuer sometimes speak of an ox's *tie* they think that cattle have in some degree intelligence and will and a personality that survives death, however vague it may be.[1] Moreover, they speak of the ghosts as herding cattle in wherever it is they have their abode. That Nuer reflect on this question, and also that they are undecided about the answer to it, is shown by the fact that Dr. Smith, so she tells me, has often been asked by Nuer whether she thinks cattle have souls. 774

Though I have never heard Nuer speak of an elephant's *tie*, that it is thought to have one is implicit in the belief that if the rules about the division of the tusks of a slain elephant are not observed the dead beast may *gwor*, track down, those responsible (Dr. Lienhardt tells me that in Dinka the word means 'to take revenge'). *Gwor* has here, therefore, the same sense as *cien*, haunt. Also, Dr. Howell states that the man who first speared a slain elephant, and is therefore by a convention regarded as responsible for its death, has to have his right arm incised by a leopard-skin priest before he can eat or drink just as if he had slain a man, and a beast is sacrificed in the one case as in the other. He says 774 224 [782]

[1] That a cow in a kind of way can be thought of as a person is suggested by other facts. A rite is performed to separate twin cows, which are hence, unlike other beasts, regarded till then as being one, as human twins are. A rite is also performed, to prevent the calf sickening, when the first milk of its dam is taken for human consumption. See also Chap. X.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

774 further that when the tusks are removed they are first buried
224 under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kirpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

774 The only occasions on which I have heard Nuer speak of crea-
778 tures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*came nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

774 I have discussed this question partly because it was necessary
776 to do so to make clear that in Nuer thought the soul is something essentially human which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be
[121] seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

231 seeing that an injustice has been done. The man had no right to
782 take the life of the ox and by doing so he committed a fault. In
784 sacrificial invocations Nuer explain to God why the life of the ox is being taken, and they may also address the ox and tell it why it is being killed—not that they think it understands. They are justifying themselves in taking its life.

Consequently I was not surprised to learn from Dr. Mary
231 Smith, whom I asked to inquire into the question, that when cattle
731 are killed in time of famine Nuer, though they do not consecrate
782 the beasts, may make an invocation over them asking God that 'the meat may be soft in their stomachs and not bring them sickness'. This does not constitute sacrifice, there being no sacrificial intention, but it shows that there is a feeling of guilt about killing animals for food even when hunger compels it, and we can say that all cattle, and also sheep and goats, are reserved, or set apart, for sacrifice and their lives should not be taken, except in the special circumstances I have mentioned, for any other purpose. In that sense we may speak of cattle as being 'sacred'. If we do so, however, we must note that they are not sacrificed because they are regarded as sacred intrinsically, or for reasons extraneous to the sacrificial situation, but, on the contrary, they are regarded as sacred only because they are reserved for sacrifice and in the sense defined by that purpose. I have discussed beasts of the herd only and not those of the flock because, as we have noted earlier, in sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently their role to play the victim's part in sacrifice and they are consequently also reserved for sacrifice, but the sacrificial equivalence is always between *ran* and *yang*, man and 'cow', never between man and sheep or goat, for even when it is a sheep or goat which is being killed the ideal equivalence is preserved in speech.

231 In order that the sacrificial killing of beasts of the flocks and
[262] herds may be seen in a wider setting both of the taking of lives
224 of creatures and of the eating of flesh, it should be realized that, except for fish, Nuer seldom kill wild creatures but rely almost entirely on the flesh of their domesticated animals for meat. For religious reasons they are averse to killing birds, except occasionally the ostrich, to which the same symbolism does not attach, for its feathers; and also reptiles, except the turtle and the crocodile (perhaps occasionally the monitor lizard). But even where there is no objection to killing animals, as in the case of mammals, Nuer

16: Evans-Pritchard E-5 (1931, 1936) 1956
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seldom go out of their way to kill them. They do not go out to 231
hunt lions, leopards, and hyenas, unless they molest the flocks and 224
herds, and usually they only pursue those graminivorous animals which come to drink near their camps and seem to offer themselves for slaughter. It is not that it is thought to be wrong to kill them, but that except in time of famine, Nuer are little interested in hunting. They speak of it as a Shilluk and Dinka practice beneath the serious attention of a Nuer who can boast of a herd—as a pursuit, that is, of foreigners or of men without cattle. Even those who deliberately set out to hunt elephants and giraffe do so less to obtain meat than to acquire ivory and hair which can be exchanged for cattle, sheep, and goats. This lack of interest in hunting may be due to the fact that their flocks and herds supply them, through sacrifice, with meat and to the nature of their country which renders hunting difficult, but, whatever the reason, they are not interested, so that any killing of animals outside sacrifice is rare; and we may here say again, as has been said before in a rather different context, that the Nuer mind is turned inwards towards his own society of men and cattle. He is not unobservant of nature but he sees it with a contemplative and not with a predatory eye that seeks to destroy and exploit. He sees wild creatures as something in their own right, and his disposition is to live and let live. His folk-stories reflect this attitude and the feeling that killing, like death, is something which has come about almost by accident and is not in the original nature of things.

A large part of Nuer folk-lore consists of stories about animals.[1] 538
There are stories about ogres; a cycle of adventure stories about 825
how cunning fox tricked hyena; many just-so stories which tell why hyenas limp, why plovers have thin legs, why guinea-fowl crouch, why millepedes are blind, why cows have no upper incisors, and so forth; and stories of yet other sorts. God sometimes figures in these stories as a judge in a way which appeals to the Nuer sense of humour as well as to our own. For example, fish, finding that they were visible to man in the water and hence easily speared, appealed to God who let them be invisible. God sometimes figures

[1] I have not published the folk-stories I collected among the Nuer. Some of those given by Miss Huffman (*Nuer Customs and Folk-Lore*, 1931, pp. 88–104) show Anuak influence. Those recorded by Capt. V. H. Fergusson ('Nuer Beast Tales', *Sudan Notes and Records*, 1924) have Nuer themes but may be Atwot, or even Mandari, versions of them, for *rill*, the jackal, and *ijong*, the hawk, are two main figures in them, and these are not Nuer words.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that 782
though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies.

The verb *buth* means 'to share', and since collateral lineages of 613
a c[illegible] and also clans with common ancestry may claim portions 614
of the flesh of sacrificial victims at each other's collective sacrifices, 727
there is said to be *buth* between them. They are to one another 782
jibuthni, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices.

Buth relationship is stated also in terms of the division of 613
elephant tusks or of cattle exchanged for them. When hunters 614
kill an elephant the right tusk goes to the *koc*, the man who first 224
speared it, and the left tusk to the *gam*, the man who speared it [301]
next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

613 cattle, and the portions of ivory or the cattle are divided among
614 those relatives of the spearsmen who receive cattle of bridewealth
224 and bloodwealth and the flesh of sacrifices. Those standing in a *buth* relationship to the spearsmen also have rights in the tusks. This means in practice that a section of the tusk, or its equivalent in cattle, goes to the particular *thok mac*, minimal lineage, of the spearsman's clan to which the *gwan buthni*, master of ceremonies, of his family belongs, and it is this man who gets it.[1]

782 Each family has its master of ceremonies, who is a member of
613 a lineage collateral to that of its head and therefore one of his distant agnatic kinsmen. A son takes his father's place in this
593 service. The same man may act on behalf of the heads of several families of the same minimal lineage, and one of his close agnatic kin may act in his stead, since he carries out his functions not as an individual but as representative of a group. The office is not necessarily reciprocal, for a man may act as master of ceremonies to a family of one collateral lineage and have as master of ceremonies to his own family a man of a different collateral lineage. Also, a family may have more than one master of ceremonies, the second belonging to a different collateral lineage from the first. Moreover, it would seem that if one of the persons who usually acts in this capacity is not available his place may be taken by any distant kinsman who can be held to represent him. Nuer are very latitudinarian in such matters; but the point we have to note is that on certain occasions a whole clan or large lineage offers up the sacrifice, and the officiant ought then to be someone outside the family and close kin most immediately concerned who represents the interest of the wider group, which participates in the sacrifice through him.

782 A master of ceremonies functions at weddings, mortuary and
613 *colwic* ceremonies, settlements of blood-feuds, adoptions, initiations, severings of kinship to allow intermarriage or cohabitation, the building of new byres, and the division of elephant tusks. On these occasions he calls out the clan or lineage spear-name and then makes an invocation, usually prior to animal sacrifice. By calling out the spear-name he identifies the whole clan or lineage with the offering. When the victim has been killed he cuts through the scrotum (*juak tem*), this being the commencement of the skin-

[1] See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognize that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 262 The rivers teem with fish of many edible species which greatly supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epidemics among the herds. In choosing camp sites opportunities [361] for fishing are considered no less than water and pasturage. Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (*kal*) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of Anuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes [421] and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 221 It is the seasonal flooding, due to the rise and fall of the rivers and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

1: Evans-Pritchard E-5 (1931, 1936) 1940
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their presence by striking the withies. My friend the late Mr. L. F. Hamer, who took the photograph reproduced in Plate XXII(*a*), about sunrise, reckoned that quite a hundred fish are caught from a dam in a single night. The dams are lowered as the water falls.

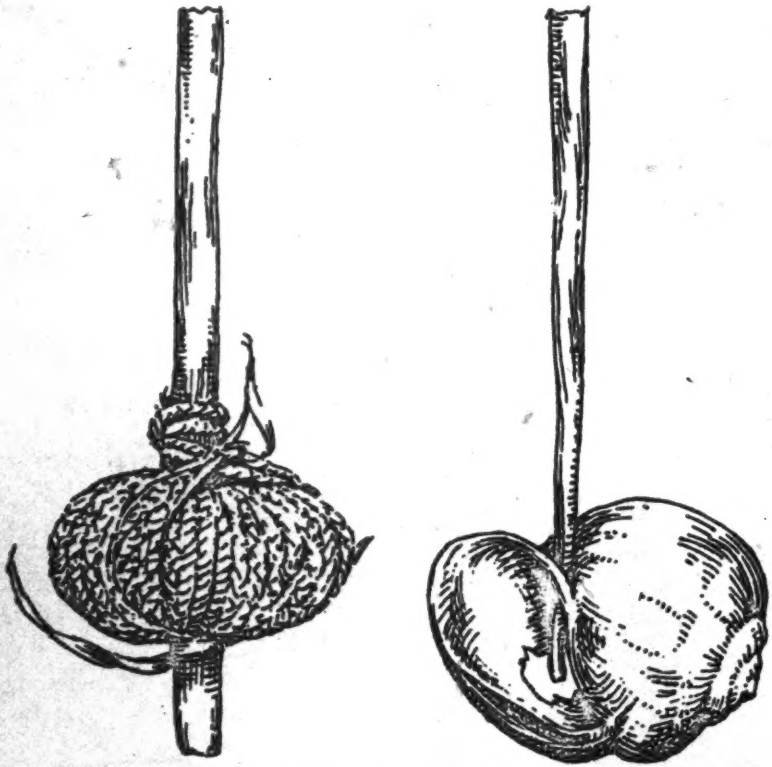


FIG. 10. Instruments for attracting fish.

As the dry season advances a great number of fish are imprisoned in lakes and lagoons from which there is no outlet, and as these dry up they are confined to a smaller and smaller expanse of water and are killed by individual fishers using barbed spears and long harpoons (Plates X and XXII (*b*)), and, at the end of the season, by battues in which gaffs and basket traps may also be employed. Fishing is fairly consistently productive throughout the drought, its yield increasing somewhat in the battue period and rising to a second peak at the

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

226 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks
[501] of large rivers sometimes fish from dug-out canoes (Plate IX)
[227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

226 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish.
[773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the
[227] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract
[252] the fish. Fish are eaten roasted or boiled.

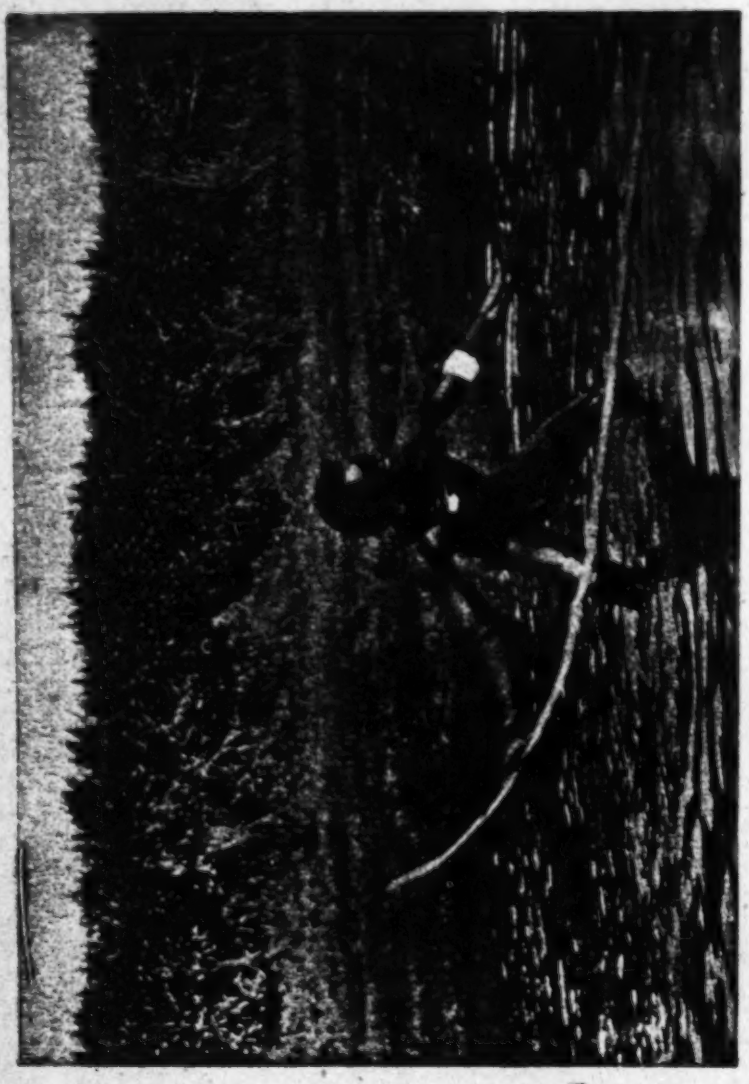
VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang
[262] and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but
[292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE X

226



Harpoon-fishing in shallows (Sobat river)

[Face p. 78]

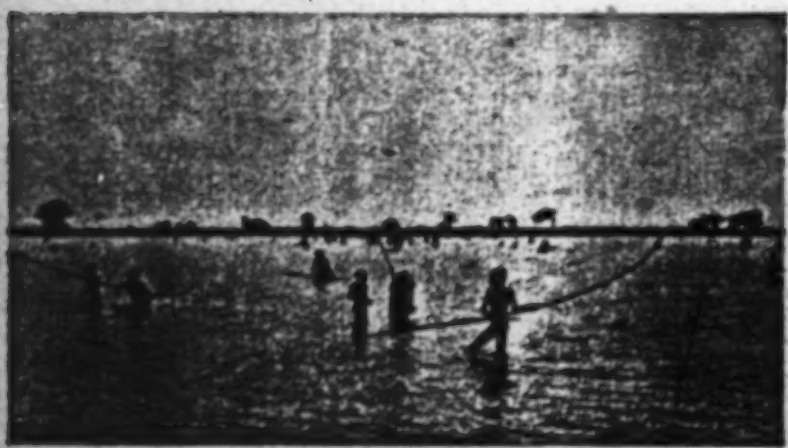
1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXII

312
226

a. Spearing fish from dam (Eastern Gaajok)

226



b. Harpoon-fishing in Lake Fadei (Lou)

[Face p. 210]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

XIII.

Although there is more food in the rains the young men prefer the dry season for they can then spend all day in close association with their comrades and there is plenty of opportunity and leisure for dancing, flirting and displaying themselves before girls from other villages. In the dry season also people can sleep outdoors in the open air with their cattle, for there are few mosquitos. The dry season is also the time for fishing in pools, rivers, and lagoons, and this occupation gives amusement as well as providing tasty and nourishing food. Tiop told me "When the north wind blows at the end of the rains the young men rejoice because the windy season has come. Now they can sleep outside and there are no mosquitos. Now the whole land is burnt and a man can see over the countryside in every direction. Now a man can go out fishing by himself and may be he will not return to camp at night but will sleep on the river-bank. Now they drive the cattle to distant pastures. Only the old men prefer the rains because their bellies are then filled with millet and maize and beer: but the young men rejoice when the north wind blows." 221 [226]

A Western Nuer said "The dry season is good, for then you kill hippopotami and animals of the open plains, and there is the *dompiny* dance and flirting with the girls and jumping and singing behind your oxen. The wet season is good also for then there is plenty of millet, food and beer. Both seasons are good." [224]

As camp life is not everywhere exactly the same it is easier for me to describe the life of members of a section of the Lou tribe who collected at Yakwac on the Sobat River in 1931, as they do every year, and to make comments which will denote certain differences between the mode of life I observed during a lengthy residence there and modes of life observed at dry season camps in other parts of Nuerland.

Camp life is monotonous and drives an anthropologist to despair as nothing unusual happens. Nuer are not eager to fight at this time of the year and marriage, mortuary, and initiation ceremonies are normally held during, or at the end of, the rains, when millet and beer are plentiful. I have spent weeks in camps watching the same daily round. A description of one day serves for any day.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

512 About noon youths and maidens bathe in the river wherever a
•726 shallow sandy stretch offers a clear playground. They do the same
at inland lakes but much time is there given also to fishing. The
883 young people sit and splash in the water and the sexes flirt and wrestle
in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
men hold them between their legs and lifting up their heads compel
237 them to swallow water. At this time the boys bring back the larger
372 calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*luor*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
30 minutes later. Adult men tether the cattle of their household
462 and women and boys commence at once to milk the cows and they
finish this work before sunset. The women then prepare the evening
264 meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

vary much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave camp and one meets them along paths, carrying their household goods in rectangular cane baskets. Youths leave camp early in the morning to cut stakes, generally of thornwood (*bwau*) and they spend a large part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the need to sleep towards noon. Everyone is becoming restless and

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

423 233 361 578 where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

423 233 312 Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

423 ~26 Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes.

224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

231 turn into a 'Lat' (a combination of ogre and cannibal which
[776] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[825] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

● 226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[342] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

The women and children sleep in these; the men sleep in the barns, if there are any, or among the cattle. 226 221

People under one chief spend the fishing season at the same fishing camp. Old people sometimes remain in the villages, but the younger ones enjoy the companionship of others and the change from the routine village life. It serves the same purpose as our summer trip.

While at the camp, fish are caught by spearing them with a special spear or by a hook and line left out all night as a trout line is sometimes left, or by the use of a fishing net, if any one is fortunate enough to possess one. 226

Later on, when the river is lower, fish traps are made by placing sticks close together in the river. When fish get into this enclosure they are unable to find the exit and are speared and taken. Nuer sometimes imitate the sound of fish by making a splashing noise in the water with a stick. Other fish gather, as they think, to where their fellows are, and are speared.

If many fish are caught they are dried and taken back to the village for later use, or possibly they are sent back at once to those who have stayed behind. Sometimes fish are not plentiful and then return trips have to be made to the villages to get dura for food. [251] ✓

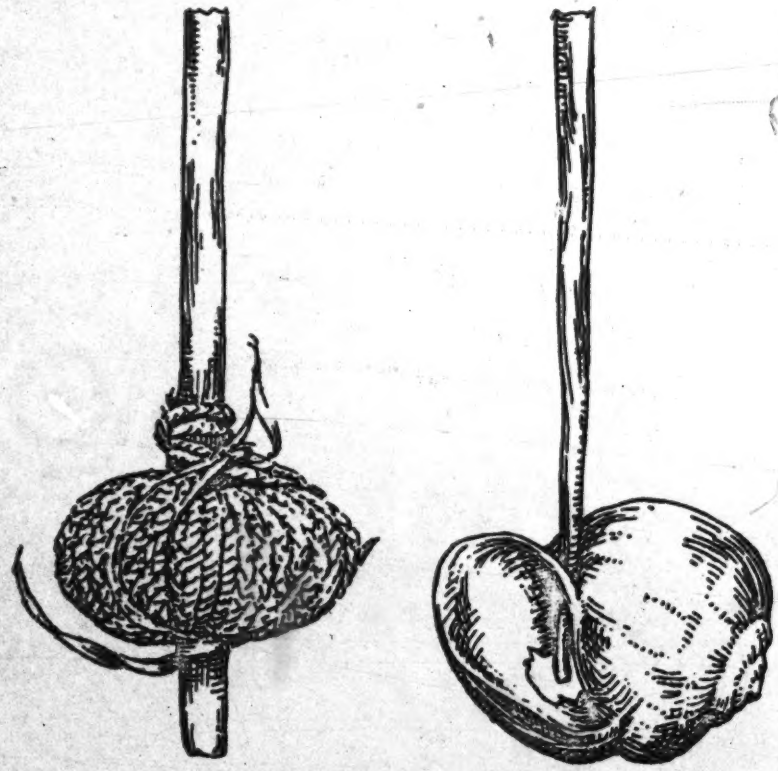
When the river begins to rise, fishing in the swamps may be continued for a little while. But soon all return to their villages, for as soon as the rains start, hoeing must be done and dura planted. Also, should their permanent village be across the river from the fishing camp, they must take their cattle over the river before it rises so much that the cattle are unable to swim it in safety. 226 221

THE FOOD-SUPPLY

The Nuer food-supply is frequently limited in quantity; it is also limited in variety. The foods the Nuer will eat 262

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

their presence by striking the withies. My friend the late Mr. L. F. Hamer, who took the photograph reproduced in Plate XXII(*a*), about sunrise, reckoned that quite a hundred fish are caught from a dam in a single night. The dams are lowered as the water falls.



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1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

234 life. Such a life nurtures the qualities of the shepherd—courage, love of fighting, and contempt of hunger and hardship—rather than shapes the industrious character of the peasant.

IV

262 Nuer are also interested in their cattle for meat, boiled and
782 roasted. They do not raise herds for slaughter, but sheep and oxen are frequently sacrificed at ceremonies. There are always
●231 ghosts and spirits in whose honour a sacrifice would at any time be appropriate, and such sacrifices are generally long overdue, so that there does not lack a proper excuse for a feast when people desire one. Fertile cows are sacrificed in mortuary rites, but, otherwise, only barren females are killed. At sacrifices most people are interested more in the festal than the religious character of the rites. Sometimes, as at marriage ceremonies, the people who perform the ritual are different from those who eat the meat, while at other ceremonies there is a general scramble for the carcass. Desire for meat is shown without shame on these occasions, and Nuer recognize that some men sacrifice without due cause. In some years it is a custom in the rains for young men to join together at a homestead with the purpose of slaughtering oxen and gorging themselves with meat. Except on such occasions, however, people ought not to kill an ox solely for food—it being even thought that the ox may curse them—and they only do so in severe famine. The Lou, who are rich in cattle, have a reputation, of which they are rather ashamed, for killing oxen for meat. Nevertheless, nowhere in Nuerland are cattle ordinarily slaughtered for food, and a man would never kill even a sheep or goat merely on the grounds that he desired meat. On occasions of minor importance sheep or goats are sacrificed rather than oxen, as they are less valuable.

231 Any animal which dies a natural death is eaten. Even when
262 a youth's favourite ox dies he must be persuaded to partake of its flesh, and it is said that were he to refuse his spear might avenge the insult by cutting his foot or hand on some future occasion. Nuer are very fond of meat, and declare that on the death of a cow, 'The eyes and the heart are sad, but the teeth and the stomach are glad.' 'A man's stomach prays to God, independently of his mind, for such gifts.'

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Though oxen are sacrificed and eaten they are not valued only for these purposes, but also for display and for the prestige their possession confers. Colour and shape of horns are significant, but the essential qualities are bigness and fatness, it being considered especially important that the haunch bones should not be apparent. Nuer admire a large hump which wobbles when the animal walks, and to exaggerate this character they often manipulate the hump shortly after birth.

[415]

231
262

Like other pastoral peoples in East Africa the Nuer extract blood from the necks of their cattle, and this is a supplementary article of diet in dry season camps, where one may generally see at least one cow bled each evening. Cows are bled for culinary purposes more frequently than oxen. The operation, called *bar*, consists of tying a cord tightly round a cow's neck so that the veins stand out and one of them can be stabbed, on the head side of the cord, with a small knife bound with cord or grass to prevent it entering too deeply. The blood spurts out, and when a large gourd has been filled they loosen the cord and it ceases to flow. Some dung is smeared over the wound. If one examines the neck of a cow one sees a row of small cicatrices. Cows appear to be a little giddy after the operation and may totter slightly, but otherwise seem none

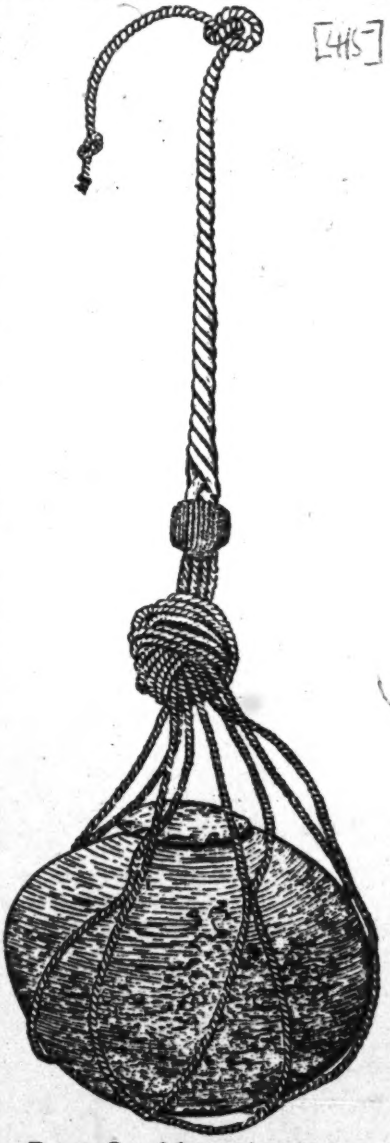

FIG. 2. Gourd for storing cheese.

231 262 [252] the worse for their experience. Indeed, it may well be, as Nuer assert, that they are the better for it, for they lead a sluggish life. The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it coagulates into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

231 Nuer do not regard the blood of cows as a staple article of diet and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any unfitness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and graze avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

231 262 [224] The following two points seem to us to be significant. (1) Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient meat to satisfy their craving and have no pressing need to hunt wild animals, an activity in which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

237 231 Apart from milk, meat, and blood, cattle furnish Nuer with numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

237 Their skins are used for beds, trays, for carrying fuel (Plate XVII), cord for tethering and other purposes, flails (Fig. 15), leather collars for oxen (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

[p. 29 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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237 snuff-containers, &c. The scrota of bulls are made into bags to contain tobacco, spoons, and other small objects (Fig. 3). Tail-hairs are made into tassels used as dance ornaments by girls and to decorate the horns of favourite oxen (Plate IV). Their bones are used for the manufacture of armlets, and as beaters, pounders, and scrapers. Their horns are cut into spoons (Fig. 14) and are used in the construction of harpoons.

Their dung is used for fuel and for plastering walls, floors, and the outsides of straw huts in cattle camps. It is also employed as a plaster in minor technological processes and to protect wounds. The ashes of burnt dung are rubbed over mens' bodies, and are used to dye and straighten the hair, as a mouth wash and tooth powder, in the preparation of sleeping-skins and leather bags, and for various ritual purposes. Their urine is used in churning and cheese-making, in the preparation of gourd-utensils, for tanning leather, and for bathing face and hands.

The skins of sheep and goats are worn as loin garments by married women (Plate XXIII (*a*)), used as rugs to sit on, made into bags for storing tobacco and millet, and are cut into strips to be tied round their ankles by youths when dancing. Their dung and urine are not utilized.

231 237 The Bedouin Arab has been called the parasite of the camel. With some justice the Nuer might be called the parasite of the cow. It may, however, seem that the list we have compiled does not cover a very wide range of uses, but so simple is Nuer material culture that it accounts for a very considerable part of their technology and contains items on which they are highly dependent, e.g. the use of dung as fuel in a country where it is difficult to obtain sufficient vegetable fuel for cooking, let alone for the large fires that burn day and night in every byre and windscreen.

231 We have seen that apart from their many social uses Nuer are directly concerned with cattle as producers of two essential articles of diet, milk and meat. We now perceive that the economic value of cattle is more extensive. Taking into consideration also the more general social value of cattle, briefly indicated in Section I, we may already note that there is over-emphasis on a single object, which dominates all other interests and is consistent with those qualities of simplicity, single-mindedness, and conservatism, so characteristic of pastoral peoples.

[L pp. 16-19, cat. 116 — Analyst]

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PLATE IV

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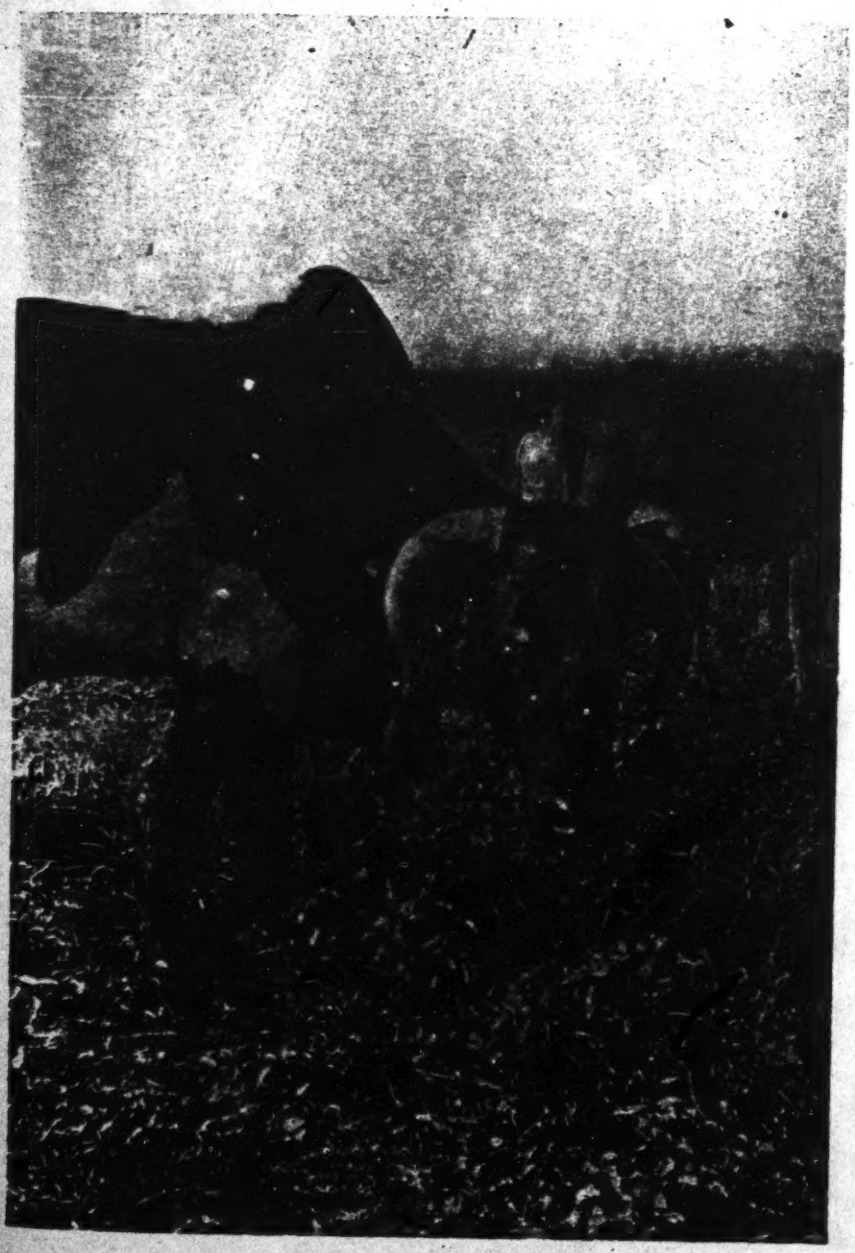

Ox with tassels hanging from its horns (Lou)

[Face p.30]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

this one source that Nuer attention, instead of being diffused in a variety of directions, tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity with themselves. We will now examine briefly some linguistic material wherein we shall perceive further evidence of this hypertrophy of a single interest and of the identification of men with cattle to which I have alluded. 181 233

VIII

Linguistic profusion in particular departments of life is one of the signs by which one quickly judges the direction and strength of a people's interests. It is for that reason, rather than for its intrinsic importance, that we draw the reader's attention to the volume and variety of the Nuer cattle vocabulary. Like all the pastoral Nilotes they use an enormous number of words and phrases about cattle and the tasks of herding and dairy-work, and from this vast assortment we select for comment a single class: the terms by which they describe cattle, chiefly by reference to their colours.[1] These terms are more than a linguistic technique which enables Nuer to speak of cattle with precision in situations of practical husbandry and in the many social contexts in which they figure, for they establish associations on the one hand between wild creatures and cattle and on the other hand between cattle and their masters; they furnish certain ritual categories; and they greatly enrich the language of poetry. 192 231

In naming a Nuer cow one has to notice its colours and the way in which they are distributed on its body. When it is not of one colour the distribution of colours is the significant character by which one names it. There are ten principal colour terms: white (*bor*), black (*car*), brown (*lual*), chestnut (*dol*), tawny (*yan*), mouse-grey (*lou*), bay (*thiang*), sandy-grey (*lith*), blue and strawberry roan (*yil*), and chocolate (*gwir*). When a cow is of a single colour it is described by one of these terms. An animal may combine two or more colours, but a combination of more than two, known as *cuany*, is very rare. Normally there is a combination of white with one other colour and twelve common distributions of this com- 192 231 552

[1] I have recorded some information on this neglected subject among a neighbouring people in 'Imagery in Ngok Dinka Cattle-Names', *Bulletin of the School of Oriental Studies*, 1934.

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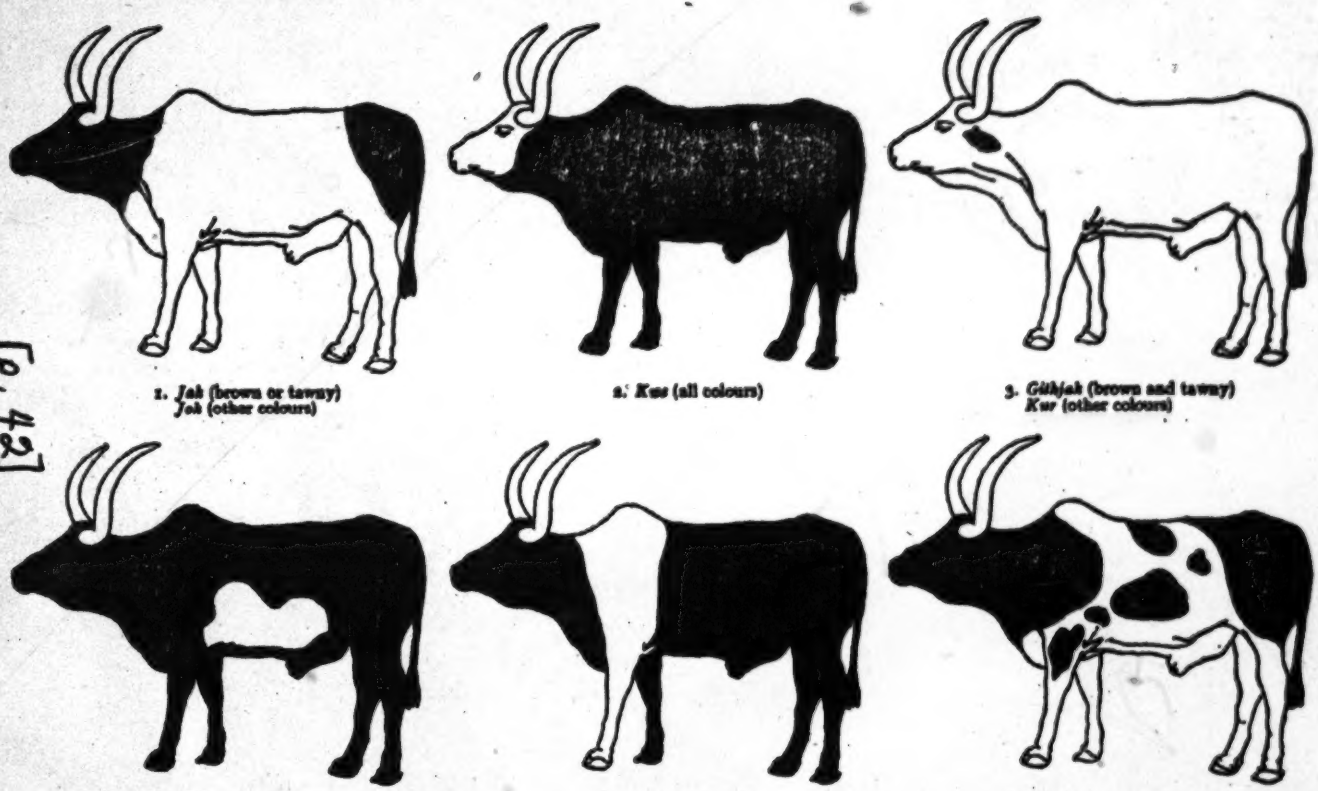

1. *Jak* (brown or tawny)
Jok (other colours)

2. *Kuo* (all colours)

3. *Gilkjak* (brown and tawny)
Kur (other colours)

4. *Kul* (brown and tawny)
Bil (other colours)

5. *Rol* (all colours)

6. *Par* (brown and tawny)
Rial (other colours)

FIG. 8. Diagrammatic representation of colour distributions.

[p. 42]

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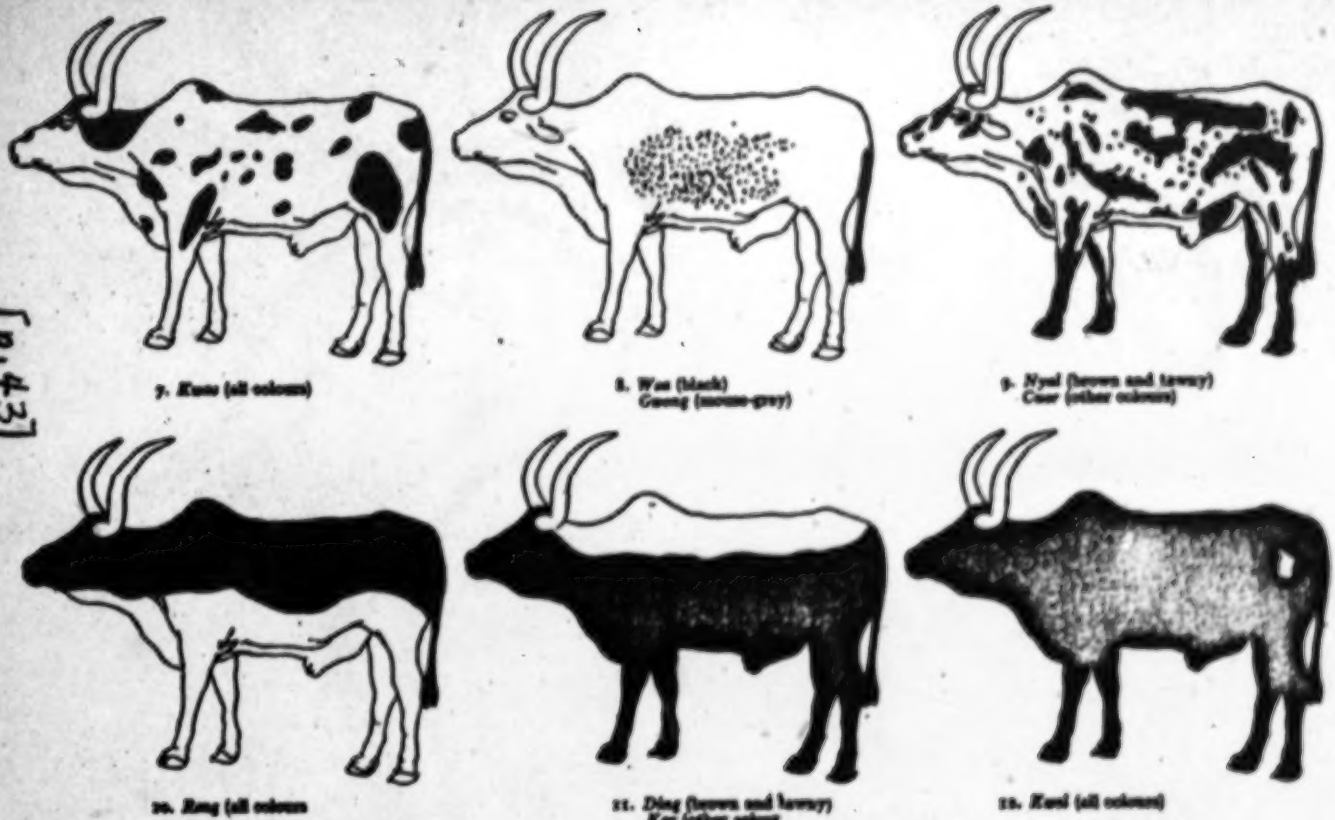

FIG. 9. Diagrammatic representation of colour distributions.

[p. 43]

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bination are shown in Figs. 8 and 9. There are, however, many more combinations, at least twenty-seven, one of the commonest being varieties of a striped or brindled coat (*nyang*).

In describing a beast one often denotes both the form of distribution and the colour that is combined with white. Thus an ox may be entirely mouse-grey (*lou*); have a mainly mouse-grey colour with a white face (*kwe looka*), white back (*har looka*), white splash on barrel (*bil looka*), white shoulder (*rol looka*), or white belly (*reng looka*): be brindled mouse-grey (*nyang looka*): be white with large mouse-grey patches (*rial looka*), medium mouse-grey patches (*kwac looka*), or a mouse-grey rump (*jok looka*), &c. There are at least a dozen terms describing different combinations of white and mouse-grey and there are a similar number of terms for a combination of white with each of the other colours. A further example is given to illustrate the wide range of variations: a white shoulder and foreleg (*rol*) may be found on a cow of any colour, e.g. *rol cara, rol yan, rol thiang, rol yili*, &c. There may also be a combination of one form of distribution with another and, in this case, the two combinations constitute the terms of reference and there is no need to denote the colouring that occurs in them, e.g. a white shoulder and foreleg (*rol*) may be combined with a white face (*kwe roal*), black spots (*rol kwac*), speckling (*rol cuor*), brown patches (*rol paara*), white back (*har roal*), white face and black ears (*kur roal*), &c. There are at least twenty-five terms which include the *rol* distribution, and the other distributions likewise have wide ranges of combinations with colours and with one another.

As I shall elsewhere, and at length, analyse the principles of colour terminology and abstract the rules of nomenclature,[1] I need no more than remark here that it is evident from the few examples cited that there are several hundred colour permutations.

Some colours and combinations of colours are associated with animals, birds, reptiles, and fish, and this association is often indicated by secondary terms of reference and by ritual usages, e.g. *lou* (mouse-grey) is the bustard, *nyang* (striped) is the crocodile, *lith* (sandy-grey) is associated with *manlieth*, the grey kestrel, *thiang* (bay) is the tiang, *dwai* (brown with white stripes) is the female sitatunga, *kwe* (white-faced) is the fish eagle, *kwac* (spotted) is the leopard, *cuor* (speckled) is the vulture, *gwong* (spotted) is the guinea-fowl, *nyal* (brown-spotted) is the python, &c. These linguistic identifications and other colour associations lead to many

[1] 'Nuer Cattle Terms', to appear in *Sudan Notes and Records*.

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fanciful elaborations of nomenclature, e.g. a black ox may be called *rual mim*, charcoal-burning or *won car*, dark clouds; a brown ox *riem dol*, red blood, or *rir dol*, red tree-cobra; a blue roan ox *bany yiel* after the blue heron; a mouse-grey ox *duk lou*, the shady gloom of forests, &c. These fancy names add greatly to the list of Nuer cattle terms. 192 552 23

Besides the vast vocabulary which refers to colours, distribution of colours, and colour associations, cattle can also be described by the shape of their horns and, as the horns of oxen are trained, there are at least six common designations in use besides several fancy names. Words denoting shape of horns add considerably to the number of permutations, for they can be combined with many of the colour and distribution terms, e.g. a sandy-grey cow with horns which almost meet in a curve above the head is a *duot lieth*, a shorthorn with *rial* markings is a *cot rial*, a brindled ox with one horn trained across its face is a *gut nyang*, &c. The ears of cattle, sheep, and goats are often cut in different shapes and it is permissible, and with sheep and goats usual, to describe them by reference to these incisions. Sheep and goats have very different mixtures of colours from those one finds among cattle, but the same terms can be used to cover all combinations, because they are never exact descriptions of colour dispositions but represent ideal distributions, to one or other of which any actual disposition approximates.

A further range of permutations is created by prefixes which denote the sex or age of an animal, e.g. *tut*, bull, *yang*, cow, *thak*, ox, *nac*, heifer, *ruath*, male calf, *dou*, female calf, *kol*, calf which has not yet begun to graze, and so forth. Thus one may speak of a *tut ma kar looka*, *dou ma rial*, *thak ma cuany*, &c. Indeed, if we were to count every possible mode of referring to animals of the flocks and herds they would be found to number several thousand expressions—an imposing and complicated system of ramifications which bears eloquent witness to the social value of cattle.

Furthermore, as we have mentioned, every man takes one of his names from the term by which one of his oxen is described, and these ox-names are the preferred salutations among age-mates. A youth generally takes his first ox-name from the beast his father gives him at his initiation, but he may later 551

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192 It is not necessary to add more examples of cattle-terms and
183 their uses to demonstrate that we are dealing with a galaxy of words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 Another way in which Nuer engrossment in cattle can be
183 illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 At the present time cattle are the main cause of hostility
231 towards, and suspicion of, the Government, not so much on
721 account of present taxation as of earlier tax-gathering patrols
578 which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

1: Evans-Pritchard E-5 (1931, 1936) 1940
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vulnerability of cattle coupled with the extensive living-space required for them are compatible only with a far recognition of conventions in the settlement of disputes, or, in other words, the existence of a tribal organization embracing a large territory, and of some feeling of community over yet larger areas.

Fighting about ownership of cattle and seizing cattle for what are claimed as debts and compensation for losses are of a somewhat different order to raiding for cattle over which no rights, other than the power of the strong, are asserted. War against foreign peoples, as distinct from warfare within a tribe, is almost entirely for plunder. Nuer war against the Dinka, therefore, differs from most primitive warfare in that its primary object is acquisition of wealth, for cattle are a form of wealth that not only lasts a long time and reproduces itself, but is, also, easily seized and transported. Furthermore, it enables invaders to live on the country without commissariat. Crops and dwellings can be destroyed, but cattle can be confiscated and taken home. This quality, which has given pastoral peoples a bias in favour of the arts of war rather than the arts of peace, has meant that the Nuer are not entirely dependent on their own cattle, but can augment their herds and restore the ravages of rinderpest, and have, in fact, for a long time increased their stock, and hence supplemented their food-supply, by raiding; a condition that has shaped their character, economy, and political structure. Skill and courage in fighting are reckoned the highest virtues, raiding the most noble, as well as the most profitable, occupation, and some measure of political agreement and unity a necessity.

721

We hasten to add that an explanation of warfare between Nuer and Dinka by reference to cattle and pastures alone is too simple a reduction. Hostility is expressed in terms of cattle, and desire for cattle accounts for some peculiarities of the struggle and some characteristics of the political organizations involved in it, but the struggle itself can only be fully understood as a structural process and we present it as such later.

000

We now pass to a brief examination of the oecological system of which Nuer and their cattle form part to discover the conditions in which cattle-husbandry is practised and how far its practice in a certain environment influences political structure.

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342 are simply constructed, the roots of grasses, or occasionally
573 stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

221 Another circumstance that determines Nuer movements is
136 the abundance of insect life, which is an ever-present menace,
231 for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

136 Mosquitoes swarm in the rains, their ravages being terrible
231 from July to September, when, as soon as the sun sets, men and
372 beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

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they are surrounded by windscreens in which their masters sleep at the side of dung fires from which smoke rises on every side to envelop the camp.

Another unpleasant pest is the seroot fly. It appears to be seasonal, flourishing on cloudy days from May to July, though it sometimes appears at other times of the year. The seroot attack the cattle in the mornings and accompany them to pastures, where they bite them so effectively that they are often driven, stained with blood, back to camp, where dung fires are lit to give them protection. On such days the cattle are unable to graze, fitfully, for more than two or three hours. Another biting fly, the *stomoxys*, is prevalent throughout the year, being especially conspicuous in the dry season and early rains. It is probably this fly which is responsible for the presence of trypanosomiasis in parts of Nuerland, especially among the Eastern Jikany, by transmitting the trypanosomes directly on its proboscis from beast to beast, for the tsetse does not occur in Nuerland, except, perhaps, on its eastern extremities, though its lethal character is well known to Nuer. There are other insects which annoy the cattle, but it is not known whether any of them carry disease in this latitude. Of these may be mentioned the eight-legged cattle tick, which Nuer remove from the bodies of their animals when they return to camp in the evenings—though not frequently or systematically enough; an insect called *tharkwac* which is said to live on the bodies of cattle, though its bites do not cause bleeding; a fly called *miek*; and the common black fly, like our house fly in appearance, which worries the herds a good deal in hot weather—damp and cold seem to kill it off. Red soldier ants occasionally infest the byres so that the cattle have to be removed while the floors are sprinkled with ashes, but they are rare in Nuerland. Nuer are helpless against most of these insects, though, no doubt, smoke keeps them away to some extent.

Speaking from personal experience I may say that one is continuously tormented by insects in Nuerland, especially by the common black fly and the mosquito. It is evident that the cattle suffer considerably from their attentions and there can be little doubt that this constant irritation lowers their vitality and affects their milk yield, for they seldom have any real rest. In the circumstances their hardiness and endurance are remarkable.

Since several species of tsetse in the Southern Sudan carry trypanosomes pathogenic to cattle it is fortunate for the Nuer that they do not occur in his country. This immunity is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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136 231 undoubtedly due to the absence of shady forest which, in its turn, is probably due in the main to flooding and partly to firing. The prevalence of tsetse in the forest belt that stretches along the foot-hills of the Ethiopian escarpment has prevented the Nuer from expanding as far eastwards as they might have done, for it is clear that one of the reasons for their evacuation of Anuak-land was the loss of stock. In relation to tsetse the Nuer, in their present territory, occupy a more favourable position than most Southern Sudan peoples.

A further consideration of great importance is the presence of many microscopic organisms that cause disease in men and cattle. This is not a subject about which we can say much. With regard to stock it may, however, be said that it suffers from many different diseases and that Nuer usually have some treatment for them, though it may be doubted whether it has much, if any, therapeutic value. The two most serious contagious diseases are bovine pleuro-pneumonia, which in some years causes heavy mortality among the herds, and rinderpest. Rinderpest entered the Sudan not more than fifty years ago and Nuer refer to the period before it came, along with Arab invaders, at the time the Boiloc age-set was being initiated, as 'the life of the cattle'. They have no way of combating the scourge once it has attacked a herd, but they are aware that an infected herd ought to be isolated. They are so used to it now that they generally take the precaution of splitting up their herd in the dry season, when it is prevalent, and placing beasts in widely separated camps, so that if it breaks out in any part of the country the cattle placed in another part may escape. An animal which recovers from the disease is known to be immune from further attacks and its value is thereby enhanced, though Nuer are aware that its calves will not enjoy the same immunity. Miss Soule tells me that Nuer claim to be able to tell if an animal has had rinderpest by scraping the tip of the horns and noting the colour beneath the surface. If it is white the animal is immune. Though threatened with starvation in the years of its visitation Nuer face the scourge with resignation and detachment.

136 231 178 Rinderpest has caused and continues to cause terrible havoc in the herds. It cannot exactly be estimated what, and how

1: Evans-Pritchard E-5 (1931, 1936) 1940
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136 extensive, have been the social changes which have resulted
231 from this disturbance of the oecological equilibrium. Since
178 bride-wealth consists of cattle there must have been for a time
[583] considerable dislocation of marriage arrangements, but stability
has been reached to-day by lowering the number of cattle
which have to be paid. A like assessment on a new footing does
[628] not seem to have been achieved in homicide negotiations, in
which there is not the same goodwill between the parties as in
marriage, and blood-wealth appears to have been claimed up
to the present time at the old rate of payment, though Nuer
recognize that bride-wealth and blood-wealth should rise and
fall together. One cannot make any precise statement on the
matter, but it is likely that feuds were less easily concluded
than before and that consequently tribal relations were affected.
It may also be supposed that decrease in stock has led to a
general deterioration of the standard of living, for climatic
conditions do not allow adequate compensation by expending
further labour on horticulture. No doubt Nuer grew more millet
than before, but they must have suffered a decrease in their
total food-supply and, above all, in security. It will be seen in
a later section that Nuer can no more exist on a purely horti-
cultural economy than they can, at any rate since the introduc-
tion of rinderpest, exist on a purely pastoral economy. They
must have a mixed economy and can compensate on one side
[721] or the other only to a very limited degree. Nuer sought to repair
their losses rather by extensive raiding of their Dinka neigh-
bours, passing on to them their own losses in stock. We know
that Nuer raided Dinka before rinderpest entered the country,
but it is likely that their foreign relations have been affected by
the greater stimulus to aggression. Other probable effects could
be noted, especially in kinship relations, but one can only guess
their importance, so we confine our speculations to a few of those
that may be supposed to have occurred in Nuer economy and
political life.

V

226 It was noted in Chapter I that to exist Nuer have to make
use of a mixed economy, since their herds do not supply them
with adequate nourishment. It will be seen in a later section
that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

often received some such reply as: 'Oh well, such is our custom. We have cattle.'

I wish to emphasize, in conclusion, the following points: (1) that Nuer cultivate only enough grain for it to be one element in their food-supply and not enough to live on it alone; (2) that with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto.

IX

It has been mentioned that Nuer must have a mixed economy in the given oecological relations because no one source of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted.

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk is a staple food all the year round, though cows probably tend to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the respective contributions of cattle and millet to Nuer food-supply are brought out in a story in which Cow and Millet have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

554 pass them by because sacred powers often give a man prestige from which he may attain local eminence as an important elder, if they are combined with wealth, ability, and wide kinship connexions.

554 613 231 791 Next to prophets and leopard-skin chiefs the ritual status that carries with it most prestige is that of the *wut ghok*, the Man of the Cattle. Certain lineages have hereditary ritual powers in relation to cattle and are asked to cure sick beasts and to make barren cows fruitful, though only some members of these lineages use their powers. Like leopard-skin chiefs, Men of the Cattle are often members of stranger lineages and not of the aristocratic clan of their tribe. I was told that their curse is feared, as it can be directed to the cattle, and that Nuer do not care to offend them, but, outside tradition, I have not recorded any occasion of its utterance. Apart from the few Men of the Cattle who play a part in the regulation of Age-sets (see Chap. VI), and those who are sometimes consulted about migration to new pastures, they have no public functions. One *wut ghok* of the Eastern Gaajok became very rich and powerful a generation ago, but his prestige was largely due to his possession of magic.

554 613 791 Besides the *kuaa muon*, who has a ritual relationship to the earth, and the *wut ghok*, who has a ritual relationship to the cattle, there are a number of totemic specialists whose ritual connexion with lions, crocodiles, weaver birds, &c., enables them to influence the behaviour of these creatures. A totemic specialist is a possessor (*gwan*) of the spirit (*kwoth*) of his totem. Totemic specialists have no political significance and have no social influence in virtue of their powers alone. There is a war specialist whose duty it is to shake a spear in the face of the enemy and to deliver an invocation against them. He is known as *gwan muot*, possessor of the spear, or *ngul*, and is often, perhaps always, a member of a senior lineage of the dominant clan of the tribe, for he invokes the spear by the spear-name of the clan. There are also magicians of various kinds: leeches, diviners, owners of medicines, and owners of fetishes. Of these specialists only owners of fetishes become prominent members of their communities on account of their ritual powers. Nuer [776] are very much afraid of fetish spirits and believe them to be so powerful that they will even purchase them with cattle. A fetish-owner may become the most influential man in the village, and I have been surprised at the respect and fear with which his neighbours sometimes treat him. Nevertheless, he has no defined authority in controlling the relations of the villagers to one another nor does he represent the village in its relations with neighbouring communities.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XX

231

Cattle travelling (Lou)

[Face p. 186]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

792 earth. They state that in the old days there were no prophets; only the ritual officials mentioned earlier. The records of European travellers are not explicit enough to confirm or reject this statement. Poncet says that among the Nuer in his day were rich and important persons, honoured after their death, whom he calls *devins ou sorciers* and *jongleurs*,[1] and Brun-Rollet says that the Nuer had a kind of pope for whom they had veneration akin to worship, but his account is too fanciful to carry weight.[2] Whilst it is difficult to believe that there were

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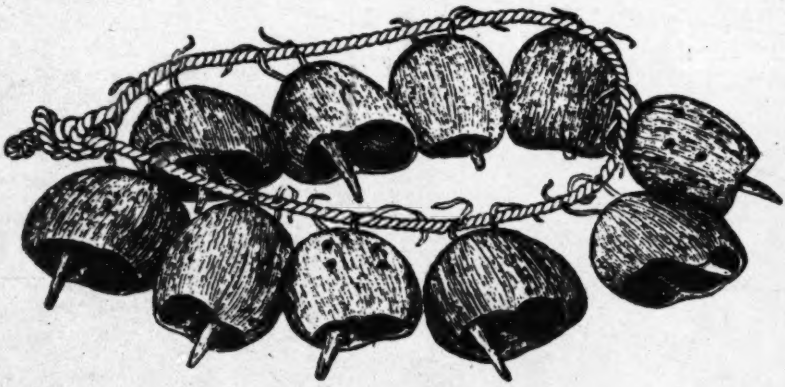

FIG. 13. Calf's bell-necklace of palm nuts.

no cases of possession sixty years ago we must, in the absence of conflicting evidence, accept so unanimous a declaration by Nuer that there was no possession by Sky-gods, and it seems fairly certain that if there were any prophets at that time their influence was restricted to small localities and had not the tribal [177] significance of more recent times. There is some evidence that the development of Nuer prophets was related to the spread of Mahdism from the Northern Sudan. However that may be, there is no doubt that powerful prophets arose about the time when Arab intrusion into Nuerland was at its height and that after the reconquest of the Sudan they were more respected and had more influence than any other persons in Nuerland.

792 Nevertheless, we consider that the power of these prophets, 619 even of the most successful ones, has been exaggerated and that

[1] Poncet, op. cit., p. 40. [2] Brun-Rollet, op. cit., p. 222.

2:Evans-Pritchard E-5 (1931,1936) 1951
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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [764] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [253] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a 604 maternal uncle is desired, his curse is believed to be among the 789 worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

8:Howell E, G-5 (1942-1944)1954
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Photo: Dr. J. F. Bloss

LAK NUER AND HIS SONG-BULL

8:Howell E, G-5 (1942-1944)1954
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128 A general index is included, but for easy reference a detailed list of contents is given at the beginning.

128 104 For the sake of consistency I have, with few exceptions, followed the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *sh* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendixes.

Note on Cattle Terminology

231 104 Nuer law is principally concerned with rights and claims in cattle, and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok thunge*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok gwande* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nac*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dou*. An entire bull is *tut*, the stud bull being referred to as *tut wec*, 'the bull of the herd'. An ox is *thak* if it is full-grown, all other bull-calves being *ruath*. Cattle obviously [435] have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dou*); a pregnant heifer (*nac me liac*) or a pregnant cow (*yang me liac*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang me but*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

[584] Conventional claims or rights (*cuong*) are usually specified: for example, the *yang kwoth gwande*, 'the cow of the father's spirit', is one specific item included in the *ghok gwande*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gwande*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gwande* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

8:Howell E, G-5 (1942-1944)1954
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In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay. 231 104 681

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*kon nei te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*kon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *akot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan. 101 773 101 175 181

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and sub-segments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western 631

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Luoo* (Missioni Africane, Verona, 1950–51) do not provide much further information on Nuer origins.

8:Howell E, G-5 (1942-1944)1954
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a greater or lesser extent isolated at certain times of the year. Such periodic isolation is one of the factors which tend to emphasize the distinction between social groups and strengthen the ties within them, for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

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Climatic conditions adverse to the cultivation of millet coupled with widespread cattle disease (rinderpest, contagious bovine pleuro-pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

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Small quantities of maize are planted in the early rains and the crop matures, if they are lucky, about the end of July, providing temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

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CHAPTER III

MARRIAGE AND DIVORCE

PART I

MARRIAGE AND MARRIAGE LAWS

1. INTRODUCTION

The Functions of Bridewealth

THE majority of legal disputes which are brought before a Nuer court concern marriage relationships, matters arising out of marriage, claims to a share in bridewealth cattle or a return of bridewealth cattle if the marriage is dissolved. Cattle provide a legal symbol which runs through the whole structure of kinship and marital relationships. A thorough understanding of marriage, the bridewealth system, and rights in cattle raised by kinship is essential to a study of customary law administered in the courts. 691 583 [231]

The test of legality in all Nuer marriages is found in the transference of bridewealth cattle from the bridegroom and his kinship group on the one hand, to the legal parent or guardian of the bride and his kinship group on the other. The main functions of bridewealth are as follows: 583

(i) It supplies a material symbol which legalizes the union of man and woman and establishes the legitimacy of the children of the union and their lawful inheritance.

(ii) It gives emphasis and legality to the conventions and patterns of behaviour and the reciprocal obligations which are raised between the kinship groups concerned and must be observed if the union is to be successful.

(iii) It gives stability to the union, particularly in the initial stages when it has not been confirmed and fortified by the birth of children who will subsequently form a link between the lineages concerned.

(iv) To some extent it stands as security for the good behaviour of the wife in her new home and for the observance of her marital duties towards her husband and his kin. It will be in the interests of her kinsmen to encourage her in this matter because her husband can demand his cattle back and dissolve the union. In this they may sustain no loss since the woman can be married again, but it will certainly cause them inconvenience, especially if the bridewealth

8:Howell E, G-5 (1942-1944)1954
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admitted this claim in the presence of his relatives-in-law. Certain points should be noted: 583

(i) Dhor died without issue and his brother Tut married Nyanial as Dhor's 'ghost-wife'. Tut therefore receives the *yang dieth* and *yang pithe* as *genitor* and foster-father of the bride and also a calf as *gwanlen mande*.

(ii) Mut Dhor receives the father's portion as Dhor's heir.

(iii) All *mangnen* cattle have been paid, though Thiep and Nyakong were both dead long before Nyalam was born.

(iv) Thiep Toi receives a cow (*gwanlen mande*) though one would expect this to go to Kolang or Tut. The explanation was that the latter had benefited in excess of their rights on the marriage of Nyabwogh, Thiep's daughter. Thiep and Dung might also be expected to get the *gwanlen gwande* portions, but did not do so for the same reason.

(v) Ngwoiny (on the maternal side) had a second wife, but she died without issue. Hence there are no *nar gwande*, and Mut and Kun receive these cattle as well as the *mangnen gwande* (*gwandong*).[1]

Number of Cattle Paid Today

Professor Evans-Pritchard points out that—

there is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[2] 583 231

To rinderpest must be added the ravages of trypanosomiasis, a disease which appears to have increased during the last decade owing to mechanical transmission through other biting flies rather than tsetse. We must also bear in mind that the human population may have been less in those days, for although there are no statistical records available to work on, there are indications that the Nuer are increasing. Some tribes are, however, poorer in cattle than others,[3] and bridewealth payments are not everywhere the same. It would probably be unsafe to state an average figure anywhere without an analysis of a very large number of marriages. Some marriages are referred to by the Nuer as *kwen me keagh*. This expression, which is a contradiction in terms, is used very loosely in this context for a literal translation would imply that they are illegal.[4] What is meant is that the number of cattle paid is much less than normal even by present-day standards, but it should be noted that marriages made in these circumstances 583

[1] Mut stated that as he and Kun had received many cattle which in normal circumstances would have gone to a half-brother, they proposed to marry a 'ghost-wife' to their father Ngwoiny. Mut would do so. (see 'Ghost-Marriage and Bridewealth', pp. 76–8).

[2] Evans-Pritchard, op. cit., p. 254.

[3] See Appendix I.

[4] For the various meanings of *keagh*, see pp. 82, 131, 191, n. 1.

8:Howell E, G-5 (1942-1944)1954
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000 organization can be maintained, and in so far as Nuer courts operate today they are in fact a means by which it is maintained.

231 581 583 The multiple factors and circumstances which have bearing on a dispute over cattle cannot be summarized, but if the principles are understood it is easy enough to see the issues. Cattle provide the key to status within the kinship group and between two kinship groups when marital relationship is established. The payment of bridewealth cattle determines the legality of the union, and if this is not done, the legitimacy of the children can be made valid by the payment of fees in cattle. Disputes often arise over such matters, but it is rarely the legal aspect which is denied; it is rather that certain persons refuse to honour their legal obligations, and the court then enforces the law. As we shall see in the next part of this chapter, other cases arise over the return of bridewealth cattle in divorce and the dissolution of marriage, over the non-fulfilment of the obligations of kinship in the distribution of cattle, and from claims on the bridewealth of daughters, both by the mother's and the father's kinsmen. Disputes also arise over wrongs committed, violations of rights established in legal marriage, and the legitimization of children. Whether, in the settlement of the dispute before the court, the legal principles can be accurately and rigidly applied, depends on the circumstances. The law is not sufficiently exact to cover all situations.

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hut (*dwil*). They are half-brothers and half-sisters to the children of another wife of their father; these are *kwi luak* because the *luak* or cattle-byre is common to all, as is their father. The *kwi dwiel—kwi luak* distinction is also brought out in other terms of speech, as we have already seen; those who are *kwi dwiel* are *kwi man* or *mande* ('of the mother'), those who are *kwi luak* are *kwi gwan* or *gwande* ('of the father'). In normal speech these distinctions are not used because the context does not demand a distinction. A man's paternal uncle is referred to as *gwanlen*, whether he is a full or uterine brother of the man's father or a half-brother. A distinction is, however, demanded in matters of bridewealth distribution and inheritance. He is *gwanlen kwi luak* or *gwanlen kwi gwan* and so on. The first principle, therefore, of bridewealth distribution and the inheritance thereof is that there should be an equitable distribution on both sides of a family group described above. We have seen that each of the persons standing in a particular and accurately described relationship to the bride has a title to a portion of the bridewealth according to an ideal. This, however, concerns direct and contemporary claims. It becomes a matter of inheritance when the actual claimant is dead.

If the claimant is a male, the heirs to his title may be any one of his sons, though in bridewealth there is always a tendency to say that his sons by a woman who is not the mother of the bride should inherit in these circumstances. These are in fact half-brothers of the bride, and the system is one of mutual alternation, since the bride's uterine brothers already have a special portion and will expect in return to benefit on the marriage of the half-brothers' uterine sisters. Moreover the paternal grandfather's portion (*wangnen kwi gwan*) should always go to his son born of another wife and not to the son of the bride's paternal grandmother. This rule is applied with considerable exactitude unless no such person exists. If the claimant is a female, then her portion should always go to one of her own sons. For example, the paternal grandmother's portion (*wangnen kwi man*) goes to her own sons (other than the bride's father), i.e. one of the paternal uncles of the bride who are classified as *gwanlen kwi dwiel* or *kwi man*. Similarly, the bride's mother's portion should go to her own sons, i.e. the bride's uterine brothers.

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These distinctions concern the different domestic units of a family group and of a minimal lineage, and govern the distribution and inheritance of claims on both the paternal and maternal sides. There are also indications within a single domestic unit as to which of the brothers should receive a particular cow. Thus, for example, the paternal grandmother's portion (*wangnen kwi man*) is said to be the right of her younger or youngest son (either the *dar*, *joah* or *pegh*). Similarly the cow called *puong* of the father's portion should go to his youngest son, i.e. the bride's youngest half-brother.

8:Howell E, G-5 (1942-1944)1954
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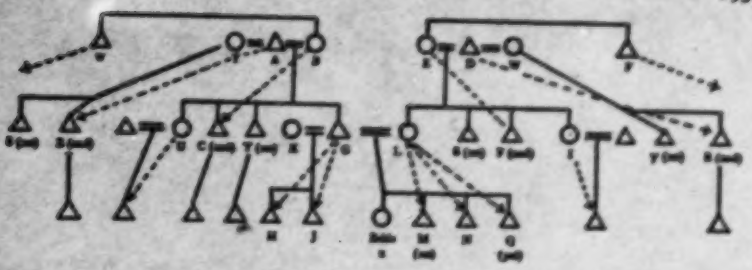

Conventional Indications
Bridewealth Portions

Gwandong	(paternal grandfather)			
Mandong	(paternal grandmother)			
Gwandong	(maternal grandfather)			
Mandong	(maternal grandmother)			
Gwan	(father)			
Mac	(mother)			

Claims on Cattle acquired on Marriage of x

From		*To*
A	his younger son by Y	=Z
B	her younger son by A	=C
D	his younger son by W	=R
E	her younger son by D	=F
G	his sons by K	=H and J (the *puong* to J)
L	her sons by G	=M, N and Q (the *puong* to Q)

Other portions go to the sons of the actual claimants without distinction.

Gwanlen kui man	(father's brother by same mother)	=T or C and sons
Gwanlen kui gwan	(father's brother by different mother)	=Z or δ and sons
Nar kui man	(mother's brother by same mother)	=S or F and sons
Nar kui gwan	(mother's brother by different mother)	=R or γ and sons
Wac	(father's sister)	=U to *her* sons
Manlen	(mother's sister)	=I to *her* sons
Nar gwan	(father's maternal uncle)	=π and sons
Nar man	(mother's maternal uncle)	=P and sons

The reader should compare the above diagram with those on pp. 102, 114–23.

There are therefore conventional indications based on distinctions within the family group of the various domestic components and on the seniority of the individual. These are illustrated in the diagram. It must be realized, however, that they are no more than indications because other principles and circumstances intervene. In the first place there is the rule that sons should be granted cattle from the family herd with which to marry in strict order of seniority, as already described. This rule is often incompatible with the conventional indications. In the second place persons to fill exactly the relationships required may not all exist. Finally, while alive, a man will have absolute authority in allotting cattle which are his by right among his own sons, and usually he declares a definite distribution before he dies. Here the indications to inheritance rights are not relevant, but they will be so in connexion with cattle which are acquired after his death, or if he dies suddenly without opportunity to make known his will.

8:Howell E, G-5 (1942-1944)1954
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Cattle which are not necessarily part of the marriage distribution system, for example cattle acquired by a man in compensation for such wrongs as hurt and adultery, are not usually bound by these rules, and a man will allot them to his sons before his death, though he will always bear in mind the order of their marriages.

These rules apply generally to the inheritance of cattle by a man's sons. Sometimes, of course, a man has no sons, and in this case his property goes to his next of kin, his brother, or through his brother to his brother's sons, according to the normal rules of relationship of a patrilineal descent group. It must be remembered also that in inheriting a man's cattle the heir inherits his liabilities and claims—liabilities and claims which are in fact part of the system of obligations inherent in the kinship structure. For this reason, apart from cattle actually in a man's possession which pass in the way described above into the possession of his heirs, the laws of inheritance are extremely complicated. Which liabilities and which claims pass to which of the heirs is a question that is decided, and not necessarily immediately after death, by yet other liabilities and claims already in existence or which come to exist between the heirs. Inheritance is therefore an involved problem which requires a full understanding of the bridewealth system in relation to the obligations of kinship. Except for cattle acquired individually by payment of cash or, in the past, in cattle raids, and to some degree cattle acquired as compensation for wrongs, which are accepted within the kinship group as individually owned, inheritance involves all those rules which govern the collective ownership and distribution of cattle within a lineage.

Inheritance of Other Property

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These observations apply mainly to cattle, but also to some extent to sheep and goats. Other corporeal property, including spears, shields, hoes, canoes, ornaments, and nowadays cash, is divided among a man's heirs by common agreement. In the case of cherished objects, particularly spears which have some sacred association, a man will sometimes indicate his heir before he dies, usually his eldest son. This practice is confirmed not only in everyday examples but also in tradition. The original founder of a Nuer clan is often quoted as having decreed that this one of his sons shall perform a particular function in the political and spiritual activities of the clan, and that another son shall receive a particular cow, and so on. Since, however, arguments do not on the whole arise, there is no need for a complicated or exact system of law. Moreover, apart from cattle, or articles which have a recognised value in terms of cattle, Nuer possessions are so easily replaceable that no argument need arise. Disputes over small items of property never appear before the courts.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

4. TRADE AND LOANS

Trade has never been extensive among the Nuer. There is, of course, a division of labour according to sex, but there are few people who can be accounted specialist craftsmen. Individuals acquire the reputation for making certain specific objects with exceptional skill, but they rarely if ever belong to a family especially associated with such activities. This is an exceptional contrast to specialization in the spiritual sphere, for there are hereditary experts capable of dealing with almost any unusual phenomena: ritual experts, magicians, sooth-sayers and medicine-owners, who demand fees, often in cattle, for their services. [438] [462] 463

The reason lies, perhaps, in the extraordinary simplicity of Nuer material culture. Most things necessary for their migratory way of life (and this applies to all peoples who move with the seasons) can be made either from wood or grass or from the products of their cattle. Seasonal migration in any case precludes a high degree of virtuosity, for things are liable to breakage and are often an unnecessary encumbrance. Moreover the Nuer, who do not use their animals for transport, must carry everything by hand. 105 [482]

Certain objects were of relatively high value, and were exchanged for cattle or sheep and goats. Nowadays, however, most of these articles—hoes, spears, ornaments and the like—can be obtained for cash, and disputes do not often arise in the courts except over the sale of grain. 437

Trade in Cattle

Trade in cattle is clearly increasing as a cash economy becomes more important to the Nuer but, as yet, cattle are rarely sold except when the purchase of grain is necessary. A significant paragraph from the Jonglei Investigation Team's *Third Interim Report* (1948) is worth quoting, for the figures given, although taken from all Nilotic inhabitants of the Upper Nile Province, include all the Nuer: 439 231

> The disposal of surplus livestock is governed by private, family, and tribal circumstances, and is at present tied up with the need to find cash; this is required mainly for the purchase of grain and veterinary vaccines and, to a small extent, for the payment of taxes. There are four channels through which the inhabitants can dispose of their animals:
>
> (a) By sale to the Veterinary Laboratory at Malakal, where they will be used to produce cattle-plague vaccine and serum.
>
> (b) By sale to Malakal butchers for local consumption.
>
> (c) By export to Equatoria Province, in which case most of them will be butchered in Juba.
>
> (d) By export northwards to the markets of Kosti and Omdurman.
>
> In the majority of cases all trade is carried out through merchants as intermediaries. . . . Previously it had often been necessary for the District Commissioner concerned to exercise pressure before the local inhabitants could be induced to sell.

8:Howell E, G-5 (1942-1944)1954
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Numbers of Cattle sold in or exported from Malakal in Yearly Totals from 1935 to 1947 Inclusive

1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947
2,586	2,413	1,590	2,385	2,817	2,116	2,283	3,124	2,204	3,012	5,944	5,380	5,278[1]

When it is remembered that the Nuer alone possess over half a million head of cattle, these sales figures are not impressive, but the increase in sales is significant.

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There is still relatively little internal trade in cattle among the Nuer. Cattle are not bought and sold in local markets, and disputes over prices or payment rarely come before the courts. Cattle continue to be exchanged, however, and there are still customary rates of exchange.

Exchanges and Loans

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The Nuer word for exchange is *gual*, and is used specifically in connexion with the exchange of cattle. '*Ce thak gual he dou*', 'he exchanged a bull for a cow-calf.' The expression, which is often loosely applied, refers to a direct exchange. In some cases cattle may be exchanged for sheep. It is generally recognized that a large bull or ox is worth a cow-calf, and a cow-calf is worth anything from 10–20 sheep. Such transactions are frequent.[2] In certain situations of spiritual danger—famine, sickness, or death—or in any situation which demands a sacrifice, a sacrificial animal is necessary, and this may not be immediately available. In such circumstances a man will be forced to make an immediate exchange: a cow-calf for a bull-calf, and so on. More probably he will borrow a bull or in some cases a ram on the understanding that he will pay the owner its recognized equivalent at some later date. This is in the nature of a loan, and involves some measure of interest. A full-grown ox is worth at least a cow-calf if the debt is discharged at some later date, a ram is worth a bull-calf, and so on. In this case the word *ngual* is usually employed. The word *ngual* implies the passage of time before the transaction is complete, and is thus best translated as 'loan'.

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In many cases a Nuer will specify beforehand that he will pay the first cow-calf born to such and such a cow. Such loans are a frequent cause of litigation, for a man is often unwilling to repay the loan after his immediate need has been met, or unable to do so.

[1] Jonglei Investigation Team, *Third Interim Report*, 1948, p. 20.

[2] Among some Nuer and Dinka tribes there is a considerable trade in this manner with Baggara Arabs from the north. Cow-calves are brought in by the latter and exchanged for large oxen, which are then driven north and sold in the markets. This form of trade is, however, limited, for it seems that Baggara cattle will not survive in the areas south of approximately latitude 9°, and though the Nuer have been tempted to try, the experiment has usually been unsuccessful. In any case, there are no statistics available because the practice is not encouraged by the Government owing to the spread of disease.

8:Howell E, G-5 (1942-1944)1954
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Disputes are easily settled by the courts, though execution of judgement is often slow. 426 231

Loans Arising from the Institution of Nak

Slightly different situations arise from the institution known as '*nak*'.[1] It appears probable that *nak*—the common word meaning 'to kill', but in this context meaning 'a slaughter'—was part of the tribal ceremonies concerned with the division of age-sets. Age-mates of the younger age-set would segregate themselves from the rest of the community at the cattle-byre of one of their number and live entirely on the meat of oxen slaughtered for the occasion. 426 231 884

Two or three of the youths would club together to provide an ox and, if their immediate relatives were unable to supply one, they would appropriate one from someone else. In this they were given considerable licence and, should the owner object, they could seize it with impunity. Public opinion would not allow the owner to resist, and certainly he would be unable nowadays to obtain immediate redress in the courts. In return, the youths are bound by convention, with the full force of public opinion behind it, to make return after a specified number of years (usually announced by the *wut ghok*).

The exchange values of cattle provided in this manner are much higher than those recognized in normal exchanges or loans. They are:

1 large bull = 2 cow-calves and 1 bull-calf.
1 medium bull = 2 cow-calves.
1 bull-calf = 1 cow-calf.

The debts were not, of course, discharged with the rigidity which these rates imply, but they are quoted by Nuer as being traditional. Just as a man is expected to hand over his ox without show of reluctance in the first place, so would his debtors be expected to discharge their obligations without argument. Nuer are particularly emphatic on this point, but disputes are, none the less, frequently taken to court.

Nearly all these exchanges are necessary to meet some ritual situation, and are therefore of frequent occurrence. Sacrifice is extremely common, and Nuer consume more meat than is commonly supposed. Recent statistics indicate that a large proportion of the total cattle population is slaughtered.[2]

Exchange of Cattle for Grain

Finally, cattle are sometimes exchanged for grain in times of famine. This has not been so frequent in recent years, because grain, imported 439 231 731

[1] I have discussed this institution in more detail in an article, 'The Age-set System and the Institution of 'Nak' among the Nuer', *S.N.R.*, 1948.
[2] See Jonglei Investigation Team, *Progress Report*, 1948–9.

8:Howell E, G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*math*)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Nger Ngwen v. *Can Nyoi* (*Jikany Nuer Case*).

Nger and Can were 'best friends' (*math*). Nger gave Can a black cow as a gift. Can gave Nger a cow when Nger got married. Nger then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Nger, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Nger's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kwal*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

8:Howell E, G-5 (1942-1944)1954
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from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*cuong*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to blows between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ce yang-da kwal*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

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Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, disputes may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.[1]

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This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 165. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

8:Howell E, G-5 (1942-1944)1954
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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *wuan*:[1] a man will say *ce yang-da wuan* or *ce yoka wuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pac* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Wuan* also implies stealth or cunning.

8:Howell E, G-5 (1942-1944)1954
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he fled to some other Nuer tribe, and the force of local public opinion would compel him to return them if he wished to continue residence in his own community. Upon occasion a man will steal another man's barren cow or bull and kill and eat it, motivated by greed or hunger. This, which is known as *yang micaa luc* in Nuer, is considered a serious offence, and Nuer say that in the old days compensation of ten head of cattle would be demanded. In the past at any rate restitution in equivalent value was not considered sufficient to appease the feelings of the persons who had suffered the loss. Nuer consciously express the concept of a deterrent when they say that such damages are demanded because otherwise others would do the same. Another offence, which is recognized as such in Nuer law, is to misappropriate someone's cow and try to disguise the fact by altering the ear marks on the animal. Nuer say that the cow would have to be returned or another substituted and a bull-calf paid as compensation to satisfy the wronged owner. The principle of compensation applied in cases where cattle are stolen and secretly eaten by the thief is applied also in the cases of sheep and goats, *dei micaa luc*. The traditional scale of compensation for the latter was six head of cattle. Apart from the fact that cases of this sort are nowadays almost unknown, it is doubtful whether more than equivalent restitution would be enforced by the court. It is more likely that the culprit would be sentenced to imprisonment.

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Theft of Other Material Possessions

Apart from cattle, there are few material possessions which come within the scope of this term. Nuer are persistent beggars, though they take refusal light-heartedly. They pester friends and relations to give them personal property which has taken their fancy—spears, cloth, beads, tobacco, &c. Sometimes they may take these things without the owner's permission. Depending largely on the relationship of the persons involved, the owner will rarely do more than protest or grumble and demand (later) some equivalent privilege in return. Neither the word *kwal* nor *tuan* would be used in these circumstances. Most articles of personal property are so easily obtainable, being made from raw materials locally available, that a man would scarcely bother to take them, or if he did, their removal would not be missed. Apart, however, from such easily acquired possessions as described above, certain material objects were, in the past, only obtained with difficulty through meagre trade channels, and their misappropriation was considered a cause for litigation or retaliation. It should be noted also that most of these material objects were bought with cattle, and that their removal would cause proportionate discomfort or suffering to the plaintiff because they were one and all

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8:Howell E, G-5 (1942-1944)1954
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but all members of the lineage do not practise. Professor Evans-Pritchard has listed his functions as:

(i) Anything to do with the land—especially the welfare of crops.
(ii) A limited rôle in rain-making and the regulation of the weather.
(iii) The ritual of homicide (see Chapter II).
(iv) The ritual of incest (see Chapter III, Section 3).
(v) The ritual of preventing feuds and protecting warriors on raiding expeditions.
(vi) Arbitration in all kinds of disputes.

Wut ghok: The Cattle Expert

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This is also an office the potentiality of which runs in certain families, and it is to that extent hereditary. The functions of the *wut ghok* are purely ritual and, apart from cattle, are concerned with the social processes of the age-grade system.

Other functions may be listed as follows:

(i) To increase the fertility of cattle and milk production and to ensure that cows give birth to cow-calves. To avoid cattle disease.
(ii) To perform the ritual of warfare, and in particular to ensure that many cattle are captured in raids.
(iii) To perform fecundity rites for women and to assist elderly spinsters to secure husbands.

As in the case of the *kuaar muon*, the *wut ghok* is concerned with activities which are both beneficial and widespread. I only know of two cases brought before the court where a *wut ghok* was alleged to have used his powers for personal gain or for revenge upon the cattle of an enemy. One of these cases caused something of a sensation and considerable animosity.

Kuaar thoi: The Water Expert

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A hereditary office running in certain lineages, sometimes of reputed extraneous origin (probably Shilluk or Anuak or what the Nuer call Bar). The *kuaar thoi* may be called upon to bless raiding parties and to perform ritual to ensure that they do not drink of water poisoned by the enemy. His principal function, however, is to bless the water, and to see that there is an abundance of fish and that the people are successful in catching them. He also performs ritual against crocodiles, and is indeed particularly associated with crocodiles and often called *kuaar nyang* (crocodile expert). A *kuaar thoi* is often called in to assist when cattle are fording a river. To ensure that crocodiles do not attack them, he takes a pole which he thrusts into the reeds along the bank and places on this an iron ring. He then takes a sheep, ties its legs

8:Howell E,G-5 (1942-1944)1954
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APPENDIX I

NUERLAND

Populations and Area

Central Nuer District

Tribe	*Humans*[1]	*Cattle*[2]	*Area in square miles*[3]	*Courts*
Lak . . .	37,000	44,000*	1,500	
Gaawar . .	19,000	48,000*	5,120	11 (B) Regional Courts
Thiang . .	13,000	15,000*	970	1 (C) Main Court
Lou . . .	13,000	126,000*	5,290	

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Western Nuer District

Bul . . .	12,000	50,000	2,320	
Leik . . .	17,000	40,000	2,140	
Jagei . .	14,000	31,000*	1,220	5 (B) Regional Courts
Dok (and Aak) .	11,000	35,000*	1,930	2 (C) Main Courts
Nuong (and Dur)	14,000	16,000	2,490	
W. Jikany . .	18,000	29,000*	1,100	

Eastern Nuer District

Gaajok . .	45,000	45,000	7,190	4 (B) Regional Courts
Gaajak . .	33,000	33,000		11 (A) Branch Courts
Totals . .	356,000	512,000	31,270	

[1] Based on recent tax-payer figures multiplied by 4·5 to nearest 1000 (1952). This multiplier is purely arbitrary and is probably high, but the figures given are consistent.

[2] Figures marked * are statistics taken from veterinary inoculation campaigns and represent a minimum figure. It is clear that all cattle were not counted, and possibly up to 20 per cent. should be added. Other figures are merely a rough estimate.

[3] Areas estimated by planimeter, but boundaries are not clearly demarcated or mapped and the areas are necessarily only approximate.

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14: Huffman M-5 (no date) 1931
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Chapter Two

RESOURCES OF THE NUER

WILD ANIMALS AND CATTLE

WILD animals abound in Nuerland. Lions, leopards, 136
giraffes, buffaloes, elephants, hippos, monkeys are found as well as other species, and also crocodiles, snakes, and scorpions.

Sometimes animals are killed with spears (Fig. 4), some- 224
times traps are made to catch them. Holes are dug into which they fall and are unable to get out. Men sometimes chase them and drive them toward the trap which they have made. Giraffes may be killed in this way as they cannot run fast, especially if the ground be muddy. Monkeys are safe in Nuerland as a Nuer will not willingly kill them. If a monkey is killed, it will surely rain hard, but [825]
if it is killed in the dry season, the weather will only become cloudy.

Probably the largest snake found here is the python. 136
Many of the snakes are deadly poisonous. One is a spitting snake. Another is said to bite and also sting its victim with its tail at the same time, much as a scorpion stings. Another snake, the 'thatut', is said to leave a tooth in the person it bites. The Nuer believe that if a [825]
person is once bitten by a 'thatut' no other snake will deign to bite him.

The number of cattle owned by individuals varies in 231
different parts of Nuerland. Those who live along the Nile have many cattle. Those in the Garjak country have more cattle than those near Nasser. In the regions where cattle are more plentiful the number of cattle asked as a marriage price is greater.

Cattle with the wide-spreading long horns are the most 231
desirable. A Nuer is afraid that a cow without horns may 776

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

231 turn into a 'Lat' (a combination of ogre and cannibal which
[776] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[825] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[342] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-5 (no date) 1931
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Water must be heated in the late afternoon for the baby's bath. 512 854
It is no short process. (Fig. 11)

A MAN'S WORK

A man's work usually begins at sunrise too. He has 512
probably slept in the barn. He arises, covered with cow- [515]
manure ashes. He cleans his teeth with the ash and later on in the morning may wash his face and hands. While he may drink a large quantity of water during the day he seldom drinks any water before breakfast or with a meal. He usually stays among the cattle until he is called to his [231]
breakfast about nine o'clock. Then he eats and is ready to spend the day among the cattle. He takes them out to graze about ten o'clock in the morning and returns with them in the late afternoon. He loves his cattle. His day is a happy one spent in their midst, his human companions being other men who have taken their cattle out to graze also. His spear and club are ever with him. In the late afternoon he comes home with his cattle, finding his supper is being prepared. A plunge in the river every time he goes to it refreshes him. After supper is over visiting until bedtime is the usual close of the work of the average day.

The day's work may be varied if any of his cattle are 512
sick or if there is a dance which he wishes to attend. Or 691
maybe the District Commissioner is in the village hearing cases or collecting taxes, and so he joins the throng and spends his day listening to the cases or bringing up some case of his own before this representative of the Government.

During the planting season, the fishing season, or the 512
season when the dura must be cut, this daily programme of the Nuer man differs and his work for the day may be a little more strenuous.

221 *March - April.* When the rains begin the old people return to the village for sowing.
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233 *June.* The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 Economically, cattle are chiefly important for milk and milk products,
262 such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as
[252] flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beaters. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 231

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [691]

Cattle form the bridewealth of the Nuer that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [583] [572]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - *names which refer to the colour or other peculiarities of their favourite* animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [732] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

GOD

×776 Before discussing further the separation of God from man I will mention some of the chief attributes of God. He is in the sky, but his being in the sky does not mean that he is not at the same time elsewhere, and on earth. Indeed, as will be seen, Nuer religious thought cannot be understood unless God's closeness to man is taken together with his separation from man, for its meaning lies precisely in this paradox.

Nuer say that God is everywhere, that he is 'like wind' and 'like air'. According to Father Crazzolara,[1] he may be spoken of by the epithets *jiom*, wind, and *ghau*, universe, but these words only [538] stand for God in poems or in an allegorical sense and are illustrations of the liking the Nilotic peoples show in their poetry for metonymy and synecdoche. God is not wind, but *cere jiom*, like wind; and he is not *ghau*, the universe, but *cak ghaua*, the creator of the universe. Another poetic epithet by which he may be referred to is *tutgar*. This is an ox-name, taken from an ox of the ●[231] kind Nuer call *wer*, which has wide spreading horns and is the most majestic of their beasts (Plate I). The name is a combination of two words: *tut*, which has the sense of 'strength' or 'greatness', and *gar*, which has the sense of 'omnipresent', as in another of God's titles, *kwoth me gargar*, the omnipresent God (*gargar* can also be translated 'limitless').[2] But the commonest Nuer way of trying to express their idea of the nature of God is to say that he is like wind or air, a metaphor which seems appropriate to us because it is found throughout the hierological literature of the world and we are particularly familiar with it in the Old Testament. Among the Nuer the metaphor is consistent not only with the absence of any fixed abode of God but also of any places where he is thought particularly to dwell, for air and wind are everywhere. Unlike the other spirits God has no prophets or sanctuaries or earthly forms.

×776 196 God, Spirit in the heavens who is like wind and air, is the creator and mover of all things. Since he made the world he is addressed in prayers as *kwoth ghaua*, Spirit of the universe, with the sense of creator of the universe. The word *cak*, used as a noun, can mean the creation, that is, all created things, and hence the

[1] Op. cit. p. 72.

[2] Dr. Mary Smith tells me that if a ne'er-do-well is asked how he expects to live he may reply '*kwoth e gargar*', 'God is limitless' (in his power to aid), in the same way as a man may say of the earth or of the universe that it is *gargar*, limitless.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE I

●231

Ox with spreading horns

[facing p. 4]

SPIRITS OF THE ABOVE

x 776 782 ●231 426 To appreciate how Nuer get into such difficulties with their dedicated cattle as I have mentioned we must bear in mind the overwhelming importance of cattle in their lives, that cattle are generally the issue in disputes, and that almost every Nuer owes cattle and has cattle owing to him, debts which are often not settled, if at all, for years and sometimes even for generations. Nuer will go to almost any lengths to obtain cattle to which they think they have a right and to put off the settlement of their own debts. It is not surprising that in these circumstances a man may postpone fulfilling his obligation to a spirit if it is a question of having to choose between the claims of an importunate creditor and of a spirit which, it is hoped, will be satisfied for the time being with the man's good intention; or that to fulfil an unavoidable obligation to a kinsman a man may take a liberty with a spirit which, he hopes, will not take offence at a fault in such compelling circumstances.

x 776 782 Besides dedicating a cow to his spirit and sacrificing an ox, sheep, or goat to it when it is displeased, a Nuer ought now and again to hold a ceremony in its honour. This generally takes place after the harvest has been gathered in and there is plenty of beer. I attended one of these ceremonies in the home of Karlual, who figured in the story of Galuak's sickness which I have just related. It was held in honour of *deng*, who is what the Nuer call *kwoth ciengde* or *kwoth goale*, *the spirit of his home* or *of his family*. I was told that each of Karlual's numerous brothers holds a like ceremony in turn till it is his turn to hold it again. The ceremony of the year before had been on a large scale and an ox had been sacrificed at it. *Deng* had afterwards told Karlual through the mouth of someone who had become possessed by it that all it wanted this year was some beer, so the ceremony I witnessed was on a smaller scale. It is known as 'the bathing of the cow in beer'.

The ceremony was held in the morning and was very late in starting because those who attended it, or some of them, had first attended a ceremony of the same kind elsewhere in the village, that held by a man called Mokwac for the spirit of his concubine's dead husband. When I arrived at Karlual's homestead I found that a gourdful of beer had been placed at the side of a clump of grass at the edge of the kraal. Karlual's brothers and their families

intention is to sacrifice it in the near future, the dedication being in the nature of a consecration for sacrifice.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [123] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [124] left and right in Nuer thought that Nuer youths should empha-
301 size the contrast between the two hands by putting the left arm out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiau*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] ox which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the
811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windscreens, but Nuer erect branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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associated with courtship; and also in the pursuits of herding and 411
hunting. All these activities require the use of the spear, but it is 881
important that we recognize that it is not the acquisition of a weapon, whatever its economic value might have been in the past, nor even its utility, great though that may be, that gives a crucial significance to the gift of a spear at initiation. Its significance is moral, not merely utilitarian. It is not the spear itself, nor its possession, which is stressed but the activities associated with it: war and raiding, dancing and display, and herding. The uses of the spear itself and the evaluations of its uses as an index of social personality are blended, so that the spear is not just a weapon but also something which stands for a very complex set of social relations.

But the investment of a youth with a spear at his initiation 411
would seem to be something more, for, as we will see in discussing 881
the sacrificial role of cattle, initiation is not only into the social life 231
of adults but also into a new relationship with the cattle which has an important religious side to it. There is now established an identification, deriving from the sacrificial situation, between the initiates and cattle and, looked at from this point of view, the rites of initiation may be said to have a sacramental character. The boy enters into communion with the spirits and ghosts of his lineage through the cattle. 'The spear of the cutting (initiation)' is thus a symbol of a sacramental change as well as of a change in social status. In both symbolic aspects it is an extension of, and stands for, the right arm and represents strength, strength of the soul as well as strength of the body of the person; and, as I shall attempt to show, in both the symbolism is also a representation of the collective strength of the lineage to which the person belongs.

I have suggested that the fighting-spear has a symbolic meaning 411
for Nuer besides what it means for them as a weapon and tool— 782
that it is a projection of the self and stands for the self. This is most important for an understanding of Nuer sacrifice. Its manipulation in the most common, and for a study of religion the most significant, sacrifices, the personal and piacular ones, expresses, if our interpretation is right, the throwing of the whole person into the intention of the sacrifice. It is not only said but also thought, desired, and felt. Not only the lips make it but also the mind, the will, and the heart. This interpretation makes the miming with the spear intelligible for, as an extension of the right arm, it stands

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER X

THE SACRIFICIAL ROLE OF CATTLE

I

231 Nuer are very largely dependent on the milk of their herds, and in their harsh environment they probably could not live without them, any more than the cattle could live without the care and protection of their owners. Their carcasses also furnish Nuer with [237] meat, tools, ornaments, sleeping-hides, and various other objects of domestic use; and their sun-dried dung provides fuel for the great smouldering smudges that give protection from mosquitoes to man and beast alike. Women are more interested in the cows, and this is natural for they have charge of milking and dairy work. Men's interest in the cow is, apart from their value for breeding, rather for their use in obtaining wives, and they are interested in the oxen for the same reason, and also because they provide them with a means of display and, which is the matter I am about to discuss, a means of sacrifice. But for all Nuer—men, women, and children—cattle are their great treasure, a constant source of pride and joy, the occasion also of much foresight, anxiety, and quarrelling; and they are their intimate companions from birth to death. It is not difficult to understand, therefore, that Nuer give their cattle devoted attention, and it is not surprising that they talk more of cattle than of anything else and have a vast vocabulary relating to them and their needs

231 Though I restrict myself here to a consideration of the religious
771 significance of their cattle for Nuer we must not for a moment forget that this is bound up with their secular uses. Otherwise it will not be appreciated what it is that Nuer surrender in sacrifice, the most precious thing they possess. Nevertheless, if cattle were only used for food and obtaining wives writers about the Nuer, and also about other Nilotic peoples, might have been content just to draw attention to the great interest these peoples have in them. But cattle figure so prominently in their lives in ways not directly concerned with their maintenance or their use for practical pur-

16: Evans-Pritchard E-5 (1931, 1936) 1956
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poses that European observers have perceived that in the relationship between men and cattle there is something more than can be stated in simple terms of husbandry and exploitation. I mention only those whose observations refer specifically to the Nuer. Ernst Marno says that we may speak of their veneration (Verehrung) of cattle, that the largest and finest ox of a herd is regarded as a guardian genius (schützende Genius), and that they refer to this beast by the same name, '*nyeledit*', as they assign to the conception of a Supreme Being and to thunder.[1] Likewise, Mr. H. C. Jackson tells us that the bull which a youth receives from his father at initiation 'is a kind of guardian spirit of its owner who calls upon it in times of stress and difficulty', and in another place he speaks of this bull as the 'tutelary spirit' of its owner.[2] Captain H. H. Wilson says of the Nuer that, like the other Nilotic peoples of the White Nile, 'what religion they possess is centred in the cow';[3] and Professor D. Westermann writes that 'the attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious'.[4] There is, however, no evidence at all that cattle are venerated or in themselves are in any way regarded as guardian spirits, and in so far as it may be true to say that Nuer religion 'is centred in the cow' or that their attachment to cattle 'may almost be called religious', in so far, that is, that we may legitimately speak, as Marianne Schmidl did in her interesting paper on the subject,[5] of '*die sakrale Stellung des Rindes*', it is for a different reason.

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Another writer about the Nilotic peoples and a very experienced anthropologist, my teacher Professor C. G. Seligman, said about Nilotic cattle that 'it is difficult to describe their importance to their masters or the love and care the latter have for their beasts, but it is certainly no exaggeration to say that it amounts to what psychologists would term "identification".'[6] What seems chiefly to have persuaded Professor Seligman to use this word is the Nilotic

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[1] Ernst Marno, op. cit., pp. 343 and 349–50. What he says about '*nyeledit*' is unintelligible.

[2] H. C. Jackson, op. cit., pp. 94 and 96.

[3] *The Anglo-Egyptian Sudan*, edited by Lieut.-Col. Count Gleichen, vol. I, 1905, p. 140.

[4] Ray Huffman, *Nuer Customs and Folk-Lore*, 1931, p. vii.

[5] Marianne Schmidl, 'Die Grundlagen der Nilotenkultur', *Mitteilungen der Anthropologischen Gesellschaft in Wien*, LXV. Band, Wien, 1935. See also Johannes Weissenberg, *Tierkult in Afrika*, 1904, p. 16.

[6] C. G. and B. Z. Seligman, op. cit., p. 169.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

231 583 custom of taking personal names from their cattle in addition to the personal names they are given soon after birth. I have discussed elsewhere[1] the general social significance of names and other modes of address among the Nuer and here I speak only of their cattle-names and principally of their ox-names, these being of chief importance.

These names are often spoken of in writings about the Nuer as bull-names, but ox-names, in the use of the word 'ox' to denote a castrated bull, is a more correct designation.[2] Nuer speak always of such a name as *cot thak*, the name of an ox, and *thak* is a castrated animal in contrast to a *tut*, an entire animal. It is true that when a youth takes his name from a beast it may be entire, but it will be castrated later. Nuer may not castrate a male calf till it is nearly two years old, but they do so before it is likely to gender with the cows. It is not for pedantry that I make the distinction: it has a logical, and perhaps psychological, appositeness to the equation of man and ox in sacrifice.

Ox-names are essentially the names of men, males who have passed through the rite of initiation to manhood. Boys may take ox-names in play but only in imitation of their elders. Likewise, maidens may take ox-names, from bull calves of the cows they milk, but they are mainly used only between girls themselves and in the nature of a game, copying their brothers; and the names are short-lived. Married women use cow-names among themselves, but, here again, this is similitude, and it has none of the significance of the ox-names of men. Perhaps also here again the distinction between the copy-names of boys, girls, and women and those taken by men may be important because of its logical relation, which concerns our present discussion, to the fact that men, and not boys or women, are the sacrificial agents. The two sides of the standard equation are the human male and the bovine male, man and ox.

231 [377] 815 When a boy is initiated his father gives him in sign of his manhood an ox or, as I have explained, a bull calf which will later be castrated; and this ox, which he describes as '*thak gureda*', 'the ox of my cutting (initiation)', becomes his *dil thak*, what I have spoken about as his favourite ox (Marno's '*Lieblingsstier*'), though

[1] 'Nuer Modes of Address', *Uganda Journal*, 1948.

[2] Throughout the literature on the Nuer, 'ox' or 'steer' or 'bullock' should in most cases be substituted for 'bull'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the word *dil* has generally the sense of 'pure', 'true', 'perfect', or 'aristocratic'. It is the ox of perfection. It is the young man's friend and companion. He plays with it and fondles it. He composes poems about it and sings them to it, and he gets a small boy to lead it round the camp in the morning or evening as he leaps behind it chanting poems. He walks among the cattle at night ringing a cattle-bell and singing of his kin, his loves, and his cattle, and he praises this ox among all other oxen. He makes tassels to hang from one of its horns, and he loves to see it toss the tassel in the air with a sweep of the neck. He acquires an iron bell to hang round its neck, and no music, unless it be the ox's lowing, is sweeter to his ears than its tinkling in the pastures. He goes to the edge of the camp to meet it when it returns from grazing in the evening. He is never tired of describing its points, and as he does so, and also in dancing, he may hold up his arms in imitation of its horns. Should the ox die he is downcast; and should he die it must be sacrificed at his mortuary ceremony.

The youth now also enters through this ox into a new kind of relationship with God, the guardian spirits of his family and lineage, and the ghosts of his ancestors. When he has tethered it in the kraal for the night he may pet it, removing ticks from its belly and scrotum and picking out adherent dung from its anus; and he may at the same time rub ashes on its back. Ordinarily I think he does this simply because the ox, which has suffered from parasites throughout the day, gets relief from its back being rubbed, but I was told that he may occasionally as he does so speak a few words to God or to the ghosts. While it is not until a man marries and has children and an independent household that he sacrifices

FIG. 5
Hollowed-out sorghum log, used as stool, etc.

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16: Evans-Pritchard E-5 (1931, 1936) 1956
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•231 animals, dedicates them to spirits, and in other ways makes formal
883 use of them for religious purposes, nevertheless, the ox a father
776 gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 From the colours, their distribution, the shape of the horns, and
553 other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cot thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long
[561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems
[538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the
[552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*ma rial*', 'black-and-white (ox)', or '*thakda ma rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

16: Evans-Pritchard E-5 (1931, 1936) 1956
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gwongo,[1] but I avoid doing so in an account of Nuer religion partly because I have in it used these words to translate another word, *lam*, but also because nothing is in fact invoked, and it is precisely the use of the words in connexion with oxen that has led to the erroneous conclusion that a favourite ox is a sort of 'tutelary spirit'. The ox is not called on, but called out. It is not an invocation but a cry of excitement and triumph as the striker strikes his foe or prey. That the ox is not being called on for aid is conclusively shown by the fact that in the same circumstances a Nuer may shout out instead '*tet cueda*' followed by a kinship term, usually that referring to the mother's sister: '*tet cueda malene*', 'my right hand, my mother's sisters'. Nuer are not calling on their mother's sisters for aid but using an emotive ejaculation, in which the ideas of strength (the right hand) and good-will (the mothers' sister) are combined. When they cry out the names of their oxen the ejaculation is a triumphant assertion of the self, for which the ox stands as a symbol. Also a man may cry out the name of his ox on occasions when there is no question of success or failure: as he brandishes his spear as though to strike in dancing, when making spectacular leaps into the air (*raw*), and sometimes in making a sacrificial invocation. It is both self-expression and a drawing of attention to the self.

It should be borne in mind that a man normally retains his ox-name and continues to be called by it and also to shout out the name of the ox from which it is derived long after the ox is no more in his possession. A man may part, though always with regret, with a favourite ox for marriage or sacrifice, or the ox may die. It is then replaced by another favourite, though when a man is older and has a herd of his own he may not identify himself in quite the same way or to the same extent as when he was young with any one particular ox. If another ox takes the place of the first favourite, the ox of initiation, its owner may take, or be given, a new ox-name derived from this second ox, the new name then either taking the place of the old or both being used; but most men keep for life the ox-names they acquire at the time of their initiation. It is the name of this ox that a man shouts out in war, hunting, dancing and leaping, and in sacrificial invocations, and

[1] J. H. Driberg, *The Lango*, 1923, pp. 109–10: 'One who takes a hostile spear on his shield invokes by name a favourite bull belonging to his father or maternal uncle (*gwongo nwoi*).'

16: Evans-Pritchard E-5 (1931, 1936) 1956
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231 553 by which, in one or other form he is addressed by his peers; though it has long ago departed. Fundamentally, therefore, it is not the ox of initiation itself with which there is 'identification' but ox, the idea of oxen. The ox of initiation is the prototype of the ox–man relationship, and it is a kind of focal point at which the feelings a Nuer has towards cattle converge and run over into demonstration by word and gesture. When the ox is long ago dead the relationship continues, because ultimately it is not one between a man and a particular beast but a general relationship of a human being to cattle, an essential feature of which, I am about to suggest, is the sacramental equation of man and beast in sacrifice. Any ox will therefore serve the purpose, or, indeed, no ox at all—only the memory, or rather the idea, of an ox.

231 We may ask why the identification is with oxen and not with bulls. It might be expected that a man, who is himself a *tut*, a bull, not only in the general sense of 'male', but also in a common metaphor of speech derived expressly from cattle, would take his name from a bull rather than from an ox. The commonsense answer is that Nuer castrate all but a very few of their bulls, so that there would not be enough entire animals to go round, and this may be the right explanation. Even if it is not, or is not a sufficient explanation, we must here take it as given that the equation is between man and ox. We may, however, note further the fact, on which emphasis is later to be laid, that since an ox or a surrogate for an ox is almost always the sacrificial victim, the sacrificial equivalence is between men (the sacrificers) and oxen (the victims). If a beast is entire it is castrated before sacrifice. It is perhaps also necessary to remark that Nuer evaluation of bulls and oxen is not ours. Our representation of an ox, in contrast to a bull, is a docile, inferior, and slightly contemptible beast destined for the slaughter-house. In the Nuer representation a fat ox is a thing of grandeur and beauty. It is oxen which arouse their admiration. Bulls evoke utilitarian interest rather than emotional and aesthetic attention.

The facts I have related make it understandable that Professor Seligman should have spoken of 'identification' of men with their favourite oxen. Had he had either a first-hand or a wider knowledge of the Nuer he would no doubt have elaborated his theme, and especially by drawing on their ceremonies of initiation for illustrations.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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THE SACRIFICIAL ROLE OF CATTLE

A youth takes his cry and his personal name from the markings 231
and other traits of the ox his father gives him at initiation. By the 553
rites of initiation boys are made men,[1] and this means, among 881
other things, a conspicuous change in their relation to the cattle. They now cease to look after the calves and sheep and goats and to perform the more menial services of kraal and byre. Instead they tend the adult cattle. The most marked change is that whereas before initiation they helped the women milk the cows they now altogether cease to milk. But these external and evident changes are accompanied by a deeper, and hidden, transformation, men and oxen being brought into an intimacy of relationship on a different plane to that of mere proximity and association, however close, so that in some way an equation is brought about between man and ox. Such would seem to be the interpretation of certain very peculiar, though outstanding, features of the initiation rites. I have described these rites and discussed their social significance elsewhere,[2] and in this place I shall only draw attention to those features which have special relevance to our immediate subject.

The rites direct our attention throughout to the relationship 231
between men and cattle. It is the *wut ghok*, the man of the cattle, 881
to which he stands in a special ritual relationship, who opens and closes the periods of initiation. During initiation the initiates may not have any contact with the cattle, which are a danger to them till their wounds are completely healed and they formally pass out of seclusion. The prohibition extends even to rubbing ashes of cattle-dung over their bodies, a daily practice common to all men and boys; and Dr. Mary Smith tells me that Nuer say that it may harm the lads if the smoke of the smudges reaches them; though the fact that they drink milk suggests that the interdiction really concerns their relation to the oxen rather than to cattle in general, just as the interdiction on women drinking milk during their periods concerns their relation to cows and not to cattle in general. In the terminal rite of initiation, when the initiates are

[1] Or, perhaps, one should rather say 'Nuer men', for Nuer do not regard other people as 'men', whatever their age. They think of *wut*, manhood, as something specifically Nuer. Consequently Dinka who have already been initiated in their own country have their foreheads cut in the Nuer fashion across the scars of their Dinka initiation if they become members of Nuer communities.

[2] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936. Since this article was written I have obtained further information which has not been published.

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PLATE XIII

231

Ox with trained horn

[facing p. 256

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231 881 'loosened' (*lony rar*, the verb *lony* being that used for loosening cattle from their tethering-pegs) they re-establish their contact with the cattle. They are pelted (smeared) by their seniors with cattle-dung (*buk ke war*). Then they wash in a stream. On their return to the homestead they beat the cattle with wild rice, and afterwards rub themselves with ashes of cattle-dung. They spend the rest of the day leaping and chanting behind the oxen given them by their fathers and possibly, if they are lucky, by their paternal and maternal uncles also, which are the first oxen they can call their own. The fact that after initiation there is an interdiction on men milking also seems to point to an opposition between women and cows on the one side and men and oxen on the other side and further to emphasize the equation of man and ox.

One might perhaps feel that one was attributing to the facts a symbolical significance which the evidence does not sustain were it not that further, and very striking, observations push one to the interpretation put forward. Thus, the name of the dances held at the initiation ceremonies is *ruath*, the word for a bull calf from the time it is weaned, that is to say a bull, normally destined to be an ox, which has broken with its dam in the same way as a youth at initiation cuts, as we would put it, the apron strings which before have tied him to his mother, especially in the matter of food, as some of the symbolism of the rites indicates. Further, between the cutting of the marks of manhood on a boy's forehead and his ceremonial emergence from seclusion (or exclusion from the normal life) he is known as *cot*, which appears to be the same word as that used for a hornless cow or ox. It is remarkable also that Nuer compare to the initiation of youths the cutting (*ngat*) of the horns of favourite oxen (they are entire animals at the time) so that they will grow against the cut at fancy angles, generally in a curve across the muzzle (*ma gut*). They say that the operation, which is performed before castration, is the *gur*, the cutting of the marks of manhood, on the young bulls. If the operation has not already been carried out before a father presents a young bull to his son at initiation it is likely to be one of the young man's first acts in the period immediately following his own initiation. I have noted earlier how soon after their initiation youths, if they can procure the metal, fasten bracelets up their left arms so tightly as to render them, for the time of

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231 their wearing, incapable of use, and that they also render useless
881 the left horns of their favourite oxen by deforming them.

Human thought and expression are inevitably constructed out of man's experience of the world around him. There is nothing that should surprise us in Nuer speaking metaphorically of boys by the same word (*ruath*) as they use for young bulls and for the male young of other animals, and, by contrast, of men by the same word (*tut*) as they use for adult bulls and adult males of other animal species. It is natural—it would be remarkable were it not so—that Nuer use cattle metaphors in speech and gesture. Nevertheless, the evidence, some of which I have presented, suggests that there is more in it than that. Whether Professor Seligman's psychological use of the word 'identification' is correct is a question that lies outside my own competence and the scope of this book, but it cannot be denied that there is a moral identification, a participation imposed on the individual by his culture and inextricably bound up with religious values. When henceforward I speak of identification it is to be understood in this sense.

[See p. 235, cat. 116, —Analyst]

II

231 We have noted that there is a personal side and a collective side
782 to Nuer religion and that we may speak of personal and collective
615 types of sacrifice. We have noted also that in the collective type the
614 officiant represents the whole clan, that the spear he holds in his hands is that of the ancestor of the clan, and that he invokes God as the God who created his ancestor and the God of his fathers. We have further noted that the sacrificial victim, although in fact it is an ox or a surrogate for an ox, is not spoken of as *thak*, ox, but as *yang*, cow, a general term referring to any bovine beast, with a plural form *ghok*, meaning 'cattle'. This suggests that the victim embodies the general idea of the equivalence of cattle and men in the sacrificial act, and there is certainly what we may speak of as a collective identification of clans and lineages with their herds. This is expressed in the honorific titles of clans and lineages. We have been discussing hitherto the equation of man with ox. These titles introduce us to the idea of an enduring relationship between a social group and its ancestral herd.

On the day when, by the cutting of lines on his forehead, a boy

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On the day when, by the cutting of lines on his forehead, a boy

881 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

•231 613 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 613 614 553 196 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed* and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mut kene paak jalke kel*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *paak*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as on formal visits, at dances,

* [See pp. 240-47, Cattle (2nd) — Analyst]

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and at marriage and initiation ceremonies. Otherwise it is mostly a complimentary usage which expresses a formal relationship of reserve, as between a husband's mother and her son's wife, and then it is chiefly a woman's mode of address. 231 613 614 553 196

The title consists of *gat*, son (of), or *nya*, daughter (of), followed by a word which usually refers to a cow said to be that on whose milk the ancestor of the clan or lineage was nurtured in infancy, though it may refer to the place where the clan or lineage is said to have originated, or to some object connected with its ancestor, or to its totem. Nuer say that clans either '*ba paak ka kwi yangdien*', 'are saluted by reference to their cow' or '*ba paak ka kwi ciengdien*', 'are saluted by reference to their (original) village site', but since the salutation generally refers to a cow the expressions '*paak*', 'honorific salutation', and '*paakene yang*', 'honorific salutation of cow', are synonyms. The words are often exceedingly difficult to translate, or even to discover the meaning of, especially when they relate to cows, for here the Nuer language proliferates symbolism in luxuriant elaborations of fancy; and representations of ancestral cow, ancestral home, totem, and totemic spirit, are sometimes fused in the titles, which are built out of a number of residues all of which derive from and express lineage values. I have listed and discussed some of these honorific titles elsewhere,[1] and there is no need here for a detailed consideration of them. We have only to note the central place the idea of a cow has in them, the cow standing for the herd and hence also for the lineage of its masters.

It need not surprise us that it is a cow that is referred to and not an ox or bull. It would be inappropriate to refer to an ox since, as I understand the matter, the whole point of using a symbol from the herds is to express in a single representation the idea of the unity of a lineage and its cattle, the cattle which sustain the lineage by their milk (the cow suckles the ancestor) and by constant calving provide them with bridewealth for marriages whereby sons are born and the lineage continued, and with a means of maintaining communication with Spirit and ghosts. Male animals do not answer the requirements of the symbolism. The great majority of the bulls are castrated, and, if not later disposed of in marriage, those which survive murrains are sacrificed; and the animals which are left entire are not thought of as being, like the 231 613 553 196

[1] 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, 1936, pp. 23–29.

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male members of a human lineage, a line of descent. In tracing back the lineage of a beast, which Nuer can sometimes do to several generations, they do so by the points of the dams and not the points of the sires: an ox of certain markings was born of a cow of certain markings and it of a cow of other markings. Descent in the herd is, so to speak, traced matrilineally; and it is the cows which are seen as the stable element, which calve cow-calves, which calve cow-calves in their turn, and so provide the constant and continuous nexus between herd and lineage. Consequently, if at marriage most of a herd is dispersed and only a core is retained, it is some cows which are kept so that the herd may be built up anew through them. Therefore, it is to the cows of the ancestors, and not to their bulls, that the honorific titles of clans and lineages refer.

The lineage-herd equation can thus be considered as a collective expression of the man-ox equation. The one does not derive from the other but they are parts of a single complex representation, which finds its most logical expression in the rites of sacrifice. The name of the ox of the speaker may be shouted out in sacrificial invocations because its name stands for his own, but when the sacrifice is on behalf of a whole clan the exordial words are the spear-name of the clan, which goes together with the cow-title of the clan, representing the relation of the clan to its ancestral herd. The two symbols, ox-name and spear-name, represent two aspects of the sacrificial relationship between men and cattle, the personal and the collective. The one or other aspect is emphasized according to the nature of the sacrifice.

III

231 782

The facts we have examined, taken severally or together, point to the conclusion that there is the idea of equivalence between men and cattle, and the only plane on which there is anything that can be called equivalence is that on which men and cattle are things of the same order, so that one can be substituted for the other, namely in sacrifice, or in other words in relation to God. We have seen that in those sacrifices which have the most significance for the study of Nuer religion, the personal ones, the lives of oxen are substituted for the lives of men. This is not only evident in what

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Nuer say but is indicated also in the rites themselves, and especially in the rite of consecration. In discussing this rite I speak for the present only of personal sacrifice. 231 782

When ashes are rubbed on the back of an animal in giving it to a spirit I speak of the act as one of dedication. When they are rubbed on its back in sacrifice I speak of it as consecration. It is useful to make this distinction for several reasons. Animals are not dedicated to God except on rare occasions when sacrifice is to take place shortly afterwards, but they are consecrated to him in sacrifice. Cows are the animals usually dedicated to spirits, whereas it is oxen which are sacrificed. Though even a cow dedicated to a spirit may ultimately be sacrificed and at least one of its male calves is destined for sacrifice, sacrifice does not follow dedication, if at all, for months or even years after the dedication. What is devoted by dedication to a spirit is the animal and its milk, but when ashes are rubbed on the back of a beast at sacrifice what is devoted is its life. That there is a difference of meaning between the two acts is shown by the fact that an animal which has been dedicated to a spirit by ashes being rubbed on its back has ashes again rubbed on it when it is sacrificed to that spirit. It is—if we care to use these terms—dedicated to the spirit in the first act and consecrated for sacrifice to it in the second. The difference is that the rubbing of ashes in dedicating an animal to a spirit is the sign and the manner of its passing out of man's possession (though in fact he does not part with it) into a spirit's possession, whereas the rubbing of ashes in consecrating an animal for sacrifice is a substitution of life of man for life of beast and hence also an identification of man with beast, sacrificer with victim.

It will be remembered that in sacrifice the animal is consecrated with ashes, has an invocation spoken over it, and is speared. I have already discussed the *lam* or invocation. What concerns us now is the *buk*, the consecration. This word, which in other Nilotic languages has the sense of 'to smear' and sometimes of 'to sacrifice', means in Nuer 'to rub' or 'to smear' and generally 'to rub with ashes'. In a sacrificial context it describes the placing, and usually lightly rubbing, of ashes on the victim's back. It is clear that it is a rite of consecration, the animal's life being thereby devoted to God; but also in the personal and piacular sacrifices it is, as we have seen, sanctified for sacrifice in substitution for the life of a man. It would seem, therefore, that the laying of the right

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hand on the animal's back identifies the man who lays it, or the person on whose behalf he is acting, with the beast, the right hand standing, as we have earlier noted, for the whole person. If this is so, then it is himself, or the person for whom he is proxy, that the officiant offers up; or, to put it in another way, in the act of consecration the representations of man and ox, of sacrificer and victim, are fused.

This interpretation is supported by the fact that when ashes are ritually rubbed on persons the meaning which fits the action best is unity, solidarity, or identification, the expression of the idea of 'I am with you', as when, for example, before initiation a boy's father, maternal uncle, and family's master of ceremonies rub (*buk*) his forehead with ashes, uttering an invocation, or when a man returns from a long journey and his father rubs ashes on his forehead. It is confirmed by two other observations. As we have noted, there is no laying of hands on cattle sacrificed at mortuary ceremonies, nor is there, Dr. Smith tells me, in sacrifices at *colwic* ceremonies. They are given to God, but the person on whose behalf they are sacrificed is dead. Also, cattle slain for reasons other than for sacrifice may have an invocation said over them but there is no laying on of hands.

I discuss this question again later in relation to the whole rite of sacrifice and the various theoretical interpretations of it which students have put forward. We may here note further, however, that the fact that it is ash which is placed on the back of the victim and not something else and that this ash must be that of cattle-dung (*pou*) and not wood-ash (*ngeth*) may be significant, for the ash is taken from the *gol*, the household smudge which symbolizes for Nuer the home in various senses. *Gol* means primarily the home in a domestic sense. It is identified with the father of a family, *gol* so-and-so being the 'home' of that man and hence his 'family' also. But it can also be used for the lineage, 'the family' in that wider sense. The ash comes from the *gol* which represents the family or the lineage, and the officiant who places it on the animal's back represents, according to the type of sacrifice, either the members of the family or the members of the lineage.

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IV

It may be asked how the fact that in piacular sacrifice an ox is substituted for a man affects the general relationship of men to cattle. The answer is that all cattle are reserved for sacrifice. It is not just that in a particular ceremony a particular ox stands for a particular man. The equivalence is a general one between men and cattle. Some caution is necessary here. Nuer are very fond of meat, and whether an animal is killed in sacrifice or dies a natural death its flesh is eaten. All cattle, sheep, and goats, except those sacrificed in holocausts, eventually go into the pot. Also, it is very noticeable that on ceremonial occasions which are not also occasions of calamity, most people show more interest in the festal than in other aspects of the ceremonies. People show their desire for meat without reserve and it is the festal character of sacrifices which gives them much of their significance in the life of the Nuer. This is perhaps most noticeable at weddings, when, moreover, those who get the flesh are not those who sacrifice the animal; and also on those occasions when men scramble for meat. Further, Nuer themselves recognize that some men are too eager to sacrifice an ox, sheep, or goat on the slightest excuse, a craving for meat rather than a pressing need for spiritual aid being the incentive for sacrifice. It is undoubtedly true that it is sometimes craving for meat which reminds a man that sacrifice to some spirit is long overdue, religious obligations providing a ready excuse for a feast. However, the fact that Nuer accuse men of making unnecessary sacrifices to have feasts of meat in itself shows that animals should not be slaughtered except in sacrifice; and there is indeed a very strong feeling, amounting to a moral injunction, that domestic animals—sheep and goats as well as cattle—must not be slaughtered except in sacrifice and, save in very special circumstances, they are never slaughtered for food, a fact noted by Ernst Marno nearly a century ago.[1] This injunction explains why Nuer are not expected to, and do not, provide meat for guests, and also why I was unable to buy beasts from them for food for my own household.

[1] Op. cit., p. 368. The Dinka Ghweiw do not slaughter cattle for food (see that curious book *The Ethiopic Valley*, n.d., pp. 10 and 39, by Hamdill Masha Kathish, a Dinka convert to Christianity). This is the case among many African pastoral peoples.

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THE SACRIFICIAL ROLE OF CATTLE

231 The very special circumstances in which cattle are killed for
731 food are times of severe famine and in what are called *nak*, or in
261 some parts of Nuerland *kanar* or *cuel*, camps. Within my own short experience, in 1931, a year of great hunger, the Lou Nuer killed many oxen for food, and during a famine in western Nuerland in 1935 a great number of beasts were slaughtered to keep the people alive. Dr. Howell says that in the Zeraf valley in 1943, likewise a year of famine, animals were being killed for food.[1] The Lou Nuer even have a reputation, of which they are ashamed, for killing oxen when hungry, for not waiting, that is, till faced with starvation. How often this situation used to occur is not, and cannot, be known. If it is not altogether a modern phenomenon, we may suppose that it was much less likely to have arisen before rinderpest depleted the herds and imposed peace prevented their rehabilitation through raiding, the milk supply thus being lessened.[2] *Nak* camps are presumably so called because they are
231 formed for the express purpose of killing (*nak*) oxen. They are
881 formed in some years only, in the rains or at the commencement of the dry season, by youths, each of whom takes an ox to the camp where one by one they are slaughtered and the young men gorge themselves on their flesh. Now that cattle have become scarcer two youths may share a single animal, though it is still thought that there ought to be an ox to a man. There is some doubt about the precise significance of this custom. When I published an account of the Nuer age-set system[3] I considered that it did not form an integral part of the rites of initiation but was only incidentally connected with them. I may have been wrong in this conclusion, and my own later researches revealed features which incline me to accept Dr. Howell's contention that they are connected with the age-set system.[4] Certainly there is more in the *nak* than merely killing oxen for feasting. That it has a ritual significance is clear from the fact that the youths who take part in it are segregated. Girls are not allowed to enter, or at any rate to sleep
[834] in, the camps. Abstinence is imposed at a time when the company of girls and their favours are a Nuer's chief interest. Nor may the

[1] F. P. Howell, 'The Age-Set System and the Institution of "Nak" among the Nuer' (with a Note by E. E. Evans-Pritchard), *Sudan Notes and Records*, 1948, p. 180. I was told that on raids on the Dinka pillaged oxen were slaughtered for food.
[2] E. E. Evans-Pritchard, *The Nuer*, 1940, pp. 19–20.
[3] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936.
[4] F. P. Howell, *ibid.*

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young men attend dances, which therefore do not take place at this time. Also, they may have no contact of any kind with the herds other than with the oxen with which they are segregated. It is to be noted further that the borrowing from kin and neighbours of oxen for slaughter by youths whose families are unable to provide them with suitable animals is no ordinary loan but is of a peculiar and ritual character. The owner of a beast who is asked for it by a youth may not refuse the request, and not only for social reasons but also, says Dr. Howell, because 'he would run the risk of spiritual contamination resulting in sickness or even death among the members of his family'.[1] Nor may he demand repayment for some years. These facts considered in the light of the great reluctance, to say the least of it, of Nuer to kill an ox other than for sacrifice suggest strongly that a slaughter on this scale has some religious significance. I asked Dr. Lienhardt and Dr. Smith to inquire about this matter. The former informs me that an old man makes an invocation over one of the oxen, which stands for all of them, and the latter that the older men who have contributed the beasts make invocations over them, though they do not consecrate them with ashes. It would seem, therefore, that if their slaughter is not a proper sacrifice it has to some extent a sacrificial character. It is significant also that not only is the killing obligatory but also that each youth ought to provide an ox for slaughter, an ox for a man, for we seem to have here again the equivalence of a man with an ox, which is the basis of piacular sacrifice: and it can easily be seen that the death of an ox at the termination of the rites of initiation would be a sacramental act appropriate to the whole setting of initiation.

Except on those rare occasions when dire necessity or custom compels them to do so, Nuer do not kill cattle except in sacrifice; and it is regarded as a fault to kill them '*bang lora*', 'just for nothing', the Nuer way of saying that they ought not to be killed for meat. This is clearly shown, apart from the facts I have already instanced, by the statement that an ox slain simply from desire for meat may *cien*, take ghostly vengeance on, its slayer, for it has *cuong*, right, in the matter. Maybe Nuer do not take this very seriously, but that they say it at all is an indication of how they regard the matter, for, as we have seen, they fear ghostly vengeance and hold that it operates only because God is permissive,

[1] Ibid., p. 176.

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231 seeing that an injustice has been done. The man had no right to
782 take the life of the ox and by doing so he committed a fault. In
784 sacrificial invocations Nuer explain to God why the life of the ox is being taken, and they may also address the ox and tell it why it is being killed—not that they think it understands. They are justifying themselves in taking its life.

231 Consequently I was not surprised to learn from Dr. Mary
731 Smith, whom I asked to inquire into the question, that when cattle
782 are killed in time of famine Nuer, though they do not consecrate the beasts, may make an invocation over them asking God that 'the meat may be soft in their stomachs and not bring them sickness'. This does not constitute sacrifice, there being no sacrificial intention, but it shows that there is a feeling of guilt about killing animals for food even when hunger compels it, and we can say that all cattle, and also sheep and goats, are reserved, or set apart, for sacrifice and their lives should not be taken, except in the special circumstances I have mentioned, for any other purpose. In that sense we may speak of cattle as being 'sacred'. If we do so, however, we must note that they are not sacrificed because they are regarded as sacred intrinsically, or for reasons extraneous to the sacrificial situation, but, on the contrary, they are regarded as sacred only because they are reserved for sacrifice and in the sense defined by that purpose. I have discussed beasts of the herd only and not those of the flock because, as we have noted earlier, in sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently their role to play the victim's part in sacrifice and they are consequently also reserved for sacrifice, but the sacrificial equivalence is always between *ran* and *yang*, man and 'cow', never between man and sheep or goat, for even when it is a sheep or goat which is being killed the ideal equivalence is preserved in speech.

231 In order that the sacrificial killing of beasts of the flocks and
[262] herds may be seen in a wider setting both of the taking of lives
224 of creatures and of the eating of flesh, it should be realized that, except for fish, Nuer seldom kill wild creatures but rely almost entirely on the flesh of their domesticated animals for meat. For religious reasons they are averse to killing birds, except occasionally the ostrich, to which the same symbolism does not attach, for its feathers; and also reptiles, except the turtle and the crocodile (perhaps occasionally the monitor lizard). But even where there is no objection to killing animals, as in the case of mammals, Nuer

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seldom go out of their way to kill them. They do not go out to 231
hunt lions, leopards, and hyenas, unless they molest the flocks and 224
herds, and usually they only pursue those graminivorous animals which come to drink near their camps and seem to offer themselves for slaughter. It is not that it is thought to be wrong to kill them, but that except in time of famine, Nuer are little interested in hunting. They speak of it as a Shilluk and Dinka practice beneath the serious attention of a Nuer who can boast of a herd—as a pursuit, that is, of foreigners or of men without cattle. Even those who deliberately set out to hunt elephants and giraffe do so less to obtain meat than to acquire ivory and hair which can be exchanged for cattle, sheep, and goats. This lack of interest in hunting may be due to the fact that their flocks and herds supply them, through sacrifice, with meat and to the nature of their country which renders hunting difficult, but, whatever the reason, they are not interested, so that any killing of animals outside sacrifice is rare; and we may here say again, as has been said before in a rather different context, that the Nuer mind is turned inwards towards his own society of men and cattle. He is not unobservant of nature but he sees it with a contemplative and not with a predatory eye that seeks to destroy and exploit. He sees wild creatures as something in their own right, and his disposition is to live and let live. His folk-stories reflect this attitude and the feeling that killing, like death, is something which has come about almost by accident and is not in the original nature of things.

A large part of Nuer folk-lore consists of stories about animals.[1] 538
There are stories about ogres; a cycle of adventure stories about 825
how cunning fox tricked hyena; many just-so stories which tell why hyenas limp, why plovers have thin legs, why guinea-fowl crouch, why millepedes are blind, why cows have no upper incisors, and so forth; and stories of yet other sorts. God sometimes figures in these stories as a judge in a way which appeals to the Nuer sense of humour as well as to our own. For example, fish, finding that they were visible to man in the water and hence easily speared, appealed to God who let them be invisible. God sometimes figures

[1] I have not published the folk-stories I collected among the Nuer. Some of those given by Miss Huffman (*Nuer Customs and Folk-Lore*, 1931, pp. 88–104) show Anuak influence. Those recorded by Capt. V. H. Fergusson ('Nuer Beast Tales', *Sudan Notes and Records*, 1924) have Nuer themes but may be Atwot, or even Mandari, versions of them, for *rill*, the jackal, and *ijong*, the hawk, are two main figures in them, and these are not Nuer words.

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him how to pound millet so that he now satisfies his hunger only 838
by ceaseless labour. The sexual organs attached themselves to man 825
and woman so that they are now constantly desirous of each other. 773
Mouse taught man how to beget and woman how to bear. Dog brought fire to man. And we are told that while fox was plotting to sow dissension among the beasts he gave man the spear and taught him how to use it. It was then that man began to kill, and his first killing seems to have been that of the mother of cow and buffalo, or rather the mother of cattle, for at that time cows and buffaloes were the same. This led to a feud between men and cattle, buffaloes avenging their mother by attacking men in the bush and cows by causing men to quarrel and slay one another.

It may perhaps sharpen our focus on sacrifice to know not only 773
that Nuer seldom kill wild animals but also that they can imagine 782
a state in which man did not kill, that there might have been a 231
beginning to killing as to coitus, to pounding grain, and to other things men do now. Viewed in relation to the dialectic of the stories, the killing of cattle is then seen not to be, as it were, derived from a state of nature in which men kill animals for food, as just one sort of killing among others, but as a product of a new dispensation in which cattle are allotted a sacrificial role and are set apart for this purpose. Other animals may, as a matter more or less of chance, and now and again, be killed, but it is the role and destiny of cattle to be slaughtered in sacrifice. Sacrificial slaughter thus stands at the very centre of the idea of killing, and sacrificial flesh at the very centre of the idea of feasting.

We may conclude, therefore, that the observations we have 231
made earlier concerning the relationship of a man with his 782
favourite ox, the ritual of initiation, &c., must be viewed in the light of the identification of men with cattle in sacrifices. A Nuer does not look upon his cattle as a stockbreeder or dairy farmer does, for in his case his relationship to his beasts is complicated, apart from their use in marriage, by their reservation for sacrifice. And it is not just that he must not kill cattle except in sacrifice because if he were to slaughter them for meat he would lower his resources for food, marriage, and religious purposes. It is not merely a negative injunction. It is not 'thou must not kill' but 'thou must sacrifice'. It is not that they must only kill for sacrifice but that they must sacrifice to kill.

We must not be led astray by this conclusion to suppose that in

16: Evans-Pritchard E-5 (1931, 1936) 1956
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We mustnot be led astray by this conclusion to suppose that on

281/ 771/ the everyday life of the Nuer they think of and treat their animals in a 'religious' manner. They do not even treat those dedicated to spirits in any special way. Ordinarily Nuer think of their beasts from the practical point of view of herdsmen who are largely dependent on them for food and are dependent on them entirely for marriage. But if it would be a mistake to leave out of consideration the practical uses of cattle it would be no less a mistake were we to ignore the religious significance they have for Nuer. This is easier to do for two reasons. Firstly, because Nuer are themselves reticent in speaking of their cattle in this connexion. They tend to be reserved in discussing religious matters, and it may even be said that a certain secrecy adheres to them; and those whom a European tends to know best, the younger men, have less awareness of the sacramental role of cattle than the older people. Secondly, because we have no direct experience of our own which associates animals with anything similar in our culture. We are, therefore, inclined to reason that cattle have ritual significance because they have great practical value. If this were really so the cow, and not the ox, would be the object of identification, but, apart from that consideration, an attempt to interpret the religious importance of cattle on this one-way track of reasoning changes the whole character of the relationship between men and cattle. It makes the animals themselves to be in some way the object of religious attention, and nothing could be farther from the truth.

23/ 782 The religious significance of cattle is of a very different kind. Cattle are necessary to Nuer not only for food and marriage but also for salvation, for the sanctification of their social undertakings and for overcoming evil in its twofold character of sickness and sin. As Professor Westermann's text has it, 'she (the cow) was ordered (by God) for the deliverance of souls'.[1] This soteriological function pertains to cattle as much as their economic, bridewealth, and other functions. It is not just that in Nuer sacrifices something that for other reasons is valuable obtains through its consecration and sacramental death a religious significance, which would consequently be secondary and momentarily derived from the immediate sacrificial act. The sacrificial role is always dormant in cattle, which in sacrifice are being used for an ordained purpose for which they are set apart. This is why the rubbing of ashes on an ox's

[1] Or, as I have translated the passage (p. 224): 'It [the cow] has been decreed for the life [of man].'

16: Evans-Pritchard E-5 (1931, 1936) 1956
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back while uttering some short prayer or invocation is a rite which can at any time be performed. The animal, even when not dedicated to a spirit, is already destined for sacrifice. The sacrificial situation is present, as it were, in the act, though no actual sacrifice is made. 281 782

When, therefore, we seek to estimate what their cattle are to Nuer and how they see them, we have to recognize that they are the means by which men can enter into communication with God, that they are, as Father Crazzolara puts it, 'the link between the perceptible and the transcendental'.[1] In fulfilling this role, his cattle shield a man and his family from disaster, and he conceives of them also collectively as a herd which from the beginning of time has helped his fathers in distress, performing in each generation the same sacrificial service. In the time of the ancestor of his clan the 'cow' gave her life for his salvation and so it is today. Whence springs the identification of man with ox, of lineage with herd, and of men with cattle. 281 782 771

[1] J. P. Crazzolara, 'Die Bedeutung des Rindes bei den Nuer', *Africa*, 1934, p. 300.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 distinctive role is that which he plays in homicide, that is to say,
628 when two social groups, groups of kin and local and political groups, are in a state of violent opposition to each other and the whole community is involved in consequence, directly or indirectly, in a state of interdiction. He functions as administrator of oaths in a similar setting. The oaths either arise out of homicide or concern matters which may result in homicide. There are strong feelings of hostility between the parties; otherwise oaths, with their terrible consequences, would not be taken. Serious incest may provoke similar feelings, because, Nuer ideas about incest being what they are, the persons concerned in it may belong to different descent groups and, indeed, are for various reasons likely to do so. In situations of *nuer* in which hostile feelings are not aroused, as when twins are born or a person is killed by lightning, the head of the family or its master of ceremonies officiates. These are family and lineage affairs. So, whereas the *guan buthni* acts in sacrifice on behalf of an exclusive social group, the leopard-skin priest for the most part performs sacrifices in situations in which two groups are opposed to one another and which therefore require a person unidentified by lineage attachment to either to act on behalf of the whole community. The priest thus has a central position in the social structure rather than in religious thought, for his priestly functions are exclusive not because, on account of the sanctity of his office, only he can perform sacrifices, but because representatives of neither party to a dispute can effectively act in the circumstances obtaining. As he entirely lacks any real political authority or powers it is understandable that he could not carry out his functions unless during their performance his person was sacrosanct. The presence of a priesthood adds nothing to the dominant ideas of Nuer religion. It is rather these ideas which give to a political role its necessary attributes. Put in another way, the Nuer have priests who perform certain politico-religious functions but their religion is not intrinsically a priestly religion.

613 Another hereditary and traditional functionary is the *wut ghok*,
793 the man of the cattle, sometimes also spoken of as *kuaar ghok*, the 'priest' of the cattle, or *ring ghok*, the 'virtue' (literally, 'flesh') of
231 the cattle. There are men of the cattle in every tribe and tribal section, and they belong to lineages of a number of different clans, all those I have come across being of true Nuer descent. As in the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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case of the leopard-skin priestly lineages, any member of a lineage of men of the cattle can perform the services attached to that office, but in practice only some, and senior, persons would normally be called upon to do so. These services have less religious and social importance than those of the *kuaar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwothde*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at his own mortuary ceremony his kinsmen and possessions are aspersed with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 255–6), initiation of boys to manhood is intimately bound up with their relation to the cattle. It is therefore appropriate that it should be a man of the cattle who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

6: Evans-Pritchard E-5 (1931, 1934)1938
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233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire
136 of dried dung sends out clouds of smoke so dense that it is impossible for a European to remain there for several minutes. One cannot
372 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are
237 so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realize that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

6: Evans-Pritchard E-5 (1931, 1936)1938
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136 773 "Oh! He can brush away Mosquito with a bird's wing." God said, "All right." For the first few days Man brushed mosquitos aside. Then he found that it was useless so he suffered them.

136 233 Another unpleasant insect pest is the seroot fly (*rôw*). Seroot are seasonal. They flourish on cloudy days from May to July. I have not seen them in this latitude from the end of July to the beginning of May. When I was at Konye in May and at Yakwac in July they appeared in swarms every morning shortly before the cattle were driven to pasture, between 9 and 9.30 a.m. At the same hour every morning I was driven from my tent by their painful stings. Fortunately when the cattle go to pasture the seroot flies accompany them. On most mornings at Konye about two hours after being driven to pasture the herd came stampeding back kicking their legs and lashing out with their tails and dung fires had to be lit in the kraal to protect them. There was no need to tether the cattle for they were only too grateful to be allowed to stand near the fires and let the smoke envelope them. Only when there was a shower of rain did they get any relief in the pastures, for rain drives seroot away. On cloudy rainless days the poor beasts ran back to the village covered with seroot and their flanks stained with blood. On such days they were not able to graze for more than two or three hours.

136 •232 By August the seroot has gone but the stumoxis (*wuik*) remains. It is a small black biting fly which is present in the rains and, I think, in the dry season also. It is probably responsible for the presence of trypanosomiasis in parts of Nuerland, transferring the trypanosomes directly on its proboscis from beast to beast, for the tsetse (*mi* or *iuk liec*) does not occur in Nuerland, except perhaps in parts of Eastern Gaajak country, which I have not visited, though its lethal character is well known to Nuer. Indeed they have probably had to take it into account in their expansion eastwards for there can be little doubt that the main reason for their evacuation of Anuakland, which they conquered as far as the foothills of the Abyssinian escarpment was the loss of their cattle from trypanosomiasis carried by tsetse, which occupy a belt of country at the foot of the escarpment whenever dense forest occurs.

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136 ants in the wooded area near the junction of the Sobat and the Nyanding Rivers and they may be regarded as uncommon in Nuerland, since they are probably found only where there is fairly thick forest. They sometimes get into the byres and the cattle have to be taken outside while efforts are made to drive them away with ashes. When they invaded my camp our efforts were unavailing. We fought them for five days with fire and ashes and water and, though it was the worst time of the year for mosquitos, I was compelled to sleep the last three nights in a deck-chair surrounded by a ring of fire. On the sixth day we gave up the struggle and broke camp.

114 I have ventured to give some of my own experiences because one of the great difficulties of working as an anthropologist, or indeed in any other capacity, in Nuerland, is the constant irritation caused by insects and the exhaustion and sickness that finally ensue. To 233 appreciate what the Nuer have to endure it is well to endure for a while the same torments. While their cattle have to live in such conditions the breed cannot well be improved and the milk yield increased, for they never get any real rest and the continual irritation caused them by insects must greatly lower their vitality and render them an easy prey to disease. In the circumstances their hardiness and endurance is remarkable.

XII.

•232 Having had no veterinary training I cannot list all the diseases from which cattle suffer in Nuerland. The most serious scourge is certainly rinderpest (*nyapec*, *nyapec Deang*, *nyanjut mannyuac*).

The usual name in most parts of Nuerland is *nyapec*. It is given a female name because of the supposed female properties of serious epidemics. Similarly, severe cases of smallpox are spoken of as female and light cases as male. A Nuer, with whom Miss Soule was once discussing rinderpest, when asked by her why it had a feminine prefix replied, " Would any man do such a thing as to kill all the cattle ? " The wild dog is called *jiok nyapec* and I have been told that it is so called because wild dogs brought rinderpest to the cattle (*caa nyapec noong dõõr e ken*).

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232 Nuer know no way of combating rinderpest once it has attacked a herd but they are aware that an infected herd must be isolated. The Lou along the Sobat River in 1931 did their best to prevent any cattle from moving across their grazing grounds from infected districts and seemed well aware that the disease is carried on the hooves of cattle. They may have gained this knowledge from Europeans but Jackson records as early as 1924, when contact with Europeans was very slight: "Diseased skins are sold to the pedlars (Arabic speaking traders from the northern Sudan) who wander through their country. To this fact the Nuer themselves attribute the widespread disease that has taken enormous toll of their herds during the past few years. It is also interesting to note that they believe the disease to be carried on the hooves of the pedlars' donkeys.....The Jekaing, however, in the Bahr el Ghazal Province (Western Jikany) make such stringent quarantine regulations that if a man is known to have eaten of an animal that has died of cattle plague he is not allowed in a district free of the disease."

232 Nuer also try to protect their cattle by splitting up the herd, 233 especially in the dry season, so that if rinderpest breaks out in some districts and is not carried to every district, only part of the herd is affected. Thus a man may keep some of his cattle in camp at the inland pool of *Muöt dit* while his son takes two or three animals to the Geni River and one or two cows are placed with a relative-in-law in Gaawar country or in the Dinka swamps. Likewise many men who camp on the Sobat leave some of their cattle at inland pools at Nyarol.

232 Nuer are aware that if an animal recovers from rinderpest it is immune from future attacks and greatly value such beasts. They are also aware that immunity of a cow does not mean immunity for its calves.

Rinderpest causes havoc among the herds and it is a bitter experience to live among the Nuer when their cattle are infected. They can only look on helplessly, more morose and resigned than ever, while it destroys some two thirds of their beasts. Youths see

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•232 their chance of marrying in the near future vanish and everyone is threatened with hunger and poverty. When we consider all that [181] cattle mean to Nuer it is easy to imagine their grief and forebodings. But they do not show grief or express forebodings. They do not let one see what they suffer. They meet disaster with calm mien and speak of their loss with philosophic detachment.

Next to rinderpest the most serious contagious disease is probably bovine pleuro-pneumonia (*jöndapuöth, jök puöthni, jok nya puöth döö*). In some years it causes heavy mortality among the herds. Nuer treat it by chewing certain leaves or bark and blowing them up the nostrils of sick animals.

Among the Eastern Jikany—and perhaps in other parts of Nuerland—though I am uncertain of this—cattle sometimes die of trypanosomiasis (*noi jöklaca*). As already explained tsetse is not the carrier but biting flies, probably stumoxis and perhaps, seroot, are responsible for direct transmission. What effect this mode of transmission has on the trypanosomes does not appear to be known, but it is evident that the disease must be to some extent endemic and that it manifests itself only in periods of low vitality, as in years of heavy floods or of exceptional drought. Mr. Corfield tells me that among the Eastern Jikany an animal showing signs of trypanosomiasis is burnt across the back with a piece of red-hot iron, probably a heated spearhead: "Firing marks are about six inches across, three inches on each side of the spine and extend from the withers, below the hump, almost to the root of the tail." This treatment, presumably, is useless.

There is a disease called *köön*, probably ringworm, which causes sores all over the body. Nuer treat it by pounding the dung of ostriches and hyaenas and dusting the sores with this powder. Another disease is called *döönу*. Its symptoms are unknown but the treatment is to tie a strip of buffalo's or tiang's skin round the cow's neck and to tether it in the sun without food or water for two or three days. This is said to cure it. *Dät*, probably, 'foul on the foot,' is a disease

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of the hooves which is often fatal. Another disease of unknown symptoms is *puc* (*puc nyacar, nyacar*). There is a disease called *kec* which is treated by the animals ears, and sometimes its horns also, being cut with a spear heated in the fire (*ba kec tem kä mac*). This sickness causes abscesses in the ears which are therefore scraped out. It also causes the horns to become hollow and if this is found to be the case the horns are either cut or bored. 232

Goats and sheep have their special diseases: *fanynain*, probably sheep-pox, *wöcuany*, fluke, in which the liver and gall-bladder are enlarged and full of sores, etc. They also suffer from trypanosomiasis.

Jök is a generic name for all diseases of cattle, sheep and goats. The word may be incorporated from the Dinka and some expressions in which it figures, *e.g.*, *jöndapuöth*, bovine pleural-pneumonia, show very clearly Dinka construction. The kind of *jök* which is afflicting the cattle is specified in the names of different diseases or in different names for the same disease, *e.g.*, *jondapuoth*, *jöklace*, *jökdiu*, *jok nyuntiel*, and *jok nyanjut*. Nuer appear to regard contagious diseases of cattle as spirits which suddenly come, for no apparent reason, as diseases of men come. Nuer say that they are spirits sent by God. They say "*Ce jok ben piny, cas kam piny e kuth*," "The disease has come to earth, it is brought to earth by God."

Besides veterinary medicines used to cure sickness, some of which may have therapeutic properties and be considered drugs, Nuer possess medicines which are used for other purposes than to cure sickness and we probably do not wrongly assess their value when we say it is purely of a magical order. Such are the medicines placed in churning gourds and churned with the milk to ensure a good supply of cheese. The roots of the following plants were recorded as having this use: *Cancan*, (*Trianthema pentandra*) *githlual*, *kuäk*. The seeds of a sweet smelling plant that grows on camp and village sites called *mïëth* (*Ocimum americanum L.*), are boiled with the cheese to make it sweet and keep long. 232 789 251 789

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232 Before a cow is taken to a bull to be served the root of a plant called *rialow* (*Clitoria Ternatea L.*) is chewed and blown up its nostrils to ensure conception. A plant called *nâr teyinga* (*wal thiiva yang*) is given in an infusion to be swallowed by a cow which has aborted its calf. An infusion made from a plant called *tam kwir* is administered to cows which are milk-bound. An infusion from the *dep gany* plant is given to a cow which retains the afterbirth and an infusion from the stalks of the *cawcaw* creeper is given to a cow which refuses to suckle its calf.

Nuer love to hear their favourite oxen lowing and Mr. Corfield tells me that among the Eastern Jikany to induce an ox to low they take the feathers of the ground hornbill (*rumyual*), a bird which has a deep-toned booming call, and after grinding them and mixing them with water, give them to their oxen to drink. Better still, if the whole bird can be obtained, its innards are used in this way instead of its feathers. Another bird used for the same purpose is the African cuckoo (*kwei Nithiir*).

The usual ways of administering medicines to cattle are to give them in an infusion through the mouth or to chew them and blow them up the nostrils (*liang yang*).

[787] There are very few cattle medicines. Indeed, the Nuer, like other Nilotic peoples are very deficient in all forms of magic and in those situations where ritual is employed the ghosts or the spirits are invoked.

The only wounds of cattle which I have seen treated are broken horns. It sometimes happens that a cow or ox is horned by another in a byre and in turning to get out of the way it cracks its horns against one of the big trunks that support the roof of the byre and breaks one of them. Nuer fear lest the animal may die since there is rain everyday and, in the early part of the wet season, many flies. They cover the wound with *dil luak*, the brown sooty deposit which collects over the wood and thatch of byres when fires have burnt in them for some years.

9:Evans-Pritchard E-5 (1931, 1936)1936 F322 Nuer F322

is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right. 233 554 553 421

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having their lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nilotes towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members 232 553

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of the age-sets directly senior and junior to his set may also call him by his bullock name. Members of his family and kin will address him by his birth name or by a relationship term. The use of a bullock name has egalitarian implications so that it would not be used between persons whose age-sets are distant from one another. A younger man would not address one much older than himself by his bullock name but as "*gwa*," "father," or by the complimentary title of "son of so-and-so," mentioning the name of his father, or "father of so-and-so," mentioning the name of his eldest child whether son or daughter. Also an old man would not address a much younger one by his bullock name, but as "*gatda*," "my son."

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The change of social behaviour which takes place in the life of a Nuer when he passes from the grade of boyhood to the grade of manhood, from *dhol* to *wut*, is shown in the customs I have just described, milking, household tasks of byre and kraal love-making, dancing, ownership of spear and bullock and bullock-name, etc. But these are customs which differentiate one grade from another grade and not one set from another set. All the age-sets are equivalent in their enjoyment of these privileges and present an undifferentiated opposition to the boys who are deprived of them. There are no further grades into which a set as a whole advances. The Nuer age-sets do not pass out of the grade of warriors into the grade of elders as these grades are not clearly defined among the Nuer. A man, as explained above, ceases to fight when he considers himself too old for this sport and not because his set passes out of a warrior-grade. He marries when he is old enough to do so and when there are sufficient cattle to provide him with a bride, and not because his set passes into a grade of married elders. Instead of the three grades of the Masai system, Boy-grade, Warrior-grade, Elder-grade, there are properly only two Nuer grades, Boy-grade and Man-grade.

But though not graded the sets are stratified and have a traditional pattern of behaviour between one another so that membership of one set evokes a different pattern of behaviour from members of all the other sets. Thus, from the point of view of an individual Nuer, male society falls into three adult groupings: those whom you respect as seniors (associated with your fathers); those with whom you are on terms of intimacy (associated with your brothers); those who owe respect to you (associated with your sons). These patterns of authority, submissiveness and egality, are the only three possible patterns of behaviour between

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER I

INTEREST IN CATTLE

I

•233 [241] A PEOPLE whose material culture is as simple as that of the Nuer are highly dependent on their environment. They are pre-eminently pastoral, though they grow more millet and maize than is commonly supposed. Some tribes cultivate more and some less, according to conditions of soil and surface water and their wealth in cattle, but all alike regard horticulture as toil forced on them by poverty of stock, for at heart they are herdsmen, and the only labour in which they delight is care of cattle. They not only depend on cattle for many of life's necessities but they have the herdsman's outlook on the world. Cattle are their dearest possession and they gladly risk their lives to defend their herds or to pillage those of their neighbours. Most of their social activities concern cattle and *cherchez la vache* is the best advice that can be given to those who desire to understand Nuer behaviour.[1]

The attitude of Nuer towards, and their relations with, neighbouring peoples are influenced by their love of cattle and their desire to acquire them. They have profound contempt for peoples with few or no cattle, like the Anuak, while their wars against Dinka tribes have been directed to seizure of cattle and control of pastures. Each Nuer tribe and tribal section has its [423] own pastures and water-supplies, and political fission is closely related to distribution of these natural resources, ownership of which is generally expressed in terms of clans and lineages. Disputes between tribal sections are very often about cattle, and cattle are the compensation for loss of life and limb that is so frequently their outcome. Leopard-skin chiefs and prophets are arbiters in questions in which cattle are the issue, or ritual agents in situations demanding sacrifice of ox or ram. Another 233 ritual specialist is the *wut ghok*, the Man of the Cattle. Likewise, 561 in speaking of age-sets and age-grades we find ourselves des-

[1] Nuer interest in their cattle has been emphasized by early travellers in their country. *Vide* Marno, op. cit., p. 343; Werne, op. cit., p. 439; du Couret, op. cit., p. 82.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct 233 583 section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

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233 583 clearly pointed at marriage, when movements of cattle from kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

The importance of cattle in Nuer life and thought is further 233 553 exemplified in personal names. Men are frequently addressed by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

233 775 Since cattle are a Nuer's most cherished possession being an essential food-supply and the most important social asset, it is easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

233 183 We have seen in a brief survey of some Nuer institutions and customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

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times to despair that I never discussed anything with the young men but live stock and girls, and even the subject of girls led inevitably to that of cattle. Start on whatever subject I would, and approach it from whatever angle, we would soon be speaking of cows and oxen, heifers and steers, rams and sheep, he-goats and she-goats, calves and lambs and kids. I have already indicated that this obsession—for such it seems to an outsider—is due not only to the great economic value of cattle but also to the fact that they are links in numerous social relationships. Nuer tend to define all social processes and relationships in terms of cattle. Their social idiom is a bovine idiom.

Consequently he who lives among Nuer and wishes to understand their social life must first master a vocabulary referring to cattle and to the life of the herds. Such complicated discussions as those which take place in negotiations of marriage, in ritual situations, and in legal disputes can only be followed when one understands the difficult cattle-terminology of colours, ages, sexes, and so forth.

Important though horticultural and piscatorial pursuits are in Nuer economy, pastoral pursuits take precedence because cattle not only have nutritive utility but have a general social value in other respects. I have mentioned a few situations in which this value is manifested, but have not recorded every role of cattle in Nuer culture, for they are significant in many social processes, including some I have mentioned, which lie outside the limited scope of this book. It seemed necessary to give an introductory sketch on these lines in order that the reader might understand that Nuer devotion to the herdsman's art is inspired by a range of interests far wider than simple need for food, and why cattle are a dominant value in their lives. We shall ask later how this value is related to environmental conditions and how far the two, taken together, help us to explain some characteristics of Nuer political structure.

II

Before the present century Nuer were far richer in cattle than they are now and it is probable that they cultivated less millet. Their stock has been impaired by repeated outbreaks of rinderpest, which still decimate the herds. It was probably more

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233 destructive in the past than now, though the attacks I witnessed were severe; but in the past the warlike Nuer could always restore their losses by raiding Dinka. All Nuer agree that in the last generation their herds were more considerable and that the payments of bride-wealth and blood-wealth were forty, and sometimes fifty to sixty, head of cattle, whereas to-day the kinsmen of a bride do not expect to receive more than twenty to thirty. At the present time I would say, on a general impression, that the Nuer are far richer in stock than the Shilluk, but not so prosperous as the more favoured of the Dinka tribes.

It was difficult to make a census of cattle, even in a small area, and Nuer would certainly have regarded such an attempt with repugnance. On the few estimates made I would reckon an average of ten head of cattle and five goats and sheep to the byre. A byre of the ordinary size cannot hold more than a dozen or so adult kine. As there are some eight persons to a byre the cattle probably do not greatly exceed the human population. Cows predominate and probably compose about two-thirds of the herds. Many plates in this book show the appearance of Nuer cattle. Nuer say that a very large hump shows Beir origin and that very long horns are evidence of Dinka stock.

Some tribes are richer in cattle than others. Lou country is considered especially suitable for raising stock and is renowned for its large herds. The Eastern Jikany were once very rich in cattle, but their herds are still recovering from losses in epidemics that forced the people to cultivate more extensively. Cattle are everywhere evenly distributed. Hardly any one is entirely without them, and no one is very rich. Although cattle are a form of wealth that can be accumulated, a man never possesses many more beasts than his byre will hold, because as soon as his herd is large enough he, or one of his family, marries. The herd is thereby reduced to two or three beasts and the next few years are spent in repairing its losses. Every household goes through these alternating periods of poverty and comparative wealth. Marriages and epidemics prevent accumulation of cattle and no disparity in wealth offends the democratic sentiment of the people.

When we come to examine the Nuer political system we shall keep in mind that till recent years they have probably been

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more exclusively pastoral, and more nomadic, than at the present time, and that the dwindling of their herds may partly explain their persistent aggressiveness. 233

III

Although cattle have many uses they are chiefly useful for the milk they provide. Milk and millet (sorghum) are the staple foods of the Nuer. In some parts of their country, especially among the Lou, the millet supply seldom lasts the whole year, and when it is exhausted people are dependent on milk and fish. At such times a family may be sustained by the milk of a single cow. In all parts the millet crop is uncertain and more or less severe famines are frequent, during which people rely on fish, wild roots, fruits, and seeds, but mainly on the milk of their herds. Even when millet is plentiful it is seldom eaten alone, for without milk, whey, or liquid cheese, Nuer find it stodgy, unpalatable, and, especially for children, indigestible. They regard milk as essential for children, believing that they cannot be well and happy without it, and the needs of children are always the first to be satisfied even if, as happens in times of privation, their elders have to deny themselves. In Nuer eyes the happiest state is that in which a family possesses several lactating cows, for then the children are well-nourished and there is a surplus that can be devoted to cheese-making and to assisting kinsmen and entertaining guests. A household can generally obtain milk for its little children because a kinsman will lend them a lactating cow, or give them part of its milk, if they do not possess one. This kinship obligation is acknowledged by all and is generously fulfilled, because it is recognized that the needs of children are the concern of neighbours and relatives, and not of the parents alone. Occasionally, however, after an epidemic or, to a lesser degree, after two or three youths of the group have married, an entire hamlet, or even a whole village may experience scarcity. Sometimes, also, shortage is caused by a tendency for the cows of a village to cease lactating at about the same time. 234 262 [853]

Nuer value their cows according to the amount of milk they give and they know the merits of each in this respect. The calves of a good milch cow are more highly prized than the 234

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VI

233 In later chapters we shall describe how the needs of cattle, water, pasturage, protection from carnivorous beasts and biting insects, and so forth, are attended to, and show in what manner they determine human routine and affect social relations. Leaving these broader issues on one side, we ask here whether the Nuer, who are so reliant on their cattle and who value them so highly, are competent herdsmen. It is unnecessary to state that they give their beasts every attention that their knowledge allows, but it is pertinent to inquire whether their knowledge suffices. It was especially noted where Nuer practice is not in accord with the conventions of farming, and the reasons for the divergence were investigated. A few of the more evident difficulties and some general observations on Nuer husbandry are recorded below.

1. Since the cows are not brought back to the kraals at midday the smaller calves must go without nourishment for many hours each day. However, Capt. H. B. Williams, Director of the Sudan Veterinary Department, tells me that Nuer oxen have the reputation of being as good as any in the Sudan, so that their development as young calves cannot be seriously arrested. In the rains the cows are seldom milked before 9 to 10 a.m. and again at about 5 p.m., but in the dry season they may be taken to pasture as early as 8 a.m. and not return till about 5.30 p.m., so that they cannot suckle their calves for about ten hours. However, this long interval is not easily avoided, for in the dry season the grazing grounds are often distant and owing to lack of good pasturage the cattle require longer to feed than in the rains. In the rains it would be a simple matter to pasture the herd at daybreak and bring it home at midday, as many East African peoples do, for the cows to suckle their calves and chew the cud. But Nuer say that when the cattle come out of their hot smoky byres they like to rest a while in the kraal before going to pasture, and their lethargy, which contrasts with their eagerness to graze after a night in the open in dry season camps, seems to justify this statement. Nuer realize that the heat and smoke of byres are bad for the cattle, but they consider mosquitoes worse.

[p. 32 contains no textual material]

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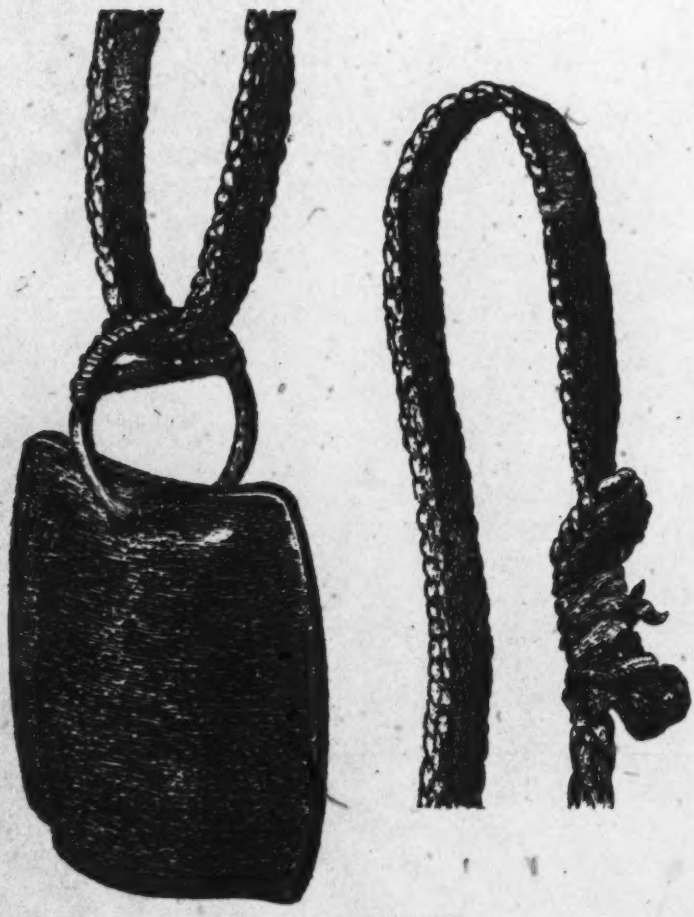

FIG. 4. Ox-bell and collar.

[p. 32]

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Also by waiting till the dew has evaporated they consider they lessen the risk of digestive troubles, for in the rains the ground is cold and damp till a late hour. A further reason for keeping the cattle late in the kraals is that if they are loosened early they soon graze to repletion and begin to wander in all directions, since they are not usually herded in the rains.

2. It at once strikes a European that the condition of drinking water at periods of the dry season leaves much to be desired, especially if he has to drink it himself. Sometimes the pools have almost dried up and contain foul, even slimy, water which men and cattle drink. I have wondered why they do not move sooner from these small pools, such as that shown on Plate XXI (*b*), around which they camp in the early drought, to the rivers and lakes where they make their final concentrations, but I do not distrust their judgement, for they are fully aware that dirty water is neither palatable to, nor good for, the cattle, and when circumstances permit they are at pains to ensure that they are supplied with clean water as often as they require it. In moving camp they have to take into account a number of desiderata: pasturage, fishing, the harvest of *Balanites aegyptiaca*, the second millet harvest, &c., besides conditions of water.

3. Unlike some East African peoples Nuer do not keep too many entire animals. If they err at all it is in keeping too few. On the limited observations made it was estimated that there is one adult bull to about thirty or forty adult cows. Nuer try to select as stud bulls the calves of their best milch cows so that they may breed good milch cows from them. They say that if they did not castrate most of the bull calves the cows would get no peace and there would be constant fighting in the kraals and commotion in the byres. A calf is not castrated till it is about eighteen months to two years old: 'When its dam has had another calf and a third is in its womb.' It is thrown, the scrotum is cut with a spear, and the testicles drawn out and severed. There is little loss of blood and the animal soon recovers. A calf may be castrated for sacrificial purposes at any time, but otherwise Nuer prefer to perform the operation in the dry season for there is less chance of inflammation than in the rains. Bulls are not discouraged from fighting unless they belong to the same herd, and fights are often cited in

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tradition as the cause of fission and migration of lineages. A very large number of steers and oxen are slaughtered in sacrifices.

4. Heifers are not served till their third year. Nuer know when a cow is on heat by its behaviour in the kraal: it is restless, lows, swishes its tail, sniffs at the vulvas of other cows, and tries to mount them. If a cow has mated in the grazing grounds—for bulls run with the herd—the first signs of pregnancy are said to be vulvar changes. If you ask Nuer when a cow which has been served at a certain time will calve they can at once, and accurately, tell you. They say that if a cow has had no serious illness it will bear about eight calves.

FIG. 5. Stuffed calf's head.

In my experience there is very slight mortality among calves. Nuer give them every attention. When a cow is seen to be about to calve for the first time its owner sits up with it all night, or accompanies it to pasture, to assist delivery. An experienced cow is left to drop its calf itself, but a man is usually present to assist if it is in trouble. He must be present if it calves in the bush, because the calf is too weak to follow its dam, which will stay with it, and they may become separated from the herd and fall a prey to wild beasts. If a calf dies in the womb Nuer try to remove it, and when it is necessary to turn it in the womb they perform this operation. If the afterbirth does not fall, or if the cow does not lick its calf, they administer medicines. When a calf dies they resort to various devices to persuade its dam to give milk. They stuff the head with straw (see Fig. 5), and rub some of the dam's urine on it; or, especially when a cow aborts, they stuff the whole calf, insert stumps of wood to act as legs, and place it in front of its dam and push its head against her teats, while they gently squeeze and pull them and a boy blows up the vagina.

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Nuer say that if a calf is only a day or two old and its dam dies it will also die, but once it knows the *cak tin bor*, 'the white milk' which follows the colostrum, it can be saved. It is fed by hand from a small gourd with a funnel mouth and efforts are made to get another cow in lactation to suckle it. Since Nuer believe, erroneously it seems, that it is dangerous for a calf to drink the discoloured milk at the top of the colostrum, they milk this off before allowing the calf to suck, and if by inadvertence it sucks first they administer a purgative. They regard it as more serious if there is any blood in the milk.

FIG. 6. Calf's weaning ring.

For the first three or four days a calf sucks all its dam's milk except the part drawn off. Then close kinsmen, who live near by, are summoned to eat porridge over which is poured the first milk taken for human consumption. At this ceremony the end hairs of the calf's tail are cut off and its owner spits on them and waves them over the back of the dam, for otherwise the calf will sicken because it resents people stealing its milk. Afterwards, however, they can still say, 'We do not yet share with its calf', for they take very little milk for the first fortnight in order to give it a chance to get strong and for its teeth to harden. When the calf is stronger they take more milk and they then say that the calf shares (*budh*) the milk with men. It continues to suck till its dam is again in calf and refuses it. Weaning devices are not as a rule employed, but if the dam suckles when it is pregnant and it is found impracticable to keep it apart from its calf in the pastures they place a ring of thorns round the calf's muzzle (Fig. 6), which allows it to graze but prevents it from sucking, for the thorns prick the dam's udder and she kicks it aside. It will be seen from this account how Nuer solve the herdsman's problem of making cows provide for their masters without depriving their calves of essential nourishment.

Small calves, after the adult herd has gone to the grazing grounds, are housed till the late afternoon in byres in wet-season villages, and tethered in the shade of a tree in dry-season camps.

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They are watered during the afternoon, and boys bring them grasses, especially *poon* (*Oryza Barthii*), which is very fattening. They begin to go to pasture with the older calves, under the care of herdboys, in about their third month and are kept apart from their dams by being driven in the opposite direction to that taken earlier in the day by the adult herd. They run with the herd when they are about a year old, by which time their dams are again in calf.

We shall have opportunities for noting further the attention Nuer give to their cattle and the wisdom of their methods. I have merely given in this section a few examples to illustrate a general conclusion reached in the course of my study: that Nuer cattle husbandry could not in any important particular be improved in their present oecological relations; that, consequently, more knowledge than they possess would in no way assist them; and that, as will be shown, were it not for their unceasing vigilance and care the cattle would not survive the harsh conditions of their environment.

VII

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It has been remarked that the Nuer might be called parasites of the cow, but it might be said with equal force that the cow is a parasite of the Nuer, whose lives are spent in ensuring its welfare. They build byres, kindle fires, and clean kraals for its comfort; move from villages to camps, from camp to camp, and from camps back to villages, for its health; defy wild beasts for its protection; and fashion ornaments for its adornment. It lives its gentle, indolent, sluggish life thanks to the Nuer's devotion. In truth the relationship is symbiotic: cattle and men sustain life by their reciprocal services to one another. In this intimate symbiotic relationship men and beasts form a single community of the closest kind. In a few paragraphs I direct attention to this intimacy.

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The men wake about dawn at camp in the midst of their cattle and sit contentedly watching them till milking is finished. They then either take them to pasture and spend the day watching them graze, driving them to water, composing songs about them, and bringing them back to camp, or they remain in the kraal to drink their milk, make tethering-cords and ornaments

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181 233 542 [515]

for them, water and in other ways care for their calves, clean their kraal, and dry their dung for fuel. Nuer wash their hands and faces in the urine of the cattle, especially when cows urinate during milking, drink their milk and blood, and sleep on their hides by the side of their smouldering dung. They cover their bodies, dress their hair, and clean their teeth with the ashes of cattle dung, and eat their food with spoons made from their horns. When the cattle return in the evening they tether each beast to its peg with cords made from the skins of their dead companions and sit in the windscreens to contemplate them and to watch them being milked. A man knows each animal of his herd and of the herds of his neighbours and kinsmen: its colour, the shape of its horns, its peculiarities, the number of its teats, the amount of milk it gives, its history, its ancestry and its progeny. Miss Soule tells me that most Nuer know the points of the dam and grand-dam of a beast and that some know the points of its forebears up to five generations of ascent. A Nuer knows the habits of all his oxen, how one bellows in the evenings, how another likes to lead the herd on its return to camp, and how another tosses its head more than the rest are wont to do. He knows which cows are restless during milking, which are troublesome with their calves, which like to drink on the way to pasture, and so forth.

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If he is a young man he gets a boy to lead his favourite ox, after which he takes his name, round the camp in the morning and leaps and sings behind it; and often at night he walks among the cattle ringing an ox-bell and singing the praises of his kinsmen, his sweethearts, and his oxen. When his ox comes home in the evening he pets it, rubs ashes on its back, removes ticks from its belly and scrotum, and picks adherent dung from its anus. He tethers it in front of his windscreen so that he can see it if he wakes, for no sight so fills a Nuer with contentment and pride as his oxen. The more he can display the happier he is, and to make them more attractive he decorates their horns with long tassels, which he can admire as they toss their heads and shake them on their return to camp, and their necks with bells, which tinkle in the pastures. Even the bull calves are adorned by their boy-owners with wooden beads and bells (Fig. 13). The horns of young bulls, destined to be

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233 181 castrated later, are generally cut so that they will grow in a shape that pleases their masters. The operation, called *ngat*, is probably performed towards the end of their first year and usually takes place in the dry season, as it is said that a steer may die if its horns are cut in the rains. The animal is thrown and held down while its horns are cut through obliquely with a spear. They grow against the cut. The beasts appear to suffer much pain during the operation and I have sometimes heard Nuer compare their ordeal to the initiation of youths into manhood.

When a Nuer mentions an ox his habitual moroseness leaves him and he speaks with enthusiasm, throwing up his arms to show you how its horns are trained. 'I have a fine ox', he says, 'a brindled ox with a large white splash on its back and with one horn trained over its muzzle'—and up go his hands, one above his head and the other bent at the elbow across his face. In singing and dancing they call out the names of their oxen and hold their arms in imitation of their horns.

233 181 854 The attitude towards cattle varies with varying situations in social life and with changes in social development. As soon as children can crawl they are brought into close intimacy with the flocks and herds. The kraal is their playground and they are generally smeared with dung in which they roll and tumble. The calves and sheep and goats are their companions in play and they pull them about and sprawl in the midst of them. Their feelings about the animals are probably dominated by desire for food, for the cows, ewes, and she-goats directly satisfy their hunger, often suckling them. As soon as a baby can drink animal's milk its mother carries it to the sheep and goats and gives it warm milk to drink straight from the udders.

233 181 857 868 The games of rather older children of both sexes centre round cattle. They build byres of sand in camps and of moistened ashes or mud in villages, and fill the toy kraals with fine mud cows and oxen (Fig. 7), with which they play at herding and marriage. The first tasks of childhood concern cattle. Very small children hold the sheep and goats while their mothers milk them, and when their mothers milk the cows they carry the gourds and pull the calves away from the udders and tether them in front of their dams. They collect urine in gourds and

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wash themselves in it. When they are a little older and stronger they have to clean the byres and kraals, assist in the milking, and herd the small calves and the sheep and goats at pasture.

FIG. 7. Mud figures of oxen decorated with tassels.

Food and play contacts with the cattle have changed to labour contacts. At this age the interests of the sexes in cattle begin to diverge and the divergence becomes more apparent as they grow up. The labour of girls and women is restricted to the byres and the kraals and is concerned mostly with the cows, while boys herd the calves at pasture, as well as assisting in the kraal,

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181 and after initiation they herd the adult cattle and in the kraal
233 give their attention mainly to the oxen. The women are
462 dairy-maids; the men herdsmen. Moreover, to a girl the cows are essentially providers of milk and cheese and they remain such when she grows up and is married and milks and churns for her husband's people, whereas to a boy they are part of the [421] family herd in which he has property rights. They have entered the herd on the marriage of his kinswomen and one day he will marry with them. A girl is separated from the herd on marriage; a boy remains as its owner. When a boy becomes a youth and is initiated into manhood the cattle become something more than food and the cause of labour. They are also a means of display and marriage. It is only when a man marries and has children and an independent household and herd, when he has become an elder and man of position, that he often uses cattle as sacrifices, invests them with a sacred significance, and employs them in ritual.

181 The Nuer and his herd form a corporate community with solidarity of interests, to serve which the lives of both are
233 adjusted, and their symbiotic relationship is one of close physical contact. The cattle are docile and readily respond to human care and guidance. No high barriers of culture divide men from beasts in their common home, but the stark nakedness of Nuer amid their cattle and the intimacy of their contact with them present a classic picture of savagery. I ask the reader to look at some of the illustrations, for example the Frontispiece and Plates III, V, and XVII, which will convey to him better than I can do in words the crudity of kraal life.

Cattle are not only an object of absorbing interest to Nuer, having great economic utility and social value, but they live in the closest possible association with them. Moreover, irrespective of use, they are in themselves a cultural end, and the mere possession of, and proximity to, them gives a man his heart's desire. On them are concentrated his immediate interests and his farthest ambitions. More than anything else they determine his daily actions and dominate his attention. We have remarked on the over-emphasis on cattle produced by their wide range of social and economic uses. So many physical, psychological, and social requirements can be satisfied from

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this one source that Nuer attention, instead of being diffused in a variety of directions, tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity with themselves. We will now examine briefly some linguistic material wherein we shall perceive further evidence of this hypertrophy of a single interest and of the identification of men with cattle to which I have alluded.

VIII

Linguistic profusion in particular departments of life is one of the signs by which one quickly judges the direction and strength of a people's interests. It is for that reason, rather than for its intrinsic importance, that we draw the reader's attention to the volume and variety of the Nuer cattle vocabulary. Like all the pastoral Nilotes they use an enormous number of words and phrases about cattle and the tasks of herding and dairy-work, and from this vast assortment we select for comment a single class: the terms by which they describe cattle, chiefly by reference to their colours.[1] These terms are more than a linguistic technique which enables Nuer to speak of cattle with precision in situations of practical husbandry and in the many social contexts in which they figure, for they establish associations on the one hand between wild creatures and cattle and on the other hand between cattle and their masters; they furnish certain ritual categories; and they greatly enrich the language of poetry.

In naming a Nuer cow one has to notice its colours and the way in which they are distributed on its body. When it is not of one colour the distribution of colours is the significant character by which one names it. There are ten principal colour terms: white (*bor*), black (*car*), brown (*lual*), chestnut (*dol*), tawny (*yan*), mouse-grey (*lou*), bay (*thiang*), sandy-grey (*lith*), blue and strawberry roan (*yil*), and chocolate (*guir*). When a cow is of a single colour it is described by one of these terms. An animal may combine two or more colours, but a combination of more than two, known as *cuany*, is very rare. Normally there is a combination of white with one other colour and twelve common distributions of this com-

[1] I have recorded some information on this neglected subject among a neighbouring people in 'Imagery in Ngok Dinka Cattle-Names', *Bulletin of the School of Oriental Studies*, 1934.

[pp. 42-43 contain no textual material]

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Here we make only two observations of a more general order. (1) Although the Nuer have a mixed pastoral-horticultural economy their country is more suitable for cattle husbandry than for horticulture, so that the environmental bias coincides with the bias of their interest and does not encourage a change in the balance in favour of horticulture. If it were not for rinderpest—a recent introduction—it might be possible to live a purely pastoral life, but, as we shall see later, a purely horticultural life would be precarious. (2) Nuer cannot, except in a few favoured spots, live in one place throughout the year. The floods drive them and their herds to seek the protection of higher ground. Absence of water and pasture on this higher ground compels them to move during the drought. Hence their life is of necessity migratory, or, more strictly, transhumant. A further reason that urges them to change their abode according to the seasons is their inability at the present time to subsist solely on the products of their cattle. A milk and meat diet has to be supplemented by grain and fish; and whereas the most suitable place for cultivation of millet is inland, on the edge of slightly elevated ground, fish are found in rivers which are generally distant from these elevated stretches.

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II

Excess or insufficiency of water is the first problem that faces Nuer. It is essential that cattle should be protected from the water that covers the country in the rains, for they quickly get diseases of the hoof if they have to stand in water for long periods. Village sites are selected on the only spots affording such protection to man and beast: patches of slightly higher ground. When the rains have ceased water supplies near villages are soon exhausted, because, naturally, the highest and driest sites have been selected for building, and it becomes necessary to move to pools, lakes, lagoons, marshes, and rivers. Owing to the vast rivers that traverse Nuerland and the thorough irrigation they give to the country through a network of channels there is seldom difficulty about finding surface water, though people may have to go far to obtain it. Only in parts of Lou, Gaawar, and Eastern Jikany, as far as is known, are they regularly forced to dig wells in the beds of streams at the height of the

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[p. 58 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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drought. Twenty years ago this was probably more customary among the Lou than to-day, for they had not then the undisputed access to open water that most sections now enjoy. The wells, which have to be redug each year, are two to three feet in diameter and twenty to thirty feet in depth, and their excavation takes two or three days of hard labour. The water, about a foot deep, is clean and fresh and the wells are frequently cleaned out, steps being cut in the walls for this purpose (Plate XV (*b*)). Each household has its own well which is surrounded by shallow mud troughs where the cattle are watered three times daily. Considerable labour is required to draw water for them and much attention is devoted to prevent it from being fouled by sheep and goats, which have their special troughs. Fights sometimes break out over these troughs. 233 221 312

The problem of water is closely related to that of vegetation. In their seasonal movements Nuer seek pasturage as well as drinking-water and they take the cattle to where they know that both can be obtained. When herdsmen drive the cattle from camp to grazing grounds they do not guide them haphazardly across the plain, but with purpose towards stretches of succulent grasses. It is probable, too, that not only are daily and seasonal movements influenced by distribution of grasses, but also that the direction of Nuer expansion has been controlled by their habitat. Nuer claim that they have not overrun the country of the Ngok Dinka because it is poor pasture land and that they are little interested in the Shilluk kingdom for the same reason. [721]

The early rains are the season of fatness, for then the grasses germinate, or renew their growth after the long drought, and the cattle can graze on the young shoots to their content. As the rains advance, grazing becomes more difficult, the ground being flooded and the vegetation rank, and in years of high water may be a serious problem. The cattle have to rely on the short grasses that prevail on village ridges: a further reason that compels Nuer to occupy these sites in the rains. When rain ceases, the overcropped grasses on these ridges soon wither, while the rank grasses of the plains impede the movements of the herds and no longer provide good grazing. Therefore Nuer hasten to burn them as soon as they are dry, since some species

[p. 60 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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send up new shoots a few days after being fired—probably those that have roots long enough to tap water held up in the clay beds and a clump formation that protects the core of the plants from the flames. If it were not for this habit cattle could not survive, at any rate inland, during a dry year. When the grasses have been fired cattle can wander as they please, being no longer frustrated by surface water and rank growth, and satisfy their appetites on the new shoots. As water becomes scarcer and grazing poorer Nuer fall back on permanent water where they make large camps and the cattle can graze on marsh plants that abound in numberless depressions and make good milk. In May, when the new rains set in, they are able to return to their villages. The few cattle Nuer possess, the vast spaces they can exploit, and their nomadic existence ensure that there is nowhere serious overgrazing.

Variation of water-supplies and vegetation thus forces Nuer to move and determines the direction of their movements. In a later section we shall see that fishing is another important consideration in these movements. In late November or early December the youths and some of the girls take the cattle from the villages to camps, generally some miles away, leaving the older people to harvest the second millet crop and repair huts and byres. Usually a few lactating cows are left behind to provide milk for the small children. These early camps (*wec jiom*) are made near pools in a place where the grasses have previously been fired. In Lou country they are often made in thornwood forest, where *Balanites aegyptiaca* is abundant, but in many parts of Nuerland, especially to the west of the Nile, they are formed on stream banks for fishing. When the second harvest has been reaped the cattle are brought back to the villages to eat the millet stalks, if they are near enough. As pools dry up, pasturage is exhausted, or fishing becomes poor, the youths make new camps, where they are joined by the married people, and they may move camp several times before settling in their final camping grounds (*wec mai*) at the side of lakes or rivers in January and February. The early camps are small, being manned by a few kinsmen, but they tend to get larger as the season advances and water becomes scarcer, and the final camps may contain several hundred persons.

J: Evans-Pritchard E-5 (1931, 1936) 1940
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The dry season movements of the Lou, the Eastern Jikany, and the Zeraf River tribes are shown on the sketch-maps accompanying this section. Of the Sobat tribes, the Lou stay inland as long as they can and in a wet year may remain inland throughout the dry season, falling back on the deeper pools, some large enough to be called lakes, e.g. Muot tot, Muot dit, Fading, Fadoi, Gwong-gwong, Yollei, Tepjor, and Nyerol. If forced to leave them the Gun primary section moves north to the Sobat and south-west to the flooded plains of the Bahr el Zeraf in the country of the Twic Dinka, and the Mor primary section moves north-east to the Nyanding river and east to the Geni and Pibor. In the old days fighting frequently occurred if the Lou moved to these camping sites, because the Banks of the Sobat were in the hands of the Balak Dinka while their occupation of the Geni and Pibor was disputed by the Anuak and Beir and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding do not belong to the Lou, but to the Gaajok. Therefore they probably only moved to these sites when absolutely necessary.

[721]

The Eastern Jikany have not so much need to move as have the Lou. Nevertheless they all fall back on rivers or marshes before the drought is far advanced. The three primary sections of the Gaajok move as follows: the Laang concentrate on the Sobat, the Wangkac move south-east to the banks of the Pibor and Gila, and the Yol either camp near the junction of the Wokau and Sobat or northwards along the edges of the Machar swamp. The Gaagwang move to the western end of Khor Makwai. The Gaajak primary sections move as follows: the northern Thiang sections (Kang and Lony) go to the Daga river while the southern Thiang section (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei, mainly in Ethiopia.

The three Zeraf river tribes fall back on the Bahr el Jebel and the Bahr el Zeraf and streams flowing into these two rivers, as shown in Mr. Lewis's sketch. The Gaawar who live on the left bank of the Zeraf can build their villages on high ground near that river and do not have to move far in the drought.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual primary section of the Leek tribe mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac, all of which link up with the Bahr el Ghazal. The Dok camp near pools in the beds of inland streams. The Western Jikany move to the Jikany marshes at the edge of the Bahr el Ghazal. Without giving

[See pp 50, 58, 60 — analyst]

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further details, which, indeed, I could not furnish, about the disposition of the Western Nuer in the dry season, it may be said that they travel very much less than most of the Eastern Nuer tribes, especially the Lou.

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Different villages and sections tend to move about the same time and to visit the same pools each year, though time and place and, to some extent, degree of concentration vary according to climatic conditions. Usually, however, the main dry season camps are formed yearly at the same spots. When the rains commence in May the older people return to the villages to prepare the ground for sowing and they are joined there in June by the youths and girls, who bring the cattle with them. When the younger people return the whole camp is broken up on the same day, and the cattle are driven to their village with as few halts as possible. The move from villages to camps, on the contrary, is less concerted and abrupt. The younger members of two or three families form a small camp, after the firing of the grasses in November, when and where they please. Several days later they may be joined by other people from the same village, or these may form a separate camp. There is still water and some grazing on the village sites and there is still work to be accomplished in gardens and homesteads. Thus, while camps change into villages overnight, villages change into camps more slowly. By the height of the drought every one is in camp and the villages are silent and deserted.

The year thus consists of a period in villages and a period in camps, and the camp period is divided into the early part of the dry season when the younger people move from small camp to small camp and the latter part of the dry season when every one is concentrated in large camps round permanent water which they do not leave till they return to their villages.

III

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Nuer are forced into villages for protection against floods and mosquitoes and to engage in horticulture, and are forced out of villages into camps by drought and barrenness of vegetation and to engage in fishing. I describe these villages and camps very shortly.

Some tribes are better off for sites than others. The Lou

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PLATE XXIII

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a. Section of camp kraal (Lou)

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b. Sobat river in the dry season (Lou)

[Face p. 216]

2:Evans-Pritchard E-5 (1931,1936) 1951
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KINSHIP AND THE LOCAL COMMUNITY

361 The Nuer speak of a man's homestead as his *gol*, the primary meaning of which word is the heap of smouldering cattle-dung in the centre of a byre and the hearth around it. In its narrowest social use the word means family, the occupants of the homestead, and it may also therefore have the further sense of household, since there may be other persons living there than members of the owner's family who count nevertheless, as we would say, as members of the family. Frequently the byres and huts of two or three families, the heads of which are commonly brothers or a man and his married sons, are grouped around a common kraal so that we may then speak of a composite homestead; or several homesteads, owned generally by close kin, are adjacent to one another and form distinct clusters which we may call hamlets. Nuer speak of a composite homestead as the *gol* of so-and-so, naming its senior member, although they also refer to each of its component homesteads as the *gol* of its particular owner. They may use the same word to describe what I have called a hamlet, though a cluster of this kind with the land around it is also designated by the word *dhor*, combined with the name either of its senior member, as *dhor* Nyang, the hamlet of Nyang, or of some natural feature, as *dhor ngop*, the hamlet of the wild fig-tree. In its widest connotation *gol* may have the sense of 'lineage', when a lineage is thought of as a residential group. The word *cieng*, which has the general sense of 'home', may be employed to describe a residential group of any size, from single homestead to large tribal division. It is usually coupled with the name of a lineage when it refers to local groups of any size.

When Nuer leave their villages in the dry season they collect, often after temporary dispersal, in large waterside camps. There is then greater solidarity, both spatial and moral, than in the rains. The community of a camp is crowded together in grass windscreens and little grass beehive huts, and the herds which in the rains are tethered in separate kraals are now tethered in the same [233] kraal or in adjacent kraals. In the rains, when water is abundant and pasturage near at hand, the cattle are either not herded at all or each family, or a group of adjacent families, herds its own; but in the dry season, when conditions are different, the cattle of a camp are watered and pastured together and the different families 221 take it in turn to provide herdsmen. Activities performed of necessity, or by preference in parties—hunting, fishing, and collecting—

2:Evans-Pritchard E-5 (1931,1936) 1951
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wife's family in view of the fact that the man who has married 591
their daughter has joined their community and is bringing up his children as members of it. They may even give him some of their own cattle to help him build up a herd. The second fact to be taken [603]
into consideration is the Nuer custom, for various reasons not always observed, by which the eldest child of a marriage is brought up by his, or her, maternal grandparents. A child brought up in his maternal kinsmen's village naturally feels that in some respects it, and not his paternal kinsmen's village, is his home.

Cattle are a powerful element, often the deciding consideration, 591
especially in the minds of unadopted Dinka captives or immi- 233
grants, in a man's choice of residence. A Nuer cannot live for long without cattle, and he who possesses none must attach himself to the byre and herd of some kinsman. Men with only a few beasts also sometimes find it a convenience to tether them in the byre of a kinsman rather than build a byre of their own. One often finds that the reason a man decides to live with one of his maternal kin, with a paternal aunt, with one of his affinal kin, or with the family of a widow-concubine, is that he knows that the person he intends to reside with will allow him to be a member of the household, will give shelter to his animals if he has any, and will help him to start a herd if he lacks cattle entirely; whereas his paternal kinsmen are unable or unwilling to do so, or, in the case of many Dinka, are altogether absent.

As a further conclusion, I remark again that the drawing 621
together by, and into, the lineage system of the many different strands of kinship (and affinity) which compose the network of social ties in each local community gives the community its unitary character and fixes its position in tribal structure. The points at which they are drawn together are the 'bulls' of the kinship clusters, and especially the tribal 'bulls', those men who are persons not only of age, wealth, and character, but also members of the dominant clan of the tribe—tribal aristocrats. These tribal 'bulls' are the centres of clusters of kin, but they are also agnates, and each has in relation to the others a structural position in the lineage system of the dominant clan. Through them, therefore, all the tribesmen are attached to the dominant clan of the tribe and all the local communities are assimilated to the highly consistent structure of its segments, in which they are conceptualized. It is

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man marries the woman and not the woman the man: one can say "Duob has married Nyaluak" or "Nyaluak has been married by Duob", but one cannot say that Nyaluak has married Duob. It is understood that the woman was *kuen ka ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *kuen* them (*be guanlen yang kene doude kuen*, the paternal uncle will receive a cow and a calf) and they are said to be *kuen* by the cattle (*baa deman kuen e thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok kwin nyal*, the cattle of marrying a girl.

But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book on the Nuer,[8] many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

[8] *The Nuer*, 1940, Chap. 1.

[P. 181 b]

6: Evans-Pritchard E-5 (1931, 1936)1938
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823 104 *tap*. A big open river is generally called *kir e.g.* the Bahr el Jebel and theSobat but a river may have its proper name, *e.g.* the Bahr el Ghazal is called Naam. Smaller rivers or streams are denoted by the word *yir*. A marshy depression inland is called *wang* and a big lagoon running out of one of one of the main rivers is called *bar*. A marshy depression running parallel to a river bank is called *tor*. *Toc* are extensive swamps which form the flood plains of rivers.

VIII

311 From my description of their country it will be seen that the Nuer are faced with problems which daunt men better equipped than them. For they are so poor that they have little but their courage and their knowledge to master a harsh environment. Nuer have to consider how to protect and pasture their cattle and also how to grow maze and millet, for they practise both cattle husbandry and hoe-culture and have to take the requirements of both into account. As gardeners their difficulties only arise in the rains for in the dry season nothing will grow in the waterless wastes. As herdsmen there are problems to be solved at all seasons. Gardening will be described later. Here we may consider how Nuer ensure the welfare of their herds by adapting their life to the seasons.

•233 361 243 Excess or insufficiency of water is their first problem. It is essential that men and cattle should be protected from the water which covers most of the country in the rains. Cattle get diseases of the hooves and die if they have to stand in water. Protection is given to man and beast by building huts and byres on higher ground. In selecting a village site two considerations must be borne in mind. Firstly there must be a sloping ridge off which rain-water can run to the plain below and this ridge must be broad enough to allow huts and byres to be built and for the cattle to be tethered in the kraals outside the byres. Preferably it should also be broad and long enough to allow the flocks and herds to pasture without having to descend into the inundated plains to graze among the tall rank grasses. Secondly there must be land on one side of the ridge suitable for cultivations, *i.e.*, land which will retain sufficient water for the millet to grow

6: Evans-Pritchard E-5 (1931, 1936)1938
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but not enough to drown it altogether. The ideal arrangement, which I have often observed among the Western Nuer, is to build on the edge of a whale-backed ridge with the huts and byres facing the broad back of the ridge. This ensures that the cattle will have dry kraals and also permits them to graze on the short grasses of the ridge. At the back of the huts and byres on slightly lower ground are the gardens. These must be on lower ground because the ridge itself is usually sandy and, where occupied, has a hard trodden floor of ashes and debris and is therefore unsuitable for cultivation of millet. They must also be at the back of the huts and byres so that the cattle can move freely to and from their kraals without invading the standing millet. To prevent this happening people erect a thornwood fence between the kraals and the gardens and extend it along both sides of the kraal, so that only the side opening on to the ridge is left unfenced. In Western Nuerland I have seen low mud dykes erected between the flooded plain and the approach to the ridge. These are to prevent the water encroaching too far in years of high flood.

I have sometimes wondered why Nuer so often build their villages on shadeless ridges in the middle of a treeless plain when it would be possible to build in some of the stretches of thornwood or palm forest that one finds here and there in their country. I have often noticed villages built in the open when shady spots are to be found a few hundred yards away. But Nuer can give good reasons for keeping to their dreary sites exposed to the fierce tropical sun and the bitter north wind. In the open their animals are safer from wild beasts; they are less worried by insect pests, and their kraals soon dry after rain. It would appear also that thornwood forest is less suitable for cultivation of millet than more open country. Nevertheless Nuer sometimes build in open forest. I have seen forest villages in parts of Lou and Eastern Gaajok country. The Eastern Gaajok villages, which I have not visited, are mainly in forest country.

Most of these ridges and knolls have probably been occupied for a very long period of time, perhaps long before the Nuer lived in their present home. In digging graves Nuer have found pots and cooking

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361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342 *ieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
•233] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
However, ownership is mainly a matter of sentiment, based on long
602 association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyuoc*, or high river-flood, their ridges remain dry

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whereas in a similar year Eastern Gaajok country is under water and 361
cattle have to be sent into Lou country while the men fish from trees. Lou are very scornful of Eastern Jikany village sites. I once asked Wicthiel, who now lives at Mancom in Jikany country, whether he could call his present home a *gwaadh wec* (village site) and he replied "Well, it is what the Jikany call a *gwaagh wec*, but it is not what we consider a *gwaadh wec* in our own country (Lou). They just build their villages in the forest anyhow." Huts built [342]
on piles, such as one sees in parts of Dinkaland, are unknown in Nuerland.

Water is as scarce in the dry season as it is excessive in the wet 233
season. About the beginning of December, therefore, the young 221
men and some of the girls take most of the cattle to camps some miles from the villages and leave the rest of the women and the married men to harvest the second millet crop and repair huts and byres. A few lactating cows are left in the village to provide milk for the small children. The cattle are taken to camps partly to give them clean water and partly to pasture them. The grasses are burnt [311]
and some species spring up again a few days after they are fired. This is a good time for the cattle because they can move freely, the tall grasses which impeded them in the rains having been burnt, and because they can graze to their hearts' content on the tender young shoots.

Local conditions determine the time of leaving the village. In 361
1936 the first youths to take their cattle into camp from the village 221
of Nyueny moved on November 13th, at the beginning of the Nuer month of *Kur*. This is much earlier than is usual for most villages and was due to lack of clean water at Nyueny and over-grazing of the pastures in the vicinity. The country around the village was all under water in the middle of October but was parched a month later. Most people do not move till the end of the month of *Kur* or the beginning of the month of *Tiop indit* (about the middle of December).

In Lou country the first camps are often made in thornwood forests near deep pools, but in parts of Nuerland, especially in the

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West, they are often made by streams for fishing. When the second harvest is reaped the cattle are brought back to the village to eat the millet stalks, if the camps are near. As pools dry up, or pasturage is exhausted, or the fishing becomes poor, the young men make new camps and several intermediate camps may be made before they move to their large annual camping grounds at the side of lakes or marshes or on river banks. The early camps are often small, being manned by a few kinsmen but tend to get larger as the season continues and water becomes scarcer. The final camps may contain several hundred persons. By the middle of January the villages in the Lou country are deserted but in areas more favoured with water supplies, for example in Lek country, some of the older people may still be in the villages in the middle of February.

The Lou people stay inland as long as they can and in a wet year may remain inland throughout the dry season. They fall back on the deeper pools, some large enough to be called lakes, which hold up the water in a stream or depression, *e.g.*, at Muŏt tŏt, Muot dit, Fading, Fadoi, Gwonggwong, Yollei, Tepjor and Nyerol. These pools supply them with abundant fish. If forced to leave them the Gun major tribal section moves north to the Sobat and south-west to the flooded plain of the Bahr el Zeraf in the country of the Twic Dinka (*toc Twini*) and the Mor major tribal section moves northeast to the Nyanding river or East to the Geni and Pibor rivers.

[721] In the old days fighting frequently occurred if the Lou moved to these camping sites because the banks of the Sobat belonged to the Balak people, while occupation of the Geni and Pibor brought them into contact with the Beir and Anuak peoples, and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding river do not belong to the Lou for the Gaajok have their villages along it and have fishing rights in its pools.

The Madjok villagers with whom I camped for several months at Yakwac in 1931 had moved to Pul Telä for an intermediate camp early in December and had reached Yakwac about the middle of

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the surface, the sand being deposited a little way from the mouth of the well. Steps are hollowed out on the opposite sides of the walls at intervals of about two feet. 312 332

When water is reached a thick coil of grass tied with twine is lowered to the worker at the bottom and he places it round the sides of the well from the basis to two or three feet up the walls. This is done to prevent sand from falling from the walls into the water. The water is about a foot deep and is clear and fresh.

The work of digging a well takes two or three days. Each *gol*, household, has its own well and each well is surrounded by several circular troughs. A trough (*pany*) is fashioned from the mud excavated from the well. It is about four feet in diameter having a wall a foot high. The wall and floor are pounded hard with a cow's horn, or a bone, to make the trough water-tight, and they are then coated with a layer of sand to keep the water clean and make it attractive to the cattle.

Watering cattle from wells is an unceasing labour. Cattle drink from the troughs as soon as they are loosened in the morning; they return from grazing at midday for another drink, and are watered a third time in the evening before being tethered. Therefore three times a day the troughs have to be filled by the slow process of drawing gourdfuls of water from the well, the gourds being weighted and let down with a cord, and of carrying them to the troughs. Men work late at night to fill the troughs for the morning drink and a large part of the mornings and afternoons are spent in preparing for the midday and evening drinks. 312 233.

To avoid confusion a man generally loosens a few of his cattle at a time so that they can drink their fill and then give place to others. While they are drinking their masters squat by the side of the trough to prevent any beast from putting its feet in the water and fouling it and to see that it does not damage the walls of the trough. If a cow puts its hoof on the wall or in the water he gives it a sharp rap on the leg with his club. The animals soon understand this rule and meekly circle round the trough, or kneel at the edge of the wall, to

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312 drink. Each beast also soon gets to know its special trough and
233 when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muöt töt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep
[681 593] and goats belonging to another household to drink the water drawn for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side.
[515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

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cleans it out, and rearranges the grass coil around the sides. The discoloured water is then drawn out in gourdfuls and thrown away. They continue drawing the water till they are satisfied that the well is clean again. Every day the walls of the trough receive a fresh coating of sand and are thus kept smooth and clean. All the work falls to the men and boys. Men, assisted by the bigger boys, dig the wells and make the troughs and draw the water. The smaller boys guard the water. Women and girls only draw water for household purposes. 312 312 462

There were dozens of wells at Yik, the bed of the river having been bored every few yards. As each well supplied two or three troughs the ground was covered with shiny pools. 312

X.

Water is the primary problem of the herdsman's life in Nuerland. A secondary problem, for it arises from excess or insufficiency of water, is pasturage. In their seasonal movements Nuer are not only seeking water but also nourishing grasses and when herdsmen take the cattle from camp to their grazing grounds they do not guide them haphazardly across the plain but drive them to where they know of succulent grasses. The best pastures are often far from camp and the cattle have to be milked early so that they may have time to graze, drink water, chew the cud, and graze again before returning to camp. It is necessary to herd the cattle in the dry season, but Nuer say that it is better to do so at all times of the year though they do not always act accordingly. When I brought one of my cows from Yakwac to Mancom early in the rains it was noticeably thinner than the Mancom cattle. The Mancom people said that the Yakwac cattle do not do so well as their own because the Yakwac people do not herd their cattle in the rains and take them to the best pastures but leave them to graze by themselves. Consequently they graze on the exhausted pasturage near the homesteads. At Mancom a man always accompanied the cattle and took them to the richest grasses. 233

Nuer are great authorities on grasses and know all about their habits and distributions. They never make a mistake in identifying 824 233

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824 233 those grasses which are *wal ghok*, cattle-grasses, and those plants which are eaten regularly by cattle, sheep, and goats or are used for veterinary purposes. One is only given names of plants with hesitation or given different names by different persons when they have no 824 particular value or use. One should not, however, bring leaves and flowers home and ask a Nuer for the names, for this confuses him, but he knows them at once when he sees them growing, as he would normally see them. Not the form of the plant alone but its form together with its habitat enable him quickly to identify it, for some plants are found in gardens, others on sandy ridges, others in the open plain, and others near streams.

824 It is probable that Nuer expansion has to a considerable degree been influenced by the distribution of pasture grasses. I am not 167 a botanist and can only record a few of the main grasses which are 137 found in both Western and Eastern Nuerland without being able to give their distribution in these latitudes. However, Nuer have told me that the reason they did not oust the Ngok Dinka from their enclave was that their pastures are not up to the grazing standards Nuer demand for their cattle. It has also been pointed out to me by Nuer that Shillukland is very poor in grazing grasses, a statement which seems to me, from a very slight acquaintance with Shilluk country, to be true.

137 There are some Nuer grasses the cattle like, some they will eat if 233 they are hungry, and some which they refuse at all times. The richness of pasture varies at different times of the year and in different places and it is these seasonal and local variations which determine Nuer annual, and daily, movements.

132 In the season of *Rwil*, the springtime of the year when the early 137 rains fall, all the grasses either send up new shoots or begin to grow again after several months of arrested growth. This is a season of 233 fatness for the cattle. All the pasture grasses are short and tender and they can choose the most luscious of them and graze on them to their hearts' content. In this time of plenty they nibble the heads of the grasses of which they are not greatly fond while they graze to the ground a favourite grass like *gau* (*Andropogon Gayanus Kunth*).

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But when the rainy season (*tōt*) is well advanced, grazing becomes more difficult, partly because the country is inundated and partly because some of the best grasses like *dut cieng nath* (*Echinochloa pyramidalis Hitchc. and Chase*) grow tall and rank and are no longer favoured by the cattle, though this particular grass which grows in the open plain and may, perhaps, be regarded as the characteristic grass of Western Nuerland, does not grow so coarse as many others and is the great stand-by of the cattle in a bad year. Other grasses which are eaten in the early rains but become too rank in the middle of the rains to appeal to the cattle are *dik* (*Sorghum dimidiatum stapf*), *dinding* (*Ischaemum brachyatherum Fenzl*), both grasses of the open plains, *yiu* (*Rottboellia exaltate L.f.*), which is found mainly away from streams and grows best on sandy ridges, and when full-grown is covered with spines on account of which it is also called *lep yang*, 'cow's tongue;' and *yuol* (*Pennitetum ramosum Schweinf.*) a grass of the open plains which has spiky heads that when it is full grown, run into the eyes of the cattle and make them sore so that they have to be bathed.

Therefore at the height of the rains, especially in a flood year, grazing is often a serious problem and cattle have to rely largely on the short grasses of the village ridges. This is where Lou country has an advantage over the Eastern Jikany districts and why many villages in Western Nuerland are so well placed. Such grasses are *jual jok* 'dog's tail' (*Setaria pallide-fusca Stapf and Hubbard*), and *bogh* (*Eriochloa nubica Hack. and Stapf.*), neither of which cattle relish, though *bogh* is eaten avidly by goats and sheep. Another ridge grass is *muōth* (*Cynodon Dactylon Pero.*). These grasses are supplemented by grasses of the open plains that grow at the foot of the ridges, particularly *dut cieng nath*, and have been beaten down by rain. In those parts of Nuerland which are not favoured by wide ridges the cattle may starve in a year of very high flood.

Early in the season of *jiom*, the windy season that succeeds the rains and is the first part of the dry season, the grasses dry up and seed. It is not a good time for the cattle since the tall grasses impede their movement, no longer provide succulent pasturage, and may

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shelter beasts of prey. Nuer hasten to burn them as soon as they are dry enough, usually in the latter part of November and in the early part of December. If they are fired too early they are only half burnt and though new shoots spring up the old charred stems remain standing.

Some grasses which cattle eat in the wet season fail to come up after firing till the following rains. Such are *wal* (or *dut*) *lony*, 'lion's grass' which grows in the open plains; an excellent grazing grass called *gogh* (*Brachiaria obtusiflora Stapf*). also of the open plains and favouring shallow depressions; *töl muoth*, also of the open plains and good pasture in the rainy season.

Other grasses send up tender young shoots a few days after they are burnt. Probably this is due to their long roots which tap water held up in the clay beds and it may be partly due also to their clump formation which protects the core of the plants from the flames. If it were not for the fact that some grasses send up new shoots after firing it would be difficult for the cattle to survive. It would, I think, be impossible for them to survive inland in a dry year. Some of the main grasses which come up again, though they do not grow till the next rains, are *twät* (*sporobolus pyramidalis Beauv.*), a grass found mainly near sandy ridges and not greatly favoured by the cattle; *ghol* (*Setaria sp.*) which also the cattle do not much care for; *rïëth* (*Setaria Lynesii Stapf and Hubbard*) a grass found mainly along shallow depressions; and *gau*. But the two grasses mainly to be depended on, and both much eaten by cattle, are *dut cieng nath* and a very tall grass, found near streams and pools, called *dut in lum* or *dut jaangni*. Some of the grasses which come up again grow near village sites and are therefore of little use because the cattle are in camps in the open plains, *e.g.*, *twät* and *ghöl*. It seems to depend to some extent on the amount of rainfall to what extent grasses send up shoots and in a very dry year grasses which would in a wet year send up shoots may not do so.

After the grasses have been burnt the cattle have a good time as they can wander as they please, being no longer impeded by surface

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water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng nath* may fail (it is said *ce tōr* or *ce juac tōr*).
Nuer then make for rivers, swamps, lagoons, and deep marshy [221]
depressions where they can always find enough vegetation to keep
the cattle alive. The chief marsh grasses are *poon* (*Onyza Barthi A. cheval*), *giëk*, *buogh*, and *kuth yang*. Nuer say that no grasses give [234]
more milk than these if the cows can obtain them in abundance.

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaaira repens L.*) another plant called *tiltil* (*Indigofera Sp.*), *Wangrial* (*Justicia malammensis* (*Schwenf*) *oliv.*), *nār yiauwa* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schleria foliosa A. Rich.*), *wōōr* (*Portulaca Quadrifida L.*), *kutkakdeet* (*Glycine Borianii Bak*), *tac* (*Ipomoea replans Poir*), *pac* (*Urochloa s.*), *nyiōk indil pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kēr jaakoah* ('crow's pumpkins'), *thil in cōt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

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•233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire
136 of dried dung sends out clouds of smoke so dense that it is impossible for a European to remain there for several minutes. One cannot
372 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are
237 so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realize that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

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fires, but they are quickly driven into huts and byres to seek protection amid the smoke of their fires. The doors of the huts are closed tightly, air-holes are blocked, and fires are lit. Mosquito-nets are the only European product, apart from spears, for which the Nuer express any great enthusiasm, but very few, perhaps one in several thousand, possess them. 136 [439 177]

During my residence at Mancōm on the Sobat in July, 1935 I was almost eaten alive by mosquitos. My cotton mosquito house afforded me some protection at night but insects soon made holes in it and the mosquitos entered. Moreover, they swarmed outside like a beleaguering army and on my leaving or entering the house battalions invaded it. The worst time was between six and nine o'clock in the morning when hundreds of mosquitos collected in my tent to escape the sun so that it was impossible to sit in it without being repeatedly bitten. One gets little rest, and fever is sooner or later inevitable.

Mosquitos are absent away from pools and river banks in the dry season and even in the vicinity of water—and one must live near water—they are not troublesome from January to May. In the dry season, therefore, the cattle sleep in the open, the herd being surrounded by windscreens in which the Nuer themselves sleep. If a beast of prey approaches people know of its approach by observing that the cattle are restless. The alarm is given and in a moment the whole camp is awake and men rush, with spears in their hands, to the place of danger. I have seen camps awake half the night chasing lions away, for a lion makes many attempts before he acknowledges defeat. But even in the dry season dung fires envelope the camps in smoke at night to protect the cattle from insects. 233* 136

According to the Nuer it was Woman who first brought mosquitos to the habitations of men. Woman found Mosquito in the open plain and asked him "What do you eat?" Mosquito replied, "Oh! grass. Just nothing." Woman said to him, "Well come home with me and we will share our homestead together" When God heard Woman's words he asked her, "What about your husband?" Woman replied, 136* 773

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"Oh! He can brush away Mosquito with a bird's wing." God said, "All right." For the first few days Man brushed mosquitos aside. Then he found that it was useless so he suffered them.

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Another unpleasant insect pest is the seroot fly (*rōm*). Seroot are seasonal. They flourish on cloudy days from May to July. I have not seen them in this latitude from the end of July to the beginning of May. When I was at Konye in May and at Yakwac in July they appeared in swarms every morning shortly before the cattle were driven to pasture, between 9 and 9.30 a.m. At the same hour every morning I was driven from my tent by their painful stings. Fortunately when the cattle go to pasture the seroot flies accompany them. On most mornings at Konye about two hours after being driven to pasture the herd came stampeding back kicking their legs and lashing out with their tails and dung fires had to be lit in the kraal to protect them. There was no need to tether the cattle for they were only too grateful to be allowed to stand near the fires and let the smoke envelope them. Only when there was a shower of rain did they get any relief in the pastures, for rain drives seroot away. On cloudy rainless days the poor beasts ran back to the village covered with seroot and their flanks stained with blood. On such days they were not able to graze for more than two or three hours.

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By August the seroot has gone but the stumoxis (*waik*) remains. It is a small black biting fly which is present in the rains and, I think, in the dry season also. It is probably responsible for the presence of trypanosómiasis in parts of Nuerland, transferring the trypanosomes directly on its proboscis from beast to beast, for the tsetse (*mi* or *luk liec*) does not occur in Nuerland, except perhaps in parts of Eastern Gaajak country, which I have not visited, though its lethal character is well known to Nuer. Indeed they have probably had to take it into account in their expansion eastwards for there can be little doubt that the main reason for their evacuation of Anuakland, which they conquered as far as the foothills of the Abyssinian escarpment was the loss of their cattle from trypanosomiasis carried by tsetse, which occupy a belt of country at the foot of the escarpment whenever dense forest occurs.

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There are other insect pests beside mosquitos, seroot and stumoxis, which annoy the cattle though whether any of them carry disease in this latitude is unknown. The eight-legged cattle ticks (*cak*) attach themselves so firmly to the dewlap, brisket, chest, belly, and udder that their blood-bloated bodies have to be sharply tugged if they are to be dislodged. Nuer remove them frequently in the evenings but not often enough and not systematically enough. There is another insect called *tharkwac* which is said to live on the bodies of cattle though its bite does not cause bleeding. 136 233

Personally, of all the insects that abound in African luxuriance in Nuerland I hate most the ordinary black fly, which is like our house fly in appearance. Nuer do not pay much regard to it and they are doubtless less objectionable to the cattle than most insects, though they worry them a good deal in hot weather. These flies settle on one and drive one crazy from dawn till sunset. On trek one is accompanied by an attendant swarm round one's head and shoulders. They do not seem to mind travelling any distance. When one is seated they settle persistently on the exposed parts of one's body. When one is eating they get in the food. All day long one is brushing them away. Their most annoying habit is experienced at sunset when they seek some cavity in one's body in which to spend the night, selecting the ears, nostrils, and eyes for this purpose. They are worst in the middle of the dry season for wet and cold keep them away—probably kill them off—to some extent in the rains and in the windy season that succeeds the rains. In the dry season they are sometimes intolerable. When I was encamped at Mankac and Biel on the Nyanding River there was very little water, and that fouled, in the pools, and the cattle were dying daily of rinderpest. A man might have thought that every fly in the world had come to live around the pools and to feed on carcases and excreta. In my more bitter moments I used to think of Nuerland as a land where the first mosquitos begin to bite one's legs as the last flies crawl into one's ears and nostrils. 136

While I am recalling my own experiences of insects I will mention in conclusion the red soldier ants (mörmör). I have only seen these

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136 ants in the wooded area near the junction of the Sobat and the Nyanding Rivers and they may be regarded as uncommon in Nuerland, since they are probably found only where there is fairly thick forest. They sometimes get into the byres and the cattle have to be taken outside while efforts are made to drive them away with ashes. When they invaded my camp our efforts were unavailing. We fought them for five days with fire and ashes and water and, though it was the worst time of the year for mosquitos, I was compelled to sleep the last three nights in a deck-chair surrounded by a ring of fire. On the sixth day we gave up the struggle and broke camp.

114 I have ventured to give some of my own experiences because one of the great difficulties of working as an anthropologist, or indeed in any other capacity, in Nuerland, is the constant irritation caused by insects and the exhaustion and sickness that finally ensue. To • 233 appreciate what the Nuer have to endure it is well to endure for a while the same torments. While their cattle have to live in such conditions the breed cannot well be improved and the milk yield increased, for they never get any real rest and the continual irritation caused them by insects must greatly lower their vitality and render them an easy prey to disease. In the circumstances their hardiness and endurance is remarkable.

XII.

232 Having had no veterinary training I cannot list all the diseases from which cattle suffer in Nuerland. The most serious scourge is certainly rinderpest (*nyapec, nyapec Deang, nyanjut munnyuac*).

The usual name in most parts of Nuerland is *nyapec*. It is given a female name because of the supposed female properties of serious epidemics. Similarly, severe cases of smallpox are spoken of as female and light cases as male. A Nuer, with whom Miss Soule was once discussing rinderpest, when asked by her why it had a feminine prefix replied, " Would any man do such a thing as to kill all the cattle ? " The wild dog is called *jiok nyapec* and I have been told that it is so called because wild dogs brought rinderpest to the cattle (*caa nyapec noong dõõr e ken*).

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232 Nuer know no way of combating rinderpest once it has attacked a herd but they are aware that an infected herd must be isolated. The Lou along the Sobat River in 1931 did their best to prevent any cattle from moving across their grazing grounds from infected districts and seemed well aware that the disease is carried on the hooves of cattle. They may have gained this knowledge from Europeans but Jackson records as early as 1924, when contact with Europeans was very slight: "Diseased skins are sold to the pedlars (Arabic speaking traders from the northern Sudan) who wander through their country. To this fact the Nuer themselves attribute the widespread disease that has taken enormous toll of their herds during the past few years. It is also interesting to note that they believe the disease to be carried on the hooves of the pedlars' donkeys.....The Jekaing, however, in the Bahr el Ghazal Province (Western Jikany) make such stringent quarantine regulations that if a man is known to have eaten of an animal that has died of cattle plague he is not allowed in a district free of the disease."

232 Nuer also try to protect their cattle by splitting up the herd, especially in the dry season, so that if rinderpest breaks out in some 233 districts and is not carried to every district, only part of the herd is affected. Thus a man may keep some of his cattle in camp at the inland pool of *Muöt dit* while his son takes two or three animals to the Geni River and one or two cows are placed with a relative-in-law in Gaawār country or in the Dinka swamps. Likewise many men who camp on the Sobat leave some of their cattle at inland pools at Nyarol.

232 Nuer are aware that if an animal recovers from rinderpest it is immune from future attacks and greatly value such beasts. They are also aware that immunity of a cow does not mean immunity for its calves.

Rinderpest causes havoc among the herds and it is a bitter experience to live among the Nuer when their cattle are infected. They can only look on helplessly, more morose and resigned than ever, while it destroys some two thirds of their beasts. Youths see

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221 Hunger is partly responsible for the low pulse of life at this season. As has been explained, Nuer cultivate little and in most districts, especially in Lou country, they have to husband their grain if it is not to be exhausted long before the new harvest has ripened. They leave most of the grain in their wet season villages for seed and to support themselves during the hungry weeks that last from sowing to harvest time. They do not carry much millet to the camps so that they have to use it sparingly, though, if the camps are only a day or two away from the villages, women will sometimes return to get further supplies from the village granaries. When the dry season is well advanced the cows often cannot obtain sufficient pasturage of a nourishing quality and give little milk. Those Nuer who camp at the edge of inland pools and lagoons can supplement their diet with fish, but on the Sobat we only had what few fish boys could spear in the shallows and the yield of harpooning from our single canoe. From time to time members of our camp managed to kill wild beasts: gazelle, cob, tiang and giraffe. Otherwise our meat supply was limited to an occasional ox or cow which died and to blood from the necks of cows.

805 •233 Camp life is regulated by requirements of the cattle and Nuer speak of periods of the day by reference to pastoral tasks rather than to the course of the sun, *e.g.*, they say that they will do something at the time of milking, or after the cattle are driven to pasture, or when the calves return to camp. The camp time-table varies little from day to day. It is approximately as follows :—

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A.M.

6.00 Everybody rises.

6.45 The cows are milked.

8.00 The cattle are driven to pasture, the kraal is cleaned and the morning meal is served.

8.15 Goats and sheep are milked and taken to pasture.

P.M.

4.30 Calves, sheep and goats are brought back to camp.

5.00 Cows which have recently calved come running home.

5.30 The herd returns and the cows are milked.

7.30 The evening meal is served.

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361 or dearth of pasturage, the people remain on their village sites or move only a short distance from them, they insist on making a camp nearby, for such is the ancient dry-season custom.

342 The windscreen (*geau*) does not seem to be used in Western Nuerland. In the camps I have seen there both sexes live in grass huts plastered with dung, the huts of married couples being rather larger than those occupied by youths or girls. The huts appear also to be more carefully constructed than in Eastern Nuerland. In 343 Nuer camps one sometimes sees a rough shelter (*geau deeni*) constructed of branches with grass, often the riverside *buor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

•233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

234 Before and during milking youths display themselves in company 883 with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *rau* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 Milking starts between 6-30 and 7-00. If the morning is misty 462 it may be delayed till slightly later. As men are forbidden to milk

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they sit in their windscreens while the women and boys milk the cows. This task takes about half an hour and the cattle then remain for a while tethered to their pegs. Each household milks its own cows and if there are strong boys and girls they do most of the work, leaving the married women to cook and attend to their babies, but adult women milk troublesome cows which require experience and firm handling and if they have no adolescent sons and daughters have to milk all the cows of their household. 234 462 512

Between 7-30 and 8-0 the cattle are taken to pasture. If some of the beasts are loosened before milking is finished they do not leave the herd but wait nearby the kraal till they are driven out with the herd. By this time the sun is high in the heavens. When there is good pasturage near the camp they may not be loosened till 9-0—10-0 o'clock because they will have plenty of time to eat their fill before sunset. Mr. Corfield tells me that they are generally taken to pasture at this late hour among the Eastern Jikany whose country is not so arid as that of the Lou. I gathered from statements of Western Nuer that in their country it is customary for the cattle to be loosened even later in the day. 233 512

No one gives an order for the cattle to be loosened but when all the cows have been milked someone begins to loosen his cattle and the others follow suit, the oxen being loosened last. The herdsmen for the day take them out of the kraal. Usually several men accompany the cattle for a short distance but some of these return to camp and only two or three men spend the day with them in the grazing grounds. Each household in turn provides a herdsman and the men who herded the cattle today arrange with others to herd them tomorrow. The adult occupants of each windscreen must take their turns as herdsmen. After being loosened, some beasts make at once for nearby water while others wait till they have reached their grazing grounds and drink there, for, about midday, the herdsmen accompany them to a pool. If water is near the cattle make their way to it, but if it is distant they have to be driven there. Herding is considered a hardship and is conducted by young adults. They have to keep a close watch over the cattle during the heat of the day in case they wander and

6: Evans-Pritchard E-5 (1931, 1936)1938
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•233 512 [533] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp [264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back 462 to the kraal in the evening; but women and boys continue their 234 labours. Women milk the goats and sheep and prepare the morning meal. Boys spread out the cattle dung that has collected overnight 237 so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat [857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most 462 mornings parties of two and three leave camp at dawn with their 224 dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
237 men hold them between their legs and lifting up their heads compel
372 them to swallow water. At this time the boys bring back the larger calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*luor*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household
264 and women and boys commence at once to milk the cows and they finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

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512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in
lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and
along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no
longer shallows and bathing is a hasty dip for there is danger from
crocodiles. The grazing grounds are changed from time to time as
•233 they become exhausted and as streams and lagoons dry up. At
Yakwac there was succulent pasturage only where marsh plants still
137 retained their moisture at the river end of lagoons. The people are
still in camp when the first rains fall at the end of April or early in
May and then there is everywhere an abundance of pasturage. The
brown bush becomes green and the baked fissured earth a sodden
mire. Dry lagoons become inland flowing streams. The scorching
sun is clouded.

136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for
inland pastures where they would not have to face death every time
they approached the river. Other animals likewise moved southwards,
even the gazelle. On the northern bank, however, buffaloes still came
[224] to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except
in inland lakes and lagoons, men, cattle, and wild beasts must drink at
the same places. One can hear them at night cautiously coming
to the pools to drink. When the rains come all leave for new pastures.

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of
game, but also by camp activities. The women are the first to leave
[322] camp and one meets them along paths, carrying their household goods
[233] in rectangular cane baskets. Youths leave camp early in the morning
[283] to cut stakes, generally of thornwood (*bwan*) and they spend a large
[513] part of the day shaping them into tethering pegs. They also twist
new cord. The weather being cooler people do not feel so keenly the
221 need to sleep towards noon. Everyone is becoming restless and

8:Howell E, G-5 (1942-1944)1954
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and well beyond the limits of the reciprocal distribution of bridewealth cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

8:Howell E, G-5 (1942-1944)1954
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interests. In most parts of Nuerland too the nature of the terrain—isolated outcrops of flood-free ground often widely separated—usually precludes the possibility of clashes between different settlements. Likewise when the rains cease the cattle are widely dispersed in small camps over the 'intermediate' plains. There is no shortage and no need for a clear demarcation of boundaries between the units of one community, or between different communities coming from different settlements. 423 233 361

As the dry season advances, when the 'intermediate' grasses become unpalatable and water supplies run short, concentration increases, and the small camps join together in larger ones in the *toic*. Cattle-camps with five or six thousand animals are not uncommon, and often there are many of such camps clustered along the banks of a river or water-course in one region. More careful regard for rights in these pastures and in the fisheries which go with them may be necessary if disputes are to be avoided. Yet there is usually plenty of grazing, though this varies according to prevailing climatic conditions. In one year the river may be low and the rains light, with the result that the Nuer must penetrate farther into the riverain marshes; in another, a high river level may limit their movements to the fringes. Both circumstances may result in shortages, and something between the two extremes is probably the ideal; but many Nuer tribes have alternative grazing grounds which are utilized in varying proportions according to the year. For example, the Dok and Jagei Nuer can use the marshes of the Bahr el Jebel in a year when that river is low and much of the flood-plain uncovered, or they can move to the pastures of the Bilnyang system, which are produced partly by water spilling from the main river, and partly by water draining from a different catchment area. Some Nuer tribes do not have these advantages; in some areas periodic plagues of biting flies or mosquitoes, whose incidence also obviously varies with different climatic conditions, prevent the full utilization of their summer grazing grounds. Generally speaking, there are rarely acute shortages, and even in the *toic* the boundaries between tribes or tribal segments need not be closely guarded.

In certain circumstances, however, such boundaries become essential, and their infringement may then cause disputes, which often result in violence and bloodshed. Sometimes there is an unusual shortage both of grazing grasses and water-points, and people who have normally tolerated the intrusion of outsiders less favourably provided than themselves, turn upon them and demand their withdrawal. Again, an epidemic of some contagious disease such as rinderpest or contagious bovine pleuro-pneumonia makes quarantine and segregation of the herds essential. Fear of the spread of disease compels the owners to guard their boundaries more closely. To bring contaminated cattle into an area recognized as the exclusive right of other segments, and 423 233 361 578

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423 233 361 578

where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

423 233 312

Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to blood[illegible]d. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

423 226

Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

836 in sexual relations with girls. Before initiation boys may go to dances
883 but they merely watch and do not take part in them After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*lumde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 An initiated boy is now invested with two external signs of manhood
884 besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation
421 If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 A boy is even prouder when he becomes the owner of a bullock and
554 is invested with a bullock name. Even a small boy will speak of his
553 father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it
421 is only his in the general psychological sense of family communism. It

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is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right.

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having theirs lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nilotes towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members

12:Evans-Pritchard E-5 (1930-1931) 1933
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Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that " tribe " among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that " tribe " must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage. 619

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together 619 161 167 233 619 621 602

14: Huffman M-5 (no date) 1931
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342 Their huts are built with great care and skill. They are
361 cylindrical in form with a conical roof consisting of grass, reeds, or leaves, while the walls are made of mud; and are decidedly superior to the buildings of the Dinka, Anuak, and other kindred tribes. The houses stand in small groups, sometimes only two or three together, the land for cultivation lying immediately around each house.

342 In the dry season the men leave their villages to seek
● 233 better pasture in the swampy regions of the country. Here temporary huts of straw are erected for the young men who look after the cattle and milk them. During the night the cattle are driven into large enclosures of thorny trees; a fire of dried cow-dung is constantly kept smouldering, to protect the cattle from the stings of mosquitoes. When the rains begin to fall, about April, the people return to their villages to plant dura.

776 Very little is known about the religion of the Nuer. Miss Huffman mentions on page 56 some names of their gods, but we learn little as to their significance in the lives and beliefs of the people. While I was studying the Shilluk people in the Sudan in 1910, still another Nuer god, viz. Kot, was mentioned to me by a number of Nuer men whom I had with me for some time. This word Kot occurs in a large number of Nilotic languages, its general meaning is 'rain', but in Nuer it designates a god, the idea of this god being evidently connected with that of rain. To Kot is attributed the creation of the world, as the following report dictated to me by a native Nuer shows:[1]

[1] This record and the following ones were, together with the original Nuer text, first published in my study on the Nuer language in the *Mitteilungen des Seminars für Orientalische Sprachen. Afrikanische Studien*, p. 84 ff. Berlin, 1912.

14: Huffman M-5 (no date) 1931
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782 again. In what have we failed?' Then a cow is speared, and the chief continues praying: 'Oh God, take thy cow. And you [dead man] turn away, do not look at us again. We will give you your own things, but then leave us alone.' The wife of the deceased is now given to another male member of his family with these words: 'Bear children by her, that their fire may be raised up [that their family may not be extinguished], and their family may be able to manage their own affairs.'

A prayer by the chief for a woman in travail: 'God, what is it? why can the woman not bear? It is thou who has ordered the woman to bear children, that she may create descendants, that the man's family may be preserved.'

789 An important annual event is the bringing of the cattle across the river, where they find better pasturage. ● 233 For this the help of the sorcerer is sought. He has to find a propitious day for the transaction and to perform the necessary magic rites. He spends the night before in making witchcraft, and the following morning he prays: 'Oh God, it is thou who said that I should be sorcerer, I should do witchcraft, I should bewitch the crocodile. The cattle has no more grass, let the cattle go across the river that they may graze on yonder shore. Oh God, it is thou who created the cow, that man might be nourished by her, let them swim safely across.' When the cows have been brought to the crossing-place, the sorcerer invokes the river or the spirit presiding over the river: 'Thou river of a certain man, let the cattle go across safely, all of them, let them reach the shore safely, let no one be touched by the crocodile. We are making a bargain.' As a ram is brought, he goes on saying: 'Take it, O river!' The ram's mouth is tied, so he goes to the river with it, and drives it into the water. Now the

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cattle are driven into the boats and they begin rowing them.

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These are but a few glimpses into the religious life of the Nuer. The subject requires careful investigation based on a thorough knowledge of the language and can be carried out only by persons who have the confidence of the natives.

It is well worth while to win this confidence and to study the people intimately. They may at first sight not appear attractive and may not generally be inclined to look upon every white man as a higher being, but Miss Huffman is certainly right in saying that they improve on acquaintance; they reveal to him who lives and works among them noble qualities of which this book gives us some fine examples and which justify the labours of those who strive to help them in finding their way from the old, independent, and unfettered existence to changed conditions of life and to a new outlook.

The information given in this book will be welcome to scientists, but even more it will be of value to the growing number both of missionaries and of administrators who are coming into touch with the Neur.

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features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pastures in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since some varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pasturage becomes exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become scarcer and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

221 241 233 *March - April.* When the rains begin the old people return to the village for sowing.

June. The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 262 Economically, cattle are chiefly important for milk and milk products, such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as [252] flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for cows and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beaters. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

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more exclusively pastoral, and more nomadic, than at the present time, and that the dwindling of their herds may partly explain their persistent aggressiveness. 233

III

Although cattle have many uses they are chiefly useful for the milk they provide. Milk and millet (sorghum) are the staple foods of the Nuer. In some parts of their country, especially among the Lou, the millet supply seldom lasts the whole year, and when it is exhausted people are dependent on milk and fish. At such times a family may be sustained by the milk of a single cow. In all parts the millet crop is uncertain and more or less severe famines are frequent, during which people rely on fish, wild roots, fruits, and seeds, but mainly on the milk of their herds. Even when millet is plentiful it is seldom eaten alone, for without milk, whey, or liquid cheese, Nuer find it stodgy, unpalatable, and, especially for children, indigestible. They regard milk as essential for children, believing that they cannot be well and happy without it, and the needs of children are always the first to be satisfied even if, as happens in times of privation, their elders have to deny themselves. In Nuer eyes the happiest state is that in which a family possesses several lactating cows, for then the children are well-nourished and there is a surplus that can be devoted to cheese-making and to assisting kinsmen and entertaining guests. A household can generally obtain milk for its little children because a kinsman will lend them a lactating cow, or give them part of its milk, if they do not possess one. This kinship obligation is acknowledged by all and is generously fulfilled, because it is recognized that the needs of children are the concern of neighbours and relatives, and not of the parents alone. Occasionally, however, after an epidemic or, to a lesser degree, after two or three youths of the group have married, an entire hamlet, or even a whole village may experience scarcity. Sometimes, also, shortage is caused by a tendency for the cows of a village to cease lactating at about the same time. 234 262 [353]

Nuer value their cows according to the amount of milk they give and they know the merits of each in this respect. The calves of a good milch cow are more highly prized than the 234

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●234

calves of a cow that gives little milk. A cow is never to them just a cow, but is always a good cow or a bad cow, and a Nuer who is owed a cow will not accept in payment of his debt one that does not meet with his approval. If you ask a Nuer in a cattle camp which are the best and worst cows in the herd he can tell you at once. In judging their points he pays little attention to those aesthetic qualities which please him in an ox, especially fatness, colour, and shape of horns, but he selects those which indicate a good milch cow: a broad loose back, prominent haunch bones, large milk-veins, and a much-wrinkled milk-bag. In judging the age of a cow he notes the depth of the trenches which run on either side of its rump towards the tail, the number and sharpness of its teeth, the firmness of its gait, and the number of rings on its horns. Nuer cows have the familiar angular and thin-fleshed characteristics of dairy stock.

Milking is performed twice daily by women, girls, and uninitiated boys. Men are forbidden to milk cows unless, as on journeys or war expeditions, there are no women or boys present. The milker squats by the cow and milks a single teat at a time into the narrow mouth of a bottle-necked gourd balanced on her thighs (see Plates III and V). She milks with thumb and first finger but, the other fingers being closed, the teat is to some extent pressed against the whole hand. It is both a squeezing and a pulling motion. The gourd is kept in position by the downward stroke of the hands which press it against the thighs. When a pot, or a gourd with a wider mouth, is used it is held between the knees and the milker squeezes two teats at a time. Occasionally one sees two girls milking a cow, one at either side. If a cow is restless a man may hold it still by putting his hand in its mouth and gripping its muzzle, and if it kicks, a noose is placed round its hind legs and they are pulled together (see Plate III). I was told that sometimes they ring the nose of a cow that is habitually restless during milking.

The process of milking is as follows. The calf is loosened and with its tethering-cord round its neck runs at once to its dam and begins violently butting her udder. This starts the flow of milk, and Nuer hold that if the calf were not first to suck the cow would hold up its milk. They do not pat the udder with the hand unless the calf is dead, for this is considered bad for the cow. When the calf has sucked a little it is dragged away, resisting stubbornly, and tethered to its dam's peg, where it rubs against her forelegs and she licks it. The girl now milks the first milking, known as

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PLATE III

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Milking a restless cow (Lou)

[Face 22]

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234 the *wic*. When the teats become soft and empty the calf is again loosened and the process is repeated. The second milking is called *tip indit*, the greater *tip*. As a rule there are only two milkings, but if it is a very good milch cow at the height of her lactation period the calf may once more be loosened and a third milking, called *tip intot*, the lesser *tip*, be taken. When the girl has finished milking she wipes her thighs and the milk-gourd with the cow's tail and loosens the calf to finish off what milk is left. The first milking takes longer time and produces more milk than the second, and the second more than the third. The morning yield is greater than the evening yield.

A series of measurements suggest that four to five pints a day may be regarded as a general average for Nuer cows during their lactation period, which lasts, on an average, about seven months. It must be remembered, however, that this is an estimate of the yield for human consumption. The calf gets its share before, during, and after the milking. It is possible, moreover, that, as Nuer declare, some cows hold up their milk for their calves, since the calves often suck for several minutes after milking before their dams refuse them by kicking them or moving so that they cannot reach their udders. Sometimes a small boy drags the calf away and milks the udders himself, licking the milk off his hands, or shares the teats with the calf, but as a rule the calf gets the remainder of the milk. The total yield may, therefore, be as high as seven to nine pints a day and it appears to be far richer than milk given by English cows. It is not surprising that the yield is small, because Nuer cows receive no artificial feeding, succulent pasturage is often difficult to obtain, and they have to endure great hardship. It must, moreover, be emphasized that whereas English dairy farmers require only milk, Nuer herdsmen require milk and also wish to preserve every calf. Human needs have to be subordinated to the needs of the calves, which are the first consideration if the herd is to be perpetuated.

Milk is consumed in various ways. Fresh milk is drunk, especially by children, and is also consumed with millet-porridge. Fresh milk is chiefly drunk by adults in the heat of the dry season when a 262 refreshing draught is most appreciated and food is scarce. Some milk is put aside, where it soon, very rapidly in hot weather, sours and thickens, in which condition it is relished. Nuer like to have

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turns the curds, *lieth in bor*, into solid deep yellow cheese, *lieth in car*. After boiling for a time the liquid is poured into a gourd and the oil on top is removed, to be used as a flavouring for porridge. The cheese is suspended in a net from the roof of a hut in a round gourd, a piece of the shell of which has been cut out so that cords run through it and it acts as a sliding lid (see Fig. 2), and, if air is excluded by a coating of cattle dung, it will keep in good condition for months. Milk may thus be stored in the form of cheese. It is eaten with porridge and is also used for anointing the body.

Sheep and goats are also milked in the mornings, but little importance is attached to their yield, which is drunk by small children and not used for dairy work. The woman milks and the kids and lambs finish what is left in the udders. As they run with their dams at pasture an evening milking is not taken; but during the day hungry herdboys often squeeze the udders and lick the milk off their hands.

Some points that arise from an account of milking and dairy-work deserve emphasis. (1) The present number and distribution of cattle do not permit the Nuer to lead an entirely pastoral life as they would like to do, and possibly did at one time. On a generous estimate the average daily yield to the byre is probably no more than twelve pints, or one and a half pints per person. A mixed economy is, therefore, necessary. (2) Furthermore the fluctuation in household resources, due to epidemics and transmission of bride-wealth, is further accentuated by the organic character of the staple diet, for cows only produce milk for a certain period after calving and the yield is not constant. It follows that a single family is not a self-sufficient unit, as far as milk is concerned, for it cannot always ensure an adequate supply. Therefore, since milk is considered essential, the economic unit must be larger than the simple family group. (3) Environmental conditions, as well as need for cereal food to supplement their milk diet, prevent Nuer from being entirely nomadic, but milk food enables them to lead a roving life for part of the year and gives them mobility and elusiveness, as their history shows and as has been recently demonstrated in the Government campaign against them. Milk requires neither storage nor transport, being daily renewed, but, on the other hand, involves a straight dependence on water and vegetation which not only permits, but compels, a wandering

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•234 life. Such a life nurtures the qualities of the shepherd—courage, love of fighting, and contempt of hunger and hardship—rather than shapes the industrious character of the peasant.

IV

262 Nuer are also interested in their cattle for meat, boiled and
782 roasted. They do not raise herds for slaughter, but sheep and
231 oxen are frequently sacrificed at ceremonies. There are always ghosts and spirits in whose honour a sacrifice would at any time be appropriate, and such sacrifices are generally long overdue, so that there does not lack a proper excuse for a feast when people desire one. Fertile cows are sacrificed in mortuary rites, but, otherwise, only barren females are killed. At sacrifices most people are interested more in the festal than the religious character of the rites. Sometimes, as at marriage ceremonies, the people who perform the ritual are different from those who eat the meat, while at other ceremonies there is a general scramble for the carcass. Desire for meat is shown without shame on these occasions, and Nuer recognize that some men sacrifice without due cause. In some years it is a custom in the rains for young men to join together at a homestead with the purpose of slaughtering oxen and gorging themselves with meat. Except on such occasions, however, people ought not to kill an ox solely for food—it being even thought that the ox may curse them—and they only do so in severe famine. The Lou, who are rich in cattle, have a reputation, of which they are rather ashamed, for killing oxen for meat. Nevertheless, nowhere in Nuerland are cattle ordinarily slaughtered for food, and a man would never kill even a sheep or goat merely on the grounds that he desired meat. On occasions of minor importance sheep or goats are sacrificed rather than oxen, as they are less valuable.

231 Any animal which dies a natural death is eaten. Even when
262 a youth's favourite ox dies he must be persuaded to partake of its flesh, and it is said that were he to refuse his spear might avenge the insult by cutting his foot or hand on some future occasion. Nuer are very fond of meat, and declare that on the death of a cow, 'The eyes and the heart are sad, but the teeth and the stomach are glad.' 'A man's stomach prays to God, independently of his mind, for such gifts.'

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PLATE V

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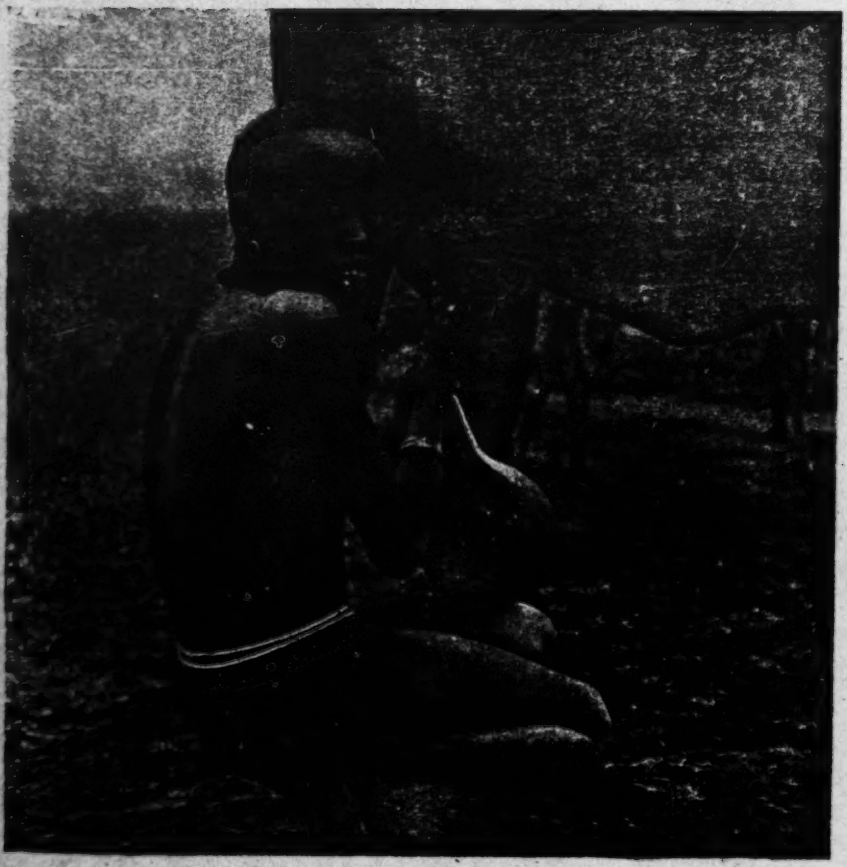

Girl milking (Lou)

[Face p. 36]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often received some such reply as: 'Oh well, such is our 241
custom. We have cattle.'

I wish to emphasize, in conclusion, the following points: 241
(1) that Nuer cultivate only enough grain for it to be one element 231
in their food-supply and not enough to live on it alone; (2) that with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto.

IX

It has been mentioned that Nuer must have a mixed econ- 262
omy in the given oecological relations because no one source 221
of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted.

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk [234]
is a staple food all the year round, though cows probably tend to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the 262
respective contributions of cattle and millet to Nuer food- 538
supply are brought out in a story in which Cow and Millet 221
have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it,

6: Evans-Pritchard E-5 (1931, 1936)1938
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water or rank vegetation, and as they can graze on the tender shoots. 132
But when the dry season advances pasture becomes scarcer but cattle
can graze again over the shoots. Eventually, however, they have 137
to fall back on marsh grasses, especially in a dry year when such grasses 233
of the plains as *dut cieng nath* may fail (it is said *ce tör* or *ce juac tör*).
Nuer then make for rivers, swamps, lagoons, and deep marshy
depressions where they can always find enough vegetation to keep [221]
the cattle alive. The chief marsh grasses are *poon* (*Onyza Barthi A. cheval*), *giëk*, *buogh*, and *kuth yang*. Nuer say that no grasses give
more milk than these if the cows can obtain them in abundance. [234]

Cattle also eat a number of plants and these are a useful addition to their diet. A good number of such plants, however, grow in cultivations and are therefore not accessible to the cattle, but some spring up in old garden sites and in the neighbourhood of habitations. Nevertheless cattle are grass grazers and it is mainly sheep and goats which graze on plants, and they eat also the leaves of young trees. Goats will eat almost anything but sheep are daintier feeders and will not touch some of the bitter plants and shrubs that goats devour. The plants eaten by sheep or goats, or by both, generally grow in old cultivations or on old homestead and camp sites. Some of those recorded are *Cak*, 'milk,' so-called because it oozes out a thick white juice when cut, *tiltil* (*Boerhaaira repens L.*) another plant called *tiltil* (*Indigofera Sp.*), *Wangrial* (*Justicia matammensis* (*Schwenf*) *oliv.*), *när yiauwa* (*Emilia sagittata DC*), *mut ngai*, 'spear of the francolin' (*schleria foliosa A. Rich.*), *wöör* (*Portulaca Quadrifida L.*), *kutkakdeet* (*Glycine Borianii Bak*), *tac* (*Ipomoea reptans Poir*), *pac* (*Urochloa s:.*), *nyiök indit pin*, *tiecdong* (*cyperus rotundus L.*), *tiec*, *belagak gordet*, *kër jaakoah* ('crow's pumpkins'), *thil in cöt*, etc., etc.

XI.

Besides having to adapt themselves to conditions of water supply 233
and vegetation Nuer have to adjust themselves to conditions of insect-
life which is an ever-present obstacle to cattle husbandry in their 136
country. The cattle get no rest from stinging flies and ticks from

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire of dried dung sends out clouds of smoke so dense that it is impossible
136 for a European to remain there for several minutes. One cannot
372 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are
237 so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realize that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

6: Evans-Pritchard E-5 (1931, 1936)1938
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221 Hunger is partly responsible for the low pulse of life at this season. As has been explained, Nuer cultivate little and in most districts, especially in Lou country, they have to husband their grain if it is not to be exhausted long before the new harvest has ripened. They leave most of the grain in their wet season villages for seed and to support themselves during the hungry weeks that last from sowing to harvest time. They do not carry much millet to the camps so that they have to use it sparingly, though, if the camps are only a day or two away from the villages, women will sometimes return to get further supplies from the village granaries. When the dry season is well advanced the cows often cannot obtain sufficient pasturage of a nourishing quality and give little milk. Those Nuer who camp at the edge of inland pools and lagoons can supplement their diet with fish, but on the Sobat we only had what few fish boys could spear in the shallows and the yield of harpooning from our single canoe. From time to time members of our camp managed to kill wild beasts: gazelle, cob, tiang and giraffe. Otherwise our meat supply was limited to an occasional ox or cow which died and to blood from the necks of cows.

805 233 Camp life is regulated by requirements of the cattle and Nuer speak of periods of the day by reference to pastoral tasks rather than to the course of the sun, *e.g.*, they say that they will do something at the time of milking, or after the cattle are driven to pasture, or when the calves return to camp. The camp time-table varies little from day to day. It is approximately as follows :—

512 234

A.M.

6.00 Everybody rises.

6.45 The cows are milked.

8.00 The cattle are driven to pasture, the kraal is cleaned and the morning meal is served.

8.15 Goats and sheep are milked and taken to pasture.

P.M.

4.30 Calves, sheep and goats are brought back to camp.

5.00 Cows which have recently calved come running home.

5.30 The herd returns and the cows are milked.

7.30 The evening meal is served.

6: Evans-Pritchard E-5 (1931, 1936)1938
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361 or dearth of pasturage, the people remain on their village sites or move only a short distance from them, they insist on making a camp nearby, for such is the ancient dry-season custom.

342 The windscreen (*geau*) does not seem to be used in Western Nuerland. In the camps I have seen there both sexes live in grass huts plastered with dung, the huts of married couples being rather larger than those occupied by youths or girls. The huts appear also to be more carefully constructed than in Eastern Nuerland. In 343 Nuer camps one sometimes sees a rough shelter (*geau deeni*) constructed of branches with grass, often the riverside *buor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

●234 883 Before and during milking youths display themselves in company with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *rau* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 462 Milking starts between 6-30 and 7-00. If the morning is misty it may be delayed till slightly later. As men are forbidden to milk

6: Evans-Pritchard E-5 (1931, 1936)1938
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they sit in their windscreens while the women and boys milk the cows. This task takes about half an hour and the cattle then remain for a while tethered to their pegs. Each household milks its own cows and if there are strong boys and girls they do most of the work, leaving the married women to cook and attend to their babies, but adult women milk troublesome cows which require experience and firm handling and if they have no adolescent sons and daughters have to milk all the cows of their household. 234• 462 512

Between 7-30 and 8-0 the cattle are taken to pasture. If some of the beasts are loosened before milking is finished they do not leave the herd but wait nearby the kraal till they are driven out with the herd. By this time the sun is high in the heavens. When there is good pasturage near the camp they may not be loosened till 9-0—10-0 o'clock because they will have plenty of time to eat their fill before sunset. Mr. Corfield tells me that they are generally taken to pasture at this late hour among the Eastern Jikany whose country is not so arid as that of the Lou. I gathered from statements of Western Nuer that in their country it is customary for the cattle to be loosened even later in the day. 233 512

No one gives an order for the cattle to be loosened but when all the cows have been milked someone begins to loosen his cattle and the others follow suit, the oxen being loosened last. The herdsmen for the day take them out of the kraal. Usually several men accompany the cattle for a short distance but some of these return to camp and only two or three men spend the day with them in the grazing grounds. Each household in turn provides a herdsman and the men who herded the cattle today arrange with others to herd them tomorrow. The adult occupants of each windscreen must take their turns as herdsmen. After being loosened, some beasts make at once for nearby water while others wait till they have reached their grazing grounds and drink there, for, about midday, the herdsmen accompany them to a pool. If water is near the cattle make their way to it, but if it is distant they have to be driven there. Herding is considered a hardship and is conducted by young adults. They have to keep a close watch over the cattle during the heat of the day in case they wander and

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 they may have to defend them against carnivorous beasts and human
512 raiders. Often they relieve the monotony and solitude by composing
[533] and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp
[264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back
462 to the kraal in the evening; but women and boys continue their
•234 labours. Women milk the goats and sheep and prepare the morning
237 meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the
[233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat
[857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most
462 mornings parties of two and three leave camp at dawn with their
224 dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

6: Evans-Pritchard E-5 (1931, 1936)1938
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Much attention is devoted to hair-dressing in the dry season. In the rains the hair is sometimes neglected though never for a long time unless a man is in mourning. Nuer hair is naturally crinkly and black but when treated with ashes of cattle dung mixed with wood ash it is oxidised and becomes straight and golden. A man takes a heap of ash from his wind-screen fire, mixes it with wood ash, and places them on his sleeping skin where he removes any lumps, leaving only fine ash. To make the ashes finer still he beats them with a mallet and shakes and taps the skin so that the ashes are spread over it and can be searched for foreign matter which is then extracted. When he is satisfied he divides the ashes into two heaps, one of which he mixes with water. The Eastern Nuer do not use urine for this purpose as the Dinka and, to a lesser extent, the Western Nuer do. The scalp is now massaged with the damp ashes. When this is finished the hair is gathered into a peak at the back or front of the head and the dry ashes are sprinkled on top. The head remains for two or three days in its ash plaster which is then removed and the hair is sprinkled with oil. Nuer hair freshly treated in this way has a golden tint and glistens in the sun. Young men spend many hours in their wind-screens, after the cattle have gone to pasture, preparing their hair in this way. 362

By about 10 o'clock most of the men are sleeping behind their windscreens, beneath trees, or, if the camp is near a wet season village, in byres. Only if game is sighted is there any male activity in the camp for an hour or two before noontide. The men grasp their spears and with their dogs sprint after the animal to encircle it and run it down. After the first rains all able-bodied men leave camp to search for giraffe-tracks and if they find the animals they pursue them till they are exhausted and overtaken and speared. Nuer sometimes chase giraffe all day long and their endurance will scarcely be believed till it is seen, being especially remarkable when we recollect that they are weakened by hunger at this time of the year. But at the height of the dry season it is useless to hunt giraffe as they are too fleet on hard ground. While the men are sleeping the women are engaged in churning last night's milk. 512 462 224 [234]

14: Huffman M-5 (no date) 1931
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If there are cattle to be milked, the woman must milk them morning and evening. In the afternoon she must again go to the river to refill the water-jar. She usually stops to bathe if she comes from any distance. 512 [234]

Sometimes this work of getting the water-jars filled twice a day is not as merely routine as it sounds; it may be fraught with danger in this crocodile infested river. One afternoon about five o'clock, a huge crocodile was seen sunning itself on the river bank right in the path down which the women would come to get water between five and six o'clock. 000

The bank was steep, no one could possibly see the crocodile until he started down the slope. Then it would be practically impossible to get away until too late, because the woman would be burdened with her heavy water-jar, and that, together with the steep bank and her surprise at finding the crocodile there, would retard her escape.

But a missionary was passing in the launch and saw the crocodile. He realized its purpose, but not in time to shoot as he went by. But the launch quickly circled around again and slowly approached the path where the crocodile lay awaiting its prey. He shot the top of its head off; it gave one shudder and then never moved from its place. The Nuer in the launch wanted the meat, for crocodile tail in their estimation makes delicious steak. [262] But one of the women missionaries in the launch objected seriously when the men wanted to cut off the crocodile's tail. She wanted to be sure it was dead, so that there would be no possible chance of any objections from the crocodile to the tail-amputation affair. The men did not seem to feel that a crocodile with the top of its head blown off would have much power to object to anything that might be done to it. But to appease feminine fears

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*luth*) the days of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39–40) but it would not be classed as *nuer*.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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frequently happens, especially in the early dry season. They 136
seldom go out to hunt game animals, except gazelle and giraffe, 224
and only pursue those that approach their camps. Indeed, they cannot be considered keen hunters and may even be said to treat the sport with a measure of condescension, holding that only absence of cattle makes a man engage in it other than casually. Their flocks and herds provide them with meat, and this fact probably accounts in part for their lack of interest in hunting, which is, however, also to be related to the nature of their country, for its open plains offer little opportunity for successful hunting with the spear.

Nuer refuse all reptiles, except the crocodile and the turtle. 136
Ostriches, bustards, francolin and guinea-fowl, geese, duck, 262
teal, and other waterfowl, abound, but Nuer consider it shameful for adults to eat them and, except in very severe famines it is probable that only children, poor cattleless men, and an occasional elderly person, eat them, and then rarely and secretly in the bush. They do not keep domesticated fowls and show [235] particular repugnance to the idea of eating them. Likewise eggs are not eaten. No insects are eaten, but the honey of wild bees is collected after the firing of the grasses in December and January and is either eaten in the bush or with porridge at home.

The only tribe who possess more than an odd gun or two are 224
the Eastern Gaajak, who obtain them from Ethiopia. Nuer hunt with dogs and the spear, and rely on their fleetness, endurance, and courage. Hunting in the rains is therefore impossible, because not only does rank vegetation impede pursuit but also animals can choose their ground, there being everywhere sufficient water and grazing. At the height of the dry season they are forced to drink at the same pools, lagoons, and river inlets as men, and the dry bare country allows open chase, for except in tracking giraffe, Nuer hunt by sight and not by spoor. It is only gazelles, which are worried by dogs, and buffaloes, which prefer attack to flight, that can be tackled by one or two men. Other animals, such as tiang, cob, and buck, are only killed when they approach a camp and can be cut off by a large number of young men. I saw several animals killed on the Sobat by being surrounded on the landward side and driven into

1: Evans-Pritchard E-5 (1931, 1936) 1940
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231 262 [252] the worse for their experience. Indeed, it may well be, as Nuer assert, that they are the better for it, for they lead a sluggish life. The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it coagulates into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

231 Nuer do not regard the blood of cows as a staple article of diet and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any unfitness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and graze avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

231 262 [224] The following two points seem to us to be significant. (1) Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient meat to satisfy their craving and have no pressing need to hunt wild animals, an activity in which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

237 231 Apart from milk, meat, and blood, cattle furnish Nuer with numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

237 Their skins are used for beds, trays, for carrying fuel (Plate XVII), used for tethering and other purposes, flails (Fig. 15), leather collars for oxen (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

[p. 29 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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•237 snuff-containers, &c. The scrota of bulls are made into bags to contain tobacco, spoons, and other small objects (Fig. 3). Tail-hairs are made into tassels used as dance ornaments by girls and to decorate the horns of favourite oxen (Plate IV). Their bones are used for the manufacture of armlets, and as beaters, pounders, and scrapers. Their horns are cut into spoons (Fig. 14) and are used in the construction of harpoons.

Their dung is used for fuel and for plastering walls, floors, and the outsides of straw huts in cattle camps. It is also employed as a plaster in minor technological processes and to protect wounds. The ashes of burnt dung are rubbed over mens' bodies, and are used to dye and straighten the hair, as a mouth wash and tooth powder, in the preparation of sleeping-skins and leather bags, and for various ritual purposes. Their urine is used in churning and cheese-making, in the preparation of gourd-utensils, for tanning leather, and for bathing face and hands.

The skins of sheep and goats are worn as loin garments by married women (Plate XXIII (*)), used as rugs to sit on, made into bags for storing tobacco and millet, and are cut into strips to be tied round their ankles by youths when dancing. Their dung and urine are not utilised.

231 The Bedouin Arab has been called the parasite of the camel.
237 With some justice the Nuer might be called the parasite of the cow. It may, however, seem that the list we have compiled does not cover a very wide range of uses, but so simple is Nuer material culture that it accounts for a very considerable part of their technology and contains items on which they are highly dependent, e.g. the use of dung as fuel in a country where it is difficult to obtain sufficient vegetable fuel for cooking, let alone for the large fires that burn day and night in every byre and windscreen.

231 We have seen that apart from their many social uses Nuer are directly concerned with cattle as producers of two essential articles of diet, milk and meat. We now perceive that the economic value of cattle is more extensive. Taking into consideration also the more general social value of cattle, briefly indicated in Section I, we may already note that there is over-emphasis on a single object, which dominates all other interests and is consistent with those qualities of simplicity, single-mindedness, and conservatism, so characteristic of pastoral peoples.

[R.L. pp. 16-19, cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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135 Nuerland lacks the two raw materials that have played so important a part in the manufacture of primitive tools: iron and stone. Nuer have always been poor in iron objects. Till recently 411 they possessed very few iron spears, cherished as heirlooms, but used instead the straightened horns of antelope and buck, ebony wood, and the rib-bones of giraffe, all of which are still used to-day, 442 though almost entirely in dances (Fig. 11). Wooden hoes were used for gardening, and are still sometimes so used to-day. Iron 301 bells (Fig. 4) are rare and highly prized even at the present time, and in the old days iron rings and bracelets were important pieces of property. Wooden bells and ivory and leather rings and bracelets took their place in common use. Nuer have no knowledge of 325 smelting and little of the blacksmith's art. I have never seen a forge and, though there are certainly some blacksmiths, their art is crude and may be regarded as a recent innovation, at any rate in most parts of Nuerland. Spears bought from Arab merchants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside villages I have never seen a stone. They are sometimes brought 412 from neighbouring areas and employed as hammers, for smoothing 323 metal ornaments, for rubbing skins, and so on. Grinding grain seems to have been a recent introduction. The grinder is made from thornwood and the grindstone from baked marsh mud mixed with finely pounded potsherds (Fig. 12). With clay, mud, and sand, Nuer also make pots, grain-bins, pipes, toys, hearthstones, and firescreens; construct the walls of byres and huts; and coat floors and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her gift of wood. Large trees are rare. Thornwood and low brush- 322 wood provide timber for building, spear-shafts, harpoon-shafts, clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets, and winnowing trays. Probably no trees in Nuerland are suitable for carving and Nuer possess no wooden utensils. Even the ebony they use for making spears is not found in their country. Ambatch-trees grow in some parts of the swamp areas and from it is made an object which serves as a parrying stick, tobacco pouch, pillow, and seat (Plate XXIX). Byre and kraal fires are fed with [372] dried dung, and wood fuel is only employed in the kitchen—grasses and millet stalks sometimes being used as a substitute. Grasses, millet stalks, and some plants are also used for various purposes: rafters, windscreens, thatching, cord, basketwork, &c. Gourds are cultivated for dairy utensils.

• 237 Lacking iron and stone Nuer thus make use of vegetable and earthy materials instead. Animal products are also a valuable

1: Evans-Pritchard E-5 (1931, 1936) 1940
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source of material, as may be seen in the list of the uses of the bodies and bodily products of cattle on pp. 28 and 30. The bodies of wild animals replace those of cattle in some, but not many, of these uses, e.g. the skins of tiang and cob are used as sleeping-rugs, waterbuck-skin for the tympana of drums, giraffe-skin for cord, the scrota of giraffe for bags (Fig. 3), the horns of buffalo for spoons (Fig. 14), and the bones and hides of various animals and the tusks of elephants for armlets, leglets, wristlets, finger-rings, &c., and so forth. They can further be employed, though here also to a limited extent, for purposes for which bovine products are unsuitable, e.g. hippopotamus- and buffalo-hide for shields and sandals, elephant-hide also being used for the second purpose; horns and ribs, as mentioned above, for spear-points; leopard- and genet-skins for ritual and ceremonial apparel; and so forth. Ostrich eggs and shells of the giant land snail are manufactured into waist-bands and the second are used for cutting heads of millet in harvesting. 237

I have indicated a few of the uses to which animal products are put to give the reader a general idea of the limitations imposed on Nuer economy by their environment and of the way they manage to overcome the natural poverty of their country. Taken with the earlier list of uses of cattle we can say that the Nuer do not live in an iron age or even in a stone age, but in an age, whatever it may be called, in which plants and beasts furnish technological necessities.

Deficiency of food and other raw materials can be corrected by trade. However, Nuer seem to have engaged very little in it. Many of their iron weapons and ornaments probably came through Dinka hands from the so-called Jur peoples (Bongo-Mittu group) and the iron-working sections of Dinka tribes to the west of the Nile. Much of it was doubtless booty, though some was certainly traded.[1] The Eastern Gaajak traded iron for ivory with the Galla of Ethiopia, but I doubt whether much iron came from this source before the Abyssinian conquest of the Western Galla towards the end of the nineteenth century. At the beginning of the present century there was some trading of ivory from Nuerland to the Ethiopian markets at Gore and Sayo, and this went on till very recently. A considerable distance separated these markets from the main supply in the Zeraf Island, and people from Eastern Gaajak country in the dry season, at any rate in some seasons, took cattle, tobacco, and spearheads to the Zeraf and returned with ivory. A good tusk fetched up to twenty 439

[1] Punot, op. cit., p. 44.

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire
136 of dried dung sends out clouds of smoke so dense that it is impossible
372 for a European to remain there for several minutes. One cannot
•237 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realise that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 512 [533] [264] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 462 234 • 237 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back to the kraal in the evening; but women and boys continue their labours. Women milk the goats and sheep and prepare the morning meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat [857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 462 224 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most mornings parties of two and three leave camp at dawn with their dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
•237 men hold them between their legs and lifting up their heads compel
372 them to swallow water. At this time the boys bring back the larger calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*luor*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household
264 and women and boys commence at once to milk the cows and they finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

221 *March - April.* When the rains begin the old people return to the
241 village for sowing.

233 *June.* The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 Economically, cattle are chiefly important for milk and milk products,
262 such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as
[252] flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beaters. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 231

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [691]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [583] [572]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [752] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

CHAPTER X

THE SACRIFICIAL ROLE OF CATTLE

I

231 NUER are very largely dependent on the milk of their herds, and in their harsh environment they probably could not live without them, any more than the cattle could live without the care and protection of their owners. Their carcasses also furnish Nuer with [237] meat, tools, ornaments, sleeping-hides, and various other objects of domestic use; and their sun-dried dung provides fuel for the great smouldering smudges that give protection from mosquitoes to man and beast alike. Women are more interested in the cows, and this is natural for they have charge of milking and dairy work. Men's interest in the cow is, apart from their value for breeding, rather for their use in obtaining wives, and they are interested in the oxen for the same reason, and also because they provide them with a means of display and, which is the matter I am about to discuss, a means of sacrifice. But for all Nuer—men, women, and children—cattle are their great treasure, a constant source of pride and joy, the occasion also of much foresight, anxiety, and quarrelling; and they are their intimate companions from birth to death. It is not difficult to understand, therefore, that Nuer give their cattle devoted attention, and it is not surprising that they talk more of cattle than of anything else and have a vast vocabulary relating to them and their needs.

231 77/ Though I restrict myself here to a consideration of the religious significance of their cattle for Nuer we must not for a moment forget that this is bound up with their secular uses. Otherwise it will not be appreciated what it is that Nuer surrender in sacrifice, the most precious thing they possess. Nevertheless, if cattle were only used for food and obtaining wives writers about the Nuer, and also about other Nilotic peoples, might have been content just to draw attention to the great interest these peoples have in them. But cattle figure so prominently in their lives in ways not directly concerned with their maintenance or their use for practical pur-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER I

INTEREST IN CATTLE

I

233 A PEOPLE whose material culture is as simple as that of the Nuer are highly dependent on their environment. They are [241] pre-eminently pastoral, though they grow more millet and maize than is commonly supposed. Some tribes cultivate more and some less, according to conditions of soil and surface water and their wealth in cattle, but all alike regard horticulture as toil forced on them by poverty of stock, for at heart they are herdsmen, and the only labour in which they delight is care of cattle. They not only depend on cattle for many of life's necessities but they have the herdsman's outlook on the world. Cattle are their dearest possession and they gladly risk their lives to defend their herds or to pillage those of their neighbours. Most of their social activities concern cattle and *cherchez la vache* is the best advice that can be given to those who desire to understand Nuer behaviour.[1]

The attitude of Nuer towards, and their relations with, neighbouring peoples are influenced by their love of cattle and their desire to acquire them. They have profound contempt for peoples with few or no cattle, like the Anuak, while their wars against Dinka tribes have been directed to seizure of cattle and [423] control of pastures. Each Nuer tribe and tribal section has its own pastures and water-supplies, and political fission is closely related to distribution of these natural resources, ownership of which is generally expressed in terms of clans and lineages. Disputes between tribal sections are very often about cattle, and cattle are the compensation for loss of life and limb that is so frequently their outcome. Leopard-skin chiefs and prophets are arbiters in questions in which cattle are the issue, or ritual agents in situations demanding sacrifice of ox or ram. Another 233 ritual specialist is the *wut ghok*, the Man of the Cattle. Likewise, 561 in speaking of age-sets and age-grades we find ourselves des-

[1] Nuer interest in their cattle has been emphasised by early travellers in their country. *Vide* Marno, op. cit., p. 343; Werne, op. cit., p. 439; du Couret, op. cit., p. 8a.

[p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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VII

In most years wild fruits, seeds, and roots are not an important item in Nuer diet. Their country is mainly treeless and fruits therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting are dry-season occupations and produce during that season the necessary supplement to an insufficient milk diet. In the wet season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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•241 It may be doubted whether they could cultivate any crops other than those they now sow, without extensive irrigation in the dry season, and this is incompatible with their nomadism. These crops do not make an imposing list. The staple crop is millet (*Sorghum vulgare*), from which they reap two harvests, and they sow some maize near their huts and a few beans (*Vigna*), their only garden vegetable, among the millet. Besides these three food plants they cultivate a little tobacco under the eaves of their huts and plant some gourds to grow up kraal fences. The [352] millet is consumed as porridge and beer; the maize is mainly roasted, though some is eaten as porridge; the beans are eaten stewed or cooked with porridge; the tobacco is used for smok- [276] ing in pipes, as snuff, and for chewing; and the gourds are, according to their species, either eaten or fashioned into dairy vessels.

Millet, the main crop, is the only one of these plants to the cultivation of which we need make more than a passing reference. Once it is established it stands up well to conditions which would be fatal to most plants, and it is worthy of notice that wild species of sorghum flourish in this latitude. Maize is also hardy but, although it is important to Nuer because it is the first grain to be harvested when their supplies are running short or are exhausted, its quantity is negligible except on the banks of the Baro. Nuer distinguish between many types of millet, mainly by the colour of their seeds, and know which are early, and which late, varieties, in what order they ripen, which give good flour for porridge, and which have sweet stalks for chewing. The plant thrives in black clays which hold up water, but shows much adaptability and ripens also on the more sandy stretches on which the Nuer build their villages, though in such spots it has less resistance to drought and a second sowing is very uncertain. Eastern Jikany is probably the best millet country in Nuerland, and, although in many parts it is too flooded for a second crop, it is the only section I have seen which can generally be relied on to yield sufficient grain to support the population. Lak and Thiang tribal areas in the Zeraf Island, which I have not visited, are said to be good grain country.

Even millet will not flourish in standing water, so that the

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gardens have to be made on higher land. Where circumstances permit homesteads to be built over a wide stretch of country gardens can be made almost anywhere between them, but where they are strung out along a ridge there is less choice, for the back of the ridge is too hard, does not retain enough water, and is required for grazing. Cultivations are therefore made behind the huts and byres between the summit of the ridge and the sunken plain. Among the Western Nuer, in the higher parts where there is a slight slope, small dams are often constructed to prevent the water running from the gardens. If, on the contrary, the millet is likely to be flooded where the ridge slopes into the plain, drainage canals, sometimes several feet deep and over fifty yards in length, are dug to take excess of water into the bush. These gardens form a continuous line behind the homesteads and if there is sufficient land there for cultivation people do not cultivate elsewhere. If there is not enough land they cultivate along the ridge beyond the confines of the village where it is too damp for building but not too flooded for millet gardens, or in near-by forest.

There is enough land for everybody on the Nuer scale of cultivation and consequently questions of tenure do not arise. It is taken for granted that a man has a right to cultivate the ground behind his homestead unless some one is already using it, and a man can choose any spot outside the village which is not occupied by the gardens of others. New-comers are always in some way related to some of the villagers, and kinsmen do not dispute about gardens. Moreover, owing to the conformation of Nuer villages, there is a rough correlation between the size of population and the area of cultivable land, for where suitable land is limited so is space for building.

It has been remarked that when once established millet shows great resistance to climatic variations. The difficulty is for it to become established. It frequently happens shortly after sowing that there is a short period of drought in which the young shoots wither and die. Sometimes this is due to the hungry people sowing too soon, but it is generally unavoidable, because if they wait too long before planting, the millet becomes subject to smut and neither bears nor ripens properly. It also frequently happens that heavy and violent rain destroys the

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seedlings by beating them into the sticky clay or by washing the soil from their roots. I have not known a season in Nuerland in which drought or excessive rain did not in some measure destroy the crops after sowing. Elephants do much damage when the millet has passed the vulnerable seedling period and I have known the gardens of a village to be partially destroyed three years in succession by these beasts. Weaver-birds take an annual toll when the millet is ripening, but Nuer do nothing to scare them unless they are in such numbers that they threaten to consume the whole harvest, when they erect bird-watching platforms in the gardens. In some years—I do not know how often—the country is visited by locusts which cause immediate and wholesale destruction. At various stages of growth guinea-fowl, crows, ostriches, and some of the smaller antelopes do much damage, and waterbuck show a great liking for the second crop. Sometimes, though I think rarely, Nuer build huts in their gardens, if they are some way from the village, to guard the millet from these depredations, but generally they show little concern, hoping that the proximity of dwellings will keep animals away and, if it does not, accepting the consequences with a detachment that appears sometimes to be almost indifference.

HORTICULTURAL CALENDAR

Apr.	*May*	*June*	*July*	*Aug.*	*Sept.*	*Oct.*	*Nov.*	*Dec.*	*Jan.*
Sow maize			Harvest maize						
	Sow first millet				Harvest first millet				
		Sow beans				Harvest beans			
			Sow *jaak* millet				Harvest *jaak* millet		
			Sow tobacco			Harvest tobacco			
					Sow second millet			Harvest second millet	

The calendar shown above is an approximation, since the time of sowing and harvesting depends on the commencement of the first heavy rains, which is subject to annual variations. The horticultural season generally begins at the end of March for those who are able to spend the drought in or near their homes on river banks, but most people have to wait till they can return to their villages in April or May before they can start clearing their gardens. Married people usually return to their villages in the first half of

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241 221 May and start to prepare the ground around their homesteads for maize. At the end of the month, or in June, the younger people return with the cattle and assist in clearing last year's millet gardens and in the hard work of hoeing new ground. Prolific grasses spring up with the millet which has to be weeded at least three, and maybe four or five, times. The more weeding done for the first crop the less is needed for the second crop.

While the first crop is ripening adjacent strips are cleared for the second crop (Plate XI (*b*)), which is sown shortly before the first is harvested, at the end of August or in September, and it grows together with the new shoots that spring from the roots of the first crop after its stems have been chopped down. In Eastern Nuerland the second sowing is made among the standing crop or on an extension of the garden, but in Western Nuerland and in parts of the Zeraf Island the ground is so flooded that it is made on prepared mounds of earth. I would again draw attention to Plate XII, where these mounds are illustrated, for it admirably shows what Nuerland is like in the rains and conveys a clear impression of the obstacles confronting Nuer horticulture. The second crop has also to be weeded several times and, as the same garden will be used for the first sowing in the following rains, the more thoroughly it is weeded now the less work there will be to do then. In many parts of Nuerland the second harvest may be almost as big as the first, and it is probable that where local conditions are adverse to one crop they favour the other. It appears that while the sown millet of the second crop requires much moisture and will not flourish if the rains fall off early the millet which sprouts from the old stems does best in drier conditions and may be spoilt by late heavy showers, so that one or the other is likely to ripen, and in moderate conditions both may thrive.

[177] In some districts of the Lou and Eastern Jikany tribes the culture of a slow-maturing millet called *jaak* (*Sorghum durra*) has been copied from the Dinka. The spot chosen for cultivation is not burnt at the annual firing of the bush, but early in the following rains when the new grasses have sprung up among the old. Although this kind of millet has certain disadvantages it has caught on in a few places because it requires less clearing and weeding and is very hardy.

241 Nuer know nothing of crop rotation, having indeed no crops to rotate, nor of manures, though the droppings of cattle and the ashes of burnt weeds and brushwood no doubt act as fertilizers. They never allow their homestead gardens to lie fallow for a year to enable the soil to recuperate, but plant year

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241 after year till it is utterly exhausted, when they change their homestead site, often moving for some years to a new village. Nevertheless, they know that each year of tillage means further deterioration and judge the impoverishment of the soil by the size of the millet plants and of their yield and by the presence of certain weeds which only flourish on exhausted ground. A garden is cultivated annually for from five to ten years and after it has been left fallow for a few seasons it is tested to see whether the soil is still hard and caked, or loose, soft, and ready to bear a new crop. In gardens cultivated in bush sites away from the villages, on the other hand, people are not confined by the gardens of their neighbours, and it is possible to hoe a virgin piece of ground each year at one end and to abandon an exhausted piece at the other end.

241 262 Nuer gardens are very small. Measurements do not give so clear an idea of their size as noting that in an average year the people in most parts of Nuerland have just enough grain to last them till the following harvest, if they are very economical during the dry season and subsist mainly on milk and fish, while in a bad year they may have to go without porridge for several weeks. Also it may be noted that Nuer do not build granaries, but find small grass and earthenware bins, kept in their huts, sufficient for storage. However, we may judge how important millet is to them less by its quantity than by its place in their total food-supply, for it is not merely a subsidiary item of diet of high nutritive value but is an essential food, since they would be hard pressed to maintain life without it. Nuer fully acknowledge that this is so and in no way despise horticulture, but are, on the whole, industrious gardeners.

241 Nevertheless, they consider that horticulture is an unfortunate necessity involving hard and unpleasant labour and not an ideal occupation, and they tend to act on the conviction that the larger the herd the smaller need be the garden. They are herdsmen and not peasants. When I have drawn attention to badly kept gardens or remarked that the crops received no protection from beasts and birds they have been unperturbed, for, while it would be disgraceful to neglect cattle, there are no strong feelings about inattention to gardens. When I have asked them why they do not sow more millet I have

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often received some such reply as: 'Oh well, such is our 241
custom. We have cattle.'

I wish to emphasize, in conclusion, the following points: 241
(1) that Nuer cultivate only enough grain for it to be one element
in their food-supply and not enough to live on it alone; (2) that 231
with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto.

IX

It has been mentioned that Nuer must have a mixed econ- 262
omy in the given oecological relations because no one source 221
of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted.

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk is a staple food all the year round, though cows probably tend [234] to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the 262
respective contributions of cattle and millet to Nuer food- 538
supply are brought out in a story in which Cow and Millet 221
have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XI

000

a. Open savannah in the dry season (Lou)

141

b. Clearing millet garden for late sowing (Lou)

[Face p. 84]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

131 el Jebel and the Bahr el Ghazal. The Leik and Bul tribes are nearly
361 all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

361 All Nuer are compelled to migrate during the dry season and to
166 set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'interm diate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the *toic*. The distances covered in these seasonal migrations vary considerably. Many of the Lak and Thieng Nuer, for example, move only a few miles from their permanent homes, while many of the Gawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and
[241] economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

361 The distribution of population in Nuerland is determined by the
621 physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

8:Howell E, G-5 (1942-1944)1954
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a greater or lesser extent isolated at certain times of the year. Such periodic isolation is one of the factors which tend to emphasize the distinction between social groups and strengthen the ties within them, for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

Climatic conditions adverse to the cultivation of millet coupled with widespread cattle disease (rinderpest, contagious bovine pleuro-pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

Small quantities of maize are planted in the early rains and the crop matures, if they are lucky, about the end of July, providing temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

S:Howell E, G-5 (1942-1944)1954
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241 132 famine. The distribution of rainfall is, however, not universally favourable or otherwise to all areas of Nuerland. Heavy rainfall in low-lying regions may prove fatal, while it is suitable for crops planted on better drained, sandier soil. Thus crops are not as a rule universally good or bad throughout Nuerland, nor within one tribal territory. Some families have good crops, others bad, and the position may be reversed in another year.

621 On a wider scale this leads to trading or a reaffirmation of more remote obligations of kinship; on a limited scale it leads to a re-emphasis of the ties of mutual assistance which are raised both by kinship and by association in a common territory. Economic considerations of this sort are important in the determination and maintenance of social groupings and in the maintenance of peaceful relations. This is a feature of Nuer society which has been at least partially modified by modern administrative methods since grain is often imported and sold in years of shortage.

The other principal factor making for social integration is the need for common defence against opposing groups or, in a much wider sense, defence against foreign aggression. It is obviously another factor which is most readily affected by modern influences and the introduction of an ordered administration. The need for mutual defence is lessened, and doubtless the feeling of opposition to an alien government is less intense now that the Nuer are used to it.

Whatever the factors making for social integration or the reverse, the pattern which extends within and across social groupings is the kinship system, both as a fact and as an ideal. The smaller the social unit the more important these factors are and the greater the need for mutual assistance and co-operation. Later we shall come to examine in greater detail how these factors have altered through normal contacts with other peoples and through the active policy of the Government, and in particular the resulting effect on legal concepts and procedures.

Social and Political Structure

114 Professor Evans-Pritchard has recorded a full analysis of the political and kinship systems of the Nuer. For the purpose of this work, which aims at the examination of legal processes and procedures in the present and to a lesser extent in the past, it is unnecessary to do more than summarize his observations and conclusions which, with the exception of minor local variations of no great importance in the general picture, are much the same as my own. Where I use examples, I often refer to the Zeraf Valley tribes, Gaawar, Thiang, and Lak, which Professor Evans-Pritchard has not studied. There is therefore some object in this summary, apart from its necessity as an introduction to the subject of law, since it provides further evidence from other parts

14: Huffman M-5 (no date) 1931
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262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

● 241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

325 Women sometimes make earthen pots and sell or
458 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

15: Butt E-4 (No date) 1952 F J22 Nuer F J22

features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pastures in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since new varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pastures become exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become shorter and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

15: Butt E-4 (No date) 1952 F J22 Nuer F J22

221 *March - April.* When the rains begin the old people return to the village for sowing.

●241 233 *June.* The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Atholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 242 Economically, cattle are chiefly important for milk and milk products, such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

[258] 237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and hearths. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, *those whose land is high and well-drained enjoy no advantage which* is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mare*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in semi-camps of concentrated farms, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

6: Evans-Pritchard E-5 (1931, 1936)1938
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823 104 *tap*. A big open river is generally called *kir e.g.* the Bahr el Jebel and the Sobat but a river may have its proper name, *e.g.* the Bahr el Ghazal is called Naam. Smaller rivers or streams are denoted by the word *yir*. A marshy depression inland is called *wang* and a big lagoon running out of one of one of the main rivers is called *bar*. A marshy depression running parallel to a river bank is called *tor*. *Toc* are extensive swamps which form the flood plains of rivers.

VIII

311 From my description of their country it will be seen that the Nuer are faced with problems which daunt men better equipped than them. For they are so poor that they have little but their courage and their knowledge to master a harsh environment. Nuer have to consider how to protect and pasture their cattle and also how to grow maize and millet, for they practise both cattle husbandry and hoe-culture and have to take the requirements of both into account. As gardeners their difficulties only arise in the rains for in the dry season nothing will grow in the waterless wastes. As herdsmen there are problems to be solved at all seasons. Gardening will be described later. Here we may consider how Nuer ensure the welfare of their herds by adapting their life to the seasons.

233 361 •243 Excess or insufficiency of water is their first problem. It is essential that men and cattle should be protected from the water which covers most of the country in the rains. Cattle get diseases of the hooves and die if they have to stand in water. Protection is given to man and beast by building huts and byres on higher ground. In selecting a village site two considerations must be borne in mind. Firstly there must be a sloping ridge off which rain-water can run to the plain below and this ridge must be broad enough to allow huts and byres to be built and for the cattle to be tethered in the kraals outside the byres. Preferably it should also be broad and long enough to allow the flocks and herds to pasture without having to descend into the inundated plains to graze among the tall rank grasses. Secondly there must be land on one side of the ridge suitable for cultivations, *i.e.*, land which will retain sufficient water for the millet to grow

6: Evans-Pritchard E-5 (1931, 1936)1938
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but not enough to drown it altogether. The ideal arrangement, which I have often observed among the Western Nuer, is to build on the edge of a whale-backed ridge with the huts and byres facing the broad back of the ridge. This ensures that the cattle will have dry kraals and also permits them to graze on the short grasses of the ridge. At the back of the huts and byres on slightly lower ground are the gardens. These must be on lower ground because the ridge itself is usually sandy and, where occupied, has a hard trodden floor of ashes and debris and is therefore unsuitable for cultivation of millet. They must also be at the back of the huts and byres so that the cattle can move freely to and from their kraals without invading the standing millet. To prevent this happening people erect a thornwood fence between the kraals and the gardens and extend it along both sides of the kraal, so that only the side opening on to the ridge is left unfenced. In Western Nuerland I have seen low mud dykes erected between the flooded plain and the approach to the ridge. These are to prevent the water encroaching too far in years of high flood. 233 361 243 [312]

I have sometimes wondered why Nuer so often build their villages on shadeless ridges in the middle of a treeless plain when it would be possible to build in some of the stretches of thornwood or palm forest that one finds here and there in their country. I have often noticed villages built in the open when shady spots are to be found a few hundred yards away. But Nuer can give good reasons for keeping to their dreary sites exposed to the fierce tropical sun and the bitter north wind. In the open their animals are safer from wild beasts; they are less worried by insect pests, and their kraals soon dry after rain. It would appear also that thornwood forest is less suitable for cultivation of millet than more open country. Nevertheless Nuer sometimes build in open forest. I have seen forest villages in parts of Lou and Eastern Gaajok country. The Eastern Gaajok villages, which I have not visited, are mainly in forest country.

Most of these ridges and knolls have probably been occupied for a very long period of time, perhaps long before the Nuer lived in their present home. In digging graves Nuer have found pots and cooking 361 172

6: Evans-Pritchard E-5 (1931, 1936)1938
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361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342] *lieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
• [243 Gardens are cultivated for as long as ten successive years before they
233] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
602 However, ownership is mainly a matter of sentiment, based on long association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under *cultivation. Nuer are very generous in such matters. In fact,* however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *wyoor*, or high river-flood, their ridges remain dry

14: Huffman M-5 (no date) 1931
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262 are dura, corn, mutton, beef, the flesh of some wild animals—antelope, gazelle, waterbuck—guinea fowl, fish, crocodile—which is considered a choice food—beans, milk, and sometimes greens. This does not mean that these foods are constantly at hand. The average diet of a Nuer consists of dura, fish, milk, and occasionally meat. This limitation of diet works the greatest hardship for little children and the sick and aged.

A Nuer seldom kills a cow unless one has to be offered as a sacrifice. Sheep are not often primarily killed for food. Wild animals are not often available for they usually must be killed with a gun—and who has a gun? Even guinea fowl are not easily caught.

A Nuer will, generally speaking, not eat wild duck. Eggs are not eaten by men as they are considered effeminate. Milk is likewise not regarded as food for men, but women and children and sick men may drink it. Women refuse [841] to drink milk during their menstrual periods.

243 The staple article of food is dura, or kaffir corn as we call it. The dura is planted in May, providing the early rains have begun. If the rainy season is late the planting is delayed until the ground has been softened by several rains so that hoeing is possible. Small hand-hoes are used. Everybody hoes—men, women, and children each do their part in getting the field ready to be planted. The seed dura, which has been kept over from the past year, is sown. It requires to be hoed several times during the season, for the frequent rains make weeds grow as well as dura. In late September or early October, according to the time of planting, the dura is ready to be cut.

[791] When harvest time approaches a 'guk kwoth' or 'prophet of god' is consulted as to when they may cut their dura, and his advice is heeded.

14: Huffman M-5 (no date) 1931
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Every one helps in the work of the harvest, for the 243
stalks must be cut down and the heads cut off and placed
upon a rack which has been placed in the yard for that
purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura
has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a
second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she
has plastered with mud, using a long pole. She usually
chants a song as she pounds, the thud of the pounding
serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part
of the food of a Nuer. He eats it without salt or sugar;
sometimes he has a little milk on it. Or the dura may be
soaked and then allowed to sour a little, and then cooked,
in order to give the family a little variety in their
meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have
it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild
greens. Beans are also eaten, but I know of no Nuer who
plants them in his own village. Men consider these wild
greens effeminate and will not eat them except in times of
famine. Sometimes in times of famine they gather certain [267]
wild-grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be accused of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows
such an array of beads and cloths that the Nuer is tempted

1: Evans-Pritchard E-5 (1931, 1936) 1940
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turns the curds, *lith in ber*, into solid deep yellow cheese, *lith in car*. After boiling for a time the liquid is poured into a gourd and the oil on top is removed, to be used as a flavouring for porridge. The cheese is suspended in a net from the roof of a hut in a round gourd, a piece of the shell of which has been cut out so that cords run through it and it acts as a sliding lid (see Fig. 2), and, if air is excluded by a coating of cattle dung, it will keep in good condition for months. Milk may thus be stored in the form of cheese. It is eaten with porridge and is also used for anointing the body.

Sheep and goats are also milked in the mornings, but little importance is attached to their yield, which is drunk by small children and not used for dairy work. The woman milks and the kids and lambs finish what is left in the udders. As they run with their dams at pasture an evening milking is not taken; but during the day hungry herdboys often squeeze the udders and lick the milk off their hands.

Some points that arise from an account of milking and dairy-work deserve emphasis. (1) The present number and distribution of cattle do not permit the Nuer to lead an entirely pastoral life as they would like to do, and possibly did at one time. On a generous estimate the average daily yield to the byre is probably no more than twelve pints, or one and a half pints per person. A mixed economy is, therefore, necessary. (2) Furthermore the fluctuation in household resources, due to epidemics and transmission of bride-wealth, is further accentuated by the organic character of the staple diet, for cows only produce milk for a certain period after calving and the yield is not constant. It follows that a single family is not a self-sufficient unit, as far as milk is concerned, for it cannot always ensure an adequate supply. Therefore, since milk is considered essential, the economic unit must be larger than the simple family group. (3) Environmental conditions, as well as need for cereal food to supplement their milk diet, prevent Nuer from being entirely nomadic, but milk food enables them to lead a roving life for part of the year and gives them mobility and elusiveness, as their history shows and as has been recently demonstrated in the Government campaign against them. Milk requires neither storage nor transport, being daily renewed, but, on the other hand, involves a straight dependence on water and vegetation which not only permits, but compels, a wandering

1. Evans-Pritchard E-5 (1931, 1936) 1940
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241 after year till it is utterly exhausted, when they change their homestead site, often moving for some years to a new village. Nevertheless, they know that each year of tillage means further deterioration and judge the impoverishment of the soil by the size of the millet plants and of their yield and by the presence of certain weeds which only flourish on exhausted ground. A garden is cultivated annually for from five to ten years and after it has been left fallow for a few seasons it is tested to see whether the soil is still hard and caked, or loose, soft, and ready to bear a new crop. In gardens cultivated in bush sites away from the villages, on the other hand, people are not confined by the gardens of their neighbours, and it is possible to hoe a virgin piece of ground each year at one end and to abandon an exhausted piece at the other end.

241 262 Nuer gardens are very small. Measurements do not give so clear an idea of their size as noting that in an average year the people in most parts of Nuerland have just enough grain to last them till the following harvest, if they are very economical during the dry season and subsist mainly on milk and fish, while in a bad year they may have to go without porridge for several weeks. Also it may be noted that Nuer do not build granaries, but find small grass and earthenware bins, kept in their huts, sufficient for storage. However, we may judge how important millet is to them less by its quantity than by its place in their total food-supply, for it is not merely a subsidiary item of diet of high nutritive value but is an essential food, since they would be hard pressed to maintain life without it. Nuer fully acknowledge that this is so and in no way despise horticulture, but are, on the whole, industrious gardeners.

[55]

241 Nevertheless, they consider that horticulture is an unfortunate necessity involving hard and unpleasant labour and not an ideal occupation, and they tend to act on the conviction that the larger the herd the smaller need be the garden. They are herdsmen and not peasants. When I have drawn attention to badly kept gardens or remarked that the crops received no protection from beasts and birds they have been unperturbed, for, while it would be disgraceful to neglect cattle, there are no strong feelings about inattention to gardens. When I have asked them why they do not sow more millet I have

6: Evans-Pritchard E-5 (1931, 1936)1938
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of the hooves which is often fatal. Another disease of unknown symptoms is *puc* (*puc nyacar*, *nyacar*). There is a disease called *hec* which is treated by the animals ears, and sometimes its horns also, being cut with a spear heated in the fire (*ba hec tem bä mar*). This sickness causes abscesses in the ears which are therefore scraped out. It also causes the horns to become hollow and if this is found to be the case the horns are either cut or bored. 232

Goats and sheep have their special diseases: *fanyuain*, probably sheep-pox, *wöcuewy*, fluke, in which the liver and gall-bladder are enlarged and full of sores, etc. They also suffer from trypanosomiasis.

Jök is a generic name for all diseases of cattle, sheep and goats. The word may be incorporated from the Dinka and some expressions in which it figures, *e.g.*, *jöndapuöth*, bovine pleural-pneumonia, show very clearly Dinka construction. The kind of *jök* which is afflicting the cattle is specified in the names of different diseases or in different names for the same disease, *e.g.*, *jöndapuöth*, *jökkiec*, *jökdiu*, *jok nyaatial*, and *jok nyanjat*. Nuer appear to regard contagious diseases of cattle as spirits which suddenly come, for no apparent reason, as diseases of men come. Nuer say that they are spirits sent by God. They say "*Ce jok ben piny, cee kam piny e kuök*," "The disease has come to earth, it is brought to earth by God."

Besides veterinary medicines used to cure sickness, some of which may have therapeutic properties and be considered drugs, Nuer possess medicines which are used for other purposes than to cure sickness and we probably do not wrongly assess their value when we say it is purely of a magical order. Such are the medicines placed in churning gourds and churned with the milk to ensure a good supply of cheese. The roots of the following plants were recorded as having this use: *Cawaw*, (*Trianthema pentandra*) *gitkual*, *kuök*. The seeds of a sweet smelling plant that grows on camp and village sites called *mölöth* (*Ocimum americanum L.*), are boiled with the cheese to make it sweet and keep long. 232 789 251 789

14: Huffman M-5 (no date) 1931
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The women and children sleep in these; the men sleep in the barns, if there are any, or among the cattle. 226 221

People under one chief spend the fishing season at the same fishing camp. Old people sometimes remain in the villages, but the younger ones enjoy the companionship of others and the change from the routine village life. It serves the same purpose as our summer trip.

While at the camp, fish are caught by spearing them with a special spear or by a hook and line left out all night as a trout line is sometimes left, or by the use of a fishing net, if any one is fortunate enough to posses one. 226

Later on, when the river is lower, fish traps are made by placing sticks close together in the river. When ish get into this enclosure they are unable to find the exit nd are speared and taken. Nuer sometimes imitate the sound of fish by making a splashing noise in the water with a stick. Other fish gather, as they think, to when their fellows are, and are speared.

If many fish are caught they are dried and taken back to the village for later use, or possibly they are sent back at once to those who have stayed behind. Sometimes fish are not plentiful and then return trips have to b made to the villages to get durra for food. [251]

When the river begins to rise, fishing in the swamps may be continued for a little while. But soon all return to their villages, for as soon as the rains start, hoeing must be done and durra planted. Also, should their permanent village be across the river from the fishing camp, they must take their cattle over the river before it rises so much that the cattle are unable to swim it in safety. 226 221

THE FOOD-SUPPLY

The Nuer food-supply is frequently limited in quantity; it is also limited in variety. The foods the Nuer will eat 262

1: Evans-Pritchard E-5 (1931, 1936) 1940
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262 a gourd of sour milk always at hand in case visitors come. Part of the daily yield is kept for making cheese, and if there are several cows in lactation one may be reserved for this purpose. Milk for churning is drawn into a different gourd to that used for drinking milk. It is then transferred to a churning gourd (see Fig. 1), in which it stands for several hours, and as churning gourds are not cleaned, unless they smell bad, the acids which remain from the previous churning curdle the milk. After standing it is churned

252

[445]

FIG. 1. Churning gourd.

by a woman, or girl, who sits on the ground with her legs stretched in front of her, and, raising the gourd, brings it down with a jerk on her thighs where she rocks it a few times before repeating her actions: a simple but lengthy way of churning. A small quantity of water is poured into the gourd when the curds are beginning to form to make them set well and to increase the quantity of whey, and some ox's urine may be added to give them consistency. When they have formed, the woman pours the milk into a cup-shaped gourd and scoops them out with a round shell into another gourd vessel which is hung up in a hut. The whey, mixed with fresh milk, is mainly drunk by women and boys. Every day they add to the supply of curds and now and again stir some ox's urine with them to prevent them from going bad. They may add to the supply for several weeks before the final boiling over a quick fire, which

1: Evans-Pritchard E-S (1931, 1936) 1940
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turns the curds, *liath in ler*, into solid deep yellow cheese, *liath in car*. After boiling for a time the liquid is poured into a gourd and the oil on top is removed, to be used as a flavouring for porridge. The cheese is suspended in a net from the roof of a hut in a round gourd, a piece of the shell of which has been cut out so that cords run through it and it acts as a sliding lid (see Fig. 2), and, if air is excluded by a coating of cattle dung, it will keep in good condition for months. Milk may thus be stored in the form of cheese. It is eaten with porridge and is also used for anointing the body.

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Some points that arise from an account of milking and dairy-work deserve emphasis. (1) The present number and distribution of cattle do not permit the Nuer to lead an entirely pastoral life as they would like to do, and possibly did at one time. On a generous estimate the average daily yield to the byre is probably no more than twelve pints, or one and a half pints per person. A mixed economy is, therefore, necessary. (2) Furthermore the fluctuation in household resources, due to epidemics and transmission of bride-wealth, is further accentuated by the organic character of the staple diet, for cows only produce milk for a certain period after calving and the yield is not constant. It follows that a single family is not a self-sufficient unit, as far as milk is concerned, for it cannot always ensure an adequate supply. Therefore, since milk is considered essential, the economic unit must be larger than the simple family group. (3) Environmental conditions, as well as need for cereal food to supplement their milk diet, prevent Nuer from being entirely nomadic, but milk food enables them to lead a roving life for part of the year and gives them mobility and elusiveness, as their history shows and as has been recently demonstrated in the Government campaign against them. Milk requires neither storage nor transport, being daily renewed, but, on the other hand, involves a straight dependence on water and vegetation which not only permits, but compels, a wandering

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231 the worse for their experience. Indeed, it may well be, as Nuer
262 assert, that they are the better for it, for they lead a sluggish life.
[252] The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it coagulates into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

231 Nuer do not regard the blood of cows as a staple article of diet
PO and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any unfitness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and graze avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

231 The following two points seem to us to be significant. (1)
262 Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient
[229] meat to satisfy their craving and have no pressing need to hunt wild animals, an activity to which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

237 Apart from milk, meat, and blood, cattle furnish Nuer with
231 numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

237 Their skins are used for beds, trays, for carrying fuel (Plate XVII), cord for tethering and other purposes, flails (Fig. 15), leather collars for cows (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

[p. 29 contains no textual material]

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commencement of the rains, in April and May, when the rivers begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks of large rivers sometimes fish from dug-out canoes (Plate IX) with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak—for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

Nuer are fine spearmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish. A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract the fish. Fish are eaten roasted or boiled.

VI

Nuerland is also very rich in game, though Nuer do not exploit this source of food extensively. There are vast herds of tiang and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

1: Evans-Pritchard E-5 (1931, 1936) 1940
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241 It may be doubted whether they could cultivate any crops other than those they now sow, without extensive irrigation in the dry season, and this is incompatible with their nomadism. These crops do not make an imposing list. The staple crop is millet (*Sorghum vulgare*), from which they reap two harvests, and they sow some maize near their huts and a few beans (*Vigna*), their only garden vegetable, among the millet. Besides these three food plants they cultivate a little tobacco under the eaves of their huts and plant some gourds to grow up kraal fences. The [255] millet is consumed as porridge and beer; the maize is mainly roasted, though some is eaten as porridge; the beans are eaten [276] stewed or cooked with porridge; the tobacco is used for smoking in pipes, as snuff, and for chewing; and the gourds are, according to their species, either eaten or fashioned into dairy vessels.

Millet, the main crop, is the only one of these plants to the cultivation of which we need make more than a passing reference. Once it is established it stands up well to conditions which would be fatal to most plants, and it is worthy of notice that wild species of sorghum flourish in this latitude. Maize is also hardy but, although it is important to Nuer because it is the first grain to be harvested when their supplies are running short or are exhausted, its quantity is negligible except on the banks of the Baro. Nuer distinguish between many types of millet, mainly by the colour of their seeds, and know which are early, and which late, varieties, in what order they ripen, which give good flour for porridge, and which have sweet stalks for chewing. The plant thrives in black clays which hold up water, but shows much adaptability and ripens also on the more sandy stretches on which the Nuer build their villages, though in such spots it has less resistance to drought and a second sowing is very uncertain. Eastern Jikany is probably the best millet country in Nuerland, and, although in many parts it is too flooded for a second crop, it is the only section I have seen which can generally be relied on to yield sufficient grain to support the population. Lak and Thiang tribal areas in the Zeraf Island, which I have not visited, are said to be good grain country.

Even millet will not flourish in standing water, so that the

14: Huffman M-5 (no date) 1931
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Every one helps in the work of the harvest, for the 245
stalks must be cut down and the heads cut off and placed upon a rack which has been placed in the yard for that purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she has plastered with mud, using a long pole. She usually chants a song as she pounds, the thud of the pounding serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part of the food of a Nuer. He eats it without salt or sugar; sometimes he has a little milk on it. Or the dura may be soaked and then allowed to sour a little, and then cooked, in order to give the family a little variety in their meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild greens. Beans are also eaten, but I know of no Nuer who plants them in his own village. Men consider these wild greens effeminate and will not eat them except in times of [267]
famine. Sometimes in times of famine they gather certain wild grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be assured of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows such an array of beads and cloths that the Nuer is tempted

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his 626
particular village, and his actions affect all his relatives, so matter how distant the relationship may be. This fact checks him to some extent in his misdeeds, for any infringement of Nuer law not only affects him but all his people as well. He must give heed to them and to Nuer law in general if he is to count on their support and aid in time of need (Fig. 7).

The men and boys of the village usually sleep in the 513
barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls 342
up to about three feet or more from the ground, then the sloping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. 361
The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a branch of grass tightly tied [401]
together at one end suffices for a broom. One part of the 252
enclosure is plastered with mud for a radius of two or three feet, and in the center is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

14: Huffman M-5 (no date) 1931
F322 Nuer F322

253 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

481 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

518 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

254 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

312 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

359 A fire, with earthen shield to protect it from the wind,

14: Huffman M-5 (no date) 1931
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512 she goes. She steadies her jar with her hand as she goes
*182. down the river bank.

She rinses her jar with water, then fills it. She usually stops to wash her face and is then ready to return to her village. She calls one of the other women who are getting water, or if there are none there to help she calls some passer-by, who—even if it be a man—will usually stop to help her to lift the jar up and put it on her head. On the homeward trip she steadies the jar with one hand, as being full of water it is much heavier.

512 When she returns to her home the morning meal must
● 252 be ready by nine or ten o'clock. So she pounds the dura in the hole already described, and sifts it until she has enough for the morning meal. Or perhaps she has a large stone, in which case she takes a small piece of smoothed wood resembling our rolling-pin and grinds the dura on the stone with it.

Then the fire is built with cane-stalks for fuel, and the earthen cooking-pot, partly filled with water, is put over the fire. It is supported by three little mounds of hard baked earth, and she keeps shoving the stalks of cane into the fire as fast as they burn away. The pounded dura is put into the water gradually, a little at a time, and stirred frequently with a cane-stalk having two small cross-pieces fastened at right angles at the end of it, made for that purpose. When the food is ready, the woman dishes up the men's portion in a large half-gourd which serves as a dish, puts the mussel-shell spoons in it, and calls the men to their breakfast. They go into the house and eat.

512 Then the women, if they are young or newly married,
264 eat where they will not be seen by the men. If they have been married several years they may eat together.

512 The yard has to be swept, the children fed and cared for, more dura must be pounded for the evening meal.

[Cf. pp. 19-20, Category 116.—Analyst]

15: Butt E-4 (No date) 1952 F322 Nuer F322

221 March - April. When the rains begin the old people return to the village for sowing.

241 June. The rest of the people follow with the cattle. The move from
233 camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

261 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The directions of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 Economically, cattle are chiefly important for milk and milk products,
242 such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of
[illegible] diet in dry season camps. The blood is boiled and taken with porridge as flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for men and in making pipes, spears and shields. Tail hairs are used for ornamentation, horns and horns are used for instruments, scrapers and hammers. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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comes to his village when the dura is threshed and shows such an array of beads and cloths that the Nuer is tempted

16: Evans-Pritchard E-5 (1931, 1936) 1956
F322 Nuer F322

THE SACRIFICIAL ROLE OF CATTLE

231 The very special circumstances in which cattle are killed for
731 food are times of severe famine and in what are called *nak*, or in
261 some parts of Nuerland *kowar* or *cual*, camps. Within my own short experience, in 1931, a year of great hunger, the Lou Nuer killed many oxen for food, and during a famine in western Nuerland in 1935 a great number of beasts were slaughtered to keep the people alive. Dr. Howell says that in the Zeraf valley in 1943, likewise a year of famine, animals were being killed for food.[1] The Lou Nuer even have a reputation, of which they are ashamed, for killing oxen when hungry, for not waiting, that is, till faced with starvation. How often this situation used to occur is not, and cannot, be known. If it is not altogether a modern phenomenon, we may suppose that it was much less likely to have arisen before rinderpest depleted the herds and imposed peace prevented their rehabilitation through raiding, the milk supply thus being lessened.[2] *Nak* camps are presumably so called because they are
231 formed for the express purpose of killing (*nak*) oxen. They are
731 formed in some years only, in the rains or at the commencement of the dry season, by youths, each of whom takes an ox to the camp where one by one they are slaughtered and the young men gorge themselves on their flesh. Now that cattle have become scarce two youths may share a single animal, though it is still thought that there ought to be an ox to a man. There is some doubt about the precise significance of this custom. When I published an account of the Nuer age-set system[3] I considered that it did not form an integral part of the rites of initiation but was only incidentally connected with them. I may have been wrong in this conclusion, and my own later researches revealed features which incline me to accept Dr. Howell's contention that they are connected with the age-set system.[4] Certainly there is more in the *nak* than merely killing oxen for feasting. That it has a ritual significance is clear from the fact that the youths who take part in it are segregated. Girls are not allowed to enter, or at any rate to sleep
[234] in, the camps. Abstinence is imposed at a time when the company of girls and their favours are a Nuer's chief interest. Nor may the

[1] P. P. Howell, 'The Age-list System and the Institution of "Nak" among the Nuer' (with a Note by E. E. Evans-Pritchard), *Sudan Notes and Records*, 1948, p. 180. I was told that an ox and an elder pilloried were also slaughtered for food. [2] E. E. Evans-Pritchard, *The Nuer*, 1940, pp. 19-20.
[3] 'The Nuer Age-Sets', *Sudan Notes and Records*, 1936.
[4] P. P. Howell, ibid.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

more exclusively pastoral, and more nomadic, than at the present time, and that the dwindling of their herds may partly explain their persistent aggressiveness. 233

III

Although cattle have many uses they are chiefly useful for the milk they provide. Milk and millet (sorghum) are the staple foods of the Nuer. In some parts of their country, especially among the Lou, the millet supply seldom lasts the whole year, and when it is exhausted people are dependent on milk and fish. At such times a family may be sustained by the milk of a single cow. In all parts the millet crop is uncertain and more or less severe famines are frequent, during which people rely on fish, wild roots, fruits, and seeds, but mainly on the milk of their herds. Even when millet is plentiful it is seldom eaten alone, for without milk, whey, or liquid cheese, Nuer find it stodgy, unpalatable, and, especially for children, indigestible. They regard milk as essential for children, believing that they cannot be well and happy without it, and the needs of children are always the first to be satisfied even if, as happens in times of privation, their elders have to deny themselves. In Nuer eyes the happiest state is that in which a family possesses several lactating cows, for then the children are well-nourished and there is a surplus that can be devoted to cheese-making and to assisting kinsmen and entertaining guests. A household can generally obtain milk for its little children because a kinsman will lend them a lactating cow, or give them part of its milk, if they do not possess one. This kinship obligation is acknowledged by all and is generously fulfilled, because it is recognized that the needs of children are the concern of neighbours and relatives, and not of the parents alone. Occasionally, however, after an epidemic or, to a lesser degree, after two or three years of the group have married, an entire hamlet, or even a whole village may experience scarcity. Sometimes, also, shortage is caused by a tendency for the cows of a village to cease lactating at about the same time. 230 262 353

Nuer value their cows according to the amount of milk they give and they know the merits of each in [redacted] respect. The calves of a good milch cow are more highly prized than the 234

1: Evans-Pritchard E-5 (1931, 1936) 1940
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234 the *wic*. When the teats become soft and empty the calf is again loosened and the process is repeated. The second milking is called *tip iwiit*, the greater *tip*. As a rule there are only two milkings, but if it is a very good milch cow at the height of her lactation period the calf may once more be loosened and a third milking, called *tip iwiet*, the lesser *tip*, be taken. When the girl has finished milking she wipes her thighs and the milk-gourd with the cow's tail and loosens the calf to finish off what milk is left. The first milking takes longer time and produces more milk than the second, and the second more than the third. The morning yield is greater than the evening yield.

A series of measurements suggest that four to five pints a day may be regarded as a general average for Nuer cows during their lactation period, which lasts, on an average, about seven months. It must be remembered, however, that this is an estimate of the yield for human consumption. The calf gets its share before, during, and after the milking. It is possible, moreover, that, as Nuer declare, some cows hold up their milk for their calves, since the calves often suck for several minutes after milking before their dams refuse them by kicking them or moving so that they cannot reach their udders. Sometimes a small boy drags the calf away and milks the udders himself, licking the milk off his hands, or shares the teats with the calf, but as a rule the calf gets the remainder of the milk. The total yield may, therefore, be as high as seven to nine pints a day and it appears to be far richer than milk given by English cows. It is not surprising that the yield is small, because Nuer cows receive no artificial feeding, succulent pasturage is often difficult to obtain, and they have to endure great hardship. It must, moreover, be emphasized that whereas English dairy farmers require only milk, Nuer herdsmen require milk and also wish to preserve every calf. Human needs have to be subordinated to the needs of the calves, which are the first consideration if the herd is to be perpetuated.

Milk is consumed in various ways. Fresh milk is drunk, especially by children, and is also consumed with millet-porridge. Fresh milk is chiefly drunk by adults in the heat of the dry season when a refreshing draught is most appreciated and food is scarce. Some milk is put aside, where it soon, very rapidly in hot weather, sours and thickens, in which condition it is relished. Nuer like to have

1; Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

262 a gourd of sour milk always at hand in case visitors come. Part of the daily yield is kept for making cheese, and if there are several cows in lactation one may be reserved for this purpose. Milk for 252 churning is drawn into a different gourd to that used for drinking milk. It is then transferred to a churning gourd (see Fig. 1), in which it stands for several hours, and as churning gourds are not cleaned, unless they smell bad, the acids which remain from the previous churning curdle the milk. After standing it is churned

[445]

FIG. 1. Churning gourd.

by a woman, or girl, who sits on the ground with her legs stretched in front of her, and, raising the gourd, brings it down with a jerk on her thighs where she rocks it a few times before repeating her actions: a simple but lengthy way of churning. A small quantity of water is poured into the gourd when the curds are beginning to form to make them set well and to increase the quantity of whey, and some cow's urine may be added to give them consistency. When they have formed, the woman pours the milk into a cup-shaped gourd and scoops them out with a round shell into another gourd vessel which is hung up in a hut. The whey, mixed with fresh milk, is mainly drunk by women and boys. Every day they add to the supply of curds and now and again stir some cow's urine with them to prevent them from going bad. They may add to the supply for several weeks before the final boiling over a quick fire, which

1: Evans-Pritchard E-5 (1931, 1936) 1940
F322 Nuer F322

234 life. Such a life nurtures the qualities of the shepherd—courage, love of fighting, and contempt of hunger and hardship—rather than shapes the industrious character of the peasant.

IV

262 782 231 Nuer are also interested in their cattle for meat, boiled and roasted. They do not raise herds for slaughter, but sheep and oxen are frequently sacrificed at ceremonies. There are always ghosts and spirits in whose honour a sacrifice would at any time be appropriate, and such sacrifices are generally long overdue, so that there does not lack a proper excuse for a feast when people desire one. Fertile cows are sacrificed in mortuary rites, but, otherwise, only barren females are killed. At sacrifices most people are interested more in the festal than the religious character of the rites. Sometimes, as at marriage ceremonies, the people who perform the ritual are different from those who eat the meat, while at other ceremonies there is a general scramble for the carcass. Desire for meat is shown without shame on these occasions, and Nuer recognise that some men sacrifice without due cause. In some years it is a custom in the rains for young men to join together at a homestead with the purpose of slaughtering oxen and gorging themselves with meat. Except on such occasions, however, people ought not to kill an ox solely for food—it being even thought that the ox may curse them—and they only do so in severe famine. The Lou, who are rich in cattle, have a reputation, of which they are rather ashamed, for killing oxen for meat. Nevertheless, nowhere in Nuerland are cattle ordinarily slaughtered for food, and a man would never kill even a sheep or goat merely on the grounds that he desired meat. On occasions of minor importance sheep or goats are sacrificed rather than oxen, as they are less valuable.

231 262 Any animal which dies a natural death is eaten. Even when a youth's favourite ox dies he must be persuaded to partake of its flesh, and it is said that were he to refuse his spear might avenge the insult by cutting his foot or hand on some future occasion. Nuer are very fond of meat, and declare that on the death of a cow, 'The eyes and the heart are sad, but the teeth and the stomach are glad.' 'A man's stomach prays to God, independently of his mind, for such gifts.'

1: Evans-Pritchard E-5 (1931, 1936) 1940
F322 Nuer F322

Though oxen are sacrificed and eaten they are not valued only for these purposes, but also for display and for the prestige their possession confers. Colour and shape of horns are significant, but the essential qualities are bigness and fatness, it being considered especially important that the haunch bones should not be apparent. Nuer admire a large hump which wobbles when the animal walks, and to exaggerate this character they often manipulate the hump shortly after birth.

Like other pastoral peoples in East Africa the Nuer extract blood from the necks of their cattle, and this is a supplementary article of diet in dry season camps, where one may generally see at least one cow bled each evening. Cows are bled for ordinary purposes more frequently than oxen. The operation, called *lar*, consists of tying a cord tightly round a cow's neck so that the veins stand out and one of them can be stabbed, on the head side of the cord, with a small knife bound with cord or grass to prevent it entering too deeply. The blood spurts out, and when a large gourd has been filled they loosen the cord and it ceases to flow. Some dung is smeared over the wound. If one examines the neck of a cow one sees a row of small cicatrices. Cows appear to be a little giddy after the operation and may totter slightly, but otherwise seem none

FIG. 9. Gourd for storing cheese.

1; Evans-Pritchard E-5 (1931, 1936) 1940
F322 Nuer F322

the worse for their experience. Indeed, it may well be, as Nuer assert, that they are the better for it, for they lead a sluggish life. The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it congeals into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

Nuer do not regard the blood of cows as a staple article of diet and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any sickness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and grass avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

The following two points seem to us to be significant. (1) Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient meat to satisfy their craving and have no pressing need to hunt wild animals, an activity in which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

Apart from milk, meat, and blood, cattle furnish Nuer with numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

Their skins are used for beds, trays, for carrying fuel (Plate XVII), and for tethering and other purposes, flails (Fig. 19), leather collars for cows (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

[p. 29 continues on festival material]

1: Evans-Pritchard E-S (1931, 1936) 1940
FJ22 Nuer FJ22

226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 The rivers teem with fish of many edible species which greatly
362 supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epidemics among the herds. In choosing camp sites opportunities [361] for fishing are considered no less than water and pasturage. Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (kal) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of A-yuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes [362] and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 It is the seasonal flooding, due to the rise and fall of the rivers
221 and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

1; Evans-Pritchard E-S (1931, 1936) 1940
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224 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks [371] of large rivers sometimes fish from dug-out canoes (Plate IX) [372] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak—for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

224 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish. [773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the [323] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract [352] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang
[342] and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but [342] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

1: Evans-Pritchard E-5 (1931, 1936) 1940
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frequently happens, especially in the early dry season. They 136
seldom go out to hunt game animals, except gazelle and giraffe, 224
and only pursue those that approach their camps. Indeed, they cannot be considered keen hunters and may even be said to treat the sport with a measure of condescension, holding that only absence of cattle makes a man engage in it other than casually. Their flocks and herds provide them with meat, and this fact probably accounts in part for their lack of interest in hunting, which is, however, also to be related to the nature of their country, for its open plains offer little opportunity for successful hunting with the spear.

Nuer refuse all reptiles, except the crocodile and the turtle. 136
Ostriches, bustards, francolin and guinea-fowl, geese, duck, 262
teal, and other waterfowl, abound, but Nuer consider it shameful for adults to eat them and, except in very severe famines it is probable that only children, poor cattleless men, and an occasional elderly person, eat them, and then rarely and secretly in the bush. They do not keep domesticated fowls and show [235]
particular repugnance to the idea of eating them. Likewise eggs are not eaten. No insects are eaten, but the honey of wild bees is collected after the firing of the grasses in December and January and is either eaten in the bush or with porridge at home.

The only tribe who possess more than an odd gun or two are 224
the Eastern Gaajak, who obtain them from Ethiopia. Nuer hunt with dogs and the spear, and rely on their fleetness, endurance, and courage. Hunting in the rains is therefore impossible, because not only does rank vegetation impede pursuit but also animals can choose their ground, there being everywhere sufficient water and grazing. At the height of the dry season they are forced to drink at the same pools, lagoons, and river inlets as men, and the dry bare country allows open chase, for except in tracking giraffe, Nuer hunt by sight and not by spoor. It is only gazelles, which are worried by dogs, and buffaloes, which prefer attack to flight, that can be tackled by one or two men. Other animals, such as tiang, oribi, and buck, are only killed when they approach a camp and can be cut off by a large number of young men. I saw several animals killed on the Sobat by being surrounded on the landward side and driven into

1; Evans-Pritchard E-5 (1931, 1936) 1940
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VII

In most years wild fruits, seeds, and roots are not an important item in Nuer diet. Their country is mainly treeless and fruits therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting are dry-season occupations and produce during that season the necessary supplement to an insufficient milk diet. In the wet season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

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241 after year till it is utterly exhausted, when they change their homestead site, often moving for some years to a new village. Nevertheless, they know that each year of tillage means further deterioration and judge the impoverishment of the soil by the size of the millet plants and of their yield and by the presence of certain weeds which only flourish on exhausted ground. A garden is cultivated annually for from five to ten years and after it has been left fallow for a few seasons it is tested to see whether the soil is still hard and caked, or loose, soft, and ready to bear a new crop. In gardens cultivated in bush sites away from the villages, on the other hand, people are not crowded by the gardens of their neighbours, and it is possible to hoe a virgin piece of ground each year at one end and to abandon an exhausted piece at the other end.

241 Nuer gardens are very small. Measurements do not give so clear an idea of their size as noting that in an average year the 262 people in most parts of Nuerland have just enough grain to last them till the following harvest, if they are very economical during the dry season and subsist mainly on milk and fish, while in a bad year they may have to go without porridge for several weeks. Also it may be noted that Nuer do not build [351] granaries, but find small grass and earthenware bins, kept in their huts, sufficient for storage. However, we may judge how important millet is to them lets by its quantity than by its place in their total food-supply, for it is not merely a subsidiary item of diet of high nutritive value but is an essential food, since they would be hard pressed to maintain life without it. Nuer fully acknowledge that this is so and in no way despise horticulture, but are, on the whole, industrious gardeners.

241 Nevertheless, they consider that horticulture is an unfortunate necessity involving hard and unpleasant labour and not an ideal occupation, and they tend to act on the conviction that the larger the herd the smaller need be the garden. They are herdsmen and not peasants. When I have drawn attention to badly kept gardens or remarked that the crops received no protection from beasts and birds they have been unperturbed, for, while it would be disgraceful to neglect cattle, there are no strong feelings about inattention to gardens. When I have asked them why they do not sow more millet I have

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often received some such reply as: 'Oh well, such is our custom. We have cattle.'

I wish to emphasize, in conclusion, the following points: (1) that Nuer cultivate only enough grain for it to be one element in their food-supply and not enough to live on it alone; (2) that with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto.

IX

It has been mentioned that Nuer must have a mixed economy in the given oecological relations because no one source of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted.

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk is a staple food all the year round, though cows probably tend to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the respective contributions of cattle and millet to Nuer food-supply are brought out in a story in which Cow and Millet have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it,

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262 538 221

and there is plenty of porridge and beer. Cow argues that anyhow porridge without milk is unpalatable and that her milk will be finished by the time Millet is ripe. It is difficult to confirm these variations in the yield of milk or to estimate their importance, but the tendency for it to rise slightly in the dry season is indicated in the chart opposite.

262 221

Millet is consumed as porridge and beer in large quantities in the months between the first harvest and departure for dry-season camps. If the harvest has been good people like to eat their daily porridge in camps, and when the camp grain-supply runs short women journey to the villages to replenish it. When camps break up and people return to their villages millet consumption increases, beer being again brewed, and in a good year there is sufficient to satisfy requirements till the new harvest is ripe. In a normal year Nuer can just tide over these months if they are economical and have been careful not to use much grain in camp. Only in the most favoured parts of the country are they assured of an adequate supply throughout the year. In most parts there is always a very narrow margin between sufficiency and want, and in a bad year starvation is not infrequent. If the crops fail people survive on milk, fish, and wild fruits, and in extremity may kill some of their beasts. Rinderpest is considered a worse calamity. When rinderpest and failure of crops occur in the same year people expect the older age-sets to be wiped out. Much suffering may be caused by excessive drought or flood, which injure both crops and grazing.

[331]

There are good and bad fishing years. Generally, over the greater part of the country, consumption of fish is very low, or entirely absent, at the height of the rains. It rises rapidly to a peak at the commencement of the dry weather, and after descending from this point of great abundance remains fairly constant through the drought, rising again in the early rains. Meat of domesticated stock is mainly eaten after harvest when sacrifices and feasts take place. Cattle are seldom slaughtered in the dry season and, in my experience, Nuer do not kill many wild animals, so that consumption of meat is very low at this time of year, though the deficiency is to some extent made up by bleeding the cows and, in rinderpest years, by eating the carcasses of its victims. On the whole the curve of meat con-

1: Evans-Pritchard E-S (1931, 1936) 1940
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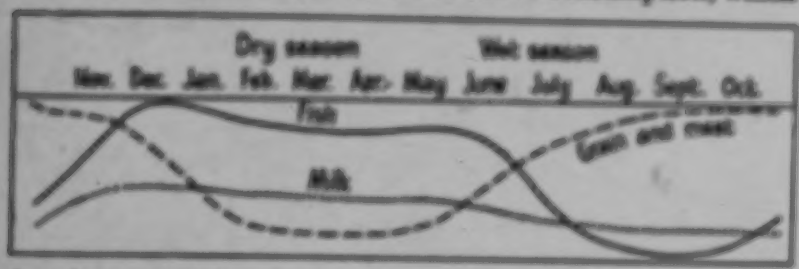
sumption follows that of grain consumption. We need not consider consumption of bush products in a normal year, though it may be kept in mind that they are very useful in famine years, chiefly from January to April. 262 221

It will be seen from this chart of relative consumption, which



is only presented as a virtual approximation, that fish largely takes the place of grain and meat as the principal food from January to June and that the time when there is most likely to be a shortage of milk and when few, or no, fish are caught is that when there is plenty of porridge and beer. 'The hungry months', as the Nuer call them, are from May to August when the supply of fish quickly diminishes and maize and millet are still ripening. The months of plenty are from September to the middle of December, when there is abundant millet, and generally much meat, while the end of this period is the best time for fishing. Nuer say that they put on flesh in the rains and lose it in the drought. We may conclude, I think, that even in [146] normal years Nuer do not receive as much nourishment as they require. Their diet is well-balanced, but there is not enough of it at some seasons and there is no surplus to fall back on in the all-too-frequent years of scarcity. Much of Nuer custom and thought is to be attributed to this insufficiency of food. It is [538] wistfully related in one of their stories how once upon a time Man's stomach led an independent life in the bush and lived on small insects roasted by the firing of the grasses, for 'Man was not created with a stomach. It was created apart from him.' One day Man was walking in the bush and came across Stomach there and put it in its present place that it might feed there. Although when it lived by itself it was satisfied with tiny morsels of food, it is now always hungry. No matter how much it eats it is soon craving for more.

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throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy.

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country tails away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped tabanids which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *piluel*, the Duk ridge was packed with refugees fleeing from the rising waters.

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toic* left on the edges of the khor Fullus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire

[1] This word has no more precise meaning than 'marshland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

9:Evans-Pritchard E-9 (1931, 1934)1936 F 212 Nuer F 212

881 and only those women who are nursing babies or who have reached the menopause are allowed near their hut. One or two men, often a youth
•784 who was initiated the year before, and who abstain from sexual relations for the time, will keep guard over the boys to prevent their heads from falling sideways, so that the grass circle which they use as a pillow sticks to their temples and in the effort to get it loose the wounds are re-opened. They must sleep on their backs with the backs of their heads on the grass pillows. An old woman may also sleep in the hut and assist in looking
[157] after the boys. Should the wounds break open and bleeding be renewed the place is cauterized with a *cip* which has been heated in the fire.

Until they are taken to the river and cleansed at the end of their seclusion the boys must strictly avoid any contact with the cattle. This is a ritual prohibition, a *bat*, which involves a curse if it is infringed. Not only are they prohibited from going among the cattle but they must even avoid treading on cattle dung. It is said that if a cow approaches them the boys must immediately run away into the shelter of their hut. It is believed that a breach of this prohibition would prevent the formation of regular scars (*ghar*) on the forehead so that all the marks of initiation, the pride of manhood, would be obliterated with the exception of the one *dabl*, the cut just above the eyebrows. In this connection Miss Huffman records of an initiate that, "When one asks him if his wounds are healed he will always say 'not yet,' but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed although the boy will not say so for fear someone with the evil eye should hear of it."[1]

881 During their convalescence the boys are given food in liberal quan-
•262 tities and are probably better fed than at any other time in their lives. Considering that the Nuer is always hungry and frequently starving this abundance of food makes an impression that it is hard for us to appreciate fully. When speaking of their experiences at this period one finds that the festal nature of their convalescence is frequently stressed. They say that if any youth who has not been freshly initiated looks longingly at their food the initiates will belabour him while if it were an older man they would not strike him but neither would they invite him to partake of the meal. The boys share and share alike, as befits comrades, in any food

[1] *Op. cit.*, p. 32.

9.Evans-Pritchard E-5 (1931, 1936) 1936 F 222 Nuer F 222

that is brought to them. One mother will cook for them in the morning and another in the afternoon and they will take it in turns to provide their own with food, but what each brings is shared by all and not eaten by her own alone. The mothers themselves bring the food to the hut in which the boys are confined unless they have *dhar*, are ritually unclean. If one mother has much milk from the cows of her homestead she will bring it to the boys, while if another cannot procure milk she will make up for her poverty in this respect by supplying plenty of corn for their meals. During the period of their seclusion the boys are restricted to soft food that can be easily swallowed, such as milk and flour paste, but a soft corn mash and even soft and finely chopped meat (*wuig wa kwiker*) is allowed them in Lou and Jokany countries. These eatables do not require mastication, a muscular exertion that might cause the veins to break again. Father Crazenzara writes of the West Bank Nuer that the boys are confined for two months and that for the first fortnight no food other than milk and milk mixed with flour is allowed to them.[1] I do not think that this is the case among the Lou and Jokany tribes where the boys eat porridge and soft meat at the commencement of their seclusion and where the period of confinement to their hut does not last for more than a week to a fortnight. During this time they may not wash their faces. After about a week they are allowed to sit up but must remain quietly in a single sitting position. After a few more days they are considered to be healed even though their wounds have not yet closed. Not all the boys heal at the same time: some are healed at the end of a fortnight while others only after a couple of months. When they are allowed to come out of their hut they sit by the door in the evenings and anoint their foreheads with oil and clump with them oiled. They wake before dawn and wash their foreheads with warm water and then one of the men who is looking after them cleans out clotted blood from the cuts. They then sit and shiver in front of their hut while the cold north wind blows into the wounds and causes them to cicatrise.

Apparently it is between the time when they are well enough to leave the hut and the day on which they are ritually cleansed by bathing in a river that they are considered to enter into a period of mildly prescribed licence. They still avoid contact with the cattle and spend their time wandering about in bands in neighbouring gardens and bush. In Lek country at this time they wear a special cord, called *kwak*, around their

[1] Op. cit. p. 132. "Mit der Milch wird allmählich etwas Mehl vermischt und so einen dünnen Brei gekocht; dieser Brei und Milch sind für die paar Wochen fast einzige Kost. [illegible] und allmählich gute fein gekochten Fleisch kliss später dazu kommen."

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231 turn into a 'Lat' (a combination of ogre and cannibal which
[718] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[325] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[242] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[302] bee-hive-shaped houses—even the walls are of grass.

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The women and children sleep in these; the men sleep 226
in the byres, if there are any, or among the cattle. 221

People under one chief spend the fishing season at the same fishing camp. Old people sometimes remain in the villages, but the younger ones enjoy the companionship of others and the change from the routine village life. It serves the same purpose as our summer trip.

While at the camp, fish are caught by spearing them 226
with a special spear or by a hook and line left out all night as a trout line is sometimes left, or by the use of a fishing net, if any one is fortunate enough to possess one.

Later on, when the river is lower, fish traps are made by placing sticks close together in the river. When fish get into this enclosure they are unable to find the exit and are speared and taken. Nuer sometimes imitate the sound of fish by making a splashing noise in the water with a stick. Other fish gather, as they think, to where their fellows are, and are speared.

If many fish are caught they are dried and taken back [221]
to the village for later use, or possibly they are sent back at once to those who have stayed behind. Sometimes fish are not plentiful and then return trips have to be made to the villages to get durs for food.

When the river begins to rise, fishing in the swamps 226
may be continued for a little while. But soon all return 221
to their villages, for as soon as the rains start, hoeing must be done and durs planted. Also, should their permanent village be across the river from the fishing camp, they must take their cattle over the river before it rises so much that the cattle are unable to swim it in safety.

THE FOOD-SUPPLY

The Nuer food-supply is frequently limited in quantity; 262
it is also limited in variety. The foods the Nuer will eat

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262 are dura, corn, manioc, beef, the flesh of some wild animals—antelope, gazelle, waterbuck—guinea fowl, fish, crocodile—which is considered a choice food—beans, milk, and sometimes greens. This does not mean that these foods are constantly at hand. The average diet of a Nuer consists of dura, fish, milk, and occasionally meat. This limitation of diet works the greatest hardship for little children and the sick and aged.

A Nuer seldom kills a cow unless one has to be offered as a sacrifice. Sheep are not often primarily killed for food. Wild animals are not often available for they usually must be killed with a gun—and who has a gun? Even guinea fowl are not easily caught.

A Nuer will, generally speaking, not eat wild duck. Eggs are not eaten by men as they are considered effeminate. Milk is likewise not regarded as food for men, but women and children and sick men may drink it. Women refuse
[341] to drink milk during their menstrual periods.

243 The staple article of food is dura, or kaffir corn as we call it. The dura is planted in May, providing the early rains have begun. If the rainy season is late the planting is delayed until the ground has been softened by several rains so that hoeing is possible. Small hand-hoes are used. Everybody hoes—men, women, and children each do their part in getting the field ready to be planted. The seed dura, which has been kept over from the past year, is sown. It requires to be hoed several times during the season, for the frequent rains make weeds grow as well as dura. In late September or early October, according to the time of planting, the dura is ready to be cut.

[791] When harvest time approaches a 'guk kwoth' or 'prophet of god' is consulted as to when they may cut their dura, and his advice is heeded.

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Every one helps in the work of the harvest, for the 249
stalks must be cut down and the heads cut off and placed
upon a rack which has been placed in the yard for that
purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura
has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a
second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she
has plastered with mud, using a long pole. She usually
chants a song as she pounds, the thud of the pounding
serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part
of the food of a Nuer. He eats it without salt or sugar;
sometimes he has a little milk on it. Or the dura may be
soaked and then allowed to sour a little, and then cooked,
in order to give the family a little variety in their
meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have
it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild
greens. Beans are also eaten, but I know of no Nuer who
plants them in his own village. Men consider these wild
greens effeminate and will not eat them except in times of
famine. Sometimes in times of famine they gather certain [267]
wild grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be assured of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows
such an array of beads and cloths that the Nuer is tempted

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062 to part with some of his dura. So want is never far from
977 the door of the Nuer house.

323 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

245 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

323 Women sometimes make earthen pots and sell or
432 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

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If there are cattle to be milked, the women must milk 572
them morning and evening. In the afternoon she must [294]
again go to the river to refill the water-jar. She usually
stops to bathe if she comes from any distance.

Sometimes this work of getting the water-jars filled 000
twice a day is not as merely routine as it sounds; it may be
fraught with danger in this crocodile infested river. One
afternoon about five o'clock, a huge crocodile was seen
running itself on the river bank right in the path down
which the women would come to get water between five
and six o'clock.

The bank was steep, no one could possibly see the
crocodile until he started down the slope. Then it
would be practically impossible to get away until too late,
because the woman would be burdened with her heavy
water-jar, and that, together with the steep bank and her
surprise at finding the crocodile there, would retard her
escape.

But a missionary was passing in the launch and saw the
crocodile. He realized its purpose, but not in time to
shoot as he went by. But the launch quickly circled
around again and slowly approached the path where the
crocodile lay awaiting its prey. He shot the top of its head
off; it gave one shudder and then never moved from its
place. The Nuer in the launch wanted the meat, for [242]
crocodile tail in their estimation makes delicious steak.
But one of the women missionaries in the launch objected
seriously when the men wanted to cut off the crocodile's
tail. She wanted to be sure it was dead, so that there
would be no possible chance of any objections from the
crocodile to the tail-amputation affair. The men did not
seem to feel that a crocodile with the top of its head
blown off would have much power to object to anything
that might be done to it. But to appease feminine fears

15: Box E-4 (No date) 1952 F 222 Nuer F 222

221 *March - April.* When the rains begin the old people return to the
241 village for caring.

233 *June.* The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rainforest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and growing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of white larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 Economically, cattle are chiefly important for milk and milk products,
242 such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as [252] flavouring or is allowed to congulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beaters. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

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always or entirely so. *Gwar* means a mistake, an unintentional error and generally one of no great consequence, one in which a serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Likewise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wol nuerra*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

776 [612] [164] [135] [262]

SPIRITS OF THE ABOVE

776 was a young bull, the cow of a spirit, and that no good would
782 come of any possessing it. They were not surprised when one
night it tore up its tethering peg and fell into the Sobat river and
was drowned. The *Sudan Intelligence Report* of September-
October 1934, No. 62, records the interesting case of a man who
was ordered by a Government Chiefs' Court to pay a cow in
damages to another Nuer. As at the time he possessed only one
cow and this was dedicated to a spirit, the Court permitted him
to defer payment while he went to obtain a cow owing to him in
[761] a different part of the country. During his absence from home on
this errand one of the Government chiefs took his cow. The owner
was killed by an elephant on his journey and his kinsmen claimed
compensation from the chief because they attributed his death to
the removal of the cow devoted to his spirit. The milk of a spirit's
[245] cow should only be drunk by members of the family. It belongs to
the spirit and is therefore reserved for the people to whom it is
attached. I was first made aware of this rule when on a journey I
fell sick in a Nuer village and was compelled to spend a few days
there. Being unable to eat solid food, I asked a lad of the nearest
homestead if I might have a little milk. He said that he was sorry,
but the only cow giving milk in his family herd was the cow of
his mother's spirit, and he could not let me have its milk without
her permission. He later brought some milk and told me that it
would be all right for me to drink it as I was sick, but when I could
eat again only the children of the home might either milk the
cow or drink its milk.

Should a man neglect to dedicate a cow to his spirit when he is
in a position to do so, or should he dispose of a beast already
devoted to the spirit and not dedicate another to it, sickness is
[753] likely to fall on his family or herd. But although Nuer say this,
and believe what they say, it is not uncommon for them to use
a spirit's cow for bridewealth or some other purpose, hoping that
they will soon be able to replace it. They know that they are
doing wrong but they think that maybe the spirit, having been
informed of their intentions, will understand their difficulty and
will excuse their manner of overcoming it, knowing that they
mean to keep their promise to give it another cow as soon as they
can. But they may not find it easy to procure another cow for some
time and the spirit has in the meantime to go without one; or they
keep on putting off the replacement because they want to use

[770] for women must not do so lest he cause the birds to devour the crop.

Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuat*-tree (*Cordia Rothii*) and the *kwat*, tamarind, tree. The ancestor of [771] this clan fell from heaven holding a branch of the *nyuat*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuat* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyuta* or *kwoth kwa*, the spirit of these trees. The *nyuat*, a branch of which is often erected in the homes of [772] Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyuat*, means 'to drizzle'. Members of the [773] clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyinar*, *cur*, *lam*, *yiau*, and *gwojual* and can also speak of their spirit as '*kwoth pacora*', 'spirit of our waterbuck', '*kwoth lamada*', 'spirit of our *lam* fish', and so on. I [262] have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abstention. The scattered Jwai clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingup and Kounyang lineages of western Nuerland respect the *ngup* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth ngupna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was [774] found in a gourd (*kur*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not handle a gourd which still contains its pulp and seed. Nevertheless they use them as utensils for the same purposes as do other Nuer. The clan is of Dinka origin, though it now counts as a Nuer clan. Other plants respected by lineages, usually of Dinka descent,

[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 230.

*776 614 clan beat an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikoi are *jikwoth*, God's [521] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward. [522] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with [523] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikoi lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

*776 614 773 The Jikoi clan respect rafters (*kot*) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

*776 177 • 262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

16: Evans-Pritchard E-S (1931, 1936) 1956
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for example, people who suffer from extreme hearts are, at any rate often, those who have had some heart trouble and have been cured by massage by a man who respects hearts. They now respect hearts themselves and can cure others. Again, a man told me that he would not eat liver because a forebear had burnt himself when roasting liver and had died of the burns. I was told, and it is highly probable, that these abominations do not last for more than a generation or two. In the same way some people—here again they are said to be Dinka or of Dinka descent—respect certain diseases, or rather their symptoms. These are people who have suffered from the diseases, have been cured by others who respect them, and can now treat sufferers in their turn. I believe that usually, if not invariably, this is a relationship between an individual and a disease and that the respect is not shared by his kinsmen or descendants. Among the diseases recorded by Miss Soule[1] or myself which people respect are *kerker*, a yaws condition, *weth*, also a yaws infection of some kind, *riewy*, convulsions in infants, *gueng*, an abscess, *tanglok*, tubercular abscess, *lili*, hipjoint disease, *kor*, myalgia of the lumbar region (p. 185), and *thiaeng*, dysentery (pp. 187–8). I discuss later totemistic relationships of individuals to totems of female forebears.

II

It is essential to an understanding of Nuer totemism that it should be appreciated that Nuer respect the natural species or class of objects because they regard them as being in some manner emblems or representations of Spirit. A European observer may easily be led astray by a Nuer speaking of his totem, as he ordinarily does, as his *kwoth*, but he means no more by this than that the totem in some special way belongs to a spirit which also makes itself known to him concretely in that species. Doubtless, as the spirit is only known in and through the species, spirit and species can never be wholly dissociated, but Nuer quite explicitly distinguish between them. Those who respect species say that it is the spirits of their totems and not the creatures themselves that they call on for aid, that they sacrifice to, and that they dedicate beasts to; and when we speak about the spirit of a totem it must be understood that what is meant is the spirit for which the totem

[1] *Some Nuer Terms in Relation to the Human Body*, a pamphlet published by the American Mission, Nasser, 1931.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

×776 Can any conclusions be reached about the nature of the things which are objects of respect? The totemism of any people involves the selection of certain natural objects to the exclusion of others. Nuer totems are certainly an odd assortment: lion, waterbuck, monitor lizard, crocodile, various snakes, tortoise, ostrich, cattle egret, durra-birds, various trees, papyrus, gourd, various fish, bee, red ant, river and stream, cattle with certain markings, monorchids, hide, rafter, and rope; and, if we were to include totemistic objects, parts of beasts and some diseases. Taking them as a whole we may say that there is no marked utilitarian element in their selection. The animals and birds and fish and plants and artifacts which are of most use to Nuer are absent from the list of their totems. The facts of Nuer totemism do not, therefore, support the contention of those who see in totemism chiefly, or even merely, a ritualization of empirical interests.[1] Nor in general are Nuer totems such creatures as might be expected, on account of some striking peculiarities, to attract particular attention. On the contrary, those creatures which have excited the mythopoeic imagination of the Nuer and which figure most prominently in their folk-tales do not figure, or figure rarely and insignificantly, among their totems.

×776 825 It is too broad a question to ask why animals, birds, reptiles, and trees should have become symbols for Nuer of the relation of Spirit to lineages. Any answer would have to be in very general terms because they have been common religious symbols among many different people at many different times. We may, however, note that most, though not all, Nuer totems are in a general way highly regarded by all Nuer, and not only by those who respect them, on account of religious associations of one kind or another which have nothing to do with totemism as such. Thus all Nuer have friendly feelings towards all birds and do not harm them because they are—some more than others—symbols of Spirit and loved by God, though Nuer may also be influenced in this matter [845] by their belief that twins are birds, so that all twins respect all birds. Ernst Marno noted nearly a century ago that Nuer will not ●[262] eat birds[2] and Mr. Jackson, speaking of this avoidance, remarks

[1] e.g. B. Malinowski, *Science, Religion and Reality*, 1926, pp. 24 and 43 seq.; A. R. Radcliffe-Brown, *Fourth Pacific Science Congress*, vol. iii, 1929, pp. 295–309. Emile Durkheim protested against such interpretations (*Sociology and Philosophy*, Eng. trans. by D. Pocock, 1954, p. 86).

[2] Ernst Marno, *Reisen im Gebiete des Blauen und Weissen Nil*, 1874, p. 349.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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perceive the form of a hippopotamus in what we would have regarded merely as a monstrosity, and it enables us to understand better why, since the past is justified in the present, they do not reject as beyond the bounds of possibility the stories of their ancestors having been born twins to animals. 776 × 845

The story I have related introduces us to another way in which Nuer think that a totem might enter a family and perhaps in certain circumstances become a totem of its descendants, though I have no evidence of a totemic relationship actually being established in this way. The hippopotamuses caused the child to resemble (*cal*) themselves. I was told that similarly a man who has killed several elephants might beget a child with crooked mouth and nose and thick legs. The whole race of sheep is said to have been acted on in this manner by the *koat*-tree, because they make a habit of eating its shoots. When a lamb is born its legs are doubled up like the roots of the tree. Women refrain from eating the *bulyak* or puff-fish, a remarkable creature which when irritated inflates itself like a balloon, because by doing so they might cause their children to be born with abnormally distended bellies. [262] When Nuer see a fish-eagle swoop on to the water and carry away a fish in its claws they sometimes run after it shouting, to cause it to drop its prey, but should a pregnant woman eat a fish dropped by an eagle her child might be born with deformed arms resembling the wings of the eagle or with twisted feet resembling its claws. If parents who respect tortoises pass a tortoise without some gesture of recognition their child may be born with tiny eyes like those of a tortoise. Other examples of a foetus being stamped with the likeness of a totem have been cited earlier in reference to some similar human fault in behaviour towards the totem and this would seem to be regarded as the most usual cause of an abnormality of this kind, though Nuer think that a new totemic relationship might start in the same way. I think, both because in most cases it is in an established totemic relationship that a creature is said to stamp its likeness on a foetus and also because it is more in accordance with Nuer ideas about Spirit and also about animals, that we would certainly be right to say that when Nuer speak of creatures acting in this way they are thinking of Spirit doing so in the guise of the creatures. The very fact of the abnormality is evidence of the action of Spirit. Consequently, should a man on account of such an event in his family respect a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that the unity of twins is expressed, particularly in ceremonies connected with marriage and death, in which the personality undergoes a change. Thus, when the senior of male twins marries, the junior acts with him in the ritual acts he has to perform; female twins ought to be married on the same day; and no mortuary ceremonies are held for twins because, for one reason, one of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin dies, and I was told that twins do not attend the mortuary ceremonies held for their dead kinsfolk, nor mourn them, because a twin is a *ran nhial*, a person of the sky or of the above. He is also spoken of as *gat kwoth*, a child of God. These dioscuric descriptions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dit*, bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

a reed basket or winnowing-tray and placed in the fork of a tree, because birds rest in trees. I was told that birds which feed on carrion would not molest the bodies but would look at their dead kinsmen—twins and birds are also said to be kin, though the usage may be regarded as metaphorical—and fly away again. When I asked a Nuer whether adult twins would be buried like other people he replied 'no, of course not, they are birds and their souls go up into the air'. A platform, not used in the normal mode of burial, is erected in the grave and a hide placed over it. The body is laid on this hide and covered with a second hide. Earth is then carefully patted over the upper hide instead of being shovelled in quickly, as in the burial of an ordinary person. I was told that the corpse is covered with earth lest a hyena eat it and afterwards drink at a pool, for men might drink at the same pool and die from contamination (*nueer*).

It is understandable that Nuer draw an analogy between the multiple hatching of eggs and the dual birth of twins. The analogy is explicit, and, through an extension of it, the flesh of crocodiles and turtles is also forbidden to twins on the ground that these creatures too, like birds, lay eggs. Miss Soule once had a girl twin in her household who refused fish for the same reason—the only case of its kind known to either of us. But the analogy between multiple births in birds and men does not adequately explain why it is with birds that human twins are equated when there are many other creatures which habitually bear several young at the same time and in a manner more closely resembling human parturition. It cannot be just multiple birth which leads Nuer to say that twins are birds, for these other creatures are not respected by twins on that account. The prohibition on eating eggs is clearly secondary, and it is extended to include crocodiles and turtles—and by Miss Soule's girl fish also—not because they lay eggs but because their laying eggs makes them like birds. Moreover, it is difficult to understand why a resemblance of the kind should in any case be made so much of. The multiple hatching of chicks is doubtless a resemblance which greatly strengthens the idea of twins being birds, but it is only part of a more complex analogical representation which requires to be explained in more general terms of Nuer religious thought. A twin, on account of his peculiar manner of conception is, though not Spirit himself, a special creation, and, therefore, manifestation of Spirit; and when he dies his

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SIN

196 Nuer speak of these conventions with regard to nakedness and
784 eating as *theak ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*theak ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is
[753] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 The attitude Nuer call *thek* is thus different from mere avoid-
784 ance of doing things considered to be unbecoming. Failure to
577 conform to *thek* prohibitions involves the culprit in something
262 more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer*
196 it is also sinful.
784 There are, as will be seen, prohibitions with religious sanctions
783

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

231 seeing that an injustice has been done. The man had no right to
782 take the life of the ox and by doing so he committed a fault. In
784 sacrificial invocations Nuer explain to God why the life of the ox is being taken, and they may also address the ox and tell it why it is being killed—not that they think it understands. They are justifying themselves in taking its life.

Consequently I was not surprised to learn from Dr. Mary
231 Smith, whom I asked to inquire into the question, that when cattle
731 are killed in time of famine Nuer, though they do not consecrate
782 the beasts, may make an invocation over them asking God that 'the meat may be soft in their stomachs and not bring them sickness'. This does not constitute sacrifice, there being no sacrificial intention, but it shows that there is a feeling of guilt about killing animals for food even when hunger compels it, and we can say that all cattle, and also sheep and goats, are reserved, or set apart, for sacrifice and their lives should not be taken, except in the special circumstances I have mentioned, for any other purpose. In that sense we may speak of cattle as being 'sacred'. If we do so, however, we must note that they are not sacrificed because they are regarded as sacred intrinsically, or for reasons extraneous to the sacrificial situation, but, on the contrary, they are regarded as sacred only because they are reserved for sacrifice and in the sense defined by that purpose. I have discussed beasts of the herd only and not those of the flock because, as we have noted earlier, in sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently their role to play the victim's part in sacrifice and they are consequently also reserved for sacrifice, but the sacrificial equivalence is always between *ran* and *yang*, man and 'cow', never between man and sheep or goat, for even when it is a sheep or goat which is being killed the ideal equivalence is preserved in speech.

231 In order that the sacrificial killing of beasts of the flocks and
● [262] herds may be seen in a wider setting both of the taking of lives
224 of creatures and of the eating of flesh, it should be realized that, except for fish, Nuer seldom kill wild creatures but rely almost entirely on the flesh of their domesticated animals for meat. For religious reasons they are averse to killing birds, except occasionally the ostrich, to which the same symbolism does not attach, for its feathers; and also reptiles, except the turtle and the crocodile (perhaps occasionally the monitor lizard). But even where there is no objection to killing animals, as in the case of mammals, Nuer

1: Evans-Pritchard E-5 (1931, 1936) 1940
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VII

In most years wild fruits, seeds, and roots are not an important item in Nuer diet. Their country is mainly treeless and fruits therefore few; only 'wild dates' (*Balanites aegyptiaca*), found in occasional patches to the west of the Nile and in more extensive stretches to the east, provide much sustenance. The fruits ripen from about January to March and both the kernels and their sweet fleshy covering are eaten. A number of other fruits are eaten, mainly by children. Initiated youths refuse most of them. The seeds and roots of water-lilies (*Nymphaea lotus*), which are found in pools and lagoons in the early dry season are much relished. The seeds of 'wild rice' (*Oryza Barthii*) are collected and a number of wild plants that grow on village sites are used as seasoning for porridge. In famine years much greater attention is paid to the wild harvest. 'Wild dates' are then a great stand-by and people eat a wide range of fruits, ripening mainly in the early part of the drought, which they neglect when hunger is not severe, and make use of bush-yams and the seeds of wild sorghum and other grasses.

VIII

It will have been noted that fishing, hunting, and collecting are dry-season occupations and produce during that season the necessary supplement to an insufficient milk diet. In the wet season, when these activities are no longer profitable and the milk yield tends to fall off, the heavy rains, which cause the changes responsible for these losses in supply, produce conditions suitable for horticulture, impossible in the drought, that will replace them. The variation in food-supply throughout the year and its sufficiency for life at all seasons is thus determined by the annual cycle of oecological changes. Without grain in the wet season Nuer would be in a parlous state; and since it can be stored they can, also, to a small extent, make provision against famine in the drought.

Climatic conditions together with flooding and the flatness of the country make it impossible to cultivate most Central African food plants in Nuerland, and the Nuer are especially unfortunate in having no root crop as a reserve in famine years.

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
237 men hold them between their legs and lifting up their heads compel
372 them to swallow water. At this time the boys bring back the larger calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*luor*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household
264 and women and boys commence at once to milk the cows and they finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

1· Evans-Pritchard E-5 (1931, 1936) 1940
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221 Seasonal variation in quantity and kind of food is sociologically significant for several reasons, though not all are relevant to the present study. It is, however, important to note that abundance of millet is the main reason for holding ceremonies in the rains, for ritual is seldom complete without porridge and beer and, since it consists of sacrifice, of meat also. Weddings, initiation rites, and religious ceremonies of various kinds take place in the rains and early drought, generally after the first millet harvest. This is also the main season for [221] raiding the Dinka. Nuer say that hunger and war are bad companions and that they are too hungry to fight in the full dry season; and it is evident that they are then not so eager to come to blows over personal and community quarrels as they are in the rainy months, when they are replete with grain and meat and, especially at wedding dances, sometimes slightly intoxi- [53] cated. Nor do the young men find dancing so attractive in the drought, whereas in the rains they dance as much as possible and think nothing of travelling many miles to attend weddings, at which they dance from eventide till well into the morning. The tempo of village life is different from that of camp life. Owing to flooding at the height of the rains these joint activities take place mainly at the beginning and end—chiefly at the end —of the wet season.

264 Scarcity of food at times and the narrow margin that for most of the year divides sufficiency from famine cause a high 574 degree of interdependence among members of the smaller local groups, which may be said to have a common stock of food. Although each household owns its own food, does its own cooking, and provides independently for the needs of its members, men, and much less, women and children, eat in one another's homes to such an extent that, looked at from outside, the whole community is seen to be partaking of a joint supply. Rules of hospitality and conventions about the division of meat and fish lead to a far wider sharing of food than a bare statement of the principles of ownership would suggest. Young men eat at all byres in the vicinity; every household gives beer parties which their neighbours and kinsmen attend; the sar e people are given food and beer at the co-operative work parties that assist in any difficult and laborious task; in camps it is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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considered correct for men to visit the windscreens of their friends to drink milk, and a special gourd of sour milk is kept for guests; when an ox is sacrificed or a wild animal is killed the meat is always, in one way or another, widely distributed; people are expected to give part of their catch of fish to those who ask them for it; people assist one another when there is a shortage of milk or grain; and so forth. This mutual assistance and common consumption of food, which is especially evident in compact dry-season camps, belongs rather to the subject of domestic and kinship relations than to the present account. I wish here only to stress the following points: (1) This habit of share and share alike is easily understandable in a community where every one is likely to find himself in difficulties from time to time, for it is scarcity and not sufficiency that makes people generous, since everybody is thereby insured against hunger. He who is in need to-day receives help from him who may be in like need to-morrow. (2) While the greatest sharing is in the smaller domestic and kinship groups, there is also so much mutual assistance and hospitality among members of villages and camps that one may speak of a common economy of these communities, which are treated in this book as the smallest political groups in Nuerland and within which are taken for granted ties of kinship, affinity, age-sets, and so forth.

X

I have examined Nuer food-supply in relation to their oecology and I now give a brief account of their material culture in the same terms. When a Nuer is born he enters not only into a natural environment but also into a domesticated environment which is the product of human labour; and this inner world is constructed from the outer world, its form and content being strictly limited by natural resources. I am neither desirous nor capable of describing technological procedures, and to excuse myself in some degree for this omission I am including in this and in a second volume an unusually large number of plates and figures illustrating many examples of Nuer handiwork. However, some general remarks on the limiting conditions of production seem pertinent.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 are his fathers, and the *Lithgac* and the *Luac* tend to see themselves as a single group in relation to the *Maker*, having a like attitude of respect towards them. But in relation to the *Dangunga* and to the *Lithgac*, the *Luac* identify themselves with the one or the other according to the direction of attention, and this is determined by the social situation. Any set tends to see the set senior to it as equals in relation to junior sets and the set junior to it as equals in relation to senior sets. It is possibly this contradiction which creates segmentation in any set. Thus, 561 at sacrificial feasts men eat according to their position in the 264 age-set structure, but which sets sit and eat together depends on the set of the owner of the feast and on the number of sets present at it. If a *Dangunga* kills an ox and there are *Maker* present, but not *Boiloc*, then *Dangunga* eat with *Maker* and *Luac* with *Lithgac* and the *Riaimac* by themselves; but if there are *Boiloc* present then the *Maker* eat with them and the *Dangunga* with the *Luac*, and the *Lithgac* with the *Rialmac*. The *Dangunga* would not eat with the *Boiloc* because they are the set of their fathers or fathers-in-law; and for the same reason the *Luac* must eat with the *Lithgac* if the *Dangunga* go with the *Maker*.

561 The age-set system differs from the territorial and lineage systems in one important respect. Whereas the people of a territorial segment remain, or most of them remain, in the same structural relation to other territorial segments for their whole lives, and whereas the members of a lineage have a fixed relationship to other lineages, an age-set group changes its position in relation to the whole system, passing through points of relative juniority and seniority. This mobility of age-set groups is peculiar to the system and is a necessary characteristic of it, for it is an institution based on the succession of generations. Probably, for oecological reasons, the actual political configuration remains very much the same from generation to generation. People pass through the political system without their structural position in it changing to any extent during their passage. It is the same with the lineage system. Nevertheless the mobility of groups through the age-set structure and their changing position in it should not be allowed to obscure the constancy of its structural form. There have pro-

2:Evans-Pritchard E-5 (1931, 1936) 1951
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a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 512 [533] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp [264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 462 234 237 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back to the kraal in the evening; but women and boys continue their labours. Women milk the goats and sheep and prepare the morning meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat [857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 462 224 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most mornings parties of two and three leave camp at dawn with their dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

14: Huffman M-5 (no date) 1931
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512 she goes. She steadies her jar with her hand as she goes
482 down the river bank.

She rinses her jar with water, then fills it. She usually stops to wash her face and is then ready to return to her village. She calls one of the other women who are getting water, or if there are none there to help she calls some passer-by, who—even if it be a man—will usually stop to help her to lift the jar up and put it on her head. On the homeward trip she steadies the jar with one hand, as being full of water it is much heavier.

512 When she returns to her home the morning meal must
252 be ready by nine or ten o'clock. So she pounds the dura in the hole already described,[1] and sifts it until she has enough for the morning meal. Or perhaps she has a large stone, in which case she takes a small piece of smoothed wood resembling our rolling-pin and grinds the dura on the stone with it.

Then the fire is built with cane-stalks for fuel, and the earthen cooking-pot, partly filled with water, is put over the fire. It is supported by three little mounds of hard baked earth, and she keeps shoving the stalks of cane into the fire as fast as they burn away. The pounded dura is put into the water gradually, a little at a time, and stirred frequently with a cane-stalk having two small cross-pieces fastened at right angles at the end of it, made for that purpose. When the food is ready, the woman dishes up the men's portion in a large half-gourd which serves as a dish, puts the mussel-shell spoons in it, and calls the men to their breakfast. They go into the house and eat.

512 Then the women, if they are young or newly married,
264 eat where they will not be seen by the men. If they have been married several years they may eat together.

512 The yard has to be swept, the children fed and cared for, more dura must be pounded for the evening meal.

[1] [Cf. pp. 19-20, Category 116.--Analyst]

14: Huffman M-5 (no date) 1931
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by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [854]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [513]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857 593

14: Huffman M-5 (no date) 1931
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The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

14: Huffman M-5 (no date) 1931
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Chapter Eight

CHARACTERISTICS, GAMES, AND MEASUREMENTS

THE REAL NUER

157 THE Nuer improves upon acquaintance. At first sight his better qualities are hidden from the casual glance and his body is anything but beautiful in its usual grey coating of cow-manure ashes. But to know the Nuer is to love him; for as one becomes acquainted with him he will begin to trust you, and you may penetrate the surface mask of reserve and find a depth of finer qualities within.

The favourite expression of a Nuer when asked a question which he does not care to answer is 'I do not know'. But as one becomes better acquainted with him he becomes willing to confide in any one whom he respects.

I have found refinement, consideration for others, courtesy, and faithfulness, as well as many other qualities, not only dormant but active in many Nuer.

153 The Nuer, probably because he has never been able to
151 write, has a splendid memory, and is a good talker and imitator. He may relate some conversation he has heard and imitate each person in tone and manner. He can also imitate birds and animals.

SENSE OF COMMUNITY

264 When the Nuer eat they always use a common dish, and if one person is late to the meal, they await his arrival before beginning to eat so that all may share alike. Likewise, if one has had sufficient food and stops eating before the food is finished, the others ask him why he does not eat more before they proceed to finish their meal, eating the remainder of his portion of food.

[p. 62]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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in the home of his parents-in-law they avoid offering him milk from the cattle he has paid them. Further, if there is a divorce and the bridewealth cattle are returned to the husband's people they sacrifice a goat before they drink of their milk. 196 583 784

Nuer 'respect with regard to food' unrelated people (*nei ti gwagh*) of the opposite sex, especially if they are unmarried and possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself. 196 264

Another situation in reference to which one hears the word *thek* is homicide. I discuss it in greater detail in Chapter XII. A man who slays another respects water—he may not drink—until a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both. 196 784 628

Another use of the word *thek*, which, as always, contains the idea of avoidance, is in reference to burial and to mortuary sacrifices. Those who bury a corpse respect water—they may not drink—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the mother to be barren and injure the father, himself, and the cattle. A man is also said to respect his as yet unconceived children by abstaining from congress with his wife when she is menstruating[1] 196 784 [764] 196 784 834 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

593 from the first millet of the year—a pretty custom known as *puthew kwa*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule.
602 A *kw*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice,
858 depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's
591 homestead facing the family kraal. He then goes to ask his parents-in-law for his
585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *buer*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

14: Huffman M-5 (no date) 1931
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262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

323 Women sometimes make earthen pots and sell or
458 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

!: Evans-Pritchard E-5 (1931, 1936) 1940
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241 It may be doubted whether they could cultivate any crops other than those they now sow, without extensive irrigation in the dry season, and this is incompatible with their nomadism. These crops do not make an imposing list. The staple crop is millet (*Sorghum vulgare*), from which they reap two harvests, and they sow some maize near their huts and a few beans (*Vigna*), their only garden vegetable, among the millet. Besides these three food plants they cultivate a little tobacco under the eaves of their huts and plant some gourds to grow up kraal fences. The [252] millet is consumed as porridge and beer; the maize is mainly roasted, though some is eaten as porridge; the beans are eaten stewed or cooked with porridge; the tobacco is used for smoking in pipes, as snuff, and for chewing; and the gourds are, according to their species, either eaten or fashioned into dairy vessels. [276]

Millet, the main crop, is the only one of these plants to the cultivation of which we need make more than a passing reference. Once it is established it stands up well to conditions which would be fatal to most plants, and it is worthy of notice that wild species of sorghum flourish in this latitude. Maize is also hardy but, although it is important to Nuer because it is the first grain to be harvested when their supplies are running short or are exhausted, its quantity is negligible except on the banks of the Baro. Nuer distinguish between many types of millet, mainly by the colour of their seeds, and know which are early, and which late, varieties, in what order they ripen, which give good flour for porridge, and which have sweet stalks for chewing. The plant thrives in black clays which hold up water, but shows much adaptability and ripens also on the more sandy stretches on which the Nuer build their villages, though in such spots it has less resistance to drought and a second sowing is very uncertain. Eastern Jikany is probably the best millet country in Nuerland, and, although in many parts it is too flooded for a second crop, it is the only section I have seen which can generally be relied on to yield sufficient grain to support the population. Lak and Thiang tribal areas in the Zeraf Island, which I have not visited, are said to be good grain country.

Even millet will not flourish in standing water, so that the

2:Evans-Pritchard E-5 (1931, 1936) 1951
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II. A maiden, smoking pipe

[facing p. 40]

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

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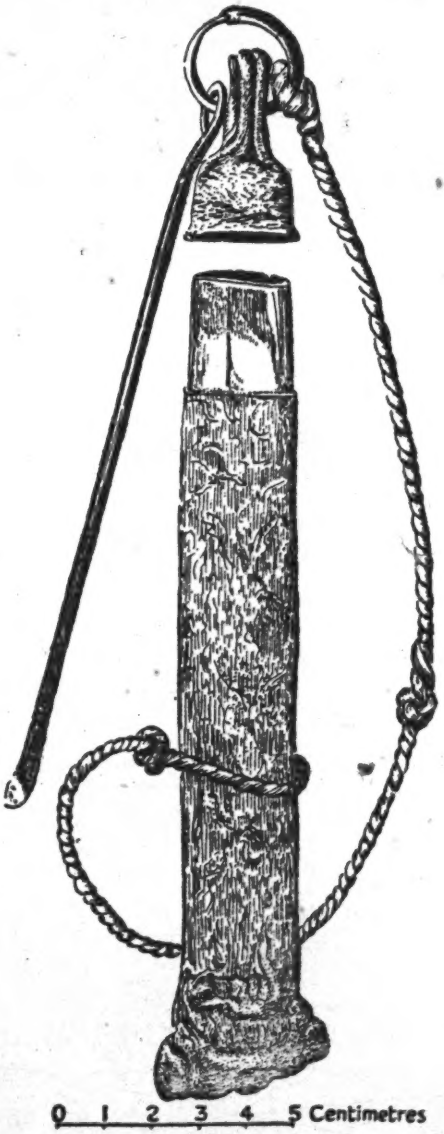

A snuff box
(Millet cane bound with the skin of a cow's tail)

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 482
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [854]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [513]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857 593

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

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[276]

FIG. 1
Pipe

accompanied him to the village shook a rattle on the other side. The instrument is called *jogh*, possibly a Dinka word. It is a bottle-gourd containing seeds, in this instance the seeds of a wild leguminous plant. While the rattles were being rattled and the prophet sang hymns to *nai* the congregation clapped their hands and smacked them on their thighs in accompaniment. Nuer say that they *pat*, clap, or slap, for the spirit.

After about ten minutes' singing Rainen began to have premonitory spasms. It should be noted that it was not the sick youth but his father who became possessed during the seance. A spirit takes hold of an older and experienced man in cases of this kind and uses him as a medium to make its demands known. As the singing, rattling, and clapping continued, Rainen began to twitch and shake from head to foot and then suddenly leapt into the air and fell back on to the floor of the hut where he lay stiff as though in a paroxysm. After lying tense and prostrate for a while he sat up, but shortly afterwards collapsed again. Then for about a quarter of an hour he threw himself wildly about the hut, writhing and twitching as though in agony. He reminded me of a hen which has had its throat cut in the Muslim way, and is thrown on the ground to die. If the people around had not broken most of his falls he might have injured himself. As it was, he complained to me on the following day of the soreness of his arms and legs. Every now and again he barked like a dog. In describing these spasms Nuer say that the spirit wrestles (*kuer*) with the man it possesses.

At the end of a particularly violent seizure, Rainen, who in his exertions had divested himself of the skin over his head, sprang at the prophet, tore his rattle from his hands, and sat

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At
233 Yakwac there was succulent pasturage only where marsh plants still
137 retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came
[124] to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave
[322] camp and one meets them along paths, carrying their household goods
[233] in rectangular cane baskets. Youths leave camp early in the morning
[283] to cut stakes, generally of thornwood (*bwau*) and they spend a large
[513] part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the
221 need to sleep towards noon. Everyone is becoming restless and

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE II

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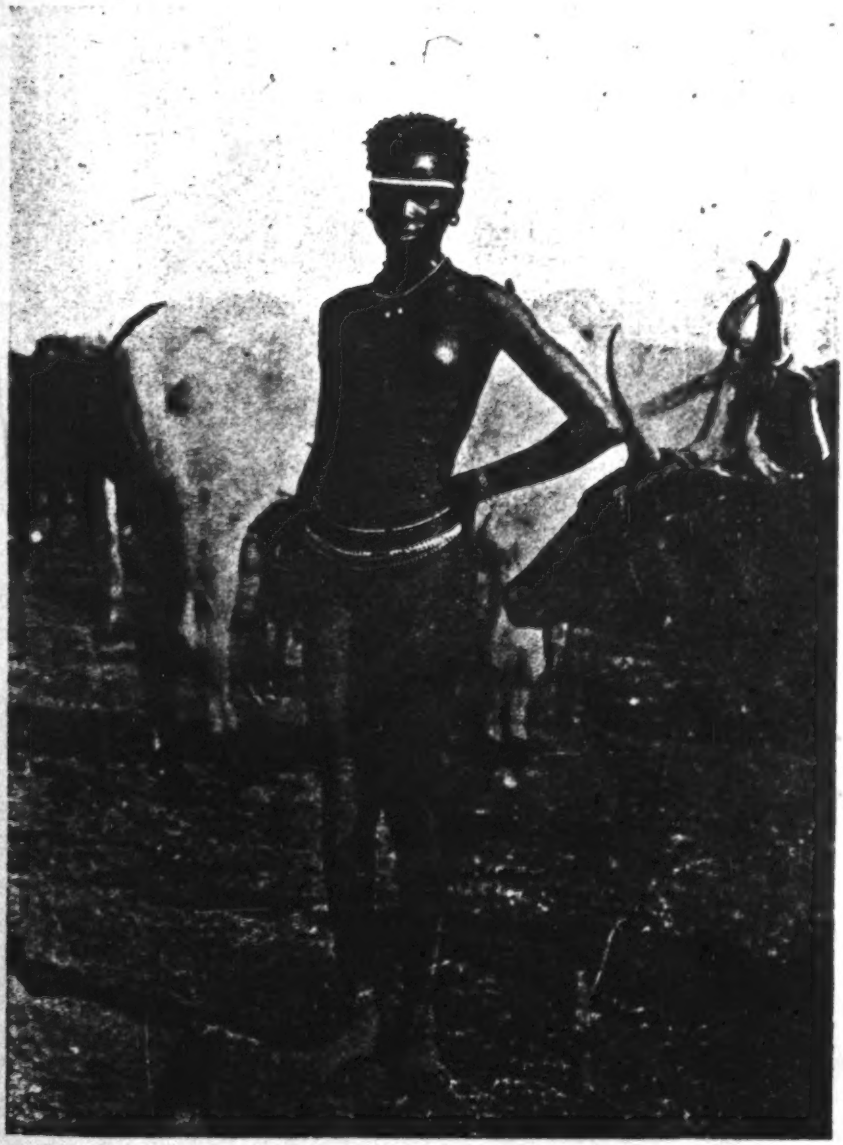

Girl in kraal (Eastern Gaajok)

[Face p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XIII

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Girl in millet garden (Dok)

[Face p. 104]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XVII

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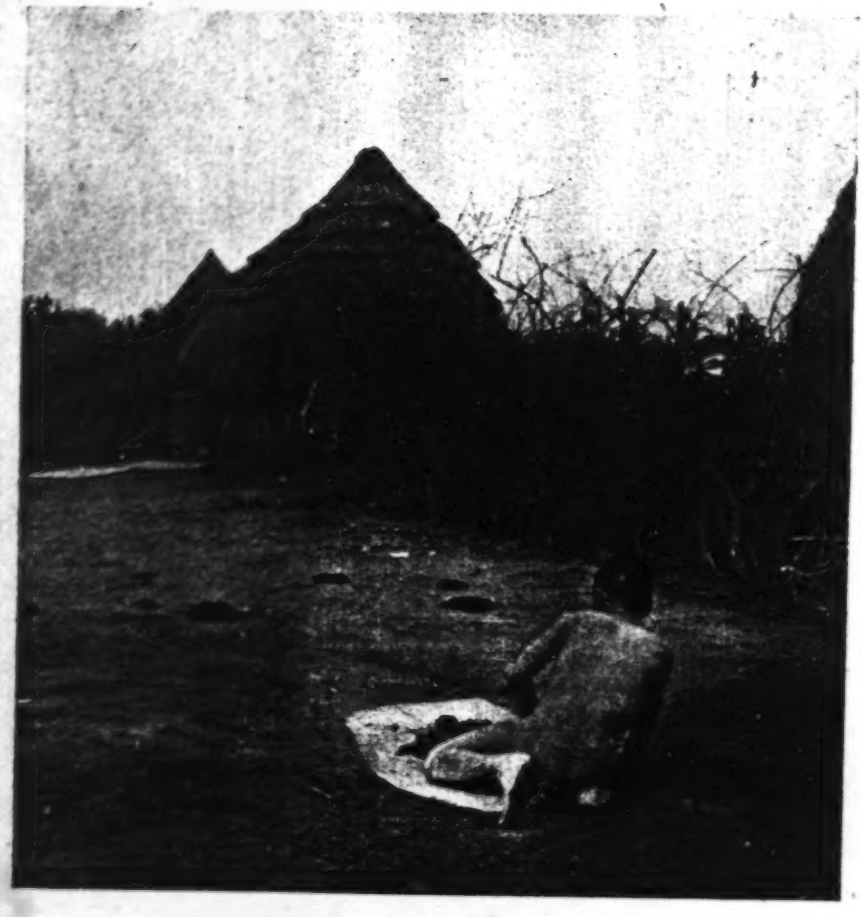

Boy collecting dung-fuel (Lou)

[Face p. 156]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXIX

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Man (Nasser Post)
[Face p. 262]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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II. A maiden, smoking pipe

[facing p. 40]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Photo: Dr. J. F. Blum

THE CHIEF, KIC WUR WINYANG OF THE LAK NUER

[facing p. 80]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

cow manure until he is a greyish-white. He keeps his hair 302
either cut short or shaved off entirely (possibly a tuft may be left on the top of the head), or he lets it grow long and bleaches it by frequent applications of cow-manure ashes applied wet. While the bleaching process goes on he may dress his hair in various styles with a point at the back or at the front or at both places. When the hair is bleached to a light bronze shade he dusts the ashes out of it and is quite proud of the effect. Long black hair is worn only by medicine men. The Nuer man may continue to adorn his body with ornaments and ashes and will especially do so if he is planning another marriage.

The Nuer usually have clean teeth. They clean them 515
with cow-manure ashes, using a twig the end of which has been chewed into the semblance of a small brush.

Nuer men, possibly because they use ashes so constantly on their bodies, and probably because they do not usually wear clothing, seldom have lice. But the strands of beads [301]
worn by women and girls are often infested with them.

The Nuer age early, and both men and women look 145
older than they really are. One would guess some of the older men one meets at between 65 and 70. The Nuer woman usually keeps her erect carriage, but in middle life her flabby breasts, broken teeth, or vacant places where teeth have been pulled out tend to increase the appearance of age.

Clothing is not considered essential by the Nuer man 291
and is not usually worn. He may wear a bright coloured cloth—resembling a red plaid tablecloth, only somewhat more brilliant, he may be satisfied with a piece of the cheap blue cloth that is sold by the Arab merchant, his cloth may be of unbleached muslin, or possibly the District Commissioner has honoured him by giving him a cloth or (if he is a chief) one of the gowns they usually give the

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

291 chiefs. If he does wear a cloth, he wears it under one arm and knotted over the opposite shoulder. The Nuer appropriates any old cast-off clothing he may find. Sometimes grotesque effects are produced when he appears attired in his new wardrobe.

576 A man must never appear before his mother-in-law unless he is wearing some kind of a loin-cloth. It may be of skin (Fig. 1) or cloth, but he must have at least a one-piece suit on besides his beads.

291 A woman after marriage must always wear a loin-cloth of some description. And as she grows older, she usually wears a cloth or sheepskin over the upper part of her body, under one arm and fastened over the opposite shoulder.

The married woman's garb (Figs. 2 and 5) consists of a triangular piece of sheepskin worn over the pubic region, with a larger triangular piece of sheepskin at the back, the two pieces meeting at the waistline at each side but not overlapping to any extent. The lower point of each is longer and narrower than the upper points, terminating in a narrow strip about one or two inches wide. The piece that is worn in front usually has a border of beads sewed on it and may have a small bell hung on the end.

Sometimes a number of little thin strips of sheepskin about eight to ten inches long are fastened together and then worn in front in place of the triangular piece of sheepskin that is usually worn there.

The back part of this garb has a border of beads (from one and one-half to two inches wide) at the waist but not on the sides, unless the woman is quite old, and then she may if she wishes have a border of beads on the sides [illegible]

[301] Bells, charms, shells, pendants of any ki[illegible] [illegible]ort pieces of cowtails, may be fastened at the waistline on the back part of the married woman's dress.

482 A Nuer girl, when quite young, begins to carry burdens such as water-jars on her head.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

such as water-jars on her head. This accounts to some extent for the straight, erect bearing of the women and girls. She may have a number of iron anklets—possibly from one to six—on each ankle, the weight of which causes her to throw her feet outward when walking so that the anklets of one leg do not hit the other leg, but her general posture is graceful.

Grass skirts are made by taking the outer bark of a certain tall grass and tearing it into long thin strips. These are then rolled tightly and made into grass skirts by a method of weaving and binding at one side, leaving the other ends loose. Grass skirts are made in two sizes, one—the short one—being from six to ten inches long. The short grass skirt may also be worn as a garment by a married woman, for every married woman must wear a loin-cloth of some description. The long grass skirt reaches from hip to ankle, and is worn as a dance dress. It is made in the same manner as the short skirt, but the longer grass is used for its construction.

The short grass skirt (Fig. 4) is usually worn over the long grass skirt at dances. Sometimes a bead is fastened on the end of each strand of grass in the short grass skirt. Both long and short grass skirts are oiled until they are soft and pliable and a dark brown in appearance. When worn at a dance, short bushy stubs of cowtails are worn around the waist at the back over the grass skirts.

The Nuer girl may or may not wear a cloth, just as it suits her. If she does wear one, it is worn under one arm and knotted over the opposite shoulder. Those living near the Arab settlements may dress somewhat as the Arab women do, or they may wear the dresses the Arab merchants make for sale to them. But no matter how many garments she may possess, the Nuer girl—if unmarried—may discard any or all of them at will.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

301 she has not already had her ears pierced, her husband
304 or his people may pierce all the places in both ears at once and put in the white beads that are the insignia of her married state. Whether her ears are sore or not, she must wear these white beads that proclaim her married status to all who see her.

301 Bands of beads may be worn on the upper arm or just below the knee. Sometimes strings of beads several inches in length are attached as pendants.

Feathers are frequently worn in the hair and sometimes in the lowest holes that are pierced in the ears. Sometimes a quill is worn in the upper lip.

[751] A newborn baby is not very old before it is attired in bead anklets, wristlets, or a necklace with charms to keep the evil eye away from the child. A strand of beads around the waist, sometimes with a tiny bell as pendant, may be worn. As the child grows older, if a girl, anklets of wire are put on. Also any little child may be seen with wristlets of wire. Shells or beads may be tied to the hair.

302 If an only child, the hair may all be cut except five little tufts, one being at top of head, one at each side, and one at the centre back and front.

301 Wooden beads are also worn by babies. No clothing
291 is worn unless some dress has been received as a gift and donned for special occasions—especially if the donor be present. The mother covers the tiny baby with her cloth if she possesses one.

301 As the child grows older, he wears more beads, either the wooden beads or those purchased of the merchant. But he wears no giraffe hair until—if a boy—he has the six tribal marks cut. A girl when nearing the age of puberty, or even younger, may begin to wear giraffe hair.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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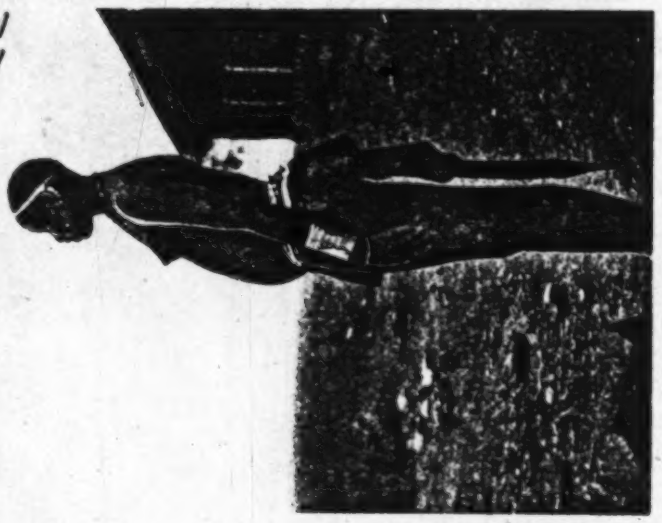

Fig. 2. A Nuer married woman

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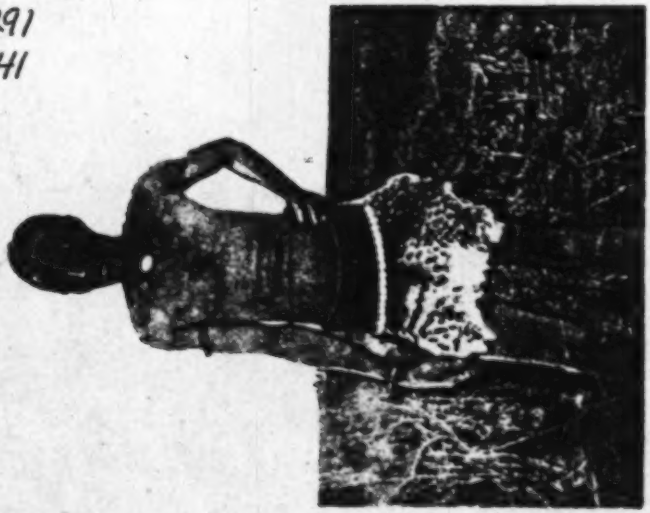

Fig. 1. A Nuer, wearing the skin of a wildcat as a loin-cloth

[facing p. 16]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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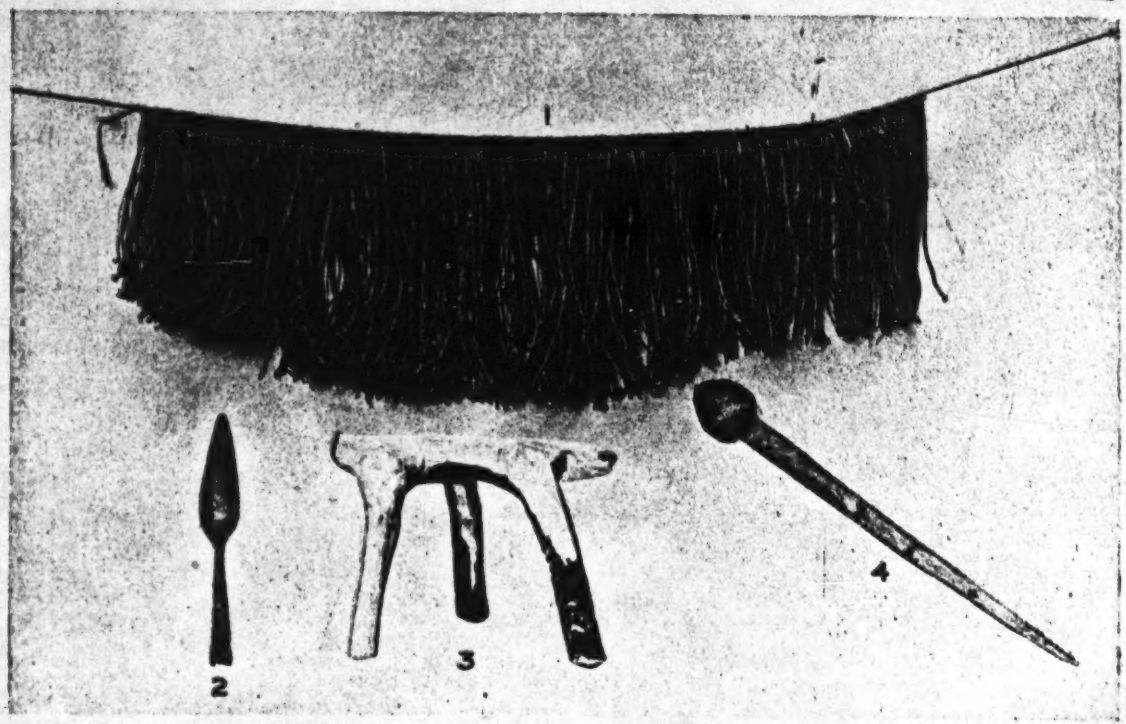

Fig. 4. ESSENTIAL ARTICLES

1. Short grass skirt. 2. Blade of spear. 3. Pillow (for men). 4. Club

[facing p. 32]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22
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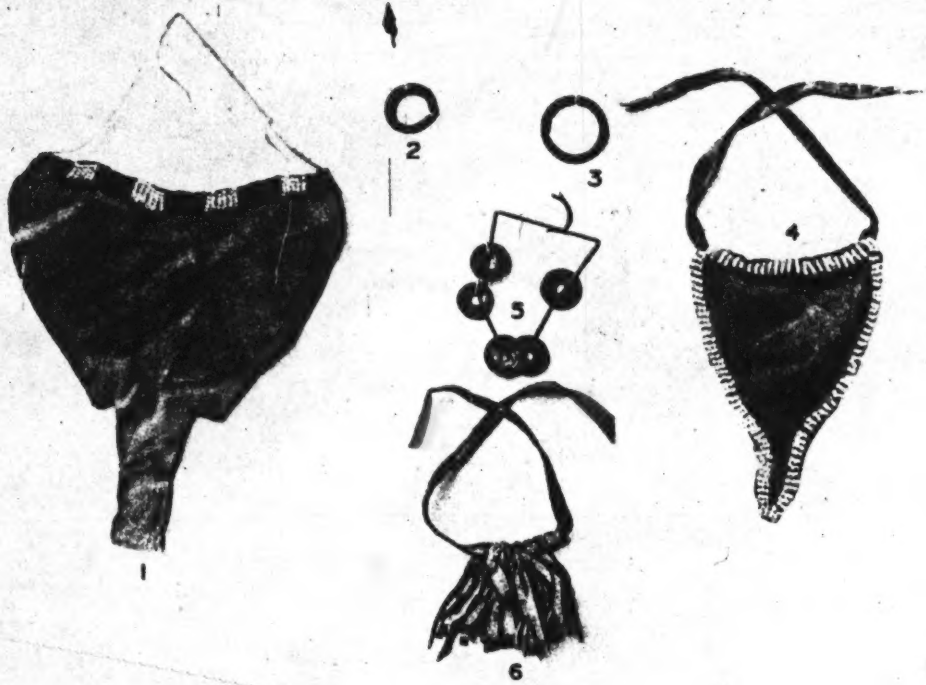

Fig. 5. WOMEN'S GARB

1. Back section of married woman's two-piece suit. 2. Brass wristlet (many of these of graduated sizes may be worn). 3. Iron anklet (for girls). 4. Front section of married woman's two-piece suit. 5. Small coins, as tied on wrist. 6. Front section of married woman's dress (interchangeable with 4)

[facing p. 33]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

226 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks
[501] of large rivers sometimes fish from dug-out canoes (Plate IX)
[227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

226 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish.
[773] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the
[227] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract
[252] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit
224 this source of food extensively. There are vast herds of tiang and cob; other antelopes are plentiful; and buffalo, elephant,
[262] and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but
[292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXIV

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624

A leopard-skin chief

[Face p. 222]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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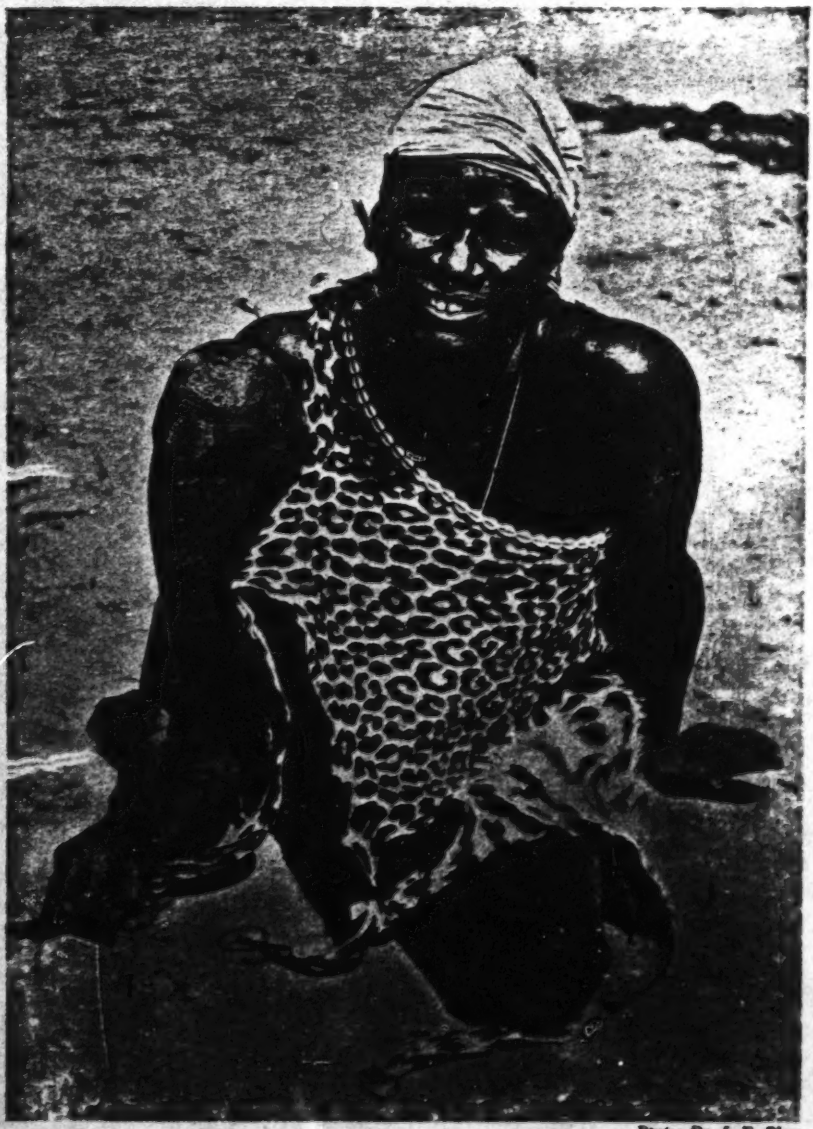

Photo: Dr. J. F. Blom

LEOPARD-SKIN CHIEF

[facing p. 64]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

the spirits of their lineage. The distribution of these cattle is significant. In the first place the girl's father or, if he is dead, her eldest brother or paternal uncle, must receive a guarantee in material form that the prospective bridegroom is in earnest. The ancestral spirits must be called in to bless and assure the future union, and the *yang kwoth* is dedicated to them. Finally, the bride's eldest brother, often a coeval of the bridegroom, must be placated, for it is he who expects to benefit most by her marriage, which will bring in bridewealth which he himself will use for his own marriage. If the girl's family are in agreement, a day is then fixed for the formal betrothal, in the form of a meeting when the cattle of engagement will be paid over. This is known as *cuei*, and the Nuer will say *ce cuei-de cuei*, 'he has engaged himself'. 584

Cuei: Betrothal

The *cuei* is part of the betrothal negotiations, and amounts to a more public acknowledgement by the bridegroom's family in paying, and by the bride's family in accepting, the cattle which are considered necessary for that purpose. The cattle are driven straight to the homestead of the girl's father, and there remain shut in the cattle-byre while the meeting takes place. The prospective bridegroom and his *gwan twac* are expected to observe rigidly the special restrictions on their movements in the bride's home, the signs of respect and other observances which characterize behaviour towards relatives-in-law. They are not allowed to enter any of the houses, and they must cover their nakedness with a special cat-skin known as *twac thoan*. It is for this reason that the principal assistant of the bridegroom is known as *gwan twac*, 'owner of the skin', and a husband, is usually expected to wear it in the presence of his wife's mother.[1] Beer has been brewed beforehand, and is handed round among the senior guests; dancing takes place, and a bull-calf known as *yang kwen* or *yang lum* (the 'cow of marriage' or 'of courting') is sacrificed and eaten.[2] [292]

The adult males of the two families (with the exception of the bridegroom himself) have therefore drunk together and the kinsmen of the bridegroom have partaken of meat provided by the girl's father. The

gwan nyal (see p. 102, n. 1). It is, on the whole, unusual for a man to pay as many as four head of cattle on betrothal, especially if there is likely to be delay in the actual marriage ceremonies. If any of those cattle died while in the possession of the betrothed girl's family, the prospective bridegroom would be expected to replace them.

[1] The *thoan* or serval cat-skin is to the Nuer a mark of respect shown to a wife's relatives by any of her husband's kin, and in a sense is a symbol of marriage.

[2] The word *yang*, cow, is used here in a figurative sense, for the animal should more correctly be referred to as *ruath* (bull-calf). Nuer say that in older and better times a cow would be sacrificed, though doubtless a barren one. *Yang* means cow, and it might be supposed that a cow would be slaughtered. It may refer to a past custom when cattle were more plentiful, but nowadays the use of these terms in connexion with sacrificial animals is often elastic, and *yang*, which is certainly cow, is often used to refer to cattle of either sex.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

When a man merely visits a widow for purposes of procreation and is 585
not a resident member of her household, and therefore not foster-father 431
to her children, the cow which he receives on the marriage of each daughter
he has begotten by her is called *yang leta*, " cow of the loins." One uses 292
the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dieth*, " cow of begetting ", or *yang twac*, " cow of the genet's skin ". It is called *yang twac* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsmen would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some [606]
extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang ine ci rit ne twac naru*, " The cow with which you twisted to your front the genet's skin of your maternal uncle ", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife 585
to his name or having lived with his widow, he receives besides " the cow 431
of begetting " whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives " the cattle of the father's brother ", and when a man marries his maternal uncle a wife he receives " the cow of the paternal aunt ", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for " a cow of begetting " when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Caa dieth gooka*, " It was born in the grass ".

When the daughter of an unmarried concubine is married " the cattle of the father " go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand " the cattle of the mother " belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.[1] In Fig. I when C ♀ is married " the cattle of the father " and " the cattle of the mother " go to A ♂. If A ♂ is dead they go to D ♂ and P ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive " the cow of begetting "

[1] [see p. 27. - Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE I

301

Youth (Eastern Gaajok) fastening giraffe-hair necklace on friend

[Face p. 8]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE II

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Girl in kraal (Eastern Gaajok)

[Face p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

224 the reeds, where their only escape was by swimming the river. In this district, and perhaps elsewhere, Nuer, spurred by hunger, leave camp after the first heavy showers to look for giraffe tracks and pursue these animals relentlessly till they overtake them. This is only possible at the time of the first rains when the animals still have to approach camps to drink while their large hooves stick in the moist earth and slow down their movements. The Nuer, particularly those of the Zeraf river, have a reputation for their courage and skill in hunting elephants, which are surrounded and speared by large parties.

Nuer hunting has thus the same character of simplicity as their fishing. They use little cunning and, except for the spiked-wheel trap, no mechanical devices. This trap is used by immi- [[71] grant Dinka in most parts of Nuerland and by some of the Lou Nuer, who, nevertheless, regard it as a Dinka contrivance and accordingly tend to despise it, regarding its use as unworthy of men possessing cattle but allowable to poor persons who can thereby obtain meat and even cattle, for giraffe-hair is highly [381] valued for necklaces, such as those which can be seen on Nuer in many plates (especially Plates I and XXVIII(*b*)). Hence one finds a few members of a camp setting traps while the rest abstain. They are set around drinking-pools at the end of the dry season or in the early rains when surface water is still restricted and the ground is not yet moist enough to rot the leather nooses. In 1930 on the Sobat large numbers of giraffe were captured by means of spiked-wheel traps, but it appears to have been an exceptional year. If game-pits are dug at all by Nuer they are very rare and found only on the borders of Dinka tribes, and the burning of stretches of grass that have survived the annual firing in order to spear or club the animals that flee the flames is a very casual practice. In the dry season in Western Nuerland, and probably in other parts, though not on the Sobat, men harpoon hippopotami along the tracks to their nightly grazing grounds. Hippopotamus hunting is not, however, considered a Nuer practice, but a habit of Shilluk and some of the Dinka tribes; and even in those parts where Nuer hunt them it is said to be only men with a few cattle who do so. We may conclude that hunting does not give Nuer much meat and that they do not greatly esteem it as a sport.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

135 Nuerland lacks the two raw materials that have played so important a part in the manufacture of primitive tools: iron and stone. Nuer have always been poor in iron objects. Till recently
411 they possessed very few iron spears, cherished as heirlooms, but used instead the straightened horns of antelope and buck, ebony wood, and the rib-bones of giraffe, all of which are still used to-day,
442 though almost entirely in dances (Fig. 11). Wooden hoes were used for gardening, and are still sometimes so used to-day. Iron bells (Fig. 4) are rare and highly prized even at the present time,
301 and in the old days iron rings and bracelets were important pieces of property. Wooden bells and ivory and leather rings and bracelets took their place in common use. Nuer have no knowledge of
325 smelting and little of the blacksmith's art. I have never seen a forge and, though there are certainly some blacksmiths, their art is crude and may be regarded as a recent innovation, at any rate in most parts of Nuerland. Spears bought from Arab merchants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside villages I have never seen a stone. They are sometimes brought
412 from neighbouring areas and employed as hammers, for smoothing
323 metal ornaments, for rubbing skins, and so on. Grinding grain seems to have been a recent introduction. The grinder is made from thornwood and the grindstone from baked marsh mud mixed with finely pounded potsherds (Fig. 12). With clay, mud, and sand, Nuer also make pots, grain-bins, pipes, toys, hearthstones, and firescreens; construct the walls of byres and huts; and coat floors and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her gift of wood. Large trees are rare. Thornwood and low brush-
322 wood provide timber for building, spear-shafts, harpoon-shafts, clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets, and winnowing trays. Probably no trees in Nuerland are suitable for carving and Nuer possess no wooden utensils. Even the ebony they use for making spears is not found in their country. Ambatch-trees grow in some parts of the swamp areas and from it is made an object which serves as a parrying stick, tobacco pouch, pillow, and seat (Plate XXIX). Byre and kraal fires are fed with
[372] dried dung, and wood fuel is only employed in the kitchen—grasses and millet stalks sometimes being used as a substitute. Grasses, millet stalks, and some plants are also used for various purposes: rafters, windscreens, thatching, cord, basketwork, &c. Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and earthy materials instead. Animal products are also a valuable

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXVIII

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a. Youth (Zeraf river)

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b. Youth (Lou)

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c. Man (Zeraf river)

[Face p.256]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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11. A maiden, smoking pipe

[facing p. 40]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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/ IV. Sweethearts

[Facing page 68]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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VI. A married woman, wearing skirt
In the background a man plays on a harp

[Facing p. 112]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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VII. A youth singing in praise of his ox. His arms are raised in imitation of its horns

[Facing page 128]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Photo: Dr. J. F. Bloss

THE CHIEF, KIC WUR WINYANG OF THE LAK NUER

[facing p. 80]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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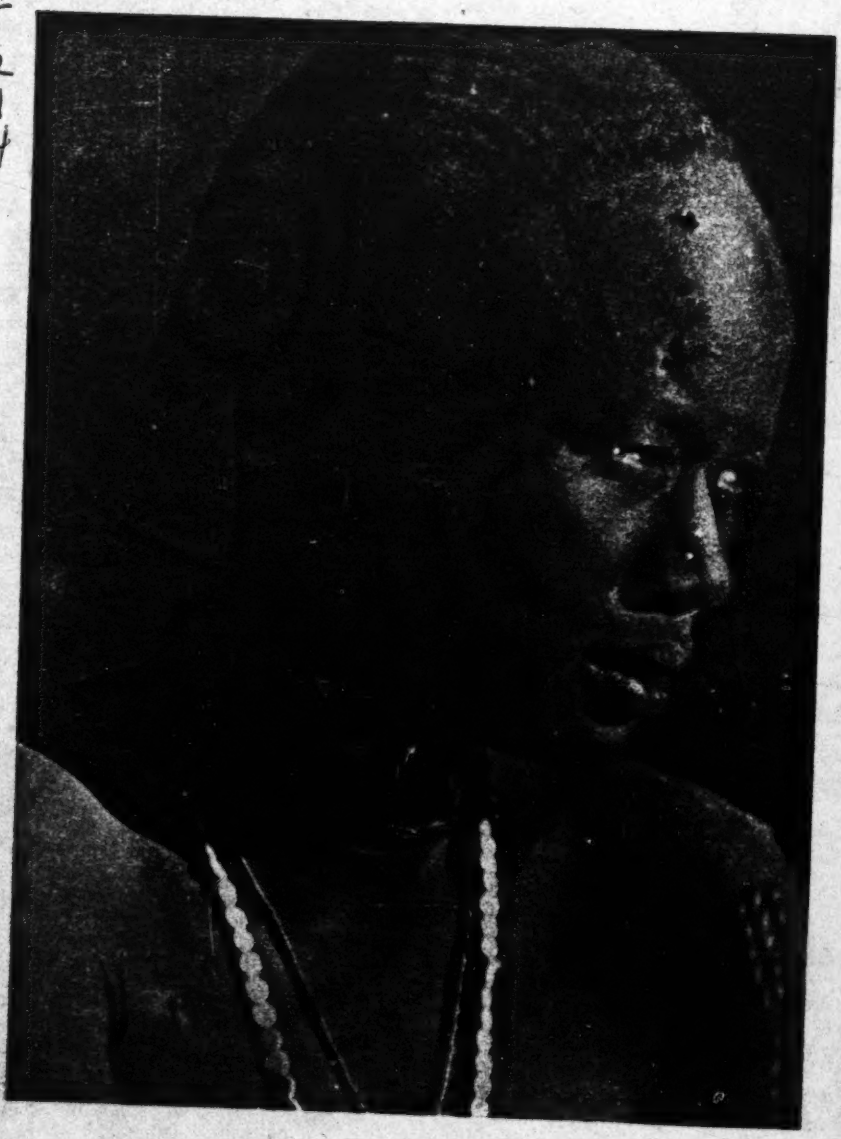

THE BRIDE

[facing p. 81]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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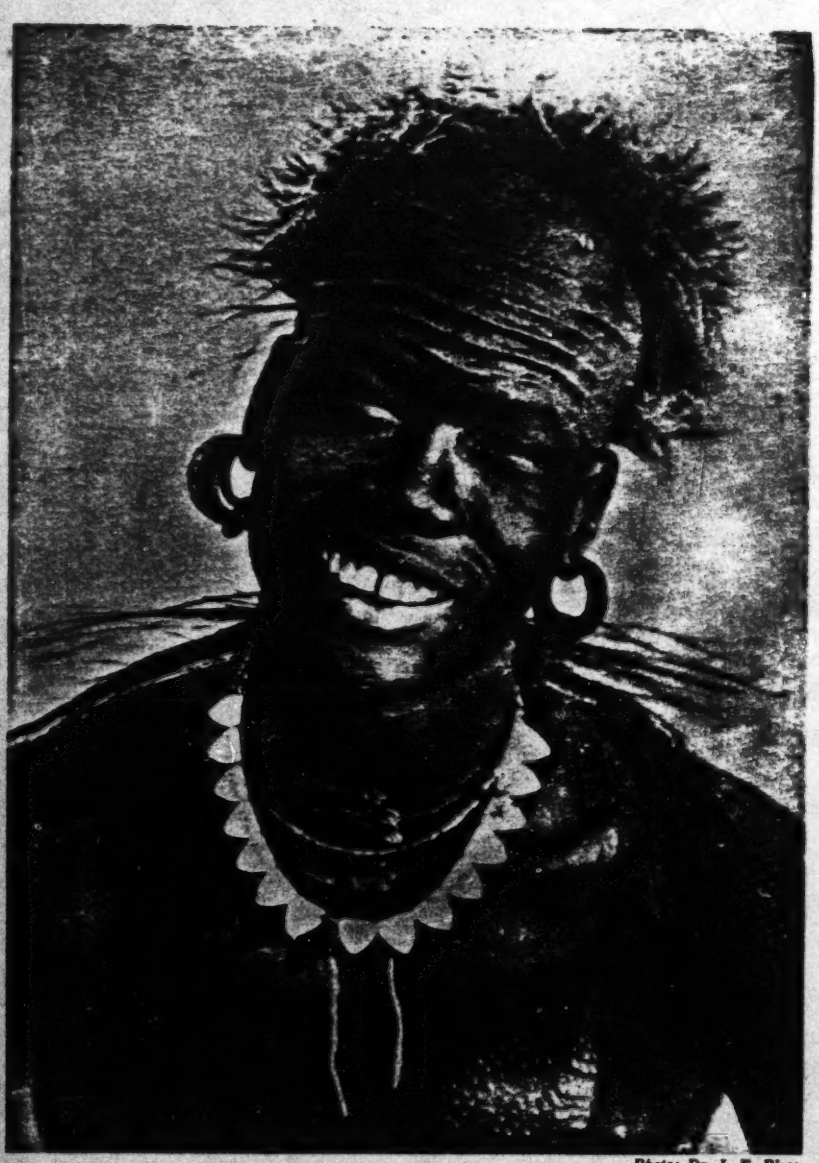

Photo: Dr. J. F. Bloss

THE BRIDEGROOM

[facing p. 160]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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BUTH DIU

[facing p. 177]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes. 224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

cow manure until he is a greyish-white. He keeps his hair 302
either cut short or shaved off entirely (possibly a tuft may be left on the top of the head), or he lets it grow long and bleaches it by frequent applications of cow-manure ashes applied wet. While the bleaching process goes on he may dress his hair in various styles with a point at the back or at the front or at both places. When the hair is bleached to a light bronze shade he dusts the ashes out of it and is quite proud of the effect. Long black hair is worn only by medicine men. The Nuer man may continue to adorn his body with ornaments and ashes and will especially do so if he is planning another marriage.

The Nuer usually have clean teeth. They clean them 515
with cow-manure ashes, using a twig the end of which has been chewed into the semblance of a small brush.

Nuer men, possibly because they use ashes so constantly on their bodies, and probably because they do not usually wear clothing, seldom have lice. But the strands of beads [301]
worn by women and girls are often infested with them.

The Nuer age early, and both men and women look 145
older than they really are. One would guess some of the older men one meets at between 65 and 70. The Nuer woman usually keeps her erect carriage, but in middle life her flabby breasts, broken teeth, or vacant places where teeth have been pulled out tend to increase the appearance of age.

Clothing is not considered essential by the Nuer man 291
and is not usually worn. He may wear a bright coloured cloth—resembling a red plaid tablecloth, only somewhat more brilliant, he may be satisfied with a piece of the cheap blue cloth that is sold by the Arab merchant, his cloth may be of unbleached muslin, or possibly the District Commissioner has honoured him by giving him a cloth or (if he is a chief) one of the gowns they usually give the

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

291 chiefs. If he does wear a cloth, he wears it under one arm and knotted over the opposite shoulder. The Nuer appropriates any old cast-off clothing he may find. Sometimes grotesque effects are produced when he appears attired in his new wardrobe.

576 A man must never appear before his mother-in-law unless he is wearing some kind of a loin-cloth. It may be of skin (Fig. 1) or cloth, but he must have at least a one-piece suit on besides his beads.

291 A woman after marriage must always wear a loin-cloth of some description. And as she grows older, she usually wears a cloth or sheepskin over the upper part of her body, under one arm and fastened over the opposite shoulder.

The married woman's garb (Figs. 2 and 5) consists of a triangular piece of sheepskin worn over the pubic region, with a larger triangular piece of sheepskin at the back, the two pieces meeting at the waistline at each side but not overlapping to any extent. The lower point of each is longer and narrower than the upper points, terminating in a narrow strip about one or two inches wide. The piece that is worn in front usually has a border of beads sewed on it and may have a small bell hung on the end.

Sometimes a number of little thin strips of sheepskin about eight to ten inches long are fastened together and then worn in front in place of the triangular piece of sheepskin that is usually worn there.

The back part of this garb has a border of beads (from one and one-half to two inches wide) at the waist but not on the sides, unless the woman is quite old, and then she may if she wishes have a border of beads on the sides also. [301] Bells, charms, shells, pendants of any kind, short pieces of cowtails, may be fastened at the waistline on the back part of the married woman's dress.

482 A Nuer girl, when quite young, begins to carry burdens such as water-jars on her head.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

such as water-jars on her head. This accounts to some extent for the straight, erect bearing of the women and girls. She may have a number of iron anklets—possibly from one to six—on each ankle, the weight of which causes her to throw her feet outward when walking so that the anklets of one leg do not hit the other leg, but her general posture is graceful.

Grass skirts are made by taking the outer bark of a certain tall grass and tearing it into long thin strips. These are then rolled tightly and made into grass skirts by a method of weaving and binding at one side, leaving the other ends loose. Grass skirts are made in two sizes, one—the short one—being from six to ten inches long. The short grass skirt may also be worn as a garment by a married woman, for every married woman must wear a loin-cloth of some description. The long grass skirt reaches from hip to ankle, and is worn as a dance dress. It is made in the same manner as the short skirt, but the longer grass is used for its construction.

The short grass skirt (Fig. 4) is usually worn over the long grass skirt at dances. Sometimes a bead is fastened on the end of each strand of grass in the short grass skirt. Both long and short grass skirts are oiled until they are soft and pliable and a dark brown in appearance. When worn at a dance, short bushy stubs of cowtails are worn around the waist at the back over the grass skirts.

The Nuer girl may or may not wear a cloth, just as it suits her. If she does wear one, it is worn under one arm and knotted over the opposite shoulder. Those living near the Arab settlements may dress somewhat as the Arab women do, or they may wear the dresses the Arab merchants make for sale to them. But no matter how many garments she may possess, the Nuer girl—if unmarried—may discard any or all of them at will.

14: Huiman M-5 (no date) 1931
FJ22 Nuer FJ22

ORNAMENTS

301 The Nuer man wears necklaces of many strands of giraffe hair (Fig. 3) which are strung through a large bead. He has a method of knotting the loose ends which is clever and neat and at the same time very firm. Indeed, so firm is it that if one person can get hold of another by this necklace, he may lead him wherever he wants him to go as there is no danger of the knot giving way. Sometimes after the hairs have been made into a firm knot the ends may be left and ornamented by having many bright coloured beads strung on them. A man may wear several of these necklaces with various pendants hung on them (especially if he is unmarried or is thinking of acquiring a second or third wife).

A strand of beads, with probably fifteen to twenty of one colour, then the same number of another colour alternately, may be worn over one shoulder and under the opposite arm, while a similar strand is worn on the other side, the strands crossing at the centre, front and back, and the coloured beads glistening against the dark skin. Strands of beads, a number of one colour alternating with the same number of some contrasting colour, are worn around the waist.

An ivory armlet may be worn just above the elbow, a smaller one may be worn on the other arm just above the elbow, and a third (a small one) on the upper arm several inches above the large ivory armlet, usually on the left arm. But when three ivory armlets are worn it is a sure indication that the man is to be married in the immediate future.

Wristlets made either of brass or wire, pounded into various shapes, are worn. The wristlet may be made of a wire which has been beaten flat and thin, it may have several sharp prongs or possibly it may be made of wire with two sharp prongs several inches in length.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

From forty to fifty brass wire armlets of graduated sizes may be worn on the forearm (Fig. 3). They cover the arm from wrist to elbow. This ornament is usually worn on the left arm. The brass wire is heavy, and when first put on causes the hand to swell and often a sore forms on the arm under the bracelets. The man must hold the arm high in order to relieve it of the pain and weight caused by this ornament. But he wears a ring of brass on the right thumb and frequently rubs the ring up and down the bracelets, enjoying the sound made thereby and causing others to notice his ornament. 301

In case a sore forms under the bracelets, a certain leaf is put in over it. The man is proud of his ornament, and will endure a good deal of suffering in order to wear it. But that arm is incapacitated for work in many cases until the bracelets are removed.

Boys who have not as yet had the tribal marks cut do not wear the brass bracelets.

A man whose wife expects to be a mother may wear a wristlet of either white and black or red and black or possibly red and white beads alternating one by one. This supposedly keeps him from sores and scratches caused by grass. 301 751

A few large wooden beads strung on wire and worn either as anklet or wristlet will keep any one from scratches from grass according to the firm belief of the Nuer.

An armlet which is worn just above the elbow may be made out of the hipbone of a cow. It is cut in a circular shape and a hole is made in the centre while the outer edge is notched. 301

Small beads made out of ostrich eggshell, cut round with a hole in the centre of each, are strung together, and may be worn as a wristlet, or a strand of them may be wound about the waist or neck.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

301 A strand of beads, one black, one white, or one red, one white alternating, with a larger bead in the centre may be worn as a headband, the larger bead being worn in the centre of the forehead. A headband consisting of a number of round blue disks may also be worn (these are, however, bought from the Arab merchants).

Numerous finger and thumb rings are worn. A wire wrapped around the finger several times, or a ring with one or two long prongs may be stylish.

Styles—even in beads—change. At one time bead girdles were worn by the Nuer men, consisting of as many as one hundred and fifty strands of beads, but that fashion seems to be a thing of the past since 1925.

Nuer of both sexes delight in wearing a string of aluminium hearts around the waist (Fig. 3).

An older woman usually has but few ornaments. When she is married, she gives all her ornaments to her husband's people, who, in return, give her the married woman's dress and such ornaments as they wish to give her. She usually gives many more than she receives. Sometimes the husband may from time to time give her either necklace or bracelets, but more often the decrease in ornaments starts at the time of her marriage. Later on, she may give some of her ornaments to her children or to a relative. One frequently sees the older woman wearing wooden beads, and possibly some of the beads they get from the Arab merchants, but seldom has she giraffe-hair ornaments.

302 If a woman has only one child she may cut her hair, leaving one little tuft on top of her head, and one on either side, and also one in the centre front and back of her head to indicate this.

301 The Nuer girl adorns her body with many bead necklaces, iron or brass anklets and wristlets, headbands of

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

beads similar to those worn by the men, strings of beads 301
over each shoulder and under the opposite arm, and many strands around her waist. As she nears the marriageable age she has numerous strands of giraffe hair—with various pendants—about her neck.

She may also bleach her hair and wear brass bracelets [302]
on her arm. But she does not wear nearly as many of these brass bracelets as her brother, nor does she wear them as tightly, for no matter how much she may wish for ornaments, she must do her work of pounding the dura and must not incapacitate her arm for that work. None the less, the bracelets give many a girl a sore.

Wristlets are also made of giraffe hair with beads of various colours strung on the various hairs. These are quite pretty and add a bright bit of colour to a girl's arm. She usually wears a spiked bracelet—even the small children wear them—and they are a dangerous weapon when they are angry with one another, and wish to strike.

The Nuer girl has a hole pierced in the centre of her 301
upper lip. She may wear a blade of grass, a flower, or a 304
small stick of wood in it, but usually she wears a nail with the point sticking outward.

The ears of a girl are pierced in from five to seven places along the outer edge. This is done with a sharp-pointed native needle, and then little sticks or straws are worn in the holes in order to keep them open. The ears are frequently very sore and sometimes quite painful and slow in healing after this operation. The ears are usually pierced before the girl is in her teens, part of the holes being pierced at one time, the remainder when the first sores caused by the piercing are well. She often wears bead or grass ornaments in them. But the object of this is that the ears may be ready for the white beads which will be put in them when the girl is married. If

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

301 she has not already had her ears pierced, her husband
304 or his people may pierce all the places in both ears at once and put in the white beads that are the insignia of her married state. Whether her ears are sore or not, she must wear these white beads that proclaim her married status to all who see her.

301 Bands of beads may be worn on the upper arm or just below the knee. Sometimes strings of beads several inches in length are attached as pendants.

Feathers are frequently worn in the hair and sometimes in the lowest holes that are pierced in the ears. Sometimes a quill is worn in the upper lip.

[751] A newborn baby is not very old before it is attired in bead anklets, wristlets, or a necklace with charms to keep the evil eye away from the child. A strand of beads around the waist, sometimes with a tiny bell as pendant, may be worn. As the child grows older, if a girl, anklets of wire are put on. Also any little child may be seen with wristlets of wire. Shells or beads may be tied to the hair.

302 If an only child, the hair may all be cut except five little tufts, one being at top of head, one at each side, and one at the centre back and front.

301 Wooden beads are also worn by babies. No clothing
291 is worn unless some dress has been received as a gift and donned for special occasions—especially if the donor be present. The mother covers the tiny baby with her cloth if she possesses one.

301 As the child grows older, he wears more beads, either the wooden beads or those purchased of the merchant. But he wears no giraffe hair until—if a boy—he has the six tribal marks cut. A girl when nearing the age of puberty, or even younger, may begin to wear giraffe hair.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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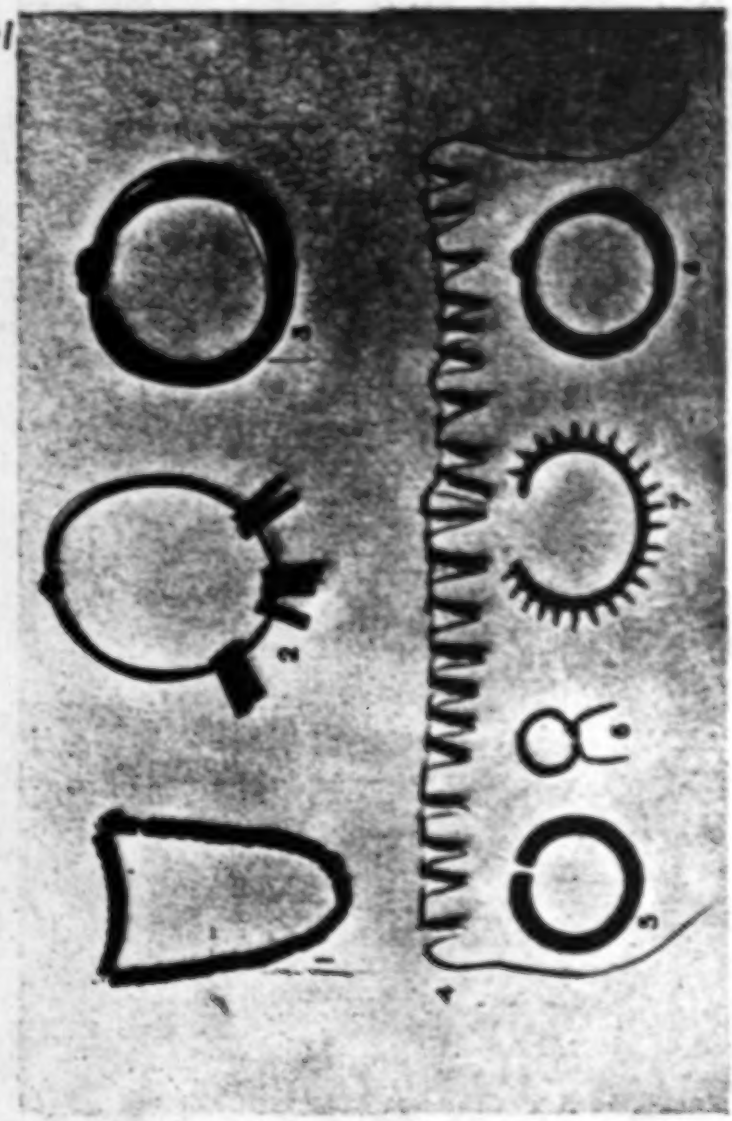

Fig. 3. ORNAMENTS

1. Necklace of wooden beads. 2. Necklace of giraffe hair with wooden pendants. 3. Necklace of giraffe hair (note the knot). 4. Aluminium ornaments worn around waist. 5. Wristlet of brass wire, punched flat. 6. Two-pronged wristlet. 7. Many-pronged wristlet. 8. Wristlet of giraffe hair with beads

[facing p. 17]

88/ 304 names announced before they may come near, for the evil eye must constantly be guarded against.

An animal skin is always spread on the ground for him to sit on. Food is specially prepared for him in order that he may speedily regain his strength and vigour again. He is treated as a most honoured guest in the village, and is the centre of concern.

Later on the boy is supposed to give some gift to the man who cut the tribal marks for him. Sometimes this man happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six.

The boy takes cane-stalks and peels them, cutting them into four-inch lengths. He makes a girdle or belt of them by fastening them together side by side. He may go visiting at night after his wounds are well on the way to recovery, and he always wears this belt. He also carries a long stick which has a piece of ambatch or other light wood at the end of it, and also a cluster of white feathers.

He is not allowed to go among the cattle until he is entirely well. When one asks him if his wounds are healed he will always say 'not yet', but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed, although the boy will not say so for fear some one with the evil eye should hear of it.

[143] No pregnant woman must come near the boy until his wounds are healed; a man whose wife is pregnant must also be avoided.

● 301 Nuers do not wear bead necklaces after the tribal marks are cut, although strands of beads may be worn around the waist or over each shoulder and under the opposite arm. Wooden beads may be worn for a few months, then they may wear the giraffe hair necklaces.

14: Huffman M-5 (no date) 1931
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Fig. 1. WOMEN'S GARB

1. Back section of married woman's two-piece suit. 2. Brass wristlet (many of these of graduated sizes may be worn). 3. Iron anklet (for girls). 4. Front section of married woman's two-piece suit. 5. Small colas, as tied on wrist. 6. Front section of married woman's dress (manchargaddle with).

[facing p. 33]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Five

COURTSHIP AND MARRIAGE AND THE BABY

PREPARATION AND CHOICE

583 PROBABLY the most important event in the life of a Nuer girl is her courtship and marriage.

Her thoughts, even when a child, are upon her future husband, who he may be, what he may pay as the marriage price. Of course she often hears the village talk of how many cattle may be received for her. Sometimes her father or her brothers need cattle to help them out of financial difficulties incurred possibly through their own marriage plans. So they arrange the girl's marriage while she is yet a little girl and secure an initial payment of a cow or two in order to help them out. The husband does not take the girl to his village then but waits until she is older, and then he must pay the rest of the wedding price for her. Sometimes this man may be young, but more often he is an older man who has the cattle to help her father out of his extremity. And this older man may be planning to take her for his second or third wife, or possibly to get her for a wife for his son.

304 During her younger years she must have each ear
301 pierced in from five to seven places along the outer edge, and she must have her upper lip pierced in the centre in order to wear a nail in it. When she is first taken to her husband's home white beads, as has already been noted, must be put in her ears, which will proclaim her status as a married woman to all who see her.

857 During her girlhood she must learn all the tasks that fall to woman's lot.

301 As she nears marriageable age she adorns her body with all the beads, anklets, wristlets, necklaces of various

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

kinds, and rings that she can acquire. She also bleaches 301
her hair and wears several headbands of beads.

Some neighbouring young man may be the cause of all of this effort on her part.

During the fishing season the lover is neither idle nor 584
silent in his efforts to win the regard of his bride. He may be at the same fishing camp as she is; if so, he carefully grooms his best ox, then adorns his body with all possible ornaments and, getting some one to lead his ox, they circle around the camp. He dances as he follows the ox and sings praises of his ox, himself, and his sweetheart in loud tones that may be heard for some distance. This performance may be continued for some hours, especially the singing.

Usually the young man knows when he is not repulsive to the girl. When he has her assurance that she loves him, his people take up the subject of the marriage price with her people. The girl's physical appearance and possibility [581]
of bearing children figure largely in the estimate of her desirability. Also her temper and ability to control it are considered.

A certain day is agreed on for the marriage talk. Then all the men who are interested on the bridegroom's side assemble at the village of the bride-to-be. Places have been arranged for the relatives of the bridegroom to sit on one side of an open area, facing the relatives of the bride who are seated upon the opposite side.

A stick with both ends curved in a scroll design is carried by the speaker and twirled in the hands as he walks back and forth between the two factions and presents his arguments. He also wears a loin-cloth, often the skin of a wildcat. Sometimes it happens that each speaker is not the possessor of a loin-cloth, so a quick change is made, as one speaker concludes his speech and another prepares to take his turn.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

●301

Youth

[frontispiece]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE VII

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411
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Youth and boy

[facing p. 172]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE XII

301
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Youth wearing *thiau* (arm-rings)

[facing p. 234]

811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [823] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [826] left and right in Nuer thought that Nuer youths should emphasize the contrast between the two hands by putting the left arm ●301 out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiau*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] oxen which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the 811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windscreens, but Nuer erect branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies. 782

The verb *buth* means 'to share', and since collateral lineages of a clan and also clans with common ancestry may claim portions of the flesh of sacrificial victims at each other's collective sacrifices, there is said to be *buth* between them. They are to one another *jibuthni*, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices. 613 614 727 782

Buth relationship is stated also in terms of the division of elephant tusks or of cattle exchanged for them. When hunters kill an elephant the right tusk goes to the *koc*, the man who first speared it, and the left tusk to the *gam*, the man who speared it next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for 613 614 224 [301]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXVI

a. Youth (Eastern Gaajak) with ash hair-dressing

b. Youth (Eastern Gaajok) after removal of ash hair-dressing

302

[Face p. 236]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXVIII

301
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a. Youth (Zeraf river)

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b. Youth (Lou)

c. Man (Zeraf river)

[Face p. 256]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

302

1. A boy, clothed in ashes

[facing p. 24]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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302

m. A youth. His hair is dressed with ashes

[facing p. 48]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

Much attention is devoted to hair-dressing in the dry season. In the rains the hair is sometimes neglected though never for a long time unless a man is in mourning. Nuer hair is naturally crinkly and black but when treated with ashes of cattle dung mixed with wood ash it is oxidised and becomes straight and golden. A man takes a heap of ash from his wind-screen fire, mixes it with wood ash, and places them on his sleeping skin where he removes any lumps, leaving only fine ash. To make the ashes finer still he beats them with a mallet and shakes and taps the skin so that the ashes are spread over it and can be searched for foreign matter which is then extracted. When he is satisfied he divides the ashes into two heaps, one of which he mixes with water. The Eastern Nuer do not use urine for this purpose as the Dinka and, to a lesser extent, the Western Nuer do. The scalp is now massaged with the damp ashes. When this is finished the hair is gathered into a peak at the back or front of the head and the dry ashes are sprinkled on top. The head remains for two or three days in its ash plaster which is then removed and the hair is sprinkled with oil. Nuer hair freshly treated in this way has a golden tint and glistens in the sun. Young men spend many hours in their wind-screens, after the cattle have gone to pasture, preparing their hair in this way. 362

By about 10 o'clock most of the men are sleeping behind their windscreens, beneath trees, or, if the camp is near a wet season village, in byres. Only if game is sighted is there any male activity in the camp for an hour or two before noontide. The men grasp their spears and with their dogs [illegible]int after the animal to encircle it and run it down. After the firs[illegible] all able-bodied men leave camp to search for giraffe-tracks and if they find the animals they pursue them till they are exhausted and overtaken and speared. Nuer sometimes chase giraffe all day long and their endurance will scarcely be believed till it is seen, being especially remarkable when we recollect that they are weakened by hunger at this time of the year. But at the height of the dry season it is useless to hunt giraffe as they are too fleet on hard ground. While the men are sleeping the women are engaged in churning last night's milk. 512 462 224 [234]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

173 The Nuer people came to this country long ago, many, many years ago. In a country far away to the west, over across the Nile, there were many, many people.

Latjor, one of the Nuer chiefs, called his people to accompany him as he wanted to go to a distant country where there were no people.

They started out, travelling eastward. They came to the Nile at a point about ten miles south of the present site of Melut. They had no boats. The river was wide. They did not know how they could get across.

While they waited on the bank, talking the matter over, they saw a large blue heron standing in the middle of the river. They wondered among themselves whether it was standing on an island or on floating grass or possibly on a tree. Latjor, their leader, a tall, fearless man, said he would try to wade out to it and investigate.

He waded in. The water was ankle deep, then knee deep. A little farther on it was waist deep, but he waded clear over to the other side. Then his people were not afraid but crossed over after him.

This fording place is called the Ford of the Blue Heron because the blue heron showed it to them.

Latjor led his people eastward, seeking for a good location until they reached Abyssinia. An epidemic of smallpox killed many of his Nuer. Those who remained returned westward and settled in the uninhabited area through which they had passed. Latjor settled in Dwac which is a village in the Garjiok section. He named the different sections of Nuerland after his sons—Garjak, Garjiok, Lau, Gagwang, Geuwar, and Lak.

APPEARANCE AND CLOTHING

[141] 302 The Nuer man is tall, muscular, straight of back, and clear-eyed. He powders his whole body with ashes made from

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

cow manure until he is a greyish-white. He keeps his hair 302
either cut short or shaved off entirely (possibly a tuft may be left on the top of the head), or he lets it grow long and bleaches it by frequent applications of cow-manure ashes applied wet. While the bleaching process goes on he may dress his hair in various styles with a point at the back or at the front or at both places. When the hair is bleached to a light bronze shade he dusts the ashes out of it and is quite proud of the effect. Long black hair is worn only by medicine men. The Nuer man may continue to adorn his body with ornaments and ashes and will especially do so if he is planning another marriage.

The Nuer usually have clean teeth. They clean them 515
with cow-manure ashes, using a twig the end of which has been chewed into the semblance of a small brush.

Nuer men, possibly because they use ashes so constantly on their bodies, and probably because they do not usually wear clothing, seldom have lice. But the strands of beads [101]
worn by women and girls are often infested with them.

The Nuer age early, and both men and women look 145
older than they really are. One would guess some of the older men one meets at between 65 and 70. The Nuer woman usually keeps her erect carriage, but in middle life her flabby breasts, broken teeth, or vacant places where teeth have been pulled out tend to increase the appearance of age.

Clothing is not considered essential by the Nuer man 291
and is not usually worn. He may wear a bright coloured cloth—resembling a red plaid tablecloth, only somewhat more brilliant, he may be satisfied with a piece of the cheap blue cloth that is sold by the Arab merchant, his cloth may be of unbleached muslin, or possibly the District Commissioner has honoured him by giving him a cloth or (if he is a chief) one of the gowns they usually give the

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

301 A strand of beads, one black, one white, or one red, one white alternating, with a larger bead in the centre may be worn as a headband, the larger bead being worn in the centre of the forehead. A headband consisting of a number of round blue disks may also be worn (these are, however, bought from the Arab merchants).

Numerous finger and thumb rings are worn. A wire wrapped around the finger several times, or a ring with one or two long prongs may be stylish.

Styles—even in beads—change. At one time bead girdles were worn by the Nuer men, consisting of as many as one hundred and fifty strands of beads, but that fashion seems to be a thing of the past since 1915.

Nuer of both sexes delight in wearing a string of aluminium hearts around the waist (Fig. 3).

An older woman usually has but few ornaments. When she is married, she gives all her ornaments to her husband's people, who, in return, give her the married woman's dress and such ornaments as they wish to give her. She usually gives many more than she receives. Sometimes the husband may from time to time give her either necklace or bracelets, but more often the decrease in ornaments starts at the time of her marriage. Later on, she may give some of her ornaments to her children or to a relative. One frequently sees the older woman wearing wooden beads, and possibly some of the beads they get from the Arab merchants, but seldom has she giraffe-hair ornaments.

302 If a woman has only one child she may cut her hair, leaving one little tuft on top of her head, and one on either side, and also one in the centre front and back of her head to indicate this.

301 The Nuer girl adorns her body with many bead necklaces, iron or brass anklets and wristlets, headbands of

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

beads similar to those worn by the men, strings of beads 301
over each shoulder and under the opposite arm, and many strands around her waist. As she nears the marriageable age she has numerous strands of giraffe hair—with various pendants—about her neck.

She may also bleach her hair and wear brass bracelets [302]
on her arm. But she does not wear nearly as many of these brass bracelets as her brother, nor does she wear them as tightly, for no matter how much she may wish for ornaments, she must do her work of pounding the dura and must not incapacitate her arm for that work. None the less, the bracelets give many a girl a sore.

Wristlets are also made of giraffe hair with beads of various colours strung on the various hairs. These are quite pretty and add a bright bit of colour to a girl's arm. She usually wears a spiked bracelet—even the small children wear them—and they are a dangerous weapon when they are angry with one another, and wish to strike.

The Nuar girl has a hole pierced in the centre of her 301
upper lip. She may wear a blade of grass, a flower, or a 304
small stick of wood in it, but usually she wears a nail with the point sticking outward.

The ears of a girl are pierced in from five to seven places along the outer edge. This is done with a sharp-pointed native needle, and then little sticks or straws are worn in the holes in order to keep them open. The ears are frequently very sore and sometimes quite painful and slow in healing after this operation. The ears are usually pierced before the girl is in her teens, part of the holes being pierced at one time, the remainder when the first sores caused by the piercing are well. She often wears bead or grass ornaments in them. But the object of this is that the ears may be ready for the white beads which will be put in them when the girl is married. If

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

301 she has not already had her ears pierced, her husband
304 or his people may pierce all the places in both ears at once and put in the white beads that are the insignia of her married state. Whether her ears are sore or not, she must wear these white beads that proclaim her married status to all who see her.

301 Bands of beads may be worn on the upper arm or just below the knee. Sometimes strings of beads several inches in length are attached as pendants.

Feathers are frequently worn in the hair and sometimes in the lowest holes that are pierced in the ears. Sometimes a quill is worn in the upper lip.

[751] A newborn baby is not very old before it is attired in bead anklets, wristlets, or a necklace with charms to keep the evil eye away from the child. A strand of beads around the waist, sometimes with a tiny bell as pendant, may be worn. As the child grows older, if a girl, anklets of wire are put on. Also any little child may be seen with wristlets of wire. Shells or beads may be tied to the hair.

• 302 If an only child, the hair may all be cut except five little tufts, one being at top of head, one at each side, and one at the centre back and front.

301 Wooden beads are also worn by babies. No clothing
291 is worn unless some dress has been received as a gift and donned for special occasions—especially if the donor be present. The mother covers the tiny baby with her cloth if she possesses one.

301 As the child grows older, he wears more beads, either the wooden beads or those purchased of the merchant. But he wears no giraffe hair until—if a boy—he has the six tribal marks cut. A girl when nearing the age of puberty, or even younger, may begin to wear giraffe hair.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

757 It is surprising how quickly the ulcers respond to treatment at first. Later, when they are partly healed, the process seems to be slower, an ulcer may persist in being almost but not quite well for some time. Scar tissue breaks down easily, and the bare Nuer limb gets many a scratch and bruise which tend to cause a recurrence of the sore.

[302] When a man is downcast because a sore is slow in healing, he may bind his hair closely to the head by sewing it with cotton thread until it has the effect of a hair-net. He may wear his hair like this until his cause of distress of mind and sorrow of heart is relieved. This in itself explains to those who see him that there is a reason why he is not adorning his body, and that he is not careless about his personal appearance without cause.

One attack of yaws does not render a man immune. Of course, those who have had no complete cure of the first attack are specially subject to a recurrence of this disease.

164 Leprosy is rare among the Nuer although neighbouring tribes are subject to it.

Trachoma probably causes more trouble in Nuerland than any other disease with the exception of yaws. It is so widespread, and is the cause of much partial and total loss of sight. Many have trichiasis, but when, as in the past, there was a doctor at Nasser many were relieved of this affliction by operation. At the Government hospital at Malakal, both in the past and in the present, relief was, and is, offered to all who come.

[136] Flies are so numerous in this land that they have a very active part in the spread of disease.

Amoebic dysentery also takes its toll of life and weakens the people, although it is not as prevalent as some other diseases.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE XII

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Youth wearing *thiow* (arm-rings)

[facing p. 234]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE II

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Girl in kraal (Eastern Gaajak)

[Face p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

CHAPTER VI

THE AGE-SET SYSTEM

I

All male Nuer are initiated from boyhood to manhood by a very severe operation (*gar*). Their brows are cut to the bone with a small knife, in six long cuts from ear to ear. The scars remain for life, and it is said that marks can be detected on the skulls of dead men. They are particularly clear in Plates XXVI(*b*), XXVII, and XXVIII. The ceremonial of initiation is more complex, and the age-set system has greater social importance among the Nuer than among other Sudan Nilotes.

We have described, and others have described, elsewhere the ritual of initiation. Though we have since collected further information on the details of the rites, we consider that to transcribe it here would be out of accord with the plan of this book. The barest facts are related. Boys are now usually initiated between the ages of 14 and 16; in the old days at a somewhat later age, perhaps from 16 to 18. Whether a boy is initiated in one year or in another year may depend on the milk and millet supply. A boy must obtain his father's consent to the operation, but it cannot well be refused, for the boy would then run away to the home of a kinsman and the father would be humiliated. He afterwards goes to a member of his father's age-set who performs a rite to give him the blessing of the set. A member of the clan likewise gives him its blessing, and his father and maternal uncle bless him. The boys make their own arrangements with the operator and each presents him with a fishing spear. The operator is any man who has learnt the art.

Several boys are initiated at the same time, for it is thought that were a boy to be initiated by himself he would be lonely and might die. Also, it is easier to cater for the boys and to give them the care and attention they require during convalescence if they are initiated in batches. Usually some four to a dozen boys pass through the rites together. Initiation can take place at any season, but it almost invariably takes place at the end of the rains, when there is plenty of food and the north wind blows and cicatrizes the wounds. Each village acts independently

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXVII

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Initiation of boys (near Nasser, Eastern Gaajok)

[Face p. 250]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXVIII

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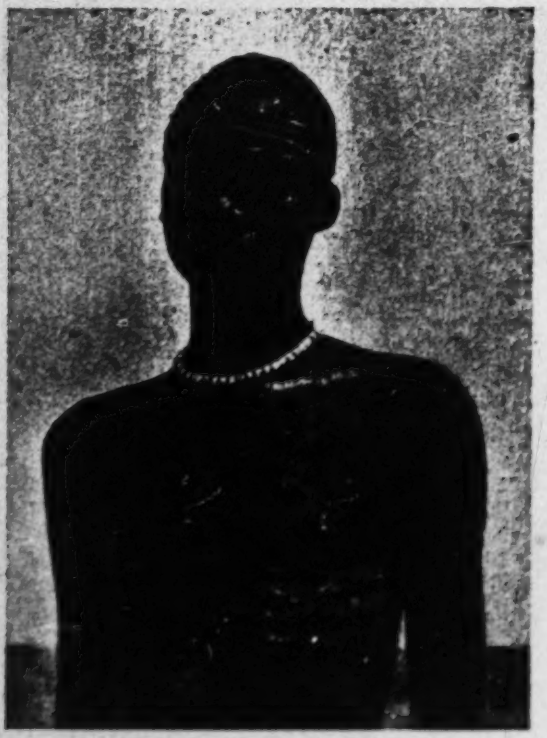

a. Youth (Zeraf river)

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516

b. Youth (Lou)

c. Man (Zeraf river)

[Face p. 256]

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *woci miem nyietde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kau*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made

591 606 606 [844] [602] 593 591

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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THE BRIDE

[facing p. 81]

8:How E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Photo Dr. J. P. Blum

THE BATHROOM

[facing p. 160]

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

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period (which lasts several years) and at the right time of the year. The right time is in the *jiom* (our winter) when there is plenty of food after the harvest and the north wind, which cicatrizes the wounds, is blowing. But a boy may be initiated also in what corresponds to our springtime. I have no knowledge of initiation being restricted to a few days during which hundreds of boys are initiated, as Jackson gives one to suppose: "Some two hundred boys can be initiated in a day, each boy having the operation begun and completed on the same day. The doctors move from village to village where the boys are collected."[1]

:04
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The boy himself makes arrangements with the operator to cut his marks of manhood. There are a large number of these operators and there seems no reason why anyone should not practise if he has the necessary skill. The boy takes a fishing spear to the operator and presents it to him. With this is dug the hole into which the blood will flow and it afterwards becomes the property of the operator.

The operation takes place in the early morning before the sun is high, and the head is prepared on the previous day. It is closely shaved at midday since it is not considered well to shave the head in the morning. Just before the cutting the forehead is well washed with water and is rubbed with pancreas (*bōl*) (*ba nhiamde cuth ha bōl*) and finally with dust (*tup*). A hole (*hoahriem*) is dug to receive the blood and in this the head rests on a grass circle (*thac*). After the operation is completed this hole is filled in with earth as it is thought a bad thing for the blood to remain exposed lest a dog or other animal might eat it. The cutting takes place in front of a hut or byre, and I was told that it would be highly improper for it to take place outside the homestead, for the boys' blood should be spilt in the homestead itself. Mothers and fathers and relatives and friends, even girl friends, watch the boys undergoing their ordeal. Tradition lays it down that a boy must show no signs of fear before or during the operation but often the ordeal is so terrible that their nerves give way. It is said that some boys will defaecate with fear and pain, and some have been known to struggle and even to run away, though when this happens they are held down with force and their relatives are occasioned great shame. It is common for boys to faint during the operation and then their heads are slightly raised and milk is poured down their throats to revive them. Nevertheless as a rule boys display admirable

[1] *Op cit*, p. 143.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

courage and betray neither fear nor pain, fortitude assisted by the presence of relatives whom they do not wish to disgrace and girls whose favours they hope to win. 881 304

The first cut is the most painful, probably because it severs the supra-orbital nerves. It is known as the *woc dokl* (the wiping out of boyhood) and runs just above the eyebrows right across the temples. The second cut is made just above the first and is called *gwec man dwiel* because before initiation if a boy were hungry he would go to the entrance of his mother's hut and ask for food, whereas after initiation, when he has become a man, he will not plead for food but will sit quietly and bear the pangs of hunger. Altogether six cuts are made from the centre of the forehead to level with the right ear and the operator then completes them by commencing from the incisions at the centre of the forehead and cutting to level with the left ear. There are thus six parallel cuts running right across the temple from ear to ear.

The best description of the operation is given by Miss Huffman who has witnessed it and whose account I give here rather than my own which is based on oral accounts. [114] "A hole from four to six inches in diameter and about six or eight inches deep is dug for each boy. The earth which is taken out of the hole is pulverized and spread around the hole in order that it may absorb the blood. Women and girls attired in their dance skirts rush in, singing and dancing. One boy is called. He comes out, stark naked, not even wearing a bead. He lies down on his back with his head in the hole. He folds his arms over his chest and then he is ready. The man, kneeling beside him, begins to cut. He starts at the centre of the forehead and extends the cut to or even past the ear. The first cut is made just above the eyes, then the remaining cuts are made parallel to it until they are six in number. Then the man goes over to the left side and, kneeling there, repeats the same process. Then he returns to the right side and makes sure that all the cuts are deep and continuous at the centre of the forehead and that they are six in number..... As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife on the bone. The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position....."[1]

[1] Ray Huffman, "Nuer Customs and Folk-lore," 1931, pp. 30-31.

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As soon as the cutting is finished the boys go and sit in front of the hut before which the operation has taken place. If they are able to do so they walk unaided with their heads held back from the shoulder. Otherwise they are assisted. Seated with their backs to the hut and with their heads held back they wave away flies from their lacerated foreheads. Meanwhile their mothers and the other women present utter ceremonial cries of joy as they dance in front of them (*be yi wa kuk*).

The lines cut are six in number but occasionally one meets men with seven cuts. Father Crazzolara says that this is due to the fact that the operator "in his artistic elation, forgets to count, and adds one or two lines beyond the number demanded by the fashion that prevails at the time."[1] This does not seem to me a very likely explanation. In Lou country I was invariable told that when two brothers were initiated at the same time the youngest received seven cuts, a statement borne out by the several cases I was able to investigate. A youth from Lek country on the Bahr-el-Ghazal who had seven cuts on his forehead told me that it was the custom in his tribe for the eldest son in a family to receive an extra cut but I was unable to check his statement from other informants. Miss Huffman writes that sometimes the operator "happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six."[2]

I do not think that there is any need to emphasize the severity of the ordeal, which may readily be understood from Father Crazzolara's statement that the cuts are distinctly visible on the skulls of dead Nuer. It is surprising therefore that it does not often result in death. Yet I have never heard of a boy dying during or after the operation though I made enquiries on the point, and the staff of the American Mission at Nasser told me that in their long experience of the country they had never heard of a fatal operation. Father Crazzolara on the other hand states that death is not infrequent.[3]

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On the day on which a boy is initiated from four to ten pots of beer

[1] *Op. cit.*, p. 50. "Es soll vorkommen, dass der Gurtmeister enamtlend in Eifer für seine Kunst, das Zählen vergisst, und eine oder zwei Linien mehr ausführt als das Gesetz verlangt. Dieserwegen wird vielfach ein Detailtour eingeschoben, der darauf zu achten hat, dass der Patient nicht mehr als nötig gequält werde."

[2] *Op. cit.*, p. 50.

[3] "Die meisten sag bei all Stunden sind die erscheinungen, wegen der Gefahr den Verblutenen. Es ist keine Seltenheit, dass ein oder Mann, der nachts oder in einer Fritte nachhaben konnen, einen der Knaben nachdrücklich, ja in der Todesstunde entzieht." *Id.*, p. 50.

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beads similar to those worn by the men, strings of beads 301
over each shoulder and under the opposite arm, and many strands around her waist. As she nears the marriageable age she has numerous strands of *giraffe* hair—with various pendants—about her neck.

She may also bleach her hair and wear brass bracelets [302]
on her arm. But she does not wear nearly as many of these brass bracelets as her brother, nor does she wear them as tightly, for no matter how much she may wish for ornaments, she must do her work of pounding the dura and must not incapacitate her arm for that work. None the less, the bracelets give many a girl a sore.

Wristlets are also made of giraffe hair with beads of various colours strung on the various hairs. These are quite pretty and add a bright bit of colour to a girl's arm. She usually wears a spiked bracelet—even the small children wear them—and they are a dangerous weapon when they are angry with one another, and wish to strike.

The Nuer girl has a hole pierced in the centre of her 301
upper lip. She may wear a blade of grass, a flower, or a 304
small stick of wood in it, but usually she wears a nail with the point sticking outward.

The ears of a girl are pierced in from five to seven places along the outer edge. This is done with a sharp-pointed native needle, and then little sticks or straws are worn in the holes in order to keep them open. The ears are frequently very sore and sometimes quite painful and slow in healing after this operation. The ears are usually pierced before the girl is in her teens, part of the holes being pierced at one time, the remainder when the first sores caused by the piercing are well. She often wears bead or grass ornaments in them. But the object of this is that the ears may be ready for the white beads which will be put in them when the girl is married. If

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301 she has not already had her ears pierced, her husband
304 or his people may pierce all the places in both ears at once and put in the white beads that are the insignia of her married state. Whether her ears are sore or not, she must wear these white beads that proclaim her married status to all who see her.

301 Bands of beads may be worn on the upper arm or just below the knee. Sometimes strings of beads several inches in length are attached as pendants.

Feathers are frequently worn in the hair and sometimes in the lowest holes that are pierced in the ears. Sometimes a quill is worn in the upper lip.

[251] A newborn baby is not very old before it is attired in bead anklets, wristlets, or a necklace with charms to keep the evil eye away from the child. A strand of beads around the waist, sometimes with a tiny bell as pendant, may be worn. As the child grows older, if a girl, anklets of wire are put on. Also any little child may be seen with wristlets of wire. Shells or beads may be tied to the hair.

302 If an only child, the hair may all be cut except five little tufts, one being at top of head, one at each side, and one at the centre back and front.

301 Wooden beads are also worn by babies. No clothing
291 is worn unless some dress has been received as a gift and donned for special occasions—especially if the donor be present. The mother covers the tiny baby with her cloth if she possesses one.

301 As the child grows older, he wears more beads, either the wooden beads or those purchased of the merchant. But he wears no girdle hair until—if a boy—he has the six tribal marks cut. A girl when nearing the age of puberty, or even younger, may begin to wear girdle hair.

14: Huffman M-5 (no date) 1931
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Chapter Four

CUTTING THE TRIBAL MARKS

DETAILS OF THE RITE

BY far the most important event in the life of a Nuer boy comes when he has about reached the age of puberty. His people decide that he must have the tribal marks (Fig. 1) cut when the cold winds blow. He knows that now, at least for a short time, he will be the centre of attraction in his village. The younger boys follow after him; he enjoys their admiration and envy. 881

He has his hair shaved off, not a spear of hair must be left. He removes all his clothing, if he has any, and beads. Ornaments of all kinds, every one of them, must be discarded.

Some men are known to be expert at cutting the tribal marks and they are much in demand as the season of cold winds approaches, for each year there are usually boys in each locality who must have the tribal marks cut and the services of some one who is an adept at the work is required. 881 304

Usually this rite is executed upon several boys at the same time and place, so that they may find companionship in the company of each other while they recuperate from this dreadful ordeal. For ordeal it is, no matter how much they try to bolster up their courage.

The boys are allotted a house in which to sleep the night before this rite takes place. Sometimes they secure the kind of pillow which is used by Nuer women, a ring of cane-leaves having a hole in the centre. They practice sleeping on it, for they must use that kind of a pillow until their wounds heal. [518]

The night passes, but little sleeping is done. Before daybreak the people are stirring, for the man who will

14: Huffman M-5 (no date) 1931
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881 cut the tribal marks comes at or before sunrise in order
304 that the ordeal may be over and the boys safely back in the house before the heat of the day begins.

The boys remain in the house, awaiting their call, so that no one with the evil eye may see them.

The girl friends of the boys are also *en route* before sunrise, so that they may see how bravely the boys act when suffering so intensely. The women of the village don their long grass dancing skirts.

A hole from four to six inches in diameter and about six or eight inches deep is dug for each boy. The earth which is taken out of the hole is pulverized and spread around the hole in order that it may absorb the blood. Women and girls attired in their dance skirts rush in, singing and dancing.

One boy is called. He comes out, stark naked, not even wearing a bead. He lies down on his back with his head in the hole. He folds his arms over his chest and then he is ready.

The man, kneeling beside him, begins to cut. He starts at the centre of the forehead and extends the cut to or even past the ear. The first cut is made just above the eyes, then the remaining cuts are made parallel to it until they are six in number. Then the man goes over to the left side and, kneeling there, repeats the same process. Then he returns to the right side and makes sure that all of the cuts are deep and continuous at the centre of the forehead, and that they are six in number.

The boy usually lies absolutely still, for a show of fear on his part would bring ridicule from the girls and women that would be hard to bear, and if he moves it will mean that the cut will not be straight and he will always have to wear a scar that will proclaim to any Nuer that he flinched while the tribal marks were being cut.

14: Huffman M-5 (no date) 1931
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As one is finished another boy is called until all lie 831
there, still and bleeding. Usually everything is very quiet 804
when the actual cutting is going on, the only sound heard being the grating of the knife upon the bone.

The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position. The man who cuts these tribal marks is supposed to stay for a while if he can, in case there should be haemorrhage.

If there should be haemorrhage, pressure and the [752]
application of cow-manure ash is tried to relieve it. Also [704]
fear is expressed that some one with the evil eye must have seen the boy or else there would have been no haemorrhage.

Soon after the tribal marks are cut a sheep is sacrificed in order to insure safe healing of the cuts. A little later a mock fight is staged between the men and the women of the village in which the women are allowed to use clubs, but the men must defend themselves bare-handed.

The boy is carefully guarded against the evil eye. He wears a piece of sheepskin over his head, this piece of sheepskin usually being one part, the back section, of a married woman's garb which has been given for this purpose. No one is supposed to view the cuts until they are healed, but the boy usually gives some trusted friend an opportunity to see them.

After some days the cuts are washed, but not immediately, for the clotted blood is left undisturbed for some time.

The boy usually carries a large cluster of feathers as a fan in order to keep the flies away from his head.

He is the centre of attraction at his village now. All visitors to the village are met at a little distance and their

14: Huffman M-5 (no date) 1931
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77/ names announced before they may come near, for the evil
304 eye must constantly be guarded against.

An animal skin is always spread on the ground for him to sit on. Food is specially prepared for him in order that he may speedily regain his strength and vigour again. He is treated as a most honoured guest in the village, and is the centre of concern.

Later on the boy is supposed to give some gift to the man who cut the tribal marks for him. Sometimes this man happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six.

The boy takes cane-stalks and peels them, cutting them into four-inch lengths. He makes a girdle or belt of them by fastening them together side by side. He may go visiting at night after his wounds are well on the way to recovery, and he always wears this belt. He also carries a long stick which has a piece of umbaech or other light wood at the end of it, and also a cluster of white feathers.

He is not allowed to go among the cattle until he is entirely well. When one asks him if his wounds are healed he will always say 'not yet', but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed, although the boy will not say so for fear some one with the evil eye should hear of it.

[vi] No pregnant woman must come near the boy until his wounds are healed; a man whose wife is pregnant must also be avoided.

301 Nuers do not wear bead necklaces after the tribal marks are cut, although strands of beads may be worn around the waist or over each shoulder and under the opposite arm. Wooden beads may be worn for a few months, then they may wear the girdle hair necklaces.

14c Hoffman M-5 (no date) 1931
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000 One cannot but admire the bravery and stoicism displayed by the boy, but it is a dreadful ordeal and a most gruesome sight. How long this custom will be continued is a question one cannot answer. Knowing the Nuer, one would be almost tempted to say that it will never be discontinued as long as there remains one Nuer boy unmarked. Yet one Christian boy showed definitely that he had not the same fear of the evil eye as his companions. But until the Nuer people as a whole become Christians, there seems to be but little hope that this dreadful practice will be discontinued.

304 Near Abwong the tribal marks are not cut as deeply as they are at Nasser, and heal much more quickly.

A mother who has borne six or seven sons may have these tribal marks cut on her forehead at the same time as her youngest son has his cut. It is considered a great honour.

304 757 One may occasionally see a woman who has from one to four cuts across her forehead, but that indicates that she has had severe eye trouble, and the cuts have been made to relieve that condition. The cuts are on the forehead only, and do not extend to the region above the ears.

143 At least one Nuer—a man—is an albino. His hair, unbleached, is flaxen. His skin is pink-white. I have heard that other members of the same family are albinos, although some of them are black, but I have seen but this one member of the family. His parents are black. Nuer have always been afraid of him, fearing that he has a god in him.

126 When he was old enough to have the tribal marks cut, no one wanted to cut them, for they feared this god that was supposed to be in him. But the boy was insistent, so finally he had the tribal marks cut, but they were

14: Huffman M-5 (no date) 1931
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Chapter Five

COURTSHIP AND MARRIAGE AND THE BABY

PREPARATION AND CHOICE

583 PROBABLY the most important event in the life of a Nuer girl is her courtship and marriage.

Her thoughts, even when a child, are upon her future husband, who he may be, what he may pay as the marriage price. Of course she often hears the village talk of how many cattle may be received for her. Sometimes her father or her brothers need cattle to help them out of financial difficulties incurred possibly through their own marriage plans. So they arrange the girl's marriage while she is yet a little girl and secure an initial payment of a cow or two in order to help them out. The husband does not take the girl to his village then but waits until she is older, and then he must pay the rest of the wedding price for her. Sometimes this man may be young, but more often he is an older man who has the cattle to help her father out of his extremity. And this older man may be planning to take her for his second or third wife, or possibly to get her for a wife for his son.

304 301 During her younger years she must have each ear pierced in from five to seven places along the outer edge, and she must have her upper lip pierced in the centre in order to wear a nail in it. When she is first taken to her husband's home white beads, as has already been noted, must be put in her ears, which will proclaim her status as a married woman to all who see her.

857 During her girlhood she must learn all the tasks that fall to woman's lot.

301 As she nears marriageable age she adorns her body with all the beads, anklets, wristlets, necklaces of various

14: Huffman M-5 (no date) 1931
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Fig. 8. Tribal markings on forehead

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Fig. 9. A carved gourd

[facing p. 49]

14: Huffman M-5 (no date) 1931
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may generally be traced to a source outside the Nuer. 164
The Nuer have a superstition that dreadful things may
happen—the nose may rot away, the head may split down
the back—if they contract syphilis. Probably this super-
stition more than anything else tends to keep them from
contracting the disease.

Gonorrhea, like syphilis, is not very common. It, too,
may not infrequently be traced to a source which has
no connection with the Nuer.

Children and the aged often suffer from malnutrition 146
owing to their limited diet.

A Nuer child has the six central lower teeth removed 753
when he is about six or eight years old. They frequently 752
think that some illness the child has had is due to the teeth, 304
and so have them extracted. Even though there be no
illness the teeth are removed while the child is little.
There is no such thing in Nuerland as painless extraction
of teeth, judging from the cries we have heard and sore
mouths we have seen.

Broken bones are also not infrequent, tiny splints for 752
them are made out of cane stalk or some small twigs of a
pliable wood. These are placed side by side and laced
together, the splint thus formed being tied around the
limb at the site of the broken bone.

Spear wounds are occasionally to be seen, but if they
are the result of a fight, they are seldom brought to the
clinic for medical treatment. The wound is cared for by
the relatives of the injured person in the village so that
the evil eye may not see the wound and retard its healing.

The art of the medicine man is often sought in order to 755
cure any disease that baffles ordinary treatment. He (or
she, as the case may be, for women are also adepts at this
art) may remove (?) various things from the throat and
stomach, and thereby relieve (?) the cause of distress.

15: Butt E-4 (No date) 1952 F322 Nuer F322

AGE-SET ORGANISATION

INITIATION

Formerly boys were initiated at the age of 16 to 18, each village making its arrangements independently. The ceremony usually takes place after the rains. The officer in charge of initiation into age sets is the wut ghok (the man of the cattle). He opens the period when initiation may take place, 'when the knife is brought out' (ngun kom rur) and closes it 'when the knife is hung up' (bo ngun ngak). At the beginning of an initiation period the cattle expert kills a bullock, a big dance is held and he makes a speech opening a new period of initiation. In each tribe there is a cattle expert whose authority is acknowledged in matters concerning age-set organisation. 581

At the initiation ceremony 6 deep cuts are made across the forehead of the boy, extending from ear to ear. After the cutting (gar) the boys, who suffer great pain, are shut up in a hut for two days. There is a period of confinement (lasting one to two weeks) which is followed by one of mild licence. During the whole of this time the initiates must strictly avoid any contact with cattle. Finally, cleansing ceremonies are carried out and a concluding ceremony and dance. After this the youths are recognised as adults and enter into normal adult life and affairs, and into lifelong contact with the herds. [109]

AGE SETS

All boys initiated during a number of successive years belong to a single age set (ric). Until recently there was a four years' interval between the end of one set and the beginning of the next, and this was the period when the man of the cattle hung up his knife and no more initiations were held. 581 561

The age sets are organised independently in each tribe, but it often happens that, when a new set has been started in one tribe, an adjacent tribe will follow suit.[1] A set usually lasts for two years before being cut and there are generally members of six sets alive at any one time. The names of the sets are not uniform for the whole of Nuerland, and they are not repeated. Each age set has two or three subdivisions, each with a separate name. Subdivisions are made up of those initiated together in one year or possibly the combined initiates of two years. All the members of a set are known by the name of the first division. At initiation the individual enters the set in which he will remain for the rest of his life. The members of a set have a common name, equal status, and observe certain patterns of behaviour towards one another and towards members of senior and junior sets (see below p.168). 581 561 562

The sets are not specifically graded as boys, warriors, and elders, as in some forms of age-set organisation, nor have they any political, juridical or military functions. Their importance is of a social nature in that a person's position in the age-set structure determines his social behaviour. Milking and other women's work is forbidden to a youth after 561 581

(1) Evans-Pritchard, The Nuer, (Ms), p.[illegible].

15: Butt E-4 (No date) 1952 F322 Nuer F322

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *ciic kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.[1] A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 755

When a fetish owner dies, his medicines are preserved until his spirit enters into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghost

Many of the Nilotic tribes believe in ghosts who feed on the bodies of those recently dead. This belief is found among the *Acholi*, *Anuak*, *Shilluk*, *Lango*, *Dinka* and Nuer. The Nuer ghost is called the *ruth* and is regarded with horror by the people. The practice of ghoulish activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *ruth* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *ruth* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 754 754 804

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a funeral 672

[1] Evans-Pritchard, *E.P.S.*, 1935, p.54.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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preliminary, classification of Nuer territorial groups of a political kind. We have classified Nuer socio-temporal categories. We now classify their socio-spatial categories.

Were a man to fly over Nuerland he would see, as on Plate XVI, taken by the Royal Air Force in the dry season, white patches with what look like tiny fungoid growths on them. These are village sites with huts and byres. He would see that between such patches are stretches of brown and black, the brown being open grassland and the black being depressions which are swampy in the rains; and that the white patches are wider and more frequent in some parts than in others. We find Nuer give to these distributions certain values which compose their political structure.

It would be possible to measure the exact distance between hut and hut, village and village, tribal area and tribal area, and so forth, and the space covered by each. This would give us a statement of spatial measurements in bare physical terms. By itself it would have very limited significance. Oecological space is more than mere physical distance, though it is affected by it, for it is reckoned also by the character of the country intervening between local groups and its relation to the biological requirements of their members. A broad river divides two Nuer tribes more sharply than many miles of unoccupied bush. A distance which appears small in the dry season has a different appearance when the area it covers is flooded in the rains. A village community which has permanent water near at hand is in a very different position to one which has to travel in the dry season to obtain water, pasturage, and fishing. A tsetse belt creates an impassable barrier, giving wide oecological distance between the peoples it separates (p. 133), and presence or absence of cattle among neighbours of the Nuer likewise determines the oecological distance between them and the Nuer (pp. 132–3). Oecological distance, in this sense, is a relation between communities defined in terms of density and distribution, and with reference to water, vegetation, animal and insect life, and so on.

Structural distance is of a very different order, though it is always influenced and, in its political dimension, to a large extent determined by oecological conditions. By structural

6: Evans-Pritchard E-5 (1931, 1936)1938
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133 the country to the east (Gaawar country) to such an extent that a
312 journey which, in the ordinary course of events (in the dry season) is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks
132 or more later.† While the land is being drained by the Sobat the rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

[491] Travelling in February from the Sobat to Pathai and thence
135 eastward to Pul Fadoi, along the newly-made motor road, one traverses
137 slightly higher ground through a thin *Aeglig* forest which screens the full desolation of the country, for, though in reality it offers scanty
311 shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *Aeglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hunt and Phillips, *op. cit.*

6: Evans-Pritchard E-5 (1931, 1936)1938
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ashes. Where the grasses have been burnt some time ago green shoots have sprung up around the charred stems. Here and there stand isolated, thorny, shadeless trees, stunted by fire and spreading out their black tortured branches. Often no tree is visible in any direction and a desolate waste stretches everywhere to the horizon. The burning of the tall grasses has revealed low termite mounds, blackened by fire like the ground from which they rise. There is smoke and flame where parts of the country are still on fire. This country is uninhabited in the rains, being under water, but in February one sees occasional cattle camps around the deeper pools. 133 137 311

In Western Nueriland conditions are in the main similar though there are certain differences. Western Nueriland lies between the Bahr el Jebel and the Bahr el Ghazal and extends to the north of the Bahr el Ghazal as far as the southern boundary of Kordofan Province. It consists for the most part of 'cotton soil' and like Eastern Nueriland is so dead flat that if one mounts a small termite mound one can see in all directions as far as the eye can reach. Here and there are ridges of higher ground. These village sites are always inland because, whereas the higher banks of the Sobat and Pibor allow occupation here and there, the Bahr el Jebel and the Bahr el Ghazal have no banks in their flood seasons and their beds are bordered by wide marshes. These marshes often run for several miles inland and there are very few spots on the Bahr el Jebel where it is possible to land and penetrate into the interior of the country, even in the dry season. 133

I have already expressed an opinion that the area covered by swamp vegetation has been exaggerated. That is an empirical judgment. The marsh vegetation, generally referred to as *sudd* in the Sudan, is a solid mass of water plants, the principal among them being papyrus (*cyperus Papyrus*), '*Um saf*' (*Panicum pyramidale*) and the common reed (*Phragmites Communis*), to which cling a number of swimming plants (*Utricularia*, *Vallisneria*, *Aeslia*, *Pistia*, *Aldrovandia*, etc.). Creepers especially *Vigna Nilotica* and *Ipomaea*, bind the marsh plants together into a tangled mass. Here and there grow patches of ambatch trees.* Lagoons run out of the 137 133

* Anglo-Egyptian Sudan, pp. 300-3.

6: Evans-Pritchard E-5 (1931, 1936)1938
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823 104 *tap*. A big open river is generally called *kir e.g.* the Bahr el Jebel and the Sobat but a river may have its proper name, *e.g.* the Bahr el Ghazal is called Naam. Smaller rivers or streams are denoted by the word *yir*. A marshy depression inland is called *wang* and a big lagoon running out of one of one of the main rivers is called *bar*. A marshy depression running parallel to a river bank is called *ter*. *Ter* are extensive swamps which form the flood plains of rivers.

VIII

•311 From my description of their country it will be seen that the Nuer are faced with problems which daunt men better equipped than them. For they are so poor that they have little but their courage and their knowledge to master a harsh environment. Nuer have to consider how to protect and pasture their cattle and also how to grow maize and millet, for they practise both cattle husbandry and hoe-culture and have to take the requirements of both into account. As gardeners their difficulties only arise in the rains for in the dry season nothing will grow in the waterless wastes. As herdsmen there are problems to be solved at all seasons. Gardening will be described later. Here we may consider how Nuer ensure the welfare of their herds by adapting their life to the seasons.

•253 361 343 Excess or insufficiency of water is their first problem. It is essential that men and cattle should be protected from the water which covers most of the country in the rains. Cattle get diseases of the hooves and die if they have to stand in water. Protection is given to man and beast by building huts and byres on higher ground. In selecting a village site two considerations must be borne in mind. Firstly there must be a sloping ridge off which rain-water can run to the plain below and this ridge must be broad enough to allow huts and byres to be built and for the cattle to be tethered in the kraals outside the byres. Preferably it should also be broad and long enough to allow the flocks and herds to pasture without having to descend into the inundated plains to graze among the tall rank grasses. Secondly there must be land on one side of the ridge suitable for cultivation, *i.e.*, land which will retain sufficient water for the millet to grow

6: Evans-Pritchard E-5 (1931, 1936)1938
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whereas in a similar year Eastern Gaajok country is under water and cattle have to be sent into Lou country while the men fish from trees. Lou are very scornful of Eastern Jikany village sites. I once asked Wichiel, who now lives at Maccom in Jikany country, whether he could call his present home a *gwaak* wer (village site) and he replied "Well, it is what the Jikany call a *gwaak* wer, but it is not what we consider a *gwaak* wer in our own country (Lou). They just build their villages in the forest anyhow." Huts built on piles, such as one sees in parts of Dinkaland, are unknown in Nuerland. 361 [342]

Water is as scarce in the dry season as it is excessive in the wet season. About the beginning of December, therefore, the young men and some of the girls take most of the cattle to camps some miles from the villages and leave the rest of the women and the married men to harvest the second millet crop and repair huts and byres. A few lactating cows are left in the village to provide milk for the small children. The cattle are taken to camps partly to give them clean water and partly to pasture them. The grasses are burnt and some species spring up again a few days after they are fired. This is a good time for the cattle because they can move freely, the tall grasses which impeded them in the rains having been burnt, and because they can graze to their hearts' content on the tender young shoots. 233 221 [311]

Local conditions determine the time of leaving the village. In 1936 the first youths to take their cattle into camp from the village of Nyueny moved on November 13th, at the beginning of the Nuer month of *Kur*. This is much earlier than is usual for most villages and was due to lack of clean water at Nyueny and over-grazing of the pastures in the vicinity. The country around the village was all under water in the middle of October but was parched a month later. Most people do not move till the end of the month of *Kur* or the beginning of the month of *Tiep nadit* (about the middle of December). 361 221

In Lou country the first camps are often made in thorn-wood forests near deep pools, but in parts of Nuerland, especially in the

S:Howell E, G-5 (1942-1944)1954
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[614]

history to a nuclear clan have acquired so much associated tradition that the attachment is confirmed.

Land tenure here means the holding of, and rights to, the high ridges and sandy outcrops which the Nuer occupy during the wet season, where they build their permanent villages and cattle-byres and clear their cultivations, and the various forms of land used for pasture and fishing in the dry season. That certain communities, consisting of the *diel* and later accretions by association, have a definite right to distinct areas is clearly recognized by all Nuer. The sanction for possession in the past was, however, physical force and power to resist the encroachment of others, while nowadays the *status quo* is maintained by the Government.[1]

Occupation of the land and prescriptive rights to a certain territory are often expressed in mythological terms linked to the history of the nuclear lineage. The original ancestor is said to have divided land among his sons, themselves ancestors of particular collateral lineages, in the same way as he divided his cattle and sometimes his ritual functions among them. But this is merely an idiom which gives emotional emphasis to ownership of land vested in that nuclear lineage, for land, either arable or pasture, is not a form of property which is normally controlled by the laws of inheritance. A man's eldest son will inherit his huts and cattle-byre, while the other sons continue to occupy them so long as they wish to do so, particularly if they are not married; but, as younger sons, they have no specified portions of their father's land, and there is consequently no individual inheritance of land. When they wish to do so, they will build their houses and set up their homes in some area which is unoccupied, for there is usually no shortage.

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As I have explained in the introduction, three types of land are utilized by the Nuer, and each is of definite value at certain times of the year. The 'high land', ridges of higher, better-drained ground, provides for the permanent settlements mainly occupied during the rains from approximately May until November, though the period varies according to latitude and local climatic conditions. This area is largely used for the cultivation of millet (their staple crop), of maize and tobacco and the few vegetables which some Nuer grow. Beyond, and usually surrounding the higher ridges, are the 'intermediate' grass plains which are subject to variable flooding from accumulated rainfall which only drains away with difficulty, especially if the ground is already sa[illegible]. These 'intermediate' areas are utilized at the end of the rains for pasture so long as sufficient moisture remains in the soil to allow a green regrowth from the perennial grasses after they

[1] Nuer did not confine their aggressive movements to the Dinka. Other Nuer tribes were often attacked and their territory occupied. For example, the Lou Nuer originally occupied the Zeraf Island, but a military alliance between Thiang and Lak drove them out.

8;Howell E, G-5 (1942-1944)1954
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have been burnt or close cropped. Later they dry out and become unpalatable, and by this time the inland pools are also dry, so that the people must move their herds to the *toic*. The word *toic* in some contexts merely means 'summer grazing', in others more specifically the marshes bordering the main channels of the rivers, their smaller tributaries, and the network of minor drainage channels found everywhere in Nuerland. Here a combination of soil, depth and period of inundation from river-spill and other factors produces grasses which, to a greater or lesser degree, are valuable as pasture throughout the dry months of the year. Beyond this are the permanent papyrus swamps (*nadi*), which scarcely dry out at all and are useless for grazing and (at present) are not used for crop production. 311

This classification is necessarily arbitrary and relative, for the difference of level is rarely more than a few feet, and there is no clear-cut boundary between the different types of land.[1] Moreover, though 'high land' is nearly always limited,[2] 'intermediate' land may extend no more than a few hundred yards before *toic* is found in the flood-plain of neighbouring watercourses, or it may continue for more than fifty miles. Such varying distances have their effect on the seasonal movements of the people, but—again as a broad generalization—the main feature, the balanced utilization of all three types of land according to the season, is common to all Nuer.

For these reasons ownership of the land necessarily includes all 423
three, and when a Nuer speaks of his *rol*, his country, or sometimes his *diar*, he envisages a territory which includes 'high land' for cultivation and permanent settlements, 'intermediate' land for pasture in the early months of the dry season, *toic* for summer grazing and fishing. *Rol* Gawar is a complete territory in this respect; within it each primary segment has its own complete area, *rol* Radh and *rol* Bor, and within these the secondary segments, *rol* (*ciang*) Kerbil, *rol* (*ciang*) Fur and so on.[3] Thus territory and rights in land follow the segmentary system, but this does not mean that an individual or even a small group of people will necessarily confine their movements to the territory of the segment to which by tradition and practice they should belong. Living in one permanent settlement during the rains, they may well choose to herd their cattle in the dry season pastures of a different segment of the tribe, or in some cases to cross the boundaries of another tribe. They will do so, however, only by agreement with the 'owners' of that territory, though such agreements are often implicit rather than defined. It is clearly recognized that ownership of the land lies with the segment of the tribe from which the name of the area derives; in other words, from the dominant lineage. *Rol* (*ciang*) Kerbil is theoretically the exclusive property of all descendants of

[1] See Jonglei Investigation Team, *Progress Report*, 1948-9.
[2] See map on p. 13. [3] See p. 10.

1: Evans-Pritchard E-S (1931, 1936) 1940
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Also by waiting till the dew has evaporated they consider they lessen the risk of digestive troubles, for in the rains the ground is cold and damp till a late hour. A further reason for keeping the cattle late in the kraals is that if they are loosened early they soon graze to repletion and begin to wander in all directions, since they are not usually herded in the rains.

2. It at once strikes a European that the condition of drinking water at periods of the dry season leaves much to be desired, especially if he has to drink it himself. Sometimes the pools have almost dried up and contain foul, even slimy, water which men and cattle drink. I have wondered why they do not move sooner from these small pools, such as that shown on Plate XXI (B), around which they camp in the early drought, to the rivers and lakes where they make their final concentrations, but I do not distrust their judgement, for they are fully aware that dirty water is neither palatable to, nor good for, the cattle, and when circumstances permit they are at pains to ensure that they are supplied with clean water as often as they require it. In moving camp they have to take into account a number of desiderata: pasturage, fishing, the harvest of *Balanites aegyptiaca*, the second millet harvest, &c., besides conditions of water.

3. Unlike some East African peoples Nuer do not keep too many entire animals. If they err at all it is in keeping too few. On the limited observations made it was estimated that there is one adult bull to about thirty or forty adult cows. Nuer try to select as stud bulls the calves of their best milch cows so that they may breed good milch cows from them. They say that if they did not castrate most of the bull calves the cows would get no peace and there would be constant fighting in the kraals and commotion in the byres. A calf is not castrated till it is about eighteen months to two years old: 'When its dam has had another calf and a third is in its womb.' It is thrown, the scrotum is cut with a spear, and the testicles drawn out and severed. There is little loss of blood and the animal soon recovers. A calf may be castrated for sacrificial purposes at any time, but otherwise Nuer prefer to perform the operation in the dry season for there is less chance of inflammation than in the rains. Bulls are not discouraged from fighting unless they belong to the same herd, and fights are often cited in

1: Evans-Pritchard E-S (1931, 1936) 1940
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[32] and is cracked into deep fissures. The wet and dry seasons
[33] are therefore very pronounced and the transition from one to the other sudden.

Scarcity of rain is probably more serious than low river water, but both may inconvenience Nuer to the point of famine, because sufficient water may not be held up in the clay beds to enable the grasses to recover from firing; inland watercourses may quickly dry up and compel movement to lakes and rivers earlier than is desirable; and there may be a shortage of the marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. Insufficient rain may also destroy the millet. Moreover, it is probable that low rainfall over the whole of North-East Africa causes insufficiency of rain and low rivers to occur in Nuerland simultaneously. Western Nuerland is less subject to drought than Eastern Nuerland, and to the west of the Nile there is always water within easy reach of villages. This seems largely due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds to any extent, since they are fed by perennial streams and have enormous marsh and lake reservoirs. High rainfall and high river water probably also go together and in such years of flood it is difficult for the cattle to find enough grazing to maintain life.

[3] The main characteristics of Nuerland are: (1) It is dead flat. (2) It has clay soils. (3) It is very thinly and sporadically wooded. (4) It is covered with high grasses in the rains. (5) It is subject to heavy rainfall. (6) It is traversed by large rivers which flood annually. (7) When the rains cease and the rivers fall it is subject to severe drought.

These characteristics interact with one another and compose an environmental system which directly conditions Nuer life and influences their social structure. The determination is of so varied and complex a nature that we do not attempt to summarise its full significance at this stage of our description, but shall ask ourselves a simpler question: to what extent are the Nuer controlled by their environment as herdsmen, fishermen, and gardeners? We have demonstrated that their chief interest is in their herds and shall first discuss how this interest, combined with physical conditions, necessitates a certain mode of life.

[p. 86 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Here we make only two observations of a more general order. (1) Although the Nuer have a mixed pastoral-horticultural economy their country is more suitable for cattle husbandry than for horticulture, so that the environmental bias coincides with the bias of their interest and does not encourage a change in the balance in favour of horticulture. If it were not for rinderpest—a recent introduction—it might be possible to live a purely pastoral life, but, as we shall see later, a purely horticultural life would be precarious. (2) Nuer cannot, except in a few favoured spots, live in one place throughout the year. The floods drive them and their herds to seek the protection of higher ground. Absence of water and pasture on this higher ground compels them to move during the drought. Hence their life is of necessity migratory, or, more strictly, transhumant. A further reason but urges them to change their abode according to the seasons is their inability at the present time to subsist solely on the products of their cattle. A milk and meat diet has to be supplemented by grain and fish; and whereas the most suitable place for cultivation of millet is inland, on the edge of slightly elevated ground, fish are found in rivers which are generally distant from these elevated stretches.

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II

Excess or insufficiency of water is the first problem that faces Nuer. It is essential that cattle should be protected from the water that covers the country in the rains, for they quickly get diseases of the hoof if they have to stand in water for long periods. Village sites are selected on the only spots affording such protection to man and beast: patches of slightly higher ground. When the rains have ceased water supplies near villages are soon exhausted, because, naturally, the highest and driest sites have been selected for building, and it becomes necessary to move to pools, lines, lagoons, marshes, and rivers. Owing to the vast rivers that traverse Nuerland and the thorough irrigation they give to the country through a network of channels there is seldom difficulty about finding surface water, though people may have to go far to obtain it. Only in parts of Lou, Gawar, and Eastern Jikany, as far as is known, are they regularly forced to dig wells in the beds of streams at the height of the

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[p. 58 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

drought. Twenty years ago this was probably more customary among the Lou than to-day, for they had not then the undisputed access to open water that most sections now enjoy. The wells, which have to be redug each year, are two to three feet in diameter and twenty to thirty feet in depth, and their excavation takes two or three days of hard labour. The water, about a foot deep, is clean and fresh and the wells are frequently cleaned out, steps being cut in the walls for this purpose (Plate XV (b)). Each household has its own well which is surrounded by shallow mud troughs where the cattle are watered three times daily. Considerable labour is required to draw water for them and much attention is devoted to prevent it from being fouled by sheep and goats, which have their special troughs. Fights sometimes break out over these troughs.

The problem of water is closely related to that of vegetation. In their seasonal movements Nuer seek pasturage as well as drinking-water and they take the cattle to where they know that both can be obtained. When herdsmen drive the cattle from camp to grazing grounds they do not guide them haphazardly across the plain, but with purpose towards stretches of succulent grasses. It is probable, too, that not only are daily and seasonal movements influenced by distribution of grasses, but also that the direction of Nuer expansion has been controlled by their habitat. Nuer claim that they have not overrun the country of the Ngok Dinka because it is poor pasture land and that they are little interested in the Shilluk kingdom for the same reason.

The early rains are the season of fatness, for then the grasses germinate, or renew their growth after the long drought, and the cattle can graze on the young shoots to their content. As the rains advance, grazing becomes more difficult, the ground being flooded and the vegetation rank, and in years of high water may be a serious problem. The cattle have to rely on the short grasses that prevail on village ridges: a further reason that compels Nuer to occupy these sites in the rains. When rain ceases, the overcropped grasses on these ridges soon wither, while the rank grasses of the plains impede the movements of the herds and no longer provide good grazing. Therefore Nuer hasten to burn them as soon as they are dry, since some species

[p. 60 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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send up new shoots a few days after being fired—probably those that have roots long enough to tap water held up in the clay beds and a clump formation that protects the core of the plants from the flames. If it were not for this habit cattle could not survive, at any rate inland, during a dry year. When the grasses have been fired cattle can wander as they please, being no longer frustrated by surface water and rank growth, and satisfy their appetites on the new shoots. As water becomes scarcer and grazing poorer Nuer fall back on permanent water where they make large camps and the cattle can graze on marsh plants that abound in numberless depressions and make good milk. In May, when the new rains set in, they are able to return to their villages. The few cattle Nuer possess, the vast spaces they can exploit, and their nomadic existence ensure that there is nowhere serious overgrazing.

Variation of water-supplies and vegetation thus forces Nuer to move and determines the direction of their movements. In a later section we shall see that fishing is another important consideration in these movements. In late November or early December the youths and some of the girls take the cattle from the villages to camps, generally some miles away, leaving the older people to harvest the second millet crop and repair huts and byres. Usually a few lactating cows are left behind to provide milk for the small children. These early camps (*war flow*) are made near pools in a place where the grasses have previously been fired. In Lou country they are often made in thornwood forest, where *Balanites aegyptiaca* is abundant, but in many parts of Nuerland, especially to the west of the Nile, they are formed on stream banks for fishing. When the second harvest has been reaped the cattle are brought back to the villages to eat the millet stalks, if they are near enough. As pools dry up, pasturage is exhausted, or fishing becomes poor, the youths make new camps, where they are joined by the married people, and they may move camp several times before settling in their final camping grounds (*wer mai*) at the side of lakes or rivers in January and February. The early camps are small, being manned by a few kinsmen, but they tend to get larger as the season advances and water becomes scarcer, and the final camps may contain several hundred persons.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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The dry season movements of the Lou, the Eastern Jikany, and the Zeraf River tribes are shown on the sketch-map accompanying this section. Of the Sobat tribes, the Lou stay inland as long as they can and in a wet year may remain inland throughout the dry season, falling back on the deeper pools, some large enough to be called lakes, e.g. Mout tot, Mout dit, Fading, Fadet, Gwongwong, Yollet, Teppjor, and Nyerol. If forced to leave them the Gun primary section moves north to the Sobat and south-west to the flooded plains of the Bahr el Zeraf in the country of the Twic Dinka, and the Mor primary section moves north-east to the Nyanding river and east to the Geni and Piber. In the old days fighting frequently occurred if the Lou moved to these camping sites, because the banks of the Sobat were in the hands of the Bahr Dinka while their occupation of the Geni and Piber was disputed by the Anuak and Beir and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding do not belong to the Lou, but to the Gaajok. Therefore they probably only moved to these sites when absolutely necessary.

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The Eastern Jikany have not so much need to move as have the Lou. Nevertheless they all fall back on rivers or marshes before the drought is far advanced. The three primary sections of the Gaajok move as follows: the Lang concentrate on the Sobat, the Wangkat move south-east to the banks of the Piber and Gila, and the Yol either camp near the junction of the Wokau and Sobat or northwards along the edge of the Mochar swamp. The Gaagwong move to the western end of Khor Makwei. The Gaajak primary sections move as follows: the northern Thiang sections (Kang and Lang) go to the Dagu river while the southern Thiang section (Tar) and the Rong, Nyarun, Wan, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei, mainly in Ethiopia.

The three Zeraf river tribes fall back on the Bahr el Jebel and the Bahr el Zeraf and streams flowing into these two rivers, as shown in Mr. Lewis's sketch. The Gaawar who live on the left bank of the Zeraf can build their villages on high ground near that river and do not have to move far in the drought.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karbual primary section of the Leek tribe mostly concentrate first on the Lough stream and afterwards on the Cal and Wangtar, all of which link up with the Bahr el Ghazal. The Dok camp near pools in the beds of inland streams. The Western Jikany move to the Jikany marshes at the edge of the Bahr el Ghazal. Without giving

[See pp. 36, 87, 40 – 41 and 47]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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further details, which, indeed, I could not furnish, about the disposition of the Western Nuer in the dry season, it may be said that they travel very much less than most of the Eastern Nuer tribes, especially the Lou.

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Different villages and sections tend to move about the same time and to visit the same pools each year, though time and place and, to some extent, degree of concentration vary according to climatic conditions. Usually, however, the main dry season camps are formed yearly at the same spots. When the rains commence in May the older people return to the villages to prepare the ground for sowing and they are joined there in June by the youths and girls, who bring the cattle with them. When the younger people return the whole camp is broken up on the same day, and the cattle are driven to their village with as few halts as possible. The move from villages to camps, on the contrary, is less concerted and abrupt. The younger members of two or three families form a small camp, after the firing of the grasses in November, when and where they please. Several days later they may be joined by other people from the same village, or these may form a separate camp. There is still water and some grazing on the village sites and there is still work to be accomplished in gardens and homesteads. Thus, while camps change into villages overnight, villages change into camps more slowly. By the height of the drought every one is in camp and the villages are silent and deserted.

The year thus consists of a period in villages and a period in camps, and the camp period is divided into the early part of the dry season when the younger people move from small camp to small camp and the latter part of the dry season when every one is concentrated in large camps round permanent water which they do not leave till they return to their villages.

III

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Nuer are forced into villages for protection against floods and mosquitoes and to engage in horticulture, and are forced out of villages into camps by drought and barrenness of vegetation and to engage in fishing. I describe these villages and camps very shortly.

Some tribes are better off for sites than others. The Lou

1: Evans-Pritchard E-5 (1931, 1936) 1940
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361 and the Eastern Jikany are especially fortunate in this respect, but in Western Nuerland, though there are many suitable ridges, the country is more inundated and there are few elevated stretches of any size, except, as far as my observations go, among sections of the Leek and Dok tribes, which are better off than those tribes which lie in between.

What is needed for a village site is not only room for building but also for grazing and cultivations. Many villages are perched on mounds (Plates VII and XVI), the surfaces of which are accumulations of debris, at the edge of those rivers that have banks in flood, and the cattle graze on the slopes or in near-by thornwood forest, where also gardens are cultivated. More usually homesteads are strung out along sandy ridges (Plate VIII), a mile or two in length and a few hundred yards in breadth, sites which allow greater spacial division between them, and the gardens run at their backs and the grazing-grounds to their fronts. In some parts of Nuerland, especially in the favoured tribes I have mentioned, stretches of higher ground, sometimes several miles in extent, enable the people to build anywhere, except near the narrow depressions that thread them, and little groups of homesteads are dotted here and there, surrounded, and separated, by their gardens and grazing grounds. Nuer prefer to dwell in this greater privacy and show no inclination for true village life.

By making their villages on elevated ground Nuer keep themselves and their cattle above the flood that lies everywhere on the vast plain beneath and gain some protection from the swarms of mosquitoes which breed in the standing water. In [312] Western Nuerland I have seen low mud dykes at the foot of occupied ridges to keep back the water in years of heavy 361 flood. As they build always on the highest spots the torrential 132 rains that fall daily after June run off the slope so that the hard floors of kraals soon dry. How terrific are these rains may be judged from Plate XIV, taken from under the awning of my tent during a moderate shower in August, and how considerably they flood all but village sites may be seen in Plate XII, which shows a millet garden, on a higher level than the plain, in October. On a tour of Western Nuerland in October of 1936, a fairly dry year, we walked almost continuously in several

1: Evans-Pritchard E-5 (1931, 1936) 1940
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gardens have to be made on higher land. Where circumstances permit homesteads to be built over a wide stretch of country gardens can be made almost anywhere between them, but where they are strung out along a ridge there is less choice, for the back of the ridge is too hard, does not retain enough water, and is required for grazing. Cultivations are therefore made behind the huts and byres between the summit of the ridge and the sunken plain. Among the Western Nuer, in the higher parts where there is a slight slope, small dams are often constructed to prevent the water running from the gardens. If, on the contrary, the millet is likely to be flooded where the ridge slopes into the plain, drainage canals, sometimes several feet deep and over fifty yards in length, are dug to take excess of water into the bush. These gardens form a continuous line behind the homesteads and if there is sufficient land there for cultivation people do not cultivate elsewhere. If there is not enough land they cultivate along the ridge beyond the confines of the village where it is too damp for building but not too flooded for millet gardens, or in near-by forest.

There is enough land for everybody on the Nuer scale of cultivation and consequently questions of tenure do not arise. It is taken for granted that a man has a right to cultivate the ground behind his homestead unless some one is already using it, and a man can choose any spot outside the village which is not occupied by the gardens of others. New-comers are always in some way related to some of the villagers, and kinsmen do not dispute about gardens. Moreover, owing to the conformation of Nuer villages, there is a rough correlation between the size of population and the area of cultivable land, for where suitable land is limited so is space for building.

It has been remarked that when once established millet shows great resistance to climatic variations. The difficulty is for it to become established. It frequently happens shortly after sowing that there is a short period of drought in which the young shoots wither and die. Sometimes this is due to the hungry people sowing too soon, but it is generally unavoidable, because if they wait too long before planting, the millet becomes subject to smut and neither bears nor ripens properly. It also frequently happens that heavy and violent rain destroys the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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351

a. Windscreen (Lou)

312

b. A well in the bed of the Nyanding (Lou)

[Face p. 134]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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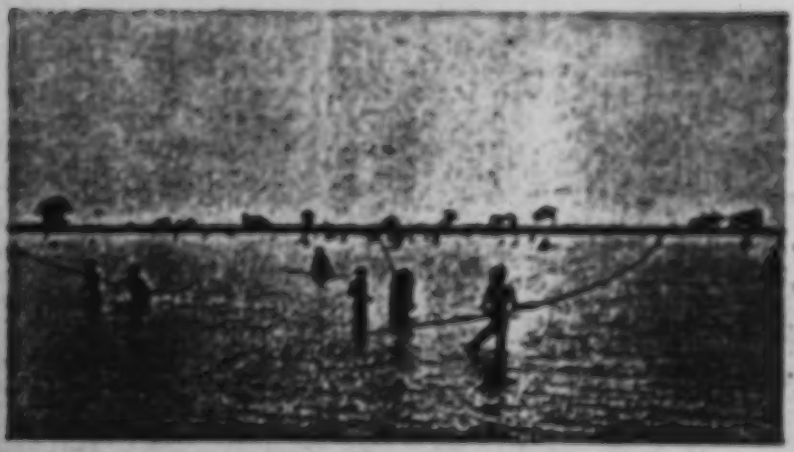
PLATE XXII

a. Spearing fish from dam (Eastern Gaajok)



b. Harpoon-fishing in Lake Fadai (Lou)

[Face p. 210]

6: Evans-Pritchard E-5 (1931, 1934)1938
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where in deep puddles which slowly extend till by the middle of June the whole surface of the country, except for occasional higher land, is under water. Nuerland has then the appearance of a great grass-covered swamp, there being stagnant rivers, lagoons, and pools, wherever there is a depression in the level surface, and islands wherever slightly elevated ridges and knolls rise from the ground. On these elevated spots are perched the Nuer villages. 133

The rivers begin to fall about the same time as the rains begin to cease. Nuerland then dries quickly. The blazing sun evaporates the surface water while the streams instead of being channels of overflow from the rivers now begin to feed the rivers, and hence drain their basins, as they sink in their beds. The grasses are dry enough by the middle of November for the Nuer to commence to fire them and by the middle of December most of the country has been burnt and the surface is cracked into deep fissures. So parched is it at this season that it is difficult to find enough water for men and herds. The wet and dry seasons are therefore very pronounced in Nuerland. 132 133

The main characteristics of the country are (1) that it is dead flat, (2) that it has clayey soils, (3) that it is mainly treeless, (4) that it is covered with high grasses in the rains, (5) that it is subject to a heavy seasonal rainfall, (6) that all its rivers flood, and (7) that when the rains cease and the rivers fall it is subject to a season of severe drought. 13

A year in which the rivers are low is probably not so serious for the Nuer as a year in which there is little rain. Nevertheless, when the rivers are low the clay beds may not hold up sufficient water to enable the grasses to spring up again after the annual firing, and the inland watercourses, which to a great extent rely for their water on the flooding of the rivers, may fail early in the dry season and compel the people to move to lakes and river banks earlier than they would normally do, and there may also be a shortage of marsh pasturage which is usually the mainstay of the cattle at the end of the dry season. On the other hand, if there is insufficient rain the millet crop dies and the grasses, deprived of subterranean supplies of water, do not spring 312

6: Evans-Pritchard E-5 (1931, 1936)1938
F222 Nuer F222

312 up after firing. Therefore, whilst a year of little flooding may cause some inconvenience a year of low rainfall may cause famine. It is probable that years of low rainfall over Nuerland are also years when river water is low, *i.e.*, when the rainfall is low over the whole of North East Africa. The two together may cause Nuer great distress. Similarly, a year of exceptionally high rainfall is probably also a year of high river water and the combination sometimes causes such serious flooding that it is very difficult for the cattle to find pasturage. The hardy millet plant does not seem to be affected by moderate flooding.

133 312 Such are the general conditions in Nuerland. So important is it to understand these conditions that I may be pardoned for adding some further observations. Most of my sojourn among the Nuer was spent in Lou country or on its confines, and what I write of Lou country applies equally to the whole region between the Nile and the Pibor and to most of the Eastern Jikany area to the north of the Sobat. Lou country is part of the flat plain that lies between the Nile and the foothills of the Abyssinian escarpment. It is bounded to the north by the Sobat River and to the east by the Pibor River. It thus forms part of the basin of the Sobat, which is formed from the junction of the Baro and the Pibor. The water of the Baro comes entirely from the Abyssinian highlands. The water of the Pibor comes mostly from the same region though the river drains also to a lesser degree the northern slopes of the Plateau of the Great Lakes and the Sudan Plains. The Baro is a mountain torrent in the Abyssinian highlands but when it reaches the plains it begins to wind about and form swamps. The three main streams which run from south to north across Lou country, the Nyanding, the Wangnyait, and the Filus, are channels of overflow from the Sobat when it is in flood. It is the same to the north of the Baro-Sobat, in Gaajok country, where, for example, water flows out of the Baro along the Macar stream to lose itself in the vast Macar swamp. Here and there in Lou country are low ridges, some stretching several miles, and on the banks of the Sobat and Pibor are occasional knolls, known in the Sudan as *dabbas*, and on these islands of elevated ground the Nuer

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

build their huts and byres. As most of Lou country is under water in the rains they are then literally islands. 133 312

The Sobat begins to rise at the end of April or the beginning of May and it is at its highest when the rains are at their greatest. Water flows over its banks forming lagoons and down the streams which traverse Lou country. According to the Nuer, as the water flows out of the Sobat southwards down these streams it meets the rainwater flowing northwards from their upper reaches. Thus one may observe the Pibor flowing first one way and then the other way. Whilst rainwater pours in numerous small channels into the streams they are discharging water along swampy depressions into the interior of the country.

The amount of surface water in Lou country varies from year to year but in most years it is flooded to several inches deep from July to September. This would not prevent one from trekking, unpleasant experience though it would be, but the depressions which occur at frequent intervals are a more serious obstacle for they necessitate constant wading through deep water. Even at the end of May long treks are more than Europeans care to face—the Nuer themselves move freely at all seasons of the year. Thus, at the end of May, in 1935, I found it a struggle to reach Konye from Akobo though it is only a distance of some ten miles. In July of the same year I was practically imprisoned at Yakwac for water lay everywhere several inches deep at the back of the hamlet and progress through the rank grasses was laborious and even dangerous because it was impossible to detect the deep water-filled holes in which a leg might easily be broken.

Sometimes the inundation reaches the proportions of a flood. Lou Nuer have told me that the Fadang Dinka, who occupied Lou country before the Nuer ousted them, once sustained a season of drought followed by such devastating floods that people lived on the tops of trees and ate leaves. There was great loss of life among the older people. Jackson records that in 1918 "An abnormally high river resulted in the Bahr el Zeraf overflowing its banks and inundating [173]

6: Evans-Pritchard E-5 (1931, 1936)1938
F322 Nuer F322

153 the country to the east (Gaawar country) to such an extent that a journey which, in the ordinary course of events (in the dry season) *312 is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks 132 or more later.† While the land is being drained by the Sobat the rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

[491] 135 Travelling in February from the Sobat to Pathai and thence eastward to Pul Fadoi, along the newly-made motor road, one traverses 137 slightly higher ground through a thin *heglig* forest which screens the full desolation of the country, for, though in reality it offers scanty 311 shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *heglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hurst and Phillips, *op. cit.*

6: Evans-Pritchard E-S (1931, 1936)1938
FJ22 Nuer FJ22

be imagined when one has to stamp one's way through water for ten miles at a stretch. The rank grasses prevent one from leaving the paths and the paths form miniature depressions down which water flows so that it is like walking in the bed of a tiny stream, a sticky bed where every step requires an effort to extract the foot. Rengyan country is amazing at this season of the year. One walks for miles through water to emerge suddenly on a ridge, screened by high grasses till one begins to mount it. Here is a village. One walks through the village to descend into water the other side, and then through miles of water to the next inhabited island. To live in such a country one should be amphibious, like the Nuer, who seem to be in no way inconvenienced by what are to Europeans appalling conditions. 135 137

The rains cease in November but so saturated is the earth that a late heavy shower will again inundate the country for 48 hours. 132 312

The dry season among the Western Nuer is not so severe as it is among the Eastern Nuer because there is never a shortage of water and the villages are never far from deep lagoons and streams, nor even from the main rivers themselves with their broad fringe of marshes. It is probably only in an exceptionally dry year that the larger inland watercourses entirely dry up. Probably this is in the main due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds like the Sobat and Pibor, since they are fed by permanently flowing streams and have enormous lake and marsh reservoirs. The water of streams and lagoons in Western Nuerland is therefore not so rapidly drained as in Eastern Nuerland. Certainly the water in big streams in Dok country seems to be permanent and in walking through Lek country as late as February in 1930 we had to wade frequently through deep swampy streams and lagoons.

Nuer have expressions to denote the natural features of their country. A treeless plain they call *ghaw mi dea* or, in contrast to dry elevated ridges, *pan*. A ridge or knoll is called *kwir* and *thur* or, in reference to its suitability for human occupation, *gwaadh wec*. Land which is partly inundated in the wet season, but not sufficiently to be called swampy, and is therefore suitable for growing millet, is called 823 104

6: Evans-Pritchard E-5 (1931, 1936)1938
F322 Nuer F322

but not enough to drown it altogether. The ideal arrangement, which I have often observed among the Western Nuer, is to build on the edge of a whale-backed ridge with the huts and byres facing the broad back of the ridge. This ensures that the cattle will have dry kraals and also permits them to graze on the short grasses of the ridge. At the back of the huts and byres on slightly lower ground are the gardens. These must be on lower ground because the ridge itself is usually sandy and, where occupied, has a hard trodden floor of ashes and debris and is therefore unsuitable for cultivation of millet. They must also be at the back of the huts and byres so that the cattle can move freely to and from their kraals without invading the standing millet. To prevent this happening people erect a thornwood fence between the kraals and the gardens and extend it along both sides of the kraal, so that only the side opening on to the ridge is left unfenced. In Western Nuerland I have seen low mud dykes erected between the flooded plain and the approach to the ridge. These are to prevent the water encroaching too far in years of high flood. 233 361 243 [312]

I have sometimes wondered why Nuer so often build their villages on shadeless ridges in the middle of a treeless plain when it would be possible to build in some of the stretches of thornwood or palm forest that one finds here and there in their country. I have often noticed villages built in the open when shady spots are to be found a few hundred yards away. But Nuer can give good reasons for keeping to their dreary sites exposed to the fierce tropical sun and the bitter north wind. In the open their animals are safer from wild beasts; they are less worried by insect pests, and their kraals soon dry after rain. It would appear also that thornwood forest is less suitable for cultivation of millet than more open country. Nevertheless Nuer sometimes build in open forest. I have seen forest villages in parts of Lou and Eastern Gaajok country. The Eastern Gaajok villages, which I have not visited, are mainly in forest country.

Most of these ridges and knolls have probably been occupied for a very long period of time, perhaps long before the Nuer lived in their present home. In digging graves Nuer have found pots and cooking 361 172

4: Evans-Pritchard E-5 (1931, 1936)1938
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The word *ghaik* is used to describe these movements. It does not denote a mere journey but implies a change of residence and the movement of cattle and household goods. It is used alike of men who drive the cattle from village to camp, from camp to camp, and from camp to village. It is also used of women who move separately, carrying their milk vessels and other possessions in baskets, for "*kwak cewka ghak*" "Household goods are like cattle." Of the movement from villages to camps one says "*Ca nath ghaik wiwi*," "the people have moved into camp" and of the movement from camps back to villages one says "*Ca nath ghaik ciang*," "the people have moved to the villages." 361 221

The Nuer pastoral year may therefore be divided into two main periods, the six wet season months, from June to December, when the people live in their villages, and the six dry season months, from December to June, when they live in camps. The dry season half of the year may be further divided into the earlier part when people are burning the grasses and living in intermediate small camps for a few weeks, and the latter part when they live for several months in large camps near lakes or wells or on the banks of rivers.

IX.

Inland, especially in Lou country, it is usually necessary to dig wells at the height of the dry season. Twenty years ago this was probably more general than it is today, because, as already explained, the main rivers and marshes lay outside Lou territory. Wells are sometimes dug also in Eastern Jikany country. 312

As the Sobat falls it drains the streams that intersect Lou country and, before long, their water is reduced to occasional pools where the beds are deepest. In the smaller streams these soon dry up and wells are excavated. Capt. H. H. Wilson first drew attention to these wells at Muöt tot (*Amwot el Sagheir*) in 1902 and wrote of them: "Dug on the sandy banks of the *khor*, their depth varied from 20 to 30 feet, with a diameter of about 2 feet 6 inches. Owing to the solidarity of the ground, the walls of the well stood without much

6: Evans-Pritchard E-5 (1931, 1936)1938
F322 Nuer F322

•312 need of revetting, and great labour must have been expended in their construction. Steps were cut in the wells on opposite sides, to enable a man to descend and ascend."* When I was camped on the Nyanding river in February and March of 1932 only the pools on its lower reaches still contained water, and that was fouled and slimy. Mankac was the last place where there was still surface water to be found. Upstream cattle camps were centred around wells sunk in the beds of the river. The following description was written at Yik.

312 332 Most of the men leave whatever exhausted pool they have been camped around a few days in advance of the women, and cattle, and a few youths left in charge of the cattle, in order that they may prepare the wells, for the cattle must drink as soon as they arrive in their new quarters. Digging wells is a heavy task. The men begin by chopping out a circle in the bed of the river to define the circumference of the well and then pour water over the hard ground to make digging possible. For the first four to six feet down they cut through black river mud, caked hard for the first two feet or so but softer and moister afterwards. They then strike sand and cut through sand for another twenty to thirty feet till they reach water. All the wells at Yik, like those seen by Wilson at Muöt tôt, were estimated to be from 20 to 30 feet deep, so that Jackson's statement that "There are no wells in the Nuer country—unless a slight excavation of no greater depth than six feet in certain places can be dignified by this name"† is incorrect. The wells at Yik were about a yard in circumference at the top but lower down they were slightly wider, being funnel-shaped. The sand gets moister the lower the well is dug.

Until a man has dug to some five feet down he can work unaided. Men take it in turn to excavate and throw the mud out of the hole to the surface. When the worker has reached sand an assistant remains at the edge of the well and hauls out the sand in a gourd which has a block of wood running across it and is enclosed in a net. The gourd is lowered by a cord and when filled with sand is hauled to

* Anglo-Egyptian Sudan, p. 140.

† Jackson, *op. cit.*, p. 65.

6: Evans-Pritchard E-5 (1931, 1936)1938
F322 Nuer F322

the surface, the sand being deposited a little way from the mouth of the well. Steps are hollowed out on the opposite sides of the walls at intervals of about two feet. 312 332

When water is reached a thick coil of grass tied with twine is lowered to the worker at the bottom and he places it round the sides of the well from the basin to two or three feet up the walls. This is done to prevent sand from falling from the walls into the water. The water is about a foot deep and is clear and fresh.

The work of digging a well takes two or three days. Each *gol*, household, has its own well and each well is surrounded by several circular troughs. A trough (*pawy*) is fashioned from the mud excavated from the well. It is about four feet in diameter having a wall a foot high. The wall and floor are pounded hard with a cow's horn, or a bone, to make the trough water-tight, and they are then coated with a layer of sand to keep the water clean and make it attractive to the cattle.

Watering cattle from wells is an unceasing labour. Cattle drink from the troughs as soon as they are loosened in the morning; they return from grazing at midday for another drink, and are watered a third time in the evening before being tethered. Therefore three times a day the troughs have to be filled by the slow process of drawing gourdfuls of water from the well, the gourds being weighted and let down with a cord, and of carrying them to the troughs. Men work late at night to fill the troughs for the morning drink and a large part of the mornings and afternoons are spent in preparing for the midday and evening drinks. 312 233

To avoid confusion a man generally loosens a few of his cattle at a time so that they can drink their fill and then give place to others. While they are drinking their masters squat by the side of the trough to prevent any beast from putting its feet in the water and fouling it and to see that it does not damage the walls of the trough. If a cow puts its hoof on the wall or in the water he gives it a sharp rap on the leg with his club. The animals soon understand this rule and meekly circle round the trough, or kneel at the edge of the wall, to

•312 233 drink. Each beast also soon gets to know its special trough and when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Mutt tôt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep [681 593] and goats belonging to another household to drink the water drawn for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side. [515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

4: Evans-Pritchard E-5 (1931, 1936)1938
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clean it out, and rearranges the grass cull around the sides. The 312
discoloured water is then drawn out in gourdfuls and thrown away. They continue drawing the water till they are satisfied that the well is clean again. Every day the walls of the trough receive a fresh 312
coating of sand and are thus kept smooth and clean. All the work 462
falls to the men and boys. Men, assisted by the bigger boys, dig the wells and make the troughs and draw the water. The smaller boys guard the water. Women and girls only draw water for household purposes.

There were dozens of wells at Yik, the bed of the river having been 312
bored every few yards. As each well supplied two or three troughs the ground was covered with shiny pools.

X.

Water is the primary problem of the herdsman's life in Nuerland. 233
A secondary problem, for it arises from excess or insufficiency of water, is pasturage. In their seasonal movements Nuer are not only seeking water but also nourishing grasses and when herdsmen take the cattle from camp to their grazing grounds they do not guide them haphazardly across the plain but drive them to where they know of succulent grasses. The best pastures are often far from camp and the cattle have to be milked early so that they may have time to graze, drink water, chew the cud, and graze again before returning to camp. It is necessary to herd the cattle in the dry season, but Nuer say that it is better to do so at all times of the year though they do not always act accordingly. When I brought one of my cows from Yakwac to Mancom early in the rains it was noticeably thinner than the Mancom cattle. The Mancom people said that the Yakwac cattle do not do so well as their own because the Yakwac people do not herd their cattle in the rains and take them to the best pastures but leave them to graze by themselves. Consequently they graze on the exhausted pasturage near the homesteads. At Mancom a man always accompanied the cattle and took them to the richest grasses.

Nuer are great authorities on grasses and know all about their 824
habits and distributions. They never make a mistake in identifying 233

6: Evans-Pritchard E-5 (1931, 1934)1938
F 222 Nuer F 222

512 221 very much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons 226 dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The 515 banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as 283 they become exhausted and as streams and lagoons dry up. At Yakwat there was succulent pasturage only where marsh plants still 137 retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

136 [132] On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, [324] even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals 312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 512 In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave [322] camp and one meets them along paths, carrying their household goods [233] in rectangular cane baskets. Youths leave camp early in the morning [283] to cut stakes, generally of thornwood (*bum*) and they spend a large [513] part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the 221 need to sleep towards noon. Everyone is becoming restless and

Stowell E. G-5 (1942-1944)1954
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423 233 361 518

where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are regulated and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

423 233 312

Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the *Zeraf*, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

423 226

Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

II:Evans-Pritchard E-5 (1931, 1936) 1945
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Nyaruan is one of the largest ridges (*thor*) in Western Nuerland and in times of flood the people of neighbouring villages encamp there. This advantage is slightly offset by the corresponding fact that there is often insufficient water for the cattle early in the dry season, so that the people of Nyaruan are among the first to move to dry season camps. The population of the village is approximately[1] 129 souls. 361 312 [361]

The village, commencing from the outlying hamlet of Dorpan, consists of the following 26 homesteads. [621]

Homestead No. 1 Nyaluthni ♀ —Riel ♂. She is a barren woman with many cattle which she has obtained partly as fees, for she is a well known diviner and magician, and partly from the bride-wealth of her nieces, for her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce rek jaangu loil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Loel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂, and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage. 592 361 588

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of the children of her wives and she is always spoken of as such when their names are mentioned. Thus people always speak of Majak ♂ —Nyarial ♀ and Nyagai ♀ —Nyarial ♀. Her children address her as *gaa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business 592 593 588

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

135 Nuerland lacks the two raw materials that have played so important a part in the manufacture of primitive tools: iron and stone. Nuer have always been poor in iron objects. Till recently
411 they possessed very few iron spears, cherished as heirlooms, but used instead the straightened horns of antelope and buck, ebony wood, and the rib-bones of giraffe, all of which are still used to-day,
412 though almost entirely in dances (Fig. 11). Wooden hoes were used for gardening, and are still sometimes so used to-day. Iron
301 bells (Fig. 4) are rare and highly prized even at the present time, and in the old days iron rings and bracelets were important pieces of property. Wooden bells and ivory and leather rings and bracelets took their place in common use. Nuer have no knowledge of
325 smelting and little of the blacksmith's art. I have never seen a forge and, though there are certainly some blacksmiths, their art is crude and may be regarded as a recent innovation, at any rate in most parts of Nuerland. Spears bought from Arab merchants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside villages I have never seen a stone. They are sometimes brought
412 from neighbouring areas and employed as hammers, for smoothing
323 metal ornaments, for rubbing skins, and so on. Grinding grain seems to have been a recent introduction. The grinder is made from thornwood and the grindstone from baked marsh mud mixed with finely pounded potsherds (Fig. 12). With clay, mud, and sand, Nuer also make pots, grain-bins, pipes, toys, hearthstones, and firescreens; construct the walls of byres and huts; and coat floors and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her gift of wood. Large trees are rare. Thornwood and low brush-
322 wood provide timber for building, spear-shafts, harpoon-shafts, clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets, and winnowing trays. Probably no trees in Nuerland are suitable for carving and Nuer possess no wooden utensils. Even the ebony they use for making spears is not found in their country. Ambatch-trees grow in some parts of the swamp areas and from it is made an object which serves as a parrying stick, tobacco pouch, pillow, and seat (Plate XXIX). Byre and kraal fires are fed with
[372] dried dung, and wood fuel is only employed in the kitchen—grasses and millet stalks sometimes being used as a substitute. Grasses, millet stalks, and some plants are also used for various purposes: rafters, windscreens, thatching, cord, basketwork, &c. Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and earthy materials instead. Animal products are also a valuable

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as
233 they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still
137 retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards,
[124] even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave
[322] camp and one meets them along paths, carrying their household goods
[233] in rectangular cane baskets. Youths leave camp early in the morning
[283] to cut stakes, generally of thornwood (*bwau*) and they spend a large
[513] part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the
221 need to sleep towards noon. Everyone is becoming restless and

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14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

● 323 Women sometimes make earthen pots and sell or
438 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

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F J22 Nuer F J22

312

need of revetting, and great labour must have been expended in their construction. Steps were cut in the wells on opposite sides, to enable a man to descend and ascend."* When I was camped on the Nyanding river in February and March of 1932 only the pools on its lower reaches still contained water, and that was fouled and slimy. Mankac was the last place where there was still surface water to be found. Upstream cattle camps were centred around wells sunk in the beds of the river. The following description was written at Yik.

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•332

Most of the men leave whatever exhausted pool they have been camped around a few days in advance of the women, and cattle, and a few youths left in charge of the cattle, in order that they may prepare the wells, for the cattle must drink as soon as they arrive in their new quarters. Digging wells is a heavy task. The men begin by chopping out a circle in the bed of the river to define the circumference of the well and then pour water over the hard ground to make digging possible. For the first four to six feet down they cut through black river mud, caked hard for the first two feet or so but softer and moister afterwards. They then strike sand and cut through sand for another twenty to thirty feet till they reach water. All the wells at Yik, like those seen by Wilson at Muöt töt, were estimated to be from 20 to 30 feet deep, so that Jackson's statement that "There are no wells in the Nuer country—unless a slight excavation of no greater depth than six feet in certain places can be dignifed by this name"† is incorrect. The wells at Yik were about a yard in circumference at the top but lower down they were slightly wider, being funnel-shaped. The sand gets moister the lower the well is dug.

Until a man has dug to some five feet down he can work unaided. Men take it in turn to excavate and throw the mud out of the hole to the surface. When the worker has reached sand an assistant remains at the edge of the well and hauls out the sand in a gourd which has a block of wood running across it and is enclosed in a net. The gourd is lowered by a cord and when filled with sand is hauled to

* Anglo-Egyptian Sudan, p. 140.

† Jackson, *op. cit.*, p. 65.

6: Evans-Pritchard E-5 (1931, 1936)1938
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the surface, the sand being deposited a little way from the mouth of the well. Steps are hollowed out on the opposite sides of the walls at intervals of about two feet. 312 332

When water is reached a thick coil of grass tied with twine is lowered to the worker at the bottom and he places it round the sides of the well from the basis to two or three feet up the walls. This is done to prevent sand from falling from the walls into the water. The water is about a foot deep and is clear and fresh.

The work of digging a well takes two or three days. Each *gol*, household, has its own well and each well is surrounded by several circular troughs. A trough (*pany*) is fashioned from the mud excavated from the well. It is about four feet in diameter having a wall a foot high. The wall and floor are pounded hard with a cow's horn, or a bone, to make the trough water-tight, and they are then coated with a layer of sand to keep the water clean and make it attractive to the cattle.

Watering cattle from wells is an unceasing labour. Cattle drink from the troughs as soon as they are loosened in the morning; they return from grazing at midday for another drink, and are watered a third time in the evening before being tethered. Therefore three times a day the troughs have to be filled by the slow process of drawing gourdfuls of water from the well, the gourds being weighted and let down with a cord, and of carrying them to the troughs. Men work late at night to fill the troughs for the morning drink and a large part of the mornings and afternoons are spent in preparing for the midday and evening drinks. 312 233

To avoid confusion a man generally loosens a few of his cattle at a time so that they can drink their fill and then give place to others. While they are drinking their masters squat by the side of the trough to prevent any beast from putting its feet in the water and fouling it and to see that it does not damage the walls of the trough. If a cow puts its hoof on the wall or in the water he gives it a sharp rap on the leg with his club. The animals soon understand this rule and meekly circle round the trough, or kneel at the edge of the wall, to

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

inches of water for seventeen days, apart from having to cross numerous deep depressions. In some parts of Lou and Eastern Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their byres are of size and workmanship that have evoked the admiration of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women in beehive-huts, or both sexes in beehive-huts. These flimsy shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

J: Evans-Pritchard E-5 (1931, 1936) 1940
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342 are simply constructed, the roots of grasses, or occasionally
573 stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

221 Another circumstance that determines Nuer movements is
136 the abundance of insect life, which is an ever-present menace,
231 for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

136 Mosquitoes swarm in the rains, their ravages being terrible
231 from July to September, when, as soon as the sun sets, men and
372 beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XVII

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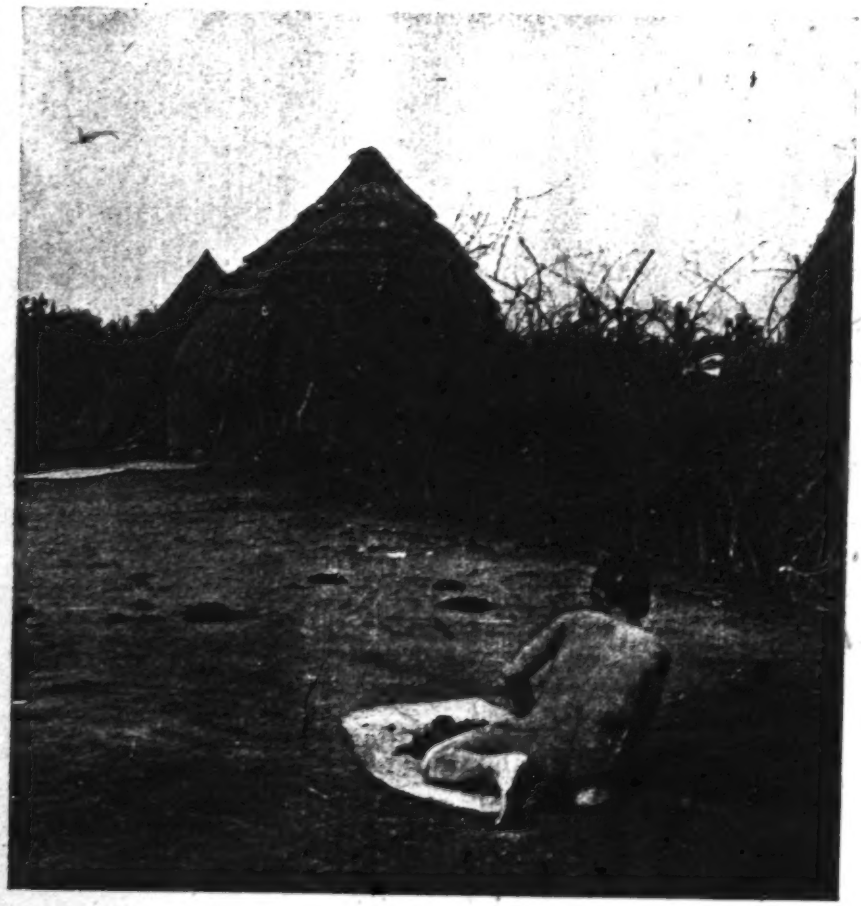

Boy collecting dung-fuel (Lou)

[Face p. 156]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342 *ieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
233] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
602 However, ownership is mainly a matter of sentiment, based on long association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyuoc*, or high river-flood, their ridges remain dry

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

whereas in a similar year Eastern Gaajok country is under water and 361
cattle have to be sent into Lou country while the men fish from trees. Lou are very scornful of Eastern Jikany village sites. I once asked Wicthiel, who now lives at Mancom in Jikany country, whether he could call his present home a *gwaadh wec* (village site) and he replied "Well, it is what the Jikany call a *gwaagh wec*, but it is not what we consider a *gwaadh wec* in our own country (Lou). They just build their villages in the forest anyhow." Huts built [342]
on piles, such as one sees in parts of Dinkaland, are unknown in Nuerland.

Water is as scarce in the dry season as it is excessive in the wet 233
season. About the beginning of December, therefore, the young 221
men and some of the girls take most of the cattle to camps some miles from the villages and leave the rest of the women and the married men to harvest the second millet crop and repair huts and byres. A few lactating cows are left in the village to provide milk for the small children. The cattle are taken to camps partly to give them clean water and partly to pasture them. The grasses are burnt [311]
and some species spring up again a few days after they are fired. This is a good time for the cattle because they can move freely, the tall grasses which impeded them in the rains having been burnt, and because they can graze to their hearts' content on the tender young shoots.

Local conditions determine the time of leaving the village. In 361
1936 the first youths to take their cattle into camp from the village 221
of Nyueny moved on November 13th, at the beginning of the Nuer month of *Kur*. This is much earlier than is usual for most villages and was due to lack of clean water at Nyueny and over-grazing of the pastures in the vicinity. The country around the village was all under water in the middle of October but was parched a month later. Most people do not move till the end of the month of *Kur* or the beginning of the month of *Tiop indit* (about the middle of December).

In Lou country the first camps are often made in thornwood forests near deep pools, but in parts of Nuerland, especially in the

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

Everyone wakes before sunrise and satisfies the needs of nature. 512
For about three quarters of an hour after sunrise men sit by their hearths protected by windscreens and women outside their beehive grass huts chatting, smoking and gazing at the cattle which lie, still sleeping, many with their muzzles tucked into their barrels, and chew the cud. Being close together they rub their bodies against one another and lick each other. They present a medley of colour: fawn, grey, mouse, black, brown, blue and chestnut-roan, with many variations of shade and distribution.

The huts and windscreens are generally erected in a semi-circle 361
with their backs to the prevailing wind, though they sometimes form an almost complete circle and at other times are arranged in lines. Windscreens are of simple construction. A narrow trench 343
is dug for three quarters of a circle and handfuls of grass are planted, root downwards into the trench. Each handful is beaten tightly against the last one so that a solid screen of grass is formed. The grasses generally used for this purpose are *dut in lum*, a tall coarse riverside grass called *wath* (*Sorghum lanceolatum Stapf.*) and *war* (*Vetiveria nigritiana Stapf*). Where camps are made near villages millet stalks are sometimes used instead of grass. All these grasses are tall and sturdy and they bend to the wind and do not break. Men sleep in the shelter of these screens on the hearths which occupy the whole of the enclosed space. Here the fire is never allowed to go out, and from day to day the height of the hearth is slowly raised by accumulation of ashes. Women make huts in the same way as 342
men make windscreens but they bend the tops of the grasses so that they meet. They are then tied together and the sides are plastered with cattle dung. Within these flimsy shelters which contrast with the massive byres and well-built huts of their wet season villages Nuer spend about half the year. Sometimes, as at Yakwac, a camp is made in a wet season village belonging to kinsmen at the edge of a river. Then the men desert their windscreens at midday for the [512
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6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

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343 Nuer camps one sometimes sees a rough shelter (*geau deeni*) constructed of branches with grass, often the riverside *buor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

234 Before and during milking youths display themselves in company
883 with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *rau* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 Milking starts between 6-30 and 7-00. If the morning is misty
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14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

•342 361 Their huts are built with great care and skill. They are cylindrical in form with a conical roof consisting of grass, reeds, or leaves, while the walls are made of mud; and are decidedly superior to the buildings of the Dinka, Anuak, and other kindred tribes. The houses stand in small groups, sometimes only two or three together, the land for cultivation lying immediately around each house.

342 233 In the dry season the men leave their villages to seek better pasture in the swampy regions of the country. Here temporary huts of straw are erected for the young men who look after the cattle and milk them. During the night the cattle are driven into large enclosures of thorny trees; a fire of dried cow-dung is constantly kept smouldering, to protect the cattle from the stings of mosquitoes. When the rains begin to fall, about April, the people return to their villages to plant dura.

776 Very little is known about the religion of the Nuer. Miss Huffman mentions on page 56 some names of their gods, but we learn little as to their significance in the lives and beliefs of the people. While I was studying the Shilluk people in the Sudan in 1910, still another Nuer god, viz. Kot, was mentioned to me by a number of Nuer men whom I had with me for some time. This word Kot occurs in a large number of Nilotic languages, its general meaning is 'rain', but in Nuer it designates a god, the idea of this god being evidently connected with that of rain. To Kot is attributed the creation of the world, as the following report dictated to me by a native Nuer shows:[1]

[1] This record and the following ones were, together with the original Nuer text, first published in my study on the Nuer language in the *Mitteilungen des Seminars für Orientalische Sprachen. Afrikanische Studien*, p. 84 ff. Berlin, 1912.

14: Huffman M-5 (no date) 1931
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231 turn into a 'Lat' (a combination of ogre and cannibal which
[776] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[825] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[342] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-5 (no date) 1931
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262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

● 342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

323 Women sometimes make earthen pots and sell or
438 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his 626
particular village, and his actions affect all his relatives, no matter how distant the relationship may be. This fact checks him to some extent in his misdeeds, for any infringement of Nuer law not only affects him but all his people as well. He must give heed to them and to Nuer law in general if he is to count on their support and aid in time of need (Fig. 7).

The men and boys of the village usually sleep in the 513
barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls 342
up to about three feet or more from the ground, then the sloping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. 351
The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a bunch of grass tightly tied [412]
together at one end suffices for a broom. One part of the 252
enclosure is plastered with mud for a radius of two or three feet, and in the centre is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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Fig. 6. Grass house

Fig. 7. A group in a Nuer village

[facing p. 48]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

inches of water for seventeen days, apart from having to cross 361
numerous deep depressions. In some parts of Lou and Eastern 132
Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their 343
byres are of size and workmanship that have evoked the admira- 342
tion of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two 351
sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, 423
trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part 361
of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women 342
in beehive-huts, or both sexes in beehive-huts. These flimsy 513
shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XVIII

343

Building a cattle byre (Eastern Jikany)

[Face p. 166]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

Everyone wakes before sunrise and satisfies the needs of nature. For about three quarters of an hour after sunrise men sit by their hearths protected by windscreens and women outside their beehive grass huts chatting, smoking and gazing at the cattle which lie, still sleeping, many with their muzzles tucked into their barrels, and chew the cud. Being close together they rub their bodies against one another and lick each other. They present a medley of colour: fawn, grey, mouse, black, brown, blue and chestnut-roan, with many variations of shade and distribution. 512

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6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

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FJ22 Nuer FJ22

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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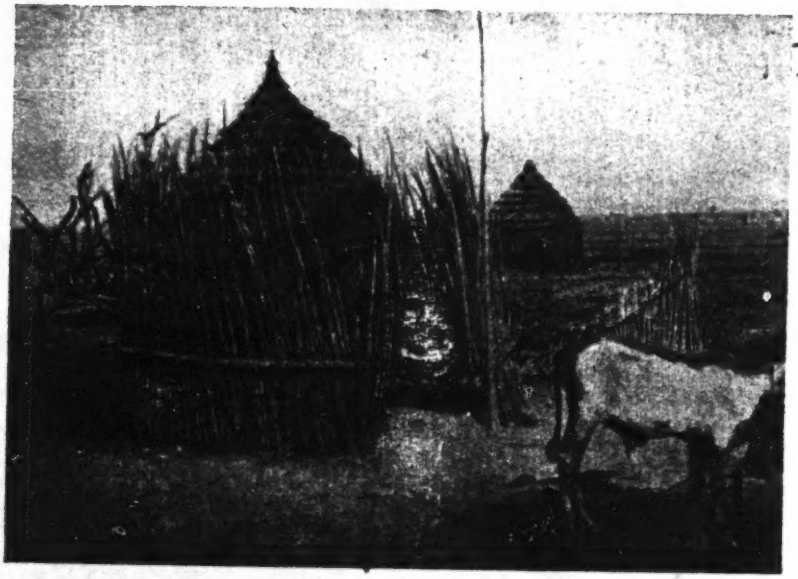
PLATE XV



351

a. Windscreen (Lou)

312

b. A well in the bed of the Nyanding (Lou)

[Face p. 134]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his 626
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The men and boys of the village usually sleep in the 513
barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls 342
up to about three feet or more from the ground, then the sloping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. 351
The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a bunch of grass tightly tied [412]
together at one end suffices for a broom. One part of the 252
enclosure is plastered with mud for a radius of two or three feet, and in the centre is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

595 in the child from the time the mother leaves her hut after bearing him. The father's other wives, his brothers and their wives, and other kinsmen and affines of the father if they live near him, take

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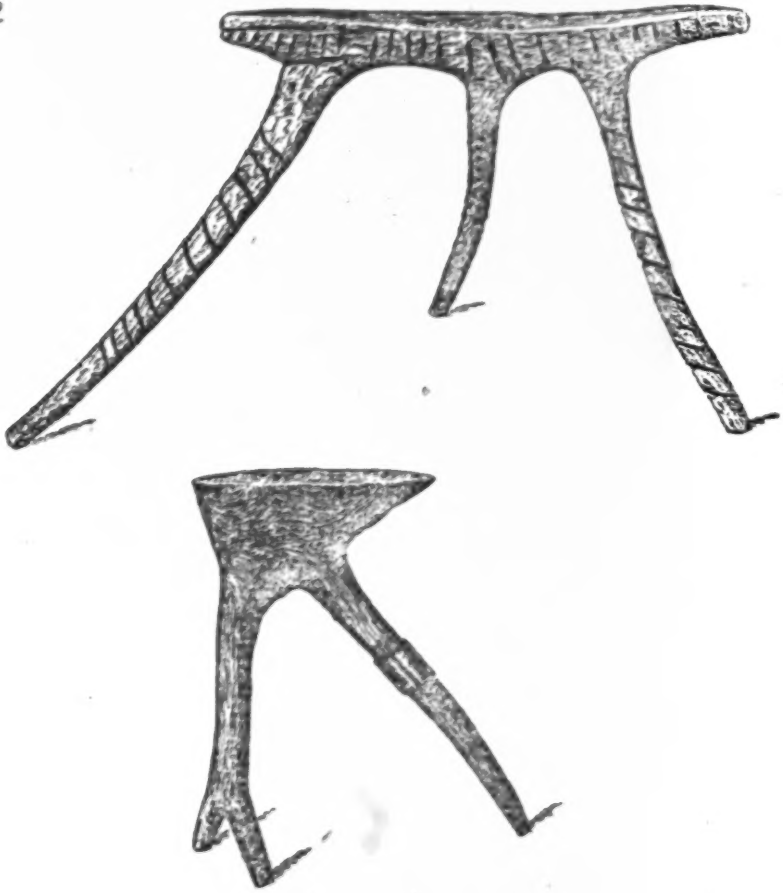

Wooden neck-rests or pillows

595 frequent notice of the child, nurse him, talk to him, and make him understand that they belong to him. If he is an eldest child and is brought up in his maternal grandparents' home, he will have the same close relations with corresponding persons there.

842 Nuer welcome children and hope when they marry that their wives will be fertile.

14: Huffman M-5 (no date) 1931
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252 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

411 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

513 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

854 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

352 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

354 A fire, with earthen shield to protect it from the wind,

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FJ22 Nuer FJ22

occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 482
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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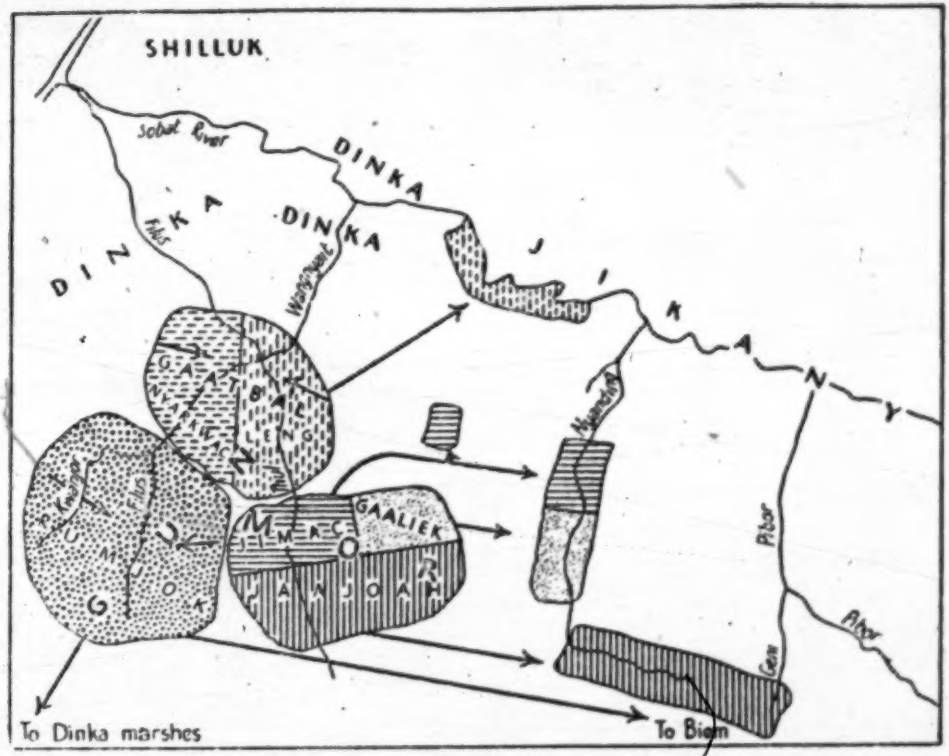

Sketch-map to show distribution of Lou tribal sections (arrows point from area of villages to dry season camps).

[p. 56]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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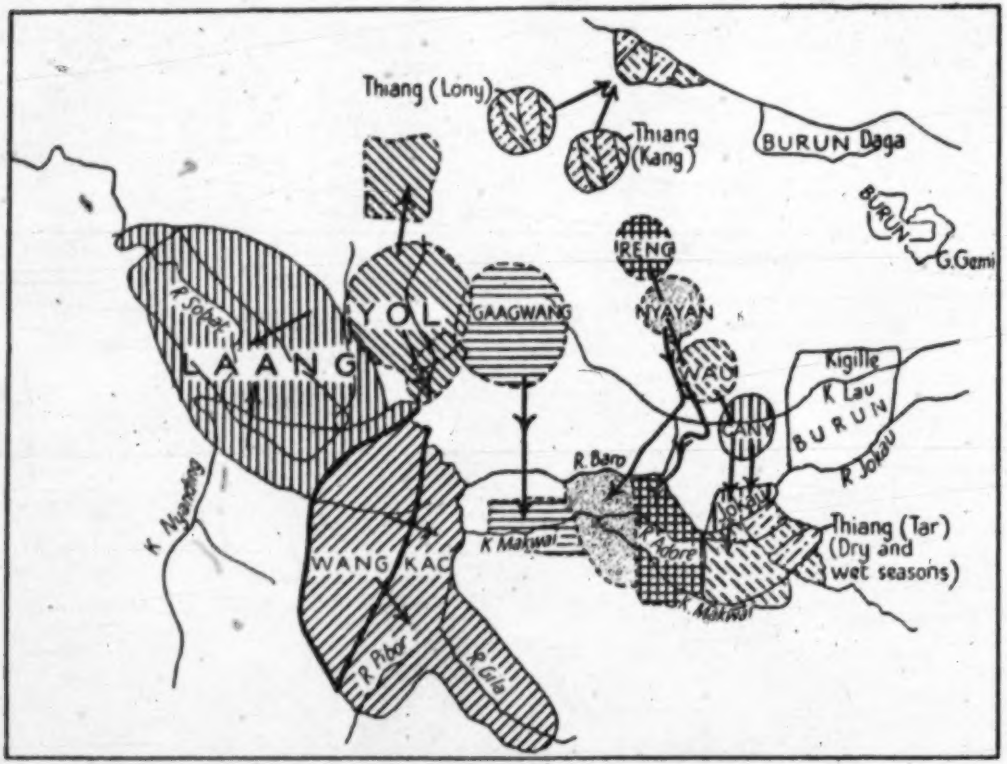

Sketch-map to show distribution of the Eastern Jikany tribal sections (arrows point from area of villages to dry season camps) (after Mr. C. L. Armstrong).

[p. 58]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

send up new shoots a few days after being fired—probably those 233
that have roots long enough to tap water held up in the clay 221
beds and a clump formation that protects the core of the plants 312
from the flames. If it were not for this habit cattle could not survive, at any rate inland, during a dry year. When the grasses have been fired cattle can wander as they please, being no longer frustrated by surface water and rank growth, and satisfy their appetites on the new shoots. As water becomes scarcer and grazing poorer Nuer fall back on permanent water where they make large camps and the cattle can graze on marsh plants that abound in numberless depressions and make good milk. In May, when the new rains set in, they are able to return to their villages. The few cattle Nuer possess, the vast spaces they can exploit, and their nomadic existence ensure that there is nowhere serious overgrazing.

Variation of water-supplies and vegetation thus forces Nuer 233
to move and determines the direction of their movements. In 221
a later section we shall see that fishing is another important 361
consideration in these movements. In late November or early December the youths and some of the girls take the cattle from the villages to camps, generally some miles away, leaving the older people to harvest the second millet crop and repair huts and byres. Usually a few lactating cows are left behind to provide milk for the small children. These early camps (*wec ɟiom*) are made near pools in a place where the grasses have previously been fired. In Lou country they are often made in thornwood forest, where *Balanites aegyptiaca* is abundant, but in many parts of Nuerland, especially to the west of the Nile, they are formed on stream banks for fishing. When the second harvest has been reaped the cattle are brought back to the villages to eat the millet stalks, if they are near enough. As pools dry up, pasturage is exhausted, or fishing becomes poor, the youths make new camps, where they are joined by the married people, and they may move camp several times before settling in their final camping grounds (*wec mai*) at the side of lakes or rivers in January and February. The early camps are small, being manned by a few kinsmen, but they tend to get larger as the season advances and water becomes scarcer, and the final camps may contain several hundred persons.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE VII

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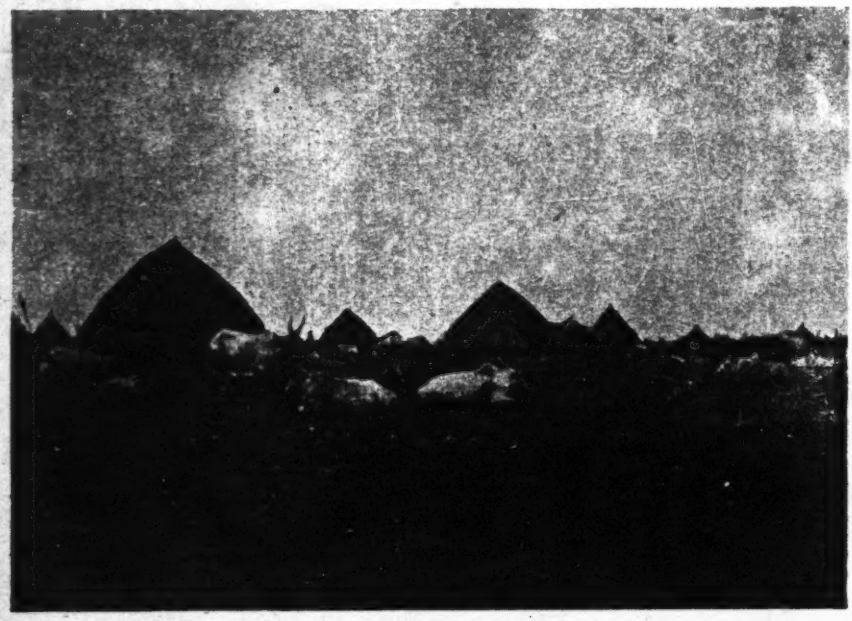
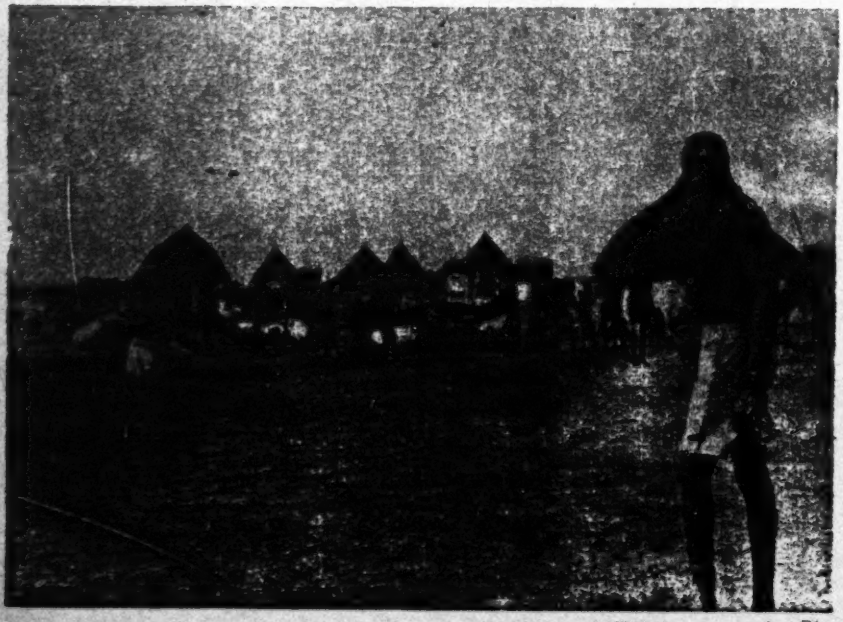


a. Homesteads on mound (Lou)



b. Homesteads on mound (Lou) [Face p. 62]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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further details, which, indeed, I could not furnish, about the disposition of the Western Nuer in the dry season, it may be said that they travel very much less than most of the Eastern Nuer tribes, especially the Lou.

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Different villages and sections tend to move about the same time and to visit the same pools each year, though time and place and, to some extent, degree of concentration vary according to climatic conditions. Usually, however, the main dry season camps are formed yearly at the same spots. When the rains commence in May the older people return to the villages to prepare the ground for sowing and they are joined there in June by the youths and girls, who bring the cattle with them. When the younger people return the whole camp is broken up on the same day, and the cattle are driven to their village with as few halts as possible. The move from villages to camps, on the contrary, is less concerted and abrupt. The younger members of two or three families form a small camp, after the firing of the grasses in November, when and where they please. Several days later they may be joined by other people from the same village, or these may form a separate camp. There is still water and some grazing on the village sites and there is still work to be accomplished in gardens and homesteads. Thus, while camps change into villages overnight, villages change into camps more slowly. By the height of the drought every one is in camp and the villages are silent and deserted.

The year thus consists of a period in villages and a period in camps, and the camp period is divided into the early part of the dry season when the younger people move from small camp to small camp and the latter part of the dry season when every one is concentrated in large camps round permanent water which they do not leave till they return to their villages.

III

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Nuer are forced into villages for protection against floods and mosquitoes and to engage in horticulture, and are forced out of villages into camps by drought and barrenness of vegetation and to engage in fishing. I describe these villages and camps very shortly.

Some tribes are better off for sites than others. The Lou

1: Evans-Pritchard E-5 (1931, 1936) 1940
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•361 and the Eastern Jikany are especially fortunate in this respect, but in Western Nuerland, though there are many suitable ridges, the country is more inundated and there are few elevated stretches of any size, except, as far as my observations go, among sections of the Leek and Dok tribes, which are better off than those tribes which lie in between.

What is needed for a village site is not only room for building but also for grazing and cultivations. Many villages are perched on mounds (Plates VII and XVI), the surfaces of which are accumulations of debris, at the edge of those rivers that have banks in flood, and the cattle graze on the slopes or in near-by thornwood forest, where also gardens are cultivated. More usually homesteads are strung out along sandy ridges (Plate VIII), a mile or two in length and a few hundred yards in breadth, sites which allow greater spacial division between them, and the gardens run at their backs and the grazing-grounds to their fronts. In some parts of Nuerland, especially in the favoured tribes I have mentioned, stretches of higher ground, sometimes several miles in extent, enable the people to build anywhere, except near the narrow depressions that thread them, and little groups of homesteads are dotted here and there, surrounded, and separated, by their gardens and grazing grounds. Nuer prefer to dwell in this greater privacy and show no inclination for true village life.

By making their villages on elevated ground Nuer keep themselves and their cattle above the flood that lies everywhere on the vast plain beneath and gain some protection from the swarms of mosquitoes which breed in the standing water. In [312] Western Nuerland I have seen low mud dykes at the foot of occupied ridges to keep back the water in years of heavy 361 flood. As they build always on the highest spots the torrential 132 rains that fall daily after June run off the slope so that the hard floors of kraals soon dry. How terrific are these rains may be judged from Plate XIV, taken from under the awning of my tent during a moderate shower in August, and how considerably they flood all but village sites may be seen in Plate XII, which shows a millet garden, on a higher level than the plain, in October. On a tour of Western Nuerland in October of 1936, a fairly dry year, we walked almost continuously in several

1: Evans-Pritchard E-5 (1931, 1936) 1940
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inches of water for seventeen days, apart from having to cross 361
numerous deep depressions. In some parts of Lou and Eastern 132
Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their 343
byres are of size and workmanship that have evoked the admira- 342
tion of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two 351
sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, 423
trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part 361
of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women 342
in beehive-huts, or both sexes in beehive-huts. These flimsy 513
shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 The rivers teem with fish of many edible species which greatly
262 supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epidemics among the herds. In choosing camp sites opportunities [361] for fishing are considered no less than water and pasturage. Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (*kal*) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of Anuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes [421] and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 It is the seasonal flooding, due to the rise and fall of the rivers
221 and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

1: Evans-Pritchard E-5 (1931, 1936) 1940
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preliminary, classification of Nuer territorial groups of a political kind. We have classified Nuer socio-temporal categories. We now classify their socio-spatial categories.

Were a man to fly over Nuerland he would see, as on Plate XVI, taken by the Royal Air Force in the dry season, white patches with what look like tiny fungoid growths on them. These are village sites with huts and byres. He would see that between such patches are stretches of brown and black, the brown being open grassland and the black being depressions which are swampy in the rains; and that the white patches are wider and more frequent in some parts than in others. We find Nuer give to these distributions certain values which compose their political structure.

It would be possible to measure the exact distance between hut and hut, village and village, tribal area and tribal area, and so forth, and the space covered by each. This would give us a statement of spatial measurements in bare physical terms. By itself it would have very limited significance. Oecological space is more than mere physical distance, though it is affected by it, for it is reckoned also by the character of the country intervening between local groups and its relation to the biological requirements of their members. A broad river divides two Nuer tribes more sharply than many miles of unoccupied bush. A distance which appears small in the dry season has a different appearance when the area it covers is flooded in the rains. A village community which has permanent water near at hand is in a very different position to one which has to travel in the dry season to obtain water, pasturage, and fishing. A tsetse belt creates an impassable barrier, giving wide oecological distance between the peoples it separates (p. 133), and presence or absence of cattle among neighbours of the Nuer likewise determines the oecological distance between them and the Nuer (pp. 132–3). Oecological distance, in this sense, is a relation between communities defined in terms of density and distribution, and with reference to water, vegetation, animal and insect life, and so on.

Structural distance is of a very different order, though it is always influenced and, in its political dimension, to a large extent determined by oecological conditions. By structural

1: Evans-Pritchard E-5 (1931, 1936) 1940
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of the people it may be doubted whether it could support a much larger population than it does. This is particularly the case to the west of the Nile and it is likely, as Nuer themselves suggest, that their expansion eastwards was due to over-population. It is possible for there to be great local concentration in spite of low density for tribal areas, for the estimates of square mileage include vast stretches of land devoid of villages and camps, which is grazed over in the drought or merely traversed in seasonal movements. The degree of actual concentration, in this sense, varies from tribe to tribe and from tribal section to tribal section and from season to season.

I cannot figure such distributions more accurately than the sketch-maps on pp. 56, 58, and 60, and I can only indicate them verbally in the most general terms. As we have seen, the size of a village depends on the space available for building, grazing, and horticulture, and its homesteads are crowded or strung out accordingly, forming in most villages small clusters of huts and byres which we call hamlets, each being separated from its neighbours by gardens and unoccupied land on which calves, sheep, and goats graze. The population of a village—we can make no precise statement—may be anything from fifty to several hundred souls and may cover from a few hundred yards to several miles. A village is usually well demarcated by the contiguity of its residences and the stretches of bush, forest, and swamp which separate it from its neighbours. In my small experience one may, in most parts of Nuerland, traverse five to twenty miles from village to village. This is certainly the case in Western Nuerland. On the other hand, where the nature of the ground allows, villages may be much closer together and follow one another at short intervals over wide areas. Thus the greater part of the Lou are concentrated within thirty miles of Muot tot, the greater part of the Dok within ten miles of Ler. while the Lak, Thiang, and part of the Gaawar run fairly continuously along a wide ridge between the Nile and the Zeraf. Villages are always joined to their neighbours by paths created and maintained by their social interrelations. In every part of Nuerland there are also large areas, inundated in the rains, with no, or very few, villages. Those parts of the tribal areas left blank or shaded to show dry-season occupation in the sketch-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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361 maps are mainly, and often entirely, without village sites, and in Western Nuerland the whole area between the Nile and the Bahr el Ghazal is very sparsely dotted with small villages; and the same is probably true of the country to the north of the Bahr el Ghazal.

I am compelled to describe the distribution of dry season camps as vaguely as the distribution of villages. Early camps may be found almost anywhere and often comprise only a few households; but the location of larger camps, formed later in the season, can be known in advance because there are only a few places which provide adequate water. Their size depends largely on the amount of water and grazing and their population varies from about a hundred to over a thousand souls. These concentrations are never tribal but comprise larger or smaller tribal sections. Round a lake a camp may be distributed in several sections with a few hundred yards between each; or one may then speak of contiguous camps. In any camp a few wind-screens are generally adjacent to, almost touching, one another, and such a group may often at a glance be seen to be a distinct unit with its own section of the common kraal. Along the left bank of the Sobat and the right bank of the Baro one may observe from a steamer camps almost anywhere, separated from one another by only a few miles; but up streams, like the Nyanding and Filus, in which only isolated pools of water remain, several miles separate camps. Some large camps in the interior of Lou country are separated by more than twenty miles of bush.

131 Great rivers flow through Nuerland and it is often these natural boundaries which indicate the lines of political cleavage.
619 The Sobat separates the Gaajok tribe from the Lou tribe; the Pibor separates the Lou tribe from the Anuak people; the Zeraf separates the Thiang and Lak from the Dinka; the Ghazal separates the Karlual primary section of the Leek tribe from its other two primary sections; and so forth. Marshes and areas inundated in the rains likewise separate political groups. The Macar swamps divide the Eastern Gaajak from the Gaajok and Gaagwang; water-covered stretches divide, in the rains, the Rengyan from the Wot, Bor, &c.; and so on.

000 This account of distribution is unavoidably vague, but the main conditions and their significance can easily be summed up.

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(1) Physical conditions which are responsible for scarcity of food and a simple technology also cause low density and sparse distribution of settled areas. Lack of political cohesion and development may be related to the density and distribution of the Nuer and, furthermore, in general their structural simplicity may be due to the same conditions. (2) The size of elevated stretches of land and the distances between them permit in some parts of Nuerland larger and closer concentration than in others. In the larger tribes a large population is often compelled by the nature of the country to build their homes within a short radius. (3) Where there is relatively great density of population in the rains there tends also to be greater need in the drought for early and far movement to new pastures. This need compels recognition of a common tribal value over large areas and enables us to understand better how it is that in spite of a necessary lack of political cohesion within the tribes they often have so large a population and occupy so large a territory.

V

We have noted that structural distance is the distance between groups of persons in social structure and may be of different kinds. Those which concern us in our present account are political distance, lineage distance, and age-set distance. The political distance between villages of a tertiary tribal section is less than the distance between tertiary segments of a secondary tribal section, and that is less than the distance between secondary segments of a primary tribal section, and so forth. This forms the subject of Chapter IV. The lineage distance between segments of a minor lineage is less than the distance between minor segments of a major lineage, and that is less than the distance between major segments of a maximal lineage, and so forth. This forms the subject of Chapter V. The age-set distance between segments of an age-set is less than the distance between successive age-sets and that is less than the distance between age-sets which are not successive. This forms the subject of Chapter VI. As we wish to develop our argument and therefore to avoid analysis which does not allow the reader to refer back to statements

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extension according to the size of the tribe, are grouped into small tribal sections and these into larger ones. In the larger tribes it is convenient to distinguish between primary, secondary, and tertiary tribal sections. These sections, of whatever size, are, like a village, spoken of as *'cieng'*. Since the next chapter is devoted to these tribal segments no more is said about them here.

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VI

The main Nuer tribes are shown on p. 8. The name 'Jagei' inserted to the west of the Nile includes a number of small tribes—Lang, Bor, Rengyan, and Wot. There are also some small tribes—if they are rightly regarded as tribes, for little research was done in the area—in the vicinity of the Dok Nuer: Beegh, Jaalogh, (Gaan)Kwac, and Rol. A crude census, compiled from various Government sources, gives, in round figures, the more recent estimates for the larger tribes as follows:

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Sobat Nuer: Gaajak, 42,000; Gaagwang, 7,000; Gaajok, 42,000; Lou, 33,000. Zeraf Nuer: Lak, 24,000; Thiang, 9,000; Gaawar, 20,000. Western Nuer: Bul, 17,000; Leek, 11,000; the three Western Jikany tribes, 11,000; the various Jagei tribes, 10,000; Dok, 12,000; Nuong, 9,000. These figures are probably more accurate for the Eastern than for the Western Nuer. Estimates show wide discrepancies and there has been much guesswork. On the basis of those recorded, the Sobat Nuer are 91,000, the Zeraf Nuer 53,000, and the Western Nuer 70,000, making a total of 214,000 for the whole of Nuerland. The population of only a few tribal segments is known. Among the Lou the Gun primary section number about 22,000 and the Mor primary section about 12,000; among the Gaawar the Radh primary section number about 10,000 and the Bar primary section about 10,000; and among the Lak tribe the Kwacbur primary section number about 12,000 and the Jenyang primary section number about 12,000.

It will be remarked that the tribes of Western Nuerland are generally smaller than those on the Zeraf, and those on the Zeraf smaller than those on the Sobat. Tribes tend to be larger the farther eastwards one proceeds. Their territories also tend to be more extensive. It may be suggested that the larger population of the Eastern Nuer tribes is due to the integrating effects of conquest and settlement and to the absorption of large numbers of Dinka which resulted therefrom, but we do not think that such explanations

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619 account for their maintaining a semblance of tribal unity over
161 such large areas in the absence of any central government. It is
361 evident that the size of tribal populations is directly related to the amount of high land available for wet season occupation, and also to its disposition, for tribes like the Lou and Eastern Gaajok and Gaajak can have a concentration of homesteads and villages on wide stretches of elevated land, which is not possible for the smaller tribes of Western Nuerland, whose only building sites are small and sparsely
619 distributed ridges. But we hold that this fact in itself would not
361 determine the lines of political cleavage, which can only be understood by taking into consideration also the relation between village sites and dry season water-supplies, pasturage, and fishing. We have noted earlier how tribal sections move from their villages to dry season pastures, each having spatial distinction in the rains which is maintained in the drought, but whereas in Western Nuerland there is always plenty of water, grazing, and fishing, generally not far from the villages, and it is possible for wet season village communities, isolated by inundated tracts in the rains, to maintain their isolation and independence in dry season camps, in the larger tribes of Eastern Nuerland, such as the Lou, drier conditions compel greater concentration and wider seasonal movements, with the result that village communities not only have a greater spatial, and we may say also moral, density in the drought than in the rains, but have to mix with one another and share water and pastures and fishing. Distinct villages are found side by side around a pool. Moreover, people of one section have to cross the territories of other sections to reach their camps, which may be situated near the villages of yet another section. Families and joint families often camp with kinsmen and affines who belong to other villages than their own, and it is a common practice to keep cattle in two or more parts of the country to avoid total loss from rinderpest, which is a dry season pestilence. It is understandable, therefore, that local communities which, though they are isolated in the rains, are forced in the drought into relations that necessitate some sense of community and the admission of certain common interests and obligations, should be contained in a common tribal structure. The severer the dry season conditions the greater the need for some measure of contact and therefore of forbearance and recognition of interdependence. The Zeraf tribes move less than the Sobat tribes and more than the Western Nuer tribes, the Gaawar moving more than the Thiang and Lak. We may again point out that on the whole where there is plenty of elevated country which permits concentration in the rains there is likewise the greater need for large concentrations in the dry

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season, since water, fishing, and pasture are found away from these elevated areas.

These facts seem to explain to some extent the political preponderance of pastoral peoples in East Africa. There may be wide dispersal of communities and low density of population, but there is seasonal contraction and wide interdependence. The variation in their circuits of transhumance also helps us to understand the variation in the size of Nuer tribes. It may be noted that, though the size and cohesion of tribes vary in different parts of Nuerland, nowhere do environmental conditions permit complete autonomy and exclusiveness of small village groups, such as we find among the Anuak, or such high density of population and such developed political institutions such as we find among the Shilluk.

Thus, on the one hand, environmental conditions and pastoral pursuits cause modes of distribution and concentration that provide the lines of political cleavage and are antagonistic to political cohesion and development; but, on the other hand, they necessitate extensive tribal areas within which there is a sense of community and a preparedness to co-operate.

Each tribe has a name which refers alike to its members and to their country (*rol*), e.g. Leek, Gaawar, Lou, Lak, &c. (see map on p. 8). Each has its particular territory and owns and defends its own building sites, grazing, water-supplies, and fishing-pools. Not only do large rivers or wide stretches of uninhabited country generally divide adjacent sections of contiguous tribes, but these sections tend to move in different directions in the drought. Conditions are doubtless changing in this respect, but we may cite as examples how the Gaawar tribe tend to move eastwards towards the Zeraf and not to come into contact with the Gun primary section of the Lou tribe, who cluster around their inland lakes or move to the Sobat and Pibor; how the Mor tribal section of the Lou move to the Nyanding and Upper Pibor in the direction of the Gaajok, who do not coalesce with them but move to the upper reaches of the Sobat and the lower reaches of the Pibor; and how the Western Jikany move towards the marshes of the Nile, while the Leek move northwest to the junction of the Bahr el Ghazal with its streams and lagoons. 619

Tribesmen have a common sentiment towards their country and hence towards their fellow tribesmen. This sentiment is evident in the pride with which they speak of their tribe as the

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PLATE XIX

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a. Cattle camp (Leek)

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b. Typical swampy depression in November (Western Jikany)

[Face p. 176]

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

621 in a war line (*dep*) singing their special war chant, and they remain together during the dancing lest some incident should lead to fighting, for it sometimes happens that when the dancing parties of different villages duel their play passes into fighting. Villagers also have close economic relations and common economic interests which make a village a corporation owning its cultivations, water-supplies, fishing-pools, and grazing grounds; the ownership being spoken about in terms of the lineage with which the village is socially identified. There is, especially in the smaller villages, much co-operation in labour and much sharing of food. At the beginning of the drought the villagers may scatter to camp round different pools in the bush and some families, and even large aggregates of relatives, may spend the dry season with kinsmen of different villages, but the scattering is temporary. As a rule, families which live in the same village in the rains share the same cattle camp (*wec*) at the height of the drought.

Nevertheless, in spite of their many contacts with one another and of their concerted action in their relations with other villages, there may be rivalries between members of different parts of a single village. This is more noticeable in the larger villages, where groups of kin occupy distinct sections of the village site and have a feeling of exclusiveness towards each other. '*Wa pekda*', 'I go to my end (of the village)', often indicates, besides direction, a sectional loyalty.

•361 Nuer villages, called after the names of their sites, vary in size and form, both of which depend largely on local conditions. Some are small communities of not more than a few families living on riverside mounds, accumulations of debris which have been dwelling places for long periods. They may be regarded as colonies attached to larger communities. Larger villages, of some hundreds of souls, are generally strung out along the backs of ridges, but where there is a wide stretch of high ground a village may be distributed in all directions over several miles of country.

Indeed, it is a characteristic of all Nuer villages, to which Jules Poncet alludes,* that they are spread out as freely as the nature of the ground permits in little groups of habitations, each separated generally from its neighbours by some fifty to several hundred paces. A group of this kind often consists of a single homestead, a cattle byre with its attendant hut or huts, the dwelling of a family.

* Jules Poncet, *Le Fleuve Blanc*, 1863–4, p. 40.

2:Evans-Pritchard E-5 (1931,1936) 1951
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KINSHIP AND THE LOCAL COMMUNITY

361 The Nuer speak of a man's homestead as his *gol*, the primary meaning of which word is the heap of smouldering cattle-dung in the centre of a byre and the hearth around it. In its narrowest social use the word means family, the occupants of the homestead, and it may also therefore have the further sense of household, since there may be other persons living there than members of the owner's family who count nevertheless, as we would say, as members of the family. Frequently the byres and huts of two or three families, the heads of which are commonly brothers or a man and his married sons, are grouped around a common kraal so that we may then speak of a composite homestead; or several homesteads, owned generally by close kin, are adjacent to one another and form distinct clusters which we may call hamlets. Nuer speak of a composite homestead as the *gol* of so-and-so, naming its senior member, although they also refer to each of its component homesteads as the *gol* of its particular owner. They may use the same word to describe what I have called a hamlet, though a cluster of this kind with the land around it is also designated by the word *dhor*, combined with the name either of its senior member, as *dhor* Nyang, the hamlet of Nyang, or of some natural feature, as *dhor ngop*, the hamlet of the wild fig-tree. In its widest connotation *gol* may have the sense of 'lineage', when a lineage is thought of as a residential group. The word *cieng*, which has the general sense of 'home', may be employed to describe a residential group of any size, from single homestead to large tribal division. It is usually coupled with the name of a lineage when it refers to local groups of any size.

When Nuer leave their villages in the dry season they collect, often after temporary dispersal, in large waterside camps. There is then greater solidarity, both spatial and moral, than in the rains. The community of a camp is crowded together in grass windscreens and little grass beehive huts, and the herds which in the rains are tethered in separate kraals are now tethered in the same [233] kraal or in adjacent kraals. In the rains, when water is abundant and pasturage near at hand, the cattle are either not herded at all or each family, or a group of adjacent families, herds its own; but in the dry season, when conditions are different, the cattle of a camp are watered and pastured together and the different families 221 take it in turn to provide herdsmen. Activities performed of necessity or by preference in parties—hunting, fishing, and collecting—

2:Evans-Pritchard E-5 (1931, 1936) 1951
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are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alinements are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

All the members of such a village or camp as I have briefly described are kin. Before giving examples in illustration of this statement I must say again what I have already said in *The Nuer* about the difference between lineage relations and kin relations because it is a very important difference. In speaking of lineages I refer to unilateral groups of kin—among the Nuer groups of

2:Evans-Pritchard E-5 (1931,1936) 1951
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000 inter-relations of collateral lineages because they do not here directly concern us.

III

621 Having made what preliminary explanations seemed to be
602 necessary, I record some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *mar*, kin, to one another: any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind —real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

[101] The village of Konye is on a site on the left bank of the Pibor
361 and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and attached homesteads was eighty to a hundred souls. I spent only a
124 few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

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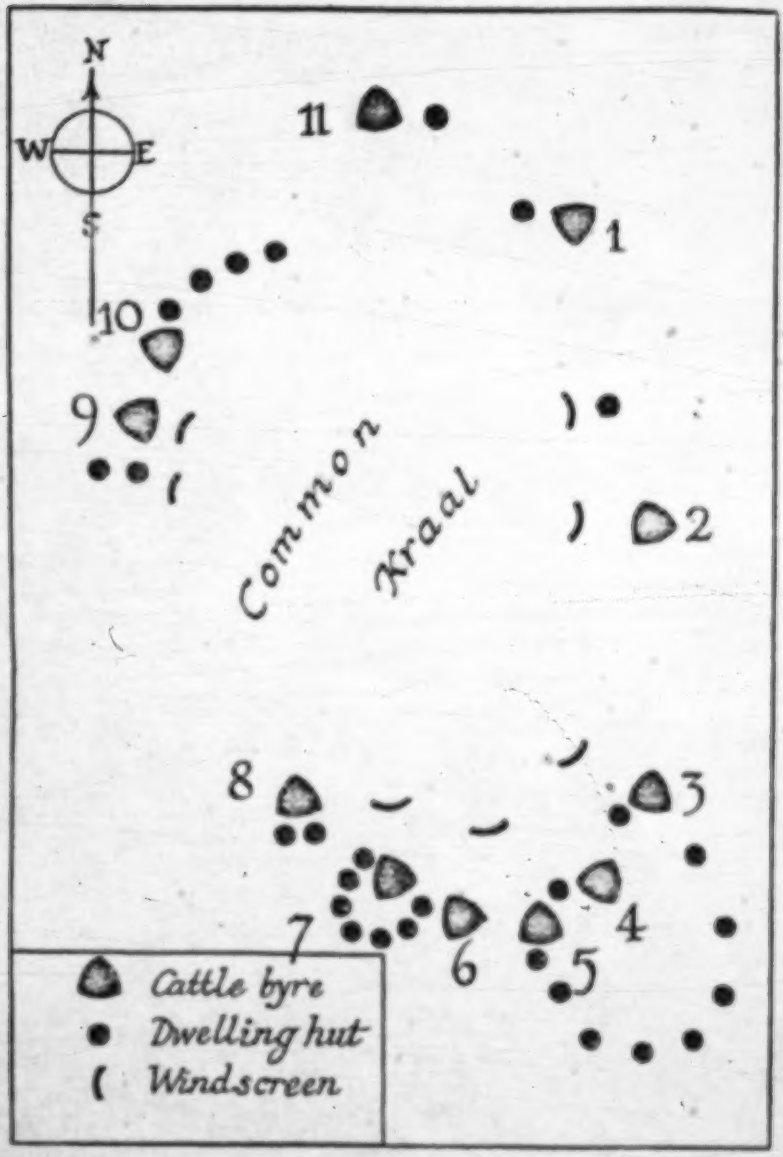

Sketch-map of Konye Village

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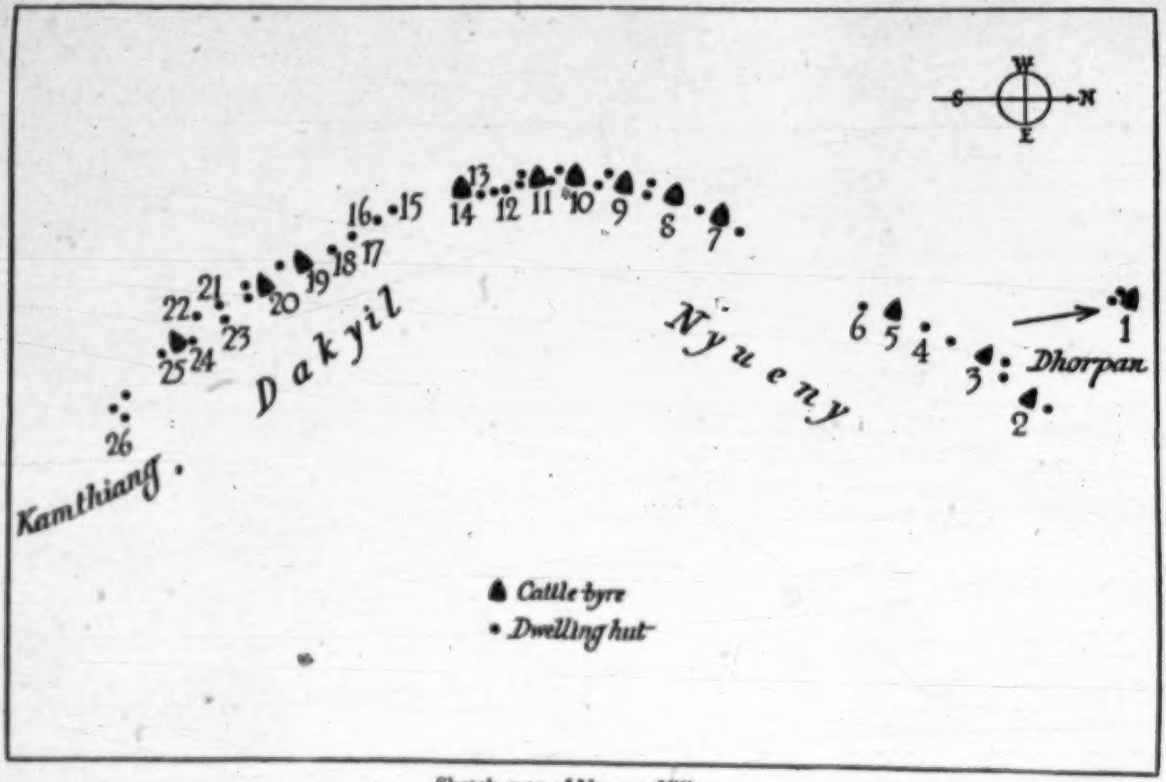

Sketch-map of Nyueny Village

361.

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is illustrated at Nyueny by the daughters of Jany. The widows may take lovers in the village, or they may take them from a different village and their lovers come to live with them. This custom is another feature of interest, for some ties between members of a village may be through widow-concubines, or even through unmarried concubines. Any such ties are *mar*, kinship. 621 602

Allowing for the fact I have mentioned, that when people live together as members of the same small local community female links are often given equivalence to male links in a genealogy, a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system. Seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant. 621 602 613

I now examine the kinship texture of a cattle camp at which I resided for close on three months in 1931. Yakwac is a small mound on the left bank of the Sobat. Like Nyueny, it is on the periphery of Nuerland where the Lou tribe faces the small Balak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers. [101] 361

Yakwac village consists—I speak of 1931—of only three byres and a few attached huts. The chief man of the village is Cam-Carau, who owns one of the byres, the other two being owned by Bithou, his brother, and Kirkir, a kinsman of his mother. The real 'bull' of the village is, however, Cam's mother, Nyagen, and the 621 602

[cf. cat. 116, p. (16) -- Analyst]

2:Evans-Pritchard E-5 (1931, 1936) 1951
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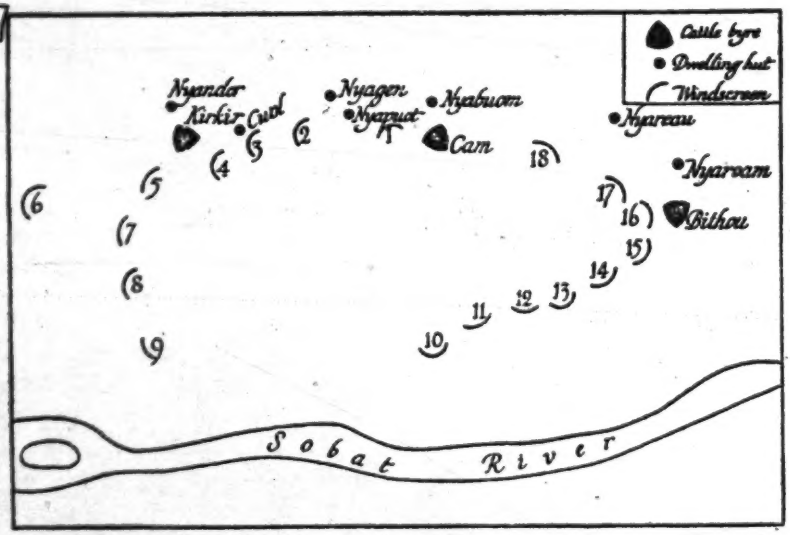
621 village is often spoken of as *cieng* Nyagen. She has what amounts
602 to the honorary status of a man, not only on account of her age and kinship status, but also, and principally, because she is a Lou
[565] aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's

[361]



Sketch-map of Yakwac Cattle Camp

cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Pual, the community (of the descendants) of Puol, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyerol district. This minor lineage has four branches—the minimal lineages of Diel, Malual, Kwoth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

6: Evans-Pritchard E-5 (1931, 1936)1938
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133 Bahr el Jebel, separated from the river by narrow stretches of papyrus (from river), and they often run parallel to the course of the river.

161 From the deck of a steamer passing down the Bahr el Jebel there is no sign of human occupation and a traveller might judge the country to be without inhabitants. But inland ridges support a [361] large population. These ridges are, as a rule, widely separated and one treks often enough ten to fifteen miles between one village and the next. In places there are broader belts of high ground covered 133 by thick thornwood forest, as in parts of Rengyan country, or wide 137 sandy ridges covered with scrub and palms (*doleib* and *dom*), as in parts of Dok and Rengyan countries. Those used to the bare monotony of Nuerland will be surprised to meet for the first time these sandy stretches which, with the classic beauty of the *dom* palms that surmount them, seem out of place in savannah plains. In the extreme south, in Nyuong country, which I have not visited, the clay runs into the ironstone belt and savannah gives way to savannah forest in which *Anoglissus Leocarpus* predominates. In the north of Western Nuerland, to the north of the Bahr el Ghazal, in Lek and Bul countries, a maze of watercourses and lagoons running in all directions impede progress for the first few miles inland from the river. Then an open treeless plain extends to the borders of Kordofan. Bul country on the lower reaches of the Bahr el Arab is said to be for the greater part under water in the rainy season, though ridges of sand and forest occur on its northern and western limits.

Most of Western Nuerland is under water in the rains and the Bahr el Jebel and the Bahr el Ghazal are practically united by surface water on the intervening plain. Nevertheless the Western Nuer are probably better favoured for village sites than the Eastern Nuer.

I entered Western Nuerland at Adok on October 1st, 1936. This year was drier than usual but in a seventeen days tour round the country we walked almost the whole time in several inches of water and were often up to our armpits when crossing depressions which are constantly met on the route. How laborious such trekking is can

6: Evans-Pritchard E-5 (1931, 1936)1938
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823 104 *tap*. A big open river is generally called *kir e.g.* the Bahr el Jebel and the Sobat but a river may have its proper name, *e.g.* the Bahr el Ghazal is called Naam. Smaller rivers or streams are denoted by the word *yir*. A marshy depression inland is called *wang* and a big lagoon running out of one of one of the main rivers is called *bar*. A marshy depression running parallel to a river bank is called *tor*. *Toc* are extensive swamps which form the flood plains of rivers.

VIII

311 From my description of their country it will be seen that the Nuer are faced with problems which daunt men better equipped than them. For they are so poor that they have little but their courage and their knowledge to master a harsh environment. Nuer have to consider how to protect and pasture their cattle and also how to grow maize and millet, for they practise both cattle husbandry and hoe-culture and have to take the requirements of both into account. As gardeners their difficulties only arise in the rains for in the dry season nothing will grow in the waterless wastes. As herdsmen there are problems to be solved at all seasons. Gardening will be described later. Here we may consider how Nuer ensure the welfare of their herds by adapting their life to the seasons.

233 361 243 Excess or insufficiency of water is their first problem. It is essential that men and cattle should be protected from the water which covers most of the country in the rains. Cattle get diseases of the hooves and die if they have to stand in water. Protection is given to man and beast by building huts and byres on higher ground. In selecting a village site two considerations must be borne in mind. Firstly there must be a sloping ridge off which rain-water can run to the plain below and this ridge must be broad enough to allow huts and byres to be built and for the cattle to be tethered in the kraals outside the byres. Preferably it should also be broad and long enough to allow the flocks and herds to pasture without having to descend into the inundated plains to graze among the tall rank grasses. Secondly there must be land on one side of the ridge suitable for cultivations, *i.e.*, land which will retain sufficient water for the millet to grow

6: Evans-Pritchard E-5 (1931, 1936)1938
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but not enough to drown it altogether. The ideal arrangement, which I have often observed among the Western Nuer, is to build on the edge of a whale-backed ridge with the huts and byres facing the broad back of the ridge. This ensures that the cattle will have dry kraals and also permits them to graze on the short grasses of the ridge. At the back of the huts and byres on slightly lower ground are the gardens. These must be on lower ground because the ridge itself is usually sandy and, where occupied, has a hard trodden floor of ashes and debris and is therefore unsuitable for cultivation of millet. They must also be at the back of the huts and byres so that the cattle can move freely to and from their kraals without invading the standing millet. To prevent this happening people erect a thornwood fence between the kraals and the gardens and extend it along both sides of the kraal, so that only the side opening on to the ridge is left unfenced. In Western Nuerland I have seen low mud dykes erected between the flooded plain and the approach to the ridge. These are to prevent the water encroaching too far in years of high flood. 233 361 243 [312]

I have sometimes wondered why Nuer so often build their villages on shadeless ridges in the middle of a treeless plain when it would be possible to build in some of the stretches of thornwood or palm forest that one finds here and there in their country. I have often noticed villages built in the open when shady spots are to be found a few hundred yards away. But Nuer can give good reasons for keeping to their dreary sites exposed to the fierce tropical sun and the bitter north wind. In the open their animals are safer from wild beasts; they are less worried by insect pests, and their kraals soon dry after rain. It would appear also that thornwood forest is less suitable for cultivation of millet than more open country. Nevertheless Nuer sometimes build in open forest. I have seen forest villages in parts of Lou and Eastern Gaajok country. The Eastern Gaajok villages, which I have not visited, are mainly in forest country.

Most of these ridges and knolls have probably been occupied for a very long period of time, perhaps long before the Nuer lived in their present home. In digging graves Nuer have found pots and cooking 361 172

6: Evans-Pritchard E-5 (1931, 1936)1938
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361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342 *ieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
233] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
602 However, ownership is mainly a matter of sentiment, based on long association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyuoc*, or high river-flood, their ridges remain dry

6: Evans-Pritchard E-5 (1931, 1936)1938
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[233]

West, they are often made by streams for fishing. When the second harvest is reaped the cattle are brought back to the village to eat the millet stalks, if the camps are near. As pools dry up, or pasturage is exhausted, or the fishing becomes poor, the young men make new camps and several intermediate camps may be made before they move to their large annual camping grounds at the side of lakes or marshes or on river banks. The early camps are often small, being manned by a few kinsmen but tend to get larger as the season continues and water becomes scarcer. The final camps may contain several hundred persons. By the middle of January the villages in the Lou country are deserted but in areas more favoured with water supplies, for example in Lek country, some of the older people may still be in the villages in the middle of February.

The Lou people stay inland as long as they can and in a wet year may remain inland throughout the dry season. They fall back on the deeper pools, some large enough to be called lakes, which hold up the water in a stream or depression, *e.g.*, at Muöt töt, Muot dit, Fading, Fadoi, Gwonggwong, Yollei, Tepjor and Nyerol. These pools supply them with abundant fish. If forced to leave them the Gun major tribal section moves north to the Sobat and south-west to the flooded plain of the Bahr el Zeraf in the country of the Twic Dinka (*toc Twini*) and the Mor major tribal section moves northeast to the Nyanding river or East to the Geni and Pibor rivers.

[721] In the old days fighting frequently occurred if the Lou moved to these camping sites because the banks of the Sobat belonged to the Balak people, while occupation of the Geni and Pibor brought them into contact with the Beir and Anuak peoples, and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding river do not belong to the Lou for the Gaajok have their villages along it and have fishing rights in its pools.

The Madjok villagers with whom I camped for several months at Yakwac in 1931 had moved to Pul Telä for an intermediate camp early in December and had reached Yakwac about the middle of

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January. They remained at Yakwac till the beginning of June when they moved back to their village. As the Nuer put it "They started to move in the month of *Tiop indit* and remained *dar* (in between village and river) in the *muth* (second half) of *Tiop indit*, the whole of the month of *Tiop intot* and the *bor* (first half) of the month of *Pet*. In the first half of *Pet* they arrived at the river and remained there till the first half of the month of *Kornyuot*."

The Eastern Jikany have not the same need to move as have the Lou. Nevertheless, all the Gaajok, Gaajak, and Gaagwang tribal sections fall back on rivers before the dry season is far advanced. The three primary tribal sections of the Gaajok move as follows: The Laang concentrate on the Sobat, the Wangkeac move south-east to the banks of the Pibor and Gila, and the Yol either camp southwards near the junction of the Wokau and the Sobat or northwards along the edges of the Macar swamp. The Gaajak primary tribal sections move as follows: The northern Thiang sections (Kang and Luony) go north to the Daga river, the southern Thiang sections (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei rivers. The Gaajak camping grounds are mainly in Abyssinian territory.

I do not know anything of the seasonal movements of the Lak, Gaawär, and Thiang tribes beyond the fact that they fall back on the Bahr el Jebel and the Bahr el Zeraf and on streams flowing into these two rivers.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual people mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac streams. All these streams join the Bahr el Ghazal. The Dok camp near pools in the bed of the Waard stream. Without attempting to give full details, which indeed I could not furnish, about other dry season encampments among the Western Nuer it may be said that the people of this part of Nuerland do not travel in the dry season on the same scale as the Eastern Nuer, especially the Lou. Some of their earlier camps are made a few hundred yards from the

6: Evans-Pritchard E-5 (1931, 1936)1938
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villages. In 1936 the people of Puic had formed two camps on the Gany stream which could be seen from the village and were so near that the girls came to the camps twice a day from the village to milk the cattle.

The western Jikany move to the Jikany marshes (*toc Jikany*) at the edge of the Bahr el Ghazal. These flood plains of rivers are the most favoured camping sites because, as the swamps slowly dry up, they provide succulent pasturage for the cattle and there is always sufficient water in their deep depressions. In Lou country there are no big stretches of *toc* such as one finds in the flood plains of the Bahr el Ghazal, the Gila River, the Bahr el Zeraf, and in the Macar swamps.

A village tends to move about the same time and to visit the same pastures each year though time and place are determined to some extent by variations of rainfall and river flooding.

The population of camps varies from about 20 to 100 in the smaller intermediate camps, up to several hundred at the larger camps. That is an approximate estimate based on a limited number of bare observations.

Most of the Nuer are in their big dry season camps by February and remain there till May when the married men and women return to the wet season villages to clear the cultivations and to erect fences and to repair huts and byres. If there is then a temporary drought they may return to the camps. The young men and girls follow with the cattle in May or June according as the rains are early or late. The young men encamped at Yakwac in 1930 left early in June for their inland village of Majok. Those encamped at Konye had left for Fadoi shortly before I visited the village on May 15th in 1935. The young men break up camp as soon as their elders who have preceded them to the village send back a messenger to tell them that the rains have fallen heavily in the interior and that sowing has commenced. Instead of the leisurely journey from villages to the big dry season camps, which may take some six weeks, the journey back to the villages in completed as quickly as possible and takes one or two days according to the distance.

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The word *ghuth* is used to describe these movements. It does not denote a mere journey but implies a change of residence and the movement of cattle and household goods. It is used alike of men who drive the cattle from village to camp, from camp to camp, and from camp to village. It is also used of women who move separately, carrying their milk vessels and other possessions in baskets, for "*kwak cereka ghok*" "Household goods are like cattle." Of the movement from villages to camps one says "*Ce nath ghuth wicni,*" "the people have moved into camp" and of the movement from camps back to villages one says "*Ce nath ghuth ciäng,*" "the people have moved to the villages." 361 221

The Nuer pastoral year may therefore be divided into two main periods, the six wet season months, from June to December, when the people live in their villages, and the six dry season months, from December to June, when they live in camps. The dry season half of the year may be further divided into the earlier part when people are burning the grasses and living in intermediate small camps for a few weeks, and the latter part when they live for several months in large camps near lakes or wells or on the banks of rivers.

IX.

Inland, especially in Lou country, it is usually necessary to dig wells at the height of the dry season. Twenty years ago this was probably more general than it is today, because, as already explained, the main rivers and marshes lay outside Lou territory. Wells are sometimes dug also in Eastern Jikany country. 312

As the Sobat falls it drains the streams that intersect Lou country and, before long, their water is reduced to occasional pools where the beds are deepest. In the smaller streams these soon dry up and wells are excavated. Capt. H. H. Wilson first drew attention to these wells at Muöt töt (*Amwot el Sogheir*) in 1902 and wrote of them: "Dug on the sandy banks of the *khor*, their depth varied from 20 to 30 feet, with a diameter of about 2 feet 6 inches. Owing to the solidarity of the ground, the walls of the well stood without much

6: Evans-Pritchard E-5 (1931, 1936)1938
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Everyone wakes before sunrise and satisfies the needs of nature. 512
For about three quarters of an hour after sunrise men sit by their hearths protected by windscreens and women outside their beehive grass huts chatting, smoking and gazing at the cattle which lie, still sleeping, many with their muzzles tucked into their barrels, and chew the cud. Being close together they rub their bodies against one another and lick each other. They present a medley of colour: fawn, grey, mouse, black, brown, blue and chestnut-roan, with many variations of shade and distribution.

The huts and windscreens are generally erected in a semi-circle 361
with their backs to the prevailing wind, though they sometimes form an almost complete circle and at other times are arranged in lines. Windscreens are of simple construction. A narrow trench 343
is dug for three quarters of a circle and handfuls of grass are planted, root downwards into the trench. Each handful is beaten tightly against the last one so that a solid screen of grass is formed. The grasses generally used for this purpose are *dut in lum*, a tall coarse riverside grass called *wath* (*Sorghum lanceolatum Stapf.*) and *war* (*Vetiveria nigritiana Stapf*). Where camps are made near villages millet stalks are sometimes used instead of grass. All these grasses are tall and sturdy and they bend to the wind and do not break. Men sleep in the shelter of these screens on the hearths which occupy the whole of the enclosed space. Here the fire is never allowed to go out, and from day to day the height of the hearth is slowly raised by accumulation of ashes. Women make huts in the same way as 342
men make windscreens but they bend the tops of the grasses so that they meet. They are then tied together and the sides are plastered with cattle dung. Within these flimsy shelters which contrast with the massive byres and well-built huts of their wet season villages Nuer spend about half the year. Sometimes, as at Yakwac, a camp is made in a wet season village belonging to kinsmen at the edge of a river. Then the men desert their windscreens at midday for the [512
cool interiors of the byres and the women sleep at night in the village 513]
huts instead of erecting special grass huts. But even when, as in
certain parts of Nuerland where there is no great deficiency of water 361

•361 or dearth of pasturage, the people remain on their village sites or move only a short distance from them, they insist on making a camp nearby, for such is the ancient dry-season custom.

342 The windscreen (*geau*) does not seem to be used in Western Nuerland. In the camps I have seen there both sexes live in grass huts plastered with dung, the huts of married couples being rather larger than those occupied by youths or girls. The huts appear also to be more carefully constructed than in Eastern Nuerland. In
343 Nuer camps one sometimes sees a rough shelter (*geau deeni*) constructed of branches with grass, often the riverside *buor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

234 Before and during milking youths display themselves in company
883 with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *rau* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 Milking starts between 6-30 and 7-00. If the morning is misty
462 it may be delayed till slightly later. As men are forbidden to milk

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131 [161] 32,000 square miles and, as it has a population of about 350,000, it will be seen that the density of population is low. Some areas are, however, more densely populated than others.

361 During the rainy season, roughly from May until November but varying from year to year, the people occupy higher ground which is better drained and comparatively free from flood. This higher ground, where they build their permanent villages and cattle-byres and have their cultivations, is limited and widely distributed. In some areas it is concentrated in a series of narrow ridges, usually running parallel to the main channels of the rivers, in others dispersed in a series of isolated outcrops. Such natural features have their effects on the size of communities, on communications and therefore social contacts, and, as a result, on political and social structure, producing local variations of detail which make generalizations difficult.

133 137 Surrounding the higher ground are the vast areas of open grass plain with thickets of acacia bush,[1] intersected by a network of grass-choked watercourses and the main rivers whose flood-plains produce different ecological conditions and different associations of grass types. Each of these regions has its function in the seasonal activities, which largely concern animal husbandry, but in which crop production, the collection of natural vegetation, and fishing play an important part. It must be emphasized here that the Nuer economy is still essentially at subsistence level and that there is no specialization or organized trade.

I do not propose to enlarge here on the subject of grass associations and pasture utilization. It is worth noting, however, that apart from soil, temperature, and length of day, one of the most important factors in the determination of grass types is the depth and period of immersion during the rainy season. On the higher ground, where the Nuer build their permanent villages, comparatively flood-free conditions produce a mixture of perennial and a few annual grasses which are fully grazed when the cattle are unable to move farther afield. Below this level are the vast 'intermediate' plains, subject to accumulations of rainfall and overflow from the drainage channels, where the grasses are predominantly perennials (*Setaria spp.*, *Hyparrhenia rufa*, &c.). These grasses are unpalatable and virtually useless except as bulk when in a dry and mature condition. So long as moisture is retained in the soil, however, they produce a green regrowth which provides valuable pasture, but in most areas the moisture is gone by the end of January, sometimes earlier. At this point, the cattle must be driven on to the riverain marshes, which, subject to deeper and longer inundation from the rivers and watercourses as well as from rain-flood, produce other types of perennial grasses (*Vossia cuspidata*, *Echinochloa pyramidalis*, *Oryza spp.*, &c.). These grasses are of variable value during the dry season, but generally speaking provide green nutritive grazing

[1] Mainly *Acacia seyal* Del., *Acacia fistula* Schwfth., *Balanites aegyptiaca* Del., &c.

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133 for better fishing which the rivers provide. It is also possible, and
this is a Nuer contention, that the watercourses which flow through
166 Lou country are becoming clogged with silt and vegetation, with the result that water-points dry out earlier in the year though grazing may be improved.

Eastern Nuer District, which lies north of the Sobat up to the borders of Ethiopia, is flanked in the west by the vast Machar swamps, a region which might provide plentiful grazing. In fact, the people prefer to descend to the upper reaches of the Sobat and Baro rivers, where there is not only adequate pasture for their herds, but also exceptionally good fishing and an opportunity to raise a rich crop of maize on the fertile silt left by the flood water.

103 This whole area, the Zeraf Valley, Lou, and Jikany Dhor, is often
referred to generally as 'Eastern Nuer' in contrast to 'Western Nuer', the
101 region west of the Nile. The latter area is known to the Nuer who live east of it simply as *kwi Kir*, 'over the Nile', but it is known that it is the original homeland of all the Nuer and is sometimes referred to as *cieng Naadh*, 'Nuer homeland', as opposed to *dhor*, 'the outside'. This distinction between eastern and western Nuer is only valid in so far as those east of the Nile are all colonizers, for though there are minor cultural differences between western Nuer and the Zeraf tribes, these do not seem to me to be any greater than are those between the latter and the Lou or the Jikany (Dhor). In speaking of the 'Eastern Nuer' therefore, I refer specifically to those people (i.e. the Jikany Dhor) who live in Eastern Nuer District, an administrative classification, and not to all Nuer east of the Nile.

131 Western Nuer District is divided geographically and to some extent
demographically into two distinct parts. There is first the area lying
●361 north of the Bahr el Ghazal and partly west of it, and secondly the region south of that river. The difference in terrain is not very great, but whereas the people who live in the north rely on the Bahr el Ghazal itself or the rivers which flow into it, those in the south rely almost entirely on the pastures provided by the natural and seasonal irrigation of the Bahr el Jebel or by the flood waters of rivers coming in from the south-west. In the southern area are the Nuong and Dur, Dok and Aak' and Jagei. These tribes, whose permanent settlements and cultivations are on a ridge of sandy ground which runs parallel to the Bahr el Jebel, graze their cattle in the dry season along the edges of that river or along inland water systems referred to as the Bilnyang system. This system is partly dependent on spill water from the Nile and partly on water derived from a different catchment area. Hence in years when the Nile provides inadequate grazing or is inaccessible owing to heavy flooding, the Bilnyang system gives an alternative. North of these tribes are the Jikany Cieng whose country lies in the triangle formed by the intersection of the Bahr

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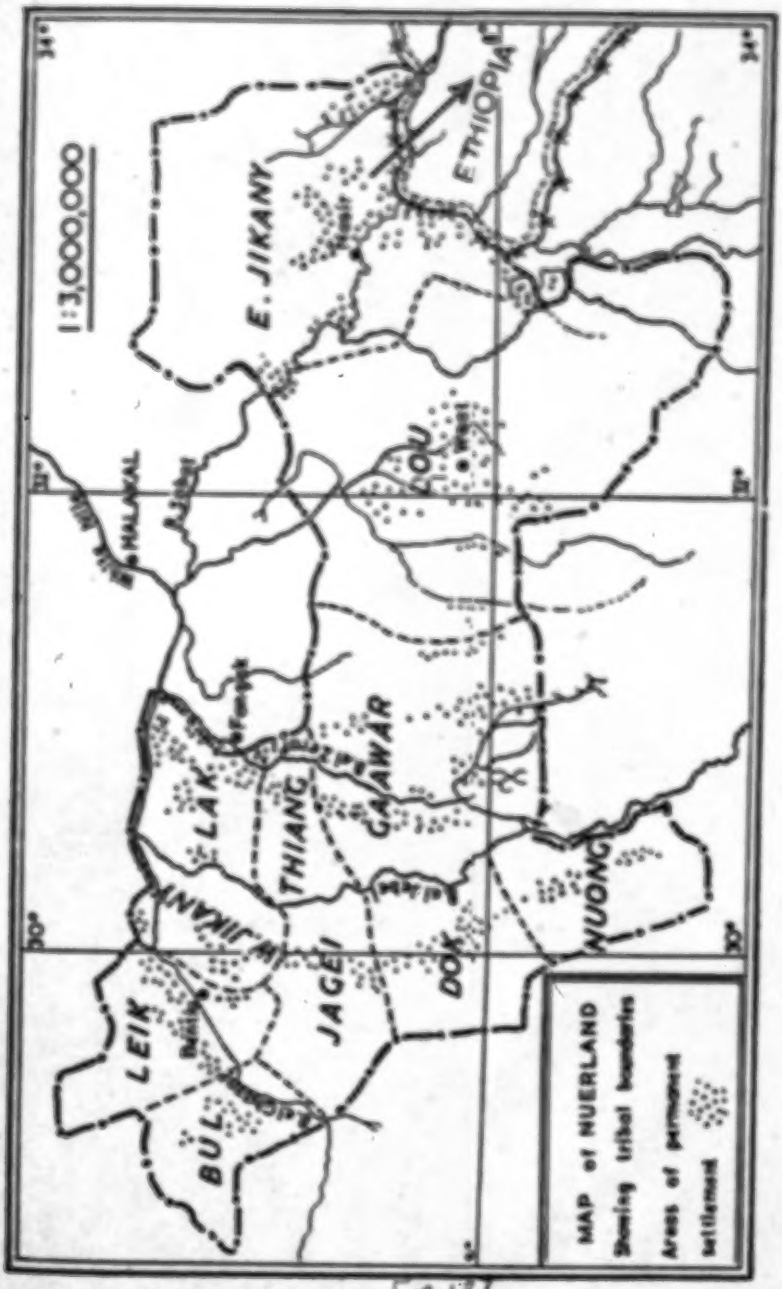

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[p. 13]

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131 el Jebel and the Bahr el Ghazal. The Leik and Bul tribes are nearly
●361 all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

361 All Nuer are compelled to migrate during the dry season and to
166 set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'intermediate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the *toic*. The distances covered in these seasonal migrations vary considerably. Many of the Lak and Thiang Nuer, for example, move only a few miles from their permanent homes, while many of the Gaawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and
[24-1] economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

361 The distribution of population in Nuerland is determined by the
621 physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

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a greater or lesser extent isolated at certain times of the year. Such periodic isolation is one of the factors which tend to emphasize the distinction between social groups and strengthen the ties within them, for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

Climatic conditions adverse to the cultivation of millet coupled with widespread cattle disease (rinderpest, contagious bovine pleuro-pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

Small quantities of maize are planted in the early rains and the crop matures, if they are lucky, about the end of July, providing temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

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Kerfeil and those linked with them by permanent association. Within it each collateral branch of the main clan has definite rights to a certain part, usually specified by reference to villages on higher ground, and elsewhere to pools which provide water and fish and to the pastures which surround them. *Rol* (or *dhor*) is relative like the word *cieng*, which has much the same meaning on a smaller scale.[1]

I must emphasize again that land to the Nuer must include all types, for their subsistence economy is maintained by the balanced and seasonal utilization of all three, but it may be as well to examine separately and in more detail the types of land used for crop production and animal husbandry and the rights in water-points and fisheries which go with them.

Arable Land

From the legal point of view the problem of rights in arable land is not a complicated one among the Nuer, and there is virtually no litigation concerning either individual or collective claims. The reasons are not far to seek. During the cultivation season the Nuer occupy the high ground which is free from river floods or swamping by heavy rain. Such high ground is limited when compared to the total area occupied by Nuer tribes, but there is generally more than enough available. An intricate and complex system of rights in land cannot be necessary unless there is scarcity, and this is not usually the case. Nuer like to have their gardens close to their dwellings, so that they can protect them against wild animals and straying cattle. They do not usually fence their fields, particularly in those areas where wood and thorn are not easily available.[2] The Nuer village, moreover, is not built on a concentrated pattern, and each homestead is separated from its neighbours by a considerable distance ranging from about a hundred yards to over a mile. The Nuer ideal is to live in the bosom of his own immediate family as isolated as possible from his neighbours and free from tiresome intrusions. This individualistic outlook is, however, limited by a variety of considerations. In the clearing of land, in the heavier tasks of cultivation, and in harvesting, collective assistance, dependent on the mutual obligations of kinship and neighbourhood and the provision of beer and meat for workers, is necessary. A Nuer would not wish to live so far away from his neighbours that it would be impossible to take advantage of their help. Further, in the past at any rate, the need for defence and concentration against

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[1] For definition of the word *cieng*, see pp. 20–21.

[2] Fencing is used in some areas, particularly in the heavily forested regions of the Zeraf Valley, but usually only on newly cleared ground. The branches of trees cut are then used to make thorny enclosures, but these do not last for more than a year or two at most and there is rarely an attempt made to renew them. Fencing is employed particularly when new cultivations are cleared and sown before the homestead has been rebuilt close to them.

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attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mare*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

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and well beyond the limits of the reciprocal distribution of bridewealth cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

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interests. In most parts of Nuerland too the nature of the terrain—isolated outcrops of flood-free ground often widely separated—usually precludes the possibility of clashes between different settlements. Likewise when the rains cease the cattle are widely dispersed in small camps over the 'intermediate' plains. There is no shortage and no need for a clear demarcation of boundaries between the units of one community, or between different communities coming from different settlements. 423 233 361

As the dry season advances, when the 'intermediate' grasses become unpalatable and water supplies run short, concentration increases, and the small camps join together in larger ones in the *toic*. Cattle-camps with five or six thousand animals are not uncommon, and often there are many of such camps clustered along the banks of a river or water-course in one region. More careful regard for rights in these pastures and in the fisheries which go with them may be necessary if disputes are to be avoided. Yet there is usually plenty of grazing, though this varies according to prevailing climatic conditions. In one year the river may be low and the rains light, with the result that the Nuer must penetrate farther into the riverain marshes; in another, a high river level may limit their movements to the fringes. Both circumstances may result in shortages, and something between the two extremes is probably the ideal; but many Nuer tribes have alternative grazing grounds which are utilized in varying proportions according to the year. For example, the Dok and Jagei Nuer can use the marshes of the Bahr el Jebel in a year when that river is low and much of the flood-plain uncovered, or they can move to the pastures of the Bilnyang system, which are produced partly by water spilling from the main river, and partly by water draining from a different catchment area. Some Nuer tribes do not have these advantages; in some areas periodic plagues of biting flies or mosquitoes, whose incidence also obviously varies with different climatic conditions, prevent the full utilization of their summer grazing grounds. Generally speaking, there are rarely acute shortages, and even in the *toic* the boundaries between tribes or tribal segments need not be closely guarded.

In certain circumstances, however, such boundaries become essential, and their infringement may then cause disputes, which often result in violence and bloodshed. Sometimes there is an unusual shortage both of grazing grasses and water-points, and people who have normally tolerated the intrusion of outsiders less favourably provided than themselves, turn upon them and demand their withdrawal. Again, an epidemic of some contagious disease such as rinderpest or contagious bovine pleuro-pneumonia makes quarantine and segregation of the herds essential. Fear of the spread of disease compels the owners to guard their boundaries more closely. To bring contaminated cattle into an area recognized as the exclusive right of other segments, and 423 233 361 578

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423 233 361 578

where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

423 233 312

Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

423 226

Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

11:Evans-Pritchard E-5 (1931, 1936) 1945
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family, both legal and domestic, to demand a man's major allegiance at the 583
expense of the solidarity of the wider kinship group which provides a boy 602
with scope for his deepest interests and ambitions.

VIII

That these different forms of marriage and concubinage are of great 121
sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages.

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full 124
enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny.

Nyueny is a typical Nuer village. It consists of a number of huts and 361
byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest

11:Evans-Pritchard E-5 (1931, 1936) 1945
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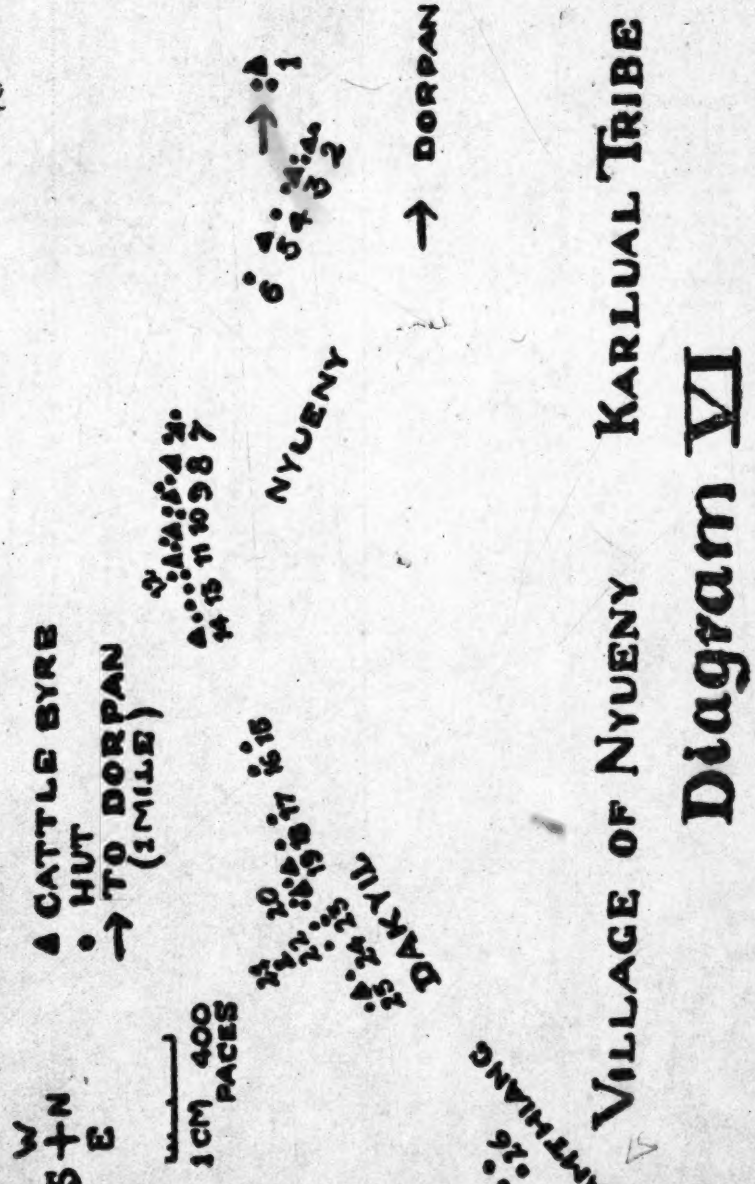

Diagram VI

11:Evans-Pritchard E-5 (1931, 1936) 1945
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Nyueny is one of the finest
ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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in the year. At about this time the younger men of the tribe take the cattle out of the villages while the older men and the women reap the harvest. When the harvest is completed they burn the grass around the various pools which they intend to make their dry season quarters. As these rain-water pools dry up, the various household groups and groups of households which have been quartered near them begin to concentrate around larger pools in river beds or near a river bed in which it is known that wells can be dug or along the banks of the Sobat itself. Here they spend the remainder of the dry season. The Sobat begins to rise again about May and further drainage ceases. In June the rains commence and a double process of irrigation occurs. The Sobat runs out along what, on a map, appear to be its tributaries, but are more accurately its channels of overflow, while at the source end of these streams the rains begin to collect and run towards the Sobat, so that the two waters, the outgoing river water and the incoming rain water, meet. As soon as the rains commence, part of the occupants of the dry season camps return to their villages to sow the crops and as soon as it is seen that the rains have set in for good, they are followed by the young men who drive the cattle as quickly as possible to the villages where they will spend the height of the wet season.

Year by year this ebb and flow from village to dry season camps and back again goes on, but, though it is repeated each year, the time of movement, the density of concentration around water supplies, and even the place of concentration, vary according to the severity of the season. Thus, the Lou will remain as long as possible around their area of permanent villages and will concentrate around large pools like Tepjor, Nyerol, Muot Dit, Muot Tot, Fading, rather than migrate to the Sobat, Nyanding and Geni rivers, and the Dinka marshes, though I think that they generally find their way to these localities before the dry season is over.

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A permanent village may consist of a group of huts and byres on an isolated *dabba*, but those I have seen generally comprise a slightly raised area of ground of a few hundred square yards dotted with strings of homesteads. A village may cover an area of several square miles without intermission of dwellings. I regret that I am not able to give any clear idea of the social distribution of these villages since I have only lived with the Nuer in their dry season camps save for a short stay at

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361 114 Pakur village (Lek tribe) on my introduction to Nuerland when I was quite unable to make any maps of social distribution upon which I have the slightest reliance. Under these circumstances I shall speak somewhat loosely of districts and villages, meaning by district an area occupied by secondary and tertiary tribal sections such as the Leng and the Nyajekany of the Lou tribe and the Minyaal and Thiur sections of Gaajok, and by villages I shall mean a part of a district which is well demarcated through the proximity of its homesteads and hamlets, each being more or less joined to its neighbours by cultivated grounds, and through the wide gaps which divide it from other similarly occupied parts of the district, gaps filled by forest, bush or swamp. The precision of these terms and the size of the group to which they refer are very variable. My ignorance of Nuer country, over which I was unable to travel more than a few miles, prevents me from presenting a map of such distributions. I speak, to make it clearer to those on the spot, of such places as Muot Dit, Kurmayom (Lou), Pakur (Lek), Panyam (Dok) as villages, but I am by no means certain that among the Western Nuer and in the eastern Jekany countries villages of this kind are so well defined by geographical isolation.

621 Those cattle camps which I have seen vary in size from a cluster of windscreens protecting some 80 persons to a number of clusters protecting some two to three thousand persons. What information I possess on this dry season distribution will be written up under the heading of Nuer kinship and at the present I only wish to notice that there is a greater degree of solidarity, spacial and moral, in the dry season when the inhabitants of a district are living around a single water supply and when dissentions are subdued than in the wet season when they are scattered in their different villages and when the pulse of life beats stronger, largely owing to increased food supplies which follow from harvesting, and quarrels are considered seasonable.

361 By hamlets I mean groups of homesteads which often enough form a separate cluster on a village plain and which are occupied by a man and his brothers and other persons united to them by marriage or other social links. I do not suggest that these hamlets are always very distinct. By homesteads I mean the dwellings of a single man and his wives and children and cattle. These consist of a single cattle byre and kraal and a number of sleeping and cooking huts grouped around it. It is often convenient to speak ~~of a~~ joint homestead to denote several homesteads,

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generally manned by a man and his brothers or married sons, with a common kraal or contiguous kraals. Up till the present I have refrained as far as possible from the use of Nuer words when referring to their political and territorial segments. Especially have I avoided the term *cieng* (*shieng*), which has been the source of much confusion. I will now speak briefly of these native terms and explain their meanings, as far as my knowlege of the Nuer language goes, in relation to the ethnological expressions I have employed in this essay. 361

The word *cieng* means "home." When you ask a Nuer where is his home, you ask him what is his *cieng*. Hence the word may have a large number of different meanings which vary with the situations in which it is spoken. If you meet an Englishman in Germany and you ask him where is his home, he will reply that his home is in England. If you meet him in London and ask him the same question he will tell you that his home is in Oxfordshire, whereas if you meet him in that county he will tell you the name of the town or village in which he lives. If you ask him where is his home in the town or village where he lives he will mention a particular street or house. So it is with the Nuer. If you meet a Nuer outside Nuerland he will tell you that he comes from *cieng Nath* (Nuerland, the home of the Nuer). If you meet him east of the Nile he may tell you that he comes from *Nath cieng* (the homeland Nuer, or the Nuer who live to the west of the Nile, in contrast to the *Nath doar* (Bush Nuer), or the Nuer to the east of the Nile). These are, however, particular uses of the word *cieng*, which usually refers to much smaller territorial units. I cannot recollect a Nuer speaking of his country (tribal area) as a *cieng*, though I see no reason why he should not do so. Normally he calls his country his *rol*. It is of the tribal sections that he uses the word *cieng*, and if you ask him where is his *cieng* he presumes you want to know the name of his village or district. Hence he tells you the name of the village where he lives, e.g., *cieng* Minyääl (Jekany) or *cieng* Dumien (Lou) or *cieng* Pakur (Lek), the villages of Minyääl or Dumien or Pakur, or he may mention under the same term larger districts such as *cieng* Leng or *cieng* Wangkeac, the districts of Leng and Wangkeac. In different contexts he may speak of even larger areas as *cieng*, e.g., the tertiary tribal section of Gaatbal as *cieng* Gaatbal (Lou). On the other hand he may use *cieng* when speaking of smaller units than the village, such as the hamlet and

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homestead. *Ciengda* (my home), in the singular, generally means "my homestead" where I live with my family, whereas *ciengdan* (our home) means usually "our hamlet" or "our village." Thus a man will say "*wa ciengdan*" ("I am going (to our) home") in reference to his village, such as the village of Pakur (Lek), but if he is already in the village of Pakur and says "*wa ciengdan*" ("I am going (to our) home") he means that he is returning to the hamlet where he and his relatives live in a particular section of the village. If he is in the hamlet and says "*wa ciengda*" ("I am going (to my) home") he means that he is going to his hut or cattle byre. I remember making a mistake in this way when I used to say "*wa ciengdan*," meaning that I was off to my tent, for which the Nuer would good-humouredly rebuke me, saying, "Isn't this, our camp, your home?" whereas when I said "*wa ciengda*," in the singular, it passed without the criticism which the Nuer unfailingly bring to bear on any error in grammar or pronunciation. *Cieng* thus means homestead, village, district, tribal sections, homeland and even "home" in an unspecified sense, e.g., it may be said in a story *nyaang ce wa cieng* (the crocodile went home) or *jicieng* (villagers), etc., etc.; for this reason I use the word as little as possible.

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There is a further reason for avoiding its use, and though I shall have occasion when speaking of the Nuer clan system to mention it more fully I will refer to it in this place. The *cieng*, in the sense of homestead, is called after the man who lives there, e.g., the homestead occupied by Rainen is called *cieng* Rainen. When Rainen is dead and his sons and nephews live together in a hamlet they will call the hamlet after him and it will be said that they live in *cieng* Rainen. If Rainen was an important enough man and founded a strong enough lineage, the whole village where his descendants and strangers who have intermarried with them live will then become known as *cieng* Rainen. In course of time his descendants will have multiplied and will occupy a district or a large tribal area which will come to be known as *cieng* Rainen. Hence it comes about that many of the tribal sections I have mentioned as examples for the use of *cieng* are called after persons, e.g., Minyääl, Dumien, Wangkeac, Gaatbal. As will be explained more clearly later a lineage thus becomes identified in speech with the territory which it occupies—the district occupied by the major lineage of WANGKEAC, for example, being known as *cieng* Wangkeac. The Nuer then talks

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about the district and the lineage which lives there as interchangeable terms and speaks of *cieng* WANGKEAC in the sense of the WANGKEAC lineage. This leads a European into depths of confusion since the WANGKEAC lineage and the people who live in the village of Wangkeac are by no means the same thing. I shall have occasion to plumb these depths of confusion, into which I have myself been long plunged, in the following sections. 361 196 619

Cieng, in the singular, e.g., ciengda (my homestead), is the same as *gol* in the singular, e.g., *golla* (my homestead), and *cieng* in the plural, e.g., *ciengdan* (our hamlet), which means the same as *gol* in the plural, e.g., *gollan* (our hamlet). The literal meaning of *gol* is the large dung fire which occupies the centre of every cattle byre. During the wet season this is kept continually alight and serves to keep mosquitoes away from the cattle and the young men who sleep on a platform above it, while during the daytime people sit around it and chat. In the dry season the *gol* is a huge heap of ashes enclosed by a windscreen and around it sleep the inmates of the windscreen and there also they spend a large part of the day watching their cattle, drinking milk, sleeping and smoking. This dung fire signifies the home and especially symbolises the household from the point of view of its male occupants since women have their own cooking fires. *Jigoalla* (the people of my *gol*) are the people of my household, especially the menfolk of my household. *Gol* Cam or *gol* Pec is the homestead or windscreen of Cam or Pec and hence means the household of Cam or Pec. *Ran gol* Cam is a member of Cam's household and *jigoal* Pec is the household of Pec, i.e., the people who habitually live in his homestead and make use of his cattle byre.

The only other Nuer word I will draw attention to in this place is *dor*. I think that the most comprehensive meaning of *dor* is what is not actual homestead. The word generally means " bush " in contrast to *cieng* (home), e.g., " *wa dor* " (" I am going into the bush " almost " I am going out ") is the opposite to " *wa cieng* " (" I am going home "). Different parts of the bush can be designated by some conspicuous landmark as the *dor* of such and such a thing. The word is noticed in this place because it is often used to refer to the unoccupied land lying around a homestead or hamlet which is used for sowing maize or on which goats and sheep and calves graze. In this sense *doran* (our dor) has much the same meaning as *ciengdan* (our *cieng*), though the former word seems 823 196

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823 196 rather more inclusive. But both are used to refer to " our home," " our hamlet," " our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that tne territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not clearly differentiate between them.

619 361 614 Herein lies a great difficulty. The Nuer tribe always has a name derived from the name of the country which it occupies, e.g., one may

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speak of Lou tribesmen as *ji looka* (people of Lou), or of Lek tribesmen as *ji legni* (people of Lek); but generally this name is also the name of the clan, for a country is often called after its first occupants and owners, e.g., Gaawär is the name of the tribal territory of the tribesmen who occupy it, and presumably, for I have not been there, of the clansmen who form the dominant element in the tribal territory. GAAJAK and GAAGWANG are clan lineages who have given their names to the countries where they live. To eliminate this difficulty I have throughout written tribes and tribal sections in small letters and clans and clan lineages in capitals. Hence if I say that a man is a Gaawär I mean that he is a man inhabiting Gaawär country, i.e., a member of the Gaawär tribe, whereas if I say that a man is a GAAWÄR I mean that he is a descendant in the male line from Wär, i.e., a member of the GAAWÄR clan. I will give two more examples to make this point quite clear. If you ask a Lou man what is his *cieng*, you are asking him where he lives, what is his homestead, village or district. Suppose that he replies that his *cieng* is *cieng* Pual, you can ask him what his *cieng* forms part of, and he will tell you that it is part of *cieng* Leng, giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng forms part of *cieng* Gaatbal, a secondary tribal section, and he will explain that *cieng* Gaatbal is a division of the Gun primary tribal section which is a moiety of the Lou tribe. But he has told you nothing about his clan relationship. He may or may not be a member of the PUAL clan lineage which forms a part of the LENG lineage, which forms part of the GAATBAL lineage, which forms part of the clan of JINACA or GAAT GAN NACA, the people of Nac or the children of the children of Nac. In the same way, if a Jekany man tells you that he belongs to *cieng* Kwith of the Gaatjok, it does not follow that he is descended from Kwe (Kwith) who is descended from Kun (whose bullock name was majok), but he merely means that he lives in a tribal section occupied by the KWITH lineage which forms part of the tribe occupied by the GAAJOK who are a principal lineage of the GAAT GAN KIIR, the children of the children of Kir. I shall shortly explain the meaning of these lineages.

Owing to the fact that the Nuer have no word for clan, as we understand the group, and that they have no stereotyped modes of referring to clansmen, we are in some difficulty in writing about them. The

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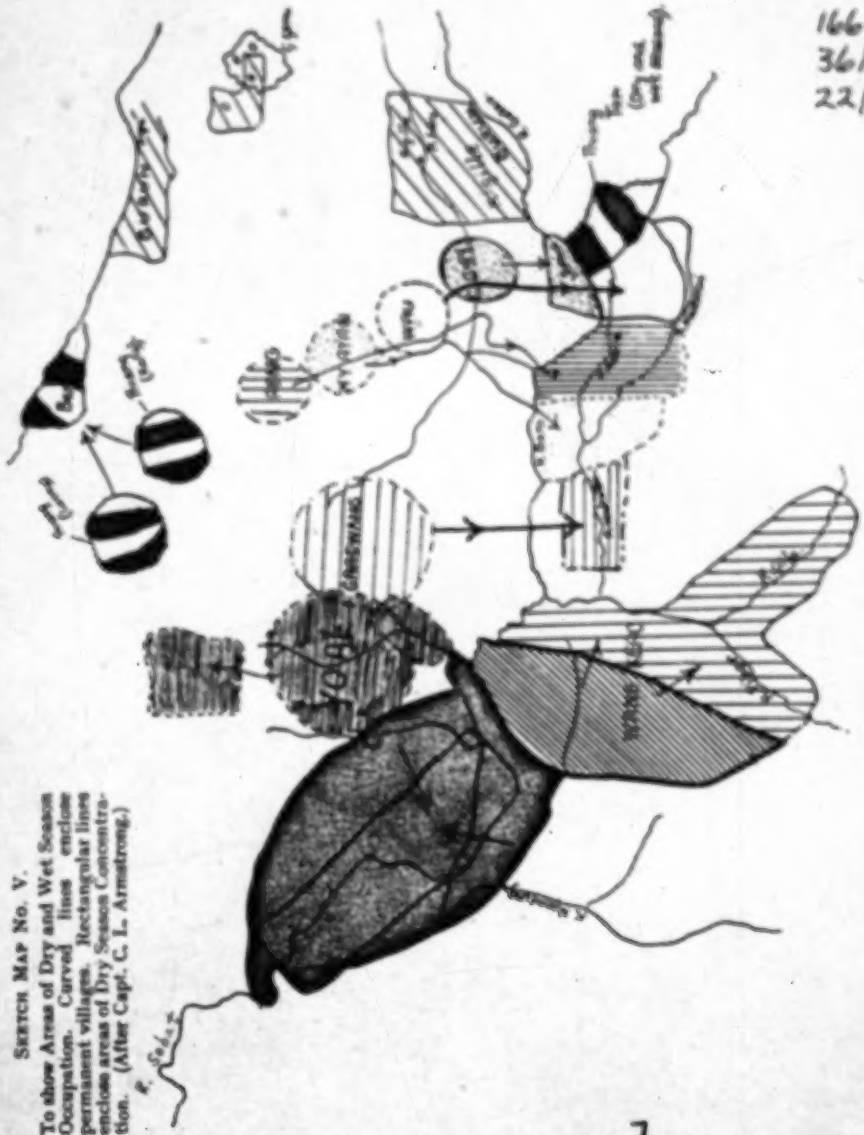

SKETCH MAP No. V.
To show Areas of Dry and Wet Season Occupation. Curved lines enclose permanent villages. Rectangular lines enclose areas of Dry Season Concentration. (After Capt. C. L. Armstrong.)

[facing p. 30]

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with thin calves, are long, their hands and feet small. 141
The skin is dark. Men with well-shaped features, thin [142]
lips, and noses with high bridges and narrow nostrils are not unfrequently met.

Most of the men are fierce, proud, and even haughty in 105
aspect. The Nuer are essentially pastoral; some kind of farming is done, fishing and hunting are also common, but the only occupation worthy of a man is to look after his cattle. The attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious. The one real sport for men is fighting, or cattle raiding, which is practically the same thing. These predatory expeditions are carried on wherever opportunity offers and are a cause of constant friction among the tribes. In their folk-lore tales a favourite subject is the story of cattle fights.

The main groups of the Nuer and the districts in which 162
they live are:[1] 101

Garjok, Garjak, Jekiang (Nasser District) .	100,000
Lau (Abwong District)	100,000
Gaweir (Panjak District)	30,000
Lak and Thiang (Zeraf Island, Panjak District)	40,000
Western Nuer (Yivrol District) . . .	60,000

One group, the Atwot, have partly adopted Dinka as 197
their language.

The Nuer houses lie close to large river systems, so 361
that during the rains a large part of their country is a great swamp, the villages being mostly situated on ridges along the rivers. The chief vegetation is high grass, interspersed with single trees or groups of trees. The country on the upper Sobat, near or in Abyssinia, is however better wooded and has sparse forests.

[1] Cf. Report of the Rejaf Language Conference 1928, London 1928.

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342 Their huts are built with great care and skill. They are
•361 cylindrical in form with a conical roof consisting of grass, reeds, or leaves, while the walls are made of mud; and are decidedly superior to the buildings of the Dinka, Anuak, and other kindred tribes. The houses stand in small groups, sometimes only two or three together, the land for cultivation lying immediately around each house.

342 In the dry season the men leave their villages to seek
233 better pasture in the swampy regions of the country. Here temporary huts of straw are erected for the young men who look after the cattle and milk them. During the night the cattle are driven into large enclosures of thorny trees; a fire of dried cow-dung is constantly kept smouldering, to protect the cattle from the stings of mosquitoes. When the rains begin to fall, about April, the people return to their villages to plant dura.

776 Very little is known about the religion of the Nuer. Miss Huffman mentions on page 56 some names of their gods, but we learn little as to their significance in the lives and beliefs of the people. While I was studying the Shilluk people in the Sudan in 1910, still another Nuer god, viz. Kot, was mentioned to me by a number of Nuer men whom I had with me for some time. This word Kot occurs in a large number of Nilotic languages, its general meaning is 'rain', but in Nuer it designates a god, the idea of this god being evidently connected with that of rain. To Kot is attributed the creation of the world, as the following report dictated to me by a native Nuer shows:[1]

[1] This sound and the following ones were, together with the original Nuer text, first published in my study on the Nuer language in the *Mitteilungen des Seminars für Orientalische Sprachen. Afrikanische Studien*, p. 84 ff. Berlin, 1912.

features characteristic of the areas occupied by the majority of the Nilotes - flatness, heavy clay soil, thick, tall grasses, swamp in the wet season and parched, brown stubble in the dry season. It is an area of true savannah. 133

The influence of environment on Nuer economy is profound. Although cattle form the great interest of the Nuer people, and are important socially as well as economically, horticulture is a necessary part of their economy owing to the prevalence of cattle diseases and the difficulties of obtaining adequate pastures in the dry season. Horticulture and cattle herding are, therefore, the two main economic activities, and together they determine the ecological cycle, as well as the distribution of population, village sites, and also the relationships between the various segments into which the Nuer are divided. 233 241

Nuer villages are situated on elevated ground out of reach of the wet season floods. In the early rains the cattle feed on young shoots near the village but, as the vegetation becomes too rank and the waters rise, the herds have to graze off the short grasses of the village ridges. During the wet season millet and other grains, vegetables and tobacco are grown in the gardens situated behind the homesteads. At the end of the rains, in November, the floods begin to recede. When the tall, tough grasses, which are unsuitable for the cattle to eat, are sufficiently dry they are burned. Since some varieties send up shoots a few days later, the cattle have fresh pasture until the height of the dry season when the water supplies fail in many regions. The Nuer then seek the permanent water-courses and dry-season pastures. When the harvests are finished they move from the villages to the dry-season camps; a period of wandering divides the two periods of stable residence. The dry-season camps are situated on the banks of rivers which do not completely dry up or on the edge of permanent swamps. 233 241 361 132

When the rains begin again in April and May, water and pasture become plentiful and a move is made back to the villages above flood level, in order to prepare the ground for cultivation.

The annual cycle is approximately set out below. It has considerable repercussions on social life and, although local conditions may cause some variation, the principles underlying the annual cycle are the same everywhere in Nuerland. 221

November - December. Youths and girls take cattle to camps while the old people remain in the village to harvest the second millet crop. Fishing camps may be formed on the banks of rivers. When the second harvest is finished the cattle are brought back to eat the millet stalks but as the pasturage becomes exhausted all eventually go to occupy new cattle camps. A period of wandering precedes the final settlement in the camp. 221 361 233 241

January - February. The married people join the youths when they settle in the final camping grounds. Camps get larger and larger as pastures become scarcer and more people join existing camps. Different villages and tribal sections tend to move at about the same time and to visit the same pools so that the sites of the main dry-season camps do not change from year to year. 221 361

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221 241 233 *March - April.* When the rains begin the old people return to the village for sowing.

June. The rest of the people follow with the cattle. The move from camp to village is direct, whereas in the move from village to camp there is an intervening period of wandering.

The Nuer year is therefore divided into two parts, consisting of a period in the villages and a period in the camp. This annual transhumance is necessary for the very existence of the Nuer. Rinderpest prevents complete dependence on cattle, so that they must have villages on highlands, with gardens, in order to grow the necessary supplies of grain. Climatic conditions prevent complete reliance on cultivation and the need of fresh pastures and water for the cattle forces them into dry-season camps near permanent supplies.

361 Homesteads may be strung out along sandy ridges with gardens at the back and grazing in front and the location and size of the villages depend on the distribution and extent of the higher ground suitable for cultivation. The direction of the dry-season movements are determined by ecological conditions. Transhumance enhances the importance of units larger than the villages which, for economic reasons, cannot easily maintain a self-sufficient isolation as do the Shilluk, Anuak, Acholi and Lango villages where the emphasis is on cultivation.

ECONOMY

The economic importance of cattle to the Nuer

231 242 Economically, cattle are chiefly important for milk and milk products, such as whey and liquid cheese. We are told that the Nuer value their cows according to the amount of milk they give.

Nuer eat meat boiled and roasted but, although they are particularly fond of it, they do not raise cattle for slaughter. It is considered that people ought not to kill cattle solely for food and, except on sacrificial and special occasions with a ritual aspect, the Nuer refrain from doing so. It is even thought that animals killed specifically for food might curse their owners.

Like other pastoral peoples in East Africa, the Nuer extract blood from the necks of their cattle and use it as a supplementary article of diet in dry season camps. The blood is boiled and taken with porridge as [252] flavouring or is allowed to coagulate into a block which is roasted and then cut in slices.

237 Milk, meat and blood are the food products derived from cattle but the herds also furnish the materials for implements and other necessary articles. Skins are used for sleeping on, for trays, for carrying fuel, making cord for tethering, leather-collars for oxen and in making pipes, spears and shields. Tail hairs are used for ornamentation, bones and horns are used for instruments, scrapers and beakers. Cattle dung is used for plastering walls and floors of huts; dried dung is used for fuel and

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

SOCIAL ORGANISATION AND POLITICAL STRUCTURE

SOCIAL UNITS

592 1. A single living hut occupied by a wife, her children and, at times, her husband if the family is a polygynous one.

2. The homestead *(gol)* consisting of a byre and huts, and containing a simple family group or polygynous family, sometimes with other relatives attached.

621 3. The hamlet *(dhor)* consisting of a cluster of homesteads surrounded by their pastures and cultivations. Each hamlet has its own name and is generally inhabited by close agnatic kinsmen, often brothers and their families.

621 4. The village, a very distinct unit, usually referred to as *ciang* (home). The population may be anything from fifty to several hundred.
361 If the village is built on a ridge, homesteads and hamlets may be strung out for a considerable distance. Villages are usually distinct from each other, there being several miles of bush, swamp and grass between them. Well-marked paths, made by the constant visits exchanged by the inhabitants, join the villages to each other.

621 A village consists of a community linked by common residence and by a network of kinship and affinal ties. The inhabitants co-operate in many activities - social, economic and military - and form dry-season camps together. The village is the political unit of Nuerland and is the smallest group which is not specifically of a kinship order.(1) People of one village have a strong feeling of solidarity vis à vis people of other villages.

621 5. The cattle camp *(wec)*; early cattle camps may be found wherever
361 there are depressions, pools, and patches of fresh pasture. The location of the larger camps is largely predetermined, as only a few places provide adequate pasture and water at the height of the dry season. The size of the camp depends on these resources and, whereas early camps consist only of a few households, later camps vary from 100 to 1,000 souls. Such concentrations comprise larger or smaller tribal sections and each group has its own separate section of the camping ground. Neighbouring villages participate in a cattle camp, and relatives from distant villages may join their kinsmen. There is more co-operation within a camp than within a village; as the cattle are herded together and milked at the same time, whereas in a village each homestead, in the main, herds its own cattle. A large camp is called after the dominant lineage in it or after the main village community occupying it.

631 6. The district, "an aggregate of villages and camps which have easy intercommunication".(2) It corresponds to a small tribal segment, although it may include a whole tribe or more in the case of very small

(1) Evans-Pritchard, *The Nuer*, 1940, p.115.
(2) Ibid., p.116.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

342 are simply constructed, the roots of grasses, or occasionally
573 stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

221 Another circumstance that determines Nuer movements is
136 the abundance of insect life, which is an ever-present menace,
231 for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

136 Mosquitoes swarm in the rains, their ravages being terrible
231 from July to September, when, as soon as the sun sets, men and
372 beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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they are surrounded by windscreens in which their masters sleep at the side of dung fires from which smoke rises on every side to envelop the camp. 136 231 372

Another unpleasant pest is the seroot fly. It appears to be seasonal, flourshing on cloudy days from May to July, though it sometimes appears at other times of the year. The seroot attack the cattle in the mornings and accompany them to pastures, where they bite them so effectively that they are often driven, stained with blood, back to camp, where dung fires are lit to give them protection. On such days the cattle are unable to graze, fitfully, for more than two or three hours. Another biting fly, the *stomoxys*, is prevalent throughout the year, being especially conspicuous in the dry season and early rains. It is probably this fly which is responsible for the presence of trypanosomiasis in parts of Nuerland, especially among the Eastern Jikany, by transmitting the trypanosomes directly on its proboscis from beast to beast, for the tsetse does not occur in Nuerland, except, perhaps, on its eastern extremities, though its lethal character is well known to Nuer. There are other insects which annoy the cattle, but it is not known whether any of them carry disease in this latitude. Of these may be mentioned the eight-legged cattle tick, which Nuer remove from the bodies of their animals when they return to camp in the evenings—though not frequently or systematically enough; an insect called *tkrkwac* which is said to live on the bodies of cattle, though its bites do not cause bleeding; a fly called *mich*; and the common black fly, like our house fly in appearance, which worries the herds a good deal in hot weather—damp and cold seem to kill it off. Red soldier ants occasionally infest the byres so that the cattle have to be removed while the floors are sprinkled with ashes, but they are rare in Nuerland. Nuer are helpless against most of these insects, though, no doubt, smoke keeps them away to some extent. 136 131

Speaking from personal experience I may say that one is continuously tormented by insects in Nuerland, especially by the common black fly and the mosquito. It is evident that the cattle suffer considerably from their attentions and there can be little doubt that this constant irritation lowers their vitality and affects their milk yield, for they seldom have any real rest. In the circumstances their hardiness and endurance are remarkable.

Since several species of tsetse in the Southern Sudan carry trypanosomes pathogenic to cattle it is fortunate for the Nuer that they do not occur in his country. This immunity is

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

135 Nuerland lacks the two raw materials that have played so
important a part in the manufacture of primitive tools: iron and
stone. Nuer have always been poor in iron objects. Till recently
411 they possessed very few iron spears, cherished as heirlooms, but
used instead the straightened horns of antelope and buck, ebony
wood, and the rib-bones of giraffe, all of which are still used to-day,
412 though almost entirely in dances (Fig. 11). Wooden hoes were
used for gardening, and are still sometimes so used to-day. Iron
301 bells (Fig. 4) are rare and highly prized even at the present time,
and in the old days iron rings and bracelets were important pieces
of property. Wooden bells and ivory and leather rings and brace-
325 lets took their place in common use. Nuer have no knowledge of
smelting and little of the blacksmith's art. I have never seen a
forge and, though there are certainly some blacksmiths, their art
is crude and may be regarded as a recent innovation, at any
rate in most parts of Nuerland. Spears bought from Arab mer-
chants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside
villages I have never seen a stone. They are sometimes brought
412 from neighbouring areas and employed as hammers, for smoothing
323 metal ornaments, for rubbing skins, and so on. Grinding grain seems
to have been a recent introduction. The grinder is made from
thornwood and the grindstone from baked marsh mud mixed
with finely pounded potsherds (Fig. 12). With clay, mud, and sand,
Nuer also make pots, grain-bins, pipes, toys, hearthstones, and
firescreens; construct the walls of byres and huts; and coat floors
and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her
gift of wood. Large trees are rare. Thornwood and low brush-
322 wood provide timber for building, spear-shafts, harpoon-shafts,
clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets,
and winnowing trays. Probably no trees in Nuerland are suit-
able for carving and Nuer possess no wooden utensils. Even the
ebony they use for making spears is not found in their country.
Ambatch-trees grow in some parts of the swamp areas and from it
is made an object which serves as a parrying stick, tobacco pouch,
pillow, and seat (Plate XXIX). Byre and kraal fires are fed with
[372] dried dung, and wood fuel is only employed in the kitchen—
grasses and millet stalks sometimes being used as a substitute.
Grasses, millet stalks, and some plants are also used for various
purposes: rafters, windscreens, thatching, cord, basketwork, &c.
Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and
earthy materials instead. Animal products are also a valuable

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

233 morn till nightfall and in the rainy season they are menaced by
136 mosquitos as soon as the sun sets.

When the rains commence the cattle are taken back to the
[234] permanent villages and, as mosquitos become numerous, they are milked towards sunset and then at once tethered in the byres, the
233 doors being closed after them. In the centre of each byre a huge fire of dried dung sends out clouds of smoke so dense that it is impossible
136 for a European to remain there for several minutes. One cannot
372 even see the cattle. One can only hear their movements as they chew the cud (*nyök*) and change their position. The smoke and heat are
237 so oppressive that I have often wondered how either Nuer or their cattle survive the atmosphere night after night. Young men sleep on a platform above the fire and if the smoke becomes less dense one of them descends to stir up the fire and pile on more dung, for as soon as the smoke beings to clear—it escapes through the thatched roof—mosquitos enter. When the cattle are brought into the kraal before sunrise they are sleepy. I suppose that they have not had a
[232] very restful night in the stifling atmosphere of the byres. Nuer realize that the heat and smoke of the byres are bad for the cattle but they consider that mosquitos are worse. At the end of the rainy season and at the commencement of the dry season they leave the cattle outside till they go to bed themselves. Then they have to shut them in the byres because they would inevitably be devoured by lions if left all night unguarded in the kraals. They do not make up the fires so high at this time of the year for after the first millet harvest has been reaped mosquitos are far less numerous near the villages, since there is now no standing water and the grasses have been close-cropped on the ridges by the flocks and herds. Later those who still remain in the villages often erect windscreens in the kraals and spend the night with the cattle outside.

136 The worst months for mosquitos are July, August and September, when there is surface water and when the millet crop is well grown, for swarms of mosquitos shelter beneath the broad leaves of the millet during the heat of the day. As soon as the sun sets one hears Nuer slapping mosquitoes on their bodies as they sit by the kraal

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
237 men hold them between their legs and lifting up their heads compel
372 them to swallow water. At this time the boys bring back the larger calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*luor*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household
264 and women and boys commence at once to milk the cows and they finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Every one helps in the work of the harvest, for the 243
stalks must be cut down and the heads cut off and placed upon a rack which has been placed in the yard for that purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she has plastered with mud, using a long pole. She usually chants a song as she pounds, the thud of the pounding serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part of the food of a Nuer. He eats it without salt or sugar; sometimes he has a little milk on it. Or the dura may be soaked and then allowed to sour a little, and then cooked, in order to give the family a little variety in their meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild greens. Beans are also eaten, but I know of no Nuer who plants them in his own village. Men consider these wild greens effeminate and will not eat them except in times of famine. Sometimes in times of famine they gather certain [261]
wild grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be assured of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows such an array of beads and cloths that the Nuer is tempted

1: Evans-Pritchard E-5 (1931, 1936) 1940
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1: Evans-Pritchard E-5 (1931, 1936) 1940
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[441]

village is not an unsegmented unit but is a relation between a number of smaller units.

The village is a very distinct unit. It is sometimes referred to as *thur*, a ridge of high ground, but generally as *cieng*, a word which may be translated 'home', but which has such a variety of meanings that we shall devote a special section to it. A village comprises a community, linked by common residence and by a network of kinship and affinal ties, the members of which, as we have seen, form a common camp, co-operate in many activities, and eat in one another's byres and windscreens. A village is the smallest Nuer group which is not specifically of a kinship order and is the political unit of Nuerland. The people of a village have a feeling of strong solidarity against other villages and great affection for their site, and in spite of the wandering habits of Nuer, persons born and bred in a village have a nostalgia for it and are likely to return to it and make their home there, even if they have resided elsewhere for many years. Members of a village fight side by side and support each other in feuds. When the youths of a village go to dances they enter the dance in a war line (*dep*) singing their special war chant.

A cattle camp, which people of a village form in the drought and in which members of neighbouring villages participate, is known as *wec*. While this word has the meaning of 'camp' in contrast with *cieng*, 'village', both words are used in the same general sense of local community. Thus when it is said of a certain clan that they have no *wec* we are to understand that they nowhere in a tribal section or village form a dominant nucleus of the community and that, therefore, no local community takes its name from them. A large camp is called after the dominant lineage in it or after the village community who

FIG. 11. Horn and ebony spears.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

836 in sexual relations with girls. Before initiation boys may go to dances,
883 but they merely watch and do not take part in them After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*lumde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

•411 An initiated boy is now invested with two external signs of manhood
884 besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation
421 If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 A boy is even prouder when he becomes the owner of a bullock and
554 is invested with a bullock name. Even a small boy will speak of his
553 father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it
421 is only his in the general psychological sense of family communism. It

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

252 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

411 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

513 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

854 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

352 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

354 A fire, with earthen shield to protect it from the wind,

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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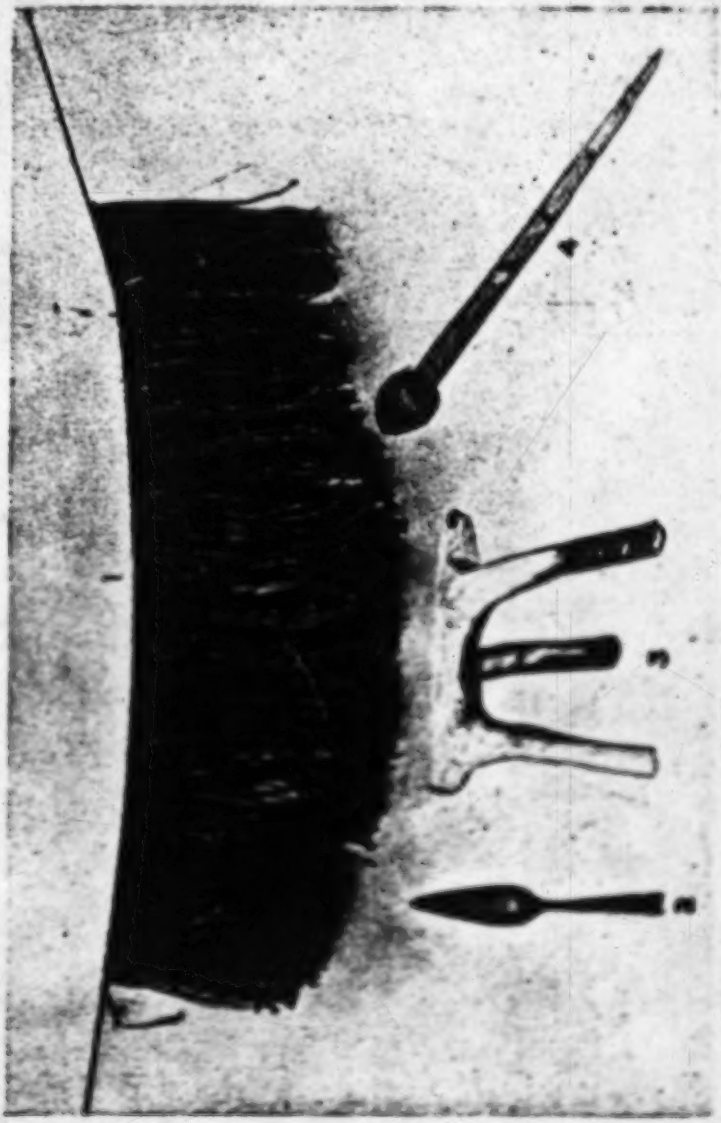

Fig. 4. ESSENTIAL ARTICLES
1. Short green skirt. 2. Blade of spear. 3. Pillow (for meat). 4. Club

[facing p. 32]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinka and take their cattle.

641 The Nuers learn to trust the District Commissioner and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE VII

301
411
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Youth and boy

[facing p. 172]

acts, or features of them, we are sometimes compelled to make the attempt, as in this excursus on the spear, by the very emphasis given to them by the culture we are trying to understand. 782

Since we have no spears ourselves and nothing which takes their place in our lives it is difficult for us to appreciate their importance for Nuer. Nuer have no knives, other than that (*ngom*) used for cutting the marks of manhood at initiation, so that their fighting-spears, besides their use as weapons, have to serve where other peoples use knives.[1] A man's fighting-spear (*mar*) is constantly in his hand, forming almost part of him—when he is fighting, hunting, travelling, herding, dancing, displaying himself with his oxen, playing with his comrades, and so on—and when he lays it down it is within his reach; and he is never tired of sharpening and polishing it, for a Nuer is very proud of his spear. In writing a preliminary account of Nuer age-sets many years ago and without reference to the symbolic significance of the spear I wrote that 'one is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon'. Later I came to realize better that in a sense it is animate, for it is an extension and external symbol of the right hand, which stands for the strength, vitality, and virtue of the person. It is a projection of the self, so when a man hurls his spear he cries out either 'my right hand' or the name of the ox with which he is identified. 411

The spear, being an extension of the right hand, stands for all that the right hand stands for, for what is strong, virile, and vital, and consequently for masculinity and hence for the paternal kin and the lineage. Therefore during the discussions about bride-wealth in the byre of the bride's home on her wedding day the bridegroom's people sit on the right side of the byre and the bride's people on the left side. Therefore, also, when the carcasses of oxen sacrificed at marriage ceremonies are divided among the kin, the right fore and hind legs are the portions of the father's brothers and sisters and the left fore and hind legs are the portions of the mother's brothers and sisters. The left side symbolizes evil [326] 811

[1] Being the only thing they have which cuts and is therefore suitable for shaving—their other spears only pierce—the verbal form of the word for fighting-spear, *mar*, besides its meaning of 'to spear' means 'to cut' or 'to shave hair'. When used in the last sense it often refers to ritual shaving of the head, and it may then be used for the whole ceremony of which shaving of the head forms part, as the final marriage ceremony of consummation and ceremonies in connexion with death.

826 811 handed man that his left hand is his right hand. It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 885 562 It is suggested that the spear as a projection of the right hand symbolizes the vitality of man, the manhood of man with the associations of lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear [381] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*lam*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies to her husband's plows and shout out the spear-name of his clan at a wedding. This is the *tuor ghok* mentioned later.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPEAR SYMBOLISM

It is important here, and before we proceed further with the 411 ●
argument, to note that the spear we are concerned with is the *mut*, the metal fighting-spear (or, in a more restricted sense, spear-head), the only spear used in sacrifice. It is not a *bidh*, a metal fishing-spear, and it is not a *giit*, a fighting-spear fashioned out of substances other than metal. We have further to bear in mind that though spears are now easily obtained by purchase from Arab traders this is a very recent development. There is no iron in Nuerland, and what metal spears the Nuer used to possess were procured in one way or another from neighbouring peoples, and it is certain that till recently there were very few of them. Nuer made up for the deficiency by fashioning spears from horn and bone and hard wood. Spears fashioned from these materials were still plentiful when I was living in Nuerland, though they were taking on more and more a purely sentimental and ceremonial value, being often used in dances but seldom for fighting and hunting. Since, however, the spears of the ancestors, the names of which are cried out in invocations, were iron fighting-spears, and since Nuer could not have done without some of these cutting blades, there must always have been a certain number of them, and also a certain number of iron fishing-spears (for which horn, bone, and wood substitutes are unsuitable), but, as Dr. Howell has pointed out, they were few in number, this accounting, in his opinion, for the high value—several head of cattle—placed upon them.[1] I agree with him that it must have been very rare for a man to have had more than one *mut*, the *giit* spears being regarded as supplementary to it. This must consequently have been a very valuable possession and, if lost, most difficult to replace; and it was not just a private possession but a family heirloom passed from father to son down the generations. This does not mean that it was a relic. It was for practical use and therefore when worn was presumably replaced; otherwise one would see these ancestral spears today. However, the age of a spear has no great significance for Nuer. For them,

[1] It is not a sacrificial invocation. It must be a very rare occurrence for a woman to play this role. Probably she can only take the part if she is acting on behalf of the bridegroom's family and hence holds in her hand, not a spear, but the instrument called *dang* (Fig. 4), and also if she is an old woman, of whom Nuer say 'she has become a man'. There is one occasion when women bear spears. Twins go through a fictional wedding before they can go through a real one. In this ceremony men array themselves as women, and women as men.

[1] P. P. Howell, 'On the Value of Iron among the Nuer', *Man*, 1947, No. 144.

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411 even if the spear a man's father gives him at his initiation has been bought from an Arab merchant, and is not in fact the spear the father received from his father and the father's father from his father, it is ideally so regarded and thus serves as a symbol of filiation. The spear is thus a point at which two complex social representations meet, that of the person and that of the lineage. Consequently I do not think that the high assessment of spears in cattle can be assigned to scarcity alone or even that scarcity was at any time the primary consideration. Spears, both fighting- and fishing-spears, were something more, and fighting-spears something much more, than weapons of war or of the chase. They were almost parts of the person. I have seen Nuer enraged when neighbours have borrowed their spears without permission, especially if they have lost them, their anger being out of all proportion to the offence if we think of the matter solely in terms of economic value, for the economic value of spears is negligible at the present day. It is the audacity and the insult which outrage the owner, as though someone had taken, and perhaps lost, part of his person; and all the more so in the case of the fighting-spear, with which are bound up his manhood and his participation in his lineage, as we see from the manner of his receiving it at his initiation.

411 881 I have discussed elsewhere[1] the ritual of initiation and I do so again in connexion with the role of cattle in Nuer religion. All that need be said here is that when a boy is initiated into manhood and takes on the full responsibilities of that status he is presented by his father with a *mat*, a metal fighting-spear, and an ox —the two objects in which, as I have said, the whole drama of sacrifice is centred. I discuss here only the spear. A boy may before initiation possess a fishing-spear, but even today he is most unlikely to own a fighting-spear. Even should he do so, he would still be presented with a spear by his father at his initiation, for it is a ceremonial gift expressing formal recognition of his manhood and all that that means in the social life of the Nuer, and also the handing over by one generation to another. It is not just a spear, but a new status also that he is being given. The boy is now boy no longer but man and warrior and soon to be husband and father. He takes part in feuds and wars and raids. He also for the first time engages in dances and displays with oxen, both of which among the Nuer are martial exercises as well as play intimately

[1] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936.

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associated with courtship; and also in the pursuits of herding and hunting. All these activities require the use of the spear, but it is important that we recognize that it is not the acquisition of a weapon, whatever its economic value might have been in the past, nor even its utility, great though that may be, that gives a crucial significance to the gift of a spear at initiation. Its significance is moral, not merely utilitarian. It is not the spear itself, nor its possession, which is stressed but the activities associated with it: war and raiding, dancing and display, and herding. The uses of the spear itself and the evaluations of its uses as an index of social personality are blended, so that the spear is not just a weapon but also something which stands for a very complex set of social relations. 411 881

But the investment of a youth with a spear at his initiation would seem to be something more, for, as we will see in discussing the sacrificial role of cattle, initiation is not only into the social life of adults but also into a new relationship with the cattle which has an important religious side to it. There is now established an identification, deriving from the sacrificial situation, between the initiates and cattle and, looked at from this point of view, the rites of initiation may be said to have a sacramental character. The boy enters into communion with the spirits and ghosts of his lineage through the cattle. 'The spear of the cutting (initiation)' is thus a symbol of a sacramental change as well as of a change in social status. In both symbolic aspects it is an extension of, and stands for, the right arm and represents strength, strength of the soul as well as strength of the body of the person; and, as I shall attempt to show, in both the symbolism is also a representation of the collective strength of the lineage to which the person belongs. 411 881 231

I have suggested that the fighting-spear has a symbolic meaning for Nuer besides what it means for them as a weapon and tool—that it is a projection of the self and stands for the self. This is most important for an understanding of Nuer sacrifice. Its manipulation in the most common, and for a study of religion the most significant, sacrifices, the personal and piacular ones, expresses, if our interpretation is right, the throwing of the whole person into the intention of the sacrifice. It is not only said but also thought, desired, and felt. Not only the lips make it but also the mind, the will, and the heart. This interpretation makes the miming with the spear intelligible for, as an extension of the right arm, it stands 411 782

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411 782 for the whole person.[1] It is for this reason that a spear must be carried during the invocation and not in order to slay the animal at the end of it. Other invocations by other men may follow before that is done, and the quick dramatic thrust into its heart which concludes the rite may be made by anyone, and not necessarily by a man who has made an invocation or by a spear used in the invocation.

411 782 614 But we have also to note that on many sacrificial occasions—those of a collective kind held in structural situations—when a man makes an invocation he does so as the representative of his clan (where 'clan' is used in this context 'clan or lineage' is to be understood—a man may be speaking in reference to his maximal lineage). He identifies himself with the clan by identifying his spear with that of the ancestor of the clan. It is his own spear which he brandishes but the name of the spear he shouts out as he does so is that of the spear of the ancestor of the clan, the clan spear-name. This is characteristic of sacrifices of the collective type, and it is towards them that the discussion is now directed.

[552] Each of the Nuer clans has a spear-name and sometimes a large lineage of a clan has a secondary name which is different from that of another lineage of the same clan. This spear-name is shouted out by a representative of the clan while he brandishes a spear in his right hand, in war, at weddings, and on other public occasions when the clan as a whole is concerned—ideally, that is, and never actively and corporately. It is especially shouted out as an exordium to sacrificial invocations on occasions of collective significance (pp. 188–9). It is '*mut gwara*', 'the spear of our fathers'. On such of these occasions as require the services of a leopard-skin priest he calls out the spear-name '*mut Geaka*', 'spear of Gee', a spear-name which combines the representation of the priestly office with that of the Nuer as a whole.

It is essential to note that, with two exceptions, no actual spears of the ancestors of the clans exist, and it is not held by Nuer that they ever did exist, except in the sense that the ancestors had their own spears. The virtue is in the idea of 'the spear of our fathers', not in any material clan relic. Consequently, in invocations any spear will serve the purpose of the rite and represent that of the

[1] Among the Bulbuk the officiant rubs his spear on the back of the victim, as the Nuer place his right hand on its back (D. S. Oyler, *Sudan Notes and Records*, 1920, p. 198).

ancestor of the clan and hence symbolize the clan as a whole. Any spear will do, but, for the reason I have stated, there must be a spear; and when Nuer sitting in my tent recounted to me what is said in invocations they gestured with their right hands as though they held spears in them, for they found it difficult to speak the words without making the gestures, just as in recounting what is said in prayers (*pal*) they found it difficult to do so without moving outstretched hands up and down. 411 ● 782 614

Published literature on the Nuer records information about only two actual spears of clans. The one about which we are told most is the spear, called *wiu*, of the Gaatgankir clan, who are regarded by all, including themselves, as being of Dinka origin; and the spear is a Dinka, and not a Nuer, type of spear. A mysterious origin and power are attributed to it. It is believed to have been held by Kir, the ancestor of the clan, when he was cut out of the gourd in which he was found, and it is also associated with the air-spirit *wiu*, which is regarded as being in some sense immanent in it. When I was in Nuerland it was in the charge of a family of leopard-skin priests of the Tar lineage of the eastern Gaajak tribe. I did not myself see it, but it has been described by Mr. H. C. Jackson, who saw it in 1922 near the Pibor river.[1] He records that it was decorated with cowrie shells and beads and was housed in a special grass hut where visitors treated it with great deference. He says that it was prayed and sacrificed to, especially before raids on the Dinka and Murun peoples;[2] that if two sections of the Nuer wished to engage in fighting among themselves it would be placed between them to prevent an engagement; and that oaths were taken on it. I was told that only old people would look upon it. The importance of this spear to our discussion of clan spear-names is that, as I will explain later, all such spear-names have an 411 614 [171]

[1] H. C. Jackson, op. cit., pp. 188 and 179-81.

[2] We are probably to understand, in view of Nuer religious conceptions in general, that Nuer respect (*thok*) the spear and pray and sacrifice to the spirit *wiu*, which is in the sky as well as in the spear. Mr. R. T. Johnston reached the same conclusion with regard to a similar spear among the Bor Dinka. He observes that 'the spear by itself, except by association and as a symbol, is not sacred' (op. cit., p. 115). Dr. Lienhardt tells me that when the Government, with remarkable lack of imagination, confiscated and removed this spear lest it should become a focus of opposition to the administration the Dinkas' faith was in no way lessened. The only result was that the spirit associated with the spear, no longer having a recognized material symbol in a single place, manifested itself all over the tribal territory, defying any further intervention.

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411 614 association with the spirit *wiu* through the further association of this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 614 613 552 Apart from the Gaatgankir and the Thiang spears the spear-symbols of the Nuer clans and lineages are only names. Through the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two [572] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's [575] side and on the bridegroom's side, each acting as representative of his clan, begin their formal announcements that the marriage 411 614 613 597 552 negotiations have reached a successful conclusion (*twoc ghok*) by shouting out their clan spear-names. The spear-name is also shouted out by the master of ceremonies as the opening words of the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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into the lineage of the man who has given him domicile, the expression for adopting being either *lath buthni*, to be given shares (in sacrificial meats) and hence to be given agnation, or *lath muot*, to be given a spear (-name), and hence to be made a member of the clan. He also shouts it out in sacrificial invocations at mortuary ceremonies, at settlement of blood-feuds, at initiations, and on other occasions which concern the whole clan (p. 188). When, as mentioned above, clan and tribe are identified politically in war and raiding a representative of the dominant clan of the tribe brandishes a spear and calls out the spear-name of his clan on behalf of the whole tribe. This man, called *ngul*,[1] is usually, perhaps always, a leading man of the senior lineage of the dominant clan, that descended from the eldest son of the ancestor of the clan. Thus in the Lou tribe this rite is performed by a man of the Gaaliek lineage of the Jinaca clan. Likewise the Tar lineage who have charge of the *wiu* spear are descendants of Thiang, the eldest son of the founder of the clan; and the Thiang clan who own the *thiang* spear are descended from Thiang, the eldest son of Gee.

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I cannot always explain the meaning of these spear-names or even translate them, and Nuer themselves cannot always say for certain what they mean, for they arose in ancient days. It is clear, however, that they are charged with symbols expressing the unity and continuity of clans and lineages. I give a few examples, choosing those in which the meaning is more or less evident. The Jiruet lineage have *muat tora*, spear of the monorchid. This lineage respects monorchids, whether they be man or beast. The Gaatiek clan have *muat yier*, spear of the stream, because their ancestor came out of a stream. The Gaatnaca clan have *muat ghama*, spear of the thigh. This seems to refer to the loins of the ancestor from whom they sprang. The Gaaliek lineage of this clan have the secondary spear-name *muat tang*, spear of the spear-shaft, because the *ngul*, whom I have referred to above, of the Lou tribe is of this lineage. He uses a spear-shaft in war ritual. The Gaatleak clan have *muat leak*, the word *leak* being simply, it would seem, taken from the clan name itself. Many leopard-skin priests are members

[1] He is also called *ngul ghok*, *ngul* of cattle, an expression which probably refers to the taking of enemy cattle on raids, and *guan muot*, possessor of the spear. As he may break a spear-shaft in two and throw the pieces in the direction of the enemy he is further known as *guan tang*, possessor of the spear-shaft. I was told that he may also invoke God for success in hunting in time of famine.

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of this clan and, as I have explained, they use *mut Geaka*, spear of Gee, as an alternative expression. The Thiang lineage have a secondary spear-name *mut Thiang*, spear of Thiang, which is the name of their ancestor.

When a man calls out his clan spear-name he often does so with embellishments, which are further symbolical representations of the clan. They refer to its ancestor, its spirits, its totems, its ghosts, its cattle, or its origin and traditions. Thus a Gaatgankir clansman in making invocations adds to *mut wiu* such expressions as *mut kuc*, *mut jangemo me coali Kir*, and *mut guara*. *Kuc* is the fish-eagle and also a colour distribution of cattle. The shining of the spear is likened to the white face of the fish-eagle against its black body and to the white splash on the head of a dark coloured cow or ox. *Jaangemo me coali Kir* means 'that Dinka who is called Kir' and refers to the Dinka origin of the clan. *Mut guara* means 'spear of our fathers'. The spear in the hand of the speaker, the spear *wiu*, the spear used to cut open the gourd in which the ancestor was found, and the spirit *wiu* all seem to be fused in the representation. In a similar manner the Gaawar clan may add to their spear-name *mut wang*, spear of the eye (I think), such expressions as *mut nhial*, *mut puera*, and *mut kwoth nyota*. I do not know why the spear is called 'spear of the eye' (if that is the right translation). *Nhial* is the firmament and *puer* is a cloud. Their ancestor fell from the sky and the clan is therefore associated with sky, clouds, and rain. When he fell he had in his hand a sprig of the *nyuot* tree, a tree associated with rain. Hence the *kwoth nyota*, the spirit of the *nyuot* tree.

Thus the spear-name is either that of the ancestor of the lineage or clan or in some way signifies him, and the elaborations of it, such as by reference to a spirit or a totem, are also just different ways of denoting the lineage or clan as a whole; for the name of the ancestor stands for the whole clan, both here and elsewhere. We have noted earlier (p. 169) how in myth a lineage is personified for the purpose of the action of the story, the name of the lineage or of its tribal territory being used to indicate its ancestor. Nuer sometimes even insert the name of a lineage into a genealogy as its founder, though the form of the word shows that it is the name of a group and not of a person; or they give the founder a composite name, appending the name of the lineage to the personal name, for example, Nyang Gaalek, Nyang being the name of the person and Gaalek the name of the lineage of his descendents.

name of the person and Gaalick the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial invocations stands for the person and that when this person speaks as a representative and on behalf of the clan, as he does in collective sacrifices, it stands for the clan. In the one case it is the right hand (vitality) of the individual and in the other the right hand (vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host. 411 782 614 826 721

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *Gidk*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general sense of taking part in war and raiding: '*ce Nath we mut*', 'the Nuer went raiding'; '*ce mut nang Jaang*', 'war was taken (by the Nuer) to the Dinka'. The idea expressed by the word *mut* in these examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates '*te ke mud mudiid*' (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'. 411 721 613 614

[1] It is true that Nuer felt any metal in taking an oath (p. 197), but I regard this as being a derivation from licking a spear, for which any metal stands as a substitute, in the same way as the hereditary sides of the Gaangaakir clan, son, and daughter, of iron, derive from the sole spear. The words yieth, metal, and yieth, to spear or to stab, are surely connected.

[2] J. Kiggen, op. cit., p. 108. One may ask, in the light of this discussion about

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It is, I believe, in some such sense of the clan militant that we should interpret the spear symbolism of the clans. Nuer always speak of 'spear' where I have used the expression 'spear-name'. However, not only are there in almost all cases no actual spears, but it is not even the idea of any particular spear that they have in mind. What they have in mind is the clan as a whole for which the spear stands as a symbol not just as a spear but as representing the collective strength of the clan in its most conspicuous corporate activity, for clans and lineages are most easily and distinctly thought of as collectivities—through their identification with tribes and tribal segments—in relation to war. That the representation is of the clan as a battle host is shown by the Nuer statement about their clan spears that they only exist in the sense that 'they are in the mouths of men when they go to battle'. Two remarks made by Nuer give further support to an interpretation along these lines. One man said of all clan spears that '*tuokdiew e wiw*', 'their origin is *wiw*', and that *wiw* is the *breath*, spirit, of all clan spears. There was some discussion about this remark among Nuer present, and I gathered from it that all clan spears in this wide and symbolic sense of the word *wiw* as the battle host signify the clan as a social group in relation to God in the conception of him as Lord of Hosts. The man could not have meant that other clan spears were derived or copied from the spear *wiw*. That would have made no sense, both because there are no actual spears and also because the Gaatgankir clan who own the spear *wiw* are regarded by everybody as a Dinka clan of later origin than the true Nuer clans. That a spiritual conception of *wiw* was meant is further evident from a remark made to me by another Nuer, a man of exceptional ability, that when the Gaatgankir clan reach ten generations from their ancestor Kir—when they have grown up, so to speak—they will doubtless cease to respect (*thek*) the

the east, why it is that the title of spiritual leaders in Dinkaland is taken from the fishing-spear (*bith*) instead of from the fighting-spear. An explanation might be put forward in terms of the analysis I have presented. Whereas among the Nuer the fighting-spear is the symbol of the clan because what is being symbolized is exclusiveness and opposition, among the Dinka the fishing-spear is the symbol of spiritual leadership because what is being symbolized is inclusiveness and unity. This is a guess but it receives some support from the fact that among the Nuer, at any rate in western Nuerland, where a leopard-skin priest goes to settle a feud he is accompanied by a kinsman called the *gaaw bith*, the master of the fishing-spear, which is the title of the Dinka spiritual leaders. However, this may be a loan from the Dinka.

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spear *wiu*, as they do at present, and will respect (the word is here used to balance the statement and not literally) only its name. As we should put it, they will not then feel the need for a material symbol of the spiritual relationship, and a verbal or ideational symbol will suffice. The association of clan spears with the spirit *wiu* is clear to us when we recall that the spirit is also associated with lightning with which, in this hypostasis, God strikes as man strikes with the spear.[1]

In invocations in which clans are involved as such God is appealed to, as I have explained earlier, in some refraction by which he is figured as their patron. This is the '*kwoth gwara*', 'the God of our fathers'. It is on such occasions also that the spear-name of the clan is shouted out as an exordium to the invocation. This is the '*mut gwara*', 'the spear of our fathers'. I would suggest that we have here in the spear-name a symbolic representation of the clan in its relation to God. God is invoked in relation to the clan through the spear of the ancestor held in imagination in the hand of one of his descendants.

If this interpretation is right, then in those sacrifices in which the clan as a whole is concerned the calling out of the clan spear-name by the officiant identifies the whole clan with the intention of the sacrifice as spoken in the invocation. The sacrificial spear in his hand becomes through the exordium the clan sacrificial spear through which in symbol the whole clan offers up the victim to God. The officiant in such sacrifices must therefore be a representative of the clan, what the Nuer call a *gwan buthei*; whereas in personal and piacular sacrifices, in which appeal is made on behalf of an individual or a number of individuals, anyone can officiate and the officiant is usually a senior member of the family or kin of the sacrificer. The intention, and therefore character, of the sacrificial act is different in the two cases. In the first it is of the nature of a validation, in the second of the nature of a *piaculum*; though in some situations there may be a broad overlap. Religion has always these two sides, the one concerned chiefly with the social life and the other with the relation of the individual soul to its God.

[1] Note, however, use for God striking a man with lightning the verbs [illegible] strike, and *piu*, to strike in the sense of 'to hit' or 'to punch', and not *pinith*, to strike in the sense of to thrust or to stab.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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135 Nuerland lacks the two raw materials that have played so important a part in the manufacture of primitive tools: iron and stone. Nuer have always been poor in iron objects. Till recently 411 they possessed very few iron spears, cherished as heirlooms, but used instead the straightened horns of antelope and buck, ebony wood, and the rib-bones of giraffe, all of which are still used to-day, 412 though almost entirely in dances (Fig. 11). Wooden hoes were used for gardening, and are still sometimes so used to-day. Iron 301 bells (Fig. 4) are rare and highly prized even at the present time, and in the old days iron rings and bracelets were important pieces of property. Wooden bells and ivory and leather rings and bracelets took their place in common use. Nuer have no knowledge of 325 smelting and little of the blacksmith's art. I have never seen a forge and, though there are certainly some blacksmiths, their art is crude and may be regarded as a recent innovation, at any rate in most parts of Nuerland. Spears bought from Arab merchants are beaten out in the cold.

135 Nuerland also lacks any kind of hard stone. Indeed, outside villages I have never seen a stone. They are sometimes brought 412 from neighbouring areas and employed as hammers, for smoothing 323 metal ornaments, for rubbing skins, and so on. Grinding grain seems to have been a recent introduction. The grinder is made from thornwood and the grindstone from baked marsh mud mixed with finely pounded potsherds (Fig. 12). With clay, mud, and sand, Nuer also make pots, grain-bins, pipes, toys, hearthstones, and firescreens; construct the walls of byres and huts; and coat floors and those parts of homesteads they wish to keep smooth and clean.

137 Nature, which denies them iron and stone, is niggardly in her gift of wood. Large trees are rare. Thornwood and low brush- 312 wood provide timber for building, spear-shafts, harpoon-shafts, clubs (Frontispiece and Plate VIII), pestles, neck-rests, baskets, and winnowing trays. Probably no trees in Nuerland are suitable for carving and Nuer possess no wooden utensils. Even the ebony they use for making spears is not found in their country. Ambatch-trees grow in some parts of the swamp areas and from it is made an object which serves as a parrying stick, tobacco pouch, pillow, and seat (Plate XXIX). Byre and kraal fires are fed with [372] dried dung, and wood fuel is only employed in the kitchen—grasses and millet stalks sometimes being used as a substitute. Grasses, millet stalks, and some plants are also used for various purposes: rafters, windscreens, thatching, cord, basketwork, &c. Gourds are cultivated for dairy utensils.

237 Lacking iron and stone Nuer thus make use of vegetable and earthy materials instead. Animal products are also a valuable

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[627] people are within easy striking distance of one another. This is one of the main reasons why it is difficult to settle feuds when the parties belong to different primary or secondary tribal sections.

Most disputes occur in villages or camps and between persons of nearby villages, since people who live close to one another have more opportunities for dispute than those who live far from

[412]

FIG. 10. Baked-meat grindstone with wooden grinder.

one another. Such quarrels are usually complicated by notions of kinship, affinity, age, and so forth and are very often the result of breaches of specific patterns of social behaviour rather than simple breaches of general social regulations. They are, therefore, generally settled in harmony with these traditional patterns. But, if they are not settled by the mediation of kinsmen, they are likely to lead to violence, because, as we have remarked, Nuer are at once prepared to fight if they are wronged or insulted, unless kinship, or great disparity in age, restrains them. If a man refuses to pay compensation for a wrong, there-

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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putting together their genealogies construct some sort of tree of descent from Mem, in which the agnatic relationship between various lineages could be indicated; but it would be very unlike the spontaneous statements that at once delineate the lineage system of large clans like the JINACA, associated with tribal territories.

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It is also very noticeable that Nuer knowledge of the lineage system of a dominant clan tends to be restricted to those parts of the system that correspond to segments of their tribe. Thus the JINACA lineages which are associated with segments of the Lou tribe are well known to Lou tribesmen, but they have no, or very little, knowledge of the JINACA lineages of the Rengyan tribe. Likewise I experienced much difficulty in obtaining from Gaajok and Gaajak tribesmen a clear account of the lineages of the GAATGAWEIR clan which form the dominant nucleus of the Gaagwang tribe, though they were well informed about the lineages of the same clan which are associated with segments of their own tribes.

FIG. 19. Leather fan.

It follows from our account that, as we have suggested before, the lineage system of a clan can only to a very limited extent be considered a true record of descent. Not only does its time depth appear to be limited and fixed, but also the distance between collateral lineages appears to be determined by the political distance between the sections with which those lineages are associated, and it may be supposed that a lineage only persists as a distinct line of descent when it is significant politically. Ancestors above the founder of a minimal lineage are relevant only as points of departure for denoting lines of descent when these lines are rendered significant by the political role of the lineage system. We have suggested that the depth of lineages is a function of the range of counting agnation on an existential plane, and we now further suggest that the range of counting agnation is largely determined by its organising role in political structure.

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his particular village, and his actions affect all his relatives, no matter how distant the relationship may be. This fact checks him to some extent in his misdeeds, for any infringement of Nuer law not only affects him but all his people as well. He must give heed to them and to Nuer law in general if he is to count on their support and aid in time of need (Fig. 1).

The men and boys of the village usually sleep in the barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls up to about three feet or more from the ground, then the sleeping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a bunch of grass tightly tied together at one end suffices for a broom. One part of the enclosure is plastered with mud for a radius of two or three feet, and in the center is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

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the word *dil* has generally the sense of 'pure', 'true', 'perfect', or 'aristocratic'. It is the ox of perfection. It is the young man's friend and companion. He plays with it and fondles it. He composes poems about it and sings them to it, and he gets a small boy to lead it round the camp in the morning or evening as he leaps behind it chanting poems. He walks among the cattle at night ringing a cattle-bell and singing of his kin, his lovers, and his cattle, and he praises this ox among all other oxen. He makes tassels to hang from one of its horns, and he loves to see it toss the tassel in the air with a sweep of the neck. He acquires an iron bell to hang round its neck, and no music, unless it be the ox's lowing, is sweeter to his ears than its tinkling in the pastures. He goes to the edge of the camp to meet it when it returns from grazing in the evening. He is never tired of describing its points, and as he does so, and also in dancing, he may hold up his arms in imitation of its horns. Should the ox die he is downcast; and should he die it must be sacrificed at his mortuary ceremony.

The youth now also enters through this ox into a new kind of relationship with God, the guardian spirits of his family and lineage, and the ghosts of his ancestors. When he has tethered it in the kraal for the night he may pet it, removing ticks from its belly and scrotum and picking out adherent dung from its anus; and he may at the same time rub ashes on its back. Ordinarily I think he does this simply because the ox, which has suffered from parasites throughout the day, gets relief from its back being rubbed, but I was told that he may occasionally as he does so speak a few words to God or to the ghosts. While it is not until a man marries and has children and an independent household that he sacrifices

FIG. 5
Hollowed-out ash-bench bag, used as stool, &c.

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1: Evans-Pritchard E-S (1931, 1936) 1940
F322 Nuer F322

262 a gourd of sour milk always at hand in case visitors come. Part of the daily yield is kept for making cheese, and if there are several cows in lactation one may be reserved for this purpose. Milk for 252 churning is drawn into a different gourd to that used for drinking milk. It is then transferred to a churning gourd (see Fig. 1), in which it stands for several hours, and as churning gourds are not cleaned, unless they smell bad, the acids which remain from the previous churning curdle the milk. After standing it is churned

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FIG. 1. Churning gourd.

by a woman, or girl, who sits on the ground with her legs stretched in front of her, and, raising the gourd, brings it down with a jerk on her thighs where she rocks it a few times before repeating her actions: a simple but lengthy way of churning. A small quantity of water is poured into the gourd when the curds are beginning to form to make them set well and to increase the quantity of whey, and some ox's urine may be added to give them consistency. When they have formed, the woman pours the milk into a cup-shaped gourd and scoops them out with a mussel shell into another gourd vessel which is hung up in a hut. The whey, mixed with fresh milk, is mainly drunk by women and boys. Every day they add to the supply of curds and now and again stir some ox's urine with them to prevent them from going bad. They may add to the supply for several weeks before the final boiling over a quick fire, which

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

Though oxen are sacrificed and eaten they are not valued only for these purposes, but also for display and for the prestige their possession confers. Colour and shape of horns are significant, but the essential qualities are bigness and fatness, it being considered especially important that the haunch bones should not be apparent. Nuer admire a large hump which wobbles when the animal walks, and to exaggerate this character they often manipulate the hump shortly after birth.

Like other pastoral peoples in East Africa the Nuer extract blood from the necks of their cattle, and this is a supplementary article of diet in dry season camps, where one may generally see at least one cow bled each evening. Cows are bled for culinary purposes more frequently than oxen. The operation, called *ker*, consists of tying a cord tightly round a cow's neck so that the veins stand out and one of them can be stabbed, on the head side of the cord, with a small knife bound with cord or grass to prevent it entering too deeply. The blood spurts out, and when a large gourd has been filled they loosen the cord and it ceases to flow. Some dung is smeared over the wound. If one examines the neck of a cow one sees a row of small cicatrices. Cows appear to be a little giddy after the operation and may totter slightly, but otherwise seem most

FIG. 1. Gourd for storing cheese.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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FIG. 3. Bags made from the scrotum of a bull and a gazelle.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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614 tribes, to the east and to the west of the Nile, are all segments
613 of the GAATGANKIIR clan. Also the dominant lineages of the
Rengyan tribe, to the west of the Nile, and the Lou tribe, to
619 the east of the Zeraf, are part of the JINACA clan. This distribution is easily accounted for, because we know that till recently

[415]

FIG. 14. Buffalo-horn spoons.

the Eastern GAATGANKIIR and the Eastern JINACA lineages lived with the other lineages of these clans in the Jikany and Rengyan areas to the west of the Nile.

There are also more general and mythological relationships between clans. In recounting these relationships Nuer personify
773 the tribes and give them a kinship value by assimilating them to their dominant clans. Thus, they speak of Bor, Lang, Lou, Thiang, Lak, &c., as though they were persons and could have kinship relations between them like those between persons, and as though all the members of these tribes were of the same

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

252 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

411 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

513 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

854 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

352 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

354 A fire, with earthen shield to protect it from the wind,

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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Fig. 8. Tribal markings on forehead

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Fig. 9. A carved gourd

[facing p. 49]

I: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

233 583

1: Evans-Pritchard E-5 (1931, 1936) 1940
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[8] 233 462 and after initiation they herd the adult cattle and in the kraal give their attention mainly to the oxen. The women are dairy-maids; the men herdsmen. Moreover, to a girl the cows are essentially providers of milk and cheese and they remain such when she grows up and is married and milks and churns for her husband's people, whereas to a boy they are part of the family herd in which he has property rights. They have entered the herd on the marriage of his kinswomen and one day he will marry with them. A girl is separated from the herd on marriage; a boy remains as its owner. When a boy becomes a youth and is initiated into manhood the cattle become something more than food and the cause of labour. They are also a means of display and marriage. It is only when a man marries and has children and an independent household and herd, when he has become an elder and man of position, that he often uses cattle as sacrifices, invests them with a sacred significance, and employs them in ritual.

[8] 233 The Nuer and his herd form a corporate community with solidarity of interests, to serve which the lives of both are adjusted, and their symbiotic relationship is one of close physical contact. The cattle are docile and readily respond to human care and guidance. No high barriers of culture divide men from beasts in their common home, but the stark nakedness of Nuer amid their cattle and the intimacy of their contact with them present a classic picture of savagery. I ask the reader to look at some of the illustrations, for example the Frontispiece and Plates III, V, and XVII, which will convey to him better than I can do in words the crudity of kraal life.

Cattle are not only an object of absorbing interest to Nuer, having great economic utility and social value, but they live in the closest possible association with them. Moreover, irrespective of use, they are in themselves a cultural end, and the mere possession of, and proximity to, them gives a man his heart's desire. On them are concentrated his immediate interests and his farthest ambitions. More than anything else they determine his daily actions and dominate his attention. We have remarked on the over-emphasis on cattle produced by their wide range of social and economic uses. So many physical, psychological, and social requirements can be satisfied from

1. Evans-Pritchard E-5 (1931, 1936) 1940
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226 therefore, are an indispensable article of food, and the pursuit of them influences seasonal movements.

226 The rivers teem with fish of many edible species which greatly
262 supplement the diet of the Nuer in the dry season and enable them to survive years in which the crops fail or there are epi-
[361] demics among the herds. In choosing camp sites opportunities for fishing are considered no less than water and pasturage. Nevertheless, Nuer do not regard themselves as a water-people, and despise people like the Shilluk who, they say, live mainly by fishing and hunting hippopotami. In spite of this suggestion of superiority Nuer enjoy fishing and the feeling of well-being a full fish diet gives them. One may judge how great their catch must be at the height of the dry season from the fact that one can see along the Baro and Sobat cattleless fishing camps (*kal*) in which, except for a little grain, goat's milk, and an occasional wild beast, people live on fish alone for several weeks. These are poor people who either have no cattle or have one or two cows which they have placed in the care of richer relatives, for no Nuer would live without his cattle if he could help it, and they are despised as persons of Anuak or Balak Dinka descent. Some Nuer tribes fish more than others, according to their opportunities. Thus Lou country has poor fishing compared with Eastern Jikany which has a network of waterways. Tribes
• [421] and tribal sections jealously guard their fishing rights, and people who want to fish extensively in a pool must first obtain permission from its owners if they do not want to provoke fighting.

226 It is the seasonal flooding, due to the rise and fall of the rivers
221 and the flatness of the country, that allows Nuer to kill fish in such large numbers, for they are carried out of the rivers, where they are little accessible to the simple methods of Nuer fishing, into streams and lagoons where they are more vulnerable. The best months are November and December, when the rivers begin to fall and to drain streams and lagoons, which can be dammed at suitable points and the fish speared in their efforts to break downstream. Fishing from dams is conducted mainly at night, fires being lighted behind the fishers, who fix their attention on a line of withies placed upstream from the dam and hurl their spears at whatever point of the line fish reveal

8;Howell E, G-5 (1942-1944)1954
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CHAPTER V

PROPERTY RIGHTS

1. OWNERSHIP

General Considerations

421 EVEN though radical changes are now taking place with the introduction of a cash economy, the concept of 'ownership' among the Nuer is still largely expressed in terms of kinship. The principles of group solidarity which apply in marriage relations, homicide, and the balanced opposition of social groups extend also to property relations. Nuer speak of ownership in definite terms of speech. They will say *dee-da*, 'my thing', or *ayin-he*, 'his things', but further analysis shows that these expressions of individual ownership are qualified by kinship relations. A man may well speak of a cow as *his* cow (*yang-da*), but in most instances his ownership of or right to that cow is qualified by his membership of a kinship group. The cow has come to him through one of the many intricate channels in the kinship structure and will not be his for long. Either it will be paid to some kinsman in discharging another obligation of kinship or it will be passed on in marriage. When a man leaves cattle to his sons, these do not become their permanent and inalienable property. They have the right to use them for the time being, but sooner or later it will be incumbent upon them to use them to marry a wife, either on behalf of one of their number or on behalf of some dead kinsman, or they may be obliged to assist some living kinsman to marry. It should be emphasized here that it is obligatory upon them to use the cattle for this purpose; obligatory because the cattle are part of a collective, not an individual system of ownership. A Nuer can rarely sell a cow without the express permission of his kinsmen, and this will probably only be granted if the transaction is both expedient and to the common advantage of them all. This is, of course, one of the reasons why sales of cattle in Nuerland are still so small.[1] Therefore, when a man speaks of his cow as *yang da* 'my cow', he means that he has the right to use that cow for the subsistence of himself and his family, to marry a wife, or to discharge some debt, but he only has that right by virtue of his membership of a kinship group. In this sense ownership of cattle is collective. It must be remembered, too, that although most articles of importance in the material culture of the Nuer are reckoned in terms of cattle, the handing over of cattle

[1] See pp. 195-6.

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in marriage is not a financial transaction but an operation which maintains the balance of exogamous groups, defines their limits, and emphasizes the legality of their marriages. 421

There is, as will be seen later, no concept of the ownership of land by an individual. Ownership of the land, both for cultivation and for grazing, or of stretches of water for fishing, is expressed in terms of kinship and follows the lines of social cleavage. Disputes over land are again associated with the balanced opposition of tribal segments, not of individuals.

Property other than Livestock and Land

Apart from cattle and land there are other forms of property, the ownership of which is in some cases more individual in character. These are articles of clothing, ornaments, weapons (except sacred spears), utensils and domestic tools, pottery, houses, and agricultural implements.

It is necessary here to make some distinction according to actual values in the past. That these values have been altered by the introduction of trade goods which may be bought with cash will be seen later. In the past there appear to have been four categories of such property:

(1) Articles made from local materials easily available, the manufacture of which required no technical skill or knowledge. In this category were such things as cattle-ropes (particularly the less ornamented kind), sandals made from cow-hide, spear-shafts and cattle-pegs. Such articles could always be made by any Nuer with the minimum of trouble. They were of little permanent value and were given away freely. Hence the right to ownership rarely, if ever, became the subject of dispute, and there is no tradition of accepted scales of compensation for misappropriation, nor for that matter any likelihood of legal remedy.

(2) Articles made from local materials, the manufacture of which required both skilled technique and knowledge. Here a further distinction may be made according to the sex of the manufacturer, e.g. pots were made by women, bull-collars by men. Moreover, although there were very few hereditary craftsmen in Nuer society, some individuals acquired the reputation of especial skill and were able to barter their wares for things of equal or greater value, and sometimes for goats, sheep or even cattle. Such articles included clubs, shields of hide, ornaments of leather, pottery, spear-shafts of a more ornate kind, decorated gourds, and wooden or bone spear-heads. These were exchanged freely and were given to relatives without much demur if asked for, but Nuer would object strongly to their removal by a stranger.

(3) Articles of local materials manufactured by skilled and sometimes, though rarely, hereditary craftsmen, the value of which was in

6;Howell E. G-5 (1942-1944)1954
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421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were canoes and ivory bangles (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (c) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hooks, iron hoes, &c. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron wares were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*ral*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantages obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[424] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

421 178 436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

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obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited. 421 178

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuer now practise agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered. 436

2. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuer east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuer society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *rul*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuer clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuer society. Many *rul* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tutni*,[1] 'sons of bulls'. *Diel* are always *gaat tutni* in the area they occupy; *gaat nyiet* are always *rul*, though *rul* are not all necessarily *gaat nyiet*. It seems that the word *rul* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuer 423 614

[1] See p. 18.

9:Evans-Pritchard E-5 (1931, 1936)1936 F 222 Nuer F 224

836 883 in sexual relations with girls. Before initiation boys may go to dances but they merely watch and do not take part in them. After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*bumde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 884 0421 An initiated boy is now invested with two external signs of manhood besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation. If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 554 553 421 A boy is even prouder when he becomes the owner of a bullock and is invested with a bullock name. Even a small boy will speak of his father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it is only his in the general psychological sense of family communism. It

9:Evans-Pritchard E-5 (1931, 1936)1936 F322 Nuer F322

is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right. 233 554 553 421

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having theirs lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nilotes towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members 232 553

2;Evans-Pritchard E-5 (1931,1936) 1951
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595 guests who may be present. A husband may have a garden of his own, but, if so, he distributes the millet among his wives when their supplies are running short.

6422 The cattle belong to the husband. It is the usual practice for a
593 man to divide his cows among his wives, but they only have the use of them for milking and cannot dispose of them. A cow given to a wife is merely what Nuer call 'a cow of the churning-gourd', seeing that it is given to the wife only so that she may have milk for her little ones and butter and cheese to pour over her porridge. It is true that the husband ought not to dispose of the cow without consulting her, and I have heard a wife protest strongly that she had not been advised of her husband's intentions; but she cannot refuse her consent to its disposal for the benefit of the family. Nor can she dispose of it herself. When I asked some Nuer whether a wife could give a cow which she always spoke about as 'my cow' to her brother, they wondered whether I was joking: 'Could she do such a thing? Would not her husband kill her? Give one of his cows to her brother indeed! Eh he!' If a man dies, leaving only young children, and his wives remain in his homestead or live with his brothers, they continue to have use of the cows he allocated to them during his lifetime. A dying man may expressly direct that they should do so. However, the trustees of the animals are the dead man's brothers and their disposal is subject to the claims of the family as a whole and must be in their common interest. If a widow tried to remove the cows from the herd and take them to the home of her brother, or of some man with whom she was living in concubinage, her husband's kin would certainly not, except in very special circumstances, permit their dispersal, for the cattle belong to the lineage, to the sons as a whole, who are links between the ancestors and its as yet unborn members. If the sons are men when their father dies they ought to go on living together round a common kraal. Nevertheless, as will be seen, they frequently do not do so. Whether they do so or not, the cattle belong to all of them and should be used, when the herd is large enough, to obtain wives for them in order of seniority, though in practice they are sometimes a bone of contention. Even cattle which come to wives on the marriages of their kinswomen (the cow of the paternal aunt and the cow of the maternal aunt) are not their property in an absolute sense. They have the use of them and should their husband die their sons inherit them, but while the

2:Evans-Pritchard E-S (1931, 1936) 1951
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husband is alive the beasts come as part of his herd and the wives cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriage of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to, take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok pokni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a levirate marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

5:Howell E, G-5 (1942-1944):954
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583 has been passed on in other marriages. It is also in the interests of the husband to protect and care for his wife, for if harm should befall her through ill-treatment or carelessness on his part, he may lose his wife and find difficulty in getting his cattle back.

(v) It serves as legal indemnity for the loss of the woman's services to her own family and kin, particularly her economic and domestic services, and since, in an exogamous patrilineal society, she cannot bear children to her kinsmen, bridewealth provides them with the means to marry and raise children to their own name. The social equilibrium is thus maintained, the patrilineal identity of the lineage preserved, and its continuity in posterity assured.

(vi) It invokes the interest of ancestral spirits and their blessing, and by doing so fulfils a duty towards them. This is really a religious expression of the principles described in (v) above, but some of the bridewealth cattle are actually set aside and dedicated to the spirits of the lineage.

422 583 It is important to remember that cattle are held collectively by the family or kinship group in the sense that their disposal is governed by conventions operative within that group. Kinship relationships govern the limitation of rights in cattle. The collection of bridewealth and its transference are not simple transactions between the prospective husband and the father or legal guardian of the bride. Certain persons standing in special relationships to the bridegroom within the kinship structure, and some of them maternal relatives, are expected to assist him in collecting the required number of cattle. Persons standing in special relationships to the bride are entitled to their shares in the distribution of the cattle when received, and these rights have been raised because they are the persons who co-operated in the collection and giving of bridewealth cattle in previous marriages, particularly the marriage of the bride's mother. This principle runs through the conventional form of reciprocal obligations and rights which are found in the kinship structure.[1]

583 Bridewealth is not, therefore, a payment in the sense that the bride is purchased from her family, though clearly the cattle are not regarded as merely tokens in the marriage system. They have economic value of extreme importance to the Nuer, since milk and meat products are

[1] It should be mentioned at once, though the subject is examined more fully later in connexion with divorce laws, that this does not mean that there is not a measure of individual ownership of cattle. Alienation of cattle is governed by definite rules of inheritance, posthumous rights, and present obligations. A Nuer possesses his cattle as an exclusive right in relation to persons of another kinship group, but the cattle he receives as member of his own kinship group are not his exclusive property; their alienation is not possible without a degree of permission from his kinsmen. This is one of the reasons why Nuer do not on the whole sell their cattle. In contrast, cattle received from other sources, by purchase for example, are his exclusive property even in relation to his kinsmen, though if used for marriage they are, as it were, put into the pool and lose this quality in the future.

14: Huffman M-5 (no date) 1931
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Every one helps in the work of the harvest, for the 243
stalks must be cut down and the heads cut off and placed upon a rack which has been placed in the yard for that purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she has plastered with mud, using a long pole. She usually chants a song as she pounds, the thud of the pounding serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part of the food of a Nuer. He eats it without salt or sugar; sometimes he has a little milk on it. Or the dura may be soaked and then allowed to sour a little, and then cooked, in order to give the family a little variety in their meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild greens. Beans are also eaten, but I know of no Nuer who plants them in his own village. Men consider these wild greens effeminate and will not eat them except in times of famine. Sometimes in times of famine they gather certain [261]
wild grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be assured of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows such an array of beads and cloths that the Nuer is tempted

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

CHAPTER I

INTEREST IN CATTLE

I

233 [24] A PEOPLE whose material culture is as simple as that of the Nuer are highly dependent on their environment. They are pre-eminently pastoral, though they grow more millet and maize than is commonly supposed. Some tribes cultivate more and some less, according to conditions of soil and surface water and their wealth in cattle, but all alike regard horticulture as toil forced on them by poverty of stock, for at heart they are herdsmen, and the only labour in which they delight is care of cattle. They not only depend on cattle for many of life's necessities but they have the herdsman's outlook on the world. Cattle are their dearest possession and they gladly risk their lives to defend their herds or to pillage those of their neighbours. Most of their social activities concern cattle and *cherchez la vache* is the best advice that can be given to those who desire to understand Nuer behaviour.[1]

The attitude of Nuer towards, and their relations with, neighbouring peoples are influenced by their love of cattle and their desire to acquire them. They have profound contempt for peoples with few or no cattle, like the Anuak, while their wars against Dinka tribes have been directed to seizure of cattle and control of pastures. [423] Each Nuer tribe and tribal section has its own pastures and water-supplies, and political fission is closely related to distribution of these natural resources, ownership of which is generally expressed in terms of clans and lineages. Disputes between tribal sections are very often about cattle, and cattle are the compensation for loss of life and limb that is so frequently their outcome. Leopard-skin chiefs and prophets are arbiters in questions in which cattle are the issue, or ritual agents in situations demanding sacrifice of ox or ram. Another 233 561 ritual specialist is the *wut ghok*, the Man of the Cattle. Likewise, in speaking of age-sets and age-grades we find ourselves des-

[1] Nuer interest in their cattle has been emphasized by early travellers in their country. *Vide* Marno, op. cit., p. 343; Werne, op. cit., p. 439; du Couret, op. cit., p. 82.

[p. 16]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

inches of water for seventeen days, apart from having to cross 361
numerous deep depressions. In some parts of Lou and Eastern 132
Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their 343
byres are of size and workmanship that have evoked the admira- 342
tion of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two 351
sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, 423
trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part 361
of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women 342
in beehive-huts, or both sexes in beehive-huts. These flimsy 513
shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

gardens have to be made on higher land. Where circumstances permit homesteads to be built over a wide stretch of country gardens can be made almost anywhere between them, but where they are strung out along a ridge there is less choice, for the back of the ridge is too hard, does not retain enough water, and is required for grazing. Cultivations are therefore made behind the huts and byres between the summit of the ridge and the sunken plain. Among the Western Nuer, in the higher parts where there is a slight slope, small dams are often constructed to prevent the water running from the gardens. If, on the contrary, the millet is likely to be flooded where the ridge slopes into the plain, drainage canals, sometimes several feet deep and over fifty yards in length, are dug to take excess of water into the bush. These gardens form a continuous line behind the homesteads and if there is sufficient land there for cultivation people do not cultivate elsewhere. If there is not enough land they cultivate along the ridge beyond the confines of the village where it is too damp for building but not too flooded for millet gardens, or in near-by forest.

There is enough land for everybody on the Nuer scale of cultivation and consequently questions of tenure do not arise. It is taken for granted that a man has a right to cultivate the ground behind his homestead unless some one is already using it, and a man can choose any spot outside the village which is not occupied by the gardens of others. New-comers are always in some way related to some of the villagers, and kinsmen do not dispute about gardens. Moreover, owing to the conformation of Nuer villages, there is a rough correlation between the size of population and the area of cultivable land, for where suitable land is limited so is space for building.

It has been remarked that when once established millet shows great resistance to climatic variations. The difficulty is for it to become established. It frequently happens shortly after sowing that there is a short period of drought in which the young shoots wither and die. Sometimes this is due to the hungry people sowing too soon, but it is generally unavoidable, because if they wait too long before planting, the millet becomes subject to smut and neither bears nor ripens properly. It also frequently happens that heavy and violent rain destroys the

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342 *ieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
233] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

•423 Village sites are owned by certain clans and sections of clans.
602 However, ownership is mainly a matter of sentiment, based on long association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyuoc*, or high river-flood, their ridges remain dry

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited. 421

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuer now practise agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered. 178 436

2. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuer east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuer society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *rul*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuer clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuer society. Many *rul* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tutni*,[1] 'sons of bulls'. *Diel* are always *gaat tutni* in the area they occupy; *gaat nyiet* are always *rul*, though *rul* are not all necessarily *gaat nyiet*. It seems that the word *rul* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuer 423 614

[1] See p. 78.

S:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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[614]

history to a nuclear clan have acquired so much associated tradition that the attachment is confirmed.

Land tenure here means the holding of, and rights to, the high ridges and sandy outcrops which the Nuer occupy during the wet season, where they build their permanent villages and cattle-byres and clear their cultivations, and the various forms of land used for pastures and fishing in the dry season. That certain communities, consisting of the *diel* and later accretions by association, have a definite right to distinct areas is clearly recognized by all Nuer. The sanction for possession in the past was, however, physical force and power to resist the encroachment of others, while nowadays the *status quo* is maintained by the Government.[1]

Occupation of the land and prescriptive rights to a certain territory are often expressed in mythological terms linked to the history of the nuclear lineage. The original ancestor is said to have divided land among his sons, themselves ancestors of particular collateral lineages, in the same way as he divided his cattle and sometimes his ritual functions among them. But this is merely an idiom which gives emotional emphasis to ownership of land vested in that nuclear lineage, for land, either arable or pasture, is not a form of property which is normally controlled by the laws of inheritance. A man's eldest son will inherit his huts and cattle-byre, while the other sons continue to occupy them so long as they wish to do so, particularly if they are not married; but, as younger sons, they have no specified portions of their father's land, and there is consequently no individual inheritance of land. When they wish to do so, they will build their houses and set up their homes in some area which is unoccupied, for there is usually no shortage.

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As I have explained in the introduction, three types of land are utilized by the Nuer, and each is of definite value at certain times of the year. The 'high land', ridges of higher, better-drained ground, provides for the permanent settlements mainly occupied during the rains from approximately May until November, though the period varies according to latitude and local climatic conditions. This area is largely used for the cultivation of millet (their staple crop), of maize and tobacco and the few vegetables which some Nuer grow. Beyond, and usually surrounding the higher ridges, are the 'intermediate' grass plains which are subject to variable flooding from accumulated rainfall which only drains away with difficulty, especially if the ground is already saturated. These 'intermediate' areas are utilized at the end of the rains for pasture so long as sufficient moisture remains in the soil to allow a green regrowth from the perennial grasses after they

[1] Nuer did not confine their aggressive movements to the Dinka. Other Nuer tribes were often attacked and their territory occupied. For example, the Lou Nuer originally occupied the Zeraf Island, but a military alliance between Thiang and Lak drove them out.

8:Howell E, G-5 (1942-1944)1954
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have been burnt or close cropped. Later they dry out and become unpalatable, and by this time the inland pools are also dry, so that the people must move their herds to the *toic*. The word *toic* in some contexts merely means 'summer grazing', in others more specifically the marshes bordering the main channels of the rivers, their smaller tributaries, and the network of minor drainage channels found everywhere in Nuerland. Here a combination of soil, depth and period of immersion from river-spill and other factors produces grasses which, to a greater or lesser degree, are valuable as pasture throughout the dry months of the year. Beyond this are the permanent papyrus swamps (*sudd*), which scarcely dry out at all and are useless for grazing and (at present) are not used for crop production. 311

This classification is necessarily arbitrary and relative, for the difference of level is rarely more than a few feet, and there is no clear-cut boundary between the different types of land.[1] Moreover, though 'high land' is nearly always limited,[2] 'intermediate' land may extend no more than a few hundred yards before *toic* is found in the flood-plain of neighbouring watercourses, or it may continue for more than fifty miles. Such varying distances have their effect on the seasonal movements of the people, but—again as a broad generalization—the main feature, the balanced utilization of all three types of land according to the season, is common to all Nuer.

For these reasons ownership of the land necessarily includes all three, and when a Nuer speaks of his *rol*, his country, or sometimes his *dhor*, he envisages a territory which includes 'high land' for cultivations and permanent settlements, 'intermediate' land for pasture in the early months of the dry season, *toic* for summer grazing and fishing. *Rol* Gaawar is a complete territory in this respect; within it each primary segment has its own complete area, *rol* Radh and *rol* Bar, and within these the secondary segments, *rol* (*cieng*) Kerfeil, *rol* (*cieng*) Per and so on.[3] Thus territory and rights in land follow the segmentary system, but this does not mean that an individual or even a small group of people will necessarily confine their movements to the territory of the segment to which by tradition and practice they should belong. Living in one permanent settlement during the rains, they may well choose to herd their cattle in the dry season pastures of a different segment of the tribe, or in some cases to cross the boundaries of another tribe. They will do so, however, only by agreement with the 'owners' of that territory, though such agreements are often implicit rather than defined. It is clearly recognized that ownership of the land lies with the segment of the tribe from which the name of the area derives; in other words, from the dominant lineage. *Rol* (*cieng*) Kerfeil is theoretically the exclusive property of all descendants of 423

[1] See Jonglei Investigation Team. *Progress Report, 1948–9.*
[2] See map on p. 13. [3] See p. 19.

8:Howell E, G-5 (1942-1944)1954
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Kerfeil and those linked with them by permanent association. Within it each collateral branch of the main clan has definite rights to a certain part, usually specified by reference to villages on higher ground, and elsewhere to pools which provide water and fish and to the pastures which surround them. *Rol* (or *dhor*) is relative like the word *cieng*, which has much the same meaning on a smaller scale.[1]

I must emphasize again that land to the Nuer must include all types, for their subsistence economy is maintained by the balanced and seasonal utilization of all three, but it may be as well to examine separately and in more detail the types of land used for crop production and animal husbandry and the rights in water-points and fisheries which go with them.

Arable Land

From the legal point of view the problem of rights in arable land is not a complicated one among the Nuer, and there is virtually no litigation concerning either individual or collective claims. The reasons are not far to seek. During the cultivation season the Nuer occupy the high ground which is free from river floods or swamping by heavy rain. Such high ground is limited when compared to the total area occupied by Nuer tribes, but there is generally more than enough available. An intricate and complex system of rights in land cannot be necessary unless there is scarcity, and this is not usually the case. Nuer like to have their gardens close to their dwellings, so that they can protect them against wild animals and straying cattle. They do not usually fence their fields, particularly in those areas where wood and thorn are not easily available.[2] The Nuer village, moreover, is not built on a concentrated pattern, and each homestead is separated from its neighbours by a considerable distance ranging from about a hundred yards to over a mile. The Nuer ideal is to live in the bosom of his own immediate family as isolated as possible from his neighbours and free from tiresome intrusions. This individualistic outlook is, however, limited by a variety of considerations. In the clearing of land, in the heavier tasks of cultivation, and in harvesting, collective assistance, dependent on the mutual obligations of kinship and neighbourhood and the provision of beer and meat for workers, is necessary. A Nuer would not wish to live so far away from his neighbours that it would be impossible to take advantage of their help. Further, in the past at any rate, the need for defence and concentration against

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[1] For definition of the word *cieng*, see pp. 20–21.

[2] Fencing is used in some areas, particularly in the heavily forested regions of the Zeraf Valley, but usually only on newly cleared ground. The branches of trees cut are then used to make thorny enclosures, but these do not last for more than a year or two at most and there is rarely an attempt made to renew them. Fencing is employed particularly when new cultivations are cleared and sown before the homestead has been rebuilt close to them.

8:Howell E, G-5 (1942-1944)1954
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attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mara*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

6:Howell E, G-5 (1942-1944)1954 /
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and well beyond the limits of the reciprocal distribution of bridewealth cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

8:Howell E, G-5 (1942-1944)1954
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interests. In most parts of Nuerland too the nature of the terrain—isolated outcrops of flood-free ground often widely separated—usually precludes the possibility of clashes between different settlements. Likewise when the rains cease the cattle are widely dispersed in small camps over the 'intermediate' plains. There is no shortage and no need for a clear demarcation of boundaries between the units of one community, or between different communities coming from different settlements.

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As the dry season advances, when the 'intermediate' grasses become unpalatable and water supplies run short, concentration increases, and the small camps join together in larger ones in the *toic*. Cattle-camps with five or six thousand animals are not uncommon, and often there are many of such camps clustered along the banks of a river or water-course in one region. More careful regard for rights in these pastures and in the fisheries which go with them may be necessary if disputes are to be avoided. Yet there is usually plenty of grazing, though this varies according to prevailing climatic conditions. In one year the river may be low and the rains light, with the result that the Nuer must penetrate farther into the riverain marshes; in another, a high river level may limit their movements to the fringes. Both circumstances may result in shortages, and something between the two extremes is probably the ideal; but many Nuer tribes have alternative grazing grounds which are utilized in varying proportions according to the year. For example, the Dok and Jagei Nuer can use the marshes of the Bahr el Jebel in a year when that river is low and much of the flood-plain uncovered, or they can move to the pastures of the Bilnyang system, which are produced partly by water spilling from the main river, and partly by water draining from a different catchment area. Some Nuer tribes do not have these advantages; in some areas periodic plagues of biting flies or mosquitoes, whose incidence also obviously varies with different climatic conditions, prevent the full utilization of their summer grazing grounds. Generally speaking, there are rarely acute shortages, and even in the *toic* the boundaries between tribes or tribal segments need not be closely guarded.

In certain circumstances, however, such boundaries become essential, and their infringement may then cause disputes, which often result in violence and bloodshed. Sometimes there is an unusual shortage both of grazing grasses and water-points, and people who have normally tolerated the intrusion of outsiders less favourably provided than themselves, turn upon them and demand their withdrawal. Again, an epidemic of some contagious disease such as rinderpest or contagious bovine pleuro-pneumonia makes quarantine and segregation of the herds essential. Fear of the spread of disease compels the owners to guard their boundaries more closely. To bring contaminated cattle into an area recognized as the exclusive right of other segments, and

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where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

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Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

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Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

8:Howell E, G-5 (1942-1944)1954
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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people.

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes.

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

8:Howell E, G-5 (1942-1944)1954
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423 emphasis nor is there any demarcation of boundaries. Within each tribe which owns a territory in opposition to other tribes there is a further division according to primary segments and smaller communities. The lower down the scale of segmentation the less clearly defined are these boundaries, because ultimately they correspond to regions occupied by people closely bound by ties of kinship and by the need for close co-operation in the economic sphere. Individuals and small groups of people cross these boundaries, but must do so with the consent, tacit or consciously given, of those with whom the territory is associated, the *diel*, and those who link themselves to them. Thus with the exception of occasional quarrels over the riverain grazing grounds, land is not often in dispute. In the past rival claims to territory were settled with the spear, and there existed no complex laws of land tenure governing human relationships where land was concerned. Land tenure is not a serious problem in Nuerland nor the subject of much litigation in the courts, and is unlikely to become so while there is no shortage.[1]

3. INHERITANCE

428 Laws of inheritance might more properly be discussed under the heading of marriage, for they are inseparable from the general kinship system and the rules of bridewealth distribution. Matters of inheritance are not a common cause of litigation; they are essentially *ruac cieng*, private affairs which should be settled in the home. Nevertheless, disputes of this kind are sometimes brought before the courts, even by persons as closely related as brothers or half-brothers.

Inheritance of Cattle

Nuer society is essentially patrilineal where the inheritance of property is concerned, and a man's belongings should go to his sons, or failing that to his brothers or brothers' sons. Property or titles to cattle accorded in the name of a woman (for example, the mother's, maternal aunt's, and paternal aunt's portions in bridewealth) should go to her own sons and hence to the lineage of her husband, not that of her father. This rule is normally applied though it may be ignored in certain circumstances upon which no generalization can be made.[2]

428 582 The laws concerning inheritance are not distinct, for the owner is normally expected to divide the cattle actually in his possession among his sons or relatives before he dies. The underlying principle, however, for the distribution of cattle among a man's sons is that brothers

[1] As there may be when the Equatorial Nile Project is in full operation.

[2] See for example the marriages described on pp. 115–117. In these, since there were no uterine brothers of the bride's mother, their portions went to their maternal nephews, though one might expect them to go to their paternal kinsmen.

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421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were canoes and ivory bangles (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (4) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hooks, iron hoes, &c. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron wares were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*cut*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantages obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[424] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

421 178 436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

16: Evans-Pritchard E-5 (1931, 1936) 1956
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regarded as quite independent conceptions. We must distinguish here between class names and individual or personal names. The reason why Nuer divide the spirits into kinds, spirits of the above, spirits of the below, *colwic* spirits, *bieli*, and so forth, is that they regard them as different sorts of manifestation of Spirit and of varying degrees of importance. This is a matter I discuss later. It is rather the individual names with which we are immediately concerned.

The reason why some of the refractions have distinguishing names is, I think, mainly a matter of ownership. We have seen that, in the sense already defined (p. 44), Spirit can be owned by persons. Now, no one in this sense owns God, but all the various spirits may be owned by persons; and it may be said that the most distinctive naming of them is where individual ownership is most marked, in the case of the spirits of the air and the fetish spirits, which have proper names and ox-names. A prophet who is inspired by Spirit has in the logic of the situation to give it a name which distinguishes it as his particular spirit from the spirits of other prophets of his neighbourhood who are his rivals for renown and influence; for the attachment here is to individuals who build up through it a personal following, and not, at least primarily, to social groups. When a spirit falls from above and enters into a man who becomes its prophet it attains individuality by revealing through the prophet what it is called—its name; and when a person becomes possessed for the first time the immediate endeavour of his neighbours is to get the spirit to reveal its name when he is in a dissociated state. The spirit gets its name, the *numen* gets its *nomen*, by being owned by the person it possesses and to whom, by possessing him, it brings power and prestige. Fetishes are also owned by individuals who compete, though in a different way from prophets, for prestige and power against one another, so they must have distinguishing names. Thus it is through the name that ownership is established. The individuality is, in a sense, that of the person and not that of the spirit, the spirit getting its name through him.

The conclusion we have reached is that the conception of *kwoth* has a structural dimension. At one end Spirit is thought of in relation to man and the world in general as omnipresent God. Then it is thought of in relation to a variety of social groups and activities and to categories of persons: to political movements

1: Evans-Pritchard E-5 (1931, 1936) 1940
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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

8:Howell E, G-5 (1942-1944)1954
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Numbers of Cattle sold in or exported from Malakal in Yearly Totals from 1935 to 1947 Inclusive

1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947
2,586	2,413	1,590	2,385	2,817	2,116	2,283	3,124	2,204	3,012	5,944	5,380	5,278[1]

When it is remembered that the Nuer alone possess over half a million head of cattle, these sales figures are not impressive, but the increase in sales is significant.

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There is still relatively little internal trade in cattle among the Nuer. Cattle are not bought and sold in local markets, and disputes over prices or payment rarely come before the courts. Cattle continue to be exchanged, however, and there are still customary rates of exchange.

Exchanges and Loans

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The Nuer word for exchange is *gual*, and is used specifically in connexion with the exchange of cattle. '*Ce thak gual ke dou*', 'he exchanged a bull for a cow-calf.' The expression, which is often loosely applied, refers to a direct exchange. In some cases cattle may be exchanged for sheep. It is generally recognized that a large bull or ox is worth a cow-calf, and a cow-calf is worth anything from 10–20 sheep. Such transactions are frequent.[2] In certain situations of spiritual danger—famine, sickness, or death—or in any situation which demands a sacrifice, a sacrificial animal is necessary, and this may not be immediately available. In such circumstances a man will be forced to make an immediate exchange: a cow-calf for a bull-calf, and so on. More probably he will borrow a bull or in some cases a ram on the understanding that he will pay the owner its recognized equivalent at some later date. This is in the nature of a loan, and involves some measure of interest. A full-grown ox is worth at least a cow-calf if the debt is discharged at some later date, a ram is worth a bull-calf, and so on. In this case the word *ngual* is usually employed. The word *ngual* implies the passage of time before the transaction is complete, and is thus best translated as 'loan'.

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In many cases a Nuer will specify beforehand that he will pay the first cow-calf born to such and such a cow. Such loans are a frequent cause of litigation, for a man is often unwilling to repay the loan after his immediate need has been met, or unable to do so.

[1] Jonglei Investigation Team, *Third Interim Report*, 1948, p. 20.

[2] Among some Nuer and Dinka tribes there is a considerable trade in this manner with Baggara Arabs from the north. Cow-calves are brought in by the latter and exchanged for large oxen, which are then driven north and sold in the markets. This form of trade is, however, limited, for it seems that Baggara cattle will not survive in the areas south of approximately latitude 9°, and though the Nuer have been tempted to try, the experiment has usually been unsuccessful. In any case, there are no statistics available because the practice is not encouraged by the Government owing to the spread of disease.

8:Howell E, G-5 (1942-1944)1954
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Disputes are easily settled by the courts, though execution of judgement is often slow.

Loans Arising from the Institution of Nak

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Slightly different situations arise from the institution known as '*nak*'.[1] It appears probable that *nak*—the common word meaning 'to kill', but in this context meaning 'a slaughter'—was part of the tribal ceremonies concerned with the division of age-sets. Age-mates of the younger age-set would segregate themselves from the rest of the community at the cattle-byre of one of their number and live entirely on the meat of oxen slaughtered for the occasion.

Two or three of the youths would club together to provide an ox and, if their immediate relatives were unable to supply one, they would appropriate one from someone else. In this they were given considerable licence and, should the owner object, they could seize it with impunity. Public opinion would not allow the owner to resist, and certainly he would be unable nowadays to obtain immediate redress in the courts. In return, the youths are bound by convention, with the full force of public opinion behind it, to make return after a specified number of years (usually announced by the *wut ghok*).

The exchange values of cattle provided in this manner are much higher than those recognized in normal exchanges or loans. They are:

1 large bull = 2 cow-calves and 1 bull-calf.
1 medium bull = 2 cow-calves.
1 bull-calf = 1 cow-calf.

The debts were not, of course, discharged with the rigidity which these rates imply, but they are quoted by Nuer as being traditional. Just as a man is expected to hand over his ox without show of reluctance in the first place, so would his debtors be expected to discharge their obligations without argument. Nuer are particularly emphatic on this point, but disputes are, none the less, frequently taken to court.

Nearly all these exchanges are necessary to meet some ritual situation, and are therefore of frequent occurrence. Sacrifice is extremely common, and Nuer consume more meat than is commonly supposed. Recent statistics indicate that a large proportion of the total cattle population is slaughtered.[2]

Exchange of Cattle for Grain

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Finally, cattle are sometimes exchanged for grain in times of famine. This has not been so frequent in recent years, because grain, imported

[1] I have discussed this institution in more detail in an article, 'The Age-set System and the Institution of 'Nak' among the Nuer', *S.N.R.*, 1948.
[2] See Jonglei Investigation Team, *Progress Report, 1948–9*.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

According to Jackson, after the wounds have completely healed the boys go into camp. He says that a group of about a hundred boys is formed and that a bull is provided for each of them. They settle in a spot about an hour's distance from the village and gorge themselves with meat. A young boy or an old woman cooks for them but they may not be visited by girls. During this time they indulge in feats of endurance and when they have eaten all the bullocks they return to their villages.[1] This account by Jackson is not entirely in accord with my own information which does not lead me to consider these camps as part of the institution of age-sets (*ric*) but as only incidentally associated with it. According to my information the newly initiated boys do not always collect in camps after their wounds have healed but only in some years, about every second year, and then it is not only the new initiates who form a camp but also members of their age-set who have been initiated in previous years and even members of senior age-sets. I was told that even a married man would attend and that a man would attend until his son was old enough to replace him. I think that these camps (called *nāh* or *hanar*) are a custom separate from the age-set system, though related to it by the fact that its members are mostly recruited from the unmarried youths of the village and are hence mainly of the same age-set. These camps are also held, moreover, during the closed periods when "the knife is hung up" and no further initiation is allowed to take place. They are held when the first harvest, the *beel wec*, is ripe. Any youth who possesses a bullock, other than his favourite beast (*dil thakde*), will take it to the *hal*, as these camps are also called, in general with all camps which are without cows and the ordinary activities of pastoral life. A youth will ask his father to give him a bullock so that he may join his comrades at their feasts, and if his father has no beast to spare and his son is insistent in his request he will arrange for him to share a bullock with a friend and will later pay the owner a male calf for the half which is lent to his son. The young men spend a month, or even two months, in the camp, living mainly on meat, for a bullock is killed every three days or so. Nevertheless they also eat a quantity of porridge, since women in the neighbourhood of the camp, which is generally five to ten miles from the homes of the youths, will make porridge and will bring it to the camp to exchange for meat. The skin of slaughtered bullocks and some parts of the meat are taken back to the village for the older men. Apart from eating meat and indulging in the pursuits incidental to this season of the year, especially

[1] *Op. cit.* p. 146-147.

SPIRITS OF THE ABOVE

x 776 782 231 •426 To appreciate how Nuer get into such difficulties with their dedicated cattle as I have mentioned we must bear in mind the overwhelming importance of cattle in their lives, that cattle are generally the issue in disputes, and that almost every Nuer owes cattle and has cattle owing to him, debts which are often not settled, if at all, for years and sometimes even for generations. Nuer will go to almost any lengths to obtain cattle to which they think they have a right and to put off the settlement of their own debts. It is not surprising that in these circumstances a man may postpone fulfilling his obligation to a spirit if it is a question of having to choose between the claims of an importunate creditor and of a spirit which, it is hoped, will be satisfied for the time being with the man's good intention; or that to fulfil an unavoidable obligation to a kinsman a man may take a liberty with a spirit which, he hopes, will not take offence at a fault in such compelling circumstances.

x 776 782 Besides dedicating a cow to his spirit and sacrificing an ox, sheep, or goat to it when it is displeased, a Nuer ought now and again to hold a ceremony in its honour. This generally takes place after the harvest has been gathered in and there is plenty of beer. I attended one of these ceremonies in the home of Karlual, who figured in the story of Galuak's sickness which I have just related. It was held in honour of *deng*, who is what the Nuer call *kwoth ciengde* or *kwoth goale*, the spirit of his home or of his family. I was told that each of Karlual's numerous brothers holds a like ceremony in turn till it is his turn to hold it again. The ceremony of the year before had been on a large scale and an ox had been sacrificed at it. *Deng* had afterwards told Karlual through the mouth of someone who had become possessed by it that all it wanted this year was some beer, so the ceremony I witnessed was on a smaller scale. It is known as 'the bathing of the cow in beer'.

The ceremony was held in the morning and was very late in starting because those who attended it, or some of them, had first attended a ceremony of the same kind elsewhere in the village, that held by a man called Mokwac for the spirit of his concubine's dead husband. When I arrived at Karlual's homestead I found that a gourdful of beer had been placed at the side of a clump of grass at the edge of the kraal. Karlual's brothers and their families

intention is to sacrifice it in the near future, the dedication being in the nature of a consecration for sacrifice.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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equal value by the persons concerned in the exchange, as when a 437
man who is leaving his neighbourhood exchanges his old byre for 196
a bull calf or when a man exchanges an ox with certain markings desired by his partner to the exchange for one with his own favourite markings. The difference between *kok* and *luel* is that between the reciprocal relation between persons in an exchange and equivalence of objects exchanged. In either case the action is immediate, unlike that implied by use of the words *ngual*, to borrow, and *gwal*, to lend. In loans a man makes a gift and the 426 ●
recipient later returns it or something of greater value. There are two distinct and separate movements between which there is a long passage of time. In its piacular context, therefore, the word 782
luel means that the life of the victim is exchanged in the moment 196
of its immolation for the life of a man. In the sacrificial situation the two things are of equal value, so that the one can be substituted for the other. This puts men and cattle in a very peculiar relationship to each other, a matter I discuss in Chapter X.

In personal and piacular sacrifices the animals are substitutions for men. To this extent sacrifice is an exchange, but it is also something very much more than just a simple exchange. It is not a simple idea at all but a very complex one in which many other elements are present. I discuss the problem in more general terms later, but we may here note how other terms are used to describe personal sacrifices which emphasize rather the related ideas of propitiation, expiation, atonement, and purification.

Sometimes the word *lor* is used to describe a sacrifice. The word 782
means 'to go to meet', perhaps its most common usage being to 789
describe the formal greeting that Nuer, especially women, make 196
to a visitor of importance when they go from their homes to receive him outside their homestead or village. The word has therefore the further sense of 'to honour', as would appear to be the case also in Dinka and other Nilotic tongues. But in the religious sense of the word people go out of their villages to meet a plague or other danger not with the purpose of bringing it to their homes to give it hospitality there but with the opposite purpose of preventing it from entering their homes. They go out to meet and stay a plague or murrain with sacrifice. They say '*bane je luor*', 'let us go out to meet it'. The well-known prophet Ngundeng 782
of the Lou tribe did this in times of epidemics, sometimes, I was 789
told, sacrificing dozens of oxen and leaving their carcasses in

2:Evans-Pritchard E-5 (1931,1936) 1951
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422 husband is alive the beasts count as part of his herd and the wives
593 cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could
428 do so. The only cattle a father cannot, or at any rate ought not to,
593 take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader
462 departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

2:Evans-Pritchard E-5 (1931,1936) 1951
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cousins, are endemic in Nuer society. Quarrels between half-brothers are a frequent theme in stories of the separation of lineages and the dispersal of paternal kin. They are the 'bulls' of whom I said in Chapter I that each goes his own way and seeks to gather round himself a separate cluster of kin and affines. Even when there are no disagreements half-brothers tend to drift apart after the death of their father, especially after they are married, and go to live with their different maternal and affinal kin.

However, sons ought to continue to live together on the death of their father, and it is hoped that they will do so. If they live together there is less chance of unfairness in the disposal of the cattle and of resultant disputes. A man may anticipate difficulties of the kind by directing before his death how his herd is to be divided among his sons. If he does not do this, it ought to remain undivided till all the sons are married. What is left of it may then be divided among them at a family council. There is more likelihood of this being done if all the sons live together, for then, even though the herd is divided among the huts, it is still very much a single herd in a common kraal. When one of the brothers wants to marry, the different huts will all 'loosen cattle' for his marriage, as they would have done had the father been alive. But if a widow takes her sons to her own kin or to the home of a lover in a distant part of the country, the half-brothers who remain in their father's home are less inclined to help them when they want to marry, and if they have no uterine sisters they may then find it difficult to do so. Nevertheless, a boy without uterine sisters is to some extent protected by the rules governing division of bridewealth, which ensure that he will receive at least some of the cattle of the marriages of his paternal half-sisters. He will also receive cattle on the marriages of other female relatives: the daughters of his father's brothers and sisters and the daughters of his mother's brothers and sisters. He may possibly also receive *wang-nen* cattle of his grandparents. Though he lives apart from them, his half-brothers will not seek to deprive him of his rights in bridewealth, even if they are not ready to help him by gifts from their own herds.

In discussing the shortcomings of half-brothers Nuer often further mention the obligation to marry a wife to the name of a man who dies without heirs. If he leaves behind an unmarried uterine brother, this brother will use the cattle brought into the

8:Howell E, G-5 (1942-1944)1954
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423 emphasis nor is there any demarcation of boundaries. Within each tribe which owns a territory in opposition to other tribes there is a further division according to primary segments and smaller communities. The lower down the scale of segmentation the less clearly defined are these boundaries, because ultimately they correspond to regions occupied by people closely bound by ties of kinship and by the need for close co-operation in the economic sphere. Individuals and small groups of people cross these boundaries, but must do so with the consent, tacit or consciously given, of those with whom the territory is associated, the *diel*, and those who link themselves to them. Thus with the exception of occasional quarrels over the riverain grazing grounds, land is not often in dispute. In the past rival claims to territory were settled with the spear, and there existed no complex laws of land tenure governing human relationships where land was concerned. Land tenure is not a serious problem in Nuerland nor the subject of much litigation in the courts, and is unlikely to become so while there is no shortage.[1]

3. INHERITANCE

428 Laws of inheritance might more properly be discussed under the heading of marriage, for they are inseparable from the general kinship system and the rules of bridewealth distribution. Matters of inheritance are not a common cause of litigation; they are essentially *ruac cieng*, private affairs which should be settled in the home. Nevertheless, disputes of this kind are sometimes brought before the courts, even by persons as closely related as brothers or half-brothers.

Inheritance of Cattle

Nuer society is essentially patrilineal where the inheritance of property is concerned, and a man's belongings should go to his sons, or failing that to his brothers or brothers' sons. Property or titles to cattle accorded in the name of a woman (for example, the mother's, maternal aunt's, and paternal aunt's portions in bridewealth) should go to her own sons and hence to the lineage of her husband, not that of her father. This rule is normally applied though it may be ignored in certain circumstances upon which no generalization can be made.[2]

428 The laws concerning inheritance are not distinct, for the owner is
582 normally expected to divide the cattle actually in his possession among his sons or relatives before he dies. The underlying principle, however, for the distribution of cattle among a man's sons is that brothers

[1] As there may be when the Equatorial Nile Project is in full operation.

[2] See for example the marriages described on pp. 115–117. In these, since there were no uterine brothers of the bride's mother, their portions went to their maternal nephews, though one might expect them to go to their paternal kinsmen.

8:Howell E, G-5 (1942-1944)1954
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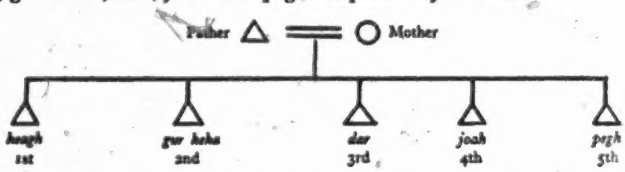
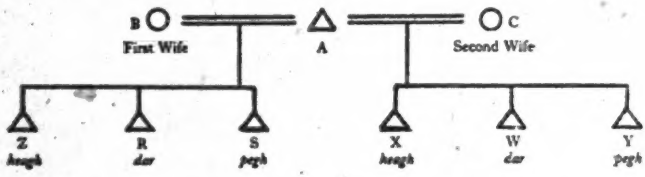
must marry in order of seniority—the eldest first. In a simple family consisting of a man, his wife, and sons, the sons are referred to as *keagh, gur keka, dar, joah* and *pegh* respectively. Thus: 428 582



(The 'first', 'the one after the first', 'the middle', 'the (one before the) last', 'the youngest'.)[1]

When a man has more than one wife, the sons of each wife are thus titled separately, each family beginning with *keagh* and ending with *pegh*. The principle of priority in marriage, however, is applied according to age, and does not depend on the status of the wife.



Thus, if X is older than Z, he will marry first. If W is older than Z, he will marry first and so on.

Certain indications of inheritance rights are also given in the distribution of bridewealth, not only between actual claimants standing in a particular relationship to the bride, but also between the persons who should rightfully inherit the title to those claims should the claimant be dead. I do not propose to describe here all the details of these indications because they have already been mentioned in connexion with bridewealth distribution,[2] but certain principles must be emphasized again.

The first of these principles is based on the distinction between the sons of the father (by another mother) and the sons of the mother (in this connexion the mother of the bride). A family group among the Nuer is made up of a number of domestic units each of which consists of a wife and her children. A man who has two wives is in the position of being husband and father to two such units. The children of one unit are uterine brothers and sisters; to each other they are *kwi dwiel*, 'on the side of the house or hut', because each wife must have her own 428 601

[1] The terminology is interesting. The word *keagh* is used to describe a woman who is unmarried or has not yet completed the processes of marriage. *Gur keka* (*gur keagh*) means simply 'the follower of the *keagh*'. *Dar* means 'middle', 'in the midst', *joah* or *joagh* means 'last', while *pegh* means 'end or limit'.

[2] See pp. 97–124.

8:Howell E, G-5 (1942-1944)1954
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hut (*dwil*). They are half-brothers and half-sisters to the children of another wife of their father; these are *kwi luak* because the *luak* or cattle-byre is common to all, as is their father. The *kwi dwiel—kwi luak* distinction is also brought out in other terms of speech, as we have already seen; those who are *kwi dwiel* are *kwi man* or *mande* ('of the mother'), those who are *kwi luak* are *kwi gwan* or *gwande* ('of the father'). In normal speech these distinctions are not used because the context does not demand a distinction. A man's paternal uncle is referred to as *gwanlen*, whether he is a full or uterine brother of the man's father or a half-brother. A distinction is, however, demanded in matters of bridewealth distribution and inheritance. He is *gwanlen kwi luak* or *gwanlen kwi gwan* and so on. The first principle, therefore, of bridewealth distribution and the inheritance thereof is that there should be an equitable distribution on both sides of a family group described above. We have seen that each of the persons standing in a particular and accurately described relationship to the bride has a title to a portion of the bridewealth according to an ideal. This, however, concerns direct and contemporary claims. It becomes a matter of inheritance when the actual claimant is dead.

If the claimant is a male, the heirs to his title may be any one of his sons, though in bridewealth there is always a tendency to say that his sons by a woman who is not the mother of the bride should inherit in these circumstances. These are in fact half-brothers of the bride, and the system is one of mutual alternation, since the bride's uterine brothers already have a special portion and will expect in return to benefit on the marriage of the half-brothers' uterine sisters. Moreover the paternal grandfather's portion (*wangnen kwi gwan*) should always go to his son born of another wife and not to the son of the bride's paternal grandmother. This rule is applied with considerable exactitude unless no such person exists. If the claimant is a female, then her portion should always go to one of her own sons. For example, the paternal grandmother's portion (*wangnen kwi man*) goes to her own sons (other than the bride's father), i.e. one of the paternal uncles of the bride who are classified as *gwanlen kwi dwiel* or *kwi man*. Similarly, the bride's mother's portion should go to her own sons, i.e. the bride's uterine brothers.

428 601 231

These distinctions concern the different domestic units of a family group and of a minimal lineage, and govern the distribution and inheritance of claims on both the paternal and maternal sides. There are also indications within a single domestic unit as to which of the brothers should receive a particular cow. Thus, for example, the paternal grandmother's portion (*wangnen kwi man*) is said to be the right of her younger or youngest son (either the *dar*, *joah* or *pegh*). Similarly the cow called *puong* of the father's portion should go to his youngest son, i.e. the bride's youngest half-brother.

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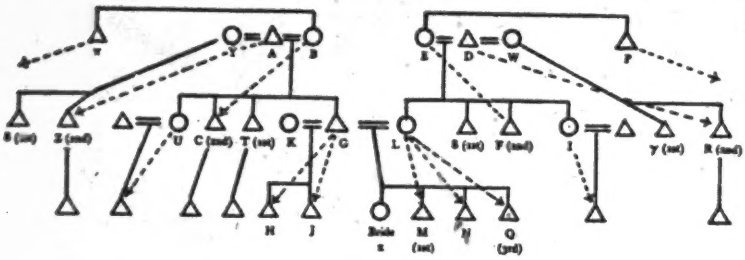

Conventional Indications Bridewealth Portions		*Claims on Cattle acquired on Marriage of x* *From*	*To*	
Gwandong	(paternal grandfather)	A	his younger son by Y	=Z
Mandong	(paternal grandmother)	B	her younger son by A	=C
Gwandong	(maternal grandfather)	D	his younger son by W	=R
Mandong	(maternal grandmother)	E	her younger son by D	=F
Gwan	(father)	G	his sons by K	=H and J (the *puong* to J)
Man	(mother)	L	her sons by G	=M, N and Q (the *puong* to Q)

Other portions go to the sons of the actual claimants without distinction.

Gwanlen kwi man	(father's brother by same mother)	=T or C and sons
Gwanlen kwi gwan	(father's brother by different mother)	=Z or δ and sons
Nar kwi man	(mother's brother by same mother)	=S or F and sons
Nar kwi gwan	(mother's brother by different mother)	=R or γ and sons
Wac	(father's sister)	=U to *her* sons
Manlen	(mother's sister)	=I to *her* sons
Nar gwan	(father's maternal uncle)	=π and sons
Nar man	(mother's maternal uncle)	=P and sons

The reader should compare the above diagram with those on pp. 102, 114–23.

There are therefore conventional indications based on distinctions within the family group of the various domestic components and on the seniority of the individual. These are illustrated in the diagram. It must be realized, however, that they are no more than indications because other principles and circumstances intervene. In the first place there is the rule that sons should be granted cattle from the family herd with which to marry in strict order of seniority, as already described. This rule is often incompatible with the conventional indications. In the second place persons to fill exactly the relationships required may not all exist. Finally, while alive, a man will have absolute authority in allotting cattle which are his by right among his own sons, and usually he declares a definite distribution before he dies. Here the indications to inheritance rights are not relevant, but they will be so in connexion with cattle which are acquired after his death, or if he dies suddenly without opportunity to make known his will.

8:Howell E, G-5 (1942-1944)1954
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Cattle which are not necessarily part of the marriage distribution system, for example cattle acquired by a man in compensation for such wrongs as hurt and adultery, are not usually bound by these rules, and a man will allot them to his sons before his death, though he will always bear in mind the order of their marriages.

These rules apply generally to the inheritance of cattle by a man's sons. Sometimes, of course, a man has no sons, and in this case his property goes to his next of kin, his brother, or through his brother to his brother's sons, according to the normal rules of relationship of a patrilineal descent group. It must be remembered also that in inheriting a man's cattle the heir inherits his liabilities and claims—liabilities and claims which are in fact part of the system of obligations inherent in the kinship structure. For this reason, apart from cattle actually in a man's possession which pass in the way described above into the possession of his heirs, the laws of inheritance are extremely complicated. Which liabilities and which claims pass to which of the heirs is a question that is decided, and not necessarily immediately after death, by yet other liabilities and claims already in existence or which come to exist between the heirs. Inheritance is therefore an involved problem which requires a full understanding of the bridewealth system in relation to the obligations of kinship. Except for cattle acquired individually by payment of cash or, in the past, in cattle raids, and to some degree cattle acquired as compensation for wrongs, which are accepted within the kinship group as individually owned, inheritance involves all those rules which govern the collective ownership and distribution of cattle within a lineage.

Inheritance of Other Property

428

These observations apply mainly to cattle, but also to some extent to sheep and goats. Other corporeal property, including spears, shields, hoes, canoes, ornaments, and nowadays cash, is divided among a man's heirs by common agreement. In the case of cherished objects, particularly spears which have some sacred association, a man will sometimes indicate his heir before he dies, usually his eldest son. This practice is confirmed not only in everyday examples but also in tradition. The original founder of a Nuer clan is often quoted as having decreed that this one of his sons shall perform a particular function in the political and spiritual activities of the clan, and that another son shall receive a particular cow, and so on. Since, however, arguments do not on the whole arise, there is no need for a complicated or exact system of law. Moreover, apart from cattle, or articles which have a recognized value in terms of cattle, Nuer possessions are so easily replaceable that no argument need arise. Disputes over small items of property never appear before the courts.

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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* (" cattle of the ghosts "), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize " the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them. 588 768 428

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right. 588 768 593

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

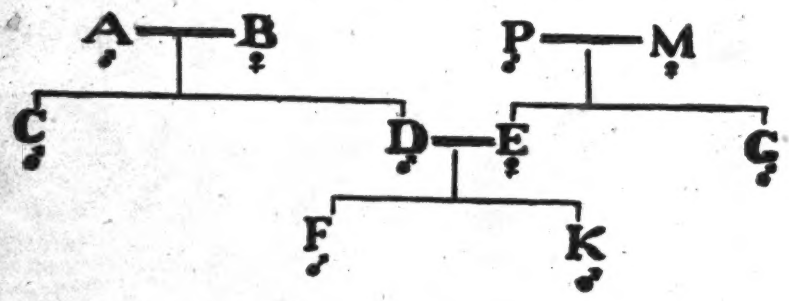

Diagram III

11:Evans-Pritchard E-5 (1931,1936) 1945
FJ22 Nuer FJ22

588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat deman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek ma rol*) "for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 ●428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

588 768

These vicarious marriages by women or on behalf of women are very

11:Evans-Pritchard E-5 (1931, 1936) 1945
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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
● 428 they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

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593 that the groups differ. But when the sons become men, there is this
602 difference between them. A son in the simple legal family has no property
428 rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

When a man marries a wife to the name of his maternal uncle a more
604 delicate and complicated set of interrelations are brought about. Such a
428 marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitue for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind. 604 428

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begat Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicoko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuak-land. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajok aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajok country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuom's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son. 604 428 578

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*labe ram goal gule*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Labi gat joka, kweni cek thok dwielun*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsman. The con-

[1] After the Anuak word 'to die' (*thou*). It is equivalent to the Nuer name Bilieu.

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sequence of Cam's action in everyone's opinion is to be seen in the death of all Wia's brothers. The ghost of Dar ♂ is angry because his cattle have not been used to marry his son a wife, and he has killed his sons.

Wia's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ♂ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dar ♂ and stands to Cam in the relationship of mother's brother's son. When I first knew Wia ♂ he was inclined to accept the position in mute protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later his heart had hardened and he was more obstinate. He told me that he had first entered my service, come *rei Turuk*, "among the Turks", because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wia was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wia's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wia to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with these cattle and not Wia's business to work with Englishmen to earn cattle for his own marriage. Wia said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussinos on this theme. Wia himself said little but refused to give away. He was so obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wia was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wia's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of parental control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mac* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging ♂—Ging ♂ who was resident at Nyueny during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep ♂—Deng ♂ of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

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604 of Tutgar so that the rite might be performed there for it is a dishonour to
428 a boy's agnatic kinsmen if it is not performed in their village and nothing
884 more strongly binds a boy to them than the knowledge that they undertook the expenses of his initiation and the remembrance of the place where he suffered so great pain to win his manhood. After his initiation Ging ♂'s uncle built him a byre and handed over to him his father's cattle. Although he is only a small boy he is a *gwan cieng*, an independent householder. I used often to talk to him and he was very proud of his position and of having a byre and cattle of his own, and evidently liked and respected his uncle. By acting straightly with Ging his uncle firmly attached him to his father's people and though he pays, and will continue to pay, frequent visits to his mother and his foster-father he will never desert his agnatic kinsmen among whom he has his byre and herd.

The heritage of children must be respected. Thus, to give one more example: the widow, Nyaruithni ♀ (Homestead No. VIII), has her own byre where her dead husband's cattle are herded by her brother's son, Gai ♂. The byre and herd are being held in trust for her little son, Malith ♂, and when he is initiated he will assume sole charge of them. In a case of this kind it would be impossible for one of his maternal uncles to use the cattle during his minority for the others would not allow him to do so. Moreover, this would be a serious offence in Nuer eyes because when Nyaruithni ♀ was married they received her bride-cattle and it would be very wrong to add to these cattle those of her children. The husband's kinsmen would strongly object. Probably Malith ♂ will let Gai ♂ have a few cows to help him marry but this will be a gift out of affection and of gratitude for his services.

The difference between this case and that of Ging ♂ is that in Malith's case his maternal relatives are acting as his guardians whereas in Ging's case it was his paternal relations who were his guardians. It remains to be seen, however, whether Malith's paternal relations show sufficient interest in the boy to bring him to their home to be initiated. If they do this he will probably join them for good.

X

604 The opposition between the legal family and the biological family is
428 most evident when a son is born in widow-concubinage. The opposition is clearer, and hence the sociological interest greater, because in ghost-marriage and leviritic marriage the genitor is a legal substitute for the pater whereas the genitor of a child born in widow-concubinage has no legal status as pro-pater. If the pater's brothers are alive and family feeling is strong they are likely to insist on his sons being initiated in their home and living with them after initiation. They may also bring his daughters to live with them and marry them from their home. The genitor cannot deny them their right when they tell him *Garena gaat ghok ko*, "We want the children of our cattle". Thus it often happens that a boy is brought up amid one social group but belongs legally to a different social group. The sentiments of childhood attach him to the home of his mother and genitor and while he is small he does not think of

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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club. [578]

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

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588 the mother" may then mix with the genitor's herd and he held in trust by
428 him for the brothers of the brides. In such cases the genitor has assumed the full responsibilities of a pater and the daughters will be married from his home and the sons initiated there. Even so the widow and her lover may occupy nearby but separate homesteads, each family keeping itself spacially distinct as they are legally distinct. Panyuan's father-in-law and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a serious disadvantage when his natural sons grow up for they will want to own cattle both for display and for marriage and are drawn irresistibly to the home of their pater's kinsmen in whose charge are the cattle. It would be very difficult for a boy to remove the cattle to the home of his his genitor. That would cause a row of the first magnitude. A dead man's cattle must occupy his byre till his son is old enough to be initiated and to take his father's place in the byre. It is only when a genitor is rich in cattle and his natural son is assured of marrying a wife from his herd while his pater's kinsmen are poor and have no cattle to give him that he might remain with his genitor instead of joining his uncles. I think that this is rare. Where there are full-brothers of the pater alive and where the pater's herd still exists there are these two powerful magnets, sentiment of kinship and sentiment of cattle, drawing a boy away from his mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who lives in his genitor's homestead and village is always to some extent an outsider living there on sufferance. A man who lives in his pater's homestead and village is there by right of birth. The byre he sits in is his own byre. When he sprawls in contentment in the ashes of the *gol* (household) it is his own *gol* and from it he watches his own herds. He is one of a band of owner-kinsmen. To one he is a son, to another a brother, to yet another a father. Hence a Nuer said to me when explaining the position of a boy born of a widow-concubine: "He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature of the widow-concubinage in which he is born. If the widow continued to live in her dead husband's village or if she went to live with her own people and was merely visited from time to time by a lover for procreative purposes the genitor counts for little. But if her lover formed part of her household, even if not entirely resident there, he is of greater importance and the children will retain their affection for him and pay him frequent visits if he is later separated from them, for they will be brought up among their paternal or maternal kinsmen while he may return to live among his own people.

588 When the widow lives at her lover's home and the children are brought
428 up there the relations are more complex. The genitor has no legal control
593 over his sons and if one of them has a disagreement with his genitor he will join his true kinsmen without qualms. It is to his interest to join them and if it is also his inclination to separate from his genitor his depar-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them. 588 428 593

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always." [831]

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat laka*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat l.meneme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

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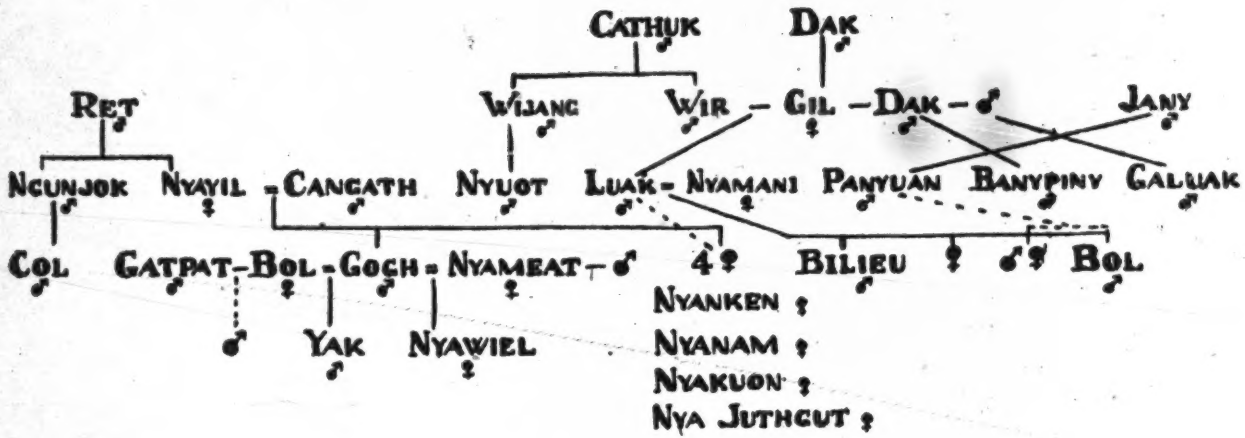

Diagram IX

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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 428 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lek tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karlual ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-weeded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*wec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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588 kinsmen and take his family with him. It is quite likely, moreover, that
●428 Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his
593 recently espoused bride to his home, for she will be mistress of the home and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *gat laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine. By her Jany ♂ begat Karlual ♂,
588 Gogh ♂, Baranyai ♂, Nyaudol ♀,
428 and Nyaruithni ♀. Jany also
593 married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyuan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatize the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Caa kwen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilieu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.

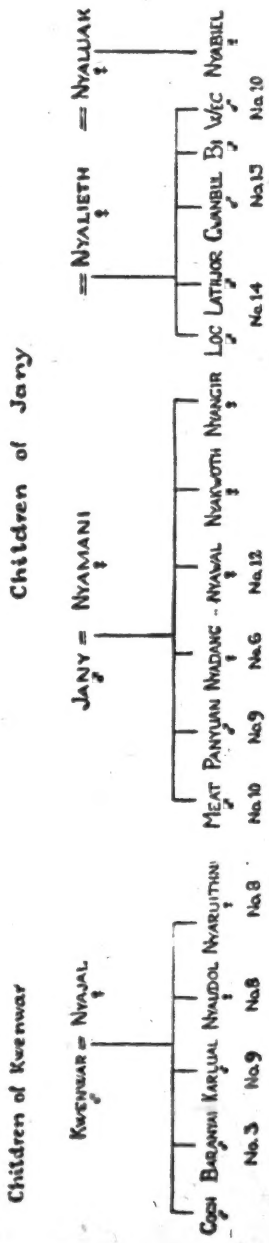

Diagram X

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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 428● 593

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*). 587 588 428 593 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there". 587 588 428 593

If Baranyai ♂ departs Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riaagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
588 but that, if Baranyai does not return to Nyueny, Galuak will one day by himself.

●428 Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

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a kind of kinship. Very often when a man has no legal children of his 587
own he will join his natural children in their pater's village, as it is suggest- 588
ed that Juan will do and as Luak, the father of Rainen and Dol (Home- 428
stead No. VI), did.

A youth often asks his natural father for a gift. In fact *liem*, the beg- 593
ging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*).

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" 588
in simple legal marriage, in ghost-marriage, in leviritic marriage, and in 593
widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons."

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen; what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories. 609

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values. 689 181

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern. 181 602

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed 181 602 436

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among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

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Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431 583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

583 431 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi mar*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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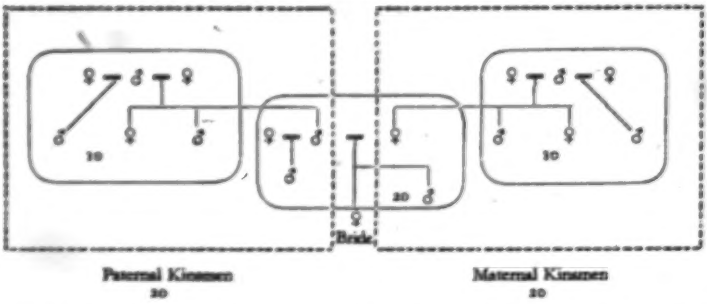
DIAGRAM I



when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	*Total*
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf[1] .	8
Gat gwan (father's son)	A cow, and another cow[2] . . .	2
Gwanlen (*indit*) *kwi mum* or *kwi dwiel* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox .	4
Gwanlen kwi gwan or *kwi luak* (father's brother by a different mother)	A cow and its calf, and an ox . .	3
Gwanlen (*intut*) *kwi mum* or *kwi dwiel* (father's younger brother by the same mother)	A cow, and an ox	2
War (father's sister)	A heifer[3]	1
	Total	20
KWI MAN (on the maternal side)		
Mam (mother)	A cow and its calf, and a heifer . .	3
Deman (brother by the same mother)	An ox, another ox, a cow (*yang deman*), another cow (*yang cika*), a cow and its calf, and another cow[4] . . .	7
Nar (*indit*) *kwi mum* or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

[1] The single calf is sometimes called *puong(de)* and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang luak*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kwoth*, the cow of the spirit of the father.

[2] These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

[3] This animal joins her husband's herd if he is alive.

[4] The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

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	Cattle	Total
Nar kwi gwan or *kwi liuk* (mother's brother by a different mother)	A cow and its calf, and an ox . .	3
Nar (intat) kwi mam or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer[1]	1
	Total	20

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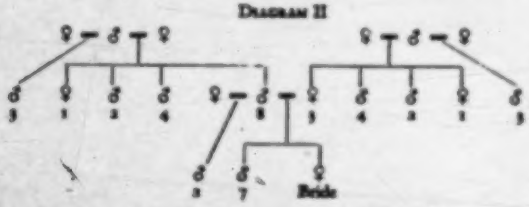
I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuang*) to cattle are called the *ji cangai*, the people with a right. They say: *Manlen a cuang*, 'The maternal aunt has a right'; *Wac a cuang*, 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:

Diagram II



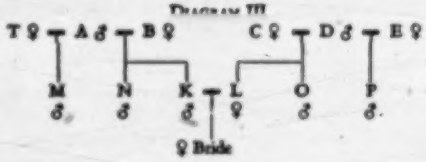
It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaat gwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaat wac* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of these kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

[1] This animal joins her husband's herd if he is alive.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

583 It is probably for this reason that the cows given to grandparents or their sons are
431 called *wangun* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four
602 *wangun* claims, but there are generally only one or two at the most. The *wangun* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangun* of the father's mother goes to one of her sons other than the father. These are the *wangun kwi gwan*, the cows of the grandparents on the paternal side. There may also be two *wangun kwi man*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later these cattle of the grandparents are not paid in addition to the 40 already listed.

DIAGRAM III



Some Features of the Distribution

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

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aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*way*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaat man*) and sons of the father (*gaat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi mam*, on the mother's side, or *kwi gwam*, on the father's side; the terms *kwi dwiel*, on the side of the hut, and *kwi lnak*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*gol*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.[1]

Mode of Reckoning Bridewealth

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bridewealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearthed by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bridewealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwan*, the cows of the paternal grandparents.
   wangnen man, the cows of the maternal grandparents.
2. *yang gwan kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   yang man kene doude, the cow of the mother with its calf.

[1] See *The Nuer*, chap. v.

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3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
yang nara kene doude, kene thakde, ke puangde, the cow of the maternal uncle with its calf, and his ox, and his *puang* (ox).
4. *dou (nar) wara*, the calf (heifer) of the paternal aunt.
dou (nar) manlene, the calf (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
thak gat gwan, the ox of the paternal half-brother.

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It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangnen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nare*, the cattle of the maternal uncles, to the home of the senior of them.

Number of Cattle Paid To-day

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[1] It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

[1] Mr. Jackson, writing in 1923 (*Sudan Notes and Records*, vol. vi, p. 154), gave 13 to 15 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the payment of 40 was said to have been not unusual. Mr. Coriat, writing somewhat later, said that the original bridewealth of the Gaawar tribe was 50 head of cattle, but that it had dwindled to 15 or 30.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put foward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some dozen beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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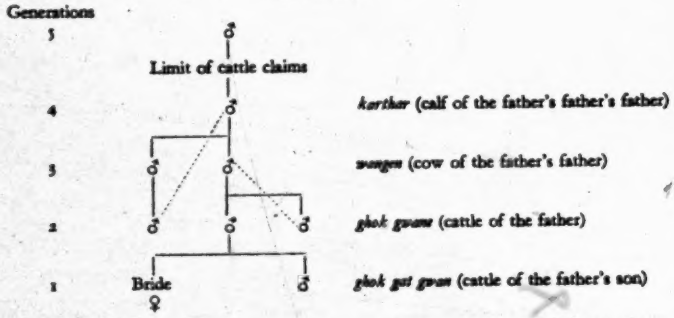
to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

DIAGRAM IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gwan buthni*, is always given a calf, sheep, or goat, known as the *yang mute*, the 'cow' of the spear (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *genitor* of the bride is a different person from her *pater*, as is often the case among the Nuer, and is also not merely a kinship substitute for him, the *genitor* has a right to a cow, called *yang leta*, the cow of the loins, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

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MARRIAGE among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is undertsood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

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The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The oecological and political background is given in *The Nuer*, Clarendon Press, 1940.

5:Evans-Pritchard E-5 (1931, 1936) 1947
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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until very recent years the Nuer had no currency and [436] nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *huil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in [567] reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kwen*) with cattle but exchanged (*huil*) for cattle"

583 The word *kwen* means the whole proceedure by which a man and his kin obtain a wife by ● 431 payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

[p. 181 a]

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man marries the woman and not the woman the man: one can say "Duob has married Nyaluak" or "Nyaluak has been married by Duob", but one cannot say that Nyaluak has married Duob. It is understood that the woman was *kwen ka ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *kwen* them (*be gwanlen yang kene doude kwen*, the paternal uncle will receive a cow and a calf) and they are said to be *kwen* by the cattle (*baa deman kwen e thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok kwin nyal*, the cattle of marrying a girl.

But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book [233] on the Nuer,[3] many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

[3] *The Nuer*, 1940, Chap. 1.

[P. 181 b]

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empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *pie* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a commonsense inference that payment of bridewealth has a stabilising action in marriage. If the wife leaves her husband the [586] cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

[p. 182a]

583 One of the earliest British officers in Nuerland wrote
431 that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 Nevertheless, it can only be accepted that
431 payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang miemde* and the *yang yani*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual proceedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is
586 divorced and can remarry. On the other hand they
431 may leave all their cattle with the wife's family
848

[1] Bimbashi H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the mariage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

586 and kin and maintain thereby their rights in any
431 children she may 'bear in the bush' (*dieth dor*), that is by lovers. She is then not divorced, but
848 is only separated from her husband, and she cannot remarry.

If a wife dies after having borne two children no cattle are returned, it being held that "Cattle which have children on their backs cannot be returned".[1] Should a wife leave her husband after having borne two children the cattle will remain with her kinsmen and any children she may bear by other men will be claimed by her husband's people. She is still married to him though she lives as concubine to another man. The husband's people are said to be generally content with this arrangement but, whether content or not, it would be useless for them to reclaim their cattle and the progeny of these cattle and deduct the total cattle to legitimatize each child. The wife's people would say to them: "You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush."

586 The rules stated above are principles which
431 are flexibly applied in actual cases according to the circumstances of each case. Much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation the husband will claim back everything to which he has a right: cattle,[2] sheep, goats, spears, tobacco, millet, and ornaments, including his wife's *yoah* or bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law, and if she dies childless he may also leave some of the cattle to which he has a right

[1] I did not record a case of a wife dying after all of her several children had predeceased her in infancy, and Nuer merely told me, in reply to my queries about rights to the cattle should this happen, that it was most unlikely to happen. Whether the cattle or how many of them would be returned would probably depend on the age at which the children had died.

[2] When possible the identical cattle are returned but if they are dead or it is difficult to recover them after dispersal others may be substituted for them and if they are of the same quality as those paid by the husband's kin they must accept them.

586 431 with her parents in the hope that they will later give him her sister in her place. If he leaves any of the cattle preference will be given to the portions of the spirits and the ghosts. When these have to be returned ashes are rubbed on their backs and the spirits and ghosts are told of the divorce and are promised that they will one day be given cows in the place of those they are losing.

Another circumstance which is taken into consideration is whether the wife is being sent away by her husband for barreness,[3] or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him such as neglect or cruelty. Whatever the circumstances are the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this, and they would not do so unless she had already borne him a child and had lived in his home, he has to accept their decision. There are no courts he can appeal to and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again and this time to some distant part of the country. If he complains to her parents they will say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her sons. I have never known a case in which a wife's 587 431 parents have kept her husband's cattle and at the same time tried to marry their daughter to another man, and when I asked what would happen were they to try to do so I was told that the husband's

[3] As a rule a husband will not divorce a barren wife. He will take back most of his cattle but will leave a few with her parents in recognition of her place in his home as mate and housewife.

587 kin would undoubtedly use violence to get back
•431 their cattle and, in addition, curse (*biit*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return
586 the cattle as soon as they are able to do so but
431 fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piek*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' home, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is
[844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yika*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

[p. 184a]

586 a child. At this stage, therefore, there is no great
431 difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observation are vey limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

586 It should be noted that it may happen today
583 that all the cattle in the kraal of the wife's father
431 die of rinderpest shortly after the consummation of the marriage. It is then not encumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (*loth*) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his kraal. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

[p. 184 b]

586 asked what would happen were he to try to do so
583 I was told that the husband's kin would claim back their cattle and, if necessary, use force to obtain them. Should a wife leave her husband
●431 in these circumstances the problem of bride-
[587] wealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
431 wealth cannot be said to be a very powerful sanction of the marriage union. Nor is there
591 any evidence of which I am aware that would suggest that the greater the number of cattle handed
593 over the more stable the marriage is likely to prove. On the contrary the poverty of a suitor may be to his advantage since the parents of the girl whom he seeks in marriage can insist, and often do so, that he comes to live in their village, where they will receive constant aid from him in hoeing, fishing, building, and herding, and the accretion to their lineage of both the son-in-law who comes in course of time to identify his interests with those of his in-laws, and of his children, who would otherwise, with their daughter, be lost to them. A reputation for hard work, courage, and an amiable character go a long way towards making up for poverty of stock, especially if the father of the girl and the father of the youth are friends or the youth and the girls' brother are comrades.

581 I am prepared to say definitely that the stability of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on affection between the spouses, mutual goodwill between the families of husband and wife, and moral and legal norms. Nuer girls are not easily coerced into marriage and it is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her some time before asking for her hand and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to

593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 Marriage is, structurally-speaking, the taking away of a woman of one lineage to bear children
•431 to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.[1] In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not so simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "*Cieng* Pual have married a wife" or that "*Cieng* Dumion have given their daughter in marriage".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

[1] Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second-lineage afterwards takes a wife from the first. This is unusual, but I have know a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconsistences. However, a brother and a sister should not marry respectively a sister and her brother.

[p. 187a]

583 of a daughter for a wife. Payment of bridewealth
is a particular, and very striking, example of the
•431 principle of equivalence. A parallel example is
the payment of cattle in compensation for homi-
cide,[8] which among the Nuer is 40 head of cattle,
682 the same number as is paid for a bride. These
431 bloodwealth cattle are divided among the kinsmen
of the dead man on the same plan of distribution
as that obtaining in the distribution of bride-
583 wealth, though about half are reserved for mar-
rying a wife to the name of the dead man to bear
him a son. Just as in bridewealth the principle
is the replacement of a daughter by a wife, of a
woman by a woman, so in bloodwealth the principle
is the replacement of a son by a wife who will
bear a son in his place, of a man by a man. It is
worthy of note that the rate of bloodwealth has
fallen in recent times to about the same level as
the rate of bridewealth.[9] Nuer are aware of the
equivalence of bridewealth and bloodwealth,
for I have heard them complain that the govern-
ment was attempting to fix bloodwealth without
fixing bridewealth at the same rate, whereas what
the one is the other should be.

583 To see the Nuer custom of bridewealth in its
structural perspective we must therefore think in
431 terms of lineages. Children are attached by pay-
ment of bridewealth to the lineage of their father,
611 the attachment of the sons being of chief impor-
tance, though daughters may also be structurally
significant in the lineage system. Children born in
the union of marriage are "children of the cattle"
and therefore of the man in whose name they were
paid and they become joints in his branch of
descent. The man in whose name the cattle were
paid is always their *pater*, the sociological or lineage
father, of the children, whether he is their *genitor*
or not. If he dies, or is already dead before his
marriage, the widow should be taken by one of
her husbands and the fathers of his sons, that is to
say by one of his brothers (or sons). But even

[8] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[9] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

[p. 187 b]

587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

[p. 188a]

583 The distribution of bridewealth is a different process to the payment itself and, since it belongs
431 more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper
121 on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

[p. 188b]

6:Howell E, G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*math*)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Nger Ngwen v. *Can Nyoi* (*Jikany Nuer Case*).

Nger and Can were 'best friends' (*math*). Nger gave Can a black cow as a gift. Can gave Nger a cow when Nger got married. Nger then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Nger, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Nger's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kwal*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

11:Evans-Pritchard E-5 (1931, 1936) 1945
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sive act. If they have begotten children by the wives of other men they 837
are rather proud of this evidence of their virility.

The legal position about adultery is as follows: If a man finds another 837
committing adultery with his wife they will probably fight, though the 684
adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery.

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard 585
begotten of a certain man, the genitor will sometimes claim "the cow of 848
begetting" on her marriage. Her kin do not relish handing him over a 431
cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful.

The verb *ruok* is used to describe the paying of compensation. Thus 684
one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak

11:Evans-Pritchard E-5 (1931, 1936) 1945
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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
●431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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When a man merely visits a widow for purposes of procreation and is 585
not a resident member of her household, and therefore not foster-father 431
to her children, the cow which he receives on the marriage of each daughter
he has begotten by her is called *yang leta*, " cow of the loins." One uses 292
the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dieth*, " cow of begetting ", or *yang twac*, " cow of the genet's skin ". It is called *yang twac* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsmen would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some [606]
extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang me ci rit ne twac naru*, " The cow with which you twisted to your front the genet's skin of your maternal uncle ", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife 585
to his name or having lived with his widow, he receives besides " the cow 431
of begetting " whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives " the cattle of the father's brother ", and when a man marries his maternal uncle a wife he receives " the cow of the paternal aunt ", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for " a cow of begetting " when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Caa dieth gooka*, " It was born in the grass ".

When the daughter of an unmarried concubine is married " the cattle of the father " go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand " the cattle of the mother " belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.* In Fig. I when C ♀ is married " the cattle of the father " and " the cattle of the mother " go to A ♂. If A ♂ is dead they go to D ♂ and P ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive " the cow of begetting "

* [see p. 27. - Analyst]

11:Evans-Pritchard E-5 (1931,1936) 1945
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585 possibly three or four cows for having brought C ♀ to maturity, the cattle
● 431 due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂, "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀'s marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 (A) It is payment of cattle which defines the exact status of each
585 member of the various procreative and domestic groups to the other
431 members of the same group, or, otherwise expessed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and [773] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle [143] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Galuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

Homestead No. XII. Nyawal ♀—Col ♂. Her husband was Lam ♂ of
592 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After
588 his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was [775] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he [586] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

ll:Evans-Pritchard E-5 (1931, 1936) 1945
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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 428 593

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*). 587 588 428 593 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
●431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

563 597 727 is sacrificed and cut up and the son of the house and his Dinka " brother " each take half the skin and the *juak*, and the Dinka takes the neck. On all future occasions when animals are killed by his relative by adoption he will be able to claim his share of the meat on the grounds of relationship (*see* Section No. VI). [43] It seems that, whilst before this ceremony of being given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a " member of the clan " of his " father." *Caa Juak tem*, they have cut through the scrotum, he is now a member of their clan.

563 597 727 641 We may, at any rate for the moment, speak of these captured Dinka who go through a ceremony of adoption into the lineage of their captor as becoming affiliated to Nuer clans in the framework of which they trace their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for weeks considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *buth* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *buth* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into

5:Evans-Pritchard E-5 (1931, 1936) 1947
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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until very recent years the Nuer had no currency and [436] nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *luil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in [567] reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kwen*) with cattle but exchanged (*luil*) for cattle"

583 The word *kwen* means the whole proceedure 431 by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

[p. 181a]

8:Howell E, G-5 (1942-1944)1954
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128 A general index is included, but for easy reference a detailed list of contents is given at the beginning.

128 For the sake of consistency I have, with few exceptions, followed
104 the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *sh* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendixes.

Note on Cattle Terminology

231 Nuer law is principally concerned with rights and claims in cattle,
104 and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok thunge*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok gwande* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nac*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dou*. An entire bull is *tut*, the stud bull being referred to as *tut wec*, 'the bull of the herd'. An ox is *thak* if it is full-grown, all other bull-calves being *ruath*. Cattle obviously
[435] have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dou*); a pregnant heifer (*nac me liac*) or a pregnant cow (*yang me liac*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang me but*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

[584] Conventional claims or rights (*cuong*) are usually specified: for example, the *yang kwoth gwande*, 'the cow of the father's spirit', is one specific item included in the *ghok gwande*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gwande*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gwande* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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439 head of cattle.[1] This trade was forbidden some years ago and has probably not a long history, because early writers give no information that might lead us to suppose that it went on previous to the reconquest of the Sudan and the Abyssinian conquest of Western Ethiopia. There was some ivory-trading on the Zeraf between Nuer and Arabs from the middle of the nineteenth century. Metal ornaments and venetian glass beads seem to have been offered in exchange. Nuer may have traded some tobacco, and possibly an occasional canoe, from the Anuak of the Baro and Gila rivers, but it is more likely that they usually acquired these objects by raiding. I do not discuss here the very small trade carried on to-day by Arab shopkeepers who live a hard, and generally unprofitable, life here and there on the main waterways. Nuer obtain from them spears, hoes, fish-hooks, ornaments, and occasionally an anvil, grindstone, &c., and they purchase skins of oxen, and sometimes oxen, from the Nuer. Nuer economy has not been much affected thereby. Nuer do not sell their labour.

We may conclude, therefore, that trade is a very unimportant social process among the Nuer. Many reasons can be adduced to explain this fact. I mention only a few. Nuer have nothing to trade except their cattle and have no inclination to dispose of these; all they greatly desire are more cattle, and, apart from the difficulty that they have nothing to offer in exchange for them, herds are more easily and pleasantly increased by raiding the Dinka; they are seldom on such friendly terms with their neighbours that trade can flourish between them, and, although there may have been sporadic exchange with Dinka and Anuak, it is probable that most objects obtained from these peoples were [436] spoil; they have no money, no markets, and no transport other than [489] human porterage; &c. A further reason, and one that requires emphasis, is the dominant interest of the Nuer in their herds. This narrow focus of interest causes them to be inattentive to the products of other people, for which, indeed, they feel no need and often enough show contempt.

437 There is very little exchange within Nuerland itself, there being no high specialization and no diversity in the distribution of raw material. The only trading I have seen, apart from the exchange of small commodities and minor services mentioned in the next section, is the exchange of some cattle, mainly oxen, by the Lou for Eastern Gaajok grain in a famine year. I think it most unlikely that such exchanges went on before British occupation of the country, though there was, according to Nuer, sometimes an exchange of an animal for grain in bad years between persons of the same district.

[1] Bimbashi H. Gordon, *Sudan Intelligence Report*, no. 107, 1903.

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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until very recent years the Nuer had no currency and [436] nothing corresponding to what we mean by 'price' and 'purchase'. The word *hok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *luil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in [567] reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kuen*) with cattle but exchanged (*luil*) for cattle"

583 The word *kuen* means the whole proceedure
431 by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

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421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were canoes and ivory bangles (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (4) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hooks, iron hoes, &c. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron wares were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*cut*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantages obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[424] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

421 178 436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

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obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited. 421 178

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuer now practise agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered. 436

2. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuer east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuer society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *ral*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuer clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuer society. Many *ral* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tutni*,[1] 'sons of bulls'. *Diel* are always *gaat tutni* in the area they occupy; *gaat nyiet* are always *ral*, though *ral* are not all necessarily *gaat nyiet*. It seems that the word *ral* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuer 423 614

[1] See p. 18.

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[1] Bimbashi H. Gordon, *Sudan Intelligence Report*, no. 107, 1903.

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4. TRADE AND LOANS

Trade has never been extensive among the Nuer. There is, of course, a division of labour according to sex, but there are few people who can be accounted specialist craftsmen. Individuals acquire the reputation for making certain specific objects with exceptional skill, but they rarely if ever belong to a family especially associated with such activities. This is an exceptional contrast to specialization in the spiritual sphere, for there are hereditary experts capable of dealing with almost any unusual phenomena: ritual experts, magicians, sooth-sayers and medicine-owners, who demand fees, often in cattle, for their services. [438] [462] 463

The reason lies, perhaps, in the extraordinary simplicity of Nuer material culture. Most things necessary for their migratory way of life (and this applies to all peoples who move with the seasons) can be made either from wood or grass or from the products of their cattle. Seasonal migration in any case precludes a high degree of virtuosity, for things are liable to breakage and are often an unnecessary encumbrance. Moreover the Nuer, who do not use their animals for transport, must carry everything by hand. 105 [482]

Certain objects were of relatively high value, and were exchanged for cattle or sheep and goats. Nowadays, however, most of these articles—hoes, spears, ornaments and the like—can be obtained for cash, and disputes do not often arise in the courts except over the sale of grain. 437

Trade in Cattle

Trade in cattle is clearly increasing as a cash economy becomes more important to the Nuer but, as yet, cattle are rarely sold except within the purchase of grain in exchange. Its significance paragraphs from the Jonglei Investigation Team's *Third Interim Report* (1948) is worth quoting, for the figures given, although taken from all Nilotic inhabitants of the Upper Nile Province, include all the Nuer: 439 021

> The disposal of surplus livestock is governed by private, family, and tribal circumstances, and is at present tied up with the need to find cash; this is required mainly for the purchase of grain and veterinary vaccines and, to a small extent, for the payment of taxes. There are four channels through which the inhabitants can dispose of their animals:
>
> (a) By sale to the Veterinary Laboratory at Malakal, where they will be used to produce cattle-plague vaccine and serum.
>
> (b) By sale to Malakal butchers for local consumption.
>
> (c) By export to Equatoria Province, in which case most of them will be butchered in Juba.
>
> (d) By export northwards to the markets of Kosti and Omdurman.
>
> In the majority of cases all trade is carried out through merchants as intermediaries. . . . Previously it had often been necessary for the District Commissioner concerned to exercise pressure before the local inhabitants could be induced to sell.

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439 231

Numbers of Cattle sold in or exported from Malakal in Yearly Totals from 1935 to 1947 Inclusive

1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947
2,586	2,413	1,590	2,385	2,817	2,116	2,283	3,124	2,204	3,012	5,944	5,380	5,278[1]

When it is remembered that the Nuer alone possess over half a million head of cattle, these sales figures are not impressive, but the increase in sales is significant.

438 231

There is still relatively little internal trade in cattle among the Nuer. Cattle are not bought and sold in local markets, and disputes over prices or payment rarely come before the courts. Cattle continue to be exchanged, however, and there are still customary rates of exchange.

Exchanges and Loans

437 231

The Nuer word for exchange is *gual*, and is used specifically in connexion with the exchange of cattle. '*Ce thak gual he dou*', 'he exchanged a bull for a cow-calf.' The expression, which is often loosely applied, refers to a direct exchange. In some cases cattle may be exchanged for sheep. It is generally recognized that a large bull or ox is worth a cow-calf, and a cow-calf is worth anything from 10–20 sheep. Such transactions are frequent.[2] In certain situations of spiritual danger—famine, sickness, or death—or in any situation which demands a sacrifice, a sacrificial animal is necessary, and this may not be immediately available. In such circumstances a man will be forced to make an immediate exchange: a cow-calf for a bull-calf, and so on. More probably he will borrow a bull or in some cases a ram on the understanding that he will pay the owner its recognized equivalent at some later date. This is in the nature of a loan, and involves some measure of interest. A full-grown ox is worth at least a cow-calf if the debt is discharged at some later date, a ram is worth a bull-calf, and so on. In this case the word *ngual* is usually employed. The word *ngual* implies the passage of time before the transaction is complete, and is thus best translated as 'loan'.

426 231

In many cases a Nuer will specify beforehand that he will pay the first cow-calf born to such and such a cow. Such loans are a frequent cause of litigation, for a man is often unwilling to repay the loan after his immediate need has been met, or unable to do so.

[1] Jonglei Investigation Team, *Third Interim Report*, 1948, p. 20.

[2] Among some Nuer and Dinka tribes there is a considerable trade in this manner with Baggara Arabs from the north. Cow-calves are brought in by the latter and exchanged for large oxen, which are then driven north and sold in the markets. This form of trade is, however, limited, for it seems that Baggara cattle will not survive in the areas south of approximately latitude 9°, and though the Nuer have been tempted to try, the experiment has usually been unsuccessful. In any case, there are no statistics available because the practice is not encouraged by the Government owing to the spread of disease.

14: Huffman M-5 (no date) 1931
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Every one helps in the work of the harvest, for the 243
stalks must be cut down and the heads cut off and placed upon a rack which has been placed in the yard for that purpose. The grains of dura are pounded out, then it [422]
becomes the property of the housewife after the seed dura has been selected and stored for the coming year.

The stalks of dura are often kept for fuel or for making [372]
fences.

If the rainy season has started early there may be a second crop of dura, but this seldom happens.

The wife must pound the dura and sift it to get the 252
bran out. She pounds it in a hole in the ground which she has plastered with mud, using a long pole. She usually chants a song as she pounds, the thud of the pounding serving as a low accompaniment to her song.

The dura is cooked like mush and forms the main part of the food of a Nuer. He eats it without salt or sugar; sometimes he has a little milk on it. Or the dura may be soaked and then allowed to sour a little, and then cooked, in order to give the family a little variety in their meals.

Corn is also eaten, usually being parched. They also 262
chew the dura stalk or the sugar-cane stalk (if they have it) for the sugar they find in them.

Some wild tubers are eaten, and some kinds of wild greens. Beans are also eaten, but I know of no Nuer who plants them in his own village. Men consider these wild greens effeminate and will not eat them except in times of famine. Sometimes in times of famine they gather certain [261]
wild grass seeds and cook them as a food.

The Nuer is not inclined to plant any large field and 262
thus be assured of a surplus of food. The Arab merchant 437
comes to his village when the dura is threshed and shows such an array of beads and cloths that the Nuer is tempted

14: Huffman M-5 (no date) 1931
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262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

323 Women sometimes make earthen pots and sell or
453 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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is at fault if it does not fulfil its part of the bargain. A costly sacrifice having been made, *cuong*, right or justice, is on the human side in the matter. Thus the man of whom I was speaking above said during his harangue that after all the sacrifices he had made to the spirit *deng* on account of sickness in his family, his little daughter had been bitten by a snake and died. He had given all these oxen to *deng* and look what had happened! He felt aggrieved and had consulted a prophet of *deng* who had told him that if the spirit had taken his daughter it would compensate him for his loss; and it had indeed done so by giving him twins: '*ca col e kwoth ke cuek*', 'it [the death of the daughter] was compensated by the spirit with twins'. The use of the word *col*, as will be seen later, here implies that the spirit was in debt to the man. This Nuer Job complained that the spirit had only compensated him because he told it that he had had enough of it and that it could take all his children if it pleased, for then he would have finished with it because it would have nothing more to take from him.

782 789 [755]

The word *kok* occurs in the other Nilotic languages with much the same range of meaning, outside its sacrificial usage, as it has today in Nuer, for one most frequently hears it used today to describe the purchasing of goods from an Arab merchant. That a word which had chiefly, and perhaps primarily, a sacrificial meaning should come to be employed for the recent practice of buying something from a shop, a commercial sense it has also in other Nilotic tongues, sheds some light not only on Nuer ideas about trading but also on their ideas about sacrifice. Since the present range of meaning of the word includes buying and selling one might say that God or a spirit is 'bought' by sacrifice. The dangers of translation that beset one at every step in an attempt to understand and make intelligible Nuer religious ideas are here very apparent, for once we use the word 'bought' the associations it has among ourselves rush in to colour the Nuer conception. But Nuer do not regard purchase from an Arab merchant in the way in which we regard purchase from a shop. It is not to them an impersonal transaction, and they have no idea of price and currency in our sense. Their idea of a purchase is that you give something to a merchant who is thereby put under an obligation to help you. At the same time you ask him for something you need from his shop and he ought to give it to you because, by taking your gift, he has entered into a reciprocal relationship with

782 437 196

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 you. Hence *kok* has the sense of either 'to buy' or 'to sell'. The two
●437 acts are an expression of a single relationship of reciprocity. As an
196 Arab merchant regards the transaction rather differently misunderstandings arise. In the Nuer way of looking at the matter what is involved in an exchange of this kind is a relation between persons rather than between things. It is the merchant who is 'bought' rather than the goods, just as it is God or a spirit who is bounden by sacrifice; or it can be better put by saying that the partners, Nuer and merchant, man and God, *kok* each other. The general notion conveyed by the word is therefore that of exchange. This sense covers, as do our own words 'ransom' and 'redemption', both religious and commercial usages. In both there is the idea of a relationship expressed in gift and counter-gift. The mere fact that the word has been made use of to denote what we regard as plain and simple commerce shows that some idea of a bargain is implied in its sacrificial use. Whatever else it may also be, sacrifice can be regarded, as Socrates says in the *Euthyphro*, as being in a sense a 'commercial technique', a way of doing business between gods and men. A bargain is struck. There is an exchange. This is further shown by the use of the verb *luel*, not in reference to any particular kind or situation of sacrifice but in invocations at personal sacrifices. A consideration of its use shows us better what sort of exchange Nuer sacrifice is.

782 One of Professor Westermann's texts records a sacrificial in-
755 vocation made on behalf of a sick man. I would translate it as follows: 'God, what is this? Leave him with us; let him recover. Turn about, take thy cow. It has been decreed for the life. It is thou who hast spoken thus. Take the cow that it may be in exchange for the life (*bi je luele yei*). It is thou who hast created us; it is the cow which is exchanged for life (*e bi yang a luel ne yei*). Take the goat and the cucumber; and let him recover! In what have we erred? Give us the life. Thou art our father. Why must we always suffer? Give us the life, we pray thee, our father.'[1]

437 In other contexts the word *luel* means 'to exchange' or 'to
196 change'. Something takes the place of another thing equal to it —a simple exchange of two things considered to be of more or less

[1] Op. cit., pp. 116–17. The sentence 'Take the goat and the cucumber' would not occur in any actual invocation, for the two things would not be sacrificed at the same time. Whoever spoke the text has inserted a gloss in the sense of 'Take the cow [ox], that is to say, the goat or the cucumber' [as the case may be].

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equal value by the persons concerned in the exchange, as when a man who is leaving his neighbourhood exchanges his old byre for a bull calf or when a man exchanges an ox with certain markings desired by his partner to the exchange for one with his own favourite markings. The difference between *kok* and *luel* is that between the reciprocal relation between persons in an exchange and equivalence of objects exchanged. In either case the action is immediate, unlike that implied by use of the words *ngual*, to borrow, and *gwal*, to lend. In loans a man makes a gift and the recipient later returns it or something of greater value. There are two distinct and separate movements between which there is a long passage of time. In its piacular context, therefore, the word *luel* means that the life of the victim is exchanged in the moment of its immolation for the life of a man. In the sacrificial situation the two things are of equal value, so that the one can be substituted for the other. This puts men and cattle in a very peculiar relationship to each other, a matter I discuss in Chapter X.

In personal and piacular sacrifices the animals are substitutions for men. To this extent sacrifice is an exchange, but it is also something very much more than just a simple exchange. It is not a simple idea at all but a very complex one in which many other elements are present. I discuss the problem in more general terms later, but we may here note how other terms are used to describe personal sacrifices which emphasize rather the related ideas of propitiation, expiation, atonement, and *purification*.

Sometimes the word *lor* is used to describe a sacrifice. The word means 'to go to meet', perhaps its most common usage being to describe the formal greeting that Nuer, especially women, make to a visitor of importance when they go from their homes to receive him outside their homestead or village. The word has therefore the further sense of 'to honour', as would appear to be the case also in Dinka and other Nilotic tongues. But in the religious sense of the word people go out of their villages to meet a plague or other danger not with the purpose of bringing it to their homes to give it hospitality there but with the opposite purpose of preventing it from entering their homes. They go out to meet and stay a plague or murrain with sacrifice. They say '*bane je luor*', 'let us go out to meet it'. The well-known prophet Ngundeng of the Lou tribe did this in times of epidemics, sometimes, I was told, sacrificing dozens of oxen and leaving their carcasses in

6:Howell E, G-5 (1942-1944)1954
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476 and well beyond the limits of the reciprocal distribution of bridewealth
602 cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as
438 the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

621 A stranger cannot intrude himself into a community or build his
609 house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

423 For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

423 During the rains the cattle are kept in the permanent settlements
233 and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of
361 the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

4. TRADE AND LOANS

Trade has never been extensive among the Nuer. There is, of course, a division of labour according to sex, but there are few people who can be accounted specialist craftsmen. Individuals acquire the reputation for making certain specific objects with exceptional skill, but they rarely if ever belong to a family especially associated with such activities. This is an exceptional contrast to specialization in the spiritual sphere, for there are hereditary experts capable of dealing with almost any unusual phenomena: ritual experts, magicians, sooth-sayers and medicine-owners, who demand fees, often in cattle, for their services. [438] [462] 463

The reason lies, perhaps, in the extraordinary simplicity of Nuer material culture. Most things necessary for their migratory way of life (and this applies to all peoples who move with the seasons) can be made either from wood or grass or from the products of their cattle. Seasonal migration in any case precludes a high degree of virtuosity, for things are liable to breakage and are often an unnecessary encumbrance. Moreover the Nuer, who do not use their animals for transport, must carry everything by hand. 105 [482]

Certain objects were of relatively high value, and were exchanged for cattle or sheep and goats. Nowadays, however, most of these articles—hoes, spears, ornaments and the like—can be obtained for cash, and disputes do not often arise in the courts except over the sale of grain. 437

Trade in Cattle

Trade in cattle is clearly increasing as a cash economy becomes more imporant to the Nuer but, as yet, cattle are rarely sold except when the purchase of grain is necessary. A significant paragraph from the Jonglei Investigation Team's *Third Interim Report* (1948) is worth quoting, for the figures given, although taken from all Nilotic inhabitants of the Upper Nile Province, include all the Nuer: 439 231

> The disposal of surplus livestock is governed by private, family, and tribal circumstances, and is at present tied up with the need to find cash; this is required mainly for the purchase of grain and veterinary vaccines and, to a small extent, for the payment of taxes. There are four channels through which the inhabitants can dispose of their animals:
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8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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When it is remembered that the Nuer alone possess over half a million head of cattle, these sales figures are not impressive, but the increase in sales is significant.

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There is still relatively little internal trade in cattle among the Nuer. Cattle are not bought and sold in local markets, and disputes over prices or payment rarely come before the courts. Cattle continue to be exchanged, however, and there are still customary rates of exchange.

Exchanges and Loans

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The Nuer word for exchange is *gual*, and is used specifically in connexion with the exchange of cattle. '*Ce thak gual ke dou*', 'he exchanged a bull for a cow-calf.' The expression, which is often loosely applied, refers to a direct exchange. In some cases cattle may be exchanged for sheep. It is generally recognized that a large bull or ox is worth a cow-calf, and a cow-calf is worth anything from 10–20 sheep. Such transactions are frequent.[2] In certain situations of spiritual danger—famine, sickness, or death—or in any situation which demands a sacrifice, a sacrificial animal is necessary, and this may not be immediately available. In such circumstances a man will be forced to make an immediate exchange: a cow-calf for a bull-calf, and so on. More probably he will borrow a bull or in some cases a ram on the understanding that he will pay the owner its recognized equivalent at some later date. This is in the nature of a loan, and involves some measure of interest. A full-grown ox is worth at least a cow-calf if the debt is discharged at some later date, a ram is worth a bull-calf, and so on. In this case the word *ngual* is usually employed. The word *ngual* implies the passage of time before the transaction is complete, and is thus best translated as 'loan'.

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In many cases a Nuer will specify beforehand that he will pay the first cow-calf born to such and such a cow. Such loans are a frequent cause of litigation, for a man is often unwilling to repay the loan after his immediate need has been met, or unable to do so.

[1] Jonglei Investigation Team, *Third Interim Report*, 1948, p. 20.

[2] Among some Nuer and Dinka tribes there is a considerable trade in this manner with Baggara Arabs from the north. Cow-calves are brought in by the latter and exchanged for large oxen, which are then driven north and sold in the markets. This form of trade is, however, limited, for it seems that Baggara cattle will not survive in the areas south of approximately latitude 9°, and though the Nuer have been tempted to try, the experiment has usually been unsuccessful. In any case, there are no statistics available because the practice is not encouraged by the Government owing to the spread of disease.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

262 to part with some of his dura. So want is never far from
437 the door of the Nuer home.

273 A drink—more or less intoxicating, according to the amount one drinks of it—is made from dura. Nuer are very fond of it. They frequently get intoxicated enough to fight when they have had their fill of it.

THE NUER IN BUSINESS

241 Few Nuer men engage in any business that helps others. Practically every Nuer man has a plot of ground where he may raise the family's supply of dura, but he seldom thinks of raising any to sell.

The Government has tried to interest the Nuer in raising cotton, but with no marked success so far.

326 A few men are blacksmiths and make the spears, fishing spears, and ornaments out of iron, brass, or wire. They sharpen old hoes, spears and such like, and make good money in this line. The equipment a blacksmith requires is decidedly meagre. A piece of iron to hammer on, a piece of iron to hammer with, and a fire, constitute the usual equipment, although one occasionally sees a chisel.

342 Some men make a reputation for themselves by their skill as roofers. The roof of a Nuer house when new is a very pretty piece of work, being quite smooth and even. It takes a good roofer to fix a roof so that the heavy tropical rains do not go through it. Men roof the houses, but the making of the long grass eaves to protect the wall from rain is considered as women's work and is left for them to do.

323 Women sometimes make earthen pots and sell or
438 trade them to others who are not so well versed in this art, but practically all women are more or less proficient in pottery.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

source of material, as may be seen in the list of the uses of the bodies and bodily products of cattle on pp. 28 and 30. The bodies of wild animals replace those of cattle in some, but not many, of these uses, e.g. the skins of tiang and cob are used as sleeping-rugs, waterbuck-skin for the tympana of drums, giraffe-skin for cord, the scrota of giraffe for bags (Fig. 3), the horns of buffalo for spoons (Fig. 14), and the bones and hides of various animals and the tusks of elephants for armlets, leglets, wristlets, finger-rings, &c., and so forth. They can further be employed, though here also to a limited extent, for purposes for which bovine products are unsuitable, e.g. hippopotamus- and buffalo-hide for shields and sandals, elephant-hide also being used for the second purpose; horns and ribs, as mentioned above, for spear-points; leopard- and genet-skins for ritual and ceremonial apparel; and so forth. Ostrich eggs and shells of the giant land snail are manufactured into waist-bands and the second are used for cutting heads of millet in harvesting. 237

I have indicated a few of the uses to which animal products are put to give the reader a general idea of the limitations imposed on Nuer economy by their environment and of the way they manage to overcome the natural poverty of their country. Taken with the earlier list of uses of cattle we can say that the Nuer do not live in an iron age or even in a stone age, but in an age, whatever it may be called, in which plants and beasts furnish technological necessities.

Deficiency of food and other raw materials can be corrected by trade. However, Nuer seem to have engaged very little in it. Many of their iron weapons and ornaments probably came through Dinka hands from the so-called Jur peoples (Bongo-Mittu group) and the iron-working sections of Dinka tribes to the west of the Nile. Much of it was doubtless booty, though some was certainly traded.[1] The Eastern Gaajak traded iron for ivory with the Galla of Ethiopia, but I doubt whether much iron came from this source before the Abyssinian conquest of the Western Galla towards the end of the nineteenth century. At the beginning of the present century there was some trading of ivory from Nuerland to the Ethiopian markets at Gore and Sayo, and this went on till very recently. A considerable distance separated these markets from the main supply in the Zeraf Island, and people from Eastern Gaajak country in the dry season, at any rate in some seasons, took cattle, tobacco, and spearheads to the Zeraf and returned with ivory. A good tusk fetched up to twenty 439

[1] Poncet, op. cit., p. 44.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

439 head of cattle.[1] This trade was forbidden some years ago and has probably not a long history, because early writers give no information that might lead us to suppose that it went on previous to the reconquest of the Sudan and the Abyssinian conquest of Western Ethiopia. There was some ivory-trading on the Zeraf between Nuer and Arabs from the middle of the nineteenth century. Metal ornaments and venetian glass beads seem to have been offered in exchange. Nuer may have traded some tobacco, and possibly an occasional canoe, from the Anuak of the Baro and Gila rivers, but it is more likely that they usually acquired these objects by raiding. I do not discuss here the very small trade carried on to-day by Arab shopkeepers who live a hard, and generally unprofitable, life here and there on the main waterways. Nuer obtain from them spears, hoes, fish-hooks, ornaments, and occasionally an anvil, grindstone, &c., and they purchase skins of oxen, and sometimes oxen, from the Nuer. Nuer economy has not been much affected thereby. Nuer do not sell their labour.

We may conclude, therefore, that trade is a very unimportant social process among the Nuer. Many reasons can be adduced to explain this fact. I mention only a few. Nuer have nothing to trade except their cattle and have no inclination to dispose of these; all they greatly desire are more cattle, and, apart from the difficulty that they have nothing to offer in exchange for them, herds are more easily and pleasantly increased by raiding the Dinka; they are seldom on such friendly terms with their neighbours that trade can flourish between them, and, although there may have been sporadic exchange with Dinka and Anuak, *it is probable that* most objects obtained from these peoples were [436] spoil; they have no money, no markets, and no transport other than [489] human porterage; &c. A further reason, and one that requires emphasis, is the dominant interest of the Nuer in their herds. This narrow focus of interest causes them to be inattentive to the products of other people, for which, indeed, they feel no need and often enough show contempt.

437 There is very little exchange within Nuerland itself, there being no high specialization and no diversity in the distribution of raw material. The only trading I have seen, apart from the exchange of small commodities and minor services mentioned in the next section, is the exchange of some cattle, mainly oxen, by the Lou for Eastern Gaajok grain in a famine year. I think it most unlikely that such exchanges went on before British occupation of the country, though there was, according to Nuer, sometimes an exchange of an animal for grain in bad years between persons of the same district.

[1] Bimbashi H. Gordon, *Sudan Intelligence Report*, no. 107, 1903.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

fires, but they are quickly driven into huts and byres to seek protection amid the smoke of their fires. The doors of the huts are closed tightly, air-holes are blocked, and fires are lit. Mosquito-nets are the only European product, apart from spears, for which the Nuer express any great enthusiasm, but very few, perhaps one in several thousand, possess them. 136 [439 177]

During my residence at Mancōm on the Sobat in July, 1935 I was almost eaten alive by mosquitos. My cotton mosquito house afforded me some protection at night but insects soon made holes in it and the mosquitos entered. Moreover, they swarmed outside like a beleaguering army and on my leaving or entering the house battalions invaded it. The worst time was between six and nine o'clock in the morning when hundreds of mosquitos collected in my tent to escape the sun so that it was impossible to sit in it without being repeatedly bitten. One gets little rest, and fever is sooner or later inevitable.

Mosquitos are absent away from pools and river banks in the dry season and even in the vicinity of water—and one must live near water—they are not troublesome from January to May. In the dry season, therefore, the cattle sleep in the open, the herd being surrounded by windscreens in which the Nuer themselves sleep. If a beast of prey approaches people know of its approach by observing that the cattle are restless. The alarm is given and in a moment the whole camp is awake and men rush, with spears in their hands, to the place of danger. I have seen camps awake half the night chasing lions away, for a lion makes many attempts before he acknowledges defeat. But even in the dry season dung fires envelope the camps in smoke at night to protect the cattle from insects. 233 136

According to the Nuer it was Woman who first brought mosquitos to the habitations of men. Woman found Mosquito in the open plain and asked him "What do you eat?" Mosquito replied, "Oh! grass. Just nothing." Woman said to him, "Well come home with me and we will share our homestead together" When God heard Woman's words he asked her, "What about your husband?" Woman replied, 136 773

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

421 the past nearly always expressed in terms of cattle and often on a conventional basis. Such articles were canoes and ivory bangles (though here the basic value of the ivory must be taken into account). These were of considerable value and, as will be seen, there were in the past scales of compensation demanded for their loss or misappropriation.

[439] (4) Imported articles, chiefly of iron, like fish-spears, iron spear-heads, hooks, iron hoes, &c. There were no iron smelters and few blacksmiths among the Nuer in those days. Iron wares were acquired from other tribes in exchange for cattle. These also had a conventional value and, in traditional legal processes, a conventional rate of compensation (*cut*).

We see therefore that there were various categories of chattels or movable property, some of which (those in the first category) had no definite or standard value because they were so easily obtainable; others which had exchange value, but no conventional rate of compensation for loss in excess of the exchange value (those in the second category); still others which had not only high exchange value in terms of cattle but also rates of compensation for loss, usually far in excess of that value (those in the third and fourth categories). The reason for the heavy damages demanded in such circumstances is discussed later. It may be noted here that it was partly due to the economic advantages obtained from the article (hoes or fish-spears for example) and hence the economic disadvantages caused by its loss, for it could not be easily replaced. Although actually held by an individual, the advantages applied to other members of his community, who would therefore assist him to obtain redress. Moreover, since it was initially purchased with cattle, kinsmen who had interests in those cattle would also have interests in the article.

[424] Finally another form of ownership, which must be mentioned in connexion with property relations, is possession of spirits or 'spirit medicines'. Certain kinds of spirits or medicines which have magical properties may be purchased with cattle. Such spirits are spoken of as being 'owned', but in contrast to more corporeal rights, they cannot be stolen because in the transference there must be some spiritual harmony between the two persons concerned, and the appropriate ritual must be performed. The nature of these spirits is discussed in a later chapter.

Changing Values

421 178 436 These observations apply to the past. Clearly concepts of property relations are undergoing swift and radical changes in Nuer society today. The introduction of a money economy in itself is bound to have repercussions on ideas of property and ownership. Most articles can be bought for relatively small sums of money, and money can be

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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[8] *Jonglei Investigation Team, Third Interim Report*, 1948, p. 20.

[9] Among some Nuer and Dinka tribes there is a considerable trade in this manner with Baggara Arabs from the north. Cow-calves are brought in by the latter and exchanged for large oxen, which are then driven north and sold in the markets. This form of trade is, however, limited, for it seems that Baggara cattle will not survive in the areas south of approximately latitude 9°, and though the Nuer have been tempted to try, the experiment has usually been unsuccessful. In any case, there are no statistics available because the practice is not encouraged by the Government owing to the spread of disease.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Disputes are easily settled by the courts, though execution of judgement is often slow. 426 231

Loans Arising from the Institution of Nak

Slightly different situations arise from the institution known as '*nak*'.[1] It appears probable that *nak*—the common word meaning 'to kill', but in this context meaning 'a slaughter'—was part of the tribal ceremonies concerned with the division of age-sets. Age-mates of the younger age-set would segregate themselves from the rest of the community at the cattle-byre of one of their number and live entirely on the meat of oxen slaughtered for the occasion. 426 231 884

Two or three of the youths would club together to provide an ox and, if their immediate relatives were unable to supply one, they would appropriate one from someone else. In this they were given considerable licence and, should the owner object, they could seize it with impunity. Public opinion would not allow the owner to resist, and certainly he would be unable nowadays to obtain immediate redress in the courts. In return, the youths are bound by convention, with the full force of public opinion behind it, to make return after a specified number of years (usually announced by the *wut ghok*).

The exchange values of cattle provided in this manner are much higher than those recognized in normal exchanges or loans. They are:

1 large bull = 2 cow-calves and 1 bull-calf.
1 medium bull = 2 cow-calves.
1 bull-calf = 1 cow-calf.

The debts were not, of course, discharged with the rigidity which these rates imply, but they are quoted by Nuer as being traditional. Just as a man is expected to hand over his ox without show of reluctance in the first place, so would his debtors be expected to discharge their obligations without argument. Nuer are particularly emphatic on this point, but disputes are, none the less, frequently taken to court.

Nearly all these exchanges are necessary to meet some ritual situation, and are therefore of frequent occurrence. Sacrifice is extremely common, and Nuer consume more meat than is commonly supposed. Recent statistics indicate that a large proportion of the total cattle population is slaughtered.[2]

Exchange of Cattle for Grain

Finally, cattle are sometimes exchanged for grain in times of famine. This has not been so frequent in recent years, because grain, imported 439 231 731

[1] I have discussed this institution in more detail in an article, 'The Age-set System and the Institution of 'Nak' among the Nuer', *S.N.R.*, 1948.
[2] See Jonglei Investigation Team, *Progress Report*, 1948-9.

6:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*math*)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Ngor Nguen v. Can Nyoi (*Jikany Nuer Case*).

Ngor and Can were 'best friends' (*math*). Ngor gave Can a black cow as a gift. Can gave Ngor a cow when Ngor got married. Ngor then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Ngor, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Ngor's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kual*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

8:Howell E. G-5 (1942-1944)1954
FJ22 Nuer FJ:2

685 important items in the subsistence economy of the people. Their illicit removal by a stranger would again be *wuse*—'theft'.

In analysing some of the customary scales of compensation for misappropriation, it is apparent that in many cases the damages were out of all proportion to the wrong. As in the case of hurt, the compensation was directly proportionate to the suffering of the persons concerned. As has been explained in the introduction, the likelihood of such compensation being paid depended largely on the relationship of the persons involved and the social cohesion of the community in which they dwelt. It is also probable that all these scales of customary compensation date right back to a period of Nuer history when the people lived in more closely-knit groups and before the major processes of expansion began; that is, before they occupied huge tracts of country and absorbed large numbers of Dinka in doing so.

Those material possessions for which compensation (*rut*) was demanded included fish-spears, hoes, and axes—all articles made of iron. The scales of compensation differed considerably from tribe to tribe. The Gaawar, for instance, say that six head of cattle would be demanded for the theft of a fish-spear. Lak Nuer say that one cow was sufficient. The probable reason for this disparity was that compensation was conditioned locally by the relative difficulty of obtaining those articles, and also by the number of cattle paid for them in the first instance. The Gaawar, remotely situated from the trade channels through which iron wares came, could only obtain them from the Anuak to the east or through the Atuot Dinka to the west. In Lak country a cow would purchase a bundle of these things but in Gaawar the cost was much higher.

Again, we find that not only were these articles initially purchased with cattle but all had very considerable value in the subsistence economy of the Nuer. The loss of a fish-spear might cause great hardship because Nuer are often compelled to rely on fish as a major item in their diet, especially when grain is short. Hoes were essential [501] for agricultural processes. Canoes, for which a high rate of compensation was also demanded, were of considerable economic importance not only for fishing, but for swimming cattle across rivers in the course of seasonal migrations. Canoes, however, may have had a trade value nearly equal to the compensation, for suitable timber is rare in Nuerland even today.[1]

It is therefore possible that in these traditional scales of compensation for the loss of certain possessions, there are the germs of deterrent and punitive concepts, but it is more likely that they still fall within the category of private law. There was certainly no organised political

[1] Canoes have a high value. Those imported from Anuak, Shilluk or the south and west are worth several head of cattle. Canoes made of doleib palm trunks which are available locally are comparatively cheap and are usually sold for cash.

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461 LABOR AND LEISURE--ideas of the value and dignity of labor; notions of pleasant and unpleasant tasks; distribution of labor and leisure time; incentives to labor (e.g., pride in craftsmanship, prestige, material rewards, compulsion); time and motion studies; intensity of effort; palliation of labor (e.g., with drugs, rhythm, music); work tempo (e.g., steady, intermittent); standards of productivity and production norms; laziness and malingering; rest periods; loafing and loitering; etc. See also:

Annual cycle of economic activities . . . . . 930 Holidays . . . . . [illegible]
Unemployment . . . . . 484 Slavery . . . . . [illegible]
Leisure-time activities . . . . . 317 Social alienation . . . . . [illegible]

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

858 mode of life changes when he becomes a man, that is to say when he is made
561 a man by social machinery, for he does not become a man in virtue of biological condition alone. An initiated boy ceases also to assist women and girls in the more menial tasks of cattle culture. It is no longer his duty to clear dung from the byres nor to smear it on the floor of the kraals[1] and dry it for fuel. Neither taboo nor shame attaches to these tasks, it is true, and if there are no women or boys to perform them a man will do them himself, but it is considered to be work for boys and girls. No more will an initiated boy have to milk the goats and sheep and take them out to pasture with the calves. Instead he will sometimes guard the main herd of cattle in their dry season pastures or more generally sit and gossip around the embers of a smouldering dung fire and wait for the womenfolk to bring him the morning meal.

A boy is everybody's servant. Not only must he milk the cattle and sheep and goats and keep clean byre and kraal but he is frequently ordered about by initiated men, sent to draw water, fetch fuel, light pipes, made to go messages, to lead the bullocks round the camp when his elders wish to leap (*ren*) behind them, and to perform any other task which they require. Certainly boyhood is the period in a man's life when he is more occupied, does more work, than at any other period of his life. One gets the impression when living in a Nuer cattle camp that among the males all the routine work of the camp is done by the boys. After initiation
884 a boy may look forward to a long life of ease. His are now the delights
561 of sitting round a smouldering dung fire with his beloved cattle tethered in front of him. Here he can smoke, sleep, drink milk, gossip, and watch
461 others do the daily monotonous routine work of homestead, dairy, and kraal. There is no one now to disturb his peace by ordering him about. At last he is completely his own master and may work or not as he thinks fit. Every initiated Nuer is his own lord, paying respect to age and the obligations of kinship, but free and independent, owing no man service. A newly initiated boy may now order his juniors about, see that they do their work thoroughly, and admonish and beat them if they are remiss
884 in any task. Even though he is quite small, and perhaps no older than
561 many who are uninitiated, he is a *wut*, a man, while they are *dhol*, boys.

[1] "*Byre*" refers to the large byre in which cattle are housed in the wet season and which is used also as a men's club. "*Kraal*" is used to denote the space in front of the byre, sometimes enclosed, where the cattle are tethered and also for the space where they are tethered, surrounded by a wind-screen, in dry-season camps.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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wash themselves in it. When they are a little older and stronger they have to clean the byres and kraals, assist in the milking, and herd the small calves and the sheep and goats at pasture.

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857
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FIG. 7. Mud figures of cows decorated with tassels.

Food and play contacts with the cattle have changed to labour contacts. At this age the interests of the sexes in cattle begin to diverge and the divergence becomes more apparent as they grow up. The labour of girls and women is restricted to the byres and the kraals and is concerned mostly with the cows, while boys herd the calves at pasture, as well as assisting in the kraal,

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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181 233 462 and after initiation they herd the adult cattle and in the kraal give their attention mainly to the oxen. The women are dairy-maids; the men herdsmen. Moreover, to a girl the cows are essentially providers of milk and cheese and they remain such when she grows up and is married and milks and churns for her husband's people, whereas to a boy they are part of the [421] family herd in which he has property rights. They have entered the herd on the marriage of his kinswomen and one day he will marry with them. A girl is separated from the herd on marriage; a boy remains as its owner. When a boy becomes a youth and is initiated into manhood the cattle become something more than food and the cause of labour. They are also a means of display and marriage. It is only when a man marries and has children and an independent household and herd, when he has become an elder and man of position, that he often uses cattle as sacrifices, invests them with a sacred significance, and employs them in ritual.

181 233 The Nuer and his herd form a corporate community with solidarity of interests, to serve which the lives of both are adjusted, and their symbiotic relationship is one of close physical contact. The cattle are docile and readily respond to human care and guidance. No high barriers of culture divide men from beasts in their common home, but the stark nakedness of Nuer amid their cattle and the intimacy of their contact with them present a classic picture of savagery. I ask the reader to look at some of the illustrations, for example the Frontispiece and Plates III, V, and XVII, which will convey to him better than I can do in words the crudity of kraal life.

Cattle are not only an object of absorbing interest to Nuer, having great economic utility and social value, but they live in the closest possible association with them. Moreover, irrespective of use, they are in themselves a cultural end, and the mere possession of, and proximity to, them gives a man his heart's desire. On them are concentrated his immediate interests and his farthest ambitions. More than anything else they determine his daily actions and dominate his attention. We have remarked on the over-emphasis on cattle produced by their wide range of social and economic uses. So many physical, psychological, and social requirements can be satisfied from

2:Evans-Pritchard E-5 (1931, 1936) 1951
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422 husband is alive the beasts count as part of his herd and the wives
593 cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could
428 do so. The only cattle a father cannot, or at any rate ought not to,
593 take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader
462 departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

462 exclusive privilege of women. Men manufacture most of the weapons and ornaments they use for themselves and for the cattle, and women the utensils and ornaments they use.

In general it may be said that men take on themselves a fair share of the labour of the home, that the routine work of the homestead is chiefly in the hands of women and a man's work very largely in the bush, and that tasks requiring greater strength are done by men. Division of labour between age-grades is also equitable.

594 A Nuer home is run by the combined efforts of all its members and the labour of running it is fairly distributed among them. One cannot but be struck by the camaraderie of the family as they assist one another in daily and seasonal tasks, either by direct aid or by co-ordination of activities. No work is considered degrading, no one is a drudge, all have leisure for rest and recreation, and all are content with their roles in the economy of the home. Indeed, the division of labour between sexes and ages accords with the social and personal freedom of women and children in Nuerland and with the recognition, so striking among the Nuer, of the independence and dignity of the individual.

462 I have omitted details in this brief account of division of labour, but there is one to which attention must be drawn. No man may milk the cows. This can only be done by women and uninitiated boys, and boys do not generally milk if there are women in the home. Woman's exclusive role of milkmaid combined with her roles of dairymaid and cook make her the centre of family and household. However many cattle a man may possess, he is helpless without a wife or mother or sister to milk the cows. It is only through marriage that a man can have a home of his own, and one of the most serious consequences of divorce is that it compels him to attach himself to the home of a kinsman whose womenfolk can milk and cook for him. Hence, also, if a man dies leaving motherless unmarried sons, efforts are made for the eldest of them to be married as soon as possible so that the others may group themselves around him, or rather round his wife, who cooks and milks for them all. Otherwise the brothers may scatter to the homes of their married sisters, of their mothers' brothers, or of some other kinsmen. Even after men are married and have homes of their own there are many occasions when they have to rely on the wives of brothers or of other neighbours and kinsmen for the

2:Evans-Pritchard E-5 (1931,1936) 1951
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milking of their cows. Nuer group themselves round a herd, and the rule prohibiting men from milking means that in grouping themselves around a herd they also group themselves around the milkmaid who serves the herd. This central position a wife has in Nuer economy, like the central position she has as a mother in the lineage, to which I have earlier referred, enhances her status in society. Here again also her position in this respect as in the other tends to break down narrow family exclusiveness and to draw closer to her husband his brothers and close paternal kin.

The family produces most of what it needs, and most of what it produces it consumes. Nevertheless, some tasks cannot be performed, and others are often not performed, by the ordinary family without assistance from kith and kin; and there is much sharing among neighbours. Most hunting, and much of the fishing, require more participants than the family can muster, and unless families take it in turn to herd, a single family would find it difficult or impossible, especially in dry-season camps, to look after its cattle, calves, sheep, and goats, as well as to attend to the children and the tasks of kraal and kitchen. Help in activities requiring co-operation, as well as in milking when that is required, is given by close neighbours who are also kinsmen. Also, there are other tasks which, though they might be accomplished by the family unaided, are often, but by no means always, performed by co-operative parties of neighbours: clearing gardens, making drainage trenches, dams, and seed-beds in swampy ground, weeding, harvesting, threshing, and building. The helpers are given beer or porridge or both. Thus Nuer say of building a byre: 'We Nuer cut the supports with beer, we cut the grass with beer, we build the walls with beer, and we erect the supports with porridge.' Although a family probably spends as much labour in helping other people as would, had it been expended in their own home and gardens, have enabled them to be self-sufficient in maintaining them, it is much more pleasantly spent when distributed in this way. Not only is a family relieved of the necessity of tackling particularly laborious jobs unaided, but when the work is done by mutual aid it becomes something of a game, losing its monotony in merry company and in the feelings of good-neighbourliness it engenders; for the beer and porridge are not payment for work done but hospitality provided for friends and kin, who accept the invitation to take part in the work because they are friends and

6: Evans-Pritchard E-5 (1931, 1936)1938
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cleans it out, and rearranges the grass coil around the sides. The discoloured water is then drawn out in gourdfuls and thrown away. They continue drawing the water till they are satisfied that the well is clean again. Every day the walls of the trough receive a fresh coating of sand and are thus kept smooth and clean. All the work falls to the men and boys. Men, assisted by the bigger boys, dig the wells and make the troughs and draw the water. The smaller boys guard the water. Women and girls only draw water for household purposes. 312 312 462

There were dozens of wells at Yik, the bed of the river having been bored every few yards. As each well supplied two or three troughs the ground was covered with shiny pools. 312

X.

Water is the primary problem of the herdsman's life in Nuerland. A secondary problem, for it arises from excess or insufficiency of water, is pasturage. In their seasonal movements Nuer are not only seeking water but also nourishing grasses and when herdsmen take the cattle from camp to their grazing grounds they do not guide them haphazardly across the plain but drive them to where they know of succulent grasses. The best pastures are often far from camp and the cattle have to be milked early so that they may have time to graze, drink water, chew the cud, and graze again before returning to camp. It is necessary to herd the cattle in the dry season, but Nuer say that it is better to do so at all times of the year though they do not always act accordingly. When I brought one of my cows from Yakwac to Mancom early in the rains it was noticeably thinner than the Mancom cattle. The Mancom people said that the Yakwac cattle do not do so well as their own because the Yakwac people do not herd their cattle in the rains and take them to the best pastures but leave them to graze by themselves. Consequently they graze on the exhausted pasturage near the homesteads. At Mancom a man always accompanied the cattle and took them to the richest grasses. 233

Nuer are great authorities on grasses and know all about their habits and distributions. They never make a mistake in identifying 824 233

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

361 or dearth of pasturage, the people remain on their village sites or move only a short distance from them, they insist on making a camp nearby, for such is the ancient dry-season custom.

342 The windscreen (*geaw*) does not seem to be used in Western Nuerland. In the camps I have seen there both sexes live in grass huts plastered with dung, the huts of married couples being rather larger than those occupied by youths or girls. The huts appear also to be more carefully constructed than in Eastern Nuerland. In
343 Nuer camps one sometimes sees a rough shelter (*geaw dorni*) constructed of branches with grass, often the riverside *buor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

234 Before and during milking youths display themselves in company
883 with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *raw* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 Milking starts between 6-30 and 7-00. If the morning is misty
462 it may be delayed till slightly later. As men are forbidden to milk

6: Evans-Pritchard E-5 (1931, 1936)1938
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they sit in their windscreens while the women and boys milk the cows. This task takes about half an hour and the cattle then remain for a while tethered to their pegs. Each household milks its own cows and if there are strong boys and girls they do most of the work, leaving the married women to cook and attend to their babies, but adult women milk troublesome cows which require experience and firm handling and if they have no adolescent sons and daughters have to milk all the cows of their household. 234 462• 512

Between 7-30 and 8-0 the cattle are taken to pasture. If some of the beasts are loosened before milking is finished they do not leave the herd but wait nearby the kraal till they are driven out with the herd. By this time the sun is high in the heavens. When there is good pasturage near the camp they may not be loosened till 9-0—10-0 o'clock because they will have plenty of time to eat their fill before sunset. Mr. Corfield tells me that they are generally taken to pasture at this late hour among the Eastern Jikany whose country is not so arid as that of the Lou. I gathered from statements of Western Nuer that in their country it is customary for the cattle to be loosened even later in the day. 233 512

No one gives an order for the cattle to be loosened but when all the cows have been milked someone begins to loosen his cattle and the others follow suit, the oxen being loosened last. The herdsmen for the day take them out of the kraal. Usually several men accompany the cattle for a short distance but some of these return to camp and only two or three men spend the day with them in the grazing grounds. Each household in turn provides a herdsman and the men who herded the cattle today arrange with others to herd them tomorrow. The adult occupants of each windscreen must take their turns as herdsmen. After being loosened, some beasts make at once for nearby water while others wait till they have reached their grazing grounds and drink there, for, about midday, the herdsmen accompany them to a pool. If water is near the cattle make their way to it, but if it is distant they have to be driven there. Herding is considered a hardship and is conducted by young adults. They have to keep a close watch over the cattle during the heat of the day in case they wander and

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 512 [533] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp [264] and, except when there are plenty of *kaglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back •462 to the kraal in the evening; but women and boys continue their 234 labours. Women milk the goats and sheep and prepare the morning 237 meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat [857] and milks it, holding it by the horns with one hand while he puts its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 Not all the adult men have been idle while their womenfolk 462 and the boys have been cleaning the kraal and milking. On most 224 mornings parties of two and three leave camp at dawn with their dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

6: Evans-Pritchard E-5 (1931, 1936)1938
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Much attention is devoted to hair-dressing in the dry season. In the rains the hair is sometimes neglected though never for a long time unless a man is in mourning. Nuer hair is naturally crinkly and black but when treated with ashes of cattle dung mixed with wood ash it is oxidised and becomes straight and golden. A man takes a heap of ash from his wind-screen fire, mixes it with wood ash, and places them on his sleeping skin where he removes any lumps, leaving only fine ash. To make the ashes finer still he beats them with a mallet and shakes and taps the skin so that the ashes are spread over it and can be searched for foreign matter which is then extracted. When he is satisfied he divides the ashes into two heaps, one of which he mixes with water. The Eastern Nuer do not use urine for this purpose as the Dinka and, to a lesser extent, the Western Nuer do. The scalp is now massaged with the damp ashes. When this is finished the hair is gathered into a peak at the back or front of the head and the dry ashes are sprinkled on top. The head remains for two or three days in its ash plaster which is then removed and the hair is sprinkled with oil. Nuer hair freshly treated in this way has a golden tint and glistens in the sun. Young men spend many hours in their wind-screens, after the cattle have gone to pasture, preparing their hair in this way. 362

By about 10 o'clock most of the men are sleeping behind their windscreens, beneath trees, or, if the camp is near a wet season village, in byres. Only if game is sighted is there any male activity in the camp for an hour or two before noontide. The men grasp their spears and with their dogs sprint after the animal to encircle it and run it down. After the first rains all able-bodied men leave camp to search for giraffe-tracks and if they find the animals they pursue them till they are exhausted and overtaken and speared. Nuer sometimes chase giraffe all day long and their endurance will scarcely be believed till it is seen, being especially remarkable when we recollect that they are weakened by hunger at this time of the year. But at the height of the dry season it is useless to hunt giraffe as they are too fleet on hard ground. While the men are sleeping the women are engaged in churning last night's milk. 512 462 224 [274]

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4.30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
237 men hold them between their legs and lifting up their heads compel
372 them to swallow water. At this time the boys bring back the larger calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*jaar*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household
264 and women and boys commence at once to milk the cows and they finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

4. TRADE AND LOANS

Trade has never been extensive among the Nuer. There is, of course, a division of labour according to sex, but there are few people who can be accounted specialist craftsmen. Individuals acquire the reputation for making certain specific objects with exceptional skill, but they rarely if ever belong to a family especially associated with such activities. This is an exceptional contrast to specialization in the spiritual sphere, for there are hereditary experts capable of dealing with almost any unusual phenomena: ritual experts, magicians, sooth-sayers and medicine-owners, who demand fees, often in cattle, for their services.

The reason lies, perhaps, in the extraordinary simplicity of Nuer material culture. Most things necessary for their migratory way of life (and this applies to all peoples who move with the seasons) can be made either from wood or grass or from the products of their cattle. Seasonal migration in any case precludes a high degree of virtuosity, for things are liable to breakage and are often an unnecessary encumbrance. Moreover the Nuer, who do not use their animals for transport, must carry everything by hand.

Certain objects were of relatively high value, and were exchanged for cattle or sheep and goats. Nowadays, however, most of these articles—hoes, spears, ornaments and the like—can be obtained for cash, and disputes do not often arise in the courts except over the sale of grain.

Trade in Cattle

Trade in cattle is clearly increasing as a cash economy becomes more important to the Nuer but, as yet, cattle are rarely sold except when the purchase of grain is necessary. A significant paragraph from the Jonglei Investigation Team's *Third Interim Report* (1948) is worth quoting, for the figures given, although taken from all Nilotic inhabitants of the Upper Nile Province, include all the Nuer:

> The disposal of surplus livestock is governed by private, family, and tribal circumstances, and is at present tied up with the need to find cash; this is required mainly for the purchase of grain and veterinary vaccines and, to a small extent, for the payment of taxes. There are four channels through which the inhabitants can dispose of their animals:
>
> (a) By sale to the Veterinary Laboratory at Malakal, where they will be used to produce cattle-plague vaccine and serum.
>
> (b) By sale to Malakal butchers for local consumption.
>
> (c) By export to Equatoria Province, in which case most of them will be butchered in Juba.
>
> (d) By export northwards to the markets of Kosti and Omdurman.
>
> In the majority of cases all trade is carried out through merchants as intermediaries. . . . Previously it had often been necessary for the District Commissioner concerned to exercise pressure before the local inhabitants could be induced to sell.

9:Evans-Pritchard E-5 (1931, 1936)1936 F322 Nuer F322

warfare because they would certainly be killed if they did and the same applies to old men. Nevertheless a good number of the older men who are more active than fellow-members of their age-set will accompany expeditions. Moreover, war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side, there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regiments, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in them rather than in its ritual that we must look for its significance.

In its economic relations Nuer social life comprises three groups of persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they have been initiated into manhood. Consequently initiation means that a boy ceases to milk; he severs his association with women's work; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life.

If cessation from milking is the most outstanding change in a boy's occupations after initiation it is by no means the only one, for his whole

1. Evans-Pritchard E-5 (1931, 1936) 1940
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571 may be supposed to lead to a small range of relationship-forms with a high degree of solidarity in the smaller local and kinship groups and we may expect to find a simple social structure.

181 Some outstanding traits in Nuer character may be said to be consistent with their low technology and scanty food-supply. I again emphasise the crudity and discomfort of their lives. All who have lived with Nuer would, I believe, agree that though they are very poor in goods they are very proud in spirit. Schooled in hardship and hunger—for both they express contempt—they accept the direst calamities with resignation and endure them with courage. Content with few goods they despise all that lies outside them; their derisive pride amazes a stranger. Reliant on one another they are loyal and generous to their kinsmen. One might even to some extent attribute their pronounced individualism to resistance to the persistent claims of kinsmen and neighbours against which they have no protection but stubbornness. The qualities which have been mentioned, courage, generosity, patience, pride, loyalty, stubbornness, and independence, are the virtues the Nuer themselves extol, and these values can be shown to be very appropriate to their simple mode of life and to the simple set of social relations it engenders.

XI

571 463 It is unnecessary to write more on what are generally called economics. They can be further considered in an account of kinship and family life. I will only ask the reader to bear in mind the following matters. (1) One cannot treat Nuer economic relations by themselves, for they always form part of direct social relationships of a general kind. Thus, division of labour is part of general relationships between persons of different sexes and of different ages, between spouses, between parents and children, between kinsmen of one order or another, and so forth. (2) There is some specialization, but it is occasional, and there are no occupations which can be called professions. Some women make better pots, grindstones, and baskets than others; only smiths can make certain objects; there are only a few men who understand how to make and put on the arm the tight-fitting bracelets which young men wear to show their endurance, and so on; and people who want these things either ask for them in the name of kinship or give the maker of them some millet for his services, or make him a gift on some future occasion. The man who wants the object

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571 463 and the maker of it always belong to the same local community and conduct the affair between themselves, there being no exchange of objects or services through the medium of a third person, and there is always between them a general social relationship of one kind or another, and their economic relations, if such they may be called, must conform to this general pattern of behaviour. (3) There is little inequality of wealth and no class 571 565 privilege. A man does not acquire more objects than he can use. Were he to do so he could only dispose of them by giving them [576] away. It is true that cattle can be amassed, but, except for a few sacred herds kept by prophets, in fact they are not. As has been explained, periodic rinderpest levels the herds and, apart from this, when a herd has reached a certain size the owner—if one may speak of an owner of a herd in which many people have rights of one kind and another—is morally bound to dispose of a portion of it by either himself marrying or by assisting a relative to do so. Cattle are sometimes loaned to persons and the owner is entitled to receive back better beasts than those he lent, e.g. a heifer for the loan of an ox; but people only lend cattle to those with whom they have an established social relationship. (4) In a narrow sense 571 the simple family might be called the economic unit, but we have 476 seen that it is not self-sufficient and the active participation of a wider group is often necessary, e.g. in building, fishing, and hunting. It is also clear that a single family cannot herd its cattle in distant pastures and, at the same time, herd the calves elsewhere, attend to the tiny calves in the kraal, milk, churn, clean the kraal, prepare dung for fuel, cook the food, and so on, by itself. Co-operation is found among neighbours who are also kinsmen. There is also much mutual assistance when co-operation is not essential to the performance of a task, e.g. in weeding and harvesting, for it is conventional to ask people for help, the obligation to assist being part of a general kinship relationship. (5) It must be recognized also that fishing, hunting, herding, and the other activities I have described are always, in a sense, collective actions, for even when there is no active co-operation the whole community passively participates in them. A single man may drive a herd to pasture, a single boy may fish in river shallows, and a single woman may cook, but they can only do these things because they belong to a community and because their actions are related in a productive system. Tradition dictates ends and means and the organization and potential strength of the community gives the co-ordination and security necessary for accomplishment. It has been remarked that seen from the outside a whole village community may be said to be consuming a common stock of food.

8:Howell E, G-5 (1942-1944)1954
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4. TRADE AND LOANS

Trade has never been extensive among the Nuer. There is, of course, a division of labour according to sex, but there are few people who can be accounted specialist craftsmen. Individuals acquire the reputation for making certain specific objects with exceptional skill, but they rarely if ever belong to a family especially associated with such activities. This is an exceptional contrast to specialization in the spiritual sphere, for there are hereditary experts capable of dealing with almost any unusual phenomena: ritual experts, magicians, sooth-sayers and medicine-owners, who demand fees, often in cattle, for their services. [458] [462] 463

The reason lies, perhaps, in the extraordinary simplicity of Nuer material culture. Most things necessary for their migratory way of life (and this applies to all peoples who move with the seasons) can be made either from wood or grass or from the products of their cattle. Seasonal migration in any case precludes a high degree of virtuosity, for things are liable to breakage and are often an unnecessary encumbrance. Moreover the Nuer, who do not use their animals for transport, must carry everything by hand. 105 [482]

Certain objects were of relatively high value, and were exchanged for cattle or sheep and goats. Nowadays, however, most of these articles—hoes, spears, ornaments and the like—can be obtained for cash, and disputes do not often arise in the courts except over the sale of grain. 437

Trade in Cattle

Trade in cattle is clearly increasing as a cash economy becomes more important to the Nuer but, as yet, cattle are rarely sold except when the purchase of grain is necessary. A significant paragraph from the Jonglei Investigation Team's *Third Interim Report* (1948) is worth quoting, for the figures given, although taken from all Nilotic inhabitants of the Upper Nile Province, include all the Nuer: 439 231

> The disposal of surplus livestock is governed by private, family, and tribal circumstances, and is at present tied up with the need to find cash; this is required mainly for the purchase of grain and veterinary vaccines and, to a small extent, for the payment of taxes. There are four channels through which the inhabitants can dispose of their animals:
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14: Huffman M-5 (no date) 1931
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465 Many Nuer find work near the Arab settlements, or at the mission. But the work that they do at these places is different from what they have done in their tribal life. Wages for a man who works—or should work, but often does not—six hours a day range from fifty piastres to £1 per month, plus five piastres additional each week for food. This is the wage given at one mission. (The wages given are approximately equivalent to $2.50 to $5 per month, plus 25 cents. per week for food.) Wages are based upon the kind of work done. Those working for the Arabs near this same mission do not get as much. Girls who work in the Arab homes frequently get gifts of food.

Some boys receive higher wages than this for special kinds of work which they have been trained to do.

463 In one mission some boys have learned to do quite accurate work on the multigraph, others have developed into good teachers, showing remarkable ability, while a few have shown that they have talent which could be used in public speaking or preaching.

Some of the houseboys have developed into splendid cooks, being able to read a menu written in Nuer and prepare the meal desired without help. A number also can bake bread.

The District Commissioners use interpreters who can write, and are finding more use for boys who have had some school training.

501 Occasionally some Nuer fell a tree, cutting the trunk to the length required for a canoe. Then they will hollow it out and make a canoe of it.

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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From the same angle the whole community may be said to create it.

I may sum up by repeating that economic relations among the Nuer are part of general social relationships and that these relationships, being mainly of a domestic or kinship order, lie outside the scope of this book. I must emphasize, however, that the members of various segments of a village have close economic relations and that all the people of a village have common economic interests, forming a corporation which owns its particular gardens, water-supplies, fishing-pools, and grazing grounds; which herds its cattle in a compact camp in the drought; and operates jointly in defence, in herding, and in other activities; and in which, especially in the smaller villages, there is much co-operation in labour and sharing of food. All this must be taken for granted in future references to villages. It must be further emphasized that climatic conditions together with a pastoral mode of life necessitate relations beyond the limits of a village and give to wider political groups an economic purpose. This statement will later be examined more closely.

XII

I wish to emphasize the following general points in summary of those conclusions reached in the first two chapters which have special relevance to a study of the political institutions of the Nuer.

1. Oecological relations appear to be in a state of equilibrium. As long as present relations exist cattle husbandry, horticulture, and fishing can be pursued but cannot be improved. Man holds his own in the struggle but does not advance.

2. The necessity of a mixed economy follows from the oecological equilibrium. Rinderpest prevents complete dependence upon milk foods; climate prevents complete dependence on grain; and hydrological variations prevent complete dependence on fish. These three elements together enable Nuer to live, and their seasonal distribution determines Nuer modes of life at different periods of the year.

3. The oecology gives to this mixed economy a bias in favour of cattle husbandry, and this bias must have been far stronger

2;Evans-Pritchard E-5 (1931,1936) 1951
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milking of their cows. Nuer group themselves round a herd, and the rule prohibiting men from milking means that in grouping themselves around a herd they also group themselves around the milkmaid who serves the herd. This central position a wife has in Nuer economy, like the central position she has as a mother in the lineage, to which I have earlier referred, enhances her status in society. Here again also her position in this respect as in the other tends to break down narrow family exclusiveness and to draw closer to her husband his brothers and close paternal kin.

The family produces most of what it needs, and most of what it produces it consumes. Nevertheless, some tasks cannot be performed, and others are often not performed, by the ordinary family without assistance from kith and kin; and there is much sharing among neighbours. Most hunting, and much of the fishing, require more participants than the family can muster, and unless families take it in turn to herd, a single family would find it difficult or impossible, especially in dry-season camps, to look after its cattle, calves, sheep, and goats, as well as to attend to the children and the tasks of kraal and kitchen. Help in activities requiring co-operation, as well as in milking when that is required, is given by close neighbours who are also kinsmen. Also, there are other tasks which, though they might be accomplished by the family unaided, are often, but by no means always, performed by co-operative parties of neighbours: clearing gardens, making drainage trenches, dams, and seed-beds in swampy ground, weeding, harvesting, threshing, and building. The helpers are given beer or porridge or both. Thus Nuer say of building a byre: 'We Nuer cut the supports with beer, we cut the grass with beer, we build the walls with beer, and we erect the supports with porridge.' Although a family probably spends as much labour in helping other people as would, had it been expended in their own home and gardens, have enabled them to be self-sufficient in maintaining them, it is much more pleasantly spent when distributed in this way. Not only is a family relieved of the necessity of tackling particularly laborious jobs unaided, but when the work is done by mutual aid it becomes something of a game, losing its monotony in merry company and in the feelings of good-neighbourliness it engenders; for the beer and porridge are not payment for work done but hospitality provided for friends and kin, who accept the invitation to take part in the work because they are friends and

2:Evans-Pritchard E-5 (1931, 1936) 1951
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476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer 574 eat so much in each other's byres and windscreens that, as far as the 621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

8:Howell E. G-5 (1942-1944)1954
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423 Kerbil and those linked with them by permanent association. Within it each collateral branch of the main clan has definite rights to a certain part, usually specified by reference to villages on higher ground, and elsewhere to pools which provide water and fish and to the pastures which surround them. *Bul* (or *dhor*) is relative like the word *ciang*, which has much the same meaning on a smaller scale.[1]

I must emphasize again that land to the Nuer must include all types, for their subsistence economy is maintained by the balanced and seasonal utilization of all these, but it may be as well to examine separately and in more detail the types of land used for crop production and animal husbandry and the rights in water-points and fisheries which go with them.

Arable Land

From the legal point of view the problem of rights in arable land is not a complicated one among the Nuer, and there is virtually no litigation concerning either individual or collective claims. The reasons are not far to seek. During the cultivation season the Nuer occupy the high ground which is free from river floods or swamping by heavy rain. Such high ground is limited when compared to the total area occupied by Nuer tribes, but there is generally more than enough available. An intricate and complex system of rights in land cannot be necessary unless there is scarcity, and this is not usually the case. Nuer like to have their gardens close to their dwellings, so that they can protect them against wild animals and straying cattle. They do not usually fence their fields, particularly in those areas where wood and thorn are not easily available.[2] The Nuer village, moreover, is not built on a concentrated pattern, and each homestead is separated from its neighbours by a considerable distance ranging from about a hundred yards to over a mile. The Nuer ideal is to live in the bosom of his own immediate family as isolated as possible from his neighbours and free from tiresome intrusions. This individualistic outlook is, however, limited by a variety of considerations. In the clearing of land, in the heavier tasks of cultivation, and in harvesting, collective assistance, dependent on the mutual obligations of kinship and neighbourhood and the provision of beer and meat for workers, is necessary. A Nuer would not wish to live so far away from his neighbours that it would be impossible to take advantage of their help. Further, in the past at any rate, the need for defence and concentration against

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[1] For definition of the word *ciang*, see pp. 20–21.

[2] Fencing is used in some areas, particularly in the heavily forested regions of the Zeraf Valley, but usually only on newly cleared ground. The branches of trees cut are then used to make thorny enclosures, but these do not last for more than a year or two at most and there is rarely an attempt made to renew them. Fencing is employed particularly when new cultivations are cleared and sown before the homestead has been rebuilt close to them.

8:Howell E, G-5 (1942-1944)1954
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small was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mara*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

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476 and well beyond the limits of the reciprocal distribution of bridewealth
602 cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as
438 the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

621 A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will
609 objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*mach*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

423 For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

423 During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own.
233 The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate
361 huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

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291 chiefs. If he does wear a cloth, he wears it under one arm and knotted over the opposite shoulder. The Nuer appropriates any old cast-off clothing he may find. Sometimes grotesque effects are produced when he appears attired in his new wardrobe.

576 A man must never appear before his mother-in-law unless he is wearing some kind of a loin-cloth. It may be of skin (Fig. 1) or cloth, but he must have at least a one-piece suit on besides his beads.

291 A woman after marriage must always wear a loin-cloth of some description. And as she grows older, she usually wears a cloth or sheepskin over the upper part of her body, under one arm and fastened over the opposite shoulder.

The married woman's garb (Figs. 2 and 3) consists of a triangular piece of sheepskin worn over the pubic region, with a larger triangular piece of sheepskin at the back, the two pieces meeting at the waistline at each side but not overlapping to any extent. The lower point of each is longer and narrower than the upper points, terminating in a narrow strip about one or two inches wide. The piece that is worn in front usually has a border of beads sewed on it and may have a small bell hung on the end.

Sometimes a number of little thin strips of sheepskin about eight to ten inches long are fastened together and then worn in front in place of the triangular piece of sheepskin that is usually worn there.

The back part of this garb has a border of beads (from one and one-half to two inches wide) at the waist but not on the sides, unless the woman is quite old, and then she may if she wishes have a border of beads on the sides also. [301] Bells, charms, shells, pendants of any kind, short pieces of cowtails, may be fastened at the waistline on the back part of the married woman's dress.

482 A Nuer girl, when quite young, begins to carry burdens such as water-jars on her head.

14: Huffman M-5 (to date) 1931
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occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 482
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

14: Huffman M-5 (no date) 1931
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512 she goes. She steadies her jar with her hand as she goes
●482 down the river bank.

She rinses her jar with water, then fills it. She usually stops to wash her face and is then ready to return to her village. She calls one of the other women who are getting water, or if there are none there to help she calls some passer-by, who—even if it be a man—will usually stop to help her to lift the jar up and put it on her head. On the homeward trip she steadies the jar with one hand, as being full of water it is much heavier.

512 When she returns to her home the morning meal must
252 be ready by nine or ten o'clock. So she pounds the dura in the hole already described,[1] and sifts it until she has enough for the morning meal. Or perhaps she has a large stone, in which case she takes a small piece of smoothed wood resembling our rolling-pin and grinds the dura on the stone with it.

Then the fire is built with cane-stalks for fuel, and the earthen cooking-pot, partly filled with water, is put over the fire. It is supported by three little mounds of hard baked earth, and she keeps shoving the stalks of cane into the fire as fast as they burn away. The pounded dura is put into the water gradually, a little at a time, and stirred frequently with a cane-stalk having two small cross-pieces fastened at right angles at the end of it, made for that purpose. When the food is ready, the woman dishes up the men's portion in a large half-gourd which serves as a dish, puts the mussel-shell spoons in it, and calls the men to their breakfast. They go into the house and eat.

512 Then the women, if they are young or newly married,
264 eat where they will not be seen by the men. If they have been married several years they may eat together.

512 The yard has to be swept, the children fed and cared for, more dura must be pounded for the evening meal.

[1] [Cf. pp. 19-20, Category 116.--Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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rated communities of the same tribe. The first may have more social contacts; the second be structurally nearer. But between Nuer tribes there is no common organization or central administration and hence no political unity that we can refer to as national. Nevertheless, adjacent tribes, and the Dinka who face them, form political systems, since the internal organization of each tribe can only be fully understood in terms of their mutual opposition, and their common opposition to the Dinka who border them. 619

Beyond these systems of direct political relations the whole Nuer people see themselves as a unique community and their culture as a unique culture. Opposition to their neighbours gives them a consciousness of kind and a strong sentiment of exclusiveness. A Nuer is known as such by his culture, which is very homogeneous, especially by his language, by the absence of his lower incisors, and, if he is a man, by six cuts on his brow. All Nuer live in a continuous stretch of country. There are no isolated sections. However, their feeling of community goes deeper than recognition of cultural identity. Between Nuer, wherever they hail from, and though they be strangers to one another, friendly relations are at once established when they meet outside their country, for a Nuer is never a foreigner to another as he is to a Dinka or a Shilluk. Their feeling of superiority and the contempt they show for all foreigners and their readiness to fight them are a common bond of communion, and their common tongue and values permit ready intercommunication. 186

Nuer are well aware of the different divisions of their country, even if they have never visited them, and they all look upon the area to the west of the Nile as their common homeland, to the occupants of which they still have distant kinship ties. People also journey to visit kinsmen in other tribes and often settle for long periods far from their homes, sometimes in different tribes, in which, if they stay there long enough, they become permanently incorporated. Constant social intercourse flows across the borders of adjacent tribes and unites their members, especially members of border communities, by many strands of kinship and affinity. If a man changes his tribe he can at once fit himself into the age-set system of the tribe of his adoption, and there is 484 619

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

6: Evans-Pritchard E-5 (1931, 1936)1938
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484 At this season of the year[1] traversing open country is always difficult
133 and even along the paths inconvenient, especially as the land is
137 inundated at the same time. One can just see the horns of the great oxen at pasture. Only in the habitual grazing grounds on the slopes of slightly elevated ridges, where the cattle and the close-cropping sheep and goats have kept down the shorter species of grasses, is there any freedom of movement.

137 Nuerland approximately coincides with the extension of true savannah in the Sudan. Here and there are stretches of thornwood forest but they are never extensive. A belt of forest sometimes lines a river where its banks are high, *e.g.*, on the Sobat and along sections of the Bahr el Ghazal and the Bahr el Arab, but it never extends far inland. North of the Sobat, on its lower reaches, true savannah gives way to thorny savannah and beyond the southern extremities of Eastern Nuerland one enters parklike savannah forest which becomes thicker the further south one proceeds, though it always turns to marshland as the Bahr el Jebel is approached. To the south of Western Nuerland one touches the fringes of ironstone country, likewise covered with savannah forest.

Though thornwood forest is found along sections of the rivers, as a rule when they are in flood they have no banks and the country
133 lying on either side of them is swamp. This is especially the case with the whole course of the Bahr el Jebel through Nuerland and the greater part of the Bahr el Ghazal. The Bahr el Zeraf channel is bounded by swamp to a lesser degree and the lower reaches of the Sobat not at all. According to my own observations the area of swamp is smaller than is generally supposed.

This vast plain is threaded with depressions which run in all directions, often crossing one another, and linking up with the main rivers. Where continuous these depressions have the appearance of small rivers, though water seldom flows in them. While rain is falling on the country the main rivers flood into these depressions threading the land with a network of waterways which prevent drainage from the saturated earth so that the rainwater lies every-

[1] [i.e., during the rain season--Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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439 head of cattle.[1] This trade was forbidden some years ago and has probably not a long history, because early writers give no information that might lead us to suppose that it went on previous to the reconquest of the Sudan and the Abyssinian conquest of Western Ethiopia. There was some ivory-trading on the Zeraf between Nuer and Arabs from the middle of the nineteenth century. Metal ornaments and venetian glass beads seem to have been offered in exchange. Nuer may have traded some tobacco, and possibly an occasional canoe, from the Anuak of the Baro and Gila rivers, but it is more likely that they usually acquired these objects by raiding. I do not discuss here the very small trade carried on to-day by Arab shopkeepers who live a hard, and generally unprofitable, life here and there on the main waterways. Nuer obtain from them spears, hoes, fish-hooks, ornaments, and occasionally an anvil, grindstone, &c., and they purchase skins of oxen, and sometimes oxen, from the Nuer. Nuer economy has not been much affected thereby. Nuer do not sell their labour.

We may conclude, therefore, that trade is a very unimportant social process among the Nuer. Many reasons can be adduced to explain this fact. I mention only a few. Nuer have nothing to trade except their cattle and have no inclination to dispose of these; all they greatly desire are more cattle, and, apart from the difficulty that they have nothing to offer in exchange for them, herds are more easily and pleasantly increased by raiding the Dinka; they are seldom on such friendly terms with their neighbours that trade can flourish between them, and, although there may have been sporadic exchange with Dinka and Anuak, it is probable that most objects obtained from these peoples were [436] spoil; they have no money, no markets, and no transport other than [489] human porterage; &c. A further reason, and one that requires emphasis, is the dominant interest of the Nuer in their herds. This narrow focus of interest causes them to be inattentive to the products of other people, for which, indeed, they feel no need and often enough show contempt.

437 There is very little exchange within Nuerland itself, there being no high specialization and no diversity in the distribution of raw material. The only trading I have seen, apart from the exchange of small commodities and minor services mentioned in the next section, is the exchange of some cattle, mainly oxen, by the Lou for Eastern Gaajok grain in a famine year. I think it most unlikely that such exchanges went on before British occupation of the country, though there was, according to Nuer, sometimes an exchange of an animal for grain in bad years between persons of the same district.

[1] Bimbashi H. Gordon, *Sudan Intelligence Report*, no. 107, 1903.

6: Evans-Pritchard E-5 (1931, 1936)1938
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133 the country to the east (Gaawar country) to such an extent that a journey which, in the ordinary course of events (in the dry season) 312 is a matter of some inconvenience owing to the uncertainty of finding water, had to be performed for a distance of 80 miles in a canoe. And, in the same year, Nyerol post, thirty five miles to the south of Abwong, on the River Sobat (Lou country), which was usually supplied over a waterless tract (in the dry season) was only with the greatest of difficulty kept in touch with civilization owing to the country in between them being almost entirely under water.*

By November the Sobat has commenced to fall and to drain the streams which serve as its channels of overflow in flood. These streams now contribute to its volume of water with the result that the fall of water at Nasser is registered at the Sobat mouth three weeks or more later.† While the land is being drained by the Sobat the 132 rains have ceased and the sun has evaporated surface water. The grasses are burnt and the country takes on its dry season appearance of a fissured waterless waste. The change from wet-season conditions to dry-season conditions is sudden.

•[491] Travelling in February from the Sobat to Pathai and thence 133 eastward to Pul Fadoi, along the newly-made motor road, one traverses slightly higher ground through a thin *heglig* forest which screens the 137 full desolation of the country, for, though in reality it offers scanty 311 shade, it gives an appearance of verdure and freshness, and the ground is carpeted with the oval fawn-coloured fruits of the *heglig*. Game is plentiful and forest pools numerous. But the western part of Lou country, occupied by the Mor tribal section, from Pul Fadoi eastwards for over a hundred kilometres, is bleak and its bleakness is, on the whole, typical of the rest of Lou country and of Nuerland in general. It is thickly covered with dead grasses, from 4 to 8 feet high, except where it has been lately burnt for then one sees only wide stretches of charred earth, fissured into a million fragments, like a gigantic ill-fitting jigsaw puzzle, and strewn with burnt stems of grass and with

* Jackson, *op. cit.*

† Hurst and Phillips, *op. cit.*

1: Evans-Pritchard E-5 (1931, 1936) 1940
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commencement of the rains, in April and May, when the rivers begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks of large rivers sometimes fish from dug-out canoes (Plate IX) with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish. A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract the fish. Fish are eaten roasted or boiled.

VI

Nuerland is also very rich in game, though Nuer do not exploit this source of food extensively. There are vast herds of tiang and cob; other antelopes are plentiful; and buffalo, elephant, and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

8:Howell E. G-5 (1942-1944)1954
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685 important items in the subsistence economy of the people. Their illicit removal by a stranger would again be *wuan*—'theft'.

In analysing some of the customary scales of compensation for misappropriation, it is apparent that in many cases the damages were out of all proportion to the wrong. As in the case of hurt, the compensation was directly proportionate to the suffering of the persons concerned. As has been explained in the introduction, the likelihood of such compensation being paid depended largely on the relationship of the persons involved and the social cohesion of the community in which they dwelt. It is also probable that all these scales of customary compensation date right back to a period of Nuer history when the people lived in more closely-knit groups and before the major processes of expansion began; that is, before they occupied huge tracts of country and absorbed large numbers of Dinka in doing so.

Those material possessions for which compensation (*cut*) was demanded included fish-spears, hoes, and axes—all articles made of iron. The scales of compensation differed considerably from tribe to tribe. The Gaawar, for instance, say that six head of cattle would be demanded for the theft of a fish-spear. Lak Nuer say that one cow was sufficient. The probable reason for this disparity was that compensation was conditioned locally by the relative difficulty of obtaining those articles, and also by the number of cattle paid for them in the first instance. The Gaawar, remotely situated from the trade channels through which iron wares came, could only obtain them from the Anuak to the east or through the Atuot Dinka to the west. In Lak country a cow would purchase a bundle of these things but in Gaawar the cost was much higher.

Again, we find that not only were these articles initially purchased with cattle but all had very considerable value in the subsistence economy of the Nuer. The loss of a fish-spear might cause great hardship because Nuer are often compelled to rely on fish as a major item in their diet, especially when grain is short. Hoes were essential [501] for agricultural processes. Canoes, for which a high rate of compensation was also demanded, were of considerable economic importance not only for fishing, but for swimming cattle across rivers in the course of seasonal migrations. Canoes, however, may have had a trade value nearly equal to the compensation, for suitable timber is rare in Nuerland even today.[1]

It is therefore possible that in these traditional scales of compensation for the loss of certain possessions, there are the germs of deterrent and punitive concepts, but it is more likely that they still fall within the category of private law. There was certainly no organized political

[439] [1] Canoes have a high value. Those imported from Anuak, Shilluk or the south and west are worth several head of cattle. Canoes made of doleib palm trunks which are available locally are comparatively cheap and are usually sold for cash.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

465 Many Nuer find work near the Arab settlements, or at the mission. But the work that they do at these places is different from what they have done in their tribal life. Wages for a man who works—or should work, but often does not—six hours a day range from fifty piastres to £1 per month, plus five piastres additional each week for food. This is the wage given at one mission. (The wages given are approximately equivalent to $2.50 to $5 per month, plus 25 cents. per week for food.) Wages are based upon the kind of work done. Those working for the Arabs near this same mission do not get as much. Girls who work in the Arab homes frequently get gifts of food.

Some boys receive higher wages than this for special kinds of work which they have been trained to do.

463 In one mission some boys have learned to do quite accurate work on the multigraph, others have developed into good teachers, showing remarkable ability, while a few have shown that they have talent which could be used in public speaking or preaching.

Some of the houseboys have developed into splendid cooks, being able to read a menu written in Nuer and prepare the meal desired without help. A number also can bake bread.

The District Commissioners use interpreters who can write, and are finding more use for boys who have had some school training.

501 Occasionally some Nuer fell a tree, cutting the trunk to the length required for a canoe. Then they will hollow it out and make a canoe of it.

000 All this goes to prove that the Nuer has latent powers which are capable of accomplishing much if rightly developed. It must be admitted that there are Nuer—or at least one—whose mind periodically turns toward

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 They are watered during the afternoon, and boys bring them grasses, especially *poon* (*Oryza Barthii*), which is very fattening. They begin to go to pasture with the older calves, under the care of herdboys, in about their third month and are kept apart from their dams by being driven in the opposite direction to that taken earlier in the day by the adult herd. They run with the herd when they are about a year old, by which time their dams are again in calf.

We shall have opportunities for noting further the attention Nuer give to their cattle and the wisdom of their methods. I have merely given in this section a few examples to illustrate a general conclusion reached in the course of my study: that Nuer cattle husbandry could not in any important particular be improved in their present oecological relations; that, consequently, more knowledge than they possess would in no way assist them; and that, as will be shown, were it not for their unceasing vigilance and care the cattle would not survive the harsh conditions of their environment.

VII

233 181 It has been remarked that the Nuer might be called parasites of the cow, but it might be said with equal force that the cow is a parasite of the Nuer, whose lives are spent in ensuring its welfare. They build byres, kindle fires, and clean kraals for its comfort; move from villages to camps, from camp to camp, and from camps back to villages, for its health; defy wild beasts for its protection; and fashion ornaments for its adornment. It lives its gentle, indolent, sluggish life thanks to the Nuer's devotion. In truth the relationship is symbiotic: cattle and men sustain life by their reciprocal services to one another. In this intimate symbiotic relationship men and beasts form a single community of the closest kind. In a few paragraphs I direct attention to this intimacy.

233 512 181 The men wake about dawn at camp in the midst of their cattle and sit contentedly watching them till milking is finished. They then either take them to pasture and spend the day watching them graze, driving them to water, composing songs about them, and bringing them back to camp, or they remain in the kraal to drink their milk, make tethering-cords and ornaments

1: Evans-Pritchard E-5 (1931, 1936) 1940
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181 233 512 [515] for them, water and in other ways care for their calves, clean their kraal, and dry their dung for fuel. Nuer wash their hands and faces in the urine of the cattle, especially when cows urinate during milking, drink their milk and blood, and sleep on their hides by the side of their smouldering dung. They cover their bodies, dress their hair, and clean their teeth with the ashes of cattle dung, and eat their food with spoons made from their horns. When the cattle return in the evening they tether each beast to its peg with cords made from the skins of their dead companions and sit in the windscreens to contemplate them and to watch them being milked. A man knows each animal of his herd and of the herds of his neighbours and kinsmen: its colour, the shape of its horns, its peculiarities, the number of its teats, the amount of milk it gives, its history, its ancestry and its progeny. Miss Soule tells me that most Nuer know the points of the dam and grand-dam of a beast and that some know the points of its forebears up to five generations of ascent. A Nuer knows the habits of all his oxen, how one bellows in the evenings, how another likes to lead the herd on its return to camp, and how another tosses its head more than the rest are wont to do. He knows which cows are restless during milking, which are troublesome with their calves, which like to drink on the way to pasture, and so forth.

233 181 If he is a young man he gets a boy to lead his favourite ox, after which he takes his name, round the camp in the morning and leaps and sings behind it; and often at night he walks among the cattle ringing an ox-bell and singing the praises of his kinsmen, his sweethearts, and his oxen. When his ox comes home in the evening he pets it, rubs ashes on its back, removes ticks from its belly and scrotum, and picks adherent dung from its anus. He tethers it in front of his windscreen so that he can see it if he wakes, for no sight so fills a Nuer with contentment and pride as his oxen. The more he can display the happier he is, and to make them more attractive he decorates their horns with long tassels, which he can admire as they toss their heads and shake them on their return to camp, and their necks with bells, which tinkle in the pastures. Even the bull calves are adorned by their boy-owners with wooden beads and bells (Fig. 13). The horns of young bulls, destined to be

6: Evans-Pritchard E-5 (1931, 1936)1938
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221 Hunger is partly responsible for the low pulse of life at this season. As has been explained, Nuer cultivate little and in most districts, especially in Lou country, they have to husband their grain if it is not to be exhausted long before the new harvest has ripened. They leave most of the grain in their wet season villages for seed and to support themselves during the hungry weeks that last from sowing to harvest time. They do not carry much millet to the camps so that they have to use it sparingly, though, if the camps are only a day or two away from the villages, women will sometimes return to get further supplies from the village granaries. When the dry season is well advanced the cows often cannot obtain sufficient pasturage of a nourishing quality and give little milk. Those Nuer who camp at the edge of inland pools and lagoons can supplement their diet with fish, but on the Sobat we only had what few fish boys could spear in the shallows and the yield of harpooning from our single canoe. From time to time members of our camp managed to kill wild beasts: gazelle, cob, tiang and giraffe. Otherwise our meat supply was limited to an occasional ox or cow which died and to blood from the necks of cows.

805 233 Camp life is regulated by requirements of the cattle and Nuer speak of periods of the day by reference to pastoral tasks rather than to the course of the sun, *e.g.*, they say that they will do something at the time of milking, or after the cattle are driven to pasture, or when the calves return to camp. The camp time-table varies little from day to day. It is approximately as follows :—

●512 234

A.M.

6.00 Everybody rises.

6.45 The cows are milked.

8.00 The cattle are driven to pasture, the kraal is cleaned and the morning meal is served.

8.15 Goats and sheep are milked and taken to pasture.

P.M.

4.30 Calves, sheep and goats are brought back to camp.

5.00 Cows which have recently calved come running home.

5.30 The herd returns and the cows are milked.

7.30 The evening meal is served.

6: Evans-Pritchard E-5 (1931, 1936)1938
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Everyone wakes before sunrise and satisfies the needs of nature. 512
For about three quarters of an hour after sunrise men sit by their hearths protected by windscreens and women outside their beehive grass huts chatting, smoking and gazing at the cattle which lie, still sleeping, many with their muzzles tucked into their barrels, and chew the cud. Being close together they rub their bodies against one another and lick each other. They present a medley of colour: fawn, grey, mouse, black, brown, blue and chestnut-roan, with many variations of shade and distribution.

The huts and windscreens are generally erected in a semi-circle 361
with their backs to the prevailing wind, though they sometimes form an almost complete circle and at other times are arranged in lines. Windscreens are of simple construction. A narrow trench 343
is dug for three quarters of a circle and handfuls of grass are planted, root downwards into the trench. Each handful is beaten tightly against the last one so that a solid screen of grass is formed. The grasses generally used for this purpose are *dut in lum*, a tall coarse riverside grass called *wath* (*Sorghum lanceolatum Stapf.*) and *war* (*Vetiveria nigritiana Stapf*). Where camps are made near villages millet stalks are sometimes used instead of grass. All these grasses are tall and sturdy and they bend to the wind and do not break. Men sleep in the shelter of these screens on the hearths which occupy the whole of the enclosed space. Here the fire is never allowed to go out, and from day to day the height of the hearth is slowly raised by accumulation of ashes. Women make huts in the same way as 342
men make windscreens but they bend the tops of the grasses so that they meet. They are then tied together and the sides are plastered with cattle dung. Within these flimsy shelters which contrast with the massive byres and well-built huts of their wet season villages Nuer spend about half the year. Sometimes, as at Yakwac, a camp is made in a wet season village belonging to kinsmen at the edge of a river. Then the men desert their windscreens at midday for the [512
cool interiors of the byres and the women sleep at night in the village 513]
huts instead of erecting special grass huts. But even when, as in certain parts of Nuerland where there is no great deficiency of water 361

6: Evans-Pritchard E-5 (1931, 1936)1938
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they sit in their windscreens while the women and boys milk the cows. This task takes about half an hour and the cattle then remain for a while tethered to their pegs. Each household milks its own cows and if there are strong boys and girls they do most of the work, leaving the married women to cook and attend to their babies, but adult women milk troublesome cows which require experience and firm handling and if they have no adolescent sons and daughters have to milk all the cows of their household. 234 462 512

Between 7-30 and 8-0 the cattle are taken to pasture. If some of the beasts are loosened before milking is finished they do not leave the herd but wait nearby the kraal till they are driven out with the herd. By this time the sun is high in the heavens. When there is good pasturage near the camp they may not be loosened till 9-0—10-0 o'clock because they will have plenty of time to eat their fill before sunset. Mr. Corfield tells me that they are generally taken to pasture at this late hour among the Eastern Jikany whose country is not so arid as that of the Lou. I gathered from statements of Western Nuer that in their country it is customary for the cattle to be loosened even later in the day. 233 512

No one gives an order for the cattle to be loosened but when all the cows have been milked someone begins to loosen his cattle and the others follow suit, the oxen being loosened last. The herdsmen for the day take them out of the kraal. Usually several men accompany the cattle for a short distance but some of these return to camp and only two or three men spend the day with them in the grazing grounds. Each household in turn provides a herdsman and the men who herded the cattle today arrange with others to herd them tomorrow. The adult occupants of each windscreen must take their turns as herdsmen. After being loosened, some beasts make at once for nearby water while others wait till they have reached their grazing grounds and drink there, for, about midday, the herdsmen accompany them to a pool. If water is near the cattle make their way to it, but if it is distant they have to be driven there. Herding is considered a hardship and is conducted by young adults. They have to keep a close watch over the cattle during the heat of the day in case they wander and

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 they may have to defend them against carnivorous beasts and human
•512 raiders. Often they relieve the monotony and solitude by composing
[533] and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp
[264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 After the cattle have left camp the day is closed for the men,
as far as routine cattle tasks are concerned, till they are brought back
.462 to the kraal in the evening; but women and boys continue their
234 labours. Women milk the goats and sheep and prepare the morning
237 meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the
[233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat
[857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 Not all the adult men have been idle while their womenfolk
and the boys have been cleaning the kraal and milking. On most
462 mornings parties of two and three leave camp at dawn with their
224 dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

6: Evans-Pritchard E-5 (1931, 1936)1938
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Much attentiom is devoted to hair-dressing in the dry season. In the rains the hair is sometimes neglected though never for a long time unless a man is in mourning. Nuer hair is naturally crinkly and black but when treated with ashes of cattle dung mixed with wood ash it is oxidised and becomes straight and golden. A man takes a heap of ash from his wind-screen fire, mixes it with wood ash, and places them on his sleeping skin where he removes any lumps, leaving only fine ash. To make the ashes finer still he beats them with a mallet and shakes and taps the skin so that the ashes are spread over it and can be searched for foreign matter which is then extracted. When he is satisfied he divides the ashes into two heaps, one of which he mixes with water. The Eastern Nuer do not use urine for this purpose as the Dinka and, to a lesser extent, the Western Nuer do. The scalp is now massaged with the damp ashes. When this is finished the hair is gathered into a peak at the back or front of the head and the dry ashes are sprinkled on top. The head remains for two or three days in its ash plaster which is then removed and the hair is sprinkled with oil. Nuer hair freshly treated in this way has a golden tint and glistens in the sun. Young men spend many hours in their wind-screens, after the cattle have gone to pasture, preparing their hair in this way. 302

By about 10 o'clock most of the men are sleeping behind their windscreens, beneath trees, or, if the camp is near a wet season village, in byres. Only if game is sighted is there any male activity in the camp for an hour or two before noontide. The men grasp their spears and with their dogs sprint after the animal to encircle it and run it down. After the first rains all able-bodied men leave camp to search for giraffe-tracks and if they find the animals they pursue them till they are exhausted and overtaken and speared. Nuer sometimes chase giraffe all day long and their endurance will scarcely be believed till it is seen, being especially remarkable when we recollect that they are weakened by hunger at this time of the year. But at the height of the dry season it is useless to hunt giraffe as they are too fleet on hard ground. While the men are sleeping the women are engaged in churning last night's milk. 512 462 224 [234]

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
883 at inland lakes but much time is there given also to fishing. The young people sit and splash in the water and the sexes flirt and wrestle in and out of the water. At about 2.30 they return to the camp where the girls churn the morning milk and pound and grind millet for the evening meal. The men turn over the drying dung with their sticks and then, having nothing more they need attend to, most of them return to their windscreens though one or two youths may try and spear fish in the shallows and they are joined there by older boys who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
237 men hold them between their legs and lifting up their heads compel
372 them to swallow water. At this time the boys bring back the larger calves and goats and sheep from grazing. Members of each household tether their animals. Generally one or two men now go out to meet (*luor*) the returning herd. Others gather the dried dung on hides from the heaps into which boys have swept it, and each owner of a windscreen makes up the evening fire on his hearth. There is no need to light the fires as they have been smouldering all day long and it is only necessary to clear away surface ashes and heap the new fuel on the exposed embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
462 30 minutes later. Adult men tether the cattle of their household
264 and women and boys commence at once to milk the cows and they finish this work before sunset. The women then prepare the evening meal and finish their dairy work. The men sit in their windscreens and await the meal which is served between 7 and 8 p.m. Nuer eat twice a day: in the morning and in the evening. The evening meal consists of millet porridge, with cheese or butter, or both, poured over it. The morning meal is generally the remains of supper heated up or with hot milk poured over it.

6: Evans-Pritchard E-5 (1931, 1936)1938
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In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *patpat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

6: Evans-Pritchard E-5 (1931, 1936)1938
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vary much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave camp and one meets them along paths, carrying their household goods in rectangular cane baskets. Youths leave camp early in the morning to cut stakes, generally of thornwood (*bwau*) and they spend a large part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the need to sleep towards noon. Everyone is becoming restless and

14: Huffman M-5 (no date) 1931
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occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 482
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

14: Huffman M-5 (no date) 1931
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512 482 she goes. She steadies her jar with her hand as she goes down the river bank.

She rinses her jar with water, then fills it. She usually stops to wash her face and is then ready to return to her village. She calls one of the other women who are getting water, or if there are none there to help she calls some passer-by, who—even if it be a man—will usually stop to help her to lift the jar up and put it on her head. On the homeward trip she steadies the jar with one hand, as being full of water it is much heavier.

512 252 When she returns to her home the morning meal must be ready by nine or ten o'clock. So she pounds the dura in the hole already described,[1] and sifts it until she has enough for the morning meal. Or perhaps she has a large stone, in which case she takes a small piece of smoothed wood resembling our rolling-pin and grinds the dura on the stone with it.

Then the fire is built with cane-stalks for fuel, and the earthen cooking-pot, partly filled with water, is put over the fire. It is supported by three little mounds of hard baked earth, and she keeps shoving the stalks of cane into the fire as fast as they burn away. The pounded dura is put into the water gradually, a little at a time, and stirred frequently with a cane-stalk having two small cross-pieces fastened at right angles at the end of it, made for that purpose. When the food is ready, the woman dishes up the men's portion in a large half-gourd which serves as a dish, puts the mussel-shell spoons in it, and calls the men to their breakfast. They go into the house and eat.

512 264 Then the women, if they are young or newly married, eat where they will not be seen by the men. If they have been married several years they may eat together.

512 The yard has to be swept, the children fed and cared for, more dura must be pounded for the evening meal.

[1] [Cf. pp. 19-20, Category 116.--Analyst]

14: Huffman M-5 (no date) 1931
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If there are cattle to be milked, the woman must milk them morning and evening. In the afternoon she must again go to the river to refill the water-jar. She usually stops to bathe if she comes from any distance. 512 [234]

Sometimes this work of getting the water-jars filled twice a day is not as merely routine as it sounds; it may be fraught with danger in this crocodile infested river. One afternoon about five o'clock, a huge crocodile was seen sunning itself on the river bank right in the path down which the women would come to get water between five and six o'clock. 000

The bank was steep, no one could possibly see the crocodile until he started down the slope. Then it would be practically impossible to get away until too late, because the woman would be burdened with her heavy water-jar, and that, together with the steep bank and her surprise at finding the crocodile there, would retard her escape.

But a missionary was passing in the launch and saw the crocodile. He realized its purpose, but not in time to shoot as he went by. But the launch quickly circled around again and slowly approached the path where the crocodile lay awaiting its prey. He shot the top of its head off; it gave one shudder and then never moved from its place. The Nuer in the launch wanted the meat, for crocodile tail in their estimation makes delicious steak. But one of the women missionaries in the launch objected seriously when the men wanted to cut off the crocodile's tail. She wanted to be sure it was dead, so that there would be no possible chance of any objections from the crocodile to the tail-amputation affair. The men did not seem to feel that a crocodile with the top of its head blown off would have much power to object to anything that might be done to it. But to appease feminine fears [262]

14: Huffman M-5 (no date) 1931
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000 the pistol was brought and another bullet was fired into the lifeless body of the victim.

One wonders what happened during the next hour when the women came to fill their water-jars. What would their thoughts be as they stepped down the river bank and at a turn in the path encountered the brainless, tailless body of a huge crocodile? Would they think of the dreadful fate from which they had been saved, just because a launch happened to pass that way a few minutes before, or would they grieve because the choicest steak had already been taken?

● 512 The woman has the bulk of the work, but she seems to expect it. When the day's toil is over, the dura pounded, the two meals cooked, the water carried, the children cared for, the mother sits there in the light of the smudge fire which is made to keep mosquitoes away. She has had [521] a busy day. Now they all sit around in the firelight, visiting, or telling tales of long ago, or maybe they are telling [534] riddles. Some one may be strumming a native-made stringed musical instrument, another may be singing, and [513] yet the conversation goes on uninterruptedly. If in the light of the moon, bedtime does not come early—probably not until ten or twelve o'clock or later—but if it is in the dark of the moon, they seek sleep earlier and nine or ten o'clock finds the village quiet. Another day is past, the woman is in her home, her children about her, her husband satisfied with his food for the day and happy with her. What more could she wish?

512 The baby must be cared for during the day and taken 853 up and nursed every time it cries. The Nuer baby is nursed until it is at least two years of age, and more often until it is three or even four. They have a superstition that usually keeps the husband and wife from having 000 another child while a child is not yet weaned. Water

14: Huffman M-5 (no date) 1931
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Water must be heated in the late afternoon for the baby's bath. 512 854
It is no short process. (Fig. 11)

A MAN'S WORK

A man's work usually begins at sunrise too. He has 512
probably slept in the barn. He arises, covered with cow- [515]
manure ashes. He cleans his teeth with the ash and later on in the morning may wash his face and hands. While he may drink a large quantity of water during the day he seldom drinks any water before breakfast or with a meal. He usually stays among the cattle until he is called to his [231]
breakfast about nine o'clock. Then he eats and is ready to spend the day among the cattle. He takes them out to graze about ten o'clock in the morning and returns with them in the late afternoon. He loves his cattle. His day is a happy one spent in their midst, his human companions being other men who have taken their cattle out to graze also. His spear and club are ever with him. In the late afternoon he comes home with his cattle, finding his supper is being prepared. A plunge in the river every time he goes to it refreshes him. After supper is over visiting until bedtime is the usual close of the work of the average day.

The day's work may be varied if any of his cattle are 512
sick or if there is a dance which he wishes to attend. Or 691
maybe the District Commissioner is in the village hearing cases or collecting taxes, and so he joins the throng and spends his day listening to the cases or bringing up some case of his own before this representative of the Government.

During the planting season, the fishing season, or the 512
season when the dura must be cut, this daily programme of the Nuer man differs and his work for the day may be a little more strenuous.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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inches of water for seventeen days, apart from having to cross 361
numerous deep depressions. In some parts of Lou and Eastern 132
Jikany, particularly in Gaajak, people build in open thornwood forest, but generally Nuer prefer to make their villages in open country, even where there is forest near-by, because their cattle are better protected from wild beasts, insect pests, and damp, and also, apparently, because millet does not do so well in wooded country. Building in the open seems also to give freedom from termites.

A Nuer homestead consists of a cattle byre and huts. Their 343
byres are of size and workmanship that have evoked the admira- 342
tion of all travellers. Their form, and the appearance of huts, may be seen in several plates, and their mode of construction is excellently portrayed in Mr. Corfield's photograph (Plate XVIII). It is only necessary to explain that the roofs are supported by trunks of trees erected inside the barns. Both byres and huts are of wattle and daub, though in Western Nuerland, where there is less forest, bundles of millet stalks are employed as rafters. Building and repairs generally take place early in the dry season when there is plenty of straw for thatching and enough millet to provide beer for those who assist in the work. During the rains fences are erected from the byres along two 351
sides of the kraal and around huts to control the movements of cattle and to prevent them messing the homesteads and damaging the crops (Plate XVII). Grazing and the use of grass, 423
trees, &c., is the common right of all members of a village community.

Families often change their place of residence from one part 361
of a village to another and from village to village, and, in the case of small villages, if there have been many deaths, the cattle are poorly, there have been fights within the village, or pastures and cultivations are exhausted, the whole village community may move to a new site. After about ten years both pastures and gardens show evident signs of exhaustion on the smaller ridges, and huts and byres need rebuilding after some five years.

In dry-season camps men sleep in windscreens and women 342
in beehive-huts, or both sexes in beehive-huts. These flimsy 513
shelters are erected a few yards from water, generally in a semicircle or in lines with their backs to the prevailing wind, and

J: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

342 are simply constructed, the roots of grasses, or occasionally
573 stems of millet, being tightly packed in a narrow trench to make windscreens, and the tops of the grasses being bound together and plastered with dung on the outside to make huts (Plates XV (*a*), XIX (*a*), and XXI (*b*)). The whole space within a windscreen is occupied by a hearth of ashes on which the men sleep around a fire, and the openings face the kraal. If people do not intend to spend more than a few days at a site they often sleep in the open and do not trouble to erect windscreens and huts. These light dwellings can be erected in a few hours.

IV

221 Another circumstance that determines Nuer movements is
136 the abundance of insect life, which is an ever-present menace,
231 for the cattle get little rest from stinging flies and ticks from morn till nightfall and would be worried to death if their masters did not give them some protection.

136 Mosquitoes swarm in the rains, their ravages being terrible
231 from July to September, when, as soon as the sun sets, men and
372 beasts have to take refuge in huts and byres. The doors of the huts are tightly closed, the air-holes blocked, and fires lit. In the centre of the byres, which house the cattle, burn large dung fires which fill them with smoke so dense that one cannot even see the cattle. Young men sleep on platforms above the fires, and if the smoke clears—the doors are shut, but it escapes through the thatched roof—they descend to pile on more fuel. By this means the beasts are enabled to obtain some rest at night. At the end of the rains while the cattle are still in the villages they are left in the kraals till their masters go to bed, when they are shut in the byres to protect them from lions. Fires are not made up so high at this season, for mosquitoes are less troublesome, since there is no surface water, the millet has been cut, and the grasses are close-cropped. Later those men who remain in the villages, while the others go into camps, often erect windscreens in the kraals and spend the night outside with any cows which have been left behind. In the dry season mosquitoes are absent except near pools and marshes, and even in the vicinity of water they are not troublesome from January to May, so that the herds can sleep in the open. Nevertheless,

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [164] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [253] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a 604 maternal uncle is desired, his curse is believed to be among the 789 worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

Everyone wakes before sunrise and satisfies the needs of nature. 512
For about three quarters of an hour after sunrise men sit by their hearths protected by windscreens and women outside their beehive grass huts chatting, smoking and gazing at the cattle which lie, still sleeping, many with their muzzles tucked into their barrels, and chew the cud. Being close together they rub their bodies against one another and lick each other. They present a medley of colour: fawn, grey, mouse, black, brown, blue and chestnut-roan, with many variations of shade and distribution.

The huts and windscreens are generally erected in a semi-circle 361
with their backs to the prevailing wind, though they sometimes form an almost complete circle and at other times are arranged in lines. Windscreens are of simple construction. A narrow trench 343
is dug for three quarters of a circle and handfuls of grass are planted, root downwards into the trench. Each handful is beaten tightly against the last one so that a solid screen of grass is formed. The grasses generally used for this purpose are *dut in lum*, a tall coarse riverside grass called *wath* (*Sorghum lanceolatum Stapf.*) and *war* (*Vetiveria nigritiana Stapf*). Where camps are made near villages millet stalks are sometimes used instead of grass. All these grasses are tall and sturdy and they bend to the wind and do not break. Men sleep in the shelter of these screens on the hearths which occupy the whole of the enclosed space. Here the fire is never allowed to go out, and from day to day the height of the hearth is slowly raised by accumulation of ashes. Women make huts in the same way as 342
men make windscreens but they bend the tops of the grasses so that they meet. They are then tied together and the sides are plastered with cattle dung. Within these flimsy shelters which contrast with the massive byres and well-built huts of their wet season villages Nuer spend about half the year. Sometimes, as at Yakwac, a camp is made in a wet season village belonging to kinsmen at the edge of a river. Then the men desert their windscreens at midday for the [512
cool interiors of the byres and the women sleep at night in the village 513]
huts instead of erecting special grass huts. But even when, as in 361
certain parts of Nuerland where there is no great deficiency of water

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

512 vary much from month to month for there are few seasonal changes
221 at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons
226 dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The
515 banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At
233 Yakwac there was succulent pasturage only where marsh plants still
137 retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

136 On the Sobat we guessed that the first rains had fallen inland by
[132] the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came
[124] to the river to drink and were attacked by hungry Nuer. Animals
312 and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

221 In May one knows that the move back to the wet season villages
512 will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave
322 camp and one meets them along paths, carrying their household goods
233 in rectangular cane baskets. Youths leave camp early in the morning
283 to cut stakes, generally of thornwood (*bwau*) and they spend a large
513 part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the
221 need to sleep towards noon. Everyone is becoming restless and

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his 626
particular village, and his actions affect all his relatives, no matter how distant the relationship may be. This fact checks him to some extent in his misdeeds, for any infringement of Nuer law not only affects him but all his people as well. He must give heed to them and to Nuer law in general if he is to count on their support and aid in time of need (Fig. 7).

The men and boys of the village usually sleep in the 513
barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls 342
up to about three feet or more from the ground, then the sloping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. 351
The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a bunch of grass tightly tied [412]
together at one end suffices for a broom. One part of the 252
enclosure is plastered with mud for a radius of two or three feet, and in the centre is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

252 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

411 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

513 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

854 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

352 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

354 A fire, with earthen shield to protect it from the wind,

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

000 the pistol was brought and another bullet was fired into the lifeless body of the victim.

One wonders what happened during the next hour when the women came to fill their water-jars. What would their thoughts be as they stepped down the river bank and at a turn in the path encountered the brainless, tailless body of a huge crocodile? Would they think of the dreadful fate from which they had been saved, just because a launch happened to pass that way a few minutes before, or would they grieve because the choicest steak had already been taken?

512 The woman has the bulk of the work, but she seems to expect it. When the day's toil is over, the dura pounded, the two meals cooked, the water carried, the children cared for, the mother sits there in the light of the smudge fire which is made to keep mosquitoes away. She has had [521] a busy day. Now they all sit around in the firelight, visiting, or telling tales of long ago, or maybe they are telling [534] riddles. Some one may be strumming a native-made stringed musical instrument, another may be singing, and ● [513] yet the conversation goes on uninterruptedly. If in the light of the moon, bedtime does not come early—probably not until ten or twelve o'clock or later—but if it is in the dark of the moon, they seek sleep earlier and nine or ten o'clock finds the village quiet. Another day is past, the woman is in her home, her children about her, her husband satisfied with his food for the day and happy with her. What more could she wish?

512 853 The baby must be cared for during the day and taken up and nursed every time it cries. The Nuer baby is nursed until it is at least two years of age, and more often until it is three or even four. They have a superstition that usually keeps the husband and wife from having 000 another child while a child is not yet weaned. Water

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [854]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [513]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857 593

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Four

CUTTING THE TRIBAL MARKS

DETAILS OF THE RITE

BY far the most important event in the life of a Nuer boy comes when he has about reached the age of puberty. His people decide that he must have the tribal marks (Fig. 8) cut when the cold winds blow. He knows that now, at least for a short time, he will be the centre of attraction in his village. The younger boys follow after him; he enjoys their admiration and envy. 881

He has his hair shaved off, not a spear of hair must be left. He removes all his clothing, if he has any, and beads. Ornaments of all kinds, every one of them, must be discarded.

Some men are known to be expert at cutting the tribal marks and they are much in demand as the season of cold winds approaches, for each year there are usually boys in each locality who must have the tribal marks cut and the services of some one who is an adept at the work is required. 881 304

Usually this rite is executed upon several boys at the same time and place, so that they may find companionship in the company of each other while they recuperate from this dreadful ordeal. For ordeal it is, no matter how much they try to bolster up their courage.

The boys are allotted a house in which to sleep the night before this rite takes place. Sometimes they secure the kind of pillow which is used by Nuer women, a ring of cane-leaves having a hole in the centre. They practice sleeping on it, for they must use that kind of a pillow until their wounds heal. [513]

The night passes, but little sleeping is done. Before daybreak the people are stirring, for the man who will

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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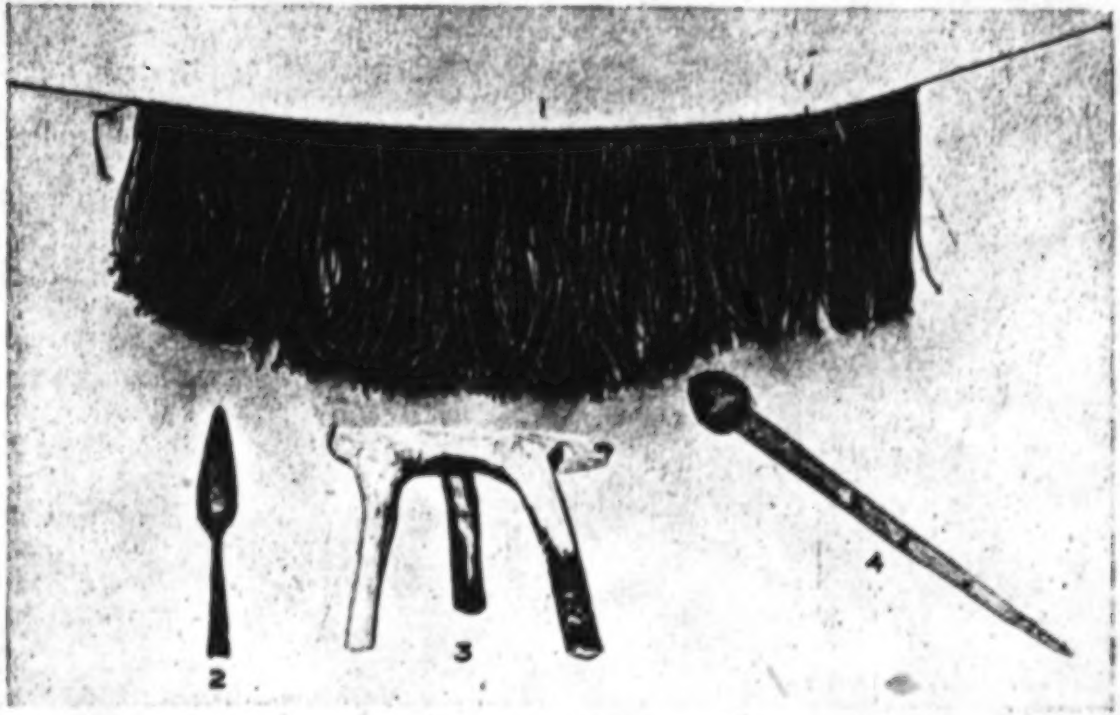

Fig. 4. ESSENTIAL ARTICLES

1. Short grass skirt. 2. Blade of spear. 3. Pillow (for men). 4. Club

[facing p. 32]

811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [823] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [826] left and right in Nuer thought that Nuer youths should emphasize the contrast between the two hands by putting the left arm 301 out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiau*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] oxen which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the 811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windscreens, but Nuer erect branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

181 233 512 [515] for them, water and in other ways care for their calves, clean their kraal, and dry their dung for fuel. Nuer wash their hands and faces in the urine of the cattle, especially when cows urinate during milking, drink their milk and blood, and sleep on their hides by the side of their smouldering dung. They cover their bodies, dress their hair, and clean their teeth with the ashes of cattle dung, and eat their food with spoons made from their horns. When the cattle return in the evening they tether each beast to its peg with cords made from the skins of their dead companions and sit in the windscreens to contemplate them and to watch them being milked. A man knows each animal of his herd and of the herds of his neighbours and kinsmen: its colour, the shape of its horns, its peculiarities, the number of its teats, the amount of milk it gives, its history, its ancestry and its progeny. Miss Soule tells me that most Nuer know the points of the dam and grand-dam of a beast and that some know the points of its forebears up to five generations of ascent. A Nuer knows the habits of all his oxen, how one bellows in the evenings, how another likes to lead the herd on its return to camp, and how another tosses its head more than the rest are wont to do. He knows which cows are restless during milking, which are troublesome with their calves, which like to drink on the way to pasture, and so forth.

233 181 If he is a young man he gets a boy to lead his favourite ox, after which he takes his name, round the camp in the morning and leaps and sings behind it; and often at night he walks among the cattle ringing an ox-bell and singing the praises of his kinsmen, his sweethearts, and his oxen. When his ox comes home in the evening he pets it, rubs ashes on its back, removes ticks from its belly and scrotum, and picks adherent dung from its anus. He tethers it in front of his windscreen so that he can see it if he wakes, for no sight so fills a Nuer with contentment and pride as his oxen. The more he can display the happier he is, and to make them more attractive he decorates their horns with long tassels, which he can admire as they toss their heads and shake them on their return to camp, and their necks with bells, which tinkle in the pastures. Even the bull calves are adorned by their boy-owners with wooden beads and bells (Fig. 13). The horns of young bulls, destined to be

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

312 233 drink. Each beast also soon gets to know its special trough and when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muŏt tŏt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep [681 593] and goats belonging to another household to drink the water drawn for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side. [515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

vary much from month to month for there are few seasonal changes at this time of the year. As the river falls it is possible to fish in lagoons and shallows and to bathe on its sandy bed. Then the lagoons dry up. When the river rises fish swim in the weeds and rushes and along some streams they are easily speared from the banks. The banks of the Sobat are too steep for this purpose. There are no longer shallows and bathing is a hasty dip for there is danger from crocodiles. The grazing grounds are changed from time to time as they become exhausted and as streams and lagoons dry up. At Yakwac there was succulent pasturage only where marsh plants still retained their moisture at the river end of lagoons. The people are still in camp when the first rains fall at the end of April or early in May and then there is everywhere an abundance of pasturage. The brown bush becomes green and the baked fissured earth a sodden mire. Dry lagoons become inland flowing streams. The scorching sun is clouded.

On the Sobat we guessed that the first rains had fallen inland by the migration of wild animals from its banks. Giraffe now left us for inland pastures where they would not have to face death every time they approached the river. Other animals likewise moved southwards, even the gazelle. On the northern bank, however, buffaloes still came to the river to drink and were attacked by hungry Nuer. Animals and men must obey the seasons and when there is no water except in inland lakes and lagoons, men, cattle, and wild beasts must drink at the same places. One can hear them at night cautiously coming to the pools to drink. When the rains come all leave for new pastures.

In May one knows that the move back to the wet season villages will shortly take place not only by cloudy skies and movements of game, but also by camp activities. The women are the first to leave camp and one meets them along paths, carrying their household goods in rectangular cane baskets. Youths leave camp early in the morning to cut stakes, generally of thornwood (*bwau*) and they spend a large part of the day shaping them into tethering pegs. They also twist new cord. The weather being cooler people do not feel so keenly the need to sleep towards noon. Everyone is becoming restless and

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

cow manure until he is a greyish-white. He keeps his hair 302
either cut short or shaved off entirely (possibly a tuft may be left on the top of the head), or he lets it grow long and bleaches it by frequent applications of cow-manure ashes applied wet. While the bleaching process goes on he may dress his hair in various styles with a point at the back or at the front or at both places. When the hair is bleached to a light bronze shade he dusts the ashes out of it and is quite proud of the effect. Long black hair is worn only by medicine men. The Nuer man may continue to adorn his body with ornaments and ashes and will especially do so if he is planning another marriage.

The Nuer usually have clean teeth. They clean them 515 ●
with cow-manure ashes, using a twig the end of which has been chewed into the semblance of a small brush.

Nuer men, possibly because they use ashes so constantly on their bodies, and probably because they do not usually wear clothing, seldom have lice. But the strands of beads [301]
worn by women and girls are often infested with them.

The Nuer age early, and both men and women look 145
older than they really are. One would guess some of the older men one meets at between 65 and 70. The Nuer woman usually keeps her erect carriage, but in middle life her flabby breasts, broken teeth, or vacant places where teeth have been pulled out tend to increase the appearance of age.

Clothing is not considered essential by the Nuer man 291
and is not usually worn. He may wear a bright coloured cloth—resembling a red plaid tablecloth, only somewhat more brilliant, he may be satisfied with a piece of the cheap blue cloth that is sold by the Arab merchant, his cloth may be of unbleached muslin, or possibly the District Commissioner has honoured him by giving him a cloth or (if he is a chief) one of the gowns they usually give the

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

must be heated in the late afternoon for the baby's bath. It is no short process. (Fig. 11) 512 854

A MAN'S WORK

A man's work usually begins at sunrise too. He has probably slept in the barn. He arises, covered with cow-manure ashes. He cleans his teeth with the ash and later on in the morning may wash his face and hands. While he may drink a large quantity of water during the day he seldom drinks any water before breakfast or with a meal. He usually stays among the cattle until he is called to his breakfast about nine o'clock. Then he eats and is ready to spend the day among the cattle. He takes them out to graze about ten o'clock in the morning and returns with them in the late afternoon. He loves his cattle. His day is a happy one spent in their midst, his human companions being other men who have taken their cattle out to graze also. His spear and club are ever with him. In the late afternoon he comes home with his cattle, finding his supper is being prepared. A plunge in the river every time he goes to it refreshes him. After supper is over visiting until bedtime is the usual close of the work of the average day. 512 [515] [231]

The day's work may be varied if any of his cattle are sick or if there is a dance which he wishes to attend. Or maybe the District Commissioner is in the village hearing cases or collecting taxes, and so he joins the throng and spends his day listening to the cases or bringing up some case of his own before this representative of the Government. 512 691

During the planting season, the fishing season, or the season when the dura must be cut, this daily programme of the Nuer man differs and his work for the day may be a little more strenuous. 512

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXVIII

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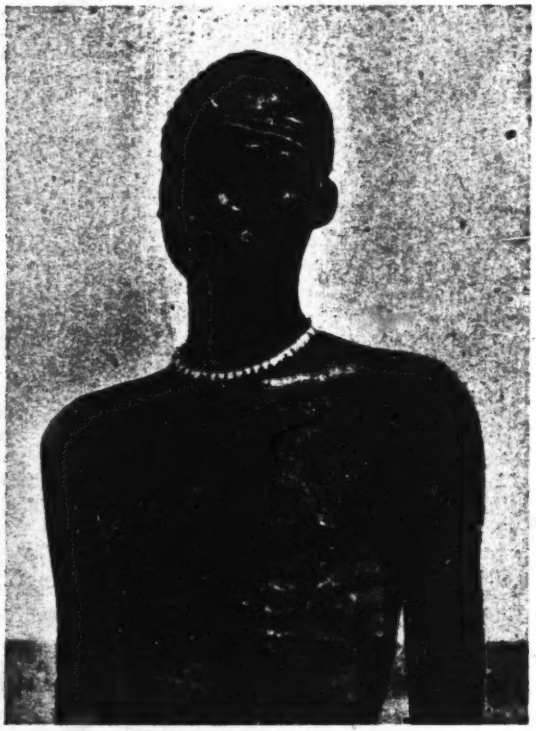

a. Youth (Zeraf river)

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b. Youth (Lou)

c. Man (Zeraf river)

[Face p.256]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXIX

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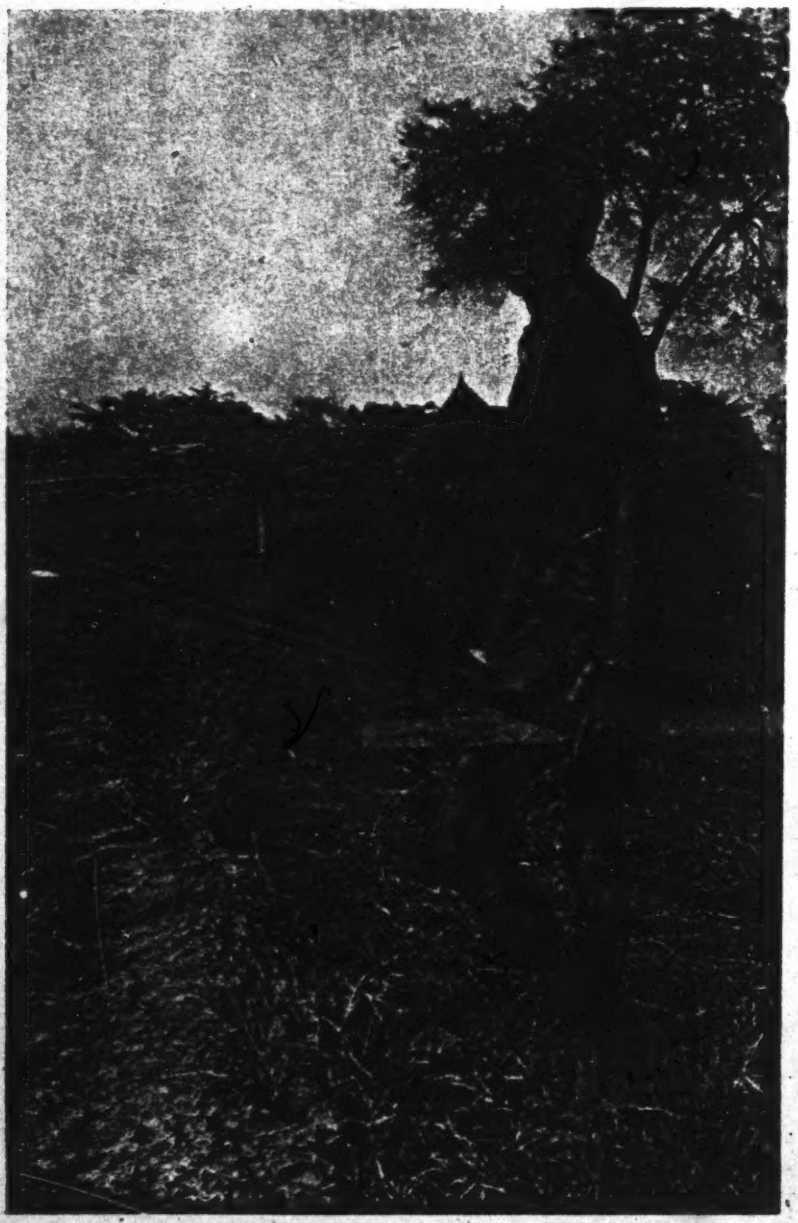

Man (Nasser Post)
[Face p. 262]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

such as water-jars on her head. This accounts to some extent for the straight, erect bearing of the women and girls. She may have a number of iron anklets—possibly from one to six—on each ankle, the weight of which causes her to throw her feet outward when walking so that the anklets of one leg do not hit the other leg, but her general posture is graceful.

Grass skirts are made by taking the outer bark of a certain tall grass and tearing it into long thin strips. These are then rolled tightly and made into grass skirts by a method of weaving and binding at one side, leaving the other ends loose. Grass skirts are made in two sizes, one—the short one—being from six to ten inches long. The short grass skirt may also be worn as a garment by a married woman, for every married woman must wear a loin-cloth of some description. The long grass skirt reaches from hip to ankle, and is worn as a dance dress. It is made in the same manner as the short skirt, but the longer grass is used for its construction.

The short grass skirt (Fig. 4) is usually worn over the long grass skirt at dances. Sometimes a bead is fastened on the end of each strand of grass in the short grass skirt. Both long and short grass skirts are oiled until they are soft and pliable and a dark brown in appearance. When worn at a dance, short bushy stubs of cowtails are worn around the waist at the back over the grass skirts.

The Nuer girl may or may not wear a cloth, just as it suits her. If she does wear one, it is worn under one arm and knotted over the opposite shoulder. Those living near the Arab settlements may dress somewhat as the Arab women do, or they may wear the dresses the Arab merchants make for sale to them. But no matter how many garments she may possess, the Nuer girl—if unmarried—may discard any or all of them at will.

7:Tucker E-5 (1929-1933) 1933 FJ23 Shilluk FJ23

Nuer FJ22

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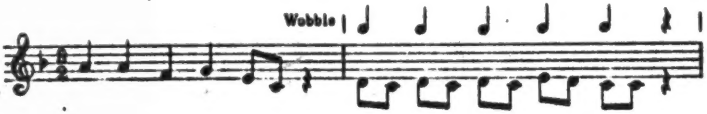
Third movement: The boys all chant together "Open and shut, Open and shut!" At the word "Open," all the toes are bent backwards, at the word "Shut" they are all bent forwards, so that the centre square of toes looks like some great black sea-anemone opening and shutting itself.

Fourth movement: Keeping their feet and toes still, the boys wobble their knees rapidly up and down. I was unable to get the words of this song, but the tune is as follows:—



These movements can come in any order, according to the will of the song-leader.

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[516]

7. Nuer girls are fond of ring games, but there is little action in those that I have seen. The girls kneel in a ring; one girl sings a song of about three lines, and the rest repeat it, slapping their knees. Then the girl next to her takes up the song, extemporizing upon the same theme with a view to scoring a "hit" off one of those present. If she succeeds, she is greeted with yells of approval, and all join lustily in the chorus, while the third girl cudgels her brains for the inspiration necessary to cap this verse if possible. These witticisms usually lie [illegible]und the names of friends or bear some obscure reference to well-known incidents, with the result that an investigator without intimate knowledge of the children's daily affairs finds the songs unintelligible. This is one of the verses:

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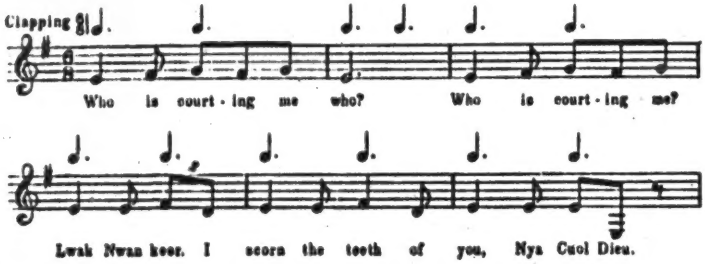

In the following song the voice rhythm (indicated V) differs markedly from the clapping rhythm (indicated ↓):

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *patpat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 526

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

14: Huffman M-5 (no date) 1931
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000 the pistol was brought and another bullet was fired into the lifeless body of the victim.

One wonders what happened during the next hour when the women came to fill their water-jars. What would their thoughts be as they stepped down the river bank and at a turn in the path encountered the brainless, tailless body of a huge crocodile? Would they think of the dreadful fate from which they had been saved, just because a launch happened to pass that way a few minutes before, or would they grieve because the choicest steak had already been taken?

512 The woman has the bulk of the work, but she seems to expect it. When the day's toil is over, the dura pounded, the two meals cooked, the water carried, the children cared for, the mother sits there in the light of the smudge fire which is made to keep mosquitoes away. She has had
● [521] a busy day. Now they all sit around in the firelight, visiting, or telling tales of long ago, or maybe they are telling
[534] riddles. Some one may be strumming a native-made stringed musical instrument, another may be singing, and
[513] yet the conversation goes on uninterruptedly. If in the light of the moon, bedtime does not come early—probably not until ten or twelve o'clock or later—but if it is in the dark of the moon, they seek sleep earlier and nine or ten o'clock finds the village quiet. Another day is past, the woman is in her home, her children about her, her husband satisfied with his food for the day and happy with her. What more could she wish?

512 The baby must be cared for during the day and taken
853 up and nursed every time it cries. The Nuer baby is nursed until it is at least two years of age, and more often until it is three or even four. They have a superstition that usually keeps the husband and wife from having
000 another child while a child is not yet weaned. Water

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THE CHILDREN

857 The little children of the village spend their day in play, eating, and sleeping. The babies are often cared for by the grandmothers. The older children are called on to carry water or to help in some way. The older girl helps her mother in the routine duties of the day.

The little boy in the home plays games. He may have a cane-stalk and string for a fishing-rod and line, and sometimes a bent pin for a hook. When he is about eight years old he begins to herd the sheep each day. He often makes men and cattle out of mud and plays with them.

881 When he is old enough to have the tribal marks cut, his status is at once changed from that of boy to man. His privileges are also increased. He is now interested in securing cattle and sheep of his own.

857 538 524 The children love their folk-lore tales and the many animal stories that are told them by their elders. They believe these implicitly and fear the dreadful ogre that is usually the central figure of the story. They also amuse themselves by guessing riddles, of which they have a large number.

857 But while they are learning many things that are interesting and useful, they are learning many things they do not need to know. They learn to curse. They learn indecency in regard to sexual matters. Indeed, the child mind is full of many things that pollute both thoughts and actions. The lack of privacy in the village and family life account for much of this pollution of mind and action which infests the child. And there is no decidedly corrective method used by the elders of the village. Life was always so, it always will be so, they think.

THE NUER GIRL IN HER HOME LIFE

The life of a girl in the Nuer home is a foretaste of the life of the mother. The bulk of the work which can be done

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157 received the heavy post-bag, for belated Christmas presents made it weigh more this time than usual.

The only thing that did not occur to him was that there might be any other preacher than the one at Nasser. He set out on his return trip to Nasser afoot, carrying a heavy bag of post—belonging to the Doleib Hill Mission which is about fifteen miles overland from Malakal, instead of to the Nasser Mission two hundred miles up river.

But he was blissfully ignorant of his mistake, and after a walk of seven days' duration, he delivered the Doleib Hill post-bag at the Nasser Mission, confident that there ought to be enough post in that heavy bag to gladden the hearts of all his white friends for some time.

He was deeply chagrined when told of his mistake. But possibly the memory of what he was willing to do for them will remain to gladden the hearts of his white friends longer than any news they might have received in that post-bag—had it been theirs.

Another Nuer, who knew how to steer the launch, showed his faithfulness to us by steering the launch all night when a hurried trip had to be made owing to illness. And later, even though Nuer are much averse to being close to dying persons, he would be found sitting on the porch outside the sickroom so that the nurse within—sitting by an unconscious, dying woman—might not feel so entirely alone. He had not been asked to stay there, he was not even expected to do so, but all he said was that he thought he would stay there so that the nurse might not feel entirely alone. It does not sound worth much—unless you are the nurse, alone with a hopeless case in the African stillness after midnight.

NUER GAMES

524 Boys make cattle out of mud, colouring them with ash or charred wood. They curve the horns and show quite a

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● 524 talent for clay modelling. They may also make clay figures of persons, and play with them and their cattle.

Possibly one of the principal games played with the clay cattle is that in which a mock wedding is enacted.

The boys make a number of cattle. Then one boy chooses the girl he wants. He and his friends tell her people that he wants to marry her, and they inquire as to how many cattle he is willing to give for her. The older people of the village may join in with the children in this —to them—delightful game.

The boy makes an armlet out of a gourd in lieu of the ivory armlet, he adorns his body with all the ornaments he can possibly get, borrowing from his friends in order to supplement his own meagre supply.

He and his friends meet with the relatives of the girl, and the wedding talk, which is a real debate, goes on. The bridegroom must try to get the bride for the least possible number of cattle without saying anything disparaging about her.

After the wedding talk, food may be served to the children and possibly they may stage a little wedding dance. This game lasts over several days, and the boy-groom gets a little experience to prepare him for the time when he will be required to bring real cattle and make a reality of what to-day is a game for children.

Interesting games are played with mud-balls.

Mud-balls are arranged four in a group and there are seven groups for each of the two players. One takes up two of the first group, the other player takes the remaining two, and so on, until the last group is reached when one player takes three balls while the other player takes but one. Then each player takes his balls in both hands, shaking his hands up and down vigorously and chanting 'bir chor' repeatedly. Then each player puts his balls

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down in groups of four each, and the player who picked up the one ball out of the last group finds that he has three in his last group now, while the other player who took three balls out of the last group is amazed to find that his last group now contains but one. They play it over and over again and enjoy it each time, but cannot explain it. 524

One boy was seen to do a trick quite cleverly by changing a mud-ball from one hand to another much to the amazement of his friends.

Another game is played with mud-balls in which points are scored as cattle with which to buy a wife. The Nuer enjoy this game very much, but they assure me it is far too difficult for me to learn and much beyond my feminine comprehension.

Boys make a ring of cane-leaves and then throw it, trying to throw a stick through it as it rolls.

They also play a game resembling shinny, and are quite clever at it.

Girls often play a game with pieces of cane-stalk about eight or ten inches long. One throws them on the ground and the way in which the different sticks fall indicates how many cattle will be paid as the marriage price; other points count as different things pertaining to the marriage. The pieces are thrown again and again, some positions in which they fall indicating the loss of a cow.

The girls play a game in which the hands are repeatedly clapped on the knees, and they chant a little song as they clap.

Little girls play house, pounding up clods of earth for dura, sifting it in order to get coarse particles out, and imitating their mothers in their work about the home.

On moonlight nights, the dance is a favourite amusement of both children and young people. A drum is made, 535
possibly out of an old kerosene tin which has had the ends 534

14: Huffman M-5 (no date) 1931
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vulgar type. In construction they are similar, consisting of a verse of one or more lines and a refrain. The verse is usually sung in a higher tone, the refrain being sung in lower tones. They seldom repeat any phrase over and over, but express the same meaning by the use of other words. 533

Another frequent form of amusement is the asking of riddles. If no one can guess the answer, the propounder of the riddle is asked if he or she would take so-and-so of the opposite sex as husband or wife, as the case may be. When an acceptable name is suggested, the propounder gives the answer to the riddle. 524

They have many riddles. Some seem anything but comprehensible to us, but they always tell us that 'a Nuer would understand'. Others are quite intelligible and good.

Sometimes Nuer children draw cattle or other animals; they always make the bodies rectangular in shape. A woman may draw on a gourd (Fig. 9) by making scratches and then rubbing them with charred wood, which gives the figures the effect of having been burnt in. The bodies of animals are drawn in rectangles, but other designs may be used. A border effect of points is often made. 532

MEASURING LENGTH AND HEIGHT

A Nuer indicates the length of small articles by extending the left arm and placing the tips of the fingers of his right hand at a point on the left arm. The distance between the tips of the fingers of the left hand and the place where the fingers of the right hand touch the left arm indicates the length that is meant. 804

When he desires to show the height of an animal he extends the right hand, palm downward. The distance between the ground and the extended palm is the height indicated.

14: Huffman M-5 (no date) 1931
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537 spring.' The ogre said, 'Is it full?' She said, 'It is full.' Mother-of-the-fox hesitated. The ogre exclaimed, 'No, give it to me at once.' She stood up. She gave it to him.

The ogre left. He talked to himself as he went along the path. 'That god of the village of mother-of-the-fox! Why! I left empty-handed without finding a thing.' The fox spoke. 'Where are you taking the gourd which belongs to the village of mother-of-the-fox? Let it down to the ground slowly.'

The ogre exclaimed, 'God, wait. I will let it down slowly.' He put it down and fled.

Then the fox exclaimed, 'Let us each catch a person.' They turned back to back. The fox ran to his village and the ogre to the ogres. The fox said, 'You, ogre, measured yourself against me. Did you find my cleverness?'

RIDDLES

524 1. Guess what are the red dates which are in the sky but never fall?
(*Answer*) They are stars.

2. Guess what tree it is which stands in the middle of the river but never goes under the water?
(*Answer*) It is a lotus.

3. Guess what is a fat woman?
(*Answer*) It is a window.

4. Guess what is a red hornless cow but its horns are of skin?
(*Answer*) It is a dog.

5. Guess what tree it is that has many hands but never climbs?
(*Answer*) It is kaffir corn.

6. Guess a red thing which carries its horn?
(*Answer*) It is a scorpion.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

7. Guess what big girl it is who has a dancing skirt but never goes to a dance? 524
(*Answer*) It is a house. (The Nuer house has long grass eaves, crudely resembling the grass dancing skirt.)

8. Guess what big man it is near whom they have the wedding talk but he never makes a remark?
(*Answer*) It is a barn. (The wedding talk is often staged near the barn.)

9. Guess what two males it is that hold their father?
(*Answer*) They are pillars (supporting the barn).

10. Guess what forest it is which one may cut down but it is never finished?
(*Answer*) It is the hair.

11. Guess what death it is where they never have the ceremony of terminating the period of mourning?
(*Answer*) It is sleep.

12. Guess what it is which one holds but it will never overcome a person?
(*Answer*) Kaffir corn which has been sifted. (The sifting process is called 'holding it'.)

13. Guess what are two big males which will never meet?
(*Answer*) The clouds and the earth.

14. Guess what are two big rugs?
(*Answer*) They are the sky and the earth.

15. Guess two big males?
(*Answer*) They are the banks of the river.

16. Guess the crocodile which cries?
(*Answer*) It is a (native made) fiddle.

7:Tucker E-5 (1929-1933) 1933 FJ23 Shilluk FJ23
Nuer FJ22

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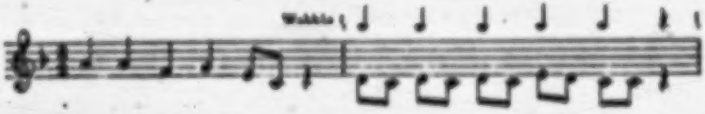
Third movement: The boys all chant together "Open and shut, Open and shut!" At the word "Open," all the toes are bent backwards, at the word "Shut" they are all bent forwards, so that the centre square of toes looks like some great black sea-anemone opening and shutting itself.

Fourth movement: Keeping their feet and toes still, the boys wobble their knees rapidly up and down. I was unable to get the words of this song, but the tune is as follows:—



These movements can come in any order, according to the will of the song-leader.

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7. Nuer girls are fond of ring games, but there is little action in those that I have seen. The girls kneel in a ring; one girl sings a song of about three lines, and the rest repeat it, clapping their knees. Then the girl next to her takes up the song, extemporising upon the same theme with a view to scoring a "hit" off one of those present. If she succeeds, she is greeted with yells of approval, and all join lustily in the chorus, while the third girl cudgels her brains for the inspiration necessary to cap this verse if possible. These witticisms usually lie around the names of friends or bear some obscure reference to well-known incidents, with the result that an investigator without intimate knowledge of the children's daily affairs finds the songs unintelligible. This is one of the verses:

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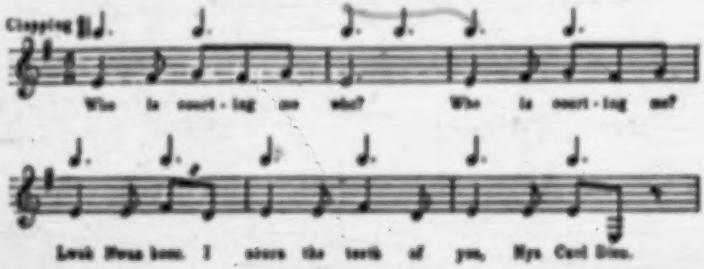
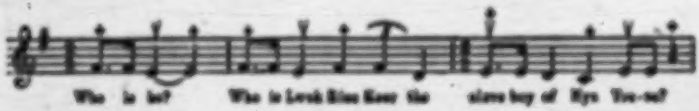


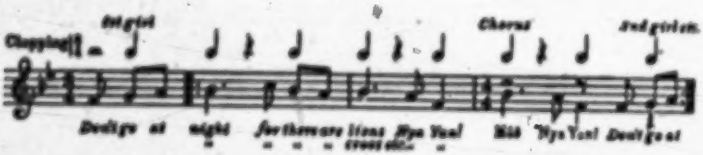
In the following song the voice rhythm (indicated V) differs markedly from the clapping rhythm (indicated ↓):



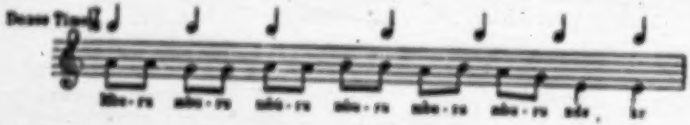
7:Tucker E-5 (1929-1933) 1933 FJ23 Shilluk FJ23

FJ22 Nuer
FJ18 Mitha

The following singing game requires rapid thought and good memory. Each girl in turn has to think of a different animal's name, the aim being not to repeat the name a previous girl has sung:— N 524 533 539



8. *Ring o' Roses.* There are many games which comprise mere dancing or capering in a ring. In the following Baka game the players first dance round in a ring, holding hands, singing:— M 524 533 539

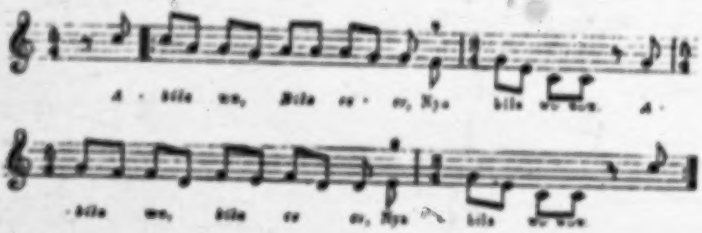


Then, with a change of the music, they swing their right legs over their arms, and hop round until they fall down. (*See Fig.* 5, Pl. XV.)

[*Note.* The note transcribed E sounds somewhere between E and F.]

9. A popular form of "Ring o' Roses" is played as follows. The Shilluk version has two parts, but the words of the song have no decipherable meaning. (Here again I heard a note which was difficult to place. I have transcribed it sometimes E and sometimes F.) S 524 533 539

First movement: The players stand in a circle with hands on each other's shoulders, and sway as they sing:—



7:Tucker E-5 (1929-1933) 1933 FJ23 Shilluk FJ23

Nuer FJ22

LINE GAMES.

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524 18. *Nuts and May.*—The Nuers have a form of this game of which the details are rather vague. The children stand in two lines, facing each other, some dozen yards apart. A member of one line advances towards the other line with a peculiar prancing step, waving his hands above his head, singing :—

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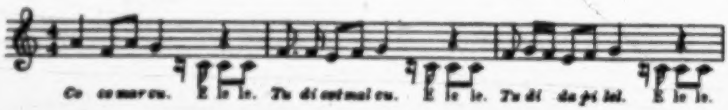

(The words, so far as I could make out, are meaningless.) He singles out a member of the other side and chases him round both lines and back to his place. What happens if he catches him I could not find out.

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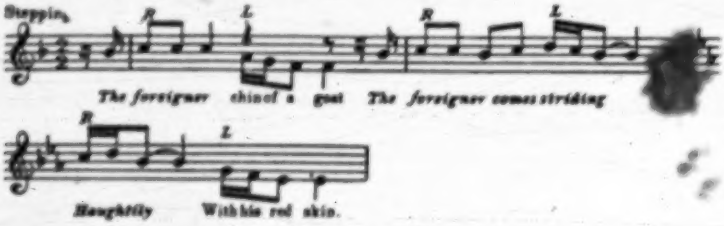
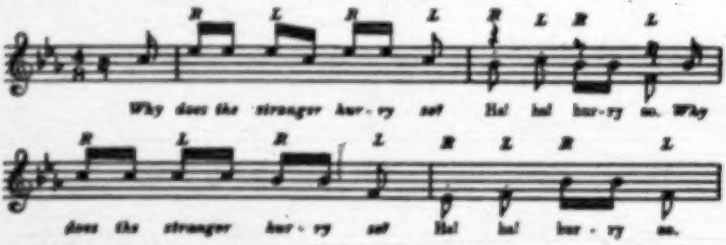
The following Shilluk version is evidently a recent invention, and probably confined to the particular group of Shilluks I was studying. The boys line up in two ranks, as if for "Nuts and May." One line advances towards the other, marching slowly in "goose step" (see Fig. 4, Pl. XVI), while the other line retreats, both sides singing ;—



Then the song is repeated, while the other line advances, and so on, to and fro, several times. Suddenly the pace is doubled ; the boys running stiff-legged, those advancing trying to kick the shins of those who are retreating. The song now is :—



As before, on every repetition the direction is changed

Z:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

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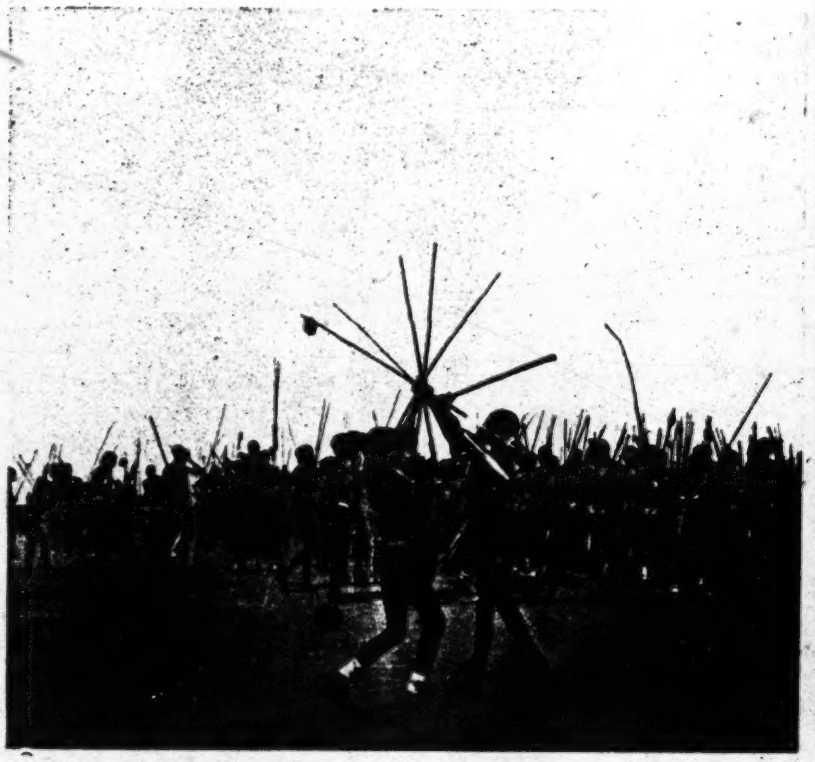

v. Duelling at a dance

[Facing page 92]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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caŋdar	noon.
buoka caŋ	middle of afternoon.
ke thiaŋ	late afternoon.
ci war lip	early evening.
war	night.
wardar	midnight.

('ci' is pronounced 'chi', 'caŋ,' is pronounced 'chang', 'thiaŋ', is pronounced 'thiang'.)

NAMES OF NUER—DETERMINING DATES

[527] A Nuer has a splendid memory, but dates, birthdays, and anniversaries are not the things he stores away in it.

A parent may tell you in what season of the year a child was born, but after a few years the number of its years becomes but a confused memory.

When some special event has transpired which fixes a date firmly in their minds, they may date an event from that time. The time when the English patrol was in the Garjak country is often used when dates are discussed; an event may be dated either so long before or after the 'boats of the air' came. A flood, a famine, a year when wild animals were numerous, all may be used to mark time.

805 561 When the age of a child is asked it may be determined from the reply to such questions as:

does he crawl?	one year.
is he weaned?	(if so) three years old.
does he herd sheep?	8–12 years old.

805 551 561 For later ages one may ask 'when will he have the tribal marks cut?' (tribal marks are usually cut when the boy is from 14–16 years old). After the tribal marks are cut, age may be determined by the class name, providing the sequence of classes is known (see Chapter IV.)

14: Huffman M-5 (no date) 1931
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vulgar type. In construction they are similar, consisting of a verse of one or more lines and a refrain. The verse is usually sung in a higher tone, the refrain being sung in lower tones. They seldom repeat any phrase over and over, but express the same meaning by the use of other words. 533

Another frequent form of amusement is the asking of riddles. If no one can guess the answer, the propounder of the riddle is asked if he or she would take so-and-so of the opposite sex as husband or wife, as the case may be. When an acceptable name is suggested, the propounder gives the answer to the riddle. 524

They have many riddles. Some seem anything but comprehensible to us, but they always tell us that 'a Nuer would understand'. Others are quite intelligible and good.

Sometimes Nuer children draw cattle or other animals; they always make the bodies rectangular in shape. A woman may draw on a gourd (Fig. 9) by making scratches and then rubbing them with charred wood, which gives the figures the effect of having been burnt in. The bodies of animals are drawn in rectangles, but other designs may be used. A border effect of points is often made. 532 ●

MEASURING LENGTH AND HEIGHT

A Nuer indicates the length of small articles by extending the left arm and placing the tips of the fingers of his right hand at a point on the left arm. The distance between the tips of the fingers of the left hand and the place where the fingers of the right hand touch the left arm indicates the length that is meant. 804

When he desires to show the height of an animal he extends the right hand, palm downward. The distance between the ground and the extended palm is the height indicated.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

take further names from any oxen of his herd which delight him. Men salute one another with these names and shower them, with many a fanciful elaboration, on their companions at dances. They also chant them when they display themselves with their oxen in camps, sing them in their poems, and shout them when they spear men, animals, or fish.

A man may be called by the identical name of his ox, e.g. Bi(l)rial, Kwac(c)uor, Werkwac, and so forth, but generally one part of the term is dropped and the other part is prefixed by a new term, usually descriptive of some ornament worn by the ox or some characteristic of it, not employed in defining its own name, e.g. *luth*, a large bell (Fig. 4), *gier*, a small bell, *lue*, a long tassel, *dhuor*, a short tassel (Plate IV), *wak*, the tinkling of an ox-bell, *lang*, a brass ring attached to an ox's collar or tethering-cord (one can be seen on the animal in the foreground of Plate II), *rot*, bellowing of oxen, *cwai*, fatness, *boi*, shining whiteness, &c. Thus a man whose favourite ox has *rial* distribution of colours may be called Luthrial, Gierrial, Luerial, Dhuorrial, Boirial, and so on. When ox-names are used between age-mates at dances they are generally preceded by dance-names which are selected to harmonize with the ox-names, euphony being considered of great importance in all these word formations. Ox-names are voluminous and abstruse, and in describing them, as in describing cattle-colours, I have not only made a meagre selection from the wealth at my disposal, but have also chosen for illustration the simplest examples and neglected the more obscure.

Names of cattle, especially of oxen, and ox-names of men are used profusely in songs. The Nuer, like most pastoral peoples, are poetic and most men and women compose songs which are sung at dances and concerts or are composed for the creator's own pleasure and chanted by him in lonely pastures and amid the cattle in camp kraals. Youths break into song, praising their kinsmen, sweethearts, and cattle, when they feel happy, wherever they may be. I give a free translation of the first verses of two songs, the first sung by girls as they sit together in the evening after the day's work is done, and the second sung by its creator when he is happy.

1. The wind blows *wirawira*;[1]
Where does it blow to?

[1] Literally 'My wind'. The singer runs against it and seems by so doing to add to its strength. This is the north wind which blows at the time of rich

6: Evans-Pritchard E-5 (1931, 1936)1938
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233 they may have to defend them against carnivorous beasts and human
512 raiders. Often they relieve the monotony and solitude by composing
[533] and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp
[264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back
462 to the kraal in the evening; but women and boys continue their
234 labours. Women milk the goats and sheep and prepare the morning
237 meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the
[233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat
[857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most
462 mornings parties of two and three leave camp at dawn with their
224 dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

535 cut out and sheepskin pulled tightly over it, or it may be
534 a large gourd with a sheepskin covering, or possibly it is made of a piece of the trunk of a tree, hollowed out and covered with sheepskin. But whatever its construction it emits enough sound to please any Nuer when it is beaten in the dance. The drummer beats a rather steady, rhythmic tune on it. One person usually chants a line of a song while all the other dancers chant an alternate line which serves as a chorus.

535 The dance is a group formation. Couples do not dance together.

The men run in in a long line and dance in a group. High jumping is a feature and one is amazed at the height they achieve. Quick advances upon an imaginary foe are made with much brandishing of spears.

One girl leads the group of girls, facing them and leading them as they advance and retreat before her. They keep time to the music with a quick movement of the head and hips.

534 A fiddle is made of a large piece of wood which has been hollowed out, or of a half-gourd, sheepskin being tightly laced over it. Strings are made of gut, and one can play as many as four different notes on some of the fiddles. While the player plays a tune on the strings of the fiddle he keeps up a steady, low accompaniment by thrumming the bowl of the fiddle with the fingers of the other hand.

● 533 Nuer are naturally musical, and many of them are quite good singers. They improvise many of their songs as occasion requires. Many of their songs pertain to marriage, many of them laud cattle or persons and proclaim their praises. Sometimes they voice their disapproval of some individual in song so that all may hear. They have a lullaby for babies also. Some of their songs are of a

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

vulgar type. In construction they are similar, consisting of a verse of one or more lines and a refrain. The verse is usually sung in a higher tone, the refrain being sung in lower tones. They seldom repeat any phrase over and over, but express the same meaning by the use of other words. 533

Another frequent form of amusement is the asking of riddles. If no one can guess the answer, the propounder of the riddle is asked if he or she would take so-and-so of the opposite sex as husband or wife, as the case may be. When an acceptable name is suggested, the propounder gives the answer to the riddle. 524

They have many riddles. Some seem anything but comprehensible to us, but they always tell us that 'a Nuer would understand'. Others are quite intelligible and good.

Sometimes Nuer children draw cattle or other animals; they always make the bodies rectangular in shape. A woman may draw on a gourd (Fig. 9) by making scratches and then rubbing them with charred wood, which gives the figures the effect of having been burnt in. The bodies of animals are drawn in rectangles, but other designs may be used. A border effect of points is often made. 532

MEASURING LENGTH AND HEIGHT

A Nuer indicates the length of small articles by extending the left arm and placing the tips of the fingers of his right hand at a point on the left arm. The distance between the tips of the fingers of the left hand and the place where the fingers of the right hand touch the left arm indicates the length that is meant. 804

When he desires to show the height of an animal he extends the right hand, palm downward. The distance between the ground and the extended palm is the height indicated.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

fills a man, his character is changed. The man is hollowed out by Spirit to receive it. In this sense *gwang* is complementary to *kwoth*, inspiration to extirpation.[1] 776 × 792 828

Prophets may perform sacrifices on behalf of individuals or of the people of their neighbourhoods in times of sickness, for barrenness, and on other occasions when spiritual aid is required, but the main social function of the leading prophets in the past was to direct cattle-raids on the Dinka and fighting against the various foreigners who troubled the Nuer from the northern Sudan. For the most part the air-spirits are conspicuously associated with war, and Nuer prophets are chiefly regarded as the medium through which God gives orders to fight and victory. The spirits accompany the warriors to battle. 776 × 792 721

Before Nuer set off for any large-scale fighting against strangers their prophets made sacrifice and sang hymns to the spirits of the air while the warriors, kneeling on one knee and with the points of their spears resting on the ground, sang the responses. The same posture is adopted by warriors in making the responses to these songs when they are sung by a song-leader on ceremonial occasions. Also people, generally and perhaps always under a prophet's direction, sing hymns to the spirits on occasions of sickness and of other troubles; though Nuer say that they sometimes sing the hymns, as at dances, 'just to be happy with the son of God'. Unfortunately I did not have the opportunity to record more than a few verses of these hymns. 776 × 792 721 533 ●

I give below a short hymn to *buk*. It is known all over Nuerland and is therefore probably earlier than most hymns. It is sometimes sung at mortuary ceremonies, and it is also sung before fishing battues are begun, on account of the spirit's association with rivers and streams. 776 × 533 539

Mother of *deng*, the ants (the Nuer) ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee,
The mother of *dengkur* brings life,
The mother of *dengkur* brings me life,
Life is revived.
She brings life and our children play,
They cry aloud with joy,
With the life of the mother of *deng*, with the life of the mother of *deng*.

[1] [Should be expiration, see errata, cat. 116.] (45)

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPIRITS OF THE ABOVE

x 776
●533
539

The pied crows are given life and are filled.[1]
Our speech is good, we and *buk*,
Our speech is excellent;
The country of the people is good.
We journey on the path of the *pake*.[2]
We are here, we and *buk deang*,
Buk, mother of *deng*, the ants ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee.
We give thee red blood.
The ants of *deng* are simple people, they do not understand how their lives are supported.
Let all the people of the cattle camps bring tobacco to the river.

The general sense of this hymn is that *buk* protects the people from dangers and gives them life. Protection and life are given them in exchange for oblations of animals (the red blood) and tobacco. I give the opening verses of another hymn, which appears to be addressed to both *dayim* and *mani*. It is a war hymn, although I heard it myself at a ceremony in western Nuerland held in honour of a person killed by lightning.

x 776
535
539
721

Stars and moon which are in the heavens,
Blood of *deng* which you have taken,[3]
You have not summoned the ants of *deng* capriciously,[4]
Blood of *deng* which you have taken,
The wing of battle on the river bank is encircled by plumes.[5]
Dayim, son of God, strike the British to the ground,
Break the steamer on the Nile and let the British drown,
Kill the people on the mountains,[6]
Kill them twice,[7]

[1] The pied crow 'is' *buk* (p. 81).

[2] This is not a Nuer word but the Arabic *faki*, a fakir or holy man. In Nuer the word is used for an Arab pedlar or merchant. The use of the word in this hymn, probably one of the oldest Nuer hymns, is further evidence of the late introduction of these spirits into Nuerland.

[3] Dinka blood on Nuer spears.

[4] The spirits which summoned the Nuer to raid the Dinka through the mouths of their prophets did not summon them in vain. The raid was successful. The ants are the Nuer.

[5] When warriors are drawn up for battle the prophet runs along the flanks shouting encouragement to them and waving his spear decorated with ostrich plumes.

[6] The people of the Nuba hills.

[7] Slay them two years in succession.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPIRITS OF THE ABOVE

Do not slay them jestingly.[1] 776 *
Mani goes with a rush, 533
He goes on for ever, 539
The sons of Jagei are proud in the byres,[2] 721
Proud that they always raid the Dinka.

I do not know the time or circumstances of composition of this hymn, but as it not only exults in defeats of the Dinka and asks for victory over the people of the Nuba hills but also demands the destruction of the British it must be fairly recent and probably dates from the early days of British occupation of the Southern Sudan. Dr. Lienhardt has recorded a hymn about *deng* which vividly suggests the mobility of the spirits of the air and the 776 * ubiquity of Spirit. A man says he is tired of the demands made 533 by *deng* and that he will move. But *deng* replies 539

A man avoiding *deng*
Will find *deng* in front,
On the right he will find *deng*,
On the left he will find *deng*,
Behind him he will find *deng*.

In another hymn he recorded there is a metaphor in which 776 * protection of the people by *deng* is compared to the coiling of a 533 python around its young. These hymns are, I believe, always the 792 creations of prophets, and Nuer say that they come to them in 534 dreams, unlike ordinary songs or poems which men construct for themselves when idling, as when herding in the grazing grounds. We need not concern ourselves greatly with their word to word meaning. Nuer do not do so, or even know it, and the songs may be sung on occasions which in no way concern the particular spirits they are addressed to and for which the words have no relevance, the songs merely serving to create atmosphere and to express a general sense and intention. I have been told that the hymns sometimes come to a prophet through a drum, called *bul kwoth*, spirit's drum, dedicated to his spirit, which is thought to be in some way immanent in it. These drums, which are beaten at dances held in honour of the spirits to which they are dedicated, are formally dedicated by being rubbed with ashes, in the same

[1] Do not trifle with them but strike them hard.
[2] The Jagei are a small group of Nuer tribes; but since the Nuer believe that they were created in their territory the word probably here refers to the Nuer as a whole.

×776 way as an animal is dedicated, while a short invocation is made.
●533 They are decorated with beads and metal rings. I was told that
792 now and again, especially after dreams, a prophet rubs his spirit's
534 drum with ashes, and sometimes also with butter, and asks God
[778] for peace and happiness. A prophet also builds a mud shrine, called *yik* or, if it is shaped like a windscreen, *buor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

×776 I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a nhial*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

×776 In the first place, it is shown by the way Nuer regard the beliefs
177 of neighbouring peoples. It creates no problem for them when they find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

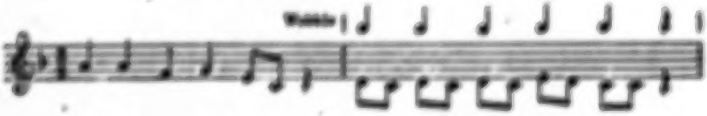
797 [1] In 1940, some years after I had concluded my research, there were 464 Nuer (250 Catholics and 214 Protestants), easily the lowest figure for

7:Tucker K-5 (1949-1933) 1933 F323 Shelfmk F323
More F322

S 529 533 539

Third movement: The boys all shout together "Open and shut, Open and shut!" At the word "Open," all the toes are bent backwards, at the word "Shut" they are all bent forwards, so that the centre square of toes looks like some great black mouth opening and shutting itself.

Fourth movement: Keeping their feet and toes still, the boys wobble their knees rapidly up and down. I was unable to get the words of this song, but the tune is as follows:—

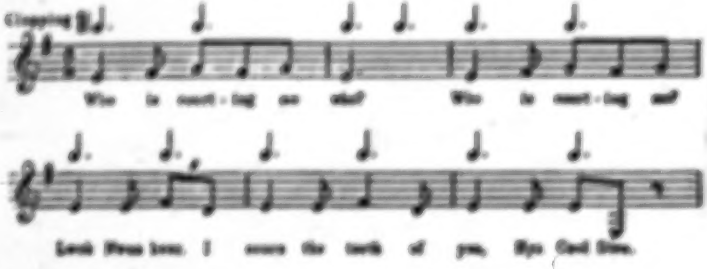


These movements can come in any order, according to the will of the song-leader.

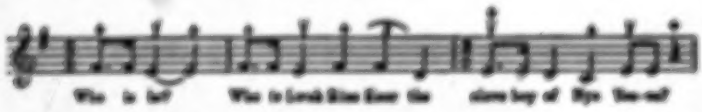
N 529 533

7. Here girls are fond of ring games, but there is little action in those that I have seen. The girls kneel in a ring; one girl sings a song of about three lines, and the rest repeat it, clapping their knees. Then the girl next to her takes up the song, extemporizing upon the same theme with a view to scoring a "hit" off one of them present. If she succeeds, she is greeted with yells of approval, and all join lustily in the chorus, while the third girl endeavours to follow her lead, the imagination necessary to cap this verse if possible. These witticisms usually lie around the nature of friends or bear some obscure reference to well-known incidents, with the result that an investigator without intimate knowledge of the children's daily affairs finds the songs unintelligible. This is one of the verses:

N 529 533 539



In the following song the voice rhythm (indicated V) differs markedly from the clapping rhythm (indicated ♩):

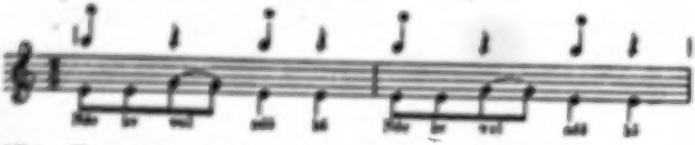


T/Tucker K-5 (1929-1933) 1933 FJ23 Shilluk FJ23
FJ22 Nuer
FJ18 Mitta

The following singing game requires rapid thought and good memory. Each girl in turn has to think of a different animal's name, the aim being not to repeat the name a previous girl has sung:— N 524 533 539

8. *Ring o' Roses.* There are many games which comprise mere dancing or capering in a ring. In the following Baka game the players first dance round in a ring, holding hands, singing:— M 524 533 539

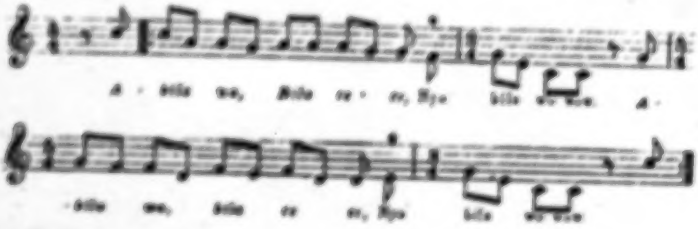
Then, with a change of the music, they swing their right legs over their arms, and leap round until they fall down. (See Fig. 5, Pl. XV.)



[*Note.* The note transcribed K sounds somewhere between K and F.]

9. A popular form of "Ring o' Roses" is played as follows. The Shilluk version has two parts, but the words of the song have no decipherable meaning. (Here again I heard a game which was difficult to place. I have transcribed it sometimes K and sometimes F.) S 524 533 539

First movement: The players stand in a circle with hands on each other's shoulders, and sway as they sing:—

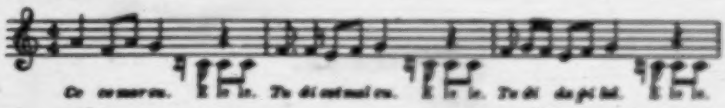


7:Tucker E-5 (1929-1933) 1933 FJ23 Shilluk FJ23
Nuer FJ22

LINE GAMES.

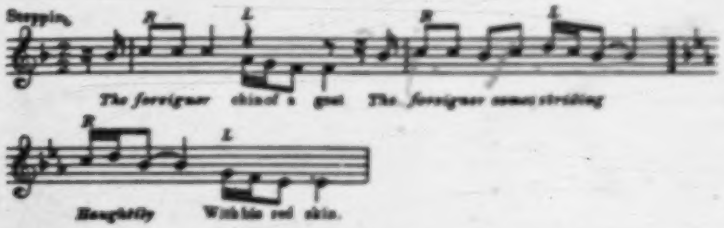
N 524 18. *Nuts and May.*—The Nuers have a form of this game of which the details are rather vague. The children stand in two lines, facing each other, some dozen yards apart. A member of one line advances towards the other line with a peculiar prancing step, waving his hands above his head, singing :—

N 533 539

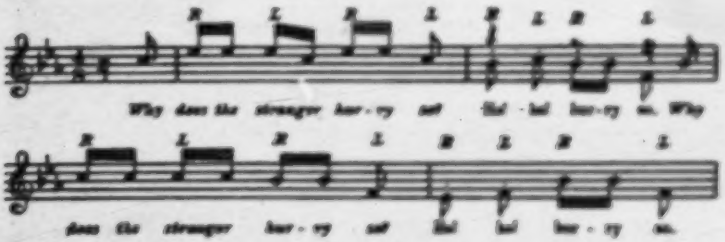


(The words, so far as I could make out, are meaningless.) He singles out a member of the other side and chases him round both lines and back to his place. What happens if he catches him I could not find out.

S 524 533 539 The following Shilluk version is evidently a recent invention, and probably confined to the particular group of Shilluks I was studying. The boys line up in two ranks, as if for "Nuts and May." One line advances towards the other, marching slowly in "goose step" (see Fig. 4, Pl. XVI), while the other line retreats, both sides singing :—



Then the song is repeated, while the other line advances, and so on, to and fro, several times. Suddenly the pace is doubled; the boys running stiff-legged, those advancing trying to kick the shins of those who are retreating. The song now is :—



As before, on every repetition the direction is changed

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

792 earth. They state that in the old days there were no prophets; only the ritual officials mentioned earlier. The records of European travellers are not explicit enough to confirm or reject this statement. Poncet says that among the Nuer in his day were rich and important persons, honoured after their death, whom he calls *devins ou sorciers* and *jongleurs*,[1] and Brun-Rollet says that the Nuer had a kind of pope for whom they had veneration akin to worship, but his account is too fanciful to carry weight.[2] Whilst it is difficult to believe that there were

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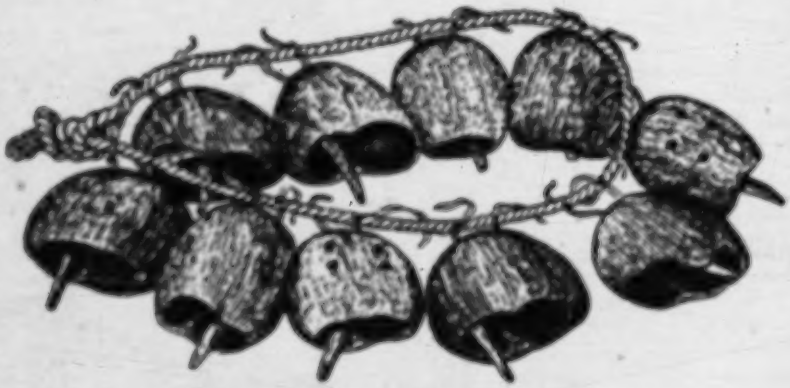

FIG. 13. Calf's bell-necklace of palm nuts.

no cases of possession sixty years ago we must, in the absence of conflicting evidence, accept so unanimous a declaration by Nuer that there was no possession by Sky-gods, and it seems fairly certain that if there were any prophets at that time their influence was restricted to small localities and had not the tribal [17] significance of more recent times. There is some evidence that the developement of Nuer prophets was related to the spread of Mahdiism from the Northern Sudan. However that may be, there is no doubt that powerful prophets arose about the time when Arab intrusion into Nuerland was at its height and that after the reconquest of the Sudan they were more respected and had more influence than any other persons in Nuerland.

792 Nevertheless, we consider that the power of these prophets,
619 even of the most successful ones, has been exaggerated and that

[1] Poncet, op. cit., p. 40. [2] Brun-Rollet, op. cit., p. 222.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *palpal*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

000 the pistol was brought and another bullet was fired into the lifeless body of the victim.

One wonders what happened during the next hour when the women came to fill their water-jars. What would their thoughts be as they stepped down the river bank and at a turn in the path encountered the brainless, tailless body of a huge crocodile? Would they think of the dreadful fate from which they had been saved, just because a launch happened to pass that way a few minutes before, or would they grieve because the choicest steak had already been taken?

512 The woman has the bulk of the work, but she seems to expect it. When the day's toil is over, the dura pounded, the two meals cooked, the water carried, the children cared for, the mother sits there in the light of the smudge fire which is made to keep mosquitoes away. She has had [521] a busy day. Now they all sit around in the firelight, visiting, or telling tales of long ago, or maybe they are telling ● [534] riddles. Some one may be strumming a native-made stringed musical instrument, another may be singing, and [513] yet the conversation goes on uninterruptedly. If in the light of the moon, bedtime does not come early—probably not until ten or twelve o'clock or later—but if it is in the dark of the moon, they seek sleep earlier and nine or ten o'clock finds the village quiet. Another day is past, the woman is in her home, her children about her, her husband satisfied with his food for the day and happy with her. What more could she wish?

512 The baby must be cared for during the day and taken 853 up and nursed every time it cries. The Nuer baby is nursed until it is at least two years of age, and more often until it is three or even four. They have a superstition that usually keeps the husband and wife from having 000 another child while a child is not yet weaned. Water

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

down in groups of four each, and the player who picked up the one ball out of the last group finds that he has three in his last group now, while the other player who took three balls out of the last group is amazed to find that his last group now contains but one. They play it over and over again and enjoy it each time, but cannot explain it. 524

One boy was seen to do a trick quite cleverly by changing a mud-ball from one hand to another much to the amazement of his friends.

Another game is played with mud-balls in which points are scored as cattle with which to buy a wife. The Nuer enjoy this game very much, but they assure me it is far too difficult for me to learn and much beyond my feminine comprehension.

Boys make a ring of cane-leaves and then throw it, trying to throw a stick through it as it rolls.

They also play a game resembling shinny, and are quite clever at it.

Girls often play a game with pieces of cane-stalk about eight or ten inches long. One throws them on the ground and the way in which the different sticks fall indicates how many cattle will be paid as the marriage price; other points count as different things pertaining to the marriage. The pieces are thrown again and again, some positions in which they fall indicating the loss of a cow.

The girls play a game in which the hands are repeatedly clapped on the knees, and they chant a little song as they clap.

Little girls play house, pounding up clods of earth for dura, sifting it in order to get coarse particles out, and imitating their mothers in their work about the home.

On moonlight nights, the dance is a favourite amusement of both children and young people. A drum is made, possibly out of an old kerosene tin which has had the ends 535 534

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

535 cut out and sheepskin pulled tightly over it, or it may be
534 a large gourd with a sheepskin covering, or possibly it is made of a piece of the trunk of a tree, hollowed out and covered with sheepskin. But whatever its construction it emits enough sound to please any Nuer when it is beaten in the dance. The drummer beats a rather steady, rhythmic tune on it. One person usually chants a line of a song while all the other dancers chant an alternate line which serves as a chorus.

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One girl leads the group of girls, facing them and leading them as they advance and retreat before her. They keep time to the music with a quick movement of the head and hips.

534 A fiddle is made of a large piece of wood which has been hollowed out, or of a half-gourd, sheepskin being tightly laced over it. Strings are made of gut, and one can play as many as four different notes on some of the fiddles. While the player plays a tune on the strings of the fiddle he keeps up a steady, low accompaniment by thrumming the bowl of the fiddle with the fingers of the other hand.

533 Nuer are naturally musical, and many of them are quite good singers. They improvise many of their songs as occasion requires. Many of their songs pertain to marriage, many of them laud cattle or persons and proclaim their praises. Sometimes they voice their disapproval of some individual in song so that all may hear. They have a lullaby for babies also. Some of their songs are of a

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

Do not slay them jestingly.[1] 776 ×
Mani goes with a rush, 533
He goes on for ever, 539
The sons of Jagei are proud in the byres,[2] 721
Proud that they always raid the Dinka.

I do not know the time or circumstances of composition of this hymn, but as it not only exults in defeats of the Dinka and asks for victory over the people of the Nuba hills but also demands the destruction of the British it must be fairly recent and probably dates from the early days of British occupation of the Southern Sudan. Dr. Lienhardt has recorded a hymn about *deng* which vividly suggests the mobility of the spirits of the air and the 776 × ubiquity of Spirit. A man says he is tired of the demands made 533 by *deng* and that he will move. But *deng* replies 539

A man avoiding *deng*
Will find *deng* in front,
On the right he will find *deng*,
On the left he will find *deng*,
Behind him he will find *deng*.

In another hymn he recorded there is a metaphor in which 776 × protection of the people by *deng* is compared to the coiling of a 533 python around its young. These hymns are, I believe, always the 792 creations of prophets, and Nuer say that they come to them in 534 dreams, unlike ordinary songs or poems which men construct for themselves when idling, as when herding in the grazing grounds. We need not concern ourselves greatly with their word to word meaning. Nuer do not do so, or even know it, and the songs may be sung on occasions which in no way concern the particular spirits they are addressed to and for which the words have no relevance, the songs merely serving to create atmosphere and to express a general sense and intention. I have been told that the hymns sometimes come to a prophet through a drum, called *bul kwoth*, spirit's drum, dedicated to his spirit, which is thought to be in some way immanent in it. These drums, which are beaten at dances held in honour of the spirits to which they are dedicated, are formally dedicated by being rubbed with ashes, in the same

[1] Do not trifle with them but strike them hard.
[2] The Jagei are a small group of Nuer tribes; but since the Nuer believe that they were created in their territory the word probably here refers to the Nuer as a whole.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

×776 way as an animal is dedicated, while a short invocation is made.
533 They are decorated with beads and metal rings. I was told that
792 now and again, especially after dreams, a prophet rubs his spirit's
drum with ashes, and sometimes also with butter, and asks God
●534 for peace and happiness. A prophet also builds a mud shrine,
[778] called *yik* or, if it is shaped like a windscreen, *buor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

×776 I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a nhial*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

×776 In the first place, it is shown by the way Nuer regard the beliefs
of neighbouring peoples. It creates no problem for them when they
177 find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

797 [1] In 1940, some years after I had concluded my research, there were 464 Nuer (250 Catholics and 214 Protestants), easily the lowest figure for

1· Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

221 Seasonal variation in quantity and kind of food is sociologically significant for several reasons, though not all are relevant to the present study. It is, however, important to note that abundance of millet is the main reason for holding ceremonies in the rains, for ritual is seldom complete without porridge and beer and, since it consists of sacrifice, of meat also. Weddings, initiation rites, and religious ceremonies of various kinds take place in the rains and early drought, generally after the first millet harvest. This is also the main season for [221] raiding the Dinka. Nuer say that hunger and war are bad companions and that they are too hungry to fight in the full dry season; and it is evident that they are then not so eager to come to blows over personal and community quarrels as they are in the rainy months, when they are replete with grain and meat and, especially at wedding dances, sometimes slightly intoxicated. [535] Nor do the young men find dancing so attractive in the drought, whereas in the rains they dance as much as possible and think nothing of travelling many miles to attend weddings, at which they dance from eventide till well into the morning. The tempo of village life is different from that of camp life. Owing to flooding at the height of the rains these joint activities take place mainly at the beginning and end—chiefly at the end—of the wet season.

264 574 Scarcity of food at times and the narrow margin that for most of the year divides sufficiency from famine cause a high degree of interdependence among members of the smaller local groups, which may be said to have a common stock of food. Although each household owns its own food, does its own cooking, and provides independently for the needs of its members, men, and much less, women and children, eat in one another's homes to such an extent that, looked at from outside, the whole community is seen to be partaking of a joint supply. Rules of hospitality and conventions about the division of meat and fish lead to a far wider sharing of food than a bare statement of the principles of ownership would suggest. Young men eat at all byres in the vicinity; every household gives beer parties which their neighbours and kinsmen attend; the same people are given food and beer at the co-operative work parties that assist in any difficult and laborious task; in camps it is

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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A wedding dance

[i is blank]

[ii]

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

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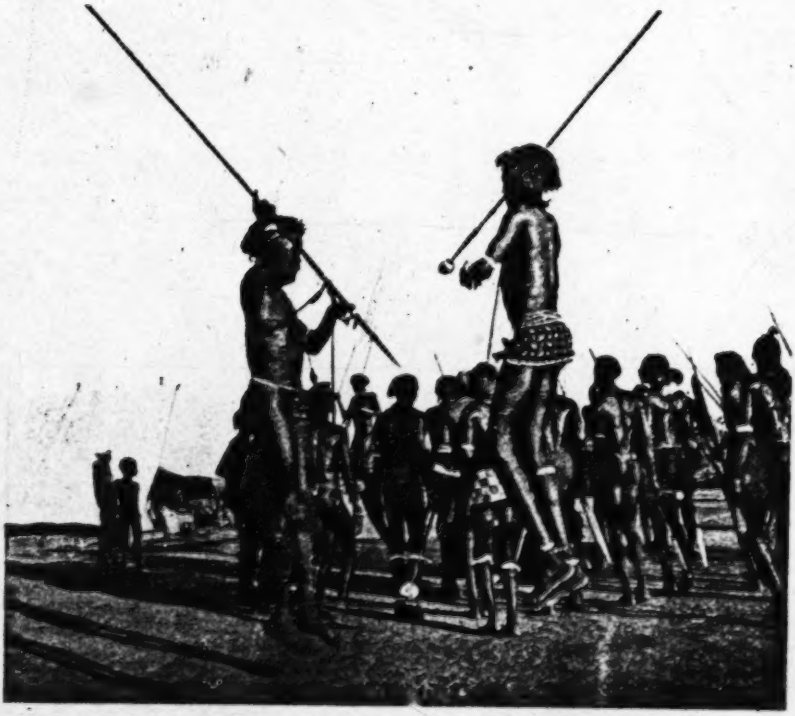

VIII. The leaping movement (*rau*) in a dance

[Facing page 144]

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *patpat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

held by young people and has danced and 'flirted' with her for some time.[1] 584

Only the most important ritual and negotiations are recorded. Moreover it must be remembered that the form and order of ceremonial among primitive peoples usually vary considerably on each occasion, and no marriage ceremony is word for word, act for act, an exact repetition of another. Further, there may be local variations of custom.[2] It does not follow that all the ceremonies described below are necessarily performed in all Nuer marriages, nor that they are always performed with the same degree of ceremonial and publicity. Older men, especially men with many cattle, who already have other wives would think it unseemly to court a girl with the same intensity as would a younger Nuer, and they would not be expected to go through all the preliminaries.

Courting and Betrothal

When a Nuer youth has been accepted by a girl she will hasten to inform her family, provided she knows that her lover has sufficient cattle to legalize the union. It may be that her legal representatives in the family—that is, her more important male kinsmen—will ban the marriage from the start for some reason or other. Relations with the prospective bridegroom's family may already be strained, and they may have no desire to associate with it; there may even be blood between them (*teke riem kamdien*), or the memory of a blood feud. They may know at once that a marriage is precluded by the rules of exogamy. In such circumstances the girl will be discreetly told to avoid her lover in future. If, however, there is no objection she will be encouraged to continue and will receive their permission, though this is not made public. The first ceremony may then take place. This does not concern the older members of either family, and is confined to the prospective bride and bridegroom and their friends and coevals. It is in fact no more than a formal recognition among the younger people that the couple are courting, and it does not involve any legal negotiation. It is known in Nuer as *luom nyal.*

[1] Dances provide the best opportunity for flirtation and courting. In the normal pursuits of daily life the Nuer does not have much contact with girls except those who are related to him, and these he cannot marry. Dances, particularly big dances held in the rainy season, are usually attended by considerable numbers of people from different and unrelated lineages. These dances often lead to quarrels and violence and even bloodshed. Spirits are high, and for this reason tribal authorities (in the Zeraf tribes), representing the Government, sometimes attempt to ban dancing. This has not received the support of the Government, but it is worth noting that a ban on dancing would give the Nuer youth less chance to meet and flirt with a wide choice of girls which is undoubtedly a factor making for stability in marriage. 584 535

[2] My description of the ceremonial sometimes differs from the accounts given by Professor Evans-Pritchard. Where there is any great difference I have recorded it in a footnote, but it should be noted that his observations were made in Lou and Eastern Jikany, while mine are drawn from experiences among the Zeraf tribes and later among Western Nuer.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

THE WEDDING

585 But if all has gone well the day is set for the wedding
535 dance. The food is ready, word has been sent around that friends may come. The bridegroom and his people bring the cattle.

Girls in their grass skirts wearing every possible ornament are there. Men and boys, their bodies also ornamented as much as possible have come, carrying their spears and clubs, and some few with guns. From a distance the dance looks like a huge cloud of dust, but as one nears the scene the glint of spears is seen as the men run and jump up and down advancing upon some imaginary foe. The men dance in a mass formation, high jumping being a characteristic feature. The girls also dance in a group by themselves, led by the bride. They circle around the group of dancing men, but do not dance with them.

The bride leads the girls in the dance, facing them, which necessitates her dancing with her back to the mass of dancing men. One wonders how they manage to keep from being speared or from spearing some one in this crowd.

585 After the dance the feast is held, and then this part of the marriage ceremony is over.

Possibly the same night of the dance, but more likely several days later, the bridegroom asks that the bride be brought to his village. Her girl friends accompany her, timing their arrival so that it may be evening when they arrive at his village. They are attired in their dancing skirts.

A house is given the bridegroom for himself and bride; another house is given the girl guests who have accompanied the bride.

The bride gives her husband's family all her ornaments. She is not allowed to keep a single one of them.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

down in groups of four each, and the player who picked up the one ball out of the last group finds that he has three in his last group now, while the other player who took three balls out of the last group is amazed to find that his last group now contains but one. They play it over and over again and enjoy it each time, but cannot explain it. 524

One boy was seen to do a trick quite cleverly by changing a mud-ball from one hand to another much to the amazement of his friends.

Another game is played with mud-balls in which points are scored as cattle with which to buy a wife. The Nuer enjoy this game very much, but they assure me it is far too difficult for me to learn and much beyond my feminine comprehension.

Boys make a ring of cane-leaves and then throw it, trying to throw a stick through it as it rolls.

They also play a game resembling shinny, and are quite clever at it.

Girls often play a game with pieces of cane-stalk about eight or ten inches long. One throws them on the ground and the way in which the different sticks fall indicates how many cattle will be paid as the marriage price; other points count as different things pertaining to the marriage. The pieces are thrown again and again, some positions in which they fall indicating the loss of a cow.

The girls play a game in which the hands are repeatedly clapped on the knees, and they chant a little song as they clap.

Little girls play house, pounding up clods of earth for dura, sifting it in order to get coarse particles out, and imitating their mothers in their work about the home.

On moonlight nights, the dance is a favourite amusement of both children and young people. A drum is made, possibly out of an old kerosene tin which has had the ends 535 534

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

535 cut out and sheepskin pulled tightly over it, or it may be
534 a large gourd with a sheepskin covering, or possibly it is made of a piece of the trunk of a tree, hollowed out and covered with sheepskin. But whatever its construction it emits enough sound to please any Nuer when it is beaten in the dance. The drummer beats a rather steady, rhythmic tune on it. One person usually chants a line of a song while all the other dancers chant an alternate line which serves as a chorus.

535 The dance is a group formation. Couples do not dance together.

The men run in in a long line and dance in a group. High jumping is a feature and one is amazed at the height they achieve. Quick advances upon an imaginary foe are made with much brandishing of spears.

One girl leads the group of girls, facing them and leading them as they advance and retreat before her. They keep time to the music with a quick movement of the head and hips.

534 A fiddle is made of a large piece of wood which has been hollowed out, or of a half-gourd, sheepskin being tightly laced over it. Strings are made of gut, and one can play as many as four different notes on some of the fiddles. While the player plays a tune on the strings of the fiddle he keeps up a steady, low accompaniment by thrumming the bowl of the fiddle with the fingers of the other hand.

533 Nuer are naturally musical, and many of them are quite good singers. They improvise many of their songs as occasion requires. Many of their songs pertain to marriage, many of them laud cattle or persons and proclaim their praises. Sometimes they voice their disapproval of some individual in song so that all may hear. They have a lullaby for babies also. Some of their songs are of a

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782 [535]
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taking part in fishing battues. Such a man is called *gwan biedh*, owner of fish-spear, and *kuar jusini*, priest of grass, because he protects the people by winding grass round the point of a fishing-spear which he then drives into the earth. He also fills a snail-shell with mud and presses it into the mud of the river, and he bends and binds together the points of a metal bracelet and stamps it into the mud. He may also bind a goat and place it in the river as a sacrifice to the river-spirit, which he calls on to protect the people against the dangers of the water. I was told that he must not himself take part in the fishing, but must sit on the bank and abstain from drinking water. He can also heal wounds caused by fish-spears by spitting in them. The Gaatiek clan is probably of Dinka origin.

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[778]
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The Nyanding river in the eastern Jikany country is the totem of a small lineage of Anuak descent who live on its banks. It is said that once upon a time the river-spirit asked for a bride, and a girl was decked for marriage and thrown into it by her father Juac, whose name means 'grass' in Nuer. This girl who was sacrificed to the river-spirit (*ca je kok yir*) was called Nyanding. I was told that 'she was not drowned, the river took her', and that she became part of the river-spirit. The present 'owner' of the river, Monytuk Joak, a man of this lineage, told me that each year he binds a goat and throws it into the river. He also protects people taking part in large-scale fishing by treating a bracelet and a shell in the manner I have described. When a girl of the lineage is married, a male goat and a female goat are paid as part of the bridewealth. The male goat is sacrificed to the river-spirit and the female goat is dedicated to it.

×776
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[177]

Some Nuer lineages respect cattle with certain markings. The Kwok lineage of western Nuerland and their kinsmen among the Atwot people (a section of the Nuer who have to a large extent adopted Dinka culture) will not keep in their herds an animal with *ma feng* markings, that is an animal which has a coloured back but is otherwise white. If one is calved by their cows they

FIG. 3
Girl's dancing-stick

16: Evans-Pritchard E-5 (1931, 1936) 1956
F322 Nuer F322

PLATE IV

585
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Movement in wedding dance

[facing p. 112]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*hwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

often received some such reply as: 'Oh well, such is our custom. We have cattle.'

I wish to emphasize, in conclusion, the following points: (1) that Nuer cultivate only enough grain for it to be one element in their food-supply and not enough to live on it alone; (2) that with their present climate and technology considerable increase in horticulture would be unprofitable; and (3) that the dominance of the pastoral value over horticultural interests is in accord with oecological relations which favour cattle husbandry at the expense of horticulture. Nuer values and oecological relations, therefore, combine to maintain the bias towards cattle husbandry, in spite of rinderpest having rendered it a more precarious occupation than hitherto.

IX

It has been mentioned that Nuer must have a mixed economy in the given oecological relations because no one source of food is sufficient to keep them alive, and that the dominant food-producing activity at each season is determined by the oecological cycle. The different elements of diet, therefore, have an oecologically determined relation to one another and these relations can be roughly plotted.

Milk foods, millet in the form of porridge and beer, a little maize, fish, and meat, are the main items of Nuer diet. Milk is a staple food all the year round, though cows probably tend to give a smaller yield towards the end of the rains owing to insufficiency of pasturage, and it is said that there is a tendency for them to calve in numbers after the first harvest and therefore to cease lactating a few weeks earlier—if this is correct it is possibly due to the hot weather in February and March bringing the cows on heat. This seasonal tendency and the respective contributions of cattle and millet to Nuer food-supply are brought out in a story in which Cow and Millet have a dispute. Cow says that Millet is a person of no importance and that it is her milk that keeps people alive throughout the year, while in time of famine they can eat her flesh and live. Millet replies that Cow's claims are doubtless just, but that when she is ripe the children are glad, for they chew the sweet stems and rub out the grain between their hands and eat it,

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

262 and there is plenty of porridge and beer. Cow argues that
•538 anyhow porridge without milk is unpalatable and that her milk
221 will be finished by the time Millet is ripe. It is difficult to confirm these variations in the yield of milk or to estimate their importance, but the tendency for it to rise slightly in the dry season is indicated in the chart opposite.

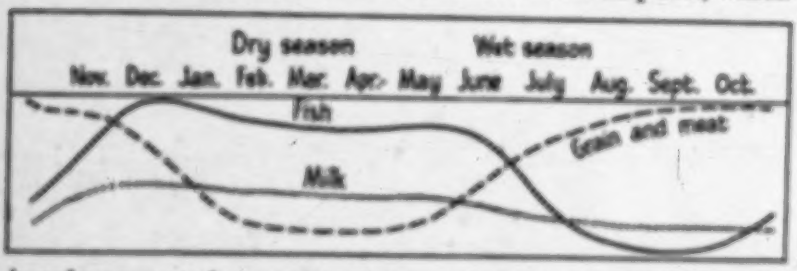
262 Millet is consumed as porridge and beer in large quantities
221 in the months between the first harvest and departure for dry-season camps. If the harvest has been good people like to eat their daily porridge in camps, and when the camp grain-supply runs short women journey to the villages to replenish it. When camps break up and people return to their villages millet consumption increases, beer being again brewed, and in a good year there is sufficient to satisfy requirements till the new harvest is ripe. In a normal year Nuer can just tide over these months if they are economical and have been careful not to use much grain in camp. Only in the most favoured parts of the country are they assured of an adequate supply throughout the year. In most parts there is always a very narrow margin between sufficiency and want, and in a bad year starvation is not infrequent. If the crops fail people survive on milk, fish, and wild fruits, and in extremity may kill some of their beasts.
[531] Rinderpest is considered a worse calamity. When rinderpest and failure of crops occur in the same year people expect the older age-sets to be wiped out. Much suffering may be caused by excessive drought or flood, which injure both crops and grazing.

There are good and bad fishing years. Generally, over the greater part of the country, consumption of fish is very low, or entirely absent, at the height of the rains. It rises rapidly to a peak at the commencement of the dry weather, and after descending from this point of great abundance remains fairly constant through the drought, rising again in the early rains. Meat of domesticated stock is mainly eaten after harvest when sacrifices and feasts take place. Cattle are seldom slaughtered in the dry season and, in my experience, Nuer do not kill many wild animals, so that consumption of meat is very low at this time of year, though the deficiency is to some extent made up by bleeding the cows and, in rinderpest years, by eating the carcasses of its victims. On the whole the curve of meat con-

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

sumption follows that of grain consumption. We need not consider consumption of bush products in a normal year, though it may be kept in mind that they are very useful in famine years, chiefly from January to April. 262 221

It will be seen from this chart of relative consumption, which



is only presented as a virtual approximation, that fish largely takes the place of grain and meat as the principal food from January to June and that the time when there is most likely to be a shortage of milk and when few, or no, fish are caught is that when there is plenty of porridge and beer. 'The hungry months', as the Nuer call them, are from May to August when the supply of fish quickly diminishes and maize and millet are still ripening. The months of plenty are from September to the middle of December, when there is abundant millet, and generally much meat, while the end of this period is the best time for fishing. Nuer say that they put on flesh in the rains and lose it in the drought. We may conclude, I think, that even in [116] normal years Nuer do not receive as much nourishment as they require. Their diet is well-balanced, but there is not enough of it at some seasons and there is no surplus to fall back on in the all-too-frequent years of scarcity. Much of Nuer custom and thought is to be attributed to this insufficiency of food. It is [538] wistfully related in one of their stories how once upon a time Man's stomach led an independent life in the bush and lived on small insects roasted by the firing of the grasses, for 'Man was not created with a stomach. It was created apart from him.' One day Man was walking in the bush and came across Stomach there and put it in its present place that it might feed there. Although when it lived by itself it was satisfied with tiny morsels of food, it is now always hungry. No matter how much it eats it is soon craving for more.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

THE CHILDREN

857 The little children of the village spend their day in play, eating, and sleeping. The babies are often cared for by the grandmothers. The older children are called on to carry water or to help in some way. The older girl helps her mother in the routine duties of the day.

The little boy in the home plays games. He may have a cane-stalk and string for a fishing-rod and line, and sometimes a bent pin for a hook. When he is about eight years old he begins to herd the sheep each day. He often makes men and cattle out of mud and plays with them.

881 When he is old enough to have the tribal marks cut, his status is at once changed from that of boy to man. His privileges are also increased. He is now interested in securing cattle and sheep of his own.

857 The children love their folk-lore tales and the many
●538 animal stories that are told them by their elders. They be-
524 lieve these implicitly and fear the dreadful ogre that is usually the central figure of the story. They also amuse themselves by guessing riddles, of which they have a large number.

857 But while they are learning many things that are interesting and useful, they are learning many things they do not need to know. They learn to curse. They learn indecency in regard to sexual matters. Indeed, the child mind is full of many things that pollute both thoughts and actions. The lack of privacy in the village and family life accounts for much of this pollution of mind and action which infests the child. And there is no decidedly corrective method used by the elders of the village. Life was always so, it always will be so, they think.

THE NUER GIRL IN HER HOME LIFE

The life of a girl in the Nuer home is a foretaste of the life of the mother. The bulk of the work which can be done

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

●538 The Nuer language has a wealth of animal and bird stories, tales of the origin of the tribe and folk-lore. Also games, songs, riddles, and superstitions. All of these are as yet practically untouched by the pen. A sort of cannibal-ogre combination, capable of changing into an animal, is usually a prominent character in their folk-lore.

192 The language contains no word for 'thank you' as far as I have delved into it, but one does not need to be in Nuerland long to discover that the Nuer has a word for 'I am mistaken', and is willing to use it.

TIME, SEASONS, MOON, AND STARS.

[805] 821 The Nuer gauges time by moons, the light or dark of the moon. He knows the stars, and has names for many of the constellations. He is a keen observer of them and makes his own observations concerning them. Orion's belt is called 'gat rum juk'. One star is supposed to be a man leading a horse, the second star is supposed to be the horse, while the third star is another man driving the horse as he follows him.

The evening star is called 'Lipai chiing', as it is considered to be like a girl in the village waiting for the moon to come up and when it does come up, she goes away with it. Hence the name, which means 'wait in the village for the moon'.

The Southern Cross, the Little Digger and other constellations are also noted and named.

825 805 The Nuer firmly believes, as already noted, that the cattle see the new moon the night before it is visible to the human eye. I have frequently asked them concerning this. The date upon which the cattle see the new moon always seems to be the date specified upon the calendar as the date when the new moon should be visible. Yet the Nuer has no calendar.

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Chapter Eleven

NUER FOLK-LORE

538 THE Nuer language is rich in folk-lore. Many tales have been handed down from one generation to another. In these tales the people implicitly believe.

Nuer folk-lore may be classed under four different headings. There are tales which relate to the origin and history of the Nuer tribe; some of these have already been given in the text. There are animal and bird stories. There are tales whose central figure is a sort of ogre; these correspond in part to our own fairy tales. There are also riddles, some of them handed down from generation to generation. Several specimens of animal, bird and ogre stories and a few of the Nuer riddles are given here. On some future occasion it may be possible to print a fuller collection, with the Nuer text.

000 Acknowledgements are due to Mrs. P. J. Smith of the American Mission at Nasser, who has been instrumental in getting the Nuer interested in writing their folk-lore for use in the schools, and to Nyan Yut, who wrote down the riddles for me as 'a present to my sister'.

THE COMING OF FIRE

539 Long ago there was no fire in this place. When men wanted food the grains of dura were pounded one by one until the place in which it was pounded was full. Then the pounded dura was ground, wetted, and put to dry in the sun. When the top dried it was picked off and eaten. What remained dried again after a time and was again picked off and eaten until all the dura was finished.

One day Dog set off on his travels to hunt for fire. He arrived at the village of a snake who was cooking food. When he appeared they said 'Make way for the traveller'

[p.88]

GOD

*776 Before discussing further the separation of God from man I will mention some of the chief attributes of God. He is in the sky, but his being in the sky does not mean that he is not at the same time elsewhere, and on earth. Indeed, as will be seen, Nuer religious thought cannot be understood unless God's closeness to man is taken together with his separation from man, for its meaning lies precisely in this paradox.

Nuer say that God is everywhere, that he is 'like wind' and 'like air'. According to Father Crazzolara,[1] he may be spoken of by the epithets *jiom*, wind, and *ghau*, universe, but these words only [538] stand for God in poems or in an allegorical sense and are illustrations of the liking the Nilotic peoples show in their poetry for metonymy and synecdoche. God is not wind, but *cere jiom*, like wind; and he is not *ghau*, the universe, but *cak ghaua*, the creator of the universe. Another poetic epithet by which he may be referred to is *tutgar*. This is an ox-name, taken from an ox of the [231] kind Nuer call *wer*, which has wide spreading horns and is the most majestic of their beasts (Plate I). The name is a combination of two words: *tut*, which has the sense of 'strength' or 'greatness', and *gar*, which has the sense of 'omnipresent', as in another of God's titles, *kwoth me gargar*, the omnipresent God (*gargar* can also be translated 'limitless').[2] But the commonest Nuer way of trying to express their idea of the nature of God is to say that he is like wind or air, a metaphor which seems appropriate to us because it is found throughout the hierological literature of the world and we are particularly familiar with it in the Old Testament. Among the Nuer the metaphor is consistent not only with the absence of any fixed abode of God but also of any places where he is thought particularly to dwell, for air and wind are everywhere. Unlike the other spirits God has no prophets or sanctuaries or earthly forms.

*776 196 God, Spirit in the heavens who is like wind and air, is the creator and mover of all things. Since he made the world he is addressed in prayers as *kwoth ghaua*, Spirit of the universe, with the sense of creator of the universe. The word *cak*, used as a noun, can mean the creation, that is, all created things, and hence the

[1] Op. cit. p. 72.

[2] Dr. Mary Smith tells me that if a ne'er-do-well is asked how he expects to live he may reply '*kwoth e gargar*', 'God is limitless' (in his power to aid), in the same way as a man may say of the earth or of the universe that it is *gargar*, limitless.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the fertility of cows.[1] These various sprites seem to have much the same character as that of the meteorite-sprite and to be treated in a similar way. 776 ×

A collection of hymns sung to nature sprites might tell us much more than I have recorded about them, but I took down only one specimen,[2] which begins: 776 × 538 ● 177

> *Biel*, you love a cow in the heavens,
> Son of the master of *deng*, you love a cow in the heavens,
> Say if you want a brown cow,
> Say if you want a white cow,
> The cow of *biel deang* is a cow which will calve.

I quote these lines because, whatever their precise meaning may be, if they have one, they bear the unmistakable imprint of Dinka influence and therefore support the conclusion I reached on other grounds, mainly on the fact that these sprites are little heard of in eastern Nuerland, that the *bieli* have been taken over by the Nuer from their Dinka neighbours. The sprite is represented as the son of the Dinka spirit *deng* and the word I have translated, following Dr. Lienhardt's usage, 'master' in the second line is *bany*, which must in this context be a Dinka word.

Likewise, and even more surely, the fetishes, with which the *bieli* are sometimes classed, may be considered to be of foreign origin and to have been introduced fairly recently into Nuerland. At the time I was living there they were rarely found among the most easterly tribes and those who possessed them there had journeyed to the west of the Nile to purchase them. All Nuer whom I consulted were unanimous that the fetishes are foreign and new, those of the Lou tribe saying that they first began to hear of them in the time of the initiation period of the Dangunga age-set, roughly some 30 years ago. The Nuer got them from the Dinka, but it is highly probable that the Dinka first got them from the Sudanic so-called Jur peoples (*Beli*, *Sofi*, *Gberi*, *Mittu*, and *Lori*).[3] The Nuer have tried, not entirely successfully, to assimilate 776 × 778 177

[1] P. P. Howell, 'Some Observations on "Earthly Spirits" among the Nuer', *Man*, 1953.

[2] Others have been recorded by Father Crazzolara, op. cit., p. 146, and Dr. Howell, ibid.

[3] The conclusion that they come from the Jur is based partly on what Nuer say and partly on a number of ethnological considerations arising out of my earlier research—much still unpublished—among the Jur and neighbouring peoples. It gains support from a note by Capt. V. H. Fergusson ("Mattiang Cob"

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to the north of it, leaving the Keunyang in what had been their common home to the south of it. Quarrels ensued and Keunyang uttered a *biit* making it a condition of any future settlement. Yet another story relates how Jwal and Gaawar (clans, like tribes, are personified in myths) went fishing together. Jwal lacked a pot in which to cook his catch and he asked Gaawar to lend him his pot, but Gaawar refused, so Jwal had to do the best he could with a gourd plastered with mud. To mark this meanness he uttered a *biit* saying that if a member of either clan were to take shelter during rain under the same roof as a member of the other clan lightning would destroy them both. I have heard people shout to a member of one of these clans who had entered a hut for shelter from a storm to get out as there was a member of the other clan present. This story may be connected with the association of the Gaawar clan with sky and rain. There are a number of such stories relating to inter-clan relations which probably mirror actual or historical local and political interrelations which lie outside the present discussion. 789 773

A *biit* of a rather different kind is that relating to certain girls called *kuony*, who are said to be dangerous to their husbands. It is said that a girl of this name was affianced by her brothers to a man with some unpleasant complaint. She refused to marry him and was often beaten by her brothers on this score, because the man had many cattle. Eventually she gave way and married him, but then she refused to cohabit with him. Her husband eventually died of his complaint and the girl was left alone in his home, and lions and hyenas came by night and ate the cattle and beasts of the flock, as there was no man in the home to defend it. So she uttered a curse over her kinsmen, saying that in future daughters of their lineage would always bring death to their husbands. I have met *kuony* girls in western Nuerland, where it was pointed out to me that their husbands, as I could see for myself, had died young. However, this does not seem to prevent men from marrying them, and I was told that they are regarded as unusually attractive. 789

There are also many examples of a *biit* in Nuer just-so stories explaining how animals acquired their characteristics and habits. The giraffe has what looks like a hollow in the top of its head. When his mother died giraffe asked shrewmouse to lend him a hoe to dig a grave in the earth to bury her, but as shrewmouse 789 538

789 538 refused to let him have a hoe he had to bury her in his head. As a result of this incident giraffe and shrewmouse uttered conditional curses, giraffe saying that if ever a shrewmouse crossed a path he would die, and shrewmouse saying that if ever a giraffe ate grass he would die. This is why one never sees a shrewmouse on a path unless it be dead,[1] and why one never sees a giraffe eating grass, only the leaves of trees. The mother of goat, in another story, borrowed a knife from the mother of hyena and lost it. The mother of hyena cursed her, saying that in future her descendants would eat goats wherever they found them. This is the reason why goats are always pawing the ground. They are still looking for the lost knife of the mother of hyena. Another story relates how man lent his running-powers to ostrich and ostrich refused to return them. It is because man then cursed the race of ostriches that today men sometimes hunt them for their feathers and lions kill them for meat. Shoebills eat fish and blue herons eat frogs and other small creatures of marsh and shallows. The reason for this is that *bany* the shoebill, and *ngok*, the blue heron, were sons of one father and because *ngok* neglected an uncle's duties to *bany*'s children when their father died, *bany*'s mother cursed him and his descendants. Yet another of many such stories relates how the village mouse, after having taught men how to beget children, taught women how to bear them. In return for this service woman uttered a *bi*, saying that village mice would share the food of the home with its mistress. This last story introduces us to a further sense of the word *biit*, an invocation which is a blessing and not a curse; for a man can *biit* a person to good fortune, as woman did in the case of mouse, instead of to bad fortune. In my experience this sense is rare.

789 626 The curse is undoubtedly a powerful sanction of conduct, largely because it is not thought necessary that a wronged man should utter it aloud for misfortune to follow. He has only to think it. Such an unspoken curse Nuer call a *biit loac*, a curse of the heart. Indeed, it would seem that he need not expressly formulate a curse in his mind at all, a mere feeling of resentment arising from a genuine grievance being sufficient to cause injury to the person who occasioned it. Thus I was told that if a man is killed by his wife's brother and the wife laments his death, her sorrow and sighs are themselves a kind of *biit*. God hears them and will cause

[1] Cf. the old belief in England that a shrew cannot cross a footpath and live.

789 is said to have been paid in ransom to the river. The river was
782 bought, as it were, by her sacrifice; just as the hippopotamus had
to buy the river in one of the Nuer just-so stories. Fox had found
[538] hippopotamus on land, where he had been created, and exacted
from him, in payment for taking him to a river, the flesh around
his mouth—which accounts for his funny face today. When they
arrived at the river hippopotamus had to pay it (*kok*) the marrow
of his leg bones before it would receive him—which accounts for
their having no marrow, so Nuer say, in them today. 'Bought' and
'buy' are renderings I discuss below.

782 When in serious sickness an animal is sacrificed Nuer may say
755 *'ca kwoth kok ke yang'*, 'God is paid a cow [in ransom]'. I was
present when a Nuer was defending himself against silent disapproval on the part of his family and kinsmen of his frequent sacrifices. He had been given to understand that it was felt that he was destroying the herd from inordinate love of meat. He said that this was not true. The oxen he had killed—and he had killed his own favourite ox among them—had been sacrificed to his mother-in-law's and wife's spirit *deng*, which came from Dinkaland and was frequently troubling his children and his wife and her brother with sickness. It was all very well for his family to say that he had destroyed the herd, but he had killed the cattle for their sakes. It was *'kokene yiekien ke yang'*, 'the ransom of their lives with cattle'. He repeated this phrase many times as one by one he recounted cases of serious sickness in his family and described the ox he had sacrificed on each occasion to placate the spirit *deng*. If his sons saw fit to complain let them regard their sisters. Would they not get the cattle of their sisters' bridewealth? And were not the cattle killed to save their sisters' lives?

782 The word *kuk* would seem therefore to suggest that God, or a
789 spirit, is placed by the sacrifice under an obligation. A woman says 'God, take thy cow and give me a child', and Nuer say of the river-spirit that 'it is given a gift and then it gives life to the people'. The child and the life are given to suppliants in return for the gifts they make. The action of the rite is not effective in itself. God, or a spirit, is not constrained by the sacrifice to grant the favour asked for. An animal sacrificed to God is his animal anyhow, and what he gives the suppliant in return is a *muc*, a free gift. Nevertheless, my impression was, at any rate where spirits of the air and of the earth are concerned, that Nuer feel that the recipient of a sacrifice

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231 883 776 animals, dedicates them to spirits, and in other ways makes formal use of them for religious purposes, nevertheless, the ox a father gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 553 From the colours, their distribution, the shape of the horns, and other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cot thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long [561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems [538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the [552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*ma rial*', 'black-and-white (ox)', or '*thakda ma rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

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seldom go out of their way to kill them. They do not go out to hunt lions, leopards, and hyenas, unless they molest the flocks and herds, and usually they only pursue those graminivorous animals which come to drink near their camps and seem to offer themselves for slaughter. It is not that it is thought to be wrong to kill them, but that except in time of famine, Nuer are little interested in hunting. They speak of it as a Shilluk and Dinka practice beneath the serious attention of a Nuer who can boast of a herd—as a pursuit, that is, of foreigners or of men without cattle. Even those who deliberately set out to hunt elephants and giraffe do so less to obtain meat than to acquire ivory and hair which can be exchanged for cattle, sheep, and goats. This lack of interest in hunting may be due to the fact that their flocks and herds supply them, through sacrifice, with meat and to the nature of their country which renders hunting difficult, but, whatever the reason, they are not interested, so that any killing of animals outside sacrifice is rare; and we may here say again, as has been said before in a rather different context, that the Nuer mind is turned inwards towards his own society of men and cattle. He is not unobservant of nature but he sees it with a contemplative and not with a predatory eye that seeks to destroy and exploit. He sees wild creatures as something in their own right, and his disposition is to live and let live. His folk-stories reflect this attitude and the feeling that killing, like death, is something which has come about almost by accident and is not in the original nature of things.

A large part of Nuer folk-lore consists of stories about animals.[1] There are stories about ogres; a cycle of adventure stories about how cunning fox tricked hyena; many just-so stories which tell why hyenas limp, why plovers have thin legs, why guinea-fowl crouch, why millepedes are blind, why cows have no upper incisors, and so forth; and stories of yet other sorts. God sometimes figures in these stories as a judge in a way which appeals to the Nuer sense of humour as well as to our own. For example, fish, finding that they were visible to man in the water and hence easily speared, appealed to God who let them be invisible. God sometimes figures

[1] I have not published the folk-stories I collected among the Nuer. Some of those given by Miss Huffman (*Nuer Customs and Folk-Lore*, 1931, pp. 88–104) show Anuak influence. Those recorded by Capt. V. H. Ferguson (*Nuer Beast Tales*, *Sudan Notes and Records*, 1924) have Nuer themes but may be Atwot, or even Mandari, versions of them, for *rill*, the jackal, and *ojang*, the hawk, are two main figures in them, and these are not Nuer words.

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538 in them because the animals are made to act like men after the
825 manner of fables. They are given human speech and feelings, live in villages and camps, and have kinship relations on the pattern of human relations; and as men stand in a certain relationship to God in real life, so the animals are placed in a similar relationship in the make-believe of the stories. Miss Huffman says of these stories that the Nuer 'implicitly believe' in them.[1] This was not my impression. It appeared to me that they realize that their folk-tales are just tales which are true only in the sense that they are, as we say, true to life, a dramatization of real situations and an accurate characterization of human and animal, and indeed also of spiritual, qualities. It does not, therefore, worry them that their folk-stories may not accord with, and may contradict, both evidences of the senses and those of tradition and myth, and also each other.

538 These stories reflect an attitude of mind about man's relation
825 to other creatures, and I mention them in this place, without, how-
773 ever, laying great stress on their significance, because they tell of an original age of innocence in which all creatures lived in amity in a common camp. Various stories, though separate tales and not related as parts of a coherent structure or dramatic plan, nevertheless taken together give us a picture of man at that time, or rather in that state, for the setting of myth and folk-lore lies outside time. He is entirely simple. He does not suffer from hunger, because what later became his stomach lives a life of its own in the bush where it feeds on small insects. He does not have to labour to live because, according to another story, which contradicts the last one, a single grain of millet soaked in water makes a sufficient meal. In this Nuer Eden there is no desire and mating, for the male and female organs are also not yet part of man and woman but live apart from them and separate from each other. As other, and once again contradictory, stories have it, man does not know how to beget or woman to bear. Man has no knowledge of fire and he does not know the spear. Then all changed. The new order is sometimes presented as arising from a quarrel in the camp started, it would seem, by fox persuading mongoose to throw a club into elephant's face. The animals separated and each went its own way and began to live as they now live and to kill each other. Stomach entered into man and he is now always hungry. Elephant taught

[1] Ibid., p. 88.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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551 take further names from any oxen of his herd which delight him. Men salute one another with these names and shower them, with many a fanciful elaboration, on their companions at dances. They also chant them when they display themselves with their oxen in camps, sing them in their poems, and shout them when they spear men, animals, or fish.

551 192 A man may be called by the identical name of his ox, e.g. Bi(l)rial, Kwac(c)uor, Werkwac, and so forth, but generally one part of the term is dropped and the other part is prefixed by a new term, usually descriptive of some ornament worn by the ox or some characteristic of it, not employed in defining its own name, e.g. *luth*, a large bell (Fig. 4), *gier*, a small bell, *luc*, a long tassel, *dhuor*, a short tassel (Plate IV), *uak*, the tinkling of an ox-bell, *lang*, a brass ring attached to an ox's collar or tethering-cord (one can be seen on the animal in the foreground of Plate II), *rot*, bellowing of oxen, *cwei*, fatness, *boi*, shining whiteness, &c. Thus a man whose favourite ox has *rial* distribution of colours may be called Luthrial, Gierrial, Luerial, Dhuorrial, Boirial, and so on. When ox-names are used between age-mates at dances they are generally preceded by dance-names which are selected to harmonize with the ox-names, euphony being considered of great importance in all these word formations. Ox-names are voluminous and abstruse, and in describing them, as in describing cattle-colours, I have not only made a meagre selection from the wealth at my disposal, but have also chosen for illustration the simplest examples and neglected the more obscure.

533 Names of cattle, especially of oxen, and ox-names of men are used profusely in songs. The Nuer, like most pastoral peoples, are poetic and most men and women compose songs which are sung at dances and concerts or are composed for the creator's own pleasure and chanted by him in lonely pastures and amid the cattle in camp kraals. Youths break into song, praising their kinsmen, sweethearts, and cattle, when they feel happy, wherever they may be. I give a free translation of the first verses of two songs, the first sung by girls as they sit together in the evening after the day's work is done, and the second sung by its creator when he is happy.

•539 1. The wind blows *wirawira*,[1]
Where does it blow to?

[1] Literally 'My wind'. The singer rests against it and seems by so doing to add to its strength. This is the north wind which blows at the time of rich

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It blows to the river.
The shorthorn carries its full udder to the pastures;[1]
Let her be milked by Nyagaak;
My belly will be filled with milk.
Thou pride of Nyawal,
Ever-quarrelling Rolnyang.[2]
This country is overrun by strangers;
They throw our ornaments into the river;
They draw their water from the bank.[3]
Blackhair my sister,
I am bewildered.
Blackhair my sister,
I am bewildered.
We are perplexed;
We gaze at the stars of God.[4]

2. White ox good is my mother
And we the people of my sister,
The people of Nyarian Bul.
As my black-rumped white ox,
When I went to court the winsome lassie,
I am not a man whom girls refuse.
We court girls by stealth in the night,
I and Kwejok
Nyadeang.[5]
We brought the ox across the river,
I and Kirjoak
And the son of my mother's sister
Buth Gutjaak.
Friend, great ox of the spreading horns,
Which ever bellows amid the herd,
Ox of the son of Bul
Malou.[6]

It is not necessary to add more examples of cattle-terms and

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pasture when the cows give plenty of milk: hence the connexion between the first three lines and those which follow them.

[1] The cow has refused to suckle its calf or to be milked before going to graze.

[2] Nyagaak is the sister of the poet. Pride (gaak) is the dairy-name of a girl, Nyawal. Rolnyang is a youth's ox-name.

[3] The strangers are Government forces. The reference to drawing water from the bank is obscure.

[4] Blackhair is a girl's name. The Nuer are perplexed by foreign invasion and the last line is a prayer to God to help them in their adversity.

[5] The ox referred to in the first and fourth lines is the poet's ox. Kwejok is a friend, whose mother is Nyadeang.

[6] Buth is the birth-name of a friend whose ox-name is Gutjaak. The poet, who is a son of Bul Malou, addresses his ox as his friend in the final lines.

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Chapter Eleven

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Nuer folk-lore may be classed under four different headings. There are tales which relate to the origin and history of the Nuer tribe; some of these have already been given in the text. There are animal and bird stories. There are tales whose central figure is a sort of ogre; these correspond in part to our own fairy tales. There are also riddles, some of them handed down from generation to generation. Several specimens of animal, bird and ogre stories and a few of the Nuer riddles are given here. On some future occasion it may be possible to print a fuller collection, with the Nuer text.

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THE COMING OF FIRE

539 Long ago there was no fire in this place. When men wanted food the grains of dura were pounded one by one until the place in which it was pounded was full. Then the pounded dura was ground, wetted, and put to dry in the sun. When the top dried it was picked off and eaten. What remained dried again after a time and was again picked off and eaten until all the dura was finished.

One day Dog set off on his travels to hunt for fire. He arrived at the village of a snake who was cooking food. When he appeared they said 'Make way for the traveller'

[p.88]

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and moved aside. He sat down by the fire. Suddenly he wrapped his tail round a burning stick and ran away with it swiftly. Snake raced after him, but could not overtake him. He brought the burning stick back with him and gave it to the people saying, 'Blow the fire'. 5390

The people soon cooked their food with fire.

THE STORY OF KIIR

Yul is he who gathered Kiir up in the river.

Yul and his people were travelling when a gourd fell from the heavens with a spear and the skin of an animal. The gourd was very big, higher than the people. Yul said to the people 'You take the gourd.' Everybody feared because the gourd was so big. Yul was not afraid at all. The people who travelled with Yul fled, so he was left alone beside the gourd. He split it open himself, and Kiir came out of it. One side of the gourd had seeds.

Kiir is a sorcerer. Yul said to him, 'We are going to the village.' When Kiir refused to go Yul left him. Kiir is a bad sorcerer and went off alone. When he saw elephants and other animals he would pierce their hearts.

One day the people came to Kiir and besought him. 'Let us go together to the village. We will give you a girl.' At first Kiir would not go, but when the people wearied him with their talk he went. In the village they gave him a girl and he begot children.

Kiir has a family now.

LEST THE EARTH SHOULD QUAKE

Long ago people walked slowly lest quick walking should cause the ground to quake. They kept on doing this. One day a man raced by at great speed. 'You will cause the earth to quake,' they said. But he took no notice of what they said. When the people saw that the earth did

14: Huffman M-5 (no date) 1931
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#539 not quake under his footsteps they walked fast too. The earth did not quake at all.

THE WORDS OF GOD AND OF THE PEOPLE

Long ago God and the people talked together. God asked if they would rather live for ever, or die. The people told God that the earth was growing full of people; it would be better that some should die and make room for those who come after them. God said, 'Oh! All right!'

That day Dog went among the cattle. When he had seen them he went to the village. He cried, 'Did God talk to the people to-day?' They answered 'The people and God talked.'

Dog asked, 'What did he say?' The people replied, 'He told us to choose life or death. The people chose that some might die while others came after them.'

Dog said, 'What did he do?' The people said, 'He threw a stone into the river'. Dog said, 'You show me the place.' They showed him the place. He dived. He brought up a little stone. People are always restored by it.

THE WORDS OF A MAN

A man found snakes fighting one day. As he came near and looked at them he saw that one snake had been killed. He reproved them. He said 'Go away.' The snake gave him a charm saying, 'By means of that charm you will hear all things. When the rat talks, you will hear it. When the cow talks, you will hear it. You will hear everything that is said.' The man passed on. He came to the village.

At night the man's wife locked the house so that there was no open place. All was quite dark. She and her husband lay down to sleep. A mosquito came to the

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door. It examined the house. It found no way in. The mosquito exclaimed, 'They have locked the house very tightly. How can one get in?' The man understood and laughed. 'What are you laughing about?' asked his wife. 'Nothing,' said he. 539

Again, a rat came. He examined the door. He found it fast closed and left it. He tried the eaves of the house and got in. He searched everywhere. He wanted butter. He found none. He said, 'Oh, where has that woman stored her butter?' The man laughed. His wife asked him, 'What are you laughing about?' He answered, 'Nothing.'

In the morning the man went to his barn. He let the cattle out. When it was nearly milking time his wife came to milk. When she arrived the cow said, 'Of course you come, but you will not milk me to-day. I will withhold my milk. My calf will drink it afterwards.' The man laughed. His wife asked him, 'What are you laughing at?' He answered, 'Nothing.'

The wife left the cow. She returned to the village. Then the calf sucked its mother.

Next day the wife again came to milk. The cow again withheld its milk. In the afternoon the woman's child was ill for want of milk. She brought it to the barn. She talked to her husband. She said, 'That calf will kill my daughter.' The cow interrupted, 'What! My daughter will kill your daughter?' The man laughed. His wife asked him, 'What are you laughing about?' He answered, 'Nothing.'

When it was nearly sunset his wife said, 'I will get a divorce.' She called all the people. They came to her husband's place. They seated themselves. They said to the wife, 'You and your husband talk. We will listen.' The wife talked. She said to the people, 'When we lie down to sleep, my husband always laughs at me without

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539 any reason. When I ask him why he does it he hides the reason from me. That is why I object to him.'

Then they asked the husband, 'Why do you laugh at your wife? Tell us.' He answered, 'Nothing.' They said again, 'Tell us.' He answered, 'Men, if I tell it, I will die.' They said, 'Tell it, man! Do not hide it.' He replied, 'Oh, men, I will not tell. I will surely die.' They urged him. When he was worn out he told them. He said to the people, 'This is the reason why I laughed when we were lying down in the house. After a while at night the mosquito would talk. It would say, 'Who is this woman that has locked up her house so tightly? Where can one get in?' 'That is why I laughed.'

The man died, as he had said. The people cried. Some of them dug a grave. As they were about to bury the body a certain snake hastened to the desolate spot. It wrapped itself round the body. It stuck its tail in the nose of the dead man. He sneezed. The people were amazed. Some of them said, 'Is it his god?' Others replied, 'Why ask who it is?' When the man stood up the snake left.

When the man had quite recovered he travelled through the desolate places. He found the snake under a tree. The snake said, 'But why did you tell? Long ago when I gave you that charm I told you it would make you hear all things.' The man replied, 'They urged me, so I told them.' The snake said, 'Oh!' Then the snake gave him another charm saying, 'You will hear the words of the birds which eat the kaffir corn. When a bird eats the kaffir corn in the field you will hear.'

The snake went away.

The man returned to the village. He heard many things. When a bird was eating the kaffir corn, if another bird came near the first one would say, 'Bird! Do not

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come. We will be seen. I am eating quietly. This is my place. Let us separate. The field is large.' After a while another bird would reply, 'What! I shall be found out.' A third would break in, 'How will you get out? Perhaps they will find us.' 'Let him go' cried one bird. 'I am not going,' said the other. The man laughed there in the kaffir corn. 539

When the birds had finished talking he urged them to go. They scattered. The birds were provoked because one bird said to him, 'If you had not come they would not have found me.'

The man always held that snake sacred as his god.

THE STORY OF THE YOUNG WIFE

There is a story of a man who married and took his wife to his village. His work was to go out and herd cattle. One day at the edge of the swamp he found an ogre who was dying of hunger. The man had caught an antelope. He beckoned to the ogre, though he knew what he was. He showed him the antelope. The ogre ate of it. Then he drank water. When he had finished drinking he asked the man, 'Did you know who I was a little while ago?' The man replied, 'I knew you were an ogre.' The ogre said, 'Oh! You saw a person that was starved.' I was helping a person,' said the man. The ogre replied, 'Oh! I have nothing much to say, but I will show you something.'

He dug up a sweet potato and gave it to the man. The man asked, 'Is there no other?' The ogre gave him one. He ate it. Again he asked the ogre, 'Is there none left?' He was given another. He asked the ogre, 'What is this called?' The ogre replied, 'It is called—what?' He signed to the man with his head. He said, 'This belongs to you alone. Do not show it to the people.' The man went on digging his potatoes.

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When he brought the cattle back to the village his wife gave him mush. He refused it and called some one in to eat it. The next day he went out with the cattle again. He dug up his sweet potatoes again and ate them. He had plenty. When he brought back the cattle his wife brought him mush. He refused it. Every day it was the same.

One day his young wife said, 'People of my village, why does my husband always refuse my food? Why does a man want to marry a wife?' The people replied, 'A man marries in order to have some one to cook his food.' The wife said, 'Now my husband always refuses my food.' The men who were of the same age as her husband said, 'We do not know what he is doing.' They said, 'Tell us,' but he said nothing. They left him there.

Next day the man took the cattle out. His wife followed him. He dug up his potatoes and came to the edge of the swamp to wash his hands. His wife arrived. 'Oh, yes, that is why he always refuses my food. Yet he married me by paying cattle for me. Oh, but your mind is lost.' The wife left. The man was taken aback. He ate what he had dug up. He brought the cattle back to the village.

Next day when he brought the cattle out he hunted for his sweet potatoes, but he could not find them. In the afternoon he went home. He was offered food and ate it. He did not refuse mush again.

THE MAN AND THE CROCODILE

Long ago a man went to the river's edge to get a drink of water. As he put his mouth to the river to drink a crocodile caught him and brought him to its house in the bottom of the river. This house was dry. There was no water in it. The crocodile brought the man in.

The man stayed there. It was not possible for him to

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get away for the dooryard was full of small fish. When he tried to get out the small fish cried. The crocodile on hearing them hurried from wherever he was. The man seeing the crocodile coming would fall to the ground and look forlorn. 539

One day the crocodile went off to a distant place. The man, taking courage, sprang out of the house. At first he was under the water. When he came to the surface he breathed a very big breath. He gasped a big gasp also. He floated on the top of the water. He reached the land. He sat down for a little.

When he was rested he stood up. He started out. He journeyed. But he did not know that wells had been dug ahead of him. The tops of the wells were covered. They looked like the rest of the ground. As the man went on he fell into a well.

And an elephant came and fell into the well also. It stuck fast in the middle of the well. It did not reach the bottom. The person was in the bottom of the well. The elephant was in the upper part. At first the elephant filled the mouth of the well. There was no open place. Then the man found a small place at the side of the elephant. He put his nose to it. His breath came. So he did not die.

The people, hearing the cry of the elephant in the middle of the village, ran. They arrived. They jumped in, cutting off pieces of the elephant. They cut the whole elephant up. The man was all the time in the bottom of the well. His body was very red from all the blood. When the people had finished skinning the elephant he called to them, 'Children! Oh, men! Take hold of my hand.' The people refused. They said, 'Is it not an ogre?' They left.

One man returned. He said, 'If it is a person I will go and find him.' He came to the top of the well. He asked,

●539 'Are you a person in the bottom of the well or are you an animal?' 'I am a person,' was the reply. The man knew from the voice that a person was speaking. He went to the bottom of the well. He brought the person out. He took him to the river. He was bathed. The man took him to his own place and massaged him with hot water.

The person's body was soon well. He never went away to any other place. He belonged to the man who brought him out of the well.

THE CROCODILE AND THE WHITE FISH

Long ago the crocodile lived in fear of a certain fish. He went some distance away but he and the fish met again. Crocodile passed by at the side. Fish said, 'You are always afraid of me.' Then he added 'Come near to me; see my mouth.'

Crocodile refused because he was afraid. 'You are a big person, Fish, they often tell me you will eat me. That is why I am afraid.'

Fish said, 'Do not fear; I have no teeth.'

'Open your mouth' said Crocodile 'and I will see from a distance.'

Fish opened his mouth. Crocodile looked in. He came close by. He saw no teeth. He said to Fish 'Heretofore I have feared without cause.'

They travelled for a little together. Then Crocodile ate Fish.

THE ARGUMENT OF THE FROG AND THE OSTRICH

One day the ostrich had an argument with the frog. The frog said to the ostrich, 'Boy, they always brag about your running. But if you and I run a race, do you think you could then keep my body in sight?' The ostrich replied, 'Why, man, could you pass me?' After their

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argument the frog said to the ostrich, 'I will name the day for the race. We will choose a rainy day when the water lies in puddles on the ground.' 539

They waited seven days. Then when it had rained all the frogs assembled themselves together. They lined up for a long distance. They had all made a plan. The frog went to notify the ostrich that he was ready.

They raced. After a while the ostrich said, 'Am I not beating the frog?' But the frog who was waiting for him at that place exclaimed, 'Tawt! You cannot beat me.'

The ostrich set off to race again. Again he called to the frog, 'Am I not beating you now?' But the frog who was just ahead exclaimed, 'Tawt! You cannot beat me, man.' This went on until the ostrich was worn out. He was so exhausted that he died.

None would have beaten the ostrich if a plan had not been laid against him.

THE STORY OF THE MONKEYS

God made the monkey somewhat like a person.

They say there are many monkeys in the Garjak country. When the people come to the river the monkeys also assemble there. They sit on the opposite side of the river and they play. Then half of them will go to drink while the others throw clods into the river. When they have finished the others drink while the first lot throw clods. Then the mothers come guarding their children. One will put her child on the ground, dip up water with her hand and give it to her child. After the little monkeys have drunk the mothers drink too.

The young monkeys pull the tall grass. They spend the day chewing it. In the afternoon they come to their village bringing their mothers tall grass. The monkeys go fishing too. They kill very small black fish.

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•539 Then the young ones sit on the river-bank or gather wood while the male monkeys sit down.

The people come to watch the monkeys as they eat. The big person will divide the fish among them all, giving himself some. They will eat. After a while, when they have finished, they go away.

They say that the monkeys dig wild potatoes. They bring them to the river-bank. They roast them. The child will ask the mother, 'Mother, are they not roasted?' The mother will reply, 'They are not roasted yet.' The child will answer, 'Oh!' After a time the child will ask again, 'Mother, are they roasted yet?' The mother will reply, 'Not yet, my child'. After a time the monkeys take out their own potatoes and eat them.

They say that one day the monkeys whipped a Nuer man. They loosened the rope which was round his waist and whipped him with it. They chased him into the barn and went away.

They say that one day when the monkeys were drinking and throwing clods on the river-bank three big male monkeys were the last to go. A crocodile caught one. When they saw that one of them was caught they all threw themselves into the river. They dived, hunting for him. They rose to the surface together in the middle of the river. When they failed to find the captured monkey they came out. One of them cried. It may have been his brother or his wife. One male monkey went to comfort it as it threw itself again and again on the ground.

THE LION AND THE FOX

The lion was very hungry. He saw antelope at night and chased them. When he was near one he sprang upon it, but he fell into a deep well. He was in that well for many days. There was no way to get out of it. It was a slippery

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well. When he tried to get out he fell back. The lion was very much bewildered. 539

One day the fox came to the top of the well. He stopped. The lion asked him, 'Who are you?' He said, 'I am the fox.' The lion said, 'Oh! son of my sister, come to me.' The fox looked into the well. He said to the lion, 'How did you fall into the well?' The lion said to him, 'I was springing upon an antelope.' He said to the fox, 'Son of my sister, come to me.' The fox said to him, 'How would I get you out, uncle? Would not I fall in?' The lion said, 'I would take hold of your foot.' The fox refused. He went away.

A monkey came. He stopped at the top of the well. 'Who are you?' called the lion. 'I am a monkey,' he replied. The lion said, 'Come to me, son of my sister.' The monkey refused.

The fox heard their conversation. He called the monkey and said to him, 'You help the uncle of a person out.' The monkey was surprised, but he said to the lion, 'How will you get out?' The lion said to him, 'I will take hold of your foot.'

The monkey went down. The lion caught hold of his foot. They came out. Then the monkey said, 'Let go my foot; let us travel. I brought you out, uncle.' The lion said to the monkey, 'I am starved to death. I will eat you, son of my sister. I am absolutely famished. Maybe my body will then be strong! The monkey said, 'Why! Uncle! What! But I brought you out!'

The fox heard their conversation. He did not come near. His words were from a distance. He and the monkey made a plan. He said to the monkey, 'You let the uncle of a person eat you.' He said to the lion, 'The people of the village are resting after work. We will go under the tree in the shade.' The lion came, bringing the

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537 monkey with him. They talked. The fox said to the monkey, 'Let the lion eat you. The uncle of a person is utterly famished. But one always eats a monkey in a tree.' The monkey heard the words of the fox gladly. With a spring he was in the top of the tree. The lion was left on the ground. The fox fled.

The lion cried on the ground under the tree; he cried as he went away.

THE FOX AND HIS MOTHER

A long time ago the fox and his mother had a village. The fox often went fishing. In the afternoon he would come home with his catch. He would put the fish on the ground. He would say to his mother, 'Prepare this catch of fish; you cook it.' The mother would prepare the fish and the fox would eat it. The same thing would happen next day. When the fish were cooked he would say to his mother, 'Bring me all the fish and the head and the neck. Bring it all.' The mother would give him all. He ate it. He would leave his mother out.

This went on for a month. He himself ate all the fish. He went fishing, brought his catch home and said to his mother, 'Mother, why is the tail of the fish like this? Bring the other parts and the head and the neck and the gravy. Bring all of it, mother.'

The mother was very thin, resembling a certain very thin fish. When he had finished eating he would call to his mother, 'Mother, mother-of-the-fox, bring water. Your son has had enough.' The mother would hiss. The fox would hear. The fox would say, 'What, mother-of-the-fox, did you hiss at your child?' The mother would say, 'Nothing, my son.' She would go to the river. She would give him the water.

When the mother grew very thin, she went to a woman

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called Nyajwani. Nyajwani knew how to plan all kinds of things. The mother-of-the-fox said to Nyajwani, 'My sister, my child is killing me. My son has no consideration. Show me what to do.' Nyajwani said to her, 'Go to the forest. Bring gum from the tree. I will show you a plan. You will surely be healthy after to-day.' 539

Mother-of-the-fox brought the gum. She gave it to Nyajwani. Nyajwani formed a very nice woman, a very red woman, she put beads in her ears and she put anklets on her legs also. She made her out of gum. She was a very good woman who had never had children yet. When she was finished Nyajwani created a name for her. She called her Nyaluac.

That day the fox went fishing. They gave Nyaluac to the mother-of-the-fox. The mother brought her to the house. She spread a mat and put her sitting on it. In the afternoon the fox brought in fish. He threw them on the ground and called his mother. 'Mother-of-the-fox, cut up that catch of fish.' His mother said to him, 'Oh, my son, there is a traveller at the village, a woman who refuses to live with her husband. She says "My husband is the fox!" The fox exclaimed, 'I told you to hurry with the fish so that the guest may eat.' His mother answered, 'Oh!' She roasted the catch of fish. She offered it to the fox. The fox refused. He said to his mother, 'I know, mother-of-the-fox, that I am ashamed to eat in front of my sweetheart. Give the fish to the guest.' Mother-of-the fox brought the food into the house and ate it herself. Every time fish was cooked she offered it to the fox, but he refused to have it. Mother-of-the-fox brought it again into the house. Mother-of-the-fox ate it.

Mother-of-the-fox got so fat that her skin was very smooth. When she knew that she was fat she said to the fox, 'My son, to-day you and your wife may visit. I will

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539 tell you one thing, my son. Do not whip the daughter of the Nuer. This one has a very tender skin. Do not harm her.' The fox answered. 'Oh!'

Late that afternoon the fox went to the house. When he went into the house he said to Nyaluac, 'Blow the fire.' She was silent. The fox said, 'I will blow the fire in the house of my mother.' When he had blown the fire he said to the woman, 'What is it?' She was silent still.

He pushed her with his club. The club stuck. He tried to pull it back and thought that the woman perhaps had caught it. He said to her, 'Let my club alone.' The woman was silent. He said, 'What! Have you not heard that I always whip a guest? I am the fox.' He said again to the woman, 'Do you want to be whipped. Are you not a guest? Let go of my club.' The club fell of its own accord. He again pushed the woman with the club. 'What 's the matter?' The club again stuck in the body of the woman.

The fox again said to Nyaluac, 'But why are you always holding my club? Let it alone, if you are really like the daughter of a man.' The woman was silent. The fox did not know that the woman was formed of gum. He took his raw-hide whip. He struck the woman across the back. Her back broke.

The fox fled.

THE FOX AND HIS BROTHER TUTLIET

The fox said to Tutliet, 'My brother, we will go and hunt us a cow.' His brother replied, 'O, yes.' They took their weapons. They started out. They arrived at a certain village and entered it. It was a village of the ogres. They went to the barn. Tutliet found a cow. He called the fox, 'Come, here is our cow.' The fox replied,

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'Brother, that is not our cow. But come.' Tutluet came, but that cow was an ogre. 539

They started out. Tutluet led the cow while the fox drove it. The sky was clouded. The clouds opened. The fox saw the anger of the ogre. Tutluet said, 'My brother, I will come. Drive our cow.' While Tutluet led the cow the fox stole away.

When the ogre was worn out, he asked Tutluet, 'A while ago, when you came and brought me away, did you know whether I was a cow or a wild animal?'

Tutluet fled. He tripped and fell. The ogre caught him. He said to Tutluet, 'No, I will not eat you. But it is different with your brother. I will hunt for his body, that fox.'

The fox meantime hurried to the village and began to play the fiddle in his house. The ogre came to the door. 'Village of mother-of-the-fox,' he called, 'I am waiting at your house.' The fox knew his voice. He said to his mother, 'Mother, what shall we do?' His mother replied, 'My son, what shall we do?' He said to his mother, 'Put me in the big gourd.' His mother said, 'Can you get in?' He said to his mother, 'I can get in.' They hung the gourd up high.

The ogre waited outside the house. He asked mother-of-the-fox, 'Where is the fox?' Mother-of-the-fox said to him, 'Where could he be here in the house?' The ogre said to her, 'Who played the fiddle? Did you know how to play the fiddle long ago?' Mother-of-the-fox said, 'If the fox came into this house there is no place where he could hide himself.' The ogre said, 'Tell me at once where he is.' Mother-of-the-fox replied, 'I do not know.'

The ogre said to mother-of-the-fox, 'I will not leave without a gift in my hand. What is in that gourd?' Mother-of-the-fox said, 'Beans which I will plant in the

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*537 spring.' The ogre said, 'Is it full?' She said, 'It is full.' Mother-of-the-fox hesitated. The ogre exclaimed, 'No, give it to me at once.' She stood up. She gave it to him.

The ogre left. He talked to himself as he went along the path. 'That god of the village of mother-of-the-fox! Why! I left empty-handed without finding a thing.' The fox spoke. 'Where are you taking the ground which belongs to the village of mother-of-the-fox? Let it down to the ground slowly.'

The ogre exclaimed, 'God, wait. I will let it down slowly.' He put it down and fled.

Then the fox exclaimed, 'Let us each catch a person.' They turned back to back. The fox ran to his village and the ogre to the ogres. The fox said, 'You, ogre, measured yourself against me. Did you find my cleverness?'

RIDDLES

524 1. Guess what are the red dates which are in the sky but never fall?
(*Answer*) They are stars.

2. Guess what tree it is which stands in the middle of the river but never goes under the water?
(*Answer*) It is a lotus.

3. Guess what is a fat woman?
(*Answer*) It is a window.

4. Guess what is a red hornless cow but its horns are of skin?
(*Answer*) It is a dog.

5. Guess what tree it is that has many heads but never climbs?
(*Answer*) It is kafir corn.

6. Guess a red thing which carries its horn?
(*Answer*) It is a scorpion.

SPIRITS OF THE ABOVE

life a man, his character is changed. The man is hollowed out by Spirit to receive it. In this sense *gwong* is complementary to *kuoth*, inspiration to extirpation.[1] 776* 792 828

Prophets may perform sacrifices on behalf of individuals or of the people of their neighbourhoods in times of sickness, fire, barrenness, and on other occasions when spiritual aid is required, but the main social function of the leading prophets in the past was to direct cattle-raids on the Dinka and fighting against the various foreigners who troubled the Nuer from the northern Sudan. For the most part the *air*-spirits are conspicuously associated with war, and Nuer prophets are chiefly regarded as the medium through which God gives orders to fight and victory. The spirits accompany the warriors to battle. 776* 792 721

Before Nuer set off for any large-scale fighting against strangers their prophets made sacrifice and sang hymns to the spirits of the air while the warriors, kneeling on one knee and with the points of their spears resting on the ground, sang the responses. The same posture is adopted by warriors in making the responses to these songs when they are sung by a song-leader on ceremonial occasions. Also people, generally and perhaps always under a prophet's direction, sing hymns to the spirits on occasions of sickness and of other troubles; though Nuer say that they sometimes sing the hymns, as at dances, 'just to be happy with the son of God'. Unfortunately I did not have the opportunity to record more than a few verses of these hymns. 776* 792 721 533

I give below a short hymn to *buk*. It is known all over Nuerland and is therefore probably earlier than most hymns. It is sometimes sung at mortuary ceremonies, and it is also sung before fishing harvests are begun, on account of the spirit's association with rivers and streams. 776* 533 629

Mother of *dong*, the sons (the Nuer) remove their lives from thee,
Mother of *dongkor*, the sons remove their lives from thee,
The mother of *dongkor* brings life,
The mother of *dongkor* brings me life,
Life is revived,
She brings life and our children play,
They cry aloud with joy,
With the life of the mother of *dong*, with the life of the mother of *dong*.

[Should be *kuoth*, see *kwoth*, vol. 116]

SPIRITS OF THE ABOVE

The pied crows are given life and are filled.[1]
Our speech is good, we and *buk*,
Our speech is excellent;
The country of the people is good.
We journey on the path of the *puke*.[2]
We are here, we and *buk deang*,
Buk, mother of *deng*, the sons ransom their lives from thee,
Mother of *dengdur*, the sons ransom their lives from thee.
We give thee red blood.
The sons of *deng* are simple people, they do not understand how their lives are supported.
Let all the people of the cattle camps bring tobacco to the river.

The general sense of this hymn is that *buk* protects the people from dangers and gives them life. Protection and life are given them in exchange for oblations of animals (the red blood) and tobacco. I give the opening verses of another hymn, which appears to be addressed to both *deyiou* and *mawi*. It is a war hymn, although I heard it myself at a ceremony in western Nuerland held in honour of a person killed by lightning.

Stars and moon which we in the heavens,
Blood of *deng* which you have taken,[3]
You have not commanded the sons of *deng* capriciously.[4]
Blood of *deng* which you have taken,
The wing of battle on the river bank is encircled by plumes.[5]
Deyiou, son of God, strike the British to the ground,
Break the crocodile on the Nile and let the British drown,
Kill the people on the mountains,[6]
Kill them twice.[7]

[1] The pied crows 'of' buk (p. 8).

[2] This is not a Nuer word but the Arabic *jaki*, a fakir or holy man. In Nuer the word is used for an Arab pedlar or merchant. The use of the word in this hymn, probably one of the oldest Nuer hymns, is further evidence of the late introduction of these spirits into Nuerland.

[3] Dinka blood on Nuer spears.

[4] The spirits which commanded the Nuer to raid the Dinka through the mouths of their prophets did not commit them in vain. The raid was successful. The sons are the Nuer.

[5] When warriors are drawn up for battle the prophet runs along the Nuer shouting encouragement to them and waving his spear decorated with ostrich plumes.

[6] The people of the Nuba hills.

[7] They drove two years in succession.

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Do not slay them jeringly.[1]
Mawi goes with a rush,
He goes on for ever,
The sons of Jagei are proud in the byres,[2]
Proud that they always raid the Dinka.

I do not know the time or circumstances of composition of this hymn, but as it not only exults in defeats of the Dinka and asks for victory over the people of the Nuba hills but also demands the destruction of the British it must be fairly recent and probably dates from the early days of British occupation of the Southern Sudan. Dr. Lienhardt has recorded a hymn about *deng* which vividly suggests the mobility of the spirits of the air and the ubiquity of Spirit. A man says he is tired of the demands made by *deng* and that he will move. But *deng* replies

A man avoiding *deng*
Will find *deng* in front,
On the right he will find *deng*,
On the left he will find *deng*,
Behind him he will find *deng*.

In another hymn he recorded there is a metaphor in which protection of the people by *deng* is compared to the coiling of a python around its young. These hymns are, I believe, always the creations of prophets, and Nuer say that they come to them in dreams, unlike ordinary songs or poems which men construct for themselves when idling, as when herding in the grazing grounds. We need not concern ourselves greatly with their word to word meaning. Nuer do not do so, or even know it, and the songs may be sung on occasions which in no way concern the particular spirits they are addressed to and for which the words have no relevance, the songs merely serving to create atmosphere and to express a general sense and intention. I have been told that the hymns sometimes come to a prophet through a drum, called *bul kwoth*, spirit's drum, dedicated to his spirit, which is thought to be in some way immanent in it. These drums, which are beaten at dances held in honour of the spirits to which they are dedicated, are formally dedicated by being rubbed with ashes, in the same

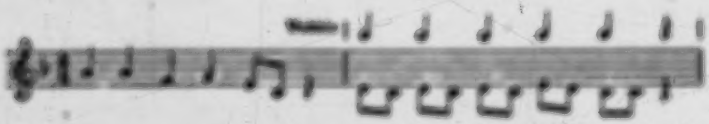
[1] The man who slays them but strike them hard.

[2] The Jagei are a small group of Nuer tribes; but since the Nuer believe that they were created in their territory the word probably here refers to the Nuer in a whole.

T.Tucker K-5 (1929-1933) 1933 F313 Skiffah F313
Mary F313

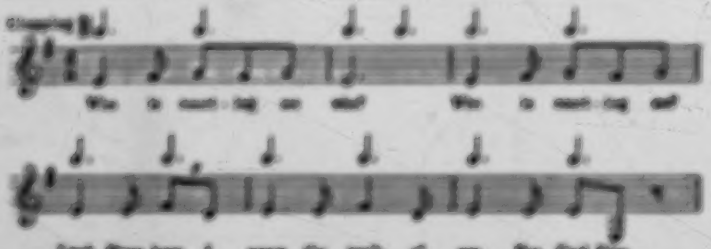
Third movement: The boys all shout together "Open and shut, Open and shut!" At the word "Open," all the toes are bent backwards, at the word "Shut" they are all bent forwards, so that the entire square of toes looks like some great black centipede opening and shutting itself.

Fourth movement: Keeping their feet and toes still, the boys wobble their knees rapidly up and down. I was unable to get the words of this song, but the tune is as follows:—

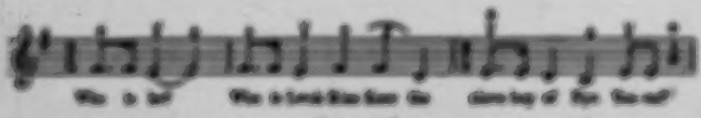


These movements can occur in any order, according to the will of the song-leader.

2. Four girls are fond of ring games, but there is little action in those that I have seen. The girls kneel in a ring; one girl sings a song of about three lines, and the rest repeat it, clapping their knees. Then the girl next to her takes up the song, corresponding upon the same theme with a view to meeting a "hit" all one of them present. If she succeeds, she is greeted with yells of approval, and all join lustily in the chorus, while the third girl cudgels her brains for the inspiration necessary to cap this verse if possible. These witticisms usually lie around the names of friends or best some always relevant to well-known incidents, with the result that an investigator without intimate knowledge of the children's daily affairs finds the songs unintelligible. This is one of the verses:

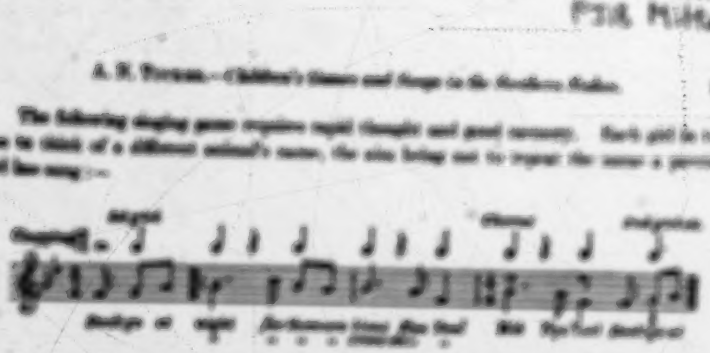


In the following song the voice rhythm (indicated ♩) differs markedly from the clapping rhythm (indicated ♩):

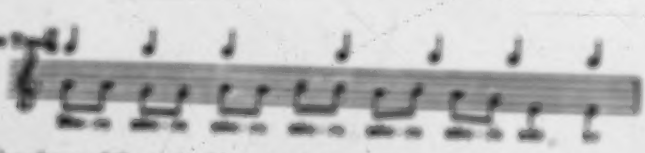


T/Tucker K-6 (1909-1910) 1911 F313 Sketch F313
F313 Wom
F318 Mine

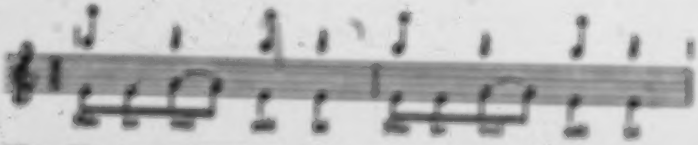
The following singing game requires rapid thought and good memory. Each girl in turn has to think of a different animal's name, the size being not to repeat the name a previous girl has sung:—



8. *Ring of Roses.* There are many games which comprise some dancing or capering in a ring. In the following Soko game the players first dance round in a ring, holding hands, singing:—



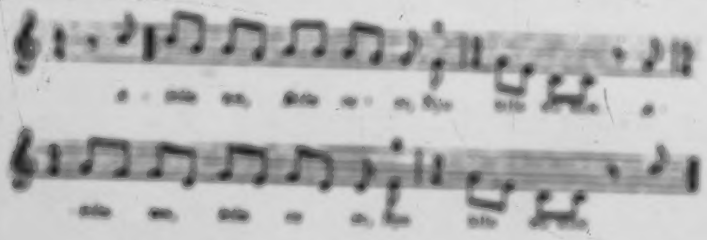
Then, with a change of the music, they swing their right legs over their arms, and hop round until they fall down. (See Fig. 1, Pl. XV.)



(Note. The note transcribed B sounds somewhere between B and B♭.)

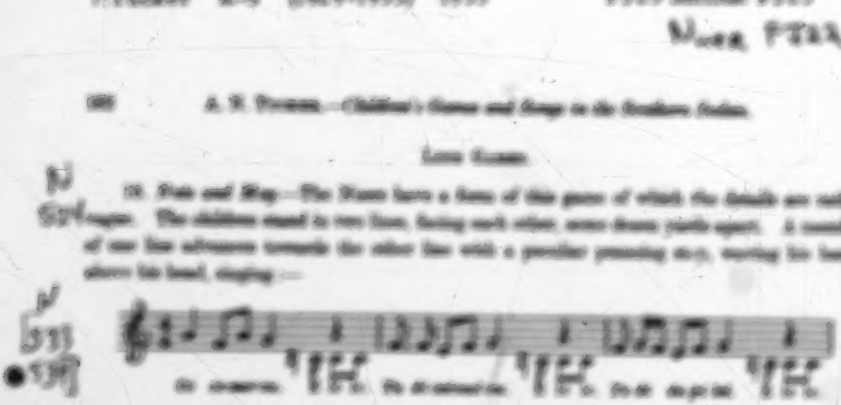
9. A popular form of "Ring o' Roses" is played as follows. The Mullah version has two parts, but the words of the song have no decipherable meaning. (Here again I heard a game which was difficult to place. I have transcribed it sometimes E and sometimes F.)

First movement: The players stand in a circle with hands on each other's shoulders, and sway as they sing:—



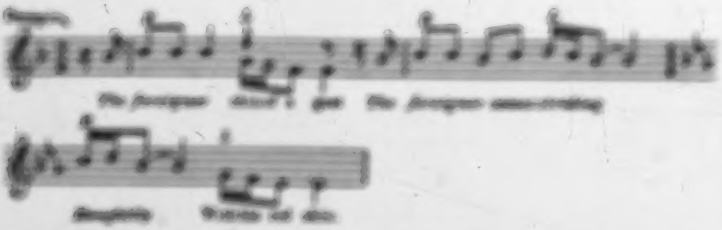
Lone Game.

N 524 *10. Stab and Stop.*—The Nuer have a game of this genre of which the details are rather vague. The children stand in two lines, facing each other, some dozen yards apart. A member of one line advances towards the other line with a peculiar prancing step, waving his hands above his head, singing:—

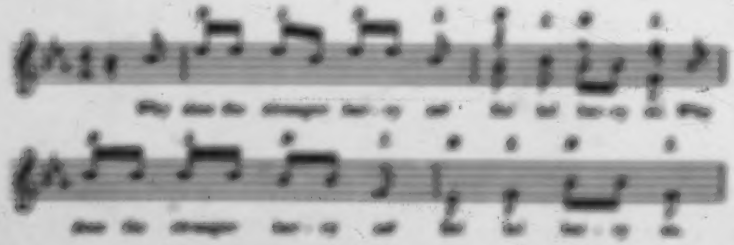


(The words, so far as I could make out, are nonsensical.) He singles out a member of the other side and chases him round both lines and back to his place. What happens if he catches him I could not find out.

S 525 526 527 The following Skiffah version is evidently a recent invention, and probably confined to the particular group of Skiffah I was studying. The boys line up in two ranks, as if for "Stab and Stop." One line advances towards the other, marching slowly to "green song" (see Fig. 4, Pl. XVI), while the other line recedes, both sides singing:—



Then the song is repeated, while the other line advances, and so on, to and fro, several times. Suddenly the pace is doubled; the boys running still legged, those advancing trying to hide the shape of those who are retreating. The song now is:—



As before, on every repetition the direction is changed.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

fanciful elaborations of nomenclature, e.g. a black ox may be called *rual mim*, charcoal-burning or *mon car*, dark clouds; a brown ox *riem dol*, red blood, or *rir dol*, red tree-cobra; a blue roan ox *bany yiel* after the blue heron; a mouse-grey ox *duk low*, the shady gloom of forests, &c. These fancy names add greatly to the list of Nuer cattle terms.

Besides the vast vocabulary which refers to colours, distribution of colours, and colour associations, cattle can also be described by the shape of their horns and, as the horns of oxen are trained, there are at least six common designations in use besides several fancy names. Words denoting shape of horns add considerably to the number of permutations, for they can be combined with many of the colour and distribution terms, e.g. a sandy-grey cow with horns which almost meet in a curve above the head is a *duot lieth*, a shorthorn with *rial* markings is a *cot rial*, a brindled ox with one horn trained across its face is a *gut nyang*, &c. The ears of cattle, sheep, and goats are often cut in different shapes and it is permissible, and with sheep and goats usual, to describe them by reference to these incisions. Sheep and goats have very different mixtures of colours from those one finds among cattle, but the same terms can be used to cover all combinations, because they are never exact descriptions of colour dispositions but represent ideal distributions, to one or other of which any actual disposition approximates.

A further range of permutations is created by prefixes which denote the sex or age of an animal, e.g. *tut*, bull, *yang*, cow, *thak*, ox, *nac*, heifer, *ruath*, male calf, *dou*, female calf, *kol*, calf which has not yet begun to graze, and so forth. Thus one may speak of a *tut ma kar looka*, *dou ma rial*, *thak ma cuany*, &c. Indeed, if we were to count every possible mode of referring to animals of the flocks and herds they would be found to number several thousand expressions—an imposing and complicated system of ramifications which bears eloquent witness to the social value of cattle.

Furthermore, as we have mentioned, every man takes one of his names from the term by which one of his oxen is described, and these ox-names are the preferred salutations among age-mates. A youth generally takes his first ox-name from the beast his father gives him at his initiation, but he may later

1: Evans-Pritchard E-5 (1931, 1936) 1940
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551 take further names from any oxen of his herd which delight him. Men salute one another with these names and shower them, with many a fanciful elaboration, on their companions at dances. They also chant them when they display themselves with their oxen in camps, sing them in their poems, and shout them when they spear men, animals, or fish.

551 192 A man may be called by the identical name of his ox, e.g. Bi(l)rial, Kwac(c)uor, Werkwac, and so forth, but generally one part of the term is dropped and the other part is prefixed by a new term, usually descriptive of some ornament worn by the ox or some characteristic of it, not employed in defining its own name, e.g. *lath*, a large bell (Fig. 4), *gier*, a small bell, *lue*, a long tassel, *dhuor*, a short tassel (Plate IV), *wak*, the tinkling of an ox-bell, *lang*, a brass ring attached to an ox's collar or tethering-cord (one can be seen on the animal in the foreground of Plate II), *rut*, bellowing of oxen, *cwei*, fatness, *boi*, shining whiteness, &c. Thus a man whose favourite ox has *rial* distribution of colours may be called Luthrial, Gierrial, Luerial, Dhuorrial, Boirial and so on. When ox-names are used between age-mates at dances they are generally preceded by dance-names which are selected to harmonize with the ox-names, euphony being considered of great importance in all these word formations. Ox-names are voluminous and abstruse, and in describing them, as in describing cattle-colours, I have not only made a meagre selection from the wealth at my disposal, but have also chosen for illustration the simplest examples and neglected the more obscure.

533 Names of cattle, especially of oxen, and ox-names of men are used profusely in songs. The Nuer, like most pastoral peoples, are poetic and most men and women compose songs which are sung at dances and concerts or are composed for the creator's own pleasure and chanted by him in lonely pastures and amid the cattle in camp kraals. Youths break into song, praising their kinsmen, sweethearts, and cattle, when they feel happy, wherever they may be. I give a free translation of the first verses of two songs, the first sung by girls as they sit together in the evening after the day's work is done, and the second sung by its creator when he is happy.

539 1. The wind blows *wirawira*;[1]
Where does it blow to?

[1] Literally 'My wind'. The singer runs against it and seems by so doing to add to its strength. This is the north wind which blows at the time of rich

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law. 692 177 123

It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', greeted as an intimate by men and women of all ages, praised, but often severely criticized, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come. [551]

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for 691

8:Howell E. G-5 (1942-1944)1954
F322 Nuer F322

791 fertility. Moreover it is clear that those of the second category who acquire great prestige and influence often seek to misappropriate the functions and insignia of more reputable experts. There is a tendency to assume the leopard-skin. Deng Likoa, Prophet of Gaawar, did so, and his son Gaw Bang—for many years President of the Bar Gaawar Court—often conducted the ritual of homicide although he had no traditional right to do so. Riak Lotnyjok (mentioned above) wears the leopard-skin, though he would not be accepted as arbiter in blood-feuds. There is clearly a desire by these people to establish themselves in a ritual and traditional, and therefore more orthodox, status in society.

A *gaan kuoth* of repute will also claim that he possesses or is possessed by a large number of different spirits, not a single spirit. Deng Likoa, whose principal spirit was called Diu, possessed many others, and he married a wife in the name of each. His sons are usually referred to first by their own names and then by the name of the spirit in whose name the mother of each was married, and not by that of their father, according to normal Nuer custom. Thus Deng Likoa's sons were called Mazar Diu, Gaw Bang, and so on.

[551]

There is a large number of different categories of spirit owners: owners of 'sky-spirits' (*kuth wial*), owners of 'spirits' of the wind (*kuth dangi*), owners of 'earth spirits' (*kuth piny*) and 'talking medicines', these last being divided into a large variety of different forms, and finally, possessors of *wal*, medicine, which is usually present in more tangible form.

It is not within the scope of this book to describe at length the multitudinous concepts concerning *gook* and *kolangni*. *Gook* is said to be of Dinka origin, while *kolangni* are essentially Nuer. Under these two main headings are numerous spirits which have special names—*bial*, *nuhath*, *gulang*, *nuthiang*, &c.,—and special characteristics. The spirits are used to assist in the diagnosis of ills and misfortunes, the possessor acting as a medium and often going into a trance at a seance attended by a considerable number of people. The spirit is said to speak from the mouth of the medium, from a special pot or gourd, from the ground, or sometimes only through dreams.

789 *Wal* is a word which has the more literal meaning of medicine, since it is also applied to herbs, purges, and astringents as well as nowadays
754 to medicines supplied by the government medical service. In this connexion it refers to magic roots and sometimes to other objects which have intrinsic magical power and which are operated by the performance of ritual for some specific purpose. There are different forms of *wal* (one called *nyuth*, for example, is believed to be particularly potent and also dangerous), but the Nuer do not consider themselves to be experts in their use, and regard them as being of foreign origin. In fact such roots are usually obtained from other tribes, and a Nuer will sometimes go on a special journey to purchase them.

Ill:Evans-Pritchard E-5 (1931, 1936) 1945
F322 Nuer F322

XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyuong. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and have it is only necessary to show how they are affected by the peculiarities of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In levirate marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithai ♀ and Nyawal ♀ are widows living at Nyuong with their children, while Nyaudel ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Biliru ♂—Lam ♂ said to me: "I live with Mear ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Gabuak ♂—Rainem ♂. He shares with Tanyuan ♂ and I share with Mear ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainem ♂ whose father is resident in the 611 551

II:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

village are given matronymics instead of patronymics. Thus at Nyueny one generally speaks of Biliru ♂—Nyawal ♀ and Malith ♂—Nyarunhai ♀ instead of Biliru ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mar ♀ who was referred to *ewriral*.

Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and women always take their small children with them when they change households, and that sometimes they even marry wives themselves.

The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

12:Evans-Pritchard E-5 (1930-1931) 1933
F322 Nuer F322

been the name of a bullock which formed part of the bride-wealth with which his mother was married. Thus I have heard a Nuer suggest that Thiang was *thak ne ce kwen nuan* (the bullock by which his (the lineage founder) mother was married). It is seldom that the Nuer are certain about the origin of such names. The question is, however, one of philological rather than sociological importance. Often I can offer no explanation of the meaning of a lineage cognomen, e.g., the lineages of GAAGWANG and GAAGWONG (*gaat gwang* and *gaat gwong*) among the Jekany. Miss Huffman gives *gwang* for hedgehog and *gwong* for guinea fowl and *gwang* for axillary or sound of fish in water, but none of these meanings give a clue to the origin of the lineage names. Jackson (pp. 75-76) suggests the origin of the name Gwang by reference to the Kir cycle of myths and his account of Nuer names in general will give an idea of the innumerable incidents which determine the birth names of Nuer (pp. 171-173). Of Gwang he writes :— 614

> "On the death of Kir, Madjok was appointed by his father as head of the tribe and given the hereditary leopard skin, without which no case of killing can be tried. Mationg and Kunjokjak decided privately not to accept Madjok as their chieftain, but to deprive him of the guardianship of the sacred spear. . . . When this agreement was come to Madjok was outside looking after the cattle, but on his return he at once divined that something was wrong. He spoke to his relations and was greeted with the remark that he was from henceforth of no more account and had been deprived of the leopard skin and sacred spear. . . . His wife shortly afterwards gave birth to a boy named Gwang, i.e., the secret plot." (pp. 75-76.) 614 173 551

I cannot corroborate this tale, but it is a good example of the way in which a Nuer gets his birth name, which then becomes the cognomen of his lineage. It will be noticed in my paper that sometimes lineages are called after women and this is generally evident from the feminine prefix *nya*. I defer discussion on this feature till a paper on Nuer kinship in which setting it will be more easily explained.

What exactly is meant by lineage and clan? One thing is fairly certain, namely, that the Nuer does not think in group abstractions called clans. In fact, as far as I am aware, he has no word meaning clan and you cannot ask a man an equivalent of "What is your clan?" 614

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

231 turn into a 'Lat' (a combination of ogre and cannibal which
[278] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[325] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[302] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-S (no date) 1931
F322 Nuer F322

This rite changes the status of the boy from that of boy to man. Now he may attend all dances, he may carry a spear—in fact, all the privileges of a man are his. He also may exercise authority over boys who have not as yet had the tribal marks cut, and his sisters must treat him more respectfully than in the past, for now he has a voice in the affairs that concern them. However, he must render due deference to those who have had their tribal marks cut before him.

NUER CLASS NAMES

All the boys who have had their tribal marks cut during a certain period (usually consisting of from three to eight or ten years) are given a certain class name. While no Nuer knows his age exactly, he will always tell you to which class he belongs. Those who know the sequence of classes may judge his age approximately.

Classes of Nuer with approximate age now (1929).

Lieyni	Tribal marks cut in 1927 (but only one authority for this name. All others call this class of 1927 Cai Yeni or Wum Kelunka).
Cai Yeni	Marks cut in 1925.
Lithgsac intot	Age now 20–25 years.
Lithgsac indit	25–27 years.
Carhoc	27–35 years.
Dongonka	40– years.
Meker	50– years.
Bailoc	55–60 years.
Thut	60–70 years, but few living.
Nompiny	Probably none living now.
Cuatcuor	
Lajok	
Yilbith	

14: Huffman M-5 (no date) 1931
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cuplar	noon.
bocka cuy	middle of afternoon.
ke thiny	late afternoon.
ci war lip	early evening.
war	night.
wardar	midnight.

('ci' is pronounced 'chi', 'war,' is pronounced 'thang', 'thiny', is pronounced 'thiang'.)

NAMES OF NUER—DETERMINING DATES

[321] A Nuer has a splendid memory, but dates, birthdays, and anniversaries are not the things he stores away in it.

A parent may tell you in what season of the year a child was born, but after a few years the number of its years becomes but a confused memory.

When some special event has transpired which fixes a date firmly in their minds, they may date an event from that time. The time when the English patrol was in the Garjak country is often used when dates are discussed; an event may be dated either so long before or after the 'boats of the air' came. A flood, a famine, a year when wild animals were numerous, all may be used to mark time.

805 561 When the age of a child is asked it may be determined from the reply to such questions as:

does he crawl?	one year.
is he weaned?	(if so) three years old.
does he herd sheep?	8–11 years old.

805 551 561 For later ages one may ask 'when will he have the tribal marks cut?' (tribal marks are usually cut when the boy is from 14–16 years old). After the tribal marks are cut, age may be determined by the class name, providing the sequence of classes is known (see Chapter IV.)

14: Huffman M-5 (no date) 1931
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A woman may be asked 'If you were a man, what class would you be in?' and her age determined by the answer.

A child is often named to commemorate some event that has just occurred so the name in itself gives an idea of the date: for instance 'Rath' is famine. Possibly the boy was born in a famine year. If the family are in mourning when the child is born, it may be called 'Mun' if a boy or 'Nyamwon', if a girl. The name means 'ground' or 'daughter of the ground'.

An orphan—whose mother is dead, although the father may still be living—is often called 'Ret' which means 'orphan'. 'Bany Piny' is also a name given to an orphan which means 'left on the ground'. A girl orphan is often called 'Nyamt'.

Twins are often given names which mean 'the leader' and 'the one who was left', indicating their order of birth. The feminine prefix is used if a girl.

Buth	the leader (a boy).
Nyadwoth	the one who was left (a girl).

A child always takes the personal name of its father as its surname, although in so doing the possessive form of the father's name is often used, but not always.

Mun Dup	name of father.
Rath	personal name of son.
Rath Mwoon	full name of son.
Pec Kak	name of father.
Nyalira	personal name of daughter.
Nyalira Pec	full name of daughter.

A girl's name almost always has the prefix 'nya-' or 'nyan-' meaning 'daughter of'.

A girl retains her father's personal name as her surname throughout life as she does not assume her husband's name when she marries.

15: Butt E-4 (No date) 1952 F 222 Nuer F 222

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'persons of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 231

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [221] [191]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are formed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [219] [172]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [56] [172] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

19: Ruth E.-4 (No date) 1952 F 222 Nuer F 222

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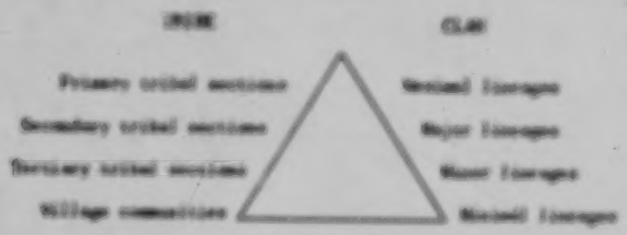
not corporate groups but are embedded in local communities through which they function structurally.(1) The tendency towards the co-ordination of territorial and lineage segmentation can be seen in various stages of territorial expansion between the household and the tribe.(2)



The action and interaction of the various tribal segments and the underlying principles of opposition and fusion are seen in operation when disputes and cases of homicide are dealt with, and in times of feud and war. This acephalous kinship system has a determining influence on the nature of the age sets, on the rules of company, on the character of kinship, on the people, and indeed on every aspect of Nuer life.

NUER NAMES

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Every Nuer has a personal or birth name *(cot pany)* which is given without ceremony by the parents shortly after birth; he may have a second personal name given by his maternal grand-parents. In later life, he is addressed as gaa (father) by the younger generation. In addition, everyone inherits a *cot p-nak*, an honorific or praise name of the clan of his father, which is used mostly on ceremonial occasions. A man's maternal kin will tend to use the honorific name of the mother's clan.

At initiation a man acquires an on name derived from the colour or characteristics of the ox given him on this occasion by his father. A man is given his ox name by his age mates in particular. Maidens take ox names from the bulls calved by the cows they milk, but these are seldom used except at dances.

A dance name, nickname, or traditional name may be used in conjunction with ox names at dances. In addition a man is often addressed as 'son of --' followed by the name of his father. Among maternal relatives the matronymic is used instead of the patronymic used among paternal kinsmen. A man is called after his elder son by his in-laws, while a woman who has status in her husband's home in virtue of having borne him a child is addressed by the name of her eldest child. A Nuer, therefore, may be addressed by a number of different names or titles. The one actually used on any occasion depends on the age, relationship, and clan of the speaker, and also on the response and mode of behaviour which it is intended to evoke.(3)

(1) Evans-Pritchard, *The Nuer*, 1940, p.240. (2) *Ibid.*, p.248.
(3) Evans-Pritchard, *Uganda Journal*, 1948, Vol.12, No.2, p.164.

go on to say that Deng was a son of Gee, who was a son of *Raw*, man, who was a son of *Ghaw*, the universe, who was a son of *Kwoth*, God. When Nuer thus speak of God as their remote ancestor and address him as 'father' or 'grandfather', and likewise when in praying to him they speak of themselves, as they commonly do, as '*gaatku*', 'thy children', their manner of speech is no more to be taken literally than are those frequent passages in the Old Testament in which Israel is spoken of as the spouse or son of Jehovah. Such idiograms are common enough in all religions.[1] Also, when Nuer speak of spirits, birds, and twins as '*gaat kwoth*', 'children of God', they speak in an allegorical sense. Similarly, when children are named after God or one of the spirits of the air, for example, Gatkweth, son of God, or Gandeng, son of (the air-spirit) *deng*, all we are to understand from these theophorous proper names is that the child was conceived in answer to prayer or sacrifice. Even in Nuer family and kinship usages the word *gat*, son, does not necessarily, or even usually, signify a son in a physiological sense but a son in one or other of several social senses. That the language is here allegorical is shown by the use of the word *cak* in the expression '*kwoth me cak gwadong*', 'God who created my ancestor', for *cak* means to create and not to beget. It is also shown by the fact that the word *dieth*, to beget, is not only not used in this expression but is never used in reference to God.[2] It is true that Father Crazzolara records the sentence '*gwandong ce madh dieth ke diedh madhe*', which, as he rightly says, means 'God did not beget men with the begetting with which men are begotten', but he adds that the word *dieth* was only used by his informant because the question he himself had asked required its use.[3] Nuer do not think of God as the begetter of man but as his creator.

God is also the father of men in that he is their protector and friend. He is '*kwoth me jale ke ji*', 'God who walks with you', that is, who is present with you. He is the friend of men who helps them in their troubles, and Nuer sometimes address him as '*madh*', 'friend', a word which has for them the sense of intimate

[1] Rudolf Otto, *The Idea of the Holy*, Eng. trans., 4th impress., 1926, *passim*.

[2] Cf. the Anuak who use 'to beget' as well as 'to create' of God: '*inice ne gho fwokki ne cwac jii, funk awyuel ki nyiee mi detgi da yier*', 'once upon a time when God came and created people, God begat children with hair on their bodies' (the author's unpublished *Anuak Grammar*).

[3] Op. cit., p. 66.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that the unity of twins is expressed, particularly in ceremonies 776.9
connected with marriage and death, in which the personality 196
undergoes a change. Thus, when the senior of male twins marries, 311
the junior acts with him in the ritual acts he has to perform; 196
female twins ought to be married on the same day; and no mor- [552]
tuary ceremonies are held for twins because, for one reason, one [764]
of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin 776.9
dies, and I was told that twins do not attend the mortuary cere- 196
monies held for their dead kinsfolk, nor mourn them, because a 764
twin is a *ran nhial*, a person of the sky or of the above. He is also 196
spoken of as *gat kwoth*, a child of God. These dimeric descrip- 311
tions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dit*, [551]
bird, *Gweng*, guineafowl, or *Ngoc*, francolin.[1] All Nuer consider [362]
it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *muer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

16: Evans-Pritchard E-1 (1931, 1936) 1956
FJ22 Nuer FJ22

775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook diel*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pel*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*kwe*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yow jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[264] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance
551 both for the Nuer themselves and also for an understanding on our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

16: Evans-Pritchard E-S (1931, 1936) 1956
F J22 Nuer F J22

but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage. 613 768 551

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him 'gat so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name. 587 611 551 768 588 551 611 768

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*, 551 768 583

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

16: Evans-Pritchard E-5 (1931, 1936) 1956
F322 Nuer F322

551 / 768 / 673 'cattle of the ghosts', and they must be handed over to his sons, at once if they are adults, and later if they are children. It is a grave fault for a kinsman to take advantage of the minority of children to use the cattle of ghosts for his own purposes. The rights of the dead in bridewealth cattle derive not only from the fact that it is their kinswoman who is being married but also from the feeling Nuer have that a line of descent is attached to its herd. Whatever individual may have control over the herd it is thought of as being in a vague general sense owned by the ghosts who once tended it, for though the animals change the herd is felt to have a sort of continuity. This is partly why the ghosts are addressed in invocations at weddings. It must be explained to those on the bridegroom's side that the cattle are leaving the herd so that a girl of another lineage may come into the family to bear sons who will continue their own lineage; and it must be explained to those on the bride's side that she is being married with cattle which will enable her family to acquire a wife who will bear sons to continue their lineage.

551 / 768 The great importance attached to the maintenance of a dead man's name and the privileges and obligations of the living which derive from their relationship to him—*cick* joke, ghost's wife, *gar* joke, ghost's son, and so on—give sharp individuality to the dead; and it is interesting to note that in the Nuer language the word for the departed has singular and plural forms, unlike many languages in Africa and elsewhere, which, like the Latin *manes*, can indicate only a collectivity. It is possible that we are to seek in the desire for survival of the self in the name—not just survival in the children—the reason for the fact that Nuer do not, at any rate in normal circumstances, care to call a son by the same name as his father and even show aversion at the suggestion that one might do so. Were father and son to bear the same name they would be likely in course of time to become merged in the recitation of a genealogy. I think Nuer realize this. However, it would be necessary, were such an interpretation advanced, to account for the fact that some of the other Nilotic peoples have no objection to father and son bearing the same name, the Anuak for instance, and Dr. Lienhardt tells me that it is also the case among the Dinka.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 576 264 Nuer use it for the attitude and behaviour expected of a man towards his wife's parents and to a lesser extent her other kinsmen also. He expresses his respect particularly by abstaining from eating in their homes and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the home of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating [551] with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nueer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

196 583 784 There are also avoidances concerning bridewealth cattle which derive from these relationships of respect relating to marriage. A bride respects the *ghok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciek ma kau*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

this one source that Nuer attention, instead of being diffused in a variety of directions, tends, with undue exclusiveness, to be focused on this single object and to be introvertive, since the object has a certain identity with themselves. We will now examine briefly some linguistic material wherein we shall perceive further evidence of this hypertrophy of a single interest and of the identification of men with cattle to which I have alluded. 181 233

VIII

Linguistic profusion in particular departments of life is one of the signs by which one quickly judges the direction and strength of a people's interests. It is for that reason, rather than for its intrinsic importance, that we draw the reader's attention to the volume and variety of the Nuer cattle vocabulary. Like all the pastoral Nilotes they use an enormous number of words and phrases about cattle and the tasks of herding and dairy-work, and from this vast assortment we select for comment a single class: the terms by which they describe cattle, chiefly by reference to their colours.[1] These terms are more than a linguistic technique which enables Nuer to speak of cattle with precision in situations of practical husbandry and in the many social contexts in which they figure, for they establish associations on the one hand between wild creatures and cattle and on the other hand between cattle and their masters; they furnish certain ritual categories; and they greatly enrich the language of poetry. 192 231

In naming a Nuer cow one has to notice its colours and the way in which they are distributed on its body. When it is not of one colour the distribution of colours is the significant character by which one names it. There are ten principal colour terms: white (*bor*), black (*car*), brown (*lual*), chestnut (*dol*), tawny (*yan*), mouse-grey (*lou*), bay (*thiang*), sandy-grey (*lith*), blue and strawberry roan (*yil*), and chocolate (*gwir*). When a cow is of a single colour it is described by one of these terms. An animal may combine two or more colours, but a combination of more than two, known as *cuany*, is very rare. Normally there is a combination of white with one other colour and twelve common distributions of this com- 192 231 552

[1] I have recorded some information on this neglected subject among a neighbouring people in 'Imagery in Ngok Dinka Cattle-Names', *Bulletin of the School of Oriental Studies*, 1934.

[pp. 42-43 contain no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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bination are shown in Figs. 8 and 9. There are, however, many more combinations, at least twenty-seven, one of the commonest being varieties of a striped or brindled coat (*nyang*).

In describing a beast one often denotes both the form of distribution and the colour that is combined with white. Thus an ox may be entirely mouse-grey (*lou*); have a mainly mouse-grey colour with a white face (*kwe looka*), white back (*kar looka*), white splash on barrel (*bil looka*), white shoulder (*rol looka*), or white belly (*reng looka*): be brindled mouse-grey (*nyang looka*): be white with large mouse-grey patches (*rial looka*), medium mouse-grey patches (*kwac looka*), or a mouse-grey rump (*jok looka*), &c. There are at least a dozen terms describing different combinations of white and mouse-grey and there are a similar number of terms for a combination of white with each of the other colours. A further example is given to illustrate the wide range of variations: a white shoulder and foreleg (*rol*) may be found on a cow of any colour, e.g. *rol cara*, *rol yan*, *rol thiang*, *rol yili*, &c. There may also be a combination of one form of distribution with another and, in this case, the two combinations constitute the terms of reference and there is no need to denote the colouring that occurs in them, e.g. a white shoulder and foreleg (*rol*) may be combined with a white face (*kwe roal*), black spots (*rol kwac*), speckling (*rol cuor*), brown patches (*rol paara*), white back (*kar roal*), white face and black ears (*kur roal*), &c. There are at least twenty-five terms which include the *rol* distribution, and the other distributions likewise have wide ranges of combinations with colours and with one another.

As I shall elsewhere, and at length, analyse the principles of colour terminology and abstract the rules of nomenclature,[1] I need no more than remark here that it is evident from the few examples cited that there are several hundred colour permutations.

Some colours and combinations of colours are associated with animals, birds, reptiles, and fish, and this association is often indicated by secondary terms of reference and by ritual usages, e.g. *lou* (mouse-grey) is the bustard, *nyang* (striped) is the crocodile, *lith* (sandy-grey) is associated with *manlieth*, the grey kestrel, *thiang* (bay) is the tiang, *dwai* (brown with white stripes) is the female sitatunga, *kwe* (white-faced) is the fish eagle, *kwac* (spotted) is the leopard, *cuor* (speckled) is the vulture, *gwong* (spotted) is the guinea-fowl, *nyal* (brown-spotted) is the python, &c. These linguistic identifications and other colour associations lead to many

[1] 'Nuer Cattle Terms', to appear in *Sudan Notes and Records*.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

fanciful elaborations of nomenclature, e.g. a black ox may be called *rual mim*, charcoal-burning or *won car*, dark clouds; a brown ox *riem dol*, red blood, or *rir dol*, red tree-cobra; a blue roan ox *bany yiel* after the blue heron; a mouse-grey ox *duk lou*, the shady gloom of forests, &c. These fancy names add greatly to the list of Nuer cattle terms.

Besides the vast vocabulary which refers to colours, distribution of colours, and colour associations, cattle can also be described by the shape of their horns and, as the horns of oxen are trained, there are at least six common designations in use besides several fancy names. Words denoting shape of horns add considerably to the number of permutations, for they can be combined with many of the colour and distribution terms, e.g. a sandy-grey cow with horns which almost meet in a curve above the head is a *duot lieth*, a shorthorn with *rial* markings is a *cot rial*, a brindled ox with one horn trained across its face is a *gut nyang*, &c. The ears of cattle, sheep, and goats are often cut in different shapes and it is permissible, and with sheep and goats usual, to describe them by reference to these incisions. Sheep and goats have very different mixtures of colours from those one finds among cattle, but the same terms can be used to cover all combinations, because they are never exact descriptions of colour dispositions but represent ideal distributions, to one or other of which any actual disposition approximates.

A further range of permutations is created by prefixes which denote the sex or age of an animal, e.g. *tut*, bull, *yang*, cow, *thak*, ox, *nac*, heifer, *ruath*, male calf, *dou*, female calf, *kol*, calf which has not yet begun to graze, and so forth. Thus one may speak of a *tut ma kar looka*, *dou ma rial*, *thak ma cuany*, &c. Indeed, if we were to count every possible mode of referring to animals of the flocks and herds they would be found to number several thousand expressions—an imposing and complicated system of ramifications which bears eloquent witness to the social value of cattle.

Furthermore, as we have mentioned, every man takes one of his names from the term by which one of his oxen is described, and these ox-names are the preferred salutations among age-mates. A youth generally takes his first ox-name from the beast his father gives him at his initiation, but he may later

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AGE-SET ORGANISATION

INITIATION

Formerly boys were initiated at the age of 16 to 18, each village making its arrangements independently. The ceremony usually takes place after the rains. The officer in charge of initiation into age sets is the wut *ghok* (the man of the cattle). He opens the period when initiation may take place, 'when the knife is brought out' *(ngoa kaa rar)* and closes it 'when the knife is hung up' *(ba ngoa ngah)*. At the beginning of an initiation period the cattle expert kills a bullock, a big dance is held and he makes a speech opening a new period of initiation. In each tribe there is a cattle expert whose authority is acknowledged in matters concerning age-set organisation. 881

At the initiation ceremony 6 deep cuts are made across the forehead of the boy, extending from ear to ear. After the cutting *(gar)* the boys, who suffer great pain, are shut up in a hut for two days. There is a period of confinement (lasting one to two weeks) which is followed by one of mild licence. During the whole of this time the initiates must strictly avoid any contact with cattle. Finally, cleansing ceremonies are carried out and a concluding ceremony and dance. After this the youths are recognised as adults and enter into normal adult life and affairs, and into lifelong contact with the herds. [304]

AGE SETS

All boys initiated during a number of successive years belong to a single age set *(ric)*. Until recently there was a four years' interval between the end of one set and the beginning of the next, and this was the period when the man of the cattle hung up his knife and no more initiations were held. 881 561

The age sets are organised independently in each tribe, but it often happens that, when a new set has been started in one tribe, an adjacent tribe will follow suit.(1) A set usually lasts for ten years before being cut and there are generally members of six sets alive at any one time. The names of the sets are not uniform for the whole of Nuerland, and they are not repeated. Each age set has two or three subdivisions, each with a separate name. Subdivisions are made up of those initiated together in one year or possibly the combined initiates of two years. All the members of a set are known by the name of the first division. At initiation the individual enters the set in which he will remain for the rest of his life. The members of a set have a common name, equal status, and observe certain patterns of behaviour towards one another and towards members of senior and junior sets (see below p.148). 881 561 552

The sets are not specifically graded as boys, warriors, and elders, as in some forms of age-set organisation, nor have they any political, juridical or military functions. Their importance is of a social nature in that a person's position in the age-set structure determines his social behaviour. Milking and other women's work is forbidden to a youth after 561 881

(1) Evans-Pritchard, *The Nuer*, 1940, p.250.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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regarded as quite independent conceptions. We must distinguish here between class names and individual or personal names. The reason why Nuer divide the spirits into kinds, spirits of the above, spirits of the below, *colwic* spirits, *bieli*, and so forth, is that they regard them as different sorts of manifestation of Spirit and of varying degrees of importance. This is a matter I discuss later. It is rather the individual names with which we are immediately concerned.

The reason why some of the refractions have distinguishing names is, I think, mainly a matter of ownership. We have seen that, in the sense already defined (p. 44), Spirit can be owned by persons. Now, no one in this sense owns God, but all the various spirits may be owned by persons; and it may be said that the most distinctive naming of them is where individual ownership is most marked, in the case of the spirits of the air and the fetish spirits, which have proper names and ox-names. A prophet who is inspired by Spirit has in the logic of the situation to give it a name which distinguishes it as his particular spirit from the spirits of other prophets of his neighbourhood who are his rivals for renown and influence; for the attachment here is to individuals who build up through it a personal following, and not, at least primarily, to social groups. When a spirit falls from above and enters into a man who becomes its prophet it attains individuality by revealing through the prophet what it is called—its name; and when a person becomes possessed for the first time the immediate endeavour of his neighbours is to get the spirit to reveal its name when he is in a dissociated state. The spirit gets its name, the *numen* gets its *nomen*, by being owned by the person it possesses and to whom, by possessing him, it brings power and prestige. Fetishes are also owned by individuals who compete, though in a different way from prophets, for prestige and power against one another, so they must have distinguishing names. Thus it is through the name that ownership is established. The individuality is, in a sense, that of the person and not that of the spirit, the spirit getting its name through him.

The conclusion we have reached is that the conception of *kwoth* has a structural dimension. At one end Spirit is thought of in relation to man and the world in general as omnipresent God. Then it is thought of in relation to a variety of social groups and activities and to categories of persons: to political movements

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411 782 for the whole person.[1] It is for this reason that a spear must be carried during the invocation and not in order to slay the animal at the end of it. Other invocations by other men may follow before that is done, and the quick dramatic thrust into its heart which concludes the rite may be made by anyone, and not necessarily by a man who has made an invocation or by a spear used in the invocation.

411 782 614 But we have also to note that on many sacrificial occasions—those of a collective kind held in structural situations—when a man makes an invocation he does so as the representative of his clan (where 'clan' is used in this context 'clan or lineage' is to be understood—a man may be speaking in reference to his maximal lineage). He identifies himself with the clan by identifying his spear with that of the ancestor of the clan. It is his own spear which he brandishes but the name of the spear he shouts out as he does so is that of the spear of the ancestor of the clan, the clan spear-name. This is characteristic of sacrifices of the collective type, and it is towards them that the discussion is now directed.

[552] Each of the Nuer clans has a spear-name and sometimes a large lineage of a clan has a secondary name which is different from that of another lineage of the same clan. This spear-name is shouted out by a representative of the clan while he brandishes a spear in his right hand, in war, at weddings, and on other public occasions when the clan as a whole is concerned—ideally, that is, and never actively and corporately. It is especially shouted out as an exordium to sacrificial invocations on occasions of collective significance (pp. 288–9). It is '*mut gwara*', 'the spear of our fathers'. On such of these occasions as require the services of a leopard-skin priest he calls out the spear-name '*mut Geaka*', 'spear of Gee', a spear-name which combines the representation of the priestly office with that of the Nuer as a whole.

It is essential to note that, with two exceptions, no actual spears of the ancestors of the clans exist, and it is not held by Nuer that they ever did exist, except in the sense that the ancestors had their own spears. The virtue is in the idea of 'the spear of our fathers', not in any material clan relic. Consequently, in invocations any spear will serve the purpose of the rite and represent that of the

[1] Among the Shilluk the officiant rubs his spear on the back of the victim, as the Nuer places his right hand on its back (D. S. Oyler, *Sudan Notes and Records*, 1920, p. 298).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through
613 the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
[582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
[585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*twoc ghok*)
613 by shouting out their clan spear-names. The spear-name is also
597 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

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into the lineage of the man who has given him domicile, the expression for adopting being either *lath buthni*, to be given shares (in sacrificial meats) and hence to be given agnation, or *lath muot*, to be given a spear (-name), and hence to be made a member of the clan. He also shouts it out in sacrificial invocations at mortuary ceremonies, at settlement of blood-feuds, at initiations, and on other occasions which concern the whole clan (p. 288). When, as mentioned above, clan and tribe are identified politically in war and raiding a representative of the dominant clan of the tribe brandishes a spear and calls out the spear-name of his clan on behalf of the whole tribe. This man, called *ngul*,[1] is usually, perhaps always, a leading man of the senior lineage of the dominant clan, that descended from the eldest son of the ancestor of the clan. Thus in the Lou tribe this rite is performed by a man of the Gaaliek lineage of the Jinaca clan. Likewise the Tar lineage who have charge of the *wiu* spear are descendants of Thiang, the eldest son of the founder of the clan; and the Thiang clan who own the *thiang* spear are descended from Thiang, the eldest son of Gee.

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I cannot always explain the meaning of these spear-names or even translate them, and Nuer themselves cannot always say for certain what they mean, for they arose in ancient days. It is clear, however, that they are charged with symbols expressing the unity and continuity of clans and lineages. I give a few examples, choosing those in which the meaning is more or less evident. The Jiruet lineage have *mut tora*, spear of the monorchid. This lineage respects monorchids, whether they be man or beast. The Gaatiek clan have *mut yier*, spear of the stream, because their ancestor came out of a stream. The Gaatnaca clan have *mut ghama*, spear of the thigh. This seems to refer to the loins of the ancestor from whom they sprang. The Gaaliek lineage of this clan have the secondary spear-name *mut tang*, spear of the spear-shaft, because the *ngul*, whom I have referred to above, of the Lou tribe is of this lineage. He uses a spear-shaft in war ritual. The Gaatleak clan have *mut leak*, the word *leak* being simply, it would seem, taken from the clan name itself. Many leopard-skin priests are members

[1] He is also called *ngul ghok*, *ngul* of cattle, an expression which probably refers to the taking of enemy cattle on raids, and *gwan muot*, possessor of the spear. As he may break a spear-shaft in two and throw the pieces in the direction of the enemy he is further known as *gwan tang*, possessor of the spear-shaft. I was told that he may also invoke God for success in hunting in time of famine.

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411 of this clan and, as I have explained, they use *mut Geaka*, spear
614 of Gee, as an alternative expression. The Thiang lineage have a
613 secondary spear-name *mut Thiang*, spear of Thiang, which is the
552 name of their ancestor.

When a man calls out his clan spear-name he often does so with embellishments, which are further symbolical representations of the clan. They refer to its ancestor, its spirits, its totems, its ghosts, its cattle, or its origin and traditions. Thus a Gaatgankir clansman in making invocations adds to *mut wiu* such expressions as *mut kwe*, *mut jangemo me coali Kir*, and *mut gwara*. *Kwe* is the fish-eagle and also a colour distribution of cattle. The shining of the spear is likened to the white face of the fish-eagle against its black body and to the white splash on the head of a dark coloured cow or ox. *Jaangemo me coali Kir* means 'that Dinka who is called Kir' and refers to the Dinka origin of the clan. *Mut gwara* means 'spear of our fathers'. The spear in the hand of the speaker, the spear *wiu*, the spear used to cut open the gourd in which the ancestor was found, and the spirit *wiu* all seem to be fused in the representation. In a similar manner the Gaawar clan may add to their spear-name *mut wang*, spear of the eye (I think), such expressions as *mut nhial*, *mut puara*, and *mut kwoth nyota*. I do not know why the spear is called 'spear of the eye' (if that is the right translation). *Nhial* is the firmament and *puar* is a cloud. Their ancestor fell from the sky and the clan is therefore associated with sky, clouds, and rain. When he fell he had in his hand a sprig of the *nyuot* tree, a tree associated with rain. Hence the *kwoth nyota*, the spirit of the *nyuot* tree.

Thus the spear-name is either that of the ancestor of the lineage or clan or in some way signifies him, and the elaborations of it, such as by reference to a spirit or a totem, are also just different ways of denoting the lineage or clan as a whole; for the name of the ancestor stands for the whole clan, both here and elsewhere. We have noted earlier (p. 169) how in myths a lineage is personified for the purpose of the action of the story, the name of the lineage or of its tribal territory being used to indicate its ancestor. Nuer sometimes even insert the name of a lineage into a genealogy as its founder, though the form of the word shows that it is the name of a group and not of a person; or they give the founder a composite name, appending the name of the lineage to the personal name, for example, Nyang Gaaliek, Nyang being the name of the person and Gaaliek the name of the lineage of his descendants.

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SPEAR SYMBOLISM

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It is, I believe, in some such sense of the clan militant that we should interpret the spear symbolism of the clans. Nuer always speak of 'spear' where I have used the expression 'spear-name'. However, not only are there in almost all cases no actual spears, but it is not even the idea of any particular spear that they have in mind. What they have in mind is the clan as a whole for which the spear stands as a symbol not just as a spear but as representing the collective strength of the clan in its most conspicuous corporate activity, for clans and lineages are most easily and distinctly thought of as collectivities—through their identification with tribes and tribal segments—in relation to war. That the representation is of the clan as a battle host is shown by the Nuer statement about their clan spears that they only exist in the sense that 'they are in the mouths of men when they go to battle'. Two remarks made by Nuer give further support to an interpretation along these lines. One man said of all clan spears that '*tuokdien e wiu*', 'their origin is *wiu*', and that *wiu* is the *kwoth*, spirit, of all clan spears. There was some discussion about this remark among Nuer present, and I gathered from it that all clan spears in this wide and symbolic sense of the word *mut* as the battle host signify the clan as a social group in relation to God in the conception of him as Lord of Hosts. The man could not have meant that other clan spears were derived or copied from the spear *wiu*. That would have made no sense, both because there are no actual spears and also because the Gaatgankir clan who own the spear *wiu* are regarded by everybody as a Dinka clan of later origin than the true Nuer clans. That a spiritual conception of *wiu* was meant is further evident from a remark made to me by another Nuer, a man of exceptional ability, that when the Gaatgankir clan reach ten generations from their ancestor Kir—when they have grown up, so to speak—they will doubtless cease to respect (*thek*) the

the *mut*, why it is that the title of spiritual leaders in Dinkaland is taken from the fishing-spear (*bith*) instead of from the fighting-spear. An explanation might be put forward in terms of the analysis I have presented. Whereas among the Nuer the fighting-spear is the symbol of the clan because what is being symbolized is exclusiveness and opposition, among the Dinka the fishing-spear is the symbol of spiritual leadership because what is being symbolized is inclusiveness and unity. This is a guess but it receives some support from the fact that among the Nuer, at any rate in western Nuerland, when a leopard-skin priest goes to settle a feud he is accompanied by a kinsman called the *gwan biedh*, the master of the fishing-spear, which is the title of the Dinka spiritual leaders. However, this may be a loan from the Dinka.

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spear *wiu*, as they do at present, and will respect (the word is here used to balance the statement and not literally) only its name. As we should put it, they will not then feel the need for a material symbol of the spiritual relationship, and a verbal or ideational symbol will suffice. The association of clan spears with the spirit *wiu* is clear to us when we recall that the spirit is also associated with lightning with which, in this hypostasis, God strikes as man strikes with the spear.[1]

In invocations in which clans are involved as such God is appealed to, as I have explained earlier, in some refraction by which he is figured as their patron. This is the '*kwoth gwara*', 'the God of our fathers'. It is on such occasions also that the spear-name of the clan is shouted out as an exordium to the invocation. This is the '*mut gwara*', 'the spear of our fathers'. I would suggest that we have here in the spear-name a symbolic representation of the clan in its relation to God. God is invoked in relation to the clan through the spear of the ancestor held in imagination in the hand of one of his descendants.

If this interpretation is right, then in those sacrifices in which the clan as a whole is concerned the calling out of the clan spear-name by the officiant identifies the whole clan with the intention of the sacrifice as spoken in the invocation. The sacrificial spear in his hand becomes through the exordium the clan sacrificial spear through which in symbol the whole clan offers up the victim to God. The officiant in such sacrifices must therefore be a representative of the clan, what the Nuer call a *gwan buthni*; whereas in personal and piacular sacrifices, in which appeal is made on behalf of an individual or a number of individuals, anyone can officiate and the officiant is usually a senior member of the family or kin of the sacrificer. The intention, and therefore character, of the sacrificial act is different in the two cases. In the first it is of the nature of a validation, in the second of the nature of a *piaculum*; though in some situations there may be a broad overlap. Religion has always these two sides, the one concerned chiefly with the social life and the other with the relation of the individual soul to its God.

[1] Nuer, however, use for God striking a man with lightning the verbs *mar*, to strike, and *pim*, to strike in the sense of 'to hit' or 'to punch', and not *yiedh*, to strike in the sense of to thrust or to stab.

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231 animals, dedicates them to spirits, and in other ways makes formal
883 use of them for religious purposes, nevertheless, the ox a father
776 gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 From the colours, their distribution, the shape of the horns, and
553 other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cot thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long
[561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems
[538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the
●[552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*ma rial*', 'black-and-white (ox)', or '*thakda ma rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

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gwongo,[1] but I avoid doing so in an account of Nuer religion partly because I have in it used these words to translate another word, *lam*, but also because nothing is in fact invoked, and it is precisely the use of the words in connexion with oxen that has led to the erroneous conclusion that a favourite ox is a sort of 'tutelary spirit'. The ox is not called on, but called out. It is not an invocation but a cry of excitement and triumph as the striker strikes his foe or prey. That the ox is not being called on for aid is conclusively shown by the fact that in the same circumstances a Nuer may shout out instead '*tet cueda*' followed by a kinship term, usually that referring to the mother's sister: '*tet cueda malene*', 'my right hand, my mother's sisters'. Nuer are not calling on their mother's sisters for aid but using an emotive ejaculation, in which the ideas of strength (the right hand) and good-will (the mothers' sister) are combined. When they cry out the names of their oxen the ejaculation is a triumphant assertion of the self, for which the ox stands as a symbol. Also a man may cry out the name of his ox on occasions when there is no question of success or failure: as he brandishes his spear as though to strike in dancing, when making spectacular leaps into the air (*rau*), and sometimes in making a sacrificial invocation. It is both self-expression and a drawing of attention to the self.

It should be borne in mind that a man normally retains his ox-name and continues to be called by it and also to shout out the name of the ox from which it is derived long after the ox is no more in his possession. A man may part, though always with regret, with a favourite ox for marriage or sacrifice, or the ox may die. It is then replaced by another favourite, though when a man is older and has a herd of his own he may not identify himself in quite the same way or to the same extent as when he was young with any one particular ox. If another ox takes the place of the first favourite, the ox of initiation, its owner may take, or be given, a new ox-name derived from this second ox, the new name then either taking the place of the old or both being used; but most men keep for life the ox-names they acquire at the time of their initiation. It is the name of this ox that a man shouts out in war, hunting, dancing and leaping, and in sacrificial invocations, and

[1] J. H. Driberg, *The Lango*, 1923, pp. 109–10: 'One who takes a hostile spear on his shield invokes by name a favourite bull belonging to his father or maternal uncle (*gwongo tuon*).'

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233 583 clearly pointed at marriage, when movements of cattle from kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

233 553 The importance of cattle in Nuer life and thought is further exemplified in personal names. Men are frequently addressed by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

233 775 Since cattle are a Nuer's most cherished possession being an essential food-supply and the most important social asset, it is easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

233 183 We have seen in a brief survey of some Nuer institutions and customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

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836 883 in sexual relations with girls. Before initiation boys may go to dances but they merely watch and do not take part in them After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*lumde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 884 421 An initiated boy is now invested with two external signs of manhood besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though, he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 554 553 421 A boy is even prouder when he becomes the owner of a bullock and is invested with a bullock name. Even a small boy will speak of his father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it is only his in the general psychological sense of family communism. It

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is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right. 233 554 553 421

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having theirs lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nilotes towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members 232 553

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232 of the age-sets directly senior and junior to his set may also call him
•553 by his bullock name. Members of his family and kin will address him by his birth name or by a relationship term. The use of a bullock name has egalitarian implications so that it would not be used between persons whose age-sets are distant from one another. A younger man would not address one much older than himself by his bullock name but as "*gwa*," "father," or by the complimentary title of "son of so-and-so," mentioning the name of his father, or "father of so-and-so," mentioning the name of his eldest child whether son or daughter. Also an old man would not address a much younger one by his bullock name, but as "*gatda*," "my son."

561 The change of social behaviour which takes place in the life of a
554 Nuer when he passes from the grade of boyhood to the grade of manhood, from *dhol* to *but*, is shown in the customs I have just described, milking, household tasks of byre and kraal, love-making, dancing, ownership of spear and bullock and bullock-names, etc. But these are customs which differentiate one grade from another grade and not one set from another set. All the age-sets are equivalent in their enjoyment of these privileges and present an undifferentiated opposition to the boys who are deprived of them. There are no further grades into which a set as a whole advances. The Nuer age-sets do not pass out of the grade of warriors into the grade of elders as these grades are not clearly defined among the Nuer. A man, as explained above, ceases to fight when he considers himself too old for this sport and not because his set passes out of a warrior-grade. He marries when he is old enough to do so and when there are sufficient cattle to provide him with a bride, and not because his set passes into a grade of married elders. Instead of the three grades of the Masai system, Boy-grade, Warrior-grade, Elder-grade, there are properly only two Nuer grades, Boy-grade and Man-grade.

But though not graded the sets are stratified and have a traditional pattern of behaviour between one another so that membership of one set evokes a different pattern of behaviour from members of all the other sets. Thus, from the point of view of an individual Nuer, male society falls into three adult groupings: those whom you respect as seniors (associated with your fathers); those with whom you are on terms of intimacy (associated with your brothers); those who owe respect to you (associated with your sons). These patterns of authority, submissiveness and egality, are the only three possible patterns of behaviour between

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poses that European observers have perceived that in the relationship between men and cattle there is something more than can be stated in simple terms of husbandry and exploitation. I mention only those whose observations refer specifically to the Nuer. Ernst Marno says that we may speak of their veneration (Verehrung) of cattle, that the largest and finest ox of a herd is regarded as a guardian genius (schützende Genius), and that they refer to this beast by the same name, '*nyeledit*', as they assign to the conception of a Supreme Being and to thunder.[1] Likewise, Mr. H. C. Jackson tells us that the bull which a youth receives from his father at initiation 'is a kind of guardian spirit of its owner who calls upon it in times of stress and difficulty', and in another place he speaks of this bull as the 'tutelary spirit' of its owner.[2] Captain H. H. Wilson says of the Nuer that, like the other Nilotic peoples of the White Nile, 'what religion they possess is centred in the cow';[3] and Professor D. Westermann writes that 'the attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious'.[4] There is, however, no evidence at all that cattle are venerated or in themselves are in any way regarded as guardian spirits, and in so far as it may be true to say that Nuer religion 'is centred in the cow' or that their attachment to cattle 'may almost be called religious', in so far, that is, that we may legitimately speak, as Marianne Schmidl did in her interesting paper on the subject,[5] of '*die sakrale Stellung des Rindes*', it is for a different reason.

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Another writer about the Nilotic peoples and a very experienced anthropologist, my teacher Professor C. G. Seligman, said about Nilotic cattle that 'it is difficult to describe their importance to their masters or the love and care the latter have for their beasts, but it is certainly no exaggeration to say that it amounts to what psychologists would term "identification".'[6] What seems chiefly to have persuaded Professor Seligman to use this word is the Nilotic

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[1] Ernst Marno, op. cit., pp. 343 and 349–50. What he says about '*nyeledit*' is unintelligible.

[2] H. C. Jackson, op. cit., pp. 94 and 96.

[3] *The Anglo-Egyptian Sudan*, edited by Lieut.-Col. Count Gleichen, vol. i, 1905, p. 140.

[4] Ray Huffman, *Nuer Customs and Folk-Lore*, 1931, p. vii.

[5] Marianne Schmidl, 'Die Grundlagen der Nilotenkultur', *Mitteilungen der Anthropologischen Gesellschaft in Wien*, LXV. Band, Wien, 1935. See also Johannes Weissenborn, *Tierkult in Afrika*, 1904, p. 16.

[6] C. G. and B. Z. Seligman, op. cit., p. 169.

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custom of taking personal names from their cattle in addition to the personal names they are given soon after birth. I have discussed elsewhere[1] the general social significance of names and other modes of address among the Nuer and here I speak only of their cattle-names and principally of their ox-names, these being of chief importance.

These names are often spoken of in writings about the Nuer as bull-names, but ox-names, in the use of the word 'ox' to denote a castrated bull, is a more correct designation.[2] Nuer speak always of such a name as *cot thak*, the name of an ox, and *thak* is a castrated animal in contrast to a *tut*, an entire animal. It is true that when a youth takes his name from a beast it may be entire, but it will be castrated later. Nuer may not castrate a male calf till it is nearly two years old, but they do so before it is likely to gender with the cows. It is not for pedantry that I make the distinction: it has a logical, and perhaps psychological, appositeness to the equation of man and ox in sacrifice.

Ox-names are essentially the names of men, males who have passed through the rite of initiation to manhood. Boys may take ox-names in play but only in imitation of their elders. Likewise, maidens may take ox-names, from bull calves of the cows they milk, but they are mainly used only between girls themselves and in the nature of a game, copying their brothers; and the names are short-lived. Married women use cow-names among themselves, but, here again, this is similitude, and it has none of the significance of the ox-names of men. Perhaps also here again the distinction between the copy-names of boys, girls, and women and those taken by men may be important because of its logical relation, which concerns our present discussion, to the fact that men, and not boys or women, are the sacrificial agents. The two sides of the standard equation are the human male and the bovine male, man and ox.

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When a boy is initiated his father gives him in sign of his manhood an ox or, as I have explained, a bull calf which will later be castrated; and this ox, which he describes as '*thak gareda*', 'the ox of my cutting (initiation)', becomes his *dil thak*, what I have spoken about as his favourite ox (Marno's '*Lieblingsstier*'), though

[1] 'Nuer Modes of Address', *Uganda Journal*, 1948.

[2] Throughout the literature on the Nuer, 'ox' or 'steer' or 'bullock' should in most cases be substituted for 'bull'.

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231 883 776 animals, dedicates them to spirits, and in other ways makes formal use of them for religious purposes, nevertheless, the ox a father gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 553 From the colours, their distribution, the shape of the horns, and other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cot thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long [561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems [538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the [552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*ma rial*', 'black-and-white (ox)', or '*thakda ma rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

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gwongo,[1] but I avoid doing so in an account of Nuer religion partly because I have in it used these words to translate another word, *lam*, but also because nothing is in fact invoked, and it is precisely the use of the words in connexion with oxen that has led to the erroneous conclusion that a favourite ox is a sort of 'tutelary spirit'. The ox is not called on, but called out. It is not an invocation but a cry of excitement and triumph as the striker strikes his foe or prey. That the ox is not being called on for aid is conclusively shown by the fact that in the same circumstances a Nuer may shout out instead '*tet cueda*' followed by a kinship term, usually that referring to the mother's sister: '*tet cueda malene*', 'my right hand, my mother's sisters'. Nuer are not calling on their mother's sisters for aid but using an emotive ejaculation, in which the ideas of strength (the right hand) and good-will (the mothers' sister) are combined. When they cry out the names of their oxen the ejaculation is a triumphant assertion of the self, for which the ox stands as a symbol. Also a man may cry out the name of his ox on occasions when there is no question of success or failure: as he brandishes his spear as though to strike in dancing, when making spectacular leaps into the air (*rau*), and sometimes in making a sacrificial invocation. It is both self-expression and a drawing of attention to the self.

It should be borne in mind that a man normally retains his ox-name and continues to be called by it and also to shout out the name of the ox from which it is derived long after the ox is no more in his possession. A man may part, though always with regret, with a favourite ox for marriage or sacrifice, or the ox may die. It is then replaced by another favourite, though when a man is older and has a herd of his own he may not identify himself in quite the same way or to the same extent as when he was young with any one particular ox. If another ox takes the place of the first favourite, the ox of initiation, its owner may take, or be given, a new ox-name derived from this second ox, the new name then either taking the place of the old or both being used; but most men keep for life the ox-names they acquire at the time of their initiation. It is the name of this ox that a man shouts out in war, hunting, dancing and leaping, and in sacrificial invocations, and

[1] J. H. Driberg, *The Lango*, 1923, pp. 109–10: 'One who takes a hostile spear on his shield invokes by name a favourite bull belonging to his father or maternal uncle (*gwongo twon*).'

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231 by which, in one or other form he is addressed by his peers; though
553 it has long ago departed. Fundamentally, therefore, it is not the ox of initiation itself with which there is 'identification' but ox, the idea of oxen. The ox of initiation is the prototype of the ox–man relationship, and it is a kind of focal point at which the feelings a Nuer has towards cattle converge and run over into demonstration by word and gesture. When the ox is long ago dead the relationship continues, because ultimately it is not one between a man and a particular beast but a general relationship of a human being to cattle, an essential feature of which, I am about to suggest, is the sacramental equation of man and beast in sacrifice. Any ox will therefore serve the purpose, or, indeed, no ox at all—only the memory, or rather the idea, of an ox.

231 We may ask why the identification is with oxen and not with bulls. It might be expected that a man, who is himself a *tut*, a bull, not only in the general sense of 'male', but also in a common metaphor of speech derived expressly from cattle, would take his name from a bull rather than from an ox. The commonsense answer is that Nuer castrate all but a very few of their bulls, so that there would not be enough entire animals to go round, and this may be the right explanation. Even if it is not, or is not a sufficient explanation, we must here take it as given that the equation is between man and ox. We may, however, note further the fact, on which emphasis is later to be laid, that since an ox or a surrogate for an ox is almost always the sacrificial victim, the sacrificial equivalence is between men (the sacrificers) and oxen (the victims). If a beast is entire it is castrated before sacrifice. It is perhaps also necessary to remark that Nuer evaluation of bulls and oxen is not ours. Our representation of an ox, in contrast to a bull, is a docile, inferior, and slightly contemptible beast destined for the slaughter-house. In the Nuer representation a fat ox is a thing of grandeur and beauty. It is oxen which arouse their admiration. Bulls evoke utilitarian interest rather than emotional and aesthetic attention.

The facts I have related make it understandable that Professor Seligman should have spoken of 'identification' of men with their favourite oxen. Had he had either a first-hand or a wider knowledge of the Nuer he would no doubt have elaborated his theme, and especially by drawing on their ceremonies of initiation for illustrations.

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THE SACRIFICIAL ROLE OF CATTLE

A youth takes his cry and his personal name from the markings and other traits of the ox his father gives him at initiation. By the rites of initiation boys are made men,[1] and this means, among other things, a conspicuous change in their relation to the cattle. They now cease to look after the calves and sheep and goats and to perform the more menial services of kraal and byre. Instead they tend the adult cattle. The most marked change is that whereas before initiation they helped the women milk the cows they now altogether cease to milk. But these external and evident changes are accompanied by a deeper, and hidden, transformation, men and oxen being brought into an intimacy of relationship on a different plane to that of mere proximity and association, however close, so that in some way an equation is brought about between man and ox. Such would seem to be the interpretation of certain very peculiar, though outstanding, features of the initiation rites. I have described these rites and discussed their social significance elsewhere,[2] and in this place I shall only draw attention to those features which have special relevance to our immediate subject.

The rites direct our attention throughout to the relationship between men and cattle. It is the *wut ghok*, the man of the cattle, to which he stands in a special ritual relationship, who opens and closes the periods of initiation. During initiation the initiates may not have any contact with the cattle, which are a danger to them till their wounds are completely healed and they formally pass out of seclusion. The prohibition extends even to rubbing ashes of cattle-dung over their bodies, a daily practice common to all men and boys; and Dr. Mary Smith tells me that Nuer say that it may harm the lads if the smoke of the smudges reaches them; though the fact that they drink milk suggests that the interdiction really concerns their relation to the oxen rather than to cattle in general, just as the interdiction on women drinking milk during their periods concerns their relation to cows and not to cattle in general. In the terminal rite of initiation, when the initiates are

[1] Or, perhaps, one should rather say 'Nuer men', for Nuer do not regard other people as 'men', whatever their age. They think of *wut*, manhood, as something specifically Nuer. Consequently Dinka who have already been initiated in their own country have their foreheads cut in the Nuer fashion across the scars of their Dinka initiation if they become members of Nuer communities.

[2] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936. Since this article was written I have obtained further information which has not been published.

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On the day when, by the cutting of lines on his forehead, a boy

881 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

231 613 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 613 614 553 196 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed* and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mut kene paak jalke kel*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *paak*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as on formal visits, at dances,

* [See pp. 240-47, Cat. 116, — Analyst]

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and at marriage and initiation ceremonies. Otherwise it is mostly a complimentary usage which expresses a formal relationship of reserve, as between a husband's mother and her son's wife, and then it is chiefly a woman's mode of address. 231 613 614 553 196

The title consists of *gat*, son (of), or *nya*, daughter (of), followed by a word which usually refers to a cow said to be that on whose milk the ancestor of the clan or lineage was nurtured in infancy, though it may refer to the place where the clan or lineage is said to have originated, or to some object connected with its ancestor, or to its totem. Nuer say that clans either '*ba paak ka kwi yangdien*', 'are saluted by reference to their cow' or '*ba paak ka kwi ciengdien*', 'are saluted by reference to their (original) village site', but since the salutation generally refers to a cow the expressions '*paak*', 'honorific salutation', and '*paakene yang*', 'honorific salutation of cow', are synonyms. The words are often exceedingly difficult to translate, or even to discover the meaning of, especially when they relate to cows, for here the Nuer language proliferates symbolism in luxuriant elaborations of fancy; and representations of ancestral cow, ancestral home, totem, and totemic spirit, are sometimes fused in the titles, which are built out of a number of residues all of which derive from and express lineage values. I have listed and discussed some of these honorific titles elsewhere,[1] and there is no need here for a detailed consideration of them. We have only to note the central place the idea of a cow has in them, the cow standing for the herd and hence also for the lineage of its masters.

It need not surprise us that it is a cow that is referred to and not an ox or bull. It would be inappropriate to refer to an ox since, as I understand the matter, the whole point of using a symbol from the herds is to express in a single representation the idea of the unity of a lineage and its cattle, the cattle which sustain the lineage by their milk (the cow suckles the ancestor) and by constant calving provide them with bridewealth for marriages whereby sons are born and the lineage continued, and with a means of maintaining communication with Spirit and ghosts. Male animals do not answer the requirements of the symbolism. The great majority of the bulls are castrated, and, if not later disposed of in marriage, those which survive murrains are sacrificed; and the animals which are left entire are not thought of as being, like the 231 613 553 196

[1] 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, 1934, pp. 25–29.

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male members of a human lineage, a line of descent. In tracing back the lineage of a beast, which Nuer can sometimes do to several generations, they do so by the points of the dams and not the points of the sires: an ox of certain markings was born of a cow of certain markings and it of a cow of other markings. Descent in the herd is, so to speak, traced matrilineally; and it is the cows which are seen as the stable element, which calve cow-calves, which calve cow-calves in their turn, and so provide the constant and continuous nexus between herd and lineage. Consequently, if at marriage most of a herd is dispersed and only a core is retained, it is some cows which are kept so that the herd may be built up anew through them. Therefore, it is to the cows of the ancestors, and not to their bulls, that the honorific titles of clans and lineages refer.

The lineage–herd equation can thus be considered as a collective expression of the man–ox equation. The one does not derive from the other but they are parts of a single complex representation, which finds its most logical expression in the rites of sacrifice. The name of the ox of the speaker may be shouted out in sacrificial invocations because its name stands for his own, but when the sacrifice is on behalf of a whole clan the exordial words are the spear-name of the clan, which goes together with the cow-title of the clan, representing the relation of the clan to its ancestral herd. The two symbols, ox-name and spear-name, represent two aspects of the sacrificial relationship between men and cattle, the personal and the collective. The one or other aspect is emphasized according to the nature of the sacrifice.

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The facts we have examined, taken severally or together, point to the conclusion that there is the idea of equivalence between men and cattle, and the only plane on which there is anything that can be called equivalence is that on which men and cattle are things of the same order, so that one can be substituted for the other, namely in sacrifice, or in other words in relation to God. We have seen that in those sacrifices which have the most significance for the study of Nuer religion, the personal ones, the lives of oxen are substituted for the lives of men. This is not only evident in what

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and so forth. This conclusion is based on many statements (I have only once been present at discussions between a chief and the kinsmen of a slain man, and then the circumstances were unusual). It may, however, be said with certainty that no amount of pressure from a leopard-skin chief, if it is ever exerted, can settle feuds expeditiously, if at all, between the larger tribal sections. In other disputes the chief acts rarely, and only when both sides strongly desire settlement. He has no jurisdiction to hear cases in a locality. Here, again, I was told that if one party refused to accept his decision as arbiter he might pass the man his leopard-skin, an action tantamount to a curse. The man must then make the chief a gift before he will consent to take back the skin. However, this probably happens only when a man refuses to accept a decision to which every one else, including his own elders, have agreed. I was also told that in disputing a chief's words a man will do so respectfully, first spitting into the chief's hands as a sign of goodwill. No doubt a chief is shown respect on such occasions, but the chiefs I have seen were treated in everyday life like other men and there is no means of telling that a man is a chief by observing people's behaviour to him. His role in disputes may be regarded as a means by which neighbours, who wish a difficulty settled without resort to force and who acknowledge that the other side have a good case, can negotiate.

X

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We have considered the position of the leopard-skin chief at some length because it is structurally important. He in no way represents or symbolizes the unity and exclusiveness of political groups, but is a mechanism by which, through the institution of the feud, these groups interact and maintain their structural distance. There are other people in Nuerland with ritual powers, of one kind or another, which sometimes make a man well known and, occasionally, very influential, but none of them are politically important, except the prophets whose activities we discuss later. They neither govern nor judge and their sacred functions are not, like those of the leopard-skin chief, specifically related to the interaction of local groups. However, we do not entirely

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554 pass them by because sacred powers often give a man prestige from which he may attain local eminence as an important elder, if they are combined with wealth, ability, and wide kinship connexions.

554 613 231 791 Next to prophets and leopard-skin chiefs the ritual status that carries with it most prestige is that of the *wut ghok*, the Man of the Cattle. Certain lineages have hereditary ritual powers in relation to cattle and are asked to cure sick beasts and to make barren cows fruitful, though only some members of these lineages use their powers. Like leopard-skin chiefs, Men of the Cattle are often members of stranger lineages and not of the aristocratic clan of their tribe. I was told that their curse is feared, as it can be directed to the cattle, and that Nuer do not care to offend them, but, outside tradition, I have not recorded any occasion of its utterance. Apart from the few Men of the Cattle who play a part in the regulation of Age-sets (see Chap. VI), and those who are sometimes consulted about migration to new pastures, they have no public functions. One *wut ghok* of the Eastern Gaajok became very rich and powerful a generation ago, but his prestige was largely due to his possession of magic.

554 613 791 Besides the *kuaa muon*, who has a ritual relationship to the earth, and the *wut ghok*, who has a ritual relationship to the cattle, there are a number of totemic specialists whose ritual connexion with lions, crocodiles, weaver birds, &c., enables them to influence the behaviour of these creatures. A totemic specialist is a possessor (*gwan*) of the spirit (*kwoth*) of his totem. Totemic specialists have no political significance and have no social influence in virtue of their powers alone. There is a war specialist whose duty it is to shake a spear in the face of the enemy and to deliver an invocation against them. He is known as *gwan muot*, possessor of the spear, or *ngul*, and is often, perhaps always, a member of a senior lineage of the dominant clan of the tribe, for he invokes the spear by the spear-name of the clan. There are also magicians of various kinds: leeches, diviners, owners of medicines, and owners of fetishes. Of these specialists only owners of fetishes become prominent members of their communities on account of their ritual powers. Nuer [776] are very much afraid of fetish spirits and believe them to be so powerful that they will even purchase them with cattle. A fetish-owner may become the most influential man in the village, and I have been surprised at the respect and fear with which his neighbours sometimes treat him. Nevertheless, he has no defined authority in controlling the relations of the villagers to one another nor does he represent the village in its relations with neighbouring communities.

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XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
593 two, more general, conditioning attributes of local influence. Women and children have always a position inferior to that of men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
623 and when he has married and begotten several children he becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present time the *Maker* and *Dangunga*, for members of the most senior sets, the *Thut* and *Boiloc*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

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remark only that there is no constituted authority within each set, all members being of equal status, and that, whilst members of junior sets respect those of senior sets, the authority of older men is personal, very indefinite, and based on analogy with domestic relations within the family. Behaviour between individuals is influenced by the distance between them in the age-set system, but age-sets are not a political institution in the sense of the system having an administrative, military, or judicial organization. 561

Age by itself does not give a man social position. He must have other qualifications as well. Those elders with most influence are the *gaat twot*, the children of bulls. Such a man is called a *tut*, bull, and in strict usage this is equivalent to *dil*, tribal aristocrat. As will be fully explained in Chapter V a *dil* is a member of the dominant clan in each tribe and, in virtue of his membership, has within that tribe a slightly superior social position. This clan is not a ruling class and the enhanced prestige of its members is very indefinite. The clan system has no hereditary leadership; a senior lineage does not rank higher than others; there is no 'father of the clan'; and there is no 'council of clan elders'. *Tut* is also used in a wider sense to refer to men of social position who do not belong to the dominant clan but to other lineages which have long been domiciled in the tribe. A *tut* in this rather wide sense of 'man of good standing', or 'social leader', is usually a scion of an important lineage, the head of his own family, and master of his homestead and herd. He is generally also the eldest surviving son of his father's family and, therefore, head also of the joint family, the master of the hamlet. If he is to gain a social reputation he must also possess sufficient cows to be able to entertain guests and to attract young kinsmen to reside in his byre. Round such a man's homestead are clustered the homesteads of his brothers and married sons and, often enough, the homesteads of his sisters' husbands and daughters' husbands. To be a social leader, whose opinion is readily agreed to, he must also be a man of character and ability. 554 [614]

The authority of a *gat twot*, or *tut wec*, 'bull of the camp', as he is often called, is never formalized. He has no defined status, powers, or sphere of leadership. Lineage, age, seniority in the

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554 family, many children, marriage alliances, wealth in cattle, prowess as a warrior, oratorical skill, character, and often ritual powers of some kind, all combine in producing an outstanding social personality who is regarded as head of a joint family and of a cluster of cognatic kinsmen and affines, as a leader in village and camp, and a person of importance in the rather vague social sphere we call a district. It is easy to see in village or camp who are its social leaders, and it is these people who have furnished the administration with most government chiefs, for the influence of the leopard-skin chief is mainly restricted to the circuit of his ritual functions and only if he is also a *gat twot* does he exercise influence beyond these limits.

554 596 When we ask, however, in what way a *tut* acts as a leader in his community it is difficult to answer. As the chief man of his family and joint family he takes the most prominent part in settling the affairs of these groups, but he cannot on that account be said to have political authority, for these domestic groups act independently of others in the village, though some co-ordination between them is imposed by their common requirements. A joint family decide on the advice of their *tut* to change camp and the *tut* is supposed to drive in the first tethering peg in the new camp, if he is present, but other joint families of the 554 same camp may decide not to move till another day. Leadership 621 in a local community consists of an influential man deciding to do something and the people of other hamlets following suit at their convenience. When villagers co-operate, there is no appointed leader to organize their activity. If some members of a village are attacked the others rush to their assistance, headed by the swiftest and bravest, but there is no one who calls on them to do so or who organizes their resistance. A village is a political unit in a structural sense, but it has no political organization. There is no headman or other appointed leader invested with authority who symbolizes its unity and no village council. Beyond his domestic groups a *tut* has authority in his village only in the sense that he takes a prominent part in questions of procedure and other discussions. Outside his village he is a well-known person who is generally respected in his district, but he has no political status.

800 In larger groups than a village and camp there is far less

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In larger groups than a village and camp there is far less

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co-ordination of activities and less scope for leadership. Only in war is there any lengthy direct co-operation. Men noted for their prowess and ability stir up among the youths enthusiasm for a raid against the Dinka or a fight against another tribal section, and direct what simple tactics are employed, but these men have no political status or permanent leadership. The warriors mobilize in local divisions of their own accord, for there are no regiments and companies under officers, and in fighting they follow the most forward and courageous among them. Some of these warriors become renowned and their reputation quickly attracts recruits for raids. Two of the most famous war leaders were Latjor who led the Jikany tribes, and Bidiit who led the Lou, eastwards. Neither had any ritual qualifications, but both were men of outstanding ability who were members of the dominant clans of their tribes. It is not said by Nuer that either established any political control, or even had great authority, in their tribes. The role of prophets in war is examined later. Between tribal segments there are no other joint activities that require organization and direction. 721

XII

The lack of governmental organs among the Nuer, the absence of legal institutions, of developed leadership, and, generally, of organized political life is remarkable. Their state is an acephalous kinship state and it is only by a study of the kinship system that it can be well understood how order is maintained and social relations over wide areas are established and kept up. The ordered anarchy in which they live accords well with their character, for it is impossible to live among Nuer and conceive of rulers ruling over them. 181 156

The Nuer is a product of hard and egalitarian upbringing, is deeply democratic, and is easily roused to violence. His turbulent spirit finds any restraint irksome and no man recognizes a superior. Wealth makes no difference. A man with many cattle is envied, but not treated differently from a man with few cattle. Birth makes no difference. A man may not be a member of the dominant clan of his tribe, he may even be of Dinka descent, but were another to allude to the fact he would run a grave risk of being clubbed.

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among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland, and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

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districts, and occasionally even in large tribal sections. These fetish owners are not, however, in any sense tribal leaders and cannot compare in social importance with the prophets.

792

Owing to the fact that Nuer prophets had been the foci of opposition to the Government they were in disgrace and the more influential of them under restraint or in hiding during my visits to Nuerland, so that I was not able to make detailed observations on their behaviour.[1] Without discussing Nuer religious categories it may be said that a prophet is a man who is possessed by one of the sky-spirits, or Gods, whom Nuer regard as sons of the Sky-god. Nuer have great respect for these spirits and fear, and readily follow, those whom they possess. Prophets, consequently, achieved greater sanctity and wider influence than any other persons in Nuer society. A prophet is known as *guk* and is sometimes referred to as *cok kwoth*, an ant of God. He also comes into the general category of *gwan kwoth*, possessor of a spirit.

The first prophet to have gained great influence appears to have been Ngundeng who died in 1906. He was a Lou tribesman of the GAATLEAK clan and an immigrant from the Eastern Jikany. He had practised as a leopard-skin chief before he had acquired a reputation as a prophet by prolonged fasts and other erratic behaviour, by his skill in curing barrenness and sickness, and by his prophecies. Women came to him to be made fruitful from all over Lou, from the Eastern Jikany tribes, and even from the west of the Zeraf and Nile. Many brought oxen which Ngundeng sacrificed to Deng, the Sky-god which possessed him. He then anointed them with his spittle. When small-pox threatened the Lou he went out to meet it and to stay its advance by sacrifice of oxen. He foretold cattle epidemics and other events and led expeditions against the Dinka.

When Ngundeng died, the spirit of Deng eventually entered his son Gwek, who began to prophesy and to cure barrenness and sickness, as his father had done. However, he never displayed the pathological qualities of his father, who appears to have been a genuine psychotic. The spirit of Deng had passed over his elder brothers, or did not long reside in them. Nuer say that a spirit eventually returns to the lineage of the man whom it first

[1] The Government has always looked askance at prophets and opposed their influence. See, for some pejorative references to them, Jackson, op. cit., pp. 90–1; Ferguson, Appendix to Jackson, p. 107; C. A. Willis, 'The Cult of Deng', *S.N. and R.*, vol. xi, 1928, p. 200.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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The words '*tut*' or '*gat twot*', son of a bull, are used in the same manner as '*dil*' and '*gat dila*'. Here again a man may be a *tut* of his lineage, in contrast to accretions of strangers and Dinka who live in the district associated with it, without being a *tut* of the tribe of which that district forms part, e.g. a man may be a *tut* of the Jaajoah secondary section of the Lou tribe without being a *tut Looka*, because the aristocratic clan of the whole of Lou country are the JINACA, and the JAAJOAH are not members of this clan. In other words a man may call himself a *tut* of the Jaajoah to emphasize that he is a JAAJOAH and not merely a Jaajoah, but he does not thereby imply that he is a *tut Looka*. In a still more general sense *tut* may, as we have noted, merely mean a paterfamilias or even a male person. One must judge from the context how the expression should be translated. In this book we use the words *tut* or *gat twot* in the sense, defined on pp. 179–80, of an elder, and we use the word *dil* to refer to a tribal aristocrat. 614 619 565

It is difficult to find an English word that adequately describes the social position of *diel* in a tribe. We have called them aristocrats, but do not wish to imply that Nuer regard them as of superior rank, for, as we have emphatically declared, the idea of a man lording it over others is repugnant to them. On the whole—we will qualify the statement later—the *diel* have prestige rather than rank and influence rather than power. If you are a *dil* of the tribe in which you live you are more than a simple tribesman. You are one of the owners of the country, its village sites, its pastures, its fishing pools and wells. Other people live there in virtue of marriage into your clan, adoption into your lineage, or of some other social tie. You are a leader of the tribe and the spear-name of your clan is invoked when the tribe goes to war. Wherever there is a *dil* in a village, the village clusters around him as a herd of cattle clusters around its bull. 619 565 554

I have described the position of *diel* as I judged it to be among the Lou tribe. I had the impression that to the west of the Nile their status was less pronounced, whereas among the Eastern Jikany tribes, on the periphery of Nuer expansion, it was more emphasized. In the Karlual area of the Leek tribe, the only part of western Nuerland I know more than superficially, the aristocratic prestige of a *dil* is recognized, but there are clans of strangers so well and long entrenched in the districts and villages in which they are found to-day that a *dil* has no legal privilege.

[See cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 At a cursory glance, I gathered that conditions were elsewhere
565 the same in western Nuerland, except, perhaps, among the
554 Jikany where the status of *diel* may be more enhanced. Among the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than
621 a few families of *diel*. Most people are either *rul*, Nuer of other
563 clans, or *jaang*, persons of Dinka descent who have not been
565 adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed
565 entirely of fellow aristocrats, for lineages of *diel* split up and
554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

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It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Geeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

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In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyueny and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

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By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

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alluding to him as such in ordinary social life, for it is in rare 602
situations that his being other than an aristocrat is relevant: to 609
some extent in payment of blood-cattle, in questions of exogamy, 554
and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic 619
in sentiment and so ready to express it in violence a clan is 614
given superior status in each tribe? We believe that the facts 565
we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 182 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [582] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

8:Howell E, G-5 (1942-1944)1954
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We have seen that the period of invasion from the west, when the Nuer had a high degree of political cohesion, was followed by a period of expansion and absorption of Dinka. In the absence of external opposition a process of segmentation and political fission followed. In Gaawar we find that the descendants of Kerfeil began to lose their influence, particularly during the early period of Arab penetration, and it is at this period too that the division of Gaawar into the Bar and Radh primary segments became particularly marked. The majority of the Radh threw in their lot with Arab slavers and preyed upon their neighbours, and although the line of political cleavage did not follow strictly the distinction between the primary segments of the tribe, the Bar section to the south, joined by certain Radh secondary segments living in that direction and especially those resident on the Zeraf Island, were in permanent opposition to the remainder of the Radh. At this period Nuar Mer, an adopted son (of Dinka origin) of the Kerfeil lineage, is sometimes referred to as *ruic* of the Radh, while in Bar, although there was never sufficient cohesion to allow complete ascendancy, we hear of such leaders as Liaab Liou. Finally, in the event of extreme danger the Bar began to turn to Deng Likea, who certainly had no hereditary claim to leadership but had magical powers and the gift of prophecy much admired by the people. When the Dervishes withdrew he rallied the forces of Bar around him, inflicted a crushing defeat on the treacherous Nuer sections who had assisted them, and killed Nuar Mer. Deng Likea is also referred to as *ruic* Ganwaar. This process can be traced in most Nuer tribes.

For a while the concept of *ruic Naadh* remained vested in the Nuer 'prophets' in opposition to foreign aggression in the form of the present Government, but this has vanished since their defeat and removal, and nowadays if a Nuer is asked who is *ruic Naadh*, he will reply that it is the Government or more likely the District Commissioner.

The term *ruic*, like the word *cieng*, is relative to the social structure. There were also *ruic* whose influence was effective only in segments of a tribe and their significance was greatest at a period when political cohesion on a tribal scale was at its lowest ebb. There was no idea of an institutionalized authority set at the head of a tribe or a tribal segment, though there was perhaps always a tendency for the office to run on hereditary lines within the dominant lineage. Any person might achieve such influence over his fellows by reason of certain qualities which the Nuer consider admirable: generosity in the giving of cattle and in hospitality, which itself indicates a special regard for the obligations of kinship; wisdom and even temper in settling disputes between others; ability to hold the group together, a further expression of the kinship idea; bravery and powers of leadership in war.

These characteristics are also inherent in the conception of the *gat*

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624 *tuot* or *tut wec*, the 'bull of the herd', a position which is acquired within a dominant lineage and extended in relation to other lineages. ●554 The expression *gat tuot*, as we have seen, is used in the same sense as *diel* and refers to any member of a dominant lineage, but it has a more restricted meaning and is used nowadays to indicate a 'headman' in the Government system of administrative agents. The *tut wec*, the 'bull of the herd', however, is used generally to refer to the man who is recognized within the segment, whatever its size, as the most important adult male. His position is in the first place derived from his place in the genealogy of the dominant lineage, but it is largely dependent on his personality and prestige. The word *ruic* is sometimes applied to the *tut wec*, but has clearly a much wider significance in political relations and in past history. Finally, it is worth noting that there [619] were never any *ruic* whose influence extended over a unit of society larger than the tribe, which tends to support Professor Evans-Pritchard's contention that the tribe is the largest unit of any permanent political significance.

There is even some evidence that the *ruic Naaah* in much earlier days had greater influence, though the emphasis is placed on their ritual rather than political status. I have heard Nuer say of Buogh Kerfeil that he assumed the stool (*kum* or *kwom*),[1] a fact which suggests some special symbol of office. They also talk of a ceremony in which he was 'lifted up to God' by his fellows, suggesting a ritual investiture. Yet, although Nuer tradition refers to events which happened in the time of old men's grandfathers and, being thus much more recent than Dinka or Shilluk mythology, may have a greater degree of historical accuracy, the story scarcely provides adequate evidence that a form of institutionalized authority was then in existence or that the *ruic Naadh* approximated even remotely to the general conception of an African Chief with political and executive powers.

The essential distinction is that among the Nuer the concept of *ruic* does not imply a crystallized institution in the form of a position in society automatically filled when the present holder dies. In the past, if a hereditary successor did assume the position, this did not mean that his influence would necessarily extend over the sphere affected by the actions of his predecessor. If a *ruic* died his successor gradually established himself by the accumulation of prestige and popularity among the people and gained their acceptance. There is no evidence of a stabilized institution continuing on a permanent level throughout Nuer history. The *ruic* of a tribe only exercised authority, if influence based on powers of persuasion can be called authority, so

[1] The Nuer *kum* is an ambatch stick-shield which is also used to sit on. The idea of a stool as a throne is unknown to the Nuer, but may here be derived from the Shilluk. Among the Shilluk the *reth* or king is ceremonially enthroned on the sacred stool (*kwom*) at his installation. See P. P. Howell and W. P. G. Thompson, 'The Death of a Shilluk *Reth* and the Installation of his Successor', *S.N.R.*, 1946.

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long as there was a semblance of political unity in the tribe or segment in opposition to other tribes or foreigners. His authority was not at any time equally effective in all segments of a tribe. *Ruic Naadh* is a concept which follows the lines of political cleavage. 624 554

It seems, then, that Professor Evans-Pritchard's critics display a confusion of thought when they suggest that there was anything in the nature of a formalized political institution inherent in the status of the Leopard-Skin Chief or indeed in the concept of *ruic Naadh*, but Professor Evans-Pritchard has not made it sufficiently clear that the concept of *ruic Naadh* did exist. Writing of the Nuer political system, he says: 624

> The Nuer constitution is highly individualistic and libertarian. It is an acephalous state, lacking legislative, judicial, and executive organs. Nevertheless it is far from chaotic. It has a persistent and coherent form which might be called 'ordered anarchy'. The absence of centralized government and bureaucracy in the nation, in the tribe, and in tribal segments—for even in the village authority is not vested in anyone—is less remarkable than the absence of any persons who represent the unity and exclusiveness of these groups.[1]

Yet the Nuer are, and always have been, acutely conscious of the need for unity and are always seeking someone by whom and through whom social disharmony can be averted. Their traditions, which are sufficiently recent to contain at least an element of fact, are full of references to great leaders, as we have seen; and these were persons who achieved at least a semblance of co-ordination and came to symbolize common aspirations. Whereas among some African peoples these aspirations are attached to organized and permanent institutions, among the Nuer they were focussed on personalities. Their principal characteristics are to be seen in Nuer ideals: the desire and the ability to bind the people together; to mediate and to settle internal quarrels and disputes; to negotiate agreements with other tribes and peoples if they are to the advantage of the Nuer; to maintain good relations between neighbours; in fact, to check the process of fission which to the Nuer is highly undesirable. These qualities are stressed in Nuer tradition far more frequently than ability to lead the warriors into battle against the Dinka, and are more important than their sagas of great exploits and daring. The *ruic Naadh* were men who, by outstanding personality and powers of leadership, gained such prestige that they were able to persuade the unruly Nuer to listen to them. They achieved a degree of authority acceptable only so long as the sanctions making for political unity within the group which they swayed were sufficiently strong to maintain it. 624 554

The word *ruic* is itself significant. It is derived from the word *ruac* meaning speech or talk. The best translation is therefore 'spokesman'. Nuer also talk of the quality of *ruec*, which really means the

[1] Evans-Pritchard in *African Political Systems*, Oxford, 1940, p. 296.

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624 ability to speak for the people; in fact, to voice their will. It is in this sense that the word expresses the Nuer idea of leadership, leadership 554 which is derived from powers of persuasion. There is no sense of domination. The concept runs right through the tradition of Nuer leaders in the past who emerged at a time when political unity was required in the face of external aggression or for the furtherance of common enterprise.

The Appointment of Tribal Authorities Today

624 The concept of *ruic* has been mentioned here, not so much because its existence provides evidence of anything in the nature of formalized legal procedures which operated in the past, but because it is relevant to the appointment of tribal representatives today.

[792] In the early stages of the Administration there was a tendency to use as administrative agents persons who had acquired significance not from their positions in the dominant lineages of the tribes but from their possession of magical or religious attributes. This was at any rate partly due to the fact that at the time of the arrival of the Sudan Government, what leadership existed was vested in the 'prophets' who had usurped the position from men whose status was derived from a traditional and more orthodox background in society.

624 Minor administrative agents, the representatives of smaller tribal segments, were nearly always chosen from dominant (*diel*) lineages, a 554 fact which finds expression in the use of the term *gat tuot* to denote a 'headman' of a village or a lineage. Clearly, even in the early stages, these minor agents were essentially persons put forward by the people themselves and drawn from sources which would normally provide leaders; they were not nominees chosen regardless of their status in society. A *gat nyal* from a *rul* lineage was usually disqualified from the start. For example, in the Island section of the Radh Gaawar, a man called Gatluak Ngigni was appointed chief of the Per section. I intervened in this appointment rather more emphatically than usual, for there was a shortage of suitable candidates, and Gatluak was a man who had served satisfactorily for many years as a tribal policeman and as personal assistant to the previous chief. There was noticeable opposition from some sections of the community but the majority voted for his appointment. Later he became unpopular and opposition became open. There were clearly other reasons why they wished to get rid of him, but the main reason actually given was that he was a *gat nyal* of recent Western Nuer origin. To be a *gat nyal* does not entirely disqualify a man from gaining authority over his fellows or, nowadays, from holding an official position, but it is certainly a disadvantage, and only a strong and popular character can overcome the handicap.

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In Central Nuer District, at any rate, election of Court Presidents and lesser chiefs[1] has been carried out with the minimum of interference, and the considerations which govern the choice are significant. There is often a tendency to hide the person most closely associated with the aura of the dominant lineage, for the Nuer feel that, in the somewhat precarious position of a chief *vis-à-vis* the Government, that aura may somehow be impaired. This is a religious concept, for the leading man in any lineage is considered to have inherent in him something of the spiritual qualities associated with the ancestral spirits of the kinship group. There is also always a tendency to defer to the supposed wishes of the District Commissioner. This does not necessarily mean that Nuer choose a man known to be popular with the Administration, but rather a man capable of maintaining an even and unirksome balance between the Administration and themselves. In fact, they seek someone who can give the appearance of exceptional zeal while protecting them as far as possible from the more laborious tasks imposed on them by Government. For this reason too there is sometimes a tendency to choose a man of weak character; but on the whole a strong man is chosen because, even if considered tiresome and over-zealous, he will somehow persuade them to perform those tasks, for they know well enough that the performance will in the end be less painful than the punishment imposed for the avoidance of public duties. Since there is often rivalry between opposing segments or lineages, there is finally a tendency to choose from a source which will be neutral in such rivalries, usually from the dominant lineage because this is one of the functions of the dominant lineage in the political structure.

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The hierarchy of administrative agents is now largely drawn from dominant lineages, in the case of the tribe from the dominant lineage of that tribe, and so on down the segmentary scale. There are minor differences in the system to be found in the different districts, though the formation of the Nuer Council has tended to standardize Government policy in this respect. In each tribal area, or in some cases in a primary tribal segment, a court is established which is not only a legal institution through which legal disputes are settled and which has recognized forms of legal procedure, but is also an administrative organ through which administrative functions are carried out. In each court there is a president, called by the Nuer *kuaar* 'Book',[2] a number of chiefs representing the larger tribal segments,[3] called in Nuer *kuaar lama*,[4]

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[1] Technically such chiefs and members are appointed by the Governor of the Province or, in the case of Special (C) Courts, by the Governor with the consent of the Governor-General. Therefore I do not mean anything in the nature of a formal election, but public opinion is consulted.

[2] 'Chief of the book' in reference to the court register held by the president.

[3] Secondary or tertiary tribal segments.

[4] *Lama* refers to the sash given by the Government as a badge of office. From the Arabic *alama*—sash or badge.

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Religious Functionaries and Magical Experts

We have seen that the Leopard-Skin Chief has certain duties to perform in connexion with the composition of blood-feuds and that he may be called upon to arbitrate in disputes of almost any kind. His rôle is purely that of a mediator whose powers, both ritual and secular, are brought into operation only if there is a genuine desire by the hostile parties to reach an agreement. He has no executive powers with political force behind them, although it is expected that he will attempt to intervene in the early stages of a feud, and he sometimes threatens to use his power to curse the disputants if they will not agree. Moreover, in all matters in dispute, the frequency with which he will be approached depends largely on his prestige and personality, and not merely on his hereditary status. Other persons with no hereditary ritual status might easily acquire a reputation for fairness and tact and be employed as arbitrators in minor disputes. Skill in arbitration was considered by the Nuer one of the attributes of leadership (*ruec*), and the *ruic naadh* often extended their influence into the sphere of legal disputes.[1]

There are also other kinds of ritual experts who have specific functions to perform for public welfare: fertility in man and cattle, success in hunting and fishing, in raids and warfare. In this category are the *wut ghok* or cattle expert, the *kuaar thoi*, the water expert, the *kuaar yiika*, who is mainly concerned with the fecundity of women, the *kuaar juath*, who deals with epidemic diseases among humans, the *gwan tang* or *kuaar bith*, who ensures the success of warriors in battle. These experts have regular duties to perform, a fact which distinguishes them from other categories of magical expert; they have an established ritual status in society, and are expected to carry out religious tasks which in some African tribes are less specialized or even embodied in the person of one man.[2]

Professor Evans-Pritchard has mentioned most of these experts in his writings on the Nuer, and has recorded most, but not all, of their duties. They are:

Kuaar kwac or *kuaar muon: The Leopard-Skin Chief or Land Chief*

The functions of this expert in connexion with homicide have been fully described in Chapter II. His is essentially an hereditary office,

[1] We are dealing here with the past. The functions of traditional experts are now much modified.

[2] The *reth* of the Shilluk, for example, who is, apart from his political and executive functions, generally responsible for fertility in man, cattle and crops, for success in hunting and fishing. (See Howell and Thomson, op. cit., p. 9; and *Africa*, XXII, 1952.) He is responsible, however, for these matters as affecting the whole tribe. There is also among the Shilluk a number of specialists responsible for local interests, *fal yath*, *ajwogo*, &c.

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836 in sexual relations with girls. Before initiation boys may go to dances
883 but they merely watch and do not take part in them After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*lumde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 An initiated boy is now invested with two external signs of manhood
884 besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation
421 If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 A boy is even prouder when he becomes the owner of a bullock and
554 is invested with a bullock name. Even a small boy will speak of his
553 father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it
421 is only his in the general psychological sense of family communism. It

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is not exclusively his and he cannot use it in the way in which bullocks are used for display. Also a boy will often take a bullock name from one of the animals in his father's herd to which he has taken a fancy, again generally the calf of the cow he milks every day, but this is only in imitation of his elders when playing with other boys in make believe of adult life. He has no right to the name and no man would address him by it nor would he mention it in the presence of his elders. But after initiation he has a bullock and a bullock name in his own full social right. 233 554 553 421

I have already mentioned how he will play with this bullock, and look after it, and sing about it. Undoubtedly a man feels much attachment to the animal and is very much upset at its death. I do not, however, consider this attachment to be like the sentimental attachment which Europeans often feel for a favourite dog or horse. Their feeling springs mainly, I believe, from the association of social prestige which the bullock brings to its owner. It is a shame if one has no bullock to display when one's comrades are having theirs lead in procession round the camp. The more bullocks one can put into these processions the greater the prestige of one's name, for a man with several bullocks is obviously a man of wealth and standing, while a man who has not even a single one is of the poorest of the poor. Even if we also take into account the ritual use of bullocks as a sacrificial medium between men and spirits and ghosts, I still think that there has been a tendency to exaggerate the emotional feeling of Nilotes towards particular animals. If a bullock dies its owner will acquire a new one and will take a new bullock name if he cares to do so. He may at any time change his bullock name if a new animal takes his fancy, though people generally seem to keep to the name they took after initiation. During his lifetime a man possesses a great number of bullocks and when he is married he will part with some of them, while others will be handed over to assist relatives to marry or to pay blood-compensation and yet others will be killed on ceremonial occasions. Nuer are never tired of speaking of these bullocks and enumerating their points. Much more could be said on the subject, but as it is only incidental to the institution of age-sets it cannot be discussed here in its completeness.

A man acquires a bullock name at initiation from the animal given to him by his father. He will be addressed by this name by his age-mates—it is particularly their privilege to do so—but also the members 232 553

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of the age-sets directly senior and junior to his set may also call him by his bullock name. Members of his family and kin will address him by his birth name or by a relationship term. The use of a bullock name has egalitarian implications so that it would not be used between persons whose age-sets are distant from one another. A younger man would not address one much older than himself by his bullock name but as "*gwa*," "father," or by the complimentary title of "son of so-and-so," mentioning the name of his father, or "father of so-and-so," mentioning the name of his eldest child whether son or daughter. Also an old man would not address a much younger one by his bullock name, but as "*gatda*," "my son."

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The change of social behaviour which takes place in the life of a Nuer when he passes from the grade of boyhood to the grade of manhood, from *dhol* to *wut*, is shown in the customs I have just described, milking, household tasks of byre and kraal, love-making, dancing, ownership of spear and bullock and bullock-names, etc. But these are customs which differentiate one grade from another grade and not one set from another set. All the age-sets are equivalent in their enjoyment of these privileges and present an undifferentiated opposition to the boys who are deprived of them. There are no further grades into which a set as a whole advances. The Nuer age-sets do not pass out of the grade of warriors into the grade of elders as these grades are not clearly defined among the Nuer. A man, as explained above, ceases to fight when he considers himself too old for this sport and not because his set passes out of a warrior-grade. He marries when he is old enough to do so and when there are sufficient cattle to provide him with a bride, and not because his set passes into a grade of married elders. Instead of the three grades of the Masai system, Boy-grade, Warrior-grade, Elder-grade, there are properly only two Nuer grades, Boy-grade and Man-grade.

But though not graded the sets are stratified and have a traditional pattern of behaviour between one another so that membership of one set evokes a different pattern of behaviour from members of all the other sets. Thus, from the point of view of an individual Nuer, male society falls into three adult groupings: those whom you respect as seniors (associated with your fathers); those with whom you are on terms of intimacy (associated with your brothers); those who owe respect to you (associated with your sons). These patterns of authority, submissiveness and egality, are the only three possible patterns of behaviour between

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individuals in any society, and every society has techniques for determining beforehand which pattern a man employs towards any given member of his community. Nuer culture does this by means of its age-sets as well as through its kinship structure. Any doubt as to how you should act towards a fellow Nuer is eliminated because your attitude towards him is largely determined by your respective memberships of age-sets. Friction and hesitation are avoided because the title of a set evokes from its members a clear pattern of behaviour (*a*) among themselves, (*b*) towards members of senior-sets, (*c*) towards members of junior-sets.

It may be objected that there are more than three age-sets living at the same time, but from the point of view of an individual, the age-sets tend to fall into three groups corresponding with the three generations of father—self—son. Generations are only distinct for the individual. Thus, to-day, in Lou country the following age-sets still have living members : *Thut, Boiloc, Maker, Dangunga, Luac, Lithgac,* and any three of these will generally form a generation in relation to the life history of an individual. To a *Lithgac* son of a *Maker* father all members of the *Maker* age-set are his " fathers " and form a group whose daughters he ought not to marry because their " fathers " are his father's also. To this group he owes respect. The age-sets of *Thut* and *Boiloc* fall into the same category as the *Maker* with certain differences due to the greater age of their members. On the other hand a *lithgac* regards the members of the *Luac* age-set as being on much the same plane as himself in relation to *Dangunga* and *Maker*. The *Luac* and the *Lithgac* will call one another by their bullock-names, and if a *Dangunga* man kills a bullock at a ceremonial feast they will eat together and not with the *Dangunga*. It seems that if a *Maker* man kills a beast at a feast the *Maker* and the *Boiloc* will eat together and the *Dangunga* and *Luac* together ; while the *Lithgac* will eat by themselves. Thus, at any one time, owing to the limitations of life, there is a tendency for the age-sets to fall into three divisions in respect to any individual, his seniors, his equals and his juniors. At the beginning of manhood there are only two divisions, equals and seniors, and at the end of manhood there are also only two divisions, equals and juniors, but in middle life there are three divisions.

This social overlapping fits in with biological overlapping, for not all of a man's sons are initiated into the same set. Generally the eldest

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son is initiated into an age-set with one (or sometimes two) intervening age-sets between his age-set and his father's age-set, but two (or sometimes three) age-sets intervene between the age-sets of younger sons and the age-set of their father. This overlapping seems complicated to us but is not so to a Nuer. If we consider the position of a member of the *Maker* age-set we shall see that the *Boiloc* are too young to be his "fathers" and he tends to regard them as his equals in contrast to the *Thut*. A man of the *Dangunga* age-set in the same way regards the *Maker* as his equals because they belong to a younger age-set than that of his "fathers"; but he recognises the authoritarian position of the *Boiloc*. Any set tends to regard the set directly senior to it as its equals, though seniors, in contrast to the set higher up who are not only its seniors by a long period of years but also its "fathers." So that while the *Dangunga* regard themselves as of much the same status as the *Maker* in relation to the *Boiloc* the *Maker* regard themselves as of much the same status as the *Boiloc* in relation to the *Dangunga*. Or, while the *Lithgac* consider their position approximately that of the *Luac* when speaking of the *Dangunga*, the *Luac* group themselves with the *Dangunga* when speaking of the *Maker*.

The few examples given beneath show actual cases of division between age-sets of fathers and sons. I have stated where the son is the eldest son, but in other cases where I have written younger son I am unable to say for certain his position in the order of sons.

Father.	*Age-set.*	*Son.*	*Age-set.*	*Intervening sets.*
Kerker	*Maker*	Wan (eldest son)	*Lithgac (Caiyat)*	two
Bul	*Maker*	Jok (eldest son)	*Lithgac (indit)*	two
Cam	*Dangunga*	Wie (eldest son)	*Lithgac (Caiyat)*	one
Caroah	*Thut*	Cam (eldest son)	*Dangunga*	two
Jek	*Thut*	Ret (eldest son)	*Dangunga*	two
Rainen	*Tanghwer*	Nhial (eldest son)	*Pilual*	one
Ngundeng	*Thut*	Deng (younger son)	*Luac*	three
Ngundeng	*Thut*	Riam (eldest son)	*Maker*	one
Diung	*Thut*	Chag (eldest son)	*Dangunga*	two
Diung	*Thut*	Jok (younger son)	*Luac*	three
Ngot	*Lilnyaang*	Raimen (eldest son ?)	*Wandeal*	one

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In this list there are only two cases where two generations are recorded, and though two cases are not adequate to show the normal number of age-sets which go to a generation I think that, nevertheless, these two are typical. 561 554

Thut	Caroah	generation
Boiloc		
Maher		
Dangunga	Cam	generation
Luac		
Lithgac	Wie	
Lilnyaang	Ngot	generation
Ruob		
Wangdeal	Rainen	
Rol		generation
Pilual	Nhial	

It is not easy to describe the patterns of behaviour which operate between age-sets as they are of a very general nature. They are formally expressed in feasts when members of an age-set, or of two consecutive age-sets, eat together and apart from their seniors and juniors, or when members of an age-set purposely abstain from taking part in a feast when one of their members has died. But also in the daily life of village and cattle camp juniors show seniors deference in all situations which occur, in disputes, discussions, economic activities, etiquette, and so on. Father Crazzolara gives an example of this deference when he says "a boy has caught a fish, and an old man, a *ric*-comrade of his father, desires to have this fish and the boy must give it to him, and when his father, for whom it was intended, hears of this, he is glad that his son has such good manners."[1]

Age-mates are on terms of complete equality. They associate together in all activities of life, in work and war and leisure. A man does not stand on ceremony with an age-mate but eats and plays and jokes with him as an equal. When two men of the same *ric* are quarrelling, so long as their quarrel has not resulted in a serious fight, others ought not to interfere. I have often noticed that when small boys of about the same age are fighting with their spiked bracelets the men will laugh and encourage them, saying that they are of the same *ric*, that is to say, of the same age, but the womenfolk run to separate the boys and to take the part 561 857

[1] Hat ein Bursche einen Fisch erlegt und ein *Ric*genosse seines Vaters wünscht ihn, so hat er ihm denselben zu geben; und wenn der Vater, für den der Fisch bestimmt war, davon hört, wird er sich über seinen guterzogenen Sohn freuen.

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a severe ordeal and a series of rites connected with it. These initiations take place whenever there are a sufficient number of boys of from about fourteen to sixteen years of age in a village or district. All the youths who have been initiated in a successive number of years belong to one age-set, and there is a four-year interval between the last batch of initiates of one set and the first batch of the next set, and during this interval no boys may be initiated. The initiation period is open for about six years, so that, with the four years of the closed period, there are about ten years between the commencement of any age-set and the commencement of the set that precedes or succeeds it. The age-sets are not organized in a cycle. 561

Nuer age-sets are a tribal institution in the sense that, in the larger tribes at any rate, all the sections of a tribe have the same open and closed periods and call the sets by the same names. They are also the most characteristic of all Nuer national institutions, for initiation scars are the sign of their communion and the badge of their supremacy. Moreover, though each big tribe has its own age-set organization, adjacent tribes co-ordinate their sets in periods and nomenclature, so that the Western Nuer, the Eastern Nuer, and the Central Nuer tend to fall into three divisions in this respect. But even when a man travels from one end of Nuerland to the other, he can always, and easily, perceive the set which is equivalent to his own in each area. The age-set system, therefore, like the clan system, whilst having a tribal connotation, is not bound by lines of political cleavage. 561 619

There is usually in each tribe a man whose privilege it is to open and close initiation periods and to give each set its name. [564] This man belongs to one of those lineages which have a special ritual relationship to cattle and are known as 'Men of the Cattle'. He opens and closes initiation periods in his own district, and other districts of his tribe follow suit. Once a period has been opened, each village and district initiates its boys when it pleases. The age-sets have no corporate activities and cannot be said to have specific political functions. There are no grades of 'warriors' and 'elders' concerned with the administration of the country, and the sets are not regiments, for a man fights with the members of his local community, irrespective of age. In the rites of initiation there is no educative or moral training. There is no leadership in the sets. 561

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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 554
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

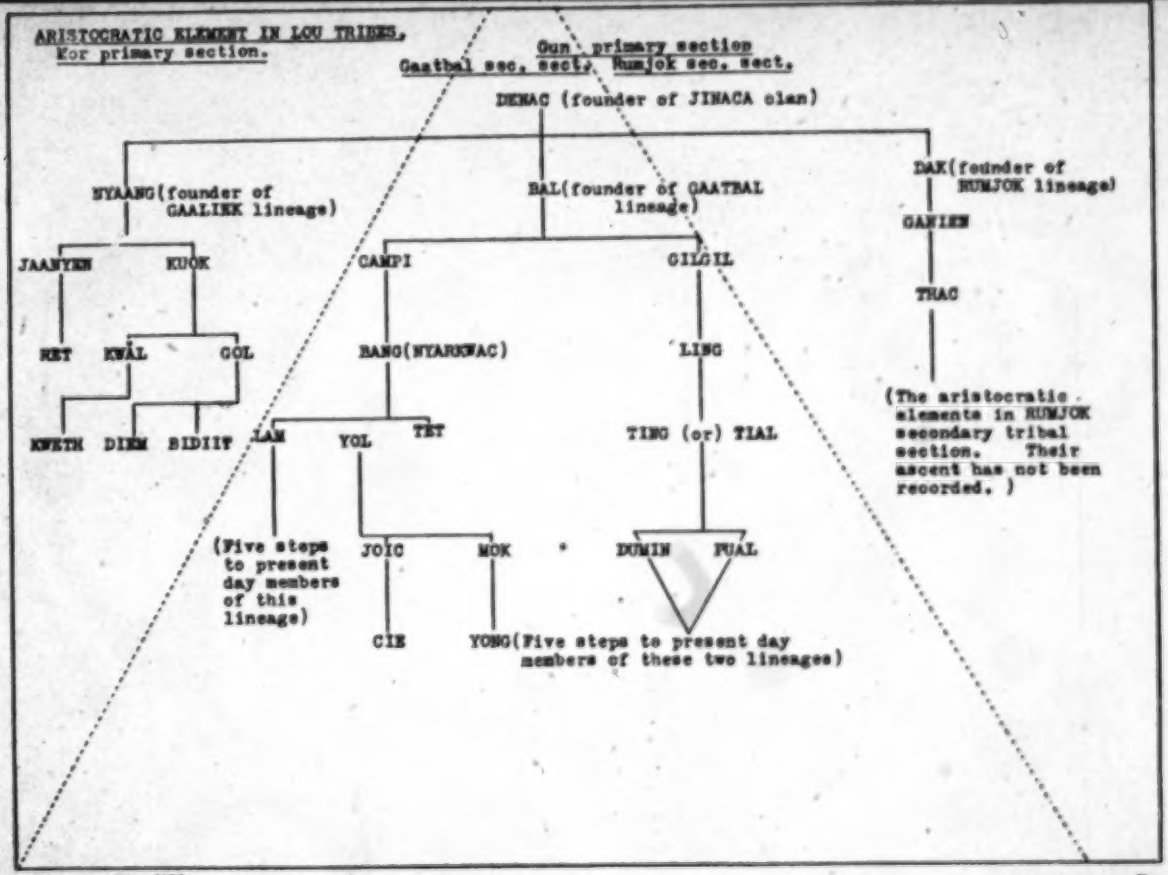

Diagram No. VII.

[facing P. 34]

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Aristocratic element in Jekany tribes.

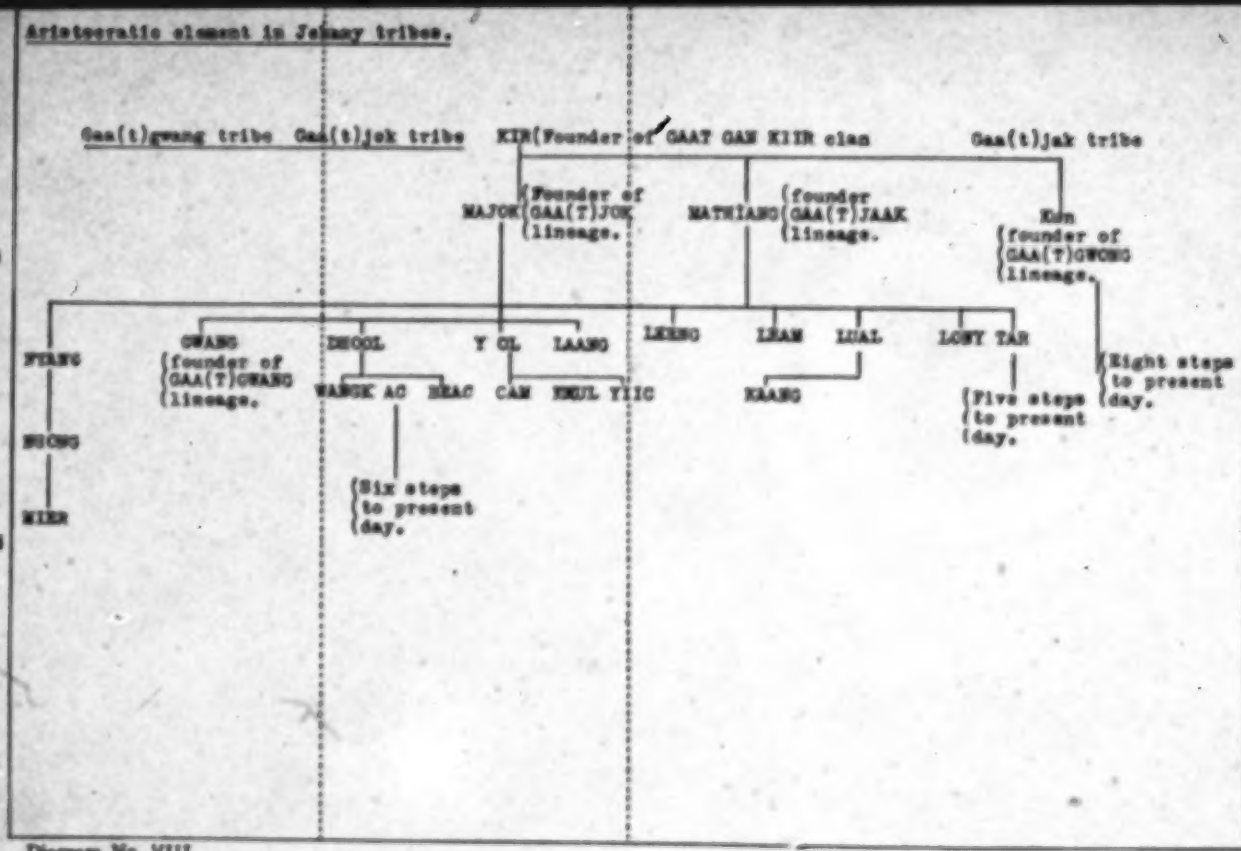

Diagram No. VIII

[facing p. 36]

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in Lou country and Rengyan country forms only a small proportion of the 641
total population of Lou and Rengyan tribesmen. Again, Gaajok country 614
contains a dominant element of GAT GAN KIIR clansmen of GAAJOK 619
lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are [582]
equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry.

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIEEM mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIEK, JIDIEY, BEEK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristo- 614
cratic element there. The JINACA of Lou country lived originally with 619
the JINACA of Rengyan country, but they split off from them and 554
conquered Lou country from the Dinka. Here they were the first occu- 565
pants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINACA. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

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614 Nile, from the Dinka, and settled there as lords of the country. I think
619 that it will probably be correct to say that every Nuer tribal area has its
554 *diel* (sing-*dil*) clan owners, aristocrats, dominant element, but that not
565 every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoini* and *dil lusica*, members of the clans which own Thoc and Luac tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JINACA or GAATNACA is a *dil looka*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *rul* or stranger. He may still call himself a *gat dila looka*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jekany countries. In the same way a *dil Jekany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *rul* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIMEM or JIKUL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIMEM in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

614 I do not wish to be misunderstood when I speak of a tribal aristocracy
619 based on a clan predominance in a tribal area. The Nuer are intensely
554 democratic and the idea of one man lording it over the others is abhorrent
565 to them. However there is a prestige in being a *dil* of the country in which
[181] you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In some tribes
[682] the advantage of being an aristocrat are more concrete. Among t Eastern Jekany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

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countries. There is some doubt about the exact organisation of blood-cattle (*cut*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *cut* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jekany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dila Jikany (a member of the GAT GAN KIIR clan),
15 cows and 5 bullocks (20).

Gat Geeka (a member of any pure Nuer clan),
12 cows and 5 bullocks (17).

Jaang dila (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
11 cows and 5 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAN KIIR	40 cattle.
Gat Geeka	40 cattle.
Jaang bulhui (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAN KIIR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAN KIIR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

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own clan, members of these other clans, who here count as *rui* or strangers, assured me that payments in both cases were equal. Assurances on both sides were clearly coloured by recent practice which has been based on government rulings at different times and by what regulations they hoped the Government would institute in the future. On the whole I consider that there was probably a differentiation between members of the dominant clan and members of other clans, but that the differentiation was not rigid and depended upon the special circumstances of each case, when length of residence in the country, marriage alliances with members of the dominant clan, and so on, were taken into consideration.

Quite definitely, however, there was a clear difference made between Nuer and Dinka in the assessment of blood-cattle compensation. This difference is found all over Nuer country, though there seems to have been difference of opinion in different parts of Nuerland about what constitutes a Dinka for purposes of homicide payments. Among the Lou the practice was to class members of the dominant clan, the JINACA, and members of the other Nuer clans together and make 40 cattle (32 cows and 8 bullocks) the regular payment for both. The son of a Dinka born in Lou country was considered to have become a Nuer (*caa Nath*) and his death was also compensated for by 40 cattle; but a captured Dinka or visiting Dinka or a Dinka who had taken up his abode in the country was reckoned as a *Jaang* and was compensated by only 6 cattle (4 cows and 2 bullocks). A Dinka even when given *buth* appears to have counted as *Jaang* and not as *Nath*, but his children were reckoned as Nuer for homicide purposes. Two informants told me that in Jagei country on the west bank of the Nile compensation for homicide was reckoned as follows :—

Gat dila (member of the dominant clan in the tribe),
34 cows and 6 bullocks (40).

Rul who has built his cattle-byre,
34 cows and 6 bullocks (40).

Rul and *Jaang* who have not built their cattle-byre,
6 cows and 4 bullocks (10).

The point of stressing the building of a cattle-byre was that a man who built one, whether a Nuer stranger or a Dinka, had obviously come to stay and became a permanent member of your social group and a member of your village. He became "your man" (*randu*), who owed you a kind of allegiance and who relied on your protection. Hence he is assessed on

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the same footing as an ordinary resident born into the community. On 554
the other hand I was told by some Eastern Jekany Nuer at Nasser that 614
once a Dinka always a Dinka was the rule, and that the children and 619
grandchildren of Dinkas never counted as equal to pure Nuer in blood- 682
cattle assessment. I regard this statement, however, as being, in all 563
probability, too rigidly formulated.

The second element in a Nuer village are the *rul*. A *rul* is a stranger, 554
one who is not a member of the *diel*, one who has no place in the lineage 614
of the dominant clan. Such people may be more numerous than the clan 619
itself but they have not the same hereditary status in the tribe. 173
Sometimes their lineages compose powerful tribal sections and in these 773
sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kōng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlen* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KŌNG, was a man called Tīk, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *let*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

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554 brothers whom the *let* had eaten. His father said to him, "Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of "bulls" or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

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JINACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country. 554 614 619 621 [173]

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage. 721 167 614

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*cike dak piny*). Then their close relationship (*mar*) ends (*ci mar thuk*). They go and live in the midst of other clans who are 614

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolise the unity and exclusiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality. 554

The *gat tuot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 613

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral 613 [614]

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *jaang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 613 554

A Dinka adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.370.
(2) *Ibid.*, p.390.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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128 state might be described as an ordered anarchy. Likewise they lack law, if we understand by this term judgements delivered by 624 an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

128 After an examination of the political structure we describe the lineage system and discuss the relation between the two. 613 Nuer lineages are agnatic, i.e. they consist of persons who trace their descent exclusively through males to a common ancestor. 614 The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

128 After discussing the lineage system in its relation to territorial segmentation we describe briefly the age-set system. The 561 adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

1: Evans-Pritchard E-5 (1931, 1936) 1940
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passing through positions of relative seniority till it becomes the senior set, after which its members die and the set becomes a memory, since its name does not recur. The only significant age-grades are those of boyhood and manhood, so that once a lad has been initiated into a set he remains in the same age-grade for the rest of his life. There are no grades of warriors and elders such as are found in other parts of East Africa. Though the sets are conscious of their social identity they have no corporate functions. The members of a set may act jointly in a small locality, but the whole group never co-operates exclusively in any activity. Nevertheless, the system is organized tribally and each tribe is stratified according to age independently of other tribes, though adjacent tribes may co-ordinate their age-sets. 128 561

The Nuer, like all other peoples, are also socially differentiated according to sex. This dichotomy has a very limited, and negative, significance for the structural relations which form the subject of this book. Its importance is domestic rather than political and little attention is paid to it. The Nuer cannot be said to be stratified into classes. Within a tribe there is slight differentiation of status between members of a dominant clan, Nuer of other clans, and Dinka who have been incorporated into the tribe, but, except perhaps on the periphery of Nuer expansion eastwards, this constitutes distinction of categories rather than of ranks. 128 [562] [565]

Such, briefly, is the plan of this book and such are the meanings we attach to the words most frequently used to describe the groups discussed in it. We hope in the course of our inquiry to refine these definitions. The inquiry is directed to two ends: to describe the life of the Nuer, and to lay bare some of the principles of their social structure. We have endeavoured to give as concise an account of their life as possible, believing that a short book is of greater value to the student and administrator than a long one, and, omitting much material, we have recorded only what is significant for the limited subject of discussion.

III

When the Government of the Anglo-Egyptian Sudan asked me to make a study of the Nuer I accepted after hesitation and with misgivings. I was anxious to complete my study of the 000

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CHAPTER I

INTEREST IN CATTLE

I

233 [241] A PEOPLE whose material culture is as simple as that of the Nuer are highly dependent on their environment. They are pre-eminently pastoral, though they grow more millet and maize than is commonly supposed. Some tribes cultivate more and some less, according to conditions of soil and surface water and their wealth in cattle, but all alike regard horticulture as toil forced on them by poverty of stock, for at heart they are herdsmen, and the only labour in which they delight is care of cattle. They not only depend on cattle for many of life's necessities but they have the herdsman's outlook on the world. Cattle are their dearest possession and they gladly risk their lives to defend their herds or to pillage those of their neighbours. Most of their social activities concern cattle and *cherchez la vache* is the best advice that can be given to those who desire to understand Nuer behaviour.[1]

The attitude of Nuer towards, and their relations with, neighbouring peoples are influenced by their love of cattle and their desire to acquire them. They have profound contempt for peoples with few or no cattle, like the Anuak, while their wars against Dinka tribes have been directed to seizure of cattle and control of pastures. Each Nuer tribe and tribal section has its [423] own pastures and water-supplies, and political fission is closely related to distribution of these natural resources, ownership of which is generally expressed in terms of clans and lineages. Disputes between tribal sections are very often about cattle, and cattle are the compensation for loss of life and limb that is so frequently their outcome. Leopard-skin chiefs and prophets are arbiters in questions in which cattle are the issue, or ritual agents in situations demanding sacrifice of ox or ram. Another 233 ritual specialist is the *wut ghok*, the Man of the Cattle. Likewise, • 561 in speaking of age-sets and age-grades we find ourselves des-

[1] Nuer interest in their cattle has been emphasized by early travellers in their country. *Vide* Marno, op. cit., p. 343; Werne, op. cit., p. 439; du Couret, op. cit., p. 82.

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233 cribing the relations of men to their cattle, for the change from
• 561 boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct
233 section in the lines of windscreens. The bond of cattle between
583 brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

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805 took place. Moreover, since time is to Nuer an order of events of outstanding significance to a group, each group has its own points of reference and time is consequently relative to structural space, locally considered. This is obvious when we examine the names given to years by different tribes, or sometimes by adjacent tribes, for these are floods, pestilences, famines, wars, &c., experienced by the tribe. In course of time the names of years are forgotten and all events beyond the limits of this crude historical reckoning fade into the dim vista of long long ago. Historical time, in this sense of a sequence of outstanding events of significance to a tribe, goes back much farther than the historical time of smaller groups, but fifty years is probably its limit, and the farther back from the present day the sparser and vaguer become its points of reference.

805 561 However, Nuer have another way of stating roughly when events took place; not in numbers of years, but by reference to the age-set system. Distance between events ceases to be reckoned in time concepts as we understand them and is reckoned in terms of structural distance, being the relation between groups of persons. It is therefore entirely relative to the social structure. Thus a Nuer may say that an event took place after the *Thut* age-set was born or in the initiation period of the *Boiloc* age-set, but no one can say how many years ago it happened. Time is here reckoned in sets. If a man of the *Dangunga* set tells one that an event occurred in the initiation period of the *Thut* set he is saying that it happened three sets before his set, or six sets ago. The age-set system is discussed in Chapter VI. Here it need only be said that we cannot accurately translate a reckoning in sets into a reckoning in years, but that we can roughly estimate a ten-year interval between the commencement of successive sets. There are six sets in existence, the names of the sets are not cyclic, and the order of extinct sets, all but the last, are soon forgotten, so that an age-set reckoning has seven units covering a period of rather under a century.

805 601 613 The structural system of time-reckoning is partly the selection of points of reference of significance to local groups which give these groups a common and distinctive history; partly the distance between specific sets in the age-set system; and partly

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cannot be understood until structural distance is known, since it is a reflection of it, and we must, therefore, ask the reader to forgive a certain obscurity at this point and to reserve criticism till we have had an opportunity of explaining more clearly what is meant by structural distance. 805 601 613

We have restricted our discussion to Nuer systems of time-reckoning and have not considered the way in which an individual perceives time. The subject bristles with difficulties. Thus an individual may reckon the passage of time by reference to the physical appearance and status of other individuals and to changes in his own life-history, but such a method of reckoning time has no wide collective validity. We confess, however, that our observations on the matter have been slight and that a fuller analysis is beyond our powers. We have merely indicated those aspects of the problem which are directly related to the description of modes of livelihood which has gone before and to the description of political institutions which follows. 805

We have remarked that the movement of structural time is, in a sense, an illusion, for the structure remains fairly constant and the perception of time is no more than the movement of persons, often as groups, through the structure. Thus age-sets succeed one another for ever, but there are never more than six in existence and the relative positions occupied by these six sets at any time are fixed structural points through which actual sets of persons pass in endless succession. Similarly, for reasons which we explain later, the Nuer system of lineages may be considered a fixed system, there being a constant number of steps between living persons and the founder of their clan and the lineages having a constant position relative to one another. However many generations succeed one another the depth and range of lineages does not increase unless there has been structural change. These statements are discussed more fully on pp. 198–200. 805 561 613

Beyond the limits of historical time we enter a plane of tradition in which a certain element of historical fact may be supposed to be incorporated in a complex of myth. Here the points of reference are the structural ones we have indicated. At one end this plane merges into history; at the other end into myth. Time perspective is here not a true impression of actual distances like that created by our dating technique, but a 805 173

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XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
593 two, more general, conditioning attributes of local influence. Women and children have always a position inferior to that of men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
623 and when he has married and begotten several children he becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present time the *Maker* and *Dangunga*, for members of the most senior sets, the *Thut* and *Boiloc*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

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remark only that there is no constituted authority within each set, all members being of equal status, and that, whilst members of junior sets respect those of senior sets, the authority of older men is personal, very indefinite, and based on analogy with domestic relations within the family. Behaviour between individuals is influenced by the distance between them in the age-set system, but age-sets are not a political institution in the sense of the system having an administrative, military, or judicial organization.

Age by itself does not give a man social position. He must have other qualifications as well. Those elders with most influence are the *gaat twot*, the children of bulls. Such a man is called a *tut*, bull, and in strict usage this is equivalent to *dil*, tribal aristocrat. As will be fully explained in Chapter V a *dil* is a member of the dominant clan in each tribe and, in virtue of his membership, has within that tribe a slightly superior social position. This clan is not a ruling class and the enhanced prestige of its members is very indefinite. The clan system has no hereditary leadership; a senior lineage does not rank higher than others; there is no 'father of the clan'; and there is no 'council of clan elders'. *Tut* is also used in a wider sense to refer to men of social position who do not belong to the dominant clan but to other lineages which have long been domiciled in the tribe. A *tut* in this rather wide sense of 'man of good standing', or 'social leader', is usually a scion of an important lineage, the head of his own family, and master of his homestead and herd. He is generally also the eldest surviving son of his father's family and, therefore, head also of the joint family, the master of the hamlet. If he is to gain a social reputation he must also possess sufficient cows to be able to entertain guests and to attract young kinsmen to reside in his byre. Round such a man's homestead are clustered the homesteads of his brothers and married sons and, often enough, the homesteads of his sisters' husbands and daughters' husbands. To be a social leader, whose opinion is readily agreed to, he must also be a man of character and ability.

The authority of a *gat twot*, or *tut wec*, 'bull of the camp', as he is often called, is never formalized. He has no defined status, powers, or sphere of leadership. Lineage, age, seniority in the

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CHAPTER VI

THE AGE-SET SYSTEM

I

ALL male Nuer are initiated from boyhood to manhood by a very severe operation (*gar*). Their brows are cut to the bone with a small knife, in six long cuts from ear to ear. The scars remain for life, and it is said that marks can be detected on the skulls of dead men. They are particularly clear in Plates XXVI(*b*), XXVII, and XXVIII. The ceremonial of initiation is more complex, and the age-set system has greater social importance among the Nuer than among other Sudan Nilotes. 881 304

We have described, and others have described, elsewhere the ritual of initiation. Though we have since collected further information on the details of the rites, we consider that to transcribe it here would be out of accord with the plan of this book. The barest facts are related. Boys are now usually initiated between the ages of 14 and 16; in the old days at a somewhat later age, perhaps from 16 to 18. Whether a boy is initiated in one year or in another year may depend on the milk and millet supply. A boy must obtain his father's consent to the operation, but it cannot well be refused, for the boy would then run away to the home of a kinsman and the father would be humiliated. He afterwards goes to a member of his father's age-set who performs a rite to give him the blessing of the set. A member of the clan likewise gives him its blessing, and his father and maternal uncle bless him. The boys make their own arrangements with the operator and each presents him with a fishing spear. The operator is any man who has learnt the art. 000 881 561

Several boys are initiated at the same time, for it is thought that were a boy to be initiated by himself he would be lonely and might die. Also, it is easier to cater for the boys and to give them the care and attention they require during convalescence if they are initiated in batches. Usually some four to a dozen boys pass through the rites together. Initiation can take place at any season, but it almost invariably takes place at the end of the rains, when there is plenty of food and the north wind blows and cicatrizes the wounds. Each village acts independently

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in arranging for its boys to be initiated. After the operation the boys live in partial seclusion and are subject to various taboos. This is a time of mild licence and they pass out of it by a special rite. On the day of the cutting, and on the day of the passing out of seclusion, sacrifices are made and there is festivity, which includes licentious horseplay and the singing of lewd songs. Only age-mates of the father of the initiate in whose homestead the feasting takes place attend it: others keep at a distance lest they see the nakedness of their kinswomen and mothers-in-law.

II

All boys initiated during a number of successive years belong to a single age-set (*ric*). There has, till recently, been a four-year interval between the end of one such set and the commencement of the next. These four years are known as the time 'when the knife is hung up', and at the end of that period it is said 'the knife is brought out' and boys may then be initiated again. A certain *wut ghok*, 'Man of the Cattle', is, in each tribe, responsible for opening and closing the initiation periods and thereby dividing the sets. He performs the appropriate rite in his district, and when the news goes round other districts begin or cease initiation. He derives prestige from his functions, but they are ritual and give him no political authority. Sometimes, in Western Nuerland, they are performed by a prophet, but it is possible that in these cases the prophet is also a Man of the Cattle. The age-sets are organized independently in each tribe, at any rate in the larger tribes, but it often happens that when a new set has been started in one tribe an adjacent tribe will follow its lead, so that the names and periods of sets in neighbouring tribes are frequently the same. Also, though in different parts of Nuerland the names of the sets are different and the open and closed periods do not coincide, it is easy for a man who moves from one part to another to perceive in which set he would have been initiated had he been brought up in that part of the country.

To-day there are no closed periods and boys are initiated every year. The Man of the Cattle announces every few years that he is about to cut the sets and performs a ceremony by which all

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youths initiated up to that year fall into one set and all youths initiated after that year fall into a junior set. The number of years during which a set runs before being cut is variable, and this has probably always been the case. We conclude on the evidence that ten years may be regarded as an average period between the commencement of one set and the commencement of the next. It was found that generally two sets, but occasionally one, intervened between the set of a man and that of his eldest son. In the case of younger sons two or three sets usually intervene. It may be accepted that on an average the generations of grandfather—father—son cover six sets.

At the time of my inquiry into the age-set system there were members of six sets alive, but there were only a few survivors of the senior set and the members of the next senior were very infirm. Sets with no living members are not recorded in the lists below. Their names are irrelevant to an understanding of the system and their order is so ill-remembered that the statements of two informants on the matter are seldom in entire agreement. It should be noted, however, that as far back as Nuer recitation carries us the names are not uniform for the whole of Nuerland and that they are not repeated. There is no cycle of names such as we find in many parts of East Africa. The Lou and the Eastern Jikany tend to have common names; also the tribes of western Nuerland; while the tribes of the Zeraf have some names in common with the Sobat river tribes and some with the tribes to the west of the Nile.

Lou tribe	Eastern Jikany	Lak tribe	Western Jikany and Leek tribes
Thut	*Thut*	*Thut*	*Lilnyang*
Boiloc	*Boiloc*	*Boiloc*	*Ruob*
Maker	*Maker*	*Ruob*	*Wangdel*
Dangunga	*Dangunga*	*Wangdel*	*Tanghwer*
Luac	*Carboc*	*Wooni*	*Rol*
Lithgac	*Lithgac*	*Kac*	*Jwong*
Rialmac	*Rialmac*	*Pilual*	*Bildeang*

Each age-set has two or three subdivisions. Each year in the initiation period may receive a separate name and constitute a division though probably two years often have the same name and the divisions are usually two-year periods. But though a set is thus stratified internally and the divisions are called by different

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881 names, all members of the set are known by the name of the first division, and this common name persists while the others eventu-
561 ally fall into disuse. Thus to-day one seldom hears of *Maker indit* and *Ngwak*, but only of *Maker*, under which title both divisions are included. Likewise one hears small mention of *Gwong indit*, *Carboc*, and *Nyamnyam*, and reference is normally to *Dangunga* (*Gwong*), which term covers all three divisions. The senior division is called *indit*, the greater, and when the segmentary names are dropped the *indit* is dropped also, since its purpose is to distinguish the primary division from the later ones. Hence we have *Thut indit*, *Maker indit*, and *Boiloc indit*, the elder *Thut*, the elder *Maker*, and the elder *Boiloc*, but the *indit* ending in these names is eventually dropped and the complete sets become known as *Thut*, *Maker*, and *Boiloc*.

561 In recent years the matter has become somewhat complicated by the absence of well-defined closed and open initiation periods. Thus in my earlier visits to Lou and Eastern Gaajok I heard people speak of *Lieth indit*, *Lieth incar* (*Lieth intot*), *Caiyat* (*Pilual*), and *Rialmac* (*Rialdang*) as four divisions of the *Lithgac* age-set, but this was because there had been no declaration by the Man of the Cattle separating them into different age-sets. On a later expedition I found that the *Lieth indit*, the *Lieth incar*, and *Caiyat* had been declared to be a single age-set, and the *Rialmac* to start a new age-set, a second division of which, the *Kwekoryoamni*, has since been initiated. Similarly among the Western Jikany and Leek the *Bildeang* age-set has recently been declared separate from the *Juong*. At one time in Eastern Gaajok the *Lithgac* were cut off from the *Rialmac*, while in the adjacent country of the Eastern Gaajak they had not yet been separated and remained for the time being a single set. It may thus happen that, in modern times, a sub-division may for a time be regarded as the junior segment of one set and later become the senior segment of the next set. Below are given the sub-divisions of the age-sets in the Lou and Western Jikany tribes:

Lou		Western Jikany	
Thut	*Thut indit* *Muothjaang* *Lilcoa*	*Lilnyang*	*Lilnyang* *Lilcoa* *Lilcuath*
Boiloc	*Boiloc indit* *Golyanghakeat* *Laibwau*	*Ruob*	*Ruob* *Nomalith*
Maker	*Maker indit* *Ngwak*	*Wangdel*	*Wangdel* *Wathcar*

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	Lou		Western Jikany
Gwong	*Gwong indit* *Carboc* *Nyamnyam*	*Tanghwar*	*Tanghwar* *Karam*
Luac	*Luac indit* *Karam* *Camthoari*	*Rol*	*Rol* *Pilual*
Lithgac	*Lieth indit (inbor)* *Lieth intot (incar)* *Caiyat (Pilual)*	*Jwong*	*Jwong* *Majaani*
Rialmac	*Rialmac (Rialdang) indit* *Kwehoryoam*	*Bildoang*	*Bildoang*

III

In seeking to understand how membership of an age-set determines a man's behaviour we have first to realize that there is no purposive education or moral training in the procedure of initiation. Also, many of the characteristic features of the age-set system in Kenya, where it is most highly developed, are absent in the Nuer variation. There are not three distinct age-grades of boys, warriors, and elders through which the sets pass, for a boy who is initiated into manhood remains in this grade for the rest of his life. Warriors are not prohibited from marrying and they neither enjoy privileges nor suffer restrictions different from those of other male adults. The sets have no administrative, juridical, or other specific political functions and the country is not handed over to their care. The sets have no definite military functions. Indeed, we are of the opinion that the Nuer age-set system ought not to be described as a military organization, though some writers give it this character. Youths who have recently been initiated are anxious for their first raid, and consider that they ought to earn for their set a reputation for valour, and it is likely that raids were generally conducted in the main by men of the most junior set. However, there is no grade of warriorhood through which the age-sets pass nor a grade of elderhood into which they enter. Were boys and old men to take part in warfare against other Nuer they would probably be killed, and it is understandable that raids are the occupation of the strongest and fleetest,

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561 701 though many middle-aged men accompany the expeditions and always have their share in inter-tribal fighting and local disputes.

The age-set system of a tribe is in no way its military organization. Men fight by villages and by tribal sections and not by sets. The war companies are local units and not age-set units, and within a company men of different sets fight side by side, though, especially in raids, most of the warriors would be members of the two most junior sets. Kinship and local ties determine a man's place in the ranks. Hence the age-sets are not regiments, though wars and raids are often spoken of as the actions of a certain set because they took place during the initiation period of this set and its members took the most prominent part in them, since skill in arms, love of adventure, and desire for booty are the privileges of youth.

561 885 It is in more general social relations, chiefly of a domestic and kinship order, and not in political relations that behaviour is specifically determined by the positions of persons in age-set structure. When a boy passes into the grade of manhood his domestic duties and privileges are radically altered. His change [584] of status is epitomized in the taboo on milking which comes into force on the day of his initiation and continues for the rest of his life, but it is expressed also in other domestic tasks, in habits of eating, and so forth. At initiation a youth receives from his father or uncle a spear and becomes a warrior. He is also given an ox, from which he takes an ox-name, and becomes a herdsman. From now on, till he is a husband and father, his chief interests are dancing and love-making. Then he becomes 'a true man': 'he has fought in war and not run away; he has duelled with his age-mates; he has cultivated his gardens; he has married a wife'.

There is a sudden and great change in status from boyhood to manhood, but the modes of behaviour which differentiate these two grades do not distinguish one set from another, for the privileges of manhood are enjoyed by members of all the sets equally. Nevertheless, the sets are stratified by seniority and there are well-defined relationships between them. Before summarizing these patterns of inter-set behaviour we touch on some general characteristics of the whole system.

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The age-set system is a further exemplification of the segmentary principle which we have seen to be so evident a quality of social structure. Tribes segment into sections and their sections further segment, so that any local group is a balanced relation between opposed segments. Clans segment into lineages and their lineages further segment, so that any lineage group is a balanced relation between opposed segments. Likewise the institution based on age is highly segmentary, being stratified into sets which are opposed groups, and these sets are further stratified into successive sections. We may therefore speak of structural distance in this new dimension. Just as the distance between political segments varies according to their positions in the political structure, and the distance between lineage segments varies according to their positions in the lineage structure, so the distance between age-set segments varies according to their positions in the age-set structure. The structural distance between any two sets is the social relation between those sets and the determinant of behaviour between their members. 561

The relativity of values which we noted in discussing the political and lineage systems may also be seen in the age-set system. We have noted that a set which is seen as an unsegmented whole by members of other sets is internally segmented, and that members of each of its segments see themselves as exclusive units in relation to the others, though these divisions close as the set becomes more senior and has a new position in relation to sets, since created, below it. Also, there is a tendency for members of two successive sets, adjacent segments of the structure, to fuse in relation to a third in feelings and in ceremonial actions. A *Rialmac* youth said: 'We and the *Lithgac* are about the same age and we can be free in speaking to them, but we must show respect to an older man, even if he is not of our fathers' age-set.' Although there are six sets with living members there are very few survivors of the two senior sets, and from the point of view of a young man they are merged with the one that follows them. Only four sets count, and, seen by individuals, they merge into two generation groups of equals and brothers, and seniors and fathers or juniors and sons. To a *Lithgac* son of a *Maker* father all members of the *Maker* age-set [576]

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561 are his fathers, and the *Lithgac* and the *Luac* tend to see themselves as a single group in relation to the *Maker*, having a like attitude of respect towards them. But in relation to the *Dangunga* and to the *Lithgac*, the *Luac* identify themselves with the one or the other according to the direction of attention, and this is determined by the social situation. Any set tends to see the set senior to it as equals in relation to junior sets and the set junior to it as equals in relation to senior sets. It is possibly this contradiction which creates segmentation in any set. Thus, 561 at sacrificial feasts men eat according to their position in the 264 age-set structure, but which sets sit and eat together depends on the set of the owner of the feast and on the number of sets present at it. If a *Dangunga* kills an ox and there are *Maker* present, but not *Boiloc*, then *Dangunga* eat with *Maker* and *Luac* with *Lithgac* and the *Riaimac* by themselves; but if there are *Boiloc* present then the *Maker* eat with them and the *Dangunga* with the *Luac*, and the *Lithgac* with the *Rialmac*. The *Dangunga* would not eat with the *Boiloc* because they are the set of their fathers or fathers-in-law; and for the same reason the *Luac* must eat with the *Lithgac* if the *Dangunga* go with the *Maker*.

561 The age-set system differs from the territorial and lineage systems in one important respect. Whereas the people of a territorial segment remain, or most of them remain, in the same structural relation to other territorial segments for their whole lives, and whereas the members of a lineage have a fixed relationship to other lineages, an age-set group changes its position in relation to the whole system, passing through points of relative juniority and seniority. This mobility of age-set groups is peculiar to the system and is a necessary characteristic of it, for it is an institution based on the succession of generations. Probably, for oecological reasons, the actual political configuration remains very much the same from generation to generation. People pass through the political system without their structural position in it changing to any extent during their passage. It is the same with the lineage system. Nevertheless the mobility of groups through the age-set structure and their changing position in it should not be allowed to obscure the constancy of its structural form. There have pro-

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561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 182 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [585] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

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561 another hospitality and to share their possessions. Fighting is
571 considered an appropriate mode of behaviour between age-mates, but a man ought not to fight a man of a senior set. The comradeship between age-mates springs from a recognition of a mystical union between them, linking their fortunes, which derives from an almost physical bond, analogous to that of true kinship, for they have shed their blood together. (4) Members
561 of a set are expected to show respect to members of senior sets,
576 and their deference to them can be seen in discussions, in
626 etiquette, in division of food, and so forth. Whenever there is a question about the propriety of speech or action it is judged by reference to the relative positions of the persons concerned in the age-set structure, if kinship status is not also involved. Since every man has a known age-relationship to every other man in Nuerland with whom he is likely to come into contact, their social attitude to him, and his social attitude to them, is determined in advance by the distances between them in age-set structure, unless kinship takes precedence. Although it is possible for a man to avenge a breach of these patterns of behaviour by a curse, if it is a very serious breach, the ordinary sanctions of conduct are a man's conscience and desire for approval.

561 It will have been noted that the relations between the sets
608 are defined in the idiom of family relationships. The members of a man's father's age-set are his 'fathers' and the members of his father's brothers' 'age-sets' are, in a less precise sense, also his 'fathers'. The sons of a man's set are his 'sons', and they may fall into several sets. The wives of members of a man's father's set are his 'mothers', and the wives of members of his sons' sets are his 'daughters'. All members of a man's own set are likewise 'brothers', though here the analogy is seldom expressed because the comradeship between age-mates is strongly affirmed in the idiom of the system, for they are all *ric*, age-mates, to one another. As, in any case, a man commonly addresses all persons much senior to himself as 'father' and 'mother', all persons much junior to himself as 'son' and 'daughter', and all persons of about the same age as himself as 'brother' and 'sister', the terminology of address between different sets is not a differentiating one and it cannot be said how

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far it is determined by specific age-set relationships. When speaking about sets senior to his own, but not that of his father or the set immediately senior to his own, a Nuer sometimes speaks about them collectively as though all their members were his fathers-in-law and their wives his mothers-in-law, for he is courting their daughters and is likely to marry one of them and so is circumspect in his dealings with their parents. Thus a *Lithgac* son of a *Maker* father regards members of the *Dangunga* set and their wives as potential fathers-in-law and mothers-in-law.

The age-set system thus influences persons through a kinship idiom and on the pattern of kinship. The sets never act corporately, but they function locally between individuals and, in ceremonial situations, between small aggregates of persons who live near to one another, for a man only has frequent contacts with those members of his set and of other sets who live in his district. No doubt relative positions in age-set structure to some extent determine behaviour between neighbours, and it can sometimes be observed that they determine it, but it is difficult to say to what extent, for men who live near one another are not only members of the same age-set or of different age-sets but are also kinsmen or affines. The age-set patterns of behaviour are, except in specific rites, of so general a nature that they cannot be isolated in a community where everyone is related in a number of different ways to everybody else. We have noted how persons who live together are always able to express their relations to one another in the language of kinship and how, when they are not actual kinsmen, they are recognized as equivalent to such by adoption or through some traditional, or mythological, connexion. The age-set stratification of all men, and by analogy all women, into groups whose interrelations are on the pattern of family relationships is one of the ways by which community relations are expressed in kinship patterns and is comparable to the classificatory system of kinship nomenclature in its assimilation of social relations to a few elementary types. Age-relations are part of the general social ties of a kinship type which unite all persons living in a community. The members of a local group have group relations only with other groups of the same kind and it is these relations

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561 608 182 which we call political. They also have manifold contacts with one another—economic, ceremonial, food, play, and so forth—and political relations may be viewed as a specific organization of the texture of social ties, which control these contacts, in certain situations. It is this action of the age-set system, in establishing ties between members of local communities and in giving them a kinship value, that we chiefly stress in a political context rather than its indication of leadership, for outside small kinship and domestic groups the authority derived from seniority is negligible, and the sets lack leadership and administrative and judicial functions.

561 619 The age-set system has been briefly treated because of this action and also because, in the larger tribes at any rate, it is a tribal institution. It segments the male population of a tribe into stratified groups which stand in a definite relationship to one another and it cuts across territorial divisions, giving identity of status where there is political disparity and differentiating status where there is political identity. However, the political system and the age-set system do not seem to be interdependent. Both are consistent in themselves and to some extent overlap and influence one another, but it is easy to conceive of the political system existing without an age-set organization. There is evidence in East Africa that political development produces atrophy of the age-set organization. In conclusion we would again emphasize that adjacent tribes co-ordinate their sets and that the sets of any tribe are easily translated into the sets of another tribe. Initiation rites, more than anything save language, distinguish Nuer culture and give Nuer that sense of superiority which is so conspicuous a trait of their character. Only in the sense that age-sets are organized tribally and are common to all tribes can there be said to be a correspondence between the age-set system and the political system. There is no positive structural correspondence of the kind we have noted between the lineage system of dominant clans and tribal segmentation. It may be said, therefore, that whereas the political system and the lineage system of dominant clans are interdependent, the political system and the age-set systems are only a combination, in Nuer society. We may add that the common assumption that an age-set system merely by

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stratification integrates the members of a tribe has little to commend it.

V

In the way we have written this book we have in some measure broken away from the tradition of lengthy monographs on primitive peoples. These weighty volumes generally record observations in too haphazard a fashion to be either pleasant or profitable reading. This deficiency is due to absence of a body of scientific theory in Social Anthropology, for facts can only be selected and arranged in the light of theory. It is aggravated by the error of confusing documentation with illustration. We have also tried to describe Nuer social organization on a more abstract plane of analysis than is usual, for usually abstract terms are mistaken for abstractions. Whether we have succeeded in doing so is for the reader to judge, but in case it be said that we have only described the facts in relation to a theory of them and as exemplifications of it and have subordinated description to analysis, we reply that this was our intention. 121

It is difficult to know how far one is justified in pressing an abstraction. Once one has a theoretical point of view it is fairly simple to decide what facts are significant, since they are significant or otherwise to the theory, but it may be doubted whether it is wise, in discussing the political institutions of a primitive people, to give only the barest reference to their domestic and kinship life. Can this be done successfully? That is precisely the question we have asked ourselves, and we have concluded that an answer can only be given to it by making the attempt.

1. We first gave an account of Nuer absorption in their cattle and showed how this value in their system of oecological relations necessitates a certain mode of distribution and transhumance. We then described the concepts of time and space that arise very largely from ways of livelihood and disposition of settlements. We then examined the territorial sections which, through the values attached to them, form a political system. We further noted that structural distance in the lineage systems

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claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle. 582 727 563

A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.' 582 607

A man may not marry the daughter of an age-mate, a member of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a 582 561

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582 kind of kinship. In certain circumstances an age-mate may claim
561 a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates and a man may not be in the position of paying bride-
[606] wealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law, and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage seldom surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God, and it is believed that the guardian spirit of the age-set will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are in a sense his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. When one of the fathers is dead marriage can take place, but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

582 The rules I have recorded above can be generalized by saying, as Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In the rules prohibiting marriage, kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the common spear; the *buth* kinship of collateral lineage and of adoption; uterine kinship; kinship through the genitor; the kinship of cognation; kinship which the birth of a

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601 my father', and he replied: 'He is my father's brother's son (*gatgwalen*)'. As I knew that the two men were either not at all or very distantly related, I asked how this could be. The lad then said that the man was 'a son of my father's distant brother (*gatgwalen ka noni*)'—a distant paternal cousin—and he added: 'He has lived so long among us that I call him "son of my father" ("*gatgwar*"). He has become my father's son. Also, his father and mine were of the same age-set.'

601 The example I have given introduces a complication, for, quite apart from the kinship system, every adult in Nuer society can be
561 addressed by one of the family relationship terms in virtue of his position in the age-set system. As I have described this system elsewhere it need here be considered only in so far as it is immediately relevant to the subject of kinship. Males are divided into the grades of boys and men, boys being initiated by successive sets into manhood by a severe ordeal. Without discussing the intricacies of the system it may be said that this arrangement of males by age means that from the point of view of any individual man all the other men of his society are formally classed as seniors, equals, and juniors, the division corresponding roughly to three generations —the older, his own, and the younger. To seniors he must show deference, with his equals he is on free and easy terms, and from his juniors he expects deference. Women are brought within the system as being daughters, sisters, and wives of members of sets. The age-set system thus supplements the kinship system in the organization of interpersonal relations in everyday social life. Again without going into details, men of an older generation within the system are 'fathers' and their sisters and wives are 'mothers', men of a man's own generation are 'brothers' ('sons of the father' or 'sons of the mother') and their sisters and wives are 'sisters', and men of a junior generation are his 'sons' and their sisters and wives are his 'daughters'. People address one another accordingly, except that men of the same generation usually salute one another by their ox-names. Thus everybody in Nuerland can be addressed as 'father', 'mother', 'brother', 'sister', 'son', or 'daughter' by reference to their position in the age-set system, and this usage may be regarded as a special instance, and one of the widest radius, of the classificatory use of relationship terms. All men of a man's father's age-set are his 'fathers', and all sons of a man's age-mates are his 'sons', and so forth. A man even speaks

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collectively of members of a set senior to his own, other than his father's set, as in-laws if they are senior enough for it to be likely that he will marry one of their daughters. In a sense everybody in the age-set system—that is to say, everybody in Nuerland in one way or another—is kin to everybody else, and the word *mar*, kinship, can be used in this connexion: *mar rica*, age-set kin. The use of relationship terms for persons within the system may in part—the common use of personal names may be another reason—account for the very informal, even haphazard, use of kinship terms among the Nuer, for the terminology of address of the age-sets may cut across that of kinship. For example, a man may be to another a classificatory paternal uncle or grandfather genealogically, but if he is of the same generation he is his 'brother' and would so address him and be addressed by him. Contradiction between the two systems is avoided by the assimilation of the values of both to those of the family by the use of the family relationship terms, for though one may not know whether a man is being addressed as 'father' in virtue of his place in the kinship system or in the age-set system, it could never happen that a term appropriate in the one would be inappropriate in the other. It is always correct to address very old persons as 'grandfather' and 'grandmother', persons of one's parents' generation as 'father' and 'mother', persons of one's own generation as 'brother' and 'sister', and persons of the generations of one's children and their children as 'son' and 'daughter'; and this usage may be quite independent of either kinship or age-sets, being merely a courtesy extension of the family terms to all men.

All members of a man's community, whether it be large or small, can thus be addressed by one of the family relationship terms. We do not, I think, understand this convention so well by regarding it, as it is often regarded, as an extension of family terms and sentiments from members of the family to kin as when we regard it as the verbal telescoping of kin into the circle of family reference so that, as Nuer say, the *gol* is not cut off from the *wec*, the hearth from the camp, the family from the community. A man belongs not only to his family but to a wider society.

IV

The classificatory use of terms of relationship is a special problem to be considered separately from the wide recognition of

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A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children.[1] It is said that were he to do so the children of the marriage would die. When I argued that there was no kinship between a man and his wife's sister Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman since she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow, and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that you cannot marry your child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

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A man may not marry the daughter of an age-mate, a member

[1] A single case of marriage to two sisters at the same time was recorded. A well-known magician on the Sobat river defied the prohibition. When, however, one of his daughters fell sick with syphilis, or yaws, he gave up the second sister.

of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates, and a man may not be in the position of paying bridewealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage rarely surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God and it is believed that the guardian spirit of the age-set (*kwoth ricdien*) will avenge a breach of it.

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It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. Thus Nuer may be heard to say of such a set as the Wangdel, 'The Karamni marry their daughters, we the Piluali do not', meaning that the Karamni, who belong to the set next junior to the Wangdel, would not be their sons, whereas the Piluali, who belong to the next set but one, would be mostly their sons. When one of the fathers is dead marriage can take place but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This ritual exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead, because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kwol*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tut thilke rual*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal [834] cousins are not subject to the same restraint. It is not *rual* to [561] have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

835 It is forbidden on incestuous grounds to have relations with 587 the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

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THE NUER: AGE-SETS.

By E. E. Evans-Pritchard.

•561 X[1]. Introductory note. Rôle of departmental experts in organisation of age-sets. The operation. Period of licence. Nomenclature and organisation of age-sets.

XI. Age-sets not regiments. Change in social status. Age-sets and kinship ties. Regulation of marriage. Influence of age-sets on leadership.

IN my earlier paper on the Nuer tribe and clan their age-set system was mentioned shortly as providing social stratification on a basis of age, and was hence one of the institutions relating to political authority and leadership. In the present paper age-sets are dealt with in more detail and their ritual of initiation, their structure and machinery, their ideology, and their social functions are described. A great part of the information given in this paper was collected from the lips of informants since I had no opportunity of witnessing initiation ceremonies, but on the other hand close contact with Nuer in their cattle camps enabled me to observe the less spectacular but perhaps more important relations of the age-set system in its daily commonplace action in social life. We are fortunate in possessing other accounts of Nuer age-sets, though I have no doubt that our combined accounts give a very incomplete picture of the institution.[2] The subject is not only of interest for those who come into contact with the Nuer but is of great importance for a general study of the age-set system in East Africa which still awaits comparative treatment.

A few words may be said here about the difference between "Age-grade" and "Age-set," a distinction in which I follow Prof. Radcliffe-Brown. An age-set is "a recognised and sometimes organised group consisting of persons (often male persons only) who are of the same age. .....In Africa, at any rate in East and South Africa, an age-set is normally formed of all those males who are initiated at one time..... Once a person enters a given age-set, whether at birth or by initiation, he remains a member for the remainder of his life." An age-grade is a term which "should be kept for recognised divisions of the life of an

[1] Numbered in continuation of my previous paper on "The Nuer: Tribe and Clan," *Sudan Notes and Records*. Vols. XVI–XVIII. The diagrams in this paper are also numbered in continuation of the diagrams in my previous paper.

[2] See bibliography in my earlier paper.

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• 56 individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[1]

[121] In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

881 Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[2] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[3]

[791] The chief officer in respect to initiation into age-sets is the *wut ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly 784 prohibited from milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any 881 contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

[1] A. R. Radcliffe-Brown. *Man.* 13, 1909.

[2] C. G. and B. Z. Seligman. "The Pagan Tribes of the Southern Sudan," pp. 72-3.

[3] *Id.* pp. 170-2 and 263-4. Cf. the lengthy account of age-sets among the Nilotic Langi of Uganda by J. H. Driberg.

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hunting, the camp does not seem to have any expressed purpose or activity. Certainly I never heard that there was any organised educational training. The young men return to their homesteads in time to eat the *mak*, a mash made by beating out the ear and grinding corn not yet fully ripe and still soft.

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What I have recorded above is all I know about the ceremonies of cutting the tribal marks and the periods of seclusion and licence associated with the *gar*. So far nothing has been said about the organisation of the *ric*, the age-sets, and I will now turn to this point. According to Jackson "the initiation ceremony should in theory be held about once every 15 years, and this may have been the rule when the tribe was less numerous than it is at the present moment. Nowadays the boys are initiated when there are sufficient of them to make it worth while."[7] It seems to me that this estimate of 15 years is too large since it would mean that many youths would be from 20 to 25 years old at their initiation, which would be contrary to the purpose of the rite. I was told by a good authority in Lou country (Tutrial) that there is always a four years' interval between the closing of one age-set and the commencement of the next one. This information accords with Father Crazzolara's statement that "as a rule the *Gar* takes place once every four years" but he adds that the cattle chief may deviate from this rule for public or even private reasons[8]. He reckons that we may allow about seven years for each *ric* when reckoning a man's age: thus members of the *Pilual* age-set are from 15 to 22 years of age, members of the *Rual* age-set from 22 to 29, members of the *Tawkuer* age-set from 29 to 36, and so on. If we can say with fair certainty that there is a four years' interval between each period of initiation we must therefore conclude on this reckoning that each period of initiation lasts about three years. But I am not convinced that we can make so sure a deduction, nor that there is complete regularity in the periods of time during which initiation takes place. Father Crazzolara himself says that the period of initiation may last only a year or up to four years according to the district.[9] On the other hand, at any rate in Lou country, this period may last for several years and youths have been initiated into the *Nikgar* age-set continuously for at least eight years. Judging from this

[7] Op. cit. p. 149.

[8] "Im allgemeinen wird das *Gar* alle vier Jahre vorgenommen. Der Landesvorsteher kann aus besonderen Gründen hierin eine Änderung eintreten lassen. So wurde 1928-9 von einem Landesvorsteher bei der Eröffnung der *Garweit* mitgeteilt, es solle jeder bei dem Entscheidung, ob sein Sohn diesmal gegart werden soll oder das nächste Mal, wissen und erwägen, dass das nächste *Gar* erst stattfinden werde, wenn sein (des Sprechers) noch sehr junger Sohn auch gegart werden könne, vielleicht erst nach 3 oder 4 Jahren." Op. cit., pp. 18-9.

[9] Op. cit. p. 19. "Die *Gargemeinde* kann ein Jahr oder auch bis vier Jahren, je nach dem Bedarf einer Ebenbürtigen."

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fact and reckoning from the appearance of age which members of the various age-sets present, I think that it would be wiser to allow a ten years' interval between each age-set and at the same time remember that this is likely to be fictitious, since the periods during which boys are being initiated are not regular, though the time interval between the cessation of one period of initiation and the commencement of the next are probably the same. Thus I should reckon that the youngest age-set, the *Lilkgar*, in Lou country commenced about 1923 and that the oldest age-set, members of which are still alive (the *Thad*), commenced about 1873. This would make these few survivors about 70–75 years of age to-day. Miss Huffman gives a lower estimate which makes these members of the *Thad* age-set between 60 and 70 years of age, an estimate nearer to that of Father Crazzolara than to mine.[1] However, any calculation must be only roughly approximate since it is not possible to count in the exact manner which the regular cycles of other peoples allow. I am not certain that among the Jekany tribes there are any breaks in initiation, and I am under the impression that initiation goes on every year and that the sets are divided by a declaration of the *wut ok* that all the youths initiated up to a certain time belong to the one set, and all initiated after the time to another set. Thus I was told that in Gaajak country the *lilkgar* were cut off from the *Rialwar*, but that since the *wut ok* had not come in person to set them into two sets, in Gaajak country they still remained members of the same set.

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The following are the complete lists of age-sets given by various authorities (the oldest age-sets are given first) :—

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Jekany (Jackson) (?)	Jekany (Huffman)	Gaajok (Jackson)
Tut	*Yilkith*	*Riagh*
Bai Leiak	*Lajok*	*Jaak*
Bunduol	*Cuatwar*	*Shat Bor*
Wang Doll	*Nungtiny*	*Ger Leiak*
Kadik	*Thad* (60–70)	*Yuwaiak*
Wunani	*Bailar* (55–60)	*Yil Bith*
Kawan	*Mabar* (50–)	*Ngam Finy*
Shaad Nyadiyat	*Dungmabe* (40–)	*Shaat Shaar*
Pil Nuniak	*Cathar* (37–55)	*Lajak*[2]
	Lilkgar indir (23–27)	*Tut*
	Lilkgar intat (20–23)	*Bai Leiak*
	Cai Yawi (1915)	*Mabar*
	Liawi (1917)	*Dung Gungu*
		Shar Bai
		Lil Gaiak (1915)

[1] Op. cit. p. 33.
[2] Jackson says that this list is incomplete and that the Lou have the same age-sets.
[3] Said to be only one man still living at the time when Jackson wrote.

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Jekany (E-P)	Lou (E-P)	Gaawar, Lak, Thiang (Jackson)
Ngumpiny	*Gelec*	*B (ɛ) ein*
Yilbith	*Cotbor*	*Tuanyagaing*
Custuur	*Tobrouh*	*Shod Bur*
Yoac	*Yoac*	*Gnaaish*
Gerloc	*Lilagueny*	*Gall Loitch*
Laijah (all dead)	*Ngumpiny*	*Tohet Tchuuouh*
Thut	*Yilbith*	*Keir Nyung*
Boiloc	*Thalpi* (all dead)[2]	*Boi Loitch*
Maher	*Thut*	*Mahsir*
Dangunga	*Boiloc*	*Lajah*
Carboc	*Maher*	*Lao*
Lithgac	*Dangunga*	*Dang Gung*
Rialmac[1]	*Luac*	*Tchab(u)oi (Lunish)*
	Lithgac	*Lid Gaish*
		Karam (1917)

Bull (Jackson).	Kartual (E-P)	Jagei (E-P) (incomplete)
Riur	*Tharpi*	*Wan*
Juuk	*Lilnyaang*	*That*
Gnaaish	*Ruob*	*Boiloc*
Keir nyung	*Wandual*	*Ruob*
Barnaish	*Rol*	*Wandual*
Lid Keli	*Pilual*	*Lier*
Kaar		*Karam*
Kaat kull		*Pilual*
Tharpi		
Lid Kang		
Lid Tchuuk[3]		
Lid Nyung		
Roop		
Wang Dell		
Nyung		
Qui (1919)		

Each age-set has two or three sub-divisions. Each year in the initiation period may receive a separate name though probably two years often have the same name. But though a set is thus stratified internally by a different nomenclature for each year or for every two years, all members of the set have a common name which is the name of the first division of the set to be initiated. This common name persists while the subsidiary names fall eventually into disuse. The set are a unity in relation to other sets while the conventional divisions between different years in the set

[1] See reference to *Rialmac* and *Lithgac* on p. 247.

[2] An alternative list going upwards from *That* into senior age-sets runs: *Laijah, Thalpi, Custuur, Ngumpiny, Yoac, Cotbor, Tuoang, Lilbil, Juky, Kawyaang, Nuan.*

[3] This set and all above it are dead.

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itself tend to disappear as the years go on. Thus in Lou country to-day one hears of *Lieth indit* and *Lieth incar* and *Pilual* (*Caiyat*) and *Rialmar* (*Rial dang*) as four sections of the present initiation period, but all of them are *Lithgar* and the three subsidiary names will fall into disuse and all will one day be called simply *Lithgar*. In the same way one does not hear to-day of *Maker indit* and *Ngwak* but only of *Maker* under which name both divisions are included. In the same manner one hears little to-day of *Gaong indit*, *Carbor*, and *Nyamnyam* but only of *Dangunga* or *Gaong* which covers all three sub-divisions. The senior division is called *indit*, the greater, and when the subsidiary names are dropped the *indit* is dropped also since its purpose is to distinguish the upper divisions from the other ones. Hence we have *Thut indit* and *Maker indit* and *Boiloc indit*, the elder *Thut*, the elder *Maker*, and the elder *Boiloc*, but the *indit* ending in these names is eventually dropped and the complete sets become known as *Thut*, *Maker*, and *Boiloc*.

The following are the subdivisions in the age-sets in Lou country as far as I was able to ascertain them :—

	Thut indit
	Mankjang
Thut	*Lilum*
	Boiloc indit
	Gelyanghkat
Boiloc	*Leibwan*
	Maker indit
Maker	*Ngwak*
	Gaong indit
	Carbor
Gaong	*Nyamnyam*
	Lour indit
	Karam
Lour	*Cambour*
	Lieth indit (inbar)
	Lieth incar
	Caiyat (Pilual)
Lithgar	*Rialmar (Rialdang)*

Sometimes a section or sub-section has two different names, *e.g.*, *Gaong* and *Dangunga*, *Lieth indit* and *Lieth inbar*, *Caiyat* and *Pilual*, but I do not think that this has any significance, being due simply to the invention of different names in different parts of the country as far as the great sub-divisions are concerned and being a variation when it occurs in the permanent name of the age-set.

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I believe that these sub-divisions occur all over Nuerland and that they become merged into the single name of the whole set as in Lou country. This fact probably accounts for a number of differences in the lists given above since I think that sometimes sub-divisions have been given as though they were different age-sets whereas in reality they are only two divisions of the same age-set. These divisions occur on the west bank of the Nile no less than on the east bank, and I record beneath a list which I collected from a Lek youth, and though it is almost certainly inaccurate in some particulars it gives clearly enough the method of sub-division :—

Thorpi	
	Lilnyaang
Lilnyaang	*Lilous*
	Ruob
Ruob	*Lilwath*
	Wandaang
Wandaang	*Tanghaar*
Rol	*Pilual*
	Jaang
Pilual	*Jawath*
	Gatabla

An informant in Lou country (Wan) told me that the reason for having different divisions in the same age-set is to prevent a boy and his brother from having an identical status in the age-set. It sometimes happens that two brothers are initiated on the same day but in this case they are distinguished by the younger brother receiving seven cuts across his forehead while the elder brother receives the usual six. Much more frequently it happens that a boy and his brother are initiated into the same age-set though during different years, perhaps two or three years apart from one another. In this case they are distinguished by belonging to different sub-divisions of the age-set.

The names of the age-sets seem quite fortuitous. They are not stereotyped and recurrent as is often the case in East Africa where the age-sets are organised into an age-cycle. Among the Nuer each age-set acquires a name by association with some incident of the period of initiation which may have a specific connection with the members of the set or may be of a general nature. Jackson gives a number of interpretations of these names in his papers on the Nuer, *e.g.*, *Riar* (Bul country) were called after the heads of dura (*riar*) because the seed dura

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which was hung up in the huts in preparation for the rains was eaten prematurely; *Qui* (*Kwe*) (Bul country) were called after a *thak ma kwe*, a fish-eagle bullock, black with a white face, which was sacrificed by the cattle-expert before the initiation period was opened. Father Crazzolara derives the name *Piloal*, red water, from the fact that red-coloured beer was served up in the age-set. He says that this *ric* is also called *Codwyalla* (Lak country) because an ox of this name was slaughtered, and also *Latk Warakwei* because of the recent introduction of cotton (*latk*) into the country by the late Capt. Fergusson, whom the Nuer called *Warakwei*. He says that *Liath Gee* are so-called because a couple of recently initiated boys broke into a hut and stole butter (*liath*) from it. They are also called *Rool* because at the conclusion of the festivities to celebrate their initiation an ox of this name was slaughtered. *Tankow* are so-called because an ox *ma kwei* was slaughtered.

To these derivations I may add those given to me for the names of the Lou age-sets: *Lith ishor* was so-called because the bullock that was sacrificed at the commencement of this *ric* by Gai Jaang, the Gaajak cattle-expert, was of this colour; *Luac* was so-called because it was a period of great hunger and the boys and newly initiated men were forced to satisfy their hunger with gum from acacias (*luac*); *Dawgunga* (an individual member of this set being called *gwong*) was so-called because the boys in hunger were forced to fall back on guinea fowl (*gwong*), which they caught in nooses or struck with clubs thrown at them in the branches of trees to which dogs had driven them; *Maker* was so called because a bullock of this colour was sacrificed, or according to another version it was a Nuer effort to pronounce the arabic word *eskari*, as these soldiers were then prominent and used to go about with the government chiefs (the full name according to this second version is *kiaskari*); *Boiloc* was so-called because this was a year of cattle plague, and of those which died only the beasts which had a white heart (*loi*, *loc*) were eaten, the others being considered unfit for consumption; I do not know why the *Thut* age-set is so-called. I believe that the name of the set, which is always taken from the name given to the initiates of the first year, is given by the cattle-expert, but the names of the sub-divisions of other years are not given formally by anyone but are a chance popular creation.

There are different ways of referring to the *ric*. Generally one speaks of its members and one then uses the plural of the words given

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561 in the lists above. Thus one speaks of the *Piluali*, the *Karamni*, the *Ruobni*, the *Lithgaoni*, the *Thutni*, the *Rialmaoni*, the *Maheri*, the *Nyamnyamni*, etc.

XI.

881 867 In seeking to understand the social action of the Nuer age-set system I think that we should first of all abandon the idea that there is any purposive education in initiation. Neither in connection with the cutting nor during any subsequent stage does the initiation of the boys include educational or moral training. It is true that a father may admonish his son at this time to be brave in war, to avoid the wives of other men, to be generous, and never to display greed, but such advice is of the general kind which may be given unsystematically at any time during boyhood. I could find no evidence that there is any kind of teaching of the boys during initiation, either of technique or of traditions. Nor was I told upon repeated enquiry that there was any moral instruction.

561 114 I cannot agree with Stigand's description of the Nuer age-sets in this respect and I think that he was largely reading into them the purpose and methods of the Masai system with which he was familiar. He wrote of initiated youths: "When finished they are trained by the old class; the training includes mock battles, fighting with sticks and pelting one another with balls of dried clay—to learn quickness in avoiding spear thrusts. After two years the training is complete, the old class then retire and gradually get married whilst the new class having finished their training go back to live in their villages." He says: "The newly-made warrior may not marry until relieved by the next class."[1] I found nothing which could confirm this account of two-years' training and the prohibition of marriage on the older class during the training of the set which was to replace it, and there is nothing in Jackson's account and little in the recent paper by Father Crazzolara which bears it out.

561 701 I think, moreover, that the Nuer age-sets are only incidentally a military system at all, though Stigand and, less dogmatically, Jackson give them this character. It is perfectly true that in warfare the junior age-sets play the chief part, but this is simply due to the fact that they are old enough, and yet not too old, to fight. Boys do not take part in

[1] *Op. cit.* p. 107.

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warfare because they would certainly be killed if they did and the same applies to old men. Nevertheless a good number of the older men who are more active than fellow-members of their age-set will accompany expeditions. Moreover war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regiments, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in them rather than in its ritual that we must look for its significance.

In its economic relations Nuer social life comprises three groups of persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they have been initiated into manhood. Consequently initiation means that a boy ceases to milk; he severs his association with women's work; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life.

If cessation from milking is the most outstanding change in a boy's occupations after initiation it is by no means the only one, for his whole

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858 mode of life changes when he becomes a man, that is to say when he is made
•561 a man by social machinery, for he does not become a man in virtue of biological condition alone. An initiated boy ceases also to assist women and girls in the more menial tasks of cattle culture. It is no longer his duty to clear dung from the byres nor to smear it on the floor of the kraals[1] and dry it for fuel. Neither taboo nor shame attaches to these tasks, it is true, and if there are no women or boys to perform them a man will do them himself, but it is considered to be work for boys and girls. No more will an initiated boy have to milk the goats and sheep and take them out to pasture with the calves. Instead he will sometimes guard the main herd of cattle in their dry season pastures or more generally sit and gossip around the embers of a smouldering dung fire and wait for the womenfolk to bring him the morning meal.

A boy is everybody's servant. Not only must he milk the cattle and sheep and goats and keep clean byre and kraal but he is frequently ordered about by initiated men, sent to draw water, fetch fuel, light pipes, made to go messages, to lead the bullocks round the camp when his elders wish to leap (*rau*) behind them, and to perform any other task which they require. Certainly boyhood is the period in a man's life when he is more occupied, does more work, than at any other period of his life. One gets the impression when living in a Nuer cattle camp that among the males all the routine work of the camp is done by the boys. After initiation
884 a boy may look forward to a long life of ease. His are now the delights
561 of sitting round a smouldering dung fire with his beloved cattle tethered in front of him. Here he can smoke, sleep, drink milk, gossip, and watch
461 others do the daily monotonous routine work of homestead, dairy, and kraal. There is no one now to disturb his peace by ordering him about. At last he is completely his own master and may work or not as he thinks fit. Every initiated Nuer is his own lord, paying respect to age and the obligations of kinship, but free and independent, owing no man service. A newly initiated boy may now order his juniors about, see that they do their work thoroughly, and admonish and beat them if they are remiss
884 in any task. Even though he is quite small, and perhaps no older than
561 many who are uninitiated, he is a *wut*, a man, while they are *dholi*, boys.

[1] "Byre" refers to the large huts in which cattle are housed in the wet season and which is used also as a men's club. "Kraal" is used to denote the space in front of the byre, sometimes enclosed, where the cattle are tethered and also for the space where they are tethered, surrounded by a wind-screen, in dry-season camps.

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He will respect his elders but they will treat him as a man and with the consideration due to an equal rather than to an inferior.[1] 884

He has now the supreme joy, to which every Nuer boy looks forward with longing, of entering into the full life of the cattle. He will wander with them over their dry season pastures and will have his own bullock, perhaps more than one, to meet when it returns to camp in the evening, strutting along and waving the long tassel attached to its horns as it tosses its head. He will rub its back with ashes in the evening and perhaps invoke the spirit of his lineage or his dead ancestors as he does so. He may now order a boy to lead his bullock round the camp at morning or evening so that he can leap behind it in the sight of the girls, and may walk among the cattle at night ringing a cattle bell and singing about his cattle, his relatives, and his loves, activities which would be mere presumption in a boy, who would not indeed attempt them. 561

The elation, the feeling of happy superiority, which accompany this change in a boy's life are evident in his behaviour, and their opposites are strikingly shown in the cases of boys who for some reason have not been initiated at the same time as their contemporaries and playmates. The position of such a boy is pathetic. His friends have been promoted and he is left behind. They are men and he is still a boy. Once his equals they have become his superiors. I knew well one boy in this humiliating position and it was painful to observe how acutely he felt it on occasions. He evidently felt shame at the performance of his boys' duties and tried to associate as much as possible with his initiated companions, with whom he had everything in common, rather than with the smaller boys with whom he was socially identified. I think that his friends tried to spare him humiliation as far as they could by treating him as one of themselves though his work and play were of necessity different from theirs. On one occasion a man of about 16 years of age was beating the boys for neglecting their work and idling around my tent, but when he came to this boy of the same age as himself he raised his hand to strike him and said: "And you! what are you doing here?" but he smiled and did not strike him.

After initiation also a boy may give himself over to the absorbing interests of love-making. He may now dance and flirt (*lum*) and indulge 836 883

[1] We must not exaggerate this equality. Elder men will still call an initiated person who is young enough to be their child *dial*, boy, and will order him to fetch them things they require. I have on dozens of occasions witnessed it. But the difference lies between doing a favour to an elder man who speaks to you as his son and being ordered about like a servant by a superior.

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132 553 of the age-sets directly senior and junior to his set may also call him by his bullock name. Members of his family and kin will address him by his birth name or by a relationship term. The use of a bullock name has egalitarian implications so that it would not be used between persons whose age-sets are distant from one another. A younger man would not address one much older than himself by his bullock name but as "*gwa*," "father," or by the complimentary title of "son of so-and-so," mentioning the name of his father, or "father of so-and-so," mentioning the name of his eldest child whether son or daughter. Also an old man would not address a much younger one by his bullock name, but as "*gatda*," "my son."

561 554 The change of social behaviour which takes place in the life of a Nuer when he passes from the grade of boyhood to the grade of manhood, from *dhol* to *wut*, is shown in the customs I have just described, milking, household tasks of byre and kraal, love-making, dancing, ownership of spear and bullock and bullock-names, etc. But these are customs which differentiate one grade from another grade and not one set from another set. All the age-sets are equivalent in their enjoyment of these privileges and present an undifferentiated opposition to the boys who are deprived of them. There are no further grades into which a set as a whole advances. The Nuer age-sets do not pass out of the grade of warriors into the grade of elders as these grades are not clearly defined among the Nuer. A man, as explained above, ceases to fight when he considers himself too old for this sport and not because his set passes out of a warrior-grade. He marries when he is old enough to do so and when there are sufficient cattle to provide him with a bride, and not because his set passes into a grade of married elders. Instead of the three grades of the Masai system, Boy-grade, Warrior-grade, Elder-grade, there are properly only two Nuer grades, Boy-grade and Man-grade.

But though not graded the sets are stratified and have a traditional pattern of behaviour between one another so that membership of one set evokes a different pattern of behaviour from members of all the other sets. Thus, from the point of view of an individual Nuer, male society falls into three adult groupings: those whom you respect as seniors (associated with your fathers); those with whom you are on terms of intimacy (associated with your brothers); those who owe respect to you (associated with your sons). These patterns of authority, submissiveness and egality, are the only three possible patterns of behaviour between

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individuals in any society, and every society has techniques for determining beforehand which pattern a man employs towards any given member of his community. Nuer culture does this by means of its age-sets as well as through its kinship structure. Any doubt as to how you should act towards a fellow Nuer is eliminated because your attitude towards him is largely determined by your respective memberships of age-sets. Friction and hesitation are avoided because the title of a set evokes from its members a clear pattern of behaviour (*a*) among themselves, (*b*) towards members of senior-sets, (*c*) towards members of junior-sets.

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It may be objected that there are more than three age-sets living at the same time, but from the point of view of an individual, the age-sets tend to fall into three groups corresponding with the three generations of father—self—son. Generations are only distinct for the individual. Thus, to-day, in Lou country the following age-sets still have living members: *Thut*, *Boiloc*, *Maker*, *Dangunga*, *Luac*, *Lithgac*, and any three of these will generally form a generation in relation to the life history of an individual. To a *Lithgac* son of a *Maker* father all members of the *Maker* age-set are his "fathers" and form a group whose daughters he ought not to marry because their "fathers" are his father's also. To this group he owes respect. The age-sets of *Thut* and *Boiloc* fall into the same category as the *Maker* with certain differences due to the greater age of their members. On the other hand a *Lithgac* regards the members of the *Luac* age-set as being on much the same plane as himself in relation to *Dangunga* and *Maker*. The *Luac* and the *Lithgac* will call one another by their bullock-names, and if a *Dangunga* man kills a bullock at a ceremonial feast they will eat together and not with the *Dangunga*. It seems that if a *Maker* man kills a beast at a feast the *Maker* and the *Boiloc* will eat together and the *Dangunga* and *Luac* together; while the *Lithgac* will eat by themselves. Thus, at any one time, owing to the limitations of life, there is a tendency for the age-sets to fall into three divisions in respect to any individual, his seniors, his equals and his juniors. At the beginning of manhood there are only two divisions, equals and seniors, and at the end of manhood there are also only two divisions, equals and juniors, but in middle life there are three divisions.

This social overlapping fits in with biological overlapping, for not all of a man's sons are initiated into the same set. Generally the eldest

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son is initiated into an ageset with one (or sometimes two) intervening age-sets between his age-set and his father's age-set, but two (or sometimes three) age-sets intervene between the age-sets of younger sons and the age-set of their father. This overlapping seems complicated to us but is not so to a Nuer. If we consider the position of a member of the *Maker* age-set we shall see that the *Boiloc* are too young to be his "fathers" and he tends to regard them as his equals in contrast to the *Thut*. A man of the *Dangunga* age-set in the same way regards the *Maker* as his equals because they belong to a younger age-set than that of his "fathers"; but he recognises the authoritarian position of the *Boiloc*. Any set tends to regard the set directly senior to it as its equals, though seniors, in contrast to the set higher up who are not only its seniors by a long period of years but also its "fathers." So that while the *Dangunga* regard themselves as of much the same status as the *Maker* in relation to the *Boiloc* the *Maker* regard themselves as of much the same status as the *Boiloc* in relation to the *Dangunga*. Or, while the *Lithgac* consider their position approximately that of the *Luac* when speaking of the *Dangunga*, the *Luac* group themselves with the *Dangunga* when speaking of the *Maker*.

The few examples given beneath show actual cases of division between age-sets of fathers and son. I have stated where the son is the eldest son, but in other cases where I have written younger son I am unable to say for certain his position in the order of sons.

Father.	*Age-set.*	*Son.*	*Age-set.*	*Intervening sets.*
Kerker	*Maker*	Wan (eldest son)	*Lithgac (Caiyat)*	two
Bul	*Maker*	Jok (eldest son)	*Lithgac (indit)*	two
Cam	*Dangunga*	Wir (eldest son)	*Lithgac (Caiyat)*	one
Carwak	*Thut*	Cam (eldest son)	*Dangunga*	two
Jok	*Thut*	Ret (eldest son)	*Dangunga*	two
Raimon	*Tenghaar*	Nhial (eldest son)	*Pilual*	one
Ngundong	*Thut*	Deng (younger son)	*Luac*	three
Ngundong	*Thut*	Riam (eldest son)	*Maker*	one
Dung	*Thut*	Chag (eldest son)	*Dangunga*	two
Dung	*Thut*	Jok (younger son)	*Luac*	three
Ngut	*Likyoang*	Raimon (eldest son ?)	*Wandual*	one

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In this list there are only two cases where two generations are recorded, and though two cases are not adequate to show the normal number of age-sets which go to a generation I think that, nevertheless, these two are typical.

Thut	Carouh	generation
Boiloc		
Maker		
Dangunge	Cam	generation
Luac		
Lithgac	Wie	
Lilnyaang	Ngot	generation
Ruob		
Wangdeal	Rainen	
Rol		generation
Pilual	Nhial	

It is not easy to describe the patterns of behaviour which operate between age-sets as they are of a very general nature. They are formally expressed in feasts when members of an age-set, or of two consecutive age-sets, eat together and apart from their seniors and juniors, or when members of an age-set purposely abstain from taking part in a feast when one of their members has died. But also in the daily life of village and cattle camp juniors show seniors deference in all situations which occur, in disputes, discussions, economic activities, etiquette, and so on. Father Crazzolara gives an example of this deference when he says "a boy has caught a fish, and an old man, a *ric*-comrade of his father, desires to have this fish and the boy must give it to him, and when his father, for whom it was intended, hears of this, he is glad that his son has such good manners."[1]

Age-mates are on terms of complete equality. They associate together in all activities of life, in work and war and leisure. A man does not stand on ceremony with an age-mate but eats and plays and jokes with him as an equal. When two men of the same *ric* are quarrelling, so long as their quarrel has not resulted in a serious fight, others ought not to interfere. I have often noticed that when small boys of about the same age are fighting with their spiked bracelets the men will laugh and encourage them, saying that they are of the same *ric*, that is to say, of the same age, but the womenfolk run to separate the boys and to take the part

[1] Hat ein Bursche einen Fisch erlegt und ein Rugenossen seines Vaters wünscht ihn, so hat er ihn demselben zu geben; und wenn der Vater, für den der Fisch bestimmt war, davon hört, wird er sich über seinen gutersogenen Sohn freuen.

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of the lad belonging to their family. Age-mates are those who naturally associate together in any society in the world. Father Crazzolara writes "A kind of relationship springs up between the *Ric*-comrades, akin to close comradeship. According to the views of the people they belong to one another. When they live together or meet by chance, the meals prepared for the one or the other are eaten in common. In travelling *Ric*-comrades are natural hosts."[1] A man may address a fellow member of his *ric*, his age-set, as *ricda*, *da* being a suffix meaning "my."

Apart from this general pattern of egalitarian behaviour between members of the same age-set, their like mode of behaviour towards members of other age-sets, their common title, and their exogamous relations, there are a number of customs that ritually express their equality. The chief of these is the strict prohibition on any member of a dead man's age-set of partaking of the flesh of a beast killed at his mortuary ceremony. Anyone who broke this rule would inevitably die of *nuer*, the punishment which falls on those who break serious taboos.

Another custom allows a man of your age-set to ask you if anyone has claimed your daughter's eldest cow, and if you reply that no one has claimed it he will take a bracelet from off his arm and place it on the little girl's leg. When she is married he will then be entitled to claim the *yang rica*, "the beast of the age-set." It is important to note this custom in its relation to the rule that a man must not marry the daughter of an age-mate since the acceptance of any part of bride-wealth is recognition of an exogamous relationship between the people concerned. Further customs that express the social equivalence of age-mates are the rule which says that when two members of the same age-set have adjoining gardens they shall not erect the usual boundary-line or raised earth between them, and the custom which says that if a youth gets a thorn under his finger nail and has to cut it out all members of his age-set who are present ought also to cut off the tip of a toe nail as well. As we have seen at initiation feasts a man is permitted to joke and take liberties with the wife of a man of his own age-set. She is not a possible future mother-in-law, since a man cannot marry a daughter of an age-mate, whereas the

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[1] *Op. cit.* p. 38. "Zwischen den *Rîgenossen* besteht eine Art Verwandtschaft, ziemlich eine enge Kameradschaft. Beim Herumziehen, auf Reisen, gehen Leute denselben *rîc* womöglich zusammen. Wo sie zusammen wohnen oder zufällig zusammen treffen, wird das vorgelegte Essen des einen oder anderen immer gemeinsam genommen. Auf Reisen sind *Rîgenossen* die natürlichen Gastgeber."

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wives of men of other age-sets may one day become his mother-in-law. 561
I have never heard it suggested that men have any sexual rights over
wives of their age-mates and Nuer were always shocked at my enquiries 835
about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement ; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially 561
as I have explained above. The *kau* of an animal goes to the *ric matot*, 574
the junior age-set who may eat themselves or may share the meat with the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Makeri* and the *juak* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Makeri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set ; while if the animal belonged to a *Makeri* we would expect the *Dangunga* to eat with the *Makeri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me [585]
that sometimes at a marriage feast the father of the bride will kill a "*yang rica*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. 561
In my previous essay I pointed out that the clan is an exogamous group
and that any near genealogical relationship through the female line is 582
also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

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561 582 who counts by fiction, or analogy, as his daughter. I think we are justified also in regarding the actual ceremony of initiation as creating something in the nature of blood-brotherhood between the members of an age-set, since the Nuer seem to regard them as having a kind of community through the blood they have shed together. The Nuer also regard the lineage and clan as a group of people physiologically related as well as sociologically connected, since they have a notion of the common blood of kin.

[835] Not only is a man prohibited from marriage with the daughter of his age-mates, but he will refrain from having love affairs with them or flirting with them. When I asked what would happen if a man were to marry the daughter of an age-mate, I was told that his comrades would appeal to the *kwoth ricdien*, the spirit of their age-set, stating in an invocation that this man has no respect for their set and asking that he might be removed. He would then die. It is difficult to know how we are to interpret *kwoth ricdien*, but it seems that each *ric* is thought to be associated with its special guardian spirit though I do not think that these have special names.

This prohibition on the marriage of daughters with age-mates on the grounds of brotherhood between them is quite conventional and does not mean that age-mates are regarded as equivalent to brothers in either physiological or sociological sense. Perhaps the function of the prohibition is to be sought in the pattern of egalitarian behaviour existing between age-mates and their wives, a pattern of behaviour quite incompatible with that existing between a man and his father- and mother-in-law. If a man were to marry a daughter of an age-mate his age-mate would become his father-in-law and his wife would become his mother-in-law and he would have to act towards them with such respect as to make it impossible for him to eat or drink in their homestead. But the Nuer system decrees also that a man may act with the greatest freedom, as we have seen earlier, towards his age-mates and their wives. There would hence be a clash between two completely opposed patterns of behaviour, and this is avoided by the fiction of brotherhood considered as the relationship equal to real brotherhood in respect to marriage with daughters though different in most other respects. Doubtless the prohibition is re-enforced by the fact that there would always be a very great difference in age between a man and the daughter of an age-mate, for

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marriage between people of about the same age is usual in the Nuer society and marriage with a girl of the age of one's children is exceptional.

Conventionality of the prohibition is shown when we come to consider the relations of a man to the daughters of his father's age-mates, because if there were any real identity between age-set relationships and kinship relationship these women would stand in the position to him of sister (father's brother's daughter). In point of fact, Nuer theory holds that children of age-mates may not marry and they form a secondary exogamous group based on the age-set system.

DIAGRAM No. XXIII.

A	AGE MATES ♂
B	CHILDREN OF A ♂ ♀

Thus members of group A may not marry into group B, A and B together forming an exogamous group comprising two generations. A is not an exogamous group since it contains only males and these are permitted to marry one another's sisters, if they are not prohibited from marriage on other accounts. B on the other hand forms in itself an exogamous group consisting of males and their sisters who are not supposed to intermarry.

However, the prohibition on inter-marriage between children of age-mates (between members of group B) is not seriously enforced, at any rate to-day, though I was told that in the past the rule was upheld. Thus, in Diagram No. XXIV, theoretically C ♂ cannot marry D ♀ since A ♂ and B ♂ are age-mates. Because A ♂ and B ♂ are "brothers," B ♂ is the "father" of C ♂ and C ♂ cannot marry D ♀ his "father's daughter." It seems, however, that to-day so long as A ♂ or B ♂ is dead, the marriage is allowed between C ♂ and D ♀ on condition that they make exchange of a special cow or sheep or goat as atonement (*ral*) for breaking the taboo. This animal is probably ear-marked for the *kwath riedien*, spirit of their age-set, though I was not told that this was the case. An instance of this kind was told in the family of one of my Nuer servants, Tot, whose sister was married to a man whose father was an age-mate of Tot's father. The husband gave Tot, whose father was dead, a female

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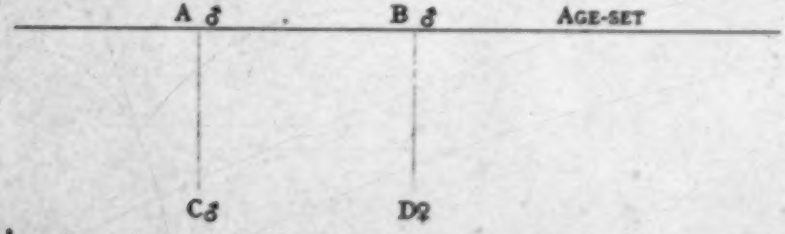
561 goat, and Tot gave the husband's father a male sheep. It may be doubted, nevertheless, whether such a marriage would have been regarded as
582 correct by the older generation. I was told, however, that a man would
[832] not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it
182 regulates the behaviour of members of a community towards one another. It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
602 set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

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life. Certainly the Nuer always speaks of them in terms of family and kin. Not only does he speak of his "fathers" and "sons," but he speaks about members of age-sets senior to his own but not of his father's age-set as though they were his fathers-in-law and their wives his mothers-in-law. These peoples must be respected because their daughters are your lovers and one day may be your wives. Thus a *Lithgac* son of a *Maker* father will regard members of the *Dangunga* age-set and their wives as potential mothers- and fathers-in-law.

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The analysis presented in this paper may appear difficult, perhaps unconvincing, when stated in abstract terms, but observe how daily contacts and occupations in a Nuer cattle-camp operate smoothly and how their smooth working is partly a result of social stratification by age. We have seen how the question of who shall perform tasks connected with the monotonous task of cattle-raising is settled by the clear cleavage between the duties of men and the duties of boys. In the many situations that arise in the daily life of cattle-camps, one has opportunity to see how the young give way to the old and listen without interrupting to their advice and admonition in disputes and discussions of all kinds. They will order the younger men to perform services for them and will lecture them upon shortcomings; and the extraordinary pride of a Nuer, the object of ceaseless astonishment to Europeans, no matter how long they have resided in the country, is not injured by orders and admonition from a man of a senior age-set. One observes that the frequent quarrels in a Nuer cattle-camp are between members of the same age-set, and for a man to struggle with the members of a junior age-set would be ignoble for both alike. Everybody's behaviour to everybody else is thus defined on rough, general lines in the daily range of their contacts. In your relations with A he must pay deference to you since he belongs to an age-set junior to your own. On the other hand when you meet B you must defer to his opinion and you may do as he asks you to do without losing your dignity. Boys are everybody's servants. You have left your spear in your windscreen when you have been visiting friends and you want someone to bring it to you. You look round and see C, a boy, and you tell him to go and fetch it. Then there is D, who is of the same age-set as yourself. He is your comrade and your equal. He can say anything he likes to you and you can reply to him as you like. Your equality is shown as much in your quarrels as in your fellowship. It is

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•561 expressed in your close association, in love-making and dancing, in hunting and warfare, in mutual visiting and sharing of meals. The essence of such a system is that it should work automatically for there is no one to enforce it. You ought to behave with deference or equality or superiority to men of different age-sets, and if you do not behave towards a man as his age-status requires you to do, then you will have done the wrong thing—people will say so openly and your father and uncles will consider themselves insulted by your conduct towards a member of their age-set and you will suffer from their chagrin. That the system works is perhaps in part due to its association with kinship ideology and also to the fact that it does not have to work outside the local community where the bonds of kinship are effective. It stratifies members of the local grouping, of the village and district and cattle-camp.

Every society regulates the interaction of its members, among other ways by organising them into age-grades that are associated with the ideology of family life. The problem is: why does age become stratified into formal sets? I do not know that any satisfactory answer can be given to that question and none will be attempted here. It is pertinent to ask, however, whether there are any other means of determining community interrelations in questions of leadership and authority. From this point of view, it would be desirable to make a comparative study of what happens in neighbouring cultures like those of the Shilluk and Dinka, especially among the Shilluk where the system has almost entirely broken down, for we may suppose that it has at one time been less negligible a social influence than at present, and also in those East African societies, like the Masai, where the age-set institution has reached its highest development. But, although such questions can only be treated on the basis of comparative study we may, nevertheless, note once more the absence of any very decided political status among the Nuer. Nor does a kinship system provide an adequate means of denoting leadership. Even in the narrowest type of kinship relations, that between brothers, authority is not an integral part of patterns of kinship behaviour. And we have to remember that wielding of authority is always a difficult matter in any society, and where it is not based on open restraint this is due to a clear cleavage between those who order and those who obey, each person knowing at once to which party the other belongs. Among the Nuer it can hardly be said that leadership and authority are highly

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developed, but in so far as they are present, they derive their sanction to a large extent from the age-set system. We must also remember that age-sets are organised tribally and are one of the institutions common to all members of the same tribe and may, therefore, be supposed to act as a unifying agency in the loose political life which we have seen to characterise Nuer tribes. As much as language, moreover, it is participation in a Nuer age-set that stamps a man as a Nuer and distinguishes him from Dinka, Shilluk, Anuak, and other peoples. When you have six weals running across your forehead you are a real Nuer, a member of the finest nation on earth. The Nuer does not doubt his superiority over the other folk and is intensely proud of the marks on his forehead which prove his nationality.

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619 Those clans which are associated with tribes have generally
614 greater lineage extension and depth than those which are not so
565 associated, and the larger the tribe the more significance this association has for the Nuer. It is in the largest tribes, territorially and numerically, and those which have expanded most and assimilated most foreigners, like the Lou and Eastern Gaajak and Gaajok tribes, that we find the greatest attention paid to the distinct and dominant position of the aristocratic clans. Indeed, not only do political relations affect the clan structural form, splitting it into segments along the lines of political fission, but also the clan system may be said to have a corresponding action on the political structure. In a confusion of lineages of different clan origin and in an amorphous network of cognatic links, the political structure is given consistent form, in the language of kinship, by one clan—a single system of lineages—being made to correspond to the tribe and to its structure of opposed segments. Just as a man is a member of a tribal segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a strict correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Moreover, the distance in clan structure between two lineages of a dominant clan tends to correspond to the distance in tribal structure between the two sections with which they are associated. Thus the system of lineages of the dominant clan enables the Nuer to think of their tribe in the highly consistent form of clan structure. In each segment the network of kinship ties are given unity and coherence by their common relationship to the lineage of the dominant clan that resides there, and as these separate lineages are composite in relation to other clans so the whole tribe is built around an exclusive agnatic framework. Though the sections may tend to draw apart and to split, a common agnatic value, shared by the dominant lineages contained in them, endures.

IV. Age-set System

•561 Another tribal institution is the age-set system, which is socially more significant among the Nuer than among other Nilotic peoples of the Sudan. Nuer boys pass into the grade of manhood through

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a severe ordeal and a series of rites connected with it. These initiations take place whenever there are a sufficient number of boys of from about fourteen to sixteen years of age in a village or district. All the youths who have been initiated in a successive number of years belong to one age-set, and there is a four-year interval between the last batch of initiates of one set and the first batch of the next set, and during this interval no boys may be initiated. The initiation period is open for about six years, so that, with the four years of the closed period, there are about ten years between the commencement of any age-set and the commencement of the set that precedes or succeeds it. The age-sets are not organized in a cycle. 561

Nuer age-sets are a tribal institution in the sense that, in the larger tribes at any rate, all the sections of a tribe have the same open and closed periods and call the sets by the same names. They are also the most characteristic of all Nuer national institutions, for initiation scars are the sign of their communion and the badge of their supremacy. Moreover, though each big tribe has its own age-set organization, adjacent tribes co-ordinate their sets in periods and nomenclature, so that the Western Nuer, the Eastern Nuer, and the Central Nuer tend to fall into three divisions in this respect. But even when a man travels from one end of Nuerland to the other, he can always, and easily, perceive the set which is equivalent to his own in each area. The age-set system, therefore, like the clan system, whilst having a tribal connotation, is not bound by lines of political cleavage. 561 619

There is usually in each tribe a man whose privilege it is to open and close initiation periods and to give each set its name. [664] This man belongs to one of those lineages which have a special ritual relationship to cattle and are known as 'Men of the Cattle'. He opens and closes initiation periods in his own district, and other districts of his tribe follow suit. Once a period has been opened, each village and district initiates its boys when it pleases. The age-sets have no corporate activities and cannot be said to have specific political functions. There are no grades of 'warriors' and 'elders' concerned with the administration of the country, and the sets are not regiments, for a man fights with the members of his local community, irrespective of age. In the rites of initiation there is no educative or moral training. There is no leadership in the sets. 561

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There are probably never more than six sets in existence at any time, since six sets cover about seventy-five years. As each set dies its name is remembered only for a generation or two. Each set becomes more senior as the years go on, so that a man rises from a junior to a middle, and from a middle to a senior position in his community as a member of a group. The stratification of the age-set system is thus a further exemplification of the principle of segmentation which we have seen to be a characteristic of the political and kinship systems. There is further stratification within each set, but this is not of great importance, for the set sees itself, and is seen by others, as an undivided group in relation to other sets, and its divisions become merged as the set becomes more senior. A set once complete does not change its membership, but the sets are constantly changing their positions in relation to the whole system. There is also a certain relativity about these stratified sets similar to that we noted about tribal sections and clans, for, while they keep their distinction, there is often a situational fusion of two sets in relation to a third. This is especially apparent at feasts. Whether a set is regarded as junior or equal depends not only on its position in the age-set structure, but also on the status of a third set concerned in any situation, a tendency due to the connexion between age-sets and generations.

The most evident action of age-sets in determining behaviour is the way duties and privileges are effected by a transition from boyhood to manhood. Also, in virtue of the position of his set in the structure, every male Nuer is in a status of seniority, equality, or juniority towards every other Nuer man. Some men are his 'sons', some his 'brothers', and some his 'fathers'. Without entering here into further detail, we may say that the attitude of a man towards other men of his community is largely determined by their respective positions in the age-set system. Hence age relations, like kinship relations, are structural determinants of behaviour. The age-set system may, moreover, be regarded as a political institution, since it is, to a large extent, segmented tribally and since it divides a tribe—as far as its male members are concerned—into groups, based on age, which stand in a definite relation to each other. We do not consider, however, that it has any direct accord with the tribal structure, based on territorial segmentation, which we have recorded. The politico-territorial

10:Evans-Pritchard E-5 (1931-1936) 1940
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system and the age-set system are both consistent in themselves and to some extent overlap, but they are not interdependent. 561

V. *Feuds and other Disputes*

The political system operates largely, we think, through the institution of the feud which is regulated by a mechanism known as the 'leopard-skin chief', a title we retain, although the appellation of 'chief' is misleading. This person is one of those specialists who are concerned, in a ritual capacity, with various departments of Nuer social life and of nature. Leopard-skin chiefs belong to certain lineages only, though not all members of these lineages utilize their hereditary ritual powers. In most of Nuerland, the lineages are not branches of dominant clans. 628 624

When a man has killed another, he must at once go to a chief, who cuts his arm so that the blood may flow. Until this mark of Cain has been made, the slayer may neither eat nor drink. If he fears vengeance, as is normally the case, he remains at the chief's home, for it is sanctuary. Within the next few months the chief elicits from the slayer's kin that they are prepared to pay compensation to avoid a feud and he persuades the dead man's kin that they ought to accept compensation. During this period neither party may eat or drink from the same vessels as the other and they may not, therefore, eat in the home of the same third person. The chief then collects the cattle—till recently some forty to fifty beasts—and takes them to the dead man's home, where he performs various sacrifices of cleansing and atonement. Such is the procedure of settling a feud, and before the present administration it had often to be used, for the Nuer are a turbulent people who esteem courage the highest virtue and skill in fighting the most necessary accomplishment.

In so brief a description, one may give the impression that the chief judges the case and compels acceptance of his decision. Nothing could be further from the facts. The chief is not asked to deliver a judgement: it would not occur to Nuer that one was required. He appears to force the kin of the dead man to accept compensation by his insistence, even to the point of threatening to curse them, but it is an established convention that he shall do so, in order that the bereaved relatives may retain their prestige. What seems really to have counted were the acknowledgement of community ties between the parties concerned, and hence of the

14: Huffman M-5 (no date) 1931
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98/ This rite changes the status of the boy from that of boy to man. Now he may attend all dances, he may carry a spear—in fact, all the privileges of a man are his. He also may exercise authority over boys who have not as yet had the tribal marks cut, and his sisters must treat him more respectfully than in the past, for now he has a voice in the affairs that concern them. However, he must render due deference to those who have had their tribal marks cut before him.

NUER CLASS NAMES

98/ 55/ 56/ All the boys who have had their tribal marks cut during a certain period (usually consisting of from three to eight or ten years) are given a certain class name. While no Nuer knows his age exactly, he will always tell you to which class he belongs. Those who know the sequence of classes may judge his age approximately.

Classes of Nuer with approximate age now (1929).

Lierni	Tribal marks cut in 1927 (but only one authority for this name. All others call this class of 1927 Cai Yatni or Wum Kelonka).
Cai Yatni	Marks cut in 1925.
Lithgaac intot	Age now 20–25 years.
Lithgaac indir	25–27 years.
Cuiboc	27–35 years.
Dongonka	40– years.
Meker	50– years.
Bailoc	55–60 years.
Thur	60–70 years, but few living.
Nomginy	Probably none living now.
Cuienor	
Lejok	
Yilhith	

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cagdar	noon.
bookn cag	middle of afternoon.
ke thiang	late afternoon.
ci war lip	early evening.
war	night.
wardar	midnight.

('ci' is pronounced 'chi', 'cag,' is pronounced 'chang', 'thiang', is pronounced 'thiang'.)

NAMES OF NUER—DETERMINING DATES

[527] A Nuer has a splendid memory, but dates, birthdays, and anniversaries are not the things he stores away in it.

A parent may tell you in what season of the year a child was born, but after a few years the number of its years becomes but a confused memory.

When some special event has transpired which fixes a date firmly in their minds, they may date an event from that time. The time when the English patrol was in the Garjak country is often used when dates are discussed; an event may be dated either so long before or after the 'boats of the air' came. A flood, a famine, a year when wild animals were numerous, all may be used to mark time.

When the age of a child is asked it may be determined from the reply to such questions as:

does he crawl?	one year.
is he weaned?	(if so) three years old.
does he herd sheep?	8–12 years old.

For later ages one may ask 'when will he have the tribal marks cut?' (tribal marks are usually cut when the boy is from 14–16 years old). After the tribal marks are cut, age may be determined by the class name, providing the sequence of classes is known (see Chapter IV.)

14: Huffman M-5 (no date) 1931
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A woman may be asked 'If you were a man, what class would you be in?' and her age determined by the answer. [805] 551

A child is often named to commemorate some event that has just occurred so the name in itself gives an idea of the date: for instance 'Rath' is famine. Possibly the boy was born in a famine year. If the family are in mourning when the child is born, it may be called 'Mun' if a boy or 'Nyamwon', if a girl. The name means 'ground' or 'daughter of the ground'. 561

An orphan—whose mother is dead, although the father may still be living—is often called 'Ret' which means 'orphan'. 'Bany Piny' is also a name given to an orphan which means 'left on the ground'. A girl orphan is often called 'Nyant'. 551

Twins are often given names which mean 'the leader' and 'the one who was left', indicating their order of birth. The feminine prefix is used if a girl.

Buth	the leader (a boy).
Nyadwoth	the one who was left (a girl).

A child always takes the personal name of its father as its surname, although in so doing the possessive form of the father's name is often used, but not always.

Mun Dep	name of father.
Rath	personal name of son.
Rath Mvon	full name of son.
Pec Kak	name of father.
Nyalira	personal name of daughter.
Nyalira Pec	full name of daughter.

A girl's name almost always has the prefix 'nya-' or 'nyan-' meaning 'daughter of'.

A girl retains her father's personal name as her surname throughout life as she does not assume her husband's name when she marries.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

AGE-SET ORGANISATION

INITIATION

Formerly boys were initiated at the age of 16 to 18, each village making its arrangements independently. The ceremony usually takes place after the rains. The officer in charge of initiation into age sets is the wut ghok (the man of the cattle). He opens the period when initiation may take place, 'when the knife is brought out' *(ngom kom rar)* and closes it 'when the knife is hung up' *(be ngom ngah)*. At the beginning of an initiation period the cattle expert kills a bullock, a big dance is held and he makes a speech opening a new period of initiation. In each tribe there is a cattle expert whose authority is acknowledged in matters concerning age-set organisation. 88|

At the initiation ceremony 6 deep cuts are made across the forehead of the boy, extending from ear to ear. After the cutting *(gar)* the boys, who suffer great pain, are shut up in a hut for two days. There is a period of confinement (lasting one to two weeks) which is followed by one of mild licence. During the whole of this time the initiates must strictly avoid any contact with cattle. Finally, cleansing ceremonies are carried out and a concluding ceremony and dance. After this the youths are recognised as adults and enter into normal adult life and affairs, and into lifelong contact with the herds. [304]

AGE SETS

All boys initiated during a number of successive years belong to a single age set *(ric)*. Until recently there was a four years' interval between the end of one set and the beginning of the next, and this was the period when the man of the cattle hung up his knife and no more initiations were held. 88| 56|

The age sets are organised independently in each tribe, but it often happens that, when a new set has been started in one tribe, an adjacent tribe will follow suit.[1] A set usually lasts for ten years before being cut and there are generally members of six sets alive at any one time. The names of the sets are not uniform for the whole of Nuerland, and they are not repeated. Each age set has two or three subdivisions, each with a separate name. Subdivisions are made up of those initiated together in one year or possibly the combined initiates of two years. All the members of a set are known by the name of the first division. At initiation the individual enters the set in which he will remain for the rest of his life. The members of a set have a common name, equal status, and observe certain patterns of behaviour towards one another and towards members of senior and junior sets (see below p.148). 88| 56| 552

The sets are not specifically graded as boys, warriors, and elders, as in some forms of age-set organisation, nor have they any political, juridical or military functions. Their importance is of a social nature in that a person's position in the age-set structure determines his social behaviour. Milking and other women's work is forbidden to a youth after 56| 88|

(1) Evans-Pritchard, *The Nuer*, 1940, p.290.

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561 881 initiation. He is a nut, a man, whereas before he was one of the dhol (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 764 582 Certain ritual observances are practised between members of the same age set, and between members of different sets: sets are segregated at sacrificial feasts; members of a set cannot bury an age mate or participate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

561 608 Relations between sets are defined in ordinary kinship terms. Members of a father's age set are fathers, their wives are mothers; members of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clanfolk, close cognates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage*. If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that an initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1948, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1951, pp.202-9.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*776 lineages. The *colwic* spirits are also Spirit in a tutelary relation-
613 ship to the families and lineages to which they belonged in the flesh before they were metamorphosed into spirit. Also, the spirits of the air may have a tutelary relationship to families and lines of descent, and where their attachment is more to an individual prophet he has public functions through which the spirit becomes patron of local and political communities. Totemic spirits may also, though in a rather different manner, have a secondary significance for political groups through the association of dominant lineages with tribal sections. Likewise, though to a lesser extent, nature sprites are Spirit in a tutelary relationship to families; and even fetishes, though of a rather different complexion, are Spirit in a tutelary relationship to individuals, and sometimes to local communities to which these individuals belong. The attachment of all these spiritual figures to social groups is indicated in various ways, most noticeably in ceremonial and in payment of cattle to them at marriages.

*776 That these spiritual conceptions lack autonomy and are rightly regarded as social refractions of God is further shown by the fact that *kwoth*, without any distinguishing name, can become associated with any social group or office. Thus, as we have seen, Nuer speak of the *kwoth* of a leopard-skin priest, 'the spirit of the flesh', and they speak also of '*kwoth muonde*', 'the spirit of his (the priest's) earth' (pp. 291–2). This is no particular *kwoth* but is Spirit seen in relation to priestly powers and functions. Likewise
[305] they speak of *kwoth cuekni*, the spirit of twins, to which sacrifices are made at the birth of twins and to which a cow of the bride-wealth of the sisters of twins is dedicated. Here again, this is not thought of by Nuer as some particular spirit which has an existence and name of its own but as God in a special relationship to twins, or rather to the event of a twin-birth. Another example is the
• 304] way in which they speak of the *kwoth* of an age-set, the tutelary, nameless, spirit which protects the members of the set and avenges wrongs done to men by their age-mates. This cannot be a distinctive spirit in its own right as it were, if only because the sets pass in turn into oblivion and are replaced by others. It is rather God thought of in relation to a particular set, just as he is also the separate, while still being the same, guardian spirit of the other sets. He is both the one and the many—one in his nature and many in his diverse social representations.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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fortune hanging over them and that the death may be only part 765
of it. It is necessary to clear off the whole debt before any further 775
evil comes to them. Otherwise people may cut their feet when fishing, pierce their feet when hunting, cut themselves with spears when dancing, or indeed meet with almost any misfortune, even death. Nuer also feel that if the dead is not appeased by this ceremony he may return in anger to fetch the living, especially his wives and children, and the cattle.

I have only once witnessed this ceremony, rather early in my 765
study of the Nuer, and I have supplemented my account of what 772
I then saw with statements made to me later. The ceremony was held at Dini in the Lou tribal area for the ghost of an important old man called Lam. When I arrived at the dead man's village towards evening the people had just sacrificed an ox outside his kraal. This sacrifice had been for Tutthiang, Lam's father, for it was known that Lam had intended before he died to sacrifice this animal in his father's honour. Next morning, before sunrise, an ox and a cow and its bull-calf were speared at their tethering-pegs in Lam's kraal. People watched to see how they fell; because if a sacrificed animal falls over cleanly on its side, especially if it falls on its right side, it is a good omen and shows that the ghost is content, whereas if it falls on its head or totters about before falling it is a bad omen. It is regarded as important that a cow still giving milk should be sacrificed for the ghost of an old man who had a position in his community lest he should feel that sufficient sacrifice had not been made. To kill a cow in milk is the greatest sacrifice a Nuer can make. An animal must be sacrificed for each wife of the dead by one of her sons or by some kinsman on behalf of her hut. If the ceremony is for a young unmarried man his favourite ox should be sacrificed. A cow should be sacrificed for a senior woman if the herd is large, and a male calf for a young woman. However, there are no hard and fast rules about the matter. The people of the house should sacrifice what they can afford, cattle if possible, but a goat or sheep if they cannot obtain at least a male calf, which is unlikely, because a man can generally borrow one from a neighbour.

At Dini after the cattle had been killed they were skinned and 764
the meat apportioned to the various categories of kin. It is an 772
absolute rule, however, that no member of the ghost's age-set 561
may partake of the meat of animals sacrificed at his mortuary

16: Evans-Pritchard E-5 (1931, 1936) 1956
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765 ceremony, and I was told that it is dangerous for them even to
782 smell the cooking meat. Everyone then moved off to sit in front
[561] of a hut to listen to the commemorative orations, which are also invocations; and here were spread out on the ground the ghost's possessions, his fighting-spears and fishing-spears, his beads, his metal arm-rings, his ostrich-shell girdles, his pipe, and, since his son was senior government interpreter in the district, his clothes and whistle, articles not possessed by ordinary Nuer. At the side of these were placed the heads and hides of the cattle which had just been sacrificed. The people sat with their backs to the now rising sun and facing the direction of the setting sun because 'death follows the setting sun'. Nuer say that 'the west is the side of
[123] death, the east the side of life', and the verb *kwony* in their
[196] language means both 'to bury' and 'to set' (the sun). When they sacrifice an ox for a sick man they hope it will fall towards the east. The master of ceremonies (pp. 287–9) of the ghost's family made the first commemorative oration, after throwing some tobacco towards east and west. As he spoke he walked up and down in front of the people brandishing the spear with which the animals had been sacrificed. He commenced his address (*law*) by shouting out his ox-name. He must also have shouted out his clan spear-name, though I have not recorded it in my notebooks.

I did not take down his address at the time but I was told later that a master of ceremonies speaks in this wise: 'God, now thou hast given us badness, or is it simply the lot of creation? [Is the death thou hast sent us a special evil designed for us or has the dead man merely suffered what soon or late comes to all created things?] Now thou hast taken so-and-so [he names the dead man], now he has become one of thy people, turn about and take him right away. We who are left in the world, give us peace. Let his children who remain in the world be at peace. He is not finished, his children will carry on his name. In the future they will bear his name. Let no further evil befall us.' The master of ceremonies is now speaking to the ghost: 'So-and-so, my brother [or 'my father' if he was a much older man], now thou art one of God's people. Do not forget us, let it be thy habit to speak [on our behalf] to thy father [God]. When we go into the bush let us tread on wild rice [avoid all dangers and troubles]. Let us beget children. May all evil be taken away from us now, and may we remain in peace.' The master of ceremonies again addresses God: 'God, and

16: Evans-Pritchard E-5 (1931, 1936) 1956
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III

When a ghost comes to trouble the living it is said to *cien* them. It is useful to discuss this concept in the light of another, that of *biit*, to curse,[1] because the two are closely connected, the ability of a ghost to harm being the *post mortem* operation of the projective power of the psyche, the power to harm another through the mind and the heart.

The curse of certain persons in Nuer society is believed to be effective if they have been wronged. If they utter curses without due cause (*cuong*) the curses will either be ineffective or harm the speakers of them. A man curses another by uttering an invocation (*law*)—which in this context is an imprecation—over, or about, him; and Nuer distinguish different kinds of curse by reference to the relationship of the persons implicated in it—*biit guan*, the curse of a father, *biit nara*, the curse of a maternal uncle, *biit kuara*, the curse of a leopard-skin priest, and so forth. Some of these curses are regarded as weightier than others.

The curse of father or mother is serious. A man may curse his son for constant disobedience and for meanness, especially for refusing him meat. Indeed, any old man may curse a youth for refusing him food, because both in a general sense and in terms of the age-set system all youths are sons to the aged, but his curse would not be as weighty as that of the true father. 'A father's curse is to hunting, to fishing, and to hoeing, but he will not curse him (his son) to cattle.' The youth may then miss his mark in hunting, fishing, and war, and his crops may fail. He may also injure himself in these occupations, or suffer one of the many possible misfortunes that beset a traveller, both in the literal sense of mishaps to one on a journey and in the figurative sense of evils that face a man on his journey through life, which the Nuer, who have a liking for meiosis, speak of collectively as 'thorns'. At its worst the curse of a father or mother may be a *biit liagh*, a curse which results in death. However, 'a father will not curse his son to cattle', because the cattle belong to the lineage and if he caused them to die he would only be harming himself and his kinsmen and ancestors.

[1] A *biit* is a curse in the sense of consigning a person to misfortune and not in the sense of cursing at a person, which in *kwish* or, where there is a joking relationship, *leng*.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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herd the cattle and hoe the gardens, but spent his time attending 789
dances and courting girls. He wandered about the country having 593
a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the 789
age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man [561]
wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs [624]
him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

782 incest a fruit of the sausage tree (*Kigelia aethiopica*) may be cut
[137] in half, though I am uncertain whether this constitutes a sacrifice *in sensu stricto*.

We have discussed to whom sacrifice is made and what is sacrificed. We have now to ask by whom it is made, and when and where. We have first to distinguish between the person (or social group) on whose behalf it is made, whom we may speak of as the sacrificer, though with some danger of misunderstanding, because he may not take an active part in the rite performed on his behalf, and those who act on his behalf, the actors in the drama.[1] There may be a number of these. Several people may take part in the consecration and several men may deliver invocations. One man may present the victim, another consecrate and make the invocation over it, and yet another slay it. Nevertheless, there are always one or more prime actors, those who make the consecrations and invocations, which, rather than the actual killing, constitute for Nuer the main acts in the series of rites making up a sacrifice; and we may therefore speak of anyone who, after consecrating the victim, makes an invocation over it as the officiant. There may be several of them. In certain sacrifices, particularly those of the collective kind, whoever else may invoke God, one or other particular functionary either must do so or it is thought highly desirable that he should do so. I discuss in Chapter XII the sacrificial roles of these various functionaries in Nuer society. Normally any senior man, usually the head of the family of the sacrificer, can officiate at personal sacrifices. He would generally be one of the sacrificer's paternal kinsmen but it would not matter if he were not. The sacrifice is to God and not to ghosts, and it therefore does not matter who officiates. A youth would not officiate if there were
• [561] an older man present, but this is a matter of social convention only: there is no ritual bar to his acting. Women do not sacrifice.
[562] They may assist in the act of consecration with ashes and they may pray, but they do not make invocations or slay victims. Neither the sacrificer nor the officiant has to be in a state of ceremonial purity. This is an idea entirely unknown to Nuer.

It is obvious that in the collective sacrifices the rites must have to some extent a determined place in the whole social activities of

[1] Hubert and Mauss, op. cit., pp. 18 sq., make the distinction by using 'sacrifiant' and 'sacrifiant'. A word corresponding to 'sacrifiant' is not so easily formed in English.

231 animals, dedicates them to spirits, and in other ways makes formal
883 use of them for religious purposes, nevertheless, the ox a father
776 gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 From the colours, their distribution, the shape of the horns, and
553 other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cot thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long
[561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems
[534] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the
[552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name—when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*moc rial*', 'black-and-white (ox)', or '*thakde moc rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

16: Evans-Pritchard E-5 (1931, 1936) 1956
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case of the leopard-skin priestly lineages, any member of a lineage 613
of men of the cattle can perform the services attached to that office, 793
but in practice only some, and senior, persons would normally be 231
called upon to do so. These services have less religious and social importance than those of the *kuar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwathde*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at [766]
his own mortuary ceremony his kinsmen and possessions are asperged with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 255-6), initiation of boys to 793
manhood is intimately bound up with their relation to the cattle. [881]
It is therefore appropriate that it should be a man of the cattle 561
who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 between successive age-groups within the age-set system and not
•561 between kin-groups or local and political communities.

It is remarkable that, considering what cattle mean to Nuer, the
793 man of the cattle is not socially or ritually so important a figure as
578 the priest of the earth. Doubtless this is because his functions in the organization of the age-sets are not so often brought into play, nor so striking and important, spiritually and socially, as the priest's functions in homicides and the feuds that arise from them. There is an opposition in thought between the two. It cannot often happen that a man of the cattle quarrels with a priest of the earth; yet Nuer volunteer the information that if they quarrel and curse one another the man of the cattle asks the leopard-skin priest on what he expects to live if all his cattle die, and the priest counters by asking the man of the cattle whether he intends to take his cattle up to the skies as he can no longer pasture them on earth. Nuer say that since both are placed in an impossible situation they exchange gifts to dissolve the curses. Mr. P. Coriat in a Government Report of 27 February 1931 remarks that some of the Karlual tribe were feeling the need for a man of the cattle (for some reason they did not, I suppose, have one at the time), and he adds that the reason for this is a belief that if a man quarrels with a leopard-skin priest his cattle will not be acceptable as sacrifices as the earth cannot absorb their bones and blood. Therefore the services of a man of the cattle are necessary, so that the sacrifices will go direct to heaven. Mr. Coriat's observation suggests that Nuer tend to think of the man of the cattle in relation to the above and of the leopard-skin priest in relation to the below. This may be so, but I have no clear evidence that the former is classed as a *ran nhial*, a person of the above.[1]

793 As I have said earlier, the word *kuar* may be used in a general sense to describe persons with ritual powers in contrast to *dueghei*, laymen. I do no more than mention the titles and functions of some others than those we have been discussing, because they are not prominent figures in Nuer society and play only occasional and minor roles in their religious life. The *kuar yika* or *kuar yiini*, priest of the mat or mats, acts as arbitrator between the

[1] To P. W. Schmidt (op. cit., pp. 1–4, et passim) the problem is solved in terms of culture-complexes. With agriculture go mother-right, evidences of which he finds among the Nuer, and an earth-religion. With cattle husbandry go father-right and a Sky-God religion. Nuer culture is a mixture of the two.

1; Evans-Pritchard E-5 (1931, 1936) 1940
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passing through positions of relative seniority till it becomes the senior set, after which its members die and the set becomes a memory, since its name does not recur. The only significant age-grades are those of boyhood and manhood, so that once a lad has been initiated into a set he remains in the same age-grade for the rest of his life. There are no grades of warriors and elders such as are found in other parts of East Africa. Though the sets are conscious of their social identity they have no corporate functions. The members of a set may act jointly in a small locality, but the whole group never co-operates exclusively in any activity. Nevertheless, the system is organised tribally and each tribe is stratified according to age independently of other tribes, though adjacent tribes may co-ordinate their age-sets.

The Nuer, like all other peoples, are also socially differentiated according to sex. This dichotomy has a very limited, and negative, significance for the structural relations which form the subject of this book. Its importance is domestic rather than political and little attention is paid to it. The Nuer cannot be said to be stratified into classes. Within a tribe there is slight differentiation of status between members of a dominant clan, Nuer of other clans, and Dinka who have been incorporated into the tribe, but, except perhaps on the periphery of Nuer expansion eastwards, this constitutes distinction of categories rather than of ranks.

Such, briefly, is the plan of this book and such are the meanings we attach to the words most frequently used to describe the groups discussed in it. We hope in the course of our inquiry to refine these definitions. The inquiry is directed to two ends: to describe the life of the Nuer, and to lay bare some of the principles of their social structure. We have endeavoured to give as concise an account of their life as possible, believing that a short book is of greater value to the student and administrator than a long one, and, omitting much material, we have recorded only what is significant for the limited subject of discussion.

III

When the Government of the Anglo-Egyptian Sudan asked me to make a study of the Nuer I accepted after hesitation and with misgivings. I was anxious to complete my study of the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
two, more general, conditioning attributes of local influence.
593 Women and children have always a position inferior to that of men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
623 and when he has married and begotten several children he becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present time the *Maker* and *Dangwaga*, for members of the most senior sets, the *Thut* and *Boiler*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

2:Evans-Pritchard E-S (1931,1936) 1951
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a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would be chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

2:Evans-Pritchard E-5 (1931, 1936)1951
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593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he [586] decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.

562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them [681] with respect. In saying that their status in society is high I am judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.

595 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

8:Howell E, G-5 (1942-1944)1954
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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes.

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Uninitiated Boys

Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident.

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In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: 10 head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation

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[1] 'Ungarred', 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

8:Howell E, G-5 (1942-1944)1954
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at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.[1]

Legal Responsibility for Act of Homicide committed by a Woman

[672] A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognized as *keagh* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.[2]

5. PEACE CEREMONIES: COMPOSITION ON A TRIBAL SCALE

728 The laws of homicide described in the previous sections concern feuds (*tar*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*cot*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaawar when Liab Liou, the leader

[1] I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

[2] The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

F:Howell E, G-5 (1942-1944)1954
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'Widow-Concubine'

The main points are as follows:

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband.

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs.

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband.

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalise their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she

[1] A widow living in this form of union with a man is known as *cieh ne lak* and her children as *gaat ceua*.

8:Howell E. G-5 (1942-1944)1954
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dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *cink ne keagh*. The circumstances in which a woman becomes a *cink ne keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the reckless independent spirit which characterises most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

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Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

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An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*ruai*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

Evans-Pritchard E-S (1931, 1936) 1945
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Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Levirtic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

11:Evans-Pritchard E-5 (1931, 1936) 1945
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611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 593 562 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 611 593 (E) Types of procreative unions and families are classed by the nature of the social tie that links children to their pater, and of the social relationship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 602 (F) I do not more than draw attention here to the effect on kinship structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

11:Evans-Pritchard E-5 (1931, 1936) 1945
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589 village are given matronymics instead of patronymics. Thus at Nyueny
591 one generally speaks of Biliru ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀
611 instead of Biliru ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
551 villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

• 562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 incest a fruit of the sausage tree (*Kigelia aethiopica*) may be cut
[137] in half, though I am uncertain whether this constitutes a sacrifice *in sensu stricto*.

We have discussed to whom sacrifice is made and what is sacrificed. We have now to ask by whom it is made, and when and where. We have first to distinguish between the person (or social group) on whose behalf it is made, whom we may speak of as the sacrificer, though with some danger of misunderstanding, because he may not take an active part in the rite performed on his behalf, and those who act on his behalf, the actors in the drama.[1] There may be a number of these. Several people may take part in the consecration and several men may deliver invocations. One man may present the victim, another consecrate and make the invocation over it, and yet another slay it. Nevertheless, there are always one or more prime actors, those who make the consecrations and invocations, which, rather than the actual killing, constitute for Nuer the main acts in the series of rites making up a sacrifice; and we may therefore speak of anyone who, after consecrating the victim, makes an invocation over it as the officiant. There may be several of them. In certain sacrifices, particularly those of the collective kind, whoever else may invoke God, one or other particular functionary either must do so or it is thought highly desirable that he should do so. I discuss in Chapter XII the sacrificial roles of these various functionaries in Nuer society. Normally any senior man, usually the head of the family of the sacrificer, can officiate at personal sacrifices. He would generally be one of the sacrificer's paternal kinsmen but it would not matter if he were not. The sacrifice is to God and not to ghosts, and it therefore does not matter who officiates. A youth would not officiate if there were
[561] an older man present, but this is a matter of social convention only: there is no ritual bar to his acting. Women do not sacrifice.
[562] They may assist in the act of consecration with ashes and they may pray, but they do not make invocations or slay victims. Neither the sacrificer nor the officiant has to be in a state of ceremonial purity. This is an idea entirely unknown to Nuer.

It is obvious that in the collective sacrifices the rites must have to some extent a determined place in the whole social activities of

[1] Hubert and Mauss, op. cit., pp. 48 seq., make the distinction by using 'sacrifiant' and 'sacrificateur'. A word corresponding to 'sacrifiant' is not so easily formed in English.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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826 handed man that his left hand is his right hand.
811 It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 It is suggested that the spear as a projection of the right hand symbolizes the vitality of man,
885 the manhood of man with the associations of
562 lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear
[881] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*lam*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

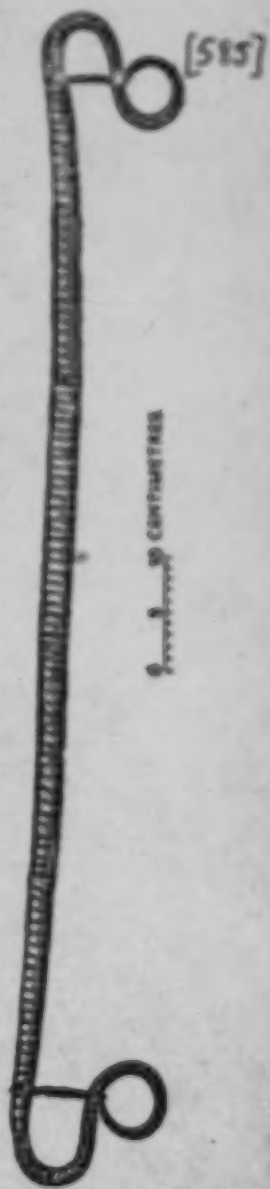

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *twoc ghok* mentioned later.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 At a cursory glance, I gathered that conditions were elsewhere
the same in western Nuerland, except, perhaps, among the
565 Jikany where the status of *diel* may be more enhanced. Among
554 the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than
a few families of *diel*. Most people are either *rul*, Nuer of other
621 clans, or *jaang*, persons of Dinka descent who have not been
563 adopted into Nuer lineages. A *rul* is a Nuer who in a certain
565 tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localised kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed
565 entirely of fellow aristocrats, for lineages of *diel* split up and
554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *bul* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

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It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Geeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

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of Nuer clans, other than the GAATGANKHR, who have settled in Jikany tribes equally assured me that the payments were the same for both. No doubt they were both hoping to influence Government practice by their statements. On the whole, I consider that among the Eastern Jikany there was probably a difference between payments for homicide of an aristocrat and of a stranger, but that there was much flexibility in the assessments, which depended generally on the special circumstances of each case: the length of the dead man's residence in the country, marriage alliances between his family and aristocratic lineages, the strength of his lineage and local community, whether he had been killed by a member of his village or by a man of another village, and so forth. Probably the same is true of the Western Jikany tribes, where I was told that the customary compensation fo. an aristocrat was from 40 to 50 head of cattle, for a stranger or Dinka who had settled in the country, 30, and for a Dinka who was staying there but had not yet built a homestead, 20. The practice of the Jikany is not typical of Nuerland as a whole.

Nevertheless, all over Nuerland Nuer and Dinka were differentiated by assessment of their value in blood-cattle, though the definition of a Dinka, in this respect, varied in different tribes. Among the Lou the practice was to reckon aristocrats and strangers together at 40 head of cattle. A Dinka who was born in Lou country was said to have become a Nuer (*caa nath*) and a member of the community in which he was living (*caa ran wec*), so that his life also was assessed at 40 head of cattle. On the other hand, a Dinka who had been captured in war and brought to Lou country was reckoned at 16 head of cattle, while a Dinka visiting relatives or affines in Lou country was reckoned at only 6 head of cattle. I was told that a Dinka who had been adopted held an inferior position in this respect to that held by his children, who counted as true Nuer. In the Jagei tribes Nuer strangers and Dinka who were permanent members of a community appear to have been reckoned at 40 head of cattle, like an aristocrat, while a stranger or a Dinka who had not built a byre was reckoned at only 10.

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The building of a byre was stressed because a man who built a homestead in a village had clearly the intention of remaining there and the community gained by an addition to its herd. Such a man seems to have been reckoned equal to an aristocrat in all parts of Nuerland, except among the

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Jikany where, I was told, a Dinka could never lose his inferior status, which was transmitted to his descendants. The acceptance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress. 565 563

We again emphasize the point to which we drew attention in the section on law, that the degree of responsibility acknowledged for a tort, the chances of compensation being offered for it, and the amount of compensation paid, depend on the relations of the persons concerned in social structure. Thus, if a man kills an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.' 628 681 592 563 609

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be considered to belong to this category in one situation and not in another. This is obviously the case in social life generally, because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the 628 681 563

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628 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed so compensation
621 would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

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an examination of adoption. A Nuer cannot be adopted into a lineage other than that into which he is born, so that the custom concerns only Dinka. 597 563 619

We have already described how Nuer scorn Dinka and persistently raid them, but they do not treat those Dinka who are permanent members of their community differently from its Nuer members, and we have seen that persons of Dinka descent form probably at least half the population of most tribes. These Dinka are either children of captives and immigrants who have been brought up as Nuer, or are themselves captives and immigrants who are residing permanently among Nuer. They are '*Jaang-Nath*', 'Dinka-Nuer', and, it is said, '*caa Nath*', 'they have become Nuer'. As we have explained, once their membership of a community is recognized, in most of Nuerland, their legal status is the same as that of a free-born Nuer, and it is only in relation to ritual and rules of exogamy that attention is drawn to their origin. In structural relations of a political kind they are undifferentiated members of a segment. Although in his domestic and kinship relations a Dinka has not so strong a position as a Nuer, because he has not the same range of kinship links, I have never observed that they suffer any serious disabilities, far less degradation. In answer to my question whether a captured Dinka would not work harder in the kraal than a son of the family, I was told that he was a son and would enjoy the same privileges as the other sons, being given an ox by his father at initiation and, later, bride-cattle for a wife. The only foreigners who suffer serious social inequality are certain small pockets of Dinka and Anuak who have been conquered but not absorbed into Nuer society and culture. Such pockets, like the Balak Dinka and the Anuak on the Sobat river, enjoy neither the privileges of Nuer citizenship nor the freedom of foreigners. Such pockets do not truly constitute part of a Nuer tribe.

Captured Dinka boys are almost invariably incorporated into the lineage of their Nuer captors by the rite of adoption, and they then rank as sons in lineage structure as well as in family relations, and when the daughters of that lineage are married they receive bride-cattle. A Dinka boy is brought up as a child of his captor's household. He is already incorporated into the family and joint family by his acceptance as a member of these 597 613

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By adoption Dinka men are grafted on to the lineage of their captors. They trace their ascent up the lineage to its ancestor and they become a new point of its growth. The fusion is complete and final. The spirits of the lineage become their spirits, its ghosts become their ghosts, and its spear-name and honorific name become their symbols. Indeed it is almost impossible without a prolonged stay in a Nuer village or camp to discover who are and who are not of pure Nuer origin. I have for weeks considered men to be true Nuer, whereas they were descended from captured Dinka, for a man whose Dinka grandfather had been adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the man whose grandfather adopted his grandsire, and he is so regarded by other members of the lineage and by persons not of it. Thus, when a man gives his descent from E through D and C, and another man gives his descent from E through J and K, one naturally assumed that D and J were sons of E. There is no means of knowing that, in fact, J was a captured Dinka who was adopted into the lineage, unless someone volunteers the information—a most unlikely happening in Nuerland. Moreover, it is impolite to ask strangers whether their grandfathers were captured Dinka, and, even if they were of Dinka origin, they would not readily say so. One can, of course, always ask other people; but only those who are members of the same lineage are likely to be fully acquainted with the man's ancestry, and they, in all probability, will not tell one if he is of Dinka origin, for he is their agnatic kinsman as far as outsiders are concerned.

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A very large number of Dinka in all tribes have been incorporated by adoption into Nuer lineages. Since, as mentioned later, adopted Dinka and their descendants can marry into collateral lineages, it would not be accurate to say that they are adopted into clans. Probably most captured Dinka were adopted into Nuer lineages, but there are also many Dinka lineages descended from men who came of their own free will to settle in Nuerland, either to escape famine, largely caused by Nuer raiding, in their own country, to visit captured sisters, or to reoccupy the sites from which Nuer raids had ousted them. Such immigrants were unmolested and were permitted to settle or return to Dinkaland as they might choose. A Dinka who decided to settle

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became some Nuer's *jaang*, his Dinka, and *rande*, his man, and the Nuer would give him an ox and maybe a cow or two when he had given proof of his fidelity and attachment to his new home. I was told that he might even be given a daughter of the house in marriage without payment of bride-wealth if she were blind or lame and no Nuer would contemplate taking her as a bride. Often a widow lives in concubinage with such a Dinka, who thus obtains a 'wife' in the sense of cook, housekeeper, and mate; and even if the children she may bear him do not count as his descendants he can gain their affection. If a Dinka settles at the home of the husband of his sister, the husband may give him a cow or two in acknowledgement of affinity.

There must also have been pockets of the original Dinka occupants of country overrun by the Nuer who submitted and gave up their language and habits in favour of those of the Nuer. At any rate, there are to-day in all tribes many small Dinka lineages, and villages are often called after them. Such lineages are numerically preponderant in the communities where I spent most of my time, Yakwac camp and Nyueny village. The way in which these lineages are woven into the lineage texture of the dominant clan of the tribe is discussed in the next two sections.

Here we summarize points which have already emerged from our description of the position of Dinka in relation to Nuer. (1) *Jaang*, Dinka, has many meanings: any foreigners whom the Nuer habitually raid; Dinka living in Dinkaland and raided by Nuer; Dinka of unabsorbed pockets in Nuerland or on its confines; recent Dinka immigrants; certain clans which are said to be Dinka in origin, e.g. the GAATGANKIIR; members of small Dinka lineages which are Nuer in every character except in origin; descendants of adopted Dinka; adopted Dinka. One can only judge the meaning Nuer attach to the word by its context and the tone in which it is spoken. (2) It is only those Dinka who are regarded as members of a Nuer tribe who concern our present discussion. Their status is relative to the social situation in which the question of status arises, and cannot be rigidly defined. (3) Nuer conquest has not led to a class or symbiotic system, but, by the custom of adoption, has absorbed the conquered Dinka into its kinship system, and through

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the kinship system has admitted them into its political structure on a basis of equality.

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage. 563 609 602

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan. 563 609 582

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp 582 602 621

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innumerable cognatic ties, so that however many lineages there may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces residential relations into a kinship pattern. A third way is by mythological creation of kinship fictions, and this way is appropriate to relations between dominant lineages and stranger and Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

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608 in which large pockets of strangers and Dinka are incorporated
609 into the conceptual scheme of a tribe.

563 It has frequently been emphasized that political relations
773 are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

613 We do not propose to give a collection of Nuer myths. We
773 have so far only mentioned one myth explaining group inter-
173 relations: that which tells why the Nuer raid the Dinka. There are very few myths of this general kind. Most relate to clans and lineages in their corporate territorialized form and explain their association with one another as tribes and tribal segments, particularly the relations between dominant lineages and large stranger lineages living with them. We are not always able to explain mythological relations by the present-day political system, but this can often be done, and where we fail to do it we attribute our inability to ignorance, especially to ignorance of tribal history.

The two large Lou tribal sections, the Jimac and the Jaajoah which appear on the map on p. 56, but not on the clan tree of the JINACA, the dominant clan of the tribe, on p. 196, are divisions called after the JIMAC and JAAJOAH lineages. They are said to be *gaat nyiet*, children of daughters of the founder of the JINACA clan, and there is a myth accounting for this maternal link. Denac was said to have had, according to the Lou story, four sons, named Yin, Dak, Bal, and Bany, by one wife, and Nyang and two nameless brothers by a second wife. These wives are sometimes said to have been called Nyagun and Nyamor and the two primary sections of the tribe, Gun and Mor, to be named after them. Nyang's two brothers were eaten by an ogre. When, afterwards, the sons of Denac went fishing, the four sons of one mother went by themselves and Nyang by himself, for he would not accompany his half-

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621 613 602 father's brother, *gatgwanlen*, father's brother's son, *wac*, father's sister, and so on.

613 602 Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

621 602 As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jicieng* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jimarida*', 'my kin', has quite a different connotation: it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

597 563 613 The absorption of Dinka into these communities of kin on so considerable a scale has been significant. As I have pointed out in *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

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any other rigid hierarchical structure. It has been brought about by their incorporation into Nuer lineages by adoption and by their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that we find strangers of Nuer clans as members of clusters of kin around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *buth* relationships which attach them to the lineages of their birth.

Another factor which has certainly had some influence in

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582 The adoption of a Dinka boy into a Nuer minimal lineage pre-
727 vents him from marrying into that lineage and he would normally
563 not be allowed to marry into a collateral minimal lineage of the same minor lineage, though such marriages sometimes take place, as is evident in the genealogy of Yakwac cattle camp opposite page 19. Some of my informants were of the opinion that he ought not to marry into the clan at all. If he is permitted to do so, to avoid the appearance of a breach of exogamy, the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of his wedding in addition to the clan spear-name which became his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may demand gifts from the bridegroom's people.

Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs, and then hands her over to another man to bring up outside his village, 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the family (*gol*) and becomes a member of the family.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed, as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth for several generations. She herself can be married to a clansman of her foster-father so long as her husband does not belong to his minimal lineage, which is to say so long as those who pay her bridewealth cannot also

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claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle. 582 727 563

A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.' 582 607

A man may not marry the daughter of an age-mate, a member of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a 582 561

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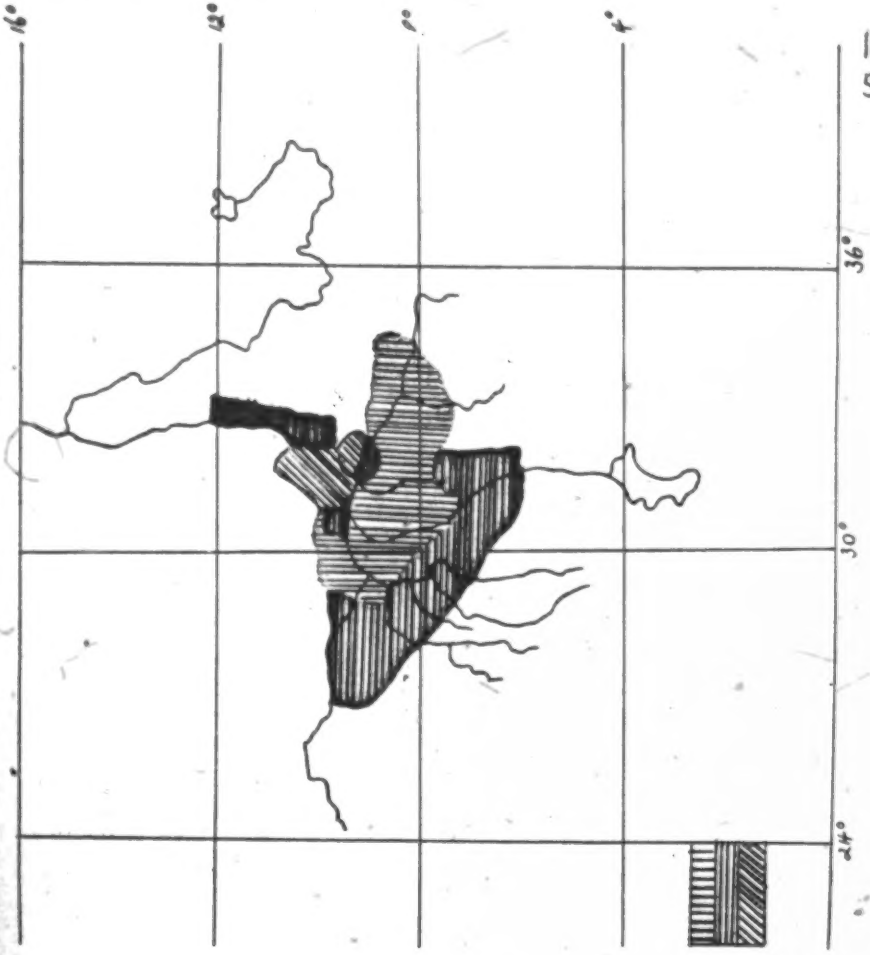

SKETCH MAP NO. I.

NUER ... GREEN.
DINKA ... RED.
SHILLUK ... BLUE.
(Other Members of the Shilluk-speaking group are not marked).

[facing p. 6]

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countries. There is some doubt about the exact organisation of blood-cattle (*cut*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *cut* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jekany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dila Jikany (a member of the GAT GAN KIIR clan),
15 cows and 5 bullocks (20).

Gat Geeka (a member of any pure Nuer clan),
12 cows and 5 bullocks (17).

Jaang dila (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
11 cows and 5 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAN KIIR	40 cattle.
Gat Geeka	40 cattle.
Jaang buthni (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAN KIIR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAN KIIR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

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own clan, members of these other clans, who here count as *rul* or strangers, assured me that payments in both cases were equal. Assurances on both sides were clearly coloured by recent practice which has been based on government rulings at different times and by what regulations they hoped the Government would institute in the future. On the whole I consider that there was probably a differentiation between members of the dominant clan and members of other clans, but that the differentiation was not rigid and depended upon the special circumstances of each case, when length of residence in the country, marriage alliances with members of the dominant clan, and so on, were taken into consideration.

Quite definitely, however, there was a clear difference made between Nuer and Dinka in the assessment of blood-cattle compensation. This difference is found all over Nuer country, though there seems to have been difference of opinion in different parts of Nuerland about what constitutes a Dinka for purposes of homicide payments. Among the Lou the practice was to class members of the dominant clan, the JINACA, and members of the other Nuer clans together and make 40 cattle (32 cows and 8 bullocks) the regular payment for both. The son of a Dinka born in Lou country was considered to have become a Nuer (*caa Nath*) and his death was also compensated for by 40 cattle; but a captured Dinka or visiting Dinka or a Dinka who had taken up his abode in the country was reckoned as a *Jaang* and was compensated by only 6 cattle (4 cows and 2 bullocks). A Dinka even when given *buth* appears to have counted as *Jaang* and not as *Nath*, but his children were reckoned as Nuer for homicide purposes. Two informants told me that in Jagei country on the west bank of the Nile compensation for homicide was reckoned as follows :—

Gat dila (member of the dominant clan in the tribe),
34 cows and 6 bullocks (40).

Rul who has built his cattle-byre,
34 cows and 6 bullocks (40).

Rul and *Jaang* who have not built their cattle-byre,
6 cows and 4 bullocks (10).

The point of stressing the building of a cattle-byre was that a man who built one, whether a Nuer stranger or a Dinka, had obviously come to stay and became a permanent member of your social group and a member of your village. He became "your man" (*randu*), who owed you a kind of allegiance and who relied on your protection. Hence he is assessed on

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the same footing as an ordinary resident born into the community. On the other hand I was told by some Eastern Jekany Nuer at Nasser that once a Dinka always a Dinka was the rule, and that the children and grandchildren of Dinkas never counted as equal to pure Nuer in blood-cattle assessment. I regard this statement, however, as being, in all probability, too rigidly formulated. 554 614 619 682 563

The second element in a Nuer village are the *rul*. A *rul* is a stranger, one who is not a member of the *diel*, one who has no place in the lineage of the dominant clan. Such people may be more numerous than the clan itself but they have not the same hereditary status in the tribe. Sometimes their lineages compose powerful tribal sections and in these sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kōng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlen* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KŌNG, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *let*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two 554 614 619 173 773

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

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establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

We have seen that two elements in a Nuer village are the *diel wec* and the *rul wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

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Were a man of another village or of a different kin to call him by the title of *Jaang* it would be a serious matter because the sons of the man who had captured him would resent the remark. To them he is *demar*, my brother, and they will quarrel with anyone who calls him *Jaang* and there may be bloodshed. They will ask "Who is a Jaang? Did your father seize him or did ours?" 563 597 727

Just as a captured Dinka suffers from few disabilities owing to his birth so he enjoys most of the privileges of a free-born Nuer. The man who has adopted him will give him cattle with which to marry a wife, and he will be thus enabled to marry according to the same rules of priority as if he were a real son. If he is older than a real son of the family he will marry before him. A and B are real sons of X, and C is an adopted Dinka whose age comes in between the ages of A and B. The order of marriage will be A, C, B. When A and B's daughters are married, C, the Dinka, will receive the cattle of a *gwanlen* (paternal uncle) just as if he were an ordinary brother to A and B. [641]

Dinka who have been taken in war and brought up by a Nuer family will eventually be formally adopted and given *buth* (*ca lath buthni*, he is given relationship). One youth, Wan, told me that the man who brought up a captured Dinka would give him *buth* (relationship), but two other informants, Tutrial and Jok, disputed this statement, saying "He will not do so because the Dinka is his son, so why should he?" The son of this man, or more likely his brother's son (*gat gwanlen*) will, however, invite his Dinka boy, when grown-up and initiated into manhood, to come and tether a bullock in his kraal and kill it. The bullock is first of all invoked by the owner of the kraal and he addresses the spirits of his clan and tells them that this man is now a member of his family. This ceremony is regarded as being very much the affair of the spirits who guard your clan and your own special lineage. It is your duty to let them know if you are adopting a new member into your kin because all members of your kin are under their care. Another informant said that the bullock is killed at the entrance to the sponsor's byre and that the Dinka's body is smeared with the undigested contents of its stomach while the spirits of the clan are asked to accept him into it. After this ceremony the Dinka becomes a member of your lineage, he becomes a relation of yours (*gwan buthni ka ji*) and the spirits of your lineage will go to him and be his spirits also. After the bullock has been invoked it

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563 597 727 is sacrificed and cut up and the son of the house and his Dinka " brother " each take half the skin and the *juak*, and the Dinka takes the neck. On all future occasions when animals are killed by his relative by adoption he will be able to claim his share of the meat on the grounds of relationship (*see* Section No. VI). It seems that, whilst before this ceremony of being [43] given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a " member of the clan " of his " father " *Caa Juak tem*, they have cut through the scrotum, he is now a member of their clan.

563 597 727 641 We may, at any rate for the moment, speak of these captured Dinka who go through a ceremony of adoption into the lineage of their captor as becoming affiliated to Nuer clans in the framework of which they trace their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for weeks considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *buth* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *buth* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into

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Nuer lineages belongs more to a study of kinship than to the plan of the present paper. Its importance may be gauged by the fact that probably some 75 per cent. of the Lou tribe are of Dinka descent, belonging either to families sprung from a man who has been *lath buthni*, given relationship, in a Nuer lineage, or to the families which have retained their full status as independent Dinka lineages.

This is the second type of Dinka domiciled among the Nuer to whom I made reference earlier. In the old days, and still to-day, Dinka frequently came to live among Nuer of their own accord and were always well received and allowed to settle and become members of the village community. There are a number of reasons which may have influenced a Dinka in taking this step. Along the Nuer-Dinka border intermarriage was frequent and Dinka would come to live near their married sisters and perhaps settle there and bring up a family who are Nuer in everything but descent. In the same way if a Nuer captured a Dinka girl and brought her up and gave her in marriage he might expect a visit from her brother, who would perhaps settle in his sister's village, in which case his brother-in-law would certainly give him one or two cows to start a herd. Many Dinka families came into Lou country to escape hunger and the other attendant miseries to which they had been reduced by constant Nuer raiding which left them cattleless.[1] Moreover there must have been a very large element of the original Dinka owners of country to the east of the Nile absorbed into the social system of their Nuer conquerors. They cannot all have been dispersed, and the probability is that what happened during the Nuer invasions was similar to what was happening along the Nuer-Dinka border right up to the present day when raiding and intermarriage occupied long lulls between waves of fresh invasion.

[1] I was told that it sometimes happened that a poor Dinka would come and live with a rich Nuer and would help to herd his cattle and cultivate his gardens so that the Nuer, being gratified, would give him a blind or lame daughter whom no one wanted to marry. This is apparently considered a proper marriage, since the Dinka presents his wife with a skirt (*yol*). My informants said that, of course, no one would give a nice girl to a Dinka in this way.

(To be continued.)

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passing through positions of relative seniority till it becomes the senior set, after which its members die and the set becomes a memory, since its name does not recur. The only significant age-grades are those of boyhood and manhood, so that once a lad has been initiated into a set he remains in the same age-grade for the rest of his life. There are no grades of warriors and elders such as are found in other parts of East Africa. Though the sets are conscious of their social identity they have no corporate functions. The members of a set may act jointly in a small locality, but the whole group never co-operates exclusively in any activity. Nevertheless, the system is organized tribally and each tribe is stratified according to age independently of other tribes, though adjacent tribes may co-ordinate their age-sets.

The Nuer, like all other peoples, are also socially differentiated according to sex. This dichotomy has a very limited, and negative, significance for the structural relations which form the subject of this book. Its importance is domestic rather than political and little attention is paid to it. The Nuer cannot be said to be stratified into classes. Within a tribe there is slight differentiation of status between members of a dominant clan, Nuer of other clans, and Dinka who have been incorporated into the tribe, but, except perhaps on the periphery of Nuer expansion eastwards, this constitutes distinction of categories rather than of ranks.

Such, briefly, is the plan of this book and such are the meanings we attach to the words most frequently used to describe the groups discussed in it. We hope in the course of our inquiry to refine these definitions. The inquiry is directed to two ends: to describe the life of the Nuer, and to lay bare some of the principles of their social structure. We have endeavoured to give as concise an account of their life as possible, believing that a short book is of greater value to the student and administrator than a long one, and, omitting much material, we have recorded only what is significant for the limited subject of discussion.

III

When the Government of the Anglo-Egyptian Sudan asked me to make a study of the Nuer I accepted after hesitation and with misgivings. I was anxious to complete my study of the

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571 463 and the maker of it always belong to the same local community and conduct the affair between themselves, there being no exchange of objects or services through the medium of a third person, and there is always between them a general social relationship of one kind or another, and their economic relations, if such they may be called, must conform to this general pattern of behaviour. (3) There is little inequality of wealth and no class 571 565 privilege. A man does not acquire more objects than he can use. Were he to do so he could only dispose of them by giving them [278] away. It is true that cattle can be amassed, but, except for a few sacred herds kept by prophets, in fact they are not. As has been explained, periodic rinderpest levels the herds and, apart from this, when a herd has reached a certain size the owner—if one may speak of an owner of a herd in which many people have rights of one kind and another—is morally bound to dispose of a portion of it by either himself marrying or by assisting a relative to do so. Cattle are sometimes loaned to persons and the owner is entitled to receive back better beasts than those he lent, e.g. a heifer for the loan of an ox; but people only lend cattle to those with whom they have an established social relationship. (4) In a narrow sense 571 476 the simple family might be called the economic unit, but we have seen that it is not self-sufficient and the active participation of a wider group is often necessary, e.g. in building, fishing, and hunting. It is also clear that a single family cannot herd its cattle in distant pastures and, at the same time, herd the calves elsewhere, attend to the tiny calves in the kraal, milk, churn, clean the kraal, prepare dung for fuel, cook the food, and so on, by itself. Co-operation is found among neighbours who are also kinsmen. There is also much mutual assistance when co-operation is not essential to the performance of a task, e.g. in weeding and harvesting, for it is conventional to ask people for help, the obligation to assist being part of a general kinship relationship. (5) It must be recognized also that fishing, hunting, herding, and the other activities I have described are always, in a sense, collective actions, for even when there is no active co-operation the whole community passively participates in them. A single man may drive a herd to pasture, a single boy may fish in river shallows, and a single woman may cook, but they can only do these things because they belong to a community and because their actions are related in a productive system. Tradition dictates ends and means and the organization and potential strength of the community gives the co-ordination and security necessary for accomplishment. It has been remarked that seen from the outside a whole village community may be said to be consuming a common stock of food,

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614 619 of a clan, is associated with the political group in which it occupies a dominant position among the other agnatic groups that live in it. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often linguistic identification, between the parts of a clan and the parts of a tribe. Thus, if we compare the diagram on p. 144 with that on p. 193 and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary sections X and Y, major lineages D and E correspond to secondary sections X^1 and X^2, major lineages F and G correspond to secondary sections Y^1 and Y^2, and minor lineages J and K correspond to tertiary sections Z^1 and Z^2. Minimal lineages are associated with villages composing the tertiary sections. It is for this reason that we have spoken of the dominant clan as forming a framework on which the political system of the tribe is built up through a complex series of kinship links. The system of lineages of the dominant clan is a conceptual skeleton on which the local communities are built up into an organization of related parts, or, as we would prefer to state it, a system of values linking tribal segments and providing the idiom in which their relations can be expressed and directed.

614 619 565 The JINACA of Lou country lived originally with their kinsmen the JINACA of Rengyan country to the west of the Nile, but they split off from them and, having crossed the Nile, conquered present-day Lou country. Here they were the first occupants, or at any rate the strongest element among the first occupants. Probably JINACA men frequently crossed the Nile to join their kinsmen to the east and amalgamated with them. Such persons would at once be members of the dominant clan and be spoken of as *diel*, members of the aristocratic group of lineages. But members of other clans which settled in Lou country during or after the occupation were classed as strangers (*rul*). In the same manner those lineages of the GAATGANKIIR clan who crossed the Nile and settled to the north of the Sobat held there a privileged position among other Nuer who joined them.

Every Nuer tribe has in this way its *diel*, its superior clan, though in the case of some tribes we are not certain of the correct designation of these clans. Among the Gaawar they are the GAAWAR, among the Thiang the (GAA)THIANG, among the Leek the GAATBOL, among the Wot, and probably also among the Ror, the

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JIDIET, and among the Beegh the JIKOI, &c. Where the correct clan name is unknown one may refer to these dominant elements as the aristocrats (*diel*) or the 'bulls' (*tut*) of such-and-such a tribe, as the Nuer themselves frequently do, e.g. a *dil* or *tut* Bura, an aristocrat of the Bor tribe, *dil* or *tut* Wotni, an aristocrat of the Wot tribe, *dil* or *tut* Beeka, an aristocrat of the Beegh tribe, *dil* or *tut* Laka, an aristocrat of the Lak tribe, &c. One may always speak of an aristocratic clan or lineage by its proper name or by reference to the tribe in which it has a privileged position, e.g. GAATNACA, children of Nac, or *diel* Looka, aristocrats of the Lou tribe, GAATBOL, children of Bul, or *diel* Leegni, aristocrats of the Leek tribe.

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There are four essential points to be remembered about these aristocratic clans. (1) Not every clan has superior status in a tribe. Some clans, e.g. the JIMEM and the JAKAR, have no *wec*, no local community, as the Nuer say. Others have village-sites where they have resided for a long time and which are called after them, but they are not *diel* in the tribe where these sites are found. Many are like cuttings which have lost all contact with the parent stem, but these may at once be designated Dinka lineages that have sprung from immigrants, whose descendants sometimes know the Dinka country of their origin but do not know their position in its system of lineages. Consequently they cannot trace ascent for as many generations as true Nuer, and their lineages are narrower in range and territorially more restricted. One finds them in little local pockets in a single tribe, whereas the Nuer clans are distributed throughout many tribes.

(2) Not every member of a Nuer clan lives in the tribe where it has superior status, for most clans are found in all parts of Nuerland. Most JINACA live in Lou and Rengyan tribal areas, where they are *diel*, but many are also found among the Eastern Jikany tribes and elsewhere. Likewise, most GAAWAR live in Gaawar country, but they are also found in most, perhaps all, Nuer tribes. Tribes are territorial groups with an unbroken social extension, whereas clans are kinship groups dispersed far and wide. Consequently a tribe is a community and can have corporate functions, but a clan is never a community and can never act corporately. The Lou tribe unite for war. The JINACA never unite. Also a man can change his tribe by changing his place of residence, but he can never change his clan. A

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Lou man who goes to live in Gaawar country becomes a Gaawar man. A JINACA man remains a NAC wherever he lives.

(3) A clan is, as we have earlier emphasized, not numerically preponderant in the tribe where it is dominant, e.g. the JINACA are only a small minority in the Lou tribe and the GAAJOK lineage are only a small minority in the Gaajok tribe.

(4) A man is a *dil*, aristocrat, only in the one tribe where his clan has superior status. Thus a *dil Leegni*, an aristocrat of the Leek tribe, is an aristocrat there and nowhere else. If he goes to live in Bul country or in one of the Jikany countries he is no longer a *dil* but a *rul*, stranger. In the same way a member of the JINACA is a *dil* in Lou country, but if he goes, as many of his clan do, to reside in Gaajok country, he is not a *dil* there but a stranger, *rul*. The JINACA are *diel* Looka, but the GAAJOK are *diel* Gaajok. The status of *diel* is dependent on residence on land owned by their clan. The only exception to this statement is to be found in such cases where a clan is dominant in two or more tribes, e.g. the JINACA in Lou and Rengyan and the GAATGANKIIR in the Jikany countries to the west and to the east of the Bahr el Jebel. If a man of the JINACA moves from Rengyan to Lou he still remains a *dil*, because both countries belong to his clan. Likewise a man of the GAAJOK lineage of the GAATGANKIIR can move from Gaajok to Gaagwang, or Gaajak, country, on either side of the Nile, and still remain a *dil*, for various lineages of his clan are dominant in all these tribes.

Like most words which denote sociological status, *dil* is used by Nuer in various contexts with various meanings. In this book it is used with the precise meaning given to it in the preceding paragraphs. It is, however, permissible to use the word to denote a true member of any lineage, whether dominant in the tribe or not. For example, the JUAK lineage of the Leek tribe are of Dinka origin and are not *diel Leegni*, but a man who dwells among them can obviously be either a *dil Juaka*, a true member of the JUAK lineage, or a person who has attached himself to them for some reason or other. In the same manner one may speak of a *dil* JIMEM, although there is no tribe in which the JIMEM have the status of *diel*, for a man may be a true member of the clan or a Dinka who has attached himself to it. Also a member of the JINACA who leaves Lou and settles in Gaajok still remains a *gat dila Looka*, a child of Lou aristocracy, and will call himself such, meaning that when he is in Lou country he is an aristocrat.

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The words '*tut*' or '*gat twot*', son of a bull, are used in the same manner as '*dil*' and '*gat dila*'. Here again a man may be a *tut* of his lineage, in contrast to accretions of strangers and Dinka who live in the district associated with it, without being a *tut* of the tribe of which that district forms part, e.g. a man may be a *tut* of the Jaajoah secondary section of the Lou tribe without being a *tut Looka*, because the aristocratic clan of the whole of Lou country are the JINACA, and the JAAJOAH are not members of this clan. In other words a man may call himself a *tut* of the Jaajoah to emphasize that he is a JAAJOAH and not merely a Jaajoah, but he does not thereby imply that he is a *tut Looka*. In a still more general sense *tut* may, as we have noted, merely mean a paterfamilias or even a male person. One must judge from the context how the expression should be translated. In this book we use the words *tut* or *gat twot* in the sense, defined on pp. 179–80, of an elder, and we use the word *dil* to refer to a tribal aristocrat.

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It is difficult to find an English word that adequately describes the social position of *diel* in a tribe. We have called them aristocrats, but do not wish to imply that Nuer regard them as of superior rank, for, as we have emphatically declared, the idea of a man lording it over others is repugnant to them. On the whole—we will qualify the statement later—the *diel* have prestige rather than rank and influence rather than power. If you are a *dil* of the tribe in which you live you are more than a simple tribesman. You are one of the owners of the country, its village sites, its pastures, its fishing pools and wells. Other people live there in virtue of marriage into your clan, adoption into your lineage, or of some other social tie. You are a leader of the tribe and the spear-name of your clan is invoked when the tribe goes to war. Wherever there is a *dil* in a village, the village clusters around him as a herd of cattle clusters around its bull.

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I have described the position of *diel* as I judged it to be among the Lou tribe. I had the impression that to the west of the Nile their status was less pronounced, whereas among the Eastern Jikany tribes, on the periphery of Nuer expansion, it was more emphasized. In the Karlual area of the Leek tribe, the only part of western Nuerland I know more than superficially, the aristocratic prestige of a *dil* is recognized, but there are clans of strangers so well and long entrenched in the districts and villages in which they are found to-day that a *dil* has no legal privilege.

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619 At a cursory glance, I gathered that conditions were elsewhere
565 the same in western Nuerland, except, perhaps, among the
554 Jikany where the status of *diel* may be more enhanced. Among the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than
621 a few families of *diel*. Most people are either *rul*, Nuer of other
563 clans, or *jaang*, persons of Dinka descent who have not been
565 adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed
565 entirely of fellow aristocrats, for lineages of *diel* split up and
554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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613 565 554 he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

565 628 681 563 It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Geeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

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of Nuer clans, other than the GAATGANKIIR, who have settled in Jikany tribes equally assured me that the payments were the same for both. No doubt they were both hoping to influence Government practice by their statements. On the whole, I consider that among the Eastern Jikany there was probably a difference between payments for homicide of an aristocrat and of a stranger, but that there was much flexibility in the assessments, which depended generally on the special circumstances of each case: the length of the dead man's residence in the country, marriage alliances between his family and aristocratic lineages, the strength of his lineage and local community, whether he had been killed by a member of his village or by a man of another village, and so forth. Probably the same is true of the Western Jikany tribes, where I was told that the customary compensation for an aristocrat was from 40 to 50 head of cattle, for a stranger or Dinka who had settled in the country, 30, and for a Dinka who was staying there but had not yet built a homestead, 20. The practice of the Jikany is not typical of Nuerland as a whole.

Nevertheless, all over Nuerland Nuer and Dinka were differentiated by assessment of their value in blood-cattle, though the definition of a Dinka, in this respect, varied in different tribes. Among the Lou the practice was to reckon aristocrats and strangers together at 40 head of cattle. A Dinka who was born in Lou country was said to have become a Nuer (*caa nath*) and a member of the community in which he was living (*caa ran wec*), so that his life also was assessed at 40 head of cattle. On the other hand, a Dinka who had been captured in war and brought to Lou country was reckoned at 16 head of cattle, while a Dinka visiting relatives or affines in Lou country was reckoned at only 6 head of cattle. I was told that a Dinka who had been adopted held an inferior position in this respect to that held by his children, who counted as true Nuer. In the Jagei tribes Nuer strangers and Dinka who were permanent members of a community appear to have been reckoned at 40 head of cattle, like an aristocrat, while a stranger or a Dinka who had not built a byre was reckoned at only 10.

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The building of a byre was stressed because a man who built a homestead in a village had clearly the intention of remaining there and the community gained by an addition to its herd. Such a man seems to have been reckoned equal to an aristocrat in all parts of Nuerland, except among the

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Jikany where, I was told, a Dinka could never lose his inferior status, which was transmitted to his descendants. The acceptance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress. 565 563

We again emphasize the point to which we drew attention in the section on law, that the degree of responsibility acknowledged for a tort, the chances of compensation being offered for it, and the amount of compensation paid, depend on the relations of the persons concerned in social structure. Thus, if a man kills an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.' 628 681 592 563 609

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be considered to belong to this category in one situation and not in another. This is obviously the case in social life generally, because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the 628 681 563

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alluding to him as such in ordinary social life, for it is in rare 602
situations that his being other than an aristocrat is relevant: to 609
some extent in payment of blood-cattle, in questions of exogamy, 554
and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic 619
in sentiment and so ready to express it in violence a clan is 614
given superior status in each tribe? We believe that the facts 565
we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

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619 tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle
614 within the structure which gives it conceptual consistency and
565 a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

619 In the Kir myth not only are the ancestors of important lineages, and, through them, the lineages and the territorial
614 segments in which they are incorporated brought into relation-
173 ship, but the ancestors of clans, and, through them, the clans
773 and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEEKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a single kinship structure, which we call the clan system as distinct from the lineage system of a clan.

173 The clan is the farthest range to which agnatic kinship is traced when the marriage of two persons is in question, but
TB some clans have, nevertheless, an agnatic relationship to other
614 clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

614 We here note again that the dominant lineages in more than
613 one tribe sometimes form part of the same clan structure. Thus,
619 the lineages dominant in the Gaajok, Gaajak, and Gaagwang

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621 village is often spoken of as *cieng* Nyagen. She has what amounts
602 to the honorary status of a man, not only on account of her age and kinship status, but also, and principally, because she is a Lou
[665] aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's

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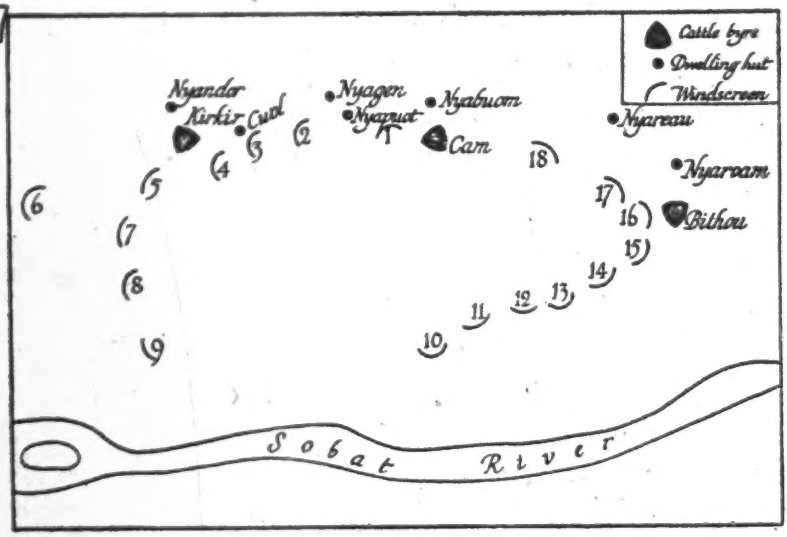

Sketch-map of Yakwac Cattle Camp

cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Pual, the community (of the descendants) of Puol, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyerol district. This minor lineage has four branches—the minimal lineages of Diel, Malual, Kwoth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

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sections X and Y; major lineages D and E correspond to secondary section X^1 and X^2; major lineages F and G correspond to secondary sections Y^1 and Y^2; and minor lineages J and K correspond to tertiary sections Z^1 and Z^2. 614

We speak of a clan which is dominant in a tribe as the aristocratic clan, although, except on the periphery of Nuer expansion eastwards, its predominance gives prestige rather than privilege. Its members are in a minority—often a very small minority—in the tribe. Not all members of the aristocratic clan live in the tribe where it is dominant, but many are also found in other tribes. Not all clans are associated with a tribe in this manner. A man is only an aristocrat in the one tribe in which his clan is dominant. If he lives in another tribe, he is not an aristocrat there.

There is consequently in every tribe some social differentiation. 614 There are aristocrats, Nuer of other clans, and Dinka, but these 565 strata are not classes and the second and third are properly to be regarded as categories rather than as groups. The Dinka who have been absorbed into Nuer society have been for the most part incorporated into their kinship system by adoption and marriage, and conquest has not led to the development of classes or castes. This is, perhaps, to be attributed, in part at any rate, to the fact that the Dinka, like the Nuer, are chiefly pastoralists and that in other respects their ways of life are very similar.

Without presenting all the evidence and without making every qualification, we attempt an explanation of why Nuer clans, especially the dominant clans, are segmented into lineages to a far greater degree than is usual among African peoples. In our view, they are segmented because the political structure to which they correspond is segmented in the way we have described. Social obligations among the Nuer are expressed chiefly in a kinship idiom and the interrelations of local communities within a tribe are defined in terms of agnatic relationship. Therefore, as the tribe segments the clan segments with it and the point of separation between the tribal sections becomes the point of divergence in the clan structure of the lineages associated with each section. For, as we have seen, clans and their lineages are not distinct corporate groups, but are embodied in local communities, through which they function structurally. Such being the case, it is not surprising that they take the form of the State which gives them corporate substance.

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619 Those clans which are associated with tribes have generally
614 greater lineage extension and depth than those which are not so
565 associated, and the larger the tribe the more significance this association has for the Nuer. It is in the largest tribes, territorially and numerically, and those which have expanded most and assimilated most foreigners, like the Lou and Eastern Gaajak and Gaajok tribes, that we find the greatest attention paid to the distinct and dominant position of the aristocratic clans. Indeed, not only do political relations affect the clan structural form, splitting it into segments along the lines of political fission, but also the clan system may be said to have a corresponding action on the political structure. In a confusion of lineages of different clan origin and in an amorphous network of cognatic links, the political structure is given consistent form, in the language of kinship, by one clan—a single system of lineages—being made to correspond to the tribe and to its structure of opposed segments. Just as a man is a member of a tribal segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a strict correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Moreover, the distance in clan structure between two lineages of a dominant clan tends to correspond to the distance in tribal structure between the two sections with which they are associated. Thus the system of lineages of the dominant clan enables the Nuer to think of their tribe in the highly consistent form of clan structure. In each segment the network of kinship ties are given unity and coherence by their common relationship to the lineage of the dominant clan that resides there, and as these separate lineages are composite in relation to other clans so the whole tribe is built around an exclusive agnatic framework. Though the sections may tend to draw apart and to split, a common agnatic value, shared by the dominant lineages contained in them, endures.

IV. Age-set System

561 Another tribal institution is the age-set system, which is socially more significant among the Nuer than among other Nilotic peoples of the Sudan. Nuer boys pass into the grade of manhood through

12:Evans-Pritchard E-5 (1930-1931) 1933
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565 614 619 The descendants of Majok Kiir form the aristocratic nucleus of the Gaajok tribe; the descendants of Mathiang Kiir and Kun Kiir form the aristocratic nucleus of the Gaajak tribe; the descendants of Gwang Majok and Nyang Mathiang form the aristocratic nucleus of the Gaagwang tribe. Thus, on map No. V[1] these lineages are shown as tribal sections, i.e., they have given their names to the tribal sections which have aggregated to them. Here the three main lineages descended from Majok, LAANG, YOL, and WANGKAC, are shown as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient magnitude to be shown separately, but it must not be supposed for this reason that the descendants of Majok form anything but a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises all sorts of foreign elements besides the descendants of Nyang Mathiang[1] and Gwang Majok. The same applies to the Gaajak tribe. As far as my information goes the GAA(T)GWONG lineage are completely united in tribal life with the GAA(T)JAK lineage and so are classified as forming part of the same Gaatjak tribe. In the map the primary sections of Lony, Kang and Tar are all called after descendants of Mathiang and the primary sections of Nyayan, Cany and Wau are all called after descendants of Kun. Hence, in map V, the only section not accounted for in diagram No. VIII[2] is the primary section of Reng,[2] the nucleus of whom are of mixed foreign origin.

614 [582] The clan is the largest lineage which consider themselves as one for purposes of exogamy. This is the minimum definition of a clan. In theory the clan preserves the same form as the smaller lineages which comprise it because it is supposed to be possible to trace the exact genealogical relationship of any member of the clan to any other member of it. Doubtless this can generally be done by a panel of competent genealogists, but most Nuer tend to confusion in the upper stages of ascent and either miss out or misplace names between the ancestor of their clan and the founder of their minor lineage. In consequence of this confusion which is associated with the social functions of clan and lineages there is a tendency for clansmen who do not also belong to the same minor lineage to have an undifferentiated relationship to one another, recognising their kinship to one another through common membership of a social group rather than by genealogical relationship. Hence they tend to recognise

[1] Nyang was the biological son of Mathiang, but as he was born of one of Kir's wives he is strictly a son of Kir.

[2] I believe that Reng is the bullock-name of Gying, the founder of the most important clan lineage in the Reng primary section of the Gaajak tribe. One of the secondary sections of this tribe is called Dhilleak which is, I think, a bullock-name of Bicuk, son of Gying.

1 [See facing p. 30, category 116.--Analyst]

2 [See facing p. 36. --Analyst]

12:Evans-Pritchard E-5 (1930-1931) 1933
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in Lou country and Rengyan country forms only a small proportion of the total population of Lou and Rengyan tribesmen. Again, Gaajok country contains a dominant element of GAT GAN KIIR clansmen of GAAJOK lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry.

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIMEM mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIEK, JIDIET, BEEK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristocratic element there. The JINACA of Lou country lived originally with the JINACA of Rengyan country, but they split off from them and conquered Lou country from the Dinka. Here they were the first occupants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINACA. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

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614 Nile, from the Dinka, and settled there as lords of the country. I think
619 that it will probably be correct to say that every Nuer tribal area has its
554 *diel* (sing-*dil*) clan owners, aristocrats, dominant element, but that not
565 every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoini* and *dil luaica*, members of the clans which own Thoc and Luac tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JINACA or GAATNACA is a *dil looka*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *rul* or stranger. He may still call himself a *gat dila looka*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jekany countries. In the same way a *dil Jekany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *rul* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIMEM or JIKUL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIMEM in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

614 I do not wish to be misunderstood when I speak of a tribal aristocracy
619 based on a clan predominance in a tribal area. The Nuer are intensely
554 democratic and the idea of one man lording it over the others is abhorrent
565 to them. However there is a prestige in being a *dil* of the country in which
[181] you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In some tribes
[682] the advantage of being an aristocrat are more concrete. Among t Eastern Jekany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

12:Evans-Pritchard E-5 (1930-1931) 1933
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countries. There is some doubt about the exact organisation of blood-cattle (*cut*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *cut* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jekany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dila Jikany (a member of the GAT GAN KIIR clan),
15 cows and 5 bullocks (20).

Gat Geeka (a member of any pure Nuer clan),
12 cows and 5 bullocks (17).

Jaang dila (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
11 cows and 5 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAN KIIR	40 cattle.
Gat Geeka	40 cattle.
Jaang buthni (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAN KIIR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAN KIIR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter One

THE TRIBE—HISTORY AND APPEARANCE

101 THE Nuer tribe are found in the southern part of the Anglo-Egyptian Sudan in the Nasser and Abwong districts and also on the Zeraf island and along the Nile.

161 At the Rejaf Language Conference in 1928, the Nuer population was estimated as 430,000.

•565 There are a certain number of Nuer who constitute what they call their 'aristocracy'. These are not supposed to intermarry as they are considered as one family. They are called 'dil'. A chief is always a 'dil'.

622 There are various chiefs in different parts of Nuerland, but their individual domains are not large. The people do not make obeisance before them as other tribesmen do when in the presence of their chief. But they show them respect and preference in many ways. If a chief is among those waiting to go across the river in canoes, he is always accorded a place in the first canoe to go across.

Then there are chiefs of the leopard skin, which position is hereditary. These chiefs wear a leopard skin over the shoulders, which is the insignia of their position and authority.

STORIES OF ORIGIN

773 The Nuer have a number of stories of their origin in folk-lore tales which are handed down from one generation to another. They have a firm belief in these tales of long ago. 'Would our people lie to us?' they ask.

A very large gourd is supposed to have fallen down from heaven. In it were a spear, a leopard's skin, and a person. This person they call Kiir and he is the father of the first Nuer.

173 They also tell the following tale about the time when the Nuer first came to the country they now inhabit.

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567 SLAVERY--presence or absence of a servile class of chattel slaves; number of slaves and proportion in the population; activities of slaves; methods of control; treatment; stigmata; rights and privileges of slaves (e.g., to hold property, to marry, to contract debts); rights, privileges, and powers of masters (e.g., to kill, to sell, to hire out); enslavement (e.g., of war captives, for debt, for crime); slave trade; permanency of servile status (e.g., hereditary, for life); redemption (e.g., manumission, adoption, purchase of freedom, escape, asylum); intermarriage between slaves and freemen; status of children of mixed marriages; etc. See also:

Enslavement of criminals . . . . . 681 Prisoners of war 757
Slave raids 731

5:Evans-Pritchard E-5 (1931, 1936) 1947
FJ27 Nuer FJ22

BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until [436] very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *lail* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in [567] reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*kaaw*) with cattle but exchanged (*lail*) for cattle"

583 The word *kaaw* means the whole proceedure 431 by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Idem*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with, special Reference to the Azande", *Man*, 1934, (194).

[p. 181 a]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Dinka in the Category of Slaves

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Nuer distinguished between what they called *jaang cieng* and *jaang dhor*. *Jaang dhor* (literally, 'outside Dinka') were Dinka who had no connexion with Nuer and did not live among them. Scales of compensation, which varied according to the tribe, probably depended on their past relations with Dinka with whom their boundaries marched. A scale of compensation was recognized, although this does not mean that compensation was often paid. *Jaang cieng* (literally, 'home Dinka') meant those Dinka who had taken up residence with Nuer, associating themselves with some Nuer lineage and ultimately identifying themselves with it. Dinka recently arrived, and living thus in Nuerland, received compensation at a much lower rate—the scale varying from tribe to tribe. Dinka born in Nuer country and adopted, i.e. in the second generation, were usually treated as pure Nuer. In this connexion it must be remembered that adopted Dinka did not necessarily suffer social or political disabilities and often attained positions of great prominence among the Nuer. Deng Likea, a Dinka of Ngok extraction, became the acknowledged leader of Bar Gaawar through his spiritual powers, and his descendants are still the most important people there; Nuar Mer, an adopted son of Mer Teng Kerfeil, whose real name was Nuar Bul and who was of Dinka extraction, attached himself to the powerful Teng Kerfeil section of Radh Gaawar and gained great power through his treacherous alliance with Arab slave raiders. There are other notable examples. Dinka captured in war were not slaves in the usual sense of the word and were soon assimilated into Nuer society; their descendants, after a generation or two, would trace a fictitious descent relationship to a common ancestor through the lineage of the man who adopted them.

Witches, Ghouls, and Anti-social Persons

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For killing a person believed to be *peth*—one who possessed the evil eye—Nuer say that compensation was six head of cattle only. For a *rodh*, a ghoul who performed unnatural rites with the bodies and graves of the dead, no compensation was paid at all if, in killing him, only sticks were used and he was not hit on the head.[1] There are also instances in tradition of witches, *gwan wal* (owners of medicines), *let* (werewolves) and the like, being done to death by general consent of the community and no compensation being demanded.

I know of no recorded instance where a Nuer court has had to deal with a situation of this sort, and it is a matter of tradition rather than the present administration of Nuer customary law. This is true also of the distinction between Nuer and Dinka, for no such

[1] The subject of witches and other anti-social persons is discussed more fully in Chapter V. See Howell and Lewis, 'Nuer Ghouls: a Form of Witchcraft', *S.N.R.*, 1947.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Nine

WIDER RELATIONS AND INFLUENCES

THE NUER AS NEIGHBOURS

NUER living along the borders of Nuerland raid the neighbouring tribes and are raided by them, taking cattle. In the past they have taken people, but I do not believe that is done now to any large extent. 721

A number of Nuer have Dinka 'slaves' or servants, who have been taken in these raids, but they are usually treated as members of the family, except that the Nuer son or daughter takes precedence over the captive Dinka in being allowed to be married first. The Nuer name for Dinka means slave, and they consider them as an inferior tribe. [567]

The Nuer sees nothing wrong in these border raids, but rather delights in the fact that it gives him a chance to show his prowess over his neighbour.

Sometimes one Nuer village raids another Nuer village, and this starts a feud that is hard to quell. It may last over several years. If some one is killed retaliation is sought. A life for a life is generally the rule.

Government interference is usually necessary to settle any large raid or incessant raiding.

Nuer wars and troubles between villages and different tribes are usually the result of cattle raids or the infringement of Nuer marriage customs.

In case two neighbouring villages are at war, especially if they be Nuer and Anuak, each assembles all their people and adherents. A war-dance and song are staged for the benefit of the opposite side, so that they may be impressed with the large number and possible prowess of their opponents. 726

[p. 71]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer have, it will be acknowledged, a low technology which, taken with their meagre food-supply and scanty trade, may be supposed to have some effect on their social relations and their character. Social ties are narrowed, as it were, and the people of village and camp are drawn closer together, in a moral sense, for they are in consequence highly interdependent and their activities tend to be joint undertakings. This is seen best in the dry season, when the cattle of many families are tethered in a common kraal and driven as a single herd to the grazing grounds and daily activities are co-ordinated into a common rhythm of life.

I risk being accused of speaking idly when I suggest that a very simple material culture narrows social ties in another way. Technology from one point of view is an oecological process: an adaptation of human behaviour to natural circumstances. From another point of view material culture may be regarded as part of social relations, for material objects are chains along which social relationships run, and the more simple is a material culture the more numerous are the relationships expressed through it. I give, without further explanation, a few examples. The simple family is attached to the hut, the household to the byre, the joint family to the hamlet, the village community to its ridge, and village communities are linked together by paths. Herds of cattle are nuclei around which kinship groups are clustered and the relationships between their members operate through cattle and are expressed in terms of cattle. A single small artifact may be a nexus between persons, e.g. a spear which passes from father to son by gift or inheritance is a symbol of their relationship and one of the bonds by which it is maintained. Thus people not only create their material culture and attach themselves to it, but also build up their relationships through it and see them in terms of it. As Nuer have very few kinds of material objects and very few specimens of each kind, their social value is increased by their having to serve as the media of many relationships and they are, in consequence, often invested with ritual functions. Moreover social relationships instead of being diffused along many chains of material links are narrowed by the meagreness of culture to a few simple foci of interest. This

1. Evans-Pritchard E-5 (1931, 1936) 1940
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571 may be supposed to lead to a small range of relationship-forms with a high degree of solidarity in the smaller local and kinship groups and we may expect to find a simple social structure.

181 Some outstanding traits in Nuer character may be said to be consistent with their low technology and scanty food-supply. I again emphasize the crudity and discomfort of their lives. All who have lived with Nuer would, I believe, agree that though they are very poor in goods they are very proud in spirit. Schooled in hardship and hunger—for both they express contempt—they accept the direst calamities with resignation and endure them with courage. Content with few goods they despise all that lies outside them; their derisive pride amazes a stranger. Reliant on one another they are loyal and generous to their kinsmen. One might even to some extent attribute their pronounced individualism to resistance to the persistent claims of kinsmen and neighbours against which they have no protection but stubbornness. The qualities which have been mentioned, courage, generosity, patience, pride, loyalty, stubbornness, and independence, are the virtues the Nuer themselves extol, and these values can be shown to be very appropriate to their simple mode of life and to the simple set of social relations it engenders.

XI

571 463 It is unnecessary to write more on what are generally called economics. They can be further considered in an account of kinship and family life. I will only ask the reader to bear in mind the following matters. (1) One cannot treat Nuer economic relations by themselves, for they always form part of direct social relationships of a general kind. Thus, division of labour is part of general relationships between persons of different sexes and of different ages, between spouses, between parents and children, between kinsmen of one order or another, and so forth. (2) There is some specialization, but it is occasional, and there are no occupations which can be called professions. Some women make better pots, grindstones, and baskets than others; only smiths can make certain objects; there are only a few men who understand how to make and put on the arm the tight-fitting bracelets which young men wear to show their endurance, and so on; and people who want these things either ask for them in the name of kinship or give the maker of them some millet for his services, or make him a gift on some future occasion. The man who wants the object

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571 463 and the maker of it always belong to the same local community and conduct the affair between themselves, there being no exchange of objects or services through the medium of a third person, and there is always between them a general social relationship of one kind or another, and their economic relations, if such they may be called, must conform to this general pattern of behaviour. (3) There is little inequality of wealth and no class 571 privilege. A man does not acquire more objects than he can use. 565 Were he to do so he could only dispose of them by giving them [778] away. It is true that cattle can be amassed, but, except for a few sacred herds kept by prophets, in fact they are not. As has been explained, periodic rinderpest levels the herds and, apart from this, when a herd has reached a certain size the owner—if one may speak of an owner of a herd in which many people have rights of one kind and another—is morally bound to dispose of a portion of it by either himself marrying or by assisting a relative to do so. Cattle are sometimes loaned to persons and the owner is entitled to receive back better beasts than those he lent, e.g. a heifer for the loan of an ox; but people only lend cattle to those with whom they have an established social relationship. (4) In a narrow sense 571 the simple family might be called the economic unit, but we have 476 seen that it is not self-sufficient and the active participation of a wider group is often necessary, e.g. in building, fishing, and hunting. It is also clear that a single family cannot herd its cattle in distant pastures and, at the same time, herd the calves elsewhere, attend to the tiny calves in the kraal, milk, churn, clean the kraal, prepare dung for fuel, cook the food, and so on, by itself. Co-operation is found among neighbours who are also kinsmen. There is also much mutual assistance when co-operation is not essential to the performance of a task, e.g. in weeding and harvesting, for it is conventional to ask people for help, the obligation to assist being part of a general kinship relationship. (5) It must be recognized also that fishing, hunting, herding, and the other activities I have described are always, in a sense, collective actions, for even when there is no active co-operation the whole community passively participates in them. A single man may drive a herd to pasture, a single boy may fish in river shallows, and a single woman may cook, but they can only do these things because they belong to a community and because their actions are related in a productive system. Tradition dictates ends and means and the organization and potential strength of the community gives the co-ordination and security necessary for accomplishment. It has been remarked that seen from the outside a whole village community may be said to be consuming a common stock of food.

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From the same angle the whole community may be said to create it.

I may sum up by repeating that economic relations among the Nuer are part of general social relationships and that these relationships, being mainly of a domestic or kinship order, lie outside the scope of this book. I must emphasize, however, that the members of various segments of a village have close economic relations and that all the people of a village have common economic interests, forming a corporation which owns its particular gardens, water-supplies, fishing-pools, and grazing grounds; which herds its cattle in a compact camp in the drought; and operates jointly in defence, in herding, and in other activities; and in which, especially in the smaller villages, there is much co-operation in labour and sharing of food. All this must be taken for granted in future references to villages. It must be further emphasized that climatic conditions together with a pastoral mode of life necessitate relations beyond the limits of a village and give to wider political groups an economic purpose. This statement will later be examined more closely.

XII

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I wish to emphasize the following general points in summary of those conclusions reached in the first two chapters which have special relevance to a study of the political institutions of the Nuer.

1. Oecological relations appear to be in a state of equilibrium. As long as present relations exist cattle husbandry, horticulture, and fishing can be pursued but cannot be improved. Man holds his own in the struggle but does not advance.

2. The necessity of a mixed economy follows from the oecological equilibrium. Rinderpest prevents complete dependence upon milk foods; climate prevents complete dependence on grain; and hydrological variations prevent complete dependence on fish. These three elements together enable Nuer to live, and their seasonal distribution determines Nuer modes of life at different periods of the year.

3. The oecology gives to this mixed economy a bias in favour of cattle husbandry, and this bias must have been far stronger

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preliminary, classification of Nuer territorial groups of a political kind. We have classified Nuer socio-temporal categories. We now classify their socio-spatial categories.

Were a man to fly over Nuerland he would see, as on Plate XVI, taken by the Royal Air Force in the dry season, white patches with what look like tiny fungoid growths on them. These are village sites with huts and byres. He would see that between such patches are stretches of brown and black, the brown being open grassland and the black being depressions which are swampy in the rains; and that the white patches are wider and more frequent in some parts than in others. We find Nuer give to these distributions certain values which compose their political structure.

It would be possible to measure the exact distance between hut and hut, village and village, tribal area and tribal area, and so forth, and the space covered by each. This would give us a statement of spatial measurements in bare physical terms. By itself it would have very limited significance. Oecological space is more than mere physical distance, though it is affected by it, for it is reckoned also by the character of the country intervening between local groups and its relation to the biological requirements of their members. A broad river divides two Nuer tribes more sharply than many miles of unoccupied bush. A distance which appears small in the dry season has a different appearance when the area it covers is flooded in the rains. A village community which has permanent water near at hand is in a very different position to one which has to travel in the dry season to obtain water, pasturage, and fishing. A tsetse belt creates an impassable barrier, giving wide oecological distance between the peoples it separates (p. 133), and presence or absence of cattle among neighbours of the Nuer likewise determines the oecological distance between them and the Nuer (pp. 132–3). Oecological distance, in this sense, is a relation between communities defined in terms of density and distribution, and with reference to water, vegetation, animal and insect life, and so on.

Structural distance is of a very different order, though it is always influenced and, in its political dimension, to a large extent determined by oecological conditions. By structural

1: Evans-Pritchard E-5 (1931, 1936) 1940
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571 distance is meant, as we have already indicated in the preceding section, the distance between groups of persons in a social system, expressed in terms of values. The nature of the country determines the distribution of villages and, therefore, the distance between them, but values limit and define the distribution in structural terms and give a different set of distances. A Nuer village may be equidistant from two other villages, but if one of these belongs to a different tribe and the other to the same tribe it may be said to be structurally more distant from the first than from the second. A Nuer tribe which is separated by forty miles from another Nuer tribe is structurally nearer to it than to a Dinka tribe from which it is separated by only twenty miles. When we leave territorial values and speak of lineages and age-sets, structural space is less determined by environmental conditions. One lineage is closer to another than to a third. One age-set is closer to another than to a third. The values attached to residence, kinship, lineage, sex, and age, differentiate groups of persons by segmentation, and the relative positions of the segments to one another gives a perspective that enables us to speak of the divisions between them as divisions of structural space. Having defined what is meant by structural space we may now proceed with a description of its political divisions.

IV

161 We cannot, owing to lack of adequate population statistics (see p. 117) and survey records, present a map showing the density of the different tribes, but a rough estimate is possible for the whole of Nuerland. Jackson says that the area to the east of the Nile amounts to some 26,000 square miles,[1] and recent censuses put its population at about 144,000, making about 5·5 to the square mile. The area to the west of the Nile is no less sparsely inhabited and possibly has a lower density. The total area of Nuerland is probably about 30,000 square miles and the total population round about 200,000. We may estimate that tribal density probably varies from about 4 to 10 to the square mile and that the average distribution for the whole of Nuerland is from about 5 to 6 to the square mile. Given the hydrological conditions of Nuerland and the present economy

[1] Jackson, op. cit., p. 62.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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tural relations are strongest between adjacent tribes, but a common social structure embraces the whole of Nuerland; and (3) the social sphere of an individual, being his circuit of social contacts of one kind or another with other Nuer.

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VIII

The political structure of the Nuer can only be understood in relation to their neighbours, with whom they form a single political system. Contiguous Dinka and Nuer tribes are segments within a common structure as much as are segments of the same Nuer tribe. Their social relationship is one of hostility and its expression is in warfare.

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The Dinka people are the immemorial enemies of the Nuer. They are alike in their oecologies, cultures, and social systems, so that individuals belonging to the one people are easily assimilated to the other; and when the balanced opposition between a Nuer political segment and a Dinka political segment changes into a relationship in which the Nuer segment becomes entirely dominant, fusion and not a class structure results.

648

As far as history and tradition go back, and in the vistas of myth beyond their farthest reach, there has been enmity between the two peoples. Almost always the Nuer have been the aggressors, and raiding of the Dinka is conceived by them to be a normal state of affairs and a duty, for they have a myth, like that of Esau and Jacob, which explains it and justifies it. Nuer and Dinka are represented in this myth as two sons of God who promised his old cow to Dinka and its young calf to Nuer Dinka came by night to God's byre and, imitating the voice of Nuer, obtained the calf. When God found that he had been tricked he was angry and charged Nuer to avenge the injury by raiding Dinka's cattle to the end of time. This story, familiar to every Nuer, is not only a reflection of the political relations between the two peoples but is also a commentary on their characters. Nuer raid for cattle and seize them openly and by force of arms. Dinka steal them or take them by treachery. All Nuer regard them—and rightly so—as thieves, and even the Dinka seem to admit the reproach, if we attribute correct significance to the statement made to Mr. K. C. P. Struvé in 1907 by the Dinka keeper of the shrine of Deng dit at Luang Deng.

[73]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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does not see himself as a member of that same group in so far as he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments. 829

Therefore the diagram presented on p. 114 illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer political structure: the smaller the local group the stronger the sentiment uniting its members. Tribal sentiment is weaker than the sentiment of one of its segments and the sentiment of a segment is weaker than the sentiment of a village which is part of it. Logically this might be supposed to be the case, for if unity 186 621 619 571

[See category 16 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

186 within a group is a function of its opposition to groups of the
621 same kind it might be surmised that the sentiment of unity
619 within a group must be stronger than the sentiment of unity
●571 within a larger group that contains it. But it is also evident that the smaller the group the more the contacts between its members, the more varied are these contacts, and the more they are co-operative. In a big group like the tribe contacts between its members are infrequent and corporate action is limited to occasional military excursions. In a small group like the village not only are there daily residential contacts, often of a co-operative nature, but the members are united by close agnatic, cognatic, and affinal ties which can be expressed in reciprocal action. These become fewer and more distant the wider the group, and the cohesion of a political group is undoubtedly dependent on the number and strength of ties of a non-political kind.

It must also be stated that political actualities are confused and conflicting. They are confused because they are not always, even in a political context, in accord with political values, though they tend to conform to them, and because social ties of a different kind operate in the same field, sometimes strengthening them and sometimes running counter to them. They are conflicting because the values that determine them are, owing to the relativity of political structure, themselves in conflict. Consistency of political actualities can only be seen when the dynamism and relativity of political structure are understood and the relation of political structure to other social systems is taken into consideration.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to undergo rapid and great modification under European rule and that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there are a number of other ritual injunctions. (2) A man may not marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the same age-set are on terms of entire equality. A man does not stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

561 another hospitality and to share their possessions. Fighting is
•571 considered an appropriate mode of behaviour between age-mates, but a man ought not to fight a man of a senior set. The comradeship between age-mates springs from a recognition of a mystical union between them, linking their fortunes, which derives from an almost physical bond, analogous to that of true kinship, for they have shed their blood together. (4) Members
561 of a set are expected to show respect to members of senior sets,
576 and their deference to them can be seen in discussions, in
626 etiquette, in division of food, and so forth. Whenever there is a question about the propriety of speech or action it is judged by reference to the relative positions of the persons concerned in the age-set structure, if kinship status is not also involved. Since every man has a known age-relationship to every other man in Nuerland with whom he is likely to come into contact, their social attitude to him, and his social attitude to them, is determined in advance by the distances between them in age-set structure, unless kinship takes precedence. Although it is possible for a man to avenge a breach of these patterns of behaviour by a curse, if it is a very serious breach, the ordinary sanctions of conduct are a man's conscience and desire for approval.

561 It will have been noted that the relations between the sets
608 are defined in the idiom of family relationships. The members of a man's father's age-set are his 'fathers' and the members of his father's brothers' 'age-sets' are, in a less precise sense, also his 'fathers'. The sons of a man's set are his 'sons', and they may fall into several sets. The wives of members of a man's father's set are his 'mothers', and the wives of members of his sons' sets are his 'daughters'. All members of a man's own set are likewise 'brothers', though here the analogy is seldom expressed because the comradeship between age-mates is strongly affirmed in the idiom of the system, for they are all *ric*, age-mates, to one another. As, in any case, a man commonly addresses all persons much senior to himself as 'father' and 'mother', all persons much junior to himself as 'son' and 'daughter', and all persons of about the same age as himself as 'brother' and 'sister', the terminology of address between different sets is not a differentiating one and it cannot be said how

8:Howell E, G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*math*)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Nger Ngwen v. *Can Nyoi* (*Jikany Nuer Case*).

Nger and Can were 'best friends' (*math*). Nger gave Can a black cow as a gift. Can gave Nger a cow when Nger got married. Nger then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Nger, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Nger's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kwal*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 231

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [691]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [583] [572]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [782] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

1· Evans-Pritchard E-5 (1931, 1936) 1940
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221 Seasonal variation in quantity and kind of food is sociologically significant for several reasons, though not all are relevant to the present study. It is, however, important to note that abundance of millet is the main reason for holding ceremonies in the rains, for ritual is seldom complete without porridge and beer and, since it consists of sacrifice, of meat also. Weddings, initiation rites, and religious ceremonies of various kinds take place in the rains and early drought, generally after the first millet harvest. This is also the main season for [21] raiding the Dinka. Nuer say that hunger and war are bad companions and that they are too hungry to fight in the full dry season; and it is evident that they are then not so eager to come to blows over personal and community quarrels as they are in the rainy months, when they are replete with grain and meat and, especially at wedding dances, sometimes slightly intoxi- [E3] cated. Nor do the young men find dancing so attractive in the drought, whereas in the rains they dance as much as possible and think nothing of travelling many miles to attend weddings, at which they dance from eventide till well into the morning. The tempo of village life is different from that of camp life. Owing to flooding at the height of the rains these joint activities take place mainly at the beginning and end—chiefly at the end —of the wet season.

264 Scarcity of food at times and the narrow margin that for
574 most of the year divides sufficiency from famine cause a high degree of interdependence among members of the smaller local groups, which may be said to have a common stock of food. Although each household owns its own food, does its own cooking, and provides independently for the needs of its members, men, and much less, women and children, eat in one another's homes to such an extent that, looked at from outside, the whole community is seen to be partaking of a joint supply. Rules of hospitality and conventions about the division of meat and fish lead to a far wider sharing of food than a bare statement of the principles of ownership would suggest. Young men eat at all byres in the vicinity; every household gives beer parties which their neighbours and kinsmen attend; the sar e people are given food and beer at the co-operative work parties that assist in any difficult and laborious task; in camps it is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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considered correct for men to visit the windscreens of their friends to drink milk, and a special gourd of sour milk is kept for guests; when an ox is sacrificed or a wild animal is killed the meat is always, in one way or another, widely distributed; people are expected to give part of their catch of fish to those who ask them for it; people assist one another when there is a shortage of milk or grain; and so forth. This mutual assistance and common consumption of food, which is especially evident in compact dry-season camps, belongs rather to the subject of domestic and kinship relations than to the present account. I wish here only to stress the following points: (1) This habit of share and share alike is easily understandable in a community where every one is likely to find himself in difficulties from time to time, for it is scarcity and not sufficiency that makes people generous, since everybody is thereby insured against hunger. He who is in need to-day receives help from him who may be in like need to-morrow. (2) While the greatest sharing is in the smaller domestic and kinship groups, there is also so much mutual assistance and hospitality among members of villages and camps that one may speak of a common economy of these communities, which are treated in this book as the smallest political groups in Nuerland and within which are taken for granted ties of kinship, affinity, age-sets, and so forth.

X

I have examined Nuer food-supply in relation to their oecology and I now give a brief account of their material culture in the same terms. When a Nuer is born he enters not only into a natural environment but also into a domesticated environment which is the product of human labour; and this inner world is constructed from the outer world, its form and content being strictly limited by natural resources. I am neither desirous nor capable of describing technological procedures, and to excuse myself in some degree for this omission I am including in this and in a second volume an unusually large number of plates and figures illustrating many examples of Nuer handiwork. However, some general remarks on the limiting conditions of production seem pertinent.

2:Evans-Pritchard E-5 (1931, 1936) 1951
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476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer 574 eat so much in each other's byres and windscreens that, as far as the 621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

581 MARRIAGE among the Nuer is brought about by payment of bridewealth and
585 by the performance of certain ceremonial rites. The rites cannot take place
431 without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

584 The chief ceremonies are the *lavieng*, the *ngut*, and the *mut*: the betrothal, the
585 wedding, and the consummation. All three are important public events in Nuer life,
574 though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The sociological and political background is given in *The Nuer*, Clarendon Press, 1940.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

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flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen from this paper that there are always, besides prolonged discussions about bridewealth, sacrifices, and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and very often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

An essential rite in the marriage ceremonies is the sacrifice of a beast to the ghosts and spirits by which they are made cognizant, and witnesses, of the union in an address delivered to them before the beast is slain. This part of the rite concerns only the close kin of the bride or bridegroom and the address is sometimes spoken in so low a tone that it is almost inaudible amid the general clamour. People chat and shout to each other about affairs which have no connexion with the marriage, or interpolate comments into the address, a long rambling speech which may refer to almost anything which interests the speaker so long as he mentions the object of the rite and puts into it now and again some traditional phrases. The young people are dancing, the women engaged in household tasks, and it is the older men, mostly kinsmen of the bride and bridegroom, who gather round to watch the sacrifice, which to them is just one of the phases of the ceremony, like the bridewealth talks and the beer-drinking, and does not entail any special attitude on their part. The sacrifice also is often a great confusion, everyone shouting advice and instructions to everyone else and arguing good-humouredly about the division of the meat. The specifically religious part of a ceremony seems to be lost amid all the talk and movement, but it is none the less the core of the ceremony, what occasions it and gives it meaning.

Even the kinsmen of the bride or bridegroom, as the case may be, attend the sacrifice largely because it is the prelude to a division of meat, for though the ox is dedicated to the ghosts and spirits, its material destiny is to be eaten by the kin of one partner to the marriage, who, being guests, have to be provided with meat by the kin of the other partner. The people who sacrifice the beast, usually an ox, eat very little of it. They are interested in the religious part of the rite since it is their ancestors and spirits to whom the beast is dedicated. The visitors are not concerned with the ghosts and spirits of the other party but are interested in the meat which is their due, to each kinsman his customary portion. A sacrifice is thus a distribution of gifts of meat by the kin of one of the spouses to the kin of the other.

One notices the same lack of formality in the order of the rites, and the sequence of their parts, as in the performance of them. The place of each movement is determined only by the logic of necessity. An ox has to be pegged before it can be speared and it has to be skinned before it can be cut up and cooked. Otherwise there is merely a usual time for acts to be done, though it would not matter if they were done at a different time or in a different order. For example, it is usual to sacrifice an ox at the betrothal ceremony towards the end of the evening dance, but it can equally well be done on the following morning. Nuer ritual procedure is generally happy-go-lucky.

8:Howell E, G-5 (1942-1944)1954
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bearing no children; or she is all of these things. By far the most important consideration, however, is her function in producing male children to further the name of the husband's lineage, or female children to bring to them cattle in the form of bridewealth—in itself a means of marrying women into the group and therefore producing more children to the name of the lineage. It is her function in furthering the continuity of the kinship group in posterity which concerns her husband's kinsmen most acutely.

The reasons given by the husband as grounds for divorce, or the reasons which make him wish for a divorce, are less cogent than those which must be produced by a wife to convince her family that life with her husband is no longer bearable. Her family have in a sense much more to lose, for they must return the bridewealth cattle, and it often happens that they will not receive so many on her remarriage, especially if she has a reputation for barrenness or for being a shrew. In these circumstances they will resist the demands of the wife for dissolution of marriage as much as they can. The grounds for divorce which will receive the support of a wife's family are as follows:

(i) *Impotence or Sterility of the Husband.* A woman may divorce her husband if she bears no children and it is known that her husband, a man of virile years, is impotent. In such a situation her family will usually acknowledge her plea for a divorce and allow her to marry elsewhere, even though her husband has paid a very satisfactory bridewealth for her. If, however, the husband is an old man of failing physical powers they have probably arranged the marriage out of greed for his cattle or the desire for a useful political alliance, which is an important consideration, and may use force to compel her to stay with her husband. But in most cases of this sort the husband will allow his wife to take a lover and will be glad if she begets children by this means, for the children are legally his own.

[574]

(ii) *Stinginess.* Stinginess is sometimes cited as grounds for divorce. The husband may resent his wife's hospitality to her friends and neighbours, and meanness of this sort is considered particularly reprehensible by the Nuer. What is really meant by this, however, is that the husband is stingy in the giving of those small items—food, tobacco, presents of spears and so on—which his wife's people expect. These are not legal rights but obligations inherent in the marital relationship, and they symbolize the respect he should have for all his wife's relatives.

(iii) *Failure to support the Wife.* If the husband fails to fulfil his economic duties towards his wife and children; if he is too lazy to cultivate, too lazy or weak to hunt or fish, or too poor in cattle to provide sufficient milk, her family may seek a divorce. A husband, however, who is poor in cattle may make up for the deficiency by industrious cultivation, hunting, and fishing.

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wives of men of other age-sets may one day become his mother-in-law. 561
I have never heard it suggested that men have any sexual rights over
wives of their age-mates and Nuer were always shocked at my enquiries 835
about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement ; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially 561
as I have explained above. The *kau* of an animal goes to the *ric matot*,
the junior age-set who may eat themselves or may share the meat with 574
the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Maheri* and the *juah* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Maheri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set ; while if the animal belonged to a *Maheri* we would expect the *Dangunga* to eat with the *Maheri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me [585]
that sometimes at a marriage feast the father of the bride will kill a "*yang ric*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. 561
In my previous essay I pointed out that the clan is an exogamous group
and that any near genealogical relationship through the female line is 582
also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

16: Evans-Pritchard E-5 (1931, 1936) 1956
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which they form a part, though Nuer are not usually particular 782
about the exact moment of their execution. For example, an ox must be sacrificed at a betrothal ceremony and it is usually slaughtered towards the end of the dancing in the evening, but it does not matter if it is sacrificed on the following morning instead. Personal sacrifice may be made at any time if a sudden crisis arises. If it is not acute, people may delay sacrifice till they have discovered its cause with the aid of a prophet or diviner if they suspect that it may be due to something particular, perhaps some sin or the anger of some spirit or ghost. The intention of the offering can then be more precisely formulated. But if the crisis is acute, sacrifice would, whatever opinion, if any, might be held about its cause, be made at once to God. Mgr. Mlakic was clearly recording what he witnessed or heard at the time it happened from a witness when he described how when lightning set fire to a byre its owner entered its flaming interior to save his family and cattle. His first act, however, was to spear a beast of the herd, saying 'God, what do you do to us?' Then he gave his attention to saving people and beasts.[1]

If there is no urgency a sacrifice may be put off till a time convenient for the sacrificer. The collective sacrifices and sacrifices in honour of spirits of one kind or another are normally held in the villages during the rains, and even in cases of sickness, if it is not acute, in dry-season camps Nuer prefer to put off animal sacrifice till they return to their villages. They may consider that though a sickness is due to neglect of some spirit there is no pressing need for immediate sacrifice. To keep the spirit content in the meantime they may sacrifice a cucumber, if they have one, or offer it some tobacco or a libation; or they may make an animal sacrifice in intention by devoting to the spirit then and there an animal by rubbing ashes on its back and then wait till they are back in their permanent homes to sacrifice it. Consequently one rarely sees animal sacrifices in dry-season camps.

A sacrifice is also a feast, and a feast is more suitably held in the 782
surroundings of huts and byres. Nuer, especially the older people, 574
think of the *cieng*, the homestead and village, rather than of the *wec*, the cattle camp, as their home. This is all the more weighty a reason in the case of collective sacrifices, because the kin who should attend them and have rights in the sacrificial flesh may be

[1] Op. cit.

782 scattered in the drought. There is also plenty of beer and porridge
574 in the rains to add to the meat of the sacrifices for feasting, and
● little or none in the dry-season camps, for even if their millet is not exhausted people are often too far from their granaries to transport it. Moreover, the social activities which are the occasion of collective sacrifices take place, largely because there is plenty of food, in the rains. I think also it is possible that there is more, and more serious, sickness in the rains and hence the greater need for sacrifices then.

782 It does not seem usually to matter at what time of day a sacrifice takes place, though the early morning is preferred on big occasions when oxen are sacrificed; but I have witnessed sacrifices when the sun was high and also in the evening. Early morning and evening are the most convenient times because then the men are at leisure and it is cool, but the early morning has the additional advantage that it gives time for what are sometimes lengthy ceremonies to be performed with slow dignity. I suppose that if there were need Nuer would sacrifice at night, but I have never known this happen, and it would cause certain inconveniences.

There is no particular spot at which the rites must be performed. The ceremony may be held in the space in front of the dwelling-huts if it is on a domestic scale. This is a suitable place for sacrifice,
[778] for a man often erects there a *riek*, post-shrine, and there also is the wife's *buor*, mud wind-screen (Plate V), which also has a certain sacred significance, being the woman's counterpart to the *riek*, as well as serving its practical purpose. But in major sacrifices of the collective type, when there may be many persons present, the sacrifices are likely to be held in the kraal, where there may also be a *riek* (Plate VI), or at its edge, on account of the cattle, or even if they are absent, to avoid the tethering-pegs incommoding those making the invocations. It is not, however, a matter of importance and anywhere convenient will do—properly speaking Nuer have no fanes.[1] It is the same for place as for time. They do not worry about such details. God is at all times and everywhere; there are no specially sacred times and places for sacrifice. Likewise, there are no specially sacred persons who must make sacrifice: any man

[1] God, spirits, and ghosts are associated with the *riek*, which may be in the courtyard, in the kraal, or at the side of the *gol*, the central hearth in the byre, which is the symbol of the family conceived of as a group of agnates and hence of the lineage; and for women, with the *buor*, the symbol of the elementary family, the domestic group.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 show that human blood has mysterious properties but they do not
826 justify our saying that Nuer regard the life as something contained in the blood. Moreover, in the case of cattle, which is the case at issue, we have to bear in mind that Nuer have no objection to shedding their blood. They do so when they cut their horns, when they castrate them, and when they pierce veins in the necks of cows (*bar*) in the dry season for veterinary purposes or, more usually, to obtain blood for boiling or roasting for their own consumption. But if the blood is not thought of literally as containing the life, the life of a sacrificed ox ebbs with its flow so that Nuer say either that God takes the life (or breath) or that he takes the blood—the blood and the breath being symbols of the life, as also appears to be, in a lesser degree, the chyme.

782 The chyme (*wau*) is what makes the flesh and maintains the life of the beast. Dr. Lienhardt tells me that *wei*, the word for it in Dinka, means in that language also 'life' and 'breath'. It does not appear to have so important a place in Nuer ritual as it has in the ritual of some other Nilotic peoples. The only reference in my notes to its sacramental use in connexion with sacrifice is to its being smeared on a Dinka at his adoption into a Nuer lineage, but Father Crazzolara says that sometimes after sacrifice the head of the family takes some of the chyme and after adding some of the beast's blood and his own spittle he rubs this mixture on his own breast, back of neck, and maybe also forehead, and perhaps also on the same parts of members of his family.[1]

782 God takes the *yiegh*, the life. Man takes the *ring*, the flesh, what
574 is left over after the sacrifice. The carcass is cut up and skinned as soon as the animal falls. In most sacrifices the meat is consumed by members of the family and kin of the person on whose behalf it was made. In marriage and most other collective sacrifices it is divided among relatives, both paternal and maternal, in traditional portions; and the age-mates of the owner of the beast and representatives of lineages collateral to his may also have rights to shares. If the principal officiant is not a member of the family or of the close kin but a master of ceremonies of the family or a priest or a prophet, he also receives his share. This part of the proceed-

[1] Op. cit., p. 80. Among the Shilluk, at any rate in their sacrifices to end feuds, the chyme of the victim is put on the youths to indicate unity. A beast eats a bit here and a bit there: in the stomach it becomes one (D. S. Oyler, 'The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 299).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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ings is of general interest and not merely for those directly concerned in the rites. If it is at all a public occasion people, whether they are concerned in the matter or not, gather round to watch the meat being cut up and handed to those to whom it is due, and there is often much shouting and argument as the distribution is goodhumouredly disputed and men tug at the carcass and snatch or beg pieces of meat. Even outsiders who get in the way and beg persistently enough are likely to receive pieces of it. According to the circumstances those who on such an occasion receive meat take it to their homes, maybe in different villages, for cooking and eating, or it is cooked by women of the homestead in which the sacrifice took place and eaten there by groups, according to sex, age, and kinship. The meat is cooked, served, and eaten as would be that of a wild beast slaughtered in hunting. It is boiled, though tit-bits may be roasted in the embers of a fire. I want to make it clear indeed that the cutting up of the victim, the preparation of its flesh, and the eating of it are not parts of the sacrifice. To regard the eating of the animal as part of the sacrificial rite would be like regarding a wedding feast as part of the marriage service in our own country. But if it does not form part of the rite and has no sacramental significance it forms part of the whole ceremony in the broader sense and has a social significance. We have always to remember that a sacrifice, even piacular sacrifice, furnishes a feast and that in the circumstances in which Nuer live and by convention this means that neighbours are likely in one way or another to share in it.

IV

The ordinary Nuer sacrifice is carried out in the manner I have described—*pwot*, *buk*, *lam*, *nak* (*kam yang*), presentation, consecration, invocation, immolation. In some sacrifices, however, there are differences of order and procedure.

Mortuary ceremonies open with the slaughter of one or more beasts before sunrise, and as the invocations do not take place till later in the day they are not spoken over the victims as in other sacrifices. I do not think that this reversal of phases has in itself any special significance. Since the cattle have to be killed before the sun rises it is convenient to postpone the invocations, which are very lengthy on this occasion. Moreover, though in the mortuary

16: Evans-Pritchard E-5 (1931, 1936) 1956
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IV

It may be asked how the fact that in piacular sacrifice an ox is substituted for a man affects the general relationship of men to cattle. The answer is that all cattle are reserved for sacrifice. It is not just that in a particular ceremony a particular ox stands for a particular man. The equivalence is a general one between men and cattle. Some caution is necessary here. Nuer are very fond of meat, and whether an animal is killed in sacrifice or dies a natural death its flesh is eaten. All cattle, sheep, and goats, except those sacrificed in holocausts, eventually go into the pot. Also, it is very noticeable that on ceremonial occasions which are not also occasions of calamity, most people show more interest in the festal than in other aspects of the ceremonies. People show their desire for meat without reserve and it is the festal character of sacrifices which gives them much of their significance in the life of the Nuer. This is perhaps most noticeable at weddings, when, moreover, those who get the flesh are not those who sacrifice the animal; and also on those occasions when men scramble for meat. Further, Nuer themselves recognize that some men are too eager to sacrifice an ox, sheep, or goat on the slightest excuse, a craving for meat rather than a pressing need for spiritual aid being the incentive for sacrifice. It is undoubtedly true that it is sometimes craving for meat which reminds a man that sacrifice to some spirit is long overdue, religious obligations providing a ready excuse for a feast. However, the fact that Nuer accuse men of making unnecessary sacrifices to have feasts of meat in itself shows that animals should not be slaughtered except in sacrifice; and there is indeed a very strong feeling, amounting to a moral injunction, that domestic animals—sheep and goats as well as cattle—must not be slaughtered except in sacrifice and, save in very special circumstances, they are never slaughtered for food, a fact noted by Ernst Marno nearly a century ago.[1] This injunction explains why Nuer are not expected to, and do not, provide meat for guests, and also why I was unable to buy beasts from them for food for my own household.

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[1] Op. cit., p. 348. The Dinka likewise do not slaughter cattle for food (see that curious book *The Ethiopia Valley*, n.d., pp. 10 and 39, by Hatashil Masha Kathish, a Dinka convert to Christianity). This is the case among many African pastoral peoples.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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settled, in no way weakens this impression, because one well 627
knows how among other African peoples cases are brought before 671
courts under Government supervision which would not pre- 177
viously have been settled in a court, or even settled at all, and
how for a long time after the institution of such Government
tribunals they operate side by side with the old methods of
justice.

Before discussing the chief characteristics of Nuer legal pro- 624
cedure I record that, according to verbal information, for I have 627
never observed the procedure, one way of settling disputes is to
use a leopard-skin chief as mediator. Thus, I was told that a man
who has a cow stolen may ask a leopard-skin chief to go with him
to request the return of the cow. The chief goes first, with several
of the elders of his village, to the plaintiff's homestead, where he
is given beer to drink. Later they go, with a deputation from the
plaintiff's village, to the defendant's village, and here also the chief
may be presented with some beer or a goat. The chief is considered
to be neutral and a certain sanctity attaches to his person so that
there is little likelihood of the deputation being injured. The
visiting elders sit with elders of the defendant's village and the
chief in one of the byres and talk about the matter in dispute. The
owner of the animal gives his view and the man who has stolen
it attempts to justify his action. Then the chief, and anybody
else who wishes to do so, expresses an opinion on the question.
When every one has had his say the chief and elders withdraw to
discuss the matter among themselves and to agree upon the
decision. The disputants accept the verdict of the chief and the
elders and, later, the owner of the animal gives the chief a young
steer or a ram unless he is a very poor man, when he gives him
nothing.

If a man has a dispute with another of the same neighbourhood
they may both go to the homestead of a local leopard-skin chief
and lay their spears on the ground in his byre. A man would not [576]
plant his spear upright in a chief's byre, and I was told that were
he to do so a bystander might appropriate it, as disrespect had
thereby been shown to the chief. When both men have stated
their views the chief and the elders discuss the matter outside the
byre and re-enter it to acquaint the disputants of their decision.
The person in whose favour the decision has been given hands his
spear to the chief, who either gives it to a friend or spits on it and
returns it to its owner. It was clear from the way in which my
informants described the whole procedure that the chief gave his
final decision as an opinion couched in persuasive language and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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156 That every Nuer considers himself as good as his neighbour is
181 evident in their every movement. They strut about like lords of the earth, which, indeed, they consider themselves to be. There is no master and no servant in their society, but only equals who
[186] regard themselves as God's noblest creation. Their respect for one another contrasts with their contempt for all other peoples. Among themselves even the suspicion of an order riles a man and he either does not carry it out or he carries it out in a casual and dilatory manner that is more insulting than a refusal. When a
● [576] Nuer wants his fellows to do something he asks it as a favour to a kinsman, saying, 'Son of my mother, do so-and-so', or he includes himself in the command and says: 'Let us depart', 'Let the people return home', and so forth. In his daily relations with his fellows a man shows respect to his elders, to his 'fathers', and to certain persons of ritual status, within the circuit of its reference, so long as they do not infringe on his independence, but he will not submit to any authority which clashes with his own interests and he does not consider himself bound to obey any one. I was once discussing the Shilluk with a Nuer who had visited their country, and he remarked, 'They have one big chief, but we have not. This chief can send for a man and demand a cow or he can cut a man's throat. Whoever saw a Nuer do such a thing? What Nuer ever came when some one sent for him or paid any one a cow?'

181 I found Nuer pride an increasing source of amazement. It is as remarkable as their constant aloofness and reticence. I have
609 already described how Nuer would interrupt my inquiries. I mention here three incidents typical of the cavalier way in which they treated me. On one occasion I asked the way to a certain place and was deliberately deceived. I returned in chagrin to camp and asked the people why they had told me the wrong way. One of them replied, 'You are a foreigner, why should we tell you the right way? Even if a Nuer who was a stranger asked us the way we should say to him, "You continue straight along that path", but we would not tell him that the path forked. Why should we tell him? But you are now a member of our camp and you are kind to our children, so we will tell you the right way in future.'

576 In this same camp, at the end of my stay, when I was sick and being removed by steamer, I asked the people to carry my tent and belongings to the river's edge. They refused, and my servant, a Nuer youth, and I had to do it ourselves. When I asked him why the people were churlish, he replied, 'You told them to carry your belongings to the river. That is why they refused. If you had asked them, saying, "My mother's sons, assist me", they would not have refused.'

1: Evans-Pritchard E-5 (1931, 1936) 1940
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The age-set system is a further exemplification of the segmentary principle which we have seen to be so evident a quality of social structure. Tribes segment into sections and their sections further segment, so that any local group is a balanced relation between opposed segments. Clans segment into lineages and their lineages further segment, so that any lineage group is a balanced relation between opposed segments. Likewise the institution based on age is highly segmentary, being stratified into sets which are opposed groups, and these sets are further stratified into successive sections. We may therefore speak of structural distance in this new dimension. Just as the distance between political segments varies according to their positions in the political structure, and the distance between lineage segments varies according to their positions in the lineage structure, so the distance between age-set segments varies according to their positions in the age-set structure. The structural distance between any two sets is the social relation between those sets and the determinant of behaviour between their members. 561

The relativity of values which we noted in discussing the political and lineage systems may also be seen in the age-set system. We have noted that a set which is seen as an unsegmented whole by members of other sets is internally segmented, and that members of each of its segments see themselves as exclusive units in relation to the others, though these divisions close as the set becomes more senior and has a new position in relation to sets, since created, below it. Also, there is a tendency for members of two successive sets, adjacent segments of the structure, to fuse in relation to a third in feelings and in ceremonial actions. A *Rialmac* youth said: 'We and the *Lithgac* are about the same age and we can be free in speaking to them, but we must show respect to an older man, even if he is not of our fathers' age-set.' Although there are six sets with living members there are very few survivors of the two senior sets, and from the point of view of a young man they are merged with the one that follows them. Only four sets count, and, seen by individuals, they merge into two generation groups of equals and brothers, and seniors and fathers or juniors and sons. To a *Lithgac* son of a *Maker* father all members of the *Maker* age-set [576]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 another hospitality and to share their possessions. Fighting is
571 considered an appropriate mode of behaviour between age-mates, but a man ought not to fight a man of a senior set. The comradeship between age-mates springs from a recognition of a mystical union between them, linking their fortunes, which derives from an almost physical bond, analogous to that of true kinship, for they have shed their blood together. (4) Members
561 of a set are expected to show respect to members of senior sets,
●576 and their deference to them can be seen in discussions, in
626 etiquette, in division of food, and so forth. Whenever there is a question about the propriety of speech or action it is judged by reference to the relative positions of the persons concerned in the age-set structure, if kinship status is not also involved. Since every man has a known age-relationship to every other man in Nuerland with whom he is likely to come into contact, their social attitude to him, and his social attitude to them, is determined in advance by the distances between them in age-set structure, unless kinship takes precedence. Although it is possible for a man to avenge a breach of these patterns of behaviour by a curse, if it is a very serious breach, the ordinary sanctions of conduct are a man's conscience and desire for approval.

561 It will have been noted that the relations between the sets
608 are defined in the idiom of family relationships. The members of a man's father's age-set are his 'fathers' and the members of his father's brothers' 'age-sets' are, in a less precise sense, also his 'fathers'. The sons of a man's set are his 'sons', and they may fall into several sets. The wives of members of a man's father's set are his 'mothers', and the wives of members of his sons' sets are his 'daughters'. All members of a man's own set are likewise 'brothers', though here the analogy is seldom expressed because the comradeship between age-mates is strongly affirmed in the idiom of the system, for they are all *ric*, age-mates, to one another. As, in any case, a man commonly addresses all persons much senior to himself as 'father' and 'mother', all persons much junior to himself as 'son' and 'daughter', and all persons of about the same age as himself as 'brother' and 'sister', the terminology of address between different sets is not a differentiating one and it cannot be said how

2:Evans-Pritchard E-5 (1931,1936) 1951
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a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

2:Evans-Pritchard E-5 (1931, 1936) 1951
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ties between persons and of regulating the interrelations between these persons till such time as their relationships become assimilated to kinship patterns—broadly speaking its role in the kinship system—and its structural role in interlineage relations. 583

V

The parents and kin of a young wife scarcely acknowledge her husband's existence until a second child has been born to the union. If there is any need to refer to him they speak of him as *co*, the husband of, followed by his wife's name, and they speak of his village as his wife's village and of his children by reference to her name and not to his. It is also customary for the wife's people to give her children different personal names from those given them by their father's people, and if they address them by an honorific title they use that of their own clan and not that of the husband's clan. [601]

Nevertheless, after the birth of the first child the marriage is held to have become a complete union. The husband has established a kinship tie with his wife's kin, who now address him as father of so-and-so, after the name of his eldest child. He is no longer merely the husband of their daughter. Instead of paying clandestine visits to the home of his parents-in-law (*ciengthu*) he may visit them openly, though he must continue to treat his in-laws, particularly his parents-in-law, with great respect, expressed in formal modes of address, which are reciprocal, and in other ways, most emphatically in the prohibitions on eating in their home and appearing naked before them.

Even before a young man has started to look for a bride he will not generally eat with much senior men, unless they are kin, because one of them might become his father-in-law. Once he has asked for a girl's hand in marriage he may in no circumstances eat in her home, and the prohibition continues, sometimes greatly to his discomfort, until two or three children have been born, when it is relaxed by a formal ceremony if the parties are on good terms with one another. The father-in-law prepares beer, kills a goat or sheep, and invites the son-in-law and his kin to his home to partake of a feast. He tells his son-in-law that there is no need for him to respect his parents-in-law any more. The son-in-law will refuse to eat, however, till compelled to do so by the insistence of his father-in-law's kin and by his father-in-law's gift of a cow, 'the [576]

8:Howell E, G-5 (1942-1944)1954
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which Mathot alleged had been killed by a lion while in his possession. Gac disputed this, and further claimed a cow from Mathot on the grounds that he had previously given Mathot two mosquito nets (value: 150 piastres). Court ruled that:

(i) Cow-calf had been killed by a wild animal while in Mathot's possession. He was therefore not responsible.

(ii) The mosquito nets were a gift outside the transaction of marriage, and were not reclaimable in any form.

Riak Deng v. *Gatbuok Nyak* (*Nuong Nuer Case*)

[576]

Gatbuok married Riak's sister. In the first year of marriage Gatbuok was profoundly shocked because his wife urinated in his cattle-byre.[1] This nearly led to divorce, but the affair was patched up by Riak paying Gatbuok 40 piastres as compensation to 'ease his heart' (*pale loic*). With this money and some of his own, Gatbuok bought a cow which subsequently produced five calves. After five years the marriage was dissolved at Gatbuok's request. Riak then claimed the cow and five calves, which in his opinion were his legal right. Court ruled that Gatbuok had the right to retain only the original cow, while Riak should have the offspring. This ruling was given after considerable argument, and was an obvious compromise. The judgement was reversed on appeal on the grounds that the 40 piastres was paid as compensation for a definite offence committed by the woman, was not part of bridewealth, and was therefore not returnable in any form.

Gatkeg Luop v. *Tutdel Turuk* (*Jikany Nuer Appeal*)

Tutdel was court policeman under Chief Gatkeg Luop. Tutdel subsequently married Gatkeg's daughter, but divorced her. All cattle were returned to Tutdel, but Gatkeg claimed one cow previously given to Tutdel. Court ruled that the cow had been given to Tutdel as a gift in return for his official and personal services and was not affected by the marital relationship of the two. Gatkeg had no claim on the cow. This was confirmed on appeal.

Divorce of Widows living in Leviratic Union or 'Widow-Concubinage' (see pp. 78, 81)

Generally speaking, the death of the husband precludes the possibility of dissolution of marriage. A Nuer court will not allow proceedings for a divorce to go through unless the husband is present to state his claims. This applies even when no children have been born of the union previous to the husband's decease or subsequently in leviratic union or 'widow-concubinage'.

Can Lony v. *Kolang Cal* (*Leik Nuer Appeal*)

Can's paternal uncle married Kolang's sister. The uncle then died, and Can took the woman to live with him. Can then claimed a divorce on grounds of the woman's barrenness. Appeal court upheld previous judgement that no dissolution was possible even though the woman had borne no children at all.

Riek Kwar v. *Latjor Kwon* (*Dok Nuer Appeal*)

Gatmac Kwar married Latjor's sister. Gatmac died, and Riek took over the woman in leviratic union. She then deserted him for another man. The

[1] A breach of good manners and a particularly reprehensible offence because it was done in the cattle-byre (*luak*), which is the exclusive stronghold of the male sex.

12:Evans-Pritchard E-5 (1930-1931) 1933
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614 distantly related to them (*cike uth ko ji bothna okien*). Here they dwell as friends (*wane ngac kō rō*) and slowly forge new relationship by intermarriage (*ca mar mat e ken*).

609 I believe that there is another Nuer word which means the same
●576 as *rul*, namely, *yian*. Thus one speaks of strangers living in the village
621 of *diel* as *yiankien*, " their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wec* save through their mothers. Nevertheless *rul* and *yian* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineages and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yian*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *jaang*. These strangers are accepted as equal members of the *wec*.

614 One of my informants, Jok, explained modes of Nuer aggregation
621 very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat twot*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wec* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *jaang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

614 Hence there is always a tendency towards fusion between two line-
619 ages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

14: Huffman M-5 (no date) 1931
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291 chiefs. If he does wear a cloth, he wears it under one arm and knotted over the opposite shoulder. The Nuer appropriates any old cast-off clothing he may find. Sometimes grotesque effects are produced when he appears attired in his new wardrobe.

576 A man must never appear before his mother-in-law unless he is wearing some kind of a loin-cloth. It may be of skin (Fig. 1) or cloth, but he must have at least a one-piece suit on besides his beads.

291 A woman after marriage must always wear a loin-cloth of some description. And as she grows older, she usually wears a cloth or sheepskin over the upper part of her body, under one arm and fastened over the opposite shoulder.

The married woman's garb (Figs. 2 and 5) consists of a triangular piece of sheepskin worn over the pubic region, with a larger triangular piece of sheepskin at the back, the two pieces meeting at the waistline at each side but not overlapping to any extent. The lower point of each is longer and narrower than the upper points, terminating in a narrow strip about one or two inches wide. The piece that is worn in front usually has a border of beads sewed on it and may have a small bell hung on the end.

Sometimes a number of little thin strips of sheepskin about eight to ten inches long are fastened together and then worn in front in place of the triangular piece of sheepskin that is usually worn there.

The back part of this garb has a border of beads (from one and one-half to two inches wide) at the waist but not on the sides, unless the woman is quite old, and then she may if she wishes have a border of beads on the sides also. [301] Bells, charms, shells, pendants of any kind, short pieces of cowtails, may be fastened at the waistline on the back part of the married woman's dress.

482 A Nuer girl, when quite young, begins to carry burdens such as water-jars on her head.

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The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

14: Huffman M-5 (no date) 1931
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NUER GREETINGS

576 The Nuer have a number of forms of greeting and are rather strict in observing their usage.

Probably the most common form is 'chi nienu', or 'have you slept well?' To this greeting, one responds with a grunt resembling an 'aw' sound. Then the second greeting is given. In response to this you again reply with a grunted 'aw'. Then you, in turn, ask your friend if he slept well, and he responds with the grunted 'aw'; you give the second greeting and he responds in like manner.

Two greetings are always given; the first one is always 'chi nienu', but the second one may vary; as—

chi palu	have you prayed?
chi tolu	have you smoke (in your village —the inference being that you have a fire and are cooking food)?
malu	are you well?

Any one of these three may be used as the secondary greeting.

When two people meet and have perhaps discussed some matter before greeting each other, they will use this first greeting before they part as well as the one used when leaving.

In parting, the one who is leaving says 'ku lo nien a gwaa' which practically means 'may you be well after I leave'; to this the responsive 'aw' is given. Those who are left behind reply with 'wir a gwaa' meaning approximately 'go in peace' which draws the responsive 'aw' again.

It is not a Nuer custom to shake hands with a person. The Nuer greeting is given by word of mouth. Nuer who shake hands with one are imitating their Arab or white brothers.

14: Huffman M-5 (no date) 1931
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When a guest comes to a village he sits down. His host or hostess may place a sheepskin on the ground for him to sit on. He sits there, and presently his host and hostess greet him. 576

'Gwadin' and 'madin' are titles of respect given to men and women respectively when a younger person addresses an older one. An old woman, wishing to use a term of respect toward a young man may address him as 'wadin'.

A younger man may greet an older woman by taking her hands in his, spitting upon them and rubbing them. Then he bends his head and she spits on the top of his head. Or he may take her hands and blow upon them, and then incline his head while she spits upon it.

A father, returning from a journey, usually spits upon the heads of his children.

Girls who are nearing the marriageable age begin to use this method of greeting one another if they have not seen each other for some time; each in turn inclines the head while the other spits upon it.

In explanation of this method of greeting it might be said that the Nuer method of spitting when greeting any one is different from his method at other times. At the time of greeting he really sprays the head or hands, as the case may be, with a very fine spray of saliva.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

respected; it is the spiritual being, the *kwoth*, which the totem stands for, which is revered. The totems are symbols or manifestations of a spirit which can be in communion with men and beasts.(1) 776

Totem spirits are called *kuth piny* (earth spirits) a category which includes fetishes; this is in contrast to the much more important *kuth nhial*, sky spirits. Yet, although the two categories are thus distinguished, the Nuer maintain that they worship totemic spirits and that these spirits are with god in the sky. The totem seems to be the symbol of the spirit and the spirit to be an aspect of the spirit of the sky which is connected with the various lineages and is symbolised differently in each.

Kwoth

In addition to totemic spirits, *kwoth* also refers to 'god in the sky' and can mean any one of the sons of the sky god - the *kwoth dwonga*. Each sky spirit is associated with a certain aspect of nature; for example, Deng refers to the rain spirit. Another group of spirits are the *col wic* - the spirits of persons who have been killed by lightning and taken up to heaven. Persons supposed to have been taken into heaven by a whirlwind and those found dead in the bush without any apparent cause are also *col wic*. A *col wic* is considered to be a sacred spirit of his lineage - a *kwoth gool* - and most lineages have at least one of these spirits to whom cows are dedicated. Sometimes a *col wic* spirit enters into a member of his family or lineage and, when this happens, the man whom he possesses falls sick; on recovery, he makes a shrine in his homestead and becomes a prophet of Col (*guk cuol*), and the spirit of lightning contacts the people through him.(2) [791]

SACRIFICES

Sacrifices play an important part in all ritual practices, and are usually all of a similar nature. An animal is selected and is dedicated to a spirit by rubbing ashes along its back. An invocation is then made and the animal is killed by spearing it through the heart. It is cut in two halves when there is a cutting of social ties, and also at mortuary ceremonies when there is one half for the living and another for the dead. Sickness is the most frequent occasion for sacrifices. 782

THE CONCEPTS OF THEK AND NUEER

Thek means 'to respect', and is used in various social contexts; for example, it denotes the behaviour expected of a man towards his parents-in-law; in blood feuds the kin of the slayer and of the slain may not eat from the utensils which the other party has used, and these are respected. In mortuary ceremonies a man's age-mates *thek* the meat which has been sacrificed in his honour. A man also pays respect to his totem. Failure to show respect where there is a *thek* relationship is thought to bring about misfortune.(3) Any serious sickness following the breach of a *Thek* taboo is called *nueer*. 576 [753]

(1) Evans-Pritchard, *Annali Lateranensi*, 1949, Vol.XIII, p.247.
(2) Evans-Pritchard, *Man*, 1949, No.2, p.9.
(3) *Ibid.*, 1949, No.96, p.75.

× 776 I was told that in spite of these encouragements a youth who has lost his favourite ox has to be pressed to partake of its cooked flesh, his friends saying to him 'What? Are they not all the cattle of God? And if he has taken one of them you must not refuse its flesh. Why do you sit moping?' I have also heard it said that if the owner refuses its flesh and puts his spear away in the rafters of his byre, the spear may cut his hand or leg some later day because it was put away as though useless. In any case, in the end no Nuer can resist meat. A Nuer once told me wistfully that a man's eye and heart are mournful at the death of his beast but his teeth and stomach are glad. Nuer say that the stomach prays to God independently of the heart.

× 776 777 ● 576 In taking things God, as we have noted, takes only what is his, but he is compassionate and, as we have also noted, spares a man if he sees that he is poor and miserable (*con*). In talking about these matters with Nuer I received the impression that, while of course they like to be rich, they think it safer for a man not to have too much good fortune. Pride in the number of his children or cattle may cause God to take them away. For this reason Nuer show great uneasiness if their good fortune is so much as mentioned. It is proper to praise a man's moral qualities, to say that he is brave, generous, or kind, but it is more than rude to remark on his physical well-being, the size of his family, or the number and quality of his beasts and other possessions, for evil consequences may follow. It is what Nuer generally call *yop*. Thus to say to a man, 'Well, you *are* fat', may make him thin; and it is the ambition of every Nuer to be fat, though I have never seen one who achieved it. It is also very bad to praise a cow, especially to remark on its exceptional milk yield, because it may then cease to give milk. I was told that 'only when her husband has married a wife with a cow will a woman praise it', that is, after it has ceased to be her cow. It is also most dangerous to tell a lad who has recently been initiated that the cuts on his forehead are healing well, or indeed to make any allusion to them, because a comment may result in an unhealed spot festering anew. I was often in trouble with Nuer on counts of this kind. I was always reprimanded if I counted children, saying, for instance, 'Let me see, so-and-so has four children, has he not? So-and-so, so-and-so, so-and-so, and so-and-so.' On one occasion I was eating porridge with Nuer and complimented my host on the size of the meal. Every-

777 776

one was most embarrassed and I was later taken aside by a Nuer friend and told that I must never make such comments. On another occasion I got into trouble for asking a man in jest, and, I admit, in bad taste, whether it was food or beer inside him, for his belly was as tight as a drum. I was told that my question might well make the man sick, and one of those present said that once a man had remarked to him, 'Well, you are full', and shortly afterwards he was violently sick. The worst offence is to praise a baby. In referring to it one should use some such expression as '*giakeme*', 'this bad thing'. When blessing children by spitting on them, which is the Nuer manner of showing favour to a child, kinsmen, and more especially kinswomen, utter some opprobrious remarks, sometimes a string of obscenities, over them.

The idea here is not that of the evil eye (*peth*), though the two ideas may in some ways resemble one another and also overlap.[1] In Nuer opinion the evil eye is an act of covetousness or envy, whereas here, I think, the emphasis is on the danger of rejoicing in unusual good fortune lest it should be taken away. There is a feeling that God evens things out, so that if he helps the needy he may take away from those with superfluity. As I understood their view it expresses a certain uneasiness at attention being drawn to possessions lest pride should bring about retribution. That this is their view is further suggested by a number of their stories which relate how God punished presumptuousness. I mention only one in this place, a short myth which reminds us of the story of Elijah and the priests of Baal and which is obviously either taken from some foreign people or is a fairly recent creation of Nuer imaginative thought, because it is about the *Turuk*, Turks, and their rifles. The word *Turuk* means in Nuer, as it does in the languages of many of the black peoples of the Southern Sudan, all lighter-skinned northerners with whom they have had dealings during the last hundred years, that is, Turks, Egyptians, Arabs, and Nubians of the Northern Sudan, and ourselves and other Europeans. The 'Turks' compared their rifles to God's thunder, and there was a trial of strength between them and God. God made a huge mud image of an elephant and told the 'Turks' to shoot at it, which they did to no effect. God then brought clouds and darkness and thunder and lightning and smashed the image

[1] *Yep* is presumably the same word as the Shilluk *yuop* which Wilhelm Hofmayr (*Die Schilluk*, 1913, p. 221) translates by '*böse Blick*'.

782 such as emphasize by their gravity that, particularly in relation to God, all are members one of another. It is of course natural as well as noticeable that close kin stick together in danger and when a wrong has been done to any one of them, but Nuer also quite clearly show that they feel that a misfortune for any member of their community is a misfortune for all, that when one suffers all suffer, and that if each is to be at peace all must be at peace. This feeling of oneness is particularly evident in Nuer prayers, because they are asking to be delivered from suffering, which has a common quality, the more so in that it is suffering in general rather than particular misfortunes of which they speak.

782 Perhaps the commonest phrase in Nuer prayers, and the one
576 with which they often start prayer, is '*akonienko*'. Literally this means 'let us sleep', but here it should be rendered 'let us be at peace'. The commonest of the Nuer greetings and, when others are said, the first to be spoken is '*ci nien?*' or '*ci nienu?*', literally, 'have you slept?' The saluted man replies to this, as to other greetings, by a grunt of affirmation. This is something of a joke among Europeans because Nuer have a reputation with them for being lethargic and lazy; but the question means something rather different from 'have you slept?' It means even more than our 'did you sleep well?' What Nuer understand by the question is rather, I think, 'have you rested?' or 'are you at ease?' The sense of 'ease' is reinforced by the question which generally follows: '*male?*' or '*maleu?*', which can be translated 'are you well?' but is better translated in the same general sense as the first question as 'are you at ease?' or 'are you at peace?'—not, however, so much with the meaning of not being at strife with others as with that of being at peace within. The word *mal* is also used in farewells: '*wer ke mal*', 'go in peace', and '*dudhni ke mal*', 'remain in peace'. It has in the Nuer tongue the sense of 'easy' or 'light', and in other Nilotic tongues it means 'heaven' or 'above' and in its verbal form 'to pray'—images which go with sleep which eases the mind.

576 That Nuer regard being at ease or at peace as having something to do with being in friendship with God is shown by a further question which may follow: '*ci pal?*' or '*ci palu?*', 'have you prayed?' I think that the idea implied here is that being at peace in yourself means being at peace with God as well as with your fellow men. A fourth question asked in greetings is '*ci tol?*', the sense of which is: does the smoke rise from your hearth, that is,

is everything well with your home? A fifth question sometimes asked is '*ci bagh?*', 'has it dawned (well for you)?' Not all these questions are always asked, but often two or three of them are, and sometimes more. In the full greeting we therefore get a composite picture of easy sleep and fresh awakening, contentment, prayer, and a smoking hearth, that is, of a person at peace in himself. 576

This digression was made to explain the meaning of the expression '*akonienko*' in prayer. The phrase is in harmony with some other expressions used in prayer: '*apwonyko pwol*', 'may we be light', and '*apwonyko koc*', 'may we be cool'. *Pwony* means 'body' or 'self' and here it means 'self' in the sense of the person as an entire person, body and soul. There is no reason why a Nuer should want to be light or cool in a purely physical sense. What is intended is to ask that the people may be light not only in the sense of physical well-being but also in the sense of *pwol loc*, of being light-hearted or joyful, free from burdens and troubles; and that they may be cool in the sense of not being anxious or worried, cool in the sense of calm. This is shown by a variant which is one of the commonest Nuer prayers, '*a yiegh neni koc*', which can in this context only be translated 'may the souls of the people be cool', though in other contexts *yiegh* can mean 'breath' or 'life'. Very often the word *thei* is added, '*a yiegh neni koce thei*', and this gives an emphasis: 'may the souls of the people be very cool'. Obviously Nuer are not asking, unless it be metaphorically, that their breath or life may be very cold. The word *koc* is also used in expressions of good will towards persons, especially in the blessing '*apwonydu koc*', 'may you be cool', that is, 'may you be at peace'.[1] 782 196

The word *koc* can also mean 'soft' or 'tender', and though it is best translated 'cool' in prayers the two meanings may blend. Here again, Nuer clearly do not want to be physically soft. Indeed the expression '*koce thei*' in the physical sense of softness means when applied to men 'to be completely impotent sexually'. The idea of softness is seen in the metaphor often heard in prayers and invocations: 'may we tread on wild rice'. *Poon*, wild rice, is, Nuer say, the softest of grasses to the feet, as it is also one of the 782 196 137

[1] The symbolism can at once be appreciated by ourselves, especially by those acquainted with the Vulgate and other Latin sacred texts where *refrigerium*, a cooling, is used in the tropical senses of 'consolation', 'mitigation', 'refreshing', and 'comfort'.

SIN

196 Nuer use it for the attitude and behaviour expected of a man
●576 towards his wife's parents and to a lesser extent her other kinsmen
264 also. He expresses his respect particularly by abstaining from eating in their homes and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the home of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating
[551] with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nueer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

196 There are also avoidances concerning bridewealth cattle which
583 derive from these relationships of respect relating to marriage. A
784 bride respects the *ghok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciek ma kau*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

16: Evans-Pritchard E-5 (1931, 1936) 1956
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evident. They are intended to keep people apart from other people or from creatures or things, either altogether or in certain circumstances or with regard to certain matters, and this is what they achieve. Some of them have important secondary functions in the regulation of the social order—for example, those which determine behaviour between affines and between parties to feuds; but we need not now inquire why they concern certain persons, things, and situations and not others, nor what these persons, things, and situations have in common. We are concerned only with the fact that a violation of the prohibition is to a greater or lesser degree a fault which in many cases brings disaster to the transgressor. 196 784

Failure to show respect when there is a *thek* relationship is more than a breach of decorum. It entails to a greater or lesser extent religious sanctions. It is true that in some cases, as, for example, to be seen naked by a mother-in-law, the breach is chiefly regarded as one of good manners which, since the offence was at the worst one of negligence, can be made up for by presenting the offended person with some small gift. But even here a religious sanction is not entirely lacking, because it is believed that failure to respect the parents-in-law may injure the children, and this would ultimately be attributed to God. Nuer say that were a man's nakedness to be seen often by his wife's parents his children might go blind. However, it is not the sight of the genitals in itself which is thought to cause injury so much as the disrespect in not observing the convention. That this is so may be seen from the fact that though Nuer near the American mission at Nasser, Dr. Mary Smith tells me, now often wear shorts, they continue to wear as well and over them when they visit their parents-in-law the wild cat's fur traditionally worn on such occasions. We may surmise that the convention is felt by Nuer to have also a moral significance from the violent indignation I have witnessed in female relatives of wives at exposure by husbands in their presence although they were not their mothers-in-law and the exposures were entirely accidental. The violence of their complaints would have been out of proportion to the offence were it merely a matter of etiquette. To see inadvertently an unrelated person of the opposite sex eat, or accidentally to be seen eating by the same, is perhaps the lack of respect nearest to a simple, though serious, breach of manners, but Nuer nevertheless give the impression of believing that some misfortune may follow from it. 196 784 576

1: Evans-Pritchard E-5 (1931, 1936) 1940
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fore, he runs a great risk of his skull being cracked with a club, and even of being speared if excitement runs high. And this is what often happens. 627

For this reason we have said that Nuer law, in so far as it applies to a study of political relations, must be treated in connexion with the blood-feud. Disputes can often be settled on account of close kinship and other social ties, but between tribesmen as such they are either settled by the aggrieved party using force, and this may result in homicide and blood-feud, or by the debtor giving way in the knowledge that force may be used and a feud result. It is the knowledge that a Nuer is brave and will stand up against aggression and enforce his rights by club and spear that ensures respect for person and property. 627 628

The Nuer has a keen sense of personal dignity and rights. The notion of right, *cuong*, is strong. It is recognized that a man ought to obtain redress for certain wrongs. This is not a contradiction of the statement that threat of violence is the main sanction for payment of compensation, but is in accord with it, for a man's kinsmen will only support him if he is right. It is doubtless true that if a man is weak it is unlikely that his being in the right will enable him to obtain satisfaction, but if he is in the right he will have the support of his kin and his opponent will not, and to resort to violence or to meet it the support of one's kin and the approval of one's community are necessary. One may say that if a man has right on his side and, in virtue of that, the support of his kinsmen and they are prepared to use force, he stands a good chance of obtaining what is due to him, so long as the parties to the dispute live near one another. 577 627

When we speak of a man being in the right we do not suggest that disputes are mostly a clear issue between right and wrong. Indeed, it would be correct to say that, usually, both parties are to some extent right and that the only question which arises is, Who has the greater right? To state the matter in a different way: a Nuer dispute is usually a balance of wrongs, for a man does not, except in sexual matters, wantonly commit an act of aggression. He does not steal a man's cow, club him, or withhold his bride-cattle in divorce, unless he has some score to settle. Consequently it is very rare for a man to deny the

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

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Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known among Europeans as leopard-skin chiefs. A leopard-skin chief, *kuaar muon*, has a sacred association with the earth (*mun*) which gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

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[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 222. Brun-Rollet's account is unacceptable.

[2] *Kaimakam G. Hawkes, S.I.R.*, no. 98, 1902; *Bimbashi H. Gordon, S.I.R.*, no. 107, 1903.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *cuong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer ~~FJ22~~

682 There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 628 Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict [624] it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

We have had several small thefts of fruit at the mission, 577
and Nuer living on the compound have assumed the part of self-appointed police without any idea of material gain for themselves. They have occasionally assumed such responsibility for the property of the white man as to make it necessary for them to declare a Nuer—even a relative—to be a wrongdoer.

A Nuer is faithful to his family and tribe, remembering 577
his obligations to them and knowing that he may be 621
sure of their support in times of urgent need. This pride in his tribe must not be undermined. Age-old customs and teaching have given him a heritage of which he may well be proud.

As the white man and the Arab mingle in his life and 000
as western civilization touches Nuerland may the good in the Nuer remain undestroyed. May he not become dissatisfied because his ways are not those of western nations, but help to make his tribe better because he has lived in it. We must be careful not to designate as evil everything that is not part of our western civilization. If we teach the Nuer of Christ and they follow in His way, He will perfect their lives.

POISE

You cannot hurry a Nuer unless you can give their 157
war cry—which brings immediate action.

Nuer have been taken to Khartoum, and while they were amazed at all the wonderful (to them) things which they saw, no one who saw them on the street could have guessed any of their thoughts by their actions. They were quiet and self-possessed amid surroundings that were entirely strange to them. One boy was even heard to remark that 'Khartoum had nothing to boast of, except that it did not have mosquitoes'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

to dust and killed many of the 'Turks' as well because they had compared the rifle he had given them to his power. The point of this story is not merely that God was stronger than the 'Turks' but that he was in the right and the 'Turks' were at fault.

This brings me to an extremely important Nuer concept, an understanding of which is very necessary to a correct appreciation of their religious thought and practice. This is the concept of *cuong*. This word can mean 'upright' in the sense of standing, as, for example, in reference to the supports of byres. It is also used figuratively for 'firmly established', as in the phrase '*be gole cuong*', 'may his hearth stand', which has the sense of *stet fortuna domus*. It is most commonly employed, however, with the meaning of 'in the right' in both a forensic and a moral sense. The discussion in what we would call legal cases is for the purpose of determining who has the *cuong*, the right, in the case, or who has the most right; and in any argument about conduct the issue is always whether a person has conformed to the accepted norms of social life, for, if he has, then he has *cuong*, he has right on his side. We are concerned with the concept here both because it relates directly to man's behaviour towards God and other spiritual beings and the ghosts and because it relates to God in a more indirect way, in that he is regarded as the founder and guardian of morality. Up to this point I have been describing Nuer ideas about the nature of God. I shall now describe their ideas about what God requires of them.

III

I do not want to suggest that God is thought to be an immediate sanction for all conduct, but I must emphasize that the Nuer are of one voice in saying that sooner or later and in one way or another good will follow right conduct and ill will follow wrong conduct. People may not reap their rewards for good acts and punishments for bad acts for a long time, but the consequences of both follow behind (*gwor*) them and in the end catch up on those responsible for them. You give milk to a man when he has no lactating cows, or meat and fish to him when he is hungry, or you befriend him in other ways, though he is no close kinsman of yours. He blesses you, saying that your age-mates will die while

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

your children grow old with you. God will see your charity and give you long life. Those who have lived among the Nuer must have heard, and received, their blessings. My lamented friend Miss Soule, of the American Mission at Nasser, once related to me how a Nuer woman had told her that her husband wished to throw her monorchid child into a river and how she dissuaded him by saying to him 'Maybe if we take care of this baby God will do great things for us.' Miss Soule was herself often blessed by Nuer, being told that she would have a long life because she cared for orphans and babies whose mothers were unable to suckle them. I have myself had similar experiences during my illnesses in Nuerland. Men who appeared to be unsympathetic at other times would visit me then and say gently, 'You will drink Nile water', that is, 'You will return to your home'; or 'Well, pray to God and tell him that you have come on a journey to the country of the Nuer and that you have not hit anyone or stolen anything or done any bad thing there, and then he will leave you alone'; or 'It is nothing. You will not die. This is our earth and you shall not die on it. Why should you die? You have not wronged us, and you are friend to all our children. It (the sickness) is nothing. If you call on God it will finish. Let it blow there, and there, and there (pointing in different directions), let it go to the ends of the earth.' As these admonitions imply, if a man does wrong God will sooner or later punish him.

The Nuer have the idea that if a man keeps in the right—does not break divinely sanctioned interdictions, does not wrong others, and fulfils his obligations to spiritual beings and the ghosts and to his kith and kin—he will avoid, not all misfortunes, for some misfortunes come to one and all alike, but those extra and special misfortunes which come from *dueri*, faults, and are to be regarded as castigations. The word *duer* means 'a fault', and the verbal *dwir* means 'to be at fault'. Like similar words in other languages (e.g. Hebrew, Greek, and German), *dwir* has both the sense of missing a mark aimed at—in throwing a spear, and today also in firing a rifle—and also of a dereliction, a fault which brings retribution. I discuss interdictions in Chapter VII. Here I wish only to observe that not only a sin (a breach of certain interdictions) but also any wrong conduct to persons is spoken of as *duer*, a fault. Any failure to conform to the accepted norms of behaviour towards a member of one's family, kin, age-set, a guest, and so forth is a fault which

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 ●577 may bring about evil consequences through either an expressed curse or a silent curse contained in anger and resentment (pp. 165–73), though the misfortunes which follow are regarded by Nuer as coming ultimately from God, who supports the cause of the man who has the *cuong*, the right in the matter, and punishes the person who is at fault (*dwir*), for it is God alone who makes a curse operative. Nuer are quite explicit on this point. What, then, Nuer ideas on the matter amount to is, in our way of putting it, that if a man wishes to be in the right with God he must be in the right with men, that is, he must subordinate his interests as an individual to the moral order of society. A man must honour his father and his father's age-mates, a wife must obey her husband, a man must respect his wife's kin, and so on. If an individual fails to observe the rules he is, Nuer say, *yong*, crazy, because he not only loses the support of kith and kin but also the favour of God, so that retribution in one form or another and sooner or later is bound to follow. Therefore Nuer, who are unruly and quarrelsome people, avoid, in so far as they can restrain themselves, giving gratuitous offence. Therefore, also, a man who is at fault goes to the person he has offended, admits the fault, saying to him '*ca dwir*', 'I was at fault', and he may also offer a gift to wipe out the offence. The wronged man then blesses him by spitting or blowing water on him and says that it is nothing and may the man be at peace. He thereby removes any resentment he may have in his heart. Nuer say that God sees these acts and frees the man from the consequences of his fault. Similarly, the conse-
[782] quences of faults which are more directly of a religious order, like the breach of an interdiction or the neglect of some spirit, may be avoided by a timely sacrifice, though Nuer say that sacrifice without contrition is of no use. But—and this is the point I want to bring out here—the fact that the consequences of a fault can be stayed by contrition and reparation sh[illegible] that the consequences of wrong-doing are not thought to be automatic.

That this is so, and there is a moral, and therefore uncertain and alterable, element involved is further shown by another fact. In estimating the likelihood, or degree, of misfortune that may be expected to follow from an act, Nuer take deliberation into the reckoning. They distinguish between *duer* and *gwac*. The word *duer*, as we have seen, means a fault, and it normally implies that the fault was deliberate, though, as will be seen later, this is not

always or entirely so. *Gwac* means a mistake, an unintentional 776*
error and generally one of no great consequence, one in which a 577
serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both [682]
with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of [864]
moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Like- [835]
wise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals [262]
eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

was done in error. Similarly, they say that he will not allow a curse to harm a man who has done no deliberate wrong.

One can make too rigid distinctions between the meanings of words, and while an error or accident is clearly regarded by Nuer as different from a deliberate and premeditated act, the concepts of *gwac* and *duer* shade into each other. There is perhaps always an element of the unintentional in the worst fault, and a Nuer who has committed a bad fault is inclined to excuse himself, as we would do, by calling it a mistake; but it is also true that, except in matters of no moment, and although the consequences may not be so severe, a wrong act is always a fault, whether it was deliberate or was due merely to forgetfulness or even involuntary, and may involve liability. Thus the men who in ignorance have relations with the same girl, the man who unknowingly has relations with a kinswoman, and the man who by mistake eats the flesh of his totem have all committed *dueri*, faults, and they cannot be certain that evil consequences will not follow. The effects may be the same as if the acts had been wilful. Likewise a man who inadvertently eats from a dish from which a man with whom his kin have a blood-feud has eaten, and a man who appears naked before a kinswoman of his wife (Nuer men normally have no covering), not having noticed her presence, have committed faults. It may well happen that a man does not know he has done wrong till he suffers the consequences of the wrong. For example, a man takes a woman for concubine not knowing that she is distantly related to him, and his children by her die. He then makes inquiries and discovers the relationship. He sinned, like Oedipus, in ignorance, but that did not alter what he had done and, like Oedipus, he paid the penalty of his fault. Even the innocent may suffer, as the example I have just given shows. Indeed the whole human race suffers death on account of what was no more than a trivial oversight. If man had prevented the hyena and the durra-bird from escaping from heaven there would have been no death.[1] This is the lesson of another story, probably also of Dinka origin, recounted by Father Crazzolara about the origin of death. It makes death follow from a mere blunder or a trifling act of malice. When man was created God took a piece of a gourd vessel and threw it into water to indicate that man would live for ever just as the rind would float for ever on the water. He then sent a

[1] Op. cit., p. 67.

barren, or divorced, woman to men to tell them that they would 776*
live for ever, but, in delivering her message, she threw, instead of 577●
a piece of gourd, a potsherd into the water, and it sank. Almost 773
fortuitous though this incident was, what had happened, as we 177
have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not.

Hence when Nuer suffer misfortune they ponder how it may 776*
have come about, for it follows from what has just been said and 577
from the fact we noted earlier that God is always in the right, that 782
if misfortune comes to a man it is most likely on account of some 777
fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation.

When Nuer suffer they sometimes at once know what is the 776*
cause of their suffering because they are well aware of some 577
particular fault. They sometimes, as we would say, tempt God by 777
doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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suffering is just something, like death in old age, which had to happen. It may be due to a fetish or the evil eye. It may be the outcome of a curse or the anger of a ghost. Nevertheless, Nuer generally appear to feel that suffering is due to some fault of theirs, and it is probable that there is always an element of this feeling in every situation of misfortune, whatever its immediate cause may be thought to be.

IV

I have discussed in a preliminary way the conception Nuer have of God, the ideas and feelings they have about their relations with him, and some of the actions they think bring about divine intervention in human affairs. I take these topics up again in succeeding chapters after the notion of Spirit has been broadened by an account of other spiritual conceptions. A brief consideration of some of the commoner expressions used in Nuer prayers may, however, be given now because they are used only when speaking to God.

For obvious reasons Nuer prayers are most commonly heard on public and formal occasions, generally in connexion with sacrifices. At any important sacrifice, and sometimes on other important occasions also, Nuer make long invocations, called *lawai*, about the event which gave rise to the occasion, and into these long rambling addresses are every now and again introduced short prayers, mostly petitionary prayers. These what we may call stock prayers are often strung together in strophes in a kind of Pater Noster, such as 'Our father, it is thy universe, it is thy will, let us be at peace, let the souls of the people be cool, thou art our father, remove all evil from our path', and so forth. However, there are no set form and order to these prayers, and each petition may be used separately and anywhere and at any time, and not only in invocations but also in private and spontaneous prayer, whether spoken or inward, and as pious ejaculations. If he is in any trouble or anxiety, the head of a Nuer household may pace up and down his kraal brandishing his spear and uttering some of these supplications; or, less formally, he may say them standing or squatting with his eyes turned towards heaven and his arms outstretched from the elbows, moving his hands, palms uppermost, up and down. They may also be uttered, if he says anything

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

196 Nuer speak of these conventions with regard to nakedness and
784 eating as *theak ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*theak ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is
[753] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 The attitude Nuer call *thek* is thus different from mere avoid-
784 ance of doing things considered to be unbecoming. Failure to
●577 conform to *thek* prohibitions involves the culprit in something
262 more than *puc*, shame, and its counterpart *cony*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer*
196 it is also sinful.
784 There are, as will be seen, prohibitions with religious sanctions
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[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

783 of some fault on the part of the sick person or of someone closely
753 related to him, and it may simply be said to be *kwoth*, meaning that it is the action of Spirit. A sickness may always be a sign of some fault. No attempt may be made to discover whether there has been a fault or not or what the fault, if any, was, but Nuer think that a man would not be sick if there had been no error, though the thought is not always expressed.

Since sickness is the action of Spirit therapeutic treatment is sacramental. The sickness is only a symptom of the spiritual condition of the person, which is the underlying cause of the crisis; and it can only be cured by expiation—sacrifice—for the sin which has brought it about. This, then, is a further characteristic of sin. It causes physical misfortune, usually sickness, which is identified with it, so that the healing of the sickness is felt to be also the wiping out of the sin. When Nuer say that sacrifice wipes out the *giak*, the badness or evil, they do not just mean that the sickness will depart but also that what may have caused it will be no more. When a serious sin has been committed sacrifice is made before there are any signs of sickness.

783 So far we have been discussing certain definite ideas and con-
577 ventions. Certain violations of specific interdictions are held to be divinely punished and these have special names, *nueer*, *ruai*, and so forth. But they are covered by the general term *dueri*, faults. That term covers also breaches of any social convention. There is, therefore, no convenient terminological distinction in Nuer which we can follow in translation to mark off faults of the kind we have been considering and have called sins from faults of some other kind. Moreover, God is regarded as the guardian of the social order and his intervention as a possible sanction for any rule of conduct. We cannot, therefore, make an absolute distinction between what we have called sins and other faults. We can only say that the religious sanction is more severe, and more definite, and tends also to be more exclusive, in the case of the faults we have been discussing than in cases of other faults.

A *duer*, fault, of any kind may, as we have earlier noted, bring about divine punishment. It may do so through the action of a curse or of ghostly vengeance, and as in such cases God is thought to be the arbiter the fault involves to some extent the idea of divine intervention and consequently the need for sacrifice; and a misfortune may be attributed to a curse of the living or to anger of the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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ghosts and hence to injuries done to them. It may do so through fetishes, though, as we have noted, there is some ambiguity and confusion about their morality. Particular calamities are not otherwise attributed to specific breaches of custom, and I have never seen or heard of sacrifices performed on account of such breaches. Serious sickness, the commonest occasion of sacrifice, in all cases I have examined, was attributed, when attributed to anything, to an infraction of one of the interdictions we have been discussing, to seizure or possession by a spirit, generally seizure on account of neglect of obligations to it, to ghostly vengeance, or to a fetish, and not simply to failure to observe the social code. But we have to bear in mind that when there is sickness not attributed to some specific cause sacrifice is, nevertheless, performed to cover any or all unknown causes and that among such causes may be moral faults which have caught up with the sick man in his sickness, and this is so because God has taken notice of them. 783 577 [753]

Consequently, such moral faults as meanness, disloyalty, dishonesty, slander, lack of deference to seniors, and so forth, cannot be entirely dissociated from sin, for God may punish them even if those who have suffered from them take no action of their own account. Nuer seem to regard moral faults as accumulating and creating a condition of the person predisposing him to disaster, which may then fall upon him on account of some act or omission which might not otherwise and by itself have brought it about. This is further suggested by the custom of confession at certain sacrifices, when it is necessary to reveal all resentments and grievances a man may have in his heart towards others. This may be rather a peculiar kind of confession, that of other people's shortcomings, but the point is that the faults together with the feelings they have engendered are placed on the victim and flow away into the earth with its blood.

But though the notion of *kwoth* is as ubiquitous as the air to which it is likened and may be evoked in relation to any question of right and wrong there are differences between its association with such sins as incest or eating with persons with whom one is at feud and its association with faults which have a moral or legal, rather than a religious character, such as lack of deference to an elder or refusal to pay a debt. When an action of the first kind, which is definitely and wholly of a sinful character, has been committed it is likely, if it is thought to be a serious transgression, to

16: Evans-Pritchard E-5 (1931, 1936) 1956
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783 lead to sacrifice before any effects follow from it. This would not
577 happen in the case of faults of the second kind. Also, if sacrifice is not made and the act is followed by sickness Nuer know that the sickness is a result of that sin. They start, as it were, from the sin and reason from it to the sickness. But if there is no known and specific sin they start from the sickness and reason that maybe it results from some fault or faults. In the first case, the linking up of the two events is precise; and sacrifice is made to expiate the known sin to stay its consequences. In the second case it is vague. Sacrifice is made to get rid of the sickness and whatever it is which has brought it about, for though the cause may not be determined it is, as it were, contained in the sickness. For some reason not known God has sent, or allowed, the sickness, and the evil manifest in it must be got rid of by sacrifice. The difference is one of emphasis or of direction. In the one case the emphasis is on the actions from which one looks forward to the sickness which, when it comes, is identified with them. In the other case the emphasis is on the sickness and one looks backwards from it to faults which might have brought it about, even if one makes no attempt to discover what they were. An effort may be made to link up the effect with a cause, a wrong done to the living or the dead, but generally people are content to let it go that there must be something wrong somewhere or there would not be the sickness. And this something wrong may be some fault or faults or it may be nothing in particular. It may be nothing more than what we would call natural evil, what happens to man because he is man, or just human folly. I have often been struck in listening to Nuer myths and folk-tales with the way God is figured in them when man wants to do something foolish. He lets him do it, and when he is made to speak he says something like what we would render by 'all right, have it your own way'. Man is given the choice, and if he chooses wrongly he must put up with the consequences.

Nevertheless, though there is this feeling that wrongful actions may be punished by God, it would lead us entirely astray were we to try to equate sin with breaches of custom and convention. I have already noted that Nuer do not express indignation at sin and that what they get most indignant about is not thought of as sin. Nuer do not reason that incestuous congress with a kinswoman is bad and therefore God punishes it but that God causes misfortune to follow it and therefore it is bad. It is bad not in itself but in its

16: Evans-Pritchard E-5 (1931, 1936) 1956
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consequences. Furthermore, we must note that the conditions in which an interdiction, a breach of which is *nueer*, arises may in no way come about through the breaking of a social regulation. Homicide is not forbidden, and Nuer do not think it wrong to kill a man in fair fight. On the contrary, a man who slays another in combat is admired for his courage and skill. Nevertheless he places himself and his kinsmen in a state of grave spiritual danger. Certainly no one is blamed for the birth of twins, the parents being thought to be most fortunate, but it brings about a precisely similar interdiction. Consequently, we are not primarily concerned with people's morals, whether according to Nuer ideas they are good or bad people, but with their spiritual condition, though good or bad conduct may affect this condition. 783 577

When there is sin a man's spiritual state is changed. I have spoken of him then as polluted, contaminated, or unclean. We now see that the pollution, contamination, or uncleanness is Spirit itself acting on the man on account of the violation of some interdiction. Nuer themselves say this when they simply remark of the sickness that it is *kwoth*. As we regard the matter from the outside we see that the ethical significance of sin lies in the violation of the interdiction. The interdiction itself may have no ethical significance, only a spiritual one. It may be some trifling injunction, like not drinking water. The circumstances in which spiritual danger attaches to certain events, circumstances in which Spirit is present and threatening, can be said to be good or bad only in the sense that they are fortunate (as the birth of twins) or unfortunate (as death) for the persons concerned. But if notions of sin are not just a rationalization of social convention neither are they just a rationalization of chance. The question whether the circumstances are fortunate or unfortunate is not really a relevant one. Nuer have the idea of luck (*bang*), but it does not arise here. Fundamentally in this context it is not a matter of being lucky or unlucky, or of being good or bad.

We shall see later how this double aspect of Spirit, what aids and what harms, what sustains and what destroys, is represented in the rite of sacrifice. In the present place we need only note further that it has some bearing on the question of the one and the many which we have earlier discussed. The idea of Spirit as the holy with whom it is extremely dangerous for man to be in contact is only absolute where God is concerned, and in such situations as have been

16: Evans-Pritchard E-5 (1931, 1936) 1956
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783 discussed in this chapter. It is not absent in his refractions—
577 prophets are treated with reserve as containers of Spirit, totems are avoided as creatures in which Spirit appears to man, and the objects associated with nature sprites and fetishes are not handled by others than their owners—but though Spirit in these forms is dangerous there is no feeling of the lethal contamination of it which derives from the idea of it being something so wholly different from what is human as to be incompatible with it. In them Spirit is not in its entirety and it is also, as it were, filtered through material things. Man can then possess it and use it for his own purposes; but what he then possesses, as Nuer would be the first to recognize, is not God but *deng, teny, colwic, kwoth nyanga, kwoth nyota, biel roa, mathiang*, and so forth.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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It is not necessary to add more examples of cattle-terms and
192 their uses to demonstrate that we are dealing with a galaxy of
183 words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 Another way in which Nuer engrossment in cattle can be
183 illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 At the present time cattle are the main cause of hostility
231 towards, and suspicion of, the Government, not so much on
721 account of present taxation as of earlier tax-gathering patrols
578 which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

1: Evans-Pritchard E-5 (1931, 1936) 1940
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munity of one tribe attempts to avenge a homicide on a community of another tribe a state of intertribal war, rather than a state of feud, ensues, and there is no way of settling the dispute by arbitration. 628

As Nuer are very prone to fighting, people are frequently killed. Indeed it is rare that one sees a senior man who does not show marks of club or spear. A Nuer gave me the following causes of fighting: a dispute about a cow; a cow or goat eats a man's millet and he strikes it; a man strikes another's little son; adultery; watering rights in the dry season; pasturage rights; a man borrows an object, particularly a dance ornament, without asking its owner's permission. A Nuer will at once fight if he considers that he has been insulted, and they are very sensitive and easily take offence. When a man feels that he has suffered an injury there is no authority to whom he can make a complaint and from whom he can obtain redress, so he at once challenges the man who has wronged him to a duel and the challenge must be accepted. There is no other way of settling a dispute and a man's courage is his only immediate protection against aggression. Only when kinship or age-set status inhibits an appeal to arms does a Nuer hesitate to utter a challenge, for it does not occur to him to ask advice first, and no one would listen to unsolicited advice. From their earliest years children are encouraged by their elders to settle all disputes by fighting, and they grow up to regard skill in fighting the most necessary accomplishment and courage the highest virtue. 578 [165]

Boys fight with spiked bracelets. Men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud. It is also a convention that no third person may take part in the fight, even though he be a close kinsman of one of the combatants. Once a fight has begun neither party can give way and they have to continue till one or the other is badly injured unless, as generally happens, people pull them away from each other, loudly protesting, and then stand between them.

When a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it; and it cannot be stopped before considerable loss of 628

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 624 unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must [183] be appeased and the honour of the living must be upheld. Also, sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 •578 [784] A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognise that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

1: Evans-Pritchard E- (1931, 1936) 1940
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fight to break out, because the offence is never forgiven and the score must finally be paid with a life. When the dead man is married a wife the bride is rubbed with ashes by her dead husband's kinsmen and God is invoked by them that she may bear a male child who will avenge his father. Such a child is a *gat ter*, a child of feud. At the sacrifices the ghost is told that his kinsmen have accepted cattle and will marry him a wife with them, but he is assured that one day they will avenge him properly with the spear. 'A Nuer is proud and wants a man's body in vengeance and not his cattle. When he has killed a man he has paid the debt and then his heart is glad.' Hence, though the chief admonishes the relatives of the dead man at the ceremonies of settlement that the feud is ended and must not be reopened, Nuer know that 'a feud never ends'. There may be peace for a time for the reasons that persuaded the kinsmen to accept compensation and on account of the cattle they have received, but enmity continues and the people on both sides remain *jiter*, people who are at feud, even if there is no overt hostility. There is no frequent fighting or continuous unabated hostility, but the sore rankles and the feud, though formally concluded, may at any time break out again.

VI

We have said that feuds create a state of hostility between lineages and thereby, as we shall explain further, between whole tribal sections; and that there is no very great difference between the occasional efforts to exact vengeance when feuds are still unsettled and the latent hostility that persists when they have been settled. This is only true, however, when the homicides are between primary, secondary, and tertiary tribal sections. In smaller groups it is not so, for, in spite of the strength of the feelings aroused and their persistence after compensation has been paid, feuds have there to be settled more quickly and are not so likely to break out again after settlement.

What happens when a man kills another depends on the relationship between the persons concerned and on their structural positions. There are different payments for a true Nuer, for a Dinka living in Nuerland, and, among the Eastern Jikany, for a member of the aristocratic clan (see p. 217). The

1: Evans-Pritchard E-5 (1931, 1936) 1940
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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

6: Evans-Pritchard E-5 (1931, 1936)1938
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312 drink. Each beast also soon gets to know its special trough and
233 when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muōt tōt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep
[681 and goats belonging to another household to drink the water drawn
593] for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side.
[515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

8:Howell E, G-5 (1942-1944)1954
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interests. In most parts of Nuerland too the nature of the terrain—isolated outcrops of flood-free ground often widely separated—usually precludes the possibility of clashes between different settlements. Likewise when the rains cease the cattle are widely dispersed in small camps over the 'intermediate' plains. There is no shortage and no need for a clear demarcation of boundaries between the units of one community, or between different communities coming from different settlements. 423 233 361

As the dry season advances, when the 'intermediate' grasses become unpalatable and water supplies run short, concentration increases, and the small camps join together in larger ones in the *toic*. Cattle-camps with five or six thousand animals are not uncommon, and often there are many of such camps clustered along the banks of a river or watercourse in one region. More careful regard for rights in these pastures and in the fisheries which go with them may be necessary if disputes are to be avoided. Yet there is usually plenty of grazing, though this varies according to prevailing climatic conditions. In one year the river may be low and the rains light, with the result that the Nuer must penetrate farther into the riverain marshes; in another, a high river level may limit their movements to the fringes. Both circumstances may result in shortages, and something between the two extremes is probably the ideal; but many Nuer tribes have alternative grazing grounds which are utilized in varying proportions according to the year. For example, the Dok and Jagei Nuer can use the marshes of the Bahr el Jebel in a year when that river is low and much of the flood-plain uncovered, or they can move to the pastures of the Bilnyang system, which are produced partly by water spilling from the main river, and partly by water draining from a different catchment area. Some Nuer tribes do not have these advantages; in some areas periodic plagues of biting flies or mosquitoes, whose incidence also obviously varies with different climatic conditions, prevent the full utilization of their summer grazing grounds. Generally speaking, there are rarely acute shortages, and even in the *toic* the boundaries between tribes or tribal segments need not be closely guarded.

In certain circumstances, however, such boundaries become essential, and their infringement may then cause disputes, which often result in violence and bloodshed. Sometimes there is an unusual shortage both of grazing grasses and water-points, and people who have normally tolerated the intrusion of outsiders less favourably provided than themselves, turn upon them and demand their withdrawal. Again, an epidemic of some contagious disease such as rinderpest or contagious bovine pleuro-pneumonia makes quarantine and segregation of the herds essential. Fear of the spread of disease compels the owners to guard their boundaries more closely. To bring contaminated cattle into an area recognized as the exclusive right of other segments, and 423 233 361 578

8:Howell E, G-5 (1942-1944)1954
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423 233 361 578

where strangers are only allowed on sufferance, is a particularly serious infringement of grazing rights, and one which raises a storm of protest quickly followed by blows. Disputes of this nature do not usually start on a tribal scale; the initial quarrel arises between two adjacent cattle-camps near the boundaries, but feelings of indignation may extend along the lines of segmentation until two large segments or even two tribes are ranged against each other. Rights in grazing are recognized and follow the lines of the segmentary system, but are not a constant source of friction. Violation of these rights in years when it was necessary to guard them almost invariably led to hostilities in the past. Nowadays, though fights are not infrequent and boundary disputes are a common cause of blood-feuds, disputes of this nature are often settled peacefully in the courts.

Water Rights

423 233 312

Rights in watering places cannot be treated except in relation to grazing. In the dry season it is the availability of water which largely determines the extent to which certain pastures within the territory of the tribe or the tribal segment are used. This applies particularly to those Nuer tribes who are unable to reach perennial rivers like the Zeraf, Bahr el Jebel, or Sobat. Disputes over pools, especially in dry years when they dry out early in the year, often arise and may lead to bloodshed. Water rights, however, follow the same principles which govern the division of territory according to the segmentation of tribal structure. Shallow wells are sometimes sunk, and are the property of the individual who digs them, but subject always to his obligation to share with his kinsmen and neighbours.

Fishing Rights and Hunting Rights

423 226

Fishing rights go with the divisions of territory in which the fish pools are situated and are guarded with perhaps a greater intensity of feeling than are rights in land. Fishing in the riverain area is essentially a dry season occupation, and there are fishing pools or stretches of shallow rivers and watercourses attached to and situated within grazing areas. Fishing is also a collective activity, and the right of the individual is limited by his membership of the tribal segment to which the pool belongs. Fishing again depends largely on the climatic conditions prevailing. A season of heavy rainfall followed by an abrupt drop in levels in the rivers and their tributaries is usually the ideal. Fish have been able to move far upstream during the rains, but are prevented from returning to the deeper waters of the main channels and are concentrated in depressions and pools shallow enough for the people to spear them. In such circumstances fish are not scarce, and pools

8:Howell E, G-5 (1942-1944)1954
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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilise the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me ioic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gaan bathai* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kui gaan*, to the father's side, and a portion *kui man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*bir*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*ciem*) of the dead elephant would haunt them and would bring them misfortunes.

224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

From the point of view of initiation Nuer life is divided into two periods, the initiatory period and the period when no initiation may take place. These alternating periods are known as that when the knife is brought out, *ngom ham rar*, at the commencement of the period of initiation, and that when the knife is hung up, *ba ngom ngaf*, at the conclusion of the period. At the commencement of an initiation period the cattle-expert kills a bullock, a big dance is held, and he makes a speech opening a new period of initiation. It seems that in each tribe there is one cattle expert whose authority is recognised in matters concerning the age-set cycle. 881

In Gaajak country there was a serious dispute between two cattle-experts about commencing a new age-set. The privilege of giving orders for initiation had previously been in the hands of the lineage of Ngweny Riek. Owing to the fact that there was no son old enough to perform the duty it was carried out by the lineage of Jop Gai. Afterwards these two lineages appear to have taken over the duty in turn; the lineage of Riek gave orders for the *Thut* age-set to be initiated, the lineage of Gai gave orders for the *Boilac* age-set to be initiated and so on. When it came to the *Rialmac* age-set it was Ngweny's turn to order initiation to commence but Jop refused to allow him to officiate. In revenge Ngweny made indentations into the ceremonial knife to render it useless and uttered a curse, saying that if the knife was his right then pus would come out of the ears of Jop, whereas if the knife belonged to Jop then pus would come out of his own ears. Another informant said that the dispute was occasioned by the question whether the knife should be brought out or hung up, *i.e.*, whether the period of initiation should be opened or closed and that Ngweny said," Let the knife now be hung up and not be taken down again till one of us has died. When one of us has died let the other order initiation to commence." Jop died and his rival initiated the *Rialmac* age-set. This same informant said that the knife will in future remain in the hands of the lineage of Ngweny since, as a result of Jop's death from the curse, his lineage would not again shoulder the responsibility. 881 578 791

It is the cattle-expert who gives a name to each age-set, *e.g.*, *Dengunga*, *Makar*, *Lakgac*, etc., at the end of a period of initiation and no one may then be initiated until he has opened a new period. It is believed that if a boy were to be initiated after the cattle-expert had given orders for 881

10:Evans-Pritchard E-5 (1931-1936) 1940
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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 554
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

11:Evans-Pritchard E-5 (1931, 1936) 1945
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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind. 604 425

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begat Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicuko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuak-land. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajak aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajak country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuop's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son. 604 428 578

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*lake ruw gual gale*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Lakè gat ñaw, kaam cɛk thok duarkaw*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsmen. The con-

[1] After the Anuak word "to die" (*thou*). It is equivalent to the Nuer name Bilou.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

604 sequence of Cam's action in everyone's opinion is to be seen in the death
423 of all Wie's brothers. The ghost of Dur ʃ is angry because his cattle
578 have not been used to marry his son a wife, and he has killed his sons.

Wie's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ʃ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dur ʃ and stands to Cam in the relationship of mother's brother's son. When I first knew Wie ʃ he was inclined to accept the position in more protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later h's heart had hardened and he was more obstinate. He told me that he had first entered my service, *cume ri Turak*, "among the Turks", because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wie was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wie's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wie to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with those cattle and not Wie's business to work with Englishmen to earn cattle for his own marriage. Wie said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussions on this theme. Wie himself said little but refused to give away. He was so obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wie was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wie's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of personal control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

11:Evans-Pritchard E-5 (1931, 1936) 1945
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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *kuak* (byre) is once more occupied. The *mar* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging *ʃ*—Ging *ʃ* who was resident at Nyuney during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Lieg *ʃ*—Deng *ʃ* of Ker village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, [578] for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club.

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.
428 The children of Kwenwar and the children of Jany are figured in
593 Diagram No. X. As previously explained, the persons shown there as
431 the children of Jany by Nyamani are legally the children of Col, the father of Jany. However, in the village they are always known as *goat Jany*, "the children of Jany" and their womenfolk always speak of *kun wan goat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyadiing who was spouse in ghost-marriage to Gwanbol, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and those actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor, to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
●578 children had died in recent years they intended to move to Long country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan *f* told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*ranyuic*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan *f* felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.
588 Baranyai *f* is the most anxious to move. Panyuan *f* told me that
428 Baranyai *f* thinks if the sons of Kwenwar go to Long country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

12:Evans-Pritchard E-5 (1930-1931) 1933
F322 Nuer F322

619 fled from the Dinka who had brought him up they said "*achiu Aang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany. But it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Lobi Kany?*" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Lobi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Then we find lengthy feuds going on between one section and another within the tribe itself.

E78

619 621 627 (3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled sooner or later when they take place between segments of the same tribe, whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

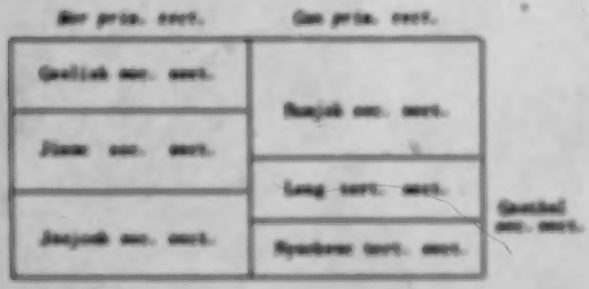
[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jikaac and Jeiaac.

19: Butt E-4 (No date) 1952 F 322 Nuer F 322

TERRITORIAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gaw and Nar primary sections; Gaw primary section is segmented into Ramjok and Gaathel secondary sections and the Gaathel secondary section into Long and Nyarkow tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmentation is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmentation may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentiments of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmental structure and there is opposition between its parts. Members of
[721] any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. For example, if there is a fight between Nar and Gaw primary sections Ramjok and Gaathel (the secondary segments of Gaw primary segment), will unite against the combined Nar secondary sections. Both primary sections (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2)

578 The Nuer distinguish between various types of hostility:
628
721

1. *Dwar.* Individual duelling.
2. *Tar.* A feud within a tribe where compensation can be made.
3. *Bar.* A fight between tribes where no compensation can be made.
4. *Par.* Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, The Nuer, 1940, p.139.
(2) Ibid., p.140.

15: Butt E-4 (No date) 1952 F322 Nuer F322

with clubs. Spears are not used between neighbours lest someone be killed and a blood feud started which will disrupt the community. No third person may intervene in these duels. 577

In fights between persons of different villages spears are used and every adult male takes part. Fighting occurs mainly between small tribal segments; only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognized and the machinery for settlement exists. Between tribes settlement can only be effected by war. 628

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 30 have been handed over. The cattle are distributed among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the meat of the sacrifices, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement. 728

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.[12]

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken; kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organization, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle. 721

(12) Evans-Pritchard, The Nuer, 1940, p.150.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

sacrifice spirit, even as most materially conceived of, eats the blood and the chyme, not even in the sense of consuming their essence. Clearly, they are not materially consumed. Nuer do not say that spirit feeds on (*mieth*) or eats (*cam*) or drinks (*madh*, *ruidh*) them. They do not use these words, but say that God, or a spirit, *kon*, takes, them. It is not a question of eating anything—what eating there is is done by the people—but of taking something, the life. This would seem to be a matter of great importance in an estimation of Nuer religious thought. 782

When, therefore, Nuer say that the blood and the chyme belong to God we are to understand, I would suggest, that this is a way of saying that the life belongs to him. It is true that we cannot say for the Nuer, as for the Hebrews, that the blood is the life. The word for life, *yiegh*, is also the word for breath, so that if we were to say that anything 'is' the life we would have to say it of the breath; though even here the word 'is' must not be taken to imply identity but a symbolic relationship. We must rather suppose that the blood and the chyme, and especially the blood, are also symbols of the life. 782 761

Human blood has for the Nuer a peculiar psychical value. When kinsmen and neighbours fight they use clubs instead of spears. No doubt this convention is most easily explained as making homicide a less likely outcome than if spears were permitted and, should it happen that a man be killed, of making a settlement easier to bring about on the grounds of absence of intent; but there may be a different, or at any rate an additional, reason for it. It may be that behind it is the notion that not the same responsibility is felt if the life-blood does not flow as it would from a fatal spear wound—that in a sense the man has not taken the life, that the death happened of itself, as Nuer would put it. That Nuer have some such idea is shown by the fact that a ghoul may be killed with impunity but only if he is beaten to death with clubs and his blood is not shed. The blood of a man slain with the spear is moreover thought to enter in some way into the slayer, and he must therefore at once have his arm cut by a leopard-skin priest to let it out. This must mean that blood is thought to have some vitality of its own. The rite of initiation must be held in a homestead because the blood of the initiates must not be shed outside the home and care is taken to bury it in the holes into which it flows lest dogs eat it. These examples, and others could be cited, 782 [578] 826

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 561 between successive age-groups within the age-set system and not between kin-groups or local and political communities.

793 578 It is remarkable that, considering what cattle mean to Nuer, the man of the cattle is not socially or ritually so important a figure as the priest of the earth. Doubtless this is because his functions in the organization of the age-sets are not so often brought into play, nor so striking and important, spiritually and socially, as the priest's functions in homicides and the feuds that arise from them. There is an opposition in thought between the two. It cannot often happen that a man of the cattle quarrels with a priest of the earth; yet Nuer volunteer the information that if they quarrel and curse one another the man of the cattle asks the leopard-skin priest on what he expects to live if all his cattle die, and the priest counters by asking the man of the cattle whether he intends to take his cattle up to the skies as he can no longer pasture them on earth. Nuer say that since both are placed in an impossible situation they exchange gifts to dissolve the curses. Mr. P. Coriat in a Government Report of 27 February 1931 remarks that some of the Karlual tribe were feeling the need for a man of the cattle (for some reason they did not, I suppose, have one at the time), and he adds that the reason for this is a belief that if a man quarrels with a leopard-skin priest his cattle will not be acceptable as sacrifices as the earth cannot absorb their bones and blood. Therefore the services of a man of the cattle are necessary, so that the sacrifices will go direct to heaven. Mr. Coriat's observation suggests that Nuer tend to think of the man of the cattle in relation to the above and of the leopard-skin priest in relation to the below. This may be so, but I have no clear evidence that the former is classed as a *ran nhial*, a person of the above.[1]

793 As I have said earlier, the word *kuar* may be used in a general sense to describe persons with ritual powers in contrast to *dueghei*, laymen. I do no more than mention the titles and functions of some others than those we have been discussing, because they are not prominent figures in Nuer society and play only occasional and minor roles in their religious life. The *kuar yika* or *kuar yiini*, priest of the mat or mats, acts as arbitrator between the

[1] To P. W. Schmidt (op. cit., pp. 1–4, *et passim*) the problem is solved in terms of culture-complexes. With agriculture go mother-right, evidences of which he finds among the Nuer, and an earth-religion. With cattle husbandry go father-right and a Sky-God religion. Nuer culture is a mixture of the two.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

233 583

2:Evans-Pritchard E-5 (1931, 1936) 1951
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CHAPTER III

MARRIAGE

I

/2/ I have suggested in the last chapter that the range of the Nuer incest taboo can be understood only in relation to their rules prohibiting marriage between kin. These in their turn are only intelligible when viewed as part of the kinship system to which they belong, and that kinship system derives its particular form from its function in the political structure of the Nuer.

Kinship is a general word for describing any relationship of one individual to another through his father or mother. All kinship ties thus derive from the family, that universal and fundamental social group which everywhere and in some way or another incorporates the institution of marriage. It is therefore partly for logical reasons that I describe first how matrimonial unions are brought about among the Nuer and discuss the kinship relations which derive from them later. I describe marriage and kinship in this order also partly for convenience, in that kinship among the Nuer is so largely defined by reference to bridewealth.

I describe in this first section relations between the sexes before marriage, and in the following sections the chief ceremonies by which marriage is brought about, the payments of bridewealth which together with the ceremonies create valid and durable unions, the affinal relations which arise from the unions, and the various forms of domestic union we find among the Nuer side by side with matrimony in the full legal sense.

/3/ Sexual activities are from their earliest manifestations given the stamp of cultural values. They are from the first associated with marriage, which is the final goal of the sex life of men and women. Even the very poor and the disabled form domestic establishments of some kind and talk proudly of 'my father-in-law' and 'my mother-in-law'. It is the chief ambition of a youth to marry and have a home (*gol*) of his own, for when Nuer speak of marriage they speak of a home. They say of a youth: 'He is married—he has a *gol*.' Even in childhood it is clear to Nuer that marriage and the birth of children are the ultimate purpose of the sexual functions

2:Evans-Pritchard E-S (1931,1936) 1951
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to which all earlier activities of a sexual kind—play, love-making, and courtship—are a prelude, a preparation, and a means.

So long as there is no erotic behaviour in public, no inhibitions attach to sexual interests and their expression, and no one tries to hide from children the facts of sexual life, which they can learn by observing their elders and the flocks and herds among which childhood is spent. A boy who is seen by his elders in sexual play with a girl of his own age will merely be told not to act as though he had been initiated—he can do what he likes then—and at the most might receive a cut with a grass switch. No one considers his conduct immoral, and the older people will joke about such things among themselves.

Children start playing at marriage from the time they begin to walk, at first as uncomprehending observers of the games of older children and then as participants in them. They make cattle byres and huts of sand, and mud oxen and cows, and with these conduct bridewealth negotiations and perform marriage ceremonies, and they play at domestic and conjugal life, including sometimes in the game, I was told, imitation of coitus. In its earliest expression, therefore, sex is associated with marriage, and the first sexual play occurs in imitation of one of the domestic routines of married life. It occurs in response to a cultural, and not to an instinctive, urge.

Girls and boys, the girls rather earlier than the boys, begin to perform the simpler and lighter tasks of household and kraal from about the age of seven. From then onwards till they are about fourteen, marriage games continue when the children are by themselves, and though within them sexual play begins to be indulged in for its own sake and not merely in imitation of adult behaviour, it is subordinate to the whole make-believe relationship of conjugality of which it forms a part. During the rainy months the girls visit the boys in the grazing grounds, bringing them balls of porridge as presents, which each gives to the boy she has chosen as her 'husband'. She also milks the goats for her 'husband' and may even bring him a gourdful of cow's milk from the kraal. The boys cut millet stalks in the gardens and after roasting and eating the immature grain send the sweet stalks with their outer husks removed to their 'brides'. Older boys also send their juniors with small oxen and cows to one of the senior girls, who plays the part of mother-in-law. I was told that in these games sexual intercourse may take place, but is neither a usual nor a prominent feature.

582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose
●[581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*reu*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

831 The facts outlined in this section lead to two conclusions: that
581 there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

2;Evans-Pritchard E-5 (1931, 1936) 1951
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kind, in which coitus, when it takes place at all, is only part of a more complex relationship. The lover-sweetheart relationship has within it the purpose or pretence of marriage. Very likely a particular courtship will not develop into marriage, but courtship is the recognized prelude to marriage, and if a youth wants favours from his sweetheart, he must persuade her of his intentions. A love affair tends, therefore, to be a marriage courtship, and for this reason the pattern of the husband-wife relationship in the first stage of married life intrudes into it, and the pair act towards one another with the conjugal reserve of this stage. So strong is the cultural idea of marriage that, though devoid of irksome restraint and inhibitions, the path of sex life runs from childhood towards that union and, though circuitous, leads always to wedding, home, and family. Marriage is the end of a full sex life. After he is married a man settles down to care of herds and gardens, and goes less and less to dances, and ceases to take much interest in girls. I was told that should he wish to have an affair with a girl his wife would have no objection and would probably help him in it. Women, on the other hand, once they are married, ought not to have relations with men other than their husbands.

Men now expect to marry younger than in the last generation, when, I was told, a man would not usually marry before he was 25 to 30. Fathers were wont to say that they would themselves marry again, for these young wives would in any case go to their sons when they were dead. At what age a youth marries today depends on the size of his family, his place in it, whether his father is dead, the size of his family herd, and other circumstances.

As a rule, girls marry round about 17 or 18, though one sometimes sees an unmarried girl of over 20. If a girl is betrothed early the wedding and consummation ceremonies are delayed. Women, therefore, have their first children at an age when they are well fitted to bear them. So long as a girl is married to a man with cattle she has fairly free choice of a mate. Much depends on whether the girl's family approve of the man's family. In theory, the parents choose their daughter's husband and only formally ask her consent, which she should give in duty to her parents, for marriage is not her business but the business of her menfolk. In fact, it is very difficult for parents to force their daughter to marry a man she dislikes, and strong-minded girls stand up against family pressure on this issue.

2:Evans-Pritchard E-5 (1931, 1936) 1951
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581 602 approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 602 Conjugal and affinal relations are personal relationships which require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *rwagh*, in-law relationship, becomes *mar*, kinship. Bridewealth payments may therefore 581 602 be viewed as a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

2:Evans-Pritchard E-5 (1931,1936) 1951
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MARRIAGE

581 The ordinary Nuer marriage is a union such as we understand matrimony to be in our own civilization, with this difference perhaps, that the Nuer do not consider the union to be complete till a child is born to it. As we have seen, a Nuer union of this kind is instituted by payment of cattle and the performance of nuptial ceremonies. It is to this type of union that I refer when I speak of marriage without qualifications; and when I use the word family in an unqualified sense I refer to the partners to such a union and the children born to the wife in the union (but not necessarily begotten by the husband). However, since the terms marriage and family are also used in this book in a qualified sense to refer to other unions and groups, I sometimes speak of a simple legal marriage and a simple legal family to avoid confusion or to point a contrast.

585 When a man marries two or more women there results a complex legal family, which we call a polygamous family, in which are comprised several simple legal marriages with the male partner the same in all of them. I discuss some of the features of polygamous marriages and families in the following chapter. They present no immediate difficulties.

588 What seems to us, but not at all to Nuer, a somewhat strange union is that in which a woman marries another woman and counts as the pater of the children born of the wife. Such marriages are by no means uncommon in Nuerland, and they must be regarded as a form of simple legal marriage, for the woman-husband marries her wife in exactly the same way as a man marries a woman. When the marriage rites have been completed the husband gets a male kinsman or friend or neighbour, sometimes a poor Dinka, to beget children by her wife and to assist, regularly or when assistance is particularly required, in those tasks of the home for the carrying out of which a man is necessary. When the daughters of the marriage are married he will receive for each a 'cow of the begetting' and more beasts if he has played any considerable part in the maintenance of the home. We may perhaps refer to this kind of union as woman-marriage.

A woman who marries in this way is generally barren, and for this reason counts in some respects as a man. She acquires cattle through the marriages of kinswomen, including some of those due to uncles on the marriage of a niece, or by inheritance, since she counts as a man in these matters. A barren woman also often

[cf. cat 16, pp. 127 ff. -- [illegible]]

2:Evans-Pritchard E-5 (1931, 1936) 1951
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[59] called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimatized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and
[60] the birth of her children, or is a man or a woman. Hence it follows that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all
[62] have the same pater. It is the fertility of the womb which a lineage
[63] receives by payment of bridewealth. All children born of that
[64] womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and levirate marriage raise up seed to their kinsmen subordinates the

2;Evans-Pritchard E-S (1931, 1936) 1951
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exclusive interests of the family to those of the wider circles of the paternal kin and of the lineage. The prevalence of widow-concubinage and simple concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions. 602 603 581

4: Evans-Pritchard E-5 (1931, 1936) 1948 F322 Nuer F322

NUER MARRIAGE CEREMONIES*

E. E. EVANS-PRITCHARD

*581 MARRIAGE among the Nuer is brought about by payment of bridewealth and
585 by the performance of certain ceremonial rites. The rites cannot take place
without the payments, but transfers of cattle do not by themselves bring about the
431 union. Both are necessary and they proceed in a connected movement towards the
full establishment of the union. Each enforces and reinforces the other. The bride's
people can, by holding up the rites, put pressure on the bridegroom's people to make
the payments due to them, and the bridegroom's people can, by withholding the
cattle, induce the girl's family and kin to advance the ceremonies. First one pedal
is pressed down and then the other so the marriage is propelled to its appointed end,
the birth of children and the sharing of a home. It is understood that payments
should have reached a certain point before a certain rite is held, and the performance
of the rite is a recognition of the transfer of cattle up to that point. Payments of
cattle and marriage rites therefore tend to alternate, though there is no fixity about
the alternation and no marriage is exactly the same as another in this respect. The
new social ties of conjugality and affinity are made stronger by each payment and
by each ceremony, so that a marriage which is insecure at the beginning of the
negotiations becomes more with every new payment and rite; both sides, by the
giving and receiving of cattle and by joint participation in the rites, becoming more
deeply committed to bringing about the union. Therefore a marriage which has
reached the final rites may be regarded as a stable union and will generally prove to
be so.

Some General Features of the Ceremonies

584 The chief ceremonies are the *dowing*, the *ngut*, and the *mut*: the betrothal, the
585 wedding, and the consummation. All these are important public events in Nuer life,
though the betrothal rites are not held on so large a scale to the west of the Nile
574 as to the east. Preparations for them are made days, even weeks, ahead, and they
are talked about, especially by the young people, long before they take place. They
are usually held in the rains, for there is then plenty of millet for porridge and beer,
and people have the energy of the well-fed and can travel long distances without
fatigue and dance and make love with equal vigour. A whole district attends them,
young men thinking nothing of walking over ten miles to take part in the dancing,
the mere coming together of so many people making marriage a memorable event.
Neighbours then bear witness to the creation of the new social tie and by their
presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with
the union. Apart from these people who attend the ceremonies for dancing and

* This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1951 (first published in 1936 in the *Sudan Notes and Records*), and "Nuer Bridewealth," *Africa*, vol. xvi, no. 4, 1946. The ecological and political background is given in *The Nuer*, Clarendon Press, 1940.

586 asked what would happen were he to try to do so
I was told that the husband's kin would claim
583 back their cattle and, if necessary, use force to
obtain them. Should a wife leave her husband
431 in these circumstances the problem of bride-
wealth would probably be solved by the common
[587] Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
wealth cannot be said to be a very powerful
431 sanction of the marriage union. Nor is there
any evidence of which I am aware that would
591 suggest that the greater the number of cattle handed
593 over the more stable the marriage is likely to
prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage are loath, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in herding, fishing, building, and herding, and the
association to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girls' brother are
comrades.

• 581 I am prepared to say definitely that the stability
of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

[p. 185a]

• 581 complete is and yet more time between the
593 consummation and the birth of a child. I do not
say that pressure may not be put on her by her
family to accept her husband but parents who
try to coerce their daughter run the risk that
she will run away to the house of a distant kinsman
and there elope with some man. They may
lose their bridewealth. Nuer have good grounds
for their assumption that a newly wed who has
borne her husband a child and brought it to his
hearth is satisfied with her mate. By the time a
second child is born experience has shown that
the pair are agreeable to one another also as domestic
partners. As the Nuer observe a weaning taboo
[862] this means about three years after the birth of
the first child.

581. Mutual goodwill between the families is the
606 necessary condition of a successful marriage.
593 Marriage is not only a conjugal relationship but
also a set of affinal relations and it can be stable
only if the kin on both sides behave towards the
other side in the manner expected of them. This
they endeavour to do. A man tries not only to
live up to the pattern of what the Nuer regard
as a good husband but also to be a good son-in-law
and his wife's father and mother try to be good
parents-in-law to him. The relatives on both
sides also try to behave towards those on the other
side as persons standing in these relationships
should do. It is the evocative and inhibitory
action of these moral values, sanctioned by appro-
bation and censure, which give stability to marriage
and security to the family that derives from it.
Divorce is due to failure of one or other of the
parties to live up to the code of conduct expected
of him, or her, and Nuer regard it as a misfortune
to which there is also an element of the shameful.

582 Conjugal and affinal relations are personal
602 relationships which require adult adjustment
that is not easy. A Nuer regulates his behaviour
to the persons around him through kinship values
of one kind or another. Owing to the extensive
range of kinship ties covered by Nuer rules of
exogamy it is impossible for a man to marry
into a family or lineage with whom he has already
existing kinship ties. He must marry the daughter
of people who are under no obligation to provide

[p. 1856]

8:Howell E, G-5 (1942-1944) 1954
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marriage of Dak's daughter Nyalith, Mazer got a cow (*yang nuanyaw*) and a cow-calf (*gwandow*). Ring was by that time dead, but his wife Nyalith received the remainder of the *gwandow* cattle—the cattle of the paternal uncle—on behalf of her son Bilia, then a minor: a cow, an ox and a bull-calf. On the marriage of Ring's daughter Nyawaw, the *gbak gwandow*—a cow—and the *nuanyaw*—a cow-calf—were given to Mazer again as heir to Gatbak, then dead with no issue. Dak objected to this and, as a protest, seized the cattle held by Nyalith (received on the marriage of Nyalith) for her son. Nyalith then took the matter to court and demanded the transfer of the cattle received by Mazer on the marriage of Nyawaw, to Dak, so that Dak would give her back her cattle. Court dismissed the case on the grounds that—

(i) Mazer, as heir to Gatbak, has a right to the *nuanyaw* and *gwandow* of Nyalith. Dak cannot receive these cattle for the marriage of his own daughter.
(ii) The dispute is strictly between Nyalith and Dak.

But (iii) it is a purely family matter which they must settle themselves, because Nyalith is living with Dak in levirate union, he has no male heirs, and all his cattle will anyway go to Bilia to whom Dak is paternal uncle.

6. THE LEGALITY OF MARRIAGE

General Principles

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From an analysis of the social and ritual processes of marriage and of the transfer of bridewealth cattle from one group to another, there emerge certain legal principles which are relevant to a study of Nuer law as administered in the courts today:

(i) Apart from the social and ritual processes, the performance of which not only gives stability to marriage but emphasizes the degree of agreement reached at any stage, the key to the legality of a union lies in the transfer of cattle from one kinship group to another on behalf of an individual. The individual thereby obtains rights in his wife which are domestic, economic, and procreative. Even though these are sometimes assumed so far as domestic and economic rights are concerned, they are never assumed in situations where the legal status of the children is concerned unless cattle have been transferred.

(ii) Therefore, in any dispute which concerns bridewealth, the return of bridewealth, or rights in the distribution of bridewealth, reference must be made to the individual on whose behalf cattle were transferred. Whether he be alive or dead, he is the nuclear point from which legal discussion must start, and the rights of others are determined by their relationship to him in the kinship structure or the relationship created by marriage. At a later stage, when children are born of the union, all parties concerned become linked through the position of the children in the kinship structure of both sides.

We have seen that, although marriage is still precarious and does not necessarily achieve a high degree of stability until a child is born of the union and the bride takes up her abode permanently with her

8:Howell E, G-5 (1942-1944)1954
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husband, at a certain stage in the proceedings she acquires not only social status as married woman and wife but also legal status. It is at this point that the bridegroom becomes legal husband of the woman.

It is, however, sometimes difficult to determine the exact point at which this occurs. The problem is best examined in reference to wrongs in relation to the woman, and perhaps best exemplified in cases of adultery, for a man cannot claim damages in such a situation unless he is legal husband of the woman concerned. There is in fact considerable variation on this point in Nuerland, and it has become a controversial subject in cases which arise between individuals of different tribes, now brought together through the agency of the courts. Clearly it is ultimately the amount of cattle paid to satisfy the claims of the bride's relatives which determines the legality of a union, but this cannot be expressed as a rigid rule, for an equal number of cattle is not and cannot be transferred in all marriages, and the period over which they are paid is variable. This is particularly true today when there are less cattle in relation to population than before, because to insist on full transfer of bridewealth in one transaction would mean endless delay in collecting bridewealth, and this is not acceptable either to the bridegroom, who is impatient for his bride, or to her family, who wish to use the bridewealth cattle for their own marriages. The legality of marriage therefore finds expression in the degree of agreement reached by the people concerned, this being reflected in each stage of the marriage ceremonies. Some tribes consider that acceptance of the cattle negotiated at the *tuoc* ceremony, and particularly at the rite called *yier nyal*, even if they appear totally inadequate when compared to the bridewealth ideal, amounts to legal recognition. Others consider that legality is established at the *nuot* ceremony which follows, and certainly it is at this ceremony that the change of status of the bride from a girl (*nyal*) to a married woman (*ciek*) in relation to society as a whole is most clearly symbolized.[1] For the first time she is released from her family (*loiny deb*) and from parental care. For the first time she is introduced publicly into the home of her bridegroom (*noong nyal*) and physical consummation is recognized. Further, she is ceremonially shaved by her bridegroom's female relatives (*nuot*), and this not only has ritual significance in connexion with her fertility, but signifies, too, her acceptance as a married woman, her status being determined in relation to other women of the household and through

[1] It might be argued that the ceremony performed at the *tuoc*, when the bride is dressed in the clothes which signify a married woman, symbolizes a change of status from 'girl' (*nyal*) to 'married woman' (*ciek*). Presumably this is so among those tribes who consider that the *tuoc* establishes legal marriage. But it must be remembered that it is not so much her general status, as her status in relation to her husband and his kin which is important from the legal aspect, and this is only brought out at the *nuot*. The terms *nyal* and *ciek* do not clarify the problem, because a man will often refer to his affianced bride as *ciek-da* (my wife) at a very early stage in the proceedings, and the woman is often referred to as *nyal* long after the *nuot*.

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581 them to all members of their group. These ceremonies are referred to generally as *muot nyal*, and many Nuer tribes consider that this is the point where legal status is established. In these tribes the first question asked at the opening of a legal case will be '*ce nyal muot*', 'has the girl been shaved?', if the legality of the marriage is in doubt. Nuer assume that if the ceremonies have reached this stage, the girl's family have admitted the legality of the union, whether the cattle paid, in comparison with other marriages, are adequate or not.

581 672 As soon as the legality of the marriage is established, the legal husband or, in the case of 'ghost-marriages', his legal representative, who is the man who has married on his behalf, accepts liabilities in the woman's future behaviour. If she kills someone it will be he and his kinsmen who must pay compensation (*thang*), although her own family will undoubtedly assist them in such circumstances; if she injures someone, and this is naturally more frequent than homicide, it will be her husband who has to pay damages. Equally if she is killed or injured, compensation should be paid to her husband, and it will be his legal right to receive it, even if he is usually willing to hand over some of the cattle to her family. These rights are extended to his kinsmen, since his rights are always limited by the position he holds as a member of a kinship group, and in this strictly legal sense the wife must now be regarded as a member of his lineage rather than her own. Cattle have been paid for her; rights in her life have been transferred to those who paid the cattle. This issue is not often in question in disputes which appear before the courts, but, as already mentioned, it is often raised in disputes over adultery. The defendant will plead that the woman is not legally married (*kere kuen ke ghok*—'she is not married with cattle') and that he is only liable to her family. This is usually to his advantage because her family cannot claim damages for adultery; there can be no adultery if the woman is not legally married. They can claim damages for the seduction of an unmarried girl (*ruok dhu nyal*), but the number of cattle demanded is less than in adultery (*ruok ciek*).

Recent Legislation at the Nuer Chiefs' Council Meeting of 1945

581 The subject of the legality of marriage was discussed by chiefs from all parts of Nuerland in 1945. Opinion was divided, though it was generally agreed that in the past at any rate all ceremonies up to and including the *muot* should be performed before a man could safely claim all legal rights in his wife. The Eastern Nuer tribes, represented by the Jikany Dhoar, maintained that (i) a man has legal rights in his wife as soon as she comes to live with him and has left home with the permission of her family. Other Nuer tribes argued (ii) that it was the *muot* ceremony alone which was important, and that a

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woman is not legally married until this has been performed. In fact, there is no great difference in these opinions because in a normal marriage a woman's family will rarely allow her to take up residence with her husband until the *mut* has been performed. 581

Finally in this connexion, I must comment on a statement made by Professor Evans-Pritchard in his most recent book on the Nuer. He says:

> Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. Thus till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thang yiika*).[1] [683]

The use here of the word 'incomplete' seems to me relative. If a 'complete' marriage is one which is legally indissoluble, then this condition is reached only at a much later stage when at least two, and probably three, children have been born. If it is 'complete' when the rights in the woman are legally transferred from her family to her husband, then this occurs much earlier in the proceedings, at some time between the *tuoc* and *mut* ceremonies, and usually long before the birth of the first child. Nor does the wife necessarily remain with her family until the first child is born though it is usual for her to return to them to give birth to it, a custom which is common to nearly all Nilotic peoples. At this point and after it any outsider would have to pay *ruok ciek*, compensation for adultery with a married woman, which is payable to her husband, and not *ruok ryal*, compensation for intercourse with an unmarried girl, which is payable to her family. [684]

It therefore seems to me more correct to say that marriage is legally valid after the *mut*, is not dissoluble after the birth of two or often three children, and that the likelihood of divorce diminishes with the birth of each child, but I should not like to say at what point the Nuer consider it 'complete'. Finally it is incorrect to say that a husband will have to pay bloodwealth, *thang yiika*, should his wife die in giving birth to her first child. *Thang yiika* is an indemnity demanded only when the child is the result of an illicit union and is not applicable to the husband within the institution of marriage. I have already explained that a man is not liable to pay bloodwealth should he accidentally or intentionally kill his wife. Such a liability ceases as soon as bridewealth cattle have been transferred and the *mut* ceremony performed. This also applies to *thang yiika*, and the only circumstances in which a woman's family might justifiably demand it from 581 682

[1] Evans-Pritchard, *Kinship and Marriage among the Nuer*, p. 93.

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her husband is before the *moot* and before he has met their claims for bridewealth, in which case strictly speaking the man is not her husband at all.

7. THE LEGITIMACY OF CHILDREN

Establishment of Legitimacy by Legal Marriage

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Legal marriage is performed by the transfer of a number of cattle acceptable to the woman's family, and usually also by the performance of ceremonies and ritual observance. Children born of such unions are legally the children of the man who transferred the cattle or on whose behalf the cattle were transferred, and his rights in these children, and the rights which descend to his heirs, are valid and inalienable unless the cattle are returned. No conflict can theoretically arise, for a woman cannot have more than one legal husband at one time. Nor can any one of her children have more than one legal father or *pater*, though sometimes different children of the same mother may have different legal fathers. From the legal aspect, legitimacy brings to male children status and privilege as members of the legal father's lineage and the rights of inheritance from that father. They acquire rights in the cattle of the kinship group—rights which are determined by their position in the kinship structure; rights to cattle inherited and to cattle brought in by the marriages of females of that lineage. Female children provide a means by which cattle will be acquired by the lineage in the future on the normal principles of distribution of bridewealth (*ghok kuei gwonde*), and they further stand as a legal link between the lineages of the father and the mother, for the mother's relatives may also claim cattle from their bridewealth (*ghok kuei mumde*).

Thus the children of a simple legal marriage will belong to the legal husband by whomsoever begotten (for they may be begotten in adultery—which does not affect the legality of the marriage). In 'ghost-marriage' children are attached to the name of the man on whose behalf the marriage was performed, although in other respects their relationship to their physiological father (*gwaiter*) is normally the same as that found in simple legal marriage. The *gwaiter* is usually the principal heir to the *pater* by reason of the fact that he performed the ceremonies on the father's behalf, and also through normal rules of inheritance derived from their relative positions in the kinship structure of their lineage. It is probable that the children will be brought up in their *gwaiter's* household, and he is therefore also their foster-father. He may die, however, and his position will be assumed by his own heir.

Similarly, in levirstic union or 'widow-concubinage' the status of the children is determined from that of their legal father, although he is dead. Their physiological father will have authority over them and rights in them derived from his relationship to their

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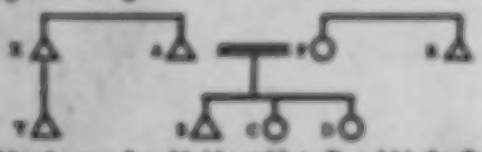
legal father, although, as we have seen, as *genitor* and foster-father he may acquire certain personal rights to cattle subsequently paid as bridewealth for daughters. These rights in bridewealth cattle, which are not in any case substantial, may be acquired whatever the circumstances, but it is clear that the greater the degree of coincidence in one man as heir to the *pater*, as *genitor*, and as foster-father, the closer the relationship between him and the children and the greater the rights he will hold. If there is a high degree of coincidence there will be no great need for an exact definition of rights.

In these circumstances the legitimacy of children in respect to the acquisition and inheritance of rights is clear. The law is logical and can always be carried to logical conclusions even though there is often a conflict in fact. It is obvious that there is an infinite variety of possible situations depending on the relationships within the kinship structure of the lineage of the persons concerned and the functions performed by persons outside the lineage as *genitor* or foster-father. For the purpose of illustration a number of such situations are recorded.

In Simple Legal Marriage



A married Y by the transfer of bridewealth to B and his family.

(i) If all the persons recorded above are living, A, who is the legal father of B, C, and D, will be the link through whom their relationship to other members of A's family and lineage is traced, and A will be the point from which the distribution of the bridewealth of C and D will be determined.

(ii) If A is dead, the point of determination will be the same, but X, A's brother or, if dead, his son Y, will represent A, unless by that time B, A's son, has come of age.

(iii) It will probably be X (though it may be another brother or some more distant agnatic kinsman) who brings up A's children and will stand in the relationship of foster-father to B, C, and D, and as he is also A's heir until B grows up, he will perform most of the tasks of *pater*.

In 'Ghost-Marriage'

X married P on behalf of his brother A.

(i) These children, B, C, and D, are born of this union. In this case A is legal father (*pater*) of the children and X is the *genitor*, but since X is also brother of A he will represent him as *pater*, and the distinction is not stressed.

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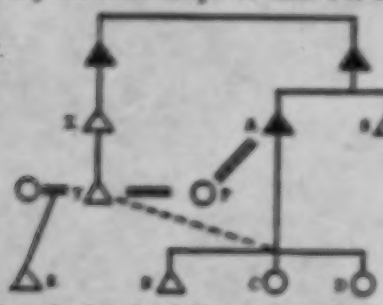
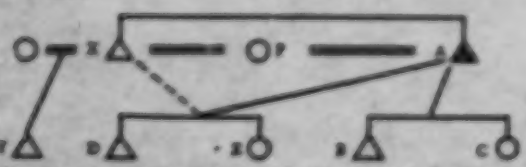
(ii) Hence in all matters concerning kinship obligations and inheritance, particularly in the matter of the bridewealth of C and D, A is the first point of determination in the kinship structure, and X, as his uterine brother and legal heir, comes next. X may expect the *pater*'s portion of the bridewealth, a portion which may be inherited by his son Y, though in some cases—depending on their relative ages—B may inherit these as well as claiming the brother's portion.

The position may not be so simple as this. For example:



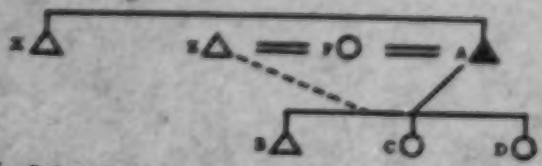
Y, one of A's less closely related kinsmen, marries P on behalf of A with cattle which he has inherited from A. Y is both *genitor* and foster-father of the children B, C, and D, and as heir to A he can claim many of the privileges of *pater*. He would normally claim the *gluk gumnde*, the father's portion, on the marriages of C and D, though this will depend partly on the configuration of the lineage, since S or his heirs may have counter claims, but normally they could only claim the *gluk gwonor*, the paternal uncle's portion.

In Levirate Union



A marries P. She gives birth to B and C of whom A is both *genitor* and *pater*. A dies and P goes to live with A's brother X, who begets D and E. A remains *pater* of all these children, and they will all call themselves by his name. X is naturally foster-father of B and C and he is *genitor* of D and E. He is also *pater* to all four in the sense that he represents their interests and is legal heir to A, though here the future claims of A's sons will have greater emphasis than in 'ghost-marriage'.

In 'Widow-Concubinage'



A marries P but dies before any children are born. P goes to live with Z, a relationship which is recognized by X, who is heir to A. Z is the *law*

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or lover of P and has received the formal recognition of her late husband's kinsmen. Three children are born, B, C, and D. All these remain legally the children of A, and their rights are determined from his position in the kinship structure, but X, as heir to A, performs all the duties of *pater*. Z is merely *genitor* and in this case *foster-father*. On the marriage of C and D, he cannot claim the father's (*genitor*) portion, but he may expect to receive *young lots*, which in this case may amount to two or three head of cattle since the union is a stable and agreed one. In such cases Z might be the *genitor* only while X brings the children up in his home.

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The variety of circumstances in the examples given above is considerable, but all situations are not covered. The legal and sociological relationships of the members of a Nuer family are often a complicated matter. The family preserves the outward appearance of a simple legal union, and in day-to-day affairs the differences are not stressed. Analysis will, however, often reveal a complicated pattern and a variety of legal relationships which are relevant in the distribution of bridewealth, and inheritance.

The system may appear complex and sometimes confusing. It is not so to the Nuer themselves and, in a court session, even if the court members are not already aware of the relationships involved, a few introductory remarks and a few pertinent questions will give them a clear picture of the legal aspect of the case before them.

Disputes sometimes arise over inheritance and the obligations of kinsmen in the collection of bridewealth on behalf of others. Clearly in such cases the legality of an individual's position within the framework of the lineage is relevant. Sometimes the *pater* himself, or more often his heirs, refuse to recognise the claims of a legal son who has been brought up in the home of the *genitor*. Sometimes the *genitor* acquires cattle on behalf of his natural son and holds them in trust. At a later date he or his heirs may refuse to hand them over, which amounts to a breach of trust. Such disputes are not frequent, and in the past were usually settled because public opinion will always press for the fulfilment of kinship obligations based on legitimate relationships. The courts are now often called upon to intervene.

The Position of Children born of Unmarried Concubines

Children born out of legal wedlock are illegitimate,[1] and strictly speaking should be linked to the lineage of their mother's father. Sometimes their *genitor* will choose to legalize their position by marrying their mother with cattle, and usually her family will press him to do so, particularly if she is not *beagh*, in the sense of a woman who is unable to remain long with one husband, or has been married before

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[1] I am aware that the use of the term 'illegitimate' may be challenged. Children born in wedlock are *legitimately* the offspring of their mother's legal husband; children born of an unmarried woman are *legitimately* linked to their mother's lineage.

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000 organization can be maintained, and in so far as Nuer courts operate today they are in fact a means by which it is maintained.

231 581 583 The multiple factors and circumstances which have bearing on a dispute over cattle cannot be summarized, but if the principles are understood it is easy enough to see the issues. Cattle provide the key to status within the kinship group and between two kinship groups when marital relationship is established. The payment of bridewealth cattle determines the legality of the union, and if this is not done, the legitimacy of the children can be made valid by the payment of fees in cattle. Disputes often arise over such matters, but it is rarely the legal aspect which is denied; it is rather that certain persons refuse to honour their legal obligations, and the court then enforces the law. As we shall see in the next part of this chapter, other cases arise over the return of bridewealth cattle in divorce and the dissolution of marriage, over the non-fulfilment of the obligations of kinship in the distribution of cattle, and from claims on the bridewealth of daughters, both by the mother's and the father's kinsmen. Disputes also arise over wrongs committed, violations of rights established in legal marriage, and the legitimization of children. Whether, in the settlement of the dispute before the court, the legal principles can be accurately and rigidly applied, depends on the circumstances. The law is not sufficiently exact to cover all situations.

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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, she does not bear male children (even after his death), one of his kinsmen must marry a wife to his name. Daughters are not regarded as heirs, because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, ee ram ee gua* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead 589 768 [611]

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

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587 kinsman but that he marries his dead kinsman a wife. Nuer say of a man
763 *Ce dimum bore cok*, "He (*ce*) his brother (*dimum*) married (*bore*) a wife (*cok*)" i.e. he married his brother a wife. This is a clumsy and ambiguous expression in English so I shall frequently speak of a man marrying a wife to the name of a dead kinsman. I ask readers to remember that it is not he, but the dead man, who is the legal husband.

The obligation to marry a wife to the name of a dead kinsman is invariably carried out when the dead man has any close kinsmen to interest themselves in saving his name from oblivion. No initiated male (*wut*) should be allowed to lie in his grave unremembered in his children and Nuer say that if an uninitiated boy dies "after his testicles have fallen", that is, after he has reached puberty (*jail*), he must be married a wife. They often state this rule by saying that a boy must be married a wife "after he has gone among the cattle" or "when he knows all about cattle" (*Ce pak ghok ngac*). I have even been told that a boy who has had his second lower incisors removed ought to have a wife, but in practice a small boy who dies is not married a wife unless he is a first-born son and then only if his ghost troubles his kinsmen in dreams or shows its displeasure by killing members of their families. It seems preposterous to Nuer that a dead man without heirs should not be married a wife and that a kinsman should not raise up seed to him. They always expressed great astonishment when I informed them that we do not have a similar custom, believing that no society exists which does not enforce so elementary an obligation of kinship.

587 When asked why they marry wives to dead men Nuer say that until a
768 man marries and begets children he has not reached full manhood, and
581 that a man desires children who will keep his memory green and to whom he can make his wants known in dreams. A ghost likes to think of people asking "Whose son is that?" and being told in reply that it is the son of so-and-so. Thus his name continues on the lips of men. They also say that if the kin of a dead man neglect to provide him with a wife he will haunt them. In my discussions with Nuer on this subject they almost invariably stressed anger of the ghosts as the sanction for their obligations to dead kinsmen. "The ghosts are bad and if you do not marry them a wife they will not spare you." A ghost will bring evil upon (*cien*) the family of a man who fails to do his duty.

588 This is a vicarious marriage. The vicarious husband acts as though he
768 were the true husband in the ritual that precedes and brings about marriage, and in domestic duties when he and his "wife" begin to share a home. In his physiological and domestic roles he is husband in all but the strict legal sense. In everyday usage people speak of him as the husband of the wife so that it is only by enquiring that one learns the man to whose name she was ceremonially espoused. Nevertheless, it must be clearly understood that the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bride-cattle were paid and the marriage ritual performed. Moreover if we speak of the group consisting of a woman, her vicarious husband, and the children born of the woman and begotten of the man, as a "family" we

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husband towards them. One can only know by enquiry. In no way is 515
their behaviour stigmatized as immoral. If a woman prefers to live as a
concubine than as a wife that is her affair. Where they are in a worse
position than a wife is that they cannot expect the same support from their
kinsmen in disputes with their lovers as a wife can expect from her kins-
men in disputes with her husband. What a wife may demand as a right
a concubine can only ask as a privilege. This disability is compensated
for by the independence they enjoy. They are free to move as they please
and to have love affairs whenever and with whomsoever they like. Those
unmarried concubines whom I have known personally have been women
of strong character who value their independence and do not desire
matrimony. They refuse to be bullied by parents or husbands. Indeed
Nuer realise that they are temperamentally unfit for normal marriage and
consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried 584
concubine is that a widow-concubine has had cattle paid to her kinsmen 587
and these cattle are still "on her back" (*te ghok jokde*), as Nuer say,
whereas an unmarried concubine has never had any cattle paid to her
kinsmen, save those as a fee to affiliate her children to the lineage of her
lovers. If she was once married her bride-cattle have been returned.
Kea e cak ne cae ghok bany jok yuade, "A *kea* is a woman from whose back
cattle have been returned". When cattle are paid to make a child of an
unmarried concubine the legal child of the man who begot him they are a
legitimatisation fee and not bride-wealth. The payment neither gives
the father control over the mother nor a right to other children that she
may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a 588
man marries the mother and, by payment of bride-wealth, not only legi- 583
timatises the child but also any future children whom she may bear by him 589
or by any other man. A *cak ma kea*, an unmarried concubine, then be-
comes a *cak pany*, a true wife. When a man marries a concubine he does
not pay as many cattle as he would have done had he married her as a
maiden. He is said to pay some ten to fifteen beasts instead of from
twenty to thirty.

A man only marries a concubine when he is certain that she wishes to 588
remain with him. For sometimes a girl becomes a concubine, not through 581
unwillingness to settle down to married life, but because her parents have
forced her to marry a man whom she detests and whom she has provoked
to divorce her. A girl may even run away from home in despair when
faced with marriage to a man she dislikes, and live with a lover in a different
tribe. Some girls are betrayed by youths who have courted them and
refused to marry them when pregnant, though, in my experience, this is
very rare because a youth is generally glad to marry a girl who is in child
by him. In this case the girl becomes a *kea* but she will not remain
one, for she will be married to another man who becomes the pater and
foster-father of the child though he is not the genitor. Men do not object
to marrying young women who have borne a single child but they are un-
willing to marry older women who have already borne several children.

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588 A man is content to pay a fee to obtain possession of any children he may
591 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

589 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word "family" to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

598 It is clear from what I have already recorded that Nuer do not attach
592 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither nater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

587 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

11:Evans-Pritchard E-S (1931, 1936) 1945
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585 431 possibly three or four cows for having brought C ♀ to maturity, the cattle due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂, "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀'s marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 585 431 (A) It is payment of cattle which defines the exact status of each member of the various procreative and domestic groups to the other members of the same group, or, otherwise expressed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

12:Evans-Pritchard E-5 (1930-1931) 1933
F322 Nuer F322

619 and Gawir or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
829 true that tribes are not water-tight compartments. People moved all
over Nuerland with remarkable freedom and there are strong social bonds
[537] uniting people with members of tribes other than their own, particularly
[619] the bonds of marriage (there has always been interchange of daughters
between Lou and Gaajok, for instance) and the bonds of clanship (the
dominant elements in Gaajok and Gaajak tribes, for example, belong
to the same clan since they are all descended from the *dyna* ancestor,
Kir. Also lineages of the same clan are scattered far and wide among
a dozen different tribes, but still recognise their kinship in spite of their
territorial disintegration). Nevertheless, the declarations of Nuer on
this point must have some significance, and I consider it well to record
my own impressions from their verbal statements, together with Mr.
Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual
functions allow them to do so. The Lou leopard-skin chiefs regulate
disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate
disputes among Gaajok tribesmen. In virtue of his sacred character a
leopard-skin chief (or land expert) can perform his ritual functions
irrespective of tribal boundaries, but in the nature of things one does not
summon a leopard-skin chief from Gaajok country to function in Lou
country, but each district of Lou country has its regular experts who
perform whatever services are required of them by fellow tribesmen of
their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
648 Lou tribesmen from all over the tribal area for a combined raid on the
Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

14: Huffman M-5 (no date) 1931
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kinds, and rings that she can acquire. She also bleaches 301
her hair and wears several headbands of beads.

Some neighbouring young man may be the cause of all of this effort on her part.

During the fishing season the lover is neither idle nor 574
silent in his efforts to win the regard of his bride. He may be at the same fishing camp as she is; if so, he carefully grooms his best ox, then adorns his body with all possible ornaments and, getting some one to lead his ox, they circle around the camp. He dances as he follows the ox and sings praises of his ox, himself, and his sweetheart in loud tones that may be heard for some distance. This performance may be continued for some hours, especially the singing.

Usually the young man knows when he is not repulsive to the girl. When he has her assurance that she loves him, his people take up the subject of the marriage price with her people. The girl's physical appearance and possibility [571] of bearing children figure largely in the estimate of her desirability. Also her temper and ability to control it are considered.

A certain day is agreed on for the marriage talk. Then all the men who are interested on the bridegroom's side assemble at the village of the bride-to-be. Places have been arranged for the relatives of the bridegroom to sit on one side of an open area, facing the relatives of the bride who are seated upon the opposite side.

A stick with both ends curved in a scroll design is carried by the speaker and twirled in the hands as he walks back and forth between the two factions and presents his arguments. He also wears a loin-cloth, often the skin of a wildcat. Sometimes it happens that each speaker is not the possessor of a loin-cloth, so a quick change is made, as one speaker concludes his speech and another prepares to take his turn.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

1: Evans-Pritchard E-S (1931, 1936) 1940
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613 and become attached to larger and stronger lineages by processes
621 which we will explain later.

613 Nevertheless, a Nuer lineage never entirely merges into
621 another clan. There are always certain ritual observances
614 which cannot be shared. If intermarriage creates community
[582] ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 In spite of so much dispersion and admixture of clans there is
619 in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

1: Evans-Pritchard E-5 (1931, 1936) 1940
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 563 609

the kinship system has admitted them into its political structure on a basis of equality.

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage. 563 609 602

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan. 563 609 582

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp 582 602 621

1: Evans-Pritchard E-5 (1931, 1936) 1940
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582 602 621 can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

613 621 We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiet*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiet* to another if there is one such female link between them anywhere in the lines of their descent,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 182 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most 784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [582] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

2:Evans-Pritchard E-5 (1931, 1936) 1951
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CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure.

This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy.

It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the

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582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 The word *rual* means both incest and the misfortune which it
684 causes. Syphilis and certain forms of yaws are believed to be espe-
753 cially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 Clan exogamy is stated by Nuer in terms of clan symbols. Each
614 clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

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inquiry made is into the spear-names of their clans. It sometimes happens that two unrelated clans have the same primary spear-names but have different secondary spear-names which serve to distinguish them ritually. It also sometimes happens that two maximal lineages of the same clan have different secondary spear-names, but in this case the secondary differentiation would not permit intermarriage. Nuer go into this matter very carefully if there is any doubt about clan relationship, as in certain circumstances there might be.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations, though the number of generations is not absolutely fixed, marriage should not take place between them. An ox is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say '*bakena mar*', 'we split kinship', and '*ba bak ne kir*', 'it (kinship) is split with a gourd'. It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the genitor, is a different man from the legal father, the pater, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

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582 The adoption of a Dinka boy into a Nuer minimal lineage pre-
727 vents him from marrying into that lineage and he would normally
563 not be allowed to marry into a collateral minimal lineage of the same minor lineage, though such marriages sometimes take place, as is evident in the genealogy of Yakwac cattle camp opposite page 19. Some of my informants were of the opinion that he ought not to marry into the clan at all. If he is permitted to do so, to avoid the appearance of a breach of exogamy, the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of his wedding in addition to the clan spear-name which became his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may demand gifts from the bridegroom's people.

Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs, and then hands her over to another man to bring up outside his village, 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the family (*gol*) and becomes a member of the family.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed, as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth for several generations. She herself can be married to a clansman of her foster-father so long as her husband does not belong to his minimal lineage, which is to say so long as those who pay her bridewealth cannot also

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claim part of it, for those who can claim part of a girl's bride- 582
wealth are kin to her. Nuer state these rules in terms of cattle. 727 563

A man may not take his wife's sister or any near kinswoman of 582
his wife as a second wife. A man may be on familiar terms with his 607
wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

A man may not marry the daughter of an age-mate, a member 582
of his age-set, 'because she is his daughter'. The blood age-mates 561
have shed together into the ground at their initiation gives them a

2:Evans-Pritchard E-5 (1931, 1936) 1951
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582 kind of kinship. In certain circumstances an age-mate may claim
561 a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates and a man may not be in the position of paying bride-
[606] wealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law, and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage seldom surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God, and it is believed that the guardian spirit of the age-set will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are in a sense his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. When one of the fathers is dead marriage can take place, but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

582 The rules I have recorded above can be generalized by saying, as Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In the rules prohibiting marriage, kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the common spear; the *buth* kinship of collateral lineage and of adoption; uterine kinship; kinship through the genitor; the kinship of cognation; kinship which the birth of a

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child creates between affines; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the age-set. 582

It will be noted that the wide range of Nuer marriage prohibitions has a certain correspondence with the kinship configuration of their local communities described in the last chapter. The balance there observed between the paternal side and the maternal side in the notion of *mar*, kinship, and its reflection in residential attachments is seen again in the conventions governing marriage. The assimilation of affinal to kinship ties, noted as significant in the local network of relationships, is also a significant feature of these conventions. The rules taken as a whole amount to this: a man must not marry kin (including affines), and as he is born and brought up in a circle of kin which normally embraces the people of his immediate neighbourhood, he is generally compelled to marry outside it. He is also compelled to look for sweethearts outside it; and I think that this is one reason why Nuer youths like to stay in the villages and camps of maternal and affinal relatives where they have greater freedom in sexual matters.

Nevertheless, however extensive the prohibitions may be, there must always be a point in each category of them at which a marriage can just be allowed or is just disallowed. In these borderline cases there is some latitude in interpretation of the prohibitions. Cases arise in which there is disagreement whether the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. It sometimes happens also that a girl's family raise an objection on the score of relationship that they would not have raised had they been better disposed towards the marriage. Indeed, this is a common way of telling a suitor politely that his suit is unwelcome—even when, in fact, there is no relationship which could be seriously urged against the union. It also happens that a distant relationship, which might have been adduced as a bar to marriage, is passed over by a girl's family if they consider the suitor a desirable son-in-law. I have been present at marriage negotiations when a kinsman, who was not satisfied with his share of the bridewealth, raised the objection of kinship, and later, when satisfied, waived it; and at another marriage when one kinsman of the bride urged that the union would be incestuous, while the other kinsmen held that it would not be so. When marriage is permitted in borderline cases of this kind a beast will generally be sacrificed to cut what 584

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582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose [581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*rau*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

831 The facts outlined in this section lead to two conclusions: that
581 there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

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kind, in which coitus, when it takes place at all, is only part of a more complex relationship. The lover-sweetheart relationship has within it the purpose or pretence of marriage. Very likely a particular courtship will not develop into marriage, but courtship is the recognized prelude to matrimony, and if a youth wants favours from his sweetheart, he must persuade her of his intentions. A love affair tends, therefore, to be a marriage courtship, and for this reason the pattern of the husband-wife relationship in the first stage of married life intrudes into it, and the pair act towards one another with the conjugal reserve of this stage. So strong is the cultural idea of marriage that, though devoid of irksome restraint and inhibitions, the path of sex life runs from childhood towards that union and, though circuitous, leads always to wedding, home, and family. Marriage is the end of a full sex life. After he is married a man settles down to care of herds and gardens, and goes less and less to dances, and ceases to take much interest in girls. I was told that should he wish to have an affair with a girl his wife would have no objection and would probably help him in it. Women, on the other hand, once they are married, ought not to have relations with men other than their husbands.

Men now expect to marry younger than in the last generation, when, I was told, a man would not usually marry before he was 25 to 30. Fathers were wont to say that they would themselves marry again, for these young wives would in any case go to their sons when they were dead. At what age a youth marries today depends on the size of his family, his place in it, whether his father is dead, the size of his family herd, and other circumstances.

As a rule, girls marry round about 17 or 18, though one sometimes sees an unmarried girl of over 20. If a girl is betrothed early the wedding and consummation ceremonies are delayed. Women, therefore, have their first children at an age when they are well fitted to bear them. So long as a girl is married to a man with cattle she has fairly free choice of a mate. Much depends on whether the girl's family approve of the man's family. In theory, the parents choose their daughter's husband and only formally ask her consent, which she should give in duty to her parents, for marriage is not her business but the business of her menfolk. In fact, it is very difficult for parents to force their daughter to marry a man she dislikes, and strong-minded girls stand up against family pressure on this issue.

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582 In general, therefore, it may be said that if there is no kinship between a youth and a maiden and the youth's father has sufficent cattle, marriage is unlikely to be opposed by either family, unless there is bad blood between them. The first condition, however, makes it difficult usually for a man to find a mate in his own village, since, as we have seen, villagers are generally in one way or another kin. Also, a man is unlikely, except in parts of western Nuerland where some of the tribes are very small and there is much intercommunication between tribe and tribe, to marry outside his tribe, unless he lives near its border with another tribe, for he may then have relatives and friends on the other side of the border with whom he visits and on whom he can rely for help should difficulties arise about the return of his cattle in the event of divorce. Hence a man may generally be expected—I cannot give figures for the distribution of marriages—to take a wife from some village of his own tribe and within easy reach of his own village, that is to say, within his district or from among the people whom he habitually visits.

This fact, combined with the frequency with which Nuer live with their affines and maternal kin and their wandering and migratory tendencies, has produced a very great admixture within local groups of persons belonging to diverse lineages and tribal and foreign origins. It means also that, as I have already explained, any Nuer has kinship links of one kind or another with persons belonging to many different local communities. With each marriage these strands running from one community to another are increased and there results a complex network of kinship ties between members of opposed segments within the political structure.

II

583 Marriage among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary, and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them,

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wife to the name of a dead kinsman and is unable later to marry a wife in his own right, for, seeing that he enjoys the material benefits of marriage, his younger brothers must be allowed to marry from the family herd before he can contract a second, and legal, marriage. If he is ever rich enough to marry again he may feel that he must forgo the privilege in the interests of the sons he has raised up to his dead kinsman. He thus dies legally childless and it will be the duty of one of these sons to marry a wife to his name. In a case of this kind, it is more than ever incumbent on his sons to marry a wife to his name because he has died in possession of cattle. These cattle, *ghok jookni*, cattle of the ghosts, are sacred and in the special circumstances ought not to be used for any purpose other than marrying a wife to the name of their dead owner. When Nuer raid a herd to seize cattle in compensation for some injury they will not take cattle reserved for the marriage of a ghost.

Except in the circumstances I have just related, it is usually a younger brother who marries a wife to the dead. As brothers marry in order of seniority, it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry in his name. However, if the next brother is only a paternal half-brother they are likely to leave the pious obligation to a full brother who is yet younger.

The custom of marrying a wife to the name of a dead man makes obvious complications in the kinship system of the Nuer, for a child of the union is both a son of the man who is in the place of his pater and, in virtue of his attachment to his pater, stands also to him in a different relationship: father's brother's son, brother, brother's son, or maternal uncle's son.

A further complication arises when, as occasionally happens, a woman marries a wife to the name of a dead kinsman, usually of a dead uterine brother. It is said: *'Ce rode kwen ciek, ciek thok dwiel man'*, 'She has taken a wife to herself, a wife for the hut of her mother', that is to say, for her uterine brother. The persons involved in a marriage of this kind are the dead man, his kinswoman who marries a wife to his name, the wife, and the man who is brought in to cohabit with the wife. A woman may instead marry a wife herself and instruct the son of this marriage to marry a wife, when he grows up, for her brother (his paternal uncle, since the sister is his pater).

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This is why a lineage is generally called a *thok dwiel*, the entrance 613
to the hut—not the byre—or a *thok mac*, the hearth of the fire at which women cook—not that around which men sit and sleep.

There is involved here a contradiction between the dogma of the 593
unity of brothers, which the Nuer so often enunciate, and both the lineage system and the common experience of family life. It is a cardinal teaching that all brothers are equal and undivided, for they are all sons of the same father and therefore, through their identification with him, equivalent in the lineage. Maternal descent does not count within the lineage and therefore ought not to count within the family, for by the agnatic principle in Nuer social life the family derives from the father. Hence, Nuer say, if your uterine brother and your paternal half-brother quarrel you must not enter the dispute on your uterine brother's side, because by so doing you divide the family. You split, as it were, the father.

That the huts do not divide the byre is particularly emphasized 593
by, and in, the rule, previously referred to in our discussion of 582
bridewealth, that brothers must marry in order of seniority of birth, a division by age reinforced by the distinctions of the age-set system, irrespective of whether in each marriage the cattle of the bridewealth came into the family herd from the previous marriages of the particular brother's full or half-sisters. Also, all the brothers must marry before any one of them takes a second wife. Even after the father is dead, opinion enforces this rule. It is only when, as rarely happens, there are enough cattle for a further marriage from the herd before the younger brothers are old enough to take wives that an elder brother may marry a second wife before they are married. When a man dies his eldest son takes his place as head of the family: 'He changes himself into something like their father.' It is then his duty to see that his unmarried brothers are not unfairly treated. Should the family disperse and one of the brothers attempt to take for himself all 'the cattle of the mother' of his uterine sisters' marriages, and refuse to allow them to be used for the marriage of a half-brother who is the senior of the unmarried sons of the family, it might prove difficult to prevent his doing so; but were he to do so, he would cut himself off from his brothers and paternal kinsmen. They would not any more assist him in his troubles and quarrels. 'They may even let him be killed unaided and recoup themselves for his past meanness

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with the cattle they receive in compensation for his death.' This is the final and, to a Nuer, most frightful sanction.

Nuer feelings about this matter are reflected in their use of kinship terms. Although '*demar*' (or '*gatmar*') means 'my uterine brother' and '*gatgwar*' is the term for 'my father's son' (paternal half-brother), they almost invariably use the term for the uterine brother to refer to, or address, the half-brother and keep the term for 'father's son' to speak about or address paternal cousins. To address a father's son by the term for this relationship is regarded as very bad form because it makes a cleavage in the family. It would be even worse to call your full brother '*gatgwar*', 'my father's son'. The term would only be used for this person as an affectionate meiosis. In the same way, a man must not address his paternal half-sister by the term for this relationship ('*nyigwa*'), for '*nyagur e jen nyimor*', 'your father's daughter (paternal half-sister) is your mother's daughter (full sister)'. It is true, as will be seen in the next chapter, that there is a general tendency for Nuer to use kinship terms for persons who stand in a more distant relationship to those which they denote and that the terms '*demar*' ('*gatmar*') and '*nyimar*' are freely used for almost any person of a man's own generation, but Nuer particularly emphasize the need for this displacement in the case of half-brothers and half-sisters. Nuer have told me that they are so anxious not to distinguish between full and half-brothers that should a man go with his half-brother to visit his mother's sister's home, the young men of that home will make a point of greeting the half-brother first and of addressing him as '*gatmar*', 'son of my mother', before addressing their true mother's sister's son by this term (which correctly applies to him and not to his half-brother). I have earlier noted that the wife of one brother is spoken about as the wife of all the brothers and her children as the children of them all.

But although Nuer are constantly asserting the solidarity of the polygamous family, it is as evident to themselves as it is to the observer that things are often different. They recognize that whereas full brothers pool their resources, helping each other even to the point of forgoing their rights, paternal half-brothers insist on their rights and try to avoid their obligations, doing for each other only what self-interest demands of them. Nuer are not surprised at—they expect—coldness between half-brothers, and disagreements and disputes between them, and between paternal

581 complete it and yet more time between the consummation and the birth of a child. I do not
593 say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic
[862] partners. As the Nuer observe a weaning taboo this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage. Marriage is not only a conjugal relationship but
60b also a set of affinal relations and it can be stable
593 only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

• 582 Conjugal and affinal relations are personal relationships which require adult adjustment
602 that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

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582 602 him with a wife, or, indeed, to assist him in any way in a society which recognizes no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruaa*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

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584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer she is transferred from one lineage to another.
684 The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle on her back". This does not mean that it is
593 payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

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NUER RULES OF EXOGAMY AND INCEST[1]

835 753 864 THE Nuer word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*dwer*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

●582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv (1935), 7).

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7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

●582 place between them. An ox of the *ma jok thiang* colour is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say *Bakena mar*, 'We break kinship', and *Ba bak ne kir*, 'It (kinship) is broken with a gourd.' It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the *genitor*, is a different man from the sociological father, the *pater*, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage even where this would not have been allowed had their father been their *pater*. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

582 597 The adoption of a Dinka boy into a Nuer minimal lineage—an event which very frequently takes place—prevents him from marrying into that lineage, and he would normally not be allowed to marry into a collateral minimal lineage of the same minor lineage.[1] Some of my informants were of the opinion that he ought not to marry into the clan at all, but marriages of adopted Dinka into collateral major, and even minor, lineages undoubtedly take place sometimes. When this happens it is permitted because Nuer hold of adoption that 'It stops there (in

[1] An instance of a marriage of this kind is given in 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, xvii (1934), p. 15.

the joint family) and remains in their lineage (minimal), it would not jump over their fire-place (joint family) to a collateral lineage'; but to avoid the appearance of a breach of exogamy the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of the adopted Dinka's wedding in addition to the clan spear-name which becomes his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. A man and woman with the same spear-name cannot marry, because this is evidence of common clanship. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may claim some part of it. Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs and then hands her over to another man to bring up outside his village 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the household (*gol*) and becomes a member of the household.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth, for several generations. She herself can be married to a clansman of her captor and foster-father so long as her husband does not belong to his minimal lineage, which is to say, so long as those who pay her bridewealth cannot also claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle.

582 607 A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children.[1] It is said that were he to do so the children of the marriage would die. When I argued that there was no kinship between a man and his wife's sister Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman since she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow, and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that you cannot marry your child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

582 561 A man may not marry the daughter of an age-mate, a member

[1] A single case of marriage to two sisters at the same time was recorded. A well-known magician on the Sobat river defied the prohibition. When, however, one of his daughters fell sick with syphilis, or yaws, he gave up the second sister.

of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates, and a man may not be in the position of paying bridewealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage rarely surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God and it is believed that the guardian spirit of the age-set (*kwoth ricdien*) will avenge a breach of it.

582 561

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. Thus Nuer may be heard to say of such a set as the Wangdel, 'The Karamni marry their daughters, we the Piluali do not', meaning that the Karamni, who belong to the set next junior to the Wangdel, would not be their sons, whereas the Piluali, who belong to the next set but one, would be mostly their sons. When one of the fathers is dead marriage can take place but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This ritual exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead, because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

582 For completeness it must be mentioned that a leopard-skin
624 chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

582 The exogamous rules I have recorded above can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in
582 the breach of them. Thus I have known of a peculiar marriage
588 into the clan in which, on the day of the wedding, tribute was

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

INCEST

It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

835 684 critical comment, might then have entailed risks. Even then Bul might have taken the risks, claiming that the child was *dieth laka*, born in concubinage, and therefore not a true brother if his *genitor* did not pay a fee to legitimatize him: 'Their spears [spear-names] are different: it is not real kinship.' In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

SOME OBSERVATIONS

835 582 I now make some general observations, within the scope of this essay, on Nuer exogamy and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of exogamy to marry them. I would hold that the incest taboo can only be understood in the light of the rules of exogamy and that these rules are to be explained by their function in the Nuer kinship system and in their whole social structure.

835 It is evident that the incest prohibition is not derived from notions of consanguinity only, or even to any extent, but from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster father's brother, between a man and the daughter of one of his age-mates, and, necessarily, between a ghost-son and the women of his clan. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I contend that it is to be regarded primarily

as a way of providing a moral norm, a reason, and a sanction for the exogamous regulations of their society and is therefore a product of their social structure. 835

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual*, and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans and that the Nuer themselves recognize that the limits of exogamy are arbitrarily fixed. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law among the Nuer, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the rules of exogamy and not the rules of incest which are basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.[1] [582]

It is true also that Nuer call *rual* relations with women already married to kinsmen, and because they are married to kinsmen, and that they cannot be counted as possible mates to whom any rule of exogamy could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest

[1] Although Nuer declare 'You cannot make love to the daughter of an age-mate because you call her *nyada* ("my daughter")', the prohibition is not emphasized, since there would be little chance of a man obtaining the favour of a girl so much younger than himself in any other way than by marrying her with cattle, which is forbidden.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

aunt's son makes for confusion within the kinship system, which is a system of personal relations of a different kind to lineage relations. Two sisters are potentially members of different lineages, those of their future husbands, which they join and to which they bear children. The position of the uterine brother is peculiar, because full brothers are not just 'bulls' to one another, members of the same lineage: they are maternal kinsmen as well as paternal kinsmen, and sexual relations with each other's wives seem to the Nuer to involve in some way the mother, an idea which is repugnant to them. 835

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the rules of exogamy, by differentiating between persons in Nuer society, indicate kinship status and are one of the most effective means of doing this and thereby of maintaining the kinship system, which is based on the distinctions between the various categories of relationships. The rules of exogamy prevent confusion between one relationship and another and the contradiction such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this essay, of Nuer themselves, who see that it is undesirable to obliterate or confuse the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; were a man to marry the daughter of an age-mate his age-mate would also be his father-in-law. But if the wife has died childless marriage with her sister is permitted because the relationship of a man to his child's mother's sister is no longer at issue, and if one of two age-mates is dead the son of one may marry the daughter of the other because the fathers can no longer be brought into a relationship of affinity. This explanation of exogamous rules holds not only for the Nuer but, as Professor Radcliffe-Brown has taught for very many years, for all societies.

The consistency between the Nuer rules of exogamy and the payment of bridewealth and its distribution, the ritual of marriage, and the laws of marriage and descent cannot be discussed here. I can only say that the payment, the ritual, and the laws could hardly exist in the form in which they do exist were it not for the coexistence of the rules of exogamy I have recorded in this essay. 835 582

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

community of kindred every member of which regulates his 621
behaviour to every other member in accordance with a variety 619
of kinship patterns and can predict their behaviour to himself 613
in conformity with the same norms. 614

When a local community becomes in this way a network of 582
kinship ties it is necessary, so varied and extensive are the re- 602
lationships which come under the exogamous ban, to marry 621
outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they 836 please with lovers of their own choice and without either the sanction 588 of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

•582 684 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in 835 the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest *(rual)* and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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(*nueer*), sometimes resulting in death, falls equally on both parties and even upon their relatives. There are therefore strong social and ritual sanctions. For the purposes of this Manual I shall do no more than summarize the laws of exogamy, and refer the reader to published literature on the subject. 582 684 835

Nuer clans and lineages are exogamous. The patrilineal descendants of a common ancestor may not intermarry. The laws of exogamy extend farther than this and include persons who are closely related by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows: 582 835

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occurrence[1] among the Nuer, and the links created between father and adopted child receive social recognition and ultimately legal recognition amounting to true kinship.[2] A man would not be allowed to marry or have sexual intercourse with a kinswoman of his adopted father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law. 582 835 597

[1] Obviously more common in the past.

[2] See also under Homicide, Chapter II, p. 56. The distinction between *jaang dhor* and *jaang cieng* is relevant.

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(v) A man may not marry again into his wife's lineage. Nuer say that a man may not have intercourse with two closely related women at the same period of time. The link is really through the children; a man may not marry his wife's sister because she will also be the maternal aunt of his children and entitled to a portion of the bridewealth of his daughters. A confusion of status of this kind must be avoided.

(vi) A man may not marry the daughter of an age-mate. Common initiation brings about an association similar to kinship. This is symbolized in the giving of the 'cow of the age-mate' (*yang ric* or *ruath ric*).[1] To marry the daughter of any age-mate is to bring him into the category of father-in-law; the avoidance due to the latter is incompatible with the conventional familiarity which exists between age-mates.

Professor Evans-Pritchard summarizes these rules in an article on the subject.[2] He says:

> The exogamous rules . . . can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.[3]

We shall see that the greatest care is taken during the social processes of marriage to avoid any possible breach of these rules,[4] and it is unlikely that a bar to marriage would be discovered subsequently, at any rate one which involves a prohibition sufficiently strong to be unavoidable. Unless the relationship is singularly remote, however, the union would be dissolved without further delay and the appropriate ritual of appeasement and decontamination performed. This is usually performed by a Leopard-Skin Chief, who neutralizes the effects of the breach of taboo. A cow is sacrificed to the ancestral spirits, and the whole carcase divided into halves,[5] one half being consumed by the relatives of the man, the other half by the relatives of the woman. The presence of the Leopard-Skin Chief and the fact that a cow (possibly only a barren one) is sacrificed would indicate that the breach is a serious one and likely to bring great misfortune to the people concerned. As Professor Evans-Pritchard points out, the value of the sacrifice is

[1] See p. 110.

[2] *Social Structure: Studies presented to A. R. Radcliffe-Brown*, Oxford, 1949.

[3] Evans-Pritchard points out that 'a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated'. This contention may be true of Lou and eastern Nuer, where Leopard-Skin families are few, but I doubt whether it is applied in the western parts of Nuerland, where they are more common.

[4] See pp. 87, 91, 92

[5] *Yang me bak he rual*, 'the cow of dividing for incest'.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nueer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

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The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in leviratic marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Murle. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 17, 192, 202, 225–8, 235, 257; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1949. Further information will be found in various articles by the same author: 'Nuer bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', ibid., XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. Thus twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

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586 *Kec Kwoyok* v. *Weir Lam* (*Leik Nuer Case*)

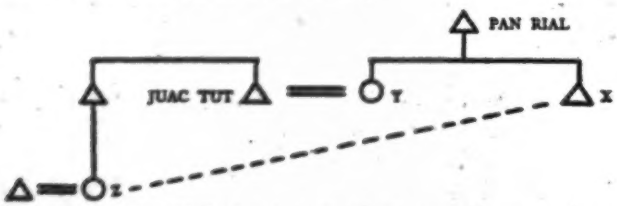
Kec married Weir's sister. During the five years of their marriage she bore only one child, and Kec demanded a divorce. This was refused by the Leik court, but allowed two years later by the appeal court. In this case all cattle were returned to Kec with the exception of sufficient to retain legitimate parenthood of the child.

Kelwal Tutrol v. *Kong Kepkeap* (*Bul Nuer Case*)

Kelwal married Kong's daughter. There were no children of the union, and Kong demanded a divorce for his daughter on the grounds that Kelwal was impotent. Kelwal appealed to the court against this demand, but judgement was given against him.

This case is simple enough, but illustrates clearly that impotence or sterility on the part of the husband is equally a ground for divorce. It also shows that Nuer are interested in the children of their daughters, although they will belong legally to another lineage.

Juac Tut v. *Pan Rial* (*Leik Nuer Case*)



Juac Tut married Pan Rial's daughter Y. X, Y's brother, committed adultery with Z, Juac's brother's daughter. Juac then demanded a divorce from Y on the grounds that the act was virtually incestuous. On the first hearing the court refused the divorce, but on appeal all bridewealth cattle were returned to Juac.

Breaches of this sort of conventional behaviour and normal obligations between relatives-in-law are often compounded by payment of gifts and, in the case of incest, by ritual expiation.

Impediments to Marriage Discovered Subsequently

Two other exceptional circumstances which sometimes result in divorce must be mentioned.

Incest

586 582 835 At any stage of the marriage it may be discovered that the union is incestuous (*rual*), in which case, unless the consanguinity is extremely remote, the marriage must be instantly dissolved. Such an occurrence must be rare[1] among the Nuer, for we have already seen how

[1] Within my own personal experience in Nuerland, I have only known of one case in which a marriage had to be dissolved owing to kinship between husband and wife. At the same time such cases are unlikely to appear before the courts or be the subject

8:Howell E, G-5 (1942-1944)1954
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elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

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Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kamdien*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

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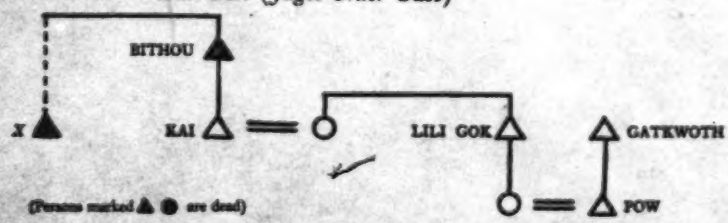
Kai Bithou v. *Lili Gok* (*Jagei Nuer Case*)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak mara*).

8:Howell E, G-5 (1942-1944)1954
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423 emphasis nor is there any demarcation of boundaries. Within each tribe which owns a territory in opposition to other tribes there is a further division according to primary segments and smaller communities. The lower down the scale of segmentation the less clearly defined are these boundaries, because ultimately they correspond to regions occupied by people closely bound by ties of kinship and by the need for close co-operation in the economic sphere. Individuals and small groups of people cross these boundaries, but must do so with the consent, tacit or consciously given, of those with whom the territory is associated, the *diel*, and those who link themselves to them. Thus with the exception of occasional quarrels over the riverain grazing grounds, land is not often in dispute. In the past rival claims to territory were settled with the spear, and there existed no complex laws of land tenure governing human relationships where land was concerned. Land tenure is not a serious problem in Nuerland nor the subject of much litigation in the courts, and is unlikely to become so while there is no shortage.[1]

3. INHERITANCE

428 Laws of inheritance might more properly be discussed under the heading of marriage, for they are inseparable from the general kinship system and the rules of bridewealth distribution. Matters of inheritance are not a common cause of litigation; they are essentially *ruac cieng*, private affairs which should be settled in the home. Nevertheless, disputes of this kind are sometimes brought before the courts, even by persons as closely related as brothers or half-brothers.

Inheritance of Cattle

Nuer society is essentially patrilineal where the inheritance of property is concerned, and a man's belongings should go to his sons, or failing that to his brothers or brothers' sons. Property or titles to cattle accorded in the name of a woman (for example, the mother's, maternal aunt's, and paternal aunt's portions in bridewealth) should go to her own sons and hence to the lineage of her husband, not that of her father. This rule is normally applied though it may be ignored in certain circumstances upon which no generalization can be made.[2]

428 The laws concerning inheritance are not distinct, for the owner is normally expected to divide the cattle actually in his possession among
582 his sons or relatives before he dies. The underlying principle, however, for the distribution of cattle among a man's sons is that brothers

[1] As there may be when the Equatorial Nile Project is in full operation.

[2] See for example the marriages described on pp. 115–117. In these, since there were no uterine brothers of the bride's mother, their portions went to their maternal nephews, though one might expect them to go to their paternal kinsmen.

8:Howell E. G-5 (1942-1944)1954
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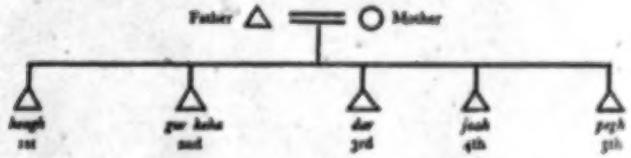
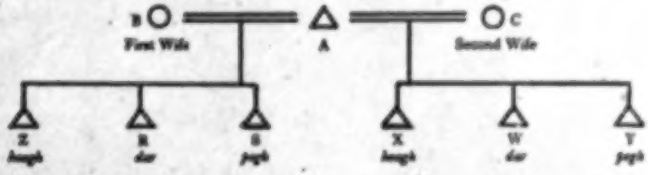
must marry in order of seniority—the eldest first. In a simple family consisting of a man, his wife, and sons, the sons are referred to as *keagh*, *gur keka*, *dar*, *joah* and *pegh* respectively. Thus: 428 582



(The 'first', 'the one after the first', 'the middle', 'the (one before the) last', 'the youngest'.)[1]

When a man has more than one wife, the sons of each wife are thus titled separately, each family beginning with *keagh* and ending with *pegh*. The principle of priority in marriage, however, is applied according to age, and does not depend on the status of the wife.



Thus, if X is older than Z, he will marry first. If W is older than Z, he will marry first and so on.

Certain indications of inheritance rights are also given in the distribution of bridewealth, not only between actual claimants standing in a particular relationship to the bride, but also between the persons who should rightfully inherit the title to those claims should the claimant be dead. I do not propose to describe here all the details of these indications because they have already been mentioned in connexion with bridewealth distribution,[2] but certain principles must be emphasized again.

The first of these principles is based on the distinction between the sons of the father (by another mother) and the sons of the mother (in this connexion the mother of the bride). A family group among the Nuer is made up of a number of domestic units each of which consists of a wife and her children. A man who has two wives is in the position of being husband and father to two such units. The children of one unit are uterine brothers and sisters; to each other they are *kwi dwiel*, 'on the side of the house or hut', because each wife must have her own 428 601

[1] The terminology is interesting. The word *keagh* is used to describe a woman who is unmarried or has not yet completed the processes of marriage. *Gur keka* (*gur keagh*) means simply 'the follower of the *keagh*'. *Dar* means 'middle', 'in the middle', *joah* or *joagh* means 'last', while *pegh* means 'end or limit'.

[2] See pp. 97–124.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

wives of men of other age-sets may one day become his mother-in-law. 561
I have never heard it suggested that men have any sexual rights over
wives of their age-mates and Nuer were always shocked at my enquiries 835
about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially 561
as I have explained above. The *kau* of an animal goes to the *ric matot*,
the junior age-set who may eat themselves or may share the meat with 574
the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Maheri* and the *juak* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Maheri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set; while if the animal belonged to a *Maheri* we would expect the *Dangunga* to eat with the *Maheri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me [585]
that sometimes at a marriage feast the father of the bride will kill a "*yang rica*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. 561
In my previous essay I pointed out that the clan is an exogamous group
and that any near genealogical relationship through the female line is 582
also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 •582 who counts by fiction, or analogy, as his daughter. I think we are justified also in regarding the actual ceremony of initiation as creating something in the nature of blood-brotherhood between the members of an age-set, since the Nuer seem to regard them as having a kind of community through the blood they have shed together. The Nuer also regard the lineage and clan as a group of people physiologically related as well as sociologically connected, since they have a notion of the common blood of kin.

[835] Not only is a man prohibited from marriage with the daughter of his age-mates, but he will refrain from having love affairs with them or flirting with them. When I asked what would happen if a man were to marry the daughter of an age-mate, I was told that his comrades would appeal to the *kwoth ricdien*, the spirit of their age-set, stating in an invocation that this man has no respect for their set and asking that he might be removed. He would then die. It is difficult to know how we are to interpret *kwoth ricdien*, but it seems that each *ric* is thought to be associated with its special guardian spirit though I do not think that these have special names.

This prohibition on the marriage of daughters with age-mates on the grounds of brotherhood between them is quite conventional and does not mean that age-mates are regarded as equivalent to brothers in either physiological or sociological sense. Perhaps the function of the prohibition is to be sought in the pattern of egalitarian behaviour existing between age-mates and their wives, a pattern of behaviour quite incompatible with that existing between a man and his father- and mother-in-law. If a man were to marry a daughter of an age-mate his age-mate would become his father-in-law and his wife would become his mother-in-law and he would have to act towards them with such respect as to make it impossible for him to eat or drink in their homestead. But the Nuer system decrees also that a man may act with the greatest freedom, as we have seen earlier, towards his age-mates and their wives. There would hence be a clash between two completely opposed patterns of behaviour, and this is avoided by the fiction of brotherhood considered as the relationship equal to real brotherhood in respect to marriage with daughters though different in most other respects. Doubtless the prohibition is re-enforced by the fact that there would always be a very great difference in age between a man and the daughter of an age-mate, for

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

marriage between people of about the same age is usual in the Nuer society and marriage with a girl of the age of one's children is exceptional. 561 582

Conventionality of the prohibition is shown when we come to consider the relations of a man to the daughters of his father's age-mates, because if there were any real identity between age-set relationships and kinship relationship these women would stand in the position to him of sister (father's brother's daughter). In point of fact, Nuer theory holds that children of age-mates may not marry and they form a secondary exogamous group based on the age-set system.

DIAGRAM No. XXIII.

A	AGE MATES ♂
B	CHILDREN OF A ♂ ♀

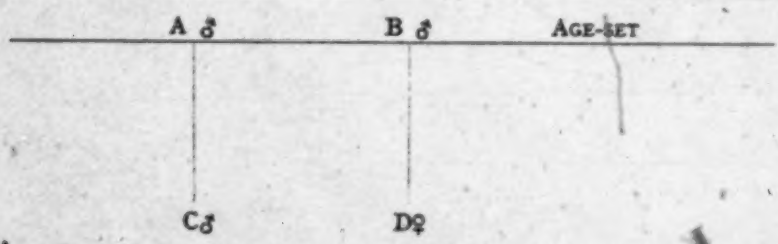
Thus members of group A may not marry into group B, A and B together forming an exogamous group comprising two generations. A is not an exogamous group since it contains only males and these are permitted to marry one another's sisters, if they are not prohibited from marriage on other accounts. B on the other hand forms in itself an exogamous group consisting of males and their sisters who are not supposed to intermarry.

However, the prohibition on inter-marriage between children of age-mates (between members of group B) is not seriously enforced, at any rate to-day, though I was told that in the past the rule was upheld. Thus, in Diagram No. XXIV, theoretically C ♂ cannot marry D♀ since A ♂ and B ♂ are age-mates. Because A ♂ and B ♂ are "brothers," B ♂ is the "father" of C ♂ and C ♂ cannot marry D ♀ his "father's daughter." It seems, however, that to-day so long as A ♂ or B ♂ is dead, the marriage is allowed between C ♂ and D ♀ on condition that they make exchange of a special cow or sheep or goat as atonement (*col*) for breaking the taboo. This animal is probably ear-marked for the *kwoth ricdien*, spirit of their age-set, though I was not told that this was the case. An instance of this kind was told in the family of one of my Nuer servants, Tot, whose sister was married to a man whose father was an age-mate of Tot's father. The husband gave Tot, whose father was dead, a female

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 goat, and Tot gave the husband's father a male sheep. It may be doubted, nevertheless, whether such a marriage would have been regarded as
•582 correct by the older generation. I was told, however, that a man would
[832] not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it regulates the behaviour of members of a community towards one another.
182 It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
602 set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

11:Evans-Pritchard E-5 (1931,1936) 1945
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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives
428 the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

565 614 619 The descendants of Majok Kiir form the aristocratic nucleus of the Gaajok tribe; the descendants of Mathiang Kiir and Kun Kiir form the aristocratic nucleus of the Gaajak tribe; the descendants of Gwang Majok and Nyang Mathiang form the aristocratic nucleus of the Gaagwang tribe. Thus, on map No. V[1] these lineages are shown as tribal sections, i.e., they have given their names to the tribal sections which have aggregated to them. Here the three main lineages descended from Majok, LAANG, YOL, and WANGKAC, are shown as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient magnitude to be shown separately, but it must not be supposed for this reason that the descendants of Majok form anything but a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises all sorts of foreign elements besides the descendants of Nyang Mathiang[1] and Gwang Majok. The same applies to the Gaajak tribe. As far as my information goes the GAA(T)GWONG lineage are completely united in tribal life with the GAA(T)JAK lineage and so are classified as forming part of the same Gaatjak tribe. In the map the primary sections of Lony, Kang and Tar are all called after descendants of Mathiang and the primary sections of Nyayan, Cany and Wau are all called after descendants of Kun. Hence, in map V, the only section not accounted for in diagram No. VIII[2] is the primary section of Reng,[2] the nucleus of whom are of mixed foreign origin.

614 [682] The clan is the largest lineage which consider themselves as one for purposes of exogamy. This is the minimum definition of a clan. In theory the clan preserves the same form as the smaller lineages which comprise it because it is supposed to be possible to trace the exact genealogical relationship of any member of the clan to any other member of it. Doubtless this can generally be done by a panel of competent genealogists, but most Nuer tend to confusion in the upper stages of ascent and either miss out or misplace names between the ancestor of their clan and the founder of their minor lineage. In consequence of this confusion which is associated with the social functions of clan and lineages there is a tendency for clansmen who do not also belong to the same minor lineage to have an undifferentiated relationship to one another, recognising their kinship to one another through common membership of a social group rather than by genealogical relationship. Hence they tend to recognise

[1] Nyang was the biological son of Mathiang, but as he was born of one of Kir's wives he is strictly a son of Kir.

[2] I believe that Reng is the bullock-name of Gying, the founder of the most important clan lineage in the Reng primary section of the Gaajak tribe. One of the secondary sections of this tribe is called Dhilleak which is, I think, a bullock-name of Bicuk, son of Gying.

[1] [See facing p. 30, category 116.--Analyst]

[2] [See facing p. 36.--Analyst]

12:Evans-Pritchard E-5 (1930-1931) 1933
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in Lou country and Rengyan country forms only a small proportion of the total population of Lou and Rengyan tribesmen. Again, Gaajok country contains a dominant element of GAT GAN KIIR clansmen of GAAJOK lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry.

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIMEM mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIEK, JIDIET, BEEK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristocratic element there. The JINACA of Lou country lived originally with the JINACA of Rengyan country, but they split off from them and conquered Lou country from the Dinka. Here they were the first occupants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINACA. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

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The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

561 881 initiation. He is a *mut*, a man, whereas before he was one of the *dholi* (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 764 582 Certain ritual observances are practised between members of the same age set, and between members of different sets: sets are segregated at sacrificial feasts; members of a set cannot bury an age mate or participate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

561 608 Relations between sets are defined in ordinary kinship terms. Members of a father's age set are fathers, their wives are mothers; members of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clansfolk, close cognates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage*. If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1949, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, pp.308-9.

In certain respects the status
588 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 848 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of there 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olia kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *rodh* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *rodh* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *rodh* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 304

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.R.*, 1935, p.74.

●582 marriage ceremony with partners selected for the purpose, and, in the ceremony, the role of the sexes is reversed.(1)

BURIAL

764 The grave is dug and the corpse buried as quickly as possible and without ceremony. Young people and age-mates of the deceased do not participate. The grave site is at the left-hand side of a man's hut. All ornaments are removed and the body is buried in a flexed position, one arm being placed under the head and the other over it. The body lies on the right side facing west. Graves are not long remembered, and are not places for ritual. When a leopard-skin chief or a *wut ghok* dies he is buried on a platform and covered with skins.

A few days after death, the *gwan buthni*, the ritual expert of the lineage, makes a sacrifice and cleanses the people of the homestead. The ghost *(joak)* is told not to trouble the living. Some believe that spirits live in the sky, others that they continue to live under the earth the same kind of life as they lived when alive.(2)

765 Relatives mourn until the mortuary ceremony which is held several months after death. The purpose of this ceremony, the *wocene cuol* or *cuol woc*, is to prevent misfortune which might befall the relatives on account of the death and to cut off the dead from the living.

THE BURUN

000 GENERAL

The Burun inhabit the regions between the White and Blue Niles in the province of Dar Fung. The country is a flat plain, with rocky hills emerging from it. These jebels are in some cases of considerable size and, wherever there is water in or near them, they have settlements on them. The populations of the hills have been considerably affected by foreign influence over a long period of time and, as a consequence, are very mixed. The Burun-speaking peoples may be divided into two groups:

The Northern Burun, comprising the settlements on hills Maiak, Surkum, Jerok, Mufwa, Kurmuk, Kudul, Ragreig, Abuldugu, Mughaja, and Tullok;

The Southern Burun, comprising the Meban of the southern plains, the dwellers on hills Ulu and Gerwai and the Jumjum on hills Tunya, Terta, Wadega and along Khor Juhjum.

The following account is a brief summary of the information available on the social organisation, cultural features and ritual beliefs and practices of the Burun-speaking people. Each hill community is treated separately for, according to the authorities, each is entirely independent of the rest. Most of the information available is contained in Evans-Pritchard's article in S.N.R., 1932, Vol.XV, Pt.I.

(1) Evans-Pritchard, *Uganda Journal*, 1936, Vol.III, No.3, p.233.
(2) Evans-Pritchard, *African Affairs*, 1949, Vol.48, p.57.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that the unity of twins is expressed, particularly in ceremonies 776 x
connected with marriage and death, in which the personality 196
undergoes a change. Thus, when the senior of male twins marries, 811
the junior acts with him in the ritual acts he has to perform; 845
female twins ought to be married on the same day; and no mor- [582]
tuary ceremonies are held for twins because, for one reason, one [766]
of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin 776 x
dies, and I was told that twins do not attend the mortuary cere- 845
monies held for their dead kinsfolk, nor mourn them, because a 766
twin is a *ran nhial*, a person of the sky or of the above. He is also 196
spoken of as *gat kwoth*, a child of God. These dioscuric descrip- 811
tions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dit*, [551]
bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider [262]
it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through
613 the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
[582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
[585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*twoc ghok*)
613 by shouting out their clan spear-names. The spear-name is also
597 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

21: Bacon Nuer FJ22 (S2)

618, 621, 582

/For a discussion of the social structure, kin relationships, tribal genealogy and general kin regulation of marriage, see 116 of the AU1 Afghanistan file, 21:Bacon, pp. 130-141./

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

233 583

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 clearly pointed at marriage, when movements of cattle from
583 kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

The importance of cattle in Nuer life and thought is further
233 exemplified in personal names. Men are frequently addressed
553 by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

Since cattle are a Nuer's most cherished possession, being an
233 essential food-supply and the most important social asset, it is
775 easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

233 We have seen in a brief survey of some Nuer institutions and
183 customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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136 extensive, have been the social changes which have resulted
231 from this disturbance of the oecological equilibrium. Since
178 bride-wealth consists of cattle there must have been for a time
[583] considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does
[328] not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognize that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side
[721] or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

226 It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gwan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

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583 627 wife's people do not return all the cattle that have been paid. In such circumstances the debtor does not deny the debt but puts forward a counterbalancing claim on some account or says that he has no cattle to settle it. Often enough he says this even when he has got cattle. The claimant can only be sure of getting his due if he takes it by force from the debtor's kraal or from the herd in the grazing-grounds. If he is strong and has the backing of a powerful lineage he is not resisted, since he has right on his side. Such matters are easily settled within a village and among people who share a common dry season camp because every one realizes that some agreement must be reached by discussion and that it must accord with justice. But when the parties belong to different, and maybe hostile, villages, settlement is not so easy. The leopard-skin chief may be employed, in the manner described, to bring the parties together for discussion and some agreement may then be reached, but many such debts are never settled. They are remembered for years. Perhaps some day, maybe in the next generation, an opportunity will occur to steal the cattle.

682 627 If a wife dies in her first pregnancy or childbirth the husband is held responsible. There is no question of a feud arising, but the husband loses the bride-cattle he has paid, since these now become blood-cattle for the loss of his wife. The husband is only responsible if the death occurs during childbirth before expulsion of the afterbirth If there is any dispute about the mode of death or the number of cattle that are still owing it is settled by a mediator called *kuaa yiika* or *kuaa yiini*, 'the chief of the mats', an office which pertains to certain lineages. This man has no other office and is not an important person in virtue of his role of arbitrator in disputes of this kind. It is easy to obtain compensation, as the father-in-law has the bride-wealth in his possession. There is, moreover, a tie of affinity and neither party is likely to resort to violence.

671 Using these brief notes on some exemplifications of the tendencies in Nuer law we may now state what these tendencies are. We speak of 'law' here in the sense which seems most appropriate when writing of the Nuer, a moral obligation to settle disputes by conventional methods, and not in the sense of legal procedure or of legal institutions. We speak only of civil law, for there do not seem to be any actions considered injurious to the whole community and punished by it. The informants who said that witches and magicians were sometimes killed stated that it was always individuals or groups of kin who waylaid them and killed them in vengeance.

[See pp. 163-64, cat. 116 — Analyst]

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597 613 groups by their other members and by outsiders. People say *'caa dil e cieng'* or *'caa ran wec'*, 'he has become a member of the community', and they say of the man who captured him that 'he has become his father', and of his sons that 'they have become his brothers'. He is already a member of the *gol*, the household and joint family. Adoption gives him a position in lineage structure, and thereby ceremonial status, for by adoption he becomes a member of his captor's *thok dwiel*, lineage.

597 788 I was told that the captor will seldom himself give the lad *buth*, agnatic affiliation to his lineage, and that the rite is usually performed by a kinsman at the request of his sons and with the consent of their minimal lineage. A representative of the lineage invites the Dinka, now grown-up and initiated, to attend the sacrifice of an ox or sheep in his kraal. The head of the joint family provides the sacrificial beast and the representative of the lineage drives the tethering-peg into the earth at the entrance to the byre and walks up and down the kraal invoking the spear-name of the clan and calling on the spirits and ancestral ghosts of the lineage to take note that the Dinka is now a member of it and under their protection. He then spears the beast and the Dinka is smeared with the undigested contents of its stomach while the ghosts and spirits are asked to accept him. He is especially smeared on the soles of his feet, for this binds him to his new home. If he leaves it he will die. The beast is then cut up, and a son of the house, or the representative of the lineage, and his new brother divide the skin and the scrotum, which the Dinka cuts. The Dinka also takes the neck as his portion. On all future occasions when animals are sacrificed by members of the lineage the Dinka will receive his share of the meat, for he is now a member of the lineage. The cutting of the scrotum is the symbolic act which makes the man a member of the lineage, because only an agnatic relative may cut the scrotum of a sacrificial beast. 'A man who has cut the scrotum of your beast, if he has sexual relations with your daughter, he will die.'

613 597 [583] A girl captive is not adopted into the lineage, but people say *'caa lath cuugni'*, 'she is given a right to receive bride-wealth'. 'Her children are become people who partake in the bride-cattle'. This means that when she is married, or her daughters are married, the sons of the family in which she has been brought up will receive the cattle due to brothers and maternal uncles, and that in return, when the daughters of the sons and daughters of this family are married, she, or her sons, can claim the cow due to the paternal aunt and the cow due to the maternal aunt. She has become a daughter to her captor and a sister to his sons, but she is not a member of their lineage.

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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thuk*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached. [583] [613]

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the lineage system where the Nuer begin to speak of collectivities of agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, that is, they are 'strangers'. I omit further discussion about the 602 613 [597] [609] 000

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582 In general, therefore, it may be said that if there is no kinship between a youth and a maiden and the youth's father has sufficent cattle, marriage is unlikely to be opposed by either family, unless there is bad blood between them. The first condition, however, makes it difficult usually for a man to find a mate in his own village, since, as we have seen, villagers are generally in one way or another kin. Also, a man is unlikely, except in parts of western Nuerland where some of the tribes are very small and there is much intercommunication between tribe and tribe, to marry outside his tribe, unless he lives near its border with another tribe, for he may then have relatives and friends on the other side of the border with whom he visits and on whom he can rely for help should difficulties arise about the return of his cattle in the event of divorce. Hence a man may generally be expected—I cannot give figures for the distribution of marriages—to take a wife from some village of his own tribe and within easy reach of his own village, that is to say, within his district or from among the people whom he habitually visits.

This fact, combined with the frequency with which Nuer live with their affines and maternal kin and their wandering and migratory tendencies, has produced a very great admixture within local groups of persons belonging to diverse lineages and tribal and foreign origins. It means also that, as I have already explained, any Nuer has kinship links of one kind or another with persons belonging to many different local communities. With each marriage these strands running from one community to another are increased and there results a complex network of kinship ties between members of opposed segments within the political structure.

II

583 Marriage among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary, and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them,

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and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen that there are always, besides prolonged discussions about bridewealth, sacrifices and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband

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585 The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

III

•583 Like many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of the series of ceremonial acts I have just described. These ceremonies and payments of cattle proceed *pari passu* as inter-connected movements towards the completion of the union. It should be remembered that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

I first describe the principles on which bridewealth is paid. These can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its ideal distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also.

583 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the

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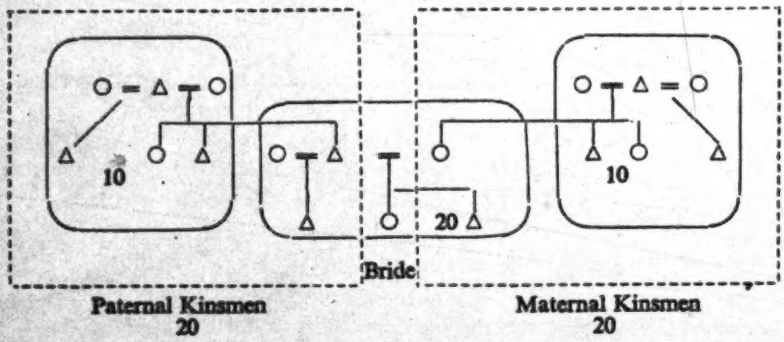
bride's own family, her father's family, and her mother's family. 583 The bride's own family receive 20 head of cattle, which are known 602 as the *ghok dieth*, the cattle of parenthood. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in the diagram below, in which these distributions are shown, that the bride's mother's sons count as maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in



terms of individual relationships and, when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	*Total*
KWI GWAN **(on the paternal side)**		
Gwan **(father)**	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf	8
Gat gwan **(father's son)**	A cow, and another cow	2
Gwanlen **(*indit*)** ***kwi mane*** **or** ***kwi dwiel*** **(father's elder brother by the same mother)**	A cow and its calf, a calf, and an ox	4
Gwanlen kwi gwane **or** ***kwi luak*** **(father's brother by a different mother)**	A cow and its calf, and an ox	3
Gwanlen **(*intot*)** ***kwi mane*** **or** ***kwi dwiel*** **(father's younger brother by the same mother)**	A cow, and an ox	2
Wac **(father's sister)**	A heifer	1
		20

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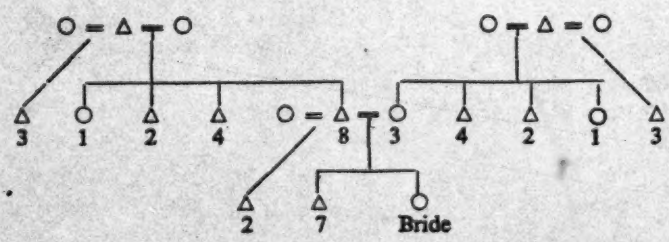
KWI MAN (on the maternal side)	*Cattle*	*Total*
Man (mother)	A cow and its calf and a heifer	3
Deman (brother by the same mother)	An ox, another ox, a cow, another cow, a cow and its calf, and another cow	7
Nar (indit) kwi mane or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nar kwi gwane or *kwi luak* (mother's brother by a different mother)	A cow and its calf, and an ox	3
Nar (intot) kwi mane or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer	1
		20

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer, when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: '*Manlen a cuong*', 'The maternal aunt has a right'; '*Wac a cuong*', 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated below:



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It must be added that the four grandparents of the bride are entitled each to a cow, called *wangnen*, in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, sons inherit the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaatgwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaatwac* (father's sister's sons), and so forth. But whereas cattle must be paid, whatever may be the circumstances, to the names of these kinsmen, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in the diagram below, A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later, these cattle of the grandparents are not paid in addition to the forty already listed.

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's kinship to certain of her kinsfolk, but is also an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is not only an expression of the relationship between a father's brother and his brother's daughter, but also of that between brother and brother. A man marries from the

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583 602 family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'our wife', because she was married with 'our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'our children' since they are 'children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are not only an expression of the relationship between a mother's brother and his sister's daughter, but also of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father, and that the part of her bridewealth paid to them is to some extent considered as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles,

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or as future maternal uncles, and youths regard them as policies 583 which will fall due in the future and enable them to marry wives 602 themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaatman*) and sons of the father (*gaatgwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel* on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications. The statement of the ideal distribution thus assumes polygamous families.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sister's bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does

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583 602 not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. If there is only one widow this is likely to happen, but when there are several widows the family often breaks up, the widows going with their children to live in different places, and the herd may in course of time become scattered. Eventually the family, especially the composite or polygamous family, ceases to have corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages, and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers.

In reckoning the cattle which have to be transferred Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. Whatever else the bride's family and kin get, they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwane*, the cows of the paternal grandparents.
   wangnen mane, the cows of the maternal grandparents.
2. *yang gwane kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   yang mane kene doude, the cow of the mother with its calf.
3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
   yang nara kene doude, kene thakde, ke puangde, the cow

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of the maternal uncle with its calf, and his ox, and his *puang* (ox).

4. *dou* (*nac*) *waca*, the calf (heifer) of the paternal aunt.
   dou (*nac*) *manlene*, the cow (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
   yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
   thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any one of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' In actual payments of bridewealth the fact that the kin of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds. If one of them is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion-spirit and a brindled cow for the crocodile-spirit. A cow so dedicated to a spirit must remain in the kraal of the parents, and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact, just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different

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583 602 spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it. Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father.

The maternal side of the family have a prior claim to consideration in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, but the maternal relatives are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round.

583 602 178 In marriages today the actual payments and distributions of cattle to definite persons, as distinct from the ideal allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which, apart from the relative desire of both parties to bring about the union, are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants and the shares allotted to them in other marriages, and the configuration of the bride's family.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. In recent years the herds have diminished through rinderpest, and raids on Dinka stock, the

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traditional means of recuperation, are prevented by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland, and it would today in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30. It has been mentioned that there are a number of relationships with basic rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims, the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know who are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

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It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are claims on the bride's father as much as on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known

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583 602 to the bride's people. The spokesman for the bridegroom says, for example, that they have a brindled cow and its calf in such-and-such a kraal, and the spokesman for the family replies that these will be the cow of the mother and its calf. The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have agreed among themselves which particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put forward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed on one side or parsimony on the other, but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to pay the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never paid. If the husband has cattle and his wife's brothers want to marry, they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been paid before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a brother tries to obtain the remainder of his sister's bridewealth before this happens. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had

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been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage, but 'the cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt, she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts, they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due, and, at the same time, admit the rights of the others to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, a lineal heir is entitled to the beasts; but a collateral kinsman may not inherit. If there is neither a claimant nor a lineal heir other relatives on that side of the family receive larger shares than they would have expected had there been either. To reach an understanding of any actual distribution it is often necessary to relate it to distributions at other marriages, for, especially today when cattle are scarce, consideration will always be given, in seeking a fair agreement, to rights claimed or forgone in previous, and to expectations in future, marriages of daughters of the family and kin.

Paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with

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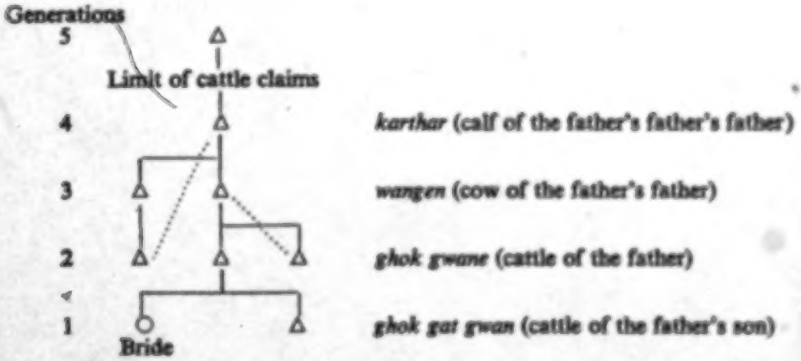
583 602 a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle proper and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as a sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift, and it will not be refused. This privilege, which is not widely exercised, includes also natural and affinal kin. I have seen a bride's maternal uncle's natural (not legal) son and a bride's paternal uncle's wife's brother demand, and given, spears at marriages. The master of ceremonies of the bride's family is always given a calf, sheep, or goat, known as 'the cow of the spear' (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. At this point it need only be said that distribution on the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We

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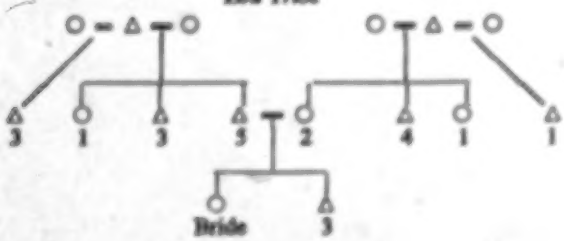
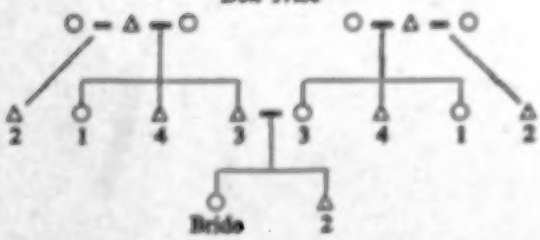
need only note further that when the genitor of the bride is a different person from her pater, as is often the case among the Nuer, he has a right to a cow, 'the cow of the begetting', and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive. 583 602

I conclude this section on bridewealth with three illustrations of actual payments and distributions at the present time. The first is from the Lou tribe of eastern Nuerland, the second from the Dok tribe of western Nuerland, and the third from the Leek tribe of western Nuerland.

Lou Tribe



Dok Tribe



It will be observed from these two examples that in spite of smaller payments today the balance of distribution between paternal and maternal relatives is preserved. It will be noted also that smaller bridewealth does not mean that the rights of the family take precedence over those of the extra-family kinsmen. On the contrary, the family bear the greater proportional loss. In the Lou marriage the family received only 10 out of 23 beasts and in the Dok marriage only 8 out of 22 (the calf received by the master of ceremonies in each case not being included in the reckoning). The uncles and aunts must always be satisfied and their claims settled first, so that if there is to be a loss or debt the family must

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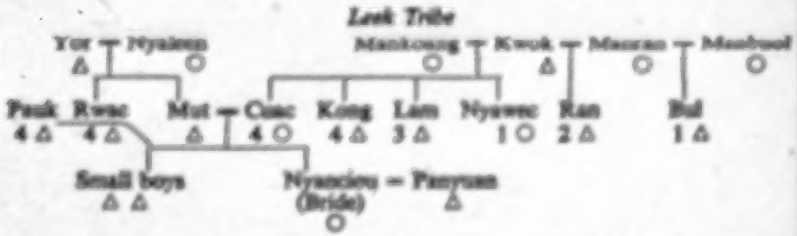
583 602 bear it. This conclusion was borne out by records of payments in other marriages.

I now examine in greater detail a payment of 23 beasts in a marriage in the Leek tribe to show the kind of considerations which affect distribution of bridewealth in particular marriages. At the time of my inquiries the marriage had been consummated but a child had not been born.



Pauk, the biological father of the bride, received three beasts in addition to 'the cow of the begetting'. There were two reasons for this generosity: he had brought the bride up from birth, and he was living with her mother and kept his cattle with hers. He was, in fact, acting as husband and father in the bride's family, and since he had no family of his own the bride's small brothers (not named in the chart) were regarded as his heirs. He had begotten them also. So the family received in fact eight beasts and not just the four shown in the chart, which, the father being dead, were allocated to the names of father and mother jointly. It was agreed also that the bride's eldest brother should receive a cow (not listed in the chart) before the eldest son of Nyanciou's marriage to Panyuan is initiated. Rwac, the bride's paternal uncle, received in addition to the three animals held to be the right of the paternal uncle in the discussions preceding the marriage a fourth beast, the cow of the paternal aunt, since there was no one standing in this relationship to the bride. This was not an inherited right but a device for ensuring that the father's side to the marriage received their fair quota of cattle. Such adjustments are common in division of bridewealth. In other respects distribution on this occasion was normal and requires no further comment.

It may be noted, however, that though the allocation of cattle was as I have just stated it the full brothers of the bride's mother had not yet received their shares of the bridewealth. The reason for this was that the bride was not living with her paternal kinsmen,

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who took little interest in her, but she and her mother were living in the village of her maternal kinsmen, from which she was married. The paternal kinsmen therefore in this instance received the cattle immediately available for distribution. Had the bride been living with her paternal kin the maternal uncles would not have been so accommodating. It may further be noted that whereas the maternal half-uncles had received their share of the cattle, the senior maternal full uncle had received up to the time when my inquiries were made none of the animals promised to him and the junior maternal full uncle was still owed a heifer. The maternal half-uncles had to be given their shares first because if any debt is incurred it must be borne by those primarily responsible for the marriage agreement and chiefly in control of its arrangements, in this case the bride's full maternal uncles in whose village she was living. The single example I have given will, I hope, be sufficient to show how various circumstances may influence any actual distribution of bridewealth.

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IV

In the account I have given of bridewealth it was brought out that there are two connected, but separate, movements in its transfer: the payment by the bridegroom's kin to the bride's kin, and the further division of the cattle among the bride's relations. I feel that it would be profitable here to make some further comments on the first movement in order to elucidate the general functions of bridewealth in Nuer society.

It is no longer necessary to show that the African payment of bridewealth is not a purchase. But to say that it is not price or purchase is not to say that the objects handed over have no significance outside the particular purpose they serve in bringing about a union. Cattle for Nuer are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk-gourds and butter-gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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•583 602 It is for this reason that Nuer found it difficult to understand what I meant when I told them that among my people we marry without paying bridewealth: 'It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother full?' Of the neighbouring Anuak people, who marry with beads and spears, they say: 'Of what use are these things? Can people live on them?' In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or heifers in-calf so that they may enjoy immediate benefit from the transaction.

Nevertheless, Nuer men show greater interest in the bridewealth character of cattle than in their nutritive qualities. It is not that having great nutritive value they acquire through it a general social value, become a standard of worth, and are therefore employed in ritual, for indemnification of injury, and as a means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life, because a wife means to him his own home and that he becomes a link in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a common-sense inference that payment of bridewealth has a stabilizing action in marriage. If the wife leaves her husband the cattle will have to be returned, and as it would be always unpleasant, and often difficult, to return them it might be supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: 'But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle.' It must be remembered that not only have the cattle to be returned but their calves also—I have known a divorce in which one of the bridewealth cows

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had to be returned with no less than eight calves—and as these may have been widely dispersed much altercation may ensue. Indeed, one of the earliest British officers in Nuerland wrote that 'the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles'.* Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce. The marriage tie is severed by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned, except 'the cow (ox) of the hairs and the cow of the skirts',† unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle, which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of 'the hairs and the skirts', are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand, they may leave all their cattle with the wife's family and kin and maintain thereby their rights in any children she may 'bear in the bush', that is, by lovers. She is then not divorced, but is only separated, from her husband, and she cannot remarry.

I was told that if a wife dies after having borne two children no cattle are returned, it being held that 'cattle which have children

* Bimbashi H. Gordon, *Sudan Intelligence Reports*, June 1903, No. 107.

† According to my own information these two animals are always retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. H. C. Jackson (*Sudan Notes and Records*, vol. vi, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

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586 602 approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 602 Conjugal and affinal relations are personal relationships which require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *ruagh*, in-law relation-
583 ship, becomes *mar*, kinship. Bridewealth payments may therefore
602 be viewed as a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

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the next rite, and through it greater security. When the bride's 583
people consent to hold the next ceremony they express by so doing 602
their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As Nuer see it, these payments continue long after the marriage is fully established in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

Bridewealth has so far been viewed as a means of organizing 583
personal relations between the husband and his people on one side 602
and the wife and her people on the other side. It has also a more 613
general structural function. When a woman is married she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights in her, and his unmarried brothers may benefit from her labour as much as he does. The husband's exclusive marital privilege is recognized in the acknowledgement that he may claim damages for adultery. He has, of course, also rights in any children she may bear, but the children are not only his. They are children of his lineage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performance of them and in the acceptance that he may correct her should she neglect them.

For the loss of their daughter, or rather of her children, her lineage receive cattle which enable them to obtain a wife from a third lineage to bear them children. When the daughters of these wives are married, the cattle received for them enter the kraals of the lineages to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed among the kinsmen of the bride's father and mother, but this is corrected by the fact that the cattle the father and paternal uncles do not receive on the marriage of their daughter come to them through other marriages in which they stand to the bride in other relationships. Hence it is that Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example,

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583 602 613 that '*cieng* Pual have married a wife', or that '*cieng* Dumien have given their daughter in marriage'.

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange of a daughter for a wife. Bridewealth may be fruitfully compared from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 613 To see the Nuer custom of bridewealth in its structural perspective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimatized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

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ties between persons and of regulating the interrelations between 583
these persons till such time as their relationships become assimilated to kinship patterns—broadly speaking its role in the kinship system—and its structural role in interlineage relations.

V

The parents and kin of a young wife scarcely acknowledge her 606
husband's existence until a second child has been born to the union. If there is any need to refer to him they speak of him as *co*, the husband of, followed by his wife's name, and they speak of his village as his wife's village and of his children by reference to her name and not to his. It is also customary for the wife's people to [601]
give her children different personal names from those given them by their father's people, and if they address them by an honorific title they use that of their own clan and not that of the husband's clan.

Nevertheless, after the birth of the first child the marriage is held to have become a complete union. The husband has established a kinship tie with his wife's kin, who now address him as father of so-and-so, after the name of his eldest child. He is no longer merely the husband of their daughter. Instead of paying clandestine visits to the home of his parents-in-law (*ciengthu*) he may visit them openly, though he must continue to treat his in-laws, particularly his parents-in-law, with great respect, expressed in formal modes of address, which are reciprocal, and in other ways, most emphatically in the prohibitions on eating in their home and appearing naked before them.

Even before a young man has started to look for a bride he will [576]
not generally eat with much senior men, unless they are kin, because one of them might become his father-in-law. Once he has asked for a girl's hand in marriage he may in no circumstances eat in her home, and the prohibition continues, sometimes greatly to his discomfort, until two or three children have been born, when it is relaxed by a formal ceremony if the parties are on good terms with one another. The father-in-law prepares beer, kills a goat or sheep, and invites the son-in-law and his kin to his home to partake of a feast. He tells his son-in-law that there is no need for him to respect his parents-in-law any more. The son-in-law will refuse to eat, however, till compelled to do so by the insistence of his father-in-law's kin and by his father-in-law's gift of a cow, 'the

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eastern Nuerland for good and was completing my study of the Nuer in western Nuerland, but Mr. Howell assures me that it is common to all the tribes to the east of the Nile except the Jikany. Among the western Nuer it is believed that if the cattle are not returned the child may die and his ghost haunt his pater. The sixth cow, the one that remains with the husband, is called *yang kula*, the cow of the hide. The payment protects the husband from the sickness he might otherwise suffer were he to have relations with his wife after the adulterer has had relations with her—on the same sleeping-hide, as the Nuer put it. Among the western Nuer an adulterer may even receive 'the cow of the begetting' on the marriage of a daughter born of his adultery. I was told that her kin do not relish paying it, but may do so because it is feared that otherwise he may curse her and cause her to be barren or her children to die in infancy. In no circumstances can an adulterer claim the child of his adultery. Likewise a youth who impregnates an unmarried girl cannot claim the child of his fornication.

It will have been noted that the test of the nature of a procreative union is in the division of the bridewealth of a daughter born of it among those who count in one or other way as members of her family, and I conclude this section by a summary of the rules which regulate its distribution. When the pater is alive he receives 'the cattle of the father' and 'the cattle of the mother'. If he is dead they go to his sons, the bride's full and half-brothers. In ghost-marriage and leviratic marriage these rights are vested in the bride's brothers. The genitor as such has no legal claim to these cattle, but, since in a ghost-marriage he stands in the place of the pater with regard to the bride's brothers as well as to the bride herself, the cattle in any case join his herd and he will dispose of them in the interests of his sons, the bride's brothers. When the genitor has begotten the bride in leviratic marriage, division of the cattle may be more complicated because the bride may have grown-up brothers begotten by her dead pater. When the bride has been born in widow-concubinage the cattle which are the right of the parents go to her brothers, those due to the father going particularly to any sons begotten by her pater.

The genitor in ghost-marriage and in leviratic marriage may always ask for a cow for having begotten the bride in addition to any cattle due to a kinsman standing in his relationship to her. 'The cow of the begetting' or 'the cow of the loins', as it is also

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583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimatized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and
[611] the birth of her children, or is a man or a woman. Hence it follows that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all
602 have the same pater. It is the fertility of the womb which a lineage
613 receives by payment of bridewealth. All children born of that
581 womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and leviratic marriage raise up seed to their kinsmen subordinates the

3: Evans-Pritchard E-5. (1931, 1936) 1946 FJ22 Nuer FJ22

NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage
583 is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

583 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the
431 bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution.
602 Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rur*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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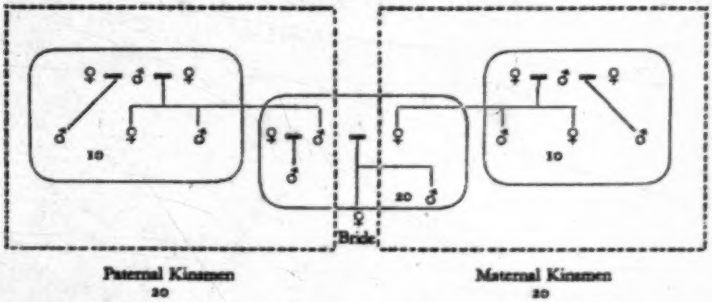
DIAGRAM I



when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	*Total*
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf[1] .	8
Gat gwan (father's son)	A cow, and another cow[2] . . .	2
Gwanlen (*indit*) *kwi manu* or *kwi dwiel* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox .	4
Gwanlen kwi gwam or *kwi luak* (father's brother by a different mother)	A cow and its calf, and an ox . .	3
Gwanlen (*intot*) *kwi manu* or *kwi dwiel* (father's younger brother by the same mother)	A cow, and an ox	2
Wac (father's sister)	A heifer[3]	1
	Total	20
KWI MAN (on the maternal side)		
Man (mother)	A cow and its calf, and a heifer . .	3
Deman (brother by the same mother)	An ox, another ox, a cow (*yang deman*), another cow (*yang eika*), a cow and its calf, and another cow[4] . . .	7
Nar (*indit*) *kwi manu* or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

[1] The single calf is sometimes called *yang(de)* and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang luak*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kwoth*, the cow of the spirit of the father.

[2] These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

[3] This animal joins her husband's herd if he is alive.

[4] The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

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	Cattle	Total
Nar kwi gwam or *kwi luak* (mother's brother by a different mother)	A cow and its calf, and an ox . .	3
Nar (intot) kwi mam or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer[1]	1
	Total	20

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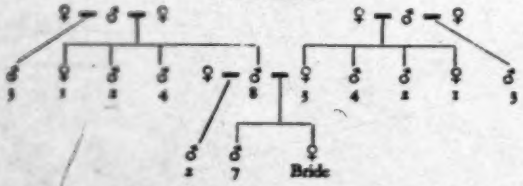
I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *j cungni*, the people with a right. They say: *Manlen a cuong*, 'The maternal aunt has a right'; *Wac a cuong*, 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:

DIAGRAM II



It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaat gwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaat wac* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of thee kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

[1] This animal joins her husband's herd if he is alive.

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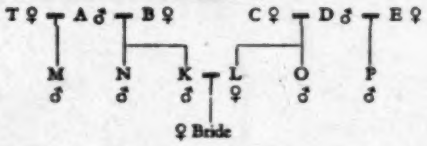
It is probably for this reason that the cows given to grandparents or their sons are called *wangnen* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at the most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later these cattle of the grandparents are not paid in addition to the 40 already listed.

DIAGRAM III



SOME FEATURES OF THE DISTRIBUTION

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

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aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*wany*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*goat man*) and sons of the father (*goat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel*, on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*gol*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.[1]

Mode of Reckoning Bridewealth

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bridewealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearthed by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bridewealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangen gwaw*, the cows of the paternal grandparents.
   wangen maw, the cows of the maternal grandparents.
2. *yang gwaw kew doub, ke thakde*, the cow of the father with its calf, and his ox.
   yang maw kew doub, the cow of the mother with its calf.

[1] See *The Nuer*, chap. v.

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3. *yang gwanlem kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
   yang naru kene doude, kene thakde, ke puangde, the cow of the maternal uncle with its calf, and his ox, and his *puang* (ox).
4. *dou* (*nac*) *waca*, the calf (heifer) of the paternal aunt.
   dou (*nac*) *manlem*, the calf (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
   yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
   thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangnen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nare*, the cattle of the maternal uncles, to the home of the senior of them.

Number of Cattle Paid To-day

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[1] It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

[1] Mr. Jackson, writing in 1923 (*Sudan Notes and Records*, vol. vi, p. 154), gave 23 to 25 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the payment of 40 was said to have been not unusual. Mr. Corist, writing somewhat later, said that the original bridewealth of the Gaawar tribe was 50 head of cattle, but that it had dwindled to 25 or 30.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put foward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

3: Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some dozen beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others

3; Evans-Pritchard E-5 (1931, 1936) 1946 FJ22 Nuer FJ22

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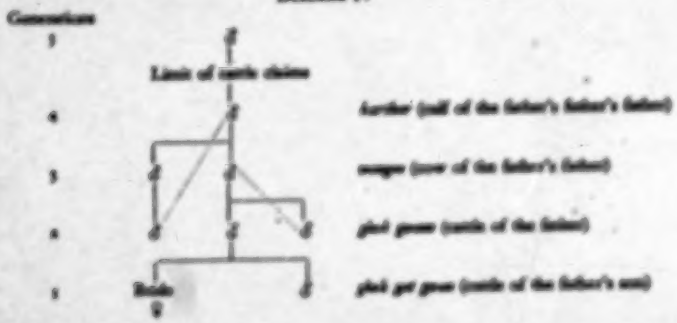
to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *kurthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

Diagram IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may assert his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gwan kathat*, is always given a calf, sheep, or goat, known as the *yang mate*, the '*cow*' of the spear (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *gwaw* of the bride is a different person from her *pater*, as is often the case among the Nuer, and is also not merely a kinship substitute for him, the *gwaw* has a right to a cow, called *yang dou*, the cow of the loins, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.[1] Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.[2]

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until very recent years the Nuer had no currency and [436] nothing corresponding to what we mean by 'price' and 'purchase'. The word *lok*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *bil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in [567] reference to conjugal relations when a female Dinka captive is, as I was told ceremonially used to happen, exchanged for a few cows. It is then said of her that "she was not married (*bawe*) with cattle but exchanged (*bil*) for cattle"

583 431 The word *bawe* means the whole procedure by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

[1] "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *Man*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (to appear soon).

[2] Some of the points made were discussed in a very general way in my paper "Social Character of Bridewealth with Special Reference to the Azande", *Man*, 1934, (194).

[p. 181 a]

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man marries the woman and not the woman the man: one can say "Duob has married Nyakuak" or "Nyakuak has been married by Duob", but one cannot say that Nyakuak has married Duob. It is understood that the woman was *buen ke ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *buen* them (*ke gaanhe yang kene dendi buen*, the paternal uncle will receive a cow and a calf) and they are said to be *buen* by the cattle (*kee dennen buen e thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok buin nyal*, the cattle of marrying a girl.

But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book on the Nuer,[9] many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

[9] *The Nuer*, 1940, Chap. 1.

[p. 181 b]

S:Evans-Pritchard E-S (1931, 1936) 1947
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empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *pir* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a commonsense inference that payment of bridewealth has a stabilising action in marriage. If the wife leaves her husband the cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

[586]

[p. 182a]

583 431 One of the earliest British officers in Nuerland wrote that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 431 Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang ninnde* and the *yang yeni*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*rual*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand they may leave all their cattle with the wife's family

586 431 848

[1] Blackadder, H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's contribution at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 151) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

[p. 182 b]

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a child. At this stage, therefore, there is no great difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observation are very limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

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It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. It is then not encumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (kek) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his kraal. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

[p. 184 b]

586 asked what would happen were he to try to do so
I was told that the husband's kin would claim
583 back their cattle and, if necessary, use force to
obtain them. Should a wife leave her husband
431 in these circumstances the problem of bride-
[587] wealth would probably be solved by the common
Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
431 wealth cannot be said to be a very powerful
591 sanction of the marriage union. Nor is there
any evidence of which I am aware that would
593 suggest that the greater the number of cattle handed
over the more stable the marriage is likely to
prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage can insist, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in hoeing, fishing, building, and herding, and the
accretion to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girl's brother are
comrades.

581 I am prepared to say definitely that the stability
of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

[p. 185a]

593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 431 Marriage is, structurally-speaking, the taking away of a woman of one lineage to bear children to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.[1] In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "*Ciang Puai have married a wife*" or that "*Ciang Dumion have given their daughter in marriage*".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

[1] Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second lineage afterwards takes a wife from the first. This is unusual, but I have known a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconvenences. However, a brother and a sister should not marry respectively a sister and her brother.

[p. 187a]

583 of a daughter for a wife. Payment of bridewealth
431 is a particular, and very striking, example of the principle of equivalence. A parallel example is the payment of cattle in compensation for homicide,[3] which among the Nuer is 40 head of cattle,
682 the same number as is paid for a bride. These
431 bloodwealth cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bride-
583 wealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. Just as in bridewealth the principle is the replacement of a daughter by a wife, of a woman by a woman, so in bloodwealth the principle is the replacement of a son by a wife who will bear a son in his place, of a man by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth.[3] Nuer are aware of the equivalence of bridewealth and bloodwealth, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its
431 structural perspective we must therefore think in terms of lineages. Children are attached by pay-
611 ment of bridewealth to the lineage of their father, the attachment of the sons being of chief importance, though daughters may also be structurally significant in the lineage system. Children born in the union of marriage are "children of the cattle" and therefore of the man in whose name they were paid and they become joints in his branch of descent. The man in whose name the cattle were paid is always their *pater*, the sociological or lineage father, of the children, whether he is their *genitor* or not. If he dies, or is already dead before his marriage, the widow should be taken by one of her husbands and the fathers of his sons, that is to say by one of his brothers (or sons). But even

[3] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[3] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

[p. 187 b]

587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

[p. 188a]

5:Evans-Pritchard E-5 (1931, 1936) 1947
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The distribution of bridewealth is a different process to the payment itself and, since it belongs more to an account of kinship in general, is not discussed here. The mode of distribution and some comments on it are contained in my paper on "Nuer Bridewealth". In this paper I wish only to draw attention to two features of bridewealth which seem to me to be very important: its role in creating new social ties of a personal kind and of regulating the interrelations of the persons concerned till such time as their relationships become assimilated to kinship patterns—broadly-speaking its role in the kinship system—and its structural role in inter-lineage relations.

[p. 1886]

8:Howell E, G-5 (1942-1944)1954
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CHAPTER III

MARRIAGE AND DIVORCE

PART I

MARRIAGE AND MARRIAGE LAWS

1. INTRODUCTION

The Functions of Bridewealth

THE majority of legal disputes which are brought before a Nuer court concern marriage relationships, matters arising out of marriage, claims to a share in bridewealth cattle or a return of bridewealth cattle if the marriage is dissolved. Cattle provide a legal symbol which runs through the whole structure of kinship and marital relationships. A thorough understanding of marriage, the bridewealth system, and rights in cattle raised by kinship is essential to a study of customary law administered in the courts. 691 583 [231]

The test of legality in all Nuer marriages is found in the transference of bridewealth cattle from the bridegroom and his kinship group on the one hand, to the legal parent or guardian of the bride and his kinship group on the other. The main functions of bridewealth are *as follows:* 583

(i) It supplies a material symbol which legalizes the union of man and woman and establishes the legitimacy of the children of the union and their lawful inheritance.

(ii) It gives emphasis and legality to the conventions and patterns of behaviour and the reciprocal obligations which are raised between the kinship groups concerned and must be observed if the union is to be successful.

(iii) It gives stability to the union, particularly in the initial stages when it has not been confirmed and fortified by the birth of children who will subsequently form a link between the lineages concerned.

(iv) To some extent it stands as security for the good behaviour of the wife in her new home and for the observance of her marital duties towards her husband and his kin. It will be in the interests of her kinsmen to encourage her in this matter because her husband can demand his cattle back and dissolve the union. In this they may sustain no loss since the woman can be married again, but it will certainly cause them inconvenience, especially if the bridewealth

8:Howell E, G-5 (1942-1944)1954
. FJ22 Nuer FJ22

583 has been passed on in other marriages. It is also in the interests of the husband to protect and care for his wife, for if harm should befall her through ill-treatment or carelessness on his part, he may lose his wife and find difficulty in getting his cattle back.

(v) It serves as legal indemnity for the loss of the woman's services to her own family and kin, particularly her economic and domestic services, and since, in an exogamous patrilineal society, she cannot bear children to her kinsmen, bridewealth provides them with the means to marry and raise children to their own name. The social equilibrium is thus maintained, the patrilineal identity of the lineage preserved, and its continuity in posterity assured.

(vi) It invokes the interest of ancestral spirits and their blessing, and by doing so fulfils a duty towards them. This is really a religious expression of the principles described in (v) above, but some of the bridewealth cattle are actually set aside and dedicated to the spirits of the lineage.

422 583 It is important to remember that cattle are held collectively by the family or kinship group in the sense that their disposal is governed by conventions operative within that group. Kinship relationships govern the limitation of rights in cattle. The collection of bridewealth and its transference are not simple transactions between the prospective husband and the father or legal guardian of the bride. Certain persons standing in special relationships to the bridegroom within the kinship structure, and some of them maternal relatives, are expected to assist him in collecting the required number of cattle. Persons standing in special relationships to the bride are entitled to their shares in the distribution of the cattle when received, and these rights have been raised because they are the persons who co-operated in the collection and giving of bridewealth cattle in previous marriages, particularly the marriage of the bride's mother. This principle runs through the conventional form of reciprocal obligations and rights which are found in the kinship structure.[1]

583 Bridewealth is not, therefore, a payment in the sense that the bride is purchased from her family, though clearly the cattle are not regarded as merely tokens in the marriage system. They have economic value of extreme importance to the Nuer, since milk and meat products are

[1] It should be mentioned at once, though the subject is examined more fully later in connection with divorce laws, that this does not mean that there is not a measure of individual ownership of cattle. Allocation of cattle is governed by definite rules of inheritance, posthumous rights, and present obligations. A Nuer possesses his cattle as an exclusive right in relation to persons of another kinship group, but the cattle he receives as member of his own kinship group are not his exclusive property; their alienation is not possible without a degree of permission from his kinsmen. This is one of the reasons why Nuer do not sell the whole still their cattle. In contrast, cattle received from other sources, by purchase for example, are his exclusive property even in relation to his kinsmen, though if used for marriage they are, as it were, put into the pool and lose this quality in the future.

8:Howell E, C-5 (1942-1944)1954
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part of their basic diet. In an article on the subject of bridewealth, Professor Evans-Pritchard says:

> Until very recent year the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *kok*, now used to denote the act of purchasing something from an Arab merchant with money, had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *lil* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull-calf or when a man exchanges an ox with certain markings for one with a favourite distribution of colours.[1]

The word *kuen* is commonly used to denote marriage, and refers in a general way to the whole procedure of marriage, but more particularly to the distribution of the bridewealth cattle. The word *kuen* is also used to denote the 'counting' or 'division' of money nowadays, but in this connexion it does not have any meaning of payment or purchase. A man will *kuen* or count his own money, *ee yoke kuen*, or he will count a sum of money out, giving each person his portion. He will also use the word in reference to the counting of cattle: to count them as they return from grazing. The use of the word *kuen*, which implies nothing in the nature of purchase, seems to me significant.

2. DIFFERENT FORMS OF MARRIAGE

Among the Nuer there are different forms of domestic union, of which some have a legal basis and some have not.[2] The key to the legality of such unions lies in the transference of cattle in relation to the persons concerned: to whom and by whom. An understanding of the legal principles involved is essential to a study of Nuer Law.

Simple Legal Marriage

The normal legal union which approximates to our own form of marriage consists of the marriage of a man with a girl by the payment of bridewealth and by the completion of the social and ritual processes described later in this chapter. This form of union has been termed by Professor Evans-Pritchard 'Simple Legal Marriage'. The children of such a marriage are usually both legally and biologically the children of the husband, and they trace their descent to his name, since Nuer marriage is patrilineal in basis.[3]

[1] Evans-Pritchard, 'Bridewealth among the Nuer', *African Studies*, 1947.

[2] See also Evans-Pritchard, 'Some Aspects of Marriage and the Family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945. Reprinted in *Rhodes-Livingstone Papers*, No. 11, 1945. The terminology employed in this section is taken from the above article, and I have little to add to his observations.

[3] Nuer call themselves by the *nyak* of their father and he by the name of his father, and so on up the line. Deb the son of Gai calls himself Deb Gai; Gai the son of Pan calls himself Gai Pan. To be extremely exact when there is possibility of confusion, Deb will be referred to as Deb Gai Pan.

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rights of the husband in his wife. It would be relevant, for example, if a woman committed a wrong. If she killed someone, the payment of compensation would be a liability on her husband if she was legally his wife, but if there was insufficient legal determination in the union, the responsibility would rest with her own kinsmen. Similarly if a man lies with a woman who is not his wife, he may be charged with adultery (*dhu ciek*) and compensation will be claimed, but he might with justification plead that she is not a married woman in the legal sense, and therefore the act is not adultery. In the event of his proving that the union is not a legal one, he has no liability to the husband, but this will not entirely absolve him from responsibility, for in certain circumstances her kinsmen may claim damages on the grounds of seduction of an unmarried girl. There are, of course, many circumstances which will be considered by the court, circumstances which are discussed later under the heading of wrongs in relation to women. In such cases the legality or otherwise of the marriage is in issue, and it is sometimes difficult to find out what constitutes legality. In most tribes it seems that the ceremony which is considered to legalize the union is the *mioot*, but this, as will be seen later, is not a universal law among the Nuer.

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5. THE DISTRIBUTION OF BRIDEWEALTH

When a man wishes to get married his relatives will usually assist him to collect the necessary cattle in addition to those already allotted to him in his father's herd. There are no set rules governing the actual assembly of bridewealth cattle, and in any case the circumstances are too varied to warrant generalization on the subject. Brothers should marry in strict order of age, and the majority of the cattle they use for the purpose will be drawn from their father's herd. The legal father of a family is responsible for the distribution among his sons of those cattle which have come to him as his rights in the bridewealth cattle of his sisters, daughters, and other female relatives. If he is dead, his legal representative will be his brother, usually the senior paternal uncle of his sons, or his eldest son. The assembly of marriage cattle is, however, partly dependent on the rules of distribution applied to previous marriages in the bridegroom's family. In the application of these rules we shall see that there is a tendency to alternate because no family is exactly symmetrical. There is usually more than one claimant to one particular portion and none to another. In the first instance the junior claimant will have to await his turn until the next marriage in the family; in the second, the portion will be inherited by the claimant's heirs. In some cases these will be his own sons, in others, his brother's sons. There are conventions which govern the inheritance of rights in such cattle. The portion allotted to the mother

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583 (the *ghok mande*), for example, should go to her own sons; that allotted to the father (the *ghok gwande*) should go to his sons by another wife; the grandfather's portion (the *wangnen gwande*) should go to his sons by a wife other than the bride's father's mother, i.e. to the paternal half-brothers of the bride and so on. These rules are applied according to the circumstances within the bridegroom's family.[1] Some of the cattle which he transfers to the family of his bride will have been acquired in this manner. Others may have come to him from kinsmen or friends as gifts, others in settlement of debts unconnected with marriage. Nowadays he may have acquired cattle by purchase with cash which he has earned. In the past he might have seized cattle in raids on the Dinka.

The Ideal

While the collection of the bridewealth cattle by an individual for his own marriage depends on a wide variety of circumstances, the distribution of that bridewealth among the family and kinsmen of the bride is governed by rules which can be stated as an ideal. In an article on the subject, Professor Evans-Pritchard says:

> Bridewealth should consist of 40 head of cattle. Among the Eastern Nuer 20 are said to go *kuí gwan*, to the father's side, and 20 *kuí man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family.[2]

In this version, the mother's portion is included on the mother's side (*kuí man*), whereas in reality the cattle transferred in her name are inherited by her sons, and therefore go to the father's side (*kuí gwan*). Professor Evans-Pritchard draws attention to this difference between theory and fact. This is a matter of some importance when we come to consider the proportions paid to each side, and will be discussed later. It may be noted in passing that the Zeraf tribes and (as noted by Professor Evans-Pritchard) the Western Nuer tribes often refer to the maternal side as *kuí nare*, lit. 'maternal uncle's side', rather than *kuí man*. This is certainly a more accurate description.

In the course of my own investigations on the subject I never heard forty head of cattle consistently given as the ideal bridewealth, nor the exact proportions quoted. This may be because I never put the question in the right form, or because the Thiang and Lak have for a long time been poorer in cattle than most tribes of the Eastern Nuer.

[1] See under Inheritance, Chapter V, Section 3, pp. 190–4.
[2] 'Nuer Bridewealth' (*Man*, XLI, 6, 1941), p. 84[illegible].

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I have not often heard a specific number given as the ideal, only a list of recognized relations of the bride to whom certain cattle must be paid. My informants were perhaps talking in terms of a minimum. Certainly forty head of cattle is usually given as the traditional rate of compensation for homicide and, as we have seen, bridewealth and bloodwealth should in theory be equal since the object of the payment of bloodwealth (*thang*) is to provide a wife to the name of the dead man.[1] Marriages are nowadays completed by payment of as little as 17 to 20 head of cattle and sometimes even less, though the average in well-to-do families is usually nearer 30. Professor Evans-Pritchard says that the usual payment is from 20 to 30. This is a reasonably accurate estimate of bridewealth today, but it must be remembered that bridewealth varies not only from tribe to tribe but also within the tribe from year to year. A particularly heavy epidemic may carry off as much as 30 per cent. of the cattle population, and bridewealth must drop accordingly. 583

Lou Nuer Version

I quote the ideal distribution, based on the payment of forty head of cattle, given by Professor Evans-Pritchard in full, before examining, by way of comparison, versions cited among other Nuer tribes.[2] 583 601

	Cattle	Total
KWI GWAN (on the paternal side) *Gwan* (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf*	8
Gat gwan (father's son)	A cow and another cow** . .	2
Gwandan (dudit) bai nuaw or *bai dudil* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
Gwandan bai gwaw or *bai lauk* (father's brother by a different mother)	A cow and its calf, and an ox .	3
Gwandan (dutut) bai nilow or *bai dudil* (father's younger brother by the same mother)	A cow, and an ox	2
Wur (father's sister) . . .	A heifer***	1
	Total	20

* The single calf is sometimes called *puong (dit)*, and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang bach*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang bacch*, the cow of the spirit of the father.

** These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

*** This animal joins her husband's herd if he is alive.

[1] Nuer say and think that this should be so, but as already stated they are not too careful about the mathematics of the transaction. In point of fact a substantial proportion are distributed among the kinsmen of the deceased, so that much less than forty are left to marry the 'ghost-wife'. See pp. 90, 91.

[2] Evans-Pritchard, in 'Nuer Bridewealth', *Africa*, XVI, 4, 1946, and in *Kinship and Marriage among the Nuer*, Oxford, 1951.

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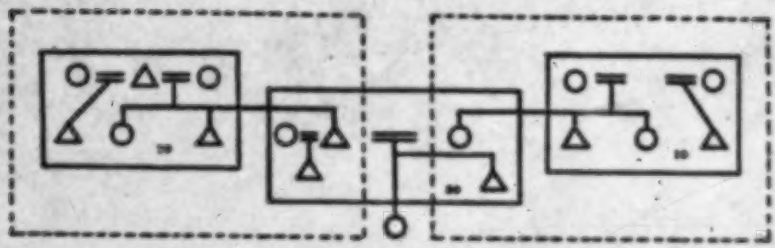

KWI MAN (on the maternal side):	Cattle	Total
Mam (mother)	A cow and its calf, and a heifer .	3
Deman (brother by the same mother)	An ox, another ox, a cow (*yang deman*), another cow (*yang cike*), a cow and its calf, and another cow*	7
Nar (*indit*) *kui mane* or *kui dhiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nar kui gnane or *kui kuak* (mother's brother by a different mother)	A cow and its calf, and an ox .	3
Nar (*intot*) *kui mane* or *kui dhiel* (mother's younger brother by the same mother)	A cow and its calf	2
Mawlow (mother's sister) . .	A heifer**	1
	Total	20

* The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.
** This animal joins her husband's herd if he is alive.

Zeraf Nuer Versions

The principles which underlie the distribution of bridewealth cattle as described by Professor Evans-Pritchard apply to all Nuer tribes, and it would be impossible to improve on his account. There are, however, differences of detail which are worth recording here. My own observations on the Lak and Thiang Nuer of the Zeraf Valley and, to a lesser extent, the Gawar, were made before the results of Professor Evans-Pritchard's investigations had been published. This work was carried out between 1942 and 1945. Subsequently, in 1949, I had several opportunities of testing out his and my own observations among the Western Nuer tribes.

Kinship Terminology

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Before making comparisons, it will be as well to give some account of Nuer kinship terminology, especially as the terminology employed

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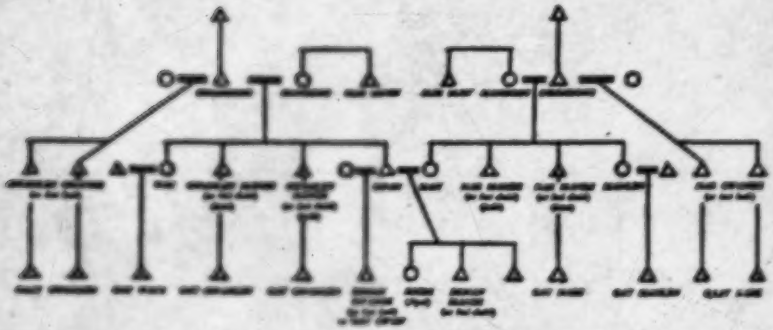
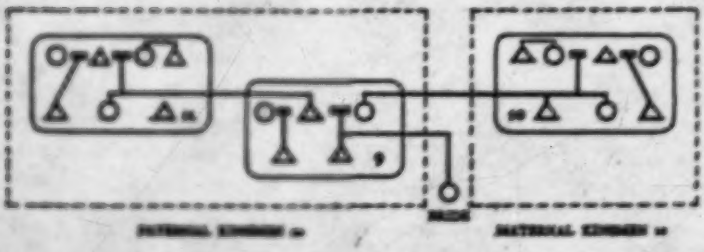
NUER KINSHIP TERMS



Zeraf Valley Version (Lak and Thiang)



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Relationship to bride	*Cattle*	*Total*
NUT GWAN (on the paternal side)		
Gwan (father)[1]	*yang gwanak*, a cow and its calf. *yang kwath*, a cow dedicated to his ancestral spirits. *thak gwan nyal*, an ox	4
	(These should go to his sons, often to half-brothers of the bride. The ox is usually considered the right of the eldest half-brother.)	
Dwan (brother by the same mother)	*thak dwan*, an ox	1
	(The bridegroom is usually expected to please his future brother-in-law by finding an ox of the latter's favourite colour.)	
Dwan kwi kuth (brother by a different mother)	*thak dwan*, an ox	1
	(This is not always demanded, and is often merely included under the father's portion. See above.)	

[1] A man will often have paid four head of cattle at his betrothal (cost: see p. 88 n. 3), so the father's portion is sometimes 5 (as in the Eastern Nuer version), but I think that the previous 4 head usually count as the total allowance to the father nowadays. This may account for the disparity.

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Relationship to bride	*Cattle*	*Total*
Guanien mundi (father's brother by same mother)	A cow and its calf. An ox. A cow-calf, sometimes called *puong* . .	4
	(Nuer refer to this relationship as *guanien mundi* or, in full, *guanien kui mundi*, i.e. the father's uterine brother. The calf called *puong* is sometimes said to be the special right of the youngest uterine brother.)	
Guanien gnundi (father's brother by a different mother)	A cow and its calf and (sometimes) an ox .	3
	(Nuer refer to this relationship as *guanien kui lual*, but more often *guanien gnundi*.)	
Wur (father's sister)	*yang mooc*, a cow	1
	(This cow goes to the woman's husband and his sons, and is therefore transferred outside the father's lineage.)	
Guandong (father's father)	*yang nongnuw gnundi*, a cow or heifer .	1
	(This cow should go to the father's youngest brother and often the youngest half-brother. Among the Zeraf tribes it is usually included whether the father's father is living or not, and even if he died before the bride was born.)	
Mandong (father's mother)	*yang nongnuw mundi*, a cow or heifer .	1
	(This cow should go to a younger uterine brother of the bride's father.)	
Nur gnuw (*nyal*) (father's maternal uncle)	Sometimes called *kethar*, a cow-calf . .	1
	(This should go to the sons of the father's maternal uncle and hence outside the father's lineage.)	
Mum (mother) . .	*yang nuw nyal*, a cow and its calf. (This should go to the bride's eldest uterine brother.)	
	yang kuath, a cow	3
	(Dedicated to the mother's ancestral spirits and usually later inherited by one of her younger sons.)	
	Total	20

NUR MUM (on the maternal side often referred to as *kui nuw*, maternal uncle's side)

Nur mundi (mother's brother by the same mother)	*ghok nuw* or *ghok nur mundi*, a cow and cow-calf. An ox. A cow-calf (*puong*)	4
	(The cow-calf called *puong* is said to be the right of the youngest uterine brother of the bride's mother.)	

[1] The Zeraf tribes include the mother's portion and that of the bride's uterine brother under the paternal side. This is also so in Western Nuer, as Professor Evans-Pritchard observes. This point is discussed later.

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Relationship to bride	*Cattle*	*Total*
Nar gwando (mother's brother by a different mother)	*yang nar bul lauk or nar gwando*, a cow and its calf	2
Mandon (mother's sister).	*yang mandon*, a cow-calf . . . . (This goes to her sons and therefore outside the maternal lineage.)	1
Gwandong (mother's father)	*yang wangwen gwando*, a pregnant cow . (This should go to one of his younger sons, e.g. half-brother of the maternal uncle above.)	1
Mandong (mother's mother)	*yang wangwen mando*, a pregnant cow . (This should go to one of her younger sons, e.g. a uterine brother of the maternal uncle above.)	1
Nar maw (*nyal*) (mother's maternal uncle)	Sometimes called *kethar*, a cow-calf . . (This goes to his sons and therefore outside the maternal lineage.)[1]	1
	Total	10

Apart from the disparity in numbers of cattle, there are obvious differences in this version from the ideal given by Professor Evans-Pritchard:

(i) Among the *Zeraf* tribes, the cattle of the grandparents, called *wangwen*, are nearly always included, and usually at least some of them are paid whatever the circumstances. On this subject Professor Evans-Pritchard says:

> It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle.
>
> . . . a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is probably for this reason that the cows given to the grandparents or their sons are called *wangwen* (*wang*, eye, *wen*, to see). It is possible, therefore, for there to be four *wangwen* claims, but there are generally one or two at the most.[2]

(ii) Professor Evans-Pritchard's version includes:

Gwandon intot (father's younger brother by the same mother).
Nar intot (mother's younger brother by the same mother).

[1] There is not only a definite division between the bride's personal relatives on the one hand and her maternal relatives on the other, but also a distinction between the bride's immediate relatives, e.g. her father and his sons (both uterine and half-brothers of the bride) and the more remote relatives on either side who in this context are classed as *ji wangwi*, 'the people who have rights'. The cattle to which they are entitled are known as *ghok wangwi ran*. Those of the bride's father and his sons are referred to as *ghok dwok*, 'the cows of begetting'.

[2] Op. cit. (in *Africa*, 1948), p. 149.

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Now, it is just these relatives of the bride who inherit in the first instance the *nuangwen mundi* on the father's side, and in the second, the *nuangwen mundi* on the mother's side. It may therefore be that they are exactly equivalent, and if, for example, a cow is paid as *nuangwen mundi* on the father's side, a cow for the *gwandan ketet* is not to be expected. Similarly the *nuangwen gwundi* (grandfather's cattle on both sides) by right descend to the bride's father's younger half-brother (i.e. *gwandan ket hak* or *gwundi*) on the one side and to the bride's mother's younger half-brother (i.e. *nar ket hak* or *nar gwundi*) on the other. These relatives are sometimes included, sometimes not. It seems that Nuer often treat these portions as alternatives, and this may explain the fact that not all of them are always included. It must be emphasized here that Nuer find considerable difficulty in quoting the claims of various relatives in a hypothetical marriage. This difficulty does not arise in an actual marriage because all the relatives who claim some portion as a right (*nuong*) are known personalities. Such negotiations over bridewealth are carried out with unusual decorum, and although feelings run high there is generally a spirit of compromise. Talking of these things Nuer sometimes say '*ruoak latha had de dat*', 'you must put your stick in the grass for your wife's family'. The word *ruoak* is a polite way of speaking about relatives-in-law, and the expression implies that a man must put his anger aside if his wife's family are unreasonable in their demands.

(iii) Professor Evans-Pritchard's version does not include the *kathar* portions which go to the *nar gwan nyal* (the bride's father's maternal uncle) and the *nar man nyal* (the bride's mother's maternal uncle). These portions are nearly always quoted by Zeraf Nuer tribes and, as will be seen later, by Western Nuer. They are often but not always paid. This point is important because these relatives are outside the lineages of both the bride's father and bride's mother, so that when these cattle which go to the bride's paternal and maternal aunts and their sons are included, in all six different lineages are involved in one marriage,[1] as will be seen in the diagram on page 106.

[1] Of the *kathar* (or *karthar*) portions, Professor Evans-Pritchard writes:

'A bridefather-case between bride-cattle properly speaking and such small gifts as distant kinsmen in that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet further removed' (op. cit., p. 197).

I do not think that the expression *karthar* is used except in the circumstances I have already described, i.e. of a special portion which goes to the maternal uncle of the bride's father on the one side and the maternal uncle of the bride's mother on the other side. Some Nuer tribes, notably the Dok, Waang and Gaawar, who have a close historical connection, sometimes say that a cow-calf called *dong* should be paid to the bride's father's father's father and less commonly the mother's father's father's father. I think that this is a claim which is nowadays rarely made, and therefore rarely included in a list of bridewealth claims, though it may have been customary in the past.

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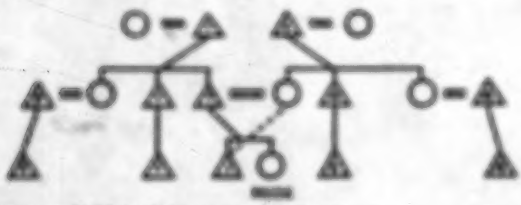
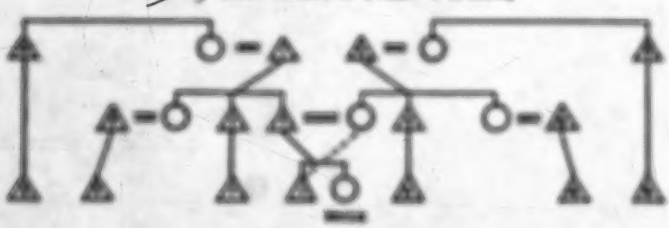
LINEAGES INVOLVED IN BRIDEWEALTH DISTRIBUTION

Lou Nuer (as quoted by Professor Evans-Pritchard)



Lineage 1—Bride's father and agnatic kinsmen.
Lineage 2—Bride's mother's father and agnatic kinsmen.
Lineage 3—Bride's paternal aunt's husband and agnatic kinsmen.
Lineage 4—Bride's maternal aunt's husband and agnatic kinsmen.

Zeraf and Western Nuer Versions



Lineage 1—Bride's father and agnatic kinsmen.
Lineage 2—Bride's mother's father and agnatic kinsmen.
Lineage 3—Bride's paternal aunt's husband and agnatic kinsmen.
Lineage 4—Bride's maternal aunt's husband and agnatic kinsmen.
Lineage 5—Bride's father's maternal uncle and agnatic kinsmen.
Lineage 6—Bride's mother's maternal uncle and agnatic kinsmen.

Minimum Claims

The difference in numbers of cattle is perhaps accounted for by the fact that Professor Evans-Pritchard is quoting an ideal from Lou Nuer, while the Zeraf version given here is not an ideal, but is closer to reality and nearer to what is considered the minimum although not actually the minimum. On this subject, Professor Evans-Pritchard says:

> In any particular marriage there is a minimum definition of rights. Whenever also the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their rights are always the first to be acknowledged. The conventional order is as follows:
>
> 1. *mangwan gwaan*, the cows of the paternal grandparents 2
> *mangwan mam*, the cows of the maternal grandparents 2
> 2. *yang gwaan kam dinde, ke dinde*, the cow of the father with its calf, and his ox 3

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yang nuaw kow dinde, the cow of the mother with its calf . .	2
3. *yang guanlow kow dinde, ke thiddi*, the cow of the paternal uncle with its calf and his ox	3
yang nuaw kow dinde, kow thiddi, ke panyajo, the cow of the maternal uncle with its calf, and his ox, and his *panyang* (ox) . . .	4
4. *dew (nuc) nuaw*, the calf (heifer) of the paternal aunt . . .	1
dew (nuc) nuaniow, the calf (heifer) of the maternal aunt . . .	1
5. *yang kuath guande*, the cow of the father's spirit	1
yang kuath nuande, the cow of the mother's spirit	1
6. *thak dowan*, the ox of the uterine brother	1
thak gat guaw, the cow of the paternal half-brother[1] . . .	1
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This, with the exception of the *thak gat guaw* (which in the Zeraf is included in the father's portion) and the *yang nar guaw* and *yang nar nuaw*, approximates very closely to the Zeraf version.[2] It is noticeable, however, that the cattle of the grandparents, the *nangnaw*, are included in the minimum, while they are omitted in the ideal. The cattle of the paternal and maternal uncles, the *guanlow* and the *nar*, are correspondingly reduced in numbers, and since, as we have seen, it is these relations who would inherit the *nangnaw* cattle, this is perhaps not surprising.

Western Nuer Versions

In Western Nuer there appears to be considerable variation of detail and, as will be seen later, of proportions, but no difference of principle. The Jikany system approximates very closely to that of Thiang and Lak, with the following variations:

(a) Sometimes two cows (*yang kuath*) are paid in the father's portion instead of one.

(b) As in Lou, the *nangnaw* cattle are never paid unless the grandparent concerned was alive at the time of the bride's birth. This is, however, balanced by a proportionately higher claim by the bride's paternal and maternal uncles, who are normally considered the heirs to the *nangnaw* cattle.

(c) The *kethar* cattle—for the father's maternal uncle (*nar guaw nyal*) and the mother's maternal uncle (*nar nuaw nyal*)—are considered essential payments, but it is unusual for a bridegroom to pay more than one. Jikany say that these payments should alternate with the marriages of the daughters of the house: to the *nar guaw nyal* on the first marriage, to the *nar nuaw nyal* on the second, and so on.[3]

[1] op. cit., pp. 120–3.

[2] Also the *yang nar guaw* and *yang nar nuaw* are often omitted in actual marriages today—as the minima are virtually the same.

[3] *Nar nuaw nyal*, &c. This is sometimes referred to as *nar nuande*, which could also be interpreted as 'maternal uncle'—uterine brother of the bride's mother—and *nar guande* as 'paternal uncle'—half-brother of the bride's mother. It is really the tone and emphasis which distinguish these relationships.

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(*d*) Every brother of the bride may expect an ox, but only one need be given to the half-brothers.

Among the Bul Nuer, who on the whole are inclined to marry with larger numbers of cattle than most Nuer tribes, there are no essential differences except that there appears to be a more exact definition of claims in the paternal and maternal uncles' portions, and in this their system resembles the Lou Nuer ideal.

Gwanlee mundi (father's brothers by the same mother)	eldest, a cow and cow-calf. second or middle, a cow-calf and bull. youngest is reckoned to get the *mangwee mundi*, or if not paid, will get a bull.
Gwanlee gwundi (father's brothers by a different mother)	eldest, a cow and cow-calf. second, a cow-calf. youngest is reckoned to get the *mangwee gwundi*, or if not paid, a bull-calf.

This approximates more closely to the system recorded by Professor Evans-Pritchard.

Similar proportions are paid to the maternal uncles of the bride on the mother's side (*kui nare*) and again the youngest maternal uncles, the bride's mother's youngest uterine and youngest half-brother can claim the *mangwee mundi* and *mangwee gwundi* respectively. These distinctions, with variation in numbers, apply also to the Leik.

Among the Dok, the system approximates very closely to the Lak and Thiang Nuer systems, but it is worth while noting here that the Dok Nuer were often confused and inconsistent in quoting the ideal, more so perhaps than most Nuer.

I do not think that the variations to be found in the systems quoted reveal any fundamental difference of principle. The key to the problem of distribution lies in the rules of inheritance which are applied during the negotiations or will apply in the future, rather than in the actual relationship to the bride in the name of which cattle are transferred or the portions and number of cattle quoted. Throughout the system there is the principle of alternation and in addition conventional indications, though they are too loosely applied in practice to be more than indications, as to who should receive the cattle.[1] Thus, for example, the cattle classified as those of the bride's mother (*gbok mundi*) should go to her sons, i.e. uterine brothers of the bride, while those of the bride's father (*gbok gwundi*) should go to his sons by another wife, i.e. half-brothers of the bride. Similarly, a generation higher up the scale, as we have already seen, the paternal grandmother's portion (*mangwee mundi*) goes to her own sons (*gwanlee mundi* of the bride) and that of the paternal grandfather (*mangwee gwundi*) to his sons by another wife, i.e. half-brothers of the bride's father (*gwanlee gwundi* of the bride).

[1] This subject is discussed later under 'Inheritance': see Chapter V, Section 3.

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These are conventional rules which essentially apply within each lineage, but do not apply with any exactitude in practice because not all the relatives concerned exist or, if they do, have already received portions on the marriage of another daughter or will do so in the future. The rules are therefore sufficiently elastic to meet almost any situation within a family group yet sufficiently clear to avoid undesirable friction and confusion.

Proportions

In the version current among the Lou Nuer and recorded by Professor Evans-Pritchard, the cattle of the mother (*ghok mawe*) and also of her son (*ghok dewan*), who is uterine brother of the bride, are included on the maternal side, the *kwi man*. He points out, however, that—

> Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

It is perhaps significant that in Western Nuer the claims of the maternal relatives are classified under the heading of *kwi nare*, 'the maternal uncle's side', which excludes the mother's portion (the *ghok mamde*). In Lou Nuer it appears to be a social fiction that the cattle should be divided equally between the paternal and maternal kin of the bride in the ratio of 20:20, for in fact the division is 30:10.

On this subject, Professor Evans-Pritchard says:

> I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them.[1]

There are in fact many ways in which these proportions may be regarded. First there is the proportion in theory (when the mother's and uterine brothers' cattle are included on the maternal side) and in fact (when they are not) between the paternal and maternal sides. In the Lou Nuer ideal as recorded by Professor Evans-Pritchard these proportions are 20:20 in the first method of assessment and 30:10 in the second: ratios of 1:1 and 3:1 respectively. Among the Lak and Thiang Nuer, and also the Jikany and Dok, they are 16:14 and 20:20; among the Bul Nuer they are 17:17 and

[1] Evans-Pritchard, op. cit., p. 149.

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23:11; among the Leik they are 16:15 and 22:9. Among these last-named people the ratios are therefore approximately 1:1 and 2:1. These more nearly approximate to the proportions found in the minimum quoted by Professor Evans-Pritchard, and allowing for minor inconsistencies and for the fact that the Nuer do not think of these things in terms of exact figures,[1] the balance and proportions are approximately the same throughout Nuerland.

Secondly, there is the proportion of cattle which go to the immediate family of the bride, the *ghok dieth*, and those which go to the more remote relatives, the *ghok cuengni ran*. In the Lou Nuer ideal version the ratio is 20:20 and 8:14 in the minimum version. Elsewhere they are: Lak and Thiang, 9:21, Jikany and Dok, 10:20, Bul, 12:22, and Leik, 10:21. The ratio throughout is therefore approximately 1:2. Analysis of actual marriages (though not necessarily the examples quoted below, where in some instances all payments have not been completed) shows very approximately similar proportions. If, therefore, there has been a reduction in the number of cattle payable as bridewealth, at any rate a reduction from the ideal, it has not been in the portion of the more remote kinsmen but in that of the bride's immediate family. A decrease in the cattle population in relation to human population has not at any rate led to a diminution of the network of claims which marriage involves. Marriage has not become a more individual affair in which only the bridegroom and the bride's father are concerned but has retained its collective nature.

Other Payments

Professor Evans-Pritchard points out that 'any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may assert his kinship by asking a small gift and it will not be refused'.[2] This is true of all Nuer tribes. There are also certain categories of persons who may claim special gifts which among the Zeral tribes are known collectively as *thanypiny*:

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rin . . . A spear dedicated to the central pole of the bride's father's cattle-byre. This is usually a symbolic off-ring to the ancestral spirits of the lineage and is often given to the grave-keeper of the bride's family.

rumth rin . . A bull-calf or a cow or at least a spear[3] given to an age-mate of the bride's father, often a man who has undergone the ceremonies of initiation with him.

[1] A pregnant cow is sometimes assessed at two head of cattle, sometimes one, for example.

[2] Among the Lak, for example, a spear called *dang*, considered the right of the bride's paternal great-grandfather, is usually paid and will be given to one of his male descendants, but in a different line from that of the bride's father.

[3] Sometimes a cow. This is usually a purely ceremonial transaction. *Rin* means 'age-set'.

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wut ghak . . A goat or a fish-spear sometimes given to the cattle expert for his services in performing ritual to ensure the fertility of the bride. In some tribes the Leopard-Skin Chief is asked to attend the ceremonies and receives a goat or a spear for his services. These are, however, really only fees for specialist assistance and are in no sense part of the marriage payments, even though the bridegroom will be expected to produce them.

yang mutke . A cow for the bride's father's 'best friend' (*mutk*). This is very often paid.

yang bunth . A cow or calf claimed (though not often received) by the bride's father in recognition of his energy in providing for her in times of famine (*bunth*).

yang gwel . A cow dedicated to the bride's father's 'hearth'.

There is an infinite variety of such gifts and payments among different Nuer tribes. They are regarded as obligatory on the bridegroom, but such obligations are not necessarily honoured, nor upheld in the courts. They remain a matter of obligatory custom rather than enforceable law.

Claims for Begetting and Fostering Children outside Legal Union

A man who is physiological but not legal father of a female child may claim a cow from her bridewealth when in due course she gets married. The cow is known as *yang lots*, the 'cow of the loins'. This term is not considered polite, and it is more usual to refer to *yang dieth*, the 'cow of birth' or, where the child is born in the more respectable union of 'widow-concubinage', *yang lobo*, the 'cow of widowhood'. Sometimes it is called *yang tuac*, literally, the 'cow of the skin', referring to the sacral cat-skin worn in the presence of relatives-in-law and hence politely and euphemistically avoiding emphasis on the illegal nature of the union. *Yang lots* is given to the *genitor* in 'ghost-marriage' and in levirate unions, though it is here often the case that he can claim other portions of his natural daughter's bridewealth by reason of his kinship relationship to her legal but deceased father. This is rarely so in 'widow-concubinage', for here the father is either unrelated to the *pater*, or so remotely related that no legal claim in the kinship system exists. In addition, a man may also claim *yang pitho*, the 'cow of growing', which, however, refers not so much to physical parenthood as to upbringing. It is a definite and quite separate fee payable for the care and attention lavished on a child during its early years. It may be claimed by a man who is neither *pater* nor *genitor* but simply 'foster-father', though the majority of such demands arise in the more stable relationship of 'widow-concubinage'.

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Nevertheless, such claims are socially recognized and often upheld in Nuer courts, and hence become legal. They are often paid without question, even in cases of adultery, because after eighteen years or more have passed between birth and marriage, resentment of the initial wrong has long since vanished. In many cases the *genitor* and the *pater* or his heirs are the best of friends. In other cases, however, such claims may be the subject of the most acrimonious disputes and litigation.

These observations apply to female children born out of legal marriage only. A man may expect, obviously enough, no benefits from his natural sons. On the contrary, he may expect certain liabilities, for it is considered that a man should help his sons, even though they have no legal claim upon his cattle. In many cases the *genitor* will be dead by the time his natural son comes of age, and the claims of the latter on the former's heirs are often a source of friction and complaint.

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It is not possible to enumerate here all the various circumstances which establish legal rights to such shares in bridewealth. Without the use of endless examples, generalizations are risky, but the principles described above are usually accepted by a Nuer court and enforced as legal. *Yang lets* is sometimes, but rarely, claimed by the physiological father long before the marriage of his natural daughter; but he thereby forgoes all claim to a larger portion of her bridewealth, especially among those tribes—Western Nuer in particular—where the major portion of the *pater's* share, three cattle in all, is sometimes given as *yang lets* when the *pater* is dead and the *genitor* has had a specially constant and stable relationship with his daughter's kinsmen. This usually happens only in 'ghost-marriage', levirate union, or 'widow-concubinage', and rarely outside such permanent unions.

Reverse Payments

Among the majority of Dinka tribes west of the Nile payment of bridewealth by the bridegroom to the bride's family is followed by a reciprocal payment by the bride's family to the bridegroom, which is known as *awath*. The number of cattle varies and may be as much as one-third of the total bridewealth paid. This practice is unknown to the Nuer, though the same concept is to be found in the payment of *thiak* among the Jagei, Duk and Aak tribes. On final confirmation of the marriage two cows are paid to the bridegroom's family, one from the *kuei gwanda* and one from the *kuei mandu*. These are reckoned to be the right of the bride's future sons.[1] The payment is accompanied by ritual which symbolizes the removal of the taboo on the two families eating and drinking together and the necessity of wearing a cut-skin in the presence of relatives-in-law. A cow is sometimes paid to the bridegroom on the marriage of his wife's younger sister, but this is not common nor a formal custom as among some Dinka tribes, where as much as five head of cattle (*awiek*) are paid.[2] These payments do not seem to be current elsewhere in Nuerland. I have sometimes heard Nuer say that they used to be paid and on a larger scale in the old days when 'people married with many cattle', but I am inclined to believe that this is not a Nuer custom. The Duk, Jagei, and Aak are in close contact with Dinka tribes, among whom *awath* is an essential part of the marital system. At the same time, the Bul and, to a lesser extent, the Leik are also in touch with these Dinka, but do not practise the custom or its equivalent, though the idea is known to them.

[1] Some Western Nuer tribes say that a cow—*yang jaghol*, 'the cow of the spirits'—should be given to the husband by the wife's father on the birth of the first child.

[2] I have described this in a recent article on 'The Ngok Dinka of Western Kordofan', *S.N.R.*, 1951.

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Examples of Actual Marriages

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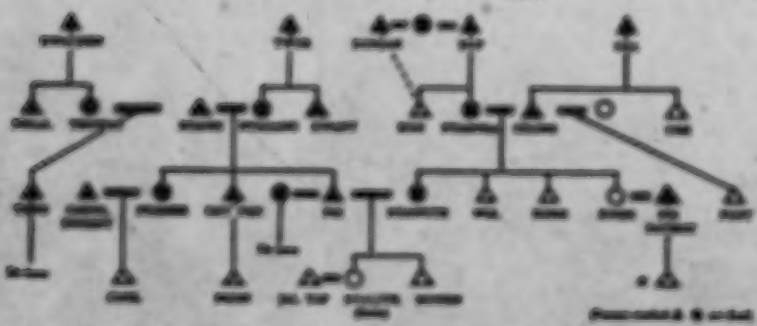
When following the principles described above in actual examples of Nuer marriages, it must be remembered that not all the relatives of the bride to whom a portion of the bridewealth should go necessarily exist in fact. In such circumstances, the Nuer would say that the portions should be inherited by their legal heirs. Sometimes a claim is honoured, sometimes not. At the same time it is unlikely that a marriage would be refused, dissolved, or declared illegal if one or more portions included in the 'minimum' of claims were omitted. The procedure is clear. The bride's family will put in their demand for any portion which is considered a definite right; the bridegroom's representatives will name a cow. The bride's representatives will say that this will go as the *yang mamin* or the *yang kuath mamin*, naming a definite portion as the case may be. If in the final assessment the bridegroom has not met or cannot meet all the recognized claims, they will ultimately judge the matter in terms of the over-all number of cattle which he is able to pay. It is usual for representatives of each claim to attend the negotiations in person. Hence there are not only arguments between the bridegroom's representatives and the bride's family, which are on the whole restrained, but arguments between the various members of the bride's family themselves. These discussions are usually more heated.

The examples which follow are not intended as evidence of the principles already described, but rather to show how these principles

Marriage of Jal Tap to Nyalith, daughter of Pai Nyagh.
(Jagei Nuer; Recorded in 1949)



are applied in practice.[1] It will be found that the distribution is made to approximate as far as possible to the ideal. The relationships are

[1] It would be difficult to find a marriage in which there was a perfect configuration of both lineages and in which all claims had been met. These examples are chosen at random.

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shown in a chart above the distribution of the bridewealth. Each claim is recorded under the actual relationship term employed (in relation to the bride) and the name of the person who actually received the cow or cattle is given. In many cases the person will be not the actual claimant to a title, but his heir. If the principles are applied, the reasons will be obvious, but where the circumstances are exceptional they are recorded in the text.

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BRIDEWEALTH DISTRIBUTION

NWI GWAR

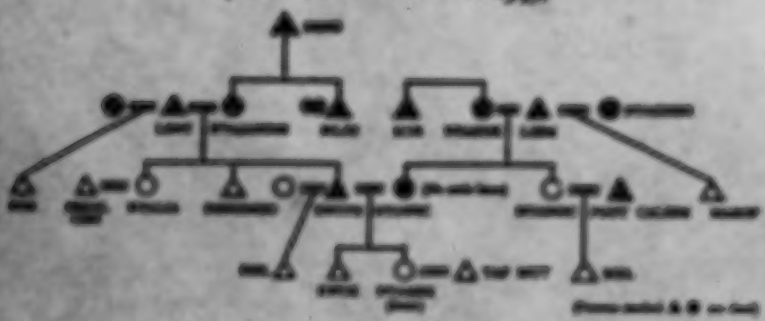
Gwan. A cow-calf, A bull } To nyawan. (to heir to Pol).
Dawan. A bull: To nyawan.
Wer. A heifer: To cuna.
Gumdong. A cow: To nyawan } Wangnan.
Mandong. A cow: To nyawan
Man. A cow and a cow (young heifer): To nyawan.

NWI NAR (or MAN)

Nar (mandi). A heifer: To wun.
Mandan. A bull: To a.
Wangnan { *gumdong.* A cow: To ruot. *mandong.* A cow: To nyawa.

This marriage took place in 1948, only a few months before it was recorded. Full bridewealth has not yet been paid. Jal stated he would complete the payments when he had collected cattle from the marriage of his sister. The most necessary had been performed, but no dishi cattle had been paid to Jal by Ngawan. In Ngawan's presence, Jal stated he would pay: a cow as young heifer for the mother's position, and also a bull-calf; two cows as personal 'mother' positions (gumdong); on the maternal side—a cow as heifer (mother's maternal uncle's position). This in fact would go to Kuig, legal, but not physiological son of Dup. It should be noted that other than Ngawan (bride's brother) and Nuan (bride's father's brother's son: got gumdong mandi) there are no living claimants on the paternal side.

Marriage of Tap Mat to Nyamar, daughter of Kwith Lony
(Dok Nuer; Recorded in 1949)



BRIDEWEALTH DISTRIBUTION

NWI GWAR

Gwan. A cow and cow-calf, A cow (young heifer), A bull } To nyawan.

NWI NAR (or MAN)

Nar. A heifer and a bull-calf: To nyawan (to his mother's brother: has no full bridewealth).

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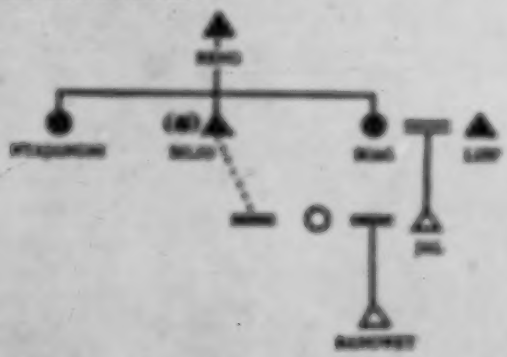
Dennu. A bull: To KWOR KWITH.
Dennu bul lush. A cow:
To MIN. KWITH.
Gumdiw (*mundit*). A bull:
To DHOUNDH.
Wac. A cow-calf: To MIDAL CAM.
Gumdang. A cow and cow-calf: To MAR
Mundang. A cow:
To DHOUNDH.
} *Wangnan*.
Nar gaan (*father*).
A cow: To JAL LIEP or his son NANYWAY (sister's son to MILIU who married a wife in MILIU's name).
Maw. A cow and calf: To KWOR.

Mundiw. A heifer: To MIN. PUOT.
Wangnan
{ *gumdang*. A cow:
To MANOP.
mundang. A cow:
To KWOR.



Tap Mi.t married Nyanor, daughter of Kwith Lany, in 1947. There is as yet no child of this union; Kwith himself predeceased the marriage, and his brother Dhigdhig is senior legal representative. The bridewealth payments are not considered complete, and Tap has promised to pay more when he can do so. The marriage is, however, considered legal and the ceremony of *mar* has been performed.

The following points are significant:

(i) All grandparents' claims (*nangnan*) have been met, although Lany, at least, was not alive when Nyanor was born. It appears that among the Dok Nuer these claims are met, whenever the circumstances.

(ii) Tap stated that he would pay a cow as *yang kuach* as part of the mother's portion (*ghok mundi*) and two cows as paternal uncle's portion (*ghok gumdiw mundi*) to Dhigdhig. Dhigdhig stated that no further claims would be made beyond this.

(iii) No *thiak* cattle (see Reverse Payments) have been paid, but Dhigdhig stated that this would be done when the bridewealth had been completed by (ii) above.

(iv) On the mother's side (*kui nar*) there are no *mar mundi* (mother's brothers by the same mother). Since their portions should go to her father's (Lany's) lineage, it might be expected that they would go to her half-brother Mayep. In fact they go to her own son, Kwith. (See also Marriage of *Cop Nyang* to *Nyalang Rowa*, p. 103.)

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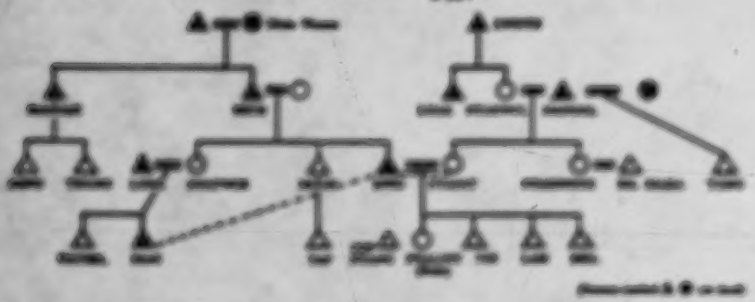
(c) A man called Jal Long married a wife to his maternal uncle, Bilin Rang, who had died without issue. Jal's physiological son Bangwet is therefore legal son of Bilin and in fact calls himself Bangwet Bilin. Bangwet is therefore heir to the young ear grass (father's mother's brother) or father.

Marriage of Cap Nyong to Nyaliny Rawa (Jikany Nuer; Recorded in 1949)



BRIDEWEALTH DISTRIBUTION

[illegible]
Gwan.

A cow and cow-calf A bull A heifer (young female) A heifer (young female) dedicated to the spirits of Ruth's father's wife, a Dinka woman	Held in trust by uncurat for her sons, who are minors.

Dwan.
Thom bulls: To uncle and son (minors).

Gwanlow (grandfather).
A cow and cow-calf: To sister uncurat.
A heifer: To sister uncurat.

Gwanlow (uncle).
A cow and cow-calf: To her sister.

Wan.
A cow: To curator, uncle.

Jikan.

A cow and cow-calf and a cow (young female)	Held by uncurat for her sons.

[illegible] *Nar (uncle):*

A cow and cow-calf A cow (young)	To uncurat, for her sons

Nar (grandfather).
A cow and cow-calf: To sister uncurat.

Mandin.
A cow: To son, mother's sister.

Nar sons (father).
A heifer: To the father of cows sworn.

[illegible]
Gbak John. To uncle's son: since now dead and heirs to curator.
(No cattle yet paid.)

Yang uncle.
A cow: To sister uncurat as uncle's friend and for bringing up the bride.

Ranch sister gbak.
A bull-calf: To sister uncle, a distant kinsman of uncle's.

This marriage took place some six years before recording. There is only one surviving child—a girl aged four. Certain peculiarities about the relationships of the persons concerned are worth noting:

(i) The bride is the legal daughter of Rawi (gen. Rawa), but physiological daughter of Ring Long. She and her brothers are often referred to as great Rinka (Ring) but are legally great Rawa—because Ring married their mother Nyagan to Rawi's name.

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(ii) Their physiological father, Ring Long, was sister's son to their legal father Rwei. Ring died and the children were brought up by his brother Gatbel. Thus the bride has one man as legal father (*pater*), another as physiological father (*genitor*), and yet another as foster-father.

(iii) Rwei had no half-brothers who would normally be entitled to a portion as *gaanden gaanak*. In these circumstances this portion should go to Rwei's uterine brother, Magh. In fact they go to the sons of Mawak, father's brother to Rwei. This is not usual, but it appears that Mawak made substantial contributions to the bridewealth used by Ring to marry a 'ghost-wife' to Rwei. Hence Mawak (or his heirs) have a special interest in the daughter of this 'ghost-marriage'.

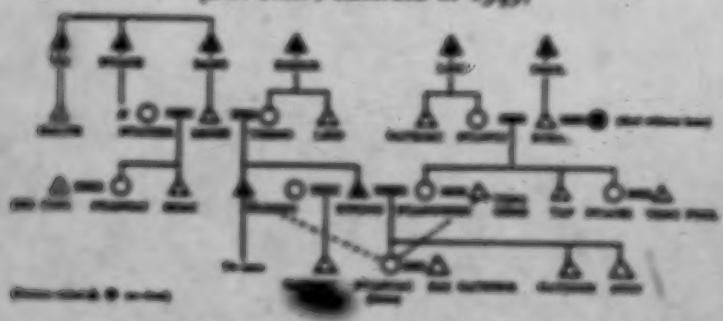
(iv) On the maternal side, Nyapat is the daughter of Mangol, a man of Rweng Dinka extraction. He had no sons by his first wife Nyakwei, and hence the cattle of the *nar nanak* (mother's brothers by same mother) are held in trust by Nyapat and will eventually go to her sons who are now minors. Simon Tang is the only living representative of the maternal lineage, one might expect that these cattle would go to him. This would at any rate be correct according to normal usage. Yet the maternal uncle's portions (*nar nanak* though not *nar gaanak*) are often inherited by his sisters' sons. See a further example of this in the marriage of Tap Mat to Nyamer (p. 110 (iv)).

(v) No *mangwen* cattle were paid on behalf of the grandparents, yet a cow was paid in the name of the bride's father's father's mother (a Dinka woman) described as *yang bunik jaangal*, literally: 'cow of the Dinka spirits' and included in the father's portion.

(vi) A cow, referred to as *yang bunik gaanak*, was paid in the name of the bride's father's father and included in the father's portion. The explanation given was that both these ancestors were 'restless' and required attention.

(vii) Only one cow was paid as *kathar* (for the bride's mother's maternal uncle). In accordance with Jikany practice a similar dedication should be made on the paternal side (bride's father's paternal uncle) at the next marriage in the family.

Marriage of Kat Gatbeir to Nyarwar, daughter of Kuong Magh
(Dok Nuer: Recorded in 1949)



BRIDEWEALTH DISTRIBUTION

[illegible]	[illegible] (or [illegible])
Gaan. A cow and a bull: To [illegible].	*Nar.* A cow and bull: To [illegible].
Gaanak. A bull: To [illegible].	*Mawan.* A heifer: To [illegible].

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Gwandw (*wundi*). A bull: To GATJOOK.
Wac. A heifer: To NYANGAT and JOK GUOL.

Gwandang. Two bulls: To BUAC } *Wangwen*.
Mandang. A cow: To GATJOOK }
Nar gnam. A heifer: To LEUO.
Gnam gnam. A heifer (*dang*): To NYAGAK's heirs.
Gwandw gnam. A heifer (*dang*): To MALITH.

Wangwen { *gwandang*. A cow: To TAP.
mandang. A cow: To TAP. }

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OTHER PAYMENTS

Yang lake. A cow: To TENG GEDO (as *gwaiter*).

REVERSE PAYMENTS

Yang jaghol nyal. A cow: (To BAI from GATJOOK) to ensure fertility and avoid future calamity after NYAMUAC's first child died.
Thiak. A cow: (To BAI through his mother from GATJOOK).

Kai married Nyamuac about 1933 and has had by her nine children in all, of which six died in infancy. The situation at the time of marriage should be noted. Cattle had died in considerable numbers during the previous years, and bridewealth had been much reduced. Nyamuac's family will say that they would not have accepted so few cattle had this not been so. This marriage is of considerable interest, and several points emerge:

(i) Kwang married Nyangwari as a 'ghost-wife' for his dead brother Budong. Kwang then died himself and Nyangwari was taken by Teng Gong in levirate union (Teng being a distant kinsman of Kwang). Teng is physiological father of Nyamuac while her legal father is Budong. Despite this, she is referred to in ordinary conversation as daughter of Kwang. Kwang (and Budong) had no uterine brothers, only Ruac, a half-brother.

(ii) In addition to normal payments a cow was paid as *dagg*[1] to Kwang and Budong's father's father's brother, and similarly a cow referred to as *dang gwandwale*, i.e. father's father's father's brother[1] to the bride. These payments are exceptional elsewhere in Nuerland, but it appears that they are often made in Duk.

(iii) There are no exceptional circumstances on the maternal side except that nearly all cattle went to Tap since he is the only son of Ruac (mother's father).

(iv) One cow was paid to Kai (husband) as *thiak* and another, as *yang jaghol nyal*, on the birth of the first child.

In normal circumstances a cow would have been paid by Kai to his wife's mother on the birth of the first child. This also might be called *yang jaghol*, which merely means 'cow of the spirits'. But the child died, and it was held that its father's spirits should be placated.

[1] See p. 120.

8;Howell E, G-5 (1942-1944)1954
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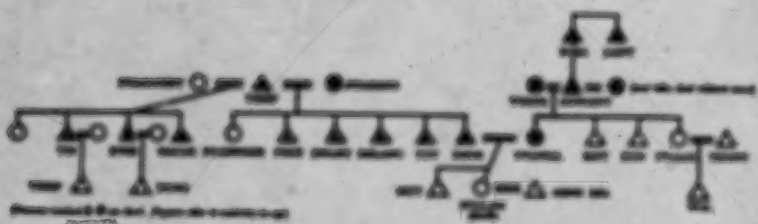
Marriage of Deng Ros to Nyalom, daughter of Dhor Thiep*
(Thiang Nuer: Recorded in 1944)



BRIDEWEALTH DISTRIBUTION

WYI CHUOP

Gnom. A cow and its calf (*young female*) } To WYI THOK.
A heifer and an ox } To WYI THOK.

Dwom. An ox: To WYI THOK.

Gnomlon. A cow and calf, an ox:
To PUOT THOP.
and a heifer (*young*):
To RWOHT THOP.

Gnomlon. A cow (*pregnant*): To KOLANG
(PUT will get the calf).

(*Mandi*) A heifer: To THOP
(*heir to MAGAK*).

Wor. A heifer: To WYIRWOOR
(*to her son*).

Gnomdong. A cow:
To THOP TOI } *Wrongness.*

Mandong. A heifer:
To KOLANG } *Wrongness.*

Mon. A cow and a bull: To WYI MAGAK.

OTHER PAYMENTS

Tong dirk. A cow and calf: To PUT THOP for begetting NYALAM.

Tong pilin. A heifer and an ox: To PUT THOP for bringing up NYALAM.

WYI NAR (*or MAT*)

Nar (*male*). A cow and bull-calf and (*female*). A cow and a cow:
To RUM NGWONY.
A bull calf:
To WYI NGWONY.

Mandon. A heifer: To WOL.

Gnomdong. A heifer: To WYI } *Wrongness.*

Mandong. A cow and a calf:
To RUM } *Wrongness.*

* There are no mother's brothers by a different mother.

The family of Thiep is a powerful one in the Bong primary section of Thiang. They are *bunor* men, and Tui Thiep is recorded in early Government reports (1898–1904) as the most powerful personality in this region. His half-brother Puot was for some time Court President, and Thiep Tui is a 'Section Chief'. In all twenty-nine head of cattle were paid, but Deng Ros is expected to give two or three more. The bride-wealth is otherwise a large one (particularly as 1944 after heavy losses from rinderpest) for the Thiang Nuer, but this might be expected considering the advantages of an alliance with so powerful a family. A claim will be made for Dhor's customary uncle as heifer, and Deng

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admitted this claim in the presence of his relatives-in-law. Certain points should be noted: 583

(i) Dhor died without issue and his brother Tut married Nyaciel as Dhor's 'ghost-wife'. Tut therefore receives the *yang dhok* and *yang pilic* as *gaatuor* and *kaaw-father* of the bride and also a calf as *gaaadac nuanak*.

(ii) Mut Dhor receives the father's portion as Dhor's heir.

(iii) All *wangaw* cattle have been paid, though Thiep and Nyakong were both dead long before Nyalam was born.

(iv) Thiep Tut receives a cow (*gaaadac nuanak*) though one would expect this to go to Kolang or Tut. The explanation was that the latter had benefited in excess of their rights on the marriage of Nyakwagh, Thiep's daughter. Thiep and Dang might also be expected to get the *gaaadac gaaadac* portions, but did not do so for the same reason.

(v) Ngwainy (on the maternal side) had a second wife, but she died without issue. Hence there are no *nar gaaadac*, and Mut and Kuo receive these cattle as well as the *wangaw gaaadac* (*gaaadac*).[1]

Number of Cattle Paid Today

Professor Evans-Pritchard points out that—

there is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[2] 583 231

To rinderpest must be added the ravages of trypanosomiasis, a disease which appears to have increased during the last decade owing to mechanical transmission through other biting flies rather than tsetse. We must also bear in mind that the human population may have been less in these days, for although there are no statistical records available to work on, there are indications that the Nuer are increasing. Some tribes are, however, poorer in cattle than others,[3] and bridewealth payments are not everywhere the same. It would probably be unsafe to state an average figure anywhere without an analysis of a very large number of marriages. Some marriages are referred to by the Nuer as *kaaw ma kaagh*. This expression, which is a contradiction in terms, is used very loosely in this context for a literal translation would imply that they are illegal.[4] What is meant is that the number of cattle paid is much less than normal even by present-day standards, but it should be noted that marriages made in these circumstances 583

[1] Mut stated that as he and Kuo had received many cattle which in normal circumstances would have gone to a half-brother, they compared to marry a 'ghost-wife' on their father Ngwainy. Mut would die as last 'Ghost-Marriage and Bridewealth', pp. 38-39.

[2] Evans-Pritchard, op. cit., p. 190.

[3] See Appendix I.

[4] For the various meanings of *kaagh*, see pp. 80, 190, 192, 19, 6.

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are often stable. Moreover it is not usual for the wife's family to press for further payments provided the union is confirmed by the birth of children. It is not, therefore, necessarily the number of cattle paid or the fact that sufficient have been paid to meet the minimum claims which makes a marriage stable, but the social relationship of the two families concerned. In examining the legality of a marriage, a Nuer court may ascertain generally the number of cattle transferred, but will not examine each of the many claims. The most telling evidence in this respect is the performance of the marriage ceremonies, for it is assumed that performance indicates the acceptance of the bride's family and this implies that they have been satisfied in the matter of bridewealth cattle.

Disputes over Bridewealth Payments and Distribution

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Disputes over bridewealth between the bridegroom and the bride's family do not often arise. Even if the bridegroom does not pay all the cattle required to meet the claims made at the time of marriage, but promises to do so later and then fails, the bride's family can always threaten a divorce which is usually a sanction strong enough to ensure payment. The claims of the *ji ewapel ran* are usually met first, and if any cattle are forgone or postponed, it is by arrangement with the immediate family of the bride. Moreover claims made by the *ji ewapel* will be against the bride's immediate kinsmen, not against her husband, for the distribution of bridewealth among his wife's family is not his direct concern.

The rules of distribution apply within the group of the wife. These are collectively referred to by the husband as *ji tuar* ('people of the skin', or relatives-in-law). Further rules govern the distribution between the father's lineage and the mother's lineage and then lineages brought in by other marital relationships. Disputes over these claims are common, and there is an understandable tendency to use the courts as a sanction for the fulfilment of kinship obligations. The majority, however, are settled by the elders of the lineages concerned, and the courts often dismiss such cases as *ruar ciang*, 'house talk', which should be settled within the kinship group.

There may be more than one person standing in a special relationship to the bride which carries with it a claim to part of her bridewealth, and if this is so there is always a tendency to alternate. If a man fails to get cattle on the marriage of one of the daughters, he will expect to do so on the marriage of her sister. Disputes sometimes arise, especially over claims that have remained unpaid in the second generation. Such matters are strictly speaking governed by the rules of inheritance, but so far as cattle are concerned, the rules of distribution are part of inheritance. Two examples are quoted below. Both are typical, and it will be noted that the first was dismissed by the

8;Howell E, G-S (1942-1944)1954
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court on the grounds that the claim was too old to be valid, the second on the grounds that the dispute was purely an intimate family concern.

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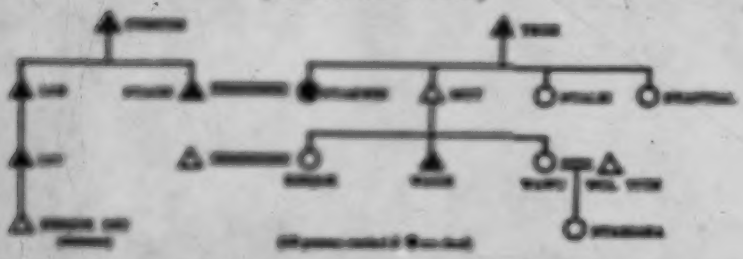
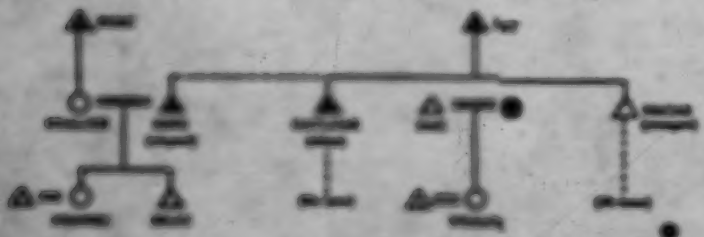
Dispute between family of Cuhrah and family of Yagh
(Gumuer Nuer Case)



Nyakwei, daughter of Yagh, was married by Nyagh, son of Cuhrah. Nyakwei died without issue, but there was no dissolution of marriage, Nyagh being content to leave his cattle with Yagh's family. Nyagh, as Nyakwei's husband, would, according to the laws of distribution of bridewealth, be entitled to claim a young ceaw (cow of the personal ceaw) on the marriage of any of Mut's daughters. In fact the young ceaw of Kerjok's marriage went to Nyakei and that of Wawu to Nyaweyial. Mut promised to give Nyagh the young ceaw of Wagh's marriage, but it was not paid at the time of her marriage, and she died shortly afterwards. Kerjok Dito as heir to Nyagh (brother's son's son) then claimed young ceaw on the marriage of Wawu's daughter Nyaniku, on the grounds that it should go to Wagh, whose own young ceaw should have gone to Nyagh through Nyakwei.

The court was at first puzzled by this case, and said that the ceaw of Nyaniku should go to Wagh's husband. Kerjok Dito then produced evidence that Wagh's marriage had been dissolved as she had died without issue, and pointed out that her sister Kerjok had already received a young ceaw on the marriage of another of Wawu's daughters. The court was unable to give an expert definition of the law in these circumstances, but dismissed Kerjok Dito's claim on the grounds that it was based on a claim which had not been fulfilled in the time of his grandfather and that his claim had therefore lapsed.

Nyaliik Nuer v. Mawar Pat (Lak Nuer Case)



Pat had four sons—Riing (or adopted Dhiel), Gudhok (the eldest or bough), Bak (the middle son, or dot) and Mawar (the youngest or pugh).[1] On the

[1] For further explanation of these terms of seniority, see p. 191.

8:Howell E. G-5 (1942-1944)1954
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marriage of Dak's daughter Nyalak, Maar got a cow (*yang nangnyor*) and a cow-calf (*g nandar*). Ring was by that time dead, but his wife Nyalith received the remainder of the *gwandan* cattle—the cattle of the paternal uncle—on behalf of her son Bilin, then a minor: a cow, an ox and a bull-calf. On the marriage of Ring's daughter Nyawar, the *glak gwandan*—a cow—and the *nangnyor*—a cow-calf—were given to Maar again as heir to Gatluak, then dead with no issue. Dak objected to this and, as a pressure, seized the cattle held by Nyalith (received on the marriage of Nyalak) for her son. Nyalith then took the matter to court and demanded the transfer of the cattle received by Maar on the marriage of Nyawar, to Dak, so that Dak would give her back her cattle. Court dismissed the case on the grounds that—

(i) Maar, as heir to Gatluak, has a right to the *nangnyor* and *gwandan* of Nyalak. Dak cannot receive these cattle for the marriage of his *own* daughter.
(ii) The dispute is entirely between Nyalith and Dak.

But (iii) it is a purely family matter which they must settle themselves, because Nyalith is living with Dak in levirate union, he has no male heirs, and all his cattle will anyway go to Bilin to whom Dak is paternal uncle.

4. THE LEGALITY OF MARRIAGE

General Principles

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From an analysis of the social and ritual processes of marriage and of the transfer of bridewealth cattle from one group to another, there emerge certain legal principles which are relevant to a study of Nuer law as administered in the courts today:

(i) Apart from the social and ritual processes, the performance of which not only gives stability to marriage but emphasizes the degree of agreement reached at any stage, the key to the legality of a union lies in the transfer of cattle from one kinship group to another on behalf of an individual. The individual thereby obtains rights in his wife which are domestic, economic, and procreative. Even though these are sometimes secured so far as domestic and economic rights are concerned, they are never assumed in situations where the legal status of the children is concerned unless cattle have been transferred.

(ii) Therefore, in any dispute which concerns bridewealth, the return of bridewealth, or rights in the distribution of bridewealth, reference must be made to the individual on whose behalf cattle were transferred. Whether he be alive or dead, he is the nuclear point from which legal discussion must start, and the rights of others are determined by their relationship to him in the kinship structure or the relationship created by marriage. At a later stage, when children are born of the union, all parties concerned become linked through the position of the children in the kinship structure of both sides.

We have seen that, although marriage is still precarious and does not necessarily achieve a high degree of stability until a child is born of the union and the bride takes up her abode permanently with her

8:Howell E, G-S (1942-1944)1954
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husband, at a certain stage in the proceedings she acquires not only social status as married woman and wife but also legal status. It is at this point that the bridegroom becomes legal husband of the woman. 583 581

It is, however, sometimes difficult to determine the exact point at which this occurs. The problem is best examined in reference to wrongs in relation to the woman, and perhaps best exemplified in cases of adultery, for a man cannot claim damages in such a situation unless he is legal husband of the woman concerned. There is in fact considerable variation on this point in Nuerland, and it has become a controversial subject in cases which arise between individuals of different tribes, now brought together through the agency of the courts. Clearly it is ultimately the amount of cattle paid to satisfy the claims of the bride's relatives which determines the legality of a union, but this cannot be expressed as a rigid rule, for an equal number of cattle is not and cannot be transferred in all marriages, and the period over which they are paid is variable. This is particularly true today when there are less cattle in relation to population than before, because to insist on full transfer of bridewealth in one transaction would mean endless delay in collecting bridewealth, and this is not acceptable either to the bridegroom, who is impatient for his bride, or to her family, who wish to use the bridewealth cattle for their own marriages. The 581
legality of marriage therefore finds expression in the degree of agreement reached by the people concerned, this being reflected in each stage of the marriage ceremonies. Some tribes consider that acceptance of the cattle negotiated at the *mar* ceremony, and particularly at the rite called *yier nyal*, even if they appear totally inadequate when compared to the bridewealth ideal, amounts to legal recognition. Others consider that legality is established at the *dhot* ceremony which follows, and certainly it is at this ceremony that the change of status of the bride from a girl (*nyal*) to a married woman (*nath*) in relation to society as a whole is most clearly symbolized.[1] For the first time she is released from her family (*bany dak*) and from parental care. For the first time she is introduced publicly into the home of her bridegroom (*nang nyal*) and physical consummation is recognized. Further, she is ceremonially shaved by her bridegroom's female relatives (*mont*), and this not only has clinical significance in connexion with her fertility, but signifies, too, her acceptance as a married woman, her status being determined in relation to other women of the household and through

[1] It might be argued that the ceremony performed at the *mar*, when the bride is dressed in the clothes which signify a married woman, symbolizes a change of status from 'girl' (*nyal*) to 'married woman' (*nath*). Presumably this is so among those tribes who consider that the *mar* establishes legal marriage. But it must be remembered that it is not an overall her general status, as her status in relation to her husband and his line which is important from the legal aspect, and this is only brought out at the *mont*. The terms *nyal* and *nath* do not clarify the problem, because a man will often refer to his affianced bride as *nath-da* (my wife) at a very early stage in the proceedings, and the woman is often referred to as *nyal* long after the *mont*.

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000 organization can be maintained, and in so far as Nuer courts operate today they are in fact a means by which it is maintained.

231 581 583 The multiple factors and circumstances which have bearing on a dispute over cattle cannot be summarized, but if the principles are understood it is easy enough to see the issues. Cattle provide the key to status within the kinship group and between two kinship groups when marital relationship is established. The payment of bridewealth cattle determines the legality of the union, and if this is not done, the legitimacy of the children can be made valid by the payment of fees in cattle. Disputes often arise over such matters, but it is rarely the legal aspect which is denied; it is rather that certain persons refuse to honour their legal obligations, and the court then enforces the law. As we shall see in the next part of this chapter, other cases arise over the return of bridewealth cattle in divorce and the dissolution of marriage, over the non-fulfilment of the obligations of kinship in the distribution of cattle, and from claims on the bridewealth of daughters, both by the mother's and the father's kinsmen. Disputes also arise over wrongs committed, violations of rights established in legal marriage, and the legitimization of children. Whether, in the settlement of the dispute before the court, the legal principles can be accurately and rigidly applied, depends on the circumstances. The law is not sufficiently exact to cover all situations.

8;Howell E, G-5 (1942-1944)1954
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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be stressed by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuoke*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the house'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuoke* in such circumstances and that the husband is in the right: *tuke ceang*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *pang rik*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognized. If questioned the Nuer would unhesitatingly say that the age-mate has a right (*ceang*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

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671 583 the bridegroom. The question arises whether or not he will meet this particular claim. If pressed he will probably do so because the bride's family might terminate the negotiations, though this is unlikely to happen over so remote a claim as the cow of the age-mate. In the second place the bride's father is concerned with his age-mate, and here there is an element of reciprocal exchange.[1] A cow is not given to all age-mates of the bride's father, only to one who has a particularly close connexion with him and has probably undergone with him the ritual processes of initiation which impart a mystical association analogous to kinship. We see therefore that the custom is a complicated one involving two separate transactions and subject to different sanctions. If a dispute over this payment reached a Nuer court, payment would in most instances be enforced. When there are sufficient precedents to constitute a consistent application of a custom of this sort, we should be justified in speaking of the claim as a legal and enforceable right.

671 791 Again, certain categories of magical experts are entitled to a fee for their services. Such claims often appear before the courts. The court will consider the circumstances, estimate whether the alleged benefits have been received or not, and if necessary order the client to pay the fee. The transaction is in the nature of a contract which is now enforceable in law. In the past the sanctions were retaliatory, though in this particular instance forceful retaliation would be unlikely since more commonly the magician's supernatural powers, which might be used against his client, would be feared.

671 673 Compensation for wrongs, recognized in tradition, expressed in traditional scales, and originally a basis for compromise, is now enforced in the Courts. Adultery, for example, is a recognized wrong and one which should be rectified by the payment of a suitable indemnity. Whether or not this was paid in the past depended again on the sanctions prevailing, but nowadays the wrongdoer will in the final event be compelled to pay. This applies to other legal wrongs, such as the seduction or impregnation of unmarried girls, and theft or damage of property.

671 177 Among the Nuer there is a vast field of custom and convention which is now supported by legal sanctions and thus becomes the law. Moreover this transformation of custom into law is being carried to extremes among the Nuer, for there is an increasing tendency to treat all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have sometimes been speaking of the present, sometimes of the past. Under the influence of modern administration systems of social control are

[1] The age-mate will receive the cow if the bride's father has received a like privilege on the marriage of the age-mate's daughter or has the expectation of doing so. See p. 170 and n. 3.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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husband towards them. One can only know by enquiry. In no way is 588
their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried 588
concubine is that a widow-concubine has had cattle paid to her kinsmen 587
and these cattle are still "on her back" (*te ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Kea e cek me caa ghok luny jok jaude*, "A *kea* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimatization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a 588
man marries the mother and, by payment of bride-wealth, not only legi- 583
timatizes the child but also any future children whom she may bear by him 848
or by any other man. A *cek ma kea*, an unmarried concubine, then becomes a *cek pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to 588
remain with him. For sometimes a girl becomes a concubine, not through 581
unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *kea* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.

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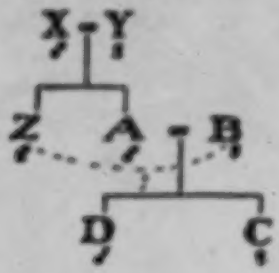
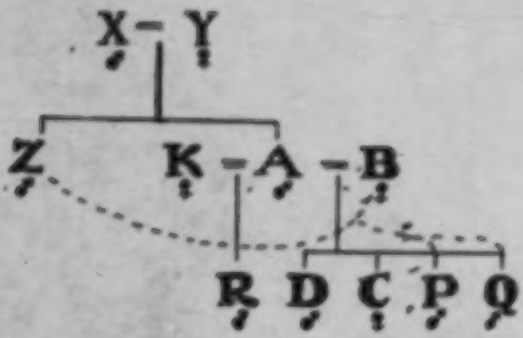
1. Simple Marriage

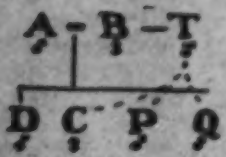


2. Ghost Marriage

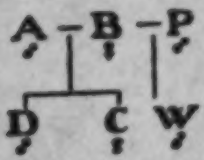


3. Levirtic Marriage

Diagram V



4. Widow Concubinage



3. Simple Concubinage

II:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 (D) Legal paternity has a very different significance in the case of
593 sons and in the case of daughters. The pater's kin want the sons to live
562 in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 (E) Types of procreative unions and families are classed by the nature
611 of the social tie that links children to their pater, and of the social relation-
593 ship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 (F) I do not more than draw attention here to the effect on kinship
602 structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

11:Evans-Pritchard E-S (1931, 1936) 1945
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family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions. 513 601

VIII

That these different forms of marriage and concubinage are of great sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Leu, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karbual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages. 121

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have sounded one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny. 124

Nyueny is a typical Nuer village. It consists of a number of huts and byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kanthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest 361

11:Evans-Pritchard E-5 (1931, 1936) 1945
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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadeng of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiet ♀—Wol *ʒ*, a widow of Gabuak *ʒ*—Thol *ʒ*. She bore her husband Top *ʒ* who lives in the homestead of Dhiel *ʒ* of Homestead No. XX. Dhiel *ʒ* now cohabits with her and she has borne him Gai *ʒ*, Puot *ʒ*, Nyagwer ♀, Leath *ʒ*, Nyakwoth ♀, and a female infant. This cohabitation would be regarded by Nuer as incestuous consubinage because Gabuak *ʒ* and Cuor *ʒ*, the father of Dhiel *ʒ*, were both sons of Thol. 592 587

Nyadhiet's mother, Nyabomi ♀, a very old Baggara Arab captive, lives with her. [247]

Homestead No. XXV. Kwol *ʒ*—Kwoth *ʒ* (Kwoth *ʒ*, Gabuak *ʒ*, and Cuor *ʒ* were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kolange *ʒ*, a Bor woman, and his brothers, Both *ʒ* and Dooth *ʒ*, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial *ʒ*, of Homestead No. XXIII, and two sons of Dit *ʒ*, Rwot *ʒ* and Werjok *ʒ* (Homestead No. XXVI). 592

Homestead No. XXVI. Nyabuak ♀—Yoah *ʒ*, widow of Dit *ʒ*—Biook *ʒ*, to whom she bore Rwot *ʒ*, Yangdoah ♀, Nyakuc ♀, Nyampath ♀, and Werjok *ʒ*. After her husband's death she cohabited with Cuvou *ʒ*—Gwoc *ʒ* of Nyang village to whom she bore Nyiliel ♀, Ging ♀, and Nyadooth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty-three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyandol ♀—Kwanwar *ʒ* even though she has declared her intention of settling there; nor the wife of Nhial *ʒ*—Rainon *ʒ* because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

11:Evans-Pritchard E-5 (1931, 1936) 1945
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583 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dok girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyalomi ♀ of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impression is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It [591] must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates
165 (who are also widows) suggests a very high mortality rate among males. This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

857 for her future. She must do as they say or pay for her
573 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the
[749] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Five

COURTSHIP AND MARRIAGE AND THE BABY

PREPARATION AND CHOICE

*583 PROBABLY the most important event in the life of a Nuer girl is her courtship and marriage.

Her thoughts, even when a child, are upon her future husband, who he may be, what he may pay as the marriage price. Of course she often hears the village talk of how many cattle may be received for her. Sometimes her father or her brothers need cattle to help them out of financial difficulties incurred possibly through their own marriage plans. So they arrange the girl's marriage while she is yet a little girl and secure an initial payment of a cow or two in order to help them out. The husband does not take the girl to his village then but waits until she is older, and then he must pay the rest of the wedding price for her. Sometimes this man may be young, but more often he is an older man who has the cattle to help her father out of his extremity. And this older man may be planning to take her for his second or third wife, or possibly to get her for a wife for his son.

304 301 During her younger years she must have each ear pierced in from five to seven places along the outer edge, and she must have her upper lip pierced in the centre in order to wear a nail in it. When she is first taken to her husband's home white beads, as has already been noted, must be put in her ears, which will proclaim her status as a married woman to all who see her.

857 During her girlhood she must learn all the tasks that fall to woman's lot.

301 As she nears marriageable age she adorns her body with all the beads, anklets, wristlets, necklaces of various

[p. 36]

15: Butt E-4 (No date) 1952 F 222 Nuer F 221

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'persons of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 291

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [191] [191]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [192] [192]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [191] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

19: Burt E-4 (No date) 1954 F 222 Nuer F 222

In certain respects the status

583 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 583 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be canvassed by the Nuer, but what is important to them is that the legal paternity of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1939, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.181.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

*776 614 clan beat an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's [721] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward. [593] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with [596] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

*776 614 773 The Jikai clan respect rafters (*koi*) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

*776 177 262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

16: Evans-Pritchard E-S (1931, 1936) 1956
FJ22 Nuer FJ22

but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage. 613 768 551

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him 'gat so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name. 587 611 551 768 588 551 611 768

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*, 551 768 583

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

16: Evans-Pritchard E-S (1931, 1936) 1956
FJ22 Nuer FJ22

551 'cattle of the ghosts', and they must be handed over to his sons, at
768 once if they are adults, and later if they are children. It is a grave
773 fault for a kinsman to take advantage of the minority of children
to use the cattle of ghosts for his own purposes. The rights of the dead in bridewealth cattle derive not only from the fact that it is their kinswoman who is being married but also from the feeling Nuer have that a line of descent is attached to its herd. Whatever individual may have control over the herd it is thought of as being in a vague general sense owned by the ghosts who once tended it, for though the animals change the herd is felt to have a sort of continuity. This is partly why the ghosts are addressed in invocations at weddings. It must be explained to those on the bridegroom's side that the cattle are leaving the herd so that a girl of another lineage may come into the family to bear sons who will continue their own lineage; and it must be explained to those on the bride's side that she is being married with cattle which will enable her family to acquire a wife who will bear sons to continue their lineage.

551 The great importance attached to the maintenance of a dead
768 man's name and the privileges and obligations of the living which derive from their relationship to him—*cieh joka*, ghost's wife, *gat joka*, ghost's son, and so on—give sharp individuality to the dead; and it is interesting to note that in the Nuer language the word for the departed has singular and plural forms, unlike many languages in Africa and elsewhere, which, like the Latin *manes*, can indicate only a collectivity. It is possible that we are to seek in the desire for survival of the self in the name—not just survival in the children—the reason for the fact that Nuer do not, at any rate in normal circumstances, care to call a son by the same name as his father and even show aversion at the suggestion that one might do so. Were father and son to bear the same name they would be likely in course of time to become merged in the recitation of a genealogy. I think Nuer realize this. However, it would be necessary, were such an interpretation advanced, to account for the fact that some of the other Nilotic peoples have no objection to father and son bearing the same name, the Anuak for instance, and Dr. Lienhardt tells me that it is also the case among the Dinka.

16: Evans-Pritchard E-S (1931, 1936) 1956
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196 576 269 Nuer use it for the attitude and behaviour expected of a man towards his wife's parents and to a lesser extent her other kinsmen also. He expresses his respect particularly by abstaining from eating in their homes and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the home of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating [551] with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nuer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

196 •583 784 There are also avoidances concerning bridewealth cattle which derive from these relationships of respect relating to marriage. A bride respects the *gïok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciek ma kau*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

in the home of his parents-in-law they avoid offering him milk from the cattle he has paid them. Further, if there is a divorce and the bridewealth cattle are returned to the husband's people they sacrifice a goat before they drink of their milk. 196 583 784

Nuer 'respect with regard to food' unrelated people (not all people) of the opposite sex, especially if they are unmarried and possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself. 196 364

Another situation in reference to which one hears the word thek is homicide. I discuss it in greater detail in Chapter XII. A man who slays another respects water—he may not drink—until a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both. 196 784 628

Another use of the word thek, which, as always, contains the idea of avoidance, is in reference to burial and to mortuary sacrifices. Those who bury a corpse respect water—they may not drink—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the mother to be barren and injure the father, himself, and the cattle. A man is also said to respect his as yet unconceived children by abstaining from congress with his wife when she is menstruating[1] 196 784 834 841 [764]

[1] He is not said to thek, respect, his wife when she is menstruating. He

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child creates between affines; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the age-set. 582

It will be noted that the wide range of Nuer marriage prohibitions has a certain correspondence with the kinship configuration of their local communities described in the last chapter. The balance there observed between the paternal side and the maternal side in the notion of *mar*, kinship, and its reflection in residential attachments is seen again in the conventions governing marriage. The assimilation of affinal to kinship ties, noted as significant in the local network of relationships, is also a significant feature of these conventions. The rules taken as a whole amount to this: a man must not marry kin (including affines), and as he is born and brought up in a circle of kin which normally embraces the people of his immediate neighbourhood, he is generally compelled to marry outside it. He is also compelled to look for sweethearts outside it; and I think that this is one reason why Nuer youths like to stay in the villages and camps of maternal and affinal relatives where they have greater freedom in sexual matters.

Nevertheless, however extensive the prohibitions may be, there must always be a point in each category of them at which a marriage can just be allowed or is just disallowed. In these borderline cases there is some latitude in interpretation of the prohibitions. Cases arise in which there is disagreement whether the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. It sometimes happens also that a girl's family raise an objection on the score of relationship that they would not have raised had they been better disposed towards the marriage. Indeed, this is a common way of telling a suitor politely that his suit is unwelcome—even when, in fact, there is no relationship which could be seriously urged against the union. It also happens that a distant relationship, which might have been adduced as a bar to marriage, is passed over by a girl's family if they consider the suitor a desirable son-in-law. I have been present at marriage negotiations when a kinsman, who was not satisfied with his share of the bridewealth, raised the objection of kinship, and later, when satisfied, waived it; and at another marriage when one kinsman of the bride urged that the union would be incestuous, while the other kinsmen held that it would not be so. When marriage is permitted in borderline cases of this kind a beast will generally be sacrificed to cut what 584

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834 kinship there may be held still to be between the partners to the union. This is done because it is feared that otherwise the marriage may not be fruitful.

In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same local community.

Exceptions to the general principles governing marriage prohibitions do not invalidate them, for the rules are acknowledged even in the breach of them. Thus I have known of a peculiar marriage into the clan in which, on the day of the wedding, tribute was paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.*

The prohibitions of marriage I have related apply also to concubinary unions. The *concubinus* and *concubina* ought not to be related in any of the ways I have mentioned, though here there seems to be greater laxity than in matrimonial unions. Concubinage is entered into on the initiative of the partners to the union and without the public discussion matrimony entails, so that distant, but nevertheless valid, kinship may escape notice. My reason for believing that this is so is that I came across several cases where the death of the children born in concubinage led to a fuller investigation which revealed relationship, of which the partners were ignorant, and consequently to the dissolution of their partnership.

II

835 It is not incestuous for a man to have relations with daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also

* The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his pater's sister's son; a man of the Gaatgankir clan. The wife's pater was a woman of the Gaatnaca clan (of a different lineage). She had married a wife to raise up children to herself by an unrelated man. The marriage could not have taken place had the wife's pater been a man. As it was, it was subjected to criticism. The reader will understand these peculiar circumstances better after he has read Chapter III.

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836 Therefore, if a youth takes a girl away from a dance to his *dep*
883 and sits with her among his friends and other girls until he finds an opportunity to get her to himself he will not be molested, because her brother has seen her leave the dance in company, and by the time she is intimate with her lover he will be doing the same himself. But if a man is indiscreet enough to take her off by herself as soon as the dance is breaking up he is asking for trouble, though the brother may not say anything if the youth is a friend of his whom he knows to have cattle and serious intentions towards his sister. If the young man is a casual lover he may tap him on the shoulder with the butt of his spear, when he will run away; or even fight him. However, there need be no trouble if the conventions are observed.

Courtship seems to be freest among the Eastern Jikany. There love affairs are carried on more or less openly, and a youth need not fear the girl's brother so long as they are on friendly terms and he is discreet. The girls of this area are, however, said to be less free with their favours than those of the Lou tribe. They are exacting in their demands for fine speeches, but will not allow intimacy unless they are sure that pregnancy will be followed by marriage. The Lou girls are said to be easier and their brothers more difficult. To the west of the Nile, at any rate in some parts, it is said that a girl's brother has the right to take a male calf and a cow calf if he catches a man having relations with his sister, but this penalty seems only to be exacted when it is believed that pregnancy has ensued, and I was told that if the beasts have been seized they will be returned should it be found that she had not conceived. If she is pregnant, they will be kept pending marriage negotiations.

584 A youth may have several sweethearts in different villages and a girl several lovers in different villages. At this time of his life a young man models himself on the accepted pattern of what a young man should be to win the approbation of his sweethearts and the regard of girls generally. He likes to know that they are looking at him and saying about him, when they chat together and share their secrets, that he is a *wut pany*, a real man. He pays great attention to his appearance and takes every opportunity to excel in feats of endurance and courage. It is for the benefit of the girls that he leaps behind his oxen in dry-season camps, 'when the people have met together', and chants poems. When asked whether

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a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

MARRIAGE

582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose [581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*rau*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

831 The facts outlined in this section lead to two conclusions: that
581 there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

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and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so. 583

The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them. 584

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen that there are always, besides prolonged discussions about bridewealth, sacrifices and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband

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584 and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

Generally, as we have seen, there has long been an understanding between the youth and the girl he wishes to marry and she has been his sweetheart, though sometimes a youth decks himself as a bridegroom and in the company of another youth, arrayed in the ornaments of a best man, tours the country-side in search of a bride. In either case, the youth does not ask for the hand of the girl without her consent. He and his friends must then ask her family and they consult their kinsfolk. They know what is going on long before they are formally asked for her hand, so when a girl tells her menfolk in the byre that there are guests outside who wish to speak to them, the men know what they have come for. The suitor and his friends enter the byre and seat themselves to the right, the girl's people being seated to the left. They say that the girl has accepted them and ask whether the elders will accept them also. The elders ask them what cattle they have. This is the *riet ghok*, the cattle talk. The best man answers for the suitor, who, to create a good impression, says as little as possible. Both wear skins to cover their genitals before possible future parents-in-law. The bridegroom's best man and two other friends accompany him through all the trials of marriage and take full advantage of the opportunities for love-making and courtship. The girl's people accept the suit in a preliminary way and the youths depart to eat at a neighbouring homestead, since the suitor cannot eat in the home of the bride even at this stage.

There will later be other and more formal and definite discussions about the cattle in the byre of the father of the girl. The suitor has in the meanwhile been able to consult his own family and kinsmen, and when he returns with his friends for further talks the cattle are more precisely specified and ear-marked for particular claimants. The girl's people are satisfied. They say that the marriage is finished and tell the bridegroom, as he can now properly be called, and his friends to bring the *ghok lipa*, the cattle of betrothal, on a certain day. The discussions are still in an early stage, and by 'finished' they mean only that they are pre-

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pared to continue negotiations on the basis of the demands already 584
met and to hold the betrothal ceremony. Before the visitors rise to go various men who can claim distant cognatic kinship with the bride, too distant for them to receive assigned portions of the bridewealth, may ask for gifts, ranging from a 'cow' (which means a sheep or goat) to a spear. Some of their demands are at once satisfied, the spears being handed over there and then, while others are met with promises or evasions.

A betrothal ceremony is not necessary. It is possible to proceed at once to the full wedding ceremony, and this is sometimes done when the bridegroom is a rich man with plenty of cattle and the bride is a *jut*, a girl who has passed the usual age of marriage. Usually the betrothal ceremony is held in the rainy season and the wedding in the following windy season. If there is a longer interval it is generally due to the immaturity of the bride. A poor suitor may pay two or three cows to a man who is short of stock at the time in order to obtain a lien on his small daughter while he collects adequate bridewealth to marry her later. Were the suitor a richer man he would seek a bride among older maidens, and were the father a richer man he would not feel the need to betroth his daughter at so early an age. A nubile maiden would not be betrothed for several years to a poor man. Her brothers would not brook the delay, for they themselves want to marry with the cattle of her bridewealth. Moreover, she would almost certainly become pregnant by some lover.

The holding of the betrothal ceremony means that the marriage is provisionally agreed upon by both sides, and the transfer to the bride's family of the cattle of the betrothal, three or four to ten head, is a further acknowledgement of this understanding. Before the ceremony takes place it has been agreed upon in general terms how many cattle should eventually be handed over. The ceremony is held in the bride's home. When the morning work of the kraal is finished the bridegroom and his party drive before them the cattle of the betrothal, led by a fine ox, the pride of the herd, its horns decorated with tassels, for the bride's brother. They advance on the bride's village in war formation and continue their marital exercises in her father's kraal, chanting their war songs before the huts and byres, especially before the hut of the bride's mother, who must be shown particular respect. The bridegroom's girl relatives and friends arrive about the same time as the men and

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584 they also dance in the kraal. The youths of the bride's village then form their *dep*, village fighting formation, and start their own exercises and the girls of the village their dancing. Then the drums are brought out and general dancing begins. Towards sunset the betrothal cattle, which were left outside the village to graze, are brought into the kraal and tethered. Dancing, duelling, singing, and love-making between the youths and maidens continue well into the night, and all pay special attention to the bridegroom, resplendent with his ivory armlets and his tight-fitting armlet of brass rings, and distinguished also by the wedding stick in his hand. Before midnight the father of the bride leads forth an ox which, with a ceremonial rubbing of ashes on its back, is dedicated to the lineage ghosts and spirits in a long address by the *gwan buthni*, a man of a collateral lineage who acts for his family on ceremonial occasions as master of ceremonies. He tells the spirits to take their ox and let the people be at peace. His address is followed by shorter speeches by old men of the bride's kin and perhaps by her father, all first rubbing ashes on the beast's back. The *jicoa*, the bridegroom's people, take no part in these proceedings, but the flesh of the sacrifice is, with the exception of head, neck, and some of the entrails, their right, and if the ox is not to their liking they insist on a bigger one being sacrificed or, which amounts to the same thing from their point of view, being slaughtered for their dinner. When the addresses are finished the master of ceremonies of the bride's lineage, or her father or another of her senior kinsmen, stabs the ox to the heart with a single thrust. It stands for a moment and falls to the ground, those present watching to see if it falls cleanly. The bridegroom's people, often directed by the bridegroom, though he may not himself eat in the home of his future father-in-law, amid much shouting and chaffing, divide the meat among themselves, each kinsman receiving his customary due. The ribs and part of the back are taken next day by the visiting girls to their parents and elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them.

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go, the bridegroom,

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if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco. 584

The wedding takes place some weeks later, and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre, and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his bride's home in the company of his best man and other friends, and on these occasions he may try to have relations with her, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage, and his only hope is to get his best man to persuade his bride to visit him in the gardens.

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. 585
In the homestead of the bride the reception, especially the beer, is

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NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

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MARRIAGE among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is undertsood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

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The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The oecological and political background is given in *The Nuer*, Clarendon Press, 1940.

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flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen from this paper that there are always, besides prolonged discussions about bridewealth, sacrifices, and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and very often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

An essential rite in the marriage ceremonies is the sacrifice of a beast to the ghosts and spirits by which they are made cognizant, and witnesses, of the union in an address delivered to them before the beast is slain. This part of the rite concerns only the close kin of the bride or bridegroom and the address is sometimes spoken in so low a tone that it is almost inaudible amid the general clamour. People chat and shout to each other about affairs which have no connexion with the marriage, or interpolate comments into the address, a long rambling speech which may refer to almost anything which interests the speaker so long as he mentions the object of the rite and puts into it now and again some traditional phrases. The young people are dancing, the women engaged in household tasks, and it is the older men, mostly kinsmen of the bride and bridegroom, who gather round to watch the sacrifice, which to them is just one of the phases of the ceremony, like the bridewealth talks and the beer-drinking, and does not entail any special attitude on their part. The sacrifice also is often a great confusion, everyone shouting advice and instructions to everyone else and arguing good-humouredly about the division of the meat. The specifically religious part of a ceremony seems to be lost amid all the talk and movement, but it is none the less the core of the ceremony, what occasions it and gives it meaning.

Even the kinsmen of the bride or bridegroom, as the case may be, attend the sacrifice largely because it is the prelude to a division of meat, for though the ox is dedicated to the ghosts and spirits, its material destiny is to be eaten by the kin of one partner to the marriage, who, being guests, have to be provided with meat by the kin of the other partner. The people who sacrifice the beast, usually an ox, eat very little of it. They are interested in the religious part of the rite since it is their ancestors and spirits to whom the beast is dedicated. The visitors are not concerned with the ghosts and spirits of the other party but are interested in the meat which is their due, to each kinsman his customary portion. A sacrifice is thus a distribution of gifts of meat by the kin of one of the spouses to the kin of the other.

One notices the same lack of formality in the order of the rites, and the sequence of their parts, as in the performance of them. The place of each movement is determined only by the logic of necessity. An ox has to be pegged before it can be speared and it has to be skinned before it can be cut up and cooked. Otherwise there is merely a usual time for acts to be done, though it would not matter if they were done at a different time or in a different order. For example, it is usual to sacrifice an ox at the betrothal ceremony towards the end of the evening dance, but it can equally well be done on the following morning. Nuer ritual procedure is generally happy-go-lucky.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

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The Preliminaries

Generally, there has long been an understanding between the youth and the girl he wishes to marry and she has been his sweetheart (*lum*), though sometimes a youth decks himself as a bridegroom, and in the company of another youth, arrayed in the ornaments of a best man, tours the countryside in search of a bride. In either case, the youth will not ask for the hand of the girl without her consent.[1] A maiden consents to marry a youth only if he has cattle. He and his friends must then ask her family and they will consult their kinsfolk. So long as there is no kinship bar to the marriage and the youth has both cattle and a good reputation they are not likely to reject his suit. They know what is going on long before they are formally asked for her hand, so when a girl tells her menfolk in the byre that there are guests outside who wish to speak to them, the men know what they have come for. The suitor and his friends enter the byre and seat themselves to the right, the girl's people being seated to the left. They say that the girl has accepted them and ask whether the elders will accept them also. The elders ask them what cattle they have. This is the *riet ghok*, the cattle talk. The best man answers for the suitor, who, to create a good impression, says as little as possible. Both wear skins to cover their genitals before possible future parents-in-law. The bridegroom's best man and two other friends accompany him through all the trials of marriage and take full advantage of the opportunities for love-making and courtship. The girl's people accept the suit in a preliminary way and the youths depart to eat at a neighbouring homestead, since they cannot eat in the home of the bride at this stage.

There will later be other and more formal and definite discussions about the cattle in the byre of the father of the girl. The suitor has in the meanwhile been able to consult his own family and kinsmen and when he returns with his friends for further talks the cattle are more precisely specified and ear-marked for particular claimants. The girl's people are satisfied. They say that the marriage is finished and tell the bridegroom, as he can now properly be called, and his friends to bring the *ghok lipa*, the cattle of betrothal, on a certain day. The discussions are still in an early stage and by 'finished' they mean only that they are prepared to continue negotiations on the basis of the demands already met and to hold the betrothal ceremony. Before the visitors rise to go, various men who can claim distant cognatic kinship with the bride, too distant for them to receive assigned portions of the bride-wealth, may ask for gifts, ranging from a 'cow' (which means a sheep or goat) to a spear. Some of their demands are at once satisfied, the spears being handed over there and then, while others are met with promises or evasions.

The Betrothal

A betrothal ceremony, *larciang* or *bul luom*, is not necessary. It is possible to proceed at once to the full wedding ceremony, and this is sometimes done when the bridegroom is a rich man with plenty of cattle and the bride is a *jut*, a girl who has passed the usual age of marriage. Usually the betrothal ceremony is held in the rainy season and the wedding in the following windy season. If there is a longer interval it is

[1] It occasionally happens that a man marries a child to his small son. When he does so he puts a bracelet on her arm and later pays a few head of cattle. However, when the boy grows up he will try to win the girl by courting her. If he does not gain her favour he is unlikely to marry her.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

584 generally due to poverty. A poor suitor pays two or three cows to a man who is short of stock at the time in order to obtain a lien on his small daughter while he collects adequate bridewealth to marry her later. Were the suitor a richer man he would seek a bride among older maidens, and were the father a richer man he would not feel the need to betroth his daughter at so early an age. A nubile maiden would not be betrothed for several years to a poor man. Her brothers would not brook the delay, for they themselves want to marry with the cattle of her bridewealth. Moreover, she would almost certainly become pregnant by some lover.

The holding of the *larcieng* ceremony means that the marriage is provisionally agreed upon by both sides, and the transfer to the bride's family of the *ghok lipa* or *ghok luom*, the cattle of the betrothal, maybe three or four to ten head, is a further acknowledgement of this understanding. Before the ceremony takes place it has been agreed upon in general terms how many cattle should eventually be handed over. The ceremony is held in the bride's home. When the morning work of the kraal is finished the bridegroom and his party drive before them the cattle of the betrothal, led by a fine ox, the pride of the herd, its horns decorated with tassels, for the bride's brother. They advance on the bride's village in war formation and continue their martial exercises in her father's kraal, chanting their war songs before the huts and byres, especially before the hut of the bride's mother, who must be shown particular respect. The bridegroom's girl relatives and friends arrive about the same time as the men and they also dance in the kraal. The youths of the bride's village then form their *dep*, village fighting formation, and start their own exercises and the girls of the village their dancing. Then the drums are brought out and general dancing begins. Towards sunset the betrothal cattle, which were left outside the village to graze, are brought into the kraal and tethered. Dancing, duelling, singing, and love-making between the youths and maidens continue well into the night, and all pay special attention to the bridegroom, resplendent with his ivory armlets and a coil of brass twisted round his arm, and distinguished also by the *dang*, wedding stick, in his hand. Before midnight the father of the bride leads forth an ox which, with a ceremonial rubbing of ashes (*buk*) on its back, is dedicated to the lineage ghosts and spirits in a long address (*lam*) by the *gwan buthni*[1] of the lineage. He tells the spirits to take their ox and let the people be at peace. His address is followed by shorter speeches by old men of the bride's kindred and perhaps by her father, all first rubbing ashes on the beast's back. The *jieoa*, the bridegroom's people, take no part in these proceedings, but the flesh of the sacrifice is, with the exception of head, neck, and some of the entrails, their right, and if the ox is not to their liking they insist on a bigger one being sacrificed or, which amounts to the same thing from their point of view, being slaughtered for their dinner. When the addresses are finished the *gwan buthni* of the bride's lineage, or her father or another of her senior kinsmen, stabs the ox—the *yang luom* as it is called—to the heart with a single thrust. It stands for a moment and falls to the ground, those present watching to see that it falls cleanly. The bridegroom's people, often directed by the bridegroom, though he may not himself eat in the home of his future father-in-law, amid much shouting and chaffing, divide the meat among themselves, each kinsman receiving his customary due. The ribs and part of the back are taken next day by the visiting girls to their parents and

[1] *Gwan buthni*: the man who performs the appropriate rituals on special occasions.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them. 584

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go the bridegroom, if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco.

The wedding takes place some weeks later and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his wife's home in the company of his best man and other friends, and on these occasions he may try to cohabit with his wife, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage and his only hope is to get his best man to persuade his bride to visit him in the gardens.

The Wedding

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. In the homestead of the bride the reception, especially the beer, is being prepared, and in the homestead of the bridegroom there is much rejoicing, men and women chanting songs or poems into the night. They also chant on their way to the wedding and during its celebration. The main features of a wedding (*kwin*) are discussion about cattle in the morning and the invocation over the cattle of the bridewealth (*tuor ghok*), the wedding dance, and the wedding sacrifice, in the afternoon and evening. 585

Early in the morning the bridegroom's kin discuss the situation in his father's byre. They know what outstanding claims are likely to be advanced because they

582 him with a wife, or, indeed, to assist him in any
602 way in a society which recognizes no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruaa*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

[p. 186a]

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer
684 she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle
593 on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

[p. 186b]

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691 such is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure is not even confined to actions in the courts. The negotiations which take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (*kur*) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

126 The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These 114 were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

121 This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

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128 A general index is included, but for easy reference a detailed list of contents is given at the beginning.

128 104 For the sake of consistency I have, with few exceptions, followed the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *sh* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendixes.

Note on Cattle Terminology

231 104 Nuer law is principally concerned with rights and claims in cattle, and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok thunge*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok gwande* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nac*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dou*. An entire bull is *tut*, the stud bull being referred to as *tut wec*, 'the bull of the herd'. An ox is *thak* if it is full-grown, all other bull-calves being *ruath*. Cattle obviously [435] have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dou*); a pregnant heifer (*nac me liac*) or a pregnant cow (*yang me liac*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang me but*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

[584] Conventional claims or rights (*cuong*) are usually specified: for example, the *yang kwoth gwande*, 'the cow of the father's spirit', is one specific item included in the *ghok gwande*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gwande*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gwande* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
>
> (*a*) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
>
> (*b*) The second result of the increase in blood-money is the reluctance of the chiefs to break *mar* which is a system by which relations exchange cattle

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'Widow-Concubines'

The main points are as follows: 587

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband. 593

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs. [684]

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband. [586]

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. 611
There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalize their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she 562 584

[1] A widow living in this form of union with a man is known as *ciek ne lak* and her children as *gaat cam*.

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562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they 836 please with lovers of their own choice and without either the sanction 588 of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 684 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in 835 the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*rual*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

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The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in leviratic marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Murle. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 17, 192, 202, 223–8, 235, 257; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1949. Further information will be found in various articles by the same author: 'Nuer bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', Ibid., XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. Thus twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

8:Howell E, G-5 (1942-1944)1954
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held by young people and has danced and 'flirted' with her for some time.[1] 584

Only the most important ritual and negotiations are recorded. Moreover it must be remembered that the form and order of ceremonial among primitive peoples usually vary considerably on each occasion, and no marriage ceremony is word for word, act for act, an exact repetition of another. Further, there may be local variations of custom.[2] It does not follow that all the ceremonies described below are necessarily performed in all Nuer marriages, nor that they are always performed with the same degree of ceremonial and publicity. Older men, especially men with many cattle, who already have other wives would think it unseemly to court a girl with the same intensity as would a younger Nuer, and they would not be expected to go through all the preliminaries.

Courting and Betrothal

When a Nuer youth has been accepted by a girl she will hasten to inform her family, provided she knows that her lover has sufficient cattle to legalize the union. It may be that her legal representatives in the family—that is, her more important male kinsmen—will ban the marriage from the start for some reason or other. Relations with the prospective bridegroom's family may already be strained, and they may have no desire to associate with it; there may even be blood between them (*teke riem kamdien*), or the memory of a blood feud. They may know at once that a marriage is precluded by the rules of exogamy. In such circumstances the girl will be discreetly told to avoid her lover in future. If, however, there is no objection she will be encouraged to continue and will receive their permission, though this is not made public. The first ceremony may then take place. This does not concern the older members of either family, and is confined to the prospective bride and bridegroom and their friends and coevals. It is in fact no more than a formal recognition among the younger people that the couple are courting, and it does not involve any legal negotiation. It is known in Nuer as *luom nyal*.

[1] Dances provide the best opportunity for flirtation and courting. In the normal pursuits of daily life the Nuer does not have much contact with girls except those who are related to him, and these he cannot marry. Dances, particularly big dances held in the rainy season, are usually attended by considerable numbers of people from different and unrelated lineages. These dances often lead to quarrels and violence and even bloodshed. Spirits are high, and for this reason tribal authorities (in the Zeraf tribes), representing the Government, sometimes attempt to ban dancing. This has not received the support of the Government, but it is worth noting that a ban on dancing would give the Nuer youth less chance to meet and flirt with a wide choice of girls which is undoubtedly a factor making for stability in marriage. 584 535

[2] My description of the ceremonial sometimes differs from the accounts given by Professor Evans-Pritchard. Where there is any great difference I have recorded it in a footnote, but it should be noted that his observations were made in Lou and Eastern Jikany, while mine are drawn from experiences among the Zeraf tribes and later among Western Nuer.

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Luom nyal: 'Courting the Girl'

The meeting is held at the home of some person who is related neither to the girl nor to the young man, often the home of the latter's best friend (*math*). A few friends of both parties are present, and among them is the prospective bridegroom's official spokesman, who is known as the *gwan twac* and performs the duties of a 'Best Man'. The girl also has a personal friend, a girl who is known as *ngi nyal*, and who takes her part in the ceremony, and leads the conversation and the friendly chaff which are characteristic of these occasions.[1] The meeting usually takes place at night, sometimes all night, inside a hut. No elderly people are present, and the time is spent in the exchange of elaborate compliments which sometimes go on for half an hour or more without break.[2] The verb *lum* in Nuer, from which *luom* is derived, is used to describe any form of courting, even casual flirtation at dances, but its use here implies a degree of formality not previously recognized, the recognition of the engagement being restricted to the young people who take part in dances together, and not including the adult members of the communities concerned.

Thiec nyal: 'Asking for the Girl'

After the *luom nyal*, which is not a serious engagement and more often than not comes to nothing, a meeting takes place known as *thiec nyal*, 'asking for the girl'. This again may lead to nothing, but it is a more formal affair than any preceding it, and for the first time the girl's parents or guardian are approached by the prospective bridegroom and possibly by some of his senior kinsmen. It amounts to an opening of negotiations between the two families, but is not binding. If the members of the girl's family are satisfied by this time that the young man is in earnest and has cattle in support of his suit—for they have probably made discreet enquiries long before this—they will ask that the first tokens of formal betrothal be paid. They hope to receive at least four head of cattle (though they may be satisfied with less) known as the *yang gwan nyal*, a cow and calf which are intended to supply the girl's father with milk, *thak deman nyal*, a bull or bull-calf for the bride's brother,[3] and a *yang kwoth*, a cow which will be dedicated to

[1] *Gwan twac* and *ngi nyal* might be translated as 'Best Man' and 'Bridesmaid' respectively, but although the part they play in this and subsequent ceremonies is similar to our conception of the functions of the Best Man and Bridesmaid, I prefer to use Nuer terms hereafter.

[2] Complimentary speeches of this sort, often full of subtle and suggestive phrases with a good deal of badinage, are spoken in a language which is almost poetic in form and not easy to understand.

[3] The *thak deman nyal*, by bringing in the interest of the brother who expects to benefit most by his sister's marriage, is in the nature of a personal guarantee, and is important. The prospective bridegroom expects this brother to further his cause with the girl's family and to keep other lovers away from her. These cattle, which are really the father's portion, are sometimes included in the bridewealth payments, sometimes not: *i.e.* a man will sometimes have to pay a further four as *ghok*

8:Howell E, G-5 (1942-1944)1954
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the spirits of their lineage. The distribution of these cattle is significant. In the first place the girl's father or, if he is dead, her eldest brother or paternal uncle, must receive a guarantee in material form that the prospective bridegroom is in earnest. The ancestral spirits must be called in to bless and assure the future union, and the *yang kwoth* is dedicated to them. Finally, the bride's eldest brother, often a coeval of the bridegroom, must be placated, for it is he who expects to benefit most by her marriage, which will bring in bridewealth which he himself will use for his own marriage. If the girl's family are in agreement, a day is then fixed for the formal betrothal, in the form of a meeting when the cattle of engagement will be paid over. This is known as *cuei*, and the Nuer will say *ce cuei-de cuei*, 'he has engaged himself'. 584

Cuei: Betrothal

The *cuei* is part of the betrothal negotiations, and amounts to a more public acknowledgement by the bridegroom's family in paying, and by the bride's family in accepting, the cattle which are considered necessary for that purpose. The cattle are driven straight to the homestead of the girl's father, and there remain shut in the cattle-byre while the meeting takes place. The prospective bridegroom and his *gwan twac* are expected to observe rigidly the special restrictions on their movements in the bride's home, the signs of respect and other observances which characterize behaviour towards relatives-in-law. They are not allowed to enter any of the houses, and they must cover their nakedness with a special cat-skin known as *twac thoan*. It is for this reason that the principal assistant of the bridegroom is known as *gwan twac*, 'owner of the skin', and a husband, is usually expected to wear it in the presence of his wife's mother.[1] Beer has been brewed beforehand, and is handed round among the senior guests; dancing takes place, and a bull-calf known as *yang kwen* or *yang lum* (the 'cow of marriage' or 'of courting') is sacrificed and eaten.[2] [592]

The adult males of the two families (with the exception of the bridegroom himself) have therefore drunk together and the kinsmen of the bridegroom have partaken of meat provided by the girl's father. The

gwan nyal (see p. 102, n. 1). It is, on the whole, unusual for a man to pay as many as four head of cattle on betrothal, especially if there is likely to be delay in the actual marriage ceremonies. If any of those cattle died while in the possession of the betrothed girl's family, the prospective bridegroom would be expected to replace them.

[1] The *thoan* or serval cat-skin is to the Nuer a mark of respect shown to a wife's relatives by any of her husband's kin, and in a sense is a symbol of marriage.

[2] The word *yang*, cow, is used here in a figurative sense, for the animal should more correctly be referred to as *ruath* (bull-calf). Nuer say that in older and better times a cow would be sacrificed, though doubtless a barren one. *Yang* means cow, and it might be supposed that a cow would be slaughtered. It may refer to a past custom when cattle were more plentiful, but nowadays the use of these terms in connexion with sacrificial animals is often elastic, and *yang*, which is certainly cow, is often used to refer to cattle of either sex.

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bridegroom's kinsmen have accepted hospitality and provided the cattle of betrothal to give legal stability to the pledge. This preliminary betrothal feast does not concern the rest of the local community, though many of them will turn up uninvited because of the beer and meat which are available. The formal gathering really concerns only the kinsmen of the girl and the kinsmen of the bridegroom. As in the case of negotiations for the composition of homicide, Nuer have a concise terminology for both parties. The bride's family are throughout known as the *ji nyal*, while those of the bridegroom are known as *ji wuta*. These terms mean no more than the 'girl's people' and the 'man's people', but they are used expressly in connexion with marriage negotiations,[1] and stress the distinction between the two parties.

Sometimes girls are betrothed at a very early age, and quite often when they are ten to fifteen years old. This does not mean that they are pledged by their families without their knowledge or consent, for they are usually approached first by the man concerned and are proud to accept, for girls thus engaged appear to have an enhanced attraction for other Nuer youths. Two cows are paid, which are known as the *dau cieh*, the 'cow-calf of the ring or bracelet' (*cieh*), and a larger cow-calf called *nac pieth*, the 'heifer of up-bringing' (referring to the fact that her family will have to continue to care for her and provide her with food for a long time to come). These cattle are not included in the bridewealth, and are not usually returned if, after the marriage has gone through, there is a divorce. Early betrothals of this sort are not common and, even if made, often come to nothing. If this is the case, the *dau cieh* and the *nac pieth* will be quietly returned; they are rarely a subject for dispute in the courts because, until they are returned, it would not be seemly to start the negotiations for another engagement.

Professor Evans-Pritchard speaks of the betrothal as *larcieng* or *bul luom*.[2] It is clear that this is the same ceremony as that described above, which is sometimes known as *dour* in Lou country, and although his description gives the impression of greater formality and more elaborate ceremonial than I have encountered myself, I do not think that there is any difference in principle. The *cuei* ceremony is usually performed in the rainy season when grain is plentiful, but sometimes takes place in the dry season, in which case it is likely to be less elaborate for there will be little or no beer, and the final wedding ceremonies will have to wait until the people return to the cultivations.

[1] It is useful to know these terms for they are sufficiently concise to avoid obvious confusion in cases of litigation over marriage payments.

[2] Evans-Pritchard, 'Nuer Marriage Ceremonies', *Africa*, 1948, and *Kinship and Marriage among the Nuer*, pp. 58–74.

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kinds, and rings that she can acquire. She also bleaches her hair and wears several headbands of beads. 301

Some neighbouring young man may be the cause of all of this effort on her part.

During the fishing season the lover is neither idle nor silent in his efforts to win the regard of his bride. He may be at the same fishing camp as she is; if so, he carefully grooms his best ox, then adorns his body with all possible ornaments and, getting some one to lead his ox, they circle around the camp. He dances as he follows the ox and sings praises of his ox, himself, and his sweetheart in loud tones that may be heard for some distance. This performance may be continued for some hours, especially the singing. 584

Usually the young man knows when he is not repulsive to the girl. When he has her assurance that she loves him, his people take up the subject of the marriage price with her people. The girl's physical appearance and possibility of bearing children figure largely in the estimate of her desirability. Also her temper and ability to control it are considered. [581]

A certain day is agreed on for the marriage talk. Then all the men who are interested on the bridegroom's side assemble at the village of the bride-to-be. Places have been arranged for the relatives of the bridegroom to sit on one side of an open area, facing the relatives of the bride who are seated upon the opposite side.

A stick with both ends curved in a scroll design is carried by the speaker and twirled in the hands as he walks back and forth between the two factions and presents his arguments. He also wears a loin-cloth, often the skin of a wildcat. Sometimes it happens that each speaker is not the possessor of a loin-cloth, so a quick change is made, as one speaker concludes his speech and another prepares to take his turn.

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584 One speaker at a time presents his arguments. If a relative of the bridegroom, he must try to get the girl for the least number of cows possible and still laud the girl as if she were worth many more cattle. The statements made by the bridegroom and his relatives are worthy of more praise than they usually get.

Each speaker carries the wedding stick as he talks, twirling it in his hands as he paces up and down between his hearers and waxes eloquent over his subject.

The relatives of the bride argue that such a fine girl as she should bring a maximum number of cattle, and they may specify which cattle they want if they know something of the cattle belonging to the bridegroom and his relatives.

The arguments continue and may even be resumed another day. Finally, if terms can be fixed that are agreeable to both parties, the argument is concluded (Fig. 10). But before the final decision, the bride is called and she states whether she agrees or disagrees with the decision arrived at. If she assents the bridegroom makes plans to collect his cattle and bring them, while the girl's people prepare for the wedding dance, for much food must be prepared as well as a good amount of the drink they make from dura.

But if the bride-to-be should disagree with the decision arrived at by her family and refuse to marry the man of their choice, her lot is not likely to be a happy one until they reach some sort of agreement (see Chapter VII.)

584 593 Possibly her brother is anxiously awaiting her marriage so that the cattle received may help him out in his own wedding plans. So he will not be inclined to listen to any objections from her which may mean the postponement of his own cherished plans. He may decide to discipline his sister by means of a good beating and may repeat it if

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the first dose does not bring the desired result in the form of her assent. Scolding is also resorted to, her lack of regard for her people being especially urged. 584 593

She may be strong enough in her determination to withstand the beating, but many girls succumb to the combined beatings and scoldings. She is then willing to send word to the groom that she assents to the family's arrangement for her future, but that assent does not imply that there is any willingness to be his wife or any love, but merely an assent to the marriage because of the persistent insistence of her family.

Sometimes, if the bride is very persistent in her objections, the bridegroom may withdraw his offer, not wanting a wife who will be so unhappy with him.

But if her objections are not too violent, the family usually depend upon scoldings and beatings to silence her, and the plans for taking her to her husband's village proceed. When she has gone to her husband's house, and if she is still persistent in her objections, he may beat her and his people may put thorny branches in front of the door, thus blockading her way of escape should she resist him. But they tell me that these cases are rare.

Many weddings take place in the dry season before the people go to the fishing camp. [585]

If the girl has jilted the man who has paid cattle for her in order to take the man of her choice, as I describe in chapter VI, the wedding dance is not held, and there is no set time for giving her the garb of the married woman. She usually does not wear the beads in her ears that are the insignia of her married status. Keeping quiet and letting the commotion they have caused subside seems to be the object. Sometimes they have the wedding dance when the child is a year or two old, but it may be dispensed with entirely. 584

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They have a definite code, just as strict as any we may devise, but the emphasis is placed in entirely different places. 000

The Nuer does not live to himself. He is a member of his family, and his actions must be in accord with Nuer law as recognized by them. For should he trangress, he is sure to need their help. 593

Laws regarding sexual relations are decidedly lax according to our western standards. Many young men do not marry the mothers of their firstborn. Illicit relationship may exist between boys and girls. But when a girl reaches marriageable age she is usually under closer surveillance than before. 836

When a girl for whom part of the wedding price has been paid by a man whom she does not wish to marry, is dissatisfied with the arrangement made by her people because she cares for some more desirable and possibly younger man, there is only one way for her to cancel her engagement and thus free herself in order to marry the man of her choice. And this way is fraught with danger which may threaten for some time. 584

She will bear a child for the man she loves, and when her condition becomes known, her engagement to the man of her father's and brother's choice is automatically cancelled. Then for a time there is trouble. Her first lover wants his payment refunded at once. Her family want the marriage price from the man of her choice at once. Very probably he has not got it, so he takes the best way out of the situation (for him) and flees to some distant village, where he has friends or relatives, until the anger of the girl's people cools a little and they are more inclined to listen to him.

This is one of the times when he is thankful that he may depend upon his family and friends to help him out. They may or may not approve of his conduct, but they

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584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he is fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

In certain respects the status

588 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 848 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

●584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 584

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(larcieng)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *nut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a *buor*, a mud fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.

2:Evans-Pritchard E-5 (1931, 1936) 1951
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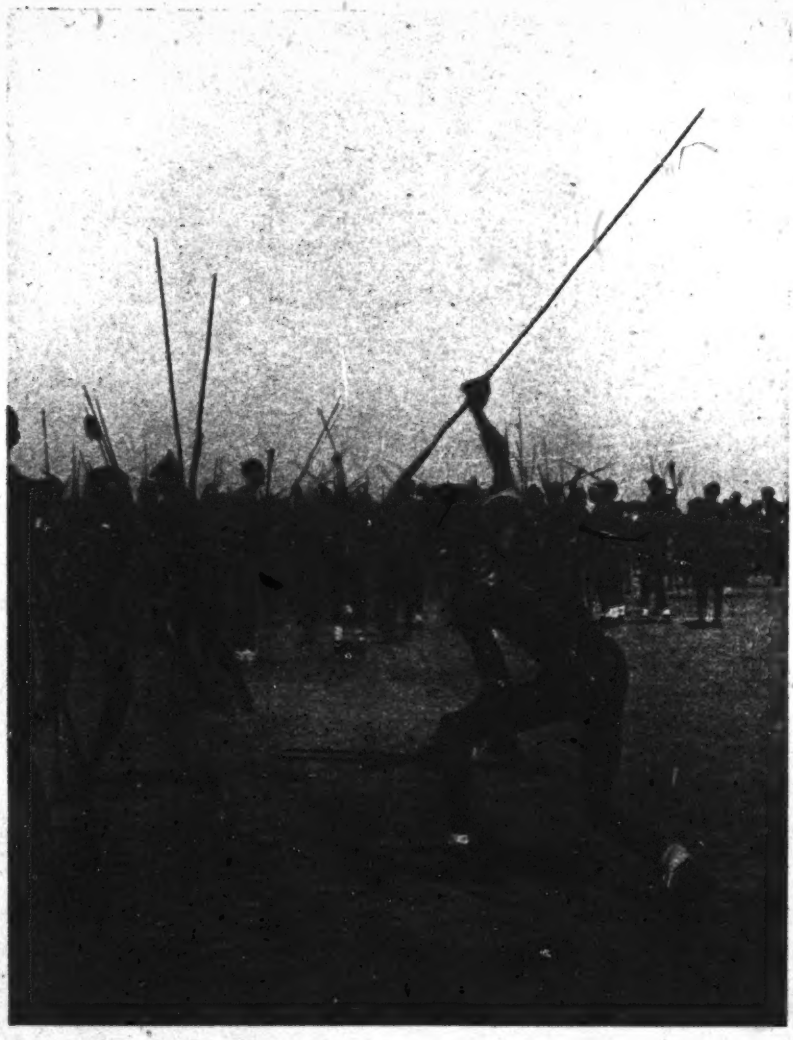

A wedding dance

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2:Evans-Pritchard E-5 (1931,1936) 1951
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if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco. 584

The wedding takes place some weeks later, and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre, and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his bride's home in the company of his best man and other friends, and on these occasions he may try to have relations with her, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage, and his only hope is to get his best man to persuade his bride to visit him in the gardens.

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. 585 In the homestead of the bride the reception, especially the beer, is

2:Evans-Pritchard E-5 (1931, 1936) 1951
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585 being prepared, and in the homestead of the bridegroom there is much rejoicing, men and women chanting poems into the night. They also chant on their way to the wedding and during its celebration. The main features of a wedding are discussion about cattle in the morning and the invocation over the cattle of the bridewealth (*twoc ghok*), the wedding dance, and the wedding sacrifice, in the afternoon and evening.

Early in the morning the bridegroom's kin discuss the situation in his father's byre. They know what outstanding claims are likely to be advanced because they know the persons on the other side who stand in those relationships to the bride to which beasts are due by custom. They run over their herds and assign particular beasts to meet probable claims, so that no last-moment demand shall be made which they have not allowed for and cannot reject. Similar talks are going on among the bride's kin in her father's byre. They know more or less what animals the bridegroom can muster, and they have also to agree on the division of the bridewealth among themselves; the problem often being not so much the total number of beasts to be paid but to which of the bride's kin they shall be allotted. The bride's father will do his best to protect his son-in-law against too greedy kinsmen. As we have seen, the bridegroom's people have several times discussed the whole question of the bridewealth with the bride's people, but there are certain demands not yet agreed to, or kept back till the last moment so that they can be exacted under threat of forbidding the wedding dance.

The older people of the bridegroom's kin go ahead of the bridegroom's party of youths and maidens to the bride's home to finish the discussions in the late morning and early afternoon. They are generally still arguing when the bridegroom's party arrives, the paternal uncles on both sides taking the foremost part, for it is thought impolite of the fathers to take too prominent a part in the discussions, especially if they are younger than the uncles. The bridegroom's kin sit on the right side of the byre and the bride's kin on the left side, as they would sit were a case being arbitrated between them by a leopard-skin chief. The byre has been swept clean in expectation of the guests, and ox-hides and mats have been spread on the floor. The bridegroom and his master of ceremonies and the bride's father and his master of ceremonies wear wild-cat skins round their loins to hide their nakedness, and

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the master of ceremonies of the bridegroom holds a wedding stick across his knees. After the involved Nuer greetings have been exchanged they begin the final cattle talk over their pipes, each claim being stated and restated and discussed in the deliberate Nuer way—puff, puff, puff of tobacco, a few words, then puff, puff, puff again. While the *jicuong*, the people with rights to cattle of the bridewealth, are developing their claims, first on the father's side, then on the mother's side, the master of ceremonies of the bride brings a tray on which are lumps of tobacco and an equal number of pieces of charcoal and hands these round to the bridegroom's senior relatives. The cattle talk, even at this stage, is often loud and it looks, till one is used to Nuer, as though agreement would be impossible. 585

While the discussions are going on in the byre, the youths of the bridegroom's village charge into the homestead, chanting and skirmishing as they come. They rush the kraal and the bridegroom hurls his spear at his mother-in-law's *buor*, while the girls of the bride's village attack the visiting youths in mock combat and try to catch the bridegroom and seize his wedding stick. If they succeed he will have to pay them a calf. The *buor* is a mud windscreen, such as every Nuer woman has in front of her fireplace outside her hut. It is the symbol of domesticity and of wifely status and is associated with the spirit of the husband's lineage. On the occasion of the marriage of a daughter of the hut the windscreen is heightened, or a new one is constructed, for the bridegroom to spear, and some of his close kinsmen may spear it also. It is easily repaired. The spear belongs to the mother of the bride, but as it is a war spear one of the men of her homestead grabs it. The bridegroom has already given, or promised, her a pipe, tobacco, and a smaller spear, which she may give to a small son or keep for scraping hides. The bridegroom may also throw a spear into the threshold of the byre. This goes to his father-in-law. Other parties of youths from nearby villages are by this time beginning to arrive, for the wedding was announced by drums on the previous day. It is difficult for the older people, still talking in the byre and puffing away at their pipes and drinking beer, to hold up the dance any longer. They give permission for it to begin, and it continues for the rest of the afternoon and well into the night and is resumed on the following morning.

Before the dance begins, or as soon as it has begun, the kin on

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●585 either side signify their approval of the marriage by calling out the spear-names of the clans or maximal lineages of the bride and bridegroom and invoking the ghosts of their ancestors to look upon the cattle of the bridewealth—a rite which makes the ghosts partners to the union and witnesses of it. The master of ceremonies of the bride—his role is ritual and he has no part in the bridewealth talks—rises and demands a cow and receives the promise of a calf or sheep. He then walks up and down the byre, brandishing his spear and delivering a long address. He shouts out his ox-name and spear-name, and he calls on the ghosts of the bride's ancestors to witness that she is married openly with fifty cattle (it is conventional to say this number) and not with shame and by stealth. He says that she will bear her husband a male child. He addresses also the bridegroom's kin, his own kin, and anybody else he feels inclined to bring into his speech, and while talking he pours beer and sprinkles a little tobacco on the floor of the byre, on its threshold, and on the hearth in the centre of it, asking God (*Gwandong*) to take his 'cow', the tobacco. Then the master of ceremonies of the bridegroom's family, whose role is also purely ritual, has his say, or he may speak first. He talks in much the same vein and also pours out beer and sprinkles tobacco as an offering as he walks up and down the byre brandishing instead of a spear a wedding stick. The father of the bride may then speak and may be followed by a senior kinsman of the bridegroom. Afterwards people chant poems.

During the dance another rite, but not of the same importance, takes place. The father of the bride removes a tethering cord from one of the pegs in the kraal and throws it into the air between two lines of men drawn up for the purpose, the bride's relatives on one side and the bridegroom's relatives on the other. They try to hook it in the air with their spears and clubs, and whoever catches it may demand a calf or a goat from the opposite side, though he cannot be sure of receiving it.

Towards sunset, or on the following morning, the wedding ox, provided by the bride's father, is sacrificed by the master of ceremonies of her family or a senior kinsman. He rubs ashes on its back and speaks to it, saying: 'We do not kill you for an evil thing, we kill you about a good thing. Fall well.' It is a wedding ox and not a funeral ox. The meat, except for the head, neck, and a few other bits, goes to the bridegroom's kin who, as in the betrothal

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ceremony, divide the carcass, on the pattern of bridewealth distribution, between the kin on the father's side and those on the mother's side. The distribution of meat at these ceremonies depends on the number of relationships represented by persons or proxy, the number of persons standing in these relationships, and other circumstances. Most of it is taken back by the bridegroom's people to their homes for the older people who have not been able to attend the wedding and those who have remained to look after the herds and milk the cows. The rest is eaten on the spot. 585

A large part of the night is spent in dancing and flirting and love-making. The bride and the girls of her homestead are cooking while the bridegroom, who is fasting, is seeing that his companions are being properly looked after. On the following morning beer is served, pots being distributed to the bridegroom's kin—his father, his father's full brother, his father's half-brother, his paternal and maternal aunts, and his mother's full and half-brothers—who share the beer with members of their age-sets. After a meal the youths resume dancing and their elders, fortified with beer, probably start once more on the seemingly endless cattle talks, for there are generally an odd claim or two outstanding, the discussion of which was interrupted by the wedding dance, though their settlement was assured before it began.

If the maternal uncle of the bride lives far away he may give a wedding dance on his own account and sacrifice an ox at it. He may even do this when the father and he are members of the same large village. The senior paternal uncle occasionally does the same if he lives far away and is the father's half-brother.

The *ngut* does not conclude the marriage. It is the *mut* and the birth of a child which do this. But the chances are now greatly in favour of a successful conclusion, for had the bride's people not been satisfied with the bridewealth already handed over, or promised, they would not have allowed the dance to proceed. The wedding has also cost them a second ox for which there is no return in the event of the marriage not being consummated. Nevertheless, marriages do occasionally break up between wedding and consummation, though, in my experience, this is rare and is due to the reluctance of the bride rather than to objections or demands on the part of her family and kin.

The *mut*, the third of the three public marriage ceremonies, is

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585 the one which, at any rate among the eastern Nuer,* makes the union legally binding. After it the husband, as he can then be called, can claim compensation for adultery, which he could not have done before. Previously the bride's brothers did not feel it obligatory to prevent her from attending evening dances in the neighbourhood, though they well knew from their own experience that she was likely to have relations with her old sweethearts at them. Her future husband's people could not then complain if she attended these dances, whereas after the *mut* they would make an unpleasant scene were they to find her at one, for this ceremony makes man and wife, and the cattle which have been paid are no longer regarded as a pledge but as marriage cattle. They now say of the bride *'Te yang jokde'*, 'She has a cow (cattle) on her back.' Moreover, if cattle paid to the bride's family and kin die in their kraals before the *mut*—and they may all die in a year of rinderpest—they have to be replaced by the bridegroom's people, whereas if they die after the *mut* they still count as part of the bridewealth and the husband's people do not have to substitute for them similar beasts. This distinction does not apply to animals killed by the bride's family and kin or which have been disposed of by them and have died outside their kraals, for these count as bridewealth before, as well as after, the consummation. On the other hand, any calves the cattle may bear before this ceremony count as original bridewealth and not as increment. Likewise, if the incomplete union is broken before the *mut*, all the cattle and their increase, including those which have died, must be returned, whereas in the event of divorce after the *mut*, the bride's people do not have to return animals which have died a natural death in their own kraals, and they have a right to retain two cows, the *yang yani* and the *yang miemne*, the cow of the skirts, the mark of married status, and the cow of the hairs, which are shaved off the bride's head at the consummation.

It is *mut*, therefore, which makes the union a contract. Consequently, it occasionally happens, when people are anxious to expedite the marriage, that the consummation takes place before the wedding. I heard it suggested that this should be done in the case of a youth who had been speared and could not take the

* Among the western Nuer it would seem to be the *tuoc ghok*, the invocation of the ghosts, which permits a suit of adultery and may therefore be considered the action which makes the union a contract.

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585 bridegroom's usual part in weddings, and although it was decided to hold the wedding first, with the bridegroom as a spectator, no one suggested that in the circumstances a reversal of the ceremonies would have been improper. Mrs. Smith, of the American Mission, told me of a case of an elderly man who, desiring to marry a girl with the approval of her family but against her own wishes, prevailed on her relatives to rush her through the *mut*, leaving the wedding to be held later.

The day of the consummation has to be fixed in advance because beer has to be brewed for the visitors. In the early morning the bridegroom goes with a company of the youths of his village to fetch the bride, his womenfolk remaining behind to prepare for their visitors. They chant on the way, for this is a happy occasion for the village. Sometimes they find on arrival that the bride's mother has prepared beer for them. They have to ask her permission to take her daughter away and she asks them for presents before she gives it, such things as a spear, armlets, a pipe, and tobacco. The young men promise to give her what she asks for and depart, escorting the bride and her girl companions, who have oiled and decked themselves with ornaments for the ceremony. They go chanting to the bridegroom's village, one of the poems often being a composition of the bride in honour of her future husband, and there is much horseplay between the sexes. When they near the village the young men go ahead and the girls are met by the youths of the village, who bring them into the kraal where they serenade the bridegroom's mother with poems outside her hut. The ceremony is mostly a female affair, the men looking on.

After a while a kinsman of the bridegroom places a tethering-cord across the inner threshold of one of the huts and the bridegroom crawls over it, followed by the bride, the best man, and a special girl friend of the bride. This action is said to make the marriage fruitful. Then, towards evening, takes place the rite of consummation, though there is no invariable order of events in these ceremonies and no fixed time-table. The bride retires to a hut wearing a special goatskin cap and here the bridegroom joins her. His age-mates seek him out and say to him: 'Come now, let the people go to bed, come and loosen the bride's girdle.' He is bashful and gets the business over as quickly and inconspicuously as he can. He enters the hut and gives his bride a cut with a switch

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●585 and seizes her thigh, she refusing his advances and crouching by the wall of the hut. He strikes her with a tethering-cord, snatches the cap off her head, breaks her girdle, and consummates the marriage. Reluctance is imposed on her by custom and she pretends to resist even when she has known her husband often before in the gardens. It is not expected that a bride will be a virgin. Wedding and consummation ceremonies are held even for a girl who is pregnant or one who has been divorced and is being married a second time if she has not borne children. They say that 'She has returned to maidenhood'. It is only divorced women who have led profligate lives who are not remarried with these ceremonies. Maidenhood is a social, not a physical, state.

His duty done, the bridegroom leaves the hut, sometimes the bride's girl friends rushing at him and beating him with their fists as he emerges. The rest of the evening is given to the favourite pastimes of Nuer youth, *muong* and *lum*, visiting with the girls and making love to them. There will be many youths present: the people of the bridegroom's homestead, his mother's kin, if they live near, youths of the village, and bands of youths from villages for miles around, for the *mut* is a popular ceremony and it is known that many girls will attend it. Then all retire for the night, the bride's companions sleeping in a hut reserved for them.

On the following morning take place three rites which may on no account be omitted, the sacrifice (which may take place the evening before), the lustration, and the shaving of the bride's head. The sacrificial beast should be an ox, but if the bridegroom's father is poor, and at this stage of the marriage he is likely to be hard up, the 'cow of the consummation' may be a goat, or even just beer. The bridegroom's master of ceremonies rubs ashes on its back, calls out his spear-name, and speaks of the beast and the bride, telling the spirits and ghosts of his lineage to witness the union and to bless it with sons so that the lineage may continue. He says to them, 'Now you see your ox; you see this maid; let her be a good wife; let her bear many children, many sons; let her work well in her husband's home, milk the cows, dry the cattle dung; let her be a faithful wife and not a profligate'; and so forth, asking them to make the union a lasting and happy one. He then spears the ox and it is cut up by the wife's people, the visitors, and divided among them in the customary portions, only the head, neck, and a few other pieces of meat going to the people of the

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bridegroom. The visiting maidens at once cook and eat the ribs, kidneys, and stomach, besides filling themselves with porridge and beer, the bride alone abstaining because she may not eat in the home of her mother-in-law. They take the rest of the carcass back to their homes for their elders. The master of ceremonies may perform another duty associated with his office in anointing the bride with butter. Her father will already have blessed her in this manner before she set out for her husband's home. 585

Now takes place the rite of lustration, the *lak tetni ka cik*, the washing of the hands with bracelets. The visiting maidens, the young wife's companions, sit in a hut and a pot of warm water is passed to them. One of them washes her hands in the water and then takes a bracelet off her arm, drops it into the pot, and passes the pot to one of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent. Any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm.

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's family, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as 'the removal of the hairs of maidenhood', and they say afterwards of the girl '*Ca ciek*', 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her.

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *ciek ma kau*, a newly-wed. Her parents give her a hut of her

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585 own and a sleeping-hide, a brush, and a couple of gourds for ablu-
[591] tions. When her husband comes to visit her in her father's home-
stead he sleeps with her in this hut. She continues in all other
respects to lead the life she led before marriage, and after her
husband's visits she hangs up the hide and domestic utensils and
sleeps with her unmarried sisters. On these visits her husband
stays at a neighbouring homestead as he cannot eat in the home of
his parents-in-law and ought not to be seen there at all. When
someone tells the wife that her husband has come, so that she may
prepare for him, she feigns annoyance or lack of interest, pre-
tending that she is still unmarried, a shyness she keeps up with
third persons, though she is at ease when alone with her husband.
When everyone is asleep he visits her and spends the night with
her, leaving before any of the bride's people are about. Her parents
are supposed to know nothing of his visits, though, of course, they
know all about his movements, and it is even said that his mother-
in-law may rise especially early and squint through a crack in
the door of her hut to see him depart. I was told that should
he oversleep and his mother-in-law see his spears outside her
daughter's hut, she makes them forfeit, and he would be ashamed
to ask for them back. It is not till a child has been born that the
husband is accepted by his wife's people as one of themselves. He
is then the father of their daughter's child and through the child
has a kind of kinship with them. Till this happens the husband
continues to lead the life he lived before marriage, a bachelor life
with his younger brothers in their father's byre. His wife visits
him only on rare occasions and for a formal purpose, as when, at
harvest time, she brings him coverings she has made for the grain
on the drying-platforms, or when she takes him a bundle of well-
cooked porridge made from the first millet of the year—a pretty
custom known as *puthene kuan*, honouring with porridge.

842 All are equally anxious for a child to be born, the husband and
wife because they want a son, and the wife's parents and kin be-
cause they cannot, without risking complications, dispose of the
cattle of the marriage till a first-born completes the union. Those
whose daughters they might wish to marry would not be happy
about accepting such cattle as bridewealth in case they had sud-
853 denly to be returned to the husband. When a child is born the
591 mother remains with her parents till she has weaned it. This is a
862 suitable regulation, because after bridewealth has been paid the

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585 The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

III

583 Like many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of the series of ceremonial acts I have just described. These ceremonies and payments of cattle proceed *pari passu* as inter-connected movements towards the completion of the union. It should be remembered that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

I first describe the principles on which bridewealth is paid. These can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its ideal distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also.

583 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the

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NUER MARRIAGE CEREMONIES[1]

E. E. EVANS-PRITCHARD

581 MARRIAGE among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place
• 585 without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary and they proceed in a connected movement towards the
431 full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them, and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is undertsood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so.

Some General Features of the Ceremonies

584 The chief ceremonies are the *larciang*, the *ngut*, and the *miut*: the betrothal, the
585 wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile
574 as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, young men thinking nothing of walking over ten miles to take part in the dancing, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them.

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and

[1] This description of marriage ceremonies which I have seen, some of them many times, when living among the Nuer of the Anglo-Egyptian Sudan, is part of a general account of Nuer marriage, some sections of which have already been published. *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*); and 'Nuer Bridewealth', *Africa*, vol. xvi, no. 4, 1946. The oecological and political background is given in *The Nuer*, Clarendon Press, 1940.

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584 flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen from this paper that there are always, •585 besides prolonged discussions about bridewealth, sacrifices, and other rites which have to be performed and which interest only some of the people present—the 574 families and kin of the bride and bridegroom. These are the rites which express the relations between husband and wife, husband's kin and wife's kin, and between the kin on one side or the other and the ghosts and spirits of their lineage. Those who stand outside these relationships are only spectators and very often pay no attention to the rites at all. It is the dance which gives to the ceremonies their popularity and publicity; it is the rites which express and bring about their purpose.

An essential rite in the marriage ceremonies is the sacrifice of a beast to the ghosts and spirits by which they are made cognizant, and witnesses, of the union in an address delivered to them before the beast is slain. This part of the rite concerns only the close kin of the bride or bridegroom and the address is sometimes spoken in so low a tone that it is almost inaudible amid the general clamour. People chat and shout to each other about affairs which have no connexion with the marriage, or interpolate comments into the address, a long rambling speech which may refer to almost anything which interests the speaker so long as he mentions the object of the rite and puts into it now and again some traditional phrases. The young people are dancing, the women engaged in household tasks, and it is the older men, mostly kinsmen of the bride and bridegroom, who gather round to watch the sacrifice, which to them is just one of the phases of the ceremony, like the bridewealth talks and the beer-drinking, and does not entail any special attitude on their part. The sacrifice also is often a great confusion, everyone shouting advice and instructions to everyone else and arguing good-humouredly about the division of the meat. The specifically religious part of a ceremony seems to be lost amid all the talk and movement, but it is none the less the core of the ceremony, what occasions it and gives it meaning.

Even the kinsmen of the bride or bridegroom, as the case may be, attend the sacrifice largely because it is the prelude to a division of meat, for though the ox is dedicated to the ghosts and spirits, its material destiny is to be eaten by the kin of one partner to the marriage, who, being guests, have to be provided with meat by the kin of the other partner. The people who sacrifice the beast, usually an ox, eat very little of it. They are interested in the religious part of the rite since it is their ancestors and spirits to whom the beast is dedicated. The visitors are not concerned with the ghosts and spirits of the other party but are interested in the meat which is their due, to each kinsman his customary portion. A sacrifice is thus a distribution of gifts of meat by the kin of one of the spouses to the kin of the other.

One notices the same lack of formality in the order of the rites, and the sequence of their parts, as in the performance of them. The place of each movement is determined only by the logic of necessity. An ox has to be pegged before it can be speared and it has to be skinned before it can be cut up and cooked. Otherwise there is merely a usual time for acts to be done, though it would not matter if they were done at a different time or in a different order. For example, it is usual to sacrifice an ox at the betrothal ceremony towards the end of the evening dance, but it can equally well be done on the following morning. Nuer ritual procedure is generally happy-go-lucky.

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elders in the bridegroom's village and the rest is eaten on the spot. The girls of the bride's village who, like its menfolk, receive little or none of the meat, are up half the night cooking porridge, preparing beer, and boiling the meat for their guests, for the girls of the bridegroom's party are too busy flirting with the youths to assist them. 584

In the morning there is more dancing and beer is served to the guests before they depart. Shortly before they go the bridegroom, if he has not done so earlier, throws on to the threshold of his mother-in-law's hut, if she has not yet reached the menopause, a tethering-cord, as an earnest that the *yang pal*, a cow to prolong her fertility, will be paid. He will already have given her a present of tobacco.

The wedding takes place some weeks later and in the meanwhile there are further discussions about bridewealth not only in the home of the bride's father but also in the home of her senior maternal uncle, who is responsible for the negotiations on the mother's side. His claims are less flexible and there cannot be much dispute about them, so it sometimes happens that they are settled provisionally in the father's byre and that the final discussions with the uncle himself, who may live far away, are left till after the wedding or even till after the consummation. Some more cattle will probably be handed over before the wedding.

Between the betrothal and the wedding the bridegroom is *lipe nyal*, a man to whom a bride is affianced, but he and she are spoken of as man and wife and the bridegroom acts towards his in-laws with the full respect due from a son-in-law. From time to time he visits his wife's home in the company of his best man and other friends, and on these occasions he may try to cohabit with his wife, but it will be difficult for him because he is closely watched and others probably share the hut in which he and she are sleeping. In any case he cannot enforce marital rights at this stage and his only hope is to get his best man to persuade his bride to visit him in the gardens.

The Wedding

Both sides want to complete the marriage without undue delay. The bridegroom's people want their wife and the bride's people want their cattle so that they themselves can marry. They do not care to use the cattle of the betrothal for this purpose because these are only on pledge and, if negotiations break down, have at once to be returned, or others substituted if they have died. In the interval between betrothal and wedding ceremonies a penultimate agreement is reached about the cattle and both parties have had time to accommodate themselves to their new interrelationships. Neither party would pursue the marriage to the point of holding the wedding, with its expense and publicity, unless they were confident of the outcome.

Arrangements are made to hold the wedding on a certain day. In the homestead of the bride the reception, especially the beer, is being prepared, and in the homestead of the bridegroom there is much rejoicing, men and women chanting songs or poems into the night. They also chant on their way to the wedding and during its celebration. The main features of a wedding (*kwis*) are discussion about cattle in the morning and the invocation over the cattle of the bridewealth (*twac ghok*), the wedding dance, and the wedding sacrifice, in the afternoon and evening. 585

Early in the morning the bridegroom's kin discuss the situation in his father's byre. They know what outstanding claims are likely to be advanced because they

585 know the persons on the other side who stand in those relationships to the bride to which beasts are due by custom. They run over their herds and assign particular beasts to meet probable claims, so that no last-moment demand shall be made which they have not allowed for or cannot reject. Similar talks are going on among the bride's kin in her father's byre. They know more or less what animals the bridegroom can muster and they have also to agree on the division of the bridewealth among themselves; the problem often being not so much the total number of beasts to be paid but to which of the bride's kin they shall be allotted. The bride's father will do his best to protect his son-in-law against too greedy kinsmen. As we have seen, the bridegroom's people have several times discussed the whole question of the bridewealth with the bride's people, but there are certain to be demands not yet agreed to, or kept back till the last moment, so that they can be exacted under threat of forbidding the wedding dance.

The older people of the bridegroom's kin go ahead of the bridegroom's party of youths and maidens to the bride's home to finish the discussions in the late morning and early afternoon. They are generally still arguing when the bridegroom's party arrives, the paternal uncles on both sides taking the foremost part, for it is thought impolite of the fathers to take too prominent a part in the discussions, especially if they are younger than the uncles. The bridegroom's kin sit on the right side of the byre and the bride's kin, often called *jitwar*, on the left side, as they would sit were a case being arbitrated between them by a leopard-skin chief. The byre has been swept clean in expectation of the guests, and ox-hides and mats have been spread on the floor. The bridegroom and his *gwan buthni* and the bride's father and his *gwan buthni* wear wild-cat skins round their loins to hide their nakedness, and the *gwan buthni* of the bridegroom holds a wedding stick across his knees (occasionally a woman officiates in this capacity). After the involved Nuer greetings have been exchanged they begin the final cattle talk over their pipes, each claim being stated and restated and discussed in the deliberate Nuer way—puff, puff, puff of tobacco, a few words, then puff, puff, puff again. While the *jicwong*, the people with rights to cattle of the bridewealth, are developing their claims, first on the father's side, then on the mother's side, the *gwan buthni* of the bride brings a tray on which are lumps of tobacco and an equal number of pieces of charcoal and hands these round to the bridegroom's senior relatives. The cattle talk, even at this stage, is often loud and it looks, till one is used to Nuer, as though agreement would be impossible.

While the discussions are going on in the byre, the youths of the bridegroom's village charge into the homestead, chanting and skirmishing as they come. They rush the kraal and the bridegroom hurls his spear at his mother-in-law's *buor*, while the girls of the bride's village attack the visiting youths in mock combat and try to catch the bridegroom and seize his wedding stick. If they succeed he will have to pay them a calf. The *buor* is a mud windscreen, such as every Nuer woman has in front of her fireplace outside her hut; it is the symbol of domesticity and of wifely status and is associated with the spirit of the husband's lineage. On the occasion of the marriage of a daughter of the hut the windscreen is heightened, or a new one is constructed for the bridegroom to spear, and some of his close kinsmen may spear it also. It is easily repaired. The spear belongs to the mother of the bride, but as it is a war spear one of the men of her homestead grabs it. The bridegroom

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has already given, or promised, her a pipe, tobacco, and a smaller spear, which she may give to a small son or keep for scraping hides. The bridegroom may also throw a spear into the threshold of the byre. This goes to his father-in-law. Other parties of youths from nearby villages are by this time beginning to arrive, for the wedding was announced by drums on the previous day. It is difficult for the older people, still talking in the byre and puffing away at their pipes and drinking beer, to hold up the dance any longer. They give permission for it to begin and it continues for the rest of the afternoon and well into the night and is resumed on the following morning.

Before the dance begins, or as soon as it has begun, the kin on both sides signify their approval of the marriage by calling out the spear-names of the lineages of the bride and bridegroom and invoking the ghosts of their ancestors to look upon the cattle of the bridewealth—a rite which makes them partners to the union and witnesses of it. The *gwan buthni* of the bride—his role is ritual and he has no part in the bridewealth talks—rises and demands a cow and receives the promise of a calf or sheep. He then walks up and down the byre, brandishing his spear and delivering a long address. He shouts out his ox-name and the spear-name of his lineage and he calls on the ghosts of the bride's ancestors to witness that she is married openly with 50 cattle (it is conventional to say this number) and not with shame and by stealth. He says that she will bear her husband a male child. He addresses also the bridegroom's kin, his own kin, and anybody else he feels inclined to bring into his speech, and while talking he pours beer and sprinkles a little tobacco on the floor of the byre, on its threshold, and on the hearth in the centre of it, asking God (*Gwandong*) to take his ' cow ', the tobacco. Then the *gwan buthni* of the bridegroom's lineage, whose role is also purely ritual, has his say, or he may speak first. He talks in much the same vein and also pours out beer and sprinkles tobacco in sacrifice as he walks up and down the byre brandishing, instead of a spear, a wedding stick. The father of the bride may then speak and may be followed by a senior kinsman of the bridegroom. Then people chant poems.

During the dance another rite, but not of the same importance, takes place. The father of the bride removes a tethering cord from one of the pegs in the kraal and throws it into the air between two lines of men drawn up for the purpose, the bride's relatives on one side and the bridegroom's relatives on the other. They try to hook it in the air with their spears and clubs and whoever catches it may demand a calf or a goat from the opposite side, though he cannot be sure of receiving it.

Towards sunset, or on the following morning, the marriage ox, provided by the bride's father, is sacrificed by the *gwan buthni* of her lineage or a senior kinsman. He rubs ashes on its back and speaks to it saying: ' We do not kill you for an evil thing, we kill you about a good thing. Fall well.' It is a wedding ox and not a funeral ox. The meat, except for the head, neck, and a few other bits, goes to the bridegroom's kin who, as in the betrothal ceremony, divide the carcass, on the principle determining the division of bridewealth, between the kin *kwi gwan*, on the father's side, and those, *kwi mun*, on the mother's side. The distribution at these ceremonies depends on the number of relationships represented by persons or proxy, the number of persons standing in these relationships, and other circumstances. Most of the meat is taken back by the bridegroom's people to their homes for the older people

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585 who have not been able to attend the wedding and those who have remained to look after the herds and milk the cows. The rest is eaten on the spot.

A large part of the night is spent in dancing and flirting and love-making. The bride and the girls of her homestead are cooking while the bridegroom, who is fasting, is seeing that his companions are being properly looked after. On the following morning beer is served, pots being distributed to the bridegroom's kin, his father, his father's full-brother, his father's half-brother, his paternal and maternal aunts, and his mother's full- and half-brothers, who share the beer with members of their age-sets. After a meal the youths resume dancing and their elders, fortified with beer, probably start once more on the seemingly endless cattle talks, for there are generally an odd claim or two outstanding, the discussion of which was interrupted by the wedding dance, though their settlement was assured before it began.

The *ngut* does not conclude the marriage. It is the *mut* and the birth of a child which do this. But the chances are now overwhelmingly in favour of a successful conclusion, for had the bride's people not been satisfied with the bridewealth already handed over, or promised, they would not have allowed the dance to proceed. The wedding has also cost them a second ox for which there is no return in the event of the marriage not being consummated. Nevertheless, marriages do occasionally break up between wedding and consummation, though, in my experience, this is rare and is due to the reluctance of the bride rather than to objections or demands on the part of her family and kin.

If the maternal uncle of the bride lives too far away for his people to attend the bridewealth talks and the wedding, talks will be held later in his byre to settle the cattle due to him and his brothers and sisters, and he may give a wedding dance on his own account and sacrifice an ox at it. He may even do this when the father and he are members of the same large village. The senior paternal uncle occasionally does the same if he lives far away and is the father's half-brother.

The Consummation

The *mut*, the third of the three public marriage ceremonies, is the one which, at any rate among the eastern Nuer,[1] makes the union legally binding. After it the husband, as he can then be called, can claim compensation for adultery, which he could not have done before. Previously the bride's brothers did not feel it obligatory to prevent her from attending evening dances in the neighbourhood, though they well knew from their own experience that she was likely to have relations with old sweethearts at them. Her future husband's people could not then complain if she attended these dances, whereas after the *mut* they would make an unpleasant scene were they to find her at one, for this ceremony makes man and wife, and the cattle which have been paid are no longer regarded as a pledge but as marriage cattle. They now say of the bride *Te yang jokde* ('She has cattle on her back'). Moreover, if cattle paid to the bride's family and kin die in their kraals before the *mut*—and they may all die in a year of rinderpest—they have to be replaced by the bridegroom's people, whereas if they die after the *mut* they still count as part of the bridewealth and the husband's people do not have to substitute for them similar beasts. This

[1] Among the western Nuer it would seem to be the *tuor ghok*, the invocation of the ghosts, which permits a suit of adultery and may therefore be considered the action which makes the union a contract.

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distinction does not apply to animals killed by the bride's family and kin or which have been disposed of by them and have died outside their kraals, for these count as bridewealth before, as well as after, the consummation. On the other hand, any calves the cattle may bear before this ceremony count as original bridewealth and not as increment. Likewise, if the incomplete union is broken before the *mut*, all the cattle and their increase, including those which have died, must be returned, whereas in the event of divorce after the *mut* the bride's people do not have to return animals which have died a natural death in their own kraals, and they have a right to retain two cows, the *yang yani* and the *yang miemne*, the cow of the skirt, the mark of married status, and the cow of the hair, which is shaved off the bride's head at the consummation. 585

It is the *mut* therefore which makes the union a contract. Consequently, it occasionally happens, when people are anxious to expedite the marriage, that the consummation takes place before the wedding. I heard it suggested that this should be done in the case of a youth who had been speared and could not take the bridegroom's usual part in weddings, and although it was decided to hold the wedding first, with the bridegroom as a spectator, no one suggested that in the circumstances a reversal of the ceremonies would have been improper. Mrs. Smith, of the American Mission, told me of a case of an elderly man who, desiring to marry a girl with the approval of her family but against her own wishes, prevailed on her relatives to rush her through the *mut*, leaving the wedding to be held later.

The day of the consummation has to be fixed in advance because beer has to be brewed for the visitors. In the early morning the bridegroom goes with a company of the youths of his village to fetch the bride, his womenfolk remaining behind to prepare for their visitors. They chant on the way, for this is a happy occasion for the village. Sometimes they find on arrival that the bride's mother has prepared beer for them. They have to ask her permission to take her daughter away and she asks them for presents before she gives it, such things as a spear, armlets, a pipe, and tobacco. The young men promise to give her what she asks for and depart, escorting the bride and her girl companions, who have oiled and decked themselves with ornaments for the ceremony. They go chanting to the bridegroom's village, one of the poems often being a composition of the bride in honour of her future husband, and there is much horseplay between the sexes. When they near the village the young men go ahead and the girls are met by the youths of the village who bring them into the kraal where they serenade the bridegroom's mother with poems outside her hut. The ceremony is mostly a female affair, the men looking on.

After a while a kinsman of the bridegroom places a tethering-cord across the inner threshold of one of the huts and the bridegroom crawls over it, followed by the bride, the best man, and a special girl friend of the bride. This action is said to make the marriage fruitful. Then, towards evening, takes place the rite of consummation, though it must be said again that there is no invariable order of events in these ceremonies and no fixed time-table. The bride retires to a hut wearing a special goatskin cap and here the bridegroom joins her. His age-mates seek him out and say to him: 'Come now, let the people go to bed, come and loosen the bride's girdle.' He is bashful and gets the business over as quickly and inconspicuously as he can. He enters the hut and gives his bride a cut with a switch and seizes her thigh, she 842 585 833 585

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833 refusing his advances and crouching by the wall of the hut. He strikes her with a
585 tethering-cord, snatches the cap off her head, breaks her girdle, and consummates the marriage. Reluctance is imposed on her by custom and she pretends to resist even when she has known her husband often before in the gardens. In Nuerland it is most unlikely that a bride will be a virgin. That is not expected. Wedding and consummation ceremonies are held even for a girl who is pregnant or one who has been divorced and is being married a second time if she has not borne children. They say that 'She has returned to maidenhood.' It is only divorced women who have led profligate lives who are not remarried with these ceremonies. Maidenhood is a social, not a physical, state.

585 His duty done, the bridegroom leaves the hut, sometimes the bride's girl friends rushing at him and beating him with their fists as he emerges. The rest of the evening is given to the favourite pastimes of Nuer youth, *muong* and *lum*, flirting with the girls and making love to them. There will be many youths present: the people of the bridegroom's homestead, his mother's kin, if they live near, the local *dep*, the youths of the village, and bands of youths from villages for miles round, for the *mut* is a popular ceremony and it is known that many girls will attend it. Then all retire for the night, the bride's companions sleeping in a hut reserved for them.

On the following morning take place three rites which may on no account be omitted, the sacrifice (which may take place the evening before), the lustration, and the shaving of the bride's head. The sacrificial beast should be an ox, but if the bridegroom's father is poor, and at this stage of the marriage he is likely to be hard up, the *yang mut*, the 'cow' of the consummation, may be a goat, or even just beer. The bridegroom's *gwan buthni* rubs ashes on its back, calls out the spear-name of his lineage and speaks of the beast and the bride, telling the spirits and ghosts of his lineage to witness the union and to bless it with sons so that the lineage may continue. He says to them, 'Now you see your ox; you see this maid; let her be a good wife; let her bear many children, many sons; let her work well in her husband's home, milk the cows, dry the cattle dung; let her be a faithful wife and not a profligate'; and so forth, asking them to make the union a lasting and happy one. He then spears the ox and it is cut up by the wife's people, the visitors, and divided among them in the customary portions, only the head, neck, and a few other pieces of meat going to the people of the bridegroom. The visiting maidens at once cook and eat the ribs, kidneys, and stomach, besides filling themselves with porridge and beer, the bride alone abstaining because she may not eat in the home of her mother-in-law. They take the rest of the carcass back to their homes for their elders. As generally happens when there is a feast, outsiders, persons not of the bridegroom's closest kin, hang about the carcass like kites when it is being cut up, hoping to obtain a piece of meat by begging, snatching, or persistently getting in the way. There is much shouting, argument, and general confusion. The *gwan buthni* may perform another duty associated with his office in anointing the bride with butter. Her father will already have blessed her in this manner before she set out to go to her husband's home.

Now takes place the rite of lustration, the *lak teetni ka ciik*, the washing of the hands with bracelets. The visiting maidens, the young wife's companions, sit in a hut and a pot of warm water is passed to them. One of them washes her hands in the water and then takes a bracelet off her arm, drops it into the pot, and passes the pot to one

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of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *woci miem nyietde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kau*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made 591 606 606 [844] [602] 593 591

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593 from the first millet of the year—a pretty custom known as *puthem kuon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule.
602 A *kuu*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's
591 homestead facing the family kraal. He then goes to ask his parents-in-law for his
● 585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *bwor*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

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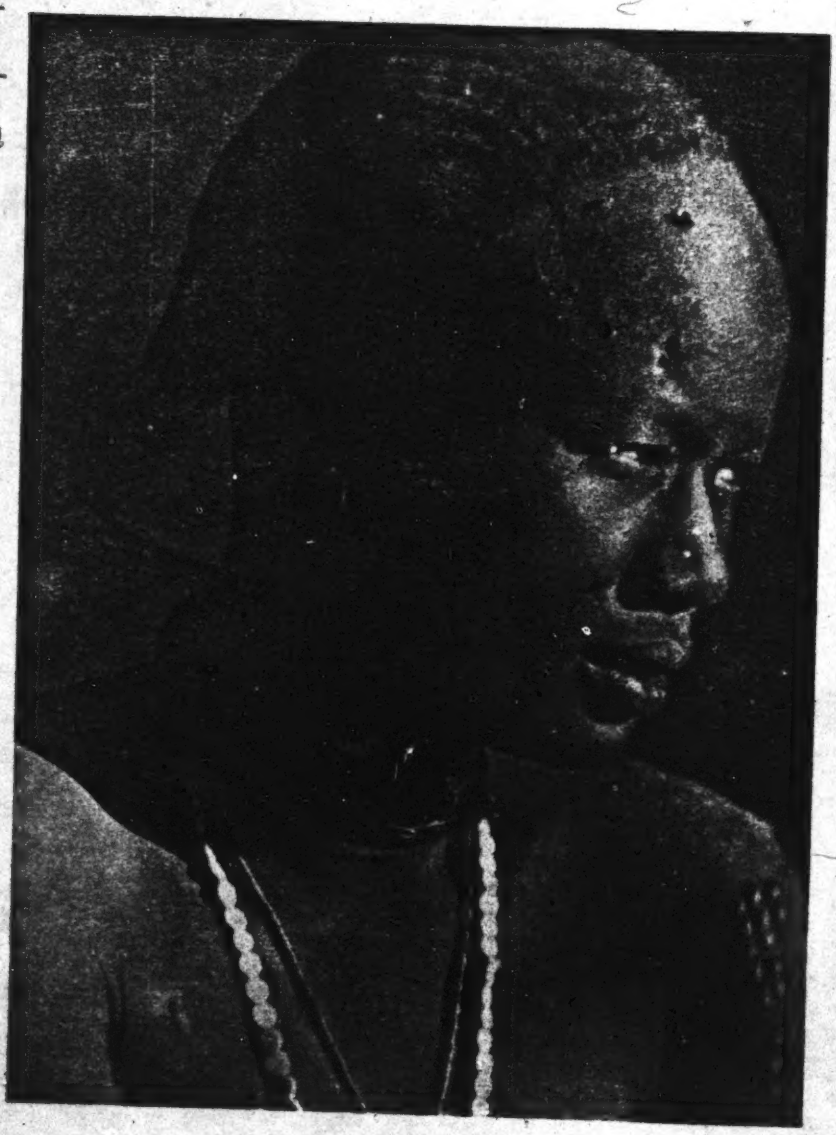

THE BRIDE

[facing p. 81]

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Marriage

Twoc ghok: 'Invocation of the Cattle'

The betrothal ceremonies described above are followed by the first marriage ceremony, the *twoc ghok*, 'invocation of the cattle'. The length of time which is allowed to elapse between them is variable, and depends largely on the agreement reached at the *cuei* ceremony. It is not usually in the interest of either of the parties to delay matters, though this sometimes happens if the bridegroom finds difficulty in collecting sufficient cattle and yet retains the goodwill of the girl's family who wish the union to take place. 585

The *twoc* is the crucial ceremony of all the processes of marriage and is public in the widest sense, although the actual negotiations over cattle and the more intimate ritual are restricted to the closer kinsmen of the bride and bridegroom. Most of the bride's kinsmen who expect to receive a portion of the bridewealth are actually present, and if they are not they will usually send someone to represent their interests. We see therefore that, as the processes of betrothal and marriage proceed, increasingly large numbers of persons from both kinship groups are concerned. This emphasizes the collective nature of a union and the extent of the social ties and obligations which are involved.

Dancing begins early in the morning and the bridegroom, his father, and the *gwan twac*, as well as the senior legal representative of the bridegroom's lineage, appear dressed in cat-skins (*twac thoan*) as a conventional sign of respect to the bride's mother and her kinsmen and those of her husband. It should be noted that the bridegroom and the bride really have two representatives. At the bridegroom's side is the *gwan twac*, who is his personal aide. At the *twoc* ceremony he is represented also by the *gwan buthni*, an agnatic kinsman of a collateral branch of the lineage, whose activities are not so much personal as concerned with the interests of the bridegroom's lineage as a whole. His duties are both legal and ritual. He is expected to take the lead in the arguments which arise about the bridewealth cattle and to see that the claims of all those connected with the marriage are noted. It is also his duty to invoke the ancestral spirits of the lineage and to seek their blessing, to call out the honorific (*paak*) and spear-names (*mut*) of the clan and state any further distinctions so that all possibility of a breach of the rules of exogamy is avoided. Similarly, the bride has her personal attendant in the *ngi nyal*, who is a girl of her own age, usually from another and unconnected lineage, while the *gwan buthni* of her lineage represents them in ritual and legal procedures. The *gwan twac* and the *ngi nyal* are usually age-mates of the bridegroom and bride respectively, they are unrelated to either, and their duties are essentially personal, while the *gwan buthni*, usually much older men, represent the kinship interests of their respective sides.

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After preliminary dancing and singing, which go on more or less continuously throughout the day, the people most nearly concerned in the negotiations take up their positions in the cattle-byre. The bride's family seat themselves on the left of the entrance facing the bridegroom's party, and her *gwan buthni* sits in the central hearth (*gorei*) of the byre. On the right side mats are laid (*yih*), and on these sit the bridegroom's party with their *gwan buthni* nearest the door. The bride herself and her *ngi nyal* do not appear during the negotiations. They are usually closeted inside the mother's hut (*dwil* or *ghot*) nearby. When all are seated the *gwan buthni* of the bride breaks up some tobacco and hands it to the father, paternal uncles, and other senior relatives of the bridegroom as a symbol of friendship and hospitality.[1] It is also calculated to ease the tension, for Nuer regard the whole procedure as a nerve-racking ordeal, and like to smoke when they are nervous. He then rises to his feet and calls out the honorific and spear-names of the bride's lineage, and calls upon their ancestors to take note of the proceedings. The *gwan buthni* of the bridegroom's family then rises and scatters tobacco at the entrance of and inside the cattle-byre as an offering to the ancestral spirits of the bride. He then calls upon his own ancestral spirits, which are those of the bridegroom's lineage, to witness the negotiations, and calls out their honorific and spear-names. If the honorific or spear-names of the bridegroom coincide with those called out by the bride's *gwan buthni*, it will be obvious that the rules of exogamy preclude all possibility of the union, but the invocation is largely a formality, because it is unlikely that negotiations for the marriage would be allowed to go so far if there were any possibility of incest.

Negotiations about the cattle then begin. The number of cattle subsequently handed over, as well as those actually transferred during the final marriage ceremonies, will vary considerably, but there are a number of persons standing in certain relationships to the bride who expect to receive their share. They are the *ji cuongni*—the 'people of rights'. In theory, the bridegroom must produce cattle to meet the claims of all these kinsmen of the bride, but in fact negotiations usually deteriorate into a heated argument, not always in keeping with the supposed solemnity of the occasion, and the main object of the bride's party is to get as many good cattle as possible, and of the bridegroom's family to avoid payment. It is, however, noticeable that negotiations of this sort are less clamorous than other Nuer affairs. The *gwan buthni* are expected to speak for the parties they represent, but most of those present will have their say. The colours, sex, and qualities of the cattle are fully discussed, and it is probable that the recipients will have a clear idea of what those qualities are. As soon as negotiations

[1] For this service he can demand payment of a bull-calf. It is not, however, always paid, and it is not considered good manners to argue about the matter or press for payment.

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have started the immediate kinsmen of the bride will have set to work to find out as much as they can about these cattle. In the initial stages of the discussion, however, a certain formality is observed; it is opened by the *gwan buthni* of the bride, who will speak the names of those persons in the bride's family who have a claim on the cattle and, as the argument continues in connexion with each animal quoted by the bridegroom's family, will state to which relative they should go. No cattle are handed over on this day, though a cow called *yang gorei*, the 'cow of the hearth', which is part of the bride's father's portion, is sometimes handed over on the spot. This is a convention which is not often followed nowadays.

When the negotiations over the cattle are finished, the parties go outside for the feasting which follows. There is no prohibition on the two families eating together,[1] but the bridegroom himself and his *gwan twac* are not expected to eat of the meat or drink of the beer provided by the bride's people. They are allowed to join in the dancing, and the bride and her *ngi nyal* appear for the first time on the scene and enter the dance. The bride wears a black skin known as *twac cara*, usually the skin of a black calf.

After the dancing is over, those who are not closely related to either party go home, but the legal representatives of the bridegroom and the bride's family and some of their close kinsmen, both male and female, go into a hut specially prepared for them which is known as the *dwil koam* for the occasion. There they sit all night joking and conversing with their hosts until dawn. Another hut, known as the *dwil twacni* or *dwil kwen*, is set aside for the young people of both parties, and the bride and bridegroom, their *gwan twac* and *ngi nyal*, sit there with their friends and coevals singing and exchanging courting badinage all night through. This completes the ceremony known as *twoc*.[2] The marriage is not supposed to have been consummated,

[1] An ox is sacrificed and the meat divided between the bride's people and those of the bridegroom in a formal manner. The bulk of the meat is given to the bridegroom's family, and much of it is taken back to their home to share with the old people who have not been able to attend the ceremony.

[2] The account of the *twoc* ceremony given by Professor Evans-Pritchard does not differ in any substantial way from my own, but he mentions certain rites which take place on the same day which I have not myself witnessed but which I have heard Nuer mention when describing the ceremonial. One is the ceremony in which the bridegroom and his followers rush the homestead of the bride and he tries to spear the *buor* or mud hearth of his future mother-in-law, while the bride's brothers and the young men of her group try to stop him and to wrest from him his special wedding stick or *dang*. This and other rites symbolize the potential opposition between the two parties and the resistance of the bride's people to the demands of the bridegroom, and the final removal of their resistance by the payment of cattle. All such rites, although not always performed and often substantially different in one part of Nuerland from those performed in another, are part of the enactment of marriage and are highly symbolic of the conventional attitude which both parties are expected to display. From the legal point of view they are significant in emphasizing these attitudes and explaining the rules and conventions which govern the social relations subsisting between relatives-in-law. They are not, of course, the subject of subsequent litigation.

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but has acquired by this time a degree of legality. Some Nuer say that the marriage is now legal in the sense that, were another man to have intercourse with the bride, full compensation for adultery could be claimed by the bridegroom. Lak and Thiang Nuer at any rate say that the significant act which confirms the status of the bride as a wife and which subsequently will be recognized in law, is the ceremony known as *yier nyal*, which takes place on the evening immediately after the conclusion of the negotiations for the cattle, when the bride, and also her brothers and sisters present, are rubbed with butter by the *gwan buthni* of the bridegroom. The legal status of the bride in relation to the bridegroom and his family at this point in the social and ritual processes of marriage (and it must be remembered that the bride-wealth has not necessarily yet been transferred in full to the bride's family) is a controversial subject and one which is sometimes disputed in legal arguments. The subject of the legality of marriage is discussed later.

The *twoc* ceremony, at which negotiations over the cattle are completed and the blessing of the ancestral spirits is publicly invoked, does not usually take place before the girl has not only reached puberty but is ready for marriage. When talking of a girl who has reached marriageable age the Nuer will say that she is ready for the *muot* ('shaving') which is the next ceremony to take place. *Muot* amounts to a public recognition of physical consummation, although this does not necessarily mean that the girl has not had sexual relations with her bridegroom before. In fact, previous to the *muot*, he has no legal right to physical consummation and must visit his wife in secret, though her family will usually allow him to do so. *Muot nyal* therefore follows the *twoc* ceremony almost immediately.

Muot nyal: 'The Shaving of the Bride'

The ceremonies which are known collectively under this heading are of distinct legal significance, as will be seen later, and include three important stages.

Loiny deb: 'Loosing the Rope'

First, the bridegroom with his *gwan twac*, again suitably dressed in cat-skins for the occasion, accompanied by other youths of his own age, goes to the bride's home to ask for her people's official consent to consummation. There they enter a hut specially set aside for them and are joined by the bride, her *ngi nyal*, and other girls of her lineage and neighbourhood. They spend the day and the whole of the night in conversation and singing. There is as usual a good deal of sexual badinage, but no physical consummation. Next morning, the bridegroom approaches his mother-in-law on the subject of the *muot* which is to follow. Before giving her consent she will expect to receive, or

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at any rate obtain the promise of, special presents, which are known as the *nyin daba*.[1] These include a goat or two, a spear, a fish-spear, a ring and other offerings, and if she has any co-wives who stand in the relationship of mother to the bride they will expect to benefit too. There follows the ritual performance known as *loiny deb*, 'loosing the rope', which symbolizes the bride's release from her father's homestead.[2] The bridegroom and his representatives stand on one side of the cattle-byre, the bride and her friends on the other, while her father casts a cattle rope between them. The bride is then ceremonially dressed in the clothes which distinguish a married woman from unmarried girls: a leather apron or a skirt of plaited cotton.

Noong nyal: 'The Bringing of the Bride'

The same evening, representatives of the bridegroom go to inform the bride's relatives that all is ready for them. The bride is then conducted to the bridegroom's home by a party of her girl friends (who are called *nong*, 'bringers'). On her arrival she sits down on a special mat provided for her outside the bridegroom's house by his *gwan buthni*. A bull is brought out and sacrificed, while the *gwan buthni* again calls out the honorific and spear-names of the lineage and calls upon the ancestral spirits to bless the union, to accept the bride, and to give her male children to uphold the spear-name in posterity and girl children to bring cattle to the kinship group. The bride then lies on the mat and is covered with a skin (*twac cara*). Meanwhile the bridegroom presents his mother-in-law with a goat or sheep in order to release her, temporarily at any rate, from the taboo on eating in his home.[3] The bride is then assisted into the hut and the bridegroom, whip in hand, goes after her. After he has given her a thorough beating inside the hut (*woc dhouri nyal*), the couple spend the night together and the marriage is said to be officially consummated. The beating is said to symbolize the bridegroom's authority over his bride who is now his wife, emphasizing the rights he now has in her.[4]

Mwot nyal: 'Shaving the Bride'

The next day the *mwot nyal*, the actual 'shaving of the bride', takes place. In the morning the bride is usually taken away to the home of some unrelated person nearby, but is brought back to the bridegroom's home towards evening. Her head is then ceremonially shaved by one of the senior female relatives of the bridegroom, usually his elder sister,

[1] *Nyin daba*, 'the things of bearing'. In other words the mother's due for bearing the bride and bringing her up.

[2] *Deb* means a cattle rope, and the phrase signifies her release from her father's herd.

[3] She does not, of course, eat with the bridegroom himself, or with any of the male members of his lineage, for women do not eat in the company of men on any occasion, but she is thereby allowed to partake of the food of the house with the other women.

[4] In the case of opposite twins this performance is inflicted on the bride's twin brother as well.

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585 a co-wife of his mother, or sometimes the wife of his *gwan buthni*. At any rate the shaving should be performed by a married woman of the bridegroom's family, and signifies the bride's reception into the status of married woman in that family. She is then taken once more to her own home.

After these ceremonies are over the bride rarely takes up residence in her husband's home, but lives for a period in her own home, where her husband has the right to visit her. Often a special hut is set aside for her there. There is no general rule in this matter, but it is regarded by the Nuer as proper that she should remain in her own home until her first child is born and weaned, for until then, although the marriage has a legal basis, it is not considered to be confirmed. Sometimes, however, the husband has no one to assist him in his home and to cook for him, in which case he may receive permission from his wife's people for her to live with him permanently as soon as the *muot* has been performed. When the first child is weaned, the wife's mother can claim the *yang doth gata*, the 'cow of bearing a child', a cow which is considered a fee for assisting the girl to give birth to a child. This is usually followed by a formal change of residence. The *yang doth gata* is the last cow which need be paid by the husband, although his wife's family may beg him to give them other cattle when further children are born and weaned; but he is not bound to do so and claims of this sort, if they ever arise, would not nowadays be upheld in a Nuer court.[1]

Conclusion

This concludes a very condensed account of the ritual and social processes of marriage among the Nuer. It is the payment of bridewealth which legalizes a union, and the fact that some of the ceremonies are sometimes not performed at all is not necessarily evidence in Nuer courts today that a marriage is not a legal union. The payment of cattle, however, usually follows the ceremonies described. As Professor Evans-Pritchard has pointed out, 'payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect'. In fact, it is unlikely that a ceremony would be allowed to take place unless the appropriate stage in the negotiations over cattle had been reached, so that in seeking to determine the legality of
585 a union, a Nuer court will first ask what ceremonies have been per-
672 formed. The issue in such cases concerns not so much the number of cattle paid or to whom they were paid, but the liabilities and

[1] It may be noted here that among some Nuer tribes the husband may claim a cow from his wife's family, the *yang jokni*, 'cow of the spirits'. I do not think this is normally paid unless the first child dies, and it is then given in the form of a dedication to ancestral spirits to ensure that the next child will live.

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rights of the husband in his wife. It would be relevant, for example, if a woman committed a wrong. If she killed someone, the payment of compensation would be a liability on her husband if she was legally his wife, but if there was insufficient legal determination in the union, the responsibility would rest with her own kinsmen. Similarly if a man lies with a woman who is not his wife, he may be charged with adultery (*dhu ciek*) and compensation will be claimed, but he might with justification plead that she is not a married woman in the legal sense, and therefore the act is not adultery. In the event of his proving that the union is not a legal one, he has no liability to the husband, but this will not entirely absolve him from responsibility, for in certain circumstances her kinsmen may claim damages on the grounds of seduction of an unmarried girl. There are, of course, many circumstances which will be considered by the court, circumstances which are discussed later under the heading of wrongs in relation to women. In such cases the legality or otherwise of the marriage is in issue, and it is sometimes difficult to find out what constitutes legality. In most tribes it seems that the ceremony which is considered to legalize the union is the *muot*, but this, as will be seen later, is not a universal law among the Nuer.

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5. THE DISTRIBUTION OF BRIDEWEALTH

When a man wishes to get married his relatives will usually assist him to collect the necessary cattle in addition to those already allotted to him in his father's herd. There are no set rules governing the actual assembly of bridewealth cattle, and in any case the circumstances are too varied to warrant generalization on the subject. Brothers should marry in strict order of age, and the majority of the cattle they use for the purpose will be drawn from their father's herd. The legal father of a family is responsible for the distribution among his sons of those cattle which have come to him as his rights in the bridewealth cattle of his sisters, daughters, and other female relatives. If he is dead, his legal representative will be his brother, usually the senior paternal uncle of his sons, or his eldest son. The assembly of marriage cattle is, however, partly dependent on the rules of distribution applied to previous marriages in the bridegroom's family. In the application of these rules we shall see that there is a tendency to alternate because no family is exactly symmetrical. There is usually more than one claimant to one particular portion and none to another. In the first instance the junior claimant will have to await his turn until the next marriage in the family; in the second, the portion will be inherited by the claimant's heirs. In some cases these will be his own sons, in others, his brother's sons. There are conventions which govern the inheritance of rights in such cattle. The portion allotted to the mother

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Photo: Dr. J. P. Blum

THE BRIDEGROOM

[facing p. 160]

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wives of men of other age-sets may one day become his mother-in-law. 561
I have never heard it suggested that men have any sexual rights over
wives of their age-mates and Nuer were always shocked at my enquiries 835
about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement ; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially 561
as I have explained above. The *kau* of an animal goes to the *ric matot*, 574
the junior age-set who may eat themselves or may share the meat with the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Maheri* and the *juak* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Maheri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set ; while if the animal belonged to a *Maheri* we would expect the *Dangunga* to eat with the *Maheri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me [585] that sometimes at a marriage feast the father of the bride will kill a "*yang rica*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. 561
In my previous essay I pointed out that the clan is an exogamous group
and that any near genealogical relationship through the female line is 582
also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

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sive act. If they have begotten children by the wives of other men they 837
are rather proud of this evidence of their virility.

The legal position about adultery is as follows: If a man finds another 837
committing adultery with his wife they will probably fight, though the 684
adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery.

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard 585
begotten of a certain man, the genitor will sometimes claim "the cow of 848
begetting" on her marriage. Her kin do not relish handing him over a 431
cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful.

The verb *ruok* is used to describe the paying of compensation. Thus 684
one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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When a man merely visits a widow for purposes of procreation and is 585
not a resident member of her household, and therefore not foster-father 431
to her children, the cow which he receives on the marriage of each daughter
he has begotten by her is called *yang leta*, " cow of the loins." One uses 292
the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dieth*, " cow of begetting ", or *yang twac*, " cow of the genet's skin ". It is called *yang twac* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsmen would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some [606]
extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang me ci rit ne twac naru*, " The cow with which you twisted to your front the genet's skin of your maternal uncle ", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife 585
to his name or having lived with his widow, he receives besides " the cow 431
of begetting " whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives " the cattle of the father's brother ", and when a man marries his maternal uncle a wife he receives " the cow of the paternal aunt ", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for " a cow of begetting " when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Caa dieth gooka*, " It was born in the grass ".

When the daughter of an unmarried concubine is married " the cattle of the father " go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand " the cattle of the mother " belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.* In Fig. I when C ♀ is married " the cattle of the father " and " the cattle of the mother " go to A ♂. If A ♂ is dead they go to D ♂ and P ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive " the cow of begetting "

* [see p. 27. - Analyst]

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585 431 possibly three or four cows for having brought C ♀ to maturity, the cattle due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂, "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀'s marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 585 431 (A) It is payment of cattle which defines the exact status of each member of the various procreative and domestic groups to the other members of the same group, or, otherwise expessed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

14: Huffman M-5 (no date) 1931
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the first dose does not bring the desired result in the form of her assent. Scolding is also resorted to, her lack of regard for her people being especially urged. 584 593

She may be strong enough in her determination to withstand the beating, but many girls succumb to the combined beatings and scoldings. She is then willing to send word to the groom that she assents to the family's arrangement for her future, but that assent does not imply that there is any willingness to be his wife or any love, but merely an assent to the marriage because of the persistent insistence of her family.

Sometimes, if the bride is very persistent in her objections, the bridegroom may withdraw his offer, not wanting a wife who will be so unhappy with him.

But if her objections are not too violent, the family usually depend upon scoldings and beatings to silence her, and the plans for taking her to her husband's village proceed. When she has gone to her husband's house, and if she is still persistent in her objections, he may beat her and his people may put thorny branches in front of the door, thus blockading her way of escape should she resist him. But they tell me that these cases are rare.

Many weddings take place in the dry season before the people go to the fishing camp. [585]

If the girl has jilted the man who has paid cattle for her in order to take the man of her choice, as I describe in chapter VI, the wedding dance is not held, and there is no set time for giving her the garb of the married woman. She usually does not wear the beads in her ears that are the insignia of her married status. Keeping quiet and letting the commotion they have caused subside seems to be the object. Sometimes they have the wedding dance when the child is a year or two old, but it may be dispensed with entirely. 584

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THE WEDDING

585 But if all has gone well the day is set for the wedding
535 dance. The food is ready, word has been sent around that friends may come. The bridegroom and his people bring the cattle.

Girls in their grass skirts wearing every possible ornament are there. Men and boys, their bodies also ornamented as much as possible have come, carrying their spears and clubs, and some few with guns. From a distance the dance looks like a huge cloud of dust, but as one nears the scene the glint of spears is seen as the men run and jump up and down advancing upon some imaginary foe. The men dance in a mass formation, high jumping being a characteristic feature. The girls also dance in a group by themselves, led by the bride. They circle around the group of dancing men, but do not dance with them.

The bride leads the girls in the dance, facing them, which necessitates her dancing with her back to the mass of dancing men. One wonders how they manage to keep from being speared or from spearing some one in this crowd.

585 After the dance the feast is held, and then this part of the marriage ceremony is over.

Possibly the same night of the dance, but more likely several days later, the bridegroom asks that the bride be brought to his village. Her girl friends accompany her, timing their arrival so that it may be evening when they arrive at his village. They are attired in their dancing skirts.

A house is given the bridegroom for himself and bride; another house is given the girl guests who have accompanied the bride.

The bride gives her husband's family all her ornaments. She is not allowed to keep a single one of them.

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The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her dura, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 584

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(larcieng)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *mut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a *buor*, a mud fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE IV

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Movement in wedding dance

[facing p. 112]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

826 handed man that his left hand is his right hand.
811 It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 It is suggested that the spear as a projection of
885 the right hand symbolizes the vitality of man,
562 the manhood of man with the associations of lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear
[881] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*lam*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

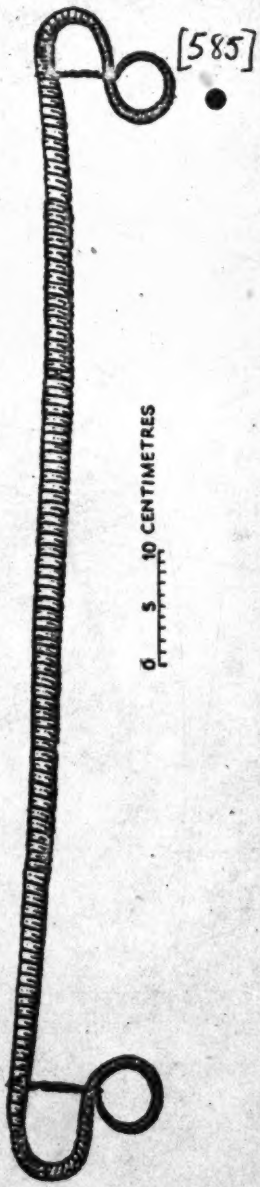

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *twoc ghok* mentioned later.

411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through
613 the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
[582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
[585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*twoc ghok*)
613 by shouting out their clan spear-names. The spear-name is also
597 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

2:Evans-Pritchard E-5 (1931,1936) 1951
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had to be returned with no less than eight calves—and as these may have been widely dispersed much altercation may ensue. Indeed, one of the earliest British officers in Nuerland wrote that 'the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles'.* Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

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Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce. The marriage tie is severed by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned, except 'the cow (ox) of the hairs and the cow of the skirts',† unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle, which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of 'the hairs and the skirts', are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand, they may leave all their cattle with the wife's family and kin and maintain thereby their rights in any children she may 'bear in the bush', that is, by lovers. She is then not divorced, but is only separated, from her husband, and she cannot remarry.

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I was told that if a wife dies after having borne two children no cattle are returned, it being held that 'cattle which have children

* Bimbashi H. Gordon, *Sudan Intelligence Reports*, June 1903, No. 107.

† According to my own information these two animals are always retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. H. C. Jackson (*Sudan Notes and Records*, vol. vi, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

2:Evans-Pritchard E-5 (1931,1936) 1951
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on their backs cannot be returned'. Nuer said that should a wife leave her husband after having borne two children the cattle would remain with her kinsmen and any children she might bear by other men would be claimed by her husband's people. She is still married to him though she lives as concubine to another man. They said that the husband's people would generally be content with this arrangement but, whether content or not, it would be useless for them to ask for return of their cattle and the progeny of these cattle. The wife's people would say to them: 'You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush.'

The rules stated above are principles which are flexibly applied according to the circumstances. In cases of divorce much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation, the husband may claim back everything to which he has a right: cattle, sheep, goats, spears, tobacco, millet, and ornaments, including his wife's bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes, he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law; and if she dies childless he may also leave some of the cattle to which he has a right with her parents in the hope that they will later give him her sister in her place, or just from sympathy. If he leaves any of the cattle, preference will be given to the portions of the spirits and the ghosts.

Another contingency which is taken into consideration is whether the wife is being sent away by her husband for barrenness or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him, such as neglect or cruelty. Whatever the circumstances are, the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this—and they would not do so unless she had already borne him a child and had lived in his home—he has to accept their decision. There are no courts he can appeal to

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586 602 and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again, and this time to some distant part of the country. If he complains to her parents they say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her sons. I have never known a case in which a wife's parents have refused to return her husband's cattle after they have married her to another man, and when I asked what would happen were they to try to do so, I was told that the husband's kin would undoubtedly use violence to get back their cattle and, in addition, curse the wife so that either she would become barren or her children die. On the other hand, it sometimes happens that the wife's people promise to return the cattle as soon as they are able to do so but fail to return them all, through procrastination on one pretext or another or prevarication, for they may hide some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community, difficulties of this kind are not likely to arise and, if they do, they can be settled by discussion and compromise. If the two men belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case in all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yika*). During this period, when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. At this stage, therefore, there is no great difficulty about returning

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the cattle, which are, indeed, kept ready at hand to be returned should the need arise. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give figures, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal negotiations, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of, a case of divorce, or even of separation, after the birth of a second child. My own observations are very limited, but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife is most unlikely to leave her husband's home while he is alive. Were she to do so the cattle would not, in any case, as I have explained, be returned. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. As we have earlier noted, it is then not incumbent on the husband to replace them, or on his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only return beasts in the place of those which have died after they have transferred them to third parties or which they have butchered. The father-in-law could not in these circumstances break off the marriage and marry his daughter to another man, for the cattle, though dead, are still 'on the wife's back'. When I asked what would happen were he to try to do so, I was told that the husband's kin would claim back their cattle and if necessary use force to obtain them. Should a wife leave her husband in these circumstances the problem of bridewealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

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586 602 I think it is evident, in view of the facts stated above, that the fear of having to repay bridewealth cannot be said to be a very powerful sanction of the marriage union. Nor is there any evidence of which I am aware that would suggest that the greater the number of cattle handed over the more stable the marriage is likely to prove. Indeed, I am prepared to say definitely that the stability of Nuer marriage rests on quite other foundations than payments of bridewealth: affection between the spouses, the good reputation of the husband, mutual goodwill between the families of husband and wife, especially personal friendship between the fathers or between the husband and his wife's brother, and moral and legal norms.

It is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her before asking for her hand, and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to complete it, and yet more time between the consummation and the birth of a child. I do not say that pressure may not be put on her by her family to accept her husband, but Nuer girls are not easily coerced. Nuer have good grounds for their assumption that a newly-wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As Nuer observe a weaning taboo, this means at least three years after the birth of the first child.

Mutual goodwill between the families is also a necessary condition of a successful marriage. Marriage is not only a conjugal relationship but also a set of affinal relations, and it can be stable only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what Nuer regard as a good husband but also to be a polite and helpful son-in-law and his wife's family try to act correctly towards him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by

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586 602 approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 602 Conjugal and affinal relations are personal relationships which require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *ruagh*, in-law relation-
583 602 ship, becomes *mar*, kinship. Bridewealth payments may therefore be viewed as a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

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593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he [586] decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.

562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them [681] with respect. In saying that their status in society is high I am judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.

595 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

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empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *pir* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a commonsense inference that payment of bridewealth has a stabilising action in marriage. If the wife leaves her husband the [586] cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

[p. 182a]

583 431 One of the earliest British officers in Nuerland wrote that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 431 Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang miende* and the *yang yani*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual proceedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand they may leave all their cattle with the wife's family

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[1] Bimbashi H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

[p. 182b]

586 431 848 and kin and maintain thereby their rights in any children she may 'bear in the bush' (*dieth dor*), that is by lovers. She is then not divorced, but is only separated from her husband, and she cannot remarry.

If a wife dies after having borne two children no cattle are returned, it being held that "Cattle which have children on their backs cannot be returned".[1] Should a wife leave her husband after having borne two children the cattle will remain with her kinsmen and any children she may bear by other men will be claimed by her husband's people. She is still married to him though she lives as concubine to another man. The husband's people are said to be generally content with this arrangement but, whether content or not, it would be useless for them to reclaim their cattle and the progeny of these cattle and deduct the total cattle to legitimatize each child. The wife's people would say to them: "You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush."

586 431 The rules stated above are principles which are flexibly applied in actual cases according to the circumstances of each case. Much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation the husband will claim back everything to which he has a right: cattle,[2] sheep, goats, spears, tobacco, millet, and ornaments, including his wife's *yoah* or bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes he will not ask for the return of the smaller gifts and the *pooth manthude*, the little gifts with which he honoured his mother-in-law, and if she dies childless he may also leave some of the cattle to which he has a right

[1] I did not record a case of a wife dying after all of her several children had predeceased her in infancy, and Nuer merely told me, in reply to my queries about rights to the cattle should this happen, that it was most unlikely to happen. Whether the cattle or how many of them would be returned would probably depend on the age at which the children had died.

[2] When possible the identical cattle are returned but if they are dead or it is difficult to recover them after dispersal others may be substituted for them and if they are of the same quality as those paid by the husband's kin they must accept them.

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586 431 with her parents in the hope that they will later give him her sister in her place. If he leaves any of the cattle preference will be given to the portions of the spirits and the ghosts. When these have to be returned ashes are rubbed on their backs and the spirits and ghosts are told of the divorce and are promised that they will one day be given cows in the place of those they are losing.

Another circumstance which is taken into consideration is whether the wife is being sent away by her husband for barreness,[8] or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him such as neglect or cruelty. Whatever the circumstances are the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this, and they would not do so unless she had already borne him a child and had lived in his home, he has to accept their decision. There are no courts he can appeal to and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again and this time to some distant part of the country. If he complains to her parents they will say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her sons. I have never known a case in which a wife's 587 431 parents have kept her husband's cattle and at the same time tried to marry their daughter to another man, and when I asked what would happen were they to try to do so I was told that the husband's

[8] As a rule a husband will not divorce a barren wife. He will take back most of his cattle but will leave a few with her parents in recognition of her place in his home as mate and housewife.

587 kin would undoubtedly use violence to get back
431 their cattle and, in addition, curse (*biit*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return
586 the cattle as soon as they are able to do so but
431 fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piek*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' home, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is
[844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yika*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

586 431 a child. At this stage, therefore, there is no great difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observation are vey limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

586 583 431 It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. It is then not encumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (*loth*) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his kraal. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

[p. 184 b]

586 asked what would happen were he to try to do so
I was told that the husband's kin would claim
583 back their cattle and, if necessary, use force to
obtain them. Should a wife leave her husband
431 in these circumstances the problem of bride-
wealth would probably be solved by the common
[587] Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
wealth cannot be said to be a very powerful
431 sanction of the marriage union. Nor is there
any evidence of which I am aware that would
591 suggest that the greater the number of cattle handed
over the more stable the marriage is likely to
593 prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage can insist, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in hoeing, fishing, building, and herding, and the
accretion to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girls' brother are
comrades.

581 I am prepared to say definitely that the stability
of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

8:Howell E, G-5 (1942-1944)1954
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compensation for adultery unless some previous agreement has been reached between them. The legal husband of the woman and the legal father of her children is still the man who has died. The children will be linked in the lineage of his family to his name, and the legality of the marriage is guarded by his heirs. In his name, his heir or heirs will continue to represent his interests, and indeed those interests are their own as members of his kinship group. This point is all-important in the assessment of rights in a widow in legal disputes which appear before Nuer courts. If, as sometimes happens, the bridewealth cattle are returned to the wife's family in the event of her husband's death, no further rights in that woman are retained by the dead man's heirs; but in this case the legal marriage has been dissolved, and the situation is not really different from normal cases of divorce.

Differences between 'Ghost-Marriage' and the Levirate

(i) A 'ghost-marriage' means that the vicarious husband as legal representative of the dead man actually *marries* the wife in the sense that he collects and hands over the bridewealth cattle for her and performs the marriage ceremonies with her on behalf of the dead man. In the levirate, the kinsman merely enters as a substitute into a marriage which is already in existence.

(ii) Generally speaking, in the case of the levirate, since the marriage was not actually initiated and negotiated by the pro-husband, he has less control over the widow than he would over a 'ghost-wife'.

(iii) The levirate differs from 'ghost-marriage' in that the legal husband (*pater*) and his widow once lived together as man and wife.

(iv) Although the leviratic family, like the 'ghost-family', consists of the dead husband (*pater*), the pro-husband (*genitor*) and the children born of the woman, the children, or at least some of them, may have been begotten by the dead man. Therefore in a 'ghost-marriage' the dead man is the *pater* but never the *genitor* of the children; in a leviratic union the dead man is always the *pater* and he may have been the *genitor* of all or some of the children. The distinction is emphasized in Nuer terminology: a child begotten by the dead man is known as *ret*, an orphan. A 'ghost-child' is known as *gat jooka*.

The levirate is established by the previous payment of bridewealth cattle. Therefore, unless the bridewealth is returned for some definite misbehaviour on the part of the widow, the simple legal marriage continues after the death of the husband and children born either before or after his death are legally his.

Categories of Persons with whom a Widow lives

The most usual and correct form of leviratic union implies the cohabitation of a woman with her dead husband's brother, and in

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587 rarer cases with a half-brother or more distant kinsman. Sometimes a widow lives with her husband's son (by another wife), but this is usually only in the case of an old man who dies leaving a young widow. Normally, if a man dies young, his children will be too young to inherit his widow. If a man dies old, his wives will usually be old too and will live with their own offspring, not as wife, but as 'mother of the household'. In very rare cases a widow is taken by her husband's sister's son.

According to customary law a widow is expected to live with one of her late husband's brothers. Among the Nuer brothers must marry in strict order of seniority, and the cattle held by them as a family are used in that order. Therefore if a married man dies leaving an unmarried brother, the latter will expect to take over his widow. Legally, he is entitled to do so, and if she refuses he can call for a dissolution of the marriage and return of the bridewealth cattle. The application of this law varies according to circumstances, and also according to the conventions held by different Nuer tribes, but it is rarely employed. If the widow is determined to live with someone else, and particularly if she declares her determination from the beginning, that is at the mourning ceremony of her husband, she is usually allowed to have her way. Moreover, if she has borne two or more children, she is considered to have fulfilled her procreative obligations, and it is less likely that there will be any objection to her taking a stranger as her lover. A widow, according to the circumstances, may elect:

(i) to live with her late husband's brother or kinsman;

(ii) to take a lover who is not a relative from her late husband's village community. In this case her husband's group is not deprived of her assistance in communal economic activities, and they are able to watch over the upbringing and education of her children.

(iii) to return to her own family and live among them, taking a lover or lovers from some stranger lineage.

[586] (iv) to go off to some other vicinity and there live with a lover. If she did so without the agreement of her late husband's family, a divorce could be demanded, unless she had sufficient children to make it unlikely that it would be in the interests of her husband's kinsmen to demand it.

611 587 In all the circumstances described above, her children, wheresoever born and by whomsoever begotten, are legally the children of her late husband. This is the hard and fast rule. Only the circumstances set forth in (i) above can be described as the levirate. The other forms of union differ both from 'ghost-marriage' and the levirate. Such unions have been termed 'widow-concubinage' by Professor Evans-Pritchard.

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'Widow-Concubines'

The main points are as follows: 587

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband. 593

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs. [684]

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband. [586]

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transfered to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalise their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children. 611

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she 562 584

[1] A widow living in this form of union with a man is known as *ciek ne lak* and her children as *gaat cama*.

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(v) A man may not marry again into his wife's lineage. Nuer say that a man may not have intercourse with two closely related women at the same period of time. The link is really through the children; a man may not marry his wife's sister because she will also be the maternal aunt of his children and entitled to a portion of the bridewealth of his daughters. A confusion of status of this kind must be avoided.

(vi) A man may not marry the daughter of an age-mate. Common initiation brings about an association similar to kinship. This is symbolized in the giving of the 'cow of the age-mate' (*yang ric* or *ruath ric*).[1] To marry the daughter of any age-mate is to bring him into the category of father-in-law; the avoidance due to the latter is incompatible with the conventional familiarity which exists between age-mates.

Professor Evans-Pritchard summarizes these rules in an article on the subject.[2] He says:

> The exogamous rules ... can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.[3]

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We shall see that the greatest care is taken during the social processes of marriage to avoid any possible breach of these rules,[4] and it is unlikely that a bar to marriage would be discovered subsequently, at any rate one which involves a prohibition sufficiently strong to be unavoidable. Unless the relationship is singularly remote, however, the union would be dissolved without further delay and the appropriate ritual of appeasement and decontamination performed. This is usually performed by a Leopard-Skin Chief, who neutralizes the effects of the breach of taboo. A cow is sacrificed to the ancestral spirits, and the whole carcase divided into halves,[5] one half being consumed by the relatives of the man, the other half by the relatives of the woman. The presence of the Leopard-Skin Chief and the fact that a cow (possibly only a barren one) is sacrificed would indicate that the breach is a serious one and likely to bring great misfortune to the people concerned. As Professor Evans-Pritchard points out, the value of the sacrifice is

[1] See p. 110.

[2] *Social Structure: Studies presented to A. R. Radcliffe-Brown*, Oxford, 1949.

[3] Evans-Pritchard points out that 'a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated'. This contention may be true of Lou and eastern Nuer, where Leopard-Skin families are few, but I doubt whether it is applied in the western parts of Nuerland, where they are more common.

[4] See pp. 87, 91, 98.

[5] *Yang ma tak ke ruai*, 'the cow of dividing for incest'.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nueer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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848 684 legitimize his child by the payment of *ruok gaanke* while the marriage stands. A child cannot have two legal fathers at one time. It is for this reason that when an adulterer has been prevailed upon, or compelled by a court, to pay full compensation to the woman's legal husband—*ruok ciek* (not more, but sometimes less, than six head of cattle)—if a child is born and attributed to the act of adultery, all those cattle must be returned except *yang kule*,[1] which is not part of the indemnity but has special ritual significance. Unless this is done there may be confusion over the true legal father of the child: a confusion of *ruok ciek*, which is paid as compensation to the husband, and *ruok gaanke*, which should be paid to the woman's family to legitimize the child. In fact, there is not necessarily any confusion, because the compensation (*ruok ciek*) goes to the legal husband as damages, while *ruok gaanke* as a legitimization fee *should* go to the woman's family. A confusion may arise in the future, however, especially if there is a divorce, and usually a wronged husband will return the cattle without argument. This rule applies in all tribes west of the Nile, among the Zeraf tribes, and in Lou, but is not followed in Eastern Jikany.[2] We shall consider this matter again in connexion with divorce and adultery.

The Position of Children on Dissolution of Marriage

848 586 As will be seen later, if a legal union is dissolved the husband may retain legal parenthood of any children born prior to dissolution by leaving sufficient cattle as legitimization fees with his wife's family.[3]

Legitimization Fees: Recent Legislation

848 Fees payable for this purpose have varied considerably from one Nuer tribe to another. At the Chiefs' meeting of 1945, they were standardized as follows:

for a male child 5 head of cattle
for a female child 6 head of cattle.

Chiefs said that the fee payable for a girl should be higher than that for a boy because in the case of a girl the mother's family could expect to benefit materially on her marriage.

If a man declares his intention of legitimizing the child at once, he will not be expected to pay more than the five or six head of cattle, as the case may be. If, however, he disowns the child or declares that he will have nothing to do with it, he will have to pay a higher

[1] See also under Adultery (p. 156).
[2] See recent legislation on this subject, pp. 166–8.
[3] See under Dissolution of Marriage, p. 149.

8:Howell E, G-5 (1942-1944)1954
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PART II

DIVORCE LAWS AND THE DISSOLUTION OF MARRIAGE

WE have seen that marriage is achieved by the performance of social and ritual ceremonies and the transfer of cattle to the kinsmen of the bride. It is now necessary to examine the reverse process by which a union is dissolved. This involves no public ceremonies or ritual, but only the return of bridewealth cattle, with various deductions in respect of rights received and, in the case of children, rights retained by the husband. A distinction must be made between active divorce in which both parties are living at the time of the proceedings, and dissolution of marriage which sometimes follows the death of the wife, though not the death of the husband. There is no distinction in terminology; both situations are *dak kwen*, 'the breaking of marriage', and the same general principles apply, but the details vary. 586

1. DISSOLUTION OF MARRIAGE ON DEATH OF THE WIFE

The death of his wife is usually considered to give the husband some right to claim the return of his cattle, although he will not always exercise that right. It will depend on a variety of circumstances. If the union has lasted a long time and the husband is on good terms with his wife's family, he may not wish to sever his connexion with them, though he will usually demand return of the bridewealth cattle if she has borne him no children at all. Her family will not necessarily dispute the case, and often wish to assist him. There is after all a human element in Nuer marriages which a coldly analytical approach tends to ignore. The birth of one or two children will alter the situation substantially. The father will in any case usually leave sufficient cattle to retain legal parenthood over them. The number of cattle varied in the past from tribe to tribe and, in some tribes, according to the sex of the children, but for two children a man will have to leave at least ten head of cattle (legitimization fees have now been standardized at five head for a boy and six for a girl),[1] and, after deduction of these, in some marriages there will not be many cattle left to return. Nowadays many Nuer get married with as little as twelve or fifteen head of cattle, and if some of them have died in the possession of the wife's family they will not be returnable. In other marriages a larger number of cattle may have been transferred, and 586 768 848

[1] See under Legitimacy of Children, pp. 128–35.

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their progeny may be considerable. There is no hard and fast rule, nor any convention which governs the attitude taken by the husband. At the same time his rights in such circumstances are usually clear, and nowadays a Nuer court will tend to uphold those rights even though they will nearly always attempt to find a compromise.

In fact disputes over the return of cattle when the wife has died are rare because relations between a husband and his wife's kinsmen are not strained, as they must necessarily be in a case of divorce where both husband and wife are living. No generalization is safe on this subject beyond saying that when the wife dies without issue the husband is likely to demand and receive without undue argument all his cattle; that if one child is born the wife's family will retain sufficient only to legitimize that child; and if two children are born the husband may be content to leave all his bridewealth cattle with the wife's family or may demand the remainder after deduction of legitimization fees. A Nuer court will sometimes allow the latter, sometimes not. If more than two children have been born the return of bridewealth is regarded as impossible. It is then considered that the wife has performed her obligations in this respect in full. It must be remembered that the birth of children is also an indication of the time factor and, generally speaking, the longer a union has lasted the less likely is it to be broken. I quote here four actual cases, taken from a large number of similar ones, which indicate both the principles and the tendency to follow them:

(*a*) *Majok Depyang* v. *Cah Macoat* (*Dok Nuer Case*)

Liah Macoat (brother of Cah) married Majok's daughter. The woman died leaving one male child. Liah then began to claim return of his cattle but died before negotiations were completed. Cah continued this claim as Liah's heir and further demanded return of all cattle and stated that he did not wish to legitimize the child. Chiefs' court ruled that all cattle should be returned with the exception of five head for the boy (*ruok muor*).

(*b*) *Carok Jyath* v. *Won Teang* (*Dok Nuer Case*)

Carok married Won's daughter, who died after bearing two children. Court ruled that Carok should receive all cattle paid by him after deductions had been made for the children.

(*c*) *Kwic Thowath* v. *Ngotkek Deng* (*Bul Nuer Case*)

Kwic married Ngotkek's brother's daughter. After bearing him three children she died, and Kwic demanded return of his cattle after legitimization fees had been deducted. Court ruled that the woman had fulfilled her obligations and that Kwic had no right to any cattle. Court, however, stated that Ngotkek should assist by payment of *ghok tuoke*.[1] This judgement was confirmed on appeal.

(*d*) *Cuol Dak* v. *Liep Balou* (*Dok Nuer Case*)

Liep married Cuol's daughter who died after bearing him four children. Liep subsequently claimed return of his cattle after deductions for the children

[1] *Ghok* (*yang*) *tuokr*. The significance of this payment is explained later.

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had been assessed. Court ruled that no dissolution of marriage was possible, but ordered Cuol to give Liep a cow (*yang tuoke*) 'for his sister's sons'. This judgement was confirmed on appeal.

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These cases are not unusual, and similar disputes and judgements may be found in any court case book. They provide illustrations of the principle that on the death of a wife who has borne one, and in some instances, two, children, the husband may expect the return of all his cattle with the exception of sufficient for him to retain legal parenthood of those children. If, however, the wife has borne three or more children she is considered to have fulfilled her obligations, and there is no claim on her family at all, though they may be expected to assist her husband by payment of what the Nuer refer to as *yang tuoke*. This privilege sometimes extends to the husband's heirs, if he too is dead, should a cow or cows be required for milk for the children. The distinction is clear. In the first instance the union is dissolved and no longer exists, even though the children continue legitimate and therefore legally members of their father's lineage with all the privileges which that entails. In the second instance there is no dissolution at all, but the wife's kinsmen are expected to assist her widower, either to get married again or at least to bring up the children.

Ghok tuoke

Yang or *ghok tuoke* means literally 'the cow or cows of the cooking pot', and in this sense refers to the loss of the domestic assistance a husband should receive from his wife. It is also sometimes referred to as *ghok pithe gaat*,[1] or 'the cattle of bringing up the children'. There is therefore contained in the idea the necessity both of compensating a widower for this loss of domestic assets, and of providing him with cattle for the subsistence of the children of the union. The number of cattle which may be claimed varies considerably from tribe to tribe. Among the Lak only one cow at most is paid, while some tribes give as an ideal at least six head of cattle. The Leik, who are comparatively rich in cattle, give eight as the accepted number, and state a definite form of distribution among the dead woman's relatives upon whom the obligation falls. The brother and half-brother of the wife (*deman kwi mande* and *deman kwi gwande*) should each pay a cow; her father's uterine brother (*gwanlen mande*) and father's half-brother (*gwanlen gwande*) should each pay a cow; likewise her father's sister (*wac*) and mother's sister (*manlen*), her mother's brother and half-brother (*nar mande* and *nar gwande*) should each pay a cow.[2]

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The payment of *ghok tuoke* is not always honoured, but it is a

[1] Here used in a different context from those claimed outside marriage (see pp. 111–2).

[2] In other words, an equitable distribution among the kinsmen of the wife, both paternal and maternal, who have already received a portion of the bridewealth according to the pattern of distribution.

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definite right, and a Nuer court will often enforce it. In this it is expressing public opinion, which feels that a reasonable man will in certain circumstances assist his brother-in-law and his sister's sons. There is, however, an obvious difference of opinion which may be seen in the four different views on the subject expressed by the chiefs at the meeting of 1945 as follows:

That if a woman dies after fulfilling her procreative obligations—

(i) The legal husband has a right to at least one cow, and the *ji cuongni rar* (the more remote relatives who have received a portion of the bridewealth) may be expected to give him an additional cow or two to help him to marry another wife; but this should be a matter of agreement and should not be enforced in the courts.

(ii) As above, but that the *ji cuongni rar* should be compelled to assist him if necessary.

(iii) No more than one cow should be given to the husband.

(iv) *Yang tuoke* plus one cow from the wife's maternal uncle's portion (*nare*) and one from the paternal uncle's portion (*gwanlende*) must be given to the husband.

In fact the payment of *ghok tuoke* is largely a matter of agreement; a compromise in the case of a man whose wife has died without issue, or with too few children to prevent him from claiming the return of all the bridewealth cattle; an obligation if his wife has fulfilled her obligations in this respect, and he cannot hope for any return. In the first instance, being a compromise and a convenient way of avoiding dissolution of the union, more cattle will be paid than in the second instance, where the payment is usually restricted to one, or at most two, cows.

Yang muon

When a wife dies without having fulfilled her procreative obligations at all and no children have been born of the union, the husband is sometimes expected to leave with her family one cow known as *yang muon*, 'the cow of the earth or burial', representing a token payment for the woman's death, if he claims the return of bridewealth. This is largely of ritual significance, but is sometimes given in place of the *ruath miemni* and *yang yaatni*, deductions left by the husband in divorce when both parties are living, which will be described later.

2. DISSOLUTION OF MARRIAGE WHEN BOTH PARTIES ARE LIVING

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The simplest method of recording the law and circumstances relevant to divorce is to describe some of the commonest situations which arise as exemplified in actual cases brought before the courts. Before doing so, it is necessary to consider what the Nuer believe to be grounds for divorce.

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Grounds for Divorce

Marriage implies a stable relationship between the husband and his kinsmen on the one hand, and the wife and her kinsmen on the other. The relationship is maintained by a complex system of reciprocal obligations, duties, and conventional patterns of behaviour. In connexion with the actual relationship of the couple as individuals there are errors, breaches of good behaviour or of recognized rights which the Nuer will quote as the usual causes of divorce. A man may claim a divorce from his wife for the following reasons: 586

(i) *Barrenness.* If his wife fails to produce children at all, a divorce will usually be demanded by the husband, and all the cattle will be returned to him. If she bears only one child or two at most (again the exact number of children is controversial) and then fails to produce over a number of years, a divorce may follow and the cattle are returned with the exception of those left to legitimize such children as exist. Barrenness amounts to failure of the woman to fulfil those procreative obligations to which her husband has a legal right. Continued mortality among the wife's children is also a common reason for divorce.

(ii) *Nagging and Grumbling.* A Nuer may institute a divorce against his wife if she is an unpleasant character and wearies him with her continual grumbling, especially if, in a polygynous household, she fails to get on with her co-wives or with her husband's female relatives.

(iii) *Laziness.* A Nuer has domestic and economic rights in his wife, and he may call for a divorce if she is lazy in preparing his food, slack in household duties and in milking the cattle or cultivating the gardens. In this case she fails to fulfil her economic and domestic obligations towards her husband.

(iv) *Adultery.* A man may institute a divorce if he discovers that his wife has committed adultery, but he will rarely do so unless she persists in adultery either with one man or with a number of men.

(v) *Desertion.* If a wife runs away to live with another man, her husband is more likely to seek a divorce and the return of his cattle, although he may ignore the loss of her physical assets if she has borne sufficient children to his name.

These are the reasons given by Nuer if asked to quote the usual causes of divorce when instituted by the husband. In this the attitude of mind is not confined to the individual but extends to the kinship group. Therefore there must usually be a reason which is accepted as a conventional one and will receive the backing of the husband's relatives and be recognized by the community in which he lives. The actual cause of divorce is usually a combination of such reasons; the wife is lazy and also an adulteress; or she is lazy besides

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bearing no children; or she is all of these things. By far the most important consideration, however, is her function in producing male children to further the name of the husband's lineage, or female children to bring to them cattle in the form of bridewealth—in itself a means of marrying women into the group and therefore producing more children to the name of the lineage. It is her function in furthering the continuity of the kinship group in posterity which concerns her husband's kinsmen most acutely.

The reasons given by the husband as grounds for divorce, or the reasons which make him wish for a divorce, are less cogent than those which must be produced by a wife to convince her family that life with her husband is no longer bearable. Her family have in a sense much more to lose, for they must return the bridewealth cattle, and it often happens that they will not receive so many on her remarriage, especially if she has a reputation for barrenness or for being a shrew. In these circumstances they will resist the demands of the wife for dissolution of marriage as much as they can. The grounds for divorce which will receive the support of a wife's family are as follows:

(i) *Impotence or Sterility of the Husband.* A woman may divorce her husband if she bears no children and it is known that her husband, a man of virile years, is impotent. In such a situation her family will usually acknowledge her plea for a divorce and allow her to marry elsewhere, even though her husband has paid a very satisfactory bridewealth for her. If, however, the husband is an old man of failing physical powers they have probably arranged the marriage out of greed for his cattle or the desire for a useful political alliance, which is an important consideration, and may use force to compel her to stay with her husband. But in most cases of this sort the husband will allow his wife to take a lover and will be glad if she begets children by this means, for the children are legally his own.

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(ii) *Stinginess.* Stinginess is sometimes cited as grounds for divorce. The husband may resent his wife's hospitality to her friends and neighbours, and meanness of this sort is considered particularly reprehensible by the Nuer. What is really meant by this, however, is that the husband is stingy in the giving of those small items—food, tobacco, presents of spears and so on—which his wife's people expect. These are not legal rights but obligations inherent in the marital relationship, and they symbolize the respect he should have for all his wife's relatives.

(iii) *Failure to support the Wife.* If the husband fails to fulfil his economic duties towards his wife and children; if he is too lazy to cultivate, too lazy or weak to hunt or fish, or too poor in cattle to provide sufficient milk, her family may seek a divorce. A husband, however, who is poor in cattle may make up for the deficiency by industrious cultivation, hunting, and fishing.

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(iv) *Ill-treatment.* A woman may demand a divorce and receive the support of her family if her husband persistently ill-treats her (*ciang jiegh*) or beats her without reason. Her brother will often seek to protect her from serious maltreatment, and her family are interested in her welfare. 586

Whether the family of the wife will support her depends on a variety of circumstances and a combination of all matters which are conventionally regarded as grounds for divorce. They may agree with her if her husband not only persistently ill-treats her but also is lax in his duties towards them or does not approach them with the respect (*thak*) which is due to relatives-in-law. If he has paid substantial bridewealth for her, it is, of course, in their interests that the marriage should continue, but this may be outweighed by other considerations. It is their desire too that a daughter of the house should have children, though their feeling in this respect is not so intense as that of the husband's family. Her children, although legally placed in the patrilineal lineage of their father, will be an asset to the maternal line. We have seen that in the marriage a substantial part of the bridewealth goes to the maternal kin, and the matter of the husband's potency is therefore of practical concern to them. Moreover the final consideration which will often compel them to seek a divorce, whatever the difficulties and inconveniences to themselves, is the fear that she will run away to some other part of the country, in which case they may lose not only the cattle of this marriage but the possibility of getting others from her remarriage. In extreme cases she may even commit suicide.[1] [762]

It is the interaction of all these considerations and circumstances which determines the stability of marriage or the reverse. They are in fact features of the relations subsisting between the two groups concerned: first between the husband and his wife, then through them between their families and by extension between the two kinship groups as a whole. As children are born of the union, so stability increases and the likelihood of dissolution by the return of bridewealth gradually disappears until, in the event of three or more children having been born and still living, the possibility of a return of the bridewealth no longer exists, and it is no longer legally possible to claim it. This is recognised in Nuer law now administered in the courts, for, as we have seen, it is reckoned that a man cannot have a right to the return of any portion of his bridewealth if his wife has borne him two or, in the case of some tribes, three children who are still living. In fact, he would rarely seek dissolution, even if his wife had left him or was dead, for the disadvantages of her absence from his home are

[1] This is not common, but I have known several cases, and in one instance a woman attempted to hang herself from a tree under which I was sitting in an official capacity. The intention, however, may not have been serious, but merely to draw my attention to her grievances.

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offset by the existence of the children as well as the advantages he receives from close and amicable relations with his wife's family.

General Observations

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Nuer sometimes say that divorce was rare in the old days, and that when the marriage ceremonies had reached the stage of the *muot*, and even more so if a child had been born, neither side was at all likely to seek one. It is also said that if a woman died before or during the birth of her first child, her husband had no right to claim back his cattle: the responsibility rested with him. It is not now possible to assess the truth of a general statement of this sort, particularly as the informant can rarely quote actual examples, but it is clear that the number of cases of divorce which are brought before the courts is considerable and is increasing.

This is, perhaps, a reflection of the wider process of social disintegration which is taking place in Nuerland. The modification in those sanctions which make for social solidarity is likely to react on the institution of marriage as well as on the integration of the kinship group. Moreover, I suggest that the stability of marriage is deeply affected by the attitude of the parties concerned. If there was less chance of recovering bridewealth cattle or less chance of escape by the wife, they would be more likely to make the effort necessary for a successful marriage. Nuer imply that in the past it was not easy for a husband, having entered into marital relations with the bride's group and confirmed the marriage by the performance of the *muot*, to recover his cattle should he no longer want his wife. It was therefore in his interests to make a greater effort to retain his wife's affections and to fulfil the conventional obligations towards her and her relatives. She might run back to her home and, unless he had the support of a numerically superior community, he might find it difficult to obtain redress. Clearly the situation was affected by many different circumstances, and not least of these was the relative position in the social structure of the kinship groups involved and the distance in space between them. Divorce was not so easy, the husband had to make greater efforts to retain his wife, and probably entered marriage with greater care and consideration than he does today, although the slow process of courtship of girls and the eventual choice of a mate is presumably the same as it has always been, and is in itself a factor making for stability when marriage comes.

The comparative facility with which divorce can be obtained through the agency of the courts todry means that the husband need not make so great an effort as in the past, because his cattle are nearly always recoverable. It might, of course, be argued that the wife's family must be more conciliatory towards the husband because divorce is

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recognised and is enforceable in the courts, and they have a greater chance of losing their cattle. I do not think that these are really major considerations because the Nuer do not think of marriage entirely in terms of cattle, but rather in terms of the union of which the cattle are merely a material symbol. Moreover, and this must be stated at once, the courts do not regard divorce with favour at all, and every effort is made by the court members to prevent it. There is intense feeling on this subject, and divorce is a symptom of social disintegration of which the Nuer are themselves aware. It is not so much the possibility of legal enforcement as the general recognition that divorce is possible at all, particularly after the *mut* and after children have been born of the union, which is the cause of the increase in the number of divorces. Added to this is the fact that union of peoples required for political security is less necessary than in the past, and therefore intermarriage does not serve the same purpose as it did then.

These features are apparent not only in the increased number of divorces but in the growing body of law concerning marriage and divorce which is administered in Nuer courts today. A complex system of law is only necessary when social relations cannot be controlled or maintained by any other means. Now that the sanctions which governed those relations are modified by external influences there is a greater need for law, and an evolutionary process can be seen, particularly because the courts are backed by legal sanctions entirely unknown in the past.

The following are a few representative cases which illustrate the processes of divorce and the circumstances accepted by the courts as sufficient grounds.

Dang Kang v. *Nyag Rih* (*Aak Nuer Appeal*)

Dang married Nyag's sister. There were no children, and Dang demanded a divorce on grounds of his wife's barrenness. This was refused by the court in the first instance but was allowed two years later by the appeal court.

Nuer courts will usually allow divorce on grounds of barrenness, but demand adequate proof. The passage of time (in this case about five years—including two years between the initial dispute and the appeal) is therefore relevant. Judgement against divorce by the court in the first instance and then reversal on appeal is therefore a common occurrence. By instituting proceedings the husband is bringing to the notice of the court and of the public his allegation that his wife is barren. The passage of time between this and the hearing of the appeal is then taken into consideration.

In some cases the birth of one child followed by non-productivity is grounds for divorce.

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Kec Kuoyok v. Weir Lam (Leik Nuer Case)

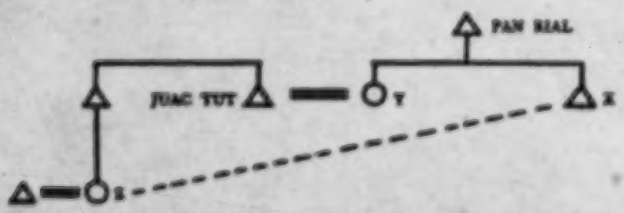
Kec married Weir's sister. During the five years of their marriage she bore only one child, and Kec demanded a divorce. This was refused by the Leik court, but allowed two years later by the appeal court. In this case all cattle were returned to Kec with the exception of sufficient to retain legitimate parenthood of the child.

Kelwal Tutrol v. Kong Kepkeap (Bul Nuer Case)

Kelwal married Kong's daughter. There were no children of the union, and Kong demanded a divorce for his daughter on the grounds that Kelwal was impotent. Kelwal appealed to the court against this demand, but judgement was given against him.

This case is simple enough, but illustrates clearly that impotence or sterility on the part of the husband is equally a ground for divorce. It also shows that Nuer are interested in the children of their daughters, although they will belong legally to another lineage.

Juac Tut v. Pan Rial (Leik Nuer Case)



Juac Tut married Pan Rial's daughter Y. X, Y's brother, committed adultery with Z, Juac's brother's daughter. Juac then demanded a divorce from Y on the grounds that the act was virtually incestuous. On the first hearing the court refused the divorce, but on appeal all bridewealth cattle were returned to Juac.

Breaches of this sort of conventional behaviour and normal obligations between relatives-in-law are often compounded by payment of gifts and, in the case of incest, by ritual expiation.

Impediments to Marriage Discovered Subsequently

Two other exceptional circumstances which sometimes result in divorce must be mentioned.

Incest

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At any stage of the marriage it may be discovered that the union is incestuous (*ruai*), in which case, unless the consanguinity is extremely remote, the marriage must be instantly dissolved. Such an occurrence must be rare[1] among the Nuer, for we have already seen how

[1] Within my own personal experience in Nuerland, I have only known of one case in which a marriage had to be dissolved owing to kinship between husband and wife. At the same time such cases are unlikely to appear before the courts or be the subject

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elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

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Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kandiw*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriages. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

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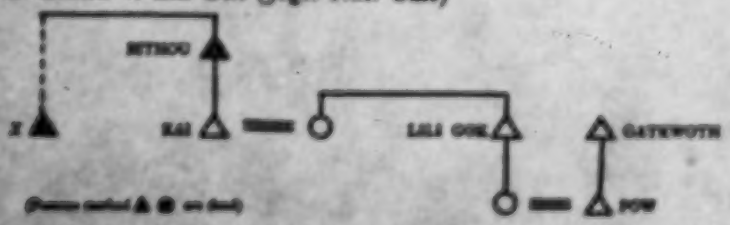
Kai Bithou v. Lili Gok (Jagei Nuer Case)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak nuer*).

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kinsman of Kai's (x). Kai then claimed dissolution of marriage on the grounds that there was 'blood between them'. On appeal the court was divided. The minority were of the opinion that dissolution was essential; the majority ruled that, since compensation had been paid for the act of homicide and the feud settled by the Leopard-Skin Chief, no bar to marriage existed. It will be noted that Lili's family are not involved in the feud, and Kai's contention is that Lili, by marrying his daughter into a family who are concerned, has brought himself within the range of the impediment. At the same time Gatkwoth was the actual killer of x, not merely an agnatic kinsman of the killer, which intensifies the feeling of indignation.

In this particular case, it is doubtful whether Kai wanted a divorce merely because of these circumstances, or whether the 'blood between them' provided a reasonable excuse for a divorce which he desired for other reasons.

For this reason it is safe to conclude that, although the existence of a feud is considered a serious bar to marriage, the action taken in such circumstances depends largely on the actual relationship in the kinship structure (in this case extended to marital relationships) of husband and wife to the killer and the killed. It also depends on the actual terms on which the two families are living, for if neither party wishes for dissolution some means will be found of avoiding it.

Circumstances in which Divorce is Considered Impossible

586 Nuer consider that the dissolution of marriage, instituted by either party, is impossible if the wife has fulfilled her procreative obligations. Generally speaking, though this point is sometimes controversial, two living children constitute fulfilment in this respect. Three are always sufficient. This, as we have seen, applies also when the wife dies, and examples have been given to illustrate the point. Two further examples are recorded here, there being no difference except that both parties were living at the time of the dispute.

Riak Teng v. Kuk Diet (Dok Nuer Appeal)

Riak's sister was married to Kuk Diet, twenty-three head of cattle being paid as bridewealth. Kuk subsequently claimed a divorce on grounds of his wife's desertion. Original judgement was reversed by the appeal court on the grounds that two children had been born of the union. Riak was ordered to arrange the return of his sister to her husband.

Puot Teng v. Bilin Banypiny (Lak Nuer Case)

Puot married Bilin's sister. She bore him three children, and then deserted him for a man called Jany Mabor. Puot raised the case before the Lak (Kwacher) court but the court ruled that no divorce was possible.

These are simple cases. A Nuer court will always attempt to bring about a reconciliation, but if this fails, which is often the case, the woman continues to live with her lover, her children and any born subsequently remaining those of her legal husband. There are, however, borderline cases which sometimes cause perplexity. In particular, the

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question whether children who have died in infancy should count is a controversial one. Among most Nuer tribes it is generally accepted that those which die in early infancy should not be so counted. From the legal point of view a small child is not considered a being at all, and if it dies before cutting its second teeth no mortuary ceremonies will be performed. Nor will a 'ghost-wife' be married to its name, though there are many exceptions to this rule, especially when there are few adult males to represent the lineage. The test ultimately lies in whether mortuary ceremonies have been performed or not, and the situation is not uncommon owing to the high rate of infant mortality among the Nuer. Opinion, however, is often divided, as is illustrated in the example of Ghuth Bangoany *v.* Riak Buth recorded below.

3. RULES CONCERNING THE RETURN OF BRIDEWEALTH CATTLE ON DISSOLUTION OF MARRIAGE

Deductions: ruath miemni and *yang yaatni*

I have explained that when a marriage is dissolved on the death of a wife who has not fulfilled her procreative obligations, all cattle must be returned to the husband with the exception of sufficient for him to retain legal parenthood of any children (*ruok gaanke* or *ruok muor*), and sometimes a cow referred to as the *yang muon*, 'the cow of the earth' or 'mourning'. When both parties are living, similar deductions are made for children, though naturally there is no claim for *yang muon*. There are, however, other deductions which are deemed necessary. These are known as the *ruath miemni* and the *yang yaatni*. *Ruath miemni* means literally the 'bull-calf of the hairs', and refers to the shaving of the wife's hair at the *muot* ceremony, while *yang yaatni*, 'the cow of the skirts', refers to her ritual dressing in the married woman's skirt (*yat*), and hence her change of status from girl to married woman. These deductions are therefore considered just recompense for the wife's loss of maidenhood. They will not usually be demanded by her family if the husband is willing to leave cattle with them to legitimise any children born of the union. I do not think that *ruath miemni* and *yang yaatni* are often paid when the wife dies. They are essentially payments demanded in divorce when both parties are living, and some Nuer say that they should not be made if it is the wife who is at fault. There are, however, obvious exceptions which the following example shows, and the law on these points is not everywhere consistent.

Ghuth Bangoany v. *Riak Buth* (*Lou Nuer Case*)

Ghuth married Nyabieli for 15 head of cattle paid to the kinsmen and heirs of her father Lathuer. She had two sons who died in infancy. Nyabieli

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then died, and Ghuth claimed dissolution of marriage and return of the bridewealth. Court ruled that no dissolution was possible because Nyabieli had fulfilled her procreative obligations by bearing two sons for whom mortuary ceremonies had been performed. Ghuth, however, was granted *yang tuoke*. On appeal Ghuth was granted return of all his cattle save two (*yang mande* and *yang gwande*), these being counted as *ruath miemni* and *yang yaatni*. Both judgements, though entirely different, are logical. The original court ruled that the children though dead should count as living, and that no dissolution was possible. Ghuth could therefore only claim *yang tuoke*. The appeal court ruled that the children could not be so counted, and that therefore Ghuth was entitled to return of his bridewealth cattle. This was tantamount to saying that Nyabieli had borne no children at all. Hence, though Ghuth was entitled to his bridewealth, Nyabieli's kinsmen were entitled to *yang yaatni* and *ruath miemni*.

Original Cattle or Substitutes

Theoretically the original bridewealth cattle must be returned, and with them their offspring, even if born after they have been passed on by the wife's family as bridewealth in their own marriages or further still. This rule is presumably a survival of the days when divorce was comparatively rare, at any rate in instances where all ceremonies had been performed and children born of the union. In the early stages of marriage the cattle will not have moved far afield because there will have been little time for them to do so and their progeny will not be numerous. The complications of collecting thirty or forty head of cattle plus all their offspring born over a number of years will be realized. It is now generally accepted that unless the original cattle are actually in the possession of the wife's family, no return is possible, and that substitutes may be provided. This in itself often leads to dispute because endless arguments arise as to the relative merits of the cattle produced as substitutes as compared to the original cattle. This is, of course, a feature of most disputes which appear before a Nuer court.

Cattle which are not Returnable

Bridewealth cattle are not returnable to the husband on divorce or dissolution of marriage if—

(*a*) *While in the possession of the wife's family*, they have died of disease or have been killed by wild animals or lost by reason of some other misadventure. The wife's family is not held responsible for providing substitutes, although the husband is not expected to replace such casualties while the marriage continues. Animals passed on in other marriage transactions, or sold or slaughtered for meat, must be replaced by substitutes.

(*b*) *While in the possession of the wife's family*, they have been paid as compensation for homicide or in payment of fines imposed by the courts. This does not apply to compensation for other offences

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nor to the normal settlement of debts. This is an interesting point of law because it shows that the enforced payment of compensation (*thung*) and the imposition of punishment in the form of fines are regarded as acts of God rather than the individual responsibility of the offender. It is of course assumed that the bridewealth cattle were used for one of those purposes unwittingly and without previous knowledge that owing to divorce their return would be demanded. The first rule (*a*) appears to be traditional, the second (*b*) is probably a recent development though there are no records of legislation or of intervention by the Administration. 586

Further Rules in Divorce

A Woman may not be remarried until Previous Marriage has been Dissolved 586 587

It is a fundamental rule that a remarriage cannot take place until the previous marriage has been dissolved and all the necessary cattle returned to the husband. Nor may bridewealth cattle from a remarriage be used to pay back cattle owed on a previous one where the same woman is concerned. This sometimes occurs, but is rare because there is a religious sanction as well as a social one involved. Nuer say that the cattle should not mix and that if they did disasters would follow.

Wiea Nyah v. *Nyadoiny Yol* (*Bul Nuer Appeal*)

Wiea married Nyadoiny's daughter X, who bore him one son. Wiea then demanded a divorce on grounds of desertion. Nyadoiny is a widow, and her late husband had no close kinsmen. She had already used some of the bridewealth cattle in payment of previous debts incurred by her late husband, and was unable to return all the bridewealth. Seven cattle remained outstanding. Dayim Turuk then began negotiations for marriage with X and paid several head of cattle. Wiea immediately claimed these through the courts. Appeal court ordered return of all cattle to Dayim and return of X and child to Wiea. The union between Wiea and X was still considered legal, while Dayim's cattle had been received illegally.

Return of Extra-marital Payments

Payments made as gifts or as compensation for minor offences against prescribed marital relationships are not normally claimable by either party on divorce. Such payments are considered outside the general bridewealth transactions.[1]

This and other points are illustrated in the following cases:

Gac Cuol v. *Mathot Cang* (*Nuong Nuer Case*)

Gac Cuol married Mathot's sister. He then divorced her on grounds of her infertility. All cattle were returned to Gac with the exception of one cow-calf,

[1] As will be seen later, offences by an outsider against the husband's physical rights in his wife are treated differently (see p. 166).

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which Mathot alleged had been killed by a lion while in his possession. Gac disputed this, and further claimed a cow from Mathot on the grounds that he had previously given Mathot two mosquito nets (value: 150 piastres). Court ruled that:

(i) Cow-calf had been killed by a wild animal while in Mathot's possession. He was therefore not responsible.

(ii) The mosquito nets were a gift outside the transaction of marriage, and were not reclaimable in any form.

Riak Deng v. *Gatbuok Nyak* (*Nuong Nuer Case*)

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Gatbuok married Riak's sister. In the first year of marriage Gatbuok was profoundly shocked because his wife urinated in his cattle-byre.[1] This nearly led to divorce, but the affair was patched up by Riak paying Gatbuok 40 piastres as compensation to 'ease his heart' (*pale loic*). With this money and some of his own, Gatbuok bought a cow which subsequently produced five calves. After five years the marriage was dissolved at Gatbuok's request. Riak then claimed the cow and five calves, which in his opinion were his legal right. Court ruled that Gatbuok had the right to retain only the original cow, while Riak should have the offspring. This ruling was given after considerable argument, and was an obvious compromise. The judgement was reversed on appeal on the grounds that the 40 piastres was paid as compensation for a definite offence committed by the woman, was not part of bridewealth, and was therefore not returnable in any form.

Gatkeg Luop v. *Tutdel Turuk* (*Jikany Nuer Appeal*)

Tutdel was court policeman under Chief Gatkeg Luop. Tutdel subsequently married Gatkeg's daughter, but divorced her. All cattle were returned to Tutdel, but Gatkeg claimed one cow previously given to Tutdel. Court ruled that the cow had been given to Tutdel as a gift in return for his official and personal services and was not affected by the marital relationship of the two. Gatkeg had no claim on the cow. This was confirmed on appeal.

Divorce of Widows living in Leviratic Union or 'Widow-Concubinage' (see pp. 78, 81)

Generally speaking, the death of the husband precludes the possibility of dissolution of marriage. A Nuer court will not allow proceedings for a divorce to go through unless the husband is present to state his claims. This applies even when no children have been born of the union previous to the husband's decease or subsequently in leviratic union or 'widow-concubinage'.

Can Lony v. *Kolang Cal* (*Leik Nuer Appeal*)

Can's paternal uncle married Kolang's sister. The uncle then died, and Can took the woman to live with him. Can then claimed a divorce on grounds of the woman's barrenness. Appeal court upheld previous judgement that no dissolution was possible even though the woman had borne no children at all.

Riak Kuar v. *Latjor Kuon* (*Dok Nuer Appeal*)

Gatmac Kuar married Latjor's sister. Gatmac died, and Riak took over the woman in leviratic union. She then deserted him for another man. The

[1] A breach of good manners and a particularly reprehensible offence because it was done in the cattle-byre (*luak*), which is the exclusive stronghold of the male sex.

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woman had one child. Riek then demanded dissolution of the union but this was refused both in the original court and on appeal.

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I think that Nuer feel that a widow should have a wide choice as to whom she takes as her lover after her husband's death and that, provided the rights of the deceased husband, including the legal status of the children, are recognized, there should be no interference. Dissolution on grounds of barrenness is, however, sometimes accepted, especially if the marriage had not lasted long before the husband's death. The age of the widow is therefore relevant, and it must be remembered that a young and attractive woman is likely to be guarded more closely by her late husband's kinsmen than an older woman. In the first instance physical rights over her are in issue, in the second only domestic and economic rights, and the emphasis is on her ability to produce children to her late husband's name.

In 'ghost-marriage' the position is different. The vicarious husband is regarded as the principal, and if the reasons were sound and acceptable, a Nuer court would undoubtedly allow dissolution. 'Ghost-marriages' are in fact treated in exactly the same way as simple legal marriages.

4. SUMMARY

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Based on these principles the law of divorce is rarely disputed, and cases which appear before the courts usually concern specific claims for cattle which have not been honoured. For example, a divorce takes place, and all cattle are returned save two. The wife's people ask for time to find them, and the debt hangs over for a number of years, possibly until the next generation. A dispute may then arise as to whether the cattle were actually paid or not or whether their theoretical increase in the interim should be taken into consideration. Though there are points which are sometimes disputed, Nuer divorce laws, unlike so much of the customary law administered in their courts, can be conveniently summarized:

Dissolution of Marriage owing to Death of Wife

(i) A △ marries B ○. B dies before bearing any children to A. A has a right to demand the return of all his cattle paid as bridewealth. Among some tribes he might be expected to leave one cow as *yang muon* (the 'cow of burial') with her family, but this is a ritual payment rather than a specific deduction.

(ii) A △ marries B ○. B dies leaving one child alive. A is entitled to the return of all his cattle, but will usually leave sufficient to retain legal parenthood of the child (*ruak muor or ruak gaunk*).

(iii) A △ marries B ○. B dies leaving two children. In some tribes B will be said to have fulfilled her procreative obligations, and a dissolution of marriage therefore is unwarranted. In other areas A might expect the return of all his cattle less deductions for the two children.

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(iv) A △ marries B ○. B dies leaving three children. In all tribes B is said to have fulfilled her procreative obligations to A and no divorce will be allowed.[1]

(v) In the circumstances described in (iii) and (iv) above, A might expect assistance from his relatives-in-law in the form of *yang* or *ghok tuoke* varying from one cow to eight head of cattle, provided that there has been no dissolution.

Divorce when both Parties are living

(i) A △ marries B ○. A institutes a divorce on grounds of B's misbehaviour, and before any children are born. A can expect the return of all his cattle.

(ii) A △ marries B ○. A demands a divorce for no accepted reason. No children have been born of the union. A can expect the return of all his cattle with the exception of two—*ruath miemni* and *yang yaatni*.[2]

(iii) If children have been born of the union and are living at the time of the proceedings, A will almost invariably leave sufficient cattle to retain legal parenthood. He will not, however, be expected to pay *ruath miemni* and *yang yaatni* in addition to these fees.

(iv) If two children are born of the union, or in some tribes three, a divorce is not considered possible, and will certainly not be allowed in the courts unless the circumstances are exceptional—e.g. if the wife deserts her husband and refuses to return, but even then he will usually waive his domestic and physical rights in her provided she continues to bear children who remain legally his.

These rulings contain the general principles, but it must be emphasised that there are often cases where exceptions are accepted as valid. One does not know how far these rules were followed in the past, or how much they are the product of more recent case law. There are still anomalies and points which are confused, and the law of divorce has not yet developed to its logical conclusion. The general concepts which are behind such claims as *yang muon*, *ghok tuoke*, *ruath miemni*, *yang yaatni* and *ruok gaanke* are known to most Nuer. The precise interpretation in different circumstances varies from region to region, and recent discussions at the Nuer Chiefs' Council have not yet achieved complete standardization.

[1] Commenting on this statement, Captain G. S. Remy says of Eastern Nuer: 'I think that even in the case of three children all cattle would be returned to the husband less legitimization fees. Strictly speaking the divorce should go through and the legitimization of the children be carried out as a separate transaction.'

[2] As we have seen, some Nuer tribes say that these payments should be made by the husband whatever the circumstances. See also Evans-Pritchard, *Kinship and Marriage among the Nuer*, p. 91.

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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be attested by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuoke*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the home'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family contiued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuoke* in such circumstances and that the husband is in the right: *teke cuong*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *yang ric*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognized. If questioned the Nuer would undoubtedly say that the age-mate has a right (*cuong*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

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587 768 593 milks the cows, and performs other domestic services for her sons. If she is dead and her eldest son is married his wife acts as a cook, housekeeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere. [618] [611] Her husband's people permit her to take this course because all the children she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle [586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath cau ka de loey*, "Cattle which have children on their backs cannot be returned".

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587 768 593 591 dead, so that they may view with equanimity the departure of the widow and her children, having no feelings of close parentage towards the sons and being assured that they will receive whatever bride-wealth is their due on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she [611] determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends [586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy [776] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 611 A widow who lives with a stranger after the death of her husband is called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 593 A *cek ma lak* is translated in this paper as "widow-concubine" for she is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]

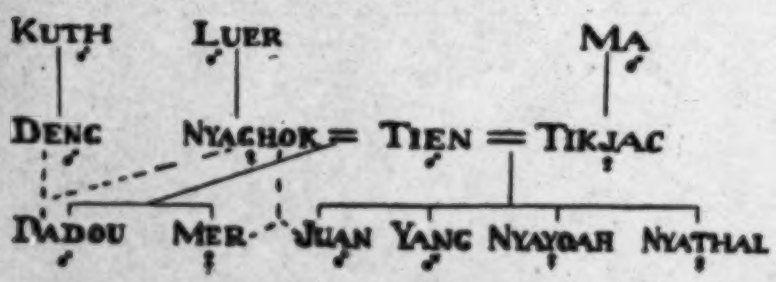

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Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Malith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister, Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yosh ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yosh ♂: Wectwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No. IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [886]

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587 Karlual ♂ then married
Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai
592 ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and
[173] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle
[43] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Galuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

Homestead No. XII. Nyawal ♀—Col ♂. Her husband was Lam ♂ of
592 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After
587 his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was
[175] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajuani ♀ who also lives in this homestead. Nyajuani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he
• [182] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Gilwg ♂ of the Rang section of the Jikany tribe, to the name of his dead

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584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he is fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

14: Huffman M-5 (no date) 1931
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husband may demand the return of his cattle and return her to her father's village. Likewise, if the husband fails his wife in this respect, her people very probably will cancel the marriage and seek another husband for her. Representatives of both parties interested meet together and discuss the matter before the actual separation takes place. 586

One time, when asking a woman her name, I was surprised to hear her give a woman's name as her surname. Upon inquiry I found that she considered this woman whose name she bore as her nominal father. 588

The older woman was unable to bear children, but she had a number of cattle, so she paid for a girl who was considered as her wife. She got a man to come and live with the girl in order to beget a child. Then the child when born was considered as belonging to its mother and to her. She might give the man a cow, but he would have no claim upon the child or its mother then or at any other time.

This woman had several 'wives' and a number of children. She was the central figure of authority in her village and was considered a good leader of her people. I had heard of her before, but had never met her. She seemed to be a competent, capable woman, well respected by those who knew her and by the Government official as well. Her face, her speech and her manner were utterly different from what one might expect to find in one who—according to our western standards—had allowed herself to sink to depths of degradation.

Instead, one saw a Nuer woman a little past middle age, matronly, capable, and kind in appearance. She in in her way had sought children—and found them—and she loved them and cared for them.

606 607 For a man's wife, avoidance is impracticable, but she treats her parents-in-law with great respect and, in the early days of marriage, keeps herself apart from them as much as possible. She is on joking terms with her husband's brothers since, among brothers, the wife of one is, in the social sense, the wife of all.(1)

DIVORCE

586 If a wife dies childless or if her husband divorces her the bride-wealth cattle have to be returned. If a child has been born and is left with the husband then the cattle are returned, minus six. If two children have been born, no cattle are returned. Divorce is recognised as having taken place only if cattle are returned; if a wife leaves her husband to live with another man, and her husband does not claim return of the bridewealth, any children she may bear are his. Divorce after the birth of a child is very unusual, and after the birth of a second child, almost unknown.

RITUAL AND OTHER CULTURAL FEATURES

TOTEMISM

776 The various Nuer lineages have specific ritual attitudes towards certain natural objects and living creatures. They respect the lion, reptiles, birds and plants; some lineages respect rivers and streams but, for all Nuer, rivers are specially associated with the mother spirit, Bak Mandeng, who is held in reverence by all the people. Some lineages respect cattle with certain markings and therefore do not keep them. The largest clan in Nuerland - the Gaatgankiir of the Jikany tribes - respect gourds, since, it is said, the ancestor of the clan was found in a gourd. In general, however, totems are associated with lineages rather than with clans.

[177] Nuer totems (kwoth) are neither peculiar nor particularly important, and the Nuer themselves state that the majority of the totems come from the Dinka; they further maintain that the kuth of Nuer lineages are sky spirits, or spirits of persons who have been killed by lightning and have become sky spirits. The totemic relationship is explained in the myths which tell how ancestors of the lineages and the members of the species related to the lineages, were born twice. A man respects his wife's totem and a woman her husband's, while children respect their mother's totem generally. A totemic relationship of the same type does not prevent marriage.

Respect for a totem consists in refraining from hurting it or eating it; in paying it some recognition and consideration, and in making an expression of regret should it be found dead. In turn the totemic species is expected not to cause any harm to those who respect it. Sacrifices and prayers are made to the totem and cattle are dedicated to it. The species itself is not worshipped although the representatives are

(1) Evans-Pritchard, Man, 1948, No.2, p.5.

*776 614 clan beat an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's [721] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward. [583] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with ● [586] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

*776 614 773 The Jikoi clan respect rafters (*koi*) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

*776 177 262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In these few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

588 Yet more rarely a man marries a wife to the name of a dead sister or other kinswoman who was barren in her life, 'for she then counts as a man'. This is perhaps only done when the dead woman's ghost causes sickness to draw attention to her unhappy condition. The children are called after their female pater, and her brother, who has married their mother to her name, counts as their paternal uncle, 'for his sister has become his brother'. On the marriage of the daughters he gets the cattle due to a paternal uncle. It seems that he must not cohabit with the wife himself, because in these circumstances 'your wife is like your sister' (she stands in the place of your sister), but must arrange for a stranger, perhaps a Dinka, to cohabit with her in the hut he builds for her in his homestead.

587 Another type of union, and one that might be expected in a society which has ghost-marriage, is the levirate. Among many African peoples a widow is inherited by her dead husband's brother or son and becomes his wife. This is not the case among the Nuer. With them the bonds of marriage are not severed at death. The widow remains the wife of her dead husband, and any children she may bear after his death, by whomsoever they are begotten, count as his children. Hence Nuer never allow one to use the word *kwen*, to marry, in reference to the taking of a deceased brother's wife. They themselves usually say of the brother that *'ce ciekdeman lath dwil'*, 'he has provided his brother's wife with a hut'. She is still the wife of her dead husband and therefore cannot be remarried. Indeed, I found great difficulty in making the Nuer understand that in our country it is possible for a widow to remarry.

The levir is normally a brother, and a brother is the most approved substitute for the dead man. If a young man dies his sons would not be old enough to take his widow, and he is most unlikely in any case to have another wife than their mother. When an old man with several wives dies, the wives, being as a rule senior women, may be past child-bearing and therefore wish to live with their children, or they may prefer to lead an independent life with lovers than to live with a kinsman of the husband. It is only when an old man dies who has lately married a young wife, who has not yet borne a child or has borne a single child, that a son takes his father's wife. By this time all the father's brothers will have married; and it was probably understood at the time of the old

2;Evans-Pritchard E-5 (1931, 1936) 1951
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587 man's marriage that he was taking the girl to wife for one of his sons. It is certainly rare today for a son to take his father's wife. I was told also that it very occasionally happens that a sister's son takes his mother's brother's widow. Sometimes a paternal cousin of some degree takes the widow. This may be regarded as coming within the idea of the levirate, and Nuer so speak of it. But it rarely happens, and when it happens the union, in fact, partakes more of the nature of concubinage than of leviratic marriage. A brother, especially a full brother, ought to be the leviz, and if any of the brothers are unmarried their rights are paramount. So, bearing in mind these rare exceptions, we may use the term levirate in its classical sense.

Leviratic marriage is very different from ghost-marriage. In a ghost-marriage the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the rites of marriage, even though in the name of another. In leviratic marriage the legal husband has performed these actions himself and the brother merely enters as pro-husband a family already in being. The widow is always referred to as the wife of the dead man and not as the pro-husband's wife, as she generally is in ghost-marriage. Moreover, the children clearly regard themselves as members of a legal family to which the brother of their pater does not belong, although he is their foster-father and may also be their genitor. He may be opposed by the sons when they grow up.

It is true that the brother is the accepted guardian of his dead brother's children, and if he enters into a leviratic union with the widow he has in it the status of legal representative of the husband, so that he can demand compensation if anyone commits adultery with her. He can also, in certain circumstances, as I will explain, divorce her. To this extent leviratic marriage must be regarded as a variety of legal marriage, the simple legal family being contained in its structure as it is in the structure of the ghost-family. But it is also true that, in practice, the pro-husband in leviratic marriage has far less control over his partner than the pro-husband in ghost-marriage; and a widow in Nuer leviratic marriage is much freer than an inherited widow in other African societies. Her favourable position is due to the rule by which a widow is still married to her dead husband, for after his death she can continue to perform her reproductive obligations to his lineage by bearing him children as well by a stranger as by one of his

2:Evans-Pritchard E-5 (1931, 1936) 1951
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•587 brothers, and as well in the home of a stranger as in the home of her husband's kin. If she has children begotten by her husband, her domestic duties to her husband's people are adequately performed by her services to his children. In these circumstances the husband's kin must give her her freedom.

Briefly, the position is this. A woman is married not simply by her husband but by his brothers as well, since she is married with the cattle of their common herd. Consequently, if her husband dies, his brothers expect to exercise their rights in her, and if she is young and some of the brothers are unmarried they may insist on them to the point of dissolving the marriage if they are denied them. In practice, a young widow generally consents to live with one of her husband's younger unmarried brothers. Tradition, good form, and the threat of divorce are powerful sanctions to conformity in this matter, though these influences are not so strong in the case of a paternal half-brother as in the case of a full brother. After the death of a man the children of each of his wives often live with their mothers as largely independent units, each mother looking after the home of her children. If the mother is dead and the eldest son of the hut is married, his younger brothers and his unmarried sisters group themselves round his home, where his wife cooks for them and milks their cows. She takes the place of the mother. Unmarried youths are then dependent on the wife of a full brother for daily necessities, and if he dies and she does not consent to live with one of them, they lose not only a mate but also a housekeeper, cook, dairy-maid, and gardener. They therefore strongly object to her going to live with a lover, especially a lover in a different village. If they are on good terms with their half-brothers they will not resist the widow's desire to live with one of them, but will group themselves around the half-brother whom she chooses, and share his byre and the domestic services of their dead brother's wife in his homestead. If they are not on good terms with their half-brothers they may out of spite tell her, if she refuses to live with one of themselves, to go and bear children by a stranger. Much depends on the strength of family sentiment in any particular case. A full brother has strongest claims on the widow and the strongest feelings of obligation to the dead and his family, and he is therefore likely to oppose her, should she wish to take a lover, more strongly than half-brothers and paternal cousins would do, for their claims are weaker and they have less personal

2;Evans-Pritchard E-5 (1931, 1936) 1951
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interest in the family of the dead, sometimes caring little with whom the widow lives so long as they get their shares of the bridewealth of her daughters. 587

One finds that, in practice, a young widow who has borne her husband a single child sometimes lives with strangers. The husband's kin try to persuade her to live with a brother, but if they fail, they often, especially in eastern Nuerland, reconcile themselves to her obduracy, though they may insist that she continues to live in their village, as a member of their home, and there bear children to her dead husband by a lover. If she refuses this stipulation they can divorce her, leaving with her parents six head of the bridewealth cattle to retain their rights in the child. If she agrees to it they have few grounds for complaint. The children she bears by a lover are not only their kin but they are born amidst them and reared by them, and the lover not only begets children for them but also acts as their protector and breadwinner if he is a member of the village, or frequently visits the mother to assist her in gardening if he lives in a neighbouring village. 589

The position of a widow who has borne her husband two or more children is different. The return of her bridewealth cannot in any case be demanded: '*Ghok te jokdien ka nath ca ka de lowy*', 'Cattle which have people (children) on their backs cannot be loosened (returned).' In these circumstances a woman is free to live where and with whom she pleases, and in fact many Nuer widows of this seniority do not live with kinsmen of their dead husbands but 'give birth in the bush' (*'dieth dor'*), as the Nuer say. Wherever a widow lives and by whomsoever her children are begotten, they are all children of the dead husband and their kin will claim them sooner or later. When she is old and past child-bearing she will probably return to her husband's home to be with her grown-up sons. A widow who has grown-up children at the time of her husband's death will not want to take a lover. She will choose to live with one of her children.

A widow is asked to make her choice at her husband's mortuary ceremony. The kin are not likely to challenge her decision on this solemn occasion. If she refuses the brothers and sons of her husband, they ask her whether she wishes to take a lover away from their village (*lum dor*) or to take a lover in the village (*lum ciang*). They hope that she will choose the latter alternative. However, widows often elect to return to their paternal homes and there take

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with her parents in the hope that they will later give him her sister in her place. If he leaves any of the cattle preference will be given to the portions of the spirits and the ghosts. When these have to be returned unless are rubbed on their backs and the spirits and ghosts are told of the divorce and are promised that they will one day be given cows in the place of those they are losing.

Another circumstance which is taken into consideration is whether the wife is being sent away by her husband for barrenness,* or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him such as neglect or cruelty. Whatever the circumstances are the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this, and they would not do so unless she had already borne him a child and had lived in his home, he has to accept their decision. There are no courts he can appeal to and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again and this time to some distant part of the country. If he complains to her parents they will say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her

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• 587 431 some. I have never known a case in which a wife's parents have kept her husband's cattle and at the same time tried to marry their daughter to another man, and when I asked what would happen were they to try to do so I was told that the husband's

* As a rule a husband will not divorce a barren wife. He will take back most of his cattle but will have a few with her parents in recognition of her place in his home as cattle and housework.

[p. 183 b]

587 431 kin would undoubtedly use violence to get back their cattle and, in addition, curse (*bëi*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return 586 431 the cattle as soon as they are able to do so but fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piak*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilise marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' home, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is [844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thang yike*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

[p. 184a]

586 asked what would happen were he to try to do so
I was told that the husband's kin would claim
583 back their cattle and, if necessary, use force to
obtain them. Should a wife leave her husband
431 in these circumstances the problem of bride-
wealth would probably be solved by the common
[587] Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
wealth cannot be said to be a very powerful
431 sanction of the marriage union. Nor is there
any evidence of which I am aware that would
591 suggest that the greater the number of cattle handed
over the more stable the marriage is likely to
593 prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage can insist, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in hoeing, fishing, building, and herding, and the
accretion to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girls' brother are
comrades.

581 I am prepared to say definitely that the stability
of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

[p. 185a]

587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

[p. 188a]

835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kuel*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kui mas*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tat thilke ruai*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal
[339] cousins are not subject to the same restraint. It is not *ruai* to
[561] have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

835 It is forbidden on incestuous grounds to have relations with
587 the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

divides them with a sheep.' The widow and the man who is taking his kinsman's place squat inside a hut and the *guan bathei* of the dead husband's (in the case of the maternal uncle's widow, of the maternal uncle's) lineage, the man who performs sacrifices for the lineage, squats outside. They hold between them a sheep stretched across the threshold and it is there cut in twain. The top half is eaten by the kinsmen of the man who is taking the widow, though he does not himself partake of its flesh, and the bottom half by the women of the household. The hide on which the widow and her dead husband slept is also cut in half and the skin of the sacrificed sheep may be sewn to another to provide a new sleeping-hide. 'The father (or brother, or maternal uncle) is removed', as the Nuer say, not so much, if at all, because there would be any danger of *ruai* but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife, which might injure her or her children. A twin may not take his brother's widow, for twins are one person. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *ruai* is more pronounced. §35 §37

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *ruai*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths, who make love to maidens very freely, are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who form the same *dap*, dancing-line, which means kinsmen who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if §35 §36

8:Howell E, G-5 (1942-1944)1954
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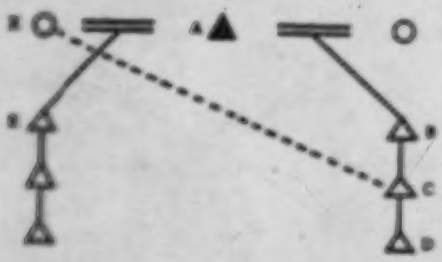
588 removed from E (his father's father's father's son) for there to be any interchange.



The reader will realize that many possible configurations may result. As a general rule the object is to create two balanced branches of a lineage descending from the sons of one father: sons of one mother or of different mothers, but with a common father. (As an actual example, see the marriage of Deng Rea to Nyalam Dhor, p. 120.)

The Levirate

589 Bridewealth cattle are not collected by the individual efforts of one man; certain categories of kinsmen co-operate and assist him to get married. Moreover many cattle are held in trust by the family, particularly those inherited by brothers. It is not the legal husband alone who benefits from the domestic and economic services of his wife, and though the children link themselves directly to his name, they are part of the lineage to which he belongs, and his brothers are equally anxious that his offspring shall swell the numbers of their patrilineal group. Therefore, if a man dies, his widow is expected to continue bearing children to his name. Theoretically also she is expected to remain in the vicinity of his near kinsmen and to assist them in normal domestic and economic activities. For both these reasons it is desirable that she should live with one of his brothers or, in certain circumstances, with other categories of kinsmen. The union of a widow with her husband's kinsman does not constitute a remarriage or a 'ghost-marriage': the marriage is already in existence, and legally she is still the wife of the dead man. Any children she may bear after his death are legally his. It merely means that a kinsman, or another man, acts as genitor and foster-father of her children.

The levirate is a legal union, and in certain circumstances a man may demand the divorce of his dead kinsman's wife. As will be seen later, this is rarely allowed, and nowadays when the husband is dead a court would only grant a dissolution of the marriage in very exceptional circumstances. Moreover, if an outsider has sexual relations with a widow, her dead husband's kin have a right to demand

8:Howell E, G-5 (1942-1944)1954
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compensation for adultery unless some previous agreement has been reached between them. The legal husband of the woman and the legal father of her children is still the man who has died. The children will be linked in the lineage of his family to his name, and the legality of the marriage is guarded by his heirs. In his name, his heir or heirs will continue to represent his interests, and indeed those interests are their own as members of his kinship group. This point is all-important in the assessment of rights in a widow in legal disputes which appear before Nuer courts. If, as sometimes happens, the bridewealth cattle are returned to the wife's family in the event of her husband's death, no further rights in that woman are retained by the dead man's heirs; but in this case the legal marriage has been dissolved, and the situation is not really different from normal cases of divorce.

587 [586]

Differences between 'Ghost-Marriage' and the Levirate

(i) A 'ghost-marriage' means that the vicarious husband as legal representative of the dead man actually *marries* the wife in the sense that he collects and hands over the bridewealth cattle for her and performs the marriage ceremonies with her on behalf of the dead man. In the levirate, the kinsman merely enters as a substitute into a marriage which is already in existence.

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(ii) Generally speaking, in the case of the levirate, since the marriage was not actually initiated and negotiated by the pro-husband, he has less control over the widow than he would over a 'ghost-wife'.

(iii) The levirate differs from 'ghost-marriage' in that the legal husband (*pater*) and his widow once lived together as man and wife.

(iv) Although the leviratic family, like the 'ghost-family', consists of the dead husband (*pater*), the pro-husband (*genitor*) and the children born of the woman, the children, or at least some of them, may have been begotten by the dead man. Therefore in a 'ghost-marriage' the dead man is the *pater* but never the *genitor* of the children; in a leviratic union the dead man is always the *pater* and he may have been the *genitor* of all or some of the children. The distinction is emphasized in Nuer terminology: a child begotten by the dead man is known as *ret*, an orphan. A 'ghost-child' is known as *gat jooka*.

[594]

The levirate is established by the previous payment of bridewealth cattle. Therefore, unless the bridewealth is returned for some definite misbehaviour on the part of the widow, the simple legal marriage continues after the death of the husband and children born either before or after his death are legally his.

Categories of Persons with whom a Widow lives

The most usual and correct form of leviratic union implies the cohabitation of a woman with her dead husband's brother, and in

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587 rarer cases with a half-brother or more distant kinsman. Sometimes a widow lives with her husband's son (by another wife), but this is usually only in the case of an old man who dies leaving a young widow. Normally, if a man dies young, his children will be too young to inherit his widow. If a man dies old, his wives will usually be old too and will live with their own offspring, not as wife, but as 'mother of the household'. In very rare cases a widow is taken by her husband's sister's son.

According to customary law a widow is expected to live with one of her late husband's brothers. Among the Nuer brothers must marry in strict order of seniority, and the cattle held by them as a family are used in that order. Therefore if a married man dies leaving an unmarried brother, the latter will expect to take over his widow. Legally, he is entitled to do so, and if she refuses he can call for a dissolution of the marriage and return of the bridewealth cattle. The application of this law varies according to circumstances, and also according to the conventions held by different Nuer tribes, but it is rarely employed. If the widow is determined to live with someone else, and particularly if she declares her determination from the beginning, that is at the mourning ceremony of her husband, she is usually allowed to have her way. Moreover, if she had borne two or more children, she is considered to have fulfilled her procreative obligations, and it is less likely that there will be any objection to her taking a stranger as her lover. A widow, according to the circumstances, may elect:

(i) to live with her late husband's brother or kinsman;

(ii) to take a lover who is not a relative from her late husband's village community. In this case her husband's group is not deprived of her assistance in communal economic activities, and they are able to watch over the upbringing and education of her children.

(iii) to return to her own family and live among them, taking a lover or lovers from some stranger lineage.

[586] (iv) to go off to some other vicinity and there live with a lover. If she did so without the agreement of her late husband's family, a divorce could be demanded, unless she had sufficient children to make it unlikely that it would be in the interests of her husband's kinsmen to demand it.

611 587 In all the circumstances described above, her children, wheresoever born and by whomsoever begotten, are legally the children of her late husband. This is the hard and fast rule. Only the circumstances set forth in (i) above can be described as the levirate. The other forms of union differ both from 'ghost-marriage' and the levirate. Such unions have been termed 'widow-concubinage' by Professor Evans-Pritchard.

F:Howell E, G-5 (1942-1944)1954
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'Widow-Concubine'

The main points are as follows:

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband.

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs.

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband.

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalise their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she

[1] A widow living in this form of union with a man is known as *ciek nar kiel* and her children as *gaat ciek*.

8:Howell E, G-5 (1942-1944)1954
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nor to the normal settlement of debts. This is an interesting point of law because it shows that the enforced payment of compensation (*thang*) and the imposition of punishment in the form of fines are regarded as acts of God rather than the individual responsibility of the offender. It is of course assumed that the bridewealth cattle were used for one of those purposes unwittingly and without previous knowledge that owing to divorce their return would be demanded. The first rule (*a*) appears to be traditional, the second (*b*) is probably a recent development though there are no records of legislation or of intervention by the Administration. 586

Further Rules in Divorce

A Woman may not be remarried until Previous Marriage has been Dissolved 586 587

It is a fundamental rule that a remarriage cannot take place until the previous marriage has been dissolved and all the necessary cattle returned to the husband. Nor may bridewealth cattle from a remarriage be used to pay back cattle owed on a previous one where the same woman is concerned. This sometimes occurs, but is rare because there is a religious sanction as well as a social one involved. Nuer say that the cattle should not mix and that if they did disasters would follow.

Wiau Nyak v. Nyadoiny Yui (Bul Nuer Appeal)

Wiau married Nyadoiny's daughter X, who bore him one son. Wiau then demanded a divorce on grounds of desertion. Nyadoiny is a widow, and her late husband had no close kinsmen. She had already used some of the bridewealth cattle in payment of previous debts incurred by her late husband, and was unable to return all the bridewealth. Seven cattle remained outstanding. Deyim Turuk then began negotiations for marriage with X and paid several head of cattle. Wiau immediately claimed them through the courts. Appeal court ordered return of all cattle to Deyim and return of X and child to Wiau. The union between Wiau and X was still considered legal, while Deyim's cattle had been received illegally.

Return of Extra-marital Payments

Payments made as gifts or as compensation for minor offences against prescribed marital relationships are not normally claimable by either party on divorce. Such payments are considered outside the general bridewealth transactions.[1]

This and other points are illustrated in the following cases:

Gac Ciel v. Mathet Cang (Nuang Nuer Case)

Gac Ciel married Mathet's sister. He then divorced her on grounds of her infertility. All cattle were returned to Gac with the exception of one cow-calf,

[1] As will be seen later, offences by an married against the husband's physical rights in his wife are treated differently (see p. 186).

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which Mathot alleged had been killed by a lion while in his possession. Gac disputed this, and further claimed a cow from Mathot on the grounds that he had previously given Mathot two mosquito nets (value: 150 piastres). Court ruled that:

(i) Cow-calf had been killed by a wild animal while in Mathot's possession. He was therefore not responsible.

(ii) The mosquito nets were a gift outside the transaction of marriage, and were not reclaimable in any form.

Rink Deng v. Gatbunk Nyak (Nuong Nuer Case)

[576]

Gatbunk married Rink's sister. In the first year of marriage Gatbunk was profoundly shocked because his wife urinated in his cattle-byre.[1] This nearly led to divorce, but the affair was patched up by Rink paying Gatbunk 40 piastres as compensation to 'ease his heart' (*pale bin*). With this money and some of his own, Gatbunk bought a cow which subsequently produced five calves. After five years the marriage was dissolved at Gatbunk's request. Rink then claimed the cow and five calves, which in his opinion were his legal right. Court ruled that Gatbunk had the right to retain only the original cow, while Rink should have the offspring. This ruling was given after considerable argument, and was an obvious compromise. The judgement was reversed on appeal on the grounds that the 40 piastres was paid as compensation for a definite offence committed by the woman, was not part of bridewealth, and was therefore not reclaimable in any form.

Gatbug Luep v. Tutdel Turuk (Nhany Nuer Appeal)

Tutdel was court policeman under Chief Gatbug Lueep. Tutdel subsequently married Gatbug's daughter, but divorced her. All cattle were returned to Tutdel, but Gatbug claimed one cow previously given to Tutdel. Court ruled that the cow had been given to Tutdel as a gift in return for his official and personal services and was not affected by the marital relationship of the two. Gatbug had no claim on the cow. This was confirmed on appeal.

Divorce of Widows living in Levirate Union or 'Widow-Concubinage' (see pp. 78, 81)

Generally speaking, the death of the husband precludes the possibility of dissolution of marriage. A Nuer court will not allow proceedings for a divorce to go through unless the husband is present to state his claims. This applies even when no children have been born of the union previous to the husband's decease or subsequently in levirate union or 'widow-concubinage'.

Can Lueep v. Kolang Col (Leik Nuer Appeal)

Can's personal uncle married Kolang's sister. The uncle then died, and Can took the woman to live with him. Can then claimed a divorce on grounds of the woman's barrenness. Appeal court upheld previous judgement that no dissolution was possible even though the woman had borne no children at all.

Rink Kuor v. Leijor Kuon (Dok Nuer Appeal)

Gumuac Kuor married Leijor's sister. Gumuac died, and Rink took over the woman in levirate union. She then deserted him for another man. The

[1] A breach of good manners and a particularly reprehensible offence because it was done in the cattle-byre (*bath*), which is the exclusive courtyard of the male sex.

8:Howell E, G-5 (1942-1944)1954
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woman had one child. Rick then demanded dissolution of the union but this was refused both in the original court and on appeal. 586 587

I think that Nuer feel that a widow should have a wide choice as to whom she takes as her lover after her husband's death and that, provided the rights of the deceased husband, including the legal status of the children, are recognised, there should be no interference. Dissolution on grounds of barrenness is, however, sometimes accepted, especially if the marriage had not lasted long before the husband's death. The age of the widow is therefore relevant, and it must be remembered that a young and attractive woman is likely to be guarded more closely by her late husband's kinsmen than an older woman. In the first instance physical rights over her are in issue, in the second only domestic and economic rights, and the emphasis is on her ability to produce children to her late husband's name.

In 'ghost-marriage' the position is different. The vicarious husband is regarded as the principal, and if the reasons were sound and acceptable, a Nuer court would undoubtedly allow dissolution. 'Ghost-marriages' are in fact treated in exactly the same way as simple legal marriages.

4. SUMMARY

Based on these principles the law of divorce is rarely disputed, and cases which appear before the courts usually concern specific claims for cattle which have not been honoured. For example, a divorce takes place, and all cattle are returned save two. The wife's people ask for time to find them, and the debt hangs over for a number of years, possibly until the next generation. A dispute may then arise as to whether the cattle were actually paid or not or whether their theoretical increase in the interim should be taken into consideration. Though there are points which are sometimes disputed, Nuer divorce laws, unlike so much of the customary law administered in their courts, can be conveniently summarized: 586

Dissolution of Marriage owing to Death of Wife

(i) A △ marries B ○. B dies before bearing any children to A. A has a right to demand the return of all his cattle paid as bridewealth. Among some tribes he might be expected to leave one cow as 'pay mum (the 'cow of burial') with her family, but this is a ritual payment rather than a specific deduction.

(ii) A △ marries B ○. B dies leaving one child alive. A is entitled to the return of all his cattle, but will usually leave sufficient to retain legal parentehood of the child (*rook nuer* or *rook pumdar*).

(iii) A △ marries B ○. B dies leaving two children. In some tribes B will be said to have fulfilled her procreative obligations, and a dissolution of marriage therefore is unwarranted. In other areas A might expect the return of all his cattle less deductions for the two children.

8:Howell E, G-5 (1942-1944)1954
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Gui appealed on the grounds that he had evidence that Nyundeng had committed adultery with three other men, Koh Col, Ngwen Dim, Tiep Bath, and had done so during the same period as with Gui, and in the absence of Jal. Appeal court accepted this evidence as true. Jal then stated that he did not deny the allegations of Gui, though he had not heard of them before, but the evidence was not relevant to the case. He had claimed *yang hale* only, not full compensation. He admitted Gui was father of the child, and so did Gui. Court upheld previous judgement and ruled that Jal should keep the *yang hale*. 684 837 593

Questioned on the legal issues involved, the court held that if a man has sexual intercourse with a woman who is the legal wife of another, he is liable to pay six head of cattle which include *yang hale*. If she bears a child attributed to the act of the adulterer, five head must be returned, *yang hale* remains. The fact that the woman is proved to have committed adultery with other men, if more than three men are involved, absolves all of them from paying compensation whether a child is born or not, but if one of them is proved to be the father of the child, he must still pay *yang hale*.[1]

Compensation cannot be Claimed more than twice where one Woman is Concerned

It is also generally held that a man cannot claim compensation for adultery with his wife (the same wife) on more than two occasions. After the fulfilment of two claims of this sort, in which he may have received no less than twelve head of cattle, his wife acquires the reputation of being 'loose'. He will certainly not succeed in a claim instigated out of court, and it is extremely unlikely that a Nuer court would uphold his claim. Moreover he may well be suspected of exploiting his wife's physical charms to his own advantage.

Adultery with Widows

When a woman whose husband is dead has sexual relations with a man without the express permission of her husband's legal heirs, damages for adultery may be claimed, but the right is not often exercised. It depends on a variety of circumstances, particularly the age of the woman, for, if she is young and attractive, one of her husband's kinsmen will wish her to live with him. As we have seen, the main object in the minds of the dead husband's kinsmen is that the woman shall bear children to his name, and they are usually prepared to give her a wide choice, provided she does not go to live too far away from them. They will often object if she goes to live with a man whom they have not accepted as her lover (*lual*), and they will also object 684 587

[1] See recent legislation on this subject, p. 167. The idea is a Nuer one, but the constitute is the result of legislation prompted by the Administration.

8:Howell E, G-5 (1942-1944)1954
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if the act of adultery, for it amounts to this in such circumstances, is casual with no permanent basis of cohabitation. In 'widow-concubinage' a stable relationship between the widow's mate and the kinsmen of her husband is naturally desirable. They will expect him to treat them as kinsmen, and between them will arise a relationship which is patterned on kinship. The rights of the husband in his wife are inherited and upheld by his heirs, and they are entitled to compensation for an infringement of these rights.

Tac Nyagh v. Kwainy Ruok

Jugh married Nyabwogh. Jugh died shortly afterwards without issue. Nyabwogh was a young woman, and Tac, as one of Jugh's heirs, wished her to live with him so that he might benefit from her presence in the house, not only as a mate but in carrying out domestic duties. He had no wife himself. Nyabwogh ran off with Kwainy Ruok, who was living in another part of the country. Tac made some effort to persuade her to return to him, but she refused. He then went to court and judgement was given that Kwainy, who was deemed responsible for enticing Nyabwogh away, should pay one cow as *yang hale*. His act was considered to be adultery. Court ordered immediate return of Nyabwogh to Tac.[1]

A case of this sort is not common, and I have no record of a court ordering the payment of compensation in full, only of *yang hale*, although theoretically the deceased's heirs have the right to claim it. In this case Nyabwogh had borne a child to Kwainy Ruok, who, as physiological father, would in any case only be liable to pay *yang hale*.

From these and other cases of the same nature, it is clear that the death of a husband does not theoretically imply a reduction in his legal rights over his wife and her children whoever their physiological father may be, and that these rights are guarded by his heirs. It is also clear that the husband's domestic, economic, and physical rights are not diminished in theory, but whether his heirs will lay strict claim to them depends on a variety of circumstances. If the wife is young, his heirs will be reluctant to let her go, though they do not usually insist on her staying. In any case she is likely to have a wide choice from among his kinsmen. They will also wish to benefit from her domestic and economic activities and, of course, always prefer that she should stay within their community. Even if she goes to a man outside the community, they wish her relations with him to be stable and permanent and, if accepted, he will be drawn to some extent into the field of kinship and become one of them. 'Widow-concubinage' does not imply complete sexual freedom of an indiscriminate kind. At any time the dead

[1] This was not the end of this case. It was subsequently discovered that Nyabwogh had gone off to live with another man, an arrangement made by her brother, who had also illegally accepted three head of cattle, although she was already legally married to Jugh and there had been no return of bridewealth. Finally, the marriage was dissolved, her brother was punished for what is considered a serious wrong, and Kwainy received his cow back again.

8:Howell E, G-S (1942-1944)1954
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husband's heirs may draw attention to their rights in the woman and, if she has relations with a man who is objectionable to them, they may treat the case as one of normal adultery and claim damages. Such cases are nowadays usually taken to court, and the line adopted by its members will again depend on circumstances. They will, however, admit the validity of the claim even though they are not always prepared to enforce it. 684 587

Bang Wic v. Lin Ran (Dok Nuer Court)

Lin Ran committed adultery with the wife of Bang's deceased brother. The case was brought before the Dok court, which judged that no compensation was necessary, 'as the woman is a widow'. This judgement was, however, reversed by the appeal court, and Lin ordered to pay to Bang one cow as young bride.

Adultery and 'Ghost-Marriage'

The same theoretical law applies to 'ghost-marriages', but the attitude is different. A 'ghost-wife' is actually married by a man's heir after his death, and the vicarious husband in this case performs all the ceremonial of marriage as well as operating the transfer of bride-wealth. Except that legal paternity is vested in the person of the deceased, which fact is of greater significance when the children of the union come of age, the union does not differ from a straightforward simple legal marriage. Moreover the vicarious husband, in his capacity of legal heir to the deceased, stands in the same relationship to the woman and the children as her 'ghost-husband'. The only real difference is that the children will link their names in the lineage structure to the latter, and this is a matter of greater importance in posterity than the present. For this reason, the emotional attitude of the vicarious husband to the wife, their relationship, and their life together are indistinguishable from those found in simple legal marriage, and considering the high proportion of 'ghost-marriages' this is not surprising. The woman is usually his own choice, he has courted her, won her, married her, and his relationship is therefore much more intimate and personal than his relationship with his brother's widow. Hence, though a man may overlook an act of adultery with his brother's widow, or the widow of any man to whom he is legal heir, he will certainly not do so in the case of his brother's 'ghost-wife'. The reaction to adultery in 'ghost-marriages' is identical with that found in simple legal marriages, and it is doubtful if a Nuer court would regard the theoretical distinction as relevant to the issue. 684 588

Adultery with the Wives of Kinsmen

The full rate of compensation is usually demanded unless the husband and the adulterer are on exceptionally good terms in other 684 835

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can only do so in a qualified sense. However, it is difficult to construct 588
an adequate terminology to describe every type of Nuer procreative union 768
and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to [775]
Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *goat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man [817]
marries his father's brother's wife they say of him *Ce mar gwandwade pet*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

11:Evans-Pritchard E-5 (1931, 1936) 1945
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rare and of little social importance. I know of no cases at first hand and am therefore unable to vouch for the information given to me and to say what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂-Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂-Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father"). 583 768

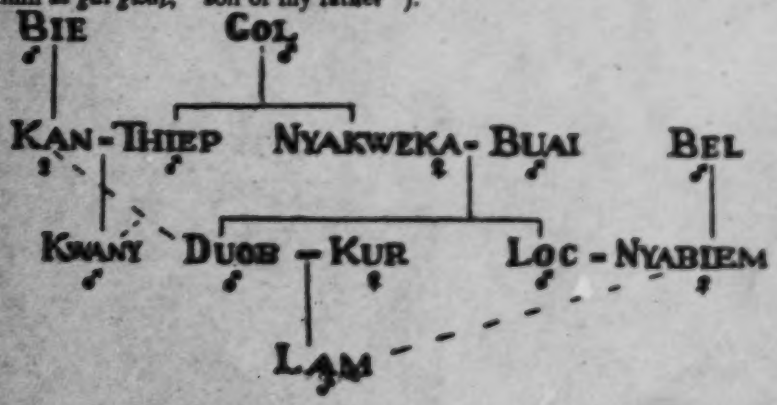

Diagram IV

Another type of procreative union results from the custom of the levirate. When a man marries, his kinsmen provide the bride-cattle and the cattle go to the wife's people and there breed and provide them with food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a 557 588 768 [611]

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587 588 768 woman ought, on the death of her husband, to go to live with one of his brothers, since she was married with the cattle of their kraal. This is not a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kawa*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek doman lath duil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as [184] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 588 593 Leviritic marriage is very different from ghost-marriage as will be seen when we consider the relations between the children and their genitor. It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

587 milks the cows, and performs other domestic services for her sons. If
768 she is dead and her eldest son is married his wife acts as a cook, house-
893 keeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and levirtic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere.
[848] Her husband's people permit her to take this course because all the child-
[617] ren she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle
[586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath cas ka de lony*, "Cattle which have children on their backs cannot be returned".

11:Evans-Pritchard E-5 (1931, 1936) 1945
F322 Nuer F322

The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*ceang gieloa*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Coke, gari bi wa kaw dar kic bi kaw ciang?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cok ne kere wide yar be lar* " *Ghaw gaw ca bi wa kaw gaadh dodow, Me ca gat cuada gar, ba kaw gaikan* ", " A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home' ". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 587 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

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587 dead, so that they may view with equanimity the departure of the widow
768 and her children, having no feelings of close parentage towards the sons
593 and being assured that they will receive whatever bride-wealth is their due
591 on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cak*). If she
[611] determines to live away from her husband's village with a stranger his
kinsmen warn her that any children she may bear are the children of her
husband and that one day they will bring them to their father's home.
Among the Eastern Nuer, only if she does something that deeply offends
[576] them will they divorce her. Among the Western Nuer they may divorce
her if she has not borne her husband two children but how often this is
done I cannot say.

Occasionally, I was told, a man directs (*ang*) from his deathbed that a
certain kinsman is to live with his wife. It is difficult for a woman to defy
[576] such an injunction because Nuer believe that if she does so the ghost of
her husband will haunt her and she will cease to bear children or her
children will die.

587 A widow who lives with a stranger after the death of her husband is
611 called *cak ma lak* and a child born of such a union is called *gat lake*. The
children of a widow wherever they are born, or by whomsoever begotten,
count as children of her dead husband, the man to whom she was married
by payment of cattle, whether she was married to him in his lifetime or
vicariously after his death. If the husband dies, or was already dead
before his marriage, the actual configuration of the household may alter
but the formal structure of the family remains the same. Indeed the
family may never be a group of people with real interrelations because the
husband and the father may have died many years before his marriage to
his wife and the birth of his children. Among Nuer the pater is the
husband to the mother. His legal fatherhood is defined by his status to
the mother of the children and not by his physiological functions.

587 A *cak ma lak* is translated in this paper as "widow-concubine" for she
593 is living simply as a concubine to her lover and he has no legal rights over
her. He cannot compel her to live with him and cannot claim compensa-
tion if she commits adultery. He has no legal control over the children
who can be taken away from him by her husband's kinsmen whenever
they choose to remove them. His position is thus very different from
that of a man living with his dead brother's wife. If she leaves him he
can divorce her and if she commits adultery he can obtain redress. More-
over, he has legal control of the children during their minority and no one
can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-
concubine when the children are born by the concubine to her lover is a
natural family which stands in what is sometimes glaring opposition to
the legal family. The corner-stone of the natural family is the genitor
who is acting as husband and foster-father. The corner-stone of the
legal family is the dead husband and pater. According to circumstances
the position of the genitor in a household of this kind may be precarious
or his relations to members of his natural family may approximate to

11:Evans-Pritchard E-5 (1931, 1936) 1945
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those of a pater towards members of a legal family. It must be emphasised that while the natural family is not a legal family the position of the genitor is socially recognised in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

IV

588

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 893

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FJ22 Nuer FJ22

husband towards them. One can only know by enquiry. In no way is 585
their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried 586
concubine is that a widow-concubine has had cattle paid to her kinsmen 587
and these cattle are still "on her back" (*to ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Kea e cok ne cas ghok lowy jok jaade*, "A *kea* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimatization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a 588
man marries the mother and, by payment of bride-wealth, not only legi- 589
timatizes the child but also any future children whom she may bear by him 595
or by any other man. A *cok ne kea*, an unmarried concubine, then becomes a *cok pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to 588
remain with him. For sometimes a girl becomes a concubine, not through 589
unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *kea* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang rook*, "You will pay a cow" for this action. *Rook* also means to legitimatise a child born of an unmarried concubine. The genitor says *Ca gaide rok*, "I have legitimatised my child by payment of a fee".

558 To describe sexual relations outside the union of marriage Nuer use the
834 verb *kam*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *kam* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lare* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full-brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
● 587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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587 592 Nyawuny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyarich ♀—Cang ♂ by whom he has an unwoomed child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle will be paid to legitimatize Kong ♂.

Karbual's brother, Panyum, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Gokuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

Homestead No. X. Meat ♂—Col ♂. He is unmarried. In his byre lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Biliou ♂—Lam ♂.

592 607 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyalunk ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 588 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Biliou ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 588 [175] *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nyamani ♀, was married by Tang ♂—Karbual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karbual ♂ was begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karbual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he [184] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

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section, whom he has recently wed. She still lives with her parents and 592
has not yet brought the infant daughter she bore Nhial to his home. At 595
one time Nhial cohabited with Nyadeng of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt.

Homestead No. XXIV. Nyadhiar ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of 592
Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she 587
has borne him Gai ♂, Puot ♂, Nyagwur ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol.

Nyadhiar's mother, Nyaloni ♀, a very old Baggara Arab captive, lives [227]
with her.

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and 592
Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kolanga ♂, a Bor woman, and his brothers, Both ♂ and Duoth ♂, and his sister, Nyalish ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No. XXVI).

Homestead No. XXVI. Nyakuak ♀—Yoah ♂, widow of Dit ♂—Bicuk 592
♂, to whom she bore Rwot ♂, Yengdeah ♀, Nyakur ♀, Nyampath ♀, and 588
Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyadeath ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year.

The information collected about matrimonial conditions at Nyueny is 583
not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyandol ♀—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column.

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

1:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

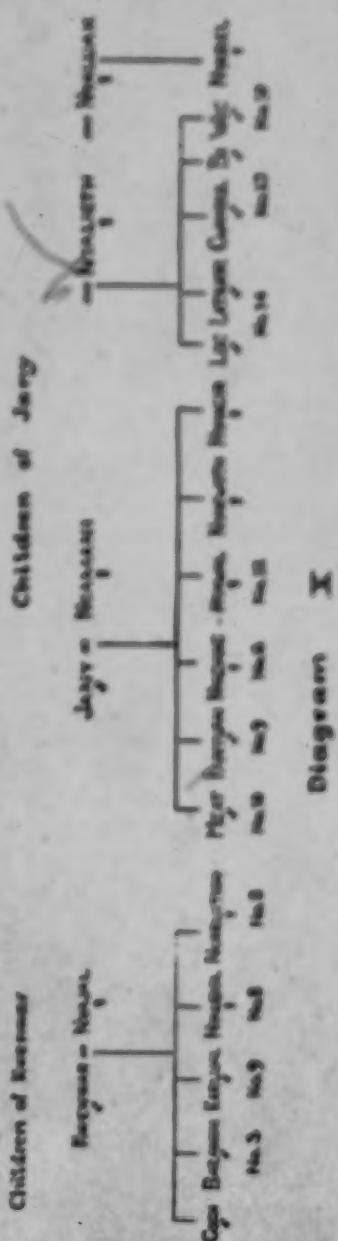
Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *get laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

•587 she was an unmarried concubine.
688 By her Jany ♂ begat Karlual ♂,
428 Gogh ♂, Baranyai ♂, Nyaudul ♀,
595 and Nyaruithni ♀. Jany also married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyoan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatise the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Cae kuen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilicu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.



11:Evans-Pritchard E-S (1931, 1936) 1945
FJ22 Nuer FJ22

In the case of Nyajel there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajel's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajel remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 425 595

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajel's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyaach lak*). 587 588 428 595 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

11:Evans-Pritchard E-S (1931, 1936) 1945
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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kee waa gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwandol, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*ciempic*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

U:Evans-Pritchard E-5 (1931,1936) 1945
F322 Nuer F322

will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there".

If Barenyai ♂ departs Karbul ♂ will certainly accompany him and will take his son, Yang ♂, with him. His other son, Goi ♂, would like to accompany them but he is looking after the herd of his sister, Nyarothai ♀ and, although she is a daughter of Kwerewer, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Goi will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwerewer so much so that Karbul could tell me the antecedents of Jany in full whereas he knew very few of the antecedents of Kwerewer yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwerewer wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwerewer close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surviving kinsmen of Kwerewer were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Jusk clan as their own people.

While Barenyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Barenyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

11:Evans-Pritchard E-5 (1931, 1938) 1945
FJ22 Nuer FJ22

587 mother. I expect that if Baranyi moves Gaduk will accompany him
588 but that, if Baranyi does not return to Nyueny, Gaduk will one day by
himself.

928 Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayen ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyum will largely depend on the attitude of their mother. Also in Gaduk's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

ll:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

a kind of kinship. Very often when a man has no legal children of his own he will join his natural children in their pater's village, as it is suggested that Juan will do and as Lusk, the father of Rainon and Del (Homestead No. VI), did. 587 588 428

A youth often asks his natural father for a gift. In fact *liow*, the begging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuang*) but a privilege by an appeal to affection (*liow*). 593

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyuenyi in honour of the ghost of Yosh (Homestead No. VIII), Del sacrificed a goat. Del was a natural son of Lusk who was related to Yosh.

XI

Something has been said about the relations between sons and "fathers" in simple legal marriage, in ghost-marriage, in leviritic marriage, and in widow-concubinage. It remains to say a few words about the relations between a *gat kraka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat kraka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyon country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons." 588 593

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat kraka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Meat ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Meat ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the 611 551

11:Evans-Pritchard E-5 (1931,1936) 1945
FJ22 Nuer FJ22

589 village are given matronymics instead of patronymics. Thus at Nyueny
591 one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀
611 instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
551 villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he is fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

families; it is only in question of descent and inheritance that the difference is seen. It is the dead pater's name which will survive in genealogies. 588 [611]

Ghost marriages are arranged on behalf of brother, paternal uncles, maternal uncles and fathers (i.e. physiological fathers who are not also paters). A man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would be both vicarious husband to the woman and her father-in-law. A man never marries a woman to the name of his father's father or his mother's father since that was the duty of their sons. Only a kinsman takes a wife to the name of a dead man. Occasionally a woman marries someone to the name of a dead kinsman, and the wife so married would cohabit with a stranger to raise up children for the ghost.(1)

2. *The Levirate.* When a husband dies, the children his wife may subsequently bear are still counted as the children of the dead man. It is held that the woman should live with one of the dead man's brothers for she was married with the cattle of their kraal. Whoever inherits the widow does not marry her; she is still the wife of the dead man, and the man with whom she lives merely acts as genitor. Children born of the union regard themselves as their pater's family and inherit from him and not from their genitor. Leviratic marriage is different from ghost marriage. In ghost marriage bridewealth is paid and the marriage rites are performed by the vicarious husband; in leviratic marriage the husband has already performed these actions and the brother or other male kinsman inheriting the widow merely enters, as pro-husband, a family already in being.(2) 587 611

Tradition, threat of divorce and social pressure, all persuade a young widow to live with her husband's brother or with a son by a co-wife. She has a certain amount of choice among the relatives available. If she prefers to go and live with lovers and to 'give birth in the bush', all children born are counted as those of her dead husband, and his lineage has legal rights over them. Some widows return to their parents' village and live with a man there.

3. *Widow Concubinage.* A widow living with a stranger after the death of her husband, is called a *cek ac lak* (widow concubine).(3) Her lover has no legal rights over her and cannot compel her to stay with him, nor has he any legal control over children born of the union. A man, a widow concubine and their children form a natural, as opposed to a legal, family, and the position of the genitor, though precarious, is acknowledged socially in several ways. 587

4. *Unmarried Concubinage.* A child of an unmarried woman has no pater but his genitor may become his pater on payment of a fee of 4 to 6 cattle to legitimise him. If the fee is not paid, the child belongs to the mother's lineage, and any man whom the mother cares to live with for the time being is regarded as his foster father. In certain respects the status 848 [611] 000

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.318.
(2) Evans-Pritchard, *op.cit.*, 1938, p.320.
(3) *Ibid.*, p.325.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage. 613 768 551

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him '*gat* so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name. 587 611 551 768 588 551 611 768

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*, 551 768 583

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

2:Evans-Pritchard E-5 (1931,1936) 1951
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588 Another factor which has certainly had some influence in bringing about attachments of outsiders to groups of agnatic kin other than their own is the custom of concubinage, the different [591] forms of which I describe in detail later. It is a very common practice for widows to leave their dead husbands' homes and to take lovers in the villages of their parents, or to go to reside in the [593] villages of their lovers. When they do so they take their young children with them, and though the sons almost invariably return to their paternal homes before initiation, they have grown up in the homes of their maternal kinsmen, or of their foster fathers' kin, and may have so strong an affection for them that they later return to reside with them, at any rate for a time, when they are married men and their own masters.

Widows, whether living in their maternal villages or in their dead husbands' villages, attract lovers, sometimes from the village, sometimes from a neighbouring village. In either case a new social tie is established, and the lovers may continue to cohabit with the widows as members of their communities for long periods and nurture the children they beget by them. A poor man is only too glad to obtain a housekeeper and mate without expense by means of either widow-concubinage or unmarried concubinage, and if he is an unadopted Dinka he may remain with the concubine and his children by her.

There are in Nuerland a considerable number of unmarried concubines. The sons they bear to lovers become the legal children of these lovers by payment of cattle, but they do not feel so securely attached to the homes of their fathers as do children born of the union of marriage, and there is a tendency for sons of the same woman by different fathers to stick together, usually wherever their mother may be, especially if the fathers are dead or if they do not possess large herds.

591 There are two other facts to be taken into consideration. Among Nuer it is not uncommon for a man to make his home among his wife's people, though in my experience a true Nuer usually returns to his own people eventually. As I have explained, sons-in-law who live with their wives' people are often Dinka, and Dinka are likely to remain with their affines, as they may have no kin of their own to return to; but one also finds Nuer in the same position. These may be persons who for one reason or another prefer to live apart from their paternal kin, or they may be poor men who cannot afford to pay the full bridewealth, part of which is forgone by the

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'gaatnara', 'sons of my maternal uncle', though in the usual Nuer fashion they all addressed each other as *'demar'*, 'my mother's son'. Later Tiop brought to live at Mancom his legal *wac*, his pater's sister, also called Kur, from Lak tribal country. This Kur had a daughter called Buk who had married a husband, Ghuth, and had borne him a daughter, Nyangaagh, before leaving him on account of ill treatment to go to live in the country of the Luac Dinka from which her mother's people had originally come. There she lived as concubine to Deng Wol, to whom she bore a daughter and two sons. All efforts by her husband to secure her return failed, and though he seized Nyangaagh and brought her back to his home she ran away and returned to her mother. Later, in a year of famine, Tiop's brother Gac brought Kur and her daughter Buk and Buk's children to live at Mancom. Ghuth contented himself by taking the cattle on the father's side on the marriages of Buk's daughters. 601

The eldest of them, Nyangaagh, was married by a woman, Jaak-Lim, to the name of her dead brother. The father of Jaak-Lim had two daughters at the time of his death, Buk and Nyanthal. His widow became concubine to Leau-Maleagh, to whom she bore a third daughter Jaak who, as already stated, married Nyangaagh, Tiop's *nyanyawac*, paternal aunt's daughter's daughter. Jaak had herself been previously married to Luak-Tot and had borne him two children before his death. She called in Nyok, the son of her genitor, to give her, or rather to give her dead brother, children by Nyangaagh.

It will thus be seen that to Tiop and his brothers the immediate and intimate circle of kinsmen among whom they live and share their daily experience are the clusters of kin around their paternal aunt Kur and Tiop's natural paternal aunt of the same name. It is for this reason that in giving me the connexions of his family Tiop always stressed the female links which united him to those around him and neglected the names of the husbands of these women, for they had little interest for him. ?

The genealogical chart of Tiop's immediate social milieu[1] contains examples of several different types of union other than matrimony in the ordinary sense, ghost-marriage, widow-concubinage, woman-marriage, and a variety of unmarried concubinage, and will serve as a starting-point for an examination of these diverse unions which have so important a place in the social life of the Nuer. 601 588

[1] [cf. cat. 116, p. 105 -- Analyst]

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MARRIAGE

581 The ordinary Nuer marriage is a union such as we understand matrimony to be in our own civilization, with this difference perhaps, that the Nuer do not consider the union to be complete till a child is born to it. As we have seen, a Nuer union of this kind is instituted by payment of cattle and the performance of nuptial ceremonies. It is to this type of union that I refer when I speak of marriage without qualifications; and when I use the word family in an unqualified sense I refer to the partners to such a union and the children born to the wife in the union (but not necessarily begotten by the husband). However, since the terms marriage and family are also used in this book in a qualified sense to refer to other unions and groups, I sometimes speak of a simple legal marriage and a simple legal family to avoid confusion or to point a contrast.

595 When a man marries two or more women there results a complex legal family, which we call a polygamous family, in which are comprised several simple legal marriages with the male partner the same in all of them. I discuss some of the features of polygamous marriages and families in the following chapter.† They present no immediate difficulties.

●588 What seems to us, but not at all to Nuer, a somewhat strange union is that in which a woman marries another woman and counts as the pater of the children born of the wife. Such marriages are by no means uncommon in Nuerland, and they must be regarded as a form of simple legal marriage, for the woman-husband marries her wife in exactly the same way as a man marries a woman. When the marriage rites have been completed the husband gets a male kinsman or friend or neighbour, sometimes a poor Dinka, to beget children by her wife and to assist, regularly or when assistance is particularly required, in those tasks of the home for the carrying out of which a man is necessary. When the daughters of the marriage are married he will receive for each a 'cow of the begetting' and more beasts if he has played any considerable part in the maintenance of the home. We may perhaps refer to this kind of union as woman-marriage.

A woman who marries in this way is generally barren, and for this reason counts in some respects as a man. She acquires cattle through the marriages of kinswomen, including some of those due to uncles on the marriage of a niece, or by inheritance, since she counts as a man in these matters. A barren woman also often

†[cf. cat. 116, pp. 127 ff. -- Analyst]

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practises as a magician or diviner and thereby acquires further cattle; and if she is rich she may marry several wives. She is their legal husband and can demand damages if they have relations with men without her consent. She is also the pater of their children, and on the marriages of their daughters she receives 'the cattle of the father', and her brothers and sisters receive the other cattle which go to the father's side in the distribution of bridewealth. Her children are called after her, as though she were a man, and I was told that they address her as 'father'. She administers her home and herd as a man would do, being treated by her wives and children with the deference they would show to a male husband and father. 588

A very common feature of Nuer social life is a union I have called ghost-marriage. If a man dies without legal male heirs, a kinsman of his or the succeeding generation—brother, natural son, paternal nephew, or, where a man has, in the absence of lineal heirs, inherited cattle from his mother's brother, sister's son—ought to take a wife to his name.

Except in the case of a barren woman and in the special circumstances and manner mentioned on page 16, where it might be said that in a sense she does so, a daughter does not carry on the lineage of her father. She becomes one of her husband's people and her children belong to his lineage. Hence Nuer say: '*Nyal, mo ram me gwagh*', 'A daughter, that is an unrelated person.' As the Roman lawyers put it, she is *finis familiae*, the terminus of the family. But a man's name must continue in his lineage, and Nuer consider it very wrong if a man who dies without male heirs is not married a wife by a kinsman who will raise up seed to him by her so that he will be remembered in his sons. This is a most elementary obligation of kinship, and if it is neglected the dead man's ghost may haunt his kin. 611

In speaking of these ghost-marriages Nuer say, for example, that '*ce deman kwen ciek*', 'he–his brother–married–wife' ('he married his brother a wife'). This is a clumsy and ambiguous expression in English, so I shall speak of a man marrying a wife to the name of a dead kinsman, it being understood that it is not he, but the dead man, who is the legal husband. Nuer also speak of a man 'kindling the fire' of his dead kinsman, a euphemism for raising up seed to him. 588

This is a vicarious marriage, the vicarious husband acting as

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●588 though he were the true husband in the marriage ceremonies and afterwards in cohabitation and domestic life. In all but the strict legal sense he counts as husband and father in the family. He has the same legal rights over the wife as her husband would have were he alive, and he exercises the same authority over the children when they are minors as their pater would do. While the children are small, at any rate, one cannot observe any difference in sentiment and behaviour between a ghost-family and a simple legal family. It is only when the sons grow up that their connexion with their pater becomes significant. In everyday usage people speak of the living man as though he were the true husband and father, so that it is only by inquiring that one discovers the name of the true husband. The name of the pater looms larger when the children grow up, and Nuer told me that it is his name which finally survives in the genealogy of the lineage; but when the pater and the genitor are agnatic kin it is by reference to the name of the genitor that the children will be addressed, except in certain legal and ceremonial situations when it is desired to indicate their correct genealogical position. A child always knows the name of his pater.

Nevertheless, the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bridewealth was paid and the ritual of matrimony was performed. The woman is *ciekjooka*, the wife of a ghost, and her children are *gaatjooka*, children of a ghost. The family that develops out of a ghost-marriage may be called a ghost-family in acknowledgement of the ghostly status of the pater of the children. It consists of a ghost, his wife, his children born in the union of marriage, and the kinsman who begat these children and acts as father to them. It is a variety of the simple legal family, which is contained in its structure. This is why, Nuer say, a man may not marry a wife to the name of a kinsman of a younger generation, for such a marriage would mean that the wife would cohabit with a man who was her father-in-law.

These ghost-marriages must be almost as numerous as simple legal marriages. Not only do many youths die before marriage but for one reason or another married men do not always have male heirs. A man's wife may bear him only daughters or her sons may die before marriage. In this last eventuality, his kinsmen must raise up seed not only to him but to his sons also, unless they died in childhood. A very common circumstance is that a man takes a

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wife to the name of a dead kinsman and is unable later to marry a wife in his own right, for, seeing that he enjoys the material benefits of marriage, his younger brothers must be allowed to marry from the family herd before he can contract a second, and legal, marriage. If he is ever rich enough to marry again he may feel that he must forgo the privilege in the interests of the sons he has raised up to his dead kinsman. He thus dies legally childless and it will be the duty of one of these sons to marry a wife to his name. In a case of this kind, it is more than ever incumbent on his sons to marry a wife to his name because he has died in possession of cattle. These cattle, *ghok jookni*, cattle of the ghosts, are sacred and in the special circumstances ought not to be used for any purpose other than marrying a wife to the name of their dead owner. When Nuer raid a herd to seize cattle in compensation for some injury they will not take cattle reserved for the marriage of a ghost.

Except in the circumstances I have just related, it is usually a younger brother who marries a wife to the dead. As brothers marry in order of seniority, it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry in his name. However, if the next brother is only a paternal half-brother they are likely to leave the pious obligation to a full brother who is yet younger.

The custom of marrying a wife to the name of a dead man makes obvious complications in the kinship system of the Nuer, for a child of the union is both a son of the man who is in the place of his pater and, in virtue of his attachment to his pater, stands also to him in a different relationship: father's brother's son, brother, brother's son, or maternal uncle's son.

A further complication arises when, as occasionally happens, a woman marries a wife to the name of a dead kinsman, usually of a dead uterine brother. It is said: *'Ce rode kwen ciek, ciek thok dwiel man'*, 'She has taken a wife to herself, a wife for the hut of her mother', that is to say, for her uterine brother. The persons involved in a marriage of this kind are the dead man, his kinswoman who marries a wife to his name, the wife, and the man who is brought in to cohabit with the wife. A woman may instead marry a wife herself and instruct the son of this marriage to marry a wife, when he grows up, for her brother (his paternal uncle, since the sister is his pater).

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588 Yet more rarely a man marries a wife to the name of a dead sister or other kinswoman who was barren in her life, 'for she then counts as a man'. This is perhaps only done when the dead woman's ghost causes sickness to draw attention to her unhappy condition. The children are called after their female pater, and her brother, who has married their mother to her name, counts as their paternal uncle, 'for his sister has become his brother'. On the marriage of the daughters he gets the cattle due to a paternal uncle. It seems that he must not cohabit with the wife himself, because in these circumstances 'your wife is like your sister' (she stands in the place of your sister), but must arrange for a stranger, perhaps a Dinka, to cohabit with her in the hut he builds for her in his homestead.

587 Another type of union, and one that might be expected in a society which has ghost-marriage, is the levirate. Among many African peoples a widow is inherited by her dead husband's brother or son and becomes his wife. This is not the case among the Nuer. With them the bonds of marriage are not severed at death. The widow remains the wife of her dead husband, and any children she may bear after his death, by whomsoever they are begotten, count as his children. Hence Nuer never allow one to use the word *kwen*, to marry, in reference to the taking of a deceased brother's wife. They themselves usually say of the brother that *'ce ciekdeman lath dwil'*, 'he has provided his brother's wife with a hut'. She is still the wife of her dead husband and therefore cannot be remarried. Indeed, I found great difficulty in making the Nuer understand that in our country it is possible for a widow to remarry.

The levir is normally a brother, and a brother is the most approved substitute for the dead man. If a young man dies his sons would not be old enough to take his widow, and he is most unlikely in any case to have another wife than their mother. When an old man with several wives dies, the wives, being as a rule senior women, may be past child-bearing and therefore wish to live with their children, or they may prefer to lead an independent life with lovers than to live with a kinsman of the husband. It is only when an old man dies who has lately married a young wife, who has not yet borne a child or has borne a single child, that a son takes his father's wife. By this time all the father's brothers will have married; and it was probably understood at the time of the old

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589 lovers, so that, as we have earlier noted, it often comes about that children are brought up among their maternal kin. Many widows neither remain for long in the homes of their dead husbands nor in the homes of their own kinsfolk, but after a while go to live with lovers, sometimes in different districts and even in different tribal areas. Relations between a widow and her lover tend to be unstable, and she often abandons one lover to take another. She may wander from place to place. If her children by her husband are small she takes them with her, so during childhood they are members of the households of her lovers, who act as their foster-fathers. Thus a widow may go to live with a lover accompanied by children begotten both by her husband and by former lovers. Some old widows, long past child-bearing, live with men to cook for them, the man having no wife and the widow no adult children to look after her.

588 When a widow lives with a man who is not of her husband's kin we have a different kind of union to that of leviratic marriage. Indeed, it cannot be regarded as marriage in any sense, but must be regarded as a form of concubinage. I call it widow-concubinage. A widow-concubine—that is to say, a widow who takes a stranger for a lover—is called in Nuer a *ciek mɑ lak*, and a child of such a union is called a *gat laka*, a child of concubinage. The structure of the original simple legal family remains unimpaired, however much the configuration of the household may change: it consists throughout of the wife, the husband who married her with cattle, and the children of the wife. Whoever begets these children, their pater is the husband of their mother. The *concubinus* does not stand in the place of the husband and has therefore no authority over the wife. He cannot compel her to live with him—she goes from man to man or has a succession of lovers in her own home as she feels inclined—and he has no redress if she has relations with other men while she is living with him. His position is thus very different from that of a man living in leviratic marriage. Likewise, he has no legal control over the children, who can be taken away from him by the kin of their pater whenever they choose to remove them. He is only their genitor, and his sole right in them lies in the obligation of their paternal kin to pay him a 'cow of the begetting' when each of his natural daughters by the widow is married. His position in this respect also is very different from that of a levir. A brother stands in the place of the pater, a lover

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does not. Consequently the group that results from the union of widow-concubinage, when children are born of it, must be regarded as a natural family and not, as in the cases we have hitherto been considering, a variant of the legal family.

There is another kind of domestic union to which I must allude in this place, because it corresponds to widow-concubinage in all respects but one: that the wife is not a widow. A man marries a wife who for some reason is not content to remain with him after she has borne him a child, and she leaves him. Her family are not prepared to pay back to the husband's people the cattle they have received from them, either because they cannot do so or because they consider that the breach is the husband's fault and not their responsibility. They tell the husband to let their daughter bear him children 'in the bush'. He may then have to acquiesce in his wife living with another man in some distant village. He is in any case the pater of any children she may bear to other men. She is still his wife, since his cattle are 'on her back', but nevertheless he cannot claim compensation for adultery, for she is living apart from him in circumstances which may not have his approval but which he has perforce to accept. The union between his wife and her lover can be classed as a variety of widow-concubinage, though Nuer tend to speak of her as a simple concubine.

In all the forms of union I have so far described—simple legal marriage, woman-marriage, ghost-marriage, leviratic marriage, and widow-concubinage—the woman is always legally married and all her children belong in virtue of her marriage to her husband's lineage. I now describe a type of union in which the mother is not married to any man, and which may perhaps be called unmarried concubinage or simple concubinage. A girl is dissatisfied with the man to whom she has been espoused and provokes a divorce, if such it can be called, before she has borne a child. This may happen a second time with a second husband, and her parents, finding that they cannot control their daughter, let her do as she pleases. This may mean allowing her to live with a man of whom she is fond but who cannot, or will not, marry her with cattle. Other women of this category are those who have borne children while maidens and have never afterwards been married. An unmarried concubine is called by Nuer a *ciek ma keagh*, and a child by her is known as a *gat keaka*. Their definition of her status is that 'she has no cattle on her back'. 'A *keagh* is a woman

588 from whose back cattle have been returned.' Either the cattle paid for her have been sent back to her husband's people or she was not at any time married with cattle. These concubines often spend a few years with one lover and then a few years with another. They move from village to village, taking their infants with them. I found unmarried mothers in every Nuer village where I made inquiries; and I have known an unmarried concubine bear eight children by as many as seven different men.

Those unmarried concubines whom I have known personally have been women of strong character who valued their independence and did not desire matrimony. Nuer recognize that they are temperamentally unfit for normal married life and are unlikely to [848] settle down till they are old. Their behaviour is not stigmatized as immoral, but they are not so highly esteemed as wives and in a quarrel their children may suffer the reproach of bastardy. Also, an unmarried concubine cannot expect the same support from her kinsmen in domestic disputes as a wife can expect. What a wife can demand as a right, a concubine can only ask as a privilege. It does not follow that a man treats a concubine differently to a wife, and one cannot know in a household who is wife and who is concubine by bare observation of behaviour. Indeed, a man may treat a concubine with more consideration than a wife, for he has only what control over her his personal influence gives him. He cannot claim compensation should she be unfaithful to him, and he cannot restrain her should she wish to leave him for a new lover.

588 848 He has, however, undisputed right to legitimatize any children she may bear him by paying for each child a fee of from four to six head of cattle to her parents—they are not divided among the kin. This fee (*ruok*) is not bridewealth. It gives him no rights in the woman nor in any further children she may bear to him or to other men. Children born of a concubine by different men become in consequence members of different lineages. If a concubine leaves one lover to live with another she takes her small children by the first with her to the second, but they will eventually be claimed by the man who by payment of cattle is their pater. By payment of a fee the genitor becomes the pater also.

588 It is, of course, possible for a man to legitimatize his union with a concubine by payment of bridewealth, but though he will almost invariably legitimatize his children, he is seldom eager to marry their mother, because experience has taught Nuer that a woman

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who leaves one man is likely to leave another. However, some 588
women become concubines through misfortune, and not by choice, and are not unsuited or averse to the married state. A girl becomes pregnant in courtship and her swain has no cattle with which to marry her, or a young mother, unhappy when she comes to live in her husband's home, runs away from him and her bridewealth is returned. In such circumstances a lover may well be prepared to pay bridewealth for her, though fewer cattle than he would pay for a maiden, and to go through the nuptial rites with her, so that he may have full legal rights in her and in all children she has borne or may bear to him or to any other man. The *ciek ma keagh*, unmarried concubine, then becomes *ciek pany*, a true wife. It sometimes happens too that a youth makes a girl pregnant and would like to marry her but has insufficient cattle. He pays what cattle he can get together, and the girl's people let him take her on the promise that he will pay the rest when he is able to do so; but they refuse to solemnize the marriage, so she is regarded as a sort of concubine. The marriage rites may not be performed till years afterwards, sometimes not till just before the marriage of her eldest daughter. Then the wedding dance is held and the cattle are blessed to make an honest woman of her, as we would say. Till then she can only be described as half-concubine, half-wife.

We may perhaps speak of an unmarried woman, the man with 588
whom she lives, and the children she bears to him in his home as 594
a simple natural family in contrast to a simple legal family. We cannot deny that this group is some kind of family, for its members live together in a common household on the pattern of a simple legal family, at any rate for some years. But whereas in the simple legal family the tie between pater and child is derived from the tie between husband and wife created by payment of bridewealth, in the simple natural family it is a direct tie created by payment of cattle for the child and not for the mother. We may compare the simple natural family also with the kind of family that springs from widow-concubinage. This last is a complex group in that the woman and the children she bears to her lover belong not only to the natural family of a man, his mate, and their children, but to a different, and legal, family as well. The genitor can never pay a fee to become pater of his natural children. When a man begets children by an unmarried woman there is no

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588 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

837 It is adultery if a man has relations with another man's wife, including ghost-wives and leviratic wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter light-heartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

582 624 For completeness it must be mentioned that a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

582 The exogamous rules I have recorded above can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in
582 the breach of them. Thus I have known of a peculiar marriage
● 588 into the clan in which, on the day of the wedding, tribute was

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

INCEST

It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

8:Howell E, G-5 (1942-1944)1954
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'Ghost-Marriage'

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It is an accepted rule among the Nuer that if a man dies before he is married or dies without male issue one of his kinsmen, often his brother, must marry to him a wife. This is one of the strongest mutual obligations of kinship.[1] It is considered essential that a man should have an heir who can carry on his name and 'keep it green' in order to further the interests of the lineage in posterity. To die without male issue amounts to oblivion. Female children do not count since their offspring belong to their husbands' lineages, as in any patrilineal society.

This obligation of kinship is nearly always carried out when sufficient cattle are available. Failure to observe the obligation would mean restlessness on the part of the dead man's spirit, who would bring evil (*cien*)[2] upon his kinsmen.

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The main characteristics of 'ghost-marriage' are as follows:

(1) It is the dead man, to whose name the wife is married, who is considered the legal father of the children. The ritual processes of marriage are performed in his name, and the bridewealth is paid on his behalf. Therefore, while he is not the physiological father of the children, he is their legal father, and it is from his name that they trace their descent.

(2) The man who marries a wife to the name of his dead kinsman is father in all roles and is in every respect the husband of the woman except in the strictly legal sense.

(3) The physiological father fulfils all the domestic duties of husband and father. In this respect the characteristics are the same as in a normal legal union, and it is only by enquiry that his true legal status can be discovered.

(4) On enquiry, though not in normal circumstances, the wife will be called *ciek jooka*, 'ghost-wife', and the children will be called *gaat jooka*, 'children of a ghost'.

(5) Since the husband is a substitute for his dead kinsman and performs all ritual and domestic obligations on his behalf, the features of a simple legal marriage are found in the structure of this form of union.

(6) The behaviour and obligations of the pro-husband are indistinguishable from those of a man who is both legal and physiological husband and father.

For purpose of definition, the legal father of children will be referred to as *pater* and the physiological father as *genitor*. The difference therefore between a simple legal family and a 'ghost family' is that

[1] The Nuer expression is '*ce deman kwen ciek*', lit. 'he his brother married a wife'.
[2] *Cien:* A spirit which haunts or is restless. See also under Homicide, p. 60, n. 1.

8:Howell E. G-5 (1942-1944)1954
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the former consists of a man who is both *pater* and *genitor*, a wife, and the children born of that wife, while the latter consists of a 'ghostly husband', who is the *pater* and legal husband, a vicarious husband who is the *genitor*, a wife and the children borne by her.

Since mortality among males is high[1] 'ghost-marriage' is extremely common and, in an analysis of the marital unions of Nuer, will be found nearly, if not quite, as common as simple legal marriage.

Categories of Persons on whose behalf 'Ghost-Marriages' are made

(1) As a general rule, the system is not usually carried back more than one generation. A man would not marry a wife for his grandfather or grand-uncle. It was the duty of his father or uncles to do so.

(2) Kinsmen for whom a wife may be married are: brothers, paternal uncles, maternal uncles, and fathers.[2] The system, except in the case of brothers, is not usually reversible. That is to say, a man would not marry a wife to the name of his son because he would then assume the status of both husband and father-in-law to the wife, which would be incestuous. A man may marry his maternal uncle a wife, but a maternal uncle would not marry his sister's son a wife.

(3) Only kinsmen are expected to marry a wife to the name of a dead man.

(4) In exceptional cases a wife is married to the name of a female relative, but usually only in the case of barren women, who are counted as men and provide a link in the paternal line.

(5) An old woman, especially if she has no paternal relatives living and has the cattle required, will marry a woman to the name of one of them in order to reopen the line. She will invite some unrelated male to act as husband and as *genitor* of the children. In this case the legal husband will be the dead kinsman, whose interests will be guarded by the woman. Sometimes a woman will marry a wife to the name of her dead husband if she has no children and is herself beyond the age of child-bearing. She will do this if she has cattle which are legally the property of her dead husband and there are no heirs in the paternal line to whom they would normally pass.

(6) Sometimes an old man, or one who is impotent, will marry a wife to himself and invite another man to act as *genitor*. This is not

[1] The rule applies also to males who die even before they reach marriageable age. An infant is sometimes regarded as a personality in the lineage structure, but not usually before it has cut its second teeth. If it dies before that event, it may be buried without the normal mortuary ceremonies, in which case its name will not continue. After that age it is of more significance in the lineage and 'ghost-wives' are sometimes married to the names of small boys, but usually in a later generation when the boy (whose age on death is no longer remembered) becomes a paternal uncle.

[2] A son will sometimes marry a wife to the name of his father if it is considered that his father had insufficient male issue.

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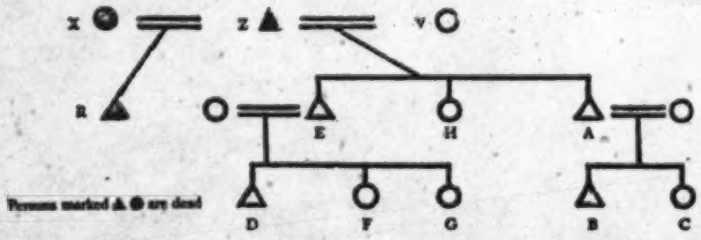
588 842 'ghost-marriage', because the legal husband is still living, but the functions of the *pater* and the *genitor* are similar to those found in 'ghost-marriage'.

'Ghost-Marriage' and Bridewealth

588 Although 'ghost-marriage' is an obligation of kinship, it is obvious that not all men who die without issue are honoured in this fashion. There are too many considerations to make generalization possible, but it seems that the first consideration is the configuration of the lineage. If it is ill-balanced and there are many categories of relatives who simply do not exist, this must be remedied. It is ill-balanced if, for example, a man has no half-brothers or uterine brothers or persons who will be paternal uncles to his children. This links with the second consideration, which is the number of cattle available for bridewealth, for in many cases a man will, on the marriage of a daughter of the house, receive portions which should have gone to some recognized kinsman who is dead or never existed. This will be more easily understood when the principles which govern the distribution of bridewealth have been mastered. The reader should refer to Section 5 of this chapter. For example:



A's father, Z, had two sons E and A by his wife Y. He had one son R by his other wife X. R died without issue. R could have claimed cattle on the marriage of his half-sister H (as *deman kwi gwande*: paternal half-brother), and he might have expected at least some of the cattle which went to his father Z in this marriage (the *ghok gwande*: father's cattle) because it is usual for the major part of this portion of bridewealth to go to the bride's half-brother, i.e. brother by another mother. Again, on the marriages of F, G, and C, he (or his heirs if he had any) might expect the portions called *ghok gwanlen gwande*, 'the cattle of the father's brother by another mother'. Since R is dead and has no heirs, all these cattle must go to A and his brother E or their heirs. They have therefore obtained a number of cattle which would not otherwise have been at their disposal, and one of them, assisted by the other, will marry a wife to Z, their father, so that there will eventually be a collateral lineage descending from him

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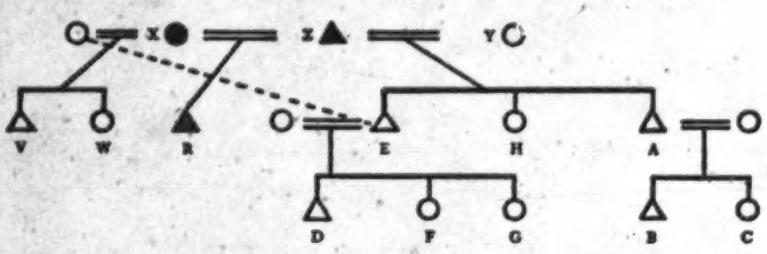
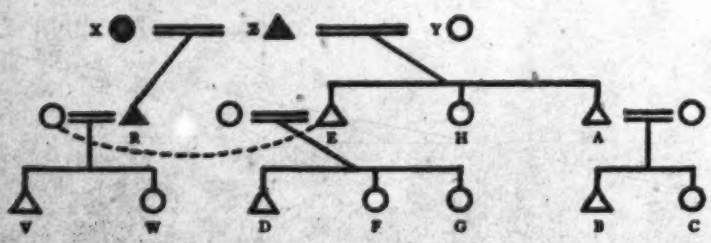
—the lineage which would have sprung from R had he lived. The configuration will then become: 588



In the initial stages the relations of E (who has married a 'ghost-wife' to his father Z) with V and W will be indistinguishable from his relations with his own children, even though V and W are technically his father's children (*gaat gwan*), and therefore theoretically of his own generation. In normal circumstances he will refer to them as his own children, but their rights in the bridewealth of future marriages will be determined by their legal status in the lineage. The disparity in age will disappear in the next generation. A much more likely alternative, since it will avoid any confusion in status, is for E to marry a wife to R. In these circumstances children born of the 'ghost-marriage' will be legally R's, and hence brother's sons to E and A, and father's brother's sons to their children (*gaat gwanlen*), and therefore no confusion of status or generations will arise. It is also more usual to marry a wife to the brother (rather than the father), because the father already has heirs and ultimately the configuration of the lineage descending from him will be the same. In this case the immediate configuration will be:



It is very unusual for a man to marry a wife in the name of his grandfather or a kinsman of his grandfather's generation because, unless there are many gaps in the lineage, descendants will be too far removed in the lineage structure for there to be a proper reciprocal interchange of bridewealth claims in subsequent generations; e.g. C marries X to his grandfather A. D, son of C, is too far

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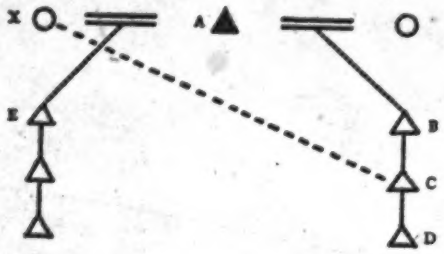
588 removed from E (his father's father's father's son) for there to be any interchange.



The reader will realize that many possible configurations may result. As a general rule the object is to create two balanced branches of a lineage descending from the sons of one father: sons of one mother or of different mothers, but with a common father. (As an actual example, see the marriage of Deng Rea to Nyalam Dhor, p. 120.)

The Levirate

587 Bridewealth cattle are not collected by the individual efforts of one man; certain categories of kinsmen co-operate and assist him to get married. Moreover many cattle are held in trust by the family, particularly those inherited by brothers. It is not the legal husband alone who benefits from the domestic and economic services of his wife, and though the children link themselves directly to his name, they are part of the lineage to which he belongs, and his brothers are equally anxious that his offspring shall swell the numbers of their patrilineal group. Therefore, if a man dies, his widow is expected to continue bearing children to his name. Theoretically also she is expected to remain in the vicinity of his near kinsmen and to assist them in normal domestic and economic activities. For both these reasons it is desirable that she should live with one of his brothers or, in certain circumstances, with other categories of kinsmen. The union of a widow with her husband's kinsman does not constitute a remarriage or a 'ghost-marriage': the marriage is already in existence, and legally she is still the wife of the dead man. Any children she may bear after his death are legally his. It merely means that a kinsman, or another man, acts as *genitor* and foster-father of her children.

The levirate is a legal union, and in certain circumstances a man may demand the divorce of his dead kinsman's wife. As will be seen later, this is rarely allowed, and nowadays when the husband is dead a court would only grant a dissolution of the marriage in very exceptional circumstances. Moreover, if an outsider has sexual relations with a widow, her dead husband's kin have a right to demand

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compensation for adultery unless some previous agreement has been reached between them. The legal husband of the woman and the legal father of her children is still the man who has died. The children will be linked in the lineage of his family to his name, and the legality of the marriage is guarded by his heirs. In his name, his heir or heirs will continue to represent his interests, and indeed those interests are their own as members of his kinship group. This point is all-important in the assessment of rights in a widow in legal disputes which appear before Nuer courts. If, as sometimes happens, the bridewealth cattle are returned to the wife's family in the event of her husband's death, no further rights in that woman are retained by the dead man's heirs; but in this case the legal marriage has been dissolved, and the situation is not really different from normal cases of divorce.

Differences between 'Ghost-Marriage' and the Levirate

(i) A 'ghost-marriage' means that the vicarious husband as legal representative of the dead man actually *marries* the wife in the sense that he collects and hands over the bridewealth cattle for her and performs the marriage ceremonies with her on behalf of the dead man. In the levirate, the kinsman merely enters as a substitute into a marriage which is already in existence.

(ii) Generally speaking, in the case of the levirate, since the marriage was not actually initiated and negotiated by the pro-husband, he has less control over the widow than he would over a 'ghost-wife'.

(iii) The levirate differs from 'ghost-marriage' in that the legal husband (*pater*) and his widow once lived together as man and wife.

(iv) Although the leviratic family, like the 'ghost-family', consists of the dead husband (*pater*), the pro-husband (*genitor*) and the children born of the woman, the children, or at least some of them, may have been begotten by the dead man. Therefore in a 'ghost-marriage' the dead man is the *pater* but never the *genitor* of the children; in a leviratic union the dead man is always the *pater* and he may have been the *genitor* of all or some of the children. The distinction is emphasized in Nuer terminology: a child begotten by the dead man is known as *ret*, an orphan. A 'ghost-child' is known as *gat jooka*.

The levirate is established by the previous payment of bridewealth cattle. Therefore, unless the bridewealth is returned for some definite misbehaviour on the part of the widow, the simple legal marriage continues after the death of the husband and children born either before or after his death are legally his.

Categories of Persons with whom a Widow lives

The most usual and correct form of leviratic union implies the cohabitation of a woman with her dead husband's brother, and in

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562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

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Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 684 835 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*rual*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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or lover of P and has received the formal recognition of her late husband's kinsmen. Three children are born, B, C, and D. All these remain legally the children of A, and their rights are determined from his position in the kinship structure, but X, as heir to A, performs all the duties of *pater*. Z is merely *genitor* and in this case foster-father. On the marriage of C and D, he cannot claim the father's (*gwan*) portion, but he may expect to receive *yang leta*, which in this case may amount to two or three head of cattle since the union is a stable and agreed one. In such cases Z might be the *genitor* only while X brings the children up in his home.

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The variety of circumstances in the examples given above is considerable, but all situations are not covered. The legal and sociological relationships of the members of a Nuer family are often a complicated matter. The family preserves the outward appearance of a simple legal union, and in day-to-day affairs the differences are not stressed. Analysis will, however, often reveal a complicated pattern and a variety of legal relationships which are relevant in the distribution of bridewealth and inheritance.

The system may appear complex and sometimes confusing. It is not so to the Nuer themselves and, in a court session, even if the court members are not already aware of the relationships involved, a few introductory remarks and a few pertinent questions will give them a clear picture of the legal aspect of the case before them.

Disputes sometimes arise over inheritance and the obligations of kinsmen in the collection of bridewealth on behalf of others. Clearly in such cases the legality of an individual's position within the framework of the lineage is relevant. Sometimes the *pater* himself, or more often his heirs, refuse to recognize the claims of a legal son who has been brought up in the home of the *genitor*. Sometimes the *genitor* acquires cattle on behalf of his natural son and holds them in trust. At a later date he or his heirs may refuse to hand them over, which amounts to a breach of trust. Such disputes are not frequent, and in the past were usually settled because public opinion will always press for the fulfilment of kinship obligations based on legitimate relationships. The courts are now often called upon to intervene.

The Position of Children born of Unmarried Concubines

Children born out of legal wedlock are illegitimate,[1] and strictly speaking should be linked to the lineage of their mother's father. Sometimes their *genitor* will choose to legalize their position by marrying their mother with cattle, and usually her family will press him to do so, particularly if she is not *keagh*, in the sense of a woman who is unable to remain long with one husband, or has been married before

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[1] I am aware that the use of the term 'illegitimate' may be challenged. Children born in wedlock are *legitimately* the offspring of their mother's legal husband; children born of an unmarried woman are *legitimately* linked to their mother's lineage.

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and divorced. There is no moral stigma attached to illegitimate children, though the instability of their position may in later life put upon them psychological strains and cause emotional conflicts. A man who is linked to a lineage through his mother will have to compete with the legitimate members of that lineage, and, since his mother may not have brought bridewealth cattle to the family, he may be poorly treated by them. He will sometimes find it difficult to collect sufficient cattle to marry a wife though this is not by any means always so.

The *genitor* may also legitimize his offspring by payment of *ruok gaanke* (or *ruok muor*). This is a legitimization fee, and in no sense a marriage, for it does not carry with it any rights in the mother of the child, but only in the child itself.[1] It is further a more individual transaction between the *genitor* and the woman's immediate kinsmen, her father or brothers. If the woman is subsequently married to another man by transference of bridewealth, even if the number of cattle accepted by her kinsmen is less than normal, a conflict may arise between the legal father of her first child, who has acquired this position by the payment of *ruok gaanke*, and her legal husband, who has married her with bridewealth. Legal marriage usually implies legal paternity of all the children of the wife, whether born immediately[2] before or after the marriage. Hence, the legal husband will often insist on the return of the *ruok* cattle from the woman's family to the *genitor*; otherwise the first child would in one context be the legal son of the man who paid the *ruok*, in another the legal son of its mother's husband. This is a confusion of legal status and is not proper. Nuer would say that the cattle of the *genitor* of a child, especially in cases of adultery, and those of the legal husband cannot meet in one herd. It is a situation which may not only cause legal difficulties in the future, especially in the matter of inheritance of posthumous rights, but also bring upon those concerned the disapproval of the ancestral spirits. This will lead to sickness and misfortune. Yet the woman may continue to move from one man to another, living with each for a short period and bearing children to some or all of them. If each legitimizes his child or children, it is possible for her to be the mother of several children each of which has a different legal father. Thus, though it is possible for the children of one mother to have different physiological fathers, it is not possible for one child to have more than one legal father. I quote one case by way of illustration taken from court records.

[1] A position similar to that of a husband who divorces his wife but allows her family sufficient cattle to legitimise the children (see pp. 134, 139).

[2] I.e. children in arms, but not older children. The point is controversial, and there does not seem to be any set agreement. If the child is weaned before the new marriage takes place it will probably not go to its mother's new husband. If it is born within a month or two before or after the marriage it will almost certainly be accepted as a child of the new husband.

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A married B. She gave birth to a son, C, but then deserted her husband and went to live with X. A's marriage to B was then dissolved by order of the court. While living with X, B gave birth to another child, this time a daughter F. B's family strongly objected to X, who had made no attempt to produce bridewealth to legalize the union, and, through the intervention of the court, he was made to leave her. Later he was prevailed upon to pay *ruok gaanke* to retain legal parenthood of his natural daughter F. B returned home, but was later married by T, who agreed to hand over a much reduced bridewealth, all that her family could expect in the circumstances. Her former husband had forgone all claims on C, but, on B's remarriage, T claimed that all the children should be his. X was persuaded to accept return of the cattle he had paid as *ruok gaanke*. The two children, and those born subsequently, were then regarded as T's. This complicated situation was reached in four stages, the final stage being a permanent one and, unless further difficulties arise, it will remain legally valid in the future.

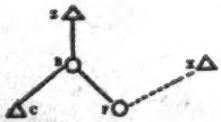
(i)

A married B by payment of bridewealth and is therefore legal father of C.

(ii)

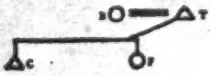
X seduces B, who goes to live with him. A dissolves the union and forgoes all rights in C.

(iii)



F is born and would normally belong legally to her mother's lineage, i.e. through Z, but X pays *ruok gaanke* and becomes her legal father. X then leaves B.

(iv)



B returns home and is eventually married to T (who in this case paid only seven head of cattle for her). X's *ruok* cattle are returned to him and T claims legal parenthood of F. T also claims that he is legal father of C.

In this particular instance the mother's position is constant, for the legitimacy of the children is not traced through her except in stage (iii) in respect of F but not of C. The position of the *pater* has changed throughout. In future, when C and F have reached maturity, their position will be determined by the final picture shown in stage (iv). C will call himself son of T, though he might—as is often the case—revolt and link himself to his physiological father A. T's lineage will have undisputed claim to the father's portion of F's bridewealth, the *ghok kwi gwande*, while B's family will claim the *ghok kwi mande*, a claim which cannot be altered whatever the circumstances.

The Position of Children born of Adultery

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By definition adultery cannot happen unless the woman concerned is legally married, in which case all her children, whoever the *genitor*, belong to her legal husband. He is always *pater* so long as the union remains legally valid. An adulterer cannot under any circumstances

8:Howell E, G-5 (1942-1944)1954
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Deng Kac v. *Nyuon Makwac* (*Gaawar Nuer Case*, 1943)

Nyuon Makwac committed adultery with the wife of Deng Kac. Before the court he admitted his guilt and was ordered to pay six head of cattle. Some eighteen months later, when pressed for execution of the judgement, since he had only paid three cattle, he appealed because Deng's wife had in the interim borne a child, and stated that on these grounds he not only refused to pay the remaining cattle but demanded the return of two head leaving only *yang kule*, for this was the law. Evidence was produced, principally on the admission of the woman, that Nyuon was physiological father of the child. Deng Kac was therefore ordered to return two head of cattle to Nyuon, leaving only one cow as *yang kule*.

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This is a simple and typical case, which illustrates the rule that only *yang kule* is due if a child is born as a result of the act of adultery.

Not Pet v. *Gac Nyol* (*Thiang Nuer Case*, 1944)

Gac Nyol committed adultery with the wife of Not Pet. Not instituted a legal case against Gac before the Thiang court. The accusation was admitted and Gac ordered to pay six head of cattle as *ruok ciek*. Subsequently the woman gave birth to a child, and Gac appealed for the return of five of the cattle on the grounds that the child was his. Court examined the evidence and ruled that the child was born too long after the act of adultery for Gac to be physiological father. Appeal dismissed.

This raises a point which is of some difficulty to the Nuer. What constitutes proof of physical paternity? There may of course be evidence that the husband was away at the time, and it is in the interests of the adulterer, at this point in the proceedings, to admit access to the woman because he is seeking the return of the cattle. The time element is also of importance and possibly presents a difficulty, but the Nuer are nowadays better able to assess time than they were in the past. Reference can be made to court sittings, inter-tribal meetings, tribute collection, as well as to the seasons. In most cases the evidence of the woman is given weighty consideration.

Legality of Marriage is a Fundamental Consideration

The legality of marriage is also a primary consideration. We have seen that the legality of marriage is established by the payment of cattle and the performance of ceremonies. A man clearly cannot claim damages for adultery with a woman who is not his legal wife, even if he cohabits with her.

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Kwol Biliu v. *Cuol Puot* (*Lak Nuer Case*)

Kwol Biliu (a government policeman) claimed damages from Cuol Puot for adultery with his wife. Act of adultery was admitted, but Cuol pleaded

own herd. An emotional tie always exists between a *genitor* and his natural child and, I think, Nuer do not wish to give legal emphasis to this by the transference of cattle. As we have seen, even in adultery this tie is recognized, for the physical father may claim a cow on the marriage of his daughter: the *yang leta* or 'cow of the loins'.

8:Howell E, G-5 (1942-1944)1954
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that Kwol was in no sense the husband of the woman. She was *keagh* and merely living as his mistress. Court adjourned the case until further evidence could be got from Western Nuer District, where the woman's family lived (obtained through the District offices concerned). The evidence finally produced showed that Kwol had paid her family three head of cattle and a small sum of money. It was also proved that the woman had been living with another man in Malakal (Province Headquarters) until she took up with Kwol. Court ruled that the woman was *keagh* (unmarried) and dismissed the case.

[177]

This kind of dispute is, as a matter of fact, not infrequent, and is the result of the increasing number of unmarried women who move from one man to another or live at Government Posts where they have greater freedom and are attracted by the facilities which urban life provides. The men who cohabit with them are often themselves detribalized in the sense that they seek permanent work and cash. They are usually from poor families, and cannot afford to get married in the normal way. In the first instance, they seek work so that they can buy cattle at the auction sales held periodically by the Government, but soon they become attached to an urban life and find that the expense involved gives them little opportunity to save in any case.

Puot Dwil v. *Mut Loinyjok* (*Central Nuer Appeal*)

Puot Dwil claimed damages from Mut Loinyjok for adultery with his wife. Mut agreed, and paid two of the six head of cattle awarded, but subsequently demanded their return on the grounds that Puot had not married the woman. This argument was finally taken before a court, which ruled that the union was not legal. The woman was *keagh* (unmarried) at the time because *kere ghoke twoc*, 'he had not performed the ceremony of *twoc*', the cattle had not been bespoken. Further, and this was regarded as all-important, *ce ciekde kere mut*, 'his wife had not been shaved', referring to the ceremony of *muot*. Court ruled that cattle should be returned to Mut. Puot then appealed, and brought further evidence that not only had the bridewealth cattle been paid (17 in all), but that he had full intention of performing the ceremony of *muot* when the incident occurred. He had not carried out his intention because of the incident. Puot further stated that he would insist on dissolution of marriage unless its legality was accepted. Appeal court accepted the evidence that the ceremony of *twoc ghok* had been performed, and that evidence of preparations for the *muot* on his part was also evidence of his intention. Court ordered Mut to pay a total of six head of cattle, i.e. full compensation for adultery.

The Main Legal Principles

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The main legal principles concerning adultery can therefore be summarized as follows:

(i) An act of adultery is a wrong against the legal husband of the woman, and requires the payment of compensation in the form of six head of cattle, of which five are intended to appease the wrath of the husband for an infringement of his rights in his wife, and the sixth, called *yang kule*, is to compensate him for the risk of impurity

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

husband's heirs may draw attention to their rights in the woman and, if she has relations with a man who is objectionable to them, they may treat the case as one of normal adultery and claim damages. Such cases are nowadays usually taken to court, and the line adopted by its members will again depend on circumstances. They will, however, admit the validity of the claim even though they are not always prepared to enforce it. 684 587

Bang Wic v. *Lia Ran* (*Dok Nuer Case*)

Lia Ran committed adultery with the wife of Bang's deceased brother. The case was brought before the Dok court, which judged that no compensation was necessary, 'as the woman is a widow'. This judgement was, however, revised by the appeal court, and Lia ordered to pay to Bang one cow as *yang hule*.

Adultery and 'Ghost-Marriage'

The same theoretical law applies to 'ghost-marriages', but the attitude is different. A 'ghost-wife' is actually married by a man's heir *after* his death, and the vicarious husband in this case performs all the ceremonial of marriage as well as operating the transfer of bride-wealth. Except that legal paternity is vested in the person of the deceased, which fact is of greater significance when the children of the union come of age, the union does not differ from a straightforward simple legal marriage. Moreover the vicarious husband, in his capacity of legal heir to the deceased, stands in the same relationship to the woman and the children as her 'ghost-husband'. The only real difference is that the children will link their names in the lineage structure to the latter, and this is a matter of greater importance in posterity than the present. For this reason, the emotional attitude of the vicarious husband to the wife, their relationship, and their life together are indistinguishable from those found in simple legal marriage, and considering the high proportion of 'ghost-marriages' this is not surprising. The woman is usually his own choice, he has courted her, won her, married her, and his relationship is therefore much more intense and personal than his relationship with his brother's widow. Hence, though a man may overlook an act of adultery with his brother's widow, or the widow of any man to whom he is legal heir, he will certainly not do so in the case of his brother's 'ghost-wife'. The reaction to adultery in 'ghost-marriages' is identical with that found in simple legal marriages, and it is doubtful if a Nuer court would regard the theoretical distinction as relevant to the issue. 684 588

Adultery with the Wives of Kinsmen

The full rate of compensation is usually demanded unless the husband and the adulterer are on exceptionally good terms in other 684 835

S:Howell E. G-5 (1942-1944)1954
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would be a clash of interests and a subsequent confusion of status. The embarrassing results are clear enough when we consider the complications which would arise over the claims to bridewealth if the child were a girl, or the claims on the bridewealth of others if the child were a boy. Nuer law is designed to avoid such confusion. The only way out of the dilemma was, as usual, to throw responsibility on the Administration and to decide that, in the event of a divorce, cattle paid as compensation for adultery should go to the Government. The perplexing implications of this decision will be discussed in a later chapter, but it will be seen that adultery is now a civil offence in the first instance and a criminal offence, enforceable under the Chiefs' Courts Ordinance, in the second.

Further legislation at these meetings is recorded here, though the general principles have already been stated:

Chiefs agreed that:

(i) A man who repeatedly commits adultery with the same woman is not liable to pay compensation (*ruok*) more than twice, but shall be liable to punishment by imprisonment or fine.

(ii) Where two or more men commit adultery with the same woman, the following rules are to apply in future:

If 2 men do so, then each shall pay 3 head of cattle=6.
If 3 men do so, then each shall pay 2 head of cattle=6.
If 4 men do so, then no compensation may be demanded by the woman's husband.

(iii) A man can only claim compensation for adultery for the same wife twice; e.g. B commits adultery with A's wife and pays 6 head of cattle (*ruok*). Shortly afterwards C does the same, and he pays 6 head of cattle too. Should anyone else do so, no further compensation is payable, but the third adulterer renders himself liable to a fine or imprisonment.[1]

These rules are not so much an innovation or an alteration as an articulation of existing practice. It is difficult to say whether they are based on exact tradition or whether they represent an evolution of case law based on past precedents. It is probable that each has an element of traditional practice as a basis, but it is unlikely that any were applied in the past with the rigidity implied, even in disputes which reached the final stage of settlement. It is interesting to note too that nowadays when civil liability ceases, penal sanctions may still be applied.

2. SEXUAL INTERCOURSE WITH UNMARRIED WOMEN AND GIRLS

Sexual Intercourse with Unmarried Concubines

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Nuer talk of *dhu ciek*, meaning simply sexual intercourse with any woman, but it usually implies that the woman is legally married

[1] Extracts from Minutes of the Nuer Chiefs' Council Meeting, 1945 (unpublished).

8:Howell E, G-5 (1942-1944)1954
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whether the marriage is a simple legal union, 'ghost-marriage', leviratic union, or 'widow-concubinage'. Hence the term *dhu ciek* usually implies a violation of marriage rights and closely approximates to the European concept of adultery. We have already seen that, if the wrongdoer can prove that his mistress is not legally married to the man who claims to be her husband, no action for adultery lies. The woman in such circumstances is *ciek me keagh*; she is *ciek*, having the status of a married woman, but she is *keagh*, unmarried. This does not necessarily imply any feeling of disrespect, for the expression is sometimes used of a woman who has not yet completed the full processes of legal marriage with her husband, or sometimes of a woman who has been married and divorced and awaits remarriage of a respectable nature. *Keagh*, however, has a wide range of meaning and, used contemptuously, implies that the woman is wanton and self-willed and that, if she is not legally married, she ought to be. In all these circumstances it is her family who have rights in her, and legally it is for them to claim damages for any infringement of those rights. They rarely do so and, if they did, would be unlikely to receive the support of a Nuer court. 684 588

Such women often cohabit with men on a reasonably stable basis, and the union sometimes has the appearance of legality. This is particularly so in detribalized communities to which women of this temperament tend to go, and there are sometimes disputes which appear before the courts. It is noticeable that, although a Nuer court will never award compensation to the man who claims to be husband (*cou*) of the woman, nor, indeed, to her family, they will often punish the offender. Penal sanctions are being applied to offences which must have been comparatively rare in the past and for which there is no traditional remedy.

The Seduction of Unmarried Girls: dhu nyal

The seduction of a young girl (*nyal*) is considered a wrong. Nuer will say it is a great wrong, a *duer medit*, but what they imply is that a girl who gains the reputation of offering herself indiscriminately to any young man will not be approached with genuine offers of marriage. She will be a *nyal me jok*, a 'bitch'.[1] Such girls, once they have gained 684 836

[1] This expression is as disrespectful and rude as it would be in our own language, and is not used openly. I recall a girl of this sort in Thiang country who appeared regularly at dances in company with girls obviously much younger than herself. She appeared to me to be attractive, and I asked some youths of my acquaintance whether they did not think so. They replied that she was extremely attractive, a statement which was followed by a good deal of chaffing and laughter on the part of their fellows. Subsequently I was told by one of my followers that she was considered *jok*, and although older men were much attracted to her, none of them wished to marry her, and the young men left her alone because to have relations with her was regarded as slightly ridiculous and they feared the scorn of other girls. The girl eventually took up with an Arab merchant. See example, *Cany Tut* v. *Dar Jal* (p. 172).

11:Evans-Pritchard E-5 (1931, 1936) 1945
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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, she does not bear male children (even after his death), one of his kinsmen must marry a wife to his name. Daughters are not regarded as heirs, because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, mo ram me gwa* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead 588 768 [611]

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

11:Evans-Pritchard E-5 (1931, 1936) 1945
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588 768 kinsman but that he marries his dead kinsman a wife. Nuer say of a man *Ce deman kwen cek*, " He (*ce*) his brother (*deman*) married (*kwen*) a wife (*cek*) " i.e. he married his brother a wife. This is a clumsy and ambiguous expression in English so I shall frequently speak of a man marrying a wife to the name of a dead kinsman. I ask readers to remember that it is not he, but the dead man, who is the legal husband.

The obligation to marry a wife to the name of a dead kinsman is invariably carried out when the dead man has any close kinsmen to interest themselves in saving his name from oblivion. No initiated male (*wut*) should be allowed to lie in his grave unremembered in his children and Nuer say that if an uninitiated boy dies " after his testicles have fallen ", that is, after he has reached puberty (*juil*), he must be married a wife. They often state this rule by saying that a boy must be married a wife " after he has gone among the cattle " or " when he knows all about cattle " (*Ce pek ghok ngac*). I have even been told that a boy who has had his second lower incisors removed ought to have a wife, but in practice a small boy who dies is not married a wife unless he is a first-born son and then only if his ghost troubles his kinsmen in dreams or shows its displeasure by killing members of their families. It seems preposterous to Nuer that a dead man without heirs should not be married a wife and that a kinsman should not raise up seed to him. They always expressed great astonishment when I informed them that we do not have a similar custom, believing that no society exists which does not enforce so elementary an obligation of kinship.

588 768 581 When asked why they marry wives to dead men Nuer say that until a man marries and begets children he has not reached full manhood, and that a man desires children who will keep his memory green and to whom he can make his wants known in dreams. A ghost likes to think of people asking " Whose son is that ? " and being told in reply that it is the son of so-and-so. Thus his name continues on the lips of men. They also say that if the kin of a dead man neglect to provide him with a wife he will haunt them. In my discussions with Nuer on this subject they almost invariably stressed anger of the ghosts as the sanction for their obligations to dead kinsmen. " The ghosts are bad and if you do not marry them a wife they will not spare you." A ghost will bring evil upon (*cien*) the family of a man who fails to do his duty.

588 768 This is a vicarious marriage. The vicarious husband acts as though he were the true husband in the ritual that precedes and brings about marriage, and in domestic duties when he and his " wife " begin to share a home. In his physiological and domestic roles he is husband in all but the strict legal sense. In everyday usage people speak of him as the husband of the wife so that it is only by enquiring that one learns the man to whose name she was ceremonially espoused. Nevertheless, it must be clearly understood that the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bride-cattle were paid and the marriage ritual performed. Moreover if we speak of the group consisting of a woman, her vicarious husband, and the children born of the woman and begotten of the man, as a " family " we

11:Evans-Pritchard E-5 (1931, 1936) 1945
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can only do so in a qualified sense. However, it is difficult to construct 588
an adequate terminology to describe every type of Nuer procreative union 768
and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to [775]
Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *gaat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man [587]
marries his father's brother a wife they say of him *Ce mac gwanlende pel*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

11:Evans-Pritchard E-5 (1931,1936) 1945
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588 768 youths die before marriage—and this was yet more the case before the Government restricted fighting—but, for one reason or another, married men do not always leave male children to continue their line. A man's children may die. He and his wife may die. His widow may have no children or go back to her own people and be married to another man. He may beget only daughters.

Even if a man begets sons who become initiated men he may leave no male heirs for these sons may die before they have married and begotten children. In this case a man's kinsmen must raise up seed not only for him but for his dead sons also. Thus in Diagram No. 1 A ♂ dies leaving two initiated sons B ♂ and C ♂ both of whom die unmarried. E ♂ will then marry A ♂ a wife (N ♀) with A's cattle and by her beget F ♂ and G ♂. When F ♂ and G ♂ reach manhood they will marry wives (Q ♀ and Z ♀) to the names of their brothers, C ♂ and B ♂, before taking wives to their own names.

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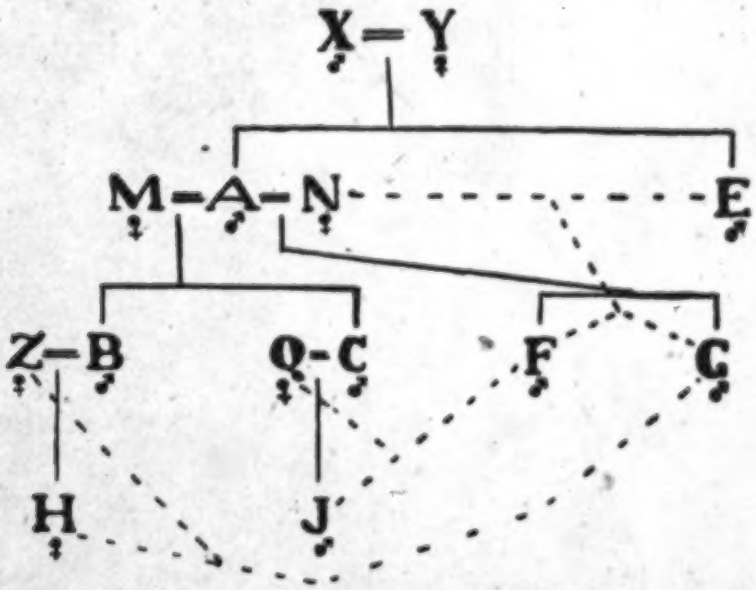

Diagram I

Moreover all the men who in the last generation married wives to the names of sonless kinsmen and were unable to marry further wives in their own right are legally childless because the children they have begotten count as children of the kinsmen to whose names the wives were married. It is the names of these dead kinsmen, and not their own names, which will ultimately survive as links which attach children to their trees of

11:Evans-Pritchard E-5 (1931, 1936) 1945
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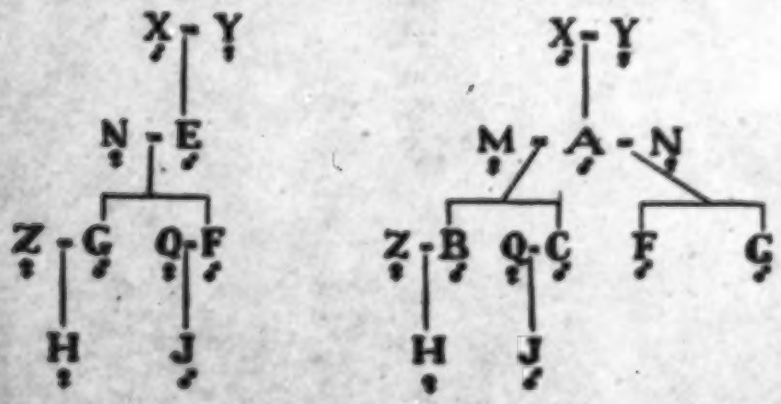
ascent. Thus in Diagram No. 1 F ♂ and G ♂ take wives to the names of C ♂ and B ♂. The children of these unions (J ♂ and H ♀) are children of C ♂ and B ♂. Therefore F ♂ and G ♂ will be left childless if they cannot afford to marry further wives in their own right. This frequently happens when there is a large family and one brother marries another, and dead brother, a wife, for the living brother may never again be rich enough to contract a legal marriage on his own account. He enjoys the material advantages of matrimony in the person of his brother's wife and his younger brothers have the right to marry wives with the family herd before he can contract a legal marriage. If, in this way, a man marries a wife to the name of a dead brother and does not later marry a wife of his own, then one of the sons he has begotten (his physiological sons and legal nephews) will marry him a wife after his death. 588 768 611

During the childhood of ghost-children the fact that in legal reckoning their father is a ghost is of small importance, since their relations with their genitor are exactly what their relations with their pater would be, were he alive, but after the ghost-sons are initiated their relationship to their pater has more significance since it confers on them legal and ritual privileges. The man who stands in the place of the pater may be all-important in his lifetime but the pater's name looms larger when the children grow to maturity and, Nuer tell me, it is the pater's name that will finally survive in genealogies at the expense of the vicarious parent. This point will be more readily understood later but it is worth contrasting here, as is done in Diagram No. II, the legal descent of the persons shown



Natural Descent Legal Descent

Diagram II

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* ("cattle of the ghosts"), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize "the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them.

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right.

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

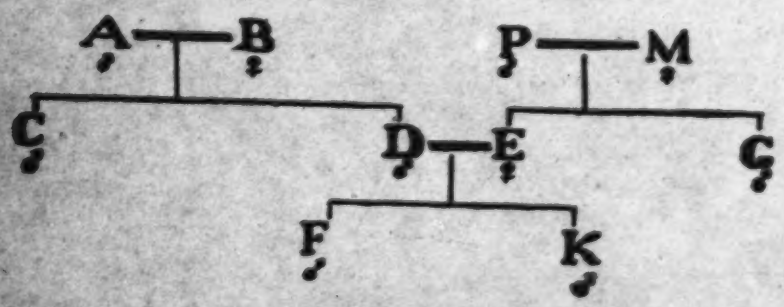

Diagram III

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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat deman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek ma rol*) "for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

588 768

These vicarious marriages by women or on behalf of women are very

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rare and of little social importance. I know of no cases at first hand and am therefore unable to vouch for the information given to me and to say what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂ -Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂ -Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father"). 588 768

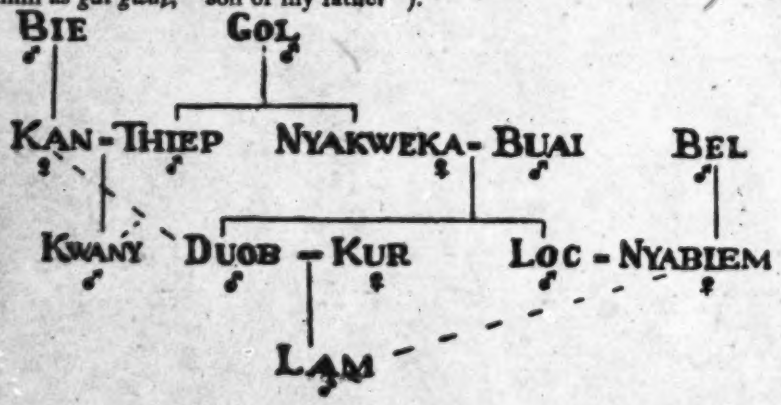

Diagram IV

Another type of procreative union results from the custom of the levirate. When a man marries, his kinsmen provide the bride-cattle and the cattle go to the wife's people and there breed and provide them with food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a 587 588 768 [611]

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587 woman ought, on the death of her husband, to go to live with one of his
●588 brothers, since she was married with the cattle of their kraal. This is not
768 a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kwen*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek deman lath dwil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as
[186] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 Leviritic marriage is very different from ghost-marriage as will be seen
588 when we consider the relations between the children and their genitor.
573 It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

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those of a pater towards members of a legal family. It must be emphasized that while the natural family is not a legal family the position of the genitor is socially recognized in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

IV

588 ●

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 593

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588 848 611 593 also in Nuerland many children born of unmarried mothers and children born of an unmarried mother may belong to different social groups, because their physiological fathers have a right to pay a fee of from four to six head of cattle to legitimatize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*ruok*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma kea*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat keaka*.[1]

588 [848] In some respects the social position of unmarried mothers, and their children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimatize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

[1] In Lou country people often speak of them by the term for the children of widow-concubine, *gaat laka*. In this part of Nuerland the expession *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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husband towards them. One can only know by enquiry. In no way is 588 ●
their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried 588
concubine is that a widow-concubine has had cattle paid to her kinsmen 587
and these cattle are still "on her back" (*te ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Kea e cek me caa ghok luny jok jaude*, "A *kea* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimatization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a 588
man marries the mother and, by payment of bride-wealth, not only legi- 583
timatizes the child but also any future children whom she may bear by him 848
or by any other man. A *cek ma kea*, an unmarried concubine, then becomes a *cek pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to 588
remain with him. For sometimes a girl becomes a concubine, not through 581
unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *kea* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.

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588 A man is content to pay a fee to obtain possession of any children he may
581 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

588 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word " family " to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

848 It is clear from what I have already recorded that Nuer do not attach
842 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither pater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

837 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full brothers). The genitor
● 588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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Nyueny is one of the finest

ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a
bride's paternal aunt but also some of those due to a bride's paternal uncle,
because, being barren, she counts in some respects as a man. She
exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This
was not, properly speaking, a marriage but we might describe it more
correctly as an exchange or even a purchase. This woman, Luel ♀, bore
two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has
also married, by payment of bride-wealth and by performance of the usual
ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of
whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name.
When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂.
and she is now in child by him. The second girl, Nyakoka ♀, has recently
been married and she has not yet borne children. She cohabits with
Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it
and stay there for one or several nights. They hoe her gardens and are
chosen to cohabit with her wives because they are known to be hard-
working gardeners. They are given meals when they are present, and on
the marriage of the daughters he has begotten the genitor will receive a
cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father",
and not as *ma*, "mother". She is a woman of outstanding character,
with fine features, and always well-dressed. She is very competent and
runs her homestead like a man. If her wives are lazy or disobedient she
beats them. They treat her with the respect due to a husband and place
meals before her with the same ceremony as they would employ to a male
husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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592 593 588 of the kraal and homestead with the skill of an experienced herdsman and householder and stands no interference in matters pertaining to the cattle, even from her initiated son, Majak ♂.

592 588 *Homestead No. II.* Col ♂ —Ngunjok ♂. He lives with Nyarueni ♀ whom he married to the name of his father (see Diagram No. VII). He is now contemplating marriage on his own account. I am uncertain whether Nyarueni has a baby or not. The byre of this homestead originally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No. I), who lived there for a time before moving to her present hamlet.

[611]

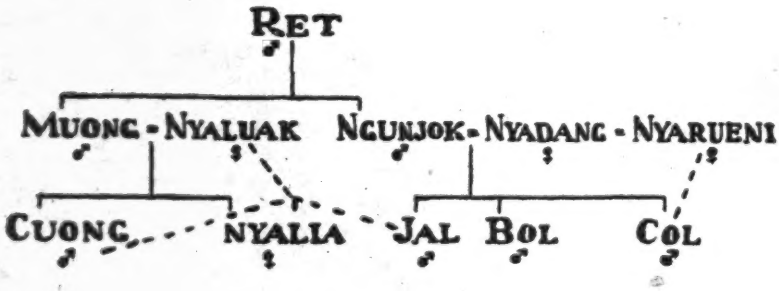

Diagram VII

Homestead No. III. Baranyai ♂ —Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂—Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀—Kuth ♂ and those who know about her brother speak of him as Yoah ♂—Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side, Yoah ♂ and his brothers and sons being all dead, so " the cattle of the maternal uncle " went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Galuak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

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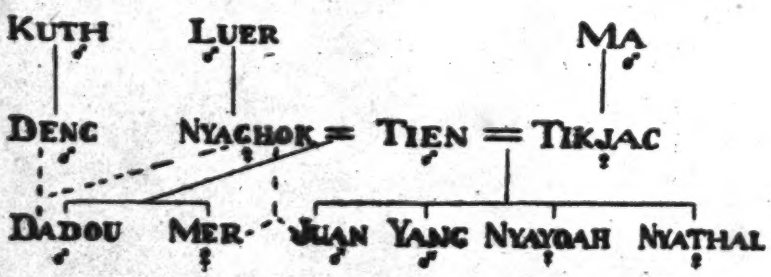
Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]



[611]

Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Malith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister, Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yoah ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yoah ♂: Wectwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No. IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [586]

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587 Karlual ♂ then married
Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai
592 ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and
[143] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle
[143] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Gaiuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

Homestead No. XII. Nyawal ♀—Col ♂. Her husband was Lam ♂ of
592 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After
● 588 his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was
[775] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he
[586] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. [682]

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII, when I asked why the brothers do not live together I was told *Juan mun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ [764] who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Galuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabath ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiac ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Puot ♂, Nyagwar ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol. 592 587

Nyadhiac's mother, Nyaleeni ♀, a very old Baggara Arab captive, lives with her. [727]

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kulanga ♂, a Bor woman, and his brothers, Buth ♂ and Duoth ♂, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No, XXVI). 592

Homestead No. XXVI. Nyaluak ♀—Yoah ♂, widow of Dit ♂—Bicuk ♂, to whom she bore Rwot ♂, Yangdoah ♀, Nyakur ♀, Nyampath ♀, and Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyaduoth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyaudol ♀—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club. [578]

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Bilieu ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588● 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

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588 the mother" may then mix with the genitor's herd and he held in trust by
428 him for the brothers of the brides. In such cases the genitor has assumed the full responsibilities of a pater and the daughters will be married from his home and the sons initiated there. Even so the widow and her lover may occupy nearby but separate homesteads, each family keeping itself spacially distinct as they are legally distinct. Panyuan's father-in-law and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a serious disadvantage when his natural sons grow up for they will want to own cattle both for display and for marriage and are drawn irresistibly to the home of their pater's kinsmen in whose charge are the cattle. It would be very difficult for a boy to remove the cattle to the home of his his genitor. That would cause a row of the first magnitude. A dead man's cattle must occupy his byre till his son is old enough to be initiated and to take his father's place in the byre. It is only when a genitor is rich in cattle and his natural son is assured of marrying a wife from his herd while his pater's kinsmen are poor and have no cattle to give him that he might remain with his genitor instead of joining his uncles. I think that this is rare. Where there are full-brothers of the pater alive and where the pater's herd still exists there are these two powerful magnets, sentiment of kinship and sentiment of cattle, drawing a boy away from his mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who lives in his genitor's homestead and village is always to some extent an outsider living there on sufferance. A man who lives in his pater's homestead and village is there by right of birth. The byre he sits in is his own byre. When he sprawls in contentment in the ashes of the *gol* (household) it is his own *gol* and from it he watches his own herds. He is one of a band of owner-kinsmen. To one he is a son, to another a brother, to yet another a father. Hence a Nuer said to me when explaining the position of a boy born of a widow-concubine: "He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature of the widow-concubinage in which he is born. If the widow continued to live in her dead husband's village or if she went to live with her own people and was merely visited from time to time by a lover for procreative purposes the genitor counts for little. But if her lover formed part of her household, even if not entirely resident there, he is of greater importance and the children will retain their affection for him and pay him frequent visits if he is later separated from them, for they will be brought up among their paternal or maternal kinsmen while he may return to live among his own people.

588 When the widow lives at her lover's home and the children are brought
428 up there the relations are more complex. The genitor has no legal control over his sons and if one of them has a disagreement with his genitor he
593 will join his true kinsmen without qualms. It is to his interest to join them and if it is also his inclination to separate from his genitor his depar-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them. 588 428 593

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always." [831]

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat laka*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat l.meneme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

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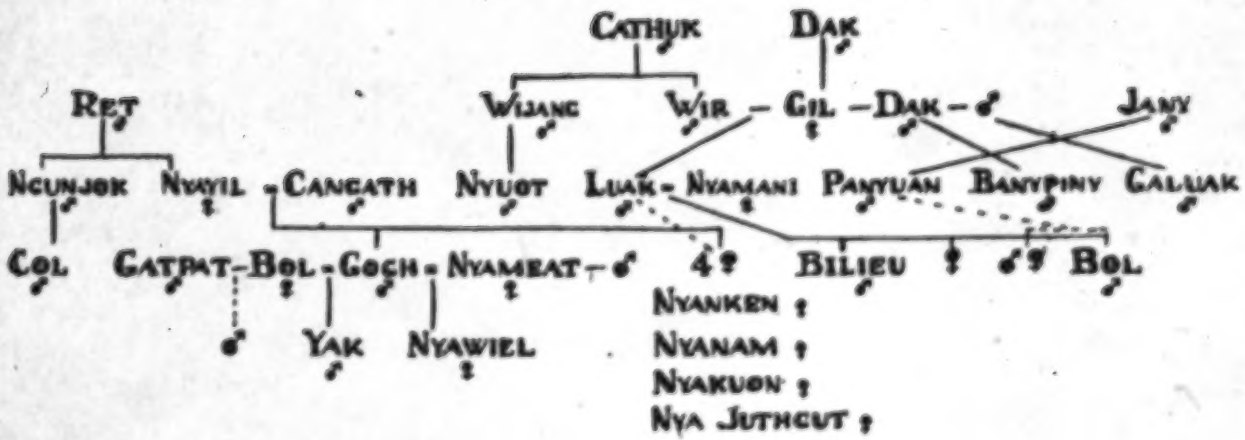

Diagram IX

1:Evans-Pritchard E-5 (1931, 1936) 1945
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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 428 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lek tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karlual ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-weeded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*wec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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kinsmen and take his family with him. It is quite likely, moreover, that Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his recently espoused bride to his home, for she will be mistress of the home and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *gat laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine. By her Jany ♂ begat Karlual ♂,
●588 Gogh ♂, Baranyai ♂, Nyaudol ♀,
428 and Nyaruithni ♀. Jany also
593 married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyuan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatize the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Caa kwen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilieu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.

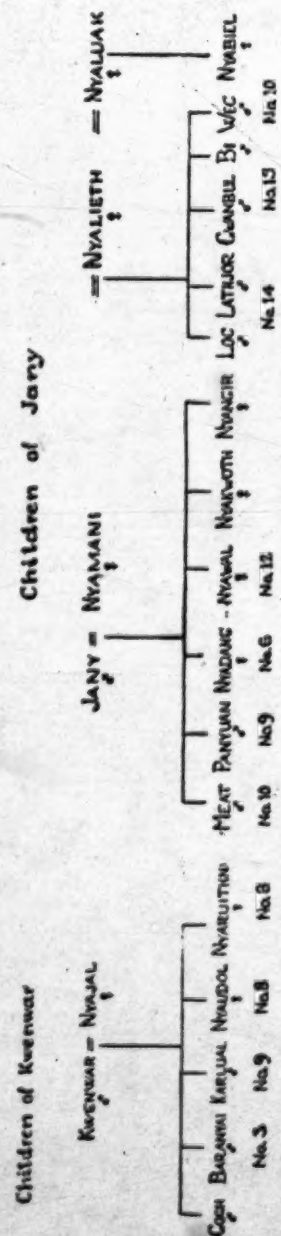

Diagram X

11:Evans-Pritchard E-5 (1931, 1936) 1945
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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 428 593

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*). 587 588 428 593 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

The children of Kwenwar and the children of Jany are figured in
428 Diagram No. X. As previously explained, the persons shown there as
593 the children of Jany by Nyamani are legally the children of Col, the father
431 of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there". 587 588 428 593

If Baranyai ♂ departs Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday specch, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riaagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
●588 but that, if Baranyai does not return to Nyueny, Galuak will one day by himself.

428 Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

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a kind of kinship. Very often when a man has no legal children of his 587
own he will join his natural children in their pater's village, as it is suggest- 588
ed that Juan will do and as Luak, the father of Rainen and Dol (Home- 428
stead No. VI), did.

A youth often asks his natural father for a gift. In fact *liem*, the beg- 593
ging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*).

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" 588
in simple legal marriage, in ghost-marriage, in leviritic marriage, and in 593
widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons."

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

11:Evans-Pritchard E-5 (1931,1936) 1945
FJ22 Nuer FJ22

588 593 cubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people, by whom he is often brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

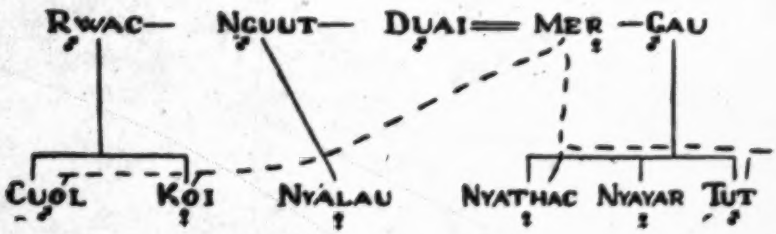

Diagram XI

On my first vist to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931 Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what [835] happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

14: Huffman M-5 (no date) 1931
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husband may demand the return of his cattle and return her to her father's village. Likewise, if the husband fails his wife in this respect, her people very probably will cancel the marriage and seek another husband for her. Representatives of both parties interested meet together and discuss the matter before the actual separation takes place. 586

One time, when asking a woman her name, I was surprised to hear her give a woman's name as her surname. Upon inquiry I found that she considered this woman whose name she bore as her nominal father. 588

The older woman was unable to bear children, but she had a number of cattle, so she paid for a girl who was considered as her wife. She got a man to come and live with the girl in order to beget a child. Then the child when born was considered as belonging to its mother and to her. She might give the man a cow, but he would have no claim upon the child or its mother then or at any other time.

This woman had several 'wives' and a number of children. She was the central figure of authority in her village and was considered a good leader of her people. I had heard of her before, but had never met her. She seemed to be a competent, capable woman, well respected by those who knew her and by the Government official as well. Her face, her speech and her manner were utterly different from what one might expect to find in one who—according to our western standards—had allowed herself to sink to depths of degradation.

Instead, one saw a Nuer woman a little past middle age, matronly, capable, and kind in appearance. She in in her way had sought children—and found them—and she loved them and cared for them.

561 initiation. He is a *wut*, a man, whereas before he was one of the *dholi*
881 (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 Certain ritual observances are practised between members of the same
764 age set, and between members of different sets: sets are segregated at sacrificial feasts; members of a set cannot bury an age mate or partici-
582 pate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

Relations between sets are defined in ordinary kinship terms. Mem-
561 bers of a father's age set are fathers, their wives are mothers; members
608 of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clansfolk, close cognates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage*. If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1949, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, pp.308-9.

families; it is only in question of descent and inheritance that the difference is seen. It is the dead pater's name which will survive in genealogies. 588 [611]

Ghost marriages are arranged on behalf of brother, paternal uncles, maternal uncles and fathers (i.e. physiological fathers who are not also paters). A man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would be both vicarious husband to the woman and her father-in-law. A man never marries a woman to the name of his father's father or his mother's father since that was the duty of their sons. Only a kinsman takes a wife to the name of a dead man. Occasionally a woman marries someone to the name of a dead kinsman, and the wife so married would cohabit with a stranger to raise up children for the ghost.(1)

2. *The Levirate.* When a husband dies, the children his wife may subsequently bear are still counted as the children of the dead man. It is held that the woman should live with one of the dead man's brothers for she was married with the cattle of their kraal. Whoever inherits the widow does not marry her; she is still the wife of the dead man, and the man with whom she lives merely acts as genitor. Children born of the union regard themselves as their pater's family and inherit from him and not from their genitor. Leviratic marriage is different from ghost marriage. In ghost marriage bridewealth is paid and the marriage rites are performed by the vicarious husband; in leviratic marriage the husband has already performed these actions and the brother or other male kinsman inheriting the widow merely enters, as pro-husband, a family already in-being.(2) 587 611

Tradition, threat of divorce and social pressure, all persuade a young widow to live with her husband's brother or with a son by a co-wife. She has a certain amount of choice among the relatives available. If she prefers to go and live with lovers and to 'give birth in the bush', all children born are counted as those of her dead husband, and his lineage has legal rights over them. Some widows return to their parents' village and live with a man there.

3. *Widow Concubinage.* A widow living with a stranger after the death of her husband, is called a *cek ma lak* (widow concubine).(3) Her lover has no legal rights over her and cannot compel her to stay with him, nor has he any legal control over children born of the union. A man, a widow concubine and their children form a natural, as opposed to a legal, family, and the position of the genitor, though precarious, is acknowledged socially in several ways. 587

4. *Unmarried Concubinage.* A child of an unmarried woman has no pater but his genitor may become his pater on payment of a fee of 4 to 6 cattle to legitimise him. If the fee is not paid, the child belongs to the mother's lineage, and any man whom the mother cares to live with for the time being is regarded as his foster father. In certain respects the status 848 [611] 000

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.318.
(2) Evans-Pritchard, *op.cit.*, 1938, p.320.
(3) *Ibid.*, p.325.

In certain respects the status

588 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 848 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage. 613 768 551

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him '*gat* so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name. 587 611 551 768 588 551 611 768

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*, 551 768 583

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

2:Evans-Pritchard E-5 (1931,1936) 1951
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interest in the family of the dead, sometimes caring little with whom the widow lives so long as they get their shares of the bridewealth of her daughters. 587

One finds that, in practice, a young widow who has borne her husband a single child sometimes lives with strangers. The husband's kin try to persuade her to live with a brother, but if they fail, they often, especially in eastern Nuerland, reconcile themselves to her obduracy, though they may insist that she continues to live in their village, as a member of their home, and there bear children to her dead husband by a lover. If she refuses this stipulation they can divorce her, leaving with her parents six head of the bridewealth cattle to retain their rights in the child. If she agrees to it they have few grounds for complaint. The children she bears by a lover are not only their kin but they are born amidst them and reared by them, and the lover not only begets children for them but also acts as their protector and breadwinner if he is a member of the village, or frequently visits the mother to assist her in gardening if he lives in a neighbouring village. 589

The position of a widow who has borne her husband two or more children is different. The return of her bridewealth cannot in any case be demanded: '*Ghok te jokdien ka nath ca ka de lony*', 'Cattle which have people (children) on their backs cannot be loosened (returned).' In these circumstances a woman is free to live where and with whom she pleases, and in fact many Nuer widows of this seniority do not live with kinsmen of their dead husbands but 'give birth in the bush' ('*dieth dor*'), as the Nuer say. Wherever a widow lives and by whomsoever her children are begotten, they are all children of the dead husband and their kin will claim them sooner or later. When she is old and past child-bearing she will probably return to her husband's home to be with her grown-up sons. A widow who has grown-up children at the time of her husband's death will not want to take a lover. She will choose to live with one of her children.

A widow is asked to make her choice at her husband's mortuary ceremony. The kin are not likely to challenge her decision on this solemn occasion. If she refuses the brothers and sons of her husband, they ask her whether she wishes to take a lover away from their village (*lum dor*) or to take a lover in the village (*lum cieng*). They hope that she will choose the latter alternative. However, widows often elect to return to their paternal homes and there take

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

589 lovers, so that, as we have earlier noted, it often comes about that children are brought up among their maternal kin. Many widows neither remain for long in the homes of their dead husbands nor in the homes of their own kinsfolk, but after a while go to live with lovers, sometimes in different districts and even in different tribal areas. Relations between a widow and her lover tend to be unstable, and she often abandons one lover to take another. She may wander from place to place. If her children by her husband are small she takes them with her, so during childhood they are members of the households of her lovers, who act as their foster-fathers. Thus a widow may go to live with a lover accompanied by children begotten both by her husband and by former lovers. Some old widows, long past child-bearing, live with men to cook for them, the man having no wife and the widow no adult children to look after her.

588 When a widow lives with a man who is not of her husband's kin we have a different kind of union to that of leviratic marriage. Indeed, it cannot be regarded as marriage in any sense, but must be regarded as a form of concubinage. I call it widow-concubinage. A widow-concubine—that is to say, a widow who takes a stranger for a lover—is called in Nuer a *ciek ma lak*, and a child of such a union is called a *gat laka*, a child of concubinage. The structure of the original simple legal family remains unimpaired, however much the configuration of the household may change: it consists throughout of the wife, the husband who married her with cattle, and the children of the wife. Whoever begets these children, their pater is the husband of their mother. The *concubinus* does not stand in the place of the husband and has therefore no authority over the wife. He cannot compel her to live with him—she goes from man to man or has a succession of lovers in her own home as she feels inclined—and he has no redress if she has relations with other men while she is living with him. His position is thus very different from that of a man living in leviratic marriage. Likewise, he has no legal control over the children, who can be taken away from him by the kin of their pater whenever they choose to remove them. He is only their genitor, and his sole right in them lies in the obligation of their paternal kin to pay him a 'cow of the begetting' when each of his natural daughters by the widow is married. His position in this respect also is very different from that of a levir. A brother stands in the place of the pater, a lover

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and as there must be such a link if they live in the same community, owing to the rules of exogamy, it follows that people who live together are all *gaat nyiet* to one another. However, it is in relation to the dominant lineage of a community that the concept is mainly employed and is politically important. When people are not members of this lineage it is stressed that they are *gaat nyiet* to it. Nuer of other clans can never more closely identify themselves with the dominant lineage, because, for ritual reasons, they must remain autonomous units, but politically they accrete themselves to it through this kinship category. Moreover, outside ritual situations, being *gaat nyiet* to a dominant lineage gives people complete equality with it, and their accretion to it is often expressed in terms of lineage structure, so that a man will often give his ascent to the woman of the dominant lineage who bore one of his ancestors, and thus graft himself, through her, on to their tree of descent; though this is more usually done by Dinka than by Nuer. It is, however, the common practice for children of strangers who have been brought up at the home of their maternal kinsmen, who are aristocrats, to regard themselves as members of their mother's lineage, except in ceremonial situations, and to consider its members, rather than their father's lineage, as their true kinsmen. 613 621

Dinka who have not been adopted commonly trace their ascent to a female Nuer forebear and through her they graft themselves into a Nuer lineage and are accepted as members of it in ordinary social relations. Thus a Dinka often gives his ascent to the dominant lineage of his community through a woman, and sometimes through two or three female links, and though this is generally evident from female prefixes it cannot always be known. These Dinka individuals incorporate themselves into the structure of a Nuer lineage through their mothers, since they have no lineage structure of their own. This is different from the stressing of a female link (*gaat nyiet*) which unites a group of Nuer strangers or of Dinka to the dominant lineage of their tribal section and also from matrilineal modes of reckoning descent due to matrilocal conditions of residence, which may be temporary. 613 621 609 [611] [591]

Owing to exogamous rules lineages are thus linked by 613 621

KINSHIP AND THE LOCAL COMMUNITY

621 The village site belongs to the Riaagh lineage of the Keunyang
613 maximal lineage of the Gaatbol clan, the dominant clan in Leek
614 tribal area of which Karlual area, where Nyueny is situated, is a
602 section. Members of that lineage with their wives and concubines and their affines account for ten out of the twenty-six homesteads. The people of Nyueny hamlet, the central and northern parts of the village, are known as 'the children of Jany', and Jany's descendants with their wives and concubines and affines account for another ten homesteads. 'The children of Jany', whose *tut* is Karlual (homestead 9), count collectively as *gaatwac*, children of the paternal aunt, or, as Nuer often put it, *gaatnyiet*, children of daughters, to the Riaagh lineage, whom they call *gaatnar*, children of the maternal uncle. The senior Riaagh men are the 'bulls' of the village in the tribal sense of the word *tut*.

621 It will again be observed that the village is not an exclusive
602 lineage group (with its wives) but is a cluster of kin (including affines). In this case, however, there is a lineage core to the village community, and this core is that branch of the dominant clan of the tribe which owns the village site. Some members of its collateral minimal lineage, the Gom, also live in the village. I draw attention to further typical features. We saw that at Konye many of the heads of families were living there because of affinal relationships with other members of the village. The counterpart to this is the relationship of sister's son to mother's brother, for when the children of a resident sister or daughter grow up in a village those who stand in an affinal relationship to their father stand in an avuncular relationship to them. This is a very significant feature of Nuer local communities and from it follows another common feature: in course of time a maternal link of this kind may be treated as though it were a paternal link and therefore within the genealogical structure of the principal lineage of the community. Jany's mother Duai is so treated. Nuer say of a woman who has this structural position that 'she has become a man'. Cognation becomes regarded for ordinary social purposes
• [591] within community life as equal to agnation. A sister's son–mother's brother relationship may come about in a village not by a man going to live with his wife's people but by widows bringing their children to live with their own people after their husbands have died, a mode of residence which in certain circumstances may continue after the deaths of the mothers. This
* [cf. ex.116, p. (12)-- Analyst]

2:Evans-Pritchard E-5 (1931,1936) 1951
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588 Another factor which has certainly had some influence in bringing about attachments of outsiders to groups of agnatic kin other than their own is the custom of concubinage, the different [591] forms of which I describe in detail later. It is a very common practice for widows to leave their dead husbands' homes and to take lovers in the villages of their parents, or to go to reside in the [593] villages of their lovers. When they do so they take their young children with them, and though the sons almost invariably return to their paternal homes before initiation, they have grown up in the homes of their maternal kinsmen, or of their foster fathers' kin, and may have so strong an affection for them that they later return to reside with them, at any rate for a time, when they are married men and their own masters.

Widows, whether living in their maternal villages or in their dead husbands' villages, attract lovers, sometimes from the village, sometimes from a neighbouring village. In either case a new social tie is established, and the lovers may continue to cohabit with the widows as members of their communities for long periods and nurture the children they beget by them. A poor man is only too glad to obtain a housekeeper and mate without expense by means of either widow-concubinage or unmarried concubinage, and if he is an unadopted Dinka he may remain with the concubine and his children by her.

There are in Nuerland a considerable number of unmarried concubines. The sons they bear to lovers become the legal children of these lovers by payment of cattle, but they do not feel so securely attached to the homes of their fathers as do children born of the union of marriage, and there is a tendency for sons of the same woman by different fathers to stick together, usually wherever their mother may be, especially if the fathers are dead or if they do not possess large herds.

591 There are two other facts to be taken into consideration. Among Nuer it is not uncommon for a man to make his home among his wife's people, though in my experience a true Nuer usually returns to his own people eventually. As I have explained, sons-in-law who live with their wives' people are often Dinka, and Dinka are likely to remain with their affines, as they may have no kin of their own to return to; but one also finds Nuer in the same position. These may be persons who for one reason or another prefer to live apart from their paternal kin, or they may be poor men who cannot afford to pay the full bridewealth, part of which is forgone by the

2:Evans-Pritchard E-5 (1931, 1936) 1951
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wife's family in view of the fact that the man who has married their daughter has joined their community and is bringing up his children as members of it. They may even give him some of their own cattle to help him build up a herd. The second fact to be taken into consideration is the Nuer custom, for various reasons not always observed, by which the eldest child of a marriage is brought up by his, or her, maternal grandparents. A child brought up in his maternal kinsmen's village naturally feels that in some respects it, and not his paternal kinsmen's village, is his home.

Cattle are a powerful element, often the deciding consideration, especially in the minds of unadopted Dinka captives or immigrants, in a man's choice of residence. A Nuer cannot live for long without cattle, and he who possesses none must attach himself to the byre and herd of some kinsman. Men with only a few beasts also sometimes find it a convenience to tether them in the byre of a kinsman rather than build a byre of their own. One often finds that the reason a man decides to live with one of his maternal kin, with a paternal aunt, with one of his affinal kin, or with the family of a widow-concubine, is that he knows that the person he intends to reside with will allow him to be a member of the household, will give shelter to his animals if he has any, and will help him to start a herd if he lacks cattle entirely; whereas his paternal kinsmen are unable or unwilling to do so, or, in the case of many Dinka, are altogether absent.

As a further conclusion, I remark again that the drawing together by, and into, the lineage system of the many different strands of kinship (and affinity) which compose the network of social ties in each local community gives the community its unitary character and fixes its position in tribal structure. The points at which they are drawn together are the 'bulls' of the kinship clusters, and especially the tribal 'bulls', those men who are persons not only of age, wealth, and character, but also members of the dominant clan of the tribe—tribal aristocrats. These tribal 'bulls' are the centres of clusters of kin, but they are also agnates, and each has in relation to the others a structural position in the lineage system of the dominant clan. Through them, therefore, all the tribesmen are attached to the dominant clan of the tribe and all the local communities are assimilated to the highly consistent structure of its segments, in which they are conceptualized. It is

2:Evans-Pritchard E-5 (1931,1936) 1951
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585 own and a sleeping-hide, a brush, and a couple of gourds for ablu-
tions. When her husband comes to visit her in her father's home-
[591] stead he sleeps with her in this hut. She continues in all other
respects to lead the life she led before marriage, and after her
husband's visits she hangs up the hide and domestic utensils and
sleeps with her unmarried sisters. On these visits her husband
stays at a neighbouring homestead as he cannot eat in the home of
his parents-in-law and ought not to be seen there at all. When
someone tells the wife that her husband has come, so that she may
prepare for him, she feigns annoyance or lack of interest, pre-
tending that she is still unmarried, a shyness she keeps up with
third persons, though she is at ease when alone with her husband.
When everyone is asleep he visits her and spends the night with
her, leaving before any of the bride's people are about. Her parents
are supposed to know nothing of his visits, though, of course, they
know all about his movements, and it is even said that his mother-
in-law may rise especially early and squint through a crack in
the door of her hut to see him depart. I was told that should
he oversleep and his mother-in-law see his spears outside her
daughter's hut, she makes them forfeit, and he would be ashamed
to ask for them back. It is not till a child has been born that the
husband is accepted by his wife's people as one of themselves. He
is then the father of their daughter's child and through the child
has a kind of kinship with them. Till this happens the husband
continues to lead the life he lived before marriage, a bachelor life
with his younger brothers in their father's byre. His wife visits
him only on rare occasions and for a formal purpose, as when, at
harvest time, she brings him coverings she has made for the grain
on the drying-platforms, or when she takes him a bundle of well-
cooked porridge made from the first millet of the year—a pretty
custom known as *puthene kuan*, honouring with porridge.

842 All are equally anxious for a child to be born, the husband and
wife because they want a son, and the wife's parents and kin be-
cause they cannot, without risking complications, dispose of the
cattle of the marriage till a first-born completes the union. Those
whose daughters they might wish to marry would not be happy
about accepting such cattle as bridewealth in case they had sud-
853 denly to be returned to the husband. When a child is born the
571 mother remains with her parents till she has weaned it. This is a
862 suitable regulation, because after bridewealth has been paid the

2:Evans-Pritchard E-5 (1931, 1936) 1951
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husband's father is likely to be short of lactating cows, while the [853]
wife's parents will have plenty of milk from their herd. If, for some 862
reason, the wife goes to live with her husband before the child is 591
weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule. A *keagh*, first child, belongs to *cieng mandongni*, the home of his maternal grandparents, and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

Shortly after the birth of her first-born the wife, now called 851
paidap, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ash. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's 851
home, and returns with the child to the village of her parents. She 591
has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a mud windscreen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *woci miem nyiotde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kau*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made 591 606 606 [844 602] 593 591

593 from the first millet of the year—a pretty custom known as *puthene kuon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents,
602 and I have seen a husband pay several cattle to atone for contravention of this rule.
603 A *kee*, first child, belongs to the home of his maternal grandparents and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

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The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

586 asked what would happen were he to try to do so
583 I was told that the husband's kin would claim
431 back their cattle and, if necessary, use force to obtain them. Should a wife leave her husband in these circumstances the problem of bride-
[587] wealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
431 wealth cannot be said to be a very powerful sanction of the marriage union. Nor is there any evidence of which I am aware that would
● 591 suggest that the greater the number of cattle handed
593 over the more stable the marriage is likely to prove. On the contrary the poverty of a suitor may be to his advantage since the parents of the girl whom he seeks in marriage can insist, and often do so, that he comes to live in their village, where they will receive constant aid from him in hoeing, fishing, building, and herding, and the accretion to their lineage of both the son-in-law who comes in course of time to identify his interests with those of his in-laws, and of his children, who would otherwise, with their daughter, be lost to them. A reputation for hard work, courage, and an amiable character go a long way towards making up for poverty of stock, especially if the father of the girl and the father of the youth are friends or the youth and the girls' brother are comrades.

581 I am prepared to say definitely that the stability of Nuer marriage rests on quite other foundations
593 than payments of bridewealth. It is founded on affection between the spouses, mutual goodwill between the families of husband and wife, and moral and legal norms. Nuer girls are not easily coerced into marriage and it is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her some time before asking for her hand and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to

11:Evans-Pritchard E-5 (1931, 1936) 1945
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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*cang giekni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Ceke, guri bi wa lum dor kie bi lum cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cek me kere wide yar be lar "Ghan gan ca be wa lum gwadh dodien, Me ca gat coada gur, ba lum golkun"*, "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 837 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

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587 768 593 ●591 dead, so that they may view with equanimity the departure of the widow and her children, having no feelings of close parentage towards the sons and being assured that they will receive whatever bride-wealth is their due on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she [611] determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends [586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy [775] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 611 A widow who lives with a stranger after the death of her husband is called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 593 A *cek ma lak* is translated in this paper as "widow-concubine" for she is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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583 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dok girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyaleeni ♀ of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impresion is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It [591] must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates
165 (who are also widows) suggests a very high mortality rate among males. This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

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XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Mest ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Mest ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the 611 551

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587 village are given matronymics instead of patronymics. Thus at Nyueny
591 one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀
611 instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
551 villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 584

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(larcieng)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *nut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a *buor*, a mud fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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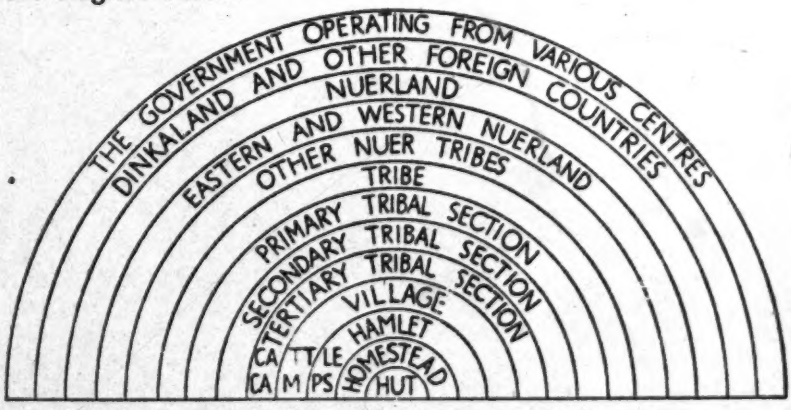
already made, we will give immediate consideration only to political distance and only to some characteristics of it.

631 Nuer give values to local distributions. It might be thought a simple matter to discover what these values are, but since they are embodied in words, one cannot understand their range of reference without considerable knowledge of the people's language and of the way they use it, for meanings vary according to the social situation and a word may refer to a variety of local groups. It is, nevertheless, possible to differentiate them and to make a crude formal classification of them, as we have done in the diagram below.



Nuer Socio-Spatial Categories.

●592 621 A single living hut (*dwil* or *ut*) is occupied by a wife and her children and, at times, by her husband. They constitute a simple residential family group. The homestead, consisting of a byre and huts, may contain a simple family group or a polygamous family and there are often one or two kinsmen living there as well. This group, which we call a household, is often referred to as the *gol*, a word which means 'hearth'. A hamlet with gardens and waste land around it is called *dhor* and each has its special name, often derived from some landmark or from the name of the senior kinsman living there. A hamlet is 621 generally occupied by close agnatic kinsmen, often brothers, and their households, and we call this group of persons a joint family. As these groups are not treated in our account we say no more about them. It must be remembered, however, that a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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621 occupy it, and small camps are sometimes named after an old person of importance who has erected his windscreen there. We have seen that the social composition of a camp varies at different times of the drought from the people of a hamlet to the people of a village, or of neighbouring villages, and that men sometimes camp with kinsmen living in camps other than those of their own villages. Consequently, while local communities of the rains tend to be also local communities in the drought their composition may be somewhat different. We again emphasize that not only are the people of a camp living in a more compact group than the people of a village, but also that in camp life there is more frequent contact between its members and greater co-ordination of their activities. The cattle are herded together, milked at the same time, and so on. In a village each house-
• [592] hold herds its own cattle, if they are herded at all, and performs its domestic and kraal tasks independently and at different times. In the drought there is increasing concentration and greater uniformity in response to the greater severity of the season.

634 We sometimes speak of a district to describe an aggregate of
619 villages or camps which have easy and frequent intercommunication. The people of these villages take part in the same dances, intermarry, conduct feuds, go on joint raiding parties, share dry season camps or make camps in the same locality, and so on. This indefinite aggregate of contacts does not constitute a Nuer category or a political group, because the people do not see themselves, nor are seen by others, as a unique community, but 'district' is a term we employ to denote the sphere of a man's social contacts or of the social contacts of the people of a village and is, therefore, relative to the person or community spoken about. A district in this se[illegible]ends to correspond to a tertiary or a secondary tribal segment, according to the size of the tribe. In the smallest tribes a whole tribe is a man's district, and a district may even cut across tribal boundaries in that in a large tribe a border village may have more contacts with neighbouring villages of another tribe than with distant villages of its own tribe. The sphere of a man's social contacts may thus not entirely coincide with any structural division.

A number of adjacent villages, varying in number and total

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Jikany where, I was told, a Dinka could never lose his inferior status, which was transmitted to his descendants. The acceptance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress. 565 563

We again emphasize the point to which we drew attention in the section on law, that the degree of responsibility acknowledged for a tort, the chances of compensation being offered for it, and the amount of compensation paid, depend on the relations of the persons concerned in social structure. Thus, if a man kills an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.' 628 681 592 563 609

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be considered to belong to this category in one situation and not in another. This is obviously the case in social life generally, because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the 628 681 563

2:Evans-Pritchard E-5 (1931,1936) 1951
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CHAPTER IV

THE FAMILY

I

593 SIMPLE legal marriage and the simple legal family which derives from it are standards to which the other kinds of union and family I have described are made to approximate in the interrelations of the persons concerned as far as circumstances permit. Even in widow-concubinage and in simple concubinage the male partner takes on himself, though to a lesser degree than a true husband, the attitude of respect a man should display to his parents-in-law. A man who lives with a woman and her children, whether as the legal representative of the husband and pater or not, models his relations with them on those obtaining in the home of a simple legal family. It is of such a home and family that I now give some account.

592 We noted in the first chapter that a Nuer homestead, the home of a family, to the household of which other kin may be attached, consists of a byre and its attendant hut or huts. The byre, a massive wattle-and-daub structure of some 15 to 20 feet in diameter, is the material and moral centre of the homestead. A man who builds a byre has started a family, herd, and home of his own. The byre stands for the father's status in the family. While he is alive his wives and sons and daughters are bound to him.

The byre looks on to the kraal and is the sleeping-place of the cattle in the rains; and some of the young men of the household may also sleep there, on a platform over the dung fire kept burning in the centre of it to give the cattle protection from mosquitoes. In the daytime it is the club-room of the household and the guest-room of the homestead, for byres, besides signifying the presence of a family and its head, are centres of social life in Nuer villages. When one sees a hut by itself it means that the byre has fallen down and has not yet been rebuilt or that the owner of the hut possesses at the time too few cattle to make it worth his while to build a byre for himself, since he can easily house his animals in that of a kinsman; unless it is the hut of an old widow or of a semi-detached concubine, neither of whom are likely to have cattle of their own. It sometimes happens that even an unmarried man

2:Evans-Pritchard E-5 (1931, 1936) 1951
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may have a byre if he is the eldest son of a dead man. When he is initiated into manhood his paternal uncles ought to build him a byre, 'so that his father's fire may be relit', and to hand over to him his father's herd which they have held in trust till he should take his father's place as head of the family. 592

The wife has her hut at the side of the byre, and in a polygamous family each wife has her own hut, where she and her children sleep. Near to it there may be a simple shelter for cooking. In a large homestead there may also be a hut for the youths of the household to sleep in, and perhaps a hut for the senior girls. The head of the family has no hut of his own but sleeps in the huts of his wives. In such a polygamous family all the huts of the wives are built around the byre, and this attachment symbolizes for Nuer what we call the agnatic principle of their society, which insists that all the sons of a man belong to his lineage irrespective of their maternal affiliations, their links with the kin of their mothers through the different huts within the homestead. Very early in life small boys are driven by their father or elder brothers away from their mothers' huts to the byre, the place of the menfolk of the family, where they eat, sleep, and spend the leisure hours of the day. When they are about seven or eight years of age they sleep there instead of in their mothers' huts, where the women and girls eat and sleep and near which they spend most of the day. The men and boys, to whichever hut they may belong, belong also, and primarily, to the byre and to its *gol*, a word which means, as I have earlier explained, the fire of cattle-dung kept burning day and night in the centre of the byre (there is sometimes a second one in the kraal) and its hearth; and also homestead, hamlet, family, household, and even lineage in certain contexts. Daughters belong to the huts and they will be married from them into stranger lineages, into which they are absorbed. Sons belong to the byre and to the lineage of its owner. This connexion between byre and lineage is seen when a new byre is built, for then the master of ceremonies of the family is summoned to make a libation of beer to the guardian spirits and ancestral ghosts of the lineage before its central support is planted, so that they may give peace and prosperity to all who dwell therein. In the byre, at the side of the hearth, is kept a branch, decorated with metal rings and pieces of skins of sacrificed beasts, which serves as an ancestral shrine. In summer camps a windscreen takes the place [595] [603]

2;Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

of the byre as the men's dormitory and club, and the shrine is placed at its entrance. Small grass beehive huts take the place of the wattle-and-daub huts of the villages as the dwellings of the womenfolk of the home. 592

The polygamous family is a unit, the *gol* of the husband of the several wives. '*Jigoala*', 'the people of my hearth', are my family in this inclusive sense. But the children of each wife also belong exclusively to her *dwil* (or *ut*), hut, and to her *mac*, cooking-fire, so that the polygamous family is divided into a number of separate domestic groups within the larger whole. The huts of the different wives are the centres of these elementary families which have a common husband and father. Outside her hut each wife has her *buor*, a mud windscreen, against which she makes her cooking-fire, and near to it is her *thung*, a plastered hole in the ground for pounding millet (she has another fire-place and another pounding-hole inside her hut for use on rainy days). This mud screen, the top of which is fashioned into three humps, is the sign of a married woman's status as the mistress of her home and the mother of children, just as the hearth in the byre is the sign of a man's status as the father of a family and the master of household and herd; and it also has ritual associations, for sacrifices are made near it. It is the centre of a married woman's life. Here her friends and neighbours gossip with her when she is working or in the evening when work is done. 595

As boys grow up they attach themselves more and more to the byre, but each remains, both in sentiment and by social alinement, also a member of his mother's hut. Hence one may distinguish between full brothers and paternal half-brothers by saying that the first are brothers *kwi dwiel*, on the side of the hut (as we say, on the distaff side), while the second are brothers *kwi luak*, on the side of the byre (as we say, on the spear-side); and this distinction is a fundamental one in Nuer society, for it runs not only through the family but through the kin also, and is moreover the paradigm of the lineage structure. [593 611]

With the huts go the gardens, with the byre go the cattle and the kraal. Each wife has her own garden and granaries, and with her millet she makes porridge for herself and her daughters, small sons, and guests, and also porridge and beer for the men and boys in the byre, the male members of the whole household, only some of whom would be her own sons, and any male neighbours and

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

11:Evans-Pritchard E-5 (1931, 1936) 1945
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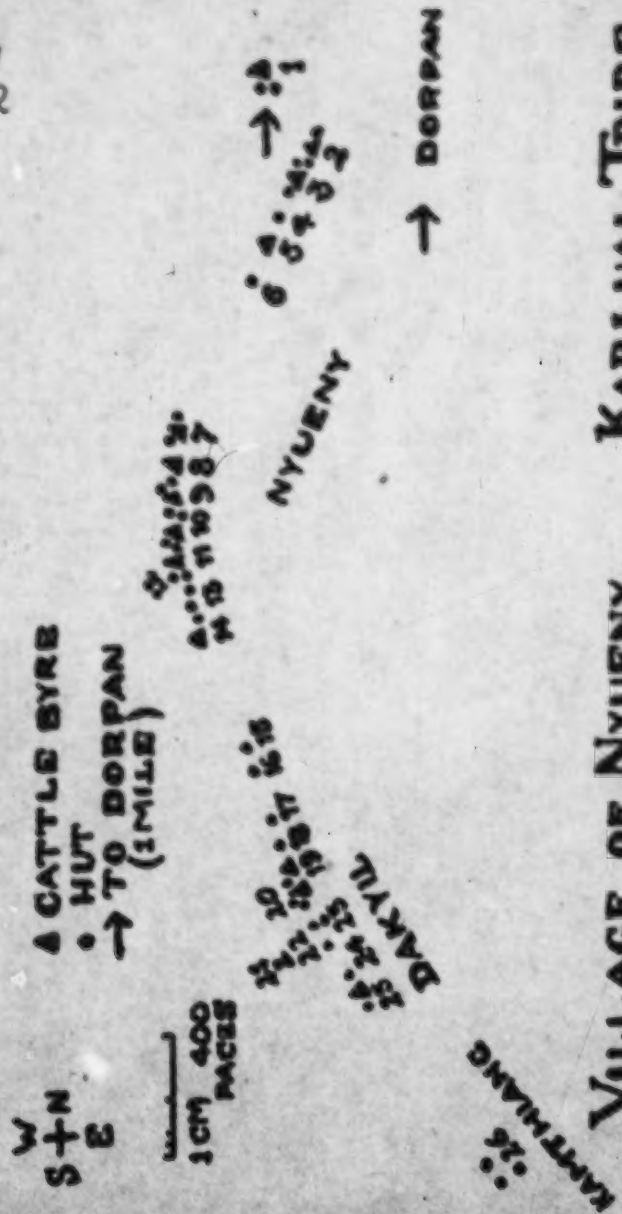

VILLAGE OF NYUENY KARLUAL TRIBE

Diagram VI

11:Evans-Pritchard E-5a(1931, 1936) 1945
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Nyueny is one of the finest
ridges (*ikar*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce rek jaanga lwil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

11:Evans-Pritchard E-5 (1931,1936) 1945
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592 593 588 of the kraal and homestead with the skill of an experienced herdsman and householder and stands no interference in matters pertaining to the cattle, even from her initiated son, Majak ♂.

592 588 *Homestead No. II.* Col ♂ —Ngunjok ♂. He lives with Nyarueni ♀ whom he married to the name of his father (see Diagram No. VII). He is now contemplating marriage on his own account. I am uncertain whether Nyarueni has a baby or not. The byre of this homestead originally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No. I), who lived there for a time before moving to her present hamlet.

[611]

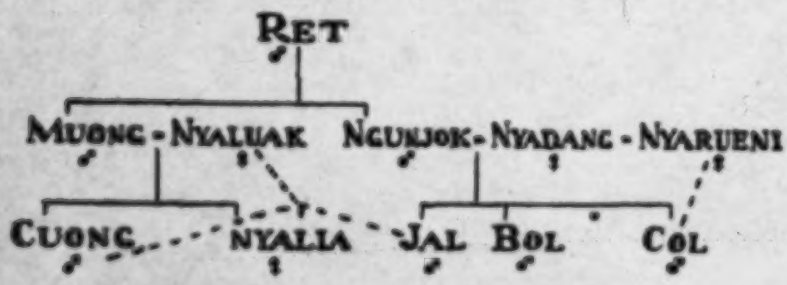


Diagram VII

Homestead No. III. Baranyai ♂ —Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂—Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀—Kuth ♂ and those who know about her brother speak of him as Yoah ♂—Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side, Yoah ♂ and his brothers and sons being all dead, so " the cattle of the maternal uncle " went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Galuak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

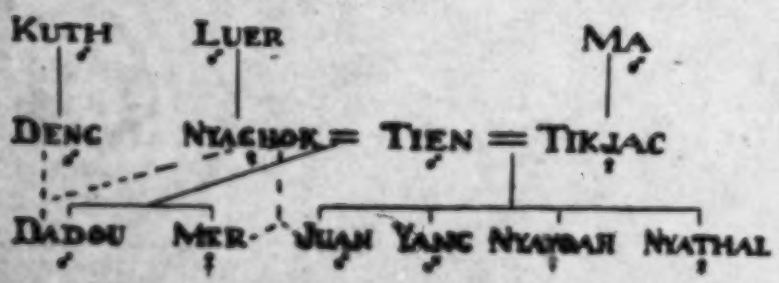
Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]



[611]

Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Malith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yoah ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yoah ♂: Weetwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [386]

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and [343] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle [431] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Gaiuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

Homestead No. XII. Nyawal ♀—Col ♂. Her husband was Lam ♂ of
592 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After
587 his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was [775] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he [582] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

11:Evans-Pritchard E-5 (1931, 1936) 1945
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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. 682

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII, when I asked why the brothers do not live together I was told *Juan mun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

11:Evans-Pritchard E-5 (1931, 1936) 1945
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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ [764] who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Gafuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabath ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

11:Evans-Pritchard E-5 (1931, 1936) 1945
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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiac ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Puot ♂, Nyagwar ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol. 592 587

Nyadhiac's mother, Nyaleeni ♀, a very old Baggara Arab captive, lives with her. [227]

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kulanga ♂, a Bor woman, and his brothers, Buth ♂ and Duoth ♂, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No, XXVI). 592

Homestead No. XXVI. Nyaluak ♀—Yoah ♂, widow of Dit ♂—Bicuk ♂, to whom she bore Rwot ♂, Yangdoah ♀, Nyakur ♀, Nyampath ♀, and Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyaduoth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyaudoiy—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

SOCIAL ORGANISATION AND POLITICAL STRUCTURE

SOCIAL UNITS

592 1. A single living hut occupied by a wife, her children and, at times, her husband if the family is a polygynous one.

2. The homestead *(gol)* consisting of a byre and huts, and containing a simple family group or polygynous family, sometimes with other relatives attached.

621 3. The hamlet *(dhor)* consisting of a cluster of homesteads surrounded by their pastures and cultivations. Each hamlet has its own name and is generally inhabited by close agnatic kinsmen, often brothers and their families.

621 361 4. The village, a very distinct unit, usually referred to as cieng (home). The population may be anything from fifty to several hundred. If the village is built on a ridge, homesteads and hamlets may be strung out for a considerable distance. Villages are usually distinct from each other, there being several miles of bush, swamp and grass between them. Well-marked paths, made by the constant visits exchanged by the inhabitants, join the villages to each other.

621 A village consists of a community linked by common residence and by a network of kinship and affinal ties. The inhabitants co-operate in many activities - social, economic and military - and form dry-season camps together. The village is the political unit of Nuerland and is the smallest group which is not specifically of a kinship order.(1) People of one village have a strong feeling of solidarity vis à vis people of other villages.

621 361 5. The cattle camp *(wec)*; early cattle camps may be found wherever there are depressions, pools, and patches of fresh pasture. The location of the larger camps is largely predetermined, as only a few places provide adequate pasture and water in the height of the dry season. The size of the camp depends on these resources and, whereas early camps consist only of a few households, later camps vary from 100 to 1,000 souls. Such concentrations comprise larger or smaller tribal sections and each group has its own separate section of the camping ground. Neighbouring villages participate in a cattle camp, and relatives from distant villages may join their kinsmen. There is more co-operation within a camp than within a village, as the cattle are herded together and milked at the same time, whereas in a village each homestead, in the main, herds its own cattle. A large camp is called after the dominant lineage in it or after the main village community occupying it.

634 6. The district, "an aggregate of villages and camps which have easy intercommunication".(2) It corresponds to a small tribal segment, although it may include a whole tribe or more in the case of very small

(1) Evans-Pritchard, The Nuer, 1940, p.135.
(2) Ibid., p.136.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
two, more general, conditioning attributes of local influence.
593 Women and children have always a position inferior to that of
men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
and when he has married and begotten several children he
623 becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present
time the *Maker* and *Dangunga*, for members of the most senior sets, the *Thut* and *Boiloc*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

1: Evans-Pritchard E-5 (1931, 1936) 1940
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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 clining, his garden exhausted, his relations with some of his neighbours uncongenial, or merely if he is restless, he moves to
607 a different part of the country and resides with some kinsmen.
601 It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat năr*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

2:Evans-Pritchard E-5 (1'.31,1936) 1951
FJ22 Nuer FJ22

588 Another factor which has certainly had some influence in bringing about attachments of outsiders to groups of agnatic kin other than their own is the custom of concubinage, the different [591] forms of which I describe in detail later. It is a very common practice for widows to leave their dead husbands' homes and to take lovers in the villages of their parents, or to go to reside in the [593] villages of their lovers. When they do so they take their young children with them, and though the sons almost invariably return to their paternal homes before initiation, they have grown up in the homes of their maternal kinsmen, or of their foster fathers' kin, and may have so strong an affection for them that they later return to reside with them, at any rate for a time, when they are married men and their own masters.

Widows, whether living in their maternal villages or in their dead husbands' villages, attract lovers, sometimes from the village, sometimes from a neighbouring village. In either case a new social tie is established, and the lovers may continue to cohabit with the widows as members of their communities for long periods and nurture the children they beget by them. A poor man is only too glad to obtain a housekeeper and mate without expense by means of either widow-concubinage or unmarried concubinage, and if he is an unadopted Dinka he may remain with the concubine and his children by her.

There are in Nuerland a considerable number of unmarried concubines. The sons they bear to lovers become the legal children of these lovers by payment of cattle, but they do not feel so securely attached to the homes of their fathers as do children born of the union of marriage, and there is a tendency for sons of the same woman by different fathers to stick together, usually wherever their mother may be, especially if the fathers are dead or if they do not possess large herds.

591 There are two other facts to be taken into consideration. Among Nuer it is not uncommon for a man to make his home among his wife's people, though in my experience a true Nuer usually returns to his own people eventually. As I have explained, sons-in-law who live with their wives' people are often Dinka, and Dinka are likely to remain with their affines, as they may have no kin of their own to return to; but one also finds Nuer in the same position. These may be persons who for one reason or another prefer to live apart from their paternal kin, or they may be poor men who cannot afford to pay the full bridewealth, part of which is forgone by the

2:Evans-Pritchard E-5 (1931, 1936) 1951
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MARRIAGE

Intercourse does not necessarily take place when a youth and maid are alone together on the night of a dance. When the relationship between them is a *luom buol*, a dance love affair, or *luom thura*, a dancing-ground love affair, a more or less constant attachment, and not a *luom goka*, a love affair of the high grasses, casual lust, I was told that the girl is likely to refuse her favours, though he will entreat for them, unless she feels sure that he intends to marry her and has the cattle with which to do so, for no respectable girl wants to be a *keagh*, an unmarried mother. No attempt is made to conceal an attachment of this kind, which indeed imposes on the girl modesty and shyness towards her lover in the presence of other persons such as a bride is expected to show towards her bridegroom or a newly-wed towards her husband. 883 856

Parents are not cognizant of all the love affairs of their children, but if a girl forms a constant attachment she may tell her mother about it, and a father will probably hear of a similar attachment of his son. They are not likely to say anything unless there is danger of incest. All the young men of a hamlet or small village, who are kinsmen and dance together, know of one another's courtships and escapades. Likewise, all the girls know about one another's lovers and amours, for they also keep together at dances. The only person who may interfere is a brother in an affair of his sister, for her virtue is his responsibility, but he will only do so in certain circumstances. He keeps an eye on his sister and knows who is courting her, but he will only come between her and her lover if he suspects that she is having regular relations with a man without cattle or that she is giving herself to all and sundry. [593]

It not infrequently happens that a girl becomes pregnant while still unmarried. If the young man has cattle he will be expected to marry her, and if she is not a profligate he will be glad to do so. If he has insufficient cattle he cannot do so, and though another man will not object to taking her as a wife, he is more likely to take her as a second wife than as a first wife, and he will pay fewer cattle for her bridewealth. It is therefore in the brother's interest to see that this does not happen. It is also in his interest to prevent his sister from becoming a wanton. A man does not expect his bride to be a virgin, but he does not care to marry a jade. A girl of easy virtue may find plenty of lovers but no suitors, and after bearing an illegitimate child is likely to become a concubine for the rest of her life, to the detriment of her family herd. 848

2:Evans-Pritchard E-5 (1931, 1936) 1951
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CHAPTER IV

THE FAMILY

I

593 SIMPLE legal marriage and the simple legal family which derives from it are standards to which the other kinds of union and family I have described are made to approximate in the interrelations of the persons concerned as far as circumstances permit. Even in widow-concubinage and in simple concubinage the male partner takes on himself, though to a lesser degree than a true husband, the attitude of respect a man should display to his parents-in-law. A man who lives with a woman and her children, whether as the legal representative of the husband and pater or not, models his relations with them on those obtaining in the home of a simple legal family. It is of such a home and family that I now give some account.

592 We noted in the first chapter that a Nuer homestead, the home of a family, to the household of which other kin may be attached, consists of a byre and its attendant hut or huts. The byre, a massive wattle-and-daub structure of some 15 to 20 feet in diameter, is the material and moral centre of the homestead. A man who builds a byre has started a family, herd, and home of his own. The byre stands for the father's status in the family. While he is alive his wives and sons and daughters are bound to him.

The byre looks on to the kraal and is the sleeping-place of the cattle in the rains; and some of the young men of the household may also sleep there, on a platform over the dung fire kept burning in the centre of it to give the cattle protection from mosquitoes. In the daytime it is the club-room of the household and the guest-room of the homestead, for byres, besides signifying the presence of a family and its head, are centres of social life in Nuer villages. When one sees a hut by itself it means that the byre has fallen down and has not yet been rebuilt or that the owner of the hut possesses at the time too few cattle to make it worth his while to build a byre for himself, since he can easily house his animals in that of a kinsman; unless it is the hut of an old widow or of a semi-detached concubine, neither of whom are likely to have cattle of their own. It sometimes happens that even an unmarried man

2:Evans-Pritchard E-5 (1931,1936) 1951
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of the byre as the men's dormitory and club, and the shrine is 592
placed at its entrance. Small grass beehive huts take the place of the wattle-and-daub huts of the villages as the dwellings of the womenfolk of the home.

The polygamous family is a unit, the *gol* of the husband of the 595
several wives. '*Jigoala*', 'the people of my hearth', are my family in this inclusive sense. But the children of each wife also belong exclusively to her *dwil* (or *ut*), hut, and to her *mac*, cooking-fire, so that the polygamous family is divided into a number of separate domestic groups within the larger whole. The huts of the different wives are the centres of these elementary families which have a common husband and father. Outside her hut each wife has her *buor*, a mud windscreen, against which she makes her cooking-fire, and near to it is her *thung*, a plastered hole in the ground for pounding millet (she has another fire-place and another pounding-hole inside her hut for use on rainy days). This mud screen, the top of which is fashioned into three humps, is the sign of a married woman's status as the mistress of her home and the mother of children, just as the hearth in the byre is the sign of a man's status as the father of a family and the master of household and herd; and it also has ritual associations, for sacrifices are made near it. It is the centre of a married woman's life. Here her friends and neighbours gossip with her when she is working or in the evening when work is done.

As boys grow up they attach themselves more and more to the byre, but each remains, both in sentiment and by social alinement, also a member of his mother's hut. Hence one may distinguish [593 ●
between full brothers and paternal half-brothers by saying that 611]
the first are brothers *kwi dwiel*, on the side of the hut (as we say, on the distaff side), while the second are brothers *kwi luak*, on the side of the byre (as we say, on the spear-side); and this distinction is a fundamental one in Nuer society, for it runs not only through the family but through the kin also, and is moreover the paradigm of the lineage structure.

With the huts go the gardens, with the byre go the cattle and the kraal. Each wife has her own garden and granaries, and with her millet she makes porridge for herself and her daughters, small sons, and guests, and also porridge and beer for the men and boys in the byre, the male members of the whole household, only some of whom would be her own sons, and any male neighbours and

2:Evans-Pritchard E-5 (1931,1936) 1951
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595 guests who may be present. A husband may have a garden of his own, but, if so, he distributes the millet among his wives when their supplies are running short.

422 The cattle belong to the husband. It is the usual practice for a man to divide his cows among his wives, but they only have the ●593 use of them for milking and cannot dispose of them. A cow given to a wife is merely what Nuer call 'a cow of the churning-gourd', seeing that it is given to the wife only so that she may have milk for her little ones and butter and cheese to pour over her porridge. It is true that the husband ought not to dispose of the cow without consulting her, and I have heard a wife protest strongly that she had not been advised of her husband's intentions; but she cannot refuse her consent to its disposal for the benefit of the family. Nor can she dispose of it herself. When I asked some Nuer whether a wife could give a cow which she always spoke about as 'my cow' to her brother, they wondered whether I was joking: 'Could she do such a thing? Would not her husband kill her? Give one of his cows to her brother indeed! Eh he!' If a man dies, leaving only young children, and his wives remain in his homestead or live with his brothers, they continue to have use of the cows he allocated to them during his lifetime. A dying man may expressly direct that they should do so. However, the trustees of the animals are the dead man's brothers and their disposal is subject to the claims of the family as a whole and must be in their common interest. If a widow tried to remove the cows from the herd and take them to the home of her brother, or of some man with whom she was living in concubinage, her husband's kin would certainly not, except in very special circumstances, permit their dispersal, for the cattle belong to the lineage, to the sons as a whole, who are links between the ancestors and its as yet unborn members. If the sons are men when their father dies they ought to go on living together round a common kraal. Nevertheless, as will be seen, they frequently do not do so. Whether they do so or not, the cattle belong to all of them and should be used, when the herd is large enough, to obtain wives for them in order of seniority, though in practice they are sometimes a bone of contention. Even cattle which come to wives on the marriages of their kinswomen (the cow of the paternal aunt and the cow of the maternal aunt) are not their property in an absolute sense. They have the use of them and should their husband die their sons inherit them, but while the

2:Evans-Pritchard E-5 (1931,1936) 1951
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422 husband is alive the beasts count as part of his herd and the wives
593 cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to,
428 take for his own use without his sons' consent are those which
593 come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader
462 departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

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Nuer have told me, though they do not like to speak of it, for it touches on death, that there is what we would call a latent hostility between husband and wife, and indeed between man and woman. They say that when a man has begotten several children by his wife he wants her to die, and may even pray for this to happen, for he does not want to die before her and another man to cohabit with her, rule in his home, use his cattle, and perhaps ill treat his children and rob them of their birthright. Men say also that women in their hearts wish for their husbands' deaths. Whatever may be the significance that should be attached to these statements and to stories in which similar sentiments are expressed, family life among the Nuer is remarkably harmonious on the surface. I attribute this, in part at any rate, to the unchallenged authority of the husband in the home. A woman must obey her husband, and Nuer say that when he swears at her she must not answer back, and that he has the right to chastise her if she neglects her children or domestic duties. They told me that should he kill her (I have never heard of a case of the kind), whatever trouble his action may otherwise bring on him, he will not have to pay compensation, for she belongs to her husband's people and he only destroys what is his own, losing thereby both wife and the cattle he paid for her. No doubt there are cases of cruelty, especially where captive Dinka women are concerned, and I have been told of such, but I must record that during a year spent in intimate contact with Nuer in villages and camps I did not once see a man strike his wife or hear a serious quarrel between spouses, and I believe therefore that these are rare happenings.

Women know their duties and unless they are by nature lazy and slovenly, or wish to goad their husbands into divorcing them, they avoid domestic shortcomings. The husband, for his part, does not interfere with his wife's organization of her duties. So long as she performs them she may do so in her own way. For instance, when there is meat, a man hands it to his wife to prepare and leaves it to her discretion to decide how much of it to keep for herself and her children and how much to serve to the menfolk in the byre. Moreover, it is difficult for a man to ill-treat his wife, even should he wish to do so, for his conduct cannot be kept secret and his kinsmen would certainly intervene on her behalf. I have been told that no reputation in Nuerland is more shameful than that of a wife-beater, a man who prefers *kur mam*, fighting with women, to

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593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he [586] decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.

562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them [581] with respect. In saying that their status in society is high I am judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.

596 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

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wives will be fertile. Abortion is said to be very rare and practised 847
only by unmarried girls. Though the men of the kraal may hope that monorchids and babies born with defects and deformities will not survive, they do not kill them or let them die. The proper 854
care and nurture of children is the concern of the whole family and household, and from the moment of birth care is taken to isolate the child from any contact which might be injurious to it. Even the father keeps away from the mother's hut for the first few days lest he inadvertently cause it some misfortune. The prohibi- 853
tion on coitus between parents till the child is weaned is seldom infringed, although it imposes long abstinence, for the child is suckled till he can digest solid food and can toddle about home-
stead and camp by himself. Artificial aids to weaning are rarely 862
necessary, infants passing slowly from the breast to cow- and goat-milk, though sometimes they are sent to their maternal grand-parents for some weeks to make the break. Children have first claim in the allocation of milk from the herd, and if there is a shortage it is the adults, and not they, who go without.

The care of small children falls naturally to the mother, and it 851
is she who feeds and bathes them and attends to their other wants. 593
But the father also takes an interest in his infant children, and one often sees a man nursing his child while the mother is engaged in the tasks of the home. Nuer fathers are proud of their children and give much time to them, petting and spoiling them, giving them titbits, playing with them, and teaching them to talk; and the children are often in the byres with the men. The affection of children for their fathers is very striking in Nuerland. I have never seen a man beat his child or lose his temper with him, how-
ever aggravating he might be. When a father speaks crossly to his [861]
child, as he does if, let us say, the child goes to the edge of a river or among the cattle, where he may be injured, it is evident that the child is not afraid of his loud words and obeys from affection rather than fear. In his first years a child is corrected by his mother and elder brothers and sisters, who may give him a few strokes with a grass switch if he is naughty.

Daughters grow up under the direction of their mothers. 867
Mother and elder sisters give a girl training in household tasks 868
and what moral advice and worldly wisdom they care to impart. 593
The father takes little interest in the affairs of his daughters. His chief concern with them is to ensure that they are well married.

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868 Boys come under their father's direction. He and the other men of
● 593 the kraal see that they carry out their duties in the care of flocks and herds. Boys learn from their elder brothers and cousins how to fish, hunt, cultivate, dance, flirt, and engage in the other activities of men. A boy can see the stages of his life before him—initiation, courtship, marriage, and the starting of a family and home—and he realizes even in childhood that these stages are bound up with his father's herd, and that he and his brothers have a common interest with their father in the herd. It is very noticeable that when boys talk about the cattle it is in reference to marriage and when girls talk about them it is in reference to milk.

593 In my experience, it is only when a father is selfish or extravagant in his use of the herd that, even when his sons are men, any serious disagreement is likely to arise between them. Even then, young men submit to their father's indiscretions. If they may show their disapproval by going to stay with relatives for a time they say little, partly, no doubt, because they fear a father's anger and curse, but chiefly, I believe, because, in spite of faults, they love and respect their fathers. Though relations between a father and his son may be strained, the sorrow and anxiety of the son should his father fall sick are most apparent. Nuer say that should father and son fail altogether to agree the son may go to live permanently with his maternal uncle, but this would be a most serious offence in the eyes of Nuer, being *dakene mar*, the breaking of kinship. I have never known it happen.

Boys treat their mothers with affection, though they are offhanded with them and are sometimes rude to them. When they are approaching the threshold of manhood a feeling of male superiority seems to affect their attitude to their mothers. I was told that a youth would never interfere on his mother's behalf should his father be angry with her, though should the father wish to beat her the son would not reveal her hiding-place lest she
[842] should curse him. A mother's curse prevents a man from begetting male children. Fear of it was the reason given me for the care Nuer take of their mothers when they are very old, carrying them on their shoulders from village to camp and from camp to village, but, here again, I think that natural affection is a stronger motive.

My observations of the relations between parents and children do not permit me to develop the subject beyond such general impressions as I have given. I would like, however, to draw attention

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to the peculiar position in each elementary family of the eldest 593 child.* The eldest child of either sex is known as *gat ma keagh* and [601] the mother may address him (or her) as *keaghda*, my first-born. This child must never use the spoon of his father or mother, and I [603] have sometimes been given to understand that this is one of the reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose. When an eldest male child is initiated an extra incision is made, at [321] any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not regarded as complete. He is also the link through which the kin of [602] the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *peh*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

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593 structure towards the father's kin and lineage, and a pull of personal affection towards the mother's people. Rights in the herd, duties of blood revenge, and status in the community hold a man to his father's kin, but with these go jealousy about cattle, resentment against authority, and personal rivalries. A man has no rights in his maternal uncle's herd, he has no obligation to assist his maternal uncle's people in their feuds, and he has no hereditary status in his maternal uncle's community. But the fact that he lacks these rights and duties and status means that he is not burdened with the disputes and tensions they engender. The paternal ties are stronger, if there is a touch of hardness in them. The maternal ties are weaker and for this reason are tenderer. In the Nuer family the tension is greatest in the case of the eldest child, especially an eldest son, for both families more strongly assert their rights in him than in the younger children, but it is inherent in the nature of the Nuer family and has also a more general social significance in the counter-attraction of the lineage on one side and the wider society on the other.

595 This pull in opposite directions, towards the father's kin and towards the mother's kin, is most evident in polygamous families, where the sons of each but have different sets of kinsmen on the mother's side. I cannot say what is the frequency of polygamy in Nuer society, and it would in any case be difficult, in view of the variety of Nuer domestic unions, to decide on a criterion of polygamy; but though monogamous marriage is much commoner, polygamy is frequent enough to have set its stamp, through its association with wealth and social influence, on the lineage system. The polygamous family is for the Nuer the ideal form of family life and every man would like to attain to it. It has therefore importance out of all proportion to the actual number of such families. The values and the whole conception of the lineage system are reflected in it.

613 A Nuer lineage is often named after a woman, its ancestress, because lineages are generally thought of as dividing out from within a polygamous family. They cannot be differentiated by reference to the name of the father of the founders of the different lines of descent, but only by reference to the names of the founders themselves or of their mothers. Thus the typical lineage structure is conceived of as being present in the structure of the polygamous family and in the distribution of huts in the homestead it occupies.

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This is why a lineage is generally called a *thok dwiel*, the entrance 613
to the hut—not the byre—or a *thok mac*, the hearth of the fire at which women cook—not that around which men sit and sleep.

There is involved here a contradiction between the dogma of the 593
unity of brothers, which the Nuer so often enunciate, and both the lineage system and the common experience of family life. It is a cardinal teaching that all brothers are equal and undivided, for they are all sons of the same father and therefore, through their identification with him, equivalent in the lineage. Maternal descent does not count within the lineage and therefore ought not to count within the family, for by the agnatic principle in Nuer social life the family derives from the father. Hence, Nuer say, if your uterine brother and your paternal half-brother quarrel you must not enter the dispute on your uterine brother's side, because by so doing you divide the family. You split, as it were, the father.

That the huts do not divide the byre is particularly emphasized 593
by, and in, the rule, previously referred to in our discussion of 582
bridewealth, that brothers must marry in order of seniority of birth, a division by age reinforced by the distinctions of the age-set system, irrespective of whether in each marriage the cattle of the bridewealth came into the family herd from the previous marriages of the particular brother's full or half-sisters. Also, all the brothers must marry before any one of them takes a second wife. Even after the father is dead, opinion enforces this rule. It is only when, as rarely happens, there are enough cattle for a further marriage from the herd before the younger brothers are old enough to take wives that an elder brother may marry a second wife before they are married. When a man dies his eldest son takes his place as head of the family: 'He changes himself into something like their father.' It is then his duty to see that his unmarried brothers are not unfairly treated. Should the family disperse and one of the brothers attempt to take for himself all 'the cattle of the mother' of his uterine sisters' marriages, and refuse to allow them to be used for the marriage of a half-brother who is the senior of the unmarried sons of the family, it might prove difficult to prevent his doing so; but were he to do so, he would cut himself off from his brothers and paternal kinsmen. They would not any more assist him in his troubles and quarrels. They may even let him be killed unaided and recoup themselves for his past meanness

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593 with the cattle they receive in compensation for his death.' This is
582 the final and, to a Nuer, most frightful sanction.

593 Nuer feelings about this matter are reflected in their use of kin-
601 ship terms. Although '*demar*' (or '*gatmar*') means 'my uterine brother' and '*gatgwar*' is the term for 'my father's son' (paternal half-brother), they almost invariably use the term for the uterine brother to refer to, or address, the half-brother and keep the term for 'father's son' to speak about or address paternal cousins. To address a father's son by the term for this relationship is regarded as very bad form because it makes a cleavage in the family. It would be even worse to call your full brother '*gatgwar*', 'my father's son'. The term would only be used for this person as an affectionate meiosis. In the same way, a man must not address his paternal half-sister by the term for this relationship ('*nyigwa*'), for '*nyagur e jen nyimor*', 'your father's daughter (paternal half-sister) is your mother's daughter (full sister)'. It is true, as will be seen in the next chapter, that there is a general tendency for Nuer to use kinship terms for persons who stand in a more distant relationship to those which they denote and that the terms '*demar*' ('*gatmar*') and '*nyimar*' are freely used for almost any person of a man's own generation, but Nuer particularly emphasize the need for this displacement in the case of half-brothers and half-sisters. Nuer have told me that they are so anxious not to distinguish between full and half-brothers that should a man go with his half-brother to visit his mother's sister's home, the young men of that home will make a point of greeting the half-brother first and of addressing him as '*gatmar*', 'son of my mother', before addressing their true mother's sister's son by this term (which correctly applies to him and not to his half-brother). I have earlier noted that the wife of one brother is spoken about as the wife of all the brothers and her children as the children of them all.

595 But although Nuer are constantly asserting the solidarity of the
596 polygamous family, it is as evident to themselves as it is to the observer that things are often different. They recognize that whereas full brothers pool their resources, helping each other even to the point of forgoing their rights, paternal half-brothers insist on their rights and try to avoid their obligations, doing for each other only what self-interest demands of them. Nuer are not surprised at—they expect—coldness between half-brothers, and disagreements and disputes between them, and between paternal

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cousins, are endemic in Nuer society. Quarrels between half-brothers are a frequent theme in stories of the separation of lineages and the dispersal of paternal kin. They are the 'bulls' of whom I said in Chapter I that each goes his own way and seeks to gather round himself a separate cluster of kin and affines. Even when there are no disagreements half-brothers tend to drift apart after the death of their father, especially after they are married, and go to live with their different maternal and affinal kin. 595 593

However, sons ought to continue to live together on the death of their father, and it is hoped that they will do so. If they live together there is less chance of unfairness in the disposal of the cattle and of resultant disputes. A man may anticipate difficulties of the kind by directing before his death how his herd is to be divided among his sons. If he does not do this, it ought to remain undivided till all the sons are married. What is left of it may then be divided among them at a family council. There is more likelihood of this being done if all the sons live together, for then, even though the herd is divided among the huts, it is still very much a single herd in a common kraal. When one of the brothers wants to marry, the different huts will all 'loosen cattle' for his marriage, as they would have done had the father been alive. But if a widow takes her sons to her own kin or to the home of a lover in a distant part of the country, the half-brothers who remain in their father's home are less inclined to help them when they want to marry, and if they have no uterine sisters they may then find it difficult to do so. Nevertheless, a boy without uterine sisters is to some extent protected by the rules governing division of bridewealth, which ensure that he will receive at least some of the cattle of the marriages of his paternal half-sisters. He will also receive cattle on the marriages of other female relatives: the daughters of his father's brothers and sisters and the daughters of his mother's brothers and sisters. He may possibly also receive wang-nen cattle of his grandparents. Though he lives apart from them, his half-brothers will not seek to deprive him of his rights in bridewealth, even if they are not ready to help him by gifts from their own herds. 593 428

In discussing the shortcomings of half-brothers Nuer often further mention the obligation to marry a wife to the name of a man who dies without heirs. If he leaves behind an unmarried uterine brother, this brother will use the cattle brought into the 593

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593 home on the marriage of one of their sisters to take a wife in his name. If he had only half-brothers it is feared that they may try to 'blot out' the dead man's name and use the cattle to marry wives in their own names. To prevent this it is said that the dead man's mother's people may, if there was no close friendship between him and his half-brothers, arrange for his uterine sister to marry a wife to his name. Her husband then takes the cattle which would have gone to the dead man on the marriages of his sisters and makes the arrangements for his wife to marry a wife to his name with them, though he does not himself cohabit with this wife. Nuer say that in affairs of this kind a sister's son can be trusted better than a paternal half-brother. As I have mentioned in the last chapter, the disposal of widows may occasion rancour among paternal half-brothers.

604 The distinction between full and half-brothers runs right the way through the Nuer kinship system. Nuer say that '*gurien kwi dwiel*', 'your father's brother on the side of the hut' (his uterine brother), is a real father to you, but '*gurien kwi luak*', 'your father's brother on the side of the byre' (his paternal half-brother), is only a father in his talk. If your father is dead and you are still a boy he may take advantage of your youth to deprive you of your rights. Similarly, Nuer say that the *nar mande* (or *nar kwi dwiel*), the mother's uterine brother, is a real mother and father, but not the *nar gwande* (or *nar kwi luak*), the mother's paternal half-brother. I once asked a youth who was threatening to fight his maternal uncle over an insult he considered he had received from him, 'But surely he is your maternal uncle?' 'Yes,' he replied, 'but only a maternal uncle on the father's side.'

593 When we speak of uncles on the byre-side we speak of half-brothers of the parents who own their own herds and homesteads, maybe in different villages, districts, or even tribes. They have already become distinct points of growth on the lineage branch. There is no pretence here that they are undivided. This dogma does not go beyond the family: sons in relation to their father. As we have seen, within the family it is the assertion of an ideal in the face of recognized social actualities which only partly conform to it; for the difference between full and half-brothers, or between the huts, in a family is both marked and a matter of concern to Nuer. It is clearly connected with the lineage structure and with the importance of the maternal kin in social life, which is related

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593 to that structure, for both act to pull apart the children of different wives of the same husband.

593 I shall return to the distinction between full and half-brothers when discussing the Nuer kinship system. We will then see how 611 categories of relationship fall into two broad classes: the 'bulls', the paternal kin and members of the lineage, and those traced in one way or another through women, the *gaatnyiet*, the children of girls. Half-brothers are 'bulls', but full brothers, who form the closest of all relationships except for that of twins,* are not only paternal kin but also maternal kin. A full brother 'is like your mother and your father'.

III

593 Complicated patterns of family relationships arise from the different forms of domestic union I described in the last chapter, and a rather lengthy discussion of them cannot be avoided.

Often there is opposition between the interests of the legal family and the interests of these other bio-domestic groups; that is to say, between the interests of the group united by marriage and descent and the interests of the procreative group united by common residence and life. When a child is a member of both groups it sometimes happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected, and one can only guess how he will act when one knows the characters as well as the status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained. In any particular case their actions will tend to follow the lines here laid down. Only the position of sons is considered. Daughters will not remain with either their genitor or the kinsmen of their pater, but will become members of their husbands' households. Control over their persons is therefore not disputed, and division of their bridewealth is so well defined by custom that it is a matter of minor importance where they are brought up.

945 * Twins have a peculiar social position, being treated as one person, and are the object of special observances which I have described in detail in the *Uganda Journal* (1936).

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THE FAMILY

•593 The simple legal family in which husband and wife are both legal and natural parents of the children has great cohesion and permanent lines of descent join father and sons. It has the advantage over the other domestic groups under discussion that the formal status of its members towards one another is generally in harmony with their sentiments. For example, the respect and affection of a son for a father are directed towards a legal father. Also, even when there is friction between son and father, there is no opposing group to which the son can attach himself without losing to some extent the privileges of his birthright. This is the sense of a remark made to me by a youth who was openly on bad terms with his father: 'If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own.' A youth is firmly bound to his family from motives of self-interest no less than from habit and sentiment of home. If he leaves them he will not go to live at the home of another man he calls 'father' but with his mother's kin or with affinal relations.

When a man marries a wife to the name of his father or brother or paternal uncle, the relations between the members of the group that ensues are the same as those between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged by behaviour and expression of sentiment, and it is only in legal alinement that the groups differ; but when the sons become men there is a significant difference between them. A son of a simple legal family has no property rights independent of his father. But when, for example, a man has married a wife in the name of his paternal uncle, the son he begets is his father's brother's son and belongs to a different family to that of the man who begat him. When the son grows up his legal personality is merged in that of his dead pater, whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held them in trust for his sons. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in his family herd and in the bridewealth of sisters and kinswomen, and these rights his sons inherit. Consequently, if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position than a son born of simple legal marriage. However, I know of no serious dispute

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between a ghost-son and his genitor where they are paternal kin, for the genitor stands in the place of the pater and has the same desire to see his sons, having probably no legal children of his own, happy and wealthy as a pater has. A ghost-son is generally content to see his genitor dispose of his cattle during his boyhood, knowing that when he is old enough to marry he will be provided for. 593

When a man marries a wife in the name of his maternal uncle a difficult situation may arise. Such a marriage usually takes place when the dead man has no close paternal kinsmen; and the sister's son often marries the wife with part of the uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those in a ghost-family in which pater and genitor are paternal kinsmen, but when the sons grow up differences between them and their genitor are likely to be acute if the genitor has abused his trust. It is less an abuse for a paternal kinsman to use the dead man's cattle for his own purposes, since they both belong to the same agnatic and cattle-group, than for a sister's son to do the same, for the sister's son is not a member of the lineage of the pater and has no rights in their cattle. When the daughters he begets by his maternal uncle's wife are married he ought to keep the cattle of their bridewealth till the brothers of the girls are old enough to marry with them. Nevertheless, he may take advantage of their minority. Since the dead man's paternal kin are unlikely to be very close kin, they may do little beyond protesting, especially if, as is probable, the sister's son lives among them; but there is almost certain to be bad feeling in the family. The position of the sons is difficult, and the conflict between their regard for their genitor, whom they have always regarded as their father in every practical sense, and their resentment at the injustice done to them may only be solved by their going eventually to join the household of some paternal kinsman of their pater.

If he is to avoid trouble a man who cohabits with his brother's widow must likewise remember that her children, whether begotten by the dead man or by himself, are his wards and that he is trustee and not owner of his brother's herd. When the eldest son has been initiated into manhood he takes the place of his pater as head of the family. If his guardian is wise he will respect his nephew's independent status and will build him a byre next to his own and give him the cattle to which he is heir. Then difficulties between them need not arise, and his nephew will retain their 593 604

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593 604 respect and affection for him and will share their cattle with him. But Nuer are greedy where cattle are concerned, and the temptation to use a dead brother's herd and the bridewealth of his daughters to marry wives for himself during the minority of his sons is sometimes more than a man can resist. When his nephews grow up they find that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. A nephew in this position is unlikely to move away from the village in which he has been brought up because it is his own village where his paternal kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance, he may go to live elsewhere, perhaps with his maternal kin. Here again conflicting loyalties may make a youth's position difficult, for as a son he feels he ought to respect and obey his father and as a nephew he feels he ought to insist on his rights. Trouble is most likely to arise when a boy falls under the guardianship of a brother of his dead pater and is not begotten by him.

593 The opposition between the legal family and the natural family is most evident when a son is born in widow-concubinage. In ghost-marriage and leviratic marriage the genitor is a legal substitute for the pater, but the genitor of a child born in widow-concubinage has no such status. When the brothers of the pater are alive and family feeling is strong they insist on his sons being initiated in his home and living with them afterwards. Nuer say that an orphan who has been initiated at his uncles' home and has rights in cattle there will not want to leave it. They are likely also to bring the dead man's daughters to live with them so that they can be married from their home. The genitor cannot deny them their right when they tell him that they want the children of their cattle. Thus it often happens that a boy is brought up in one social group but belongs legally to, and later joins, a different social group. The sentiments of childhood attach him to the home of his mother and genitor, and while he is small he does not think of any other place as his home. But when he reaches manhood the sense of paternal kinship so strong in Nuer, and desire for the cattle of his heritage, attract him to the village of his true paternal kinsmen.

If a dead man has brothers they are almost certain, especially if

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they are uterine brothers, to want their child to live among them. Where we find adult sons living with their natural fathers in Nuerland it generally means that they have no close paternal kin. Or it may mean that the genitor is rich in cattle while the paternal kin, though close kin, are poor. A youth with close kin who possess herds does not care to live in the home of his genitor after his initiation, for he is always regarded there as to some extent an outsider, whereas in the home of his pater he is there by right of birth: 'He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father.'

593

A youth's allegiance also to some extent depends on the circumstances of the widow-concubinage in which he was born. If his natural father lived apart from his mother and merely visited her from time to time he counts for little, but if he shared her home he is of greater importance and his children will retain their affection for him and pay him frequent visits should he be later separated from them. Knowing how powerful an influence feelings of kinship and cattle interests will have on his sons when they grow up, he tries to win their love when they are small so that it may endure all the changes of life. 'When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home.' If a lover wins the affection of his sons in this way he may be able to keep them with him, especially if he and the paternal kinsmen of the sons occupy the same village, for sons generally wish to live after initiation with their paternal kin. Should he and the widow live elsewhere the sons are likely to part from them. This is a great stumbling-block to Nuer. 'You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married.' The sons are almost certain to depart sooner or later and for one reason or another. When their genitor has a legal family of his own they may feel neglected. If he has no legal family of his own it is because he has no cattle. Also he loses all hope of keeping the children if he loses the mother, for they are attached to him through her; and widow-concubines often change their lovers. Nuer say also that 'when a widow-concubine has finished bearing children she has no more

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•593 use for her lover'. They say further that the lover of a widow has no chance of keeping sons begotten by her dead husband, however good a foster-father he may have been to them. 'A boy who knew his father does not forget him.'

But though children leave their natural father, the tie between him and them is never entirely severed. Even when a genitor has had little to do with his children a mystical tie unites them to him, so that Nuer say that if he is ill-disposed towards them they may suffer injury. Also, a natural son recognizes all the near kin of his genitor as his own kin and they acknowledge him to be their kinsman. When a man has been on intimate terms with his natural children the tie is much stronger. In his district they are called after him. A man may sacrifice a bull in honour of his genitor as well as in honour of his pater, and if his genitor did not beget legal children he may marry a wife to his name. *Liem*, the begging of a gift, is said by Nuer to be the most typical expression of the relationship between a man and his natural father. A father is not likely to refuse his natural son's appeal for help, and if he can, he will assist him to marry. He knows that his generosity will be rewarded by frequent visits.

Something has been said about the relation between sons and fathers in simple legal marriage, ghost-marriage, levirate marriage, and widow-concubinage. It remains to say a few words about that between a son of an unmarried concubine and his pater. His position is very different from that of the son of a widow-concubine. 'A son of an unmarried concubine is your own son.' So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he leaves you he has no other father to whom he can go. If the mother leaves her lover and goes to live with another man, the father of their children will put no obstacles in the way of their visiting her when they choose. He is confident that a son, even though he is a child, will return to him, 'because he is old enough to know his father, for when his father kills an animal he will keep meat for him to eat, and when food is served in the byre he will call his little son to eat with him'. An unmarried concubine who goes to live with another man will probably remain with this man if she bears him children, but she is likely to return to her first lover to be with her children by him if she bears no children to her second lover. Nevertheless, the son of an unmarried concubine is not so strongly

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bound to his father as a *gat ghok pany*, a true child of cattle, that is to say, a child born of a legal marriage. If a boy born of an unmarried concubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people. 593

The personal relations engendered by all these diverse forms of family life present a picture of changing configurations which are most confusing. The flux, movements and comings and goings, we noted in our survey of local communities is here again evident in domestic life; and here again beneath the apparent confusion in personal relations we perceive how in the lineage system the dynamic process is slowed down and stabilized into structure. Individuals and families seem to float about, as it were, and lead an independent existence, but they are anchored always to some lineage by the agnatic principle, which decrees not only that every man must have a pater but that through a pater he must be attached to a lineage. We noted in the first chapter how, if persons become permanently detached from their own lineage, as captured Dinka do, they may attach themselves through female links, regarding them as paternal links, to another lineage, take root in its stem, and become part of its growth.

Here again we observe that the wider groups of paternal kin and lineage gain at the expense of the family, especially when it is a natural and not a legal family. The position of the father in these unions other than that of simple legal marriage is to a greater or lesser degree undermined by attachment of greater legal significance to the pater, who represents the principle of the lineage. Another important consequence, which will be better appreciated later, is the effect of these unions on kinship relations. We have noted that there is a balance in the kinship system between the paternal kin and the maternal kin and that this balance is felt in the pull on children, especially in polygamous households, in both directions. It is particularly evident also in the case of the unions I have described because the splitting of the roles of the father, and in the case of children of unmarried concubines the attachment of children of the same mother to different legal fathers, increases the bias towards the mother's side.

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thereby forfeit his title to bridewealth on the marriages of other sisters. Nevertheless, public opinion would censure a paternal uncle, or his son should he be dead, were he to refuse assistance, especially if, as is normally the case, they are living in the same or nearby homesteads. Paternal uncles are expected to help each of their nephews to marry in turn and to make a more generous contribution—perhaps two or three beasts at each marriage—than that looked for from the maternal uncle, for their nephews are their sons and are marrying wives to their lineage. The bulk of the bridewealth is provided by the family, but as the cattle of married brothers, though owned by them separately, are often herded together and tethered in the same kraal, the contributions by the father and his brothers may come from a single herd. Indeed, in a sense it is not easy to make a rigid distinction between what the father gives and what the uncles give towards the expenses of a marriage. The obligation on uncles is weightiest when they are full brothers of the father, live with or near him, and are on friendly terms with him. A half-brother of the father, especially if they live in different villages or districts, may feel that he has done all that should be required of him if he gives a beast on the marriage of one of his nephews. The younger brothers of the bridegroom must look for help to their other paternal half-uncles when it is their turn to marry. 604

The rivalry and conflict between paternal kin of which I have spoken comes out most clearly in relations between *gaatgwonlen*, male ortho-cousins, the sons of brothers, particularly of paternal half-brothers. Enmity between half-brothers is as far as possible suppressed, or at least not given public expression, on account of the father. If brothers disagree they separate, but they try to avoid scandal. Difference of generations inhibits either familiarity or declared hostility between a man and his paternal uncles, but the sons of these uncles are of his own generation and he can be as intimate or quarrelsome with them as he pleases. He is bound to them by ties of loyalty which do not derive from, or depend on, either mutual affection or common affection for a third person, as is the case with half-brothers who share the same father, and which generally necessitate close contact in situations likely sometimes to engender conflict. It is perhaps this contradiction between social bonds and personal feelings which gives rise to the joking or teasing relationship between ortho-cousins. 605 593

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*wat epier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *wai nieu epiniin*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Ceu eek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *nuer* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *ed nu kae*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for libations. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the house of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law see his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is now till a child has been born that the husband is accepted by his wife's people as one of them-selves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lead before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at lowest ebb, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made 591 606 606 [544 602] 593 591

4: Evans-Pritchard E-5 (1931, 1936) 1948 F322 Nuer F322

593 from the first millet of the year—a pretty custom known as *pathow kaw*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents,
602 and I have seen a husband pay several cattle to atone for contravention of this rule.
603 A *kaw*, first child, belongs to the home of his maternal grandparents and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing
591 mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nong jada*, the bringing to the
[173] ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's
585 homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own garden with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *bour*, a cool fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

586 asked what would happen were he to try to do so
583 I was told that the husband's kin would claim
back their cattle and, if necessary, use force to
431 obtain them. Should a wife leave her husband
in these circumstances the problem of bride-
[587] wealth would probably be solved by the common
Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
583 above, that the fear of having to repay bride-
431 wealth cannot be said to be a very powerful
591 sanction of the marriage union. Nor is there
593 any evidence of which I am aware that would
suggest that the greater the number of cattle handed
over the more stable the marriage is likely to
prove. On the contrary the poverty of a suitor
may be to his advantage since the parents of the
girl whom he seeks in marriage can insist, and
often do so, that he comes to live in their village,
where they will receive constant aid from him
in herding, fishing, building, and herding, and the
accretion to their lineage of both the son-in-law
who comes in course of time to identify his interests
with those of his in-laws, and of his children,
who would otherwise, with their daughter, be
lost to them. A reputation for hard work, courage,
and an amiable character go a long way towards
making up for poverty of stock, especially if the
father of the girl and the father of the youth are
friends or the youth and the girls' brother are
comrades.

581 I am prepared to say definitely that the stability
593 of Nuer marriage rests on quite other foundations
than payments of bridewealth. It is founded on
affection between the spouses, mutual goodwill
between the families of husband and wife, and
moral and legal norms. Nuer girls are not easily
coerced into marriage and it is generally safe
to assume that when a woman lives with her hus-
band it is because she chooses to do so and is
happy in her marriage. By the time a girl is fully
married to a man she knows him well. Usually
he has courted her some time before asking
for her hand and she must give her consent
before his request is granted. She has plenty of
time between the betrothal ceremony and the
ceremony of consummation in which to withdraw
from the marriage should she be reluctant to

581 complete it and yet more than between the
593 commencement and the birth of a child. I do not
say that pressure may not be put on her by her
family to accept her husband but parents who
try to coerce their daughter run the risk that
she will run away to the home of a distant kinsman
and there sleep with some man. They may
lose their bridewealth. Nuer have good grounds
for their assumption that a newly wed who has
borne her husband a child and brought it to his
hearth is satisfied with her mate. By the time a
second child is born experience has shown that
the pair are agreeable to one another also as domestic
partners. As the Nuer observe a weaning taboo
[862] this means about three years after the birth of
the first child.

581 Mutual goodwill between the families is also
a necessary condition of a successful marriage.
606 Marriage is not only a conjugal relationship but
593 also a set of affinal relations and it can be stable
only if the kin on both sides behave towards the
other side in the manner expected of them. This
they endeavour to do. A man tries not only to
live up to the pattern of what the Nuer regard
as a good husband but also to be a good son-in-law
and his wife's father and mother try to be good
parents-in-law to him. The relatives on both
sides also try to behave towards those on the other
side as persons standing in these relationships
should do. It is the evocative and inhibitory
action of these moral values, sanctioned by appre-
hension and censure, which give stability to marriage
and security to the family that derives from it.
Divorce is due to failure of one or other of the
parties to live up to the code of conduct expected
of him, or her, and Nuer regard it as a misfortune
in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal
602 relationships which require adult adjustment
that is not easy. A Nuer regulates his behaviour
to the persons around him through kinship values
of one kind or another. Owing to the extensive
range of kinship ties covered by Nuer rules of
exogamy it is impossible for a man to marry
into a family or lineage with whom he has already
existing kinship ties. He must marry the daughter
of people who are under no obligation to provide

[p. 1856]

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organising personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organisation is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 684 When a woman is married among the Nuer she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle on her back". This does not mean that it is 593 payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

[p. 1866]

593 and in the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

583 431 Marriage is, structurally-speaking, the taking away of a woman of one lineage to bear children to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.[1] In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "*Cieng* Pual have married a wife" or that "*Cieng* Dumien have given their daughter in marriage".

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

[1] Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second-lineage afterwards takes a wife from the first. This is unusual, but I have know a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bridewealth of the second marriage to prevent certain inconsistences. However, a brother and a sister should not marry respectively a sister and her brother.

[p. 187a]

6: Evans-Pritchard E-5 (1931, 1936)1938
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312 drink. Each beast also soon gets to know its special trough and
233 when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muöt töt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep
[681 and goats belonging to another household to drink the water drawn
593] for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side.
[515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

8:Howell E, G-5 (1942-1944)1954
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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes. 682 754

Uninitiated Boys

Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident. 682 858

In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: 10 head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation 682 562 593

[1] 'Ungarred', 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

8:Howell E, G-5 (1942-1944)1954
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at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.[1]

Legal Responsibility for Act of Homicide committed by a Woman

[672] A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognised as *kaych* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.[2]

5. PEACE CEREMONIES: COMPOSITION ON A TRIBAL SCALE

728 The laws of homicide described in the previous sections concern feuds (*tor*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*ent*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaswar when Liab Liou, the leader

[1] I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

[2] The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

8;Howell E, G-5 (1942-1944)1954
F322 Nuer F322

681 the collection of bridewealth, bloodwealth or other kinship obligations automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realisation that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always understood. Fratricide, for example, is considered a great wrong, and is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

682 177 593

671 178 Apart from the difficulties of understanding an alien system of justice, there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

P:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

'Widow-Concubines'

The main points are as follows:

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband. 587 593

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs. [684]

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband. [586]

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalise their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children. 611

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she 562 584

[1] A widow living in this form of union with a man is known as *ciek me lak* and her children as *gaat ceme*.

[p. 81]

8;Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

684 will consider in assessing the wrong and the amount of compensation
833 to be paid. It is a plea which is frequently raised by defendants to
837 a charge of adultery and is, of course, not easy to prove. Evidence is
based not so much on the statement of the wife as on general reputation (and it must be remembered that in the intimate life the Nuer lead there is not much which can be concealed), and also on the existence or otherwise of other children and the evidence of co-wives if there are any.

Barrenness of the Wife and Age of the Wife

684 It is sometimes held that adultery with a woman who is known to
837 be barren is not an offence, though this view is certainly not universally held. Adultery with a woman who has borne several children and is elderly is also considered a minor offence and rarely requires compensation, especially if she has adult children. At most *yang hale* will be demanded in these circumstances.[1]

Morals of the Wife

684 The temperament and morals of the wife are also factors which
837 a Nuer court will consider. If the husband, usually a man who has
593 been absent from home for a long time, brings charges of adultery against two or more men and the charge is proven, the court will order that each shall pay part of the compensation.[2] There is a limit to this. Nuer consider that a woman who has had sexual relations with more than three men is a *ciek ne jok*, a 'loose woman', and that the men concerned cannot be held responsible. For this reason the defendant or defendants in a case of adultery will often attempt to prove that the woman has committed adultery with a fourth man. In this case a court will not enforce the payment of compensation, or of *yang hale*, though, if a child is born of one of them, it may compel him to pay *yang hale*. In such circumstances, the husband will often institute a divorce against his wife, and if there is any dispute between himself and his wife's relatives, a court will usually take his side.

Jal Bath v. Gai Nyal (Thiang: Central Nuer Appeal)

Jal Bath claimed compensation (*ruok ciek*) from Gai Nyal on grounds of adultery with his legal wife Nyandeang. A child had been born in consequence of the act of adultery, or so Jal alleged. This was admitted by Gai. (It was in his interests to do so.) Jal claimed *yang hale* only, but Gai refused to pay. The matter was taken to court and Gai ordered to pay. Some months later,

[1] This was recorded at the Nuer Chiefs' Council Meeting of 1945: 'When a man commits adultery with a woman who has adult sons or daughters, he is only liable to pay *yang hale* and not full compensation.'

[2] E.g. if two men, each will pay three head of cattle, if three men, each will pay two head of cattle.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Gui appealed on the grounds that he had evidence that Nyandong had committed adultery with three other men, Kuh Ciel, Ngwum Dho, Tup Bath, and had done so during the same period as with Gui, and in the absence of Jal. Appeal court accepted this evidence as true. Jal then stated that he did not deny the allegations of Gui, though he had not heard of them before, but the evidence was not relevant to the case. He had claimed *yang hale* only, not full compensation. He admitted Gui was father of the child, and so did Gui. Court upheld previous judgement and ruled that Jal should keep the *yang hale*. 684 837 593

Questioned on the legal issues involved, the court held that if a man has sexual intercourse with a woman who is the legal wife of another, he is liable to pay six head of cattle which include *yang hale*. If she bears a child attributed to the act of the adulterer, five head must be returned, *yang hale* remains. The fact that the woman is proved to have committed adultery with other men, if more than three men are involved, absolves all of them from paying compensation whether a child is born or not, but if one of them is proved to be the father of the child, he must still pay *yang hale*.[1]

Compensation cannot be Claimed more than twice where one Woman is Concerned

It is also generally held that a man cannot claim compensation for adultery with his wife (the same wife) on more than two occasions. After the fulfilment of two claims of this sort, in which he may have received no less than twelve head of cattle, his wife acquires the reputation of being 'loose'. He will certainly not succeed in a claim instigated out of court, and it is extremely unlikely that a Nuer court would uphold his claim. Moreover he may well be suspected of exploiting his wife's physical charms to his own advantage.

Adultery with Widows

When a woman whose husband is dead has sexual relations with a man without the express permission of her husband's legal heirs, damages for adultery may be claimed, but the right is not often exercised. It depends on a variety of circumstances, particularly the age of the woman, for, if she is young and attractive, one of her husband's kinsmen will wish her to live with him. As we have seen, the main object in the minds of the dead husband's kinsmen is that the woman shall bear children to his name, and they are usually prepared to give her a wide choice, provided she does not go to live too far away from them. They will often object if she goes to live with a man whom they have not accepted as her lover (*law*), and they will also object 684 587

[1] See recent legislation on this subject, p. 167. The idea is a Nuer one, but the constitute is the result of legislation prompted by the Administration.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* (" cattle of the ghosts "), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize " the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them. 595 765 925

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right. 593 765 593

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasised here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if F ♂ marries a wife to his

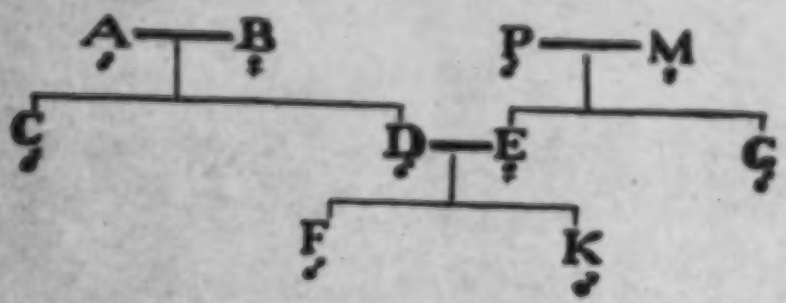

Diagram III

11:Evans-Pritchard E-5 (1931, 1936) 1945
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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gut gwandar*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gut gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gut dawar*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gut nawe*). In none of these instances is the child his son (*gutde*).

588 768 135 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cob war rol*) "for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Dong married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 423 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

588 768

These vicarious marriages by women or on behalf of women are very

II:Evans-Pritchard E-5 (1931, 1936) 1945
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587 woman ought, on the death of her husband, to go to live with one of his
588 brothers, since she was married with the cattle of their kraal. This is not
768 a re-marriage. The woman is still wife (*cok*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kuow*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cok dwan lath duil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as
[24] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were resentful at the information that in Europe we do not pay bride-wealth.

587 Leviritic marriage is very different from ghost-marriage as will be seen
588 when we consider the relations between the children and their genitor.
593 It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

11;Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

Il:Evans-Pritchard E-5 (1931,1936) 1945
FJ22 Nuer FJ22

587 milks the cows, and performs other domestic services for her sons. If
768 she is dead and her eldest son is married his wife acts as a cook, house-
593 keeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dirth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere.
[848] Her husband's people permit her to take this course because all the child-
[611] ren she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle
[586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath cas ka de lony*, "Cattle which have children on their backs cannot be returned".

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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*ceang gickni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Cobe, gwi bi wa kaw dar kir bi kaw ciang?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cok ne kere wide yar be lar* "*Ghaw gam ca bi wa kaw gnadh dudien, Me ca gat coada gar, ba kaw gulkan*". "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 587 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

II:Evans-Pritchard E-5 (1931, 1936) 1945
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587 768 593 591 dead, so that they may view with equanimity the departure of the widow and her children, having no feelings of close parentage towards the sons and being assured that they will receive whatever bride-wealth is their due on the marriages of the daughters, wherever they may be brought up.

[618] Most depends upon the decision of the widow herself (*rot cok*). If she determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends them will they divorce her. [578] Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man divorces (*ang*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die. [576]

587 611 A widow who lives with a stranger after the death of her husband is called *rok ma lak* and a child born of such a union is called *gat lake*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 593 A *rok ma lak* is translated in this paper as "widow-concubine" for she is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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those of a pater towards members of a legal family. It must be emphasised that while the natural family is not a legal family the position of the genitor is actually recognised in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

IV

588

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 593

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588 848 611 593 also in Nuerland many children born of unmarried mothers and children born of an unmarried mother may belong to different social groups, because their physiological fathers have a right to pay a fee of from four to six head of cattle to legitimatize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*ruok*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma kee*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat kake*.[1]

588 [848] In some respects the social position of unmarried mothers, and their children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimatize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

[1] In Lou country people often speak of them by the term for the children of widow-concubine, *gaat lake*. In this part of Nuerland the expression *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 593 562 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live in their home for reasons of sentiment and because they increase the strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 611 593 (E) Types of procreative unions and families are classed by the nature of the social tie that links children to their pater, and of the social relationship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 602 (F) I do not more than draw attention here to the effect on kinship structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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Nyueny is one of the finest
ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well-known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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592 of the kraal and homestead with the skill of an experienced herdsman
593 and householder and stands no interference in matters pertaining to the
588 cattle, even from her initiated son, Majak ♂.

Homestead No. II. Col ♂ —Ngunjok ♂. He lives with Nyarueni ♀
592 whom he married to the name of his father (see Diagram No. VII). He
588 is now contemplating marriage on his own account. I am uncertain whether Nyarueni has a baby or not. The byre of this homestead originally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No. I), who lived there for a time before moving to her present hamlet.

[611]

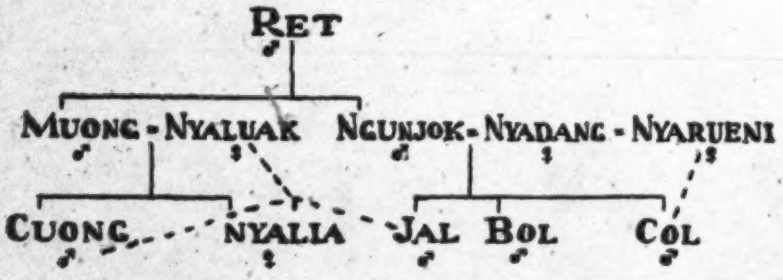

Diagram VII

Homestead No. III. Baranyai ♂ —Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂—Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀—Kuth ♂ and those who know about her brother speak of him as Yoah ♂—Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side; Yoah ♂ and his brothers and sons being all dead, so "the cattle of the maternal uncle" went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Gaduak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ [764] who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Galuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabeth ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

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593 that the groups differ. But when the sons become men, there is this
602 difference between them. A son in the simple legal family has no property
428 rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

When a man marries a wife to the name of his maternal uncle a more
604 delicate and complicated set of interrelations are brought about. Such a
428 marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitue for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

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588 the mother" may then mix with the genitor's herd and he held in trust by
428 him for the brothers of the brides. In such cases the genitor has assumed the full responsibilities of a pater and the daughters will be married from his home and the sons initiated there. Even so the widow and her lover may occupy nearby but separate homesteads, each family keeping itself spacially distinct as they are legally distinct. Panyuan's father-in-law and mother-in-law live in such circumstances.

Since a lover does not have control over the pater's cattle he is at a serious disadvantage when his natural sons grow up for they will want to own cattle both for display and for marriage and are drawn irresistibly to the home of their pater's kinsmen in whose charge are the cattle. It would be very difficult for a boy to remove the cattle to the home of his his genitor. That would cause a row of the first magnitude. A dead man's cattle must occupy his byre till his son is old enough to be initiated and to take his father's place in the byre. It is only when a genitor is rich in cattle and his natural son is assured of marrying a wife from his herd while his pater's kinsmen are poor and have no cattle to give him that he might remain with his genitor instead of joining his uncles. I think that this is rare. Where there are full-brothers of the pater alive and where the pater's herd still exists there are these two powerful magnets, sentiment of kinship and sentiment of cattle, drawing a boy away from his mother and his natural father.

Of the two, sentiment of kinship is perhaps the stronger. A man who lives in his genitor's homestead and village is always to some extent an outsider living there on sufferance. A man who lives in his pater's homestead and village is there by right of birth. The byre he sits in is his own byre. When he sprawls in contentment in the ashes of the *gol* (household) it is his own *gol* and from it he watches his own herds. He is one of a band of owner-kinsmen. To one he is a son, to another a brother, to yet another a father. Hence a Nuer said to me when explaining the position of a boy born of a widow-concubine: "He will visit his mother and the man who begat him now and again, sometimes for a month or two, but his home is the home of his dead father."

A youth's allegiance also to some extent depends on the precise nature of the widow-concubinage in which he is born. If the widow continued to live in her dead husband's village or if she went to live with her own people and was merely visited from time to time by a lover for procreative purposes the genitor counts for little. But if her lover formed part of her household, even if not entirely resident there, he is of greater importance and the children will retain their affection for him and pay him frequent visits if he is later separated from them, for they will be brought up among their paternal or maternal kinsmen while he may return to live among his own people.

588 When the widow lives at her lover's home and the children are brought
428 up there the relations are more complex. The genitor has no legal control
● 593 over his sons and if one of them has a disagreement with his genitor he will join his true kinsmen without qualms. It is to his interest to join them and if it is also his inclination to separate from his genitor his depar-

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ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them. 588 428 593

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always." [831]

Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat laka*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat l.meneme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

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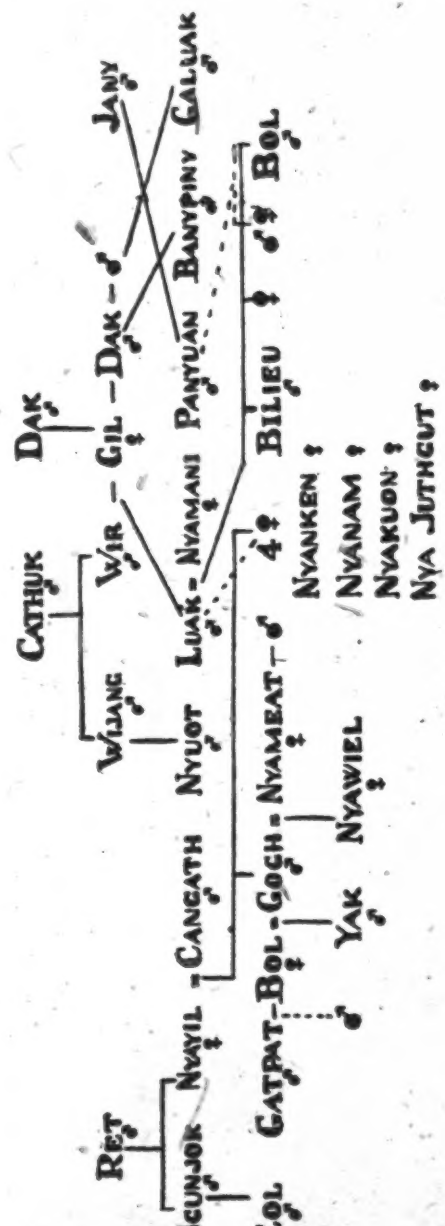

Diagram IX

1:Evans-Pritchard E-5 (1931, 1936) 1945
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if his genitor gave him cattle the sons of the house would not let him take them to another village. 588

However, as stated previously, one cannot be certain in any given case what will happen and it is only possible to indicate general principles from the statements of Nuer, particularly from their statements about actual cases. 428 593

An instructive and typical case is that of the family of Luak ♂ (see Diagram No. IX). Luak was the son of an unmarried concubine, Gil ♀, who cohabited with his father, Wir ♂. At other times she cohabited with Dak ♂, by whom she bore a son, Banypiny ♂, now dead, and with a Jikany tribesman by whom she bore another son, Galuak ♂, also dead. When Luak ♂ grew to manhood he lived with the widow of Cangath ♂, named Nyayil ♀ who bore him four daughters. He also brought up Gogh ♂, a son of Nyayil ♀ by her husband. There were strong ties of affection between Gogh ♂ and Luak ♂, and when Gogh ♂ after his country had been raided by a Government patrol came to Nyueny to live with his maternal uncle, Ngunjok ♂, his foster-father (Luak) accompanied him. Gogh ♂ died from a fishing-spear wound received at a scramble for sacrificial meat. He left two widows, Nyameat ♀, who now cohabits with a Lek tribesman and Bol ♀, who now cohabits with Gatpat, a Dok tribesman in Government employ. Bol ♀ has borne Gatpat ♂ a male child.

When Luak settled at Nyueny he married Nyamani ♀ (Homestead No. IV) by whom he begat a daughter, who is married, and Bilieu ♂, a boy who is about twelve years of age. When Luak ♂ died there were no kinsmen closely enough related to Bilieu ♂ to take charge of him, Luak's two uterine brothers having predeceased him, so he and his mother remained in his father's home. His nearest agnatic kinsman was Nyuot ♂, Luak's father's brother's son.

The widow Nyamani ♀ then became concubine to Panyuan ♂ of Homestead No. IX. She bore him twins who died and Bol ♂ who is alive. Panyuan ♂ lives with his brother, Karlual ♂, but spends a great part of the day at Nyamani's homestead and, were she not pregnant, would be sleeping there at night. He is a hard-working gardener and the garden he has cultivated for Nyamani ♀ is one of the most extensive and best-weeded at Nyueny. He acts as a father towards both Bilieu ♂ and his own son Bol ♂, and would like to bring them up as if they were his legal sons and to make them permanent members of his byre and to initiate them at his home. He assured me again and again that he would never willingly consent to their departure from the village. So far all is well. The paternal kinsmen of the boys show no great interest in them and in any case would find it difficult to interfere with the family while it remains in Luak's homestead. As Panyuan ♂ said about himself and Luak ♂: "After all we are members of the same local group (*wec*)".

But Panyuan ♂ is well aware that he has no legal control over the children and that when Bilieu ♂ is initiated next year he may lose them for Bilieu ♂ will then be head of the family and will have control over his brothers and sisters and the cattle. If he and Panyuan ♂ do not agree together or if the village does not suit him he may migrate to his father's

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kinsmen and take his family with him. It is quite likely, moreover, that Panyuan ♂ and Nyamani ♀ will drift apart when Panyuan ♂ brings his recently espoused bride to his home, for she will be mistress of the home and reside in it whereas Nyamani ♀ will remain in her dead husband's home. It is not feared that the two women will quarrel but it is anticipated that Panyuan ♂ will naturally no longer feel his interests so bound up with Luak's family when he has a family of his own. At present, from Bilieu's point of view, Panyuan ♂ is attached to Bilieu's family and homestead, but when Panyuan ♂ becomes an independent householder it is they who will be living as an adjunct to his household. I was told that the relations between the new wife and Nyamani ♀ are likely to be influenced by the fact that the new wife belongs to the Gaawar clan and Nyamani ♀ to the Jwal clan. Members of these two clans may not share the same shelter during rain, a prohibition that makes close domestic intercourse difficult during the rainy season.

The family possess very few cows and these are tethered with Panyaun's cattle in his brother's byre. Bilieu's elder sister ran away with a man and Bilieu ♂ being still a boy was unable to extract cattle from him. His kinsmen did not offer to act on his behalf in the matter, Panyuan ♂ had no locus standi, since he was not the girl's pater or his representative. When Bilieu is initiated he will insist on bride-cattle being paid.

When I have suggested to Panyuan ♂ that he may one day lose his children by Nyamani ♀ he has always refused to countenance the suggestion, saying: "They are my children and will remain at my home." But he knew well enough that the decision will rest with Bilieu ♂, who though still a boy, understands the position clearly and knows his rights. If they disagree they will try to settle the matter amicably because if either the living genitor or the ghostly pater is angered the children may die. If Bilieu ♂ says that he is going to move and to take his cattle with him Panyuan ♂ may ask for his children to remain with him and for the cattle to be divided but Bilieu ♂ would be against such a proposal. What finally happens will depend most on the wishes of Nyamani ♀ for Bilieu ♂ will listen to his mother's advice. My own opinion is that the whole family will move during the next few years and that they will leave a few cows with Panyuan ♂ in recognition of his services.

Panyuan ♂, therefore, as other men in his position, tries to bind his sons to him by strong ties of affection. Bol ♂ accompanies him everywhere, holding his hand, sitting on his thighs, and playing with him. He is overjoyed when he sees his father coming and weeps when he sees him setting out on a journey. Panyuan ♂ is his father, comrade, protector, and playmate. The road to children's regard being through their bellies Panyuan ♂ always brings back from a feast choice titbits for his little son. He also treats Bilieu ♂ with kindness and indulgence and tries to win his affection but in Bilieu's case it is not so easy because he knew his real father.

Panyuan knows that once he has won the affection of the children, they will not forget him when they grow up and, that even if they move to another district they will often visit him and spend weeks at his homestead. If they are in trouble in their new home they will think of their father who

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brought them up and of his old kindness and will join him again. The bond of love will never be entirely broken. 588

If a genitor wins the affection of his sons in this way he may be able to keep them with him, especially if he and the kinsmen of the sons occupy the same village. Thus Galuak ♂—Diet ♂ lives with his genitor although his mother and his legal brothers are living at the other end of Nyueny. Galuak is now a man and can decide for himself in which homestead he wishes to reside and as he lives in their village his brothers do not object to his remaining with his genitor. Baranyai is a very straightforward man and his son knows that he will be able to marry a wife from his genitor's herd when he is old enough to do so. His interests need not therefore conflict with his affections. His relations with his legal brothers are harmonious but "they have the business of cattle between them. That is all", i.e. they have the legal status of brothers and cattle of the bride-wealth of kinsmen are divided accordingly, but they do not otherwise behave as brothers. 428 593

Nevertheless, if I were to bet on whether a man remains finally with the people of his pater or the people of his genitor I would always back the pater's side. Most experienced Nuer take this view. Thus when I consulted Karlual ♂ about the relation between his brother Panyuan ♂ and the children of Nyamani ♀ he gave it as his opinion that Panyuan ♂ might keep his children by winning their affection and by retaining the goodwill of their mother though he considered that it was most unlikely that he would keep them, and added that if the family wished to move Panyuan ♂ would be unable to prevent their departure.

He quoted his own case in support of this view. He at one time lived with Mer ♀, the widow of Nyong ♂—Bidiit, by whom he begat two children, Nhial ♂ and Nyaluk ♀. He brought them up in his home and Nhial ♂ was even initiated there, but one day in his absence the widow departed, her children with her, to Rengyan country to the home of Dang ♂, her dead husband's son by another wife. Nhial ♂ is most unlikely to join Karlual ♂ because the only reason for doing so would be a quarrel with his half-brother Dang ♂ and since he has his own herd the most frequent occasion for quarrels between brothers is lacking.

Karlual also at one time cohabited with Nyapini ♀—Wic ♂, the widow of Bup ♂—Thol ♂. She bore Karlual ♂ two children Gaac ♂ and Nyatop ♀, before she was killed by lightning. Both children are now living with their pater's kinsmen and Karlual has no hopes that they will ever come to live with him.

Karlual is himself a *got laka* (son of a widow-concubine) and though his own history illustrates the circumstances in which a genitor may retain the children of a widow-concubine it also shows how powerful are sentiments of kinship even when conditions are least favourable to their growth. 587

Kwenwar ♂—Cueny ♂, an aristocrat of the Lang tribe married Nyajal ♀. He died in a year of famine shortly after his marriage and his wife came to live with a man of the Juak clan in Karlual tribe. This man, Jany ♂, was for a time ignorant that Nyajal ♀ was married and thought 588 428 593

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587 she was an unmarried concubine.
588 By her Jany ♂ begat Karlual ♂,
428 Gogh ♂, Baranyai ♂, Nyaudol ♀,
593 and Nyaruithni ♀. Jany also married a wife, Nyamani ♀, to the name of his dead father, Col ♂, because he thought that his father ought to have a second wife. By her Jany begat Nyadang ♀, Nyawal ♀, Meat ♂, Panyuan ♂, Nyakwoth ♀ (married in Lek country), and Nyangir ♀ (married in Jikany country). Jany ♂ also had relations with an unmarried concubine Nyalieth ♀, by whom he begat Loc ♂, Lathjor ♂ (dead), Gwanbul ♂ (dead), Bi ♂ (lives in Lek country), and Wec ♂. After Nyalieth ♀ bore her first child, Jany ♂ paid some bride-cattle to her kinsmen and the ceremony of invoking the cattle was performed to legitimatize the union. Jany ♂ also married Nyaluak ♀—Gai ♂ by whom he had a daughter, Nyabiel ♀. On Jany's death his son, Karlual, cohabited with this woman but she died at his home without having borne more children. Karlual ♂ brought up her daughter but she died recently while betrothed to a Jikany ♂ tribesman. When Jany ♂ died he was betrothed, but not married to Nyading ♀—Thiep ♂. Following the usual practice this woman was therefore married to his name after his death (*Caa kwen jokde*) by one of his sons, Gwanbul ♂, to whom she bore Jor ♂, Nyagaagh ♀, Nyangir ♀, and Nyabilieu ♀. She died last year, Gwanbul having been killed in war some years earlier. Jany ♂ lived originally at Puic but when the fighting between the Riaagh and Doang sections compelled the Riaagh people to move to Lual country, Jany came with them.

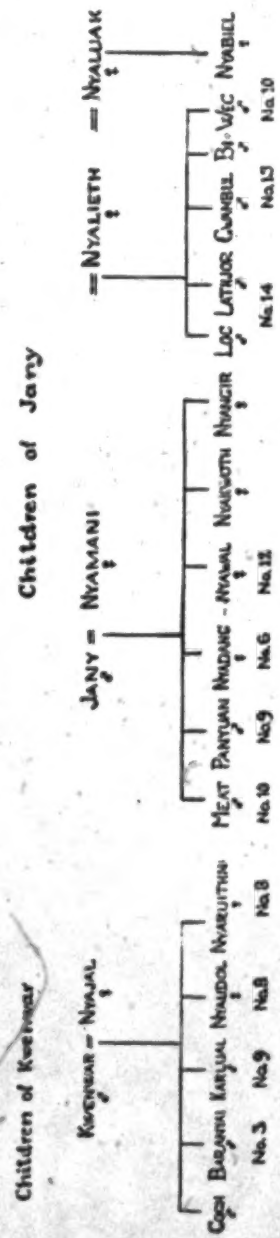

Diagram X

11:Evans-Pritchard E-5 (1931, 1936) 1945
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In the case of Nyajal there were a number of circumstances highly advantageous to the genitor of her children. Kwenwar had died without leaving brothers or sons behind him, his other wife and her son having died also. There were, therefore, no close kinsmen of their pater with strong enough feelings of kinship towards Nyajal's children to claim their custody. Absence of close paternal kinsmen also meant that there was no magnet to draw the sons away from their genitor, for a youth who might desert his genitor and foster-father to take up residence with a full brother of his pater would not desert him to reside with a more distant kinsman of his pater, for this man would not feel that he stood towards him in the place of a pater. Moreover Nyajal remained with her lover and did not wander from place to place as some widow-concubines do, so that the group had all the stability of a simple legal family. 587 588 428 593

It was therefore possible for Jany to bring up his family free from outside influence. When Nyajal's eldest daughter was married Jany made a declaration at the marriage talk: "These are the children of my loins and I brought them to manhood. It shall not be said that they are the children of any man but Jany. Therefore I shall take as my portion of the bride-cattle a cow and a calf and an ox for my loins and, besides these, a cow of the spirits shall be mine. And by this it shall be known that the children of Kwenwar have a right (*cuong*) in the cattle of my daughters' marriages. But if I do not receive a cow of the spirits they will have no right in the cattle of my daughters' marriages. They shall be counted the sons of Kwenwar and not the sons of Jany. But let the people in the byre hear: they are the sons of Jany and have rights in the cattle, for I will take a cow of the spirits, and no man shall point to them and say 'They are born of a widow-concubine' (*ce ka de nyuoth lak*). 587 588 428 593 431

This speech of Jany, recounted to me by one of his sons, contained the following implications: I begat these children and brought them up and the kinsmen of their pater have taken no interest in them. Therefore, as begetter and foster-father of the girl about to be married I want as my share in the bride-wealth not only a cow and its calf and an ox for having begotten and nurtured the bride, but I also demand a cow to be dedicated to the spirits of my lineage to show that I am really her father. If my demand is accepted then I agree that in the marriage of my daughters by my other wives the children of Kwenwar whom I have begotten shall have the same rights as my own children in their bride-cattle. When the bride-cattle are being divided we will not regard them as Kwenwar's children but as my own children. Thus we shall give them rights in the bride-wealth (*cuong ka*).

Normally, the "cow of the spirit" would go to the pater, or his heir, as a dedication to the spirit of their lineage so that when Jany asked for it to go to him to be dedicated to his lineage he was suggesting that his status should be recognized as that of pater rather than that of genitor. In law the sons of Kwenwar need not receive any cattle of the bride-wealth of daughters of Jany by other women because the "cattle of the father" would go to the legal sons of Jany and the "cattle of the mother" likewise. The recognition of Jany as a kind of pater in respect of bride-wealth

11:Evans-Pritchard E-5 (1931,1936) 1945
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587 would therefore be balanced by the acceptance of the sons of Kwenwar as
588 though they were the sons of Jany in division of bride-wealth.

428 The children of Kwenwar and the children of Jany are figured in
593 Diagram No. X. As previously explained, the persons shown there as
431 the children of Jany by Nyamani are legally the children of Col, the father of Jany. However, in the village they are always known as *gaat Jany*, "the children of Jany" and their womenfolk always speak of *kon man gaat Jany*, "we, the womenfolk of the sons of Jany". At the present time the distinction is entirely one of nomenclature since Jany married Nyamani in ghost-marriage. Likewise in the same diagram the children born of Nyading who was spouse in ghost-marriage to Gwanbul, a son of Jany, who took her in marriage to his father's name, are omitted. For we are now treating of bio-social actualities rather than legal configurations and these actualities can be understood better if all legal configurations, other than those strictly relevant to the particular problem being discussed are omitted.

587 How strong are the ties of legal affiliation where the pater belongs to one
588 clan and the genitor to a different clan may be seen in a difficulty that arose
428 between the sons of Kwenwar and the sons of Jany during my residence
593 at Nyueny. The sons of Kwenwar said that as several of their wives and
578 children had died in recent years they intended to move to Lang country, to the home of the kinsmen of their pater. The sons of Jany are opposed to this move. They say that they have always accepted the sons of Kwenwar as brothers, and that they have always treated them as such in division of bride-wealth. They have always given them the support which brothers are supposed to render to each other. They now recollect with bitterness all the bride-cattle of their sisters that they have so generously divided among the sons of Kwenwar, for on the marriage of each of their sisters the sons of Kwenwar have received a share of "the cattle of the father" when it would have been to the advantage of the sons of Jany to have treated them as members of a different family and lineage, a social distinction which they are now putting forward in favour of their contemplated move.

Panyuan ♂ told me that if the sons of Kwenwar move this principle of share and share alike will be abandoned and that in future each of the two legal families concerned will insist on their strictly legal rights (*cuongde*). The sons of Kwenwar will no longer profit by their generosity. They may ask for what is their legal due but will receive no more. According to Nuer ideas they might claim a cow or two on the marriage of Jany's own daughters even if they could not insist on their claim. But, in fact, they have received the major part of the bride-cattle of each daughter, because, being the eldest sons, they were the first to marry. Panyuan ♂ felt very sore at their talk of departure and recounted to me in detail all the cows
587 and oxen they have received from the sons of Jany.

588 Baranyai ♂ is the most anxious to move. Panyuan ♂ told me that
428 Baranyai ♂ thinks if the sons of Kwenwar go to Lang country they will be
593 among their true kinsmen, but that they will find that the sons of Jany are their real kinsmen when they have lived there a short time. They

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will soon discover that no one in their pater's home cares about their welfare. Then they will return to their brothers, the sons of Jany. "For a man thinks that he will profit himself if he goes to a distant country but there comes a time when he remembers the place where he was born and his heart yearns for the place of birth and he returns there". 587 588 428 593

If Baranyai ♂ departs Karlual ♂ will certainly accompany him and will take his son, Tang ♂, with him. His other son, Gai ♂, would like to accompany them but he is looking after the herd of his aunt, Nyaruithni ♀ and, although she is a daughter of Kwenwar, she refuses to leave the village so soon after her daughter's death by lightning. If her brothers go she will probably follow them in the next two or three years and then Gai will accompany her. Possibly Gogh ♂ will join them also.[1]

Thus, although in everyday speech, all these people call themselves children of Jany and not children of Kwenwar so much so that Karlual could tell me the ascendants of Jany in full whereas he knew very few of the ascendants of Kwenwar yet they belong to distinct lineages, clans, and even tribes. Though people have always regarded them as a single family, yet they belong to two distinct families, and not only in a formal legal sense, for we see how strong an influence legal descent may be in influencing behaviour when these sons of Kwenwar wish to depart to the home of a pater whom they never saw and of whom they know very little and to reside among kinsfolk who have shown scant interest in their concerns.

For had Kwenwar close kinsmen they would have visited "their sons" and might have taken them from Jany and brought them to their father's home. At least they would have got to know them so well that when they grew up they would have known that they would receive a welcome from familiar kinsfolk and would receive the full privileges of close agnatic kinship should they come to live among their paternal uncles and cousins. But the surving kinsmen of Kwenwar were distant kinsmen and they only visited Jany and his sons when cattle were due to them on the marriage of his daughters by Nyajal. Consequently they were brought up as sons of Jany and to regard the Juak clan as their own people.

While Baranyai ♂ talks of going to his pater's country he asserts a principle of paternity that he denies when he says that he wishes his natural son, Galuak ♂, to accompany him. Though Galuak's legal brothers, the sons of Dit ♂, have not objected to his living with Baranyai it is village opinion that they will strongly oppose his leaving their village. They cannot compel him to remain but they can use the strong appeal of kinship to persuade him. Thus Yang ♂, of Homestead No. XIX, said to me about Galuak: "His mother is with us. She is the wife of our people. He will remain with us and build himself a byre and be among his father's kinsmen". Yang said that Galuak will not live with his brothers but will remain in their village among the Riaagh people who married his

1 Gogh ♂, who is married, lives in the neighbouring hamlet of Nyathiang, of the Riagh lineage. He and his brothers lived here after leaving their original home at Puic. When his brother came to Nyueny, Gogh ♂ decided to remain at Nyathiang for the time being.

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587 mother. I expect that if Baranyai moves Galuak will accompany him
588 but that, if Baranyai does not return to Nyueny, Galuak will one day by
428 himself.

Nuer say that it is always the same with sons of widow-concubines.
593 One day a longing to join their kinsmen overcomes them and they leave their genitor. When Nhial was talking to me about this subject he said: "Look at the sons of Gwanbul, Thak ♂, and Thor ♂, whom he begat by Nyanor ♀—Let ♂, the widow of Doub ♂—Mayan ♂. The sons of Jany brought them to manhood and now where are they? Have they not gone to live with their own people in Jikany country? When they visit the brothers of their father (genitor) is it not to beg for a gift?"

I have mentioned that the future residence of the sons begotten by Panyaun will largely depend on the attitude of their mother. Also in Galuak's case the fact that his mother will remain at Nyueny among her husband's people is likely to prove a decisive factor in persuading her son to return there also. A genitor has small chance of keeping the children if he cannot keep the mother. A case in point is that of Juan ♂. Nyawal ♀ (Homestead No. XII) was married to a Ngwol man called Lam ♂ to whom she bore two children. On her husband's death she went back to her own people, the sons of Jany, and in their village cohabited with a Jikul man named Juan ♂ to whom she bore six children. Juan ♂ is now blind and lives among the Jikul because Nyawal ♀, by this time too old to bear more children, quarrelled with him as widow-concubines so often do with their lovers, according to the Nuer, for "when a widow-concubine has finished child-bearing she has no more use for her lover". As his children have been brought up by their maternal uncles they remained with their mother.

In this case the weakness of the natural family is well shown, because if Juan had been their legal father, or even a legal substitute for their father, the sons at any rate would certainly have followed him and left their mother. As it is they feel that their genitor's people are not such close kinsmen as their maternal relatives, for relatives of a genitor never acknowledge his children as true kinsmen, for they belong to the lineage of their pater. People say that since Juan is now blind he will come to live with his sons at Nyueny because he is very devoted to them, and they to him. Bilieu, the eldest son, was clearly fond of his father and it was touching to see his younger brother, Ghuth, leading his blind father from place to place when he visited the village.

A genitor is by no means an unimportant person in Nuer society. Even when he has had little to do with his children he is united to them by a mystical bond. If he feels ill-disposed towards them he may by mere disposition cause them an injury. In very favourable circumstances the children may be initiated and married from his home and have filial regard for him alone. If circumstances are not favourable and his sons desert him they will often visit him, sometimes spending a season at his home. Whichever group a youth joins, his pater's, his genitor's, or maternal uncle's group, the members of the other groups will not refuse to help him if he is in difficulties, for even with his genitor's people he has

11:Evans-Pritchard E-5 (1931, 1936), 1945
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a kind of kinship. Very often when a man has no legal children of his 587
own he will join his natural children in their pater's village, as it is suggest- 588
ed that Juan will do and as Luak, the father of Rainen and Dol (Home- 428
stead No. VI), did.

A youth often asks his natural father for a gift. In fact *liem*, the beg- 593
ging of a gift, is considered highly typical of this kind of father-natural son relationship, particularly when the son wants to marry, for he may then ask his father for a cow. I was told that "The father will not care to refuse his request for it is his own son who makes it". If he can afford it he may even give him two cows. The son is not demanding a right (*cuong*) but a privilege by an appeal to affection (*liem*).

A man respects the totemic and other spirits of his genitor and he will not marry into his genitor's lineage. If the bond between a man and his natural son is a very strong one they may act towards the kin of their genitor on the same pattern as they act towards the kin of their true agnatic kinsmen, e.g. in assisting them to pay compensation for homicide and to pay bride-wealth. Natural descent is also recognized in performance of ritual. Thus at a ceremony I witnessed at Nyueny in honour of the ghost of Yoah (Homestead No. VIII), Dol sacrificed a goat. Dol was a natural son of Luak who was related to Yoah.

XI

Something has been said about the relations between sons and "fathers" 588
in simple legal marriage, in ghost-marriage, in leviritic marriage, and in 593
widow-concubinage. It remains to say a few words about the relations between a *gat keaka*, a son of an unmarried concubine, and his pater (his genitor becomes such after he has paid a legitimatization fee). His position is very different from that of a *gat laka*, a son of a widow-concubine. "A *gat keaka* is your own son". So long as you are kind and generous to the boy he will not desert you, for you are both his genitor and his pater and if he deserts you he has no other "father" to whom he can go. Thus Karlual (Homestead No. IX) has two natural sons: Twong and Kong. At present they are living with their mother in Rengyan country. When Twong said that he wanted to go to his mother, Karlual without demur told his grown-up son, Tang, to take him to her, knowing that the boy would soon return, "Because he is old enough to know his father and when he returns he will not leave his father, for when his father kills an animal he will keep meat for him to eat and when food is served in the byre he will call his little son to eat with him". When I asked Panyuan whether the mother would also return he said: "She has gone to her brother's house and there another man will cohabit with her and if she has children by him she will remain with her children. But if she has no more children one day she will come back to Karlual, so that she may be with her sons."

Nevertheless, neither a *gat laka* (son of a widow-concubine) nor a *gat keaka* (son of an unmarried concubine) are so strongly bound to their genitors as a *gat ghok pany* ("a true child of cattle" i.e. a child born in the union of simple legal marriage). If a boy born of an unmarried con-

ll:Evans-Pritchard E-5 (1931,1936) 1945
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588 cubine is dissatisfied with his lot in his father's home, or if his father dies, he may go to live with his mother's people, by whom he is often
593 brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

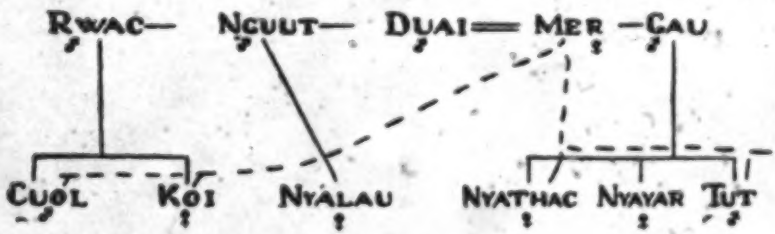

Diagram XI

On my first vist to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931 Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what
[835] happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

14: Huffman M-5 (no date) 1931
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by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [854]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [519]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [244]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857 593

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857 for her future. She must do as they say or pay for her
593 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the
[743] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

14: Huffman M-5 (no date) 1931
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584 One speaker at a time presents his arguments. If a relative of the bridegroom, he must try to get the girl for the least number of cows possible and still laud the girl as if she were worth many more cattle. The statements made by the bridegroom and his relatives are worthy of more praise than they usually get.

Each speaker carries the wedding stick as he talks, twirling it in his hands as he paces up and down between his hearers and waxes eloquent over his subject.

The relatives of the bride argue that such a fine girl as she should bring a maximum number of cattle, and they may specify which cattle they want if they know something of the cattle belonging to the bridegroom and his relatives.

The arguments continue and may even be resumed another day. Finally, if terms can be fixed that are agreeable to both parties, the argument is concluded (Fig. 10). But before the final decision, the bride is called and she states whether she agrees or disagrees with the decision arrived at. If she assents the bridegroom makes plans to collect his cattle and bring them, while the girl's people prepare for the wedding dance, for much food must be prepared as well as a good amount of the drink they make from dura.

But if the bride-to-be should disagree with the decision arrived at by her family and refuse to marry the man of their choice, her lot is not likely to be a happy one until they reach some sort of agreement (see Chapter VII.)

584 593 Possibly her brother is anxiously awaiting her marriage so that the cattle received may help him out in his own wedding plans. So he will not be inclined to listen to any objections from her which may mean the postponement of his own cherished plans. He may decide to discipline his sister by means of a good beating and may repeat it if

14: Huffman M-5 (no date) 1931
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the first dose does not bring the desired result in the form of her assent. Scolding is also resorted to, her lack of regard for her people being especially urged. 584-593

She may be strong enough in her determination to withstand the beating, but many girls succumb to the combined beatings and scoldings. She is then willing to send word to the groom that she assents to the family's arrangement for her future, but that assent does not imply that there is any willingness to be his wife or any love, but merely an assent to the marriage because of the persistent insistence of her family.

Sometimes, if the bride is very persistent in her objections, the bridegroom may withdraw his offer, not wanting a wife who will be so unhappy with him.

But if her objections are not too violent, the family usually depend upon scoldings and beatings to silence her, and the plans for taking her to her husband's village proceed. When she has gone to her husband's house, and if she is still persistent in her objections, he may beat her and his people may put thorny branches in front of the door, thus blockading her way of escape should she resist him. But they tell me that these cases are rare.

Many weddings take place in the dry season before the people go to the fishing camp. [585]

If the girl has jilted the man who has paid cattle for her in order to take the man of her choice, as I describe in chapter VI, the wedding dance is not held, and there is no set time for giving her the garb of the married woman. She usually does not wear the beads in her ears that are the insignia of her married status. Keeping quiet and letting the commotion they have caused subside seems to be the object. Sometimes they have the wedding dance when the child is a year or two old, but it may be dispensed with entirely. 584

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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

14: Huffman M-5 (no date) 1931
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They have a definite code, just as strict as any we may devise, but the emphasis is placed in entirely different places. 000

The Nuer does not live to himself. He is a member of his family, and his actions must be in accord with Nuer law as recognized by them. For should he trangress, he is sure to need their help. 593

Laws regarding sexual relations are decidedly lax according to our western standards. Many young men do not marry the mothers of their firstborn. Illicit relationship may exist between boys and girls. But when a girl reaches marriageable age she is usually under closer surveillance than before. 836

When a girl for whom part of the wedding price has been paid by a man whom she does not wish to marry, is dissatisfied with the arrangement made by her people because she cares for some more desirable and possibly younger man, there is only one way for her to cancel her engagement and thus free herself in order to marry the man of her choice. And this way is fraught with danger which may threaten for some time. 584

She will bear a child for the man she loves, and when her condition becomes known, her engagement to the man of her father's and brother's choice is automatically cancelled. Then for a time there is trouble. Her first lover wants his payment refunded at once. Her family want the marriage price from the man of her choice at once. Very probably he has not got it, so he takes the best way out of the situation (for him) and flees to some distant village, where he has friends or relatives, until the anger of the girl's people cools a little and they are more inclined to listen to him.

This is one of the times when he is thankful that he may depend upon his family and friends to help him out. They may or may not approve of his conduct, but they

16: Evans-Pritchard E-5 (1931, 1936) 1956
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III

When a ghost comes to trouble the living it is said to *cien* them. It is useful to discuss this concept in the light of another, that of *biit*, to curse,[1] because the two are closely connected, the ability of a ghost to harm being the *post mortem* operation of the projective power of the psyche, the power to harm another through the mind and the heart. 775 789

The curse of certain persons in Nuer society is believed to be effective if they have been wronged. If they utter curses without due cause (*cuong*) the curses will either be ineffective or harm the speakers of them. A man curses another by uttering an invocation (*lam*)—which in this context is an imprecation—over, or about, him; and Nuer distinguish different kinds of curse by reference to the relationship of the persons implicated in it—*biit gwan*, the curse of a father, *biit nara*, the curse of a maternal uncle, *biit kuaara*, the curse of a leopard-skin priest, and so forth. Some of these curses are regarded as weightier than others. 789

The curse of father or mother is serious. A man may curse his son for constant disobedience and for meanness, especially for refusing him meat. Indeed, any old man may curse a youth for refusing him food, because both in a general sense and in terms of the age-set system all youths are sons to the aged, but his curse would not be as weighty as that of the true father. 'A father's curse is to hunting, to fishing, and to hoeing, but he will not curse him (his son) to cattle.' The youth may then miss his mark in hunting, fishing, and war, and his crops may fail. He may also injure himself in these occupations, or suffer one of the many possible misfortunes that beset a traveller, both in the literal sense of mishaps to one on a journey and in the figurative sense of evils that face a man on his journey through life, which the Nuer, who have a liking for meiosis, speak of collectively as 'thorns'. At its worst the curse of a father or mother may be a *biit liagh*, a curse which results in death. However, 'a father will not curse his son to cattle', because the cattle belong to the lineage and if he caused them to die he would only be harming himself and his kinsmen and ancestors. 789 593 [561]

[1] A *biit* is a curse in the sense of consigning a person to misfortune and not in the sense of swearing at a person, which is *kwith* or, where there is a joking relationship, *leng*.

16; Evans-Pritchard E-5 (1931, 1936) 1956
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789 A mother may curse her son for neglect, especially when she
593 is old and must rely on others for support, or for divulging her hiding-place to her husband if he is angry with her and seeks for her to chastise her. A mother's curse may have the same effects as a father's curse; but it is thought that, in addition, it has the particular effect of preventing the son from begetting male children. A mother's curse may thus injure the lineage, and in this respect her curse is more like that of the mother's brother than that of the father. I have also been told that a mother may, because she loves a son who has wandered to a distant country, curse him mildly so that he may suffer some minor sickness which will put him in memory of his home and cause him to return to it.

The curse of a mother's brother—at any rate that of a mother's
789 uterine brother—is also greatly feared by Nuer, for he, unlike the
604 father, may curse a man 'to cattle', so that he loses his entire herd. Nuer seem to regard it as the worst of all curses and they recognize it as a strong sanction behind the demands of their mothers' brothers, where these are just. A sister's son who fails to carry out
[753] certain duties or who fails to observe certain interdictions concerning his mother's brother may develop a disease called *keth nara* (disease of the *nar*, mother's brother), which may be fatal. Nuer describe it as '*cere ke biit*', 'like to a curse'. People say that
[603] the curses of father, mother, and mother's brother are the worst, though that of a paternal grandmother is also said to be bad, and
[593] it is said that the curse of an eldest child is feared by his parents, especially his mother, and by his maternal uncle; in certain circumstances a sister's son, especially the eldest son of the sister, may curse his maternal uncle's herd. The only other kinsfolk of whom I have been specifically told that they may curse a man, in the sense that one may speak of a curse of the kinship category in which they stand, are the father's sister and the mother's sister, and Nuer say that these are very small curses and they do not therefore give them much thought; but a person standing in any social relationship to another may curse him if he has been wronged by him. However, the more distant the relationship the less effective the curse, because the less the obligation and therefore the less the wrong.

789 A run of misfortunes may be attributed to the curse of one of
593 these relatives. I tell one story in illustration. Luak, a man of the Leek tribe, refused to stay at home and help his father Thicjok to

16: Evans-Pritchard E-5 (1931, 1936) 1956
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herd the cattle and hoe the gardens, but spent his time attending dances and courting girls. He wandered about the country having a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

16: Evans-Pritchard E-5 (1931, 1936) 1956
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613 cattle, and the portions of ivory or the cattle are divided among
614 those relatives of the spearsmen who receive cattle of bridewealth
and bloodwealth and the flesh of sacrifices. Those standing in a
224 *buth* relationship to the spearsmen also have rights in the tusks.
This means in practice that a section of the tusk, or its equivalent in cattle, goes to the particular *thok mac*, minimal lineage, of the spearsman's clan to which the *gwan buthni*, master of ceremonies, of his family belongs, and it is this man who gets it.[1]

782 Each family has its master of ceremonies, who is a member of
a lineage collateral to that of its head and therefore one of his
613 distant agnatic kinsmen. A son takes his father's place in this
593 service. The same man may act on behalf of the heads of several families of the same minimal lineage, and one of his close agnatic kin may act in his stead, since he carries out his functions not as an individual but as representative of a group. The office is not necessarily reciprocal, for a man may act as master of ceremonies to a family of one collateral lineage and have as master of ceremonies to his own family a man of a different collateral lineage. Also, a family may have more than one master of ceremonies, the second belonging to a different collateral lineage from the first. Moreover, it would seem that if one of the persons who usually acts in this capacity is not available his place may be taken by any distant kinsman who can be held to represent him. Nuer are very latitudinarian in such matters; but the point we have to note is that on certain occasions a whole clan or large lineage offers up the sacrifice, and the officiant ought then to be someone outside the family and close kin most immediately concerned who represents the interest of the wider group, which participates in the sacrifice through him.

782 A master of ceremonies functions at weddings, mortuary and
613 *colwic* ceremonies, settlements of blood-feuds, adoptions, initiations, severings of kinship to allow intermarriage or cohabitation, the building of new byres, and the division of elephant tusks. On these occasions he calls out the clan or lineage spear-name and then makes an invocation, usually prior to animal sacrifice. By calling out the spear-name he identifies the whole clan or lineage with the offering. When the victim has been killed he cuts through the scrotum (*juak tem*), this being the commencement of the skin-

[1] See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.

2:Evans-Pritchard E-5 (1931, 1936) 1951
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who leaves one man is likely to leave another. However, some 588
women become concubines through misfortune, and not by choice, and are not unsuited or averse to the married state. A girl becomes pregnant in courtship and her swain has no cattle with which to marry her, or a young mother, unhappy when she comes to live in her husband's home, runs away from him and her bridewealth is returned. In such circumstances a lover may well be prepared to pay bridewealth for her, though fewer cattle than he would pay for a maiden, and to go through the nuptial rites with her, so that he may have full legal rights in her and in all children she has borne or may bear to him or to any other man. The *ciek ma keagh*, unmarried concubine, then becomes *ciek pany*, a true wife. It sometimes happens too that a youth makes a girl pregnant and would like to marry her but has insufficient cattle. He pays what cattle he can get together, and the girl's people let him take her on the promise that he will pay the rest when he is able to do so; but they refuse to solemnize the marriage, so she is regarded as a sort of concubine. The marriage rites may not be performed till years afterwards, sometimes not till just before the marriage of her eldest daughter. Then the wedding dance is held and the cattle are blessed to make an honest woman of her, as we would say. Till then she can only be described as half-concubine, half-wife.

We may perhaps speak of an unmarried woman, the man with 588
whom she lives, and the children she bears to him in his home as 594
a simple natural family in contrast to a simple legal family. We cannot deny that this group is some kind of family, for its members live together in a common household on the pattern of a simple legal family, at any rate for some years. But whereas in the simple legal family the tie between pater and child is derived from the tie between husband and wife created by payment of bridewealth, in the simple natural family it is a direct tie created by payment of cattle for the child and not for the mother. We may compare the simple natural family also with the kind of family that springs from widow-concubinage. This last is a complex group in that the woman and the children she bears to her lover belong not only to the natural family of a man, his mate, and their children, but to a different, and legal, family as well. The genitor can never pay a fee to become pater of his natural children. When a man begets children by an unmarried woman there is no

2:Evans-Pritchard E-5 (1931,1936) 1951
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588 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

837 It is adultery if a man has relations with another man's wife, including ghost-wives and leviratic wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter light-heartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

2:Evans-Pritchard E-5 (1931,1936) 1951
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422 593 husband is alive the beasts count as part of his herd and the wives cannot dispose of them without his consent, which he can withhold. With the consent of the wife concerned, which she would find it difficult to withhold, he can dispose of them for marriages or other purposes.

A man also gives oxen to his sons so that they may display themselves in their company, but, here again, the sons do not have rights in them against their father, who can use the animals for any purpose he thinks fit, including the marriages of other sons than those to whom he has given the beasts, though he would promise a son deprived of his ox to replace it as soon as he could do so. The only cattle a father cannot, or at any rate ought not to, take for his own use without his sons' consent are those which come to them by inheritance, for these are *ghok jookni*, cattle of the ghosts. They may come through a dead mother's right, or the son may be the child of a ghost-marriage or a leviratic marriage and have a right to the herd of his pater, which should not be set aside by the man who is acting in his father's place.

428 593

594 The family is an economic unit. Its members, with aid in certain undertakings from kinsmen and neighbours, maintain themselves and provide for their daily needs. None of the broader departments of economy are exclusively the domain of either sex and there is often direct mutual assistance between the sexes in the performance of tasks. Also, tasks which are normally performed by one sex may be performed by the other in circumstances which render this necessary. Nevertheless, there is a clear, and complementary, division of labour between men and women. Boys' work is mostly within the sphere of men's activities, the older boys performing many adult tasks, and, except for milking, they take no part in labour which is never done by men. Girls have the same duties as women, to the extent their age permits.

462

Most of the labour connected with the flocks and herds falls to the men and boys. The work of gardens is shared equally between men and women, sons assisting their mothers and the husband his wives. Only men hunt, and they and the boys do by far the greater part of the fishing. Women collect wild fruits and roots. Men do most of the building and repair of byres and huts, though women do some of the lighter tasks in these activities. Most of the daily tasks of the home, especially the preparation of food by churning, pounding, grinding, cooking, and brewing, are the

2:Evans-Pritchard E-5 (1931,1936) 1951
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462 exclusive privilege of women. Men manufacture most of the weapons and ornaments they use for themselves and for the cattle, and women the utensils and ornaments they use.

In general it may be said that men take on themselves a fair share of the labour of the home, that the routine work of the homestead is chiefly in the hands of women and a man's work very largely in the bush, and that tasks requiring greater strength are done by men. Division of labour between age-grades is also equitable.

●594 A Nuer home is run by the combined efforts of all its members and the labour of running it is fairly distributed among them. One cannot but be struck by the camaraderie of the family as they assist one another in daily and seasonal tasks, either by direct aid or by co-ordination of activities. No work is considered degrading, no one is a drudge, all have leisure for rest and recreation, and all are content with their roles in the economy of the home. Indeed, the division of labour between sexes and ages accords with the social and personal freedom of women and children in Nuerland and with the recognition, so striking among the Nuer, of the independence and dignity of the individual.

462 I have omitted details in this brief account of division of labour, but there is one to which attention must be drawn. No man may milk the cows. This can only be done by women and uninitiated boys, and boys do not generally milk if there are women in the home. Woman's exclusive role of milkmaid combined with her roles of dairymaid and cook make her the centre of family and household. However many cattle a man may possess, he is helpless without a wife or mother or sister to milk the cows. It is only through marriage that a man can have a home of his own, and one of the most serious consequences of divorce is that it compels him to attach himself to the home of a kinsman whose womenfolk can milk and cook for him. Hence, also, if a man dies leaving motherless unmarried sons, efforts are made for the eldest of them to be married as soon as possible so that the others may group themselves around him, or rather round his wife, who cooks and milks for them all. Otherwise the brothers may scatter to the homes of their married sisters, of their mothers' brothers, or of some other kinsmen. Even after men are married and have homes of their own there are many occasions when they have to rely on the wives of brothers or of other neighbours and kinsmen for the

8:Howell E, G-5 (1942-1944)1954
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compensation for adultery unless some previous agreement has been reached between them. The legal husband of the woman and the legal father of her children is still the man who has died. The children will be linked in the lineage of his family to his name, and the legality of the marriage is guarded by his heirs. In his name, his heir or heirs will continue to represent his interests, and indeed those interests are their own as members of his kinship group. This point is all-important in the assessment of rights in a widow in legal disputes which appear before Nuer courts. If, as sometimes happens, the bridewealth cattle are returned to the wife's family in the event of her husband's death, no further rights in that woman are retained by the dead man's heirs; but in this case the legal marriage has been dissolved, and the situation is not really different from normal cases of divorce.

587 [586]

Differences between 'Ghost-Marriage' and the Levirate

(i) A 'ghost-marriage' means that the vicarious husband as legal representative of the dead man actually *marries* the wife in the sense that he collects and hands over the bridewealth cattle for her and performs the marriage ceremonies with her on behalf of the dead man. In the levirate, the kinsman merely enters as a substitute into a marriage which is already in existence.

588 587

(ii) Generally speaking, in the case of the levirate, since the marriage was not actually initiated and negotiated by the pro-husband, he has less control over the widow than he would over a 'ghost-wife'.

(iii) The levirate differs from 'ghost-marriage' in that the legal husband (*pater*) and his widow once lived together as man and wife.

(iv) Although the leviratic family, like the 'ghost-family', consists of the dead husband (*pater*), the pro-husband (*genitor*) and the children born of the woman, the children, or at least some of them, may have been begotten by the dead man. Therefore in a 'ghost-marriage' the dead man is the *pater* but never the *genitor* of the children; in a leviratic union the dead man is always the *pater* and he may have been the *genitor* of all or some of the children. The distinction is emphasized in Nuer terminology: a child begotten by the dead man is known as *ret*, an orphan. A 'ghost-child' is known as *gat jooka*.

[594]

The levirate is established by the previous payment of bridewealth cattle. Therefore, unless the bridewealth is returned for some definite misbehaviour on the part of the widow, the simple legal marriage continues after the death of the husband and children born either before or after his death are legally his.

Categories of Persons with whom a Widow lives

The most usual and correct form of leviratic union implies the cohabitation of a woman with her dead husband's brother, and in

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14: Huffman M-5 (no date) 1931
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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.
603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

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MARRIAGE

581 The ordinary Nuer marriage is a union such as we understand matrimony to be in our own civilization, with this difference perhaps, that the Nuer do not consider the union to be complete till a child is born to it. As we have seen, a Nuer union of this kind is instituted by payment of cattle and the performance of nuptial ceremonies. It is to this type of union that I refer when I speak of marriage without qualifications; and when I use the word family in an unqualified sense I refer to the partners to such a union and the children born to the wife in the union (but not necessarily begotten by the husband). However, since the terms marriage and family are also used in this book in a qualified sense to refer to other unions and groups, I sometimes speak of a simple legal marriage and a simple legal family to avoid confusion or to point a contrast.

595 When a man marries two or more women there results a complex legal family, which we call a polygamous family, in which are comprised several simple legal marriages with the male partner the same in all of them. I discuss some of the features of polygamous marriages and families in the following chapter.* They present no immediate difficulties.

588 What seems to us, but not at all to Nuer, a somewhat strange union is that in which a woman marries another woman and counts as the pater of the children born of the wife. Such marriages are by no means uncommon in Nuerland, and they must be regarded as a form of simple legal marriage, for the woman-husband marries her wife in exactly the same way as a man marries a woman. When the marriage rites have been completed the husband gets a male kinsman or friend or neighbour, sometimes a poor Dinka, to beget children by her wife and to assist, regularly or when assistance is particularly required, in those tasks of the home for the carrying out of which a man is necessary. When the daughters of the marriage are married he will receive for each a 'cow of the begetting' and more beasts if he has played any considerable part in the maintenance of the home. We may perhaps refer to this kind of union as woman-marriage.

A woman who marries in this way is generally barren, and for this reason counts in some respects as a man. She acquires cattle through the marriages of kinswomen, including some of those due to uncles on the marriage of a niece, or by inheritance, since she counts as a man in these matters. A barren woman also often

*[cf. cat. 116, pp. 127 ff. -- Analyst]

2:Evans-Pritchard E-5 (1931, 1936) 1951
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may have a byre if he is the eldest son of a dead man. When he is initiated into manhood his paternal uncles ought to build him a byre, 'so that his father's fire may be relit', and to hand over to him his father's herd which they have held in trust till he should take his father's place as head of the family.

The wife has her hut at the side of the byre, and in a polygamous family each wife has her own hut, where she and her children sleep. Near to it there may be a simple shelter for cooking. In a large homestead there may also be a hut for the youths of the household to sleep in, and perhaps a hut for the senior girls. The head of the family has no hut of his own but sleeps in the huts of his wives. In such a polygamous family all the huts of the wives are built around the byre, and this attachment symbolizes for Nuer what we call the agnatic principle of their society, which insists that all the sons of a man belong to his lineage irrespective of their maternal affiliations, their links with the kin of their mothers through the different huts within the homestead. Very early in life small boys are driven by their father or elder brothers away from their mothers' huts to the byre, the place of the menfolk of the family, where they eat, sleep, and spend the leisure hours of the day. When they are about seven or eight years of age they sleep there instead of in their mothers' huts, where the women and girls eat and sleep and near which they spend most of the day. The men and boys, to whichever hut they may belong, belong also, and primarily, to the byre and to its *gol*, a word which means, as I have earlier explained, the fire of cattle-dung kept burning day and night in the centre of the byre (there is sometimes a second one in the kraal) and its hearth; and also homestead, hamlet, family, household, and even lineage in certain contexts. Daughters belong to the huts and they will be married from them into stranger lineages, into which they are absorbed. Sons belong to the byre and to the lineage of its owner. This connexion between byre and lineage is seen when a new byre is built, for then the master of ceremonies of the family is summoned to make a libation of beer to the guardian spirits and ancestral ghosts of the lineage before its central support is planted, so that they may give peace and prosperity to all who dwell therein. In the byre, at the side of the hearth, is kept a branch, decorated with metal rings and pieces of skins of sacrificed beasts, which serves as an ancestral shrine. In summer camps a windscreen takes the place

2:Evans-Pritchard E-5 (1931,1936) 1951
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of the byre as the men's dormitory and club, and the shrine is 592
placed at its entrance. Small grass beehive huts take the place of the wattle-and-daub huts of the villages as the dwellings of the womenfolk of the home.

The polygamous family is a unit, the *gol* of the husband of the 595
several wives. '*Jigoala*', 'the people of my hearth', are my family in this inclusive sense. But the children of each wife also belong exclusively to her *dwil* (or *ut*), hut, and to her *mac*, cooking-fire, so that the polygamous family is divided into a number of separate domestic groups within the larger whole. The huts of the different wives are the centres of these elementary families which have a common husband and father. Outside her hut each wife has her *buor*, a mud windscreen, against which she makes her cooking-fire, and near to it is her *thung*, a plastered hole in the ground for pounding millet (she has another fire-place and another pounding-hole inside her hut for use on rainy days). This mud screen, the top of which is fashioned into three humps, is the sign of a married woman's status as the mistress of her home and the mother of children, just as the hearth in the byre is the sign of a man's status as the father of a family and the master of household and herd; and it also has ritual associations, for sacrifices are made near it. It is the centre of a married woman's life. Here her friends and neighbours gossip with her when she is working or in the evening when work is done.

As boys grow up they attach themselves more and more to the byre, but each remains, both in sentiment and by social alinement, also a member of his mother's hut. Hence one may distinguish [593
between full brothers and paternal half-brothers by saying that 611]
the first are brothers *kwi dwiel*, on the side of the hut (as we say, on the distaff side), while the second are brothers *kwi luak*, on the side of the byre (as we say, on the spear-side); and this distinction is a fundamental one in Nuer society, for it runs not only through the family but through the kin also, and is moreover the paradigm of the lineage structure.

With the huts go the gardens, with the byre go the cattle and the kraal. Each wife has her own garden and granaries, and with her millet she makes porridge for herself and her daughters, small sons, and guests, and also porridge and beer for the men and boys in the byre, the male members of the whole household, only some of whom would be her own sons, and any male neighbours and

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595 guests who may be present. A husband may have a garden of his own, but, if so, he distributes the millet among his wives when their supplies are running short.

422 The cattle belong to the husband. It is the usual practice for a
593 man to divide his cows among his wives, but they only have the use of them for milking and cannot dispose of them. A cow given to a wife is merely what Nuer call 'a cow of the churning-gourd', seeing that it is given to the wife only so that she may have milk for her little ones and butter and cheese to pour over her porridge. It is true that the husband ought not to dispose of the cow without consulting her, and I have heard a wife protest strongly that she had not been advised of her husband's intentions; but she cannot refuse her consent to its disposal for the benefit of the family. Nor can she dispose of it herself. When I asked some Nuer whether a wife could give a cow which she always spoke about as 'my cow' to her brother, they wondered whether I was joking: 'Could she do such a thing? Would not her husband kill her? Give one of his cows to her brother indeed! Eh he!' If a man dies, leaving only young children, and his wives remain in his homestead or live with his brothers, they continue to have use of the cows he allocated to them during his lifetime. A dying man may expressly direct that they should do so. However, the trustees of the animals are the dead man's brothers and their disposal is subject to the claims of the family as a whole and must be in their common interest. If a widow tried to remove the cows from the herd and take them to the home of her brother, or of some man with whom she was living in concubinage, her husband's kin would certainly not, except in very special circumstances, permit their dispersal, for the cattle belong to the lineage, to the sons as a whole, who are links between the ancestors and its as yet unborn members. If the sons are men when their father dies they ought to go on living together round a common kraal. Nevertheless, as will be seen, they frequently do not do so. Whether they do so or not, the cattle belong to all of them and should be used, when the herd is large enough, to obtain wives for them in order of seniority, though in practice they are sometimes a bone of contention. Even cattle which come to wives on the marriages of their kinswomen (the cow of the paternal aunt and the cow of the maternal aunt) are not their property in an absolute sense. They have the use of them and should their husband die their sons inherit them, but while the

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593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he [586] decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.

562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them [681] with respect. In saying that their status in society is high I am judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.

● 595 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

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ominously, 'to be jealous'. The first wife has no special status, 595
though the husband generally consults her more than the other wives because he married her first and started his home and family with her. On the contrary, Nuer insist on the equality of wives, and they recognize that custom of the home is intended to eliminate as far as possible friction between them. The wives generally cook in turn for the husband and the byre, and each cooks as well for herself, her daughters, and small sons; but it is also a convention that a wife shall frequently cook for the family of a co-wife and that the children of one hut may eat in any other hut. I was told that if there is any trouble between the huts this convention is unlikely to be observed. Nuer have told me also that some women, while they give food they have cooked to their co-wives, remove part of it before doing so and hide it for their own children to eat in secret; and there is even a word for this part. It is impressed on boys that when they bring fish or meat to the home they should not give it to their own mothers but to another of their father's wives. A man would never address one of his mother's co-wives as [601]
'*ciek gwar*', 'my father's wife', but either as '*ma*', mother', or by some honorific title; and she would reply '*gatda*', 'my son', and not '*gat nyakda*', 'son of my co-wife'. Indeed, there is the same kind of assertion, in the face of reason and experience, that '*ciek gur*', 'your father's wife', is '*mor*', 'your mother', as is made when Nuer say that '*gat gur*', 'your father's son', is '*demor*', 'your mother's son'; and the two assertions are different sides to the same dogma, to a further consideration of which I shall return. But though children are told that their father's other wives should not be treated differently from their mother, it seems to be acknowledged by all that there is likely to be jealousy between co-wives, especially if the husband appears to favour one wife or her children, and that it is a misfortune for children should their mother die and they be left to the care of a co-wife. Nuer say that this is what happened to *gukur*, the dove, and is the reason for its plaintive note '*giek ciek gur*', 'bad is your father's wife'.

Before considering briefly relations between parents and children it is, I think, important to recognize that a Nuer child is not born into the family alone and then slowly extends his awareness to members of the household and kin, but is born into a wider circle than the family, in the sense that all those who share the homestead of the father and adjacent homesteads take an interest

595 in the child from the time the mother leaves her hut after bearing him. The father's other wives, his brothers and their wives, and other kinsmen and affines of the father if they live near him, take

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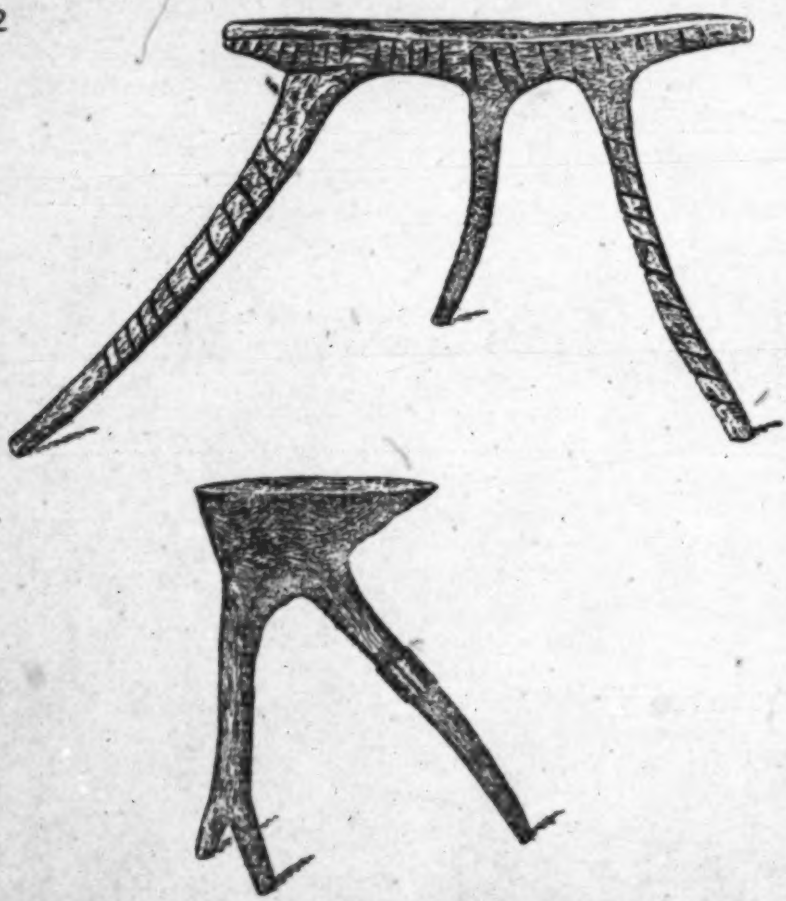

Wooden neck-rests or pillows

595 frequent notice of the child, nurse him, talk to him, and make him understand that they belong to him. If he is an eldest child and is brought up in his maternal grandparents' home, he will have the same close relations with corresponding persons there.

842 Nuer welcome children and hope when they marry that their wives will be fertile.

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593 structure towards the father's kin and lineage, and a pull of personal affection towards the mother's people. Rights in the herd, duties of blood revenge, and status in the community hold a man to his father's kin, but with these go jealousy about cattle, resentment against authority, and personal rivalries. A man has no rights in his maternal uncle's herd, he has no obligation to assist his maternal uncle's people in their feuds, and he has no hereditary status in his maternal uncle's community. But the fact that he lacks these rights and duties and status means that he is not burdened with the disputes and tensions they engender. The paternal ties are stronger, if there is a touch of hardness in them. The maternal ties are weaker and for this reason are tenderer. In the Nuer family the tension is greatest in the case of the eldest child, especially an eldest son, for both families more strongly assert their rights in him than in the younger children, but it is inherent in the nature of the Nuer family and has also a more general social significance in the counter-attraction of the lineage on one side and the wider society on the other.

595 This pull in opposite directions, towards the father's kin and towards the mother's kin, is most evident in polygamous families, where the sons of each hut have different sets of kinsmen on the mother's side. I cannot say what is the frequency of polygamy in Nuer society, and it would in any case be difficult, in view of the variety of Nuer domestic unions, to decide on a criterion of polygamy; but though monogamous marriage is much commoner, polygamy is frequent enough to have set its stamp, through its association with wealth and social influence, on the lineage system. The polygamous family is for the Nuer the ideal form of family life and every man would like to attain to it. It has therefore importance out of all proportion to the actual number of such families. The values and the whole conception of the lineage system are reflected in it.

613 A Nuer lineage is often named after a woman, its ancestress, because lineages are generally thought of as dividing out from within a polygamous family. They cannot be differentiated by reference to the name of the father of the founders of the different lines of descent, but only by reference to the names of the founders themselves or of their mothers. Thus the typical lineage structure is conceived of as being present in the structure of the polygamous family and in the distribution of huts in the homestead it occupies.

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593 with the cattle they receive in compensation for his death.' This is
582 the final and, to a Nuer, most frightful sanction.

593 Nuer feelings about this matter are reflected in their use of kin-
601 ship terms. Although '*demar*' (or '*gatmar*') means 'my uterine brother' and '*gatgwar*' is the term for 'my father's son' (paternal half-brother), they almost invariably use the term for the uterine brother to refer to, or address, the half-brother and keep the term for 'father's son' to speak about or address paternal cousins. To address a father's son by the term for this relationship is regarded as very bad form because it makes a cleavage in the family. It would be even worse to call your full brother '*gatgwar*', 'my father's son'. The term would only be used for this person as an affectionate meiosis. In the same way, a man must not address his paternal half-sister by the term for this relationship ('*nyigwa*'), for '*nyagur e jen nyimor*', 'your father's daughter (paternal half-sister) is your mother's daughter (full sister)'. It is true, as will be seen in the next chapter, that there is a general tendency for Nuer to use kinship terms for persons who stand in a more distant relationship to those which they denote and that the terms '*demar*' ('*gatmar*') and '*nyimar*' are freely used for almost any person of a man's own generation, but Nuer particularly emphasize the need for this displacement in the case of half-brothers and half-sisters. Nuer have told me that they are so anxious not to distinguish between full and half-brothers that should a man go with his half-brother to visit his mother's sister's home, the young men of that home will make a point of greeting the half-brother first and of addressing him as '*gatmar*', 'son of my mother', before addressing their true mother's sister's son by this term (which correctly applies to him and not to his half-brother). I have earlier noted that the wife of one brother is spoken about as the wife of all the brothers and her children as the children of them all.

595 But although Nuer are constantly asserting the solidarity of the
593 polygamous family, it is as evident to themselves as it is to the observer that things are often different. They recognize that whereas full brothers pool their resources, helping each other even to the point of forgoing their rights, paternal half-brothers insist on their rights and try to avoid their obligations, doing for each other only what self-interest demands of them. Nuer are not surprised at—they expect—coldness between half-brothers, and disagreements and disputes between them, and between paternal

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cousins, are endemic in Nuer society. Quarrels between half-brothers are a frequent theme in stories of the separation of lineages and the dispersal of paternal kin. They are the 'bulls' of whom I said in Chapter I that each goes his own way and seeks to gather round himself a separate cluster of kin and affines. Even when there are no disagreements half-brothers tend to drift apart after the death of their father, especially after they are married, and go to live with their different maternal and affinal kin.

However, sons ought to continue to live together on the death of their father, and it is hoped that they will do so. If they live together there is less chance of unfairness in the disposal of the cattle and of resultant disputes. A man may anticipate difficulties of the kind by directing before his death how his herd is to be divided among his sons. If he does not do this, it ought to remain undivided till all the sons are married. What is left of it may then be divided among them at a family council. There is more likelihood of this being done if all the sons live together, for then, even though the herd is divided among the huts, it is still very much a single herd in a common kraal. When one of the brothers wants to marry, the different huts will all 'loosen cattle' for his marriage, as they would have done had the father been alive. But if a widow takes her sons to her own kin or to the home of a lover in a distant part of the country, the half-brothers who remain in their father's home are less inclined to help them when they want to marry, and if they have no uterine sisters they may then find it difficult to do so. Nevertheless, a boy without uterine sisters is to some extent protected by the rules governing division of bridewealth, which ensure that he will receive at least some of the cattle of the marriages of his paternal half-sisters. He will also receive cattle on the marriages of other female relatives: the daughters of his father's brothers and sisters and the daughters of his mother's brothers and sisters. He may possibly also receive *wangnen* cattle of his grandparents. Though he lives apart from them, his half-brothers will not seek to deprive him of his rights in bridewealth, even if they are not ready to help him by gifts from their own herds.

In discussing the shortcomings of half-brothers Nuer often further mention the obligation to marry a wife to the name of a man who dies without heirs. If he leaves behind an unmarried uterine brother, this brother will use the cattle brought into the

11:Evans-Pritchard E-5 (1931, 1936) 1945
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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ [764] who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Galuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabath ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

11:Evans-Pritchard E-5 (1931, 1936) 1945
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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiac ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX.. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Puot ♂, Nyagwar ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol. 592 587

Nyadhiac's mother, Nyaleeni ♀, a very old Baggara Arab captive, lives with her. [727]

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kulanga ♂, a Bor woman, and his brothers, Buth ♂ and Duoth ♂, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No, XXVI). 592

Homestead No. XXVI. Nyaluak ♀—Yoah ♂, widow of Dit ♂—Bicuk ♂, to whom she bore Rwot ♂, Yangdoah ♀, Nyakur ♀, Nyampath ♀, and Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyaduoth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyaudol ♀—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless; that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

14: Huffman M-5 (no date) 1931
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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he is fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

● 595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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554 family, many children, marriage alliances, wealth in cattle, prowess as a warrior, oratorical skill, character, and often ritual powers of some kind, all combine in producing an outstanding social personality who is regarded as head of a joint family and of a cluster of cognatic kinsmen and affines, as a leader in village and camp, and a person of importance in the rather vague social sphere we call a district. It is easy to see in village or camp who are its social leaders, and it is these people who have furnished the administration with most government chiefs, for the influence of the leopard-skin chief is mainly restricted to the circuit of his ritual functions and only if he is also a *gat twot* does he exercise influence beyond these limits.

554 596 When we ask, however, in what way a *tut* acts as a leader in his community it is difficult to answer. As the chief man of his family and joint family he takes the most prominent part in settling the affairs of these groups, but he cannot on that account be said to have political authority, for these domestic groups act independently of others in the village, though some co-ordination between them is imposed by their common requirements. A joint family decide on the advice of their *tut* to change camp and the *tut* is supposed to drive in the first tethering peg in the new camp, if he is present, but other joint families of the 554 same camp may decide not to move till another day. Leadership 621 in a local community consists of an influential man deciding to do something and the people of other hamlets following suit at their convenience. When villagers co-operate, there is no appointed leader to organize their activity. If some members of a village are attacked the others rush to their assistance, headed by the swiftest and bravest, but there is no one who calls on them to do so or who organizes their resistance. A village is a political unit in a structural sense, but it has no political organization. There is no headman or other appointed leader invested with authority who symbolizes its unity and no village council. Beyond his domestic groups a *tut* has authority in his village only in the sense that he takes a prominent part in questions of procedure and other discussions. Outside his village he is a well-known person who is generally respected in his district, but he has no political status.

800 In larger groups than a village and camp there is far less

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed no compensation
621 would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

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an examination of adoption. A Nuer cannot be adopted into a lineage other than that into which he is born, so that the custom concerns only Dinka. 597 563 619

We have already described how Nuer scorn Dinka and persistently raid them, but they do not treat those Dinka who are permanent members of their community differently from its Nuer members, and we have seen that persons of Dinka descent form probably at least half the population of most tribes. These Dinka are either children of captives and immigrants who have been brought up as Nuer, or are themselves captives and immigrants who are residing permanently among Nuer. They are '*Jaang-Nath*', 'Dinka-Nuer', and, it is said, '*caa Nath*', 'they have become Nuer'. As we have explained, once their membership of a community is recognized, in most of Nuerland, their legal status is the same as that of a free-born Nuer, and it is only in relation to ritual and rules of exogamy that attention is drawn to their origin. In structural relations of a political kind they are undifferentiated members of a segment. Although in his domestic and kinship relations a Dinka has not so strong a position as a Nuer, because he has not the same range of kinship links, I have never observed that they suffer any serious disabilities, far less degradation. In answer to my question whether a captured Dinka would not work harder in the kraal than a son of the family, I was told that he was a son and would enjoy the same privileges as the other sons, being given an ox by his father at initiation and, later, bride-cattle for a wife. The only foreigners who suffer serious social inequality are certain small pockets of Dinka and Anuak who have been conquered but not absorbed into Nuer society and culture. Such pockets, like the Balak Dinka and the Anuak on the Sobat river, enjoy neither the privileges of Nuer citizenship nor the freedom of foreigners. Such pockets do not truly constitute part of a Nuer tribe.

Captured Dinka boys are almost invariably incorporated into the lineage of their Nuer captors by the rite of adoption, and they then rank as sons in lineage structure as well as in family relations, and when the daughters of that lineage are married they receive bride-cattle. A Dinka boy is brought up as a child of his captor's household. He is already incorporated into the family and joint family by his acceptance as a member of these 597 613

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•597 613 groups by their other members and by outsiders. People say '*caa dil e cieng*' or '*caa ran wec*', 'he has become a member of the community', and they say of the man who captured him that 'he has become his father', and of his sons that 'they have become his brothers'. He is already a member of the *gol*, the household and joint family. Adoption gives him a position in lineage structure, and thereby ceremonial status, for by adoption he becomes a member of his captor's *thok dwiel*, lineage.

597 788 I was told that the captor will seldom himself give the lad *buth*, agnatic affiliation to his lineage, and that the rite is usually performed by a kinsman at the request of his sons and with the consent of their minimal lineage. A representative of the lineage invites the Dinka, now grown-up and initiated, to attend the sacrifice of an ox or sheep in his kraal. The head of the joint family provides the sacrificial beast and the representative of the lineage drives the tethering-peg into the earth at the entrance to the byre and walks up and down the kraal invoking the spear-name of the clan and calling on the spirits and ancestral ghosts of the lineage to take note that the Dinka is now a member of it and under their protection. He then spears the beast and the Dinka is smeared with the undigested contents of its stomach while the ghosts and spirits are asked to accept him. He is especially smeared on the soles of his feet, for this binds him to his new home. If he leaves it he will die. The beast is then cut up, and a son of the house, or the representative of the lineage, and his new brother divide the skin and the scrotum, which the Dinka cuts. The Dinka also takes the neck as his portion. On all future occasions when animals are sacrificed by members of the lineage the Dinka will receive his share of the meat, for he is now a member of the lineage. The cutting of the scrotum is the symbolic act which makes the man a member of the lineage, because only an agnatic relative may cut the scrotum of a sacrificial beast. 'A man who has cut the scrotum of your beast, if he has sexual relations with your daughter, he will die.'

613 597 [583] A girl captive is not adopted into the lineage, but people say '*caa lath cungni*', 'she is given a right to receive bride-wealth'. 'Her children are become people who partake in the bride-cattle'. This means that when she is married, or her daughters are married, the sons of the family in which she has been brought up will receive the cattle due to brothers and maternal uncles, and that in return, when the daughters of the sons and daughters of this family are married, she, or her sons, can claim the cow due to the paternal aunt and the cow due to the maternal aunt. She has become a daughter to her captor and a sister to his sons, but she is not a member of their lineage.

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613 By adoption Dinka men are grafted on to the lineage of their captors. They trace their ascent up the lineage to its ancestor
• 597 and they become a new point of its growth. The fusion is complete and final. The spirits of the lineage become their spirits, its ghosts become their ghosts, and its spear-name and honorific name become their symbols. Indeed it is almost impossible without a prolonged stay in a Nuer village or camp to discover who are and who are not of pure Nuer origin. I have for weeks considered men to be true Nuer, whereas they were descended from captured Dinka, for a man whose Dinka grandfather had been adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the man whose grandfather adopted his grandsire, and he is so regarded by other members of the lineage and by persons not of it. Thus, when a man gives his descent from E through D and C, and another man gives his descent from E through J and K, one naturally assumed that D and J were sons of E. There is no means of knowing that, in fact, J was a captured Dinka who was adopted into the lineage, unless someone volunteers the information—a most unlikely happening in Nuerland. Moreover, it is impolite to ask strangers whether their grandfathers were captured Dinka, and, even if they were of Dinka origin, they would not readily say so. One can, of course, always ask other people; but only those who are members of the same lineage are likely to be fully acquainted with the man's ancestry, and they, in all probability, will not tell one if he is of Dinka origin, for he is their agnatic kinsman as far as outsiders are concerned.

563 A very large number of Dinka in all tribes have been incor-
609 porated by adoption into Nuer lineages. Since, as mentioned later, adopted Dinka and their descendants can marry into collateral lineages, it would not be accurate to say that they are adopted into clans. Probably most captured Dinka were adopted into Nuer lineages, but there are also many Dinka lineages descended from men who came of their own free will to settle in Nuerland, either to escape famine, largely caused by Nuer raiding, in their own country, to visit captured sisters, or to reoccupy the sites from which Nuer raids had ousted them. Such immigrants were unmolested and were permitted to settle or return to Dinkaland as they might choose. A Dinka who decided to settle

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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602.

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thuk*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after [583] raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in [613] my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached.

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the 602 lineage system where the Nuer begin to speak of collectivities of 613 agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath* [597] *buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, [609] that is, they are 'strangers'. I omit further discussion about the 000

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621 The entire population of Majok was at Yakwac in 1931, for
602 many of its members, including most of the womenfolk, had
601 remained inland and some families spent the dry season at other camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

621 A study of the genealogy of Yakwac cattle camp reveals the
613 features we have already noted as being significant in the gene-
601 alogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

613 I have indicated Dinka origins,[1] where I have satisfactory evi-
601 dence for them, partly to show the very considerable absorption
597 [1] [cf. facing p. 19 (a)–(c) — Analyst]

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613 of Dinka which has taken place, by adoption into Nuer lineages
601 and through marriage, in a typical Nuer community, and partly
597 to account for some marriages which might otherwise appear to be breaches of the Nuer rules of exogamy. These Dinka are of varied tribal origin. Among those whose names appear in the genealogy I have recorded Bor, Fadang, Luac, Thoc, and Dunjol origins. The absorption of so many Dinka has affected, through the practice of adoption, the rules regulating marriage, and it has also affected modes of residence, since a Dinka who has not been adopted into a Nuer lineage readily attaches himself to his wife's people or to the people who have married his sister or daughter, as do also his children to their maternal uncle's kin. The absorption of Dinka has led to a further complication in the already very complicated patterns of Nuer genealogies, for it sometimes happens that captured Dinka brothers or other kin are adopted into different lineages or even into different clans.

I would also draw attention to the different tribal origins of those Nuer in the genealogy who are not members of the dominant lineage, because they illustrate the movement of individuals and families which is so characteristic a feature of Nuer society: Yit was a Bul tribesman, he and Pinien being children of sisters or, as the Nuer say, a man and his *gatmanlende*, his mother's sister's son; Carau and Wan-Wang were Jikany tribesmen, Carau being an aristocrat of the Lony section of the Jikany, though begotten by an Anuak; Nhial-Deng is of Thiang tribal origin; Kurcam was a man of the Jimem clan, a clan which is found throughout Nuerland and without a tribal territory of its own; and so forth. Indeed, it is necessary to point out that not all outsiders attached to a lineage core remain attached to it. Nuer move about their country freely, and reside for some years with one lot of kin and then for some years with another.

621 The genealogy of Yakwac camp gives us a typical cross-section
613 of a Nuer tribal society. We see how the local community is built up around a lineage through attachment to it of extra-lineage persons by the stressing of one or other category of kinship, and we thus see further the relation of the lineage structure to the kinship system within the framework of the tribal society. The collateral, and in a structural sense, opposed lineage to the Pual is the Dumien, who live near Pul Thul and Pul Nyerol in the same Nyerol district in which the Pual have their wet-season home and

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father's brother, *gatgwanlen*, father's brother's son, *wac*, father's sister, and so on.

Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jicieng* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jimarida*', 'my kin', has quite a different connotation: it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

The absorption of Dinka into these communities of kin on so considerable a scale has been significant. As I have pointed out in *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

2:Evans-Pritchard E-5 (1931,1936) 1951
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597 any other rigid hierarchical structure. It has been brought about
563 by their incorporation into Nuer lineages by adoption and by
613 their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that
621 we find strangers of Nuer clans as members of clusters of kin
614 around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *buth* relationships which attach them to the lineages of their birth.

000 Another factor which has certainly had some influence in

582 place between them. An ox of the *ma jok thiang* colour is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say *Bakena mar*, 'We break kinship', and *Ba bak ne kir*, 'It (kinship) is broken with a gourd.' It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the *genitor*, is a different man from the sociological father, the *pater*, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage even where this would not have been allowed had their father been their *pater*. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

582 The adoption of a Dinka boy into a Nuer minimal lineage—
597 an event which very frequently takes place—prevents him from marrying into that lineage, and he would normally not be allowed to marry into a collateral minimal lineage of the same minor lineage.[1] Some of my informants were of the opinion that he ought not to marry into the clan at all, but marriages of adopted Dinka into collateral major, and even minor, lineages undoubtedly take place sometimes. When this happens it is permitted because Nuer hold of adoption that 'It stops there (in

[1] An instance of a marriage of this kind is given in 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, xvii (1934), p. 15.

the joint family) and remains in their lineage (minimal), it would not jump over their fire-place (joint family) to a collateral lineage'; but to avoid the appearance of a breach of exogamy the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of the adopted Dinka's wedding in addition to the clan spear-name which becomes his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. A man and woman with the same spear-name cannot marry, because this is evidence of common clanship. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may claim some part of it. Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs and then hands her over to another man to bring up outside his village 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the household (*gol*) and becomes a member of the household.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth, for several generations. She herself can be married to a clansman of her captor and foster-father so long as her husband does not belong to his minimal lineage, which is to say, so long as those who pay her bridewealth cannot also claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle.

8:Howell E, G-5 (1942-1944)1954
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(*nuer*), sometimes resulting in death, falls equally on both parties and even upon their relatives. There are therefore strong social and ritual sanctions. For the purposes of this Manual I shall do no more than summarize the laws of exogamy, and refer the reader to published literature on the subject. 582 684 835

Nuer clans and lineages are exogamous. The patrilineal descendants of a common ancestor may not intermarry. The laws of exogamy extend farther than this and include persons who are closely related by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows: 582 835

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occurrence[1] among the Nuer, and the links created between father and adopted child receive social recognition and ultimately legal recognition amounting to true kinship.[2] A man would not be allowed to marry or have sexual intercourse with a kinswoman of his adopted father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law. 582 835 597

[1] Obviously more common in the past.

[2] See also under Homicide, Chapter II, p. 56. The distinction between *jaang dhor* and *jaang ciang* is relevant.

the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed. 614 619

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said " He is poor and has nothing because he has given everything away "—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat twot* since they were born through the cattle of a *tut*. 641 597 614

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local " chiefs " whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to 614 624 621

12:Evans-Pritchard E-5 (1930-1931) 1933
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establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

We have seen that two elements in a Nuer village are the *diel wec* and the *rul wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

12:Evans-Pritchard E-5 (1930-1931) 1933
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Were a man of another village or of a different kin to call him by the title of *Jaang* it would be a serious matter because the sons of the man who had captured him would resent the remark. To them he is *demar*, my brother, and they will quarrel with anyone who calls him *Jaang* and there may be bloodshed. They will ask "Who is a Jaang? Did your father seize him or did ours?" 563 597 727

Just as a captured Dinka suffers from few disabilities owing to his birth so he enjoys most of the privileges of a free-born Nuer. The man who has adopted him will give him cattle with which to marry a wife, and he will be thus enabled to marry according to the same rules of priority as if he were a real son. If he is older than a real son of the family he will marry before him. A and B are real sons of X, and C is an adopted Dinka whose age comes in between the ages of A and B. The order of marriage will be A, C, B. When A and B's daughters are married, C, the Dinka, will receive the cattle of a *gwanlen* (paternal uncle) just as if he were an ordinary brother to A and B. [641]

Dinka who have been taken in war and brought up by a Nuer family will eventually be formally adopted and given *buth* (*ca lath buthni*, he is given relationship). One youth, Wan, told me that the man who brought up a captured Dinka would give him *buth* (relationship), but two other informants, Tutrial and Jok, disputed this statement, saying "He will not do so because the Dinka is his son, so why should he?" The son of this man, or more likely his brother's son (*gat gwanlen*) will, however, invite his Dinka boy, when grown-up and initiated into manhood, to come and tether a bullock in his kraal and kill it. The bullock is first of all invoked by the owner of the kraal and he addresses the spirits of his clan and tells them that this man is now a member of his family. This ceremony is regarded as being very much the affair of the spirits who guard your clan and your own special lineage. It is your duty to let them know if you are adopting a new member into your kin because all members of your kin are under their care. Another informant said that the bullock is killed at the entrance to the sponsor's byre and that the Dinka's body is smeared with the undigested contents of its stomach while the spirits of the clan are asked to accept him into it. After this ceremony the Dinka becomes a member of your lineage, he becomes a relation of yours (*gwan buthni ka ji*) and the spirits of your lineage will go to him and be his spirits also. After the bullock has been invoked it

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563 is sacrificed and cut up and the son of the house and his Dinka "brother"
●597 each take half the skin and the *juak*, and the Dinka takes the neck. On
727 all future occasions when animals are killed by his relative by adoption he will be able to claim his share of the meat on the grounds of relationship (*see* Section No. VI). It seems that, whilst before this ceremony of being
[43] given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a "member of the clan" of his "father." *Caa Juak tem*, they have cut through the scrotum, he is now a member of their clan.

563 We may, at any rate for the moment, speak of these captured Dinka
597 who go through a ceremony of adoption into the lineage of their captor
727 as becoming affiliated to Nuer clans in the framework of which they trace
641 their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for weeks considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *buth* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *buth* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into

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Nuer lineages belongs more to a study of kinship than to the plan of the present paper. Its importance may be gauged by the fact that probably some 75 per cent. of the Lou tribe are of Dinka descent, belonging either to families sprung from a man who has been *lath buthni*, given relationship, in a Nuer lineage, or to the families which have retained their full status as independent Dinka lineages. 563 597 727 641

This is the second type of Dinka domiciled among the Nuer to whom I made reference earlier. In the old days, and still to-day, Dinka frequently came to live among Nuer of their own accord and were always well received and allowed to settle and become members of the village community. There are a number of reasons which may have influenced a Dinka in taking this step. Along the Nuer-Dinka border intermarriage was frequent and Dinka would come to live near their married sisters and perhaps settle there and bring up a family who are Nuer in everything but descent. In the same way if a Nuer captured a Dinka girl and brought her up and gave her in marriage he might expect a visit from her brother, who would perhaps settle in his sister's village, in which case his brother-in-law would certainly give him one or two cows to start a herd. Many Dinka families came into Lou country to escape hunger and the other attendant miseries to which they had been reduced by constant Nuer raiding which left them cattleless.[1] Moreover there must have been a very large element of the original Dinka owners of country to the east of the Nile absorbed into the social system of their Nuer conquerors. They cannot all have been dispersed, and the probability is that what [648] happened during the Nuer invasions was similar to what was happening along the Nuer-Dinka border right up to the present day when raiding and intermarriage occupied long lulls between waves of fresh invasion.

[1] I was told that it sometimes happened that a poor Dinka would come and live with a rich Nuer and would help to herd his cattle and cultivate his gardens so that the Nuer, being gratified, would give him a blind or lame daughter whom no one wanted to marry. This is apparently considered a proper marriage, since the Dinka presents his wife with a skirt (*yel*). My informants said that, of course, no one would give a nice girl to a Dinka in this way.

(To be continued.)

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *jaang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 618 554

A Dinka adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.370.
(2) *Ibid.*, p.390.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through
613 the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*twoc ghok*)
613 by shouting out their clan spear-names. The spear-name is also
597 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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into the lineage of the man who has given him domicile, the expression for adopting being either *lath buthni*, to be given shares (in sacrificial meats) and hence to be given agnation, or *lath muot*, to be given a spear (-name), and hence to be made a member of the clan. He also shouts it out in sacrificial invocations at mortuary ceremonies, at settlement of blood-feuds, at initiations, and on other occasions which concern the whole clan (p. 288). When, as mentioned above, clan and tribe are identified politically in war and raiding a representative of the dominant clan of the tribe brandishes a spear and calls out the spear-name of his clan on behalf of the whole tribe. This man, called *ngul*,[1] is usually, perhaps always, a leading man of the senior lineage of the dominant clan, that descended from the eldest son of the ancestor of the clan. Thus in the Lou tribe this rite is performed by a man of the Gaaliek lineage of the Jinaca clan. Likewise the Tar lineage who have charge of the *wiu* spear are descendants of Thiang, the eldest son of the founder of the clan; and the Thiang clan who own the *thiang* spear are descended from Thiang, the eldest son of Gee. [597]● 411 613 614 552

I cannot always explain the meaning of these spear-names or even translate them, and Nuer themselves cannot always say for certain what they mean, for they arose in ancient days. It is clear, however, that they are charged with symbols expressing the unity and continuity of clans and lineages. I give a few examples, choosing those in which the meaning is more or less evident. The Jiruet lineage have *mut tora*, spear of the monorchid. This lineage respects monorchids, whether they be man or beast. The Gaatiek clan have *mut yier*, spear of the stream, because their ancestor came out of a stream. The Gaatnaca clan have *mut ghama*, spear of the thigh. This seems to refer to the loins of the ancestor from whom they sprang. The Gaaliek lineage of this clan have the secondary spear-name *mut tang*, spear of the spear-shaft, because the *ngul*, whom I have referred to above, of the Lou tribe is of this lineage. He uses a spear-shaft in war ritual. The Gaatleak clan have *mut leak*, the word *leak* being simply, it would seem, taken from the clan name itself. Many leopard-skin priests are members

[1] He is also called *ngul ghok*, *ngul* of cattle, an expression which probably refers to the taking of enemy cattle on raids, and *gwan muot*, possessor of the spear. As he may break a spear-shaft in two and throw the pieces in the direction of the enemy he is further known as *gwan tang*, possessor of the spear-shaft. I was told that he may also invoke God for success in hunting in time of famine.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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805 took place. Moreover, since time is to Nuer an order of events of outstanding significance to a group, each group has its own points of reference and time is consequently relative to structural space, locally considered. This is obvious when we examine the names given to years by different tribes, or sometimes by adjacent tribes, for these are floods, pestilences, famines, wars, &c., experienced by the tribe. In course of time the names of years are forgotten and all events beyond the limits of this crude historical reckoning fade into the dim vista of long long ago. Historical time, in this sense of a sequence of outstanding events of significance to a tribe, goes back much farther than the historical time of smaller groups, but fifty years is probably its limit, and the farther back from the present day the sparser and vaguer become its points of reference.

805 561 However, Nuer have another way of stating roughly when events took place; not in numbers of years, but by reference to the age-set system. Distance between events ceases to be reckoned in time concepts as we understand them and is reckoned in terms of structural distance, being the relation between groups of persons. It is therefore entirely relative to the social structure. Thus a Nuer may say that an event took place after the *Thut* age-set was born or in the initiation period of the *Boiloc* age-set, but no one can say how many years ago it happened. Time is here reckoned in sets. If a man of the *Dangunga* set tells one that an event occurred in the initiation period of the *Thut* set he is saying that it happened three sets before his set, or six sets ago. The age-set system is discussed in Chapter VI. Here it need only be said that we cannot accurately translate a reckoning in sets into a reckoning in years, but that we can roughly estimate a ten-year interval between the commencement of successive sets. There are six sets in existence, the names of the sets are not cyclic, and the order of extinct sets, all but the last, are soon forgotten, so that an age-set reckoning has seven units covering a period of rather under a century.

805 601 613 The structural system of time-reckoning is partly the selection of points of reference of significance to local groups which give these groups a common and distinctive history; partly the distance between specific sets in the age-set system; and partly

1: Evans-Pritchard E-5 (1931, 1936) 1940
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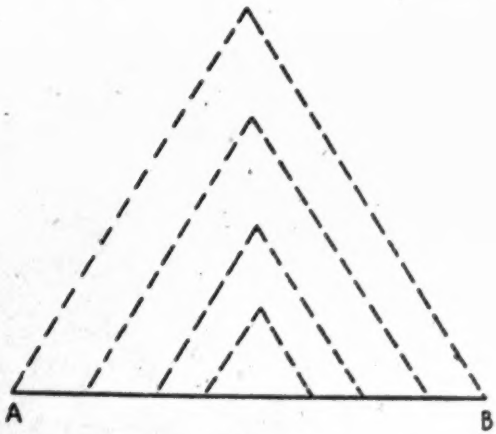
distances of a kinship and lineage order. Four generation-steps (*kath*) in the kinship system are linguistically differentiated relations, grandfather, father, son, and grandson, and within a small kinship group these relationships give a time-depth to members of the group and points of reference in a line of ascent by which their relationships are determined and explained. Any kinship relationship must have a point of reference on a line of ascent, namely a common ancestor, so that such a relationship always has a time connotation couched in structural



terms. Beyond the range of the kinship system in this narrow sense the connotation is expressed in terms of the lineage system. As this subject is treated in Chapter V, we limit further discussion of it to an explanatory comment on the diagram above. The base line of the triangle represents a given group of agnates and the dotted lines represent their ghostly agnatic forebears, running from this base to a point in lineage structure, the common ancestor of every member of the group. The farther we extend the range of the group (the longer becomes the base line) the farther back in lineage structure is the common ancestor (the farther from the base line is the apex of the triangle). The four triangles are thus the time depths of four extensions of agnatic relationship on an existential plane and represent minimal, minor, major, and maximal lineages of a clan. Lineage time is thus the structural distance between groups of persons on the line *AB*. Structural time therefore

1: Evans-Pritchard E-5 (1931, 1936) 1940
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cannot be understood until structural distance is known, since it is a reflection of it, and we must, therefore, ask the reader to forgive a certain obscurity at this point and to reserve criticism till we have had an opportunity of explaining more clearly what is meant by structural distance. 805 601 613

We have restricted our discussion to Nuer systems of time-reckoning and have not considered the way in which an individual perceives time. The subject bristles with difficulties. Thus an individual may reckon the passage of time by reference to the physical appearance and status of other individuals and to changes in his own life-history, but such a method of reckoning time has no wide collective validity. We confess, however, that our observations on the matter have been slight and that a fuller analysis is beyond our powers. We have merely indicated those aspects of the problem which are directly related to the description of modes of livelihood which has gone before and to the description of political institutions which follows. 805

We have remarked that the movement of structural time is, in a sense, an illusion, for the structure remains fairly constant and the perception of time is no more than the movement of persons, often as groups, through the structure. Thus age-sets succeed one another for ever, but there are never more than six in existence and the relative positions occupied by these six sets at any time are fixed structural points through which actual sets of persons pass in endless succession. Similarly, for reasons which we explain later, the Nuer system of lineages may be considered a fixed system, there being a constant number of steps between living persons and the founder of their clan and the lineages having a constant position relative to one another. However many generations succeed one another the depth and range of lineages does not increase unless there has been structural change. These statements are discussed more fully on pp. 198–200. 805 561 613

Beyond the limits of historical time we enter a plane of tradition in which a certain element of historical fact may be supposed to be incorporated in a complex of myth. Here the points of reference are the structural ones we have indicated. At one end this plane merges into history; at the other end into myth. Time perspective is here not a true impression of actual distances like that created by our dating technique, but a 805 173

1: Evans-Pritchard E-5 (1931, 1936) 1940
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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 clining, his garden exhausted, his relations with some of his
607 neighbours uncongenial, or merely if he is restless, he moves to a different part of the country and resides with some kinsmen.
601 It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat när*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

2:Evans-Pritchard E-5 (1931, 1936) 1951
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agnates—and in speaking of kinship I refer to categories of kin. In speaking of lineage relations I therefore refer to relations between groups within a system of such groups, whereas in speaking of kin, or kinship, relations I refer to relations between persons standing to one another in certain categories of relationship within a system of such categories. It is often difficult for those who have not lived in a society with a lineage structure to appreciate the distinction I have drawn because the relationship between collateral lineages of the same clan is necessarily also one that can be expressed in terms of a kinship category, and it is possible in certain circumstances even to speak of the relation between lineages of different clans in similar terms, for they may wish on occasions to stress a genealogical nexus between themselves, indicating thereby that, for example, the one stand to the other as *gaatnar*, children of the maternal uncle, or as *gaatwac*, children of the paternal aunt. But in these cases it is a relationship between groups that is referred to and not a personal relationship between individuals except in so far as it is derived from the relationship between the groups to which they belong.

As I have explained in *The Nuer*, the lineages of Nuerland are dispersed groups, though in a certain sense they may be regarded as corporate groups in the form they take as political segments in fusion with other elements. They provide the conceptual framework of the political system within which they also function as its organizing principle through the expression of political fission and fusion in terms of their segmentary structure. The identification of lineage segments with tribal segments in a political context is brought about by the acknowledgement that certain clans and their lineages have rights in certain tribal areas and by the residence in those areas of a sufficient number of members of these dominant groups to act as nuclei of local and political groups. It probably never happens that all members of a lineage of any order—maximal, major, minor, or minimal—live in the area associated with it and to which it gives its name, though very many of them may do so.

Because the usual reference to a lineage is in a political context it is generally spoken of as the *cieng* of such-and-such a people (the name of the lineage being given), for, like the word *gol*, *cieng* has always a residential, and not an exclusive descent, connotation. When reference is made to a lineage in a context in which it is

2:Evans-Pritchard E-5 (1931,1936) 1951
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601 desired to particularize it as an exclusive descent group, a group of
613 agnatic kin descended from a common ancestor, Nuer use the
614 expressions *thok dwiel* or *thok mac*, literally the doorway to a hut or the hearth, to denote it; but these expressions are little used because abstraction of a lineage from its social and political matrix has only rarely to be made: on certain ritual occasions and in connexion with feuds and rules of exogamy.

601 The distinction between an agnatic lineage relation and an
602 agnatic kinship relation is clearly made by Nuer themselves, from whom indeed I learnt it. They use the word *buth* to describe agnatic kinship between collateral lineages, that is to say, kinship between groups and between individuals only in virtue of their membership of these groups. On the other hand, they use the word *mar* to describe any and every relationship of a kinship kind between persons. All persons with whom a man acknowledges any kind of kinship, through however many other persons, are *mar*, kin, to him. People say of him and of any such person '*teke mar*', 'they have kinship'; and he speaks of any or all of his relations as '*jimarida*', 'my kinsmen'. The term *mar* includes relatives through the mother, the maternal kin, and through the father, the paternal kin. This is the meaning the word has when used by Nuer collectively and without restrictive qualification. Its sphere of reference is indicative of the balance we find in social life generally between the paternal kin and the maternal kin, a balance evident in the configurations of kin in local communities which I am about to describe. Nuer also sometimes use *mar* when speaking of affinal relations, especially when they are long established. In a broad sense they also are kin in the eyes of Nuer, just as in our own society we include our affines in the category of relatives.

Where there is a *buth* relationship between lineages there must also, in one way of speaking, be *mar* between the members of one and the members of the other, for the relationship between collateral lineages is agnatic and the members of the one must therefore be patrilineal kin to the members of the other. The question therefore arises: at what point in the spread of an agnatic line, conceived of as a number of living patrilineal kinsmen, does interpersonal *mar* relationship become the inter-group relationship Nuer call *buth* so that these kinsmen divide into segmentary descent groups or lineages? The question may be put in another way: how many generations back do Nuer trace patrilineal ascent

2:Evans-Pritchard E-5 (1931, 1936) 1951
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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thuk*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached. [583] [613]

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the lineage system where the Nuer begin to speak of collectivities of agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, that is, they are 'strangers'. I omit further discussion about the 602 613 [597] [609] ooo

2:Evans-Pritchard E-5 (1931, 1936) 1951
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the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye. 124

The chief man of the village is Rue-Wor (homestead 8) and his son Deng-Rue (homestead 12) is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*rul*) and not as an aristocrat (*dil*) in the Lou tribal territory where he resides, is the *tut*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruei wec*, an expression which appears to mean 'spittle of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village. 621

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community. 621 602 601

It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships,

[cf. cit. ch, p. (10) -- [illegible]]

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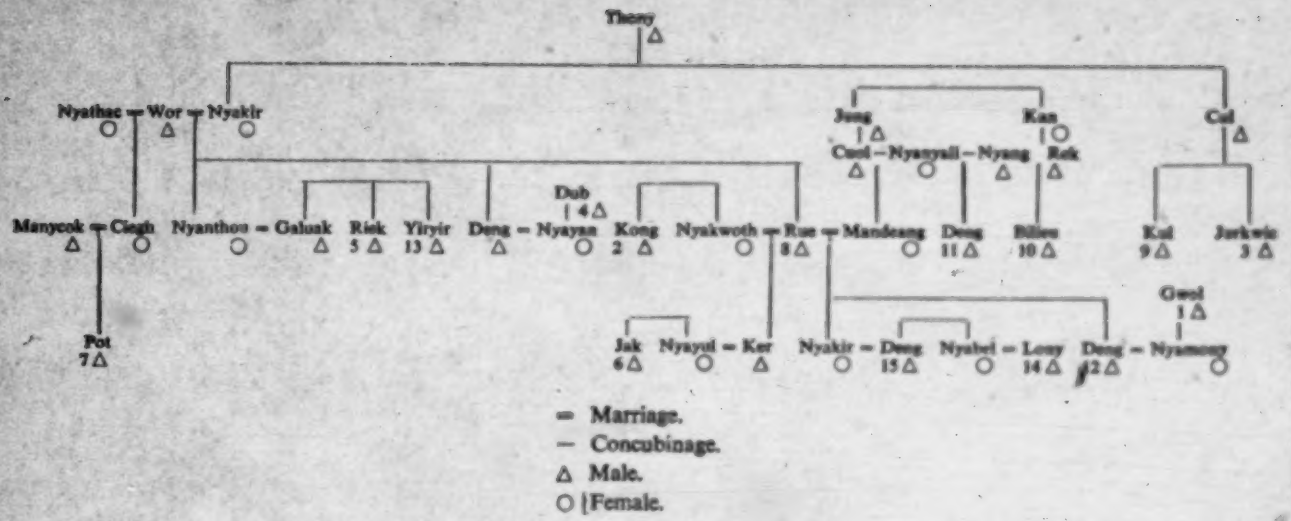
KINSHIP AND THE LOCAL COMMUNITY



KONYE VILLAGE

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621 and I must here say again that although *mar* is properly kin-
602 ship traced through father or mother, long-standing affinal re-
601 lationships count in Nuer eyes as being equal to kinship, being a kind of kinship through the children of marriage unions, especially when the affinal relatives live together, as so many of them do at Konye. As a Nuer at another village, Kurmayom on the Sobat river, put it: 'Well, you have seen my home and the people who live here; are they not the husbands of my sisters? Well, all our cattle are exhausted from giving them to our brothers-in-law. They are our people and form part of our community (*cieng*) Nyabor. Their children are known by the names of their mothers while they remain in our village. If they go to the homes of their fathers they will be known by the names of their fathers'. Affines may therefore be regarded in a general social sense as *mar* and we may speak of Konye community as a cluster of kin.

[101] My second example is the village of Nyueny in the Leek tribal territory of western Nuerland. I spent five weeks there in 1936. The village is spread along the arc of a sandy ridge for about a mile and a half. It comprises three hamlets, Nyueny, Dakyil, and Kamthiang, and about a mile to the north of it lies the hamlet of Dhorpan, the occupants of which used to form part of the main village. In 1936 the population of Nyueny was reckoned to be about 130 souls, distributed in twenty-six homesteads. As I had already recorded the genealogical pattern of other Nuer villages and camps I did not aim at drawing up a complete genealogy for Nyueny, but rather at a survey of domestic unions. Consequently the kinship links between the owners of four homesteads (numbers 1, 5, 22, and 26) and other persons in the village cannot be stated. This merely means that the relationship did not emerge from an inquiry conducted to other ends than their discovery, for links of some kind may confidently be assumed to exist. It should also be pointed out that there are other connexions between some of the persons whose names are shown on the chart which are not indicated there, though they are recorded elsewhere,* and there may be others unknown to me. Only persons significant for the present discussion are tabled, and I have simplified the presentation by treating ghost-marriages as though they were simple legal marriages.

* 'Some Aspects of Marriage and the Family among the Nuer', *Rhodes-Livingstone Paper* No. 11, 1945, pp. 29 ff.
[cf. cat. 116, p. (13) -- Analysis]

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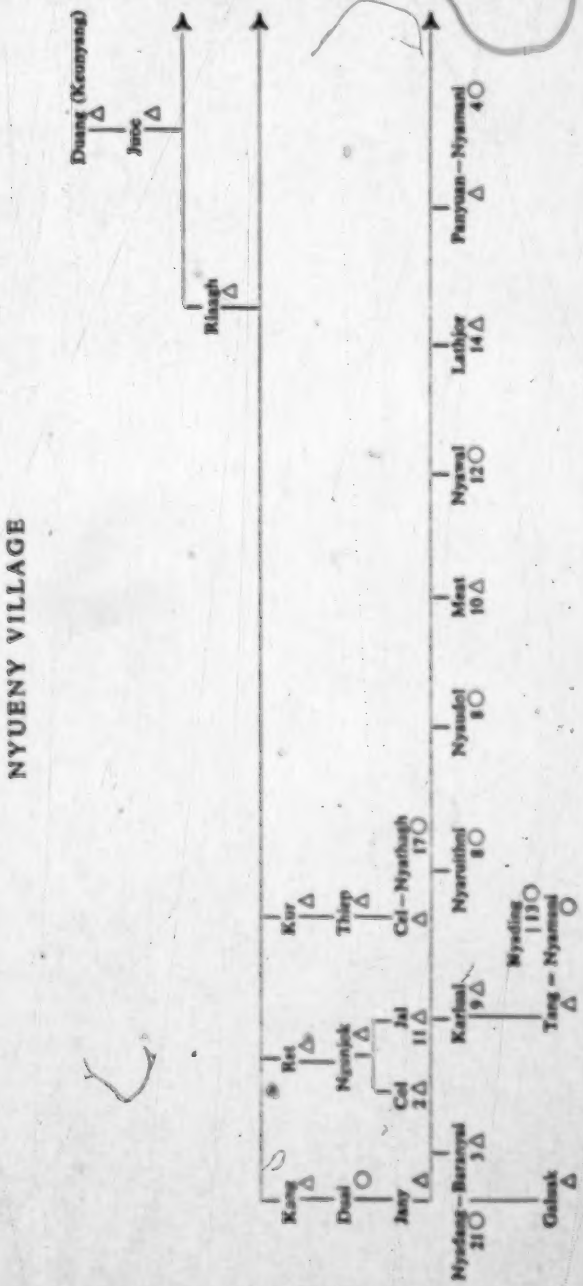

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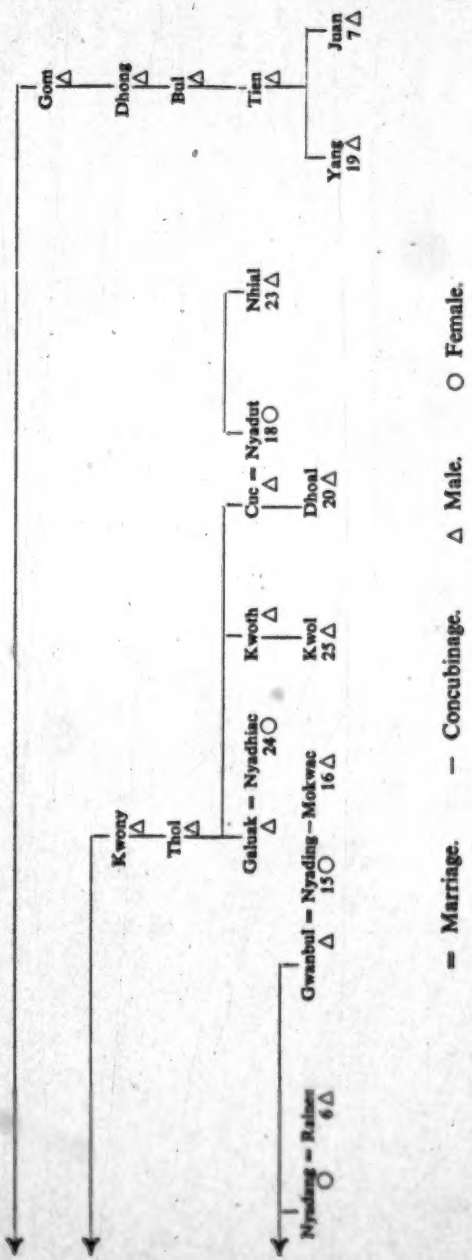

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621 The entire population of Majok was not at Yakwac in 1931, for
602 many of its members, including most of the womenfolk, had
601 remained inland and some families spent the dry season at other camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

621 A study of the genealogy of Yakwac cattle camp reveals the
613 features we have already noted as being significant in the gene-
601 alogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

613 I have indicated Dinka origins,[1] where I have satisfactory evi-
601 dence for them, partly to show the very considerable absorption
597 [1] [cf. facing M. 19 (a)–(c) -- Analyst]

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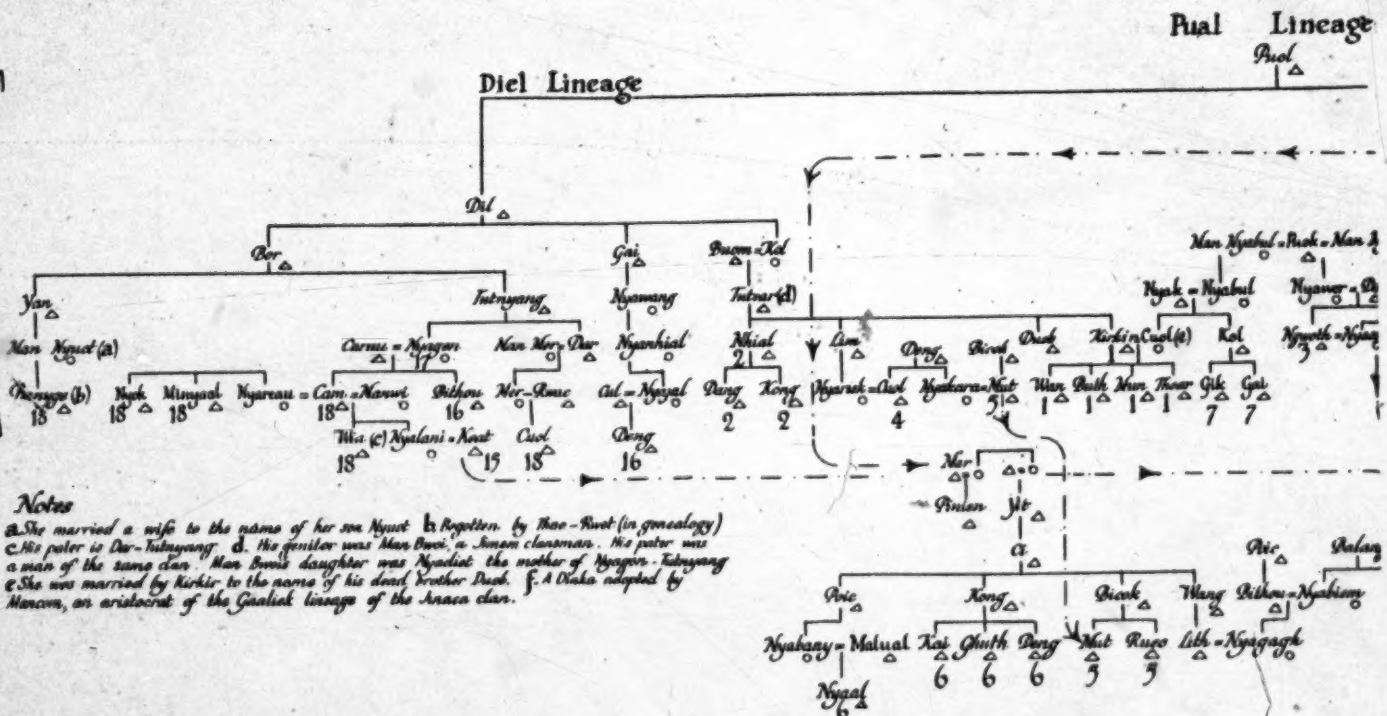

Notes

a. She married a wife to the name of her son Nyuet b. Regotten by Thoe-Ruet (in genealogy) c. His peter is Der-Tutnyang d. His genitor was Man Bwei, a Jimen clansman. His peter was a man of the same clan. Man Bwei's daughter was Nyadiet the mother of Nyagen-Tutnyang e. She was married by Kirkir to the name of his dead brother Duak. f. A Dinka adopted by Mancam, an aristocrat of the Gaalial lineage of the Anaca clan.

[facing p 19 (a)]

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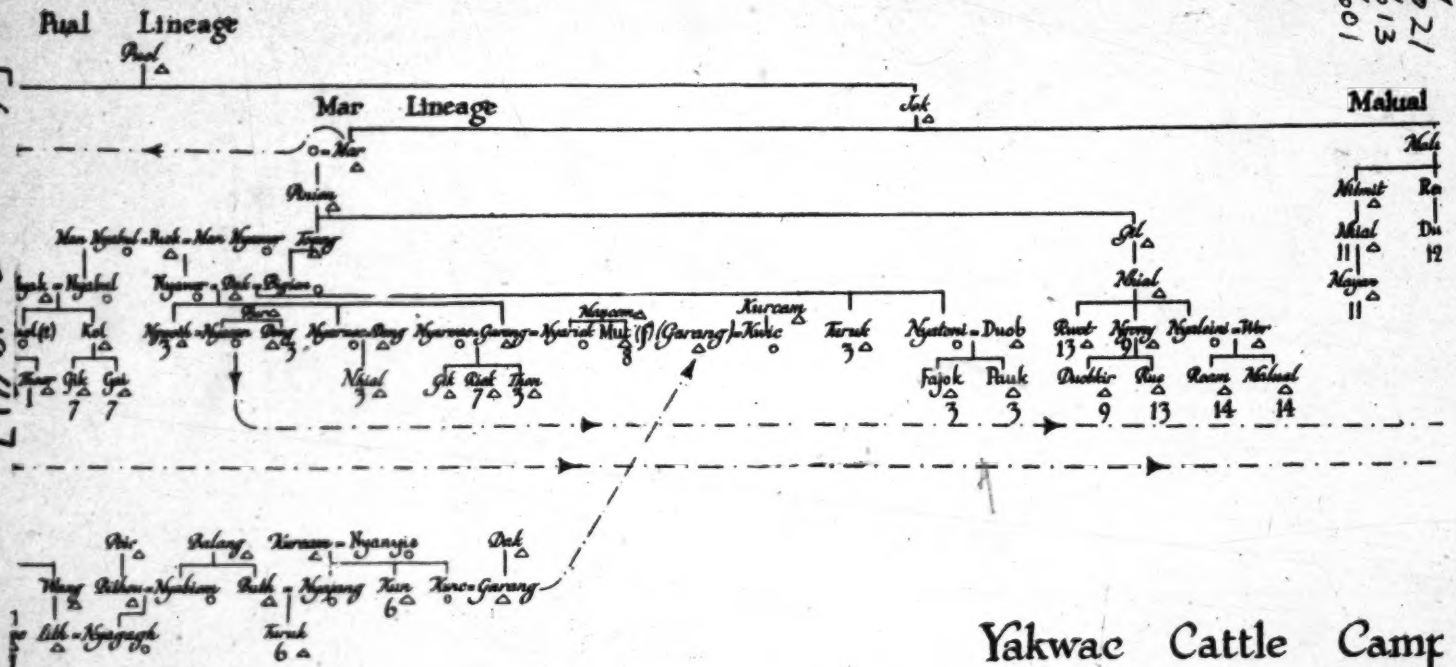

Yakwac Cattle Camp

Names written thus Roo are Dinka or of Dinka descent
△ Male ○ Female

[facing p. 19 (b)]

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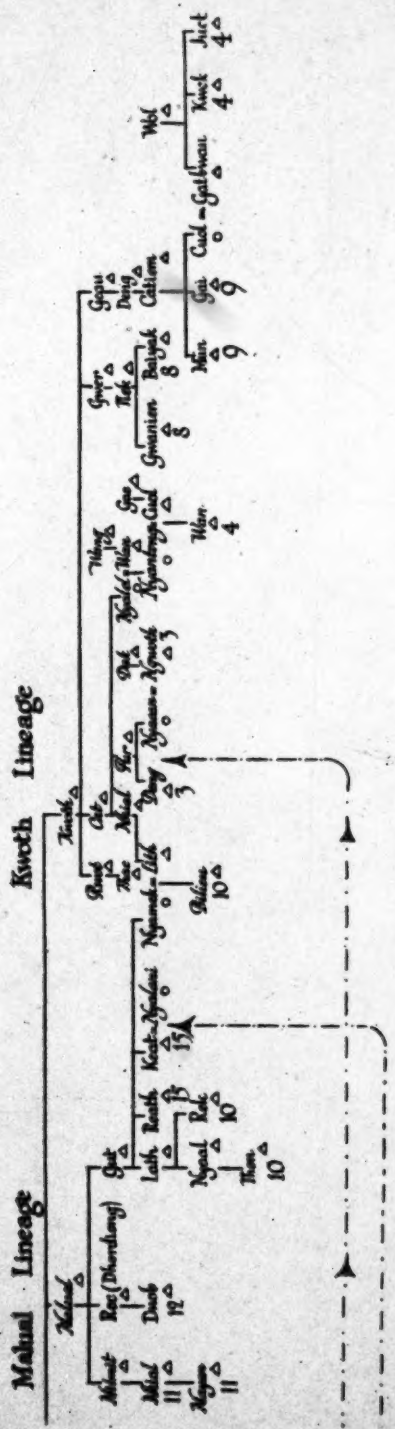

[facing p. 19(c)]

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613 of Dinka which has taken place, by adoption into Nuer lineages
●601 and through marriage, in a typical Nuer community, and partly
597 to account for some marriages which might otherwise appear to be breaches of the Nuer rules of exogamy. These Dinka are of varied tribal origin. Among those whose names appear in the genealogy I have recorded Bor, Fadang, Luac, Thoc, and Dunjol origins. The absorption of so many Dinka has affected, through the practice of adoption, the rules regulating marriage, and it has also affected modes of residence, since a Dinka who has not been adopted into a Nuer lineage readily attaches himself to his wife's people or to the people who have married his sister or daughter, as do also his children to their maternal uncle's kin. The absorption of Dinka has led to a further complication in the already very complicated patterns of Nuer genealogies, for it sometimes happens that captured Dinka brothers or other kin are adopted into different lineages or even into different clans.

I would also draw attention to the different tribal origins of those Nuer in the genealogy who are not members of the dominant lineage, because they illustrate the movement of individuals and families which is so characteristic a feature of Nuer society: Yit was a Bul tribesman, he and Pinien being children of sisters or, as the Nuer say, a man and his *gatmanlende*, his mother's sister's son; Carau and Wan-Wang were Jikany tribesmen, Carau being an aristocrat of the Lony section of the Jikany, though begotten by an Anuak; Nhial-Deng is of Thiang tribal origin; Kurcam was a man of the Jimem clan, a clan which is found throughout Nuerland and without a tribal territory of its own; and so forth. Indeed, it is necessary to point out that not all outsiders attached to a lineage core remain attached to it. Nuer move about their country freely, and reside for some years with one lot of kin and then for some years with another.

621 The genealogy of Yakwac camp gives us a typical cross-section
613 of a Nuer tribal society. We see how the local community is built up around a lineage through attachment to it of extra-lineage persons by the stressing of one or other category of kinship, and we thus see further the relation of the lineage structure to the kinship system within the framework of the tribal society. The collateral, and in a structural sense, opposed lineage to the Pual is the Dumien, who live near Pul Thul and Pul Nyerol in the same Nyerol district in which the Pual have their wet-season home and

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*, Dinka, the whole forming a *cieng*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gaatbal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe. 621 613

My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life. 621 602 601

I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*cieng*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimatized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwaclath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being [101]

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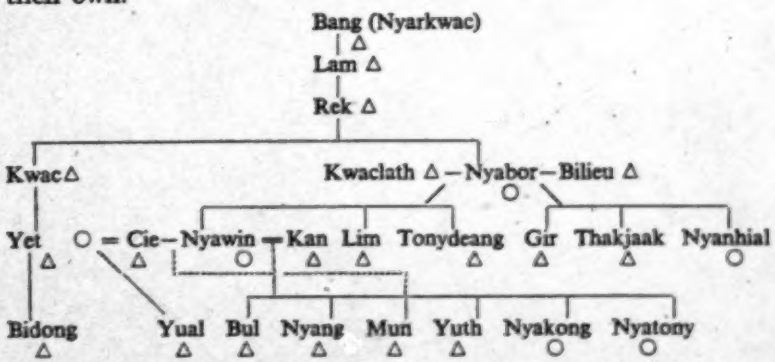
621 a man of this clan. One of these children, the girl Nyawin, married
602 Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong,
601 and Nyatony before he died. She continued to live in his home after his death and there took a lover, a man of the Ngok Dinka called Cie, to whom she bore Bul, Nyang, and Mun. These three sons count, of course, as children of Kan-Kwoth. The Dinka Cie then, at the behest of Nyawin and her sons, took a wife to himself with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual was therefore not only a natural paternal half-brother of Bul, Nyang, and Mun but also their brother in a further sense, for he was *gat ghokien*, the child of their cattle. I was told that he had also been formally adopted by Bul into his lineage. Mun had died before 1931, and Bul and Nyang were already elderly men whose sons and daughters had homes and herds and children of their own.

[613]



It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *cieng* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwaclath. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 The kinship relations of persons to one another in a Nuer com-
602 munity are, I think it will be agreed, very complex. Indeed they

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ties between persons and of regulating the interrelations between 583
these persons till such time as their relationships become assimilated to kinship patterns—broadly speaking its role in the kinship system—and its structural role in interlineage relations.

V

The parents and kin of a young wife scarcely acknowledge her 606
husband's existence until a second child has been born to the union. If there is any need to refer to him they speak of him as *co*, the husband of, followed by his wife's name, and they speak of his village as his wife's village and of his children by reference to her name and not to his. It is also customary for the wife's people to [601]
give her children different personal names from those given them by their father's people, and if they address them by an honorific title they use that of their own clan and not that of the husband's clan.

Nevertheless, after the birth of the first child the marriage is held to have become a complete union. The husband has established a kinship tie with his wife's kin, who now address him as father of so-and-so, after the name of his eldest child. He is no longer merely the husband of their daughter. Instead of paying clandestine visits to the home of his parents-in-law (*ciengthu*) he may visit them openly, though he must continue to treat his in-laws, particularly his parents-in-law, with great respect, expressed in formal modes of address, which are reciprocal, and in other ways, most emphatically in the prohibitions on eating in their home and appearing naked before them.

Even before a young man has started to look for a bride he will [576]
not generally eat with much senior men, unless they are kin, because one of them might become his father-in-law. Once he has asked for a girl's hand in marriage he may in no circumstances eat in her home, and the prohibition continues, sometimes greatly to his discomfort, until two or three children have been born, when it is relaxed by a formal ceremony if the parties are on good terms with one another. The father-in-law prepares beer, kills a goat or sheep, and invites the son-in-law and his kin to his home to partake of a feast. He tells his son-in-law that there is no need for him to respect his parents-in-law any more. The son-in-law will refuse to eat, however, till compelled to do so by the insistence of his father-in-law's kin and by his father-in-law's gift of a cow, 'the

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take her place in the family, and this affects her relationship to her brother's wife. 607

Just as a husband need not respect his wife's sisters but is on familiar terms with them, so a wife is on familiar terms with her husband's brothers. Among brothers the wife of one is in a general social sense the wife of all. A man seldom refers to his brother's wife as '*ciekdemar*', 'the wife of my brother', but as '*ciekgoala*', 'the wife of my home', and she refers to him as '*gwangaanko*', 'the father of our children.' Another word a wife uses to refer to her husband's brothers (mostly for his younger brothers), and also for his paternal cousins, is '*cocangda*', which seems to mean 'my husband of the daytime' as distinct from the husband of the night, the real husband, for Nuer say that '*corar gule, cowar gule*', 'the husband of the outside is different, the husband of the night is different'.* Here again, though relations between a wife and her husband's brothers are free and easy, should her father-in-law be dead the eldest brother takes his place as head of the family and must be treated with deference. When she has borne several children she and her husband's brothers and paternal cousins may curse each other in foul language. In the horseplay which takes place on the day boys are initiated and on the day initiates pass out of seclusion it is the *cocangda*, generally a paternal cousin of the husband, who lifts up the skirt of the mother of an initiate and spits and utters a cry.

A woman enters her husband's home as a wife of the home. She also enters it as the mother of a child of her husband's lineage, and this is emphasized by the usual teknonymous mode of address for a married woman in her husband's community—mother of so-and-so, after the name of her eldest child, the link which joins her to her husband's lineage—in contrast to the patronymic mode of address for the husband—son of so-and-so, after the name of his father, his link with his lineage. Through the child she has kinship with the people of the home of her adoption by marriage. '*Jigoala*', 'people of my home', a woman's favourite ejaculation, is the term by which she refers collectively to the domestic society of which she regards herself as a member. The expression was constantly on her lips before marriage in reference to her paternal family and kin. When she comes to live with her husband it is still constantly 601

* However, Father Kiggen (*Nuer-English Dictionary*, 1948, p. 63) gives *courieng*, a formation which would not bear the same literal meaning as *cocang*.

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601 on her lips, but then it means the people of her husband's home, for they have become her people, and she now identifies herself with them and not with her father's people. She uses in speaking to her husband's kin the same terms of address as he uses.

602 613 When a woman joins her husband she comes under the protection of his lineage spirits and ancestral ghosts, and when she builds a mud windscreen they are summoned by her husband's father to come and abide there. On the day she constructs it her father-in-law pours over it beer and butter and utters some of the pious formulae spoken on such occasions. When beer is brewed the wife pours a little at the side of the windscreen, and a sacrificial goat or sheep is often tethered there for the ghosts to see it before it is killed. When the woman who owns the hut has a grandchild, a *gatnyade*, a son of her daughter, she sends for the boy to come and break down her windscreen and sacrifice a goat. Since a wife is accepted by the ghosts and spirits of her husband's lineage, she may perform ritual for that lineage in which invocation of its ghosts and spirits forms part.

But though a woman joins her husband's group and becomes part of it, she never entirely ceases to belong to her own family and lineage, under the protection of whose ghosts and spirits she remains. If she is ill treated by her husband she will ask her father and uncles and brothers to help her. On the other hand, should she in a quarrel with her husband disfigure him—knock a tooth out, for example—her father must pay him compensation. I have myself on two occasions seen a father pay a heifer to his son-in-law to atone for insults hurled at the husband's head by his wife when irritated by accusations of adultery.

602 I have given a short account of the conventional attitudes and patterns of behaviour Nuer regard as proper between relations-in-law. I repeat that for Nuer the relationships which contain these attitudes and patterns change in course of time into a kind of kin-relationship through the children to the marriage, and they might then perhaps be best described as kinship-in-law.

VI

601 So far I have been speaking about normal matrimony, the usual domestic union in Nuer society. There are, however, other forms of domestic union among the Nuer of which I now give an account.

I presented in Chapter I some genealogical tables to illustrate

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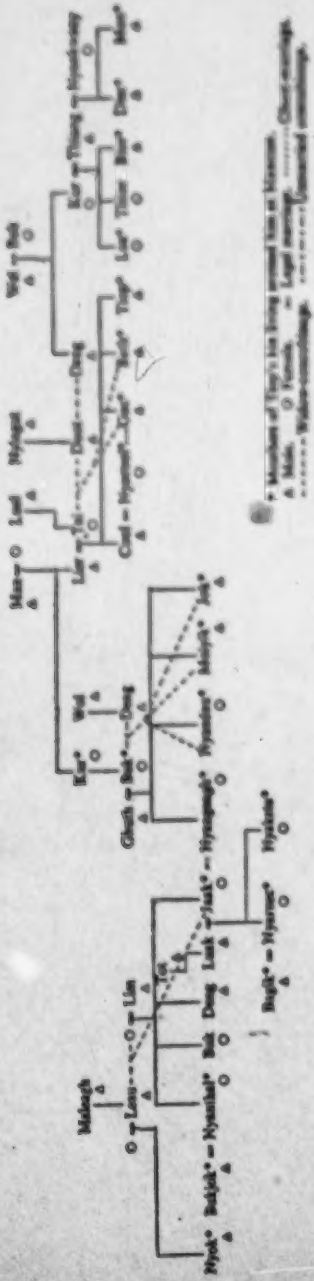

[105]

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●601 the network of kinship ties we find in any local community of Nuerland. Though these tables were simplified, they showed some of the different domestic unions which I am about to describe. Before doing so, and in order that their significance in the networks of kinship ties to which I have referred may be better appreciated, I subject another configuration of kin to the scrutiny of a more powerful lens than that used in the examination of the earlier specimens. The diagram above, and a brief commentary on it, reveal some of the complications these forms of union make in kinship relations. The people figured in it were living in 1935 in the Eastern Jikany village of Mancom, a large settlement, containing a high proportion of persons of Dinka descent, at the mouth of the Nyanding river. I spent over a month there in the rains of that year because it was the home of Tiop-Lier, a youth whom I knew well and who was at the time acting as my cook. His relatives made me welcome on his account.

I made an investigation into the kinship structure of the village, but I purpose here only to give a brief account of Tiop's own home, the immediate companions of his daily life. Lier, Tiop's pater, was a Lusc Dinka. He married Tai, who bore him a son Cuol, who died from the bite of a snake while still a boy. After her husband's death Tai went to live with a man called Duot. Duot and Lier are known to have been distantly related through their mothers, being *ram kene gatmanlin*, a man and his mother's sister's son (in a classificatory sense), but Tiop and his brothers were unable to trace the relationship between them with genealogical precision. By Duot, Tai bore two sons, Gac and Bath. Between the births, however, Tai had a disagreement with her lover and went to live for a time with a man called Deng-Wel, at present living in the interior of Lou country, by whom she bore my friend Tiop. Gac, the eldest of the three brothers, had recently married a wife, Nyacuol, to the name of his dead paternal half-brother Cuol. It had been arranged that when Bath marries he is to take a wife to the name of his dead genitor Duot.

Tiop, through whose eyes I saw the social world around us at Mancom, had come to live there to be near his natural wac, his genitor's sister, Kur (since dead) and her sons, and in 1935 he and his brother Bath were sharing a byre with Dier and Mun, the sons of her co-wife. Tiop and Bath called these youths '*gatwacda*', 'sons of my paternal aunt', and they called Tiop and Bath

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'*gaatnare*', 'sons of my maternal uncle', though in the usual Nuer fashion they all addressed each other as '*dernar*', 'my mother's son'. Later Tiop brought to live at Mancom his legal *wac*, his pater's sister, also called Kur, from Lak tribal country. This Kur had a daughter called Buk who had married a husband, Ghuth, and had borne him a daughter, Nyangaagh, before leaving him on account of ill treatment to go to live in the country of the Luac Dinka from which her mother's people had originally come. There she lived as concubine to Deng Wol, to whom she bore a daughter and two sons. All efforts by her husband to secure her return failed, and though he seized Nyangaagh and brought her back to his home she ran away and returned to her mother. Later, in a year of famine, Tiop's brother Gac brought Kur and her daughter Buk and Buk's children to live at Mancom. Ghuth contented himself by taking the cattle on the father's side on the marriages of Buk's daughters. 601•

The eldest of them, Nyangaagh, was married by a woman, Jaak-Lim, to the name of her dead brother. The father of Jaak-Lim had two daughters at the time of his death, Buk and Nyanthal. His widow became concubine to Leau-Maleagh, to whom she bore a third daughter Jaak who, as already stated, married Nyangaagh, Tiop's *nyanyewac*, paternal aunt's daughter's daughter. Jaak had herself been previously married to Luak-Tor and had borne him two children before his death. She called in Nyok, the son of her *gunior*, to give her, or rather to give her dead brother, children by Nyangaagh.

It will thus be seen that to Tiop and his brothers the immediate and intimate circle of kinsmen among whom they live and share their daily experience are the clusters of kin around their paternal aunt Kur and Tiop's natural paternal aunt of the same name. It is for this reason that in giving me the connexions of his family Tiop always stressed the female links which united him to those around him and neglected the names of the husbands of these women, for they had little interest for him.

The genealogical chart of Tiop's immediate social milieu[1] contains examples of several different types of union other than matrimony in the ordinary sense, ghost-marriage, widow-concubinage, woman-marriage, and a variety of unmarried concubinage, and will serve as a starting-point for an examination of these diverse unions which have so important a place in the social life of the Nuer. 601 588

1 [cf. ext. 116, p. 108 — [illegible]]

2;Evans-Pritchard E-5 (1931, 1936) 1951
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ominously, 'to be jealous'. The first wife has no special status, though the husband generally consults her more than the other wives because he married her first and started his home and family with her. On the contrary, Nuer insist on the equality of wives, and they recognize that custom of the home is intended to eliminate as far as possible friction between them. The wives generally cook in turn for the husband and the byre, and each cooks as well for herself, her daughters, and small sons; but it is also a convention that a wife shall frequently cook for the family of a co-wife and that the children of one hut may eat in any other hut. I was told that if there is any trouble between the huts this convention is unlikely to be observed. Nuer have told me also that some women, while they give food they have cooked to their co-wives, remove part of it before doing so and hide it for their own children to eat in secret; and there is even a word for this part. It is impressed on boys that when they bring fish or meat to the home they should not give it to their own mothers but to another of their father's wives. A man would never address one of his mother's co-wives as [601] '*ciek gwar*', 'my father's wife', but either as '*ma*', mother', or by some honorific title; and she would reply '*gatda*', 'my son', and not '*gat nyakda*', 'son of my co-wife'. Indeed, there is the same kind of assertion, in the face of reason and experience, that '*ciek gur*', 'your father's wife', is '*mor*', 'your mother', as is made when Nuer say that '*gat gur*', 'your father's son', is '*demor*', 'your mother's son'; and the two assertions are different aspects to the same dogma, to a further consideration of which I shall return. But though children are told that their father's other wives should not be treated differently from their mother, it seems to be acknowledged by all that there is likely to be jealousy between co-wives, especially if the husband appears to favour one wife or her children, and that it is a misfortune for children should their mother die and they be left to the care of a co-wife. Nuer say that this is what happened to *gukur*, the dove, and is the reason for its plaintive note '*giek ciek gur*', 'bad is your father's wife'.

Before considering briefly relations between parents and children it is, I think, important to recognize that a Nuer child is not born into the family alone and then slowly extends his awareness to members of the household and kin, but is born into a wider circle than the family, in the sense that all those who share the homestead of the father and adjacent homesteads take an interest

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to the peculiar position in each elementary family of the eldest child.* The eldest child of either sex is known as *gat ma keagh* and the mother may address him (or her) as *keaghda*, my first-born. This child must never use the spoon of his father or mother, and I have sometimes been given to understand that this is one of the reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose. When an eldest male child is initiated an extra incision is made, at any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not regarded as complete. He is also the link through which the kin of the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

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with the cattle they receive in compensation for his death.' This is the final and, to a Nuer, most frightful sanction.

Nuer feelings about this matter are reflected in their use of kinship terms. Although *'demar'* (or *'gatmar'*) means 'my uterine brother' and *'gatgwar'* is the term for 'my father's son' (paternal half-brother), they almost invariably use the term for the uterine brother to refer to, or address, the half-brother and keep the term for 'father's son' to speak about or address paternal cousins. To address a father's son by the term for this relationship is regarded as very bad form because it makes a cleavage in the family. It would be even worse to call your full brother *'gatgwar'*, 'my father's son'. The term would only be used for this person as an affectionate meiosis. In the same way, a man must not address his paternal half-sister by the term for this relationship (*'nyigwa'*), for *'nyagur e jen nyimor'*, 'your father's daughter (paternal half-sister) is your mother's daughter (full sister)'. It is true, as will be seen in the next chapter, that there is a general tendency for Nuer to use kinship terms for persons who stand in a more distant relationship to those which they denote and that the terms *'demar'* (*'gatmar'*) and *'nyimar'* are freely used for almost any person of a man's own generation, but Nuer particularly emphasize the need for this displacement in the case of half-brothers and half-sisters. Nuer have told me that they are so anxious not to distinguish between full and half-brothers that should a man go with his half-brother to visit his mother's sister's home, the young men of that home will make a point of greeting the half-brother first and of addressing him as *'gatmar'*, 'son of my mother', before addressing their true mother's sister's son by this term (which correctly applies to him and not to his half-brother). I have earlier noted that the wife of one brother is spoken about as the wife of all the brothers and her children as the children of them all.

But although Nuer are constantly asserting the solidarity of the polygamous family, it is as evident to themselves as it is to the observer that things are often different. They recognize that whereas full brothers pool their resources, helping each other even to the point of forgoing their rights, paternal half-brothers insist on their rights and try to avoid their obligations, doing for each other only what self-interest demands of them. Nuer are not surprised at—they expect—coldness between half-brothers, and disagreements and disputes between them, and between paternal

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and fishing and hunting, if he is disobedient or refuses a request or in some other way offends him. The curse may also prevent the nephew from begetting male children. Nuer therefore, however angry they may be, avoid swearing at their maternal uncles: 'Above all you must not swear at your maternal uncle. You might even think of swearing at your father but never, never, at your maternal uncle.'

It is the privilege of a maternal uncle's wife to swear abusively at her husband's sister's son. She does this teasingly and not in anger. He will not answer her back unless he is of about her age. A mother's brother's wife is often addressed by the anomalous term '*mandong*', 'grandmother', though '*ma*', 'mother', may also be used. When so addressed she answers her husband's sister's son as '*gatnyimar*', 'son of my sister', or '*gatnyieti*', 'son of daughters', 'on account of her husband whose sister bore him', and not as 'grandson'. Nuer have given me two reasons for this usage. I was told that 'after the mother of your mother has died she (your maternal uncle's wife) turns herself into something like your grandmother'. This corresponds to a man calling his wife's elder sister 'mother' when his mother-in-law is dead and respecting her as a mother-in-law. I was also told that 'you call her (your maternal uncle's wife) *mandong* (grandmother) because if he (your maternal uncle) dies you may take his wife'. Though in my experience this seldom happens, the second explanation is consistent with another anomalous usage, the description by a woman of her husband's sister as '*mancoada*', which means literally 'mother of my husband', and of the son and daughter of her husband's sister as '*gatmancoada*' and '*nyamancoada*', 'my husband's mother's son' and 'my husband's mother's daughter'. In spite of these explanations it may be suggested that these peculiarities of behaviour and language relating to the maternal uncle's wife may be most appropriately interpreted in terms of the position of the maternal uncle in the kinship system.

The many observances relating to the mother's brother-sister's son relationship are indicative of this position, a further indication perhaps being the fact that, as will be seen in the following section, he alone among kinsfolk is not usually addressed by terms proper to the family. He is not, of course, strictly speaking a *gatnyiet* to his sister's son, but the relationship is one of this kind because his sister's children are *gatnyiet* to him and his sons. Also in a

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604 general sense, in contrast to the 'bulls', the maternal uncle is a relative through a female, the mother. Indeed, he is spoken about
●601 by Nuer as a kind of male mother himself. The significance of his position is due to the fact already drawn attention to, that there is a pull on a man in two directions in the Nuer kinship system, towards his father's kin and away from them towards his maternal kin, a tension especially marked in the case of an eldest child and in polygamous and concubinary families.

604 This balance is, as we have seen, very marked in the Nuer kinship system. When one lives among Nuer the relationships of *gwanlen, nar, wac, manlen,* and their children are hardly ever out of one's mind, for there are few conversations in which one or other of them does not figure; and in all discussions of a formal or ceremonial nature they go in pairs of opposites, the paternal uncle with the maternal uncle, the paternal aunt with the maternal aunt, and the sons of the one with the sons of the other. The balance between father's kin and mother's kin is always maintained on important occasions of social life, such as marriages, settlements of feuds, and religious feasts, when relationships are formally defined.

604 The balance is felt also by Nuer in their everyday life, and it
602 strongly affects the relationships. A mother's brother, for example, is not just a mother's brother. He is, so to speak, a mother's brother and not a father's brother; and the fact that a man has a mother's brother towards whom he can turn in trouble affects his relations with his paternal kin. Relationships are tinged with their opposites. This is not a mere relation of opposites within a formal pattern. We have constantly noted throughout this book the very powerful and frequent attraction of the maternal kin in such a practical question as where a man resides. We have seen that a first-born ought to be brought up by his maternal grandparents; that fatherless young men often go to live with their maternal uncles; that youths frequently stay with their mother's people; that attraction to the maternal kin is accentuated by one or other form of concubinage; and that men easily identify themselves through female links with the lineage with whom they reside. A man has always the choice of several homes, and if he does not care to reside with his paternal kin he can attach himself to the home of other male or female kinsfolk. It is generally towards his mother's brother's people that he turns his eyes when

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604 *gaatnyiet* category, for the children of each of two sisters are children of the daughters of the lineage to the other. Of all Nuer relationships it is the one of the most unadulterated benevolence. The two women and their children may generally be expected to live in different local communities, so that their interrelations are limited to friendly visits. There are none of the elements of opposition which make the relationship of mother's brother to sister's son more complex and explosive. The husbands of the sisters are not likely to be near kinsmen. There are between them none of the bridewealth transactions which complicate the mother's brother-sister's son relationship. There is no pull on the children towards the mother's sister as there is towards the mother's brother and the maternal kinsmen who live in the mother's home. It is perhaps because of the simple affection that the relationship implies to Nuer that *gatmalen*, son of my mother's sister, is a form of address sometimes used to unrelated friends whom a man wishes nevertheless to address by some kinship term.

III

000 I have been speaking up to the present of relations between close kin, the nuclear kin, who fall in relation to any particular person into a limited number of categories of relationship. These categories make a pattern which we call the kinship system. It was shown in the first chapter how all the members of a person's community are kin (including affines in this term) to him in one way or another, although they are all by relationship one or other of these categories. Clearly they are kin in a more remote sense. It is to this more general aspect of the kinship system that I now turn. It is perhaps most conveniently approached in the conventional manner of anthropological writings by an examination of the use of kinship terms.

601 Nuer kinship terms can be used descriptively to speak of any particular relationship, either with or without reference to a particular person. The construction of these terms is simple, e.g. the father's sister's daughter is *nyawac* (*nya*, daughter, *wac*, father's sister) and the mother's brother's son is *gatnar* (*gat*, son, *nar*, mother's brother). One can combine the primary terms to describe any relationship, e.g. *gatnyawac*, father's sister's daughter's son (*gat*, son, *nya*, daughter, *wac*, father's sister), and

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gatgatnar, mother's brother's son's son (*gat*, son, *gat*, son, *nar*, mother's brother). The terms can, indeed, be presented in a perfectly symmetrical form, for it is correct, though unusual, to say in Nuer *gwanman* (*gwan*, father, *man*, mother) or *gwangwan* (*gwan*, father, *gwan*, father) when speaking of the mother's father or of the father's father if one particularly wishes to distinguish between the maternal and paternal grandfathers; or one can say *demangwan* (*deman*, uterine brother, *gwan*, father) or *gatgwangwan* (*gat*, son, *gwan*, father *gwan*, father) in speaking of the father's uterine brother or of his paternal half-brother if one wishes to emphasize the distinction, though here again the usage would be cumbersome and uncommon. In fact, it is possible to describe any relationship by combinations of the family terms *gwan*, father, *man*, mother, *deman*, brother, *nyiman*, sister, *gat*, son, and *nya*, daughter, though it would be unusual to describe, for example, the *wac*, father's sister, as *nyimangwan*, sister (daughter of the mother) of the father. Conjugal relationships are very simply indicated by the prefixes *co*, husband, and *ciek*, wife, e.g. *cowac*, husband of the father's sister, and *ciekgatmanien*, wife of the son of the mother's sister. The husband's affinal relations are denoted by the words for members of the family suffixed by *thu*, e.g. *manthu*, mother-in-law, *nyimanthu*, sister-in-law. The same terms are used for the wife's parents-in-law, but, as we have earlier noted, her husband's brother is her *cocang* and his sister her *mancoa*.

When a Nuer speaks about his family and kin and affines he uses these terms in a slightly different, the possessive, form, e.g. '*gwadong*', 'my grandfather' (paternal and maternal), '*mar*', 'my mother', '*nyimar*', 'my sister', '*gatda*', 'my son', '*wacda*', 'my father's sister', '*nara*', 'my mother's brother', '*gwathu*', 'my wife's (husband's) father', '*conyimar*', 'my sister's husband', &c.

When he addresses them, as in greeting them, he normally uses, and in many cases ought to use, an even simpler nomenclature. Both grandfathers are addressed as '*gwadong*' (or '*gwandong*') and both grandmothers as '*madong*' (or '*mandong*'). The father, his brothers, his paternal cousins, and the husbands of all kinswomen of his and the mother's generation are addressed as '*gwa*', 'father', or sometimes by the respectful form '*gwadin*'; so also are the male kinsmen and affines of the wife by her husband and the male kinsmen and affines of the husband by his

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601 wife if they belong to an older generation. A man addresses his mother, his father's other wives, the wives of his father's brothers and paternal cousins, his father's sisters, his mother's sisters, and the wives of all maternal kinsmen of an older generation as '*ma*', 'mother', or sometimes by the respectful form '*madin*', as well as by such terms as '*wacda*', 'my father's sister', and '*malen*', 'my mother's sister'. Also, all those women his wife addresses as '*ma*', 'mother', among her relatives and affines are addressed by the same term by her husband, and all those women the husband calls '*ma*' among his relatives and affines his wife calls '*ma*' also. The maternal uncle is addressed as '*nar*'. A man addresses his brothers and sisters and the sons and daughters of his father's and mother's kinsmen and kinswomen of their generation as '*demar*' (or '*gatmar*'), 'my (uterine) brother', and '*nyimar*', 'my (uterine) sister', as well as by such terms as '*gatwac(da)*', 'son of (my) father's sister', '*nyanar*', 'daughter of (my) mother's brother', and '*gatmalen*', 'son of my mother's sister'. He may likewise address the husbands of kinswomen and the wives of kinsmen as 'brother' and 'sister' if they are of his generation instead of by such terms as '*conyimar*', 'husband of my sister', and '*ciekdemar*', 'wife of my brother'. A man addresses his wife's kinsfolk and affines of her generation and she addresses his kinsfolk and affines of his generation by the same terms. Sons and daughters are addressed as '*gatda*', 'my son', and '*nyada*', 'my daughter', and the sons and daughters of all members of the speaker's paternal and maternal kin of his generation may be addressed by the same terms as well as by '*gatdemar*', 'son of my brother', '*nyademar*', 'daughter of my brother', '*gatnyimar*', 'son of my sister', and '*nyanyimar*', 'daughter of my sister'. The children of affines, and of their affines, of the speaker's generation are also habitually addressed as 'son' and 'daughter', and also their spouses. The children of those addressed as '*gatda*' and '*nyada*' are generally addressed by the same terms, though the son's son may be addressed as '*gatdoda*' and I believe that the daughter's daughter is sometimes addressed as '*nyadoda*'.

In other words, all kinsfolk—paternal, maternal, and affinal—of an ascending generation, except the mother's brother, and even he sometimes, are commonly addressed as '*gwa*', 'father', or '*ma*', 'mother' ('*gwadong*', 'grandfather', and '*madong*', 'grandmother', being only variations meaning 'aged father' and 'aged mother');

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all kinsfolk of the speaker's generation are commonly addressed as *'demar'* (or *'gatmar'*), 'my uterine brother', or *'nyimar'*, 'my uterine sister'; and all kinsfolk of the descending generation are commonly addressed as *'gatda'*, 'my son', or *'nyada'*, 'my daughter'. 601

Even within the family and close kin Nuer use kinship terms so unprecisely that it is only possible to know more or less, when one hears a term used, the type of relationship referred to. A man may be described as *'deman* Cam', 'Cam's uterine brother', when he is in fact his paternal half-brother, or as *'gwan'*, his 'father', when he is in fact his father's brother. A man may describe his relationship to a woman by saying that she is *'nyimar'*, 'my sister', or *'nyamalen'*, 'my mother's sister's daughter'; or he may use both terms, indicating his relationship to her both less and more precisely: *'Nyamemo e nyimar, e nyamalen'*, 'That girl is my sister, is my mother's sister's daughter.' A man may address his maternal uncle as *'nara'*, 'my maternal uncle', or as *'gwa'*, 'father', and the uncle may reply *'gatnyimar'*, 'my sister's son', or *'gatnyieti'*, 'son of daughters', or *'gatda'*, 'my son'. Choice of terms is influenced by the age and genealogical propinquity of the persons concerned. A man may address his *gatnyawac*, the son of his father's sister's daughter, as *'gatnyada'*, 'son of my daughter', and the man may then reply *'gwadong'*, 'my grandfather', but they will also, and usually, address one another as *'demar'*, 'my brother', if they are of about the same age. If a man addresses another of about his age as 'grandfather' he does so jestingly, even though the man in fact stands to him in a classificatory sense in this relationship, e.g. is a member of his maternal grandmother's clan. Although a man may stand to another as maternal uncle in that he is a member of his mother's lineage and of her generation, he is unlikely to address him by the term *'nar'*, 'mother's brother', unless he is closely related to his mother. He is more likely to address him by the general term of respect *'gwa'*, 'father'.

In spite of this vagueness there is discernible in the use by Nuer of their kinship terms a tendency, so general as to be a convention, to place kinsmen in a category of relationship nearer to the speaker than their genealogical relationship to him. As I explained in the last chapter, a man almost invariably uses *'demar'* (or *'gatmar'*), 'my uterine brother', when speaking to, or about, his paternal half-brother instead of *'gatgwar'*, 'my father's son', a term he keeps for the sons of his paternal uncles. He uses *'gatgwalen'*,

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•601 'son of my father's brother', for more distant cousins, members of his lineage and clan of his generation. To use '*gatgwalen*' in ordinary conversation for your actual father's brother's son suggests that your relations with him are not cordial. Likewise, to speak to this man's father as '*gwalen*', 'my father's brother', instead of '*gwa*', 'father', is suggestive of coldness in the relationship. The same tendency is observable in the use of terms for relatives on the mother's side also. A man calls his mother's sister's son '*gatmar*', 'son of my mother', and keeps '*gatmalen*', 'son of my mother's sister', for more distant maternal cousins, or as a courtesy term for unrelated persons. It is bad form to use the correct term for a near kinsman. They say that it is cutting the *gol*, the hearth, off from the *wec*, camp, that is to say, it is drawing a distinction between members of your family and members of the community of kin among whom you live.

Nuer say that when a man uses kinship terms in their exact and literal sense it is because he wishes to stress the precise relationship in which a man stands to him in order to evoke from him some action which is contained in the pattern of behaviour the relationship carries. It generally means that the speaker is asking for a gift or favour: '*Bi e lim ka duob maridun*', 'You beg for it in the path of your kinship'. Another way of making the same emphasis is by using the *cyot gwan* or *cyot man*, calling the man after the proper name of his father or mother. One also hears the correct usages on ceremonial occasions. One hears them also at dances, for it is then customary for youths to shout them out formally to kinsmen. On such occasions, and as a complimentary usage in chatting, one hears the otherwise rarely used term '*degwar*', 'son of my father'—the correlative to '*demar*', 'son of my mother', as '*gatgwar*' is to '*gatmar*'—though it would only be used for paternal cousins and not for the real father's son. I was told that one would also use this term to stress an agnatic link if one required assistance in fighting. The exact usages are also heard when grown-ups or older children are talking to small children about their elders and wish to impress on them the precise relationship in which they stand to them. In like manner, members of the forms of family other than the simple legal family use the same terms of address to one another as members of a simple legal family do, except in such legal or ritual situations as seem to require indication of legal status.

Ordinarily, with new kin relationships are contracted. The

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person addressed is taken out of a more distant category of relationship and placed in a more intimate one, but he can be telescoped back again to his genealogical position on occasions. When a Nuer calls a paternal uncle 'father' he is avoiding excluding him from the family circle by calling him 'father's brother'. For this reason terms of relationship are of greater significance among the extra-family kin than they are in the family itself, where intimacy between its members is so self-evident that if any mode of address is required some other mode is commonly employed, such as the use of personal names.

As Nuer have only a limited number of terms of relationship, they have to ring the same changes with them whether a relationship is more or less remote. A paternal cousin six times removed is a *gatgwanlen* no less than a first paternal cousin and can equally be addressed by the terms '*gatgwar*', 'son of my father', or '*demar*', 'my uterine brother'. The son of a woman of my mother's clan is '*gatmalen*', 'my mother's sister's son', whether he is a first cousin or of unknown genealogical distance, and he will equally be addressed as '*gatmar*' or '*demar*', 'my uterine brother'. Again, any member of the wife's father's or mother's clans is a *gwanthu*, father-in-law, and will therefore be addressed as '*gwa*', 'father'. Consequently a kinship term, even when used in its right place, can only denote the category of relationship and not its degree. Moreover, the relationship need not be of a direct personal kind at all but may derive from a link between lineages of any distance back. When a man of one lineage has married a woman of another lineage some generations ago all his descendants by her can be regarded, should anyone care to remember the marriage, as *gaatwac*, children of the paternal aunt, or *gaatnyiet*, children of sisters, by the men of the second lineage, and they can be regarded as *gaatnar*, children of the maternal uncle, by the men of the first. Likewise, lineages descended from sisters can regard each other as *gaatmanlen*, children of the mother's sister. There are so many cross-strands in Nuer society that a man can always find some relationship to another man should he care to do so, and hence place him in one or other of the categories of the kinship system and address him by a term appropriate to this category. Nuer squeeze all members of their communities, all those whom they meet often, into the system somehow. For example, I once asked a Nuer lad why he referred to another man as '*gatgwar*', 'son of

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601 my father', and he replied: 'He is my father's brother's son (*gatgwalen*)'. As I knew that the two men were either not at all or very distantly related, I asked how this could be. The lad then said that the man was 'a son of my father's distant brother (*gatgwalen ka noni*)'—a distant paternal cousin—and he added: 'He has lived so long among us that I call him "son of my father" ("*gatgwar*"). He has become my father's son. Also, his father and mine were of the same age-set.'

601 561 The example I have given introduces a complication, for, quite apart from the kinship system, every adult in Nuer society can be addressed by one of the family relationship terms in virtue of his position in the age-set system. As I have described this system elsewhere it need here be considered only in so far as it is immediately relevant to the subject of kinship. Males are divided into the grades of boys and men, boys being initiated by successive sets into manhood by a severe ordeal. Without discussing the intricacies of the system it may be said that this arrangement of males by age means that from the point of view of any individual man all the other men of his society are formally classed as seniors, equals, and juniors, the division corresponding roughly to three generations —the older, his own, and the younger. To seniors he must show deference, with his equals he is on free and easy terms, and from his juniors he expects deference. Women are brought within the system as being daughters, sisters, and wives of members of sets. The age-set system thus supplements the kinship system in the organization of interpersonal relations in everyday social life. Again without going into details, men of an older generation within the system are 'fathers' and their sisters and wives are 'mothers', men of a man's own generation are 'brothers' ('sons of the father' or 'sons of the mother') and their sisters and wives are 'sisters', and men of a junior generation are his 'sons' and their sisters and wives are his 'daughters'. People address one another accordingly, except that men of the same generation usually salute one another by their ox-names. Thus everybody in Nuerland can be addressed as 'father', 'mother', 'brother', 'sister', 'son', or 'daughter' by reference to their position in the age-set system, and this usage may be regarded as a special instance, and one of the widest radius, of the classificatory use of relationship terms. All men of a man's father's age-set are his 'fathers', and all sons of a man's age-mates are his 'sons', and so forth. A man even speaks

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collectively of members of a set senior to his own, other than his father's set, as in-laws if they are senior enough for it to be likely that he will marry one of their daughters. In a sense everybody in the age-set system—that is to say, everybody in Nuerland in one way or another—is kin to everybody else, and the word *mar*, kinship, can be used in this connexion: *mar rica*, age-set kin. The use of relationship terms for persons within the system may in part—the common use of personal names may be another reason—account for the very informal, even haphazard, use of kinship terms among the Nuer, for the terminology of address of the age-sets may cut across that of kinship. For example, a man may be to another a classificatory paternal uncle or grandfather genealogically, but if he is of the same generation he is his 'brother' and would so address him and be addressed by him. Contradiction between the two systems is avoided by the assimilation of the values of both to those of the family by the use of the family relationship terms, for though one may not know whether a man is being addressed as 'father' in virtue of his place in the kinship system or in the age-set system, it could never happen that a term appropriate in the one would be inappropriate in the other. It is always correct to address very old persons as 'grandfather' and 'grandmother', persons of one's parents' generation as 'father' and 'mother', persons of one's own generation as 'brother' and 'sister', and persons of the generations of one's children and their children as 'son' and 'daughter'; and this usage may be quite independent of either kinship or age-sets, being merely a courtesy extension of the family terms to all men.

All members of a man's community, whether it be large or small, can thus be addressed by one of the family relationship terms. We do not, I think, understand this convention so well by regarding it, as it is often regarded, as an extension of family terms and sentiments from members of the family to kin as when we regard it as the verbal telescoping of kin into the circle of family reference so that, as Nuer say, the *gol* is not cut off from the *wec*, the hearth from the camp, the family from the community. A man belongs not only to his family but to a wider society.

IV

The classificatory use of terms of relationship is a special problem to be considered separately from the wide recognition of

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601 kinship from which it derives. A Nuer, as has been reiterated, establishes a kinship tie with all with whom he has frequent intercourse. Consequently a *ram mo gwagh*, an unrelated person, is a relative term. It signifies a person to whom a man has no genealogical position close enough to prevent intermarriage between their families, someone with whom, even if he could trace relationship, it would be remote. To all intents and purposes he is not kin but a stranger, which amounts to saying that he is neither a close kinsman nor a member of one's immediate local community, that one does not stress a kinship link with him because one has no close social relations with him. Ultimately and potentially everybody is kin, or can be made to appear so if circumstances demand. This is understandable in a society where kinship values are the only guide in interpersonal relations. When a man has constant intercourse with another it is therefore necessary that each be in some category of kinship in respect of the other so that each may have a rough-and-ready guide to the kind of behaviour expected of him and which he may expect from the other. The categories of the kinship system give him only a formal pattern of relationships, and the content of each relationship depends on genealogical distance, proximity of residence, personal feelings, and other factors. But they enable him to systematize his social contacts, to place everybody in a definite position in relation to himself, and so to have the security of living in an ordered world.

Now, as we have noted, these kinship values tend to fall into two broad types, the agnatic type and the type through women. The first is characterized by common group interests and a certain hardness between those who share them, and the second by lack of common group interests and the absence of the jealousies and disharmonies they entail, being no more than a set of separate personal relationships. Relationships of the first type harden into lineage structure, those of the second type remain on an interpersonal kinship footing. This means that a Nuer's contacts with all persons outside the agnatic groups to which he belongs are on a pattern the common design of which is one of tenderness, an attenuated benevolence of family sentiments; and this includes both immediate relationships between persons through female links and, in a lesser degree, relationships between persons through lineage links of the same category at some more or less distant point of time. Thus members of the same lineage are

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bound to each other by common descent, by ritual ties, by common cattle-interests, by the duty of blood-revenge and other moral obligations, by association with a common territory, and so forth, while they are united within the wider society to persons, and as a group to other lineages, by multiple ties of kinship, all of which lack the ambivalence of agnatic kinship. We have noted, moreover, that the Nuer lineage is not merely a descent group but is a descent group with political functions. It may not therefore be too fanciful to suggest that the agnatic type of kin relationships is associated with the autonomy of political segments and their structural opposition to one another—the process of fission, and the non-agnatic type of kin relationships is associated, through a complex network of ties of this type, with the wider social system which binds these segments together and contains them—the process of fusion. The one set of attitudes emphasizes the singularity and exclusiveness of the agnatic group, in terms of which political values are expressed, and the other emphasizes the community life in which such groups are merged.

In ultimate analysis it might be held that the in-groups, the lineages, and the political units associated with them carry the sentiment of the father-son relationship, and the total community comprised within the multiple strands of the kinship system carries the sentiment of the mother-son relationship. I do not myself hold to such a psychological reduction. I do not think it is true that there are such simple and opposite feelings towards father and mother or that the attitudes to parents are extended to kinsfolk in so simple a manner. I prefer a sociological interpretation in terms of jural relations within the Nuer social system.

I have tried to show in *The Nuer* how the lineage system provides the framework of their political system through the association of lineages with tribal segments, and in this book how, when we examine the constitution of each such segment, we find that it consists of a network of interpersonal kinship ties which connect all its members to one another and directly or indirectly to its dominant lineage, thereby giving to the lineage its corporate character. It is the interaction of the lineage principle with the values of the kinship system which makes any neighbourhood or residential group structurally significant. Through the fusion of all elements into the dominant lineage within each local community, when the community functions as a political unit, the

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lineage system becomes the organizing principle of the political structure of the wider society which contains it.

The antithesis between kinship and neighbourhood made by Maine and Morgan can therefore be only a logical one and may easily be misleading. Kinship values and political values based on locality are interdependent. All who live together express their relations to one another in terms of the kinship system, and they express their collective interests as a unit in the political system in terms of the lineage system to which they are attached by various kinship ties. The internal network of kinship links gives the local community the cohesion necessary for it to function as a political unity, but it is also true that it is because people are living together that kinship between them is emphasized and effective in the ordering of their interrelations. Hence it is that individuals stress whatever category of kinship is most significant in the particular circumstances of residence in which at any time they find themselves. People do not live together unless they are kin, but kinship is made effective by living together. But though interconsistent, the political system and the kinship system are not only different kinds of system but are on different levels of abstraction. The whole society can be regarded as a network of strands of relationship which regulates relations between persons throughout Nuerland, or can be viewed as a set of relations between local groups in which these strands are ordered by the lineage system into corporate collectivities on the basis of territorial distribution.

In every primitive society we find both family groups and a politically organized society in which they are contained and without which they could not maintain themselves. The values of each affect the other in a two-way movement. The kinship system derives from the family, being, through marriage, built up of a series of families, and it has among the Nuer, as we have seen, an almost limitless extension, at any rate in the sense that everyone can in one way or another and in some degree be placed in a kinship category by everybody else and addressed by them by a kinship term which in common usage is a family relationship term. The whole society is, in this sense, one great family. It has been noted that *mar*, kinship, also means 'my mother', and that this is perhaps significant because all kinship, even with the father and hence with the paternal kin, is through the mother; and in this

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general sense of kinship one does not grade its categories but gives them equivalence. 60|●

The impress of the structural form of the wider society on the kinship system and the family group is no less important. It determines, at any rate to some extent, the emphasis placed on categories of relationship and how far kinship, and therefore descent, are traced through father and mother. It is evident that in Nuer lineages, as I have explained at length in *The Nuer*, agnatic kinship has an extension and depth correlative to their political functions. It may also be suggested that the pull in opposite directions, towards the paternal kin and towards the maternal kin, to which attention has been drawn, is related to the lineage system. The fissiparous tendencies of the lineage system give particular value to the distinction between full brothers and paternal half-brothers in both family and kin, and hence also to the polygamous family and to the position of wives in it. The supremacy of the agnatic principle which the lineage system embodies, also, it has been suggested, by subordinating the roles of the family and of the father to the interests of the wider groups of paternal kin and the lineage, allows the many variants of forms of the family which are so common in Nuerland, and also the widespread adoption of Dinka, the easy translation of affinal and age-set ties into the values of the kinship system, considerable social mobility, and high status of women. All these features seem to be interconsistent.

It may also be suggested that the balance between paternal and maternal kin and in general the equivalence given to all relationships in the kinship system in ordinary social life is related to the lineage system. As we have seen, Nuer lineages are dispersed groups and a man's neighbours belong for the most part to lineages other than his own. Therefore, since Nuer move freely and far, they must trace kinship widely through female links, particularly on the mother's side, as well as agnatically, if they are to make the attachments to persons and lineages which local associations demand, and so live in an ordered world in which every person can be placed in some relationship. The size of a man's local community and the degree of his mobility in it—his social space—affect the manner and range of his counting of kinship, spreading it widely on the mother's side. The individual, it is true, sees the kinship system only in relation to himself and does not reflect on

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601 its general social functions, but the student perceives it, without reference to any particular person, as a means by which the members of Nuer society are interconnected in a complex network of numberless strands of relationship. We have noted that the wide tracing of kinship through both father and mother, and indeed through the wife also, and in every direction, is found together, as might be expected, with an extensive distribution of marriage prohibitions, to which the conventions governing bridewealth claims are complementary.

In seeking to understand Nuer society, abstractions from behaviour have been related to one another in order that it may be seen as a whole in the patterns which emerge from the confusion of actualities. We have dealt in this book mainly with the family, the kinship system, and the lineage system, and we have discussed their relations to one another in the whole society, particularly in terms of its political structure to which my earlier book was devoted. As I have explained there, the values of the different social systems operate in different situations and at different levels of social life. I have here attempted to show in demonstration of this thesis how interpersonal kinship relationships deriving from marriage and the family are organized into segments of the political structure through the dominant, or politically significant, lineages which, in the absence of any other principle of organization, alone make possible the large-scale community necessary, in the oecological conditions prevailing, to the Nuer way of life. The dominant lineages have a central position, for at one end they are structural groups with political functions, while at the other end they spread out into relationships of a kinship kind through which the attachments are made which enable them, while remaining distinct descent groups in certain situations, to become in other situations identified with residential groups and so to function politically.

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I have not often heard a specific number given as the ideal, only a list of recognized relations of the bride to whom certain cattle must be paid. My informants were perhaps talking in terms of a minimum. Certainly forty head of cattle is usually given as the traditional rate of compensation for homicide and, as we have seen, bridewealth and bloodwealth should in theory be equal since the object of the payment of bloodwealth (*thang*) is to provide a wife to the name of the dead man.[1] Marriages are nowadays completed by payment of as little as 17 to 20 head of cattle and sometimes even less, though the average in well-to-do families is usually nearer 30. Professor Evans-Pritchard says that the usual payment is from 20 to 30. This is a reasonably accurate estimate of bridewealth today, but it must be remembered that bridewealth varies not only from tribe to tribe but also within the tribe from year to year. A particularly heavy epidemic may carry off as much as 30 per cent. of the cattle population, and bridewealth must drop accordingly.

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Low Nuer Version

I quote the ideal distribution, based on the payment of forty head of cattle, given by Professor Evans-Pritchard in full, before examining, by way of comparison, versions cited among other Nuer tribes.[2]

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	Cattle	Total
nwi OWAN (on the paternal side) *Gaam* (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf*	8
Gat gaam (father's son)	A cow and another cow** . .	2
Gwandan (*nadit*) *hai mum* or *hai dual* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
Gwandan hai gaam or *hai kuak* (father's brother by a different mother)	A cow and its calf, and an ox .	3
Gwandan (*latat*) *hai mum* or *hai dual* (father's younger brother by the same mother)	A cow, and an ox	2
Wur (father's sister) . . .	A heifer***	1
	Total	20

* The single calf is sometimes called *pumg* (*dit*), and they say: 'It's like a gift thrown in for nothing.' The single cow is sometimes called *yang kuak*, the cow of the hyre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kuerk*, the cow of the spirit of the father.

** These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

*** This animal joins her husband's herd if he is alive.

[1] Nuer say and think that this should be so, but as already stated they are not too careful about the mathematics of the transaction. In point of fact a substantial proportion are distributed among the kinsmen of the deceased, so that much less than forty are left to marry the 'ghost-wife'. See pp. 50, 51.

[2] Evans-Pritchard in 'Nuer Bridewealth', *Africa*, XVI, 4, 1946, and in *Kinship and Marriage among the Nuer*, Oxford, 1951.

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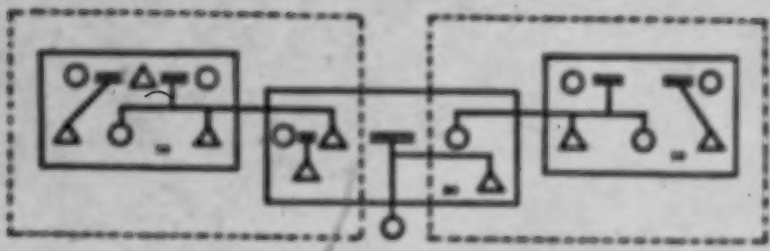

PATERNAL KINSMEN ∞ BRIDE MATERNAL KINSMEN ∞

	Cattle	Total
KWI NAAT (on the maternal side):		
Mam (mother)	A cow and its calf, and a heifer .	3
Demam (brother by the same mother)	An ox, another ox, a cow (*yang demam*), another cow (*yang cika*), a cow and its calf, and another cow*	7
Nur (*dudit*) *bul nuaw ce bul dhiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nur bul gwaw ce bul kuk (mother's brother by a different mother)	A cow and its calf, and an ox .	3
Nur (*latut*) *bul nuaw ce bul dhiel* (mother's younger brother by the same mother)	A cow and its calf	2
Mandim (mother's sister) . .	A heifer**	1
	Total	20

* The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.
** This animal joins her husband's herd if he is alive.

Zeraf Nuer Versions

The principles which underlie the distribution of bridewealth cattle as described by Professor Evans-Pritchard apply to all Nuer tribes, and it would be impossible to improve on his account. There are, however, differences of detail which are worth recording here. My own observations on the Lak and Thiang Nuer of the Zeraf Valley and, to a lesser extent, the Gaawar, were made before the results of Professor Evans-Pritchard's investigations had been published. This work was carried out between 1942 and 1945. Subsequently, in 1949, I had several opportunities of testing out his and my own observations among the Western Nuer tribes.

Kinship Terminology

601 Before making comparisons, it will be as well to give some account of Nuer kinship terminology, especially as the terminology employed

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by Professor Evans-Pritchard sometimes differs from my own. The difference is one of dialect, and it may be noted that, although all the terms used are understood in all parts of Nuerland, nearly all of them have alternatives which are current in one part or another. There are in fact many ways of saying the same thing. Nuer could, of course, employ the most highly descriptive terminology, just as we could. We could say 'father's brother' or we could say 'paternal uncle'; Nuer could say *dewan gwan* or they could say *gwandew*. To be more descriptive we could say 'father's brother by the same mother' or 'father's full brother'; the Nuer could say *dewan gwan hui mandu* or *hui duiel*, or they could say *gwandew gwandu* or *hui luak*.

In normal speech, especially in conversation about or with a particular relative, the finer qualifications are not employed. If the context does not demand any precise distinction, a man will say *gwandewdu*, 'his paternal uncle'. The distribution of bridewealth, however, demands such precise distinction. The term used for a particular relative is therefore qualified by the addition of *gwandu* or *hui gwandu*, 'on the father's side', or *hui luak*, 'on the *luak* (cattle-byre) side', and *mandu* or *hui mandu*,[1] 'on the mother's side', or *hui duiel*, 'on the hut side'. The significance of the 'cattle-byre' side and the 'hut side' is that, since each wife has her own hut (*duiel*) in which she lives with her children, those of the hut (*hui duiel*) are uterine brothers and sisters; the cattle-byre (*luak*) is common to the whole family, i.e. the father, his wives and all their children. Hence when a relative is described as *hui luak* it implies that he is not of the same mother, though by definition he is of the same family group.

Other differences between terminology employed by Professor Evans-Pritchard and myself are:

(a) The distinction between older paternal uncle (*gwandew tedit*) and younger paternal uncle (*gwandew tetot*), etc. *Tedit* simply means 'big' and *tetot* 'small'.

(b) Professor Evans-Pritchard uses *gut gwan*, literally 'father's son', for half-brother of the bride. Another way of describing this relationship is to say *dewan hui luak*, which is more normal in Western Nuer.

The variations are recorded in the diagram on page 102.

Note.—Relationship to the bride is given in the third person, e.g. *Mam* (or *Mam nyal*), the bride's mother; *Mandew* (or *Mandew nyal*), the bride's maternal aunt.

[1] The paternal grandsons *du*, *de*, *ku*, is also difficult. Professor Evans-Pritchard consider, for example, the paternal uncle (by the same mother) as *hui mam*. This is simply because some Nuer tribes (notably Lou) drop the consonant *d* and say *mam* instead of *mandu*.

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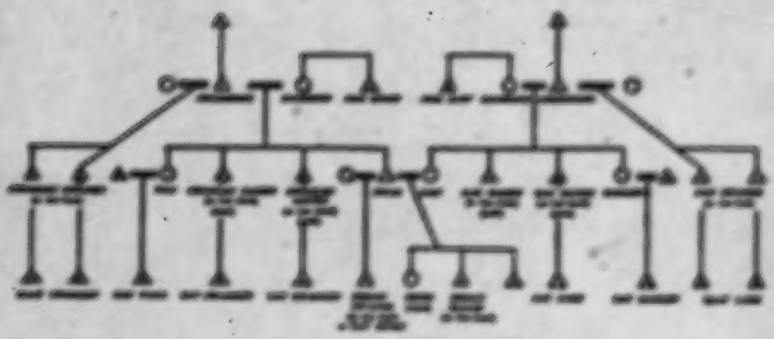
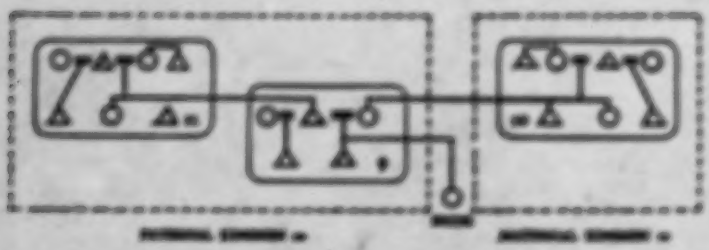
NUER KINSHIP TERMS



Zeraf Valley Version (Lak and Thiang)



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Relationship to bride	Cattle	Total
[illegible] (on the paternal side)		
Gwan (father)	young gwandi, a cow and its calf. young kwath, a cow dedicated to his maternal uncle. dhak gwan ngol, an ox (These should go to his sons, often to half-brothers of the bride. The ox is usually considered the right of the oldest half-brother.)	4
Dwan (brother by the same mother)	dhak dwan, an ox (The bridegroom is usually expected to present his future brother-in-law by dedicating an ox of the latter's favourite colour.)	1
Dwan kwi kwik (brother by a different mother)	dhak dwan, an ox (This is not always demanded, and is often usually included under the father's position. See above.)	1

[illegible]

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Relationship to bride	*Cattle*	*Total*
Gwandee wunde (father's brother by same mother)	A cow and its calf. An ox. A cow-calf, sometimes called *pooug* . . .	4
	(Nuer refer to this relationship as *gwandee wunde* or, in full, *gwandee bul wunde*, i.e. the father's uterine brother. The calf called *pooug* is sometimes said to be the special right of the youngest uterine brother.)	
Gwandee gwunde (father's brother by a different mother)	A cow and its calf and (sometimes) an ox .	3
	(Nuer refer to this relationship as *gwandee bul book*, but more often *gwandee gwunde*.)	
Wur (father's sister)	*yong wunu*, a cow	1
	(This cow goes to the woman's husband and his sons, and is therefore transferred outside the father's lineage.)	
Gwandong (father's father)	*yong wunpum gwunde*, a cow or heifer .	1
	(This cow should go to the father's youngest brother and often the youngest half-brother. Among the Zeraf tribes it is usually included whether the father's father is living or not, and even if he died before the bride was born.)	
Mandong (father's mother)	*yong wunpum wunde*, a cow or heifer . .	1
	(This cow should go to a younger uterine brother of the bride's father.)	
Nur gwum (*nyal*) (father's maternal uncle)	Sometimes called *kothar*, a cow-calf . .	1
	(This should go to the sons of the father's maternal uncle and hence outside the father's lineage.)	
Mur[1] (mother) . .	*yong nuer nyal*, a cow-and its calf. (This should go to the bride's oldest uterine brother.)	
	yong bunuk, a cow	3
	(Dedicated to the mother's ancestral spirits and usually later inherited by one of her younger sons.)	
	Total	20

nuer nuer (on the maternal side often referred to as *bul nuer*, maternal uncle's side)

Nur wunde (mother's brother by the same mother)	*gluk nuer* or *gluk nur wunde*, a cow and cow-calf. An ox. A cow-calf (*pooug*)	4
	(The cow-calf called *pooug* is said to be the right of the youngest uterine brother of the bride's mother.)	

[1] The Zeraf tribes include the mother's portion and that of the bride's uterine brother under the paternal side. This is also so in Western Nuer, as Professor Evans-Pritchard observes. This point is discussed later.

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Relationship to bride	*Cattle*	*Total*
Nar gwandu (mother's brother by a different mother)	*yang nar kai kuk or nar gwandu*, a cow and its calf	2
Mandon (mother's sister).	*yang mandon*, a cow-calf . . . . . (This goes to her sons and therefore outside the maternal lineage.)	1
Gwandong (mother's father)	*yang wangwan gwandu*, a pregnant cow . (This should go to one of his younger sons, e.g. half-brother of the maternal uncle above.)	1
Mandong (mother's mother)	*yang wangwan mandu*, a pregnant cow . (This should go to one of her younger sons, e.g. a uterine brother of the maternal uncle above.)	1
Nar nuer (*nyal*) (mother's maternal uncle)	Sometimes called *kethar*, a cow-calf . . (This goes to his sons and therefore outside the maternal lineage.)[1]	1
	Total	10

Apart from the disparity in numbers of cattle, there are obvious differences in this version from the ideal given by Professor Evans-Pritchard:

(i) Among the Zeraf tribes, the cattle of the grandparents, called *wangwan*, are nearly always included, and usually at least some of them are paid whatever the circumstances. On this subject Professor Evans-Pritchard says:

> It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle.
>
> . . . a grandparent only receives a cow if he, or she, saw the bride before his, or she, died. It is probably for this reason that the cows given to the grandparents or their sons are called *wangwan* (*wang*, eye, *wan*, to see). It is possible, therefore, for there to be four *wangwan* claims, but there are generally one or two at the most.[2]

(ii) Professor Evans-Pritchard's version includes:

Gwandon intet (father's younger brother by the same mother).
Nar intet (mother's younger brother by the same mother).

[1] There is not only a definite division between the bride's paternal relatives on the one hand and her maternal relatives on the other, but also a distinction between the bride's immediate relatives, e.g. her father and his sons (both uterine and half-brothers of the bride) and the more remote relatives on either side who in this context are classed as *ji wangwi*, 'the people who have rights'. The cattle to which they are entitled are known as *ghok wangwi nar*. Those of the bride's father and his sons are referred to as *ghok dinh*, 'the cows of begetting'.

[2] Op. cit. (*in Africa*, 1948), p. 149.

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Now, it is just these relatives of the bride who inherit in the first instance the *mangwen mande* on the father's side, and in the second, the *mangwen mande* on the mother's side. It may therefore be that they are exactly equivalent, and if, for example, a cow is paid as *mangwen mande* on the father's side, a cow for the *gwanien ketet* is not to be expected. Similarly the *mangwen gwande* (grandfather's cattle on both sides) by right descend to the bride's father's younger half-brother (i.e. *gwanien kui kuak* or *gwande*) on the one side and to the bride's mother's younger half-brother (i.e. *nar kui kuak* or *nar gwande*) on the other. These relatives are sometimes included, sometimes not. It seems that Nuer often treat these portions as alternatives, and this may explain the fact that not all of them are always included. It must be emphasized here that Nuer find considerable difficulty in quoting the claims of various relatives in a hypothetical marriage. This difficulty does not arise in an actual marriage because all the relatives who claim some portion as a right (*ceang*) are known personalities. Such negotiations over bridewealth are carried out with unusual decorum, and although feelings run high there is generally a spirit of compromise. Talking of these things Nuer sometimes say '*ruaak latke had de dat*', 'you must put your stick in the grass for your wife's family'. The word *ruaak* is a polite way of speaking about relatives-in-law, and the expression implies that a man must put his anger aside if his wife's family are unreasonable in their demands.

(iii) Professor Evans-Pritchard's version does not include the *kothar* portions which go to the *nar gwan nyal* (the bride's father's maternal uncle) and the *nar wan nyal* (the bride's mother's maternal uncle). These portions are nearly always quoted by Zeraf Nuer tribes and, as will be seen later, by Western Nuer. They are often but not always paid. This point is important because these relatives are outside the lineages of both the bride's father and bride's mother, so that when these cattle which go to the bride's paternal and maternal aunts and their sons are included, in all six different lineages are involved in one marriage,[1] as will be seen in the diagram on page 106.

[1] Of the *kothar* (or *kowhar*) portions, Professor Evans-Pritchard writes:

'A kowhar-line runs between bride-cattle properly speaking and such small gifts to distant kinsmen in that of the *cell*, called *kowhar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed' (op. cit. p. 157).

I do not think that the expression *kowhar* is used except in the circumstances I have already described, i.e. of a special portion which goes to the maternal uncle of the bride's father on the one side and the maternal uncle of the bride's mother on the other side. Some Nuer tribes, notably the Dok, Nilang and Gawar, who have a close historical connection, sometimes say that a *cow-cell* called *dong* should be paid to the bride's father's father's father and less commonly the mother's father's father's father. I think that this is a claim which is nowadays rarely made, and therefore rarely included in a list of bridewealth claims, though it may have been customary in the past.

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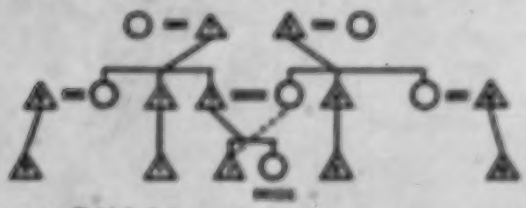
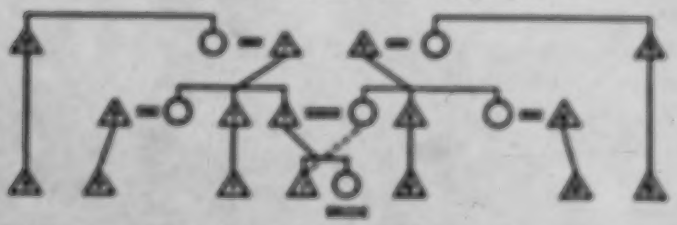
LINEAGES INVOLVED IN BRIDEWEALTH DISTRIBUTION

Lou Nuer (as quoted by Professor Evans-Pritchard)



Lineage 1 — Bride's father and agnatic kinsmen.
Lineage 2 — Bride's mother's father and agnatic kinsmen.
Lineage 3 — Bride's paternal aunt's husband and agnatic kinsmen.
Lineage 4 — Bride's maternal aunt's husband and agnatic kinsmen.

Zeraf and Western Nuer Versions



Lineage 1 — Bride's father and agnatic kinsmen.
Lineage 2 — Bride's mother's father and agnatic kinsmen.
Lineage 3 — Bride's paternal aunt's husband and agnatic kinsmen.
Lineage 4 — Bride's maternal aunt's husband and agnatic kinsmen.
Lineage 5 — Bride's father's maternal uncle and agnatic kinsmen.
Lineage 6 — Bride's mother's maternal uncle and agnatic kinsmen.

Minimum Claims

The difference in numbers of cattle is perhaps accounted for by the fact that Professor Evans-Pritchard is quoting an ideal from Lou Nuer, while the Zeraf version given here is not an ideal, but is closer to reality and nearer to what is considered the minimum although not actually the minimum. On this subject, Professor Evans-Pritchard says:

> In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:
>
> 1. *nengnyar gwaar*, the cows of the paternal grandparents 6
> *nengnyar nuany*, the cows of the maternal grandparents 6
> 2. *yang gwaar kaar dhiedh*, *ke thiedh*, the cow of the father with its calf, and his ox 3

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yang nuew kow dinde, the cow of the mother with its calf	2
3. *yang gwandour kow dinde, ke thokde*, the cow of the paternal uncle with its calf and his ox	3
yang nuew kow dinde, kow thokde, ke gwangde, the cow of the maternal uncle with its calf, and his ox, and his *gwang* (ox)	4
4. *dew* (sac) *nuew*, the calf (heifer) of the paternal aunt	1
dew (sac) *nuewow*, the calf (heifer) of the maternal aunt	1
5. *yang kwath gwandu*, the cow of the father's spirit	1
yang kwath nuewdu, the cow of the mother's spirit	1
6. *thak dowow*, the ox of the uterine brother	1
thak gat gwow, the cow of the parents' half-brother[7]	1
	22

This, with the exception of the *thak gat gwow* (which in the Zeraf is included in the father's portion) and the *yang nuer gwow* and *yang nuer nuew*, approximates very closely to the Zeraf version.[8] It is noticeable, however, that the cattle of the grandparents, the *mangwow*, are included in the minimum, while they are omitted in the ideal. The cattle of the paternal and maternal uncles, the *gwandow* and the *nuer*, are correspondingly reduced in numbers, and since, as we have seen, it is these relations who would inherit the *mangwow* cattle, this is perhaps not surprising.

Western Nuer Versions

In Western Nuer there appears to be considerable variation of detail and, as will be seen later, of proportions, but no difference of principle. The Jikany system approximates very closely to that of Thiang and Lak, with the following variations:

(*a*) Sometimes two cows (*yang kwath*) are paid in the father's portion instead of one.

(*b*) As in Lou, the *mangwow* cattle are never paid unless the grandparent concerned was alive at the time of the bride's birth. This is, however, balanced by a proportionately higher claim by the bride's paternal and maternal uncles, who are normally considered the heirs to the *mangwow* cattle.

(*c*) The *kothar* cattle—for the father's maternal uncle (*nuer gwan-nyal*) and the mother's maternal uncle (*nuer nuew nyal*)—are considered essential payments, but it is unusual for a bridegroom to pay more than one. Jikany say that these payments should alternate with the marriages of the daughters of the house: to the *nuer gwan nyal* on the first marriage, to the *nuer nuew nyal* on the second, and so on.[9]

[8] op. cit., pp. 192-3.

[9] Also the *yang nuer gwan* and *yang nuer nuew* are often omitted in actual marriages today—in the omission are virtually the same.

[7] *Nuer nuew nyal*, &c. This is sometimes reduced to *ne nuer nuewdu*, which could also be interpreted as 'maternal uncle'—uterine brother of the bride's mother—and *nuer gwandu* as 'maternal uncle'—half-brother of the bride's mother. It is really the tone and emphasis which distinguish these relationships.

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(d) Every brother of the bride may expect an ox, but only one need be given to the half-brothers.

Among the Bul Nuer, who on the whole are inclined to marry with larger numbers of cattle than most Nuer tribes, there are no essential differences except that there appears to be a more exact definition of claims in the paternal and maternal uncles' portions, and in this their system resembles the Lou Nuer ideal.

Guandee wunde (father's brothers by the same mother)	eldest, a cow and cow-calf. second or middle, a cow-calf and bull. youngest is reckoned to get the *wangwee wunde*, or if not paid, will get a bull.
Guandee gwonde (father's brothers by a different mother)	eldest, a cow and cow-calf. second, a cow-calf. youngest is reckoned to get the *wangwee gwonde*, or if not paid, a bull-calf.

This approximates more closely to the system recorded by Professor Evans-Pritchard.

Similar proportions are paid to the maternal uncles of the bride on the mother's side (*bun nare*) and again the youngest maternal uncles, the bride's mother's youngest uterine and youngest half-brother can claim the *wangwee wunde* and *wangwee gwonde* respectively. These distinctions, with variation in numbers, apply also to the Leik.

Among the Dok, the system approximates very closely to the Lak and Thiang Nuer systems, but it is worth while noting here that the Dok Nuer were often confused and inconsistent in quoting the ideal, more so perhaps than now Nuer.

I do not think that the variations to be found in the systems quoted reveal any fundamental difference of principle. The key to the problem of distribution lies in the rules of inheritance which are applied during the negotiations or will apply in the future, rather than in the actual relationship to the bride in the name of which cattle are transferred or the portions and number of cattle quoted. Throughout the system there is the principle of alternation and in addition conventional indications, though they are too loosely applied in practice to be more than indications, as to who should receive the cattle.[1] Thus, for example, the cattle classified as those of the bride's mother (*ghok wunde*) should go to her sons, i.e. uterine brothers of the bride, while those of the bride's father (*ghok gwonde*) should go to his sons by another wife, i.e. half-brothers of the bride. Similarly, a generation higher up the scale, as we have already seen, the paternal grandmother's portion (*wangwee wunde*) goes to her own sons (*guandee wunde* of the bride) and that of the paternal grandfather (*wangwee gwonde*) to his sons by another wife, i.e. half-brothers of the bride's father (*guandee gwonde* of the bride).

[1] This subject is discussed later under 'Inheritance'; see Chap[illegible] Section 3.

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These are conventional rules which essentially apply within each lineage, but do not apply with any exactitude in practice because not all the relatives concerned exist or, if they do, have already received portions on the marriage of another daughter or will do so in the future. The rules are therefore sufficiently elastic to meet almost any situation within a family group yet sufficiently clear to avoid undesirable friction and confusion.

Proportions

In the version current among the Lou Nuer and recorded by Professor Evans-Pritchard, the cattle of the mother (*ghok mane*) and also of her son (*ghok dewan*), who is uterine brother of the bride, are included on the maternal side, the *kui man*. He points out, however, that—

> Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

It is perhaps significant that in Western Nuer the claims of the maternal relatives are classified under the heading of *kui naw*, 'the maternal uncle's side', which excludes the mother's portion (the *ghok mamde*). In Lou Nuer it appears to be a social fiction that the cattle should be divided equally between the paternal and maternal kin of the bride in the ratio of 20 : 20, for in fact the division is 30 : 10.

On this subject, Professor Evans-Pritchard says:

> I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or so or, but the balance and proportions would be as I have recorded them.[1]

There are in fact many ways in which these proportions may be regarded. First there is the proportion in theory (when the mother's and uterine brothers' cattle are included on the maternal side) and in fact (when they are not) between the paternal and maternal sides. In the Lou Nuer ideal as recorded by Professor Evans-Pritchard these proportions are 20 : 20 in the first method of assessment and 30 : 10 in the second: ratios of 1 : 1 and 3 : 1 respectively. Among the Lak and Thiang Nuer, and also the Jikany and Dok, they are 16 : 14 and 20 : 10; among the Bul Nuer they are 17 : 17 and

[1] Evans-Pritchard, op. cit., p. 149.

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23:11; among the Leik they are 16:15 and 22:9. Among these last-named people the ratios are therefore approximately 1:1 and 2:1. These more nearly approximate to the proportions found in the minimum quoted by Professor Evans-Pritchard, and allowing for minor inconsistencies and for the fact that the Nuer do not think of these things in terms of exact figures,[1] the balance and proportions are approximately the same throughout Nuerland.

Secondly, there is the proportion of cattle which go to the immediate family of the bride, the *ghok diek*, and those which go to the more remote relatives, the *ghok cuongni ran*. In the Low Nuer ideal version the ratio is 20:20 and 8:14 in the minimum version. Elsewhere they are: Lak and Thiang, 9:21, Jikany and Dok, 10:20, Bul, 12:22, and Leik, 10:21. The ratio throughout is therefore approximately 1:2. Analysis of actual marriages (though not necessarily the examples quoted below, where in some instances all payments have not been completed) shows very approximately similar proportions. If, therefore, there has been a reduction in the number of cattle payable as bridewealth, at any rate a reduction from the ideal, it has not been in the portion of the more remote kinsmen but in that of the bride's immediate family. A decrease in the cattle population in relation to human population has not at any rate led to a diminution of the network of claims which marriage involves. Marriage has not become a more individual affair in which only the bridegroom and the bride's father are concerned but has retained its collective nature.

Other Payments

Professor Evans-Pritchard points out that 'any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may assert his kinship by asking a small gift and it will not be refused'.[2] This is true of all Nuer tribes. There are also certain categories of persons who may claim special gifts which among the Zeraf tribes are known collectively as *thanypiny*:

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rin . . . A spear dedicated to the central pole of the bride's father's cattle-byre. This is usually a symbolic off-ring to the ancestral spirits of the lineage and is often given to the grave-keeper of the bride's family.

rinith rin . . A bull-calf or a cow or at least a spear[3] given to an age-mate of the bride's father, often a man who has undergone the ceremonies of initiation with him.

[1] A pregnant cow is sometimes accounted as two head of cattle, sometimes one, for example.

[2] Among the Lak, for example, a spear called *dang*, considered the right of the bride's paternal great-grandfather, is usually paid and will be given to one of his male descendants, but in a different line from that of the bride's father.

[3] Sometimes a cow. This is usually a purely reciprocal transaction. See means 'age-mat'.

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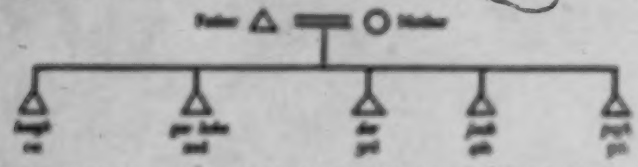
must marry in order of seniority—the eldest first. In a simple family consisting of a man, his wife, and sons, the sons are referred to as *haagh*, *gur bake*, *dar*, *joah* and *pagh* respectively. Thus: 428 582



(The 'first', 'the one after the first', 'the middle', 'the (one before the) last', 'the youngest'.)[1]

When a man has more than one wife, the sons of each wife are thus titled separately, each family beginning with *haagh* and ending with *pagh*. The principle of priority in marriage, however, is applied according to age, and does not depend on the status of the wife.

Thus, if X is older than Z, he will marry first. If W is older than Z, he will marry first and so on.

Certain indications of inheritance rights are also given in the distribution of bridewealth, not only between actual claimants standing in a particular relationship to the bride, but also between the persons who should rightfully inherit the title to those claims should the claimant be dead. I do not propose to describe here all the details of these indications because they have already been mentioned in connexion with bridewealth distribution,[2] but certain principles must be emphasized again.

The first of these principles is based on the distinction between the sons of the father (by another mother) and the sons of the mother (in this connexion the mother of the bride). A family group among the Nuer is made up of a number of domestic units each of which consists of a wife and her children. A man who has two wives is in the position of being husband and father to two such units. The children of one unit are uterine brothers and sisters; to each other they are *kwi dwiel*, 'on the side of the house or hut', because each wife must have her own 428 601

[1] The terminology is interesting. The word *haagh* is used to describe a woman who is unmarried or has not yet completed the processes of marriage. *Gur bake* (*gur haagh*) means simply 'the follower of the *haagh*'. *Dar* means 'middle', 'in the middle', *joah* or *joagh* means 'last', while *pagh* means 'end or limit'.

[2] See pp. 97–104.

S:H. well E. G-5 (1942-1944)1954
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but (*doil*). They are half-brothers and half-sisters to the children of another wife of their father; these are *bui lauk* because the *lauk* or cattle-byre is common to all, as is their father. The *bui doiel*—*bui lauk* distinction is also brought out in other terms of speech, as we have already seen; those who are *bui doiel* are *bui mae* or *mandi* ('of the mother'), those who are *bui lauk* are *bui gaan* or *gandi* ('of the father'). In normal speech these distinctions are not used because the context does not demand a distinction. A man's paternal uncle is referred to as *gaandin*, whether he is a full or uterine brother of the man's father or a half-brother. A distinction is, however, demanded in matters of bridewealth distribution and inheritance. He is *gaandin bui lauk* or *gaandin bui gaan* and so on. The first principle, therefore, of bridewealth distribution and the inheritance thereof is that there should be an equitable distribution on both sides of a family group described above. We have seen that each of the persons standing in a particular and accurately described relationship to the bride has a title to a portion of the bridewealth according to an ideal. This, however, concerns direct and contemporary claims. It becomes a matter of inheritance when the actual claimant is dead.

If the claimant is a male, the heirs to his title may be any one of his sons, though in bridewealth there is always a tendency to say that his sons by a woman who is not the mother of the bride should inherit in these circumstances. These are in fact half-brothers of the bride, and the system is one of mutual alternation, since the bride's uterine brothers already have a special portion and will expect in return to benefit on the marriage of the half-brothers' uterine sisters. Moreover the paternal grandfather's portion (*nuanpaan bui gaan*) should always go to his son born of another wife and not to the son of the bride's paternal grandmother. This rule is applied with considerable exactitude unless no such person exists. If the claimant is a female, then her portion should always go to one of her own sons. For example, the paternal grandmother's portion (*nuanpaan bui mae*) goes to her own sons (other than the bride's father), i.e. one of the paternal uncles of the bride who are classified as *gaandin bui doiel* or *bui mae*. Similarly, the bride's mother's portion should go to her own sons, i.e. the bride's uterine brothers.

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These distinctions concern the different domestic units of a family group and of a minimal lineage, and govern the distribution and inheritance of claims on both the paternal and maternal sides. There are also indications within a single domestic unit as to which of the brothers should receive a particular cow. Thus, for example, the paternal grandmother's portion (*nuanpaan bui mae*) is said to be the right of her younger or youngest son (either the *dar*, *jaak* or *pagil*). Similarly the cow called *paang* of the father's portion should go to his youngest son, i.e. the bride's youngest half-brother.

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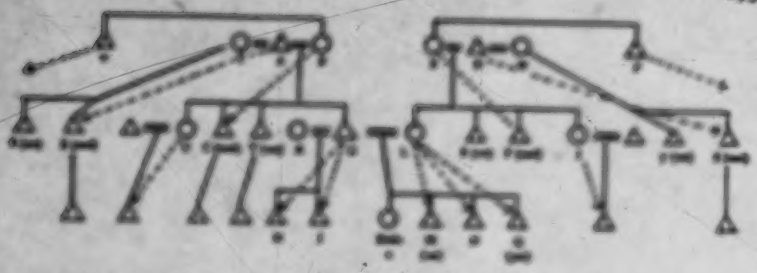

Conventional Indications Relationship Portions		Claims on Cattle required on Marriage of a From	To	
Grandson	(paternal grandfather)	A	his younger son by T	—E
Mandson	(paternal grandmother)	B	her younger son by A	—C
Granddog	(maternal grandfather)	D	his younger son by W	—R
Mandog	(maternal grandmother)	E	her younger son by D	—F
Gwan	(father)	G	his sons by K	—H and J (the young to J)
Man	(mother)	L	her sons by G	—M, N and Q (the young to Q)

Other portions go to the sons of the actual claimants without distinction.

Grandson had sons	(father's brother by same mother)	—T or C and sons
Grandson had gnan	(father's brother by different mother)	—Z or S and sons
Man had sons	(mother's brother by same mother)	—S or F and sons
Man had gnan	(mother's brother by different mother)	—X or Y and sons
Wife	(father's sister)	—U to her sons
Mandog	(mother's sister)	—I to her sons
Man gnan	(father's maternal uncle)	—V and sons
Man sons	(mother's maternal uncle)	—P and sons

The reader should compare the above diagram with those on pp. 108, 114-15.

There are therefore conventional indications based on distinctions within the family group of the various domestic components and on the seniority of the individual. These are illustrated in the diagram. It must be realized, however, that they are no more than indications because other principles and circumstances intervene. In the first place there is the rule that sons should be granted cattle from the family herd with which to marry in strict order of seniority, as already described. This rule is often incompatible with the conventional indications. In the second place persons to fill exactly the relationships required may not all exist. Finally, while alive, a man will have absolute authority in allotting cattle which are his by right among his own sons, and usually he declares a definite distribution before he dies. Here the indications to inheritance rights are not relevant, but they will be so in connexion with cattle which are acquired after his death, or if he dies suddenly without opportunity to make known his will.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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IX

I commenced this paper by outlining the formal structure of the family 12.1
and other procreative and domestic groups and then illustrated these groups by a survey of a typical Nuer village and some genealogical tables. We must now enquire what are the actual relations between members of these different types of domestic groups and, in particular, what are the relations between a father (pater, genitor, or foster-father) and his sons.

It is often difficult to know what these relations are and I only know a few households sufficiently well to be able to assess them. Indeed, it is often difficult to discover even the formal status of members of a household and I have no doubt that a longer investigation at Nyueny and elsewhere would reveal that some unions which I have thought to be simple legal marriage are unions of a different order.

The difficulty is due in part to the fact that Nuer are not consistent in their use of kinship nomenclature. If a man marries a woman and she bears him a son, the child is always called after his pater, e.g. Nhial ♂ is always known as Nhial ♂—Rainen ♂ (Homestead No. VI). Likewise if a child is born to a man during his lifetime by adulterous congress between his wife and another man it is always called after the pater (at any rate in the pater's village. It might be called after its genitor in his village though I cannot assert that this is so), e.g. Dadow ♂ is known as Dadow ♂ —Tien ♂ (Homestead No. VII). An orphan (*ret*), i.e. a child born of a levirtic union is also generally called after its pater, e.g. Mer ♀—Tien ♂ (Homestead No. VII). [601] 611

On the other hand, when a man marries a wife to the name of an agnatic kinsman a son born of this union is in ordinary social life called after the man who stands in the place of the pater and who has begotten the son. One rarely hears his name coupled with that of his ghostly pater, though it is so coupled at ceremonies. When the boy is initiated they tell his pater: "See, your son has been initiated. He has become a man. Your fire is kindled"; and when he is married they tell his pater: "See, your son is married. Your descendants will not cease. They will remember your name." A man's name is also coupled with that of his pater in legal situations where ownership of property is at issue.

But ordinarily such children take the name of their genitor and one may remain ignorant that the genitor is not also the pater. Thus I spent over three months in the tiny hamlet of Yakwac in 1931 without knowing that Kerker ♂ was not the pater of the boys whom we always knew as *gaat Kerker*, "the sons of Kerker". I spent hours every day with these boys but it was by mere chance that I discovered that Kerker had married a wife to the name of his dead brother, Duth, and had begotten my companions. When I visited Yakwac again in 1935 Kerker had died and his eldest son (legal nephew), Wan, had married him a wife, Ker ♀—*Wan* ♂ to perpetuate his genitor's name. The children begotten by Wan ♂ in this union will be legally his father's brother's children. Similarly in the village of Nyueny, I would certainly never have discovered that such men as Wec (Homestead No. X.) and Lec (Homestead No. XIV) were not the paters of their children had I not made persistent enquiry.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 182 fight. The political integument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualness.

VII

The likelihood of a homicide developing into a blood-feud, its force, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of the Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

628 •602 [613] The kinsmen of a slain man try to kill the *gwan thaaga*, the slayer, but they have a right to kill any of his close agnates (*gwat gwanire*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

1: Evans-Pritchard E-5 (1931, 1936) 1940
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ranged against the MAR, KWOTH, and MALUAL lineages and the people who live with them; the MANTHIEPNI lineage was ranged against the DUMIEN lineage; and so forth. Only these minimal lineages were involved with one another in the feuds that resulted, and not collateral lineages, even though they took part in the fight in other sectors of it, but the hostility between the sections was common to all their members. A good example of how Nuer feel in such matters is furnished by their reactions at Muot Dit cattle camp when the Government seized hostages to compel them to hand over two prophets. Their main complaint to me was that the hostages did not belong to the same lineages as the prophets and were therefore not directly concerned in the issue. The Government was looking at the affair in territorial terms, they in kinship terms on analogy with the conventions of a feud.

Apart from ritual observances, kinship obligations, community sentiment, and so forth, there is a further reason why blood-feuds between small lineages, especially when there are many of them, develop into states of feud, and tend to maintain hostile feelings between communities. As is explained in Chapter V every community is associated with a lineage in such a way that all persons in the community who are not members of the lineage are assimilated to it in political relations which are, therefore, often expressed in lineage values. Hence a blood-feud between small agnatic groups is translated into a feud, in the more general sense, between the lineages with which these groups are associated through the expression of the disturbed relations in terms of their structure, and the communities associated with the lineages are involved in mutual hostility.

Hostility between smaller segments of a tribe may involve the larger segments of which they form part. A quarrel between two villages may thus, as we have noted, bring about a fight between secondary, and even primary, tribal sections. The interrelations between larger sections are operated, as it were, by the interrelations between smaller sections. When a section in which there are unsettled feuds fights another section all quarrels are neglected for the time and the whole section combines for action.

The feud is a political institution, being an approved and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngual*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

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The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

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If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen, what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories. 609

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values. 609 181

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern. 181 602

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed 181 602 431

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181 602 431

among his kinsmen, but added that they would not be able to keep them when his relatives at Fadol came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

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Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

1: Evans-Pritchard E-S (1931, 1936) 1940
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the kinship system has admitted them into its political structure on a basis of equality.

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A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage.

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We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan.

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The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp

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can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

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We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiet*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiet* to another if there is one such female link between them anywhere in the lines of their descent,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 773 173 In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineage living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyseny and in neighbouring villages in Leek country, JUAK, SGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineage mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineage and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

602 609 554 By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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alluding to him as such in ordinary social life, for it is in rare 602
situations that his being other than an aristocrat is relevant: to 609
some extent in payment of blood-cattle, in questions of exogamy, 554
and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic 619
in sentiment and so ready to express it in violence a clan is 614
given superior status in each tribe? We believe that the facts 565
we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

1: Evans-Pritchard E-5 (1931, 1936) 1940
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as parts of opposed segments, Gwea and Ghaak. It will be noted 614
that these groups of tribes, often represented as families of 619
clans, occupy distinct sections of Nuerland. Before the period of eastwards migration they ran from north to south, in three or four groups, to the west of the Nile. Territorial contiguity and a common clan structure, such as we find among the Jikany tribes, or close relationship within a clan system, such as we find among the Ghaak group of tribes, go together, and the values of the two systems may be assumed to interact. The segmentation of lineages within a tribe in relation to its political segmentation is thus repeated in the whole clan system of the Nuer, the segments of which are co-ordinated with the political segmentation of Nuerland. Those tribes which are adjacent to one another have a common opposition to other groups of tribes and this relation is reflected in the tendency for them to be represented, through their dominant lineages and clans, as closely related on a mythological and ritual plane.

Gee and Ghaak and Gwea are represented as brothers, sons of 773
a mythological ancestor, sometimes called Ghau, the World, and 602
sometimes Ran, Man, whose father is said to be Kwoth, God. Rii is often described as one of their brothers as well, though he is sometimes represented to be a son of a daughter of Gee, called Kar.

All sons of Gee have agnatic kinship (*buth*) which allows them to partake of one another's sacrifices. In these ritual situations only the true sons of Gee, the JINACA, the GAATHIANG, and JIDIET, and other clans descended from Gee, have *buth* interrelationship, but in other situations the tribes in which these clans have a dominant status are represented as brothers or first cousins. Thus Thiang is said to have been the eldest son of Gee, Nac (Rengyan and Lou) the second son, Ror and other tribes younger sons; and Rengyan (Nac) and Wot (Dit) are said to have been twins, as also Bor and Lang, sons of Meat.

Some tribes stand outside this big family. The Jikany tribes 773
have dominant lineages of Dinka origin, descended from Kir, 602
who was found in a gourd by a man of the Ngok Dinka, but, as 619
was earlier explained, they are mythologically related to the Gee group, because Gee is variously represented as the protector or father-in-law of Kir. The GAATGANKIIR have a *buth* relationship with some lineage system of the Ngok Dinka, and there-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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773 fore, in an unprecise political sense, the Jikany and Ngok Dinka tribes have, by analogy, a fraternal relationship. It may safely 602 be assumed that at one time they had close intertribal relations. 619 The GAAWAR clan have also an independent origin, their ancestor having descended from heaven. However, a number of mythological links unite him to the founders of various clans which are dominant in tribes of the Ghaak group (see pp. 230–1), and the Gaawar tribe therefore belongs to this group. Although the Nile now separates it from the other members of the group it was at one time their most northern extension on the west bank. Owing to *bak* relationship between GAAWAR and other clans of the family of clans descended from Kwook, Gaawar are said to go with the people of the Fadang section of the Bor tribe and the Atwot people, who are said to have lived at one time between the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between exogamous clans and of cognatic and mythological ties between clans not considered to be agnates, all the Nuer tribes are by assimilation of political to kinship values conceptualized as a single social system. A number of clans are not associated with tribes, but their lineages are included in this system by the affiliation of the clans to one or other of the large families of clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are descended from Gee and belong to the Gee group; the JIKUL are mythologically attached to the Ril group and the JAKAR to the Ghaak group; and so on. The whole of the Nuer are brought into a single kinship or pseudo-kinship system and all the territorial segments of Nuerland are interconnected by that system.

XIII

619 In our view the unusual degree of genealogical segmentation in the Nuer lineage system is to be understood in terms of tribal 613 structure, which is, as we have seen, characterized by its tendency towards segmentation. The association of the lineage 614 system with the tribal system means that as the tribe splits into segments so will the clan split into segments, and that the lines of cleavage will tend to coincide, for lineages are not corporate groups but are embodied in local communities through which they function structurally. Just as a man is a member of a tribal

2;Evans-Pritchard E-5 (1931,1936) 1951
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662]
121

The role of kinship values in Nuer society must be understood

unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records*, *Uganda Journal*, *Africa*, *African Studies*, *Zeitschrift für Vergleichende Rechtswissenschaft*, *Social Structure*, *African Systems of Kinship and Marriage*, and *Man*, and to the Director of the Rhodes-Livingstone Institute. Much detail omitted in this book is recorded in these articles.

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* A. H. Alban, 'Gwek's Pipe and Pyramid', *S.N. & R.*, 1940; P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', ibid. 1939; P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', ibid. 1945; 'On the Value of Iron among the Nuer', *Man*, 1945; (with B. A. Lewis) 'Nuer Ghouls: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "Nak" among the Nuer', ibid. 1948; F. D. Kingdon, 'The Western Nuer Patrol 1927–8', ibid. 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer *Col Wic*', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer-English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

2:Evans-Pritchard E-5 (1931, 1936) 1951
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are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alinements are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

All the members of such a village or camp as I have briefly described are kin. Before giving examples in illustration of this statement I must say again what I have already said in *The Nuer* about the difference between lineage relations and kin relations because it is a very important difference. In speaking of lineages I refer to unilateral groups of kin—among the Nuer groups of

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agnates—and in speaking of kinship I refer to categories of kin. In speaking of lineage relations I therefore refer to relations between groups within a system of such groups, whereas in speaking of kin, or kinship, relations I refer to relations between persons standing to one another in certain categories of relationship within a system of such categories. It is often difficult for those who have not lived in a society with a lineage structure to appreciate the distinction I have drawn because the relationship between collateral lineages of the same clan is necessarily also one that can be expressed in terms of a kinship category, and it is possible in certain circumstances even to speak of the relation between lineages of different clans in similar terms, for they may wish on occasions to stress a genealogical nexus between themselves, indicating thereby that, for example, the one stand to the other as *gaatnar*, children of the maternal uncle, or as *gaatnac*, children of the paternal aunt. But in these cases it is a relationship between groups that is referred to and not a personal relationship between individuals except in so far as it is derived from the relationship between the groups to which they belong.

As I have explained in *The Nuer*, the lineages of Nuerland are dispersed groups, though in a certain sense they may be regarded as corporate groups in the form they take as political segments in fusion with other elements. They provide the conceptual framework of the political system within which they also function as its organizing principle through the expression of political fission and fusion in terms of their segmentary structure. The identification of lineage segments with tribal segments in a political context is brought about by the acknowledgement that certain clans and their lineages have rights in certain tribal areas and by the residence in those areas of a sufficient number of members of these dominant groups to act as nuclei of local and political groups. It probably never happens that all members of a lineage of any order—maximal, major, minor, or minimal—live in the area associated with it and to which it gives its name, though very many of them may do so.

Because the usual reference to a lineage is in a political context it is generally spoken of as the *cieng* of such-and-such a people (the name of the lineage being given), for, like the word *gol*, *cieng* has always a residential, and not an exclusive descent, connotation. When reference is made to a lineage in a context in which it is

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601 613 614 desired to particularize it as an exclusive descent group, a group of agnatic kin descended from a common ancestor. Nuer use the expressions *thok dwiel* or *thok mac*, literally the doorway to a hut or the hearth, to denote it; but these expressions are little used because abstraction of a lineage from its social and political matrix has only rarely to be made: on certain ritual occasions and in connexion with feuds and rules of exogamy.

601 602 The distinction between an agnatic lineage relation and an agnatic kinship relation is clearly made by Nuer themselves, from whom indeed I learnt it. They use the word *buth* to describe agnatic kinship between collateral lineages, that is to say, kinship between groups and between individuals only in virtue of their membership of these groups. On the other hand, they use the word *mar* to describe any and every relationship of a kinship kind between persons. All persons with whom a man acknowledges any kind of kinship, through however many other persons, are *mar*, kin, to him. People say of him and of any such person '*teke mar*', 'they have kinship'; and he speaks of any or all of his relations as '*jimaride*', 'my kinsmen'. The term *mar* includes relatives through the mother, the maternal kin, and through the father, the paternal kin. This is the meaning the word has when used by Nuer collectively and without restrictive qualification. Its sphere of reference is indicative of the balance we find in social life generally between the paternal kin and the maternal kin, a balance evident in the configurations of kin in local communities which I am about to describe. Nuer also sometimes use *mar* when speaking of affinal relations, especially when they are long established. In a broad sense they also are kin in the eyes of Nuer, just as in our own society we include our affines in the category of relatives.

Where there is a *buth* relationship between lineages there must also, in one way of speaking, be *mar* between the members of one and the members of the other, for the relationship between collateral lineages is agnatic and the members of the one must therefore be patrilineal kin to the members of the other. The question therefore arises: at what point in the spread of an agnatic line, conceived of as a number of living patrilineal kinsmen, does interpersonal *mar* relationship become the inter-group relationship Nuer call *buth* so that these kinsmen divide into segmentary descent groups or lineages? The question may be put in another way: how many generations back do Nuer trace patrilineal ascent

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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thok*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached. [598] [613]

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the lineage system where the Nuer begin to speak of collectivities of agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, that is, they are 'strangers'. I omit further discussion about the 602 613 [597] [609] 000

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inter-relations of collateral linkages because they do not here directly concern us.

III

Having made what preliminary explanations seemed to be necessary, I record some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *mar*, kin, to one another: any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind —real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

The village of Konye is on a site on the left bank of the Piber and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and attached homesteads was eighty to a hundred souls. I spent only a few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

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the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye. 124

The chief man of the village is Rue-Wor (homestead 9)[1] and his son Deng-Rue (homestead 11)[1] is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*ruel*) and not as an aristocrat (*dol*) in the Lou tribal territory where he resides, is the *rut*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruei nor*, an expression which appears to mean 'spirit of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village. 621

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community. 621 602 601

It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships,

[1] [cf. ant. ch., p. (10) -- another]

2:Evans-Pritchard E-5 (1931,1936) 1951
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621 and I must here say again that although *mar* is properly kin-
602 ship traced through father or mother, long-standing affinal re-
601 lationships count in Nuer eyes as being equal to kinship, being a kind of kinship through the children of marriage unions, especially when the affinal relatives live together, as so many of them do at Konye. As a Nuer at another village, Kurmayom on the Sobat river, put it: 'Well, you have seen my home and the people who live here; are they not the husbands of my sisters? Well, all our cattle are exhausted from giving them to our brothers-in-law. They are our people and form part of our community (*ciang*) Nyabor. Their children are known by the names of their mothers while they remain in our village. If they go to the homes of their fathers they will be known by the names of their fathers'. Affines may therefore be regarded in a general social sense as *mar* and we may speak of Konye community as a cluster of kin.

[101] My second example is the village of Nyueny in the Leek tribal territory of western Nuerland. I spent five weeks there in 1936. The village is spread along the arc of a sandy ridge for about a mile and a half. It comprises three hamlets, Nyueny, Dakyil, and Kamthiang, and about a mile to the north of it lies the hamlet of Dhorpan, the occupants of which used to form part of the main village. In 1936 the population of Nyueny was reckoned to be about 130 souls, distributed in twenty-six homesteads. As I had already recorded the genealogical pattern of other Nuer villages and camps I did not aim at drawing up a complete genealogy for Nyueny, but rather at a survey of domestic unions. Consequently the kinship links between the owners of four homesteads (numbers 1, 5, 22, and 26) and other persons in the village cannot be stated. This merely means that the relationship did not emerge from an inquiry conducted to other ends than their discovery, for links of some kind may confidently be assumed to exist. It should also be pointed out that there are other connexions between some of the persons whose names are shown on the chart which are not indicated there, though they are recorded elsewhere,* and there may be others unknown to me. Only persons significant for the present discussion are tabled, and I have simplified the presentation by treating ghost-marriages as though they were simple legal marriages.

* 'Some Aspects of Marriage and the Family among the Nuer', *Rhodes-Livingstone Paper* No. 11, 1945, pp. 29 ff.
[cf. op. cit. 116, p. (13) -- Analysis]

2;Evans-Pritchard E-5 (1931, 1936) 1951
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621 The village site belongs to the Riaagh lineage of the Kennyang
613 maximal lineage of the Gaathol clan, the dominant clan in Lock
614 tribal area of which Karlual area, where Nyueny is situated, is a
section. Members of that lineage with their wives and concubines
602 and their affines account for ten out of the twenty-six homesteads.
The people of Nyueny hamlet, the central and northern parts
of the village, are known as 'the children of Jany', and Jany's
descendants with their wives and concubines and affines account
for another ten homesteads. The children of Jany', whose *tut* is
Karlual (homestead 9), count collectively as *gaatwac*, children of
the paternal aunt, or, as Nuer often put it, *gaatnyiet*, children
of daughters, to the Riaagh lineage, whom they call *gaatnar*,
children of the maternal uncle. The senior Riaagh men are the
'bulls' of the village in the tribal sense of the word *tut*.

621 It will again be observed that the village is not an exclusive
602 lineage group (with its wives) but is a cluster of kin (including
affines). In this case, however, there is a lineage core to the village
community, and this core is that branch of the dominant clan of
the tribe which owns the village site. Some members of its col-
lateral minimal lineage, the Gom, also live in the village. I draw
attention to further typical features. We saw that at Konye many
of the heads of families were living there because of affinal
relationships with other members of the village. The counter-
part to this is the relationship of sister's son to mother's brother,
for when the children of a resident sister or daughter grow up in
a village those who stand in an affinal relationship to their father
stand in an avuncular relationship to them. This is a very signi-
ficant feature of Nuer local communities and from it follows
another common feature: in course of time a maternal link of this
kind may be treated as though it were a paternal link and there-
fore within the genealogical structure of the principal lineage of
the community. Jany's mother Duai is so treated. Nuer say of a
woman who has this structural position that 'she has become a
man'. Cognation becomes regarded for ordinary social purposes
[591] within community life as equal to agnation. A sister's son–
mother's brother relationship may come about in a village not
by a man going to live with his wife's people but by widows
bringing their children to live with their own people after their
husbands have died, a mode of residence which in certain cir-
cumstances may continue after the deaths of the mothers. This
[Cf. oct. 116, p. (13) -- Analyst]

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is illustrated at Nyueny by the daughters of Jany. The widows may take lovers in the village, or they may take them from a different village and their lovers come to live with them. This custom is another feature of interest, for some ties between members of a village may be through widow-concubines, or even through unmarried concubines. Any such ties are *mar*, kinship. 621 602

Allowing for the fact I have mentioned, that when people live together as members of the same small local community female links are often given equivalence to male links in a genealogy, a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system. Seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant. 621 602 613

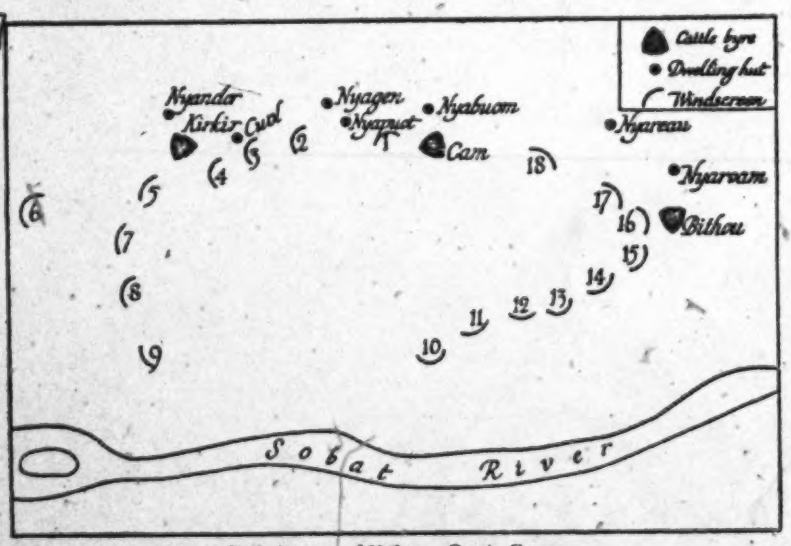
I now examine the kinship texture of a cattle camp at which I resided for close on three months in 1931. Yakwac is a small mound on the left bank of the Sobat. Like Nyueny, it is on the periphery of Nuerland where the Lou tribe faces the small Balak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers. [101] 361

Yakwac village consists—I speak of 1931—of only three byres and a few attached huts. The chief man of the village is Cam-Carau, who owns one of the byres, the other two being owned by Bithou, his brother, and Kirkir, a kinsman of his mother. The real 'bull' of the village is, however, Cam's mother, Nyagen, and the 621 602

[cf. cat. 116, p. (16) -- Analyst]

621 village is often spoken of as *cieng* Nyagen. She has what amounts
602 to the honorary status of a man, not only on account of her age and kinship status, but also, and principally, because she is a Lou
[565] aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's

[361]



Sketch-map of Yakwac Cattle Camp

cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Pual, the community (of the descendants) of Puol, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyerol district. This minor lineage has four branches—the minimal lineages of Diel, Malual, Kwoth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

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621 The entire population of Majok was not at Yakwac in 1931, for
602 many of its members, including most of the womenfolk, had
601 remained inland and some families spent the dry season at other camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

621 A study of the genealogy of Yakwac cattle camp reveals the
613 features we have already noted as being significant in the gene-
601 alogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

613 I have indicated Dinka origins,[1] where I have satisfactory evi-
601 dence for them, partly to show the very considerable absorption
597 [1] [cf. facing pp. 19 (a)–(c) — Analyst]

2:Evans-Pritchard E-5 (1931,1936) 1951
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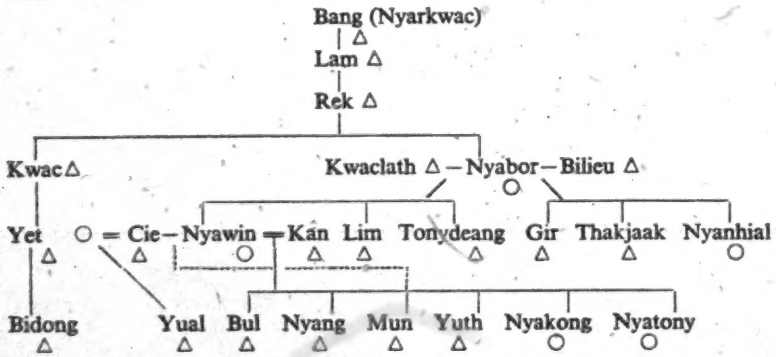
who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*, Dinka, the whole forming a *cieng*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gaatbal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe. 621 613

My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life. 621 602 601

I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*cieng*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimatized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwaclath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being [101]

621 a man of this clan. One of these children, the girl Nyawin, married
● 602 Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong,
601 and Nyatony before he died. She continued to live in his home after his death and there took a lover, a man of the Ngok Dinka called Cie, to whom she bore Bul, Nyang, and Mun. These three sons count, of course, as children of Kan-Kwoth. The Dinka Cie then, at the behest of Nyawin and her sons, took a wife to himself with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual was therefore not only a natural paternal half-brother of Bul, Nyang, and Mun but also their brother in a further sense, for he was *gat ghokien*, the child of their cattle. I was told that he had also been formally adopted by Bul into his lineage. Mun had died before 1931, and Bul and Nyang were already elderly men whose sons and daughters had homes and herds and children of their own.

[613]



It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *cieng* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwaclath. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 The kinship relations of persons to one another in a Nuer com-
602 munity are, I think it will be agreed, very complex. Indeed they

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are more complex than I have shown them to be so far, as will appear when the forms of domestic union obtaining among the Nuer are described. The complexity is partly due to these diverse forms of marriage, and also to the python-like assimilation by the Nuer of vast numbers of Dinka through adoption or intermarriage. 621 602●

However, certain preliminary conclusions of a general kind can be drawn from the few genealogies—only a fraction of those collected—I have cited as examples. A Nuer community, whether small or big, is not composed exclusively of members of a single lineage and their wives or, correspondingly, not all members of a lineage live in the same community. On the other hand, in any large village or camp there is represented an agnatic lineage of one or other order and into the growth of this lineage are grafted, through the tracing of descent through females, branches which are regarded in certain situations and in a certain sense as part of it and in other situations and in a different sense as not part of it. Other lines and persons are grafted into the lineage by adoption, but this can only happen to Dinka and other foreigners, not to men of true Nuer origin. Attached to the lineage, directly or indirectly, are also a considerable number of affines of diverse kinds. 621 613

In their collective relations with other communities, and as seen collectively by the members of these communities, there is a fusion of the attached elements with the lineage. They are incorporated in it, and the resultant whole is spoken of as the *cieng* or *wec*, community, of the lineage, which is both its core and the symbol of its social identity as a unit in the tribal system. But within the community itself there are occasions when a formal distinction between the lineage and its incorporated elements has to be made and the status of its members has to be defined to the exclusion of the *rul*, strangers: the *gaatnyiet*, the children of daughters (of the lineage), and the affines. 621 613 602

In daily contacts between persons within the community their relations are expressed not in the language of lineage structure but in the language of the kinship system by reference to categories of kinship within that system. Thus men of the same minimal lineage have only an undifferentiated lineage relationship on such occasions as the lineage acts or is thought of as a group. Otherwise, and as persons, their relationship to one another is one of *gwanlen*,

2:Evans-Pritchard E-5 (1931,1936) 1951
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621 613 father's brother, *gatgwanlen*, father's brother's son, *wac*, father's 602 sister, and so on.

613 602 Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

621 602 As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jicieng* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jimarida*', 'my kin', has quite a different connotation: it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

597 563 613 The absorption of Dinka into these communities of kin on so considerable a scale has been significant. As I have pointed out in *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

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CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure.

This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy.

It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the

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585 The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

III

583 Like many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of the series of ceremonial acts I have just described. These ceremonies and payments of cattle proceed *pari passu* as inter-connected movements towards the completion of the union. It should be remembered that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

I first describe the principles on which bridewealth is paid. These can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its ideal distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also.

583 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the

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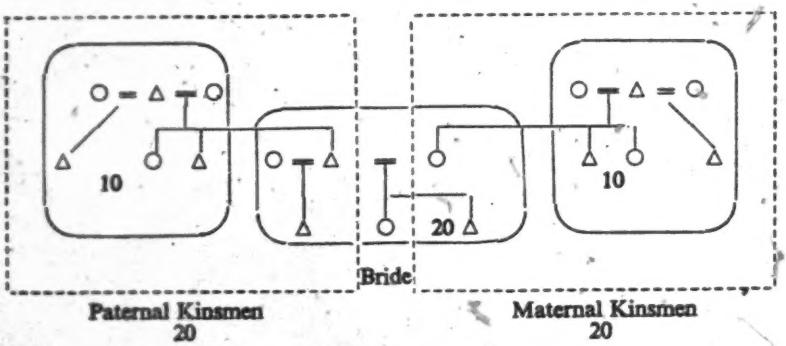
bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of parenthood. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in the diagram below, in which these distributions are shown, that the bride's mother's sons count as maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in



terms of individual relationships and, when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	*Total*
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf	8
Gat gwan (father's son)	A cow, and another cow	2
Gwanlen (indit) kwi mane or *kwi dwiel* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
Gwanlen kwi gwane or *kwi luak* (father's brother by a different mother)	A cow and its calf, and an ox	3
Gwanlen (intot) kwi mane or *kwi dwiel* (father's younger brother by the same mother)	A cow, and an ox	2
Wac (father's sister)	A heifer	1
		20

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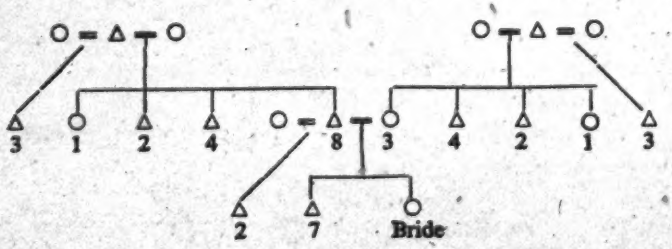
KWI MAN (on the maternal side)	*Cattle*	*Total*
Man (mother)	A cow and its calf and a heifer	3
Deman (brother by the same mother)	An ox, another ox, a cow, another cow, a cow and its calf, and another cow	7
Nar (*indit*) *kwi mane* or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nar kwi gwane or *kwi luak* (mother's brother by a different mother)	A cow and its calf, and an ox	3
Nar (*intot*) *kwi mane* or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer	1
		20

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer, when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: '*Manlen a cuong*', 'The maternal aunt has a right'; '*Wac a cuong*', 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated below:



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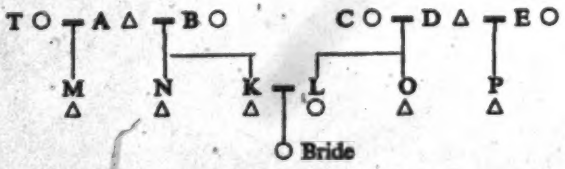
It must be added that the four grandparents of the bride are entitled each to a cow, called *wangnen*, in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, sons inherit the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaatgwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaatwac* (father's sister's sons), and so forth. But whereas cattle must be paid, whatever may be the circumstances, to the names of these kinsmen, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in the diagram below, A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later, these cattle of the grandparents are not paid in addition to the forty already listed.



Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's kinship to certain of her kinsfolk, but is also an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is not only an expression of the relationship between a father's brother and his brother's daughter, but also of that between brother and brother. A man marries from the

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583 family herd in which his brothers have equal rights with himself,
602 and his wife is, as the brothers say, 'our wife', because she was married with 'our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'our children' since they are 'children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are not only an expression of the relationship between a mother's brother and his sister's daughter, but also of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father, and that the part of her bridewealth paid to them is to some extent considered as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles,

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or as future maternal uncles, and youths regard them as policies 583
which will fall due in the future and enable them to marry wives 602
themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaatmian*) and sons of the father (*gaatgwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel* on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications. The statement of the ideal distribution thus assumes polygamous families.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sister's bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does

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583 602 not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. If there is only one widow this is likely to happen, but when there are several widows the family often breaks up, the widows going with their children to live in different places, and the herd may in course of time become scattered. Eventually the family, especially the composite or polygamous family, ceases to have corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages, and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers.

In reckoning the cattle which have to be transferred Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. Whatever else the bride's family and kin get, they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwane*, the cows of the paternal grandparents.
   wangnen mane, the cows of the maternal grandparents.
2. *yang gwane kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   yang mane kene doude, the cow of the mother with its calf.
3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
   yang nara kene doude, kene thakde, ke puangde, the cow

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of the maternal uncle with its calf, and his ox, and his *puang* (ox).

4. *dou* (*nac*) *waca*, the calf (heifer) of the paternal aunt.
   dou (*nac*) *manlene*, the cow (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
   yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
   thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any one of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' In actual payments of bridewealth the fact that the kin of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds. If one of them is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion-spirit and a brindled cow for the crocodile-spirit. A cow so dedicated to a spirit must remain in the kraal of the parents, and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact, just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different

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583 spirit both must be honoured by having a cow of the bride-
602 cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it. Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father.

The maternal side of the family have a prior claim to consideration in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, but the maternal relatives are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round.

583 In marriages today the actual payments and distributions of
602 cattle to definite persons, as distinct from the ideal allotment of
178 fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which, apart from the relative desire of both parties to bring about the union, are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants and the shares allotted to them in other marriages, and the configuration of the bride's family.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. In recent years the herds have diminished through rinderpest, and raids on Dinka stock, the

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traditional means of recuperation, are prevented by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland, and it would today in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30. It has been mentioned that there are a number of relationships with basic rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims, the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know who are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

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It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are claims on the bride's father as much as on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known

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to the bride's people. The spokesman for the bridegroom says, for example, that they have a brindled cow and its calf in such-and-such a kraal, and the spokesman for the family replies that these will be the cow of the mother and its calf. The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have agreed among themselves which particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put forward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed on one side or parsimony on the other, but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to pay the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never paid. If the husband has cattle and his wife's brothers want to marry, they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been paid before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a brother tries to obtain the remainder of his sister's bridewealth before this happens. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had

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been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage, but 'the cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt, she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts, they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due, and, at the same time, admit the rights of the others to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, a lineal heir is entitled to the beasts; but a collateral kinsman may not inherit. If there is neither a claimant nor a lineal heir other relatives on that side of the family receive larger shares than they would have expected had there been either. To reach an understanding of any actual distribution it is often necessary to relate it to distributions at other marriages, for, especially today when cattle are scarce, consideration will always be given, in seeking a fair agreement, to rights claimed or forgone in previous, and to expectations in future, marriages of daughters of the family and kin.

Paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with

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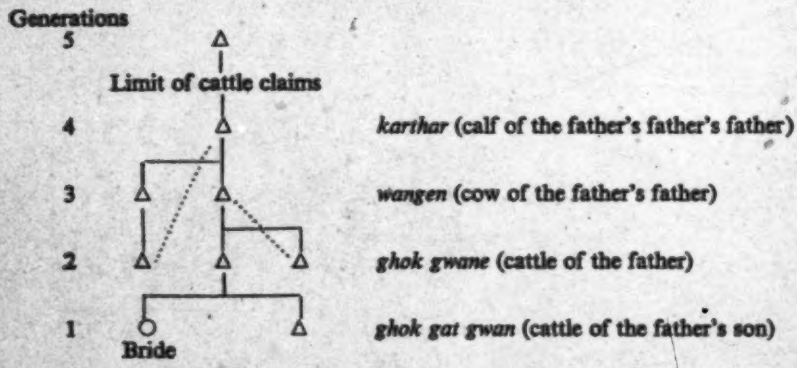
a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle proper and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as a sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift, and it will not be refused. This privilege, which is not widely exercised, includes also natural and affinal kin. I have seen a bride's maternal uncle's natural (not legal) son and a bride's paternal uncle's wife's brother demand, and given, spears at marriages. The master of ceremonies of the bride's family is always given a calf, sheep, or goat, known as 'the cow of the spear' (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. At this point it need only be said that distribution on the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We

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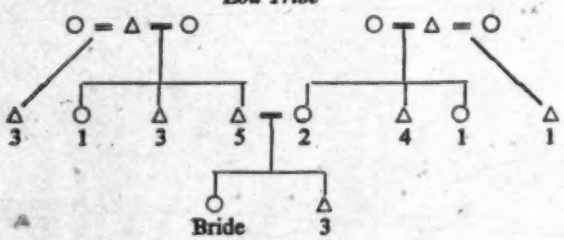
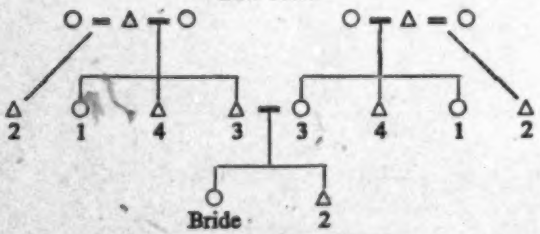
need only note further that when the genitor of the bride is a different person from her pater, as is often the case among the Nuer, he has a right to a cow, 'the cow of the begetting', and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive. 583 602

I conclude this section on bridewealth with three illustrations of actual payments and distributions at the present time. The first is from the Lou tribe of eastern Nuerland, the second from the Dok tribe of western Nuerland, and the third from the Leek tribe of western Nuerland.

Lou Tribe



Dok Tribe



It will be observed from these two examples that in spite of smaller payments today the balance of distribution between paternal and maternal relatives is preserved. It will be noted also that smaller bridewealth does not mean that the rights of the family take precedence over those of the extra-family kinsmen. On the contrary, the family bear the greater proportional loss. In the Lou marriage the family received only 10 out of 23 beasts and in the Dok marriage only 8 out of 22 (the calf received by the master of ceremonies in each case not being included in the reckoning). The uncles and aunts must always be satisfied and their claims settled first, so that if there is to be a loss or debt the family must

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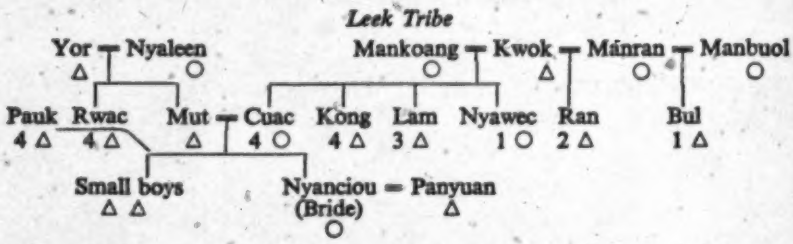
583 bear it. This conclusion was borne out by records of payments in
602 other marriages.

I now examine in greater detail a payment of 23 beasts in a marriage in the Leek tribe to show the kind of considerations which affect distribution of bridewealth in particular marriages. At the time of my inquiries the marriage had been consummated but a child had not been born.



Pauk, the biological father of the bride, received three beasts in addition to 'the cow of the begetting'. There were two reasons for this generosity: he had brought the bride up from birth, and he was living with her mother and kept his cattle with hers. He was, in fact, acting as husband and father in the bride's family, and since he had no family of his own the bride's small brothers (not named in the chart) were regarded as his heirs. He had begotten them also. So the family received in fact eight beasts and not just the four shown in the chart, which, the father being dead, were allocated to the names of father and mother jointly. It was agreed also that the bride's eldest brother should receive a cow (not listed in the chart) before the eldest son of Nyanciou's marriage to Panyuan is initiated. Rwac, the bride's paternal uncle, received in addition to the three animals held to be the right of the paternal uncle in the discussions preceding the marriage a fourth beast, the cow of the paternal aunt, since there was no one standing in this relationship to the bride. This was not an inherited right but a device for ensuring that the father's side to the marriage received their fair quota of cattle. Such adjustments are common in division of bridewealth. In other respects distribution on this occasion was normal and requires no further comment.

It may be noted, however, that though the allocation of cattle was as I have just stated it the full brothers of the bride's mother had not yet received their shares of the bridewealth. The reason for this was that the bride was not living with her paternal kinsmen,

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who took little interest in her, but she and her mother were living in the village of her maternal kinsmen, from which she was married. The paternal kinsmen therefore in this instance received the cattle immediately available for distribution. Had the bride been living with her paternal kin the maternal uncles would not have been so accommodating. It may further be noted that whereas the maternal half-uncles had received their share of the cattle, the senior maternal full uncle had received up to the time when my inquiries were made none of the animals promised to him and the junior maternal full uncle was still owed a heifer. The maternal half-uncles had to be given their shares first because if any debt is incurred it must be borne by those primarily responsible for the marriage agreement and chiefly in control of its arrangements, in this case the bride's full maternal uncles in whose village she was living. The single example I have given will, I hope, be sufficient to show how various circumstances may influence any actual distribution of bridewealth.

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IV

In the account I have given of bridewealth it was brought out that there are two connected, but separate, movements in its transfer: the payment by the bridegroom's kin to the bride's kin, and the further division of the cattle among the bride's relations. I feel that it would be profitable here to make some further comments on the first movement in order to elucidate the general functions of bridewealth in Nuer society.

It is no longer necessary to show that the African payment of bridewealth is not a purchase. But to say that it is not price or purchase is not to say that the objects handed over have no significance outside the particular purpose they serve in bringing about a union. Cattle for Nuer are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk-gourds and butter-gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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583 It is for this reason that Nuer found it difficult to understand
602 what I meant when I told them that among my people we marry without paying bridewealth: 'It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother full?' Of the neighbouring Anuak people, who marry with beads and spears, they say: 'Of what use are these things? Can people live on them?' In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or heifers in-calf so that they may enjoy immediate benefit from the transaction.

Nevertheless, Nuer men show greater interest in the bridewealth character of cattle than in their nutritive qualities. It is not that having great nutritive value they acquire through it a general social value, become a standard of worth, and are therefore employed in ritual, for indemnification of injury, and as a means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life, because a wife means to him his own home and that he becomes a link in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a common-sense inference that payment of bridewealth has a stabilizing action in marriage. If the wife leaves her husband the cattle will have to be returned, and as it would be always unpleasant, and often difficult, to return them it might be supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: 'But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle.' It must be remembered that not only have the cattle to be returned but their calves also—I have known a divorce in which one of the bridewealth cows

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had to be returned with no less than eight calves—and as these may have been widely dispersed much altercation may ensue. Indeed, one of the earliest British officers in Nuerland wrote that 'the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles'.* Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

Nevertheless, it can only be accepted that payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce. The marriage tie is severed by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned, except 'the cow (ox) of the hairs and the cow of the skirts',† unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle, which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of 'the hairs and the skirts', are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand, they may leave all their cattle with the wife's family and kin and maintain thereby their rights in any children she may 'bear in the bush', that is, by lovers. She is then not divorced, but is only separated, from her husband, and she cannot remarry.

I was told that if a wife dies after having borne two children no cattle are returned, it being held that 'cattle which have children

* Bimbashi H. Gordon, *Sudan Intelligence Reports*, June 1903, No. 107.

† According to my own information these two animals are always retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. H. C. Jackson (*Sudan Notes and Records*, vol. vi, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

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on their backs cannot be returned'. Nuer said that should a wife leave her husband after having borne two children the cattle would remain with her kinsmen and any children she might bear by other men would be claimed by her husband's people. She is still married to him though she lives as concubine to another man. They said that the husband's people would generally be content with this arrangement but, whether content or not, it would be useless for them to ask for return of their cattle and the progeny of these cattle. The wife's people would say to them: 'You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush.'

The rules stated above are principles which are flexibly applied according to the circumstances. In cases of divorce much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation, the husband may claim back everything to which he has a right: cattle, sheep, goats, spears, tobacco, millet, and ornaments, including his wife's bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes, he will not ask for the return of the smaller gifts and the *puoth manthude*, the little gifts with which he honoured his mother-in-law; and if she dies childless he may also leave some of the cattle to which he has a right with her parents in the hope that they will later give him her sister in her place, or just from sympathy. If he leaves any of the cattle, preference will be given to the portions of the spirits and the ghosts.

Another contingency which is taken into consideration is whether the wife is being sent away by her husband for barrenness or bad habits, which is rare, or whether she is leaving him without his consent and, in this case, whether she has adequate grounds for refusing to live with him, such as neglect or cruelty. Whatever the circumstances are, the husband has a right either to his cattle or to the children his wife may bear to other men, but it sometimes happens that whereas he wants his cattle back to marry again, since he cannot have a home without a wife, the wife's people tell him that he is responsible for the separation and must be satisfied with the children. They would not refuse him his children. If they tell him this—and they would not do so unless she had already borne him a child and had lived in his home—he has to accept their decision. There are no courts he can appeal to

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and his kinsmen would be unwilling to support him in resort to force. There is nothing he can do. If his wife has gone back to her parents and they do not want to return his cattle they tell him to come and fetch her. But if she is miserable with him she will only run away again, and this time to some distant part of the country. If he complains to her parents they say that it is no affair of theirs. Let him go and get his wife. In the end he will give her up and claim any children she may bear to lovers. There is always a chance that she will come back to him when he takes charge of her sons. I have never known a case in which a wife's parents have refused to return her husband's cattle after they have married her to another man, and when I asked what would happen were they to try to do so, I was told that the husband's kin would undoubtedly use violence to get back their cattle and, in addition, curse the wife so that either she would become barren or her children die. On the other hand, it sometimes happens that the wife's people promise to return the cattle as soon as they are able to do so but fail to return them all, through procrastination on one pretext or another or prevarication, for they may hide some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community, difficulties of this kind are not likely to arise and, if they do, they can be settled by discussion and compromise. If the two men belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case in all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yika*). During this period, when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. At this stage, therefore, there is no great difficulty about returning

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586 602 the cattle, which are, indeed, kept ready at hand to be returned should the need arise. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give figures, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal negotiations, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of, a case of divorce, or even of separation, after the birth of a second child. My own observations are very limited, but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife is most unlikely to leave her husband's home while he is alive. Were she to do so the cattle would not, in any case, as I have explained, be returned. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

It should be noted that it may happen today that all the cattle in the kraal of the wife's father die of rinderpest shortly after the consummation of the marriage. As we have earlier noted, it is then not incumbent on the husband to replace them, or on his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only return beasts in the place of those which have died after they have transferred them to third parties or which they have butchered. The father-in-law could not in these circumstances break off the marriage and marry his daughter to another man, for the cattle, though dead, are still 'on the wife's back'. When I asked what would happen were he to try to do so, I was told that the husband's kin would claim back their cattle and if necessary use force to obtain them. Should a wife leave her husband in these circumstances the problem of bridewealth would probably be solved by the common Nuer expedient of letting her live as a concubine.

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586 602 I think it is evident, in view of the facts stated above, that the fear of having to repay bridewealth cannot be said to be a very powerful sanction of the marriage union. Nor is there any evidence of which I am aware that would suggest that the greater the number of cattle handed over the more stable the marriage is likely to prove. Indeed, I am prepared to say definitely that the stability of Nuer marriage rests on quite other foundations than payments of bridewealth: affection between the spouses, the good reputation of the husband, mutual goodwill between the families of husband and wife, especially personal friendship between the fathers or between the husband and his wife's brother, and moral and legal norms.

It is generally safe to assume that when a woman lives with her husband it is because she chooses to do so and is happy in her marriage. By the time a girl is fully married to a man she knows him well. Usually he has courted her before asking for her hand, and she must give her consent before his request is granted. She has plenty of time between the betrothal ceremony and the ceremony of consummation in which to withdraw from the marriage should she be reluctant to complete it, and yet more time between the consummation and the birth of a child. I do not say that pressure may not be put on her by her family to accept her husband, but Nuer girls are not easily coerced. Nuer have good grounds for their assumption that a newly-wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As Nuer observe a weaning taboo, this means at least three years after the birth of the first child.

Mutual goodwill between the families is also a necessary condition of a successful marriage. Marriage is not only a conjugal relationship but also a set of affinal relations, and it can be stable only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what Nuer regard as a good husband but also to be a polite and helpful son-in-law and his wife's family try to act correctly towards him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by

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586 approbation and censure, which give stability to marriage and
602 security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 Conjugal and affinal relations are personal relationships which
602 require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *ruagh*, in-law relation-
583 ship, becomes *mar*, kinship. Bridewealth payments may therefore
602 be viewed as a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

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the next rite, and through it greater security. When the bride's 583
people consent to hold the next ceremony they express by so doing 602
their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As Nuer see it, these payments continue long after the marriage is fully established in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

Bridewealth has so far been viewed as a means of organizing 583
personal relations between the husband and his people on one side 602
and the wife and her people on the other side. It has also a more 613
general structural function. When a woman is married she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights in her, and his unmarried brothers may benefit from her labour as much as he does. The husband's exclusive marital privilege is recognized in the acknowledgement that he may claim damages for adultery. He has, of course, also rights in any children she may bear, but the children are not only his. They are children of his lineage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performance of them and in the acceptance that he may correct her should she neglect them.

For the loss of their daughter, or rather of her children, her lineage receive cattle which enable them to obtain a wife from a third lineage to bear them children. When the daughters of these wives are married, the cattle received for them enter the kraals of the lineages to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed among the kinsmen of the bride's father and mother, but this is corrected by the fact that the cattle the father and paternal uncles do not receive on the marriage of their daughter come to them through other marriages in which they stand to the bride in other relationships. Hence it is that Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example,

583 that '*cieng* Pual have married a wife', or that '*cieng* Dumien have
602 given their daughter in marriage'.
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To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange
583 of a daughter for a wife. Bridewealth may be fruitfully compared
681 from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural per-
613 spective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimatized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

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607 is dead he treats her eldest daughter with reserve, for she has then taken her mother's place: 'she has placed the food on the fire' (at her mother's mortuary ceremony). A man and his wife's sister's husband, whom he calls *warombaida*, may be on intimate terms.

602 It is only when the bride is still a maiden that the father and uncles and brothers of the bridegroom are reserved with his parents-in-law. After the marriage is consummated only the husband's father or, if the father is dead, his eldest brother will respect his parents-in-law and only to a small extent, not usually with regard to nakedness and food. Nevertheless, it is customary for the father of the bridegroom to give the father of the bride a spear or goat, and for the father of the bride to make him a similar gift, to enable the two men to eat in one another's homes without shame. A husband's younger brothers do not in any way respect his in-laws and they eat and go naked in their homesteads. On the other hand, it is customary, at any rate in the Lou tribal area, for the youth who acted as the husband's best man in the marriage ceremonies to respect his in-laws till they give him a goat to break down his reserve.

606 Obviously a wife is in a different position *vis-à-vis* her husband's people from that of a husband *vis-à-vis* his wife's people. Nevertheless, while avoidance is impracticable, she treats her parents-in-law with great respect, and in the early days of her marriage she keeps herself apart from them as much as domestic requirements permit. She cannot eat with her mother-in-law, and this prohibition may continue for some years after the birth of her first child. She cannot eat in her husband's home at all before the birth of her first child, and even after this event, when she has come to live with him, she ought not to see him eat or be seen eating by him. However, the inconvenience of this prohibition is evident, and soon after she has taken up residence in her husband's home it will be arranged that her husband enters as though by accident a hut in which she is eating. After this it is no longer shameful for husband and wife to see one another eating, and though the wife is at first shy, she will eventually share her husband's meal when
607 they are alone. Before the birth of her first child a woman respects her husband's sisters and will not eat out of the same dish with them. After the birth of a child she can be on free and easy terms with them, though personal difficulties sometimes make for reserve. Should the mother be dead, her eldest daughter tends to

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601 on her lips, but then it means the people of her husband's home, for they have become her people, and she now identifies herself with them and not with her father's people. She uses in speaking to her husband's kin the same terms of address as he uses.

•602 613 When a woman joins her husband she comes under the protection of his lineage spirits and ancestral ghosts, and when she builds a mud windscreen they are summoned by her husband's father to come and abide there. On the day she constructs it her father-in-law pours over it beer and butter and utters some of the pious formulae spoken on such occasions. When beer is brewed the wife pours a little at the side of the windscreen, and a sacrificial goat or sheep is often tethered there for the ghosts to see it before it is killed. When the woman who owns the hut has a grandchild, a *gatnyade*, a son of her daughter, she sends for the boy to come and break down her windscreen and sacrifice a goat. Since a wife is accepted by the ghosts and spirits of her husband's lineage, she may perform ritual for that lineage in which invocation of its ghosts and spirits forms part.

But though a woman joins her husband's group and becomes part of it, she never entirely ceases to belong to her own family and lineage, under the protection of whose ghosts and spirits she remains. If she is ill treated by her husband she will ask her father and uncles and brothers to help her. On the other hand, should she in a quarrel with her husband disfigure him—knock a tooth out, for example—her father must pay him compensation. I have myself on two occasions seen a father pay a heifer to his son-in-law to atone for insults hurled at the husband's head by his wife when irritated by accusations of adultery.

602 I have given a short account of the conventional attitudes and patterns of behaviour Nuer regard as proper between relations-in-law. I repeat that for Nuer the relationships which contain these attitudes and patterns change in course of time into a kind of kin-relationship through the children to the marriage, and they might then perhaps be best described as kinship-in-law.

VI

601 So far I have been speaking about normal matrimony, the usual domestic union in Nuer society. There are, however, other forms of domestic union among the Nuer of which I now give an account.

I presented in Chapter I some genealogical tables to illustrate

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583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimatized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and
[611] the birth of her children, or is a man or a woman. Hence it follows that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all
602 have the same pater. It is the fertility of the womb which a lineage
613 receives by payment of bridewealth. All children born of that
581 womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and leviratic marriage raise up seed to their kinsmen subordinates the

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exclusive interests of the family to those of the wider circles of the paternal kin and of the lineage. The prevalence of widow-concubinage and simple concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions.

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476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer 574 eat so much in each other's byres and windscreens that, as far as the 621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

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to the peculiar position in each elementary family of the eldest 593
child.* The eldest child of either sex is known as *gat ma keagh* and [601]
the mother may address him (or her) as *keaghda*, my first-born.
This child must never use the spoon of his father or mother, and I
have sometimes been given to understand that this is one of the [603]
reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose.
When an eldest male child is initiated an extra incision is made, at [821]
any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not
regarded as complete. He is also the link through which the kin of [602]
the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

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CHAPTER V

KINSHIP

I

•612 A MAN's kin are those persons with whom he is genealogically connected through his father and mother. This does not mean that kin relationships are merely an extension of relationships within the family. The kinship system exists in its own right, and a child who is born into a family is born at the same time into a kinship system. Nor does it mean that kin relationships are of the same order as family relationships. They are not—certainly to a Nuer. To him, his father and mother and brothers and sisters are not *mar*, kin, and he does not speak of them as such. They are members of his *gol*, his family, the intimate circle which he sees as something quite distinct from kin, just as we do when we say that someone is a relative and not a member of the family or that another is almost one of the family.

I have said earlier that anyone to whom a man can trace relationship of any kind, or to whom he merely knows that he stands in a certain category of relationship without knowing its degree, is in the wide sense of the Nuer term *mar*, kin to him. I have shown that this means in fact that everybody in his village and those with whom he has dealings outside it are either true kin or are in one way or another treated as such.

Kinship categories are limited in number and they have a definite arrangement to any person. It is not merely that the anthropologist perceives that they have a pattern. The Nuer himself perceives it and can describe it without reference to any particular person, or as an abstract system. Also, when the pattern is enunciated in behaviour and there is no one to fill one of the roles, it is recognized that the actual configuration does not correspond to the ideal configuration, and that it should be made to conform to it by substitution, if this is possible.

In the arrangement of categories, and in the attention paid to them, there is a recognized balance between the kin on the father's side and the kin on the mother's side, and this balance is emphasized on certain formal occasions, above all in the notation of

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bridewealth rights when a marriage is being discussed. When a girl is married the bridewealth is, as we have seen, distributed among the following categories of kin: *gwanlen*, father's brother, *wac*, father's sister, *nar*, mother's brother, *manlen*, mother's sister, *gwandong*, father's father and mother's father, and *mandong*, father's mother and mother's mother. When a man is killed and cattle are paid in compensation, the cattle which are not reserved for marrying a wife to the name of the dead man are divided among the kin on the same principle as obtains for division of bridewealth. When an elephant is killed its tusks, or the cattle obtained for them by exchange, are divided among persons standing in the same set of relationships to the slayers of it. I believe also that when in the old days large numbers of cattle were taken on raids on the Dinka they were similarly divided among the kin of their captor. Though shares in these situations are the *cuong*, right, of the categories of kin I have mentioned, one cannot in any particular instance know for certain to which person a share will go because there may be more than one person standing in a certain category of relationship to a bride, a slain man, a killer of an elephant, or a raider of cattle; or the person to whom it would have gone had he been alive is dead and his right is inherited by his sons. But the right of the relationship is an absolute right. Bridewealth rights, in particular, are the most rigidly formulated of all the privileges of kinship. A man may neglect, elude, or defy the more fluid customary duties to kin without severing the bonds of kinship or even without seriously weakening them, but refusal to give a man the bridewealth cattle to which he is entitled is a total breach of kinship. It is not merely that those who refuse a man his right in this matter would be refused their rights by him when his daughters were married. The refusal cuts a man off from his kin altogether.

These categories of kin are again clearly defined by their representation in the distribution of sacrificial meat at weddings and other important feasts among the family and kin. There are variations in the allocations in different parts of Nuerland, but the same kin are everywhere represented in the distribution. The ideal distribution is usually cited in pairs of relationships in the same manner as the ideal distribution of bridewealth, bloodwealth, and elephant tusks is described: 'The right hindleg is the right of the father's brother and the left hindleg is the right of the

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602 mother's brother; the right foreleg is the right of the father's sister and the left foreleg is the right of the mother's sister'; and so forth. In the case of the uncles the allocations are further distinguished by defining whether the recipients are full or paternal half-brothers of father and mother. Some of the kinsmen who have a right to meat may be dead or absent, and it then goes to an heir or to someone standing in the same kinship category as the missing person. On the other hand, there may be several persons of the same category present, in which case the joint is divided among them. The joints may be described by reference to the relationships which have rights in them. On these occasions some of the meat given to a kinsman as his right may be eaten by him and his age-mates together, since a man's age-mates may have secondary rights in it. Representatives of collateral lineages, the *jibuthni*, also have rights in sacrificial meat. When beer is provided on certain ceremonial occasions it is distributed in the same manner as sacrificial meat among the kin on the father's side and the kin on the mother's side, and here again the recipients may share their pots with their age-mates.

Another situation in which the categories of kinship are ceremonially defined is the bringing of gifts at certain sacrifices, particularly those performed when a person has been killed by lightning, at mortuary ceremonies, when a man honours his dead father, and after the birth of twins. I have recorded some of these ceremonies elsewhere.* In describing what happens at a sacrifice in honour of a dead father a Nuer said: 'All your kinsmen are summoned on the day of sacrifice—the sons of your mother's sisters and the sons of your father's sisters, the sons of your mother's brothers and the sons of your father's brothers. Each brings beer to the sacrifice.' This way of speaking of the ceremonial functions of kin is almost a descriptive formula for the several rites I have just mentioned.

Apart from such formal definitions, Nuer speak of their close kinsfolk as their real (*pany*) kin as distinct from more distant kin. 'They are your real kinsfolk, they are the people who help you.' In spite of all disputes and shortcomings, a man's kin assist him in trouble. They help him in the more laborious tasks of his home.

* 'Customs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936; 'The Nuer *Col Wic*', *Man*, 1949; and 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949.

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They give him support by their presence at his rites. They nurse him when he is sick. They give him food when he or his children are hungry. They assist him to marry, often beyond their obligations, when he is poor, and in certain circumstances others besides those normally asked to contribute cattle will do so: for example, a man's sister's son or a widow-concubine with whom he is living. His kin rush to a man's assistance when he is in danger, the strength of kinship ties being very noticeable when quarrels break out, as they so frequently do in Nuerland, at dances. A man in difficulties then shouts for his kin and they rush to aid him without consideration of how the quarrel may have come about or who might be responsible for it, for he is a father's brother's son, a sister's son, a father's sister's son, or whatever it may be. Consequently those who attack a man must be ready to reckon with his kin also, and a man who cuts himself off from his kin faces disaster. If kinsmen find themselves facing one another in intercommunity fights they move to different positions in the lines to avoid having to fight each other.

It is true that it is particularly the duty of his paternal kin to help a man. It is their duty to avenge him if he is killed. They must hold a mortuary ceremony for his ghost when he dies. They must marry a wife to his name if he dies without male heirs. But if he has no close paternal kin, the kin among whom he has lived may perform these duties towards him. To break kinship (*dakene mar*) with the paternal kin is the worst of misfortunes. The man who does this can no longer claim rights in bridewealth or bloodwealth or sacrificial animals. If he is attacked his kinsmen look the other way, and he knows that if he is killed they will not avenge him. But to deny kinship with any close kin, maternal as well as paternal, is a misfortune. A man who wrongs a kinsman is shamed and he may incur also a curse and ghostly vengeance.

With his kin a man feels at ease. He does not, as we would say, have to keep up appearances with them. This is shown in one way by the manner in which kin swear (*kwith*) at one another. This is particularly the privilege of kin, who hurl the most abusive and obscene expressions at one another. Such behaviour is avoided in the family, though a man might swear mildly at his sister or even at one of his father's wives in anger, and it would almost certainly lead to a fight if an unrelated man were so insulted. Among kin, however, no offence is taken at abuse so long as it is

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an elder who abuses a younger, as an uncle a nephew, or the two are of the same generation, as between cousins.

The sentiment of *mar*, of communion with his kin, gives a Nuer the comfort of security, the feeling of being in a known and friendly world. I would again stress that *mar* is cognatic kinship, a set of relationships to any person through either father or mother and, among the Nuer, embracing also close affines, and further that in this general interpersonal sense one does not evaluate between the relationships. The maternal uncle is just as much kin as the paternal uncle, and the mother's sister's son as the father's sister's son. They are all people one helps when they need help and who help oneself when one needs aid. '*Jimarida*', 'my kin', are the people who are near me, irrespective of their precise category of relationship, the people on whom I can rely. It is interesting to note that *mar*, like the Old English 'sib', may also have the sense of 'peace'—'*te mar kamdien*', 'they are at peace'—and that it appears also to be the same word as that used for 'my mother'. In a sense all kinship is through the mother, even kinship with the father and hence with the paternal kin.

I have been speaking of the nuclear kin, but, as was noted in Chapter I, there is no limit to the number of relationships a man can in one way or another establish in Nuerland. The kinship system is like a circular elastic band which can be stretched on an ever-widening circumference as a child grows up and increases the number of his social contacts and enlarges the area of their distribution. By this wide recognition of kin a man thus brings in some degree his whole personal society, all those with whom he has dealings, into the circle of relationships in which attitudes and behaviour are shaped by sentiments of kinship.

I shall say more later about kinship in this wider sense and restrict my present remarks to the nuclear kin, which ordinarily can be regarded as the paternal and maternal uncles and aunts and their children and the children of brothers and sisters. A specific kinship term can be used to describe persons in each of these categories, and the relationships they embrace are the prototypes of all kinship ties of the wider kind.

II

These categories of relationship fall into two broad types. The first comprises the agnates, the kin of the byre-side, the 'bulls', as

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Nuer would say, who are also referred to collectively and in a general way of speaking as the *gaatgwanlene*, the children of paternal uncles. We have noted how these are divided off as the kin *kwi gwan*, on the father's side (of the family), in division of bridewealth, and also how among themselves they are more or less exempted from the prohibition which defines as incest congress with the wives of kinsmen because their wives are all wives of the lineage. We have further noted that consciousness of being members of a social group with common ancestors and symbols and corporate rights in territory and, within the limited range of nuclear kin, common interests in cattle and wives and common residence pull the children of their wives to the father's side. The second broad type comprises the cognates who are not agnates, the kin on the hut-side, whom Nuer describe collectively and in a general sense as *gaatnyiet*, the children of girls or daughters—that is to say, all kin to whom a man is related through women. Either they are children of daughters of his lineage or he is the son of a daughter of their lineage. Within the restricted range of reference of bridewealth distribution these are the kin *kwi man*, on the mother's side (of the family). They are the kinsmen with whose wives it is incestuous to have congress. We have earlier noted how important this concept is in the network of kinship ties of any Nuer community, with regard both to interpersonal relations and also to the establishing of links with its dominant lineage. I shall have occasion later to emphasize further its significance in this respect in considering the kinship system in relation to society as a whole. The relationships in which these two types are, as it were, summed up and contrasted for a Nuer are that of the *gwanlen*, the paternal uncle, and that of the *nar*, the maternal uncle. 602 612

The *gwanlen*, particularly the father's paternal half-brother, is portrayed by Nuer as the wicked uncle and is contrasted with the good uncle, the *nar*, particularly the mother's uterine brother. Both youths and maidens have often told me that they are more at one with their mothers' brothers than with their fathers' brothers and with their mothers' sisters than with their fathers' sisters. 'Wa! Your *nar* is far better (than your *gwanlen*)', said a Nuer to me once, expressing with force this common partiality. When I asked him why the maternal uncle was better he gave no further answer than the usual reply to this question: 'Because he is the brother of your mother'. However, I pressed him for a fuller 604

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•602 Nevertheless, distortion though it may be, it is a distortion which by over-emphasizing certain features of relationship on the paternal side brings out one of their essential characteristics, the personal rivalries generated by corporate life and common interests. It is understandable that those who live together have many opportunities for quarrelling and that their common interests, especially in regard to cattle in which they all have rights, provide occasion for it. A Nuer is bound to his paternal kin from whom he derives aid, security, and status, but in return for these benefits he has many obligations and commitments. Their often indefinite character may be both evidence of, and a reason for, their force, but it also gives ample scope for disagreement. Duties and rights easily conflict. Moreover, the privileges of agnatic kinship cannot be divorced from authority, discipline, and a strong sense of moral obligation, all of which are irksome to Nuer. They do not deny them, but they kick against them when their personal interests run counter to them. We noted in the last chapter that Nuer realize that the paternal half-brother relationship is one in the nature of which there are cleavage and opposition. In the nephew-paternal uncle and the ortho-cousin relationships the opposition is perhaps less tense because the persons belong to different families and households and their interests are more divergent, and because less effort has to be made to repress antagonisms. In their interrelations we have in embryo and between persons the same complementary tendencies towards fission and fusion that we find between opposed segments in the lineage system which derives from these paternal relationships as branches derive from twigs on a tree. We shall later see how the relation of the agnatic type of kinship to the type of relationship through women, and the relation of the lineage system to the whole society, are of the same pattern. First we must consider the categories of kinship on the mother's side of the family.

604 Nuer say of the maternal uncle that he is both father and mother, but most frequently that 'he is your mother'. He is a man's great supporter when he is in trouble. If a youth has committed adultery or involved himself in some other trouble, and his father's people refuse to aid him, he goes to his maternal uncle for help. He will help his sister's son for his mother's sake. Nuer say also that 'your maternal uncle will give you a cow and its calf to start a herd, and more cattle when you marry'. Indeed, he is expected

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604 general sense, in contrast to the 'bulls', the maternal uncle is a relative through a female, the mother. Indeed, he is spoken about
601 by Nuer as a kind of male mother himself. The significance of his position is due to the fact already drawn attention to, that there is a pull on a man in two directions in the Nuer kinship system, towards his father's kin and away from them towards his maternal kin, a tension especially marked in the case of an eldest child and in polygamous and concubinary families.

604 This balance is, as we have seen, very marked in the Nuer kinship system. When one lives among Nuer the relationships of *gwanlen, nar, wac, manlen,* and their children are hardly ever out of one's mind, for there are few conversations in which one or other of them does not figure; and in all discussions of a formal or ceremonial nature they go in pairs of opposites, the paternal uncle with the maternal uncle, the paternal aunt with the maternal aunt, and the sons of the one with the sons of the other. The balance between father's kin and mother's kin is always maintained on important occasions of social life, such as marriages, settlements of feuds, and religious feasts, when relationships are formally defined.

604 The balance is felt also by Nuer in their everyday life, and it strongly affects the relationships. A mother's brother, for example,
602 is not just a mother's brother. He is, so to speak, a mother's brother and not a father's brother; and the fact that a man has a mother's brother towards whom he can turn in trouble affects his relations with his paternal kin. Relationships are tinged with their opposites. This is not a mere relation of opposites within a formal pattern. We have constantly noted throughout this book the very powerful and frequent attraction of the maternal kin in such a practical question as where a man resides. We have seen that a first-born ought to be brought up by his maternal grandparents; that fatherless young men often go to live with their maternal uncles; that youths frequently stay with their mother's people; that attraction to the maternal kin is accentuated by one or other form of concubinage; and that men easily identify themselves through female links with the lineage with whom they reside. A man has always the choice of several homes, and if he does not care to reside with his paternal kin he can attach himself to the home of other male or female kinsfolk. It is generally towards his mother's brother's people that he turns his eyes when

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he has disputes with his paternal kin or feels unhappy among them. I had the impression that Nuer, who often talk about it, are very conscious of this pull away from the paternal kin which is personified in the maternal uncle. It signifies not only a balance between paternal and maternal kin within the kinship system but also a balance between the lineage and the society which contains it—between the lineage system and the total social structure.

The relationship between the *gaatnar*, the children of the mother's brother, and the *gaatwac*, the children of the father's sister, who belong to different lineages and, usually, different local communities, is considered by Nuer to be one of easy companionship. Friendship between a man and the sons of his maternal uncle is not blended with the reserve which difference of generation introduces into his relationship with their father. However, the tension personified in the mother's brother cannot but to some extent affect the relationship with his sons. The sons of the mother's brother are the counterpart to the agnatic cousins, the sons of the father's brother, and the two relationships seem for Nuer to stand in opposition.

It remains to say a few words about the *manlen*, the mother's sister. Nuer say of her that she is like the mother's brother, that 'she is your mother', and that she will love you as a son. 'Your mother's sister is your friend. Is she not the sister of your mother?' If you live at her home she will not, like the father's sister, favour her own children at your expense. You are her son and you will eat with her own child and share and share alike with him like brothers. When you visit her from a distance she sees that you are hungry from your journey and at once leaves off what she was doing to prepare a meal for you, and she pours her best butter over the porridge she has prepared for you. It is the mother's sister relationship that Nuer mostly invoke when hurling their spears in hunting and fishing: *'Tet cueda malene'*, 'My right hand, my mother's sisters.' This is equal to the *moc*, the invocation of a favourite ox. A mother's sister, like a father's sister, will be asked to contribute a heifer on the marriage of one of her nephews, but she, also, will not be expected to contribute again on the marriage of another son of the same sister. I was told that when a mother's sister dies her nephew may not visit her grave without a goat for sacrifice.

The mother's sister-sister's son relationship belongs to the

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NUER BRIDEWEALTH

E. E. EVANS-PRITCHARD

Principles of Distribution

431 583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.[1]

583 431 602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

[1] These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*). The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

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DIAGRAM I

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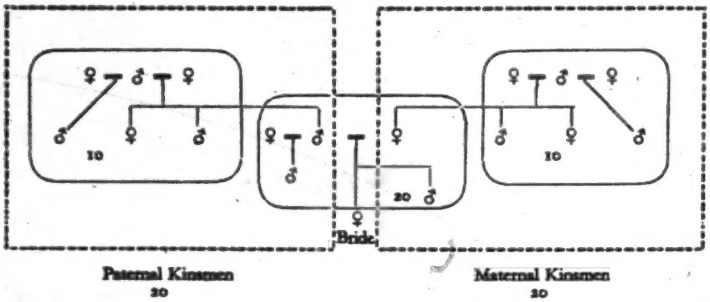

when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Catth	*Total*
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf[1] .	8
Gat gwan (father's son)	A cow, and another cow[2] . . .	2
Gwanlen (*indit*) *kwi mane* or *kwi dwiel* (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox .	4
Gwanlen kwi gwane or *kwi luak* (father's brother by a different mother)	A cow and its calf, and an ox . .	3
Gwanlen (*intot*) *kwi mane* or *kwi dwiel* (father's younger brother by the same mother)	A cow, and an ox	2
Wac (father's sister)	A heifer[3]	1
	Total	20
KWI MAN (on the maternal side)		
Man (mother)	A cow and its calf, and a heifer . .	3
Deman (brother by the same mother)	An ox, another ox, a cow (*yang deman*), another cow (*yang cika*), a cow and its calf, and another cow[4] . . .	7
Nar (*indit*) *kwi mane* or *kwi dwiel* (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

[1] The single calf is sometimes called *puong(de)* and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang luak*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang kwoth*, the cow of the spirit of the father.

[2] These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

[3] This animal joins her husband's herd if he is alive.

[4] The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

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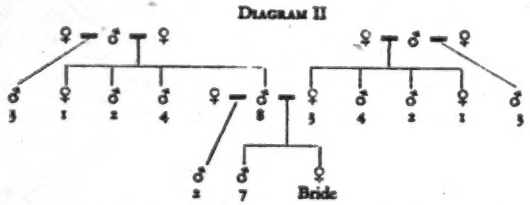
	Cattle	*Total*
Nar kwi gwane or *kwi luak* (mother's brother by a different mother)	A cow and its calf, and an ox . .	3
Nar (intot) kwi mane or *kwi dwiel* (mother's younger brother by the same mother)	A cow and its calf	2
Manlen (mother's sister)	A heifer[1]	1
	Total	20

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of ' the cattle on the paternal side ' and ' the cattle on the maternal side ' his description is more in accord with realities because he includes among ' the cattle on the paternal side ' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: *Manlen a cuong*, ' The maternal aunt has a right '; *Wac a cuong*, ' The paternal aunt has a right ', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:

DIAGRAM II



It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaat gwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaat wac* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of these kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

[1] This animal joins her husband's herd if he is alive.

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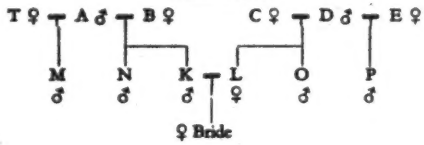
It is probably for this reason that the cows given to grandparents or their sons are called *wangnen* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at the most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later these cattle of the grandparents are not paid in addition to the 40 already listed.

DIAGRAM III



SOME FEATURES OF THE DISTRIBUTION

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

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aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*wany*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaat man*) and sons of the father (*gaat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel*, on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*gol*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.[1]

Mode of Reckoning Bridewealth

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bridewealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearthed by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bridewealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwan*, the cows of the paternal grandparents.
   wangnen mam, the cows of the maternal grandparents.
2. *yang gwan kene doude, ke thakde*, the cow of the father with its calf, and his ox.
   yang mam kene doude, the cow of the mother with its calf.

[1] See *The Nuer*, chap. v.

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3. *yang gwanlow kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
   yang nara kene doude, kene thakde, ke puungde, the cow of the maternal uncle with its calf, and his ox, and his *puung* (ox).
4. *dou* (*nac*) *waca*, the calf (heifer) of the paternal aunt.
   dou (*nac*) *manlow*, the calf (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
   yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
   thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangwen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangwen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nare*, the cattle of the maternal uncles, to the home of the senior of them.

Number of Cattle Paid To-day

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.[1] It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *mangnen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

[1] Mr. Jackson, writing in 1923 (*Sudan Notes and Records*, vol. vi, p. 154), gives 25 to 35 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the payment of 40 was said to have been not unusual. Mr. Coriat, writing somewhat later, said that the original bridewealth of the Gaawar tribe was 50 head of cattle, but that it had dwindled to 25 or 30.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put foward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

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When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some dozen beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others

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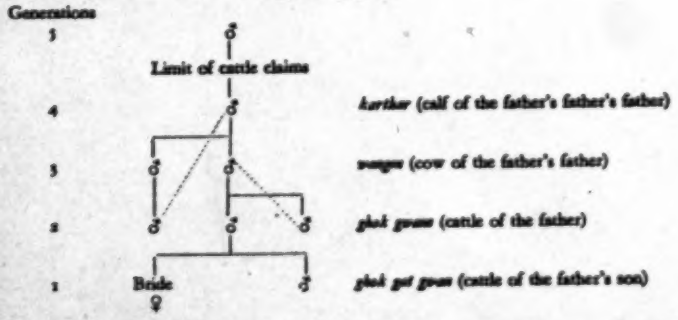
to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bridewealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

DIAGRAM IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gwan buthni*, is always given a calf, sheep, or goat, known as the *yang mute*, the 'cow' of the spear (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *genitor* of the bride is a different person from her *pater*, as is often the case among the Nuer, and is also not merely a kinship substitute for him, the *genitor* has a right to a cow, called *yang letu*, the cow of the loins, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *wuci miem nyiatde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kaw*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made 591 606 606 [844] [602] 593 591

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

593 from the first millet of the year—a pretty custom known as *puthew kuon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule.
602 A *kuu*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice,
858 depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nang paka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his
585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *buor*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

581 complete it and yet more time between the consummation and the birth of a child. I do not
593 say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic
[862] partners. As the Nuer observe a weaning taboo this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage.
606 Marriage is not only a conjugal relationship but also a set of affinal relations and it can be stable
593 only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal relationships which require adult adjustment
602 that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

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582 him with a wife, or, indeed, to assist him in any
602 way in a society which recognizes no strong personal obligations other than those of kinship. In those simple societies in which there is preferential mating, a man marries in virtue of already existing kinship ties, into his kindred. Since among the Nuer these same ties constitute a bar to marriage a man must marry outside the circle of kin and must forge new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their rules of exogamy.

Eventually affinal ties are, by slow degrees, transformed, as the Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. As the Nuer say, *ruaa*, in-law relationship, becomes *mar*, kinship. Bridewealth payments are a technique for creating new social relations between persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

584 The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband and I have shown in an earlier paper on Nuer marriage ceremonies how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compells further payments, which are both an expression on the part of the husband's people of a sense of security and the means of bringing about the next rite and through it greater security. When the bride's

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361 stones and remains of fires. They have been occupied by many
172 generations of Nuer. Families are not, however, bound to any particular piece of ground, and move freely when the ground is exhausted and no longer yields a good harvest of millet or rich pasturage for
361 the cattle. A whole village may then move and live elsewhere for some years but sooner or later they will settle there again for it is their birth place. Families and groups of kinsmen will leave a village if there are many deaths, if the cattle are poorly (*be ran gien kä kwi*
[342 *ieth, kä kwi ghok*), or if fights have taken place in the village. Byres and huts generally last about five years and have then to be rebuilt.
[243 Gardens are cultivated for as long as ten successive years before they
333] are finally exhausted. When cattle and sheep and goats have grazed on village pastures (*dor*) for about the same length of time the grasses show evident signs of exhaustion. Thus in 1936 the people of Nyueny pointed out to me that after about nine years of occupation their village pastures had been overgrazed and were poor in consequence.

423 Village sites are owned by certain clans and sections of clans.
602 However, ownership is mainly a matter of sentiment, based on long association between a ridge and a lineage, and since the country is not over-populated and the Nuer do not make very extensive cultivations it never becomes a legal issue. Anyone may settle in a village and the villagers will show him where he may build his huts and byre and cultivate his millet. This practically means that he may build and cultivate anywhere not already in occupation or under cultivation. Nuer are very generous in such matters. In fact, however, a man is unlikely to settle in a village unless he can claim kinship with some of the villagers, *i.e.*, is genealogically attached to the dominant lineage there. *Mar*, kinship, can generally be discovered somewhere and consequently it is usually possible to place all the occupants of a village on a single genealogical chart. There are no real problems of ownership of land among the Nuer.

361 Some parts of Nuerland are blessed with better village sites than others. Lou country is exceptionally well favoured in this respect though Western Nuerland has many fine ridges. Lou people say that in a year of *nyuoc*, or high river-flood, their ridges remain dry

community of kindred every member of which regulates his 621
behaviour to every other member in accordance with a variety 619
of kinship patterns and can predict their behaviour to himself 613
in conformity with the same norms. 614

When a local community becomes in this way a network of 582
kinship ties it is necessary, so varied and extensive are the re- 602
lationships which come under the exogamous ban, to marry 621
outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *cuong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

671 178 [584] 681 178

Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

681 177

The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
>
> (*a*) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
>
> (*b*) The second result of the increase in blood-money is the reluctance of the chiefs to break *mar* which is a system by which relations exchange cattle

[584] 681 177 602

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on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *mar*, but since the Fangak meeting chiefs are very reluctant to break *mar* as the more so-called relations there are available to collect blood-money, the better.[1]

681 177

In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

681 177 621

The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *mar*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

177 671 682

The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*duer*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thung nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[1] Unpublished administrative records (Eastern Nuer District), 1945.

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rate—up to ten head of cattle—if he wishes to legitimize it later. Chiefs said that he had a right to do so even if the girl's family objected, provided the woman had not been legally married to someone else in the meantime. 848

If a man pays legitimization fees and the child subsequently dies at an early age, all his cattle must be returned to him except a bull-calf and a cow-calf: in other words, the normal compensation for seduction of the girl, *ruok nyal*,[1] when no child is born as a result.[2]

8. CONCLUSION

The complexities of Nuer marriage and other forms of procreative union may appear chaotic. At first sight the relations of the sexes may even seem to be indiscriminate in the extreme. This is not so, and to the Nuer themselves there is rarely any confusion at all. The terminology which describes special relationships, special circumstances in marriage and descent, besides the normal terminology of kinship, is sufficient to place any man in his correct status both within his patrilineal descent group and in Nuer society as a whole. This status is determined from the status of the *pater*, and the basis of all marital relations lies in the relatively stable position of the *pater*. It is true that the *pater* is sometimes changed, but not without the passage of cattle from one group to another, an event which stamps the change indelibly in the minds of the people concerned. This legal principle runs through the whole structure of Nuer society because it is the basis of the lineage organization upon which other and larger units of society are built. A Nuer finds his position in the lineage through his legal father or *pater* and from no one else, and, as a member of his father's lineage, can ultimately be placed in correct relationship to the members of other lineages within his tribal segment and through them to the tribe. He is a member of a patrilineal descent group (*thok dwiel*), and that group has a recognized position in the community, which is composed of similar lineages. He has through his *pater* a position in the lineage which provides the means for social, economic and political security. 848 602

There is adequate literature on this subject, and it is not the purpose of this book to enter into the details of the structure of Nuer society. It must be emphasized again, however, that a full understanding of Nuer law, both the customary law operated by sanctions prevailing in the past and the law now operated by the courts when those sanctions tend to fail, is impossible without a full understanding of the political and social organization of the Nuer. Law is after all only a feature of that organization as well as a means through which the 000

[1] See under Violation of Rights in Women, Chapter IV, Section 2.
[2] Extracts from minutes of Nuer Chiefs' Council, 1945.

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attack was another factor of importance in shaping the pattern of the Nuer settlement, but certainly did not encroach on their desire to live freely, unhindered by the irritations of daily contact with neighbours. There is even the possibility that the establishment of public security by the present Government has resulted in a tendency to move farther afield, but there is little evidence to show with any certainty that villages and settlements were any different a hundred years ago.[1] Apart from these factors, the pattern was obviously governed by purely topographical and climatic considerations: the contours of the high ground, its extent in relation to the population of the community, and the fertility of the soil.

The Nuer are not aware of the value of crop rotation, and do not use their cattle to fertilize the soil; when the ground is exhausted they simply abandon it and move elsewhere, rebuilding their houses and cattle-byres on a new site. There is therefore no high degree of permanence of tenure, and no rigidity of rights in arable land. A man and his family have the prescriptive right to use the land they have cleared, and to do so to the exclusion of every other man so long as they choose. They also have the right to the products of the land and of their own labours, though this right may be said to be limited by their obligations to assist kinsmen, obligations which may be extended in terms of kinship to neighbours, should the vagaries of climate affect their crops. We have already seen that the maldistribution of rainfall coupled with an impervious and otherwise badly drained soil makes crop production a precarious undertaking. In bad years Nuer must rely on the generosity of their more successful kinsmen and sometimes take refuge with them (for the widespread failure of crops only occasionally happens) and in years of heavy rainfall, those whose land is high and well-drained enjoy an advantage which is lost to them when the rains are light. There is, of course, no means of enforcing the rules of hospitality and kinship obligations in such circumstances, but refusal to assist hungry kinsmen will lead to fission and the conscious breaking of relationship (*dak mara*). There are other sanctions for maintaining such relationships, not the least of which is the probable need at some future date to demand assistance in return. A man who acquires a reputation for meanness quickly loses the privileges which membership of a community provides, and also the privileges of kinship with Nuer living in other parts of the country.

Claims on the hospitality of kinsmen are often carried to extremes

[1] During the period of invasion and occupation of Dinka country there were periods when the Nuer lived in cattle-camps of concentrated form, a circle of huts or shelters, and did so for several years at a time. The camps were built on the same pattern as those used in the dry season today, but it is clear that agricultural activity was extremely limited and there was certainly no need for a complex system of rights governing the distribution of arable land.

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and well beyond the limits of the reciprocal distribution of bridewealth cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes.

224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

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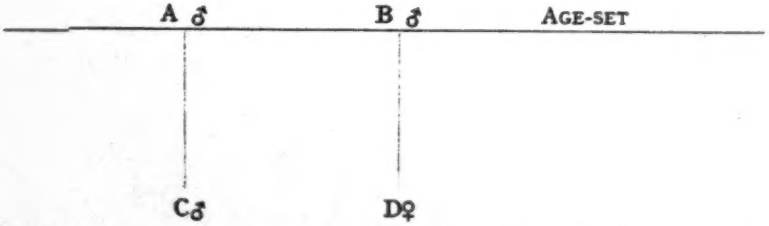
561 goat, and Tot gave the husband's father a male sheep. It may be doubted,
582 nevertheless, whether such a marriage would have been regarded as correct by the older generation. I was told, however, that a man would
[832] not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it
182 regulates the behaviour of members of a community towards one another. It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
• 602 set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

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life. Certainly the Nuer always speaks of them in terms of family and kin. Not only does he speak of his "fathers" and "sons," but he speaks about members of age-sets senior to his own but not of his father's age-set as though they were his fathers-in-law and their wives his mothers-in-law. These peoples must be respected because their daughters are your lovers and one day may be your wives. Thus a *Lithgac* son of a *Maker* father will regard members of the *Dangunga* age-set and their wives as potential mothers- and fathers-in-law.

561 602

The analysis presented in this paper may appear difficult, perhaps unconvincing, when stated in abstract terms, but observe how daily contacts and occupations in a Nuer cattle-camp operate smoothly and how their smooth working is partly a result of social stratification by age. We have seen how the question of who shall perform tasks connected with the monotonous task of cattle-raising is settled by the clear cleavage between the duties of men and the duties of boys. In the many situations that arise in the daily life of cattle-camps, one has opportunity to see how the young give way to the old and listen without interrupting to their advice and admonition in disputes and discussions of all kinds. They will order the younger men to perform services for them and will lecture them upon shortcomings; and the extraordinary pride of a Nuer, the object of ceaseless astonishment to Europeans, no matter how long they have resided in the country, is not injured by orders and admonition from a man of a senior age-set. One observes that the frequent quarrels in a Nuer cattle-camp are between members of the same age-set, and for a man to struggle with the members of a junior age-set would be ignoble for both alike. Everybody's behaviour to everybody else is thus defined on rough, general lines in the daily range of their contacts. In your relations with A he must pay deference to you since he belongs to an age-set junior to your own. On the other hand when you meet B you must defer to his opinion and you may do as he asks you to do without losing your dignity. Boys are everybody's servants. You have left your spear in your windscreen when you have been visiting friends and you want someone to bring it to you. You look round and see C, a boy, and you tell him to go and fetch it. Then there is D, who is of the same age-set as yourself. He is your comrade and your equal. He can say anything he likes to you and you can reply to him as you like. Your equality is shown as much in your quarrels as in your fellowship. It is

561 182 561

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611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live
593 in their home for reasons of sentiment and because they increase the
562 strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 (E) Types of procreative unions and families are classed by the nature
611 of the social tie that links children to their pater, and of the social relation-
593 ship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 (F) I do not more than draw attention here to the effect on kinship
602 structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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family, both legal and domestic, to demand a man's major allegiance at the 583
expense of the solidarity of the wider kinship group which provides a boy 602
with scope for his deepest interests and ambitions.

VIII

That these different forms of marriage and concubinage are of great 121
sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lou, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karlual tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuer villages.

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuer oppose any investigation till they have seasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full 124
enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuer studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny.

Nyueny is a typical Nuer village. It consists of a number of huts and 361
byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest

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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

11:Evans-Pritchard E-5 (1931,1936) 1945
FJ22 Nuer FJ22

593 602 428 that the groups differ. But when the sons become men, there is this difference between them. A son in the simple legal family has no property rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

When a man marries a wife to the name of his maternal uncle a more 604 delicate and complicated set of interrelations are brought about. Such a 428 marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitue for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

11:Evans-Pritchard E-5 (1931, 1936) 1945
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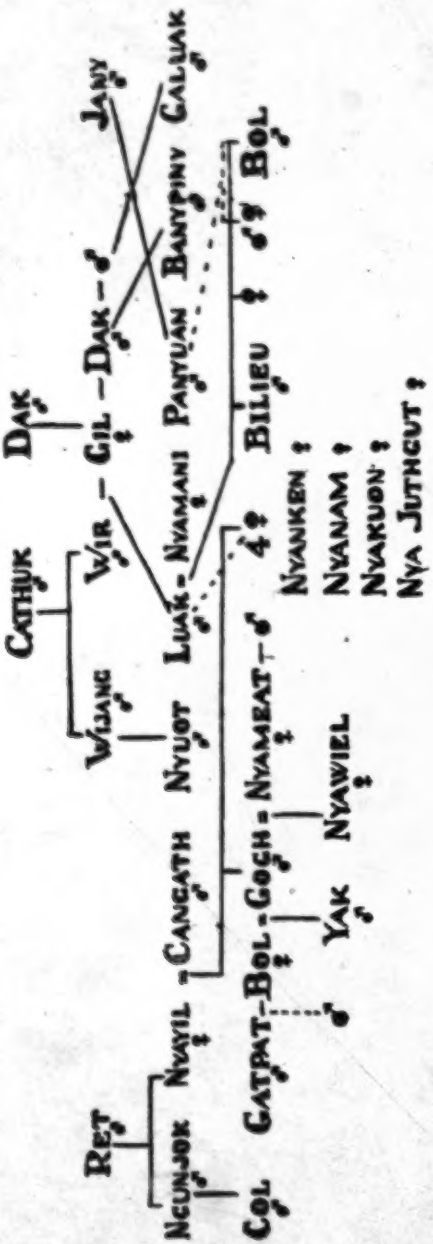

Diagram IX

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

589 village are given matronymics instead of patronymics. Thus at Nyueny
591 one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀
611 instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
551 villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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The social configuration of the Jany (Kwenwar) cluster of today will not be the social configuration of tomorrow. As we have seen, the sons of Kwenwar may join their agnatic kinsmen in Lang country. The sons of Jany told me that one day they will leave Nyueny and return to Puic where they can sit in the shade of the tree beneath which their father sat. The sons of Nyaruithni ♀, Nyawal ♀, and Nyaudol ♀ will probably join the kinsmen of their paters. Nhial and Galuak, sons of Rainen, will probably one day join their agnatic kinsmen, the Jikul.

Moreover, if a man remains permanently with a cluster of people who are not his agnatic kinsmen he makes them such by the simple procedure of turning cognates into agnates, i.e. he makes the actualities conform to the principle. He does this by treating the matrilineal link as though it were a patrilineal one. The woman who links a descent group to the lineage among whom they live is reckoned as though she were a man. "She has become a man" as the Nuer themselves say. We see the commencement of this process in the invariable indication of sisters' sons by their maternal kinsmen, if they reside at their mother's homes, by reference to the name of their mothers. The end process is seen in genealogies when a man traces his descent to the dominant lineages of his district through one or more women, so that when he gives you his descent he treats these women as though they were men and if they are not clearly distinguished by a feminine prefix they may even become men.

Our survey of domestic conditions at Nyueny showed everywhere change and confusion. One enquires how so mercurial a system can work. Has there not been some deep error, some serious misunderstanding, in the investigation? I think not. The change and confusion which are so evident in family and domestic associations are not to be seen in the larger social groups, particularly in the lineages. The dynamic social process is there slowed down and is stablised into structure. For it is very apparent that there are two kinship configurations of persons among the Nuer: the one consisting of their domestic interrelations and the other their legal relationships. The domestic interrelations have a relatively low degree of consistency and durability compared with the legal and, in our sense of the word, structural, interrelations.

Living among Nuer it is deeply impressed on one that the lineages are the stable framework of kinship structure and that families, even simple legal families, are, in comparison, loose and unstable associations which are the means by which new structural tissues are formed. Individuals and "family" associations of one kind and another seem to float about, as it were, and have an independent existence. But they are anchored to some lineage, or, if they break away from it sooner or later attached themselves to another lineage, take root in its stem, and become part of its growth.

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that " tribe " among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that " tribe " must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage. 619

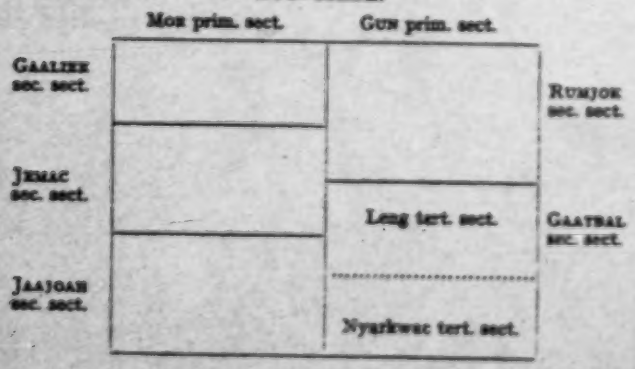
This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together 619 161 167 233 619 621 602

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

619 as a blood-revenge group? Moreover, as will be seen later, Nuer kinship
621 groups are always being diluted by assimilation of unrelated elements,
602 and the tendency is for community of living to supplant community of blood as the functioning element in Nuer society.

619 We have to bear in mind that segmentation is taking place all the time with every kind of territorial group, from the smallest to the largest, within the tribe, just as it happens to the tribe itself. I shall speak of the largest segments into which a tribe is divided as primary tribal sections, though when these are two in number, as often happens, we may speak of them as tribal moieties, e.g., the Lou tribe is split into moieties of Gun and Mor and, according to Jackson, the Thiang tribe is split into moieties of Ria and Bang. The Gaajok, Gaajak, and Gaagwang, which to-day have the status of separate tribes among the Jekany on the East bank of the Nile, were once primary sections of the Jekany tribe as they probably still are in its western homeland. Now, just as the Lou tribe is split into two primary tribal sections, Gun and Mor, so these sections are split into what I shall call secondary tribal sections, e.g., Gun is divided into secondary tribal sections of Rumjok and Gaatbal, while Mor is divided into secondary tribal sections of Gaaliek, Jaajoah, and Jemac. Each of these secondary tribal sections is split into further divisions which I will call tertiary tribal sections, e.g., the Gaatbal secondary tribal section is split into two tertiary tribal sections, the Leng and Nyarkwac. This may be shown diagrammatically (capitals do not here denote clans) :—

DIAGRAM No. II.
LOU TRIBE.



15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *jaang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 613 554

A Dinka adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.379.
(2) *Ibid.*, p.390.

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

wife's family in view of the fact that the man who has married 591
their daughter has joined their community and is bringing up his children as members of it. They may even give him some of their own cattle to help him build up a herd. The second fact to be taken [603]
into consideration is the Nuer custom, for various reasons not always observed, by which the eldest child of a marriage is brought up by his, or her, maternal grandparents. A child brought up in his maternal kinsmen's village naturally feels that in some respects it, and not his paternal kinsmen's village, is his home.

Cattle are a powerful element, often the deciding consideration, 591
especially in the minds of unadopted Dinka captives or immi- 233
grants, in a man's choice of residence. A Nuer cannot live for long without cattle, and he who possesses none must attach himself to the byre and herd of some kinsman. Men with only a few beasts also sometimes find it a convenience to tether them in the byre of a kinsman rather than build a byre of their own. One often finds that the reason a man decides to live with one of his maternal kin, with a paternal aunt, with one of his affinal kin, or with the family of a widow-concubine, is that he knows that the person he intends to reside with will allow him to be a member of the household, will give shelter to his animals if he has any, and will help him to start a herd if he lacks cattle entirely; whereas his paternal kinsmen are unable or unwilling to do so, or, in the case of many Dinka, are altogether absent.

As a further conclusion, I remark again that the drawing 621
together by, and into, the lineage system of the many different strands of kinship (and affinity) which compose the network of social ties in each local community gives the community its unitary character and fixes its position in tribal structure. The points at which they are drawn together are the 'bulls' of the kinship clusters, and especially the tribal 'bulls', those men who are persons not only of age, wealth, and character, but also members of the dominant clan of the tribe—tribal aristocrats. These tribal 'bulls' are the centres of clusters of kin, but they are also agnates, and each has in relation to the others a structural position in the lineage system of the dominant clan. Through them, therefore, all the tribesmen are attached to the dominant clan of the tribe and all the local communities are assimilated to the highly consistent structure of its segments, in which they are conceptualized. It is

2:Evans-Pritchard E-5 (1931, 1936) 1951
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to the peculiar position in each elementary family of the eldest 593
child.* The eldest child of either sex is known as *gat ma keagh* and [601]
the mother may address him (or her) as *keaghda*, my first-born.
This child must never use the spoon of his father or mother, and I
have sometimes been given to understand that this is one of the [603]
reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose.
When an eldest male child is initiated an extra incision is made, at [881]
any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not
regarded as complete. He is also the link through which the kin of [602]
the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

593 from the first millet of the year—a pretty custom known as *puthene kuon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule.
602 A *ker*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his
585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *buor*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[595] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

● 603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 584

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(larcieng)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *nut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a *buor*, a mud fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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789 A mother may curse her son for neglect, especially when she
593 is old and must rely on others for support, or for divulging her hiding-place to her husband if he is angry with her and seeks for her to chastise her. A mother's curse may have the same effects as a father's curse; but it is thought that, in addition, it has the particular effect of preventing the son from begetting male children. A mother's curse may thus injure the lineage, and in this respect her curse is more like that of the mother's brother than that of the father. I have also been told that a mother may, because she loves a son who has wandered to a distant country, curse him mildly so that he may suffer some minor sickness which will put him in memory of his home and cause him to return to it.

The curse of a mother's brother—at any rate that of a mother's
789 uterine brother—is also greatly feared by Nuer, for he, unlike the
604 father, may curse a man 'to cattle', so that he loses his entire herd. Nuer seem to regard it as the worst of all curses and they recognize it as a strong sanction behind the demands of their mothers' brothers, where these are just. A sister's son who fails to carry out
[753] certain duties or who fails to observe certain interdictions concerning his mother's brother may develop a disease called *keth nara* (disease of the *nar*, mother's brother), which may be fatal. Nuer describe it as '*cere ke biit*', 'like to a curse'. People say that
[603] the curses of father, mother, and mother's brother are the worst, though that of a paternal grandmother is also said to be bad, and
[593] it is said that the curse of an eldest child is feared by his parents, especially his mother, and by his maternal uncle; in certain circumstances a sister's son, especially the eldest son of the sister, may curse his maternal uncle's herd. The only other kinsfolk of whom I have been specifically told that they may curse a man, in the sense that one may speak of a curse of the kinship category in which they stand, are the father's sister and the mother's sister, and Nuer say that these are very small curses and they do not therefore give them much thought; but a person standing in any social relationship to another may curse him if he has been wronged by him. However, the more distant the relationship the less effective the curse, because the less the obligation and therefore the less the wrong.

789 A run of misfortunes may be attributed to the curse of one of
593 these relatives. I tell one story in illustration. Luak, a man of the Leek tribe, refused to stay at home and help his father Thicjok to

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593 home on the marriage of one of their sisters to take a wife in his name. If he had only half-brothers it is feared that they may try to 'blot out' the dead man's name and use the cattle to marry wives in their own names. To prevent this it is said that the dead man's mother's people may, if there was no close friendship between him and his half-brothers, arrange for his uterine sister to marry a wife to his name. Her husband then takes the cattle which would have gone to the dead man on the marriages of his sisters and makes the arrangements for his wife to marry a wife to his name with them, though he does not himself cohabit with this wife. Nuer say that in affairs of this kind a sister's son can be trusted better than a paternal half-brother. As I have mentioned in the last chapter, the disposal of widows may occasion rancour among paternal half-brothers.

604 The distinction between full and half-brothers runs right the way through the Nuer kinship system. Nuer say that '*gurlen kwi dwiel*', 'your father's brother on the side of the hut' (his uterine brother), is a real father to you, but '*gurlen kwi luak*', 'your father's brother on the side of the byre' (his paternal half-brother), is only a father in his talk. If your father is dead and you are still a boy he may take advantage of your youth to deprive you of your rights. Similarly, Nuer say that the *nar mande* (or *nar kwi dwiel*), the mother's uterine brother, is a real mother and father, but not the *nar gvande* (or *nar kwi luak*), the mother's paternal half-brother. I once asked a youth who was threatening to fight his maternal uncle over an insult he considered he had received from him, 'But surely he is your maternal uncle?' 'Yes,' he replied, 'but only a maternal uncle on the father's side.'

593 When we speak of uncles on the byre-side we speak of half-brothers of the parents who own their own herds and homesteads, maybe in different villages, districts, or even tribes. They have already become distinct points of growth on the lineage branch. There is no pretence here that they are undivided. This dogma does not go beyond the family: sons in relation to their father. As we have seen, within the family it is the assertion of an ideal in the face of recognized social actualities which only partly conform to it; for the difference between full and half-brothers, or between the huts, in a family is both marked and a matter of concern to Nuer. It is clearly connected with the lineage structure and with the importance of the maternal kin in social life, which is related

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between a ghost-son and his genitor where they are paternal kin, 593
for the genitor stands in the place of the pater and has the same desire to see his sons, having probably no legal children of his own, happy and wealthy as a pater has. A ghost-son is generally content to see his genitor dispose of his cattle during his boyhood, knowing that when he is old enough to marry he will be provided for.

When a man marries a wife in the name of his maternal uncle a difficult situation may arise. Such a marriage usually takes place when the dead man has no close paternal kinsmen; and the sister's son often marries the wife with part of the uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those in a ghost-family in which pater and genitor are paternal kinsmen, but when the sons grow up differences between them and their genitor are likely to be acute if the genitor has abused his trust. It is less an abuse for a paternal kinsman to use the dead man's cattle for his own purposes, since they both belong to the same agnatic and cattle-group, than for a sister's son to do the same, for the sister's son is not a member of the lineage of the pater and has no rights in their cattle. When the daughters he begets by his maternal uncle's wife are married he ought to keep the cattle of their bridewealth till the brothers of the girls are old enough to marry with them. Nevertheless, he may take advantage of their minority. Since the dead man's paternal kin are unlikely to be very close kin, they may do little beyond protesting, especially if, as is probable, the sister's son lives among them; but there is almost certain to be bad feeling in the family. The position of the sons is difficult, and the conflict between their regard for their genitor, whom they have always regarded as their father in every practical sense, and their resentment at the injustice done to them may only be solved by their going eventually to join the household of some paternal kinsman of their pater.

If he is to avoid trouble a man who cohabits with his brother's 593
widow must likewise remember that her children, whether be- 604
gotten by the dead man or by himself, are his wards and that he is trustee and not owner of his brother's herd. When the eldest son has been initiated into manhood he takes the place of his pater as head of the family. If his guardian is wise he will respect his nephew's independent status and will build him a byre next to his own and give him the cattle to which he is heir. Then difficulties between them need not arise, and his nephews will retain their

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593 604 respect and affection for him and will share their cattle with him. But Nuer are greedy where cattle are concerned, and the temptation to use a dead brother's herd and the bridewealth of his daughters to marry wives for himself during the minority of his sons is sometimes more than a man can resist. When his nephews grow up they find that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. A nephew in this position is unlikely to move away from the village in which he has been brought up because it is his own village where his paternal kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance, he may go to live elsewhere, perhaps with his maternal kin. Here again conflicting loyalties may make a youth's position difficult, for as a son he feels he ought to respect and obey his father and as a nephew he feels he ought to insist on his rights. Trouble is most likely to arise when a boy falls under the guardianship of a brother of his dead pater and is not begotten by him.

593 The opposition between the legal family and the natural family is most evident when a son is born in widow-concubinage. In ghost-marriage and leviratic marriage the genitor is a legal substitute for the pater, but the genitor of a child born in widow-concubinage has no such status. When the brothers of the pater are alive and family feeling is strong they insist on his sons being initiated in his home and living with them afterwards. Nuer say that an orphan who has been initiated at his uncles' home and has rights in cattle there will not want to leave it. They are likely also to bring the dead man's daughters to live with them so that they can be married from their home. The genitor cannot deny them their right when they tell him that they want the children of their cattle. Thus it often happens that a boy is brought up in one social group but belongs legally to, and later joins, a different social group. The sentiments of childhood attach him to the home of his mother and genitor, and while he is small he does not think of any other place as his home. But when he reaches manhood the sense of paternal kinship so strong in Nuer, and desire for the cattle of his heritage, attract him to the village of his true paternal kinsmen.

If a dead man has brothers they are almost certain, especially if

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Nuer would say, who are also referred to collectively and in a general way of speaking as the *gaatgwanlene*, the children of paternal uncles. We have noted how these are divided off as the kin *kwi gwan*, on the father's side (of the family), in division of bridewealth, and also how among themselves they are more or less exempted from the prohibition which defines as incest congress with the wives of kinsmen because their wives are all wives of the lineage. We have further noted that consciousness of being members of a social group with common ancestors and symbols and corporate rights in territory and, within the limited range of nuclear kin, common interests in cattle and wives and common residence pull the children of their wives to the father's side. The second broad type comprises the cognates who are not agnates, the kin on the hut-side, whom Nuer describe collectively and in a general sense as *gaatnyiet*, the children of girls or daughters—that is to say, all kin to whom a man is related through women. Either they are children of daughters of his lineage or he is the son of a daughter of their lineage. Within the restricted range of reference of bridewealth distribution these are the kin *kwi man*, on the mother's side (of the family). They are the kinsmen with whose wives it is incestuous to have congress. We have earlier noted how important this concept is in the network of kinship ties of any Nuer community, with regard both to interpersonal relations and also to the establishing of links with its dominant lineage. I shall have occasion later to emphasize further its significance in this respect in considering the kinship system in relation to society as a whole. The relationships in which these two types are, as it were, summed up and contrasted for a Nuer are that of the *gwanlen*, the paternal uncle, and that of the *nar*, the maternal uncle. 602 612

The *gwanlen*, particularly the father's paternal half-brother, is portrayed by Nuer as the wicked uncle and is contrasted with the good uncle, the *nar*, particularly the mother's uterine brother. Both youths and maidens have often told me that they are more at one with their mothers' brothers than with their fathers' brothers and with their mothers' sisters than with their fathers' sisters. 'Wa! Your *nar* is far better (than your *gwanlen*)', said a Nuer to me once, expressing with force this common partiality. When I asked him why the maternal uncle was better he gave no further answer than the usual reply to this question: 'Because he is the brother of your mother'. However, I pressed him for a fuller 604

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•604 explanation, and he told me, as I have often heard from other Nuer, that you can rely on your maternal uncle for assistance. Even if your mother is dead he will gladly give you cattle to marry with, because you are the son of his sister and an orphan, whereas your paternal uncle, especially your father's half-brother, helps you reluctantly. If your paternal uncle is angry with you he may split your head open with his club, but however angry with you your maternal uncle may be, he would never strike you, for you are his sister's son.

I have been told time and again that Nuer youths whose fathers have died prefer to live with their maternal uncles, if they are full brothers to their mothers, than with their paternal uncles, though the father's full brother is regarded as a less formidable person than the father's paternal half-brother. The stereotyped portrait of a father's brother in the role of a step-father is of a selfish and mean man. Nuer say that if your father has died while you are still a child and his brother has taken your mother in leviratic union he will be kind to you for your mother's sake while you are a child, but when you grow up he will try to bully you and will be stingy with you. He will favour his own children and neglect you. Even if you are older than his own sons he may try to obtain wives for them first. What is worse, he may try to use your father's cattle and the cattle of your sisters' marriages for this purpose, or to marry another wife for himself, while you are still little and unable to protect your own. Your mother may be weak and consent to this wrong. His wives may give food to their sons who are still small boys while you, a man, have to wait for your portion; and when those boys are grown into men their mothers may hide food for them so that when you have shared the common bowl with them and rise from it still hungry they can eat again in secret and be filled.

A paternal uncle's obligation to assist his nephew to marry is another cause of bad feeling between them. We have noted that payment of bridewealth to kin is a legal obligation which involves the very principle of kinship and may in no way be avoided. The legal title to bridewealth on a girl's marriage implies a moral obligation to contribute cattle, though fewer than those received, to help her brother to marry, but it is an obligation which depends for its strength on personal relations and on ability to assist. It may not be carried out, and if it is not carried out the uncle does not

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thereby forfeit his title to bridewealth on the marriages of other sisters. Nevertheless, public opinion would censure a paternal uncle, or his son should he be dead, were he to refuse assistance, especially if, as is normally the case, they are living in the same or nearby homesteads. Paternal uncles are expected to help each of their nephews to marry in turn and to make a more generous contribution—perhaps two or three beasts at each marriage—than that looked for from the maternal uncle, for their nephews are their sons and are marrying wives to their lineage. The bulk of the bridewealth is provided by the family, but as the cattle of married brothers, though owned by them separately, are often herded together and tethered in the same kraal, the contributions by the father and his brothers may come from a single herd. Indeed, in a sense it is not easy to make a rigid distinction between what the father gives and what the uncles give towards the expenses of a marriage. The obligation on uncles is weightiest when they are full brothers of the father, live with or near him, and are on friendly terms with him. A half-brother of the father, especially if they live in different villages or districts, may feel that he has done all that should be required of him if he gives a beast on the marriage of one of his nephews. The younger brothers of the bridegroom must look for help to their other paternal half-uncles when it is their turn to marry.

The rivalry and conflict between paternal kin of which I have spoken comes out most clearly in relations between *gaatgwanlen*, male ortho-cousins, the sons of brothers, particularly of paternal half-brothers. Enmity between half-brothers is as far as possible suppressed, or at least not given public expression, on account of the father. If brothers disagree they separate, but they try to avoid scandal. Difference of generations inhibits either familiarity or declared hostility between a man and his paternal uncles, but the sons of these uncles are of his own generation and he can be as intimate or quarrelsome with them as he pleases. He is bound to them by ties of loyalty which do not derive from, or depend on, either mutual affection or common affection for a third person, as is the case with half-brothers who share the same father, and which generally necessitate close contact in situations likely sometimes to engender conflict. It is perhaps this contradiction between social bonds and personal feelings which gives rise to the joking or teasing relationship between ortho-cousins.

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605 195 I will not discuss here the use of obscene language in general among the Nuer but only the custom called *leng*, conventionalized exchange of obscenities, which is regarded as being pre-eminently a form of behaviour between paternal cousins of the same sex and generation, generally between males, whether they be first cousins or farther removed. It would be most improper for a man to exchange obscenities in this way with other kinsmen. A man says to a paternal cousin '*ban leng*', 'let us have a slanging-game'. Then they abuse each other in turn, prefacing each epithet with the exclamation *awai yah!* The exchange often develops into a contest to see which of the two can continue the longest without repeating himself. As Nuer are practised and have a fertile imagination in such matters, the duel may be kept up for several minutes before one of the men cannot think of an obscenity he has not already used and thus loses the duel, which is closed by shouts of laughter on both sides. The obscenities, which are the most extravagant I have ever heard, cover, with many elaborations, every possible kind of sexual act, the sodomy motif being the most prominent, and refer to the partners to the duel themselves and their fathers, mothers, sisters, paternal and maternal aunts and uncles, grandparents, and sweethearts, though only terms of relationship and not proper names are used. The partners also call one another Dinka, witches, spongers, bastards, gluttons, and so forth. No offence is taken at the foulest sexual references to relatives, though I was told that paternal first cousins ought to avoid mentioning the father and the paternal aunt—'you do not do this because of your father'—and to restrict their observations to the mother and persons on her side of the family. Paternal cousins farther removed appear to feel no embarrassment in mentioning the father and his sister. However, paternal cousins avoid such exchanges in the presence of unrelated persons of the opposite sex.

•604 The *wac*, father's sister, is not so prominent in the picture of family portraits as the father's brother because she is generally a member of a different local community, but Nuer say that she is like the father's brother: 'Your *wac* is your *gwanlen* also.' She may treat you badly when you are little, and even if she is kind she does not love you: 'The ones she loves are her grandchildren and the children of her sisters.' A Nuer told me that 'she thinks of you merely as "*gatdemar*" ("son of my brother")', by which he meant that she does not think of you as '*gatda*' ('my son'). She may talk

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friendly with you, but really she cares nothing for you and always favours her own children at your expense should you be living at her home. 'Your father's sister blesses you with her mouth, meaning nothing, but she cares nothing for you in her heart.' Nuer contrast her, especially the father's paternal half-sister, with the mother's sister, as they contrast the father's brother with the mother's brother. When you visit her she lets you remain hungry till evening instead of preparing a meal for you at once as a mother's sister would do. They also say that it is very likely she was resentful of your mother and takes it out of you. Nevertheless, a paternal aunt may be asked to assist her nephew to marry and with the consent of her husband, or son, she may contribute a heifer, though she is only likely to do so once. If there are several aunts and several nephews, one of the aunts will be asked for assistance on the marriage of one nephew and another aunt on the marriage of another nephew. Moreover, though the father's sister belongs to the 'bulls', her children are 'children of daughters' and the relationship of father's sister's son has the kindlier associations of this type of kinship. 604

It is only fair to say that the account given above is a gross distortion of the usual relations of a man with his paternal uncles and aunts, and indeed Nuer readily accept that they may be harmonious. They admit that many an orphan finds a true father in his father's brother and a true mother in his father's sister. They say that much depends on the character of the person concerned, the temper of relations between uncle or aunt and father and mother, and above all whether father and uncle have lived together, which often enough means whether they were full brothers, for then the uncle is one of those who has brought his brother's son up from childhood and regards him as much a son as a nephew.

I would remark here that, as was noted in our review of Nuer ideas about incest, though all paternal uncles and aunts are agnates, those who are uterine brothers and sisters of the father, while not, of course, in the Nuer sense of the word *gaatnyiet*, seem to partake in a kind of way of the quality of kinship through women just as, in a higher degree, the uterine brother does, for their kinship with the father is both on the byre-side and on the hut-side. They share with the father not only his paternal kin but his maternal kin also.

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602 Nevertheless, distortion though it may be, it is a distortion which by over-emphasizing certain features of relationship on the paternal side brings out one of their essential characteristics, the personal rivalries generated by corporate life and common interests. It is understandable that those who live together have many opportunities for quarrelling and that their common interests, especially in regard to cattle in which they all have rights, provide occasion for it. A Nuer is bound to his paternal kin from whom he derives aid, security, and status, but in return for these benefits he has many obligations and commitments. Their often indefinite character may be both evidence of, and a reason for, their force, but it also gives ample scope for disagreement. Duties and rights easily conflict. Moreover, the privileges of agnatic kinship cannot be divorced from authority, discipline, and a strong sense of moral obligation, all of which are irksome to Nuer. They do not deny them, but they kick against them when their personal interests run counter to them. We noted in the last chapter that Nuer realize that the paternal half-brother relationship is one in the nature of which there are cleavage and opposition. In the nephew-paternal uncle and the ortho-cousin relationships the opposition is perhaps less tense because the persons belong to different families and households and their interests are more divergent, and because less effort has to be made to repress antagonisms. In their interrelations we have in embryo and between persons the same complementary tendencies towards fission and fusion that we find between opposed segments in the lineage system which derives from these paternal relationships as branches derive from twigs on a tree. We shall later see how the relation of the agnatic type of kinship to the type of relationship through women, and the relation of the lineage system to the whole society, are of the same pattern. First we must consider the categories of kinship on the mother's side of the family.

604 Nuer say of the maternal uncle that he is both father and mother, but most frequently that 'he is your mother'. He is a man's great supporter when he is in trouble. If a youth has committed adultery or involved himself in some other trouble, and his father's people refuse to aid him, he goes to his maternal uncle for help. He will help his sister's son for his mother's sake. Nuer say also that 'your maternal uncle will give you a cow and its calf to start a herd, and more cattle when you marry'. Indeed, he is expected

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at any time to give you a goat or a spear, or even a cow if he can afford it, when you are in need of these things, though you ought some day to make return to him. The relationship between sister's son and mother's brother is one of tenderness. Nuer have often told me how indulgent a mother's brother is with the little children of his sisters. They say, for example, that if a boy living at his maternal uncle's home feels out of sorts and does not want to spread out the cattle-dung to dry in the sun or to perform some other domestic task of boyhood, and the sons of the home think he is shirking work and abuse him, their father will admonish them to leave his sister's child in peace. If this happened at the home of a paternal uncle he would support his own sons and upbraid his nephew for laziness and even beat him. If a man's father is dead and his father's brothers have few cattle or are unfriendly towards him, he may go to live with his maternal uncle, and the uncle's wife will cook for him. He may even marry from the uncle's herd. Also, a youth during his father's lifetime often visits his mother's kinsmen and stays with them for weeks together. A Nuer lad has always a second home if his maternal uncle is a full brother to his mother. A mother's half-brother is regarded as a more distant person.

A man particularly looks for assistance from his mother's brothers when he wants to marry. If a mother's full brother likes his sister's eldest son he may give him two or three cows to help him get a wife, and he may make further contributions on the marriages of the younger sons. However, as in the case of the paternal half-uncle, a maternal half-uncle considers that he has done his duty if he assists one son of his sister's family to marry. He expects his next nephew to marry to approach his brothers for help. Even a maternal full uncle is not obliged to contribute to his nephew's bridewealth. If he refuses aid he cannot be deprived of cattle on the marriages of the young man's sisters. Any assistance he may give is regarded as an act of friendship and not as a return for the cattle he receives. The only cattle the mother's people are obliged to pay to her sons are a male and a female calf, which in eastern Nuerland are known as the *ghok jookni*, the cattle of the ghosts. This claim becomes due when the mother has reached the menopause.

The mother's brother-sister's son relationship is marked by a number of special observances. A youth at his initiation may ask

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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [164] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [153] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a 604 789 maternal uncle is desired, his curse is believed to be among the worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

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and fishing and hunting, if he is disobedient or refuses a request or in some other way offends him. The curse may also prevent the nephew from begetting male children. Nuer therefore, however angry they may be, avoid swearing at their maternal uncles: 'Above all you must not swear at your maternal uncle. You might even think of swearing at your father but never, never, at your maternal uncle.'

It is the privilege of a maternal uncle's wife to swear abusively at her husband's sister's son. She does this teasingly and not in anger. He will not answer her back unless he is of about her age. A mother's brother's wife is often addressed by the anomalous term '*mandong*', 'grandmother', though '*ma*', 'mother', may also be used. When so addressed she answers her husband's sister's son as '*gatnyimar*', 'son of my sister', or '*gatnyieti*', 'son of daughters', 'on account of her husband whose sister bore him', and not as 'grandson'. Nuer have given me two reasons for this usage. I was told that 'after the mother of your mother has died she (your maternal uncle's wife) turns herself into something like your grandmother'. This corresponds to a man calling his wife's elder sister 'mother' when his mother-in-law is dead and respecting her as a mother-in-law. I was also told that 'you call her (your maternal uncle's wife) *mandong* (grandmother) because if he (your maternal uncle) dies you may take his wife'. Though in my experience this seldom happens, the second explanation is consistent with another anomalous usage, the description by a woman of her husband's sister as '*mancoada*', which means literally 'mother of my husband', and of the son and daughter of her husband's sister as '*gatmancoada*' and '*nyamancoada*', 'my husband's mother's son' and 'my husband's mother's daughter'. In spite of these explanations it may be suggested that these peculiarities of behaviour and language relating to the maternal uncle's wife may be most appropriately interpreted in terms of the position of the maternal uncle in the kinship system.

The many observances relating to the mother's brother-sister's son relationship are indicative of this position, a further indication perhaps being the fact that, as will be seen in the following section, he alone among kinsfolk is not usually addressed by terms proper to the family. He is not, of course, strictly speaking a *gatnyiet* to his sister's son, but the relationship is one of this kind because his sister's children are *gaatnyiet* to him and his sons. Also in a

604 general sense, in contrast to the 'bulls', the maternal uncle is a relative through a female, the mother. Indeed, he is spoken about
601 by Nuer as a kind of male mother himself. The significance of his position is due to the fact already drawn attention to, that there is a pull on a man in two directions in the Nuer kinship system, towards his father's kin and away from them towards his maternal kin, a tension especially marked in the case of an eldest child and in polygamous and concubinary families.

604 This balance is, as we have seen, very marked in the Nuer kinship system. When one lives among Nuer the relationships of *gwanlen, nar, wac, manlen*, and their children are hardly ever out of one's mind, for there are few conversations in which one or other of them does not figure; and in all discussions of a formal or ceremonial nature they go in pairs of opposites, the paternal uncle with the maternal uncle, the paternal aunt with the maternal aunt, and the sons of the one with the sons of the other. The balance between father's kin and mother's kin is always maintained on important occasions of social life, such as marriages, settlements of feuds, and religious feasts, when relationships are formally defined.

604 The balance is felt also by Nuer in their everyday life, and it strongly affects the relationships. A mother's brother, for example,
602 is not just a mother's brother. He is, so to speak, a mother's brother and not a father's brother; and the fact that a man has a mother's brother towards whom he can turn in trouble affects his relations with his paternal kin. Relationships are tinged with their opposites. This is not a mere relation of opposites within a formal pattern. We have constantly noted throughout this book the very powerful and frequent attraction of the maternal kin in such a practical question as where a man resides. We have seen that a first-born ought to be brought up by his maternal grandparents; that fatherless young men often go to live with their maternal uncles; that youths frequently stay with their mother's people; that attraction to the maternal kin is accentuated by one or other form of concubinage; and that men easily identify themselves through female links with the lineage with whom they reside. A man has always the choice of several homes, and if he does not care to reside with his paternal kin he can attach himself to the home of other male or female kinsfolk. It is generally towards his mother's brother's people that he turns his eyes when

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he has disputes with his paternal kin or feels unhappy among them. I had the impression that Nuer, who often talk about it, are very conscious of this pull away from the paternal kin which is personified in the maternal uncle. It signifies not only a balance between paternal and maternal kin within the kinship system but also a balance between the lineage and the society which contains it—between the lineage system and the total social structure.

The relationship between the *gaatnar*, the children of the mother's brother, and the *gaatwac*, the children of the father's sister, who belong to different lineages and, usually, different local communities, is considered by Nuer to be one of easy companionship. Friendship between a man and the sons of his maternal uncle is not blended with the reserve which difference of generation introduces into his relationship with their father. However, the tension personified in the mother's brother cannot but to some extent affect the relationship with his sons. The sons of the mother's brother are the counterpart to the agnatic cousins, the sons of the father's brother, and the two relationships seem for Nuer to stand in opposition.

It remains to say a few words about the *manlen*, the mother's sister. Nuer say of her that she is like the mother's brother, that 'she is your mother', and that she will love you as a son. 'Your mother's sister is your friend. Is she not the sister of your mother?' If you live at her home she will not, like the father's sister, favour her own children at your expense. You are her son and you will eat with her own child and share and share alike with him like brothers. When you visit her from a distance she sees that you are hungry from your journey and at once leaves off what she was doing to prepare a meal for you, and she pours her best butter over the porridge she has prepared for you. It is the mother's sister relationship that Nuer mostly invoke when hurling their spears in hunting and fishing: *'Tet cueda malene'*, 'My right hand, my mother's sisters.' This is equal to the *moc*, the invocation of a favourite ox. A mother's sister, like a father's sister, will be asked to contribute a heifer on the marriage of one of her nephews, but she, also, will not be expected to contribute again on the marriage of another son of the same sister. I was told that when a mother's sister dies her nephew may not visit her grave without a goat for sacrifice.

The mother's sister-sister's son relationship belongs to the

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604 *gaatnyiet* category, for the children of each of two sisters are children of the daughters of the lineage to the other. Of all Nuer relationships it is the one of the most unadulterated benevolence. The two women and their children may generally be expected to live in different local communities, so that their interrelations are limited to friendly visits. There are none of the elements of opposition which make the relationship of mother's brother to sister's son more complex and explosive. The husbands of the sisters are not likely to be near kinsmen. There are between them none of the bridewealth transactions which complicate the mother's brother-sister's son relationship. There is no pull on the children towards the mother's sister as there is towards the mother's brother and the maternal kinsmen who live in the mother's home. It is perhaps because of the simple affection that the relationship implies to Nuer that *gatmalen*, son of my mother's sister, is a form of address sometimes used to unrelated friends whom a man wishes nevertheless to address by some kinship term.

III

000 I have been speaking up to the present of relations between close kin, the nuclear kin, who fall in relation to any particular person into a limited number of categories of relationship. These categories make a pattern which we call the kinship system. It was shown in the first chapter how all the members of a person's community are kin (including affines in this term) to him in one way or another, that is, they can all be placed in one or other of these categories. Clearly they are kin in a more remote sense. It is to this more general aspect of the kinship system that I now turn. It is perhaps most conveniently approached in the conventional manner of anthropological writings by an examination of the use of kinship terms.

601 Nuer kinship terms can be used descriptively to speak of any particular relationship, either with or without reference to a particular person. The construction of these terms is simple, e.g. the father's sister's daughter is *nyawac* (*nya*, daughter, *wac*, father's sister) and the mother's brother's son is *gatnar* (*gat*, son, *nar*, mother's brother). One can combine the primary terms to describe any relationship, e.g. *gatnyawac*, father's sister's daughter's son (*gat*, son, *nya*, daughter, *wac*, father's sister), and

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593 that the groups differ. But when the sons become men, there is this
602 difference between them. A son in the simple legal family has no property
428 rights independent of his father. He does not own cattle in the family herd, which belongs to the father, and he only has disposal over cattle by permission of his father or as his father's heir. But when a man has married a wife to the name of his paternal uncle, or to the name of his brother, the son whom he begets is his father's brother's son, or his brother's son, and belongs to a different family and potentially to a different *gol* (household) to the man who has begotten him. When this son grows up his legal personality is not therefore merged in that of his genitor but in that of his dead pater whose status he assumes and whose property rights he inherits. If the pater left cattle the genitor ought to have held these cattle in trust for his son. Even if the pater, as is often the case, had no cattle when he died, he had potential rights in the herd and these rights his son inherits. Moreover he is almost certain to have had rights in the bride-wealth of female kinswomen and as these cattle became due to him they ought to have been held in trust for his son. The genitor has no legal rights over these cattle. Consequently if a son born in the union of ghost-marriage does not agree with the man who stands in the place of his pater, he is able more easily to take up an independent position, by assuming his pater's status, than a son born in the union of simple legal marriage. The one is already the head of a *gol*. The other only becomes the head of a *gol* on his pater's death. The genitor of a ghost-child is not his pater but a fellow-kinsman and to some extent a peer, and without the legal authority that a pater has over his son. However, I know of no serious dispute between a son born of ghost-marriage and his genitor for the genitor stands in the place of the pater and has the same desire to see his sons happy and wealthy. A son is generally content to let his genitor use his cattle as the genitor pleases during his boyhood, being well assured that when he is old enough to marry he will be well provided for and that far from the genitor's legal sons being favoured at his expense it is he who will receive priority.

When a man marries a wife to the name of his maternal uncle a more
604 delicate and complicated set of interrelations are brought about. Such a
428 marriage usually takes place when the dead maternal uncle has no close agnatic kinsman, and the sister's son often marries him a wife with part of his maternal uncle's herd and takes charge of the remainder of it. In childhood the relations between parents and children are the same as those between members of a ghost-family in which pater and genitor are agnatic kinsmen, but when the sons grow up differences between them and their genitor are likely to be more acute if the genitor has abused his position of guardian and trustee. For whilst it is no great abuse of trust for a close agnatic kinsman of the pater to use the pater's cattle for his own purposes since he is a proper substitute for the pater in the sense that they belong to the same agnatic, and therefore cattle-group, the sister's son belongs to a different kinship group to the pater and one that does not herd its cattle in common with the pater's people nor share the obligations of mutual assistance and blood-revenge. When the daughters he begets

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by his maternal uncle's wife are married he ought not to use the cattle for his own purposes but ought to keep them till the brothers of the girls are old enough to marry with them, for "the cattle of the father" and "the cattle of the mother" are theirs by right as heirs to their pater. Nevertheless he often takes advantage of the minority of the sons and this sometimes leads to altercations and bad feeling in the family. The history of my servant, Wia ♂, is a case of this kind. 604 428

A woman, Nyagen ♀, was stolen when a girl by the Anuak people and was married to an Anuak called Uluri ♂. By him she begat Cam ♂, so-called after an Anuak spirit. Nyagen ♀ then ran away from her husband taking her son with her to another Anuak district where she lived with a man called Wicoko ♂ by whom she bore Bithou ♂.[1] The Lou Nuer then took Nyagen ♀ and her sons captive during a raid into Anuak-land. It was discovered that she was sister of Dar ♂, a Lou aristocrat, who took charge of her and married her to Carou ♂, a Gaajok aristocrat, who was also to take her son Bithou ♂ to his home, while her other son, Cam ♂, was to remain with Dar ♂ and be his heir, since he had no sons of his own. When Cam ♂ grew to boyhood he deserted his maternal uncle and went to live with his mother and her husband in Gaajok country and was there initiated into manhood. However, he quarrelled so much with members of Carou's village that he eventually came back to live with his maternal uncle. Before Dar ♂ died he told Cam ♂ to marry him a wife and Cam ♂ took Nyabuom ♀ in marriage to his name with the bride-cattle of Mer ♀, his maternal uncle's sister. Nyabuom ♀ bore Cam ♂ several sons and daughters. I shall not give further details here but mention only the outstanding and relevant facts. Nyabuom's other sons have died leaving Wia ♂, a youth of about twenty-five years of age, as sole survivor. Her daughters have been married and Cam has used their bride-cattle to marry further wives and for other private purposes. In Nuer law his portion consists only of the cattle due to him for having begotten and brought the girl up. "The cow of the paternal aunt" belongs to his mother who is still alive. In taking the whole of the bride-wealth he has therefore abused his trust as guardian of his maternal uncle's son and though he was not prevented from disposing of the cattle he was much criticised for doing so, and finally antagonised his son. 604 428 578

People said: "A good man who was in the position of Cam ♂ would regard Wia ♂ as a man of a different household (*labe ram goal gule*) and would say to him "You are a ghost-child, marry a wife for your lineage" (*Labi gat joka, kweni cek thok dwielun*). Long ago he would have divided his herd and would have given Wia ♂ the cattle of his father's herd and of his sisters' marriages."

But Cam ♂ is quarrelsome and excitable, even unbalanced at times, and has resisted all pressure brought to bear on him to behave according to accepted standards. The kinsmen of Dar ♂ have protested in vain against his abuse of trust and there have been rows about the matter between Nyagen ♀, who supports her son, and her kinsman. The con-

[1] After the Anuak word 'to die' (*thou*). It is equivalent to the Nuer name Bilou.

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604 428 578 sequence of Cam's action in everyone's opinion is to be seen in the death of all Wia's brothers. The ghost of Dar ♂ is angry because his cattle have not been used to marry his son a wife, and he has killed his sons.

Wia's position is a difficult one. He has been brought up by Cam and has always regarded him as a father. On the other hand he is disgusted with his unfair treatment. His attitude towards Cam ♂ is a mixture of affection and hatred. His attitude is not simply the blend of opposed feelings that one may find in an adult son's attitude to his father in many societies, perhaps any society, but is complicated by the fact that legally he is not Cam's son at all but a son of Dar ♂ and stands to Cam in the relationship of mother's brother's son. When I first knew Wia ♂ he was inclined to accept the position in mute protest and to leave his pater's kinsmen to fight for him a battle which as a son he felt unable to wage on his own behalf. When I met him again four years later his heart had hardened and he was more obstinate. He told me that he had first entered my service, come *rei Turuk*, " among the Turks ", because he could not abide his father's greed. When I left the country in 1933 he was glad to be passed on to my friend Mr. F. D. Corfield, District Commissioner of the Eastern Nuer, whose groom he became. I took him on again for a month in 1935 and we paid a joint visit to Yakwac, Cam's hamlet. Wia was being married at the time and had the full support of his kinsmen in the undertaking and in the struggle with his father which it entailed.

As a result of his service with Mr. Corfield and myself he had collected a small herd at the district headquarters of Nasser. Cam wished him to use this herd as bride-wealth for his marriage. He resolutely refused to do so saying that Cam's herd was composed entirely of cattle derived from his (Wia's) sisters' marriages and that in the past he had used other cattle which rightly belonged to Wia to marry additional wives for himself so that it was Cam's duty to obtain a wife for him out of the cattle of his herd. He was heir to his pater's cattle and it was Cam's business to see that he was married a wife with these cattle and not Wia's business to work with Englishmen to earn cattle for his own marriage. Wia said that he would keep the cattle he had earned and make a second marriage in the future. There were lengthy and sometimes violent discussinos on this theme. Wia himself said little but refused to give away. He was so obviously acting within his rights that Cam eventually provided the bride-wealth. By this time, however, Wia was so estranged from his father that he told me he would never settle in his father's hamlet but would live for a time at Nasser and then settle with his pater's people in another village. He is not only angry at Cam's abuse of trust but is also aware that were he to settle at Yakwac and pasture his cattle there Cam is so reckless that he would either try to seize his cattle to contract another marriage or would involve himself in law-suits and having used all his own cattle in paying compensation and debts would then use Wia's cattle for the same purposes.

A man who cohabits with his brother's widow must also remember that he has full rights of parental control over the sons he begets by her only so long as they are minors. When a son has been initiated into manhood he

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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breech of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights. 604 428 578

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mac* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen. 604 428 884

This correct procedure is well illustrated in the case of Ging ♂—Ging ♂ who was resident at Nyueny during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep ♂—Deng ♂ of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

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604 of Tutgar so that the rite might be performed there for it is a dishonour to
428 a boy's agnatic kinsmen if it is not performed in their village and nothing
884 more strongly binds a boy to them than the knowledge that they undertook the expenses of his initiation and the remembrance of the place where he suffered so great pain to win his manhood. After his initiation Ging ♂'s uncle built him a byre and handed over to him his father's cattle. Although he is only a small boy he is a *gwan cieng*, an independent householder. I used often to talk to him and he was very proud of his position and of having a byre and cattle of his own, and evidently liked and respected his uncle. By acting straightly with Ging his uncle firmly attached him to his father's people and though he pays, and will continue to pay, frequent visits to his mother and his foster-father he will never desert his agnatic kinsmen among whom he has his byre and herd.

The heritage of children must be respected. Thus, to give one more example: the widow, Nyaruithni ♀ (Homestead No. VIII), has her own byre where her dead husband's cattle are herded by her brother's son, Gai ♂. The byre and herd are being held in trust for her little son, Malith ♂, and when he is initiated he will assume sole charge of them. In a case of this kind it would be impossible for one of his maternal uncles to use the cattle during his minority for the others would not allow him to do so. Moreover, this would be a serious offence in Nuer eyes because when Nyaruithni ♀ was married they received her bride-cattle and it would be very wrong to add to these cattle those of her children. The husband's kinsmen would strongly object. Probably Malith ♂ will let Gai ♂ have a few cows to help him marry but this will be a gift out of affection and of gratitude for his services.

The difference between this case and that of Ging ♂ is that in Malith's case his maternal relatives are acting as his guardians whereas in Ging's case it was his paternal relations who were his guardians. It remains to be seen, however, whether Malith's paternal relations show sufficient interest in the boy to bring him to their home to be initiated. If they do this he will probably join them for good.

X

604 The opposition between the legal family and the biological family is
428 most evident when a son is born in widow-concubinage. The opposition is clearer, and hence the sociological interest greater, because in ghost-marriage and leviritic marriage the genitor is a legal substitute for the pater whereas the genitor of a child born in widow-concubinage has no legal status as pro-pater. If the pater's brothers are alive and family feeling is strong they are likely to insist on his sons being initiated in their home and living with them after initiation. They may also bring his daughters to live with them and marry them from their home. The genitor cannot deny them their right when they tell him *Garena goat ghok ko*, "We want the children of our cattle". Thus it often happens that a boy is brought up amid one social group but belongs legally to a different social group. The sentiments of childhood attach him to the home of his mother and genitor and while he is small he does not think of

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any other place as his home. But when he reaches manhood the sense of kinship so strong in Nuer, and the desire for the cattle of his pater's heritage, attract him to the village of his true paternal kinsmen. 604 428

Which group he finally joins depends on a number of conditions. The most important of these conditions is the existence of close kinsmen of the pater for if he left behind him brothers they are almost certain to want their child to live among them. Thus where we find adult sons living with their genitors in Nuerland it normally means that they have no very close agnatic kin whom they may regard as "fathers" and "brothers".

A further factor, closely bound up with that of the existence of close agnatic kin, is the disposition of herds and the allocation of rights in them. During a man's lifetime he usually divides his herds among his wives but they have only use of the cattle for milk and have no rights of disposal in them. They hold them in trust for their sons who after initiation have full control over them. When I suggested to Nuer that the widows might disperse and take the cattle to the homes of their brothers and lovers my remarks always evoked disapproval. "That is impossible. The eldest son (if initiated) would not allow it. He would say 'These are our father's cattle. They must remain in our father's byre'." If the widows scatter, the children and the cattle must remain in the homestead of the dead man. That is the rule and it is only when the dead man has no close kinsmen to enforce it that the widows may remove the children and the cattle. Even if they are permitted to do so the brother, or lover of a widow would take a serious risk were he to dispose of the cattle, for when the sons grow up he will have to give an account of his stewardship and if he has disposed of the cattle it is not unlikely, Nuer tell me, that one of the sons will split his head open with a club. [578]

A widow is only allowed, in normal circumstances, to keep the cattle if she remains in her dead husband's village and takes a lover or is visited there by a lover from another village. If she goes to a lover's home she may, perhaps, take a cow to nourish her babies but the herd will remain with her husband's brothers. In either case the lover has no control over the cattle though sometimes the widow and her children, if she retains the herd in her husband's home, may assist the lover to marry by giving him the right. Thus Nyamani ♀ (Homestead No. IV) gave Panyuan ♂ a cow to assist him to marry, but Biliru ♂, her son, was old enough to understand what was happening and to give his consent. Nuer say that if a lover managed to use the cattle without hindrance at the time his sons would drive him away when they reached manhood and might even injure him. They would also raid (*kwal*) his herd to recompense themselves.

I do not know of a single instance among the widows who have left their husband's village and come to live at Nyueny where one of them has brought cattle with her. The cattle have been kept by the kinsmen of their husbands and the widows "have come to Nyueny only for children." 588 428

It is only in rare instances, where the pater has no close kinsmen, that a lover becomes guardian of the children and trustee for the cattle. When the daughters are married the "cattle of the father" and the "cattle of

789 A mother may curse her son for neglect, especially when she
593 is old and must rely on others for support, or for divulging her hiding-place to her husband if he is angry with her and seeks for her to chastise her. A mother's curse may have the same effects as a father's curse; but it is thought that, in addition, it has the particular effect of preventing the son from begetting male children. A mother's curse may thus injure the lineage, and in this respect her curse is more like that of the mother's brother than that of the father. I have also been told that a mother may, because she loves a son who has wandered to a distant country, curse him mildly so that he may suffer some minor sickness which will put him in memory of his home and cause him to return to it.

The curse of a mother's brother—at any rate that of a mother's
789 uterine brother—is also greatly feared by Nuer, for he, unlike the
604 father, may curse a man 'to cattle', so that he loses his entire herd. Nuer seem to regard it as the worst of all curses and they recognize it as a strong sanction behind the demands of their mothers' brothers, where these are just. A sister's son who fails to carry out
[753] certain duties or who fails to observe certain interdictions concerning his mother's brother may develop a disease called *keth nara* (disease of the *nar*, mother's brother), which may be fatal. Nuer describe it as *'cere ke biit'*, 'like to a curse'. People say that
[603] the curses of father, mother, and mother's brother are the worst, though that of a paternal grandmother is also said to be bad, and
[593] it is said that the curse of an eldest child is feared by his parents, especially his mother, and by his maternal uncle; in certain circumstances a sister's son, especially the eldest son of the sister, may curse his maternal uncle's herd. The only other kinsfolk of whom I have been specifically told that they may curse a man, in the sense that one may speak of a curse of the kinship category in which they stand, are the father's sister and the mother's sister, and Nuer say that these are very small curses and they do not therefore give them much thought; but a person standing in any social relationship to another may curse him if he has been wronged by him. However, the more distant the relationship the less effective the curse, because the less the obligation and therefore the less the wrong.

789 A run of misfortunes may be attributed to the curse of one of
593 these relatives. I tell one story in illustration. Luak, a man of the Leek tribe, refused to stay at home and help his father Thicjok to

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thereby forfeit his title to bridewealth on the marriages of other sisters. Nevertheless, public opinion would censure a paternal uncle, or his son should he be dead, were he to refuse assistance, especially if, as is normally the case, they are living in the same or nearby homesteads. Paternal uncles are expected to help each of their nephews to marry in turn and to make a more generous contribution—perhaps two or three beasts at each marriage—than that looked for from the maternal uncle, for their nephews are their sons and are marrying wives to their lineage. The bulk of the bridewealth is provided by the family, but as the cattle of married brothers, though owned by them separately, are often herded together and tethered in the same kraal, the contributions by the father and his brothers may come from a single herd. Indeed, in a sense it is not easy to make a rigid distinction between what the father gives and what the uncles give towards the expenses of a marriage. The obligation on uncles is weightiest when they are full brothers of the father, live with or near him, and are on friendly terms with him. A half-brother of the father, especially if they live in different villages or districts, may feel that he has done all that should be required of him if he gives a beast on the marriage of one of his nephews. The younger brothers of the bridegroom must look for help to their other paternal half-uncles when it is their turn to marry.

The rivalry and conflict between paternal kin of which I have spoken comes out most clearly in relations between *gaatgwanlen*, male ortho-cousins, the sons of brothers, particularly of paternal *half-brothers. Enmity between half-brothers is as far as possible* suppressed, or at least not given public expression, on account of the father. If brothers disagree they separate, but they try to avoid scandal. Difference of generations inhibits either familiarity or declared hostility between a man and his paternal uncles, but the sons of these uncles are of his own generation and he can be as intimate or quarrelsome with them as he pleases. He is bound to them by ties of loyalty which do not derive from, or depend on, either mutual affection or common affection for a third person, as is the case with half-brothers who share the same father, and which generally necessitate close contact in situations likely sometimes to engender conflict. It is perhaps this contradiction between social bonds and personal feelings which gives rise to the joking or teasing relationship between ortho-cousins.

605 195 I will not discuss here the use of obscene language in general among the Nuer but only the custom called *leng*, conventionalized exchange of obscenities, which is regarded as being pre-eminently a form of behaviour between paternal cousins of the same sex and generation, generally between males, whether they be first cousins or farther removed. It would be most improper for a man to exchange obscenities in this way with other kinsmen. A man says to a paternal cousin '*ban leng*', 'let us have a slanging-game'. Then they abuse each other in turn, prefacing each epithet with the exclamation *ausi yah!* The exchange often develops into a contest to see which of the two can continue the longest without repeating himself. As Nuer are practised and have a fertile imagination in such matters, the duel may be kept up for several minutes before one of the men cannot think of an obscenity he has not already used and thus loses the duel, which is closed by shouts of laughter on both sides. The obscenities, which are the most extravagant I have ever heard, cover, with many elaborations, every possible kind of sexual act, the sodomy motif being the most prominent, and refer to the partners to the duel themselves and their fathers, mothers, sisters, paternal and maternal aunts and uncles, grandparents, and sweethearts, though only terms of relationship and not proper names are used. The partners also call one another Dinka, witches, spongers, bastards, gluttons, and so forth. No offence is taken at the foulest sexual references to relatives, though I was told that paternal first cousins ought to avoid mentioning the father and the paternal aunt—'you do not do this because of your father'—and to restrict their observations to the mother and persons on her side of the family. Paternal cousins farther removed appear to feel no embarrassment in mentioning the father and his sister. However, paternal cousins avoid such exchanges in the presence of unrelated persons of the opposite sex.

604 The *wac*, father's sister, is not so prominent in the picture of family portraits as the father's brother because she is generally a member of a different local community, but Nuer say that she is like the father's brother: 'Your *wac* is your *gwanien* also.' She may treat you badly when you are little, and even if she is kind she does not love you: 'The ones she loves are her grandchildren and the children of her sisters.' A Nuer told me that 'she thinks of you merely as "*gatdemin*" ("son of my brother")', by which he meant that she does not think of you as '*gatda*' ('my son'). She may talk

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he has disputes with his paternal kin or feels unhappy among them. I had the impression that Nuer, who often talk about it, are very conscious of this pull away from the paternal kin which is personified in the maternal uncle. It signifies not only a balance between paternal and maternal kin within the kinship system but also a balance between the lineage and the society which contains it—between the lineage system and the total social structure.

The relationship between the *gaatnar*, the children of the mother's brother, and the *gaatuac*, the children of the father's sister, who belong to different lineages and, usually, different local communities, is considered by Nuer to be one of easy companionship. Friendship between a man and the sons of his maternal uncle is not blended with the reserve which difference of generation introduces into his relationship with their father. However, the tension personified in the mother's brother cannot but to some extent affect the relationship with his sons. The sons of the mother's brother are the counterpart to the agnatic cousins, the sons of the father's brother, and the two relationships seem for Nuer to stand in opposition.

It remains to say a few words about the *manien*, the mother's sister. Nuer say of her that she is like the mother's brother, that 'she is your mother', and that she will love you as a son. 'Your mother's sister is your friend. Is she not the sister of your mother?' If you live at her home she will not, like the father's sister, favour her own children at your expense. You are her son and you will eat with her own child and share and share alike *with him like brothers. When you visit her from a distance she* sees that you are hungry from your journey and at once leaves off what she was doing to prepare a meal for you, and she pours her best butter over the porridge she has prepared for you. It is the mother's sister relationship that Nuer mostly invoke when hurling their spears in hunting and fishing: *'Tet cueda malene'*, 'My right hand, my mother's sisters.' This is equal to the *moc*, the invocation of a favourite ox. A mother's sister, like a father's sister, will be asked to contribute a heifer on the marriage of one of her nephews, but she, also, will not be expected to contribute again on the marriage of another son of the same sister. I was told that when a mother's sister dies her nephew may not visit her grave without a goat for sacrifice.

The mother's sister-sister's son relationship belongs to the

582 561 kind of kinship. In certain circumstances an age-mate may claim a cow, the *yang rica*, of the bridewealth of the daughter of one of his mates and a man may not be in the position of paying bride-
[606] wealth and being able to claim it. Nuer point out also that were a man to marry the daughter of an age-mate her parents would become his parents-in-law, and the respect he would have to show them would be incompatible with the familiarity with which he should treat age-mates and their wives and the liberties he may take with them. He could not, for instance, eat and drink in their home, an abstention in glaring contradiction to the behaviour expected of age-mates. The prohibition on marriage with the daughter of an age-mate imposes no inconvenience on Nuer, for there would always be a great difference in age between the man and woman, and this is, in any case, an obstacle to marriage seldom surmounted in Nuerland. Strictly speaking, a breach of this prohibition is not *rual* but Nuer say that it is 'like *rual*'. The prohibition is said to have been ordained by God, and it is believed that the guardian spirit of the age-set will avenge a breach of it.

It is said that in the past a man would not have been allowed to marry the daughters of his father's age-mates, for they are in a sense his sisters. It is still not permissible for such a marriage to take place if both the fathers are alive, since this would mean that the two age-mates would enter into a relationship characterized by mutual reserve and in conflict with the egalitarian status of age-mates towards one another. When one of the fathers is dead marriage can take place, but in this case a cow, or more likely a sheep or goat, must be given by each family to the other. This exchange is in payment to the *ric*, the age-set, of the fathers to avoid evil consequences, the animal being called 'the cow of compensation (or atonement) of the age-set'. There is no clash between patterns of behaviour when one of the fathers is dead because the attitudes towards a member of a father's age-set and towards a father-in-law are both of respect.

582 The rules I have recorded above can be generalized by saying, as Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In the rules prohibiting marriage, kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the common spear; the *buth* kinship of collateral lineage and of adoption; uterine kinship; kinship through the genitor; the kinship of cognation; kinship which the birth of a

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ties between persons and of regulating the interrelations between 583
these persons till such time as their relationships become assimilated to kinship patterns—broadly speaking its role in the kinship system—and its structural role in interlineage relations.

V

The parents and kin of a young wife scarcely acknowledge her 606
husband's existence until a second child has been born to the union. If there is any need to refer to him they speak of him as *co*, the husband of, followed by his wife's name, and they speak of his village as his wife's village and of his children by reference to her name and not to his. It is also customary for the wife's people to [601]
give her children different personal names from those given them by their father's people, and if they address them by an honorific title they use that of their own clan and not that of the husband's clan.

Nevertheless, after the birth of the first child the marriage is held to have become a complete union. The husband has established a kinship tie with his wife's kin, who now address him as father of so-and-so, after the name of his eldest child. He is no longer merely the husband of their daughter. Instead of paying clandestine visits to the home of his parents-in-law (*ciengthu*) he may visit them openly, though he must continue to treat his in-laws, particularly his parents-in-law, with great respect, expressed in formal modes of address, which are reciprocal, and in other ways, most emphatically in the prohibitions on eating in their home and appearing naked before them.

Even before a young man has started to look for a bride he will [576]
not generally eat with much senior men, unless they are kin, because one of them might become his father-in-law. Once he has asked for a girl's hand in marriage he may in no circumstances eat in her home, and the prohibition continues, sometimes greatly to his discomfort, until two or three children have been born, when it is relaxed by a formal ceremony if the parties are on good terms with one another. The father-in-law prepares beer, kills a goat or sheep, and invites the son-in-law and his kin to his home to partake of a feast. He tells his son-in-law that there is no need for him to respect his parents-in-law any more. The son-in-law will refuse to eat, however, till compelled to do so by the insistence of his father-in-law's kin and by his father-in-law's gift of a cow, 'the

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606 cow of the eating of the husband of a daughter', to *cocangnyade*, his daughter's husband's brother. This ceremony is sometimes held when a young sister of the wife is about to be married, so that her husband may take part in the nuptial feasts. Later, the father-in-law visits the homestead of his daughter's husband's brother and will be given beer and meat. Before he can eat or drink he must be given a bull calf or sheep by the owner of the homestead. His daughter's husband is now said to regard him as a father. Before these payments have been made, a son-in-law is to his father-in-law and his wife's paternal uncles in a position formally like that of the kin of a slayer to the kin of the man he has slain in that they cannot eat in one another's homes. The maternal uncle of a wife, who is also *guanthu*, his father-in-law, may likewise give her husband's brother a goat to enable the husband to eat in the homes of his wife's maternal kinsmen.

A son-in-law also respects his parents-in-law by hiding his nakedness in their presence with a wild cat's skin from the day he asks for their daughter's hand in marriage till the day his brother receives a cow to enable him to eat in their home. While the prohibition is in force a son-in-law who is living in the same village or camp as his parents-in-law avoids them as far as possible even when he is wearing a skin. A son-in-law must also—at any rate in some parts of Nuerland—wear sandals when visiting his mother-in-law, as he is dangerous to her should he visit her bare-footed and might cause her to become barren. There are various other customs indicating the mother-in-law to son-in-law relationship, such as the obligation on the survivor, should either die, to visit the grave a few days after burial and throw a bracelet on it. Also a son-in-law must not visit his parents-in-law when they are sick, and they must not visit him when he is sick. A man avoids his mother-in-law and her attitude to him is one of shyness and reserve. Unlike fathers-in-law and brothers-in-law, who ask a husband directly for whatever they want, a mother-in-law trusts that her son-in-law will remember her wants or, if in great need, asks him for a gift through her daughter. The mother-in-law relationship among the Nuer is a subject of mirth, and the foulest slips of the tongue are attributed to mothers-in-law when talking to their daughters' husbands.

All these rules regulating the behaviour of a man to his parents-in-law, and the avoidance and the attitude of reserve which accompany them, are eased after the birth of a second child and slowly

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break down as patterns of affinity change into patterns of kinship, the husband becoming 'the father of our daughter's children' instead of 'our daughter's husband'. A man may even joke with his mother-in-law when there are several children. 606

The rules about eating and nakedness apply, though in a lesser degree, to kinsfolk of the wife of her parents' generation as well as to the parents themselves, for all her kinsfolk are her husband's in-laws. A man will not appear naked or eat in the homes of his wife's paternal and maternal uncles and aunts or appear naked before the wives of his wife's close kinsmen. I have seen a man's wife's paternal aunt make a great fuss when unintentionally he appeared naked before her. He knelt behind another man to hide his nakedness and receive her reproaches when he became aware of his misdemeanour. On another occasion the fuss was made by a bride's paternal uncle's wife while the astonished bridegroom hastily retired into a hut. Unintentional affronts of this kind are quieted by small payments, such as a spear or a goat. As the genealogical distance from the wife increases, the obligation on the part of her husband to observe these rules lessens. It altogether ceases when the wife's father and maternal uncle have paid beasts to enable him to eat in their homes. Should a divorce take place, the son-in-law at once ceases to treat his in-laws with respect.

The wife's brother and her other kinsmen of his generation are not avoided, but her eldest brother may refrain from eating with the bridegroom before a child has been born. Nuer say, 'the wife's brother is your brother; since he gave you his sister he became your brother', and 'the husband of your sister is your brother because he will get a cow (the *yang waca*) on the marriage of your daughter'. After the birth of children a man and his wife's brother can, if great friends, jokingly curse one another in obscene language. The wife's brother's wife is highly respected till a child has been born, though not to the same extent as the mother-in-law, unless the mother-in-law is dead; then 'she becomes your mother-in-law and must be respected as deeply as a mother-in-law'. Nuer say that she then becomes your real mother-in-law and that '*ca mandong*', 'she has become a grandmother' (to the children of her husband's sister, who call their maternal uncle's wife 'grandmother'). The only in-law whom a man need not at any time treat with reserve is his wife's sister. He can joke with her and even exchange abusive language with her. However, if his mother-in-law 607

601 is dead he treats her eldest daughter with reserve, for she has then taken her mother's place: 'she has placed the food on the fire' (at her mother's mortuary ceremony). A man and his wife's sister's husband, whom he calls *warombeida*, may be on intimate terms.

602 It is only when the bride is still a maiden that the father and uncles and brothers of the bridegroom are reserved with his parents-in-law. After the marriage is consummated only the husband's father or, if the father is dead, his eldest brother will respect his parents-in-law and only to a small extent, not usually with regard to nakedness and food. Nevertheless, it is customary for the father of the bridegroom to give the father of the bride a spear or goat, and for the father of the bride to make him a similar gift, to enable the two men to eat in one another's homes without shame. A husband's younger brothers do not in any way respect his in-laws and they eat and go naked in their homesteads. On the other hand, it is customary, at any rate in the Lou tribal area, for the youth who acted as the husband's best man in the marriage ceremonies to respect his in-laws till they give him a goat to break down his reserve.

606 Obviously a wife is in a different position *vis-à-vis* her husband's people from that of a husband *vis-à-vis* his wife's people. Nevertheless, while avoidance is impracticable, she treats her parents-in-law with great respect, and in the early days of her marriage she keeps herself apart from them as much as domestic requirements permit. She cannot eat with her mother-in-law, and this prohibition may continue for some years after the birth of her first child. She cannot eat in her husband's home at all before the birth of her first child, and even after this event, when she has come to live with him, she ought not to see him eat or be seen eating by him. However, the inconvenience of this prohibition is evident, and soon after she has taken up residence in her husband's home it will be arranged that her husband enters as though by accident a hut in which she is eating. After this it is no longer shameful for husband and wife to see one another eating, and though the wife is at first shy, she will eventually share her husband's meal when
607 they are alone. Before the birth of her first child a woman respects her husband's sisters and will not eat out of the same dish with them. After the birth of a child she can be on free and easy terms with them, though personal difficulties sometimes make for reserve. Should the mother be dead, her eldest daughter tends to

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*nut syar*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *wari miew syiside*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Cas ek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *nut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *ek nu kan*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made 591 606 606 [844 602] 593 591

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

593 from the first millet of the year—a pretty custom known as *pakow kaw*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents,
602 and I have seen a husband pay several cattle to atone for contravention of this rule. A *kaw*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing
591 mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nang pada*, the bringing to the
[293] ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's
585 homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and made his hearth that she becomes, in the Nuer sense, his wife. She then makes a *kaw*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the
[606] bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

581 complete it and yet more time between the
593 consummation and the birth of a child. I do not say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As the Nuer observe a weaning taboo
[862] this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage.
• 606 Marriage is not only a conjugal relationship but also a set of affinal relations and it can be stable
593 only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal
602 relationships which require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

[p. 185b]

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When a man merely visits a widow for purposes of procreation and is 585
not a resident member of her household, and therefore not foster-father
to her children, the cow which he receives on the marriage of each daughter 431
he has begotten by her is called *yang lota*, "cow of the loins." One uses 292
the same expression for the cow paid to the genitor of girls born of wives of women, for he also is not usually a permanent member of the household. However, this expression is slightly vulgar and when the genitor is the mother's partner in a more durable union people prefer to speak of a *yang dirth*, "cow of begetting", or *yang tuar*, "cow of the genet's skin". It is called *yang tuar* because a man who has married a wife to the name of a kinsman wears in marriage ceremonies the skin which the kinsman would have worn had he been alive, and because men living with women in leviritic marriage and widow-concubinage always partake to some [404] extent of the attitude of respect of husbands towards their wives' relatives —an attitude expressed most noticeably by the wearing of a genet's skin around the loins in the presence of their relatives-in-law. Thus they speak of *Yang ne ci rit ne tuar nam*, "The cow with which you twisted to your front the genet's skin of your maternal uncle", for when you married your maternal uncle a wife you sat in his place in the byre of his wife's father during the bride-wealth discussions, and therefore wore a genet's skin, which is tied first so that it falls over the hip and is then twisted to the front to cover the genitals.

When the genitor is also a kinsman of the pater, having married a wife 585
to his name or having lived with his widow, he receives besides "the cow 431
of begetting" whatever cattle are due to a man standing in his particular relationship to the bride's pater. Thus when a man marries his brother a wife he receives "the cattle of the father's brother", and when a man marries his maternal uncle a wife he receives "the cow of the paternal aunt", unless his mother is still alive, for if she is alive she receives it.

As explained above, in certain circumstances an adulterer may ask for a cow in recognition of his physiological paternity. However, this is certainly not always asked for nor, if asked for, granted. If a man begets a female child by a girl whom he is courting and then refuses to marry her, he would not have the effrontery to ask for "a cow of begetting" when his natural daughter is married. He would risk having his skull broken by a club if he were even to visit his natural daughter. Of such a child they say *Cuo dirth gooka*, "It was born in the grass".

When the daughter of an unmarried concubine is married "the cattle of the father" go to her genitor because by payment of a fee he has made himself her pater, though not the husband of her mother. On the other hand "the cattle of the mother" belong to her sons and these may be, or may not be, natural sons of the same man who begat the bride.

This terse statement of the way in which division of bride-wealth indicates the various degrees of paternity will be better understood if Diagram No. V is studied.[A] In Fig. I when C ♀ is married "the cattle of the father" and "the cattle of the mother" go to A ♂. If A ♂ is dead they go to D ♂ and F ♂. In Fig. II when C ♀ is married the cattle of the parents belong legally to D ♂. Z ♂ would receive "the cow of begetting"

A [see p. 27. - Analyst]

14: Huffman M-5 (no date) 1931
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The next morning before she comes out of the house 585
where she has spent the night, the sister of the bridegroom 291
or some other woman relative comes in to bring her the married woman's garb, which they have prepared for her, and such ornaments as they wish to give her. At this time the beads are put in her ears. When she comes out of the house she is attired as a married woman, and from this time on she must wear some kind of a loin-cloth.

Her girl friends and herself are guests at a big feast at 585
the village of her husband that day, at which there is plenty of food and drink in evidence. When the feast is over, the girls return to the home of the bride's mother, for the Nuer bride does not stay with her husband but returns to her mother's home and spends most of her time there for the first year or two of her married life, although her husband may come to see her at any time, or she may go to his village whenever he wishes her to do so.

CUSTOMS CONCERNING MARRIAGE

A wife never eats with her husband nor sees him eat. 264
And he, while he knows she eats her food each day, never sees any sign of it. This custom is usually observed for two or three years. Then they may eat together. The wife usually stays with her mother until her child is a year or two old at least.

The wife must render a daughter's allegiance to her 606
mother-in-law, while her husband, in turn, must help his wife's mother as she desires, hoeing her field, or cutting her durra, or whatever she asks of him.

He never appears before his mother-in-law without a [576]
loin-cloth on, and for some time must never come to see her without sending word in advance.

The oldest son is allowed to be married first, and the 582
family unite in getting his cattle ready for him. Then he

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 534

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(lwciang)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *nut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a hoor, a mat fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.

606 607 For a man's wife, avoidance is impracticable, but she treats her parents-in-law with great respect and, in the early days of marriage, keeps herself apart from them as much as possible. She is on joking terms with her husband's brothers since, among brothers, the wife of one is, in the social sense, the wife of all.(1)

DIVORCE

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RITUAL AND OTHER CULTURAL FEATURES

TOTEMISM

776 The various Nuer lineages have specific ritual attitudes towards certain natural objects and living creatures. They respect the lion, reptiles, birds and plants; some lineages respect rivers and streams but, for all Nuer, rivers are specially associated with the mother spirit, Bah Nawnang, who is held in reverence by all the people. Some lineages respect cattle with certain markings and therefore do not keep them. The largest clan in Nuerland - the Gaatgankiir of the Jikany tribes - respect gourds, since, it is said, the ancestor of the clan was found in a gourd. In general, however, totems are associated with lineages rather than with clans.

[177] Nuer totems (*wuth*) are neither peculiar nor particularly important, and the Nuer themselves state that the majority of the totems come from the Dinka; they further maintain that the *kuth* of Nuer lineages are sky spirits, or spirits of persons who have been killed by lightning and have become sky spirits. The totemic relationship is explained in the myths which tell how ancestors of the lineages and the members of the species related to the lineages, were born twins. A man respects his wife's totems and a woman her husband's, while children respect their mother's totems generally. A totemic relationship of the same type does not prevent marriage.

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(1) Evans-Pritchard, *Man*, 1948, No.2, p.5.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 clining, his garden exhausted, his relations with some of his neighbours uncongenial, or merely if he is restless, he moves to a different part of the country and resides with some kinsmen.
607 It is seldom that a man goes alone, for brothers are a corporate
601 group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *ficiengtiw*, in-laws, and their children accepted as *gaat wär*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

claim part of it, for those who can claim part of a girl's bride- 582
wealth are kin to her. Nuer state these rules in terms of cattle. 727 563

A man may not take his wife's sister or any near kinswoman of 582
his wife as a second wife. A man may be on familiar terms with his 607
wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister *is* also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

A man may not marry the daughter of an age-mate, a member 582
of his age-set, 'because she is his daughter'. The blood age-mates 561
have sled together into the ground at their initiation gives them a

2:Evans-Pritchard E-5 (1931, 1936) 1951
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break down as patterns of affinity change into patterns of kinship, the husband becoming 'the father of our daughter's children' instead of 'our daughter's husband'. A man may even joke with his mother-in-law when there are several children. 606

The rules about eating and nakedness apply, though in a lesser degree, to kinsfolk of the wife of her parents' generation as well as to the parents themselves, for all her kinsfolk are her husband's in-laws. A man will not appear naked or eat in the homes of his wife's paternal and maternal uncles and aunts or appear naked before the wives of his wife's close kinsmen. I have seen a man's wife's paternal aunt make a great fuss when unintentionally he appeared naked before her. He knelt behind another man to hide his nakedness and receive her reproaches when he became aware of his misdemeanour. On another occasion the fuss was made by a bride's paternal uncle's wife while the astonished bridegroom hastily retired into a hut. Unintentional affronts of this kind are quieted by small payments, such as a spear or a goat. As the genealogical distance from the wife increases, the obligation on the part of her husband to observe these rules lessens. It altogether ceases when the wife's father and maternal uncle have paid beasts to enable him to eat in their homes. Should a divorce take place, the son-in-law at once ceases to treat his in-laws with respect.

The wife's brother and her other kinsmen of his generation are not avoided, but her eldest brother may refrain from eating with the bridegroom before a child has been born. Nuer say, 'the wife's brother is your brother; since he gave you his sister he became your brother', and 'the husband of your sister is your brother because he will get a cow (the *yang waca*) on the marriage of your daughter'. After the birth of children a man and his wife's brother can, if great friends, jokingly curse one another in obscene language. The wife's brother's wife is highly respected till a child has been born, though not to the same extent as the mother-in-law, unless the mother-in-law is dead; then 'she becomes your mother-in-law and must be respected as deeply as a mother-in-law'. Nuer say that she then becomes your real mother-in-law and that '*ca mandong*', 'she has become a grandmother' (to the children of her husband's sister, who call their maternal uncle's wife 'grandmother'). The only in-law whom a man need not at any time treat with reserve is his wife's sister. He can joke with her and even exchange abusive language with her. However, if his mother-in-law 607

607 is dead he treats her eldest daughter with reserve, for she has then taken her mother's place: 'she has placed the food on the fire' (at her mother's mortuary ceremony). A man and his wife's sister's husband, whom he calls *warombaida*, may be on intimate terms.

602 It is only when the bride is still a maiden that the father and uncles and brothers of the bridegroom are reserved with his parents-in-law. After the marriage is consummated only the husband's father or, if the father is dead, his eldest brother will respect his parents-in-law and only to a small extent, not usually with regard to nakedness and food. Nevertheless, it is customary for the father of the bridegroom to give the father of the bride a spear or goat, and for the father of the bride to make him a similar gift, to enable the two men to eat in one another's homes without shame. A husband's younger brothers do not in any way respect his in-laws and they eat and go naked in their homesteads. On the other hand, it is customary, at any rate in the Lou tribal area, for the youth who acted as the husband's best man in the marriage ceremonies to respect his in-laws till they give him a goat to break down his reserve.

606 Obviously a wife is in a different position *vis-à-vis* her husband's people from that of a husband *vis-à-vis* his wife's people. Nevertheless, while avoidance is impracticable, she treats her parents-in-law with great respect, and in the early days of her marriage she keeps herself apart from them as much as domestic requirements permit. She cannot eat with her mother-in-law, and this prohibition may continue for some years after the birth of her first child. She cannot eat in her husband's home at all before the birth of her first child, and even after this event, when she has come to live with him, she ought not to see him eat or be seen eating by him. However, the inconvenience of this prohibition is evident, and soon after she has taken up residence in her husband's home it will be arranged that her husband enters as though by accident a hut in which she is eating. After this it is no longer shameful for husband and wife to see one another eating, and though the wife is at first shy, she will eventually share her husband's meal when
607 they are alone. Before the birth of her first child a woman respects her husband's sisters and will not eat out of the same dish with them. After the birth of a child she can be on free and easy terms with them, though personal difficulties sometimes make for reserve. Should the mother be dead, her eldest daughter tends to

2:Evans-Pritchard E-5 (1931, 1936) 1951
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take her place in the family, and this affects her relationship to her brother's wife. 607

Just as a husband need not respect his wife's sisters but is on familiar terms with them, so a wife is on familiar terms with her husband's brothers. Among brothers the wife of one is in a general social sense the wife of all. A man seldom refers to his brother's wife as '*ciekdemar*', 'the wife of my brother', but as '*ciekgoala*', 'the wife of my home', and she refers to him as '*guangaanko*', 'the father of our children.' Another word a wife uses to refer to her husband's brothers (mostly for his younger brothers), and also for his paternal cousins, is '*cocangda*', which seems to mean 'my husband of the daytime' as distinct from the husband of the night, the real husband, for Nuer say that '*cowar gule, cowar gule*', 'the husband of the outside is different, the husband of the night is different'.* Here again, though relations between a wife and her husband's brothers are free and easy, should her father-in-law be dead the eldest brother takes his place as head of the family and must be treated with deference. When she has borne several children she and her husband's brothers and paternal cousins may curse each other in foul language. In the horseplay which takes place on the day boys are initiated and on the day initiates pass out of seclusion it is the *cocangda*, generally a paternal cousin of the husband, who lifts up the skirt of the mother of an initiate and spits and utters a cry.

A woman enters her husband's home as a wife of the home. She also enters it as the mother of a child of her husband's lineage, and this is emphasized by the usual teknonymous mode of address for a married woman in her husband's community—mother of so-and-so, after the name of her eldest child, the link which joins her to her husband's lineage—in contrast to the patronymic mode of address for the husband—son of so-and-so, after the name of his father, his link with his lineage. Through the child she has kinship with the people of the home of her adoption by marriage. '*Jigoala*', 'people of my home', a woman's favourite ejaculation, is the term by which she refers collectively to the domestic society of which she regards herself as a member. The expression was constantly on her lips before marriage in reference to her paternal family and kin. When she comes to live with her husband it is still constantly 601

* However, Father Kiggen (*Nuer-English Dictionary*, 1948, p. 63) gives *cowang*, a formation which would not bear the same literal meaning as *cocang*.

7. Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

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[1] A single case of marriage to two sisters at the same time was recorded. A well-known magician on the Sobat river defied the prohibition. When, however, one of his daughters fell sick with syphilis, or yaws, he gave up the second sister.

II;Evans-Pritchard E-5 (1931, 1936) 1945
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587 Nyawang ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai
592 ♂. Lately he has married Nyarick ♀—Cang ♂ by whom he has an unwaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and
[97] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle
[93] will be paid to legitimatize Kong ♂.

Kerbual's brother, Panyum, lives in his byre, and his sister's sons, Nhial ♂—Rainon ♂ and Gelnak ♂—Rainon ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuanni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's house in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Biliru ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Mawng ♂—Ret ♂. This woman, Nyalunk ♀—Dung ♂ has bore him Cuong ♂ and Nyalin ♀. One of the byre in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

Homestead No. XII. Nyawal ♀—Col ♂. Her husband was Lam ♂ of
592 the Ngwal clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After
593 his death she cohabited with Juan ♂ of the Jikal clan, by whom she bore Biliru ♂, Nyakuan ♀, Nyalieth ♀, Ghoth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyadiing ♀—Kuiang ♂. Her daughter, Nya-
593 manni ♀, was married by Tang ♂—Kerbual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwanwar while Kerbual ♂ was
[175] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Kerbual's wives and children and had to be quieted by being married a wife. Nyamanni ♀ lives with her mother, Nyadiing ♀, whose husband, Dak ♂—Jiang ♂, is dead. She bore Dak ♂ three children: Nyamanni ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begot Nyajanni ♀ who also lives in this homestead. Nyajanni ♀ was married by Pathol ♂—Nyaliber ♂ of the Lual section and bore him a blind man who also lives here. She refused to live with her husband's brother when he
[81] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Makwar ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Lam ♂—Jany ♂. He married a wife, Cam ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

15: Butt E-4 (No date) 1952 F322 Nuer F322

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[1] Evans-Pritchard, Africa, [illegible]: [illegible], p. [illegible]
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1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

613 621 innumerable cognatic ties, so that however many lineages there may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

000 We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translat d into kinship relations: in which living together forces residential relations into a kinship pattern. A third way is by mythological creation of kinship fictions, and this way is appropriate to relations between dominant lineages and stranger and Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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in which large pockets of strangers and Dinka are incorporated into the conceptual scheme of a tribe.

It has frequently been emphasised that political relations are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

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We do not propose to give a collection of Nuer myths. We have so far only mentioned one myth explaining group interrelations: that which tells why the Nuer raid the Dinka. There are very few myths of this general kind. Most relate to clans and lineages in their corporate territorialised form and explain their association with one another as tribes and tribal segments, particularly the relations between dominant lineages and large stranger lineages living with them. We are not always able to explain mythological relations by the present-day political system, but this can often be done, and where we fail to do it we attribute our inability to ignorance, especially to ignorance of tribal history.

The two large Lou tribal sections, the Jimac and the Jaajoah which appear on the map on p. 56, but not on the clan tree of the JIMACA, the dominant clan of the tribe, on p. 196, are divisions called after the JIMAC and JAAJOAH lineages. They are said to be *gaat nyiet*, children of daughters of the founder of the JIMACA clan, and there is a myth accounting for this maternal link. Demac was said to have had, according to the Lou story, four sons, named Yin, Duk, Bol, and Bany, by one wife, and Nyang and two nameless brothers by a second wife. These wives are sometimes said to have been called Nyagun and Nyamor and the two primary sections of the tribe, Gun and Mor, to be named after them. Nyang's two brothers were eaten by an ogre. When, afterwards, the sons of Demac went fishing, the four sons of one mother went by themselves and Nyang by himself, for he would not accompany his half-

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561 another hospitality and to share their possessions. Fighting is
571 considered an appropriate mode of behaviour between age-mates, but a man ought not to fight a man of a senior set. The comradeship between age-mates springs from a recognition of a mystical union between them, linking their fortunes, which derives from an almost physical bond, analogous to that of true kinship, for they have shed their blood together. (4) Members
561 of a set are expected to show respect to members of senior sets,
576 and their deference to them can be seen in discussions, in
626 etiquette, in division of food, and so forth. Whenever there is a question about the propriety of speech or action it is judged by reference to the relative positions of the persons concerned in the age-set structure, if kinship status is not also involved. Since every man has a known age-relationship to every other man in Nuerland with whom he is likely to come into contact, their social attitude to him, and his social attitude to them, is determined in advance by the distances between them in age-set structure, unless kinship takes precedence. Although it is possible for a man to avenge a breach of these patterns of behaviour by a curse, if it is a very serious breach, the ordinary sanctions of conduct are a man's conscience and desire for approval.

561 It will have been noted that the relations between the sets
608 are defined in the idiom of family relationships. The members of a man's father's age-set are his 'fathers' and the members of his father's brothers' 'age-sets' are, in a less precise sense, also his 'fathers'. The sons of a man's set are his 'sons', and they may fall into several sets. The wives of members of a man's father's set are his 'mothers', and the wives of members of his sons' sets are his 'daughters'. All members of a man's own set are likewise 'brothers', though here the analogy is seldom expressed because the comradeship between age-mates is strongly affirmed in the idiom of the system, for they are all *ric*, age-mates, to one another. As, in any case, a man commonly addresses all persons much senior to himself as 'father' and 'mother', all persons much junior to himself as 'son' and 'daughter', and all persons of about the same age as himself as 'brother' and 'sister', the terminology of address between different sets is not a differentiating one and it cannot be said how

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far it is determined by specific age-set relationships. When speaking about sets senior to his own, but not that of his father or the set immediately senior to his own, a Nuer sometimes speaks about them collectively as though all their members were his fathers-in-law and their wives his mothers-in-law, for he is courting their daughters and is likely to marry one of them and so is circumspect in his dealings with their parents. Thus a *Lithgac* son of a *Maker* father regards members of the *Dengunga* set and their wives as potential fathers-in-law and mothers-in-law.

The age-set system thus influences persons through a kinship idiom and on the pattern of kinship. The sets never act corporately, but they function locally between individuals and, in ceremonial situations, between small aggregates of persons who live near to one another, for a man only has frequent contacts with those members of his set and of other sets who live in his district. No doubt relative positions in age-set structure to some extent determine behaviour between neighbours, and it can sometimes be observed that they determine it, but it is difficult to say to what extent, for men who live near one another are not only members of the same age-set or of different age-sets but are also kinsmen or affines. The age-set patterns of behaviour are, except in specific rites, of so general a nature that they cannot be isolated in a community where everyone is related in a number of different ways to everybody else. We have noted how persons who live together are always able to express their relations to one another in the language of kinship and how, when they are not actual kinsmen, they are recognized as equivalent to such by adoption or through some traditional, or mythological, connexion. The age-set stratification of all men, and by analogy all women, into groups whose interrelations are on the pattern of family relationships is one of the ways by which community relations are expressed in kinship patterns and is comparable to the classificatory system of kinship nomenclature in its assimilation of social relations to a few elementary types. Age-relations are part of the general social ties of a kinship type which unite all persons living in a community. The members of a local group have group relations only with other groups of the same kind and it is these relations

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which we call political. They also have manifold contacts with one another—economic, ceremonial, food, play, and so forth—and political relations may be viewed as a specific organization of the texture of social ties, which control these contacts, in certain situations. It is this action of the age-set system, in establishing ties between members of local communities and in giving them a kinship value, that we chiefly stress in a political context rather than its indication of leadership, for outside small kinship and domestic groups the authority derived from seniority is negligible, and the sets lack leadership and administrative and judicial functions.

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The age-set system has been briefly treated because of this action and also because, in the larger tribes at any rate, it is a tribal institution. It segments the male population of a tribe into stratified groups which stand in a definite relationship to one another and it cuts across territorial divisions, giving identity of status where there is political disparity and differentiating status where there is political identity. However, the political system and the age-set system do not seem to be interdependent. Both are consistent in themselves and to some extent overlap and influence one another, but it is easy to conceive of the political system existing without an age-set organization. There is evidence in East Africa that political development produces atrophy of the age-set organization. In conclusion we would again emphasize that adjacent tribes co-ordinate their sets and that the sets of any tribe are easily translated into the sets of another tribe. Initiation rites, more than anything save language, distinguish Nuer culture and give Nuer that sense of superiority which is so conspicuous a trait of their character. Only in the sense that age-sets are organized tribally and are common to all tribes can there be said to be a correspondence between the age-set system and the political system. There is no positive structural correspondence of the kind we have noted between the lineage system of dominant clans and tribal segmentation. It may be said, therefore, that whereas the political system and the lineage system of dominant clans are interdependent, the political system and the age-set systems are only a combination, in Nuer society. We may add that the common assumption that an age-set system merely by

561 initiation. He is a nut, a man, whereas before he was one of the *dwli*
881 (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 Certain ritual observances are practised between members of the same
764 age set, and between members of different sets: sets are segregated at
582 sacrificial feasts; members of a set cannot bury an age mate or participate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

561 Relations between sets are defined in ordinary kinship terms. Mem-
●608 bers of a father's age set are fathers, their wives are mothers; members of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clansfolk, close cognates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage*. If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1949, p.98.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, pp.300-9.

156 That every Nuer considers himself as good as his neighbour is
181 evident in their every movement. They strut about like lords of the earth, which, indeed, they consider themselves to be. There is no master and no servant in their society, but only equals who
[186] regard themselves as God's noblest creation. Their respect for one another contrasts with their contempt for all other peoples. Among themselves even the suspicion of an order rides a man and he either does not carry it out or he carries it out in a casual and dilatory manner that is more insulting than a refusal. When a
[576] Nuer wants his fellows to do something he asks it as a favour to a kinsman, saying, 'Son of my mother, do so-and-so', or he includes himself in the command and says: 'Let us depart', 'Let the people return home', and so forth. In his daily relations with his fellows a man shows respect to his elders, to his 'fathers', and to certain persons of ritual status, within the circuit of its reference, so long as they do not infringe on his independence, but he will not submit to any authority which clashes with his own interests and he does not consider himself bound to obey any one. I was once discussing the Shilluk with a Nuer who had visited their country, and he remarked, 'They have one big chief, but we have not. This chief can send for a man and demand a cow or he can cut a man's throat. Whoever saw a Nuer do such a thing? What Nuer ever came when some one sent for him or paid any one a cow?'

181 I found Nuer pride an increasing source of amazement. It is as remarkable as their constant aloofness and reticence. I have
●629 already described how Nuer would interrupt my inquiries. I mention here three incidents typical of the cavalier way in which they treated me. On one occasion I asked the way to a certain place and was deliberately deceived. I returned in chagrin to camp and asked the people why they had told me the wrong way. One of them replied, 'You are a foreigner, why should we tell you the right way? Even if a Nuer who was a stranger asked us the way we should say to him, "You continue straight along th..t path", but we would not tell him that the path forked. Why should we tell him? But you are now a member of our camp and you are kind to our children, so we will tell you the right way in future.'

576 In this same camp, at the end of my stay, when I was sick and being removed by steamer, I asked the people to carry my tent and belongings to the river's edge. They refused, and my servant, a Nuer youth, and I had to do it ourselves. When I asked him why the people were churlish, he replied, 'You told them to carry your belongings to the river. That is why they refused. If you had asked them, saying, "My mother's sons, assist me", they would not have refused.'

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On one occasion some men gave me information about their lineages. Next day these same men paid me a visit and one of them asked me, 'What we told you yesterday, did you believe it?' When I replied that I had believed it they roared with laughter and called to others to come and share the joke. Then one of them said, 'Listen, what we told you yesterday was all nonsense. Now we will tell you correctly.' I could relate many such stories. 609

The Nuer have been rightly described as dour, and they are often gruff and curt to one another and especially to strangers. But if they are approached without a suggestion of superiority they do not decline friendship, and in misfortune and sickness they show themselves kind and gentle. At such moments they permit themselves to show sympathy which their pride stifles at other times, for even when Nuer approve of one they cannot bear that one shall see it and are the more truculent to hide their friendliness. Never are they truckling or sycophantic. When a Nuer wants a gift he asks for it straight out, and if you refuse it he remains in good humour. Their only test of character is whether one can stand up for oneself. One rises in Nuer estimation the more one lives their kind of life and accepts their values. 689 181

If you wish to live among the Nuer you must do so on their terms, which means that you must treat them as a kind of kinsmen and they will then treat you as a kind of kinsman. Rights, privileges, and obligations are determined by kinship. Either a man is a kinsman, actually or by fiction, or he is a person to whom you have no reciprocal obligations and whom you treat as a potential enemy. Every one in a man's village and district counts in one way or another as a kinsman, if only by linguistic assimilation, so that, except for an occasional homeless and despised wanderer, a Nuer only associates with people whose behaviour to him is on a kinship pattern. 181 602

Kinsmen must assist one another, and if one has a surplus of a good thing he must share it with his neighbours. Consequently no Nuer ever has a surplus. But the European has a surplus and if his possessions are of any use to the Nuer he ought, in their opinion, to share them with the people among whom he is living. Travellers have often remarked that the Nuer have plagued them for gifts. They beg from one another with equal persistence. No Nuer is expected to part with his cattle or household property and, except in special circumstances, these would not be asked for. But were a man to possess several spears or hoes or other such objects he would inevitably lose them. Deng, a Government chief and a man of standing, told me, as I was leaving his village on the Pibor River, that he was grateful for the fishing spears I had distributed 181 602 431

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Jikany where, I was told, a Dinka could never lose his inferior 565
status, which was transmitted to his descendants. The accep- 563
tance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress.

We again emphasize the point to which we drew attention in 628
the section on law, that the degree of responsibility acknowledged 681
for a tort, the chances of compensation being offered for it, and 592
the amount of compensation paid, depend on the relations of 563
the persons concerned in social structure. Thus, if a man kills 609
an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.'

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be 628
considered to belong to this category in one situation and not in 681
another. This is obviously the case in social life generally, 563
because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the

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613 By adoption Dinka men are grafted on to the lineage of their
597 captors. They trace their ascent up the lineage to its ancestor and they become a new point of its growth. The fusion is complete and final. The spirits of the lineage become their spirits, its ghosts become their ghosts, and its spear-name and honorific name become their symbols. Indeed it is almost impossible without a prolonged stay in a Nuer village or camp to discover who are and who are not of pure Nuer origin. I have for weeks considered men to be true Nuer, whereas they were descended from captured Dinka, for a man whose Dinka grandfather had been adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the man whose grandfather adopted his grandsire, and he is so regarded by other members of the lineage and by persons not of it. Thus, when a man gives his descent from E through D and C, and another man gives his descent from E through J and K, one naturally assumed that D and J were sons of E. There is no means of knowing that, in fact, J was a captured Dinka who was adopted into the lineage, unless someone volunteers the information—a most unlikely happening in Nuerland. Moreover, it is impolite to ask strangers whether their grandfathers were captured Dinka, and, even if they were of Dinka origin, they would not readily say so. One can, of course, always ask other people; but only those who are members of the same lineage are likely to be fully acquainted with the man's ancestry, and they, in all probability, will not tell one if he is of Dinka origin, for he is their agnatic kinsman as far as outsiders are concerned.

563 A very large number of Dinka in all tribes have been incor-
• 609 porated by adoption into Nuer lineages. Since, as mentioned later, adopted Dinka and their descendants can marry into collateral lineages, it would not be accurate to say that they are adopted into clans. Probably most captured Dinka were adopted into Nuer lineages, but there are also many Dinka lineages descended from men who came of their own free will to settle in Nuerland, either to escape famine, largely caused by Nuer raiding, in their own country, to visit captured sisters, or to reoccupy the sites from which Nuer raids had ousted them. Such immigrants were unmolested and were permitted to settle or return to Dinkaland as they might choose. A Dinka who decided to settle

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became some Nuer's *jaang*, his Dinka, and *rendi*, his man, and the Nuer would give him an ox and maybe a cow or two when he had given proof of his fidelity and attachment to his new home. I was told that he might even be given a daughter of the house in marriage without payment of bride-wealth if she were blind or lame and no Nuer would contemplate taking her as a bride. Often a widow lives in concubinage with such a Dinka, who thus obtains a 'wife' in the sense of cook, housekeeper, and mate; and even if the children she may bear him do not count as his descendants he can gain their affection. If a Dinka settles at the home of the husband of his sister, the husband may give him a cow or two in acknowledgement of affinity.

There must also have been pockets of the original Dinka occupants of country overrun by the Nuer who submitted and gave up their language and habits in favour of those of the Nuer. At any rate, there are to-day in all tribes many small Dinka lineages, and villages are often called after them. Such lineages are numerically preponderant in the communities where I spent most of my time, Yakwac camp and Nyuemy village. The way in which these lineages are woven into the lineage texture of the dominant clan of the tribe is discussed in the next two sections.

Here we summarise points which have already emerged from our description of the position of Dinka in relation to Nuer. (1) *Jaang*, Dinka, has many meanings: any foreigners whom the Nuer habitually raid; Dinka living in Dinkaland and raided by Nuer; Dinka of unabsorbed pockets in Nuerland or on its confines; recent Dinka immigrants; certain clans which are said to be Dinka in origin, e.g. the GAATGANKIIR; members of small Dinka lineages which are Nuer in every character except in origin; descendants of adopted Dinka; adopted Dinka. One can only judge the meaning Nuer attach to the word by its context and the tone in which it is spoken. (2) It is only those Dinka who are regarded as members of a Nuer tribe who concern our present discussion. Their status is relative to the social situation in which the question of status arises, and cannot be rigidly defined. (3) Nuer conquest has not led to a class or symbiotic system, but, by the custom of adoption, has absorbed the conquered Dinka into its kinship system, and through

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the kinship system has admitted them into its political structure on a basis of equality.

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage.

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan.

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp

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and as there must be such a link if they live in the same community, owing to the rules of exogamy, it follows that people who live together are all *gaat nyiet* to one another. However, it is in relation to the dominant lineage of a community that the concept is mainly employed and is politically important. When people are not members of this lineage it is stressed that they are *gaat nyiet* to it. Nuer of other clans can never more closely identify themselves with the dominant lineage, because, for ritual reasons, they must remain autonomous units, but politically they accrete themselves to it through this kinship category. Moreover, outside ritual situations, being *gaat nyiet* to a dominant lineage gives people complete equality with it, and their accretion to it is often expressed in terms of lineage structure, so that a man will often give his ascent to the woman of the dominant lineage who bore one of his ancestors, and thus graft himself, through her, on to their tree of descent; though this is more usually done by Dinka than by Nuer. It is, however, the common practice for children of strangers who have been brought up at the home of their maternal kinsmen, who are aristocrats, to regard themselves as members of their mother's lineage, except in ceremonial situations, and to consider its members, rather than their father's lineage, as their true kinsmen.

Dinka who have not been adopted commonly trace their ascent to a female Nuer forebear and through her they graft themselves into a Nuer lineage and are accepted as members of it in ordinary social relations. Thus a Dinka often gives his ascent to the dominant lineage of his community through a woman, and sometimes through two or three female links, and though this is generally evident from female prefixes it cannot always be known. These Dinka individuals incorporate themselves into the structure of a Nuer lineage through their mothers, since they have no lineage structure of their own. This is different from the stressing of a female link (*gaat nyiet*) which unites a group of Nuer strangers or of Dinka to the dominant lineage of their tribal section and also from matrilineal modes of reckoning descent due to matrilocal conditions of residence, which may be temporary.

Owing to exogamous rules lineages are thus linked by

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613 621 innumerable cognatic ties, so that however many lineages there may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

000 We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces residential relations into a kinship pattern. A third way is by mythological creation of kinship fictions, and this way is appropriate to relations between dominant lineages and stranger and Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

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608 in which large pockets of strangers and Dinka are incorporated
•609 into the conceptual scheme of a tribe.

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773 are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

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In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyuemy and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

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By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diil*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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alluding to him as such in ordinary social life, for it is in rare situations that his being other than an aristocrat is relevant: to some extent in payment of blood-cattle, in questions of exogamy, and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic in sentiment and so ready to express it in violence a clan is given superior status in each tribe? We believe that the facts we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

2;Evans-Pritchard E-5 (1931, 1936) 1951
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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thok*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached. [583] [613]

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the lineage system where the Nuer begin to speak of collectivities of agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, that is, they are 'strangers'. I omit further discussion about the 602 613 [597] [609] ● 000

o:Howell E. G-5 (1942-1944)1954
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and well beyond the limits of the reciprocal distribution of bridewealth cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*mutt*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own. The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

12:Evans-Pritchard E-5 (1930-1931) 1933
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604 distantly related to them (*cike ath ko ji bolma ohiew*). Here they dwell as friends (*wone ngac kô rô*) and slowly forge new relationship by intermarriage (*ca mar mat e kew*).

*609 576 621 I believe that there is another Nuer word which means the same as *rul*, namely, *yiew*. Thus one speaks of strangers living in the village of *diel* as *yiewhiew*, "their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wec* save through their mothers. Nevertheless *rul* and *yiew* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineages and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yiew*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *jaang*. These strangers are accepted as equal members of the *wec*.

604 621 One of my informants, Jok, explained modes of Nuer aggregation very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat tuot*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wec* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *jaang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

604 619 Hence there is always a tendency towards fusion between two lineages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *joang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 613 554

A Dinka adopted into a joint family is a *joang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.370.
(2) *Ibid.*, p.390.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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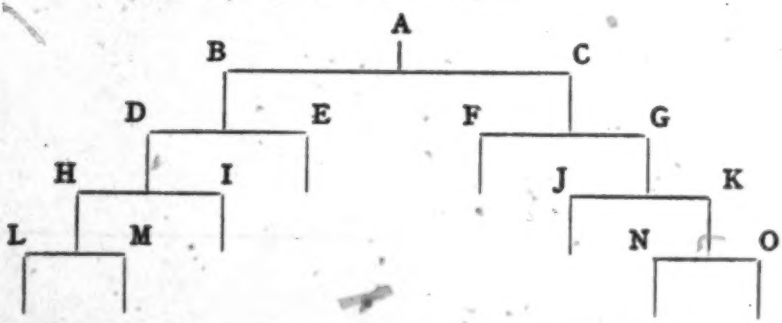
structure, and the letters in the diagram represent persons from whom the clan and its segments trace their descent and from whom they often take their names. There must be at least twenty such clans in Nuerland, without taking into account numerous small lineages of Dinka origin. 614 613



A lineage in the sense in which we generally employ this word is a group of living agnates, descended from the founder of that particular line. Logically it also includes dead persons descended from the founder—and we sometimes use the word to include them also—but these dead persons are only significant in that their genealogical position explains the relationships between the living. It is clear from the context whether the word is used in a more or less inclusive sense.

Clans and lineages have names, possess various ritual symbols, and observe certain reciprocal ceremonial relations. They have spear-names which are shouted out at ceremonies, honorific titles by which people are sometimes addressed, totemic and other mystical affiliations, and ceremonial status towards one another.

Agnatic kinship between lineages is called *buth*. *Buth* is always an agnatic relationship between groups of persons, and only between persons in virtue of their membership of groups. *Buth* agnation is to be distinguished from kinship in the sense of relationship between persons, e.g. between a man and his father's brother and mother's brother. Cognation in this sense the Nuer call *mar*. Any person to whom a man can trace any genealogical link, whether through males or females, is *mar* to him. A man's *mar* are consequently all his father's kin and all his mother's kin, and we call this cognatic category his kindred. 611 611 612

1: Evans-Pritchard E-5 (1931, 1936) 1940
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611 In normal usage the word refers to close relatives only. Therefore, as *mar* includes close agnates, the word *buth* is used only in
612 reference to distant agnates, between whom and the speaker there is lineage cleavage. There is *buth* relationship between lineages of the same clan and also between related clans which have the same ancestor but do not compose an exogamous unit. A Dinka can be given *buth* relationship to a Nuer lineage by being adopted into a collateral lineage. We thus formally distinguish between the lineage system, which is a system of agnatic groups, and the kinship system, which is a system of categories of relationship to any individual; and we speak of these relationships as a man's paternal kin and his maternal kin, and both together as his kindred.

613 Political and lineage groups are not identical, but they have a certain correspondence and often bear the same name, for a
619 tribal area and its divisions are often called after the clans and lineages which are supposed to have first occupied them. This makes their inter-relation a very difficult problem to investigate and has led to some confusion in writings on the Nuer. Thus Gaawar is the name of a tribal area, of the tribesmen who inhabit it, and of the members of a clan which have in that area a socially dominant status. Likewise Gaajok and Gaajak are names of territories, tribes, and lineages. To clarify description clan and lineage names are therefore printed in small capitals. Hence, when we say that a man is a Gaawar we mean that he is a Gaawar tribesman, a man who resides in Gaawar country, whereas when we say that he is a GAAWAR we mean that he is a member of the GAAWAR clan, a descendant in the male line from War, the founder of the dominant clan in Gaawar country.

II

613 Three trees of clan descent are presented in the following section in a form conventional to us, and which would also
614 commend itself to Nuer, who sometimes speak of a lineage as *kar*, a branch, as illustrations of the way in which lineages split up, each being a branch of a larger one. The JINACA are the dominant clan in the Lou and Rengyan tribes, the GATGANKIIR are the dominant clan in the Jikany tribes, and the (GAA)THIANG

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and as there must be such a link if they live in the same community, owing to the rules of exogamy, it follows that people who live together are all *gaat nyiet* to one another. However, it is in relation to the dominant lineage of a community that the concept is mainly employed and is politically important. When people are not members of this lineage it is stressed that they are *gaat nyiet* to it. Nuer of other clans can never more closely identify themselves with the dominant lineage, because, for ritual reasons, they must remain autonomous units, but politically they accrete themselves to it through this kinship category. Moreover, outside ritual situations, being *gaat nyiet* to a dominant lineage gives people complete equality with it, and their accretion to it is often expressed in terms of lineage structure, so that a man will often give his ascent to the woman of the dominant lineage who bore one of his ancestors, and thus graft himself, through her, on to their tree of descent; though this is more usually done by Dinka than by Nuer. It is, however, the common practice for children of strangers who have been brought up at the home of their maternal kinsmen, who are aristocrats, to regard themselves as members of their mother's lineage, except in ceremonial situations, and to consider its members, rather than their father's lineage, as their true kinsmen. 613 621

Dinka who have not been adopted commonly trace their ascent to a female Nuer forebear and through her they graft themselves into a Nuer lineage and are accepted as members of it in ordinary social relations. Thus a Dinka often gives his ascent to the dominant lineage of his community through a woman, and sometimes through two or three female links, and though this is generally evident from female prefixes it cannot always be known. These Dinka individuals incorporate themselves into the structure of a Nuer lineage through their mothers, since they have no lineage structure of their own. This is different from the stressing of a female link (*gaat nyiet*) which unites a group of Nuer strangers or of Dinka to the dominant lineage of their tribal section and also from matrilineal modes of reckoning descent due to matrilocal conditions of residence, which may be temporary. 613 621 609 [611] [591]

Owing to exogamous rules lineages are thus linked by 613 621

2:Evans-Pritchard E-5 (1931,1936) 1951
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621 the ambition of every man, of the dominant clan especially, to become a 'bull' and the centre of a cluster of kin, and Nuer say that it is for this reason among others that families often break up and cousins and brothers part, each to seek to gather his own community around him.

621 613 611 I suggest that it is the clear, consistent, and deeply rooted lineage structure of the Nuer which permits persons and families to move about and attach themselves so freely, for shorter or longer periods, to whatever community they choose by whatever cognatic or affinal tie they find it convenient to emphasize; and that it is on account of the firm values of the structure that this flux does not cause confusion or bring about social disintegration. It would seem it may be partly just because the agnatic principle is unchallenged in Nuer society that the tracing of descent through women is so prominent and matrilocality so prevalent. However much the actual configurations of kinship clusters may vary and change, the lineage structure is invariable and stable.

2:Evans-Pritchard E-5 (1931,1936) 1951
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practises as a magician or diviner and thereby acquires further cattle; and if she is rich she may marry several wives. She is their legal husband and can demand damages if they have relations with men without her consent. She is also the pater of their children, and on the marriages of their daughters she receives 'the cattle of the father', and her brothers and sisters receive the other cattle which go to the father's side in the distribution of bridewealth. Her children are called after her, as though she were a man, and I was told that they address her as 'father'. She administers her home and herd as a man would do, being treated by her wives and children with the deference they would show to a male husband and father.

A very common feature of Nuer social life is a union I have called ghost-marriage. If a man dies without legal male heirs, a kinsman of his or the succeeding generation—brother, natural son, paternal nephew, or, where a man has, in the absence of lineal heirs, inherited cattle from his mother's brother, sister's son—ought to take a wife to his name.

Except in the case of a barren woman and in the special circumstances and manner mentioned on page 16, where it might be said that in a sense she does so, a daughter does not carry on the lineage of her father. She becomes one of her husband's people and her children belong to his lineage. Hence Nuer say: '*Nyal, mo ram me gwagh*', 'A daughter, that is an unrelated person.' As the Roman lawyers put it, she is *finis familiae*, the terminus of the family. But a man's name must continue in his lineage, and Nuer consider it very wrong if a man who dies without male heirs is not married a wife by a kinsman who will raise up seed to him by her so that he will be remembered in his sons. This is a most elementary obligation of kinship, and if it is neglected the dead man's ghost may haunt his kin.

In speaking of these ghost-marriages Nuer say, for example, that '*ce deman kwen ciek*', 'he–his brother–married–wife' ('he married his brother a wife'). This is a clumsy and ambiguous expression in English, so I shall speak of a man marrying a wife to the name of a dead kinsman, it being understood that it is not he, but the dead man, who is the legal husband. Nuer also speak of a man 'kindling the fire' of his dead kinsman, a euphemism for raising up seed to him.

This is a vicarious marriage, the vicarious husband acting as

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583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimatized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and
[611] the birth of her children, or is a man or a woman. Hence it follows that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all
602 have the same pater. It is the fertility of the womb which a lineage
613 receives by payment of bridewealth. All children born of that
581 womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and leviratic marriage raise up seed to their kinsmen subordinates the

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of the byre as the men's dormitory and club, and the shrine is 592
placed at its entrance. Small grass beehive huts take the place of the wattle-and-daub huts of the villages as the dwellings of the womenfolk of the home.

The polygamous family is a unit, the *gol* of the husband of the 595
several wives. '*Jigoala*', 'the people of my hearth', are my family in this inclusive sense. But the children of each wife also belong exclusively to her *dwil* (or *ut*), hut, and to her *mac*, cooking-fire, so that the polygamous family is divided into a number of separate domestic groups within the larger whole. The huts of the different wives are the centres of these elementary families which have a common husband and father. Outside her hut each wife has her *buor*, a mud windscreen, against which she makes her cooking-fire, and near to it is her *thung*, a plastered hole in the ground for pounding millet (she has another fire-place and another pounding-hole inside her hut for use on rainy days). This mud screen, the top of which is fashioned into three humps, is the sign of a married woman's status as the mistress of her home and the mother of children, just as the hearth in the byre is the sign of a man's status as the father of a family and the master of household and herd; and it also has ritual associations, for sacrifices are made near it. It is the centre of a married woman's life. Here her friends and neighbours gossip with her when she is working or in the evening when work is done.

As boys grow up they attach themselves more and more to the byre, but each remains, both in sentiment and by social alinement, also a member of his mother's hut. Hence one may distinguish [593
between full brothers and paternal half-brothers by saying that 611]
the first are brothers *kwi dwiel*, on the side of the hut (as we say, on the distaff side), while the second are brothers *kwi luak*, on the side of the byre (as we say, on the spear-side); and this distinction is a fundamental one in Nuer society, for it runs not only through the family but through the kin also, and is moreover the paradigm of the lineage structure.

With the huts go the gardens, with the byre go the cattle and the kraal. Each wife has her own garden and granaries, and with her millet she makes porridge for herself and her daughters, small sons, and guests, and also porridge and beer for the men and boys in the byre, the male members of the whole household, only some of whom would be her own sons, and any male neighbours and

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to that structure, for both act to pull apart the children of different wives of the same husband.

I shall return to the distinction between full and half-brothers when discussing the Nuer kinship system. We will then see how categories of relationship fall into two broad classes: the 'bulls', the paternal kin and members of the lineage, and those traced in one way or another through women, the *gaatnyiet*, the children of girls. Half-brothers are 'bulls', but full brothers, who form the closest of all relationships except for that of twins,* are not only paternal kin but also maternal kin. A full brother 'is like your mother and your father'.

III

Complicated patterns of family relationships arise from the different forms of domestic union I described in the last chapter, and a rather lengthy discussion of them cannot be avoided.

Often there is opposition between the interests of the legal family and the interests of these other bio-domestic groups; that is to say, between the interests of the group united by marriage and descent and the interests of the procreative group united by common residence and life. When a child is a member of both groups it sometimes happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected, and one can only guess how he will act when one knows the characters as well as the status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained. In any particular case their actions will tend to follow the lines here laid down. Only the position of sons is considered. Daughters will not remain with either their genitor or the kinsmen of their pater, but will become members of their husbands' households. Control over their persons is therefore not disputed, and division of their bridewealth is so well defined by custom that it is a matter of minor importance where they are brought up.

* Twins have a peculiar social position, being treated as one person, and are the object of special observances which I have described in detail in the *Uganda Journal* (1936).

583 of a daughter for a wife. Payment of bridewealth
431 is a particular, and very striking, example of the principle of equivalence. A parallel example is the payment of cattle in compensation for homicide,[2] which among the Nuer is 40 head of cattle,
682 the same number as is paid for a bride. These bloodwealth cattle are divided among the kinsmen
431 of the dead man on the same plan of distribution as that obtaining in the distribution of bride-
583 wealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. Just as in bridewealth the principle is the replacement of a daughter by a wife, of a woman by a woman, so in bloodwealth the principle is the replacement of a son by a wife who will bear a son in his place, of a man by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth.[3] Nuer are aware of the equivalence of bridewealth and bloodwealth, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural perspective we must therefore think in
431 terms of lineages. Children are attached by payment of bridewealth to the lineage of their father,
611 the attachment of the sons being of chief importance, though daughters may also be structurally significant in the lineage system. Children born in the union of marriage are "children of the cattle" and therefore of the man in whose name they were paid and they become joints in his branch of descent. The man in whose name the cattle were paid is always their *pater*, the sociological or lineage father, of the children, whether he is their *genitor* or not. If he dies, or is already dead before his marriage, the widow should be taken by one of her husbands and the fathers of his sons, that is to say by one of his brothers (or sons). But even

[2] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[3] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

[p. 187 b]

587 But even
583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated to her dead husband any children she may bear are his children. Every child must have a *pater* or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is either paternalized by subsequent payment of bridewealth or by payment of a paternalization fee. If the *genitor*, which is unlikely, refuses to pay either bridewealth or fee, the man who later marries her with cattle becomes the *pater*. If she is not married then a man who takes her as a concubine pays the fee and becomes the *pater*.

[p. 188a]

8:Howell E, G-5 (1942-1944)1954
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587 rarer cases with a half-brother or more distant kinsman. Sometimes a widow lives with her husband's son (by another wife), but this is usually only in the case of an old man who dies leaving a young widow. Normally, if a man dies young, his children will be too young to inherit his widow. If a man dies old, his wives will usually be old too and will live with their own offspring, not as wife, but as 'mother of the household'. In very rare cases a widow is taken by her husband's sister's son.

According to customary law a widow is expected to live with one of her late husband's brothers. Among the Nuer brothers must marry in strict order of seniority, and the cattle held by them as a family are used in that order. Therefore if a married man dies leaving an unmarried brother, the latter will expect to take over his widow. Legally, he is entitled to do so, and if she refuses he can call for a dissolution of the marriage and return of the bridewealth cattle. The application of this law varies according to circumstances, and also according to the conventions held by different Nuer tribes, but it is rarely employed. If the widow is determined to live with someone else, and particularly if she declares her determination from the beginning, that is at the mourning ceremony of her husband, she is usually allowed to have her way. Moreover, if she has borne two or more children, she is considered to have fulfilled her procreative obligations, and it is less likely that there will be any objection to her taking a stranger as her lover. A widow, according to the circumstances, may elect:

(i) to live with her late husband's brother or kinsman;

(ii) to take a lover who is not a relative from her late husband's village community. In this case her husband's group is not deprived of her assistance in communal economic activities, and they are able to watch over the upbringing and education of her children.

(iii) to return to her own family and live among them, taking a lover or lovers from some stranger lineage.

[586] (iv) to go off to some other vicinity and there live with a lover. If she did so without the agreement of her late husband's family, a divorce could be demanded, unless she had sufficient children to make it unlikely that it would be in the interests of her husband's kinsmen to demand it.

611 587 In all the circumstances described above, her children, wheresoever born and by whomsoever begotten, are legally the children of her late husband. This is the hard and fast rule. Only the circumstances set forth in (i) above can be described as the levirate. The other forms of union differ both from 'ghost-marriage' and the levirate. Such unions have been termed 'widow-concubinage' by Professor Evans-Pritchard.

8:Howell E, G-5 (1942-1944)1954
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'Widow-Concubines'

The main points are as follows:

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband.

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs.

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband.

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalize their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she

[1] A widow living in this form of union with a man is known as *ciek me lâh* and her children as *gaat cana*.

8:Howell E, G-5 (1942-1944)1954
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her husband is before the *muot* and before he has met their claims for bridewealth, in which case strictly speaking the man is not her husband at all.

7. THE LEGITIMACY OF CHILDREN

Establishment of Legitimacy by Legal Marriage

Legal marriage is performed by the transfer of a number of cattle acceptable to the woman's family, and usually also by the performance of ceremonies and ritual observance. Children born of such unions are legally the children of the man who transferred the cattle or on whose behalf the cattle were transferred, and his rights in those children, and the rights which descend to his heirs, are valid and inalienable unless the cattle are returned. No conflict can theoretically arise, for a woman cannot have more than one legal husband at one time. Nor can any one of her children have more than one legal father or *pater*, though sometimes different children of the same mother may have different legal fathers. From the legal aspect, legitimacy brings to male children status and privilege as members of the legal father's lineage and the rights of inheritance from that father. They acquire rights in the cattle of the kinship group—rights which are determined by their position in the kinship structure; rights to cattle inherited and to cattle brought in by the marriages of females of that lineage. Female children provide a means by which cattle will be acquired by the lineage in the future on the normal principles of distribution of bridewealth (*ghok kwi gwande*), and they further stand as a legal link between the lineages of the father and the mother, for the mother's relatives may also claim cattle from their bridewealth (*ghok kwi mande*).

Thus the children of a simple legal marriage will belong to the legal husband by whomsoever begotten (for they may be begotten in adultery—which does not affect the legality of the marriage). In 'ghost-marriage' children are attached to the name of the man on whose behalf the marriage was performed, although in other respects their relationship to their physiological father (*genitor*) is normally the same as that found in simple legal marriage. The *genitor* is usually the principal heir to the *pater* by reason of the fact that he performed the ceremonies on the father's behalf, and also through normal rules of inheritance derived from their relative positions in the kinship structure of their lineage. It is probable that the children will be brought up in their *genitor's* household, and he is therefore also their foster-father. He may die, however, and his position will be assumed by his own heir.

Similarly, in levirstic union or 'widow-concubinage' the status of the children is determined from that of their legal father, although he is dead. Their physiological father will have authority over them and rights in them derived from his relationship to their

8:Howell E, G-5 (1942-1944)1954
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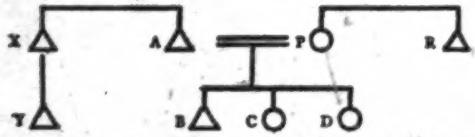
legal father, although, as we have seen, as *genitor* and foster-father he may acquire certain personal rights to cattle subsequently paid as bridewealth for daughters. These rights in bridewealth cattle, which are not in any case substantial, may be acquired whatever the circumstances, but it is clear that the greater the degree of coincidence in one man as heir to the *pater*, as *genitor*, and as foster-father, the closer the relationship between him and the children and the greater the rights he will hold. If there is a high degree of coincidence there will be no great need for an exact definition of rights.

In these circumstances the legitimacy of children in respect to the acquisition and inheritance of rights is clear. The law is logical and can always be carried to logical conclusions even though there is often a conflict in fact. It is obvious that there is an infinite variety of possible situations depending on the relationships within the kinship structure of the lineage of the persons concerned and the functions performed by persons outside the lineage as *genitor* or foster-father. For the purpose of illustration a number of such situations are recorded.

In Simple Legal Marriage



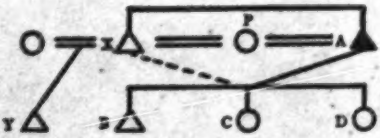
A married P by the transfer of bridewealth to R and his family.

(i) If all the persons recorded above are living, A, who is the legal father of B, C, and D, will be the link through whom their relationship to other members of A's family and lineage is traced, and A will be the point from which the distribution of the bridewealth of C and D will be determined.

(ii) If A is dead, the point of determination will be the same, but X, A's brother or, if dead, his son Y, will represent A, unless by that time B, A's son, has come of age.

(iii) It will probably be X (though it may be another brother or some more distant agnatic kinsman) who brings up A's children and will stand in the relationship of foster-father to B, C, and D, and as he is also A's heir until B grows up, he will perform most of the tasks of *pater*.

In 'Ghost-Marriage'



X married P on behalf of his brother A.

(i) Three children, B, C, and D, are born of this union. In this case A is legal father (*pater*) of the children and X is the *genitor*, but since X is also brother of A he will represent him as *pater*, and the distinction is not stressed.

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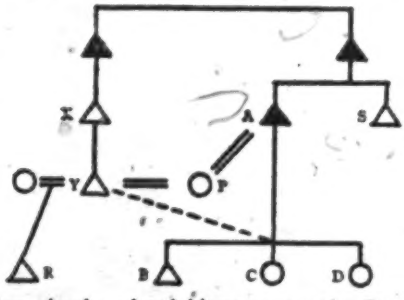
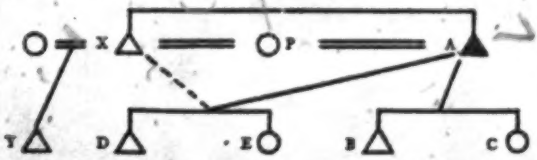
(ii) Hence in all matters concerning kinship obligations and inheritance, particularly in the matter of the bridewealth of C and D, A is the first point of determination in the kinship structure, and X, as his uterine brother and legal heir, comes next. X may expect the *pater's* portion of the bridewealth, a portion which may be inherited by his son Y, though in some cases—depending on their relative ages—B may inherit these as well as claiming the brother's portion.

The position may not be so simple as this. For example:



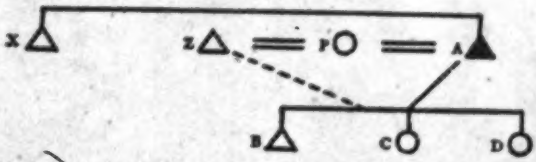
Y, one of A's less closely related kinsmen, marries P on behalf of A with cattle which he has inherited from A. Y is both *genitor* and foster-father of the children B, C, and D, and as heir to A he can claim many of the privileges of *pater*. He would normally claim the *ghok gwande*, the father's portion, on the marriages of C and D, though this will depend partly on the configuration of the lineage, since S or his heirs may have counter claims, but normally they could only claim the *ghok gwanlen*, the paternal uncle's portion.

In Leviratic Union



A marries P. She gives birth to B and C of whom A is both *genitor* and *pater*. A dies and P goes to live with A's brother X, who begets D and E. A remains *pater* of all these children, and they will all call themselves by his name. X is naturally foster-father of B and C and he is *genitor* of D and E. He is also *pater* to all four in the sense that he represents their interests and is legal heir to A, though here the future claims of A's sons will have greater emphasis than in 'ghost-marriage'.

In 'Widow-Concubinage'



A marries P but dies before any children are born. P goes to live with Z, a relationship which is recognized by X, who is heir to A. Z is the *lum*-

8:Howell E, G-5 (1942-1944)1954
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or lover of P and has received the formal recognition of her late husband's kinsmen. Three children are born, B, C, and D. All these remain legally the children of A, and their rights are determined from his position in the kinship structure, but X, as heir to A, performs all the duties of *pater*. Z is merely *genitor* and in this case foster-father. On the marriage of C and D, he cannot claim the father's (*gwan*) portion, but he may expect to receive *yang leta*, which in this case may amount to two or three head of cattle since the union is a stable and agreed one. In such cases Z might be the *genitor* only while X brings the children up in his home.

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The variety of circumstances in the examples given above is considerable, but all situations are not covered. The legal and sociological relationships of the members of a Nuer family are often a complicated matter. The family preserves the outward appearance of a simple legal union, and in day-to-day affairs the differences are not stressed. Analysis will, however, often reveal a complicated pattern and a variety of legal relationships which are relevant in the distribution of bridewealth and inheritance.

The system may appear complex and sometimes confusing. It is not so to the Nuer themselves and, in a court session, even if the court members are not already aware of the relationships involved, a few introductory remarks and a few pertinent questions will give them a clear picture of the legal aspect of the case before them.

Disputes sometimes arise over inheritance and the obligations of kinsmen in the collection of bridewealth on behalf of others. Clearly in such cases the legality of an individual's position within the framework of the lineage is relevant. Sometimes the *pater* himself, or more often his heirs, refuse to recognize the claims of a legal son who has been brought up in the home of the *genitor*. Sometimes the *genitor* acquires cattle on behalf of his natural son and holds them in trust. At a later date he or his heirs may refuse to hand them over, which amounts to a breach of trust. Such disputes are not frequent, and in the past were usually settled because public opinion will always press for the fulfilment of kinship obligations based on legitimate relationships. The courts are now often called upon to intervene.

The Position of Children born of Unmarried Concubines

Children born out of legal wedlock are illegitimate,[1] and strictly speaking should be linked to the lineage of their mother's father. Sometimes their *genitor* will choose to legalize their position by marrying their mother with cattle, and usually her family will press him to do so, particularly if she is not *keagh*, in the sense of a woman who is unable to remain long with one husband, or has been married before

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[1] I am aware that the use of the term 'illegitimate' may be challenged. Children born in wedlock are *legitimately* the offspring of their mother's legal husband; children born of an unmarried woman are *legitimately* linked to their mother's lineage.

8:Howell E, G-5 (1942-1944)1954
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CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

NUER courts come into operation only when a recognized wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognized rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all.

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, 589
she does not bear male children (even after his death), one of his kinsmen 768
must marry a wife to his name. Daughters are not regarded as heirs, [611]
because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, mo ram me gwa* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

588 youths die before marriage—and this was yet more the case before the
768 Government restricted fighting—but, for one reason or another, married men do not always leave male children to continue their line. A man's children may die. He and his wife may die. His widow may have no children or go back to her own people and be married to another man. He may beget only daughters.

Even if a man begets sons who become initiated men he may leave no male heirs for these sons may die before they have married and begotten children. In this case a man's kinsmen must raise up seed not only for him but for his dead sons also. Thus in Diagram No. 1 A ♂ dies leaving two initiated sons B ♂ and C ♂ both of whom die unmarried. E ♂ will then marry A ♂ a wife (N ♀) with A's cattle and by her beget F ♂ and G ♂. When F ♂ and G ♂ reach manhood they will marry wives (Q ♀ and Z ♀) to the names of their brothers, C ♂ and B ♂, before taking wives to their own names.

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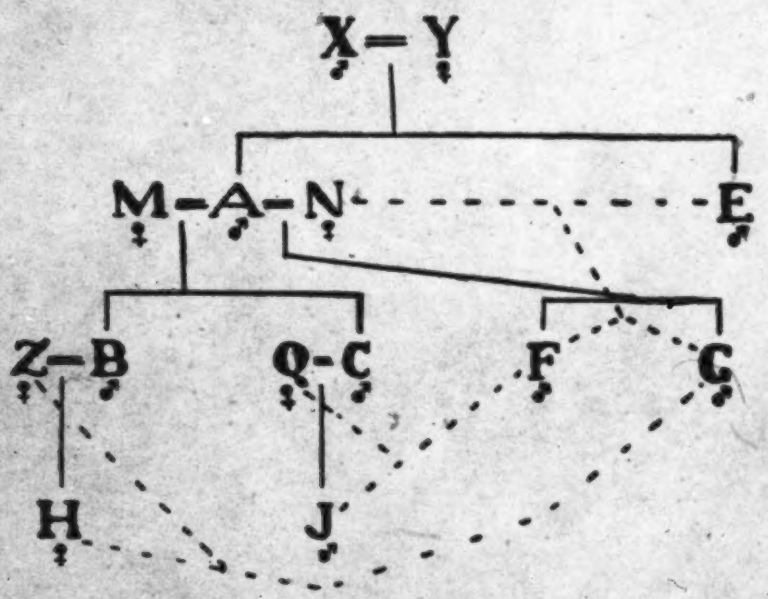

Diagram I

Moreover all the men who in the last generation married wives to the names of sonless kinsmen and were unable to marry further wives in their own right are legally childless because the children they have begotten count as children of the kinsmen to whose names the wives were married. It is the names of these dead kinsmen, and not their own names, which will ultimately survive as links which attach children to their trees of

11:Evans-Pritchard E-5 (1931, 1936) 1945
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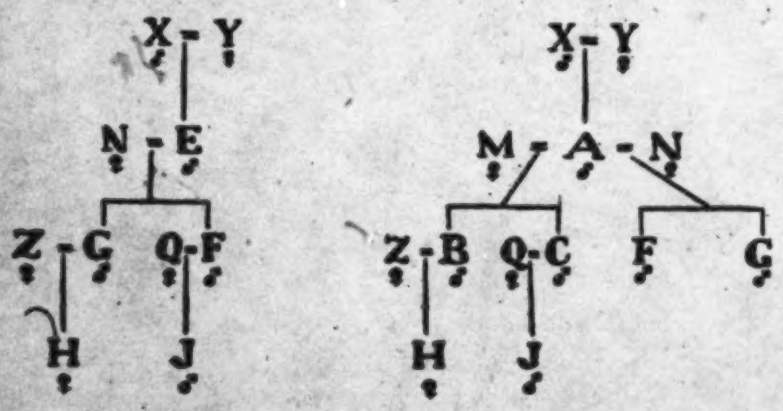
ascent. Thus in Diagram No. 1 F ♂ and G ♂ take wives to the names of C ♂ and B ♂. The children of these unions (J ♂ and H ♀) are children of C ♂ and B ♂. Therefore F ♂ and G ♂ will be left childless if they cannot afford to marry further wives in their own right. This frequently happens when there is a large family and one brother marries another, and dead brother, a wife, for the living brother may never again be rich enough to contract a legal marriage on his own account. He enjoys the material advantages of matrimony in the person of his brother's wife and his younger brothers have the right to marry wives with the family herd before he can contract a legal marriage. If, in this way, a man marries a wife to the name of a dead brother and does not later marry a wife of his own, then one of the sons he has begotten (his physiological sons and legal nephews) will marry him a wife after his death. 588 768 611

During the childhood of ghost-children the fact that in legal reckoning their father is a ghost is of small importance, since their relations with their genitor are exactly what their relations with their pater would be, were he alive, but after the ghost-sons are initiated their relationship to their pater has more significance since it confers on them legal and ritual privileges. The man who stands in the place of the pater may be all-important in his lifetime but the pater's name looms larger when the children grow to maturity and, Nuer tell me, it is the pater's name that will finally survive in genealogies at the expense of the vicarious parent. This point will be more readily understood later but it is worth contrasting here, as is done in Diagram No. II, the legal descent of the persons shown



Natural Descent Legal Descent

Diagram II

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de kuen cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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rare and of little social importance. I know of no cases at first hand and 588
am therefore unable to vouch for the information given to me and to say 768
what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂ -Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂ -Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father").

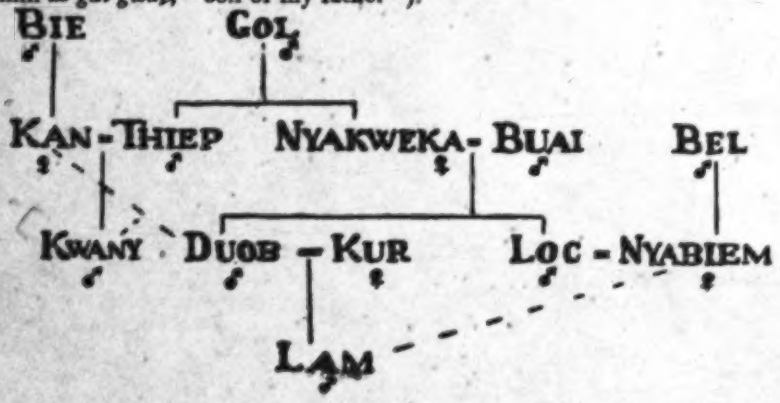

Diagram IV

Another type of procreative union results from the custom of the levi- 587
rate. When a man marries, his kinsmen provide the bride-cattle and the 588
cattle go to the wife's people and there breed and provide them with 768
food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband [611] ●
dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a

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587 768 593 milks the cows, and performs other domestic services for her sons. If she is dead and her eldest son is married his wife acts as a cook, housekeeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere. [848] Her husband's people permit her to take this course because all the children she bears are their children, being counted as sons and daughters of [611] her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle [586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath caa ka de lony*, "Cattle which have children on their backs cannot be returned".

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587 768 593 591 dead, so that they may view with equanimity the departure of the widow and her children, having no feelings of close parentage towards the sons and being assured that they will receive whatever bride-wealth is their due on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she [611] determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends [586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy [776] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 611 A widow who lives with a stranger after the death of her husband is called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 593 A *cek ma lak* is translated in this paper as "widow-concubine" for she is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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those of a pater towards members of a legal family. It must be emphasized that while the natural family is not a legal family the position of the genitor is socially recognized in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

IV

588

In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 593

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588 also in Nuerland many children born of unmarried mothers and children
848 born of an unmarried mother may belong to different social groups, be-
●611 cause their physiological fathers have a right to pay a fee of from four to
593 six head of cattle to legitimatize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*ruok*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma kea*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat keaka*.[1]

588 In some respects the social position of unmarried mothers, and their
[848] children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimatize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

[1] In Lou country people often speak of them by the term for the children of widow-concubine, *gaat laka*. In this part of Nuerland the expression *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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585 possibly three or four cows for having brought C ♀ to maturity, the cattle
431 due to him as a father's brother and perhaps any cattle due to the grandparents X ♂ and Y ♀. In Fig. III when C ♀ is married the cattle of the parents go to D ♂, P ♂, Q ♂, and R ♂. Z ♂ gets the "cow of begetting", probably an extra cow or two of his services to the family, what is due to him as a paternal uncle, and, perhaps, any cattle due to the grandparents X ♂ and Y ♀. Some of "the cattle of the father" would be the portion of R ♂, and the "cattle of the mother" would be the portion of D ♂, P ♂, and Q ♂. In Fig. IV "the cattle of the father" and the "cattle of the mother" belong to D ♂, P ♂, and Q ♂; "the cattle of the father" belonging more particularly to D ♂, who alone of the children was begotten by their pater. T ♂, who is living with the widow and who has begotten by her two sons and a daughter (the bride C ♀) receives "the cow of begetting" and three or four head of cattle for having brought the family up. In Fig. V B ♀ is an unmarried concubine who has borne a son D ♂, and a daughter C ♀, to A ♂, who has paid legitimatization fees for both children. She then left A ♂, and went to live with P ♂, by whom she has borne a son W ♂. On C ♀'s marriage the cattle of the father belong to A ♂ and the cattle of the mother go partly to D ♂, and partly to W ♂. As A ♂ is pater to C ♀, there is no "cow of begetting". In the statements made above I give only the principles of distribution of bride-wealth. Actual distribution is often more complicated and depends on variable conditions.

VII

Before asking the reader to accompany me round a Nuer village to enquire into matrimonial and domestic conditions I would ask him to bear in mind in a summarised form the following main features of Nuer marriage :—

581 (A) It is payment of cattle which defines the exact status of each
585 member of the various procreative and domestic groups to the other
431 members of the same group, or, otherwise expessed, the status of each member receives recognition by payment of cattle. The man in whose name cattle were handed over to the kin of the woman at her marriage is the pater of her children, whether he lives or dies—even a woman who marries a wife being counted as the pater. The cattle of the father invariably go to him or to his heirs. Likewise the bio-sociological father in his various degrees of physiological and foster parent is recognised by payment of cattle, and payment of cattle legitimatizes children born out of wedlock. Nuer discuss all these relationships in the idiom of cattle.

● 611 (B) The position of pater is legally predominant. Through him even though he did not beget or even see them, his children trace their descent. They belong to his lineage and clan and share in all that traditionally pertains to these groups. From him they inherit. His herd is their birth-right and any cattle which would have been due to him had he been alive belong to them as his heirs. Whatever social or ritual status he may have had they may succeed to. Little though their relationship to their

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611 pater may count in childhood it grows in importance as the children reach manhood.

593 (C) Children may be born into two families and brought up in several households. This may lead to a clash of interests and divided loyalties. This is most likely when the pater is represented by a man who is not the genitor and foster-father of the children, and is least likely when the genitor and foster-father is a legal substitute for the pater.

611 (D) Legal paternity has a very different significance in the case of sons and in the case of daughters. The pater's kin want the sons to live
593 in their home for reasons of sentiment and because they increase the
562 strength of the group. The sons are drawn to their pater's kin by sentiment and self-interest. Their pater's people are their true kin and only in their pater's village are they owners of the soil and of the cattle. A man who wants to inherit his father's cattle and to receive portions of the bride-wealth of the daughters of his kinsmen should go to live among his father's kin and there marry a wife and beget children to their lineage. The pater's kin care little whether his daughters come to live with them or not. "Daughters are unrelated persons." They will bear children who will be members of other groups. So long as the pater's kin receive the cattle of their bride-wealth they do not mind what happens to their persons. Daughters often do not, therefore, join the kin of their paters but may be married from the homes of their genitors or foster-fathers. They are not compelled by sentiment or self-interest to join the kin of their paters.

583 (E) Types of procreative unions and families are classed by the nature
611 of the social tie that links children to their pater, and of the social relation-
593 ship between pater and genitor, and not by the tie that links the children to their mother. This is because the mother is comparatively unimportant from the legal standpoint since men take their status and derive their privileges mainly from their pater. Moreover the functions of motherhood are not divided among several women as the functions of fatherhood may be divided among several men. The legal mother, defined by the bride-wealth paid to her kin on her marriage, and by the cattle she receives as such on the marriage of her daughters, is always the biological mother. Motherhood has only split roles when a woman lives apart from her children, as may happen with widow-concubines, and in these cases the women who provide the children (who are not their own children) with food do not receive legal recognition of their services. The general social, rather than specific legal significance of motherhood is treated elsewhere.

583 (F) I do not more than draw attention here to the effect on kinship
602 structure and sentiment of the different types of procreative unions. The fact that men in ghost-marriage and leviritic marriage raise up seed to their kinsmen has the effect that the group of kinsmen have closer relationships and a greater sense of common interests than they would have if they were all children of different simple legal families. The wider kinship group gains at the expense of the restricted family group. The prevalence of widow-concubinage and unmarried concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided

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592 of the kraal and homestead with the skill of an experienced herdsman
593 and householder and stands no interference in matters pertaining to the
588 cattle, even from her initiated son, Majak ♂.

Homestead No. II. Col ♂ —Ngunjok ♂. He lives with Nyarueni ♀
592 whom he married to the name of his father (see Diagram No. VII). He
588 is now contemplating marriage on his own account. I am uncertain whether Nyarueni has a baby or not. The byre of this homestead originally belonged to Wec ♂ (see Homestead No. X.), who sold it to Col ♂ for a he-goat. One of the huts belonged to Nyaluthni ♀ (see Homestead No. I), who lived there for a time before moving to her present hamlet.

●[611]

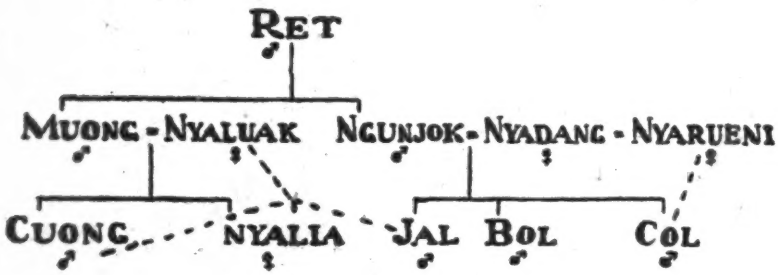

Diagram VII

Homestead No. III. Baranyai ♂ —Kwenwar ♂. He lives with a woman whom he married to the name of his maternal uncle Yoah ♂—Pan ♂. In our village we speak of Baranyai's mother as Nyajal ♀—Kuth ♂ and those who know about her brother speak of him as Yoah ♂—Kuth ♂ but this usage is not correct because their pater was Pan ♂, a man of the Jikul clan. After Pan's death in an epidemic of smallpox his children were brought up by Kuth ♂. On the marriage of Baranyai's sisters there were no claimants to the bride-wealth on the maternal uncle's side, Yoah ♂ and his brothers and sons being all dead, so "the cattle of the maternal uncle" went to Baranyai and his brothers. Baranyai received most of them and married his maternal uncle a wife with them. He has begotten by her Ngundeang ♂, Rwot ♂, and Thak ♂. A natural son of Baranyai ♂, named Galuak ♂, also lives here. He was born of a widow-concubine, Nyadang ♀ (see Homestead No. XXI). Baranyai also has a small daughter by another widow-concubine, Nyadut ♀, (see Homestead No. XVIII). She lives with her mother. Baranyai has no legal wife of his own.

Homestead No. IV. Nyamani ♀, widow of Luak ♂. To her husband she bore Bilieu ♂ and a daughter. Since her husband's death she has cohabited with Panyuan ♂ (see Homestead No. IX) by whom she bore twins who died and Bol ♂. She was pregnant with another child when I left the village. See Diagram No. IX.

Homestead No. V. Wang ♂. He is unmarried.

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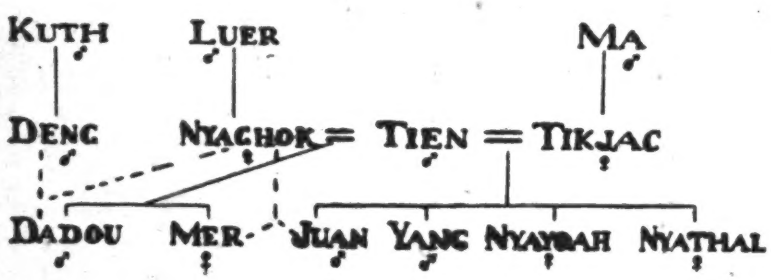
Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]



[611]

Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Malith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yoah ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yoah ♂: Wectwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No. IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [586]

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IX

I commenced this paper by outlining the formal structure of the family and other procreative and domestic groups and then illustrated these groups by a survey of a typical Nuer village and some genealogical tables. We must now enquire what are the actual relations between members of these different types of domestic groups and, in particular, what are the relations between a father (pater, genitor, or foster-father) and his sons. 121

It is often difficult to know what these relations are and I only know a few households sufficiently well to be able to assess them. Indeed, it is often difficult to discover even the formal status of members of a household and I have no doubt that a longer investigation at Nyueny and elsewhere would reveal that some unions which I have thought to be simple legal marriage are unions of a different order.

The difficulty is due in part to the fact that Nuer are not consistent in their use of kinship nomenclature. If a man marries a woman and she bears him a son, the child is always called after his pater, e.g. Nhial ♂ is always known as Nhial ♂—Rainen ♂ (Homestead No. VI). Likewise if a child is born to a man during his lifetime by adulterous congress between his wife and another man it is always called after the pater (at any rate in the pater's village. It might be called after its genitor in his village though I cannot assert that this is so), e.g. Dadou ♂ is known as Dadou ♂—Tien ♂ (Homestead No. VII). An orphan (*ret*), i.e. a child born of a leviritic union is also generally called after its pater, e.g. Mer ♀—Tien ♂ (Homestead No. VII). [601] 611

On the other hand, when a man marries a wife to the name of an agnatic kinsman a son born of this union is in ordinary social life called after the man who stands in the place of the pater and who has begotten the son. One rarely hears his name coupled with that of his ghostly pater, though it is so coupled at ceremonies. When the boy is initiated they tell his pater: "See, your son has been initiated. He has become a man. Your fire is kindled"; and when he is married they tell his pater: "See, your son is married. Your descendants will not cease. They will remember your name." A man's name is also coupled with that of his pater in legal situations where ownership of property is at issue.

But ordinarily such children take the name of their genitor and one may remain ignorant that the genitor is not also the pater. Thus I spent over three months in the tiny hamlet of Yakwac in 1931 without knowing that Kerker ♂ was not the pater of the boys whom we always knew as *gaat Kerker*, "the sons of Kerker". I spent hours every day with these boys but it was by mere chance that I discovered that Kerker had married a wife to the name of this dead brother, Duob, and had begotten my companions. When I visited Yakwac again in 1935 Kerker had died and his eldest son (legal nephew), Wan, had married him a wife, Kur ♀—War ♂ to perpetuate his genitor's name. The children begotten by Wan ♂ in this union will be legally his father's brother's children. Similarly in the village of Nyueny, I would certainly never have discovered that such men as Wec (Homestead No. X.) and Loc (Homestead No. XIV) were not the paters of their children had I not made persistent enquiry.

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611 Nevertheless, Nuer tell me that in course of time the name of the pater survives and the name of the genitor is forgotten, even though the name of the pater is little used in the lifetime of his children. When a man marries a wife to the name of an agnatic kinsman it might seem that it does not matter whether the descendants of this union trace their ascent to the founders of their lineage and clan through their pater or through their genitor, but the purpose of ghost-marriage is to preserve the name of the pater, and, according to Nuer, the name of the genitor is therefore likely to be effaced in time. The name of the pater has an almost purely ritual and legal significance during the lifetime of his sons and in succeeding generations this significance endures, if in an ever-lessening degree, whereas ties between sons and their genitors being based on sentiment and common domestic interests do not long survive the conditions that create them.

The position is rather different when a man marries a wife to the name of his maternal uncle for then the man and the children he begets belong to different clans. The name of the pater is here very important, even in the lifetime of his sons, because it is from him, and not from their genitor that they inherit their clan and lineage emblems. The sons have no *buth*, agnatic kinship, with their genitor and neither he nor they can act for the other in a ritual capacity at ceremonies. The children belong to different social groups to their genitor and this is sometimes very apparent on ceremonial occasions. Normally, therefore, a son born of such a union is called after his genitor in his genitor's hamlet, and perhaps even in his village and district, but is called after his pater among his pater's people. Thus my servant Wia ♂, whose history is recorded later, was always known to us at Yakwac as Wia ♂—Cam ♂, because Yakwac was Cam's hamlet, and he was also known as Wia ♂—Cam ♂ among the Gaajok tribe, because Cam was a Gaajok aristocrat by adoption; but throughout Lou country he was known as Wia ♂—Dar ♂ after his pater, because Dar ♂ was a Lou aristocrat. It is only when the pater has no kin to join his name to the names of his sons that the name of the sister's son (genitor) almost entirely obliterates, for the time being, that of the mother's brother (pater). Thus I was informed that it is generally unknown that the sons begotten by Baranyai are not his legal sons but are the legal sons of Pan (Homestead No. III). At Nyueny we always referred to them as *gaat Baranyai*, "sons of Baranyai" and Pan has no close kin alive who might refer to them as *gaat Pan* "sons of Pan". Nevertheless, the name of Pan is likely in the long run to survive that of Baranyai.

When a widow goes to live with a lover who is not a kinsman of her dead husband and bears him children in concubinage the children are called after her lover in his village and amid his kinsfolk, but they are called after the dead man in his village and amid his kinsfolk. Thus Rainen ♂ and Dol ♂ are known to everyone in Karlual country as sons of Ngwoth ♂ because Ngwoth was a man of the Jikul section of the Karlual tribe but when they go to Bul country they are called sons of Luak ♂, because Luak ♂ was a Bul tribesman. In this way a man may even be called after different fathers in different hamlets of the same village, e.g. Galuak ♂

11:Evans-Pritchard E-5 (1931, 1936) 1945
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(Homestead No. III) was known to us at the northern end of Nyueny as Galuak ♂—Baranyai ♂ but at the southern end he was known as Galuak ♂—Diet ♂, because whilst his genitor, Baranyai ♂, lived at the northern end the kinsmen of Diet ♂, his pater, lived at the southern end. Two ways of referring to a boy may run concurrently in the same hamlet. Thus we spoke equally of Bol ♂—Luak ♂ (pater) or Bol ♂—Panyuan ♂ (genitor) in the hamlet of Nyueny ♂ (Homestead No. IV). 611

When the kin of the pater are numerous and near by and take an interest in the children his name has as much, if not more, currency, than that of the genitor, even though the children continue to live in the genitor's homestead. When the pater's kin take charge of the children his name is used almost exclusively, that of the genitor only surviving among his kinsmen and fellow-villagers. But when the pater's kin live far away, are a small people, and are not closely enough related to the children to take an interest in them the name of the genitor may become established to the detriment of the pater's name, e.g. Karlual ♂—Kwenwar ♂ (Homestead No. IX) and his brothers and sisters are almost always referred to as children of Jany ♂ because they live in Jany's district whereas Kwenwar ♂ was a man of different tribe and his kinsmen have never shown any interest in the children, as will be explained in greater detail later. (In cases of this kind no Nuer thinks of enlightening one about the legal interrelations of the persons concerned and it is necessary to enquire into them if one wishes to discover them.) But however exclusively the lover's name may be used during the lifetime of his sons it has little chance of permanent survival because legally and ritually the children of these sons are united to the lineage of their pater and not to the lineage of their genitor.

Whether it ever happens that the name of the genitor permanently replaces the name of the pater I cannot say. If this were to happen I would expect the line springing from the genitor to regard themselves as members of the pater's clan and to incorporate the genitor into one of its lineages.

Sometimes a man is called after his foster-father. This may happen if the child is born in widow-concubinage and is removed by his mother from the home of his genitor to that of a new lover's home. An example is Nyajol ♀—Kuth ♂ (Homestead No. III).

The patronymic selected by a man for the ordinary purposes of life depends mainly on his place of residence because the name links him to a group. Thus a man who lives in his genitor's village is likely to take his genitor's name and thereby assimilate himself to his local group through ties of kinship. The action is reciprocal because members of the group also incorporate him into their community by use of kinship terms and patronymics; and it is they who give him the name rather than he who takes it. Similarly a man brought up in his maternal uncle's village is generally referred to after the name of his mother and if his descendants remain members of the group this woman is treated in their tree of descent as though she were a man. All Nuer obligations are those of kinship and the patronymics of persons and the kinship terms used to them are

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611 not only indications of their status but also a means of evoking behaviour. Hence it is understandable that a man takes different patronymics in different localities.

611 A child who is old enough to walk and to speak always knows his pater's
867 name regardless of the manner of his birth and the place of his upbringing. His mother always teaches him his pater's name and if there are any of his pater's kin in the village they will impress on the child his true patronymic. Therefore one may ask a very small child for the name of his father and though he will give you the name of his genitor if he is living in his home you can ascertain the name of his pater by asking him the name of *gur dodien*, " your other father ".

611 Owing to the Nuer custom of referring to women of all ages by their proper names one would not usually speak of a woman as " the wife of so-and-so " unless one wished to indicate especially her matrimonial status. One would then speak of a wife in simple legal marriage, in leviritic marriage, and in widow-concubinage, as the wife of the true husband, the man in whose name bride-cattle had been paid. But a woman who is partner in ghost-marriage would be referred to as the wife of the vicarious husband who stands in the place of the true and ghostly husband. Consequently only members of a man's kin and village may know that the woman with whom he is living is not legally his own wife but the wife of a dead kinsman. Other people may be ignorant of the real state of affairs or, if cognizant of them, may not know the name of the ghost-husband. As a courtesy-title one may also speak of an unmarried concubine who has lived with a man for several years as his " wife ".[1]

Before leaving the subject of nomenclature a few words must be said about terms of address between persons who stand to one another in two different sets of relationship, the legal and the biological. It is my experience and it is the statement of my informants that when a man and woman and their children live together, whether the union be ghost-marriage, leviritic marriage, widow-concubinage, or concubinage with an unmarried woman, they use the same terms of address to one another as members of a simple legal family use. There is no reason why in widow-concubinage and concubinage with an unmarried woman the terms for " father " " mother ", " son " and " daughter ", should not be used in the same manner as they are used in the simple legal family. It might be supposed, however, that in ghost-marriage and leviritic marriage the members of the domestic groups that spring from them use terms that indicate their legal, rather than natural, status to one another. As I have said, this is not the case. The terms describing the legal relationship between a man and the son he has begotten (other than in simple legal marriage) are only used in legal and ritual situations and when one of the two parties desires to influence the behaviour of the other by recalling the legal relationship between them and the obligations it entails. A man

[1] The term, '*cek*', has a wider range of meaning than 'wife'. It may be used to describe any woman who has once been married or who has borne children.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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may use the same terms of address to the kinsmen of his genitor as are used by a son to the kinsmen of his pater. 611

X

Often there is opposition between the interests of the legal family and the interests of these other forms of bio-domestic groups, i.e. between the interests of the group united by marriage and descent and the interests of the procreative group united by sentiment and common residence and life. A child is a member of both groups and it often happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected. One can only guess how he will act when one knows the characters and status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained and, in any particular case, their actions will tend to follow the lines here laid down. 602

For the reason explained earlier only the position of sons is considered. Daughters will not stay either with their genitor or with the kinsmen of their pater, but become members of their husband's household. Control over their persons is therefore not disputed and division of their bride-cattle is so well defined by law that it is of minor importance in which locality they are brought up. 611

The simpe legal family in which husband and wife are both the legal and the physiological parents of the children, and have brought them up, has great cohesion, and permanent lines of descent join the father and his sons. The relations between members of such a family are described elsewhere and here it is only necessary to point out that it has an advantage over the other domestic groups under discussion in that the formal status of its members towards one another is generally in harmony with their sentiments, e.g. the feelings of respect and affection of a son to a father are directed towards a man who actually is his father in the full legal sense. Also even when there is friction between sons and their father there is no opposing group to which the sons can attach themselves without losing to some extent the privilege of their birthright. This emergeed clearly from a statement made to me by Nhial who was openly on bad terms with his father: "If he (my father) had been my genitor only (and not my pater) I would long ago have left him and started a kraal of my own." A youth is very firmly bound to his family from motives of self-interest no less than by habit and sentiment of home. If he leaves his family he will not go to live at the home of another man he calls "father" but at the home of his mother's brother. 611 593

When a man marries a wife to the name of his father or brother or paternal uncle the relations between the members of the group that ensues are the same as relations between members of a simple legal family during the childhood and boyhood of the sons, as far as can be judged from behaviour and expression of sentiment, and it is only in legal alignment 593 602 428

11:Evans-Pritchard E-5 (1931, 1936) 1945
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XII

I have given a description of different types of union found in Nuerland and of the groups that arise from them. I have illustrated each type mainly by quoting examples from the village of Nyueny. I could have drawn on villages in other parts of Nuerland. 121

Some remarks of a general nature were made in the early part of this paper. Further remarks are given in conclusion but I wish to make it clear that I mention briefly only a few sociological results that arise from such "matrimonial" conditions as those I have described and that I merely sketch some of the problems that lie in the material we have considered.

One important result of widow-concubinage is matrilocal residence, temporary or permanent. I have discussed modes of residence elsewhere and here it is only necessary to show how they are affected by the prevalence of the various types of union which have been reviewed. In simple legal marriage the first child is born and weaned in its maternal grandparents' home and may be brought up there. But it eventually comes to live with its parents in the village of its pater and his kinsmen, for after weaning her first child a wife joins her husband in his village and there her other children are born. That is the normal procedure. In ghost-marriage it is the same. In leviritic marriage the children and their mother generally remain in the home of the dead pater. In widow-concubinage, however, as we have seen, the children are often born and live, at any rate for some years, away from the home of their paternal kinsmen. The children of unmarried concubines live, when they are small, with their mother, whether she remains in their father's home or takes a lover elsewhere. After a boy has been initiated he normally makes his pater's homestead his permanent home. These statements apply particularly to boys. There is less consistency in the case of girls, as already explained. 587 591

A glance at Diagram No. X shows how matrilocal and patrilocal modes of residence are found side by side as a consequence of widows cohabiting with lovers in the village of their brothers. "The daughters of Jany" live side by side with the "sons of Jany". Nyaruithni ♀ and Nyawal ♀ are widows living at Nyueny with their children, while Nyaudol ♀ is about to join them. Not on account of widowhood, but for other reasons, Nyadang ♀ also lives here with her husband and family, so that four of the daughters of Jany are living with their children in the hamlet of their kinsfolk.

With reference to this matrilocal cluster Bilieu ♂—Lam ♂ said to me: "I live with Meat ♂ who is my maternal uncle, for he brought me up and I was initiated at his home. We share the same byre. He has one half of the byre and I have the other half. In the cattle-camp also we share the same wind-screen and tether our cattle side by side. My position is just like that of Galuak ♂—Rainen ♂. He shares with Panyuan ♂ and I share with Meat ♂". 587 591

Since they live in the village of their maternal kinsfolk these youths with the exception of the sons of Rainen ♂ whose father is resident in the 611 551

11:Evans-Pritchard E-5 (1931,1936) 1945
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589 village are given matronymics instead of patronymics. Thus at Nyueny
591 one generally speaks of Bilieu ♂—Nyawal ♀ and Malith ♂—Nyaruithni ♀
611 instead of Bilieu ♂—Lam ♂ and Malith ♂—Rwacar ♂, though at the
551 villages of their paters one would speak of them by their true patronymics. One even hears the sons of Rainen ♂, Nhial ♂ and Galuak ♂, referred to after their mothers' name as *gaat Nyadang* ♀, "sons of Nyadang ♀", because they live in the village of their maternal kinsmen. The same nomenclature is to be observed when a son of an unmarried concubine lives with his mother's people, e.g. Cuol ♂—Mer ♀ who was referred to overleaf.

562 Another point of importance which is very obvious from the facts related in this paper is that marital and domestic conditions among the Nuer indicate the high position of women in their society. The matter cannot be discussed at length here and I will only remark that the facts cited show how freely women move among the Nuer. We have seen that widows settle with lovers without hindrance, that many girls rear a family without consenting to marriage, and woman always take their small children with them when they change households, and that sometimes they even marry wives themselves.

611 The social principle of agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bride-wealth all who are born of the mother are children of her husband. Thus all the children of a woman may be children of a man whom their mother has never even seen. Or a woman may bear children by many men yet they all have one pater. Or, yet again, a woman may bear a child by a man to whom she is not married and to whom she never will be married, but this man is her child's pater by payment of a fee.

602 We see herein the fundamental principle that gives structural uniformity to, and thereby explains, the heterogeneous social elements isolated and described in this paper. I refer to the agnatic principle that is one of the most fundamental principles of Nuer social organization. It runs through the whole gamut of social relations, from ecological relations at one end of the scale to cosmological relations at the other end. This principle is not merely that every man must have a pater, and that he traces his descent through his pater, inherits from his pater, and succeeds to his pater's status. These are contained in the principle and are an expression of it, but, in our opinion, the agnatic principle among the Nuer is essentially the tendency of attachment to agnatic groups or lineages. By such attachment a man becomes a social being for his social personality is acquired from his attachment to these groups, from which he derives also, through mutual assistance, the means of existence and security.

At first sight many of the facts stated in this paper seem to be in direct opposition to this principle. Thus if we take the Jany (Kwenwar) cluster at Nueny it is evidently an aggregate of cognates and affines. The same social conditions can probably be found in every Nuer village. The underlying agnatic principle is therefore in glaring contrast to social actualities. But the actualities are always changing and passing while the principle endures.

12:Evans-Pritchard E-5 (1930-1931) 1933
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554 brothers whom the *let* had eaten. His father said to him, "Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of "bulls" or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

584 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

families; it is only in question of descent and inheritance that the difference is open. It is the dead pater's name which will survive in genealogies. 588 [611]

Ghost marriages are arranged on behalf of brother, paternal uncles, maternal uncles and fathers (i.e. physiological fathers who are not also paters). A man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would be both vicarious husband to the woman and her father-in-law. A man never marries a woman to the name of his father's father or his mother's father since that was the duty of their sons. Only a kinsman takes a wife to the name of a dead man. Occasionally a woman marries someone to the name of a dead kinsman, and the wife so married would cohabit with a stranger to raise up children for the ghost.(1)

2. *The Levirate.* When a husband dies, the children his wife may subsequently bear are still counted as the children of the dead man. It is held that the woman should live with one of the dead man's brothers for she was married with the cattle of their kraal. Whoever inherits the widow does not marry her; she is still the wife of the dead man, and the man with whom she lives merely acts as genitor. Children born of the union regard themselves as their pater's family and inherit from him and not from their genitor. Leviratic marriage is different from ghost marriage. In ghost marriage bridewealth is paid and the marriage rites are performed by the vicarious husband; in leviratic marriage the husband has already performed these actions and the brother or other male kinsman inheriting the widow merely enters, as pro-husband, a family already in being.(2) 587 611

Tradition, threat of divorce and social pressure, all persuade a young widow to live with her husband's brother or with a son by a co-wife. She has a certain amount of choice among the relatives available. If she prefers to go and live with lovers and to 'give birth in the bush', all children born are counted as those of her dead husband, and his lineage has legal rights over them. Some widows return to their parents' village and live with a man there.

3. *Widow Concubinage.* A widow living with a stranger after the death of her husband, is called a *cek* as *lak* (widow concubine).(3) Her lover has no legal rights over her and cannot compel her to stay with him, nor has he any legal control over children born of the union. A man, a widow concubine and their children form a natural, as opposed to a legal, family, and the position of the genitor, though precarious, is acknowledged socially in several ways. 587

4. *Unmarried Concubinage.* A child of an unmarried woman has no pater but his genitor may become his pater on payment of a fee of 4 to 6 cattle to legitimise him. If the fee is not paid, the child belongs to the mother's lineage, and any man whom the mother cares to live with for the time being is regarded as his foster father. In certain respects the status 848 [611] 850

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1930, p.318.
(2) Evans-Pritchard, *op.cit.*, 1938, p.320.
(3) *Ibid.*, p.325.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage.

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him '*gat* so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name.

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*,

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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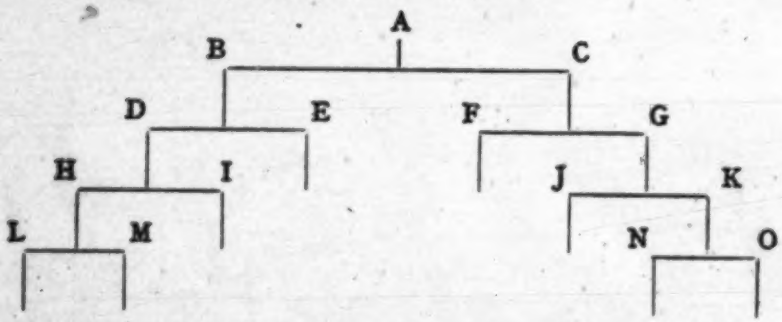
structure, and the letters in the diagram represent persons from whom the clan and its segments trace their descent and from whom they often take their names. There must be at least twenty such clans in Nuerland, without taking into account numerous small lineages of Dinka origin. 614 613



A lineage in the sense in which we generally employ this word is a group of living agnates, descended from the founder of that particular line. Logically it also includes dead persons descended from the founder—and we sometimes use the word to include them also—but these dead persons are only significant in that their genealogical position explains the relationships between the living. It is clear from the context whether the word is used in a more or less inclusive sense.

Clans and lineages have names, possess various ritual symbols, and observe certain reciprocal ceremonial relations. They have spear-names which are shouted out at ceremonies, honorific titles by which people are sometimes addressed, totemic and other mystical affiliations, and ceremonial status towards one another.

Agnatic kinship between lineages is called *buth*. *Buth* is always an agnatic relationship between groups of persons, and only between persons in virtue of their membership of groups. *Buth* agnation is to be distinguished from kinship in the sense of relationship between persons, e.g. between a man and his father's brother and mother's brother. Cognation in this sense the Nuer call *mar*. Any person to whom a man can trace any genealogical link, whether through males or females, is *mar* to him. A man's *mar* are consequently all his father's kin and all his mother's kin, and we call this cognatic category his kindred. 611 611 612

1: Evans-Pritchard E-5 (1931, 1936) 1940
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611 In normal usage the word refers to close relatives only. Therefore, as *mar* includes close agnates, the word *buth* is used only in
612 reference to distant agnates, between whom and the speaker there is lineage cleavage. There is *buth* relationship between lineages of the same clan and also between related clans which have the same ancestor but do not compose an exogamous unit. A Dinka can be given *buth* relationship to a Nuer lineage by being adopted into a collateral lineage. We thus formally distinguish between the lineage system, which is a system of agnatic groups, and the kinship system, which is a system of categories of relationship to any individual; and we speak of these relationships as a man's paternal kin and his maternal kin, and both together as his kindred.

613 Political and lineage groups are not identical, but they have
619 a certain correspondence and often bear the same name, for a tribal area and its divisions are often called after the clans and lineages which are supposed to have first occupied them. This makes their inter-relation a very difficult problem to investigate and has led to some confusion in writings on the Nuer. Thus Gaawar is the name of a tribal area, of the tribesmen who inhabit it, and of the members of a clan which have in that area a socially dominant status. Likewise Gaajok and Gaajak are names of territories, tribes, and lineages. To clarify description clan and lineage names are therefore printed in small capitals. Hence, when we say that a man is a Gaawar we mean that he is a Gaawar tribesman, a man who resides in Gaawar country, whereas when we say that he is a GAAWAR we mean that he is a member of the GAAWAR clan, a descendant in the male line from War, the founder of the dominant clan in Gaawar country.

II

613 Three trees of clan descent are presented in the following
614 section in a form conventional to us, and which would also commend itself to Nuer, who sometimes speak of a lineage as *kar*, a branch, as illustrations of the way in which lineages split up, each being a branch of a larger one. The JINACA are the dominant clan in the Lou and Rengyan tribes, the GATGANKIIR are the dominant clan in the Jikany tribes, and the (GAA)THIANG

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

602 an elder who abuses a younger, as an uncle a nephew, or the two are of the same generation, as between cousins.

The sentiment of *mar*, of communion with his kin, gives a Nuer the comfort of security, the feeling of being in a known and friendly world. I would again stress that *mar* is cognatic kinship, a set of relationships to any person through either father or mother and, among the Nuer, embracing also close affines, and further that in this general interpersonal sense one does not evaluate between the relationships. The maternal uncle is just as much kin as the paternal uncle, and the mother's sister's son as the father's sister's son. They are all people one helps when they need help and who help oneself when one needs aid. '*Jimarida*', 'my kin', are the people who are near me, irrespective of their precise category of relationship, the people on whom I can rely. It is interesting to note that *mar*, like the Old English 'sib', may also have the sense of 'peace'—'*te mar kamdien*', 'they are at peace'—and that it appears also to be the same word as that used for 'my mother'. In a sense all kinship is through the mother, even kinship with the father and hence with the paternal kin.

I have been speaking of the nuclear kin, but, as was noted in Chapter I, there is no limit to the number of relationships a man can in one way or another establish in Nuerland. The kinship system is like a circular elastic band which can be stretched on an ever-widening circumference as a child grows up and increases the number of his social contacts and enlarges the area of their distribution. By this wide recognition of kin a man thus brings in some degree his whole personal society, all those with whom he has dealings, into the circle of relationships in which attitudes and behaviour are shaped by sentiments of kinship.

I shall say more later about kinship in this wider sense and restrict my present remarks to the nuclear kin, which ordinarily can be regarded as the paternal and maternal uncles and aunts and their children and the children of brothers and sisters. A specific kinship term can be used to describe persons in each of these categories, and the relationships they embrace are the prototypes of all kinship ties of the wider kind.

II

These categories of relationship fall into two broad types. The first comprises the agnates, the kin of the byre-side, the 'bulls', as

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

Nuer would say, who are also referred to collectively and in a general way of speaking as the *gaatgwanlene*, the children of paternal uncles. We have noted how these are divided off as the kin *kwi gwan*, on the father's side (of the family), in division of bridewealth, and also how among themselves they are more or less exempted from the prohibition which defines as incest congress with the wives of kinsmen because their wives are all wives of the lineage. We have further noted that consciousness of being members of a social group with common ancestors and symbols and corporate rights in territory and, within the limited range of nuclear kin, common interests in cattle and wives and common residence pull the children of their wives to the father's side. The second broad type comprises the cognates who are not agnates, the kin on the hut-side, whom Nuer describe collectively and in a general sense as *gaatnyiet*, the children of girls or daughters—that is to say, all kin to whom a man is related through women. Either they are children of daughters of his lineage or he is the son of a daughter of their lineage. Within the restricted range of reference of bridewealth distribution these are the kin *kwi man*, on the mother's side (of the family). They are the kinsmen with whose wives it is incestuous to have congress. We have earlier noted how important this concept is in the network of kinship ties of any Nuer community, with regard both to interpersonal relations and also to the establishing of links with its dominant lineage. I shall have occasion later to emphasize further its significance in this respect in considering the kinship system in relation to society as a whole. The relationships in which these two types are, as it were, summed up and contrasted for a Nuer are that of the *gwanlen*, the paternal uncle, and that of the *nar*, the maternal uncle. 602 612

The *gwanlen*, particularly the father's paternal half-brother, is portrayed by Nuer as the wicked uncle and is contrasted with the good uncle, the *nar*, particularly the mother's uterine brother. Both youths and maidens have often told me that they are more at one with their mothers' brothers than with their fathers' brothers and with their mothers' sisters than with their fathers' sisters. 'Wa! Your *nar* is far better (than your *gwanlen*)', said a Nuer to me once, expressing with force this common partiality. When I asked him why the maternal uncle was better he gave no further answer than the usual reply to this question: 'Because he is the brother of your mother'. However, I pressed him for a fuller 604

16: Evans-Pritchard E-5 (1931, 1936) 1956
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and a number of kinsmen and neighbours were present, one of whom, Dhoal, was asked to preside because he was a leading man in the community. He began by pouring some of the beer out of the gourd over the tethering-peg of the cow devoted to *deng* when Karlual shouted to him to wait till they brought him a ladle. When it was brought, he poured a libation with it over the peg. A small son of Karlual was then told to do the same and afterwards to drink what was left in the ladle. Then various kinsmen also poured libations over the peg and all present poured beer into their hands and threw it into the air, an act called *kith*. The people then sat around the gourd and drank the remainder of the beer while they discussed family affairs.

All kinsmen who can do so should attend a ceremony of this kind, especially close agnatic kinsmen, for this is an occasion when kin are expected to reveal any resentment they may have in their hearts towards one another. Each tells the others where they have been at fault (*duer*) in speech or act during the past year, and the issues raised are then settled peacably by discussion. A man must not keep a grievance hidden, and if he does not reveal it now he must for ever keep silence. Nuer say that all the evil in their hearts is then blown away. I think that this is the meaning of the throwing of beer into the air. They also say '*giakni dial ba ke bap e yang*', 'all evils (which they have done to one another) will be gathered to (or taken over by) the cow'. All present place ashes on the back of the beast, probably an ox, and it is then cleansed by sprinkling or blowing beer on it. However, I did not see this part of the ceremony because owing to the lateness in starting it the beast had gone to pasture with the rest of the herd. I was told that it was performed in the afternoon when the herd returned from grazing.

III

In what I have said so far about the spirits of the air I have been speaking of their relations to ordinary Nuer. Sometimes a spirit possesses a man and when he has recovered from the seizure abides with him, giving him powers of healing, divination, exorcism, and foresight. I discuss the functions of these prophets in Chapter XII. Here I give only such information about them as is necessary for an appreciation of the spirits which possess them.

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128 state might be described as an ordered anarchy. Likewise they
lack law, if we understand by this term judgements delivered by
624 an independent and impartial authority which has, also, power
to enforce its decisions. There are signs that certain changes
were taking place in this respect, and at the end of the chapter
on the political system we describe the emergence of prophets,
persons in whom dwell the spirits of Sky-gods, and we suggest
that in them we may perceive the beginnings of political
development. Leopard-skin chiefs and prophets are the only
ritual specialists who, in our opinion, have any political im-
portance.

128 After an examination of the political structure we describe
the lineage system and discuss the relation between the two.
●613 Nuer lineages are agnatic, i.e. they consist of persons who trace
their descent exclusively through males to a common ancestor.
614 The clan is the largest group of lineages which is definable by
reference to rules of exogamy, though agnatic relationship is
recognized between several clans. A clan is segmented into
lineages, which are diverging branches of descent from a common
ancestor. We call the largest segments into which a clan is
divided its 'maximal lineages', the segments of a maximal
lineage its 'major lineages', the segments of a major lineage its
'minor lineages', and the segments of a minor lineage its 'mini-
mal lineages'. The minimal lineage is the one to which a man
usually refers when asked what is his lineage. A lineage is thus
a group of agnates, dead or alive, between whom kinship can be
traced genealogically, and a clan is an exogamous system of
lineages. These lineage groups differ from political groups in
that the relationship of their members to one another is based
on descent and not on residence, for lineages are dispersed and
do not compose exclusive local communities, and, also, in that
lineage values often operate in a different range of situations
from political values.

128 After discussing the lineage system in its relation to terri-
torial segmentation we describe briefly the age-set system. The
561 adult male population falls into stratified groups based on age,
and we call these groups 'age-sets'. The members of each set
become such by initiation and they remain in it till death. The
sets do not form a cycle, but a progressive system, the junior set

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805 took place. Moreover, since time is to Nuer an order of events of outstanding significance to a group, each group has its own points of reference and time is consequently relative to structural space, locally considered. This is obvious when we examine the names given to years by different tribes, or sometimes by adjacent tribes, for these are floods, pestilences, famines, wars, &c., experienced by the tribe. In course of time the names of years are forgotten and all events beyond the limits of this crude historical reckoning fade into the dim vista of long long ago. Historical time, in this sense of a sequence of outstanding events of significance to a tribe, goes back much farther than the historical time of smaller groups, but fifty years is probably its limit, and the farther back from the present day the sparser and vaguer become its points of reference.

805 561 However, Nuer have another way of stating roughly when events took place; not in numbers of years, but by reference to the age-set system. Distance between events ceases to be reckoned in time concepts as we understand them and is reckoned in terms of structural distance, being the relation between groups of persons. It is therefore entirely relative to the social structure. Thus a Nuer may say that an event took place after the *Thut* age-set was born or in the initiation period of the *Boiloc* age-set, but no one can say how many years ago it happened. Time is here reckoned in sets. If a man of the *Dangunga* set tells one that an event occurred in the initiation period of the *Thut* set he is saying that it happened three sets before his set, or six sets ago. The age-set system is discussed in Chapter VI. Here it need only be said that we cannot accurately translate a reckoning in sets into a reckoning in years, but that we can roughly estimate a ten-year interval between the commencement of successive sets. There are six sets in existence, the names of the sets are not cyclic, and the order of extinct sets, all but the last, are soon forgotten, so that an age-set reckoning has seven units covering a period of rather under a century.

805 601 ●613 The structural system of time-reckoning is partly the selection of points of reference of significance to local groups which give these groups a common and distinctive history; partly the distance between specific sets in the age-set system; and partly

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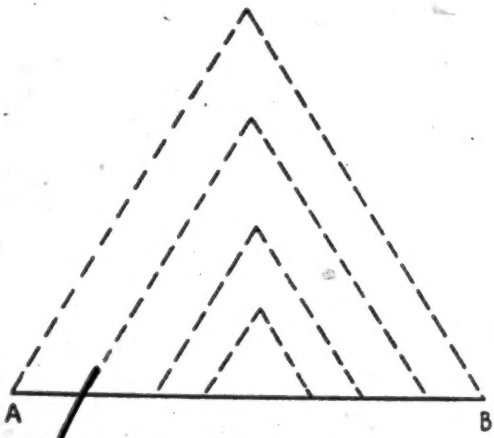
distances of a kinship and lineage order. Four generation-steps (*kath*) in the kinship system are linguistically differentiated relations, grandfather, father, son, and grandson, and within a small kinship group these relationships give a time-depth to members of the group and points of reference in a line of ascent by which their relationships are determined and explained. Any kinship relationship must have a point of reference on a line of ascent, namely a common ancestor, so that such a relationship always has a time connotation couched in structural



terms. Beyond the range of the kinship system in this narrow sense the connotation is expressed in terms of the lineage system. As this subject is treated in Chapter V, we limit further discussion of it to an explanatory comment on the diagram above. The base line of the triangle represents a given group of agnates and the dotted lines represent their ghostly agnatic forebears, running from this base to a point in lineage structure, the common ancestor of every member of the group. The farther we extend the range of the group (the longer becomes the base line) the farther back in lineage structure is the common ancestor (the farther from the base line is the apex of the triangle). The four triangles are thus the time depths of four extensions of agnatic relationship on an existential plane and represent minimal, minor, major, and maximal lineages of a clan. Lineage time is thus the structural distance between groups of persons on the line *AB*. Structural time therefore

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cannot be understood until structural distance is known, since it is a reflection of it, and we must, therefore, ask the reader to forgive a certain obscurity at this point and to reserve criticism till we have had an opportunity of explaining more clearly what is meant by structural distance. 805 601 613

We have restricted our discussion to Nuer systems of time-reckoning and have not considered the way in which an individual perceives time. The subject bristles with difficulties. Thus an individual may reckon the passage of time by reference to the physical appearance and status of other individuals and to changes in his own life-history, but such a method of reckoning time has no wide collective validity. We confess, however, that our observations on the matter have been slight and that a fuller analysis is beyond our powers. We have merely indicated those aspects of the problem which are directly related to the description of modes of livelihood which has gone before and to the description of political institutions which follows. 805

We have remarked that the movement of structural time is, in a sense, an illusion, for the structure remains fairly constant and the perception of time is no more than the movement of persons, often as groups, through the structure. Thus age-sets succeed one another for ever, but there are never more than six in existence and the relative positions occupied by these six sets at any time are fixed structural points through which actual sets of persons pass in endless succession. Similarly, for reasons which we explain later, the Nuer system of lineages may be considered a fixed system, there being a constant number of steps between living persons and the founder of their clan and the lineages having a constant position relative to one another. However many generations succeed one another the depth and range of lineages does not increase unless there has been structural change. These statements are discussed more fully on pp. 198–200. 805 561 613

Beyond the limits of historical time we enter a plane of tradition in which a certain element of historical fact may be supposed to be incorporated in a complex of myth. Here the points of reference are the structural ones we have indicated. At one end this plane merges into history; at the other end into myth. Time perspective is here not a true impression of actual distances like that created by our dating technique, but a 805 173

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if there is a quarrel between the Nyarkwac tertiary section and the Rumjok secondary section, as has occurred recently over water rights at Fading, Leng and Nyarkwac will unite against their common enemy Rumjok which, in its turn, forms a coalition of the various segments into which it is divided. If there is a fight between the Mor and the Gun primary sections, Rumjok and Gaatbal will unite against the combined Mor sections: Gaaliek, Jimac, and Jaajoah. If there is fighting against the Gaajok or the Gaawar the primary sections, Gun and Mor, will, at any rate in theory, combine and a united Lou tribe will take the field, since both sections belong to the same political group and since their dominant lineages belong to the same clan. Certainly they used to unite in raids on the Dinka. 619 628

Among the Eastern Gaajok, Minyal, Wang, and Nyathol sections combine against Yol. Also Thiur, Dwong, and Kwith sections unite for war. These fights between tribal sections and the feuds that result from them, though based on a territorial principle, are often represented in terms of lineages, since there is a close relation between territorial segments and lineage segments, and Nuer habitually express social obligations in a kinship idiom. Thus in telling me that Wangkac and Yol would unite for war against any other section Nuer stated the proposition by saying that the WANGKAC and YOL lineages, which are the dominant lineages in these sections, would unite because their ancestors were sons of the same mother. We shall see in Chapter V that Nuer generally speak in such terms. 619 628 613

This principle of segmentation and the opposition between segments is the same in every section of a tribe and extends beyond the tribe to relations between tribes, especially among the smaller Western Nuer tribes, which coalesce more easily and frequently in raiding the Dinka and in fighting one another than the larger tribes to the east of the Nile. Thus a man of the Fadang section of the Bor tribe exemplified it when he told me, 'We fight against the Rengyan, but when either of us is fighting a third party we combine with them'. It can be stated in hypothetical terms by the Nuer themselves and can best be represented in this way. In the diagram on p. 144, when Z^1 fights Z^2 no other section is involved. When Z^1 fights Y^1, Z^1 and Z^2 unite as Y^2. When Y^1 fights X^1, Y^1 and Y^2 unite, and so do X^1 619 628

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 182 fight. The political integument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualness.

VII

The likelihood of a homicide developing into a blood-feud, its force, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of the Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

628 602 [613] The kinsmen of a slain man try to kill the *gwan thunga*, the slayer, but they have a right to kill any of his close agnates (*gaat gwanlen*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

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are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

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Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

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ranged against the MAR, KWOTH, and MALUAL lineages and the people who live with them; the MANTHIEPNI lineage was ranged against the DUMIEN lineage; and so forth. Only these minimal lineages were involved with one another in the feuds that resulted, and not collateral lineages, even though they took part in the fight in other sectors of it, but the hostility between the sections was common to all their members. A good example of how Nuer feel in such matters is furnished by their reactions at Muot Dit cattle camp when the Government seized hostages to compel them to hand over two prophets. Their main complaint to me was that the hostages did not belong to the same lineages as the prophets and were therefore not directly concerned in the issue. The Government was looking at the affair in territorial terms, they in kinship terms on analogy with the conventions of a feud.

Apart from ritual observances, kinship obligations, community sentiment, and so forth, there is a further reason why blood-feuds between small lineages, especially when there are many of them, develop into states of feud, and tend to maintain hostile feelings between communities. As is explained in Chapter V every community is associated with a lineage in such a way that all persons in the community who are not members of the lineage are assimilated to it in political relations which are, therefore, often expressed in lineage values. Hence a blood-feud between small agnatic groups is translated into a feud, in the more general sense, between the lineages with which these groups are associated through the expression of the disturbed relations in terms of their structure, and the communities associated with the lineages are involved in mutual hostility.

Hostility between smaller segments of a tribe may involve the larger segments of which they form part. A quarrel between two villages may thus, as we have noted, bring about a fight between secondary, and even primary, tribal sections. The interrelations between larger sections are operated, as it were, by the interrelations between smaller sections. When a section in which there are unsettled feuds fights another section all quarrels are neglected for the time and the whole section combines for action.

The feud is a political institution, being an approved and

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threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual.

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another.

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many

1: Evans-Pritchard E-5, (1931, 1936) 1940
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624 parts of Nuerland, including most of the area with which I am
613 acquainted, chiefs do not belong to the dominant clans in the tribes in which they function, though some of them are said to be aristocrats in parts of Eastern Gaajak, Gaawar, and Leek. Most of those whose clans I know belong to the GAATLEAK and JIMEM clans which nowhere have aristocratic status. Since quarrels between tribal sections are expressed in terms of lineages of the dominant clan associated with the sections, as will be explained in the following chapter, the chief, having no position in the system of dominant lineages, is thereby more fitted to mediate between them. He is not a member of the hereditary owners of the tribal land, but is a stranger living there. A chief may act as such in whatever tribe he resides in. If a chief is killed the ceremonies connected with payment of compensation are performed by an aristocrat of the tribe. This is probably because, even when the chiefs of an area are not all members of one clan, they are believed to have a kind of kinship through their common badge of the leopard skin and cannot marry into one another's families. We regard chiefs as a category of ritual experts and do not consider that they comprise in any way a class or rank. We believe their social function to be a mechanism by which the equilibrium of the political system is maintained through the institution of the feud. The slight authority of chiefs and, in many parts, their position outside the dominant clan, accord with this view.

624 In taking the view that to regard the leopard-skin chief as a
628 political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise he has no means of compelling people to pay or to accept blood-cattle. He has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities.

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554 pass them by because sacred powers often give a man prestige from which he may attain local eminence as an important elder, if they are combined with wealth, ability, and wide kinship connexions.

554 Next to prophets and leopard-skin chiefs the ritual status that carries with it most prestige is that of the *wut ghok*, the Man of the
613 Cattle. Certain lineages have hereditary ritual powers in relation to cattle and are asked to cure sick beasts and to make barren
231 cows fruitful, though only some members of these lineages use
791 their powers. Like leopard-skin chiefs, Men of the Cattle are often members of stranger lineages and not of the aristocratic clan of their tribe. I was told that their curse is feared, as it can be directed to the cattle, and that Nuer do not care to offend them, but, outside tradition, I have not recorded any occasion of its utterance. Apart from the few Men of the Cattle who play a part in the regulation of Age-sets (see Chap. VI), and those who are sometimes consulted about migration to new pastures, they have no public functions. One *wut ghok* of the Eastern Gaajok became very rich and powerful a generation ago, but his prestige was largely due to his possession of magic.

554 Besides the *kuaa muon*, who has a ritual relationship to the earth, and the *wut ghok*, who has a ritual relationship to the cattle, there
613 are a number of totemic specialists whose ritual connexion with
791 lions, crocodiles, weaver birds, &c., enables them to influence the behaviour of these creatures. A totemic specialist is a possessor (*gwan*) of the spirit (*kwoth*) of his totem. Totemic specialists have no political significance and have no social influence in virtue of their powers alone. There is a war specialist whose duty it is to shake a spear in the face of the enemy and to deliver an invocation against them. He is known as *gwan muot*, possessor of the spear, or *ngul*, and is often, perhaps always, a member of a senior lineage of the dominant clan of the tribe, for he invokes the spear by the spear-name of the clan. There are also magicians of various kinds: leeches, diviners, owners of medicines, and owners of fetishes. Of these specialists only owners of fetishes become prominent members of their communities on account of their ritual powers. Nuer
[776] are very much afraid of fetish spirits and believe them to be so powerful that they will even purchase them with cattle. A fetish-owner may become the most influential man in the village, and I have been surprised at the respect and fear with which his neighbours sometimes treat him. Nevertheless, he has no defined authority in controlling the relations of the villagers to one another nor does he represent the village in its relations with neighbouring communities.

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CHAPTER V

THE LINEAGE SYSTEM

I

614 613 MANY characteristics of Nuer lineages and clans belong to the study of kinship which we hope to make in a subsequent volume. Here only those characters which are strictly relevant to the territorial system are discussed. We begin, however, by a formal definition of clan, lineage, and kin. A Nuer clan is the largest group of agnates who trace their descent from a common ancestor and between whom marriage is forbidden and sexual relations considered incestuous. It is not merely an undifferentiated group of persons who recognize their common agnatic kinship, as are some African clans, but is a highly segmented genealogical structure. We refer to these genealogical segments of a clan as its lineages. The relationship of any member of a lineage to any other member of it can be exactly stated in genealogical terms and, therefore, also his relationship to members of other lineages of the same clan can be traced, since the relationship of one lineage to another is genealogically known. A clan is a system of lineages and a lineage is a genealogical segment of a clan. One might speak of the whole clan as a lineage, but we prefer to speak of lineages as segments of it and to define them as such. Alternatively one may speak of a lineage as an agnatic group the members of which are genealogically linked, and of a clan as a system of such groups, the system being, among the Nuer, a genealogical system. In the diagram on p. 193 clan A is segmented into maximal lineages B and C and these bifurcate into major lineages D, E, F, and G. Minor lineages H, I, J, and K are segments of major lineages D and G, and L, M, N, and O are minimal lineages which are segments of H and K. It was found that words to describe four stages of lineage segmentation are sufficient when speaking of even the largest clans. The commonest Nuer word for a lineage is *thok dwiel* and the smallest genealogical unit they describe as a *thok dwiel* has a time depth of from three to five generations from living persons. A whole clan is thus a genealogical

[p. 192]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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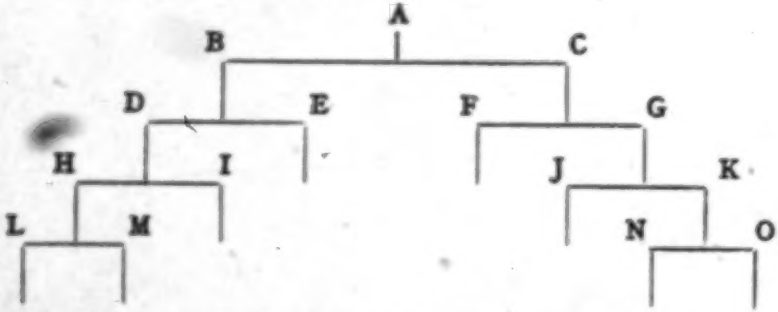
structure, and the letters in the diagram represent persons from whom the clan and its segments trace their descent and from whom they often take their names. There must be at least twenty such clans in Nuerland, without taking into account numerous small lineages of Dinka origin. 614 613



A lineage in the sense in which we generally employ this word is a group of living agnates, descended from the founder of that particular line. Logically it also includes dead persons descended from the founder—and we sometimes use the word to include them also—but these dead persons are only significant in that their genealogical position explains the relationships between the living. It is clear from the context whether the word is used in a more or less inclusive sense.

Clans and lineages have names, possess various ritual symbols, and observe certain reciprocal ceremonial relations. They have spear-names which are shouted out at ceremonies, honorific titles by which people are sometimes addressed, totemic and other mystical affiliations, and ceremonial status towards one another.

Agnatic kinship between lineages is called *buth*. *Buth* is always an agnatic relationship between groups of persons, and only between persons in virtue of their membership of groups. *Buth* agnation is to be distinguished from kinship in the sense of relationship between persons, e.g. between a man and his father's brother and mother's brother. Cognation in this sense the Nuer call *mar*. Any person to whom a man can trace any genealogical link, whether through males or females, is *mar* to him. A man's *mar* are consequently all his father's kin and all his mother's kin, and we call this cognatic category his kindred. 611 611 612

1: Evans-Pritchard E-5 (1931, 1936) 1940
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611 In normal usage the word refers to close relatives only. Therefore, as *mar* includes close agnates, the word *buth* is used only in
612 reference to distant agnates, between whom and the speaker there is lineage cleavage. There is *buth* relationship between lineages of the same clan and also between related clans which have the same ancestor but do not compose an exogamous unit. A Dinka can be given *buth* relationship to a Nuer lineage by being adopted into a collateral lineage. We thus formally distinguish between the lineage system, which is a system of agnatic groups, and the kinship system, which is a system of categories of relationship to any individual; and we speak of these relationships as a man's paternal kin and his maternal kin, and both together as his kindred.

613 Political and lineage groups are not identical, but they have a certain correspondence and often bear the same name, for a
619 tribal area and its divisions are often called after the clans and lineages which are supposed to have first occupied them. This makes their inter-relation a very difficult problem to investigate and has led to some confusion in writings on the Nuer. Thus Gaawar is the name of a tribal area, of the tribesmen who inhabit it, and of the members of a clan which have in that area a socially dominant status. Likewise Gaajok and Gaajak are names of territories, tribes, and lineages. To clarify description clan and lineage names are therefore printed in small capitals. Hence, when we say that a man is a Gaawar we mean that he is a Gaawar tribesman, a man who resides in Gaawar country, whereas when we say that he is a GAAWAR we mean that he is a member of the GAAWAR clan, a descendant in the male line from War, the founder of the dominant clan in Gaawar country.

II

613 Three trees of clan descent are presented in the following
614 section in a form conventional to us, and which would also commend itself to Nuer, who sometimes speak of a lineage as *kar*, a branch, as illustrations of the way in which lineages split up, each being a branch of a larger one. The JINACA are the dominant clan in the Lou and Rengyan tribes, the GATGANKIIR are the dominant clan in the Jikany tribes, and the (GAA)THIANG

1: Evans-Pritchard E-5 (1931, 1936) 1940
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are the dominant clan in the Thiang tribe. Only one line of descent is shown from the roots to the twigs, from the clan ancestor to the minimal lineages, but it is indicated where the other main branches and boughs, the other maximal, major, and minor lineages leave the stem. 613 614

III

We have defined lineage and clan and give some examples of them in diagrams. In this section we note some characteristics of both which are germane to our inquiry. It may at once be said that it is not easy to discover a Nuer's clan, for a clan is not to Nuer an abstraction and there is no word in their language that can be translated 'clan' in ours. One may obtain the name of a man's clan by asking him who was his 'ancestor of yore' or his 'first ancestor' (*gwandong*) or what are his 'seeds' (*kwai*), but it is only when one already knows the clans and their lineages and their various ritual symbols, as the Nuer does, that one can easily place a man's clan through his lineage or by his spear-name and honorific salutation, for Nuer speak fluently in terms of lineages. A lineage is *thok mac*, the hearth, or *thok dwiel*, the entrance to the hut, or one may speak of *kar*, a branch. *Thok dwiel* is the commonest expression to denote a line of agnatic descent in those situations when genealogical exactness and precision are relevant, but in normal everyday usage Nuer employ the word *cieng*, as will be explained later. The clan has itself a position analogous to that of a lineage in the clan system, and it is significant to the Nuer not so much as a unique group as a segment in a system of groups, for it acquires its singularity only as part of a system.

A lineage is a relative term, since its range of reference depends on the particular person who is selected as the point of departure in tracing descent. Thus, if we were to begin with a father, the *thok dwiel* would include only sons and daughters, but if we were to take a grandfather as our point of departure, it would include all his sons and daughters and the children of his sons. A larger and larger number of agnates would be included the higher up in the line of ascent we were to take the point of departure for counting descendants. It might be maintained that the smallest possible lineage are the sons and daughters of

1: Evans-Pritchard E-5 (1931, 1936) 1940
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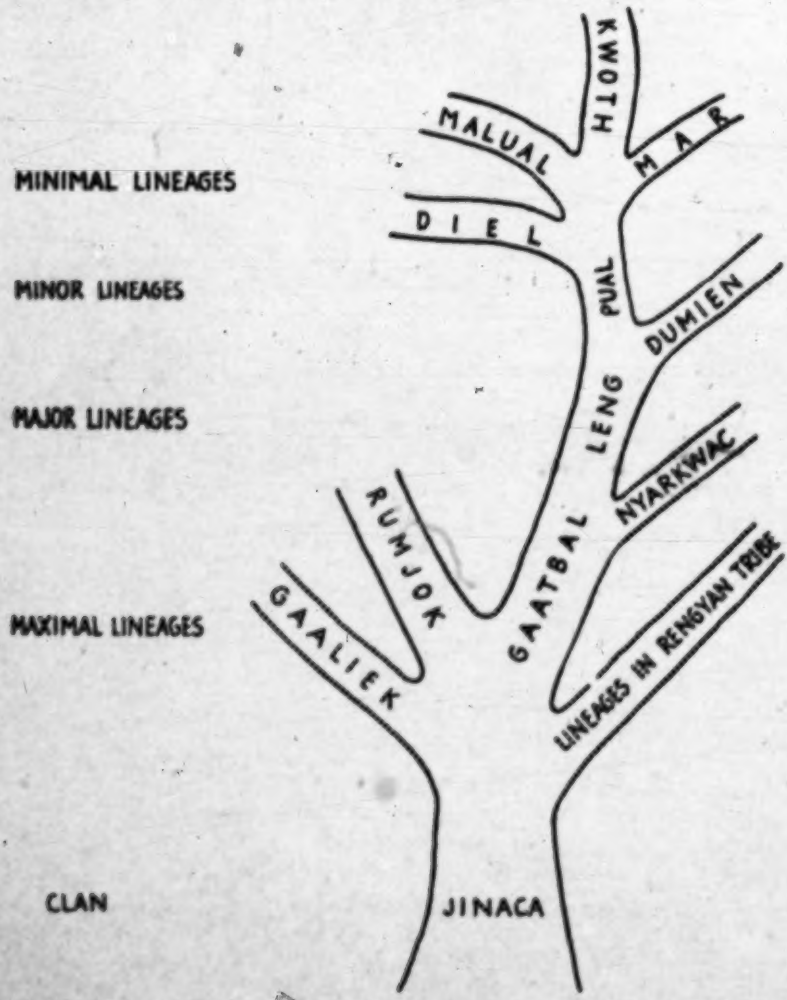
613 one man, but Nuer do not refer to them as a *thok dwiel*. They
614 are, with their father and their mother, a family and household. One cannot say definitely how far up a line of ascent Nuer will



go in selecting the apex of a minimal lineage. They may go back only two steps, to the grandfather, making in all three generations of agnates, but a minimal lineage of four or five generations is more usual. Apart from Nuer usage, we consider it important to define lineages as groups with a depth of at least three generations, since they are then distinct structural

1: Evans-Pritchard E-5 (1931, 1936) 1940
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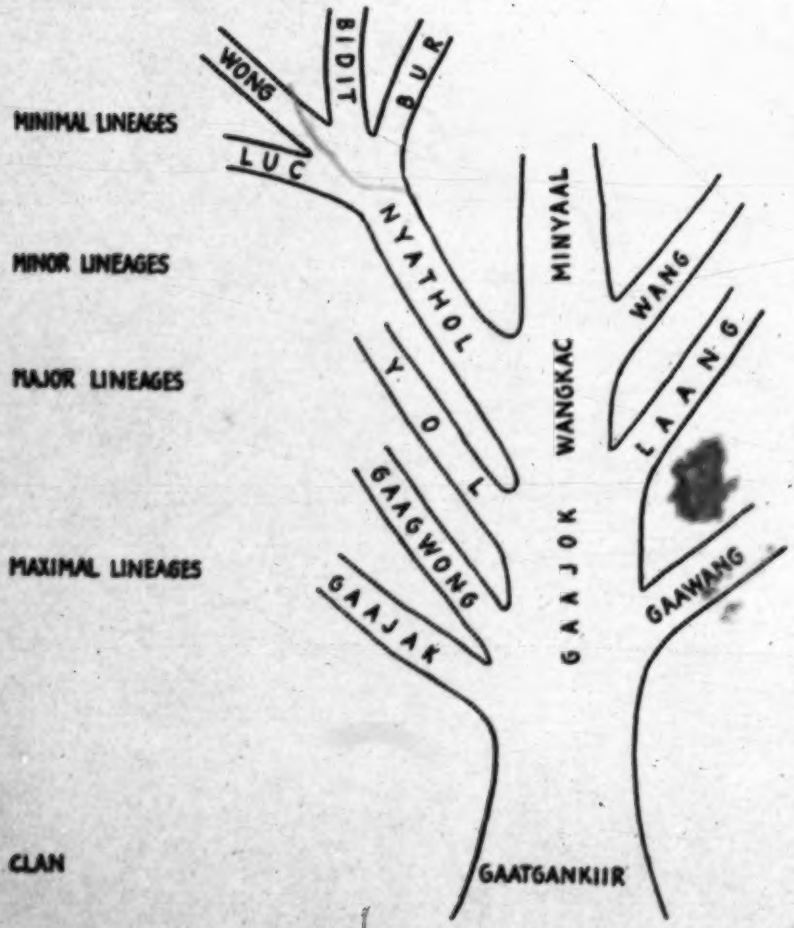
segments in a system of such segments and not easily confused with domestic groups. 613 614

The Nuer clan, being thus highly segmented, has many of the characteristics which we have found in tribal structure. Its



lineages are distinct groups only in relation to each other. Thus, in the diagram on p. 193, M is a group only in opposition to L, H is a group only in opposition to I, D is a group only in opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are a single minor lineage, H, in opposition to I, and not separate lineages; and D and E are a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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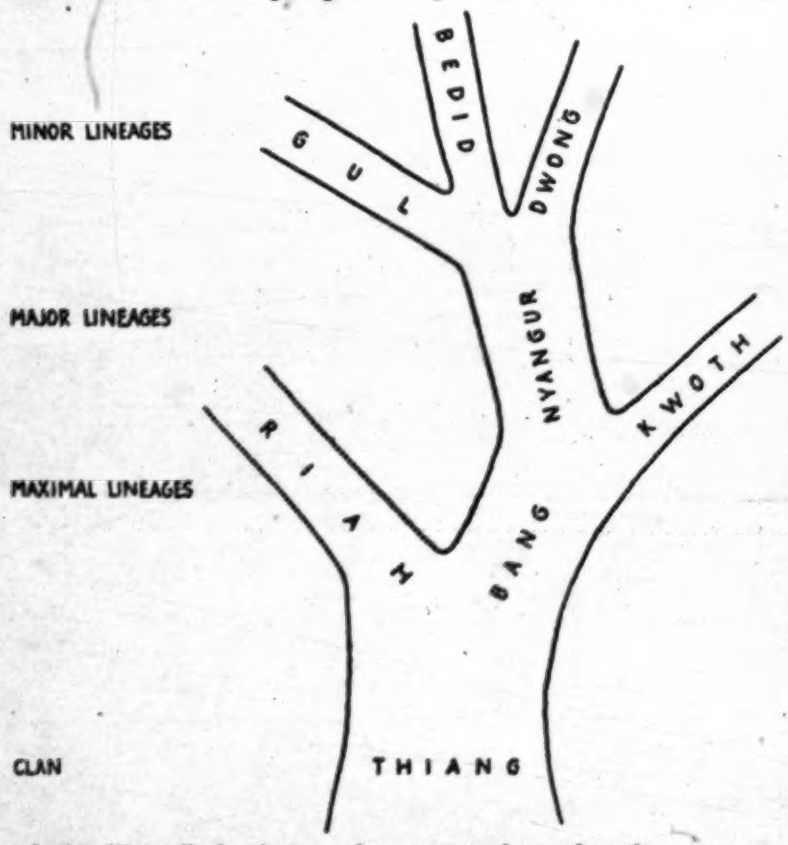
613 single maximal lineage, B, in opposition to C, and not separate
614 lineages. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation to a certain group and not a member of it in relation to a different group. Lineage values are thus essentially



relative like tribal values, and we suggest later that the processes of lineage segmentation and political segmentation are to some extent co-ordinate.

613 Since humans propagate themselves, the clans might be sup-
614 posed to be further and further removed from their founder,
173 and the living representatives of a clan to become wider and wider separated in lineage structure. However, we do not believe that this is the case. In theory every man is a potential founder of a lineage, but, in fact, lineages spring from very few

1: Evans-Pritchard E-5 (1931, 1936) 1940
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names. The others, for one reason or another, drop out, so that only certain lines of descent are remembered. Also, in those lines that persist names drop out of the steps in ascent to the founder of the clan, so that the distance in generations from the founder of a clan to the present day remain fairly constant. We have suggested in our discussion on Nuer time-reckoning that there is always this difference between a true genealogy and a genealogy which Nuer deem to be true. The evidence for the assertion depends partly on a comparative study of East African genealogies and partly on a study of Nuer genealogies. We mention some of the reasons, arising from reflections on Nuer genealogies, that have led us to this conclusion, since the validity of some arguments, developed later in the chapter, depends on their acceptance.

(1) All the main clans have about ten to twelve generations from the present day to the ancestors who gave rise to them. There is no reason to suppose that the Nuer came into existence ten to twelve generations ago. (2) When a Nuer is asked his lineage he gives it by reference to an ancestor, the founder of his minimal lineage, who is from three to six, generally four to five, steps in ascent from the present day. These steps are certain and agreed upon. This is understandable, since five steps represent a man, his father, his grandfather, and his grandfather's father and grandfather, and since a man instructs his children in the names of his immediate forbears. It is evident that after five or six generations the names of ancestors become lost. Young men often do not know them, and there is frequent confusion and disagreement among older persons. The founder of the minor lineage must be placed somewhere between the founder of the minimal lineage and the founder of the major lineage; the founder of the major lineage must be placed somewhere between the founder of the minor lineage and the founder of the maximal lineage; and the founder of the maximal lineage must be placed somewhere between the founder of the major lineage and the founder of the clan. The names of these founders of lineage-branches must go into the line of ascent somewhere, and in a definite order, because they are significant points of reference. It is immaterial whether other names go in or not, and their order is without significance. Consequently some informants put them in and some leave them out, and some put them in one order and others in a different order. It is evident, moreover, that since the minimal lineage consists of four or five actual steps in ascent, there has been telescoping of the agnatic

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613 line from the founder of the minimal lineage further up the line
614 of ascent to the founder of the clan, for the founder of the minimal
173 lineage was himself the extremity of another minimal lineage which has, by increase in generations, become the minor lineage, and so on. Consequently, even were the supposed founder of the clan the real founder of it, there ought to be at least sixteen steps from him to the present day, assuming that minimal lineages have always been of the same character as at the present time. The length of each fork in the tree of descent ought logically to be of equal length, whereas the twig, so to speak, is longer than the branch or stem from which it springs. (3) There is another way in which only significant ancestors, i.e. ancestors who form the apex of a triangle of descent, are denoted in genealogical trees, and irrelevant ancestors, i.e. ancestors who do not give their name to a group of descendants, are obscured and finally forgotten. Not only do links drop out of the direct line of descent, but also collateral lines merge. It is clear from a study of Nuer genealogies that the descendants of one or two brothers become numerous and dominant, that the descendants of others die out, and that the descendants of yet others are relatively few and weak and attach themselves, as is explained in later sections, by participation in local and corporate life, to a stronger and dominant collateral line. They become assimilated to this line in ordinary lineage reference and eventually are grafted on to it by misplacement of their founder, who becomes a son instead of a brother of its founder. The merging of collateral lines higher up a lineage seems to be common, and to be more frequent and necessary the higher up one proceeds. It is necessary because, as will be seen later, the lineage system provides one of the principles of political organization.

613 The structural form of clans remains constant, while actual
614 lineages at any point in time are highly dynamic, creating new bifurcations and merging old ones. They may therefore be presented as trees. But a presentation more useful for sociological analysis is in terms of structural distance, for lineages are groups of living agnates, and the distance between them varies with their relative positions in clan structure. Thus, in the diagram below, the line A–B represents the JINACA clan. The agnatic distance between the MAR minimal lineage and other lineages of the same clan is represented both on the line A–B and also in its time depth by their point of convergence in ascent on the line B–C. The wider the range of agnation specified the further back their point of convergence, so that

1: Evans-Pritchard E-5 (1931, 1936) 1940
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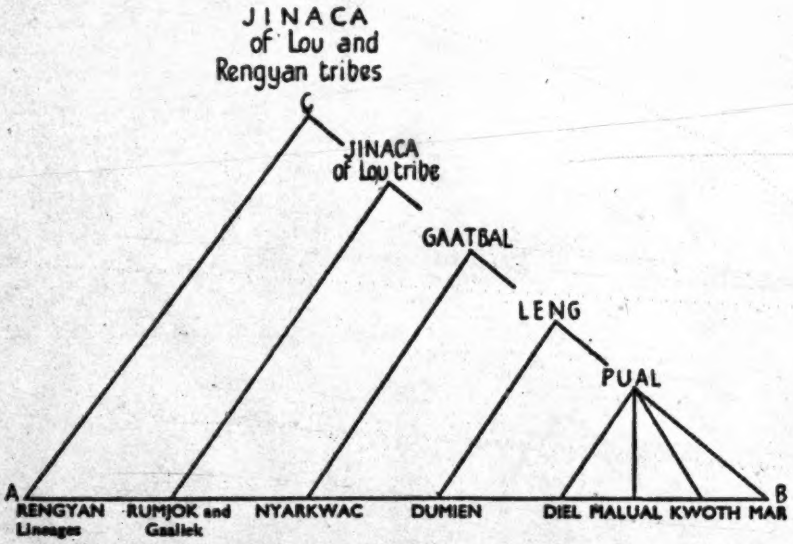
the depth of a lineage (the vertical line of ascent) is always in proportion to its width (the base line representing living lineage groups in the clan system).

A Nuer clan, therefore, is a system of lineages, the relationship of each lineage to every other lineage being marked in its structure by a point of reference in ascent. The distance to this



point is what we call the time depth of a lineage. In theory the genealogical relationship between any two clansmen can be traced through this point, and Nuer can actually trace it if they take the trouble. However, they do not consider it necessary to know the exact genealogical relationship between persons who are known to be distantly related by membership of their respective lineages. Thus it is sufficient for a man of the GAATBAL lineage to know that another man is of the GAALIEK lineage without his having to know the man's exact descent, for these two lineages stand to one another in a certain structural relationship, and therefore the two men stand to one another at that distance. Nuer are conversant up to a point—generally up to the founders of their minimal and minor lineages—with the full range of their genealogical relationships. Beyond this point they reckon kinship in terms of lineages. It is necessary

1: Evans-Pritchard E-5 (1931, 1936) 1940
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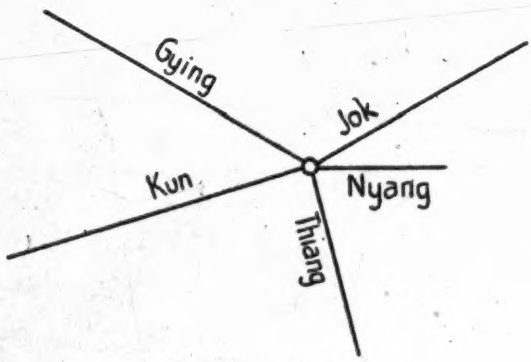
613 614 for a Nuer to know not only that a man is a fellow clansman, but also to know what lineage he belongs to, in deciding questions of exogamy and ceremonial. The relationship between a lineage and others of the same clan is not an equal relationship, for lineages are structurally differentiated units which stand to one another at different and exact structural distances.



It is interesting to note how the Nuer themselves figure a lineage system. When illustrating on the ground a number of related lineages they do not present them the way we figure them in this chapter as a series of bifurcations of descent, as a tree of descent, or as a series of triangles of ascent, but as a number of lines running at angles from a common point. Thus in Western Nuerland a man illustrated some of the GAATGANKIIR lineages, using the names of their founders, by drawing the figure above on the ground. This representation and Nuer comments on it show several significant facts about the way in which Nuer see the system. They see it primarily as actual relations between groups of kinsmen within local communities rather than as a tree of descent, for the persons after whom the lineages are called do not all proceed from a single individual. Jok, Thiang, and Kun are three sons of Kir and founders of the maximal lineages GAAJOK, GAAJAK, and GAAGWONG of the GAATGANKIIR clan. Thiang and Kun are shown next to each other because jointly they form the lineage framework of the Gaajak tribe. The Gying lineage does not belong to the GAATGANKIIR clan, but it is shown next to Kun because of the proximity of the Reng section, of which it forms part, to the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Gaagwong section. Nyang is shown as a short line at the side of Jok because, although the lineage which springs from him belongs to the group of lineages founded by Thiang, they live in the Gaagwang tribe together with a lineage descended from Jok, and the Gaagwang tribe is closely associated with the Gaajok tribe. The Nuer, outside certain ritual situations, evaluate clans and lineages in terms of their local relations. Herein lies the importance of these groups for this study.

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IV

Nuer lineages are not corporate, localized, communities, though they are frequently associated with territorial units, and those members of a lineage who live in an area associated with it see themselves as a residential group, and the value, or concept, of lineage thus functions through the political system. Every Nuer village is associated with a lineage, and, though the members of it often constitute only a small proportion of the village population, the village community is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the common designation of the village community by the name of the lineage. It is only in reference to rules of exogamy, certain ritual activities, and to a very limited extent to responsibility for homicide, that one needs to regard lineages as completely autonomous groups. In social life generally they function within local communities, of all sizes from the village to the tribe, and as part of them.

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A Nuer rarely talks about his lineage as distinct from his community, and in contrast to other lineages which form part of it, outside a ceremonial context. I have watched a Nuer who knew precisely what I wanted, trying on my behalf to discover from a stranger the name of his lineage. He often found great initial difficulty in making the man understand the information required of him, for Nuer think generally in terms of local divisions and of the relations between them, and an attempt to discover lineage affiliations apart from their community relations, and outside a ceremonial context, generally led to misunderstanding in the opening stages of an inquiry.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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I must here again refer to the term *cieng*, which has been a source of confusion in Nuer studies. A Nuer does not normally say that he is a man of such-and-such a *thok dwiel* (lineage) when he denotes his social position, but says that he is a man of a certain local community, *cieng*. Thus he says he is a man of *cieng* Mar, *cieng* Pual, *cieng* Leng, *cieng* Gaatbal, and so on (see diagram on p. 196). What he is telling you is that he is a member of a group of people who live together in a village or district or tribal section. In ordinary situations of social life it is irrelevant whether he is, or is not, a member of the lineages from which these local communities derive their names. Moreover, since in ordinary speech a lineage-name has a local rather than a strict kinship connotation, those who share community life with the members of the lineage speak of themselves as though they also were members of it, because politically they are identified with it. Thus the word *cieng* is often used in an ambiguous sense which leaves lineage affiliation uncertain, since it is irrelevant, and it may, in consequence, be difficult, without much probing, to discover to what lineage a man belongs.

A *cieng*, in the sense of 'homestead', is called after the man who owns it, e.g. the homestead of Rainen is called '*cieng* Rainen'. When Rainen is dead and his sons and younger brothers and nephews live in his home they may call the hamlet after him, and it will be said that they are all members of *cieng* Rainen. If Rainen was an important man, and proves to have been the begetter of a strong line of descent, the whole village wherein live his agnatic heirs, and strangers who have intermarried with them or in other ways become attached to them, may thus become known as '*cieng Rainen*'. In course of time his descendants multiply and constitute the nucleus of a tribal section which is called '*cieng* Rainen'. Hence it has come about that many tribal sections are called after persons, e.g. *cieng* Minyaal, *cieng* Dumien, *cieng* Wangkac, &c. A lineage thus becomes identified in speech with the territory it occupies; the district occupied by the major lineage of WANGKAC, for example, being known as *cieng* Wangkac. A Nuer then talks about the local community and the lineage which is its political nucleus as interchangeable terms. He even speaks of *cieng* WANGKAC when he means the WANGKAC lineage. This habit confuses a European, since the WANGKAC lineage and the people who live in the Wangkac section are by no means the same.

If you ask a Lou man what is his *cieng* you are asking him where he lives, what is his village, or district. Suppose that he replies that his *cieng* is *cieng* Pual. You can then ask him what his *cieng* forms part of, and he will tell you that it is a part of *cieng* Leng,

[See cat. 116, — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng is part of *cieng* Gaatbal, a secondary tribal section, and that *cieng* Gaatbal is a division of the Gun primary section of the Lou tribe. But he has told you nothing about his clan affiliation. He may or may not be a member of the PUAL lineage, which forms part of the LENG lineage, which forms part of the GAATBAL lineage, which is part of the clan of JINACA or GAATGANNACA, the people of Nac or the children of the children of Nac. In the same way, if a Jikany man tells you that he belongs to *cieng* Kwith of the Gaajok it does not follow that he is descended from Kwe (Kwith) who is descended from Jok the founder of the GAAJOK lineage of the GAATGANKIIR clan, the children of the children of Kir. He may merely mean that he lives in a tribal section occupied by the KWITH lineage of this clan. But these men will not tell you that they are not members of the dominant lineages in these sections, and will allow you to assume that they are, for in community relations there is a degree of linguistic assimilation of all residents other than members of the dominant lineage to that lineage, and people do not wish the fact that they are strangers in the tribal area to be publicly stressed, especially if they are of Dinka origin.

The assimilation of community ties to lineage structure, the expression of territorial affiliation in a lineage idiom, and the expression of lineage affiliation in terms of territorial attachments, is what makes the lineage system so significant for a study of political organization.

V

In emphasizing the relations between lineages and local communities we speak mainly of those lineages which are segments of the dominant clans in the different tribes. It is these which have the greater political importance. We speak of them more fully in later sections. Here we give a preliminary account of how they are associated with tribal segments and how they act in those segments as a framework of the political structure.

The two diagrams which follow show the main lineages of the dominant clans among the Lou and Eastern Jikany tribes and the larger tribal sections in which they are dominant. The lines of descent are traced only as far as is necessary to illustrate the argument which follows. They may be compared with the trees

1: Evans-Pritchard E-5 (1931, 1936) 1940
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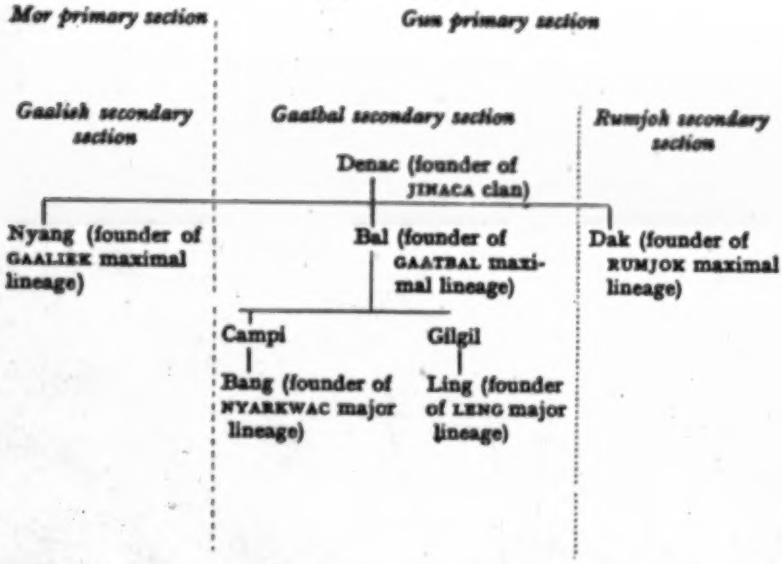
of descent of the two clans[1] and with the maps on pp. 56 and 58, which show the distribution of the sections of the two tribes.

LOU TRIBE



In the Lou tribe it will be seen that the descendants of Nyang, son of Denac, form the nucleus of the Gaaliek secondary section; that the descendants of Bal, another of his sons, form the nucleus of the Gaatbal secondary section, and that the descendants of Dak, his third son, form the nucleus of the Rumjok secondary section. The sections shown in the map, which are not accounted for in the genealogical tree, are the Jimac and the Jaajoah sections, which have clan nuclei of foreign origin. It must be made clear that when a tribal section is called after a lineage it does not mean that all members of the lineage live in it, though probably most of them do, and it certainly does not mean that they alone live in it, for investigations show that they form only a small minority in the total population of the section. Large stranger lineages are included in the area designated by a title taken from any of the sons of Denac, e.g. the THIANG lineage in the Gaatbal primary section. Also there are innumerable small lineages of Nuer strangers and of Dinka clustered around lineages of GAATNACA descent. Thus, if one visits the villages and cattle camps called after lineages which spring from the GAALIEK maximal lineage, e.g. the lineages of JAANYEN and KUOK, one will find them occupied by a relatively small number of persons of these lineages,

[1] [See pp. 196-97, Cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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while most of the residents will be found to have sprung from other Nuer and Dinka clans. Thus, at the cattle camp at Muot Dit in 1930 there were not only various minimal lineages of the RUE branch of the RUMJOK maximal lineage of the GAATNACA clan, the 'owners' of the site, but also a KAANG lineage from Lang country, a KAN lineage from Bul country, a KONG lineage from Lang country, all segments of clans dominant to the west of the Nile, and many Dinka lineages. Likewise at the village of Parkur in Leek country in 1930 hamlets were occupied by a NYAPIR lineage of the dominant GAATBOL clan, a CUOR lineage of Dinka which has close association with the JIKUL clan, a GENG lineage from Beegh country, a RUAL lineage from Bul country, a KWACUKUNA lineage of the JIMEM clan, and other lineages.

The descendants of Jok[1]–Kir form the aristocratic nucleus of the Gaajok tribe; the descendants of Thiang[2]–Kir and Kun–Kir form the aristocratic nucleus of the Gaajak tribe; and the descendants of Gwang–Jok and Nyang–Thiang together form the aristocratic nucleus of the Gaagwang tribe. On the map on p. 58 the names of these lineages figure as tribal sections, for they have given their names to the areas in which they are dominant. Thus the names of three major lineages descended from Jok, LAANG, YOL, and WANGKAC appear on the map as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient size to give its name to a large tribal division, though they give their names to small sections and villages.[3] Here again, it must not be supposed that the descendants of Jok form more than a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises many foreign elements which probably far outnumber the descendants of Nyang–Thiang and Gwang–Jok. The same applies to the Gaajak tribe. The GAAGWONG lineage is so closely associated with the GAAJAK lineage in tribal life that they form together a twin nucleus of the Gaajak tribe. The secondary sections of Lony, Kang, and Tar, shown on the map, are all called after lineages which spring from Thiang–Kir. Likewise the secondary sections of Nyayan, Cany, and Wau are all called after lineages which spring from Kun–Kir. Hence the only section in the map not accounted for

[1] Also called Majok. [2] Also called Mathiang.

[3] Village-names are generally place-names and not names of lineages, but one may refer to the communities by the names of their chief lineages. It often happens that these lineages are of stranger or Dinka descent, and though the communities may be referred to by their names, it is recognized that the sites belong to lineages of the dominant clan of the tribe. Hence a village may be associated with two lineages. Thus the JUAK, NGWOL, &c., of the Leek tribe are stranger or Dinka lineages after whom village communities are called, but the sites are the land of the KEUNYANG lineage, and they alone are *diel* in them.

[p. 208 contains no textual material]

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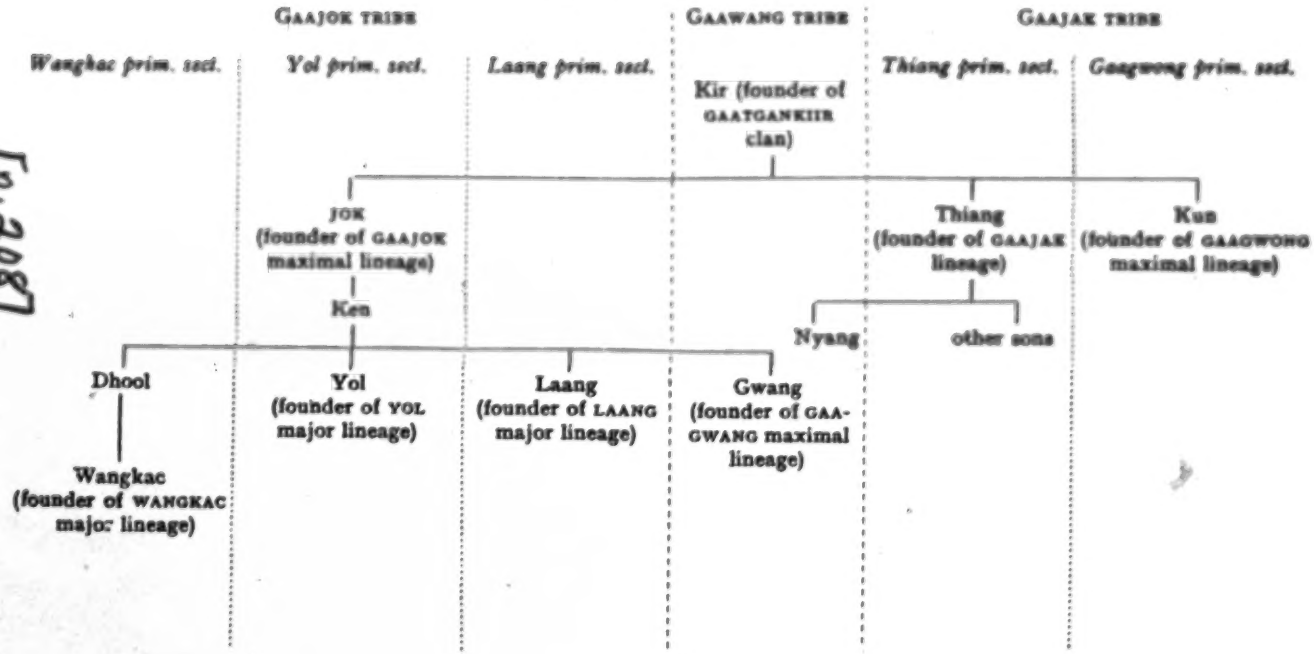
[p.208]

JIKANY TRIBES



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 613

in the diagram is the primary section of Reng, the Kong and Dhilleak divisions of which have clan nuclei of different origin to the other sections. 619

In all these tribes and tribal sections there is much admixture of lineages in communities. The same conditions are found in the Zeraf valley and also, and perhaps to a larger degree, in Western Nuerland. Nuer say that feuds and quarrels between lineages chiefly led to their dispersal, and they can cite many examples. Thus the descendants of Nyang-Thiang left the other sons of Thiang and joined the people with whom they form the Gaagwang tribe, and the NYARUNY lineage left their kinsmen of the Thiang primary section and joined the Reng primary section of the Gaajak tribe. After fights, a whole community, led by its dominant lineage, may in this way move to a different section or tribe and take up permanent residence with them. Migration led to further dispersal, since some lineages remained in the homeland to the west of the Nile and others crossed the Nile and Zeraf and settled to the east of these rivers. Nuer say that in the earliest stages of the migration the warriors used to raid Dinka and return home to their kinsmen after each raid. Then they settled to the east, but kept in close contact with the people of their lineage to the west. But as they shifted farther away the contact lessened and finally, in most cases, ceased altogether. When lineages migrated they must already have been nuclei of heterogeneous accretions and not exclusive groups of agnates: but admixture was no doubt hastened and made more complete by movement. 613 619 166

Two factors other than migration, quarrels, intermarriage, &c., have probably contributed to the dispersal of lineages. The Nuer are mainly a pastoral people with dominant pastoral interests and do not feel themselves bound by economic necessity or by ritual ties to any particular spot. Where his cattle are is the Nuer's home; his hearth is the droppings of his cattle and his altar a light pole (*rick*) which he plants wherever he may wander. The spirits which give him protection and the ancestral ghosts that watch over his welfare are no more bound to the soil than he is and they are present wherever are the herds. Beasts dedicated to ghosts and spirits are his wandering shrines. Also the Nuer have no organized cult of ancestral ghosts. The dead 181 771 79

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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they pleased, and if a man is unhappy, his family sick, his herds de-
613 clining, his garden exhausted, his relations with some of his
593 neighbours uncongenial, or merely if he is restless, he moves to a different part of the country and resides with some kinsmen.
607 It is seldom that a man goes alone, for brothers are a corporate
601 group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengthu*, in-laws, and their children accepted as *gaat năr*, children of the mother's brother, while the people they join are to them *cieng conyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat waca*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even more so. A minimal, and then a minor, lineage comes into being
621 which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

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613 and become attached to larger and stronger lineages by processes
621 which we will explain later.

613 Nevertheless, a Nuer lineage never entirely merges into
621 another clan. There are always certain ritual observances
614 which cannot be shared. If intermarriage creates community
[582] ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 In spite of so much dispersion and admixture of clans there is
619 in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

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619 At a cursory glance, I gathered that conditions were elsewhere
565 the same in western Nuerland, except, perhaps, among the
554 Jikany where the status of *diel* may be more enhanced. Among the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than
621 a few families of *diel*. Most people are either *rul*, Nuer of other
563 clans, or *jaang*, persons of Dinka descent who have not been
565 adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed
565 entirely of fellow aristocrats, for lineages of *diel* split up and
554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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613 565 554 he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

565 628 681 563 It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Gaeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

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an examination of adoption. A Nuer cannot be adopted into a lineage other than that into which he is born, so that the custom concerns only Dinka. 597 563 619

We have already described how Nuer scorn Dinka and persistently raid them, but they do not treat those Dinka who are permanent members of their community differently from its Nuer members, and we have seen that persons of Dinka descent form probably at least half the population of most tribes. These Dinka are either children of captives and immigrants who have been brought up as Nuer, or are themselves captives and immigrants who are residing permanently among Nuer. They are '*Jaang-Nath*', 'Dinka-Nuer', and, it is said, '*caa Nath*', 'they have become Nuer'. As we have explained, once their membership of a community is recognized, in most of Nuerland, their legal status is the same as that of a free-born Nuer, and it is only in relation to ritual and rules of exogamy that attention is drawn to their origin. In structural relations of a political kind they are undifferentiated members of a segment. Although in his domestic and kinship relations a Dinka has not so strong a position as a Nuer, because he has not the same range of kinship links, I have never observed that they suffer any serious disabilities, far less degradation. In answer to my question whether a captured Dinka would not work harder in the kraal than a son of the family, I was told that he was a son and would enjoy the same privileges as the other sons, being given an ox by his father at initiation and, later, bride-cattle for a wife. The only foreigners who suffer serious social inequality are certain small pockets of Dinka and Anuak who have been conquered but not absorbed into Nuer society and culture. Such pockets, like the Balak Dinka and the Anuak on the Sobat river, enjoy neither the privileges of Nuer citizenship nor the freedom of foreigners. Such pockets do not truly constitute part of a Nuer tribe.

Captured Dinka boys are almost invariably incorporated into the lineage of their Nuer captors by the rite of adoption, and they then rank as sons in lineage structure as well as in family relations, and when the daughters of that lineage are married they receive bride-cattle. A Dinka boy is brought up as a child of his captor's household. He is already incorporated into the family and joint family by his acceptance as a member of these 597 613

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597 groups by their other members and by outsiders. People say
613 *'caa dil e cieng'* or *'caa ran wec'*, 'he has become a member of the community', and they say of the man who captured him that 'he has become his father', and of his sons that 'they have become his brothers'. He is already a member of the *gol*, the household and joint family. Adoption gives him a position in lineage structure, and thereby ceremonial status, for by adoption he becomes a member of his captor's *thok dwiel*, lineage.

597 I was told that the captor will seldom himself give the lad *buth*,
788 agnatic affiliation to his lineage, and that the rite is usually performed by a kinsman at the request of his sons and with the consent of their minimal lineage. A representative of the lineage invites the Dinka, now grown-up and initiated, to attend the sacrifice of an ox or sheep in his kraal. The head of the joint family provides the sacrificial beast and the representative of the lineage drives the tethering-peg into the earth at the entrance to the byre and walks up and down the kraal invoking the spear-name of the clan and calling on the spirits and ancestral ghosts of the lineage to take note that the Dinka is now a member of it and under their protection. He then spears the beast and the Dinka is smeared with the undigested contents of its stomach while the ghosts and spirits are asked to accept him. He is especially smeared on the soles of his feet, for this binds him to his new home. If he leaves it he will die. The beast is then cut up, and a son of the house, or the representative of the lineage, and his new brother divide the skin and the scrotum, which the Dinka cuts. The Dinka also takes the neck as his portion. On all future occasions when animals are sacrificed by members of the lineage the Dinka will receive his share of the meat, for he is now a member of the lineage. The cutting of the scrotum is the symbolic act which makes the man a member of the lineage, because only an agnatic relative may cut the scrotum of a sacrificial beast. 'A man who has cut the scrotum of your beast, if he has sexual relations with your daughter, he will die.'

613 A girl captive is not adopted into the lineage, but people say
597 *'caa lath cungui'*, 'she is given a right to receive bride-wealth'. 'Her
[583] children are become people who partake in the bride-cattle'. This means that when she is married, or her daughters are married, the sons of the family in which she has been brought up will receive the cattle due to brothers and maternal uncles, and that in return, when the daughters of the sons and daughters of this family are married, she, or her sons, can claim the cow due to the paternal aunt and the cow due to the maternal aunt. She has become a daughter to her captor and a sister to his sons, but she is not a member of their lineage.

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By adoption Dinka men are grafted on to the lineage of their captors. They trace their ascent up the lineage to its ancestor and they become a new point of its growth. The fusion is complete and final. The spirits of the lineage become their spirits, its ghosts become their ghosts, and its spear-name and honorific name become their symbols. Indeed it is almost impossible without a prolonged stay in a Nuer village or camp to discover who are and who are not of pure Nuer origin. I have for weeks considered men to be true Nuer, whereas they were descended from captured Dinka, for a man whose Dinka grandfather had been adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the man whose grandfather adopted his grandsire, and he is so regarded by other members of the lineage and by persons not of it. Thus, when a man gives his descent from E through D and C, and another man gives his descent from E through J and K, one naturally assumed that D and J were sons of E. There is no means of knowing that, in fact, J was a captured Dinka who was adopted into the lineage, unless someone volunteers the information—a most unlikely happening in Nuerland. Moreover, it is impolite to ask strangers whether their grandfathers were captured Dinka, and, even if they were of Dinka origin, they would not readily say so. One can, of course, always ask other people; but only those who are members of the same lineage are likely to be fully acquainted with the man's ancestry, and they, in all probability, will not tell one if he is of Dinka origin, for he is their agnatic kinsman as far as outsiders are concerned.

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A very large number of Dinka in all tribes have been incorporated by adoption into Nuer lineages. Since, as mentioned later, adopted Dinka and their descendants can marry into collateral lineages, it would not be accurate to say that they are adopted into clans. Probably most captured Dinka were adopted into Nuer lineages, but there are also many Dinka lineages descended from men who came of their own free will to settle in Nuerland, either to escape famine, largely caused by Nuer raiding, in their own country, to visit captured sisters, or to reoccupy the sites from which Nuer raids had ousted them. Such immigrants were unmolested and were permitted to settle or return to Dinkaland as they might choose. A Dinka who decided to settle

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582 602 621 can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

613 621 We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiet*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiet* to another if there is one such female link between them anywhere in the lines of their descent,

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and as there must be such a link if they live in the same community, owing to the rules of exogamy, it follows that people who live together are all *gaat nyiet* to one another. However, it is in relation to the dominant lineage of a community that the concept is mainly employed and is politically important. When people are not members of this lineage it is stressed that they are *gaat nyiet* to it. Nuer of other clans can never more closely identify themselves with the dominant lineage, because, for ritual reasons, they must remain autonomous units, but politically they accrete themselves to it through this kinship category. Moreover, outside ritual situations, being *gaat nyiet* to a dominant lineage gives people complete equality with it, and their accretion to it is often expressed in terms of lineage structure, so that a man will often give his ascent to the woman of the dominant lineage who bore one of his ancestors, and thus graft himself, through her, on to their tree of descent; though this is more usually done by Dinka than by Nuer. It is, however, the common practice for children of strangers who have been brought up at the home of their maternal kinsmen, who are aristocrats, to regard themselves as members of their mother's lineage, except in ceremonial situations, and to consider its members, rather than their father's lineage, as their true kinsmen. 613 621

Dinka who have not been adopted commonly trace their ascent to a female Nuer forebear and through her they graft themselves into a Nuer lineage and are accepted as members of it in ordinary social relations. Thus a Dinka often gives his ascent to the dominant lineage of his community through a woman, and sometimes through two or three female links, and though this is generally evident from female prefixes it cannot always be known. These Dinka individuals incorporate themselves into the structure of a Nuer lineage through their mothers, since they have no lineage structure of their own. This is different from the stressing of a female link (*gaat nyiet*) which unites a group of Nuer strangers or of Dinka to the dominant lineage of their tribal section and also from matrilineal modes of reckoning descent due to matrilocal conditions of residence, which may be temporary. 613 621 609 [611] [591]

Owing to exogamous rules lineages are thus linked by 613 621

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613 innumerable cognatic ties, so that however many lineages there
621 may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

000 We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces
608 residential relations into a kinship pattern. A third way is by
609 mythological creation of kinship fictions, and this way is appro-
563 priate to relations between dominant lineages and stranger and
773 Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

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in which large pockets of strangers and Dinka are incorporated into the conceptual scheme of a tribe.

It has frequently been emphasized that political relations are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

613 773 173

We do not propose to give a collection of Nuer myths. We have so far only mentioned one myth explaining group interrelations: that which tells why the Nuer raid the Dinka. There are very few myths of this general kind. Most relate to clans and lineages in their corporate territorialized form and explain their association with one another as tribes and tribal segments, particularly the relations between dominant lineages and large stranger lineages living with them. We are not always able to explain mythological relations by the present-day political system, but this can often be done, and where we fail to do it we attribute our inability to ignorance, especially to ignorance of tribal history.

The two large Lou tribal sections, the Jimac and the Jaajoah which appear on the map on p. 56, but not on the clan tree of the JINACA, the dominant clan of the tribe, on p. 196, are divisions called after the JIMAC and JAAJOAH lineages. They are said to be *gaat nyiet*, children of daughters of the founder of the JINACA clan, and there is a myth accounting for this maternal link. Denac was said to have had, according to the Lou story, four sons, named Yin, Dak, Bal, and Bany, by one wife, and Nyang and two nameless brothers by a second wife. These wives are sometimes said to have been called Nyagun and Nyamor and the two primary sections of the tribe, Gun and Mor, to be named after them. Nyang's two brothers were eaten by an ogre. When, afterwards, the sons of Denac went fishing, the four sons of one mother went by themselves and Nyang by himself, for he would not accompany his half-

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brothers, but pined for the sons of his mother. When he caught a fish someone would come and steal it from him, for he was all by himself and only a boy. When he came home he would not sit with the other boys facing his father, but sat apart with his back to him, and when his father asked him why he was troubled he replied that he was thinking of his brothers whom the ogre had eaten. His father said to him, 'Never mind, take your two sisters and let them be your brothers.' So when Nyang went fishing he was accompanied by his sisters Nyabil and Fadwai. Nyang is the founder of the GAALIEK lineage, Nyabil of the JIMAC lineage, and Fadwai of the JAAJOAH lineage. These lineages together form the kinship framework of the Mor primary section of the Lou tribe and the myth explains their association. This maternal link has not prevented intermarriage between the GAALIEK and the JIMAC. Apart from questions of ritual and exogamy the descendants of Nyabil and Fadwai are treated as though these daughters had been sons, and they possess a mythological patent which gives them equal status in the tribe with the *diel*. In tracing their agnatic ascent members of these lineages do not go further back than their ancestress. From her they continue to her father, Denac.

In the Gaawar tribe there is an important JAKAR lineage which is mythologically attached to the GAAWAR, the aristocrats of the tribe, in the following manner. A man called Kar, or Jakar, descended from heaven by a rope that connected the sky with a tamarind tree, probably the tree in Lang country beneath which mankind is said to have been created. He was later followed by War, the founder of the GAAWAR clan, who was found sitting in the tree by Kar's sister who was gathering firewood accompanied by her dog. She returned to tell her brother that she had found a man whose head was covered in blood. Kar tried to persuade him to come to the village but he refused to do so. They then sacrificed an ox and roasted its flesh and the smell so attracted War, who was very greedy, that he climbed down the tree and entered the village. When he had eaten he wanted to return to heaven, but Kar cut the rope. Mr. B. A. Lewis has kindly furnished me with what he says is a less common version, found in the Gaawar tribe. War fell from heaven in a rainstorm and was discovered by a dog which belonged to Logh, but was with Kwec's wife when she was looking for wood in the forest and War was found. Kwec's wife took him home with her and a dispute arose between Kwec and Logh about the ownership of the foundling. Logh claimed War on the ground that it was his dog which had discovered him, and Kwec claimed him because his wife had found him. Then Kar joined in the discussion, saying that War was his brother.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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This myth brings War and Kar and Logh into some kind of relationship to one another and is to be explained by the fact that the two main clans in the Gaawar tribe, next to the aristocratic clan of the GAAWAR, are the JAKAR and the JALOGH. The JALOGH are presumably the same clan as live to the south of Dok country where a small territory is named after them. Kwec was, doubtless, the founder of the KWEC lineage after whom a small territory, next to the Jalogh country, is named. We may surmise that, since both lineages are found in Gaawar country at the present day and in its present site to the east of the Nile, they also had close relations with the GAAWAR when all three clans lived in their homeland to the west of the Nile.

The richest clan mythology is that of the GAATGANKIIR, and it clearly illustrates the mythological integration of lineages of different origins to the dominant lineage system in a political structure, and shows how territorial relations are given a kinship value.

There are several versions of many of the incidents relating to Kir, the founder of the GAATGANKIIR clan, and we give an abridgement of one of these. A Dinka of the Ngok tribe, called Yul, saw a stalk of a gourd on a river bank and, having followed it a long way, arrived at a huge gourd. He cut this gourd open and out of it came Kir with various ritual objects. Yul's wife suckled the child as well as her own baby, Gying. When Kir grew up he turned out to be a witch and magician and the sons of Yul tried to kill him because his evil powers were destroying the cattle. Only Gying remained Kir's friend, and said to him, as he fled from Yul's home, that he would one day follow after him and join him.

In his flight Kir came to the Nile where he saw a man, called Tik, in the river and asked him for help. Tik struck the waters of the Nile and cut them in two and Kir crossed over to the west bank. Kir told Tik that when he had found a place to settle in Tik was to come after him. Tik accompanied Kir till they met a man of the Wot tribe who took them to his home where the JIDIET, the dominant clan of the Wot, sacrificed a black ox so that the lethal power of witchcraft might leave Kir's eyes and enable him to look at people and cattle without killing them. Kir then dug a hole for himself in a termite-mound near a cattle camp of the GAAWAR, where he performed many strange feats. Eventually the GAAWAR offered sacrifices and persuaded him to leave the mound and took him to their camp.

Kir was then given a wife, Nyakwini, who bore him Thiang before he killed her with his witchcraft. He then married Nyabor who bore him Kun. He likewise killed her. The people then gave him

1: Evans-Pritchard E-5 (1931, 1936) 1940
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a lame woman, Duany, who bore him Jok. In Lou and Eastern Jikany versions the three wives were all daughters of Gee, the founder of the GAATGANGEEKA family of clans, and in versions to the west of the Nile the first two were GAAWAR and Duany a NYAPIR of the Bul tribe, but all accounts make Nyakwini and Nyabor more closely related to one another than either to Duany. After Duany had borne Jok she killed Kir with witchcraft, for she, also, was a witch. Later Thiang, her dead husband's eldest son, cohabited with her and begat Nyang.

In all the variants of the Kir myth the parts played by Gying and Tik are stressed. Gying was suckled with him and afterwards joined him and lived with him as a brother. When Kir died his eldest sons Thiang and Kun possessed cattle, but the youngest son, Jok, and Gying had no cattle. Thiang wanted to prevent Gying from acquiring cattle, but Kun gave him some, so Thiang said that Kun and Gying were to live together. Tik had saved Kir's life and had gone to live with him. There is a further story of how Gying and Tik were threatened by an ogre and shared a hut together and became like brothers, so that the lineages descended from these two men do not intermarry.

Without recording further details we may note how actual political relations are mythologically represented in the characters of these stories. The two largest segments of the Gaajak tribe which are named after nuclei of strangers are the Kong section, the stranger nucleus of which is a lineage descended from Tik, and the Dhille section, the stranger nucleus of which is a lineage descended from Gying, and these two sections live together as parts of the Reng primary section (see diagram on p. 140, and sketch-map on p. 58). The myth tells also how Jok and Nyang are sons of the same mother, Duany, Jok being begotten by Kir and Nyang by Thiang. This is a mythological representation of the structure of the Gaagwang tribe which has dominant lineage nuclei descended from both Nyang and Jok, and also of the political relations between the Gaagwang tribe and the Gaajok tribe, for these relations, especially to the west of the Nile, are of close alliance compared to the more distant relations between the Gaagwang tribe and the primary sections of the Gaajak tribe that also border them, the Thiang and the Reng. Thiang and Kun were begotten by Kir and borne by women who are generally represented as sisters, and the sections in which their descendants are dominant are the Thiang and Gaagwong primary sections of the Gaajak tribe, the third primary section of which, the Reng, has nuclei descended from Thiang, Gying, and Tik, whose relationships in the myth have already been noted.

[p. 233 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyueny and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

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By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle
614 within the structure which gives it conceptual consistency and
565 a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

619 In the Kir myth not only are the ancestors of important lineages, and, through them, the lineages and the territorial
614 segments in which they are incorporated brought into relation-
173 ship, but the ancestors of clans, and, through them, the clans
773 and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEEKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a single kinship structure, which we call the clan system as distinct from the lineage system of a clan.

173 The clan is the farthest range to which agnatic kinship is
TB traced when the marriage of two persons is in question, but
614 some clans have, nevertheless, an agnatic relationship to other clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

614 We here note again that the dominant lineages in more than
613 one tribe sometimes form part of the same clan structure. Thus,
619 the lineages dominant in the Gaajok, Gaajak, and Gaagwang

1: Evans-Pritchard E-5 (1931, 1936) 1940
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614 tribes, to the east and to the west of the Nile, are all segments
613 of the GAATGANKIIR clan. Also the dominant lineages of the
619 Rengyan tribe, to the west of the Nile, and the Lou tribe, to the east of the Zeraf, are part of the JINACA clan. This distribution is easily accounted for, because we know that till recently

[415]

FIG. 14. Buffalo-horn spoons.

the Eastern GAATGANKIIR and the Eastern JINACA lineages lived with the other lineages of these clans in the Jikany and Rengyan areas to the west of the Nile.

There are also more general and mythological relationships between clans. In recounting these relationships Nuer personify
773 the tribes and give them a kinship value by assimilating them to their dominant clans. Thus, they speak of Bor, Lang, Lou, Thiang, Lak, &c., as though they were persons and could have kinship relations between them like those between persons, and as though all the members of these tribes were of the same

1: Evans-Pritchard E-5 (1931, 1936) 1940
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773 fore, in an unprecise political sense, the Jikany and Ngok Dinka tribes have, by analogy, a fraternal relationship. It may safely 602 be assumed that at one time they had close intertribal relations. 619 The GAAWAR clan have also an independent origin, their ancestor having descended from heaven. However, a number of mythological links unite him to the founders of various clans which are dominant in tribes of the Ghaak group (see pp. 230–1), and the Gaawar tribe therefore belongs to this group. Although the Nile now separates it from the other members of the group it was at one time their most northern extension on the west bank. Owing to *buth* relationship between GAAWAR and other clans of the family of clans descended from Kwook, Gaawar are said to go with the people of the Fadang section of the Bor tribe and the Atwot people, who are said to have lived at one time between the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between exogamous clans and of cognatic and mythological ties between clans not considered to be agnates, all the Nuer tribes are by assimilation of political to kinship values conceptualized as a single social system. A number of clans are not associated with tribes, but their lineages are included in this system by the affiliation of the clans to one or other of the large families of clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are descended from Gee and belong to the Gee group; the JIKUL are mythologically attached to the Ril group and the JAKAR to the Ghaak group; and so on. The whole of the Nuer are brought into a single kinship or pseudo-kinship system and all the territorial segments of Nuerland are interconnected by that system.

XIII

619 In our view the unusual degree of genealogical segmentation in the Nuer lineage system is to be understood in terms of tribal 613 structure, which is, as we have seen, characterized by its tendency towards segmentation. The association of the lineage 614 system with the tribal system means that as the tribe splits into segments so will the clan split into segments, and that the lines of cleavage will tend to coincide, for lineages are not corporate groups but are embodied in local communities through which they function structurally. Just as a man is a member of a tribal

1: Evans-Pritchard E-5 (1931, 1936) 1940
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segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a definite correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Therefore, the distance in clan structure between two lineages of a dominant clan tends to correspond to the structural distance between the tribal segments with which they are associated. Hence the tribal system draws out and segments the dominant clans and gives them their characteristic lineage form. Evidence in support of this contention could be cited from any Nuer tribe; we propose to examine only a few typical examples. 619 613 614

We have observed that in the Lou tribe the Gaatbal and Rumjok secondary sections form the primary section of Gun in opposition to the Mor primary section, and how the dominant lineages of the Gaatbal and the Rumjok sections are descended from one wife of Denac and the dominant lineage of the Mor section is descended from a different wife, so that Gaatbal and Rumjok are to one another in a relation analogous to that of full brothers and the Gun stand to the Mor in a relation analogous to that of half-brothers. We have noted, likewise, how the dominant lineages of the Gaajak are descended from two closely related wives of Kir while the dominant lineages of the Gaajok and Gaagwang, which have a very close alliance, are descended from a third wife.

The GAATGANKIIR lineages in their relation to the segmentary structure of the Jikany tribes provide an excellent test of the hypothesis that lineage structure is twisted into the form of the political structure, for the same lineages are found at extremities of Nuerland where political conditions are not identical. Had I had more time in the Jikany countries, or had I formulated the problem more clearly in the little time I had to spend there, I might have been in a position to state my conclusions more dogmatically. We will briefly analyse the lineage system of the GAATGANKIIR in its relation to two of the Gaajak primary sections.

Thiang was the eldest son of Kir. He had two wives, Nyagaani and Baal. From these two wives spring the three main lineages of *cieng* Thiang, the Thiang primary tribal section, TAR, LONY (or GEK), and KANG. What is said to have happened is shown in the diagram on p. 242. Tar, being the only son of his mother, has founded an independent lineage and tribal section, that which lives in the 613 173

1: Evans-Pritchard E-5 (1931, 1936) 1940
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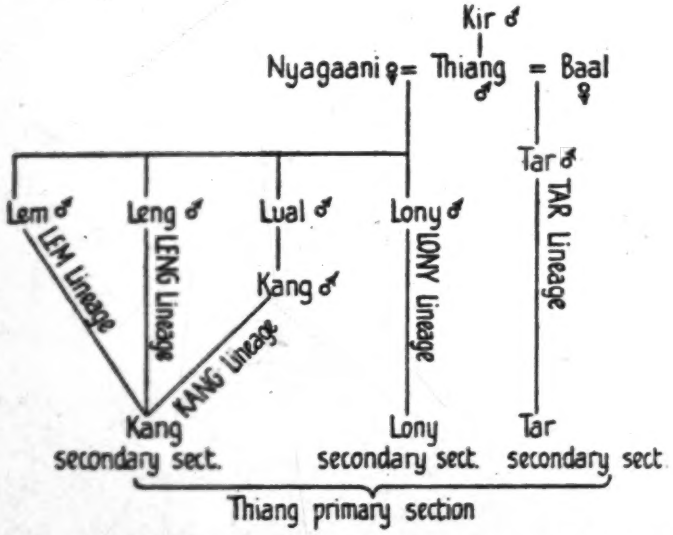
extreme south of Eastern Gaajak country. The other four lineages are all sprung from Nyagaani and are collectively known as *cieng* Nyagaani. At first her four sons stuck together, but later Lony's family increased and became more powerful than those of his brothers and tried to lord it over them, especially over Lem, the eldest. Kang, son of Lual, took the lead against Lony, and compelled him to migrate. Owing to the prominent part played by Kang, the lineages descended from Lem, Leng, and Lual are collectively known as *cieng* KANG in contrast to *cieng* LONY. These two lineages live to the extreme north of Eastern Gaajak country.[1] When the brothers are spoken about, as quarrelling, migrating, and so forth, it must be understood that the lineages and the local communities of which they form part are being personified and dramatized.



We see in this diagram how the splitting and merging of lineages, determined by the logic of lineage structure, follows the lines of tribal fission and fusion. Thus the descendants of Lem, Leng, and Lual, who live together, are merged in opposition to the LONY, and the LONY, who live adjacent to them, are merged with them in opposition to the TAR. The diagram does not show us the lines of descent which have become completely merged in those recorded,

[1] The distribution of the three divisions of the Thiang primary section of the Gaajak tribe contrasts with the unbroken territory of the segments of primary sections elsewhere in Nuerland. I have not visited the area, and cannot explain this unusual distribution by historical events nor state its structural consequences.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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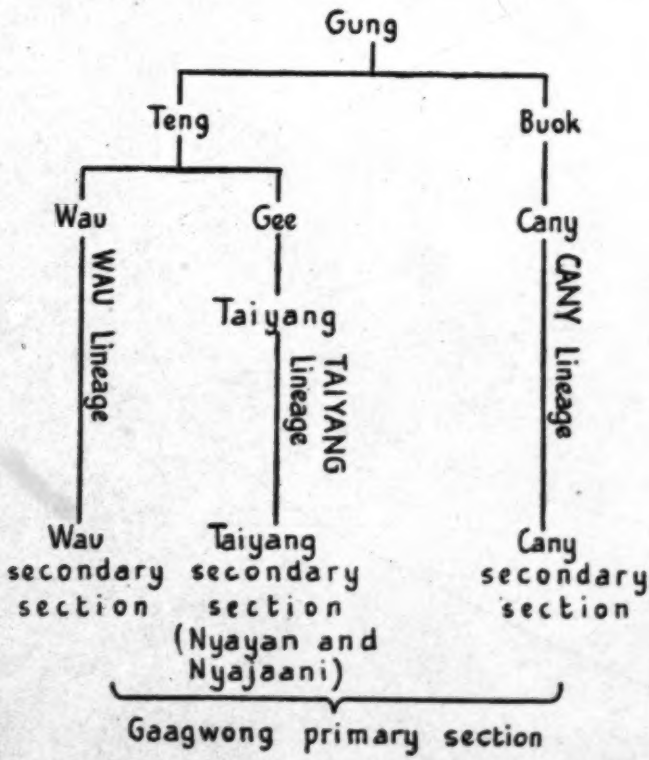
because such lines, having no localities specifically associated with them and therefore no community value, are not differentiated. That the diagram[1] does not truly record historic lineage growth, but is a distortion of it, is further suggested by the fact that there are, on an average, five generations from the present day to Lem and Leng, six to Lual, and seven to Lony, who was the youngest of the four brothers. 613 173

The GAAGWONG lineage, which is the nucleus of the Gaagwong section, is called after Gung, son of Kun, son of Kir. The GAAGWONG maximal lineage splits into several major lineages. To make illustration easier only those important among the Eastern Jikany are figured in the diagram: CANY, WAU, and TAIYANG (NYAYAN and NYAJAANI), the descendants of Buok, Wau, and Gee.



The CANY major lineage split up, as shown in the diagram on p. 244, into a number of smaller lineages of three to four generations in depth. In this diagram the traditional representation of cleavage between sons of the same father but of different mothers is shown

[1] [See p. 242 -- Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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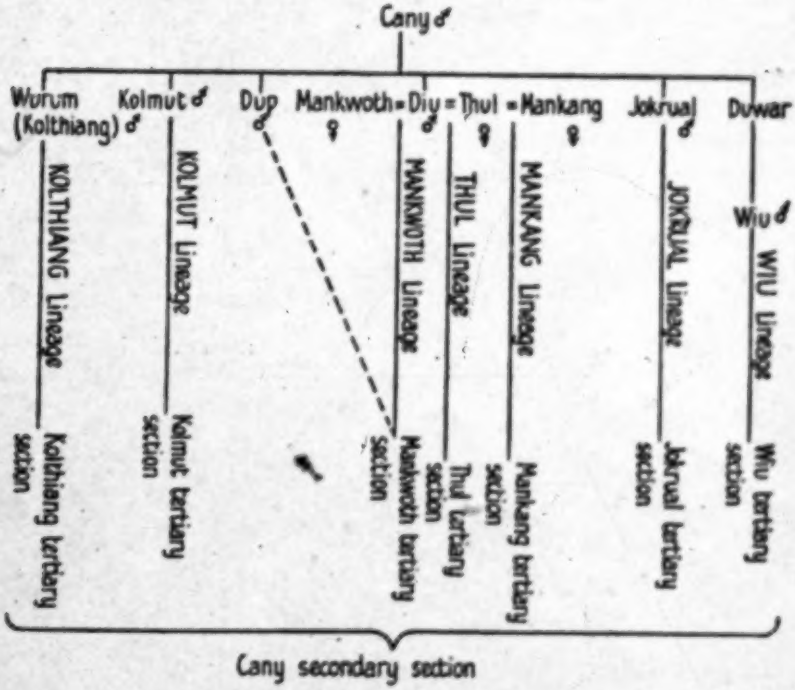
in the lines which spring from Diu through his three wives: Mankwoth, Thul, and Mankang. The descendants of Dup are normally referred to as *cieng* MANKWOTH because they live with them. Common residence has reacted on the lineage structure, so that the DUP lineage has become very largely merged in the MANKWOTH lineage. For this diagram I am indebted to the Government



files of Nasser District. I have no record of the divisions of the WAU lineage.

In Western Nuerland WAU and CANY are politically unimportant lineages and are merged with *cieng* Taiyang, which is contrasted with *cieng* Jueny, called after Jueny, son of Teng, son of Gung, who founded a lineage politically unimportant among the Eastern Jikany. The TAIYANG lineage has two branches called after his wives Nyayan and Nyajaani. In Western Nuerland there is a third lineage springing from a third wife, Nyakoi.

It is interesting to observe that Jueny, whose line is politically unimportant among the Eastern Jikany, is there given as a son of Gee and merged in the TAIYANG line, while Duob is given as a son of Nyajaani and merged in her lineage. Here again we see how lineage structure is influenced by political relations.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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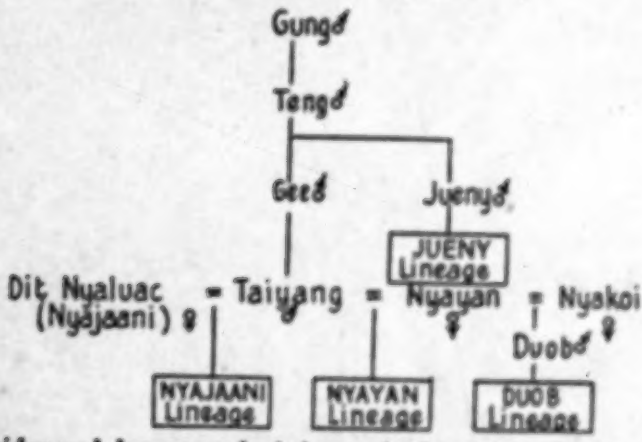

A wider and deeper analysis is required to prove the thesis we have put forward and of which we have given a few out of many examples. It is, however, supported by evidence of a different kind. We found that it was always easier to obtain a more complete record, and a longer line, of descent from members of dominant lineages in the larger tribes than in the smaller tribes, showing that greater attention is paid to the lineage system in the larger tribes and that the clan structure is broadened and deepened to serve its structural function. Also, we found it easy to obtain from any adult member of an aristocratic lineage an account of the other maximal and major lineages of his clan and a long list of ancestors, some nine or ten at least, giving a consistent length from the founder of the clan; whereas we found that we could not elicit the same information from members of clans which have no tribal associations. They were often able to trace their descent back for only some four to six generations, the time depth they gave was seldom consistent, and they were usually unable to give a coherent account of the other lineages of their clan. We attribute this fact to the absence of systemization through association with tribal structures. A lineage does not stand in territorial opposition to other lineages of its clan, but has with them only a vague ceremonial relationship, and this relationship may never be expressed in corporate action. Consequently there is generally a complete absence of any elaborate system of lineages like those of the dominant clans. There are many JIMEM clansmen and doubtless one could by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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putting together their genealogies construct some sort of tree of descent from Mem, in which the agnatic relationship between various lineages could be indicated; but it would be very unlike the spontaneous statements that at once delineate the lineage system of large clans like the JINACA, associated with tribal territories.

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It is also very noticeable that Nuer knowledge of the lineage system of a dominant clan tends to be restricted to those parts of the system that correspond to segments of their tribe. Thus the JINACA lineages which are associated with segments of the Lou tribe are well known to Lou tribesmen, but they have no, or very little, knowledge of the JINACA lineages of the Rengyan tribe. Likewise I experienced much difficulty in obtaining from Gaajok and Gaajak tribesmen a clear account of the lineages of the GAATGANKIIR clan which form the dominant nucleus of the Gaagwang tribe, though they were well informed about the lineages of the same clan which are associated with segments of their own tribes.

FIG. 15. Leather flail.

It follows from our account that, as we have suggested before, the lineage system of a clan can only to a very limited extent be considered a true record of descent. Not only does its time depth appear to be limited and fixed, but also the distance between collateral lineages appears to be determined by the political distance between the sections with which these lineages are associated, and it may be supposed that a lineage only persists as a distinct line of descent when it is significant politically. Ancestors above the founder of a minimal lineage are relevant only as points of departure for denoting lines of descent when these lines are rendered significant by the political role of the lineage system. We have suggested that the depth of lineages is a function of the range of counting agnation on an existential plane, and we now further suggest that the range of counting agnation is largely determined by its organizing role in political structure.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer consider that lineage cleavage arises from a fundamental cleavage in the family between *gaatgwan*, children of the father, and *gaatman*, children of the mother. Where there are two wives and each has sons, the lineage bifurcates from this point. A lineage bifurcation is a polygamous family writ large. *Thok dwiel*, lineage, means this; it is 'the entrance to the hut', the mother's hut. The tiny twigs we see in the *gol*, household, grow into the great branches of the lineages. It is for this reason that lineages are so often named after women, the mothers from whose wombs sprang the different lines of descent. As we understand the process, what happens is that certain lineage groups gain political importance and exclusiveness, becoming nuclei of tribal sections, and that only by so doing is their structural position stabilized and are the points of their bifurcation rendered fixed and permanent points of convergence in lineage structure. This explains how it is that in only a few out of a vast number of polygamous families is maternal descent structurally significant, and why the bifurcation occurs in the lineage where it occurs in the tribe.

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This tendency towards co-ordination of territorial segmentation and lineage segmentation can be seen in the various stages of territorial expansion between the household and the tribe. When brothers of an influential family live in different parts of a village and gather around them a cluster of relations and dependants, these hamlet-groups are named after them and they become the point at which the lineage is likely to bifurcate. Thus, if the brothers are called Bul and Nyang, people speak of the *gol* of Bul and the *gol* of Nyang, and if later the grandchildren of one of them move to a different village site the lineage will split into two branches. Such minimal lineages as those pictured in the diagrams on pages 196–7 occupy adjacent villages, or widely separated divisions of the same large straggling village, and make separate camps along the same stretch of river or adjacent camps around a small lake. The points of divergence of lineages from clan trees are thus related to the size and distribution of inhabited sites in a tribal area.

The association of the tribal system with a clan may thus be supposed to influence the form of the lineage structure. We may further emphasize the morphological consistency between

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* [see cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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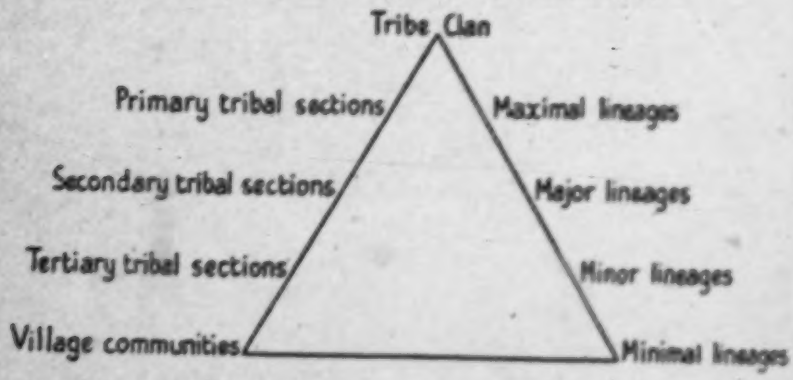
the two structures. There are always more villages than tertiary segments in a tribe and more tertiary segments than secondary segments, and so on, so that, since each territorial unit is associated with a lineage, the narrowing of such units from the multitude of villages to the single unit of the tribe must be reflected in the conceptual structure of the lineage system, there being a multitude of minimal lineages, fewer minor lineages, and so forth, till the single unit of the clan is reached. If this suggestion is accepted it is evident that the lineages are in number and structural position strictly limited and controlled by the system of territorial segmentation. The two systems may thus be represented diagrammatically by the same figure, though the correspondence is not exact.



2:Evans-Pritchard E-5 (1931,1936) 1951
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CHAPTER I

KINSHIP AND THE LOCAL COMMUNITY

I

621 In *The Nuer* I stated that the village is the smallest corporate
114 group of a political kind among the Nuer and that in reading my description of their political structure the reader would have to take for granted the network of kinship and affinal ties within a village. I must now ask him to remember that, though I describe in this book relationships between persons within local communities without again describing the wider political structure, the local communities within which these relationships function and which they serve to maintain are the basic units of that structure. I must also make it plain that in *The Nuer* I was chiefly interested in the relation of clan segmentation to tribal segmentation, and therefore in discussing lineages gave chief attention to the systematic form their structure presents when co-ordinated
613 with tribal, or political, structure. To avoid misunderstanding it
621 is desirable to emphasize that in Nuerland there are also small lineages which have fewer branches and less depth than the dominant clans to which I gave particular attention in my book. These less systematized descent groups may be associated with local communities smaller than tribes and their larger segments, but they are only associated with them in terms of the tribal structure as a whole through some relationship to its dominant clan; and sometimes they are not associated with local communities at all.

621 The Nuer village (*cieng*) is a corporate group with a feeling of solidarity. Though its members have contacts with persons in neighbouring villages, and even in other sections of their tribe and in adjacent tribes, the greater part of their activities are carried out within their own village community and their strongest ties are generally with other members of it. Nuer have great affection for their homes and, in spite of their wandering habits, men born and bred in a village are likely to return to it even if they live elsewhere for some years. Villagers fight side by side in defence and attack and they support one another in feuds. When their youths attend dances in the district they enter them

221 are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season
361 impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alinements are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

602 All the members of such a village or camp as I have briefly
613 described are kin. Before giving examples in illustration of this
614 statement I must say again what I have already said in *The Nuer* about the difference between lineage relations and kin relations because it is a very important difference. In speaking of lineages I refer to unilateral groups of kin—among the Nuer groups of
[Soc. cat. 16, pp. 2 ff. .. Analysis]

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agnates—and in speaking of kinship I refer to categories of kin. In speaking of lineage relations I therefore refer to relations between groups within a system of such groups, whereas in speaking of kin, or kinship, relations I refer to relations between persons standing to one another in certain categories of relationship within a system of such categories. It is often difficult for those who have not lived in a society with a lineage structure to appreciate the distinction I have drawn because the relationship between collateral lineages of the same clan is necessarily also one that can be expressed in terms of a kinship category, and it is possible in certain circumstances even to speak of the relation between lineages of different clans in similar terms, for they may wish on occasions to stress a genealogical nexus between themselves, indicating thereby that, for example, the one stand to the other as *gaatnar*, children of the maternal uncle, or as *gaatwac*, children of the paternal aunt. But in these cases it is a relationship between groups that is referred to and not a personal relationship between individuals except in so far as it is derived from the relationship between the groups to which they belong.

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As I have explained in *The Nuer*, the lineages of Nuerland are dispersed groups, though in a certain sense they may be regarded as corporate groups in the form they take as political segments in fusion with other elements. They provide the conceptual framework of the political system within which they also function as its organizing principle through the expression of political fission and fusion in terms of their segmentary structure. The identification of lineage segments with tribal segments in a political context is brought about by the acknowledgement that certain clans and their lineages have rights in certain tribal areas and by the residence in those areas of a sufficient number of members of these dominant groups to act as nuclei of local and political groups. It probably never happens that all members of a lineage of any order—maximal, major, minor, or minimal—live in the area associated with it and to which it gives its name, though very many of them may do so.

Because the usual reference to a lineage is in a political context it is generally spoken of as the *cieng* of such-and-such a people (the name of the lineage being given), for, like the word *gol*, *cieng* has always a residential, and not an exclusive descent, connotation. When reference is made to a lineage in a context in which it is

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601 desired to particularize it as an exclusive descent group, a group of
613 agnatic kin descended from a common ancestor, Nuer use the
614 expressions *thok dwiel* or *thok mac*, literally the doorway to a hut or the hearth, to denote it; but these expressions are little used because abstraction of a lineage from its social and political matrix has only rarely to be made: on certain ritual occasions and in connexion with feuds and rules of exogamy.

601 The distinction between an agnatic lineage relation and an
602 agnatic kinship relation is clearly made by Nuer themselves, from whom indeed I learnt it. They use the word *buth* to describe agnatic kinship between collateral lineages, that is to say, kinship between groups and between individuals only in virtue of their membership of these groups. On the other hand, they use the word *mar* to describe any and every relationship of a kinship kind between persons. All persons with whom a man acknowledges any kind of kinship, through however many other persons, are *mar*, kin, to him. People say of him and of any such person '*teke mar*', 'they have kinship'; and he speaks of any or all of his relations as '*jimarida*', 'my kinsmen'. The term *mar* includes relatives through the mother, the maternal kin, and through the father, the paternal kin. This is the meaning the word has when used by Nuer collectively and without restrictive qualification. Its sphere of reference is indicative of the balance we find in social life generally between the paternal kin and the maternal kin, a balance evident in the configurations of kin in local communities which I am about to describe. Nuer also sometimes use *mar* when speaking of affinal relations, especially when they are long established. In a broad sense they also are kin in the eyes of Nuer, just as in our own society we include our affines in the category of relatives.

Where there is a *buth* relationship between lineages there must also, in one way of speaking, be *mar* between the members of one and the members of the other, for the relationship between collateral lineages is agnatic and the members of the one must therefore be patrilineal kin to the members of the other. The question therefore arises: at what point in the spread of an agnatic line, conceived of as a number of living patrilineal kinsmen, does interpersonal *mar* relationship become the inter-group relationship Nuer call *buth* so that these kinsmen divide into segmentary descent groups or lineages? The question may be put in another way: how many generations back do Nuer trace patrilineal ascent

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before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601 602

A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thuk*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after [583] raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in [613] my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached.

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin.

Beyond this point we enter into the structural relations of the 602 lineage system where the Nuer begin to speak of collectivities of 613 agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath* [597] *buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *rul* between them, [609] that is, they are 'strangers'. I omit further discussion about the 000

KINSHIP AND THE LOCAL COMMUNITY

621 The village site belongs to the Riaagh lineage of the Keunyang
613 maximal lineage of the Gaatbol clan, the dominant clan in Leek
614 tribal area of which Karlual area, where Nyueny is situated, is a
602 section. Members of that lineage with their wives and concubines and their affines account for ten out of the twenty-six homesteads. The people of Nyueny hamlet, the central and northern parts of the village, are known as 'the children of Jany', and Jany's descendants with their wives and concubines and affines account for another ten homesteads. 'The children of Jany', whose *tut* is Karlual (homestead 9) count collectively as *gaatwac*, children of the paternal aunt, or, as Nuer often put it, *gaatnyiet*, children of daughters, to the Riaagh lineage, whom they call *gaatnar*, children of the maternal uncle. The senior Riaagh men are the 'bulls' of the village in the tribal sense of the word *tut*.

621 It will again be observed that the village is not an exclusive
602 lineage group (with its wives) but is a cluster of kin (including affines). In this case, however, there is a lineage core to the village community, and this core is that branch of the dominant clan of the tribe which owns the village site. Some members of its collateral minimal lineage, the Gom, also live in the village. I draw attention to further typical features. We saw that at Konye many of the heads of families were living there because of affinal relationships with other members of the village. The counterpart to this is the relationship of sister's son to mother's brother, for when the children of a resident sister or daughter grow up in a village those who stand in an affinal relationship to their father stand in an avuncular relationship to them. This is a very significant feature of Nuer local communities and from it follows another common feature: in course of time a maternal link of this kind may be treated as though it were a paternal link and therefore within the genealogical structure of the principal lineage of the community. Jany's mother Duai is so treated. Nuer say of a woman who has this structural position that 'she has become a man'. Cognation becomes regarded for ordinary social purposes
[541] within community life as equal to agnation. A sister's son–mother's brother relationship may come about in a village not by a man going to live with his wife's people but by widows bringing their children to live with their own people after their husbands have died, a mode of residence which in certain circumstances may continue after the deaths of the mothers. This
[cf. ex. 116, p. (13)-- Analyst]

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is illustrated at Nyueny by the daughters of Jany. The widows may take lovers in the village, or they may take them from a different village and their lovers come to live with them. This custom is another feature of interest, for some ties between members of a village may be through widow-concubines, or even through unmarried concubines. Any such ties are *mar*, kinship. 621 602

Allowing for the fact I have mentioned, that when people live together as members of the same small local community female links are often given equivalence to male links in a genealogy, a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system. Seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant. 621 602 613

I now examine the kinship texture of a cattle camp at which I resided for close on three months in 1931. Yakwac is a small mound on the left bank of the Sobat. Like Nyueny, it is on the periphery of Nuerland where the Lou tribe faces the small Balak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers. [101] 361

Yakwac village consists—I speak of 1931—of only three byres and a few attached huts. The chief man of the village is Cam-Carau, who owns one of the byres, the other two being owned by Bithou, his brother, and Kirkir, a kinsman of his mother. The real 'bull' of the village is, however, Cam's mother, Nyagen, and the 621 602

[cf. cat. 16, p. (16)—Analyst]

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621 The entire population of Majok was not at Yakwac in 1931, for
602 many of its members, including most of the womenfolk, had
601 remained inland and some families spent the dry season at other camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

621 A study of the genealogy of Yakwac cattle camp reveals the
613 features we have already noted as being significant in the gene-
601 alogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

613 I have indicated Dinka origins,* where I have satisfactory evi-
601 dence for them, partly to show the very considerable absorption
597 *[cf. facing pl. 19 (a)–(c) — Author]

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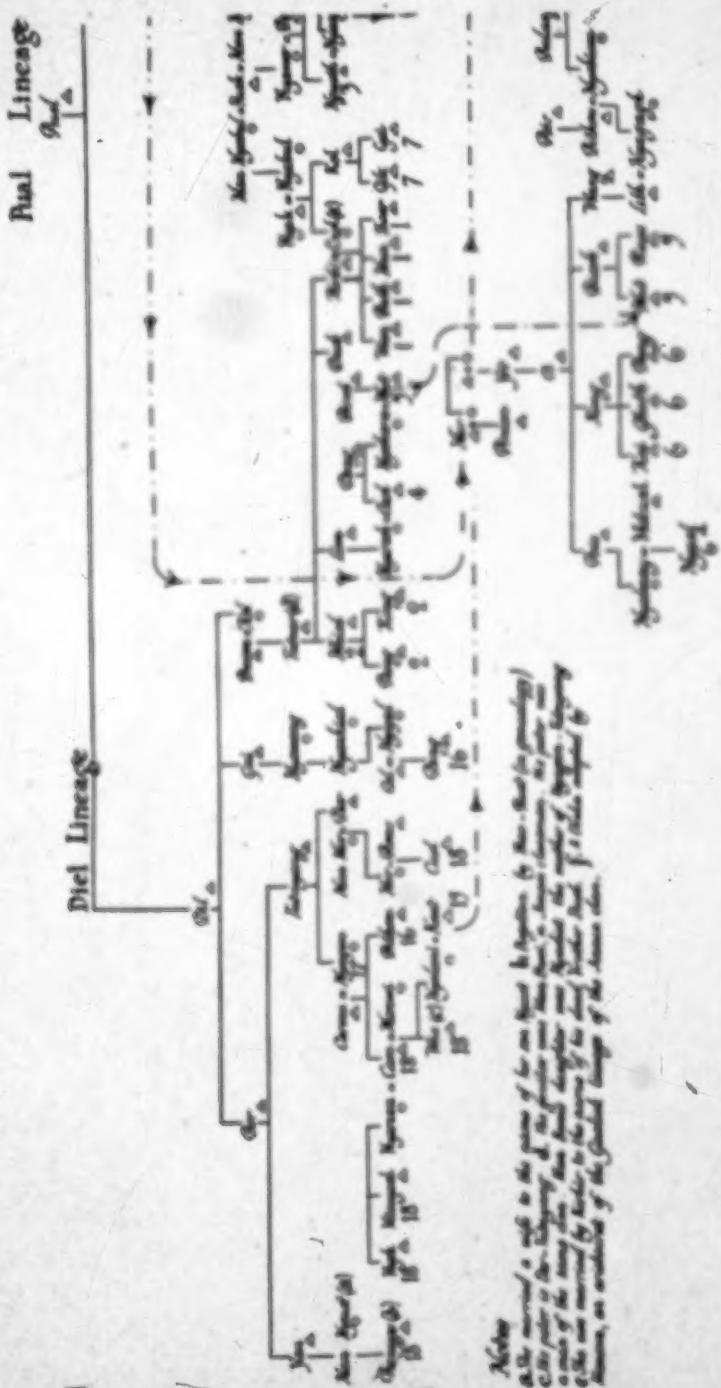

[facing p 19 (a)]

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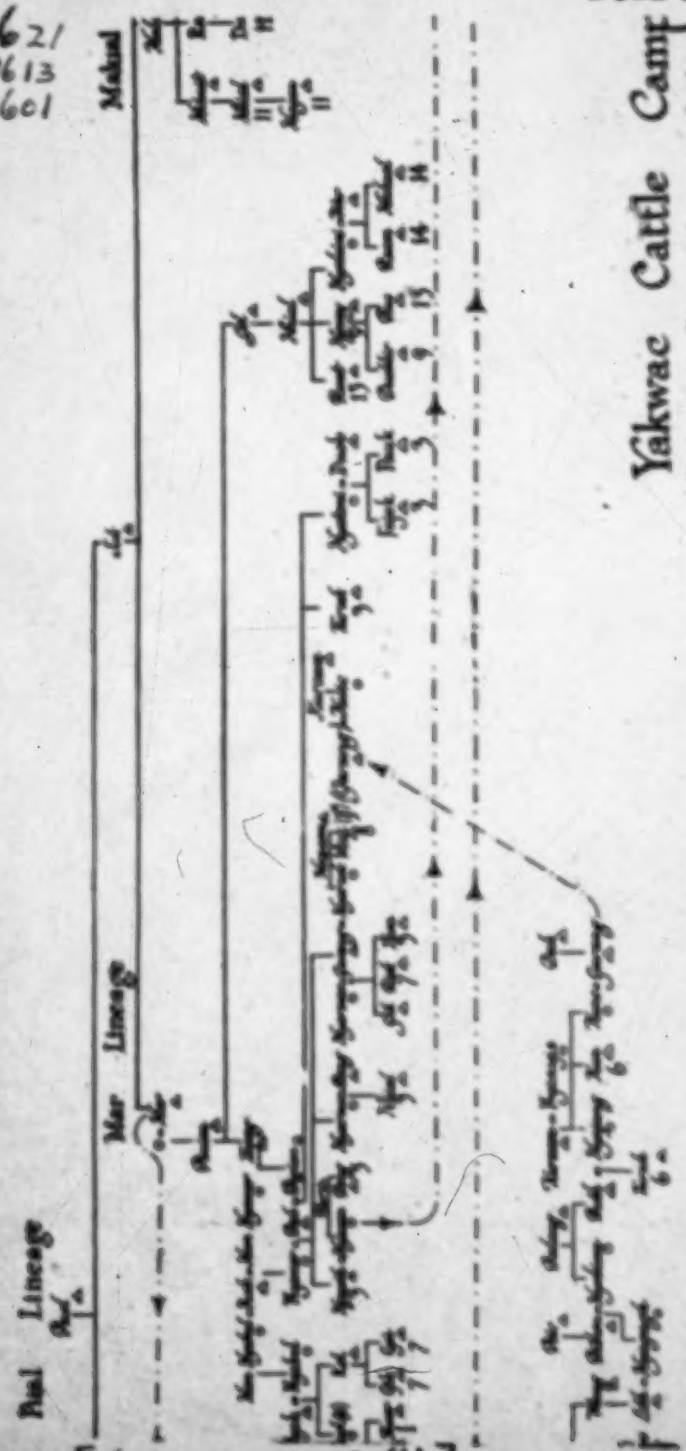

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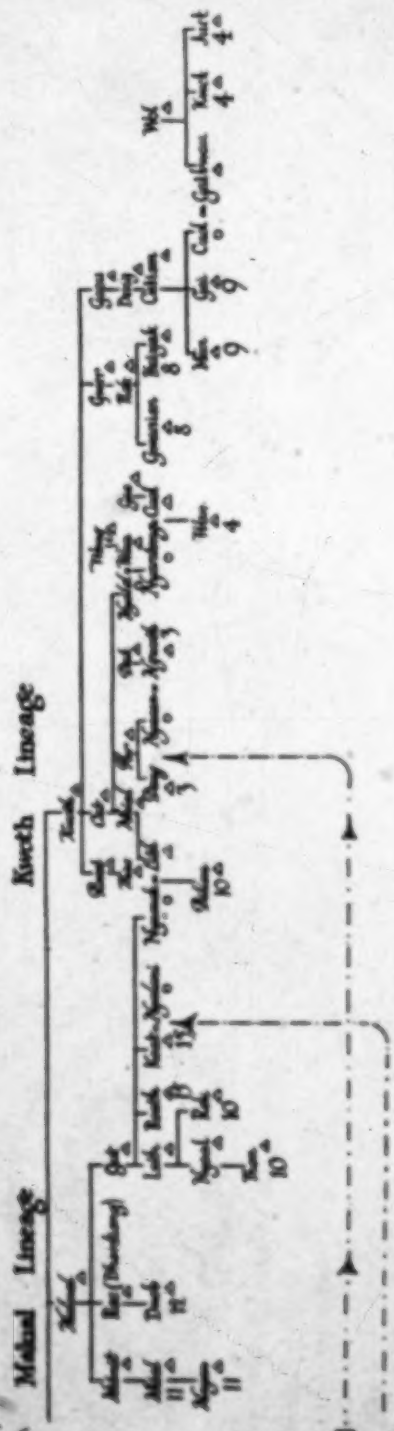

[facing p. 19(c)]

613 601 597 of Dinka which has taken place, by adoption into Nuer lineages and through marriage, in a typical Nuer community, and partly to account for some marriages which might otherwise appear to be breaches of the Nuer rules of exogamy. These Dinka are of varied tribal origin. Among those whose names appear in the genealogy I have recorded Bor, Fadang, Luac, Thoc, and Dunjol origins. The absorption of so many Dinka has affected, through the practice of adoption, the rules regulating marriage, and it has also affected modes of residence, since a Dinka who has not been adopted into a Nuer lineage readily attaches himself to his wife's people or to the people who have married his sister or daughter, as do also his children to their maternal uncle's kin. The absorption of Dinka has led to a further complication in the already very complicated patterns of Nuer genealogies, for it sometimes happens that captured Dinka brothers or other kin are adopted into different lineages or even into different clans.

I would also draw attention to the different tribal origins of those Nuer in the genealogy who are not members of the dominant lineage, because they illustrate the movement of individuals and families which is so characteristic a feature of Nuer society: Yit was a Bul tribesman, he and Pinien being children of sisters or, as the Nuer say, a man and his *gatmanlende*, his mother's sister's son; Carau and Wan-Wang were Jikany tribesmen, Carau being an aristocrat of the Lony section of the Jikany, though begotten by an Anuak; Nhial-Deng is of Thiang tribal origin; Kurcam was a man of the Jimem clan, a clan which is found throughout Nuerland and without a tribal territory of its own; and so forth. Indeed, it is necessary to point out that not all outsiders attached to a lineage core remain attached to it. Nuer move about their country freely, and reside for some years with one lot of kin and then for some years with another.

621 613 The genealogy of Yakwac camp gives us a typical cross-section of a Nuer tribal society. We see how the local community is built up around a lineage through attachment to it of extra-lineage persons by the stressing of one or other category of kinship, and we thus see further the relation of the lineage structure to the kinship system within the framework of the tribal society. The collateral, and in a structural sense, opposed lineage to the Pual is the Dumien, who live near Pul Thul and Pul Nyerol in the same Nyerol district in which the Pual have their wet-season home and

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who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*, Dinka, the whole forming a *cieng*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gaatbal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe. 621 613

My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life. 621 602 601

I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*cieng*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimatized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwaclath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being [101]

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621 a man of this clan. One of these children, the girl Nyawin, married
602 Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong,
601 and Nyatony before he died. She continued to live in his home after his death and there took a lover, a man of the Ngok Dinka called Cie, to whom she bore Bul, Nyang, and Mun. These three sons count, of course, as children of Kan-Kwoth. The Dinka Cie then, at the behest of Nyawin and her sons, took a wife to himself with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual was therefore not only a natural paternal half-brother of Bul, Nyang, and Mun but also their brother in a further sense, for he was *gat ghokien*, the child of their cattle. I was told that he had also been formally adopted by Bul into his lineage. Mun had died before 1931, and Bul and Nyang were already elderly men whose sons and daughters had homes and herds and children of their own.

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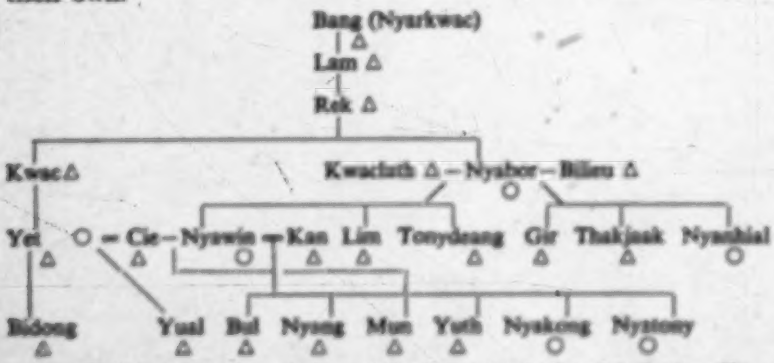

It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *cieng* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwaclath. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 The kinship relations of persons to one another in a Nuer com-
602 munity are, I think it will be agreed, very complex. Indeed they

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are more complex than I have shown them to be so far, as will appear when the forms of domestic union obtaining among the Nuer are described. The complexity is partly due to these diverse forms of marriage, and also to the python-like assimilation by the Nuer of vast numbers of Dinka through adoption or intermarriage. 621 602

However, certain preliminary conclusions of a general kind can be drawn from the few genealogies—only a fraction of those collected—I have cited as examples. A Nuer community, whether small or big, is not composed exclusively of members of a single lineage and their wives or, correspondingly, not all members of a lineage live in the same community. On the other hand, in any large village or camp there is represented an agnatic lineage of one or other order and into the growth of this lineage are grafted, through the tracing of descent through females, branches which are regarded in certain situations and in a certain sense as part of it and in other situations and in a different sense as not part of it. Other lines and persons are grafted into the lineage by adoption, but this can only happen to Dinka and other foreigners, not to men of true Nuer origin. Attached to the lineage, directly or indirectly, are also a considerable number of affines of diverse kinds. 621 613

In their collective relations with other communities, and as seen collectively by the members of these communities, there is a fusion of the attached elements with the lineage. They are incorporated in it, and the resultant whole is spoken of as the *cieng* or *wec*, community, of the lineage, which is both its core and the symbol of its social identity as a unit in the tribal system. But within the community itself there are occasions when a formal distinction between the lineage and its incorporated elements has to be made and the status of its members has to be defined to the exclusion of the *rul*, strangers: the *gaatwyiet*, the children of daughters (of the lineage), and the affines. 621 613 602

In daily contacts between persons within the community their relations are expressed not in the language of lineage structure but in the language of the kinship system by reference to categories of kinship within that system. Thus men of the same minimal lineage have only an undifferentiated lineage relationship on such occasions as the lineage acts or is thought of as a group. Otherwise, and as persons, their relationship to one another is one of *gwanien*,

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father's brother, *gatgwanien*, father's brother's son, *wac*, father's sister, and so on.

Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jiciang* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jiwarida*', 'my kin', has quite a different connotation: it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

The absorption of Dinka into these communities of kin on so considerable a scale has been significant. As I have pointed out in *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

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any other rigid hierarchical structure. It has been brought about by their incorporation into Nuer lineages by adoption and by their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that we find strangers of Nuer clans as members of clusters of kin around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *bush* relationships which attach them to the lineages of their birth.

Another factor which has certainly had some influence in

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621 the ambition of every man, of the dominant clan especially, to become a 'bull' and the centre of a cluster of kin, and Nuer say that it is for this reason among others that families often break up and cousins and brothers part, each to seek to gather his own community around him.

621 I suggest that it is the clear, consistent, and deeply rooted
613 lineage structure of the Nuer which permits persons and families
611 to move about and attach themselves so freely, for shorter or longer periods, to whatever community they choose by whatever cognatic or affinal tie they find it convenient to emphasize; and that it is on account of the firm values of the structure that this flux does not cause confusion or bring about social disintegration. It would seem it may be partly just because the agnatic principle is unchallenged in Nuer society that the tracing of descent through women is so prominent and matrilocality so prevalent. However much the actual configurations of kinship clusters may vary and change, the lineage structure is invariable and stable.

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835 brothers are not just 'bulls' to one another, members of the same lineage. They are maternal kinsmen as well as paternal kinsmen, and in their case sexual relations with each other's sweethearts seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the marriage prohibitions indicate kinship status and are one of the most effective means of doing this and thereby maintaining the kinship system, which is based on the distinctions between the various categories of relationships. They prevent confusion between one relationship and another and the contradictions such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this chapter, of Nuer themselves, who see that it is undesirable to obliterate or obscure the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; and were a man to marry the daughter of an age-mate, his age-mate would also be his father-in-law.

621 613 The bearing these regulations have on the kinship system will be seen in later chapters. I discussed their bearing on political structure and their relation to the lineage system in a few pages (pp. 225–8) in *The Nuer*. The argument there presented may be restated in a few sentences. Nuer political structure is a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is thus conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time must be identified with the local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that cor-

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porteness which identification with residential groups gives them, and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct, but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by corporate life comprised within a network of personal relations of a kinship order. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a community of kin, every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the ban on marriage, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

There is a tendency therefore for local communities to be groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is, as we have seen, a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage

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621 and to it everyone attaches himself locally. If a man is not a mem-
613 ber of the lineage with which he lives, he makes himself a member of it by treating a maternal link as though it was a paternal one or through affinal relationship. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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the next rite, and through it greater security. When the bride's 583
people consent to hold the next ceremony they express by so doing 602
their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As Nuer see it, these payments continue long after the marriage is fully established in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

Bridewealth has so far been viewed as a means of organizing 583
personal relations between the husband and his people on one side 602
and the wife and her people on the other side. It has also a more 613
general structural function. When a woman is married she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights in her, and his unmarried brothers may benefit from her labour as much as he does. The husband's exclusive marital privilege is recognized in the acknowledgement that he may claim damages for adultery. He has, of course, also rights in any children she may bear, but the children are not only his. They are children of his lineage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performance of them and in the acceptance that he may correct her should she neglect them.

For the loss of their daughter, or rather of her children, her lineage receive cattle which enable them to obtain a wife from a third lineage to bear them children. When the daughters of these wives are married, the cattle received for them enter the kraals of the lineages to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed among the kinsmen of the bride's father and mother, but this is corrected by the fact that the cattle the father and paternal uncles do not receive on the marriage of their daughter come to them through other marriages in which they stand to the bride in other relationships. Hence it is that Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example,

583 602 613 that '*cieng* Pual have married a wife', or that '*cieng* Dumien have given their daughter in marriage'.

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange 583 of a daughter for a wife. Bridewealth may be fruitfully compared 681 from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural per- 613 spective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimatized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

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601 on her lips, but then it means the people of her husband's home, for they have become her people, and she now identifies herself with them and not with her father's people. She uses in speaking to her husband's kin the same terms of address as he uses.

602 When a woman joins her husband she comes under the protection of his lineage spirits and ancestral ghosts, and when she builds
613 a mud windscreen they are summoned by her husband's father to come and abide there. On the day she constructs it her father-in-law pours over it beer and butter and utters some of the pious formulae spoken on such occasions. When beer is brewed the wife pours a little at the side of the windscreen, and a sacrificial goat or sheep is often tethered there for the ghosts to see it before it is killed. When the woman who owns the hut has a grandchild, a *gatnyade*, a son of her daughter, she sends for the boy to come and break down her windscreen and sacrifice a goat. Since a wife is accepted by the ghosts and spirits of her husband's lineage, she may perform ritual for that lineage in which invocation of its ghosts and spirits forms part.

But though a woman joins her husband's group and becomes part of it, she never entirely ceases to belong to her own family and lineage, under the protection of whose ghosts and spirits she remains. If she is ill treated by her husband she will ask her father and uncles and brothers to help her. On the other hand, should she in a quarrel with her husband disfigure him—knock a tooth out, for example—her father must pay him compensation. I have myself on two occasions seen a father pay a heifer to his son-in-law to atone for insults hurled at the husband's head by his wife when irritated by accusations of adultery.

602 I have given a short account of the conventional attitudes and patterns of behaviour Nuer regard as proper between relations-in-law. I repeat that for Nuer the relationships which contain these attitudes and patterns change in course of time into a kind of kin-relationship through the children to the marriage, and they might then perhaps be best described as kinship-in-law.

VI

601 So far I have been speaking about normal matrimony, the usual domestic union in Nuer society. There are, however, other forms of domestic union among the Nuer of which I now give an account.

I presented in Chapter I some genealogical tables to illustrate

583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimatized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and
[601] the birth of her children, or is a man or a woman. Hence it follows that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all
602 have the same pater. It is the fertility of the womb which a lineage
603 receives by payment of bridewealth. All children born of that
604 womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and levirratic marriage raise up seed to their kinsmen subordinates the

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exclusive interests of the family to those of the wider circles of the paternal kin and of the lineage. The prevalence of widow-concubinage and simple concubinage also strengthens sentiments of kinship, because there is in these cases no single undivided family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions.

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may have a byre if he is the eldest son of a dead man. When he is initiated into manhood his paternal uncles ought to build him a byre, 'so that his father's fire may be relit', and to hand over to him his father's herd which they have held in trust till he should take his father's place as head of the family. 592

The wife has her hut at the side of the byre, and in a polygamous family each wife has her own hut, where she and her children sleep. Near to it there may be a simple shelter for cooking. In a large homestead there may also be a hut for the youths of the household to sleep in, and perhaps a hut for the senior girls. The head of the family has no hut of his own but sleeps in the huts of his wives. In such a polygamous family all the huts of the wives are built around the byre, and this attachment symbolizes for Nuer what we call the agnatic principle of their society, which insists that all the sons of a man belong to his lineage irrespective of their maternal affiliations, their links with the kin of their mothers through the different huts within the homestead. Very early in life small boys are driven by their father or elder brothers away from their mothers' huts to the byre, the place of the menfolk of the family, where they eat, sleep, and spend the leisure hours of the day. When they are about seven or eight years of age they sleep there instead of in their mothers' huts, where the women and girls eat and sleep and near which they spend most of the day. The men and boys, to whichever hut they may belong, belong also, and primarily, to the byre and to its gol, a word which means, as I have earlier explained, the fire of cattle-dung kept burning day and night in the centre of the byre (there is sometimes a second one in the kraal) and its hearth; and also homestead, hamlet, family, household, and even lineage in certain contexts. Daughters belong to the huts and they will be married from them into stranger lineages, into which they are absorbed. Sons belong to the byre and to the lineage of its owner. This connexion between byre and lineage is seen when a new byre is built, for then the master of ceremonies of the family is summoned to make a libation of beer to the guardian spirits and ancestral ghosts of the lineage before its central support is planted, so that they may give peace and prosperity to all who dwell therein. In the byre, at the side of the hearth, is kept a branch, decorated with metal rings and pieces of skins of sacrificed beasts, which serves as an ancestral shrine. In summer camps a windscreen takes the place

[195] (63)

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593 structure towards the father's kin and lineage, and a pull of personal affection towards the mother's people. Rights in the herd, duties of blood revenge, and status in the community hold a man to his father's kin, but with these go jealousy about cattle, resentment against authority, and personal rivalries. A man has no rights in his maternal uncle's herd, he has no obligation to assist his maternal uncle's people in their feuds, and he has no hereditary status in his maternal uncle's community. But the fact that he lacks these rights and duties and status means that he is not burdened with the disputes and tensions they engender. The paternal ties are stronger, if there is a touch of hardness in them. The maternal ties are weaker and for this reason are tenderer. In the Nuer family the tension is greatest in the case of the eldest child, especially an eldest son, for both families more strongly assert their rights in him than in the younger children, but it is inherent in the nature of the Nuer family and has also a more general social significance in the counter-attraction of the lineage on one side and the wider society on the other.

595 This pull in opposite directions, towards the father's kin and towards the mother's kin, is most evident in polygamous families, where the sons of each hut have different sets of kinsmen on the mother's side. I cannot say what is the frequency of polygamy in Nuer society, and it would in any case be difficult, in view of the variety of Nuer domestic unions, to decide on a criterion of polygamy; but though monogamous marriage is much commoner, polygamy is frequent enough to have set its stamp, through its association with wealth and social influence, on the lineage system. The polygamous family is for the Nuer the ideal form of family life and every man would like to attain to it. It has therefore importance out of all proportion to the actual number of such families. The values and the whole conception of the lineage system are reflected in it.

613 A Nuer lineage is often named after a woman, its ancestress, because lineages are generally thought of as dividing out from within a polygamous family. They cannot be differentiated by reference to the name of the father of the founders of the different lines of descent, but only by reference to the names of the founders themselves or of their mothers. Thus the typical lineage structure is conceived of as being present in the structure of the polygamous family and in the distribution of huts in the homestead it occupies.

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This is why a lineage is generally called a *thok dwiel*, the entrance 613
to the hut—not the byre—or a *thok mac*, the hearth of the fire at which women cook—not that around which men sit and sleep.

There is involved here a contradiction between the dogma of the 593
unity of brothers, which the Nuer so often enunciate, and both the lineage system and the common experience of family life. It is a cardinal teaching that all brothers are equal and undivided, for they are all sons of the same father and therefore, through their identification with him, equivalent in the lineage. Maternal descent does not count within the lineage and therefore ought not to count within the family, for by the agnatic principle in Nuer social life the family derives from the father. Hence, Nuer say, if your uterine brother and your paternal half-brother quarrel you must not enter the dispute on your uterine brother's side, because by so doing you divide the family. You split, as it were, the father.

That the huts do not divide the byre is particularly emphasized 593
by, and in, the rule, previously referred to in our discussion of 592
bridewealth, that brothers must marry in order of seniority of birth, a division by age reinforced by the distinctions of the age-set system, irrespective of whether in each marriage the cattle of the bridewealth came into the family herd from the previous marriages of the particular brother's full or half-sisters. Also, all the brothers must marry before any one of them takes a second wife. Even after the father is dead, opinion enforces this rule. It is only when, as rarely happens, there are enough cattle for a further marriage from the herd before the younger brothers are old enough to take wives that an elder brother may marry a second wife before they are married. When a man dies his eldest son takes his place as head of the family: 'He changes himself into something like their father.' It is then his duty to see that his unmarried brothers are not unfairly treated. Should the family disperse and one of the brothers attempt to take for himself all 'the cattle of the mother' of his uterine sisters' marriages, and refuse to allow them to be used for the marriage of a half-brother who is the senior of the unmarried sons of the family, it might prove difficult to prevent his doing so; but were he to do so, he would cut himself off from his brothers and paternal kinsmen. They would not any more assist him in his troubles and quarrels. They may even let him be killed unaided and recoup themselves for his past meanness

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recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. The Nuer political structure was treated in that book as a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in two papers: 'Nuer Bridewealth', *Africa*, vol. 4 (1948); 'Nuer Marriage Ceremonies', ibid. vol. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 219-8.

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community of kindred every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the exogamous ban, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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619 ancestor of the dominant clan, from the name of his favourite bull, or having some mythical origin.[1]

The tribe is therefore a unit of society bound by ties resulting from common residence, by the possession of a common territory, by a network of kinship and other social links in relation to the dominant clan from which it takes its name, by the need for mutual defence against external aggression and for co-operation in warfare against other tribes and peoples.

619 Each tribe is further divided into primary tribal segments, these again into secondary segments, and these into tertiary segments, the
●613 lines of cleavage usually but not always following the segmentation of the lineages of the dominant clan. As an example, the primary and secondary segments of the Gaawar tribe are shown in the diagram (Fig. 1).

Within each tribe only a small proportion of the people has the genuine right to claim direct descent from the original ancestor from whom the tribal name is derived. The majority are descended from later immigrants from other parts of Nuerland, or from Dinka accretions absorbed by the fiction of adoption into Nuer society. Genuine descendants are termed *diel*,[2] although this term is rarely used except in a context where the distinction is necessary, for the *diel* do not enjoy any great or noticeable privileges which distinguish them from other lineages which are called *rul*. The distinction exists only within the tribe and within its component segments. Beyond tribal boundaries it no longer has any significance. A Gaawar Nuer, a true descendant of Wer, is only *diel* within that tribe; he would be *rul* if he lived in Thiang country. Likewise a descendant of the dominant lineage in Thiang would be *rul* in Gaawar. A more common distinction made by the Nuer is between *gaat tuel* (sing. *gat tuel*),[3] the 'sons of bulls', the descendants of the male line dominant in that area, and *gaat nyiel* (sing. *gat nyal*), the 'sons of daughters', i.e. descendants through the female line and by this means attached to the dominant lineage. Others can claim marital relationships and refer to the dominant lineage as *ji niang tha*, 'in-laws' or more literally, 'people of the in-laws' house', or *gaat nar*, 'mother's brother's sons', so that there is throughout a network of such relationships which provides explanations for political association and occupation of a common territory.

The political significance of the clan system is to be found in its association with the territorial segments of the tribe. The clan in itself

[1] For example, the Gaawar call themselves *gaat gaw*, Wer 'the sons of the sons of Wer'. Thiang refers to the bull-name of an ancestor, while *ji kaay* (Jikany), the 'people of the gourd', refers to the twin birth of their original ancestor in a gourd together with the ancestor of the Fajuk Dinka. *Jagir*, 'people of God or God', and so on.

[2] Professor Evans-Pritchard calls the *diel* 'aristocratic lineages'. This is an apt enough description provided it is remembered that there is no class distinction.

[3] A term now used to mean Government 'headmen'.

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segmented, its lineages usually corresponding to the segmentation of the tribe, but this correspondence is not always exact. Thus in Gaawar the Bang, Caam, and Gaatkwa segments are by origin offshoots of the Per lineage, but whereas Per is a segment of the Radh primary segment,

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FIGURE 1

The Segmentation of the Gaawar Tribe

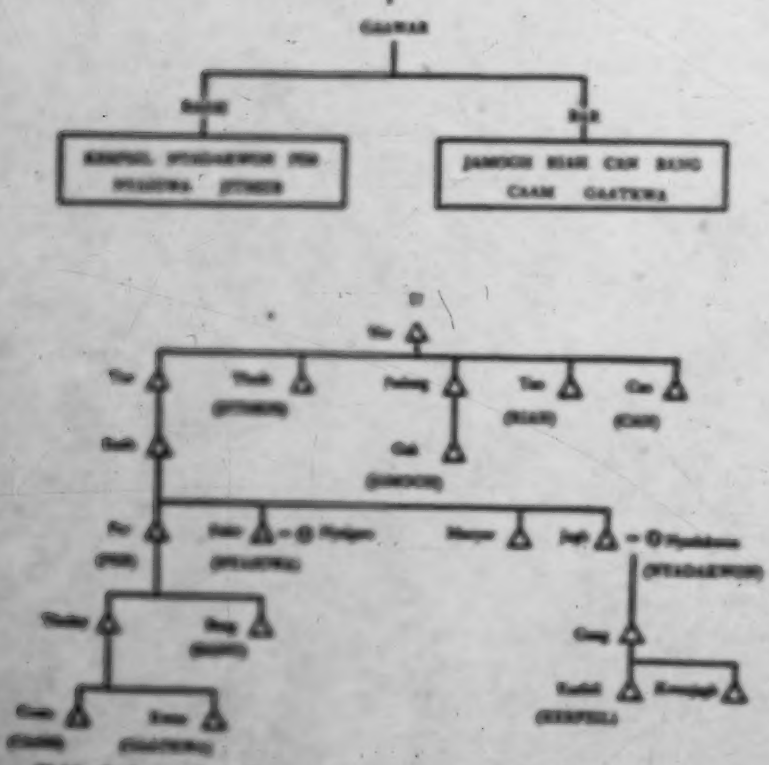

Table I shows the primary and secondary segments of the tribe as they are grouped in political and territorial association. Table II shows the actual genealogies cited by the Gaawar to explain these associations. It will be noted that the segmentation does not entirely correspond with local connections, since Cieng Bang, Cieng Caam, and Cieng Gaatkwa derive from Cieng Per, one of the main secondary segments of Radh.

the former are all segments of the Bar primary segment. There is no conflict of loyalty involved, for kinship allegiance is sufficiently

8:Howell E, G-5 (1942-1944)1954
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619 remote to be overshadowed by territorial association. If there were
613 an occasion when the whole of Radh found themselves ranged against Bar, the Bang, Cuam, and Gaatkwa segments would follow Bar rather than Radh.

The territorial segments of a Nuer tribe have the same characteristics as the tribe itself, viz. a common sentiment strengthened by tradition and mythology, exclusive rights in land and common occupation of a recognized territory, mutual co-operation in certain economic activities and in warfare both offensive and defensive, and a common name derived from a central lineage. With these characteristics in common, and generally speaking the smaller the segment, the greater the reality and meaning of such characteristics, primary segments are segments of a tribe, secondary segments are segments of a primary segment, and tertiary segments are segments of secondary segments. Finally a tertiary segment is divided into a number of villages and villages into basic domestic units represented in the homesteads which are also family groups. The smaller the unit, the more nearly it corresponds with a kinship group.

The Meaning of the word ciang

619 The word *ciang* is normally used to describe these segments of
621 society but, like the segments themselves, is a reflection of structural relativity. Hence it is a term which leads to much confusion among Europeans unacquainted with the social structure of the Nuer. I can do no better than quote some remarks of Professor Evans-Pritchard on this subject because they provide a key to an understanding of Nuer society and hence to an understanding of modes of behaviour, social relations, and also of legal concepts, which are the subject of this book.

> When a Nuer speaks of his *ciang*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *ciang* will touch on one of the most fundamental characteristics of Nuer local groups and, indeed, all social groups: their structural relativity. What does a Nuer mean when he says 'I am a man *of such and such a ciang*'? *Ciang* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question, he will tell one that his home is in Oxfordshire, whereas if one meets him in that county, he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *ciang* Nath, Nuerland. He may also refer to his tribal country as his *ciang*, though the more usual expression for this is *ral*. If one asks him in his tribe what is his *ciang*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary

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segments or with two tribes. The tribal system as defined by sociological analysis can, therefore, only be said to approximate to any simple diagrammatic presentation. A tribe is an exemplification of a segmentary tendency which is characteristic of the political structure as a whole. The reason why we speak of Nuer political groups, and of the tribe in particular, as relative groups and state that they are not easily described in terms of political morphology, is that political relations are dynamic. They are always changing in one direction or another. The most evident movement is towards fission. The tendency of tribes and tribal sections towards fission and internal opposition between their parts is balanced by a tendency in the direction of fusion, of the combination or amalgamation of groups. This tendency towards fusion is inherent in the segmentary character of Nuer political structure, for, although any group tends to split into opposed parts, these parts tend to fuse in relation to other groups. Hence fission and fusion are two aspects of the same segmentary principle and the Nuer tribe and its divisions are to be understood as a relation between these two contradictory, yet complementary, tendencies. Physical environment, way of livelihood, mode of distribution, poor communications, simple economy, &c., to some extent explain the incidence of political cleavage, but the tendency towards segmentation seems to be inherent in political structure itself.

III. Lineage System

Tribal unity cannot be accounted for by any of the facts we have so far mentioned, taken alone or in the aggregate, but only by reference to the lineage system. The Nuer clan is not an undifferentiated group of persons who recognize their common kinship, as are many African clans, but is highly segmented. The segments are genealogical structures, and we therefore refer to them as lineages and to the clan as an exogamous system of lineages which trace their descent to a common ancestor. The defining characteristic of a lineage is that the relationship of any member of it to other members can be exactly stated in genealogical terms. His relationship to members of other lineages of the same clan is, therefore, also known, since lineages are genealogically related. Thus, in the diagram below, A is a clan which is segmented into maximal lineages B and C and these again bifurcate

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into major lineages D, E, F, and G. In the same manner, minor lineages H, I, J, and K are segments of major lineages E and F; and L, M, N, and O are minimal lineages which are segments of minor lineages H and J. The whole clan is a genealogical structure, i.e. the letters represent persons to whom the clan and its segments trace their descent, and from whom they often take their names. There must be at least twenty such clans in Nuerland, without taking into account many small lineages of Dinka origin. 619 613 [614]

The Nuer lineage is a group of agnates, and comprises all living

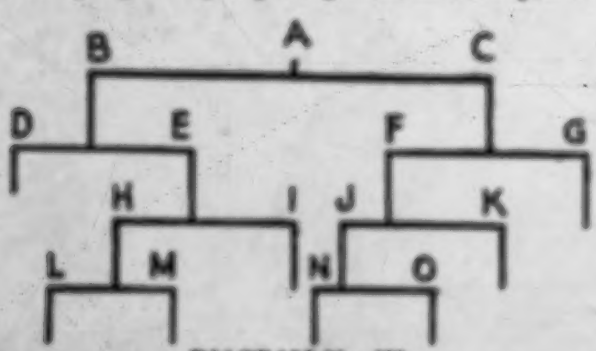

DIAGRAM No. III

persons descended, through males only, from the founder of that particular line. Logically, it also includes dead persons descended from the founder, but these dead persons are only significant in that their genealogical position explains the relationship between the living. The wider agnatic kinship is recognized the further back descent has to be traced, so that the depth of a lineage is always in proportion to its width.

The Nuer clan, being thus highly segmented, has many of the characteristics which we have found in tribal structure. Its lineages are distinct groups only in relation to each other. Thus, in the diagram, M is a group only by opposition to L, H is a group only by opposition to I, D is a group only by opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are no longer separate minimal lineages, but are a single minor lineage, H, in opposition to I, and D and E are no longer separate major lineages, but are a single maximal lineage, B, in opposition to C. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation 613

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613 to a certain group and not a member of it in relation to a different group. Lineages are thus essentially relative groups, like tribal sections, and, like them, also are dynamic groups. Therefore they can only be described satisfactorily in terms of values and situations.

613 Nuer lineages are not corporate localized communities though
621 their members often have an association with a locality and speak of the locality as though it were an exclusive agnatic group. Every Nuer village is associated with a lineage, and though the members of it often comprise a small proportion of the community, it is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the designation of the village community by the name of the lineage. It is only in reference to rules of exogamy and certain ritual activities that one needs to regard lineages as completely autonomous groups. In social life generally, they function within local communities, of all sizes from the village to the tribe, and as part of them. We cannot here discuss the ways by which residential groups become a network of kinship ties—marriage, adoption, and various fictions—but the result tends to be that a local group is a cognatic cluster round an agnatic core, the rules of exogamy being the operating principle in this tendency.

614 Nuer clans are everywhere much dispersed, so that in any village or camp one finds representatives of diverse clans. Small lineages have moved freely over Nuerland and have settled here and there and have aggregated themselves to agnatically unrelated elements in local communities. Migration and the absorption of Dinka have been circumstances favouring the dispersal and mixture of clans. Being a conquering, pastoral people and not
[769] having an ancestral cult, the Nuer have never been bound to any particular spot by necessity or sentiment.

Nevertheless, there is a straight relation between political structure and the clan system, for a clan, or a maximal lineage, is associated with each tribe, in which it occupies a dominant position among other agnatic groups. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often a linguistic identification, between the parts of a clan and the parts of a tribe. Thus if we compare Diagrams II and III and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary

[See p. 282, cat. 712 - Analysis]
[See p. 286, cat. 888 - Analysis]

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614 [78] so you can ask a Zande, for example, "*Ngbwatwengaro nga da?*" You get at his clan by degrees, if you get at it at all, by asking a man what is his *thok mac* or *thok duiel* (the hearth of his fire or the entrance to his hut). In my experience the latter expression is the more common and I will use it here. The reader will observe that it is analogous in its literal and extended meanings to the Arabic *khashm el bet*. A man's *thok duiel* are all those persons of either sex who can trace their descent through males exclusively to a common ancestor. *Thok duiel* is, therefore, a relative term since its extension depends on the particular person who is selected as the point of departure. Thus if we begin with the father then the *thok duiel* will include only sons and daughters, but if we take the grandfather as our point of departure it will include all his sons and daughters and the children of his sons. A larger and larger number of agnates (persons related through the male line exclusively) will be included in the term *thok duiel* the higher up the line of ascent we take the point of departure. Now the Nuer does not generally, if ever, refer to the group of father and children as a *thok duiel*. These people, together with the mothers, form so obviously a family and household (*gol*). *Thok duiel* of a man means essentially his father's kinsmen and the only question is how far back the Nuer goes up the line of ascent before he hits on an ancestor whose descendants in the male line he includes in his notion of kin. The answer to this question is complicated since there is no invariable rule in the matter and since the notion of kin is relative, more people being included in some contexts than in others by the same speaker.

613 Thus in diagram No. IV W, X, Y, and Z are four sons of S and they sleep in their father's kraal and form part of his family and household (*gol*). Many years later we return to their country and we find that S is long since dead and that his sons, W, X, Y, and Z, have each a family of their own. We may now speak of W, X, Y, and Z, with their sons and daughters as forming a *thok duiel*, which would be called after S, their common ascendant. In the terminology employed in this paper we would speak of the lineage of S since we are using the term lineage to denote the unilateral group of agnatic kin which the Nuer calls his *thok duiel*. If you ask any member of this line of descent from S what is his lineage, he will reply that he belongs to the house (*cieng*) of S. Here again it is necessary to re-emphasise that in saying that he belongs

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to *cieng* S, he is using the term for "house" or "home" or "village" in the sense of "lineage" or "genealogical relationship through the father." Hence the fact that a man tells you that he belongs to *cieng* S does not prove that he is descended from S since it may merely imply, as explained earlier in this essay, that he is now living in the same village as the descendants of S. If you wish to make quite certain whether he means that he is descended from S or is merely a member of the locality of his descendants it is advisable to ask subsidiary questions to establish his descent beyond all doubt. Thus, if a man tells you that he is a member of *cieng* S in answer to your question, "What is your *thok dwiel?*" you can then ask him whether the line of descent through males from S is his true lineage (*thok dwillun pany*) or whether his family are of different descent and have simply aggregated themselves to the lineage from S. You try to establish his real origin (*kwackien*=their reeds or clan origins). 6/3

Hence one's questions take something like the following order :—

Codu coal edi?	... ...	What is your name?
Coda coal e Nhial	... ...	Ny name is Nhial.
e jin ram cieng nga?	... ...	What is your village?
ghan ran cieng Muot Dit	...	I come from Muot Dit village.
wocdun e woc nga?	... ...	Which is your cattle camp?
wocda e woc Titcuong	... ...	My camp is the camp of Titcuong.
e jin gat nga?	... ...	Who is your father?
ghan gat Titcuong	... ...	My father is Titcuong.
thok dwillun e mith?	... ...	Which is your lineage?
thok dwillan e Cieng Rue	..	Our lineage is the RUE lineage.
Cieng Rue babdion coaledi?	...	What is the lineage of which the RUE lineage forms part?
babdion e cieng Nyajekany	...	They form a lineage of the NYAJEKANY lineage.
Cieng Rue e thok dwillun pany?		Is the RUE lineage your real lineage?

In the sense in which we speak of "the S lineage" (the lineage from S), his brothers R, T, U, and V, and their descendants are excluded from it. On the other hand, R, T, U, and V, and their descendants are all of the same lineage as S if we take as our point of departure for denominating the lineage an ancestor higher up the line of ascent than S. In point of fact our Nuer (let us suppose he is a son of Z) would be unlikely to give 6/3

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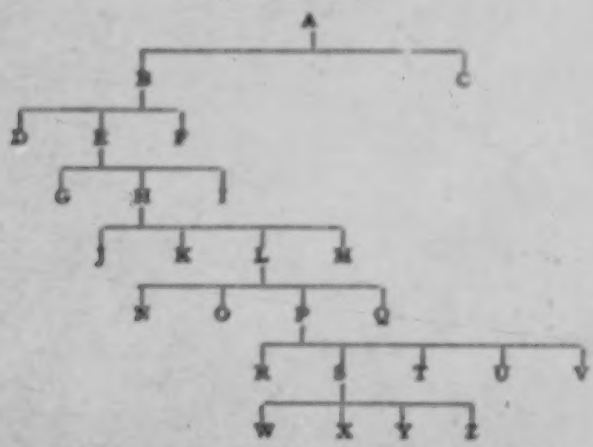
his lineage from S since S is only his grandfather. He might do so, but he would be more likely to choose someone higher up in ascent. Thus, if he says that he is a member of the lineage of P then he counts in his lineage all the descendants of R, S, T, U, and V, through the male line (i.e., themselves, their sons and daughters and their sons' sons and daughters). If he says that he is a member of the *thok dwiel* of L then he includes all the descendants of N, O, P, and Q, through the male line, in his lineage.

DIAGRAM No. IV.



(All the persons represented on this diagram are males.)

Seen diagrammatically this seems a very simple exposition, but it is hard to understand when one is living among the Nuer. This is chiefly due to the fact that the Nuer make use of a word like *cieng* or *thok dwiel* to describe a number of things which we need to distinguish more precisely by use of varied terminology, but it is also due to difficulty in grasping the intricacies of the Nuer genealogical system. Nuer usages are easier to understand if English terms are employed to describe social groups instead of native terms and if the essential characters of the lineage are constantly borne in mind. A lineage is a group of agnates, i.e., everyone descended through the male line from a given individual. A man cannot, therefore, be a member of his mother's lineage.[1] A woman

[1] Except when a woman founds a line of descent, a feature not dealt with in this paper. Even then descent is traced through males to the ancestress of the lineage.

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613 is a member of her father's lineage, but her children are of her husband's lineage, hence a woman and her children belong to different lineages—*mulier est finis familiæ*. A lineage, moreover, is not a loose group of people with mutual but undifferentiated relationship, each member extending to all the other members a vague preferential treatment, as is the case with many African clans, but it is a compact group of persons the relationship of any one of whom is different to each other member of the lineage. The exact genealogical position of each member of a lineage in respect to each other member is easily traceable in the network of its genealogical system. Thus, two men, whom we will call A and B, are any two members of the same lineage, but A is not simply B's fellow clansman, his lineal peer, but is related to him by a succession of steps which can be followed by anyone familiar with the ascent of both, i.e., A is perhaps B's father's father's father's brother's son's son's son. We must remember, besides, about the Nuer lineages that many of their members appear by adoption and not by birth and it will be explained later how Dinka captives are incorporated into Nuer lineages by adoption. Lastly, we have to stress the fact that a lineage is always a relative term since it depends upon how far up the line of ascent the ancestor, from whom all members of the lineage are descended, is chosen. Hence, two 613 lineages which are separate and opposite in relation to each other are 614 single and composite in relation to a third. Every male Nuer is (1) a member of his father's lineage, and (2) the potential founder of a lineage of his own. In fact, however, not every Nuer reaches the dignity of being regarded after his death as the founder of their lineage by his descendants and they will not necessarily call their village after his name. Here and there in a group of brothers and cousins one man or one line of descent proves dominant and gives his name to the village in which they all live. The descendants of his brothers and cousins as well as quite unrelated people who have come to live in that village now speak of themselves as members of *ciang* so-and-so and owing to the tendency, which I have already noticed, for the kin who live together to become identified with the village in which they live, all villagers tend to speak as though they have a common lineage even when their claims are quite fictitious. In the case of descendants of brothers of the man after whom the village is called there is, however, a definite merging of the kin into one lineage. In this situation the brothers are regarded

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613 614 as though they were equivalent. Many collateral lines are lost by this process of merging in which they come to regard one of their ancestors as though he was the common ancestor of them all.

I shall refer in this paper to major lineages and minor lines. A certain degree of latitude must attach to these expressions since it is impossible, owing to their variations, to use them with complete precision. By minor lineage I mean the ancestor to whom the Nuer refers in answer to your question, what is his *tiek dwiel*, i.e., the first descendant in their common line of descent to whom a large number of families refer as their common ancestor and whose name is the name after which their village or district is called. Thus a large number of families in the Lou tribe will tell you, if you ask them what is the name of their *tiek dwiel*, that they are members of a *ciang* PUAL (in this sense meaning that they are members of the PUAL lineage). Some of the families may sometimes speak of themselves as members of a lineage called after some ascendant nearer to them than Pual, but this is generally because in the special context in which they are speaking they are contrasting their section of PUAL lineage with another section. On the whole, the normal designation for all these families is *ciang* PUAL and the first emphasis placed upon any ancestor by present-day Nuer of these families is placed upon Pual. By major lineage I mean a larger lineage of which a minor lineage forms only one line of descent among other lines of descent from the same ancestor. Thus Pual is not only the founder and highest ascendant of the lineage called after him, but he is himself the descendant of another lineage. Having discovered that your informant is really a member of PUAL lineage (*see* diagrams Nos. V and VII) and is not merely a man of different descent living among them in their village you can ask him what is the *bab* of *ciang* PUAL, i.e., what is the greater lineage from which the PUAL lineage springs. Your informant will reply that the PUAL lineage forms a section of the GAATBAL lineage and this is what I shall call the major lineage. You can continue to question your informant along these lines by asking him what is the *bab* (the greater lineage) to which the major lineage of the GAATBAL belongs, what is the trunk, as it were, out of which this branch grows. In this particular case your informant will tell you that the GAATBAL are children of Denac, the founder of the clan of the JINACA, but in other cases, your informant may give you a further major lineage before he reaches the clan or main trunk

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Diagram No. VI.
TREE OF DESCENT OF GAAT GAN KIIR Lineage.

Diagram No. V.
TREE OF DESCENT OF GEATNACA Lineage.

[facing p. 32]

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613 from which the different lineages branch out. Similarly, he might have
614 given you a smaller minor lineage before giving you *cieng* PUAL in answer to your first question, what is his *thok dwiel*; *e.g.*, he might have said that he was a member of the KWOOTH or MALUAL lineages (shown in the accompanying tree, diagram No. [illegible]). Each lineage is a branch in relation to the twigs which shoot out from it, but is a twig of the larger branch from which it sprang. The following two trees of descent are appended to illustrate graphically the Nuer system of lineages. One represents a JIMACA (Lou tribe) lineage and the other a GAT GAN KIER (Jekany tribes) lineage. In each diagram only one line of descent is shown from the roots to the twigs, from the clan ancestor to the families of to-day, but the other main branches and boughs, the other major and minor lineages, are indicated where they leave the stem.

These trees and genealogical tables may be compared with the maps (Nos. III, IV, and V) which show the distribution of tribal sections among the Lou tribe and the Eastern Jekany tribes.

614 The descendants of Nyaang, son of Denac, form the nucleus of the
619 Gaaliek primary section; the descendants of Bal, sons of Denac, form the nucleus of the Gaatbal primary section; the descendants of Dak, son of Denac, form the nucleus of the Rumjok primary section. The only sections shown on the map which are not accounted for in the genealogical tree and table are the Jaajonk and Jimac sections which have clan nuclei of foreign origin.

We must guard against thinking that because most of the Lou primary sections are called after sons of Denac that they are solely composed of these lineages. This would be a serious error, as in all probability true descendants from Denac in these sections are in a small minority. Large foreign lineages are included in the areas designated by a title taken from any of the sons of Denac (e.g., the THIANG lineage in the Gaatbal primary section) and there are innumerable families of stranger (Nuer) and Dinka descent clustered around families of true GAATNACA origin. Thus, if one visits the villages or cattle camps owned by minor lineages which spring from the GAALIEK major lineage, the lineages of LÖNGNGUÄR, NYAANEN, KUOOK, one will find them occupied by a relatively small number of members of these lineages while most of the residents will be found to have sprung from other Nuer and Dinka clans.

[See facing pp. 10, 18, 30, category 116. -- Analyst]

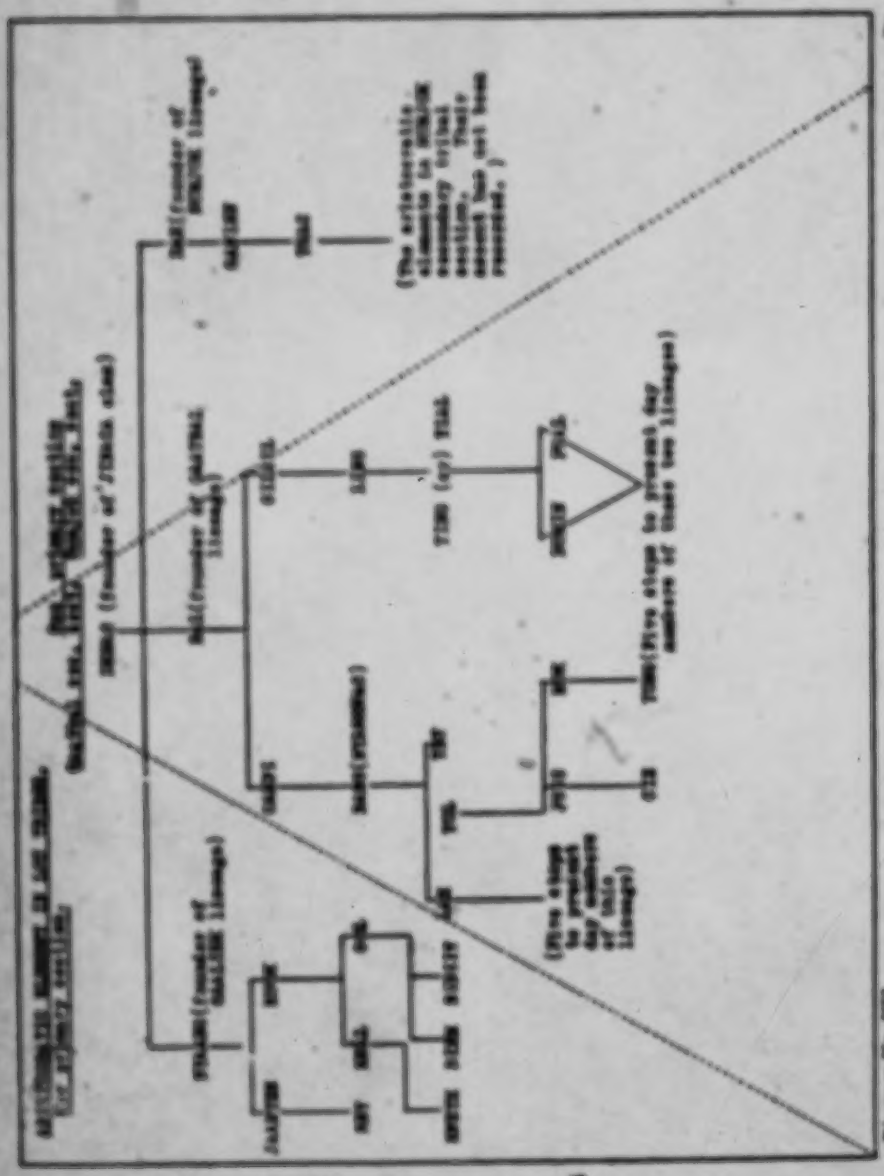

Diagram No. VII

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[facing p. 34]

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their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their families. But when they belong to the same minor lineage they recognise their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical ascent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAW KIR of the Jikany tribes, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

Consequently one cannot say that relationship ends with the clan or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the "Homeland Nuer" to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

I will condense here the main discoveries of Mr. Jackson in this field, together with the writings of the late Capt. Fergusson and notes taken by myself. There figure in all accounts certain mythical persons who link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Ghaak, two brothers who are possibly to be

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619 some Bany (bull(ock) name *ma lou*), Yini (bull(ock) name *ma rengyan*) and
614 Thiang, a genealogy which differs from those already given in this paper. Only detailed research by several observers in different areas can finally solve the problems, for solutions cannot be deduced satisfactorily from our present data.

In our account of the tribe we explained how a continual process of fission is going on and how when we speak of a tribe we are using a relative term, since it is difficult to know whether we should speak of a single tribe with moieties or of two separate tribes. Exactly the same process of segmentation is going on within the clan, since a tribe is a political aggregation round a clan or clan lineage. Thus the clan, like its political superstructure the tribe, is also going through a constant process of integration and segmentation. Division into lineages here corresponds with territorial division into tribal sections. Our statement that the larger the territorial area covered by a tribe or a tribal segment the weaker its cohesion finds its kinship counterpart in the tendency for the solidarity of a lineage to weaken the more it expands. Weakening bonds of kinship re-enforce spacial division in destroying communal interests in tribal life just as spacial division re-enforces widening kinship breaches in undermining community of blood. For example, the division of the Lou into two moieties of Mor and Gun is not simply a political and spacial division but is also a kinship cleavage between the descendants of three sons of Demac, Nyang, Dak and Bal, or to state the position in other terms, the division between the sons of Nyang, Dak, and Bal is not simply a creation of genealogical distance but also of political and spacial distance.

619 The clan itself has practically no social cohesion; a major lineage
614 has greater cohesion than the clan of which it forms part but less cohesion
621 than one of the minor lineages into which it is divided. A minor lineage has great solidarity as has the village or district which represents the minor lineage with its political aggregate clustered around it. Here close ties of blood are backed up by community of daily life. Thus the GAT NACA display little communal feeling in their social behaviour, the major lineage of GAATBAL on the contrary, owing to their symbiosis, their common political and economic interests, and their close kinship bonds, show a much stronger tendency to regard themselves as a distinct social group.

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A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MÄR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation.

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units.

DIAGRAM No. IX.

Clan + aggregate of strangers	=	Tribe.
Major Clan lineage + aggregate of strangers	=	Primary tribal section.
Minor " " " "	=	Secondary tribal section. Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Denac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the LOU JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since Lou and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the Lou JINACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we

[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.

19: Butt E-4 (No date) 1952 F 322 Nuer F 322

Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolize the unity and exclusiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called tut (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A tut is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality. 624

The gut tuet is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an amorphous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 613

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral 613 [614]

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

15: Butt E-4 (No date) 1952 F 222 Nuer F 222

613 lineages of the same branch in relation to a collateral branch.[1]

621 Although Nuer lineages are not corporate, localised communities,
613 they are frequently associated with territorial units.[2] Every Nuer village is associated with a lineage, though the members of it may form only a small part of the population. The village community is identified with, and called by the name of, the lineage which forms the agnatic core to which the other families and lineages are aggregated. For everyday purposes the position of this dominant lineage does not appear to be very different from that of the other lineages in the community. It is only in connection with certain ritual matters and in reference to rules of exogamy, that lineages are completely autonomous groups and become clearly differentiated from each other. Lineages function within, and as part of, local communities of all sizes, from the village to the tribe.

THE DOMINANT LINEAGES
STRANGER LINEAGES

613 When a tribal section is called after a lineage it does not follow that all the members of the lineage live there, though the majority may do so. It merely means that the lineage is a dominant one, the nucleus of the community, although large stranger lineages are often included in the area.

Migration, quarrels, intermarriage and so forth, have caused a dispersion of lineages. If, for some reason, a man or a group of brothers leave their village, they may go and live at the village of a married sister. Here they are respected as *jiriengthu* (in-laws) and their children are accepted as *gaat nar* (children of the mother's brother). The people they join are to them *riang ruaar* - 'the people of my sister's husband', and *gaat ayol* - children of a female agnate. Except for ceremonial purposes, they will enter into close relationships with the dominant lineage of the community. However closely associated lineages may become, a lineage never merges into a different clan, for there are always certain ritual observances which cannot be shared; and only a certain amount of inter-marriage may occur, for otherwise the incest rules would be violated. A lineage can only merge with a collateral lineage of the same clan.

614 The close association between lineages and territorial segments,
613 which constitutes the political importance of the clan system, is seen in the correspondence between the segments of a dominant clan and the tribal or territorial segments.[3] A certain tribe has a dominant clan associated with it. The maximal lineage of the clan corresponds to the primary sections of the clan; the major lineages correspond to the secondary sections, the minor lineages to the tertiary sections and the minimal lineages are associated with the villages comprising the tertiary sections (see above p.140). The dominant clan is therefore a framework on which the political system of the tribe is built up through a complex series of kinship links.[4]

(1) See Evans-Pritchard, *The Nuer*, 1940, pp.192-3, for full discussion of the segmentation of lineages and underlying structural principles.
(2) Evans-Pritchard, *The Nuer*, 1940, p.202.
(3) *Ibid.*, pp.211-12. (4) *Ibid.*, pp.205-12 for further details.

DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel, rul* and *jaang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tot* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 607

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 615 554

A Dinka adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

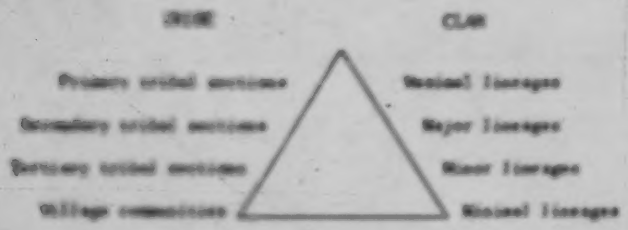
Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originating agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 615 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.270.
(2) *Ibid.*, p.290.

15: Box E-6 (No date) 1952. F322 Nuer F322

621 621 621 not corporate groups but are entailed in local communities through which they function structurally.[1] The tendency towards the co-ordination of territorial and lineage segmentation can be seen in various stages of territorial expansion between the household and the tribe.[2]



The union and interaction of the various tribal segments and the underlying principles of opposition and fusion are seen in operation when disputes and cases of homicide are dealt with, and in times of feud and war. This acephalous kinship system has a determining influence on the nature of the age sets, on the rules of company, on the character of kinship, on the people, and indeed on every aspect of Nuer life.

NUER NAMES

551 Every Nuer has a personal or birth name *(cot pany)* which is given without ceremony by the parents shortly after birth; he may have a second personal name given by his maternal grand-parents. In later life, he is addressed as *gaw* (father) by the younger generation. In addition, everyone inherits a *cot p-nak*, an honorific or praise name of the clan of his father, which is used mostly on ceremonial occasions. A man's maternal kin will tend to use the honorific name of the mother's clan.

At initiation a man acquires an ox name derived from the colour or characteristics of the ox given him on this occasion by his father. A man is given his ox name by his age mates in particular. Maidens take ox names from the bulls calved by the cows they milk, but these are seldom used except at dances.

A dance name, nickname, or traditional name may be used in conjunction with ox names at dances. In addition a man is often addressed as 'son of --' followed by the name off his father. Among maternal relatives the matronymic is used instead of the patronymic used among paternal kinsmen. A man is called after his elder son by his in-laws, while a woman who has status in her husband's home (in virtue of having borne him a child is addressed by the name of her eldest child. A Nuer, therefore, may be addressed by a number of different names or titles. The one actually used on any occasion depends on the: age, relationship, and clan of the speaker, and also on the response and mode of behaviour which it is intended to evoke.[3]

(1) Evans-Pritchard, *The Nuer*, 11940, p.240. (2) *Ibid.*, p.248.
(3) Evans-Pritchard, *Uganda Journal*, 1948, Vol.12, No.2, p.166.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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when speaking of them and I have used small instead of capital first letters in writing their names. This enables me also to maintain more clearly the distinction between God and other spirits, though strictly speaking, and following the gender of *pneuma*, the neuter is not inappropriate for any conception of Spirit. 776*

II

With the exception of *buk* and *col*, who are of some general interest to all Nuer, the spirits of the air are not conceptions of the same importance for everybody, and in this respect, as in others, they are unlike the conception of God. They have a more general significance than the totemic spirits, which are important only to certain lineages, whereas the spirits of the air are not tied to particular social groups. Nevertheless, a certain spirit of the air is significant for certain persons and families and not for others, because unless it has at some time or other possessed a man or one of his family or forebears he does not feel that he is personally concerned with it. 776* 613

Possession is generally known by sickness, though in the case of prophets it may also be known by abnormal behaviour. Sickness, usually, I think, of a severe and sudden kind, may be diagnosed as being due to a particular spirit and the sufferer may in future, after he has recovered, regard it as one of his personal *kuth*; and then his descendants may continue to revere it. These two ways of acquiring a spirit, by being possessed and made sick and by inheritance, are interconnected, because an inherited spirit often shows that it regards itself as still attached to the family of a man after he has died by causing one of his children to fall sick, and it is likely to be neglected and forgotten if it does not occasionally remind the family of their obligations by troubling them. So when Nuer fall sick they may, if they cannot establish the cause, with the aid of a prophet or diviner examine their heredity to discover whether one or other grandparent, very likely a Dinka, may not have had a spirit whom they have forgotten or not thought important and who is bringing their negligence to their notice by the sickness. 776* 753

Spirits may thus pass in and out of families, be forgotten and then remembered again, and perhaps in many instances forgotten altogether in course of time; or in other instances they may become 776* 177 613

*776 177 613 spirits of small lineages and their families, especially of lineages of Dinka descent. The fact that they are not found as spirits of larger lineages is perhaps further evidence of the late introduction of these spirits into Nuerland.[1] I speak here of ordinary Nuer, many, perhaps most, of whom do not in any case, particularly to the east of the Nile, have any special relationship to one or other of the spirits of the air, though they may have relationships to spirits of other kinds. In the case of prophets, their spirits are most unlikely to be forgotten and pass out of their lines of descent altogether.

*776 791 753 Seizure of a man by a spirit may be temporary or permanent. When it is permanent the possessed person becomes a prophet. It will be simpler if I describe temporary possession first. Spirits cause sickness to their devotees and sometimes to others, and illness is often, especially in western Nuerland, attributed to them. If it is thought to be due to a spirit but there is uncertainty which particular spirit is responsible, the relatives consult a prophet or diviner to determine the responsibility, so that sacrifice may be made to the right spirit. They give it *duor*, a thing, as Nuer say—that is, they sacrifice to it to appease it. The sick man's recovery means that the spirit has released him. If he has not already done so, he then dedicates an animal to the spirit to show it that he is aware of their special relationship, and from time to time he makes sacrifice to it to let it know that he has not forgotten it. Otherwise it may cause trouble again.

I will describe what happened at a ceremony held when a youth called Galuak, of the Leek tribe, was sick on account of his having been seized by the spirit *nai*. This spirit, whom I have only heard mentioned in western Nuerland, has, as I have earlier remarked, a special association with ostriches, to which it is said to be very partial. When an ostrich is killed those who have a special relationship to the spirit tie some of its plumes to the entrances to their byres. When I asked whether *nai* would not be angry at the killing of one of its birds I was told that it cares nothing for the body of the bird, only for its plumes. Prophets of *nai* decorate the shafts of their spears with ostrich plumes. *Nai* seems to be regarded as one of the most inferior of the spirits of the air.

[1] Further evidence is the fact that while people are now often named after the spirits, especially after *deng*, these spirit-names do not occur at the upper levels of Nuer genealogies.

and a number of kinsmen and neighbours were present, one of whom, Dhoal, was asked to preside because he was a leading man in the community. He began by pouring some of the beer out of the gourd over the tethering-peg of the cow devoted to *deng* when Karlual shouted to him to wait till they brought him a ladle. When it was brought, he poured a libation with it over the peg. A small son of Karlual was then told to do the same and afterwards to drink what was left in the ladle. Then various kinsmen also poured libations over the peg and all present poured beer into their hands and threw it into the air, an act called *kith*. The people then sat around the gourd and drank the remainder of the beer while they discussed family affairs.

All kinsmen who can do so should attend a ceremony of this kind, especially close agnatic kinsmen, for this is an occasion when kin are expected to reveal any resentment they may have in their hearts towards one another. Each tells the others where they have been at fault (*duer*) in speech or act during the past year, and the issues raised are then settled peacably by discussion. A man must not keep a grievance hidden, and if he does not reveal it now he must for ever keep silence. Nuer say that all the evil in their hearts is then blown away. I think that this is the meaning of the throwing of beer into the air. They also say '*giakni dial ba kē bap e yang*', 'all evils (which they have done to one another) will be gathered to (or taken over by) the cow'. All present place ashes on the back of the beast, probably an ox, and it is then cleansed by sprinkling or blowing beer on it. However, I did not see this part of the ceremony because owing to the lateness in starting it the beast had gone to pasture with the rest of the herd. I was told that it was performed in the afternoon when the herd returned from grazing.

III

In what I have said so far about the spirits of the air I have been speaking of their relations to ordinary Nuer. Sometimes a spirit possesses a man and when he has recovered from the seizure abides with him, giving him powers of healing, divination, exorcism, and foresight. I discuss the functions of these prophets in Chapter XII. Here I give only such information about them as is necessary for an appreciation of the spirits which possess them.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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and kept apart. The distinction is made very clearly in what Nuer say of a *colwic*—that he is a person who has become Spirit. They say of him that '*coa kwoth*', 'he has become Spirit'. 776 ×

Having become Spirit the soul of the dead person is now not only a spirit but, as a spirit, part of God, who is all Spirit, and also, when Nuer think of the manner and instrument of death, of God conceived of in his hypostasis of *col*, the spirit of lightning. We are here faced with the problem I have been discussing with regard to the spirits of the air and which I discuss again in more general terms in Chapter IV. Each *colwic* spirit is a quite distinctive being, bearing, if it is remembered and revered, the name it had on earth as a person, so that one can say that a sacrifice is made to one particular *colwic* and not to another. But, here again, one cannot say that sacrifice is being made to a *colwic* spirit and not to God or to God in the figure of *col*. The argument developed in reference to the spirits of the air holds also for the *colwic* spirits. The relation of these spirits to God is not a disjunction, an either . . . or, but a conjunction, a both . . . and. A *colwic* is itself and it is also God.

We may develop the argument a bit further. If a *colwic* is God it is God thought of with reference to a particular family or lineage. It is true that, as we have seen, in relation to the awesome event, the death by lightning, all who had any social connexion with the dead person are involved, but when the ceremonies I have described are over they cease to be. Afterwards only members of the spirit's family and lineage are concerned with it. A *colwic* which has become the patron of a lineage is not revered by members of other lineages. It has significance for that lineage alone. Hence there is here an important difference not only between a *colwic* spirit and Spirit comprehensively conceived of as God but also between a *colwic* spirit and a spirit of the air. The spirits of the air are much more general and mobile conceptions. Though they may be of direct concern only for those persons, families, and lineages to which they have attached themselves they may attach themselves to any person, family, or lineage and indirectly, through the political role of their prophets, they can be of importance for local communities. The *colwic* spirits, on the contrary, are confined within the narrow limits of families and lineages. They cannot attach themselves to persons who are not members of their own families and lineages. We begin to see how 776 × 613 ●

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x 776 the conception of Spirit is refracted by the social structure, and
●613 this will be more clearly seen when an account has been given in the next chapter of the totemic and totemistic spirits, which are also patrons of lineages, families, and persons and of significance only for those lineages, families, and persons to whom they stand in a tutelary relationship.

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the word to denote a relationship between a social group and a natural species or a class of objects and 'totemistic' when the relationship tends to concern individuals rather than social groups. The distinction is not, however, a vital one and need not therefore be rigorously maintained; and such being the case, the word 'totem' may serve to denote the species or class in both instances. The same species, that is to say, may be the totem of a lineage (a totemic relationship) or of individuals (a totemistic relationship). I use the expressions 'totemic spirit' and 'totemistic spirit', as the case may be, to designate the *kwoth* of the species or class which is totem to a group or individual. Nuer distinguish between the spirit and the creature in which it may be said in some sense to make its appearance, for example, between the lion-spirit and the lion. It is to the spirit and not to the creature that Nuer devote cattle of the bridewealth of their daughters and to which they make sacrifice. Before discussing this problem further I give some examples of relationships between lineages and the natural species they are said to respect and from which they sometimes take their spear-names and honorific titles.

Some lineages respect lions. One of them, the *Leng* lineage of the Jinaca clan, say that the lion is their totem because their ancestor Gilgil was born twin to a lion. When they sacrifice to the lion-spirit, they are said to take a leg of the victim into the bush and leave it there, calling on the lions to come and eat their share, which I have heard described as the share of the *jibuthni*, the people of a collateral lineage (p. 287). I fancy that what is meant is that a token piece of meat is thrown into the bush and that it is spoken about as a leg. It is said that if a man who has the lion for totem injures a lion he may beget a son with nails like claws. I was told of a man that he took a spear belonging to a member of the Leng lineage, a neighbour of his, and killed a lion with it, and that shortly afterwards another lion killed a number of beasts of the Leng man's herd. It was proposed that the people should go out to hunt the animal, but after discussion it was decided that it would not be just to do so because the lion had right (*cuong*) on its side. Instead, the man who had killed the first lion with the spear of its totemic kinsman compensated him for the loss of his cattle and a sacrifice was made to the lion-spirit. After compensation and atonement had been made the second lion gave no more trouble. My friend Cam of the village of Yakwac

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on the Sobat river was born of a woman of the Leng lineage and has, moreover, married a wife to the name of his maternal uncle and begotten children to him by her; so, though he is not himself a man of the Leng lineage, he has intimate ties with it, and he lives with its members. His brother told me how one day Cam killed a lion which he believed to be killing his cattle, for, his brother commented, 'Cam has no sense at all'. He returned from his successful hunt bending his fingers like claws and crouching as though he intended to spring on the people around him. A sheep was at once sacrificed to the lion-spirit, and Cam composed himself. While I was living in a cattle camp at the same village of Yakwac, which is occupied by part of the Leng lineage in the dry season, a girl of the lineage was taken hold of by the lion-spirit and had hysterics. Her family sacrificed a sheep to the spirit and dedicated a cow to it, for the seizure was thought to have been due to their failure to dedicate a cow to it earlier; and the girl was restored to her normal self. The Thiang lineage of Kurmayom village, also in Lou country, are another lineage whose totem is the lion, and they told me that they would not kill lions unless the lions first killed their cattle, for then the lions would have done wrong (*dwir*) and they would be in the right (*cuong*) in retaliating. This lineage has *mut luony*, spear of lion, for its spear-name. Another friend, Rainen of the Leek tribe, told me that he used to respect lions because his paternal grandfather's mother had been born twin to a lion in Dinkaland (she was a Dinka), the lion twin having run away into the bush. He said, however, that he had ceased to respect them when they began to eat his cattle. He conceded that the lions which ate his cattle were small lions from Dinkaland and not the large lions of Nuerland, but he felt he had been wronged by lions as a body and now refused to respect lions of any kind. He said '*ce theak thuk*', 'the respect is finished'. The same man told me that in the past, before lions began to eat his cattle, he had sometimes tied up a goat in the bush for them, and they had taken it. In the terminology I am using he had a totemistic relationship to lions. I have no certain knowledge that any mammalian species besides the lion is the primary totem of a Nuer lineage. The waterbuck, as will be seen later, is a secondary totem of a large clan.

776 × 613 ● 782 [828]

A considerable number of lineages respect reptilian species. The large lineage of the Lak tribe who are known as *cieng* Gangni

776 × 613

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776 respect the monitor lizard. The story is told that long ago some
●613 people of *cieng* Gangni were dying of thirst on a journey. They were wandering, light-headed with thirst and the heat of the sun, when they saw a monitor lizard in a *thep*-tree (*Acacia verugera*). They intended to kill it but it escaped them and following it brought them to water, to which, being a water creature, it naturally made. Ever since, their descendants have respected the lizard and dedicated cows of their herds to the lizard-spirit. I was told that if there is one of them present when a Nuer of a different clan kills one of these lizards, as apparently sometimes happens, he throws a bead or some grass on to its body to make recompense (*ba je col*), because he saw his totem killed. I was told also that should a man of *cieng* Gangni knowingly eat of its flesh he would die, while should he eat of it unknowingly he might fall sick or become crazy. Nuer also say that should a man who respects the lizard harm it he may beget a child with deformed legs resembling the legs of the lizard. The *cieng* Gangni also respect the *thep*-tree for the reason given in the story I have related and, though why I do not know, the *keac* tree (*Crataeva religiosa*) and *pak*, the Dead Sea apple (*Calotropis procera*). One of their spear-names is *mut thep*, the spear of the *thep*-tree, and one of their honorific titles is *gat thep*, son of the *thep*-tree.

There are a number of lineages in different parts of Nuerland who respect crocodiles and dedicate cows to the crocodile-spirit, the Cany major lineage of the eastern Gaajak being one of the largest. The reason given for the totemic relationship is a twin-
[773] birth of an ancestor with a crocodile's egg, the egg having been placed in a stream. I was told that a twin-birth of this kind may occur at any time in a lineage which respects the crocodile. Mem-
[782] bers of these lineages are said sometimes to milk the cows dedicated to the crocodile-spirit and to pour the milk into a stream in which there are crocodiles. One of their honorific clan-names may be *nya nyanga*, daughter of the crocodile. It is said that should a man who respects crocodiles harm one of the reptiles without cause, or eat its flesh, he may beget a child with a rudimentary arm resembling a crocodile's leg; and I was told of a woman of one of these lineages who ate crocodile flesh, thinking that it was turtle flesh, and afterwards bore a child so deformed that it had to crawl on its belly. Those who respect crocodiles enjoy a special immunity from their attacks and I have been

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assured by old men when about to wade through crocodile-infested streams that I need have no fear, because people whose totem was the crocodile lived nearby, and they contrasted the benevolence of their local crocodiles with the savagery of crocodiles in other districts. When once I remarked to a Nuer about a man fishing far out in the Sobat river, in a place I knew to be infested with crocodiles, that I thought he was taking a big risk, my companion simply replied 'maybe he respects crocodiles'. I have also been told that men of these lineages call the reptiles out of the water and stroke them. There can be no doubt that people who have the crocodile for totem are regarded by other Nuer as having some control over them. They are summoned by their neighbours to perform a rite to prevent crocodiles from attacking them or their flocks and herds when streams and rivers must be crossed. The *gwan kwoth nyanga*, the person who possesses the crocodile-spirit (who has the crocodile for totem), bends a metal bracelet till the ends overlap and binds them in this position with grass, and then presses the bracelet into the river mud, calling on *gwandong*, grandfather or ancestor (in this context, the crocodile-spirit), to let the people pass over in safety. This operation closes the jaws of the crocodiles while people and cattle are in the water. He may also, on certain occasions, as when a stream is being fished, bind a goat and push it under weeds and reeds into the stream for the crocodile-spirit at the same time as performing the bracelet rite; and it is said that he must then sit on the bank and abstain from drinking water while people are still in the stream.

A large number of small lineages in Nuerland respect snakes. All those whose descent I was able to trace are of Dinka origin. Some respect *nyal*, the python. Those I have asked about their totemic affiliation have told me that a python was born as twin to their ancestor. When they sacrifice to the python-spirit they take a goat to the edge of the stream and there kill it, in imitation of the python's killing of its prey, by blocking its mouth and nostrils and bouncing on its belly till it suffocates. They throw a piece of the sacrificial meat into the stream and another piece towards the land. They boil the rest of the meat, taking care that no soup of the boiling is spilt, and eat it. A senior man then sharpens a new cattle-peg and, after driving it into the ground and winding grass round it, pours some of the blood of the goat at its foot, asking the python-spirit to take its 'cow' and let the

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people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

Another snake respected by a large number of small lineages of Dinka descent is *lualāit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *duor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a beast dedicated to the spirit of cobra should

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bodies and kill them as other Nuer do, but they carefully remove them and place them on the ground. When my camp in the eastern Jikany country was overrun by these insects and I tried to drive them out with fire, some men whose totem they were protested, and they requested me not to harm the ants. When a man sees his totem being harmed he feels it an obligation to make a formal protest and he may ask for a gift to remove the offence, but he does not make it occasion for a quarrel. Miss Ray Huffman relates (in a letter) how many years ago she and a fellow missionary, Mr. Adair, killed a cobra just outside the Nasser mission compound. The people of the homestead where it was killed showered grain on its body to cover it 'so the god in it would not be angry with them for letting it be killed'. However, I should record Mr. Jackson's statement that a dispenser of Malakal hospital, presumably a lad of some foreign people, 'was travelling with a party of pedlars [presumably Arabs] and killed a snake which he came across. Although only a boy he was at once attacked by the Nuer of the Longaish section and beaten into unconsciousness.'[1]

Some lineages, also of Dinka origin, have the spitting viper, *thatut*, for totem. I have been told that there are some Nuer who respect the snakes called *gur* and *dengcek* (the puff-adder), and it is possible that other snakes are totems. The small Cuor lineage of Dinka descent in Leek tribal area have the serpent *lou* for their totem. This huge, and presumably imaginary, creature is said to frequent streams and to have a comb like that of the crested crane and hair on its head which waggles from side to side as it swims in the water. Members of this lineage say that their ancestor was sleeping in a hut with his wife and small child when one of these serpents came through the doorway and lay across them. The wife woke up and swooned at the sight of it. Later the man woke up, and finding his wife unconscious, but without seeing the serpent, promised God an ox for her recovery. Afterwards he saw the serpent and dedicated a cow to that serpent-spirit, and his descendants have respected the *lou* ever since. One of them, a man called Dol, told me that he once speared a *lou* by mistake, thinking that the movement he saw in the water was that of a fish, and was brought home prosrated. He recovered after sacrifice had been made.

be a brown beast calved of a brown beast. The snake is called *lualdit* on account of its brown (*lual*) colour.

[1] Op. cit., p. 167.

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×776 ●613 773 I have been told that there is a small lineage, called Waloak, in eastern Gaajok country who respect tortoises. There is a curious story accounting for their adoption of this totem. A man of the lineage had his cow taken by a man of a neighbouring village and his repeated requests for it to be returned to him were unavailing. One day when he was going to the river he found a tortoise and wrapped it in a sheepskin. He continued on his way, and as he was passing the village of the people who had taken his cow, he took the opportunity of once more asking for it. They refused his request, but at that moment the tortoise poked its head against the skin pressing it outwards. The man bent over it and told it to be quiet as it would get its share that day. Again he asked for his cow and again it was refused, and once more the tortoise wriggled in the skin and was told to be quiet. The people of the village then became frightened because they thought that the man had some powerful medicine in the sheepskin and that, if they did not give his cow back to him, they might die with their children and cattle; so they surrendered the cow. The mention of medicine suggests a recent origin for the story.

× 776 613 Some lineages respect birds. The Jibegh of western Nuerland respect the ostrich and will not use its feathers as ornaments. Their spear-name is *mut wuot*, spear of the ostrich. It is said that ostriches will not eat the millet of members of this clan. [826] I once met a man with only three toes, stocky and undeveloped, to one of his feet. I was told that his maternal grandmother had the ostrich for totem, and that on the day of her daughter's marriage one of the bridegroom's people, as is the custom, threw a spear at her mud windscreen. She took the spear as her right and on examining it found that part of the shaft was bound with ostrich-skin. When her daughter bore a son he was deformed as I have described. The ostriches—or, rather, the spirit of ostrich—had stamped the likeness of an ostrich on the child.

Some small lineages of Dinka origin respect cattle egrets. One such lineage are the Rial of western Nuerland. I also met Lou [782] tribesmen who have the cattle egret for totem and I was present when some of them sacrificed a goat to the cattle egret-spirit on the bank of the Sobat river, not because anyone was sick, which is a common occasion of sacrifice to a totem-spirit, 'but just because they think of (*tim*) it'. This spirit is said to be a river-spirit

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because they sacrifice to it at the river's edge, near which cattle egrets are generally to be seen. 776x 613

I am uncertain whether the many little species of birds the Nuer class together as *kec*—weaver-birds (the Sudan dioch), finches, and others, known collectively in the Sudan as durra-birds—are rightly regarded as the totem of lineages or whether the spirit associated with them is possessed by individuals and not by groups. It may be that only the son who takes on the ritual functions of a *gwan keca* or *gwan kwoth keca*, an owner of durra-bird or an owner of the spirit of durra-bird, respects these little birds, and not all his sons or all members of his lineage; but I believe that they are respected by small lineages of Dinka and Anuak descent and therefore include them in the list of Nuer totems. The Nuer class, as we do, all these little birds together because they feed together on millet seed. They may be seen to rise in swarms from the millet gardens and, whilst in most years Nuer pay little attention to them, they are in some years so numerous and destructive that the entire crop is threatened. It is then necessary to protect it by posting boys, sometimes on platforms erected for the purpose, to scare them off. The owners of the threatened gardens may also summon a man who respects the birds to induce them to depart. He takes some stems of millet of different varieties from each of the gardens of the village and, carrying this bundle, heads a procession of the villagers to where the gardens meet the bush. There he utters an invocation over the goat, telling the birds that it is their cow and exhorting them to turn towards the bush where they will find plenty of grass seed to eat, for that is the millet of the birds. He tells them that the people have come out of their village to greet (*lor*) them with a 'cow' (goat) and requests them to leave the millet alone. When he has sacrificed the goat to the durra-bird-spirit he places the millet he has gathered on the ground with their heads facing the bush to show the birds the direction in which it is desired that they should go. I was told that the carcass is left in the bush. On the occasion on which I was present an expert had been brought from some distance to perform the rite, and a local man, who also respected the birds and could therefore have performed it, felt slighted, and was said to have threatened that next year he would cut stalks of millet before the harvest was ripe. Nuer often cut stalks of unripe millet to chew, but a man who has these birds for totem must not do so lest he cause the birds to devour the crop.

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for totem must not do so lest he cause the birds to devour the crop.

Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuot*-tree (*Cordia Rothii*) and the *koat*, tamarind, tree. The ancestor of this clan fell from heaven holding a branch of the *nyuot*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuot* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyota* or *kwoth kota*, the spirit of these trees. The *nyuot*, a branch of which is often erected in the homes of Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyot*, means 'to drizzle'. Members of the clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyiwar*, *cur*, *lam*, *yiau*, and *gwejual* and can also speak of their spirit as '*kwoth puoara*', 'spirit of our waterbuck', '*kwoth lameda*', 'spirit of our *lam* fish', and so on. I have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abstention. The scattered Jwal clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingop and Keunyang lineages of western Nuerland respect the *ngop* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth ngoapna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was found in a gourd (*kir*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not handle a gourd which still contains its pulp and seed. Nevertheless they use them as utensils for the same purposes as do other Nuer. The clan is of Dinka origin, though it now counts as a Nuer clan. Other plants respected by lineages, usually of Dinka descent,

[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 230.

are the *thep*-tree, papyrus, the *kwel*-tree (*Ficus platyphylla*), and *lel*, the dom palm.[1] 776 613

Some lineages respect rivers and streams. The ancestor of the Juak lineage of western Nuerland, of Dinka descent, is said to have come out of a big lagoon called *gwol*, so his descendants are known as Juak *jigwol* and the honorific titles of their sons and daughters are *gat* and *nya gwol*, son and daughter of (the lagoon) *gwol*. They respect all rivers and streams, and when a man of the lineage intends to cross a river he throws a bead into the water calling on his 'grandfather' (the river-spirit) to accept the offering and bring him in safety to the other side. A woman of the lineage will not take off her skirt when crossing a river as other women do, and unmarried girls, who are naked, place a few wisps of grass round their loins before entering the water. I was told that were a married woman to forget and step into the water naked, and were then to remember her obligation, she would return to the bank and pull off a bead or tassel from her skirt and throw it into the water, telling the river-spirit that she had not purposely offended it and asking it to accept her offering in atonement. The Gaatiek clan also respect rivers, and the Nile in particular because God brought their ancestor out of it. Being *jiyier*, river-people, they respect also the *gwot yier*, papyrus, and will not cut it. Their spear-names are *mut kier* and *mut yier*, spear of the Nile and spear of the river, and their honorific names are *gat* and *nya bar*, son and daughter of lagoon. They dedicate black cows to the Nile-spirit and they sometimes pour a libation of milk from these cows into rivers. When people are taking their families and cattle across rivers they milk one of the black cows dedicated to the river-spirit into a black snail-shell, which a man of the clan then turns upside down at the river's edge and keeps pressed into the mud while the people and herds pass over. This keeps the jaws of the crocodiles closed. In virtue of their relationship to rivers certain senior members of the lineage may also perform a rite for the safety of those

[1] Mr. H. C. Jackson, op. cit., p. 165, records that one of the clans of the Bul tribe respect the tree called in Arabic *duruba*, because their ancestor hid in this tree when fleeing from avengers. It is called *rir* in Nuer and is probably to be identified with *Pseudocedrela kotschyi*. Professor and Mrs. Seligman, op. cit., p. 213, say that the *kac* tree is respected by the Bul Nuer because their miracle-working ancestor used to sit under it, and by the Jidiet clan because their ancestor was killed with clubs made of its wood. They do not on this occasion tell us the sources of their statements.

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taking part in fishing battues. Such a man is called *gwan biedh*, owner of fish-spear, and *kuaar juaini*, priest of grass, because he protects the people by winding grass round the point of a fishing-spear which he then drives into the earth. He also fills a snail-shell with mud and presses it into the mud of the river, and he bends and binds together the points of a metal bracelet and stamps it into the mud. He may also bind a goat and place it in the river as a sacrifice to the river-spirit, which he calls on to protect the people against the dangers of the water. I was told that he must not himself take part in the fishing, but must sit on the bank and abstain from drinking water. He can also heal wounds caused by fish-spears by spitting in them. The Gaatiek clan is probably of Dinka origin.

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The Nyanding river in the eastern Jikany country is the totem of a small lineage of Anuak descent who live on its banks. It is said that once upon a time the river-spirit asked for a bride, and a girl was decked for marriage and thrown into it by her father Juac, whose name means 'grass' in Nuer. This girl who was sacrificed to the river-spirit (*ca je kok yir*) was called Nyanding. I was told that 'she was not drowned, the river took her', and that she became part of the river-spirit. The present 'owner' of the river, Monytuk Joak, a man of this lineage, told me that each year he binds a goat and throws it into the river. He also protects people taking part in large-scale fishing by treating a bracelet and a shell in the manner I have described. When a girl of the lineage is married, a male goat and a female goat are paid as part of the bridewealth. The male goat is sacrificed to the river-spirit and the female goat is dedicated to it.

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FIG. 2
Girl's dancing-stick

Some Nuer lineages respect cattle with certain markings. The Kwok lineage of western Nuerland and their kinsmen among the Atwot people (a section of the Nuer who have to a large extent adopted Dinka culture) will not keep in their herds an animal with *ma teng* markings, that is an animal which has a coloured back but is otherwise white. If one is calved by their cows they

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exchange it, or give it to one of their affines. When I asked whether this might not compromise the daughter or sister to whose husband it was given I was told: 'They have gone over to another lineage (*gol*), they are not your people any longer.' It is related—the theme of the story is widely distributed among the Nilotic peoples—that a man of the lineage went to bathe in a stream and placed his bead-strung girdle on the bank, where a *ma reng* cow came and looked at it while he was bathing. The man saw the cow near his girdle, but he did not see a kite swoop down and carry the girdle away in its claws; so when he discovered that it had disappeared he thought that the cow had eaten it, and he killed the animal and examined the contents of its stomachs in vain. Later someone found the girdle a long way off, where the kite had dropped it, and brought it to its owner, who was then sorry that he had killed the cow. Moreover, the owner of the cow uttered a conditional curse (*biit*) against him, saying that the spirit of cattle with *ma reng* markings would dog his footsteps and would kill him and his descendants were they ever again to drink the milk of cattle with *ma reng* markings, use their dung for fires, or clean their teeth with the ashes of their burnt dung.

The Gaagwong lineage of the Gaatgankiir clan respect cattle with *ma cuany* markings—an incongruous patch of colour in the middle of one of the common markings. The Jimem, or at any rate one of their lineages, the Jiruet, said to be of Dinka origin, also respect *ma cuany* cattle, and they are respected by all monorchids, to whom all cattle with this peculiarity are thought to be dangerous. This Jimem lineage also respect monorchids, both human or animal, and they have *mut tora*, spear of monorchid, for their spear-name.

The Jikul clan respect the hides of cattle. As far as I am aware, they sleep on them as do other Nuer, but it is said that they refrain from beating a hide to get the ashes of their dung fires off it, as other Nuer do, and shake it instead. The ancestor of this clan is believed to have fallen from the sky, wrapped in a fawn-coloured ox-skin, into a pool of water. Hence their spear-name is *mut kuli*, the spear of the hide, and their honorific titles are *gat* and *nya yan*, son and daughter of fawn-coloured, and *nya kuli*, daughter of hide. I have heard it said that a man of this clan will not eat heads of cattle and will not accept compensation in cattle for adultery with his wife. I was also told that should a man of the

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000 sign of spiritual activity, as is also the birth of a calf with *ma cuany* markings.

× 776 We may conclude that Nuer totems tend to be creatures and things which for one or other reason easily evoke the idea of Spirit in any Nuer and are hence suitable symbols for Spirit in relation to lineages; and then the image of the symbol may become through association linked with other images, leading to additional totems. The Gaanwar clan have a special connexion with rain, which is a symbol of Spirit in its special relationship to their [821] clan. The *nyuot*-tree is a secondary symbol which, on account of its peculiar appearance and habits, is associated in the Nuer mind with rain. The waterbuck and several species of fish are further symbols linked to the *nyuot*-tree as secondary totems because, we may presume, they also, in their different ways, are associated with water. An interpretation of the totemic relationship is here, then, not to be sought in the nature of the totem itself but in an association it brings to the mind. Similarly those who respect [825] bees respect them not because they are bees but because their colour resembles to Nuer eyes the python, and it is probably the same with soldier ants and the tree cobra.

As we have seen, in their totemic relationships it is Spirit rather than the totems in which Nuer are interested. In so far as they are interested in the totems themselves it is not in their intrinsic nature but in their character as symbols through which Spirit manifests itself to human intelligence. Consequently, since the totemic attitude is neither derived from, nor primarily directed towards, the things as they are in themselves but the things as representing and manifesting Spirit, Nuer would not be at all surprised at anything being, or becoming, a totem. Anyone may at any time suddenly find himself in a totemistic relationship to some class of objects, and if for one reason or another his descendants trouble to remember and maintain the relationship, then that class becomes the totem of a lineage. Let us consider how Nuer think of totemic relationships coming about.

× 776 I have had frequent occasion to remark that those who respect
177 a totem are Dinka or of Dinka origin, and our discussion of the
● 613 whole problem of Nuer totemism is complicated, as was our discussion of the spirits of the air, by the fact that Nuer regard their totems as having for the most part come from the Dinka. I have often heard true Nuer say that when you find that a man respects

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reptiles and such things as parts of animals and diseases you may be sure that he is a Dinka or had a Dinka mother or grandmother; and I have found this to be so. Hence true Nuer tend to despise many totems, especially reptilian totems, as something Dinka. They say that the *kuth* of Nuer lineages are spirits of the above and not earthly spirits. 'If a true Nuer (*gat dila*) respects (*thek*) a totem (*kwoth piny*) it is because of a maternal link (*cieng mandongni*).' The word *thek* is here used in reference to *kwoth* because it is identified in thought with some hypothetical material appearance which, since it is not specified, cannot be designated. What this statement means is that while true Nuer clans and lineages do not commonly respect things of nature, and especially not things that creep and crawl, an individual may respect them out of regard for a Dinka mother or grandmother. It is supported by the evidence I have recorded, and it may be further noted that those whole clans in Nuerland who respect natural species are generally either of Dinka origin, like the Gaatgankir, or of a peculiar mythological, and therefore possibly foreign, origin, like the Jikul and the Gaanwar. It is also to some extent supported by the common Nuer explanation of a totemic relationship between a lineage and a natural species as having come about through the ancestor of the lineage and a member of the species being born twins. This is a common Dinka explanation of totemic associations.[1] Moreover, the names of totemic spirits, such as *joo, cuar, fadiet, ulengdit*, and *fajook*, are Dinka words. Personally, I consider the great majority of lineages found in Nuerland today with totems to be of Dinka origin. The important point, however, is not so much that they are Dinka lineages as that Nuer regard totems as something Dinka. They have nevertheless become fully incorporated into Nuer religious thought.

In spite of what Nuer say about totems being Dinka they also think of those of clans or large lineages as having come down to them from their ancestors of ancient times. They became attached to certain lines of descent so that not all lineages of the same clan necessarily have the same totems. They were divided up (*dak*) among the different lines of descent. Nuer say that the '*ring kukien*', 'the meats of their sacrifices', spread out along the lines

[1] C. G. and B. Z. Seligman, op. cit., pp. 143–51. The Seligmans were writing about the eastern Dinka. Dr. R. G Lienhardt tells me that the western Dinka have the same belief.

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of descent. Other totems were added later. 'The spirits of their sacrifices (to which they sacrifice) entered into the generations of descent (*kath*).' This might happen in various ways, some of which I have described. An animal or plant, or rather Spirit in and through an animal or plant, helps a man in trouble, and so forth. The commonest aetiology is twin-birth of a man and a member of a natural species. Twin-birth is so stock an explanation of totemic affiliations among the Nuer that when asked why a certain lineage respect a certain species they often, if they do not know any story accounting for the association, say at once and without reflection that it must be because of a twin-birth of this kind. It is only when it would be totally unreasonable that a Nuer rejects this as a likely explanation. In discussing totemism with some Nuer on one occasion one of them told me that he had heard that there were people who respect fire. When I asked whether this meant that a man and fire had been born together my question was greeted with derision: 'How, now, could a woman carry fire in her womb?'

Strange though it may seem to us, Nuer claim that twin-births of men and animals have taken place not only in ancient times but also in recent generations. They may take place even today and occasion no surprise. I had not been long in Nuerland when one morning my Nuer servant Nhial came in some excitement to tell me that a woman of his village, where we were staying, had given birth to a hippopotamus and a male child, both dead. It was too late to see what happened, but I was told that the hippopotamus had been placed in a nearby stream and the child, being a twin and therefore in Nuer eyes a sort of bird, had been placed in a tree. In answer to my questions, I was further informed that it was uncertain whether the family would on account of what had happened respect hippopotamuses in future, though had the child lived he and his descendants would certainly have done so. The reason given for this particular twin-birth was that the woman's husband had killed several hippopotamuses and they had revenged themselves on him by stamping their likeness on one of the twins (*ca gat cal e rau*). In this case, therefore, one is in doubt whether what was taken to the stream was regarded as a hippopotamus in the full sense or not, for animals can stamp their likenesses on a human foetus; but at least the incident shows us how the totemic mentality of the Nuer inclined them at once to

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SPIRITS OF THE BELOW

I discussed in Chapter I Spirit conceived of, in its most comprehensive and transcendental sense, as God, the father and creator in the sky. In Chapter II I discussed the spirits of the air, Spirit conceived of under more particular forms and which falls from above and seizes and enters into men, and through them is associated with political activities. These spirits of the air also sometimes become spirits of lineages. This refraction of Spirit by the social order was even more evident in our discussion in the same chapter of the *colwic* spirits, which are God, or Spirit, in a particular and exclusive relationship to lineage groups. We find the same refraction of Spirit by the social order in the totemic spirits, which are Spirit in a more immanent and material form, beholden in creaturely appearances. Each of the totemic spirits is Spirit in a particular relationship to a lineage, which expresses its relation as an exclusive social group to God in the totemic refraction by respecting the creature which stands as a material symbol of the refraction. The imprint of the social order on the conception of Spirit is very evident in the totemic beliefs and observances of the Nuer. And we see in the totemistic spirits the conception of Spirit refracted to the level of the individual, who besides his general relationship to God, which he shares with all men, and his totemic or *colwic* or air-spirit relationship to God in virtue of his membership of a lineage, may as an individual have a special relationship to God as revealed to him in one or more particular modes and forms.[1]

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In his account, soon to be published, of Dinka religion Dr. Lienhardt uses the word 'emblems' to denote the species and classes of objects respected by Dinka lineages. The word could appropriately be used in reference to the species and classes which are objects of respect by Nuer lineages, and perhaps more suitably than the word 'totems', for what I have described is certainly not what we are accustomed to think of as totemism. Nuer respect the creatures not for themselves—their relationship to them is only secondary—but because they are symbols. But if the totems are

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[1] Much the same conclusion was reached about Dinka totemism by Mr. R. T. Johnston. He says of the *jok*, totemic or totemistic spirits, of the Bor Dinka that 'to not a few people their *jok* is a Bain Deng, apparently conceived of as either an emanation of Deng Dit, i.e. Nhialich himself, or as God in special relation to the individual' (op. cit., p. 126). The same point is discussed at length, and with much illustrative material, by Dr. Lienhardt in his forthcoming book on Dinka religion.

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x 776 symbols or emblems what are they symbols or emblems of? They
613 are not, at least primarily, diacritical signs of social differentiation. Lineages are distinguished by names of ancestors and spear-names and honorific titles and not by totems. Even though the spear-names and honorific titles may sometimes contain a reference to totems, lineages are not thought of, at any rate primarily, as people who respect certain species and classes. Also, many lineages have no totemic affiliations, and those who have them tend to be thought of as at one time not having had them and of having at some point in time and through some event acquired them; and Nuer also tend to think of them as something they got from the Dinka. Further, many lineages have the same totem, and were Nuer to think of the unity of a lineage and its distinction from other lineages in terms of totems we would expect to find that respect for the same totem would be a bar to intermarriage, but it is not so. People with the same totem intermarry if there is no kinship between them. Nor can the totems be adequately described just as symbols of Spirit. Crocodiles, bees, and ants are not symbols of Spirit to people who do not respect them—they kill and eat crocodiles, they eat honey, and they destroy the ants without qualms. Totems are therefore to be described as symbols of particular relationships, rather than of Spirit; relationships, that is, between lineages, or it may be families or individuals, and God figured by the symbols in relation to those lineages, families, or individuals.

x 776 It is not that the members of a group see themselves as a group through a totemic class of objects which are then further conceptualized collectively as a spirit of the class, but rather that the conception of Spirit, which is in itself quite independent of the social structure, is broken up along the lines of segmentation within the structure. It is not that the members of a group see themselves as a group through a totemic relationship to millemes which are then conceptualized as a spirit of millemes, but rather that the conception of Spirit as manifested in the death of a child from a milleme getting in his ear is given a social dimension in accordance with the lineage and kinship principles of the Nuer. The people concerned did not first think that they had a special relationship to millemes, on account of something intrinsic to these coins, which they expressed in the notion of Spirit. They had first the conception of Spirit and it was a quite fortuitous

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627 poured a libation of water over its tethering-peg as a prelude to
782 delivering an oration. He told the story of the accident all over
x776 again and commented on it to God in this vein: 'ah God! We call on you about this wound. There is no enmity between us [the party of the injured youth and the party of the spearer]. This wound came of itself [they do not attribute it to the spearer because it was an accident and also because the youth will not die and so there will be no *thung*, debt of homicide]. Throw the badness away with this cow [they call a sheep or goat a 'cow' in sacrificial contexts]. Let the wound heal. Ah God! it is only a headache [it is not a sickness of any importance—they speak of the most ghastly wounds in this way], let it be finished, let it go right on [heal without complications]. Let it be removed from the man's body. Let us be at peace.' Another man of the home party also made an invocation in much the same language: 'Friend (*maadh*), God who is in this village, as you are very great we tell you about this wound, for you are God of our home in very truth. We tell you about the fight of this lad. Let the wound heal. Let it be ransomed [with the sheep]'; and so forth. A representative of the visitors now said a few words to the same purpose and the sheep was then sacrificed. The meat of both sacrifices was eaten by the people of the home after the visiting deputation had departed; and also the carcass of a third animal, another wether, which the people of the home later sacrificed after three of them had made further invocations over it in much the same vein.

In this ceremony Spirit was addressed simply as *kwoth* and no designated refractions were mentioned, and when on such occasions Nuer speak to, or about, *kwoth* without differentiating specifications they are, as I have explained, speaking to, or about, Spirit in the comprehensive conception of God the creator and the sustainer of life. This is often the case in their sacrifices, and it is the same when they pray for peace and deliverance from evil.

x776 That emphasis is given to the refractions when a social group,
613 acting as such and marking itself off from other groups, makes a sacrifice on behalf of itself or of one of its members in virtue of his membership of it, and that they are then to be regarded as diverse exclusive representations of God by which he is figured to the groups concerned in a special way as their patrons is evident also from other considerations. It is clear that totemic spirits of lineages are Spirit conceived of in a tutelary relationship to the

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*776 lineages. The *colwic* spirits are also Spirit in a tutelary relation-
613 ship to the families and lineages to which they belonged in the flesh before they were metamorphosed into spirit. Also, the spirits of the air may have a tutelary relationship to families and lines of descent, and where their attachment is more to an individual prophet he has public functions through which the spirit becomes patron of local and political communities. Totemic spirits may also, though in a rather different manner, have a secondary significance for political groups through the association of dominant lineages with tribal sections. Likewise, though to a lesser extent, nature sprites are Spirit in a tutelary relationship to families; and even fetishes, though of a rather different complexion, are Spirit in a tutelary relationship to individuals, and sometimes to local communities to which these individuals belong. The attachment of all these spiritual figures to social groups is indicated in various ways, most noticeably in ceremonial and in payment of cattle to them at marriages.

*776 That these spiritual conceptions lack autonomy and are rightly regarded as social refractions of God is further shown by the fact that *kwoth*, without any distinguishing name, can become associated with any social group or office. Thus, as we have seen, Nuer speak of the *kwoth* of a leopard-skin priest, 'the spirit of the flesh', and they speak also of '*kwɔth muonde*', 'the spirit of his (the priest's) earth' (pp. 291–2). This is no particular *kwoth* but is Spirit seen in relation to priestly powers and functions. Likewise
[845] they speak of *kwoth cuekni*, the spirit of twins, to which sacrifices are made at the birth of twins and to which a cow of the bride-wealth of the sisters of twins is dedicated. Here again, this is not thought of by Nuer as some particular spirit which has an existence and name of its own but as God in a special relationship to twins, or rather to the event of a twin-birth. Another example is the
[861] way in which they speak of the *kwoth* of an age-set, the tutelary, nameless, spirit which protects the members of the set and avenges wrongs done to men by their age-mates. This cannot be a distinctive spirit in its own right as it were, if only because the sets pass in turn into oblivion and are replaced by others. It is rather God thought of in relation to a particular set, just as he is also the separate, while still being the same, guardian spirit of the other sets. He is both the one and the many—one in his nature and many in his diverse social representations.

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775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[769] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
●613 bered in their names, and this is a matter of great importance both for the Nuer themselves and also for an understanding on
551 our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

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but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage. 613 768 551

I have discussed these practices at length elsewhere,[1] and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him '*gat* so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name. 587 611 551 768 588 551 611 768

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*, 551 768 583

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

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411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through the association of a tribal community with the clan dominant in
● 613 it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
[582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear, they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
[585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*twoc ghok*)
613 by shouting out their clan spear-names. The spear-name is also
597 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

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into the lineage of the man who has given him domicile, the expression for adopting being either *lath buthni*, to be given shares (in sacrificial meats) and hence to be given agnation, or *lath muot*, to be given a spear (-name), and hence to be made a member of the clan. He also shouts it out in sacrificial invocations at mortuary ceremonies, at settlement of blood-feuds, at initiations, and on other occasions which concern the whole clan (p. 288). When, as mentioned above, clan and tribe are identified politically in war and raiding a representative of the dominant clan of the tribe brandishes a spear and calls out the spear-name of his clan on behalf of the whole tribe. This man, called *ngul*,[1] is usually, perhaps always, a leading man of the senior lineage of the dominant clan, that descended from the eldest son of the ancestor of the clan. Thus in the Lou tribe this rite is performed by a man of the Gaaliek lineage of the Jinaca clan. Likewise the Tar lineage who have charge of the *wiu* spear are descendants of Thiang, the eldest son of the founder of the clan; and the Thiang clan who own the *thiang* spear are descended from Thiang, the eldest son of Gee.

[597]
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I cannot always explain the meaning of these spear-names or even translate them, and Nuer themselves cannot always say for certain what they mean, for they arose in ancient days. It is clear, however, that they are charged with symbols expressing the unity and continuity of clans and lineages. I give a few examples, choosing those in which the meaning is more or less evident. The Jiruet lineage have *mut tora*, spear of the monorchid. This lineage respects monorchids, whether they be man or beast. The Gaatiek clan have *mut yier*, spear of the stream, because their ancestor came out of a stream. The Gaatnaca clan have *mut ghama*, spear of the thigh. This seems to refer to the loins of the ancestor from whom they sprang. The Gaaliek lineage of this clan have the secondary spear-name *mut tang*, spear of the spear-shaft, because the *ngul*, whom I have referred to above, of the Lou tribe is of this lineage. He uses a spear-shaft in war ritual. The Gaatleak clan have *mut leak*, the word *leak* being simply, it would seem, taken from the clan name itself. Many leopard-skin priests are members

[1] He is also called *ngul ghok*, *ngul* of cattle, an expression which probably refers to the taking of enemy cattle on raids, and *gwan muot*, possessor of the spear. As he may break a spear-shaft in two and throw the pieces in the direction of the enemy he is further known as *gwan tang*, possessor of the spear-shaft. I was told that he may also invoke God for success in hunting in time of famine.

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411 of this clan and, as I have explained, they use *mut Geaka*, spear
614 of Gee, as an alternative expression. The Thiang lineage have a
●613 secondary spear-name *mut Thiang*, spear of Thiang, which is the
552 name of their ancestor.

When a man calls out his clan spear-name he often does so with embellishments, which are further symbolical representations of the clan. They refer to its ancestor, its spirits, its totems, its ghosts, its cattle, or its origin and traditions. Thus a Gaatgankir clansman in making invocations adds to *mut wiu* such expressions as *mut kwe, mut jangemo me coali Kir*, and *mut gwara*. *Kwe* is the fish-eagle and also a colour distribution of cattle. The shining of the spear is likened to the white face of the fish-eagle against its black body and to the white splash on the head of a dark coloured cow or ox. *Jaangemo me coali Kir* means 'that Dinka who is called Kir' and refers to the Dinka origin of the clan. *Mut gwara* means 'spear of our fathers'. The spear in the hand of the speaker, the spear *wiu*, the spear used to cut open the gourd in which the ancestor was found, and the spirit *wiu* all seem to be fused in the representation. In a similar manner the Gaawar clan may add to their spear-name *mut wang*, spear of the eye (I think), such expressions as *mut nhial, mut puara*, and *mut kwoth nyota*. I do not know why the spear is called 'spear of the eye' (if that is the right translation). *Nhial* is the firmament and *puar* is a cloud. Their ancestor fell from the sky and the clan is therefore associated with sky, clouds, and rain. When he fell he had in his hand a sprig of the *nyuot* tree, a tree associated with rain. Hence the *kwoth nyota*, the spirit of the *nyuot* tree.

Thus the spear-name is either that of the ancestor of the lineage or clan or in some way signifies him, and the elaborations of it, such as by reference to a spirit or a totem, are also just different ways of denoting the lineage or clan as a whole; for the name of the ancestor stands for the whole clan, both here and elsewhere. We have noted earlier (p. 169) how in myths a lineage is personified for the purpose of the action of the story, the name of the lineage or of its tribal territory being used to indicate its ancestor. Nuer sometimes even insert the name of a lineage into a genealogy as its founder, though the form of the word shows that it is the name of a group and not of a person; or they give the founder a composite name, appending the name of the lineage to the personal name, for example, Nyang Gaaliek, Nyang being the name of the person and Gaaliek the name of the lineage of his descendants.

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name of the person and Gaaliek the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial 411
invocations stands for the person and that when this person speaks 782
as a representative and on behalf of the clan, as he does in collec- 614
tive sacrifices, it stands for the clan. In the one case it is the right 826
hand (vitality) of the individual and in the other the right hand 721
(vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host.

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *bidh*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general 411
sense of taking part in war and raiding: '*ce Nath wa mut*', 'the 721
Nuer went raiding'; '*ca mut nang Jaang*', 'war was taken (by the 613 ●
Nuer) to the Dinka'. The idea expressed by the word *mut* in these 614
examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates '*te ke mud mediid*' (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'.

[1] It is true that Nuer lick any metal in taking an oath (p. 297), but I regard this as being a derivation from licking a spear, for which any metal stands as a substitute, in the same way as the honorific titles of the Gaatgankir clan, son, and daughter, of iron, derive from the *wiu* spear. The words *yieth*, metal, and *yiedh*, to spear or to stab, are surely connected.

[2] J. Kiggen, op. cit., p. 206. One may ask, in the light of this discussion about

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231 their wearing, incapable of use, and that they also render useless
881 the left horns of their favourite oxen by deforming them.*

Human thought and expression are inevitably constructed out of man's experience of the world around him. There is nothing that should surprise us in Nuer speaking metaphorically of boys by the same word (*ruath*) as they use for young bulls and for the male young of other animals, and, by contrast, of men by the same word (*tut*) as they use for adult bulls and adult males of other animal species. It is natural—it would be remarkable were it not so—that Nuer use cattle metaphors in speech and gesture. Nevertheless, the evidence, some of which I have presented, suggests that there is more in it than that. Whether Professor Seligman's psychological use of the word 'identification' is correct is a question that lies outside my own competence and the scope of this book, but it cannot be denied that there is a moral identification, a participation imposed on the individual by his culture and inextricably bound up with religious values. When henceforward I speak of identification it is to be understood in this sense.

* [See p. 235, cat. 116, — Analyst]

II

231 We have noted that there is a personal side and a collective side
782 to Nuer religion and that we may speak of personal and collective
● 613 types of sacrifice. We have noted also that in the collective type the
614 officiant represents the whole clan, that the spear he holds in his hands is that of the ancestor of the clan, and that he invokes God as the God who created his ancestor and the God of his fathers. We have further noted that the sacrificial victim, although in fact it is an ox or a surrogate for an ox, is not spoken of as *thak*, ox, but as *yang*, cow, a general term referring to any bovine beast, with a plural form *ghok*, meaning 'cattle'. This suggests that the victim embodies the general idea of the equivalence of cattle and men in the sacrificial act, and there is certainly what we may speak of as a collective identification of clans and lineages with their herds. This is expressed in the honorific titles of clans and lineages. We have been discussing hitherto the equation of man with ox. These titles introduce us to the idea of an enduring relationship between a social group and its ancestral herd.

On the day when, by the cutting of lines on his forehead, a boy

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On the day when, by the cutting of lines on his forehead, a boy

881 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

231 ●613 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 613 614 553 196 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed* and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mut kene paak jalke kel*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *paak*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as on formal visits, at dances,

* [See pp. 240-47, cat. 116 (258) — Analyst]

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and at marriage and initiation ceremonies. Otherwise it is mostly a complimentary usage which expresses a formal relationship of reserve, as between a husband's mother and her son's wife, and then it is chiefly a woman's mode of address. 231 613 614 553 196

The title consists of *gat*, son (of), or *nya*, daughter (of), followed by a word which usually refers to a cow said to be that on whose milk the ancestor of the clan or lineage was nurtured in infancy, though it may refer to the place where the clan or lineage is said to have originated, or to some object connected with its ancestor, or to its totem. Nuer say that clans either '*ba paak ka kwi yangdien*', 'are saluted by reference to their cow' or '*ba paak ka kwi ciengdien*', 'are saluted by reference to their (original) village site', but since the salutation generally refers to a cow the expressions '*paak*', 'honorific salutation', and '*paakene yang*', 'honorific salutation of cow', are synonyms. The words are often exceedingly difficult to translate, or even to discover the meaning of, especially when they relate to cows, for here the Nuer language proliferates symbolism in luxuriant elaborations of fancy; and representations of ancestral cow, ancestral home, totem, and totemic spirit, are sometimes fused in the titles, which are built out of a number of residues all of which derive from and express lineage values. I have listed and discussed some of these honorific titles elsewhere,[1] and there is no need here for a detailed consideration of them. We have only to note the central place the idea of a cow has in them, the cow standing for the herd and hence also for the lineage of its masters.

It need not surprise us that it is a cow that is referred to and not an ox or bull. It would be inappropriate to refer to an ox since, as I understand the matter, the whole point of using a symbol from the herds is to express in a single representation the idea of the unity of a lineage and its cattle, the cattle which sustain the lineage by their milk (the cow suckles the ancestor) and by constant calving provide them with bridewealth for marriages whereby sons are born and the lineage continued, and with a means of maintaining communication with Spirit and ghosts. Male animals do not answer the requirements of the symbolism. The great majority of the bulls are castrated, and, if not later disposed of in marriage, those which survive murrains are sacrificed; and the animals which are left entire are not thought of as being, like the 231 613 553 196

[1] 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, 1934, pp. 25–29.

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231 male members of a human lineage, a line of descent. In tracing
613 back the lineage of a beast, which Nuer can sometimes do to
553 several generations, they do so by the points of the dams and not
196 the points of the sires: an ox of certain markings was born of a cow of certain markings and it of a cow of other markings. Descent in the herd is, so to speak, traced matrilineally; and it is the cows which are seen as the stable element, which calve cow-calves, which calve cow-calves in their turn, and so provide the constant and continuous nexus between herd and lineage. Consequently, if at marriage most of a herd is dispersed and only a core is retained, it is some cows which are kept so that the herd may be built up anew through them. Therefore, it is to the cows of the ancestors, and not to their bulls, that the honorific titles of clans and lineages refer.

The lineage–herd equation can thus be considered as a collective expression of the man–ox equation. The one does not derive from the other but they are parts of a single complex representation, which finds its most logical expression in the rites of sacrifice. The name of the ox of the speaker may be shouted out in sacrificial invocations because its name stands for his own, but when the sacrifice is on behalf of a whole clan the exordial words are the spear-name of the clan, which goes together with the cow-title of the clan, representing the relation of the clan to its ancestral herd. The two symbols, ox-name and spear-name, represent two aspects of the sacrificial relationship between men and cattle, the personal and the collective. The one or other aspect is emphasized according to the nature of the sacrifice.

III

231 The facts we have examined, taken severally or together, point
782 to the conclusion that there is the idea of equivalence between men and cattle, and the only plane on which there is anything that can be called equivalence is that on which men and cattle are things of the same order, so that one can be substituted for the other, namely in sacrifice, or in other words in relation to God. We have seen that in those sacrifices which have the most significance for the study of Nuer religion, the personal ones, the lives of oxen are substituted for the lives of men. This is not only evident in what

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies. 782

The verb *buth* means 'to share', and since collateral lineages of a clan and also clans with common ancestry may claim portions of the flesh of sacrificial victims at each other's collective sacrifices, there is said to be *buth* between them. They are to one another *jibuthni*, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices. 613 614 727 782

Buth relationship is stated also in terms of the division of elephant tusks or of cattle exchanged for them. When hunters kill an elephant the right tusk goes to the *koc*, the man who first speared it, and the left tusk to the *gam*, the man who speared it next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for 613 614 224 [301]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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613 614 224 cattle, and the portions of ivory or the cattle are divided among those relatives of the spearsmen who receive cattle of bridewealth and bloodwealth and the flesh of sacrifices. Those standing in a *buth* relationship to the spearsmen also have rights in the tusks. This means in practice that a section of the tusk, or its equivalent in cattle, goes to the particular *thok mac*, minimal lineage, of the spearsman's clan to which the *gwan buthni*, master of ceremonies, of his family belongs, and it is this man who gets it.[1]

782 613 593 Each family has its master of ceremonies, who is a member of a lineage collateral to that of its head and therefore one of his distant agnatic kinsmen. A son takes his father's place in this service. The same man may act on behalf of the heads of several families of the same minimal lineage, and one of his close agnatic kin may act in his stead, since he carries out his functions not as an individual but as representative of a group. The office is not necessarily reciprocal, for a man may act as master of ceremonies to a family of one collateral lineage and have as master of ceremonies to his own family a man of a different collateral lineage. Also, a family may have more than one master of ceremonies, the second belonging to a different collateral lineage from the first. Moreover, it would seem that if one of the persons who usually acts in this capacity is not available his place may be taken by any distant kinsman who can be held to represent him. Nuer are very latitudinarian in such matters; but the point we have to note is that on certain occasions a whole clan or large lineage offers up the sacrifice, and the officiant ought then to be someone outside the family and close kin most immediately concerned who represents the interest of the wider group, which participates in the sacrifice through him.

782 613 A master of ceremonies functions at weddings, mortuary and *colwic* ceremonies, settlements of blood-feuds, adoptions, initiations, severings of kinship to allow intermarriage or cohabitation, the building of new byres, and the division of elephant tusks. On these occasions he calls out the clan or lineage spear-name and then makes an invocation, usually prior to animal sacrifice. By calling out the spear-name he identifies the whole clan or lineage with the offering. When the victim has been killed he cuts through the scrotum (*juak tem*), this being the commencement of the skin-

[1] See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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ning in ordinary sacrifices at which he officiates; and Nuer often 782
refer to him in his sacrificial role as 'the cutter of the scrotum'. 613●
Does this usage symbolize the principle of agnation? Possibly, for [727]
after the sacrifice by which a Dinka is adopted into his captor's lineage it is said '*ca juak tem*', 'the scrotum has been cut', to signify that the Dinka is now a member of the lineage. If we are right in thinking that it may have this meaning, then the cutting of the scrotum is a most appropriate symbolic act, for the *gwan buthni* represents, as a member of a collateral lineage, the unity of the clan as a corporation of segments, the principle of fission which is in the very nature of a lineage structure. The master of ceremonies receives some of the sacrificial meat at sacrifices at which he officiates and he generally has a right also to the hide or half of it. He has also a right, as I have explained, to a section of any elephant tusk that comes into possession of the family he serves, and the first turtles and the skins of the first leopards and serval cats killed by its sons are given to him. He receives a calf or sheep from the husband's people when one of its daughters is married.

The role of the *gwan buthni* in sacrifice is seen to be a social 782
role rather than one of a specifically religious kind. He does not function in virtue of any qualities in himself. He is a *dwek*, a layman, not a *kuaar*, a priest. He is called upon to make the first invocation when the sacrifice concerns the interest of a whole clan or lineage. His clan or lineage alone is involved or if, as in marriage, another clan is also involved he acts on behalf of his own group alone; and consequently he addresses Spirit in the refraction by which it is represented to the clan—maybe in a totemic refraction or just as '*kwoth gwara*', 'God of our fathers'. His role in the proceedings is, therefore, determined primarily by the nature of the social activities in connexion with which he is asked to make sacrifice and not by any specifically religious considerations.

II

When sacrifice is made in consequence of some sin or to end 782
certain states of interdiction, of sin-potential—in circumstances, 793
that is, which involve the notion of *nueer* or of notions akin to it—it is desirable, and sometimes necessary, for the rite to be performed by a *kuaar twac* or *kuaar muon*, a priest of the leopard-skin

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 injured party an excuse to accept compensation without loss of
[789] honour.

It is a matter of surprise that the Nuer priesthood should have this association with the earth and take its most common title from it. There is no cult of the earth such as we find in West Africa. Priests are not traditionally linked to a particular territory as are the 'fathers of the land', ritual agents who are such in virtue of being descendants of first settlers, among some other Nilotic peoples. Nor can a satisfactory explanation be advanced in terms of agricultural activities. Nuer do not highly esteem cultivation of crops and may be presumed to have engaged in it even less in the past when cattle were more numerous. Cattle husbandry receives more of their attention and is their absorbing interest, but it and fishing, which is also most important for them, so far as they are the object of ritual attention, are the concern of other, and less important, ritual specialists than the priest of the earth. Moreover, Nuer do not attach much importance to such ritual as he performs in connexion with the crops, and it is entirely secondary to his other functions. On the other hand, it can be seen that the association of priesthood with the earth is a representation which accords with the general idea of man being identified with the earth and God with the sky, the priest being essentially a person who sacrifices on behalf of man below to God above.

793 Lineages of leopard-skin priests are found in all tribal sections,
●613 and in most parts of Nuerland they are in the category of *rul*,
614 strangers, and not of *diel*, members of the clans which own the tribal territories. It is necessary that they should be widely spread, because their services are essential to Nuer everywhere, and it is significant that they are generally not members of lineages identified with political groups, because they have to act as peacemakers between such groups. The two best-known priestly clans, the Gaatleak and the Jimem, have no tribal territories of their own but live, as families and small lineages, in most or all territories owned by other clans. They are like Levi, divided in Jacob and scattered in Israel. Their priestly filiation goes back to Gee, the first man and the first priest, from certain of whose sons the priestly virtue (*ring*) has passed down the generations. However, although their powers are hereditary, and although all members of a priestly lineage can, therefore, act in a priestly capacity, in practice only certain families do so, and these families can function as priests wherever

16: Evans-Pritchard E-5 (1931, 1936) 1956
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they happen to reside. Moreover, persons who do not belong to a 793
priestly family can become priests, transmitting their powers to 613
their children, by what the Nuer call *tetde*, by hand. This means 614
that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy.

The chief services a priest performs are in connexion with homi- 793
cide and the importance of his office derives from this essential 628
function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character.

As soon as a man kills another he hastens to the nearest priest, 782
who draws the point of a fishing-spear down his right arm from 793
where it joins the shoulder and sacrifices a beast, called *yang riem*, 628
the cow of blood. Were the slayer to eat or drink before this has 783
been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

793 distinctive role is that which he plays in homicide, that is to say,
628 when two social groups, groups of kin and local and political groups, are in a state of violent opposition to each other and the whole community is involved in consequence, directly or indirectly, in a state of interdiction. He functions as administrator of oaths in a similar setting. The oaths either arise out of homicide or concern matters which may result in homicide. There are strong feelings of hostility between the parties; otherwise oaths, with their terrible consequences, would not be taken. Serious incest may provoke similar feelings, because, Nuer ideas about incest being what they are, the persons concerned in it may belong to different descent groups and, indeed, are for various reasons likely to do so. In situations of *nueer* in which hostile feelings are not aroused, as when twins are born or a person is killed by lightning, the head of the family or its master of ceremonies officiates. These are family and lineage affairs. So, whereas the *gwan buthni* acts in sacrifice on behalf of an exclusive social group, the leopard-skin priest for the most part performs sacrifices in situations in which two groups are opposed to one another and which therefore require a person unidentified by lineage attachment to either to act on behalf of the whole community. The priest thus has a central position in the social structure rather than in religious thought, for his priestly functions are exclusive not because, on account of the sanctity of his office, only he can perform sacrifices, but because representatives of neither party to a dispute can effectively act in the circumstances obtaining. As he entirely lacks any real political authority or powers it is understandable that he could not carry out his functions unless during their performance his person was sacrosanct. The presence of a priesthood adds nothing to the dominant ideas of Nuer religion. It is rather these ideas which give to a political role its necessary attributes. Put in another way, the Nuer have priests who perform certain politico-religious functions but their religion is not intrinsically a priestly religion.

•613 Another hereditary and traditional functionary is the *wut ghok*,
793 the man of the cattle, sometimes also spoken of as *kuaar ghok*, the 'priest' of the cattle, or *ring ghok*, the 'virtue' (literally, 'flesh') of
231 the cattle. There are men of the cattle in every tribe and tribal section, and they belong to lineages of a number of different clans, all those I have come across being of true Nuer descent. As in the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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case of the leopard-skin priestly lineages, any member of a lineage of men of the cattle can perform the services attached to that office, but in practice only some, and senior, persons would normally be called upon to do so. These services have less religious and social importance than those of the *kuaar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwothde*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at his own mortuary ceremony his kinsmen and possessions are aspersed with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 255–6), initiation of boys to manhood is intimately bound up with their relation to the cattle. It is therefore appropriate that it should be a man of the cattle who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

1: Evans-Pritchard E-5 (1931, 1936) 1940
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128 state might be described as an ordered anarchy. Likewise they
624 lack law, if we understand by this term judgements delivered by an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

128 After an examination of the political structure we describe
613 the lineage system and discuss the relation between the two. Nuer lineages are agnatic, i.e. they consist of persons who trace
614 their descent exclusively through males to a common ancestor. The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

128 After discussing the lineage system in its relation to terri-
561 torial segmentation we describe briefly the age-set system. The adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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remark only that there is no constituted authority within each set, all members being of equal status, and that, whilst members of junior sets respect those of senior sets, the authority of older men is personal, very indefinite, and based on analogy with domestic relations within the family. Behaviour between individuals is influenced by the distance between them in the age-set system, but age-sets are not a political institution in the sense of the system having an administrative, military, or judicial organization.

Age by itself does not give a man social position. He must have other qualifications as well. Those elders with most influence are the *gaat twot*, the children of bulls. Such a man is called a *tut*, bull, and in strict usage this is equivalent to *dil*, a tribal aristocrat. As will be fully explained in Chapter V a *dil* is a member of the dominant clan in each tribe and, in virtue of his membership, has within that tribe a slightly superior social position. This clan is not a ruling class and the enhanced prestige of its members is very indefinite. The clan system has no hereditary leadership; a senior lineage does not rank higher than others; there is no 'father of the clan'; and there is no 'council of clan elders'. *Tut* is also used in a wider sense to refer to men of social position who do not belong to the dominant clan but to other lineages which have long been domiciled in the tribe. A *tut* in this rather wide sense of 'man of good standing', or 'social leader', is usually a scion of an important lineage, the head of his own family, and master of his homestead and herd. He is generally also the eldest surviving son of his father's family and, therefore, head also of the joint family, the master of the hamlet. If he is to gain a social reputation he must also possess sufficient cows to be able to entertain guests and to attract young kinsmen to reside in his byre. Round such a man's homestead are clustered the homesteads of his brothers and married sons and, often enough, the homesteads of his sisters' husbands and daughters' husbands. To be a social leader, whose opinion is readily agreed to, he must also be a man of character and ability.

The authority of a *gat twot*, or *tut wec*, 'bull of the camp', as he is often called, is never formalized. He has no defined status, powers, or sphere of leadership. Lineage, age, seniority in the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER V

THE LINEAGE SYSTEM

I

614
613

MANY characteristics of Nuer lineages and clans belong to the study of kinship which we hope to make in a subsequent volume. Here only those characters which are strictly relevant to the territorial system are discussed. We begin, however, by a formal definition of clan, lineage, and kin. A Nuer clan is the largest group of agnates who trace their descent from a common ancestor and between whom marriage is forbidden and sexual relations considered incestuous. It is not merely an undifferentiated group of persons who recognize their common agnatic kinship, as are some African clans, but is a highly segmented genealogical structure. We refer to these genealogical segments of a clan as its lineages. The relationship of any member of a lineage to any other member of it can be exactly stated in genealogical terms and, therefore, also his relationship to members of other lineages of the same clan can be traced, since the relationship of one lineage to another is genealogically known. A clan is a system of lineages and a lineage is a genealogical segment of a clan. One might speak of the whole clan as a lineage, but we prefer to speak of lineages as segments of it and to define them as such. Alternatively one may speak of a lineage as an agnatic group the members of which are genealogically linked, and of a clan as a system of such groups, the system being, among the Nuer, a genealogical system. In the diagram on p. 193 clan A is segmented into maximal lineages B and C and these bifurcate into major lineages D, E, F, and G. Minor lineages H, I, J, and K are segments of major lineages D and G, and L, M, N, and O are minimal lineages which are segments of H and K. It was found that words to describe four stages of lineage segmentation are sufficient when speaking of even the largest clans. The commonest Nuer word for a lineage is *thok dwiel* and the smallest genealogical unit they describe as a *thok dwiel* has a time depth of from three to five generations from living persons. A whole clan is thus a genealogical

[p. 192]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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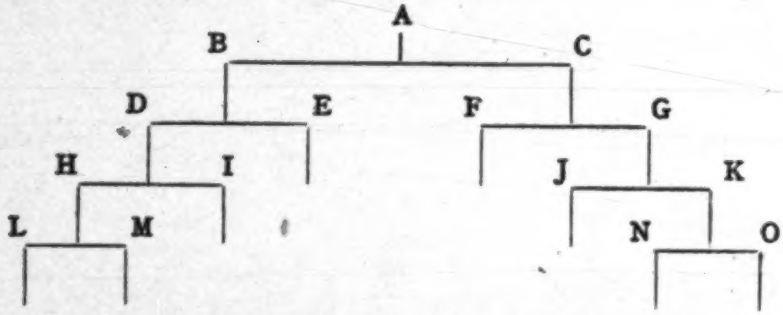
structure, and the letters in the diagram represent persons from whom the clan and its segments trace their descent and from whom they often take their names. There must be at least twenty such clans in Nuerland, without taking into account numerous small lineages of Dinka origin. 614 613



A lineage in the sense in which we generally employ this word is a group of living agnates, descended from the founder of that particular line. Logically it also includes dead persons descended from the founder—and we sometimes use the word to include them also—but these dead persons are only significant in that their genealogical position explains the relationships between the living. It is clear from the context whether the word is used in a more or less inclusive sense.

Clans and lineages have names, possess various ritual symbols, and observe certain reciprocal ceremonial relations. They have spear-names which are shouted out at ceremonies, honorific titles by which people are sometimes addressed, totemic and other mystical affiliations, and ceremonial status towards one another.

Agnatic kinship between lineages is called *buth*. *Buth* is always an agnatic relationship between groups of persons, and only between persons in virtue of their membership of groups. *Buth* agnation is to be distinguished from kinship in the sense of relationship between persons, e.g. between a man and his father's brother and mother's brother. Cognation in this sense the Nuer call *mar*. Any person to whom a man can trace any genealogical link, whether through males or females, is *mar* to him. A man's *mar* are consequently all his father's kin and all his mother's kin, and we call this cognatic category his kindred. 611 611 612

1: Evans-Pritchard E-5 (1931, 1936) 1940
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611 In normal usage the word refers to close relatives only. Therefore, as *mar* includes close agnates, the word *buth* is used only in
612 reference to distant agnates, between whom and the speaker there is lineage cleavage. There is *buth* relationship between lineages of the same clan and also between related clans which have the same ancestor but do not compose an exogamous unit. A Dinka can be given *buth* relationship to a Nuer lineage by being adopted into a collateral lineage. We thus formally distinguish between the lineage system, which is a system of agnatic groups, and the kinship system, which is a system of categories of relationship to any individual; and we speak of these relationships as a man's paternal kin and his maternal kin, and both together as his kindred.

613 Political and lineage groups are not identical, but they have a certain correspondence and often bear the same name, for a
619 tribal area and its divisions are often called after the clans and lineages which are supposed to have first occupied them. This makes their inter-relation a very difficult problem to investigate and has led to some confusion in writings on the Nuer. Thus Gaawar is the name of a tribal area, of the tribesmen who inhabit it, and of the members of a clan which have in that area a socially dominant status. Likewise Gaajok and Gaajak are names of territories, tribes, and lineages. To clarify description clan and lineage names are therefore printed in small capitals. Hence, when we say that a man is a Gaawar we mean that he is a Gaawar tribesman, a man who resides in Gaawar country, whereas when we say that he is a GAAWAR we mean that he is a member of the GAAWAR clan, a descendant in the male line from War, the founder of the dominant clan in Gaawar country.

II

613 Three trees of clan descent are presented in the following section in a form conventional to us, and which would also
● 614 commend itself to Nuer, who sometimes speak of a lineage as *kar*, a branch, as illustrations of the way in which lineages split up, each being a branch of a larger one. The JINACA are the dominant clan in the Lou and Rengyan tribes, the GATGANKIIR are the dominant clan in the Jikany tribes, and the (GAA)THIANG

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are the dominant clan in the Thiang tribe. Only one line of descent is shown from the roots to the twigs, from the clan ancestor to the minimal lineages, but it is indicated where the other main branches and boughs, the other maximal, major, and minor lineages leave the stem. 613 614

III

We have defined lineage and clan and give some examples of them in diagrams. In this section we note some characteristics of both which are germane to our inquiry. It may at once be said that it is not easy to discover a Nuer's clan, for a clan is not to Nuer an abstraction and there is no word in their language that can be translated 'clan' in ours. One may obtain the name of a man's clan by asking him who was his 'ancestor of yore' or his 'first ancestor' (*gwandong*) or what are his 'seeds' (*kwai*), but it is only when one already knows the clans and their lineages and their various ritual symbols, as the Nuer does, that one can easily place a man's clan through his lineage or by his spear-name and honorific salutation, for Nuer speak fluently in terms of lineages. A lineage is *thok mac*, the hearth, or *thok dwiel*, the entrance to the hut, or one may speak of *kar*, a branch. *Thok dwiel* is the commonest expression to denote a line of agnatic descent in those situations when genealogical exactness and precision are relevant, but in normal everyday usage Nuer employ the word *cieng*, as will be explained later. The clan has itself a position analogous to that of a lineage in the clan system, and it is significant to the Nuer not so much as a unique group as a segment in a system of groups, for it acquires its singularity only as part of a system.

A lineage is a relative term, since its range of reference depends on the particular person who is selected as the point of departure in tracing descent. Thus, if we were to begin with a father, the *thok dwiel* would include only sons and daughters, but if we were to take a grandfather as our point of departure, it would include all his sons and daughters and the children of his sons. A larger and larger number of agnates would be included the higher up in the line of ascent we were to take the point of departure for counting descendants. It might be maintained that the smallest possible lineage are the sons and daughters of

1: Evans-Pritchard E-5 (1931, 1936) 1940
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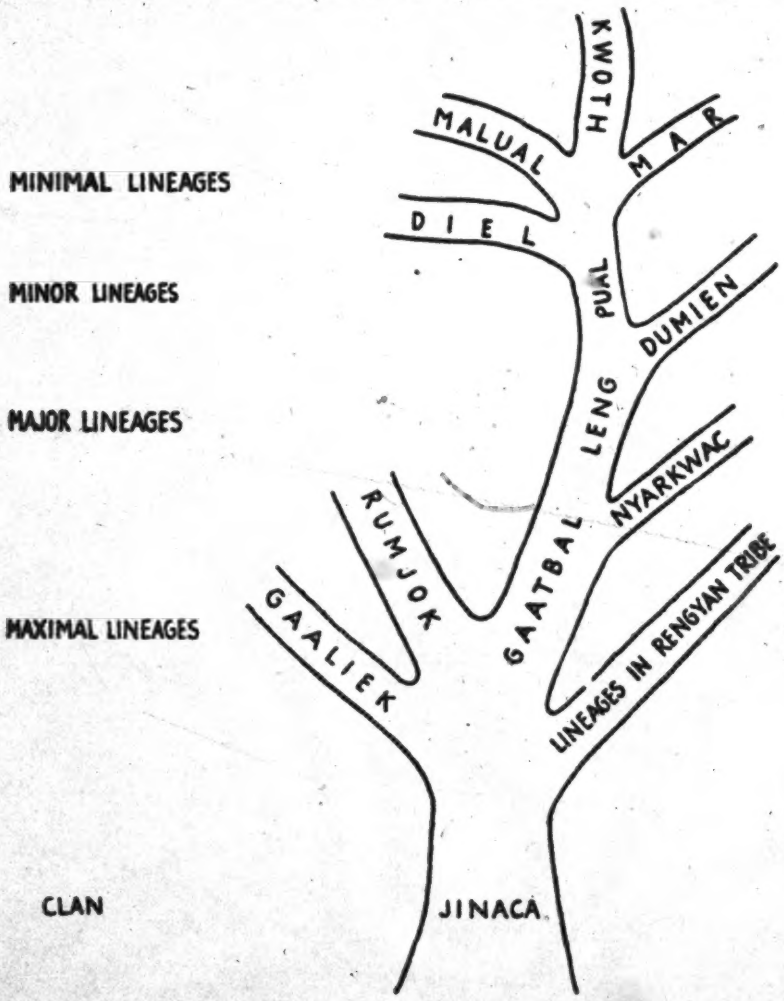
613 one man, but Nuer do not refer to them as a *thok dwiel*. They
614 are, with their father and their mother, a family and household.
One cannot say definitely how far up a line of ascent Nuer will



go in selecting the apex of a minimal lineage. They may go back only two steps, to the grandfather, making in all three generations of agnates, but a minimal lineage of four or five generations is more usual. Apart from Nuer usage, we consider it important to define lineages as groups with a depth of at least three generations, since they are then distinct structural

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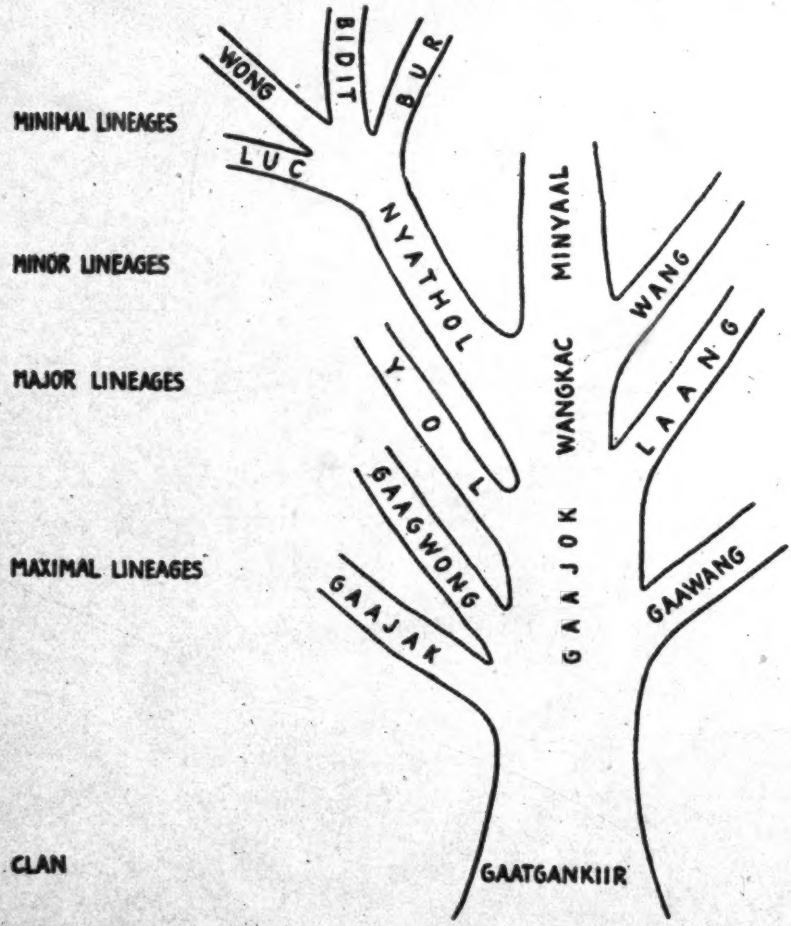
segments in a system of such segments and not easily confused with domestic groups. 613 614

The Nuer clan, being thus highly segmented, has many of the characteristics which we have found in tribal structure. Its



lineages are distinct groups only in relation to each other. Thus, in the diagram on p. 193, M is a group only in opposition to L, H is a group only in opposition to I, D is a group only in opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are a single minor lineage, H, in opposition to I, and not separate lineages; and D and E are a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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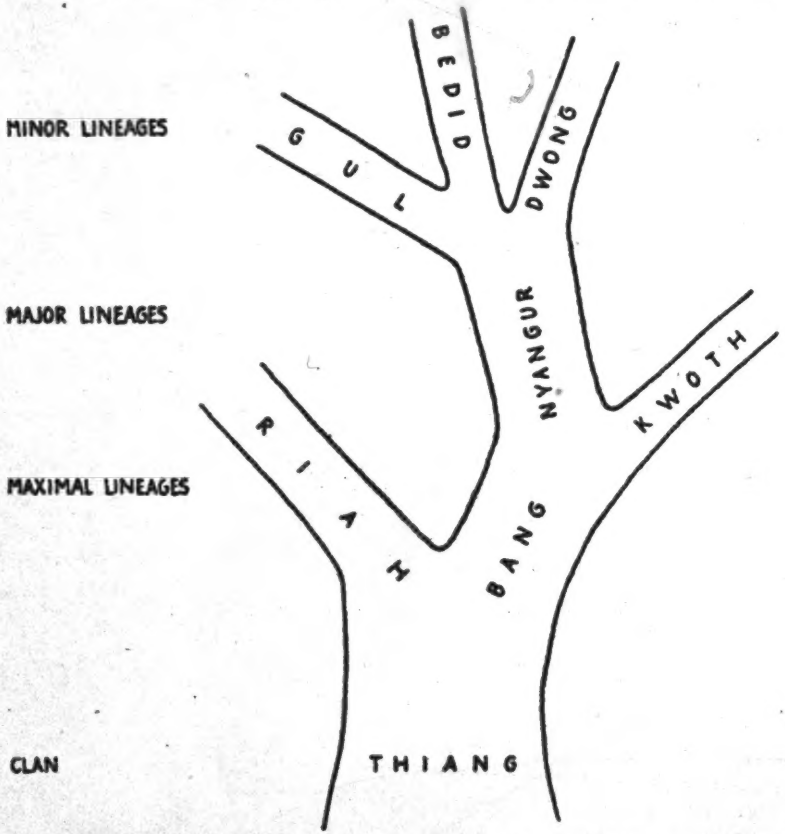
613 single maximal lineage, B, in opposition to C, and not separate
614 lineages. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation to a certain group and not a member of it in relation to a different group. Lineage values are thus essentially



relative like tribal values, and we suggest later that the processes of lineage segmentation and political segmentation are to some extent co-ordinate.

613 Since humans propagate themselves, the clans might be sup-
614 posed to be further and further removed from their founder,
173 and the living representatives of a clan to become wider and wider separated in lineage structure. However, we do not believe that this is the case. In theory every man is a potential founder of a lineage, but, in fact, lineages spring from very few

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names. The others, for one reason or another, drop out, so that only certain lines of descent are remembered. Also, in those lines that persist names drop out of the steps in ascent to the founder of the clan, so that the distance in generations from the founder of a clan to the present day remain fairly constant. We have suggested in our discussion on Nuer time-reckoning that there is always this difference between a true genealogy and a genealogy which Nuer deem to be true. The evidence for the assertion depends partly on a comparative study of East African genealogies and partly on a study of Nuer genealogies. We mention some of the reasons, arising from reflections on Nuer genealogies, that have led us to this conclusion, since the validity of some arguments, developed later in the chapter, depends on their acceptance.

(1) All the main clans have about ten to twelve generations from the present day to the ancestors who gave rise to them. There is no reason to suppose that the Nuer came into existence ten to twelve generations ago. (2) When a Nuer is asked his lineage he gives it by reference to an ancestor, the founder of his minimal lineage, who is from three to six, generally four to five, steps in ascent from the present day. These steps are certain and agreed upon. This is understandable, since five steps represent a man, his father, his grandfather, and his grandfather's father and grandfather, and since a man instructs his children in the names of his immediate forbears. It is evident that after five or six generations the names of ancestors become lost. Young men often do not know them, and there is frequent confusion and disagreement among older persons. The founder of the minor lineage must be placed somewhere between the founder of the minimal lineage and the founder of the major lineage; the founder of the major lineage must be placed somewhere between the founder of the minor lineage and the founder of the maximal lineage; and the founder of the maximal lineage must be placed somewhere between the founder of the major lineage and the founder of the clan. The names of these founders of lineage-branches must go into the line of ascent somewhere, and in a definite order, because they are significant points of reference. It is immaterial whether other names go in or not, and their order is without significance. Consequently some informants put them in and some leave them out, and some put them in one order and others in a different order. It is evident, moreover, that since the minimal lineage consists of four or five actual steps in ascent, there has been telescoping of the agnatic

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613 line from the founder of the minimal lineage further up the line
614 of ascent to the founder of the clan, for the founder of the minimal
173 lineage was himself the extremity of another minimal lineage which has, by increase in generations, become the minor lineage, and so on. Consequently, even were the supposed founder of the clan the real founder of it, there ought to be at least sixteen steps from him to the present day, assuming that minimal lineages have always been of the same character as at the present time. The length of each fork in the tree of descent ought logically to be of equal length, whereas the twig, so to speak, is longer than the branch or stem from which it springs. (3) There is another way in which only significant ancestors, i.e. ancestors who form the apex of a triangle of descent, are denoted in genealogical trees, and irrelevant ancestors, i.e. ancestors who do not give their name to a group of descendants, are obscured and finally forgotten. Not only do links drop out of the direct line of descent, but also collateral lines merge. It is clear from a study of Nuer genealogies that the descendants of one or two brothers become numerous and dominant, that the descendants of others die out, and that the descendants of yet others are relatively few and weak and attach themselves, as is explained in later sections, by participation in local and corporate life, to a stronger and dominant collateral line. They become assimilated to this line in ordinary lineage reference and eventually are grafted on to it by misplacement of their founder, who becomes a son instead of a brother of its founder. The merging of collateral lines higher up a lineage seems to be common, and to be more frequent and necessary the higher up one proceeds. It is necessary because, as will be seen later, the lineage system provides one of the principles of political organization.

613 The structural form of clans remains constant, while actual
614 lineages at any point in time are highly dynamic, creating new bifurcations and merging old ones. They may therefore be presented as trees. But a presentation more useful for sociological analysis is in terms of structural distance, for lineages are groups of living agnates, and the distance between them varies with their relative positions in clan structure. Thus, in the diagram below, the line A–B represents the JINACA clan. The agnatic distance between the MAR minimal lineage and other lineages of the same clan is represented both on the line A–B and also in its time depth by their point of convergence in ascent on the line B–C. The wider the range of agnation specified the further back their point of convergence, so that

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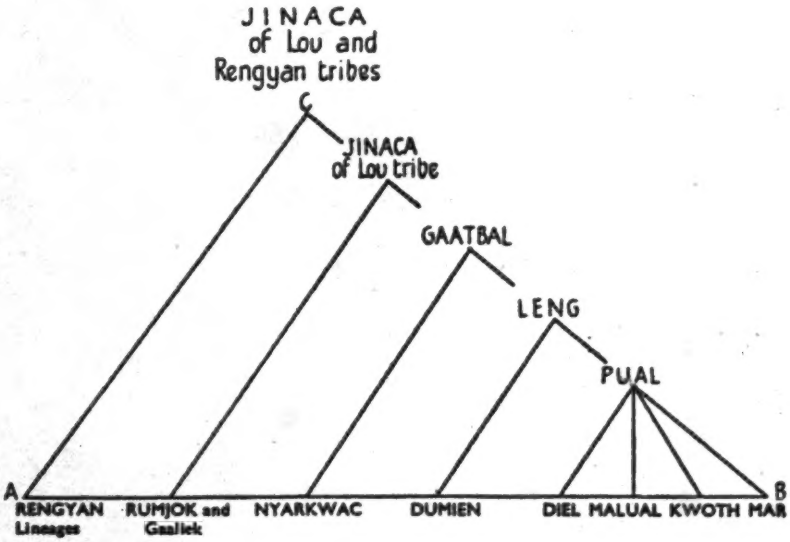
the depth of a lineage (the vertical line of ascent) is always in proportion to its width (the base line representing living lineage groups in the clan system).

A Nuer clan, therefore, is a system of lineages, the relationship of each lineage to every other lineage being marked in its structure by a point of reference in ascent. The distance to this



point is what we call the time depth of a lineage. In theory the genealogical relationship between any two clansmen can be traced through this point, and Nuer can actually trace it if they take the trouble. However, they do not consider it necessary to know the exact genealogical relationship between persons who are known to be distantly related by membership of their respective lineages. Thus it is sufficient for a man of the GAATBAL lineage to know that another man is of the GAALIEK lineage without his having to know the man's exact descent, for these two lineages stand to one another in a certain structural relationship, and therefore the two men stand to one another at that distance. Nuer are conversant up to a point—generally up to the founders of their minimal and minor lineages—with the full range of their genealogical relationships. Beyond this point they reckon kinship in terms of lineages. It is necessary

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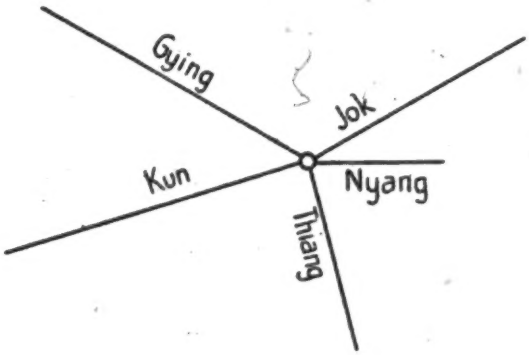
for a Nuer to know not only that a man is a fellow clansman, but also to know what lineage he belongs to, in deciding questions of exogamy and ceremonial. The relationship between a lineage and others of the same clan is not an equal relationship, for lineages are structurally differentiated units which stand to one another at different and exact structural distances.



It is interesting to note how the Nuer themselves figure a lineage system. When illustrating on the ground a number of related lineages they do not present them the way we figure them in this chapter as a series of bifurcations of descent, as a tree of descent, or as a series of triangles of ascent, but as a number of lines running at angles from a common point. Thus in Western Nuerland a man illustrated some of the GAATGANKIIR lineages, using the names of their founders, by drawing the figure above on the ground. This representation and Nuer comments on it show several significant facts about the way in which Nuer see the system. They see it primarily as actual relations between groups of kinsmen within local communities rather than as a tree of descent, for the persons after whom the lineages are called do not all proceed from a single individual. Jok, Thiang, and Kun are three sons of Kir and founders of the maximal lineages GAAJOK, GAAJAK, and GAAGWONG of the GAATGANKIIR clan. Thiang and Kun are shown next to each other because jointly they form the lineage framework of the Gaajak tribe. The Gying lineage does not belong to the GAATGANKIIR clan, but it is shown next to Kun because of the proximity of the Reng section, of which it forms part, to the

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Gaagwong section. Nyang is shown as a short line at the side of Jok because, although the lineage which springs from him belongs to the group of lineages founded by Thiang, they live in the Gaagwang tribe together with a lineage descended from Jok, and the Gaagwang tribe is closely associated with the Gaajok tribe. The Nuer, outside certain ritual situations, evaluate clans and lineages in terms of their local relations. Herein lies the importance of these groups for this study. 613 614

IV

Nuer lineages are not corporate, localized, communities, though they are frequently associated with territorial units, and those members of a lineage who live in an area associated with it see themselves as a residential group, and the value, or concept, of lineage thus functions through the political system. Every Nuer village is associated with a lineage, and, though the members of it often constitute only a small proportion of the village population, the village community is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the common designation of the village community by the name of the lineage. It is only in reference to rules of exogamy, certain ritual activities, and to a very limited extent to responsibility for homicide, that one needs to regard lineages as completely autonomous groups. In social life generally they function within local communities, of all sizes from the village to the tribe, and as part of them. 613 621

A Nuer rarely talks about his lineage as distinct from his community, and in contrast to other lineages which form part of it, outside a ceremonial context. I have watched a Nuer who knew precisely what I wanted, trying on my behalf to discover from a stranger the name of his lineage. He often found great initial difficulty in making the man understand the information required of him, for Nuer think generally in terms of local divisions and of the relations between them, and an attempt to discover lineage affiliations apart from their community relations, and outside a ceremonial context, generally led to misunderstanding in the opening stages of an inquiry.

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613 and become attached to larger and stronger lineages by processes
621 which we will explain later.

613 Nevertheless, a Nuer lineage never entirely merges into
621 another clan. There are always certain ritual observances
614 which cannot be shared. If intermarriage creates community
[582] ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 In spite of so much dispersion and admixture of clans there is
619 in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

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614 619 of a clan, is associated with the political group in which it occupies a dominant position among the other agnatic groups that live in it. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often linguistic identification, between the parts of a clan and the parts of a tribe. Thus, if we compare the diagram on p. 144 with that on p. 193 and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary sections X and Y, major lineages D and E correspond to secondary sections X^1 and X^2, major lineages F and G correspond to secondary sections Y^1 and Y^2, and minor lineages J and K correspond to tertiary sections Z^1 and Z^2. Minimal lineages are associated with villages composing the tertiary sections. It is for this reason that we have spoken of the dominant clan as forming a framework on which the political system of the tribe is built up through a complex series of kinship links. The system of lineages of the dominant clan is a conceptual skeleton on which the local communities are built up into an organization of related parts, or, as we would prefer to state it, a system of values linking tribal segments and providing the idiom in which their relations can be expressed and directed.

614 619 565 The JINACA of Lou country lived originally with their kinsmen the JINACA of Rengyan country to the west of the Nile, but they split off from them and, having crossed the Nile, conquered present-day Lou country. Here they were the first occupants, or at any rate the strongest element among the first occupants. Probably JINACA men frequently crossed the Nile to join their kinsmen to the east and amalgamated with them. Such persons would at once be members of the dominant clan and be spoken of as *diel*, members of the aristocratic group of lineages. But members of other clans which settled in Lou country during or after the occupation were classed as strangers (*rul*). In the same manner those lineages of the GAATGANKIIR clan who crossed the Nile and settled to the north of the Sobat held there a privileged position among other Nuer who joined them.

Every Nuer tribe has in this way its *diel*, its superior clan, though in the case of some tribes we are not certain of the correct designation of these clans. Among the Gaawar they are the GAAWAR, among the Thiang the (GAA)THIANG, among the Leek the GAATBOL, among the Wot, and probably also among the Ror, the

[See cat. 116 — Analyst]

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JIDIET, and among the Begh the JIKOI, &c. Where the correct clan name is unknown one may refer to these dominant elements as the aristocrats (*diel*) or the 'bulls' (*tut*) of such-and-such a tribe, as the Nuer themselves frequently do, e.g. a *dil* or *tut* Bura, an aristocrat of the Bor tribe, *dil* or *tut* Wotni, an aristocrat of the Wot tribe, *dil* or *tut* Beeka, an aristocrat of the Beegh tribe, *dil* or *tut* Laka, an aristocrat of the Lak tribe, &c. One may always speak of an aristocratic clan or lineage by its proper name or by reference to the tribe in which it has a privileged position, e.g. GAATNACA, children of Nac, or *diel* Looka, aristocrats of the Lou tribe, GAATBOL, children of Bul, or *diel* Leegni, aristocrats of the Leek tribe.

There are four essential points to be remembered about these aristocratic clans. (1) Not every clan has superior status in a tribe. Some clans, e.g. the JIMEM and the JAKAR, have no *wec*, no local community, as the Nuer say. Others have village-sites where they have resided for a long time and which are called after them, but they are not *diel* in the tribe where these sites are found. Many are like cuttings which have lost all contact with the parent stem, but these may at once be designated Dinka lineages that have sprung from immigrants, whose descendants sometimes know the Dinka country of their origin but do not know their position in its system of lineages. Consequently they cannot trace ascent for as many generations as true Nuer, and their lineages are narrower in range and territorially more restricted. One finds them in little local pockets in a single tribe, whereas the Nuer clans are distributed throughout many tribes.

(2) Not every member of a Nuer clan lives in the tribe where it has superior status, for most clans are found in all parts of Nuerland. Most JINACA live in Lou and Rengyan tribal areas, where they are *diel*, but many are also found among the Eastern Jikany tribes and elsewhere. Likewise, most GAAWAR live in Gaawar country, but they are also found in most, perhaps all, Nuer tribes. Tribes are territorial groups with an unbroken social extension, whereas clans are kinship groups dispersed far and wide. Consequently a tribe is a community and can have corporate functions, but a clan is never a community and can never act corporately. The Lou tribe unite for war. The JINACA never unite. Also a man can change his tribe by changing his place of residence, but he can never change his clan. A

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Lou man who goes to live in Gaawar country becomes a Gaawar man. A JINACA man remains a NAC wherever he lives.

(3) A clan is, as we have earlier emphasized, not numerically preponderant in the tribe where it is dominant, e.g. the JINACA are only a small minority in the Lou tribe and the GAAJOK lineage are only a small minority in the Gaajok tribe.

(4) A man is a *dil*, aristocrat, only in the one tribe where his clan has superior status. Thus a *dil Leegni*, an aristocrat of the Leek tribe, is an aristocrat there and nowhere else. If he goes to live in Bul country or in one of the Jikany countries he is no longer a *dil* but a *rul*, stranger. In the same way a member of the JINACA is a *dil* in Lou country, but if he goes, as many of his clan do, to reside in Gaajok country, he is not a *dil* there but a stranger, *rul*. The JINACA are *diel* Looka, but the GAAJOK are *diel* Gaajok. The status of *diel* is dependent on residence on land owned by their clan. The only exception to this statement is to be found in such cases where a clan is dominant in two or more tribes, e.g. the JINACA in Lou and Rengyan and the GAATGANKIIR in the Jikany countries to the west and to the east of the Bahr el Jebel. If a man of the JINACA moves from Rengyan to Lou he still remains a *dil*, because both countries belong to his clan. Likewise a man of the GAAJOK lineage of the GAATGANKIIR can move from Gaajok to Gaagwang, or Gaajak, country, on either side of the Nile, and still remain a *dil*, for various lineages of his clan are dominant in all these tribes.

Like most words which denote sociological status, *dil* is used by Nuer in various contexts with various meanings. In this book it is used with the precise meaning given to it in the preceding paragraphs. It is, however, permissible to use the word to denote a true member of any lineage, whether dominant in the tribe or not. For example, the JUAK lineage of the Leek tribe are of Dinka origin and are not *diel Leegni*, but a man who dwells among them can obviously be either a *dil Juaka*, a true member of the JUAK lineage, or a person who has attached himself to them for some reason or other. In the same manner one may speak of a *dil* JIMEM, although there is no tribe in which the JIMEM have the status of *diel*, for a man may be a true member of the clan or a Dinka who has attached himself to it. Also a member of the JINACA who leaves Lou and settles in Gaajok still remains a *gat dila Looka*, a child of Lou aristocracy, and will call himself such, meaning that when he is in Lou country he is an aristocrat.

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The words '*tut*' or '*gat twot*', son of a bull, are used in the same manner as '*dil*' and '*gat dila*'. Here again a man may be a *tut* of his lineage, in contrast to accretions of strangers and Dinka who live in the district associated with it, without being a *tut* of the tribe of which that district forms part, e.g. a man may be a *tut* of the Jaajoah secondary section of the Lou tribe without being a *tut Looka*, because the aristocratic clan of the whole of Lou country are the JINACA, and the JAAJOAH are not members of this clan. In other words a man may call himself a *tut* of the Jaajoah to emphasize that he is a JAAJOAH and not merely a Jaajoah, but he does not thereby imply that he is a *tut Looka*. In a still more general sense *tut* may, as we have noted, merely mean a paterfamilias or even a male person. One must judge from the context how the expression should be translated. In this book we use the words *tut* or *gat twot* in the sense, defined on pp. 179–80, of an elder, and we use the word *dil* to refer to a tribal aristocrat. 614 619 565

It is difficult to find an English word that adequately describes the social position of *diel* in a tribe. We have called them aristocrats, but do not wish to imply that Nuer regard them as of superior rank, for, as we have emphatically declared, the idea of a man lording it over others is repugnant to them. On the whole—we will qualify the statement later—the *diel* have prestige rather than rank and influence rather than power. If you are a *dil* of the tribe in which you live you are more than a simple tribesman. You are one of the owners of the country, its village sites, its pastures, its fishing pools and wells. Other people live there in virtue of marriage into your clan, adoption into your lineage, or of some other social tie. You are a leader of the tribe and the spear-name of your clan is invoked when the tribe goes to war. Wherever there is a *dil* in a village, the village clusters around him as a herd of cattle clusters around its bull. 619 565 554

I have described the position of *diel* as I judged it to be among the Lou tribe. I had the impression that to the west of the Nile their status was less pronounced, whereas among the Eastern Jikany tribes, on the periphery of Nuer expansion, it was more emphasized. In the Karlual area of the Leek tribe, the only part of western Nuerland I know more than superficially, the aristocratic prestige of a *dil* is recognized, but there are clans of strangers so well and long entrenched in the districts and villages in which they are found to-day that a *dil* has no legal privilege.

[See cat. 116 — Analyst]

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alluding to him as such in ordinary social life, for it is in rare 602
situations that his being other than an aristocrat is relevant: to 609
some extent in payment of blood-cattle, in questions of exogamy, 554
and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic 619
in sentiment and so ready to express it in violence a clan is 614
given superior status in each tribe? We believe that the facts
we have recorded provide an answer in terms of tribal structure. 565
Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

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619 tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle
• 614 within the structure which gives it conceptual consistency and
565 a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

619 In the Kir myth not only are the ancestors of important
614 lineages, and, through them, the lineages and the territorial
173 segments in which they are incorporated brought into relation-
773 ship, but the ancestors of clans, and, through them, the clans and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEEKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a single kinship structure, which we call the clan system as distinct from the lineage system of a clan.

173 The clan is the farthest range to which agnatic kinship is
773 traced when the marriage of two persons is in question, but
614 some clans have, nevertheless, an agnatic relationship to other clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

614 We here note again that the dominant lineages in more than
613 one tribe sometimes form part of the same clan structure. Thus,
619 the lineages dominant in the Gaajok, Gaajak, and Gaagwang

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614 613 619 tribes, to the east and to the west of the Nile, are all segments of the GAATGANKIIR clan. Also the dominant lineages of the Rengyan tribe, to the west of the Nile, and the Lou tribe, to the east of the Zeraf, are part of the JINACA clan. This distribution is easily accounted for, because we know that till recently

[415]

FIG. 14. Buffalo-horn spoons.

the Eastern GAATGANKIIR and the Eastern JINACA lineages lived with the other lineages of these clans in the Jikany and Rengyan areas to the west of the Nile.

There are also more general and mythological relationships between clans. In recounting these relationships Nuer personify 773 the tribes and give them a kinship value by assimilating them to their dominant clans. Thus, they speak of Bor, Lang, Lou, Thiang, Lak, &c., as though they were persons and could have kinship relations between them like those between persons, and as though all the members of these tribes were of the same

1: Evans-Pritchard E-5 (1931, 1936) 1940
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614 773 descent. By so doing they stress community relations and obscure clan differentiation in a political context. This habit often makes their statements appear confused, and even contradictory, but it accords with a strong tendency in social life, as we have seen in discussing the various meanings of the word *'cieng'*, to identify the lineage system and the political system in a specific set of relations.

173 773 619 Many Nuer regard their ancestors Gee and Ghaak as the progenitors of all true Nuer, though one is given different classifications in different parts of Nuerland. Among the Lou it is said that all the tribes are descended from Gee, except the Jikany and Gaawar tribes. These two alone are differentiated because their proximity makes them significant for the Lou, whereas all the other tribes, which have no direct relations with the Lou, are vaguely classified as children of Gee. Among the Eastern Jikany all true Nuer tend to be classed as 'Gee' in contrast to 'Kir', the Jikany themselves. In the valley of the Zeraf and in Western Nuerland, where the tribes have a very much wider range of intertribal contacts, there is a wider range of differentiation. The Nuer tribes there fall into three classes: the Gee group, consisting of Bor, Lang, Rengyan, Bul, Wot, Ror, Thiang, and Lou, stretches in an unbroken line, from north-west to south-east, across the centre of Nuerland; the Ghaak group, consisting of Nuong, Dok, Jaloogh, Beegh, Gaankwac, and Rol, occupies the south-western part of Nuerland; and the Ril group, consisting of the Leek and Lak, occupies the lower reaches of the Zeraf and the Ghazal near their junction with the Nile. I have sometimes heard the Bul included in the Ril group. However, in Dok country and in adjacent tribal areas people further distinguish between the tribes elsewhere classed as sons of Ghaak and divide them into a Ghaak group, comprising Beegh, and Jaalogh, and a Gwea group, comprising Dok, Nuong, Gaankwac, and Rol.

614 619 In these classifications we note a further exemplification of what we have often observed elsewhere about Nuer classifications: their segmentary tendency and their relativity. Whilst, for example, other Nuer see the Dok and the Beegh as Ghaak they only see themselves as an undivided Ghaak group in opposition to the Gee fraternity and otherwise see themselves

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as parts of opposed segments, Gwea and Ghaak. It will be noted 614
that these groups of tribes, often represented as families of 619
clans, occupy distinct sections of Nuerland. Before the period of eastwards migration they ran from north to south, in three or four groups, to the west of the Nile. Territorial contiguity and a common clan structure, such as we find among the Jikany tribes, or close relationship within a clan system, such as we find among the Ghaak group of tribes, go together, and the values of the two systems may be assumed to interact. The segmentation of lineages within a tribe in relation to its political segmentation is thus repeated in the whole clan system of the Nuer, the segments of which are co-ordinated with the political segmentation of Nuerland. Those tribes which are adjacent to one another have a common opposition to other groups of tribes and this relation is reflected in the tendency for them to be represented, through their dominant lineages and clans, as closely related on a mythological and ritual plane.

Gee and Ghaak and Gwea are represented as brothers, sons of 773
a mythological ancestor, sometimes called Ghau, the World, and 602
sometimes Ran, Man, whose father is said to be Kwoth, God. Ril is often described as one of their brothers as well, though he is sometimes represented to be a son of a daughter of Gee, called Kar.

All sons of Gee have agnatic kinship (*buth*) which allows them to partake of one another's sacrifices. In these ritual situations only the true sons of Gee, the JINACA, the GAATHIANG, and JIDIET, and other clans descended from Gee, have *buth* interrelationship, but in other situations the tribes in which these clans have a dominant status are represented as brothers or first cousins. Thus Thiang is said to have been the eldest son of Gee, Nac (Rengyan and Lou) the second son, Ror and other tribes younger sons; and Rengyan (Nac) and Wot (Dit) are said to have been twins, as also Bor and Lang, sons of Meat.

Some tribes stand outside this big family. The Jikany tribes 773
have dominant lineages of Dinka origin, descended from Kir, 602
who was found in a gourd by a man of the Ngok Dinka, but, as 619
was earlier explained, they are mythologically related to the Gee group, because Gee is variously represented as the protector or father-in-law of Kir. The GAATGANKIIR have a *buth* relationship with some lineage system of the Ngok Dinka, and there-

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773 fore, in an unprecise political sense, the Jikany and Ngok Dinka tribes have, by analogy, a fraternal relationship. It may safely 602 be assumed that at one time they had close intertribal relations. 619 The GAAWAR clan have also an independent origin, their ancestor having descended from heaven. However, a number of mythological links unite him to the founders of various clans which are dominant in tribes of the Ghaak group (see pp. 230–1), and the Gaawar tribe therefore belongs to this group. Although the Nile now separates it from the other members of the group it was at one time their most northern extension on the west bank. Owing to *buth* relationship between GAAWAR and other clans of the family of clans descended from Kwook, Gaawar are said to go with the people of the Fadang section of the Bor tribe and the Atwot people, who are said to have lived at one time between the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between exogamous clans and of cognatic and mythological ties between clans not considered to be agnates, all the Nuer tribes are by assimilation of political to kinship values conceptualized as a single social system. A number of clans are not associated with tribes, but their lineages are included in this system by the affiliation of the clans to one or other of the large families of clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are descended from Gee and belong to the Gee group; the JIKUL are mythologically attached to the Ril group and the JAKAR to the Ghaak group; and so on. The whole of the Nuer are brought into a single kinship or pseudo-kinship system and all the territorial segments of Nuerland are interconnected by that system.

XIII

619 In our view the unusual degree of genealogical segmentation 613 in the Nuer lineage system is to be understood in terms of tribal 614 structure, which is, as we have seen, characterized by its tendency towards segmentation. The association of the lineage system with the tribal system means that as the tribe splits into segments so will the clan split into segments, and that the lines of cleavage will tend to coincide, for lineages are not corporate groups but are embodied in local communities through which they function structurally. Just as a man is a member of a tribal

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segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a definite correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Therefore, the distance in clan structure between two lineages of a dominant clan tends to correspond to the structural distance between the tribal segments with which they are associated. Hence the tribal system draws out and segments the dominant clans and gives them their characteristic lineage form. Evidence in support of this contention could be cited from any Nuer tribe; we propose to examine only a few typical examples.

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We have observed that in the Lou tribe the Gaatbal and Rumjok secondary sections form the primary section of Gun in opposition to the Mor primary section, and how the dominant lineages of the Gaatbal and the Rumjok sections are descended from one wife of Denac and the dominant lineage of the Mor section is descended from a different wife, so that Gaatbal and Rumjok are to one another in a relation analogous to that of full brothers and the Gun stand to the Mor in a relation analogous to that of half-brothers. We have noted, likewise, how the dominant lineages of the Gaajak are descended from two closely related wives of Kir while the dominant lineages of the Gaajok and Gaagwang, which have a very close alliance, are descended from a third wife.

The GAATGANKIIR lineages in their relation to the segmentary structure of the Jikany tribes provide an excellent test of the hypothesis that lineage structure is twisted into the form of the political structure, for the same lineages are found at extremities of Nuerland where political conditions are not identical. Had I had more time in the Jikany countries, or had I formulated the problem more clearly in the little time I had to spend there, I might have been in a position to state my conclusions more dogmatically. We will briefly analyse the lineage system of the GAATGANKIIR in its relation to two of the Gaajak primary sections.

Thiang was the eldest son of Kir. He had two wives, Nyagaani and Baal. From these two wives spring the three main lineages of *cieng* Thiang, the Thiang primary tribal section, TAR, LONY (or GEK), and KANG. What is said to have happened is shown in the diagram on p. 242. Tar, being the only son of his mother, has founded an independent lineage and tribal section, that which lives in the

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2:Evans-Pritchard E-5 (1931,1936) 1951
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221 are dry-season activities. Also, milking, cleaning kraals, making up fires, cooking, pounding grain, and other chores which are performed separately and at different times by each household in the villages tend to be performed in unison in the camps. The greater density of the community and the rigours of the season
361 impose a common regimen. Another feature of cattle camps which has some social importance is their composition. Neighbouring village communities which in the rains occupy different sites, often divided by wide swamps, frequently make common camp or they camp so near to each other that there are more intimate relations between their members in the dry season. The radius of effective kinship is greater in the dry season than in the wet.

Although there is this greater cohesion in camps, the families and joint families and larger clusters of kin whose social distinction is evident in the distribution of homesteads in the villages maintain their identity in the distribution of camp windscreens and huts. Each family has its own windscreen, corresponding to its byre in the village, and in the centre of it is the *gol*, its hearth of ashes. Attached to the windscreen are the beehive huts of the womenfolk, just as in the villages their wattle-and-daub huts are attached to the byre. The windscreens of those whose homesteads adjoin in the villages are generally adjacent to, almost touching, one another in the camps and form clearly demarcated rows in the circle of camp dwellings. When a large village is clearly segmented, the separation observable in the distribution of its homesteads can also be noted in the dispersal of smaller camps within the general camping area. These social alinements are most evident in the early part of the dry season, before the large concentrations of the main season have been formed, for then small groups of kin often make independent camps around isolated pools at some, sometimes a considerable, distance from each other.

II

602 All the members of such a village or camp as I have briefly
613 described[1] are kin. Before giving examples in illustration of this
614 statement I must say again what I have already said in *The Nuer* about the difference between lineage relations and kin relations because it is a very important difference. In speaking of lineages I refer to unilateral groups of kin—among the Nuer groups of

[1] [cf. cat. 116, pp. 2 ff. -- Analyst]

2:Evans-Pritchard E-5 (1931,1936) 1951
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agnates—and in speaking of kinship I refer to categories of kin. In speaking of lineage relations I therefore refer to relations between groups within a system of such groups, whereas in speaking of kin, or kinship, relations I refer to relations between persons standing to one another in certain categories of relationship within a system of such categories. It is often difficult for those who have not lived in a society with a lineage structure to appreciate the distinction I have drawn because the relationship between collateral lineages of the same clan is necessarily also one that can be expressed in terms of a kinship category, and it is possible in certain circumstances even to speak of the relation between lineages of different clans in similar terms, for they may wish on occasions to stress a genealogical nexus between themselves, indicating thereby that, for example, the one stand to the other as *gaatnar*, children of the maternal uncle, or as *gaatwac*, children of the paternal aunt. But in these cases it is a relationship between groups that is referred to and not a personal relationship between individuals except in so far as it is derived from the relationship between the groups to which they belong.

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As I have explained in *The Nuer*, the lineages of Nuerland are dispersed groups, though in a certain sense they may be regarded as corporate groups in the form they take as political segments in fusion with other elements. They provide the conceptual framework of the political system within which they also function as its organizing principle through the expression of political fission and fusion in terms of their segmentary structure. The identification of lineage segments with tribal segments in a political context is brought about by the acknowledgement that certain clans and their lineages have rights in certain tribal areas and by the residence in those areas of a sufficient number of members of these dominant groups to act as nuclei of local and political groups. It probably never happens that all members of a lineage of any order—maximal, major, minor, or minimal—live in the area associated with it and to which it gives its name, though very many of them may do so.

Because the usual reference to a lineage is in a political context it is generally spoken of as the *cieng* of such-and-such a people (the name of the lineage being given), for, like the word *gol*, *cieng* has always a residential, and not an exclusive descent, connotation. When reference is made to a lineage in a context in which it is

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601 desired to particularize it as an exclusive descent group, a group of
613 agnatic kin descended from a common ancestor, Nuer use the
614 expressions *thok dwiel* or *thok mac*, literally the doorway to a hut or the hearth, to denote it; but these expressions are little used because abstraction of a lineage from its social and political matrix has only rarely to be made: on certain ritual occasions and in connexion with feuds and rules of exogamy.

601 The distinction between an agnatic lineage relation and an
602 agnatic kinship relation is clearly made by Nuer themselves, from whom indeed I learnt it. They use the word *buth* to describe agnatic kinship between collateral lineages, that is to say, kinship between groups and between individuals only in virtue of their membership of these groups. On the other hand, they use the word *mar* to describe any and every relationship of a kinship kind between persons. All persons with whom a man acknowledges any kind of kinship, through however many other persons, are *mar*, kin, to him. People say of him and of any such person '*teke mar*', 'they have kinship'; and he speaks of any or all of his relations as '*jimarida*', 'my kinsmen'. The term *mar* includes relatives through the mother, the maternal kin, and through the father, the paternal kin. This is the meaning the word has when used by Nuer collectively and without restrictive qualification. Its sphere of reference is indicative of the balance we find in social life generally between the paternal kin and the maternal kin, a balance evident in the configurations of kin in local communities which I am about to describe. Nuer also sometimes use *mar* when speaking of affinal relations, especially when they are long established. In a broad sense they also are kin in the eyes of Nuer, just as in our own society we include our affines in the category of relatives.

Where there is a *buth* relationship between lineages there must also, in one way of speaking, be *mar* between the members of one and the members of the other, for the relationship between collateral lineages is agnatic and the members of the one must therefore be patrilineal kin to the members of the other. The question therefore arises: at what point in the spread of an agnatic line, conceived of as a number of living patrilineal kinsmen, does interpersonal *mar* relationship become the inter-group relationship Nuer call *buth* so that these kinsmen divide into segmentary descent groups or lineages? The question may be put in another way: how many generations back do Nuer trace patrilineal ascent

KINSHIP AND THE LOCAL COMMUNITY

621 613 614 602 The village site belongs to the Riaagh lineage of the Keunyang maximal lineage of the Gaatbol clan, the dominant clan in Leek tribal area of which Karlual area, where Nyueny is situated, is a section. Members of that lineage with their wives and concubines and their affines account for ten out of the twenty-six homesteads. The people of Nyueny hamlet, the central and northern parts of the village, are known as 'the children of Jany', and Jany's descendants with their wives and concubines and affines account for another ten homesteads. 'The children of Jany', whose *tut* is Karlual (homestead 9), count collectively as *gaatwac*, children of the paternal aunt, or, as Nuer often put it, *gaatnyiet*, children of daughters, to the Riaagh lineage, whom they call *gaatnar*, children of the maternal uncle. The senior Riaagh men are the 'bulls' of the village in the tribal sense of the word *tut*.

621 602 It will again be observed that the village is not an exclusive lineage group (with its wives) but is a cluster of kin (including affines). In this case, however, there is a lineage core to the village community, and this core is that branch of the dominant clan of the tribe which owns the village site. Some members of its collateral minimal lineage, the Gom, also live in the village. I draw attention to further typical features. We saw that at Konye many of the heads of families were living there because of affinal relationships with other members of the village. The counterpart to this is the relationship of sister's son to mother's brother, for when the children of a resident sister or daughter grow up in a village those who stand in an affinal relationship to their father stand in an avuncular relationship to them. This is a very significant feature of Nuer local communities and from it follows another common feature: in course of time a maternal link of this kind may be treated as though it were a paternal link and therefore within the genealogical structure of the principal lineage of the community. Jany's mother Duai is so treated. Nuer say of a woman who has this structural position that 'she has become a man'. Cognation becomes regarded for ordinary social purposes within community life as equal to agnation. A sister's son–mother's brother relationship may come about in a village not by a man going to live with his wife's people but by widows bringing their children to live with their own people after their husbands have died, a mode of residence which in certain circumstances may continue after the deaths of the mothers. This [591]

* [cf. ms. 116, p. (13)-- Analyst]

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597 any other rigid hierarchical structure. It has been brought about
563 by their incorporation into Nuer lineages by adoption and by
613 their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that
621 we find strangers of Nuer clans as members of clusters of kin
● 614 around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *buth* relationships which attach them to the lineages of their birth.

000 Another factor which has certainly had some influence in

582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 The word *rual* means both incest and the misfortune which it
684 causes. Syphilis and certain forms of yaws are believed to be espe-
753 cially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 Clan exogamy is stated by Nuer in terms of clan symbols. Each
●614 clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

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inquiry made is into the spear-names of their clans. It sometimes 582 614
happens that two unrelated clans have the same primary spear-names but have different secondary spear-names which serve to distinguish them ritually. It also sometimes happens that two maximal lineages of the same clan have different secondary spear-names, but in this case the secondary differentiation would not permit intermarriage. Nuer go into this matter very carefully if there is any doubt about clan relationship, as in certain circumstances there might be.

A man may not marry any close cognate. Nuer consider that if 582
relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations, though the number of generations is not absolutely fixed, marriage should not take place between them. An ox is believed to have been cut in two in ancient days to permit intermarriage between persons who are descended from a common ancestor beyond that point, so long as they are not agnates. Nuer explain that a man who is related to a woman as far back as six generations might still claim a small gift at her marriage, a clear indication that they cannot marry. If a proposed union is a borderline case a gourd may be ritually broken in half to end kinship. They then say '*bakena mar*', 'we split kinship', and '*ba bak ne kir*', 'it (kinship) is split with a gourd'. It should be noted, however, that a man cannot marry the daughter of a woman of his own maximal lineage even though the lines of himself and the mother converge at a point more than six generations back. Some clans permit marriage to the daughter of a woman of a collateral maximal lineage of the clan. Stated in a slightly different way, a man or woman may marry into his, or her, mother's clan but not into her maximal lineage. Other clans do not allow a man to marry into his mother's clan in any circumstances.

When, as often happens among the Nuer, the physiological father, the genitor, is a different man from the legal father, the pater, his sons will not marry into his minimal lineage because the physiological connexion is socially recognized by the payment to the natural father of a cow of the bridewealth of his natural daughters. They may, however, marry women of a collateral lineage. Close natural cognation of any kind is a bar to marriage. Thus I was told that a man would not marry the daughter of his *nar laka*, the natural son of his maternal grandfather.

835 recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. 621 The Nuer political structure was treated in that book as a system 619 of relations between territorial groups which express both their 613 autonomy and their participation in the system in terms of 614 lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

community of kindred every member of which regulates his 621
behaviour to every other member in accordance with a variety 619
of kinship patterns and can predict their behaviour to himself 613
in conformity with the same norms. 614

When a local community becomes in this way a network of 582
kinship ties it is necessary, so varied and extensive are the re- 602
lationships which come under the exogamous ban, to marry 621
outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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8:Howell E, G-5 (1942-1944)1954
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obtained by work or the sale of such products as hides and grain; and money can be used, apart from trade goods now in demand, to purchase cattle, although the market for cattle is still very limited. 421 178

Legal concepts based on values related to a subsistence economy only and conditioned by relative scarcity are bound to be modified when the economy begins to change, and the availability of certain articles is vastly increased. For example, although Nuer now practise agriculture on a larger scale than before and it is therefore of greater importance, an iron hoe valued at several head of cattle in the scale of traditional compensation, if it is ever stolen at all, now demands nothing more than material restitution. Another hoe can be purchased for a few piastres almost anywhere, and the threat of hardship from its loss is negligible. Hence nowadays the potential value of the hoe is ignored; only the actual trade value is assessed and, as will be seen, the wrong inflicted on the owner by taking it from him is not considered. 436

2. LAND TENURE, GRAZING RIGHTS, AND RIGHTS IN WATER

General Considerations

Rights in land, grazing, and fishing and drinking pools are held by those who are considered to be the descendants of the original occupiers of the area. This is particularly true of Nuer east of the Nile, for such rights are held by descent from the original colonizers. An understanding of land tenure, therefore, requires an analysis of the lineal structure of Nuer society and of the way in which areas were seized from the Dinka and occupied, mostly towards the end of the last century. The position and function of the nuclear clan or 'aristocrats' in each area who are called *diel*—as opposed to *rul*, i.e. later accretions who attach themselves to the original occupants—has already been explained. Most Nuer clans or tribes have strong traditions of an original division of land. Later accretions only acquire rights of possession by association with the nuclear lineage. This is in fact the basis of the whole system of Nuer society. Many *rul* lineages attempt to attach themselves to a nuclear lineage by real or fictitious relationship, often through intermarriage. The distinction in the latter case is clear, for, as we have seen, those who link themselves to the *diel* through previous marriages are called *gaat nyiet*, the 'sons of daughters', as opposed to *gaat tutni*,[1] 'sons of bulls'. *Diel* are always *gaat tutni* in the area they occupy; *gaat nyiet* are always *rul*, though *rul* are not all necessarily *gaat nyiet*. It seems that the word *rul* is applied with greater emotional intensity to those who have arrived and settled more recently, while those whose ancestors attached themselves earlier in Nuer 423 614

[1] See p. 78.

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[614]

history to a nuclear clan have acquired so much associated tradition that the attachment is confirmed.

Land tenure here means the holding of, and rights to, the high ridges and sandy outcrops which the Nuer occupy during the wet season, where they build their permanent villages and cattle-byres and clear their cultivations, and the various forms of land used for pastures and fishing in the dry season. That certain communities, consisting of the *diel* and later accretions by association, have a definite right to distinct areas is clearly recognized by all Nuer. The sanction for possession in the past was, however, physical force and power to resist the encroachment of others, while nowadays the *status quo* is maintained by the Government.[1]

Occupation of the land and prescriptive rights to a certain territory are often expressed in mythological terms linked to the history of the nuclear lineage. The original ancestor is said to have divided land among his sons, themselves ancestors of particular collateral lineages, in the same way as he divided his cattle and sometimes his ritual functions among them. But this is merely an idiom which gives emotional emphasis to ownership of land vested in that nuclear lineage, for land, either arable or pasture, is not a form of property which is normally controlled by the laws of inheritance. A man's eldest son will inherit his huts and cattle-byre, while the other sons continue to occupy them so long as they wish to do so, particularly if they are not married; but, as younger sons, they have no specified portions of their father's land, and there is consequently no individual inheritance of land. When they wish to do so, they will build their houses and set up their homes in some area which is unoccupied, for there is usually no shortage.

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As I have explained in the introduction, three types of land are utilized by the Nuer, and each is of definite value at certain times of the year. The 'high land', ridges of higher, better-drained ground, provides for the permanent settlements mainly occupied during the rains from approximately May until November, though the period varies according to latitude and local climatic conditions. This area is largely used for the cultivation of millet (their staple crop), of maize and tobacco and the few vegetables which some Nuer grow. Beyond, and usually surrounding the higher ridges, are the 'intermediate' grass plains which are subject to variable flooding from accumulated rainfall which only drains away with difficulty, especially if the ground is already saturated. These 'intermediate' areas are utilized at the end of the rains for pasture so long as sufficient moisture remains in the soil to allow a green regrowth from the perennial grasses after they

[1] Nuer did not confine their aggressive movements to the Dinka. Other Nuer tribes were often attacked and their territory occupied. For example, the Lou Nuer originally occupied the Zeraf Island, but a military alliance between Thiang and Lak drove them out.

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619 segments or with two tribes. The tribal system as defined by sociological analysis can, therefore, only be said to approximate to any simple diagrammatic presentation. A tribe is an exemplification of a segmentary tendency which is characteristic of the political structure as a whole. The reason why we speak of Nuer political groups, and of the tribe in particular, as relative groups and state that they are not easily described in terms of political morphology, is that political relations are dynamic. They are always changing in one direction or another. The most evident movement is towards fission. The tendency of tribes and tribal sections towards fission and internal opposition between their parts is balanced by a tendency in the direction of fusion, of the combination or amalgamation of groups. This tendency towards fusion is inherent in the segmentary character of Nuer political structure, for, although any group tends to split into opposed parts, these parts tend to fuse in relation to other groups. Hence fission and fusion are two aspects of the same segmentary principle and the Nuer tribe and its divisions are to be understood as a relation between these two contradictory, yet complementary, tendencies. Physical environment, way of livelihood, mode of distribution, poor communications, simple economy, &c., to some extent explain the incidence of political cleavage, but the tendency towards segmentation seems to be inherent in political structure itself.

III. Lineage System

619 613 Tribal unity cannot be accounted for by any of the facts we have so far mentioned, taken alone or in the aggregate, but only by [614] reference to the lineage system. The Nuer clan is not an undifferentiated group of persons who recognize their common kinship, as are many African clans, but is highly segmented. The segments are genealogical structures, and we therefore refer to them as lineages and to the clan as an exogamous system of lineages which trace their descent to a common ancestor. The defining characteristic of a lineage is that the relationship of any member of it to other members can be exactly stated in genealogical terms. His relationship to members of other lineages of the same clan is, therefore, also known, since lineages are genealogically related. Thus, in the diagram below, A is a clan which is segmented into maximal lineages B and C and these again bifurcate

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into major lineages D, E, F, and G. In the same manner, minor 619
lineages H, I, J, and K are segments of major lineages E and F; 613
and L, M, N, and O are minimal lineages which are segments of
minor lineages H and J. The whole clan is a genealogical structure, [614]
i.e. the letters represent persons to whom the clan and its segments
trace their descent, and from whom they often take their names.
There must be at least twenty such clans in Nuerland, without
taking into account many small lineages of Dinka origin.

The Nuer lineage is a group of agnates, and comprises all living

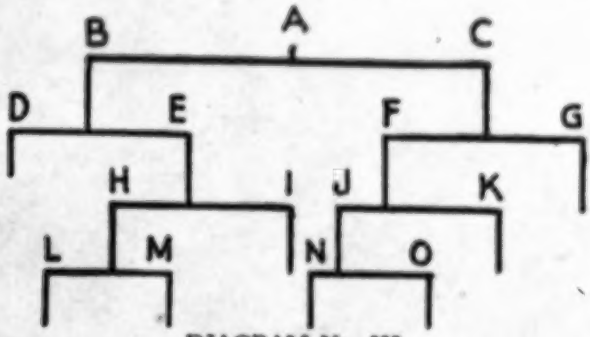

DIAGRAM No. III

persons descended, through males only, from the founder of that particular line. Logically, it also includes dead persons descended from the founder, but these dead persons are only significant in that their genealogical position explains the relationship between the living. The wider agnatic kinship is recognized the further back descent has to be traced, so that the depth of a lineage is always in proportion to its width.

The Nuer clan, being thus highly segmented, has many of the 613
characteristics which we have found in tribal structure. Its lineages are distinct groups only in relation to each other. Thus, in the diagram, M is a group only by opposition to L, H is a group only by opposition to I, D is a group only by opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are no longer separate minimal lineages, but are a single minor lineage, H, in opposition to I, and D and E are no longer separate major lineages, but are a single maximal lineage, B, in opposition to C. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation

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613 to a certain group and not a member of it in relation to a different group. Lineages are thus essentially relative groups, like tribal sections, and, like them, also are dynamic groups. Therefore they can only be described satisfactorily in terms of values and situations.

613 Nuer lineages are not corporate localized communities though
621 their members often have an association with a locality and speak of the locality as though it were an exclusive agnatic group. Every Nuer village is associated with a lineage, and though the members of it often comprise a small proportion of the community, it is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the designation of the village community by the name of the lineage. It is only in reference to rules of exogamy and certain ritual activities that one needs to regard lineages as completely autonomous groups. In social life generally, they function within local communities, of all sizes from the village to the tribe, and as part of them. We cannot here discuss the ways by which residential groups become a network of kinship ties—marriage, adoption, and various fictions—but the result tends to be that a local group is a cognatic cluster round an agnatic core, the rules of exogamy being the operating principle in this tendency.

●614 Nuer clans are everywhere much dispersed, so that in any village or camp one finds representatives of diverse clans. Small lineages have moved freely over Nuerland and have settled here and there and have aggregated themselves to agnatically unrelated elements in local communities. Migration and the absorption of Dinka have been circumstances favouring the dispersal and mixture of clans. Being a conquering, pastoral people and not
[769] having an ancestral cult, the Nuer have never been bound to any particular spot by necessity or sentiment.

Nevertheless, there is a straight relation between political structure and the clan system, for a clan, or a maximal lineage, is associated with each tribe, in which it occupies a dominant position among other agnatic groups. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often a linguistic identification, between the parts of a clan and the parts of a tribe. Thus if we compare Diagrams II[1] and III[2] and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary

[1] [see p. 282, cat. 116 -- Analyst]
[2] [see p. 288, cat. 288 -- Analyst]

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sections X and Y; major lineages D and E correspond to secondary 614
section X^1 and X^2; major lineages F and G correspond to secondary sections Y^1 and Y^2; and minor lineages J and K correspond to tertiary sections Z^1 and Z^2.

We speak of a clan which is dominant in a tribe as the aristocratic clan, although, except on the periphery of Nuer expansion eastwards, its predominance gives prestige rather than privilege. Its members are in a minority—often a very small minority—in the tribe. Not all members of the aristocratic clan live in the tribe where it is dominant, but many are also found in other tribes. Not all clans are associated with a tribe in this manner. A man is only an aristocrat in the one tribe in which his clan is dominant. If he lives in another tribe, he is not an aristocrat there.

There is consequently in every tribe some social differentiation. 614
There are aristocrats, Nuer of other clans, and Dinka, but these 565
strata are not classes and the second and third are properly to be regarded as categories rather than as groups. The Dinka who have been absorbed into Nuer society have been for the most part incorporated into their kinship system by adoption and marriage, and conquest has not led to the development of classes or castes. This is, perhaps, to be attributed, in part at any rate, to the fact that the Dinka, like the Nuer, are chiefly pastoralists and that in other respects their ways of life are very similar.

Without presenting all the evidence and without making every qualification, we attempt an explanation of why Nuer clans, especially the dominant clans, are segmented into lineages to a far greater degree than is usual among African peoples. In our view, they are segmented because the political structure to which they correspond is segmented in the way we have described. Social obligations among the Nuer are expressed chiefly in a kinship idiom and the interrelations of local communities within a tribe are defined in terms of agnatic relationship. Therefore, as the tribe segments the clan segments with it and the point of separation between the tribal sections becomes the point of divergence in the clan structure of the lineages associated with each section. For, as we have seen, clans and their lineages are not distinct corporate groups, but are embodied in local communities, through which they function structurally. Such being the case, it is not surprising that they take the form of the State which gives them corporate substance.

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619 Those clans which are associated with tribes have generally
●614 greater lineage extension and depth than those which are not so
565 associated, and the larger the tribe the more significance this association has for the Nuer. It is in the largest tribes, territorially and numerically, and those which have expanded most and assimilated most foreigners, like the Lou and Eastern Gaajak and Gaajok tribes, that we find the greatest attention paid to the distinct and dominant position of the aristocratic clans. Indeed, not only do political relations affect the clan structural form, splitting it into segments along the lines of political fission, but also the clan system may be said to have a corresponding action on the political structure. In a confusion of lineages of different clan origin and in an amorphous network of cognatic links, the political structure is given consistent form, in the language of kinship, by one clan—a single system of lineages—being made to correspond to the tribe and to its structure of opposed segments. Just as a man is a member of a tribal segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a strict correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Moreover, the distance in clan structure between two lineages of a dominant clan tends to correspond to the distance in tribal structure between the two sections with which they are associated. Thus the system of lineages of the dominant clan enables the Nuer to think of their tribe in the highly consistent form of clan structure. In each segment the network of kinship ties are given unity and coherence by their common relationship to the lineage of the dominant clan that resides there, and as these separate lineages are composite in relation to other clans so the whole tribe is built around an exclusive agnatic framework. Though the sections may tend to draw apart and to split, a common agnatic value, shared by the dominant lineages contained in them, endures.

IV. Age-set System

561 Another tribal institution is the age-set system, which is socially more significant among the Nuer than among other Nilotic peoples of the Sudan. Nuer boys pass into the grade of manhood through

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[581] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
648 Lou tribesmen from all over the tribal area for a combined raid on the Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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823 196 rather more inclusive. But both are used to refer to "our home," "our hamlet," "our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that the territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not clearly differentiate between them.

619 361 614 Herein lies a great difficulty. The Nuer tribe always has a name derived from the name of the country which it occupies, e.g., one may

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speak of Lou tribesmen as *ji looka* (people of Lou), or of Lek tribesmen as *ji legni* (people of Lek); but generally this name is also the name of the clan, for a country is often called after its first occupants and owners, e.g., Gaawär is the name of the tribal territory of the tribesmen who occupy it, and presumably, for I have not been there, of the clansmen who form the dominant element in the tribal territory. GAAJAK and GAAGWANG are clan lineages who have given their names to the countries where they live. To eliminate this difficulty I have throughout written tribes and tribal sections in small letters and clans and clan lineages in capitals. Hence if I say that a man is a Gaawär I mean that he is a man inhabiting Gaawär country, i.e., a member of the Gaawär tribe, whereas if I say that a man is a GAAWÄR I mean that he is a descendant in the male line from Wär, i.e., a member of the GAAWÄR clan. I will give two more examples to make this point quite clear. If you ask a Lou man what is his *cieng*, you are asking him where he lives, what is his homestead, village or district. Suppose that he replies that his *cieng* is *cieng* Pual, you can ask him what his *cieng* forms part of, and he will tell you that it is part of *cieng* Leng, giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng forms part of *cieng* Gaatbal, a secondary tribal section, and he will explain that *cieng* Gaatbal is a division of the Gun primary tribal section which is a moiety of the Lou tribe. But he has told you nothing about his clan relationship. He may or may not be a member of the PUAL clan lineage which forms a part of the LENG lineage, which forms part of the GAATBAL lineage, which forms part of the clan of JINACA or GAAT GAN NACA, the people of Nac or the children of the children of Nac. In the same way, if a Jekany man tells you that he belongs to *cieng* Kwith of the Gaatjok, it does not follow that he is descended from Kwe (Kwith) who is descended from Kun (whose bullock name was majok), but he merely means that he lives in a tribal section occupied by the KWITH lineage which forms part of the tribe occupied by the GAAJOK who are a principal lineage of the GAAT GAN KIIR, the children of the children of Kir. I shall shortly explain the meaning of these lineages.

Owing to the fact that the Nuer have no word for clan, as we understand the group, and that they have no stereotyped modes of referring to clansmen, we are in some difficulty in writing about them. The

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614 ordinary words for clansmen are composed of the names of the founder with a prefix of *gaat* (children) or *gaat gan* (children of children) or *ji* (people), e.g.,

gaat Wär (GAAWÄR), the children of Wär.
gaat gan Kiir, the children of the children of Kir.
ji Diet, the people of Dit.

My main difficulty arises from my ignorance about the names by which the dominant clans, the *tut* or *diel*, in many tribes are called (e.g., I do not know the names of the founders, nor can I trace the descent of the dominant elements, in such tribes as the Dok, Lek, Nyuong, Jagei, Lak, Bul, etc.). In the case of the Lek and the Dok tribes, which I visited on my first trip to Nuerland, I had unfortunately not formulated the problem of clan descent clearly enough to direct enquiry into it, since I was still shaking myself free from the shackles which a wrongly conceived notion of the *cieng* had fastened upon me. Hence it is rather by analogy than research that I conclude that the *diel* of the Gaawär tribe are the GAAWÄR clan. Often it would seem that the birth name of the founder of a clan or lineage has not been chosen as the title of his descendants, but that they have called themselves after his bullock name. Thus, while one of the major lineages of the JINACA is called GAATBAL after their ancestor Bal, his brother Dak's lineage is called RUMJOK after his bullock name. It is possible that the third brother, Nyaang, is really a bullock name and that his birth name was Liek or Lik, since these descendants are known as GAALIEK (*gaat* Liek—children of Liek or Lik). The lineage of the GAAJAK among the Jekany is doubtless called after the bullock name of their ancestor Mathiang, though this, too, has the appearance of a bullock name (*ma jak* is a bullock with a brown rump, *ma thiang* is a bullock coloured like the thiang). The Lou lineage of NYARKWAC is called after the bullock name of its founder Bang, his bullock being spotted like a leopard (*kwac*) and noted for the manner in which it strutted about sedately (*thak me jale nyarnyar*). MACOK, another Lou lineage, though not a *diel* lineage, is so called because the favourite bullock of its founder was so restless that it had to have its legs bound with cord (*cok*). It is not possible, however, to say with certainty that because a lineage has a bullock name that this was necessarily the bullock name of its founder. It may have been his proper birth name, or it may have been the name of a cow which suckled him, or it may have

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been the name of a bullock which formed part of the bride-wealth with which his mother was married. Thus I have heard a Nuer suggest that Thiang was *thak me ca kwen man* (the bullock by which his (the lineage founder) mother was married). It is seldom that the Nuer are certain about the origin of such names. The question is, however, one of philological rather than sociological importance. Often I can offer no explanation of the meaning of a lineage cognomen, e.g., the lineages of GAAGWANG and GAAGWONG (*gaat gwang* and *gaat gwong*) among the Jekany. Miss Huffman gives *gwong* for hedgehog and *guong* for guinea fowl and *gwang* for axillary or sound of fish in water, but none of these meanings give a clue to the origin of the lineage names. Jackson (pp. 75–76) suggests the origin of the name Gwang by reference to the Kir cycle of myths and his account of Nuer names in general will give an idea of the innumerable incidents which determine the birth names of Nuer (pp. 171–173). Of Gwang he writes :—

> "On the death of Kir, Madjok was appointed by his father as head of the tribe and given the hereditary leopard skin, without which no case of killing can be tried. Matiung and Kunjokjak decided privately not to accept Madjok as their chieftain, but to deprive him of the guardianship of the sacred spear. . . . When this agreement was come to Madjok was outside looking after the cattle, but on his return he at once divined that something was wrong. He spoke to his relations and was greeted with the remark that he was from henceforth of no more account and had been deprived of the leopard skin and sacred spear. . . . His wife shortly afterwards gave birth to a boy named Gwang, i.e., the secret plot." (pp. 75-76.)

I cannot corroborate this tale, but it is a good example of the way in which a Nuer gets his birth name, which then becomes the cognomen of his lineage. It will be noticed in my paper that sometimes lineages are called after women and this is generally evident from the feminine prefix *nya*. I defer discussion on this feature till a paper on Nuer kinship in which setting it will be more easily explained.

What exactly is meant by lineage and clan? One thing is fairly certain, namely, that the Nuer does not think in group abstractions called clans. In fact, as far as I am aware, he has no word meaning clan and you cannot ask a man an equivalent of "What is your clan?"

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614 as you can ask a Zande, for example, "*Ngbwatungaro nga da?*" You
[196] get at his clan by degrees, if you get at it at all, by asking a man what is his *thok mac* or *thok dwiel* (the hearth of his fire or the entrance to his hut). In my experience the latter expression is the more common and I will use it here. The reader will observe that it is analogous in its literal and extended meanings to the Arabic *khashm el bet*. A man's *thok dwiel* are all those persons of either sex who can trace their descent through males exclusively to a common ancestor. *Thok dwiel* is, therefore, a relative term since its extension depends on the particular person who is selected as the point of departure. Thus if we begin with the father then the *thok dwiel* will include only sons and daughters, but if we take the grandfather as our point of departure it will include all his sons and daughters and the children of his sons. A larger and larger number of agnates (persons related through the male line exclusively) will be included in the term *thok dwiel* the higher up the line of ascent we take the point of departure. Now the Nuer does not generally, if ever, refer to the group of father and children as a *thok dwiel*. These people, together with the mothers, form so obviously a family and household (*gol*). *Thok dwiel* of a man means essentially his father's kinsman and the only question is how far back the Nuer goes up the line of ascent before he hits on an ancestor whose descendants in the male line he includes in his notion of kin. The answer to this question is complicated since there is no invariable rule in the matter and since the notion of kin is relative, more people being included in some contexts than in others by the same speaker.

613 Thus in diagram No. IV W, X, Y, and Z are four sons of S and they sleep in their father's kraal and form part of his family and household (*gol*). Many years later we return to their country and we find that S is long since dead and that his sons, W, X, Y, and Z, have each a family of their own. We may now speak of W, X, Y, and Z, with their sons and daughters as forming a *thok dwiel*, which would be called after S, their common ascendant. In the terminology employed in this paper we would speak of the lineage of S since we are using the term lineage to denote the unilateral group of agnatic kin which the Nuer calls his *thok dwiel*. If you ask any member of this line of descent from S what is his lineage, he will reply that he belongs to the house (*cieng*) of S. Here again it is necessary to re-emphasise that in saying that he belongs

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613 is a member of her father's lineage, but her children are of her husband's lineage, hence a woman and her children belong to different lineages—*mulier est finis familiæ*. A lineage, moreover, is not a loose group of people with mutual but undifferentiated relationship, each member extending to all the other members a vague preferential treatment, as is the case with many African clans, but it is a compact group of persons the relationship of any one of whom is different to each other member of the lineage. The exact genealogical position of each member of a lineage in respect to each other member is easily traceable in the network of its genealogical system. Thus, two men, whom we will call A and B, are any two members of the same lineage, but A is not simply B's fellow clansman, his lineal peer, but is related to him by a succession of steps which can be followed by anyone familiar with the ascent of both, i.e., A is perhaps B's father's father's father's brother's son's son's son. We must remember, besides, about the Nuer lineages that many of their members appear by adoption and not by birth and it will be explained later how Dinka captives are incorporated into Nuer lineages by adoption. Lastly, we have to stress the fact that a lineage is always a relative term since it depends upon how far up the line of ascent the ancestor, from whom all members of the lineage are descended, is chosen. Hence, two 613 lineages which are separate and opposite in relation to each other are 614 single and composite in relation to a third. Every male Nuer is (1) a member of his father's lineage, and (2) the potential founder of a lineage of his own. In fact, however, not every Nuer reaches the dignity of being regarded after his death as the founder of their lineage by his descendants and they will not necessarily call their village after his name. Here and there in a group of brothers and cousins one man or one line of descent proves dominant and gives his name to the village in which they all live. The descendants of his brothers and cousins as well as quite unrelated people who have come to live in that village now speak of themselves as members of *cieng* so-and-so and owing to the tendency, which I have already noticed, for the kin who live together to become identified with the village in which they live, all villagers tend to speak as though they have a common lineage even when their claims are quite fictitious. In the case of descendants of brothers of the man after whom the village is called there is, however, a definite merging of the kin into one lineage. In this situation the brothers are regarded

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613 as though they were equivalent. Many collateral lines are lost by this
614 process of merging in which they come to regard one of their ancestors as though he was the common ancestor of them all.

I shall refer in this paper to major lineages and minor lineages. A certain degree of latitude must attach to these expressions since it is impossible, owing to their variations, to use them with complete precision. By minor lineage I mean the ancestor to whom the Nuer refers in answer to your question, what is his *thok dwiel*, i.e., the first descendant in their common line of descent to whom a large number of families refer as their common ancestor and whose name is the name after which their village or district is called. Thus a large number of families in the Lou tribe will tell you, if you ask them what is the name of their *thok dwiel*, that they are members of a *cieng* PUAL (in this sense meaning that they are members of the PUAL lineage). Some of the families may sometimes speak of themselves as members of a lineage called after some ascendant nearer to them than Pual, but this is generally because in the special context in which they are speaking they are contrasting their section of PUAL lineage with another section. On the whole, the normal designation for all these families is *cieng* PUAL and the first emphasis placed upon any ancestor by present-day Nuer of these families is placed upon Pual. By major lineage I mean a larger lineage of which a minor lineage forms only one line of descent among other lines of descent from the same ancestor. Thus Pual is not only the founder and highest ascendant of the lineage called after him, but he is himself the descendant of another lineage. Having discovered that your informant is really a member of PUAL lineage (*see* diagrams Nos. V and VII) and is not merely a man of different descent living among them in their village you can ask him what is the *bab* of *cieng* PUAL, i.e., what is the greater lineage from which the PUAL lineage springs. Your informant will reply that the PUAL lineage forms a section of the GAATBAL lineage and this is what I shall call the major lineage. You can continue to question your informant along these lines by asking him what is the *bab* (the greater lineage) to which the major lineage of the GAATBAL belongs, what is the trunk, as it were, out of which this branch grows. In this particular case your informant will tell you that the GAATBAL are children of Denac, the founder of the clan of the JINACA, but in other cases, your informant may give you a further major lineage before he reaches the clan or main trunk

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Diagram No. V.
TREE OF DESCENT OF GAATNACA LINEAGE.

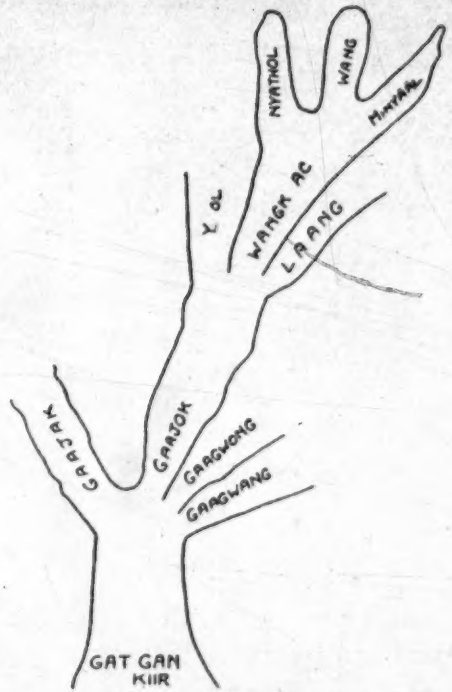

Diagram No. VI.
TREE OF DESCENT OF GAAT GAN KIIR LINEAGE.

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[facing p. 32]

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613 from which the different lineages branch out. Similarly, he might have
●614 given you a smaller minor lineage before giving you *cieng* PUAL in answer to your first question, what is his *thok dwiel*; *e.g.* he might have said that he was a member of the KWOOTH or MALUAL lineages (shown in the accompanying tree, diagram No. V). Each lineage is a branch in relation to the twigs which shoot out from it, but is a twig of the larger branch from which it sprang. The following two trees of descent are appended to illustrate graphically the Nuer system of lineages. One represents a JINACA (Lou tribe) lineage and the other a GAT GAN KIIR (Jekany tribes) lineage. In each diagram only one line of descent is shown from the roots to the twigs, from the clan ancestor to the families of to-day, but the other main branches and boughs, the other major and minor lineages, are indicated where they leave the stem.

These trees and genealogical tables may be compared with the maps (Nos. III, IV, and V)[1] which show the distribution of tribal sections among the Lou tribe and the Eastern Jekany tribes.

614 The descendants of Nyaang, son of Denac, form the nucleus of the
619 Gaaliek primary section; the descendants of Bal, sons of Denac, form the nucleus of the Gaatbal primary section; the descendants of Dak, son of Denac, form the nucleus of the Rumjok primary section. The only sectons shown on the map which are not accounted for in the genealogical tree and table are the Jaajoak and Jimac sections which have clan nuclei of foreign origin.

We must guard against thinking that because most of the Lou primary sections are called after sons of Denac that they are solely composed of these lineages. This would be a serious error, as in all probability true descendants from Denac in these sections are in a small minority. Large foreign lineages are included in the areas designated by a tith taken from any of the sons of Denac (e.g., the THIANG lineage in the Gaatbal primary section) and there are innumerable families of stranger (Nuer) and Dinka descent clustered around families of true GAATNAA origin. Thus, if one visits the villages or cattle camps owned by minor lineages which spring from the GAALIEK major lineage, the lineages of LÖNGNGUÄR, NYAANEN, KUOOK, one will find them occupied by a relatively small number of members of these lineages while most of the residents will be found to have sprung from other Nuer and Dinka clans.

[1] [See facing pp. 10, 18, 30, category 116. -- Analyst]

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565 614 619 The descendants of Majok Kiir form the aristocratic nucleus of the Gaajok tribe; the descendants of Mathiang Kiir and Kun Kiir form the aristocratic nucleus of the Gaajak tribe; the descendants of Gwang Majok and Nyang Mathiang form the aristocratic nucleus of the Gaagwang tribe. Thus, on map No. V,[1] these lineages are shown as tribal sections, i.e., they have given their names to the tribal sections which have aggregated to them. Here the three main lineages descended from Majok, LAANG, YOL, and WANGKAC, are shown as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient magnitude to be shown separately, but it must not be supposed for this reason that the descendants of Majok form anything but a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises all sorts of foreign elements besides the descendants of Nyang Mathiang[1] and Gwang Majok. The same applies to the Gaajak tribe. As far as my information goes the GAA(T)GWONG lineage are completely united in tribal life with the GAA(T)JAK lineage and so are classified as forming part of the same Gaatjak tribe. In the map the primary sections of Lony, Kang and Tar are all called after descendants of Mathiang and the primary sections of Nyayan, Cany and Wau are all called after descendants of Kun. Hence, in map V, the only section not accounted for in diagram No. VIII,[2] is the primary section of Reng,[3] the nucleus of whom are of mixed foreign origin.

614 [882] The clan is the largest lineage which consider themselves as one for purposes of exogamy. This is the minimum definition of a clan. In theory the clan preserves the same form as the smaller lineages which comprise it because it is supposed to be possible to trace the exact genealogical relationship of any member of the clan to any other member of it. Doubtless this can generally be done by a panel of competent genealogists, but most Nuer tend to confusion in the upper stages of ascent and either miss out or misplace names between the ancestor of their clan and the founder of their minor lineage. In consequence of this confusion which is associated with the social functions of clan and lineages there is a tendency for clansmen who do not also belong to the same minor lineage to have an undifferentiated relationship to one another, recognising their kinship to one another through common membership of a social group rather than by genealogical relationship. Hence they tend to recognise

[1] Nyang was the biological son of Mathiang, but as he was born of one of Kir's wives he is strictly a son of Kir.

[2] I believe that Reng is the bullock-name of Gying, the founder of the most important clan lineage in the Reng primary section of the Gaajak tribe. One of the secondary sections of this tribe is called Dhilleak which is, I think, a bullock-name of Bicak, son of Gying.

[1] [See facing p. 80, category 116.--Analyst]

[2] [See facing p. 36.--Analyst]

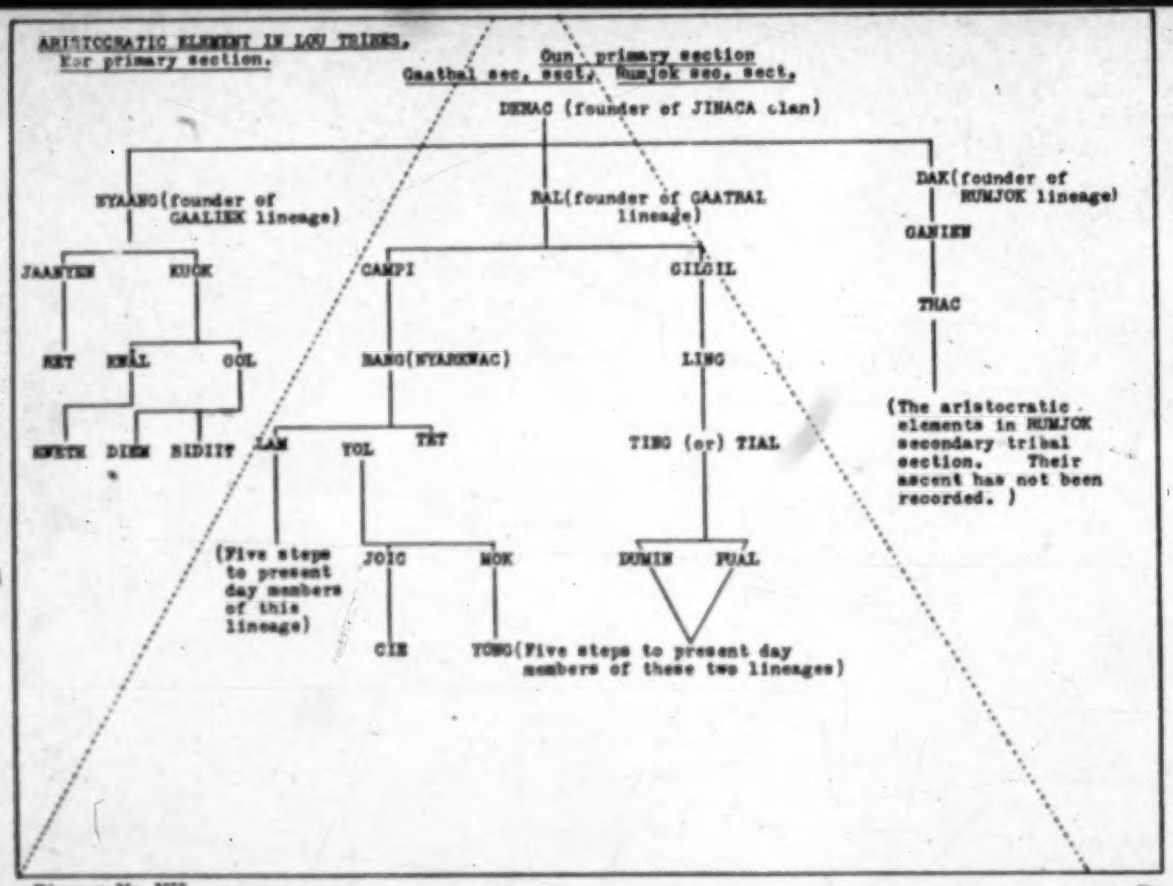

Diagram No. VII.

[facing p. 34]

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614 their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their [613] families. But when they belong to the same minor lineage they recognise their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical ascent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAN KIIR of the Jekany tribes, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

614 619 Consequently one cannot say that relationship ends with the clan or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the "Homeland Nuer" to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

614 173 773 [776] I will condense here the main discoveries of Mr. Jackson in this field, together with the writings of the late Capt. Fergusson and notes taken by myself. There figure in all accounts certain mythical persons who link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Ghaak, two brothers who are possibly to be

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regarded as historical personages. According to Jackson's account, from A'ak (his spelling for Ghaak) are sprung Nuong, Dok, Jaluk, Qwei (Beiq (Gad) Quaish)[1] (spellings in this paper are Nyuong, Dok, Jaluk, Kwe, Beegh, Gaatkwac, for these tribes) and from Ga'a (Jackson's spelling of Gee) are sprung Bor,[2] Lang,[2] Raiyung,[3] Wott,[3], Ror,[2] Bull, Leiq,[3] Lak,[3] Tiung,[3] Lau,[3] Keirluwal[3] (spellings in this paper are Bör, Läng, Rengyan, Wot, Ror, Bul, Lek, Lak, Thiang, Lou, Kärlual, for these tribes). All the Nuer clans, with few exceptions, fit into this family. It is not at all clear, however, from Jackson's account who are the ancestors of many of the clans he lists, since he speaks of tribes as though they were clans. And, indeed, the Nuer himself often speaks in the same manner, identifying linguistically the tribe with the dominant clan element of the area in which it lives. Thus they may speak of Lou as being descended from Denac when what they mean is that the dominant clan of Lou country are descendants from Denac. It is, therefore, impossible at present to draw up a genealogical table which will show the descent of all the Nuer clans who spring from Gee and his brother. On the eastern side of the Nile, among the Lou, at any rate, one only hears of Gee and not of his brother. In this tribe people speak as though you were either a pure Nuer descended ultimately from Gee or a Dinka or a descendant of Wär or Kir.

Kir, the founder of the GAT GAN KIIR, who form the nucleus of the Jikany tribes, was, according to all accounts, found in a gourd by the Ngok Dinka and was brought up by them. He later married three daughters of Gee by whom he gave birth to the major lineages of his clan, the GAAJOK, the three GAAJAK, and the GAAGWONG. The GAT GAN KIIR clan is, therefore, attached through its mothers to the lineage of Gee.

All accounts equally agree in saying that Wär, the ancestor of the GAAWÄR clan, who are, presumably, the dominant element in the Gaawär tribe, fell down from heaven. Jackson says that he was brought up by A'ak and that his descendants are considered to have attached themselves to the Ghaak division of the Nuer nation.

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[1] Jackson says that Beiq and Quaish belong to A'ak, but he does not give A'ak as their ancestor in the following paragraph nor in his genealogical tables, *id.* pp. 72 and 79.

[2] All born of the same mother. All west bank tribes.

[3] Najh, Reill and Tiung are three sons of one mother. Najh is the ancestor of Raiyung and Lau and Reill the ancestor of Keirlual, Leiq and Lak.

Aristocratic element in Jekany tribes.

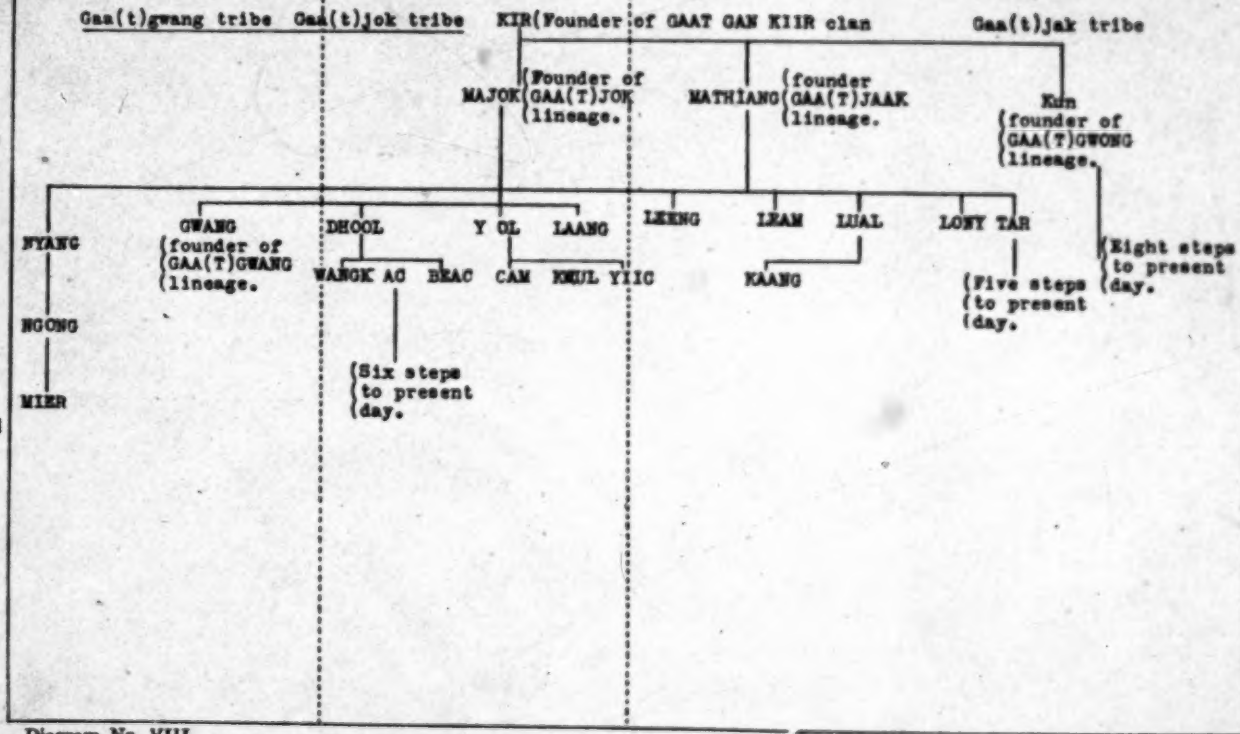

Diagram No. VIII

[facing p. 36]

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614 The ancestor of the JIKUL clan is also said to have fallen down from
173 heaven, and Jackson says that he was fostered by Gee to whose division
773 his descendants considered themselves attached. Nowhere do they form a dominant clan element in a tribe but are scattered among many tribes.

The late Capt. Fergusson speaks of these two national divisions as Ghraark and Gair. On the western bank Ghraark are Nuong, Adok, and Gwai; and Gair are Bul, Lake, Jakaing, Bur, Naijh, Wad, and Lung.[1]

619 Considering the confusion which has existed between clan and tribe,
614 Jackson's classification into the Gee and Ghaak[2] groups cannot be regarded as exact though it may well be conventional. I was given a somewhat similar division myself by a man from the west bank of the Nile. But it appears at first sight that there are two pertinent criticisms of the classification. In the first place several clans are obviously missing, e.g., JIDIET and JIMEM. In the second place it is doubtful what line of descent is reckoned when speaking of a tribe as descended from Gee or Ghaak, e.g., the Lak tribe apparently comprises two main lineages, *gaat tuut* Dok, children of Dok aristocrats, and *gaat wya* Legni, children of Lek aristocrats through the female line and of doubtful parentage through the male line. Whilst, even if this is correct, they would both belong to the Gee group of clans in a conventional grouping it is of some importance to know their exact mode of descent.[3] Under the circumstances we can only make a conventional classification which is a mixture of clan and tribal units and wait till further research elucidates the true state of affairs. It is possible that the Family of Nuer Clans is correctly described in confused and hazy terms, since it may well be conceived by the Nuer without logical system. For it may be pointed out that errors are often not the fault of observers like Jackson or myself but are due to the hazy notions which the Nuer themselves have about their ancestry, at any rate on collateral lines. Thus one well-informed man told me that the aristocratic lineages of Lou, Rengyan, and Thiang tribes are all descended from Dunac by his three

[1] Unpublished Government report.

[2] Buidun A'ah (Jackson) and Ghraark I have heard the name Gwea, and one old man said that there were three brothers, Gee, Ghaak, and Gwea—Ghaak producing the aristocratic lineages in Kwe, Jalak, Bengh countries, and Gwea producing the aristocratic lineages in Dok, Nyoong, Gaaktwat, and Rol countries.

[3] One informant, Tut, said that the Gaawir tribe count as belonging to the Ghaak group and the Lak tribe as belonging to the Gee group, though it is difficult to know exactly what he meant.

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619 sons Bany (bull(ock) name *ma low*), Yini (bull(ock) name *ma rengyen*) and
614 Thiang, a genealogy which differs from those already given in this paper. Only detailed research by several observers in different areas can finally solve the problems, for solutions cannot be deduced satisfactorily from our present data.

In our account of the tribe we explained how a continual process of fission is going on and how when we speak of a tribe we are using a relative term, since it is difficult to know whether we should speak of a single tribe with moieties or of two separate tribes. Exactly the same process of segmentation is going on within the clan, since a tribe is a political aggregation round a clan or clan lineage. Thus the clan, like its political superstructure the tribe, is also going through a constant process of integration and segmentation. Division into lineages here corresponds with territorial division into tribal sections. Our statement that the larger the territorial area covered by a tribe or a tribal segment the weaker its cohesion finds its kinship counterpart in the tendency for the solidarity of a lineage to weaken the more it expands. Weakening bonds of kinship re-enforce spacial division in destroying communal interests in tribal life just as spacial division re-enforces widening kinship breaches in undermining community of blood. For example, the division of the Lou into two moieties of Mor and Gun is not simply a political and spacial division but is also a kinship cleavage between the descendants of three sons of Denac, Nyang, Dak and Bal, or to state the position in other terms, the division between the sons of Nyang, Dak, and Bal is not simply a creation of genealogical distance but also of political and spacial distance.

613 The clan itself has practically no social cohesion; a major lineage
614 has greater cohesion than the clan of which it forms part but less cohesion
621 than one of the minor lineages into which it is divided. A minor lineage has great solidarity as has the village or district which represents the minor lineage with its political aggregate clustered around it. Here close ties of blood are backed up by community of daily life. Thus the GAT NACA display little communal feeling in their social behaviour, the major lineage of GAATRAL on the contrary, owing to their symbiosis, their common political and economic interests, and their close kinship bonds, show a much stronger tendency to regard themselves as a distinct social group.

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A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MÄR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation. 613 621

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units. 613 614 619 621 631

DIAGRAM No. IX.

Clan + aggregate of strangers	=	Tribe.
Major Clan lineage + aggregate of strangers	=	Primary tribal section.
Minor " " " "	=	Secondary tribal section. / Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Demac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the LOU JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since Lou and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the LOU JINACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we 614

[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.

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614 may safely regard them as one clan. This is possibly the case, since the Lou JINACA left their homes in Rengyan to conquer their present tribal area. On the other hand they may represent a distinct line of descent from Denac. There is not the same certainty as there is for the history of the children of Kir, a part of whom journeyed from their home on the Bahr-el-Ghazel to the tribal areas of the Eastern Jikany. The GAAJOK, GAAJAK, GAAGWONG and GAAGWANG major lineages are found both among the Eastern Jikany and the Western Jikany, and they still belong to one clan, since a man of the Eastern GAAJOK lineage may not marry a woman of the Western GAAJAK or GAAGWONG lineages. It is possible that in time the GAAJOK lineage of the GAT GAN KIR clan will split away from the GAAJAK lineage and that two separate clans will be formed by fission. The Nuer themselves speak as though this may happen since they say that a GAAJOK man may "not yet" marry a GAAJAK woman. "*Ngoie thieka*," "they are still close" (in relationship), say the Nuer, suggesting that it will one day be possible, a suggestion in keeping with their acceptance of a scheme of clans all ultimately descended from Gee. I have found that informants lay great stress on the fact that Gee bisected a bullock and thus enabled the clans descended from him to intermarry whereas Kir did not perform similar ritual, with the result that intermarriage between the clans descended from him is prohibited. Nevertheless I cannot produce a sure example of clans splitting into two or more exogamous lineages. Even when political fission takes place as between the Gaajok and the Gaajak the clan maintains its unity, and a GAAJOK man and a GAAJAK man are still members of a single exogamous clan.

IV.

641 All tribesmen live in the same country. A man may emigrate to
614 another country, but if he settles there he and his children become
619 members of the tribe among whom he has settled. When we speak of the Lou and Rengyan we speak of the people who live in Lou and Rengyan countries. Clansmen on the other hand do not all live in the same country, the great majority of them may do so but not all of them. Thus probably the majority of JINACA live in Lou country and Rengyan country, but by no means all of them live there. Many JINACA live scattered among other tribes. Moreover the number of JINACA clansmen who live

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in Lou country and Rengyan country forms only a small proportion of the total population of Lou and Rengyan tribesmen. Again, Gaajok country contains a dominant element of GAT GAN KIIR clansmen of GAAJOK lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry. 641 614 619 [512]

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIKEN mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of ZUERENG. [illegible] a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristocratic element there. The JINACA of Lou country lived originally with the JINACA of Rengyan country, but they split off from them and conquered Lou country from the Dinka. Here they were the first occupants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINACA. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the 614 619 554 565

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614 Nile, from the Dinka, and settled there as lords of the country. I think
619 that it will probably be correct to say that every Nuer tribal area has its
554 *diel* (sing. *dil*) clan owners, aristocrats, dominant element, but that not
565 every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoini* and *dil luaica*, members of the clans which own Thoc and Luac tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JINACA or GAATNACA is a *dil looka*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *rul* or stranger. He may still call himself a *gat dila looka*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jekany countries. In the same way a *dil Jekany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *rul* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIMEM or JIKUL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIMEM in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

614 I do not wish to be misunderstood when I speak of a tribal aristocracy
619 [illegible] The Nuer are intensely
554 democratic and the idea of one man lording it over the others is abhorrent
565 to them. However there is a prestige in being a *dil* of the country in which
[181] you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In some tribes
[692] the advantage of being an aristocrat are more concrete. Among the Eastern Jekany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

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countries. There is some doubt about the exact organisation of blood-cattle (*cut*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *cut* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jekany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dila Jikany (a member of the GAT GAN KIIR clan),
25 cows and 5 bullocks (20).

Gat Geeka (a member of any pure Nuer clan),
12 cows and 5 bullocks (17).

Jaang dila (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
11 cows and 5 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAN KIIR	40 cattle.
Gat Geeka	40 cattle.
Jaang bulbei (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAN KIIR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAN KIIR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

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own clan, members of these other clans, who here count as *rul* or strangers, assured me that payments in both cases were equal. Assurances on both sides were clearly coloured by recent practice which has been based on government rulings at different times and by what regulations they hoped the Government would institute in the future. On the whole I consider that there was probably a differentiation between members of the dominant clan and members of other clans, but that the differentiation was not rigid and depended upon the special circumstances of each case, when length of residence in the country, marriage alliances with members of the dominant clan, and so on, were taken into consideration.

Quite definitely, however, there was a clear difference made between Nuer and Dinka in the assessment of blood-cattle compensation. This difference is found all over Nuer country, though there seems to have been difference of opinion in different parts of Nuerland about what constitutes a Dinka for purposes of homicide payments. Among the Lou the practice was to class members of the dominant clan, the JINACA, and members of the other Nuer clans together and make 40 cattle (32 cows and 8 bullocks) the regular payment for both. The son of a Dinka born in Lou country was considered to have become a Nuer (*caa Nath*) and his death was also compensated for by 40 cattle; but a captured Dinka or visiting Dinka or a Dinka who had taken up his abode in the country was reckoned as a *Jaang* and was compensated by only 6 cattle (4 cows and 2 bullocks). A Dinka even when given *both* appears to have counted as *Jaang* and not as *Nath*, but his children were reckoned as Nuer for homicide purposes. Two informants told me that in Jagei country on the west bank of the Nile compensation for homicide was reckoned as follows :—

Gaa dilla (members of the dominant clan in the tribe),
34 cows and 6 bullocks (40).

Rul who has built his cattle-byre,
34 cows and 6 bullocks (40).

Rul and *Jaang* who have not built their cattle-byre,
6 cows and 4 bullocks (10).

The point of stressing the building of a cattle-byre was that a man who built one, whether a Nuer stranger or a Dinka, had obviously come to stay and became a permanent member of your social group and a member of your village. He became "your man" (*rawdu*), who owed you a kind of allegiance and who relied on your protection. Hence he is assessed on

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the same footing as an ordinary resident born into the community. On 554
the other hand I was told by some Eastern Jekany Nuer at Nasser that 614
once a Dinka always a Dinka was the rule, and that the children and 619
grandchildren of Dinkas never counted as equal to pure Nuer in blood- 682
cattle assessment. I regard this statement, however, as being, in all 563
probability, too rigidly formulated.

The second element in a Nuer village are the *rul*. A *rul* is a stranger, 554
one who is not a member of the *diel*, one who has no place in the lineage 614
of the dominant clan. Such people may be more numerous than the clan 619
itself but they have not the same hereditary status in the tribe. 173
Sometimes their lineages compose powerful tribal sections and in these 773
sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kōng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlen* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KŌNG, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Dal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *let*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

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554 brothers whom the *let* had eaten. His father said to him, " Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of " bulls " or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

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JINACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country. 554 614 619 621 1737

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage. 721 167 614

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*ciks dak piny*). Then their close relationship (*mar*) ends (*ci mar thuk*). They go and live in the midst of other clans who are 614

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614 distantly related to them (*cike uth ko ji bothna okien*). Here they dwell as friends (*wane ngac kō rō*) and slowly forge new relationship by intermarriage (*ca mar mat e hen*).

609 576 621 I believe that there is another Nuer word which means the same as *rul*, namely, *yian*. Thus one speaks of strangers living in the village of *diel* as *yiankien*, " their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wec* save through their mothers. Nevertheless *rul* and *yian* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineages and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yian*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *jaang*. These strangers are accepted as equal members of the *wec*.

614 621 One of my informants, Jok, explained modes of Nuer aggregation very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat twot*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wec* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *jaang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

614 619 Hence there is always a tendency towards fusion between two lineages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

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the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed. 614 619

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said "He is poor and has nothing because he has given everything away"—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wer* of the man who has befriended them, and here their children will be brought up as children of the *wer* and count almost as *gaat twot* since they were born through the cattle of a *tul*. 641 577 614

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local "chiefs" whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tul* of some other lineage than the dominant lineage of his tribe who has been able to 614 620 621

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64 624 621 establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

621 563 597 727 We have seen that two elements in a Nuer village are the *diel wec* and the *el wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

[illegible] you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

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Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolise the unity and exclusiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality. 554

The *gut tuot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 613

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fission of collateral 613 [614]

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

613 lineages of the same branch in relation to a collateral branch.(1)

621 Although Nuer lineages are not corporate, localised communities,
613 they are frequently associated with territorial units.(2) Every Nuer village is associated with a lineage, though the members of it may form only a small part of the population. The village community is identified with, and called by the name of, the lineage which forms the agnatic core to which the other families and lineages are aggregated. For everyday purposes the position of this dominant lineage does not appear to be very different from that of the other lineages in the community. It is only in connection with certain ritual matters and in reference to rules of exogamy, that lineages are completely autonomous groups and become clearly differentiated from each other. Lineages function within, and as part of, local communities of all sizes, from the village to the tribe.

THE DOMINANT LINEAGES AND
STRANGER LINEAGES

613 When a tribal section is called after a lineage it does not follow that all the members of the lineage live there, though the majority may do so. It merely means that the lineage is a dominant one, the nucleus of the community, although large stranger lineages are often included in the area.

Migration, quarrels, intermarriage and so forth, have caused a dispersion of lineages. If, for some reason, a man or a group of brothers leave their village, they may go and live at the village of a married sister. Here they are respected as *jicienghu* (in-laws) and their children are accepted as *gaat nor* (children of the mother's brother). The people they join are to them *cieng cuyaar* - 'the people of my sister's husband', and *gaat nyal* - children of a female agnate. Except for ceremonial purposes, they will enter into close relationships with the dominant lineage of the community. However closely associated lineages may become, a lineage never merges into a different clan, for there are always certain ritual observances which cannot be shared; and only a certain amount of inter-marriage may occur, for otherwise the incest rules would be violated. A lineage can only merge with a collateral lineage of the same clan.

614 The close association between lineages and territorial segments,
615 which constitutes the political importance of the clan system, is seen in the correspondence between the segments of a dominant clan and the tribal or territorial segments.(3) A certain tribe has a dominant clan associated with it. The maximal lineage of the clan corresponds to the primary sections of the clan; the major lineages correspond to the secondary sections, the minor lineages to the tertiary sections and the minimal lineages are associated with the villages comprising the tertiary sections (see above p.140). The dominant clan is therefore a framework on which the political system of the tribe is built up through a complex series of kinship links.(4)

(1) See Evans-Pritchard, *The Nuer*, 1940, pp.192-3, for full discussion of the segmentation of lineages and underlying structural principles.
(2) Evans-Pritchard, *The Nuer*, 1940, p.201.
(3) *Ibid.*, pp.211-12. (4) *Ibid.*, pp.205-12 for further details.

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DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *joang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a parti.ular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 619 554

A Dinka adopted into a joint family is a *joang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.[illegible].
(2) Ibid., p.[illegible].

16: Evans-Pritchard E-5 (1931, 1936) 1956
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exchange it, or give it to one of their affines. When I asked whether this might not compromise the daughter or sister to whose husband it was given I was told: 'They have gone over to another lineage (*gol*), they are not your people any longer.' It is related—the theme of the story is widely distributed among the Nilotic peoples—that a man of the lineage went to bathe in a stream and placed his bead-strung girdle on the bank, where a *ma reng* cow came and looked at it while he was bathing. The man saw the cow near his girdle, but he did not see a kite swoop down and carry the girdle away in its claws; so when he discovered that it had disappeared he thought that the cow had eaten it, and he killed the animal and examined the contents of its stomachs in vain. Later someone found the girdle a long way off, where the kite had dropped it, and brought it to its owner, who was then sorry that he had killed the cow. Moreover, the owner of the cow uttered a conditional curse (*biit*) against him, saying that the spirit of cattle with *ma reng* markings would dog his footsteps and would kill him and his descendants were they ever again to drink the milk of cattle with *ma reng* markings, use their dung for fires, or clean their teeth with the ashes of their burnt dung. 776× 613 [773]

The Gaagwong lineage of the Gaatgankiir clan respect cattle with *ma cuany* markings—an incongruous patch of colour in the middle of one of the common markings. The Jimem, or at any rate one of their lineages, the Jiruet, said to be of Dinka origin, also respect *ma cuany* cattle, and they are respected by all monorchids, to whom all cattle with this peculiarity are thought to be dangerous. This Jimem lineage also respect monorchids, both human or animal, and they have *mut tora*, spear of monorchid, for their spear-name.

The Jikul clan respect the hides of cattle. As far as I am aware, they sleep on them as do other Nuer, but it is said that they refrain from beating a hide to get the ashes of their dung fires off it, as other Nuer do, and shake it instead. The ancestor of this clan is believed to have fallen from the sky, wrapped in a fawn-coloured ox-skin, into a pool of water. Hence their spear-name is *mut kuli*, the spear of the hide, and their honorific titles are *gat* and *nya yan*, son and daughter of fawn-coloured, and *nya kuli*, daughter of hide. I have heard it said that a man of this clan will not eat heads of cattle and will not accept compensation in cattle for adultery with his wife. I was also told that should a man of the 776× 614 [773]

x 776 clan beat an ox-hide his next child might be born without teeth
• 614 in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's
[721] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward.
[583] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with
[586] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

x 776 The Jikoi clan respect rafters (*koi*) and rope used in the build-
614 ing of byres and huts. They use them for building but they will
773 not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

x 776 I have mentioned all Nuer totems of which I have certain know-
177 ledge and I now say a few words about totemistic relationships
262 before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

16: Evans-Pritchard E-5 (1931, 1936) 1956
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411 782 for the whole person.[1] It is for this reason that a spear must be carried during the invocation and not in order to slay the animal at the end of it. Other invocations by other men may follow before that is done, and the quick dramatic thrust into its heart which concludes the rite may be made by anyone, and not necessarily by a man who has made an invocation or by a spear used in the invocation.

411 782 614 But we have also to note that on many sacrificial occasions—those of a collective kind held in structural situations—when a man makes an invocation he does so as the representative of his clan (where 'clan' is used in this context 'clan or lineage' is to be understood—a man may be speaking in reference to his maximal lineage). He identifies himself with the clan by identifying his spear with that of the ancestor of the clan. It is his own spear which he brandishes but the name of the spear he shouts out as he does so is that of the spear of the ancestor of the clan, the clan spear-name. This is characteristic of sacrifices of the collective type, and it is towards them that the discussion is now directed.

[552] Each of the Nuer clans has a spear-name and sometimes a large lineage of a clan has a secondary name which is different from that of another lineage of the same clan. This spear-name is shouted out by a representative of the clan while he brandishes a spear in his right hand, in war, at weddings, and on other public occasions when the clan as a whole is concerned—ideally, that is, and never actively and corporately. It is especially shouted out as an exordium to sacrificial invocations on occasions of collective significance (pp. 288–9). It is '*mut gwara*', 'the spear of our fathers'. On such of these occasions as require the services of a leopard-skin priest he calls out the spear-name '*mut Geaka*', 'spear of Gee', a spear-name which combines the representation of the priestly office with that of the Nuer as a whole.

It is essential to note that, with two exceptions, no actual spears of the ancestors of the clans exist, and it is not held by Nuer that they ever did exist, except in the sense that the ancestors had their own spears. The virtue is in the idea of 'the spear of our fathers', not in any material clan relic. Consequently, in invocations any spear will serve the purpose of the rite and represent that of the

[1] Among the Shilluk the officiant rubs his spear on the back of the victim, as the Nuer places his right hand on its back (D. S. Oyler, *Sudan Notes and Records*, 1920, p. 198).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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ancestor of the clan and hence symbolize the clan as a whole. Any 411
spear will do, but, for the reason I have stated, there must be a 782
spear; and when Nuer sitting in my tent recounted to me what is 614
said in invocations they gestured with their right hands as though they held spears in them, for they found it difficult to speak the words without making the gestures, just as in recounting what is said in prayers (*pal*) they found it difficult to do so without moving outstretched hands up and down.

Published literature on the Nuer records information about 411
only two actual spears of clans. The one about which we are told 614
most is the spear, called *wiu*, of the Gaatgankir clan, who are [177]
regarded by all, including themselves, as being of Dinka origin; and the spear is a Dinka, and not a Nuer, type of spear. A mysterious origin and power are attributed to it. It is believed to have been held by Kir, the ancestor of the clan, when he was cut out of the gourd in which he was found, and it is also associated with the air-spirit *wiu*, which is regarded as being in some sense immanent in it. When I was in Nuerland it was in the charge of a family of leopard-skin priests of the Tar lineage of the eastern Gaajak tribe. I did not myself see it, but it has been described by Mr. H. C. Jackson, who saw it in 1922 near the Pibor river.[1] He records that it was decorated with cowrie shells and beads and was housed in a special grass hut where visitors treated it with great deference. He says that it was prayed and sacrificed to, especially before raids on the Dinka and Burun peoples;[2] that if two sections of the Nuer wished to engage in fighting among themselves it would be placed between them to prevent an engagement; and that oaths were taken on it. I was told that only old people would look upon it. The importance of this spear to our discussion of clan spear-names is that, as I will explain later, all such spear-names have an

[1] H. C. Jackson, op. cit., pp. 168 and 179-81.

[2] We are probably to understand, in view of Nuer religious conceptions in general, that Nuer respect (*thok*) the spear and pray and sacrifice to the spirit *wiu*, which is in the sky as well as in the spear. Mr. R. T. Johnston reached the same conclusion with regard to a similar spear among the Bor Dinka. He observes that 'the spear by itself, except by association and as a symbol, is not sacred' (op. cit., p. 127). Dr. Lienhardt tells me that when the Government, with remarkable lack of imagination, confiscated and removed this spear lest it should become a focus of opposition to the administration the Dinkas' faith was in no way lessened. The only result was that the spirit associated with the spear, no longer having a recognized material symbol in a single place, manifested itself all over the tribal territory, defying any further intervention.

411 association with the spirit *wiu* through the further association of
614 this spirit with lightning and hence with the idea of striking, so that the spear *wiu*, perhaps also because it has a material existence, has become the prototype of clan 'spears'. Of the other spear, that of the Thiang clan and tribe, who occupy a territory I have not myself visited, we are told by Mr. B. A. Lewis only in whose possession it is and that it is called *mut bah thiang*.[1] Dr. P. P. Howell, who gives its name as *mut bar thiang*, tells me that he has not seen it but Nuer have described it to him as being nearly worn through with much polishing. It is unknown whether any cultic practices like those I have mentioned above are connected with it.

411 Apart from the Gaatgankir and the Thiang spears the spear-
614 symbols of the Nuer clans and lineages are only names. Through
613 the association of a tribal community with the clan dominant in it the spear-name of this clan is shouted out in invocations when
552 the whole tribe goes to war but, except in this context, which I discuss below, in which a political group is merged conceptually with a clan or lineage, it is only called out in reference to a descent group as an exclusive group. Thus, when I asked a Wot tribesman whether his tribe had a tribal spear he replied: 'We have many spears. One lineage (*gol*) has one spear, another lineage has another spear, a third lineage has a different spear, and so on.' By 'spear' he meant a spear-name, not an actual spear. Consequently, if two
[582] persons have the same spear-name there is likelihood of agnatic relationship, and spear-names are therefore often spoken of in connexion with proposed marriages. One hears Nuer saying in discussions about the permissibility of a proposed marriage 'what about their spears?', 'they have the same spear they cannot marry', or 'their spear is different to ours, we can marry their daughter'.[2] At a wedding the masters of ceremonies on the bride's
[585] side and on the bridegroom's side, each acting as representative
411 of his clan, begin their formal announcements that the marriage
614 negotiations have reached a successful conclusion (*rwor ghok*)
613 by shouting out their clan spear-names. The spear-name is also
697 shouted out by the master of ceremonies as the opening words of
552 the sacrificial invocation he makes when a Dinka boy is adopted

[1] B. A. Lewis, op. cit., p. 82.

[2] Should the two clans have the same spear-name this is not always a bar to the union, for secondary spear-names may indicate that they belong to different clans, or other circumstances may be taken into consideration.

into the lineage of the man who has given him domicile, the expression for adopting being either *lath buthni*, to be given shares (in sacrificial meats) and hence to be given agnation, or *lath muot*, to be given a spear (-name), and hence to be made a member of the clan. He also shouts it out in sacrificial invocations at mortuary ceremonies, at settlement of blood-feuds, at initiations, and on other occasions which concern the whole clan (p. 188). When, as mentioned above, clan and tribe are identified politically in war and raiding a representative of the dominant clan of the tribe brandishes a spear and calls out the spear-name of his clan on behalf of the whole tribe. This man, called *ngul*,[1] is usually, perhaps always, a leading man of the senior lineage of the dominant clan, that descended from the eldest son of the ancestor of the clan. Thus in the Lou tribe this rite is performed by a man of the Gaatlek lineage of the Jinaca clan. Likewise the Tar lineage who have charge of the *wiu* spear are descendants of Thiang, the eldest son of the founder of the clan; and the Thiang clan who own the *thiang* spear are descended from Thiang, the eldest son of Gee.

[597] 411 613 614 552

I cannot always explain the meaning of these spear-names or even translate them, and Nuer themselves cannot always say for certain what they mean, for they arose in ancient days. It is clear, however, that they are charged with symbols expressing the unity and continuity of clans and lineages. I give a few examples, choosing those in which the meaning is more or less evident. The Jiruet lineage have *muot nora*, spear of the monorchid. This lineage respects monorchids, whether they be man or beast. The Gaatlek clan have *muot yier*, spear of the stream, because their ancestor came out of a stream. The Gaatnaca clan have *muot ghawa*, spear of the thigh. This seems to refer to the loins of the ancestor from whom they sprang. The Gaatlek lineage of this clan have the secondary spear-name *muot teng*, spear of the spear-shaft, because the *ngul*, whom I have referred to above, of the Lou tribe is of this lineage. He uses a spear-shaft in war ritual. The Gaatlek clan have *muot lonk*, the word *lonk* being simply, it would seem, taken from the clan name itself. Many leopard-skin priests are members

[1] He is also called *ngul ghok*, *ngul* of cattle, an expression which probably refers to the taking of enemy cattle in raids, and *gaam muot*, possessor of the spear. As he may break a spear-shaft in two and throw the pieces in the direction of the enemy he is further known as *gaam teng*, possessor of the spear-shaft. I was told that he may also invoke God for success in hunting in time of famine.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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411 of this clan and, as I have explained, they use *mut Geaka*, spear
614 of Gee, as an alternative expression. The Thiang lineage have a
615 secondary spear-name *mut Thiang*, spear of Thiang, which is the
552 name of their ancestor.

When a man calls out his clan spear-name he often does so with embellishments, which are further symbolical representations of the clan. They refer to its ancestor, its spirits, its totems, its ghosts, its cattle, or its origin and traditions. Thus a Gaatgankir clansman in making invocations adds to *mut wiu* such expressions as *mut kwe*, *mut jangemo me coali Kir*, and *mut guara*. *Kwe* is the fish-eagle and also a colour distribution of cattle. The shining of the spear is likened to the white face of the fish-eagle against its black body and to the white splash on the head of a dark coloured cow or ox. *Jaangemo me coali Kir* means 'that Dinka who is called Kir' and refers to the Dinka origin of the clan. *Mut guara* means 'spear of our fathers'. The spear in the hand of the speaker, the spear *wiu*, the spear used to cut open the gourd in which the ancestor was found, and the spirit *wiu* all seem to be fused in the representation. In a similar manner the Gaawar clan may add to their spear-name *mut wang*, spear of the eye (I think), such expressions as *mut nhial*, *mut puara*, and *mut kwoth nyota*. I do not know why the spear is called 'spear of the eye' (if that is the right translation). *Nhial* is the firmament and *puar* is a cloud. Their ancestor fell from the sky and the clan is therefore associated with sky, clouds, and rain. When he fell he had in his hand a sprig of the *nyuot* tree, a tree associated with rain. Hence the *kwoth nyota*, the spirit of the *nyuot* tree.

The clan spear-name is either the ancestor of the lineage or clan or in some way signifies him, and the elaborations of it, such as by reference to a spirit or a totem, are also just different ways of denoting the lineage or clan as a whole; for the name of the ancestor stands for the whole clan, both here and elsewhere. We have noted earlier (p. 169) how in myths a lineage is personified for the purpose of the action of the story, the name of the lineage or of its tribal territory being used to indicate its ancestor. Nuer sometimes even insert the name of a lineage into a genealogy as its founder, though the form of the word shows that it is the name of a group and not of a person; or they give the founder a composite name, appending the name of the lineage to the personal name, for example, Nyang Gaaliek, Nyang being the name of the person and Gaaliek the name of the lineage of his descendants.

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name of the person and Gaalick the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial invocations stands for the person and that when this person speaks as a representative and on behalf of the clan, as he does in collective sacrifices, it stands for the clan. In the one case it is the right hand (vitality) of the individual and in the other the right hand (vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host. 411 782 614 826 721

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *bidh*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general sense of taking part in war and raiding: '*ce Nath ua mut*', 'the Nuer went raiding'; '*ca mut nang Jaang*', 'war was taken (by the Nuer) to the Dinka'. The idea expressed by the word *mut* in these examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates '*te he mud mediid*' (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'. 411 721 613 614

[1] It is true that Nuer lick any metal in taking an oath (p. 297), but I regard this as being a derivation from licking a spear, for which any metal stands as a substitute, in the same way as the honorific titles of the Gaatgaakir clan, son, and daughter, of iron, derive from the *wiu* spear. The words *yieth*, metal, and *yiedh*, to spear or to stab, are surely connected.

[2] J. Kiggen, op. cit., p. 206. One may ask, in the light of this discussion about

SPEAR SYMBOLISM

552 411 614 721

It is, I believe, in some such sense of the clan militant that we should interpret the spear symbolism of the clans. Nuer always speak of 'spear' where I have used the expression 'spear-name'. However, not only are there in almost all cases no actual spears, but it is not even the idea of any particular spear that they have in mind. What they have in mind is the clan as a whole for which the spear stands as a symbol not just as a spear but as representing the collective strength of the clan in its most conspicuous corporate activity, for clans and lineages are most easily and distinctly thought of as collectivities—through their identification with tribes and tribal segments—in relation to war. That the representation is of the clan as a battle host is shown by the Nuer statement about their clan spears that they only exist in the sense that 'they are in the mouths of men when they go to battle'. Two remarks made by Nuer give further support to an interpretation along these lines. One man said of all clan spears that '*tuokdien e wiu*', 'their origin is *wiu*', and that *wiu* is the *kwoth*, spirit, of all clan spears. There was some discussion about this remark among Nuer present, and I gathered from it that all clan spears in this wide and symbolic sense of the word *wiu* as the battle host signify the clan as a social group in relation to God in the conception of him as Lord of Hosts. The man could not have meant that other clan spears were derived or copied from the spear *wiu*. That would have made no sense, both because there are no actual spears and also because the Gaatgankir clan who own the spear *wiu* are regarded by everybody as a Dinka clan of later origin than the true Nuer clans. That a spiritual conception of *wiu* was meant is further evident from a remark made to me by another Nuer, a man of exceptional ability, that when the Gaatgankir clan reach ten generations from their ancestor Kir—when they have grown up, so to speak—they will doubtless cease to respect (*thek*) the

the *wiu*, why it is that the title of spiritual leaders in Dinkaland is taken from the fishing-spear (*bith*) instead of from the fighting-spear. An explanation might be put forward in terms of the analysis I have presented. Whereas among the Nuer the fighting-spear is the symbol of the clan because what is being symbolized is exclusiveness and opposition, among the Dinka the fishing-spear is the symbol of spiritual leadership because what is being symbolized is inclusiveness and unity. This is a guess but it receives some support from the fact that among the Nuer, at any rate in western Nuerland, when a leopard-skin priest goes to settle a feud he is accompanied by a kinsman called the *guon bieth*, the master of the fishing-spear, which is the title of the Dinka spiritual leaders. However, this may be a loan from the Dinka.

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spear *wiu*, as they do at present, and will respect (the word is here used to balance the statement and not literally) only its name. As we should put it, they will not then feel the need for a material symbol of the spiritual relationship, and a verbal or ideational symbol will suffice. The association of clan spears with the spirit *wiu* is clear to us when we recall that the spirit is also associated with lightning with which, in this hypostasis, God strikes as man strikes with the spear.[1]

552 411 614 721

In invocations in which clans are involved as such God is appealed to, as I have explained earlier, in some refraction by which he is figured as their patron. This is the '*kwoth gwara*', 'the God of our fathers'. It is on such occasions also that the spear-name of the clan is shouted out as an exordium to the invocation. This is the '*mut gwara*', 'the spear of our fathers'. I would suggest that we have here in the spear-name a symbolic representation of the clan in its relation to God. God is invoked in relation to the clan through the spear of the ancestor held in imagination in the hand of one of his descendants.

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If this interpretation is right, then in those sacrifices in which the clan as a whole is concerned the calling out of the clan spear-name by the officiant identifies the whole clan with the intention of the sacrifice as spoken in the invocation. The sacrificial spear in his hand becomes through the exordium the clan sacrificial spear through which in symbol the whole clan offers up the victim to God. The officiant in such sacrifices must therefore be a representative of the clan, what the Nuer call a *gwan buthni*; whereas in personal and piacular sacrifices, in which appeal is made on behalf of an individual or a number of individuals, anyone can officiate and the officiant is usually a senior member of the family or kin of the sacrificer. The intention, and therefore character, of the sacrificial act is different in the two cases. In the first it is of the nature of a validation, in the second of the nature of a *piaculum*; though in some situations there may be a broad overlap. Religion has always these two sides, the one concerned chiefly with the social life and the other with the relation of the individual soul to its God.

[1] Must, however, use for God striking a man with lightning the verbs *nuar*, to strike, and *piac*, to strike in the sense of 'to hit' or 'to punch', and not *pioth*, to strike in the sense of to thrust or to stab.

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their wearing, incapable of use, and that they also render useless the left horns of their favourite oxen by deforming them.[f]

Human thought and expression are inevitably constructed out of man's experience of the world around him. There is nothing that should surprise us in Nuer speaking metaphorically of boys by the same word (*ruath*) as they use for young bulls and for the male young of other animals, and, by contrast, of men by the same word (*tut*) as they use for adult bulls and adult males of other animal species. It is natural—it would be remarkable were it not so—that Nuer use cattle metaphors in speech and gesture. Nevertheless, the evidence, some of which I have presented, suggests that there is more in it than that. Whether Professor Seligman's psychological use of the word 'identification' is correct is a question that lies outside my own competence and the scope of this book, but it cannot be denied that there is a moral identification, a participation imposed on the individual by his culture and inextricably bound up with religious values. When henceforward I speak of identification it is to be understood in this sense.

[f] [See p. 230, cat. 116, — Analyst]

II

We have noted that there is a personal side and a collective side to Nuer religion and that we may speak of personal and collective types of sacrifice. We have noted also that in the collective type the officiant represents the whole clan, that the spear he holds in his hands is that of the ancestor of the clan, and that he invokes God as the God who created his ancestor and the God of his fathers. We have further noted that the sacrificial victim, although in fact it is an ox or a surrogate for an ox, is not spoken of as *thak*, ox, but as *yang*, cow, a general term referring to any bovine beast, with a plural form *ghok*, meaning 'cattle'. This suggests that the victim embodies the general idea of the equivalence of cattle and men in the sacrificial act, and there is certainly what we may speak of as a collective identification of clans and lineages with their herds. This is expressed in the honorific titles of clans and lineages. We have been discussing hitherto the equation of man with ox. These titles introduce us to the idea of an enduring relationship between a social group and its ancestral herd.

On the day when, by the cutting of lines on his forehead, a boy

On the day when, by the cutting of lines on his forehead, a boy

881 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

231 613 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 613 614 653 716 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed, and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mut kene paak jalke kel*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *paak*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as on formal visits, at dances,

[See pp. 246-47, esp. 119 (128) — Analysis]

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and at marriage and initiation ceremonies. Otherwise it is mostly a complimentary usage which expresses a formal relationship of reserve, as between a husband's mother and her son's wife, and then it is chiefly a woman's mode of address. 231 613 614 553 196

The title consists of *gat*, son (of), or *nya*, daughter (of), followed by a word which usually refers to a cow said to be that on whose milk the ancestor of the clan or lineage was nurtured in infancy, though it may refer to the place where the clan or lineage is said to have originated, or to some object connected with its ancestor, or to its totem. Nuer say that clans either '*ba paak ka kwi yangdien*', 'are saluted by reference to their cow' or '*ba paak ka kwi ciengdien*', 'are saluted by reference to their (original) village site', but since the salutation generally refers to a cow the expressions '*paak*', 'honorific salutation', and '*paakene yang*', 'honorific salutation of cow', are synonyms. The words are often exceedingly difficult to translate, or even to discover the meaning of, especially when they relate to cows, for here the Nuer language proliferates symbolism in luxuriant elaborations of fancy; and representations of ancestral cow, ancestral home, totem, and totemic spirit, are sometimes fused in the titles, which are built out of a number of residues all of which derive from and express lineage values. I have listed and discussed some of these honorific titles elsewhere,[1] and there is no need here for a detailed consideration of them. We have only to note the central place the idea of a cow has in them, the cow standing for the herd and hence also for the lineage of its masters.

It need not surprise us that it is a cow that is referred to and not an ox or bull. It would be inappropriate to refer to an ox since, as I understand the matter, the whole point of using a symbol from the herds is to express in a single representation the idea of the unity of a lineage and its cattle, the cattle which sustain the lineage by their milk (the cow suckles the ancestor) and by constant calving provide them with bridewealth for marriages whereby sons are born and the lineage continued, and with a means of maintaining communication with Spirit and ghosts. Male animals do not answer the requirements of the symbolism. The great majority of the bulls are castrated, and, if not later disposed of in marriage, those which survive murrains are sacrificed; and the animals which are left entire are not thought of as being, like the 231 613 553 196

[1] 'The Nuer: Tribe and Clan', *Sudan Notes and Records*, 1936, pp. 23–29.

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CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that 782
though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies.

The verb *buth* means 'to share', and since collateral lineages of 613
a clan and also clans with common ancestry may claim portions 614
of the flesh of sacrificial victims at each other's collective sacrifices, 727
there is said to be *buth* between them. They are to one another 782
jibuthni, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices.

Buth relationship is stated also in terms of the division of 613
elephant tusks or of cattle exchanged for them. When hunters 614
kill an elephant the right tusk goes to the *koc*, the man who first 224
speared it, and the left tusk to the *gaw*, the man who speared it [201]
next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for

16: Evans-Pritchard E-5 (1931, 1936) 1956
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613 cattle, and the portions of ivory or the cattle are divided among
614 those relatives of the spearsmen who receive cattle of bridewealth
224 and bloodwealth and the flesh of sacrifices. Those standing in a *buth* relationship to the spearsmen also have rights in the tusks. This means in practice that a section of the tusk, or its equivalent in cattle, goes to the particular *thok mac*, minimal lineage, of the spearsman's clan to which the *gwan buthni*, master of ceremonies, of his family belongs, and it is this man who gets it.[1]

782 Each family has its master of ceremonies, who is a member of
613 a lineage collateral to that of its head and therefore one of his
593 distant agnatic kinsmen. A son takes his father's place in this service. The same man may act on behalf of the heads of several families of the same minimal lineage, and one of his close agnatic kin may act in his stead, since he carries out his functions not as an individual but as representative of a group. The office is not necessarily reciprocal, for a man may act as master of ceremonies to a family of one collateral lineage and have as master of ceremonies to his own family a man of a different collateral lineage. Also, a family may have more than one master of ceremonies, the second belonging to a different collateral lineage from the first. Moreover, it would seem that if one of the persons who usually acts in this capacity is not available his place may be taken by any distant kinsman who can be held to represent him. Nuer are very latitudinarian in such matters; but the point we have to note is that on certain occasions a whole clan or large lineage offers up the sacrifice, and the officiant ought then to be someone outside the family and close kin most immediately concerned who represents the interest of the wider group, which participates in the sacrifice through him.

782 A master of ceremonies functions at weddings, mortuary and
613 *colwic* ceremonies, settlements of blood-feuds, adoptions, initiations, severings of kinship to allow intermarriage or cohabitation, the building of new byres, and the division of elephant tusks. On these occasions he calls out the clan or lineage spear-name and then makes an invocation, usually prior to animal sacrifice. By calling out the spear-name he identifies the whole clan or lineage with the offering. When the victim has been killed he cuts through the scrotum (*fuak tem*), this being the commencement of the skin-

[1] See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 [787] injured party an excuse to accept compensation without loss of honour.

It is a matter of surprise that the Nuer priesthood should have this association with the earth and take its most common title from it. There is no cult of the earth such as we find in West Africa. Priests are not traditionally linked to a particular territory as are the 'fathers of the land', ritual agents who are such in virtue of being descendants of first settlers, among some other Nilotic peoples. Nor can a satisfactory explanation be advanced in terms of agricultural activities. Nuer do not highly esteem cultivation of crops and may be presumed to have engaged in it even less in the past when cattle were more numerous. Cattle husbandry receives more of their attention and is their absorbing interest, but it and fishing, which is also most important for them, so far as they are the object of ritual attention, are the concern of other, and less important, ritual specialists than the priest of the earth. Moreover, Nuer do not attach much importance to such ritual as he performs in connexion with the crops, and it is entirely secondary to his other functions. On the other hand, it can be seen that the association of priesthood with the earth is a representation which accords with the general idea of man being identified with the earth and God with the sky, the priest being essentially a person who sacrifices on behalf of man below to God above.

793 613 614 Lineages of leopard-skin priests are found in all tribal sections, and in most parts of Nuerland they are in the category of *rul*, strangers, and not of *diel*, members of the clans which own the tribal territories. It is necessary that they should be widely spread, because their services are essential to Nuer everywhere, and it is significant that they are generally not members of lineages identified with political groups, because they have to act as peacemakers between such groups. The two best-known priestly clans, the Gaatleak and the Jimem, have no tribal territories of their own but live, as families and small lineages, in most or all territories owned by other clans. They are like Levi, divided in Jacob and scattered in Israel. Their priestly filiation goes back to Gee, the first man and the first priest, from certain of whose sons the priestly virtue (*ring*) has passed down the generations. However, although their powers are hereditary, and although all members of a priestly lineage can, therefore, act in a priestly capacity, in practice only certain families do so, and these families can function as priests wherever

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they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *tende*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy. 793 613 614

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, go negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character. 793 628

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *maar* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of 782 793 628 783

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

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[Information on "clans" has been filed in category 614; see also categories 613 and 619 for information on the relationship of "clans," lineages, and tribe.]

21: Bacon

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618, 621, 582

/For a discussion of the social structure, kin relationships, tribal genealogy and general kin regulation of marriage, see 116 of the AUI Afghanistan file, 21:Bacon, pp. 130-141./

1; Evans-Pritchard E-S (1931, 1936) 1940
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The Nuer political system includes all the peoples with whom they come into contact. By 'people' we mean all persons who speak the same language and have, in other respects, the same culture, and consider themselves to be distinct from like aggregates. The Nuer, the Shilluk, and the Anuak each occupy a continuous territory, but a people may be distributed in widely separate areas, e.g. the Dinka. When a people is, like the Shilluk, politically centralized, we may speak of a 'nation'. The Nuer and Dinka, on the other hand, are divided into a number of tribes which have no common organization or central administration and these peoples may be said to be, politically, a congeries of tribes, which sometimes form loose federations. The Nuer differentiate those tribes which live in the homeland to the west of the Nile from those which have migrated to the east of it. We find it convenient to make the same distinction and to speak of the Western Nuer and the Eastern Nuer. The Eastern Nuer may be further divided, for descriptive purposes, into those tribes which live near the Zeraf river and those which live to north and south of the Sobat river.

The largest political segment among the Nuer is the tribe. There is no larger group who, besides recognizing themselves as a distinct local community, affirm their obligation to combine in warfare against outsiders and acknowledge the rights of their members to compensation for injury. A tribe is divided into a number of territorial segments and these are more than mere geographical divisions, for the members of each consider themselves to be distinct communities and sometimes act as such. We call the largest tribal segments 'primary sections', the segments of a primary section 'secondary sections', and the segments of a secondary section 'tertiary sections'. A tertiary tribal section consists of a number of villages which are the smallest political units of Nuerland. A village is made up of domestic groups, occupying hamlets, homesteads, and huts.

We discuss the institution of the feud and the part played in it by the leopard-skin chief in relation to the political system. The word 'chief' may be a misleading designation, but it is sufficiently vague to be retained in the absence of a more suitable English word. He is a sacred person without political authority. Indeed, the Nuer have no government, and their

1: Evans-Pritchard E-S (1931, 1936) 1940
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361 maps are mainly, and often entirely, without village sites, and in Western Nuerland the whole area between the Nile and the Bahr el Ghazal is very sparsely dotted with small villages; and the same is probably true of the country to the north of the Bahr el Ghazal.

I am compelled to describe the distribution of dry season camps as vaguely as the distribution of villages. Early camps may be found almost anywhere and often comprise only a few households; but the location of larger camps, formed later in the season, can be known in advance because there are only a few places which provide adequate water. Their size depends largely on the amount of water and grazing and their population varies from about a hundred to over a thousand souls. These concentrations are never tribal but comprise larger or smaller tribal sections. Round a lake a camp may be distributed in several sections with a few hundred yards between each; or one may then speak of contiguous camps. In any camp a few windscreens are generally adjacent to, almost touching, one another, and such a group may often at a glance be seen to be a distinct unit with its own section of the common kraal. Along the left bank of the Sobat and the right bank of the Baro one may observe from a steamer camps almost anywhere, separated from one another by only a few miles; but up streams, like the Nyanding and Filus, in which only isolated pools of water remain, several miles separate camps. Some large camps in the interior of Lou country are separated by more than twenty miles of bush.

131 Great rivers flow through Nuerland and it is often these natural boundaries which indicate the lines of political cleavage.
619 The Sobat separates the Gaajok tribe from the Lou tribe; the Filor separates the Lou tribe from the Anuak people; the Zeraf separates the Thiang and Lak from the Dinka; the Ghazal separates the Karlual primary section of the Leek tribe from its other two primary sections; and so forth. Marshes and areas inundated in the rains likewise separate political groups. The Mecar swamps divide the Eastern Gaajak from the Gaajok and Gaagwang; water-covered stretches divide, in the rains, the Rengyan from the Wot, Bor, &c.; and so on.

This account of distribution is unavoidably vague, but the main conditions and their significance can easily be summed up.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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occupy it, and small camps are sometimes named after an old person of importance who has erected his windscreen there. We have seen that the social composition of a camp varies at different times of the drought from the people of a hamlet to the people of a village, or of neighbouring villages, and that men sometimes camp with kinsmen living in camps other than those of their own villages. Consequently, while local communities of the rains tend to be also local communities in the drought their composition may be somewhat different. We again emphasize that not only are the people of a camp living in a more compact group than the people of a village, but also that in camp life there is more frequent contact between its members and greater co-ordination of their activities. The cattle are herded together, milked at the same time, and so on. In a village each household herds its own cattle, if they are herded at all, and performs its domestic and kraal tasks independently and at different times. In the drought there is increasing concentration and greater uniformity in response to the greater severity of the season.

We sometimes speak of a district to describe an aggregate of villages or camps which have easy and frequent intercommunication. The people of these villages take part in the same dances, intermarry, conduct feuds, go on joint raiding parties, share dry season camps or make camps in the same locality, and so on. This indefinite aggregate of contacts does not constitute a Nuer category or a political group, because the people do not see themselves, nor are seen by others, as a unique community, but 'district' is a term we employ to denote the sphere of a man's social contacts or of the social contacts of the people of a village and is, therefore, relative to the person or community spoken about. A district in this sense tends to correspond to a tertiary or a secondary tribal segment, according to the size of the tribe. In the smallest tribes a whole tribe is a man's district, and a district may even cut across tribal boundaries in that in a large tribe a border village may have more contacts with neighbouring villages of another tribe than with distant villages of its own tribe. The sphere of a man's social contacts may thus not entirely coincide with any structural division.

A number of adjacent villages, varying in number and total

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extension according to the size of the tribe, are grouped into small tribal sections and these into larger ones. In the larger tribes it is convenient to distinguish between primary, secondary, and tertiary tribal sections. These sections, of whatever size, are, like a village, spoken of as *ciang*. Since the next chapter is devoted to these tribal segments no more is said about them here.

VI

The main Nuer tribes are shown on p. 8. The name 'Jagei' inserted to the west of the Nile includes a number of small tribes—Lang, Bor, Rengyan, and Wot. There are also some small tribes—if they are rightly regarded as tribes, for little research was done in the area—in the vicinity of the Dok Nuer: Bengh, Jaalogh, (Gaan)Kwac, and Rol. A crude census, compiled from various Government sources, gives, in round figures, the more recent estimates for the larger tribes as follows:

Sobat Nuer: *Gaajak*, 42,000; *Gaagwang*, 7,000; *Gaajok*, 42,000; Lou, 33,000. *Zeral Nuer*: Lak, 24,000; Thiang, 9,000; Gaawar, 20,000. Western Nuer: Bul, 17,000; Leek, 11,000; the three Western Jikany tribes, 11,000; the various Jagei tribes, 10,000; Dok, 12,000; Nuong, 9,000. These figures are probably more accurate for the Eastern than for the Western Nuer. Estimates show wide discrepancies and there has been much guesswork. On the basis of those recorded, the Sobat Nuer are 92,000, the *Zeral* Nuer 53,000, and the Western Nuer 70,000, making a total of 214,000 for the whole of Nuerland. The population of only a few tribal segments is known. Among the Lou the Gun primary section number about 22,000 and the Mor primary section about 12,000; among the Gaawar the Rath primary section number about 10,000 and the Bar primary section about 10,000; and among the Lak tribe the Kwachur primary section number about 12,000 and the Jonyang primary section number about 12,000.

It will be remarked that the tribes of Western Nuerland are generally smaller than those on the *Zeral*, and those on the *Zeral* smaller than those on the Sobat. Tribes tend to be larger the farther eastwards one proceeds. Their territories also tend to be more extensive. It may be suggested that the larger population of the Eastern Nuer tribes is due to the integrating effects of conquest and settlement and to the absorption of large numbers of Dinka which resulted therefrom, but we do not think that such explanations

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account for their maintaining a semblance of tribal unity over such large areas in the absence of any central government. It is evident that the size of tribal populations is directly related to the amount of high land available for wet season occupation, and also to its disposition, for tribes like the Lou and Eastern Gaajok and Gaajak can have a concentration of homesteads and villages on wide stretches of elevated land, which is not possible for the smaller tribes of Western Nuerland, whose only building sites are small and sparsely distributed ridges. But we hold that this fact in itself would not determine the lines of political cleavage, which can only be understood by taking into consideration also the relation between village sites and dry season water-supplies, pasturage, and fishing. We have noted earlier how tribal sections move from their villages to dry season pastures, each having spatial distinction in the rains which is maintained in the drought, but whereas in Western Nuerland there is always plenty of water, grazing, and fishing, generally not far from the villages, and it is possible for wet season village communities, isolated by inundated tracts in the rains, to maintain their isolation and independence in dry season camps, in the larger tribes of Eastern Nuerland, such as the Lou, drier conditions compel greater concentration and wider seasonal movements, with the result that village communities not only have a greater spatial, and we may say also moral, density in the drought than in the rains, but have to mix with one another and share water and pastures and fishing. Distinct villages are found side by side around a pool. Moreover, people of one section have to cross the territories of other sections to reach their camps, which may be situated near the villages of yet another section. Families and joint families often camp with kinsmen and affines who belong to other villages than their own, and it is a common practice to keep cattle in two or more parts of the country to avoid total loss from rinderpest, which is a dry season pestilence. It is understandable, therefore, that local communities which, though they are isolated in the rains, are forced in the drought into relations that necessitate some sense of community and the admission of certain common interests and obligations, should be contained in a common tribal structure. The severer the dry season conditions the greater the need for some measure of contact and therefore of forbearance and recognition of interdependence. The Zeraf tribes move less than the Sobat tribes and more than the Western Nuer tribes, the Gaawar moving more than the Thiang and Lak. We may again point out that on the whole where there is plenty of elevated country which permits concentration in the rains there is likewise the greater need for large concentrations in the dry

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season, since water, fishing, and pasture are found away from these elevated areas.

These facts seem to explain to some extent the political preponderance of pastoral peoples in East Africa. There may be wide dispersal of communities and low density of population, but there is seasonal contraction and wide interdependence. The variation in their circuits of transhumance also helps us to understand the variation in the size of Nuer tribes. It may be noted that, though the size and cohesion of tribes vary in different parts of Nuerland, nowhere do environmental conditions permit complete autonomy and exclusiveness of small village groups, such as we find among the Anuak, or such high density of population and such developed political institutions such as we find among the Shilluk.

Thus, on the one hand, environmental conditions and pastoral pursuits cause modes of distribution and concentration that provide the lines of political cleavage and are antagonistic to political cohesion and development; but, on the other hand, they necessitate extensive tribal areas within which there is a sense of community and a preparedness to co-operate.

Each tribe has a name which refers alike to its members and to their country (*vol*), e.g. Leek, Gaawar, Lou, Lak, &c. (see map on p. 8). Each has its particular territory and owns and defends its own building sites, grazing, water-supplies, and fishing-pools. Not only do large rivers or wide stretches of uninhabited country generally divide adjacent sections of contiguous tribes, but these sections tend to move in different directions in the drought. Conditions are doubtless changing in this respect, but we may cite as examples how the Gaawar tribe tend to move eastwards towards the Zeraf and not to come into contact with the Gun primary section of the Lou tribe, who cluster around their inland lakes or move to the Sobat and Pibor; how the Mor tribal section of the Lou move to the Nyanding and Upper Pibor in the direction of the Gaajok, who do not coalesce with them but move to the upper reaches of the Sobat and the lower reaches of the Pibor; and how the Western Jikany move towards the marshes of the Nile, while the Leek move northwest to the junction of the Bahr el Ghazal with its streams and lagoons. 619

Tribesmen have a common sentiment towards their country and hence towards their fellow tribesmen. This sentiment is evident in the pride with which they speak of their tribe as the

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619 object of their allegiance, their joking disparagement of other tribes, and their indication of cultural variations in their own tribe as symbols of its singularity. A man of one tribe sees the 619 people of another tribe as an undifferentiated group to whom 186 he has an undifferentiated pattern of behaviour, while he sees himself as a member of a segment of his own tribe. Thus when a Leek man says that So-and-so is a Nac (Rengyan) he at once defines his relationship to him. Tribal sentiment rests as much on opposition to other tribes as on common name, common territory, corporate action in warfare, and the common lineage structure of a dominant clan.

How strong is tribal sentiment may be gathered from the fact that sometimes men who intend to leave the tribe of their birth to settle permanently in another tribe take with them some earth of their old country and drink it in a solution of water, slowly adding to each dose a greater amount of soil from their new country, thus gently breaking mystical ties with the old and building up mystical ties with the new. I was told that were a man to fail to do this he might die of *nuer*, the sanction that punishes breach of certain ritual obligations.

619 A tribe is the largest group the members of which consider it 721 their duty to combine for raiding and for defensive action. The younger men of the tribe went, till recently, on joint expeditions against the Dinka and waged war against other Nuer tribes. Wars between tribes were less frequent than attacks on the Dinka, but there are many examples in recent Nuer history of border disputes among tribes and even of one tribe raiding another for cattle, and such fighting is traditional among the Nuer. The Leek tribe raided the Jikany and Jagei tribes, and a Leek tribesman told me, 'The cattle with which my father married were Gee (Jagei) cattle.' Poncet remarks: 'Les Elliab (Dok) se battent avec les Egnan (Nuong) du sud et les Relan (Rengyan) du nord; les Ror de l'intérieur avec ces derniers et les Bior (Bor) de Gazal (Ghazal river). Toutes leurs querelles viennent des pâturages qu'ils se disputent, ce qui n'empêche pas qu'ils voyagent les uns chez les autres sans aucun danger, à moins cependant qu'on n'ait un parent à venger.'[1] In theory a tribe was regarded as a military unit, and if two sections of different tribes

[1] Op. cit., p. 39.

1: Evans-Pritchard E-S (1931, 1936) 1940
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619 721 were engaged in hostilities each could rely on the support of the other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce to disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Leek united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 726 628 Fighting between Nuer of different tribes was of a different character from fighting between Nuer and Dinka. Inter-tribal fighting was considered fiercer and more perilous, but it was subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 681 Another defining characteristic of a tribe is that within it there is *cut*, blood-wealth paid in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *ruok*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

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machinery to conclude it. Local communities have been classed as tribes or tribal segments by whether they acknowledge the obligation to pay blood-wealth or not. Thus the Gun and the Mor are classed as primary segments of the Lou tribe, while the Eastern Gaajok, Gaajak, and Goagwang have been classed as three tribes and not as three primary segments of a single Jikany tribe.

It may have happened that border cases between different tribes were sometimes settled by payment of compensation, but I have no record of such settlements other than the doubtful statement given on p. 189, and were they to have taken place it would in no way invalidate our definition of tribal structure. However, it must be understood that we are defining a tribe in the most formal way and that, as we shall show later, the acknowledgement of legal responsibility within a tribe does not mean that, in fact, it is easy to obtain compensation for a tort. There is little solidarity within a tribe and feuds are frequent and of long duration. Indeed, the feud is a characteristic institution of tribal organization.

A tribe has been defined by (1) a common and distinct name; (2) a common sentiment; (3) a common and distinct territory; (4) a moral obligation to unite in war; and (5) a moral obligation to settle feuds and other disputes by arbitration. To these five points can be added three further characteristics, which are discussed later: (6) a tribe is a segmented structure and there is opposition between its segments; (7) within each tribe there is a dominant clan and the relation between the lineage structure of this clan and the territorial system of the tribe is of great structural importance; (8) a tribe is a unit in a system of tribes; and (9) age-sets are organized tribally.

VII

619

Adjacent tribes are opposed to one another and fight one another. They sometimes combine against Dinka, but such combinations are loose and temporary federations for a specific end and do not correspond to any clear political value. Occasionally a tribe will allow a section of another to camp in its territory and there may be more contacts between persons of border villages or camps of different tribes than between widely sepa-

1: Evans-Pritchard E-S (1931, 1936) 1940
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rated communities of the same tribe. The first may have more social contacts; the second be structurally nearer. But between Nuer tribes there is no common organization or central administration and hence no political unity that we can refer to as national. Nevertheless, adjacent tribes, and the Dinka who face them, form political systems, since the internal organization of each tribe can only be fully understood in terms of their mutual opposition, and their common opposition to the Dinka who border them. 619

Beyond these systems of direct political relations the whole Nuer people see themselves as a unique community and their culture as a unique culture. Opposition to their neighbours gives them a consciousness of kind and a strong sentiment of exclusiveness. A Nuer is known as such by his culture, which is very homogeneous, especially by his language, by the absence of his lower incisors, and, if he is a man, by six cuts on his brow. All Nuer live in a continuous stretch of country. There are no isolated sections. However, their feeling of community goes deeper than recognition of cultural identity. Between Nuer, wherever they hail from, and though they be strangers to one another, friendly relations are at once established when they meet outside their country, for a Nuer is never a foreigner to another as he is to a Dinka or a Shilluk. Their feeling of superiority and the contempt they show for all foreigners and their readiness to fight them are a common bond of communion, and their common tongue and values permit ready intercommunication. 186

Nuer are well aware of the different divisions of their country, even if they have never visited them, and they all look upon the area to the west of the Nile as their common homeland, to the occupants of which they still have distant kinship ties. People also journey to visit kinsmen in other tribes and often settle for long periods far from their homes, sometimes in different tribes, in which, if they stay there long enough, they become permanently incorporated. Constant social intercourse flows across the borders of adjacent tribes and unites their members, especially members of border communities, by many strands of kinship and affinity. If a man changes his tribe he can at once fit himself into the age-set system of the tribe of his adoption, and there is 484 619

1: Evans-Pritchard E-5 (1931, 1936) 1940
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often co-ordination of sets between adjacent tribes. A single clan is sometimes dominant in more than one tribal area, dominant clans are linked in a general clan system, and the principal clans are found in every part of Nuerland. We have noted how in the days of ivory trading Gaajak tribesmen journeyed through the territories of other tribes as far as the Zeraf.

The limits of the tribe are therefore not the limits of social intercourse, and there are many ties between persons of one tribe and persons of another tribe. Through association with the clan system and by proximity the people of one tribe may consider themselves nearer to a second than to a third. Thus the three Eastern Jikany tribes feel a vague unity in relation to the Lou, and so do the Bor and Rengyan in relation to the Leek. But, also, individuals, and through individuals kinship groups and even a village, have a circuit of social relationships that cut across tribal divisions, so that a traveller who crosses the border of his tribe can always establish some links with individuals of the tribe he visits in virtue of which he will receive hospitality and protection. If he is wronged, his host, and not he, is involved in legal action. However, there is a kind of international law, in the recognition of conventions in certain matters, beyond political boundaries and the limits of formal law. Thus, though it is considered more risky to marry outside the tribe than within it, since divorce may prove more detrimental in that the return of bride-wealth is less certain, the rules of marriage are acknowledged on both sides and it would be considered improper to take advantage of political cleavage to break them. Tribes are thus politically exclusive groups, but they are not coterminous with an individual's sphere of social relations, though this sphere tends to follow the lines of political cleavage, in the same way as a man's district tends to be equated to his tribal segment. The relation between political structure and general social relations is discussed in the chapters that follow. Here we may note that it is desirable to distinguish between (1) political distance in the sense of structural distance between segments of a tribe, the largest political unit, and between tribes in a system of political relations; (2) general structural distance in the sense of non-political distance between various social groups in the Nuer-speaking community—non-political struc-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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tural relations are strongest between adjacent tribes, but a common social structure embraces the whole of Nuerland; and (3) the social sphere of an individual, being his circuit of social contacts of one kind or another with other Nuer.

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VIII

The political structure of the Nuer can only be understood in relation to their neighbours, with whom they form a single political system. Contiguous Dinka and Nuer tribes are segments within a common structure as much as are segments of the same Nuer tribe. Their social relationship is one of hostility and its expression is in warfare.

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The Dinka people are the immemorial enemies of the Nuer. They are alike in their oecologies, cultures, and social systems, so that individuals belonging to the one people are easily assimilated to the other; and when the balanced opposition between a Nuer political segment and a Dinka political segment changes into a relationship in which the Nuer segment becomes entirely dominant, fusion and not a class structure results.

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As far as history and tradition go back, and in the vistas of myth beyond their farthest reach, there has been enmity between the two peoples. Almost always the Nuer have been the aggressors, and raiding of the Dinka is conceived by them to be a normal state of affairs and a duty, for they have a myth, like that of Esau and Jacob, which explains it and justifies it. Nuer and Dinka are represented in this myth as two sons of God who promised his old cow to Dinka and its young calf to Nuer Dinka came by night to God's byre and, imitating the voice of Nuer, obtained the calf. When God found that he had been tricked he was angry and charged Nuer to avenge the injury by raiding Dinka's cattle to the end of time. This story, familiar to every Nuer, is not only a reflection of the political relations between the two peoples but is also a commentary on their characters. Nuer raid for cattle and seize them openly and by force of arms. Dinka steal them or take them by treachery. All Nuer regard them—and rightly so—as thieves, and even the Dinka seem to admit the reproach, if we attribute correct significance to the statement made to Mr. K. C. P. Struvé in 1907 by the Dinka keeper of the shrine of Deng dit at Luang Deng.

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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bodies were thrown on the flaming byres and huts. Captives were placed in the centre of the camp, the women being sometimes bound at night to render them more secure. Sexual intercourse is taboo on a raid. Nor may Nuer eat with a captive. A boy captive may not even draw water for them to drink. Only when

Tribal Distribution about 1860 (after V. A. Malte-Brun, *Nouvelles annales des voyages*, 1863).

an ox has been sacrificed in honour of the ghosts, after the return home, and they have been informed that strangers have entered their homesteads, may Nuer have sexual relations with captives or eat with them.

In the following section we describe other foreign contacts, but till European conquest the only foreign relations which may be said to have been expressed in constant warfare were those with the various Dinka tribes which border Nuerland.

1: Evans-Pritchard E-S (1931, 1936) 1940
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does not see himself as a member of that same group in so far as 839
he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments.

Therefore the diagram presented on p. 114 illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer 186
political structure: the smaller the local group the stronger the 621
sentiment uniting its members. Tribal sentiment is weaker than 619
the sentiment of one of its segments and the sentiment of a seg- 571
ment is weaker than the sentiment of a village which is part of
it. Logically this might be supposed to be the case, for if unity

[See category 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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within a group is a function of its opposition to groups of the same kind it might be surmised that the sentiment of unity within a group must be stronger than the sentiment of unity within a larger group that contains it. But it is also evident that the smaller the group the more the contacts between its members, the more varied are these contacts, and the more they are co-operative. In a big group like the tribe contacts between its members are infrequent and corporate action is limited to occasional military excursions. In a small group like the village not only are there daily residential contacts, often of a co-operative nature, but the members are united by close agnatic, cognatic, and affinal ties which can be expressed in reciprocal action. These become fewer and more distant the wider the group, and the cohesion of a political group is undoubtedly dependent on the number and strength of ties of a non-political kind.

It must also be stated that political actualities are confused and conflicting. They are confused because they are not always, even in a political context, in accord with political values, though they tend to conform to them, and because social ties of a different kind operate in the same field, sometimes strengthening them and sometimes running counter to them. They are conflicting because the values that determine them are, owing to the relativity of political structure, themselves in conflict. Consistency of political actualities can only be seen when the dynamism and relativity of political structure are understood and the relation of political structure to other social systems is taken into consideration.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER IV

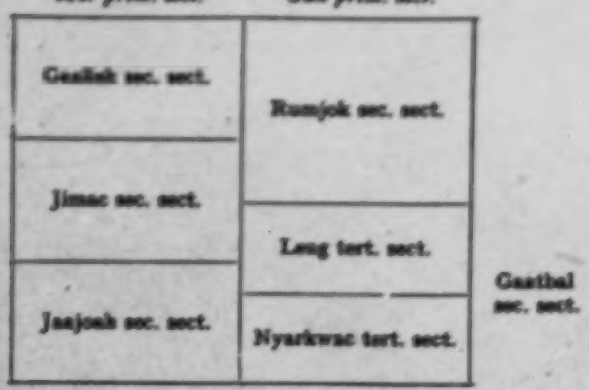
THE POLITICAL SYSTEM

I

NUER tribes are split into segments. The largest segments we call primary tribal sections and these are further segmented into secondary tribal sections which are further segmented into tertiary tribal sections. Experience shows that primary, secondary, and tertiary are sufficient terms of definition, and in the smallest tribes probably fewer terms are required. A tertiary tribal section comprises a number of village communities which are composed of kinship and domestic groups.

Thus, the Lou tribe, as shown in the diagram below, is segmented into the Gun and Mor primary sections. The Gun primary section is segmented into the Rumjok and Gaatbal secondary sections. The Gaatbal secondary section is further segmented into the Leng and Nyarkwac tertiary sections. Only a few segments are shown diagrammatically: Gaaliek is split into Nyaak and Buth, Rumjok into Falker, Nyajikany, Kwacgien, &c., and so on.

LOU TRIBE



The diagram on p. 140 shows the primary sections of the Eastern Gaagwang tribe and the primary and secondary sections of the Eastern Gaajak and Gaajok tribes. They are

[p. 134]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I am not certain of the secondary sections of the Gaagwang tribe, which I have not visited.

EASTERN JIKANY TRIBES

	Gaajak tribe	Gaagwang tribe	Gaajak tribe	
Laang prim. sect.	Thiur sec. sect.	Gaatrika prim. sect.	Nyayun sec. sect.[1]	Gaagwong prim. sect.
	Dwong sec. sect.		Cany sec. sect.	
	Kwith sec. sect.		Wau sec. sect.	
Wangkac prim. sect.	Minyual sec. sect.	Nyingue prim. sect.	Kong sec. sect.[2]	Reng prim. sect.
	Wang sec. sect.		Col sec. sect.[3]	
	Nyathol sec. sect.		Dhilluak sec. sect.[4]	
Yol prim. sect.	Pwot sec. sect.	Nyaang prim. sect.	Tar sec. sect.	Thiang prim. sect.
	Kwal sec. sect.		Kang sec. sect.	
	Yiic sec. sect.			
	Cam sec. sect.		Loay sec. sect.	
	Kwal sec. sect.			

Among the Western Jikany the Gaagwang appear to be classed as part of the Gaajok tribe whose country stretches on both sides of the Bahr-el-Ghazal, the Gaajak tribe living to the south of that river. The primary sections of these two tribes, Gaagwong, Reng, Thiang, Laang, Wangkac, and Yol, are the same as in the east, but some secondary sections which are important to the north of the Sobat are not to be found, except as very small clusters, on the Bahr-el-Ghazal, and vice versa. The reason for this is that certain lineages migrated eastwards while others remained in the homeland.

After having satisfied myself that the segmentation of other

[1] With which goes Nyajaani.
[2] Also called Nyaruny.
[3] Also called Tiek and Yaar.
[4] Also called Gying.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

Nuer tribes is on the same pattern as that of the Lou and Jikany tribes I did not make detailed lists of their divisions, being interested in new and different inquiries. I include, however, some diagrammatic representations of tribal segmentation in Gaawar, Lak, and Thiang countries, for which I am indebted to Mr. B. A. Lewis, at one time Commissioner for Zeraf River District.

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GAAWAR TRIBE

Radh prim. sect.	*Bar prim. sect.*	
Korbil sec. sect.	Bang tert. sect.	Lith sec. sect.
Nyadakwon sec. sect.	Jamogh tert. sect.	
Pur sec. sect.	Caam tert. sect.	Gatkwa sec. sect.
Nyaigua sec. sect.	Gatkwa tert. sect.	
Jilhoth sec. sect.		

LAK TRIBE

Jonyang prim. sect.	*Kwaidur prim. sect.*	
Kadwop sec. sect.	Nyawar tert. sect.	Tobot sec. sect.
	Dongtial tert. sect.	
Nyapir sec. sect.	Thiang tert. sect.	Lak sec. sect.
	Kar. tert. sect.	
	Cuak tert. sect.	

THIANG TRIBE

Riak prim. sect.	*Bang prim. sect.*	
Juak sec. sect.	Gui tert. sect.	Nyangur sec. sect.
	Bedid tert. sect.	
Manyal sec. sect.	Dwong tert. sect.	
	Kwoth sec. sect.	
Gin sec. sect.	Cool sec. sect.	

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

800 It will have been observed that I have not attempted to list all the sections of each tribe, but have merely tried to indicate the mode of segmentation so that the relation between tribal divisions and lineages may be more clearly understood in the following chapter.

II

*619 Segments of a tribe have many of the characteristics of the tribe itself. Each has its distinctive name, its common sentiment, and its unique territory. Usually one section is clearly divided from another by a wide stretch of bush or by a river. Segments of the same tribe also tend to turn in different directions for their dry season pastures, as is shown on the sketch-maps on pp. 56, 58, and 60, so that the spatial divisions of the rains are maintained, and may be accentuated during the drought, though, as we have pointed out, in the larger tribes to the east of the Nile severity of natural conditions may also produce closer interrelations than in the smaller tribes to the west.

The smaller the tribal segment the more compact its territory, the more contiguous its members, the more varied and more intimate their general social ties, and the stronger therefore its sentiment of unity. As we shall see, a tribal segment is crystallized around a lineage of the dominant clan of the tribe and the smaller the segment the closer the genealogical relationship between members of this clan fragment. Also the smaller the segment the more the age-set system determines behaviour and produces corporate action within it. Political cohesion thus not only varies with variations of political distance but is also a function of structural distance of other kinds.

619 628 Each segment is itself segmented and there is opposition between its parts. The members of any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. Nuer themselves state this structural principle clearly in the expression of their political values. Thus they say that if the Leng tertiary section of the Lou tribe fights the Nyarkwac tertiary section—and, in fact, there has been a long feud between them—the villages which compose each section will combine to fight; but

* [See cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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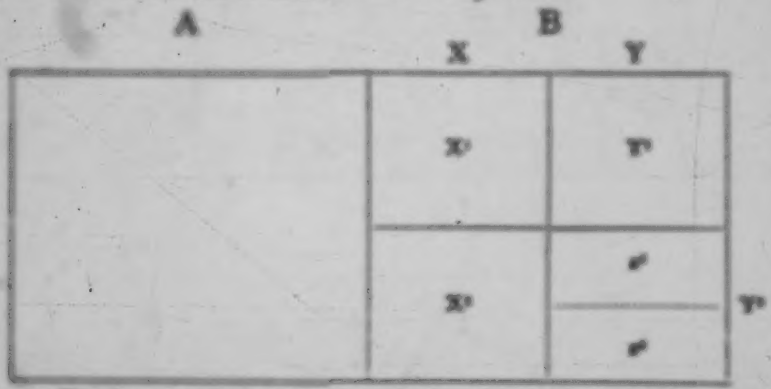
if there is a quarrel between the Nyarkwac tertiary section and the Rumjok secondary section, as has occurred recently over water rights at Fading, Leng and Nyarkwac will unite against their common enemy Rumjok which, in its turn, forms a coalition of the various segments into which it is divided. If there is a fight between the Mor and the Gun primary sections, Rumjok and Gaathal will unite against the combined Mor sections: Gaaliek, Jimac, and Jaajoak. If there is fighting against the Gaajok or the Gaawar the primary sections, Gun and Mor, will, at any rate in theory, combine and a united Lou tribe will take the field, since both sections belong to the same political group and since their dominant lineages belong to the same clan. Certainly they used to unite in raids on the Dinka.

Among the Eastern Gaajok, Minyal, Wang, and Nyathol sections combine against Yol. Also Thiur, Dwong, and Kwith sections unite for war. These fights between tribal sections and the feuds that result from them, though based on a territorial principle, are often represented in terms of lineages, since there is a close relation between territorial segments and lineage segments, and Nuer habitually express social obligations in a kinship idiom. Thus in telling me that Wangkac and Yol would unite for war against any other section Nuer stated the proposition by saying that the WANGKAC and YOL lineages, which are the dominant lineages in these sections, would unite because their ancestors were sons of the same mother. We shall see in Chapter V that Nuer generally speak in such terms.

This principle of segmentation and the opposition between segments is the same in every section of a tribe and extends beyond the tribe to relations between tribes, especially among the smaller Western Nuer tribes, which coalesce more easily and frequently in raiding the Dinka and in fighting one another than the larger tribes to the east of the Nile. Thus a man of the Fadang section of the Bor tribe exemplified it when he told me, 'We fight against the Rengyan, but when either of us is fighting a third party we combine with them'. It can be stated in hypothetical terms by the Nuer themselves and can best be represented in this way. In the diagram on p. 144, when Z^1 fights Z^2 no other section is involved. When Z^1 fights Y^1, Z^1 and Z^2 unite as Y^2. When Y^1 fights X^1, Y^1 and Y^2 unite, and so do X^1

Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

and X^2. When X^1 fights A, X^1, X^2, Y^1, and Y^2 all unite as B. When A raids the Dinka A and B may unite.



The larger tribal sections were almost autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at another would be combining against a third party. These combinations were not always as regular and simple as they were explained to me and as I have stated them. I give a few examples of fighting between tribal sections. One of the worst wars in Nuer history occurred in the last generation between the Gun and the Mor moieties of the Lou tribe. It was known as *kur lany yak*, the war of letting loose the hyena, because so many people were killed that the dead were left for the hyenas to eat. It is said that in this struggle men displayed unusual ferocity, even cutting off arms to seize quickly ivory armlets. There was a lengthy, and more recent, feud between the Leng and the Nyarkwac tertiary sections of the Lou tribe which has continued up to the present. It sprang out of an earlier fight between Thiang and Yol which once formed sub-sections of the Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol divisions were brothers, whereas the ancestor of the dominant lineage of the Thiang division stood to these brothers in the relationship of sister's son. For a long while Yol and Thiang lived peaceably together, but some thirty years ago a fight broke out between them, and Thiang, defeated, fled to seek protection among the Leng section. The Yol sent messages to the Leng telling them that they were not to receive their enemies or give them asylum. The Leng replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sisters' sons. This attitude involved Yol (Nyarkwac) in a second war, this time against a combination of Leng and Thiang. Other recent Lou feuds were between the

1: Evans-Pritchard E-S (1931, 1936) 1940
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Falkir and Nyajikany divisions of the Rumjok secondary section and between various local communities of the Mor primary section, particularly between two divisions of the Jimac secondary section.

In Eastern Gaajok country the Yol primary section joined the Gaagwang tribe, who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them, as we can to the west of the Nile, as a single tribe separated from the Gaajak by the wide Macar swamps, against several, if not all, sections of the Gaajak tribe. Yol fought Nyayan while Gaagwang fought Reng and Kang. About half a century ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and there was also warfare between the Yol and Wangkac sections in which Yol, assisted by their allies the Gaagwang tribe, were victorious; the Wangkac being so heavily defeated that they moved southwards to the banks of the Pibor river. Here, they say, they were attacked by *Twak* (Arabs of some kind) and moved north again to the site of their old homes. They were too exhausted to resume their feud with the Yol section. In spite of these internal feuds, if any section of the Gaajok tribe is engaged in warfare with the Lou tribe all its sections will come to assist the threatened section if it is not strong enough to resist whatever section of the Lou is opposed to it. There have also been feuds between the Eastern Gaajak sections, e.g. between Thiang and Reng. When two tribes fight, other tribes remain neutral, and if two sections of a tribe are at war with one another the other sections of each may leave them to fight it out if they are well matched and do not appeal for assistance. Some of Miss Soule's informants pointed out that when there was trouble a few years ago between the Yol section of the Gaajok tribe and the Lony section of the Gaajak tribe they were strong enough to fight their own battle, but had Lony not been strong enough to fight single-handed then the Kaang and Tar, and possibly other, sections of the Gaajak would have come to its assistance, in which case the Gaajok sections would have joined Yol. They also pointed out that at present there is trouble between the Luluaa section and the Wang section. There is also trouble between various sections of Wangkac. If Luluaa and Wang begin to fight then the Wangkac sections will compose their differences and join Luluaa.

In accordance with the general tendency to the west of the Nile the Western Gaajok and Gaajak tribes are not only smaller but less united than the Eastern Gaajok and Gaajak. Both, on the Bahr-el-Ghazal, had frequent and bitter internal feuds. There was a fierce battle between the Gai division of the Gaagwong primary section and two other divisions of the same section, the Kwoth and the

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Bor, whose dominant lineages spring from one mother. The Kwath and Bor divisions were defeated and migrated southwards to settle at Kwac in Rengyan country. The same Gai division also had a feud with the Reng primary division, after which it moved into Karlual country. There were numerous other feuds in the Gaajak tribe. The Gaajak tribe once lived entirely on the left bank of the Bahr-el-Ghazal and their present extension on the right bank is a consequence of migration following feuds.

The Leek tribe once all lived on the right bank of the Bahr-el-Ghazal. Here two of its primary sections, Cuaagh and Deng who lived to the west of the Gany river, fought the third primary section, the Keunyang (Karlual), who lived to the east of that river, and being defeated crossed the Bahr-el-Ghazal and settled on its left bank. The story is that some aristocrats of the Nyapir section and some aristocrats of the Nyawah section used offensive expressions in songs about one another. These songs led to fighting between the young men, one of whom on each side was killed. There was further fighting in consequence, and finally Deng and Cuaagh crossed the river. In the following year they recrossed the Bahr-el-Ghazal to camp in the dry season on the right bank and on their return to their villages they drove before them herds belonging to Keunyang. Six of their girls came back to collect their dairy vessels which they had left in a camp hut and were waylaid and killed by some Keunyang men. This act was considered a serious breach of the rules of war, for the Nuer do not kill their own womenfolk. Because of it the Deng uttered a curse, according to which it is forbidden to an aristocrat of Keunyang who crosses the Bahr-el-Ghazal and settles among the Deng or Cuaagh, and also to an aristocrat of Deng or Cuaagh who moves southwards and settles among the Keunyang, to build a cattle-byre in the usual manner. The curse also causes an aristocrat who thus changes his residence to beget only boys for his first few children because of the slain girls. When the Government raided Karlual (Keunyang) country many Keunyang aristocrats crossed the river to live in Deng and Cuaagh country. At the present day many Deng and Cuaagh spend the dry season in Keunyang country because their own country is not rich in good pasture grasses but consists mainly of marsh grasses which are not so nourishing.

Within each of these primary sections there were constant feuds. Thus in Karlual country, Riaagh, Gom, Jiom, Nyaagh, Jikul, and Ngwol sections have been frequently at feud with one another. It would be tedious to recount the occasions and outcome of these petty feuds. I want only to make it clear that the villages occupied

1: Evans-Pritchard E-5 (1931, 1936) 1940
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by these minor sections, Tutgar (Ngwol), Nyang (Riaagh), Nyueny (Juak), Kol (Jikul), &c., are only a few miles from their nearest neighbours, all of them being contained in a radius of five miles. It is between villages and tertiary tribal sections that fights most frequently take place and feuds develop.

I could give many more examples of feuds, but to no purpose, for those I have cited amply illustrate the lack of political control in Nuer tribes. We may conclude that a man's tribe only claims his allegiance in intertribal fighting and in wars against the Dinka. In normal times a man thinks and acts as a member of very much smaller local groups with the members of which he has manifold contacts.

III

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We may use the diagram on p. 144 to emphasize the principle of contradiction in political structure. A member of Z^2 tertiary section of tribe B sees himself as a member of Z^2 in relation to Z^1, and all other members of Z^2 see themselves as members of that group in relation to Z^1 and are so regarded by members of Z^1. But he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1 and is so regarded by members of Y^1. Likewise he regards himself as a member of Y and not of Y^2 in relation to X, and as a member of the tribe B, and not of its primary section Y, in relation to tribe A. Any segment sees itself as an independent unit in relation to another segment of the same section, but sees both segments as a unity in relation to another section; and a section which from the point of view of its members comprises opposed segments is seen by members of other sections as an unsegmented unit. Thus there is, as we have pointed out earlier, always contradiction in the definition of a political group, for it is a group only in relation to other groups. A tribal segment is a political group in relation to other segments of the same kind and they jointly form a tribe only in relation to other Nuer tribes and adjacent foreign tribes which form part of the same political system, and without these relations very little meaning can be attached to the concepts of tribal segment and tribe. We make here the same point as we made in discussing the word *cieng*[1] that political values are relative and that the political system is an equilibrium

[1] [See pp. 135-137, cat. 116. — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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between opposed tendencies towards fission and fusion, between the tendency of all groups to segment, and the tendency of all groups to combine with segments of the same order. The tendency towards fusion is inherent in the segmentary character of Nuer political structure, for although any group tends to split into opposed parts these parts must tend to fuse in relation to other groups, since they form part of a segmentary system. Hence fission and fusion in political groups are two aspects of the same segmentary principle, and the Nuer tribe and its divisions are to be understood as an equilibrium between these two contradictory, yet complementary, tendencies. Physical environment, mode of livelihood, poor communications, a simple technology, and sparse food-supply—all, in fact, that we call their oecology—to some extent explain the demographic features of Nuer political segmentation, but the tendency towards segmentation must be defined as a fundamental principle of their social structure.

There must always, therefore, be something arbitrary about our formal definition of a tribe by the characters we have earlier listed. The political system is an expanding series of opposed segments from the relations within the smallest tribal section to intertribal and foreign relations, for opposition between segments of the smallest section seems to us to be of the same structural character as the opposition between a tribe and its Dinka neighbours, though the form of its expression differs. Often it is by no means easy to decide whether a group should be regarded as a tribe or as the segment of a tribe, for political structure has a dynamic quality. Using payment of blood-wealth as the principal criterion we class the Eastern Gaajok and Gaajak as distinct tribes because there is no compensation for homicide between them, but they consider themselves to be a single community in relation to the Lou. The tribal value is still recognized throughout Lou country, but, in fact, the Gun and the Mor sections are largely autonomous and it may be doubted whether compensation for homicide would actually be paid between them, though people say that it ought to be paid. It appears that so many people were killed in feuds between the Yol and Wangkac primary sections of the Gaajok tribe that all payments for homicide lapsed. On the other hand, I was told

1: Evans-Pritchard E-5 (1931, 1936) 1940
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that at the time when the influence of the Lou prophets Ngundeng and Gwek was at its height compensation was for a time paid between the Lou and the Gaajok. In the larger tribes the segments recognize a formal unity, but there may be little actual cohesion. The tribal value is still affirmed, but actual relations may be in conflict with it since they are based on local allegiances within the tribe, and, in our opinion, it is this conflict between rival values within a territorial system which is the essence of the political structure.

Nuer tribes are an evaluation of territorial distribution, and tribal and intertribal and foreign relations are standardized modes of behaviour through which the values are expressed. The tribal value is, therefore, relative and at any time is attached to a certain extension of an expanding series of structural relations without being inevitably fixed to that extension. Moreover, it is not only relative because what we designate a tribe to-day may be two tribes to-morrow, but it can only be said to determine behaviour when a certain set of structural relations are in operation, mainly acts of hostility between tribal segments and between a tribe and other groups of the same structural order as itself, or acts likely to provoke aggression. A tribe very rarely engages in corporate activities, and, furthermore, the tribal value determines behaviour in a definite and restricted field of social relations and is only one of a series of political values, some of which are in conflict with it. The same is true of its segments. We would, therefore, suggest that Nuer political groups be defined, in terms of values, by the relations between their segments and their interrelations as segments of a larger system in an organization of society in certain social situations, and not as parts of a kind of fixed framework within which people live.

We do not doubt that there is an interdependence between the various sectional interrelations and the entire political system of which they form part, but this cannot easily be demonstrated. It has been noted that the smaller the local group the more cohesive it is and the more contacts of various kinds its members have with one another. There is less solidarity the wider we extend the circle from a village to adjacent tribes. It might be assumed, therefore, that there is always greater

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 opposition between two groups than between the segments of either and that the segments are held together, as it were, by this external pressure, but we cannot admit that this view accords with the facts, because greater hostility appears to be felt between villages, groups of villages, and tertiary tribal sections than between larger tribal sections and between tribes. Probably the raids conducted tribally and in tribal federation against the Dinka had an integrating action, but the Dinka were not aggressive against the Nuer and it seems that the maintenance of tribal structure must rather be attributed to opposition between its minor segments than to any outside pressure. If this be so, and a consideration of the institution of the feud suggests that it is so, we arrive at the conclusion that the more multiple and frequent the contacts between members of a segment the more intense the opposition between its parts. However paradoxical this conclusion may at first seem we are led to it both by observation and by reflection on what constitutes a segmentary system.

IV

628 We have used the term 'feud' in the last section in the sense of lengthy mutual hostility between local communities within a tribe. This broad and slightly vague usage seems justified by convention and also, as we shall show, because, although responsibility for homicide and the duty of exacting vengeance directly fall only on the close agnatic kin of slayer and slain, the communities to which the two parties belong are, in one way or another, involved in the hostility that ensues and, often enough, in any fighting that may result from the dispute. Strictly, however, the word might be considered more appropriately used to describe the relations between the kin on both sides in a situation of homicide, for it then refers to a specific institution. We sometimes, therefore, speak of the 'blood-feud' to emphasize this restricted and more clearly defined meaning.

Blood-feuds are a tribal institution, for they can only occur where a breach of law is recognized since they are the way in which reparation is obtained. Fear of incurring a blood-feud is, in fact, the most important legal sanction within a tribe and the main guarantee of an individual's life and property. If a com-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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The feud is a political institution, being an approved and regulated mode of behaviour between communities within a tribe. The balanced opposition between tribal segments and their complementary tendencies towards fission and fusion, which we have seen to be a structural principle, is evident in the institution of the feud which, on the one hand, gives expression to the hostility by occasional and violent action that serves to keep the sections apart, and, on the other hand, by the means provided for settlement, prevents opposition developing into complete fission. The tribal constitution requires both elements of a feud, the need for vengeance and the means of settlement. The means of settlement is the leopard-skin chief, whose role we shall examine later. We therefore regard the feud as essential to the political system as it exists at present. Between tribes there can only be war, and through war, the memory of war, and the potentiality of war the relations between tribes are defined and expressed. Within a tribe fighting always produces feuds, and a relation of feud is characteristic of tribal segments and gives to the tribal structure a movement of expansion and contraction.

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There is, of course, no clear-cut distinction between fighting against another tribe and fighting against a segment of one's own tribe. Nuer, however, stress that the possibility of arbitration and payment of blood-wealth for deaths resulting from a fight within a tribe makes it a *ter*, feud, and that this is different from a fight between tribes, *kur*, in which no claims for compensation would be recognized. Both differ from raiding of Dinka, *pec*, and from individual duelling, *dwac*, though all fighting is *kur* in a general sense. But it is obvious that a fight in a village which at once leads to payment of compensation for deaths and a fight between tribes in which there is no compensation for deaths are two poles, and that the further we go from a village community the fights between tribal sections become more like fights between tribes in that blood-wealth is paid with increasing difficulty and infrequency, so that between primary sections the tribal value, the feeling that blood-wealth can, and even ought to, be paid, alone distinguishes their fights from fights between tribes. Here again we would emphasize the conclusion that the tribal value is relative to the structural situation.

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We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

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There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

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792 earth. They state that in the old days there were no prophets; only the ritual officials mentioned earlier. The records of European travellers are not explicit enough to confirm or reject this statement. Poncet says that among the Nuer in his day were rich and important persons, honoured after their death, whom he calls *devins ou sorciers* and *jongleurs*,[1] and Brun-Rollet says that the Nuer had a kind of pope for whom they had veneration akin to worship, but his account is too fanciful to carry weight.[2] Whilst it is difficult to believe that there were

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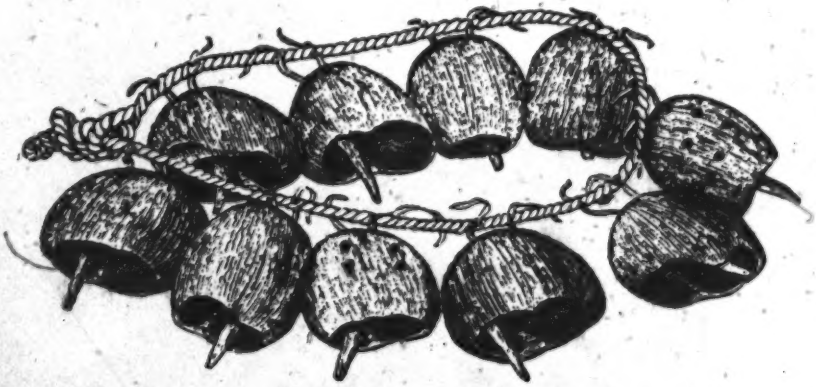

FIG. 13. Calf's bell-necklace of palm nuts.

no cases of possession sixty years ago we must, in the absence of conflicting evidence, accept so unanimous a declaration by Nuer that there was no possession by Sky-gods, and it seems fairly certain that if there were any prophets at that time their influence was restricted to small localities and had not the tribal significance of more recent times. There is some evidence that [177] the development of Nuer prophets was related to the spread of Mahdism from the Northern Sudan. However that may be, there is no doubt that powerful prophets arose about the time when Arab intrusion into Nuerland was at its height and that after the reconquest of the Sudan they were more respected and had more influence than any other persons in Nuerland.

792 Nevertheless, we consider that the power of these prophets, even of the most successful ones, has been exaggerated and that

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[1] Poncet, op. cit., p. 40. [2] Brun-Rollet, op. cit., p. 222.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 619 their tribal position has been misunderstood. The earliest Government officials to enter Lou country have recorded that Ngundeng was greatly feared and respected and were of the opinion that if the Lou were to be administered he would have either to be reconciled or removed. However, his son, Gwek, was not supported against the Government by some sections of the tribe. Mr. Struvé, then Governor of the Upper Nile Province, reported that Dwal, son of Diu, had 'rather shaky authority' among the Gaawar. I received the impression in 1932 that Buom had far more power in Dok country as a government chief than he ever had in pre-government days as a prophet. A prophet's curse is feared, but armed intervention of Government forces is a weightier sanction. Buom was attempting to exercise unprecedented judicial functions and his banishment met with no popular hostility and with little regret. There is no good evidence that the earlier prophets were more than spiritual persons, whose ritual powers were used particularly in warfare, though some of the later ones appear to have begun to settle disputes, at any rate in their own villages and districts. Of them all, perhaps Gwek came nearest to exercising political functions and to imposing his authority outside his own district, but the hostility between tribes and between tribal segments rendered effective personal control impossible.

792 721 619 The only activities of prophets which can truly be called tribal were their initiation of raids against the Dinka and their rallying of opposition to Arab and European aggression, and it is in these actions that we see their structural significance and account for their emergence and the growth of their influence. All the important prophets about whom we have information gained their prestige by directing successful raids on the Dinka, for these raids were carried out in the names of the spirits which promised rich booty by their lips. No extensive raids were undertaken without the permission and guidance of prophets, who received instructions from the Sky-gods in dreams and trances about the time and objective of attack, and often they accompanied them in person and performed sacrifices before battle. They took for themselves part of the spoil and to some extent supervised the division of the rest of it. The warriors sang war hymns to the Sky-gods before starting on raids and the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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sacrifices to them by their prophets were believed to ensure booty and safety.

For the first time a single person symbolized, if only to a moderate degree and in a mainly spiritual and uninstitutionalized form, the unity of a tribe, for prophets are tribal figures. But they have a further significance, for their influence extended over tribal boundaries. Gwek had great influence in Gaajok, and it is said that because of it the Lou and the Gaajok for a time paid compensation for homicide between them. His influence reached as far as the Eastern Gaagwang and Gaajak. Dengleaka had a similar influence in the valley of the Zeraf, especially among the Thiang. Some of the Western Nuer prophets had a reputation among a number of neighbouring tribes which united for raids at the direction of their spirits. They were not a mechanism of tribal structure like leopard-skin chiefs, but were pivots of federation between adjacent tribes and personified the structural principle of opposition in its widest expression, the unity and homogeneity of Nuer against foreigners. Probably, the coalition of tribes and the organization of joint raids is very largely their achievement—though one cannot be sure of this in the absence of historical records—and has made them important and powerful figures in Nuerland. This interpretation explains how it is that prophets began half a century ago, or at any rate came to the fore then. Certain structural changes were taking place in response to changed conditions: the development of functions that were more purely political than any exercised by individuals before and of a greater degree of unity among neighbouring tribes than there had been hitherto. As Sky-gods passed at the death of prophets into their sons we are further justified in suggesting growth of hereditary political leadership which, with the strong tendency towards federation between adjacent tribes we attribute to the new Arab-European menace. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government crushed the prophets this tendency was checked. As we understand the situation, the prophets were inevitably opposed to the Government because it was this opposition among the people which led to their emergence and was personified in them.

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611 In normal usage the word refers to close relatives only. Therefore, as *mar* includes close agnates, the word *buth* is used only in
612 reference to distant agnates, between whom and the speaker there is lineage cleavage. There is *buth* relationship between lineages of the same clan and also between related clans which have the same ancestor but do not compose an exogamous unit. A Dinka can be given *buth* relationship to a Nuer lineage by being adopted into a collateral lineage. We thus formally distinguish between the lineage system, which is a system of agnatic groups, and the kinship system, which is a system of categories of relationship to any individual; and we speak of these relationships as a man's paternal kin and his maternal kin, and both together as his kindred.

613 Political and lineage groups are not identical, but they have a certain correspondence and often bear the same name, for a
619 tribal area and its divisions are often called after the clans and lineages which are supposed to have first occupied them. This makes their inter-relation a very difficult problem to investigate and has led to some confusion in writings on the Nuer. Thus Gaawar is the name of a tribal area, of the tribesmen who inhabit it, and of the members of a clan which have in that area a socially dominant status. Likewise Gaajok and Gaajak are names of territories, tribes, and lineages. To clarify description clan and lineage names are therefore printed in small capitals. Hence, when we say that a man is a Gaawar we mean that he is a Gaawar tribesman, a man who resides in Gaawar country, whereas when we say that he is a GAAWAR we mean that he is a member of the GAAWAR clan, a descendant in the male line from War, the founder of the dominant clan in Gaawar country.

II

613 Three trees of clan descent are presented in the following section in a form conventional to us, and which would also
614 commend itself to Nuer, who sometimes speak of a lineage as *kar*, a branch, as illustrations of the way in which lineages split up, each being a branch of a larger one. The JINACA are the dominant clan in the Lou and Rengyan tribes, the GATGANKIIR are the dominant clan in the Jikany tribes, and the (GAA)THIANG

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giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng is part of *cieng* Gaatbal, a secondary tribal section, and that *cieng* Gaatbal is a division of the Gun primary section of the Lou tribe. But he has told you nothing about his clan affiliation. He may or may not be a member of the PUAL lineage, which forms part of the LENG lineage, which forms part of the GAATBAL lineage, which is part of the clan of JINACA or GAATGANNACA, the people of Nac or the children of the children of Nac. In the same way, if a Jikany man tells you that he belongs to *cieng* Kwith of the Gaajok it does not follow that he is descended from Kwe (Kwith) who is descended from Jok the founder of the GAAJOK lineage of the GAATGANKIIR clan, the children of the children of Kir. He may merely mean that he lives in a tribal section occupied by the KWITH lineage of this clan. But these men will not tell you that they are not members of the dominant lineages in these sections, and will allow you to assume that they are, for in community relations there is a degree of linguistic assimilation of all residents other than members of the dominant lineage to that lineage, and people do not wish the fact that they are strangers in the tribal area to be publicly stressed, especially if they are of Dinka origin.

The assimilation of community ties to lineage structure, the expression of territorial affiliation in a lineage idiom, and the expression of lineage affiliation in terms of territorial attachments, is what makes the lineage system so significant for a study of political organization.

V

In emphasizing the relations between lineages and local communities we speak mainly of those lineages which are segments of the dominant clans in the different tribes. It is these which have the greater political importance. We speak of them more fully in later sections. Here we give a preliminary account of how they are associated with tribal segments and how they act in those segments as a framework of the political structure.

The two diagrams which follow show the main lineages of the dominant clans among the Lou and Eastern Jikany tribes and the larger tribal sections in which they are dominant. The lines of descent are traced only as far as is necessary to illustrate the argument which follows. They may be compared with the trees

1: Evans-Pritchard E-5 (1931, 1936) 1940
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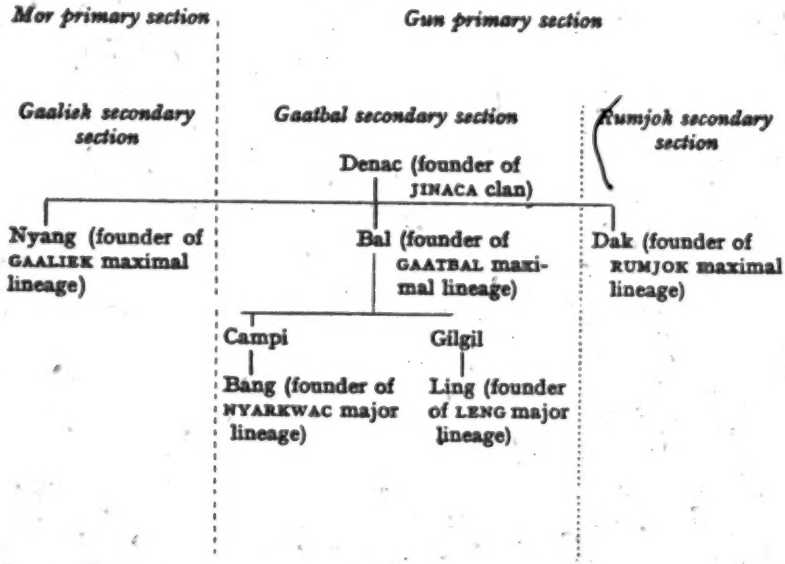
of descent of the two clans[1] and with the maps on pp. 56 and 58, which show the distribution of the sections of the two tribes.

LOU TRIBE



In the Lou tribe it will be seen that the descendants of Nyang, son of Denac, form the nucleus of the Gaaliek secondary section; that the descendants of Bal, another of his sons, form the nucleus of the Gaatbal secondary section, and that the descendants of Dak, his third son, form the nucleus of the Rumjok secondary section. The sections shown in the map, which are not accounted for in the genealogical tree, are the Jimac and the Jaajoah sections, which have clan nuclei of foreign origin. It must be made clear that when a tribal section is called after a lineage it does not mean that all members of the lineage live in it, though probably most of them do, and it certainly does not mean that they alone live in it, for investigations show that they form only a small minority in the total population of the section. Large stranger lineages are included in the area designated by a title taken from any of the sons of Denac, e.g. the THIANG lineage in the Gaatbal primary section. Also there are innumerable small lineages of Nuer strangers and of Dinka clustered around lineages of GAATNACA descent. Thus, if one visits the villages and cattle camps called after lineages which spring from the GAALIEK maximal lineage, e.g. the lineages of JAANYEN and KUOK, one will find them occupied by a relatively small number of persons of these lineages,

1 [See pp. 196-97, cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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while most of the residents will be found to have sprung from other Nuer and Dinka clans. Thus, at the cattle camp at Muot Dit in 1930 there were not only various minimal lineages of the RUE branch of the RUMJOK maximal lineage of the GAATNACA clan, the 'owners' of the site, but also a KAANG lineage from Lang country, a KAN lineage from Bul country, a KONG lineage from Lang country, all segments of clans dominant to the west of the Nile, and many Dinka lineages. Likewise at the village of Parkur in Leek country in 1930 hamlets were occupied by a NYAPIR lineage of the dominant GAATBOL clan, a CUOR lineage of Dinka which has close association with the JIKUL clan, a GENG lineage from Beegh country, a RUAL lineage from Bul country, a KWACUKUNA lineage of the JIMEM clan, and other lineages. 613 619

The descendants of Jok[1]–Kir form the aristocratic nucleus of the Gaajok tribe; the descendants of Thiang[2]–Kir and Kun–Kir form the aristocratic nucleus of the Gaajak tribe; and the descendants of Gwang–Jok and Nyang–Thiang together form the aristocratic nucleus of the Gaagwang tribe. On the map on p. 58 the names of these lineages figure as tribal sections, for they have given their names to the areas in which they are dominant. Thus the names of three major lineages descended from Jok, LAANG, YOL, and WANGKAC appear on the map as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient size to give its name to a large tribal division, though they give their names to small sections and villages.[3] Here again, it must not be supposed that the descendants of Jok form more than a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises many foreign elements which probably far outnumber the descendants of Nyang–Thiang and Gwang–Jok. The same applies to the Gaajak tribe. The GAAGWONG lineage is so closely associated with the GAAJAK lineage in tribal life that they form together a twin nucleus of the Gaajak tribe. The secondary sections of Lony, Kang, and Tar, shown on the map, are all called after lineages which spring from Thiang–Kir. Likewise the secondary sections of Nyayan, Cany, and Wau are all called after lineages which spring from Kun–Kir. Hence the only section in the map not accounted for

[1] Also called Majok. [2] Also called Mathiang.

[3] Village-names are generally place-names and not names of lineages, but one may refer to the communities by the names of their chief lineages. It often happens that these lineages are of stranger or Dinka descent, and though the communities may be referred to by their names, it is recognized that the sites belong to lineages of the dominant clan of the tribe. Hence a village may be associated with two lineages. Thus the JUAK, NGWOL, &c., of the Leek tribe are stranger or Dinka lineages after whom village communities are called, but the sites are the land of the KEUNYANG lineage, and they alone are *diel* in them. [103]

[p. 208 contains no textual material]

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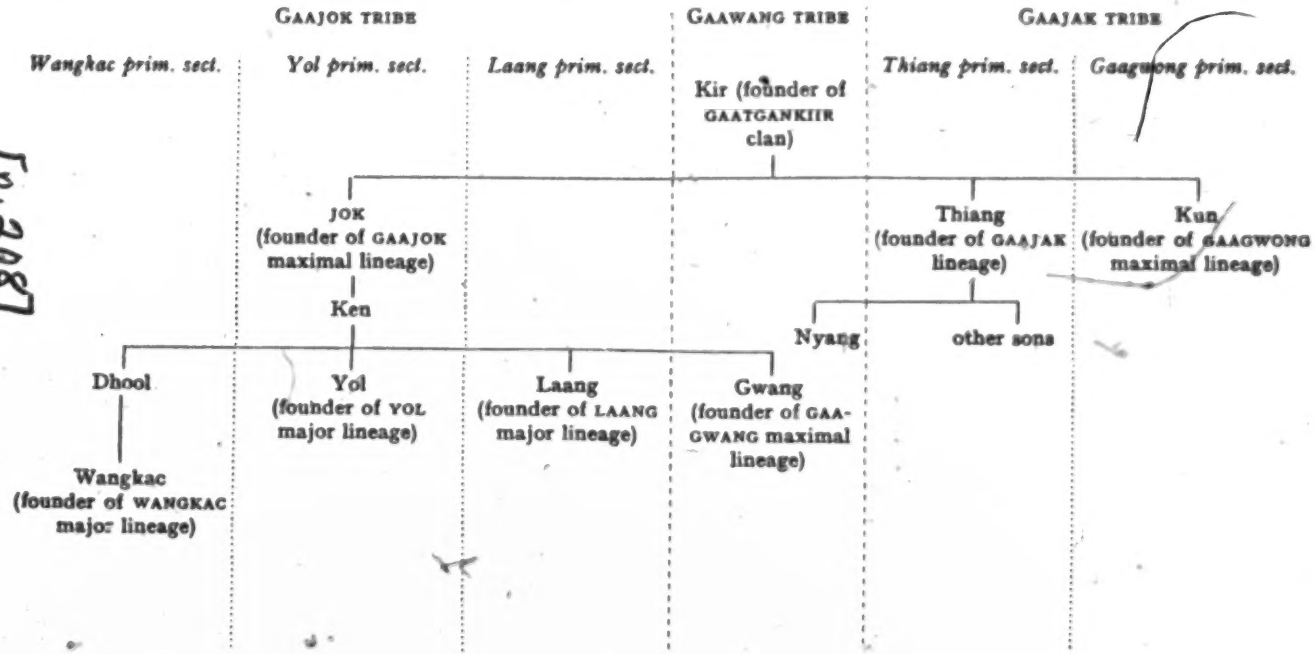
[p.208]

JIKANY TRIBES



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FJ22 Nuer FJ22

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in the diagram is the primary section of Reng, the Kong and Dhilleak divisions of which have clan nuclei of different origin to the other sections. 619

In all these tribes and tribal sections there is much admixture of lineages in communities. The same conditions are found in the Zeraf valley and also, and perhaps to a larger degree, in Western Nuerland. Nuer say that feuds and quarrels between lineages chiefly led to their dispersal, and they can cite many examples. Thus the descendants of Nyang-Thiang left the other sons of Thiang and joined the people with whom they form the Gaagwang tribe, and the NYARUNY lineage left their kinsmen of the Thiang primary section and joined the Reng primary section of the Gaajak tribe. After fights, a whole community, led by its dominant lineage, may in this way move to a different section or tribe and take up permanent residence with them. Migration led to further dispersal, since some lineages remained in the homeland to the west of the Nile and others crossed the Nile and Zeraf and settled to the east of these rivers. Nuer say that in the earliest stages of the migration the warriors used to raid Dinka and return home to their kinsmen after each raid. Then they settled to the east, but kept in close contact with the people of their lineage to the west. But as they shifted farther away the contact lessened and finally, in most cases, ceased altogether. When lineages migrated they must already have been nuclei of heterogeneous accretions and not exclusive groups of agnates: but admixture was no doubt hastened and made more complete by movement. 613 619 166

Two factors other than migration, quarrels, intermarriage, &c., have probably contributed to the dispersal of lineages. The Nuer are mainly a pastoral people with dominant pastoral interests and do not feel themselves bound by economic necessity or by ritual ties to any particular spot. Where his cattle are is the Nuer's home; his hearth is the droppings of his cattle and his altar a light pole (*ric*) which he plants wherever he may wander. The spirits which give him protection and the ancestral ghosts that watch over his welfare are no more bound to the soil than he is and they are present wherever are the herds. Beasts dedicated to ghosts and spirits are his wandering shrines. Also the Nuer have no organized cult of ancestral ghosts. The dead 181 771 769

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 and become attached to larger and stronger lineages by processes
621 which we will explain later.

613 Nevertheless, a Nuer lineage never entirely merges into
621 another clan. There are always certain ritual observances
614 which cannot be shared. If intermarriage creates community
[582] ties between two lineages, it likewise keeps them distinct, since one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 In spite of so much dispersion and admixture of clans there is
619 in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

1: Evans-Pritchard E-5 (1931, 1936) 1940
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614 of a clan, is associated with the political group in which it
619 occupies a dominant position among the other agnatic groups that live in it. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often linguistic identification, between the parts of a clan and the parts of a tribe. Thus, if we compare the diagram on p. 144 with that on p. 193 and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary sections X and Y, major lineages D and E correspond to secondary sections X^1 and X^2, major lineages F and G correspond to secondary sections Y^1 and Y^2, and minor lineages J and K correspond to tertiary sections Z^1 and Z^2. Minimal lineages are associated with villages composing the tertiary sections. It is for this reason that we have spoken of the dominant clan as forming a framework on which the political system of the tribe is built up through a complex series of kinship links. The system of lineages of the dominant clan is a conceptual skeleton on which the local communities are built up into an organization of related parts, or, as we would prefer to state it, a system of values linking tribal segments and providing the idiom in which their relations can be expressed and directed.

614 The JINACA of Lou country lived originally with their kinsmen
619 the JINACA of Rengyan country to the west of the Nile, but they
565 split off from them and, having crossed the Nile, conquered present-day Lou country. Here they were the first occupants, or at any rate the strongest element among the first occupants. Probably JINACA men frequently crossed the Nile to join their kinsmen to the east and amalgamated with them. Such persons would at once be members of the dominant clan and be spoken of as *diel*, members of the aristocratic group of lineages. But members of other clans which settled in Lou country during or after the occupation were classed as strangers (*rul*). In the same manner those lineages of the GAATGANKIIR clan who crossed the Nile and settled to the north of the Sobat held there a privileged position among other Nuer who joined them.

Every Nuer tribe has in this way its *diel*, its superior clan, though in the case of some tribes we are not certain of the correct designation of these clans. Among the Gaawar they are the GAAWAR, among the Thiang the (GAA)THIANG, among the Leek the GAATBOL, among the Wot, and probably also among the Ror, the

[See cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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JIDIET, and among the Begh the JIKOI, &c. Where the correct clan name is unknown one may refer to these dominant elements as the aristocrats (*diel*) or the 'bulls' (*tut*) of such-and-such a tribe, as the Nuer themselves frequently do, e.g. a *dil* or *tut* Bura, an aristocrat of the Bor tribe, *dil* or *tut* Wotni, an aristocrat of the Wot tribe, *dil* or *tut* Beeka, an aristocrat of the Beegh tribe, *dil* or *tut* Laka, an aristocrat of the Lak tribe, &c. One may always speak of an aristocratic clan or lineage by its proper name or by reference to the tribe in which it has a privileged position, e.g. GAATNACA, children of Nac, or *diel* Looka, aristocrats of the Lou tribe, GAATBOL, children of Bul, or *diel* Leegni, aristocrats of the Leek tribe.

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There are four essential points to be remembered about these aristocratic clans. (1) Not every clan has superior status in a tribe. Some clans, e.g. the JIMEM and the JAKAR, have no *wec*, no local community, as the Nuer say. Others have village-sites where they have resided for a long time and which are called after them, but they are not *diel* in the tribe where these sites are found. Many are like cuttings which have lost all contact with the parent stem, but these may at once be designated Dinka lineages that have sprung from immigrants, whose descendants sometimes know the Dinka country of their origin but do not know their position in its system of lineages. Consequently they cannot trace ascent for as many generations as true Nuer, and their lineages are narrower in range and territorially more restricted. One finds them in little local pockets in a single tribe, whereas the Nuer clans are distributed throughout many tribes.

(2) Not every member of a Nuer clan lives in the tribe where it has superior status, for most clans are found in all parts of Nuerland. Most JINACA live in Lou and Rengyan tribal areas, where they are *diel*, but many are also found among the Eastern Jikany tribes and elsewhere. Likewise, most GAAWAR live in Gaawar country, but they are also found in most, perhaps all, Nuer tribes. Tribes are territorial groups with an unbroken social extension, whereas clans are kinship groups dispersed far and wide. Consequently a tribe is a community and can have corporate functions, but a clan is never a community and can never act corporately. The Lou tribe unite for war. The JINACA never unite. Also a man can change his tribe by changing his place of residence, but he can never change his clan. A

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Lou man who goes to live in Gaawar country becomes a Gaawar man. A JINACA man remains a NAC wherever he lives.

(3) A clan is, as we have earlier emphasized, not numerically preponderant in the tribe where it is dominant, e.g. the JINACA are only a small minority in the Lou tribe and the GAAJOK lineage are only a small minority in the Gaajok tribe.

(4) A man is a *dil*, aristocrat, only in the one tribe where his clan has superior status. Thus a *dil Leegni*, an aristocrat of the Leek tribe, is an aristocrat there and nowhere else. If he goes to live in Bul country or in one of the Jikany countries he is no longer a *dil* but a *rul*, stranger. In the same way a member of the JINACA is a *dil* in Lou country, but if he goes, as many of his clan do, to reside in Gaajok country, he is not a *dil* there but a stranger, *rul*. The JINACA are *diel* Looka, but the GAAJOK are *diel* Gaajok. The status of *diel* is dependent on residence on land owned by their clan. The only exception to this statement is to be found in such cases where a clan is dominant in two or more tribes, e.g. the JINACA in Lou and Rengyan and the GAATGANKIIR in the Jikany countries to the west and to the east of the Bahr el Jebel. If a man of the JINACA moves from Rengyan to Lou he still remains a *dil*, because both countries belong to his clan. Likewise a man of the GAAJOK lineage of the GAATGANKIIR can move from Gaajok to Gaagwang, or Gaajak, country, on either side of the Nile, and still remain a *dil*, for various lineages of his clan are dominant in all these tribes.

Like most words which denote sociological status, *dil* is used by Nuer in various contexts with various meanings. In this book it is used with the precise meaning given to it in the preceding paragraphs. It is, however, permissible to use the word to denote a true member of any lineage, whether dominant in the tribe or not. For example, the JUAK lineage of the Leek tribe are of Dinka origin and are not *diel Leegni*, but a man who dwells among them can obviously be either a *dil Juaka*, a true member of the JUAK lineage, or a person who has attached himself to them for some reason or other. In the same manner one may speak of a *dil* JIMEM, although there is no tribe in which the JIMEM have the status of *diel*, for a man may be a true member of the clan or a Dinka who has attached himself to it. Also a member of the JINACA who leaves Lou and settles in Gaajok still remains a *gat dila Looka*, a child of Lou aristocracy, and will call himself such, meaning that when he is in Lou country he is an aristocrat.

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The words '*tut*' or '*gat twot*', son of a bull, are used in the same manner as '*dil*' and '*gat dila*'. Here again a man may be a *tut* of his lineage, in contrast to accretions of strangers and Dinka who live in the district associated with it, without being a *tut* of the tribe of which that district forms part, e.g. a man may be a *tut* of the Jaajoah secondary section of the Lou tribe without being a *tut Looka*, because the aristocratic clan of the whole of Lou country are the JINACA, and the JAAJOAH are not members of this clan. In other words a man may call himself a *tut* of the Jaajoah to emphasize that he is a JAAJOAH and not merely a Jaajoah, but he does not thereby imply that he is a *tut Looka*. In a still more general sense *tut* may, as we have noted, merely mean a paterfamilias or even a male person. One must judge from the context how the expression should be translated. In this book we use the words *tut* or *gat twot* in the sense, defined on pp. 179–80, of an elder, and we use the word *dil* to refer to a tribal aristocrat. 614 619 565

It is difficult to find an English word that adequately describes the social position of *diel* in a tribe. We have called them aristocrats, but do not wish to imply that Nuer regard them as of superior rank, for, as we have emphatically declared, the idea of a man lording it over others is repugnant to them. On the whole—we will qualify the statement later—the *diel* have prestige rather than rank and influence rather than power. If you are a *dil* of the tribe in which you live you are more than a simple tribesman. You are one of the owners of the country, its village sites, its pastures, its fishing pools and wells. Other people live there in virtue of marriage into your clan, adoption into your lineage, or of some other social tie. You are a leader of the tribe and the spear-name of your clan is invoked when the tribe goes to war. Wherever there is a *dil* in a village, the village clusters around him as a herd of cattle clusters around its bull. 619 565 554

I have described the position of *diel* as I judged it to be among the Lou tribe. I had the impression that to the west of the Nile their status was less pronounced, whereas among the Eastern Jikany tribes, on the periphery of Nuer expansion, it was more emphasized. In the Karlual area of the Leek tribe, the only part of western Nuerland I know more than superficially, the aristocratic prestige of a *dil* is recognized, but there are clans of strangers so well and long entrenched in the districts and villages in which they are found to-day that a *dil* has no legal privilege.

[See cat. 116 — Analyst]

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619 At a cursory glance, I gathered that conditions were elsewhere the same in western Nuerland, except, perhaps, among the 565 Jikany where the status of *diel* may be more enhanced. Among 554 the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than 621 a few families of *diel*. Most people are either *rul*, Nuer of other 563 clans, or *jaang*, persons of Dinka descent who have not been 565 adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed 565 entirely of fellow aristocrats, for lineages of *diel* split up and 554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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628 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed no compensation
621 would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

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an examination of adoption. A Nuer cannot be adopted into a lineage other than that into which he is born, so that the custom concerns only Dinka. 597 563 619

We have already described how Nuer scorn Dinka and persistently raid them, but they do not treat those Dinka who are permanent members of their community differently from its Nuer members, and we have seen that persons of Dinka descent form probably at least half the population of most tribes. These Dinka are either children of captives and immigrants who have been brought up as Nuer, or are themselves captives and immigrants who are residing permanently among Nuer. They are '*Jaang-Nath*', 'Dinka-Nuer', and, it is said, '*caa Nath*', 'they have become Nuer'. As we have explained, once their membership of a community is recognized, in most of Nuerland, their legal status is the same as that of a free-born Nuer, and it is only in relation to ritual and rules of exogamy that attention is drawn to their origin. In structural relations of a political kind they are undifferentiated members of a segment. Although in his domestic and kinship relations a Dinka has not so strong a position as a Nuer, because he has not the same range of kinship links, I have never observed that they suffer any serious disabilities, far less degradation. In answer to my question whether a captured Dinka would not work harder in the kraal than a son of the family, I was told that he was a son and would enjoy the same privileges as the other sons, being given an ox by his father at initiation and, later, bride-cattle for a wife. The only foreigners who suffer serious social inequality are certain small pockets of Dinka and Anuak who have been conquered but not absorbed into Nuer society and culture. Such pockets, like the Balak Dinka and the Anuak on the Sobat river, enjoy neither the privileges of Nuer citizenship nor the freedom of foreigners. Such pockets do not truly constitute part of a Nuer tribe.

Captured Dinka boys are almost invariably incorporated into the lineage of their Nuer captors by the rite of adoption, and they then rank as sons in lineage structure as well as in family relations, and when the daughters of that lineage are married they receive bride-cattle. A Dinka boy is brought up as a child of his captor's household. He is already incorporated into the family and joint family by his acceptance as a member of these 597 613

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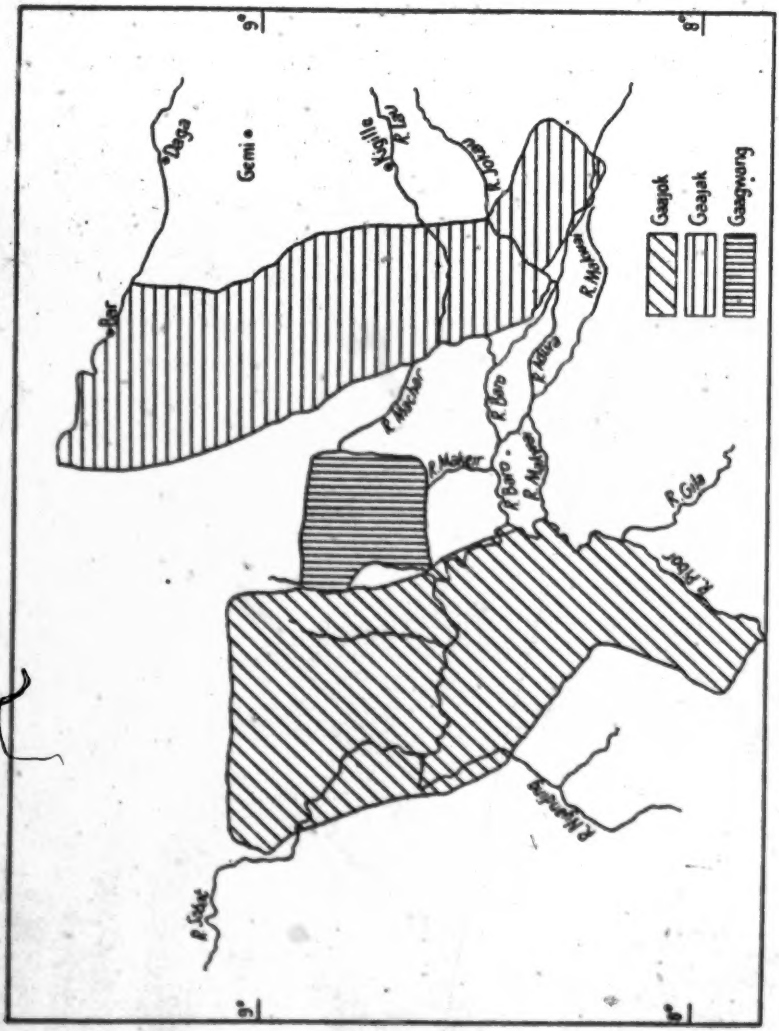

The Eastern Jikany tribes. (After Mr. C. L. Armstrong.)

[p. 233]

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alluding to him as such in ordinary social life, for it is in rare 602
situations that his being other than an aristocrat is relevant: to 609
some extent in payment of blood-cattle, in questions of exogamy, 554
and at sacrifices and feasts. A stranger who has made his home with aristocrats is treated as a social equal and regards himself as such. People do not call him a *rul*, for he is a member of their community. They may even refer to him as a *dil* out of politeness. In the same way people do not refer to an adopted Dinka as '*Jaang*'; for he is by adoption a brother of aristocrats or of Nuer of other lineages. One would not ordinarily speak of unadopted Dinka residents as '*Jaang*', but as '*rul*'. Just as strangers tend to be linguistically assimilated to aristocrats, so Dinka tend to be assimilated to strangers, and people speak only of unconquered Dinka of Dinkaland by the contemptuous expression '*Jaang*'. Nuer do not make distinctions of status between people who live with them, share their fights, partake of their hospitality, and are members of their community against other communities. Community of living overrides differentiation of descent.

We again emphasize that the designations 'aristocrat', 'stranger', and 'Dinka' in a Nuer tribe are relative terms, being defined by the relations of persons in the social structure in specific situations of social life. A man is a stranger, or Dinka, in reference to a few, mainly ritual, situations, but is not indicated as such on other occasions; and a man is a stranger or Dinka in relation to members of a social group, but is not considered by them to have a differentiated status in relation to another group. A stranger is a stranger to you, your stranger, but is one of you *vis-à-vis* other people. A Dinka is a Dinka to you, your Dinka, but he is your brother *vis-à-vis* other people. In political structure all members of a segment are essentially undifferentiated in its relation to other segments.

How can it be explained that among a people so democratic 619 ●
in sentiment and so ready to express it in violence a clan is 614
given superior status in each tribe? We believe that the facts 565
we have recorded provide an answer in terms of tribal structure. Many Nuer tribes are large in area and population—some of them very large—and they are more than territorial expressions, for we have shown that they have a complex segmentary structure which the Nuer themselves see as a system. As there are no

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619 tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle
614 within the structure which gives it conceptual consistency and
565 a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

619 In the Kir myth not only are the ancestors of important lineages, and, through them, the lineages and the territorial
614 segments in which they are incorporated brought into relation-
173 ship, but the ancestors of clans, and, through them, the clans
773 and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEEKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a single kinship structure, which we call the clan system as distinct from the lineage system of a clan.

173 The clan is the farthest range to which agnatic kinship is
773 traced when the marriage of two persons is in question, but
614 some clans have, nevertheless, an agnatic relationship to other clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

614 We here note again that the dominant lineages in more than
613 one tribe sometimes form part of the same clan structure. Thus,
619 the lineages dominant in the Gaajok, Gaajak, and Gaagwang

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614 tribes, to the east and to the west of the Nile, are all segments
613 of the GAATGANKIIR clan. Also the dominant lineages of the
Rengyan tribe, to the west of the Nile, and the Lou tribe, to
619 the east of the Zeraf, are part of the JINACA clan. This distribution is easily accounted for, because we know that till recently

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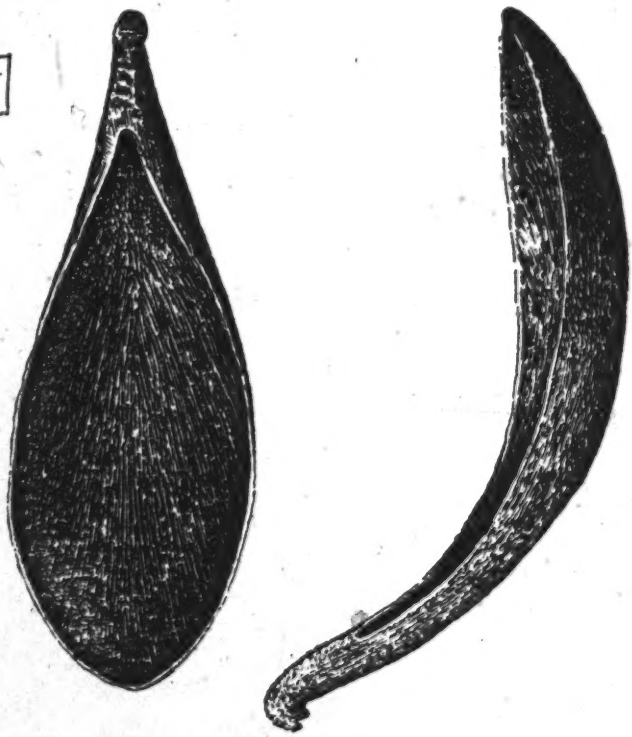

FIG. 14. Buffalo-horn spoons.

the Eastern GAATGANKIIR and the Eastern JINACA lineages lived with the other lineages of these clans in the Jikany and Rengyan areas to the west of the Nile.

There are also more general and mythological relationships between clans. In recounting these relationships Nuer personify
773 the tribes and give them a kinship value by assimilating them to their dominant clans. Thus, they speak of Bor, Lang, Lou, Thiang, Lak, &c., as though they were persons and could have kinship relations between them like those between persons, and as though all the members of these tribes were of the same

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614 descent. By so doing they stress community relations and
773 obscure clan differentiation in a political context. This habit often makes their statements appear confused, and even contradictory, but it accords with a strong tendency in social life, as we have seen in discussing the various meanings of the word *'cieng'*, to identify the lineage system and the political system in a specific set of relations.

173 Many Nuer regard their ancestors Gee and Ghaak as the
773 progenitors of all true Nuer, though one is given different classifications in different parts of Nuerland. Among the Lou
• 619 it is said that all the tribes are descended from Gee, except the Jikany and Gaawar tribes. These two alone are differentiated because their proximity makes them significant for the Lou, whereas all the other tribes, which have no direct relations with the Lou, are vaguely classified as children of Gee. Among the Eastern Jikany all true Nuer tend to be classed as 'Gee' in contrast to 'Kir', the Jikany themselves. In the valley of the Zeraf and in Western Nuerland, where the tribes have a very much wider range of intertribal contacts, there is a wider range of differentiation. The Nuer tribes there fall into three classes: the Gee group, consisting of Bor, Lang, Rengyan, Bul, Wot, Ror, Thiang, and Lou, stretches in an unbroken line, from north-west to south-east across the centre of Nuerland; the Ghaak group, consisting of Nuong, Dok, Jaloogh, Beegh, Gaankwac, and Rol, occupies the south-western part of Nuerland; and the Ril group, consisting of the Leek and Lak, occupies the lower reaches of the Zeraf and the Ghazal near their junction with the Nile. I have sometimes heard the Bul included in the Ril group. However, in Dok country and in adjacent tribal areas people further distinguish between the tribes elsewhere classed as sons of Ghaak and divide them into a Ghaak group, comprising Beegh, and Jaalogh, and a Gwea group, comprising Dok, Nuong, Gaankwac, and Rol.

614 In these classifications we note a further exemplification of
619 what we have often observed elsewhere about Nuer classifications: their segmentary tendency and their relativity. Whilst, for example, other Nuer see the Dok and the Beegh as Ghaak they only see themselves as an undivided Ghaak group in opposition to the Gee fraternity and otherwise see themselves

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as parts of opposed segments, Gwea and Ghaak. It will be noted that these groups of tribes, often represented as families of clans, occupy distinct sections of Nuerland. Before the period of eastwards migration they ran from north to south, in three or four groups, to the west of the Nile. Territorial contiguity and a common clan structure, such as we find among the Jikany tribes, or close relationship within a clan system, such as we find among the Ghaak group of tribes, go together, and the values of the two systems may be assumed to interact. The segmentation of lineages within a tribe in relation to its political segmentation is thus repeated in the whole clan system of the Nuer, the segments of which are co-ordinated with the political segmentation of Nuerland. Those tribes which are adjacent to one another have a common opposition to other groups of tribes and this relation is reflected in the tendency for them to be represented, through their dominant lineages and clans, as closely related on a mythological and ritual plane. 614 619

Gee and Ghaak and Gwea are represented as brothers, sons of a mythological ancestor, sometimes called Ghau, the World, and sometimes Ran, Man, whose father is said to be Kwoth, God. Ril is often described as one of their brothers as well, though he is sometimes represented to be a son of a daughter of Gee, called Kar. 773 602

All sons of Gee have agnatic kinship (*buth*) which allows them to partake of one another's sacrifices. In these ritual situations only the true sons of Gee, the JINACA, the GAATHIANG, and JIDIET, and other clans descended from Gee, have *buth* interrelationship, but in other situations the tribes in which these clans have a dominant status are represented as brothers or first cousins. Thus Thiang is said to have been the eldest son of Gee, Nac (Rengyan and Lou) the second son, Ror and other tribes younger sons; and Rengyan (Nac) and Wot (Dit) are said to have been twins, as also Bor and Lang, sons of Meat.

Some tribes stand outside this big family. The Jikany tribes have dominant lineages of Dinka origin, descended from Kir, who was found in a gourd by a man of the Ngok Dinka, but, as was earlier explained, they are mythologically related to the Gee group, because Gee is variously represented as the protector or father-in-law of Kir. The GAATGANKIIR have a *buth* relationship with some lineage system of the Ngok Dinka, and there- 773 602 619

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fore, in an unprecise political sense, the Jikany and Ngok Dinka tribes have, by analogy, a fraternal relationship. It may safely be assumed that at one time they had close intertribal relations. The GAAWAR clan have also an independent origin, their ancestor having descended from heaven. However, a number of mythological links unite him to the founders of various clans which are dominant in tribes of the Ghaak group (see pp. 230–1), and the Gaawar tribe therefore belongs to this group. Although the Nile now separates it from the other members of the group it was at one time their most northern extension on the west bank. Owing to *buth* relationship between GAAWAR and other clans of the family of clans descended from Kwook, Gaawar are said to go with the people of the Fadang section of the Bor tribe and the Atwot people, who are said to have lived at one time between the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between exogamous clans and of cognatic and mythological ties between clans not considered to be agnates, all the Nuer tribes are by assimilation of political to kinship values conceptualized as a single social system. A number of clans are not associated with tribes, but their lineages are included in this system by the affiliation of the clans to one or other of the large families of clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are descended from Gee and belong to the Gee group; the JIKUL are mythologically attached to the Ril group and the JAKAR to the Ghaak group; and so on. The whole of the Nuer are brought into a single kinship or pseudo-kinship system and all the territorial segments of Nuerland are interconnected by that system.

XIII

In our view the unusual degree of genealogical segmentation in the Nuer lineage system is to be understood in terms of tribal structure, which is, as we have seen, characterized by its tendency towards segmentation. The association of the lineage system with the tribal system means that as the tribe splits into segments so will the clan split into segments, and that the lines of cleavage will tend to coincide, for lineages are not corporate groups but are embodied in local communities through which they function structurally. Just as a man is a member of a tribal

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segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a definite correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Therefore, the distance in clan structure between two lineages of a dominant clan tends to correspond to the structural distance between the tribal segments with which they are associated. Hence the tribal system draws out and segments the dominant clans and gives them their characteristic lineage form. Evidence in support of this contention could be cited from any Nuer tribe; we propose to examine only a few typical examples.

619 613 614

We have observed that in the Lou tribe the Gaatbal and Rumjok secondary sections form the primary section of Gun in opposition to the Mor primary section, and how the dominant lineages of the Gaatbal and the Rumjok sections are descended from one wife of Denac and the dominant lineage of the Mor section is descended from a different wife, so that Gaatbal and Rumjok are to one another in a relation analogous to that of full brothers and the Gun stand to the Mor in a relation analogous to that of half-brothers. We have noted, likewise, how the dominant lineages of the Gaajak are descended from two closely related wives of Kir while the dominant lineages of the Gaajok and Gaagwang, which have a very close alliance, are descended from a third wife.

The GAATGANKIIR lineages in their relation to the segmentary structure of the Jikany tribes provide an excellent test of the hypothesis that lineage structure is twisted into the form of the political structure, for the same lineages are found at extremities of Nuerland where political conditions are not identical. Had I had more time in the Jikany countries, or had I formulated the problem more clearly in the little time I had to spend there, I might have been in a position to state my conclusions more dogmatically. We will briefly analyse the lineage system of the GAATGANKIIR in its relation to two of the Gaajak primary sections.

Thiang was the eldest son of Kir. He had two wives, Nyagaani and Baal. From these two wives spring the three main lineages of *cieng* Thiang, the Thiang primary tribal section, TAR, LONY (or GEK), and KANG. What is said to have happened is shown in the diagram on p. 242. Tar, being the only son of his mother, has founded an independent lineage and tribal section, that which lives in the

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Nuer consider that lineage cleavage arises from a fundamental cleavage in the family between *gaatgwan*, children of the father, and *gaatman*, children of the mother. Where there are two wives and each has sons, the lineage bifurcates from this point. A lineage bifurcation is a polygamous family writ large. *Thok dwiel*, lineage, means this; it is 'the entrance to the hut', the mother's hut. The tiny twigs we see in the *gol*, household, grow into the great branches of the lineages. It is for this reason that lineages are so often named after women, the mothers from whose wombs sprang the different lines of descent. As we understand the process, what happens is that certain lineage groups gain political importance and exclusiveness, becoming nuclei of tribal sections, and that only by so doing is their structural position stabilized and are the points of their bifurcation rendered fixed and permanent points of convergence in lineage structure. This explains how it is that in only a few out of a vast number of polygamous families is maternal descent structurally significant, and why the bifurcation occurs in the lineage where it occurs in the tribe. 613 829 613 182

This tendency towards co-ordination of territorial segmentation and lineage segmentation can be seen in the various stages of territorial expansion between the household and the tribe. When brothers of an influential family live in different parts of a village and gather around them a cluster of relations and dependants, these hamlet-groups are named after them and they become the point at which the lineage is likely to bifurcate. Thus, if the brothers are called Bul and Nyang, people speak of the *gol* of Bul and the *gol* of Nyang, and if later the grandchildren of one of them move to a different village site the lineage will split into two branches. Such minimal lineages as those pictured in the diagrams on pages 196–7 occupy adjacent villages, or widely separated divisions of the same large straggling village, and make separate camps along the same stretch of river or adjacent camps around a small lake. The points of divergence of lineages from clan trees are thus related to the size and distribution of inhabited sites in a tribal area.

The association of the tribal system with a clan may thus be supposed to influence the form of the lineage structure. We may further emphasize the morphological consistency between 619 613

[see cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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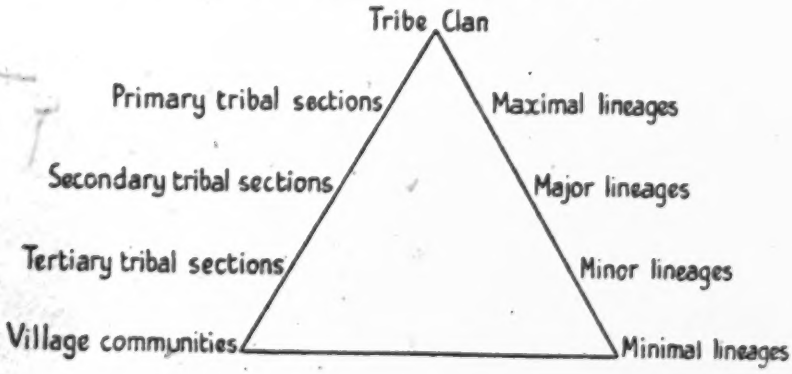
the two structures. There are always more villages than tertiary segments in a tribe and more tertiary segments than secondary segments, and so on, so that, since each territorial unit is associated with a lineage, the narrowing of such units from the multitude of villages to the single unit of the tribe must be reflected in the conceptual structure of the lineage system, there being a multitude of minimal lineages, fewer minor lineages, and so forth, till the single unit of the clan is reached. If this suggestion is accepted it is evident that the lineages are in number and structural position strictly limited and controlled by the system of territorial segmentation. The two systems may thus be represented diagrammatically by the same figure, though the correspondence is not exact.



1: Evans-Pritchard E-5 (1931, 1936) 1940
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881 in arranging for its boys to be initiated. After the operation
561 the boys live in partial seclusion and are subject to various taboos. This is a time of mild licence and they pass out of it by a special rite. On the day of the cutting, and on the day of the passing out of seclusion, sacrifices are made and there is festivity, which includes licentious horseplay and the singing of lewd songs. Only age-mates of the father of the initiate in whose homestead the feasting takes place attend it: others keep at a distance lest they see the nakedness of their kinswomen and mothers-in-law.

II

All boys initiated during a number of successive years belong to a single age-set (*ric*). There has, till recently, been a four-year interval between the end of one such set and the commencement of the next. These four years are known as the time 'when the knife is hung up', and at the end of that period it is said 'the knife is brought out' and boys may then be initiated again.
[91] A certain *wut ghok*, 'Man of the Cattle', is, in each tribe, responsible for opening and closing the initiation periods and thereby dividing the sets. He performs the appropriate rite in his district, and when the news goes round other districts begin or cease initiation. He derives prestige from his functions, but they are ritual and give him no political authority. Sometimes,
[92] in Western Nuerland, they are performed by a prophet, but it is possible that in these cases the prophet is also a Man of the Cattle. The age-sets are organized independently in each tribe,
561 at any rate in the larger tribes, but it often happens that when
619 a new set has been started in one tribe an adjacent tribe will follow its lead, so that the names and periods of sets in neighbouring tribes are frequently the same. Also, though in different parts of Nuerland the names of the sets are different and the open and closed periods do not coincide, it is easy for a man who moves from one part to another to perceive in which set he would have been initiated had he been brought up in that part of the country.

881 To-day there are no closed periods and boys are initiated every
561 year. The Man of the Cattle announces every few years that he is about to cut the sets and performs a ceremony by which all

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 608 182 which we call political. They also have manifold contacts with one another—economic, ceremonial, food, play, and so forth—and political relations may be viewed as a specific organization of the texture of social ties, which control these contacts, in certain situations. It is this action of the age-set system, in establishing ties between members of local communities and in giving them a kinship value, that we chiefly stress in a political context rather than its indication of leadership, for outside small kinship and domestic groups the authority derived from seniority is negligible, and the sets lack leadership and administrative and judicial functions.

561 619 The age-set system has been briefly treated because of this action and also because, in the larger tribes at any rate, it is a tribal institution. It segments the male population of a tribe into stratified groups which stand in a definite relationship to one another and it cuts across territorial divisions, giving identity of status where there is political disparity and differentiating status where there is political identity. However, the political system and the age-set system do not seem to be interdependent. Both are consistent in themselves and to some extent overlap and influence one another, but it is easy to conceive of the political system existing without an age-set organization. There is evidence in East Africa that political development produces atrophy of the age-set organization. In conclusion we would again emphasize that adjacent tribes co-ordinate their sets and that the sets of any tribe are easily translated into the sets of another tribe. Initiation rites, more than anything save language, distinguish Nuer culture and give Nuer that sense of superiority which is so conspicuous a trait of their character. Only in the sense that age-sets are organized tribally and are common to all tribes can there be said to be a correspondence between the age-set system and the political system. There is no positive structural correspondence of the kind we have noted between the lineage system of dominant clans and tribal segmentation. It may be said, therefore, that whereas the political system and the lineage system of dominant clans are interdependent, the political system and the age-set systems are only a combination, in Nuer society. We may add that the common assumption that an age-set system merely by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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stratification integrates the members of a tribe has little to commend it.

V

In the way we have written this book we have in some measure broken away from the tradition of lengthy monographs on primitive peoples. These weighty volumes generally record observations in too haphazard a fashion to be either pleasant or profitable reading. This deficiency is due to absence of a body of scientific theory in Social Anthropology, for facts can only be selected and arranged in the light of theory. It is aggravated by the error of confusing documentation with illustration. We have also tried to describe Nuer social organization on a more abstract plane of analysis than is usual, for usually abstract terms are mistaken for abstractions. Whether we have succeeded in doing so is for the reader to judge, but in case it be said that we have only described the facts in relation to a theory of them and as exemplifications of it and have subordinated description to analysis, we reply that this was our intention.

It is difficult to know how far one is justified in pressing an abstraction. Once one has a theoretical point of view it is fairly simple to decide what facts are significant, since they are significant or otherwise to the theory, but it may be doubted whether it is wise, in discussing the political institutions of a primitive people, to give only the barest reference to their domestic and kinship life. Can this be done successfully? That is precisely the question we have asked ourselves, and we have concluded that an answer can only be given to it by making the attempt.

1. We first gave an account of Nuer absorption in their cattle and showed how this value in their system of oecological relations necessitates a certain mode of distribution and transhumance. We then described the concepts of time and space that arise very largely from ways of livelihood and disposition of settlements. We then examined the territorial sections which, through the values attached to them, form a political system. We further noted that structural distance in the lineage systems

835 recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. 621 The Nuer political structure was treated in that book as a system ●619 of relations between territorial groups which express both their 613 autonomy and their participation in the system in terms of 614 lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

community of kindred every member of which regulates his 621
behaviour to every other member in accordance with a variety 619
of kinship patterns and can predict their behaviour to himself 613
in conformity with the same norms. 614

When a local community becomes in this way a network of 582
kinship ties it is necessary, so varied and extensive are the re- 602
lationships which come under the exogamous ban, to marry 621
outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

E. E. Evans-Pritchard

8:Howell E, G-5 (1942-1944)1954
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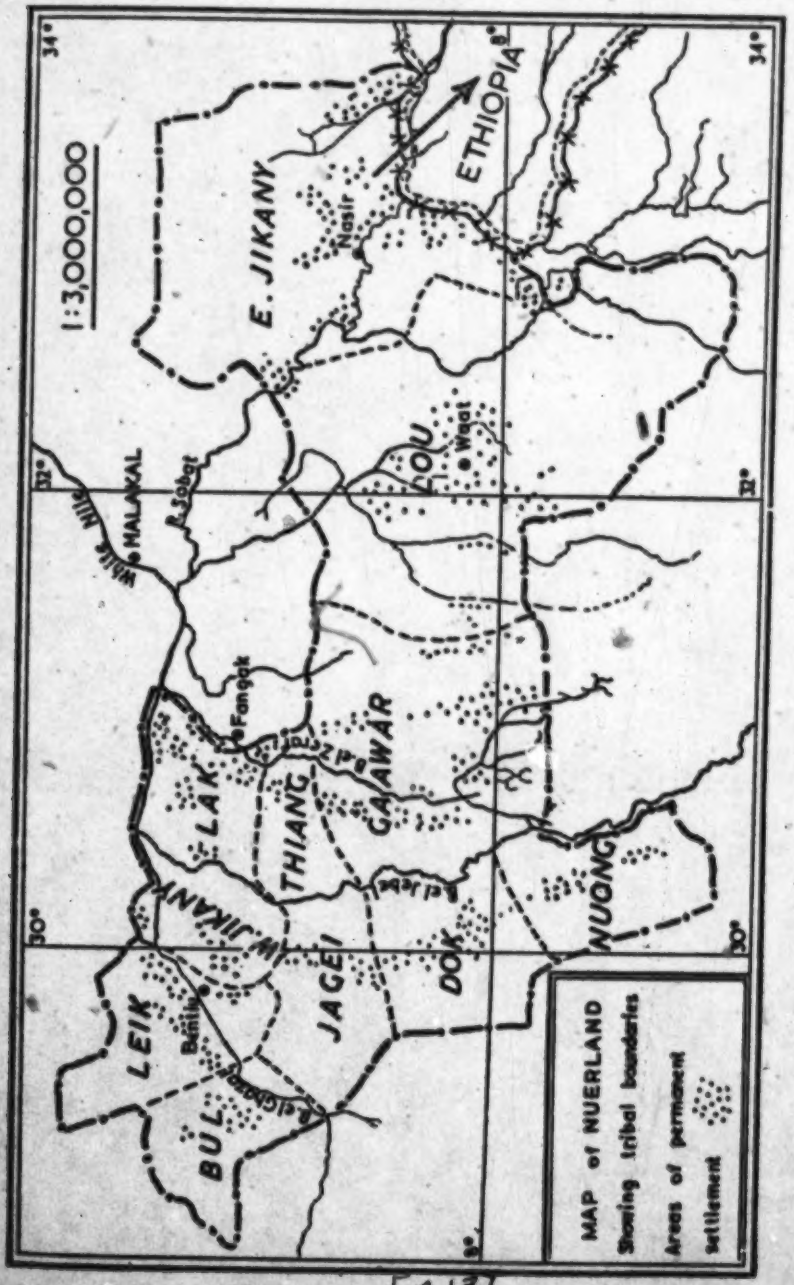

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[p. 13]

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of Nuerland in support of his views. There is often the danger of over-simplification and generalization in a summary account of this nature and the reader must bear this warning in mind. 114

Professor Evans-Pritchard has classified the different forms or sizes of local community among the Nuer as follows: 114 621

The MONOGAMOUS FAMILY attached to a single hut.

The HOUSEHOLD which occupies a single HOMESTEAD consisting of a cattle-byre and a number of dwelling huts occupied by a POLYGYNOUS family.

The HAMLET, a group of households living in a restricted area, but varying considerably in size and numbers.

The VILLAGE, a group of hamlets and scattered homesteads in a distinct area.

The CAMP, which is essentially a dry season formation, but not necessarily corresponding in the exact number of persons or the same individuals to the hamlet or larger unit from which the majority of its occupants come.

The DISTRICT, 'an aggregate of villages and camps which have easy intercommunication.' This usually corresponds to a small tribal segment.

The TRIBAL SEGMENTS OR SECTIONS of varying sizes.

The PEOPLE (Nuer: *Naadh*).

The 'INTERNATIONAL COMMUNITY', the limits of which are the Nuer's social horizon.

The homestead and the hamlet are essentially domestic units, while larger units are political as well as economic in character. The size and distribution of local communities are largely determined by physical conditions but partly by political considerations—the need for mutual defence, for example—which are variable in time and intensity. Hamlets or villages are usually the smallest political units and are composed of a group of people bound by loyalties which do not spring from kinship association alone but from the need for mutual co-operation in other spheres.

The Tribe and Tribal Segments

Among the Nuer one is faced with the usual problems of defining the segments of a segmentary society. According to Professor Evans-Pritchard the tribe is the largest political unit within the Nuer nation, since it is the largest aggregate of peoples who consider that 'disputes between its members should be settled by arbitration and that it ought to combine against communities of the same kind and against foreigners'. If the Dur (usually classed with the Nuong) and the Aak (often classed with the Dok) are considered to be separate tribes and the eastern Jikany peoples are composed of three separate tribes, the Gaajok, Gaajak and Gaagwang, there are fifteen such tribes in Nuerland, varying in size from approximately 6,700 (Aak) to 67,000 souls (Lou).[1] Each tribe has a dominant clan, round which other clans are clustered. Each has a common name, often derived from that of the original 619

[1] See Appendix I.

8:Howell E, G-5 (1942-1944)1954
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619 ancestor of the dominant clan, from the name of his favourite bull, or having some mythical origin.[1]

The tribe is therefore a unit of society bound by ties resulting from common residence, by the possession of a common territory, by a network of kinship and other social links in relation to the dominant clan from which it takes its name, by the need for mutual defence against external aggression and for co-operation in warfare against other tribes and peoples.

619 Each tribe is further divided into primary tribal segments, these again into secondary segments, and these into tertiary segments, the
613 lines of cleavage usually but not always following the segmentation of the lineages of the dominant clan. As an example, the primary and secondary segments of the Gaawar tribe are shown in the diagram (Fig. 1).

Within each tribe only a small proportion of the people has the genuine right to claim direct descent from the original ancestor from whom the tribal name is derived. The majority are descended from later immigrants from other parts of Nuerland, or from Dinka accretions absorbed by the fiction of adoption into Nuer society. Genuine descendants are termed *diel*,[2] although this term is rarely used except in a context where the distinction is necessary, for the *diel* do not enjoy any great or noticeable privileges which distinguish them from other lineages which are called *rul*. The distinction exists only within the tribe and within its component segments. Beyond tribal boundaries it no longer has any significance. A Gaawar Nuer, a true descendant of War, is only *diel* within that tribe; he would be *rul* if he lived in Thiang country. Likewise a descendant of the dominant lineage in Thiang would be *rul* in Gaawar. A more common distinction made by the Nuer is between *gaat tutni* (sing. *gat tuot*),[3] the 'sons of bulls', the descendants of the male line dominant in that area, and *gaat nyiet* (sing. *gat nyal*), the 'sons of daughters', i.e. descendants through the female line and by this means attached to the dominant lineage. Others can claim marital relationships and refer to the dominant lineage as *ji cieng thu*, 'in-laws' or more literally, 'people of the in-laws' home', or *gaat nar*, 'mother's brother's sons', so that there is throughout a network of such relationships which provides explanation for political association and occupation of a common territory.

The political significance of the clan system is to be found in its association with the territorial segments of the tribe. The clan is itself

[1] For example, the Gaawar call themselves *gaat gas* War 'the sons of the sons of War'. Thiang refers to the bull-name of an ancestor, while *ji kany* (Jikany), the 'people of the gourd', refers to the twin birth of their original ancestor in a gourd together with the ancestor of the Ngok Dinka. Jagei, 'people of Gei or Ges', and so on.

[2] Professor Evans-Pritchard calls the *diel* 'aristocratic lineages'. This is an apt enough description provided it is remembered that there is no class distinction.

[3] A term now used to mean Government 'headman'.

8:Howell E, G-5 (1942-1944)1954
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segmented, its lineages usually corresponding to the segmentation of the tribe, but this correspondence is not always exact. Thus in Gaawar the Bang, Caam, and Gaatkwa segments are by origin offshoots of the Per lineage, but whereas Per is a segment of the Radh primary segment,

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FIGURE I

The Segmentation of the Gaawar Tribe

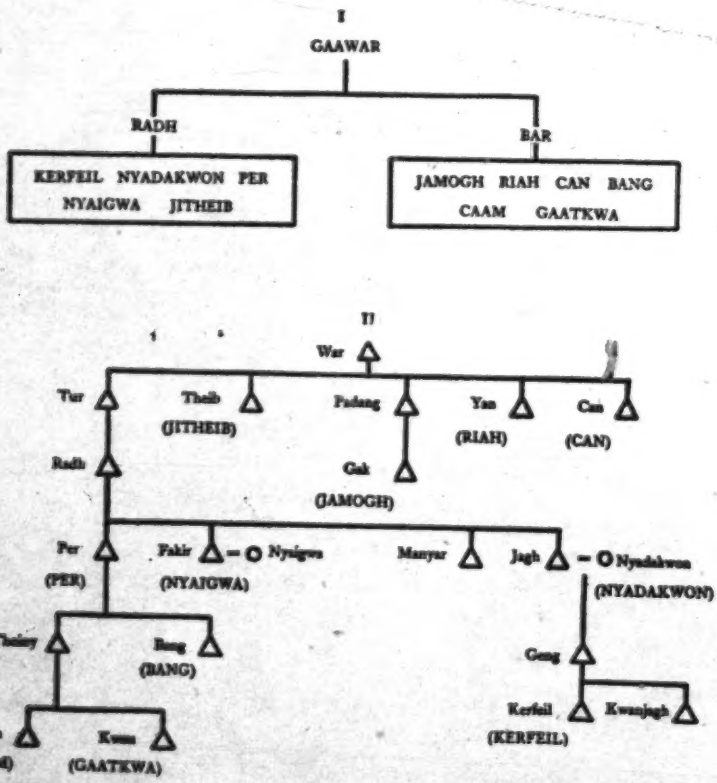

Table I shows the primary and secondary segments of the tribe as they are grouped in political and territorial association. Table II shows the actual genealogies cited by the Gaawar to explain these associations. It will be noted that the segmentation does not entirely correspond with lineal connexions, since Cieng Bang, Cieng Caam, and Cieng Gaatkwa derive from Cieng Per, one of the main secondary segments of Radh.

the former are all segments of the Bar primary segment. There is no conflict of loyalty involved, for kinship allegiance is sufficiently

8:Howell E, G-5 (1942-1944)1954
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●619 remote to be overshadowed by territorial association. If there were
613 an occasion when the whole of Radh found themselves ranged against Bar, the Bang, Caam, and Gaatkwa segments would follow Bar rather than Radh.

The territorial segments of a Nuer tribe have the same characteristics as the tribe itself, viz. a common sentiment strengthened by tradition and mythology, exclusive rights in land and common occupation of a recognized territory, mutual co-operation in certain economic activities and in warfare both offensive and defensive, and a common name derived from a central lineage. With these characteristics in common, and generally speaking the smaller the segment, the greater the reality and meaning of such characteristics, primary segments are segments of a tribe, secondary segments are segments of a primary segment, and tertiary segments are segments of secondary segments. Finally a tertiary segment is divided into a number of villages and villages into basic domestic units represented in the homesteads which are also family groups. The smaller the unit, the more nearly it corresponds with a kinship group.

The Meaning of the word cieng

619 The word *cieng* is normally used to describe these segments of society but, like the segments themselves, is a reflection of structural
621 relativity. Hence it is a term which leads to much confusion among Europeans unacquainted with the social structure of the Nuer. I can do no better than quote some remarks of Professor Evans-Pritchard on this subject because they provide a key to an understanding of Nuer society and hence to an understanding of modes of behaviour, social relations, and also of legal concepts, which are the subject of this book.

When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, all social groups: their structural relativity. What does a Nuer mean when he says 'I am a man of such and such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question, he will tell one that his home is in Oxfordshire, whereas if one meets him in that county, he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng* Nath, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary

8:Howell E, G-5 (1942-1944)1954
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or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of varying dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers.[1]

Cieng is a word which is used to describe residence, whether common residence implies kinship relationship or not. Thus when a man says he is a member of *cieng* Kerfeil, it does not necessarily mean that he can claim lineal descent from Kerfeil who is the ancestor of the Kerfeil lineage, though he can usually claim some form of affinity with that lineage, which is also the dominant one within that tertiary segment of the Gaawar and from which the name of that segment is derived. The word *cieng* is therefore variable in its application and meaning. In referring to a kinship group without any territorial implications there is another term which is commonly used, *thok dwiel*.[2] It must be remembered that this term is also relative. If asked his *thok dwiel*, his clan or lineage, a Nuer may say, for example, Gaawar, he may say Radh, he may say Kerfeil, or make a further distinction by saying Teng (Kerfeil), or he may refer to the name of some more recent ancestor. Since tribal segments and territorial units are seen by the Nuer in terms of kinship, the word *cieng* is, in many contexts, synonymous with the term *thok dwiel*, but the former is more specifically a term of residence, the latter a term of kinship, and both are relative.

It will be seen, therefore, that the kinship system provides a framework upon which wider political loyalties are extended. Political association is expressed in kinship terms. Thus the Gaawar are *gaat gan* War, the 'sons of the sons of War', and any member of the tribe will speak of himself as such in contrast to other tribes. All Gaawar, however, are not direct descendants of War, and in a context where a distinction is necessary the fact may be stressed. The tribe is usually closely associated with the clan from which it takes its name and which usually has greater numerical representation in that tribe than any other clan, but the clan is not restricted to any one locality and is itself segmented. These segments of the clan or lineages give their names to the component segments of the tribe and so on down the scale until the final unit of society is more nearly a kinship group

[1] Evans-Pritchard, *The Nuer*, pp. 135–6.

[2] Literally 'entrance to the house'. The best translation in English is 'house', in the sense of a lineage—'the House of Bourbon', &c. The Arabic equivalent is *Khashm beit* (خشم بيت) which is often used in Arab society with the same relativity. As in Nuer society, among Arabs social relationships and political associations are expressed in kinship terms.

8:Howell E, G-5 (1942-1944)1954
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occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *cuong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

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624 554 *tuot* or *tut wec*, the 'bull of the herd', a position which is acquired within a dominant lineage and extended in relation to other lineages. The expression *gat tuot*, as we have seen, is used in the same sense as *diel* and refers to any member of a dominant lineage, but it has a more restricted meaning and is used nowadays to indicate a 'headman' in the Government system of administrative agents. The *tut wec*, the 'bull of the herd', however, is used generally to refer to the man who is recognized within the segment, whatever its size, as the most important adult male. His position is in the first place derived from his place in the genealogy of the dominant lineage, but it is largely dependent on his personality and prestige. The word *ruic* is sometimes applied to the *tut wec*, but has clearly a much wider significance in political relations and in past history. Finally, it is worth noting that there [619] were never any *ruic* whose influence extended over a unit of society larger than the tribe, which tends to support Professor Evans-Pritchard's contention that the tribe is the largest unit of any permanent political significance.

There is even some evidence that the *ruic Naaah* in much earlier days had greater influence, though the emphasis is placed on their ritual rather than political status. I have heard Nuer say of Buogh Kerfeil that he assumed the stool (*kum* or *kwom*),[1] a fact which suggests some special symbol of office. They also talk of a ceremony in which he was 'lifted up to God' by his fellows, suggesting a ritual investiture. Yet, although Nuer tradition refers to events which happened in the time of old men's grandfathers and, being thus much more recent than Dinka or Shilluk mythology, may have a greater degree of historical accuracy, the story scarcely provides adequate evidence that a form of institutionalized authority was then in existence or that the *ruic Naadh* approximated even remotely to the general conception of an African Chief with political and executive powers.

The essential distinction is that among the Nuer the concept of *ruic* does not imply a crystallized institution in the form of a position in society automatically filled when the present holder dies. In the past, if a hereditary successor did assume the position, this did not mean that his influence would necessarily extend over the sphere affected by the actions of his predecessor. If a *ruic* died his successor gradually established himself by the accumulation of prestige and popularity among the people and gained their acceptance. There is no evidence of a stabilized institution continuing on a permanent level throughout Nuer history. The *ruic* of a tribe only exercised authority, if influence based on powers of persuasion can be called authority, so

[1] The Nuer *kum* is an ambatch stick-shield which is also used to sit on. The idea of a stool as a throne is unknown to the Nuer, but may here be derived from the Shilluk. Among the Shilluk the *reth* or king is ceremonially enthroned on the sacred stool (*kwom*) at his installation. See P. P. Howell and W. P. G. Thompson, 'The Death of a Shilluk *Reth* and the Installation of his Successor', *S.N.R.*, 1946.

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APPENDIX I

NUERLAND

Populations and Area

Central Nuer District

Tribe	*Humans*[1]	*Cattle*[2]	*Area in square miles*[3]	*Courts*
Lak	37,000	44,000*	1,500	
Gaawar	39,000	48,000*	5,120	11 (B) Regional Courts
Thiang	13,000	15,000*	970	1 (C) Main Court
Lou	63,000	126,000*	5,290	

Western Nuer District

Bul	32,000	50,000	2,320	
Leik	27,000	40,000	2,140	
Jagei	14,000	31,000*	1,220	5 (B) Regional Courts
Dok (and Aak)	21,000	35,000*	1,930	2 (C) Main Courts
Nuong (and Dur)	14,000	16,000	2,490	
W. Jikany	18,000	29,000*	1,100	

Eastern Nuer District

Gaajok	45,000	45,000	7,190	4 (B) Regional Courts
Gaajak	33,000	33,000		11 (A) Branch Courts
Totals	356,000	512,000	31,270	

[1] Based on recent tax-payer figures multiplied by 4·5 to nearest 1000 (1952). This multiplier is purely arbitrary and is probably high, but the figures given are consistent.

[2] Figures marked * are statistics taken from veterinary inoculation campaigns and represent a *minimum* figure. It is clear that all cattle were not counted, and possibly up to 20 per cent. should be added. Other figures are merely a rough estimate.

[3] Areas estimated by planimeter, but boundaries are not clearly demarcated or mapped and the areas are necessarily only approximate.

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II. Tribal System

619 What is a Nuer tribe? The most obvious characteristic is its territorial unity and exclusiveness, and this was even more marked before European conquest than to-day. The population of a tribe varies from a few hundreds among some small tribes to the west of the Nile—if these are rightly regarded as tribes, for very little research was conducted in that area—to many thousands. Most tribes have a population of over 5,000 and the largest number between 30,000 and 45,000 souls. Each tribe is economically self-sufficient, having its own pastures, water-supplies, and fishing reservations, which its members alone have the right to exploit. It has a name which is the symbol of its distinction. The tribesmen have a sense of patriotism: they are proud to be members of their tribe and they consider it superior to other tribes. Each tribe has within it a dominant clan which furnishes a kinship framework on which the political aggregate is built up. Each also regulates independently its age-set organization.

None of the above-mentioned attributes clearly make a formal distinction between a tribe and its divisions. The simplest definition states that a tribe is the largest community which considers that disputes between its members should be settled by arbitration and that it ought to combine against other communities of the same kind and against foreigners. In these two respects there is no larger political group than the tribe and all smaller political groups are sections of it.

Within a tribe there is law: there is machinery for settling disputes and a moral obligation to conclude them sooner or later. If a man kills a fellow tribesman, it is possible to prevent, or curtail, a feud by payment of cattle. Between tribe and tribe there is no means of bringing together the parties to a dispute and compensation is neither offered nor demanded. Thus, if a man of one tribe kills a man of another tribe, retribution can only take the form of intertribal warfare. It must not be supposed that feuds within a tribe are easy to conclude. There is considerable control over retaliation within a village, but the larger the local community the more difficult settlement becomes. When two large divisions of a tribe are concerned in a feud, the chances of immediate arbitration and settlement are remote. The force of law varies with the distance in tribal structure that separates the

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persons concerned. Nevertheless, so long as a sense of community 619 endures and the legal norm is formally acknowledged within a tribe, whatever may be the inconsistencies and contradictions that appear in the actual relations between tribesmen, they still consider themselves to be a united group. Then either the contradiction of feuds is felt and they are settled, the unity of the tribe being maintained thereby, or they remain so long unsettled that people give up all hope and intention of ever concluding them and finally cease to feel that they ought to be concluded, so that the tribe tends to split and two new tribes come into being.

Nor must it be supposed that the political limits of the tribe are the limits of social intercourse. People move freely all over Nuerland and are unmolested if they have not incurred blood-guilt. They marry and, to a small extent, trade across tribal boundaries, and pay visits to kinsmen living outside their own tribe. Many social relations, which are not specifically political, link members of different tribes. One has only to mention that the same clans are found in different tribes and that everywhere the age-sets are co-ordinated. Any Nuer may leave his tribe and settle in a new tribe, of which he thereby becomes a member. In time of peace, even Dinka foreigners may visit Nuerland unharmed. Moreover, we must recognize that the whole Nuer people form a single community, territorially unbroken, with common culture and feeling of exclusiveness. Their common language and values permit ready inter-communication. Indeed, we might speak of the Nuer as a nation, though only in a cultural sense, for there is no common political organization or central administration.

Besides being the largest group in which legal obligation is 619 acknowledged, a tribe is also the largest group which habitually 721 combines for offence and defence. The younger men of the tribe went, till recently, on joint raiding expeditions against the Dinka and waged war against other Nuer tribes. Raids on the Dinka were very frequent; war between tribes less so. In theory, if two sections of different tribes were engaged in hostilities, each could rely on the support of the other sections of the same tribe, but in practice they did not always join in. Contiguous tribes sometimes combined against foreigners, especially against the Dinka, though there was no moral obligation to do so, the alliance was of short duration, and the allies conducted their operations independently, even when in collaboration.

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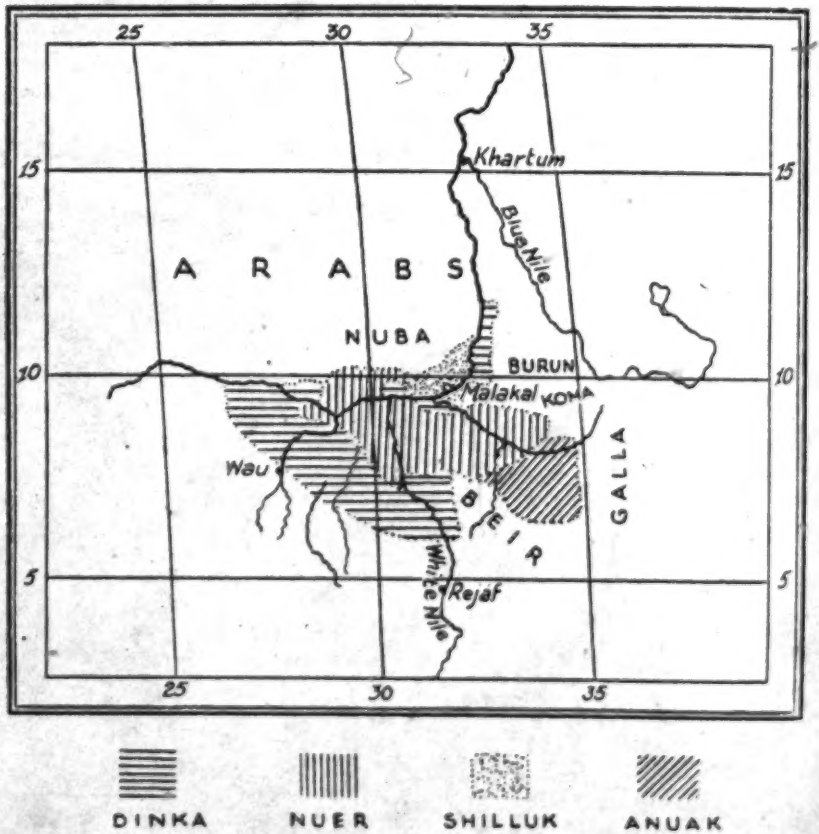
619 721 At the present time, Nuer are to the west and south bordered by Dinka, who appear to have very much the same kind of political system as their own, i.e. they comprise a congeries of tribes without centralized government. From the earliest times the Nuer have been fighting the Dinka and have been generally on the



offensive. We know that during the first half of the last century waves of Nuer broke from their homeland to the west of the Nile on to the Dinka lands to the east of that river and that they conquered and absorbed the inhabitants in most of what is now eastern [103] Nuerland (the Nuer distinguish between *Nath cieng*, the 'homeland', or western Nuer, and *Nath doar*, the 'migrated', or eastern Nuer). Fighting between the two peoples has continued till the present time but there does not appear, if maps made by early

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travellers are to be trusted, to have been much change of territory during the last fifty years. This eastwards migration is a fact that has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes.

To the north, the Nuer are in varying degrees of contact with Arabs, the peoples of the Nuba Hills, the powerful Shilluk kingdom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character.

Arab slave-raiders from the Northern Sudan intruded here and there into the more accessible portions of Nuerland in the second half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting.

A tribe is divided into territorial segments which regard themselves as separate communities. We refer to the divisions of a tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^2 tertiary division of tribe B sees himself as a member of Z^2 community in relation to Z^1, but he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^2, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue

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619 of his non-membership of other groups of the same type which he
631 stands outside of, and he is likewise not a member of the same community in virtue of his membership of a segment of it which stands in opposition to its other segments. Hence a man counts as a member of a political group in one situation and not as a member of it in a different situation, e.g. he is a member of a tribe in relation to other tribes and he is not a member of it in so far as his segment of the tribe is opposed to other segments. In studying the Nuer political constitution, it is therefore essential that we

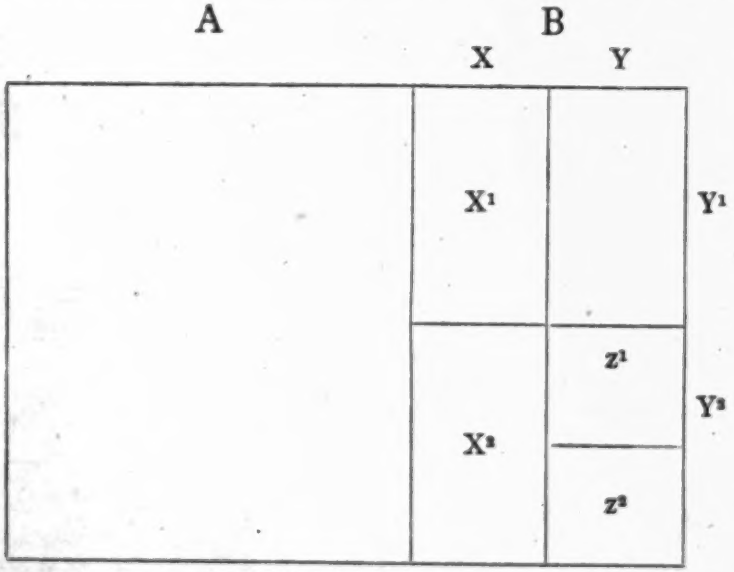

DIAGRAM No. II

view it together with those of their enemies as a single political system, for the outstanding structural characteristic of Nuer political groups is their relativity. A tribal segment is a political group in relation to other segments of the same kind, and they jointly form a tribe only in relation to other Nuer tribes and to adjacent foreign tribes which form part of their political system, and without these relations very little meaning can be attached to the concepts of 'tribe' and 'tribal segment'. That the distinction and individuality of a political group is in relation to groups of the same kind is a generalization that embraces all Nuer local communities, from the largest to the smallest.

628 The relation between tribes and between segments of a tribe

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which gives them political unity and distinction is one of opposition. Between tribes, or federations of tribes, and foreign peoples this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither speared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense of patriotism, a dominant lineage, territorial distinction, economic resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

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●619 segments or with two tribes. The tribal system as defined by sociological analysis can, therefore, only be said to approximate to any simple diagrammatic presentation. A tribe is an exemplification of a segmentary tendency which is characteristic of the political structure as a whole. The reason why we speak of Nuer political groups, and of the tribe in particular, as relative groups and state that they are not easily described in terms of political morphology, is that political relations are dynamic. They are always changing in one direction or another. The most evident movement is towards fission. The tendency of tribes and tribal sections towards fission and internal opposition between their parts is balanced by a tendency in the direction of fusion, of the combination or amalgamation of groups. This tendency towards fusion is inherent in the segmentary character of Nuer political structure, for, although any group tends to split into opposed parts, these parts tend to fuse in relation to other groups. Hence fission and fusion are two aspects of the same segmentary principle and the Nuer tribe and its divisions are to be understood as a relation between these two contradictory, yet complementary, tendencies. Physical environment, way of livelihood, mode of distribution, poor communications, simple economy, &c., to some extent explain the incidence of political cleavage, but the tendency towards segmentation seems to be inherent in political structure itself.

III. Lineage System

619 613 [614] Tribal unity cannot be accounted for by any of the facts we have so far mentioned, taken alone or in the aggregate, but only by reference to the lineage system. The Nuer clan is not an undifferentiated group of persons who recognize their common kinship, as are many African clans, but is highly segmented. The segments are genealogical structures, and we therefore refer to them as lineages and to the clan as an exogamous system of lineages which trace their descent to a common ancestor. The defining characteristic of a lineage is that the relationship of any member of it to other members can be exactly stated in genealogical terms. His relationship to members of other lineages of the same clan is, therefore, also known, since lineages are genealogically related. Thus, in the diagram below, A is a clan which is segmented into maximal lineages B and C and these again bifurcate

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into major lineages D, E, F, and G. In the same manner, minor 619
lineages H, I, J, and K are segments of major lineages E and F; 613
and L, M, N, and O are minimal lineages which are segments of
minor lineages H and J. The whole clan is a genealogical structure, [614]
i.e. the letters represent persons to whom the clan and its segments
trace their descent, and from whom they often take their names.
There must be at least twenty such clans in Nuerland, without
taking into account many small lineages of Dinka origin.

The Nuer lineage is a group of agnates, and comprises all living

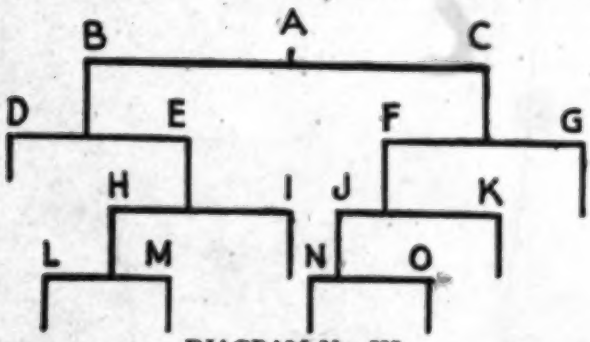

DIAGRAM No. III

persons descended, through males only, from the founder of that particular line. Logically, it also includes dead persons descended from the founder, but these dead persons are only significant in that their genealogical position explains the relationship between the living. The wider agnatic kinship is recognized the further back descent has to be traced, so that the depth of a lineage is always in proportion to its width.

The Nuer clan, being thus highly segmented, has many of the 613
characteristics which we have found in tribal structure. Its lineages are distinct groups only in relation to each other. Thus, in the diagram, M is a group only by opposition to L, H is a group only by opposition to I, D is a group only by opposition to E, and so on. There is always fusion of collateral lineages of the same branch in relation to a collateral branch, e.g. in the diagram, L and M are no longer separate minimal lineages, but are a single minor lineage, H, in opposition to I, and D and E are no longer separate major lineages, but are a single maximal lineage, B, in opposition to C. Hence two lineages which are equal and opposite are composite in relation to a third, so that a man is a member of a lineage in relation

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619 614 565 Those clans which are associated with tribes have generally greater lineage extension and depth than those which are not so associated, and the larger the tribe the more significance this association has for the Nuer. It is in the largest tribes, territorially and numerically, and those which have expanded most and assimilated most foreigners, like the Lou and Eastern Gàajak and Gaajok tribes, that we find the greatest attention paid to the distinct and dominant position of the aristocratic clans. Indeed, not only do political relations affect the clan structural form, splitting it into segments along the lines of political fission, but also the clan system may be said to have a corresponding action on the political structure. In a confusion of lineages of different clan origin and in an amorphous network of cognatic links, the political structure is given consistent form, in the language of kinship, by one clan—a single system of lineages—being made to correspond to the tribe and to its structure of opposed segments. Just as a man is a member of a tribal segment opposed to other segments of the same order and yet also a member of the tribe which embraces all these segments, so also he is a member of a lineage opposed to other lineages of the same order and yet also a member of the clan which embraces all these lineages, and there is a strict correspondence between these two sets of affiliations, since the lineage is embodied in the segment and the clan in the tribe. Moreover, the distance in clan structure between two lineages of a dominant clan tends to correspond to the distance in tribal structure between the two sections with which they are associated. Thus the system of lineages of the dominant clan enables the Nuer to think of their tribe in the highly consistent form of clan structure. In each segment the network of kinship ties are given unity and coherence by their common relationship to the lineage of the dominant clan that resides there, and as these separate lineages are composite in relation to other clans so the whole tribe is built around an exclusive agnatic framework. Though the sections may tend to draw apart and to split, a common agnatic value, shared by the dominant lineages contained in them, endures.

IV. Age-set System

561 Another tribal institution is the age-set system, which is socially more significant among the Nuer than among other Nilotic peoples of the Sudan. Nuer boys pass into the grade of manhood through

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a severe ordeal and a series of rites connected with it. These initiations take place whenever there are a sufficient number of boys of from about fourteen to sixteen years of age in a village or district. All the youths who have been initiated in a successive number of years belong to one age-set, and there is a four-year interval between the last batch of initiates of one set and the first batch of the next set, and during this interval no boys may be initiated. The initiation period is open for about six years, so that, with the four years of the closed period, there are about ten years between the commencement of any age-set and the commencement of the set that precedes or succeeds it. The age-sets are not organized in a cycle. 561

Nuer age-sets are a tribal institution in the sense that, in the larger tribes at any rate, all the sections of a tribe have the same open and closed periods and call the sets by the same names. They are also the most characteristic of all Nuer national institutions, for initiation scars are the sign of their communion and the badge of their supremacy. Moreover, though each big tribe has its own age-set organization, adjacent tribes co-ordinate their sets in periods and nomenclature, so that the Western Nuer, the Eastern Nuer, and the Central Nuer tend to fall into three divisions in this respect. But even when a man travels from one end of Nuerland to the other, he can always, and easily, perceive the set which is equivalent to his own in each area. The age-set system, therefore, like the clan system, whilst having a tribal connotation, is not bound by lines of political cleavage. 561 619

There is usually in each tribe a man whose privilege it is to open and close initiation periods and to give each set its name. This man belongs to one of those lineages which have a special ritual relationship to cattle and are known as 'Men of the Cattle'. He opens and closes initiation periods in his own district, and other districts of his tribe follow suit. Once a period has been opened, each village and district initiates its boys when it pleases. The age-sets have no corporate activities and cannot be said to have specific political functions. There are no grades of 'warriors' and 'elders' concerned with the administration of the country, and the sets are not regiments, for a man fights with the members of his local community, irrespective of age. In the rites of initiation there is no educative or moral training. There is no leadership in the sets. 561 [564]

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167 of expansion and absorption has not been so extensive it has, nevertheless,
101 been considerable. Both Nuer and Dinka myths recognise their common
177 ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

648 The Nuer have not been greatly affected by foreign influences owing
131 to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as "homeland Nuer" (*Nath cieng*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as "bush Nuer" (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

631 Nuerland is divided into a number of territorial sections, the occupants
• 649 of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

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EASTERN NUER.

Tribe.	Population.	
Thing	10,000[1] ...	—
Lou	70,000[1] ...	100,000[3]
Lak	30,000[1] ...	(+Thiang 40,000)[3]
Gaawär	50,000[1] ...	30,000[3]
Jokany (Gaajok, Gaajak, Gaagwang)	160,000[1] ...	200,000[2]
Total for Eastern Nuer	320,000[1] ...	370,000[2]

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There is no doubt that many of these estimates are excessive. The latest figures, and doubtless the most accurate ones, have not yet been published, but I have been privileged to see some of them. They place the Thiang at 7,750, the Lou at 19,025,[3] the Lak at about 18,000, the Gaawär at 18,000. There is a probability, therefore, that the Eastern Nuer do not exceed 200,000–300,000 in total number.

Jackson does not furnish figures for the Western Nuer. Those given in the Rejaf Conference Report present a total population of 60,000 for all tribes. The only tribal figures I have seen are based partly on tribal affinity and partly on areas of administration. They are :—

WESTERN NUER.

Tribe.	Population.
Dok	11,063 (1927)
Jagei	5,195 (1927)
Nuong	7,421 (1927–1929)
Bul	10,904
Lak (one section)	8,353
Lak (another section + two sections of Jokany)	3,120
Kilual (+ some Jokany)	2,953 (1927)
Jokany (one section)	4,031 (1927)
Total	53,060

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I am fairly certain that not every one of the names given on the map represents a tribe in the sense in which I am using the term. The exact nature of these political divisions will be known only as a result of further research. A tribe is defined as the largest political unit within the nation and it has four characteristics : (1) it has a territorial basis, (2) its members have a common name and sentiment, (3) it regulates disputes between its members, (4) it unites for war against other tribes or segments of other nations.

[1] Is an estimate given by Jackson (*op. cit.*) in 1923.

[2] Is an estimate given in the *Report of the Rejaf Language Conference*, in 1928.

[3] The wide discrepancy between the latest and earlier estimates for the Lou is possibly due in part to inclusion in the earlier figures of the Ngok Dinka and those Dinka who have since been transferred to Dinkaland by the Government.

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631 (1) The territory of each tribe is clearly marked off from those
619 and its neighbours. Each tribe has its permanent villages and its fields of economic exploitation. The Lou, for instance, have their tribal grazing grounds, hunting areas, wells and lakes and rivers for dry season occupation and for fishing. The Gaajok also have their grazing grounds, etc., and if the Lou infringe on these there is sure to be fighting unless some arrangement has been reached between the tribal sections concerned.

(2) Each tribe has not only its territory, but its members have a
619 common name and sentiment. Thus Lek, Lou, Lak, Gaawär, etc., *are the names by which the country and its occupants are known.* Lou country is known as *rol looka* (genitive of lou) and Lek country is known as *rol legni* (genitive of lek), and an inhabitant of these two countries is spoken of as *ran looka* and *ran legni* respectively.

I am unable always to give the etymology of these tribal names. Some of them are clan names like Gaajok and Gaawär, since the tribe is named after its dominant clan. I will speak later of the meaning of clan names. Other tribes have stories accounting for their names, but these are in the nature of popular etymology and are sometimes con-
175 tradictory. Thus the Lou and Rengyan tribes have aristocracies sprung
619 from a common ancestor, Denac, and are said to be so called because there was a fight between the herd bulls of the two lineages. A *tut ma lou* (mouse-coloured bull) represented the lineage which migrated to Lou country and a *tut ma reng yon* (bull with fawn markings) represented the lineage which remained behind in Rengyan country (part of the country marked Jagei in the sketch map). Hence the two countries and the tribesmen who occupy them are called after those two bulls. I have heard a similar story accounting for the split which took place between the lineages which give their names to Lek and Kärlual countries. Here again the bulls of the two lineages had a fight, that occupying Lek country being represented by a *tut ma lek* (bull with giraffe-like markings) and that occupying Kärlual country being represented by a *tut ma kär lual* (bull with brown markings). Another man told me that when the original occupiers of Lek country entered it they discovered a pool crowded with a species of fish which they caught to satisfy their hunger, and that, as this species of fish is known as *lek*, the country and tribe
619 were called after them. Jekany is another tribal name of which the meaning is far from clear. Jackson (p. 75) recounts that when Kir

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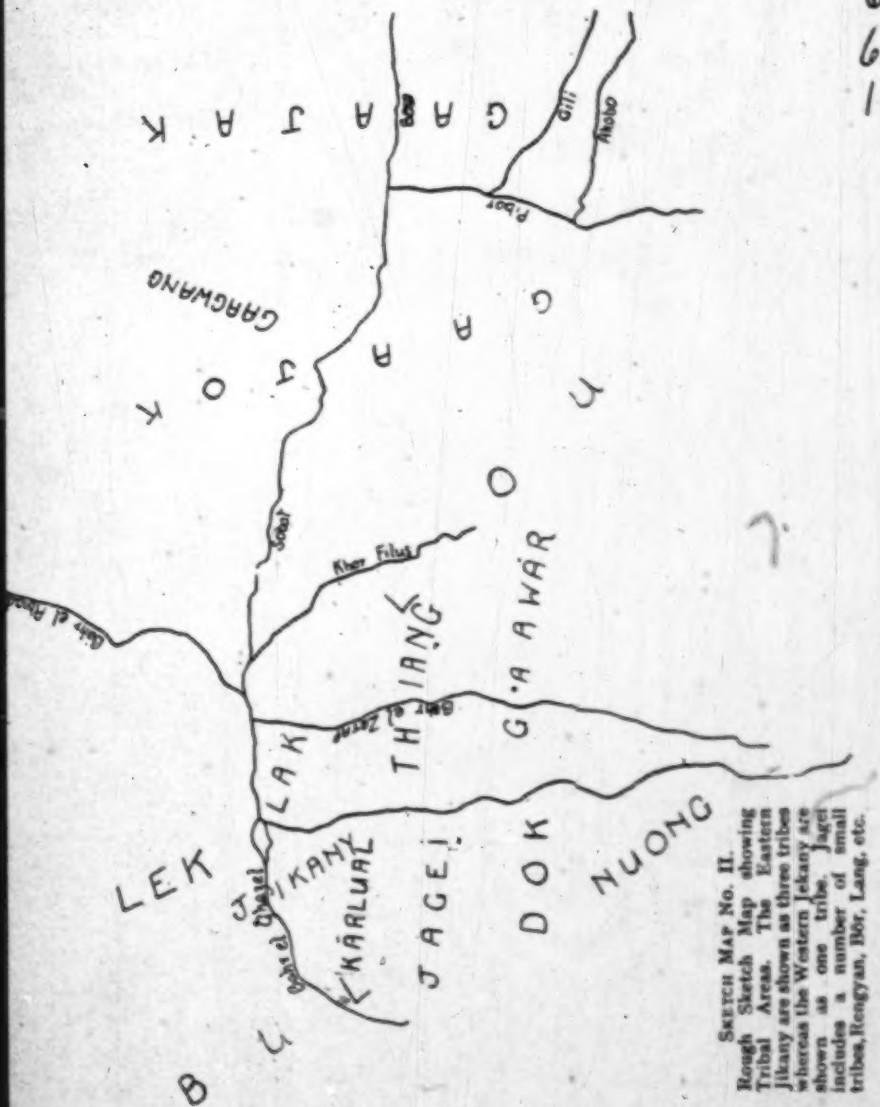

SKETCH MAP No. II.
Rough Sketch Map showing Tribal Areas. The Eastern Jikany are shown as three tribes whereas the Western Jekany are shown as one tribe. Jagei includes a number of small tribes, Rengyan, Bor, Lang, etc.

[facing p. 8]

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619 fled from the Dinka who had brought him up they said "*achilo kang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany, but it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kany?*" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Thus we find [578] lengthy feuds going on between one section and another within the tribe itself.

619 (3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled 621 sooner or later when they take place between segments of the same tribe, 622 whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jimac and Jemac.

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considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

[1] Privately circulated.

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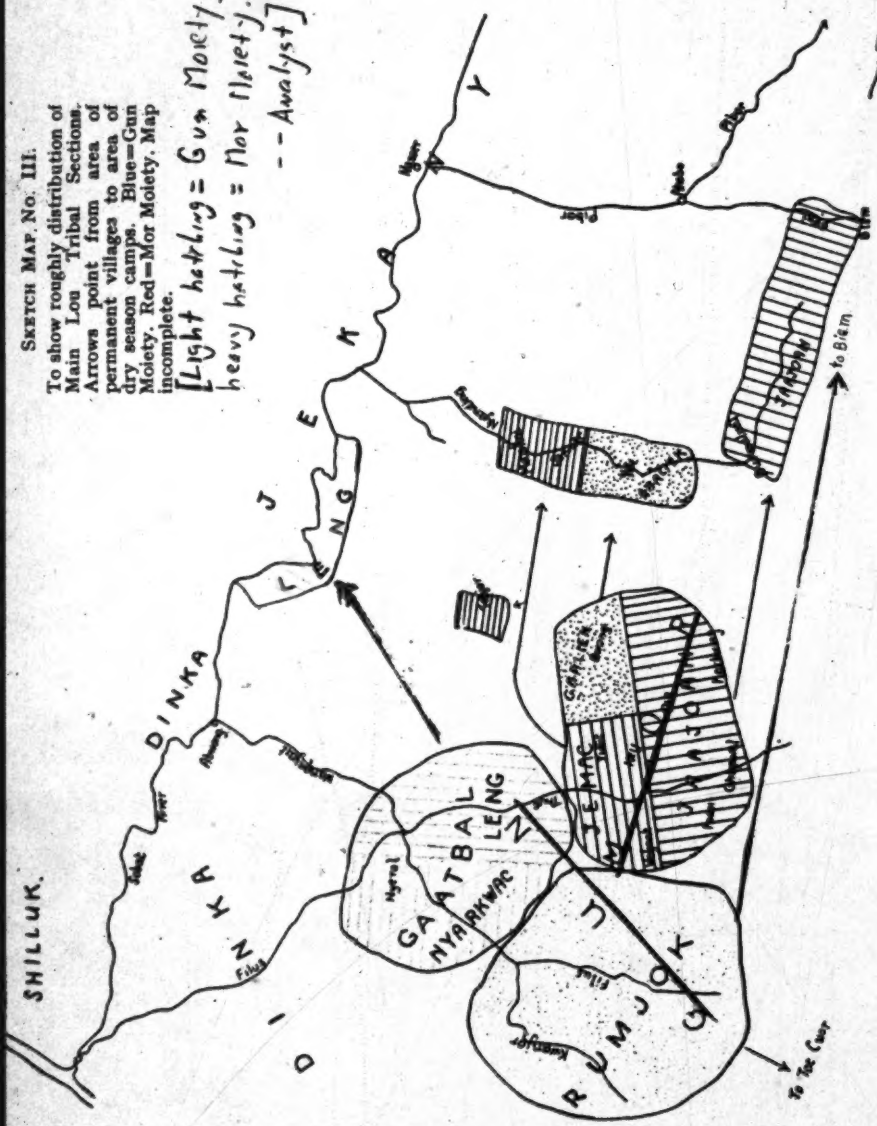
SKETCH MAP No. III.
To show roughly distribution of Main Lou Tribal Sections. Arrows point from area of permanent villages to area of dry season camps. Blue=Gun Moiety. Red=Mor Moiety. Map incomplete.

[Light hatching = Gun Moiety; heavy hatching = Mor Moiety. --Analyst]



[facing p. 10]

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[587] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
648 Lou tribesmen from all over the tribal area for a combined raid on the Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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619 721 648 Garweir and Lou against the Dinka. In fact, the tribes combined in their first conquests of the Dinka." I was aware of these combinations, but I preferred to regard them as alliances between two political units. In the same way in Europe, nations, the largest political units of our culture, combine together for purposes of warfare, but they do not lose their political autonomy by doing so. The comparison goes no further. Here again I wish to make it clear that I do not regard Nuer tribes as cohesive, clearly defined, water-tight, political groups. They are surely not. There are constant feuds between segments of the same tribe; there is constant marriage, fraternisation, and recognition of common kinship, between members of different tribes. Moreover, the tribé, as is explained more fully later, comprises within its boundaries a number of fairly cohesive segments cut off from each other territorially and these segments are united to one another by slender links which frequently snap so that new tribes are formed by fission. When tribes allied for warfare, each organised itself separately, so far as I could gather. Thus, when Lou united with Gaajok and Gaajak each organised its fighting force under its own leaders and magicians.

619 In my opinion, the Nuer tribes may be said to have had these political functions even if they carried them out very inadequately, and it is in this belief that I have spoken of the Lou as a tribe which includes two primary sections, the Gun and the Mor, but I have classed the eastern Gaajok, Gaajak, and Gaagwang as three separate tribes rather than as three sections of a Jekany tribe. I admit that the Nuer tribes did not carry out their functions in the clear-cut manner which we find among the tribes of many other African nations, e.g., the Azande. The Nuer tribe is a very fluid affair. It is not a constant and static group, but it is variable and dynamic. The way in which it has segmented is sufficient evidence of this. Fission takes place as a result of slow but continual social changes, the tendency being always that as the tribe gets larger it loses solidarity accordingly, so that it is not always possible to say with certainty when a tribe, in the sense in which I have used the term, is a single tribe with two moieties or whether it would not be more correct to speak of two separate tribes. I do not want to be guilty of the despicable offence of word-polishing. Those who wish to speak of the Gun and Mor moieties of the Lou tribe as two tribes or of the Gaajok and Gaajak tribes as two primary sections of one Jekany tribe are free to do so

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Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that "tribe" among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cat* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that "tribe" must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage.

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together

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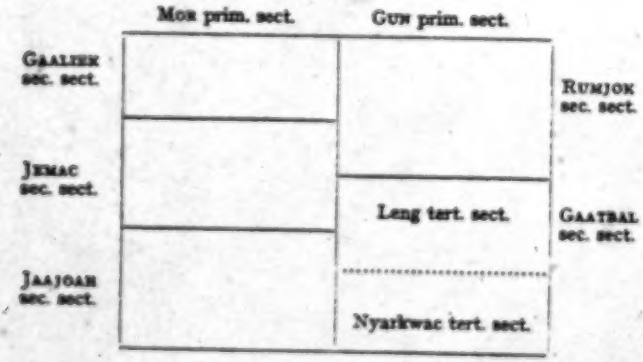
619 621 602 as a blood-revenge group? Moreover, as will be seen later, Nuer kinship groups are always being diluted by assimilation of unrelated elements, and the tendency is for community of living to supplant community of blood as the functioning element in Nuer society.

619 We have to bear in mind that segmentation is taking place all the time with every kind of territorial group, from the smallest to the largest, within the tribe, just as it happens to the tribe itself. I shall speak of the largest segments into which a tribe is divided as primary tribal sections, though when these are two in number, as often happens, we may speak of them as tribal moieties, e.g., the Lou tribe is split into moieties of Gun and Mor and, according to Jackson, the Thiang tribe is split into moieties of Ria and Bang. The Gaajok, Gaajak, and Gaagwang, which to-day have the status of separate tribes among the Jekany on the East bank of the Nile, were once primary sections of the Jekany tribe as they probably still are in its western homeland. Now, just as the Lou tribe is split into two primary tribal sections, Gun and Mor, so these sections are split into what I shall call secondary tribal sections, e.g., Gun is divided into secondary tribal sections of Rumjok and Gaatbal, while Mor is divided into secondary tribal sections of Gaaliek, Jaajoah, and Jemac. Each of these secondary tribal sections is split into further divisions which I will call tertiary tribal sections, e.g., the Gaatbal secondary tribal section is split into two tertiary tribal sections, the Leng and Nyarkwac. This may be shown diagrammatically (capitals do not here denote clans) :—

DIAGRAM No. II.
LOU TRIBE.



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In the same manner diagram No. III shows the primary sections of the Gaagwang tribe and the primary and secondary sections of the Gaajak and Gaajok tribes. These are presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I do not know for sure what are the secondary tribal sections of the Gaagwang tribe. 619

DIAGRAM No. III.
EASTERN JEKANY TRIBES.

	GAAJOK tribe.	GAAGWANG tribe.	GAAJAK tribe.	
LAANG prim. sect.	Thiur sec. sect. Dwong sec. sect. Kwith sec. sect.	GAATCIKA prim. sect.	nyayan sec. sect. cany sec. sect. wau sec. sect.	GAAGWONG prim. sect.
WANGKAC prim. sect.	Minyàál sec. sect. Wang sec. sect. Nyathol sec. sect.	NYINGEE prim. sect.	kông sec. sect.[1] col sec. sect. dhilleak sec. sect.	RENG prim. sect.
YOL prim. sect.	Pwot sec. sect. Kwal sec. sect. Yiic sec. sect. Cam sec. sect. Kwul sec. sect.	NYAANG prim. sect.	tar sec. sect. kang sec. sect. lony sec. sect.	THIANG prim. sect.

Each of these tribal sections possesses the characters of the tribe itself, but more intensified. Each has its name, but the smaller the segment the stronger the sentiment associated with it. Each has a territorial basis, but the smaller the segment the more compact the territory, the more contiguous its members. Just as the tribe itself is crystallised around a clan so each segment is crystallised around a lineage of the clan and the smaller the segment the closer the relationship between members of this kinship nucleus. As I have said before, the smaller the area the greater the social cohesion. 619 631

Each of these segments is a political group and an economic group. As a political group it unites for warfare. The principle of unity is as 619 631 628

[1] Also called Tiek and Yaar.

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619 631 628 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyarkwac tertiary tribal section, and in fact there has been a long feud between the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemac, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 721 When a raid into Dinka country was organised Mor and Gun would both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 628 631 A similar principle was supposed to operate among the Jekany (*see* diagram No. III). Thus Minyääl, Wang and Nyathuol would combine against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

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In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

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to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *gaal* kwith and his village *cieng* kwith. A clan is called after a man yi and becomes *cieng* yie, or after yoal and becomes *cieng* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

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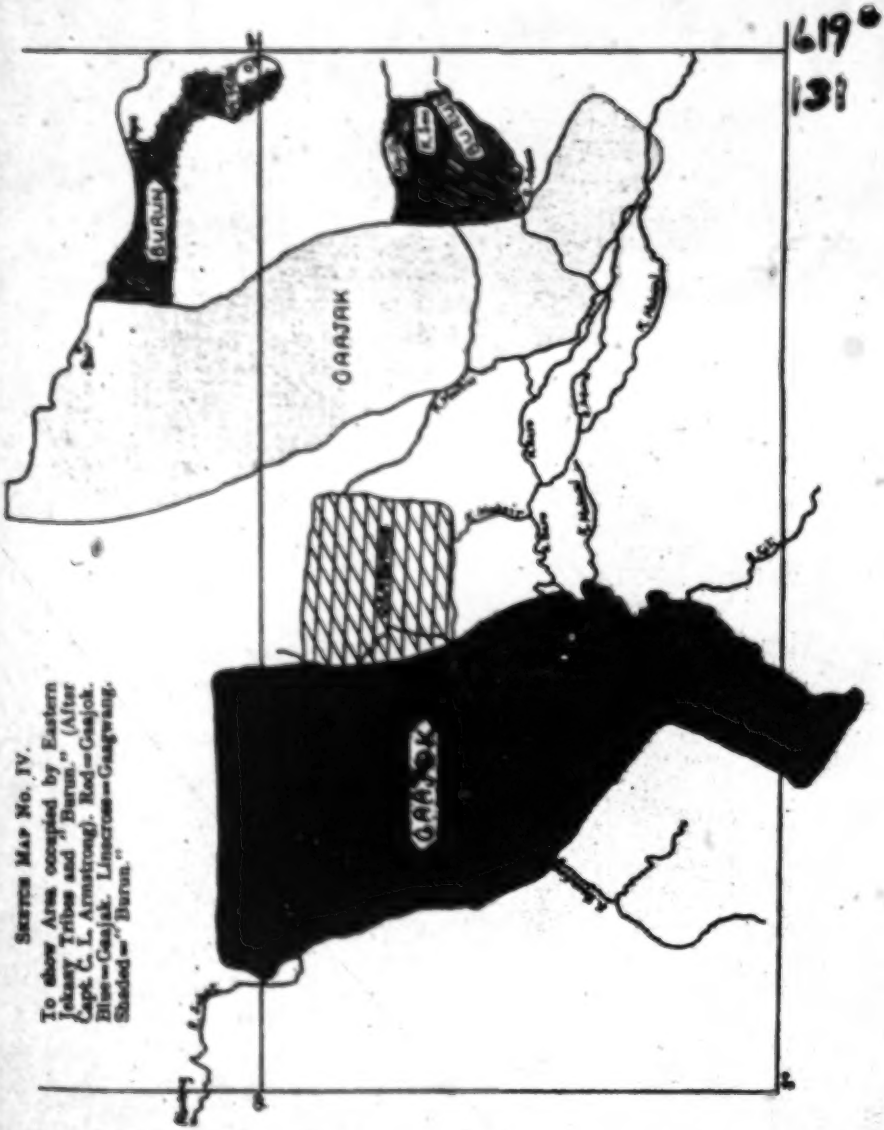

SKETCH MAP No. IV.
To show Area occupied by Eastern Jikany Tribes and "Burun." (After Capt. C. L. Armstrong). Red=Gaajok. Blue=Gaajak. Linecross=Gaagwing. Shaded="Burun."

[facing p. 18]

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homestead. *Ciengda* (my home), in the singular, generally means "my homestead" where I live with my family, whereas *ciengdan* (our home) means usually "our hamlet" or "our village." Thus a man will say "*wa ciengdan*" ("I am going (to our) home") in reference to his village, such as the village of Pakur (Lek), but if he is already in the village of Pakur and says "*wa ciengdan*" ("I am going (to our) home") he means that he is returning to the hamlet where he and his relatives live in a particular section of the village. If he is in the hamlet and says "*wa ciengda*" ("I am going (to my) home") he means that he is going to his hut or cattle byre. I remember making a mistake in this way when I used to say "*wa ciengdan*," meaning that I was off to my tent, for which the Nuer would good-humouredly rebuke me, saying, "Isn't this, our camp, your home?" whereas when I said "*wa ciengda*," in the singular, it passed without the criticism which the Nuer unfailingly bring to bear on any error in grammar or pronunciation. *Cieng* thus means homestead, village, district, tribal sections, homeland and even "home" in an unspecified sense, e.g., it may be said in a story *nyaang ce wa cieng* (the crocodile went home) or *ficieng* (villagers), etc., etc.; for this reason I use the word as little as possible.

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There is a further reason for avoiding its use, and though I shall have occasion when speaking of the Nuer clan system to mention it more fully I will refer to it in this place. The *cieng*, in the sense of homestead, is called after the man who lives there, e.g., the homestead occupied by Rainen is called *cieng* Rainen. When Rainen is dead and his sons and nephews live together in a hamlet they will call the hamlet after him and it will be said that they live in *cieng* Rainen. If Rainen was an important enough man and founded a strong enough lineage, the whole village where his descendants and strangers who have intermarried with them live will then become known as *cieng* Rainen. In course of time his descendants will have multiplied and will occupy a district or a large tribal area which will come to be known as *cieng* Rainen. Hence it comes about that many of the tribal sections I have mentioned as examples for the use of *cieng* are called after persons, e.g., Minykäl, Dumien, Wangkeac, Gaathal. As will be explained more clearly later a lineage thus becomes identified in speech with the territory which it occupies—the district occupied by the major lineage of WANGKEAC, for example, being known as *cieng* Wangkeac. The Nuer then talks

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about the district and the lineage which lives there as interchangeable terms and speaks of *cieng* WANGKEAC in the sense of the WANGKEAC lineage. This leads a European into depths of confusion since the WANGKEAC lineage and the people who live in the village of Wangkeac are by no means the same thing. I shall have occasion to plumb these depths of confusion, into which I have myself been long plunged, in the following sections. 361 196 619

Cieng, in the singular, e.g., *ciengda* (my homestead), is the same as *gol* in the singular, e.g., *golla* (my homestead), and *cieng* in the plural, e.g., *ciengdan* (our hamlet), which means the same as *gol* in the plural, e.g., *gollen* (our hamlet). The literal meaning of *gol* is the large dung fire which occupies the centre of every cattle byre. During the wet season this is kept continually alight and serves to keep mosquitoes away from the cattle and the young men who sleep on a platform above it, while during the daytime people sit around it and chat. In the dry season the *gol* is a huge heap of ashes enclosed by a windscreen and around it sleep the inmates of the windscreen and there also they spend a large part of the day watching their cattle, drinking milk, sleeping and smoking. This dung fire signifies the home and especially symbolises the household from the point of view of its male occupants since women have their own cooking fires. *Jiqoalla* (the people of my *gol*) are the people of my household, especially the menfolk of my household. *Gol* Cam or *gol* Pec is the homestead or windscreen of Cam or Pec and hence means the household of Cam or Pec. *Raw gol* Cam is a member of Cam's household and *jiqual* Pec is the household of Pec, i.e., the people who habitually live in his homestead and make use of his cattle byre.

The only other Nuer word I will draw attention to in this place is *dor*. I think that the most comprehensive meaning of *dor* is what is not actual homestead. The word generally means "bush" in contrast to *cieng* (home), e.g., "*wa dor*" ("I am going into the bush" almost "I am going out") is the opposite to "*wa cieng*" ("I am going home"). Different parts of the bush can be designated by some conspicuous landmark as the *dor* of such and such a thing. The word is noticed in this place because it is often used to refer to the unoccupied land lying around a homestead or hamlet which is used for sowing maize or on which goats and sheep and calves graze. In this sense *doraw* (our dor) has much the same meaning as *ciengdan* (our *cieng*), though the former word seems 823 196

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823 196 rather more inclusive. But both are used to refer to " our home," " our hamlet," "our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok rwop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that the territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not clearly differentiate between them.

619 361 614 Herein lies a great difficulty. The Nuer tribe always has a name derived from the name of the country which it occupies, e.g., one may

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speak of Lou tribesmen as *ji looka* (people of Lou), or of Lek tribesmen as *ji legwi* (people of Lek); but generally this name is also the name of the clan, for a country is often called after its first occupants and owners, e.g., Gaawār is the name of the tribal territory of the tribesmen who occupy it, and presumably, for I have not been there, of the clansmen who form the dominant element in the tribal territory. GAAJAK and GAAGWANG are clan lineages who have given their names to the countries where they live. To eliminate this difficulty I have throughout written tribes and tribal sections in small letters and clans and clan lineages in capitals. Hence if I say that a man is a Gaawār I mean that he is a man inhabiting Gaawār country, i.e., a member of the Gaawār tribe, whereas if I say that a man is a GAAWĀR I mean that he is a descendant in the male line from Wār, i.e., a member of the GAAWĀR clan. I will give two more examples to make this point quite clear. If you ask a Lou man what is his *cieng*, you are asking him where he lives, what is his homestead, village or district. Suppose that he replies that his *cieng* is *cieng* Pual, you can ask him what his *cieng* forms part of, and he will tell you that it is part of *cieng* Leng, giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng forms part of *cieng* Gaatbal, a secondary tribal section, and he will explain that *cieng* Gaatbal is a division of the Gun primary tribal section which is a moiety of the Lou tribe. But he has told you nothing about his clan relationship. He may or may not be a member of the PUAL clan lineage which forms a part of the LENG lineage, which forms part of the GAATBAL lineage, which forms part of the clan of JEKACA or GAAT GAN NACA, the people of Nac or the children of the children of Nac. In the same way, if a Jekany man tells you that he belongs to *cieng* Kwith of the Gaatjok, it does not follow that he is descended from Kwe (Kwith) who is descended from Kun (whose bullock name was majok), but he merely means that he lives in a tribal section occupied by the KWITH lineage which forms part of the tribe occupied by the GAAJOK who are a principal lineage of the GAAT GAN KIIR, the children of the children of Kir. I shall shortly explain the meaning of these lineages.

Owing to the fact that the Nuer have no word for clan, as we understand the group, and that they have no stereotyped modes of referring to clansmen, we are in some difficulty in writing about them. The

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613 from which the different lineages branch out. Similarly, he might have
614 given you a smaller minor lineage before giving you *cieng* PUAL in answer to your first question, what is his *thok dwiel*; *e.g.*, he might have said that he was a member of the KWOOTH or MALUAL lineages (shown in the accompanying tree, diagram No. V). Each lineage is a branch in relation to the twigs which shoot out from it, but is a twig of the larger branch from which it sprang. The following two trees of descent are appended to illustrate graphically the Nuer system of lineages. One represents a JINACA (Lou tribe) lineage and the other a GAT GAN KIIR (Jekany tribes) lineage. In each diagram only one line of descent is shown from the roots to the twigs, from the clan ancestor to the families of to-day, but the other main branches and boughs, the other major and minor lineages, are indicated where they leave the stem.

These trees and genealogical tables may be compared with the maps (Nos. III, IV, and V[1]) which show the distribution of tribal sections among the Lou tribe and the Eastern Jekany tribes.

614 The descendants of Nyaang, son of Denac, form the nucleus of the
●619 Gaaliek primary section; the descendants of Bal, sons of Denac, form the nucleus of the Gaathal primary section; the descendants of Dak, son of Denac, form the nucleus of the Rumjok primary section. The only sections shown on the map which are not accounted for in the genealogical tree and table are the Jaajonk and Jimac sections which have clan nuclei of foreign origin.

We must guard against thinking that because most of the Lou primary sections are called after sons of Denac that they are solely composed of these lineages. This would be a serious error, as in all probability true descendants from Denac in these sections are in a small minority. Large foreign lineages are included in the areas designated by a title taken from any of the sons of Denac (*e.g.*, the THIANG lineage in the Gaathal primary section) and there are innumerable families of stranger (Nuer) and Dinka descent clustered around families of true GAATNACA origin. Thus, if one visits the villages or cattle camps owned by minor lineages which spring from the GAALIEK major lineage, the lineages of LÖNGNGUÄR, NYAANEN, KUOOK, one will find them occupied by a relatively small number of members of these lineages while most of the residents will be found to have sprung from other Nuer and Dinka clans.

[1] [See facing pp. 10, 18, 30, category 116. -- Analyst]

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565 614 619 The descendants of Majok Kiir form the aristocratic nucleus of the Gaajok tribe; the descendants of Mathiang Kiir and Kun Kiir form the aristocratic nucleus of the Gaajak tribe; the descendants of Gwang Majok and Nyang Mathiang form the aristocratic nucleus of the Gaagwang tribe. Thus, on map No. V[2] these lineages are shown as tribal sections, i.e., they have given their names to the tribal sections which have aggregated to them. Here the three main lineages descended from Majok, LAANG, YOL, and WANGKAC, are shown as Laang, Yol, and Wangkac. None of the foreign lineages is of sufficient magnitude to be shown separately, but it must not be supposed for this reason that the descendants of Majok form anything but a fragment of the Gaajok tribe. In the same way the Gaagwang tribe comprises all sorts of foreign elements besides the descendants of Nyang Mathiang[1] and Gwang Majok. The same applies to the Gaajak tribe. As far as my information goes the GAA(T)GWONG lineage are completely united in tribal life with the GAA(T)JAK lineage and so are classified as forming part of the same Gaatjak tribe. In the map the primary sections of Lony, Kang and Tar are all called after descendants of Mathiang and the primary sections of Nyayan, Cany and Wau are all called after descendants of Kun. Hence, in map V, the only section not accounted for in diagram No. VIII[2] is the primary section of Reng,[3] the nucleus of whom are of mixed foreign origin.

614 [582] The clan is the largest lineage which consider themselves as one for purposes of exogamy. This is the minimum definition of a clan. In theory the clan preserves the same form as the smaller lineages which comprise it because it is supposed to be possible to trace the exact genealogical relationship of any member of the clan to any other member of it. Doubtless this can generally be done by a panel of competent genealogists, but most Nuer tend to confusion in the upper stages of ascent and either miss out or misplace names between the ancestor of their clan and the founder of their minor lineage. In consequence of this confusion which is associated with the social functions of clan and lineages there is a tendency for clansmen who do not also belong to the same minor lineage to have an undifferentiated relationship to one another, recognising their kinship to one another through common membership of a social group rather than by genealogical relationship. Hence they tend to recognise

[1] Nyang was the biological son of Mathiang, but as he was born of one of Kir's wives he is strictly a son of Kir.

[2] I believe that Reng is the bullock-name of Gying, the founder of the most important clan lineage in the Reng primary section of the Gaajak tribe. One of the secondary sections of this tribe is called Dilliesk which is, I think, a bullock-name of Bicak, son of Gying.

[See facing p. 30, category 116. -- Analyst]

[See facing p. 36. -- Analyst]

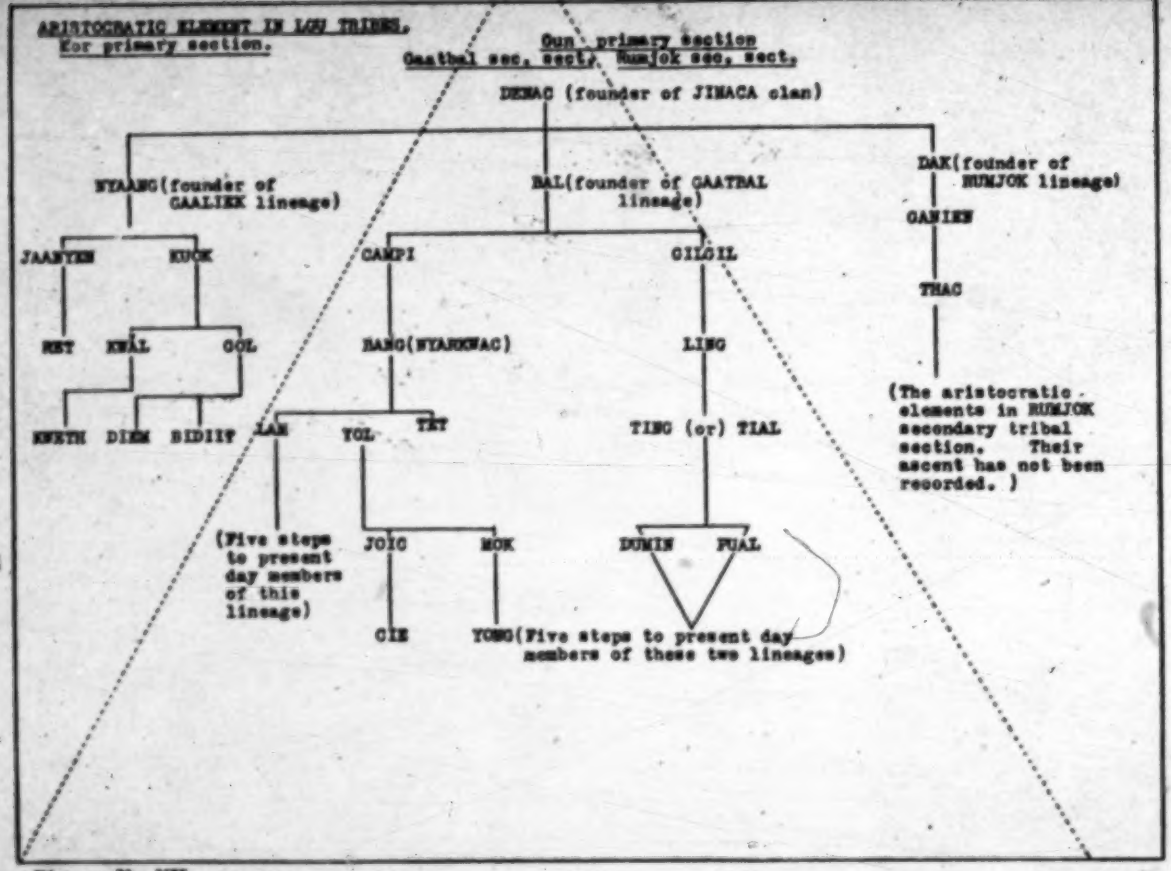

Diagram No. VII.

[facing p. 34]

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614 their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their [613] families. But when they belong to the same minor lineage they recognise their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical ascent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAN KIIR of the Jekany tribes, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

614 619 Consequently one cannot say that relationship ends with the clan or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the "Homeland Nuer" to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

614 173 773 [776] I will condense here the main discoveries of Mr. Jackson in this field, together with the writings of the late Capt. Fergusson and notes taken by myself. There figure in all accounts certain mythical persons who link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Ghaak, two brothers who are possibly to be

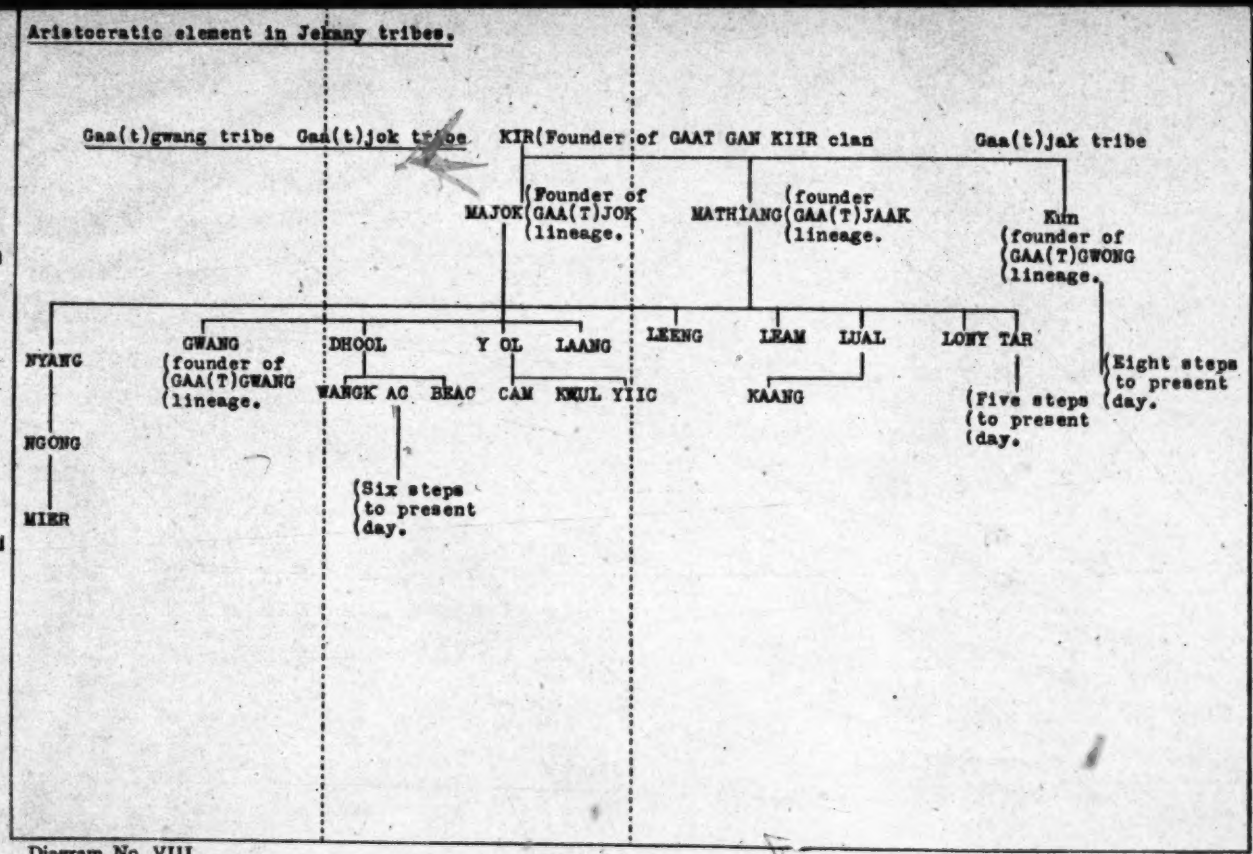

Diagram No. VIII

[facing p. 36]

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614 The ancestor of the JIKUL clan is also said to have fallen down from
173 heaven, and Jackson says that he was fostered by Gee to whose division
773 his descendants considered themselves attached. Nowhere do they form a dominant clan element in a tribe but are scattered among many tribes.

The late Capt. Fergusson speaks of these two national divisions as Ghraark and Gair. On the western bank Ghraark are Nuong, Adok, and Gwai; and Gair are Bul, Lake, Jakaing, Bur, Naijh, Wad, and Lung.[1]

619 Considering the confusion which has existed between clan and tribe,
614 Jackson's classification into the Gee and Ghaak[2] groups cannot be regarded as exact though it may well be conventional. I was given a somewhat similar division myself by a man from the west bank of the Nile. But it appears at first sight that there are two pertinent criticisms of the classification. In the first place several clans are obviously missing, e.g., JIDIET and JIMEM. In the second place it is doubtful what line of descent is reckoned when speaking of a tribe as descended from Gee or Ghaak, e.g., the Lak tribe apparently comprises two main lineages, *gaat twot* Dok, children of Dok aristocrats, and *gaat nya* Legni, children of Lek aristocrats through the female line and of doubtful parentage through the male line. Whilst, even if this is correct, they would both belong to the Gee group of clans in a conventional grouping it is of some importance to know their exact mode of descent.[3] Under the circumstances we can only make a conventional classification which is a mixture of clan and tribal units and wait till further research elucidates the true state of affairs. It is possible that the Family of Nuer Clans is correctly described in confused and hazy terms, since it may well be conceived by the Nuer without logical system. For it may be pointed out that errors are often not the fault of observers like Jackson or myself but are due to the hazy notions which the Nuer themselves have about their ancestry, at any rate on collateral lines. Thus one well-informed man told me that the aristocratic lineages of Lou, Rengyan, and Thiang tribes are all descended from Denac by his three

[1] Unpublished Government report.

[2] Besides A'ak (Jackson) and Ghraark I have heard the name Gwea, and one old man said that there were three brothers, Gee, Ghaak, and Gwea—Ghaak producing the aristocratic lineages in Kwe, Jaluk, Beegh countries, and Gwea producing the aristocratic lineages in Dok, Nyuong, Gaaktwac, and Rol countries.

[3] One informant, Tut, said that the Gaawär tribe count as belonging to the Ghaak group and the Lak tribe as belonging to the Gee group, though it is difficult to know exactly what he meant.

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619 sons Bany (bull(ock) name *ma low*), Yini (bull(ock) name *ma reagwe*) and
614 Thiang, a genealogy which differs from those already given in this paper. Only detailed research by several observers in different areas can finally solve the problems, for solutions cannot be deduced satisfactorily from our present data.

In our account of the tribe we explained how a continual process of fission is going on and how when we speak of a tribe we are using a relative term, since it is difficult to know whether we should speak of a single tribe with moieties or of two separate tribes. Exactly the same process of segmentation is going on within the clan, since a tribe is a political aggregation round a clan or clan lineage. Thus the clan, like its political superstructure the tribe, is also going through a constant process of integration and segmentation. Division into lineages here corresponds with territorial division into tribal sections. Our statement that the larger the territorial area covered by a tribe or a tribal segment the weaker its cohesion finds its kinship counterpart in the tendency for the solidarity of a lineage to weaken the more it expands. Weakening bonds of kinship re-enforce spacial division in destroying communal interests in tribal life just as spacial division re-enforces widening kinship breaches in undermining community of blood. For example, the division of the Lou into two moieties of Mor and Gun is not simply a political and spacial division but is also a kinship cleavage between the descendants of three sons of Demac, Nyang, Dak and Bal, or to state the position in other terms, the division between the sons of Nyang, Dak, and Bal is not simply a creation of genealogical distance but also of political and spacial distance.

613 The clan itself has practically no social cohesion; a major lineage
614 has greater cohesion than the clan of which it forms part but less cohesion
621 than one of the minor lineages into which it is divided. A minor lineage has great solidarity as has the village or district which represents the minor lineage with its political aggregate clustered around it. Here close ties of blood are backed up by community of daily life. Thus the GAT NACA display little communal feeling in their social behaviour, the major lineage of GAATBAL on the contrary, owing to their symbiosis, their common political and economic interests, and their close kinship bonds, show a much stronger tendency to regard themselves as a distinct social group.

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A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MĀR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation.

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units.

DIAGRAM No. IX.

Clan + aggregate of strangers	=	Tribe.
Major Clan lineage + aggregate of strangers	=	Primary tribal section.
Minor " " " "	=	Secondary tribal section. Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Denac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the LOU JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since LOU and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the LOU JNACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we

[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.

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614 may safely regard them as one clan. This is possibly the case, since the Lou JINACA left their homes in Rengyan to conquer their present tribal area. On the other hand they may represent a distinct line of descent from Denac. There is not the same certainty as there is for the history of the children of Kir, a part of whom journeyed from their home on the Bahr-el-Ghazel to the tribal areas of the Eastern Jikany. The GAAJOK, GAAJAK, GAAGWONG and GAAGWANG major lineages are found both among the Eastern Jikany and the Western Jikany, and they still belong to one clan, since a man of the Eastern GAAJOK lineage may not marry a woman of the Western GAAJAK or GAAGWONG lineages. It is possible that in time the GAAJOK lineage of the GAT GAN KIR clan will split away from the GAAJAK lineage and that two separate clans will be formed by fission. The Nuer themselves speak as though this may happen since they say that a GAAJOK man may "not yet" marry a GAAJAK woman. "*Ngete thieka*," "they are still close" (in relationship), say the Nuer, suggesting that it will one day be possible, a suggestion in keeping with their acceptance of a scheme of clans all ultimately descended from Gee. I have found that informants lay great stress on the fact that Gee bisected a bullock and thus enabled the clans descended from him to intermarry whereas Kir did not perform similar ritual, with the result that intermarriage between the clans descended from him is prohibited. Nevertheless I cannot produce a sure example of clans splitting into two or more exogamous lineages. Even when political fission takes place as between the Gaajok and the Gaajak the clan maintains its unity, and a GAAJOK man and a GAAJAK man are still members of a single exogamous clan.

IV.

641 All tribesmen live in the same country. A man may emigrate to
614 another country, but if he settles there he and his children become
619 members of the tribe among whom he has settled. When we speak of the Lou and Rengyan we speak of the people who live in Lou and Rengyan countries. Clansmen on the other hand do not all live in the same country, the great majority of them may do so but not all of them. Thus probably the majority of JINACA live in Lou country and Rengyan country, but by no means all of them live there. Many JINACA live scattered among other tribes. Moreover the number of JINACA clansmen who live

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in Lou country and Rengyan country forms only a small proportion of the 641
total population of Lou and Rengyan tribesmen. Again, Gaajok country 614
contains a dominant element of GAT GAN KIIR clansmen of GAAJOK 619
lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are [582]
equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry.

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIMEM mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIEK, JIDIET, BEEK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristo- 614
cratic element there. The JINACA of Lou country lived originally with 619
the JINACA of Rengyan country, but they split off from them and 554
conquered Lou country from the Dinka. Here they were the first occu- 565
pants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINACA. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

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614 Nile, from the Dinka, and settled there as lords of the country. I think
619 that it will probably be correct to say that every Nuer tribal area has its
554 *diel* (sing-*dil*) clan owners, aristocrats, dominant element, but that not
565 every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoini* and *dil luaica*, members of the clans which own Thoc and Luac tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JINACA or GAATNACA is a *dil looka*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *rul* or stranger. He may still call himself a *gat dila looka*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jekany countries. In the same way a *dil Jekany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *rul* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIMEM or JIKUL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIMEM in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

614 I do not wish to be misunderstood when I speak of a tribal aristocracy
619 based on a clan predominance in a tribal area. The Nuer are intensely
554 democratic and the idea of one man lording it over the others is abhorrent
565 to them. However there is a prestige in being a *dil* of the country in which
[181] you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In some tribes
[632] the advantage of being an aristocrat are more concrete. Among 1 Eastern Jekany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

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countries. There is some doubt about the exact organisation of blood-cattle (*cut*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *cut* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jekany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dila Jikany (a member of the GAT GAN KIIR clan),
15 cows and 5 bullocks (20).

Gat Geeka (a member of any pure Nuer clan),
12 cows and 5 bullocks (17).

Jaang dila (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
11 cows and 5 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAN KIIR	40 cattle.
Gat Geeka	40 cattle.
Jaang buthni (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAN KIIR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAN KIIR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

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554 own clan, members of these other clans, who here count as *rul* or strangers,
614 assured me that payments in both cases were equal. Assurances on both
619 sides were clearly coloured by recent practice which has been based on
682 government rulings at different times and by what regulations they hoped
563 the Government would institute in the future. On the whole I consider that there was probably a differentiation between members of the dominant clan and members of other clans, but that the differentiation was not rigid and depended upon the special circumstances of each case, when length of residence in the country, marriage alliances with members of the dominant clan, and so on, were taken into consideration.

Quite definitely, however, there was a clear difference made between Nuer and Dinka in the assessment of blood-cattle compensation. This difference is found all over Nuer country, though there seems to have been difference of opinion in different parts of Nuerland about what constitutes a Dinka for purposes of homicide payments. Among the Lou the practice was to class members of the dominant clan, the JINACA, and members of the other Nuer clans together and make 40 cattle (32 cows and 8 bullocks) the regular payment for both. The son of a Dinka born in Lou country was considered to have become a Nuer (*caa Nath*) and his death was also compensated for by 40 cattle; but a captured Dinka or visiting Dinka or a Dinka who had taken up his abode in the country was reckoned as a *Jaang* and was compensated by only 6 cattle (4 cows and 2 bullocks). A Dinka even when given *buth* appears to have counted as *Jaang* and not as *Nath*, but his children were reckoned as Nuer for homicide purposes. Two informants told me that in Jagei country on the west bank of the Nile compensation for homicide was reckoned as follows :—

Gat dila (member of the dominant clan in the tribe),
34 cows and 6 bullocks (40).

Rul who built his cattle-byre,
34 cows and 6 bullocks (40).

Rul and *Jaang* who have not built their cattle-byre,
6 cows and 4 bullocks (10).

The point of stressing the building of a cattle-byre was that a man who built one, whether a Nuer stranger or a Dinka, had obviously come to stay and became a permanent member of your social group and a member of your village. He became "your man" (*randu*), who owed you a kind of allegiance and who relied on your protection. Hence he is assessed on

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the same footing as an ordinary resident born into the community. On the other hand I was told by some Eastern Jekany Nuer at Nasser that once a Dinka always a Dinka was the rule, and that the children and grandchildren of Dinkas never counted as equal to pure Nuer in blood-cattle assessment. I regard this statement, however, as being, in all probability, too rigidly formulated. 554 614 619 682 563

The second element in a Nuer village are the *rul*. A *rul* is a stranger, one who is not a member of the *diel*, one who has no place in the lineage of the dominant clan. Such people may be more numerous than the clan itself but they have not the same hereditary status in the tribe. Sometimes their lineages compose powerful tribal sections and in these sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kŏng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlen* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KŎNG, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *let*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two 554 614 619 173 773

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

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554 brothers whom the *lel* had eaten. His father said to him, "Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of "bulls" or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

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JINAGA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country. 554 614 659 621 1175

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage. 721 167 614

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*nike dak piny*). Then their close relationship (*mar*) ends (*ci mar tkak*). They go and live in the midst of other clans who are 614

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604 distantly related to them (*yiin wik ke yi bulma ekiow*). Here they dwell as friends (*wanc ngac ki ri*) and slowly forge new relationship by intermarriage (*ca mar mat e kee*).

609 572 621 I believe that there is another Nuer word which means the same as *rul*, namely, *yian*. Thus one speaks of strangers living in the village of *diel* as *yiankion*, "their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wer* save through their mothers. Nevertheless *rul* and *yian* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineages and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yian*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *faang*. These strangers are accepted as equal members of the *wer*.

614 621 One of my informants, Jok, explained modes of Nuer aggregation very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat tuut*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wer* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *faang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

614 621 Hence there is always a tendency towards fusion between two lineages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

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the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed. 614 619

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat tuot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said " He is poor and has nothing because he has given everything away "—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat tuot* since they were born through the cattle of a *tut*. 641 597 614

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local " chiefs " whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to 614 624 621

refuge among the Western Dinka to avoid the Arab slave raids and, later, the conflict between the Dinka and Azande. They are rapidly being absorbed by the Dinka and are consequently losing their Jo Luo customs and dialect. They are said to number 1,000 - 2,000 souls approximately. 000

NEIGHBOURS

The neighbours of the Dinka include the Nuer. There has been conflict between the two for a long time and relations have been predominantly warlike and marked by interminable cattle raiding. In the north east the Dinka are in contact with the Shilluk while, in the south west, in the Bahr el Ghazal province, there is the confusion of tribes in the neighbourhood of Wau. Among the Wau district tribes there is the Nilotic Jo Luo (Jur) who have been in immediate contact with their Dinka neighbours for a number of generations and have been subordinate to them to a certain extent.

POPULATION

Total population has been estimated at 500,000 souls approximately.

NOMENCLATURE

The Dinka name for themselves is *Jien*. Dinka is believed to be the anglicised form of the Arabic *Denkawi*, from *Jien*.

THE NUER

LOCATION 131 619

The Nuer inhabit the savannah stretching on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal rivers and on both banks of the two tributaries. The Nile divides the Nuer country into two parts, Eastern and Western Nuerland. According to Evans-Pritchard the most important tribal groups of the Western Nuer are: the Bul, Jagei, Lak, Thiang, and Dok. The main important tribes of the Eastern Nuer are the Thiang, Lak, Gawar and Lou.(1) The Jokany tribes are found on the west bank of the Nile and also far to the east of the Sobat river where they extend over the Anglo-Egyptian border into Abyssinia.

NEIGHBOURS 921

The western parts of Nuerland are in direct contact, and usually conflict, with their Dinka neighbours. Nuer expansion has been at the expense of their Dinka neighbours and it is generally recognised that much of present day Nuer country was Dinka in the middle of the 19th century. Relations between Nuer and Dinka will be discussed in the account of the Nuer political structure. The Shilluk are separated from the Nuer by the Dinka, except in a small area, and there has been little contact between the two groups, perhaps owing to the more highly organised society of the Shilluk which renders them difficult to raid with impunity. The Nuer give the

(1) Evans-Pritchard, *The Nuer*, 1940, p.1 (map).

721 reason that the Shilluk have no cattle and they only raid people with cattle.(1) Although in direct contact with the Anuak in the far eastern parts of Nuer territory, tsetse fly and absence of cattle make the area unsuitable for encroachment and the Anuak were only occasionally raided by the Nuer. When rifles were introduced and the Anuak could defend themselves they retaliated with raids on the Nuer. The Burun were occasionally raided by the Nuer for captives. Other communities, Arab and those of the Nuba mountains, were raided only occasionally. Except for the
829 Beir whom the Nuer appear to have respected, and the Dinka whom they fought, most foreign peoples were classed by the Nuer as *Bar*, that is, cattle-less folk, or people possessing few cattle. Another category was *Jur*, cattle-less people whom the Nuer regarded as lying on the outskirts of their world; these included the Azande, Europeans, and the Dongo etc., although the Nuer have differentiating terms for most of them.

POPULATION

161 Official estimate of population is 260,000. Estimates for the various tribes are given approximately as follows by Evans-Pritchard.(2)
619

THE EASTERN NUER

The Sobat Nuer				The Zeraf Nuer		
Gaajak	Gawong	Gaajak	Low	Lak	Thiang	Gawar
42,000	7,000	42,000	33,000	24,000	9,000	28,000

THE WESTERN NUER

Bul	Leek	2 Western Jikany Tribes	Jagei Tribes	Dok	Nuong
37,000	11,000	11,000	10,000	12,000	9,000

101 The Nuer call themselves Naath, (sing. *Ran*). The Shilluk, Arabs and Dinka call them *Nuer*. The Nuer also speak of the tribes west of the Bahr el Jebel as *Nath cieng* - 'the homeland Nuer', and of those east of the river as *Nath Jiwar* - 'Bush Nuer'.(3)

THE ATWOT

000 These appear to be a Nuer tribe, speaking a Nuer dialect, but having adopted many Dinka habits. They are situated in the Lakes district south west of Yirol, south of the Dinka; they number 31,000 approximately. Little is known of them.

(1) Evans-Pritchard, *The Nuer*, 1940, p.132.
(2) Ibid. p.117.
(3) Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, p.297.

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tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 634

Nowhere in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 621

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.(1) The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 619 721

Within a tribe compensation *(cut)* is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.(2) Between tribesmen there is also *ruak* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 682 683

A tribe has a segmentary structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) Ibid.

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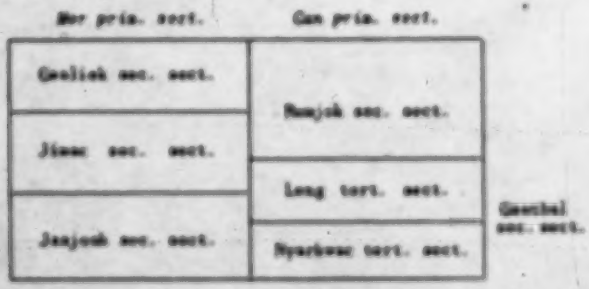
TERRITORIAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gun and Mor primary sections; Gun primary section is segmented into Runjok and Gaethel secondary sections and the Gaethel secondary section into Long and Nyarkwac tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmention is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmentation may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentiments of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmented structure and there is opposition between its parts. Members of any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. For example, [721] if there is a fight between Mor and Gun primary sections Runjok and Gwlich (the secondary segments of Gun primary segment), will unite against the combined Mor secondary sections. Both primary sections (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2)

578 The Nuer distinguish between various types of hostility:

628 721

1. *Dwar.* Individual duelling.
2. *Ter.* A feud within a tribe where compensation can be made.
3. *Kur.* A fight between tribes where no compensation can be made.
4. *Pur.* Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, The Nuer, 1940, p.139.
(2) Ibid., p.145.

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DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *joang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a parti..ular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 613 554

A Dinka adopted into a joint family is a *joang* to the people of the family. To people outside the family he is a member of it and his status [illegible] members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

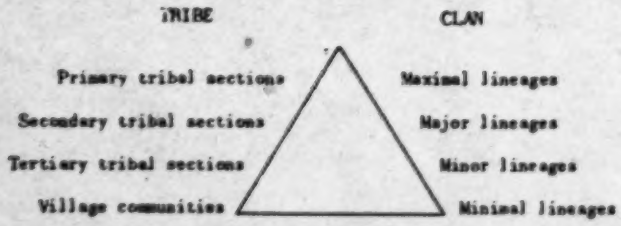
Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idiom. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originating agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 615 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.[illegible].
(2) Ibid., p.[illegible].

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

621 613 619 not corporate groups but are embodied in local communities through which they function structurally.(1) The tendency towards the co-ordination of territorial and lineage segmentation can be seen in various stages of territorial expansion between the household and the tribe.(2)



The action and interaction of the various tribal segments and the underlying principles of opposition and fusion are seen in operation when disputes and cases of homicide are dealt with, and in times of feud and war. This acephalous kinship system has a determining influence on the nature of the age sets, on the rules of exogamy, on the character of kinship, on the people, and indeed on every aspect of Nuer life.

NUER NAMES

551 Every Nuer has a personal or birth name (*cot pony*) which is given without ceremony by the parents shortly after birth; he may have a second personal name given by his maternal grand-parents. In later life, he is addressed as *gaa* (father) by the younger generation. In addition, everyone inherits a *cot pack*, an honorific or praise name of the clan of his father, which is used mostly on ceremonial occasions. A man's maternal kin will tend to use the honorific name of the mother's clan.

At initiation a man acquires an ox name derived from the colour or characteristics of the ox given him on this occasion by his father. A man is given his ox name by his age mates in particular. Maidens take ox names from the bulls calved by the cows they milk, but these are seldom used except at dances.

A dance name, nickname, or traditional name may be used in conjunction with ox names at dances. In addition a man is often addressed as 'son of --' followed by the name of his father. Among maternal relatives the matronymic is used instead of the patronymic used among paternal kinsmen. A man is called after his elder son by his in-laws, while a woman who has status in her husband's home in virtue of having borne him a child is addressed by the name of her eldest child. A Nuer, therefore, may be addressed by a number of different names or titles. The one actually used on any occasion depends on the age, relationship, and clan of the speaker, and also on the response and mode of behaviour which it is intended to evoke.(3)

(1) Evans-Pritchard, *The Nuer*, 1940, p.240. (2) *Ibid.*, p.248.
(3) Evans-Pritchard, *Uganda Journal*, 1948, Vol.12, No.2, p.164.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 561 cribing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

233 621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

233 581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

233 421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

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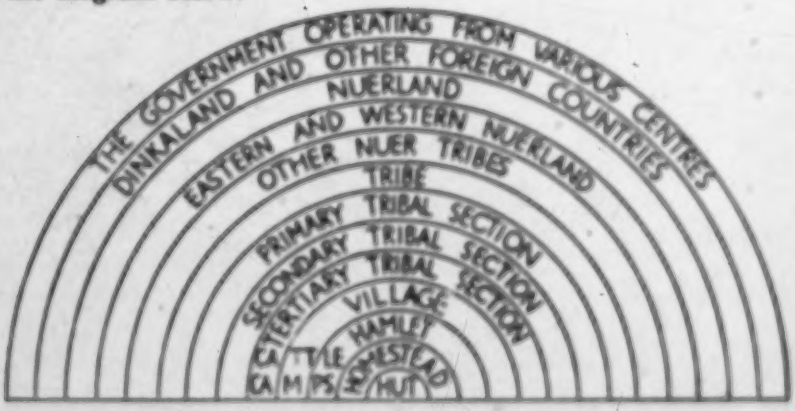
already made, we will give immediate consideration only to political distance and only to some characteristics of it.

631 Nuer give values to local distributions. It might be thought a simple matter to discover what these values are, but since they are embodied in words, one cannot understand their range of reference without considerable knowledge of the people's language and of the way they use it, for meanings vary according to the social situation and a word may refer to a variety of local groups. It is, nevertheless, possible to differentiate them and to make a crude formal classification of them, as we have done in the diagram below.



Nuer Socio-Spatial Categories.

592 A single living but (*dwil* or *ut*) is occupied by a wife and her children and, at times, by her husband. They constitute a 621 simple residential family group. The homestead, consisting of a byre and huts, may contain a simple family group or a polygamous family and there are often one or two kinsmen living there as well. This group, which we call a household, is often referred to as the *gol*, a word which means 'hearth'. A hamlet with gardens and waste land around it is called *dhor* and each has its special name, often derived from some landmark or from the name of the senior kinsman living there. A hamlet is 621 generally occupied by close agnatic kinsmen, often brothers, and their households, and we call this group of persons a joint family. As these groups are not treated in our account we say no more about them. It must be remembered, however, that a

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621

village is not an unsegmented unit but is a relation between a number of smaller units.

The village is a very distinct unit. It is sometimes referred to as *thur*, a ridge of high ground, but generally as *cieng*, a word which may be translated 'home', but which has such a variety of meanings that we shall devote a special section to it. A village comprises a community, linked by common residence and by a network of kinship and affinal ties, the members of which, as we have seen, form a common camp, co-operate in many activities, and eat in one another's byres and windscreens. A village is the smallest Nuer group which is not specifically of a kinship order and is the political unit of Nuerland. The people of a village have a feeling of strong solidarity against other villages and great affection for their site, and in spite of the wandering habits of Nuer, persons born and bred in a village have a nostalgia for it and are likely to return to it and make their home there, even if they have resided elsewhere for many years. Members of a village fight side by side and support each other in feuds. When the youths of a village go to dances they enter the dance in a war line (*dep*) singing their special war chant.

A cattle camp, which people of a village form in the drought and in which members of neighbouring villages participate, is known as *wer*. While this word has the meaning of 'camp' in contrast with *cieng*, 'village', both words are used in the same general sense of local community. Thus when it is said of a certain clan that they have no *wer* we are to understand that they nowhere in a tribal section or village form a dominant nucleus of the community and that, therefore, no local community takes its name from them. A large camp is called after the dominant lineage in it or after the village community who

FIG. 11. Hoes and ebony spears.

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occupy it, and small camps are sometimes named after an old person of importance who has erected his windscreen there. We have seen that the social composition of a camp varies at different times of the drought from the people of a hamlet to the people of a village, or of neighbouring villages, and that men sometimes camp with kinsmen living in camps other than those of their own villages. Consequently, while local communities of the rains tend to be also local communities in the drought their composition may be somewhat different. We again emphasize that not only are the people of a camp living in a more compact group than the people of a village, but also that in camp life there is more frequent contact between its members and greater co-ordination of their activities. The cattle are herded together, milked at the same time, and so on. In a village each household herds its own cattle, if they are herded at all, and performs its domestic and kraal tasks independently and at different times. In the drought there is increasing concentration and greater uniformity in response to the greater severity of the season.

We sometimes speak of a district to describe an aggregate of villages or camps which have easy and frequent intercommunication. The people of these villages take part in the same dances, intermarry, conduct feuds, go on joint raiding parties, share dry season camps or make camps in the same locality, and so on. This indefinite aggregate of contacts does not constitute a Nuer category or a political group, because the people do not see themselves, nor are seen by others, as a unique community, but 'district' is a term we employ to denote the sphere of a man's social contacts or of the social contacts of the people of a village and is, therefore, relative to the person or community spoken about. A district in this sense tends to correspond to a tertiary or a secondary tribal segment, according to the size of the tribe. In the smallest tribes a whole tribe is a man's district, and a district may even cut across tribal boundaries in that in a large tribe a border village may have more contacts with neighbouring villages of another tribe than with distant villages of its own tribe. The sphere of a man's social contacts may thus not entirely coincide with any structural division.

A number of adjacent villages, varying in number and total

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648 In 1920 large-scale military operations, including bombing and machine-gunning of camps, were conducted against the Eastern Jikany and caused much loss of life and destruction of property. There were further patrols from time to time, but the Nuer remained unsubdued. In 1927 the Nuong tribe killed their District Commissioner, while at the same time the Lou openly defied the Government and the Gaawar attacked Duk Faiyuil Police Post. From 1928 to 1930 prolonged operations were conducted against the whole of the disturbed area and marked the end of serious fighting between the Nuer and the Government. Conquest was a severe blow to the Nuer, who had for so long raided their neighbours with impunity and whose country had generally remained intact.

X

000 In our account of Nuer time-reckoning we noted that in one department of time their system of reckoning is, in a broad sense, a conceptualization, in terms of activities, or of physical changes that provide convenient points of reference for activities, of those phases of the oecological rhythm which have peculiar significance for them. We further noted that in another department of time it is a conceptualization of structural relations, time units being co-ordinate with units of structural space. We have given a brief description of these units of structural space in its political, or territorial, dimension and have drawn attention to the influence of oecology on distribution and hence on the values given to the distribution, the interrelation between which is the political system. This system is not, however, as simple as we have presented it, for values are not simple, and we now attempt to face some of the difficulties we have so far neglected. We start this attempt by asking what it is the Nuer mean when they speak of their *cieng*.

196 Values are embodied in words through which they influence behaviour. When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, •621 &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, of all social groups: their structural relativity.

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What does a Nuer mean when he says, 'I am a man of such-and-such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question he will tell one that his home is in Oxfordshire, whereas if one meets him in that county he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng Nath*, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of various dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers. I emphasize this character of structural distance at an early stage because an understanding of it is necessary to follow the account of various social groups which we are about to describe. Once it is understood, the apparent contradictions in our account will be seen to be contradictions in the structure itself, being, in fact, a quality of it. The argument is here introduced in its application to local communities, which are treated more fully in the next chapter, and its application to lineages and age-sets is postponed to Chapters V and VI.

829

A man is a member of a political group of any kind in virtue of his non-membership of other groups of the same kind. He sees them as groups and their members see him as a member of a group, and his relations with them are controlled by the structural distance between the groups concerned. But a man

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does not see himself as a member of that same group in so far as he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments. 829

Therefore the diagram presented on p. 114 illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer political structure: the smaller the local group the stronger the sentiment uniting its members. Tribal sentiment is weaker than the sentiment of one of its segments and the sentiment of a segment is weaker than the sentiment of a village which is part of it. Logically this might be supposed to be the case, for if unity 186 626 619 571

[See category 116 — Analyst]

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186 within a group is a function of its opposition to groups of the
621 same kind it might be surmised that the sentiment of unity
619 within a group must be stronger than the sentiment of unity
571 within a larger group that contains it. But it is also evident that the smaller the group the more the contacts between its members, the more varied are these contacts, and the more they are co-operative. In a big group like the tribe contacts between its members are infrequent and corporate action is limited to occasional military excursions. In a small group like the village not only are there daily residential contacts, often of a co-operative nature, but the members are united by close agnatic, cognatic, and affinal ties which can be expressed in reciprocal action. These become fewer and more distant the wider the group, and the cohesion of a political group is undoubtedly dependent on the number and strength of ties of a non-political kind.

It must also be stated that political actualities are confused and conflicting. They are confused because they are not always, even in a political context, in accord with political values, though they tend to conform to them, and because social ties of a different kind operate in the same field, sometimes strengthening them and sometimes running counter to them. They are conflicting because the values that determine them are, owing to the relativity of political structure, themselves in conflict. Consistency of political actualities can only be seen when the dynamism and relativity of political structure are understood and the relation of political structure to other social systems is taken into consideration.

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family, many children, marriage alliances, wealth in cattle, prowess as a warrior, oratorical skill, character, and often ritual powers of some kind, all combine in producing an outstanding social personality who is regarded as head of a joint family and of a cluster of cognatic kinsmen and affines, as a leader in village and camp, and a person of importance in the rather vague social sphere we call a district. It is easy to see in village or camp who are its social leaders, and it is these people who have furnished the administration with most government chiefs, for the influence of the leopard-skin chief is mainly restricted to the circuit of his ritual functions and only if he is also a *gat twot* does he exercise influence beyond these limits.

When we ask, however, in what way a *tut* acts as a leader in his community it is difficult to answer. As the chief man of his family and joint family he takes the most prominent part in settling the affairs of these groups, but he cannot on that account be said to have political authority, for these domestic groups act independently of others in the village, though some co-ordination between them is imposed by their common requirements. A joint family decide on the advice of their *tut* to change camp and the *tut* is supposed to drive in the first tethering peg in the new camp, if he is present, but other joint families of the same camp may decide not to move till another day. Leadership in a local community consists of an influential man deciding to do something and the people of other hamlets following suit at their convenience. When villagers co-operate, there is no appointed leader to organize their activity. If some members of a village are attacked the others rush to their assistance, headed by the swiftest and bravest, but there is no one who calls on them to do so or who organizes their resistance. A village is a political unit in a structural sense, but it has no political organization. There is no headman or other appointed leader invested with authority who symbolizes its unity and no village council. Beyond his domestic groups a *tut* has authority in his village only in the sense that he takes a prominent part in questions of procedure and other discussions. Outside his village he is a well-known person who is generally respected in his district, but he has no political status.

In larger groups than a village and camp there is far less

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Gaagwong section. Nyang is shown as a short line at the side of Jok because, although the lineage which springs from him belongs to the group of lineages founded by Thiang, they live in the Gaagwang tribe together with a lineage descended from Jok, and the Gaagwang tribe is closely associated with the Gaajok tribe. The Nuer, outside certain ritual situations, evaluate clans and lineages in terms of their local relations. Herein lies the importance of these groups for this study. 613 614

IV

Nuer lineages are not corporate, localized, communities, though they are frequently associated with territorial units, and those members of a lineage who live in an area associated with it see themselves as a residential group, and the value, or concept, of lineage thus functions through the political system. Every Nuer village is associated with a lineage, and, though the members of it often constitute only a small proportion of the village population, the village community is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the common designation of the village community by the name of the lineage. It is only in reference to rules of exogamy, certain ritual activities, and to a very limited extent to responsibility for homicide, that one needs to regard lineages as completely autonomous groups. In social life generally they function within local communities, of all sizes from the village to the tribe, and as part of them. 613 621

A Nuer rarely talks about his lineage as distinct from his community, and in contrast to other lineages which form part of it, outside a ceremonial context. I have watched a Nuer who knew precisely what I wanted, trying on my behalf to discover from a stranger the name of his lineage. He often found great initial difficulty in making the man understand the information required of him, for Nuer think generally in terms of local divisions and of the relations between them, and an attempt to discover lineage affiliations apart from their community relations, and outside a ceremonial context, generally led to misunderstanding in the opening stages of an inquiry.

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I must here again refer to the term *cieng*, which has been a source of confusion in Nuer studies. A Nuer does not normally say that he is a man of such-and-such a *thok dwiel* (lineage) when he denotes his social position, but says that he is a man of a certain local community, *cieng*. Thus he says he is a man of *cieng* Mar, *cieng* Pual, *cieng* Leng, *cieng* Gaatbal, and so on (see diagram on p. 196). What he is telling you is that he is a member of a group of people who live together in a village or district or tribal section. In ordinary situations of social life it is irrelevant whether he is, or is not, a member of the lineages from which these local communities derive their names. Moreover, since in ordinary speech a lineage-name has a local rather than a strict kinship connotation, those who share community life with the members of the lineage speak of themselves as though they also were members of it, because politically they are identified with it. Thus the word *cieng* is often used in an ambiguous sense which leaves lineage affiliation uncertain, since it is irrelevant, and it may, in consequence, be difficult, without much probing, to discover to what lineage a man belongs.

A *cieng*, in the sense of 'homestead', is called after the man who owns it, e.g. the homestead of Rainen is called '*cieng* Rainen'. When Rainen is dead and his sons and younger brothers and nephews live in his home they may call the hamlet after him, and it will be said that they are all members of *cieng* Rainen. If Rainen was an important man, and proves to have been the begetter of a strong line of descent, the whole village wherein live his agnatic heirs, and strangers who have intermarried with them or in other ways become attached to them, may thus become known as '*cieng Rainen*'. In course of time his descendants multiply and constitute the nucleus of a tribal section which is called '*cieng* Rainen'. Hence it has come about that many tribal sections are called after persons, e.g. *cieng* Minyaal, *cieng* Dumien, *cieng* Wangkac, &c. A lineage thus becomes identified in speech with the territory it occupies; the district occupied by the major lineage of WANGKAC, for example, being known as *cieng* Wangkac. A Nuer then talks about the local community and the lineage which is its political nucleus as interchangeable terms. He even speaks of *cieng* WANGKAC when he means the WANGKAC lineage. This habit confuses a European, since the WANGKAC lineage and the people who live in the Wangkac section are by no means the same.

If you ask a Lou man what is his *cieng* you are asking him where he lives, what is his village, or district. Suppose that he replies that his *cieng* is *cieng* Pual. You can then ask him what his *cieng* forms part of, and he will tell you that it is a part of *cieng* Leng.

[See cat. 116, — Analyst]

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giving the name of a tertiary tribal section. If you continue to interrogate him he will inform you that *cieng* Leng is part of *cieng* Gaatbal, a secondary tribal section, and that *cieng* Gaatbal is a division of the Gun primary section of the Lou tribe. But he has told you nothing about his clan affiliation. He may or may not be a member of the PUAL lineage, which forms part of the LENG lineage, which forms part of the GAATBAL lineage, which is part of the clan of JINACA or GAATGANNACA, the people of Nac or the children of the children of Nac. In the same way, if a Jikany man tells you that he belongs to *cieng* Kwith of the Gaajok it does not follow that he is descended from Kwe (Kwith) who is descended from Jok the founder of the GAAJOK lineage of the GAATGANKIR clan, the children of the children of Kir. He may merely mean that he lives in a tribal section occupied by the KWITH lineage of this clan. But these men will not tell you that they are not members of the dominant lineages in these sections, and will allow you to assume that they are, for in community relations there is a degree of linguistic assimilation of all residents other than members of the dominant lineage to that lineage, and people do not wish the fact that they are strangers in the tribal area to be publicly stressed, especially if they are of Dinka origin.

The assimilation of community ties to lineage structure, the expression of territorial affiliation in a lineage idiom, and the expression of lineage affiliation in terms of territorial attachments, is what makes the lineage system so significant for a study of political organization.

V

In emphasizing the relations between lineages and local communities we speak mainly of those lineages which are segments of the dominant clans in the different tribes. It is these which have the greater political importance. We speak of them more fully in later sections. Here we give a preliminary account of how they are associated with tribal segments and how they act in those segments as a framework of the political structure.

The two diagrams which follow show the main lineages of the dominant clans among the Lou and Eastern Jikany tribes and the larger tribal sections in which they are dominant. The lines of descent are traced only as far as is necessary to illustrate the argument which follows. They may be compared with the trees

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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 clining, his garden exhausted, his relations with some of his neighbours uncongenial, or merely if he is restless, he moves to
607 a different part of the country and resides with some kinsmen.
601 It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *ficiengtho*, in-laws, and their children accepted as *gaat wär*, children of the mother's brother, while the people they join are to them *ciang cowimar*, the people of my sister's husband, and *gaat wual*, children of a female agnate, and *gaat wana*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to *settle in Ciang Kwoth I am a man of Ciang Kwoth*', *he meant* that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even more so. A minimal, and then a minor, lineage comes into being
621 which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of agnatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

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613 and become attached to larger and stronger lineages by processes
621 which we will explain later.

Nevertheless, a Nuer lineage never entirely merges into
613 another clan. There are always certain ritual observances
621 which cannot be shared. If intermarriage creates community
614 ties between two lineages, it likewise keeps them distinct, since
[582] one may only marry those who are not of one's agnatic group, and even if two lineages intermarry to such an extent that cognatic relationship is a bar to further marriage between them, then each may marry into collateral lineages of the other's clan and children of their daughters. If a mythological link forges a closer union between them it is also a record of their different lines of descent, explaining, indeed, how people of divergent descent are living together amicably. Thus a lineage, however far removed from its homeland and however widely separated from its kinsfolk, never becomes entirely absorbed or loses its ritual heritage. A lineage can only merge with a collateral lineage of the same clan.

But though lineages maintain their autonomy, the lineage value only operates in the restricted field of ceremonial and is, therefore, only occasionally a determinant of behaviour. Community values are those which constantly direct behaviour, and these operate in a different set of social situations to lineage values. *While lineage values control ceremonial relations between groups of agnates, community values control political relations between groups of people living in separate villages, tribal sections, and tribes. The two kinds of value control distinct planes of social life.*

It is, as we explain in the following sections, only the close association between a tribe and its dominant clan, and lineages in one way or another related to this dominant clan, that makes the agnatic principle in lineage structure politically important, for these lineages function as values in the political system which gives them corporate substance.

VI

614 In spite of so much dispersion and admixture of clans there is
619 in every tribe a definite relation between its political structure and the clan system, for in each tribe a clan, or a maximal lineage

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619 At a cursory glance, I gathered that conditions were elsewhere
565 the same in western Nuerland, except, perhaps, among the
554 Jikany where the status of *diel* may be more enhanced. Among the Eastern Jikany one finds the greatest insistence on social differentiation and legal privilege. The category of *diel* tends to be more stressed in the larger tribes than in the smaller, and when its structural function has been examined it will be understood why this is so.

613 In a Nuer village or cattle camp there are seldom more than
621 a few families of *diel*. Most people are either *rul*, Nuer of other
563 clans, or *jaang*, persons of Dinka descent who have not been
565 adopted into Nuer lineages. A *rul* is a Nuer who in a certain tribe is not a *dil*, though he may be a *dil* in another tribe. I have already described how lineages split off from their localized kinship groups, wander, join persons of other clans, and become members of a new community. This process was well described to me by a man of the Dok tribe. Members of a lineage beget children and they become numerous and spread over the countryside, wandering here, there, and everywhere. Then their close relationship ends and they go to live in the midst of other clans who are distantly related to them. Here they dwell as friends and slowly forge new cognatic relationships by intermarriage. Hence lineages are much mixed in all local communities.

613 Also Nuer say that no *dil* dwells in a social milieu composed
565 entirely of fellow aristocrats, for lineages of *diel* split up and
554 segments seek autonomy by becoming the nuclei of new social agglomerations in which they are the aristocratic element. Thus lineages of *diel* split up not only on account of internal dissension, but because a man of personality likes to found his independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. I was told that this process by which any man, especially a *dil*, could become a local leader is felt to be ingrained in their social system and is a reason why they object to the creation by the Government of a few local 'chiefs' whose position tends to become formalized, permanent, and hereditary. To them this is a rigid interpretation of status, based on territorial rather than personal qualifications, which stabilizes the superiority of a single man or lineage. Every man of standing feels that

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628 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed no compensation would be paid for the homicide. A Leek man travelling through
621 Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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the kinship system has admitted them into its political structure on a basis of equality. 563 619

IX

A large number of Dinka who were not captured as children are not adopted into Nuer lineages, and Nuer strangers cannot be adopted into lineages of the dominant clan or into any other Nuer lineages. Nevertheless, members of all local communities, whilst they see themselves as distinct segments in relation to other local segments, express their relations to one another in terms of kinship. This is brought about by intermarriage. 563 609 602

We mention the rules of exogamy as briefly as possible and only in so far as they have a direct bearing on the political system. Nuer generally marry within their tribe, though they sometimes marry women of other tribes, especially if they live near the border. Sometimes, also, a man marries in one tribe and then, taking his wife and family with him, goes to live in another tribe. In recent times there have been occasional marriages with the Ngok, and possibly with other Dinka tribes. There are no exogamous rules based on locality. They are determined by lineage and kinship values. A man may not marry into his clan and, *a fortiori*, into his lineage. In most clans a man may marry into his mother's clan, but not into her maximal lineage, though this rule is less exact. A man may not marry any woman to whom he is in any way closely related. A Dinka adopted into a lineage may not marry into that lineage, but may marry into collateral lineages of the same clan. 563 609 582

The rules of exogamy have been cursorily described. Nevertheless we consider them important, for the values which chiefly regulate behaviour between one person and another in Nuer society are kinship values. Nuer rules of exogamy break down the exclusiveness of agnatic groups by compelling their members to marry outside them, and thereby to create new kinship ties. As the rules also forbid marriage between near cognates, a small local community like a village rapidly becomes a network of kinship ties and its members are compelled to find mates outside it. Any stranger who enters the village, if he is not already related to most of its members, rapidly enters into affinal relations with them and his children become their kinsmen. Consequently the population of a Nuer village or cattle camp 582 602 621

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can be placed on a single genealogical chart showing lines of descent and affinity, and, since affinity is fundamentally a relationship through kinship, we may say that all members of a village or camp are united by kinship ties and, therefore, are generally unable to marry into it. Consequently they are forced to take spouses from neighbouring villages of their district. Normally a man marries a girl who lives within visiting distance of his village. Hence a network of kinship ties stretches over a district and links in diverse ways the members of distinct political groups.

Looked at from the angle of a single village the circle of close kinship relations is limited to a small radius, and they tend to become fewer and more distant the nearer its periphery is approached. But the circumference of one such circle is intersected by other circles, so that there is no limit to the extension of a continuous series of kinship links. Exogamous rules, therefore, prevent the formation of autonomous agnatic groups and create extensive kinship ties within, and beyond, the tribal structure. Thus the kinship system bridges the gaps in political structure by a chain of links which unite members of opposed segments. They are like elastic bands which enable the political segments to fall apart and be in opposition and yet keep them together. This relation between kinship and political structure poses a set of complex problems. Here we wish to demonstrate only one point: the way in which dominant lineages serve as a political framework by the accretion of other lineages to them within local communities.

613 621

We have seen how every local community is associated with a lineage and that the members of this lineage who live in the community are numerically swamped by members of other lineages. We have also seen how all members of the community are in some way or other related by kinship. What gives a pattern to this complicated criss-crossing of cognatic threads is their relation to the dominant lineage of the community.

The Nuer have a category of *gaat nyiot*, children of girls, which includes all persons who are in the relationship of sister's son and daughter's son to a lineage. As a whole lineage can be spoken of as *gaat nyiot* to another if there is one such female link between them anywhere in the lines of their descent,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and as there must be such a link if they live in the same community, owing to the rules of exogamy, it follows that people who live together are all *gaat wyiet* to one another. However, it is in relation to the dominant lineage of a community that the concept is mainly employed and is politically important. When people are not members of this lineage it is stressed that they are *gaat wyiet* to it. Nuer of other clans can never more closely identify themselves with the dominant lineage, because, for ritual reasons, they must remain autonomous units, but politically they accrete themselves to it through this kinship category. Moreover, outside ritual situations, being *gaat wyiet* to a dominant lineage gives people complete equality with it, and their accretion to it is often expressed in terms of lineage structure, so that a man will often give his ascent to the woman of the dominant lineage who bore one of his ancestors, and thus graft himself, through her, on to their tree of descent; though this is more usually done by Dinka than by Nuer. It is, however, the common practice for children of strangers who have been brought up at the home of their maternal kinsmen, who are aristocrats, to regard themselves as members of their mother's lineage, except in ceremonial situations, and to consider its members, rather than their father's lineage, as their true kinsmen.

Dinka who have not been adopted commonly trace their ascent to a female Nuer forebear and through her they graft themselves into a Nuer lineage and are accepted as members of it in ordinary social relations. Thus a Dinka often gives his ascent to the dominant lineage of his community through a woman, and sometimes through two or three female links, and though this is generally evident from female prefixes it cannot always be known. These Dinka individuals incorporate themselves into the structure of a Nuer lineage through their mothers, since they have no lineage structure of their own. This is different from the stressing of a female link (*gaat wyiet*) which unites a group of Nuer strangers or of Dinka to the dominant lineage of their tribal section and also from matrilineal modes of reckoning descent due to matrilineal conditions of residence, which may be temporary.

Owing to exogamous rules lineages are thus linked by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 innumerable cognatic ties, so that however many lineages there
621 may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

000 We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces
608 residential relations into a kinship pattern. A third way is by
609 mythological creation of kinship fictions, and this way is appro-
563 priate to relations between dominant lineages and stranger and
773 Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

2;Evans-Pritchard E-5 (1931, 1936) 1951
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CHAPTER I

KINSHIP AND THE LOCAL COMMUNITY

I

In *The Nuer* I stated that the village is the smallest corporate group of a political kind among the Nuer and that in reading my description of their political structure the reader would have to take for granted the network of kinship and affinal ties within a village. I must now ask him to remember that, though I describe in this book relationships between persons within local communities without again describing the wider political structure, the local communities within which these relationships function and which they serve to maintain are the basic units of that structure. I must also make it plain that in *The Nuer* I was chiefly interested in the relation of clan segmentation to tribal segmentation, and therefore in discussing lineages gave chief attention to the systematic form their structure presents when co-ordinated with tribal, or political, structure. To avoid misunderstanding it is desirable to emphasize that in Nuerland there are also small lineages which have fewer branches and less depth than the dominant clans to which I gave particular attention in my book. These less systematized descent groups may be associated with local communities smaller than tribes and their larger segments, but they are only associated with them in terms of the tribal structure as a whole through some relationship to its dominant clan; and sometimes they are not associated with local communities at all.

The Nuer village (*cieng*) is a corporate group with a feeling of solidarity. Though its members have contacts with persons in neighbouring villages, and even in other sections of their tribe and in adjacent tribes, the greater part of their activities are carried out within their own village community and their strongest ties are generally with other members of it. Nuer have great affection for their homes and, in spite of their wandering habits, men born and bred in a village are likely to return to it even if they live elsewhere for some years. Villagers fight side by side in defence and attack and they support one another in feuds. When their youths attend dances in the district they enter them

2:Evans-Pritchard E-5 (1931,1936) 1951
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*621 in a war line (*dep*) singing their special war chant, and they remain together during the dancing lest some incident should lead to fighting, for it sometimes happens that when the dancing parties of different villages duel their play passes into fighting. Villagers also have close economic relations and common economic interests which make a village a corporation owning its cultivations, water-supplies, fishing-pools, and grazing grounds; the ownership being spoken about in terms of the lineage with which the village is socially identified. There is, especially in the smaller villages, much co-operation in labour and much sharing of food. At the beginning of the drought the villagers may scatter to camp round different pools in the bush and some families, and even large aggregates of relatives, may spend the dry season with kinsmen of different villages, but the scattering is temporary. As a rule, families which live in the same village in the rains share the same cattle camp (*wec*) at the height of the drought.

Nevertheless, in spite of their many contacts with one another and of their concerted action in their relations with other villages, there may be rivalries between members of different parts of a single village. This is more noticeable in the larger villages, where groups of kin occupy distinct sections of the village site and have a feeling of exclusiveness towards each other. '*W'a pekda*', 'I go to my end (of the village)', often indicates, besides direction, a sectional loyalty.

361 Nuer villages, called after the names of their sites, vary in size and form, both of which depend largely on local conditions. Some are small communities of not more than a few families living on riverside mounds, accumulations of debris which have been dwelling places for long periods. They may be regarded as colonies attached to larger communities. Larger villages, of some hundreds of souls, are generally strung out along the backs of ridges, but where there is a wide stretch of high ground a village may be distributed in all directions over several miles of country.

Indeed, it is a characteristic of all Nuer villages, to which Jules Poncet alludes,* that they are spread out as freely as the nature of the ground permits in little groups of habitations, each separated generally from its neighbours by some fifty to several hundred paces. A group of this kind often consists of a single homestead, a cattle byre with its attendant hut or huts, the dwelling of a family.

* Jules Poncet, *Le Fleuve Blanc*, 1893-4, p. 40.

2:Evans-Pritchard E-5 (1931,1936) 1951
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000 inter-relations of collateral lineages because they do not here directly concern us.

III

621 602 Having made what preliminary explanations seemed to be necessary, I record some examples of the network of kinship ties in typical Nuer villages and camps.

As I have said earlier, members of a village are all *mar*, kin, to one another: any villager can trace kinship to every other person in his village, either by a direct kinship tie or through a third person who is in different ways related both to himself and the other person. Furthermore, he can establish kinship of some kind —real, by analogy, mythological, or assumed—with everybody he comes into contact with during his lifetime and throughout the length and breadth of Nuerland; and this is necessary if he has frequent dealings with them, for all social obligation of a personal kind is defined in terms of kinship. But within his local community the links are definite and well known. All members of a village or cattle camp can be placed on a single genealogical chart showing relationship by blood, adoption, and marriage.

[101] 361 The village of Konye is on a site on the left bank of the Pibor and a few miles to the south of Akobo Post. It is on the periphery of Nuerland, on their present-day frontier with the Anuak, and has only recently been used by Nuer, of the Lou tribe, as a permanent wet-season settlement, though they have probably long camped on the site in seasons of severe drought. Nevertheless, the social cluster found in occupation of it in May 1935 is typical of small communities in every part of Nuerland. In that year the village consisted of eleven homesteads perched on a high mound some eighty paces in diameter with four attached homesteads lying between four hundred and six hundred paces to the south of the mound. On a rough estimate the population of the village and attached homesteads was eighty to a hundred souls. I spent only a 124 few days in the village and restricted my inquiries there to an effort to discover its genealogical pattern by ascertaining the kinship ties between the men who owned the fifteen cattle byres, that is to say, between the fifteen heads of families of the settlement. This might seem a simple task, but in Nuerland, where people do not co-operate in an inquiry of this kind, it is by no means so, and

2,Evans-Pritchard E-5 (1931, 1936) 1951
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the genealogy had to be pieced together by asking why each owner of a byre had come to live at Konye, a question answered by mentioning his relationship to someone already living in the village. There may be other ties of kinship or affinity between members of the different families which have not been recorded. There may also be more domestic unions other than the union of simple legal marriage than those shown on the chart. Irregular unions are not easily unearthed in a rapid survey which is not directed to that end. The genealogical table, which includes the owners of the outlying homesteads, is not a complete record of all the persons living at Konye. 124

The chief man of the village is Rue-Wor (homestead 8), and his son Deng-Rue (homestead 11) is the chief man of the outlying hamlet. The community is grouped round Rue, who, although he belongs to the Gaawar clan and therefore counts as a stranger (*rul*) and not as an aristocrat (*dol*) in the Lou tribal territory where he resides, is the *rot*, the 'bull', as Nuer say, of this community. A man holding this social position is also sometimes referred to as *ruei wer*, an expression which appears to mean 'spirit of the camp (community)'. There are several Lou tribal aristocrats in the village, but they have only a lineage, and no special personal status in it. Kinsmen of the villagers from the interior of Lou country spend the dry season in the village. 621

I direct attention to some features of the genealogy which are typical of many small Nuer communities. The Konye community is not in itself in any sense a lineage group, though it is attached politically to one of the dominant Jinaca lineages of the Lou tribe. Its nucleus is the family of Rue-Wor, the 'bull' of the village, and linked to it, some in one way and some in another, are a group of kin related to Rue and to each other. Any relationship of a man with any other member of the community serves to attach him to it and to give him status in it, for any tie to a particular person gives him further ties with all its other members. The tie may be of different categories and of varying degrees of kinship. Within the complex of village kinship ties and the circuit of daily contacts all relationships are given equal weight, for what is significant is less the category or degree of kinship than the fact of living together in a small and highly corporate community. 621 602 601

It will be noted that a considerable proportion of the owners of byres in the villages are living there because of affinal relationships.

§ (cf. op. cit., p. 100) -- [illegible]

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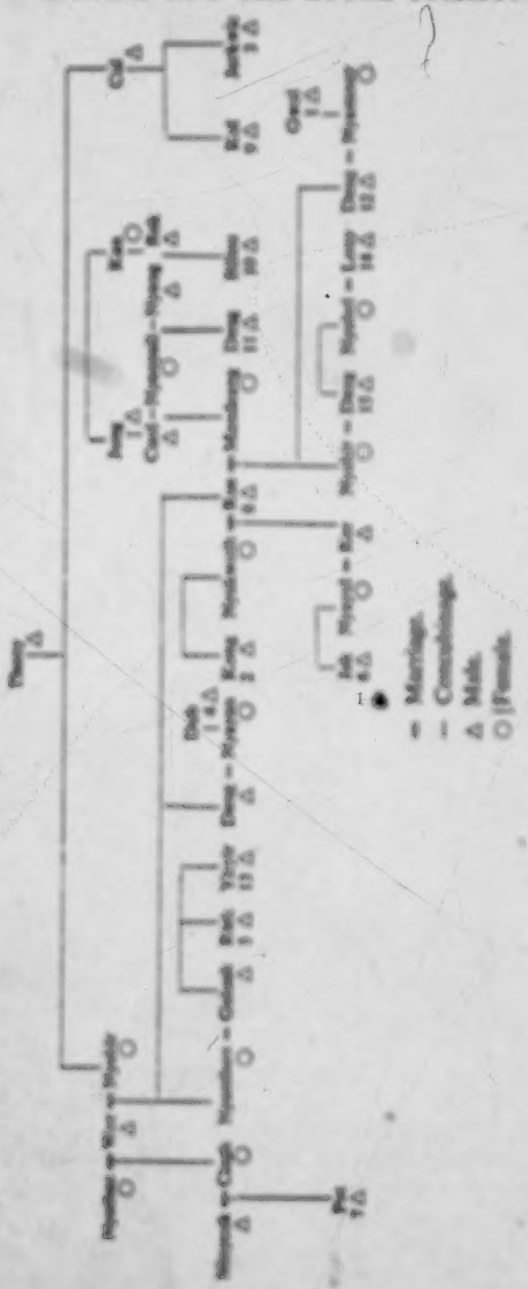
KINSHIP AND THE LOCAL COMMUNITY



KONYE VILLAGE

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621 and I must here say again that although *mar* is properly kin-
602 ship traced through father or mother, long-standing affinal re-
601 lationships count in Nuer eyes as being equal to kinship, being a kind of kinship through the children of marriage unions, especially when the affinal relatives live together, as so many of them do at Konye. As a Nuer at another village, Kurmayom on the Sobat river, put it: 'Well, you have seen my home and the people who live here; are they not the husbands of my sisters? Well, all our cattle are exhausted from giving them to our brothers-in-law. They are our people and form part of our community (*cieng*) Nyabor. Their children are known by the names of their mothers while they remain in our village. If they go to the homes of their fathers they will be known by the names of their fathers'. Affines may therefore be regarded in a general social sense as *mar* and we may speak of Konye community as a cluster of kin.

[101] My second example is the village of Nyueny in the Leek tribal territory of western Nuerland. I spent five weeks there in 1936. The village is spread along the arc of a sandy ridge for about a mile and a half. It comprises three hamlets, Nyueny, Dakyil, and Kamthiang, and about a mile to the north of it lies the hamlet of Dhorpan, the occupants of which used to form part of the main village. In 1936 the population of Nyueny was reckoned to be about 130 souls, distributed in twenty-six homesteads. As I had already recorded the genealogical pattern of other Nuer villages and camps I did not aim at drawing up a complete genealogy for Nyueny, but rather at a survey of domestic unions. Consequently the kinship links between the owners of four homesteads (numbers 1, 5, 22, and 26) and other persons in the village cannot be stated. This merely means that the relationship did not emerge from an inquiry conducted to other ends than their discovery, for links of some kind may confidently be assumed to exist. It should also be pointed out that there are other connexions between some of the persons whose names are shown on the chart which are not indicated there, though they are recorded elsewhere,* and there may be others unknown to me. Only persons significant for the present discussion are tabled, and I have simplified the presentation by treating ghost-marriages as though they were simple legal marriages.

* 'Some Aspects of Marriage and the Family among the Nuer', Rhodes-Livingstone Paper No. 11, 1951, pp. 16 ff.
{Op. cit. cite, p. (13) -- Preface}

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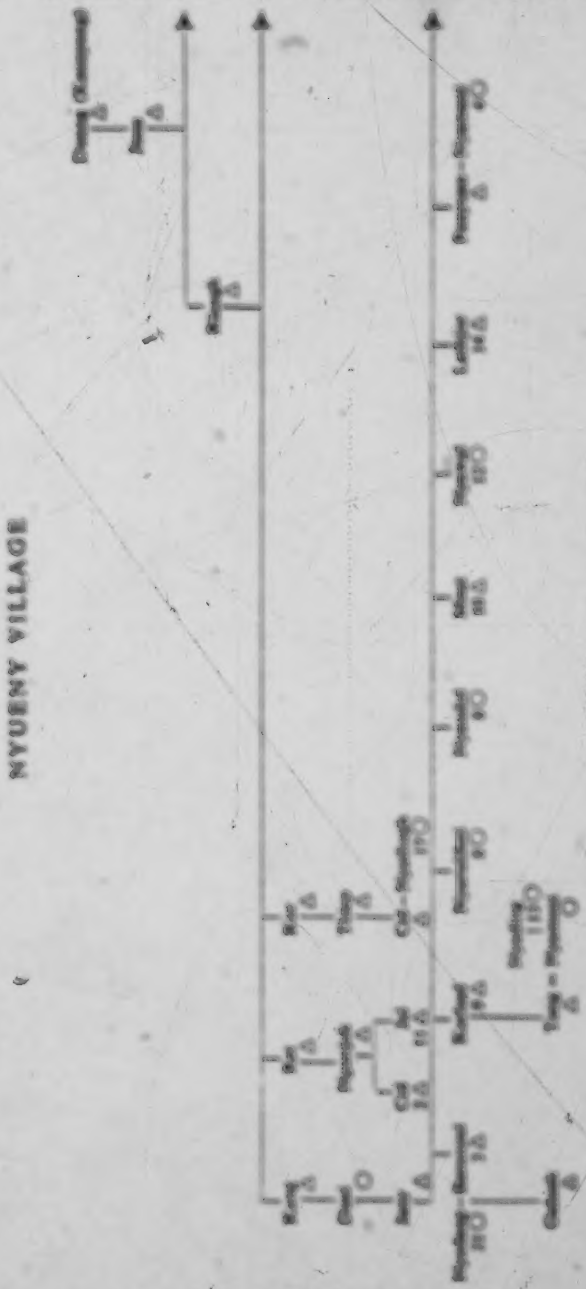

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KINSHIP AND THE LOCAL COMMUNITY

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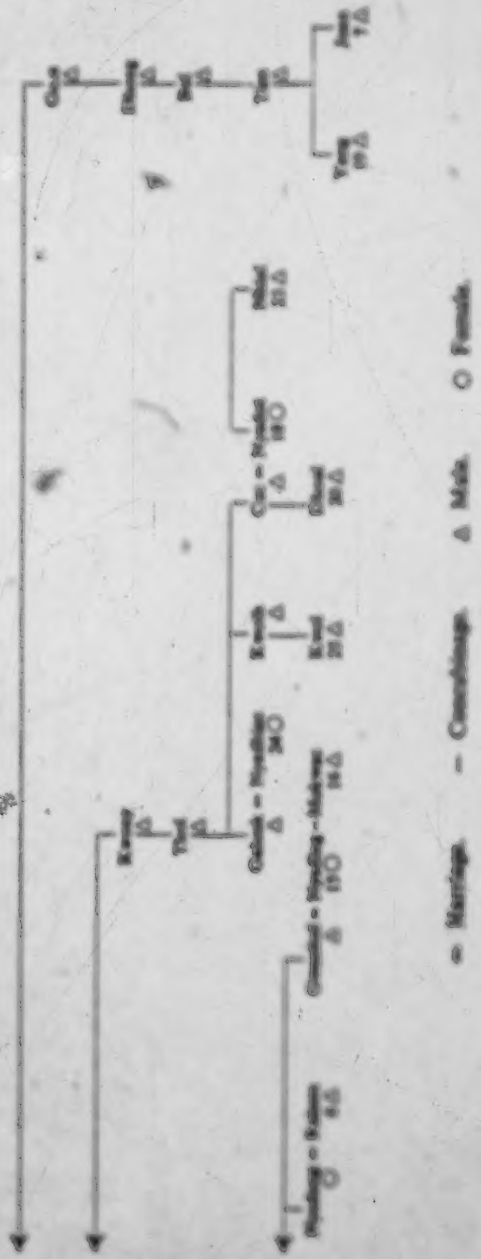

KINSHIP AND THE LOCAL COMMUNITY

621 613 614 602 The village site belongs to the Rieagh lineage of the Kenyang maximal lineage of the Gaatbol clan, the dominant clan in Leek tribal area of which Karlual area, where Nyueny is situated, is a section. Members of that lineage with their wives and concubines and their affines account for ten out of the twenty-six homesteads. The people of Nyueny hamlet, the central and northern parts of the village, are known as 'the children of Jany', and Jany's descendants with their wives and concubines and affines account for another ten homesteads. 'The children of Jany', whose *tut* is Karlual (homestead 98) count collectively as *gaatwar*, children of the paternal aunt, or, as Nuer often put it, *gaatwiri*, children of daughters, to the Rieagh lineage, whom they call *gaatwar*, children of the maternal uncle. The senior Rieagh men are the 'bulls' of the village in the tribal sense of the word *tut*.

621 602 It will again be observed that the village is not an exclusive lineage group (with its wives) but is a cluster of kin (including affines). In this case, however, there is a lineage core to the village community, and this core is that branch of the dominant clan of the tribe which owns the village site. Some members of its collateral minimal lineage, the Gom, also live in the village. I drew attention to further typical features. We saw that at Kenye many of the heads of families were living there because of affinal relationships with other members of the village. The counterpart to this is the relationship of sister's son to mother's brother, for when the children of a resident sister or daughter grow up in a village those who stand in an affinal relationship to their father stand in an avuncular relationship to them. This is a very significant feature of Nuer local communities and from it follows another common feature: in course of time a maternal link of this kind may be treated as though it were a paternal link and therefore within the genealogical structure of the principal lineage of the community. Jany's mother Duai is so treated. Nuer say of a woman who has this structural position that 'she has become a man'. Cognation becomes regarded for ordinary social purposes within community life as equal to agnation. A sister's son-mother's brother relationship may come about in a village not by a man going to live with his wife's people but by widows bringing their children to live with their own people after their husbands have died, a mode of residence which in certain circumstances may continue after the death of the mothers. This

[941]

[cf. [illegible], p. (12) -- [illegible]]

2;Evans-Pritchard E-5 (1931,1936) 1951
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is illustrated at Nyueny by the daughters of Jany. The widows may take lovers in the village, or they may take them from a different village and their lovers come to live with them. This custom is another feature of interest, for some ties between members of a village may be through widow-concubines, or even through unmarried concubines. Any such ties are *mar*, kinship. 621 602

Allowing for the fact I have mentioned that when people live together as members of the same small local community female links are often given equivalence to male links in a genealogy, a cluster of kin such as that of Nyueny can be presented as descended from a common ancestor. It might be described as a cognatic lineage, but in speaking of the Nuer I think it wise to restrict the term 'lineage' to a group of agnates within a system of such groups and to speak of a cluster like that of Nyueny as being a lineage to which are attached, on account of common residence, other lines of kin through females. For if an attached family or extended family of this kind were to leave the common residence the link which binds them to the lineage would cease to be significant for them and would lose its importance in favour of some new link more appropriate to their new attachment, whatever that might be, in their new village. Within a cluster of this kind relations between persons are regulated by the values of the kinship system; seen as a unit from the outside, and in its corporate relations with other village communities, lineage values are dominant. 621 602 613

I now examine the kinship texture of a cattle camp at which I resided for close on three months in 1931. Yakwac is a small mound on the left bank of the Sobat. Like Nyueny, it is on the periphery of Nuerland where the Lou tribe faces the small Bulak Dinka people who at one time occupied both banks of the river. I should explain that it was necessity rather than choice which led me to spend a large part of my time among the Lou Nuer at peripheral points. As I had no land transport and the Lou could not be induced to act as porters I had to rely on transport by canoe, and the larger rivers are in many places the tribal frontiers. [101] 361

Yakwac village consists—I speak of 1931—of only three byres and a few attached huts. The chief man of the village is Cam-Ceren, who owns one of the byres, the other two being owned by Bidoon, his brother, and Kirkir, a kinsman of his mother. The real 'staff' of the village is, however, Cam's mother, Nyagen, and the 621 602

[cf. op. cit. ch., p. (16) -- *Kinship*]

2:Evans-Pritchard E-5 (1931, 1936) 1951
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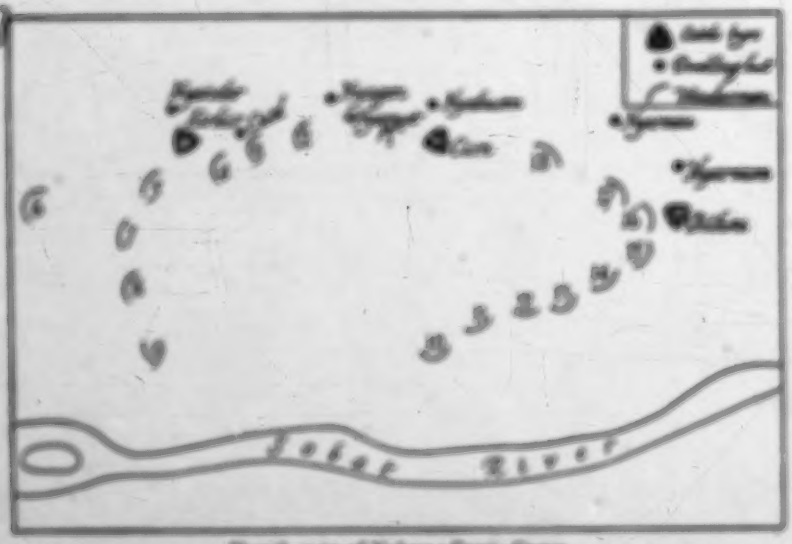
village is often spoken of as *cieng* Nyagon. She has what amounts to the honorary status of a man, not only on account of her age and kinship status, but also, and principally, because she is a Lou aristocrat and it is through her that Cam and his family link themselves on to the dominant lineage of the area in which they live, for Cam is a Jikany tribesman and, although an aristocrat in his own tribal territory, a stranger in the Lou country. He married his first wife to the name of his maternal uncle, Dar, with Dar's



Sketch-map of Yakwac Cam's Camp

cattle, so that his eldest son and the other children born of this wife count as Dar's children and not as his own; and as Dar and Cam are of different clans and tribes, the distinction between pater and genitor is emphasized. His eldest son, Wia, belongs to the dominant clan of the Lou territory and he does not.

In many years Cam's maternal kinsmen, the minor lineage known as *cieng* Puol, the community (of the descendants) of Puol, come during the dry season to water and pasture their cattle and to fish and bathe at Yakwac from their inland village of Majok in the Nyeed district. This minor lineage has four branches—the minimal lineages of Diel, Mabul, Kooth, and Mar—members of all of which figure in the genealogy of the camp.

The entire population of Majok was not at Yakwac in 1931, for

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The central population of Bujan was not at Yakwac in 1931, for many of its members, including most of the womenfolk, had remained inland and some families spent the dry season at other camps on the Sobat. The women who came to Yakwac slept in the huts of the village, so no grass beehive huts were erected. The population of the camp was about eighty souls. I have again simplified the genealogy by showing ghost-marriages as simple legal marriages, but I have indicated, as I have not done in the other genealogies presented in this chapter, those members of the camp who are known to be Dinka or of Dinka descent. Those among them who are shown as members of the Pual lineage have been adopted into one of its branches. The names of only a few women and none of small children are given in the genealogical table, which is intended to demonstrate the kinship ties between the occupants of the windscreens, all of whom, with the exception of the mother of Cam, are males.

A study of the genealogy of Yakwac cattle camp reveals the features we have already noted as being significant in the genealogy of Nyueny. It is a lineage structure—the lineage being a branch of the dominant clan in the tribal area and that branch which is dominant in the district in which the camp was formed—to which are attached other lines through females, thus giving the genealogy a cognatic form, and affines. In order to graft themselves on to the tree of this dominant clan the linked families trace their descent through females at the points of graft as though these women had been men. It was a long time before I discovered, for example, that Kirkir's paternal grandfather was Buom and not Kol. A rather unusual example in which this process is strikingly illustrated is the line of ascent of Deng-Nyajal through females in three generations to the point of graft, Gai. Nyanhial and her daughter Nyajal were captured by the Anuak on a raid into Lou country and for many years lived in Anuakland, where Deng was begotten by an Anuak father. In the camp Deng was always referred to as Deng-Nyajal after his mother and not as Deng-Cul after his father, because Nyajal, and not Cul, is genealogically significant in Deng's social milieu. In the same way we referred always to Cuol as Cuol-Mer and not as Cuol-Rwac. In this cluster of kin at Yakwac camp the importance of affinal and maternal ties is evident.

I have indicated Dinka origins where I have satisfactory evidence for them, partly to show the very considerable absorption

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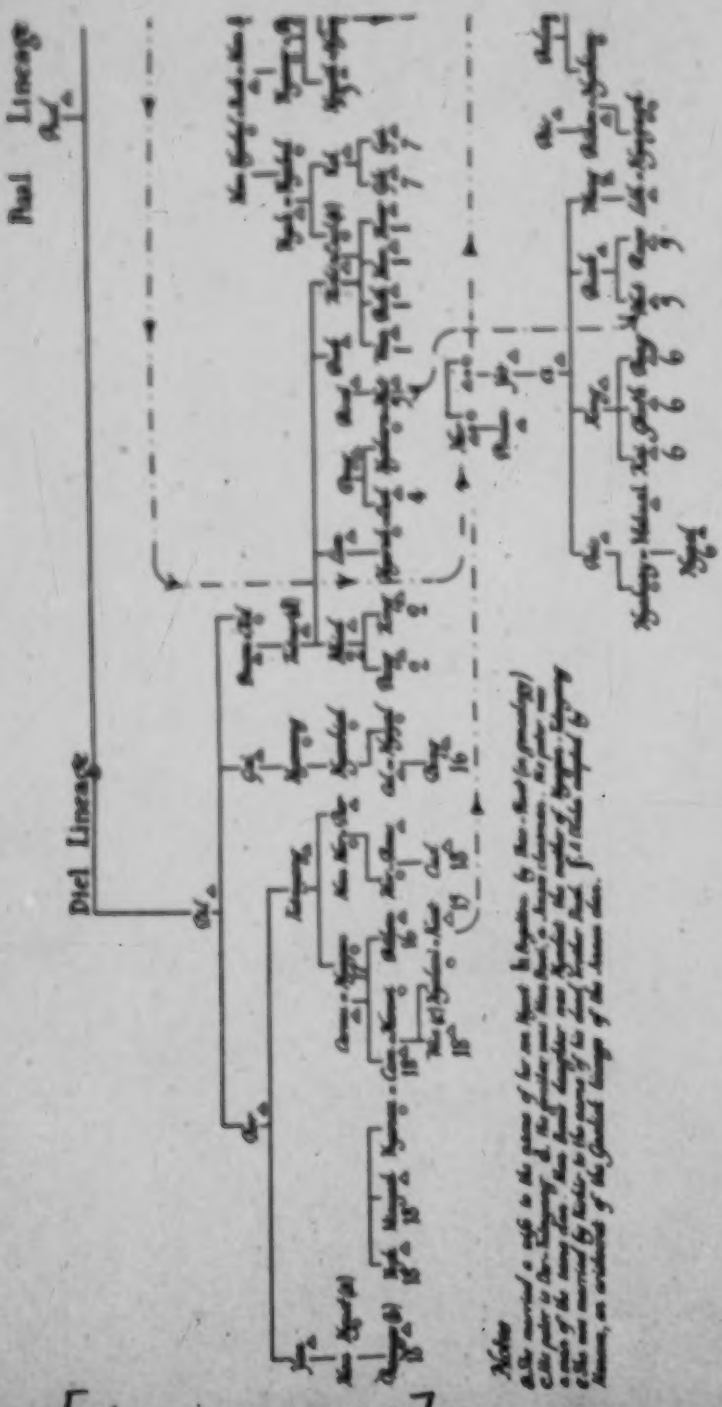

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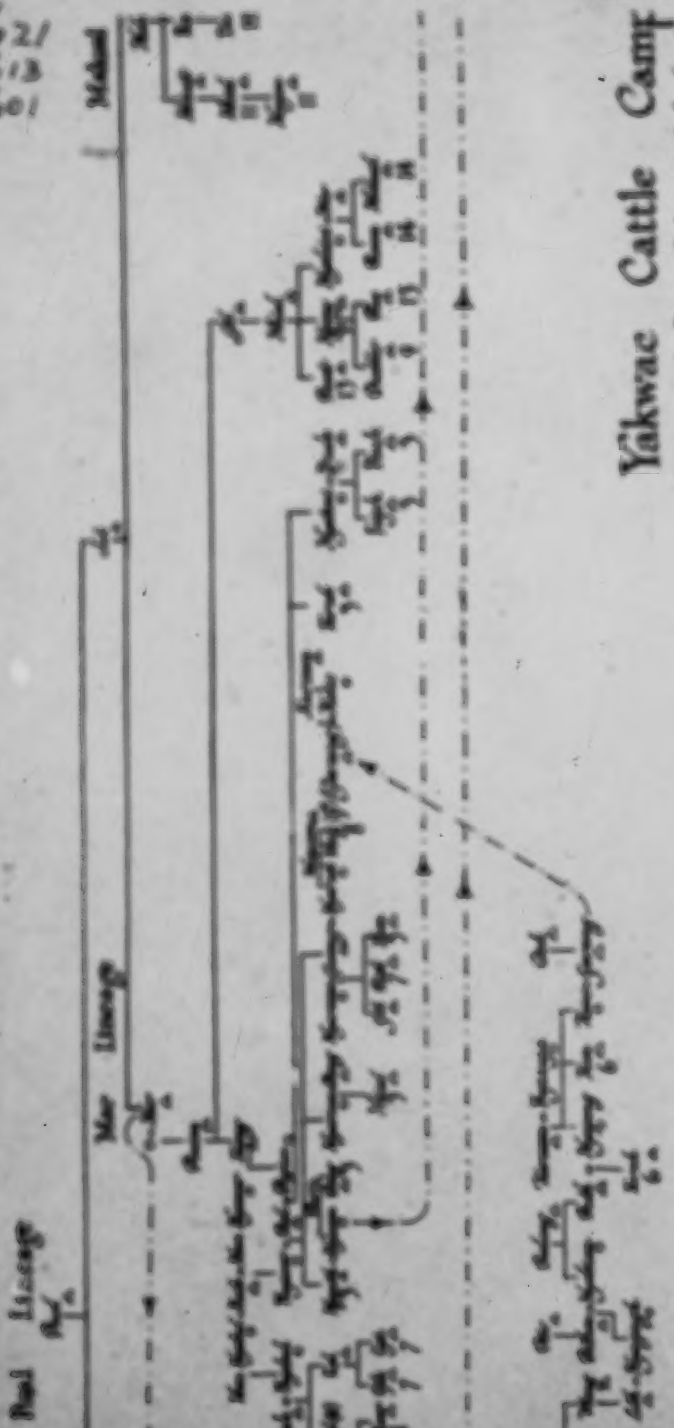

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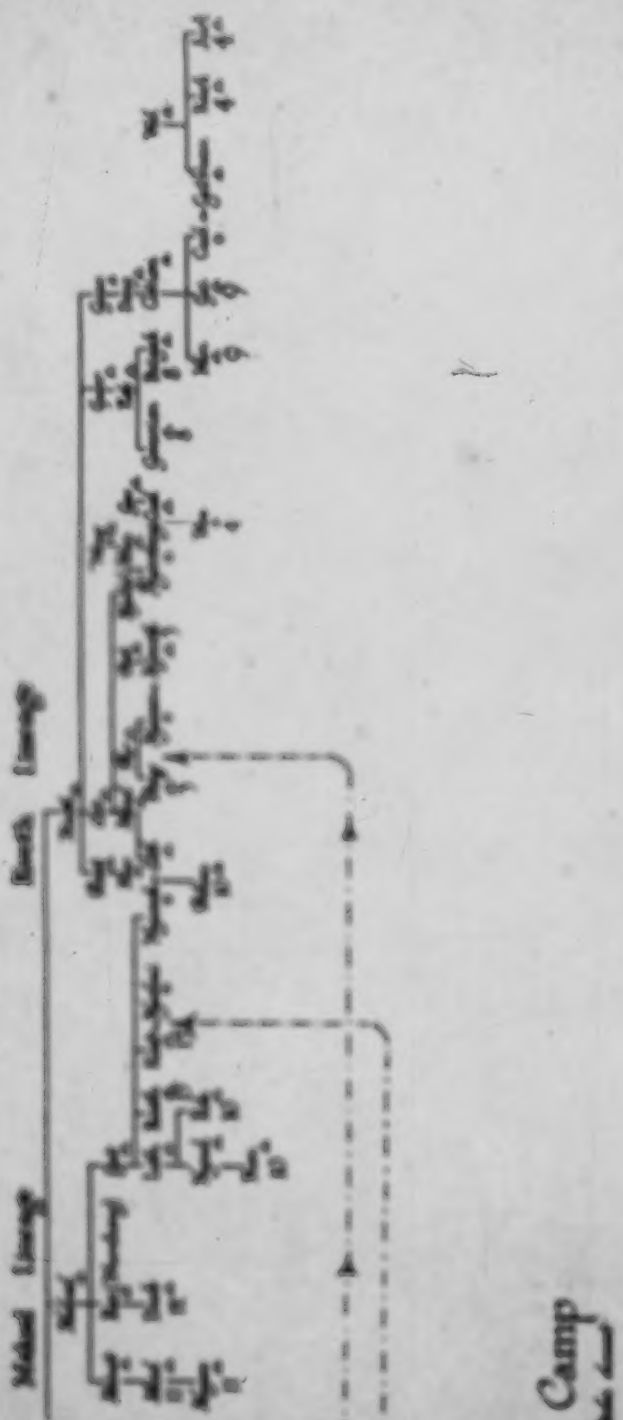

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613 601 597 of Dinka which has taken place, by adoption into Nuer lineages and through marriage, in a typical Nuer community, and partly to account for some marriages which might otherwise appear to be breaches of the Nuer rules of exogamy. These Dinka are of varied tribal origin. Among those whose names appear in the genealogy I have recorded Bor, Fadang, Luac, Thoc, and Dunjol origins. The absorption of so many Dinka has affected, through the practice of adoption, the rules regulating marriage, and it has also affected modes of residence, since a Dinka who has not been adopted into a Nuer lineage readily attaches himself to his wife's people or to the people who have married his sister or daughter, as do also his children to their maternal uncle's kin. The absorption of Dinka has led to a further complication in the already very complicated patterns of Nuer genealogies, for it sometimes happens that captured Dinka brothers or other kin are adopted into different lineages or even into different clans.

I would also draw attention to the different tribal origins of those Nuer in the genealogy who are not members of the dominant lineage, because they illustrate the movement of individuals and families which is so characteristic a feature of Nuer society: Yit was a Bul tribesman, he and Pinien being children of sisters or, as the Nuer say, a man and his *gatmanlende*, his mother's sister's son; Carau and Wan-Wang were Jikany tribesmen, Carau being an aristocrat of the Lony section of the Jikany, though begotten by an Anuak; Nhial-Deng is of Thiang tribal origin; Kurcam was a man of the Jimem clan, a clan which is found throughout Nuerland and without a tribal territory of its own; and so forth. Indeed, it is necessary to point out that not all outsiders attached to a lineage core remain attached to it. Nuer move about their country freely, and reside for some years with one lot of kin and then for some years with another.

621 613 The genealogy of Yakwac camp gives us a typical cross-section of a Nuer tribal society. We see how the local community is built up around a lineage through attachment to it of extra-lineage persons by the stressing of one or other category of kinship, and we thus see further the relation of the lineage structure to the kinship system within the framework of the tribal society. The collateral, and in a structural sense, opposed lineage to the Pual is the Dumien, who live near Pul Thul and Pul Nyerol in the same Nyerol district in which the Pual have their wet-season home and

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who, like them, often camp on the Sobat river in the drought. A genealogical analysis of the Dumien community would disclose the same kind of cluster as has been disclosed for the Pual community—a *thok dwiel*, lineage, to which are linked in many different ways through kinship values *rul*, strangers, and *jang*, Dinka, the whole forming a *ciang*, a local community who are kin. Pual and Dumien together form a single major lineage called Leng, the collateral to which is the Nyarkwac lineage whose home is adjacent to the home of the Leng. The Nyarkwac lineage in its community form consists of similar clusters composed of its branches and their accretions. Leng and Nyarkwac lineages form the Gasthal maximal lineage, occupying the northern part of the Lou tribal territory and one of the three maximal lineages of the Jinaca clan, which is the dominant clan of the Lou tribe. 621 613

My final illustration is included to draw special attention to natural, as contrasted with what we may call legal, ties of kinship in Nuer society. These are brought about by unions other than the union of simple legal marriage and are very numerous in Nuerland. I explain their nature in Chapter III. The recognition of natural ties in the Nuer system of kinship values as social ties, and not merely as natural relationships, further enhances the significance of women as persons through whom descent is traced for the purpose of establishing kinship with those with whom Nuer have relations in their community life. 621 602 601

I quoted earlier in this chapter a remark made to me by a Nuer of Kurmayom, where I spent about three weeks in 1931. Kurmayom is a village of the Lou tribe to the west of Yakwac and, like it, on the Sobat river. It is near the border between the Lou tribe and the Ngok Dinka. The most prominent person in the village is a noted magician called Bul-Kan, and it is his family that I shall now briefly examine. He and the cluster of kin around him occupy eleven byres in the chief hamlet of the village. He is a member of a minimal lineage called (*ciang*) Nyabor after the name of his mother's mother. She was a woman of the Nyarkwac major lineage of the Jinaca clan who bore her children in unmarried concubinage to two men. The fathers legitimatized their children by payment of cattle. Lim, Nyawin, and Tonydeang thus became members of the Jidiet clan since their pater, called Kwaclath, was a man of this clan, and Gir, Thakjaak, and Nyanhial became members of the Jimem clan, their pater Bilieu being [101]

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621 a man of this clan. One of these children, the girl Nyawin, married
602 Kan-Kwoth of the Kiek clan, to whom she bore Yuth, Nyakong,
601 and Nyatony before he died. She continued to live in his home after his death and there took a lover, a man of the Ngok Dinka called Cie, to whom she bore Bul, Nyang, and Mun. These three sons count, of course, as children of Kan-Kwoth. The Dinka Cie then, at the behest of Nyawin and her sons, took a wife to himself with cattle of the herd of Kan-Kwoth and by her begat Yual. Yual was therefore not only a natural paternal half-brother of Bul, Nyang, and Mun but also their brother in a further sense, for he was *gut ghokiew*, the child of their cattle. I was told that he had also been formally adopted by Bul into his lineage. Mun had died before 1931, and Bul and Nyang were already elderly men whose sons and daughters had homes and herds and children of their own.

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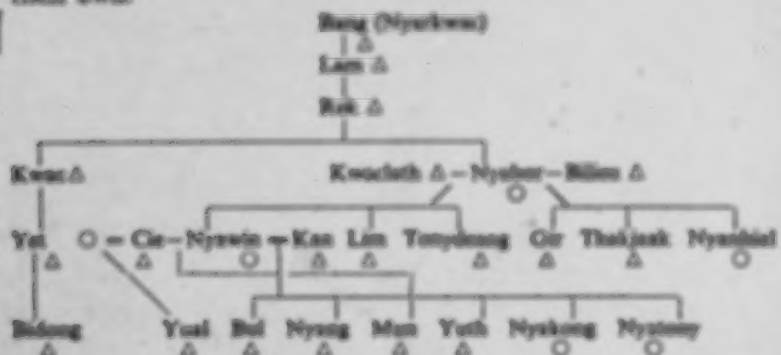

It will be noted that, although Bul is called after his father Kan and is a member of the Kiek clan and his mother was a woman of the Jidiet clan, the lineage now call themselves *ciong* Nyabor and trace their ascent through Nyabor into the stem of the Nyarkwac branch of the dominant Jinaca clan, neglecting for ordinary social purposes the lines of descent of both Kan and Kwaclath. They attach themselves in this way to the lineage which owns the village site and with whom the tribal section in which it is situated is identified, its chief 'bull' in the village being Bidong-Yet, whose name I have therefore inserted in the table.

IV

621 The kinship relations of persons to one another in a Nuer com-
602 munity are, I think it will be agreed, very complex. Indeed they

2;Evans-Pritchard E-5 (1931, 1936) 1951
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are more complex than I have shown them to be so far, as will appear when the forms of domestic union obtaining among the Nuer are described. The complexity is partly due to these diverse forms of marriage, and also to the python-like assimilation by the Nuer of vast numbers of Dinka through adoption or intermarriage. 621 602

However, certain preliminary conclusions of a general kind can be drawn from the few genealogies—only a fraction of those collected—I have cited as examples. A Nuer community, whether small or big, is not composed exclusively of members of a single lineage and their wives or, correspondingly, not all members of a lineage live in the same community. On the other hand, in any large village or camp there is represented an agnatic lineage of one or other order and into the growth of this lineage are grafted, through the tracing of descent through females, branches which are regarded in certain situations and in a certain sense as part of it and in other situations and in a different sense as not part of it. Other lines and persons are grafted into the lineage by adoption, but this can only happen to Dinka and other foreigners, not to men of true Nuer origin. Attached to the lineage, directly or indirectly, are also a considerable number of affines of diverse kinds. 621 613

In their collective relations with other communities, and as seen collectively by the members of these communities, there is a fusion of the attached elements with the lineage. They are incorporated in it, and the resultant whole is spoken of as the *ciang* or *wec*, community, of the lineage, which is both its core and the symbol of its social identity as a unit in the tribal system. But within the community itself there are occasions when a formal distinction between the lineage and its incorporated elements has to be made and the status of its members has to be defined to the exclusion of the *rul*, strangers: the *gaatnyiet*, the children of daughters (of the lineage), and the affines. 621 613 602

In daily contacts between persons within the community their relations are expressed not in the language of lineage structure but in the language of the kinship system by reference to categories of kinship within that system. Thus men of the same minimal lineage have only an undifferentiated lineage relationship on such occasions as the lineage acts or is thought of as a group. Otherwise, and as persons, their relationship to one another is one of *gwanlen*,

2:Evans-Pritchard E-S (1931,1936) 1951
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father's brother, *gatgwanien*, father's brother's son, *nac*, father's sister, and so on.

Lineages are articulated as groups of agnatic kin at a different, usually ritual, level of the social life, and they are articulated as conglomerates, fused with other elements, at the political level. Kinship ties belong to another order of social relations, relations between persons and not between groups. The members of a lineage group are socially undifferentiated as such in the inter-lineage structure because it is a structural relationship between groups. In the kinship system they are socially differentiated by category and degree of relationship—this being an essential characteristic of the system—because the kinship system is a system of relationships between persons.

As we have seen, members of a Nuer community are all *mar*, kin (including affines in this term), to one another. Whoever is kith must also be kin. Common membership of a village or camp does not in itself provide a man with a secure basis for his personal relations with its other members. That is provided chiefly by the kinship system by which a kinship tie established with any person in the village or camp gives a man a kinship status of some kind with every other person in the village or camp—with all his neighbours. Consequently a local community consists of a great number of cross-strands which compose an intricate network of kinship ties.

The relationships which enter into any particular composition are not the same as those of another, and they change from year to year and from season to season inasmuch as Nuer frequently change their place of residence. Therefore a cluster of kin of this kind does not constitute a specific kinship group. When it is thought of by Nuer as a unit it is not as a kinship group but as a residential group by association with a lineage or site. Its members are *jicieng* so-and-so, the people of a community of a certain lineage, or *ji* such-and-such, the people of a certain place. To any member of the community the rest are '*jiciengda*', 'the people of my home'. '*Jimarida*', 'my kin', has quite a different connotation: it is a set of personal relationships to him and includes men and women who do not belong to the cluster at all.

The absorption of Dinka into these communities of kin on so considerable a scale has been significant. As I have pointed out in *The Nuer*, assimilation of conquered Dinka tribes and tribal sections has not, for various reasons, resulted in a class or caste, or in

2;Evans-Pritchard E-S (1931, 1936) 1951
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597 any other rigid hierarchical structure. It has been brought about
593 by their incorporation into Nuer lineages by adoption and by
613 their assimilation to them through intermarriage. When Dinka are adopted into a lineage, absorption into Nuer society presents no great difficulty. Their Dinka origin is remembered by members of the lineage of their adoption, at any rate for some generations, but after one or two generations it may not be known to outsiders; and I suppose that in course of time it may be forgotten within the lineage itself. They are part of the lineage, have the same status as its other members, and are points of growth in the branch equal to men born into it. But when Dinka are not adopted into a Nuer lineage absorption is achieved with greater difficulty and by circuitous means. If we examine closely the history of those persons in the genealogies I have recorded who have attached themselves permanently to an affinal or maternal family and through it to a minimal lineage, and if we trace also the histories of those persons who through such an attachment in the past now trace their descent from the lineage through a female, we shall find that in a very great number, I venture to say in the vast majority, of cases they are Dinka. This is a development which it is easy to understand because captured Dinka or Dinka immigrants into Nuerland have lost their status in their own kinship and lineage systems, and if they are not adopted into Nuer lineages they can only acquire status in Nuer society through affinal relationships; and their children, having no kin on the father's side, identify themselves with the mother's kin and, having no lineage on the father's side, seek affiliation to the mother's lineage. It is true that
621 we find strangers of Nuer clans as members of clusters of kin
614 around a lineage core of the dominant clan of the tribe, but where the attachment is permanent these strangers are, in my experience, generally persons of those Nuer clans which have no tribal territory of their own—no *wec*, local community, as Nuer say—like the Jimem, Jikul, and Kiek clans. These clans have, moreover, in some cases mythological beginnings placing them outside the main family of Nuer clans and suggesting foreign origin. Assimilation in such cases can never be so complete as in the case of Dinka, because members of Nuer clans have their own clan symbols and their own *buth* relationships which attach them to the lineages of their birth.

000 Another factor which has certainly had some influence in

2:Evans-Pritchard E-S (1931,1936) 1951
FJ22 Nuer FJ22

wife's family in view of the fact that the man who has married their daughter has joined their community and is bringing up his children as members of it. They may even give him some of their own cattle to help him build up a herd. The second fact to be taken into consideration is the Nuer custom, for various reasons not always observed, by which the eldest child of a marriage is brought up by his, or her, maternal grandparents. A child brought up in his maternal kinsmen's village naturally feels that in some respects it, and not his paternal kinsmen's village, is his home.

Cattle are a powerful element, often the deciding consideration, especially in the minds of unadopted Dinka captives or immigrants, in a man's choice of residence. A Nuer cannot live for long without cattle, and he who possesses none must attach himself to the byre and herd of some kinsman. Men with only a few beasts also sometimes find it a convenience to tether them in the byre of a kinsman rather than build a byre of their own. One often finds that the reason a man decides to live with one of his maternal kin, with a paternal aunt, with one of his affinal kin, or with the family of a widow-concubine, is that he knows that the person he intends to reside with will allow him to be a member of the household, will give shelter to his animals if he has any, and will help him to start a herd if he lacks cattle entirely; whereas his paternal kinsmen are unable or unwilling to do so, or, in the case of many Dinka, are altogether absent.

As a further conclusion, I remark again that the drawing together by, and into, the lineage system of the many different strands of kinship (and affinity) which compose the network of social ties in each local community gives the community its unitary character and fixes its position in tribal structure. The points at which they are drawn together are the 'bulls' of the kinship clusters, and especially the tribal 'bulls', those men who are persons not only of age, wealth, and character, but also members of the dominant clan of the tribe—tribal aristocrats. These tribal 'bulls' are the centres of clusters of kin, but they are also agnates, and each has in relation to the others a structural position in the lineage system of the dominant clan. Through them, therefore, all the tribesmen are attached to the dominant clan of the tribe and all the local communities are assimilated to the highly consistent structure of its segments, in which they are conceptualized. It is

621 the ambition of every man, of the dominant clan especially, to become a 'bull' and the centre of a cluster of kin, and Nuer say that it is for this reason among others that families often break up and cousins and brothers part, each to seek to gather his own community around him.

621 618 611 I suggest that it is the clear, consistent, and deeply rooted lineage structure of the Nuer which permits persons and families to move about and attach themselves so freely, for shorter or longer periods, to whatever community they choose by whatever cognatic or affinal tie they find it convenient to emphasize; and that it is on account of the firm values of the structure that this flux does not cause confusion or bring about social disintegration. It would seem it may be partly just because the agnatic principle is unchallenged in Nuer society that the tracing of descent through women is so prominent and matrilocality so prevalent. However much the actual configurations of kinship clusters may vary and change, the lineage structure is invariable and stable.

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CHAPTER II

MARRIAGE PROHIBITIONS AND INCEST

I

We noticed in the last chapter that local clusters of kin comprise persons of different clans and of different tribal origins and that, moreover, they are not fixed compositions. Their members, individuals and families, move often and freely, going to stay, seasonally or for many years, with different kinsmen in other villages and camps, generally, though not always, in the same tribal area. Wherever they go they are easily incorporated into the new community through one or more kinship links. Apart from such moves, Nuer frequently visit all the villages in their neighbourhood, and in all of them they have kinsfolk. I have demonstrated the network of kinship ties in selected local communities, but we have to think of all the different strands of relationship in each community passing outside it and across the bush to link its members to those of other communities. I am not speaking here of lineage ties, but of ties of kinship or personal relationship. Consequently the different local communities of a whole tribe could be presented on a single genealogical chart. Given unlimited time and patience, the entire population of Nuerland could be so presented. There are no closed communities. Villages and camps are spatially separated, but they merge into one another socially through a multitude of cross-strands of kinship between persons as well as forming parts of a single political structure. 621 602

This wide acknowledgement of kinship might be expected to be found together, as it is, with a wide range of marriage prohibitions, which have the effect of spreading the marriages of members of any local group and creating innumerable links through women between persons in many different communities. In view of what we have already learnt about the place of maternal and affinal ties in kinship configurations, we shall also not be surprised to discover that relationships of both kinds are covered by marriage prohibitions outside the rules of clan exogamy. 602 582

It is these marriage prohibitions I now propose to examine. I discuss the subject of incest at the same time because, although the 582

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F16 brothers are not just 'bulls' to one another, members of the same lineage. They are maternal kinsmen as well as paternal kinsmen, and in their case sexual relations with each other's sweethearts seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the marriage prohibitions indicate kinship status and are one of the most effective means of doing this and thereby maintaining the kinship system, which is based on the distinctions between the various categories of relationships. They prevent confusion between one relationship and another and the contradictions such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this chapter, of Nuer themselves, who see that it is undesirable to obliterate or obscure the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; and were a man to marry the daughter of an age-mate, his age-mate would also be his father-in-law.

621 613 The bearing these regulations have on the kinship system will be seen in later chapters. I discussed their bearing on political structure and their relation to the lineage system in a few pages (pp. 225-8) in *The Nuer*. The argument there presented may be restated in a few sentences. Nuer political structure is a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is thus conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time must be identified with the local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that cor-

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pornteness which identification with residential groups gives them, and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct, but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by corporate life comprised within a network of personal relations of a kinship order. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a community of kin, every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the ban on marriage, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

There is a tendency therefore for local communities to be groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is, as we have seen, a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage

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and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives, he makes himself a member of it by treating a maternal link as though it was a paternal one or through affinal relationship. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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476 kin. The owner of the homestead does not supervise the work, and each does as much or as little as he chooses. Apart from co-operative parties of this kind Nuer, especially the women, prefer to perform their like, but several, duties in company where this is convenient, as when women collect wild fruits or draw water, boys herd the goats and sheep, and men fish with spears in pools, lagoons, and the shallows of streams.

602 A kinsman is also expected to help another who is in need by giving him what he is in need of if he is in a position to do so. Nuer say that 'among kinsmen of every kind there is no purchase' and that 'with us Nuer, it is all giving and begging'. Also, Nuer 574 eat so much in each other's byres and windscreens that, as far as the 621 men are concerned, there may be said to be to some extent commensalism among the members of nearby homesteads and even between the members of a small village. Nuer keep open house and, in their summer camps especially, men visit one another so regularly to drink milk together that an older man does not care to drink milk alone but sends a small boy to invite an age-mate to share his gourd with him. Nuer readily lend milch cows to families with small children and make gifts of millet and fish to those in need. When animals are sacrificed the meat is generally the right of a family, or of a family and their close kin, but neighbours often receive meat if they ask for it persistently enough, for it is not thought mean to refuse. On some occasions a beast belongs to whoever can seize meat from it, but on such occasions men of the same household assist one another, and as those taking part in the scrimmage are all kith and kin a sense of fairness prevails. In general it may be said that no one in a Nuer village starves unless all are starving. The food supply of a community is ultimately at the disposal of all its members within whose corporate life each family has security to pursue its particular interests and to satisfy its most elementary needs.

II

121 Though I did not study in detail relations within the Nuer family, I could not have avoided reaching some general conclusions about them, and I set these down here in so far as they relate to the kinship system and the life of the wider society, the values of which, reflected in modes of address, are assimilated to those obtaining within the family.

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ECONOMIC LIFE OF THE NUER : CATTLE.

By E. E. Evans Pritchard.

II.

•621 The chief characteristices of Nuer social life can be understood only when their pastoral activities are viewed in relation to the country in which they live. Social instutitions are to a large extent a function of this dynamic relationship between mode of livelihood and environment. I have said something about cattle and the esteem in which Nuer hold them. I will now say something about the country in which these cattle have to be maintained.

186 133 From the European's point of view Nuerland has no favourable qualities, unless its severity be counted such, for its endless marshes and wide savannah plains have an austere monotonous charm. It is throughout hard on man and beast, being for most of the year either a swamp or a parched and waterless tract. Trekking across the Nuer plains is a great weariness to body and spirit. But Nuer do not share this opinion. They think that they live in the finest country on earth, envying no people their heritage, and, it must be admitted, for herdsmen their country has many admirable features. It provides pasturage all the year round and absence of forest prevents the encroachment of tsetse. I have long since given up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt more useless since a few Nuer have been taken to Khartoum, a place they consider to be the home of all white men. Having seen the desert scrub which surrounds Khartoum they are confirmed in their opinion that their own land is superior to ours.

134 The grasses upon which depends the welfare of the herds depend, for existence in their turn, on soil and water. The soils of Nuerland are heavy clays which look very much alike to me and which are equally unpleasant to walk on in the dry season, when they are broken by the sun into deep cracks, and in the wet season when they form

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835 recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. •621 The Nuer political structure was treated in that book as a system 619 of relations between territorial groups which express both their 613 autonomy and their participation in the system in terms of 614 lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

community of kindred every member of which regulates his behaviour to every other member in accordance with a variety of kinship patterns and can predict their behaviour to himself in conformity with the same norms.

When a local community becomes in this way a network of kinship ties it is necessary, so varied and extensive are the relationships which come under the exogamous ban, to marry outside it, so that not only is the social autonomy of lineage groups prevented by the rules regulating marriage but also the social autonomy of residential groups. Kinship ties thus cross the gaps in political structure and unite members of opposed segments of it. Every political group of whatever size has a wider social setting outside its boundaries.

Local communities become therefore groups of people who, being all interrelated in one way or another, must marry into a different local community. This happens because the Nuer make any kind of cognatic relationship to several degrees a bar to marriage and, at least so it seems to me, it is a bar to marriage because of the fundamental agnatic principle running through Nuer society. In any Nuer residential group, of whatever size, there is a great variety of personal ties of a kinship order bringing its members into a texture of relationships, but the warp of the texture is the agnatic lineage and to it everyone attaches himself locally. If a man is not a member of the lineage with which he lives he makes himself a member of it by, in one way or another, treating a maternal link as though it was a paternal one. The lineage is thus in its corporate character a composite structure of cognatic branches and attachments in which the value of agnation is the integrating principle. The solidarity of a group of persons living together, and thereby the lineage structure which contains them, is maintained by emphasizing cognation in the rules of exogamy.

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el Jebel and the Bahr el Ghazal. The Leik and Bul tribes are nearly all on the left bank of the Bahr el Ghazal, although some of them move to grazing grounds across the river during the dry months of the year.

All Nuer are compelled to migrate during the dry season and to set up their cattle-camps near permanent water supplies and where the receding waters of the rivers leave green and succulent grass for their animals. At first their cattle-camps are widely distributed over the 'intermediate' plains, but concentration increases as the season advances until, just before the break of the rains, in late January or February, all cattle are on the *toic*. The distances covered in these seasonal migrations vary considerably. Many of the Lak and Thiang Nuer, for example, move only a few miles from their permanent homes, while many of the Gaawar and Lou move eighty miles or more. These differences, however, have not affected the similarity of movements among the Nuer as a whole. The swing of the seasonal pendulum to and fro is common to all and the difference is one of distance only.

The permanent settlements of the Nuer are not concentrated like those of the Shilluk, Anuak, and some of the Dinka. A Nuer village generally consists of a number of domestic units, each having one or more cattle-byres and a few dwelling-huts, separated by distances varying from a few hundred yards to over a mile. This diffusion of dwelling-sites is partially caused by the nature of the ground, for land which is above the level of the floods is limited in most areas of Nuerland. It is, however, an inherent characteristic of the Nuer to set up his abode sufficiently far from his neighbours to emphasize and retain his individualism, yet sufficiently near to enjoy the privileges and economic advantages which neighbourhood brings. Cultivations are usually opened up in the area immediately surrounding the homestead, both for convenience and for ease in protecting crops against the ravages of wild animals and straying cattle. Fencing is impossible except in woodland areas, and is in any case a laborious process, but apart from this consideration the Nuer seems to have an intense desire to see his cultivations round his home. When the ground becomes exhausted he will move his home to a new area rather than have his gardens a few hundred yards away from it. During the dry season the settlements are partially or completely abandoned according to whether permanent water is available or not and whether there is sufficient grain to keep the older and less active members of the community. The bulk of the population always moves with the cattle, and by February there are few people left in the villages except where grazing grounds are close enough for daily contact.

The distribution of population in Nuerland is determined by the physical conditions I have described. Communications during the rains are usually difficult, and local communities, large or small, are to

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a greater or lesser extent isolated at certain times of the year. Such periodic isolation is one of the factors which tend to emphasize the distinction between social groups and strengthen the ties within them, for the people are compelled by territorial proximity to conform to an accepted pattern of behaviour. During the dry season, movements in the pasture areas are comparatively easy, but camps may be far apart and communications therefore tedious. The majority of people from a local community who occupy the same permanent settlement during the rains, tend to join together in the cattle-camps, and their relationship is therefore constant throughout the year. This is not, however, always the case, for people of different descent-groups, normally living together and assisting one another during the season of cultivation, may split up and join different cattle-camps during the summer. The way in which people join together and concentrate during the dry season is usually determined by kinship ties, or ties arising from common residence in the permanent settlements, though it need not be so. For example, the Lak Nuer are sometimes forced to move their cattle into Gaawar grazing areas because their own are insufficient to meet their needs in certain years. They do so by agreement with the Gaawar and graze their cattle there on sufferance. A closer analysis of the relations of Lak with Gaawar will usually show that some form of kinship relationship exists, or at least a relationship through intermarriage between the individual units concerned.

Climatic conditions adverse to the cultivation of millet coupled with widespread cattle disease (rinderpest, contagious bovine pleuro-pneumonia, trypanosomiasis, &c.) make life extremely precarious. Nuer like to claim that a mixed economy is forced upon them, and that they would scarcely bother to cultivate at all if their cattle were sufficient. This is, I think, largely an ideal. Cattle, though subject to disease, provide a measure of security in an environment where poor drainage and erratic rainfall distribution make crop-production a most risky enterprise and famine a common event. They might well cultivate more energetically if the processes of agriculture were not so laborious and their efforts so often of little avail.

Small quantities of maize are planted in the early rains and the crop matures, if they are lucky, about the end of July, providing temporary relief until the first crop of millet is available. This crop matures a few weeks later, while a second crop is harvested in November or December and sometimes as late as January. During this period the rains may be favourable to both crops and the Nuer are well supplied. In most years, however, one or the other crop fails and in the worst years the early crop is late in starting owing to lack of rain only to be ruined by torrential downpours when it is reaching maturity, while the second crop is often destroyed by floods. In such circumstances the Nuer are short of food, and two unsuccessful years mean

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241 132 famine. The distribution of rainfall is, however, not universally favourable or otherwise to all areas of Nuerland. Heavy rainfall in low-lying regions may prove fatal, while it is suitable for crops planted on better drained, sandier soil. Thus crops are not as a rule universally good or bad throughout Nuerland, nor within one tribal territory. Some families have good crops, others bad, and the position may be reversed in another year.

●621 On a wider scale this leads to trading or a reaffirmation of more remote obligations of kinship; on a limited scale it leads to a re-emphasis of the ties of mutual assistance which are raised both by kinship and by association in a common territory. Economic considerations of this sort are important in the determination and maintenance of social groupings and in the maintenance of peaceful relations. This is a feature of Nuer society which has been at least partially modified by modern administrative methods since grain is often imported and sold in years of shortage.

The other principal factor making for social integration is the need for common defence against opposing groups or, in a much wider sense, defence against foreign aggression. It is obviously another factor which is most readily affected by modern influences and the introduction of an ordered administration. The need for mutual defence is lessened, and doubtless the feeling of opposition to an alien government is less intense now that the Nuer are used to it.

Whatever the factors making for social integration or the reverse, the pattern which extends within and across social groupings is the kinship system, both as a fact and as an ideal. The smaller the social unit the more important these factors are and the greater the need for mutual assistance and co-operation. Later we shall come to examine in greater detail how these factors have altered through normal contacts with other peoples and through the active policy of the Government, and in particular the resulting effect on legal concepts and procedures.

Social and Political Structure

114 Professor Evans-Pritchard has recorded a full analysis of the political and kinship systems of the Nuer. For the purpose of this work, which aims at the examination of legal processes and procedures in the present and to a lesser extent in the past, it is unnecessary to do more than summarize his observations and conclusions which, with the exception of minor local variations of no great importance in the general picture, are much the same as my own. Where I use examples, I often refer to the Zeraf Valley tribes, Gaawar, Thiang, and Lak, which Professor Evans-Pritchard has not studied. There is therefore some object in this summary, apart from its necessity as an introduction to the subject of law, since it provides further evidence from other parts

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of Nuerland in support of his views. There is often the danger of over-simplification and generalization in a summary account of this nature and the reader must bear this warning in mind. 114

Professor Evans-Pritchard has classified the different forms or sizes of local community among the Nuer as follows: 114 621

The MONOGAMOUS FAMILY attached to a single hut.

The HOUSEHOLD which occupies a single HOMESTEAD consisting of a cattle-byre and a number of dwelling huts occupied by a POLYGYNOUS family.

The HAMLET, a group of households living in a restricted area, but varying considerably in size and numbers.

The VILLAGE, a group of hamlets and scattered homesteads in a distinct area.

The CAMP, which is essentially a dry season formation, but not necessarily corresponding in the exact number of persons or the same individuals to the hamlet or larger unit from which the majority of its occupants come.

The DISTRICT, 'an aggregate of villages and camps which have easy inter-communication.' This usually corresponds to a small tribal segment.

The TRIBAL SEGMENTS OR SECTIONS of varying sizes.

The PEOPLE (Nuer: *Naadh*).

The 'INTERNATIONAL COMMUNITY', the limits of which are the Nuer's social horizon.

The homestead and the hamlet are essentially domestic units, while larger units are political as well as economic in character. The size and distribution of local communities are largely determined by physical conditions but partly by political considerations—the need for mutual defence, for example—which are variable in time and intensity. Hamlets or villages are usually the smallest political units and are composed of a group of people bound by loyalties which do not spring from kinship association alone but from the need for mutual co-operation in other spheres.

The Tribe and Tribal Segments

Among the Nuer one is faced with the usual problems of defining the segments of a segmentary society. According to Professor Evans-Pritchard the tribe is the largest political unit within the Nuer nation, since it is the largest aggregate of peoples who consider that 'disputes between its members should be settled by arbitration and that it ought to combine against communities of the same kind and against foreigners'. If the Dur (usually classed with the Nuong) and the Aak (often classed with the Dok) are considered to be separate tribes and the eastern Jikany peoples are composed of three separate tribes, the Gaajok, Gaajak and Gaagwang, there are fifteen such tribes in Nuerland, varying in size from approximately 6,700 (Aak) to 67,000 souls (Lou).[1] Each tribe has a dominant clan, round which other clans are clustered. Each has a common name, often derived from that of the original 619

[1] See Appendix I.

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619 remote to be overshadowed by territorial association. If there were
613 an occasion when the whole of Radh found themselves ranged against Bar, the Bang, Caam, and Gaatkwa segments would follow Bar rather than Radh.

The territorial segments of a Nuer tribe have the same characteristics as the tribe itself, viz. a common sentiment strengthened by tradition and mythology, exclusive rights in land and common occupation of a recognized territory, mutual co-operation in certain economic activities and in warfare both offensive and defensive, and a common name derived from a central lineage. With these characteristics in common, and generally speaking the smaller the segment, the greater the reality and meaning of such characteristics, primary segments are segments of a tribe, secondary segments are segments of a primary segment, and tertiary segments are segments of secondary segments. Finally a tertiary segment is divided into a number of villages and villages into basic domestic units represented in the homesteads which are also family groups. The smaller the unit, the more nearly it corresponds with a kinship group.

The Meaning of the word cieng

619 The word *cieng* is normally used to describe these segments of society but, like the segments themselves, is a reflection of structural
●621 relativity. Hence it is a term which leads to much confusion among Europeans unacquainted with the social structure of the Nuer. I can do no better than quote some remarks of Professor Evans-Pritchard on this subject because they provide a key to an understanding of Nuer society and hence to an understanding of modes of behaviour, social relations, and also of legal concepts, which are the subject of this book.

When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, all social groups: their structural relativity. What does a Nuer mean when he says 'I am a man of such and such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question, he will tell one that his home is in Oxfordshire, whereas if one meets him in that county, he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng* Nath, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary

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or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of varying dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers.[1]

Cieng is a word which is used to describe residence, whether common residence implies kinship relationship or not. Thus when a man says he is a member of *cieng* Kerfeil, it does not necessarily mean that he can claim lineal descent from Kerfeil who is the ancestor of the Kerfeil lineage, though he can usually claim some form of affinity with that lineage, which is also the dominant one within that tertiary segment of the Gaawar and from which the name of that segment is derived. The word *cieng* is therefore variable in its application and meaning. In referring to a kinship group without any territorial implications there is another term which is commonly used, *thok dwiel*.[2] It must be remembered that this term is also relative. If asked his *thok dwiel*, his clan or lineage, a Nuer may say, for example, Gaawar, he may say Radh, he may say Kerfeil, or make a further distinction by saying Teng (Kerfeil), or he may refer to the name of some more recent ancestor. Since tribal segments and territorial units are seen by the Nuer in terms of kinship, the word *cieng* is, in many contexts, synonymous with the term *thok dwiel*, but the former is more specifically a term of residence, the latter a term of kinship, and both are relative.

It will be seen, therefore, that the kinship system provides a framework upon which wider political loyalties are extended. Political association is expressed in kinship terms. Thus the Gaawar are *gaat gan* War, the 'sons of the sons of War', and any member of the tribe will speak of himself as such in contrast to other tribes. All Gaawar, however, are not direct descendants of War, and in a context where a distinction is necessary the fact may be stressed. The tribe is usually closely associated with the clan from which it takes its name and which usually has greater numerical representation in that tribe than any other clan, but the clan is not restricted to any one locality and is itself segmented. These segments of the clan or lineages give their names to the component segments of the tribe and so on down the scale until the final unit of society is more nearly a kinship group

[1] Evans-Pritchard, *The Nuer*, pp. 135-6.

[2] Literally 'entrance to the house'. The best translation in English is 'house', in the sense of a lineage—'the House of Bourbon', &c. The Arabic equivalent is *Khashm beit* (خشم بيت) which is often used in Arab society with the same relativity. As in Nuer society, among Arabs social relationships and political associations are expressed in kinship terms.

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occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *cuong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

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681 177 602 on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *mar*, but since the Fangak meeting chiefs are very reluctant to break *mar* as the more so-called relations there are available to collect blood-money, the better.[1]

681 177 In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

681 177 621 The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *mar*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

177 671 682 The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*duer*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thung nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[1] Unpublished administrative records (Eastern Nuer District), 1946.

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476 and well beyond the limits of the reciprocal distribution of bridewealth
602 cattle, but I do not wish to exaggerate the extent or effectiveness of economic reciprocity in the kinship system. In the past as well as
438 the present, grain and other food were bartered for cattle, other animal stock, and other commodities, and there was considerable trade, which increased in volume in years of famine. Nowadays, with the introduction of a money economy, grain is bought with cash either from other Nuer or from Arab merchants, who, sponsored by the Government, often import large quantities to meet local shortages.

•621 A stranger cannot intrude himself into a community or build his house and clear his fields without its acceptance. Not only will
609 objections be raised which might lead to his ejection, but he could not hope to gain full membership of the community and the advantages which follow. This does not, however, usually arise because strangers are nearly always a welcome addition to the community, which thereby gains in strength, and because the newcomer can nearly always claim some previous link arising from kinship, marital ties, or at any rate close friendship (*math*), with one or more members of that community. In any case a form of social relationship will be forged in the passage of time by intermarriage and adoption into the lineage structure of the community. A change of residence, if it is permanent, means also a change of social and political affiliation.

423 For these reasons, because crop production is not an important feature of their economy, at any rate in many parts of Nuerland, and because, despite the obvious limitations of flood-free land, there is no great shortage, there are no complex laws of land tenure. Disputes are rare, and still more rarely taken before the courts.[1] Thus, though circumstances may change with the development of agricultural enterprise, land tenure is not at present an important or well-defined feature of Nuer customary law.

Grazing Rights

423 During the rains the cattle are kept in the permanent settlements and quartered in cattle-byres (*luak*), each family unit having its own.
233 The *luak* is the centre of the family group consisting of the head of the family and his wives, who, each with her children, occupy separate
361 huts which are clustered around it. Grazing is used communally by all members of the settlement, and although pastures are limited, especially at the height of the rains, and although there may be periodic shortages when the cattle lose condition, no more precise division of the territory is necessary. Disputes rarely, if ever, arise, and in the herding of cattle the members of one settlement are united by common

[1] The only form of dispute commonly brought before the courts concerns 'animal trespass', where straying cattle, sheep, or goats damage the crops of neighbours. Compensation is often awarded in such cases.

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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralize the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organized political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*duer*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

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CHAPTER VII

THE NATURE OF NUER LAW

Private Law and Public Law

WHEN speaking of Nuer systems of social control in the past we should not be justified in making a distinction between criminal and civil law, though we might, in some instances, be justified in doing so now. Such a distinction is based on the conventions of legal principles inherent in our own culture, and these are not applicable. We can, instead, as recommended by Professor Radcliffe-Brown, distinguish between 'the law of public delicts and the law of private delicts'. He points out that— 671

> in any society a deed is a public delict if its occurrence normally leads to an organized and regular procedure by the whole community or by the constituted representatives of social authority which results in the fixing of responsibility upon some person within the community and the infliction, by the community or by its representatives, of some hurt or punishment upon the responsible person. This procedure, which may be called the penal sanction, is in its basic form a reaction by the community against an action of one of its members which offends some strong and definite moral sentiment and thus produces a condition of social dysphoria. The immediate function of the reaction is to give expression to a collective feeling of moral indignation and so to restore the social euphoria. The ultimate function is to maintain the moral sentiment in question at the requisite degree of strength in the individuals who constitute the community.[1]

It is worth while examining this statement in the light of what has emerged in the preceding chapters. Our first difficulty among the Nuer is, of course, to define a community. Nuer society is segmentary, and therefore a group of persons or a segment of a tribe may have political significance at one moment, and at another moment no significance at all. This difficulty is accentuated by the process of fission and fusion described by Professor Evans-Pritchard.[2] A tertiary segment of a tribe has, in this sense, a more constant political existence, and a localized lineage even more so, than a secondary segment or larger unit until we reach the tribe which is, or was, the limit of political unity. The fact that political co-ordination, especially in matters of law, now extends beyond tribal boundaries, because the Government provides the link, in no way alters this argument, for we are still considering the past. Even with this qualification, however, and with full realization that the sanctions for conformity have a variable social range and that a 621 671

[1] *Encyclopaedia of Social Sciences*, New York, 1933.
[2] Evans-Pritchard, *The Nuer*, p. 148.

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621 community among the Nuer is relative, like the Nuer word *cieng*, which
671 roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 The sanction, even for the most serious of offences, homicide, was retaliatory, requiring only an act of vengeance against the killer or any
621 one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. [783] This balance is disturbed by the act of homicide, and the two groups or segments of a tribe are at once in a state of feud (*ter*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thunge*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated processes of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus assuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

[1] The Nuer *cieng* has already been discussed; see pp. 21–22.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

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may be described as public law. There is no evidence of a penal sanction applied by anything which resembles 'politically organized society', nor anything which indicates that such procedure is enforced by the will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard-Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective.

A further point of significance is the fact that the Nuer distinguish between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardized by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of laws concerning homicide which are consistently applied.

In the past, then, the outcome of blood-feuds depended on the social relations of the groups involved, even though the division over these events might follow the lines of segmentation until a whole tribe was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing.

Similarly other legal wrongs required the payment of an indemnity to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or

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681 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was
621 not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts. Adultery requires the payment of an indemnity in cattle, and we have
[684] noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organized action against the culprits, is not a public delict among the Nuer. Certainly no punitive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the contamination (*nueer*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalized body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 The only form of procedure which might fall within the category of public law was the repressive action taken against witches and
621 ghouls. Although the Nuer themselves say that this action was sometimes taken and, in quoting instances in their history, refer to indi-
683 viduals who have at least an established position in known genealogies,

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there is no documented evidence, and we are again approaching a subject which is a matter of conjecture. It may be presumed, however, that violence probably resulting in death was sometimes used against persons who had acquired such an evil reputation that their continued existence in the community became intolerable. Nuer tell us that in the case of ghouls (*rodh*) no indemnity would be demanded by the dead man's kinsmen, and only a much reduced indemnity in the case of possessors of the evil eye (*peth*), and sometimes magicians (usually *tiet*) who were alleged to have used their powers for strictly anti-social purposes. This does not necessarily suggest that anything in the nature of organized or concerted action was taken but that the act of revenge on the person of a witch by an individual, or a few individuals who supported him, was condoned by public opinion to such an extent that the kinsmen of the deceased dared not retaliate, or perhaps themselves condoned the act, considering themselves well rid of a dangerous factor within their own lineage. At any rate a blood-feud was unlikely to follow, and although vague statements of this kind must be substantiated by actual examples[1] before any definite conclusion may be drawn, we might be justified in saying that here at least is the germ of public law.

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Trends and Changing Conditions: the Transformation of Custom into Law

We have seen in the introduction and throughout the descriptive passages of this book that among the Nuer there are recognized rules of conduct which find expression in the terms *cuong*, 'right', and *duer*, 'wrong'. These concern the relations of one Nuer with another and, since the individual cannot be considered in isolation, one group with another. The distinction between custom and law has also been mentioned. The term 'law' is sometimes used of all processes of social control, and by this definition any of the obligations, customary actions, and conventions inherent in the social system might be described as law. It is less confusing to adopt the hypothesis that the extent of the law is limited to social control which is maintained by organized legal sanctions and applied by some form of organized political mechanism. By this definition, the Nuer had no law, for, as we have already seen, there was in the past nothing in the nature of politically organized society. There were in a sense courts of arbitration dependent on the person of the Leopard-Skin Chief, but resort to this functionary only occurred if both parties were willing or found it expedient to do so, and there was certainly no means through which a judgement could be enforced even if it was given.

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On this subject, Professor Evans-Pritchard has written:

[1] It is perhaps now too late to collect reliable evidence on this subject.

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692 681 certainly mean that he will be called upon to pay compensation and forced to comply. In the past there was no certainty that he would be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

692 177 691 We find, then, that the establishment of the courts, though in one sense preserving the social system from complete breakdown, is in another sense contributing to social maladjustment. Moreover the establishment of courts with powers of coercion behind them tends to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

•621 In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

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were often at feud with each other. Scarcity of food, an annual occurrence among the Nuer, made mutual assistance in the subsistence economy essential, and this in turn created mutual obligations and reciprocal duties which extended beyond the sphere of economics. Isolation during the rains, varying degrees of necessity to migrate during the dry season in search of pasture, and the variable quality of the grazing available affected the quality and cohesion of the community and its relations with other communities. 621

These factors are much modified today. The need for common defence or aggression is considerably less because of the intervention of the Government. The scarcity of food and the fear of famine is reduced because in the last resort the Government has, at any rate for the past fifteen years, arranged to import grain for sale to the Nuer, should it be necessary. Isolation at any time of the year is less complete since communications have improved. The integration of the territorial groupings of Nuer society is for these reasons much affected. Communities are essentially territorial in basis and integrated by common sentiments which naturally arise. Through them stretch the concept of patrilineal descent and ties arising from marital relationships. Any modification of the sanctions which uphold the balance of this social system leads to a conflict of loyalties and a tendency to revert to kinship ties alone, even though kinship ties are themselves loosened by the growing process of social disintegration. Fission is caused by the modification of those sanctions which make fusion necessary. In the past, as Professor Evans-Pritchard has pointed out, the latter process was a complement of the former. When a group broke away from its homeland or split owing to a feud within itself, unless the members were sufficiently numerous to retain their identity and resist external aggression, they had to find a place in society somewhere or suffer political or economic insecurity. 621 178

Nowadays, when security against the opposition of others and the need for economic insurance are no longer so acutely necessary, the process is confined to splitting into smaller units of segmentation. This is a fundamental tendency apparent in Nuer society today, and the political aspect of the process is manifest in the endless demands for further and yet further representation in the courts by headmen (*gaat tutni*) who are the leaders of smaller and smaller segments. Representation in the courts so that personal claims in legal disputes may receive personal backing is the real motive behind this tendency. Yet the factor of 'balanced opposition' is still evident in the procedure of Nuer tribunals. It is more particularly manifest when a joint meeting is held between tribes or secondary segments. The attitude of the chiefs in such circumstances is always 'if you settle these cases, we will settle those'. Thus, to take an example, a court meeting of the Thiang Bang (primary segment) may appear chaotic so long as 621 178 692

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621 178 692 disputes are confined to tertiary or lesser segments within it. A man of *cieng* Bedit (a secondary segment) will receive the backing of court members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

621 692 The spirit of compromise usually prevails. In disputes which are hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilizing factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

671 Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

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561 expressed in your close association, in love-making and dancing, in hunting and warfare, in mutual visiting and sharing of meals. The essence of such a system is that it should work automatically for there is no one to enforce it. You ought to behave with deference or equality or superiority to men of different age-sets, and if you do not behave towards a man as his age-status requires you to do, then you will have done the wrong thing—people will say so openly and your father and uncles will consider themselves insulted by your conduct towards a member of their age-set and you will suffer from their chagrin. That the system works is perhaps in part due to its association with kinship ideology and also to the fact that it does not have to work outside the local community where the bonds of kinship are effective. It stratifies members of the local grouping, of the village and district and cattle-camp.

Every society regulates the interaction of its members, among other ways by organising them into age-grades that are associated with the ideology of family life. The problem is: why does age become stratified into formal sets? I do not know that any satisfactory answer can be given to that question and none will be attempted here. It is pertinent to ask, however, whether there are any other means of determining community interrelations in questions of leadership and authority. From this point of view, it would be desirable to make a comparative study of what happens in neighbouring cultures like those of the Shilluk and Dinka, especially among the Shilluk where the system has almost entirely broken down, for we may suppose that it has at one time been less negligible a social influence than at present, and also in those East African societies, like the Masai, where the age-set institution has reached its highest development. But, although such questions can only be treated on the basis of comparative study we may, nevertheless, note once more the absence of any very decided political status among the Nuer. Nor does a kinship system provide an adequate means of denoting leadership. Even in the narrowest type of kinship relations, that between brothers, authority is not an integral part of patterns of kinship behaviour. And we have to remember that wielding of authority is always a difficult matter in any society, and where it is not based on open restraint this is due to a clear cleavage between those who order and those who obey, each person knowing at once to which party the other belongs. Among the Nuer it can hardly be said that leadership and authority are highly

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developed, but in so far as they are present, they derive their sanction to a large extent from the age-set system. We must also remember that age-sets are organised tribally and are one of the institutions common to all members of the same tribe and may, therefore, be supposed to act as a unifying agency in the loose political life which we have seen to characterise Nuer tribes. As much as language, moreover, it is participation in a Nuer age-set that stamps a man as a Nuer and distinguishes him from Dinka, Shilluk, Anuak, and other peoples. When you have six weals running across your forehead you are a real Nuer, a member of the finest nation on earth. The Nuer does not doubt his superiority over the other folk and is intensely proud of the marks on his forehead which prove his nationality.

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Nyueny is one of the finest

ridges (*thur*) in Western Nuerland and in times of flood the people of 361
neighbouring villages encamp there. This advantage is slightly offset by 312
the corresponding fact that there is often insufficient water for the cattle
early in the dry season, so that the people of Nyueny are among the first
to move to dry season camps. The population of the village is approxi- [161]
mately[1] 129 souls.

The village, commencing from the outlying hamlet of Dorpan, consists [621]
of the following 26 homesteads.

Homestead No. 1 Nyaluthni ♀—Rial ♂. She is a barren woman with 592
many cattle which she has obtained partly as fees, for she is a well known 361
diviner and magician, and partly from the bride-wealth of her nieces, for 588
her brother has several daughters and she not only gets the cattle due to a bride's paternal aunt but also some of those due to a bride's paternal uncle, because, being barren, she counts in some respects as a man. She exchanged a Dinka woman for cattle (*ce cek jaanga luil ka ghok*). This was not, properly speaking, a marriage but we might describe it more correctly as an exchange or even a purchase. This woman, Luel ♀, bore two children, Majak ♂ and Nyagai ♀, by a Dinka man. Nyaluthni has also married, by payment of bride-wealth and by performance of the usual ceremonial, two Nuer girls. One Nyabuor ♀, gave birth to twins, of whom Buth ♂, survives, by a man of the Jikul clan, Wecyil ♂ by name. When Wecyil ♂ died she cohabited with a Jikany man called Kemkin ♂. and she is now in child by him. The second girl, Nyakoka ♀, has recently been married and she has not yet borne children. She cohabits with Rwot ♂, a kinsman of Nyaluthni of the Tedar minor lineage.

These men do not live in Nyaluthni's homestead but frequently visit it and stay there for one or several nights. They hoe her gardens and are chosen to cohabit with her wives because they are known to be hard-working gardeners. They are given meals when they are present, and on the marriage of the daughters he has begotten the genitor will receive a cow from the bride-wealth of each.

Nyaluthni (generally known as Nyarial after her father) is the pater of 592
the children of her wives and she is always spoken of as such when their 593
names are mentioned. Thus people always speak of Majak ♂—Nyarial 588
♀ and Nyagai ♀—Nyarial ♀. Her children address her as *gwa*, "father", and not as *ma*, "mother". She is a woman of outstanding character, with fine features, and always well-dressed. She is very competent and runs her homestead like a man. If her wives are lazy or disobedient she beats them. They treat her with the respect due to a husband and place meals before her with the same ceremony as they would employ to a male husband. She speaks of them as "my wives". She directs the business

[1] I say "approximately" because it was not my intention to compile a census though in fact I did so in the course of my enquiry into matrimonial conditions in the village. Consequently it is possible that two or three girls whom I have reckoned as residents are married to husbands in other villages. This may have been the case at the southernmost end of the village. I know everyone in the of rest the village too well for this mistake to have been made, enquiry always being controlled by personal contact.

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613 to a certain group and not a member of it in relation to a different group. Lineages are thus essentially relative groups, like tribal sections, and, like them, also are dynamic groups. Therefore they can only be described satisfactorily in terms of values and situations.

613 Nuer lineages are not corporate localized communities though
621 their members often have an association with a locality and speak of the locality as though it were an exclusive agnatic group. Every Nuer village is associated with a lineage, and though the members of it often comprise a small proportion of the community, it is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the designation of the village community by the name of the lineage. It is only in reference to rules of exogamy and certain ritual activities that one needs to regard lineages as completely autonomous groups. In social life generally, they function within local communities, of all sizes from the village to the tribe, and as part of them. We cannot here discuss the ways by which residential groups become a network of kinship ties—marriage, adoption, and various fictions—but the result tends to be that a local group is a cognatic cluster round an agnatic core, the rules of exogamy being the operating principle in this tendency.

614 Nuer clans are everywhere much dispersed, so that in any village or camp one finds representatives of diverse clans. Small lineages have moved freely over Nuerland and have settled here and there and have aggregated themselves to agnatically unrelated elements in local communities. Migration and the absorption of Dinka have been circumstances favouring the dispersal and mixture of clans. Being a conquering, pastoral people and not [769] having an ancestral cult, the Nuer have never been bound to any particular spot by necessity or sentiment.

Nevertheless, there is a straight relation between political structure and the clan system, for a clan, or a maximal lineage, is associated with each tribe, in which it occupies a dominant position among other agnatic groups. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often a linguistic identification, between the parts of a clan and the parts of a tribe. Thus if we compare Diagrams II[1] and III[2] and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary

[1] [see p. 282, cat. 116 -- Analyst]
[2] [see p. 285, cat. 285 -- Analyst]

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619 fled from the Dinka who had brought him up they said "*achilo kang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac; or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany, but it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kany*?" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Thus we find lengthy feuds going on between one section and another within the tribe itself.

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619 (3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled sooner or later when they take place between segments of the same tribe, whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

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[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jimac and Jemac.

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considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

[1] Privately circulated.

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[587] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned Lou tribesmen from all over the tribal area for a combined raid on the
648 Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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Little harm is done whichever way we speak of them so long as we clearly define what we refer to at the outset. The point to remember is that " tribe " among the Nuer is a relative term and that what we speak of as a tribe to-day may not be one in our sense to-morrow. I have even been told (by Cuol, the Government interpreter at Nasser) that there was no *cut* between Yol and Wangkac primary sections of the Gaajok tribe. He told me that there used to be blood-compensation between these two sections till so many people on either side were killed that it ceased to function. It is clear, if this is the case, that " tribe " must be relative, and to some degree an arbitrary and *ad hoc* term. The only difference between the nomenclature used in this paper and that usually employed is that I shall regard the three divisions of what is generally called the Eastern Jekany tribe, the Gaajak, Gaajok, and Gaagwang, as separate tribes. In doing this I fully realise the arbitrariness of the usage. 619

This continual process of segmentation in the tribe is due to the weakening of these bonds upon which the solidarity of primitive groups depends, communal life and kinship. The difficulty of pasturing and watering cattle during the dry season necessitates a sparse population to a large area. The more populous a group becomes the greater becomes this economic problem which can only be solved by its members going further and further afield to exploit more distant pastures and water supplies. This has undoubtedly been one of the causes of Nuer expansion during the last century. The result is that members of a group become less and less into contact with one another the larger it grows and the social and political solidarity of the group is consequently loosened. Thus, the tribe has the minimum of cohesion, while the small village group which lives together in dry and wet seasons is a closely knit community. The cohesion of other territorial groups between the village and the tribe varies in rough proportion to their size. As will be explained later, widening of spacial distance goes hand in hand with widening of distance in blood relationship. For even the bonds of kinship loosen when kin ceases to be localised and begin to spread over a large area, because if kin are to function as economic, social and ceremonial agents they must live together. How else can they pasture their herds in the same plains? How else can they attend the same weddings and mortuary ceremonies? How else can they act together 619 161 167 233 619 621 602

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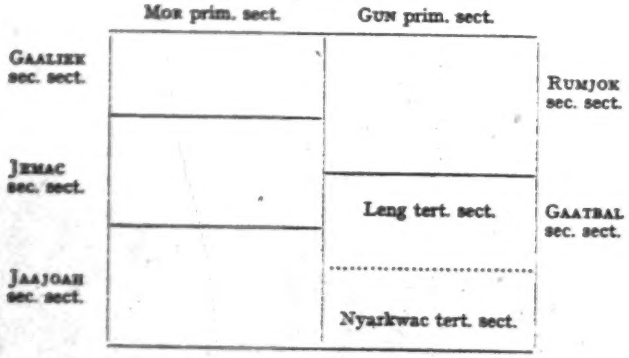
619 as a blood-revenge group? Moreover, as will be seen later, Nuer kinship
621 groups are always being diluted by assimilation of unrelated elements,
602 and the tendency is for community of living to supplant community of blood as the functioning element in Nuer society.

619 We have to bear in mind that segmentation is taking place all the time with every kind of territorial group, from the smallest to the largest, within the tribe, just as it happens to the tribe itself. I shall speak of the largest segments into which a tribe is divided as primary tribal sections, though when these are two in number, as often happens, we may speak of them as tribal moieties, e.g., the Lou tribe is split into moieties of Gun and Mor and, according to Jackson, the Thiang tribe is split into moieties of Ria and Bang. The Gaajok, Gaajak, and Gaagwang, which to-day have the status of separate tribes among the Jekany on the East bank of the Nile, were once primary sections of the Jekany tribe as they probably still are in its western homeland. Now, just as the Lou tribe is split into two primary tribal sections, Gun and Mor, so these sections are split into what I shall call secondary tribal sections, e.g., Gun is divided into secondary tribal sections of Rumjok and Gaatbal, while Mor is divided into secondary tribal sections of Gaaliek, Jaajoah, and Jemac. Each of these secondary tribal sections is split into further divisions which I will call tertiary tribal sections, e.g., the Gaatbal secondary tribal section is split into two tertiary tribal sections, the Leng and Nyarkwac. This may be shown diagrammatically (capitals do not here denote clans) :—

DIAGRAM No. II.
LOU TRIBE.



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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

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to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *gaat* kwith and his village *cieng* kwith. A clan is called after a man yi and becomes *cieng* yie, or after yoal and becomes *cieng* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

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361 114 Pakur village (Lek tribe) on my introduction to Nuerland when I was quite unable to make any maps of social distribution upon which I have the slightest reliance. Under these circumstances I shall speak somewhat loosely of districts and villages, meaning by district an area occupied by secondary and tertiary tribal sections such as the Leng and the Nyajekany of the Lou tribe and the Minyaal and Thiur sections of Gaajok, and by villages I shall mean a part of a district which is well demarcated through the proximity of its homesteads and hamlets, each being more or less joined to its neighbours by cultivated grounds, and through the wide gaps which divide it from other similarly occupied parts of the district, gaps filled by forest, bush or swamp. The precision of these terms and the size of the group to which they refer are very variable. My ignorance of Nuer country, over which I was unable to travel more than a few miles, prevents me from presenting a map of such distributions. I speak, to make it clearer to those on the spot, of such places as Muot Dit, Kurmayom (Lou), Pakur (Lek), Panyam (Dok) as villages, but I am by no means certain that among the Western Nuer and in the eastern Jekany countries villages of this kind are so well defined by geographical isolation.

621 Those cattle camps which I have seen vary in size from a cluster of windscreens protecting some 80 persons to a number of clusters protecting some two to three thousand persons. What information I possess on this dry season distribution will be written up under the heading of Nuer kinship and at the present I only wish to notice that there is a greater degree of solidarity, special and moral, in the dry season when the inhabitants of a district are living around a single water supply and when dissentions are subdued than in the wet season when they are scattered in their different villages and when the pulse of life beats stronger, largely owing to increased food supplies which follow from harvesting, and quarrels are considered seasonable.

361 By hamlets I mean groups of homesteads which often enough form a separate cluster on a village plain and which are occupied by a man and his brothers and other persons united to them by marriage or other social links. I do not suggest that these hamlets are always very distinct. By homesteads I mean the dwellings of a single man and his wives and children and cattle. These consist of a single cattle byre and kraal and a number of sleeping and cooking huts grouped around it. It is often convenient to speak of a joint homestead to denote several homesteads,

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823 196 rather more inclusive. But both are used to refer to " our home," " our hamlet," " our village." Thus Pakur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that the territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not clearly differentiate between them.

619 361 614 Herein lies a great difficulty. The Nuer tribe always has a name derived from the name of the country which it occupies, e.g., one may

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619 sons Bany (bull(ock) name *ma lou*), Yini (bull(ock) name *ma rengyan*) and
614 Thiang, a genealogy which differs from those already given in this paper. Only detailed research by several observers in different areas can finally solve the problems, for solutions cannot be deduced satisfactorily from our present data.

In our account of the tribe we explained how a continual process of fission is going on and how when we speak of a tribe we are using a relative term, since it is difficult to know whether we should speak of a single tribe with moieties or of two separate tribes. Exactly the same process of segmentation is going on within the clan, since a tribe is a political aggregation round a clan or clan lineage. Thus the clan, like its political superstructure the tribe, is also going through a constant process of integration and segmentation. Division into lineages here corresponds with territorial division into tribal sections. Our statement that the larger the territorial area covered by a tribe or a tribal segment the weaker its cohesion finds its kinship counterpart in the tendency for the solidarity of a lineage to weaken the more it expands. Weakening bonds of kinship re-enforce spacial division in destroying communal interests in tribal life just as spacial division re-enforces widening kinship breaches in undermining community of blood. For example, the division of the Lou into two moieties of Mor and Gun is not simply a political and spacial division but is also a kinship cleavage between the descendants of three sons of Denac, Nyang, Dak and Bal, or to state the position in other terms, the division between the sons of Nyang, Dak, and Bal is not simply a creation of genealogical distance but also of political and spacial distance.

613 The clan itself has practically no social cohesion; a major lineage
614 has greater cohesion than the clan of which it forms part but less cohesion
621 than one of the minor lineages into which it is divided. A minor lineage has great solidarity as has the village or district which represents the minor lineage with its political aggregate clustered around it. Here close ties of blood are backed up by community of daily life. Thus the GAT NACA display little communal feeling in their social behaviour, the major lineage of GAATBAL on the contrary, owing to their symbiosis, their common political and economic interests, and their close kinship bonds, show a much stronger tendency to regard themselves as a distinct social group.

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A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MÄR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation. 613 621

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units. 613 614 619 621 631

DIAGRAM No. IX.

Clan + aggregate of strangers	=	Tribe.
Major Clan lineage + aggregate of strangers	=	Primary tribal section.
Minor " " " "	=	Secondary tribal section. Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Denac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the Lou JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since Lou and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the Lou JINACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we 614

[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.

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554 brothers whom the *let* had eaten. His father said to him, " Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of " bulls " or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

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JINACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country. 554 614 619 621 1173

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage. 721 167 614

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*cike dak piny*). Then their close relationship (*mar*) ends (*ci mar thuk*). They go and live in the midst of other clans who are 614

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614 distantly related to them (*cike uth ko ji bothna okien*). Here they dwell as friends (*wané ngac kō rō*) and slowly forge new relationship by intermarriage (*ca mar mat e hen*).

609 576 621 I believe that there is another Nuer word which means the same as *rul*, namely, *yian*. Thus one speaks of strangers living in the village of *diel* as *yiankien*, "their strangers dwelling in their midst." They are strangers because they have no hereditary status in the *wec* save through their mothers. Nevertheless *rul* and *yian* are objectionable terms by which to address strangers and would not be used without danger of strong words following. In speech they are assimilated to the dominant lineages and in this way the homogeneity and cohesion of the local group is asserted. One does not make a division between people who live with one, share one's cattle camp and village, help one in feuds, and quarter their herds in common pastures. Hence even if a man is a *rul* (or a *yian*) one does not make allusion to the fact in his presence. Still less does one make allusion to a man's Dinka or other non-Nuer parentage by calling him by the offensive term *jaang*. These strangers are accepted as equal members of the *wec*.

614 621 One of my informants, Jok, explained modes of Nuer aggregation very clearly. No *dil* (or *tut*) dwells in a social milieu entirely composed of fellow *diel* (*gaat twot*), for the usual tendency is for *diel* to split up and for the segments to seek political autonomy on their own and found their own social conglomerate in which they will form the aristocratic nucleus. Hence a *wec* has its nucleus of *diel*, and around this nucleus are gathered a host of *rul*, who are often the husbands of daughters and sisters of *diel* who have not left the village of their fathers and brothers on their marriages but whose husbands have built their homesteads in their wives' localities. It is important to bear in mind that these girls cannot marry a *dil* or *tut* but are compelled by exogamous rules to marry into the classes of *rul* and *jaang*. Their children often grow up in the village of their maternal grandfather and his lineage are regarded as their kinsmen while their father's lineage are comparative strangers, and for this reason they tend to trace their descent through their mother rather than through their father and thus hitch on to the genealogical system of the *diel*.

614 619 Hence there is always a tendency towards fusion between two lineages who form part of the same tribal section. This is not simply due to the fact that there is often a real or mythological relationship between

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the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed. 614 619

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said " He is poor and has nothing because he has given everything away "—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat twot* since they were born through the cattle of a *tut*. 641 597 614

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local " chiefs " whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to 614 624 621

12:Evans-Pritchard E-5 (1930-1931) 1933
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establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

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We have seen that two elements in a Nuer village are the *diel wec* and the *rul wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

14: Huffman M-5 (no date) 1931
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We have had several small thefts of fruit at the mission, 577
and Nuer living on the compound have assumed the part of self-appointed police without any idea of material gain for themselves. They have occasionally assumed such responsibility for the property of the white man as to make it necessary for them to declare a Nuer—even a relative—to be a wrongdoer.

A Nuer is faithful to his family and tribe, remembering 577
his obligations to them and knowing that he may be 621
sure of their support in times of urgent need. This pride in his tribe must not be undermined. Age-old customs and teaching have given him a heritage of which he may well be proud.

As the white man and the Arab mingle in his life and 000
as western civilization touches Nuerland may the good in the Nuer remain undestroyed. May he not become dissatisfied because his ways are not those of western nations, but help to make his tribe better because he has lived in it. We must be careful not to designate as evil everything that is not part of our western civilization. If we teach the Nuer of Christ and they follow in His way, He will perfect their lives.

POISE

You cannot hurry a Nuer unless you can give their 157
war cry—which brings immediate action.

Nuer have been taken to Khartoum, and while they were amazed at all the wonderful (to them) things which they saw, no one who saw them on the street could have guessed any of their thoughts by their actions. They were quiet and self-possessed amid surroundings that were entirely strange to them. One boy was even heard to remark that 'Khartoum had nothing to boast of, except that it did not have mosquitoes'.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

SOCIAL ORGANISATION AND POLITICAL STRUCTURE

SOCIAL UNITS

592 1. A single living hut occupied by a wife, her children and, at times, her husband if the family is a polygynous one.

2. The homestead *(gol)* consisting of a byre and huts, and containing a simple family group or polygynous family, sometimes with other relatives attached.

●621 3. The hamlet *(dhor)* consisting of a cluster of homesteads surrounded by their pastures and cultivations. Each hamlet has its own name and is generally inhabited by close agnatic kinsmen, often brothers and their families.

621 361 4. The village, a very distinct unit, usually referred to as *cieng* (home). The population may be anything from fifty to several hundred. If the village is built on a ridge, homesteads and hamlets may be strung out for a considerable distance. Villages are usually distinct from each other, there being several miles of bush, swamp and grass between them. Well-marked paths, made by the constant visits exchanged by the inhabitants, join the villages to each other.

621 A village consists of a community linked by common residence and by a network of kinship and affinal ties. The inhabitants co-operate in many activities - social, economic and military - and form dry-season camps together. The village is the political unit of Nuerland and is the smallest group which is not specifically of a kinship order.(1) People of one village have a strong feeling of solidarity vis à vis people of other villages.

621 361 5. The cattle camp *(wec)*; early cattle camps may be found wherever there are depressions, pools, and patches of fresh pasture. The location of the larger camps is largely predetermined, as only a few places provide adequate pasture and water at the height of the dry season. The size of the camp depends on these resources and, whereas early camps consist only of a few households, later camps vary from 100 to 1,000 souls. Such concentrations comprise larger or smaller tribal sections and each group has its own separate section of the camping ground. Neighbouring villages participate in a cattle camp, and relatives from distant villages may join their kinsmen. There is more co-operation within a camp than within a village, as the cattle are herded together and milked at the same time, whereas in a village each homestead, in the main, herds its own cattle. A large camp is called after the dominant lineage in it or after the main village community occupying it.

634 6. The district, "an aggregate of villages and camps which have easy intercommunication".(2) It corresponds to a small tribal segment, although it may include a whole tribe or more in the case of very small

(1) Evans-Pritchard, *The Nuer*, 1940, p.115.
(2) *Ibid.*, p.116.

tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 634

Nowhere in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 621

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.(1) The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 619 721

Within a tribe compensation *(cut)* is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.(2) Between tribesmen there is also *ruok* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 682 683

A tribe is a segmented structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

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Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolise the unity and exclusiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality. 554

The *gat twot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 613

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral 613 [614]

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

613 lineages of the same branch in relation to a collateral branch.(1)

621 Although Nuer lineages are not corporate, localised communities,
613 they are frequently associated with territorial units.(2) Every Nuer village is associated with a lineage, though the members of it may form only a small part of the population. The village community is identified with, and called by the name of, the lineage which forms the agnatic core to which the other families and lineages are aggregated. For everyday purposes the position of this dominant lineage does not appear to be very different from that of the other lineages in the community. It is only in connection with certain ritual matters and in reference to rules of exogamy, that lineages are completely autonomous groups and become clearly differentiated from each other. Lineages function within, and as part of, local communities of all sizes, from the village to the tribe.

THE DOMINANT LINEAGES AND
STRANGER LINEAGES

613 When a tribal section is called after a lineage it does not follow that all the members of the lineage live there, though the majority may do so. It merely means that the lineage is a dominant one, the nucleus of the community, although large stranger lineages are often included in the area.

Migration, quarrels, intermarriage and so forth, have caused a dispersion of lineages. If, for some reason, a man or a group of brothers leave their village, they may go and live at the village of a married sister. Here they are respected as *jiciengthu* (in-laws) and their children are accepted as *gaat nar* (children of the mother's brother). The people they join are to them *cieng conymar* - 'the people of my sister's husband', and *gaat nyal* - children of a female agnate. Except for ceremonial purposes, they will enter into close relationships with the dominant lineage of the community. However closely associated lineages may become, a lineage never merges into a different clan, for there are always certain ritual observances which cannot be shared; and only a certain amount of inter-marriage may occur, for otherwise the incest rules would be violated. A lineage can only merge with a collateral lineage of the same clan.

614 The close association between lineages and territorial segments,
613 which constitutes the political importance of the clan system, is seen in the correspondence between the segments of a dominant clan and the tribal or territorial segments.(3) A certain tribe has a dominant clan associated with it. The maximal lineage of the clan corresponds to the primary sections of the clan; the major lineages correspond to the secondary sections, the minor lineages to the tertiary sections and the minimal lineages are associated with the villages comprising the tertiary sections (see above p.140). The dominant clan is therefore a framework on which the political system of the tribe is built up through a complex series of kinship links.(4)

(1) See Evans-Pritchard, *The Nuer*, 1940, pp.192-3, for full discussion of the segmentation of lineages and underlying structural principles.
(2) Evans-Pritchard, *The Nuer*, 1940, p.205.
(3) *Ibid.*, pp.211-12. (4) *Ibid.*, pp.205-12 for further details.

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DIFFERENTIATION OF STATUS AMONG THE NUER

There are three categories in a Nuer tribe: *diel*, *rul* and *jaang*. 614

The dominant clan is *diel* and members of other clans settling after the establishment of the dominant lineage are *rul* (strangers). Not every member of a clan lives in a tribe where his clan has a superior status; a man is a *dil* (an aristocrat) only in the tribe in which his clan is dominant, for the status of *diel* derives from residence on land owned by the clan. Prestige, not authority or any particular power, is attached to the *diel*; they are owners of the land, the village sites and pastures. Strangers live on the land through some link with, and the recognition of, the true owners. 554

A *rul* (stranger) is a Nuer who is not a *dil* in the tribe in which he lives. He may be influential, highly respected and even a *tut* (bull), though not belonging to the aristocratic clan. He may, indeed, group round him an entire village community in spite of the presence of several tribal aristocrats in the same village; in this respect personality and influence may count for more in everyday local affairs than a particular lineage affiliation.(1) In fact, in the everyday life of a village community, the only socially significant difference between aristocrats and strangers is in the assessment of blood cattle, and this is only found among the Jikany tribes. 554 609

'Tribal bulls', on the other hand, belonging to a lineage of the dominant clan of a tribe, are far more important in the political system than the *rul* bulls, for they are centres of clusters of kin and are also agnates, each having in relation to the others a structural position in the lineage system of the dominant clan.(2) 613 554

A Dinka adopted into a joint family is a *jaang* to the people of the family. To people outside the family he is a member of it and his status is not differentiated; he has all the rights and obligations of other members. Only the assessment of his value in blood cattle differentiates him from the Nuer. 597

Strangers may be attached to the dominant clan by adoption or by marriage. [614]

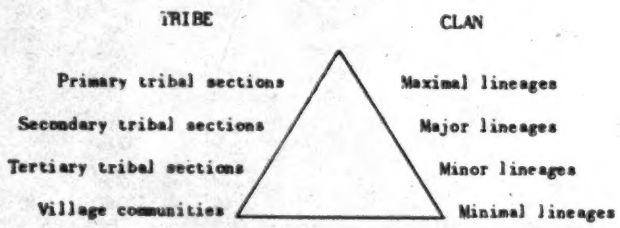
Kinship values are the strongest sentiments and norms in Nuer society, and all social interrelations tend to be expressed in kinship idioms. Since there are no headmen or councils or any of the usual forms of government, it seems that kinship values, combined with the position of the dominant lineage and its linked stranger lineages, are the originising agencies and the means of unity in each community. 602 621

The political system of the Nuer is constituted by the relations between territorial segments in the tribal system; cohesion and organisation are achieved through the association of the lineage system with the territorial units. The lines of cleavage tend to coincide, for lineages are 621 613 619

(1) Evans-Pritchard, *Kinship and Local Community among the Nuer*, 1950, p.370.
(2) *Ibid.*, p.390.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

621 613 619 not corporate groups but are embodied in local communities through which they function structurally.(1) The tendency towards the co-ordination of territorial and lineage segmentation can be seen in various stages of territorial expansion between the household and the tribe.(2)



The action and interaction of the various tribal segments and the underlying principles of opposition and fusion are seen in operation when disputes and cases of homicide are dealt with, and in times of feud and war. This acephalous kinship system has a determining influence on the nature of the age sets, on the rules of exogamy, on the character of kinship, on the people, and indeed on every aspect of Nuer life.

NUER NAMES

551 Every Nuer has a personal or birth name *(cot pany)* which is given without ceremony by the parents shortly after birth; he may have a second personal name given by his maternal grand-parents. In later life, he is addressed as *gwa* (father) by the younger generation. In addition, everyone inherits a *cot paak*, an honorific or praise name of the clan of his father, which is used mostly on ceremonial occasions. A man's maternal kin will tend to use the honorific name of the mother's clan.

At initiation a man acquires an ox name derived from the colour or characteristics of the ox given him on this occasion by his father. A man is given his ox name by his age mates in particular. Maidens take ox names from the bulls calved by the cows they milk, but these are seldom used except at dances.

A dance name, nickname, or traditional name may be used in conjunction with ox names at dances. In addition a man is often addressed as 'son of --' followed by the name of his father. Among maternal relatives the matronymic is used instead of the patronymic used among paternal kinsmen. A man is called after his elder son by his in-laws, while a woman who has status in her husband's home in virtue of having borne him a child is addressed by the name of her eldest child. A Nuer, therefore, may be addressed by a number of different names or titles. The one actually used on any occasion depends on the age, relationship, and clan of the speaker, and also on the response and mode of behaviour which it is intended to evoke.(3)

(1) Evans-Pritchard, *The Nuer*, 1940, p.240. (2) *Ibid.*, p.248.
(3) Evans-Pritchard, *Uganda Journal*, 1948, Vol.12, No.2, p.166.

21: Bacon Nuer FJ22 (S2)

618, 621, 582

/For a discussion of the social structure, kin relationships, tribal genealogy and general kin regulation of marriage, see 116 of the AU1 Afghanistan file, 21:Bacon, pp. 130-141. /

14: Huffman M-5 (no date) 1931
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Chapter One

THE TRIBE—HISTORY AND APPEARANCE

101 THE Nuer tribe are found in the southern part of the Anglo-Egyptian Sudan in the Nasser and Abwong districts and also on the Zeraf island and along the Nile.

161 At the Rejaf Language Conference in 1928, the Nuer population was estimated as 430,000.

565 There are a certain number of Nuer who constitute what they call their 'aristocracy'. These are not supposed to intermarry as they are considered as one family. They are called 'dil'. A chief is always a 'dil'.

622 There are various chiefs in different parts of Nuerland, but their individual domains are not large. The people do not make obeisance before them as other tribesmen do when in the presence of their chief. But they show them respect and preference in many ways. If a chief is among those waiting to go across the river in canoes, he is always accorded a place in the first canoe to go across.

Then there are chiefs of the leopard skin, which position is hereditary. These chiefs wear a leopard skin over the shoulders, which is the insignia of their position and authority.

STORIES OF ORIGIN

773 The Nuer have a number of stories of their origin in folk-lore tales which are handed down from one generation to another. They have a firm belief in these tales of long ago. 'Would our people lie to us?' they ask.

A very large gourd is supposed to have fallen down from heaven. In it were a spear, a leopard's skin, and a person. This person they call Kiir and he is the father of the first Nuer.

173 They also tell the following tale about the time when the Nuer first came to the country they now inhabit.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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XI

554 Ritual status gives a man vague influence in his locality; but
562 authority only in specific ritual situations. Sex and age are
593 two, more general, conditioning attributes of local influence. Women and children have always a position inferior to that of men. Women occasionally gain a reputation as prophets and magicians but, as a rule, they play no leading part in public affairs. Among the Nuer, relations between the sexes, and between man and wife, are more equitable and give females more privilege than in any other tribe I have visited in the Southern Sudan. Nevertheless, they are subject to men: daughters to their fathers and wives to their husbands. Boys are under the command of their parents and elder brothers and only become full tribesmen, with the privileges and responsibilities of such, at initiation. The relations between the sexes and between children and adults belong rather to an account of domestic relations than to a study of political institutions.

561 When a lad has passed through initiation he becomes 'a man'
623 and when he has married and begotten several children he becomes 'a true man', what we have called an elder. We have from time to time spoken of the part played by elders in homicides and other disputes. When a local community acts corporately and leadership and advice are required, these functions rest with the elders. They decide when seasonal moves are to be made and where camps are to be formed, negotiate marriages, advise on questions of exogamy, perform sacrifices, and so forth. Their opinions on such matters are readily accepted by the younger men, who take little part in the talk unless they are directly concerned in the issue. When the elders disagree there is much shouting and argument, for every one who wishes to speak does so and as often and loud as he pleases. The words of some elders count for more than the words of others and one easily observes that their opinions are usually agreed to.

561 These elders are members of central age-sets, at the present time the *Maker* and *Dangunga*, for members of the most senior sets, the *Thut* and *Boiloc*, take little part in public life. We discuss in Chapter VI the relations between age-sets. Here we

1: Evans-Pritchard E-5 (1931, 1936) 1940
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The Nuer political system includes all the peoples with whom they come into contact. By 'people' we mean all persons who speak the same language and have, in other respects, the same culture, and consider themselves to be distinct from like aggregates. The Nuer, the Shilluk, and the Anuak each occupy a continuous territory, but a people may be distributed in widely separate areas, e.g. the Dinka. When a people is, like the Shilluk, politically centralized, we may speak of a 'nation'. The Nuer and Dinka, on the other hand, are divided into a number of tribes which have no common organization or central administration and these peoples may be said to be, politically, a congeries of tribes, which sometimes form loose federations. The Nuer differentiate those tribes which live in the homeland to the west of the Nile from those which have migrated to the east of it. We find it convenient to make the same distinction and to speak of the Western Nuer and the Eastern Nuer. The Eastern Nuer may be further divided, for descriptive purposes, into those tribes which live near the Zeraf river and those which live to north and south of the Sobat river. 619 128

The largest political segment among the Nuer is the tribe. There is no larger group who, besides recognizing themselves as a distinct local community, affirm their obligation to combine in warfare against outsiders and acknowledge the rights of their members to compensation for injury. A tribe is divided into a number of territorial segments and these are more than mere geographical divisions, for the members of each consider themselves to be distinct communities and sometimes act as such. We call the largest tribal segments 'primary sections', the segments of a primary section 'secondary sections', and the segments of a secondary section 'tertiary sections'. A tertiary tribal section consists of a number of villages which are the smallest political units of Nuerland. A village is made up of domestic groups, occupying hamlets, homesteads, and huts.

We discuss the institution of the feud and the part played in it by the leopard-skin chief in relation to the political system. The word 'chief' may be a misleading designation, but it is sufficiently vague to be retained in the absence of a more suitable English word. He is a sacred person without political authority. Indeed, the Nuer have no government, and their 128 624

1: Evans-Pritchard E-5 (1931, 1936) 1940
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128 state might be described as an ordered anarchy. Likewise they lack law, if we understand by this term judgements delivered by
•624 an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

128 After an examination of the political structure we describe the lineage system and discuss the relation between the two.
613 Nuer lineages are agnatic, i.e. they consist of persons who trace their descent exclusively through males to a common ancestor.
614 The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

128 After discussing the lineage system in its relation to territorial segmentation we describe briefly the age-set system. The
561 adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

V

628 624 783 We give a concise account of the procedure for settling a blood-feud, without describing the detail of ritual. As soon as a man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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cide. By living with the chief as his guest from the moment his arm has been cut till the final settlement, the slayer has asylum, for the chief is sacred and blood must not be shed in his homestead. It is possible that men only take refuge with a chief when the danger of vengeance is very great, but it seems to be the general practice.

While the slayer is at the chief's home the avengers keep watch on him (*bim*) from time to time to see if he leaves his sanctuary and gives them a chance to spear him. They take any opportunity that offers to kill him, but they are not very persistent in seeking an opportunity. This state of affairs may go on for some weeks before the chief opens negotiations for settlement with the dead man's people, for his overtures are not likely to meet with a favourable response till the mortuary ceremony has been held and tempers have cooled a little. The negotiations are leisurely conducted. The chief first finds out what cattle the slayer's people (*jithunga*) possess and that they are prepared to pay compensation. I do not think that it would often happen that they would refuse to pay blood-cattle, unless they lived very far from the avengers or there were a number of unsettled feuds between the sections concerned, though they might not have the intention of handing them all over. He then visits the dead man's people (*jiran*) and asks them to accept cattle for the life. They usually refuse, for it is a point of honour to be obstinate, but their refusal does not mean that they are unwilling to accept compensation. The chief knows this and insists on their acceptance, even threatening to curse them if they do not give way, and his exhortations are supported by the advice of distant paternal kinsmen and cognatic relatives who will not receive any of the cattle and need not, therefore, show such pride and stubbornness, but who have a right to make their opinion known in virtue of their relationship to the dead man. The voice of compromise is also supported by the bias of custom. Nevertheless, the close kinsmen must refuse to listen to it till the chief has reached the limit of his arguments, and when they give way they declare that they are accepting the cattle only in order to honour him and not because they are ready to take cattle for the life of their dead kinsman.

In theory forty to fifty head of cattle are paid, but it is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 unlikely that they will all be paid at once and the debt may
624 continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must
[783] be appeased and the honour of the living must be upheld. Also, sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 A homicide does not concern only the man who has committed
578 it, but his close agnatic kinsmen also. There is mutual hostility
[784] between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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settled, in no way weakens this impression, because one well 627
knows how among other African peoples cases are brought before 671
courts under Government supervision which would not previously have been settled in a court, or even settled at all, and 177
how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.

Before discussing the chief characteristics of Nuer legal procedure I record that, according to verbal information, for I have 624
never observed the procedure, one way of settling disputes is to 627
use a leopard-skin chief as mediator. Thus, I was told that a man who has a cow stolen may ask a leopard-skin chief to go with him to request the return of the cow. The chief goes first, with several of the elders of his village, to the plaintiff's homestead, where he is given beer to drink. Later they go, with a deputation from the plaintiff's village, to the defendant's village, and here also the chief may be presented with some beer or a goat. The chief is considered to be neutral and a certain sanctity attaches to his person so that there is little likelihood of the deputation being injured. The visiting elders sit with elders of the defendant's village and the chief in one of the byres and talk about the matter in dispute. The owner of the animal gives his view and the man who has stolen it attempts to justify his action. Then the chief, and anybody else who wishes to do so, expresses an opinion on the question. When every one has had his say the chief and elders withdraw to discuss the matter among themselves and to agree upon the decision. The disputants accept the verdict of the chief and the elders and, later, the owner of the animal gives the chief a young steer or a ram unless he is a very poor man, when he gives him nothing.

If a man has a dispute with another of the same neighbourhood they may both go to the homestead of a local leopard-skin chief and lay their spears on the ground in his byre. A man would not [576]
plant his spear upright in a chief's byre, and I was told that were he to do so a bystander might appropriate it, as disrespect had thereby been shown to the chief. When both men have stated their views the chief and the elders discuss the matter outside the byre and re-enter it to acquaint the disputants of their decision. The person in whose favour the decision has been given hands his spear to the chief, who either gives it to a friend or spits on it and returns it to its owner. It was clear from the way in which my informants described the whole procedure that the chief gave his final decision as an opinion couched in persuasive language and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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not as a judgement delivered with authority. Moreover, whilst the sacredness of the chief and the influence of the elders carry weight, the verdict is only accepted because both parties agree to it. No discussion can be held unless both parties want the dispute settled and are prepared to compromise and submit to arbitration, the chief's role being that of mediator between persons who wish other people to get them out of a difficulty which may lead to violence. The man against whom the decision is pronounced may give way to honour the elders and the chief where he would not give way directly and without their intervention, for he does not lose prestige by accepting their verdict. If there is any doubt about the facts, certain oaths, which are in the nature of ordeals, may be employed, such as swearing statements on the chief's leopard skin.

For a dispute to be settled in this way not only is it necessary that both parties should want the matter amicably settled, but it is also necessary that they should themselves reach agreement during the discussion. No one can compel either party to accept a decision, and, indeed, a decision cannot be reached unless there is unanimity, since the elders are of both parties to the dispute. They go on talking, therefore, till every one has had his say and a consensus has been reached.

The five important elements in a settlement of this kind by direct negotiation through a chief seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case.

I repeat that I have not seen this method employed and add that I am of the opinion that it is very rarely used and only when the parties are fairly close neighbours and belong to communities closely linked by many social ties. In theory any member of a tribe can obtain redress from any other, but we know of no evidence that leads us to suppose that it was often obtained. Before summing up what we judge to be the nature and scope of legal relations in Nuerland we record a few brief examples of typical acts likely to lead to violence if some reparation is not made.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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577 damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told
627 by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

624 Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known
624 among Europeans as leopard-skin chiefs. A leopard-skin chief,
789 *kuaar muon*, has a sacred association with the earth (*mun*) which gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 222. Brun-Rollet's account is unacceptable.

[2] *Kaimakam G. Hawkes, S.I.R.*, no. 98, 1902; *Bimbashi H. Gordon, S.I.R.*, no. 107, 1903.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual.

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another.

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many

1: Evans-Pritchard E-5 (1931, 1936) 1940
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624 parts of Nuerland, including most of the area with which I am
613 acquainted, chiefs do not belong to the dominant clans in the tribes in which they function, though some of them are said to be aristocrats in parts of Eastern Gaajak, Gaawar, and Leek. Most of those whose clans I know belong to the GAATLEAK and JIMEM clans which nowhere have aristocratic status. Since quarrels between tribal sections are expressed in terms of lineages of the dominant clan associated with the sections, as will be explained in the following chapter, the chief, having no position in the system of dominant lineages, is thereby more fitted to mediate between them. He is not a member of the hereditary owners of the tribal land, but is a stranger living there. A chief may act as such in whatever tribe he resides in. If a chief is killed the ceremonies connected with payment of compensation are performed by an aristocrat of the tribe. This is probably because, even when the chiefs of an area are not all members of one clan, they are believed to have a kind of kinship through their common badge of the leopard skin and cannot marry into one another's families. We regard chiefs as a category of ritual experts and do not consider that they comprise in any way a class or rank. We believe their social function to be a mechanism by which the equilibrium of the political system is maintained through the institution of the feud. The slight authority of chiefs and, in many parts, their position outside the dominant clan, accord with this view.

624 In taking the view that to regard the leopard-skin chief as a
628 political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise he has no means of compelling people to pay or to accept blood-cattle. He has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end. 624 628

It is true that a leopard-skin chief has always in these circumstances to persuade, by exhortations and threats, the kinsmen of the dead man to accept compensation, but this pressure must not be regarded as a command. It is quite clear from many Nuer statements on the matter that the chief's threats are encouraged to their furthest point in order that by yielding to his persuasion the kinsmen of the dead man may not dishonour themselves by neglecting to exact a life for the life of their kinsman.

> A chief's threats might go no further than saying that if the kinsmen would not listen to him neither would he, when they were in a similar difficulty, listen to them. But I was told that were the people to refuse mediation with undue obstinacy the chief might threaten to leave their homestead and to curse them. He would take an ox and rub its back with ashes and begin to address it, saying that if the injured party were to insist on revenge many of them would be killed in the endeavour and they would throw spears vainly at their enemies. I was told that he would then raise his spear to slaughter the animal, but this would be as far as people would care to let him go. Having asserted their pride of kin, one of the dead man's family would seize his upraised arm to prevent him from stabbing the ox, saying: 'No! Do not kill your ox. It is finished. We will accept compensation.' My informant, whose statements were supported by others, further added that if people were to insist on refusing the mediation of a leopard-skin chief he would take a short-horned ox and, after invoking God, slay it and rub the hairs off its head so that the members of the lineage who rejected his mediation might perish in prosecuting their feud. 624 628 189

We conclude, therefore, that a chief's curse is not in itself the real sanction of settlement, but is a conventional, ritual, operation in the settlement of feuds, which is known to every one in advance and is allowed for in their calculations. The threat of it is compelled by those on whom it would fall were it uttered. These affairs are like a game in which everybody knows the rules and the stages of development: when one is expected to give way, when to be firm, when to yield at the last moment, 624 628

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and so forth. This conclusion is based on many statements (I have only once been present at discussions between a chief and the kinsmen of a slain man, and then the circumstances were unusual). It may, however, be said with certainty that no amount of pressure from a leopard-skin chief, if it is ever exerted, can settle feuds expeditiously, if at all, between the larger tribal sections. In other disputes the chief acts rarely, and only when both sides strongly desire settlement. He has no jurisdiction to hear cases in a locality. Here, again, I was told that if one party refused to accept his decision as arbiter he might pass the man his leopard-skin, an action tantamount to a curse. The man must then make the chief a gift before he will consent to take back the skin. However, this probably happens only when a man refuses to accept a decision to which every one else, including his own elders, have agreed. I was also told that in disputing a chief's words a man will do so respectfully, first spitting into the chief's hands as a sign of goodwill. No doubt a chief is shown respect on such occasions, but the chiefs I have seen were treated in everyday life like other men and there is no means of telling that a man is a chief by observing people's behaviour to him. His role in disputes may be regarded as a means by which neighbours, who wish a difficulty settled without resort to force and who acknowledge that the other side have a good case, can negotiate.

X

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We have considered the position of the leopard-skin chief at some length because it is structurally important. He in no way represents or symbolizes the unity and exclusiveness of political groups, but is a mechanism by which, through the institution of the feud, these groups interact and maintain their structural distance. There are other people in Nuerland with ritual powers, of one kind or another, which sometimes make a man well known and, occasionally, very influential, but none of them are politically important, except the prophets whose activities we discuss later. They neither govern nor judge and their sacred functions are not, like those of the leopard-skin chief, specifically related to the interaction of local groups. However, we do not entirely

1: Evans-Pritchard E-5 (1931, 1936) 1940
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PLATE XXIV

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624

A leopard-skin chief

[Face p. 222]

582 For completeness it must be mentioned that a leopard-skin
624 chief may not marry into the family of another leopard-skin chief, even though they are unrelated. It is said 'Their blood is still in the earth and in the leopard-skin' and as they all walk on the earth and wear the leopard-skin they have a kind of blood relationship. This rule can be related to that which prevents a leopard-skin chief from performing his usual ritual functions in cases of homicide if the parties to such a case both belong to families of leopard-skin chiefs. It has no great significance for the present discussion, because leopard-skin chiefs who live near enough to one another to marry into each other's families are likely to belong to the same clan.

582 The exogamous rules I have recorded above can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is traced farther in some directions than in others and is of different kinds: the clan kinship of the *mut*, the common spear; the kinship of *buth*, of collateral lineage and of adoption; uterine kinship; kinship through the *genitor*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; and the kinship by analogy of the *ric*, the age-set, and the *twac*, the leopard-skin.

In this essay I am stating the rules of exogamy, and it is sufficient to say that in borderline cases they allow of some latitude in interpretation without going into further detail than is required to record the grounds on which latitude is sometimes allowed. Cases arise in which there is disagreement whether or not the genealogical distance between a suitor and the girl whom he wishes to marry is wide enough to permit marriage. If it is permitted a beast will generally be sacrificed to cut what kinship there may be held still to be between them. In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same residential groups. Exceptions to the general principles of exogamy do not invalidate them, for the rules are acknowledged even in
582 the breach of them. Thus I have known of a peculiar marriage
588 into the clan in which, on the day of the wedding, tribute was

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains. 681

Legal Procedures and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement. 692

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuaar muon* or *kwac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make 692 628 624

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

692 628 624 the attempt to intervene. Similarly legal disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decision of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

692 624 It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 154–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gawar, Leh, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

8:Howell E, G-5 (1942-1944)1954
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on the part of the Administration to find an indigenous foundation on which to graft a system of indirect rule in which authority must be vested in political and legal agents, it may be that their estimate of the powers of the Leopard-Skin Chief is exaggerated. The Leopard-Skin Chief in the early days of administration often acquired political authority because he was chosen to represent the Government. There appears to me to be little or no evidence that Leopard-Skin Chiefs had political authority in the past except in so far as they were the centre of prevailing political cohesion. If a man chose to ignore a ruling given by the chief, he could do so with impunity; but if public opinion was behind the chief's decision, he might lose the privileges which membership of his group gave him. He could always move elsewhere. It is the sanctions which normally operate for the settlement of disputes which are embodied and find expression in the person of the chief, and not a legal sanction derived from his status. Some personalities attempted to further political cohesion within the group, and this was expected of them, but their success depended on the degree of cohesion already existing or the force of sanctions normally making for cohesion. Hence the Leopard-Skin Chief's status and effectiveness are both the expression and the inspiration of collective aims.

Professor Evans-Pritchard writes:

> In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise . . . he has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities. Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.[1]

In the Zeraf tribes the Leopard-Skin Chief usually had powerful kinsmen, and in the majority of tribal segments Leopard-Skin families were represented in the dominant lineage. In Gaawar, the family of Kerfell, for example, in Lak in the lineage of Winyang, and in Thiang in the lineage of Tei Thiep, who have always provided leadership in those areas, are Leopard-Skin Chiefs. Moreover, certain personalities often had the backing of a populous community in the sense that political cohesion was sufficient to ensure composition of quarrels and disputes within it. This leads us to the subject of leadership in Nuer society in more general terms.

There is no verb in the Nuer language meaning 'to order', and the

[1] Evans-Pritchard, op. cit., pp. 174–5.

8:Howell E, G-5 (1942-1944)1954
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There is no verb in the Nuer language meaning 'order', and the
181 imperative is not used with any sense of authority behind it. To get another man to perform some task on his behalf the Nuer must first draw attention to some special relationship between them, whether it be real or fictitious. It is an appeal to the mutual obligations inherent in kinship and is expressed in kinship terms. *'Gat mar'*, 'O kinsman', is the preface to any request which might otherwise take the form of an order. By this I do not mean that the imperative is never used, but it is used only to persons with whom the speaker has an actual and constant relationship, and usually only when the speaker is a senior kinsman. When telling a foreman wood-cutter, for example, to order his men to cut down certain trees, the District Commissioner, allowed greater licence than others, will use the imperative, but the foreman will pass the order on in more euphemistic terms and include himself in the effort to be made. This is merely an example of the exceptional independence of character of the Nuer and their refusal to admit superiority or domination.

173 There is, however, a word which implies not so much 'authority', even in a general sense, as 'leadership', or more precisely 'spokesman-
●624 ship'. The expression *ruic Naadh*, 'leaders of the people', is frequently used when referring to outstanding personalities of the past. The meaning can only be understood by reference to Nuer history. In the early stages, particularly during the period of invasion and expansion when the Nuer were more closely co-ordinated in tribal groups[1] and united by a common purpose, some form of leadership was not only necessary but more easily achieved. Nuer talk of Buogh Kerfeil, the leader of the Gaawar during their migration across the Bahr el Jebel on to the Zeraf Island and again in their raids to the east into Dinka territory, as *ruic* Ganwaar; Wur Winyang and his father Winyang Kwac were both *ruic* of the Lak Nuer at one time, while in Lou we hear of Bedit Kweinyang, who is associated in Nuer tradition with Latjor of the Jikany and led the people against the Anuak to the east. In Lou, after Bedit's death, Bec Colieth led the majority of the tribe back towards the west into their present habitat, partly because of repeated raids by the Anuak who had the advantage of firearms which they traded from the Abyssinians, and partly because of the ravages of fly on their cattle. The third *ruic* was Nyakong, a Leopard-Skin Chief of Jimem extraction, who at first led the Lou Nuer against the Arab slavers but subsequently, like Nuer Teng in Gaawar, turned traitor.[2] Their position was subsequently acquired by the 'prophet' Ngundeng and his son Gwek.

[1] It has already been noted that the Nuer were probably then less numerous and tribal groups much smaller than today.

[2] Bedit Kweinyang was a *kuaar thol* or water expert. Bec Colieth was a *wut ghok* or cattle expert. Nyakong was a Leopard-Skin Chief—as indeed was Ngundeang, his successor. I am indebted to Mr. B. A. Lewis for this information. See also B. A. Lewis, 'Nuer Spokesmen', *S.N.R.*, 1951.

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We have seen that the period of invasion from the west, when the Nuer had a high degree of political cohesion, was followed by a period of expansion and absorption of Dinka. In the absence of external opposition a process of segmentation and political fission followed. In Gaawar we find that the descendants of Kerfeil began to lose their influence, particularly during the early period of Arab penetration, and it is at this period too that the division of Gaawar into the Bar and Radh primary segments became particularly marked. The majority of the Radh threw in their lot with Arab slavers and preyed upon their neighbours, and although the line of political cleavage did not follow strictly the distinction between the primary segments of the tribe, the Bar section to the south, joined by certain Radh secondary segments living in that direction and especially those resident on the Zeraf Island, were in permanent opposition to the remainder of the Radh. At this period Nuar Mer, an adopted son (of Dinka origin) of the Kerfeil lineage, is sometimes referred to as *ruic* of the Radh, while in Bar, although there was never sufficient cohesion to allow complete ascendancy, we hear of such leaders as Liaab Liou. Finally, in the event of extreme danger the Bar began to turn to Deng Likea, who certainly had no hereditary claim to leadership but had magical powers and the gift of prophecy much admired by the people. When the Dervishes withdrew he rallied the forces of Bar around him, inflicted a crushing defeat on the treacherous Nuer sections who had assisted them, and killed Nuar Mer. Deng Likea is also referred to as *ruic* Ganwaar. This process can be traced in most Nuer tribes.

For a while the concept of *ruic Naadh* remained vested in the Nuer 'prophets' in opposition to foreign aggression in the form of the present Government, but this has vanished since their defeat and removal, and nowadays if a Nuer is asked who is *ruic Nǎadh*, he will reply that it is the Government or more likely the District Commissioner.

The term *ruic*, like the word *cieng*, is relative to the social structure. There were also *ruic* whose influence was effective only in segments of a tribe and their significance was greatest at a period when political cohesion on a tribal scale was at its lowest ebb. There was no idea of an institutionalized authority set at the head of a tribe or a tribal segment, though there was perhaps always a tendency for the office to run on hereditary lines within the dominant lineage. Any person might achieve such influence over his fellows by reason of certain qualities which the Nuer consider admirable: generosity in the giving of cattle and in hospitality, which itself indicates a special regard for the obligations of kinship; wisdom and even temper in settling disputes between others; ability to hold the group together, a further expression of the kinship idea; bravery and powers of leadership in war.

These characteristics are also inherent in the conception of the *gat*

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tuot or *tut wec*, the 'bull of the herd', a position which is acquired within a dominant lineage and extended in relation to other lineages. The expression *gat tuot*, as we have seen, is used in the same sense as *diel* and refers to any member of a dominant lineage, but it has a more restricted meaning and is used nowadays to indicate a 'headman' in the Government system of administrative agents. The *tut wec*, the 'bull of the herd', however, is used generally to refer to the man who is recognized within the segment, whatever its size, as the most important adult male. His position is in the first place derived from his place in the genealogy of the dominant lineage, but it is largely dependent on his personality and prestige. The word *ruic* is sometimes applied to the *tut wec*, but has clearly a much wider significance in political relations and in past history. Finally, it is worth noting that there were never any *ruic* whose influence extended over a unit of society larger than the tribe, which tends to support Professor Evans-Pritchard's contention that the tribe is the largest unit of any permanent political significance.

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There is even some evidence that the *ruic Naaah* in much earlier days had greater influence, though the emphasis is placed on their ritual rther than political status. I have heard Nuer say of Buogh Kerfeil that he assumed the stool (*kum* or *kwom*),[1] a fact which suggests some special symbol of office. They also talk of a ceremony in which he was 'lifted up to God' by his fellows, suggesting a ritual investiture. Yet, although Nuer tradition refers to events which happened in the time of old men's grandfathers and, being thus much more recent than Dinka or Shilluk mythology, may have a greater degree of historical accuracy, the story scarcely provides adequate evidence that a form of institutionalized authority was then in existence or that the *ruic Naadh* approximated even remotely to the general conception of an African Chief with political and executive powers.

The essential distinction is that among the Nuer the concept of *ruic* does not imply a crystallized institution in the form of a position in society automatically filled when the present holder dies. In the past, if a hereditary successor did assume the position, this did not mean that his influence would necessarily extend over the sphere affected by the actions of his predecessor. If a *ruic* died his successor gradually established himself by the accumulation of prestige and popularity among the people and gained their acceptance. There is no evidence of a stabilized institution continuing on a permanent level throughout Nuer history. The *ruic* of a tribe only exercised authority, if influence based on powers of persuasion can be called authority, so

[1] The Nuer *kum* is an ambatch stick-shield which is also used to sit on. The idea of a stool as a throne is unknown to the Nuer, but may here be derived from the Shilluk. Among the Shilluk the *reth* or king is ceremonially enthroned on the sacred stool (*kwom*) at his installation. See P. P. Howell and W. P. G. Thompson, 'The Death of a Shilluk *Reth* and the Installation of his Successor', *S.N.R.*, 1946.

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long as there was a semblance of political unity in the tribe or segment in opposition to other tribes or foreigners. His authority was not at any time equally effective in all segments of a tribe. *Ruic Naadh* is a concept which follows the lines of political cleavage.

It seems, then, that Professor Evans-Pritchard's critics display a confusion of thought when they suggest that there was anything in the nature of a formalized political institution inherent in the status of the Leopard-Skin Chief or indeed in the concept of *ruic Naadh*, but Professor Evans-Pritchard has not made it sufficiently clear that the concept of *ruic Naadh* did exist. Writing of the Nuer political system, he says:

> The Nuer constitution is highly individualistic and libertarian. It is an acephalous state, lacking legislative, judicial, and executive organs. Nevertheless it is far from chaotic. It has a persistent and coherent form which might be called 'ordered anarchy'. The absence of centralized government and bureaucracy in the nation, in the tribe, and in tribal segments—for even in the village authority is not vested in anyone—is less remarkable than the absence of any persons who represent the unity and exclusiveness of these groups.[1]

Yet the Nuer are, and always have been, acutely conscious of the need for unity and are always seeking someone by whom and through whom social disharmony can be averted. Their traditions, which are sufficiently recent to contain at least an element of fact, are full of references to great leaders, as we have seen; and these were persons who achieved at least a semblance of co-ordination and came to symbolize common aspirations. Whereas among some African peoples these aspirations are attached to organized and permanent institutions, among the Nuer they were focussed on personalities. Their principal characteristics are to be seen in Nuer ideals: the desire and the ability to bind the people together; to mediate and to settle internal quarrels and disputes; to negotiate agreements with other tribes and peoples if they are to the advantage of the Nuer; to maintain good relations between neighbours; in fact, to check the process of fission which to the Nuer is highly undesirable. These qualities are stressed in Nuer tradition far more frequently than ability to lead the warriors into battle against the Dinka, and are more important than their sagas of great exploits and daring. The *ruic Naadh* were men who, by outstanding personality and powers of leadership, gained such prestige that they were able to persuade the unruly Nuer to listen to them. They achieved a degree of authority acceptable only so long as the sanctions making for political unity within the group which they swayed were sufficiently strong to maintain it.

The word *ruic* is itself significant. It is derived from the word *ruac* meaning speech or talk. The best translation is therefore 'spokesman'. Nuer also talk of the quality of *ruec*, which really means the

[1] Evans-Pritchard in *African Political Systems*, Oxford, 1940. p. 296.

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624 554 ability to speak for the people; in fact, to voice their will. It is in this sense that the word expresses the Nuer idea of leadership, leadership which is derived from powers of persuasion. There is no sense of domination. The concept runs right through the tradition of Nuer leaders in the past who emerged at a time when political unity was required in the face of external aggression or for the furtherance of common enterprise.

The Appointment of Tribal Authorities Today

624 The concept of *ruic* has been mentioned here, not so much because its existence provides evidence of anything in the nature of formalized legal procedures which operated in the past, but because it is relevant to the appointment of tribal representatives today.

792 In the early stages of the Administration there was a tendency to use as administrative agents persons who had acquired significance not from their positions in the dominant lineages of the tribes but from their possession of magical or religious attributes. This was at any rate partly due to the fact that at the time of the arrival of the Sudan Government, what leadership existed was vested in the 'prophets' who had usurped the position from men whose status was derived from a traditional and more orthodox background in society.

624 554 Minor administrative agents, the representatives of smaller tribal segments, were nearly always chosen from dominant (*diel*) lineages, a fact which finds expression in the use of the term *gat tuot* to denote a 'headman' of a village or a lineage. Clearly, even in the early stages, these minor agents were essentially persons put forward by the people themselves and drawn from sources which would normally provide leaders; they were not nominees chosen regardless of their status in society. A *gat nyal* from a *rul* lineage was usually disqualified from the start. For example, in the Island section of the Radh Gaawar, a man called Gatluak Ngigni was appointed chief of the Per section. I intervened in this appointment rather more emphatically than usual, for there was a shortage of suitable candidates, and Gatluak was a man who had served satisfactorily for many years as a tribal policeman and as personal assistant to the previous chief. There was noticeable opposition from some sections of the community but the majority voted for his appointment. Later he became unpopular and opposition became open. There were clearly other reasons why they wished to get rid of him, but the main reason actually given was that he was a *gat nyal* of recent Western Nuer origin. To be a *gat nyal* does not entirely disqualify a man from gaining authority over his fellows or, nowadays, from holding an official position, but it is certainly a disadvantage, and only a strong and popular character can overcome the handicap.

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In Central Nuer District, at any rate, election of Court Presidents and lesser chiefs[1] has been carried out with the minimum of interference, and the considerations which govern the choice are significant. There is often a tendency to hide the person most closely associated with the aura of the dominant lineage, for the Nuer feel that, in the somewhat precarious position of a chief *vis-à-vis* the Government, that aura may somehow be impaired. This is a religious concept, for the leading man in any lineage is considered to have inherent in him something of the spiritual qualities associated with the ancestral spirits of the kinship group. There is also always a tendency to defer to the supposed wishes of the District Commissioner. This does not necessarily mean that Nuer choose a man known to be popular with the Administration, but rather a man capable of maintaining an even and unirksome balance between the Administration and themselves. In fact, they seek someone who can give the appearance of exceptional zeal while protecting them as far as possible from the more laborious tasks imposed on them by Government. For this reason too there is sometimes a tendency to choose a man of weak character; but on the whole a strong man is chosen because, even if considered tiresome and over-zealous, he will somehow persuade them to perform those tasks, for they know well enough that the performance will in the end be less painful than the punishment imposed for the avoidance of public duties. Since there is often rivalry between opposing segments or lineages, there is finally a tendency to choose from a source which will be neutral in such rivalries, usually from the dominant lineage because this is one of the functions of the dominant lineage in the political structure.

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The hierarchy of administrative agents is now largely drawn from dominant lineages, in the case of the tribe from the dominant lineage of that tribe, and so on down the segmentary scale. There are minor differences in the system to be found in the different districts, though the formation of the Nuer Council has tended to standardize Government policy in this respect. In each tribal area, or in some cases in a primary tribal segment, a court is established which is not only a legal institution through which legal disputes are settled and which has recognized forms of legal procedure, but is also an administrative organ through which administrative functions are carried out. In each court there is a president, called by the Nuer *kuaar* 'Book',[2] a number of chiefs representing the larger tribal segments,[3] called in Nuer *kuaar lama*,[4]

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[1] Technically such chiefs and members are appointed by the Governor of the Province or, in the case of Special (C) Courts, by the Governor with the consent of the Governor-General. Therefore I do not mean anything in the nature of a formal election, but public opinion is consulted.

[2] 'Chief of the book' in reference to the court register held by the president.

[3] Secondary or tertiary tribal segments.

[4] *Lama* refers to the sash given by the Government as a badge of office. From the Arabic *alama*—sash or badge.

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624 692 and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

175 Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to pre-
[651] vent raids on the Dinka, and to collect taxes in the form of cattle, efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

692 We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

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682 577 There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 628 Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict [624] it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

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in a spirit of conciliation coloured by a genuine fear that vengeance may be exacted. These sentiments are always to the fore if settlement is sincerely desired.

Compensation in Nuer is called *thang*. *Thang* is usually qualified according to the circumstances of the killing, and the number of cattle demanded is graded accordingly. These qualifications are described more fully later, but briefly they are *thang ran*, which is full compensation in cattle for the death of a man killed in a fight whatever the weapon used, and *thang syindiet*, which means compensation demanded for a man who dies as a result of an injury inflicted a considerable time before. There is another and less usual term (restricted, I think, to Lou and Gaawar Nuer), *thang loic*, which refers to the compensation demanded when the killer has not confessed to his crime until long after the death of his victim. *Thang guacha* refers to unintentional or accidental killing; *thang yuke* to compensation demanded for a woman who dies in childbirth when the father of the child is not her legal husband.

The special Nuer functionary who is called upon to act as arbitrator in the settlement of a blood-feud is, as we have seen, the *kuaar muon* or 'Land Chief'. His badge of office is the Leopard-Skin (*kuac*), and for this reason he is more usually referred to as *kuaar kuac*, a term which is universally translated as 'Leopard-Skin Chief' and is nowadays used extensively both in works on the Nuer and in Government documents. His powers, however, are derived from his association with the land, and extend to mankind because it is upon the products of the land that mankind exists.

In the settlement of feuds, these 'Chiefs' are called in to remove spiritual difficulties by ritual performances and to act as intermediaries between the warring parties. The Leopard-Skin Chief, by reason of his special association with the land, can curse people, and traditionally he may use these powers to intervene. He can, for instance, interpose himself between the contestants in an actual fight and draw a line on the earth between them which theoretically no man would dare to pass. This action, however, is merely a symbolic expression of general opinion which condemns the continuation of a feud, and if both parties were really determined to come to blows, it is unlikely that it would be sufficient to deter them, although hostilities might be postponed until a time when the Leopard-Skin Chief was not on the scene. I know of only one recent instance when this duty was performed. A few of the more hot-headed warriors did cross the line and were condemned by public opinion afterwards, principally because by doing so they showed an excessive determination to join battle with the other party in a situation where the majority wanted peaceful settlement. In fact, the final result of the Leopard-Skin Chief's action was to provoke a much more serious conflict than would

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otherwise have been the case, because the side opposed to the youths who had rashly crossed the line were so incensed that they found a way of renewing the fight next day in another part of the area, well removed from the place in which the line had been drawn, and in greater force than before.

In most cases, however, the Leopard-Skin Chief only exerts his influence when he knows that the contestants wish him to do so. He will use threats to break down the opposition and expression of hatred demanded by convention rather than intervene on his own initiative when there exists a real determination to fight. Essentially, so far as the law is concerned, the Leopard-Skin Chief is the mediator who conducts the opposed groups peacefully through the elaborate processes of settlement, who acts as assessor where cattle are concerned, and who deals with the problems of taboo and spiritual observance which arise. He is the appointed and traditional 'Third Party', theoretically impartial, whose duty it is to smooth the path of the negotiations for both sides in a situation which is potentially dangerous. In some parts of Nuerland a special functionary, the *kuar thoon*,[1] exists to mediate in disputes between two opposing Leopard-Skin families. In Eastern Nuer areas this function must be performed by a commoner or *dwek*.

2. BLOOD-FEUDS

The Process of Settlement and the Functions of the Leopard-Skin Chief as Mediator

The Leopard-Skin Chief concerned with the Individual

Apart from his duties in the settlement of feuds, the Leopard-Skin Chief is concerned with the spiritual welfare of a killer as an individual. The Leopard-Skin Chief's home is sanctuary and the group who seek vengeance may not enter, though they may lie in wait outside. As a mark of the sanctity and neutrality inherent in the office of Leopard-Skin Chief it is traditional that no spears may be carried into his presence or brought into his home.

A man who has killed another may not eat or drink until his blood has been let by a Leopard-Skin Chief; *ce riem-de kam rar* ('his blood has been taken out'). This ceremony is known as *birr*, and is performed by the Leopard-Skin Chief himself or one of his relatives. A fish-spear is taken and the arm of the killer scratched therewith until blood flows. The killer may not shave his head, and his home and cattle-byre are closed. His family may seek refuge with the Leopard-Skin Chief or may rely on the safety of numbers and group themselves round other relatives.

At this ceremony a bull-calf, known as *ruath birre*, is sacrificed by

[1] *Thoon*, serval cat (*Felis serval*).

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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion. 628 624

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de ceriko luak gnam thuage*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The [783] byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*luer*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made.

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and ji thuage

As soon as a man is killed a state of feud (*ter*) begins between the [784] *ji ran* and *ji thuage*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *nuer*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *nath*, and is rarely performed unless the two groups are very closely related.

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thuage*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thuage* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Nuer* usually takes the form of painful but not necessarily fatal diarrhoea. The word *nuer* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *nuer*.

[3] 'There is blood between them'—*tabe riim handen*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

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628 to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thange* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thange* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

628 Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tat ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale loic*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *cail*. Apparently the initiative should come from the *ji ran* rather than the *ji thange*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *math*.[2] The

[1] 'Cattle of appeasement'. *Pale loic* can be best translated as 'to ease the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *math* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *math-da*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the lowest hostility which persists after settlement of a blood-feud in normal cases should disappear.

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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coka* is sacrificed and ceremonially divided between the *ji ran* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cail*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

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Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

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ruath birre: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kunini or *yang jal:* 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyup: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji ran* by the *gwan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok dwiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyup* should be the first cow to be handed over.

ruath kethe: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

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ruath riem and *yang kwac:* 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

ghok pale loic: 'the cattle of the easing of the heart'. These consist of the *yang tuoke*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

yang tul coka: 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *math* ceremony, divided, and partaken of by the *ji ran* and *ji thunge* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

682 Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*mut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*ked*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 50 head of cattle, of which 10 go to the Government as a fine.

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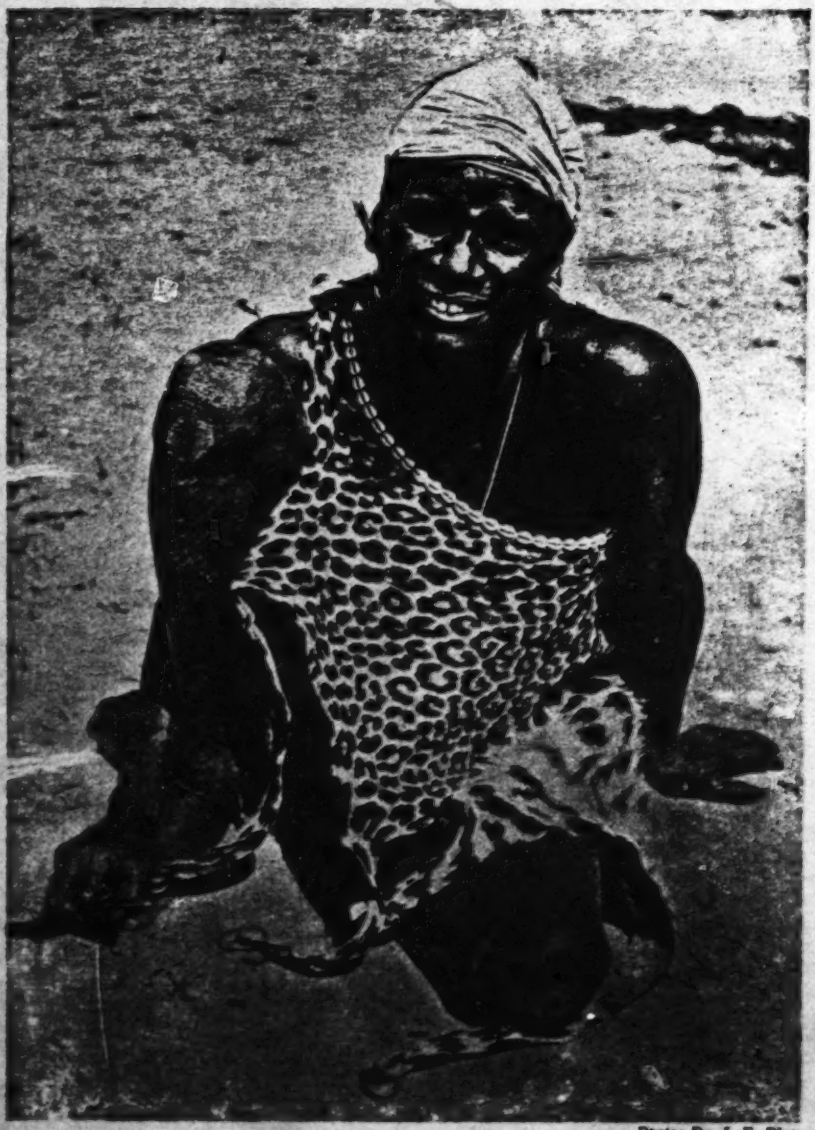

Photo: Dr. J. F. Blum

LEOPARD-SKIN CHIEF

[facing p. 64]

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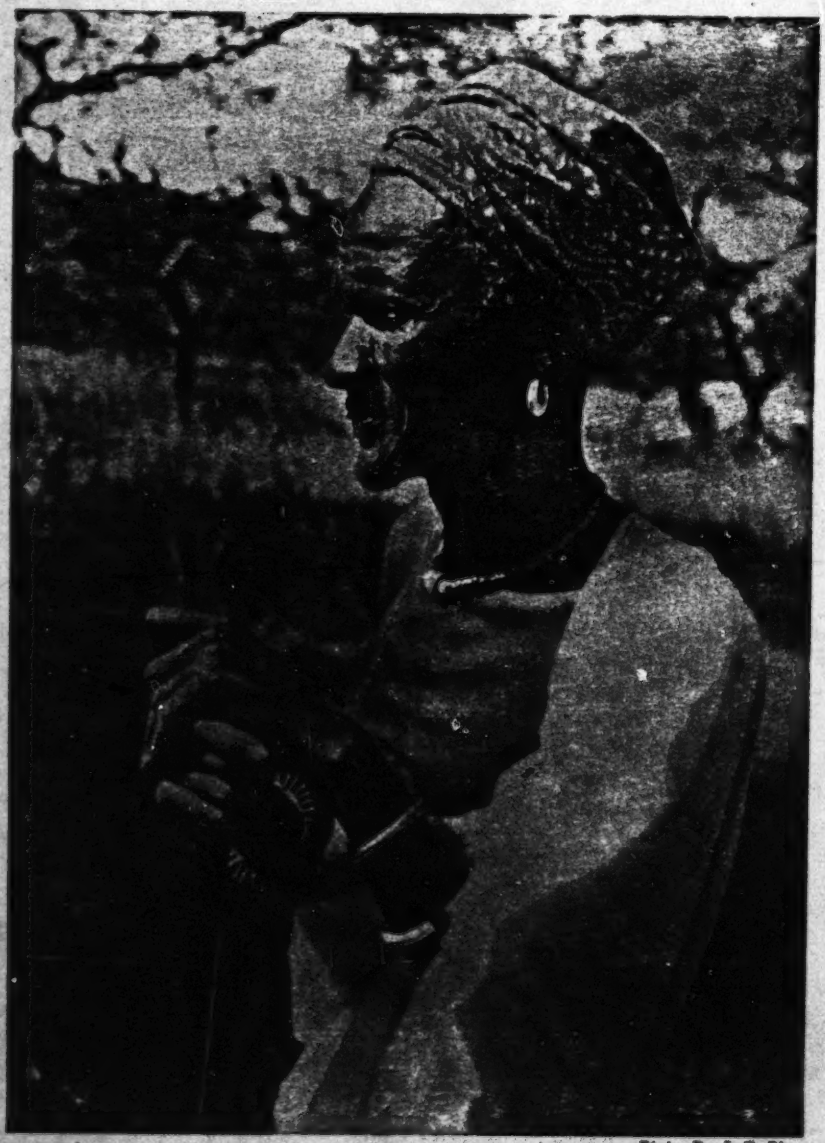

Photo: Dr. J. F. Bless

THE CHIEF, KIC WUR WINYANG OF THE LAK NUER

[facing p. 80]

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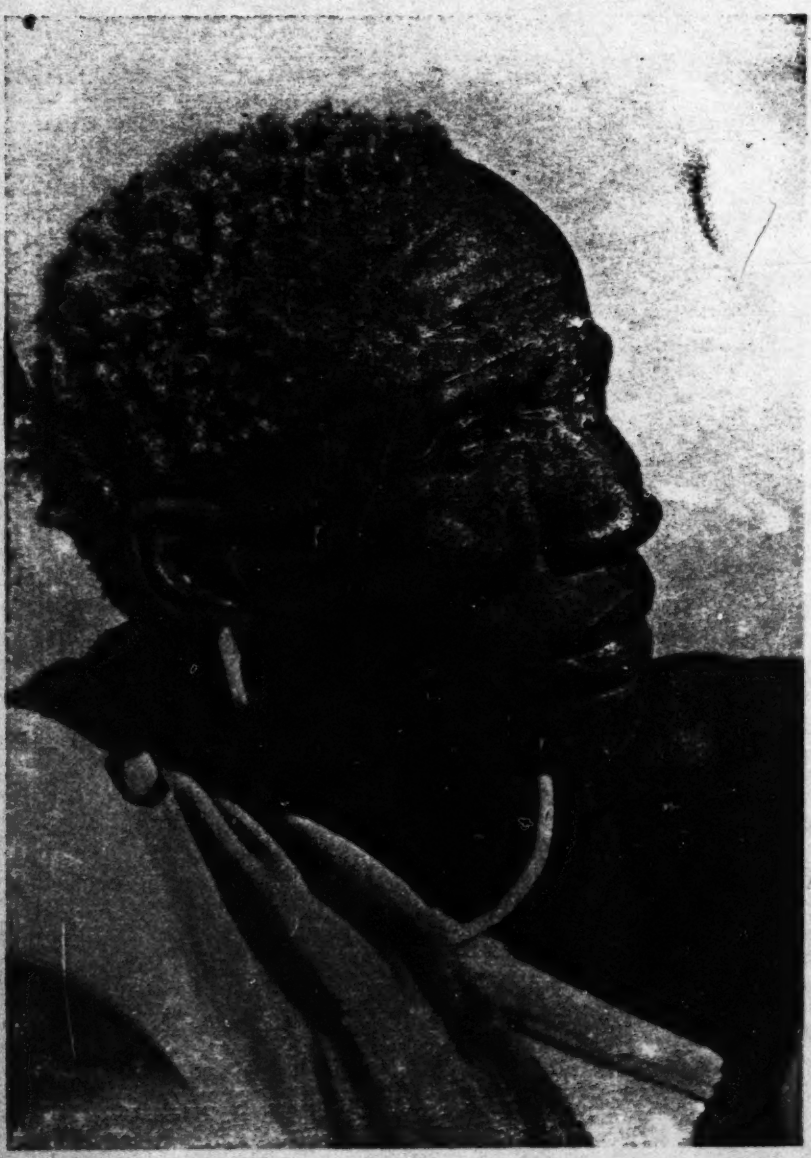

GATLUAK NGINGI (see p. 34)

[facing p. 176]

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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *wuan*:[1] a man will say *ce yang-da wuan* or *ce yoka wuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pac* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seise cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Wuan* also implies stealth or cunning.

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Religious Functionaries and Magical Experts

We have seen that the Leopard-Skin Chief has certain duties to perform in connexion with the composition of blood-feuds and that he may be called upon to arbitrate in disputes of almost any kind. His rôle is purely that of a mediator whose powers, both ritual and secular, are brought into operation only if there is a genuine desire by the hostile parties to reach an agreement. He has no executive powers with political force behind them, although it is expected that he will attempt to intervene in the early stages of a feud, and he sometimes threatens to use his power to curse the disputants if they will not agree. Moreover, in all matters in dispute, the frequency with which he will be approached depends largely on his prestige and personality, and not merely on his hereditary status. Other persons with no hereditary ritual status might easily acquire a reputation for fairness and tact and be employed as arbitrators in minor disputes. Skill in arbitration was considered by the Nuer one of the attributes of leadership (*ruec*), and the *ruic naadh* often extended their influence into the sphere of legal disputes.[1]

There are also other kinds of ritual experts who have specific functions to perform for public welfare: fertility in man and cattle, success in hunting and fishing, in raids and warfare. In this category are the *wut ghok* or cattle expert, the *kuaar thoi*, the water expert, the *kuaar yiika*, who is mainly concerned with the fecundity of women, the *kuaar juath*, who deals with epidemic diseases among humans, the *gwan tang* or *kuaar bith*, who ensures the success of warriors in battle. These experts have regular duties to perform, a fact which distinguishes them from other categories of magical expert; they have an established ritual status in society, and are expected to carry out religious tasks which in some African tribes are less specialized or even embodied in the person of one man.[2]

Professor Evans-Pritchard has mentioned most of these experts in his writings on the Nuer, and has recorded most, but not all, of their duties. They are:

Kuaar kwac or *kuaar muon: The Leopard-Skin Chief or Land Chief*

The functions of this expert in connexion with homicide have been fully described in Chapter II. His is essentially an hereditary office,

[1] We are dealing here with the past. The functions of traditional experts are now much modified.

[2] The *reth* of the Shilluk, for example, who is, apart from his political and executive functions, generally responsible for fertility in man, cattle and crops, for success in hunting and fishing. (See Howell and Thomson, op. cit., p. 9; and *Africa*, XXII, 1952.) He is responsible, however, for these matters as affecting the whole tribe. There is also among the Shilluk a number of specialists responsible for local interests, *jal yath*, *ajungo*, &c.

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but all members of the lineage do not practise. Professor Evans-Pritchard has listed his functions as:

(i) Anything to do with the land—especially the welfare of crops.
(ii) A limited rôle in rain-making and the regulation of the weather.
(iii) The ritual of homicide (see Chapter II).
(iv) The ritual of incest (see Chapter III, Section 3).
(v) The ritual of preventing feuds and protecting warriors on raiding expeditions.
(vi) Arbitration in all kinds of disputes.

Wut ghok: The Cattle Expert

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This is also an office the potentiality of which runs in certain families, and it is to that extent hereditary. The functions of the *wut ghok* are purely ritual and, apart from cattle, are concerned with the social processes of the age-grade system.

Other functions may be listed as follows:

(i) To increase the fertility of cattle and milk production and to ensure that cows give birth to cow-calves. To avoid cattle disease.
(ii) To perform the ritual of warfare, and in particular to ensure that many cattle are captured in raids.
(iii) To perform fecundity rites for women and to assist elderly spinsters to secure husbands.

As in the case of the *kuaar muon*, the *wut ghok* is concerned with activities which are both beneficial and widespread. I only know of two cases brought before the court where a *wut ghok* was alleged to have used his powers for personal gain or for revenge upon the cattle of an enemy. One of these cases caused something of a sensation and considerable animosity.

Kuaar thoi: The Water Expert

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A hereditary office running in certain lineages, sometimes of reputed extraneous origin (probably Shilluk or Anuak or what the Nuer call Bar). The *kuaar thoi* may be called upon to bless raiding parties and to perform ritual to ensure that they do not drink of water poisoned by the enemy. His principal function, however, is to bless the water, and to see that there is an abundance of fish and that the people are successful in catching them. He also performs ritual against crocodiles, and is indeed particularly associated with crocodiles and often called *kuaar nyang* (crocodile expert). A *kuaar thoi* is often called in to assist when cattle are fording a river. To ensure that crocodiles do not attack them, he takes a pole which he thrusts into the reeds along the bank and places on this an iron ring. He then takes a sheep, ties its legs

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and thrusts it into the river alongside the pole, calling upon the crocodiles to desist. This is, in fact, a common practice, since some Nuer are bound to cross rivers or crocodile-infested waterways in the course of the dry season migration. 791

Kuaar juath

The badge of this office is a cow-skin which he beats with a stick, and by performing this and other forms of ritual the *kuaar juath* stops the spread of disease among humans (notably small-pox). This office is also hereditary. 756

Kuaar yiika

The badge of this office is the *yiik* or woman's mat. The *kuaar yiika* is called in to arbitrate in cases where a woman dies in childbirth and *thang yiika* is demanded. Some Leopard-Skin families claim that this is their duty and that the *kuaar yiika* is only an assistant who should help in a subordinate capacity. 624

Gwan tang (sometimes kuaar tang)[1]

The word *tang* means 'spear-shaft'. The *gwan tang* is particularly concerned with the success of raiding parties and the performance of elaborate ritual to avoid spear-wounds to the warriors. Part of the ritual process is to break off the tip of the spear-shaft and cast it in the direction of the enemy. Some of these specialists are known as *gwan bith* (*bith* means fish-spear), but I know of only one family which claims this distinction, and their functions and the ritual they perform appear to be identical with those of the *gwan tang*. 791 721

Many of the functions of these various experts appear to overlap. This is true in general terms, but closer analysis will, I think, show that they are not identical. Thus the *kuaar kwac*, the *wut ghok*, the *kuaar thoi* and the *gwan tang* are all concerned with cattle raids and warfare. The *kuaar kwac*, however, is expected to ensure success in a more general and unspecified way, the *wut ghok* has specifically the duty of seeing that the raiders are successful in capturing cattle, the *kuaar thoi* is expected to protect them from poisoned water, and the *gwan tang* to give them success in inflicting spear-wounds on their enemies and in avoiding injuries to themselves. The *kuaar kwac* is also expected to protect them against the ghosts of slain enemies, which is one of his specific duties in cases of homicide. All experts of this kind are known as owners of *twac* (*gwan twac—ji twac*),[2] stressing their right to wear a particular skin as a badge of office, although some of them, notably the *wut ghok*, have none; the rest of the

[1] *Kuaar* is here translated as 'expert', though the word 'chief' is more often used; *gwan* (father) here simply means 'owner or possessor of'.

[2] *Twac* is a generic term for skin; *kwac* means 'leopard-skin, *thoas* serval cat-skin, and so on.

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may be described as public law. There is no evidence of a penal sanction applied by anything which resembles 'politically organized society', nor anything which indicates that such procedure is enforced by the will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard-Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective.

A further point of significance is the fact that the Nuer distinguish between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardized by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of laws concerning homicide which are consistently applied.

In the past, then, the outcome of blood-feuds depended on the social relations of the groups involved, even though the division over these events might follow the lines of segmentation until a whole tribe was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing.

Similarly other legal wrongs required the payment of an indemnity to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or

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system and the age-set system are both consistent in themselves 561
and to some extent overlap, but they are not interdependent.

V. Feuds and other Disputes

The political system operates largely, we think, through the 628
institution of the feud which is regulated by a mechanism known 624
as the 'leopard-skin chief', a title we retain, although the appellation of 'chief' is misleading. This person is one of those specialists who are concerned, in a ritual capacity, with various departments of Nuer social life and of nature. Leopard-skin chiefs belong to certain lineages only, though not all members of these lineages utilize their hereditary ritual powers. In most of Nuerland, the lineages are not branches of dominant clans.

When a man has killed another, he must at once go to a chief, who cuts his arm so that the blood may flow. Until this mark of Cain has been made, the slayer may neither eat nor drink. If he fears vengeance, as is normally the case, he remains at the chief's home, for it is sanctuary. Within the next few months the chief elicits from the slayer's kin that they are prepared to pay compensation to avoid a feud and he persuades the dead man's kin that they ought to accept compensation. During this period neither party may eat or drink from the same vessels as the other and they may not, therefore, eat in the home of the same third person. The chief then collects the cattle—till recently some forty to fifty beasts—and takes them to the dead man's home, where he performs various sacrifices of cleansing and atonement. Such is the procedure of settling a feud, and before the present administration it had often to be used, for the Nuer are a turbulent people who esteem courage the highest virtue and skill in fighting the most necessary accomplishment.

In so brief a description, one may give the impression that the chief judges the case and compels acceptance of his decision. Nothing could be further from the facts. The chief is not asked to deliver a judgement: it would not occur to Nuer that one was required. He appears to force the kin of the dead man to accept compensation by his insistence, even to the point of threatening to curse them, but it is an established convention that he shall do so, in order that the bereaved relatives may retain their prestige. What seems really to have counted were the acknowledgement of community ties between the parties concerned, and hence of the

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628 moral obligation to settle the affair by the acceptance of a tradi-
624 tional payment, and the wish, on both sides, to avoid, for the time being at any rate, further hostilities.

628 A feud directly affected only close agnatic kinsmen on both sides. One did not avenge oneself on cognates or on distant agnates. Nevertheless, we believe that the feud had a wider social connotation and that therein lies its political significance. We must first recognize that feuds are more easily settled the smaller the group involved. When a man kills a near kinsman or a close neighbour, the matter is quickly closed by compensation, often on a reduced scale, being soon offered and accepted, for when a homicide occurs within a village general opinion demands an early settlement, since it is obvious to every one that were vengeance allowed corporate life would be impossible. At the other end of the scale, when a homicide occurs between primary or secondary sections of a tribe, there is little chance of an early settlement and, owing to distance, vengeance is not easily achieved, so that unsettled feuds accumulate. Such homicides are generally the result of intertribal fights in which several persons are killed. This not only increases the difficulty of settlement, but continues between the sections the mutual hostility that occasioned the fight, for, not only the close agnatic kinsmen of the dead, but entire local communities are involved. Feud, as a choice between direct vengeance and acceptance of compensation, without the necessity of immediate settlement, but requiring eventual conclusion, is especially a condition that flourishes between villages of the same district. The kinsmen of the dead man are near enough to strike at the kinsmen of the slayer and far enough from them to permit a temporary state of hostility between the local communities to which the parties belong. For whole communities are of necessity involved, though they are not subject to the rigid taboos that a homicide imposes on close agnatic kinsmen of slayer and slain, nor are they threatened with vengeance. Nevertheless, their members are, as a rule, closely related by cognatic or affinal ties to the principals and must assist them if there is an open fight. At the same time, these communities have frequent social contacts, so that eventually the mechanism of the leopard-skin chief has to be employed to prevent their complete dislocation. The feud thus takes on a political complexion and expresses the hostility between political segments.

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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 554
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[587] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly so. What is of greater significance is that each tribe has its own tribal
619 officials who regulate disputes among tribesmen in so far as their ritual
624 functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
648 Lou tribesmen from all over the tribal area for a combined raid on the Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed.

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said " He is poor and has nothing because he has given everything away "—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat twot* since they were born through the cattle of a *tut*.

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local "chiefs" whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to

12:Evans-Pritchard E-5 (1930-1931) 1933
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604 establish himself and his near kin as the social leaders of the locality in
624 which they live. Also I believe that the common view expressed by
621 Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

621 We have seen that two elements in a Nuer village are the *diel wec*
563 and the *rul wec*. The third element in a Nuer village is the Dinka *jaang*
597 *wec* and this falls into two types, captured Dinka and Dinka who have
727 come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.(1) The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.(2)

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

754 Sorcerers are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cuong)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuoar nam)

791 He is a sacred person and is believed to have a mystical association with the earth which gives him certain ritual powers to bless or curse it.
624 His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to him since relations between groups are regulated through him;(3) his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, hoeing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125. (3) *Ibid.*, p.176.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolise the unity and exclusiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality. 554

The *gor tuot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, together with a number of small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 613

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral 613 [619]

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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herd the cattle and hoe the gardens, but spent his time attending 789
dances and courting girls. He wandered about the country having 593
a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the 789
age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man [561]
wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs [624]
him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

624, 791, 793 Nuer FJ22

[Information on leopard skin chiefs or priests are filed according to their functions under category 624, 791 or 793.]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

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Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

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It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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183 231 626 vulnerability of cattle coupled with the extensive living-space required for them are compatible only with a far recognition of conventions in the settlement of disputes, or, in other words, the existence of a tribal organization embracing a large territory, and of some feeling of community over yet larger areas.

Fighting about ownership of cattle and seizing cattle for what are claimed as debts and compensation for losses are of a somewhat different order to raiding for cattle over which no rights, other than the power of the strong, are asserted. War 721 against foreign peoples, as distinct from warfare within a tribe, is almost entirely for plunder. Nuer war against the Dinka, therefore, differs from most primitive warfare in that its primary object is acquisition of wealth, for cattle are a form of wealth that not only lasts a long time and reproduces itself, but is, also, easily seized and transported. Furthermore, it enables invaders to live on the country without commissariat. Crops and dwellings can be destroyed, but cattle can be confiscated and taken home. This quality, which has given pastoral peoples a bias in favour of the arts of war rather than the arts of peace, has meant that the Nuer are not entirely dependent on their own cattle, but can augment their herds and restore the ravages of rinderpest, and have, in fact, for a long time increased their stock, and hence supplemented their food-supply, by raiding; a condition that has shaped their character, economy, and political structure. Skill and courage in fighting are reckoned the highest virtues, raiding the most noble, as well as the most profitable, occupation, and some measure of political agreement and unity a necessity.

We hasten to add that an explanation of warfare between Nuer and Dinka by reference to cattle and pastures alone is too simple a reduction. Hostility is expressed in terms of cattle, and desire for cattle accounts for some peculiarities of the struggle and some characteristics of the political organizations involved in it, but the struggle itself can only be fully understood as a structural process and we present it as such later.

000 We now pass to a brief examination of the oecological system of which Nuer and their cattle form part to discover the conditions in which cattle-husbandry is practised and how far its practice in a certain environment influences political structure.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 another hospitality and to share their possessions. Fighting is
571 considered an appropriate mode of behaviour between age-mates, but a man ought not to fight a man of a senior set. The comradeship between age-mates springs from a recognition of a mystical union between them, linking their fortunes, which derives from an almost physical bond, analogous to that of true kinship, for they have shed their blood together. (4) Members
561 of a set are expected to show respect to members of senior sets,
576 and their deference to them can be seen in discussions, in
• 626 etiquette, in division of food, and so forth. Whenever there is a question about the propriety of speech or action it is judged by reference to the relative positions of the persons concerned in the age-set structure, if kinship status is not also involved. Since every man has a known age-relationship to every other man in Nuerland with whom he is likely to come into contact, their social attitude to him, and his social attitude to them, is determined in advance by the distances between them in age-set structure, unless kinship takes precedence. Although it is possible for a man to avenge a breach of these patterns of behaviour by a curse, if it is a very serious breach, the ordinary sanctions of conduct are a man's conscience and desire for approval.

561 It will have been noted that the relations between the sets
608 are defined in the idiom of family relationships. The members of a man's father's age-set are his 'fathers' and the members of his father's brothers' 'age-sets' are, in a less precise sense, also his 'fathers'. The sons of a man's set are his 'sons', and they may fall into several sets. The wives of members of a man's father's set are his 'mothers', and the wives of members of his sons' sets are his 'daughters'. All members of a man's own set are likewise 'brothers', though here the analogy is seldom expressed because the comradeship between age-mates is strongly affirmed in the idiom of the system, for they are all *ric*, age-mates, to one another. As, in any case, a man commonly addresses all persons much senior to himself as 'father' and 'mother', all persons much junior to himself as 'son' and 'daughter', and all persons of about the same age as himself as 'brother' and 'sister', the terminology of address between different sets is not a differentiating one and it cannot be said how

8:Howell E, G-5 (1942-1944)1954
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Given that there were rules of conduct expressed in the terms *cuong*, 'right', and *duer*, 'wrong', which controlled the relations of one Nuer with another and of one group with another group, what were the sanctions which made for the observance of those rules? The primary sanction, and one which is most affected by the establishment of public security and ordered administration today, is the sanction of self-help; retaliation if a wrong is committed, or the use of force to claim a right. This applies to individuals, who fear that those they have wronged or those to whom definite obligations have not been fulfilled will take physical action against them, and fear also that, because their action is agreed to be wrong, they will receive no support from their fellows in resisting. Moreover the wronged may receive the assistance of their own kinsmen and neighbours, who will overwhelm any attempt at resistance. This applies to groups of individuals in relation to other groups in the same way, and is expressed in the balanced opposition of tribal segments and kinship groups. A Nuer may owe one of his kinsmen a cow and refuse to pay it. His kinsman will take the cow by stealth or wrest it from him by force, and the success of this action will depend on the extent of the non-intervention of other relatives. In the relationship of individuals there is also the prevailing principle of collective responsibility, so that in fact there is rarely an isolated individual wrong or an isolated right. The strength of the right, or the extent of the wrong, is qualified by the relationship of the parties concerned. Further sanctions are social reprobation, unpopularity, loss of approval and respect of neighbours, and hence loss of the privileges which the individual possesses as a member of a community and which the community possesses as part of a larger social group. Such privileges are both social and political. They are also economic, because so many economic activities must be carried out collectively. For some wrongs there is also a religious sanction, but, as I shall attempt to show later, the religious sanction is often an expression of kinship ideals.

The force of all these sanctions is relative to the position in the social structure of the persons concerned. Clearly social obligations are likely to be more binding on persons not only related by blood but also closely associated in the activities of day to day life. Loss of privilege is a greater loss in such circumstances. Generally speaking, the closer the relationship, expressed in terms of kinship, in association by common residence, and economic co-operation, the greater the need to abide by accepted modes of behaviour. Not only is the need greater and therefore the likelihood of obedience greater too, but also the difficulty of composition, when there is a quarrel, is less, because the sanctions which ensure good relations with other persons within the group in other respects are more intense and therefore more effective. The reaction of indignation is not likely to run to such a pitch of ill-feeling.

8:Howell E, G-5 (1942-1944)1954
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671 The significance of the 'structural relativity' of Nuer society is therefore most important in a study of customary law, for although the rules
•626 and principles which govern the conduct of all Nuer are essentially the same, the extent of their application is relative and largely dependent on
684 the social context. This is best illustrated by use of an example. It is a legal wrong to commit adultery with another man's wife. It is a wrong which, if social relations are to continue between the two parties and the possibility of retaliation on the part of the wronged husband is to be removed, will require the payment of cattle as an indemnity. In the first place, the likelihood of the wrongdoer paying the cattle at all is determined by the relationship of the parties, both in terms of actual kinship and in terms of territorial proximity, in residence and all the sanctions which go with common residence. It will not be paid if there is no pressure on the part of the community in which they live, and there will be pressure in proportion to the extent to which the men's mutual animosity disturbs the tranquillity of that community; generally speaking, the greater the structural distance between them, the less the likelihood of composition. But in another aspect of the law concerning adultery the reverse is found. If we analyse the concepts behind the payment of the indemnity, we find that, of the six cattle required, one has purely ritual significance. It is a cow called *yang kule* ('the cow of the sleeping mat'), the payment of which is demanded as expiation for the spiritual pollution which is caused by adultery, rather than as an indemnity required to appease the indignation of the husband. In disputes over acts of adultery which arise between men who are close kinsmen it is rare that anything more than this one cow will be demanded, for not only is the moral indignation much less, but the group of which they are part is sufficiently well-knit to resist the disturbance caused within it. Not only is the wrong a lesser one because the wronged person has other associations with the wrongdoer which mitigate the offence,[1] but social equilibrium has not been disturbed to a degree which other sanctions making for good relations
671 cannot rectify. Thus we see that the closer the structural relationship
626 of the parties involved, the more likely is the wrong to be rectified, but the smaller is the indemnification required to do so. Conversely, the more remote the relationship the greater the indemnification necessary but the smaller the likelihood that the wrong will be rectified at all. This is a principle which applies to all wrongs which require

[1] There is another method of analysis which expresses the same idea. It is that in the payment of *indemnification* in cattle between two persons closely related the limitation of rights in cattle must be considered. An individual has rights in cattle limited by mutual obligations which apply to him as member of a kinship group. If the wrongdoer is a kinsman of the wronged he has limited rights in the cattle of the wronged, and the closer the relationship, the greater the rights. Hence the recipient of the cattle is also a person upon whom may lie the obligation to assist in the payment. This principle is more clearly illustrated in payment of compensation for homicide, and will be discussed more fully later.

8:Howell E, G-5 (1942-1944)1954
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indemnification,[1] but is nowadays modified by the fact of enforcement of the law through the agency of Nuer courts. 671 626

Restitutive Sanctions

Rules of conduct towards kinsmen and neighbours are upheld by these sanctions. If good relations are to continue, certain breaches of conduct usually require the payment of compensation. Adultery, as we have seen, requires six head of cattle for this purpose; bodily injuries require compensation in proportion to the seriousness of the injury and there are complicated scales laid down in tradition. Homicide requires the transference of forty head of cattle from the kinsmen of the killer to those of the deceased in order to restore the balance between them. Scales of compensation for wrongs can be quoted by the older generation of Nuer with surprising consistency, but this is an indication neither of rigidity of custom nor of constant application. Whether compensation was paid at all and, if paid, whether the scales were strictly followed, depended largely on the relationship of the persons involved. If a dispute arose between groups of people after a wrong had been inflicted on one of them, we have seen that their relationship in the social structure determined the likelihood of settlement. The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them which extended beyond the political limits of the tribe. Similarly an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous. It also depended on the state of the relations obtaining between the two segments, for there was often a feud (*ter*) between them. These observations are less true of members of secondary segments, since the smaller the social sphere the greater the possibility that compensation would be paid, and would be also a matter of extreme expediency. The application of Nuer law was therefore relative to the social structure, and the extent to which it was followed depended on current relations of the social units concerned. It was unlikely that minor disputes involving the payment of compensation to wronged individuals would ever be settled so long as the communities with whom each was associated remained in a state of feud. The situation would be substantially altered if the feud itself was composed by payment of compensation (*dang*) between them. Composition of a feud was 681 681 626

[1] Homicide and bodily injury, defamation of character, infringement of rights in property, violation of rights in women, &c.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Three

FAMILY LIFE IN NUERLAND

THE HOUSE AND ITS FURNISHINGS

THE Nuer does not live to himself. He is a part of his 626 particular village, and his actions affect all his relatives, no matter how distant the relationship may be. This fact checks him to some extent in his misdeeds, for any infringement of Nuer law not only affects him but all his people as well. He must give heed to them and to Nuer law in general if he is to count on their support and aid in time of need (Fig. 7).

The men and boys of the village usually sleep in the 513 barn which is to be found in most villages. A house is set aside for the sleeping quarters of the girls. The women and little children sleep in the houses.

The Nuer house is conical in shape. It has mud walls 342 up to about three feet or more from the ground, then the sloping grass roof. There are no windows. A door, woven like a mat, is made of grass. If the weather is cool, a fire is made inside the house and the smoke goes out through the roof. At night the door is tightly closed in order to keep wild animals out, so the ventilation is indeed poor.

A fence of cane-stalks is made and encloses a small yard. 361 The door of this fence as well as the door of the house are made low so that one must stoop in order to get in.

The yard is swept clean—a bunch of grass tightly tied [902] together at one end suffices for a broom. One part of the 252 enclosure is plastered with mud for a radius of two or three feet, and in the centre is a hole, also plastered, in which the women may be found pounding the dura, making use of a long pole. The dura is pounded very fine, the coarser parts being sifted out by shaking it on a grass

16: Evans-Pritchard E-5 (1931, 1936) 1956
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789 refused to let him have a hoe he had to bury her in his head. As a
538 result of this incident giraffe and shrewmouse uttered conditional curses, giraffe saying that if ever a shrewmouse crossed a path he would die, and shrewmouse saying that if ever a giraffe ate grass he would die. This is why one never sees a shrewmouse on a path unless it be dead, and why one never sees a giraffe eating grass, only the leaves of trees. The mother of goat, in another story, borrowed a knife from the mother of hyena and lost it. The mother of hyena cursed her, saying that in future her descendants would eat goats wherever they found them. This is the reason why goats are always pawing the ground. They are still looking for the lost knife of the mother of hyena. Another story relates how man lent his running-powers to ostrich and ostrich refused to return them. It is because man then cursed the race of ostriches that today men sometimes hunt them for their feathers and lions kill them for meat. Shoebills eat fish and blue herons eat frogs and other small creatures of marsh and shallows. The reason for this is that *bony*, the shoebill, and *ngok*, the blue heron, were sons of one father and because *ngok* neglected an uncle's duties to *bony*'s children when their father died, *bony*'s mother cursed him and his descendants. Yet another of many such stories relates how the village mouse, after having taught men how to beget children, taught women how to bear them. In return for this service woman uttered a *biit*, saying that village mice would share the food of the home with its mistress. This last story introduces us to a further sense of the word *biit*, an invocation which is a blessing and not a curse; for a man can *biit* a person to good fortune, as woman did in the case of mouse, instead of to bad fortune. In my experience this sense is rare.

789 The curse is undoubtedly a powerful sanction of conduct, largely
626 because it is not thought necessary that a wronged man should utter it aloud for misfortune to follow. He has only to think it. Such an unspoken curse Nuer call a *biit loac*, a curse of the heart. Indeed, it would seem that he need not expressly formulate a curse in his mind at all, a mere feeling of resentment arising from a genuine grievance being sufficient to cause injury to the person who occasioned it. Thus I was told that if a man is killed by his wife's brother and the wife laments his death, her sorrow and sighs are themselves a kind of *biit*. God hears them and will cause

[1] Cf. the old belief in England that a shrew cannot cross a footpath and live.

6: Evans-Pritchard E-5 (1931, 1936) 1956
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the slayer to become a wanderer on the face of the earth and to 789
die in the midst of his wanderings. He becomes one of the *jibiet*, 626
the cursed ones, and what Nuer also call a *gwan giakni*, a man possessed by evil. An action by itself may bear evil fruit without anyone saying or doing anything to make it bear. Nuer say that 'it is like a *biit*'. A man who kills another finds all the strength gone out of him. The infringement of a religious interdiction carries its own penalty, for the interdiction is 'like a *biit*'. For example, misfortune will fall, if only in that the cuts of manhood on his brow will not cicatrize, on a lad who during the period of seclusion after initiation has contact with the cattle.

Though the word *biit* may not often be used with the sense of 789
blessing it is sometimes so used, and as the idea of blessing has 827
some importance in Nuer thought a few words may be devoted to it before making some concluding remarks about curses.[1] An older person blesses a younger one by spitting on his head. The spittle (*ruei*) has, as in other parts of Africa, a special virtue and is said to benefit the *yiegh*, the life, of the person who receives it. I was told that this is particularly done by a man's parents when he returns from a long journey, and one man said that it is then done so that the ghosts, who may have forgotten their kinsman, may know him again. A mother also blesses a son about to set out on a long journey by taking his middle finger in her hand, spitting on him, and saying something like 'friend, my son, you will journey on this earth, you will go round [avoid] all thorns [troubles]'. She may also take some soot from the bottom of a pot and mix it with butter and daub this paste on the soles of his feet, under the knees, and on thighs, chest, and head. Spitting figures as a blessing in various other contexts. If a woman does not conceive, her father's kin spit into a gourd and rub her belly with the spittle, asking God that she may conceive. If she does so, the child may be named *Ruei*, Spittle, or *Nyarueu*, Daughter of Spittle. The spittle of a prophet is considered to be especially efficacious in curing barrenness. When a leopard-skin priest arbitrates between two parties and gives a decision in favour of one of them, that man may hand his spear to the priest,

[1] Another word which sometimes has the sense of blessing is *puok*, but, though it sometimes has this sense, it is most commonly used in reference to the making of a gift to in-laws and is then, as in most other contexts, best translated 'to honour'.

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789 827 who returns it to him after having first spat on it. When a father has agreed to his son's initiation the boy goes to a member of his father's age-set and this man plucks out a tuft of the boy's hair, spits on it, and brushes it against the boy's face and head. This is the blessing of the father's age-set. A leech massages a sick person with his spittle. Mr. B. A. Lewis records that when the Gaawar tribe chose a certain Bwoogh Kerpel to lead them across the Nile to conquer fresh lands from the Dinka the people lifted him on high so that God might see that he had been chosen, and they gave him a gourdful of milk to drink into which they had all spat.[1] In all these examples—and others could be given—there is the idea of blessing. However, a blessing can be given without spitting. Any person can bless another (pp. 16–17), but the blessings of those whose curses are most effective are also the most effective.

789 776 It is important to note that, as with curses, blessings are thought to be effective only because God makes them so. Just as a curse is an imprecatory prayer (for if God is not formally addressed in it it is understood that it is his affair), so a prayer is implied in a blessing. It is a benedictory prayer. Hence (and here again as with curses), a man can be aided merely by a person thinking well of him, bearing him in sweet recollection (*tim*) without formally blessing him. He blesses him in his heart, and just as God sees a man's just resentment for a wrong and the resentment then has the force of a curse, so he sees the love and the love has then the force of a blessing. So when a Nuer says '*ba ji tiem*', 'I will think of you', he means that he will think fondly of you and so blesses you. A good action in itself may bring fortune to a man. God sees it and it becomes, Nuer say, like a *biit* for good, just as he sees a bad action and it becomes a *biit* for ill.

789 776 626 The religious significance of cursing and blessing lies in a dominant motif of Nuer religion, that of *cuong* in opposition to *duer*, right in opposition to wrong. A person's curse of another is only effective if he is in the right and the other is in the wrong. There must have been damage or negligence, and in Nuer reckoning this implies a social relationship of some kind between the two persons, such as, in fact, is bound to exist between any persons so involved in Nuer society. It is when the obligations of a relationship have not been observed that a curse can act, its effectiveness increasing with the closeness or social significance of the relation-

[1] B. A. Lewis, 'Nuer Spokesmen', *Sudan Notes and Records*, 1951, p. 81.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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789 ship; and it can be quieted by reparation to the wronged person.
776 In an account of Nuer religion what is here important is that the
626 curse is only effective, Nuer say, because God sees that one man has right and the other wrong and allows it to act. It seems to the observer therefore that the curse, like the blessing, has its own psychic power, but that Nuer relate it to a set of moral rules of which God is conceived of as guardian and judge. The power of a curse or a blessing thus lies ultimately not with man, who is only the medium, but with God. God's role is not merely permissive, for, as we have noted, a wrong itself may, through the sufferings and lamentations of the wronged persons, bring retribution to the wrongdoers without their taking any action in the matter themselves. This is why also Nuer say of the infringement of a religious interdiction, in which no immediate question of wrong to another may arise, that it has a certain similarity to a *biit*. Formally the two ideas are quite distinct, and Nuer see a similarity between them only because in both cases there is a fault which is punished by God, in the first case indirectly and in the second directly. Consequently we are once again faced with the Nuer idea of faults, which necessitates a fuller discussion than I have so far given to it but which is also more appropriately treated separately in the next chapter.

775 The concept of *cien*, to which I now turn, has certain similarities
626 to that of *biit*, especially to the silent curse, 'the curse of the heart'. Nuer think that it bodes ill for those who have wronged a man if he dies with resentment in his heart, for he will then take ghostly vengeance on them from the grave.

The word *cien* is found in one form or another, and with common elements of meaning, in all the Nilotic languages. In Nuer it means the vengeance, generally producing sickness or other misfortune ending in death, taken by an aggrieved ghost on the living, and in its verbal form the taking of such vengeance. Nuer regard it as a most serious matter if a man dies with a legitimate grievance in his heart, for while it may be possible to make amends to a living man for a wrong done to him and thereby rid oneself of his *biit*, it is often impossible to make peace with the dead. Fear of *cien* undoubtedly, if we are to believe what Nuer say, makes them avoid, at any rate sometimes, persistently denying men justice lest they take their wrongs to the grave and from there seek settlement.

SOUL AND GHOST

775 I give some examples of the kind of circumstances in which
●626 *cien* acts. A man haunts his kinsmen because he was slain and
761 they neither avenged him nor exacted compensation in cattle for his death. When a man slays a close kinsman 'they [may] say "do not spear him, let him die of *cien*"'. After a while he becomes distracted and his ears ring. He loses his wits and takes to wandering alone in the bush and to sleeping there by himself at night, or he wanders to a distant country and lives there haunted. 'Nuer have no sense. A man may slay even his mother's son in anger. Well, he haunts him from the grave. He [the living man] sits moping. For two or three days together he refuses food. He wanders by himself in the bush. Then he sickens and dies.' A man may kill another secretly when they are alone together in the bush and tell no one of the deed. Then the dead man's ghost will pursue him from the grave. I was told of a case of this kind among the eastern Jikany in which the slayer married some two or three years after his crime. His first child died, then his second child, then his third child; and 'he remained childless like an impotent man'. He consulted a diviner, who wormed out of him that 'he had something in the earth', a euphemism for the body of his victim. On the diviner's advice he confessed and paid compensation for the life he had taken. Nuer told me also that a man who has witnessed a killing, though he had no part in it, yet if he keep silence, will suffer misfortune because 'it is like as though he had hidden the [dead] man'. A man who commits serious incest, such as one who has carnal relations with a woman and then with her daughter, and so causes the death of the daughter, will be haunted by her ghost. The ghost will summon him to the land of the dead, saying '*ban wa jogh*', 'let us go behind' [to the *jookni*, ghosts]. A
[762] girl who is married to a man she detests and commits suicide may take vengeance from the grave on her kin who forced her to marry him. However, those Nuer whom I questioned were not in agreement in this case, some holding that the girl would not have *cuong*, right, and could not therefore harm her kin. A man who knows that his son had congress with his wife may keep silence, hoping that the son will confess and ask his forgiveness, but the son also keeps silence, even when he sees that his father is dying, so the father takes his resentment with him to the grave and punishes him from there. A man who has not been properly buried may haunt his kin. However, a man who has suffered any

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injustice may take ghostly vengeance. Nuer say also that a ghost watches over his kin and punishes those who commit some grave fault, especially that of depriving his young sons of the cattle of his herd or of their sisters' marriages. When a father or other close kinsman summons a man from the grave to join him in death Nuer use the word *tul*, which has the sense of 'to punish', to describe his action as well as the word *cien*; and they may also use the verb *be*, with the sense of sending for, or coming to fetch, or returning to get something. 775 626 761

An appreciation of two considerations arising from what Nuer say about ghostly vengeance gives us a further understanding of their ideas about the dead. The dead are thought to have the same feelings as when they were alive. They are resentful of injustice and bear malice to those who have wronged them. It stands to reason therefore—and this is the second consideration—that it is only those who have recently departed who avenge themselves on the living, for it is only they who can have been wronged by them. Nuer do not think of *cien* in connexion with ancestral ghosts but only in connexion with those who have recently become ghosts. It would appear that a man can still take vengeance even after he has been dispatched to the community of the ghosts by the mortuary rites, but a dead man seems to be most dangerous and his living kinsmen the most vulnerable the less the lapse of time after his death, and consequently in the period between death and the mortuary ceremonies. Those nearest to the dead are those who are most likely to be affected, for though a man can *cien*, just as he can *biit*, anyone who has done him an injury, what has been said of the *biit* can be said of the *cien*: the closer the relationship of the persons concerned the worse both the offence and its consequences. Curses and ghostly vengeance are thus two sides to the same idea and in general they have the same social incidence. 775 626

To stop the effects of *cien* it is necessary to make sacrifice to God and, where possible, reparation to the ghost for the wrong done to him. Sacrifice without reparation is of no avail. Nuer say that it may temporarily wipe out (woc) the *cien* from the body of the haunted man, but it will return if he does not make amends. Therefore, when he makes sacrifice he tells God 'I am sorry, I have erred; take thy cow and let the *cien* leave me.' Nuer say that God is to understand that such an expression of contrition implies the intention to make reparation, if this is possible. [782]

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775 As Nuer speak about *cien* it has, therefore, the sense of an
626 injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of
[843] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands,
[177] an idea some of the eastern Nuer have taken over from the Anuak;
[841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mai*); the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after,
[842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

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628 We would emphasize further that blood-feuds only directly
182 involve a few persons and that though they sometimes cause
619 violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

671 There are, of course, disputes between Nuer other than
627 those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruoh*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an
671 individual or a tribunal of any kind, and, furthermore, I reached
627 the conclusion that it is very rare for a man to obtain redress
177 except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

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settled, in no way weakens this impression, because one well 627
knows how among other African peoples cases are brought before 671
courts under Government supervision which would not pre- 177
viously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.

Before discussing the chief characteristics of Nuer legal procedure I record that, according to verbal information, for I have 624
never observed the procedure, one way of settling disputes is to 627
use a leopard-skin chief as mediator. Thus, I was told that a man who has a cow stolen may ask a leopard-skin chief to go with him to request the return of the cow. The chief goes first, with several of the elders of his village, to the plaintiff's homestead, where he is given beer to drink. Later they go, with a deputation from the plaintiff's village, to the defendant's village, and here also the chief may be presented with some beer or a goat. The chief is considered to be neutral and a certain sanctity attaches to his person so that there is little likelihood of the deputation being injured. The visiting elders sit with elders of the defendant's village and the chief in one of the byres and talk about the matter in dispute. The owner of the animal gives his view and the man who has stolen it attempts to justify his action. Then the chief, and anybody else who wishes to do so, expresses an opinion on the question. When every one has had his say the chief and elders withdraw to discuss the matter among themselves and to agree upon the decision. The disputants accept the verdict of the chief and the elders and, later, the owner of the animal gives the chief a young steer or a ram unless he is a very poor man, when he gives him nothing.

If a man has a dispute with another of the same neighbourhood they may both go to the homestead of a local leopard-skin chief and lay their spears on the ground in his byre. A man would not [276]
plant his spear upright in a chief's byre, and I was told that were he to do so a bystander might appropriate it, as disrespect had thereby been shown to the chief. When both men have stated their views the chief and the elders discuss the matter outside the byre and re-enter it to acquaint the disputants of their decision. The person in whose favour the decision has been given hands his spear to the chief, who either gives it to a friend or spits on it and returns it to its owner. It was clear from the way in which my informants described the whole procedure that the chief gave his final decision as an opinion couched in persuasive language and

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624 627 not as a judgement delivered with authority. Moreover, whilst the sacredness of the chief and the influence of the elders carry weight, the verdict is only accepted because both parties agree to it. No discussion can be held unless both parties want the dispute settled and are prepared to compromise and submit to arbitration, the chief's role being that of mediator between persons who wish other people to get them out of a difficulty which may lead to violence. The man against whom the decision is pronounced may give way to honour the elders and the chief where he would not give way directly and without their intervention, for he does not lose prestige by accepting their verdict. If there is any doubt about the facts, certain oaths, which are in the nature of ordeals, may be employed, such as swearing statements on the chief's leopard skin.

For a dispute to be settled in this way not only is it necessary that both parties should want the matter amicably settled, but it is also necessary that they should themselves reach agreement during the discussion. No one can compel either party to accept a decision, and, indeed, a decision cannot be reached unless there is unanimity, since the elders are of both parties to the dispute. They go on talking, therefore, till every one has had his say and a consensus has been reached.

The five important elements in a settlement of this kind by direct negotiation through a chief seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case.

I repeat that I have not seen this method employed and add that I am of the opinion that it is very rarely used and only when the parties are fairly close neighbours and belong to communities closely linked by many social ties. In theory any member of a tribe can obtain redress from any other, but we know of no evidence that leads us to suppose that it was often obtained. Before summing up what we judge to be the nature and scope of legal relations in Nuerland we record a few brief examples of typical acts likely to lead to violence if some reparation is not made.

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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seise some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seised count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seise the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gwan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*ŋetk*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

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583 wife's people do not return all the cattle that have been paid. In
627 such circumstances the debtor does not deny the debt but puts forward a counterbalancing claim on some account or says that he has no cattle to settle it. Often enough he says this even when he has got cattle. The claimant can only be sure of getting his due if he takes it by force from the debtor's kraal or from the herd in the grazing-grounds. If he is strong and has the backing of a powerful lineage he is not resisted, since he has right on his side. Such matters are easily settled within a village and among people who share a common dry season camp because every one realizes that some agreement must be reached by discussion and that it must accord with justice. But when the parties belong to different, and maybe hostile, villages, settlement is not so easy. The leopard-skin chief may be employed, in the manner described, to bring the parties together for discussion and some agreement may then be reached, but many such debts are never settled. They are remembered for years. Perhaps some day, maybe in the next generation, an opportunity will occur to steal the cattle.

682 If a wife dies in her first pregnancy or childbirth the husband
627 is held responsible. There is no question of a feud arising, but the husband loses the bride-cattle he has paid, since these now become blood-cattle for the loss of his wife. The husband is only responsible if the death occurs during childbirth before expulsion of the afterbirth. If there is any dispute about the mode of death or the number of cattle that are still owing it is settled by a mediator called *kwaa yoka* or *kwaa yiiei*, 'the chief of the mats', an office which pertains to certain lineages. This man has no other office and is not an important person in virtue of his role of arbitrator in disputes of this kind. It is easy to obtain compensation, as the father-in-law has the bride-wealth in his possession. There is, moreover, a tie of affinity and neither party is likely to resort to violence.

671 Using these brief notes on some exemplifications of the tendencies in Nuer law we may now state what these tendencies are. We speak of 'law' here in the sense which seems most appropriate when writing of the Nuer, a moral obligation to settle disputes by conventional methods, and not in the sense of legal procedure or of legal institutions. We speak only of civil law, for there do not seem to be any actions considered injurious to the whole community and punished by it. The informants who said that witches and magicians were sometimes killed stated that it was always individuals or groups of kin who waylaid them and killed them in vengeance.

[See pp. 163-64, cat. 116 — Analyst]

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The first point to note about Nuer law is that it has not everywhere the same force within a tribe, but is relative to the position of persons in social structure, to the distance between them in the kinship, lineage, age-set, and, above all, in the political, systems. In theory one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so when he is not a member of one's district and a kinsman. The wider the area which contains the parties to a dispute the weaker the feeling of obligation to settle it and the more difficult the task of enforcing settlement, and, consequently, the less the likelihood of it being settled. Within a village differences between persons are discussed by the elders of the village and agreement is generally and easily reached and compensation paid, or promised, for all are related by kinship and common interests. Disputes between members of nearby villages, between which there are many social contacts and ties, can also be settled by agreement, but less easily and with more likelihood of resort to force. The nearer we get to the tribe the less the chances of settlement. Law operates weakly outside a very limited radius and nowhere very effectively. The lack of social control to which we have often referred is thus shown in the weakness of law, and the structural interrelations of tribal segments are seen in the relativity of law, for Nuer law is relative like the structure itself.

A cogent reason why there is little chance of redress between members of different secondary and primary tribal sections is that the basis of law is force. We must not be misled by an enumeration of traditional payments for damage into supposing that it is easy to exact them unless a man is prepared to use force. The club and the spear are the sanctions of rights. What chiefly makes people pay compensation is fear that the injured man and his kin may take to violence. It follows that a member of a strong lineage is in a different position from that of a member of a weak lineage. Also the chances of a man obtaining redress for an injury are less the further removed he is from the man who has injured him, since the opportunity for violence and the effectiveness of kinship backing lessen the wider the distance between the principals. Since self-help, with some backing of public opinion, is the main sanction it is only operative when

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[62] people are within easy striking distance of one another. This is one of the main reasons why it is difficult to settle feuds when the parties belong to different primary or secondary tribal sections.

Most disputes occur in villages or camps and between persons of nearby villages, since people who live close to one another have more opportunities for dispute than those who live far from

[412]

FIG. 10. Baked-mud grindstone with wooden grinder.

one another. Such quarrels are usually complicated by notions of kinship, affinity, age, and so forth and are very often the result of breaches of specific patterns of social behaviour rather than simple breaches of general social regulations. They are, therefore, generally settled in harmony with these traditional patterns. But, if they are not settled by the mediation of kinsmen, they are likely to lead to violence, because, as we have remarked, Nuer are at once prepared to fight if they are wronged or insulted, unless kinship, or great disparity in age, restrains them. If a man refuses to pay compensation for a wrong, there-

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fore, he runs a great risk of his skull being cracked with a club, and even of being speared if excitement runs high. And this is what often happens. 627

For this reason we have said that Nuer law, in so far as it applies to a study of political relations, must be treated in connexion with the blood-feud. Disputes can often be settled on account of close kinship and other social ties, but between tribesmen as such they are either settled by the aggrieved party using force, and this may result in homicide and blood-feud, or by the debtor giving way in the knowledge that force may be used and a feud result. It is the knowledge that a Nuer is brave and will stand up against aggression and enforce his rights by club and spear that ensures respect for person and property. 627 628

The Nuer has a keen sense of personal dignity and rights. The notion of right, *cueng*, is strong. It is recognized that a man ought to obtain redress for certain wrongs. This is not a contradiction of the statement that threat of violence is the main sanction for payment of compensation, but is in accord with it, for a man's kinsmen will only support him if he is right. It is doubtless true that if a man is weak it is unlikely that his being in the right will enable him to obtain satisfaction, but if he is in the right he will have the support of his kin and his opponent will not, and to resort to violence or to meet it the support of one's kin and the approval of one's community are necessary. One may say that if a man has right on his side and, in virtue of that, the support of his kinsmen and they are prepared to use force, he stands a good chance of obtaining what is due to him, so long as the parties to the dispute live near one another. 577 627

When we speak of a man being in the right we do not suggest that disputes are mostly a clear issue between right and wrong. Indeed, it would be correct to say that, usually, both parties are to some extent right and that the only question which arises is, Who has the greater right? To state the matter in a different way: a Nuer dispute is usually a balance of wrongs, for a man does not, except in sexual matters, wantonly commit an act of aggression. He does not steal a man's cow, club him, or withhold his bride-cattle in divorce, unless he has some score to settle. Consequently it is very rare for a man to deny the

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damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

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Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known among Europeans as leopard-skin chiefs. A leopard-skin chief, *kuar mam*, has a sacred association with the earth (*mam*) which gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

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[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 221. Brun-Rollet's account is unacceptable.

[2] *Kawakow G. Hawker, S.I.R.*, no. 98, 1901; *Dimbaki H. Gordon, S.I.R.*, no. 107, 1903.

8;Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Given that there were rules of conduct expressed in the terms
cang, 'right', and *daw*, 'wrong', which controlled the relations of one 627
Nuer with another and of one group with another group, what were the sanctions which made for the observance of those rules? The primary sanction, and one which is most affected by the establishment of public security and ordered administration today, is the sanction of self-help; retaliation if a wrong is committed, or the use of force to claim a right. This applies to individuals, who fear that those they have wronged or those to whom definite obligations have not been fulfilled will take physical action against them, and fear also that, because their action is agreed to be wrong, they will receive no support from their fellows in resisting. Moreover the wronged may receive the assistance of their own kinsmen and neighbours, who will overwhelm any attempt at resistance. This applies to groups of individuals in relation to other groups in the same way, and is expressed in the balanced opposition of tribal segments and kinship groups. A Nuer may owe one of his kinsmen a cow and refuse to pay it. His kinsman will take the cow by stealth or wrest it from him by force, and the success of this action will depend on the extent of the non-intervention of other relatives. In the relationship of individuals there [672]
is also the prevailing principle of collective responsibility, so that in fact there is rarely an isolated individual wrong or an isolated right. The strength of the right, or the extent of the wrong, is qualified by the relationship of the parties concerned. Further sanctions are social 626
reprobation, unpopularity, loss of approval and respect of neighbours, and hence loss of the privileges which the individual possesses as a member of a community and which the community possesses as part of a larger social group. Such privileges are both social and political. They are also economic, because so many economic activities must be carried out collectively. For some wrongs there is also a religious sanction, but, as I shall attempt to show later, the religious sanction is often an expression of kinship ideals.

The force of all these sanctions is relative to the position in the social structure of the persons concerned. Clearly social obligations are likely to be more binding on persons not only related by blood but also closely associated in the activities of day to day life. Loss of privilege is a greater loss in such circumstances. Generally speaking, the closer the relationship, expressed in terms of kinship, in association by common residence, and economic co-operation, the greater the need to abide by accepted modes of behaviour. Not only is the need greater and therefore the likelihood of obedience greater too, but also the difficulty of composition, when there is a quarrel, is less, because the sanctions which ensure good relations with other persons within the group in other respects are more intense and therefore more effective. The reaction of indignation is not likely to run to such a pitch of ill-feeling.

6:Howell E. G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*mutk*)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as **mutk**. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Ngor Ngoun v. Can Nyui (*Nhany Nuer Case*).

Ngor and Can were 'best friends' (*mutk*). Ngor gave Can a black cow as a gift. Can gave Ngor a cow when Ngor got married. Ngor then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Ngor, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak mutk*) publicly and that Can should give back his black cow. The matter was taken to court, but Ngor's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kual*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

8:Howell E, G-5 (1942-1944)1954
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from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*rooy*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to blows between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ee yang-de bual*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

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Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, dispute may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*bual*) is not considered in any way wrong.[1]

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This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 184. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

8:Howell,E. G-S (1942-1944)1954
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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *bual* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *ewer*:[1] a man will say *ce yang-de ewere ce ye yuke ewere*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth considering here. The word *pac* is used to describe situations where superior force is used, e.g. when cattle are seized by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *ewer*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Ewere* also implies wealth or cunning.

9:Howell E. G-5 (1942-1944)1954
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Religious Functionaries and Magical Experts

We have seen that the Leopard-Skin Chief has certain duties to perform in connexion with the composition of blood-feuds and that he may be called upon to arbitrate in disputes of almost any kind. His role is purely that of a mediator whose powers, both ritual and secular, are brought into operation only if there is a genuine desire by the hostile parties to reach an agreement. He has no executive powers with political force behind them, although it is expected that he will attempt to intervene in the early stages of a feud, and he sometimes threatens to use his power to curse the disputants if they will not agree. Moreover, in all matters in dispute, the frequency with which he will be approached depends largely on his prestige and personality, and not merely on his hereditary status. Other persons with no hereditary ritual status might easily acquire a reputation for fairness and tact and be employed as arbitrators in minor disputes. Skill in arbitration was considered by the Nuer one of the attributes of leadership (*ruot*), and the *ruic* *ruath* often extended their influence into the sphere of legal disputes.[1]

There are also other kinds of ritual experts who have specific functions to perform for public welfare: fertility in man and cattle, success in hunting and fishing, in raids and warfare. In this category are the *wut gluk* or cattle expert, the *kuar thoi*, the water expert, the *kuar yiliu*, who is mainly concerned with the fecundity of women, the *kuar jiath*, who deals with epidemic diseases among humans, the *gwan tang* or *kuar kiik*, who ensures the success of warriors in battle. These experts have regular duties to perform, a fact which distinguishes them from other categories of magical expert; they have an established ritual status in society, and are expected to carry out religious tasks which in some African tribes are less specialized or even embodied in the person of one man.[2]

Professor Evans-Pritchard has mentioned most of these experts in his writings on the Nuer, and he recorded most, but not all, of their duties. They are:

Kuar kuac or kuar ruac: The Leopard-Skin Chief or Land Chief

The functions of this expert in connexion with homicide have been fully described in Chapter II. He is essentially an hereditary office,

[1] We are dealing here with the past. The functions of traditional experts are now much modified.

[2] The *rain* of the Shilluk, for example, who is, apart from his p[illegible] and executive functions, generally responsible for fertility in man, cattle and crops, for success in hunting and fishing. (See Howell and Thomson, op. cit., p. 9; and *Africa*, XXIII, 1953.) He is responsible, however, for these matters as affecting the whole tribe. There is also among the Shilluk a number of specialists responsible for local interests, *jal yoth*, *ajwaga*, etc.

10:Evans-Pritchard E-5 (1931-1936) 1940
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which gives them political unity and distinction is one of opposi- 628
tion. Between tribes, or federations of tribes, and foreign peoples [648]
this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither speared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or [621]
camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense 634
of patriotism, a dominant lineage, territorial distinction, economic 619
resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a 619
relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

specifying which spirit they have in mind. Those who are aware of the circumstances will know which particular spirit is being referred to. Those who are not aware of them will only know that the man possesses one or other spirit and that the cow belongs to one or other spirit, without knowing which one. 776

Since God is *kwoth* in the sense of all Spirit and the oneness of Spirit, the other spirits, whilst distinct with regard to one another, are all, being also *kwoth*, thought of as being of the same nature as God. Each of them, that is to say, is God regarded in a particular way; and it may help us if we think of the particular spirits as figures or representations or refractions of God in relation to particular activities, events, persons, and groups.

That the diverse spiritual figures of Nuer thought are to be regarded as social refractions of the idea of God will be understood better if some examples are given of the problem in action. The ceremony I am about to describe concerned a *nin diet*, a delayed homicide. When a man has been wounded and recovers but dies some months, or even years, later his death may be attributed to the wound he received and compensation for homicide exacted. A blood-feud is unlikely to break out in these circumstances, for the killing may generally be regarded as accidental and, in any case, a long period of time has elapsed between the act and its consequence; and fewer, some twenty, head of cattle are demanded than for a straight killing, though the number seems to vary in different parts of Nuerland and is probably everywhere reached by negotiation between the parties, both of whom are anxious to reach a settlement as soon as possible. In the ceremony I witnessed, which took place in western Nuerland, the first and final rites of an ordinary homicide were combined, the slayer being cleansed of the blood and peace between the parties being made at the same time, and it took place after only some of the cattle had been paid. 627 776

It was held because a man of the Jikul clan had wounded a man of the Lual lineage with a fishing-spear some years before, and he had just died. The fact that he had been wounded by a fishing-spear was important because among the western Nuer less compensation is paid for a killing by fishing-spear or club than for a killing by fighting-spear, for it is less likely to have been premeditated. Apart from the slayer himself, there were no Jikul present at the ceremony, which on their side was conducted by their traditional allies the Ngwol lineage and in a Ngwol village. The

16: Evans-Pritchard E-5 (1931, 1936) 1956
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absence of Jikul and the holding of the ceremony in a village of a third party made it easier for the Lual to be conciliatory.

After some drinking of beer, a sure sign that a settlement was certain, the people sat in the sun to watch proceedings. The heat was so intense that from time to time boys were told to place fresh cattle-dung on the ground so that those delivering addresses could stand in it now and again to cool their feet. One of them interrupted his narration to ask God to send a shower of rain to cool him, and the downpour which closed the proceedings was regarded as an answer to his request. The ceremony began with the castration of the young bull to be sacrificed. A Ngwol man then drove a stake into the centre of the kraal and tethered the ox to it, and many of the men present threw ashes over its back—a rite I discuss later. Then lengthy invocations, taking over three hours to deliver, were spoken by a Lual man, a Ngwol man, and a leopard-skin priest of the Kennyang lineage, the dominant lineage of the area in which all these lineages have their villages. I give only the gist of what they said because most of it little concerns the question we are considering.

Each speaker began his address by calling out his clan spear-name. He delivered his address walking up and down the kraal brandishing his spear. Most of what was said was addressed to the audience, who entered into lengthy arguments with the speakers about the matter in hand, besides carrying on conversation among themselves. But in the midst of their harangues the speakers frequently addressed *kwoth* by one or other title and explained to spirit so addressed the circumstances which had brought the people together.

The Lual representative, who made the first speech, besides addressing *kwoth*, spirit, and *kwoth a nhial*, spirit who is in the sky, called on '*kwoth wicda, kwoth ngoapna*', 'spirit of our home or community (literally, cattle camp), spirit of our fig-tree', the fig-tree being the totem of his lineage. He began with a long account of the history of the lineage of the man responsible for the death with interminable references to past disputes, threatening that if ever the Jikul or the Ngwol fought his people again the Lual would exterminate them, to all the events which led up to the quarrel in which the dead man had been wounded, and to cattle which had been paid or promised in compensation for the homicide and the further cattle which were being demanded.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Among his observations he accused the Ngwol of having buried a living ox with some beads and a spear to kill the Lual, and this provoked a violent argument in which the Ngwol part of the audience retorted that the Lual had buried a dog alive in a byre to kill them (I do not know whether such practices ever really occur). 627 776

The Ngwol representative then delivered a rambling address. He often mentioned *kwoth* in it, though not, so far as I heard, with any particular specifications. His chief point was that the Jikul were paying compensation in cattle for the dead man and that if the Lual reopened the quarrel it would be to their disadvantage, the Jikul being fully able to look after themselves if it came to fighting again. He then, from the Jikul angle, repeated the whole history of the affair, a recapitulation which stirred up involved controversy with the Lual men present. In these invocations grievances, both real and imagined, are made public, not with the purpose of complicating the issue or inflaming passions, but because it is the rule of such gatherings that everything a man has in his heart against others must be revealed and no bitterness kept secret.

Finally, the leopard-skin priest, whose function is to cleanse a killer and to perform rites to terminate a blood-feud, rose and addressed the assembly. In his invocation he frequently, in addition to speaking to *kwoth* and *kwoth a nhial*, called on '*kwoth riengde*', a phrase which literally means 'spirit of our flesh' and which refers to the spiritual source of sacerdotal power. He told the slayer that as some of the cattle had already been paid and the remainder were about to be paid he might go abroad without fear of vengeance. He told the kinsmen of the dead man that if they starved a feud their spears would miss their mark and that they would do well to take the cattle and settle the affair for ever. He warned the kinsmen of the slayer not to try and hide their cattle, that is, send them secretly to the kraals of distant kinsmen and then say that they had not the wherewithal to meet their obligations. He, also, recapitulated the whole history of the quarrel, from the point of view of an impartial onlooker and mediator. 627 776 785

At the end of his address he speared the ox and those present rushed in, as is the custom on this occasion, to obtain what they could of the carcass, hacking and slicing, waving their spears, and shouting. It was a scene of great confusion. When things had

16: Evans-Pritchard E-S (1931, 1936) 1956
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627 776 783 quietened down the leopard-skin priest cut off some of the hair of the head of the man who had occasioned the death: 'the blood which entered into his body is purged (*riem ne ce ua pwonyde ba uuc*), other hairs will grow (*bi miem ti akien dony*), the blood is finished (*ce riem thuk*)'.

776 The ceremony I have described is typical in form of Nuer religious ceremonies. What I want here to draw attention to in it are the different titles mentioned in the invocations: *kwoth*, Spirit, without further designation, *kwoth a akiel*, Spirit who is in the sky, *kwoth wic(de)*, spirit of the home, *kwoth ngoap(na)*, spirit of the fig-tree, and *kwoth riengi(de)*, spirit of the flesh (the virtue of the leopard-skin priest); and there may have been others which I did not hear. Besides these titles such expressions as *gwandong*, grandfather, and *kwoth gwara*, spirit of our fathers, were used. At other ceremonies at which people of different families and lineages from those concerned in this particular ceremony have been represented I have heard references in invocations to a variety of other spirits—totemic spirits, cultic spirits, and spirits of the air. How are we to interpret Nuer thought about the nature of Spirit as it is expressed in such ceremonies as the one I have described?

In this particular ceremony several groups were opposed to each other, and the leopard-skin priest was acting in his priestly capacity as mediator between them and to conclude a settlement by sacrifice. The persons who made the invocations therefore appealed to, or spoke about, God not only as God but also as God in his special relation to the groups they represented, and in the case of the leopard-skin priest to God in his special relation to the priestly function as well as to a particular priestly lineage. The circumstances may be compared to a war between European powers in which each prays for victory to the God of its fathers, Lord of its battle-line. Those engaged in the struggle do not believe that two distinct deities are being appealed to. That this is the correct interpretation of the Nuer material is shown by a number of observations, one of the most significant being the fact that although the invocations were made to different titles they were all made over the same victim and this same victim was offered up by all the parties concerned. This appears to me to be proof that the sacrifice was made to one and the same being. Another significant observation is the fact that in situations in which no sectional interests are at stake but where men approach God simply as men and in the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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context of their common humanity, as, for example, when furious storms are raging, in times of severe drought and famine, or when a man is seriously ill, then God alone, or in certain circumstances one of his hypostases by which he is figured in relation to some particular natural phenomenon, is addressed and he is not, as it were, divided by a variety of titles along the lines of the social structure. This may also be to a large extent the case even where different social groups are involved, so long as they are not antagonistic but have a common interest and intention. I give one such illustration.

A youth in a village where I was residing was badly wounded in the shoulder by a spear in a fight with a man of the next village. His antagonist had not intended to kill him and the people of the two villages were on good terms, so his kinsmen at once sent the spear with which the wound had been inflicted to the injured youth's home with expressions of regret and wishes for a speedy recovery. The elders of the wounded lad's home bent the point of the spear and placed it point downwards in a pot of cold water. This was done to lessen the pain of the wound, especially when it was washed, and to cool the inflammation. Next morning the wounder's village sent us a deputation, leading a goat for sacrifice. By this further indication of their regrets and of their willingness to pay compensation at once should the lad die they anticipated a blood-feud. It was hoped in any case that the danger of death would be obviated by the sacrifice of the goat. The wound would, as the Nuer put it, 'be finished with the goat'.

Before the animal was sacrificed the visitors consecrated it by rubbing ashes on its back. It was then tied to a stake opposite the hut of the wounded youth's maternal grandmother and an invocation was delivered over it by a man called Lel, a leopard-skin priest and also a prophet, who had been summoned from a distance to officiate, partly, I think, because his presence would give greater importance, and therefore perhaps efficacy, to the ceremony and partly because it would be a further insurance for a peaceful outcome to the incident. His address was largely taken up with reiterations that the youth would not die and with giving to God and the people a lengthy and detailed account of how the accident had occurred. He sacrificed the goat at the conclusion of his speech. Our home party then brought forward a wether and it was also consecrated with ashes. Afterwards a man of the home

627 782 776 poured a libation of water over its tethering-peg as a prelude to delivering an oration. He told the story of the accident all over again and commented on it to God in this vein: 'ah God! We call on you about this wound. There is no enmity between us [the party of the injured youth and the party of the spearer]. This wound came of itself [they do not attribute it to the spearer because it was an accident and also because the youth will not die and so there will be no *thung*, debt of homicide]. Throw the badness away with this cow [they call a sheep or goat a 'cow' in sacrificial contexts]. Let the wound heal. Ah God! it is only a headache [it is not a sickness of any importance—they speak of the most ghastly wounds in this way], let it be finished, let it go right on [heal without complications]. Let it be removed from the man's body. Let us be at peace.' Another man of the home party also made an invocation in much the same language: 'Friend (*maadh*), God who is in this village, as you are very great we tell you about this wound, for you are God of our home in very truth. We tell you about the fight of this lad. Let the wound heal. Let it be ransomed [with the sheep]'; and so forth. A representative of the visitors now said a few words to the same purpose and the sheep was then sacrificed. The meat of both sacrifices was eaten by the people of the home after the visiting deputation had departed; and also the carcass of a third animal, another wether, which the people of the home later sacrificed after three of them had made further invocations over it in much the same vein.

In this ceremony Spirit was addressed simply as *kwoth* and no designated refractions were mentioned, and when on such occasions Nuer speak to, or about, *kwoth* without differentiating specifications they are, as I have explained, speaking to, or about, Spirit in the comprehensive conception of God the creator and the sustainer of life. This is often the case in their sacrifices, and it is the same when they pray for peace and deliverance from evil.

776 613 That emphasis is given to the refractions when a social group, acting as such and marking itself off from other groups, makes a sacrifice on behalf of itself or of one of its members in virtue of his membership of it, and that they are then to be regarded as diverse exclusive representations of God by which he is figured to the groups concerned in a special way as their patrons is evident also from other considerations. It is clear that totemic spirits of lineages are Spirit conceived of in a tutelary relationship to the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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765 that they might sleep quietly and their souls be 'cool' (*kooc thet*).
782 Their remarks also contained many reflections on life and human destiny and the transience of all living things, and they recounted the deeds of the dead and reiterated that he had left sons to carry [427] on his name and lineage. Speakers and listeners also stated any grievances they had in their hearts towards kinsmen, for any of the kin of the dead man who bears a grudge against a relative must now declare it. If he does not do so now, he must for ever keep silence. This is an occasion for amicable settlement of family and kinship quarrels. Thus at this ceremony the senior wife of Mayan, the eldest son of the dead man, complained that her cow had been given by her husband to his second wife. A wife of the dead man who had gone to live with another man, taking her daughter with her, said that she wished now to live at her dead husband's home, and cattle of her bridewealth which had been returned were sent back again to her people on the day of the ceremony.

765 A part of the ceremony I did not see, for it was taking place elsewhere during these orations, was the preparation of porridge and beer. The master of ceremonies makes three new clay fire-stones, places on them a new pot, and pours water into the pot. He then puts out the old fire in the dead man's homestead, throws its ashes and fire-stones into the bush, and starts a new fire under the pot. He begins the mixing and stirring of the porridge. When the women have cooked the porridge he ladles it out with a new gourd-ladle into a new gourd-dish. All the utensils are new for the occasion. The porridge and a pot of beer were now carried to where we were sitting, and as each of the later speakers rose to make his speech he dipped a gourd-ladle into the pot of beer and poured a libation to the ground.

When the last speech was finished everyone stood up and the master of ceremonies dipped wild rice into a gourdful of milk and asperses the people with it. He did this many times till everyone had been asperses. He then sprinkled the dead man's possessions and poured what was left of the milk at the side of a tethering-peg over the dung which had been spread out to dry, and knelt down and kneaded the milk with the dung. I was told that the cattle and huts were also asperses with milk. I believe that milk is only used in this rite if the dead man was, like Lam, 'a man of the cattle' (pp. 300–1). In the case of a leopard-skin priest water

1; Evans-Pritchard E-5 (1931, 1936) 1940
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extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognise that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

V

It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 were engaged in hostilities each could rely on the support of the
721 other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce to disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Leek united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 Fighting between Nuer of different tribes was of a different
726 character from fighting between Nuer and Dinka. Inter-tribal fighting was considered fiercer and more perilous, but it was
● 628 subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 Another defining characteristic of a tribe is that within it
681 there is *cut*, blood-wealth paid in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *ruok*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

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000 It will have been observed that I have not attempted to list all the sections of each tribe, but have merely tried to indicate the mode of segmentation so that the relation between tribal divisions and lineages may be more clearly understood in the following chapter.

II

619 Segments of a tribe have many of the characteristics of the tribe itself. Each has its distinctive name, its common sentiment, and its unique territory. Usually one section is clearly divided from another by a wide stretch of bush or by a river. Segments of the same tribe also tend to turn in different directions for their dry season pastures, as is shown on the sketch-maps on pp. 56, 58, and 60, so that the spatial divisions of the rains are maintained, and may be accentuated during the drought, though, as we have pointed out, in the larger tribes to the east of the Nile severity of natural conditions may also produce closer interrelations than in the smaller tribes to the west.

The smaller the tribal segment the more compact its territory, the more contiguous its members, the more varied and more intimate their general social ties, and the stronger therefore its sentiment of unity. As we shall see, a tribal segment is crystallized around a lineage of the dominant clan of the tribe and the smaller the segment the closer the genealogical relationship between members of this clan fragment. Also the smaller the segment the more the age-set system determines behaviour and produces corporate action within it. Political cohesion thus not only varies with variations of political distance but is also a function of structural distance of other kinds.

619 Each segment is itself segmented and there is opposition between its parts. The members of any segment unite for war
• 628 against adjacent segments of the same order and unite with these adjacent segments against larger sections. Nuer themselves state this structural principle clearly in the expression of their political values. Thus they say that if the Leng tertiary section of the Lou tribe fights the Nyarkwac tertiary section—and, in fact, there has been a long feud between them—the villages which compose each section will combine to fight; but

[See cat. 116 — Analyst]

1: Evans-Pritchard E-S (1931, 1936) 1940
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if there is a quarrel between the Nyarkwac tertiary section and the Rumjok secondary section, as has occurred recently over water rights at Fading, Leng and Nyarkwac will unite against their common enemy Rumjok which, in its turn, forms a coalition of the various segments into which it is divided. If there is a fight between the Mor and the Gun primary sections, Rumjok and Gaatbal will unite against the combined Mor sections: Gaaliek, Jimac, and Jaajoah. If there is fighting against the Gaajok or the Gaawar the primary sections, Gun and Mor, will, at any rate in theory, combine and a united Lou tribe will take the field, since both sections belong to the same political group and since their dominant lineages belong to the same clan. Certainly they used to unite in raids on the Dinka.

Among the Eastern Gaajok, Minyal, Wang, and Nyathol sections combine against Yol. Also Thiur, Dwong, and Kwith sections unite for war. These fights between tribal sections and the feuds that result from them, though based on a territorial principle, are often represented in terms of lineages, since there is a close relation between territorial segments and lineage segments, and Nuer habitually express social obligations in a kinship idiom. Thus in telling me that Wangkac and Yol would unite for war against any other section Nuer stated the proposition by saying that the WANGKAC and YOL lineages, which are the dominant lineages in these sections, would unite because their ancestors were sons of the same mother. We shall see in Chapter V that Nuer generally speak in such terms.

This principle of segmentation and the opposition between segments is the same in every section of a tribe and extends beyond the tribe to relations between tribes, especially among the smaller Western Nuer tribes, which coalesce more easily and frequently in raiding the Dinka and in fighting one another than the larger tribes to the east of the Nile. Thus a man of the Fadang section of the Bor tribe exemplified it when he told me, 'We fight against the Rengyan, but when either of us is fighting a third party we combine with them'. It can be stated in hypothetical terms by the Nuer themselves and can best be represented in this way. In the diagram on p. 144, when Z^1 fights Z^2 no other section is involved. When Z^1 fights Y^1, Z^1 and Z^2 unite as Y^2. When Y^1 fights X^1, Y^1 and Y^2 unite, and so do X^1

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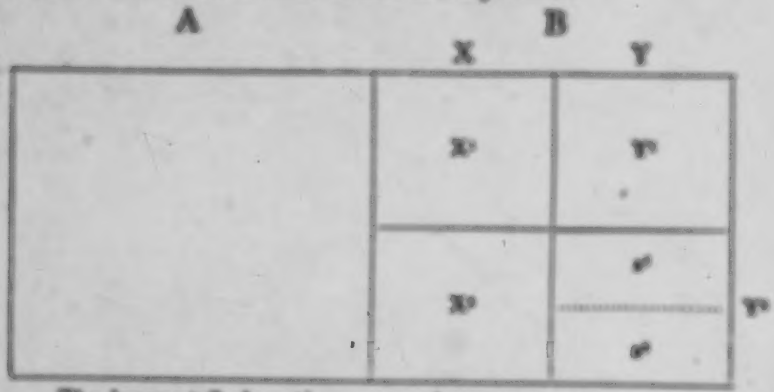
and X^2. When X^1 fights A, X^1, X^2, Y^1, and Y^2 all unite as B. When A raids the Dinka A and B may unite.



The larger tribal sections were almost autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at another would be combining against a third party. These combinations were not always as regular and simple as they were explained to me and as I have stated them. I give a few examples of fighting between tribal sections. One of the worst wars in Nuer history occurred in the last generation between the Gun and the Mor moieties of the Lou tribe. It was known as *kur luay yak*, the war of letting loose the hyena, because so many people were killed that the dead were left for the hyenas to eat. It is said that in this struggle men displayed unusual ferocity, even cutting off arms to seize quickly ivory armlets. There was a lengthy, and more recent, feud between the Leng and the Nyarkwac tertiary sections of the Lou tribe which has continued up to the present. It sprang out of an earlier fight between Thiang and Yol which once formed sub-sections of the Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol divisions were brothers, whereas the ancestor of the dominant lineage of the Thiang division stood to these brothers in the relationship of sister's son. For a long while Yol and Thiang lived peaceably together, but some thirty years ago a fight broke out between them, and Thiang, defeated, fled to seek protection among the Leng section. The Yol sent messages to the Leng telling them that they were not to receive their enemies or give them asylum. The Leng replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sisters' sons. This attitude involved Yol (Nyarkwac) in a second war, this time against a combination of Leng and Thiang. Other recent Lou feuds were between the

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Pakir and Nyajikany divisions of the Romjok secondary section and between various local communities of the Mor primary section, particularly between two divisions of the Jimac secondary section.

In Eastern Gaajok country the Yol primary section joined the Gaagwang tribe, who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them, as we can to the west of the Nile, as a single tribe separated from the Gaajak by the wide Mazar swamps, against several, if not all, sections of the Gaajak tribe. Yol fought Nyayan while Gaagwang fought Rong and Kang. About half a century ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and there was also warfare between the Yol and Wangkac sections in which Yol, assisted by their allies the Gaagwang tribe, were victorious; the Wangkac being so heavily defeated that they moved southwards to the banks of the Pibor river. Here, they say, they were attacked by *Twak* (Arabs of some kind) and moved north again to the site of their old homes. They were too exhausted to resume their feud with the Yol section. In spite of these internal feuds, if any section of the Gaajok tribe is engaged in warfare with the Lou tribe all its sections will come to assist the threatened section if it is not strong enough to resist whatever section of the Lou is opposed to it. There have also been feuds between the Eastern Gaajak sections, *e.g.* between Thiang and Rong. When two tribes fight, other tribes remain neutral, and if two sections of a tribe are at war with one another the other sections of each may leave them to fight it out if they are well matched and do not appeal for assistance. Some of Miss Soule's informants pointed out that when there was trouble a few years ago between the Yol section of the Gaajok tribe and the Lony section of the Gaajak tribe they were strong enough to fight their own battle, but had Lony not been strong enough to fight single-handed then the Kaang and Tar, and possibly other, sections of the Gaajak would have come to its assistance, in which case the Gaajok sections would have joined Yol. They also pointed out that at present there is trouble between the Luluaa section and the Wang section. There is also trouble between various sections of Wangkac. If Luluaa and Wang begin to fight then the Wangkac sections will compose their differences and join Luluaa.

In accordance with the general tendency to the west of the Nile the Western Gaajok and Gaajak tribes are not only smaller but less united than the Eastern Gaajok and Gaajak. Both, on the Bahr-el-Ghazal, had frequent and bitter internal feuds. There was a fierce battle between the Gai division of the Gaagwong primary section and two other divisions of the same section, the Kwoth and the

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Bor, whose dominant lineages spring from one mother. The Kwoth and Bor divisions were defeated and migrated southwards to settle at Kwac in Rengyan country. The same Gai division also had a feud with the Reng primary division, after which it moved into Karlual country. There were numerous other feuds in the Gaajak tribe. The Gaajok tribe once lived entirely on the left bank of the Bahr-el-Ghazal and their present extension on the right bank is a consequence of migration following feuds.

The Leek tribe once all lived on the right bank of the Bahr-el-Ghazal. Here two of its primary sections, Cuaagh and Deng who lived to the west of the Gany river, fought the third primary section, the Keunyang (Karlual), who lived to the east of that river, and being defeated crossed the Bahr-el-Ghazal and settled on its left bank. The story is that some aristocrats of the Nyapir section and some aristocrats of the Nyawah section used offensive expressions in songs about one another. These songs led to fighting between the young men, one of whom on each side was killed. There was further fighting in consequence, and finally Deng and Cuaagh crossed the river. In the following year they recrossed the Bahr-el-Ghazal to camp in the dry season on the right bank and on their return to their villages they drove before them herds belonging to Keunyang. Six of their girls came back to collect their dairy vessels which they had left in a camp hut and were waylaid and killed by some Keunyang men. This act was considered a serious breach of the rules of war, for the Nuer do not kill their own womenfolk. Because of it the Deng uttered a curse, according to which it is forbidden to an aristocrat of Keunyang who crosses the Bahr-el-Ghazal and settles among the Deng or Cuaagh, and also to an aristocrat of Deng or Cuaagh who moves southwards and settles among the Keunyang, to build a cattle-byre in the usual manner. The curse also causes an aristocrat who thus changes his residence to beget only boys for his first few children because of the slain girls. When the Government raided Karlual (Keunyang) country many Keunyang aristocrats crossed the river to live in Deng and Cuaagh country. At the present day many Deng and Cuaagh spend the dry season in Keunyang country because their own country is not rich in good pasture grasses but consists mainly of marsh grasses which are not so nourishing.

Within each of these primary sections there were constant feuds. Thus in Karlual country, Riaagh, Gom, Jiom, Nyaagh, Jikul, and Ngwol sections have been frequently at feud with one another. It would be tedious to recount the occasions and outcome of these petty feuds. I want only to make it clear that the villages occupied

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by these minor sections, Tutgar (Ngwol), Nyang (Riaagh), Nyueny (Juak), Kol (Jikul), &c., are only a few miles from their nearest neighbours, all of them being contained in a radius of five miles. It is between villages and tertiary tribal sections that fights most frequently take place and feuds develop.

I could give many more examples of feuds, but to no purpose, for those I have cited amply illustrate the lack of political control in Nuer tribes. We may conclude that a man's tribe only claims his allegiance in intertribal fighting and in wars against the Dinka. In normal times a man thinks and acts as a member of very much smaller local groups with the members of which he has manifold contacts.

III

We may use the diagram on p. 144 to emphasize the principle of contradiction in political structure. A member of Z^2 tertiary section of tribe B sees himself as a member of Z^2 in relation to Z^1, and all other members of Z^2 see themselves as members of that group in relation to Z^1 and are so regarded by members of Z^1. But he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1 and is so regarded by members of Y^1. Likewise he regards himself as a member of Y and not of Y^2 in relation to X, and as a member of the tribe B, and not of its primary section Y, in relation to tribe A. Any segment sees itself as an independent unit in relation to another segment of the same section, but sees both segments as a unity in relation to another section; and a section which from the point of view of its members comprises opposed segments is seen by members of other sections as an unsegmented unit. Thus there is, as we have pointed out earlier, always contradiction in the definition of a political group, for it is a group only in relation to other groups. A tribal segment is a political group in relation to other segments of the same kind and they jointly form a tribe only in relation to other Nuer tribes and adjacent foreign tribes which form part of the same political system, and without these relations very little meaning can be attached to the concepts of tribal segment and tribe. We make here the same point as we made in discussing the word *cieng*[1] that political values are relative and that the political system is an equilibrium

[1] [See pp. 135-137, cat. 116. — Analyst]

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619

opposition between two groups than between the segments of either and that the segments are held together, as it were, by this external pressure, but we cannot admit that this view accords with the facts, because greater hostility appears to be felt between villages, groups of villages, and tertiary tribal sections than between larger tribal sections and between tribes. Probably the raids conducted tribally and in tribal federation against the Dinka had an integrating action, but the Dinka were not aggressive against the Nuer and it seems that the maintenance of tribal structure must rather be attributed to opposition between its minor segments than to any outside pressure. If this be so, and a consideration of the institution of the feud suggests that it is so, we arrive at the conclusion that the more multiple and frequent the contacts between members of a segment the more intense the opposition between its parts. However paradoxical this conclusion may at first seem we are led to it both by observation and by reflection on what constitutes a segmentary system.

IV

628

We have used the term 'feud' in the last section in the sense of lengthy mutual hostility between local communities within a tribe. This broad and slightly vague usage seems justified by convention and also, as we shall show, because, although responsibility for homicide and the duty of exacting vengeance directly fall only on the close agnatic kin of slayer and slain, the communities to which the two parties belong are, in one way or another, involved in the hostility that ensues and, often enough, in any fighting that may result from the dispute. Strictly, however, the word might be considered more appropriately used to describe the relations between the kin on both sides in a situation of homicide, for it then refers to a specific institution. We sometimes, therefore, speak of the 'blood-feud' to emphasize this restricted and more clearly defined meaning.

Blood-feuds are a tribal institution, for they can only occur where a breach of law is recognized since they are the way in which reparation is obtained. Fear of incurring a blood-feud is, in fact, the most important legal sanction within a tribe and the main guarantee of an individual's life and property. If a com-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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munity of one tribe attempts to avenge a homicide on a community of another tribe a state of intertribal war, rather than a state of feud, ensues, and there is no way of settling the dispute by arbitration. 628

As Nuer are very prone to fighting, people are frequently killed. Indeed it is rare that one sees a senior man who does not show marks of club or spear. A Nuer gave me the following causes of fighting: a dispute about a cow; a cow or goat eats a man's millet and he strikes it; a man strikes another's little son; adultery; watering rights in the dry season; pasturage rights; a man borrows an object, particularly a dance ornament, without asking its owner's permission. A Nuer will at once fight if he considers that he has been insulted, and they are very sensitive and easily take offence. When a man feels that he has suffered an injury there is no authority to whom he can make a complaint and from whom he can obtain redress, so he at once challenges the man who has wronged him to a duel and the challenge must be accepted. There is no other way of settling a dispute and a man's courage is his only immediate protection against aggression. Only when kinship or age-set status inhibits an appeal to arms does a Nuer hesitate to utter a challenge, for it does not occur to him to ask advice first, and no one would listen to unsolicited advice. From their earliest years children are encouraged by their elders to settle all disputes by fighting, and they grow up to regard skill in fighting the most necessary accomplishment and courage the highest virtue. 578 [165]

Boys fight with spiked bracelets. Men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud. It is also a convention that no third person may take part in the fight, even though he be a close kinsman of one of the combatants. Once a fight has begun neither party can give way and they have to continue till one or the other is badly injured unless, as generally happens, people pull them away from each other, loudly protesting, and then stand between them.

When a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it; and it cannot be stopped before considerable loss of 628

1: Evans-Pritchard E-S (1931, 1936) 1940
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628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

V

628 624 783 We give a concise account of the procedure for settling a blood-feud, without describing the detail of ritual. As soon as a man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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side. By living with the chief as his guest from the moment his arm has been cut till the final settlement, the slayer has asylum, for the chief is sacred and blood must not be shed in his homestead. It is possible that men only take refuge with a chief when the danger of vengeance is very great, but it seems to be the general practice.

While the slayer is at the chief's home the avengers keep watch on him (him) from time to time to see if he leaves his sanctuary and gives them a chance to spear him. They take any opportunity that offers to kill him, but they are not very persistent in seeking an opportunity. This state of affairs may go on for some weeks before the chief opens negotiations for settlement with the dead man's people, for his overtures are not likely to meet with a favourable response till the mortuary ceremony has been held and tempers have cooled a little. The negotiations are leisurely conducted. The chief first finds out what cattle the slayer's people (*jithunga*) possess and that they are prepared to pay compensation. I do not think that it would often happen that they would refuse to pay blood-cattle, unless they lived very far from the avengers or there were a number of unsettled feuds between the sections concerned, though they might not have the intention of handing them all over. He then visits the dead man's people (*jiran*) and asks them to accept cattle for the life. They usually refuse, for it is a point of honour to be obstinate, but their refusal does not mean that they are unwilling to accept compensation. The chief knows this and insists on their acceptance, even threatening to curse them if they do not give way, and his exhortations are supported by the advice of distant paternal kinsmen and cognatic relatives who will not receive any of the cattle and need not, therefore, show such pride and stubbornness, but who have a right to make their opinion known in virtue of their relationship to the dead man. The voice of compromise is also supported by the bias of custom. Nevertheless, the close kinsmen must refuse to listen to it till the chief has reached the limit of his arguments, and when they give way they declare that they are accepting the cattle only in order to honour him and not because they are ready to take cattle for the life of their dead kinsman.

In theory forty to fifty head of cattle are paid, but it is

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628 624 unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must [183] be appeased and the honour of the living must be upheld. Also, sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 578 [184] A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

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fight to break out, because the offence is never forgiven and the sore must finally be paid with a life. When the dead man is married a wife the bride is rubbed with ashes by her dead husband's kinsmen and God is invoked by them that she may bear a male child who will avenge his father. Such a child is a *gat ter*, a child of feud. At the sacrifices the ghost is told that his kinsmen have accepted cattle and will marry him a wife with them, but he is assured that one day they will avenge him properly with the spear. 'A Nuer is proud and wants a man's body in vengeance and not his cattle. When he has killed a man he has paid the debt and then his heart is glad.' Hence, though the chief admonishes the relatives of the dead man at the ceremonies of settlement that the feud is ended and must not be reopened, Nuer know that 'a feud never ends'. There may be peace for a time for the reasons that persuaded the kinsmen to accept compensation and on account of the cattle they have received, but enmity continues and the people on both sides remain *jiter*, people who are at feud, even if there is no overt hostility. There is no frequent fighting or continuous unabated hostility, but the sore rankles and the feud, though formally concluded, may at any time break out again.

628 578

VI

We have said that feuds create a state of hostility between lineages and thereby, as we shall explain further, between whole tribal sections; and that there is no very great difference between the occasional efforts to exact vengeance when feuds are still unsettled and the latent hostility that persists when they have been settled. This is only true, however, when the homicides are between primary, secondary, and tertiary tribal sections. In smaller groups it is not so, for, in spite of the strength of the feelings aroused and their persistence after compensation has been paid, feuds have there to be settled more quickly and are not so likely to break out again after settlement.

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What happens when a man kills another depends on the relationship between the persons concerned and on their structural positions. There are different payments for a true Nuer, for a Dinka living in Nuerland, and, among the Eastern Jikany, for a member of the aristocratic clan (see p. 217). The

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ability to prosecute a feud and thereby to obtain redress by a life or by payment of cattle depends to some extent on the strength of a man's lineage and on his kin relationships. But the intensity of a feud and the difficulty of settling it depend chiefly on the size of the group concerned in it. If a man kills another who is closely related to him—his paternal cousin, for example—cattle are still paid, though fewer, probably about twenty head. One of the sources of contribution, the father's brothers, or their sons, would be the recipients of compensation and therefore cannot pay it. None the less some cattle have to be paid as it is necessary to compensate the family of the dead man, to provide the ghost with a wife, and to perform the due sacrifices. I was told that in such cases the matter is quickly settled. Probably a blood-feud can be settled more easily if it is within a clan, for Nuer consider it wrong for clansmen to engage in a feud. After payment has been made they say: 'The feud has been cut behind, we have returned to kinship.' It is also said that if there has been much intermarriage between two groups a feud is unlikely to develop.

When a man kills a fellow villager or a man of a nearby village with which his village has close social relations a feud is soon settled, because the people on both sides have got to mix and because there are sure to be between them many ties of kinship and affinity. It is pointed out to the ghost that cattle have been paid and that it is impossible to avenge him by taking life because no one would be left alive if the feud were continued between kinsmen and neighbours. Corporate life is incompatible with a state of feud. When a man spears another of a nearby village it is customary for the people of the wounder's village to send the spear which caused the injury to the wounded man's people so that they can treat it magically to prevent the wound proving fatal. They also send a sheep for sacrifice. By so doing they intimate their hope that the wound will soon heal and that, in any case, they do not want to incur a feud on account of a personal quarrel. After this courtesy, even if the man dies his kinsmen are likely to accept compensation without great reluctance. If a man dies many years after having received a wound the death is attributed to this wound, but compensation is likely to be accepted without demur, and on a reduced scale.

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628 When a man has killed a neighbour a cow is often immediately paid over in earnest so that the community may remain at peace. It must not be supposed, however, that the ease with which feuds are settled is an indication of lack of strong indignation or that the difficulty with which they are settled is an indication of greater indignation.

628 18v Feuds are settled with comparative ease in a restricted social milieu where the structural distance between the participants is narrow, but they are more difficult to settle as the milieu expands, until one reaches intertribal relations where no compensation is offered or expected. The degree of social control over feuds varies with the size of the tribal segment, and Nuer themselves have often explained this to me. Long and intense feuds may take place between tertiary tribal sections, but an effort is generally made to close them, for a segment of this size has a strong sense of community, close lineage ties, and some economic interdependence. However, it is far less easy to stop a feud between persons of different tertiary sections than to stop a feud in a village or between neighbouring villages, where a quick and permanent settlement is assured, and unsettled feuds between sections of this size tend to accumulate. This is especially the case where there has not been a single death resulting from a personal quarrel but several deaths in a fight between the two sections. When a fight has taken place between secondary tribal sections there is little chance of exacting vengeance except by a general fight, and people feel less the need to submit to mediation since they have few social contacts and these of a temporary kind, for the relative ease with which feuds are settled is an indication of the cohesion of the community. The larger the segment involved the greater the anarchy that prevails. People say that there is payment of blood-cattle between primary tribal sections, but they do not greatly feel the need of paying it. The tribe is the last stage in this increasing anarchy. It still has nominal political unity, and it is held that feuds between its most distant members can be settled by compensation, but often they are not settled, and if many men are killed in a big fight between large sections nothing is done to avenge them or to pay compensation for their deaths. Their kinsmen abide their time till there is another

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628 fight. The political integument may in consequence be stretched eventually to the breaking-point and the tribe split into two. The rent between sections enlarges until they have little to do with each other beyond occasional uniting for raids; and feuds between their members are settled, if at all, with greater difficulty and casualties.

VII

The likelihood of a homicide developing into a blood-feud, its force, and its chances of settlement are thus dependent on the structural interrelations of the persons concerned. Moreover, the blood-feud may be viewed as a structural movement between political segments by which the form of the Nuer political system, as we know it, is maintained. It is true that only close agnatic kin of both sides are immediately and directly involved, but feuds between persons belonging to different tribal sections sooner or later influence the interrelations of the whole communities to which they belong.

628 602 [613] The kinsmen of a slain man try to kill the *gwan thungs*, the slayer, but they have a right to kill any of his close agnates (*gwan gwanlow*). They must not kill sons of the mother's brother, father's sister, or mother's sister, because these people do not belong to the slayer's lineage. Also, only the minimal lineages on both sides are directly involved in the feud. However, the significance of the feud may be held to lie less in the ease of settlement within smaller groups than in the difficulties of settlement within larger groups, which participate indirectly in the conflict. We have noted that people at feud may not eat in the same homesteads, and, as a man eats in all the homesteads of his village, the villagers at once come within the scope of the prohibition and enter into a state of ritual opposition to each other. All the people of a village are generally in some way related to one another and have also a strong sense of community, so that if any fighting occurs between their village and another on account of a feud in which some of their members are involved the whole village is likely to be drawn into it. Thus at dances men of each village who attend them arrive in war formation and maintain an unbroken line throughout the dance, so that if one of them is attacked the others are at his side and

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are bound to assist him. People not directly affected by the feud may thus be compelled to assist the principals.

We have noted, moreover, that the intensity of a feud and the manner of its prosecution depend on the structural relationship of the persons concerned in the political system. A feud cannot be tolerated within a village and it is impossible to maintain one for a long period between nearby villages. Consequently, although fights most frequently occur within a village or between neighbouring villages and camps, a feud, in the sense of a relation between parties between whom there is an unsettled debt of homicide which can be settled either by vengeance or by payment of compensation—a temporary state of active hostility which does not compel immediate settlement but which requires eventual conclusion—can only persist between tribal sections which are near enough to each other for the maintenance of actively hostile relations and far enough from each other for these relations not to inhibit essential social contacts of a more peaceable kind. A feud has little significance unless there are social relations of some kind which can be broken off and resumed, and, at the same time, these relations necessitate eventual settlement if there is not to be complete cleavage. The function of the feud, viewed in this way, is, therefore, to maintain the structural equilibrium between opposed tribal segments which are, nevertheless, politically fused in relation to larger units.

Through the feud whole sections are left in a state of hostility towards one another, without the hostility leading to frequent warfare, for the scope of direct vengeance is limited to small kinship groups and their efforts to exact it are not incessant. There is a fight between two sections and some people are killed on either side. Only those lineages which have lost a member are in a state of direct feud with the lineages which they have deprived of a member, but through common residence, local patriotism, and a network of kinship ties, the whole sections participate in the enmity that results, and the prosecution of the feuds may lead to further fighting between the communities concerned and to a multiplication of feuds between them. Thus when the Nyarkwac section of the Lou tribe fought the Leng section, the LAM lineage and the people who live with them were

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ranged against the MAR, KWOTH, and MALUAL lineages and the people who live with them; the MANTHIEPNI lineage was ranged against the DUMIEN lineage; and so forth. Only these minimal lineages were involved with one another in the feuds that resulted, and not collateral lineages, even though they took part in the fight in other sectors of it, but the hostility between the sections was common to all their members. A good example of how Nuer feel in such matters is furnished by their reactions at Muot Dit cattle camp when the Government seized hostages to compel them to hand over two prophets. Their main complaint to me was that the hostages did not belong to the same lineages as the prophets and were therefore not directly concerned in the issue. The Government was looking at the affair in territorial terms, they in kinship terms on analogy with the conventions of a feud.

Apart from ritual observances, kinship obligations, community sentiment, and so forth, there is a further reason why blood-feuds between small lineages, especially when there are many of them, develop into states of feud, and tend to maintain hostile feelings between communities. As is explained in Chapter V every community is associated with a lineage in such a way that all persons in the community who are not members of the lineage are assimilated to it in political relations which are, therefore, often expressed in lineage values. Hence a blood-feud between small agnatic groups is translated into a feud, in the more general sense, between the lineages with which these groups are associated through the expression of the disturbed relations in terms of their structure, and the communities associated with the lineages are involved in mutual hostility.

Hostility between smaller segments of a tribe may involve the larger segments of which they form part. A quarrel between two villages may thus, as we have noted, bring about a fight between secondary, and even primary, tribal sections. The interrelations between larger sections are operated, as it were, by the interrelations between smaller sections. When a section in which there are unsettled feuds fights another section all quarrels are neglected for the time and the whole section combines for action.

The feud is a political institution, being an approved and

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The feud is a political institution, being an approved and regulated mode of behaviour between communities within a tribe. The balanced opposition between tribal segments and their complementary tendencies towards fission and fusion, which we have seen to be a structural principle, is evident in the institution of the feud which, on the one hand, gives expression to the hostility by occasional and violent action that serves to keep the sections apart, and, on the other hand, by the means provided for settlement, prevents opposition developing into complete fission. The tribal constitution requires both elements of a feud, the need for vengeance and the means of settlement. The means of settlement is the leopard-skin chief, whose role we shall examine later. We therefore regard the feud as essential to the political system as it exists at present. Between tribes there can only be war, and through war, the memory of war, and the potentiality of war the relations between tribes are defined and expressed. Within a tribe fighting always produces feuds, and a relation of feud is characteristic of tribal segments and gives to the tribal structure a movement of expansion and contraction.

628 182 619

There is, of course, no clear-cut distinction between fighting against another tribe and fighting against a segment of one's own tribe. Nuer, however, stress that the possibility of arbitration and payment of blood-wealth for deaths resulting from a fight within a tribe makes it a *ter*, feud, and that this is different from a fight between tribes, *kur*, in which no claims for compensation would be recognized. Both differ from raiding of Dinka, *pec*, and from individual duelling, *dwac*, though all fighting is *kur* in a general sense. But it is obvious that a fight in a village which at once leads to payment of compensation for deaths and a fight between tribes in which there is no compensation for deaths are two poles, and that the further we go from a village community the fights between tribal sections become more like fights between tribes in that blood-wealth is paid with increasing difficulty and infrequency, so that between primary sections the tribal value, the feeling that blood-wealth can, and even ought to, be paid, alone distinguishes their fights from fights between tribes. Here again we would emphasize the conclusion that the tribal value is relative to the structural situation.

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We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

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There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

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fore, he runs a great risk of his skull being cracked with a club, and even of being speared if excitement runs high. And this is what often happens. 627

For this reason we have said that Nuer law, in so far as it applies to a study of political relations, must be treated in connexion with the blood-feud. Disputes can often be settled on account of close kinship and other social ties, but between tribesmen as such they are either settled by the aggrieved party using force, and this may result in homicide and blood-feud, or by the debtor giving way in the knowledge that force may be used and a feud result. It is the knowledge that a Nuer is brave and will stand up against aggression and enforce his rights by club and spear that ensures respect for person and property. 627 628

The Nuer has a keen sense of personal dignity and rights. The notion of right, *cuong*, is strong. It is recognized that a man ought to obtain redress for certain wrongs. This is not a contradiction of the statement that threat of violence is the main sanction for payment of compensation, but is in accord with it, for a man's kinsmen will only support him if he is right. It is doubtless true that if a man is weak it is unlikely that his being in the right will enable him to obtain satisfaction, but if he is in the right he will have the support of his kin and his opponent will not, and to resort to violence or to meet it the support of one's kin and the approval of one's community are necessary. One may say that if a man has right on his side and, in virtue of that, the support of his kinsmen and they are prepared to use force, he stands a good chance of obtaining what is due to him, so long as the parties to the dispute live near one another. 577 627

When we speak of a man being in the right we do not suggest that disputes are mostly a clear issue between right and wrong. Indeed, it would be correct to say that, usually, both parties are to some extent right and that the only question which arises is, Who has the greater right? To state the matter in a different way: a Nuer dispute is usually a balance of wrongs, for a man does not, except in sexual matters, wantonly commit an act of aggression. He does not steal a man's cow, club him, or withhold his bride-cattle in divorce, unless he has some score to settle. Consequently it is very rare for a man to deny the

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threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual.

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another.

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many

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624 parts of Nuerland, including most of the area with which I am
613 acquainted, chiefs do not belong to the dominant clans in the tribes in which they function, though some of them are said to be aristocrats in parts of Eastern Gaajak, Gaawar, and Leek. Most of those whose clans I know belong to the GAATLEAK and JIMEM clans which nowhere have aristocratic status. Since quarrels between tribal sections are expressed in terms of lineages of the dominant clan associated with the sections, as will be explained in the following chapter, the chief, having no position in the system of dominant lineages, is thereby more fitted to mediate between them. He is not a member of the hereditary owners of the tribal land, but is a stranger living there. A chief may act as such in whatever tribe he resides in. If a chief is killed the ceremonies connected with payment of compensation are performed by an aristocrat of the tribe. This is probably because, even when the chiefs of an area are not all members of one clan, they are believed to have a kind of kinship through their common badge of the leopard skin and cannot marry into one another's families. We regard chiefs as a category of ritual experts and do not consider that they comprise in any way a class or rank. We believe their social function to be a mechanism by which the equilibrium of the political system is maintained through the institution of the feud. The slight authority of chiefs and, in many parts, their position outside the dominant clan, accord with this view.

624 In taking the view that to regard the leopard-skin chief as a
628 political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise he has no means of compelling people to pay or to accept blood-cattle. He has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities.

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Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end. 624 628

It is true that a leopard-skin chief has always in these circumstances to persuade, by exhortations and threats, the kinsmen of the dead man to accept compensation, but this pressure must not be regarded as a command. It is quite clear from many Nuer statements on the matter that the chief's threats are encouraged to their furthest point in order that by yielding to his persuasion the kinsmen of the dead man may not dishonour themselves by neglecting to exact a life for the life of their kinsman.

A chief's threats might go no further than saying that if the kinsmen would not listen to him neither would he, when they were in a similar difficulty, listen to them. But I was told that were the people to refuse mediation with undue obstinacy the chief might threaten to leave their homestead and to curse them. He would take an ox and rub its back with ashes and begin to address it, saying that if the injured party were to insist on revenge many of them would be killed in the endeavour and they would throw spears vainly at their enemies. I was told that he would then raise his spear to slaughter the animal, but this would be as far as people would care to let him go. Having asserted their pride of kin, one of the dead man's family would seize his upraised arm to prevent him from stabbing the ox, saying: 'No! Do not kill your ox. It is finished. We will accept compensation.' My informant, whose statements were supported by others, further added that if people were to insist on refusing the mediation of a leopard-skin chief he would take a short-horned ox and, after invoking God, slay it and rub the hairs off its head so that the members of the lineage who rejected his mediation might perish in prosecuting their feud. 624 628 189

We conclude, therefore, that a chief's curse is not in itself the real sanction of settlement, but is a conventional, ritual, operation in the settlement of feuds, which is known to every one in advance and is allowed for in their calculations. The threat of it is compelled by those on whom it would fall were it uttered. These affairs are like a game in which everybody knows the rules and the stages of development: when one is expected to give way, when to be firm, when to yield at the last moment, 624 628

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and so forth. This conclusion is based on many statements (I have only once been present at discussions between a chief and the kinsmen of a slain man, and then the circumstances were unusual). It may, however, be said with certainty that no amount of pressure from a leopard-skin chief, if it is ever exerted, can settle feuds expeditiously, if at all, between the larger tribal sections. In other disputes the chief acts rarely, and only when both sides strongly desire settlement. He has no jurisdiction to hear cases in a locality. Here, again, I was told that if one party refused to accept his decision as arbiter he might pass the man his leopard-skin, an action tantamount to a curse. The man must then make the chief a gift before he will consent to take back the skin. However, this probably happens only when a man refuses to accept a decision to which every one else, including his own elders, have agreed. I was also told that in disputing a chief's words a man will do so respectfully, first spitting into the chief's hands as a sign of goodwill. No doubt a chief is shown respect on such occasions, but the chiefs I have seen were treated in everyday life like other men and there is no means of telling that a man is a chief by observing people's behaviour to him. His role in disputes may be regarded as a means by which neighbours, who wish a difficulty settled without resort to force and who acknowledge that the other side have a good case, can negotiate.

X

554

We have considered the position of the leopard-skin chief at some length because it is structurally important. He in no way represents or symbolizes the unity and exclusiveness of political groups, but is a mechanism by which, through the institution of the feud, these groups interact and maintain their structural distance. There are other people in Nuerland with ritual powers, of one kind or another, which sometimes make a man well known and, occasionally, very influential, but none of them are politically important, except the prophets whose activities we discuss later. They neither govern nor judge and their sacred functions are not, like those of the leopard-skin chief, specifically related to the interaction of local groups. However, we do not entirely

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613 he should be a 'chief'. It does not follow that a man must be
565 an aristocrat to gain influence among his fellow villagers. He
may be a *tut* of some other lineage than the dominant one of his
554 tribe who, by outstanding character, has been able to establish
himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

565 It is only in assessment of blood-cattle that social differentiation
628 between aristocrats and Nuer strangers is of great significance, and
then only among the Jikany tribes, principally among the Eastern
681 Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat,
563 who was killed had to be compensated by payment of more cattle
than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Geeka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

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565 of Nuer clans, other than the GAATGANKIIR, who have settled in
628 Jikany tribes equally assured me that the payments were the
681 same for both. No doubt they were both hoping to influence
563 Government practice by their statements. On the whole, I consider that among the Eastern Jikany there was probably a difference between payments for homicide of an aristocrat and of a stranger, but that there was much flexibility in the assessments, which depended generally on the special circumstances of each case: the length of the dead man's residence in the country, marriage alliances between his family and aristocratic lineages, the strength of his lineage and local community, whether he had been killed by a member of his village or by a man of another village, and so forth. Probably the same is true of the Western Jikany tribes, where I was told that the customary compensation fo. an aristocrat was from 40 to 50 head of cattle, for a stranger or Dinka who had settled in the country, 30, and for a Dinka who was staying there but had not yet built a homestead, 20. The practice of the Jikany is not typical of Nuerland as a whole.

Nevertheless, all over Nuerland Nuer and Dinka were differentiated by assessment of their value in blood-cattle, though the definition of a Dinka, in this respect, varied in different tribes. Among the Lou the practice was to reckon aristocrats and strangers together at 40 head of cattle. A Dinka who was born in Lou country was said to have become a Nuer (*caa nath*) and a member of the community in which he was living (*caa ran wec*), so that his life also was assessed at 40 head of cattle. On the other hand, a Dinka who had been captured in war and brought to Lou country was reckoned at 16 head of cattle, while a Dinka visiting relatives or affines in Lou country was reckoned at only 6 head of cattle. I was told that a Dinka who had been adopted held an inferior position in this respect to that held by his children, who counted as true Nuer. In the Jagei tribes Nuer strangers and Dinka who were permanent members of a community appear to have been reckoned at 40 head of cattle, like an aristocrat, while a stranger or a Dinka who had not built a byre was reckoned at only 10.

565 The building of a byre was stressed because a man who
563 built a homestead in a village had clearly the intention of remaining there and the community gained by an addition to its herd. Such a man seems to have been reckoned equal to an aristocrat in all parts of Nuerland, except among the

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Jikany where, I was told, a Dinka could never lose his inferior status, which was transmitted to his descendants. The acceptance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress. 565 563

We again emphasize the point to which we drew attention in the section on law, that the degree of responsibility acknowledged for a tort, the chances of compensation being offered for it, and the amount of compensation paid, depend on the relations of the persons concerned in social structure. Thus, if a man kills an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Dol, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.' 628 681 592 563 609

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *gol*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*demar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be considered to belong to this category in one situation and not in another. This is obviously the case in social life generally, because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the 628 681 563

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628 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed no compensation
621 would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

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indemnification,[1] but is nowadays modified by the fact of enforcement of the law through the agency of Nuer courts. 671 626

Restitutive Sanctions

Rules of conduct towards kinsmen and neighbours are upheld by these sanctions. If good relations are to continue, certain breaches of conduct usually require the payment of compensation. Adultery, as we have seen, requires six head of cattle for this purpose; bodily injuries require compensation in proportion to the seriousness of the injury and there are complicated scales laid down in tradition. Homicide requires the transference of forty head of cattle from the kinsmen of the killer to those of the deceased in order to restore the balance between them. Scales of compensation for wrongs can be quoted by the older generation of Nuer with surprising consistency, but this is an indication neither of rigidity of custom nor of constant application. Whether compensation was paid at all and, if paid, whether the scales were strictly followed, depended largely on the relationship of the persons involved. If a dispute arose between groups of people after a wrong had been inflicted on one of them, we have seen that their relationship in the social structure determined the likelihood of settlement. The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them which extended beyond the political limits of the tribe. Similarly an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous. It also depended on the state of the relations obtaining between the two segments, for there was often a feud (*ter*) between them. These observations are less true of members of secondary segments, since the smaller the social sphere the greater the possibility that compensation would be paid, and would be also a matter of extreme expediency. The application of Nuer law was therefore relative to the social structure, and the extent to which it was followed depended on current relations of the social units concerned. It was unlikely that minor disputes involving the payment of compensation to wronged individuals would ever be settled so long as the communities with whom each was associated remained in a state of feud. The situation would be substantially altered if the feud itself was composed by payment of compensation (*thung*) between them. Composition of a feud was

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[1] Homicide and bodily injury, defamation of character, infringement of rights in property, violation of rights in women, &c.

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681 therefore often followed by the settlement of other and less serious
628 disputes.

681 In the absence of a legal system for the enforcement of the law, settlement was not easily achieved, and should the situation be such that the disputants were persuaded to come together, there had to be some basis upon which negotiations could be opened. The discussion had to begin somewhere, and an opening was made by reference to traditional scales of compensation which existed largely for that purpose.

There is some evidence that bloodwealth in the form of forty head of cattle was usually paid in full if it was paid at all. In this there was a distinct rigidity which is still maintained in the courts, and it seems that this is not only a result of the enforcement of the law of homicide by the Government. The reason is, perhaps, that the peaceful settlement of a feud required strong sanctions, and negotiations were not usually governed by such considerations as the availability of cattle; a large group of people was involved, and therefore cattle usually were available.

On the other hand compensation for injuries less than death and for other wrongs recognized as demanding indemnification is of a more individual nature, though this does not mean that it is not incumbent on kinsmen to assist in the collection of the cattle. It often happens that a man has not the necessary cattle to pay and, if his kinsmen will not help him, a compromise must be reached. For example, in a dispute over adultery, the wronged husband may eventually agree to accept only three head of cattle. Even though there may be little chance of getting the remainder, his face is saved because six head is the established custom and the rest will be due to him in the form of a debt. 'Saving face' is a primary consideration to the Nuer in the settlement of disputes.

This is true of the past as well as the present, and may be seen in the courts today. In its judgement the court orders that the wrongdoer shall pay the wronged so many cattle known to be in the former's possession. It will further order that the remainder shall be paid at a time when more cattle come into the possession of the wrongdoer; in other words, when some debt, which the defendant is usually called upon to state, is discharged to him; when bridewealth is paid for his sister or daughter or when some other obligation in cattle is fulfilled.[1] All these considerations are thrown into the issue, and a Nuer court is faced not only with the problem of judgement but also with an equally complex problem of execution.

[1] The discharge of one debt leads to a claim for another. This is another reason why litigation is increasing. As soon as a man is ordered by the court to pay, he will look around for some excuse to claim cattle from some other party. This sometimes happens immediately after judgement, so that execution often depends on the judgement given in the next case and so on.

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Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains. 681

Legal Procedures and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement. 692

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuaar muon* or *kwac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make 692 628 624

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the attempt to intervene. Similarly legal disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decision of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

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It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 164–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gaawar, Lak, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

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CHAPTER II

HOMICIDE AND BODILY INJURIES

PART I HOMICIDE

1. INTRODUCTION

Nuer Concepts Concerning Homicide

SPEAR-FIGHTS between rival factions are not uncommon, and the blood-feud is still a reality among the Nuer despite severe deterrents applied by the Administration. Casualties are sometimes heavy, and most Nuer bear the marks of some armed affray, but fatalities are fortunately comparatively rare. Battles range from the minor clashes of a few individuals within a small community to fights between local lineages and tertiary segments in which perhaps thirty or forty warriors are drawn up on either side. Often the attitude of hostility spreads to much larger groups of people even though actual fighting is limited to a few. On the whole, hostilities on a tribal scale or even between primary segments of a tribe are uncommon. The feeling of antagonism and the call for vengeance may extend through or beyond such larger groups, but it is not usual nowadays for them to combine against each other in full force. I do not wish to exaggerate the incidence of fighting among the Nuer, but it is sometimes believed that although the 'balanced opposition' of tribes or smaller segments is a feature of Nuer society, feuds are merely a conventional expression of that opposition. This is only partially true, and it would be a mistake to believe that the Nuer do not frequently use in earnest the spears and clubs which they keep always at their sides. 628●

Fighting is sometimes described as the national pastime of the Nuer, but it is not so much a pastime as a necessary means of protecting individual and collective rights in the absence of established authority by which wrongs may be righted. This absence is now remedied by the introduction of Nuer courts with powers of coercion, though these have not yet reached a high enough standard of efficiency to eliminate all breaches of the peace. Self-help and retaliation are still common enough in Nuerland. There is still little restraint put on the actions of the young and hot-headed by a body of public opinion consciously opposed to bloodshed as a moral wrong. Nuer will admit that homicide is wrong (*duer*) and that fighting is undesirable, but this is because they realize that these lead to a most uncomfortable state of insecurity. Nuer are always acutely conscious of the need for social cohesion.

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682 577 There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 628 Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict [624] it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

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followed, whether it was revenge by the former or offers of compensation by the latter, was intended to satisfy the people who had suffered the injury. To kill a person of the other group restored the balance by reducing their numbers proportionately, but it was a negative way of dealing with a situation which required more positive action if a permanent feud was to be avoided. The principle of a life for a life rarely led to permanent peace even if honour was satisfied for the moment. The likelihood of positive settlement by payment of compensation and the performance of the necessary ritual depended largely on the degree of social integration and interdependence of the groups involved. Both were usually segments of an even larger group. Political and historical factors also played their part. Two tertiary tribal segments, for example, previously hostile might have to settle their differences because of the threat of violence from another and less closely related segment of the tribe.

These observations apply to the past, for homicide is now a criminal offence and strong action is taken to prevent the continuation of a feud. The crime is punished, but the feud is settled on traditional lines even though composition is compulsory. The payment of compensation in cattle is still made as a positive and effective way of restoring the balance and allowing social and economic contacts to continue. It involves the fundamental principle that a deceased person must be 'married a wife' so that her children, begotten by some kinsman on his behalf,[1] will bear his name, belong to his branch of the lineage, and may concern themselves with his interests in posterity. *Thung*, the indemnity for homicide, is primarily intended for this purpose. For this reason compensation should theoretically be in proportion to current rates of bridewealth, although, as we shall see later, the proportion is not exact as there are other claims to be met. Part of the cattle at any rate will be used to marry a 'ghost-wife' to the deceased, and although the physical father will be some other member of his lineage, the children will legally belong to his line. The group as a whole also loses in the deceased an economic asset both in ensuring the subsistence of his immediate family and in the collective economic interests of his associates. Therefore other close kinsmen must receive some share of the compensation to meet this loss, to satisfy their indignation and their desire for revenge, and because, were the position reversed, they might be called upon to subscribe towards the payment of compensation to some other group.

Theoretically the question of intention does not enter into the assessment of compensation because the principal object of the payment is to restore the balance which has been disturbed, but Nuer do in fact take it into consideration. It has already been mentioned that in all Nuer disputes scales of compensation are treated more as a basis upon

[1] For this institution—'ghost-marriage'—see Chapter III, pp. 74 et seq.

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which a compromise can be reached than an exact rule, and in the case of unintentional killing the indignation of the dead man's kin will be less than in cases of intentional homicide and a compromise more likely. Nowadays it is accepted that accidental killing demands only half the compensation required for intentional killing.

I must stress once more that these observations apply largely to the past. Homicide is now a criminal offence, and is invariably punished. Moreover, the Government insists on the prompt and peaceful composition of feuds arising out of homicide. The method of compensation, however, is no different from what it always was, and is usually assessed in a separate transaction after the trial for homicide is over. It is therefore necessary to describe in some detail the traditional procedures, ceremonies, and ritual involved before turning to modern procedure in the courts, where homicide is treated as a crime.

Definition of Terms

Before turning to the processes by which settlement of a feud is reached, it is necessary to define some of the Nuer terms which will be used. The verb 'to kill' in Nuer is *nak*, and the expression '*ce ran nak*', 'he has killed a man', is used generally for all forms of killing. Nuer further distinguish between killing which occurs in fair fight, whether in battle or single combat (all covered by the term *nak*), and killing by stealth or ambush, which is called *biem*. To them the latter form of killing is particularly reprehensible, although the circumstances are mitigated if it is done in revenge for a previous killing. The word *kur* is used to describe fighting in raids and battles, as opposed to the word *duac*, which is used exclusively to describe single combat or duels. The word *ter* means literally 'a state of feud'.

The two parties concerned in a feud are referred to as *ji ran*, which means 'the people of the man' (i.e. the deceased). These are the people who will seek vengeance on the *ji thunge*, 'the people of the compensation', who are the kinsmen of the killer and will be called upon to pay *thung* or compensation. The killer is usually referred to in the singular as *gwan thunge*, and in cases of homicide where more than one is responsible, the man to strike the first blow against the deceased is called the *ran me hoic e-je*, and the second, the *ran me gam e-je*, a distinction which is important in assessing the liability to pay compensation. These expressions are used extensively in describing the processes of settlement, the circumstances of the incident, and the state of opposition between the two parties. The emotional attitude of the *ji ran* is characterized by intense indignation and a reluctance to accept compensation. Custom demands that they express in a conventional manner a sentiment of vindictiveness. Convention also demands that the *ji thunge*, the killer's kin, shall approach the *ji ran*

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in a spirit of conciliation coloured by a genuine fear that vengeance may be exacted. These sentiments are always to the fore if settlement is sincerely desired. 682 628

Compensation in Nuer is called *thung*. *Thung* is usually qualified according to the circumstances of the killing, and the number of cattle demanded is graded accordingly. These qualifications are described more fully later, but briefly they are *thung ran*, which is full compensation in cattle for the death of a man killed in a fight whatever the weapon used, and *thung nyindiet*, which means compensation demanded for a man who dies as a result of an injury inflicted a considerable time before. There is another and less usual term (restricted, I think, to Lou and Gaawar Nuer), *thung loic*, which refers to the compensation demanded when the killer has not confessed to his crime until long after the death of his victim. *Thung gwacha* refers to unintentional or accidental killing; *thung yiika* to compensation demanded for a woman who dies in childbirth when the father of the child is not her legal husband.

The special Nuer functionary who is called upon to act as arbitrator in the settlement of a blood-feud is, as we have seen, the *kuaar muon* or 'Land Chief'. His badge of office is the Leopard-Skin (*kwac*), and for this reason he is more usually referred to as *kuaar kwac*, a term which is universally translated as 'Leopard-Skin Chief' and is nowadays used extensively both in works on the Nuer and in Government documents. His powers, however, are derived from his association with the land, and extend to mankind because it is upon the products of the land that mankind exists. 628 624

In the settlement of feuds, these 'Chiefs' are called in to remove spiritual difficulties by ritual performances and to act as intermediaries between the warring parties. The Leopard-Skin Chief, by reason of his special association with the land, can curse people, and traditionally he may use these powers to intervene. He can, for instance, interpose himself between the contestants in an actual fight and draw a line on the earth between them which theoretically no man would dare to pass. This action, however, is merely a symbolic expression of general opinion which condemns the continuation of a feud, and if both parties were really determined to come to blows, it is unlikely that it would be sufficient to deter them, although hostilities might be postponed until a time when the Leopard-Skin Chief was not on the scene. I know of only one recent instance when this duty was performed. A few of the more hot-headed warriors did cross the line and were condemned by public opinion afterwards, principally because by doing so they showed an excessive determination to join battle with the other party in a situation where the majority wanted peaceful settlement. In fact, the final result of the Leopard-Skin Chief's action was to provoke a much more serious conflict than would

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otherwise have been the case, because the side opposed to the youths who had rashly crossed the line were so incensed that they found a way of renewing the fight next day in another part of the area, well removed from the place in which the line had been drawn, and in greater force than before.

In most cases, however, the Leopard-Skin Chief only exerts his influence when he knows that the contestants wish him to do so. He will use threats to break down the opposition and expression of hatred demanded by convention rather than intervene on his own initiative when there exists a real determination to fight. Essentially, so far as the law is concerned, the Leopard-Skin Chief is the mediator who conducts the opposed groups peacefully through the elaborate processes of settlement, who acts as assessor where cattle are concerned, and who deals with the problems of taboo and spiritual observance which arise. He is the appointed and traditional 'Third Party', theoretically impartial, whose duty it is to smooth the path of the negotiations for both sides in a situation which is potentially dangerous. In some parts of Nuerland a special functionary, the *kuaar thoan*,[1] exists to mediate in disputes between two opposing Leopard-Skin families. In Eastern Nuer areas this function must be performed by a commoner or *dwek*.

2. BLOOD-FEUDS

The Process of Settlement and the Functions of the Leopard-Skin Chief as Mediator

The Leopard-Skin Chief concerned with the Individual

Apart from his duties in the settlement of feuds, the Leopard-Skin Chief is concerned with the spiritual welfare of a killer as an individual. The Leopard-Skin Chief's home is sanctuary and the group who seek vengeance may not enter, though they may lie in wait outside. As a mark of the sanctity and neutrality inherent in the office of Leopard-Skin Chief it is traditional that no spears may be carried into his presence or brought into his home.

A man who has killed another may not eat or drink until his blood has been let by a Leopard-Skin Chief; *ce riem-de kam rar* ('his blood has been taken out'). This ceremony is known as *birr*, and is performed by the Leopard-Skin Chief himself or one of his relatives. A fish-spear is taken and the arm of the killer scratched therewith until blood flows. The killer may not shave his head, and his home and cattle-byre are closed. His family may seek refuge with the Leopard-Skin Chief or may rely on the safety of numbers and group themselves round other relatives.

At this ceremony a bull-calf, known as *ruath birre*, is sacrificed by

[1] *Thoan*, serval cat (*Felis serval*).

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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion. 628 624

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de cerike luak gwan thunge*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The [783] byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*buor*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made.

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and *ji thunge*

As soon as a man is killed a state of feud (*ter*) begins between the [784] *ji ran* and *ji thunge*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *nueer*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *math*, and is rarely performed unless the two groups are very closely related.

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thunge*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thunge* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Nueer* usually takes the form of painful but not necessarily fatal diarrhoea. The word *nueer* is not confined to cases of illness caused by a breach of taboo associated with a state of feud, other breaches of traditional observance may lead to *nueer*.

[3] 'There is blood between them'—*teke riem hamdien*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

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628 624 to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thunge* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thunge* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

628 624 783 Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tut ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale loic*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *cuil*. Apparently the initiative should come from the *ji ran* rather than the *ji thunge*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *math*.[2] The

[1] 'Cattle of appeasement'. *Pale loic* can be best translated as 'to ease the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *math* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *math-da*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the latent hostility which persists after settlement of a blood-feud in normal cases should disappear.

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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coka* is sacrificed and ceremonially divided between the *ji ran* and the *ji thunge*, who partake together of its meat. This ceremony was even more rarely performed than the *cuil*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory.

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Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows:

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ruath birre: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood.

yang kweini or *yang jal:* 'the cow of the journey', paid by the *ji thunge* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyup: 'the cow of the axe', a cow given to the *buthni* relatives of the *ji ran* by the *gwan buthni* of the *ji thunge*. *Buthni* relatives are representatives of a collateral branch of the lineage (*thok dwiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyup* should be the first cow to be handed over.

ruath kethe: 'the bull-calf of the gall-bladder', a bull-calf speared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

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ruath riem and *yang kwac:* 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

ghok pale loic: 'the cattle of the easing of the heart'. These consist of the *yang tuoke*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

yang tul coka: 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *math* ceremony, divided, and partaken of by the *ji ran* and *ji thunge* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

182 Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*mut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*ked*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 30 head of cattle, of which 10 go to the Government as a fine.

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mainly to provide the dead man with a wife. Other claims must be met first. Of the forty head of cattle some go to the kinsmen in the manner already described, others go to the Leopard-Skin Chief and his assistants, still others are sacrificed, so that only between twenty and thirty are left for the 'ghost-marriage'. These are normally kept until they increase sufficiently to reach the mark of current bride-wealth, and may then be supplemented by other cattle to which the dead man would have had a claim were he alive. Nevertheless Nuer feel that the two payments should be equal; a life for a life or a wife for a life, a logical equation which is entirely consistent with the principles of their customary law.' 682

Observations on the Effects of Government Policy

Nuer are able to quote instances where compensation was paid and blood-feuds settled in the past before the advent of the present Government, but this does not mean that every case, or even the majority of cases, was settled. There is no doubt that blood-feuds, especially between tribal segments remotely related in terms of space and kinship, often continued for many generations, and the tradition of such feuds is still a source of political friction and a problem which faces the Administration today. Even when compensation has been paid and the ceremonies of composition performed the feud may break out again with renewed vigour. Generally speaking, the nearer the social relationship of the opposed groups, the greater the likelihood of permanent settlement. This observation applies theoretically, but only in the sense that in the initial stages feuds between less closely related groups were more likely to continue and no action be taken to bring about an agreement. In fact, they do not often continue nowadays because the Government intervenes and acts as a purely artificial and new medium through which hostile groups are brought together. Paradoxically enough, it is nowadays often the case that feuds between closely related groups are the most difficult to deal with. The reason is, I think, that feelings of hostility receive the permanent reminder of almost daily communication, while the primary sanction for composition, the threat of aggressive action by other groups, is much modified by the action of the Government in maintaining the peace. 628 177

The concept of punishment of the individual for offences which we, but not the Nuer, regard as criminal is another innovation which has had widespread repercussions. In cases of homicide capital punishment is sometimes inflicted and imprisonment or fine or both are always applied. Further, in cases of major conflict, fines are sometimes exacted on a collective basis, and in any case, even if the fine is inflicted on the individual culprit, it amounts to collective punishment because in Nuer society the principles governing mutual assistance in 681 177

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elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

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Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kamdien*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

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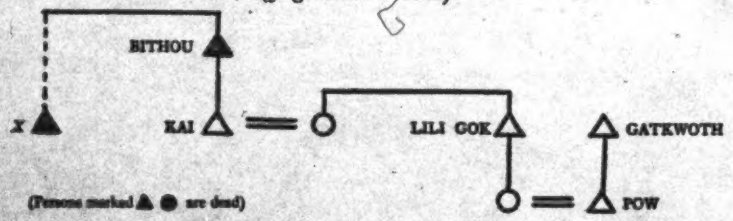
Kai Bithou v. *Lili Gok* (*Jagei Nuer Case*)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak mara*).

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586 628 kinsman of Kai's (*x*). Kai then claimed dissolution of marriage on the grounds that there was 'blood between them'. On appeal the court was divided. The minority were of the opinion that dissolution was essential; the majority ruled that, since compensation had been paid for the act of homicide and the feud settled by the Leopard-Skin Chief, no bar to marriage existed. It will be noted that Lili's family are not involved in the feud, and Kai's contention is that Lili, by marrying his daughter into a family who are concerned, has brought himself within the range of the impediment. At the same time Gatkwoth was the actual killer of *x*, not merely an agnatic kinsman of the killer, which intensifies the feeling of indignation.

In this particular case, it is doubtful whether Kai wanted a divorce merely because of these circumstances, or whether the 'blood between them' provided a reasonable excuse for a divorce which he desired for other reasons.

For this reason it is safe to conclude that, although the existence of a feud is considered a serious bar to marriage, the action taken in such circumstances depends largely on the actual relationship in the kinship structure (in this case extended to marital relationships) of husband and wife to the killer and the killed. It also depends on the actual terms on which the two families are living, for if neither party wishes for dissolution some means will be found of avoiding it.

Circumstances in which Divorce is Considered Impossible

586 Nuer consider that the dissolution of marriage, instituted by either party, is impossible if the wife has fulfilled her procreative obligations. Generally speaking, though this point is sometimes controversial, two living children constitute fulfilment in this respect. Three are always sufficient. This, as we have seen, applies also when the wife dies, and examples have been given to illustrate the point. Two further examples are recorded here, there being no difference except that both parties were living at the time of the dispute.

Riak Teng v. *Kuk Diet* (*Dok Nuer Appeal*)

Riak's sister was married to Kuk Diet, twenty-three head of cattle being paid as bridewealth. Kuk subsequently claimed a divorce on grounds of his wife's desertion. Original judgement was reversed by the appeal court on the grounds that two children had been born of the union. Riak was ordered to arrange the return of his sister to her husband.

Puot Teng v. *Biliu Banypiny* (*Lak Nuer Case*)

Puot married Biliu's sister. She bore him three children, and then deserted him for a man called Jany Mabor. Puot raised the case before the Lak (Kwacbot) court but the court ruled that no divorce was possible.

These are simple cases. A Nuer court will always attempt to bring about a reconciliation, but if this fails, which is often the case, the woman continues to live with her lover, her children and any born subsequently remaining those of her legal husband. There are, however, borderline cases which sometimes cause perplexity. In particular, the

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from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*cuong*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to blows between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ce yang-da kwal*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

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Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, disputes may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

> He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.[1]

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This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 165. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *wuan*:[1] a man will say *ce yang-da wuan* or *ce yoka wuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pec* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Wuan* also implies stealth or cunning.

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619 of his non-membership of other groups of the same type which he
631 stands outside of, and he is likewise not a member of the same community in virtue of his membership of a segment of it which stands in opposition to its other segments. Hence a man counts as a member of a political group in one situation and not as a member of it in a different situation, e.g. he is a member of a tribe in relation to other tribes and he is not a member of it in so far as his segment of the tribe is opposed to other segments. In studying the Nuer political constitution, it is therefore essential that we

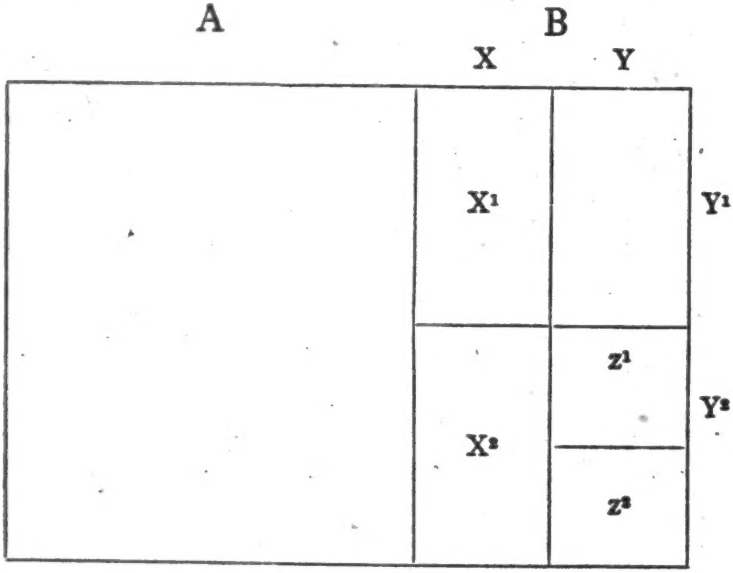

DIAGRAM No. II

view it together with those of their enemies as a single political system, for the outstanding structural characteristic of Nuer political groups is their relativity. A tribal segment is a political group in relation to other segments of the same kind, and they jointly form a tribe only in relation to other Nuer tribes and to adjacent foreign tribes which form part of their political system, and without these relations very little meaning can be attached to the concepts of 'tribe' and 'tribal segment'. That the distinction and individuality of a political group is in relation to groups of the same kind is a generalization that embraces all Nuer local communities, from the largest to the smallest.

628 The relation between tribes and between segments of a tribe

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which gives them political unity and distinction is one of opposition. Between tribes, or federations of tribes, and foreign peoples this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither speared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense of patriotism, a dominant lineage, territorial distinction, economic resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

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system and the age-set system are both consistent in themselves 561
and to some extent overlap, but they are not interdependent.

V. Feuds and other Disputes

The political system operates largely, we think, through the 628
institution of the feud which is regulated by a mechanism known 624
as the 'leopard-skin chief', a title we retain, although the appellation of 'chief' is misleading. This person is one of those specialists who are concerned, in a ritual capacity, with various departments of Nuer social life and of nature. Leopard-skin chiefs belong to certain lineages only, though not all members of these lineages utilize their hereditary ritual powers. In most of Nuerland, the lineages are not branches of dominant clans.

When a man has killed another, he must at once go to a chief, who cuts his arm so that the blood may flow. Until this mark of Cain has been made, the slayer may neither eat nor drink. If he fears vengeance, as is normally the case, he remains at the chief's home, for it is sanctuary. Within the next few months the chief elicits from the slayer's kin that they are prepared to pay compensation to avoid a feud and he persuades the dead man's kin that they ought to accept compensation. During this period neither party may eat or drink from the same vessels as the other and they may not, therefore, eat in the home of the same third person. The chief then collects the cattle—till recently some forty to fifty beasts—and takes them to the dead man's home, where he performs various sacrifices of cleansing and atonement. Such is the procedure of settling a feud, and before the present administration it had often to be used, for the Nuer are a turbulent people who esteem courage the highest virtue and skill in fighting the most necessary accomplishment.

In so brief a description, one may give the impression that the chief judges the case and compels acceptance of his decision. Nothing could be further from the facts. The chief is not asked to deliver a judgement: it would not occur to Nuer that one was required. He appears to force the kin of the dead man to accept compensation by his insistence, even to the point of threatening to curse them, but it is an established convention that he shall do so, in order that the bereaved relatives may retain their prestige. What seems really to have counted were the acknowledgement of community ties between the parties concerned, and hence of the

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moral obligation to settle the affair by the acceptance of a traditional payment, and the wish, on both sides, to avoid, for the time being at any rate, further hostilities.

A feud directly affected only close agnatic kinsmen on both sides. One did not avenge oneself on cognates or on distant agnates. Nevertheless, we believe that the feud had a wider social connotation and that therein lies its political significance. We must first recognize that feuds are more easily settled the smaller the group involved. When a man kills a near kinsman or a close neighbour, the matter is quickly closed by compensation, often on a reduced scale, being soon offered and accepted, for when a homicide occurs within a village general opinion demands an early settlement, since it is obvious to every one that were vengeance allowed corporate life would be impossible. At the other end of the scale, when a homicide occurs between primary or secondary sections of a tribe, there is little chance of an early settlement and, owing to distance, vengeance is not easily achieved, so that unsettled feuds accumulate. Such homicides are generally the result of intertribal fights in which several persons are killed. This not only increases the difficulty of settlement, but continues between the sections the mutual hostility that occasioned the fight, for, not only the close agnatic kinsmen of the dead, but entire local communities are involved. Feud, as a choice between direct vengeance and acceptance of compensation, without the necessity of immediate settlement, but requiring eventual conclusion, is especially a condition that flourishes between villages of the same district. The kinsmen of the dead man are near enough to strike at the kinsmen of the slayer and far enough from them to permit a temporary state of hostility between the local communities to which the parties belong. For whole communities are of necessity involved, though they are not subject to the rigid taboos that a homicide imposes on close agnatic kinsmen of slayer and slain, nor are they threatened with vengeance. Nevertheless, their members are, as a rule, closely related by cognatic or affinal ties to the principals and must assist them if there is an open fight. At the same time, these communities have frequent social contacts, so that eventually the mechanism of the leopard-skin chief has to be employed to prevent their complete dislocation. The feud thus takes on a political complexion and expresses the hostility between political segments.

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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 554
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

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considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

[1] Privately circulated.

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[581] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned Lou tribesmen from all over the tribal area for a combined raid on the
648 Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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In the same manner diagram No. III shows the primary sections of the Gaagwang tribe and the primary and secondary sections of the Gaajak and Gaajok tribes. These are presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I do not know for sure what are the secondary tribal sections of the Gaagwang tribe. 619

DIAGRAM No. III.
EASTERN JEKANY TRIBES.

	GAAJOK tribe.	GAAGWANG tribe.	GAAJAK tribe.	
LAANG prim. sect.	Thiur sec. sect. Dwong sec. sect. Kwith sec. sect.	GAATCIKA prim. sect.	nyayan sec. sect. cany sec. sect. wau sec. sect.	GAAGWONG prim. sect.
WANGKAC prim. sect.	Minyäal sec. sect. Wang sec. sect. Nyathol sec. sect.	NYINGEE prim. sect.	köng sec. sect.[1] col sec. sect. dhilleak sec. sect.	RENG prim. sect.
YOL prim. sect.	Pwot sec. sect. Kwal sec. sect. Yiic sec. sect. Cam sec. sect. Kwul sec. sect.	NYAANG prim. sect.	tar sec. sect. kang sec. sect. lony sec. sect.	THIANG prim. sect.

Each of these tribal sections possesses the characters of the tribe itself, but more intensified. Each has its name, but the smaller the segment the stronger the sentiment associated with it. Each has a territorial basis, but the smaller the segment the more compact the territory, the more contiguous its members. Just as the tribe itself is crystallised around a clan so each segment is crystallised around a lineage of the clan and the smaller the segment the closer the relationship between members of this kinship nucleus. As I have said before, the smaller the area the greater the social cohesion. 619 631

Each of these segments is a political group and an economic group. As a political group it unites for warfare. The principle of unity is as 619 631 628

[1] Also called Tiek and Yaar.

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 631 628 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyarkwac tertiary tribal section, and in fact there has been a long feud between the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemac, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 721 When a raid into Dinka country was organised Mor and Gun would both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 628 631 A similar principle was supposed to operate among the Jekany (*see* diagram No. III). Thus Minyäal, Wang and Nyathuol would combine against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections Leng and Nyarkwac of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

12:Evans-Pritchard E-5 (1930-1931) 1933
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to the site of their old homes but were then too exhausted to resume their feud with the Yol section.

Another recent feud in Lou country was, I believe, that between Falkir and Nyajekany tertiary sections of Rumjok primary section, and there have been others between various sections of the Mor moiety, particularly between two sections of the Jimac[1].

The commonest occasions of feuds are probably related to economic activities. One section pastures its cattle on grazing grounds over which another section has rights of ownership—rights, as we shall see later, which derive from clan heritage and are divided among the chief lineages of the clan; or men of one section attempt to water their cattle at the wells of their neighbours; or there is conflict over fishing rights. For a tribe is an economic group and so is each of its sections. This is shown in map No. V, for which, together with map No. IV, I am indebted to the industry of Mr. C. L. Armstrong. The curved lines show areas of permanent villages of the Gaagwang tribe and the main sections of the Gaajok and Gaajak tribes, while the straight lines show the area of their dry season encampments. Map No. III was drawn up by myself after questioning Lou tribesmen and is intended to give an idea of the areas of the dry and wet season occupation of the Lou, but I was unable to visit more than a fraction of the area in person. It is, therefore, not likely to be so accurate as Mr. C. L. Armstrong's map of distribution. Both maps show the annual movement of the sections from their permanent villages to their annual watering places and pastures in the dry season. The whole of Nuer life follows the rhythm of the seasons. I will describe this rhythmic movement as briefly as possible as I hope to write a separate paper on Nuer economic life. The major parts of Jekany and Lou countries are huge, flat, treeless plains of cotton soil. Where there is a slight rise in the plain the spot is selected as the site of a permanent village consisting of well-built huts and cattle byres. Where there is a dip in the plain we find rivers, pools and swamps. The Sobat river begins to fall about December when the rains decline and as it falls it drains the streams into which it has emptied its waters earlier

[1] I take this opportunity to add a footnote to explain that I have not been consistent in my use of Nuer spellings for tribal sections and clan lineages. Thus a clan lineage may be called after a man called Kwe, but his descendants will be *gaat* kwith and his village *ciang* kwith. A clan is called after a man yi and becomes *ciang* yie, or after yoal and becomes *ciang* yol. I fear that I have sometimes used the nominative and sometimes the genitive cases. Hence on Map No. V Yoal and Wangkeac may be read as Yol and Wangkac.

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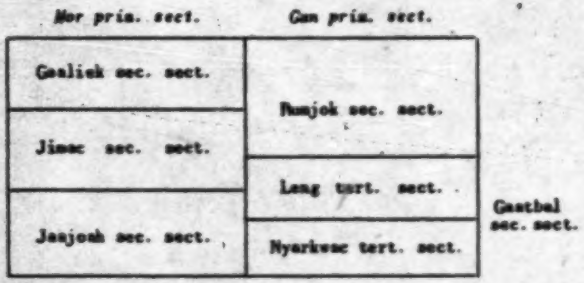
TERRITORIAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gun and Mor primary sections; Gun primary section is segmented into Rumjok and Gastbal secondary sections and the Gastbal secondary section into Leng and Nyarkwac tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmention is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmention may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentiments of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmented structure and there is opposition between its parts. Members of any segment unite for war against adjacent segments of the same order and [721] unite with these adjacent segments against larger sections. For example, if there is a fight between Mor and Gun primary sections Rumjok and Gastbal (the secondary segments of Gun primary segment), will unite against the combined Mor secondary sections. Both primary sections (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2)

578 The Nuer distinguish between various types of hostility:

628 721

1. *Duac.* Individual duelling.
2. *Ter.* A feud within a tribe where compensation can be made.
3. *Kur.* A fight between tribes where no compensation can be made.
4. *Pec.* Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, *The Nuer*, 1940, p.139.
(2) *Ibid.*, p.143.

with clubs. Spears are not used between neighbours lest someone be killed 578
and a blood feud started which will disrupt the community. No third person may intervene in these duels.

In fights between persons of different villages spears are used and 628
every adult male takes part. Fighting occurs mainly between small tribal segments; only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognised and the machinery for settlement exists. Between tribes settlement can only be effected by war.

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will [783]
ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 20 have been handed over. The cattle are distributed among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the meat of the sacrifices, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement.

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.(1)

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken; kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organisa- 721
tion, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle,

(1) Evans-Pritchard, *The Nuer*, 1940, p.159.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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in the home of his parents-in-law they avoid offering him milk 196
from the cattle he has paid them. Further, if there is a divorce and 583
the bridewealth cattle are returned to the husband's people they 784
sacrifice a goat before they drink of their milk.

Nuer 'respect with regard to food' unrelated people (*nei ti* 196
gwagh) of the opposite sex, especially if they are unmarried and 264
possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word 196
thek is homicide. I discuss it in greater detail in Chapter XII. A 784
man who slays another respects water—he may not drink—until 628
a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thek*, which, as always, contains the 196
idea of avoidance, is in reference to burial and to mortuary sacri- 784
fices. Those who bury a corpse respect water—they may not drink [764]
—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the 196
mother to be barren and injure the father, himself, and the cattle. 784
A man is also said to respect his as yet unconceived children by 834
abstaining from congress with his wife when she is menstruating[1] 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

16: Evans-Pritchard E-5 (1931, 1936) 1956
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they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *tetde*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy.

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character.

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 the priest, his family and cattle being dispersed to homes of kins-
793 men, leaving his homestead deserted. He will not be molested
628 there because of the sacred character of the priesthood. For the
783 same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

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to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nueer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

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I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang ketha*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 102–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 106 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

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782 it has fallen the dead man's kin hack it to pieces in a wild scramble.
793 The gall-bladder is extracted and placed on one side. This is later
628 squeezed into a gourd containing water and a little milk and is
783 drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nueera*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nueer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang kethia*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life. 782 793 628 783

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses 793 628 695 793 695

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cedures. Any Nuer can pray to God to send rain, and his prayers may be supported by placing a sprig of the *nyuot* tree in water, though this is best done, together with sacrifice of one of the flock to *kwoth nyota*, spirit of the *nyuot* tree, by a member of the widely scattered Gaawar clan on account of their association with both rain and the tree (p. 72). Some Nuer said that a prophet's prayers and sacrifices for rain might be effective, and they seem to have had some faith in those of the prophet Gwek; but I found that in general Nuer showed little interest in the subject. They certainly do not think that anyone can 'make' rain. Whoever it may be, priest, prophet, member of the Gaawar clan, or just an ordinary person, he can only pray to God to send the rain. They say, 'There is nothing we can do if it does not rain. God has given us nothing [to make it]. We are merely ignorant folk.' When I urged that surely there was something they could do, a Nuer replied, 'Oh well, the leopard-skin priest may sacrifice a cow [probably a goat was meant] and pray to God for rain, and that is all; perhaps God will give it and perhaps he won't.' When I asked about Car, a well-known prophet, whether he could bring rain, I was told, 'Oh well, he will pray to his spirit [an air-spirit] and ask for rain, but that is all.' 789

In whatever circumstances a priest acts as intermediary between men and God the virtue which gives efficacy to his mediation resides in his office rather than in himself. Consequently, it does not matter what sort of person he is, socially, psychologically, or morally. The virtue derives from the office having been established by God at the beginning of things as part of the social order. Consequently the priest is a traditional public functionary thought of as having always existed and as representative of man, rather than of any particular men, to God in certain critical situations. Therefore when he invokes God at sacrifice he does so in phrases which recall the universal and enduring character of his role: '*Kwoth muonda*', 'Spirit of our earth', '*Kwoth Jagei*', 'Spirit of all the Nuer' (*Jagei* has here this sense), and '*Kwoth rieng gwari*', 'Spirit of the virtue of our fathers'. 793

When we examine the critical situations in which the priest is called upon to exercise his functions we see that the priesthood can be regarded either as a political institution functioning within a set of religious ideas and values or as a religious institution functioning within a set of political ideas and values. His essential and 793 628

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793 distinctive role is that which he plays in homicide, that is to say,
628 when two social groups, groups of kin and local and political groups, are in a state of violent opposition to each other and the whole community is involved in consequence, directly or indirectly, in a state of interdiction. He functions as administrator of oaths in a similar setting. The oaths either arise out of homicide or concern matters which may result in homicide. There are strong feelings of hostility between the parties; otherwise oaths, with their terrible consequences, would not be taken. Serious incest may provoke similar feelings, because, Nuer ideas about incest being what they are, the persons concerned in it may belong to different descent groups and, indeed, are for various reasons likely to do so. In situations of *nueer* in which hostile feelings are not aroused, as when twins are born or a person is killed by lightning, the head of the family or its master of ceremonies officiates. These are family and lineage affairs. So, whereas the *gwan buthni* acts in sacrifice on behalf of an exclusive social group, the leopard-skin priest for the most part performs sacrifices in situations in which two groups are opposed to one another and which therefore require a person unidentified by lineage attachment to either to act on behalf of the whole community. The priest thus has a central position in the social structure rather than in religious thought, for his priestly functions are exclusive not because, on account of the sanctity of his office, only he can perform sacrifices, but because representatives of neither party to a dispute can effectively act in the circumstances obtaining. As he entirely lacks any real political authority or powers it is understandable that he could not carry out his functions unless during their performance his person was sacrosanct. The presence of a priesthood adds nothing to the dominant ideas of Nuer religion. It is rather these ideas which give to a political role its necessary attributes. Put in another way, the Nuer have priests who perform certain politico-religious functions but their religion is not intrinsically a priestly religion.

613 Another hereditary and traditional functionary is the *wut ghok*,
793 the man of the cattle, sometimes also spoken of as *kuaar ghok*, the 'priest' of the cattle, or *ring ghok*, the 'virtue' (literally, 'flesh') of
231 the cattle. There are men of the cattle in every tribe and tribal section, and they belong to lineages of a number of different clans, all those I have come across being of true Nuer descent. As in the

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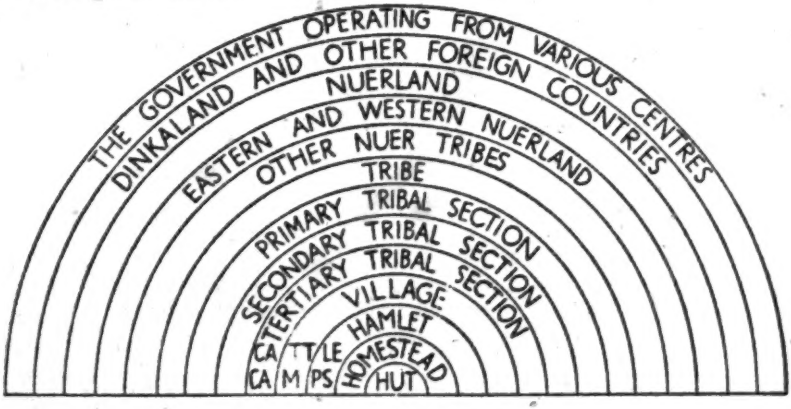
already made, we will give immediate consideration only to political distance and only to some characteristics of it.

631 Nuer give values to local distributions. It might be thought a simple matter to discover what these values are, but since they are embodied in words, one cannot understand their range of reference without considerable knowledge of the people's language and of the way they use it, for meanings vary according to the social situation and a word may refer to a variety of local groups. It is, nevertheless, possible to differentiate them and to make a crude formal classification of them, as we have done in the diagram below.



Nuer Socio-Spatial Categories.

592 621 A single living hut (*dwil* or *ut*) is occupied by a wife and her children and, at times, by her husband. They constitute a simple residential family group. The homestead, consisting of a byre and huts, may contain a simple family group or a polygamous family and there are often one or two kinsmen living there as well. This group, which we call a household, is often referred to as the *gol*, a word which means 'hearth'. A hamlet with gardens and waste land around it is called *dhor* and each has its special name, often derived from some landmark or from the name of the senior kinsman living there. A hamlet is 621 generally occupied by close agnatic kinsmen, often brothers, and their households, and we call this group of persons a joint family. As these groups are not treated in our account we say no more about them. It must be remembered, however, that a

8:Howell E, G-5 (1942-1944)1954
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In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay. 231 104 681

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*kon nei te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*kon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *akot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan. 101 773 101 175 181

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and sub-segments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western 631

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lwoo* (Missioni Africane, Verona, 1950–51) do not provide much further information on Nuer origins.

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Nuer District, which includes the Bul, Leik,[1] Jikany Cieng,[2] Jagei, Dok (and Aak), and Nuong (and Dur) tribes, with its headquarters at Bentiu on the Bahr el Ghazal; Central Nuer District, which includes the Lak, Thiang, Gaawar[3] and Lou[4] tribes, with its headquarters at Fangak on the Bahr el Zeraf; Eastern Nuer District, which is occupied by the whole of the Jikany Dhor people, divided into the Gaajok, Gaajak and Gaagwang tribes, with headquarters at Nasir on the river Sobat. Generally speaking, the administrative system follows the tribal pattern with centres in each tribal area, and in some cases in each primary segment of a tribe, though nowadays there is a tendency for segments to be combined in the development of Local Government based on territorial rather than traditional considerations.

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At the beginning of the nineteenth century all Nuer were living west of the Nile. By the end of that century they had occupied an area stretching from the White Nile in the north, north-east of the river Sobat and north-west of the Bahr el Ghazal, eastwards to the Ethiopian frontier, and southwards along the Pibor river to the borders of Murle country and across to the headwaters of the Bahr el Zeraf.

An historical account of their warlike invasions of Dinka country and their gradual migration and expansion eastwards is not part of this book, but there are certain observations concerning their history which are relevant to a study of their customary law. There appear to have been five main periods in Nuer history: (i) The period before their move eastwards, about which little is known, but when they must have been fewer in numbers and more closely united as a people. What was then a tribe would, in numbers, be approximate to a tribal segment today, and tribal boundaries were less clearly defined. (ii) The period of initial invasion when they moved eastwards in a series of waves which began with cattle raids and ended in permanent occupation. This period is recounted in traditions relatively fresh in the minds of the Nuer and not yet merged into tribal mythology. (iii) The period of numerical expansion by natural processes and by the absorption of huge numbers of Dinka and therefore much of Dinka culture. It should be noted that this period was characterized by the facility with which Dinka elements were incorporated into Nuer society without friction or a trace of symbiosis. It is probable that at this time the Nuer lost much of their former cohesion, particularly as they were almost simultaneously subjected to the disrupting effects of slave raids from the north. (iv) At any rate the third period seems to have been followed almost immediately by a period of disharmony, suspicion,

[1] Sometimes spelt Leek.

[2] Variously spelt Jikany, Jekaing, Jekain, etc. The Jikany Cieng—lit. 'homeland Jikany'—are the parent tribe from which the Jikany Dhor—lit. 'outside Jikany'—originally sprang.

[3] More commonly, though incorrectly, spelt Gaweir.

[4] Sometimes spelt Lau.

10:Evans-Pritchard E-5 (1931-1936) 1940
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travellers are to be trusted, to have been much change of territory during the last fifty years. This eastwards migration is a fact that has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes.

To the north, the Nuer are in varying degrees of contact with Arabs, the peoples of the Nuba Hills, the powerful Shilluk kingdom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character.

Arab slave-raiders from the Northern Sudan intruded here and there into the more accessible portions of Nuerland in the second half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting.

A tribe is divided into territorial segments which regard themselves as separate communities. We refer to the divisions of a tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^3 tertiary division of tribe B sees himself as a member of Z^2 community in relation to Z^1, but he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^2, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue

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619 of his non-membership of other groups of the same type which he
631 stands outside of, and he is likewise not a member of the same community in virtue of his membership of a segment of it which stands in opposition to its other segments. Hence a man counts as a member of a political group in one situation and not as a member of it in a different situation, e.g. he is a member of a tribe in relation to other tribes and he is not a member of it in so far as his segment of the tribe is opposed to other segments. In studying the Nuer political constitution, it is therefore essential that we

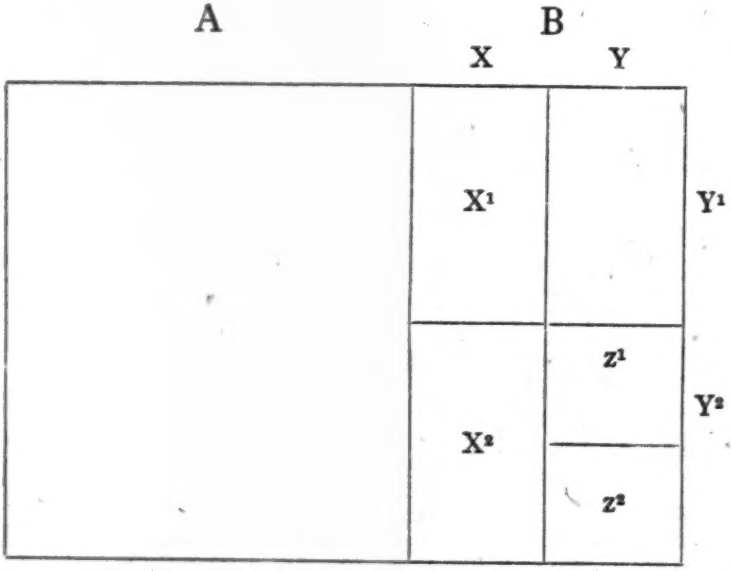

DIAGRAM No. II

view it together with those of their enemies as a single political system, for the outstanding structural characteristic of Nuer political groups is their relativity. A tribal segment is a political group in relation to other segments of the same kind, and they jointly form a tribe only in relation to other Nuer tribes and to adjacent foreign tribes which form part of their political system, and without these relations very little meaning can be attached to the concepts of 'tribe' and 'tribal segment'. That the distinction and individuality of a political group is in relation to groups of the same kind is a generalization that embraces all Nuer local communities, from the largest to the smallest.

128 The relation between tribes and between segments of a tribe

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167 of expansion and absorption has not been so extensive it has, nevertheless,
101 been considerable. Both Nuer and Dinka myths recognise their common
177 ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

648 The Nuer have not been greatly affected by foreign influences owing
131 to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as " homeland Nuer " (*Nath cieng*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as " bush Nuer " (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

•631 Nuerland is divided into a number of territorial sections, the occupants
619 of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

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EASTERN NUER.

Tribe.		*Population.*	
Thing	10,000[1]		—
Lou	70,000[1]		100,000[3]
Lak	30,000[1]	(+Thiang	40,000)[2]
Gaawär	50,000[1]		30,000[2]
Jekany (Gaajok, Gaajak, Gaagwang)	160,000[1]		200,000[2]
Total for Eastern Nuer	320,000[1]		370,000[2]

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There is no doubt that many of these estimates are excessive. The latest figures, and doubtless the most accurate ones, have not yet been published, but I have been privileged to see some of them. They place the Thiang at 7,750, the Lou at 19,025,[3] the Lak at about 18,000, the Gaawär at 18,000. There is a probability, therefore, that the Eastern Nuer do not exceed 200,000–300,000 in total number.

Jackson does not furnish figures for the Western Nuer. Those given in the Rejaf Conference Report present a total population of 60,000 for all tribes. The only tribal figures I have seen are based partly on tribal affinity and partly on areas of administration. They are :—

WESTERN NUER.

Tribe.	*Population.*
Dok	11,063 (1927)
Jagei	5,195 (1927)
Nuong	7,421 (1927–1929)
Bul	10,924
Lek (one section)	8,353
Lek (another section + two sections of Jekany)	3,120
Kilual (+ some Jekany)	2,953 (1927)
Jekany (one section)	4,031 (1927)
Total	53,060

I am fairly certain that not every one of the names given on the map represents a tribe in the sense in which I am using the term. The exact nature of these political divisions will be known only as a result of further research. A tribe is defined as the largest political unit within the nation and it has four characteristics : (1) it has a territorial basis, (2) its members have a common name and sentiment, (3) it regulates disputes between its members, (4) it unites for war against other tribes or segments of other nations.

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[1] Is an estimate given by Jackson (*op. cit.*) in 1923.

[2] Is an estimate given in the *Report of the Rejaf Language Conference*, in 1928.

[3] The wide discrepancy between the latest and earlier estimates for the Lou is possibly due in part to inclusion in the earlier figures of the Ngok Dinka and those Dinka who have since been transferred to Dinkaland by the Government.

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(1) The territory of each tribe is clearly marked off from those of its neighbours. Each tribe has its permanent villages and its fields of economic exploitation. The Lou, for instance, have their tribal grazing grounds, hunting areas, wells and lakes and rivers for dry season occupation and for fishing. The Gaajok also have their grazing grounds, etc., and if the Lou infringe on these there is sure to be fighting unless some arrangement has been reached between the tribal sections concerned.

(2) Each tribe has not only its territory, but its members have a common name and sentiment. Thus Lek, Lou, Lak, Gaawär, etc., are the names by which the country and its occupants are known. Lou country is known as *rol looka* (genitive of lou) and Lek country is known as *rol legni* (genitive of lek), and an inhabitant of these two countries is spoken of as *ran looka* and *ran legni* respectively.

I am unable always to give the etymology of these tribal names. Some of them are clan names like Gaajok and Gaawär, since the tribe is named after its dominant clan. I will speak later of the meaning of clan names. Other tribes have stories accounting for their names, but these are in the nature of popular etymology and are sometimes contradictory. Thus the Lou and Rengyan tribes have aristocracies sprung from a common ancestor, Denac, and are said to be so called because there was a fight between the herd bulls of the two lineages. A *tut ma lou* (mouse-coloured bull) represented the lineage which migrated to Lou country and a *tut ma reng yan* (bull with fawn markings) represented the lineage which remained behind in Rengyan country (part of the country marked Jagei in the sketch map). Hence the two countries and the tribesmen who occupy them are called after those two bulls. I have heard a similar story accounting for the split which took place between the lineages which give their names to Lek and Kärlual countries. Here again the bulls of the two lineages had a fight, that occupying Lek country being represented by a *tut ma lek* (bull with giraffe-like markings) and that occupying Kärlual country being represented by a *tut ma kär lual* (bull with brown markings). Another man told me that when the original occupiers of Lek country entered it they discovered a pool crowded with a species of fish which they caught to satisfy their hunger, and that, as this species of fish is known as *lek*, the country and tribe were called after them. Jekany is another tribal name of which the meaning is far from clear. Jackson (p. 75) recounts that when Kir

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SKETCH MAP No. II.
Rough Sketch Map showing Tribal Areas. The Eastern Jikany are shown as three tribes whereas the Western Jokany are shown as one tribe. Jagei includes a number of small tribes, Rengyan, Bor, Lang, etc.

[facing p. 8]

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In the same manner diagram No. III shows the primary sections of the Gaagwang tribe and the primary and secondary sections of the Gaajak and Gaajok tribes. These are presented as accurately as my knowledge permits, but anyone acquainted with the difficulties of unravelling the complex system of Nuer tribal divisions will not be surprised if he discovers sections which he knows under different names or others which he may think should not have been omitted. I do not know for sure what are the secondary tribal sections of the Gaagwang tribe. 619

DIAGRAM No. III.
EASTERN JEKANY TRIBES.

	Gaajok tribe.	Gaagwang tribe.	Gaajak tribe.	
Laang prim. sect.	Thiur sec. sect. Dwong sec. sect. Kwith sec. sect.	Gaatciea prim. sect.	nyayan sec. sect. cany sec. sect. wau sec. sect.	Gaagwong prim. sect.
Waroeac prim. sect.	Minyäl sec. sect. Wang sec. sect. Nyathol sec. sect.	Nyinger prim. sect.	köng sec. sect.[1] col sec. sect. dhilleak sec. sect.	Reng prim. sect.
Yot prim. sect.	Pwot sec. sect. Kwal sec. sect. Ylic sec. sect. Cam sec. sect. Kwul sec. sect.	Nyaang prim. sect.	tar sec. sect. kang sec. sect. lony sec. sect.	Thiang prim. sect.

Each of these tribal sections possesses the characters of the tribe itself, but more intensified. Each has its name, but the smaller the segment the stronger the sentiment associated with it. Each has a territorial basis, but the smaller the segment the more compact the territory, the more contiguous its members. Just as the tribe itself is crystallised around a clan so each segment is crystallised around a lineage of the clan and the smaller the segment the closer the relationship between members of this kinship nucleus. As I have said before, the smaller the area the greater the social cohesion. 619 631

Each of these segments is a political group and an economic group. As a political group it unites for warfare. The principle of unity is as 619 631 628

[1] Also called Tiek and Yaar.

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619 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyark-
631 wac tertiary tribal section, and in fact there has been a long feud between
628 the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemac, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 When a raid into Dinka country was organised Mor and Gun would
721 both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 A similar principle was supposed to operate among the Jekany (*see*
628 diagram No. III). Thus Minyäal, Wang and Nyathuol would combine
631 against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

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However this may have been in theory, in practice these tribal sections were largely autonomous groups and acted as such in their enmities and alliances. At one time they would be fighting among themselves and at other times they would combine against a third party, though the combinations were not as regular and simple as they were explained to me and as I have stated them on paper. I am extremely ignorant about the history of feuds among sections of the Lou and Jekany tribes and I record here the slight data I possess on the subject. I have already referred to the feud between sections *Leng* and *Nyarkwac* of the Lou tribe. This springs out of an earlier feud between sections Thiang and Yol which once formed sub-sections of Nyarkwac. The ancestors of the dominant lineages in the Leng and Yol sections were brothers, whereas the ancestor of the dominant lineage of the Thiang section stood to these brothers in the relation of sister's son. For a long while the Yol and Thiang sections lived peaceably together, but about thirty or so years ago a feud broke out between them and the Thiang section fled, defeated, to seek protection among the Leng section. The Yol sent messengers to the Leng telling them that they were not to receive their enemies or give them a home in their country. The Leng section replied that the ancestor of the LENG lineage was the maternal uncle of the ancestor of the THIANG lineage and that they could not refuse asylum to their sister's sons. This attitude involved Yol (Nyarkwac) in a second feud, this time with a combination of Leng and Thiang.

In Gaajok country the Yol primary tribal section joined the Gaagwang tribe (who seem to have identified themselves so much with the Gaajok tribe that we may almost speak of them as a single tribe separated from the Gaajak by the wide Macar swamps) against several (if not all) sections of the Gaajak tribe. I have a note that Yol fought Nyayan while Gaagwang fought Reng and Kang sections.

It appears that about half a century or more ago the Laang and Wangkac primary sections of the Gaajok tribe were involved in a long feud and that there was warfare between the Yol and Wangkac sections. In the course of this warfare Yol were assisted by their allies the Gaagwang tribe and together they defeated the Wangkac so heavily that they moved to the far south along the Pibor river in the neighbourhood of Beirland. Here they say that they were attacked by " Turuk " and fled north again

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A minor lineage like the PUAL lineage of the GAATBAL are a community really well knit by common residence and blood who lead a common economic, political and social life. If one takes a smaller lineage still, like the MÄR lineage (see diagram No. V), one reaches the strongest unilateral unit in Nuer society, a unit whose members herd their cattle by communal arrangements; who build their huts contiguously and cultivate gardens side by side; who act as a blood revenge group in case of the homicide of one of their kin; who assist one another in providing cattle for marriage or homicide payments; who act as assistants at all important ceremonies; and who in general co-operate as a mutual assistance society for all purposes of social insurance. At least this is how I understand the relative cohesion of clan segments, though I feel that there is a leaning towards theoretical conclusions not adequately supported by a strong foundation of facts in my presentation.

The difference between kinship groups and political groups and their interwoven structures may now be demonstrated by a simple diagram though our definitions of groups are too elastic to permit an exact correlation between kinship and political units.

DIAGRAM No. IX.

Clan + aggregate of strangers	=	Tribe.
Major Clan lineage + aggregate of strangers	=	Primary tribal section.
Minor " " " "	=	Secondary tribal section. Tertiary tribal section.

We have the same difficulty in deciding in some cases whether to speak of two clans or of one clan with two major lineages as we had in deciding whether to speak of two tribes or one tribe with two moieties. Thus the JINACA are descended from Denac or Nac. So also are the RENGYAN and perhaps also the THIANG[1]. All these people are therefore JINACA, the people of NAC. Are we, therefore, to speak of them as one clan or as three clans? In other words, can a man of the Lou JINACA marry a woman from the Rengyan JINACA? At present I have no means of deciding this question since Lou and Rengyan are so far apart that normally the question of intermarriage would not arise. It is impossible even to express an opinion on the matter until we know something about the genealogies of the Rengyan JINACA. If they belong to the same major lineages as the Lou JINACA, namely the lineages of GAALIEK, RUMJOK and GAATBAL, we

[1] I write RENGYAN and THIANG in capitals, though correctly speaking I suppose we should write the JINACA of Rengyan and Thiang tribes.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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621 occupy it, and small camps are sometimes named after an old person of importance who has erected his windscreen there. We have seen that the social composition of a camp varies at different times of the drought from the people of a hamlet to the people of a village, or of neighbouring villages, and that men sometimes camp with kinsmen living in camps other than those of their own villages. Consequently, while local communities of the rains tend to be also local communities in the drought their composition may be somewhat different. We again emphasize that not only are the people of a camp living in a more compact group than the people of a village, but also that in camp life there is more frequent contact between its members and greater co-ordination of their activities. The cattle are herded together, milked at the same time, and so on. In a village each house-
[592] hold herds its own cattle, if they are herded at all, and performs its domestic and kraal tasks independently and at different times. In the drought there is increasing concentration and greater uniformity in response to the greater severity of the season.

634 We sometimes speak of a district to describe an aggregate of
619 villages or camps which have easy and frequent intercommunication. The people of these villages take part in the same dances, intermarry, conduct feuds, go on joint raiding parties, share dry season camps or make camps in the same locality, and so on. This indefinite aggregate of contacts does not constitute a Nuer category or a political group, because the people do not see themselves, nor are seen by others, as a unique community, but 'district' is a term we employ to denote the sphere of a man's social contacts or of the social contacts of the people of a village and is, therefore, relative to the person or community spoken about. A district in this sense tends to correspond to a tertiary or a secondary tribal segment, according to the size of the tribe. In the smallest tribes a whole tribe is a man's district, and a district may even cut across tribal boundaries in that in a large tribe a border village may have more contacts with neighbouring villages of another tribe than with distant villages of its own tribe. The sphere of a man's social contacts may thus not entirely coincide with any structural division.

A number of adjacent villages, varying in number and total

1: Evans-Pritchard E-5 (1931, 1936) 1940
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extension according to the size of the tribe, are grouped into small tribal sections and these into larger ones. In the larger tribes it is convenient to distinguish between primary, secondary, and tertiary tribal sections. These sections, of whatever size, are, like a village, spoken of as *'cieng'*. Since the next chapter is devoted to these tribal segments no more is said about them here.

VI

The main Nuer tribes are shown on p. 8. The name 'Jagei' inserted to the west of the Nile includes a number of small tribes—Lang, Bor, Rengyan, and Wot. There are also some small tribes—if they are rightly regarded as tribes, for little research was done in the area—in the vicinity of the Dok Nuer: Beegh, Jaalogh, (Gaan)Kwac, and Rol. A crude census, compiled from various Government sources, gives, in round figures, the more recent estimates for the larger tribes as follows:

Sobat Nuer: Gaajak, 42,000; Gaagwang, 7,000; Gaajok, 42,000; Lou, 33,000. Zeraf Nuer: Lak, 24,000; Thiang, 9,000; Gaawar, 20,000. Western Nuer: Bul, 17,000; Leek, 11,000; the three Western Jikany tribes, 11,000; the various Jagei tribes, 10,000; Dok, 12,000; Nuong, 9,000. These figures are probably more accurate for the Eastern than for the Western Nuer. Estimates show wide discrepancies and there has been much guesswork. On the basis of those recorded, the Sobat Nuer are 91,000, the Zeraf Nuer 53,000, and the Western Nuer 70,000, making a total of 214,000 for the whole of Nuerland. The population of only a few tribal segments is known. Among the Lou the Gun primary section number about 22,000 and the Mor primary section about 12,000; among the Gaawar the Radh primary section number about 10,000 and the Bar primary section about 10,000; and among the Lak tribe the Kwacbur primary section number about 12,000 and the Jenyang primary section number about 12,000.

It will be remarked that the tribes of Western Nuerland are generally smaller than those on the Zeraf, and those on the Zeraf smaller than those on the Sobat. Tribes tend to be larger the farther eastwards one proceeds. Their territories also tend to be more extensive. It may be suggested that the larger population of the Eastern Nuer tribes is due to the integrating effects of conquest and settlement and to the absorption of large numbers of Dinka which resulted therefrom, but we do not think that such explanations

10:Evans-Pritchard E-5 (1931-1936) 1940
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which gives them political unity and distinction is one of opposition. Between tribes, or federations of tribes, and foreign peoples this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither speared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense of patriotism, a dominant lineage, territorial distinction, economic resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

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SOCIAL ORGANISATION AND POLITICAL STRUCTURE

SOCIAL UNITS

592 1. A single living hut occupied by a wife, her children and, at times, her husband if the family is a polygynous one.

2. The homestead *(gol)* consisting of a byre and huts, and containing a simple family group or polygynous family, sometimes with other relatives attached.

621 3. The hamlet *(dhor)* consisting of a cluster of homesteads surrounded by their pastures and cultivations. Each hamlet has its own name and is generally inhabited by close agnatic kinsmen, often brothers and their families.

621 361 4. The village, a very distinct unit, usually referred to as *cieng* (home). The population may be anything from fifty to several hundred. If the village is built on a ridge, homesteads and hamlets may be strung out for a considerable distance. Villages are usually distinct from each other, there being several miles of bush, swamp and grass between them. Well-marked paths, made by the constant visits exchanged by the inhabitants, join the villages to each other.

621 A village consists of a community linked by common residence and by a network of kinship and affinal ties. The inhabitants co-operate in many activities - social, economic and military - and form dry-season camps together. The village is the political unit of Nuerland and is the smallest group which is not specifically of a kinship order.(1) People of one village have a strong feeling of solidarity vis à vis people of other villages.

621 361 5. The cattle camp *(wec)*; early cattle camps may be found wherever there are depressions, pools, and patches of fresh pasture. The location of the larger camps is largely predetermined, as only a few places provide adequate pasture and water at the height of the dry season. The size of the camp depends on these resources and, whereas early camps consist only of a few households, later camps vary from 100 to 1,000 souls. Such concentrations comprise larger or smaller tribal sections and each group has its own separate section of the camping ground. Neighbouring villages participate in a cattle camp, and relatives from distant villages may join their kinsmen. There is more co-operation within a camp than within a village, as the cattle are herded together and milked at the same time, whereas in a village each homestead, in the main, herds its own cattle. A large camp is called after the dominant lineage in it or after the main village community occupying it.

634 6. The district, "an aggregate of villages and camps which have easy intercommunication".(2) It corresponds to a small tribal segment, although it may include a whole tribe or more in the case of very small

(1) Evans-Pritchard, *The Nuer*, 1940, p.115.
(2) *Ibid.*, p.116.

tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 634

Nowhere in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 621

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.(1) The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 619 721

Within a tribe compensation *(cut)* is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.(2) Between tribesmen there is also *ruok* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 682 683

A tribe is a segmented structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

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614 may safely regard them as one clan. This is possibly the case, since the Lou JINACA left their homes in Rengyan to conquer their present tribal area. On the other hand they may represent a distinct line of descent from Denac. There is not the same certainty as there is for the history of the children of Kir, a part of whom journeyed from their home on the Bahr-el-Ghazel to the tribal areas of the Eastern Jikany. The GAAJOK, GAAJAK, GAAGWONG and GAAGWANG major lineages are found both among the Eastern Jikany and the Western Jikany, and they still belong to one clan, since a man of the Eastern GAAJOK lineage may not marry a woman of the Western GAAJAK or GAAGWONG lineages. It is possible that in time the GAAJOK lineage of the GAT GAN KIIR clan will split away from the GAAJAK lineage and that two separate clans will be formed by fission. The Nuer themselves speak as though this may happen since they say that a GAAJOK man may "not yet" marry a GAAJAK woman. "*Ngote thieka,*" "they are still close" (in relationship), say the Nuer, suggesting that it will one day be possible, a suggestion in keeping with their acceptance of a scheme of clans all ultimately descended from Gee. I have found that informants lay great stress on the fact that Gee bisected a bullock and thus enabled the clans descended from him to intermarry whereas Kir did not perform similar ritual, with the result that intermarriage between the clans descended from him is prohibited. Nevertheless I cannot produce a sure example of clans splitting into two or more exogamous lineages. Even when political fission takes place as between the Gaajok and the Gaajak the clan maintains its unity, and a GAAJOK man and a GAAJAK man are still members of a single exogamous clan.

IV.

641 614 619 All tribesmen live in the same country. A man may emigrate to another country, but if he settles there he and his children become members of the tribe among whom he has settled. When we speak of the Lou and Rengyan we speak of the people who live in Lou and Rengyan countries. Clansmen on the other hand do not all live in the same country, the great majority of them may do so but not all of them. Thus probably the majority of JINACA live in Lou country and Rengyan country, but by no means all of them live there. Many JINACA live scattered among other tribes. Moreover the number of JINACA clansmen who live

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in Lou country and Rengyan country forms only a small proportion of the 641
total population of Lou and Rengyan tribesmen. Again, Gaajok country 614
contains a dominant element of GAT GAN KIIR clansmen of GAAJOK 619
lineage, but they are dominant in the Gaajok tribe on account of their traditional ownership of the country and not on account of numerical superiority, for they probably compose only a small minority of the tribe. Also not all the GAAJOK live in Gaajok country in the Eastern Jekany area, since a large part of the lineage live in the Gaajok primary tribal section of the Jekany tribe to the west of the Nile and smaller lineages of the GAAJOK are scattered throughout most, if not all, Nuer tribes. The GAAJOK form an excellent illustration of this difference between clan and tribe, since the GAAJOK of the Eastern Jekany and the GAAJOK of the Western Jekany cannot obviously be fellow tribesmen on account of the vast area which separates their countries and since they never act together in any collective undertaking. On the other hand they are [582]
equally descended from Majok the son of Kir and hence are all members of the same lineage of the same clan. For this reason they are all brothers and sisters and forbidden to intermarry.

But though the clan is not a territorial group nevertheless many clans are largely localised. Thus the descendants of Mathiang are mainly living in the two countries of Eastern and Western Gaajak. The descendants of Nac are mainly living in Lou and Rengyan countries, and the descendants of Wär are, I presume, mainly living in Gaawär country. But this by no means holds for all clans. There is no tribal area in which the JIMEM mainly live or in which they have the position of owners of the soil, but they are scattered far and wide throughout the length and breadth of Nuerland. The same is true of the KIEK, JIDIET, BEEK and JIKUL, and a number of other clans.

When a clan is mainly localised in one tribal area it forms an aristo- 614
cratic element there. The JINACA of Lou country lived originally with 619
the JINACA of Rengyan country, but they split off from them and 554
conquered Lou country from the Dinka. Here they were the first occu- 565
pants, or more correctly the strongest element among the first occupants, and became "owners" of the country. Any other clansmen who came to live in Lou tribal area had to attach themselves on to the JINACA. The GAT GAN KIIR clan moved from their homeland to the west of the Nile and conquered the land, which they own to-day, on the eastern side of the

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the ancestor of one lineage and the ancestress of the other (as with the JINACA and the JIMAC), but is owing also to the fact that their two sections continue to intermarry all the way down their line of descent, since the marriage of a man of lineage A into lineage B does not prevent his cousin marrying into lineage B also. In course of time the two lineages become so intermarried that it is impossible for them to continue to intermarry without breaking exogamous rules. Thus I was told that the GAALIEK lineage (*diel*) and the JEMAC lineage (*rul*) in the Mor moiety of the Lou tribe had reached a stage when a GAALIEK man could no longer marry a JEMAC woman, though he might marry a descendant of a JIMAC woman two or three generations removed. 614 619

As we shall see later, captured Dinka are adopted into Nuer families, and as they have no cattle they necessarily depend for sustenance and marriage upon the family of their adoption. They forge descent through the men who have adopted them and their lineage becomes grafted on to the genealogical tree of descent of their foster fathers so that their children count for most purposes as *gaat twot*. Often *rul* and *jaang* who are poor will come and live near a generous man of whom it is said " He is poor and has nothing because he has given everything away "—a great compliment. Such dependants will be provided with marriage-cattle by their patrons and they will bring their wives to the *wec* of the man who has befriended them, and here their children will be brought up as children of the *wec* and count almost as *gaat twot* since they were born through the cattle of a *tut*. 641 597 614

A lineage of *diel* split up as a result of internal dissension and also because a man of personality likes to found his own independent settlement where he will be an important person rather than remain a younger brother in a group of influential elder relatives. This, Jok told me, is a reason why the Nuer are dissatisfied with the present arrangements made by the Government, which have as their object the creation of local " chiefs " whose position tends to become formalised, permanent, and hereditary. To them this is a rigid interpretation of political power based on a territorial rather than personal basis which stabilises the control of a single man or lineage in a country where every Nuer carries his baton in his knapsack. It does not follow that a man must be a *dil* to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant lineage of his tribe who has been able to 614 624 621

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Were a man of another village or of a different kin to call him by the title of *Jaang* it would be a serious matter because the sons of the man who had captured him would resent the remark. To them he is *demar*, my brother, and they will quarrel with anyone who calls him *Jaang* and there may be bloodshed. They will ask "Who is a Jaang? Did your father seize him or did ours?" 563 577 727

Just as a captured Dinka suffers from few disabilities owing to his birth so he enjoys most of the privileges of a free-born Nuer. The man who has adopted him will give him cattle with which to marry a wife, and he will be thus enabled to marry according to the same rules of priority as if he were a real son. If he is older than a real son of the family he will marry before him. A and B are real sons of X, and C is an adopted Dinka whose age comes in between the ages of A and B. The order of marriage will be A, C, B. When A and B's daughters are married, C, the Dinka, will receive the cattle of a *gwanlen* (paternal uncle) just as if he were an ordinary brother to A and B. [641]

Dinka who have been taken in war and brought up by a Nuer family will eventually be formally adopted and given *buth* (*ca lath buthni*, he is given relationship). One youth, Wan, told me that the man who brought up a captured Dinka would give him *buth* (relationship), but two other informants, Tutrial and Jok, disputed this statement, saying "He will not do so because the Dinka is his son, so why should he?" The son of this man, or more likely his brother's son (*gat gwanlen*) will, however, invite his Dinka boy, when grown-up and initiated into manhood, to come and tether a bullock in his kraal and kill it. The bullock is first of all invoked by the owner of the kraal and he addresses the spirits of his clan and tells them that this man is now a member of his family. This ceremony is regarded as being very much the affair of the spirits who guard your clan and your own special lineage. It is your duty to let them know if you are adopting a new member into your kin because all members of your kin are under their care. Another informant said that the bullock is killed at the entrance to the sponsor's byre and that the Dinka's body is smeared with the undigested contents of its stomach while the spirits of the clan are asked to accept him into it. After this ceremony the Dinka becomes a member of your lineage, he becomes a relation of yours (*gwan buthni ka ji*) and the spirits of your lineage will go to him and be his spirits also. After the bullock has been invoked it

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563 597 727 is sacrificed and cut up and the son of the house and his Dinka " brother " each take half the skin and the *juak*, and the Dinka takes the neck. On all future occasions when animals are killed by his relative by adoption he will be able to claim his share of the meat on the grounds of relationship (*see* Section No. VI). It seems that, whilst before this ceremony of being [43] given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a " member of the clan " of his " father." *Caa Juak tem*, they have cut through the scrotum, he is now a member of their clan.

563 597 727 641 We may, at any rate for the moment, speak of these captured Dinka who go through a ceremony of adoption into the lineage of their captor as becoming affiliated to Nuer clans in the framework of which they trace their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for weeks considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *buth* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *buth* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into

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Nuer lineages belongs more to a study of kinship than to the plan of the present paper. Its importance may be gauged by the fact that probably some 75 per cent. of the Lou tribe are of Dinka descent, belonging either to families sprung from a man who has been *lath buthni*, given relationship, in a Nuer lineage, or to the families which have retained their full status as independent Dinka lineages. 563 597 727 641

This is the second type of Dinka domiciled among the Nuer to whom I made reference earlier. In the old days, and still to-day, Dinka frequently came to live among Nuer of their own accord and were always well received and allowed to settle and become members of the village community. There are a number of reasons which may have influenced a Dinka in taking this step. Along the Nuer-Dinka border intermarriage was frequent and Dinka would come to live near their married sisters and perhaps settle there and bring up a family who are Nuer in everything but descent. In the same way if a Nuer captured a Dinka girl and brought her up and gave her in marriage he might expect a visit from her brother, who would perhaps settle in his sister's village, in which case his brother-in-law would certainly give him one or two cows to start a herd. Many Dinka families came into Lou country to escape hunger and the other attendant miseries to which they had been reduced by constant Nuer raiding which left them cattleless.[1] Moreover there must have been a very large element of the original Dinka owners of country to the east of the Nile absorbed into the social system of their Nuer conquerors. They cannot all have been dispersed, and the probability is that what [648] happened during the Nuer invasions was similar to what was happening along the Nuer-Dinka border right up to the present day when raiding and intermarriage occupied long lulls between waves of fresh invasion.

[1] I was told that it sometimes happened that a poor Dinka would come and live with a rich Nuer and would help to herd his cattle and cultivate his gardens so that the Nuer, being gratified, would give him a blind or lame daughter whom no one wanted to marry. This is apparently considered a proper marriage, since the Dinka presents his wife with a skirt (*yot*). My informants said that, of course, no one would give a nice girl to a Dinka in this way.

(To be continued.)

14: Huffman M-5 (no date) 1931
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641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinka and take their cattle.

641 The Nuers learn to trust the District Commissioner and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

4: Kenyatta I-5 (no date) 1953
FL10 Kikuyu FL10

the birthright of perpetuating the national pride and enjoyment in the peaceful institution which afforded their forebears the most harmonious participation in the social, political, economic, and religious organisations of the tribe.

In the Kenya White Paper of July, 1923 (cmd. 1922), it was declared that: "It is the mission of Great Britain to work continuously for the training and education of the Africans towards a higher intellectual, moral, and economic level than that which they had reached when the Crown assumed the responsibility for the administration of this territory." It is beyond our comprehension to see how a people can reach a so-called "higher level" while they are denied the most elementary human rights of self-expression, freedom of speech, the right to form social organisations to improve their condition, and above all, the right to move freely in their own country. These are the rights which the Gikuyu people had enjoyed from time immemorial until the arrival of the "mission of Great Britain." Instead of advancing "towards a higher intellectual, moral, and economic level," the African has been reduced to a state of serfdom; his initiative in social, economic and political structure has been denied, his spirit of manhood has been killed and he has been subjected to the most inferior position in human society. If he dares to express his opinion on any point, other than what is dictated to him, he is shouted at and black-listed as an "agitator." The tribal democratic institutions which were the boast of the country, and the proof of tribal good sense, have been suppressed. Oppressive laws and ordinances, which alone engross the monopoly of thought, of will, and of judgment, have been imposed on the African people.

In our opinion, the African can only advance to a "higher level" if he is free to express himself, to organise

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

tural relations are strongest between adjacent tribes, but a common social structure embraces the whole of Nuerland; and (3) the social sphere of an individual, being his circuit of social contacts of one kind or another with other Nuer.

VIII

The political structure of the Nuer can only be understood in relation to their neighbours, with whom they form a single political system. Contiguous Dinka and Nuer tribes are segments within a common structure as much as are segments of the same Nuer tribe. Their social relationship is one of hostility and its expression is in warfare.

The Dinka people are the immemorial enemies of the Nuer. They are alike in their oecologies, cultures, and social systems, so that individuals belonging to the one people are easily assimilated to the other; and when the balanced opposition between a Nuer political segment and a Dinka political segment changes into a relationship in which the Nuer segment becomes entirely dominant, fusion and not a class structure results.

As far as history and tradition go back, and in the vistas of myth beyond their farthest reach, there has been enmity between the two peoples. Almost always the Nuer have been the aggressors, and raiding of the Dinka is conceived by them to be a normal state of affairs and a duty, for they have a myth, like that of Esau and Jacob, which explains it and justifies it. Nuer and Dinka are represented in this myth as two sons of God who promised his old cow to Dinka and its young calf to Nuer Dinka came by night to God's byre and, imitating the voice of Nuer, obtained the calf. When God found that he had been tricked he was angry and charged Nuer to avenge the injury by raiding Dinka's cattle to the end of time. This story, familiar to every Nuer, is not only a reflection of the political relations between the two peoples but is also a commentary on their characters. Nuer raid for cattle and seize them openly and by force of arms. Dinka steal them or take them by treachery. All Nuer regard them—and rightly so—as thieves, and even the Dinka seem to admit the reproach, if we attribute correct significance to the statement made to Mr. K. C. P. Struvé in 1907 by the Dinka keeper of the shrine of Deng dit at Luang Deng.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 After recounting the myth of the cow and calf, he added, 'And to this day the Dinka has always lived by robbery, and the Nuer by war.'[1]

721 Fighting, like cattle husbandry, is one of the chief activities and dominant interests of all Nuer men, and raiding Dinka for cattle is one of their principal pastimes. Indeed *jaang*, Dinka, is sometimes used to refer to any tribe whom the Nuer habitually raid and from whom they take captives. Boys look forward to the day when they will be able to accompany their elders on these raids against the Dinka, and as soon as youths have been initiated into manhood they begin to plan an attack to enrich themselves and to establish their reputation as warriors. Every Nuer tribe raided Dinka at least every two or three years, and some part of Dinkaland must have been raided annually. Nuer have a proper contempt for Dinka and are derisive of their fighting qualities, saying that they show as little skill as courage. *Kur jaang*, fighting with Dinka, is considered so trifling a test of valour that it is not thought necessary to bear shields on a raid or to pay any regard to adverse odds, and is contrasted with the dangers of *kur Nath*, fighting between Nuer themselves. These boasts are justified both in the unflinching bravery of the Nuer and by their military success.

727 The earliest travellers record that Nuer held both banks of the Nile, but it is probable that the entire Zeraf Island was at one time occupied by Dinka and it is certain that the whole of the country from the Zeraf to the Pibor and, to the north of the Sobat, from the confines of Shillukland to the Ethiopian scarp was, with the exception of riverain settlements of Anuak, still in their hands as late as the middle of last century, when it was seized by the Nuer in two lines of expansion, to the north of the Sobat and to the south of it. This is known from the statements of both Nuer and Dinka, the evidence of genealogies and age-sets, and the records of travellers, who frequently refer to the struggle between the two peoples, the dominant position of the Nuer among their neighbours, the awe they inspired in them, and their bravery and chivalry.[2] The conquest, which seems to have resulted in absorp-

[1] *Sudan Intelligence Report*, no. 152, 1907.

[2] Werne, op. cit., p. 163; Abd-el-Hamid, op. cit., pp. 82–3; Philippe Terra-nuova D'Antonio, 'Relation d'un voyage au Fleuve Blanc', *Nouvelles annales des voyages*, Paris, 1859. Lejean, op. cit., p. 232; Poncet, op. cit., pp. 18, 26, 36, 41–2, and 44; Petherick, op. cit., vol. ii, p. 6; Heuglin, *Reise in das Gebiet*

1: Evans-Pritchard E-5 (1931, 1936) 1940
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tion and miscegenation rather than extermination, was so rapid and successful that the whole of this vast area is to-day occupied by Nuer, except for a few pockets of Dinka on the Sobat, Filus, and Atar. Apart from these independent units there are many local communities in Eastern Nuerland of Nuer who acknowledge that they are of Dinka descent, and small lineages of Dinka origin are found in every village and camp. Some Dinka tribes took refuge with compatriots to the south, where the Gaawar and Lou continued to raid them. The Western Nuer likewise persistently raided all the Dinka tribes that border them, particularly those to the south and west, obtained a moral ascendency over them, and compelled them to withdraw farther and farther from their boundaries. To the west of the Nile, as to the east, Dinka captives were assimilated, and there are many small lineages of Dinka descent in every tribe and these are often preponderant in local communities. Of all the Dinka only the Ngok, to the south of the Sobat, were left in peace, probably on account of their poverty of stock and grazing, though their immunity has a mythological sanction. It seems also that the Atwot were not considered such legitimate prey as the Dinka on account of their Nuer origin, and it is probable that they were seldom molested as they are remotely situated.

The favourite season for raiding Dinka was at the end of the rains, though they were also invaded at their commencement. Leek tribesmen told me that when they raided Dinka to the south-west they used to sleep the first night near the villages of the Wot tribe and the second night in the bush. They took no food with them and ate only what fish they might hastily spear on the way, travelling with all speed throughout the day and part of the night. On the third day they attacked the Dinka villages or camps at dawn. The Dinka seldom put up any resistance, but loosened their cattle and tried to drive them away. No one seized cattle till the enemy had been dispersed. Then each took what prizes he could, often not troubling to tether his captures but slashing their rumps in sign of ownership. Afterwards the beasts were tied up

des Weissen Nil und seiner westlichen Zuflüsse in den Jahren 1862–1864, 1869, p. 104. Georg Schweinfurth, *The Heart of Africa* (English translation), 1873, vol. i, pp. 118–19; Gaetano Casati, *Ten Years in Equatoria and the Return with Emin Pasha* (English translation), 1891, vol. i, p. 39; Romolo Gessi Pasha, *Seven Years in the Soudan* (English translation), 1892, p. 57. The maps intended by travellers to show the positions of the peoples of this area are rather vague and are not in entire agreement. The reader may consult those in Marno, op. cit., Poncet, op. cit., Heuglin, op. cit., the map compiled by Lejean from information supplied by the Poncet brothers in *Bulletin de la Société de Géographie* (Paris), 1860; the maps prepared by V. A. Malte-Brun in *Nouvelles annales des voyages*, 1855 and 1863, and others of this period.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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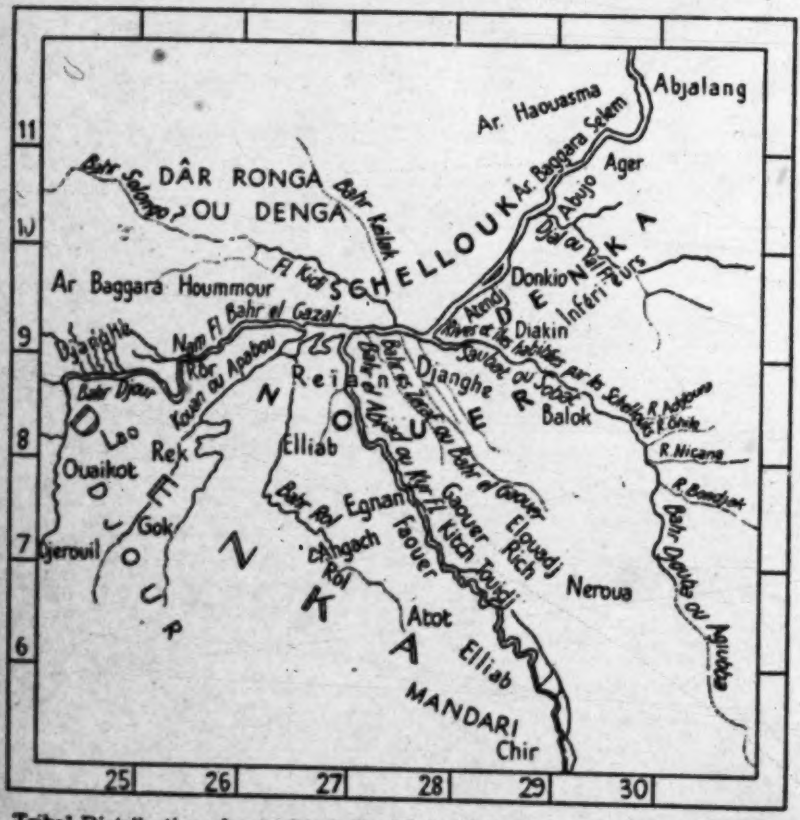
bodies were thrown on the flaming byres and huts. Captives were placed in the centre of the camp, the women being sometimes bound at night to render them more secure. Sexual intercourse is taboo on a raid. Nor may Nuer eat with a captive. A boy captive may not even draw water for them to drink. Only when



Tribal Distribution about 1860 (after V. A. Malte-Brun, *Nouvelles annales des voyages*, 1863).

an ox has been sacrificed in honour of the ghosts, after the return home, and they have been informed that strangers have entered their homesteads, may Nuer have sexual relations with captives or eat with them.

In the following section we describe other foreign contacts, but till European conquest the only foreign relations which may be said to have been expressed in constant warfare were those with the various Dinka tribes which border Nuerland.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 We have not enumerated them, for their names are irrelevant. The fighting between the two peoples has been incessant from time immemorial and seems to have reached a state of equilibrium before European conquest upset it. (Malte-Brun's map compared with modern maps suggests that tribal positions have not greatly altered since 1860.) In the earlier part of the historic period, from about 1840 to near the end of the century, Nuer appear to have been expanding in search of new grazing, but continued raiding for cattle, an aggressive action which we attribute to the structural relations between the two peoples, but which was, no doubt, intensified by rinderpest.

Though Dinka relations with Nuer are extremely hostile and war between them may be called an established institution, they have, nevertheless, united occasionally to make war against the Egyptian Government and there have sometimes been joint social gatherings. In times of famine Dinka have often come to reside in Nuerland and have been readily accepted and incorporated into Nuer tribes. In times of peace, also, Dinka visited their relations who had been captured or who had settled in Nuerland, and, as remarked earlier, there seems in parts to have been some trade between the two peoples. The strands of social relationships of a general kind, which are often numerous across the boundaries of adjacent Nuer tribes and which stretch across Nuerland, are thus prolonged weakly beyond the limits of Nuerland in occasional and hazardous contacts with foreigners.

648 829 All Dinka come into the category of *Jaang*, and Nuer feel that category to be nearer to themselves than other categories of foreigners. These foreign peoples, with all of whom the Nuer have reached a state of balanced hostility, an equilibrium of opposition, expressed occasionally in fighting, are, with the exception of the Beir, generally classed as *Bar*, cattleless people or people possessing very few cattle. A further category are the *Jur*, cattleless people whom the Nuer regard as lying on the periphery of their world, such as the Bongo-Mittu group of peoples, the Azande, the Arabs, and ourselves. However, they have separate names for most of these peoples.

648 171 We have remarked that Nuer feel Dinka to be nearer to themselves than other foreigners, and in this connexion we draw

1: Evans-Pritchard E-5 (1931, 1936) 1940
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attention to the fact that Nuer show greater hostility towards, and more persistently attack, the Dinka, who are in every respect most akin to themselves, than any other foreign people. This is undoubtedly due, in some degree, to the ease with which they can pillage the vast Dinka herds. It may also, in part, be attributed to the fact that of all neighbouring areas Dinkaland alone opposes no serious oecological handicaps to a pastoral people. But it may be suggested further that the kind of warfare that exists between Nuer and Dinka, taking into consideration also the assimilation of captives and the intermittent social relations between the two peoples between raids, would seem to require recognition of cultural affinity and of like values. War between Dinka and Nuer is not merely a clash of interests, but is also a structural relationship between the two peoples, and such a relationship requires a certain acknowledgement on both sides that each to some extent partakes of the feelings and habits of the other. We are led by this reflection to note that political relations are profoundly influenced by the degree of cultural differentiation that exists between the Nuer and their neighbours. The nearer people are to the Nuer in mode of livelihood, language, and customs, the more intimately the Nuer regard them, the more easily they enter into relations of hostility with them, and the more easily they fuse with them. Cultural differentiation is strongly influenced by oecological divergences, particularly by the degree to which neighbouring peoples are pastoral, which depends on their soils, water-supplies, insect life, and so forth. But it is also to a considerable extent independent of oecological circumstances, being autonomous and historical. The cultural similarity of Dinka and Nuer may be held largely to determine their structural relations; as, also, the relations between the Nuer and other peoples are largely determined by their increasing cultural dissimilarity. The cultural cleavage is least between Nuer and Dinka; it widens between Nuer and the Shilluk-speaking peoples; and is broadest between the Nuer and such folk as the Koma, Burun, and Bongo-Mittu peoples.

Nuer make war against a people who have a culture like their own rather than among themselves or against peoples with cultures very different from their own. The relations between

1: Evans-Pritchard E-5 (1931, 1936) 1940
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000 social structure and culture are obscure, but it may well be that had the Nuer not been able to expand at the expense of the Dinka, and to raid them, they would have been more antagonistic to people of their own breed and the structural changes which would have resulted would have led to greater cultural heterogeneity in Nuerland than at present exists. This may be an idle speculation, but we can at least say that the vicinity of a people like themselves who possess rich herds that can be plundered may be supposed to have had the effect of directing the aggressive impulses of Nuer away from their fellow-countrymen. The predatory tendencies, which Nuer share with other nomads, find an easy outlet against the Dinka, and this may account not only for the few wars between Nuer tribes but also, in consequence, be one of the explanations of the remarkable size of many Nuer tribes, for they could not maintain what unity they have were their sections raiding one another with the persistence with which they attack the Dinka.

IX

•648 Nuer had little contact with the Shilluk, a buffer of Dinka dividing them in most places, and where they have a common border, warfare seems to have been restricted to incidents involving only frontier camps. The powerful Shilluk kingdom, well organized and comprising over a hundred thousand souls, could not have been raided with the same impunity as the Dinka tribes, but the characteristic reason Nuer give for not attacking them is otherwise: 'They have no cattle. The Nuer only raid people who possess cattle. If they had cattle we would raid them and take their cattle, for they do not know how to fight as we fight.' There is no actual or mythological enmity between the two peoples.

The Anuak, who also belong to the Shilluk-Luo group, border the Nuer to the south-east. Though they are almost entirely horticultural to-day, they possessed herds in the past and in Nuer opinion their country has better grazing than Shillukland. It was overrun by the Nuer over half a century ago as far as the foothills of the Ethiopian scarp, but was quickly abandoned, probably because of tsetse, for the Anuak put up little resistance. Nuer continued to raid them up to thirty years ago, when they obtained rifles from Abyssinia and were better able to resist and even to take the offensive. In spite of two reverses they finally succeeded in penetrating Lou country, where they inflicted heavy casualties

1: Evans-Pritchard E-5 (1931, 1936) 1940
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and captured many children and cattle, a feat which brought the Government down the Pibor, thereby closing hostilities. Many evidences show that at one time the Anuak extended far westward of their present distribution and were displaced from these sites, or assimilated, by the Nuer.

The other peoples with whom Nuer come into contact may be mentioned very briefly as their interrelations have little political importance. Another south-eastern neighbour is the Beir (Murle) people. As far as I am aware the Nuer did not raid them often and those few who know something of them respect them as devoted herdsmen. To the north-east of Nuerland the Gaajak have for several decades had relations with the Galla of Ethiopia. These appear to have been peaceful and there was a certain amount of trade between the two peoples. Absence of friction may be attributed largely to the corridor of death that divides them, for when the Galla descend from their plateau they quickly succomb to malaria while any attempt on the part of the Nuer to move eastwards is defeated by the tsetse belt that runs along the foot-hills. The Gaajak raided the Burun and Koma (both often referred to vaguely as 'Burun') for captives, and they were too small in numbers and too unorganized to resist or retaliate. To the north-west the Jikany, Leek, and Bul tribes occasionally raided the Arabs and the communities of the Nuba Mountains; and, to judge from a statement by Jules Poncet, the trouble over water and grazing in the dry season that occurs to-day between Nuer and Arabs has long occurred.[1]

The Arab slavers and ivory traders, who caused so much misery and destruction among the peoples of the Southern Sudan after the conquest of the Northern Sudan by Muhammad Ali in 1821, very little inconvenienced the Nuer. They sometimes pillaged riverside villages, but I know of no record of their having penetrated far inland, and it was only the more accessible sections of the Zeraf River tribes that appear to have suffered to any extent from their depredations. I do not believe that anywhere were the Nuer deeply affected by Arab contact.[2] The Egyptian Government and, later, the Mahdist Government, which were supposed to be in control of the Sudan from 1821 to the end of the century, in no way administered the Nuer or exercised control over them from the riverside posts they established on the fringes of their country.

[1] Poncet, op. cit., p. 25.

[2] I find myself unable to accept Casati's statement of the position (op. cit., vol. i, p. 38), but consider that greater reliance should be placed on the opinion of other authorities. See Romolo Gessi's letter to the Editor of *Esploratore* in 1880 (op. cit., p. xx), and Lejean's report from Khartoum in 1860 (op. cit., p. 215).

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 The Nuer sometimes raided these posts and were sometimes raided from them,[1] but on the whole it may be said that they pursued their lives in disregard of them.

This disregard continued after the reconquest of the Sudan by Anglo-Egyptian forces and the establishment of the new administration. The Nuer were the last important people to be brought under control and the administration of their country cannot be said to have been very effective till 1928, before which year government consisted of occasional patrols which only succeeded in alienating them further. The nature of the country rendered communications difficult and prevented the establishment of posts in Nuerland itself, and the Nuer showed no desire to make contact with those on its periphery. Little control was exercised and it was impossible to enforce decisions.[2] A further difficulty was the absence of Nuer who had travelled in foreign parts and spoke Arabic, for their place was usually taken, as interpreters and in other capacities, by Dinka and Anuak, who were distrusted, and rightly so, by the Nuer against whom they lodged every kind of complaint.

648 181 The truculence and aloofness displayed by the Nuer is conformable to their culture, their social organization, and their character. The self-sufficiency and simplicity of their culture and the fixation of their interests on their herds explain why they neither wanted nor were willing to accept European innovations and why they rejected peace from which they had everything to lose. Their political structure depended for its form and persistence on balanced antagonisms that could only be expressed in warfare against their neighbours if the structure were to be maintained. Recognition of fighting as a cardinal value, pride in past achievements, and a deep sense of their common equality and their superiority to other peoples, made it impossible for them to accept willingly domination, which they had hitherto never experienced. Had more been known about them a different policy might have been instituted earlier and with less prejudice.[3]

[1] See, for example, Casati, op. cit., p. 221.

[2] For an account of conditions at this time see the *Sudan Intelligence Reports*, especially those by Kaimakam F. J. Maxse (no. 61, 1899), Capt. H. H. Wilson (no. 128, 1905), and O'Sullivan Bey (no. 187, 1910).

[3] For abusive references to the Nuer see Sir Samuel Baker, *The Albert N'Yanza*, 1913 (first published in 1866), pp. 39–42; Capt. H. H. Austin, *Among Swamps and Giants in Equatorial Africa*, 1902, p. 15; Count Gleichen, op. cit., 1905, vol. i, p. 133; C. W. L. Bulpett, *A Picnic Party in Wildest Africa*, 1907, pp. 22–3 and 35; Bimbashi Coningham, *Sudan Intelligence Report*, no. 192, 1910; H. Lincoln Tangye, *In the Torrid Sudan*, 1910, p. 222; E. S. Stevens, *My Sudan Year*, 1912, pp. 215 and 256–7; H. C. Jackson, op. cit., p. 60; *The Story of Fergie Bey. Told by himself and some of his Friends*, 1930, p. 113; and J. G. Millais, *Far away up the Nile*, 1924, pp. 174–5.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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648 In 1920 large-scale military operations, including bombing and machine-gunning of camps, were conducted against the Eastern Jikany and caused much loss of life and destruction of property. There were further patrols from time to time, but the Nuer remained unsubdued. In 1927 the Nuong tribe killed their District Commissioner, while at the same time the Lou openly defied the Government and the Gaawar attacked Duk Faiyuil Police Post. From 1928 to 1930 prolonged operations were conducted against the whole of the disturbed area and marked the end of serious fighting between the Nuer and the Government. Conquest was a severe blow to the Nuer, who had for so long raided their neighbours with impunity and whose country had generally remained intact.

X

000 In our account of Nuer time-reckoning we noted that in one department of time their system of reckoning is, in a broad sense, a conceptualization, in terms of activities, or of physical changes that provide convenient points of reference for activities, of those phases of the oecological rhythm which have peculiar significance for them. We further noted that in another department of time it is a conceptualization of structural relations, time units being co-ordinate with units of structural space. We have given a brief description of these units of structural space in its political, or territorial, dimension and have drawn attention to the influence of oecology on distribution and hence on the values given to the distribution, the interrelation between which is the political system. This system is not, however, as simple as we have presented it, for values are not simple, and we now attempt to face some of the difficulties we have so far neglected. We start this attempt by asking what it is the Nuer mean when they speak of their *cieng*.

196 621 Values are embodied in words through which they influence behaviour. When a Nuer speaks of his *cieng*, his *dhor*, his *gol*, &c., he is conceptualizing his feelings of structural distance, identifying himself with a local community, and, by so doing, cutting himself off from other communities of the same kind. An examination of the word *cieng* will teach us one of the most fundamental characteristics of Nuer local groups and, indeed, of all social groups: their structural relativity.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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sacrifices to them by their prophets were believed to ensure booty and safety.

For the first time a single person symbolized, if only to a moderate degree and in a mainly spiritual and uninstitutionalized form, the unity of a tribe, for prophets are tribal figures. But they have a further significance, for their influence extended over tribal boundaries. Gwek had great influence in Gaajok, and it is said that because of it the Lou and the Gaajok for a time paid compensation for homicide between them. His influence reached as far as the Eastern Gaagwang and Gaajak. Dengleaka had a similar influence in the valley of the Zeraf, especially among the Thiang. Some of the Western Nuer prophets had a reputation among a number of neighbouring tribes which united for raids at the direction of their spirits. They were not a mechanism of tribal structure like leopard-skin chiefs, but were pivots of federation between adjacent tribes and personified the structural principle of opposition in its widest expression, the unity and homogeneity of Nuer against foreigners. Probably, the coalition of tribes and the organization of joint raids is very largely their achievement—though one cannot be sure of this in the absence of historical records—and has made them important and powerful figures in Nuerland. This interpretation explains how it is that prophets began half a century ago, or at any rate came to the fore then. Certain structural changes were taking place in response to changed conditions: the development of functions that were more purely political than any exercised by individuals before and of a greater degree of unity among neighbouring tribes than there had been hitherto. As Sky-gods passed at the death of prophets into their sons we are further justified in suggesting growth of hereditary political leadership which, with the strong tendency towards federation between adjacent tribes we attribute to the new Arab-European menace. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government crushed the prophets this tendency was checked. As we understand the situation, the prophets were inevitably opposed to the Government because it was this opposition among the people which led to their emergence and was personified in them.

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10:Evans-Pritchard E-5 (1931-1936) 1940
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travellers are to be trusted, to have been much change of territory during the last fifty years. This eastwards migration is a fact that has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes.

To the north, the Nuer are in varying degrees of contact with Arabs, the peoples of the Nuba Hills, the powerful Shilluk kingdom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character.

Arab slave-raiders from the Northern Sudan intruded here and there into the more accessible portions of Nuerland in the second half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting.

A tribe is divided into territorial segments which regard themselves as separate communities. We refer to the divisions of a tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^3 tertiary division of tribe B sees himself as a member of Z^2 community in relation to Z^1, but he regards himself as a member of Y^3 and not of Z^3 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^3, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue

10:Evans-Pritchard E-5 (1931-1936) 1940
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which gives them political unity and distinction is one of opposition. Between tribes, or federations of tribes, and foreign peoples this opposition is expressed, on the Nuer side at any rate, by contempt and persistent raiding, often carried out in a reckless and brutal manner. Between Nuer tribes, opposition is expressed by actual warfare or by acceptance that a dispute cannot, and ought not, to be settled in any other way. In intertribal warfare, however, women and children are neither speared nor enslaved. Between segments of the same tribe, opposition is expressed by the institution of the feud. A fight between persons of the same village or camp is as far as possible restricted to duelling with clubs. The hostility and mode of expression in these different relations varies in degree and in the form it takes.

Feuds frequently break out between sections of the same tribe and they are often of long duration. They are more difficult to settle the larger the sections involved. Within a village feuds are easily settled and within a tertiary tribal section they are concluded sooner or later, but when still larger groups are involved they may never be settled, especially if many persons on either side have been killed in a big fight.

A tribal section has most of the attributes of a tribe: name, sense of patriotism, a dominant lineage, territorial distinction, economic resources, and so forth. Each is a tribe in miniature, and they differ from tribes only in size, in degree of integration, and in that they unite for war and acknowledge a common principle of justice.

The strength of the sentiment associated with local groups is roughly relative to their size. Feeling of unity in a tribe is weaker than feeling of unity within its sections. The smaller the local group, the more the contacts its members have with one another and the more these contacts are co-operative and necessary for the maintenance of the life of the group. In a big group, like the tribe, contacts are infrequent, short, and of limited type. Also the smaller the group the closer and the more varied the relationships between its members, residential relations being only one strand in a network of agnatic, cognatic, and affinal relationships. Relationships by blood and marriage become fewer and more distant the wider the group.

It is evident that when we speak of a Nuer tribe we are using a relative term, for it is not always easy to say, on the criteria we have used, whether we are dealing with a tribe with two primary

12:Evans-Pritchard E-5 (1930-1931) 1933
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a single interpreter and without adequate grammar or dictionary[1] will 114
fully understand the limitations which these conditions impose upon research. The Nuer would at any time have been a difficult job to [648]
tackle and the task was undoubtedly rendered more difficult by events of preceding years which had led to warfare with the Government and military control with consequent disillusionment and resentment. What work I was able to accomplish was made possible by the encouragement and assistance of Mr. A. G. Pawson, Governor of the Upper Nile Province, and Capts. A. H. A. Alban and H. A. Romilly and Mr. J. F. Tierney, and I wish to make special acknowledgment to the staff of the American Mission at Nasser who gave me hospitality and generously placed their time and knowledge at my disposal. Their co-operation was invaluable. I was mainly resident among the Lou Nuer to the east of the Nile, but 121
I also visited the Lek Nuer on the Bahr-el-Ghazal and the Jekany who stretch westwards along the Sobat from the frontiers of Abyssinia. I have seen the Nuer of these regions during the dry season and the commencement of the rains but have not stayed among them during the rainy season. I was also restricted to a few cattle camps owing to lack of transport, so that spacially my acquaintance with the Nuer was confined to a very small area as temporally it was confined to a single

[1] At the time two long Nuer-English vocabularies existed, *A Nuer-English Vocabulary*, compiled by the late C. H. Stigand, Cambridge University Press, 1923, and *Nuer-English Dictionary*, by Ray Huffman, Dietrich Riemer, Berlin, 1929. Since my return from Nuerland Miss Huffman has published an English-Nuer vocabulary (*English-Nuer Dictionary*. Oxford University Press, 1931.) An earlier, but smaller, English-Nuer vocabulary has been compiled by Prof. Diedrich Westermann, and his account of Nuer phonetics and grammar are still all we possess on these subjects. It includes a number of native texts. ("The Nuer Language," by Diedrich Westermann. *Mitteilungen des Seminars für Orientalische Sprachen*. Berlin, 1912, pp. 84–141.) The oldest lists of words are those compiled by Brun-Rollet ("Vocabularien der Dinka-, Nuehr- und Schilluk-Sprachen." *Peterm. Mitt.*, 1862) and by Marno (Kleine Vocabularien der Fungi-, Tabi, Bertat-und Nuehr-Sprache." *Reisen im Gebeits des blauen und weissen Nil*. Wien, 1874.) 113

The following accounts of Nuer customs exist: Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, pp. 116–118. Major C. H. Stigand, "The Story of Kir and the White Spear," *Sudan Notes and Records*, Vol. II, 1919, pp. 224–236. Capt. V. H. Fergusson, "The Nuong Nuer," *Sudan Notes and Records*, Vol. IV, 1921, pp. 146–155). H. C. Jackson, "The Nuer of the Upper Nile Province," *Sudan Notes and Records*, Vol. VI, 1923, pp. 59–107 and 123–189. P. Coriat, "The Gaweir Nuer"—terminal essay in Jackson's combined account of *The Nuer of the Upper Nile Province* (his two papers in *Sudan Notes and Records*), El Hadara Printing Press, Khartoum, no date. Capt. V. H. Fergusson, "Nuer Beast Tales," *Sudan Notes and Records*, Vol. VII, 1924, pp. 105–112. Ray Huffman, *Nuer Customs and Folk-Lore*, Oxford University Press, 1931, pp. 105. Pater Crazzolara, "Die Gar-Zeremonie bei den Nuer," *Africa*, Vol. V., 1932, pp. 28–39. Miss Soule, *Some Nuer Terms in Relation to the Human Body*, Book I, Parts 1 and 2, the American Mission, Nasser, Sudan, October, 1931.

As far as I am aware this list, together with reports by a number of early travellers, completes the literature on the Nuer.

12:Evans-Pritchard E-5 (1930-1931) 1933
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167 101 177 of expansion and absorption has not been so extensive it has, nevertheless, been considerable. Both Nuer and Dinka myths recognise their common ancestry. It will soon be possible to see how closely their cultures approach one another to-day, but I reserve this comparison until the data is more abundant.

618 131 The Nuer have not been greatly affected by foreign influences owing to their geographical environment. Slight regional differences in environment exist, but their country is throughout hard on man and beast since it consists of an enormous plain which for the greater part of the year is either a parched desert or a swamp. These circumstances make the Nuer difficult to approach and their relations with the Government of the Anglo-Egyptian Sudan have, on the whole, been broken and unsatisfactory and culminated a few years ago in open warfare on both banks of the Nile. Subsequently, a more deliberate policy and more systematic control were established for the whole area. At an early period the Nuer came into contact with Arabs, but, though this contact was closer in some parts of Nuerland than in others, I do not believe it anywhere deeply affected their culture.

Sketch map No. I shows the position of the Nuer in relation to the Shilluk and Dinka. The Nuer themselves speak of those tribes which inhabit the country to the west of the Bahr-el-Gebel as " homelard Nuer " (*Nath cieng*) and of those tribes which inhabit the country to the east of the Bahr-el-Gebel as " bush Nuer " (*Nath doar*), and it is convenient to make this distinction also by speaking of these two divisions as Western Nuer and Eastern Nuer respectively.

II.

631 619 Nuerland is divided into a number of territorial sections, the occupants of which form political units of the Nuer nation. These territorial sections I will call countries and the political units which occupy them I will call tribes. Thus, the Lou country is a territorial division of Nuerland and the Lou tribe is a political division of the Nuer nation. These tribes are shown on the accompanying sketch map No. II.

The published estimates of population of Nuer tribes will give some idea of their numerical importance.

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[531] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned Lou tribesmen from all over the tribal area for a combined raid on the
648 Dinka and those who wished to take part in the raid answered the summons. In such expeditions there [illegible] a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 Garweir and Lou against the Dinka. In fact, the tribes combined in
721 their first conquests of the Dinka." I was aware of these combinations,
648 but I preferred to regard them as alliances between two political units. In the same way in Europe, nations, the largest political units of our culture, combine together for purposes of warfare, but they do not lose their political autonomy by doing so. The comparison goes no further. Here again I wish to make it clear that I do not regard Nuer tribes as cohesive, clearly defined, water-tight, political groups. They are surely not. There are constant feuds between segments of the same tribe; there is constant marriage, fraternisation, and recognition of common kinship, between members of different tribes. Moreover, the tribe, as is explained more fully later, comprises within its boundaries a number of fairly cohesive segments cut off from each other territorially and these segments are united to one another by slender links which frequently snap so that new tribes are formed by fission. When tribes allied for warfare, each organised itself separately, so far as I could gather. Thus, when Lou united with Gaajok and Gaajak each organised its fighting force under its own leaders and magicians.

619 In my opinion, the Nuer tribes may be said to have had these political functions even if they carried them out very inadequately, and it is in this belief that I have spoken of the Lou as a tribe which includes two primary sections, the Gun and the Mor, but I have classed the eastern Gaajok, Gaajak, and Gaagwang as three separate tribes rather than as three sections of a Jekany tribe. I admit that the Nuer tribes did not carry out their functions in the clear-cut manner which we find among the tribes of many other African nations, e.g., the Azande. The Nuer tribe is a very fluid affair. It is not a constant and static group, but it is variable and dynamic. The way in which it has segmented is sufficient evidence of this. Fission takes place as a result of slow but continual social changes, the tendency being always that as the tribe gets larger it loses solidarity accordingly, so that it is not always possible to say with certainty when a tribe, in the sense in which I have used the term, is a single tribe with two moieties or whether it would not be more correct to speak of two separate tribes. I do not want to be guilty of the despicable offence of word-polishing. Those who wish to speak of the Gun and Mor moieties of the Lou tribe as two tribes or of the Gaajok and Gaajak tribes as two primary sections of one Jekany tribe are free to do so.

12:Evans-Pritchard E-5 (1930-1931) 1933
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Nuer lineages belongs more to a study of kinship than to the plan of 563
the present paper. Its importance may be gauged by the fact that 597
probably some 75 per cent. of the Lou tribe are of Dinka descent, 727
belonging either to families sprung from a man who has been *lath-buthni*, 641
given relationship, in a Nuer lineage, or to the families which have retained their full status as independent Dinka lineages.

This is the second type of Dinka domiciled among the Nuer to whom I made reference earlier. In the old days, and still to-day, Dinka frequently came to live among Nuer of their own accord and were always well received and allowed to settle and become members of the village community. There are a number of reasons which may have influenced a Dinka in taking this step. Along the Nuer-Dinka border intermarriage was frequent and Dinka would come to live near their married sisters and perhaps settle there and bring up a family who are Nuer in everything but descent. In the same way if a Nuer captured a Dinka girl and brought her up and gave her in marriage he might expect a visit from her brother, who would perhaps settle in his sister's village, in which case his brother-in-law would certainly give him one or two cows to start a herd. Many Dinka families came into Lou country to escape hunger and the other attendant miseries to which they had been reduced by constant Nuer raiding which left them cattleless.[1] Moreover there must have been a very large element of the original Dinka owners of country to the east of the Nile absorbed into the social system of their Nuer conquerors. They cannot all have been dispersed, and the probability is that what [648] happened during the Nuer invasions was similar to what was happening along the Nuer-Dinka border right up to the present day when raiding and intermarriage occupied long lulls between waves of fresh invasion.

[1] I was told that it sometimes happened that a poor Dinka would come and live with a rich Nuer and would help to herd his cattle and cultivate his gardens so that the Nuer, being gratified, would give him a blind or lame daughter whom no one wanted to marry. This is apparently considered a proper marriage, since the Dinka presents his wife with a skirt (*yel*). My informants said that, of course, no one would give a nice girl to a Dinka in this way.

(To be continued.)

S:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to prevent raids on the Dinka, and to collect taxes in the form of cattle, efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Six

DISEASE, DEATH AND BURIAL

DISEASES AND THEIR REMEDIES

PROBABLY the greatest cause of physical distress is 164
the tropical disease which is commonly called yaws. It is prevalent throughout a large section of Nuerland, although it has not as yet invaded the Lau country.

This disease is characterized at the onset by aching in the muscles and joints, then lesions may form over various parts of the body. The mucous membrane of the mouth and nose becomes inflamed. Large ulcers may form on the limbs; when they do, the aching in muscles and joints usually stops. The bridge of the nose may be destroyed by inflammation.

Yaws is spread by contact with the discharges of the body of the person affected or discharges from the ulcers. It is not of syphilitic origin.

Sometimes the ulcers are quite large and deep; four to eight inches of tissue may be involved. Others, of course, are smaller.

The Nuer tries various treatments which have been 757
recommended to him by his elders. Certain leaves may be tied around the neck, a massage with hot water may be given to relieve the aching muscles and joints. The ulcer may be scraped with a shell, the edge of the shell having been previously sharpened. If a kernel forms in the groin due to an ulcer on the leg, a special grass is tied around the ankle to relieve it. The disease may wear itself out in time without medical care.

The Government doctors have trained some natives to 757
give the intravenous injections of the drug which is used 759
to eradicate this disease. These native men usually 651
accompany the District Commissioners on their rounds

[p 47]

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

757 to collect taxes, and thus come across many cases of yaws.
759 Probably few patients receive more than one injection,
651 for the Government officials do not stay long in one place, but that at least does its bit towards the healing process and also towards the prevention of the spread of this disease. And no doubt this medical work brought right to the Nuer's door, helps to alleviate the pain caused by the loss of their cattle as they are taken for the payment of taxes.

743 During the rainy season when the Sobat river is
757 navigable, and in all seasons on the Nile, the hospital boat—the *Lady Baker*—with at least one English physician and his helpers on board, provides treatment for all cases that can be reached in the towns along the rivers. Intravenous injections are given, and dressings are done. The dreadful ulcers receive one day's treatment at least. All who come to the hospital boat are treated for their various complaints. Those who wish may accompany the doctor to the hospital at Malakal, where they will receive free medical, surgical, and hospital care; they are given free transportation there and back to their villages again.

At Nasser there is a mission clinic. Here patients are encouraged to stay until they have received four of the intravenous injections and also a large daily dose of potassium iodide. Their sores are also dressed three times a week. Many, of course, leave before this course of treatment is completed, but others stay until a complete cure is effected. Skin grafts have been done at different times, three cases have been really successful.

Other remedies, such as bismuth, have been tried at this clinic, but beyond a palliative effect have been useless; the result has been time wasted for the Nuer and no definite cure. The intravenous injections were finally found satisfactory.

14: Huffman M-5 (no date) 1931
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dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

14: Huffman M-5 (no date) 1931
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641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinks and take their cattle.

641 The Nuers learn to trust the District Commissioner and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

16: Evans-Pritchard E-5 (1931, 1936) 1956
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792 A very complex representation would seem to be involved here, in which ideas about persons and ideas about Spirit are mixed together with regard to a man who in one way of thinking about him is man and in another way of thinking about him is Spirit and who is also conceived of as both man and Spirit.

As explained in Chapter II, the chief function of such prophets
792 as gained any considerable following and became political figures
787 was their hermeneutic role in warfare. They spoke the directions of the spirits of the air for raids on the Dinka[1] and for resistance to the slavers and the administration and made sacrifices to them. Their other functions were subsidiary and were exercised by lesser
[155] prophets also: healing, particularly curing barrenness of women, staying of epidemics lethal to men or cattle, and exorcism of troublesome spirits. They were also credited with power to foretell events and with a more than usual insight (*gwic*). A prophet heals people by rubbing his spittle on them or by sprinkling them with water, milk, or butter, and his inspiration gives him foreknowledge, but he, like anyone else, relies on sacrifice in times of trouble; and he may be asked to sacrifice for any purpose except on those occasions reserved to the priesthood. People ask him to sacrifice on their behalf, not because they cannot make sacrifice themselves, but because sacrifice by him is felt to have special efficacy in that he has a special and intimate association with Spirit. Nevertheless, though prophets, like priests, may sacrifice on behalf of other people, the distinctive character of the prophet is not, as it is of the priest, his sacrificial role, but his revelational role deriving from spiritual inspiration. Hence, so I have been told, women, as well as men, may become minor prophets, though I believe only an old, and possibly barren, woman, of whom Nuer say '*cos wut*', 'she has become a man', would do so. A female prophet would not sacrifice.

792 I mentioned briefly, because I have treated the matter elsewhere,
•668 the political significance of the Nuer priests, their office being a politico-religious institution of the traditional social order. The prophets can also be regarded from the same point of view, as a politico-religious institution which has recently emerged in answer to changes in the social order. It may be hard to believe that people with prophetic powers have not always existed among the Nuer, but there is no evidence that they have; and all Nuer with whom

[1] They acquired substantial herds from their share of the booty.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PRIESTS AND PROPHETS

I have discussed the question stated that in old days, before *deng*, the first of the air-spirits to fall to earth, entered into men towards the end of last century there were no prophets at all, only the *kuar*, the priests. I have suggested in an earlier book that their appearance might be explained by historical events—the expansion of the Nuer and, more particularly, the threat to their independence by northern Arab slavers, the Mahdists, and Anglo-Egyptian rule, which required, if it were to be met, greater political unity and the development of political authority. This view accords also with what has been said in general about the relation of Nuer religious conceptions to their social structure. It is possible that some of the prophets might have established political authority and leadership overriding local loyalties and sectional interests had they been allowed to, for prophetic powers tend to become hereditary, passing to whichever son is susceptible. Thus the mantle of Ngundeng fell upon his son Gwek, who was more a political, and less a religious, figure than his father had been; and the mantle of Deng Leaka fell upon his son Dwal. The Government effectively stopped development in this direction. Direct British administration was instituted, and no more influential prophets emerged. On the other hand, far from the idea of spirits —airspirits, totemic and totemistic spirits, nature sprites, and fetish spirits—dwelling among men having been eclipsed it has spread more widely and in ever-increasing variety. This was already beginning to happen when I was in Nuerland (in the years 1930, 1931, 1935, and 1936), but the Nuer of the areas in which I carried out most of my research, the Lou and eastern Jikany tribes, had heard of only a few of the many spirits already familiar to those to the west of the Nile. So strongly have they now invaded these territories that, Dr. Lienhardt tells me, they have established themselves among the Anuak, who live yet farther to the east and had no knowledge of them as late as 1940. If my interpretation of the emergence and proliferation of new religious conceptions in terms of structure and structural developments is correct it would follow that we have here a counterpart in religious thought to an increasing fragmentation and individualization amounting by this time to a breakdown of the traditional social order.

792 668 792 776 182

Historical circumstances have brought the Nuer into closer communication at all points with foreign ideas; and the breakdown of their traditional way of life and the taking over of some

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

THE NUER AND THE GOVERNMENT

669 177 The Nuer have occasionally had trouble which has required definite Government interference to settle it.

Several years ago the Government put on a patrol to quell an uprising in the Garjak section of Nuerland. There the Nuer saw his first aeroplane. To him it meant a huge boat that could fly and from which unseen guns could be fired. Hence they call the aeroplane the 'boat of the sky'.

669 177 791 The Nuer had great faith in one of their prophets, but when he failed to save them at this crucial time their faith in him was shattered. Again, more recently, they have been led astray by faith in another of their number—Gwek Ngundeng—and again they have found that he, too, was but a human being such as they, and no more powerful than any one of them would be.

Ngundeng, father of Gwek, had made a huge mound in the Lau section of Nuerland, and the Nuer considered this mound sacred. Many things were buried in it. But the mound was blown up by the English in the early part of their second patrol in order to shatter the Nuer faith in their god. The Nuer asked themselves—could this mound, a sacred place, be blown up? Was it possible? Then when they realized that it not only could be blown up, but had actually been destroyed, doubt entered their minds as to whether the mound had really been sacred or not.

When Ngundeng, father of Gwek, died, they then ascribed his power to his son Gwek. They had great faith in him, but when they heard that he had been killed in this patrol faith dropped to the zero point: 'Could a god be killed?' they asked. But if their faith in him died they still felt that he had been a most wonderful person, even if he were not a god. Shortly before word came of his death there had been a number of showers during the

14: Huffman M-5 (no date) 1931
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dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 182 619 We would emphasize further that blood-feuds only directly involve a few persons and that though they sometimes cause violence between whole local communities—a feud in a wider sense—ordinary social contacts continue in spite of them. The strands of kinship and affinity, of age-set affiliations, and of military and even economic interests remain unbroken; and these strands act like elastic between the sections, being capable of considerable expansion by disturbed political relations, but always pulling the communities together and keeping them as a single group in relation to other groups of the same kind. As we have explained, these strands lessen in number and strength the larger the community, but they stretch even beyond tribal frontiers. Increasing anarchy, increasing difficulty in settling feuds, goes together with lessening frequency of social contacts of all kinds. Social cohesion increases as the size of the community narrows.

VIII

671 627 There are, of course, disputes between Nuer other than those about homicides, but they can be treated briefly and in direct relation to homicide and the feud. In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict. In Nuerland legislative, judicial, and executive functions are not invested in any persons or councils. Between members of different tribes there is no question of redress; and even within a tribe, in my experience, wrongs are not brought forward in what we would call a legal form, though compensation for damage (*ruok*) is sometimes paid. A man who considers that he has suffered loss at the hands of another cannot sue the man who has caused it, because there is no court in which to cite him, even were he willing to attend it. I lived in intimacy for a year with Nuer and never heard a case brought before an individual or a tribunal of any kind, and, furthermore, I reached the conclusion that it is very rare for a man to obtain redress except by force or threat of force. The recent introduction of Government courts, before which disputes are now sometimes

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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settled, in no way weakens this impression, because one well 627
knows how among other African peoples cases are brought before 671
courts under Government supervision which would not previously have been settled in a court, or even settled at all, and 177
how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.

Before discussing the chief characteristics of Nuer legal procedure I record that, according to verbal information, for I have 624
never observed the procedure, one way of settling disputes is to 627
use a leopard-skin chief as mediator. Thus, I was told that a man who has a cow stolen may ask a leopard-skin chief to go with him to request the return of the cow. The chief goes first, with several of the elders of his village, to the plaintiff's homestead, where he is given beer to drink. Later they go, with a deputation from the plaintiff's village, to the defendant's village, and here also the chief may be presented with some beer or a goat. The chief is considered to be neutral and a certain sanctity attaches to his person so that there is little likelihood of the deputation being injured. The visiting elders sit with elders of the defendant's village and the chief in one of the byres and talk about the matter in dispute. The owner of the animal gives his view and the man who has stolen it attempts to justify his action. Then the chief, and anybody else who wishes to do so, expresses an opinion on the question. When every one has had his say the chief and elders withdraw to discuss the matter among themselves and to agree upon the decision. The disputants accept the verdict of the chief and the elders and, later, the owner of the animal gives the chief a young steer or a ram unless he is a very poor man, when he gives him nothing.

If a man has a dispute with another of the same neighbourhood they may both go to the homestead of a local leopard-skin chief and lay their spears on the ground in his byre. A man would not [576]
plant his spear upright in a chief's byre, and I was told that were he to do so a bystander might appropriate it, as disrespect had thereby been shown to the chief. When both men have stated their views the chief and the elders discuss the matter outside the byre and re-enter it to acquaint the disputants of their decision. The person in whose favour the decision has been given hands his spear to the chief, who either gives it to a friend or spits on it and returns it to its owner. It was clear from the way in which my informants described the whole procedure that the chief gave his final decision as an opinion couched in persuasive language and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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583 wife's people do not return all the cattle that have been paid. In
627 such circumstances the debtor does not deny the debt but puts forward a counterbalancing claim on some account or says that he has no cattle to settle it. Often enough he says this even when he has got cattle. The claimant can only be sure of getting his due if he takes it by force from the debtor's kraal or from the herd in the grazing-grounds. If he is strong and has the backing of a powerful lineage he is not resisted, since he has right on his side. Such matters are easily settled within a village and among people who share a common dry season camp because every one realizes that some agreement must be reached by discussion and that it must accord with justice. But when the parties belong to different, and maybe hostile, villages, settlement is not so easy. The leopard-skin chief may be employed, in the manner described, to bring the parties together for discussion and some agreement may then be reached, but many such debts are never settled. They are remembered for years. Perhaps some day, maybe in the next generation, an opportunity will occur to steal the cattle.

682 If a wife dies in her first pregnancy or childbirth the husband
627 is held responsible. There is no question of a feud arising, but the husband loses the bride-cattle he has paid, since these now become blood-cattle for the loss of his wife. The husband is only responsible if the death occurs during childbirth before expulsion of the afterbirth If there is any dispute about the mode of death or the number of cattle that are still owing it is settled by a mediator called *kuaa yiika* or *kuaa yiini*, 'the chief of the mats', an office which pertains to certain lineages. This man has no other office and is not an important person in virtue of his role of arbitrator in disputes of this kind. It is easy to obtain compensation, as the father-in-law has the bride-wealth in his possession. There is, moreover, a tie of affinity and neither party is likely to resort to violence.

671 Using these brief notes on some exemplifications of the tendencies in Nuer law we may now state what these tendencies are. We speak of 'law' here in the sense which seems most appropriate when writing of the Nuer, a moral obligation to settle disputes by conventional methods, and not in the sense of legal procedure or of legal institutions. We speak only of civil law, for there do not seem to be any actions considered injurious to the whole community and punished by it. The informants who said that witches and magicians were sometimes killed stated that it was always individuals or groups of kin who waylaid them and killed them in vengeance.

[See pp. 163-64, cat. 116 — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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The first point to note about Nuer law is that it has not everywhere the same force within a tribe, but is relative to the position of persons in social structure, to the distance between them in the kinship, lineage, age-set, and, above all, in the political, systems. In theory one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so when he is not a member of one's district and a kinsman. The wider the area which contains the parties to a dispute the weaker the feeling of obligation to settle it and the more difficult the task of enforcing settlement, and, consequently, the less the likelihood of it being settled. Within a village differences between persons are discussed by the elders of the village and agreement is generally and easily reached and compensation paid, or promised, for all are related by kinship and common interests. Disputes between members of nearby villages, between which there are many social contacts and ties, can also be settled by agreement, but less easily and with more likelihood of resort to force. The nearer we get to the tribe the less the chances of settlement. Law operates weakly outside a very limited radius and nowhere very effectively. The lack of social control to which we have often referred is thus shown in the weakness of law, and the structural interrelations of tribal segments are seen in the relativity of law, for Nuer law is relative like the structure itself.

A cogent reason why there is little chance of redress between members of different secondary and primary tribal sections is that the basis of law is force. We must not be mislead by an enumeration of traditional payments for damage into supposing that it is easy to exact them unless a man is prepared to use force. The club and the spear are the sanctions of rights. What chiefly makes people pay compensation is fear that the injured man and his kin may take to violence. It follows that a member of a strong lineage is in a different position from that of a member of a weak lineage. Also the chances of a man obtaining redress for an injury are less the further removed he is from the man who has injured him, since the opportunity for violence and the effectiveness of kinship backing lessen the wider the distance between the principals. Since self-help, with some backing of public opinion, is the main sanction it is only operative when

8:Howell E, G-5 (1942-1944)1954
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CHAPTER I

INTRODUCTION

1. INTRODUCTORY

Sources, Methods, and Objectives

THE Nuer are a Nilotic people who live in the savannah and swamps of the Upper Nile Province in the Anglo-Egyptian Sudan. My acquaintance with them began in 1942 when I was appointed Assistant District Commissioner of the then Zeraf District which included three of their tribes. In 1943 a special body known as the Nuer District Commissioners' Meeting, and now called the 'Nuer Chiefs' Council', was set up by the Governor of the Province. The object was to enable administrators and chiefs, chosen from all Nuer Districts to represent their people, to discuss common interests, and ensure some consistency in administrative policy. One of the main subjects for discussion was the growing body of 'customary law' administered in Nuer tribunals established by the Government, and the obvious need for standardization of the general principles, although it was agreed that any form of rigid codification should be avoided. One of the first resolutions passed at this first meeting was that an investigation should be made of the principles of Nuer customary law and a record kept. This Manual of Nuer Law springs from that resolution. I was able to study and record the cases which appeared before the courts throughout my service in the Zeraf District, and later, when the Lou Nuer tribe was incorporated to form what is now called Central Nuer District, to extend my enquiries further afield. Subsequently I had occasional opportunities of visiting other Nuer Districts and, although I was not then dealing with administrative affairs, I was able to check some of the information previously recorded. This Manual is, however, largely based on information from the Lak, Thiang, Gawaar and Lou tribes, and it must be appreciated that I have not been able to cover all the detailed variations of customary law which are to be found in so large an area. It would be a mistake to believe that every Nuer court would give judgement always and exactly according to the law I have described, even though there is great consistency in general principles—a consistency which is fortified by decisions made subsequently at meetings of the Nuer Council.

By 'customary law' I mean the body of 'native law and custom' which is administered in Nuer courts under the Chiefs' Courts

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8:Howell E, G-5 (1942-1944)1954
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671 Ordinance of 1931.[1] Such terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. 692 From the time when I first visited Nuerland it was the 177 agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to pro- 123 vide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

[1] '7 (1). A Chief's Court shall administer—

(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction, provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

8:Howell E, G-5 (1942-1944)1954
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occupying exclusively a common territory. Thus the genealogical system runs right through the structure of the tribe and gives it a form which can be visualized by the Nuer in kinship terms. Each individual knows his position in that structure and therefore his relation to other persons in the tribe by reference to the segmentations of the clan which run through it.

I do not propose to digress further on the nature of Nuer society, but must emphasize its structural form and relativity. Further, it is important to note that tribes and segments of tribes exist largely in opposition to each other, a condition which Professor Evans-Pritchard describes as the 'balanced opposition of groups'. Both these conditions, structural relativity and balanced opposition, are of profound importance in a study of customary law, since the sanctions for conformity are relative in strength according to the position in society of the individuals or groups concerned, and 'balanced opposition' is an especially important feature in the institution of the feud and the way in which feuds are composed. I shall therefore refer to these features of Nuer society later.

Custom or Law and the Sanctions for Conformity

The Nuer had no regular institutions for the enforcement of customary law in the past. Social control was not maintained through the systematic application of 'the force of politically organized society',[1] for there is no evidence that anything of such a developed and formalized nature existed. On this strict definition, then, the Nuer had no 'law', but it is clear that in a less exact sense they were not lawless. There were recognized standards for the control of human relationships even though these were maintained by sanctions too indeterminate to be called legal. As will be seen later, a very large and growing body of what should be called 'custom' when we refer to the past is now consistently administered in the tribunals established by the Government and hence is enforceable law in a more precise sense. It is not possible, however, to qualify every statement in reference to the past or the present, so that the term 'law' is used rather loosely in the text which follows.

A Nuer thinks in terms of rights which he calls *ciong* and of wrongs which he calls *duer*. *Duer* in this sense means the failure to recognize a right or the infringement of a right. The Nuer has, by reason of his membership of a kinship group, both rights and obligations. A wrong, *duer*, therefore has two meanings. In the first place it is a wrong when a man actively violates the right of another. It is also a wrong when a man refuses to honour his obligations towards his kinsmen.

Given that there were rules of conduct, expressed in the terms

[1] Roscoe Pound, *An Introduction to the Philosophy of Law*.

8:Howell E, G-5 (1942-1944)1954
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The significance of the 'structural relativity' of Nuer society is therefore most important in a study of customary law, for although the rules and principles which govern the conduct of all Nuer are essentially the same, the extent of their application is relative and largely dependent on the social context. This is best illustrated by use of an example. It is a legal wrong to commit adultery with another man's wife. It is a wrong which, if social relations are to continue between the two parties and the possibility of retaliation on the part of the wronged husband is to be removed, will require the payment of cattle as an indemnity. In the first place, the likelihood of the wrongdoer paying the cattle at all is determined by the relationship of the parties, both in terms of actual kinship and in terms of territorial proximity, in residence and all the sanctions which go with common residence. It will not be paid if there is no pressure on the part of the community in which they live, and there will be pressure in proportion to the extent to which the men's mutual animosity disturbs the tranquillity of that community; generally speaking, the greater the structural distance between them, the less the likelihood of composition. But in another aspect of the law concerning adultery the reverse is found. If we analyse the concepts behind the payment of the indemnity, we find that, of the six cattle required, one has purely ritual significance. It is a cow called *yang kule* ('the cow of the sleeping mat'), the payment of which is demanded as expiation for the spiritual pollution which is caused by adultery, rather than as an indemnity required to appease the indignation of the husband. In disputes over acts of adultery which arise between men who are close kinsmen it is rare that anything more than this one cow will be demanded, for not only is the moral indignation much less, but the group of which they are part is sufficiently well-knit to resist the disturbance caused within it. Not only is the wrong a lesser one because the wronged person has other associations with the wrongdoer which mitigate the offence,[1] but social equilibrium has not been disturbed to a degree which other sanctions making for good relations cannot rectify. Thus we see that the closer the structural relationship of the parties involved, the more likely is the wrong to be rectified, but the smaller is the indemnification required to do so. Conversely, the more remote the relationship the greater the indemnification necessary but the smaller the likelihood that the wrong will be rectified at all. This is a principle which applies to all wrongs which require

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[1] There is another method of analysis which expresses the same idea. It is that in the payment of indemnification in cattle between two persons closely related the limitation of rights in cattle must be considered. An individual has rights in cattle limited by mutual obligations which apply to him as member of a kinship group. If the wrongdoer is a kinsman of the wronged he has limited rights in the cattle of the wronged, and the closer the relationship, the greater the rights. Hence the recipient of the cattle is also a person upon whom may lie the obligation to assist in the payment. This principle is more clearly illustrated in payment of compensation for homicide, and will be discussed more fully later.

8:Howell E, G-5 (1942-1944)1954
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indemnification,[1] but is nowadays modified by the fact of enforcement of the law through the agency of Nuer courts. 671 626

Restitutive Sanctions

Rules of conduct towards kinsmen and neighbours are upheld by these sanctions. If good relations are to continue, certain breaches of conduct usually require the payment of compensation. Adultery, as we have seen, requires six head of cattle for this purpose; bodily injuries require compensation in proportion to the seriousness of the injury and there are complicated scales laid down in tradition. Homicide requires the transference of forty head of cattle from the kinsmen of the killer to those of the deceased in order to restore the balance between them. Scales of compensation for wrongs can be quoted by the older generation of Nuer with surprising consistency, but this is an indication neither of rigidity of custom nor of constant application. Whether compensation was paid at all and, if paid, whether the scales were strictly followed, depended largely on the relationship of the persons involved. If a dispute arose between groups of people after a wrong had been inflicted on one of them, we have seen that their relationship in the social structure determined the likelihood of settlement. The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them which extended beyond the political limits of the tribe. Similarly an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous. It also depended on the state of the relations obtaining between the two segments, for there was often a feud (*ter*) between them. These observations are less true of members of secondary segments, since the smaller the social sphere the greater the possibility that compensation would be paid, and would be also a matter of extreme expediency. The application of Nuer law was therefore relative to the social structure, and the extent to which it was followed depended on current relations of the social units concerned. It was unlikely that minor disputes involving the payment of compensation to wronged individuals would ever be settled so long as the communities with whom each was associated remained in a state of feud. The situation would be substantially altered if the feud itself was composed by payment of compensation (*thang*) between them. Composition of a feud was 681 681 628

[1] Homicide and bodily injury, defamation of character, infringement of rights in property, violation of rights in women, &c.

8:Howell E, G-5 (1942-1944)1954
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showed little sign of improvement. The decision continued to lie with the District Commissioner, and there was a tendency to avoid any legal procedure in order to approach him direct; for this was the surest and speediest way to get justice, whether it was justice according to the principles of Nuer law or not. 692

This tendency was formally recognized as retrogressive in 1942, and administrative policy was changed accordingly. Thereafter the policy has been for the District Commissioner to divorce himself as far as possible from any real participation in the administration of tribal law. Further, there is now a more formalized system of appeal courts in which the judgement of a local court, based on a tribal section, can be tested in an appeal court consisting of members from other localities less likely to be biased by local considerations. In these the District Commissioner still acts as clerk to the court, for the Nuer still demand at least the presence of the District Commissioner, who remains a symbol of impartiality and whose presence may be a guarantee for prompt execution.

Courts and Tribal Structure

Although the general policy of the Sudan Government is to build up a system of courts based on territorial groupings rather than on kinship and tribal affiliation, Nuer courts in fact still closely correspond to the traditional divisions of tribal structure. Despite minor modifications, the court system throughout Nuerland is still largely tribal in basis.

Similarly, the court members are representatives of tribal segments. The *kuaar lawa* represent primary or secondary segments according to the circumstances. The Awol court, for example, has six *kuaar lawa*, each representing one of the six secondary segments of the Bar primary segment of Gaawar. The Jagei (area) court has one chief for each of the four primary segments of the Jagei tribe. A section chief, a *kuaar lawa*, represents a secondary segment, and under him are a number of headmen, *gaat tutel*, who represent tertiary segments or lineages, of which there are a great number.

The way in which these courts operate, the legal procedures followed, and the effect that the very existence of such courts has had on Nuer society in general is discussed more fully in later chapters. It is now necessary to examine the principles of the law administered in these courts. The legality of social institutions and relationships is maintained by the system of cattle exchange between one individual and another or between one group and another. In marital relationships, for example, the transfer of bridewealth cattle is the material symbol of the transfer of rights which in their turn create reciprocal rights. The transfer of cattle is the means by which equilibrium is maintained. 691

8:Howell E, G-5 (1942-1944)1954
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•671 [68] It is also the means by which any disturbance of equilibrium is set right. For this reason most legal disputes concern claims for cattle as indemnities for recognized wrongs—homicide, bodily injuries, defamation of character, adultery, and seduction. Otherwise they concern claims for cattle as part of a system of rights accorded to the individual as a member of a kinship group or acquired by marriage. It is these wrongs and indemnities, these rights and claims, which we must now examine in detail.

8:Howell E, G-5 (1942-1944)1954
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the collection of bridewealth, bloodwealth or other kinship obligations automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realisation that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always understood. Fratricide, for example, is considered a great wrong, and is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

Apart from the difficulties of understanding an alien system of justice, there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

8:Howell E, G-5 (1942-1944)1954
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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

The increase of compensation only have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
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> (a) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
>
> (b) The second result of the increase in blood-money is the reluctance of the chiefs to break *nuer* which is a system by which relations exchange cattle

8:Howell E, G-5 (1942-1944)1954
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on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of war, but since the Fangak marriage chiefs are very reluctant to break war as the more so-called relatives there are available to collect blood-money, the better.[3]

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In connection with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

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The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violences and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organisation based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the extension of the widest range in war, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

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The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*dear*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgments are enforced because a too literal application of the traditional principles is made. A typical example of this is *wiedliet*. It seems likely that in the past *thang wiedliet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[3] Unpublished administrative records (Eastern Nuer District), 1946.

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probably as a token payment. I have not been able to find evidence of *thang nyindiet* being paid in pre-government times. Yet, until it was abolished in 1945, the demand for *thang nyindiet* was frequent, and although the claims were sometimes carried to extremes of fantasy, they were also frequently enforced. For example, the family of an old headman, Loiny Kur, who must have been over seventy and scarcely able to walk for several years before he died, at once claimed compensation for his death, which, they claimed, was due to a blow on the head. Further investigation revealed that this blow, which caused him considerable discomfort at the time, but no more, was delivered about forty years before his death.

At the meeting of 1945 it was agreed to abolish claims for *thang nyindiet*, but over this a further difficulty arose, because there is no clear distinction between what would be called *thang ran*—compensation for direct killing—and *thang nyindiet*. A man may linger on in a disabled condition as a result of a blow for years before dying. In this case, if compensation for an injury has been paid, the cattle and their offspring will be assessed as part of the claim for bloodwealth, for this is one of the objects of compensation for hurt; but there are some injuries which do not in Nuer custom demand any compensation at all, notably blows on the head. The final ruling given by Chiefs at the 1945 meeting was as follows:

> *Nyindiet* is abolished. Only compensation for a man who dies as a direct result of a wound may be claimed and then full compensation will be paid. The test is this: if a man, as a result of a wound, is confined to his house and is unable to take part in the normal economic activities of the Nuer and finally dies after a period of years, then full compensation will be claimed. If he recovers, then if compensation for an injury is applicable according to Nuer laws it should be paid.[3]

This has subsequently led to much confusion, though the meeting of 1947 recorded that 'a series of test cases with the chiefs of Eastern Nuer straightened out their ideas.' This is an instance in Nuer law in which the circumstances of the case, as deduced from formally recorded evidence, must be the guiding factor and, as medical facilities increase, medical evidence also. In normal homicide cases brought before Nuer courts, the facts are not generally in dispute or concealed by the defendant party.

Recent legislation (in 1947) by the Nuer Chiefs' Council has also abolished the payment of *ghok pale loic*, mainly because in some parts of Nuerland there was an endless demand for such compensation as final payment for cases settled years ago. The idea exists in tradition, but was clearly of very rare application. As we have already seen, *thang yithe* has also been abolished.

[3] Minutes of the Nuer Chiefs' Meeting, Fangak, 1945 (unpublished).

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CHAPTER VII

THE NATURE OF NUER LAW

Private Law and Public Law

WHEN speaking of Nuer systems of social control in the past we should not be justified in making a distinction between criminal and civil law, though we might, in some instances, be justified in doing so now. Such a distinction is based on the conventions of legal principles inherent in our own culture, and these are not applicable. We can, instead, as recommended by Professor Radcliffe-Brown, distinguish between 'the law of public delicts and the law of private delicts'. He points out that— 671

> In any society a deed is a public delict if its occurrence normally leads to an organized and regular procedure by the whole community or by the constituted representatives of social authority which results in the fixing of responsibility upon some person within the community and the infliction, by the community or by its representatives, of some hurt or punishment upon the responsible person. This procedure, which may be called the penal sanction, is in its basic form a reaction by the community against an action of one of its members which offends some strong and definite moral sentiment and thus produces a condition of social dysphoria. The immediate function of the reaction is to give expression to a collective feeling of moral indignation and so to restore the social euphoria. The ultimate function is to maintain the moral sentiment in question at the requisite degree of strength in the individuals who constitute the community.[1]

It is worth while examining this statement in the light of what has emerged in the preceding chapters. Our first difficulty among the Nuer is, of course, to define a community. Nuer society is segmentary, and therefore a group of persons or a segment of a tribe may have political significance at one moment, and at another moment no significance at all. This difficulty is accentuated by the process of fission and fusion described by Professor Evans-Pritchard.[2] A tertiary segment of a tribe has, in this sense, a more constant political existence, and a localized lineage even more so, than a secondary segment or larger unit until we reach the tribe which is, or was, the limit of political unity. The fact that political co-ordination, especially in matters of law, now extends beyond tribal boundaries, because the Government provides the link, in no way alters this argument, for we are still considering the past. Even with this qualification, however, and with full realization that the sanctions for conformity have a variable social range and that a 621 671

[1] *Encyclopaedia of Social Sciences*, New York, 1933.
[2] Evans-Pritchard, *The Nuer*, p. 148.

[p. 221]

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621 community among the Nuer is relative, like the Nuer word *cieng*, which
671 roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 The sanction, even for the most serious of offences, homicide, was
621 retaliatory, requiring only an act of vengeance against the killer or any one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. This balance is disturbed by the act of homicide, and the two [783] groups or segments of a tribe are at once in a state of feud (*tev*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thaage*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated processes of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus assuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

[1] The Nuer *cieng* has already been discussed, see pp. 21–22.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

8;Howell E, G-5 (1942-1944)1954
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there is no documented evidence, and we are again approaching a subject which is a matter of conjecture. It may be presumed, however, that violence probably resulting in death was sometimes used against persons who had acquired such an evil reputation that their continued existence in the community became intolerable. Nuer tell us that in the case of ghouls (*rodk*) no indemnity would be demanded by the dead man's kinsmen, and only a much reduced indemnity in the case of possessors of the evil eye (*peth*), and sometimes magicians (usually *tiet*) who were alleged to have used their powers for strictly anti-social purposes. This does not necessarily suggest that anything in the nature of organized or concerted action was taken but that the act of revenge on the person of a witch by an individual, or a few individuals who supported him, was condoned by public opinion to such an extent that the kinsmen of the deceased dared not retaliate, or perhaps themselves condoned the act, considering themselves well rid of a dangerous factor within their own lineage. At any rate a blood-feud was unlikely to follow, and although vague statements of this kind must be substantiated by actual examples[1] before any definite conclusion may be drawn, we might be justified in saying that here at least is the germ of public law.

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Trends and Changing Conditions: the Transformation of Custom into Law

We have seen in the introduction and throughout the descriptive passages of this book that among the Nuer there are recognized rules of conduct which find expression in the terms *cuong*, 'right', and *duer*, 'wrong'. These concern the relations of one Nuer with another and, since the individual cannot be considered in isolation, one group with another. The distinction between custom and law has also been mentioned. The term 'law' is sometimes used of all processes of social control, and by this definition any of the obligations, customary actions, and conventions inherent in the social system might be described as law. It is less confusing to adopt the hypothesis that the extent of the law is limited to social control which is maintained by organized legal sanctions and applied by some form of organized political mechanism. By this definition, the Nuer had no law, for, as we have already seen, there was in the past nothing in the nature of politically organized society. There were in a sense courts of arbitration dependent on the person of the Leopard-Skin Chief, but resort to this functionary only occurred if both parties were willing or found it expedient to do so, and there was certainly no means through which a judgement could be enforced even if it was given.

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On this subject, Professor Evans-Pritchard has written:

[1] It is perhaps now too late to collect reliable evidence on this subject.

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> In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict.[1]

When this statement is applied to the past, no criticism can be made. So far as it is now possible to discover what happened in those days, we may safely say that arbitration only occurred when it was expedient for both parties to submit to it. We may also conclude that the conventional compensations referred to were in the nature of a formula for compromise. A start in the negotiations had to be made with reference to some scale, especially when the disputants were under the stress of heated emotions, but although such scales have a traditional consistency, there was no constancy or rigidity of application. Finally we may say that there was no mechanism for enforcement should either party refuse to continue negotiations at any stage of the proceedings.

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Professor Evans-Pritchard goes on to say:

> The recent introduction of Government courts, before which disputes are now sometimes settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.[2]

This was written of the Lou Nuer as they were some twenty years ago, and the rapidity with which Government tribunals have developed since then is considerable. If it is argued that these tribunals are now applying the law beyond the limits of reality in the past, this statement is entirely true. If it is argued that the courts are administering a system of law which has no foundation in tradition at all, the statement is less true, though it is manifest that there are many innovations which are the result of an evolution of case law based on precedents, some of which are the natural development of Nuer ideas, some of which are due to the direct intervention of the Government. Rules of behaviour administered in the courts are none the less law, provided they are administered consistently on recognized principles and are enforced.

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We have considered almost all those aspects of Nuer life which are subjects of discussion and dispute in the courts today: homicide and bodily injury; marital relationships, rights, and obligations; divorce and dissolution of marriages; the legitimacy of children; violation of rights in women; the infringement of grazing and fishing rights; theft and the misappropriation of property; witchcraft and other nefarious practices. In the past the sanctions for conformity with rules of conduct and for the composition of wrongs, if a breach of those rules

[1] Evans-Pritchard, *The Nuer*, p. 180. [2] Ibid.

8;Howell E, G-5 (1942-1944)1954
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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition. 681 [692]

This may be attested by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuake*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the home'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuake* in such circumstances and that the husband is in the right: *tuke cuang*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *yang ric*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognized. If questioned the Nuer would undoubtedly say that the age-mate has a right (*cuang*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with 671 583

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671 583 the bridegroom. The question arises whether or not he will meet this particular claim. If pressed he will probably do so because the bride's family might terminate the negotiations, though this is unlikely to happen over so remote a claim as the cow of the age-mate. In the second place the bride's father is concerned with his age-mate, and here there is an element of reciprocal exchange.[1] A cow is not given to all age-mates of the bride's father, only to one who has a particularly close connexion with him and has probably undergone with him the ritual processes of initiation which impart a mystical association analogous to kinship. We see therefore that the custom is a complicated one involving two separate transactions and subject to different sanctions. If a dispute over this payment reached a Nuer court, payment would in most instances be enforced. When there are sufficient precedents to constitute a consistent application of a custom of this sort, we should be justified in speaking of the claim as a legal and enforceable right.

671 791 Again, certain categories of magical experts are entitled to a fee for their services. Such claims often appear before the courts. The court will consider the circumstances, estimate whether the alleged benefits have been received or not, and if necessary order the client to pay the fee. The transaction is in the nature of a contract which is now enforceable in law. In the past the sanctions were retaliatory, though in this particular instance forceful retaliation would be unlikely since more commonly the magician's supernatural powers, which might be used against his client, would be feared.

671 673 Compensation for wrongs, recognized in tradition, expressed in traditional scales, and originally a basis for compromise, is now enforced in the Courts. Adultery, for example, is a recognized wrong and one which should be rectified by the payment of a suitable indemnity. Whether or not this was paid in the past depended again on the sanctions prevailing, but nowadays the wrongdoer will in the final event be compelled to pay. This applies to other legal wrongs, such as the seduction or impregnation of unmarried girls, and theft or damage of property.

671 177 Among the Nuer there is a vast field of custom and convention which is now supported by legal sanctions and thus becomes the law. Moreover this transformation of custom into law is being carried to extremes among the Nuer, for there is an increasing tendency to treat all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have sometimes been speaking of the present, sometimes of the past. Under the influence of modern administration systems of social control are

[1] The age-mate will receive the cow if the bride's father has conferred a like privilege on the marriage of the age-mate's daughter or has the expectation of doing so. See p. 190 and n. 3.

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changing very rapidly, so that this distinction in time is clearly essential. We have seen that most social obligations and systems of social control were maintained in the past by sanctions which made conformity essential or at least expedient. Such sanctions were operative upon individuals or groups and their force was variable according to the position in the social structure of the parties concerned. Theoretically at least, the law was the same but its application was relative. For the most part the establishment of Nuer tribunals, with the threat of force behind them, has provided a substitute for other means by which the political balance was maintained.

In the initial stages of administration the policy was to intervene only in those affairs which constituted a breach of the peace: affray, continued blood-feuds, or individual fights. This action was to modify or even remove the retaliatory sanction. The next stage was to intervene in matters which were likely to lead to a breach of the peace, and to see that disputes were peaceably settled. Both actions took the form of direct intervention by the District Commissioner, his decisions being enforced, so far as was then possible, by State police. The next stage was the appointment of tribal agents. This led to the establishment of Nuer courts whose authority was backed in the first instance by the tribal retainers or 'Chiefs' police', some of whom were armed with an outmoded pattern of rifle, but was upheld in the final instance by the District Commissioner. Since then Nuer courts have gradually developed in efficiency, power, and formality of procedure, until in some areas they may be said to compare favourably with similar courts in the more developed parts of the Northern Sudan.

This raises another important point which is relevant to a study of Nuer law. The courts are not equally effective or efficient in all parts of Nuerland. The extent to which past sanctions have already changed, and the rapidity with which they are changing now, are therefore not constant. For example, the difference between such tribes as the Lak and the Nuong is considerable. The Lak of Central Nuer District, whose country is close to the administrative headquarters of the province and the district centre at Fangak, who are easily accessible at all times of the year, and whose permanent settlements are concentrated, have been closely administered for the past twenty years or more. The courts have reached, comparatively speaking, a high level of efficiency, and a man can usually obtain redress for wrongs committed against him. The Nuong, whose country lies in the southern extremity of Western Nuer District, which as a whole has perhaps been less closely administered than Central Nuer District, are not easily accessible at any time of the year. There are no roads leading to their permanent settlements and only one mode[illegible] easy approach to their country by river. At most they have received the personal attention of a District Commissioner for a few weeks each year. The courts,

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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation.

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Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost

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[1] Branch and Main Courts. See Appendix II.

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621 disputes are confined to tertiary or lesser segments within it. A man
178 of *cieng* Bedit (a secondary segment) will receive the backing of court
692 members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

621 The spirit of compromise usually prevails. In disputes which are
692 hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilising factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

671 Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [683]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [684]

[1] See p. 60. [2] See pp. 63 et seq.

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692 this was usually inflicted by the District Commissioner sitting as a magistrate, or by the court on the advice of the District Commissioner,
681 this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[681] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery
684 is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's lost-and, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially
•671 a private delict, becomes a public delict, and a criminal offence should
177 the husband decide to dissolve the union subsequently. There is therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

[1] See pp. 236-8.

8:Howell E, G-5 (1942-1944)1954
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legal concepts. This process of admixture may be seen in other legal matters and is leading to an illogical and confusing evolution. It is no part of this book to predict what will occur in the future, but it is obvious that some sort of order must be applied to a system which may otherwise become chaotic.

We have been considering throughout these chapters a system of law in a segmentary society which is in a state of evolution. In the first place this evolutionary process is rooted in the traditional methods of controlling the acts of individuals and groups, none of which methods was rigid or enforceable. The application of the principles which we have found was not constant in time or place, but was subject to the balanced opposition of the segments of Nuer society. The evolution has also been deeply affected by decisions made in the courts, often by the direct intervention of British officials who had neither knowledge nor understanding of the principles involved. Often, too, these decisions were made in the mistaken idea that this was justice, without realising that Nuer ideas of justice are often different from our own. Further decisions have been made which spring directly from the penal code of the country and the penal sanction enters as an active force in the administration of the law, but often without order or consistency. An attempt is being made in one direction to introduce a system which recognises the fundamental principle of individual responsibility, in another to preserve a system which is essentially based on the principles of collective responsibility. These latter principles will continue to be effective so long as Nuer society remains homogeneous and retains its present form. Yet despite these conflicting forces, we cannot say that the customary law now administered in the Nuer courts is based not on Nuer principles but on our own. If this were so the Nuer, who are a headstrong and independent people, would not submit to it.

10:Evans-Pritchard E-5 (1931-1936) 1940
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The balanced opposition of political segments is, we believe, 628
largely maintained by the institution of the feud which permits a state of latent hostility between local communities, but allows also their fusion in a larger group. We say that the hostility is latent because even when a feud is being prosecuted there is no uninterrupted endeavour to exact vengeance, but the kinsmen of the dead may take any opportunity that presents itself to accomplish their purpose; and, also, because even when compensation has been accepted the sore rankles and the feud may, in spite of settlement, break out again, for Nuer recognize that in sentiment a feud goes on for ever. The leopard-skin chief does not rule and judge, but acts as mediator through whom communities desirous of ending open hostility can conclude an active state of feud. The feud, including the role played in it by the chief, is thus a mechanism by which the political structure maintains itself in the form known to us.

The leopard-skin chief may also act as mediator in disputes 624
concerning ownership of cattle, and he and the elders on both 559
sides may express their opinion on the merits of a case. But the 578
chief does not summon the defendants, for he has neither court nor jurisdiction and, moreover, has no means of compelling compliance. All he can do is to go with the plaintiff and some elders of his community to the home of the defendant and to ask him and his kinsmen to discuss the matter. Only if both sides are willing to submit to arbitration can it be settled. Also, although the chief, after consultation with the elders, can give a verdict, this verdict is reached by general agreement and in a large measure, therefore, arises from an acknowledgement by the defendant's or plaintiff's party that the other party has justice on its side. It is, however, very seldom that a chief is asked to act as mediator, and there is no one else who has authority to intervene in disputes, which are settled by other than legal methods.

In the strict sense of the word, the Nuer have no law. There is 183
no one with legislative or juridical functions. There are conven- 671
tional payments considered due to a man who has suffered certain injuries—adultery with his wife, fornication with his daughter, theft, broken limbs, &c.—but these do not make a legal system, for there is no constituted and impartial authority who decides on the rights and wrongs of a dispute and there is no external power to enforce such a decision were it given. If a man has right on his side, and, in virtue of that, obtains the support of his kinsmen and

10:Evans-Pritchard E-5 (1931-1936) 1940
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they are prepared to use force, he has a good chance of obtaining what is due to him, if the parties live near to one another. The usual way of obtaining one's due is to go to the debtor's kraal and take his cattle. To resist is to run the risk of homicide and feud. It seems that whether, and how, a dispute is settled depends very largely on the relative positions of the persons concerned in the kinship and age-set systems and the distance between their communities in tribal structure. In theory, one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so unless he is a member of one's local community and a kinsman. The force of 'law' varies with the position of the parties in political structure, and thus Nuer 'law' is essentially relative, like the structure itself.

During the year I spent with the Nuer, I never heard a case being conducted, either before an individual or before a council of elders, and I received the impression that it is very rare for a man to obtain redress except by force or threats of force. And if the Nuer has no law, likewise he lacks government. The leopard-skin chief is not a political authority and the 'Man of the Cattle' and other ritual agents (totemic specialists, rain-makers, fetich-owners, magicians, diviners, &c.) have no political status or functions, though they may become prominent and feared in their locality. The most influential men in a village are generally the heads of joint families, especially when they are rich in cattle, of strong character, and members of the aristocratic clan. But they have no clearly defined status or function. Every Nuer, the product of a hard and equalitarian upbringing, deeply democratic, and easily roused to violence, considers himself as good as his neighbour; and families and joint families, whilst co-ordinating their activities with those of their fellow villagers, regulate their affairs as they please. Even in raids, there is very little organization, and leadership is restricted to the sphere of fighting and is neither institutionalized nor permanent. It is politically significant only when raids are controlled and organized by prophets. No Nuer specialists can be said to be political agents and to represent, or symbolise, the unity and exclusiveness of local groups, and, apart from the prophets, none can be said to have more than local prominence. All leaders, in this vague sense of influential persons in a locality, are adults and, except for an occasional prophetess, all are men.

15: Dutt E-4 (No date) 1952 F 322 Nuer F 322

721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.[1] The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.[2]

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

754 Sorceresses are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

•671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right (*rang*) and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuar mam)

791 He is a sacred person and is believed to have a mystical association
624 with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to his since relations between groups are regulated through him;[3] his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, blowing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest taboo.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.181. (3) *Ibid.*, p.174.

8:Howell E, G-5 (1942-1944)1954
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Given that there were rules of conduct expressed in the terms
cang, 'right', and *dar*, 'wrong', which controlled the relations of one 627
Nuer with another and of one group with another group, what were the sanctions which made for the observance of those rules? The primary sanction, and one which is most affected by the establishment of public security and ordered administration today, is the sanction of self-help; retaliation if a wrong is committed, or the use of force to claim a right. This applies to individuals, who fear that those they have wronged or those to whom definite obligations have not been fulfilled will take physical action against them, and fear also that, because their action is agreed to be wrong, they will receive no support from their fellows in resisting. Moreover the wronged may receive the assistance of their own kinsmen and neighbours, who will overwhelm any attempt at resistance. This applies to groups of individuals in relation to other groups in the same way, and is expressed in the balanced opposition of tribal segments and kinship groups. A Nuer may owe one of his kinsmen a cow and refuse to pay it. His kinsman will take the cow by stealth or wrest it from him by force, and the success of this action will depend on the extent of the non-intervention of other relatives. In the relationship of individuals there [672]
is also the prevailing principle of collective responsibility, so that in fact there is rarely an isolated individual wrong or an isolated right. The strength of the right, or the extent of the wrong, is qualified by the relationship of the parties concerned. Further sanctions are social 626
reprobation, unpopularity, loss of approval and respect of neighbours, and hence loss of the privileges which the individual possesses as a member of a community and which the community possesses as part of a larger social group. Such privileges are both social and political. They are also economic, because so many economic activities must be carried out collectively. For some wrongs there is also a religious sanction, but, as I shall attempt to show later, the religious sanction is often an expression of kinship ideals.

The force of all these sanctions is relative to the position in the social structure of the persons concerned. Clearly social obligations are likely to be more binding on persons not only related by blood but also closely associated in the activities of day to day life. Loss of privilege is a greater loss in such circumstances. Generally speaking, the closer the relationship, expressed in terms of kinship, in association by common residence, and economic co-operation, the greater the need to abide by accepted modes of behaviour. Not only is the need greater and therefore the likelihood of obedience greater too, but also the difficulty of composition, when there is a quarrel, is less, because the sanctions which ensure good relations with other persons within the group in other respects are more intense and therefore more effective. The reaction of indignation is not likely to run to such a pitch of ill-feeling.

8:Howell E, G-5 (1942-1944)1954
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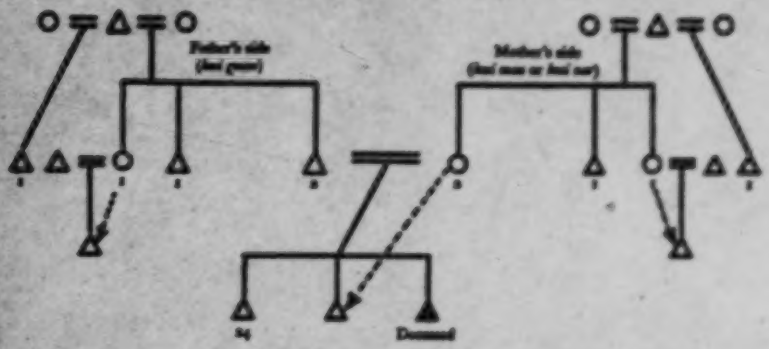
It will be noted that in all four lineages are involved, those of the father and mother of the dead man and those of his paternal and maternal aunts' husbands, since cattle given to them will be taken by their sons. 682



These examples are from Western Nuer where compensation for homicide has always been maintained at 40 head of cattle.[1] Among the Zeraf Nuer, after compensation had been reduced to 20 head, this distribution was not followed. Apart from initial payments, all the remainder went to the dead man's heir to marry him a wife. Since only 14 were left, it was usual to wait until the cattle had increased to the number required for normal bridewealth (not less than 18 to 20). Now that compensation has been increased once more to 40 head of cattle, the Zeraf tribes may well return to the old system of distribution.

Degree of Responsibility where Homicide is Committed Jointly

In assessing the payment of compensation for a man killed by more than one assailant, Nuer do not take into consideration the severity of the wounds inflicted on his body, nor do they attempt to attach the cause of death to any particular wound. Once the fact of homicide is established, all persons involved are considered responsible, but it is the man who strikes the first blow, the *ran me hoic e-je*, who is considered to have a much greater degree of responsibility than those who follow him. This applies however superficial the wound he inflicts on the body of the deceased. Most cases of this sort occur in battle, and usually those who fight side by side are kinsmen. The *ran me hoic e-je* is therefore in many cases closely related to those who assisted him in the act of homicide, including the *ran me gam e-je* ('second spearer'). The collection of cattle for compensation is not therefore an unusually complicated matter, and is subject to agreement within the 682 672

[1] It is worth noting that some Western Nuer tribes say that the Leopard-Skin Chief is entitled to 4 head of cattle in all for his services: two bulls, a cow and a cow-calf. Ask Nuer say that these beasts should be given over and above the total of 40, although this is not a normal Nuer custom (as it is among some Dinka tribes).

8:Howell E, G-5 (1942-1944)1954
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682 kinship group. In some cases, however, the *ran me hoic e-je* is not closely related to those who acted with him, and the collection of com-
672 pensation becomes more complicated. It seems that, according to usual custom, the kinsmen of the *ran me hoic e-je* are expected to pay the bulk of the compensation, although there are no definite rules on this subject. Some Nuer suggest that the 'first spearer' should pay all the compensation.

These rules have caused some confusion in the courts and the matter was standardized in 1945 at a meeting of the Nuer Council. It was then laid down that the *ran me hoic e-je* should pay three-quarters of the compensation and the *ran me gam e-je* one quarter, and, if there were more than one *ran me gam e-je*, this quarter should be divided equally between them.

3. FORMS OF HOMICIDE AND COMPENSATION RECOGNIZED IN NUER LAW

682 The various forms of *thang* or bloodwealth recognized in Nuer Law and graded according to the seriousness of the wrong perpetrated against the dead man's kin have already been defined. It is now necessary to examine these in greater detail.

Thang ran

Thang ran, which is the general term used to describe compensation for homicide, is also used more specifically in circumstances in which a man has been killed intentionally. In the past this was subject, as we have seen, to certain qualifications. The rate of compensation depended on the weapon used, a distinction which perhaps reflected the degree of intent with which the act was carried out.

Thang loic ran

A blood-feud means that a spiritual barrier is raised between the two groups concerned, and that a breach of certain observances and taboos current between them while a state of feud exists leads to contamination which is physically manifested in disease (*nuer*). It is therefore incumbent upon a man to confess when he has killed another. Failure to do so would be a serious breach of moral duty. Moreover, he must do so in order that both groups may not involuntarily contaminate themselves and so that they may scrupulously observe the rules of behaviour necessary in these circumstances. In the event of a man subsequently confessing to homicide or the fact of his guilt being established later, the *ji ran* demand a higher scale in compensation referred to as *thang loic ran*. Nuer feelings are outraged by behaviour of this sort,

8:Howell E, G-5 (1942-1944)1954
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at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.[1]

Legal Responsibility for Act of Homicide committed by a Woman

[672] A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognized as *kaagh* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.[2]

5. PEACE CEREMONIES: COMPOSITION ON A TRIBAL SCALE

728 The laws of homicide described in the previous sections concern feuds (*tor*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*ut*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaawar when Liab Liou, the leader

[1] I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

[2] The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

8:Howell E, G-5 (1942-1944)1954
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a co-wife of his mother, or sometimes the wife of his *gwan buthel*. At any rate the shaving should be performed by a married woman of the bridegroom's family, and signifies the bride's reception into the status of married woman in that family. She is then taken once more to her own home.

After these ceremonies are over the bride rarely takes up residence in her husband's home, but lives for a period in her own home, where her husband has the right to visit her. Often a special hut is set aside for her there. There is no general rule in this matter, but it is regarded by the Nuer as proper that she should remain in her own home until her first child is born and weaned, for until then, although the marriage has a legal basis, it is not considered to be confirmed. Sometimes, however, the husband has no one to assist him in his home and to cook for him, in which case he may receive permission from his wife's people for her to live with him permanently as soon as the *ewer* has been performed. When the first child is weaned, the wife's mother can claim the *yang dath gata*, the 'cow of bearing a child', a cow which is considered a fee for assisting the girl to give birth to a child. This is usually followed by a formal change of residence. The *yang dath gata* is the last cow which need be paid by the husband, although his wife's family may beg him to give them other cattle when further children are born and weaned; but he is not bound to do so and claims of this sort, if they ever arise, would not nowadays be upheld in a Nuer court.[1]

Conclusion

This concludes a very condensed account of the ritual and social processes of marriage among the Nuer. It is the payment of bride-wealth which legalizes a union, and the fact that some of the ceremonies are sometimes not performed at all is not necessarily evidence in Nuer courts today that a marriage is not a legal union. The payment of cattle, however, usually follows the ceremonies described. As Professor Evans-Pritchard has pointed out, 'payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect'. In fact, it is unlikely that a ceremony would be allowed to take place unless the appropriate stage in the negotiations over cattle had been reached, so that in seeking to determine the legality of a union, a Nuer court will first ask what ceremonies have been performed. The issue in such cases concerns not so much the number of cattle paid or to whom they were paid, but the liabilities and

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[1] It may be noted here that among some Nuer tribes the husband may claim a cow from his wife's family, the *yang jokai*, 'cow of the spirits'. I do not think this is normally paid unless the first child dies, and it is then given in the form of a dedication to ancestral spirits to ensure that the next child will live.

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rights of the husband in his wife. It would be relevant, for example, if a woman committed a wrong. If she killed someone, the payment of compensation would be a liability on her husband if she was legally his wife, but if there was insufficient legal determination in the union, the responsibility would rest with her own kinsmen. Similarly if a man lies with a woman who is not his wife, he may be charged with adultery (*dhe ciak*) and compensation will be claimed, but he might with justification plead that she is not a married woman in the legal sense, and therefore the act is not adultery. In the event of his proving that the union is not a legal one, he has no liability to the husband, but this will not entirely absolve him from responsibility, for in certain circumstances her kinsmen may claim damages on the grounds of seduction of an unmarried girl. There are, of course, many circumstances which will be considered by the court, circumstances which are discussed later under the heading of wrongs in relation to women. In such cases the legality or otherwise of the marriage is in issue, and it is sometimes difficult to find out what constitutes legality. In most tribes it seems that the ceremony which is considered to legalize the union is the *ment*, but this, as will be seen later, is not a universal law among the Nuer.

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5. THE DISTRIBUTION OF BRIDEWEALTH

When a man wishes to get married his relatives will usually assist him to collect the necessary cattle in addition to those already allotted to him in his father's herd. There are no set rules governing the actual assembly of bridewealth cattle, and in any case the circumstances are too varied to warrant generalization on the subject. Brothers should marry in strict order of age, and the majority of the cattle they use for the purpose will be drawn from their father's herd. The legal father of a family is responsible for the distribution among his sons of those cattle which have come to him as his rights in the bridewealth cattle of his sisters, daughters, and other female relatives. If he is dead, his legal representative will be his brother, usually the senior paternal uncle of his sons, or his eldest son. The assembly of marriage cattle is, however, partly dependent on the rules of distribution applied to previous marriages in the bridegroom's family. In the application of these rules we shall see that there is a tendency to alternate because no family is exactly symmetrical. There is usually more than one claimant to one particular portion and none to another. In the first instance the junior claimant will have to await his turn until the next marriage in the family; in the second, the portion will be inherited by the claimant's heirs. In some cases these will be his own sons, in others, his brother's sons. There are conventions which govern the inheritance of rights in such cattle. The portion allotted to the mother

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8:K-well E, G-5 (1942-1944)1954
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581 them to all members of their group. These ceremonies are referred to generally as *muot nyal*, and many Nuer tribes consider that this is the point where legal status is established. In these tribes the first question asked at the opening of a legal case will be '*ee nyal muit*', 'has the girl been shaved?', if the legality of the marriage is in doubt. Nuer assume that if the ceremonies have reached this stage, the girl's family have admitted the legality of the union, whether the cattle paid, in comparison with other marriages, are adequate or not.

581 As soon as the legality of the marriage is established, the legal husband or, in the case of 'ghost-marriages', his legal representative, who is the man who has married on his behalf, accepts liabilities in the woman's future behaviour. If she kills someone it will be he and his kinsmen who must pay compensation (*thang*), although her own family will undoubtedly assist them in such circumstances; if she injures someone, and this is naturally more frequent than homicide, it will be her husband who has to pay damages. Equally if she is killed or injured, compensation should be paid to her husband, and it will be his legal right to receive it, even if he is usually willing to hand over some of the cattle to her family. These rights are extended to his kinsmen, since his rights are always limited by the position he holds as a member of a kinship group, and in this strictly legal sense the wife must now be regarded as a member of his lineage rather than her own. Cattle have been paid for her; rights in her life have been transferred to those who paid the cattle. This issue is not often in question in disputes which appear before the courts, but, as already mentioned, it is often raised in disputes over adultery. The defendant will plead that the woman is not legally married (*here kenen ke ghok*—'she is not married with cattle') and that he is only liable to her family. This is usually to his advantage because her family cannot claim damages for adultery; there can be no adultery if the woman is not legally married. They can claim damages for the seduction of an unmarried girl (*ruok dhu nyal*), but the number of cattle demanded is less than in adultery (*ruok ciek*).

Recent Legislation at the Nuer Chiefs' Council Meeting of 1945

581 The subject of the legality of marriage was discussed by chiefs from all parts of Nuerland in 1945. Opinion was divided, though it was generally agreed that in the past at any rate all ceremonies up to and including the *muot* should be performed before a man could safely claim all legal rights in his wife. The Eastern Nuer tribes, represented by the Jikany Dhoar, maintained that (i) a man has legal rights in his wife as soon as she comes to live with him and has left home with the permission of her family. Other Nuer tribes argued (ii) that it was the *muot* ceremony alone which was important, and that a

8:Howell E, G-5 (1942-1944)1954
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611 It is also the means by which any disturbance of equilibrium is set right. For this reason most legal disputes concern claims for cattle as indemnities for recognised wrongs—homicide, bodily injuries, defamation of character, adultery, and seduction. Otherwise they concern claims for cattle as part of a system of rights accorded to the individual as a member of a kinship group or acquired by marriage. It is these wrongs and indemnities, these rights and claims, which we must now examine in detail.

8:Howell E, G-5 (1942-1944)1954
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671 the bridegroom. The question arises whether or not he will meet
583 this particular claim. If pressed he will probably do so because the bride's family might terminate the negotiations, though this is unlikely to happen over so remote a claim as the cow of the age-mate. In the second place the bride's father is concerned with his age-mate, and here there is an element of reciprocal exchange.[1] A cow is not given to all age-mates of the bride's father, only to one who has a particularly close connexion with him and has probably undergone with him the ritual processes of initiation which impart a mystical association analogous to kinship. We see therefore that the custom is a complicated one involving two separate transactions and subject to different sanctions. If a dispute over this payment reached a Nuer court, payment would in most instances be enforced. When there are sufficient precedents to constitute a consistent application of a custom of this sort, we should be justified in speaking of the claim as a legal and enforceable right.

671 Again, certain categories of magical experts are entitled to a fee for
791 their services. Such claims often appear before the courts. The court will consider the circumstances, estimate whether the alleged benefits have been received or not, and if necessary order the client to pay the fee. The transaction is in the nature of a contract which is now enforceable in law. In the past the sanctions were retaliatory, though in this particular instance forceful retaliation would be unlikely since more commonly the magician's supernatural powers, which might be used against his client, would be feared.

Compensation for wrongs, recognized in tradition, expressed in
671 traditional scales, and originally a basis for compromise, is now
673 enforced in the Courts. Adultery, for example, is a recognized wrong and one which should be rectified by the payment of a suitable indemnity. Whether or not this was paid in the past depended again on the sanctions prevailing, but nowadays the wrongdoer will in the final event be compelled to pay. This applies to other legal wrongs, such as the seduction or impregnation of unmarried girls, and theft or damage of property.

Among the Nuer there is a vast field of custom and convention
671 which is now supported by legal sanctions and thus becomes the law.
177 Moreover this transformation of custom into law is being carried to extremes among the Nuer, for there is an increasing tendency to treat all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have sometimes been speaking of the present, sometimes of the past. Under the influence of modern administration systems of social control are

[1] The age-mate will receive the cow if the bride's father has received a like privilege on the marriage of the age-mate's daughter or has the expectation of doing so. See p. 110 and n. 3.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 721 were engaged in hostilities each could rely on the support of the other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce to disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Leek united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 726 628 Fighting between Nuer of different tribes was of a different character from fighting between Nuer and Dinka. Inter-tribal fighting was considered fiercer and more perilous, but it was subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 681 Another defining characteristic of a tribe is that within it there is *cut*, blood-wealth paid in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *rwok*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

1: Evans-Pritchard E-5 (1931, 1936) 1940
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machinery to conclude it. Local communities have been classed as tribes or tribal segments by whether they acknowledge the obligation to pay blood-wealth or not. Thus the Gun and the Mor are classed as primary segments of the Lou tribe, while the Eastern Gaajok, Gaajak, and Gaagwang have been classed as three tribes and not as three primary segments of a single Jikany tribe.

It may have happened that border cases between different tribes were sometimes settled by payment of compensation, but I have no record of such settlements other than the doubtful statement given on p. 189, and were they to have taken place it would in no way invalidate our definition of tribal structure. However, it must be understood that we are defining a tribe in the most formal way and that, as we shall show later, the acknowledgement of legal responsibility within a tribe does not mean that, in fact, it is easy to obtain compensation for a tort. There is little solidarity within a tribe and feuds are frequent and of long duration. Indeed, the feud is a characteristic institution of tribal organization.

A tribe has been defined by (1) a common and distinct name; (2) a common sentiment; (3) a common and distinct territory; (4) a moral obligation to unite in war; and (5) a moral obligation to settle feuds and other disputes by arbitration. To these five points can be added three further characteristics, which are discussed later: (6) a tribe is a segmented structure and there is opposition between its segments; (7) within each tribe there is a dominant clan and the relation between the lineage structure of this clan and the territorial system of the tribe is of great structural importance; (8) a tribe is a unit in a system of tribes; and (9) age-sets are organized tribally.

VII

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Adjacent tribes are opposed to one another and fight one another. They sometimes combine against Dinka, but such combinations are loose and temporary federations for a specific end and do not correspond to any clear political value. Occasionally a tribe will allow a section of another to camp in its territory and there may be more contacts between persons of border villages or camps of different tribes than between widely sepa-

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

613 565 554 he should be a 'chief'. It does not follow that a man must be an aristocrat to gain influence among his fellow villagers. He may be a *tut* of some other lineage than the dominant one of his tribe who, by outstanding character, has been able to establish himself and his kin as social leaders in his locality.

There is thus in every tribe some differentiation of status, but the people so differentiated do not constitute classes, and 'strangers' and 'Dinka' are properly to be regarded as categories rather than as groups. Their relation to the aristocrats in the tribal system and the ways in which the different elements are integrated into communities will engage our attention in later sections.

VII

565 678 681 563 It is only in assessment of blood-cattle that social differentiation between aristocrats and Nuer strangers is of great significance, and then only among the Jikany tribes, principally among the Eastern Jikany. Among the Eastern Jikany the kinsmen of a *dil*, aristocrat, who was killed had to be compensated by payment of more cattle than the kinsmen of a slain *rul*, stranger, or *jaang*, Dinka. It is not easy to know to what extent this privilege could be enforced, or even to discover the relative assessments of blood-cattle. There was undoubtedly considerable elasticity in reckoning who counted as equivalent to a *dil* in situations of homicide and variation in the number of cattle paid for homicide. It was asserted by several informants that in pre-government days a true Nuer, called in the Jikany tribes a *gat Gaaka*, counted the same as a *dil* Jikany for purposes of assessing blood-cattle, and I was given the following blood-cattle assessments: a Jikany aristocrat, 40, a Nuer stranger, 40, a Dinka adopted by a Jikany aristocrat, 20, a Dinka who had been adopted by a Nuer stranger, 20, and an unadopted Dinka, 6. In more recent practice the following payments seem to have been regarded as usual: a Jikany aristocrat, 20, a Nuer stranger, 17, a Dinka who has settled permanently in the country, 16, a Dinka who has not been long settled, 10.

I was not long enough among the Eastern Jikany to investigate this matter thoroughly, but I received the impression that the second list was coloured in its variation of assessment, as it was certainly influenced in amounts of assessment, by recent Government decisions; though the informants who gave it insisted that it was in proportion to the ancient assessments. Aristocrats assured me that in the past more cattle were always paid for the homicide of an aristocrat than for that of a Nuer stranger. Members

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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of Nuer clans, other than the GAATGANEIR, who have settled in Jikany tribes equally assured me that the payments were the same for both. No doubt they were both hoping to influence Government practice by their statements. On the whole, I consider that among the Eastern Jikany there was probably a difference between payments for homicide of an aristocrat and of a stranger, but that there was much flexibility in the assessments, which depended generally on the special circumstances of each case: the length of the dead man's residence in the country, marriage alliances between his family and aristocratic lineages, the strength of his lineage and local community, whether he had been killed by a member of his village or by a man of another village, and so forth. Probably the same is true of the Western Jikany tribes, where I was told that the customary compensation for an aristocrat was from 40 to 50 head of cattle, for a stranger or Dinka who had settled in the country, 30, and for a Dinka who was staying there but had not yet built a homestead, 20. The practice of the Jikany is not typical of Nuerland as a whole.

Nevertheless, all over Nuerland Nuer and Dinka were differentiated by assessment of their value in blood-cattle, though the definition of a Dinka, in this respect, varied in different tribes. Among the Lou the practice was to reckon aristocrats and strangers together at 40 head of cattle. A Dinka who was born in Lou country was said to have become a Nuer (*caa nath*) and a member of the community in which he was living (*caa raw wec*), so that his life also was assessed at 40 head of cattle. On the other hand, a Dinka who had been captured in war and brought to Lou country was reckoned at 16 head of cattle, while a Dinka visiting relatives or affines in Lou country was reckoned at only 6 head of cattle. I was told that a Dinka who had been adopted held an inferior position in this respect to that held by his children, who counted as true Nuer. In the Jagei tribes Nuer strangers and Dinka who were permanent members of a community appear to have been reckoned at 40 head of cattle, like an aristocrat, while a stranger or a Dinka who had not built a byre was reckoned at only 10.

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The building of a byre was stressed because a man who built a homestead in a village had clearly the intention of remaining there and the community gained by an addition to its herd. Such a man seems to have been reckoned equal to an aristocrat in all parts of Nuerland, except among the

1: Evans-Pritchard E-S (1931, 1936) 1940
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Jikany where, I was told, a Dinka could never lose his inferior status, which was transmitted to his descendants. The acceptance of a permanent member of a community as equal to an aristocrat conforms to the general tendency among the Nuer for descent to be subordinated to community, a tendency which we shall constantly stress. 565 563

We again emphasize the point to which we drew attention in the section on law, that the degree of responsibility acknowledged for a tort, the chances of compensation being offered for it, and the amount of compensation paid, depend on the relations of the persons concerned in social structure. Thus, if a man kills an unadopted Dinka of his own household, who was not born in Nuerland, there is no redress, but his household will protect their Dinka against outsiders and will avenge his death at their hands. Deil, who is himself of Dinka descent, told me: 'If you curse a Dinka of your household, well, you curse him, that is all. If he is angry you tell him that you will kill him and that nothing will happen. You will merely clean your spear on the ground and hang it up. But if another man curses a Dinka of your household you fight him, for the Dinka is your brother. You ask the man whether he is your Dinka or his Dinka.' 628 681 592 563 609

The position of a Dinka in his own domestic circle is thus different from his position in relation to members of a wider group. He is only a *jaang* to the joint family which considers him 'their man.' To people standing outside this joint family he is a member of that *goi*, joint family, and it is not their business to differentiate his status within it. I was told that if an outsider called such a Dinka '*jaang*', the sons of the man who had captured him would resent the insult and might start a fight to wipe it out, for to them he is '*dewar*', 'my brother', in relation to outsiders. They ask, 'Who is a *jaang*? Did your father seize him or did ours?' The acceptance of Dinka born in Nuerland as full members of Nuer households, hamlets, and villages is even more pronounced.

The status of Dinka is thus a relative one, and a man may be considered to belong to this category in one situation and not in another. This is obviously the case in social life generally, because ordinarily no one differentiates a man of Dinka descent from a man of Nuer descent, but we believe that it was also the 628 681 563

1: Evans-Pritchard E-S (1931, 1936) 1940
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678 case in questions of homicide, since the social situation was
681 composed of the structural relations of the slayer and his kin to
563 the dead man and to other people concerned in the dispute. In our opinion the uncertainty and contradiction which was often evident in the statements of Nuer about assessments of blood-cattle is to be accounted for by relativity of status, it being relative always to the structural distance between persons, and therefore not rigidly definable.

628 Likewise *rul* is a very plastic concept. If a Leek man goes to
681 Gaajak country to steal cattle and is killed no compensation
621 would be paid for the homicide. A Leek man travelling through Gaajak country without intent to cause loss to its owners would not wantonly be slain. If the man were visiting kinsmen or affines and was killed in a quarrel, his hosts would consider that they were under an obligation to avenge him, though, perhaps, not under a very strong obligation. But a Leek man who has built his homestead in Gaajak country and has married into the village where he resides is a member of that community. If another member of his village kills him, it may be held that he is a *rul* and therefore his death may be paid for with fewer cattle than that of an aristocrat. But if a member of another village kills him, his community are not likely to accept this definition of status, because one does not differentiate between members of one's community on grounds of descent in its relation with other political segments. In political relations community ties are always dominant and determine behaviour.

VIII

597 We have observed that within a tribe there are three cate-
563 gories of persons: *diel*, *rul*, and *jaang*. The *diel* are an aristo-
619 cratic clan, numerically swamped in the tribe by strangers and Dinka, but providing a lineage structure on which the tribal organization is built up. The problem is how strangers and Dinka are attached to the dominant clan in such a way that the clan becomes, through the relations of other members of the tribe to it, the framework of the political system. As Nuer reckon all social ties in a kinship idiom it is clear that only the recognition of mutual bonds of kinship could lead to this result. Such recognition is accorded in several ways. We will start by

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

583 602 613 that 'cieng Pual have married a wife', or that 'cieng Dumien have given their daughter in marriage'.

To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange of a daughter for a wife. Bridewealth may be fruitfully compared 583 681 from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural per- 613 spective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimatized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

2:Evans-Pritchard E-S (1931, 1936)1951
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593 *kur wutni*, fighting with men. Also, a Nuer woman—a Dinka captive is not in so favourable a position—who readily accepts admonishment and correction for faults, would not submit to bullying but would return to her parents and brothers, leaving her husband without cook, dairymaid, and nurse, and therefore unable to maintain his home; and he might find it difficult to persuade her to return. If she does return it will only be after lengthy discussions in her parents' home and, as he is likely to have said something unpleasant about them in altercations with his wife, he may have to pay them a cow in compensation. Even if her father and brothers support her husband, he cannot prevent her from running away again, and this time to some distant relative who is unconcerned alike whether the bridewealth is returned or what the husband's grievances and discomforts may be. Should he [586] decide to divorce her and marry again, he has first to get his cattle back—it is always doubtful whether he will succeed in doing so—and he has then to face two or three years as a bachelor before his new wife comes to live with him. Therefore he will only take this step if his wife shows that she is determined to leave him, or if she is incorrigibly lazy, dirty, foul-mouthed, quarrelsome, or wanton, and occasionally if she is barren. Even if she has these defects he may, rather than go through the tedious process divorce entails, let her depart and bear him children by other men. A man will seldom divorce his wife for adultery unless she is constantly unfaithful.

562 With rare exceptions, I found Nuer women well content with their station and that their husbands and other men treated them with respect. In saying that their status in society is high I am [681] judging not so much by the fact that the same number of cattle have to be paid for the homicide of a woman as of a man, and I believe more for a young woman in some parts of Nuerland, but by the part women take in the daily life of the community. They mix freely and with easy assurance with the men, and they do not hesitate to argue with them about matters in which they are interested as women. They have as intimate relations as the men with the cherished cattle, share with them the life of the kraal, and enter the byres when they wish to do so.

595 In a polygamous family the relations between husband and wife are complicated by the husband's relations with his other wives. *Nyak*, a co-wife, in its verbal form means both 'to be a co-wife' and,

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

312 drink. Each beast also soon gets to know its special trough and
233 when loosened or when returning from pasture at once makes for it, though when the camp starts there is often confusion, for if an animal approaches a trough that does not belong to its master it is driven away by the owner of the trough and cows are thus driven from trough to trough till they discover the right one and join the other cattle of their household which are drinking there.

[578] On the arrival of a new household at the camp their kinsmen allow them to use their troughs till they have dug their own wells. Frequent disputes take place over wells for a man guards his water jealously. While I was at Yik several persons near Muŏt tŏt were killed in a fight that started in a dispute about wells.

A boy is placed on duty to watch the troughs all day long and often he plants a thorn bush in the bed of the river near his troughs and throws some grass on its branches so that he may have a little shade in the heat of the day. The lad's main duty is to prevent the sheep and goats from drinking water at the troughs reserved for the cattle for the cattle do not like drinking after them and they foul the water. Sheep and goats either have their own troughs or are allowed to drink when the cattle have had their fill. But as they graze unattended near the camp they may return at any time and try to drink from one of the cattle-troughs. A boy who allows sheep
[681 593] and goats belonging to another household to drink the water drawn for his father's cattle is in for a whipping from his elder brother. Even the crows are driven away from the precious water. The most other boys will do to warn a sleepy comrade that the water of his trough is being drunk is to sing out "*Caa lil o, caa lil*" and one constantly hears this refrain in the camp. When a boy sings this chant every lad looks to his troughs to make sure that it is not from them that water is being drunk.

312 No washing is allowed from the troughs and if a man wants a bath he must get a comrade to pour water over him at a well-side.
[515] Every care is taken to keep the water clean and the wells are frequently inspected. If the water is discoloured a man descends to the bottom,

8:Howell E, G-5 (1942-1944)1954
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In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay. 231 104 681

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*kon nsi te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*kon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *ahot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan. 101 773 101 175 181

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and sub-segments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western 631

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lasu* (Missioni Africane, Verona, 1950–51) do not provide much further information on Nuer origins.

8:Howell E, G-5 (1942-1944)1954
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indemnification,[1] but is nowadays modified by the fact of enforcement of the law through the agency of Nuer courts. 671 626

Restitutive Sanctions

Rules of conduct towards kinsmen and neighbours are upheld by these sanctions. If good relations are to continue, certain breaches of conduct usually require the payment of compensation. Adultery, as we have seen, requires six head of cattle for this purpose; bodily injuries require compensation in proportion to the seriousness of the injury and there are complicated scales laid down in tradition. Homicide requires the transference of forty head of cattle from the kinsmen of the killer to those of the deceased in order to restore the balance between them. Scales of compensation for wrongs can be quoted by the older generation of Nuer with surprising consistency, but this is an indication neither of rigidity of custom nor of constant application. Whether compensation was paid at all and, if paid, whether the scales were strictly followed, depended largely on the relationship of the persons involved. If a dispute arose between groups of people after a wrong had been inflicted on one of them, we have seen that their relationship in the social structure determined the likelihood of settlement. The sanctions for composition operated along lines of social cleavage, being less intense and therefore less effective the greater the structural distance. A man of one tribe could rarely hope to exact compensation for an injury inflicted by someone of another tribe unless there were other links between them which extended beyond the political limits of the tribe. Similarly an individual living within one primary segment would find it difficult to get compensation from an individual living in another primary segment unless there were other ties between them, usually kinship or marital ties, which made composition mutually advantageous. It also depended on the state of the relations obtaining between the two segments, for there was often a feud (*ter*) between them. These observations are less true of members of secondary segments, since the smaller the social sphere the greater the possibility that compensation would be paid, and would be also a matter of extreme expediency. The application of Nuer law was therefore relative to the social structure, and the extent to which it was followed depended on current relations of the social units concerned. It was unlikely that minor disputes involving the payment of compensation to wronged individuals would ever be settled so long as the communities with whom each was associated remained in a state of feud. The situation would be substantially altered if the feud itself was composed by payment of compensation (*thang*) between them. Composition of a feud was 681 681 628

[1] Homicide and bodily injury, defamation of character, infringement of rights in property, violation of rights in women, &c.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

681 628 therefore often followed by the settlement of other and less serious disputes.

681 In the absence of a legal system for the enforcement of the law, settlement was not easily achieved, and should the situation be such that the disputants were persuaded to come together, there had to be some basis upon which negotiations could be opened. The discussion had to begin somewhere, and an opening was made by reference to traditional scales of compensation which existed largely for that purpose.

There is some evidence that bloodwealth in the form of forty head of cattle was usually paid in full if it was paid at all. In this there was a distinct rigidity which is still maintained in the courts, and it seems that this is not only a result of the enforcement of the law of homicide by the Government. The reason is, perhaps, that the peaceful settlement of a feud required strong sanctions, and negotiations were not usually governed by such considerations as the availability of cattle; a large group of people was involved, and therefore cattle usually were available.

On the other hand compensation for injuries less than death and for other wrongs recognized as demanding indemnification is of a more individual nature, though this does not mean that it is not incumbent on kinsmen to assist in the collection of the cattle. It often happens that a man has not the necessary cattle to pay and, if his kinsmen will not help him, a compromise must be reached. For example, in a dispute over adultery, the wronged husband may eventually agree to accept only three head of cattle. Even though there may be little chance of getting the remainder, his face is saved because six head is the established custom and the rest will be due to him in the form of a debt. 'Saving face' is a primary consideration to the Nuer in the settlement of disputes.

This is true of the past as well as the present, and may be seen in the courts today. In its judgement the court orders that the wrongdoer shall pay the wronged so many cattle known to be in the former's possession. It will further order that the remainder shall be paid at a time when more cattle come into the possession of the wrongdoer; in other words, when some debt, which the defendant is usually called upon to state, is discharged to him; when bridewealth is paid for his sister or daughter or when some other obligation in cattle is fulfilled.[1] All these considerations are thrown into the issue, and a Nuer court is faced not only with the problem of judgement but also with an equally complex problem of execution.

[1] The discharge of one debt leads to a claim for another. This is another reason why litigation is increasing. As soon as a man is ordered by the court to pay, he will look around for some excuse to claim cattle from some other party. This sometimes happens immediately after judgement, so that execution often depends on the judgement given in the next case and so on.

8:Howell E, G-5 (1942-1944)1954
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Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains. 681

Legal Procedures and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement. 692

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which those groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuaar muon* or *kwac*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make 692 628 624

8:Howell E, G-5 (1942-1944)1954
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mainly to provide the dead man with a wife. Other claims must be met first. Of the forty head of cattle some go to the kinsmen in the manner already described, others go to the Leopard-Skin Chief and his assistants, still others are sacrificed, so that only between twenty and thirty are left for the 'ghost-marriage'. These are normally kept until they increase sufficiently to reach the mark of current bride-wealth, and may then be supplemented by other cattle to which the dead man would have had a claim were he alive. Nevertheless Nuer feel that the two payments should be equal; a life for a life or a wife for a life, a logical equation which is entirely consistent with the principles of their customary law. 682

Observations on the Effects of Government Policy

Nuer are able to quote instances where compensation was paid and blood-feuds settled in the past before the advent of the present Government, but this does not mean that every case, or even the majority of cases, was settled. There is no doubt that blood-feuds, especially between tribal segments remotely related in terms of space and kinship, often continued for many generations, and the tradition of such feuds is still a source of political friction and a problem which faces the Administration today. Even when compensation has been paid and the ceremonies of composition performed the feud may break out again with renewed vigour. Generally speaking, the nearer the social relationship of the opposed groups, the greater the likelihood of permanent settlement. This observation applies theoretically, but only in the sense that in the initial stages feuds between less closely related groups were more likely to continue and no action be taken to bring about an agreement. In fact, they do not often continue nowadays because the Government intervenes and acts as a purely artificial and new medium through which hostile groups are brought together. Paradoxically enough, it is nowadays often the case that feuds between closely related groups are the most difficult to deal with. The reason is, I think, that feelings of hostility receive the permanent reminder of almost daily communication, while the primary sanction for composition, the threat of aggressive action by other groups, is much modified by the action of the Government in maintaining the peace. 628 177

The concept of punishment of the individual for offences which we, but not the Nuer, regard as criminal is another innovation which has had widespread repercussions. In cases of homicide capital punishment is sometimes inflicted and imprisonment or fine or both are always applied. Further, in cases of major conflict, fines are sometimes exacted on a collective basis, and in any case, even if the fine is inflicted on the individual culprit, it amounts to collective punishment because in Nuer society the principles governing mutual assistance in 681 177

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681 177 the collection of bridewealth, bloodwealth or other kinship obligations automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realization that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always understood. Fratricide, for example, is considered a great wrong, and is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

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671 178 Apart from the difficulties of understanding an alien system of justice, there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

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is now much greater in relation to cattle than it was in the past. In addition, diseases have taken a heavy toll and the Nuer are unable to replenish their stock by raiding other tribes. As a result, bridewealth has decreased substantially, and Nuer have at one time or another felt that bloodwealth should be decreased in proportion. In most Nuer districts this has found its own level. In three of the then four Nuer districts the indemnity for homicide was reduced to only twenty head of cattle. This did not occur in Western Nuer District, where compensation remained at 40 head of cattle, but whether this was due to purely economic causes is not easy to discover. The Western Nuer have always had a reputation for being rich in cattle as compared to other Nuer tribes, though this is not entirely borne out by recent statistics. These changes have again been altered by recent legislation.

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Recent Legislation Concerning Homicide

At the Nuer Council meeting in 1945 it was generally agreed that compensation for homicide should be raised once more in those districts where it had been reduced, and should be standardized at 50 head of cattle, of which 10 should go to the Government as a fine. In the absence of a sufficiently strong body of public opinion opposed to violence and the taking of life it was felt that this action might serve as a greater deterrent among the Nuer. More remotely related persons would be called upon to subscribe and, since payment of compensation is now rigidly enforced, there would be greater efforts by the people to settle their disputes without resort to force. It must be stressed here that this argument, though put forward by the Administration, was fully understood and appreciated by the Nuer chiefs present at the meeting, and the majority voted for the increase in the indemnity. Yet the argument is itself a doubtful one. In Western Nuer District, where compensation was never reduced, fighting and bloodshed were more common and widespread than in other Nuer districts.

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The increase of compensation may have widespread repercussions in other spheres. Captain H. A. Romilly, District Commissioner of Eastern Nuer District, writes:

> One of the main decisions reached at the Fangak Meeting of 1945 has been to standardize blood-money at 50 head of cattle and to adjust other compensations accordingly. In Eastern Jikany this has had two main results:
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> (*a*) First it has put up bride-price, and a marriageable girl has even less say than before in whom she marries. The heads of families and chiefs are responsible for debts being paid off, so the girl is sold off to the highest bidder, regardless of her feelings. This naturally results in more elopements, adultery, and divorces and consequently an increase in litigation.
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> (*b*) The second result of the increase in blood-money is the reluctance of the chiefs to break *mar* which is a system by which relations exchange cattle

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on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *mar*, but since the Fangak meeting chiefs are very reluctant to break *mar* as the more so-called relations there are available to collect blood-money, the better.[2]

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In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

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The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *mar*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

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The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*duer*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thung nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[2] Unpublished administrative records (Eastern Nuer District), 1945.

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621 671 community among the Nuer is relative, like the Nuer word *cieng*, which roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 621 The sanction, even for the most serious of offences, homicide, was retaliatory, requiring only an act of vengeance against the killer or any one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. [783] This balance is disturbed by the act of homicide, and the two groups or segments of a tribe are at once in a state of feud (*ter*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thunge*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated processes of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus assuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

[1] The Nuer *cieng* has already been discussed; see pp. 21–22.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

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may be described as public law. There is no evidence of a penal sanction applied by anything which resembles 'politically organized society', nor anything which indicates that such procedure is enforced by the will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard-Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective.

A further point of significance is the fact that the Nuer distinguish between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardized by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of laws concerning homicide which are consistently applied.

In the past, then, the outcome of blood-feuds depended on the social relations of the groups involved, even though the division over these events might follow the lines of segmentation until a whole tribe was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing.

Similarly other legal wrongs required the payment of an indemnity to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or

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681 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was
621 not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts.
[684] Adultery requires the payment of an indemnity in cattle, and we have noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organized action against the culprits, is not a public delict among the Nuer. Certainly no punitive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the contamination (*nueer*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalized body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 The only form of procedure which might fall within the category of public law was the repressive action taken against witches and
621 ghouls. Although the Nuer themselves say that this action was some-
683 times taken and, in quoting instances in their history, refer to individuals who have at least an established position in known genealogies,

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there is no documented evidence, and we are again approaching a subject which is a matter of conjecture. It may be presumed, however, that violence probably resulting in death was sometimes used against persons who had acquired such an evil reputation that their continued existence in the community became intolerable. Nuer tell us that in the case of ghouls (*rodh*) no indemnity would be demanded by the dead man's kinsmen, and only a much reduced indemnity in the case of possessors of the evil eye (*peth*), and sometimes magicians (usually *tiet*) who were alleged to have used their powers for strictly anti-social purposes. This does not necessarily suggest that anything in the nature of organized or concerted action was taken but that the act of revenge on the person of a witch by an individual, or a few individuals who supported him, was condoned by public opinion to such an extent that the kinsmen of the deceased dared not retaliate, or perhaps themselves condoned the act, considering themselves well rid of a dangerous factor within their own lineage. At any rate a blood-feud was unlikely to follow, and although vague statements of this kind must be substantiated by actual examples[1] before any definite conclusion may be drawn, we might be justified in saying that here at least is the germ of public law.

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Trends and Changing Conditions: the Transformation of Custom into Law

We have seen in the introduction and throughout the descriptive passages of this book that among the Nuer there are recognized rules of conduct which find expression in the terms *cuong*, 'right', and *duer*, 'wrong'. These concern the relations of one Nuer with another and, since the individual cannot be considered in isolation, one group with another. The distinction between custom and law has also been mentioned. The term 'law' is sometimes used of all processes of social control, and by this definition any of the obligations, customary actions, and conventions inherent in the social system might be described as law. It is less confusing to adopt the hypothesis that the extent of the law is limited to social control which is maintained by organized legal sanctions and applied by some form of organized political mechanism. By this definition, the Nuer had no law, for, as we have already seen, there was in the past nothing in the nature of politically organized society. There were in a sense courts of arbitration dependent on the person of the Leopard-Skin Chief, but resort to this functionary only occurred if both parties were willing or found it expedient to do so, and there was certainly no means through which a judgement could be enforced even if it was given.

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On this subject, Professor Evans-Pritchard has written:

[1] It is perhaps now too late to collect reliable evidence on this subject.

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> In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict.[1]

When this statement is applied to the past, no criticism can be made. So far as it is now possible to discover what happened in those days, we may safely say that arbitration only occurred when it was expedient for both parties to submit to it. We may also conclude that the conventional compensations referred to were in the nature of a formula for compromise. A start in the negotiations had to be made with reference to some scale, especially when the disputants were under the stress of heated emotions, but although such scales have a traditional consistency, there was no constancy or rigidity of application. Finally we may say that there was no mechanism for enforcement should either party refuse to continue negotiations at any stage of the proceedings.

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Professor Evans-Pritchard goes on to say:

> The recent introduction of Government courts, before which disputes are now sometimes settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.[2]

This was written of the Lou Nuer as they were some twenty years ago, and the rapidity with which Government tribunals have developed since then is considerable. If it is argued that these tribunals are now applying the law beyond the limits of reality in the past, this statement is entirely true. If it is argued that the courts are administering a system of law which has no foundation in tradition at all, the statement is less true, though it is manifest that there are many innovations which are the result of an evolution of case law based on precedents, some of which are the natural development of Nuer ideas, some of which are due to the direct intervention of the Government. Rules of behaviour administered in the courts are none the less law, provided they are administered consistently on recognized principles and are enforced.

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We have considered almost all those aspects of Nuer life which are subjects of discussion and dispute in the courts today: homicide and bodily injury; marital relationships, rights, and obligations; divorce and dissolution of marriages; the legitimacy of children; violation of rights in women; the infringement of grazing and fishing rights; theft and the misappropriation of property; witchcraft and other nefarious practices. In the past the sanctions for conformity with rules of conduct and for the composition of wrongs, if a breach of those rules

[1] Evans-Pritchard, *The Nuer*, p. 16a. [2] Ibid.

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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be attested by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuoke*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the home'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuoke* in such circumstances and that the husband is in the right: *teke cuong*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *yang ric*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognized. If questioned the Nuer would undoubtedly say that the age-mate has a right (*cuong*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation.

Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost

[1] Branch and Main Courts. See Appendix II.

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692 certainly mean that he will be called upon to pay compensation and forced to comply. In the past there was no certainty that he would 681 be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

692 We find, then, that the establishment of the courts, though in one sense preserving the social system from complete breakdown, is in 177 another sense contributing to social maladjustment. Moreover the establishment of courts with powers of coercion behind them tends 691 to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

621 In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [684]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [683]

[1] See p. 62. [2] See pp. 63 et seq.

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692 this was usually inflicted by the District Commissioner sitting as a magistrate, or by the court on the advice of the District Commissioner, ●681 this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery 684 is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially a private delict, becomes a public delict, and a criminal offence should 671 the husband decide to dissolve the union subsequently. There is 177 therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

[1] See pp. 166–8.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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583 627 wife's people do not return all the cattle that have been paid. In such circumstances the debtor does not deny the debt but puts forward a counterbalancing claim on some account or says that he has no cattle to settle it. Often enough he says this even when he has got cattle. The claimant can only be sure of getting his due if he takes it by force from the debtor's kraal or from the herd in the grazing-grounds. If he is strong and has the backing of a powerful lineage he is not resisted, since he has right on his side. Such matters are easily settled within a village and among people who share a common dry season camp because every one realizes that some agreement must be reached by discussion and that it must accord with justice. But when the parties belong to different, and maybe hostile, villages, settlement is not so easy. The leopard-skin chief may be employed, in the manner described, to bring the parties together for discussion and some agreement may then be reached, but many such debts are never settled. They are remembered for years. Perhaps some day, maybe in the next generation, an opportunity will occur to steal the cattle.

682 627 If a wife dies in her first pregnancy or childbirth the husband is held responsible. There is no question of a feud arising, but the husband loses the bride-cattle he has paid, since these now become blood-cattle for the loss of his wife. The husband is only responsible if the death occurs during childbirth before expulsion of the afterbirth If there is any dispute about the mode of death or the number of cattle that are still owing it is settled by a mediator called *kuaa yiika* or *kuaa yiini*, 'the chief of the mats', an office which pertains to certain lineages. This man has no other office and is not an important person in virtue of his role of arbitrator in disputes of this kind. It is easy to obtain compensation, as the father-in-law has the bride-wealth in his possession. There is, moreover, a tie of affinity and neither party is likely to resort to violence.

671 Using these brief notes on some exemplifications of the tendencies in Nuer law we may now state what these tendencies are. We speak of 'law' here in the sense which seems most appropriate when writing of the Nuer, a moral obligation to settle disputes by conventional methods, and not in the sense of legal procedure or of legal institutions. We speak only of civil law, for there do not seem to be any actions considered injurious to the whole community and punished by it. The informants who said that witches and magicians were sometimes killed stated that it was always individuals or groups of kin who waylaid them and killed them in vengeance.

[See pp. 163-64, cat. 116 — Analyst]

2:Evans-Pritchard E-5 (1931, 1936) 1951
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Nuer have told me, though they do not like to speak of it, for it touches on death, that there is what we would call a latent hostility between husband and wife, and indeed between man and woman. They say that when a man has begotten several children by his wife he wants her to die, and may even pray for this to happen, for he does not want to die before her and another man to cohabit with her, rule in his home, use his cattle, and perhaps ill treat his children and rob them of their birthright. Men say also that women in their hearts wish for their husbands' deaths. Whatever may be the significance that should be attached to these statements and to stories in which similar sentiments are expressed, family life among the Nuer is remarkably harmonious on the surface. I attribute this, in part at any rate, to the unchallenged authority of the husband in the home. A woman must obey her husband, and Nuer say that when he swears at her she must not answer back, and that he has the right to chastise her if she neglects her children or domestic duties. They told me that should he kill her (I have never heard of a case of the kind), whatever trouble his action may otherwise bring on him, he will not have to pay compensation, for she belongs to her husband's people and he only destroys what is his own, losing thereby both wife and the cattle he paid for her. No doubt there are cases of cruelty, especially where captive Dinka women are concerned, and I have been told of such, but I must record that during a year spent in intimate contact with Nuer in villages and camps I did not once see a man strike his wife or hear a serious quarrel between spouses, and I believe therefore that these are rare happenings.

Women know their duties and unless they are by nature lazy and slovenly, or wish to goad their husbands into divorcing them, they avoid domestic shortcomings. The husband, for his part, does not interfere with his wife's organization of her duties. So long as she performs them she may do so in her own way. For instance, when there is meat, a man hands it to his wife to prepare and leaves it to her discretion to decide how much of it to keep for herself and her children and how much to serve to the menfolk in the byre. Moreover, it is difficult for a man to ill-treat his wife, even should he wish to do so, for his conduct cannot be kept secret and his kinsmen would certainly intervene on her behalf. I have been told that no reputation in Nuerland is more shameful than that of a wife-beater, a man who prefers *kur man*, fighting with women, to

583 of a daughter for a wife. Payment of bridewealth
431 is a particular, and very striking, example of the principle of equivalence. A parallel example is the payment of cattle in compensation for homicide,[3] which among the Nuer is 40 head of cattle, the same number as is paid for a bride. These
682 bloodwealth cattle are divided among the kinsmen
431 of the dead man on the same plan of distribution as that obtaining in the distribution of bride-
583 wealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. Just as in bridewealth the principle is the replacement of a daughter by a wife, of a woman by a woman, so in bloodwealth the principle is the replacement of a son by a wife who will bear a son in his place, of a man by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth.[3] Nuer are aware of the equivalence of bridewealth and bloodwealth, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural perspective we must therefore think in
431 terms of lineages. Children are attached by payment of bridewealth to the lineage of their father,
611 the attachment of the sons being of chief importance, though daughters may also be structurally significant in the lineage system. Children born in the union of marriage are "children of the cattle" and therefore of the man in whose name they were paid and they become joints in his branch of descent. The man in whose name the cattle were paid is always their *pater*, the sociological or lineage father, of the children, whether he is their *genitor* or not. If he dies, or is already dead before his marriage, the widow should be taken by one of her husbands and the fathers of his sons, that is to say by one of his brothers (or sons). But even

[2] This point is very clearly made by Prof. A. R. Radcliffe-Brown in Man, 1929 (96).

[3] Approximately 10 beasts are divided among the extra-family kinsmen and the rest, including the beasts due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

[p. 187 b]

8:Howell E, G-5 (1942-1944)1954
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682 577 There is, however, very little expression of an unfavourable reaction to the taking of life in the abstract, and homicide is not considered a crime against society. On the other hand what we should call 'cold-blooded murder', which is extremely rare, offends Nuer ideas of morality because the victim has had no chance to defend himself. It is the Nuer code of honour which has been contravened. People are profoundly shocked in these circumstances, a feeling which extends well beyond those who by reason of their relationship to the deceased are expected to take a vindictive attitude towards the killer and his kinsmen.

682 628 Homicide and blood-feuds arising out of homicide must be considered in relation to the social context. Such feuds are characteristic of the relations prevailing between the political divisions of a tribe. Specifically it is the tie of kinship which demands common action in vengeance against the killer of a kinsman, but the obligation often extends beyond the immediate lineage of the slain to much larger communities, tertiary or even larger tribal groups. Thus the spread of a state of feud follows generally, but not always exactly, the lines of social cleavage, and gives emphasis to the segmentation of the tribe. Generally speaking, a feud between two closely related groups will be settled without great difficulty because common habitation and common economic pursuits, strengthened by the tradition of blood relationship, demand peaceful composition as a matter of expediency. The sustained feud is usually one which has spread to larger units of society and becomes a permanent expression of opposition between them. Hostilities are not continuous, but even comparatively trivial provocation may be sufficient to start further fighting.

In the past there was no conception of individual punishment inflicted on the person of the killer. There was no organized authority to inflict [624] it. We have seen that the Leopard-Skin Chief, who had certain very definite functions to perform in connexion with homicide, had no political power but was essentially an arbitrator called in by hostile groups when a settlement of their differences was desirable. All wrongs were civil or private wrongs as between individuals or groups of individuals and, except in rare cases where collective action was taken against certain anti-social persons, witches and the like, there was no public law. The settlement of a feud arising from homicide, whether the act was committed by stealth, in fair fight, or by accident, required only the restoration of equilibrium between the groups involved. Settlement was in no sense an individual affair. It was not necessary to take revenge on the person of the killer himself; any one of his kinsmen would do instead.

If there was any sense of retributive justice, it was held by an isolated group of persons, the group to which the deceased belonged as opposed to the group of which the killer was a member. The action which

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followed, whether it was revenge by the former or offers of compensation by the latter, was intended to satisfy the people who had suffered the injury. To kill a person of the other group restored the balance by reducing their numbers proportionately, but it was a negative way of dealing with a situation which required more positive action if a permanent feud was to be avoided. The principle of a life for a life rarely led to permanent peace even if honour was satisfied for the moment. The likelihood of positive settlement by payment of compensation and the performance of the necessary ritual depended largely on the degree of social integration and interdependence of the groups involved. Both were usually segments of an even larger group. Political and historical factors also played their part. Two tertiary tribal segments, for example, previously hostile might have to settle their differences because of the threat of violence from another and less closely related segment of the tribe.

These observations apply to the past, for homicide is now a criminal offence and strong action is taken to prevent the continuation of a feud. The crime is punished, but the feud is settled on traditional lines even though composition is compulsory. The payment of compensation in cattle is still made as a positive and effective way of restoring the balance and allowing social and economic contacts to continue. It involves the fundamental principle that a deceased person must be 'married a wife' so that her children, begotten by some kinsman on his behalf,[1] will bear his name, belong to his branch of the lineage, and may concern themselves with his interests in posterity. *Thung*, the indemnity for homicide, is primarily intended for this purpose. For this reason compensation should theoretically be in proportion to current rates of bridewealth, although, as we shall see later, the proportion is not exact as there are other claims to be met. Part of the cattle at any rate will be used to marry a 'ghost-wife' to the deceased, and although the physical father will be some other member of his lineage, the children will legally belong to his line. The group as a whole also loses in the deceased an economic asset both in ensuring the subsistence of his immediate family and in the collective economic interests of his associates. Therefore other close kinsmen must receive some share of the compensation to meet this loss, to satisfy their indignation and their desire for revenge, and because, were the position reversed, they might be called upon to subscribe towards the payment of compensation to some other group.

Theoretically the question of intention does not enter into the assessment of compensation because the principal object of the payment is to restore the balance which has been disturbed, but Nuer do in fact take it into consideration. It has already been mentioned that in all Nuer disputes scales of compensation are treated more as a basis upon

[1] For this institution—'ghost-marriage'—see Chapter III, pp. 74 et seq.

8:Howell E, G-5 (1942-1944)1954
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682 which a compromise can be reached than an exact rule, and in the case of unintentional killing the indignation of the dead man's kin will 628 be less than in cases of intentional homicide and a compromise more likely. Nowadays it is accepted that accidental killing demands only half the compensation required for intentional killing.

I must stress once more that these observations apply largely to the past. Homicide is now a criminal offence, and is invariably punished. Moreover, the Government insists on the prompt and peaceful composition of feuds arising out of homicide. The method of compensation, however, is no different from what it always was, and is usually assessed in a separate transaction after the trial for homicide is over. It is therefore necessary to describe in some detail the traditional procedures, ceremonies, and ritual involved before turning to modern procedure in the courts, where homicide is treated as a crime.

Definition of Terms

682 Before turning to the processes by which settlement of a feud is reached, it is necessary to define some of the Nuer terms which will be used. The verb 'to kill' in Nuer is *nak*, and the expression '*ce ran nak*', 'he has killed a man', is used generally for all forms of killing. Nuer further distinguish between killing which occurs in fair fight, whether in battle or single combat (all covered by the term *nak*), and killing by stealth or ambush, which is called *biem*. To them the latter form of killing is particularly reprehensible, although the circumstances are mitigated if it is done in revenge for a previous killing. The word *kur* is used to describe fighting in raids and battles, as opposed to the word *duac*, which is used exclusively to describe single combat or duels. The word *ter* means literally 'a state of feud'.

682 The two parties concerned in a feud are referred to as *ji ran*, which means 'the people of the man' (i.e. the deceased). These are the people 628 who will seek vengeance on the *ji thunge*, 'the people of the compensation', who are the kinsmen of the killer and will be called upon to pay *thung* or compensation. The killer is usually referred to in the singular as *gwan thunge*, and in cases of homicide where more than one is responsible, the man to strike the first blow against the deceased is called the *ran me koic e-je*, and the second, the *ran me gam e-je*, a distinction which is important in assessing the liability to pay compensation. These expressions are used extensively in describing the processes of settlement, the circumstances of the incident, and the state of opposition between the two parties. The emotional attitude of the *ji ran* is characterized by intense indignation and a reluctance to accept compensation. Custom demands that they express in a conventional manner a sentiment of vindictiveness. Convention also demands that the *ji thunge*, the killer's kin, shall approach the *ji ran*

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in a spirit of conciliation coloured by a genuine fear that vengeance may be exacted. These sentiments are always to the fore if settlement is sincerely desired. 682 628

Compensation in Nuer is called *thung*. *Thung* is usually qualified according to the circumstances of the killing, and the number of cattle demanded is graded accordingly. These qualifications are described more fully later, but briefly they are *thung ran*, which is full compensation in cattle for the death of a man killed in a fight whatever the weapon used, and *thung nyindiet*, which means compensation demanded for a man who dies as a result of an injury inflicted a considerable time before. There is another and less usual term (restricted, I think, to Lou and Gaawar Nuer), *thung loic*, which refers to the compensation demanded when the killer has not confessed to his crime until long after the death of his victim. *Thung gwacka* refers to unintentional or accidental killing; *thung yiika* to compensation demanded for a woman who dies in childbirth when the father of the child is not her legal husband.

The special Nuer functionary who is called upon to act as arbitrator in the settlement of a blood-feud is, as we have seen, the *kuaar muon* or 'Land Chief'. His badge of office is the Leopard-Skin (*kwac*), and for this reason he is more usually referred to as *kuaar kwac*, a term which is universally translated as 'Leopard-Skin Chief' and is nowadays used extensively both in works on the Nuer and in Government documents. His powers, however, are derived from his association with the land, and extend to mankind because it is upon the products of the land that mankind exists. 628 624

In the settlement of feuds, these 'Chiefs' are called in to remove spiritual difficulties by ritual performances and to act as intermediaries between the warring parties. The Leopard-Skin Chief, by reason of his special association with the land, can curse people, and traditionally he may use these powers to intervene. He can, for instance, interpose himself between the contestants in an actual fight and draw a line on the earth between them which theoretically no man would dare to pass. This action, however, is merely a symbolic expression of general opinion which condemns the continuation of a feud, and if both parties were really determined to come to blows, it is unlikely that it would be sufficient to deter them, although hostilities might be postponed until a time when the Leopard-Skin Chief was not on the scene. I know of only one recent instance when this duty was performed. A few of the more hot-headed warriors did cross the line and were condemned by public opinion afterwards, principally because by doing so they showed an excessive determination to join battle with the other party in a situation where the majority wanted peaceful settlement. In fact, the final result of the Leopard-Skin Chief's action was to provoke a much more serious conflict than would

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ruath riem and *yang kwac:* 'the bull-calf of the blood' and 'the cow of the Leopard-Skin'. These cattle are chosen from among the indemnity by the Leopard-Skin Chief and retained by him as fees, though the *ruath riem* is usually given to his personal assistant.

ghok pale loic: 'the cattle of the easing of the heart'. These consist of the *yang tuoke*, 'the cow of the cooking-pot' (*tok*), and a cow-calf referred to as *yang cak*, 'the cow of the milk', which are given to the dead man's mother as a token of her services in cooking for him and suckling him. The terms also bring out incidentally the idea that the ban on eating and drinking together has now been removed.

yang tul coka: 'the cow of the broken bone'. This is usually a bull or a barren cow sacrificed at either the *cuil* or *math* ceremony, divided, and partaken of by the *ji ran* and *ji thunge* together. This sacrifice is held to remove all fear of spiritual contamination in the future.

Rates of Compensation

682 Traditionally among most Nuer tribes, the number of cattle demanded as compensation for homicide was 40. A few tribes state that 50 were demanded for death caused by an injury from a fighting-spear (*mut*) and 40 for death caused by a wound from a fish-spear (*bith*) or a stick (*ked*) or by some other means. The use of a fighting-spear implies full intent and possibly a degree of premeditation since a fighting-spear has no other use. Moreover, to the Nuer, the probable consequence of a thrust with a spear is death, whereas use of the stick usually results in an injury which is not fatal. I do not know why a fish-spear is considered in the same category as a stick. It is, of course, essentially an economic tool rather than a weapon, but fish-spears are normally carried and used in war. It must be assumed that the use of a fighting-spear was considered a greater wrong and that a higher rate of compensation was demanded simply because the reaction of indignation was more intense. The rates of compensation were at one time reduced in some Nuer Districts to 20 head of cattle instead of 40 or 50, and there is now no distinction made according to the weapon used. As we shall see later, the indemnity is now standardized at 50 head of cattle, of which 10 go to the Government as a fine.

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Persons who are normally concerned in the Collection and Receipt of Compensation

We have seen that compensation payments for homicide are linked to bridewealth payments because the ultimate purpose is to provide the dead man with a wife so that children may be raised to his name. In the collection of the compensation cattle it will probably be those persons who normally contribute to bridewealth who will provide assistance. In marriage, when assembling all the cattle for bridewealth, a man will have a number of recognized claims both by inheritance and on the marriages of female relatives. He may take several years to assemble them even if a part of the bridewealth comes to him not in fulfilment of definite rights but from the spontaneous generosity of his kinsmen. Compensation for homicide, however, will have to be collected without delay, and other than the general obligation of all kinsmen, including as in marriage maternal kinsmen, there is no definite pattern. Moreover it seems that the obligation to assist a killer in the payment of *thung* is cast wider and includes kinsmen who would not normally assist him to marry. By this is meant kinsmen of collateral lineages who have no title to a portion of the bridewealth of the killer's female relatives, but sometimes receive small gifts as a token of their relationship to the bride.[1]

The Distribution of Bloodwealth

The distribution among the *ji ran*, the people of the dead man, is also in many respects similar to the distribution of bridewealth among the relatives of a bride for, apart from those cattle set aside for sacrifice and those paid as fees to the Leopard-Skin Chief, certain categories of kinsmen of the dead man will demand a share. The remainder will go to the man whose duty it is to marry a wife to the deceased. There is in fact a conventional pattern of distribution which is still followed in Western Nuer District.

Leik Nuer (total compensation = 40 head of cattle)

Initial Payments:

ruath riem **and** ***yang kwac:*** **To Leopard-Skin Chief and assistants.**
ruath muon: **To the man who buried the deceased.**
yang jyup: **To** ***gwan buthni*** **of the dead man's kin.**
thak **or** ***ruath kethe*** **and** ***tut ghok:*** **Sacrificed.**

Total: 6 head of cattle.

[1] I.e. beyond the limits of the *kethar*: the reader will understand these statements more clearly after reading Chapter III, Section 5, 'Distribution of Bridewealth'.

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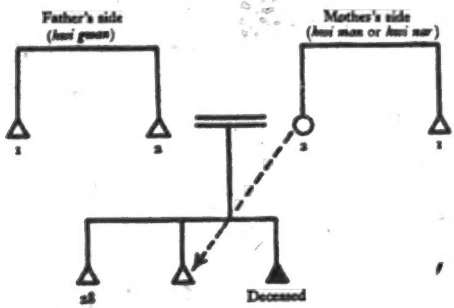
682 *To the Deceased's Kinsmen:*

kwi gwan (father's side): *gwan* (father), a cow and cow-calf.
gwanlen (paternal uncle), a cow-calf.

kwi man (or *nar*) (mother's side): *man* (mother), a cow and cow-calf (as with bridewealth these go to her own sons).
nar (maternal uncle), a cow-calf.
Total: 6 head of cattle.

To the dead man's heir (usually his son or brother): The remainder to marry him a wife.
Total: 28 head of cattle.



Thus a small portion at least will go to the deceased's paternal and maternal kin, though those set aside in the name of the mother (*man*) will be inherited by her sons and will remain with the paternal lineage.

The Bul Nuer give a more elaborate system of distribution:

Bul Nuer (total compensation = 40 head of cattle)

Initial Payments:

As among the Leik (above) . . . . . Total: 6 head of cattle.

To the Deceased's Kinsmen:

kwi gwan (father's side): *gwan* (father), a cow and cow-calf.
gwanlen mande (paternal uncle: father's uterine brother), a cow.
gwanlen gwande (paternal uncle: father's brother by different mother), a cow-calf.
wac (paternal aunt), a cow-calf.

kwi man (or *nar*) (mother's side): *man* (mother), a cow and a cow-calf.
nar mande (maternal uncle: mother's uterine brother), a cow.
nar gwande (maternal uncle: mother's brother by different mother), a cow-calf.
manlen (maternal aunt), a cow-calf.
Total: 10 head of cattle.

To the deceased's heir: The remainder to marry him a wife.
Total: 24 head of cattle.

8:Howell E, G-5 (1942-1944)1954
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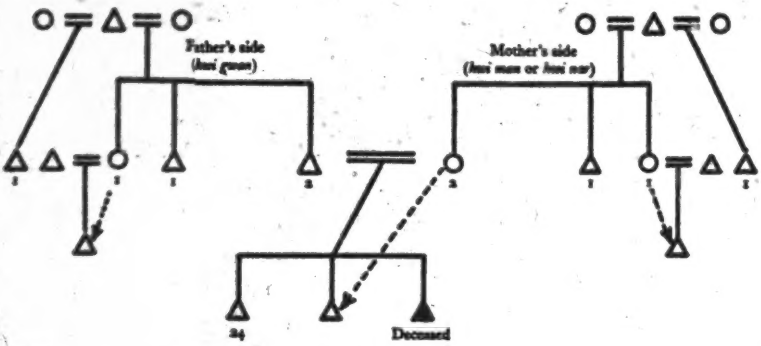
It will be noted that in all four lineages are involved, those of the father and mother of the dead man and those of his paternal and maternal aunts' husbands, since cattle given to them will be taken by their sons. 682



These examples are from Western Nuer where compensation for homicide has always been maintained at 40 head of cattle.[1] Among the Zeraf Nuer, after compensation had been reduced to 20 head, this distribution was not followed. Apart from initial payments, all the remainder went to the dead man's heir to marry him a wife. Since only 14 were left, it was usual to wait until the cattle had increased to the number required for normal bridewealth (not less than 18 to 20). Now that compensation has been increased once more to 40 head of cattle, the Zeraf tribes may well return to the old system of distribution.

Degree of Responsibility where Homicide is Committed Jointly

In assessing the payment of compensation for a man killed by more than one assailant, Nuer do not take into consideration the severity of the wounds inflicted on his body, nor do they attempt to attach the cause of death to any particular wound. Once the fact of homicide is established, all persons involved are considered responsible, but it is the man who strikes the first blow, the *ran me koic e-je*, who is considered to have a much greater degree of responsibility than those who follow him. This applies however superficial the wound he inflicts on the body of the deceased. Most cases of this sort occur in battle, and usually those who fight side by side are kinsmen. The *ran me koic e-je* is therefore in many cases closely related to those who assisted him in the act of homicide, including the *ran me gam e-je* ('second spearer'). The collection of cattle for compensation is not therefore an unusually complicated matter, and is subject to agreement within the 682 672

[1] It is worth noting that some Western Nuer tribes say that the Leopard-Skin Chief is entitled to 4 head of cattle in all for his services: two bulls, a cow and a cow-calf. Ask Nuer say that these beasts should be given over and above the total of 40, although this is not a normal Nuer custom (as it is among some Dinka tribes).

8:Howell E, G-5 (1942-1944)1954
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682 kinship group. In some cases, however, the *ran me koic e-je* is not closely related to those who acted with him, and the collection of compensation becomes more complicated. It seems that, according to usual custom, the kinsmen of the *ran me koic e-je* are expected to pay the bulk of the compensation, although there are no definite rules on this subject. Some Nuer suggest that the 'first spearer' should pay all the compensation.

These rules have caused some confusion in the courts and the matter was standardized in 1945 at a meeting of the Nuer Council. It was then laid down that the *ran me koic e-je* should pay three-quarters of the compensation and the *ran me gam e-je* one quarter, and, if there were more than one *ran me gam e-je*, this quarter should be divided equally between them.

3. FORMS OF HOMICIDE AND COMPENSATION RECOGNIZED IN NUER LAW

682 The various forms of *thung* or bloodwealth recognized in Nuer Law and graded according to the seriousness of the wrong perpetrated against the dead man's kin have already been defined. It is now necessary to examine these in greater detail.

Thung ran

Thung ran, which is the general term used to describe compensation for homicide, is also used more specifically in circumstances in which a man has been killed intentionally. In the past this was subject, as we have seen, to certain qualifications. The rate of compensation depended on the weapon used, a distinction which perhaps reflected the degree of intent with which the act was carried out.

Thung loic ran

A blood-feud means that a spiritual barrier is raised between the two groups concerned, and that a breach of certain observances and taboos current between them while a state of feud exists leads to contamination which is physically manifested in disease (*nueer*). It is therefore incumbent upon a man to confess when he has killed another. Failure to do so would be a serious breach of moral duty. Moreover, he must do so in order that both groups may not involuntarily contaminate themselves and so that they may scrupulously observe the rules of behaviour necessary in these circumstances. In the event of a man subsequently confessing to homicide or the fact of his guilt being established later, the *ji ran* demand a higher scale in compensation referred to as *thung loic ran*. Nuer feelings are outraged by behaviour of this sort,

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and it takes more to appease the feelings of the *ji ran*: indignation runs high because of the risks which are involved. Moreover they will naturally attribute certain deaths and illness in their family, which have occurred between the killing and the confession, to this cause.

The concept of *loic ran* remains in the category of private law. It is merely that extra compensation is required to restore a balance which has been more acutely disturbed, and to make good the ritual danger which has been added to the original wrong. It should be noted that the concept is extremely vague and is not known to all tribes. It is problematical whether *thung loic ran* was ever paid at all.

Thung nyindiet

The word *nyindiet* is not easy to translate, and I am indebted to Mr. Buth Diu, lately Nuer representative in the Sudan Legislative Assembly, for the following remarks:

> This is a most difficult word, which the Nuer themselves cannot explain. It is not really *nyindiet*, though the majority pronounce it that way, but *nin diet*. The first part of the word *nin* therefore could mean 'days', 'previous', 'old', or 'sleep'. In fact the expression *nin diet* is not only used in the context you have described, but of something which happened in the past implying a previous quarrel. Thus *teke nin diet ham dien ne walke* means 'there was a grudge between them in the old days'. The second part of the expression *diet* is not easily understandable. *Dit* has three meanings: 'bird', 'song', 'deed'. It is presumably the latter meaning which applies here, and the expression *nin diet* then means simply 'deed of the past'.

Thung nyindiet is demanded when a man dies as a result of an old wound. If a man dies a year or so after a fight in which he has sustained a wound full compensation is demanded. This is regarded as a normal killing and not *nyindiet*. If, however, he should die after a period of years, *thung nyindiet* only is called for. The period of time which must pass before *thung ran* changes to *thung nyindiet* is not clearly stated and is often in dispute. Moreover compensation may be sought for a man who dies so long after the infliction of the wound that to attribute death to it is absurd. Cases are continually arising in which men who die at the ripe old age of seventy or more are considered to have been killed by someone who struck them perhaps forty years previously.

As will be seen later, *thung nyindiet* has now been universally abolished, but it is worth noting that disputes arising over *nyindiet* are themselves probably the creation of the Government. The mere fact that *nyindiet* was previously recognized in the courts, and that Government action was taken when judgements were not executed, may account for the fact that what was formerly a very tentative concept, and in all probability never paid, has become a legal reality.

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Thung gwacka

682 Compensation for accidental killing is usually paid on a reduced scale. Theoretically this should not be so, for, in the general balance of opposed groups, a life is a life, whatever the circumstances of death. Yet it is natural that when the act is unintentional, the feelings of those who would normally demand redress will not be so intensely inflamed, and they will be prepared to accept less. Here again the relationship of the parties is relevant, and the Nuer make a clear distinction in the terminology of their law. They speak of *gwac mara*, the accidental killing of a kinsman, as a minor wrong which will demand only tokens and ritual expiation. *Gwac gwoka*, the accidental killing of a person who is not related to the killer, is different, and an indemnity in cattle will be demanded, though usually on a much reduced scale. The dividing line between *gwac mara* and *gwac gwoka* is obviously difficult to determine, especially as the fiction of kinship is carried right through the tribal structure as an integrating principle and an explanation of political association. Nowadays the distinction is not valid, though it is doubtful whether compensation would be demanded for the accidental death of a brother or even a father's brother's son, but it is recognized that the full indemnity for homicide need not be paid. Usually half the standard indemnity is considered correct, but circumstances are important, and a Nuer court, though its members would be quite unable to express this as a general principle of law, takes into consideration what we should call negligence and the degree of criminal responsibility. There are certain extreme cases where the principal is held to be liable in theory, even though no compensation is necessary. For example, if a man who is thatching another's house falls and is killed or seriously injured, the owner must pay *thung diit*,[1] a purely symbolic payment in bundles of grass and ropes accompanied by appropriate ritual.

Thung yiika

682 684 According to Nuer Law, if a man seduces an unmarried girl and as a result she dies in childbirth, he is held responsible for her death. Her relatives will demand compensation known as *thung yiika*. This concept follows the general principle governing homicide, that the kinsmen, or in the case of a married woman, her husband, are entitled to compensation for the wrong. They should already have demanded compensation for seduction or adultery, which is known as *ruok*,[2] and for this reason it seems probable that the act is considered to be homicide, and not merely a breach of behaviour regarding women. The use of the word *thung* rather than *ruok* indicates that this is so. *Thung yiika* is, however, described in more detail under the heading of violation

[1] *Diit*, here meaning 'thatcher'. [2] See under Adultery, pp. 155 et seq.

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of rights in women, a subject which is discussed in a later chapter.[1] *Thung yiika* has now been abolished officially and is not recognized by the courts, but even before that, in most parts of Nuerland, as a custom it seems to have been dying out (except perhaps in Western Nuer) and it is probable that it was rarely paid.

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Biem

The distinction between killing a person in fair fight and killing a person by stealth or ambush has already been mentioned, and we noted that the latter arouses in the Nuer a reaction of moral indignation, not because a life has been taken, but because it is an offence against Nuer standards of chivalry. It is therefore somewhat surprising that a higher rate of compensation is not required to appease the more intense feelings of outrage displayed by the dead man's kin. The reaction of horror or displeasure against an act of what we should call 'cold-blooded murder' is almost universal, and one might expect that the sentiment would be expressed in the scales of compensation traditional in Nuerland. There is, however, no suggestion of this in Nuer law, though a feud arising from such circumstances might well be harder to settle than one arising from straightforward homicide in battle or single combat. I think that the explanation lies in the fact that the circumstances rarely, if ever, arise except in the form of an ambush against a particular individual in pursuance of a feud.[2] If carried out as an act of vengeance the circumstances are considered to be mitigated. The literal meaning of the word *biem* is, in fact, 'to kill by ambush'.

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4. THE STATUS OF PERSONS IN CONNEXION WITH HOMICIDE

Persons for whom Compensation was paid at Reduced Rates

In the past there was also a recognized distinction in the rates of compensation for the taking of human life according to the status of the person killed. There were certain categories of persons for whom compensation was paid on a much lower scale.

[1] See Chapter IV, p. 155.

[2] 'Fair fight' is a Nuer maxim. In the years 1943–4 there was a sudden and unusual incidence of cold-blooded murder among the Lak Nuer. In nearly all cases there was no actual motive, and the offenders gave as an explanation that they were directed by certain spirits (*kuth*) in their actions. Nearly all the accused, both in preliminary police investigations, enquiries, and during trial, displayed characteristics of mental instability, but not sufficient to disable them from conducting their defence. In most cases they revealed a curious persecution mania focussed on the person of their victim, though evidence that no persecution existed in fact was overwhelming. It is interesting to note that these murders, with one exception, were restricted to the Kwachor primary segment of the Lak Nuer, and all took place within a comparatively short space of time. Public opinion in Lak country was genuinely shocked and other tribes expressed strong disapproval. The Lak had an unsavoury reputation for some time to come.

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Dinka in the Category of Slaves

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Nuer distinguished between what they called *jaang cieng* and *jaang dhor*. *Jaang dhor* (literally, 'outside Dinka') were Dinka who had no connexion with Nuer and did not live among them. Scales of compensation, which varied according to the tribe, probably depended on their past relations with Dinka with whom their boundaries marched. A scale of compensation was recognized, although this does not mean that compensation was often paid. *Jaang cieng* (literally, 'home Dinka') meant those Dinka who had taken up residence with Nuer, associating themselves with some Nuer lineage and ultimately identifying themselves with it. Dinka recently arrived, and living thus in Nuerland, received compensation at a much lower rate—the scale varying from tribe to tribe. Dinka born in Nuer country and adopted, i.e. in the second generation, were usually treated as pure Nuer. In this connexion it must be remembered that adopted Dinka did not necessarily suffer social or political disabilities and often attained positions of great prominence among the Nuer. Deng Likea, a Dinka of Ngok extraction, became the acknowledged leader of Bar Gaawar through his spiritual powers, and his descendants are still the most important people there; Nuar Mer, an adopted son of Mer Teng Kerfeil, whose real name was Nuar Bul and who was of Dinka extraction, attached himself to the powerful Teng Kerfeil section of Radh Gaawar and gained great power through his treacherous alliance with Arab slave raiders. There are other notable examples. Dinka captured in war were not slaves in the usual sense of the word and were soon assimilated into Nuer society; their descendants, after a generation or two, would trace a fictitious descent relationship to a common ancestor through the lineage of the man who adopted them.

Witches, Ghouls, and Anti-social Persons

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For killing a person believed to be *peth*—one who possessed the evil eye—Nuer say that compensation was six head of cattle only. For a *rodh*, a ghoul who performed unnatural rites with the bodies and graves of the dead, no compensation was paid at all if, in killing him, only sticks were used and he was not hit on the head.[1] There are also instances in tradition of witches, *gwan wal* (owners of medicines), *let* (werewolves) and the like, being done to death by general consent of the community and no compensation being demanded.

I know of no recorded instance where a Nuer court has had to deal with a situation of this sort, and it is a matter of tradition rather than the present administration of Nuer customary law. This is true also of the distinction between Nuer and Dinka, for no such

[1] The subject of witches and other anti-social persons is discussed more fully in Chapter V. See Howell and Lewis, 'Nuer Ghouls: a Form of Witchcraft', *S.N.R.*, 1947.

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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes.

Uninitiated Boys

Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident.

In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: 10 head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation

[1] 'Ungarred', 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

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at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.[1]

Legal Responsibility for Act of Homicide committed by a Woman

[672] A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognized as *keagh* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.[2]

5. PEACE CEREMONIES: COMPOSITION ON A TRIBAL SCALE

728 The laws of homicide described in the previous sections concern feuds (*ter*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*cot*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaawar when Liab Liou, the leader

[1] I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

[2] The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

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(*ruic*) of the Bar primary segment, called upon the whole tribe, the Radh section included, to unite once more. This was after the separation of the two primary segments of the tribe and when there was a marked deterioration in tribal cohesion, but before the tribe was finally split by the raids of Arab slavers and the treacherous alliance of some of the Radh with the intruders.

6. CONCLUSIONS

Traditional Concepts and Action in the Past

We have seen that the laws relating to homicide among the Nuer are directed towards the maintenance of an equilibrium, and that in Nuer society this equilibrium is expressed in the balanced opposition of the segments of a tribe. Theoretically compensation should be the same whatever the circumstances of the killing and whatever the intention of the killer. These principles still largely apply, but in the past the main objective of restitution in the form of payment was achieved only with difficulty because, whatever the sanctions which exerted pressure on the aggrieved people to accept and whatever their actual feelings, convention demanded that they should accept only after a great display of hostility and reluctance. Moreover the degree of reluctance was genuinely affected by the actual circumstances of the incident. Some, but not all, Nuer tribes distinguished between intentional and unintentional homicide in assessing compensation. Compensation for intentional homicide was usually at least double that for accidental killing. The difference in the weapon used was also a qualification among some Nuer tribes, though it seems probable that they merely considered use of the fighting-spear an indication of intention. In contrast, reactions to homicide achieved by means which the Nuer consider unfair and therefore a greater wrong did not find expression in an increased rate of compensation. Unconfessed homicide was regarded by some Nuer tribes as a much more serious offence, and although this is a theoretical concept and without recorded examples, Nuer say that double the full rate of bloodwealth was necessary before settlement could be achieved. In this case, however, it was not so much an assessment of the quality of the homicidal act as a reaction to an offence committed by the killer afterwards, for he had, by concealing the deed, endangered the whole community including both factions. Nuer believe that the killer enters into a condition of ritual impurity which must be neutralized by the operations of the Leopard-Skin Chief if the community is not to share in that condition. An act of homicide therefore creates a state of grave danger. Actual danger springs from a state of feud, for there is always the likelihood of retaliation and further violence. Spiritual danger arises from the contamination of a man who has

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spilt the blood of a human being, and this may extend to his kin.[1] Between the group thus tainted and the kin of the dead man no social contact is possible until the pollution is removed by elaborate rites performed by the special functionary who exists for that purpose.

In connexion with the general theory of primitive law it is also worth noting that among the Nuer the composition of homicide was achieved by a payment which varied according to the status of the dead person, but this distinction, which is no longer valid, applied only to Dinka slaves of the first generation, and probably only to those captured in war and not fully adopted. Otherwise there was no differentiation according to class because no class distinction ever existed.[2] Moreover the age or sex of the deceased was not taken into consideration, the compensation for a woman or an uninitiated boy being the same as that for an adult male. It is true that low scales of compensation were demanded for the killing of certain categories of anti-social persons, witches and the like, and it might be argued that such persons were set in a lower status in society because of the evil reputation which attached to them, and in this also the germs of a concept of public law may be detected.

Unlike the scale of indemnities for lesser wrongs, compensation for homicide (*thung*) appears to have been maintained at a more constant level, with the provisos already mentioned. It was set as an ideal, though it is now difficult to say how often it was fully paid in the past, just because homicide and violent retaliation were the very first features of Nuer society to receive the attention of the Administration. The consistency with which these scales are quoted, however, seems to me partly due to its dependence on bridewealth, which is also expressed as an ideal. The main objective in the payment of the indemnity is to provide the deceased with a wife—a 'ghost-wife' who will bear children to his name and enable him to be the founder in posterity of a distinct collateral branch of his patrilineal descent group. It is therefore logical that the number of cattle paid as *thung* should be equal to those paid as bridewealth, though nowadays the difference between the latter ideal and the number actually paid is variable and often considerable. The distribution of bloodwealth among the kinsmen of the deceased follows closely the method of distribution of bridewealth, both maternal and paternal kinsmen having definite claims. It would, however, be a mistake to believe that bloodwealth should be exactly equal to bridewealth just because the former is intended

[1] There is also an idea that the spirit (*ciew*) of the dead man will haunt his slayer and bring about his destruction and disaster to his kinsmen.

[2] E.g., there is not a higher rate of compensation for a specialist functionary like the Leopard-Skin Chief as opposed to the ordinary people (*dwek*). It is worth noting here, however, that Nuer have in recent years often pressed for official recognition of a higher rate for Government chiefs and policemen when killed in the execution of their duty.

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mainly to provide the dead man with a wife. Other claims must be met first. Of the forty head of cattle some go to the kinsmen in the manner already described, others go to the Leopard-Skin Chief and his assistants, still others are sacrificed, so that only between twenty and thirty are left for the 'ghost-marriage'. These are normally kept until they increase sufficiently to reach the mark of current bride-wealth, and may then be supplemented by other cattle to which the dead man would have had a claim were he alive. Nevertheless Nuer feel that the two payments should be equal; a life for a life or a wife for a life, a logical equation which is entirely consistent with the principles of their customary law.

Observations on the Effects of Government Policy

Nuer are able to quote instances where compensation was paid and blood-feuds settled in the past before the advent of the present Government, but this does not mean that every case, or even the majority of cases, was settled. There is no doubt that blood-feuds, especially between tribal segments remotely related in terms of space and kinship, often continued for many generations, and the tradition of such feuds is still a source of political friction and a problem which faces the Administration today. Even when compensation has been paid and the ceremonies of composition performed the feud may break out again with renewed vigour. Generally speaking, the nearer the social relationship of the opposed groups, the greater the likelihood of permanent settlement. This observation applies theoretically, but only in the sense that in the initial stages feuds between less closely related groups were more likely to continue and no action be taken to bring about an agreement. In fact, they do not often continue nowadays because the Government intervenes and acts as a purely artificial and new medium through which hostile groups are brought together. Paradoxically enough, it is nowadays often the case that feuds between closely related groups are the most difficult to deal with. The reason is, I think, that feelings of hostility receive the permanent reminder of almost daily communication, while the primary sanction for composition, the threat of aggressive action by other groups, is much modified by the action of the Government in maintaining the peace.

The concept of punishment of the individual for offences which we, but not the Nuer, regard as criminal is another innovation which has had widespread repercussions. In cases of homicide capital punishment is sometimes inflicted and imprisonment or fine or both are always applied. Further, in cases of major conflict, fines are sometimes exacted on a collective basis, and in any case, even if the fine is inflicted on the individual culprit, it amounts to collective punishment because in Nuer society the principles governing mutual assistance in

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681 177 the collection of bridewealth, bloodwealth or other kinship obligations automatically come into operation. The fear of punishment is therefore a collective deterrent, and this, with the general realization that payment of compensation will invariably be enforced, has undoubtedly reduced the incidence of homicide. It has also to some extent had the effect of strengthening public opinion opposed to the use of violence, and people are likely to go to greater lengths to restrain their fellows. Conversely, the certainty of punishment and of the enforced payment of compensation has lessened the fear of retaliation and has resulted in a corresponding reduction in the force of those sanctions which make for the fulfilment of social obligations.

Although the concept of punishment inflicted by the State is alien to the Nuer, its introduction has not been difficult, and the deterrent effects are appreciated by chiefs and court members. In general terms, however, a European system of criminal justice is not always understood. Fratricide, for example, is considered a great wrong, and 682 177 is one which is likely to shock Nuer deeply, but it does not demand any restitution or compensation. A man who kills his brother is injuring 593 himself, and although this may demand a readjustment in matters of inheritance, he cannot pay compensation to himself. Moreover his action runs counter to the very basis of Nuer social sentiment and conflicts with their ideas of kinship solidarity. It is an act almost on a par with suicide, which is fraught with spiritual dangers to the surviving kinsmen. Fratricide is the negation of all social principles. The killer will have to undergo a complex process of ritual purification to appease the wrath of the ancestral spirits and to avoid the misfortunes which may follow, but he will not pay compensation to himself or his brothers. Similarly when a man kills his legally married wife he is causing an injury to himself, for he has paid cattle for her which will now never be returned. Again he will have to undergo ritual purification, will have to give a few cattle or other gifts to his relatives-in-law, but unless he has not completed the bridewealth payments, he will not have to pay compensation in the normal sense. In such circumstances the Nuer find the greatest difficulty in understanding why the Government should seek to punish the culprit, and a Nuer court will usually resist an attempt to do so. If the case is taken out of their hands by the formation of a Major Court under the Presidency of a District Commissioner or Judge, there is little comment and they will accept the sentence, but it would be difficult to persuade a Nuer court to pass sentence itself.

671 178 Apart from the difficulties of understanding an alien system of justice, there are other factors which have had repercussions on the application of traditional Nuer law and in particular on the scales of compensation demanded for a wrong. It seems probable that with the absorption of Dinka elements and natural increase, human population

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681 177 602 on the marriage of their female relatives. Previously, if relationship was distant, the chiefs would agree to no cattle passing and the 'breaking' of *mar*, but since the Fangak meeting chiefs are very reluctant to break *mar* as the more so-called relations there are available to collect blood-money, the better.[3]

681 177 In connexion with the first repercussion mentioned by Captain Romilly, it would appear that the object of this legislation has been defeated. Not only is litigation increased in the courts, but the result has been an increase in the very kind of dispute—elopement, adultery, divorce, &c.—which is so often the cause of violence and bloodshed.

681 177 621 The second result noted by Captain Romilly among the Eastern Jikany Nuer is not necessarily a social evil, as he seems to suggest, and indeed was one of the intentions of the action taken in raising the rates of compensation. We have seen that the social structure of the Nuer has been subjected to severe strains, and since social groups in the past were at least partially maintained as co-operative units by the retaliatory sanction and the need for mutual protection, a reduction in the incidence of violence and of blood-feuds has naturally tended to reduce group solidarity. The lessening of the retaliatory sanction has led to an excessive process of fission without the accompanying process of fusion. Unless this process is checked, or at any rate the speed of the process lessened, there is a tendency towards social decay and even chaos before a new form of social organization based on territorial factors and local government can be substituted. Captain Romilly of course refers to the consequent increase in litigation in the already overburdened courts because the retention of the widest range in *mar*, 'kinship', means a larger circle of people involved in relationships which demand mutual assistance and therefore an increased number of claims in a cattle exchange system.

177 671 682 The Nuer courts which have been established by the Government are a form of machinery through which the social system is maintained. As I have explained previously, this has introduced a political authority upholding the customs of a social system, and custom therefore becomes law in a more precise definition of the term. Customary payments of compensation for wrongs (*duer*), normally only likely to be effective because of the fear of condemnation by a restricted community sentiment and a consequent loss of privilege and security, are now enforced as law. Cases are raised in the courts which would never have had the slightest chance of success in the past, and judgements are enforced because a too literal application of the traditional principles is made. A typical example of this is *nyindiet*. It seems likely that in the past *thung nyindiet* was only demanded in cases where the persons concerned were very closely related and then on a much reduced scale.

[3] Unpublished administrative records (Eastern Nuer District), 1945.

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probably as a token payment. I have not been able to find evidence of *thung nyindiet* being paid in pre-government times. Yet, until it was abolished in 1945, the demand for *thung nyindiet* was frequent, and although the claims were sometimes carried to extremes of fantasy, they were also frequently enforced. For example, the family of an old headman, Loiny Kur, who must have been over seventy and scarcely able to walk for several years before he died, at once claimed compensation for his death, which, they claimed, was due to a blow on the head. Further investigation revealed that this blow, which caused him considerable discomfort at the time, but no more, was delivered about forty years before his death.

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At the meeting of 1945 it was agreed to abolish claims for *thung nyindiet*, but over this a further difficulty arose, because there is no clear distinction between what would be called *thung ran*—compensation for direct killing—and *thung nyindiet*. A man may linger on in a disabled condition as a result of a blow for years before dying. In this case, if compensation for an injury has been paid, the cattle and their offspring will be assessed as part of the claim for bloodwealth, for this is one of the objects of compensation for hurt; but there are some injuries which do not in Nuer custom demand any compensation at all, notably blows on the head. The final ruling given by Chiefs at the 1945 meeting was as follows:

> *Nyindiet* is abolished. Only compensation for a man who dies as a direct result of a wound may be claimed and then full compensation will be paid. The test is this: if a man, as a result of a wound, is confined to his home and is unable to take part in the normal economic activities of the Nuer and finally dies after a period of years, then full compensation will be claimed. If he recovers, then if compensation for an injury is applicable according to Nuer laws it should be paid.[1]

This has subsequently led to much confusion, though the meeting of 1947 recorded that 'a series of test cases with the chiefs of Eastern Nuer straightened out their ideas.' This is an instance in Nuer law in which the circumstances of the case, as deduced from formally recorded evidence, must be the guiding factor and, as medical facilities increase, medical evidence also. In normal homicide cases brought before Nuer courts, the facts are not generally in dispute or concealed by the defendant party.

Recent legislation (in 1947) by the Nuer Chiefs' Council has also abolished the payment of *ghok pale loic*, mainly because in some parts of Nuerland there was an endless demand for such compensation as final payment for cases settled years ago. The idea exists in tradition, but was clearly of very rare application. As we have already seen, *thung yiika* has also been abolished.

[1] Minutes of the Nuer Chiefs' Meeting, Fangak, 1945 (unpublished).

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Modern Procedure

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Cases of individual homicide are nowadays often tried by a Major Court[1] convened under the Code of Criminal Procedure of the country. This always applies in cases of murder, since murder is not triable by Chiefs' Courts.[2] The slayer is tried under the Penal Code for murder or, if the act is qualified by one of the five mitigating circumstances laid down, for culpable homicide not amounting to murder.[3] These circumstances can be reasonably adapted to Nuer standards, and the implications are well understood, since murder is *biem*, though even here 'grave and sudden provocation', one of the mitigating circumstances, might still apply in circumstances which the Nuer classify as *biem*. All other forms of homicide are simply *nak*. In the case of a murder for which sentence of death is passed and executed, compensation (*thung*) is naturally not paid, although the kinsmen of the murdered man often demand it. The State has assumed the role of the avenging kinsmen. Where the sentence is commuted to life imprisonment, the indemnity is usually paid.

The more straightforward forms of killing, which take place in collective hostilities, in brawls when the feelings of the participants are roused to extremes of passion, or in sudden unpremeditated quarrels, usually fall within the mitigating circumstances and, as culpable homicide not amounting to murder, may, with the permission of the District Commissioner, be tried by Chiefs' Courts.[4] There are naturally occasions when an act of homicide quickly leads to extensive hostilities and the chiefs appointed by the Government are either unwilling or afraid to intervene and restrain their fellows. In such circumstances the intervention of State police armed with rifles is sometimes necessary. Normally, especially in the more advanced parts of Nuerland—for the effectiveness of Nuer courts is not everywhere the same—the chiefs, their headmen, and tribal police quickly regain control. It is rare that a killer attempts to conceal his guilt, even if in the heat of the battle there are no witnesses, and he will usually give himself up to the nearest authority after performing the necessary purificatory ritual with a Leopard-Skin Chief. Other persons involved are put under arrest, and in most cases a number of cattle are seized, often from both parties and in excess of the number which will later be required as compensation. These are held as surety. A meeting of the court is quickly called, and the relative guilt of the parties is determined. Sentences of imprisonment, sometimes up to the maximum powers granted by law, are imposed on the killer or killers, and

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[1] Consisting of a Magistrate of the First Class and two lesser Magistrates. Some Nuer chiefs are Magistrates of the Third Class for the purpose of sitting on Major Courts.

[2] Chiefs' Courts Ordinance.

[3] Sudan Penal Code, Section 249. [4] Chiefs' Courts Ordinance, 1931.

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those who participated in or instigated the affair are punished. Fines are often imposed collectively on one or both sides and collected with the minimum of delay. A Leopard-Skin Chief is then appointed by the court to conduct the ceremonies of composition, and these are carried out strictly according to the procedure already described.

It would of course be idle to pretend that all acts of homicide are dealt with so rapidly and efficiently, but in this sphere—in circumstances where public security is most obviously and severely threatened—Nuer courts are surprisingly effective. At any rate, during my time in Central Nuer District there were not many occasions when I had to intervene to restore order, though I was, of course, called in to confirm the judgement of the courts. Indeed, there was one occasion when I interfered too hastily by sending mounted police to round up the culprits and their cattle. As a result I was publicly and most soundly rebuked by the elder statesmen of the area, and was told that such matters should be left to the chiefs themselves. Many feuds were quickly settled during my absence when I was away from the district on leave, sometimes for several months at a time and there was no one to take my place.

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PART II HURT

1. INTRODUCTION

683 NUER demand compensation in cattle for injuries sustained in all forms of affray and individual fighting. Certain definite injuries are recognized in traditional law, and for these there are scales of compensation. There are also notable exceptions. For example, while elaborate scales of compensation in cattle exist for fracture of individual bones of the hand and for different fingers, there is no traditional compensation for a broken skull.[1]

The compensation is intended not only to appease the feelings of the injured party, but also to restore the balance between the conflicting groups. It seems that the fundamental principle involved is that an injury should be met by compensation in direct ratio to its severity, and the severity is assessed by the extent of a man's disability. Disability is judged by the extent to which a man is incapacitated from co-operating in the communal activities of defence and the maintenance of his immediate family and the whole group to which he belongs. It is a collective concern as well as one of individual redress. Fracture of the bones of the hand or the fingers may amount to a very serious injury if the man is unable to hold a spear in defence of his kin or to assist in the cultivation of his fields. In the case of a broken skull, the victim either dies—in which case a feud probably follows or bloodwealth must be paid in full—or he makes a complete recovery.

683 A second principle inherent in the payment of compensation for personal injury less than death is directly related to the law of homicide. It is that in payment of compensation in cattle the culprit insures himself, in the event of his victim dying at some later date, against the possibility of the deceased's kinsmen attributing death to that wound. This association of ideas has close connexion with the law of *nyindiet*. If cattle have been handed over as compensation for the injury at the time, it is unlikely that a claim for *thung nyindiet* could or would be pressed, for in theory the cattle have increased to a number equivalent to or more than the number normally demanded for *nyindiet*. In this respect it is also significant that most claims for *thung nyindiet* refer

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[1] Although there is no traditional compensation, a Nuer court will nowadays sometimes award a cow or two to the injured party.

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back to wounds inflicted on the head of the deceased, particularly a broken skull.

As in the case of homicide, the existence of traditional scales of compensation for personal injuries does not indicate either a high exactitude of application or the inevitable and prompt settlement of disputes. In the past settlement depended largely on the relationship of the disputants. The principal inducement for payment was fear of retaliation, and in the case of a wound or a blow retaliation was likely to take a more personal and individual form than in the case of homicide. The injured party was on the look-out to avenge himself on the person of the offender. Generally speaking, too, the smaller and more integrated the community to which the disputants belonged, the more likely was it that pressure would be exerted to have the matter settled by payment of cattle and thus remove the danger of further friction within the group. The smaller the group, the greater was this pressure and the greater, too, the opportunity to exact personal revenge on the body of the culprit. Nowadays, injuries are assessed by the court and compensation is awarded with due regard for these traditional scales.

2. INJURIES RECOGNIZED IN NUER LAW

There are many specific injuries recognized in Nuer customary law as demanding compensation in cattle. Most of these injuries are fractures of bones, but it is usually on the subsequent effects of the injury —the stiffening of joints or paralysis causing permanent disablement— that the extent of the compensation is judged. Specific injuries recognized are given in the table (p. 70). Scales of compensation were extremely variable throughout Nuerland, but fairly consistent within one tribe. Elders can usually quote the rates current in the past. As in the case of most indemnities among the Nuer, I think that the rates were essentially idealized and therefore only a basis upon which a suitable compromise could be reached. This principle still operates in Nuer courts today, although there is an increasing tendency to quote past precedents established in case law. An attempt was made in 1945 to stabilize the scales, and the results are also recorded in the table, though it was appreciated that any rigid rule at this stage might be unwise. It is worth noting that theoretically total blindness is tantamount to death among the Nuer, and that loss of both eyes should demand full bloodwealth. At the Nuer Chiefs' meeting where these scales were discussed it was said that a man who loses his sight is 'like one who is dead', and the main object of the indemnity was to provide him with a wife, as in homicide. It was agreed, however, that in modern conditions ten head of cattle should be sufficient.

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woman is not legally married until this has been performed. In fact, there is no great difference in these opinions because in a normal marriage a woman's family will rarely allow her to take up residence with her husband until the *muot* has been performed. 581

Finally in this connexion, I must comment on a statement made by Professor Evans-Pritchard in his most recent book on the Nuer. He says:

> Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yiika*).[1] [682]

The use here of the word 'incomplete' seems to me relative. If a 'complete' marriage is one which is legally indissoluble, then this condition is reached only at a much later stage when at least two, and probably three, children have been born. If it is 'complete' when the rights in the woman are legally transferred from her family to her husband, then this occurs much earlier in the proceedings, at some time between the *twoc* and *muot* ceremonies, and usually long before the birth of the first child. Nor does the wife necessarily remain with her family until the first child is born though it is usual for her to return to them to give birth to it, a custom which is common to nearly all Nilotic peoples. At this point and after it any outsider would have to pay *ruok ciek*, compensation for adultery with a married woman, which is payable to her husband, and not *ruok nyal*, compensation for intercourse with an unmarried girl, which is payable to her family. [684]

It therefore seems to me more correct to say that marriage is legally valid after the *muot*, is not dissoluble after the birth of two or often three children, and that the likelihood of divorce diminishes with the birth of each child, but I should not like to say at what point the Nuer consider it 'complete'. Finally it is incorrect to say that a husband will have to pay bloodwealth, *thung yiika*, should his wife die in giving birth to her first child. *Thung yiika* is an indemnity demanded only when the child is the result of an illicit union and is not applicable to the husband within the institution of marriage. I have already explained that a man is not liable to pay bloodwealth should he accidentally or intentionally kill his wife. Such a liability ceases as soon as bridewealth cattle have been transferred and the *muot* ceremony performed. This also applies to *thung yiika*, and the only circumstances in which a woman's family might justifiably demand it from 581 682

[1] Evans-Pritchard, *Kinship and Marriage among the Nuer*, p. 93.

8:Howell E, G-5 (1942-1944)1954
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her husband is before the *muot* and before he has met their claims for bridewealth, in which case strictly speaking the man is not her husband at all.

7. THE LEGITIMACY OF CHILDREN

Establishment of Legitimacy by Legal Marriage

Legal marriage is performed by the transfer of a number of cattle acceptable to the woman's family, and usually also by the performance of ceremonies and ritual observance. Children born of such unions are legally the children of the man who transferred the cattle or on whose behalf the cattle were transferred, and his rights in those children, and the rights which descend to his heirs, are valid and inalienable unless the cattle are returned. No conflict can theoretically arise, for a woman cannot have more than one legal husband at one time. Nor can any one of her children have more than one legal father or *pater*, though sometimes different children of the same mother may have different legal fathers. From the legal aspect, legitimacy brings to male children status and privilege as members of the legal father's lineage and the rights of inheritance from that father. They acquire rights in the cattle of the kinship group—rights which are determined by their position in the kinship structure; rights to cattle inherited and to cattle brought in by the marriages of females of that lineage. Female children provide a means by which cattle will be acquired by the lineage in the future on the normal principles of distribution of bridewealth (*ghok kwi gwande*), and they further stand as a legal link between the lineages of the father and the mother, for the mother's relatives may also claim cattle from their bridewealth (*ghok kwi mande*).

Thus the children of a simple legal marriage will belong to the legal husband by whomsoever begotten (for they may be begotten in adultery—which does not affect the legality of the marriage). In 'ghost-marriage' children are attached to the name of the man on whose behalf the marriage was performed, although in other respects their relationship to their physiological father (*genitor*) is normally the same as that found in simple legal marriage. The *genitor* is usually the principal heir to the *pater* by reason of the fact that he performed the ceremonies on the father's behalf, and also through normal rules of inheritance derived from their relative positions in the kinship structure of their lineage. It is probable that the children will be brought up in their *genitor's* household, and he is therefore also their foster-father. He may die, however, and his position will be assumed by his own heir.

Similarly, in leviratic union or 'widow-concubinage' the status of the children is determined from that of their legal father, although he is dead. Their physiological father will have authority over them and rights in them derived from his relationship to their

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Few disputes derived from religious situations appear before the tribunals established by the Government today except occasional accusations of witchcraft, or violent action against persons believed to be practising witchcraft, and the claims of religious experts for fees from their clients. Before turning to these matters, however, I propose to consider two aspects of Nuer religious belief which are relevant to a study of their customary law. The first aspect is the part which is played by religion as a sanction for the fulfilment of obligations towards kinsmen and to Nuer as a whole, and as a deterrent against breaches of recognized behaviour. The second aspect concerns the part played by religious functionaries in connexion with legal processes. This aspect has been discussed at some length both in the introductory chapter and in the chapter on homicide, but mainly in connexion with the Leopard-Skin Chief. More must be said of other experts who have specific functions to perform.

Religious Sanctions and Legal Processes

Religious sanctions for the operation of accepted rules of conduct have already been mentioned in connexion with homicide and the spilling of blood. We have seen too that in certain offences concerning women there is a sense not only of a secular wrong but also of sin which must be expiated by ritual observance.

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It is clear, however, that religious concepts do not provide a deterrent; a man is not deterred from killing another simply because he fears spiritual contamination or the pollution of those with whom he is associated. He might do so were there no definite means by which he can remove the danger, but the means exist. What he and his kinsmen fear is the voluntary, or more probably involuntary, breach of observance which will bring them disaster in the form of natural disease (*nueer*) or of sterility among themselves and their cattle. Religion among the Nuer is therefore not so much a deterrent to homicide as a sanction for carrying out accepted modes of behaviour after the event. It is further a sanction for the immediate confession of homicide, and this is why the Nuer rarely if ever attempt to conceal their guilt. The dangers of concealing an act of homicide are expressed in the concept of *loic*.[1] When a man fails to confess, there is a graver disruption of equilibrium; both his own kin and those of his victim run into the danger of involuntarily breaking the taboos on social contact, and consequently an incident of this sort may demand a higher rate of compensation if peace is to be restored.

There appears to be no formal reaction on the part of the community as a whole to an act of homicide, nor any general expression of reprobation. The killer is not thought of as an evil-doer because of his

[1] See p. 52.

8:Howell E, G-5 (1942-1944)1954
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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralize the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organized political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*duer*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

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The ghost of the dead strangers

no less than that of a fellow tribesman, may haunt the slayer, and the mere act of homicide creates a situation of spiritual danger.[1] This is a religious concept, but it does not provide an effective sanction against homicide because the consequences can be avoided.

(ii) The killing of a fellow tribesman, and to a much lesser extent a fellow Nuer of another tribe who is within the orbit of the killer's social sphere, is a wrong because it is an offence against the stability of society in its most extended form. But it is a private delict and not a crime, and demands only retaliation or restitution. The closer the relationship between the component tribal segments involved, the greater the sanction for restitution. It is also an act which brings spiritual contamination upon the killer and his kin, and expiation and ritual purification are necessary. Moreover the closer the relationship the more dangerous the consequences and the greater the need for purification, because the act of homicide amounts to a more grievous breach of kinship observance.

(iii) Finally in the narrowest definition of blood relationship, where kinship is a reality and not merely a fictional social form—that is, within the lineage or the extended family group—restitution becomes less and less necessary because the persons who assist in the payment of compensation are also the recipients. To put this in negative form, those who are in duty bound to take vengeance are also those upon whom vengeance should be wreaked. The situation then reached is so near to patricide or fratricide that the idea of vengeance or restitution must disappear. The situation is indeed something akin to suicide, which is the negation of the principle of kinship solidarity, and, as in suicide, the danger is not the threat of retaliation nor the need to pay cattle as compensation to some other group but spiritual damnation from within.[2] Hence the act does not constitute a private delict but is

[1] To the Nuer this idea applies to all mankind. The disgruntled spirit (*cien*) of the dead man will haunt his killer and bring him misfortune or even death. The act of spilling blood in itself creates a condition of impurity which afflicts the killer, amounting to an impairment of his ritual status, and therefore requires expiation. Hence the ceremony of *birr*, which includes not only sacrifice but the letting of the slayer's blood. The danger involved in the spilling of human blood is exemplified in the rules concerning the destruction of certain categories of anti-social persons, notably the *rodh* or ghoul, with the consent of the community. No blood must be spilt; the ghoul should be beaten to death with sticks. No such contamination arises from the spilling of animals' blood except that of an elephant. For this the ceremony of letting the blood of the killer must be performed or the ghost (again *cien*) of the animal will haunt him. It is especially interesting to note in this connexion that elephants are closely associated with mankind and are linked in mythology to the genealogies of certain lineages.

[2] This statement is, of course, qualified by the actual relationship of the persons concerned. Between brothers or half-brothers there could be no payment of compensation; between patrilineal cousins some form of compensation might be paid, but conditioned then and subsequently by other mutual obligations in connexion with cattle. The real test probably lies in the obligation to marry a wife to the name of a dead kinsman. If the killer were also the man, or one of the men, who normally might be expected to discharge this duty on behalf of the deceased, then no form of compensation would be necessary.

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a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible.

These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*nueer*), and their kinsmen may suffer subsequently, particularly from sterility, infant mortality, or a series of disasters which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently efficacious, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could.

There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse

[1] For minor infractions gifts—tobacco, food, &c.—may be offered to an offended kinsman.

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [684]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [683]

[1] See p. 62. [2] See pp. 63 et seq.

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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. 785

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII, when I asked why the brothers do not live together I was told *Juan mun me ca bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

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619 bed from the Dinka who had brought him up they said "*achilo kang* (someone, the stranger) has gone. This phrase became corrupted into the word Jekaing, by which name the descendants of Kir are now known." This is an unlikely explanation, for one reason because the terminal phoneme in Jekany is *ny* and not *ng*, and for another reason, because *ji* is obviously a prefix meaning "people," as in JINACA, the people of Nac, or JIKUL, the people of Kul.[1] By analogy one may suppose that Jikany are the people of Kany, but it is very doubtful if Kany can be regarded as a proper name and equated with Kir, who was the founder of the dominant clan in this tribe and who, we might expect, would furnish the proper name after which the tribe would be called if they were called after a man. One may, nevertheless, I believe, ask a descendant of Kir "*Labi Kany?*" ("Are you a Kany?") in the same way as one may ask a descendant of Nac "*Labi Nac?*" ("Are you a Nac?"). Some people explain the term Jikany by saying that it is derived from a word meaning palm trees on account of a connection between palm trees and Kir who lived near them or who was found in a gourd on them or at their feet.

186 There can be no doubt that tribesmen have an emotional feeling about their country and hence towards its other occupants. This sentiment arises from common action in warfare, common name, common traditions, common regulation of public life, common territory, and above all from the fact that in each tribe one clan is predominant and forms the iron girders of kinship around which the political structure of the tribe is built up. Except in occasional periods of solidarity, however, when the tribe acts together as a military unit, the sentiments which bind its members together are extremely weak. Thus we find lengthy feuds going on between one section and another within the tribe itself.

(3) Nevertheless, machinery, even though it is cumbrous and not always very effective, exists by which feuds can be prevented or settled sooner or later when they take place between segments of the same tribe, whereas if a member of one tribe kills a member of another tribe there is no definite social machinery for controlling the situation which will arise as a result of the homicide. At the same time it is necessary to point out that the degree of control over retaliation for homicide varies

[1] In reading proofs I notice that I have written Jikany and Jekany equally but have not thought it worth while to alter. This is also the case with Jimac and Jemac.

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considerably within the tribe itself according to the size of the section concerned. The smaller the sections involved the greater the control, the larger the sections involved the smaller the control. Thus it is easier to settle a dispute between two villages of the Leng tertiary section of the Lou tribe than between one village of the Leng tertiary section and another village of the Nyarkwac tertiary section (*see* sketch map No. III). This is due to closer local cohesion in the first case than in the second and to closer relationship among the dominant clan element throughout the Leng section than between this element and the corresponding element in the Nyarkwac section. In the same way the Nuer say that there is more likelihood of settling a dispute between fighting factions of Gaatbal and Rumjok secondary tribal sections (*see* sketch map No. III) than between Gaatbal and Jemac secondary tribal sections, since Gaatbal and Rumjok both form part of the same primary tribal section of Gun while Jemac forms part of a different primary tribal section, the Mor. In this case also the dominant elements of Gaatbal and Rumjok sections belong to the same clan while the dominant element of Jemac section belongs to a different clan (*see* diagram No. V). Doubtless this is a statement of general tendency or principle and is, in actual practice, subject to many exceptions due to the special circumstances of the dispute and the genealogical relationship of the parties involved in it.

In kindly criticism[1] of the paper which I read before the British Association Mr. Coriat takes exception to my regarding settlement of disputes among tribesmen as a characteristic of tribal organisation. He points out that "in the past acts of homicide as between members of different Nuer tribes were dealt with by leopard skin chiefs in the same way as with members of tribal groups." I do not wish to pit my slight experience of the Nuer against the great knowledge and long experience of Mr. Coriat. Doubtless many homicide cases between members of different tribes were settled by leopard-skin chiefs. Among all peoples there is a wide divergence between theories of social life and actual social practice. I can only urge that I was constantly told as a legal rule or principle by the Nuer themselves, however little this may accord with actual practice, that among all Lou tribesmen there was *cut* (compensation for homicide) whereas there was no *cut* between Lou

[1] Privately circulated.

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen, but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
●682 true that tribes are not water-tight compartments. People moved all
628 over Nuerland with remarkable freedom and there are strong social bonds
[581] uniting people with members of tribes other than their own, particularly
[614] the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

617 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned Lou tribesmen from all over the tribal area for a combined raid on the
648 Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

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614 Nile, from the Dinka, and settled there as lords of the country. I think
619 that it will probably be correct to say that every Nuer tribal area has its
554 *diel* (sing. *dil*) clan owners, aristocrats, dominant element, but that not
565 every clan has an area in which they are *diel*. There are possibly countries on the west bank of the Nile in which more than one clan rank as *diel*. Though it has not been recorded that such a system exists among the Dinka it is worth mentioning that the Nuer tell one that the Dinka also speak of *diel* in their various tribes, e.g., they talk of *dil thoini* and *dil luaica*, members of the clans which own Thoc and Luac tribal areas respectively.

The great point to remember about Nuer *diel* is that a man is a *dil* only in the country owned by his clan. Thus a member of the JINACA or GAATNACA is a *dil looka*, that is to say, that he is a *dil* in Lou country but nowhere else. If he moves to Gaajok country he ceases to be a *dil* and becomes instead a *rul* or stranger. He may still call himself a *gat dila looka*, a Lou aristocrat, but he does not count as a *dil*, aristocrat, in Jekany countries. In the same way a *dil Jekany* is a direct descendant in the male line from Kir, but when such a man crosses Lou country he becomes a *rul* or stranger. *Dil* therefore means a member of the clan which owns the country in which he lives. Hence members of a clan such as the JIMEM or JIKUL which have no tribal territory of which they can call themselves masters are nowhere *diel*. One may nevertheless speak of a *dil* JIMEM in the sense of a "real" or "pure" member of this clan in contrast to Dinka who have attached themselves to it.

614 I do not wish to be misunderstood when I speak of a tribal aristocracy
619 based on a clan predominance in a tribal area. The Nuer are intensely
554 democratic and the idea of one man lording it over the others is abhorrent
565 to them. However there is a prestige in being a *dil* of the country in which
[181] you live. Your clan are owners of the country, its village sites, its pastures, its fishing pools and wells, and other people live there by virtue of marriage or adoption into your lineage or because they are prepared to recognise your hereditary status and to join your local group on the understanding that they are strangers and on sufferance. It is the spear-name of your clan which is shouted when the tribe makes war. In some tribes
[632] the advantage of being an aristocrat are more concrete. Among the Eastern Jekany tribes the blood-money which is paid for a slain *dil* is apparently higher than for any other Nuer who may be killed in the same

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countries. There is some doubt about the exact organisation of blood-cattle (*cut*) in old times. This uncertainty is partly accounted for by the undoubted elasticity of assessment, for we should make a mistake in supposing that the number of cattle paid over in compensation for homicide was invariably the same or that there was a rigid definition of social status. It is also partly accounted for by the fact that the *cut* was not identical in every Nuer tribe. The evidence seems to show that the greatest differentiation in assessment of blood-cattle between different classes in the community was to be found on the periphery of Nuer culture, among the Eastern Jekany, where the greatest absorption of foreigners has taken place. There I was given the following table of assessment for a late (probably post-European) period in their history :—

Gat dila Jikany (a member of the GAT GAN KIIR clan),
15 cows and 5 bullocks (20).

Gat Geeka (a member of any pure Nuer clan),
12 cows and 5 bullocks (17).

Jaang dila (a Dinka who has permanently settled in Nuer country and has attached himself to a Nuer social group),
11 cows and 5 bullocks (16).

Jaang (a Dinka, pure and simple, who has not yet become a permanent member of Nuer society),
8 cows and 2 bullocks (10).

In the old days it appears that 40 cattle was the regular payment for homicide in the case of a member of the dominant clan in Jikany countries, and for this pre-European period I was given the following table :—

GAT GAN KIIR	40 cattle.
Gat Geeka	40 cattle.
Jaang bathei (an adopted Dinka)	20 cattle.
Jaang (Dinka—unadopted) ...	6 cattle.

There is one main discrepancy between the first and second tables. In the second a pure Nuer of any clan is classed as the same for purposes of blood-cattle as a member of the GAT GAN KIIR clan, while in the first he is classed lower. I was never able to make up my mind which of these two estimates—I have been given others which differ slightly from both—was the correct one since, while members of the GAT GAN KIIR clan in Jikany country assured me that payment for killing a member of any other Nuer clan in their country was less than for killing a member of their

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own clan, members of these other clans, who here count as *rui* or strangers, assured me that payments in both cases were equal. Assurances on both sides were clearly coloured by recent practice which has been based on government rulings at different times and by what regulations they hoped the Government would institute in the future. On the whole I consider that there was probably a differentiation between members of the dominant clan and members of other clans, but that the differentiation was not rigid and depended upon the special circumstances of each case, when length of residence in the country, marriage alliances with members of the dominant clan, and so on, were taken into consideration.

Quite definitely, however, there was a clear difference made between Nuer and Dinka in the assessment of blood-cattle compensation. This difference is found all over Nuer country, though there seems to have been difference of opinion in different parts of Nuerland about what constitutes a Dinka for purposes of homicide payments. Among the Lou the practice was to class members of the dominant clan, the JINACA, and members of the other Nuer clans together and make 40 cattle (32 cows and 8 bullocks) the regular payment for both. The son of a Dinka born in Lou country was considered to have become a Nuer (*caa Nath*) and his death was also compensated for by 40 cattle; but a captured Dinka or visiting Dinka or a Dinka who had taken up his abode in the country was reckoned as a *Jaang* and was compensated by only 6 cattle (4 cows and 2 bullocks). A Dinka even when given *buth* appears to have counted as *Jaang* and not as *Nath*, but his children were reckoned as Nuer for homicide purposes. Two informants told me that in Jagei country on the west bank of the Nile compensation for homicide was reckoned as follows :—

Gat dila (member of the dominant clan in the tribe),
34 cows and 6 bullocks (40).

Rul who has built his cattle-byre,
34 cows and 6 bullocks (40).

Rul and *Jaang* who have not built their cattle-byre,
6 cows and 4 bullocks (10).

The point of stressing the building of a cattle-byre was that a man who built one, whether a Nuer stranger or a Dinka, had obviously come to stay and became a permanent member of your social group and a member of your village. He became "your man" (*randu*), who owed you a kind of allegiance and who relied on your protection. Hence he is assessed on

12:Evans-Pritchard E-5 (1930-1931) 1933
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the same footing as an ordinary resident born into the community. On the other hand I was told by some Eastern Jekany Nuer at Nasser that once a Dinka always a Dinka was the rule, and that the children and grandchildren of Dinkas never counted as equal to pure Nuer in blood-cattle assessment. I regard this statement, however, as being, in all probability, too rigidly formulated.

The second element in a Nuer village are the *rul*. A *rul* is a stranger, one who is not a member of the *diel*, one who has no place in the lineage of the dominant clan. Such people may be more numerous than the clan itself but they have not the same hereditary status in the tribe. Sometimes their lineages compose powerful tribal sections and in these sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kōng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlen* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KŌNG, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *lat*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

14: Huffman M-5 (no date) 1931
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584 make the best of it now. When the family of the girl are willing to talk the matter over, representatives of her lover's family discuss the marriage payment with them and try to agree upon a suitable price. Usually some arrangement is made, and the man makes as large an initial payment as he possibly can, following it up by other payments as he is able.

682 Everything may go all right until the baby is born. If by any chance the mother should die and her death be considered as caused by the birth of the child, the father of the child is held to have caused her death. And serious trouble is on again between the two families. If a member of her family does not kill her lover, he is fined for her death.

But if she lives and the baby lives, all is peaceful and they may live the proverbial happy life ever after.

595 Likewise, a man may have a wife whom he has married, and one or more whom he has not paid for but who are his wives in reality and the mothers of his children. He keeps a house for each, and they are often good friends with his real wife, although they are never called his wives.

Thus a man may have children by his several wives, and it is quite common to ask children of the same father if they have the same or different mothers. Or one may ask children of the same mother if they have the same father, especially if their mother is an inherited wife.

587 When a man dies his wife is inherited by his brothers or other male relatives. In case they do not want her, she may be returned to her father's village and the cattle paid back.

586 Divorce is not unknown in Nuerland, but it is usually caused by the lack of children. If a wife cannot bear a child, or fails to bring living children into the world, the

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 634

Nowhere in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 621

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.(1) The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 619 721

Within a tribe compensation *(cut)* is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.(2) Between tribesmen there is also *ruok* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 682 683

A tribe is a segmented structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

always or entirely so. *Gwac* means a mistake, an unintentional error and generally one of no great consequence, one in which a serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Likewise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

776x 577 [682] [864] [835] [262]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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684 happens that a man impregnates an unmarried girl and he is then expected to marry her. The girl's kinsmen may raid his kraal and
836 seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his kinsmen would try to slay the magician (*gwan wal*), though I have
627 not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

8:Howell E, G-5 (1942-1944)1954
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PART II HURT

1. INTRODUCTION

683 NUER demand compensation in cattle for injuries sustained in all forms of affray and individual fighting. Certain definite injuries are recognized in traditional law, and for these there are scales of compensation. There are also notable exceptions. For example, while elaborate scales of compensation in cattle exist for fracture of individual bones of the hand and for different fingers, there is no traditional compensation for a broken skull.[1]

The compensation is intended not only to appease the feelings of the injured party, but also to restore the balance between the conflicting groups. It seems that the fundamental principle involved is that an injury should be met by compensation in direct ratio to its severity, and the severity is assessed by the extent of a man's disability. Disability is judged by the extent to which a man is incapacitated from co-operating in the communal activities of defence and the maintenance of his immediate family and the whole group to which he belongs. It is a collective concern as well as one of individual redress. Fracture of the bones of the hand or the fingers may amount to a very serious injury if the man is unable to hold a spear in defence of his kin or to assist in the cultivation of his fields. In the case of a broken skull, the victim either dies—in which case a feud probably follows or bloodwealth must be paid in full—or he makes a complete recovery.

683 682 A second principle inherent in the payment of compensation for personal injury less than death is directly related to the law of homicide. It is that in payment of compensation in cattle the culprit insures himself, in the event of his victim dying at some later date, against the possibility of the deceased's kinsmen attributing death to that wound. This association of ideas has close connexion with the law of *nyindiet*. If cattle have been handed over as compensation for the injury at the time, it is unlikely that a claim for *thung nyindiet* could or would be pressed, for in theory the cattle have increased to a number equivalent to or more than the number normally demanded for *nyindiet*. In this respect it is also significant that most claims for *thung nyindiet* refer

[1] Although there is no traditional compensation, a Nuer court will nowadays sometimes award a cow or two to the injured party.

8:Howell E, G-5 (1942-1944)1954
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back to wounds inflicted on the head of the deceased, particularly a broken skull.

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As in the case of homicide, the existence of traditional scales of compensation for personal injuries does not indicate either a high exactitude of application or the inevitable and prompt settlement of disputes. In the past settlement depended largely on the relationship of the disputants. The principal inducement for payment was fear of retaliation, and in the case of a wound or a blow retaliation was likely to take a more personal and individual form than in the case of homicide. The injured party was on the look-out to avenge himself on the person of the offender. Generally speaking, too, the smaller and more integrated the community to which the disputants belonged, the more likely was it that pressure would be exerted to have the matter settled by payment of cattle and thus remove the danger of further friction within the group. The smaller the group, the greater was this pressure and the greater, too, the opportunity to exact personal revenge on the body of the culprit. Nowadays, injuries are assessed by the court and compensation is awarded with due regard for these traditional scales.

2. INJURIES RECOGNIZED IN NUER LAW

There are many specific injuries recognized in Nuer customary law as demanding compensation in cattle. Most of these injuries are fractures of bones, but it is usually on the subsequent effects of the injury —the stiffening of joints or paralysis causing permanent disablement— that the extent of the compensation is judged. Specific injuries recognized are given in the table (p. 70). Scales of compensation were extremely variable throughout Nuerland, but fairly consistent within one tribe. Elders can usually quote the rates current in the past. As in the case of most indemnities among the Nuer, I think that the rates were essentially idealized and therefore only a basis upon which a suitable compromise could be reached. This principle still operates in Nuer courts today, although there is an increasing tendency to quote past precedents established in case law. An attempt was made in 1945 to stabilize the scales, and the results are also recorded in the table, though it was appreciated that any rigid rule at this stage might be unwise. It is worth noting that theoretically total blindness is tantamount to death among the Nuer, and that loss of both eyes should demand full bloodwealth. At the Nuer Chiefs' meeting where these scales were discussed it was said that a man who loses his sight is 'like one who is dead', and the main object of the indemnity was to provide him with a wife, as in homicide. It was agreed, however, that in modern conditions ten head of cattle should be sufficient.

8:Howell E, G-5 (1942-1944)1954
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SCALES OF COMPENSATION FOR BODILY INJURIES, 1945

Injury	*Head of cattle*	*Sexes*
tul juath peta (Fracture of the forearm: either *ulna* or *radius*)	2	1 cc+1 bc
(Fracture of both)	4	2 cc+2 bc
tul ciel (Fracture of the elbow)	2	1 cc+1 bc
(when the injury results in permanent disablement)	6[1]	5 cc+1 bc
tul woha (Fracture of the upper arm: *humerus*)	6	5 cc+1 bc
tul thak mual (Fracture of the kneecap: *patella*)	2	1 cc+1 bc
(when the injury results in permanent disablement)	6[1]	5 cc+1 bc
tul gham (Fracture of the thighbone: *femur*)	6	5 cc+1 bc
tul peta (Fracture of the collar-bone)	2	1 cc+1 bc
tul yed pek metot (Fracture of the little finger)	1	1 cc
tul yed pek medit (Fracture of the thumb or big toe)	1	1 cc
tul yed (Fracture of the bones of the hand)	(not specified)	
tul joak (Fracture of or permanent injury to the shoulder)	6	5 cc+1 bc
tem ral coke (cutting of the tendons of the heel or wrist)	2	1 cc+1 bc
(if permanent disability results)	4[1]	3 cc+1 bc
ghar liec nyal (knocking out a girl's teeth)	2 to 4	
mut wang (loss of an eye)	5	4 C +1 B
mut nyin dang rew (loss of both eyes)	10	8 C +2 B

C=Cow. B=Bull. cc=cow-calf. bc=bull-calf.

3. DEFAMATION OF CHARACTER

Defamation of character is a recognized wrong in Nuer law, and is usually associated with false accusation of witchcraft, though sometimes of such offences as adultery. The Nuer expression is *lorjok* (*teke lorjok*). Here the slandered person is likely to suffer a loss of status and privilege and run the risk of destruction at the hands of his fellows. In the case of false accusation of adultery, he runs the risk of retaliation by the husband. Hence, particularly in the latter instance, there is danger of breach of the peace in which opposed kinship groups will be involved, and the offence calls for some form of compensation. Nuer say that cases of this sort were frequent in the past, compensation being made by payment of one cow (*yang lorjok*), and cases are occasionally brought before the courts today.

[1] The distinction depends on the results of the injury—which applies to all injuries, but is here specified.

8:Howell E, G-5 (1942-1944)1954
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791 as a sorcerer or witch in normal circumstances. Similarly, other
754 categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

754 Apart from *gwan wal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *peth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rodh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

754 In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches
683 the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rodh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *peth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

684 It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by
839 ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation.
[783] It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

8:Howell E, G-5 (1942-1944)1954
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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective. 839 684

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*lorjok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours. 754 683 [783]

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kweng*, *kwil*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate. 695

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

8:Howell E, G-5 (1942-1944)1954
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681 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was
621 not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts. [684] Adultery requires the payment of an indemnity in cattle, and we have noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organized action against the culprits, is not a public delict among the Nuer. Certainly no punitive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the contamination (*nueer*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalized body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 The only form of procedure which might fall within the category
621 of public law was the repressive action taken against witches and ghouls. Although the Nuer themselves say that this action was sometimes taken and, in quoting instances in their history, refer to indi-
683 viduals who have at least an established position in known genealogies,

8:Howell E, G-5 (1942-1944)1954
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there is no documented evidence, and we are again approaching a subject which is a matter of conjecture. It may be presumed, however, that violence probably resulting in death was sometimes used against persons who had acquired such an evil reputation that their continued existence in the community became intolerable. Nuer tell us that in the case of ghouls (*rodh*) no indemnity would be demanded by the dead man's kinsmen, and only a much reduced indemnity in the case of possessors of the evil eye (*peth*), and sometimes magicians (usually *tiet*) who were alleged to have used their powers for strictly anti-social purposes. This does not necessarily suggest that anything in the nature of organized or concerted action was taken but that the act of revenge on the person of a witch by an individual, or a few individuals who supported him, was condoned by public opinion to such an extent that the kinsmen of the deceased dared not retaliate, or perhaps themselves condoned the act, considering themselves well rid of a dangerous factor within their own lineage. At any rate a blood-feud was unlikely to follow, and although vague statements of this kind must be substantiated by actual examples[1] before any definite conclusion may be drawn, we might be justified in saying that here at least is the germ of public law.

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Trends and Changing Conditions: the Transformation of Custom into Law

We have seen in the introduction and throughout the descriptive passages of this book that among the Nuer there are recognized rules of conduct which find expression in the terms *cuong*, 'right', and *duer*, 'wrong'. These concern the relations of one Nuer with another and, since the individual cannot be considered in isolation, one group with another. The distinction between custom and law has also been mentioned. The term 'law' is sometimes used of all processes of social control, and by this definition any of the obligations, customary actions, and conventions inherent in the social system might be described as law. It is less confusing to adopt the hypothesis that the extent of the law is limited to social control which is maintained by organized legal sanctions and applied by some form of organized political mechanism. By this definition, the Nuer had no law, for, as we have already seen, there was in the past nothing in the nature of politically organized society. There were in a sense courts of arbitration dependent on the person of the Leopard-Skin Chief, but resort to this functionary only occurred if both parties were willing or found it expedient to do so, and there was certainly no means through which a judgement could be enforced even if it was given.

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On this subject, Professor Evans-Pritchard has written:

[1] It is perhaps now too late to collect reliable evidence on this subject.

tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 634

Nowhere in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 621

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.(1) The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 617 721

Within a tribe compensation *(cut)* is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.(2) Between tribesmen there is also *ruok* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 682 683

A tribe is a segmented structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

1: Evans-Pritchard E-5 (1931, 1936) 1940
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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

426 578 685 [189]

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

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If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can 684

1: Evans-Pritchard E-5 (1931, 1936) 1940
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684 claim a cow on the marriage of a female child of his adultery. Even when the husband is not impotent, if the adulterer can show that there is fruit of his adultery he can claim back the cattle he has paid as an indemnity, except for a cow known as *yang kule*, the cow of the sleeping-skin, which has ritual significance. But adultery within a small local community is probably rare because the people are all related to one another, and therefore a man considers that not only would it be wrong to commit adultery with their wives but also that it would be, in a greater or lesser degree, incestuous. If the two men are close kinsmen the adulterer provides an ox for sacrifice but is unlikely to pay an indemnity. If they are not close kinsmen the husband may try to seize the adulterer's cattle, but he only takes this step if he actually catches the offender committing adultery. The adulterer, to avoid a fight, runs away, and if he fears that his cattle may be seized he places them in the kraals of friends and kinsmen. This makes it difficult for the husband to seize them, for even if he knows where they are he does not want to involve himself in quarrels with a number of
837 his neighbours by raiding their kraals. Nuer do not consider it immoral to commit adultery with the wives of persons living in other villages. If the husband discovers the offence he may try to seize the offender's cattle, but in doing so he runs the risk of resistance and some one may get killed and a feud result. A herd is the joint property of brothers, even though it is divided among them, and they do not readily acquiesce in the loss of cattle on account of adultery. In my experience it is very seldom indeed that a man obtains compensation for adultery. Adultery with the wife of a man of another tribe is a matter of no importance. What can he do anyhow?

684 Likewise fornication with an unmarried girl is compensated by
836 payment of a heifer and a steer. But it is most unlikely that the payment will be made. If the girl's kinsmen know that she is having relations with a man who possesses cattle and is likely to marry her they turn a blind eye to the affair. If he has no cattle, or if the girl is already engaged, and one of her brothers catches him in congress with her he fights him, unless, as usually happens, the man runs away, for it is not considered cowardly to run away in these circumstances. The girl's kinsmen may then come to his kraal and, if he possesses them, take a male calf and a female calf, and if they are strong enough they may not be resisted. This is what Nuer tell one, but I have never known any one pay a male and a female calf, although after every dance I have seen the youths and maidens have paired off and there has been much promiscuous intercourse and very little effort to conceal it. It frequently

1: Evans-Pritchard E-5 (1931, 1936) 1940
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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gaan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 The word *rual* means both incest and the misfortune which it
684 causes. Syphilis and certain forms of yaws are believed to be espe-
753 cially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 Clan exogamy is stated by Nuer in terms of clan symbols. Each
614 clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

588 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

837 It is adultery if a man has relations with another man's wife, including ghost-wives and leviratic wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter lightheartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

•684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

2:Evans-Pritchard E-5 (1931,1936) 1951
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eastern Nuerland for good and was completing my study of the Nuer in western Nuerland, but Mr. Howell assures me that it is common to all the tribes to the east of the Nile except the Jikany. Among the western Nuer it is believed that if the cattle are not returned the child may die and his ghost haunt his pater. The sixth cow, the one that remains with the husband, is called *yang kula*, the cow of the hide. The payment protects the husband from the sickness he might otherwise suffer were he to have relations with his wife after the adulterer has had relations with her—on the same sleeping-hide, as the Nuer put it. Among the western Nuer an adulterer may even receive 'the cow of the begetting' on the marriage of a daughter born of his adultery. I was told that her kin do not relish paying it, but may do so because it is feared that otherwise he may curse her and cause her to be barren or her children to die in infancy. In no circumstances can an adulterer claim the child of his adultery. Likewise a youth who impregnates an unmarried girl cannot claim the child of his fornication. 684

It will have been noted that the test of the nature of a procreative union is in the division of the bridewealth of a daughter born of it among those who count in one or other way as members of her family, and I conclude this section by a summary of the rules which regulate its distribution. When the pater is alive he receives 'the cattle of the father' and 'the cattle of the mother'. If he is dead they go to his sons, the bride's full and half-brothers. In ghost-marriage and leviratic marriage these rights are vested in the bride's brothers. The genitor as such has no legal claim to these cattle, but, since in a ghost-marriage he stands in the place of the pater with regard to the bride's brothers as well as to the bride herself, the cattle in any case join his herd and he will dispose of them in the interests of his sons, the bride's brothers. When the genitor has begotten the bride in leviratic marriage, division of the cattle may be more complicated because the bride may have grown-up brothers begotten by her dead pater. When the bride has been born in widow-concubinage the cattle which are the right of the parents go to her brothers, those due to the father going particularly to any sons begotten by her pater. 583

The genitor in ghost-marriage and in leviratic marriage may always ask for a cow for having begotten the bride in addition to any cattle due to a kinsman standing in his relationship to her. 'The cow of the begetting' or 'the cow of the loins', as it is also

584 people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As the Nuer see it, these payments continue long after the marriage is fully established and there is no question of repayment, whatever may happen, in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children.

582 Bridewealth has so far been viewed as a social mechanism for organizing personal relations between the husband and his people on one side and the wife and her people on the other side. Some such organization is necessary because, given the Nuer rules of exogamy, there are no already existing patterns of behaviour within which the marriage can be effected. The rules of exogamy are themselves a function of the lineage structure of the Nuer and bridewealth has therefore also a structural role.

593 When a woman is married among the Nuer she is transferred from one lineage to another.
684 The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights and actual or potential domestic rights in her, and her children are born to his lineage. The husband's sex rights are evident in his right to claim damages for adultery. The proof of marriage, should proof be needed, in an adultery charge, and what therefore distinguishes a wife from a concubine, is that the woman "has cattle
593 on her back". This does not mean that it is payment of cattle alone which brings about the union. It is the rites of marriage which do that, for a man has no claim to compensation for adultery until the rites have reached a certain stage, even though he has paid cattle before that stage is reached. But the cattle are the certificate of marriage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performing of them

[p. 186b]

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *ruai* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *ruai* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *ruai*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *ruai*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gaan*, father's son, to Bul, whose marriage, which had in any case not escaped

8:Howell E, G-5 (1942-1944)1954
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The significance of the 'structural relativity' of Nuer society is therefore most important in a study of customary law, for although the rules and principles which govern the conduct of all Nuer are essentially the same, the extent of their application is relative and largely dependent on the social context. This is best illustrated by use of an example. It is a legal wrong to commit adultery with another man's wife. It is a wrong which, if social relations are to continue between the two parties and the possibility of retaliation on the part of the wronged husband is to be removed, will require the payment of cattle as an indemnity. In the first place, the likelihood of the wrongdoer paying the cattle at all is determined by the relationship of the parties, both in terms of actual kinship and in terms of territorial proximity, in residence and all the sanctions which go with common residence. It will not be paid if there is no pressure on the part of the community in which they live, and there will be pressure in proportion to the extent to which the men's mutual animosity disturbs the tranquillity of that community; generally speaking, the greater the structural distance between them, the less the likelihood of composition. But in another aspect of the law concerning adultery the reverse is found. If we analyse the concepts behind the payment of the indemnity, we find that, of the six cattle required, one has purely ritual significance. It is a cow called *yang kuic* ('the cow of the sleeping mat'), the payment of which is demanded as expiation for the spiritual pollution which is caused by adultery, rather than as an indemnity required to appease the indignation of the husband. In disputes over acts of adultery which arise between men who are close kinsmen it is rare that anything more than this one cow will be demanded, for not only is the moral indignation much less, but the group of which they are part is sufficiently well-knit to resist the disturbance caused within it. Not only is the wrong a lesser one because the wronged person has other associations with the wrongdoer which mitigate the offence,[1] but social equilibrium has not been disturbed to a degree which other sanctions making for good relations cannot rectify. Thus we see that the closer the structural relationship of the parties involved, the more likely is the wrong to be rectified, but the smaller is the indemnification required to do so. Conversely, the more remote the relationship the greater the indemnification necessary but the smaller the likelihood that the wrong will be rectified at all. This is a principle which applies to all wrongs which require

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[1] There is another method of analysis which expresses the same idea. It is that in the payment of indemnification in cattle between two persons closely related the limitation of rights in cattle must be considered. An individual has rights in cattle limited by mutual obligations which apply to him as member of a kinship group. If the wrongdoer is a kinsman of the wronged he has limited rights in the cattle of the wronged, and the closer the relationship, the greater the rights. Hence the recipient of the cattle is also a person upon whom may lie the obligation to assist in the payment. This principle is more clearly illustrated in payment of compensation for homicide, and will be discussed more fully later.

8;Howell E, G-5 (1942-1944)1954
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Thung gwacha

682 Compensation for accidental killing is usually paid on a reduced scale. Theoretically this should not be so, for, in the general balance of opposed groups, a life is a life, whatever the circumstances of death. Yet it is natural that when the act is unintentional, the feelings of those who would normally demand redress will not be so intensely inflamed, and they will be prepared to accept less. Here again the relationship of the parties is relevant, and the Nuer make a clear distinction in the terminology of their law. They speak of *gwac mara*, the accidental killing of a kinsman, as a minor wrong which will demand only tokens and ritual expiation. *Gwac gwoka*, the accidental killing of a person who is not related to the killer, is different, and an indemnity in cattle will be demanded, though usually on a much reduced scale. The dividing line between *gwac mara* and *gwac gwoka* is obviously difficult to determine, especially as the fiction of kinship is carried right through the tribal structure as an integrating principle and an explanation of political association. Nowadays the distinction is not valid, though it is doubtful whether compensation would be demanded for the accidental death of a brother or even a father's brother's son, but it is recognized that the full indemnity for homicide need not be paid. Usually half the standard indemnity is considered correct, but circumstances are important, and a Nuer court, though its members would be quite unable to express this as a general principle of law, takes into consideration what we should call negligence and the degree of criminal responsibility. There are certain extreme cases where the principal is held to be liable in theory, even though no compensation is necessary. For example, if a man who is thatching another's house falls and is killed or seriously injured, the owner must pay *thung diit*,[1] a purely symbolic payment in bundles of grass and ropes accompanied by appropriate ritual.

Thung yiika

682 According to Nuer Law, if a man seduces an unmarried girl and as a result she dies in childbirth, he is held responsible for her death. 684 Her relatives will demand compensation known as *thung yiika*. This concept follows the general principle governing homicide, that the kinsmen, or in the case of a married woman, her husband, are entitled to compensation for the wrong. They should already have demanded compensation for seduction or adultery, which is known as *ruok*,[2] and for this reason it seems probable that the act is considered to be homicide, and not merely a breach of behaviour regarding women. The use of the word *thung* rather than *ruok* indicates that this is so. *Thung yiika* is, however, described in more detail under the heading of violation

[1] *Diit*, here meaning 'thatcher'. [2] See under Adultery, pp. 133 et seq.

8:Howell E, G-5 (1942-1944)1954
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of rights in women, a subject which is discussed in a later chapter.[1] *Thung yiiha* has now been abolished officially and is not recognized by the courts, but even before that, in most parts of Nuerland, as a custom it seems to have been dying out (except perhaps in Western Nuer) and it is probable that it was rarely paid.

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Biem

The distinction between killing a person in fair fight and killing a person by stealth or ambush has already been mentioned, and we noted that the latter arouses in the Nuer a reaction of moral indignation, not because a life has been taken, but because it is an offence against Nuer standards of chivalry. It is therefore somewhat surprising that a higher rate of compensation is not required to appease the more intense feelings of outrage displayed by the dead man's kin. The reaction of horror or displeasure against an act of what we should call 'cold-blooded murder' is almost universal, and one might expect that the sentiment would be expressed in the scales of compensation traditional in Nuerland. There is, however, no suggestion of this in Nuer law, though a feud arising from such circumstances might well be harder to settle than one arising from straightforward homicide in battle or single combat. I think that the explanation lies in the fact that the circumstances rarely, if ever, arise except in the form of an ambush against a particular individual in pursuance of a feud.[2] If carried out as an act of vengeance the circumstances are considered to be mitigated. The literal meaning of the word *biem* is, in fact, 'to kill by ambush'.

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4. THE STATUS OF PERSONS IN CONNEXION WITH HOMICIDE

Persons for whom Compensation was paid at Reduced Rates

In the past there was also a recognized distinction in the rates of compensation for the taking of human life according to the status of the person killed. There were certain categories of persons for whom compensation was paid on a much lower scale.

[1] See Chapter IV, p. 155.

[2] 'Fair fight' is a Nuer maxim. In the years 1943–4 there was a sudden and unusual incidence of cold-blooded murder among the Lak Nuer. In nearly all cases there was no actual motive, and the offenders gave as an explanation that they were directed by certain spirits (*kuth*) in their actions. Nearly all the accused, both in preliminary police investigations, enquiries, and during trial, displayed characteristics of mental instability, but not sufficient to disable them from conducting their defence. In most cases they revealed a curious persecution mania focussed on the person of their victim, though evidence that no persecution existed in fact was overwhelming. It is interesting to note that these murders, with one exception, were restricted to the Kwachor primary segment of the Lak Nuer, and all took place within a comparatively short space of time. Public opinion in Lak country was genuinely shocked and other tribes expressed strong disapproval. The Lak had an unsavoury reputation for some time to come.

8:Howell E, G-5 (1942-1944)1954
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'Widow-Concubines'

The main points are as follows: 587

(i) The man who performs the duties of husband to the widow is in no sense the legal father of her children, nor is he heir to the legal husband. 593

(ii) He cannot compel her to live with him or claim compensation if she commits adultery. The compensation for adultery would concern her late husband as represented by his living brothers or legal heirs. [684]

(iii) He cannot divorce her or demand back her bridewealth for there is no legal marriage between him and the widow, only between the widow and her late husband. [586]

(iv) He is not even the legal representative of the dead man and therefore, unlike the levirate or 'ghost-marriage', the characteristics of the simple legal family are not contained in the structure of this union.

The man's position is therefore, in theory, a precarious one. In fact, most of these unions are arranged with the agreement of the dead man's legal representatives and thereby receive social recognition not only from the world at large, but also from the dead man's family.[1] If no such agreement exists the control over the children and the widow may be a source of legal dispute. Such disputes are not uncommon.

Unmarried Concubines

All these forms of domestic and procreative union have one principal common factor: the children of the woman, whether she be wife, 'ghost-wife', widow or widow-concubine, belong to the man on whose behalf the bridewealth cattle were transferred to her family, and they trace their descent through his name to his more remote ancestors. 611 There are, however, forms of union which are in no sense legal because no cattle have been paid as bridewealth for the woman. Children born of such unions will be attached in name to their mother's lineage unless their father chooses to legalize their status and attach them to his lineage by payment of a special fee, or unless the mother is legally married later to some other man who assumes the status of legal father to the children.

The status of women among Nilotic peoples is high. In the question of marriage they usually have a fairly free choice, though there are 562 undoubtedly many occasions when father or brothers will use persistent persuasion or even force to compel a girl to marry a man she 584

[1] A widow living in this form of union with a man is known as *ciek me lak* and her children as *goat cana*.

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562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they 836 please with lovers of their own choice and without either the sanction 588 of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, ●684 that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in 835 the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*ruai*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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(*nueer*), sometimes resulting in death, falls equally on both parties and 582
even upon their relatives. There are therefore strong social and ritual 684
sanctions. For the purposes of this Manual I shall do no more than
summarize the laws of exogamy, and refer the reader to published 835
literature on the subject.

Nuer clans and lineages are exogamous. The patrilineal descendants 582
of a common ancestor may not intermarry. The laws of exogamy
extend farther than this and include persons who are closely related 835
by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows:

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occurrence[1] among the Nuer, and the links created between father and 582
adopted child receive social recognition and ultimately legal recog- 835
nition amounting to true kinship.[2] A man would not be allowed to
marry or have sexual intercourse with a kinswoman of his adopted 597
father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law.

[1] Obviously more common in the past.

[2] See also under Homicide, Chapter II, p. 56. The distinction between *jaang dhor* and *jaang cieng* is relevant.

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rights of the husband in his wife. It would be relevant, for example, if a woman committed a wrong. If she killed someone, the payment of compensation would be a liability on her husband if she was legally his wife, but if there was insufficient legal determination in the union, the responsibility would rest with her own kinsmen. Similarly if a man lies with a woman who is not his wife, he may be charged with adultery (*dhu ciek*) and compensation will be claimed, but he might with justification plead that she is not a married woman in the legal sense, and therefore the act is not adultery. In the event of his proving that the union is not a legal one, he has no liability to the husband, but this will not entirely absolve him from responsibility, for in certain circumstances her kinsmen may claim damages on the grounds of seduction of an unmarried girl. There are, of course, many circumstances which will be considered by the court, circumstances which are discussed later under the heading of wrongs in relation to women. In such cases the legality or otherwise of the marriage is in issue, and it is sometimes difficult to find out what constitutes legality. In most tribes it seems that the ceremony which is considered to legalize the union is the *muot*, but this, as will be seen later, is not a universal law among the Nuer.

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5. THE DISTRIBUTION OF BRIDEWEALTH

When a man wishes to get married his relatives will usually assist him to collect the necessary cattle in addition to those already allotted to him in his father's herd. There are no set rules governing the actual assembly of bridewealth cattle, and in any case the circumstances are too varied to warrant generalization on the subject. Brothers should marry in strict order of age, and the majority of the cattle they use for the purpose will be drawn from their father's herd. The legal father of a family is responsible for the distribution among his sons of those cattle which have come to him as his rights in the bridewealth cattle of his sisters, daughters, and other female relatives. If he is dead, his legal representative will be his brother, usually the senior paternal uncle of his sons, or his eldest son. The assembly of marriage cattle is, however, partly dependent on the rules of distribution applied to previous marriages in the bridegroom's family. In the application of these rules we shall see that there is a tendency to alternate because no family is exactly symmetrical. There is usually more than one claimant to one particular portion and none to another. In the first instance the junior claimant will have to await his turn until the next marriage in the family; in the second, the portion will be inherited by the claimant's heirs. In some cases these will be his own sons, in others, his brother's sons. There are conventions which govern the inheritance of rights in such cattle. The portion allotted to the mother

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583 These fees, which are sometimes taken from the father's (*pater's*) portion of the bridewealth and sometimes demanded from the girl's husband as an extra payment, may even be claimed by an adulterer on the marriage of his natural daughter, for the Nuer recognize physiological ties even if they run counter to legal relationships. There is something of a mystical bond between father and child whatever the circumstances of birth, and Nuer believe that the natural father has power to curse his daughter with perpetual barrenness if his claims are thwarted. For this reason both the girl's kinsmen and those of her husband are usually anxious to placate him. In adultery, when a child is [684] born of the act, the indemnity (*ruok ruet ciek*) is reduced from six head of cattle to one cow. This is the *yang kule*, the 'cow of the sleeping mat', which has a ritual and expiatory purpose only. The principle of reciprocity and of legal claims raised by the transfer of cattle is so strong that even cattle paid specifically as indemnification sometimes lead to a confusion of legal rights in the future. We shall consider this matter more fully later, but it may be noted here that such claims are something quite separate from the *yang leta* which refers precisely to physiological parenthood and *yang pithe* which refers to the fostering of children and the expense of their upbringing. When a child is born to an unmarried, and usually young, girl her seducer would rarely dare to claim such fees. Had no child been born, he might be expected to pay an indemnity of two head of cattle (*ruok dhu nyal*), though in the past he was more likely to meet the violent retaliation of her brothers. If a child is born, the girl's kinsmen may legitimately claim a similar indemnity (*ruok ruet nyal*). Usually they will not press these demands, again to avoid legal confusion in the future, and if this has been the case, the father of a girl-child will scarcely ever have the courage to make claims on her bridewealth at a later date.

Nevertheless, such claims are socially recognized and often upheld in Nuer courts, and hence become legal. They are often paid without question, even in cases of adultery, because after eighteen years or more have passed between birth and marriage, resentment of the initial wrong has long since vanished. In many cases the *genitor* and the *pater* or his heirs are the best of friends. In other cases, however, such claims may be the subject of the most acrimonious disputes and litigation.

These observations apply to female children born out of legal marriage only. A man may expect, obviously enough, no benefits from his natural sons. On the contrary, he may expect certain liabilities, for it is considered that a man should help his sons, even though they have no legal claim upon his cattle. In many cases the *genitor* will be dead by the time his natural son comes of age, and the claims of the latter on the former's heirs are often a source of friction and unpleasantness.

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woman is not legally married until this has been performed. In fact, there is no great difference in these opinions because in a normal marriage a woman's family will rarely allow her to take up residence with her husband until the *muot* has been performed. 581

Finally in this connexion, I must comment on a statement made by Professor Evans-Pritchard in his most recent book on the Nuer. He says:

> Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her continuing to live with her parents but in other ways, most noticeably by the fact that the husband is held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yika*).[1] [682]

The use here of the word 'incomplete' seems to me relative. If a 'complete' marriage is one which is legally indissoluble, then this condition is reached only at a much later stage when at least two, and probably three, children have been born. If it is 'complete' when the rights in the woman are legally transferred from her family to her husband, then this occurs much earlier in the proceedings, at some time between the *twoc* and *muot* ceremonies, and usually long before the birth of the first child. Nor does the wife necessarily remain with her family until the first child is born though it is usual for her to return to them to give birth to it, a custom which is common to nearly all Nilotic peoples. At this point and after it any outsider would have to pay *ruok ciek*, compensation for adultery with a married woman, which is payable to her husband, and not *ruok nyal*, compensation for intercourse with an unmarried girl, which is payable to her family. [684]

It therefore seems to me more correct to say that marriage is legally valid after the *muot*, is not dissoluble after the birth of two or often three children, and that the likelihood of divorce diminishes with the birth of each child, but I should not like to say at what point the Nuer consider it 'complete'. Finally it is incorrect to say that a husband will have to pay bloodwealth, *thung yiika*, should his wife die in giving birth to her first child. *Thung yiika* is an indemnity demanded only when the child is the result of an illicit union and is not applicable to the husband within the institution of marriage. I have already explained that a man is not liable to pay bloodwealth should he accidentally or intentionally kill his wife. Such a liability ceases as soon as brideweath cattle have been transferred and the *muot* ceremony performed. This also applies to *thung yiika*, and the only circumstances in which a woman's family might justifiably demand it from 581 682

[1] Evans-Pritchard, *Kinship and Marriage among the Nuer*, p. 93.

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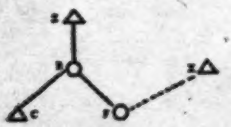
A married B. She gave birth to a son, C, but then deserted her husband and went to live with X. A's marriage to B was then dissolved by order of the court. While living with X, B gave birth to another child, this time a daughter F. B's family strongly objected to X, who had made no attempt to produce bridewealth to legalize the union, and, through the intervention of the court, he was made to leave her. Later he was prevailed upon to pay *ruok gaanke* to retain legal parenthood of his natural daughter F. B returned home, but was later married by T, who agreed to hand over a much reduced bridewealth, all that her family could expect in the circumstances. Her former husband had forgone all claims on C, but, on B's remarriage, T claimed that all the children should be his. X was persuaded to accept return of the cattle he had paid as *ruok gaanke*. The two children, and those born subsequently, were then regarded as T's. This complicated situation was reached in four stages, the final stage being a permanent one and, unless further difficulties arise, it will remain legally valid in the future.

(i)

A married B by payment of bridewealth and is therefore legal father of C.

(ii)

X seduces B, who goes to live with him. A dissolves the union and forgoes all rights in C.

(iii) 

F is born and would normally belong legally to her mother's lineage, i.e. through Z, but X pays *ruok gaanke* and becomes her legal father. X then leaves B.

(iv)

B returns home and is eventually married to T (who in this case paid only seven head of cattle for her). X's *ruok* cattle are returned to him and T claims legal parenthood of F. T also claims that he is legal father of C.

In this particular instance the mother's position is constant, for the legitimacy of the children is not traced through her except in stage (iii) in respect of F but not of C. The position of the *pater* has changed throughout. In future, when C and F have reached maturity, their position will be determined by the final picture shown in stage (iv). C will call himself son of T, though he might—as is often the case—revolt and link himself to his physiological father A. T's lineage will have undisputed claim to the father's portion of F's bridewealth, the *ghok kwi gwande*, while B's family will claim the *ghok kwi mande*, a claim which cannot be altered whatever the circumstances.

The Position of Children born of Adultery

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By definition adultery cannot happen unless the woman concerned is legally married, in which case all her children, whoever the *genitor*, belong to her legal husband. He is always *pater* so long as the union remains legally valid. An adulterer cannot under any circumstances

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848 684 legitimize his child by the payment of *ruok gaanke* while the marriage stands. A child cannot have two legal fathers at one time. It is for this reason that when an adulterer has been prevailed upon, or compelled by a court, to pay full compensation to the woman's legal husband—*ruok ciek* (not more, but sometimes less, than six head of cattle)—if a child is born and attributed to the act of adultery, all those cattle must be returned except *yang kule*,[1] which is not part of the indemnity but has special ritual significance. Unless this is done there may be confusion over the true legal father of the child: a confusion of *ruok ciek*, which is paid as compensation to the husband, and *ruok gaanke*, which should be paid to the woman's family to legitimize the child. In fact, there is not necessarily any confusion, because the compensation (*ruok ciek*) goes to the legal husband as damages, while *ruok gaanke* as a legitimization fee *should* go to the woman's family. A confusion may arise in the future, however, especially if there is a divorce, and usually a wronged husband will return the cattle without argument. This rule applies in all tribes west of the Nile, among the Zeraf tribes, and in Lou, but is not followed in Eastern Jikany.[2] We shall consider this matter again in connexion with divorce and adultery.

The Position of Children on Dissolution of Marriage

848 586 As will be seen later, if a legal union is dissolved the husband may retain legal parenthood of any children born prior to dissolution by leaving sufficient cattle as legitimization fees with his wife's family.[3]

Legitimization Fees: Recent Legislation

848 Fees payable for this purpose have varied considerably from one Nuer tribe to another. At the Chiefs' meeting of 1945, they were standardized as follows:

for a male child 5 head of cattle
for a female child 6 head of cattle.

Chiefs said that the fee payable for a girl should be higher than that for a boy because in the case of a girl the mother's family could expect to benefit materially on her marriage.

If a man declares his intention of legitimizing the child at once, he will not be expected to pay more than the five or six head of cattle, as the case may be. If, however, he disowns the child or declares that he will have nothing to do with it, he will have to pay a higher

[1] See also under Adultery (p. 156).
[2] See recent legislation on this subject, pp. 166–8.
[3] See under Dissolution of Marriage, p. 149.

8;Howell E, G-5 (1942-1944)1954
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CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

NUER courts come into operation only when a recognized wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognized rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all. 692 [684]

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer. 611 [837] [833]

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684 837 Despite this general attitude to physical paternity, and despite the fact that birth out of wedlock is in no sense ignominious, a Nuer who is in full possession of his physical powers will bitterly resent an intrusion, and adultery is reckoned a serious infringement of a husband's rights. A husband will take violent steps to prevent it, and it is commonly recognized that a man caught in adultery runs a risk of serious injury or even death at the hands of the woman's husband. There are not, however, nowadays many instances of physical violence or injury arising from adultery (as among some Sudan tribes), and the injured husband will usually resort to the courts.

Adultery is a wrong which demands indemnification in the form of cattle, and this is nearly always enforced by the courts unless circumstances are considered to mitigate the offence. The compensation for adultery[1] (*ruak ciek*) is six head of cattle, and this is common to all Nuer tribes. Of these, five are considered to be direct compensation for the injury caused to the husband, and the sixth, *yang hale*, 'the cow of the sleeping-skin', has a ritual significance. It is considered dangerous for a man to sleep with his wife after she has had intercourse with another man. She is in a state of impurity, and a return to conjugal relations will bring misfortune to them both unless expiation is made by the guilty party. The *hal* or sleeping-skin is symbolic of conjugal relations.

Cattle Returnable if a Child is born of the act of Adultery

684 848 The majority of Nuer tribes west of the Nile, the *Zeraf* tribes and Lou (but not Eastern Jikany), consider that if a child is born of an adulterous union, then all cattle paid previously as compensation must be returned by the husband with the exception of *yang hale*. The reason is not far to seek if we consider the logical principles which underline the concept of legal parenthood already described.[2] It is not so much because the adulterer is considered to have done the husband a service in begetting a child on his behalf—although I have often heard Nuer give this as the reason for the return of the cattle—but because the five head of cattle paid as compensation (*ruak ciek*) have the flavour of legitimization fees (*ruak gamke*). Unless they are returned there may be confusion of legal concepts. Subsequently, and especially if the marriage was dissolved, the adulterer might claim the child as his legal right.[3]

[1] *Dhu*, lit. 'fornication with', *dhu ciek* therefore means adultery, while if a child is born of the act, it will be called *ruat ciek*. *Ruak ciek*, or more precisely *ruak dhu ciek* or *ruak ruat ciek*, means compensation for adultery.

[2] See Legitimacy of Children, pp. 125–35.

[3] Nuer say that the cattle and the child must not be in the same place together—'they may not meet'. Moreover, the aggrieved husband will always get rid of these cattle as soon as possible after the birth of a child in our story. In the interim between acceptance and their ultimate disposal he will keep them with a friend and well apart from his

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Deng Kac v. Nyuon Makwac (Gaawar Nuer Case, 1943)

Nyuon Makwac committed adultery with the wife of Deng Kac. Before the court he admitted his guilt and was ordered to pay six head of cattle. Some eighteen months later, when pressed for execution of the judgement, since he had only paid three cattle, he appealed because Deng's wife had in the interim borne a child, and stated that on these grounds he not only refused to pay the remaining cattle but demanded the return of two head leaving only *yang kule*, for this was the law. Evidence was produced, principally on the admission of the woman, that Nyuon was physiological father of the child. Deng Kac was therefore ordered to return two head of cattle to Nyuon, leaving only one cow as *yang kule*.

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This is a simple and typical case, which illustrates the rule that only *yang kule* is due if a child is born as a result of the act of adultery.

Not Pet v. Gac Nyol (Thiang Nuer Case, 1944)

Gac Nyol committed adultery with the wife of Not Pet. Not instituted a legal case against Gac before the Thiang court. The accusation was admitted and Gac ordered to pay six head of cattle as *ruok ciek*. Subsequently the woman gave birth to a child, and Gac appealed for the return of five of the cattle on the grounds that the child was his. Court examined the evidence and ruled that the child was born too long after the act of adultery for Gac to be physiological father. Appeal dismissed.

This raises a point which is of some difficulty to the Nuer. What constitutes proof of physical paternity? There may of course be evidence that the husband was away at the time, and it is in the interests of the adulterer, at this point in the proceedings, to admit access to the woman because he is seeking the return of the cattle. The time element is also of importance and possibly presents a difficulty, but the Nuer are nowadays better able to assess time than they were in the past. Reference can be made to court sittings, inter-tribal meetings, tribute collection, as well as to the seasons. In most cases the evidence of the woman is given weighty consideration.

Legality of Marriage is a Fundamental Consideration

The legality of marriage is also a primary consideration. We have seen that the legality of marriage is established by the payment of cattle and the performance of ceremonies. A man clearly cannot claim damages for adultery with a woman who is not his legal wife, even if he cohabits with her.

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Kwol Bilia v. Cuol Puot (Lak Nuer Case)

Kwol Bilia (a government policeman) claimed damages from Cuol Puot for adultery with his wife. Act of adultery was admitted, but Cuol pleaded

own herd. An emotional tie always exists between a *gwatar* and his natural child and, I think, Nuer do not wish to give legal emphasis to this by the transference of cattle. As we have seen, even in adultery this tie is recognised, for the physical father may claim a cow on the marriage of his daughter: the *yang lata* or 'cow of the loins'.

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that Kwol was in no sense the husband of the woman. She was *keagh* and merely living as his mistress. Court adjourned the case until further evidence could be got from Western Nuer District, where the woman's family lived (obtained through the District offices concerned). The evidence finally produced showed that Kwol had paid her family three head of cattle and a small sum of money. It was also proved that the woman had been living with another man in Malakal (Province Headquarters) until she took up with Kwol. Court ruled that the woman was *keagh* (unmarried) and dismissed the case.

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This kind of dispute is, as a matter of fact, not infrequent, and is the result of the increasing number of unmarried women who move from one man to another or live at Government Posts where they have greater freedom and are attracted by the facilities which urban life provides. The men who cohabit with them are often themselves detribalized in the sense that they seek permanent work and cash. They are usually from poor families, and cannot afford to get married in the normal way. In the first instance, they seek work so that they can buy cattle at the auction sales held periodically by the Government, but soon they become attached to an urban life and find that the expense involved gives them little opportunity to save in any case.

Puot Dwil v. Mut Loinyjok (Central Nuer Appeal)

Puot Dwil claimed damages from Mut Loinyjok for adultery with his wife. Mut agreed, and paid two of the six head of cattle awarded, but subsequently demanded their return on the grounds that Puot had not married the woman. This argument was finally taken before a court, which ruled that the union was not legal. The woman was *keagh* (unmarried) at the time because *kere gholo tuoc*, 'he had not performed the ceremony of *tuoc*', the cattle had not been bespoken. Further, and this was regarded as all-important, *ee ciekde kere muut*, 'his wife had not been shaved', referring to the ceremony of *muut*. Court ruled that cattle should be returned to Mut. Puot then appealed, and brought further evidence that not only had the bridewealth cattle been paid (17 in all), but that he had full intention of performing the ceremony of *muut* when the incident occurred. He had not carried out his intention because of the incident. Puot further stated that he would insist on dissolution of marriage unless its legality was accepted. Appeal court accepted the evidence that the ceremony of *tuoc gholo* had been performed, and that evidence of preparations for the *muut* on his part was also evidence of his intention. Court ordered Mut to pay a total of six head of cattle, i.e. full compensation for adultery.

The Main Legal Principles

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The main legal principles concerning adultery can therefore be summarized as follows:

(i) An act of adultery is a wrong against the legal husband of the woman, and requires the payment of compensation in the form of six head of cattle, of which five are intended to appease the wrath of the husband for an infringement of his rights in his wife, and the sixth, called *yang kule*, is to compensate him for the risk of impurity

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and its consequences which he runs in resuming sexual relations with his wife. *Yang kule* is both indemnification and spiritual expiation. 684

(ii) If a child is born of the act of adultery, the five head of cattle must be returned to the adulterer to avoid any possibility of confusion over the legal paternity of that child, but *yang kule* must always remain with the husband.[1] [849]

Application of these Principles depends on Circumstances

Adultery is therefore an offence because it amounts to an infringement of the legal husband's physical rights in his wife, and also a wrong against the ritual status of the husband which may be impaired by his wife's impurity. This is the law, although its application will depend on a variety of circumstances: the physical condition of the husband and of the wife; the morals of the wife and the age of the wife; the position in the social structure of the parties concerned.

Impotence of the Husband

The physical potency of the husband is sometimes questioned by the defendant, and if the point is proved, the court will rarely enforce the payment of compensation or even of *yang kule*. A man's physical rights in his wife will not be guarded or upheld by the law if he cannot take advantage of them, nor is he likely to suffer any ritual impurity if he is unable to have sexual relations with his wife.[2] On the other hand, it may be argued that the legal husband has acquired rights in his wife by the transfer of cattle to her kin, and if he is unable to enjoy those rights personally, at least he is entitled to dispose of them as he pleases. This at any rate would carry the theory of rights acquired by the transfer of cattle to its logical conclusion, but the Nuer do not look at it in quite this way. We have seen that impotence is recognized as a ground for divorce on the part of the woman, and a man who is impotent has failed in his duties as a husband. In these circumstances he should be pleased that his wife has borne him a child, whoever the father may be. To the Nuer, if he is not pleased, he ought to be. 684 833 837

In cases of this sort a court will sometimes enforce the payment of *yang kule*, though by no means always, but will certainly never allow a claim for the rest of the accepted number of cattle. The concept reflects not so much a definite law as a circumstance which any court

[1] That this rule has been altered by recent legislation will be clear later.

[2] There is, I think, a conscious distinction here. If the husband is impotent and unable to have intercourse with his wife, then there is no risk of the impurity which the *yang kule* is intended to neutralize. If he is able to enjoy sexual intercourse with her, but is sterile and unable to beget children, then the adulterer will still be protected against liability for full compensation (*ruak niek*), but is liable to pay *yang kule*. The husband, though sterile, still runs the risk of contamination.

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will consider in assessing the wrong and the amount of compensation to be paid. It is a plea which is frequently raised by defendants to a charge of adultery and is, of course, not easy to prove. Evidence is based not so much on the statement of the wife as on general reputation (and it must be remembered that in the intimate life the Nuer lead there is not much which can be concealed), and also on the existence or otherwise of other children and the evidence of co-wives if there are any.

Barrenness of the Wife and Age of the Wife

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It is sometimes held that adultery with a woman who is known to be barren is not an offence, though this view is certainly not universally held. Adultery with a woman who has borne several children and is elderly is also considered a minor offence and rarely requires compensation, especially if she has adult children. At most *yang kuic* will be demanded in these circumstances.[1]

Morals of the Wife

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The temperament and morals of the wife are also factors which a Nuer court will consider. If the husband, usually a man who has been absent from home for a long time, brings charges of adultery against two or more men and the charge is proven, the court will order that each shall pay part of the compensation.[2] There is a limit to this. Nuer consider that a woman who has had sexual relations with more than three men is a *cuk ne jok*, a 'loose woman', and that the men concerned cannot be held responsible. For this reason the defendant or defendants in a case of adultery will often attempt to prove that the woman has committed adultery with a fourth man. In this case a court will not enforce the payment of compensation, or of *yang kuic*, though, if a child is born of one of them, it may compel him to pay *yang kuic*. In such circumstances, the husband will often institute a divorce against his wife, and if there is any dispute between himself and his wife's relatives, a court will usually take his side.

Jal Bath v. Gai Nyal (Thiang: Central Nuer Appeal)

Jal Bath claimed compensation (*ruak cuk*) from Gai Nyal on grounds of adultery with his legal wife Nyandeang. A child had been born in consequence of the act of adultery, or so Jal alleged. This was admitted by Gai. (It was in his interests to do so.) Jal claimed *yang kuic* only, but Gai refused to pay. The matter was taken to court and Gai ordered to pay. Some months later,

[1] This was recorded at the Nuer Chiefs' Council Meeting of 1942: 'When a man commits adultery with a woman who has adult sons or daughters, he is only liable to pay *yang kuic* and not full compensation.'

[2] E.g. if two men, each will pay three head of cattle; if three men, each will pay two head of cattle.

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Gol appealed on the grounds that he had evidence that Nyandeang had committed adultery with three other men, Koh Col, Ngwom Dim, Tup Bath, and had done so during the same period as with Gol, and in the absence of Jal. Appeal court accepted this evidence as true. Jal then stated that he did not deny the allegations of Gol, though he had not heard of them before, but the evidence was not relevant to the case. He had claimed *yang hale* only, not full compensation. He admitted Gol was father of the child, and so did Gol. Court upheld previous judgement and ruled that Jal should keep the *yang hale*. 684 837 593

Questioned on the legal issues involved, the court held that if a man has sexual intercourse with a woman who is the legal wife of another, he is liable to pay six head of cattle which include *yang hale*. If she bears a child attributed to the act of the adulterer, five head must be returned, *yang hale* remains. The fact that the woman is proved to have committed adultery with other men, if more than three men are involved, absolves all of them from paying compensation whether a child is born or not, but if one of them is proved to be the father of the child, he must still pay *yang hale*.[1]

Compensation cannot be Claimed more than twice where one Woman is Concerned

It is also generally held that a man cannot claim compensation for adultery with his wife (the same wife) on more than two occasions. After the fulfilment of two claims of this sort, in which he may have received no less than twelve head of cattle, his wife acquires the reputation of being 'loose'. He will certainly not succeed in a claim instigated out of court, and it is extremely unlikely that a Nuer court would uphold his claim. Moreover he may well be suspected of exploiting his wife's physical charms to his own advantage.

Adultery with Widows

When a woman whose husband is dead has sexual relations with a man without the express permission of her husband's legal heirs, damages for adultery may be claimed, but the right is not often exercised. It depends on a variety of circumstances, particularly the age of the woman, for, if she is young and attractive, one of her husband's kinsmen will wish her to live with him. As we have seen, the main object in the minds of the dead husband's kinsmen is that the woman shall bear children to his name, and they are usually prepared to give her a wide choice, provided she does not go to live too far away from them. They will often object if she goes to live with a man whom they have not accepted as her lover (*bew*), and they will also object 684 587

[1] See recent legislation on this subject, p. 167. The idea is a Nuer one, but the constitution is the result of legislation prompted by the Administration.

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if the act of adultery, for it amounts to this in such circumstances, is casual with no permanent basis of cohabitation. In 'widow-concubinage' a stable relationship between the widow's mate and the kinsmen of her husband is naturally desirable. They will expect him to treat them as kinsmen, and between them will arise a relationship which is patterned on kinship. The rights of the husband in his wife are inherited and upheld by his heirs, and they are entitled to compensation for an infringement of those rights.

Tec Nyagh v. Kwoiny Ruok

Jegh married Nyabwogh. Jegh died shortly afterwards without issue. Nyabwogh was a young woman, and Tec, as one of Jegh's heirs, wished her to live with him so that he might benefit from her presence in the home, not only as a mate but in carrying out domestic duties. He had no wife himself. Nyabwogh ran off with Kwoiny Ruok, who was living in another part of the country. Tec made some effort to persuade her to return to him, but she refused. He then went to court and judgement was given that Kwoiny, who was deemed responsible for enticing Nyabwogh away, should pay one cow as *yang kule*. His act was considered to be adultery. Court ordered immediate return of Nyabwogh to Tec.[1]

A case of this sort is not common, and I have no record of a court ordering the payment of compensation in full, only of *yang kule*, although theoretically the deceased's heirs have the right to claim it. In this case Nyabwogh had borne a child to Kwoiny Ruok, who, as physiological father, would in any case only be liable to pay *yang kule*.

From these and other cases of the same nature, it is clear that the death of a husband does not theoretically imply a reduction in his legal rights over his wife and her children whoever their physiological father may be, and that these rights are guarded by his heirs. It is also clear that the husband's domestic, economic, and physical rights are not diminished in theory, but whether his heirs will lay strict claim to them depends on a variety of circumstances. If the wife is young, his heirs will be reluctant to let her go, though they do not usually insist on her staying. In any case she is likely to have a wide choice from among his kinsmen. They will also wish to benefit from her domestic and economic activities and, of course, always prefer that she should stay within their community. Even if she goes to a man outside the community, they wish her relations with him to be stable and permanent and, if accepted, he will be drawn to some extent into the field of kinship and become one of them. 'Widow-concubinage' does not imply complete sexual freedom of an indiscriminate kind. At any time the dead

[1] This was not the end of the case. It was subsequently discovered that Nyabwogh had gone off to live with another man, an arrangement made by her brother, who had also illegally accepted three head of cattle, although she was already legally married to Jegh and there had been no return of bridewealth. Finally, the marriage was dissolved, her brother was punished for what is considered a serious wrong, and Kwoiny received his cow back again.

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husband's heirs may draw attention to their rights in the woman and, if she has relations with a man who is objectionable to them, they may treat the case as one of normal adultery and claim damages. Such cases are nowadays usually taken to court, and the line adopted by its members will again depend on circumstances. They will, however, admit the validity of the claim even though they are not always prepared to enforce it. 684 587

Bang Wic v. Lia Ran (Dok Nuer Case)

Lia Ran committed adultery with the wife of Bang's deceased brother. The case was brought before the Dok court, which judged that no compensation was necessary, 'as the woman is a widow'. This judgement was, however, revised by the appeal court, and Lia ordered to pay to Bang one cow as *yang kuic*.

Adultery and 'Ghost-Marriage'

The same theoretical law applies to 'ghost-marriages', but the attitude is different. A 'ghost-wife' is actually married by a man's heir *after* his death, and the vicarious husband in this case performs all the ceremonial of marriage as well as operating the transfer of bride-wealth. Except that legal paternity is vested in the person of the deceased, which fact is of greater significance when the children of the union come of age, the union does not differ from a straightforward simple legal marriage. Moreover the vicarious husband, in his capacity of legal heir to the deceased, stands in the same relationship to the woman and the children as her 'ghost-husband'. The only real difference is that the children will link their names in the lineage structure to the latter, and this is a matter of greater importance in posterity than the present. For this reason, the emotional attitude of the vicarious husband to the wife, their relationship, and their life together are indistinguishable from those found in simple legal marriage, and considering the high proportion of 'ghost-marriages' this is not surprising. The woman is usually his own choice, he has courted her, won her, married her, and his relationship is therefore much more intense and personal than his relationship with his brother's widow. Hence, though a man may overlook an act of adultery with his brother's widow, or the widow of any man to whom he is legal heir, he will certainly not do so in the case of his brother's 'ghost-wife'. The reaction to adultery in 'ghost-marriages' is identical with that found in simple legal marriages, and it is doubtful if a Nuer court would regard the theoretical distinction as relevant to the issue. 684 588

Adultery with the Wives of Kinsmen

The full rate of compensation is usually demanded unless the husband and the adulterer are on exceptionally good terms in other 684 835

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respects, or their relationship in the kinship structure is sufficiently close to modify feelings of moral indignation on the part of the husband. Although the wives of kinsmen are brought within the sphere of kinship by the process of marriage, and to have relations with the wife of a kinsman is in a sense tantamount to a breach of the rules of exogamy, this is modified by the feeling that a wife, acquired by the transfer of cattle in which other kinsmen have limited rights, is theoretically the wife of all of them. Yet it is not considered correct that two kinsmen should have sexual relations with the same woman at the same period. There is no real conflict in these two concepts, but the attitude behind the payment of *yang bale* includes an idea that sexual relations with the legal wife of another man create an impurity, and that there is greater impurity if two men of the same kinship group have sexual relations with the same woman. It is felt that the wife of a kinsman is in some degree also a kinswoman, especially as a potential mother of kinsmen in the next generation. The act is therefore tantamount to incest (*ruai*).

These ideas appear in the arguments put forward in the course of litigation in the courts today. The court will attempt to persuade the wronged husband to accept less than five head of cattle, though they will normally enforce payment of the sixth, the *yang bale*. Talking to the husband they will say of the adulterer: 'Is not this man your kinsman? Is it not a man's duty to assist his kinsman?' The implications are that adultery is an offence which brings greater spiritual dangers when the husband and the adulterer are kinsmen, but just because they are kinsmen it is an offence which must be wiped out by expiation in the form of sacrifice and prayer. One does not pay compensation to kinsmen because they are the persons who assist in the collection of compensation for offences against others. The intensity with which these ideas operate is relative and depends on the relationship of the principals.

Kin Nyak v. Pagwir Wadar (Bul: Western Nuer Appeal)

Pagwir committed adultery with Kin's wife. Court awarded reduced compensation of 3 cattle to Kin on the grounds that Kin and Pagwir are kinsmen (common great-grandfather). Pagwir refused to pay, and was then ordered by the court to pay full compensation of 6 cattle as punishment. The court was empowered by Pagwir's defiance of its orders. The use of the word punishment is perhaps incorrect here because the additional cattle went to the plaintiff, but the motive was punishment for flagrant disobedience.

Nin Puor v. Dhour Mual and Po Gwet (Law: Central Nuer Appeal)

Dhour committed adultery with Nyalak, wife of Nin's paternal uncle Uth. Uth was living at the time, but died before the case was brought to court. Subsequently Po Gwet also committed adultery with Nyalak. The chronological sequence is here important, though it was not realised by the court in the initial stages of the dispute.

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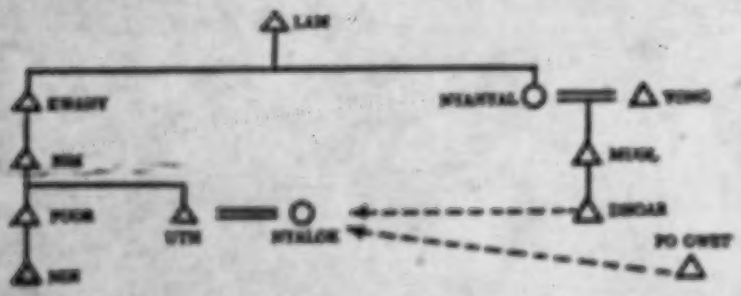
Dhoar and Po were absent when these allegations were made against them by Nin, but since there seemed to be no doubt about Po's guilt his father Gwet Thic (himself a chief) was prevailed upon to pay compensation as *ruok cieh*, and had already handed over 3 head of cattle when Po and Dhoar returned. In the meantime Nyalok had confessed that she had also committed adultery with Dhoar, an act which was held to be incest (*ruat*), and also that Uth had



died as a result—he 'had died of incest', *or low he ruat*. This complicated case was naturally the subject of prolonged discussion in the court which finally ruled that:

(i) Po had sexual relations with the woman *after* Uth's death, and even had some encouragement from Uth's family. Court held that he must be treated as the woman's *low* (i.e. recognized lover in 'widow-concubinage'). Po was therefore in no way liable to pay compensation, and those cattle already handed over to Nin by Po's father Gwet were returned.

(ii) Dhoar committed incest (*ruat*) by having sexual relations with Nyalok while her husband Uth was still living, and his act must be accepted as the cause of Uth's death. Dhoar to pay two cattle to Nin as Uth's heir; one cow *as yang kuk*, one bull *as yang ne kuk he ruat*, 'the flow of dividing for incest', [illegible] and divided in the manner prescribed by custom in order to avoid further evil effects of the act of incest.

Further Qualifying Circumstances

Nuer sometimes make a distinction between what they call *dhu cieh dhor*, 'adultery with a woman outside (the home)' and *dhu cieh cieng*, 'adultery with a woman in the home'. The distinction is not really a valid one from the legal point of view, and the meaning is sometimes contradictory. *Dhu cieh dhor* sometimes implies an act of adultery committed with a woman who is not living with her husband—a less serious offence than *dhu cieh cieng*—but it can also mean adultery with enticement to desert the husband, i.e. that the adulterer has run away with the woman, or attempted to do so. This distinction is not reflected in the scale of compensation; the maximum is always six head of cattle whatever the circumstances, but in the case of *dhu cieh dhor* in the latter sense, the indignation of the wronged husband and his kin will be more intense and they will not be so ready to accept less than six head as a compensation. For this reason the distinction is now

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accepted in court as relevant, and a court will nearly always award full compensation in cases of *dhu ciek dhor* when the adulterer has enticed the woman to leave her husband.

Liability Ceases with the Death of the Adulterer

Mayol Lak v. *Dayim Mahe* (*Jikany Nuer Appeal*)

Dayim committed adultery with Mayol's wife and paid five head of cattle in compensation. She then committed adultery with Bul Thic. No compensation was paid because Bul died shortly after. Dayim then appealed on the grounds that if Bul had paid no compensation, why should he? Court dismissed this appeal as frivolous.

There is nothing unusual in this case but it shows that liability for compensation for adultery ceases with the death of the adulterer and does not fall on his heirs. Although a man may expect his relatives to assist him in adversity and to help him in the collection of the indemnity cattle, adultery is regarded as largely an individual offence.

Return of Compensation Cattle on Dissolution of Marriage

It is a generally accepted rule among the Nuer that an adulterer may reclaim any cattle paid by him as compensation for his offence should the husband subsequently divorce his wife. This at least is theoretical law, though whether it was followed in the past is problematical. This rule is at any rate upheld in Nuer courts as the following example indicates:

Gwigwi Kuah v. *Nyut Laidar* (*Jikany Nuer Case*)

Nyut committed adultery with Gwigwi's wife. Court awarded six head of cattle as compensation, of which only four were actually paid. The wife then died, and the union was dissolved. Court then ordered return of these cattle to Nyut with the exception of one cow which had been paid as *thang* (blood-wealth)[1] by Gwigwi in the interim.

This rule, as will be seen later, has been altered recently. It is unlikely that any action would be taken in instances where a considerable time had elapsed between the act of adultery and divorce, but the idea is essentially a Nuer one and not an innovation.

Recent Legislation

At the Nuer Chiefs' Council of 1945, the subject of adultery was discussed with considerable interest, more so perhaps than is usual

[1] Cattle which die by misadventure in the possession of the wronged husband are not returnable, a rule which is now extended to cattle paid as compensation for homicide. See p. 150.

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on such occasions. It was generally felt that adultery was on the increase and was a threat to the stability of marriage as well as to public security. It was held by representatives from Eastern Nuer District that in their own country there was never any question of returning compensation cattle to the adulterer should a child be born of his act. Chiefs of the Zeraf and Western Nuer tribes were prevailed upon to accept this view, and it became universal law among the Nuer that six head should be paid whether a child was born or not. My own view is that Zeraf and Western Nuer practice is more in accord with Nuer concepts. These tribes admitted that steps should be taken to stop adultery, but said that the way to do so was to introduce penal sanctions as a deterrent rather than alter a principle which to them is fundamental and thus run the risk of confusion over the status and legitimacy of children. This became even more apparent at the meeting of 1949.

At this later meeting, the law that compensation cattle should be returned to the adulterer if the marriage is dissolved, was attacked on moral grounds by one of the British representatives of the Administration present. It was held that an adulterer should not be allowed to benefit in such circumstances, and that there was often collusion between the adulterer and the wife's family in obtaining a divorce so that both might benefit. This argument is clearly fallacious, for whatever the adulterer may gain thereby, the woman's family gain nothing; they will have all the trouble of returning the bridewealth cattle to the husband and will not necessarily receive more from the adulterer even if he chooses to marry the woman. At the discussion which followed it was those tribes who had previously upheld the rule that a husband is entitled only to one cow (*yang kule*) if a child is born of the act of adultery, who most steadfastly opposed the proposal that the husband should retain the compensation cattle in the event of a divorce. They opposed even more strongly the proposal that the cattle should be handed to the wife's family. This latter proposal is at least logical, for the husband in relinquishing his rights over his wife should waive any benefits gained thereby in favour of her family.[1] Yet by accepting these cattle the wife's family would be admitting the adulterer's claim to legal parenthood of the child, and if the former husband had also left cattle with them as legitimisation fees there

[1] It may be argued that the act of adultery was an offence against the husband alone. This at least would be consistent when we consider what I have termed 'extra marital payments' in connexion with divorce (see p. 151). But the Nuer do not look at the matter in this way, especially if a child has been born. Cattle were only claimable in the first instance because the husband held legal rights in his wife. In dissolving the union and thereby waiving these rights he must forgo any benefits accrued in the past. Nuer themselves explain the matter in terms of rights (*ceang*). The husband had a right (*ce ruke ceang*), but now it is the wife's family who have the right. Yet they cannot receive it because of the legal confusion it may cause. Hence the cattle must be returned to the adulterer.

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would be a clash of interests and a subsequent confusion of status. The embarrassing results are clear enough when we consider the complications which would arise over the claims to bridewealth if the child were a girl, or the claims on the bridewealth of others if the child were a boy. Nuer law is designed to avoid such confusion. The only way out of the dilemma was, as usual, to throw responsibility on the Administration and to decide that, in the event of a divorce, cattle paid as compensation for adultery should go to the Government. The perplexing implications of this decision will be discussed in a later chapter, but it will be seen that adultery is now a civil offence in the first instance and a criminal offence, enforceable under the Chiefs' Courts Ordinance, in the second.

Further legislation at these meetings is recorded here, though the general principles have already been stated:

> Chiefs agreed that:
>
> (i) A man who repeatedly commits adultery with the same woman is not liable to pay compensation (*ruok*) more than twice, but shall be liable to punishment by imprisonment or fine.
>
> (ii) Where two or more men commit adultery with the same woman, the following rules are to apply in future:
>
> If 2 men do so, then each shall pay 3 head of cattle=6.
>
> If 3 men do so, then each shall pay 2 head of cattle=6.
>
> If 4 men do so, then no compensation may be demanded by the woman's husband.
>
> (iii) A man can only claim compensation for adultery for the same wife twice; e.g. B commits adultery with A's wife and pays 6 head of cattle (*ruok*). Shortly afterwards C does the same, and he pays 6 head of cattle too. Should anyone else do so, no further compensation is payable, but the third adulterer renders himself liable to a fine or imprisonment.[1]

These rules are not so much an innovation or an alteration as an articulation of existing practice. It is difficult to say whether they are based on exact tradition or whether they represent an evolution of case law based on past precedents. It is probable that each has an element of traditional practice as a basis, but it is unlikely that any were applied in the past with the rigidity implied, even in disputes which reached the final stage of settlement. It is interesting to note too that nowadays when civil liability ceases, penal sanctions may still be applied.

2. SEXUAL INTERCOURSE WITH UNMARRIED WOMEN AND GIRLS

Sexual Intercourse with Unmarried Concubines

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Nuer talk of *dhu ciek*, meaning simply sexual intercourse with any woman, but it usually implies that the woman is legally married

[1] Extracts from Minutes of the Nuer Chiefs' Council Meeting, 1945 (unpublished).

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whether the marriage is a simple legal union, 'ghost-marriage', leviratic union, or 'widow-concubinage'. Hence the term *dhu ciek* usually implies a violation of marriage rights and closely approximates to the European concept of adultery. We have already seen that, if the wrongdoer can prove that his mistress is not legally married to the man who claims to be her husband, no action for adultery lies. The woman in such circumstances is *ciek me keagh*; she is *ciek*, having the status of a married woman, but she is *keagh*, unmarried. This does not necessarily imply any feeling of disrespect, for the expression is sometimes used of a woman who has not yet completed the full processes of legal marriage with her husband, or sometimes of a woman who has been married and divorced and awaits remarriage of a respectable nature. *Keagh*, however, has a wide range of meaning and, used contemptuously, implies that the woman is wanton and self-willed and that, if she is not legally married, she ought to be. In all these circumstances it is her family who have rights in her, and legally it is for them to claim damages for any infringement of those rights. They rarely do so and, if they did, would be unlikely to receive the support of a Nuer court. 684 588

Such women often cohabit with men on a reasonably stable basis, and the union sometimes has the appearance of legality. This is particularly so in detribalized communities to which women of this temperament tend to go, and there are sometimes disputes which appear before the courts. It is noticeable that, although a Nuer court will never award compensation to the man who claims to be husband (*cou*) of the woman, nor, indeed, to her family, they will often punish the offender. Penal sanctions are being applied to offences which must have been comparatively rare in the past and for which there is no traditional remedy.

The Seduction of Unmarried Girls: dhu nyal

The seduction of a young girl (*nyal*) is considered a wrong. Nuer will say it is a great wrong, a *duer medit*, but what they imply is that a girl who gains the reputation of offering herself indiscriminately to any young man will not be approached with genuine offers of marriage. She will be a *nyal me jok*, a 'bitch'.[1] Such girls, once they have gained 684 836

[1] This expression is as disrespectful and rude as it would be in our own language, and is not used openly. I recall a girl of this sort in Thiang country who appeared regularly at dances in company with girls obviously much younger than herself. She appeared to me to be attractive, and I asked some youths of my acquaintance whether they did not think so. They replied that she was extremely attractive, a statement which was followed by a good deal of chaffing and laughter on the part of their fellows. Subsequently I was told by one of my followers that she was considered *jok*, and although older men were much attracted to her, none of them wished to marry her, and the young men left her alone because to have relations with her was regarded as slightly ridiculous and they feared the scorn of other girls. The girl eventually took up with an Arab merchant. See example, *Cuay Tut* v. *Dur Jal* (p. 172).

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an unsavoury reputation, may have to wait for a long time for marriage and are also *jut* (which is merely an unmarried girl beyond the age at which girls are usually expected to marry), and when a serious suitor does come along, he will do so because her family are likely to ask less cattle for her than is usual. She is likely to marry a poor man if she marries at all.

Illicit sexual intercourse with an unmarried girl is therefore a wrong in itself, but it is the effects that public knowledge of her wantonness will have on her reputation which are regarded as important. Technically a girl (*nyal*) is supposed to be a virgin, but by the time she reaches the stage of marriage this is unlikely to be a fact. Her family do not necessarily object on any moral principles. Their attitude is a reflection of their real desire to see her properly married so that they may acquire cattle for their own marriages, and they do not tolerate any attention from an outsider which is likely to compromise her chances of making a suitable match with a man who has cattle. A young man with no cattle who pays marked attention to a gi. will be warned off by her brothers. But unless her chances are lessened by a reputation for promiscuity in the choice and number of her lovers her family are unlikely to take action, and a complaint on their part will rarely be recognized in a Nuer court. Nuer say, however, that *dhu nyal* is an offence which may require the payment of compensation (*ruok nyal*), and by this they mean that if a complaint is made by a girl's family, and there is proof that they have suffered an injury or potential loss, compensation should be paid to them.

Dhu nyal cieng and *Dhu nyal dhor*

Nuer also make the distinction between what they call *dhu nyal dhor*, 'fornication with an unmarried girl outside (or in the bush)' and *dhu nyal cieng*, 'fornication with an unmarried girl in the home'. The terms are not very clear, since *dhu nyal cieng* is often used to describe cases of elopement—i.e. when the girl has been taken from her home. The former offence, *dhu nyal dhor*, is considered much less serious, and refers largely to casual encounters at dances held by the young people.

Elopement and Abduction: kuil nyal

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It is considered a much more serious offence if a man entices an unmarried girl away from her family and persuades her to live with him. Whether a child is born of the union or not, a Nuer court will take action against the wrongdoer and compel him to marry the girl or pay compensation which will not be returned even if the girl is subsequently married to another man. To seduce a girl, persuade her to take up residence away from her home, so that she appears to be

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a married woman, without the transfer of cattle, is *kwil nyal*, 'theft of a girl'. The girl will sometimes assume the costume of a married woman (a leather apron or skirt) and, in examining the circumstances of the case, a court will usually ask whether this has happened or not. It is evidence against the wrongdoer, and implies a greater wrong. 684

Riek Nuon v. *Nger Cut* (*Leik: Western Nuer Appeal*)

Nger seduced Riek's daughter. The girl did not become pregnant, but Riek claimed that Nger's attentions were undesirable, and had compromised his daughter's chances of marriage. In considering the case, the court first examined Nger's circumstances, and stated that he should marry the girl. On finding that he had very few cattle and no prospects of more, the court ordered him to pay two head of cattle as *ruok nyal* to Riek. In the course of the discussions it appeared that Nger had several times been warned to keep away from the girl, not only by her family, but by the local headman (*gatuot*), and finally by the chief. For this reason Nger was sentenced to one year's imprisonment, and the sentence was upheld on appeal.

Liep Balou v. *Biel Dang* (*Dok Nuer Case*)

Biel eloped with Liep's sister. He was subsequently arrested by the chief's police and brought before the court. It was found that Biel had no cattle at all and no prospects of obtaining any. The girl was not pregnant, and the court noted that this was a single incident. Elopement is, however, a serious offence, and Biel was sentenced to six months' imprisonment, though no compensation was awarded.

It is doubtful whether the present compensation, which most Nuer tribes say should be a cow-calf and a bull-calf, though some say three head of cattle, has any basis in tradition. It is more probably based on past precedents from the courts and, as we have seen, is not often awarded unless there has been a flagrant attempt to avoid the ritual of marriage and the transfer of bridewealth or the girl was betrothed to some other man at the time.

Sexual Intercourse with an Unmarried Girl resulting in Pregnancy: rut nyal

It is another matter if the girl gives birth to a child. It is clear that in the past violent action might be taken against a girl's lover by her brothers, who would seek to compel him to marry her. They would seize cattle from his home and, depending again on their relationship in the social structure, and the relative strength of the sanctions for social integration between the communities to which they belonged, the seizure would be accepted and regarded as a preliminary move towards marriage. Resistance might lead to an open battle between them and even to a feud. Hence, within a limited community or tribal segment, there were strong sanctions derived from fear of retaliation which made for amicable settlement of a case of this sort. It was 684 848

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also possible to legitimize a child born in these circumstances by the payment of fees (*ruok gaanke* or *ruok muor*).[1]

Cany Tut v. *Dar Jal* and *Kwol Panyal* (*Lak Nuer Case*)

Dar Jal seduced the sister of Cany Tut. She gave birth to a child and, since Dar refused to marry her or to legitimize the child, Cany took the case to court. The court ordered Dar to pay a cow-calf and a bull-calf as *ruok nyal*. Dar was dissatisfied with this judgement and brought the matter to court again on the grounds that another man, Kwol Panyal, was the father of the child. Judgement was reversed and the cattle were returned to Dar. Cany then demanded *ruok nyal* from Kwol Panyal. The latter countered by proving that the girl was wanton, *nyal me jok*. Court accepted this and refused to enforce payment of *ruok nyal*. This judgement was subsequently confirmed on appeal.

Nguot Reth v. *Mut Roa* (*Gaawar Appeal*)

Mut Roa seduced Nyadeb Reth, an unmarried girl (about nineteen years of age). She conceived and bore a child to him, and the dispute which followed was referred to the court. Mut had insufficient cattle to marry the girl, and was ordered to pay compensation *ruok* (*ruet*) *nyal* consisting of a cow-calf and a bull-calf. The girl was subsequently married to another man, but Mut's cattle were not returned to him. Mut then appealed, not on the grounds that his cattle should be returned to him, but that he had actually paid a full-grown cow in place of the cow-calf ordered by the court. He stated that the traditional scale of compensation in such circumstances was as the court directed, a cow-*calf* and a bull-calf. Court ruled that this was now irrelevant, because had he paid a cow-calf it would by that time be a large cow: it would have grown in the interval.

It is an even more serious offence for a man to return to a girl after he has been made to pay compensation for seducing her. If she has borne one child, her chances of marrying well are not generally lessened. Indeed some Nuer say that her chances are enhanced, for it is thereby proved that she is fertile, and this is a serious consideration to a man contemplating marriage. To return again to the same girl, and particularly to get her with child for the second time, may cause grave loss to her family. A man will be unlikely to look at her as a possible wife if this has happened, and if she gets married at all it will probably be to a man who is poor in cattle and unable to afford a full bridewealth. An offence of this sort is nowadays almost always punished, not only by forcing the guilty party to pay compensation, but by fine or imprisonment as well. Again penal sanctions, previously unknown to the Nuer, are now commonly applied.

Top Bath v. *Manyang Tut* (*Thiang: Central Nuer Appeal*)

Manyang Tut got Nyalak, unmarried daughter of Top Bath, with child. Manyang refused to marry her, and had insufficient cattle to do so anyway. The court ordered payment of two head of cattle as *ruok nyal*. This was paid. Subsequently Nyalak ran off to Manyang again and lived with him for a short time, though no child was conceived on this occasion. Court ordered the

[1] See 'Legitimacy of Children', p. 132.

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immediate return of Nyaluk to her family, though no further *ruok nyal* was demanded. Manyang was sentenced to five months' imprisonment. 684

In this case the court punished the wrongdoer because not only had he committed a serious offence, but he had openly defied the original order of the court.

Compensation (ruok nyal) and Legitimization Fees (ruok gaanke or muor)

Legitimization fees for children have already been discussed in a separate section.[1] It is worth mentioning here that a man who gets an unmarried girl (*nyal*) with child is not expected to pay both compensation (*ruok nyal*) and legitimization fees (*ruok gaanke* or *muor*) as well. The two payments are in a sense interchangeable. A man who has paid compensation may increase the payment if it is subsequently discovered that the girl is with child, thereby changing it to a recognized fee to legitimize that child. On the other hand, if there is any likelihood of the girl getting married fairly soon after the event, her family may waive their claim to *ruok nyal*, for then the child will go with its mother to her future husband. In some instances even if legitimization fees have been paid they will be returned on the girl's marriage. 684 848

Can (akwen v. Tutkwac Diu (Thiang: Central Nuer Appeal)

Tutkwac Diu seduced the sister of Can Cakwen, and she gave birth to a child. Tutkwac paid no compensation (*ruok nyal*) for this, and the girl was subsequently married by Buth Jal. Some time later Tutkwac asked to be allowed to pay *ruok gaanke* to legitimize the child to his own name. A dispute arose, and the matter was taken to court. Court ruled that Tutkwac had no right to the child, as the girl's marriage to Buth Jal was by then legally valid. [illegible] had performed the ceremony of *muot*, and the child had in fact been born after the marriage.

A man who has paid legitimization fees for his child is not usually able to reclaim them should the child die, as he would be able to do in other circumstances. The legitimization fees become compensation in retrospect.

Lam Tuiel v. Jeh Col (Jikany: Western Nuer Appeal)

Jeh seduced Lam's sister and she gave birth to a male child. Jeh was ordered by the court to pay four head of cattle as legitimization fees (*ruok gaanke*), since he refused to marry the girl. This was in 1944.[2] The child died two years later, and Jeh appealed to the court for return of his cattle. The court ruled that the cattle should not be returned. Jeh had refused to marry the girl though he had cattle with which to do so. The four head of cattle must therefore be considered compensation *ruok (ruot) nyal*.

[1] See pp. 128–31.
[2] Before the Nuer Chiefs' Council Meeting of 1934, when legitimization fees were standardized (see pp. 134–5).

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Summary

From the circumstances and examples described above, it appears that—

(i) The mere act of sexual intercourse with an unmarried girl (*dhu nyal*) is considered a wrong and one which may demand the payment of compensation. This attitude is conditioned, not by any idea that sexual intercourse before marriage is morally reprehensible, but by the fact that a girl who is known to be free with her favours and to have had many lovers is often considered an undesirable wife. Her chances of making a good marriage may be compromised. It will be the girl's family and kinsmen who will suffer in consequence.

(ii) Compensation is called *ruok nyal*, and varies throughout Nuerland from two to three head of cattle. The majority of tribes reckon *ruok nyal* to be two head: a cow-calf and a bull-calf. This is rigid and unalterable in the sense that there can be no increase over that figure for a single offence.

(iii) Nuer distinguish between what they call *dhu nyal dhor*, 'seduction of a girl in the bush', and *dhu nyal cieng*, 'seduction of a girl in the home'. The former offence has a degree of social recognition and is not usually regarded as a serious matter; the latter is considered a more flagrant violation of the rights which a girl's family have in her. This distinction is, however, somewhat academic and is certainly not reflected in the actual number of cattle demanded as compensation.

(iv) *Dhu nyal cieng* is sometimes used to describe an act of elopement. This is a much more serious offence, especially if the girl assumes the appearance of a married woman by wearing a skirt and openly living with the culprit. He has stolen the girl, '*ce nyal hual*', and the offence will be referred to as *hual nyal*.

(v) These distinctions, though they do not alter the amount of compensation, are relevant to the action which the girl's family will take. Although the culprit is liable to pay compensation, it is unlikely that the girl's kinsmen will pursue the matter unless he persists in his attentions or actually runs away with the girl. If he does persist their attitude will depend on a variety of circumstances. If he is known to have cattle, they will begin by trying to persuade him to legalise the union by payment of bridewealth. If he is undesirable they will warn him to keep away and, if he ignores the warning, may resort to violence by seizing cattle from his kinsmen. His kinsmen may take steps to recover them by aggressive action, they may ask for them to be returned on the understanding that they will pay the recognised compensation, or they may allow them to remain with the girl's family, thereby indicating that they are willing to open negotiations for legal marriage.

(vi) Nowadays, in most parts of Nuerland and largely depending on

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the prestige and effectiveness of the local authorities, the girl's family will usually resort to the court. To begin with the man will be publicly admonished by the headman or chief; if he ignores this he will be brought before the court. The court will usually try to bring about a legal union between the pair, but if this is unacceptable to either party or impossible because the culprit has insufficient cattle, it will enforce the payment of *ruak syal*.

(vii) Penal sanctions now enter into the matter, not only in ensuring that action one way or another will be taken to satisfy the girl's kinsmen, but in the infliction of punishment on the wrongdoer if his act is regarded as a particularly serious wrong. It is noticeable, however, that punishment is usually inflicted only in cases where the wrongdoer has disobeyed the orders of the local authority, usually the headman, or sometimes the orders of the court. The punishment is therefore usually, though not always, applied because the culprit has committed an offence against the authorities, not because his initial offence was punishable in law.

(viii) The birth of a child as a result of illicit intercourse with an unmarried girl in any of the circumstances described above does not alter the law or the amount of compensation payable to compound the offence. But the girl's family are likely to display greater indignation and to force the issue with greater determination. A simple act of sexual intercourse with an unmarried girl is often ignored. If a child is born as a result, whatever the circumstances, the offence will certainly not be ignored.

(ix) This offence is known as *ruat syal*—impregnation of an unmarried girl. It may be compounded at the same rates as *dhu syal*. There arise, however, obvious complications over the legitimate parenthood of the child. The culprit may simply pay compensation (*ruak syal*) and forgo any future claims on his child. The child then belongs to its mother's lineage or, more usually, to the man who subsequently marries her with full bridewealth, especially if she is married fairly soon after the event. The culprit may pay a legitimisation fee (*ruak gaanhr*).

(x) If he pays *ruak gaanhr*, he will not be expected to pay also *ruak syal*; but should the child die, the cattle will not be returned to him. What he has paid as a legitimisation fee becomes compensation in retrospect for the act of sexual intercourse with the girl. As we have seen, a man must announce his intention of legitimising the child at once. He cannot do so at a later date, at any rate without paying much higher rates.

I rather doubt whether the scales of compensation quoted by Nuer as being traditional, though obviously again a formula for compromise, had any exact application in the past. They seem to me to be the product of more recent decisions in the courts and of case law.

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Recent Legislation

Rulings given by the chiefs at the meeting of 1945 were as follows:

(a) When a man seduces an unmarried girl he must pay compensation (*rwak dhe nyal*) of a cow-calf and a bull-calf to her guardian. If he elopes with her or persuades her to leave home he is liable to pay two cow-calves. This applies only in cases where the girl does not bear a child. This is *rwak dhe nyal*.

(b) If the girl bears a child, her seducer is not liable to pay compensation, i.e. *rwak ruat nyal*.

(c) In the circumstances given in (b) above, the seducer has the option of marrying the girl in the normal way or of legitimising the child by payment of fees (*rwak gamde*). If he declares that the child is not his or that he will have nothing to do with it, he can only legitimise it at a later period by payment of from six to ten head of cattle according to the age and sex of the child.

(d) Any man who seduces a girl and, after payment of compensation or legitimisation fees, returns to her again, renders himself liable to imprisonment.[1]

There appears to be considerable variation of opinion on this subject throughout Nuerland, and it is surprising that this agreement took the form it did. Some chiefs said that if a girl bore a child her chances of getting married to someone else were not reduced. The birth of a child proved her fertility, which was an important consideration to a prospective husband. It may also be noted that these rules give legal recognition to the distinction between mere seduction and seduction which amounts to abduction. A man will now pay a cow-calf and a bull-calf for the former offence and two cow-calves for the latter. Though the latter was regarded as a more serious offence in the past, the distinction was not, as we have seen, reflected in the compensation claimed.

3. OTHER WRONGS

Thang yiika

Thang yiika has already been mentioned under the heading of homicide. *Thang* is the normal word used for bloodwealth and *yiik* refers to the married woman's mat, and hence is a symbol of marriage and childbirth. The expression therefore refers to the indemnity which a woman's family may demand if she dies in childbirth. Nuer opinion on the subject is vague, and the law has now been abolished. Prior to its abolition in 1947 it was generally accepted in Nuer courts that—

(i) The indemnity was never claimed from the husband of a legally married woman. It could not be claimed by a woman's husband from an adulterer should his wife die as a result of the latter's wrong.

(ii) It was demanded for unmarried girls who died in childbirth. The definition of 'unmarried' in this context is not entirely clear. The indemnity might be demanded from a man whose betrothed wife died in childbirth before the final bridewealth payments

[1] Extract from Minutes of Nuer Chiefs' Council Meeting, 1945 (unpublished.)

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had been made or before the *wuut*; a woman in such circumstances is *bagk*, still unmarried.[1]

(iii) A man was only liable to pay *thang yiike* in certain circumstances, for example, if the girl died in childbirth before the child was delivered or before she rid herself of the afterbirth.

Up to 1947 there were occasional claims for *thang yiike* through the courts, but this does not necessarily indicate that it was applied either consistently or often in the past. It is worth noting, however, that the special expert known in Nuer as the *banar yiike* was concerned with the assessment of compensation in such cases, acted as arbitrator, and performed the necessary ritual. He was concerned generally with the fertility of women, and had a traditional and orthodox position in Nuer society like other experts of that category.

Thang yiike was at one time standardized at six head of cattle. Among the Gawar, Thiang, and Lak tribes it had previously been set at eight head of cattle (five cows and three bulls), and at six head among the Dok and Jagei of Western Nuer District. I have, however, heard the Eastern Jikany say that it was previously thirty head, and the Bul and Leik sometimes say that it should be twenty. I doubt that such large numbers of cattle were ever paid. *Thang yiike* was abolished at the Nuer Council of 1947, and is therefore no longer law.

Thiang

Sexual intercourse with a woman who is pregnant or is suckling a child is a serious breach of taboo, and will result in harm to the woman or her child. A husband who commits this offence is accused; his family, as well as that of his wife, will insist on the performance of ritual expiation and sacrifice. If the man who does so is not the legal husband of the woman and his act results in her death, he will be held liable and will have to compensate her husband, though the rate of compensation is not fixed. I have no records of a case of this sort, though I have heard of instances where a man has been prevailed upon to pay. Disputes do not usually arise, for, apart from the fact that the offence is rarely committed, ritual sanctions are usually sufficient to secure payment. The wrongdoer will fear the consequences to himself, although it is considered that the woman runs a graver risk. I recall one case among the Rut Dinka who have the same custom.[2] A man called Thon de Kur had intercourse with a woman who was suckling a child. The child died subsequently, a dispute arose, and he was made to pay a cow as compensation (Dinka: *pak de thiang*).

[1] See under 'Legality of Marriage', pp. 124-6. Nuer simply say *ayal ee ban bana ed ceer ke ke thang yiike ed*, 'If a girl who is not married dies (in childbirth) *thang yiike* will be called'.

[2] The idea is common to all Nilotes, including the Shilluk, and is everywhere known by the same name.

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a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible. 682 783

These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*mam*), and their kinsmen may suffer subsequently, particularly from *mentiliep*, *lathiat mentiliep*, or a section of diseases which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently efficacious, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could. 783 684 835

There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse 783 684

[1] For minor infractions gifts—tobacco, food, &c.—may be offered to an offended kinsman.

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with a woman who is pregnant or a nursing mother. If the man who so offends is the woman's own husband, her relatives are likely to express great indignation and, if he is to continue on good terms with them, he will have to take steps to neutralize the consequences by ritual purification and sacrifice; otherwise the woman or her child will die. Moreover the ill-effects may extend to her kin, and in some cases these will demand a cow from the offender, not, I think, as direct compensation for a wrong but as a gift which will probably be dedicated to their ancestral and household spirits who otherwise may bring trouble to them.[1]

If the act is committed by a man who is not the woman's husband, it is certainly considered serious, but it is treated as a normal case of adultery and the compensation (*rusk*) demanded by her husband will not be greater than in normal adultery, although his indignation will be more intense and the likelihood of his taking violent action against the offender greater. For this reason alone such cases are likely to be settled by indemnification more promptly, and in this sense the religious concept is also a sanction for payment; the compensation is conditioned not by the likelihood of the spiritual effects, but by the traditional assessment of the wrong to the husband. Thus in this case religious belief is a sanction for the operation of a recognised process of law but has no effect on the amount of compensation. The idea of pollution is also present in cases of straightforward adultery where, as we have seen, among most Nuer tribes one cow should be paid in order to counteract the pollution involved, the cow called *yang kuir* ('the cow of the sleeping mat'), which will allow the husband to resume relations with his wife in safety, and which is something quite different and apart from other cattle paid as compensation for what is regarded as a secular wrong. It is worth noting that if the adulterer is closely related to the cuckold no compensation will be demanded, but the *yang kuir* is always paid.

There are also many customs which are not normally the cause of litigation in the courts, nor indeed of much dispute of any kind, but for which a form of compensation is necessary. For example, it causes offence for a man to appear naked before his mother-in-law or any woman who stands in that relationship to him. This applies even if he does so unwittingly, especially in the early stages of marriage. It is an offence which will require some small gift as compensation, and the offender may also be expected to make a token offering, a pinch of tobacco or something of the sort, to the ancestral spirits of his wife's lineage. Observances of this kind and the action taken if they are ignored are upheld by ritual sanctions, as well as by sanctions derived from the purely social relations arising in marriage and kinship.

[1] Thiang, see p. 177.

8:Howell E, G-5 (1942-1944)1954
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as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *gwan mal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *jeth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rudh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rudh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *jeth* might be killed without grave danger of retaliation and, if compensation was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghosts, a Form of Witchcraft', *S.N.R.*, 1947.

8:Howell E, G-5 (1942-1944)1954
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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective. 839 684

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*bojok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours. 754 683 [783]

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be considered. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *bong, bail, or bap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate. 695

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. [illegible].

8:Howell E, G-5 (1942-1944)1954
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may be described as public law. There is no evidence of a penal sanction applied by anything which resembles 'politically organised society', nor anything which indicates that such procedure is enforced by the will of the community; the community, that is, which extends beyond those segments which are actually at feud. Nor again can the Leopard-Skin Chief, the functionary through whom the ritual and compensatory processes may be successfully carried out, be described as a 'constituted representative of political authority', for there is nothing behind him to enforce a decision other than a vague and not very effective sanction in his power to curse. It is only when both parties are willing to negotiate that his particular functions are effective.

A further point of significance is the fact that the Nuer distinguish between intentional and accidental killing. It might well be argued that, since they make this distinction, there is at least an element of the idea of punitive damages contained in the scales of compensation according to the circumstances of homicide. I do not think this is so for two reasons. In the first place the Nuer often say that there really should not be any distinction at all. In the second place it seems that the variations spring from an original principle of compromise. The indignation of the *ji ran*, the dead man's kindred, is undoubtedly affected by the motives of the killer, and is likely to be less intense if there is no motive at all. In the past a compromise at a lower figure was therefore more probable. Since then there have been many homicide disputes from which precedents have arisen, and many of these were due to the direct influence of administrators at the time. Precedents of this sort have now become standardised by usage and, recently, by formal recognition at the Nuer Chiefs' Council; there is now a complicated body of law concerning homicide which are consistently applied.

In the past, then, the outcome of blood-feuds depended on the social relations of the groups involved, even though the division over those events might follow the lines of segmentation until a whole tribe was split. There was no all-inclusive community within which an act of homicide could become a public delict, nor any political association outside the parties concerned sufficiently institutionalized to enforce a decision. There was only a traditional procedure by which the affair could be settled if both parties were willing.

Similarly other legal wrongs required the payment of an indemnity to the injured party and, since the individual does not stand alone or acquire rights except as a member of an integrated kinship group, we may say that this action, though less collective in extent than the composition of homicide, was directed to the re-establishment of the balance between the groups concerned. If the maintenance of the balance was not necessary, either because the two individuals were closely related and the disturbance was in consequence less acute, or

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681 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was
621 not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts. Adultery requires the payment of an indemnity in cattle, and we have [684] noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organized action against the culprits, is not a public delict among the Nuer. Certainly no punitive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the contamination (*nueer*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalized body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 The only form of procedure which might fall within the category of public law was the repressive action taken against witches and
621 ghosts. Although the Nuer themselves say that this action was sometimes taken and, in quoting instances in their history, refer to indi-
683 viduals who have at least an established position in known genealogies,

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [684]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [682]

[1] See p. 62. [2] See pp. 63 et seq.

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692 this was usually inflicted by the District Commissioner sitting as a
681 magistrate, or by the court on the advice of the District Commissioner, this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery
•684 is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially a private delict, becomes a public delict, and a criminal offence should
671 the husband decide to dissolve the union subsequently. There is
177 therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

[1] See pp. 166-8.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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give act. If they have begotten children by the wives of other men they are rather proud of this evidence of their virility. 837

The legal position about adultery is as follows: If a man finds another committing adultery with his wife they will probably fight, though the adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is underfile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*lac*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery. 837 684

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kule*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard begotten of a certain man, the genitor will sometimes claim "the cow of begetting" on her marriage. Her kin do not relish handing him over a cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful. 585 841 431

The verb *ruok* is used to describe the paying of compensation. Thus one says *Ca ghok Gokuok ruk ke dhow ook Yang*, "The cattle of Gokuok 614

684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruak*, "You will pay a cow" for this action. *Ruak* also means to legitimatise a child born of an unmarried concubine. The genitor says *Ca gatde ruk*, "I have legitimatised my child by payment of a fine".

688 To describe sexual relations outside the union of marriage Nuer use the
834 verb *kaw*. The use of this word in a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *kaw* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lo'o* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

786 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

586 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and levirate marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in levirate concubinage, division of the cattle may be more complicated because the bride may have full or half brood sis begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in levirate marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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brother, Gwanhol ♂—Jany ♂, who was killed in war. She has borne Lot ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 383

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanhol ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanhol she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nion ♂. He shares this hut with Yual ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Diewy section. She had three children by Diou, two being dead and one, Nyarwah ♀ being alive. By Mokwac she had a son, Thier ♂, who died, a daughter, Nyaluemi ♀, and a newly born daughter. Mokwac also cohabits with Nyadong ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Deng ♂—Col ♂, a Jikal man. She bore him a daughter who died, and a son, Pawai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Col ♂—Thiep ♂, a leopard skin chief of the Kerenyang section. She bore him Nyathat ♀, Nyading ♀, Nyangirh ♀, Kur ♂, and Nyadhoot ♀ (dead). On Col's death she remained in his homestead, her present abode, and took a lover, Rick ♂—Jor ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cut ♂—Thol ♂ of the Rimagh clan. There were no children of this marriage and on her husband's death she lived in levirtitic concubinage with Duob ♂—Cut ♂, one of her husband's sons to whom she bore Lous ♂, Nyayour ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Lous ♂—Duob ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *ade gwandong*, "grandfather's wife", to Marial. She now cohabits with Bawayai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year.

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII, when I asked why the brothers do not live together I was told *Juan eme ne ce ber dawne, ee Yang ee ber dawne*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabuol ♀—Dor ♂ but she died, with her baby, in childbirth as a consequence of incest. She had inconvenient relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her 592 684 935

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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngual*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

6:Howell E, G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (*mash*)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *mash*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Ngor Ngoun v. Can Nyai (*Yikany Nuer Case*).

Ngor and Can were 'best friends' (*mash*). Ngor gave Can a black cow as a gift. Can gave Ngor a cow when Ngor got married. Ngor then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Ngor, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak mash*) publicly and that Can should give back his black cow. The matter was taken to court, but Ngor's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kwal*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

B:Howell E, G-5 (1942-1944)1954
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from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*ruong*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to *bir'ws* between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ee yang-de bend*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, disputes may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*bual*) is not considered in any way wrong.[1]

This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 189. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

S:Howell E, G-5 (1942-1944)1954
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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *bual* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *ruar*:[1] a man will say *ce yang-di ruaar ce* or *ce yuke ruaar*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *gac* is used to describe situations where superior force is used, e.g. where cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *nam*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *D'nam* also implies stealth or cunning.

8:Howell E, G-5 (1942-1944)1954
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he fled to some other Nuer tribe, and the force of local public opinion would compel him to return them if he wished to continue residence in his own community. Upon occasion a man will steal another man's barren cow or bull and kill and eat it, motivated by greed or hunger. This, which is known as *yang mieae lac* in Nuer, is considered a serious offence, and Nuer say that in the old days compensation of ten head of cattle would be demanded. In the past at any rate restitution in equivalent value was not considered sufficient to appease the feelings of the persons who had suffered the loss. Nuer consciously express the concept of a deterrent when they say that such damages are demanded because otherwise others would do the same. Another offence, which is recognized as such in Nuer law, is to misappropriate someone's cow and try to disguise the fact by altering the ear marks on the animal. Nuer say that the cow would have to be returned or another substituted and a bull-calf paid as compensation to satisfy the wronged owner. The principle of compensation applied in cases where cattle are stolen and secretly eaten by the thief is applied also in the cases of sheep and goats, *dei mieae lac*. The traditional scale of compensation for the latter was six head of cattle. Apart from the fact that cases of this sort are nowadays almost unknown, it is doubtful whether more than equivalent restitution would be enforced by the court. It is more likely that the culprit would be sentenced to imprisonment.

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Theft of Other Material Possessions

Apart from cattle, there are few material possessions which come within the scope of this term. Nuer are persistent beggars, though they take refusal light-heartedly. They power friends and relations to give them personal property which has taken their fancy—spears, clubs, beads, tobacco, &c. Sometimes they may take these things without the owner's permission. Depending largely on the relationship of the persons involved, the owner will rarely do more than protest or grumble and demand (later) some equivalent privilege in return. Neither the word *bual* nor *mum* would be used in these circumstances. Most articles of personal property are so easily obtainable, being made from raw materials locally available, that a man would scarcely bother to take them, or if he did, their removal would not be missed. Apart, however, from such easily acquired possessions as described above, certain material objects were, in the past, only obtained with difficulty through meagre trade channels, and their misappropriation was considered a cause for litigation or retaliation. It should be noted also that most of these material objects were bought with cattle, and that their removal would cause proportionate discomfort or suffering to the plaintiff because they were one and all

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685 important items in the subsistence economy of the people. Their illicit removal by a stranger would again be wasw—'theft'.

In analysing some of the customary scales of compensation for misappropriation, it is apparent that in many cases the damages were out of all proportion to the wrong. As in the case of hurt, the compensation was directly proportionate to the suffering of the persons concerned. As has been explained in the introduction, the likelihood of such compensation being paid depended largely on the relationship of the persons involved and the social cohesion of the community in which they dwelt. It is also probable that all these scales of customary compensation date right back to a period of Nuer history when the people lived in more closely-knit groups and before the major processes of expansion began; that is, before they occupied huge tracts of country and absorbed large numbers of Dinka in doing so.

Those material possessions for which compensation (*rut*) was demanded included fish-spears, hoes, and waw—all articles made of iron. The scales of compensation differed considerably from tribe to tribe. The Gawwar, for instance, say that six head of cattle would be demanded for the theft of a fish-spear. Lak Nuer say that one cow was sufficient. The probable reason for this disparity was that compensation was conditioned locally by the relative difficulty of obtaining those articles, and also by the number of cattle paid for them in the first instance. The Gawwar, remotely situated from the trade channels through which iron waw came, could only obtain them from the Anuak to the east or through the Atuot Dinka to the west. In Lak country a cow would purchase a bundle of these things but in Gawwar the cost was much higher.

Again, we find that not only were these articles initially purchased with cattle but all had very considerable value in the subsistence economy of the Nuer. The loss of a fish-spear might cause great hardship because Nuer are often compelled to rely on fish as a major item in their diet, especially when grain is short. Hoes were essential for agricultural processes. Canoes, for which a high rate of compensation was also demanded, were of considerable economic importance not only for fishing, but for swimming cattle across rivers in the course of seasonal migrations. Canoes, however, may have had a trade value nearly equal to the compensation, for suitable timber is rare in Nuerland even today.[1]

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It is therefore possible that in these traditional scales of compensation for the loss of certain possessions, there are the germs of deterrent and punitive concepts, but it is more likely that they still fall within the category of private law. There was certainly no organised political

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[1] Canoes have a high value. Those imported from Anuak, Shilluk or the south and west are worth several head of cattle. Canoes made of dabob palm trunks which are available locally are comparatively cheap and are usually sold for cash.

8:Howell E, G-S (1942-1944)1954
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body capable of enforcing payment. To steal an article of this nature was a private delict and could only be settled by payment of compensation sufficient to appease the owner. Since ownership was in a sense collective, it was necessary to restore the balance between the groups concerned if hostilities were to be avoided. Compensation represented restitution or the equivalent value of the article and in addition recompense for the potential economic loss which might occur.[1] Clearly compensation was not paid rigidly according to conventional rules, but the scales were there to quote—once more as a basis for compromise.

Compensation in excess of the actual trade value of the article stolen is never applied today. For one thing, most of these articles are no longer purchased with cattle but for small sums of money. Moreover they are so easily obtainable from local shops that the owner is scarcely likely to be involved in any real hardship. Ownership of such articles is now a more individual matter, and it is unlikely that two communities will embark on hostilities over such trivial matters as this unless other motives already exist. Even with possessions which still demand a high rate in cattle or substantial sums of money, like canoes, there is never any question of compensation in excess of that value, only restitution or the equivalent.

If the wrong is considered particularly grievous or if there has been a danger of a breach of public security, a Nuer court will usually inflict punishment on the culprit in the form of imprisonment or fine. Thus theft is rapidly becoming a criminal offence, rather than a private delict the seriousness of which was gauged by the potentialities of economic discomfort to the wronged and by the extent of compensation required to restore the balance between opposed groups. No economic discomfort is likely, and if there is any danger of hostilities this is met by penal sanctions. It is gratifying to be able to record that theft of this kind is still comparatively rare in Nuerland, though it is alarming and ominous that it is of more frequent occurrence in communities where detribalization is most apparent.

[1] It is interesting to note that the ordinary fighting spears (wut), though made of iron, were not included in this category.

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681 because the groups concerned were too remotely connected, the likelihood of composition was small. In the first instance the indemnity was
621 not paid, or was paid on a much reduced scale; in the second instance it was not paid at all. Again, analysis of the concepts which concern sexual congress of persons between whom such relations are forbidden shows that such offences are not treated as public delicts. Adultery requires the payment of an indemnity in cattle, and we have
[684] noted that some of these cattle are regarded as direct compensation for an infringement of marital rights in the wife, while one in particular is an expiatory payment necessary to remove the pollution which results and to rectify any impairment of the husband's ritual status. There is no evidence of public law here. Even a breach of the laws of exogamy, which, among some African tribes, is followed by a reaction of moral indignation and organised action against the culprits, is not a public delict among the Nuer. Certainly no positive action is taken against the guilty parties even though all their kindred are subjected to considerable spiritual danger. The sanction here is supernatural, and although the pollution caused by such an act may extend beyond the principals to persons who are related to them, penal sanctions are not applied. Moreover such offences are relative in gravity according to the proximity of relationship between the principals. Even in the most serious breach the communication (*mar*) may be removed by the performance of the prescribed ritual, which is considered effective and in which the Nuer have considerable confidence.

[685] We have also considered theft. Here, in the case of material possessions of a certain type, all of which had an exchange value in cattle, the Nuer tell us that damages could be claimed which appear much in excess of the current value. This certainly suggests a concept of punitive damages; but further analysis shows that compensation was directed again to the restoration of equilibrium. The disturbance had been considerable, not only because articles of this nature had a high intrinsic value owing to their scarcity and the difficulty in obtaining them, but also because their loss might cause severe economic hardship to the individual and to his family group, and perhaps to a wider circle of associates in the subsistence economy. It is doubtful, in the absence of any institutionalised body to enforce payment, whether compensation was ever paid on the high scales which the Nuer tell us are traditional but, whatever the circumstances, it is clear that theft was not considered a public delict.

681 The only form of procedure which might fall within the category
621 of public law was the expressive action taken against witches and
683 ghosts. Although the Nuer themselves say that this action was sometimes taken and, in quoting instances in their history, refer to individuals who have at least an established position in known genealogies,

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692 this was usually inflicted by the District Commissioner sitting as a
681 magistrate, or by the court on the advice of the District Commissioner, this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

•[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery
684 is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially a private delict, becomes a public delict, and a criminal offence should
671 the husband decide to dissolve the union subsequently. There is
177 therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

[1] See pp. 186-6.

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their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law.

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It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively warring relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', [351] granted as an intimate by men and women of all ages, praised, but often severely criticized, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come.

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for 691

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such is the technique of litigation in Nuerland. This is a necessary opening and not considered reprehensible in the circumstances; in other ways the Nuer are a surprisingly truthful people. It is thought fair tactics for the defendant in a civil case to throw out a screen of fabrications before giving way to the force of public opinion vested in the court, or, as is often the case, reaching some satisfactory compromise. A man must abandon the struggle only when a sufficient flow of ingenious argument has satisfied his honour. This procedure is not even confined to actions in the courts. The negotiations which take place over the payment of bridewealth, for example, are a battle of wits. The Nuer speak of it as a battle (*bar*) and regard it as one of the most exhausting trials of their lives. The idea of a battle is carried into the courts with vigour and in some respects the Nuer regard litigation as a stimulating pastime. The number of cases instituted without any hope of success is enormous, and even the deterrents applied by the Administration have not achieved any substantial reduction.

The sources of my information are therefore from the courts themselves; a close analysis of several thousands of actual cases. These were recorded when I acted as clerk to the appeal courts, or taken from court records. I had the benefit of Professor Evans-Pritchard's account of the social structure and political institutions of the Nuer[1] and more recently his writings on kinship and marriage.[2] In fact he has mentioned, though not always in detail or in the same context, nearly all the subjects recorded in this Manual and since I have rarely had occasion to disagree with the facts or his interpretation, much may appear merely repetitive. My work in the field, however, was carried out independently and largely among different Nuer tribes. Moreover his observations were made of the Nuer as they were some twenty years ago, and since then there have been many profound changes as the result of administrative action. This is especially true in the sphere of customary law. Further, it has been my object to describe only those aspects of Nuer life which are more or less concerned with disputes heard by Nuer courts, though it is obviously difficult to isolate specific aspects from the general background.

This Manual of Nuer Law is not a code or a text-book in which the precise answer to any legal situation may be found. The fine and now rapidly changing distinction between law, custom, convention, and usage will not allow any such precise description. It is rather a study of basic principles as they are now, exemplified by actual examples, as well as a study of a most complex system of law in the process of development. It is, however, primarily intended for the administrator.

[1] *The Nuer*. Oxford, 1940.

[2] In a series of articles and now in *Kinship and Marriage among the Nuer*. Oxford, 1951.

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CHAPTER III

MARRIAGE AND DIVORCE

PART I

MARRIAGE AND MARRIAGE LAWS

1. INTRODUCTION

The Functions of Bridewealth

THE majority of legal disputes which are brought before a Nuer court concern marriage relationships, matters arising out of marriage, claims to a share in bridewealth cattle or a return of bridewealth cattle if the marriage is dissolved. Cattle provide a legal symbol which runs through the whole structure of kinship and marital relationships. A thorough understanding of marriage, the bridewealth system, and rights in cattle raised by kinship is essential to a study of customary law administered in the courts. 691 583 [23]

The test of legality in all Nuer marriages is found in the transference of bridewealth cattle from the bridegroom and his kinship group on the one hand, to the legal parent or guardian of the bride and his kinship group on the other. The main functions of bridewealth are as follows: 583

(i) It supplies a material symbol which legalizes the union of man and woman and establishes the legitimacy of the children of the union and their lawful inheritance.

(ii) It gives emphasis and legality to the conventions and patterns of behaviour and the reciprocal obligations which are raised between the kinship groups concerned and must be observed if the union is to be successful.

(iii) It gives stability to the union, particularly in the initial stages when it has not been confirmed and fortified by the birth of children who will subsequently form a link between the lineages concerned.

(iv) To some extent it stands as security for the good behaviour of the wife in her new home and for the observance of her marital duties towards her husband and his kin. It will be in the interests of her kinsmen to encourage her in this matter because her husband can demand his cattle back and dissolve the union. In this they may sustain no loss since the woman can be married again, but it will certainly cause them inconvenience, especially if the bridewealth

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are often stable. Moreover it is not usual for the wife's family to press for further payments provided the union is confirmed by the birth of children. It is not, therefore, necessarily the number of cattle paid or the fact that sufficient have been paid to meet the minimum claims which makes a marriage stable, but the social relationship of the two families concerned. In examining the legality of a marriage, a Nuer court may ascertain generally the number of cattle transferred, but will not examine each of the many claims. The most telling evidence in this respect is the performance of the marriage ceremonies, for it is assumed that performance indicates the acceptance of the bride's family and this implies that they have been satisfied in the matter of bridewealth cattle.

Disputes over Bridewealth Payments and Distribution

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Disputes over bridewealth between the bridegroom and the bride's family do not often arise. Even if the bridegroom does not pay all the cattle required to meet the claims made at the time of marriage, but promises to do so later and then fails, the bride's family can always threaten a divorce which is usually a sanction strong enough to ensure payment. The claims of the *ji cuongni rar* are usually met first, and if any cattle are forgone or postponed, it is by arrangement with the immediate family of the bride. Moreover claims made by the *ji cuongni* will be against the bride's immediate kinsmen, not against her husband, for the distribution of bridewealth among his wife's family is not his direct concern.

The rules of distribution apply within the group of the wife. These are collectively referred to by the husband as *ji tmac* ('people of the skin', or relatives-in-law). Further rules govern the distribution between the father's lineage and the mother's lineage and then lineages brought in by other marital relationships. Disputes over these claims are common, and there is an unfortunate tendency to use the courts as a sanction for the fulfilment of kinship obligations. The majority, however, are settled by the elders of the lineages concerned, and the courts often dismiss such cases as *rmac cieng*, 'home talk', which should be settled within the kinship group.

There may be more than one person standing in a special relationship to the bride which carries with it a claim to part of her bridewealth, and if this is so there is always a tendency to alternate. If a man fails to get cattle on the marriage of one of the daughters, he will expect to do so on the marriage of her sister. Disputes sometimes arise, especially over claims that have remained unpaid in the second generation. Such matters are strictly speaking governed by the rules of inheritance, but so far as cattle are concerned, the rules of distribution are part of inheritance. Two examples are quoted below. Both are typical, and it will be noted that the first was dismissed by the

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court on the grounds that the claim was too old to be valid, the second on the grounds that the dispute was purely an intimate family concern.

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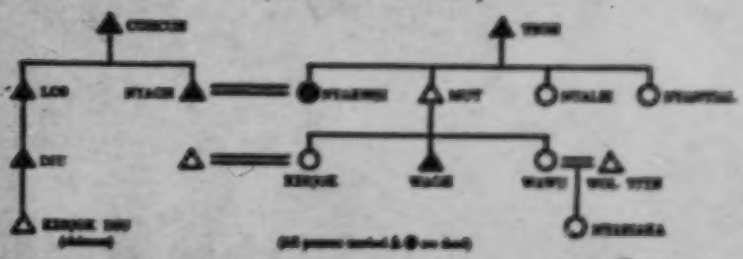
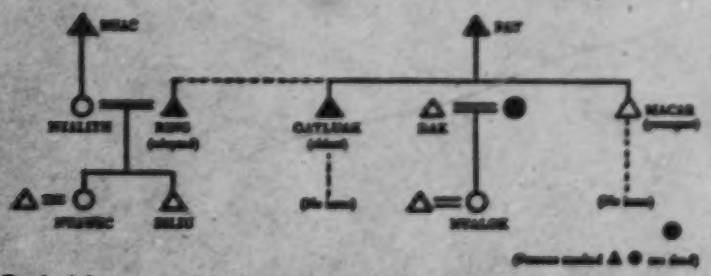
Dispute between family of Cuhcuk and family of Yegh
(Gaawar Nuer Case)



Nyakwei, daughter of Yegh, was married by Nyagh, son of Cuhcuk. Nyakwei died without issue, but there was no dissolution of marriage, Nyagh being content to leave his cattle with Yegh's family. Nyagh, as Nyakwei's husband, would, according to the laws of distribution of bridewealth, be entitled to claim a *yang* *nuac* (cow of the paternal aunt) on the marriage of any of Mut's daughters. In fact the *yang* *nuac* of Kerjok's marriage went to Nyalei and that of Wawu to Nyanyial. Mut promised to give Nyagh the *yang* *nuac* of Wagh's marriage, but it was not paid at the time of her marriage, and she died shortly afterwards. Kerjok Diu as heir to Nyagh (brother's son's son) then claimed *yang* *nuac* on the marriage of Wawu's daughter Nyariaka, on the grounds that it should go to Wagh, whose own *yang* *nuac* should have gone to Nyagh through Nyakwei.

The court was at first puzzled by this case, and said that the *nuac* of Nyariaka should go to Wagh's husband. Kerjok Diu then produced evidence that Wagh's marriage had been dissolved as she had died without issue, and pointed out that her sister Kerjok had already received a *yang* *nuac* on the marriage of another of Wawu's daughters. The court was unable to give an exact definition of the law in these circumstances, but dismissed Kerjok Diu's claim on the grounds that it was based on a claim which had not been fulfilled in the time of his grandfather and that his claim had therefore lapsed.

Nyalith Ruac v. *Macar Pat* (*Lak Nuer Case*)



Pat had four sons—Ring (an adopted Dinka), Gathuk (the eldest or *haagh*), Dak (the middle son, or *dar*) and Macar (the youngest or *pagh*).[1] On the

[1] For further explanation of these terms of seniority, see p. 191.

8:Howell E, G-5 (1942-1944);954
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marriage of Dak's daughter Nyalok, Mazar got a cow (*yang nanpuer*) and a cow-calf (*gwanlow*). Ring was by that time dead, but his wife Nyalith received the remainder of the *gwanlow* cattle—the cattle of the paternal uncle—on behalf of her son Biliu, then a minor: a cow, an ox and a bull-calf. On the marriage of Ring's daughter Nyawer, the *ghok gwanlow*—a cow—and the *nanpuer*—a cow-calf—were given to Mazar again as heir to Gatluak, then dead with no issue. Dak objected to this and, as a protest, seized the cattle held by Nyalith (received on the marriage of Nyalok) for her son. Nyalith then took the matter to court and demanded the transfer of the cattle received by Mazar on the marriage of Nyawer, to Dak, on that Dak would give her back her cattle. Court dismissed the case on the grounds that—

(i) Mazar, as heir to Gatluak, has a right to the *nanpuer* and *gwanlow* of Nyalok. Dak cannot receive these cattle for the marriage of his own daughter.

(ii) The dispute is strictly between Nyalith and Dak.

But (iii) it is a purely family matter which they must settle themselves, because Nyalith is living with Dak in levirate union, he has no male heirs, and all his cattle will anyway go to Biliu to whom Dak is paternal uncle.

6. THE LEGALITY OF MARRIAGE

General Principles

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From an analysis of the social and ritual processes of marriage and of the transfer of bridewealth cattle from one group to another, there emerge certain legal principles which are relevant to a study of Nuer law as administered in the courts today:

(i) Apart from the social and ritual processes, the performance of which not only gives stability to marriage but emphasizes the degree of agreement reached at any stage, the key to the legality of a union lies in the transfer of cattle from one kinship group to another on behalf of an individual. The individual thereby obtains rights in his wife which are domestic, economic, and procreative. Even though these are sometimes assumed so far as domestic and economic rights are concerned, they are never assumed in situations where the legal status of the children is concerned unless cattle have been transferred.

(ii) Therefore, in any disputes which concern bridewealth, the return of bridewealth, or rights in the distribution of bridewealth, reference must be made to the individual on whose behalf cattle were transferred. Whether he be alive or dead, he is the nuclear point from which legal discussion must start, and the rights of others are determined by their relationship to him in the kinship structure or the relationship created by marriage. At a later stage, when children are born of the union, all parties concerned become linked through the position of the children in the kinship structure of both sides.

We have seen that, although marriage is still precarious and does not necessarily achieve a high degree of stability until a child is born of the union and the bride takes up her abode permanently with her

8:Howell E. G-5 (1942-1944)1954
FJ22 Nuer FJ22

in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation.

692 696

Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost

671 692 [691] 692 681

[1] Branch and Main Courts. See Appendix II.

Stillwell E. G-5 (1942-1944)1954
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692 certainly mean that he will be called upon to pay compensation and
681 forced to comply. In the past there was no certainty that he would be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

692 We find, then, that the establishment of the courts, though in one
177 sense preserving the social system from complete breakdown, is in another sense contributing to social maladjustment. Moreover the establishment of courts with powers of coercion behind them tends
691 to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

621 In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the intersection of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

14: Huffman M-5 (no date) 1931
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must be heated in the late afternoon for the baby's bath. 512 259
It is no short process. (Fig. 11)

A MAN'S WORK

A man's work usually begins at sunrise too. He has 512
probably slept in the barn. He arises, covered with cow- [515]
manure ashes. He cleans his teeth with the ash and later
on in the morning may wash his face and hands. While
he may drink a large quantity of water during the day he
seldom drinks any water before breakfast or with a meal.
He usually stays among the cattle until he is called to his [251]
breakfast about nine o'clock. Then he eats and is ready
to spend the day among the cattle. He takes them out to
graze about ten o'clock in the morning and returns with
them in the late afternoon. He loves his cattle. His day is
a happy one spent in their midst, his human companions
being other men who have taken their cattle out to graze
also. His spear and club are ever with him. In the
late afternoon he comes home with his cattle, finding his
supper is being prepared. A plunge in the river every
time he goes to it refreshes him. After supper is over
visiting until bedtime is the usual close of the work of the
average day.

The day's work may be varied if any of his cattle are 512
sick or if there is a dance which he wishes to attend. Or 691
maybe the District Commissioner is in the village hearing
cases or collecting taxes, and so he joins the throng and
spends his day listening to the cases or bringing up some
case of his own before this representative of the Govern-
ment.

During the planting season, the fishing season, or the 512
season when the dura must be cut, this daily programme
of the Nuer man differs and his work for the day may be a
little more strenuous.

15: Butt E-4 (No date) 1952 F 322 Nuer F 321

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 291

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [671]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [595] [672]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [752] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.38.

8;Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

671 Ordinance of 1931.[1] Such terms appear frequently in the official records of Colonial Governments and in the Anglo-Egyptian Sudan, but they are something of an anomaly if any strict definition of the word 'law' is applied. I shall turn to this question of definition and the nature of Nuer law later. Here such terms are sufficient to indicate generally those customary rules governing human relationships which, among the Nuer, were in the past subject to sanctions too indeterminate to be called legal, but which are now applied with a consistency and organized force sufficient to justify the use of the word 'law' in a more exact sense.

692 177 Nuer courts are an innovation. Though there may have been irregular meetings of elders and ritual functionaries to decide matters of local concern, there was no organized political body which could enforce its decisions, even though other sanctions were sometimes strong enough to ensure conformity. Since public security was the primary aim of Government in the early years of the administration of Nuerland and breaches of security usually arose from disputes over matters which to us may appear comparatively trivial, the establishment of such tribunals was the first and perhaps most important move in the development of the Nuer towards management of their own affairs. It was certainly one which brought about the most profound changes, as will be seen later. In those early years most of the decisions were made by the District Commissioner himself, often with curious subsequent results, even though consultation with Nuer representatives was always an important feature of the procedure.

Now that these courts are rapidly developing in most Nuer areas and there are already the beginnings of a proper separation of the judiciary from the executive, the District Commissioner is called upon less frequently for personal arbitration in matters which should be settled with full reference to traditional rules and established precedents. From the time when I first visited Nuerland it was the 692 177 123 agreed policy of the Government to interfere less and less in such matters, for not only was it the ultimate object of such courts to provide an indigenous mechanism whereby civil disputes might be settled amicably, but it was realized that the alien administrator can never achieve sufficient knowledge of the complexities of Nuer law to settle such disputes himself. Even if he succeeds in abandoning the conventions which spring from his own environment, he cannot see such cases from the same viewpoint as the Nuer. His only advantage is impartiality which alone is insufficient to justify interference. Criminal law is a different matter, for the concept of punishment was previously unknown to the Nuer, but even in this they must be made to settle

[1] '7 (i). A Chief's Court shall administer—

(a) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order.' Extract from Chiefs' Courts Ordinance, 1931.

8;Howell E. G-5 (1942-1944)1954
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their own affairs and the success with which their courts now deal with matters of criminal responsibility is a tribute to their growing appreciation of the need for internal security. I mention this with some feeling because in those early days it was a real struggle to resist the endless demands of individual Nuer for assistance over civil claims, a most trying experience which every District Commissioner who has served in the area knows. Nevertheless, at the present stage of development and perhaps for some years to come, the appeal from these courts is to the District Commissioner and the Governor of the Province. This being so, a knowledge of the basic principles of Nuer law is essential. It is necessary not only in connexion with specific cases, but also for the direction of policy in the development of the courts themselves. This need will continue even in the changing circumstances of the Sudan as a country whatever the nature of its constitution, and this book is written to meet it, as well as to record the evolution of a system of law.

It is sometimes argued that a government official, especially one with the executive powers of a District Commissioner in an undeveloped area, is an unsuitable person to carry out an investigation of this sort. His position may discourage sincere and truthful answers to his questions. I am aware of this argument and am prepared to accept the criticisms which may follow. Anyone who knows the close and positively wearing relationship of intimacy which exists between Nuer and their District Commissioners will, however, realize that the latter have many advantages. Having heard the details of a Nuer dispute over rights in cattle, and the same sort of dispute over and over again, he can get a pretty shrewd appreciation of the merits of the case and of the principles of law involved. Moreover, though the Nuer have a proper respect for the authority of their District Commissioner, no one could argue that this in any way curbs their blunt methods of expressing approval of his decisions, or more often disapproval. The relationship between the District Commissioner and the Nuer is peculiar and perhaps unique. He becomes a tribal institution adapted by the Nuer themselves to meet their own needs in rapidly changing conditions. He is addressed by his 'bull-name', [551] greeted as an intimate by men and women of all ages, praised, but often severely criticised, by the chiefs. A Nuer 'bull-name' is a passport to the most intimate circles in any Nuer cattle camp or village. I often felt that it was I who had to struggle to maintain at least a vestige of the culture from which I had come.

In cases where my opinion was sought it is true that both sides would try to mislead me both on the principles of law and on the facts. I was fully aware of this. This approach did not apply to me alone; in nearly all legal disputes it takes a most exhausting process of interrogation amid a battery of lies before the truth is reached, for

Stowell E, G-5 (1942-1944)1954
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Traditional Scales of Compensation and the Formula of Compromise

Whatever the sanctions for payment, either in full or in part, of the compensation recognized as traditional, the mere fact that Nuer are able to quote traditional scales of a complicated nature shows that methods of negotiation existed whereby a wrong could be righted and peaceful relations between individuals or groups could be restored. I believe that traditional scales represented a formula through which such negotiations could be opened and were a starting point from which a compromise could be reached. They provided a formula for compromise, but no more. Although, as will be seen later, these scales of compensation have acquired a greater rigidity both in amount and in consistency of application because they are now enforced by the courts, this element of compromise still remains. 681

Legal Procedure and Political Authority in the Past

It is not the object of this book to describe how incipient legal procedures functioned in the past, if indeed any such procedures existed at all. There is insufficient evidence to justify any generalization, and it is probable that the extent of change in Nuer society, and particularly in the sphere of law caused by the establishment of Nuer tribunals, is already great enough to preclude any possibility of obtaining such evidence. Nuer informants are extremely vague as to how disputes were settled in the past because of the absence of any kind of formalized legal procedure and, above all, the absence of organized legal institutions with powers of coercion. It is sometimes difficult to believe that disputes were settled at all. In fact, they were settled when a combination of circumstances represented in the sanctions already described made it expedient for both parties to come to an agreement. 692

An act of homicide was instantly followed by a state of feud between the groups concerned. The situation demanded vengeance on the person of the killer or on any of his kinsmen, but, depending on historical circumstance and the conditions in which these groups lived, the need for vengeance could be removed by the payment of compensation. There was no organized political force to compel composition of a feud, but there was a recognized procedure for composition if it was expedient. This procedure, which is described in considerable detail later, centred round the functions of the Leopard-Skin Chief, the *kuar mum* or *kuar*. This functionary had no political or executive authority to compel the warring parties to come to agreement and no force which he could call to his aid if the opposing parties had no wish to do so. It was, however, expected that he would make 692 628 624

8:Howell E, G-5 (1942-1944);1954
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692 628 629 the attempt to intervene. Similarly local disputes of a less serious nature might be brought before him, but his duties were clearly those of a mediator and not those of a judge. That a dispute was brought to him for mediation at all presupposes that both parties wished for settlement of their differences. On this subject Professor Evans-Pritchard has, I think, rightly stated that 'the five important elements in a settlement of this kind . . . seem to be (1) the desire of the disputants to settle their dispute, (2) the sanctity of the chief's person and his traditional role of mediator, (3) full and free discussion leading to a high measure of agreement between all present, (4) the feeling that a man can give way to the chief and elders without loss of dignity where he would not have given way to his opponent, and (5) recognition by the losing party of the justice of the other side's case'.[1]

That these observations are strictly true is brought out in the procedure followed in the courts today and the characteristic mental attitudes of the disputants which are displayed. The difference is, of course, that there is force behind the decisions of the courts, and this means that in the majority of cases recognition by the defendant of the justice of the other party's cause is not so necessary for settlement, and there is also coercion in that a defendant would be compelled to attend when otherwise he might not bother to answer the request of the plaintiff to take the matter before a mediator at all. Nevertheless the elements enumerated above are present in the arguments expressed in the course of a Nuer court sitting, although the concept of neutrality focussed in the person of the Leopard-Skin Chief as arbiter is now inherent in the court itself.

692 628 It is possible that Professor Evans-Pritchard underestimates the influence of the Leopard-Skin Chief in bringing disputants together. In the Zeraf Valley tribes at any rate there are indications that some Leopard-Skin Chiefs had considerable powers in this matter, but powers of persuasion based on personality rather than on any established authority inherent in their status. This really means that the Leopard-Skin Chief's actions were dictated by political conditions prevailing within a restricted community. The Leopard-Skin Chief was the focus of political desires and vested in him were the forces of public opinion.

This problem is a controversial one, and the subject of much unpublished criticism of Professor Evans-Pritchard's account of the function and status of the Leopard-Skin Chief. There is, I think, a confusion of thought in these arguments, for Professor Evans-Pritchard is writing in terms of institutions, while his critics write in terms of individual personalities.[2] On the other hand, since there has always been a desire

[1] Evans-Pritchard, op. cit., pp. 164–5.

[2] There is confusion also because Professor Evans-Pritchard's writings are based largely on experiences of the Lou and Eastern Jikany Nuer where there are few Leopard-Skin families, while his critics argue from experience of Gaawar, Lak, and Thiang where the majority of dominant lineages are also Leopard-Skin Chiefs.

8:Howell E. G-5 (1942-1944)1954
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on the part of the Administration to find an indigenous foundation on which to graft a system of indirect rule in which authority must be vested in political and legal agents, it may be that their estimate of the powers of the Leopard-Skin Chief is exaggerated. The Leopard-Skin Chief in the early days of administration often acquired political authority because he was chosen to represent the Government. There appears to me to be little or no evidence that Leopard-Skin Chiefs had political authority in the past except in so far as they were the centre of prevailing political cohesion. If a man chose to ignore a ruling given by the chief, he could do so with impunity; but if public opinion was behind the chief's decision, he might lose the privileges which membership of his group gave him. He could always move elsewhere. It is the sanctions which normally operate for the settlement of disputes which are embodied and find expression in the person of the chief, and not a legal sanction derived from his status. Some personalities attempted to further political cohesion within the group, and this was expected of them, but their success depended on the degree of cohesion already existing or the force of sanctions normally making for cohesion. Hence the Leopard-Skin Chief's status and effectiveness are both the expression and the inspiration of collective aims.

Professor Evans-Pritchard writes:

> In taking the view that to regard the leopard-skin chief as a political agent or a judicial authority is to misunderstand the constitution of Nuer society and to be blind to its fundamental principles, we have to account for the part he plays in the settlement of feuds. We have stated that he has no judicial or executive authority. It is not his duty to decide on the merits of a case of homicide. It would never occur to Nuer that a judgement of any kind was required. Likewise . . . he has no powerful kinsmen or the backing of a populous community to support him. He is simply a mediator in a specific social situation and his mediation is only successful because community ties are acknowledged by both parties and because they wish to avoid, for the time being at any rate, further hostilities. Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end.[1]

In the Zeraf tribes the Leopard-Skin Chief usually had powerful kinsmen, and in the majority of tribal segments Leopard-Skin families were represented in the dominant lineage. In Gaawar, the family of Kerfeil, for example, in Lak in the lineage of Winyang, and in Thiang in the lineage of Toi Thiep, who have always provided leadership in those areas, are Leopard-Skin Chiefs. Moreover, certain personalities often had the backing of a populous community in the sense that political cohesion was sufficient to ensure composition of quarrels and disputes within it. This leads us to the subject of leadership in Nuer society in more general terms.

There is no verb in the Nuer language meaning 'to order', and the

[1] Evans-Pritchard, op. cit., pp. 174-5.

E;Howell E, G-5 (1942-1944)1954
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In Central Nuer District, at any rate, election of Court Presidents and lower chiefs[1] has been carried out with the minimum of interference, and the considerations which govern the choice are significant. There is often a tendency to hide the person most closely associated with the sons of the dominant lineage, for the Nuer feel that, in the somewhat precarious position of a chief vis-à-vis the Government, that sons may somehow be impaired. This is a religious concept, for the leading man in any lineage is considered to have inherent in him something of the spiritual qualities associated with the ancestral spirits of the kinship group. There is also always a tendency to defer to the supposed wishes of the District Commissioner. This does not necessarily mean that Nuer choose a man known to be popular with the Administration, but rather a man capable of maintaining an even and unirksome balance between the Administration and themselves. In fact, they seek someone who can give the appearance of exceptional zeal while protecting them as far as possible from the more laborious tasks imposed on them by Government. For this reason too there is sometimes a tendency to choose a man of weak character; but on the whole a strong man is chosen because, even if considered tiresome and over-zealous, he will somehow persuade them to perform these tasks, for they know well enough that the performance will in the end be less painful than the punishment imposed for the evidence of public duties. Since there is often rivalry between opposing segments or lineages, there is finally a tendency to choose from a source which will be neutral in such rivalries, usually from the dominant lineage because this is one of the functions of the dominant lineage in the political structure.

The hierarchy of administrative agents is now largely drawn from dominant lineages, in the case of the tribe from the dominant lineage of that tribe, and so on down the segmentary scale. There are minor differences in the system to be found in the different districts, though the formation of the Nuer Council has tended to standardize Government policy in this respect. In each tribal area, or in some cases in a primary tribal segment, a court is established which is not only a legal institution through which legal disputes are settled and which has recognised forms of legal procedure, but is also an administrative organ through which administrative functions are carried out. In each court there is a president, called by the Nuer *kuar* 'Book',[2] a number of chiefs representing the larger tribal segments,[3] called in Nuer *kuar lawa*,[4]

[1] Technically each chief and members are appointed by the Governor of the Province or, in the case of Special (C) Courts, by the Governor with the consent of the Governor-General. Therefore I do not mean anything in the nature of a formal election, but public opinion is consulted.

[2] 'Chief of the book' in reference to the court register held by the president.

[3] Secondary or tertiary tribal segments.

[4] *Lawa* refers to the sash given by the Government as a badge of office. From the Arabic *alama*—sash or badge.

8:Howell E. G-5 (1942-1944)1954
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624 692 and under them a large number of headmen each representing a smaller community, often a single local lineage. The Nuer court is a judicial, executive, and administrative body, and there is, at present, only the beginning of a separation of the judiciary from the executive.[1] It is with the judicial aspect of its functions we are here concerned.

Administrative Policy and the Evolution of Nuer Courts

175 Administration of the Nuer up to about 1928 was of an attenuated form, and in the least accessible areas there was no administration at all. Action was confined to the attempt to maintain public order, to prevent raids on the Dinka, and to collect taxes in the form of cattle, [651] efforts which were evaded by the Nuer more often than not, and occasional meetings for the settlement of disputes. Writing of the Zeraf Island area in 1924, the then District Commissioner rather gloomily remarks that he rarely saw more than the distant backs of Nuer and then only fleetingly. This was not perhaps surprising, for the Nuer bitterly resented the collection of tribute, which in those days meant parting with their cattle in return for nothing, or so it must have seemed to them. I mention this because, in assessing the effects of contact with European culture and, through the opening of communications and the maintenance of security, with the peoples of other tribes and of the northern Sudan, it must be remembered that external influences are relatively recent.

The military operations against the Nuer which started in 1928 represent a dividing line in recent Nuer history and in the history of the Administration. Thereafter the Nuer, by then at least partially subdued and with a wholesome respect for the power of the Government, were approached in a more conciliatory manner. It was a period of appeasement, and that the objectives of the Government should be understood by the Nuer at all is largely owing to the efforts of the District Commissioners already mentioned; and to them is due great credit. Their contact with the people was essentially personal, and their approach to the problem the right one, besides being the only effective means of gaining their confidence.

692 We are here only concerned with the problems of Nuer law and the evolution of legal procedures. At this period nearly all legal disputes were brought to the District Commissioner personally, who gave judgement with the assistance of the chiefs and saw to it that these judgements were executed. In the early stages the extent of litigation was limited, but what statistics are available show the increasing momentum as the years proceed. At the same time the authority and effectiveness of the tribunals established by the Government

[1] Local Government among the Nuer is in its infancy, and only provisional Rural District Councils exist at the time of writing.

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showed little sign of improvement. The decision continued to lie with the District Commissioner, and there was a tendency to avoid any legal procedure in order to approach him direct; for this was the surest and speediest way to get justice, whether it was justice according to the principles of Nuer law or not. 692

This tendency was formally recognized as retrogressive in 1940, and administrative policy was changed accordingly. Thereafter the policy has been for the District Commissioner to divorce himself as far as possible from any real participation in the administration of tribal law. Further, there is now a more formalized system of appeal courts in which the judgement of a local court, based on a tribal section, can be tested in an appeal court consisting of members from other localities less likely to be biased by local considerations. In these the District Commissioner will act as clerk to the court, for the Nuer still demand at least the presence of the District Commissioner, who remains a symbol of impartiality and whose presence may be a guarantee for prompt execution.

Courts and Tribal Structure

Although the general policy of the Sudan Government is to build up a system of courts based on territorial groupings rather than on kinship and tribal affiliation, Nuer courts in fact still closely correspond to the traditional divisions of tribal structure. Despite minor modifications, the court system throughout Nuerland is still largely tribal in basis.

Similarly, the court members are representatives of tribal segments. The *bunar lawa* represent primary or secondary segments according to the circumstances. The Awei court, for example, has six *bunar lawa*, each representing one of the six secondary segments of the Bor primary segment of Gaawar. The Jagei (area) court has one chief for each of the four primary segments of the Jagei tribe. A section chief, a *bunar lawa*, represents a secondary segment, and under him are a number of headmen, *gaat tutui*, who represent tertiary segments or lineages, of which there are a great number.

The way in which these courts operate, the legal procedures followed, and the effect that the very existence of such courts has had on Nuer society in general is discussed more fully in later chapters. It is now necessary to examine the principles of the law administered in these courts. The legality of social institutions and relationships is maintained by the system of cattle exchange between one individual and another or between one group and another. In marital relationships, for example, the transfer of bridewealth cattle is the material symbol of the transfer of rights which in their turn create reciprocal rights. The transfer of cattle is the means by which equilibrium is maintained. 671

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Cases of individual homicide are nowadays often tried by a Major Court[1] convened under the Code of Criminal Procedure of the country. This always applies in cases of murder, since murder is not triable by Chiefs' Courts.[2] The slayer is tried under the Penal Code for murder or, if the act is qualified by one of the five mitigating circumstances laid down, for culpable homicide not amounting to murder.[3] These circumstances can be reasonably adapted to Nuer standards, and the implications are well understood, since murder is *biew*, though even here 'grave and sudden provocation', one of the mitigating circumstances, might still apply in circumstances which the Nuer classify as *biew*. All other forms of homicide are simply *nak*. In the case of a murder for which sentence of death is passed and executed, compensation (*thang*) is naturally not paid, although the kinsmen of the murdered man often demand it. The State has assumed the role of the avenging kinsmen. Where the sentence is commuted to life imprisonment, the indemnity is usually paid.

The more straightforward forms of killing, which take place in collective hostilities, in brawls when the feelings of the participants are roused to extremes of passion, or in sudden unpremeditated quarrels, usually fall within the mitigating circumstances and, as culpable homicide not amounting to murder, may, with the permission of the District Commissioner, be tried by Chiefs' Courts.[4] There are naturally occasions when an act of homicide quickly leads to extensive hostilities and the chiefs appointed by the Government are either unwilling or afraid to intervene and restrain their fellows. In such circumstances the intervention of State police armed with rifles is sometimes necessary. Normally, especially in the more advanced parts of Nuerland—for the effectiveness of Nuer courts is not everywhere the same—the chiefs, their headmen, and tribal police quickly regain control. It is rare that a killer attempts to conceal his guilt, even if in the heat of the battle there are no witnesses, and he will usually give himself up to the nearest authority after performing the necessary purificatory ritual with a Leopard-Skin Chief. Other persons involved are put under arrest, and in most cases a number of cattle are seized, often from both parties and in excess of the number which will later be required as compensation. These are held as surety. A meeting of the court is quickly called, and the relative guilt of the parties is determined. Sentences of imprisonment, sometimes up to the maximum powers granted by law, are imposed on the killer or killers, and

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[1] Consisting of a Magistrate of the First Class and two lesser Magistrates. Some Nuer chiefs are Magistrates of the Third Class for the purpose of sitting on Major Courts.

[2] Chiefs' Courts Ordinance.

[3] Sudan Penal Code, Section 249.

[4] Chiefs' Courts Ordinance, 1931.

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CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

Nuer courts come into operation only when a recognised wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognised rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all. 692 [684]

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer. 611 [837] [833]

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> In a strict sense Nuer have no law. There are conventional compensations for damage, adultery, loss of limb, and so forth, but there is no authority with power to adjudicate on such matters or to enforce a verdict.[1]

When this statement is applied to the past, no criticism can be made. So far as it is now possible to discover what happened in those days, we may safely say that arbitration only occurred when it was expedient for both parties to submit to it. We may also conclude that the conventional compensations referred to were in the nature of a formula for compromise. A start in the negotiations had to be made with reference to some scale, especially when the disputants were under the stress of heated emotions, but although such scales have a traditional consistency, there was no constancy or rigidity of application. Finally we may say that there was no mechanism for enforcement should either party refuse to continue negotiations at any stage of the proceedings.

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Professor Evans-Pritchard goes on to say:

> The recent introduction of Government courts, before which disputes are now sometimes settled, in no way weakens this impression, because one well knows how among other African peoples cases are brought before courts under Government supervision which would not previously have been settled in a court, or even settled at all, and how for a long time after the institution of such Government tribunals they operate side by side with the old methods of justice.[2]

This was written of the Lou Nuer as they were some twenty years ago, and the rapidity with which Government tribunals have developed since then is considerable. If it is argued that these tribunals are now applying the law beyond the limits of reality in the past, this statement is entirely true. If it is argued that the courts are administering a system of law which has no foundation in tradition at all, the statement is less true, though it is manifest that there are many innovations which are the result of an evolution of case law based on precedents, some of which are the natural development of Nuer ideas, some of which are due to the direct intervention of the Government. Rules of behaviour administered in the courts are none the less law, provided they are administered consistently on recognized principles and are enforced.

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We have considered almost all those aspects of Nuer life which are subjects of discussion and dispute in the courts today: homicide and bodily injury; marital relationships, rights, and obligations; divorce and dissolution of marriages; the legitimacy of children; violation of rights in women; the infringement of grazing and fishing rights; theft and the misappropriation of property; witchcraft and other nefarious practices. In the past the sanctions for conformity with rules of conduct and for the composition of wrongs, if a breach of those rules

[1] Evans-Pritchard, *The Nuer*, p. 162. [2] Ibid.

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occurred, were forceful retaliation or self-help; social reprobation within the community and unpopularity, loss of prestige and privilege, and so on. The force of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be attested by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghok tuoke*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the home'. This may be regarded as a matter of custom, for in the past the payment doubtless depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghok tuoke* in such circumstances and that the husband is in the right: *teke cuong*, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's age-mate to receive a cow called *yang ric*. The special relationship between the bride's father and his age-mate, and symbolically the intimate association of all age-mates, is thus socially recognized. If questioned the Nuer would undoubtedly say that the age-mate has a right (*cuong*) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

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changing very rapidly, so that this distinction in time is clearly essential. We have seen that most social obligations and systems of social control were maintained in the past by sanctions which made conformity essential or at least expedient. Such sanctions were operative upon individuals or groups and their force was variable according to the position in the social structure of the parties concerned. Theoretically at least, the law was the same but its application was relative. For the most part the establishment of Nuer tribunals, with the threat of force behind them, has provided a substitute for other means by which the political balance was maintained.

In the initial stages of administration the policy was to intervene only in those affairs which constituted a breach of the peace: affray, continued blood-feuds, or individual fights. This action was to modify or even remove the retaliatory sanction. The next stage was to intervene in matters which were likely to lead to a breach of the peace, and to see that disputes were peaceably settled. Both actions took the form of direct intervention by the District Commissioner, his decisions being enforced, as far as was then possible, by State police. The next stage was the appointment of tribal agents. This led to the establishment of Nuer courts whose authority was backed in the first instance by the tribal retainers or 'Chiefs' police', some of whom were armed with an outmoded pattern of rifle, but was upheld in the final instance by the District Commissioner. Since then Nuer courts have gradually developed in efficiency, power, and formality of procedure, until in some areas they may be said to compare favourably with similar courts in the more developed parts of the Northern Sudan.

This raises another important point which is relevant to a study of Nuer law. The courts are not equally effective or efficient in all parts of Nuerland. The extent to which past sanctions have already changed, and the rapidity with which they are changing now, are therefore not constant. For example, the difference between such tribes as the Lak and the Nuong is considerable. The Lak of Central Nuer District, whose country is close to the administrative headquarters of the province and the district centre at Fangak, who are easily accessible at all times of the year, and whose permanent settlements are concentrated, have been closely administered for the past twenty years or more. The courts have reached, comparatively speaking, a high level of efficiency, and a man can usually obtain redress for wrongs committed against him. The Nuong, whose country lies in the southern extremity of Western Nuer District, which as a whole has perhaps been less closely administered than Central Nuer District, are not easily accessible at any time of the year. There are no roads leading to their permanent settlements and only one moderately easy approach to their country by river. At most they have received the personal attention of a District Commissioner for a few weeks each year. The courts,

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established it is true for many years, can scarcely be described as efficient and, unless other considerations are present or other opportunities arise,[1] a man can only obtain redress with difficulty.

I do not propose to digress further on this particular aspect of the changing political situation in Nuerland, but must draw attention to these facts because generalizations about the law as it is administered today are qualified accordingly. We can say, for example, that in Lak country a Nuer will almost certainly obtain compensation for an act of adultery committed with his wife and in that area there can be few adulterers who escape the penalty, but this statement would not be true of Nuong. In Nuong country the courts may be instrumental in bringing a similar dispute to a satisfactory conclusion or they may not. If a dispute is not settled by the intervention of Government-sponsored authorities, then the likelihood of the indemnity being paid to the wronged husband depends largely on sanctions similar to those operative in the past. It is true to say that in those areas where the courts are least effective these sanctions are proportionately stronger, mainly because there is in consequence less public security, and retaliation, the strongest sanction of all, is for this reason much more likely. It would be unsafe to make further generalizations because the likelihood of a dispute being settled, even in these days and even in the most advanced areas, still depends on so many variable and unpredictable circumstances.

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Where courts are concerned we must distinguish between judgement and execution. It is one thing for a court to give judgement and quite another for the judgement to be carried out. Many cases which appear before the courts and appeal courts are no more than demands for execution of a previous judgement. It must be presumed that, if a dispute reaches this stage of legal procedure, it is unlikely that other sanctions unconnected with the court will be effective in bringing about execution once judgement is given. Yet in many cases the main function of the court is to establish publicly and to the satisfaction of both disputants that one of them is in the right. In the past it may have been fully recognized within a community that a man had a definite right to certain cattle, either in fulfilment of some obligation, in settlement of a debt, or as compensation for an injury. There was, however, no organized body representing public opinion to enforce payment. It is true to say that such a body now exists in the court itself and in the administrative agents with executive powers appointed by the Government; but the action taken by them

[1] Such as personal relationships or close friendship with chiefs or notables who have a degree of authority accorded to them by the Government. Similar comparisons may be made between all the different tribal areas in Nuerland. I was struck by the contrast in this particular instance on a visit to the Nuong Nuer.

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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation. 692 696

Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost 671 692 [691] 692 681

[1] Branch and Main Courts. See Appendix II.

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692 681 certainly mean that he will be called upon to pay compensation and forced to comply. In the past there was no certainty that he would be compelled to pay compensation, but there was always present a real danger of vindictive retaliation, and the latter sanction appears to have been more effective in the past than the former is in the present. For this reason adultery is a more common offence than it was, or so the Nuer say, and here again there is an increase in litigation.

692 177 691 We find, then, that the establishment of the courts, though in one sense preserving the social system from complete breakdown, is in another sense contributing to social maladjustment. Moreover the establishment of courts with powers of coercion behind them tends to stimulate litigation because the courts provide a mechanism through which claims may be pressed which, by reason of the social or spatial distance between the parties concerned, would formerly have had little or no chance of success. In other words, claims in the courts receive the sanction of alien authority which has a wider range than the sanctions which previously made for their fulfilment. The relativity of application is now fast disappearing. We find at one end of the scale increased litigation due to the enforcement of claims which in the past could have had no legal reality. At the other end of the scale we find the modification of sanctions which in the past would have ensured unquestioned fulfilment of reciprocal obligations; a modification which leads to social disintegration of which increased litigation is a symptom. In the first place the Nuer are bringing before the courts actions which previously would have stood no chance of settlement. In the second place the obligations of social existence are more and more maintained only by direct action through the courts. The problem of increasing litigation is a serious one. It is one of the basic problems of administration among the Nuer.

'Balanced Opposition' in the Court System

621 In the past each social unit of Nuerland existed largely in opposition to other units. The need for common defence, mutual co-operation, and collective enterprise in economic activities were the principal factors which maintained the identity of territorial groupings, the relation between the territorial and political aspects being expressed in kinship terms. Each tribe, each tribal segment, each local community, was identified with a dominant clan or lineage. These formed the nucleus of groups of people not otherwise related, and links were forged between them on a kinship analogy. Such cohesion, which was not in any case constant, was therefore the result of the interaction of several factors. Although the Nuer were involved in aggressive warfare with the Dinka during the period of their expansion westwards in the last century, it is clear that tribal segments

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were often at feud with each other. Scarcity of food, an annual occurrence among the Nuer, made mutual assistance in the subsistence economy essential, and this in turn created mutual obligations and reciprocal duties which extended beyond the sphere of economics. Isolation during the rains, varying degrees of necessity to migrate during the dry season in search of pasture, and the variable quality of the grazing available affected the quality and cohesion of the community and its relations with other communities. 621

These factors are much modified today. The need for common defence or aggression is considerably less because of the intervention of the Government. The scarcity of food and the fear of famine is reduced because in the last resort the Government has, at any rate for the past fifteen years, arranged to import grain for sale to the Nuer, should it be necessary. Isolation at any time of the year is less complete since communications have improved. The integration of the territorial groupings of Nuer society is for these reasons much affected. Communities are essentially territorial in basis and integrated by common sentiments which naturally arise. Through them stretch the concept of patrilineal descent and ties arising from marital relationships. Any modification of the sanctions which uphold the balance of this social system leads to a conflict of loyalties and a tendency to revert to kinship ties alone, even though kinship ties are themselves loosened by the growing process of social disintegration. Fission is caused by the modification of those sanctions which make fusion necessary. In the past, as Professor Evans-Pritchard has pointed out, the latter process was a complement of the former. When a group broke away from its homeland or split owing to a feud within itself, unless the members were sufficiently numerous to retain their identity and resist external aggression, they had to find a place in society somewhere or suffer political or economic insecurity. 621 178

Nowadays, when security against the opposition of others and the need for economic insurance are no longer so acutely necessary, the process is confined to splitting into smaller units of segmentation. This is a fundamental tendency apparent in Nuer society today, and the political aspect of the process is manifest in the endless demands for further and yet further representation in the courts by headmen (*gaat tutni*) who are the leaders of smaller and smaller segments. Representation in the courts so that personal claims in legal disputes may receive personal backing is the real motive behind this tendency. Yet the factor of 'balanced opposition' is still evident in the procedure of Nuer tribunals. It is more particularly manifest when a joint meeting is held between tribes or secondary segments. The attitude of the chiefs in such circumstances is always 'if you settle these cases, we will settle those'. Thus, to take an example, a court meeting of the Thiang Bang (primary segment) may appear chaotic so long as 621 178 692

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621 178 692 disputes are confined to tertiary or lesser segments within it. A man of *cieng* Bedit (a secondary segment) will receive the backing of court members who represent *cieng* Bedit when arguing a case against a man of *cieng* Juagh (another secondary segment), and the decision reached is in the form of a compromise between them. Even though judgement is given, it will depend on the spirit of compromise between those segments whether the chiefs will see to it that the judgement is promptly executed. There is also present a neutral body represented by the chiefs of other segments who, with the segments concerned, make up the sum total of the people over whom the court has jurisdiction. These will tend to act as arbitrators, while those who represent the segments to which the disputants belong are really acting as advocates rather than judges, but it will be the latter upon whom the responsibility of execution will fall. This is how a Nuer court functions, and if there is a joint meeting between the whole of Thiang and another tribe, all representatives of each side, previously at loggerheads with each other over internal affairs, will join together in forwarding the interests of their own people.

621 692 The spirit of compromise usually prevails. In disputes which are hotly contested it has been usual to bring in chiefs from other tribal areas to act as neutral arbitrators, and from this appeal courts have been formed, although in the recent past it was the District Commissioner who acted in this capacity. The balanced opposition of groups is therefore still an essential feature of the Nuer court system, and in this sense the courts are a stabilizing factor in the maintenance or re-emphasis of group identity.

The Introduction of Penal Sanctions

671 Some of the more general effects of the introduction of ordered administration and the establishment of Nuer tribunals have already been mentioned. We must now consider the effects of these influences on the nature of the law itself. We have seen that in the past, with the exception of the most rudimentary form of public and collective action which was sometimes taken against witches and other anti-social persons, there was nothing to suggest the existence of public law among the Nuer. The law, if we are justified in speaking of the law in reference to the past, comprised all those rules of conduct which regulated the behaviour of individuals and of groups, were maintained by indeterminate and relative sanctions, and were directed to the continuance of equilibrium in society. Since society among the Nuer is segmentary, this aspect is particularly obvious in what we have called the 'balanced opposition' of the component segments. Nowadays people who refuse to conform to the accepted pattern of behaviour, whether by the avoidance of duties or by the violation of the

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rights of others, may be punished by fine or imprisonment. Moreover certain legal wrongs, which in the past were never more than private delicts and were composed by the payment of compensation aimed at the restoration of this balance, are now becoming criminal offences in a more exact definition. 671

Under the influence of the Administration over the last twenty years or more the Nuer, as represented by their local authorities, are rapidly becoming conscious of the value of punishment as a deterrent. Court members will sometimes say that they are punishing a man both because his action has been detrimental to society as a whole and has created a disturbance, and also because such disruptive actions must be checked. Public opinion as a whole is not advancing very rapidly in this respect, and it is significant that there is still no social stigma attached to imprisonment. The average Nuer does not understand why imprisonment should be inflicted at all, especially if compensation is also paid to the injured party. This is apparent, but it is perhaps worth while to consider this attitude in connexion with certain offences. We have already noted that the Nuer cannot understand why a man should be punished for killing his wife.[1] The damage done has been done to himself, and though he must make peace with his ancestral spirits, for he has sinned against the whole concept of kinship and the continuity of the lineage, and must pacify his wife's relatives with gifts and acts of atonement, nothing more should be demanded of him. His act, like suicide and fratricide, is the negation of the basic principles which underlie kinship. He has used the cattle of his lineage to marry a wife, he has killed her, lost the cattle, and compromised his position in posterity. His act is reprehensible enough for these reasons, but why should he also receive punishment at the hands of the Government? Similarly, an act of adultery requires an indemnity to be paid to the man whose rights have been infringed. Once paid, what need is there for fine or imprisonment? This is a general attitude, even though punishment is so frequently applied that the Nuer have come to expect it and even demand its application to those who have transgressed against them. 681 177 [682] [684]

When we come to analyse the position more closely, however, we find that there are few offences which can yet be classified as criminal. Homicide and bodily injury are the main exceptions to this observation. Murder is often punished by death and other forms of homicide are now settled by the payment of fifty head of cattle.[2] Forty of these go to the kinsmen of the deceased in the traditional manner, but ten go to the Government and must be called a fine. In addition, unless there are exceptional circumstances which mitigate the offence, the killer is sentenced by the court to imprisonment for a period varying from one to six years. Though in the early stages of administration 692 681 [682]

[1] See p. 62. [2] See pp. 63 et seq.

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692 681 this was usually inflicted by the District Commissioner sitting as a magistrate, or by the court on the advice of the District Commissioner, this form of sentence is now imposed almost automatically. Yet although there are clearly some Nuer chiefs who realize the value of imprisonment as a deterrent, the majority would not impose such a sentence without pressure from the administration. Moreover such punishments are often inflicted without due consideration of the circumstances of the case, and it is symptomatic of the general attitude to punishment that court members have a habit of asking for fixed sentences to be laid down for specific offences. It is, indeed, one of the problems of the Administration to explain to the Nuer that, though there may be a maximum penalty for an offence, this need not necessarily be applied. The reason is that, although Nuer chiefs and court members may be aware of the value of punishment, they are still reluctant to inflict it, especially as they are often subjected to recrimination by their fellows after the case is over. A fixed penalty absolves them from this and throws the responsibility on the Government. Nevertheless homicide and hurt must now be classed as criminal offences among the Nuer because they are habitually treated as such, albeit under protest. This observation may be applied also to theft.

[687] In other offences in which punishment is sometimes but not always applied, we find that it is not usually the offence itself which is treated as a criminal action but the offender's action in disobeying the orders of the local authorities or the court. The punishment is inflicted for the defiance of authority by the offender rather than for the offence he had originally committed.

681 684 It is also clear that the introduction of penal sanctions has sometimes led to a curious mixture of legal concepts. For example, adultery is, as we have already seen, an offence which is normally compounded by payment of compensation to the wronged husband. Even though offenders are sometimes punished for persistent attention to the wives of others or for flagrant defiance of the orders of their chiefs, adultery remains essentially a private delict. For the reasons already described,[1] if a divorce follows an act of adultery, it is a fundamental principle among the Nuer that the compensation cattle must be returned to the adulterer and should not be retained by the woman's husband, who would otherwise pass them to her family. To do so is to risk a confusion of legal status which Nuer law seeks to avoid. Owing to a recent decision by the Council of Nuer Chiefs, these cattle must now be paid to the Government and thus become a fine. Adultery, initially a private delict, becomes a public delict, and a criminal offence should the husband decide to dissolve the union subsequently. There is therefore growing up a curious admixture of traditional Nuer law, which in basis and principle is essentially private law, and European

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[1] See pp. 166–8.

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APPENDIX I

NUERLAND

Populations and Area

Central Nuer District

Tribe	*Humans*[1]	*Cattle*[2]	*Area in square miles*[3]	*Courts*
Lak . . .	37,000	44,000*	1,500	
Gaawar . .	39,000	48,000*	5,120	11 (B) Regional Courts
Thiang . .	13,000	15,000*	970	1 (C) Main Court
Lou . . .	63,000	126,000*	5,290	

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Western Nuer District

Bul . . .	32,000	50,000	2,320	
Leik . . .	27,000	40,000	2,140	
Jagei . .	14,000	31,000*	1,220	5 (B) Regional Courts
Dok (and Aak) .	21,000	35,000*	1,930	2 (C) Main Courts
Nuong (and Dur)	14,000	16,000	2,490	
W. Jikany . .	18,000	29,000*	1,100	

Eastern Nuer District

Gaajok . .	45,000	45,000	} 7,190	4 (B) Regional Courts
Gaajak . .	33,000	33,000		11 (A) Branch Courts
Totals . .	356,000	512,000	31,270	

[1] Based on recent tax-payer figures multiplied by 4·5 to nearest 1000 (1952). This multiplier is purely arbitrary and is probably high, but the figures given are consistent.

[2] Figures marked * are statistics taken from veterinary inoculation campaigns and represent a minimum figure. It is clear that all cattle were not counted, and possibly up to 20 per cent. should be added. Other figures are merely a rough estimate.

[3] Areas estimated by planimeter, but boundaries are not clearly demarcated or mapped and the areas are necessarily only approximate.

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APPENDIX II

CHIEFS' COURTS ORDINANCE 1931

692 Nuer courts are established under the Chiefs' Courts Ordinance 1931, which applies to the three southern Provinces of the Sudan: the Bahr el Ghazal, Equatoria, and the Upper Nile. The Ordinance has been reprinted in full in *The Laws of the Sudan, Supplement to Volume 4*, pp. 76-81. It should be noted that this Ordinance has been altered by the terms of the Self Government Statute (1953), section 76, i.e.:

'(5) There shall be vested in the Chief Justice all the powers conferred upon the Governor-General . . . by . . . the Chiefs' Courts Ordinance 1931. . . .

(6) There shall further be vested in the Chief Justice all the powers conferred upon Governors by the Chiefs' Courts Ordinance 1931. . . . Provided that:

(*a*) the Chief Justice may delegate all or any of the said powers to the Governor concerned;

(*b*) the Chief Justice may delegate any power, other than the powers of establishing and convening Courts and of appointing Presidents and members of Courts, to the Judge of the Civil High Court of a Province;

(*c*) neither the Chief Justice nor a Judge of the Civil High Court shall exercise any of the said powers except after consultation with the Governor concerned.'

As a result of the various constitutional changes which will take place during the next few years, further modifications of the Ordinance may be expected.

Each court is established by warrant—under the hand of the Chief Justice—which lays down the jurisdiction, constitution, powers, etc., in accordance with the provisions of the Ordinance, but subject to the Regulations which accompany the warrant. A 'Main Court' has jurisdiction over a District or part of a District. For example, the Central Nuer Court has jurisdiction over all tribes in that district including a few small Dinka tribes. In Western Nuer District there are two Main Courts. A Main Court sits only occasionally, five members in addition to the president forming a quorum, of whom at least two must be presidents of Regional Courts or Magistrates under the Criminal Code of Procedure. There are then a series of 'Regional Courts' within each District. The area over which each Regional Court has jurisdiction corresponds to the territory of a tribe, an amalgamation of tribes, or in some cases the primary segments of a tribe, although the name of the Regional Court often derives from that of the place at which the court

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centre is situated. In some districts there are also 'Branch Courts' of more limited jurisdiction and powers.

Under section 7 (1) of the Chiefs' Courts Ordinance 1931:

'A Chief's Court shall administer—

(*a*) the native law and custom prevailing in the area over which the Court exercises its jurisdiction provided that such native law and custom is not contrary to justice, morality or order;

(*b*) the provisions of any ordinance which the Court may be authorised to administer in its warrant or regulations.'

Right of appeal is from the court to the District Commissioner or 'to such Chiefs' Courts as the Governor, with the consent of the Governor-General (now of the Chief Justice) may authorize to hear appeals'. In most cases appeals from Regional Courts go to a Main Court and only in very exceptional cases to the District Commissioner or higher authority.

Apart from the technicalities of the legal procedure, which the Nuer litigant so often ignores, a civil dispute of the kind already described usually follows a standard course. The dispute is first discussed within the local group or kinship circle and some attempt is made by the elders and headmen to settle it. Up to this point the dispute is *ruac cieng*, 'home talk'. Failing a settlement the plaintiff refers the case to a Branch or Regional Court and, if dissatisfied with the judgement, then appeals to the Main Court of the District.

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CENTRAL NUER DISTRICT COURTS

SCHEDULE I. 'B' COURTS (REVISED UP TO 1951)[1]

No. and Name	*President*	*Jurisdiction*	*Quorum*	*Powers*	*Appeal*	*Remarks*[2]
B.1 Wath Kec	Head of Wath Kec L.G. Area	Wath Kec L.G. Area	President and 3 members	Imprisonment up to 2 years: Fine up to £E.25 —15 lashes; 10 strokes cane. Civil suits up to £E.100[3]	To 'C' Court	Lak Nuer: Jenyang Primary Segment
B.2 Fagwir	Head of Fagwir L.G. Area	Fagwir L.G. Area	"	"	"	Lak Nuer: Kwacbor Primary Segment
B.3 Mareng	Head of Mareng L.G. Area	Mareng L.G. Area	"	"	"	Thiang Nuer
B.4 Jumbiel	Head of Jumbiel L.G. Area	Jumbiel L.G. Area	"	"	"	Gaawar Nuer: Those on Zeraf Island
B.5 Ayod (Awoi)	Head of Ayod L.G. Area	Ayod L.G. Area	"	"	"	Gaawar Nuer: Bar Primary Segment
B.6 Falagh	Head of Falagh L.G. Area	Falagh L.G. Area	"	"	"	Gaawar Nuer: Radh Primary Segment
B.8 Thul	Head of Thul L.G. Area	Thul L.G. Area	"	"	"	Lou Nuer: Gun Primary Segment
B.9 Muot Tot (Fattai)	Head of Muot Tot L.G. Area	Muot Tot L.G. Area	"	"	"	Lou Nuer: Gun Primary Segment
B.10 Ful Burra (Yuai)	Head of Ful Burra L.G. Area	Ful Burra L.G. Area	"	"	"	Lou Nuer: Gun Primary Segment
B.11 Faddoi	Head of Faddoi L.G. Area	Faddoi L.G. Area	"	"	"	Lou Nuer: Mor Primary Segment

[1] Powers increased to three years' imprisonment in cases of homicide or recidivists in affray cases.
[2] Not included in warrant, but inserted to show the way in which the court system follows the segmentary structure of the tribes. Court B.7 includes only Dinka tribes and is omitted here.
[3] The schedule has been brought up to date up to the end of 1951. From time to time there have been alterations as and when Courts have been amalgamated.

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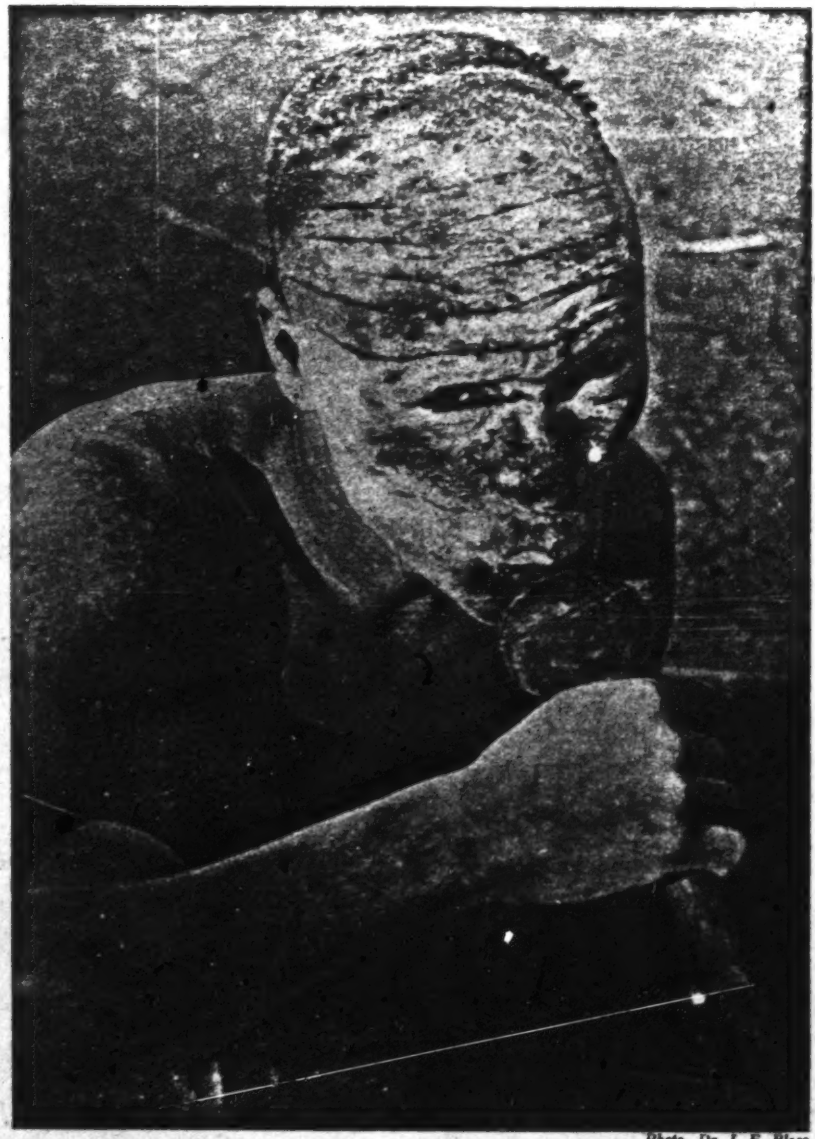

Photo. Dr. J. F. Blost

THE LITIGANT

[Facing p. 65]

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Modern Procedure

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Cases of individual homicide are nowadays often tried by a Major Court[1] convened under the Code of Criminal Procedure of the country. This always applies in cases of murder, since murder is not triable by Chiefs' Courts.[2] The slayer is tried under the Penal Code for murder or, if the act is qualified by one of the five mitigating circumstances laid down, for culpable homicide not amounting to murder.[3] These circumstances can be reasonably adapted to Nuer standards, and the implications are well understood, since murder is *biem*, though even here 'grave and sudden provocation', one of the mitigating circumstances, might still apply in circumstances which the Nuer classify as *biem*. All other forms of homicide are simply *nak*. In the case of a murder for which sentence of death is passed and executed, compensation (*thung*) is naturally not paid, although the kinsmen of the murdered man often demand it. The State has assumed the role of the avenging kinsmen. Where the sentence is commuted to life imprisonment, the indemnity is usually paid.

The more straightforward forms of killing, which take place in collective hostilities, in brawls when the feelings of the participants are roused to extremes of passion, or in sudden unpremeditated quarrels, usually fall within the mitigating circumstances and, as culpable homicide not amounting to murder, may, with the permission of the District Commissioner, be tried by Chiefs' Courts.[4] There are naturally occasions when an act of homicide quickly leads to extensive hostilities and the chiefs appointed by the Government are either unwilling or afraid to intervene and restrain their fellows. In such circumstances the intervention of State police armed with rifles is sometimes necessary. Normally, especially in the more advanced parts of Nuerland—for the effectiveness of Nuer courts is not everywhere the same—the chiefs, their headmen, and tribal police quickly regain control. It is rare that a killer attempts to conceal his guilt, even if in the heat of the battle there are no witnesses, and he will usually give himself up to the nearest authority after performing the necessary purificatory ritual with a Leopard-Skin Chief. Other persons involved are put under arrest, and in most cases a number of cattle are seized, often from both parties and in excess of the number which will later be required as compensation. These are held as surety. A meeting of the court is quickly called, and the relative guilt of the parties is determined. Sentences of imprisonment, sometimes up to the maximum powers granted by law, are imposed on the killer or killers, and

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[1] Consisting of a Magistrate of the First Class and two lesser Magistrates. Some Nuer chiefs are Magistrates of the Third Class for the purpose of sitting on Major Courts.

[2] Chiefs' Courts Ordinance.

[3] Sudan Penal Code, Section 249.

[4] Chiefs' Courts Ordinance, 1931.

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those who participated in or instigated the affair are punished. Fines are often imposed collectively on one or both sides and collected with the minimum of delay. A Leopard-Skin Chief is then appointed by the court to conduct the ceremonies of composition, and these are carried out strictly according to the procedure already described.

It would of course be idle to pretend that all acts of homicide are dealt with so rapidly and efficiently, but in this sphere—in circumstances where public security is most obviously and severely threatened—Nuer courts are surprisingly effective. At any rate, during my time in Central Nuer District there were not many occasions when I had to intervene to restore order, though I was, of course, called in to confirm the judgement of the courts. Indeed, there was one occasion when I interfered too hastily by sending mounted police to round up the culprits and their cattle. As a result I was publicly and most soundly rebuked by the elder statesmen of the area, and was told that such matters should be left to the chiefs themselves. Many feuds were quickly settled during my absence when I was away from the district on leave, sometimes for several months at a time and there was no one to take my place.

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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective. 839 684

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*lorjok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours. 754 683 [783]

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kweng*, *kwil*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate. 695

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

8:Howell E, G-5 (1942-1944)1954
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Kap tang

695 In this ceremony, although the name *kap tang* refers to the spear of the Leopard-Skin Chief, the most important ritual association is clearly with the earth, and the ceremony amounts to a symbolic and sympathetic enactment of the process of burying the dead. A small hole is dug in the ground by the Leopard-Skin Chief, and this represents the grave; over it are placed sprigs of *Calotropis procera* and *Balanites aegyptiaca*, for these are usually placed over the newly buried dead as a protection against the diggings of hyenas. Over this hole the Leopard-Skin Chief puts his spear, while the disputants squat on either side and place their right hands on the spear-shaft and each swears his innocence or belief in the other's guilt as the case may be. It is believed that the one who is telling a lie will be seized with sickness possibly followed by death unless an antidote is applied. If either party falls ill he will hurry to the Leopard-Skin Chief, who reverses the process and thereby removes the contamination. Sometimes the ritual is less elaborate; the disputants simply pass under the outspread leopard-skin held by the owner.

Math

695 784 This is usually, but not always, applied in cases of homicide where the killer has not confessed or is quite unknown. It is performed by the Leopard-Skin Chief, who fills a gourd with milk from one of the cows belonging to the dead man. Those who protest their innocence are then expected to drink of the milk. This act openly defies the taboo on drinking or eating which automatically comes into operation between the hostile parties in a blood-feud. Indeed there could be no graver danger than drinking the milk of the dead man's cow if there is blood between them. Since contamination is extended to all kinsmen of the unknown killer, it is unlikely that anyone would agree to take the oath unless he was absolutely certain of the innocence of all his kin.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life.

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter
835 incest, between, that is, persons more distantly related, some lesser specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least
782 usually, serious incest are the exclusive domain of the leopard-skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

[793] Since a good deal has been written about the importance of
789 'rain-makers' in this part of Africa it is perhaps wise to note also that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-

8:Howell E, G-5 (1942-1944)1954
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established it is true for many years, can scarcely be described as efficient and, unless other considerations are present or other opportunities arise,[1] a man can only obtain redress with difficulty.

I do not propose to digress further on this particular aspect of the changing political situation in Nuerland, but must draw attention to these facts because generalizations about the law as it is administered today are qualified accordingly. We can say, for example, that in Lak country a Nuer will almost certainly obtain compensation for an act of adultery committed with his wife and in that area there can be few adulterers who escape the penalty, but this statement would not be true of Nuong. In Nuong country the courts may be instrumental in bringing a similar dispute to a satisfactory conclusion or they may not. If a dispute is not settled by the intervention of Government-sponsored authorities, then the likelihood of the indemnity being paid to the wronged husband depends largely on sanctions similar to those operative in the past. It is true to say that in those areas where the courts are least effective these sanctions are proportionately stronger, mainly because there is in consequence less public security, and retaliation, the strongest sanction of all, is for this reason much more likely. It would be unsafe to make further generalizations because the likelihood of a dispute being settled, even in these days and even in the most advanced areas, still depends on so many variable and unpredictable circumstances.

Modern Procedure

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Where courts are concerned we must distinguish between judgement and execution. It is one thing for a court to give judgement and quite another for the judgement to be carried out. Many cases which appear before the courts and appeal courts are no more than demands for execution of a previous judgement. It must be presumed that, if a dispute reaches this stage of legal procedure, it is unlikely that other sanctions unconnected with the court will be effective in bringing about execution once judgement is given. Yet in many cases the main function of the court is to establish publicly and to the satisfaction of both disputants that one of them is in the right. In the past it may have been fully recognized within a community that a man had a definite right to certain cattle, either in fulfilment of some obligation, in settlement of a debt, or as compensation for an injury. There was, however, no organized body representing public opinion to enforce payment. It is true to say that such a body now exists in the court itself and in the administrative agents with executive powers appointed by the Government; but the action taken by them

[1] Such as personal relationships or close friendship with chiefs or notables who have a degree of authority accorded to them by the Government. Similar comparisons may be made between all the different tribal areas in Nuerland. I was struck by the contrast in this particular instance on a visit to the Nuong Nuer.

8:Howell E, G-5 (1942-1944)1954
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in such matters is not always consistent and certainly not equally effective. Moreover there is still everywhere a reluctance to give anything in the nature of a judgement. In many disputes, where the rights of one or other of the disputants are abundantly clear, a rapid and clear-cut decision might be expected. This is rarely forthcoming. Argument swings from one side to another during the course of the proceedings until agreement is reached. When a compromise is not reached to the satisfaction of both complainant and defendant, although the decision is recorded in the court registers, execution is often avoided even though the guilty party is well able to pay the cattle demanded. More often still an appeal is lodged. A dispute frequently passes through all possible stages of litigation; from preliminary negotiations, in which the elders of the community may be consulted, to appearance before the tribal court, to appeal court.[1] Even then there are many instances where attempts are made to bring the same case again and again. This lack of finality is a distinct characteristic of Nuer litigation. 692 696

Nevertheless, the general and most obvious effect of administration in the form and application of what we may now call Nuer law is, as already stated, on its relativity. Here we must make a further distinction, because Nuer courts are in fact operating in two different ways. In the first place they are upholding a network of positive obligations inherent in the social system, and in this sense they are becoming more and more the sole mechanism through which the social system is maintained. In the second place they are the means through which definite legal wrongs are righted. A man who does not fulfil a particular duty towards a kinsman may now be brought before the courts in just the same way as one who has infringed a specific right. More and more of what can only be described as custom, convention, or even usage finds its way into the arena of the courts and is applied as law. Evidence of this may be seen in the growing amount of litigation which appears before the courts. The Nuer are pressing, through this means, claims for the fulfilment of obligations which were not in the past normally subjects of dispute at all. There is another reason for this increase in litigation. Paradoxically enough, although there is now greater certainty of obtaining redress through the agency of the courts, the sanctions which in the past made for greater conformity with accepted patterns of behaviour, have themselves been modified by the very existence of the court system, which aims at the maintenance of public security. These sanctions, as we have seen, were principally retaliatory. For example, a man may nowadays commit adultery with another man's wife with the knowledge that he will at least escape death or severe injury at the hands of her husband, even though he knows that detection will almost 671 692 [691] 692 681

[1] Branch and Main Courts. See Appendix II.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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	Lou		Western Jikany
Gwong	*Gwong indit* *Carboc* *Nyamnyam*	*Tangkwer*	*Tangkwer* *Karam*
Luac	*Luac indit* *Karam* *Camthoari*	*Rol*	*Rol* *Pilual*
Lithgac	*Lieth indit (inbor)* *Lieth intot (incar)* *Caiyat (Pilual)*	*Juong*	*Juong* *Majaani*
Rialmac	*Rialmac (Rialdang) indit* *Kwekoryoam*	*Bildeang*	*Bildeang*

III

In seeking to understand how membership of an age-set determines a man's behaviour we have first to realize that there is no purposive education or moral training in the procedure of initiation. Also, many of the characteristic features of the age-set system in Kenya, where it is most highly developed, are absent in the Nuer variation. There are not three distinct age-grades of boys, warriors, and elders through which the sets pass, for a boy who is initiated into manhood remains in this grade for the rest of his life. Warriors are not prohibited from marrying and they neither enjoy privileges nor suffer restrictions different from those of other male adults. The sets have no administrative, juridical, or other specific political functions and the country is not handed over to their care. The sets have no definite military functions. Indeed, we are of the opinion that the Nuer age-set system ought not to be described as a military organization, though some writers give it this character. Youths who have recently been initiated are anxious for their first raid, and consider that they ought to earn for their set a reputation for valour, and it is likely that raids were generally conducted in the main by men of the most junior set. However, there is no grade of warriorhood through which the age-sets pass nor a grade of elderhood into which they enter. Were boys and old men to take part in warfare against other Nuer they would probably be killed, and it is understandable that raids are the occupation of the strongest and fleetest,

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 701 though many middle-aged men accompany the expeditions and always have their share in inter-tribal fighting and local disputes.

The age-set system of a tribe is in no way its military organization. Men fight by villages and by tribal sections and not by sets. The war companies are local units and not age-set units, and within a company men of different sets fight side by side, though, especially in raids, most of the warriors would be members of the two most junior sets. Kinship and local ties determine a man's place in the ranks. Hence the age-sets are not regiments, though wars and raids are often spoken of as the actions of a certain set because they took place during the initiation period of this set and its members took the most prominent part in them, since skill in arms, love of adventure, and desire for booty are the privileges of youth.

561 885 It is in more general social relations, chiefly of a domestic and kinship order, and not in political relations that behaviour is specifically determined by the positions of persons in age-set structure. When a boy passes into the grade of manhood his domestic duties and privileges are radically altered. His change [584] of status is epitomized in the taboo on milking which comes into force on the day of his initiation and continues for the rest of his life, but it is expressed also in other domestic tasks, in habits of eating, and so forth. At initiation a youth receives from his father or uncle a spear and becomes a warrior. He is also given an ox, from which he takes an ox-name, and becomes a herdsman. From now on, till he is a husband and father, his chief interests are dancing and love-making. Then he becomes 'a true man': 'he has fought in war and not run away; he has duelled with his age-mates; he has cultivated his gardens; he has married a wife'.

There is a sudden and great change in status from boyhood to manhood, but the modes of behaviour which differentiate these two grades do not distinguish one set from another, for the privileges of manhood are enjoyed by members of all the sets equally. Nevertheless, the sets are stratified by seniority and there are well-defined relationships between them. Before summarizing these patterns of inter-set behaviour we touch on some general characteristics of the whole system.

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561 in the lists above. Thus one speaks of the *Piluali*, the *Karamni*, the *Ruobni*, the *Lithgacni*, the *Thutni*, the *Rialmacni*, the *Makeri*, the *Nyamnyamni*, etc.

XI.

881 In seeking to understand the social action of the Nuer age-set system
867 I think that we should first of all abandon the idea that there is any purposive education in initiation. Neither in connection with the cutting nor during any subsequent stage does the initiation of the boys include educational or moral training. It is true that a father may admonish his son at this time to be brave in war, to avoid the wives of other men, to be generous, and never to display greed, but such advice is of the general kind which may be given unsystematically at any time during boyhood. I could find no evidence that there is any kind of teaching of the boys during initiation, either of technique or of traditions. Nor was I told upon repeated enquiry that there was any moral instruction.

561 I cannot agree with Stigand's description of the Nuer age-sets in
114 this respect and I think that he was largely reading into them the purpose and methods of the Masai system with which he was familiar. He wrote of initiated youths: "When finished they are trained by the old class; the training includes mock battles, fighting with sticks and pelting one another with balls of dried clay—to learn quickness in avoiding spear thrusts. After two years the training is complete, the old class then retire and gradually get married whilst the new class having finished their training go back to live in their villages." He says: "The newly-made warrior may not marry until relieved by the next class."[1] I found nothing which could confirm this account of two-years' training and the prohibition of marriage on the older class during the training of the set which was to replace it, and there is nothing in Jackson's account and little in the recent paper by Father Crazzolara which bears it out.

561 I think, moreover, that the Nuer age-sets are only incidentally a
701 military system at all, though Stigand and, less dogmatically, Jackson give them this character. It is perfectly true that in warfare the junior age-sets play the chief part, but this is simply due to the fact that they are old enough, and yet not too old, to fight. Boys do not take part in

[1] *Op. cit.* p. 117.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

warfare because they would certainly be killed if they did and the same applies to old men. Nevertheless a good number of the older men who are more active than fellow-members of their age-set will accompany expeditions. Moreover, war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side, there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regiments, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in them rather than in its ritual that we must look for its significance.

In its economic relations Nuer social life comprises three groups of persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they have been initiated into manhood. Consequently initiation means that a boy ceases to milk ; he severs his association with women's work ; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life.

If cessation from milking is the most outstanding change in a boy's occupations after initiation it is by no means the only one, for his whole

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192 183 It is not necessary to add more examples of cattle-terms and their uses to demonstrate that we are dealing with a galaxy of words in the arrangement of which a thesaurus of some magnitude might be compiled. I need only emphasize that this intricate and voluminous vocabulary is not technical and departmental but is employed by every one and in manifold situations of ordinary social life. I have only treated a fragment of a fragment of the linguistic field relating to cattle. I could enter into further detail, but, at best, I have only surveyed, and in an amateur way, that field, which invites broader and more specialist research. My purpose has been to draw attention to it and to show how a study of the dominant interest of Nuer might be approached from this angle. The subject is necessarily vast, because, as we have seen, it is not possible to discuss with Nuer their daily affairs, social connexions, ritual acts, or, indeed, any subject, without reference to cattle which are the core round which daily life is organized and the medium through which social and mystical relations are expressed. Nor is Nuer interest in cattle confined to their practical uses and social functions, but is displayed in their plastic and poetic arts, in which they are the chief theme. The over-emphasis on cattle is thus strikingly shown in language, which, moreover, by compelling reference to cattle, whatever be the subject of speech, continually focuses attention on them and makes them the superlative value of Nuer life.

IX

231 183 Another way in which Nuer engrossment in cattle can be illustrated—our last exemplification thereof—is by noting how readily and frequently they fight about them, for people risk their lives for what they greatly value and in terms of those values.

183 231 721 578 At the present time cattle are the main cause of hostility towards, and suspicion of, the Government, not so much on account of present taxation as of earlier tax-gathering patrols which were little more than cattle raids and of the avowedly plundering expeditions of the Egyptian Government era that preceded them. Nuer war with the Dinka has been almost entirely offensive and directed towards appropriation of herds and annexation of grazing grounds. Cattle have also been the

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chief occasion of strife among Nuer themselves. Indeed, after a successful raid on Dinka stock there is often further fighting over the booty. Moreover, Nuer tribes raid one another for cattle. Thus the Leek raid the Jikany, Rengyan, and other western tribes, and cattle raids are of common occurrence along tribal boundaries elsewhere, for to 'steal' (*kwal*) cattle from another tribe is regarded as laudable. Within a tribe, also, fighting frequently results from disputes about cattle between its sections and between individuals of the same section, even of the same village or homestead. Nuer fight on slight provocation and most willingly and frequently when a cow is at stake. On such an issue close kinsmen fight and homes are broken up. When ownership of cattle is in dispute Nuer throw over caution and propriety, showing themselves careless of odds, contemptuous of danger, and full of guile. As my Nuer servant once said to me: 'You can trust a Nuer with any amount of money, pounds and pounds and pounds, and go away for years and return and he will not have stolen it; but a single cow—that is a different matter.'

Nuer say that it is cattle that destroy people, for 'more people have died for the sake of a cow than for any other cause'. They have a story which tells how, when the beasts broke up their community and each went its own way and lived its own life, Man slew the mother of Cow and Buffalo. Buffalo said she would avenge her mother by attacking men in the bush, but Cow said that she would remain in the habitations of men and avenge her mother by causing endless disputes about debts, bride-wealth, and adultery, which would lead to fighting and deaths among the people. So this feud between Cow and Man has gone on from time immemorial, and day by day Cow avenges the death of her mother by occasioning the death of men. Hence Nuer say of their cattle, 'They will be finished together with mankind', for men will all die on account of cattle and they and cattle will cease together.

It must not, however, be supposed that Nuer live in continuous turmoil: the very fact that they are prepared to resist any infringement of their rights in cattle induces prudence in the relations between persons who regard themselves as members of the same group. It may be said, furthermore, that the great

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183 231 626 vulnerability of cattle coupled with the extensive living-space required for them are compatible only with a far recognition of conventions in the settlement of disputes, or, in other words, the existence of a tribal organization embracing a large territory, and of some feeling of community over yet larger areas.

Fighting about ownership of cattle and seizing cattle for what are claimed as debts and compensation for losses are of a somewhat different order to raiding for cattle over which no rights, other than the power of the strong, are asserted. War against foreign peoples, as distinct from warfare within a tribe, is almost entirely for plunder. Nuer war against the Dinka, therefore, differs from most primitive warfare in that its primary object is acquisition of wealth, for cattle are a form of wealth that not only lasts a long time and reproduces itself, but is, also, easily seized and transported. Furthermore, it enables invaders to live on the country without commissariat. Crops and dwellings can be destroyed, but cattle can be confiscated and taken home. This quality, which has given pastoral peoples a bias in favour of the arts of war rather than the arts of peace, has meant that the Nuer are not entirely dependent on their own cattle, but can augment their herds and restore the ravages of rinderpest, and have, in fact, for a long time increased their stock, and hence supplemented their food-supply, by raiding; a condition that has shaped their character, economy, and political structure. Skill and courage in fighting are reckoned the highest virtues, raiding the most noble, as well as the most profitable, occupation, and some measure of political agreement and unity a necessity.

We hasten to add that an explanation of warfare between Nuer and Dinka by reference to cattle and pastures alone is too simple a reduction. Hostility is expressed in terms of cattle, and desire for cattle accounts for some peculiarities of the struggle and some characteristics of the political organizations involved in it, but the struggle itself can only be fully understood as a structural process and we present it as such later.

COO We now pass to a brief examination of the oecological system of which Nuer and their cattle form part to discover the conditions in which cattle-husbandry is practised and how far its practice in a certain environment influences political structure.

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drought. Twenty years ago this was probably more customary among the Lou than to-day, for they had not then the undisputed access to open water that most sections now enjoy. The wells, which have to be redug each year, are two to three feet in diameter and twenty to thirty feet in depth, and their excavation takes two or three days of hard labour. The water, about a foot deep, is clean and fresh and the wells are frequently cleaned out, steps being cut in the walls for this purpose (Plate XV (*b*)). Each household has its own well which is surrounded by shallow mud troughs where the cattle are watered three times daily. Considerable labour is required to draw water for them and much attention is devoted to prevent it from being fouled by sheep and goats, which have their special troughs. Fights sometimes break out over these troughs.

The problem of water is closely related to that of vegetation. In their seasonal movements Nuer seek pasturage as well as drinking-water and they take the cattle to where they know that both can be obtained. When herdsmen drive the cattle from camp to grazing grounds they do not guide them haphazardly across the plain, but with purpose towards stretches of succulent grasses. It is probable, too, that not only are daily and seasonal movements influenced by distribution of grasses, but also that the direction of Nuer expansion has been controlled by their habitat. Nuer claim that they have not overrun the country of the Ngok Dinka because it is poor pasture land and that they are little interested in the Shilluk kingdom for the same reason.

The early rains are the season of fatness, for then the grasses germinate, or renew their growth after the long drought, and the cattle can graze on the young shoots to their content. As the rains advance, grazing becomes more difficult, the ground being flooded and the vegetation rank, and in years of high water may be a serious problem. The cattle have to rely on the short grasses that prevail on village ridges: a further reason that compels Nuer to occupy these sites in the rains. When rain ceases, the overcropped grasses on these ridges soon wither, while the rank grasses of the plains impede the movements of the herds and no longer provide good grazing. Therefore Nuer hasten to burn them as soon as they are dry, since some species

[p. 60 contains no textual material]

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The dry season movements of the Lou, the Eastern Jikany, and the Zeraf River tribes are shown on the sketch-maps accompanying this section. Of the Sobat tribes, the Lou stay inland as long as they can and in a wet year may remain inland throughout the dry season, falling back on the deeper pools, some large enough to be called lakes, e.g. Muot tot, Muot dit, Fading, Fadoi, Gwong-gwong, Yollei, Tepjor, and Nyerol. If forced to leave them the Gun primary section moves north to the Sobat and south-west to the flooded plains of the Bahr el Zeraf in the country of the Twic Dinka, and the Mor primary section moves north-east to the Nyanding river and east to the Geni and Pibor. In the old days fighting frequently occurred if the Lou moved to these camping sites, because the banks of the Sobat were in the hands of the Balak Dinka while their occupation of the Geni and Pibor was disputed by the Anuak and Beir and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding do not belong to the Lou, but to the Gaajok. Therefore they probably only moved to these sites when absolutely necessary.

[721]

The Eastern Jikany have not so much need to move as have the Lou. Nevertheless they all fall back on rivers or marshes before the drought is far advanced. The three primary sections of the Gaajok move as follows: the Laang concentrate on the Sobat, the Wangkac move south-east to the banks of the Pibor and Gila, and the Yol either camp near the junction of the Wokau and Sobat or northwards along the edges of the Machar swamp. The Gaagwang move to the western end of Khor Makwai. The Gaajak primary sections move as follows: the northern Thiang sections (Kang and Lony) go to the Daga river while the southern Thiang section (Tar) and the Reng, Nyayan, Wau, and Cany sections camp on the banks of the Baro, Jokau, Adura, and Makwei, mainly in Ethiopia.

The three Zeraf river tribes fall back on the Bahr el Jebel and the Bahr el Zeraf and streams flowing into these two rivers, as shown in Mr. Lewis's sketch. The Gaawar who live on the left bank of the Zeraf can build their villages on high ground near that river and do not have to move far in the drought.

The Western Nuer mainly camp on inland streams which are no great distance from their villages. The Karlual primary section of the Leek tribe mostly concentrate first on the Loogh stream and afterwards on the Cal and Wangtac, all of which link up with the Bahr el Ghazal. The Dok camp near pools in the beds of inland streams. The Western Jikany move to the Jikany marshes at the edge of the Bahr el Ghazal. Without giving

[See pp. 56, 58, 60 — analyst]

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136 extensive, have been the social changes which have resulted
231 from this disturbance of the oecological equilibrium. Since
178 bride-wealth consists of cattle there must have been for a time
[583] considerable dislocation of marriage arrangements, but stability
has been reached to-day by lowering the number of cattle
which have to be paid. A like assessment on a new footing does
[628] not seem to have been achieved in homicide negotiations, in
which there is not the same goodwill between the parties as in
marriage, and blood-wealth appears to have been claimed up
to the present time at the old rate of payment, though Nuer
recognize that bride-wealth and blood-wealth should rise and
fall together. One cannot make any precise statement on the
matter, but it is likely that feuds were less easily concluded
than before and that consequently tribal relations were affected.
It may also be supposed that decrease in stock has led to a
general deterioration of the standard of living, for climatic
conditions do not allow adequate compensation by expending
further labour on horticulture. No doubt Nuer grew more millet
than before, but they must have suffered a decrease in their
total food-supply and, above all, in security. It will be seen in
a later section that Nuer can no more exist on a purely horti-
cultural economy than they can, at any rate since the introduc-
tion of rinderpest, exist on a purely pastoral economy. They
must have a mixed economy and can compensate on one side
[721] or the other only to a very limited degree. Nuer sought to repair
their losses rather by extensive raiding of their Dinka neigh-
bours, passing on to them their own losses in stock. We know
that Nuer raided Dinka before rinderpest entered the country,
but it is likely that their foreign relations have been affected by
the greater stimulus to aggression. Other probable effects could
be noted, especially in kinship relations, but one can only guess
their importance, so we confine our speculations to a few of those
that may be supposed to have occurred in Nuer economy and
political life.

V

226 It was noted in Chapter I that to exist Nuer have to make
use of a mixed economy, since their herds do not supply them
with adequate nourishment. It will be seen in a later section
that their millet harvest is often meagre and uncertain. Fish,

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221 Seasonal variation in quantity and kind of food is sociologically significant for several reasons, though not all are relevant to the present study. It is, however, important to note that abundance of millet is the main reason for holding ceremonies in the rains, for ritual is seldom complete without porridge and beer and, since it consists of sacrifice, of meat also. Weddings, initiation rites, and religious ceremonies of various kinds take place in the rains and early drought, generally after the first millet harvest. This is also the main season for raiding the Dinka. Nuer say that hunger and war are bad companions and that they are too hungry to fight in the full dry season; and it is evident that they are then not so eager to come to blows over personal and community quarrels as they are in the rainy months, when they are replete with grain and meat and, especially at wedding dances, sometimes slightly intoxicated. Nor do the young men find dancing so attractive in the drought, whereas in the rains they dance as much as possible and think nothing of travelling many miles to attend weddings, at which they dance from eventide till well into the morning. The tempo of village life is different from that of camp life. Owing to flooding at the height of the rains these joint activities take place mainly at the beginning and end—chiefly at the end—of the wet season.

264 574 Scarcity of food at times and the narrow margin that for most of the year divides sufficiency from famine cause a high degree of interdependence among members of the smaller local groups, which may be said to have a common stock of food. Although each household owns its own food, does its own cooking, and provides independently for the needs of its members, men, and much less, women and children, eat in one another's homes to such an extent that, looked at from outside, the whole community is seen to be partaking of a joint supply. Rules of hospitality and conventions about the division of meat and fish lead to a far wider sharing of food than a bare statement of the principles of ownership would suggest. Young men eat at all byres in the vicinity; every household gives beer parties which their neighbours and kinsmen attend; the same people are given food and beer at the co-operative work parties that assist in any difficult and laborious task; in camps it is

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object of their allegiance, their joking disparagement of other tribes, and their indication of cultural variations in their own tribe as symbols of its singularity. A man of one tribe sees the people of another tribe as an undifferentiated group to whom he has an undifferentiated pattern of behaviour, while he sees himself as a member of a segment of his own tribe. Thus when a Leek man says that So-and-so is a Nac (Rengyan) he at once defines his relationship to him. Tribal sentiment rests as much on opposition to other tribes as on common name, common territory, corporate action in warfare, and the common lineage structure of a dominant clan.

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How strong is tribal sentiment may be gathered from the fact that sometimes men who intend to leave the tribe of their birth to settle permanently in another tribe take with them some earth of their old country and drink it in a solution of water, slowly adding to each dose a greater amount of soil from their new country, thus gently breaking mystical ties with the old and building up mystical ties with the new. I was told that were a man to fail to do this he might die of *nueer*, the sanction that punishes breach of certain ritual obligations.

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A tribe is the largest group the members of which consider it their duty to combine for raiding and for defensive action. The younger men of the tribe went, till recently, on joint expeditions against the Dinka and waged war against other Nuer tribes. Wars between tribes were less frequent than attacks on the Dinka, but there are many examples in recent Nuer history of border disputes among tribes and even of one tribe raiding another for cattle, and such fighting is traditional among the Nuer. The Leek tribe raided the Jikany and Jagei tribes, and a Leek tribesman told me, 'The cattle with which my father married were Gee (Jagei) cattle.' Poncet remarks: 'Les Elliab (Dok) se battent avec les Egnan (Nuong) du sud et les Relan (Rengyan) du nord; les Ror de l'intérieur avec ces derniers et les Bior (Bor) de Gazal (Ghazal river). Toutes leurs querelles viennent des pâturages qu'ils se disputent, ce qui n'empêche pas qu'ils voyagent les uns chez les autres sans aucun danger, à moins cependant qu'on n'ait un parent à venger.'[1] In theory a tribe was regarded as a military unit, and if two sections of different tribes

[1] Op. cit., p. 39.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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619 were engaged in hostilities each could rely on the support of the
721 other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce to disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Leek united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 Fighting between Nuer of different tribes was of a different
726 character from fighting between Nuer and Dinka. Inter-tribal
628 fighting was considered fiercer and more perilous, but it was subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 Another defining characteristic of a tribe is that within it
681 there is *cut*, blood-wealth paid in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *ruok*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

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648 After recounting the myth of the cow and calf, he added, 'And to this day the Dinka has always lived by robbery, and the Nuer by war.'[1]

721 Fighting, like cattle husbandry, is one of the chief activities and dominant interests of all Nuer men, and raiding Dinka for cattle is one of their principal pastimes. Indeed *jaang*, Dinka, is sometimes used to refer to any tribe whom the Nuer habitually raid and from whom they take captives. Boys look forward to the day when they will be able to accompany their elders on these raids against the Dinka, and as soon as youths have been initiated into manhood they begin to plan an attack to enrich themselves and to establish their reputation as warriors. Every Nuer tribe raided Dinka at least every two or three years, and some part of Dinkaland must have been raided annually. Nuer have a proper contempt for Dinka and are derisive of their fighting qualities, saying that they show as little skill as courage. *Kur jaang*, fighting with Dinka, is considered so trifling a test of valour that it is not thought necessary to bear shields on a raid or to pay any regard to adverse odds, and is contrasted with the dangers of *kur Nath*, fighting between Nuer themselves. These boasts are justified both in the unflinching bravery of the Nuer and by their military success.

727 The earliest travellers record that Nuer held both banks of the Nile, but it is probable that the entire Zeraf Island was at one time occupied by Dinka and it is certain that the whole of the country from the Zeraf to the Pibor and, to the north of the Sobat, from the confines of Shillukland to the Ethiopian scarp was, with the exception of riverain settlements of Anuak, still in their hands as late as the middle of last century, when it was seized by the Nuer in two lines of expansion, to the north of the Sobat and to the south of it. This is known from the statements of both Nuer and Dinka, the evidence of genealogies and age-sets, and the records of travellers, who frequently refer to the struggle between the two peoples, the dominant position of the Nuer among their neighbours, the awe they inspired in them, and their bravery and chivalry.[2] The conquest, which seems to have resulted in absorp-

[1] *Sudan Intelligence Report*, no. 152, 1907.

[2] Werne, op. cit., p. 163; Abd-el-Hamid, op. cit., pp. 82–3; Philippe Terranuova D'Antonio, 'Relation d'un voyage au Fleuve Blanc', *Nouvelles annales des voyages*, Paris, 1859. Lejean, op. cit., p. 232; Poncet, op. cit., pp. 18, 26, 39, 41–2, and 44; Petherick, op. cit., vol. ii, p. 6; Heuglin, *Reise in das Gebiet*

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tion and miscegenation rather than extermination, was so rapid and successful that the whole of this vast area is to-day occupied by Nuer, except for a few pockets of Dinka on the Sobat, Filus, and Atar. Apart from these independent units there are many local communities in Eastern Nuerland of Nuer who acknowledge that they are of Dinka descent, and small lineages of Dinka origin are found in every village and camp. Some Dinka tribes took refuge with compatriots to the south, where the Gaawar and Lou continued to raid them. The Western Nuer likewise persistently raided all the Dinka tribes that border them, particularly those to the south and west, obtained a moral ascendency over them, and compelled them to withdraw farther and farther from their boundaries. To the west of the Nile, as to the east, Dinka captives were assimilated, and there are many small lineages of Dinka descent in every tribe and these are often preponderant in local communities. Of all the Dinka only the Ngok, to the south of the Sobat, were left in peace, probably on account of their poverty of stock and grazing, though their immunity has a mythological sanction. It seems also that the Atwot were not considered such legitimate prey as the Dinka on account of their Nuer origin, and it is probable that they were seldom molested as they are remotely situated.

The favourite season for raiding Dinka was at the end of the rains, though they were also invaded at their commencement. Leek tribesmen told me that when they raided Dinka to the south-west they used to sleep the first night near the villages of the Wot tribe and the second night in the bush. They took no food with them and ate only what fish they might hastily spear on the way, travelling with all speed throughout the day and part of the night. On the third day they attacked the Dinka villages or camps at dawn. The Dinka seldom put up any resistance, but loosened their cattle and tried to drive them away. No one seized cattle till the enemy had been dispersed. Then each took what prizes he could, often not troubling to tether his captures but slashing their rumps in sign of ownership. Afterwards the beasts were tied up

des Weissen Nil und seiner westlichen Zuflüsse in den Jahren 1862–1864, 1869, p. 104. Georg Schweinfurth, *The Heart of Africa* (English translation), 1873, vol. i, pp. 118–19; Gaetano Casati, *Ten Years in Equatoria and the Return with Emin Pasha* (English translation), 1891, vol. i, p. 39; Romolo Gessi Pasha, *Seven Years in the Soudan* (English translation), 1892, p. 57. The maps intended by travellers to show the positions of the peoples of this area are rather vague and are not in entire agreement. The reader may consult those in Marno, op. cit., Poncet, op. cit., Heuglin, op. cit., the map compiled by Lejean from information supplied by the Poncet brothers in *Bulletin de la Société de Géographie* (Paris), 1860; the maps prepared by V. A. Malte-Brun in *Nouvelles annales des voyages*, 1855 and 1863, and others of this period.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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921 in the enemy's kraal, the oxen being mainly slaughtered for food. If the Dinka gathered reinforcements and returned to fight they were met in full battle formation. Nuer fight in three divisions with two or three hundred yards between each, and if one division is engaged the others advance or retreat parallel to it according to the fortunes of war. A party of scouts are in advance of the central division and they charge up to the enemy, hurl their spears at them, and fall back on the main body.

The raiders spent several weeks in Dinkaland and sometimes remained there throughout the dry season, living on the milk and flesh of captured cattle, on pillaged grain, and on fish. Using a captured kraal as a base they extended their raid against distant camps. Nuer migrations seem to have been conducted on these lines, the raiders settling permanently in Dinka country and by systematic raiding compelling the inhabitants to withdraw farther and farther from the points of occupation. In the following season a new series of raids was initiated and the process was repeated till the Dinka were compelled to seek refuge with their kinsfolk of another tribe and leave their country to its invaders. If settlement was not contemplated, however, the raiders returned home when they considered that they had sufficient booty.

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727 Before camp was broken up there took place a custom highly indicative of Nuer sense of equality and justice. It was recognized that the whole force was jointly responsible for the success of the raid and there was therefore a redistribution of the booty. The [192] prophet whose revelations sanctioned the raid first made a round of the camp and selected from each household a cow for the divine spirit of whom he was the mouthpiece. By this time a household possessed some fifty head, so that it was no hardship to be asked to give one to the spirit. There then took place a general scramble and everybody rushed amid the herd to earmark beasts for himself. A man who could first seize an animal, tether it, and cut its ear had absolute claim to it. The man who originally captured a cow had the advantage that it was tethered near his windscreen, but if he and members of his household had an undue share of the booty they could not earmark all the beasts before they were seized by others. As might be supposed, men frequently sustained injury in these scrambles, for if two men seized the same cow they fought with clubs for possession of it. One must not use the spear on these occasions. Men of neighbouring camps took part in one another's redistributions and there must have been great confusion. Captives, women of marriageable age, boys, and girls, were not redistributed but belonged to their original captor. Older women and babies were clubbed and, when the raid was on a village, their

1: Evans-Pritchard E-5 (1931, 1936) 1940
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In larger groups than a village and camp there is far less

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co-ordination of activities and less scope for leadership. Only 721
in war is there any lengthy direct co-operation. Men noted for their prowess and ability stir up among the youths enthusiasm for a raid against the Dinka or a fight against another tribal section, and direct what simple tactics are employed, but these men have no political status or permanent leadership. The warriors mobilize in local divisions of their own accord, for there are no regiments and companies under officers, and in fighting they follow the most forward and courageous among them. Some of these warriors become renowned and their reputation quickly attracts recruits for raids. Two of the most famous war leaders were Latjor who led the Jikany tribes, and Bidiit who led the Lou, eastwards. Neither had any ritual qualifications, but both were men of outstanding ability who were members of the dominant clans of their tribes. It is not said by Nuer that either established any political control, or even had great authority, in their tribes. The role of prophets in war is examined later. Between tribal segments there are no other joint activities that require organization and direction.

XII

The lack of governmental organs among the Nuer, the absence 181
of legal institutions, of developed leadership, and, generally, of 156
organized political life is remarkable. Their state is an acephalous kinship state and it is only by a study of the kinship system that it can be well understood how order is maintained and social relations over wide areas are established and kept up. The ordered anarchy in which they live accords well with their character, for it is impossible to live among Nuer and conceive of rulers ruling over them.

The Nuer is a product of hard and egalitarian upbringing, is deeply democratic, and is easily roused to violence. His turbulent spirit finds any restraint irksome and no man recognizes a superior. Wealth makes no difference. A man with many cattle is envied, but not treated differently from a man with few cattle. Birth makes no difference. A man may not be a member of the dominant clan of his tribe, he may even be of Dinka descent, but were another to allude to the fact he would run a grave risk of being clubbed.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 their tribal position has been misunderstood. The earliest Government officials to enter Lou country have recorded that
619 Ngundeng was greatly feared and respected and were of the opinion that if the Lou were to be administered he would have either to be reconciled or removed. However, his son, Gwek, was not supported against the Government by some sections of the tribe. Mr. Struvé, then Governor of the Upper Nile Province, reported that Dwal, son of Diu, had 'rather shaky authority' among the Gaawar. I received the impression in 1932 that Buom had far more power in Dok country as a government chief than he ever had in pre-government days as a prophet. A prophet's curse is feared, but armed intervention of Government forces is a weightier sanction. Buom was attempting to exercise unprecedented judicial functions and his banishment met with no popular hostility and with little regret. There is no good evidence that the earlier prophets were more than spiritual persons, whose ritual powers were used particularly in warfare, though some of the later ones appear to have begun to settle disputes, at any rate in their own villages and districts. Of them all, perhaps Gwek came nearest to exercising political functions and to imposing his authority outside his own district, but the hostility between tribes and between tribal segments rendered effective personal control impossible.

792 The only activities of prophets which can truly be called tribal were their initiation of raids against the Dinka and their
721 rallying of opposition to Arab and European aggression, and it
619 is in these actions that we see their structural significance and account for their emergence and the growth of their influence. All the important prophets about whom we have information gained their prestige by directing successful raids on the Dinka, for these raids were carried out in the names of the spirits which promised rich booty by their lips. No extensive raids were undertaken without the permission and guidance of prophets, who received instructions from the Sky-gods in dreams and trances about the time and objective of attack, and often they accompanied them in person and performed sacrifices before battle. They took for themselves part of the spoil and to some extent supervised the division of the rest of it. The warriors sang war hymns to the Sky-gods before starting on raids and the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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sacrifices to them by their prophets were believed to ensure booty and safety.

For the first time a single person symbolized, if only to a moderate degree and in a mainly spiritual and uninstitutionalized form, the unity of a tribe, for prophets are tribal figures. But they have a further significance, for their influence extended over tribal boundaries. Gwek had great influence in Gaajok, and it is said that because of it the Lou and the Gaajok for a time paid compensation for homicide between them. His influence reached as far as the Eastern Gaagwang and Gaajak. Dengleaka had a similar influence in the valley of the Zeraf, especially among the Thiang. Some of the Western Nuer prophets had a reputation among a number of neighbouring tribes which united for raids at the direction of their spirits. They were not a mechanism of tribal structure like leopard-skin chiefs, but were pivots of federation between adjacent tribes and personified the structural principle of opposition in its widest expression, the unity and homogeneity of Nuer against foreigners. Probably, the coalition of tribes and the organization of joint raids is very largely their achievement—though one cannot be sure of this in the absence of historical records—and has made them important and powerful figures in Nuerland. This interpretation explains how it is that prophets began half a century ago, or at any rate came to the fore then. Certain structural changes were taking place in response to changed conditions: the development of functions that were more purely political than any exercised by individuals before and of a greater degree of unity among neighbouring tribes than there had been hitherto. As Sky-gods passed at the death of prophets into their sons we are further justified in suggesting growth of hereditary political leadership which, with the strong tendency towards federation between adjacent tribes we attribute to the new Arab-European menace. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government crushed the prophets this tendency was checked. As we understand the situation, the prophets were inevitably opposed to the Government because it was this opposition among the people which led to their emergence and was personified in them.

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6: Evans-Pritchard E-5 (1931, 1936)1938
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West, they are often made by streams for fishing. When the second harvest is reaped the cattle are brought back to the village to eat the millet stalks, if the camps are near. As pools dry up, or pasturage is exhausted, or the fishing becomes poor, the young men make new camps and several intermediate camps may be made before they move to their large annual camping grounds at the side of lakes or marshes or on river banks. The early camps are often small, being manned by a few kinsmen but tend to get larger as the season continues and water becomes scarcer. The final camps may contain several hundred persons. By the middle of January the villages in the Lou country are deserted but in areas more favoured with water supplies, for example in Lek country, some of the older people may still be in the villages in the middle of February.

The Lou people stay inland as long as they can and in a wet year may remain inland throughout the dry season. They fall back on the deeper pools, some large enough to be called lakes, which hold up the water in a stream or depression, *e.g.*, at Muōt tŏt, Muot dit, Fading, Fadoi, Gwonggwong, Yollei, Tepjor and Nyerol. These pools supply them with abundant fish. If forced to leave them the Gun major tribal section moves north to the Sobat and south-west to the flooded plain of the Bahr el Zeraf in the country of the Twic Dinka (*toc Twini*) and the Mor major tribal section moves northeast to the Nyanding river or East to the Geni and Pibor rivers.

[721] In the old days fighting frequently occurred if the Lou moved to these camping sites because the banks of the Sobat belonged to the Balak people, while occupation of the Geni and Pibor brought them into contact with the Beir and Anuak peoples, and their move to the south-west was trespass on Dinka grazing grounds. Even the lower reaches of the Nyanding river do not belong to the Lou for the Gaajok have their villages along it and have fishing rights in its pools.

The Madjok villagers with whom I camped for several months at Yakwac in 1931 had moved to Pul Telā for an intermediate camp early in December and had reached Yakwac about the middle of

8:Howell E, G-5 (1942-1944)1954
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from a man who has seduced his wife because six head of cattle is the accepted scale of compensation for adultery. Having acquired the cattle, he is in a better position to negotiate his terms with their owner. In some cases he may take more than his recognized due, for this will give him an extra lever to get the matter settled, but in most cases he will wish to settle the matter amicably so that he does not run the risk of having them stolen back from him. Some compromise will be reached. In many cases, provided the culprit has reasonable customary grounds for his action, i.e. if he has right (*cuong*) on his side, the owner of the cattle will not bother to resist and will readily agree to negotiate through some mediator, so that the transfer of the cattle may be socially recognized and not lead to blows between them. Moreover the closer the relationship between the man who takes the cattle and the owner, the more likely will it be that the former will have some legal justification for taking them. The expression, *ce yang-da kwal*, so common among Nuer, usually means that someone has seized the speaker's cattle in (according to the speaker) the mistaken opinion that he had a definite right to them.

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Frequently the culprit knows that he has only a very thin excuse for taking them, and often removes himself and the cattle to some distance where the owner can get legal satisfaction only with difficulty, for whereas in his own community opinion will be against him, the people with whom he takes refuge are not interested and do not know the full implications of the case. If the injured party agrees that the culprit has a right to the cattle, peaceable negotiations will follow; if he does not, disputes may result between them which may or may not lead to blows. According to Professor Evans-Pritchard, a man will never steal a cow from a fellow tribesman merely because he wants one.

> He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.[1]

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This really comes under the heading of cattle-raiding, and depends on the current relations between tribes. If, as frequently happened in the past, tribes were technically at war with each other, then such cattle-raiding was considered a legitimate move in the course of war. Moreover, if a blood-feud existed and homicide cases remained unsettled, the seizure of cattle might have some legal justification behind it. Nuer tribes were not, however, always hostile, and the tribal boundaries did not imply such a rigid line of demarcation as to pre-

[1] Evans-Pritchard, *The Nuer*, p. 165. I quote this passage because it refers to conditions some twenty years ago when cattle raids were more common and, since legal remedies through the courts were less effective than they are nowadays, 'self-help' was not unusual.

8:Howell E, G-5 (1942-1944)1954
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clude social relations and intermarriage. Moreover, a legal mechanism under the control of Leopard-Skin Chiefs existed whereby a state of war could be brought to an end when both sides were heartily sick of the endless danger and insecurity which such major feuds entailed. There are instances quoted in Nuer tribal history when these matters were settled, and though compensation for homicide was usually waived because of the large number of persons for whom compensation would be demanded on both sides, the illicit seizure of cattle was often assessed in the final count.

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Therefore the seizure of cattle without legal justification, real or supposed, within a tribal community was extremely rare, and the stealing of cattle from other tribes was really an act of war. Raiding the Dinka, a legitimate Nuer prey, was something different. It was, however, extremely common for Nuer to 'take the law into their own hands' and wrest what they considered their just dues from their debtors without bothering to arrange peaceful negotiations through some mediator or, later, through the medium of established courts. In most cases this action was taken only if the defendant in the case was unwilling to negotiate. These observations apply largely to the past when no courts existed, or when they had not yet developed present standards of efficiency and effectiveness. Nevertheless Nuer still often seize cattle which they consider their just due.

Theft of Cattle

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There are certain specific situations which fall within the true definition of theft: when cattle are taken or material possessions misappropriated without any real or supposed reason other than that the thief covets them. It has been mentioned that the word *kwal* applies generally to all situations when the rightful or wrongful seizure of stock or material objects takes place. There is a specific term in the Nuer vocabulary which is applied when stock or personal possessions are taken for no apparent reason other than that the thief wants them. That such a word exists at all and is used to describe these circumstances is evidence of the distinction. This word is *wuan*:[1] a man will say *ce yang-da wuan* or *ce yoka wuan*, 'he has stolen my cow', 'he has stolen my money', and in using this expression he implies that the culprit did so for no accepted reason.

Cases where a man steals cattle from his neighbours merely because he covets them are rare. He would not be able to hide the theft unless

[1] Two other words are worth mentioning here. The word *pec* is used to describe situations where superior force is used, e.g. when cattle are raided by a more powerful group from a weaker one and, nowadays, when the Government or local authorities seize cattle by force. The word *mac*, which also means theft or misappropriation, implies deprivation by fraud or cunning, i.e. swindling. *Wuan* also implies stealth or cunning.

8:Howell E, G-5 (1942-1944)1954
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and thrusts it into the river alongside the pole, calling upon the crocodiles to desist. This is, in fact, a common practice, since some Nuer are bound to cross rivers or crocodile-infested waterways in the course of the dry season migration. 791

Kuaar juath

The badge of this office is a cow-skin which he beats with a stick, and by performing this and other forms of ritual the *kuaar juath* stops the spread of disease among humans (notably small-pox). This office is also hereditary. 756

Kuaar yiika

The badge of this office is the *yiik* or woman's mat. The *kuaar yiika* is called in to arbitrate in cases where a woman dies in childbirth and *thung yiika* is demanded. Some Leopard-Skin families claim that this is their duty and that the *kuaar yiika* is only an assistant who should help in a subordinate capacity. 624

Gwan tang (*sometimes kuaar tang*)[1]

The word *tang* means 'spear-shaft'. The *gwan tang* is particularly concerned with the success of raiding parties and the performance of elaborate ritual to avoid spear-wounds to the warriors. Part of the ritual process is to break off the tip of the spear-shaft and cast it in the direction of the enemy. Some of these specialists are known as *gwan bith* (*bith* means fish-spear), but I know of only one family which claims this distinction, and their functions and the ritual they perform appear to be identical with those of the *gwan tang*. 791 721

Many of the functions of these various experts appear to overlap. This is true in general terms, but closer analysis will, I think, show that they are not identical. Thus the *kuaar kwac*, the *wut ghok*, the *kuaar thoi* and the *gwan tang* are all concerned with cattle raids and warfare. The *kuaar kwac*, however, is expected to ensure success in a more general and unspecified way, the *wut ghok* has specifically the duty of seeing that the raiders are successful in capturing cattle, the *kuaar thoi* is expected to protect them from poisoned water, and the *gwan tang* to give them success in inflicting spear-wounds on their enemies and in avoiding injuries to themselves. The *kuaar kwac* is also expected to protect them against the ghosts of slain enemies, which is one of his specific duties in cases of homicide. All experts of this kind are known as owners of *twac* (*gwan twac—ji twac*),[2] stressing their right to wear a particular skin as a badge of office, although some of them, notably the *wut ghok*, have none; the rest of the

[1] *Kuaar* is best translated as 'expert', though the word 'chief' is more often used; *gwan* (father) here simply means 'owner or possessor of'.

[2] *Twac* is a generic term for skin: *kwac* means leopard-skin, *thoan* serval cat-skin, and so on.

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people who have no such distinction are known as *dwek*. There is no suggestion of a caste system or, indeed, any social distinction, but only of the possession of a special ritual status in society which is emphasized by the hereditary nature of their functions and in tribal tradition and mythology.

I do not propose here to discuss in great detail the part played by these experts in legal procedures. We have already seen that the *kuaar kwac* or *kuaar muon* had special functions to perform as a mediator in blood-feuds and in other forms of dispute. The *kuaar yiika*, though his functions were almost purely ritual, was called in when an unmarried woman died in childbirth as a result of illicit sexual intercourse. Yet it would not be true to say that the *wut ghok* intervened in disputes concerning cattle for his functions were entirely ritual. This applies also to other kinds of religious functionary and, as will be seen later, magical experts of other categories. It is, however, true to say that any man of influence would intervene in disputes, both between individuals and between lineages or tribal segments, and since possession of spiritual attributes brings influence of this sort, doubtless such experts played their part in political and legal affairs. Again, it is necessary to stress that these observations, though still partially true, concern principally the past. It will be obvious that whatever political and legal functions were performed by these people in the old days are now much modified by the introduction of modern tribunals with the sanction of government action behind them.

Other Types of Religious Expert

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Religious experts of the second category have no analogous traditional status or specialization of social and economic function, although in most cases their position becomes hereditary. These are the *ji kuthni* (sing. *gwan kwoth*), of which there are many kinds. The first are the possessors of 'sky-spirits'—direct and identified manifestations of *kwoth*—some of whom gained considerable political power and widespread fame during the last century. Professor Evans-Pritchard speaks of these as 'Prophets', and suggests that the concept was of Dinka origin. Many of these prophets were themselves of Dinka extraction.

It must be remembered that the great majority of these people gained no widespread prestige and had no political influence at all, their activities being limited to the ordinary ritual divination and diagnosis of the cause of the minor misfortunes which beset the individual. Nowadays they are unlikely to gain any extensive political power, although there are many who have exceptional influence over the Nuer, and it is interesting to note that they are never brought forward as possible representatives of the people to the Government. For example, there is a *gwan kwoth* called Macar Teng, who lives in comparative

10:Evans-Pritchard E-5 (1931-1936) 1940
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persons concerned. Nevertheless, so long as a sense of community 619
endures and the legal norm is formally acknowledged within a tribe, whatever may be the inconsistencies and contradictions that appear in the actual relations between tribesmen, they still consider themselves to be a united group. Then either the contradiction of feuds is felt and they are settled, the unity of the tribe being maintained thereby, or they remain so long unsettled that people give up all hope and intention of ever concluding them and finally cease to feel that they ought to be concluded, so that the tribe tends to split and two new tribes come into being.

Nor must it be supposed that the political limits of the tribe are the limits of social intercourse. People move freely all over Nuerland and are unmolested if they have not incurred blood-guilt. They marry and, to a small extent, trade across tribal boundaries, and pay visits to kinsmen living outside their own tribe. Many social relations, which are not specifically political, link members of different tribes. One has only to mention that the same clans are found in different tribes and that everywhere the age-sets are co-ordinated. Any Nuer may leave his tribe and settle in a new tribe, of which he thereby becomes a member. In time of peace, even Dinka foreigners may visit Nuerland unharmed. Moreover, we must recognize that the whole Nuer people form a single community, territorially unbroken, with common culture and feeling of exclusiveness. Their common language and values permit ready inter-communication. Indeed, we might speak of the Nuer as a nation, though only in a cultural sense, for there is no common political organization or central administration.

Besides being the largest group in which legal obligation is 619
acknowledged, a tribe is also the largest group which habitually 721
combines for offence and defence. The younger men of the tribe went, till recently, on joint raiding expeditions against the Dinka and waged war against other Nuer tribes. Raids on the Dinka were very frequent; war between tribes less so. In theory, if two sections of different tribes were engaged in hostilities, each could rely on the support of the other sections of the same tribe, but in practice they did not always join in. Contiguous tribes sometimes combined against foreigners, especially against the Dinka, though there was no moral obligation to do so, the alliance was of short duration, and the allies conducted their operations independently, even when in collaboration.

10:Evans-Pritchard E-5 (1931-1936) 1940
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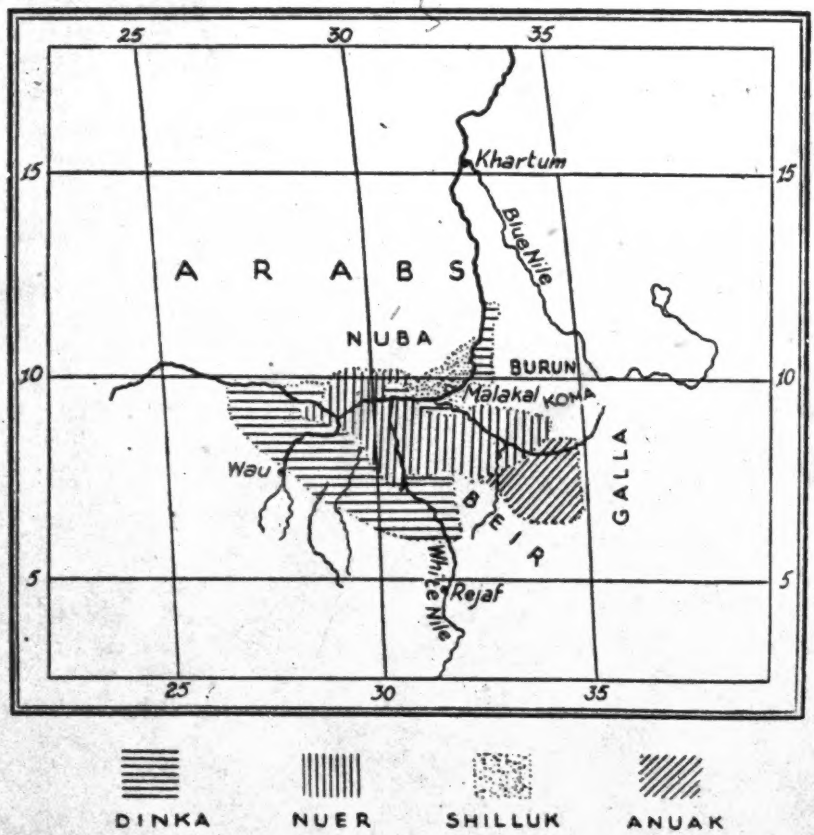
619 At the present time, Nuer are to the west and south bordered by
•721 Dinka, who appear to have very much the same kind of political system as their own, i.e. they comprise a congeries of tribes without centralized government. From the earliest times the Nuer have been fighting the Dinka and have been generally on the



offensive. We know that during the first half of the last century waves of Nuer broke from their homeland to the west of the Nile on to the Dinka lands to the east of that river and that they conquered and absorbed the inhabitants in most of what is now eastern
[703] Nuerland (the Nuer distinguish between *Nath cieng*, the 'homeland', or western Nuer, and *Nath doar*, the 'migrated', or eastern Nuer). Fighting between the two peoples has continued till the present time but there does not appear, if maps made by early

10:Evans-Pritchard E-5 (1931-1936) 1940
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travellers are to be trusted, to have been much change of territory during the last fifty years. This eastwards migration is a fact that has to be taken into account, with those related earlier, if we wish to know why the eastern tribes are larger, territorially and numerically, than the western tribes, for it may be assumed that the struggle of conquest and settlement, and absorption of Dinka on an unprecedented scale, had some effect on the migrating hordes.

To the north, the Nuer are in varying degrees of contact with Arabs, the peoples of the Nuba Hills, the powerful Shilluk kingdom, and certain small communities in Darfung (Burun and Koma); while to the east and south-east they are bordered by the Galla of Ethiopia, the Anuak, and the Beir. Wherever the Nuer have direct relations with these peoples, they are hostile in character.

Arab slave-raiders from the Northern Sudan intruded here and there into the more accessible portions of Nuerland in the second half of the nineteenth century, but nowhere did they gain the upper hand or, indeed, make a marked impression on the Nuer, who opposed them as strongly as they resisted later the Egyptian Government, which undertook no serious operations against them. The Nuer likewise treated British rule with open disrespect till, as a result of lengthy military operations between 1928 and 1930, their opposition was broken and they were brought under effective administration. With the exception of this last episode in their history, the Nuer may be said to have reached in their foreign relations a state of equilibrium and of mutual hostility which was expressed from time to time in fighting.

A tribe is divided into territorial segments which regard themselves as separate communities. We refer to the divisions of a tribe as primary, secondary, and tertiary tribal sections. Primary sections are segments of a tribe, secondary sections are segments of a primary section, and tertiary sections are segments of a secondary section. A tertiary section is divided into villages and villages into domestic groups. A member of Z^2 tertiary division of tribe B sees himself as a member of Z^2 community in relation to Z^1, but he regards himself as a member of Y^2 and not of Z^2 in relation to Y^1. Likewise, he regards himself as a member of Y, and not of Y^2, in relation to X. He regards himself as a member of tribe B, and not of its primary section Y, in relation to tribe A. Thus, on a structural plane, there is always contradiction in the definition of a political group, for a man is a member of it in virtue

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619 and Gaawär or between Lou and Gaajok. In Gaajok country I was
621 also repeatedly informed that there was *cut* between all Gaajok tribesmen,
682 but no *cut* between them and Gaagwang or Gaajak tribesmen. It is
628 true that tribes are not water-tight compartments. People moved all
[531] over Nuerland with remarkable freedom and there are strong social bonds
[614] uniting people with members of tribes other than their own, particularly the bonds of marriage (there has always been interchange of daughters between Lou and Gaajok, for instance) and the bonds of clanship (the dominant elements in Gaajok and Gaajak tribes, for example, belong to the same clan since they are all descended from the same ancestor, Kir. Also lineages of the same clan are scattered far and wide among a dozen different tribes, but still recognise their kinship in spite of their territorial disintegration). Nevertheless, the declarations of Nuer on this point must have some significance, and I consider it well to record my own impressions from their verbal statements, together with Mr. Coriat's criticism. The point is important, but not overwhelmingly
619 so. What is of greater significance is that each tribe has its own tribal
624 officials who regulate disputes among tribesmen in so far as their ritual functions allow them to do so. The Lou leopard-skin chiefs regulate disputes among Lou tribesmen and Gaajok leopard-skin chiefs regulate disputes among Gaajok tribesmen. In virtue of his sacred character a leopard-skin chief (or land expert) can perform his ritual functions irrespective of tribal boundaries, but in the nature of things one does not summon a leopard-skin chief from Gaajok country to function in Lou country, but each district of Lou country has its regular experts who perform whatever services are required of them by fellow tribesmen of their section.

619 (4) Tribesmen unite for defensive and offensive warfare against
721 other tribes and segments of other nations. Messengers summoned
648 Lou tribesmen from all over the tribal area for a combined raid on the Dinka and those who wished to take part in the raid answered the summons. In such expeditions there was a truce to disputes within the tribe itself and temporary tribal solidarity was attained. Mr. Coriat points out to me, with some justice, that "it is incorrect to state that the tribe is the largest political unit within the nation. Their history can show many instances where two or more tribes have combined in common offence and defence. As an example, Lou and Jekany against the Anuak,

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 Garweir and Lou against the Dinka. In fact, the tribes combined in
721 their first conquests of the Dinka." I was aware of these combinations,
648 but I preferred to regard them as alliances between two political units. In the same way in Europe, nations, the largest political units of our culture, combine together for purposes of warfare, but they do not lose their political autonomy by doing so. The comparison goes no further. Here again I wish to make it clear that I do not regard Nuer tribes as cohesive, clearly defined, water-tight, political groups. They are surely not. There are constant feuds between segments of the same tribe; there is constant marriage, fraternisation, and recognition of common kinship, between members of different tribes. Moreover, the tribe, as is explained more fully later, comprises within its boundaries a number of fairly cohesive segments cut off from each other territorially and these segments are united to one another by slender links which frequently snap so that new tribes are formed by fission. When tribes allied for warfare, each organised itself separately, so far as I could gather. Thus, when Lou united with Gaajok and Gaajak each organised its fighting force under its own leaders and magicians.

619 In my opinion, the Nuer tribes may be said to have had these political functions even if they carried them out very inadequately, and it is in this belief that I have spoken of the Lou as a tribe which includes two primary sections, the Gun and the Mor, but I have classed the eastern Gaajok, Gaajak, and Gaagwang as three separate tribes rather than as three sections of a Jekany tribe. I admit that the Nuer tribes did not carry out their functions in the clear-cut manner which we find among the tribes of many other African nations, e.g., the Azande. The Nuer tribe is a very fluid affair. It is not a constant and static group, but it is variable and dynamic. The way in which it has segmented is sufficient evidence of this. Fission takes place as a result of slow but continual social changes, the tendency being always that as the tribe gets larger it loses solidarity accordingly, so that it is not always possible to say with certainty when a tribe, in the sense in which I have used the term, is a single tribe with two moieties or whether it would not be more correct to speak of two separate tribes. I do not want to be guilty of the despicable offence of word-polishing. Those who wish to speak of the Gun and Mor moieties of the Lou tribe as two tribes or of the Gaajok and Gaajak tribes as two primary sections of one Jekany tribe are free to do so.

12:Evans-Pritchard E-5 (1930-1931) 1933
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619 631 628 follows (*see* diagram No. II). Leng tertiary tribal section may fight Nyarkwac tertiary tribal section, and in fact there has been a long feud between the two, but, in theory, according to my informants, if there is a row between Gaatbal secondary tribal section and Rumjok secondary tribal section, Leng and Nyarkwac will unite against the common enemy Rumjok which recruits from the several segments into which it is divided. On the other hand, if there is a fight between the Mor and Gun primary tribal sections, Rumjok and Gaatbal will unite against the combined Mor sections of Gaaliek, Jemac, and Jaajoah. This division of forces is based on the double principle of social cohesion, territorial contiguity and kinship. The Mor sections all live in one part of Lou country and the Gun sections all live in another part of Lou country (*see* sketch map No. III). The dominant lineages of the Mor sections are related closely to each other, while the dominant lineages of the Gun sections are also on their side closely related. However, I was told that in a row of this kind between Gun and Mor primary sections every effort would be made to turn the combat into a harmless armed demonstration (like so much of Nuer combativeness) rather than a regular pitched battle. My informants said that if no one were killed in the preliminary skirmishes the older men would get together and arrange for compensation to be paid for the offence which occasioned the rupture—generally a dispute about the ownership of cattle.

619 721 When a raid into Dinka country was organised Mor and Gun would both contribute warriors to the expedition, since both sections belong to the same tribe and since their dominant lineages are united by kinship bonds.

619 628 631 A similar principle was supposed to operate among the Jekany (*see* diagram No. III). Thus Minyääl, Wang and Nyathuol would combine against Yol. Also Thiur, Dwong and Kwith sections would unite for purposes of warfare. The primary tribal sections were frequently at strife with one another, and in these feuds we again see how closeness of contiguity and kinship are the deciding factors in the combinations. Thus my informants said that Wangkac and Yol will unite for war against another section since the ancestors of the dominant lineages of both sections were sons of the same mother (Nyalieth, wife of Ken, son of Majok). According to this principle Wangkac, Laang and Yol ought to combine against the Gaajak tribe.

12:Evans-Pritchard E-5 (1930-1931) 1933
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JINACA, one finds many members of such clans as the JIMEM, JUAK, KIEK, KWERMOANG, in every section. These clans have no longer a *wec* (a home) of their own. Thus there is a story that the JIMEM once had a big *wec* but when some of them were absent their food was eaten by their brothers. This led to a quarrel, which resulted in the dispersal of the clan, and now, like the other clans mentioned above, they have no central homeland. There is, however, said to be a small JIMEM pocket near Lek country.

In the migration of the Nuer eastwards across the Nile there does not appear to have been any systematic colonisation, if we except the Jekany occupation of Dinkaland. Parties of warriors would raid the nearest Dinka homesteads and carry off their boys and girls and cattle. These warriors at first returned home with their spoil but later a portion of them settled down with their wives and families and built homesteads to the east of the Nile, where they were still in touch with their relatives across the river. Slowly there was a drift further and further eastwards, and whilst the bulk of the conquering warriors belonged to one clan originally there followed a steady infiltration from other clans whose members attached themselves to the original conquerors and settled among them. Also it must be presumed that before the Nuer crossed the Nile and conquered the Dinka country, which lay to the east of that river, some clans were already nuclei of political aggregation from other clans and from Dinka not unlike the aggregations which we find of the west bank of the Nile to-day. At the present time, moreover, families move freely about the country and attach themselves to new local groups into which they marry. Especially does this seem to be the case among the Western Nuer where there is a perfect jumble of small clan lineages. The link between newcomers and the lineages among which they settle is not so much the link of marriage as of descent, since the birth of a child unites the two families of husband and wife by a genealogical link and the sons of the wife become children of the husband's lineage and sister's children of the wife's lineage.

The manner in which lineages split up was well described to me by a Dok man. Members of a lineage give birth to children and they become numerous and spread over the countryside, wandering here and there and everywhere (*cike dak piny*). Then their close relationship (*mar*) ends (*ci mar thuk*). They go and live in the midst of other clans who are

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Nine

WIDER RELATIONS AND INFLUENCES

THE NUER AS NEIGHBOURS

NUER living along the borders of Nuerland raid the neighbouring tribes and are raided by them, taking cattle. In the past they have taken people, but I do not believe that is done now to any large extent. 721

A number of Nuer have Dinka 'slaves' or servants, who have been taken in these raids, but they are usually treated as members of the family, except that the Nuer son or daughter takes precedence over the captive Dinka in being allowed to be married first. The Nuer name for Dinka means slave, and they consider them as an inferior tribe. [567]

The Nuer sees nothing wrong in these border raids, but rather delights in the fact that it gives him a chance to show his prowess over his neighbour.

Sometimes one Nuer village raids another Nuer village, and this starts a feud that is hard to quell. It may last over several years. If some one is killed retaliation is sought. A life for a life is generally the rule.

Government interference is usually necessary to settle any large raid or incessant raiding.

Nuer wars and troubles between villages and different tribes are usually the result of cattle raids or the infringement of Nuer marriage customs.

In case two neighbouring villages are at war, especially if they be Nuer and Anuak, each assembles all their people and adherents. A war-dance and song are staged for the benefit of the opposite side, so that they may be impressed with the large number and possible prowess of their opponents. 726

[p. 71]

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

refuge among the Western Dinka to avoid the Arab slave raids and, later, the conflict between the Dinka and Azande. They are rapidly being absorbed by the Dinka and are consequently losing their Jo Luo customs and dialect. They are said to number 1,000 - 2,000 souls approximately. 000

NEIGHBOURS

The neighbours of the Dinka include the Nuer. There has been conflict between the two for a long time and relations have been predominently warlike and marked by interminable cattle raiding. In the north east the Dinka are in contact with the Shilluk while, in the south west, in the Bahr el Ghazal province, there is the confusion of tribes in the neighbourhood of Wau. Among the Wau district tribes there is the Nilotic Jo Luo (Jur) who have been in immediate contact with their Dinka neighbours for a number of generations and have been subordinate to them to a certain extent.

POPULATION

Total population has been estimated at 500,000 souls approximately.

NOMENCLATURE

The Dinka name for themselves is *Jien*. Dinka is believed to be the anglicized form of the Arabic *Denkawi*, from *Jien*.

THE NUER

LOCATION 131 619

The Nuer inhabit the savannah stretching on both sides of the Nile south of its junction with the Sobat and Bahr el Ghazal rivers and on both banks of the two tributaries. The Nile divides the Nuer country into two parts, Eastern and Western Nuerland. According to Evans-Pritchard the most important tribal groups of the Western Nuer are: the Bul, Jagei, Lek, Nsong and Dok. The most important tribes of the Eastern Nuer are: the Thiang, Lak, Gawair and Lou.(1) The Jekany tribes are found on the west bank of the Nile and also far to the east of the Sobat river where they extend over the Anglo-Egyptian border into Abyssinia.

NEIGHBOURS 721

The western parts of Nuerland are in direct contact, and usually conflict, with their Dinka neighbours. Nuer expansion has been at the expense of their Dinka neighbours and it is generally recognised that much of present day Nuer country was Dinka in the middle of the 19th century. Relations between Nuer and Dinka will be discussed in the account of the Nuer political structure. The Shilluk are separated from the Nuer by the Dinka, except in a small area, and there has been little contact between the two groups, perhaps owing to the more highly organised society of the Shilluk which renders them difficult to raid with impunity. The Nuer give the

(1) Evans-Pritchard, *The Nuer*, 1940, p.8 (map).

721 reason that the Shilluk have no cattle and they only raid people with cattle.(1) Although in direct contact with the Anuak in the far eastern parts of Nuer territory, tsetse fly and absence of cattle make the area unsuitable for encroachment and the Anuak were only occasionally raided by the Nuer. When rifles were introduced and the Anuak could defend themselves they retaliated with raids on the Nuer. The Burun were occasionally raided by the Nuer for captives. Other communities, Arab and those of the Nuba mountains, were raided only occasionally. Except for the
829 Beir whom the Nuer appear to have respected, and the Dinka whom they fought, most foreign peoples were classed by the Nuer as *Bar*, that is, cattle-less folk, or people possessing few cattle. Another category was *Jur*, cattle-less people whom the Nuer regarded as lying on the outskirts of their world; these included the Azande, Europeans, and the Bongo etc., although the Nuer have differentiating terms for most of them.

POPULATION

161 Official estimate of population is 260,000. Estimates for the various tribes are given approximately as follows by Evans-Pritchard.(2)
619

THE EASTERN NUER

The Sobat Nuer				The Zeraf Nuer		
Gaajak	Gawang	Gaajok	Lou	Lak	Thieng	Gawar
42,000	7,000	42,000	33,000	24,000	9,000	20,000

THE WESTERN NUER

Bul	Leek	3 Western Jikany Tribes	Jagei Tribes	Dok	Nuong
17,000	11,000	11,000	10,000	12,000	9,000

NOMENCLATURE

101 The Nuer call themselves *Naath*, (sing. *Ran*). The Shilluk, Arabs and Dinka call them *Nuer*. The Nuer also speak of the tribes west of the Bahr el Jebel as *Nath cieng* - 'the homeland Nuer', and of those east of the river as *Nath Doar* - 'Bush Nuer'.(3)

THE ATWOT

000 These appear to be a Nuer tribe, speaking a Nuer dialect, but having adopted many Dinka habits. They are situated in the Lakes district south west of Yirrol, south of the Dinka; they number 31,600 approximately. Little is known of them.

(1) Evans-Pritchard, *The Nuer*, 1940, p.132.
(2) Ibid. p.117.
(3) Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, p.207.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'parasites of the cow'.(1) 237

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 231

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [691]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [593] [572]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'ox-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [752] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

tribes. The people in a district intermarry, conduct feuds, go raiding together, and so forth. 634

Nowhere in Nuerland do environmental conditions permit complete autonomy and exclusiveness of small village units. Pastoral pursuits and the needs determining transhumance cause concentrations of people and co-operation for half the year in dry-season camps, thus creating a wide inter-dependence which is lacking among the Anuak and many other tribal groups. 621

TRIBAL CHARACTERISTICS

Each tribe has a name, occupies a particular territory and owns and defends its own building sites, pastures and water supplies. Large rivers, or wide stretches of uninhabited country, generally divide adjacent sections of contiguous tribes, and these sections tend to move in different directions in the drought. Members of the same tribe have feelings of cohesion and fellowship with each other which do not extend to members of other tribes.(1) The age sets are organised tribally. 619

The tribe is the largest group of which the members habitually combine for raiding and for defensive measures. During the period of military unity, there is a truce to internal disputes. Inter-tribal fighting is fierce but is subject to certain conventions concerning women and children which do not extend to fighting between Nuer and Dinka or other neighbours. 619 721

Within a tribe compensation *(cut)* is paid for homicide. This is the invariable definition of tribal allegiance in every part of Nuerland.(2) Between tribesmen there is also *ruok* - compensation for torts other than homicide. If a man kills or injures a man of another tribe no breach of law is recognised; no obligation is felt to settle the dispute and there is no machinery to do so. 619 682 683

A tribe is a segmented structure in that it consists of a number of small divisions, each occupying a particular part of the tribal territory. There is opposition between these segments as well as a certain co-operation and cohesion. 619

Within each tribe there is a dominant clan and there is a close relationship between the lineage structure of this clan and the various territorial segments of the tribe. This is of the greatest importance for understanding Nuer structure and organisation.

Nuer tribes have no common organisation or central administration making for political unity in the generally accepted sense of the word. Yet adjacent tribes do form a political system and, in spite of inter-tribal opposition, will display a united opposition to different neighbouring groups.

(1) Evans-Pritchard, *The Nuer*, 1940, p.121.
(2) *Ibid.*

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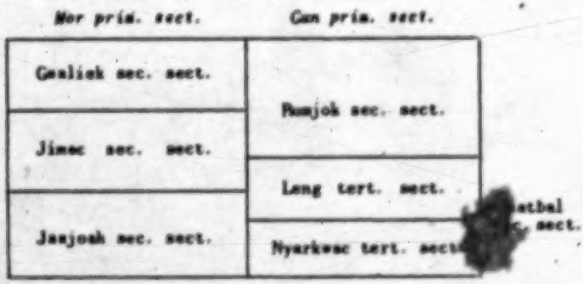
TERRITORIAL SEGMENTS

619 Nuer tribes are split into a number of segments. For example, the Lou tribe is segmented into Gun and Mor primary sections; Gun primary section is segmented into Rumjok and Gastbal secondary sections and the Gastbal secondary section into Leng and Nyarkwac tertiary sections. A tertiary section consists of a number of village communities. The diagram given by Evans-Pritchard to illustrate this tribal segmention is reproduced below.(1)

LOU TRIBE



All other Nuer tribes follow this pattern, although the degree of segmention may vary according to the size of the tribal unit. The segments of a tribe have the same characteristics as a tribe, but the smaller the segment the stronger the sentisents of unity. Each segment of a tribe tends to have its own special dry-season pastures. Each segment in its turn has a segmented structure and there is opposition between its parts. Members of any segment unite for war against adjacent segments of the same order and unite with these adjacent segments against larger sections. For example, if there is a fight between Mor and Gun primary sections Rumjok and Gastbal (the secondary segments of Gun primary segment), will unite against the combined Mor secondary sections. Both primary sections (each comprising all their smaller segments) will unite against another tribe. This principle of segmentation and the opposition between segments is the same in every section of a tribe and even extends beyond the tribe.(2) [721]

578 628 721 The Nuer distinguish between various types of hostility:

1. *Dwac.* Individual duelling.
2. *Ter.* A feud within a tribe where compensation can be made.
3. *Kur.* A fight between tribes where no compensation can be made.
4. *Pec.* Raiding Dinka.

578 When a man conceives himself to have been wronged there is no court of law to which an appeal may be made. The only method of settlement is by a duel. Boys fight with spiked bracelets; men of the same village or camp

(1) Evans-Pritchard, *The Nuer*, 1940, p.139.
(2) *Ibid.*, p.143.

with clubs. Spears are not used between neighbours lest someone be killed 578
and a blood feud started which will disrupt the community. No third person may intervene in these duels.

In fights between persons of different villages spears are used and 628
every adult male takes part. Fighting occurs mainly between small tribal segments; only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a breach of law is recognised and the machinery for settlement exists. Between tribes settlement can only be effected by war.

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will [783]
ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 20 have been handed over. The cattle are distributed among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the meat of the sacrifices, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement.

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.(1)

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken; kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organisa- 721
tion, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance; and the advantages of obtaining extra cattle,

(1) Evans-Pritchard, *The Nuer*, 1940, p.159.

721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.(1) The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.(2)

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

754 Sorcerers are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cuong)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuaar muon)

791 He is a sacred person and is believed to have a mystical association
624 with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to him since relations between groups are regulated through him;(3) his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, hoeing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125.
(3) *Ibid.*, p.176.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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fills a man, his character is changed. The man is hollowed out by Spirit to receive it. In this sense *gwang* is complementary to *kwoth*, inspiration to extirpation.[1] 776 × 792 828

Prophets may perform sacrifices on behalf of individuals or of the people of their neighbourhoods in times of sickness, for barrenness, and on other occasions when spiritual aid is required, but the main social function of the leading prophets in the past was to direct cattle-raids on the Dinka and fighting against the various foreigners who troubled the Nuer from the northern Sudan. For the most part the air-spirits are conspicuously associated with war, and Nuer prophets are chiefly regarded as the medium through which God gives orders to fight and victory. The spirits accompany the warriors to battle. 776 × 792 721 ●

Before Nuer set off for any large-scale fighting against strangers their prophets made sacrifice and sang hymns to the spirits of the air while the warriors, kneeling on one knee and with the points of their spears resting on the ground, sang the responses. The same posture is adopted by warriors in making the responses to these songs when they are sung by a song-leader on ceremonial occasions. Also people, generally and perhaps always under a prophet's direction, sing hymns to the spirits on occasions of sickness and of other troubles; though Nuer say that they sometimes sing the hymns, as at dances, 'just to be happy with the son of God'. Unfortunately I did not have the opportunity to record more than a few verses of these hymns. 776 × 792 721 533

I give below a short hymn to *buk*. It is known all over Nuerland and is therefore probably earlier than most hymns. It is sometimes sung at mortuary ceremonies, and it is also sung before fishing battues are begun, on account of the spirit's association with rivers and streams. 776 × 533 539

Mother of *deng*, the ants (the Nuer) ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee,
The mother of *dengkur* brings life,
The mother of *dengkur* brings me life,
Life is revived.
She brings life and our children play,
They cry aloud with joy,
With the life of the mother of *deng*, with the life of the mother of *deng*.

[1] [Should be expiration, see errata, cat. 116]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPIRITS OF THE ABOVE

x 776
533
539

The pied crows are given life and are filled.[1]
Our speech is good, we and *buk*,
Our speech is excellent;
The country of the people is good.
We journey on the path of the *pake*.[2]
We are here, we and *buk deang*,
Buk, mother of *deng*, the ants ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee.
We give thee red blood.
The ants of *deng* are simple people, they do not understand how their lives are supported.
Let all the people of the cattle camps bring tobacco to the river.

The general sense of this hymn is that *buk* protects the people from dangers and gives them life. Protection and life are given them in exchange for oblations of animals (the red blood) and tobacco. I give the opening verses of another hymn, which appears to be addressed to both *dayim* and *mani*. It is a war hymn, although I heard it myself at a ceremony in western Nuerland held in honour of a person killed by lightning.

x 776
533
539
721

Stars and moon which are in the heavens,
Blood of *deng* which you have taken,[3]
You have not summoned the ants of *deng* capriciously,[4]
Blood of *deng* which you have taken,
The wing of battle on the river bank is encircled by plumes.[5]
Dayim, son of God, strike the British to the ground,
Break the steamer on the Nile and let the British drown,
Kill the people on the mountains,[6]
Kill them twice,[7]

[1] The pied crow 'is' *buk* (p. 81).
[2] This is not a Nuer word but the Arabic *faki*, a fakir or holy man. In Nuer the word is used for an Arab pedlar or merchant. The use of the word in this hymn, probably one of the oldest Nuer hymns, is further evidence of the late introduction of these spirits into Nuerland.
[3] Dinka blood on Nuer spears.
[4] The spirits which summoned the Nuer to raid the Dinka through the mouths of their prophets did not summon them in vain. The raid was successful. The ants are the Nuer.
[5] When warriors are drawn up for battle the prophet runs along the flanks shouting encouragement to them and waving his spear decorated with ostrich plumes.
[6] The people of the Nuba hills.
[7] Slay them two years in succession.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPIRITS OF THE ABOVE

Do not slay them jestingly.[1] 776 ×
Mani goes with a rush, 533
He goes on for ever, 539
The sons of Jagei are proud in the byres,[2] 721 ●
Proud that they always raid the Dinka.

I do not know the time or circumstances of composition of this hymn, but as it not only exults in defeats of the Dinka and asks for victory over the people of the Nuba hills but also demands the destruction of the British it must be fairly recent and probably dates from the early days of British occupation of the Southern Sudan. Dr. Lienhardt has recorded a hymn about *deng* which vividly suggests the mobility of the spirits of the air and the ubiquity of Spirit. A man says he is tired of the demands made by *deng* and that he will move. But *deng* replies 776 × 533 539

A man avoiding *deng*
Will find *deng* in front,
On the right he will find *deng*,
On the left he will find *deng*,
Behind him he will find *deng*.

In another hymn he recorded there is a metaphor in which protection of the people by *deng* is compared to the coiling of a python around its young. These hymns are, I believe, always the creations of prophets, and Nuer say that they come to them in dreams, unlike ordinary songs or poems which men construct for themselves when idling, as when herding in the grazing grounds. We need not concern ourselves greatly with their word to word meaning. Nuer do not do so, or even know it, and the songs may be sung on occasions which in no way concern the particular spirits they are addressed to and for which the words have no relevance, the songs merely serving to create atmosphere and to express a general sense and intention. I have been told that the hymns sometimes come to a prophet through a drum, called *bul kwoth*, spirit's drum, dedicated to his spirit, which is thought to be in some way immanent in it. These drums, which are beaten at dances held in honour of the spirits to which they are dedicated, are formally dedicated by being rubbed with ashes, in the same 776 × 533 792 534

[1] Do not trifle with them but strike them hard.
[2] The Jagei are a small group of Nuer tribes; but since the Nuer believe that they were created in their territory the word probably here refers to the Nuer as a whole.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

×776 614 clan beat an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's ● [721] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward. [583] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with [586] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

×776 614 773 The Jikoi clan respect rafters (*koi*) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

×776 177 262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

name of the person and Gaaliek the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial invocations stands for the person and that when this person speaks as a representative and on behalf of the clan, as he does in collective sacrifices, it stands for the clan. In the one case it is the right hand (vitality) of the individual and in the other the right hand (vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host. 411 782 614 826 721

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *bidh*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general sense of taking part in war and raiding: *'ce Nath wa mut'*, 'the Nuer went raiding'; *'ca mut nang Jaang'*, 'war was taken (by the Nuer) to the Dinka'. The idea expressed by the word *mut* in these examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates *'te ke mud mediid'* (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'. 411 721 613 614

[1] It is true that Nuer lick any metal in taking an oath (p. 297), but I regard this as being a derivation from licking a spear, for which any metal stands as a substitute, in the same way as the honorific titles of the Gaatgankir clan, son, and daughter, of iron, derive from the *wiu* spear. The words *yieth*, metal, and *yiedh*, to spear or to stab, are surely connected.

[2] J. Kiggen, op. cit., p. 206. One may ask, in the light of this discussion about

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPEAR SYMBOLISM

552 411 614 721

It is, I believe, in some such sense of the clan militant that we should interpret the spear symbolism of the clans. Nuer always speak of 'spear' where I have used the expression 'spear-name'. However, not only are there in almost all cases no actual spears, but it is not even the idea of any particular spear that they have in mind. What they have in mind is the clan as a whole for which the spear stands as a symbol not just as a spear but as representing the collective strength of the clan in its most conspicuous corporate activity, for clans and lineages are most easily and distinctly thought of as collectivities—through their identification with tribes and tribal segments—in relation to war. That the representation is of the clan as a battle host is shown by the Nuer statement about their clan spears that they only exist in the sense that 'they are in the mouths of men when they go to battle'. Two remarks made by Nuer give further support to an interpretation along these lines. One man said of all clan spears that '*tuokdien e wiu*', 'their origin is *wiu*', and that *wiu* is the *kwoth*, spirit, of all clan spears. There was some discussion about this remark among Nuer present, and I gathered from it that all clan spears in this wide and symbolic sense of the word *mut* as the battle host signify the clan as a social group in relation to God in the conception of him as Lord of Hosts. The man could not have meant that other clan spears were derived or copied from the spear *wiu*. That would have made no sense, both because there are no actual spears and also because the Gaatgankir clan who own the spear *wiu* are regarded by everybody as a Dinka clan of later origin than the true Nuer clans. That a spiritual conception of *wiu* was meant is further evident from a remark made to me by another Nuer, a man of exceptional ability, that when the Gaatgankir clan reach ten generations from their ancestor Kir—when they have grown up, so to speak—they will doubtless cease to respect (*thek*) the

the *mut*, why it is that the title of spiritual leaders in Dinkaland is taken from the fishing-spear (*bith*) instead of from the fighting-spear. An explanation might be put forward in terms of the analysis I have presented. Whereas among the Nuer the fighting-spear is the symbol of the clan because what is being symbolized is exclusiveness and opposition, among the Dinka the fishing-spear is the symbol of spiritual leadership because what is being symbolized is inclusiveness and unity. This is a guess but it receives some support from the fact that among the Nuer, at any rate in western Nuerland, when a leopard-skin priest goes to settle a feud he is accompanied by a kinsman called the *gwan biedh*, the master of the fishing-spear, which is the title of the Dinka spiritual leaders. However, this may be a loan from the Dinka.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

spear *wiu*, as they do at present, and will respect (the word is here used to balance the statement and not literally) only its name. As we should put it, they will not then feel the need for a material symbol of the spiritual relationship, and a verbal or ideational symbol will suffice. The association of clan spears with the spirit *wiu* is clear to us when we recall that the spirit is also associated with lightning with which, in this hypostasis, God strikes as man strikes with the spear.[1]

In invocations in which clans are involved as such God is appealed to, as I have explained earlier, in some refraction by which he is figured as their patron. This is the '*kwoth gwara*', 'the God of our fathers'. It is on such occasions also that the spear-name of the clan is shouted out as an exordium to the invocation. This is the '*mut gwara*', 'the spear of our fathers'. I would suggest that we have here in the spear-name a symbolic representation of the clan in its relation to God. God is invoked in relation to the clan through the spear of the ancestor held in imagination in the hand of one of his descendants.

If this interpretation is right, then in those sacrifices in which the clan as a whole is concerned the calling out of the clan spear-name by the officiant identifies the whole clan with the intention of the sacrifice as spoken in the invocation. The sacrificial spear in his hand becomes through the exordium the clan sacrificial spear through which in symbol the whole clan offers up the victim to God. The officiant in such sacrifices must therefore be a representative of the clan, what the Nuer call a *gwan buthni*; whereas in personal and piacular sacrifices, in which appeal is made on behalf of an individual or a number of individuals, anyone can officiate and the officiant is usually a senior member of the family or kin of the sacrificer. The intention, and therefore character, of the sacrificial act is different in the two cases. In the first it is of the nature of a validation, in the second of the nature of a *piaculum*; though in some situations there may be a broad overlap. Religion has always these two sides, the one concerned chiefly with the social life and the other with the relation of the individual soul to its God.

[1] Nuer, however, use for God striking a man with lightning the verbs *mar*, to strike, and *pim*, to strike in the sense of 'to hit' or 'to punch', and not *yiedh*, to strike in the sense of to thrust or to stab.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

619 721 were engaged in hostilities each could rely on the support of the other sections of the same tribe; but, in practice, they would often only join in if the other side was receiving assistance from neighbouring sections. When a tribe united for warfare there was a truce to disputes within its borders.

Tribes, especially the smaller ones, often united to raid foreigners. The Leek united with the Jagei and Western Jikany, and the Lou with the Gaawar to attack the Dinka; the Lou with the Eastern Jikany tribes to attack the Anuak; and so on. These military alliances between tribes, often under the aegis of a Sky-god, speaking through his prophet (p. 188), were of short duration, there was no moral obligation to form them, and, though action was concerted, each tribe fought separately under its own leaders and lived in separate camps in enemy country.

619 726 628 Fighting between Nuer of different tribes was of a different character from fighting between Nuer and Dinka. Inter-tribal fighting was considered fiercer and more perilous, but it was subject to certain conventions: women and children were not molested, huts and byres were not destroyed, and captives were not taken. Also, other Nuer were not considered natural prey, as were the Dinka.

619 681 Another defining characteristic of a tribe is that within it there is *cut*, blood-wealth paid in compensation for homicide, and Nuer explain the tribal value in terms of it. Thus Lou tribesmen say that among themselves there is blood-wealth, but not between themselves and the Gaajok or the Gaawar; and this is the invariable definition of tribal allegiance in every part of Nuerland. Between tribesmen there is also *ruok*, compensation for torts other than homicide, though the obligation to pay it is less generally stressed or carried out, while between one tribe and another no such obligation is acknowledged. We may therefore say that there is law, in the limited and relative sense defined in Chapter IV, between tribesmen, but no law between tribes. If a man commits an offence against a fellow tribesman he places himself and his kin in a legal position towards this man and his kin, and the hostile relations that ensue can be broken down by payment of cattle. If a man commits the same act against a man of another tribe no breach of law is recognized, no obligation is felt to settle the dispute, and there is no

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Nine

WIDER RELATIONS AND INFLUENCES

THE NUER AS NEIGHBOURS

NUER living along the borders of Nuerland raid the neighbouring tribes and are raided by them, taking cattle. In the past they have taken people, but I do not believe that is done now to any large extent. 721

A number of Nuer have Dinka 'slaves' or servants, who have been taken in these raids, but they are usually treated as members of the family, except that the Nuer son or daughter takes precedence over the captive Dinka in being allowed to be married first. The Nuer name for Dinka means slave, and they consider them as an inferior tribe. [567]

The Nuer sees nothing wrong in these border raids, but rather delights in the fact that it gives him a chance to show his prowess over his neighbour.

Sometimes one Nuer village raids another Nuer village, and this starts a feud that is hard to quell. It may last over several years. If some one is killed retaliation is sought. A life for a life is generally the rule.

Government interference is usually necessary to settle any large raid or incessant raiding.

Nuer wars and troubles between villages and different tribes are usually the result of cattle raids or the infringement of Nuer marriage customs.

In case two neighbouring villages are at war, especially if they be Nuer and Anuak, each assembles all their people and adherents. A war-dance and song are staged for the benefit of the opposite side, so that they may be impressed with the large number and possible prowess of their opponents. 726

[p. 71]

782 a line in the bush. He also used to sacrifice before his followers
789 as they advanced to battle. His son Gwek appears to have met his
death while making such a sacrifice before a military patrol sent
•[726] against him. Mr. Coriat, one of the officers on this patrol, has
described how the Nuer attack was launched. 'Two long lines of
men rushed out to either flank in an attempt to surround the
troops while the main body of Nuer in the centre advanced more
slowly but singing lustily and driving ahead of them a solitary
white bull. The order to fire was given. The leading men and the
bull reached to within 120 yards of the square before they fell and
within a few minutes the whole mass of Nuer were fleeing in all
directions. A long pursuit over rough and broken ground followed.
Gwek, arrayed in a leather skirt with an iron skewer clutched tight
in his hand and a brass pipe, the pipe of Dengkur [Ngundeng],
lying beside him, was picked up dead beside the white bull.'[1]

782 Other prophets acted in the same manner in epidemics and war.
789 It has also been described to me how a whole section of the eastern
Jikany Nuer went out to meet smallpox which was advancing into
their territory. They went out to meet it with goats and sheep and
pots of beer, and they slaughtered the animals and left their car-
casses and the pots of beer in a line over which the smallpox should
not cross. It was described to me as being like a *kegh*, a boundary
line—more closely in meaning a line a leopard-skin priest makes
on the ground before advancing warriors halt them so that a fight
may be prevented.

When I was living in a small village on the Sobat river swarms of locusts descended on it and on its gardens, and the people went out to meet (*lor*) them in a body, leading a fawn-coloured goat (roughly the colour of the locusts) and beating their ox-hides, where the gardens adjoined the bush, and there sacrificed the goat. It fell with its head towards the bush. This was regarded as a favourable sign as it was in that direction that the people wanted the locusts to go. They soon departed. The carcass was left where it fell. I have earlier described how people go out to meet durra-birds which are eating their crops and how they make a similar sacrifice and leave the carcass in the bush. Nuer use the same word when speaking of the sacrifices made by kinsmen of twins at their birth. They say '*ba cuek luor*', 'the twins are met [with sacrifice]'.

[1] P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', *Sudan Notes and Records*, 1939, p. 237.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

648 After recounting the myth of the cow and calf, he added, 'And to this day the Dinka has always lived by robbery, and the Nuer by war.'[1]

721 Fighting, like cattle husbandry, is one of the chief activities and dominant interests of all Nuer men, and raiding Dinka for cattle is one of their principal pastimes. Indeed *jaang*, Dinka, is sometimes used to refer to any tribe whom the Nuer habitually raid and from whom they take captives. Boys look forward to the day when they will be able to accompany their elders on these raids against the Dinka, and as soon as youths have been initiated into manhood they begin to plan an attack to enrich themselves and to establish their reputation as warriors. Every Nuer tribe raided Dinka at least every two or three years, and some part of Dinkaland must have been raided annually. Nuer have a proper contempt for Dinka and are derisive of their fighting qualities, saying that they show as little skill as courage. *Kur jaang*, fighting with Dinka, is considered so trifling a test of valour that it is not thought necessary to bear shields on a raid or to pay any regard to adverse odds, and is contrasted with the dangers of *kur Nath*, fighting between Nuer themselves. These boasts are justified both in the unflinching bravery of the Nuer and by their military success.

727 The earliest travellers record that Nuer held both banks of the Nile, but it is probable that the entire Zeraf Island was at one time occupied by Dinka and it is certain that the whole of the country from the Zeraf to the Pibor and, to the north of the Sobat, from the confines of Shillukland to the Ethiopian scarp was, with the exception of riverain settlements of Anuak, still in their hands as late as the middle of last century, when it was seized by the Nuer in two lines of expansion, to the north of the Sobat and to the south of it. This is known from the statements of both Nuer and Dinka, the evidence of genealogies and age-sets, and the records of travellers, who frequently refer to the struggle between the two peoples, the dominant position of the Nuer among their neighbours, the awe they inspired in them, and their bravery and chivalry.[2] The conquest, which seems to have resulted in absorp-

[1] *Sudan Intelligence Report*, no. 152, 1907.

[2] Werne, op. cit., p. 163; Abd-el-Hamid, op. cit., pp. 82–3; Philippe Terranuova D'Antonio, 'Relation d'un voyage au Fleuve Blanc', *Nouvelles annales des voyages*, Paris, 1859. Lejean, op. cit., p. 232; Poncet, op. cit., pp. 18, 26, 39, 41–2, and 44; Petherick, op. cit., vol. ii, p. 6; Heuglin, *Reise in das Gebiet*

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

tion and miscegenation rather than extermination, was so rapid and successful that the whole of this vast area is to-day occupied by Nuer, except for a few pockets of Dinka on the Sobat, Filus, and Atar. Apart from these independent units there are many local communities in Eastern Nuerland of Nuer who acknowledge that they are of Dinka descent, and small lineages of Dinka origin are found in every village and camp. Some Dinka tribes took refuge with compatriots to the south, where the Gaawar and Lou continued to raid them. The Western Nuer likewise persistently raided all the Dinka tribes that border them, particularly those to the south and west, obtained a moral ascendency over them, and compelled them to withdraw farther and farther from their boundaries. To the west of the Nile, as to the east, Dinka captives were assimilated, and there are many small lineages of Dinka descent in every tribe and these are often preponderant in local communities. Of all the Dinka only the Ngok, to the south of the Sobat, were left in peace, probably on account of their poverty of stock and grazing, though their immunity has a mythological sanction. It seems also that the Atwot were not considered such legitimate prey as the Dinka on account of their Nuer origin, and it is probable that they were seldom molested as they are remotely situated.

The favourite season for raiding Dinka was at the end of the rains, though they were also invaded at their commencement. Leek tribesmen told me that when they raided Dinka to the south-west they used to sleep the first night near the villages of the Wot tribe and the second night in the bush. They took no food with them and ate only what fish they might hastily spear on the way, travelling with all speed throughout the day and part of the night. On the third day they attacked the Dinka villages or camps at dawn. The Dinka seldom put up any resistance, but loosened their cattle and tried to drive them away. No one seized cattle till the enemy had been dispersed. Then each took what prizes he could, often not troubling to tether his captures but slashing their rumps in sign of ownership. Afterwards the beasts were tied up

des Weissen Nil und seiner westlichen Zuflüsse in den Jahren 1862–1864, 1869, p. 104. Georg Schweinfurth, *The Heart of Africa* (English translation), 1873, vol. i, pp. 118–19; Gaetano Casati, *Ten Years in Equatoria and the Return with Emin Pasha* (English translation), 1891, vol. i, p. 39; Romolo Gessi Pasha, *Seven Years in the Soudan* (English translation), 1892, p. 37. The maps intended by travellers to show the positions of the peoples of this area are rather vague and are not in entire agreement. The reader may consult those in Marno, op. cit., Poncet, op. cit., Heuglin, op. cit., the map compiled by Lejean from information supplied by the Poncet brothers in *Bulletin de la Société de Géographie* (Paris), 1860; the maps prepared by V. A. Malte-Brun in *Nouvelles annales des voyages*, 1855 and 1863, and others of this period.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

721 in the enemy's kraal, the oxen being mainly slaughtered for food. If the Dinka gathered reinforcements and returned to fight they were met in full battle formation. Nuer fight in three divisions with two or three hundred yards between each, and if one division is engaged the others advance or retreat parallel to it according to the fortunes of war. A party of scouts are in advance of the central division and they charge up to the enemy, hurl their spears at them, and fall back on the main body.

The raiders spent several weeks in Dinkaland and sometimes remained there throughout the dry season, living on the milk and flesh of captured cattle, on pillaged grain, and on fish. Using a captured kraal as a base they extended their raid against distant camps. Nuer migrations seem to have been conducted on these lines, the raiders settling permanently in Dinka country and by systematic raiding compelling the inhabitants to withdraw farther and farther from the points of occupation. In the following season a new series of raids was initiated and the process was repeated till the Dinka were compelled to seek refuge with their kinsfolk of another tribe and leave their country to its invaders. If settlement was not contemplated, however, the raiders returned home when they considered that they had sufficient booty.

721 167

●727 Before camp was broken up there took place a custom highly indicative of Nuer sense of equality and justice. It was recognized that the whole force was jointly responsible for the success of the raid and there was therefore a redistribution of the booty. The [192] prophet whose revelations sanctioned the raid first made a round of the camp and selected from each household a cow for the divine spirit of whom he was the mouthpiece. By this time a household possessed some fifty head, so that it was no hardship to be asked to give one to the spirit. There then took place a general scramble and everybody rushed amid the herd to earmark beasts for himself. A man who could first seize an animal, tether it, and cut its ear had absolute claim to it. The man who originally captured a cow had the advantage that it was tethered near his windscreen, but if he and members of his household had an undue share of the booty they could not earmark all the beasts before they were seized by others. As might be supposed, men frequently sustained injury in these scrambles, for if two men seized the same cow they fought with clubs for possession of it. One must not use the spear on these occasions. Men of neighbouring camps took part in one another's redistributions and there must have been great confusion. Captives, women of marriageable age, boys, and girls, were not redistributed but belonged to their original captor. Older women and babies were clubbed and, when the raid was on a village, their

1: Evans-Pritchard E-5 (1931, 1936) 1940
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bodies were thrown on the flaming byres and huts. Captives were placed in the centre of the camp, the women being sometimes bound at night to render them more secure. Sexual intercourse is taboo on a raid. Nor may Nuer eat with a captive. A boy captive may not even draw water for them to drink. Only when

Tribal Distribution about 1860 (after V. A. Malte-Brun, *Nouvelles annales des voyages*, 1863).

an ox has been sacrificed in honour of the ghosts, after the return home, and they have been informed that strangers have entered their homesteads, may Nuer have sexual relations with captives or eat with them.

In the following section we describe other foreign contacts, but till European conquest the only foreign relations which may be said to have been expressed in constant warfare were those with the various Dinka tribes which border Nuerland.

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

582 The adoption of a Dinka boy into a Nuer minimal lineage pre-
727 vents him from marrying into that lineage and he would normally
563 not be allowed to marry into a collateral minimal lineage of the same minor lineage, though such marriages sometimes take place, as is evident in the genealogy of Yakwac cattle camp opposite page 19. Some of my informants were of the opinion that he ought not to marry into the clan at all. If he is permitted to do so, to avoid the appearance of a breach of exogamy, the spear-name *mut jangemo*, spear of this Dinka, is called out in the invocation of the ghosts on the day of his wedding in addition to the clan spear-name which became his by adoption. By this means the spear-names of the bride and bridegroom, which are the same, are distinguished. Also when, as it sometimes happens, a captured Dinka boy is not adopted into his captor's lineage, men of this lineage cannot marry his daughter because some of the cattle of her bridewealth are due to them, since the Dinka will have married with their cattle. The sons of the captor count as paternal uncles in the distribution of her bridewealth, and other members of the lineage may demand gifts from the bridegroom's people.

Captured Dinka girls are not adopted into Nuer lineages and their captors can marry them, though they rarely do so. If the captor of a girl intends to marry her or to let one of his sons marry her he passes a spear-shaft between her legs, and then hands her over to another man to bring up outside his village, 'because if she were to remain in his homestead she would become his daughter'. Generally a captured girl is brought up a member of her captor's household and is regarded as his daughter. He rubs ashes on the back of a sheep and tells his ancestral ghosts that the girl is 'our daughter and our sister'. Nuer say: 'Thus she is taken into the family (*gol*) and becomes a member of the family.' They also say: 'She will become our daughter and we will receive her bridewealth-cattle.' The cattle of her bridewealth give her kinship with the persons among whom it is distributed, as does also her right to receive in return the cows of the paternal aunt on the marriage of the daughters of the sons of her captor and foster-father. Marriage is therefore forbidden between her descendants and the descendants of these kinsmen in virtue of bridewealth for several generations. She herself can be married to a clansman of her foster-father so long as her husband does not belong to his minimal lineage, which is to say so long as those who pay her bridewealth cannot also

2:Evans-Pritchard E-5 (1931,1936) 1951
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claim part of it, for those who can claim part of a girl's bridewealth are kin to her. Nuer state these rules in terms of cattle.

A man may not take his wife's sister or any near kinswoman of his wife as a second wife. A man may be on familiar terms with his wife's sister, but sexual relations with her are incestuous and it is only permissible for him to marry her if his wife has died without having borne children. When I argued that there was no kinship between a man and his wife's sister, Nuer said that this was not true. 'What about the child?' they asked. They regard a man and his wife's sister as related through the child of the wife—for a woman is only fully married when she has a child and comes to live with her husband's people as their 'kinswoman', as they say, since her child is their child. Her sister is therefore also a kind of kinswoman, seeing that she is also the mother of their child. Your wife's sister being your child's maternal aunt is your sister (as we say, sister-in-law). Nuer also define this relationship in terms of cattle. When your daughter is married her mother's sister receives a cow of her bridewealth, and Nuer hold that she cannot both receive this cow and be your wife at the same time, especially as the cow is in some degree regarded as part of the bridewealth still owing from your marriage to your wife. Also, when your wife's sister's daughter marries, your wife will receive a cow and Nuer feel that there is something wrong about this cow coming to her if her sister is also her co-wife. In certain circumstances a woman may claim cattle on her sister's marriage, and in this case the man who pays the cattle would also be the receiver of them were a man to marry his wife's sister—a situation the Nuer regard as impossible. Hence Nuer say that a man may not marry his wife's sister either 'on account of her (the wife's) children' or 'on account of the cattle', which are different ways of saying that he cannot marry his child's maternal aunt. There is a further reason which would prevent a man from marrying his wife's sister while his wife is living, for, as will be explained later, a man may not have sexual relations with two closely related women at the same time. It follows that two brothers ought not to marry sisters or close cousins: 'That would be bad because if your brother died you could not take his wife.'

A man may not marry the daughter of an age-mate, a member of his age-set, 'because she is his daughter'. The blood age-mates have shed together into the ground at their initiation gives them a

11:Evans-Pritchard E-5 (1931, 1936) 1945
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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwendong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. 592

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII, when I asked why the brothers do not live together I was told *Juan nun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

11:Evans-Pritchard E-5 (1931, 1936) 1945
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section, whom he has recently wed. She still lives with her parents and has not yet brought the infant daughter she bore Nhial to his home. At one time Nhial cohabited with Nyadang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt. 592 595

Homestead No. XXIV. Nyadhiac ♀—Wal ♂, a widow of Galuak ♂—Thol ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Puot ♂, Nyagwar ♀, Laoth ♂, Nyakwoli ♀, and a female infant. This cohabitation would be regarded by Nuer as leviritic concubinage because Galuak ♂ and Cuc ♂, the father of Dhoal ♂, were both sons of Thol. 592 587

Nyadhiac's mother, Nyaleeni ♀, a very old Baggara Arab captive, lives with her. [127]

Homestead No. XXV. Kwol ♂—Kwoth ♂ (Kwoth ♂, Galuak ♂, and Cuc ♂ were brothers). Kwol is unmarried. His mother, Nyamani ♀—Kulangs ♂, a Bor woman, and his brothers, Buth ♂ and Duoth ♂, and his sister, Nyaliah ♀, live in the same homestead. He shares his cattle-byre with Nhial ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwot ♂ and Wecjok ♂ (Homestead No, XXVI). 592

Homestead No. XXVI. Nyaluak ♀—Yosh ♂, widow of Dit ♂—Bicuk ♂, to whom she bore Rwot ♂, Yangdoah ♀, Nyakur ♀, Nyampath ♀, and Wecjok ♂. After her husband's death she cohabited with Carou ♂—Gwec ♂ of Nyang village to whom she bore Nyibol ♀, Ging ♀, and Nyaduoth ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year. 592 588

The information collected about matrimonial conditions at Nyueny is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyaudol ♀—Kwenwar ♂ even though she has declared her intention of settling there; nor the wife of Nhial ♂—Rainen ♂ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhial's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyueny, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column. 583

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

12:Evans-Pritchard E-5 (1930-1931) 1933
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establish himself and his near kin as the social leaders of the locality in which they live. Also I believe that the common view expressed by Europeans that the Nuer leopard-chiefs were once powerful political chiefs whose power has lately been undermined by Arab influence and the development of lines of influential prophets and that their power must be re-established is based on a one-sided appreciation of the facts (*see* section No. VII).

We have seen that two elements in a Nuer village are the *diel wec* and the *rul wec*. The third element in a Nuer village is the Dinka *jaang wec* and this falls into two types, captured Dinka and Dinka who have come to live among the Nuer of their own free will. Boys and girls captured in war—for adults are usually put to the spear, only very small boys and unmarried maidens being carried off to Nuerland—are brought up as children of their captor's household and treated as his own sons and daughters. Two of my informants, Jok and Tutrial, gave me a very clear summary of the position of a captured Dinka. Their captor in no way distinguishes them and his own sons and daughters, and neither he nor any of his family would refer to them as *Jaang* (Dinka), which is a term of deep contempt and insult. They do precisely no more and no less work than any other member of the household and are in no manner degraded or humiliated. In answer to my questions whether a captured Dinka would not be expected to do more hoeing or tending of the cattle than children of the family, my informant's reply was decisively clear "You ask me whether he would not work harder than the sons, well, is he not a son?"

When I asked Tutrial whether you would not address your captive as "Jaang," he replied with some impatience at my denseness "Are you likely to do such a thing? Now listen, be quiet and I will tell you. When you marry a woman with cattle and sleep in the same hut with her does anyone come and ask you why you sleep so late in the day? Now when you go out to capture a Dinka your foot is pierced by thorns—you have got to be stalwart for that; you are ravished by hunger—you have got to be stalwart for that; you have spears thrown at you—you have got to be stalwart for that too; now I ask you when you have got your Dinka are you likely to call him a *Jaang*? Did you not win him because you were strong?"

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Were a man of another village or of a different kin to call him by the title of *Jaang* it would be a serious matter because the sons of the man who had captured him would resent the remark. To them he is *demar*, my brother, and they will quarrel with anyone who calls him *Jaang* and there may be bloodshed. They will ask "Who is a Jaang? Did your father seize him or did ours?" 563 597 727

Just as a captured Dinka suffers from few disabilities owing to his birth so he enjoys most of the privileges of a free-born Nuer. The man who has adopted him will give him cattle with which to marry a wife, and he will be thus enabled to marry according to the same rules of priority as if he were a real son. If he is older than a real son of the family he will marry before him. A and B are real sons of X, and C is an adopted Dinka whose age comes in between the ages of A and B. The order of marriage will be A, C, B. When A and B's daughters are married, C, the Dinka, will receive the cattle of a *gwanlen* (paternal uncle) just as if he were an ordinary brother to A and B. [641]

Dinka who have been taken in war and brought up by a Nuer family will eventually be formally adopted and given *buth* (*ca lath buthni*, he is given relationship). One youth, Wan, told me that the man who brought up a captured Dinka would give him *buth* (relationship), but two other informants, Tutrial and Jok, disputed this statement, saying "He will not do so because the Dinka is his son, so why should he?" The son of this man, or more likely his brother's son (*gat gwanlen*) will, however, invite his Dinka boy, when grown-up and initiated into manhood, to come and tether a bullock in his kraal and kill it. The bullock is first of all invoked by the owner of the kraal and he addresses the spirits of his clan and tells them that this man is now a member of his family. This ceremony is regarded as being very much the affair of the spirits who guard your clan and your own special lineage. It is your duty to let them know if you are adopting a new member into your kin because all members of your kin are under their care. Another informant said that the bullock is killed at the entrance to the sponsor's byre and that the Dinka's body is smeared with the undigested contents of its stomach while the spirits of the clan are asked to accept him into it. After this ceremony the Dinka becomes a member of your lineage, he becomes a relation of yours (*gwan buthni ka ji*) and the spirits of your lineage will go to him and be his spirits also. After the bullock has been invoked it

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563 is sacrificed and cut up and the son of the house and his Dinka " brother "
597 each take half the skin and the *juak*, and the Dinka takes the neck. On
727 all future occasions when animals are killed by his relative by adoption he will be able to claim his share of the meat on the grounds of relationship
[43] (*see* Section No. VI). It seems that, whilst before this ceremony of being given relationship he was treated in all respects as a member of the family, he did not count as a member of the lineage, at any rate for purposes of division of meat, which goes only to relatives of the owner. He will now regard himself as a " member of the clan " of his " father." *Caa Juak tem*, they have cut through the scrotum, he is now a member of their clan.

563 We may, at any rate for the moment, speak of these captured Dinka
597 who go through a ceremony of adoption into the lineage of their captor
727 as becoming affiliated to Nuer clans in the framework of which they trace
641 their descent and for which they receive the various ritual emblems which mark a clansman. It is almost impossible, without a prolonged stay in a Nuer cattle-camp, to discover who are and who are not of pure Nuer origin. I have for weeks considered a man to be of pure descent, that is to say by direct filiation of blood, when in reality he comes from the stock of a captured Dinka. Such a man who had a Dinka grandfather who was adopted into a Nuer lineage regards himself as being just as much a member of the lineage as the grandson of the man who gave his grandfather *buth* and is so regarded by other members of his lineage and by everybody else. Thus when a man gives you his genealogy as A, son of B, son of C, son of D, son of E, and another man gives you his genealogy as X, son of Y, son of Z, son of Q, son of E, you naturally imagine that D and Q were two sons of E and that they have founded separate lines of descent, one of which has produced A and the other of which has produced X. There is no means of knowing that in point of fact Q was a Dinka captured by E and given *buth* by his son D unless someone tells you the true state of affairs as a piece of information which he thinks will be of interest to you, a most unlikely happening in Nuerland. Moreover, you cannot very well go about asking people whether their grandfathers were captured Dinka and if you did they would be very unlikely to tell you. You can, of course, always ask other people but the only people who are likely to be fully acquainted with a man's ancestry are members of the same lineage and they in all probability will not tell you. The consequences of wholesale adoption of Dinka into

12:Evans-Pritchard E-5 (1930-1931) 1933
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Nuer lineages belongs more to a study of kinship than to the plan of the present paper. Its importance may be gauged by the fact that probably some 75 per cent. of the Lou tribe are of Dinka descent, belonging either to families sprung from a man who has been *lath buthni*, given relationship, in a Nuer lineage, or to the families which have retained their full status as independent Dinka lineages. 563 597 727 641

This is the second type of Dinka domiciled among the Nuer to whom I made reference earlier. In the old days, and still to-day, Dinka frequently came to live among Nuer of their own accord and were always well received and allowed to settle and become members of the village community. There are a number of reasons which may have influenced a Dinka in taking this step. Along the Nuer-Dinka border intermarriage was frequent and Dinka would come to live near their married sisters and perhaps settle there and bring up a family who are Nuer in everything but descent. In the same way if a Nuer captured a Dinka girl and brought her up and gave her in marriage he might expect a visit from her brother, who would perhaps settle in his sister's village, in which case his brother-in-law would certainly give him one or two cows to start a herd. Many Dinka families came into Lou country to escape hunger and the other attendant miseries to which they had been reduced by constant Nuer raiding which left them cattleless.[1] Moreover there must have been a very large element of the original Dinka owners of country to the east of the Nile absorbed into the social system of their Nuer conquerors. They cannot all have been dispersed, and the probability is that what [648] happened during the Nuer invasions was similar to what was happening along the Nuer-Dinka border right up to the present day when raiding and intermarriage occupied long lulls between waves of fresh invasion.

[1] I was told that it sometimes happened that a poor Dinka would come and live with a rich Nuer and would help to herd his cattle and cultivate his gardens so that the Nuer, being gratified, would give him a blind or lame daughter whom no one wanted to marry. This is apparently considered a proper marriage, since the Dinka presents his wife with a skirt (*yet*). My informants said that, of course, no one would give a nice girl to a Dinka in this way.

(To be continued.)

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that 782
though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies.

The verb *buth* means 'to share', and since collateral lineages of 613
a clan and also clans with common ancestry may claim portions 614
of the flesh of sacrificial victims at each other's collective sacrifices, 727
there is said to be *buth* between them. They are to one another 782
jibuthni, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices.

Buth relationship is stated also in terms of the division of 613
elephant tusks or of cattle exchanged for them. When hunters 614
kill an elephant the right tusk goes to the *koc*, the man who first 224
speared it, and the left tusk to the *gam*, the man who speared it [301]
next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for

16: Evans-Pritchard E-5 (1931, 1936) 1956
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ning in ordinary sacrifices at which he officiates; and Nuer often 782
refer to him in his sacrificial role as 'the cutter of the scrotum'. 613
Does this usage symbolize the principle of agnation? Possibly, for [727]
after the sacrifice by which a Dinka is adopted into his captor's lineage it is said '*ca juak tem*', 'the scrotum has been cut', to signify that the Dinka is now a member of the lineage. If we are right in thinking that it may have this meaning, then the cutting of the scrotum is a most appropriate symbolic act, for the *gwan buthni* represents, as a member of a collateral lineage, the unity of the clan as a corporation of segments, the principle of fission which is in the very nature of a lineage structure. The master of ceremonies receives some of the sacrificial meat at sacrifices at which he officiates and he generally has a right also to the hide or half of it. He has also a right, as I have explained, to a section of any elephant tusk that comes into possession of the family he serves, and the first turtles and the skins of the first leopards and serval cats killed by its sons are given to him. He receives a calf or sheep from the husband's people when one of its daughters is married.

The role of the *gwan buthni* in sacrifice is seen to be a social 782
role rather than one of a specifically religious kind. He does not function in virtue of any qualities in himself. He is a *dwek*, a layman, not a *kuaar*, a priest. He is called upon to make the first invocation when the sacrifice concerns the interest of a whole clan or lineage. His clan or lineage alone is involved or if, as in marriage, another clan is also involved he acts on behalf of his own group alone; and consequently he addresses Spirit in the refraction by which it is represented to the clan—maybe in a totemic refraction or just as '*kwoth gwara*', 'God of our fathers'. His role in the proceedings is, therefore, determined primarily by the nature of the social activities in connexion with which he is asked to make sacrifice and not by any specifically religious considerations.

II

When sacrifice is made in consequence of some sin or to end 782
certain states of interdiction, of sin-potential—in circumstances, 793
that is, which involve the notion of *nueer* or of notions akin to it—it is desirable, and sometimes necessary, for the rite to be performed by a *kuaar twac* or *kuaar muon*, a priest of the leopard-skin

8:Howell E, G-5 (1942-1944)1954
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682 562 593

at all if he kills his own wife—a rare occurrence—for he would have to pay it to himself.[1]

Legal Responsibility for Act of Homicide committed by a Woman

[672] A man is responsible for his wife's actions if she is legally married to him, even if only part of the bridewealth has gone to her family. If she kills someone, it is he and not her family who will pay compensation. A woman who is recognized as *keagh* (unmarried concubine) is in a different category, and a man is not responsible for her actions even while she is living as his concubine. Not he, but her family, will be called upon for compensation if she kills someone.[2]

5. PEACE CEREMONIES: COMPOSITION ON A TRIBAL SCALE

•728 The laws of homicide described in the previous sections concern feuds (*ter*) which take place between the segments of a tribe. Tribal boundaries were not in the past so clearly defined as to preclude payment of compensation between sections of one tribe and sections of another, but a whole tribe would rarely unite to demand compensation for one of their number killed by a member of another tribe. When two tribes had been at war for a long time and there had been many casualties on both sides, both might decide to make peace; according to tradition there was a specific ceremony by which peaceful relations could be restored, and this again was performed by a Leopard-Skin Chief. After preliminary negotiations, usually initiated by some prominent leader in one tribe, representatives of both parties met at a chosen spot. A bull, always a hornless bull (*cot*), was sacrificed, and the Leopard-Skin Chief invoked the spear names and ancestral spirits of both sides, calling upon them to maintain peace between their peoples and to avoid disruption by endless warfare. He cried out, 'He who reopens this quarrel will cause his people to die and scatter like the hairs of the head of this bull', and then shaved the hairs of its head, scattering them in the wind.

We are here approaching an obviously difficult distinction between the feud and warfare on a wider scale. It seems to me unlikely that the ceremony was often performed in the past, but the details of procedure have been described to me on many occasions. It is not a ceremony normally performed between segments of a tribe, though there was one occasion quoted in Gaawar when Liab Liou, the leader

[1] I have known instances. In each case no compensation was awarded, though the culprit was expected to pay a cow or two as an act of appeasement to his wife's family and as part of the process of ritual expiation. The courts were always reluctant to impose a sentence of imprisonment. The culprit had already 'punished himself'.

[2] The question of the legality of the marriage is relevant here. See under 'Legality of Marriage', Chapter III, p. 124.

8:Howell E, G-5 (1942-1944)1954
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(*ruic*) of the Bar primary segment, called upon the whole tribe, the Radh section included, to unite once more. This was after the separation of the two primary segments of the tribe and when there was a marked deterioration in tribal cohesion, but before the tribe was finally split by the raids of Arab slavers and the treacherous alliance of some of the Radh with the intruders. 728

6. CONCLUSIONS

Traditional Concepts and Action in the Past

We have seen that the laws relating to homicide among the Nuer are directed towards the maintenance of an equilibrium, and that in Nuer society this equilibrium is expressed in the balanced opposition of the segments of a tribe. Theoretically compensation should be the same whatever the circumstances of the killing and whatever the intention of the killer. These principles still largely apply, but in the past the main objective of restitution in the form of payment was achieved only with difficulty because, whatever the sanctions which exerted pressure on the aggrieved people to accept and whatever their actual feelings, convention demanded that they should accept only after a great display of hostility and reluctance. Moreover the degree of reluctance was genuinely affected by the actual circumstances of the incident. Some, but not all, Nuer tribes distinguished between intentional and unintentional homicide in assessing compensation. Compensation for intentional homicide was usually at least double that for accidental killing. The difference in the weapon used was also a qualification among some Nuer tribes, though it seems probable that they merely considered use of the fighting-spear an indication of intention. In contrast, reactions to homicide achieved by means which the Nuer consider unfair and therefore a greater wrong did not find expression in an increased rate of compensation. Unconfessed homicide was regarded by some Nuer tribes as a much more serious offence, and although this is a theoretical concept and without recorded examples, Nuer say that double the full rate of bloodwealth was necessary before settlement could be achieved. In this case, however, it was not so much an assessment of the quality of the homicidal act as a reaction to an offence committed by the killer afterwards, for he had, by concealing the deed, endangered the whole community including both factions. Nuer believe that the killer enters into a condition of ritual impurity which must be neutralized by the operations of the Leopard-Skin Chief if the community is not to share in that condition. An act of homicide therefore creates a state of grave danger. Actual danger springs from a state of feud, for there is always the likelihood of retaliation and further violence. Spiritual danger arises from the contamination of a man who has 682

1: Evans-Pritchard E-5 (1931, 1936) 1940
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262 538 221 and there is plenty of porridge and beer. Cow argues that anyhow porridge without milk is unpalatable and that her milk will be finished by the time Millet is ripe. It is difficult to confirm these variations in the yield of milk or to estimate their importance, but the tendency for it to rise slightly in the dry season is indicated in the chart opposite.

262 221 Millet is consumed as porridge and beer in large quantities in the months between the first harvest and departure for dry-season camps. If the harvest has been good people like to eat their daily porridge in camps, and when the camp grain-supply runs short women journey to the villages to replenish it. When camps break up and people return to their villages millet consumption increases, beer being again brewed, and in a good year there is sufficient to satisfy requirements till the new harvest is ripe. In a normal year Nuer can just tide over these months if they are economical and have been careful not to use much grain in camp. Only in the most favoured parts of the country are they assured of an adequate supply throughout the year. In most parts there is always a very narrow margin between sufficiency and want, and in a bad year starvation is not infrequent. If the crops fail people survive on milk, fish, and wild fruits, and in extremity may kill some of their beasts. Rinderpest is considered a worse calamity. When rinderpest and [331] failure of crops occur in the same year people expect the older age-sets to be wiped out. Much suffering may be caused by excessive drought or flood, which injure both crops and grazing.

There are good and bad fishing years. Generally, over the greater part of the country, consumption of fish is very low, or entirely absent, at the height of the rains. It rises rapidly to a peak at the commencement of the dry weather, and after descending from this point of great abundance remains fairly constant through the drought, rising again in the early rains. Meat of domesticated stock is mainly eaten after harvest when sacrifices and feasts take place. Cattle are seldom slaughtered in the dry season and, in my experience, Nuer do not kill many wild animals, so that consumption of meat is very low at this time of year, though the deficiency is to some extent made up by bleeding the cows and, in rinderpest years, by eating the carcasses of its victims. On the whole the curve of meat con-

8:Howell E, G-5 (1942-1944)1954
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throughout that period. This area is known as the *toic*,[1] and is of value for reasons other than pasture, for the pools and lagoons are full of fish which provide an important item of diet at that time of the year. These conditions determine the seasonal migrations of the Nuer in search of pasture for their cattle, cultivation, and other activities which are part of their economy.

Physical conditions varying from thick bush country, sandy ridges, open grasslands stretching mile after mile with scarcely a tree to break the horizon, to marshland and papyrus swamp, are found in all parts of Nuerland. In the Zeraf Valley, a few miles west of that river, there is a long and almost continuous ridge where the Lak, Thiang, and a few of the Gaawar have their permanent villages. The banks of the Zeraf are high and well defined in its lower reaches, and in some places villages are built close to the river's edge, but to the west the country tails away into swampier ground until it reaches the papyrus swamps of the Bahr el Jebel. A large proportion of Lak country and part of Thiang is covered with acacia bush, land which provides only poor grazing and an abundance of biting flies such as the striped *tabanids* which are the agent through which direct infection of trypanosomiasis is conveyed. For this reason Lak country is considered poor for cattle. The area on the east bank of the Zeraf is occupied by the majority of the Gaawar and is much less densely populated. High ground is more limited and dispersed, and the people have to contend with serious floods in their permanent settlements, but such conditions produce more plentiful grazing. In the east is the Duk Ridge, a series of sandy outcrops running parallel to the river about forty miles inland. This area was densely populated in Dinka times and in the early stages of the Nuer invasion, and it remains a refuge for the Gaawar in times of heavy flood. In the exceptional floods of 1917–18, which the Nuer refer to as *pilual*, the Duk ridge was packed with refugees fleeing from the rising waters.

The country occupied by the Lou Nuer has all the characteristics of Gaawar country, though the better drained land on which they build their villages is more concentrated, and there is no perennial river running through it. A few of the Lou move to the Sobat River during the dry season and many to the country bordering the Pibor River, but the rest remain along the *toics* left on the edges of the khor Fullus and its tributaries. Those who move eastwards have been something of a problem to the Administration in recent years, for there is a tendency to settle permanently in Anuak country and sometimes over the border in Abyssinia. The cause of this movement is presumably increasing population in man and cattle and the desire

[1] This word has no more precise meaning than 'marshland' in English, and is often used very loosely to describe any area which provides pasture during the dry months of the year.

8:Howell E, G-5 (1942-1944)1954
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Disputes are easily settled by the courts, though execution of judgement is often slow. 426 231

Loans Arising from the Institution of Nak

Slightly different situations arise from the institution known as '*nak*'.[1] It appears probable that *nak*—the common word meaning 'to kill', but in this context meaning 'a slaughter'—was part of the tribal ceremonies concerned with the division of age-sets. Age-mates of the younger age-set would segregate themselves from the rest of the community at the cattle-byre of one of their number and live entirely on the meat of oxen slaughtered for the occasion. 426 231 884

Two or three of the youths would club together to provide an ox and, if their immediate relatives were unable to supply one, they would appropriate one from someone else. In this they were given considerable licence and, should the owner object, they could seize it with impunity. Public opinion would not allow the owner to resist, and certainly he would be unable nowadays to obtain immediate redress in the courts. In return, the youths are bound by convention, with the full force of public opinion behind it, to make return after a specified number of years (usually announced by the *wut ghok*).

The exchange values of cattle provided in this manner are much higher than those recognized in normal exchanges or loans. They are:

1 large bull = 2 cow-calves and 1 bull-calf.
1 medium bull = 2 cow-calves.
1 bull-calf = 1 cow-calf.

The debts were not, of course, discharged with the rigidity which these rates imply, but they are quoted by Nuer as being traditional. Just as a man is expected to hand over his ox without show of reluctance in the first place, so would his debtors be expected to discharge their obligations without argument. Nuer are particularly emphatic on this point, but disputes are, none the less, frequently taken to court.

Nearly all these exchanges are necessary to meet some ritual situation, and are therefore of frequent occurrence. Sacrifice is extremely common, and Nuer consume more meat than is commonly supposed. Recent statistics indicate that a large proportion of the total cattle population is slaughtered.[2]

Exchange of Cattle for Grain

Finally, cattle are sometimes exchanged for grain in times of famine. This has not been so frequent in recent years, because grain, imported 439 231 731

[1] I have discussed this institution in more detail in an article, 'The Age-set System and the Institution of 'Nak' among the Nuer', *S.N.R.*, 1948.
[2] See Jonglei Investigation Team, *Progress Report, 1948–9*.

8:Howell E, G-5 (1942-1944)1954
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by Arab merchants, is usually available and bought with cash. Cases of this kind sometimes appear before the courts. The facts are not usually denied by the defendant, but execution is often resisted.

Gifts Given in Friendship (math)

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Another situation in which cattle are involved, and which is a frequent cause of litigation, is the institution of the 'Best Friend', known in Nuer as *math*. Two men will often form a bond of friendship by exchanging cattle either as a one-sided loan or as a direct exchange, each party taking the other's cow. This can scarcely be described as trade, but is often the cause of dispute since friends fall out.

Nger Ngwen v. *Can Nyoi* (*Jihany Nuer Case*).

Nger and Can were 'best friends' (*math*). Nger gave Can a black cow as a gift. Can gave Nger a cow when Nger got married. Nger then asked Can to give him a cow in milk in order to feed his children. Can obliged by giving him a cow which he had received on the marriage of his daughter. Nger, however, considered that the cow was a bad one and, after a violent quarrel with Can, demanded that their 'friendship' should be broken (*dak math*) publicly and that Can should give back his black cow. The matter was taken to court, but Nger's claim was thrown out as groundless since Can had already given him two cows in exchange.

Exchanges of this sort are a corollary to this form of institutionalized friendship. Disputes of the kind mentioned above are simple enough, though often heated. It is perhaps surprising that they should appear before the courts at all, because the issues must be clear to everyone and there is rarely any doubt.

5. THE INFRINGEMENT OF RIGHTS IN PROPERTY

Self-help

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If the seizure of cattle, the property of another man, is defined as 'theft', then theft of cattle is a common offence among the Nuer. Nuer, however, distinguish clearly between what is considered licensed seizure, either openly or by stealth, and theft for which the thief can produce no customary justification. The word *kual*, which is used loosely to describe both forms of misappropriation, is employed regularly, but in its more specific meaning it refers to this seizure of what is considered a man's right. Used in connexion with cattle the word implies that the culprit, however mistaken he may be, believes that through kinship ties or in settlement of a debt he has a legal claim to the cattle. Again, a man may seize for himself cattle which he regards as his just due in compensation for some injury done to him by their owner. Thus, for example, a man may seize six head of cattle

THE SACRIFICIAL ROLE OF CATTLE

231 The very special circumstances in which cattle are killed for
●731 food are times of severe famine and in what are called *nak*, or in
261 some parts of Nuerland *kanar* or *cuel*, camps. Within my own short experience, in 1931, a year of great hunger, the Lou Nuer killed many oxen for food, and during a famine in western Nuerland in 1935 a great number of beasts were slaughtered to keep the people alive. Dr. Howell says that in the Zeraf valley in 1943, likewise a year of famine, animals were being killed for food.[1] The Lou Nuer even have a reputation, of which they are ashamed, for killing oxen when hungry, for not waiting, that is, till faced with starvation. How often this situation used to occur is not, and cannot, be known. If it is not altogether a modern phenomenon, we may suppose that it was much less likely to have arisen before rinderpest depleted the herds and imposed peace prevented their rehabilitation through raiding, the milk supply thus being lessened.[2] *Nak* camps are presumably so called because they are
231 formed for the express purpose of killing (*nak*) oxen. They are
881 formed in some years only, in the rains or at the commencement of the dry season, by youths, each of whom takes an ox to the camp where one by one they are slaughtered and the young men gorge themselves on their flesh. Now that cattle have become scarcer two youths may share a single animal, though it is still thought that there ought to be an ox to a man. There is some doubt about the precise significance of this custom. When I published an account of the Nuer age-set system[3] I considered that it did not form an integral part of the rites of initiation but was only incidentally connected with them. I may have been wrong in this conclusion, and my own later researches revealed features which incline me to accept Dr. Howell's contention that they are connected with the age-set system.[4] Certainly there is more in the *nak* than merely killing oxen for feasting. That it has a ritual significance is clear from the fact that the youths who take part in it are segregated. Girls are not allowed to enter, or at any rate to sleep
[834] in, the camps. Abstinence is imposed at a time when the company of girls and their favours are a Nuer's chief interest. Nor may the

[1] P. P. Howell, 'The Age-set System and the Institution of "Nak" among the Nuer' (with a Note by E. E. Evans-Pritchard), *Sudan Notes and Records*, 1948, p. 180. I was told that on raids on the Dinka pillaged oxen were slaughtered for food.
[2] E. E. Evans-Pritchard, *The Nuer*, 1940, pp. 19–20.
[3] 'The Nuer: Age-sets', *Sudan Notes and Records*, 1936.
[4] P. P. Howell, ibid.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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231 seeing that an injustice has been done. The man had no right to
782 take the life of the ox and by doing so he committed a fault. In
784 sacrificial invocations Nuer explain to God why the life of the ox is being taken, and they may also address the ox and tell it why it is being killed—not that they think it understands. They are justifying themselves in taking its life.

Consequently I was not surprised to learn from Dr. Mary
231 Smith, whom I asked to inquire into the question, that when cattle
731 are killed in time of famine Nuer, though they do not consecrate
782 the beasts, may make an invocation over them asking God that 'the meat may be soft in their stomachs and not bring them sickness'. This does not constitute sacrifice, there being no sacrificial intention, but it shows that there is a feeling of guilt about killing animals for food even when hunger compels it, and we can say that all cattle, and also sheep and goats, are reserved, or set apart, for sacrifice and their lives should not be taken, except in the special circumstances I have mentioned, for any other purpose. In that sense we may speak of cattle as being 'sacred'. If we do so, however, we must note that they are not sacrificed because they are regarded as sacred intrinsically, or for reasons extraneous to the sacrificial situation, but, on the contrary, they are regarded as sacred only because they are reserved for sacrifice and in the sense defined by that purpose. I have discussed beasts of the herd only and not those of the flock because, as we have noted earlier, in sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently their role to play the victim's part in sacrifice and they are consequently also reserved for sacrifice, but the sacrificial equivalence is always between *ran* and *yang*, man and 'cow', never between man and sheep or goat, for even when it is a sheep or goat which is being killed the ideal equivalence is preserved in speech.

231 In order that the sacrificial killing of beasts of the flocks and
[262] herds may be seen in a wider setting both of the taking of lives
224 of creatures and of the eating of flesh, it should be realized that, except for fish, Nuer seldom kill wild creatures but rely almost entirely on the flesh of their domesticated animals for meat. For religious reasons they are averse to killing birds, except occasionally the ostrich, to which the same symbolism does not attach, for its feathers; and also reptiles, except the turtle and the crocodile (perhaps occasionally the monitor lizard). But even where there is no objection to killing animals, as in the case of mammals, Nuer

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Gaiuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 736 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 607 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 588 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikal clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 588 [775] *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nyamani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghak ♀, and Gai ♂. Dak ♂ by another wife begat Nyajuani ♀ who also lives in this homestead. Nyajuani ♀ was married by Pathol ♂—Nyualhor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he [884] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

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857 for her future. She must do as they say or pay for her
573 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the
[743] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

14: Huffman M-5 (no date) 1931
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757 to collect taxes, and thus come across many cases of yaws.
759 Probably few patients receive more than one injection,
651 for the Government officials do not stay long in one place, but that at least does its bit towards the healing process and also towards the prevention of the spread of this disease. And no doubt this medical work brought right to the Nuer's door, helps to alleviate the pain caused by the loss of their cattle as they are taken for the payment of taxes.

743 During the rainy season when the Sobat river is
757 navigable, and in all seasons on the Nile, the hospital boat—the *Lady Baker*—with at least one English physician and his helpers on board, provides treatment for all cases that can be reached in the towns along the rivers. Intravenous injections are given, and dressings are done. The dreadful ulcers receive one day's treatment at least. All who come to the hospital boat are treated for their various complaints. Those who wish may accompany the doctor to the hospital at Malakal, where they will receive free medical, surgical, and hospital care; they are given free transportation there and back to their villages again.

At Nasser there is a mission clinic. Here patients are encouraged to stay until they have received four of the intravenous injections and also a large daily dose of potassium iodide. Their sores are also dressed three times a week. Many, of course, leave before this course of treatment is completed, but others stay until a complete cure is effected. Skin grafts have been done at different times, three cases have been really successful.

Other remedies, such as bismuth, have been tried at this clinic, but beyond a palliative effect have been useless; the result has been time wasted for the Nuer and no definite cure. The intravenous injections were finally found satisfactory.

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797 and educational lines. Itinerating work is also done by the members of the mission.

They have a church, clinic, and school, as well as three dwelling houses and a storeroom. A number of fruit trees have been planted and they have plenty of fruit for personal use.

The personnel of this station consists of from four to six adults.

797 871 Practically all the school pupils are working on the compound. They go to school for an hour or two at least and then work the remainder of the working day. Their wages are based upon their working hours, but all children, especially those who show any aptitude in learning, are required to attend school. Should they refuse, which they seldom do, they are dropped from the workers' list and some other eager applicant is taken on who is not averse to going to school.

At the Nasser Mission the work-bell rings at 6 a.m. All workers then attend the service with morning prayers and roll-call from 6 a.m. to 6.30. a.m. At 6.30 the workers go to their work and school opens. Lessons continue in the school until nine o'clock when chapel is held.

At 9.30 all workers are given one-half hour for breakfast. At ten o'clock the work-bell again rings and work on the compound and in the school is resumed until 1 p.m. when the working day is finished.

797 ●743 At 6.30 a.m. the clinic is opened by the Nuer helpers, the doctor (if there is one) or nurses not coming until 9 o'clock, except for supervisory or emergency work.

Arabic-speaking people are cared for at the clinic from 9–10 a.m. as are all the workers who come. From 10 to 10.30 a.m. the clinic service is held, which consists of songs, prayers, and a Bible story. All Nuer and Anuak

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patients, except those working on the compound, are supposed to be present if they wish for medicine that day; emergency cases are always treated at any time. After this service treatment is given to all who come. 797 743

On Sundays services are held in the church consisting of church service and Sunday school; in the afternoon a song service may be held. Or the song service may be omitted and a night church service held in one of the homes. The church can seldom be used at night on account of the ever-present mosquito. Sometimes the Bible lesson in church is given by a Nuer. Some of them show real talent for public speaking. There are from 150 to 160 Christians, but they are scattered throughout the various sections of Nuerland.

The church is not yet organized in the sense in which we understand organization. There is a committee of native Christians who have been appointed to supervise the receipt and expenditure of monies, but always with the aid of a missionary. A session is also appointed who help to examine candidates for baptism. Sometimes the examination they give is indeed rigid. The candidate's major sins of the past may be mentioned in detail. He is not merely asked to forsake sin, but those sins to which he is more subject are mentioned in particular. Sometimes a member of the session may be suspended, owing to some sin in which he has actively taken part.

Sometimes it seems as if the results of our work were small. Then some incident fills us with encouragement and we are amazed to find the extent to which the Nuer Christians are willing to trust Him whom they have so recently accepted as their God.

School work is carried on five days a week. The fact that all books must either be written in this language or translated into it is a serious handicap, for this transla- 797 871

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641 cattle as they call it), they certainly ought not to object
651 when the Nuer raid the Dinka and take their cattle.

641 The Nuers learn to trust the District Commissioner and to respect his decisions, even though they be averse to their cause. They quite often prefer having him to settle a case rather than their Nuer chief. And yet one of the most respected and best loved of District Commissioners was killed by a Nuer recently.

164 In the spring of 1929 an epidemic of what was at first
744 thought to be smallpox was reported in several villages. There were no fatalities, which is very unusual in Nuerland, for smallpox is very virulent and takes a heavy toll of life. The Nuer is accordingly much afraid of this disease. A clinic asked the doctor at Malakal to send vaccine, which he did, and many were vaccinated. The fact that the Government had sent vaccine for them and wanted to help them made a great impression upon the Nuer. Thus they realized that the Government did have something they needed and wanted to give it to them.

000 In time they may learn that they not only need what others can give them, but that they need to make their contribution to the world and to life outside of their own tribe.

411 There are not many guns among the Nuer. They depend upon the spear as their weapon, and it is usually not far from its owner's side. From boyhood on they are adepts at using the spear.

177 In the winter of 1928–9 the District Commissioner who was stationed at Nasser as his head-quarters had three aeroplanes come to Nasser. They stayed three days, their pilots being his guests. He wanted his Nuer to see aeroplanes at close range. He invited the people to take rides in them—the object being to show them that, while the aeroplane could be used for war purposes, it might also be used in times of peace. His interpreter was persuaded

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From forty to fifty brass wire armlets of graduated sizes may be worn on the forearm (Fig. 3). They cover the arm from wrist to elbow. This ornament is usually worn on the left arm. The brass wire is heavy, and when first put on causes the hand to swell and often a sore forms on the arm under the bracelets. The man must hold the arm high in order to relieve it of the pain and weight caused by this ornament. But he wears a ring of brass on the right thumb and frequently rubs the ring up and down the bracelets, enjoying the sound made thereby and causing others to notice his ornament. 301

In case a sore forms under the bracelets, a certain leaf is put in over it. The man is proud of his ornament, and will endure a good deal of suffering in order to wear it. But that arm is incapacitated for work in many cases until the bracelets are removed.

Boys who have not as yet had the tribal marks cut do not wear the brass bracelets.

A man whose wife expects to be a mother may wear a wristlet of either white and black or red and black or possibly red and white beads alternating one by one. This supposedly keeps him from sores and scratches caused by grass. 301 751

A few large wooden beads strung on wire and worn either as anklet or wristlet will keep any one from scratches from grass according to the firm belief of the Nuer.

An armlet which is worn just above the elbow may be made out of the hipbone of a cow. It is cut in a circular shape and a hole is made in the centre while the outer edge is notched. 301

Small beads made out of ostrich eggshell, cut round with a hole in the centre of each, are strung together, and may be worn as a wristlet, or a strand of them may be wound about the waist or neck.

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301 she has not already had her ears pierced, her husband
304 or his people may pierce all the places in both ears at once and put in the white beads that are the insignia of her married state. Whether her ears are sore or not, she must wear these white beads that proclaim her married status to all who see her.

301 Bands of beads may be worn on the upper arm or just below the knee. Sometimes strings of beads several inches in length are attached as pendants.

Feathers are frequently worn in the hair and sometimes in the lowest holes that are pierced in the ears. Sometimes a quill is worn in the upper lip.

•[751] A newborn baby is not very old before it is attired in bead anklets, wristlets, or a necklace with charms to keep the evil eye away from the child. A strand of beads around the waist, sometimes with a tiny bell as pendant, may be worn. As the child grows older, if a girl, anklets of wire are put on. Also any little child may be seen with wristlets of wire. Shells or beads may be tied to the hair.

302 If an only child, the hair may all be cut except five little tufts, one being at top of head, one at each side, and one at the centre back and front.

301 Wooden beads are also worn by babies. No clothing
291 is worn unless some dress has been received as a gift and donned for special occasions—especially if the donor be present. The mother covers the tiny baby with her cloth if she possesses one.

301 As the child grows older, he wears more beads, either the wooden beads or those purchased of the merchant. But he wears no giraffe hair until—if a boy—he has the six tribal marks cut. A girl when nearing the age of puberty, or even younger, may begin to wear giraffe hair.

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753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 843 An anklet or wristlet made of large wooden beads of a certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

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As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife upon the bone. 881 304

The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position. The man who cuts these tribal marks is supposed to stay for a while if he can, in case there should be haemorrhage.

If there should be haemorrhage, pressure and the application of cow-manure ash is tried to relieve it. Also fear is expressed that some one with the evil eye must have seen the boy or else there would have been no haemorrhage. [752] [754]

Soon after the tribal marks are cut a sheep is sacrificed in order to insure safe healing of the cuts. A little later a mock fight is staged between the men and the women of the village in which the women are allowed to use clubs, but the men must defend themselves bare-handed.

The boy is carefully guarded against the evil eye. He wears a piece of sheepskin over his head, this piece of sheepskin usually being one part, the back section, of a married woman's garb which has been given for this purpose. No one is supposed to view the cuts until they are healed, but the boy usually gives some trusted friend an opportunity to see them.

After some days the cuts are washed, but not immediately, for the clotted blood is left undisturbed for some time.

The boy usually carries a large cluster of feathers as a fan in order to keep the flies away from his head.

He is the centre of attraction at his village now. All visitors to the village are met at a little distance and their

14: Huffman M-5 (no date) 1931
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164 757 Pneumonia is hard to cope with in this land, and is much dreaded. As soon as the Nuer thinks that he has pneumonia he refuses to take medicine, asserting that if a victim of pneumonia takes medicine, the remedy will drive the disease all over the body instead of just letting it stay in the lungs. So the patient sits in the sunshine and the usual precautions are taken to guard him from those who might cast the evil eye upon him. Hot milk is given him to drink, if milk is obtainable. But he spends his nights shut up in a windowless house, the door being shut also, and possibly a small fire within for warmth. Many die, but some cases, even those who have had haemorrhages, have lived.

752 Sometimes when empyema follows pneumonia another Nuer will operate on the patient, opening up the pleural cavity in order to let the pus out. He may even cut the rib. The Nuer give you the name of the tree from which a twig may be cut in order to splice the rib. But I know of no one who has survived this operation. The patient is forcibly held down while this operation is in progress as they have no anaesthetics.

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Gonorrhea, like syphilis, is not very common. It, too, may not infrequently be traced to a source which has no connection with the Nuer.

Children and the aged often suffer from malnutrition 146
owing to their limited diet.

A Nuer child has the six central lower teeth removed 753
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think that some illness the child has had is due to the teeth, 304
and so have them extracted. Even though there be no illness the teeth are removed while the child is little. There is no such thing in Nuerland as painless extraction of teeth, judging from the cries we have heard and sore mouths we have seen.

Broken bones are also not infrequent, tiny splints for 752
them are made out of cane stalk or some small twigs of a pliable wood. These are placed side by side and laced together, the splint thus formed being tied around the limb at the site of the broken bone.

Spear wounds are occasionally to be seen, but if they are the result of a fight, they are seldom brought to the clinic for medical treatment. The wound is cared for by the relatives of the injured person in the village so that the evil eye may not see the wound and retard its healing.

The art of the medicine man is often sought in order to 755
cure any disease that baffles ordinary treatment. He (or she, as the case may be, for women are also adepts at this art) may remove (?) various things from the throat and stomach, and thereby relieve (?) the cause of distress.

582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 The word *rual* means both incest and the misfortune which it
684 causes. Syphilis and certain forms of yaws are believed to be espe-
753 cially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 Clan exogamy is stated by Nuer in terms of clan symbols. Each
614 clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

2:Evans-Pritchard E-5 (1931,1936) 1951
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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [164] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [153] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a 604 maternal uncle is desired, his curse is believed to be among the 789 worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

NUER RULES OF EXOGAMY AND INCEST[1]

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RULES OF EXOGAMY

582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

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A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv (1935), 7).

[p. 85]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

query and is an abstract idea which they cannot explain in terms of specific examples; but this does not cause confusion to them because, although all aspects of their religion are an indirect extension of the idea of *kuoth*, there is a special terminology which refers to every kind of manifestation and category. 771 776

For example, there are, as will be seen later, *kolangni*, special spiritual forms which come into the possession of and possess individuals or kinship groups, and of these there are many different types of manifestation. They are often the cause of physical illness or misfortune. A particular individual may be subject to epileptic fits or periods of mental instability, and speaking in general terms the Nuer will say *teke kuoth*, 'he *has* or is possessed by *kuoth*'; but they will usually go further and qualify this statement by saying that he is possessed by some particular manifestation of *kuoth* which has a definite name. In some cases the individual will have called upon himself evil effects (though the same spirit may equally bring beneficial effects) in angering the spirit by some action, or more probably by failure to carry out some ritual obligation. There are special functionaries whose duty, in return for fees paid, usually in cattle, is first to diagnose the cause of the trouble and then to suggest a remedy, often assisting in the ritual which follows. [753] [791]

Kuoth is sometimes spoken of in the rôle of creator, but creation is more often explained in mythology by reference to ancestors. Such ancestors are not consciously thought of as manifestations of *kuoth*, although their origin would be explained as *kuoth*.[1] Ancestors are intermediaries between man and God; prayer is offered through them to *kuoth*. There is therefore a close relation between the concept of *kuoth* and religious practices associated with a patrilineal descent group. The word *thak* is used to express the idea of respect to ancestral spirits, and also, by extension, respect for kinship relations. Misfortunes and illness, sometimes referred to as *nuer*, are often believed to be caused by ancestral spirits who are angered on account of a breach of observance—such as neglect of prayers, which should be addressed to them—or by actual relations between living descendants. An offensive action against a kinsman demands not only some compensation in the form of apology or even material indemnification but also prayer and expiation. There is therefore a religious sanction for kinship obligations and observances.[2] 776 769

[1] E.g. when asking Nuer to relate their genealogies, one often finds that they get stuck at a particular ancestor—and there is, of course, always an ancestor beyond whom they cannot go. Pressed for an answer they will simply say that this man came from *kuoth*.

[2] *Thak*. A full explanation of the word *thak* is given in an article by Professor Evans-Pritchard in *Man*, Vol. XLIX, 98, 1949. He says: 'We can therefore perhaps best think of *thak* as a term indicating a category of ritual prohibition or taboo, as of *nuer* as a term commonly used both for the infringement and the sanction of this class of taboo.' My own view is that *thak* implies not only negative action in the form of prohibition or avoidance but also positive action in carrying out some observance or duty.

14: Huffman M-5 (no date) 1931
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occupies a place in the enclosure. Cane-stalks are generally 354
used for fuel, although the women may go to the forest and bring wood.

The skin of a reed-buck is not usually seen in the Nuer 753
home. A Nuer woman whose first child is a girl will not sit on the skin of the reed-buck as she believes sores will break out on her body if she does so. So the skin of the reed-buck is not as popular as it might be if there were no superstition attached to it. I gave a woman guest the skin of a reed-buck to sit on one day—thinking that I was honouring her, for it certainly was pretty—and was amazed at the way she suddenly sprang to her feet and got off the skin, explaining her actions by saying that her first child was a girl.

A visitor—if a stranger in Nuerland—is appalled by 181
the paucity of the possessions in a Nuer family. What they have seems, even at its best, such a meagre portion of the things we think necessary for this life. Yet the wants of the Nuer are few. He wants food, a place to sleep in, cattle, at least one wife and as many more as he can possibly afford, and children. He wants also a good spear and club. These desires of his heart he wants to have supplied with the least possible effort on his own part.

THE WOMAN'S DAY

The day begins early for the mother. Soon after day- 512
break she must take her large earthen jar and go to the 782
river for water. She has a head-pad made of cane-leaves, with a hole in the middle of it—indeed, it resembles a huge doughnut. She puts this head-pad on her head and then puts the large earthen jar on top of it. She carries herself erect, occasionally putting one hand up to steady the jar. But usually she lets one hand hang down while in the other she carries her long-stemmed pipe, smoking as [276]
she goes.

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in a way this is true. The Nuer find it hard to believe 787
that God is a God of love. Even when they learn to love Him they still find it hard to trust Him when things go wrong. But the missionaries do not get too discouraged, for, after all, is not that habit world-wide?

A large portion of the Nuer tribe has never heard the 177
Christian message. Of those who have heard it, few have yet made full response. Yet the influence of those who honour the name of Christ will make its mark upon the Nuer and lead to the forsaking of unworthy customs inherited from the past.

Although the Arab traders throughout Nuerland are Moslem, their religion has not appealed to the Nuer; the Moslem faith has so far gained no ground in Nuerland.

SUPERSTITIONS

The Nuer mind is full of superstitions, some of them 000
being age-old. They believe them implicitly; 'Would our parents lie to us?' they ask when any doubt is expressed. Many of the superstitions have to do with cattle (see Chapter II) and marriage (see Chapter V.)

A woman must never drink milk during her menstrual 541
period. Nor at this time may she eat food which has been cooked in a kettle in which milk has been boiled. Why? Because to do so would harm the cattle.

If a woman is impregnated while still nursing a child, 943
they cut a small piece off the ear of a dog and this is worn around the child's neck in order to keep it from harm. Any one walking in the footsteps of the father of this child may be the victim of dreadful things—his head may split right down the back.

If a child should have an attack of vomiting just after 753
some strangers have been to the village, the strangers are at once suspected of having in part caused the attack.

14: Huffman M-5 (no date) 1931
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●753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 843 An anklet or wristlet made of large wooden beads of a certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

respected; it is the spiritual being, the *kwoth*, which the totem stands for, which is revered. The totems are symbols or manifestations of a spirit which can be in communion with men and beasts.(1) 776

Totem spirits are called *kuth piny* (earth spirits) a category which includes fetishes; this is in contrast to the much more important *kuth nhial*, sky spirits. Yet, although the two categories are thus distinguished, the Nuer maintain that they worship totemic spirits and that these spirits are with god in the sky. The totem seems to be the symbol of the spirit and the spirit to be an aspect of the spirit of the sky which is connected with the various lineages and is symbolised differently in each.

Kwoth

In addition to totemic spirits, *kwoth* also refers to 'god in the sky' and can mean any one of the sons of the sky god - the *kwoth deenge*. Each sky spirit is associated with a certain aspect of nature; for example, Deng refers to the rain spirit. Another group of spirits are the *col wic* - the spirits of persons who have been killed by lightning and taken up to heaven. Persons supposed to have been taken into heaven by a whirlwind and those found dead in the bush without any apparent cause are also *col wic*. A *col wic* is considered to be a sacred spirit of his lineage - a *kwoth gool* - and most lineages have at least one of these spirits to whom cows are dedicated. Sometimes a *col wic* spirit enters into a member of his family or lineage and, when this happens, the man whom he possesses falls sick; on recovery, he makes a shrine in his homestead and becomes a prophet of Col *(gak cool)*, and the spirit of lightning contacts the people through him.(2) [791]

SACRIFICES

Sacrifices play an important part in all ritual practices, and are usually all of a similar nature. An animal is selected and is dedicated to a spirit by rubbing ashes along its back. An invocation is then made and the animal is killed by spearing it through the heart. It is cut in two halves when there is a cutting of social ties, and also at mortuary ceremonies when there is one half for the living and another for the dead. Sickness is the most frequent occasion for sacrifices. 782

THE CONCEPTS OF THEK AND NUER

Thek means 'to respect', and is used in various social contexts; for example, it denotes the behaviour expected of a man towards his parents-in-law; in blood feuds the kin of the slayer and of the slain may not eat from the utensils which the other party has used, and these are respected. In mortuary ceremonies a man's age-mates thek the meat which has been sacrificed in his honour. A man also pays respect to his totem. Failure to show respect where there is a thek relationship is thought to bring about misfortune.(3) Any serious sickness following the breach of a thek taboo is called *nuer*. 576 [755]

(1) Evans-Pritchard, *Annali Lateranensi*, 1949, Vol.XIII, p.247.
(2) Evans-Pritchard, *Man*, 1949, No.2, p.9.
(3) *Ibid.*, 1949, No.96, p.75.

Cien

753 775 *Cien* is the vengeance wrought by a ghost which produces sickness and misfortune; like the other Nilotic tribal groups, the Nuer hold the concept of *cien*, and believe that ghostly vengeance will fall on those who have wronged a man and allowed him to die with a grudge. Fear of *cien* tends to make a Nuer more careful to treat others with justice.

[782] To stop the effects of *cien* it is necessary to make a sacrifice to god in the sky and, when possible, to make reparation.

NUER CURSES AND GHOSTLY VENGEANCE

789 Curses are uttered by someone who has been wronged. The efficacy of a curse is largely conditioned by the relationship of the curser to the cursed. The Nuer regard the curse of a mother or father as serious; it may result in death. The curse of a mother's brother is feared because, being of a different lineage, he may curse cattle, which is the worst of all curses in the eyes of the Nuer. The curse of an eldest child is feared by the mother and maternal uncle.

There are other curses imposed by those of the *ric* (age-set), the leopard-skin chief, the man of the cattle and *gok*, the prophet.[1] The Nuer also believe in conditional curses which may be laid on a man and become operative if he, or any of his descendants, should do a certain thing.

RITUAL PERSONS

791 There are several ritual figures among the Nuer who are important in the village community.

1. *The Leopard-Skin Chiefs.* They have a special relationship with the earth and can affect the welfare of the crops. They also have a limited role in rain-making and in the general regulation of the weather. They conduct the rituals concerned with homicide, with cleansing the parties to incestuous relations, with preventing feuds, and protecting warriors on raiding expeditions.

2. *The Wut Gok.* Members of certain lineages have hereditary ritual powers in relation to cattle; they are asked to cure cows of various diseases and to ensure the fertility of barren animals. Their role is, however, a more restricted one than that of the leopard-skin chief, who has functions relating to social as well as to natural processes. Usually the *wut gok* is a member of a stranger lineage, as is the leopard-skin chief, and this is presumably an advantage when they have to mediate between powerful and antagonistic lineages.

3. *Totemic Experts.* There are a number of totemic experts whose ritual connections with lions, crocodiles, and other dangerous creatures, enable them to influence the beasts' behaviour to the advantage of the community. A totemic specialist is the possessor of the spirit of his totem; he has no political significance.

(1) Evans-Pritchard, *Africa*, 1940, XIII, p.[illegible].

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olin kuoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 763

When a fetish owner dies, his medicines are preserved until his spirit enters into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *ruath* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *ruath* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *ruath* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 804

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.R.*, 1940, p.74.

one was most embarrassed and I was later taken aside by a Nuer friend and told that I must never make such comments. On another occasion I got into trouble for asking a man in jest, and, I admit, in bad taste, whether it was food or beer inside him, for his belly was as tight as a drum. I was told that my question might well make the man sick, and one of those present said that once a man had remarked to him, 'Well, you are full', and shortly afterwards he was violently sick. The worst offence is to praise a baby. In referring to it one should use some such expression as '*giakeme*', 'this bad thing'. When blessing children by spitting on them, which is the Nuer manner of showing favour to a child, kinsmen, and more especially kinswomen, utter some opprobrious remarks, sometimes a string of obscenities, over them.

The idea here is not that of the evil eye (*peth*), though the two ideas may in some ways resemble one another and also overlap.[1] In Nuer opinion the evil eye is an act of covetousness or envy, whereas here, I think, the emphasis is on the danger of rejoicing in unusual good fortune lest it should be taken away. There is a feeling that God evens things out, so that if he helps the needy he may take away from those with superfluity. As I understood their view it expresses a certain uneasiness at attention being drawn to possessions lest pride should bring about retribution. That this is their view is further suggested by a number of their stories which relate how God punished presumptuousness. I mention only one in this place, a short myth which reminds us of the story of Elijah and the priests of Baal and which is obviously either taken from some foreign people or is a fairly recent creation of Nuer imaginative thought, because it is about the *Turuk*, Turks, and their rifles. The word *Turuk* means in Nuer, as it does in the languages of many of the black peoples of the Southern Sudan, all lighter-skinned northerners with whom they have had dealings during the last hundred years, that is, Turks, Egyptians, Arabs, and Nubians of the Northern Sudan, and ourselves and other Europeans. The 'Turks' compared their rifles to God's thunder, and there was a trial of strength between them and God. God made a huge mud image of an elephant and told the 'Turks' to shoot at it, which they did to no effect. God then brought clouds and darkness and thunder and lightning and smashed the image

[1] *Yep* is presumably the same word as the Shilluk *yeep* which Wilhelm Hofmayr (*Die Schilluk*, 1925, p. 221) translates by 'böser Blick'.

when speaking of them and I have used small instead of capital first letters in writing their names. This enables me also to maintain more clearly the distinction between God and other spirits, though strictly speaking, and following the gender of *pneuma*, the neuter is not inappropriate for any conception of Spirit. 776 ×

II

With the exception of *buk* and *col*, who are of some general interest to all Nuer, the spirits of the air are not conceptions of the same importance for everybody, and in this respect, as in others, they are unlike the conception of God. They have a more general significance than the totemic spirits, which are important only to certain lineages, whereas the spirits of the air are not tied to particular social groups. Nevertheless, a certain spirit of the air is significant for certain persons and families and not for others, because unless it has at some time or other possessed a man or one of his family or forebears he does not feel that he is personally concerned with it. 776 × 613

Possession is generally known by sickness, though in the case of prophets it may also be known by abnormal behaviour. Sickness, usually, I think, of a severe and sudden kind, may be diagnosed as being due to a particular spirit and the sufferer may in future, after he has recovered, regard it as one of his personal *kuth*; and then his descendants may continue to revere it. These two ways of acquiring a spirit, by being possessed and made sick and by inheritance, are interconnected, because an inherited spirit often shows that it regards itself as still attached to the family of a man after he has died by causing one of his children to fall sick, and it is likely to be neglected and forgotten if it does not occasionally remind the family of their obligations by troubling them. So when Nuer fall sick they may, if they cannot establish the cause, with the aid of a prophet or diviner examine their heredity to discover whether one or other grandparent, very likely a Dinka, may not have had a spirit whom they have forgotten or not thought important and who is bringing their negligence to their notice by the sickness. 776 × 753

Spirits may thus pass in and out of families, be forgotten and then remembered again, and perhaps in many instances forgotten altogether in course of time; or in other instances they may become 776 × 177 613

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 spirits of small lineages and their families, especially of lineages
177 of Dinka descent. The fact that they are not found as spirits of
613 larger lineages is perhaps further evidence of the late introduction of these spirits into Nuerland.[1] I speak here of ordinary Nuer, many, perhaps most, of whom do not in any case, particularly to the east of the Nile, have any special relationship to one or other of the spirits of the air, though they may have relationships to spirits of other kinds. In the case of prophets, their spirits are most unlikely to be forgotten and pass out of their lines of descent altogether.

×776 Seizure of a man by a spirit may be temporary or permanent.
791 When it is permanent the possessed person becomes a prophet. It will be simpler if I describe temporary possession first. Spirits
●753 cause sickness to their devotees and sometimes to others, and illness is often, especially in western Nuerland, attributed to them. If it is thought to be due to a spirit but there is uncertainty which particular spirit is responsible, the relatives consult a prophet or diviner to determine the responsibility, so that sacrifice may be made to the right spirit. They give it *duor*, a thing, as Nuer say—that is, they sacrifice to it to appease it. The sick man's recovery means that the spirit has released him. If he has not already done so, he then dedicates an animal to the spirit to show it that he is aware of their special relationship, and from time to time he makes sacrifice to it to let it know that he has not forgotten it. Otherwise it may cause trouble again.

I will describe what happened at a ceremony held when a youth called Galuak, of the Leek tribe, was sick on account of his having been seized by the spirit *nai*. This spirit, whom I have only heard mentioned in western Nuerland, has, as I have earlier remarked, a special association with ostriches, to which it is said to be very partial. When an ostrich is killed those who have a special relationship to the spirit tie some of its plumes to the entrances to their byres. When I asked whether *nai* would not be angry at the killing of one of its birds I was told that it cares nothing for the body of the bird, only for its plumes. Prophets of *nai* decorate the shafts of their spears with ostrich plumes. *Nai* seems to be regarded as one of the most inferior of the spirits of the air.

[1] Further evidence is the fact that while people are now often named after the spirits, especially after *deng*, these spirit-names do not occur at the upper levels of Nuer genealogies.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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SPIRITS OF THE ABOVE

It was this spirit, a particularly dangerous one, that was troubling Galuak. Nuer use the word *kep*, to take hold of or to lay hold on, to describe the possession of a man by a spirit. It was known that it was *nai* who was responsible because when the year before Galuak had a similar sickness a prophet of *nai* had divined that he was possessed by this spirit. On that occasion his family had sacrificed goats, but during the past year no sacrifice had been made or ceremony held in the spirit's honour, an omission of which Galuak's family now felt very conscious. In the circumstances a return of the spirit to Galuak might have been expected. 776 × 791 753 ● 782

The same prophet had been sent for from a neighbouring village and was expected to arrive before evening. In the meanwhile Galuak's kinsmen sought high and low for a beast to sacrifice right away to *nai*. All animals in the village suitable for sacrifice had recently been killed in other ceremonies (p. 59) and the kinsmen were unable to bring back even a goat for their pains. I was told that *nai* would not, however, kill Galuak in the meantime because it would see that they were trying to find an animal. The prophet arrived, as was expected, in the evening and he was accompanied by two friends. No doubt the matter was discussed in the byre that night, but no action was taken till the following morning.

In the morning, after a talk in the byre, the persons concerned went across to the hut of Galuak's mother, Nyadang, and I was invited to accompany them as a friend of the family. Nhial, Galuak's brother, was working for me. Here the prophet was presented with five piastres—on his visit the year before he had been given a war-spear and a fish-spear. He sat with his back to the wall of the hut, and Galuak and his father, Rainen, sat on a mat facing him and with their backs to the door, which was closely drawn against the entrance to the hut. The windows had been blocked with grass so that the hut was illumined only by faint shafts of light which penetrated round the edges of the door. Even this dim light could not be seen by Galuak and his father, for skins had been placed over their heads so that they might be in total darkness. Altogether there were, besides Galuak and his father, thirteen persons in the hut, sitting with their backs to the wall. The atmosphere was stifling. 776 × 791 755

The seance began by the prophet shaking his rattle and singing. Karlual, one of Galuak's maternal uncles, also shook a rattle on one side of the prophet and one of the two friends who had

776 782 was a *yang kwoth*, the cow of a spirit, and that no good would come of my possessing it. They were not surprised when one night it tore up its tethering-peg and fell into the Sobat river and was drowned. The *Sudan Intelligence Report* of September-October 1934, No. 69, records the interesting case of a man who was ordered by a Government Chiefs' Court to pay a cow in damages to another Nuer. As at the time he possessed only one cow and this was dedicated to a spirit, the Court permitted him to defer payment while he went to obtain a cow owing to him in a different part of the country. During his absence from home on [761] this errand one of the Government chiefs took his cow. The owner was killed by an elephant on his journey and his kinsmen claimed compensation from the chief because they attributed his death to the removal of the cow devoted to his spirit. The milk of a spirit's [242] cow should only be drunk by members of the family. It belongs to the spirit and is therefore reserved for the people to whom it is attached. I was first made aware of this rule when on a journey I fell sick in a Nuer village and was compelled to spend a few days there. Being unable to eat solid food, I asked a lad of the nearest homestead if I might have a little milk. He said that he was sorry, but the only cow giving milk in his family herd was the cow of his mother's spirit, and he could not let me have its milk without her permission. He later brought some milk and told me that it would be all right for me to drink it as I was sick, but when I could eat again only the children of the home might either milk the cow or drink its milk.

Should a man neglect to dedicate a cow to his spirit when he is in a position to do so, or should he dispose of a beast already devoted to the spirit and not dedicate another to it, sickness is [753] likely to fall on his family or herd. But although Nuer say this, and believe what they say, it is not uncommon for them to use a spirit's cow for bridewealth or some other purpose, hoping that they will soon be able to replace it. They know that they are doing wrong but they think that maybe the spirit, having been informed of their intentions, will understand their difficulty and will excuse their manner of overcoming it, knowing that they mean to keep their promise to give it another cow as soon as they can. But they may not find it easy to procure another cow for some time and the spirit has in the meantime to go without one; or they keep on putting off the replacement because they want to use

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those which had been killed immediately after Nyakewa had been struck by lightning. As the husband of one of Nyakewa's maternal aunts was killed at the same moment as herself while he was on a visit to her village many animals of the village had also to be sacrificed on his behalf in his own village. The flocks of the village were so depleted that there was no suitable beast available for sacrifice in a case of serious sickness which occurred in the village shortly afterwards (p. 35). The number of beasts sacrificed is an indication both of the seriousness of the event which occasioned the ceremony and of the wide circle of persons it affected.

When the sun was high in the heavens on this second day of the ceremony the beer was drunk, though it had not properly fermented. The old men poured some on the sacred stake while uttering a few words. I heard one of the maternal uncles say 'Nyakewa, we have no kinship with God. Thou hast kinship with him now. See, thy mother remains here; do not let the spirits trouble her.' Towards the end of the beer-drinking the people sang hymns to spirits of the air to the accompaniment of hand-clapping.

Later the waste products of the beer were heaped around the base of the stake on top of the tobacco leaves and millet heads and parts of the sacrificed beasts. The dead girl's ox-tassels, her horn spoon, her butter-gourd, and two lumps of tobacco were tied to the stake. These things were said to belong to God, for the girl's soul was now with God. They had become holy and could not be used by man. Finally the cooking stones and pots used in the beer-making were neatly arranged around the heap of offerings. I was told afterwards: 'Nyakewa has altogether departed from us who are men and has become Spirit (*kwoth*). Henceforward we will invoke her name in battle as we brandish our spears.' About a year after this ceremony kinsmen gather again at the shrine to drink beer and to sprinkle (*kish*) some of it into the air as an offering.

Sometimes a *colwic* spirit seizes a member of its family or lineage, in the same way as a spirit of the air may seize a man, and makes him sick. When he recovers he makes a small mound-shrine (*yiŋ*) in his homestead and this then takes the place of the original shrine at the home of the person killed by lightning. Some of the dead person's ornaments may be inserted into the mound of the new shrine and others hung on the stake erected in it and on the low fence enclosing it.

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spirit of spitting viper (*thatut*) has the name *rol*; and the tree cobra-spirit (*luaidit*) has the name *fajook*. It is clear also in stories of how the ancestor of a lineage was aided by the totem that Nuer are thinking not so much of the animal as such aiding him as of Spirit making itself known to the ancestor in the creature and helping him through it. Nuer further distinguish between totem animal and totemic spirit when the animal harms a man who respects it and he retaliates by harming the animal. It is not the spirit he complains against but the animal, which is here regarded as separate from the spirit and incurring liability simply as a creature. On the other hand, when a totemic spirit seizes one of those to whom it stands in a spiritual relationship and causes him sickness, the sickness is attributed to the spirit and not to the totemic species, a member of which obviously has not seized him. We have also to remember that so far as it can be said that it is thought that a spirit is in a totemic creature it is not thought to be in any particular members of a species but in all of them. It is not a question of a spirit being in *a* creature, but the idea of Spirit being associated with a certain creaturely form, a question discussed further in Chapter V.

The words I have translated 'respect' and 'to respect' are *thek* and its verbal form *thek*. As the words are used in other connexions as well as in reference to totems I leave full discussion of their meaning till a later chapter. Here it is sufficient to say that a Nuer shows respect for his totem by refraining from hurting it in any way and above all from eating it, if it is edible; by paying it some courtesy of recognition if he meets it; by formal expression of regret, such as throwing grass on its body, should he find it dead; and by an expression of disapproval, for no more than that seems to be required of him, should someone injure it in his presence. The respect is reciprocal. As we have seen, lions should refrain from killing the cattle of those who respect them, crocodiles should not injure those who respect them, and ostriches should not eat the millet of those who respect them. It will be noted that Nuer respect the totem and not the totemic spirit. I do not think that the word *thek* can properly be used of Spirit, except so far as it is identified with a totemic or other appearance, for it implies that the object of respect is something knowable to the senses and can therefore be avoided or treated with special concern.

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*776 845 species of creatures his first act would be to dedicate a beast of his herd to Spirit in the form and of the name of that species. Thus Spirit through its new attachment to whatever the natural species may be becomes in relation to that man and his family a new spirit of the below with its own distinctive material form different from the material forms of other spirits, and with a name derived from the natural species distinguishing it from other spirits with names derived from other species.

*776 •753 There are other ways in which Nuer say that a man may acquire a totemistic relationship to a natural species, though they also say that it is only rarely that the relationship is maintained by his descendants. They have told me that a man may become seized or possessed by a spirit associated with some creature, the seizure or possession being known by sickness and its diagnosis by one or other form of divination, and that he may afterwards respect it. In practice this is only likely to happen when the particular spirit has been the spirit of some forebear of the sick man. He and his relatives may cast their minds back to any such past affiliations when reflecting on what might be the cause of the sickness. People acquire totemistic obligations through affinal *776 and maternal links. A man respects his wife's totems, at any rate to the extent of not eating or otherwise harming them shortly before having congress with her and during her pregnancies; and a woman respects her husband's totems. Nuer generally respect their mother's totems, but not always. A man said to me, in speaking of a totem of his mother's lineage, 'it is not shared by us, she was married into another lineage' (the speaker's own lineage). Nuer have assured me that a wife's totems will not persist in her husband's line of descent. Her sons' sons may respect them, but this is unlikely unless the spirits of the totems cause them sickness, and then they will generally be forgotten. Consequently, totems, other than those which belong to lineages and go with agnatic descent, enter into families for a generation or two and then go out of them again. But they may return. I once had an interesting [826] discussion with some Nuer about a baby with deformed legs. My informants, who were not related to the child, held that the deformation must have resulted from one of his parents, who should have respected the monitor lizard, having killed or eaten this reptile. They made this deduction from the resemblance they saw between the legs of the child and those of the lizard. When I pro-

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tested that surely a man would not kill or eat a creature he respects, 776 x
I was told that 'it may be that a man is a fool and kills his *kwoth* deliberately'. Here we are to understand by *kwoth* a totem deriving from some maternal affiliation and not the totem of the man's own lineage. I was also told that it sometimes happens that a man does not know all the classes of objects he ought to respect or is uncertain about them. 'His father was forgetful and did not trouble to dedicate a cow to it (the spirit) or think of it at all, though he did not eat it (the totem). Then the son is forgetful too and one day they forget all about it and have no recollection of it at all.' Nuer also told me that it may happen that a boy is brought up among his mother's people and is not told by them about totems which have come into his father's family from Dinka women. In other words and in our way of speaking, people have totemistic relationships to the totems of persons with whom they have affinal and maternal links and these totemistic relationships are forgotten in course of time by their descendants, who may then be reminded of them by sickness. I do not think it could ever happen that a man could be ignorant of the totem of his own lineage, for I have found that children of under six years of age know it; or that a man would deliberately harm it.

Nevertheless, though a spirit associated with a natural species 776 x
is most likely to seize persons who have some past connexion with 753 ●
it, any striking event, and particularly any sickness or other unfortunate event, might, Nuer think, bring about a totemistic relationship which could persist till it had hardened into a totemic one. The event is evidence of the action of Spirit and the conception of Spirit may become particularized by reference to the specific cause of misfortune in relation to the person or persons who have suffered it. Thus, as we have noted, a man may suffer from a disease and, after recovering from it, respect it. The disease was taken to be a manifestation of Spirit and the man who suffered it afterwards has not only the general relationship everyone has to God but also a particular relationship to God in his refraction as a spirit of the disease.

A totemistic, and potentially totemic, relationship may come 776 x
about with regard to some class of objects through a man or a 761
member of his family suffering any kind of misfortune. A man was killed by a fishing-spear and his children now respect fishing-spears. Another man was killed by the bite of a snake and his

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say '*e kwoth*', 'it is Spirit', meaning that its doing so is a spiritual signal presaging disaster. A lion is not thought of as being in itself Spirit; it is a beast. But it may, on account of some event which brings it into a peculiar relation to man, such as being born, as Nuer think sometimes happens, as twin to a human child, be regarded as a revelation of Spirit for a particular family and lineage. Likewise, diseases, or rather their symptoms, are not thought of as being in themselves Spirit, but their appearance in individuals may be regarded as manifestations of Spirit for those individuals. Spirit acts, and thereby reveals itself, through these creatures. This distinction between the nature of a thing and what it may signify in certain situations or for certain persons is very evident in totemic relationships. A crocodile is Spirit for certain persons, but it is not thought to be in its nature Spirit, for others kill and eat it. It is because Nuer separate, and quite explicitly when questioned about the matter, spiritual conceptions from such material things as may nevertheless be said 'to be' the conceptions, that they are able to maintain the unity and autonomy of Spirit in spite of a great diversity of accidents and are able to speak of Spirit without reference to any of its material manifestations.

So far I have been mostly speaking of the conception of God and of those of his refractions which belong to the category of the sky or of the above. With two possible exceptions,[1] we cannot say that the things said 'to be' these spirits are material symbols or representations of them; at any rate not in the same sense as we can speak of things being symbols of those lesser refractions of Spirit Nuer call spirits of the earth or of the below, in which God stands in a special relationship to lineages and individuals—such diverse things as beasts, birds, reptiles, trees, phosphorescent objects, and pieces of wood. These lesser refractions of Spirit, regarded as distinct spirits in relation to each other, cannot, unlike the spirits of the air, easily be thought of except in relation to the things by reference to which they derive their individuality, and which are said 'to be' them.

When, therefore, Nuer say that the pied crow is the spirit *buk* or that a snake is Spirit, the word 'is' has a different sense from what it has in the statement that rain is Spirit. The difference does not

[1] The spear *wic* may be said to stand for the spirit *wic* (pp. 31 and 141), and the pied crow may be said to stand for the spirit *buk* which is the most terrestrially conceived of among the greater spirits (pp. 30–31 and 81).

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789 A mother may curse her son for neglect, especially when she
593 is old and must rely on others for support, or for divulging her hiding-place to her husband if he is angry with her and seeks for her to chastise her. A mother's curse may have the same effects as a father's curse; but it is thought that, in addition, it has the particular effect of preventing the son from begetting male children. A mother's curse may thus injure the lineage, and in this respect her curse is more like that of the mother's brother than that of the father. I have also been told that a mother may, because she loves a son who has wandered to a distant country, curse him mildly so that he may suffer some minor sickness which will put him in memory of his home and cause him to return to it.

The curse of a mother's brother—at any rate that of a mother's
789 uterine brother—is also greatly feared by Nuer, for he, unlike the
604 father, may curse a man 'to cattle', so that he loses his entire herd. Nuer seem to regard it as the worst of all curses and they recognize it as a strong sanction behind the demands of their mothers' brothers, where these are just. A sister's son who fails to carry out
[755] certain duties or who fails to observe certain interdictions concerning his mother's brother may develop a disease called *keth nuew* (disease of the *nuer*, mother's brother), which may be fatal. Nuer describe it as '*cere ke bii*', 'like to a curse'. People say that
[605] the curses of father, mother, and mother's brother are the worst, though that of a paternal grandmother is also said to be bad, and
[578] it is said that the curse of an eldest child is feared by his parents, especially his mother, and by his maternal uncle; in certain circumstances a sister's son, especially the eldest son of the sister, may curse his maternal uncle's herd. The only other kinsfolk of whom I have been specifically told that they may curse a man, in the sense that one may speak of a curse of the kinship category in which they stand, are the father's sister and the mother's sister, and Nuer say that these are very small curses and they do not therefore give them much thought; but a person standing in any social relationship to another may curse him if he has been wronged by him. However, the more distant the relationship the less effective the curse, because the less the obligation and therefore the less the wrong.

789 A run of misfortunes may be attributed to the curse of one of
593 these relatives. I tell one story in illustration. Luak, a man of the Leek tribe, refused to stay at home and help his father Thicjok to

775 As Nuer speak about *cien* it has, therefore, the sense of an
624 injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of
[845] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands,
[177] an idea some of the eastern Nuer have taken over from the Anuak;
[841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mai*): the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after,
[842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

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196 784 Nuer speak of these conventions with regard to nakedness and eating as *theak ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*theak ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is [753] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 784 577 262 The attitude Nuer call *thek* is thus different from mere avoidance of doing things considered to be unbecoming. Failure to conform to *thek* prohibitions involves the culprit in something more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer* 196 it is also sinful.

784 783 There are, as will be seen, prohibitions with religious sanctions

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

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through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753] ●
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treat- 177
ment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

16: Evans-Pritchard Z-5 (1931, 1936) 1956
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not drink their milk and that should he even tread on their dung he might cause grave injury either to himself or to his cattle. Likewise, a man will not accept as bridewealth for his daughter cattle paid to her husband in compensation for adultery she has committed. This is a shocking idea to Nuer, who say that it is like incest. 837 783

The pollution may spread (*dop*) beyond those directly concerned in it. The adulterer, the husband, and the wife are dangerous to anyone they come into contact with who has an open sore, for the *kor* may enter him through it. One day at a wedding a youth was trying to reconcile his desire to watch the dancing with the need to hide an open wound from the eyes of those who might cause it to fester, by watching the dance from the shelter of maize plants. I heard his mother shout to him in reprimand 'there you stand in the maize where people can see you. Is *ther* (p. 176) a good thing, and is *kor* a good thing, that you thus expose yourself?' It is largely from fear lest an adulterer or adulteress or cuckold might see them that lads are so closely secluded while they still have open wounds on their foreheads after initiation. Adultery may also cause a wife who has been partner to it to suffer in childbirth, and if she finds the pains of labour grievous she will make known to the midwife any adulterous acts she may have committed. The sin and its consequences become less by being confessed. 837 783 753

Another dangerous influence is that brought about by a man having congress with his wife while she is nursing a child. Responsibility rests with the husband, 'for this is an affair of men, and it is not a woman's business to deny her husband access'. As has been noted, this is an offence that comes within the category of *nuer*, but the specific name for it is *thieng*. This word denotes the act itself, the consequences which follow from it, and the rite performed to ward off the consequences. Since children are not weaned till they are about three years old it might be thought that husbands must often give way to temptation, but one seldom hears of a wife becoming pregnant before her child at the breast is weaned, and Nuer themselves say that it is uncommon. I cannot say whether a husband who commits the offence would generally perform the prescribed rites unless the pregnancy of his wife made it common knowledge. In the only cases I have come across action was taken when it became evident that a nursing mother was pregnant. I was told that it was then taken to ward off the 783 834

16: Evans-Pritchard E-5 (1931, 1936) 1956
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783 they tend to take the view that it is scarcely for them to censure a man whose desires have got the better of him. When there is adultery, the husband may be indignant and demand compensation for the injury done to him, but Nuer do not become indignant at the idea of adultery. The essential point is that such faults as we are considering are, wholly or in part, conceived of as offences against God, and Nuer think that it is he who punishes them. It is God's *cuong*, right, rather than, or as well as, man's, that has been violated. The man who commits them, therefore, places himself, and possibly others too, in danger by having done something which brings Spirit into action in the affairs of men.

783 176 This danger is a condition which to some extent appears to be regarded as physical, the threatening misfortune, usually sickness, which results and is the outward manifestation of the sin being already in the man before it manifests itself. He is contaminated by his act. This is why medicines, aspersions, fumigations, and other modes of expulsion and cleansing are used in addition to the atoning act of sacrifice. This is more than mimicry. The pollution is substantival. That the sin is felt to be attached to the man is further expressed by two words of great significance, *dop* and *woc*. *Dop* means to catch alight, the spreading of a flame or fire. It is also used to describe a man catching a disease, yaws for example, from another and the spreading of an epidemic or murrain, such [753] as smallpox or rinderpest (Nuer are aware that such diseases are spread by contact); and it can likewise refer to anything spreading, as a fight developing out of a quarrel and people other than the principals becoming involved in it. The general idea is that of a person catching something from another, an infection, whether it be a disease, a quarrel, or a bad habit. In our present context the word means that the uncleanness which results from sins may pass to others closely related to those who are directly concerned in them. They also are in danger. *Woc* is used in a number of contexts in which the sense is getting rid of something, especially by wiping it out. It is the ritual ones which more particularly concern us. The first cut across the forehead at initiation is called the *woc dhol*, the wiping out of boyhood. The final rites of marriage are said to wipe out maidenhood. As we have noted, the mortuary ceremony is called *col woc*, the wiping out of death and mourning with their association of debt. The word is also used in reference to sacrifices made on account of a transgression. Sacrifice is

16: Evans-Pritchard E-5 (1931, 1936) 1956
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said to *woc*, wipe out, *nuerr*, *rual*, *kor*, and *thiang*, and indeed any *dwer*, fault. The transgressor is healed by the blotting out of his transgression. God turns away, as the Nuer put it. He does not regard it any more, so it ceases to be. When used in reference to sacrifices made on account of sins the word has thus the sense of expiation, and it is interesting that the same word which Nuer use for wiping out a transgression means in Dinka 'to err', 'to sin', and 'offence'.[1] We have in the words *dop* and *woc* two ideas which throw much light on the way Nuer regard sins and sacrifices made in consequence of them. Sin, as has been noted, is something which destroys and which tracks down. Two other characteristics of it are now revealed. It can spread and it can be wiped out by sacrifice. But though sin is regarded as bringing about a condition of the person which is contagious, the uncleanness is not simply a physical impurity which can be washed or purged away. It is also a spiritual state which can only be changed by sacrifice; and not even sacrifice is sufficient by itself to change it, only sacrifice which carries with it the will and desire of the sinner. What gives emphasis to the physical quality of the condition is the fact that the consequences of sin, which in a sense form part of it, are physical. This brings us to a very important matter, the identification of disease with sin. 783 196

Nuer may speak, as we have seen, of the consequences of a sin by the same word (in which the interdiction is also implied) as they use when they speak of the sin itself. *Rual* is incest, and it is also syphilis and yaws. *Nuerr* is a breach of certain interdictions, and it is also the violent sickness which follows the breach. *Thiang* is a breach of the weaning interdiction, and it is also the dysentery the breach causes. Different diseases have different names, it is true, but if the sin which brought the sickness about is known it is spoken of by the name of the sin. The particular form of the sickness, the particular consequences which have resulted from the sin, are of secondary interest. Had the man suffered from a different ailment it would have been from the same cause. Therefore one may say that where there is a state of sin such sickness as it appears in is a symptom of the sin, or even in a sense is the sin. Even where there has been no breach of a specific interdiction, and there is consequently not the same verbal identification, any sickness tends to be regarded as the operation of Spirit on account 783 753

[1] J. C. Minnerrutner, *Die Dinka Sprache*, 1866, p. 303; Trudinger, op. cit., p. 258.

783 of some fault on the part of the sick person or of someone closely
●753 related to him, and it may simply be said to be *kwoth*, meaning that it is the action of Spirit. A sickness may always be a sign of some fault. No attempt may be made to discover whether there has been a fault or not or what the fault, if any, was, but Nuer think that a man would not be sick if there had been no error, though the thought is not always expressed.

Since sickness is the action of Spirit therapeutic treatment is sacramental. The sickness is only a symptom of the spiritual condition of the person, which is the underlying cause of the crisis; and it can only be cured by expiation—sacrifice—for the sin which has brought it about. This, then, is a further characteristic of sin. It causes physical misfortune, usually sickness, which is identified with it, so that the healing of the sickness is felt to be also the wiping out of the sin. When Nuer say that sacrifice wipes out the *giak*, the badness or evil, they do not just mean that the sickness will depart but also that what may have caused it will be no more. When a serious sin has been committed sacrifice is made before there are any signs of sickness.

783 So far we have been discussing certain definite ideas and con-
577 ventions. Certain violations of specific interdictions are held to be divinely punished and these have special names, *nueer*, *rual*, and so forth. But they are covered by the general term *dueri*, faults. That term covers also breaches of any social convention. There is, therefore, no convenient terminological distinction in Nuer which we can follow in translation to mark off faults of the kind we have been considering and have called sins from faults of some other kind. Moreover, God is regarded as the guardian of the social order and his intervention as a possible sanction for any rule of conduct. We cannot, therefore, make an absolute distinction between what we have called sins and other faults. We can only say that the religious sanction is more severe, and more definite, and tends also to be more exclusive, in the case of the faults we have been discussing than in cases of other faults.

A *duer*, fault, of any kind may, as we have earlier noted, bring about divine punishment. It may do so through the action of a curse or of ghostly vengeance, and as in such cases God is thought to be the arbiter the fault involves to some extent the idea of divine intervention and consequently the need for sacrifice; and a misfortune may be attributed to a curse of the living or to anger of the

16: Evans-Pritchard E-S (1931, 1936) 1956
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ghosts and hence to injuries done to them. It may do so through fetishes, though, as we have noted, there is some ambiguity and confusion about their morality. Particular calamities are not otherwise attributed to specific breaches of custom, and I have never seen or heard of sacrifices performed on account of such breaches. Serious sickness, the commonest occasion of sacrifice, in all cases I have examined, was attributed, when attributed to anything, to an infraction of one of the interdictions we have been discussing, to seizure or possession by a spirit, generally seizure on account of neglect of obligations to it, to ghostly vengeance, or to a fetish, and not simply to failure to observe the social code. But we have to bear in mind that when there is sickness not attributed to some specific cause sacrifice is, nevertheless, performed to cover any or all unknown causes and that among such causes may be moral faults which have caught up with the sick man in his sickness, and this is so because God has taken notice of them.

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Consequently, such moral faults as meanness, disloyalty, dishonesty, slander, lack of deference to seniors, and so forth, cannot be entirely dissociated from sin, for God may punish them even if those who have suffered from them take no action of their own account. Nuer seem to regard moral faults as accumulating and creating a condition of the person predisposing him to disaster, which may then fall upon him on account of some act or omission which might not otherwise and by itself have brought it about. This is further suggested by the custom of confession at certain sacrifices, when it is necessary to reveal all resentments and grievances a man may have in his heart towards others. This may be rather a peculiar kind of confession, that of other people's shortcomings, but the point is that the faults together with the feelings they have engendered are placed on the victim and flow away into the earth with its blood.

But though the notion of *kwoth* is as ubiquitous as the air to which it is likened and may be evoked in relation to any question of right and wrong there are differences between its association with such sins as incest or eating with persons with whom one is at feud and its association with faults which have a moral or legal, rather than a religious character, such as lack of deference to an elder or refusal to pay a debt. When an action of the first kind, which is definitely and wholly of a sinful character, has been committed it is likely, if it is thought to be a serious transgression, to

1: Evans-Pritchard E-5 (1931, 1936) 1940
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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

• 754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*guen wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*pelh*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

8:Howell E, G-5 (1942-1944)1954
F322 Nuer F322

Dinka in the Category of Slaves

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Nuer distinguished between what they called *jaang ciang* and *jaang dhar*. *Jaang dhar* (literally, 'outside Dinka') were Dinka who had no connexion with Nuer and did not live among them. Scales of compensation, which varied according to the tribe, probably depended on their past relations with Dinka with whom their boundaries marched. A scale of compensation was recognized, although this does not mean that compensation was often paid. *Jaang ciang* (literally, 'home Dinka') meant those Dinka who had taken up residence with Nuer, associating themselves with some Nuer lineage and ultimately identifying themselves with it. Dinka recently arrived, and living thus in Nuerland, received compensation at a much lower rate—the scale varying from tribe to tribe. Dinka born in Nuer country and adopted, i.e. in the second generation, were usually treated as pure Nuer. In this connexion it must be remembered that adopted Dinka did not necessarily suffer social or political disabilities and often attained positions of great prominence among the Nuer. Deng Likea, a Dinka of Ngok extraction, became the acknowledged leader of Bar Gaawar through his spiritual powers, and his descendants are still the most important people there; Nuar Mer, an adopted son of Mer Teng Kerfeil, whose real name was Nuar Bul and who was of Dinka extraction, attached himself to the powerful Teng Kerfeil section of Rath Gaawar and gained great power through his treacherous alliance with Arab slave raiders. There are other notable examples. Dinka captured in war were not slaves in the usual sense of the word and were soon assimilated into Nuer society; their descendants, after a generation or two, would trace a fictitious descent relationship to a common ancestor through the lineage of the man who adopted them.

Witches, Ghouls, and Anti-social Persons

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For killing a person believed to be *peth*—one who possessed the evil eye—Nuer say that compensation was six head of cattle only. For a *rodh*, a ghoul who performed unnatural rites with the bodies and graves of the dead, no compensation was paid at all if, in killing him, only sticks were used and he was not hit on the head.[1] There are also instances in tradition of witches, *gnaw wal* (owners of medicines), *let* (werewolves) and the like, being done to death by general consent of the community and no compensation being demanded.

I know of no recorded instance where a Nuer court has had to deal with a situation of this sort, and it is a matter of tradition rather than the present administration of Nuer customary law. This is true also of the distinction between Nuer and Dinka, for no such

[1] The subject of witches and other anti-social persons is discussed more fully in Chapter V. See Howell and Lewis, 'Nuer Ghouls: a Form of Witchcraft', *S.N.R.*, 1947.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes.

Uninitiated Boys

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Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident.

In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: no head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

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Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation

[1] 'Ungarred', 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

6:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Few disputes derived from religious situations appear before the tribunals established by the Government today except occasional accusations of witchcraft, or violent action against persons believed to be practising witchcraft, and the claims of religious experts for fees from their clients. Before turning to these matters, however, I propose to consider two aspects of Nuer religious belief which are relevant to a study of their customary law. The first aspect is the part which is played by religion as a sanction for the fulfilment of obligations towards kinsmen and to Nuer as a whole, and as a deterrent against breaches of recognised behaviour. The second aspect concerns the part played by religious functionaries in connexion with legal processes. This aspect has been discussed at some length both in the introductory chapter and in the chapter on homicide, but mainly in connexion with the Leopard-Skin Chief. More must be said of other experts who have specific functions to perform.

Religious Sanctions and Legal Processes

Religious sanctions for the operation of accepted rules of conduct have already been mentioned in connexion with homicide and the spilling of blood. We have seen too that in certain offences concerning women there is a sense not only of a secular wrong but also of sin which must be expiated by ritual observance.

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It is clear, however, that religious concepts do not provide a deterrent; a man is not deterred from killing another simply because he fears spiritual contamination or the pollution of those with whom he is associated. He might do so were there no definite means by which he can remove the danger, but the means exist. What he and his kinsmen fear is the voluntary, or more probably involuntary, breach of observance which will bring them disaster in the form of natural disease (*nuer*) or of sterility among themselves and their cattle. Religion among the Nuer is therefore not so much a deterrent to homicide as a sanction for carrying out accepted modes of behaviour after the event. It is further a sanction for the immediate confession of homicide, and this is why the Nuer rarely if ever attempt to conceal their guilt. The dangers of concealing an act of homicide are expressed in the concept of *loic*.[1] When a man fails to confess, there is a graver disruption of equilibrium; both his own kin and those of his victim run into the danger of involuntarily breaking the taboos on social contact, and consequently an incident of this sort may demand a higher rate of compensation if peace is to be restored.

There appears to be no formal reaction on the part of the community as a whole to an act of homicide, nor any general expression of reprobation. The killer is not thought of as an evil-doer because of his

[1] See p. 52.

8:Howell E. G-5 (1942-1944)1954
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791 fertility. Moreover it is clear that those of the second category who acquire great prestige and influence often seek to misappropriate the functions and insignia of more reputable experts. There is a tendency to assume the leopard-skin. Deng Likea, Prophet of Gaawar, did so, and his son Gaw Bang—for many years President of the Bar Gaawar Court—often conducted the ritual of homicide although he had no traditional right to do so. Riak Loinyjok (mentioned above) wears the leopard-skin, though he would not be accepted as arbiter in blood-feuds. There is clearly a desire by these people to establish themselves in a ritual and traditional, and therefore more orthodox, status in society.

A *guan kuoth* of repute will also claim that he possesses or is possessed by a large number of different spirits, not a single spirit. Deng Likea, whose principal spirit was called Diu, possessed many others, and he married a wife in the name of each. His sons are usually referred [551] to first by their own names and then by the name of the spirit in whose name the mother of each was married, and not by that of their father, according to normal Nuer custom. Thus Deng Likea's sons were called Macar Diu, Gaw Bang, and so on.

There is a large number of different categories of spirit owners: owners of 'sky-spirits' (*kuth miel*), owners of 'spirits' of the wind (*kuth dangr*), owners of 'earth spirits' (*kuth piny*) and 'talking medicines', these last being divided into a large variety of different forms, and finally, possessors of *wal*, medicine, which is usually present in more tangible form.

It is not within the scope of this book to describe at length the multitudinous concepts concerning *goak* and *holangwi*. *Goak* is said to be of Dinka origin, while *holangwi* are essentially Nuer. Under these two main headings are numerous spirits which have special names—*biel*, *maluth*, *gulang*, *mathiang*, &c.,—and special characteristics. The spirits are used to assist in the diagnosis of ills and misfortunes, the possessor acting as a medium and often going into a trance at a seance attended by a considerable number of people. The spirit is said to speak from the mouth of the medium, from a special pot or gourd, from the ground, or sometimes only through dreams.

789 *Wal* is a word which has the more literal meaning of medicine, since it is also applied to herbs, purges, and astringents as well as nowadays 754 to medicines supplied by the government medical service. In this connexion it refers to magic roots and sometimes to other objects which have intrinsic magical power and which are operated by the performance of ritual for some specific purpose. There are different forms of *wal* (one called *nyeth*, for example, is believed to be particularly potent and also dangerous), but the Nuer do not consider themselves to be experts in their use, and regard them as being of foreign origin. In fact such roots are usually obtained from other tribes, and a Nuer will sometimes go on a special journey to purchase them.

8:Howell E, G-5 (1942-1944)1954
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They can be and are used for beneficial purposes, but they are associated more often with the practice of witchcraft, and owners of such medicines are often greatly feared. This fear has perhaps been particularly impressed on the Nuer by the action of the Government in banning the possession of roots or medicines and inflicting severe penalties on their owners, whether they were believed to use them for good magic or for witchcraft. This reaction has not applied so much to the ownership of spirit medicines, presumably because, being for the most part entirely incorporeal, there was no proof of possession, and Government intervention was therefore much more difficult. Spirit medicines, *Anlongwi* and the like, can none the less be used for anti-social purposes, although they are normally regarded as beneficent and used as such. 789 754

A further category of Nuer magic experts is the *tiet*, who have special powers of divination,[1] but their techniques are not usually dependent on a particular spirit manifestation or on possession of a medicine. Their methods are more mundane in character, for they often use cowrie shells or pebbles, which are cast on the ground, and an interpretation is given of the formation in which they fall. 791

Beneficial and Anti-social Activities

We see, therefore, that the functions of all these experts are generally considered to be beneficial; those of the *ji tear* to the people as a whole; those of other experts or possessors of spirits and medicines to their individual clients. Their power can, however, be used for purely anti-social purposes. The *ji tear* have the power to curse by invoking the element or object with which they are particularly associated. We have seen that the Leopard-Skin Chief may call a curse upon those who refuse to listen to his exhortations in connexion with blood-feuds and homicide,[2] but he is not expected to do so for his own benefit or from personal animosity. Similarly the *wut ghok*, who has the power to benefit the people by ensuring the good health and fertility of their cattle, can also curse their cattle. Yet none of these religious functionaries can be regarded 791 754

[1] *Tiet*: a common Nilotic word used to cover a very large variety of magical experts.

[2] In connexion with warfare and cattle raids they are expected to work magic against other tribes; to make the infliction of wounds upon them easy; to destroy or weaken their defences. This is not witchcraft so far as the Nuer are concerned, for their action is pro-Nuer and to them in no sense anti-social. The definition of witchcraft is here relative. It will also apply to cases of warfare against other Nuer tribes or even tribal segments. An expert who performs ritual to bring about the downfall of enemies in another tribal section is acting in the interests of his own tribal section. His action is beneficial magic to his own people, black magic to those of the opposing segment, and there is no formalized community to which both belong and which would consciously react against his performance. His action is not witchcraft in the more exact definition of the term. Nefarious practices against an individual or even a kinship group within the community are a different matter, because there is a body of collective opinion which considers such action anti-social and, as we shall see in the next section, is prepared to take collective steps to remove the danger.

8:Howell E. G-5 (1942-1944)1954
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781 754 as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

754 Apart from *gwan mal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *pith* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rudh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

754 683 In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rudh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *pith* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

684 839 It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. [183] It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

6;Howell E. G-5 (1942-1944)1954
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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective. 839 684

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*bejak*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours. 754 683 [783]

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kaang*, *kaal*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate. 695

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

14: Huffman M-5 (no date) 1931
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As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife upon the bone. 831 304

The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position. The man who cuts these tribal marks is supposed to stay for a while if he can, in case there should be haemorrhage.

If there should be haemorrhage, pressure and the application of cow-manure ash is tried to relieve it. Also fear is expressed that some one with the evil eye must have seen the boy or else there would have been no haemorrhage. [752] [754]

Soon after the tribal marks are cut a sheep is sacrificed in order to insure safe healing of the cuts. A little later a mock fight is staged between the men and the women of the village in which the women are allowed to use clubs, but the men must defend themselves bare-handed.

The boy is carefully guarded against the evil eye. He wears a piece of sheepskin over his head, this piece of sheepskin usually being one part, the back section, of a married woman's garb which has been given for this purpose. No one is supposed to view the cuts until they are healed, but the boy usually gives some trusted friend an opportunity to see them.

After some days the cuts are washed, but not immediately, for the clotted blood is left undisturbed for some time.

The boy usually carries a large cluster of feathers as a fan in order to keep the flies away from his head.

He is the centre of attraction at his village now. All visitors to the village are met at a little distance and their

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753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 An anklet or wristlet made of large wooden beads of a
773 certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.(1) The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.(2)

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

● 754 Sorcerers are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cuong)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuaar muon)

791 He is a sacred person and is believed to have a mystical association
624 with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to him since relations between groups are regulated through him;(3) his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, hoeing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125. (3) *Ibid.*, p.176.

791 In certain parts of Nuerland, land experts and prophets claim to be able to produce rain. In certain areas, the leopard-skin chief acts as rain-maker. The title *gwan pini* (owner of water) is given to any ritual specialist who has powers in connection with rain and floods.

The Tiet

The Nuer distinguish clearly between the prophet *(guk)* and the specialist in magic *(tiet)*. The former relies on the sky spirit which possesses and indwells him; the latter relies on various magical substances and actions. The *tiet* has a minor earth spirit, such as a totem spirit. A *tiet* is always a local specialist practising in his own community only, though a magician who possesses powerful magic *(gwan wal)* may become well known and be recognised by a whole district. All these spirits come under the general category of *kwoth* but[1] three main classes may be distinguished:

1. *Guk*. The prophet in whom a sky spirit dwells.

2. *Tiet*. A specialist in magic, acting as leech and diviner.

3. *Gwan Val*. These are of two types: one using ordinary medicines *(wal)*; another using 'talking medicines'; the latter are owners of fetishes, since their medicines are inhabited by earth spirits known as *kulongni*.

The *tiet gweeni* (mussel shell diviner) answers questions put to him by throwing mussel shells on the convex surface of a gourd and divining from the positions into which they fall on the ground. Every mussel shell diviner has his *kwoth*, the spirit which assists him in his practice.

[755] The *Tiet Dala* cures headaches, recovers lost property, and performs magic to lessen the watchfulness of those who have stolen cattle so that the true owner may get them back again undetected. He also performs magic to ensure safe journeys and to protect warriors from danger. He possesses love magic. *Tiet ne Ngwet (or Tiet Coli)* removes objects placed by a witch in a sick man's body.

There are also various other specialists[2] who treat barren women, important men and so forth.

NUER MEDICINES *(WAL)*

●754 Most of the Nuer medicines have been borrowed from neighbouring peoples, especially from the Dinka; the Nuer, however, endow them with spirits.[3] The most powerful medicines are *kulongni* (talking medicines). Although the earth spirits in the medicines cannot compete in power with the sky spirits, the people fear the owners of fetishes and respect them. In the past a fetish owner was in great danger of being killed by avengers. He was safe among his fellow villagers, for it was believed that a man would not harm a member of his own kin and community; but if a fetish

(1) Evans-Pritchard, *S.N.B.*, 1935, Vol.XVIII, pt.1, p.67.
(2) *Ibid.*, p.70, for fuller details on Nuer magical experts.
(3) *Ibid.*

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olic kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *rodh* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *rodh* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *rodh* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 304

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.R.*, 1935, p.74.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 these Sudanic medicines, which represent something quite alien
778 to their traditional way of thinking, to their conception of Spirit.
177 The Nuer word for what I have called fetishes is *kulangni*, and they often use this plural form even when they are speaking of a particular fetish. They are what the Nuer call *wal*, a word which means in its widest sense 'plants' but in a special sense, as here, what are usually spoken of as 'medicines' in writings on African peoples—magical substances. The fetishes are so called because they are pieces of wood, though Nuer distinguish them from ordinary magical substances by calling them 'medicines which talk'. By this they mean that the spirits in them talk, because, here again, Nuer can conceive of the spirits as separate from the material substances in which they have their abode.[1] What has been said earlier about air-spirits and totemic spirits must be said also about nature sprites and fetishes. The same spirit is in a number of different luminescences or bundles of wood.

Like the nature sprites these fetishes bear some resemblance, especially in the manner by which men communicate with them, to the spirits of the air. Nuer have tried to assimilate them to an earlier model of Spirit, and this is indicated metaphorically by calling both types of spirits *gaatnyadeang*, children of daughter(s) of *deng*, a Nuer way of saying both that they are Dinka and that they are spirits of a very inferior order. There are quite a number of fetishes: *mathiang*, *ngo*, *macar*, *darguk*, *mabor*, *malual*, *maluil*, *maluth*, *goucien*, and others.[2] The names of several of those I have mentioned are colour-names: the white one, the black one, the brown one, &c.

×776 Fetishes are amoral in their action. They are acquired in the
778 first instance by purchase, though they may later be inherited,

●754 Witchcraft', *Sudan Notes and Records*, 1923, pp. 113–14) in which he says that an Agar Dinka first got this kind of medicine from the Jur about the year 1902. Writing in 1923 he says 'To-day it is universally used throughout the entire Eastern and Rumbek District and many Dinka are enriching themselves by introducing it into the Nuer Country.'

[1] Capt. Fergusson (ibid., p. 112) also notes that the substance is 'merely a visible sign' of Spirit.

[2] Father Crazzolara (op. cit., p. 136) divides them into the *kulang* type, which speak through men, and the *gah* type, chthonic beings which speak from the earth. Dr. Howell (op. cit.) makes the same division, though he would agree with me that '*kulangni*' can be, and commonly is, used to cover both. I am ready to accept a formal division into these two types but I cannot agree with Dr. Howell's opinion that the *kulang* type is of Nuer, and the *gah* type of Dinka, origin. I am fully convinced that both are of foreign origin.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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for private ends and personal aggrandizement. They are highly dangerous, not only to those who are at enmity with their owners, but also to their owners' families, kin, and neighbours if they do not receive sufficient attention. When they seize people death follows rapidly on the first symptoms, which are said to be generally violent pains in the abdomen sometimes combined with blood in the faeces, unless steps are at once taken to appease them and, in the case of enemies, their owners also. Therefore a *gwan kulangni*, an owner of a fetish, whom I shall speak of as a wizard,[1] is much feared by those with whom he disputes and by those around him. Some wizards ape prophets by growing little beards and they sometimes thread beads on the hairs and can be identified by this mark.

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I have only known one of these wizards, a man called Bul in Lou tribal country. I was living in his village, Kurmayom on the Sobat river, when he returned home with a fetish he had acquired on a visit to western Nuerland, it was said from the Jur people. The whole village was in a state of alarm, so much so that, finding my previously friendly relations with the villagers severed, I thought it best to leave it. A goat was sacrificed on his arrival and I was told that offerings of porridge, milk, and tobacco would have been placed on the ground near the fetish, which is said to 'eat' (*cam*) the 'souls' of these things (*tiethdien*), its owner later consuming their substance. Though everyone was nervous and anxious about what might happen, I was told on this and on other occasions that a man who has acquired a fetish may be welcomed in his village, its people feeling that, if it is placated, it may be a protection for them and a useful weapon against outsiders, and one hears men of the village speaking of '*waldan*', 'our fetish'; but none the less my impression was that they would much rather be without it.

A wizard uses his fetish to avenge what he regards as injuries (others may not regard them as such), to obtain cattle which he considers to be owing to him (others may not think so), and in general to make himself a person of importance. Nuer told me that European administration has made it easier for men to acquire and exercise these powers. They said that when fetishes

[1] They have a resemblance to the *ba'al ob*, 'wizards that peep and mutter', of the Old Testament, the *ob* being a familiar spirit which seemed to speak either from beneath the ground or out of the stomach of the diviner, and to the Greek daemon (W. Robertson Smith, *The Prophets of Israel*, 1895 ed., pp. 202 and 421).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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first appeared in Nuerland their owners ran the risk of being killed by avengers if it was thought that they had been responsible for people's deaths, and that therefore a man belonging to a numerically weak community would not own a fetish. It is sometimes known that a wizard has caused a man's death by his falling sick after a dispute with him. If, however, a man falls sick and only suspects that his sickness may be due to a fetish he confirms whether this is so by getting a diviner to reveal the cause, or he may summon a friendly wizard to determine it, and if it prove to be a fetish, which fetish. I have not seen this operation but I was told that the friendly wizard shakes a gourd-rattle while the people rock their bodies, clap their hands, and sing hymns to the fetish till the sick man enters into a dissociated state. The wizard then questions the spirit in the sick man and it reveals to him its name. The wizard also questions his own fetish-spirit, which is in the rattle during the seance and answers by grunts his questions about the sickness, such as what sacrifice is required and whether the patient will recover if it is made. The sickness may be caused by the fetish of a kinsman which wants attention, or it may be due to some wizard having pointed his *wal* in the sick man's direction to kill him. If the name of a fetish is not revealed by these procedures it is thought that the sickness must be due to some other cause and not to a fetish at all. If the responsible agent is found to be the fetish of a kinsman the sick man's family placate it by dedicating a beast to it and by sacrificing to it—'they send them (the *kulangni*) back (to where they came from) with a "cow"'. A little of the boiled meat of the sacrifice is minced and thrown as an offering to the spirit to the four points of the compass. The rest is divided between the wizard and the people of the home. If it is the fetish of an enemy, sacrifice is made, I believe to the fetish of the wizard who has conducted the seance, and afterwards he goes to the enemy wizard and asks him to desist. I was told that the enemy wizard may either deny responsibility or give some reason why he has pointed his fetish at the man who has fallen sick and promise that he will call it off if his wrong is set right. Should his victim die he must sacrifice a sheep or a goat, a rite known as *laka wangkien*, the washing of their (the fetish's) eye, and said to be equivalent to the rite of incising the arm of a homicide.

When a wizard dies his fetish is likely to be put aside, but if so,

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it is expected that before long the spirit will seize a member of his family or kin, causing him sickness, and announce through his lips that it is offended at neglect. They then give it offerings of food and tobacco; and when the sick man has recovered he respects (*thek*) the fetish, as its previous owner did when he possessed it, and makes it offerings from time to time. Or a son, brother, or wife may just take over the dead man's fetish without it first causing sickness, but they are not likely to do this if they are young. Young people prefer to be free from such ambiguous encumbrances.

What I have recorded about these fetishes is no more than hearsay. It is possible, nevertheless, to reach some general conclusions about them and about the Nuer attitude towards them. It is easy to observe that Nuer feelings in the matter are either hostile or ambivalent. They fear and dislike the fetishes and are afraid even of those of their kin, perhaps most afraid of those; and they seem to be confused and bewildered about the whole question of fetishes. This is understandable in that here is something that has entered into Nuerland with the reputation of being mobile and of having lethal powers, attributes which the Nuer can only think of in terms of their own culture as Spirit in some form or other, and yet it is used for private ends that they regard with disfavour sufficient to consider that homicide caused by it requires vengeance. Those men with whom I was best acquainted among the eastern Nuer spoke harshly against these fetishes and would gladly have seen the end of them. I do not myself know the circumstances in western Nuerland, but Father Crazzolara says that there is much hostility to them there also, and also great confusion concerning them, for new fetishes frequently appear, they become well known in one district and are unknown in others, and they wax and wane in popularity.[1] We would doubtless be right in seeking for an explanation of the anxiety Nuer express lest their fetishes may turn on themselves and of their emphasis on the almost insatiable greed of fetishes for offerings, which are moreover of the lowest kind (such as porridge) and presented to them in the most materialistic way, in their perception that spiritual powers are being used for selfish ends. It would not be going beyond Nuer feelings on the matter to speak of their fetishes as evil spirits.

[1] Op. cit., pp. 133 seq.

14: Huffman M-5 (no date) 1931
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may generally be traced to a source outside the Nuer. 164
The Nuer have a superstition that dreadful things may happen—the nose may rot away, the head may split down the back—if they contract syphilis. Probably this superstition more than anything else tends to keep them from contracting the disease.

Gonorrhea, like syphilis, is not very common. It, too, may not infrequently be traced to a source which has no connection with the Nuer.

Children and the aged often suffer from malnutrition 146
owing to their limited diet.

A Nuer child has the six central lower teeth removed 753
when he is about six or eight years old. They frequently 752
think that some illness the child has had is due to the teeth, 304
and so have them extracted. Even though there be no illness the teeth are removed while the child is little. There is no such thing in Nuerland as painless extraction of teeth, judging from the cries we have heard and sore mouths we have seen.

Broken bones are also not infrequent, tiny splints for 752
them are made out of cane stalk or some small twigs of a pliable wood. These are placed side by side and laced together, the splint thus formed being tied around the limb at the site of the broken bone.

Spear wounds are occasionally to be seen, but if they are the result of a fight, they are seldom brought to the clinic for medical treatment. The wound is cared for by the relatives of the injured person in the village so that the evil eye may not see the wound and retard its healing.

The art of the medicine man is often sought in order to 755
cure any disease that baffles ordinary treatment. He (or she, as the case may be, for women are also adepts at this art) may remove (?) various things from the throat and stomach, and thereby relieve (?) the cause of distress.

14: Huffman M-5 (no date) 1931
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755 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offered, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[136] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.

791 In certain parts of Nuerland, land experts and prophets claim to be able to produce rain. In certain areas, the leopard-skin chief acts as rain-maker. The title *gwan pini* (owner of water) is given to any ritual specialist who has powers in connection with rain and floods.

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(1) Evans-Pritchard, *S.N.R.*, 1935, Vol.XVIII, pt.1, p.67.
(2) *Ibid.*, p.70, for fuller details on Nuer magical experts.
(3) *Ibid.*

16: Evans-Pritchard E-5 (1931, 1936) 1956
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It was this spirit, a particularly dangerous one, that was troubling Galuak. Nuer use the word *kap*, to take hold of or to lay hold on, to describe the possession of a man by a spirit. It was known that it was *nai* who was responsible because when the year before Galuak had a similar sickness a prophet of *nai* had divined that he was possessed by this spirit. On that occasion his family had sacrificed goats, but during the past year no sacrifice had been made or ceremony held in the spirit's honour, an omission of which Galuak's family now felt very conscious. In the circumstances a return of the spirit to Galuak might have been expected. 776 x 791 753 782

The same prophet had been sent for from a neighbouring village and was expected to arrive before evening. In the meanwhile Galuak's kinsmen sought high and low for a beast to sacrifice right away to *nai*. All animals in the village suitable for sacrifice had recently been killed in other ceremonies (p. 59) and the kinsmen were unable to bring back even a goat for their pains. I was told that *nai* would not, however, kill Galuak in the meantime because it would see that they were trying to find an animal. The prophet arrived, as was expected, in the evening and he was accompanied by two friends. No doubt the matter was discussed in the byre that night, but no action was taken till the following morning.

In the morning, after a talk in the byre, the persons concerned went across to the hut of Galuak's mother, Nyadang, and I was invited to accompany them as a friend of the family. Nhial, Galuak's brother, was working for me. Here the prophet was presented with five piastres—on his visit the year before he had been given a war-spear and a fish-spear. He sat with his back to the wall of the hut, and Galuak and his father, Rainen, sat on a mat facing him and with their backs to the door, which was closely drawn against the entrance to the hut. The windows had been blocked with grass so that the hut was illumined only by faint shafts of light which penetrated round the edges of the door. Even this dim light could not be seen by Galuak and his father, for skins had been placed over their heads so that they might be in total darkness. Altogether there were, besides Galuak and his father, thirteen persons in the hut, sitting with their backs to the wall. The atmosphere was stifling. 776 x 791 755 ●

The seance began by the prophet shaking his rattle and singing. Karlual, one of Galuak's maternal uncles, also shook a rattle on one side of the prophet and one of the two friends who had

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accompanied him to the village shook a rattle on the other side. The instrument is called *jogh*, possibly a Dinka word. It is a bottle-gourd containing seeds, in this instance the seeds of a wild leguminous plant. While the rattles were being rattled and the prophet sang hymns to *nai* the congregation clapped their hands and smacked them on their thighs in accompaniment. Nuer say that they *pat*, clap, or slap, for the spirit.

After about ten minutes' singing Rainen began to have premonitory spasms. It should be noted that it was not the sick youth but his father who became possessed during the seance. A spirit takes hold of an older and experienced man in cases of this kind and uses him as a medium to make its demands known. As the singing, rattling, and clapping continued, Rainen began to twitch and shake from head to foot and then suddenly leapt into the air and fell back on to the floor of the hut where he lay stiff as though in a paroxysm. After lying tense and prostrate for a while he sat up, but shortly afterwards collapsed again. Then for about a quarter of an hour he threw himself wildly about the hut, writhing and twitching as though in agony. He reminded me of a hen which has had its throat cut in the Muslim way, and is thrown on the ground to die. If the people around had not broken most of his falls he might have injured himself. As it was, he complained to me on the following day of the soreness of his arms and legs. Every now and again he barked like a dog. In describing these spasms Nuer say that the spirit wrestles (*kuer*) with the man it possesses.

At the end of a particularly violent seizure, Rainen, who in his exertions had divested himself of the skin over his head, sprang at the prophet, tore his rattle from his hands, and sat

FIG. 1
Pipe

16: Evans-Pritchard E-5 (1931, 1936) 1956
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in front of him, shaking it violently and barking. At this point the prophet called for his pipe, and after lighting it and puffing at it for a while he began to question the spirit *nai* in Rainen, and it answered through Rainen's lips. It was very difficult to follow what the spirit said because Rainen spoke in a jerky, guttural voice very different from his usual voice and he hiccuped and barked a good deal as well. 'The speech of Rainen was wiped out (*woc*). It was pressed down his gullet.' I was, however, able to follow part of what the spirit said. It said that it was *nai* and that it wanted a gift. It had waited till Nhial had returned to the village because it knew that he would be able to provide a gift out of the wages he had received from me, and it had then taken hold of Galuak. It admitted that it had received gifts from Rainen in the past but it now wanted a final gift, and it promised that if it were satisfied now it would trouble Galuak no more. If it needed anything further it would seize another person and get it from him. It pointed out, however, that it was not the only spirit troubling Galuak. The spirit of Luak, Galuak's paternal grandfather, had also taken hold of him. This was *kwoth doar*, a nature sprite, and it was worrying Galuak because the family had not dedicated a cow of their herd to it. Both Galuak's father and mother are of Dinka descent and the family have a number of different spirits attached to them.

It was very noticeable during the ceremony how those present, as is often the case in Nuer ceremonies, chatted among themselves, asked for tobacco, and so on. They evidently, especially the children, enjoyed the spectacle. I was surprised, however, this being the first and only ceremony of its kind I witnessed, at the familiar and off-handed way in which the prophet spoke to the spirit, calling it '*wuta*', 'man'—almost 'old chap'—, bargaining with it about the oblation demanded, and insisting that when the sacrifice had been made it should keep its promise and leave Galuak alone. Galuak himself showed little concern with what was going on. While prophet and spirit were conversing he removed the skin from over his head, walked casually about the hut looking for a pipe, and then filled it with tobacco and sat puffing at it by his father's side. The only part he took in the proceedings was to reply to a question put to him by his maternal uncle, that he had not had sexual relations with a kinswoman. It was thought advisable to make certain that there had been no incest because

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they wanted to be sure that when *nai* and the other spirit had been satisfied there would be nothing further to prevent a speedy recovery. As for Rainen, if his manner of speech was that of a man out of his senses, its content showed reflection and purpose. What he, or the spirit in him, said was aimed at compelling Nhial to hand over his wages for the purchase from government herds of beasts for sacrifices, an object Rainen had been vainly trying to attain for some days previous to the ceremony. Rainen also justified himself, in what the spirit said, for the slaughter of a number of beasts to appease his various spirits, for which his family had criticized him for extravagance. They felt that too much of the family property was being devoted to religious purposes, whereas the spirit made it clear that, far from having made too many sacrifices, he had not made enough. Had he made more, Galuak would not have fallen sick. Religious and personal issues were interwoven in the spirit's declarations.

When the spirit had ceased speaking we left the hut, and Galuak's paternal uncle, Dol, went to chop down a branch of the 'wild date' (*Balanites aegyptiaca*), a tree to which *nai* is said to be very partial, to erect it as a shrine (*riek*) to the spirit near the hut. When it had been erected a clump of *tuat* grass was dug up by the roots and planted at the side of the branch in a hole first filled with water, it being the dry season. A he-goat—by this time one had been procured—was then brought out and the prophet waved his spear, decorated with ostrich plumes, over its back and made a short invocation, telling the spirit that they were honouring it, saying that it would now cease to trouble Galuak, and asking God that the people might rest in peace. He then cut the goat's throat. It was later eaten by himself and his two friends. The people of the homestead did not partake of its flesh, but when it had been cooked some children were called from a nearby homestead and given pieces of the meat and told to run back to their home with them. The Nuer said of this: '*ca gat kwoth nang cieng*', 'the son of God is taken home'. Finally a *buor*, a mud mound in the shape of an ordinary kitchen windscreen, was erected near the shrine. On the following evening Rainen rubbed ashes on the back of a cow of his herd and dedicated it to the spirit of his father. By so doing he felt that he had appeased the second spirit which was troubling his son.

The relations between Nuer and their spirits centre in these

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for example, people who abstain from eating
are, at any rate often, those who have had some heart trouble and 776 x
have been cured by massage by a man who respects hearts. They 177
now respect hearts themselves and can cure others. Again, a man 262
told me that he would not eat liver because a forebear had burnt 755 •
himself when roasting liver and had died of the burns. I was told, and it is highly probable, that these abstentions do not last for more than a generation or two. In the same way some people—here again they are said to be Dinka or of Dinka descent—respect certain diseases, or rather their symptoms. These are people who have suffered from the diseases, have been cured by others who respect them, and can now treat sufferers in their turn. I believe that usually, if not invariably, this is a relationship between an individual and a disease and that the respect is not shared by his kinsmen or descendants. Among the diseases recorded by Miss Soule[1] or myself which people respect are *kerker*, a yaws condition, *weth*, also a yaws infection of some kind, *rieny*, convulsions in infants, *gueng*, an abscess, *tanglok*, tubercular abscess, *lili*, hipjoint disease, *kor*, myalgia of the lumbar region (p. 185), and *thiang*, dysentery (pp. 187–8). I discuss later totemistic relationships of individuals to totems of female forebears.

II

It is essential to an understanding of Nuer totemism that it 776 x
should be appreciated that Nuer respect the natural species or class of objects because they regard them as being in some manner emblems or representations of Spirit. A European observer may easily be led astray by a Nuer speaking of his totem, as he ordinarily does, as his *kwoth*, but he means no more by this than that the totem in some special way belongs to a spirit which also makes itself known to him concretely in that species. Doubtless, as the spirit is only known in and through the species, spirit and species can never be wholly dissociated, but Nuer quite explicitly distinguish between them. Those who respect species say that it is the spirits of their totems and not the creatures themselves that they call on for aid, that they sacrifice to, and that they dedicate beasts to; and when we speak about the spirit of a totem it must be understood that what is meant is the spirit for which the totem

[1] *Some Nuer Terms in Relation to the Human Body*, a pamphlet published by the American Mission, Nasser, 1931.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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a conception one has at least to consider all the situations in which it appears in a people's speech or thought. 776 ×

We have observed that a totemic or totemistic spirit sometimes gives a man certain powers over the totemic species. The rites these people perform might be classed, according to some definitions of the term, as magic, but in the Nuer classification, which is the one we have to follow if we are to delineate their thought and not our own, we are still concerned with a relationship between man and *kwoth*. Nevertheless, with diviners, leeches, owners of nature sprites, and owners of fetishes we are on the periphery of the conception of Spirit, where it becomes more and more embedded in the psychical and material. 776 × 791 755 ●

Those who practice various forms of divination and leechcraft are known, as in other Nilotic languages, as *tiet*. Their powers come from some minor spirit, which is not, as I understood the Nuer, regarded as entering into and possessing a *tiet*, as spirits of the air and *colwic* possess men, but as having an external relationship to him. We may speak of Spirit so conceived of in relation to the exercise of his special powers as his familiar. If he did not have this familiar he would not be able to perform his functions, which are thought of as petty revelations of Spirit acting in an indirect manner through some traditional device.

The familiar spirits of these specialists may be totemic spirits, such as those of the tree cobra or the lion, but there may be no way of referring to them except in relation to the functions of the specialists, as the spirit of this or that kind of specialist. Nevertheless, they are always thought of on the pattern of the totemic and totemistic spirits, so that there is really little difference, except in manner of speech, beween any *tiet* and such a person as performs rites to control crocodiles or durra-birds. Indeed, anyone who is credited with special powers over nature might be described as a *tiet*, which has the general sense of a person with such powers, a cunning man, so that, for example, the fact that a man has been able to acquire a wife with an unusually small payment of cattle suggests to Nuer the likelihood of his being a *tiet*. However, the word is generally used only for the skills I am about to mention, and a person with other but similar powers derived from a totemic or totemistic relationship who is not so called is spoken of as *gwan kwoth*, owner of a spirit (of whatever it may be). In either case, the familiar may be inherited from father to son.

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The best-known sort of *tiet* is the *tiet gweni*. He divines by throwing mussel shells on the convex surface of a gourd and studying the way they fall. By this means he answers such questions as whether a man will find a lost cow, have success on a journey, or slay a victim in a blood-feud, and whether, if he is on a journey, all at home is well. While engaged in throwing the shells he speaks to his familiar spirit, which is associated with the gourd, perhaps being regarded as in it during the seance. Another sort of specialist of this order is the *tiet dala*. I was told that some of his functions are to aid a man to recover cattle by performing a rite to make the herdsmen inattentive, to aid a man to recover a runaway wife, to win female favours, to exact vengeance in blood-feud, and to avoid enemy spears in fighting. Another sort is the *tiet me ngwet*. She—all I heard of were women—is a leech who removes objects from the bodies of sick persons which have been put there by a *peth*, a witch or possessor of the evil eye. Another sort is the *tiet me monye dholi*, a leech who massages constipated children with his spittle. Other sorts of *tiet* treat barren women, impotent men, and sick calves; and there may be yet others with minor skills.

Nuer do not highly regard these people and have small confidence in them. They are little men and women who perform their petty rites for the benefit of their immediate neighbours and for inconsiderable rewards. They never achieve social prominence, far less tribal renown, and their possession of special powers is not likely to be known outside their own village or its immediate vicinity. But, apart from this, they are regarded as being in themselves something very humble and of quite a different class and order from the prophets, who, whether they achieve great renown or not, are inspired by spirits of the above, whereas these diviners and leeches and other specialists of the same order merely have little spirits of the below as familiars. Were this not to be made clear there would be a danger that Nuer religious ideas and practices might be viewed in false perspective, for they are not all of the same significance for Nuer. Some are important and some are unimportant, and they are of different kinds and of different orders. It was because this was not appreciated by British administrators that the role and nature of the prophets was very largely misunderstood and their treatment of them ill-considered (pp. 303–7). Nuer do not regard all manifestations of Spirit as of equal value, nor do they accept (96) all claims to spiritual guidance at their face value.

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778 Indeed, the fetishes seem only to have been placed in the category of Spirit by the logical necessity of assimilating the powers
x776 attributed to them to some model the Nuer already possessed. They are also of the category of *wal*, medicines, which sharply differentiates them from Spirit proper, but since they can reveal their wants and wishes in speech, move about, and kill people, they seem to Nuer to fall between the two categories. It is to be remarked that the *kulangni* and the *bieli*, which are closer to totemic representations of Spirit, are generally referred to by these names and not, like the totemic spirits, as *kuth*, as though by distinction of name they were being marked off from the other spirits. It should be stressed also, in this connexion, that the fetishes, and to some extent the nature sprites, are spoken of in the plural, as when we speak of angels, devils, goblins, and fairies, showing that they are conceived of as having less individuality than other spirits.

789 It remains only to say a few words about medicines which do not talk, the ordinary *wal*, magical substances which have an efficacy in themselves and do not derive their power from Spirit. Coming to the Nuer from Zandeland, where everyone is a magician and medicines are legion and in daily use, I was at once struck by their negligible quantity and importance in Nuerland, and further experience confirmed my first impression. I mention them chiefly for the reason that their rarity and unimportance are highly indicative of the orientation of Nuer thought, which is always towards Spirit.

789 In speaking of Nuer magic we are faced with the same historical problem that I have mentioned earlier, for all Nuer with whom
177 I have spoken on the subject have said that medicines were almost entirely lacking—only a few are thought to be old—in the days of their fathers and that most of the few medicines they now possess have been taken over from neighbouring peoples. My own view is that ethnological evidences support their statements, but the point that is important for us here is rather that Nuer regard medicines as something foreign and strange. They think easily in terms of Spirit but not in terms of medicines, the idea of which as it obtains among their Sudanic neighbours they seem scarcely able to grasp.

789 Nuer medicines of today are mostly of the nature of talismans
●765 for fortune—in hunting, fishing, courting, and travelling. I did not find that Nuer had much faith in them. Medicines are also

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used, sometimes as infusions, to protect a person from, or cure him of, sickness brought about by breach of an interdiction. There are also medicines, or people say there are, against the evil eye, monorchids, children conceived by suckling mothers, and fetishes. Nuer also have a few simples for treating common ailments, such as constipation, throat and lung complaints, fevers, and swellings, and for treating sick cattle. These medicines are thought to be efficacious only in very small matters or as secondary to the performance of a religious rite. No *wal* is of any use, at any rate by itself, as protection against the consequences of a serious breach of an interdiction or in any violent sickness. Only prayer and sacrifice are then of avail; and this holds, Nuer who know anything about them think, for European medicines—quinine, for example, as well as for their own.

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context of their common humanity, as, for example, when furious storms are raging, in times of severe drought and famine, or when a man is seriously ill, then God alone, or in certain circumstances one of his hypostases by which he is figured in relation to some particular natural phenomenon, is addressed and he is not, as it were, divided by a variety of titles along the lines of the social structure. This may also be to a large extent the case even where different social groups are involved, so long as they are not antagonistic but have a common interest and intention. I give one such illustration.

A youth in a village where I was residing was badly wounded in the shoulder by a spear in a fight with a man of the next village. His antagonist had not intended to kill him and the people of the two villages were on good terms, so his kinsmen at once sent the spear with which the wound had been inflicted to the injured youth's home with expressions of regret and wishes for a speedy recovery. The elders of the wounded lad's home bent the point of the spear and placed it point downwards in a pot of cold water. This was done to lessen the pain of the wound, especially when it was washed, and to cool the inflammation. Next morning the wounder's village sent us a deputation, leading a goat for sacrifice. By this further indication of their regrets and of their willingness to pay compensation at once should the lad die they anticipated a blood-feud. It was hoped in any case that the danger of death would be obviated by the sacrifice of the goat. The wound would, as the Nuer put it, 'be finished with the goat'.

Before the animal was sacrificed the visitors consecrated it by rubbing ashes on its back. It was then tied to a stake opposite the hut of the wounded youth's maternal grandmother and an invocation was delivered over it by a man called Lel, a leopard-skin priest and also a prophet, who had been summoned from a distance to officiate, partly, I think, because his presence would give greater importance, and therefore perhaps efficacy, to the ceremony and partly because it would be a further insurance for a peaceful outcome to the incident. His address was largely taken up with reiterations that the youth would not die and with giving to God and the people a lengthy and detailed account of how the accident had occurred. He sacrificed the goat at the conclusion of his speech. Our home party then brought forward a wether and it was also consecrated with ashes. Afterwards a man of the home

789 is said to have been paid in ransom to the river. The river was
782 bought, as it were, by her sacrifice; just as the hippopotamus had
[538] to buy the river in one of the Nuer just-so stories. Fox had found hippopotamus on land, where he had been created, and exacted from him, in payment for taking him to a river, the flesh around his mouth—which accounts for his funny face today. When they arrived at the river hippopotamus had to pay it (*kok*) the marrow of his leg bones before it would receive him—which accounts for their having no marrow, so Nuer say, in them today. 'Bought' and 'buy' are renderings I discuss below.

782 When in serious sickness an animal is sacrificed Nuer may say
755 *'ca kwoth kok ke yang'*, 'God is paid a cow [in ransom]'. I was present when a Nuer was defending himself against silent disapproval on the part of his family and kinsmen of his frequent sacrifices. He had been given to understand that it was felt that he was destroying the herd from inordinate love of meat. He said that this was not true. The oxen he had killed—and he had killed his own favourite ox among them—had been sacrificed to his mother-in-law's and wife's spirit *deng*, which came from Dinka-land and was frequently troubling his children and his wife and her brother with sickness. It was all very well for his family to say that he had destroyed the herd, but he had killed the cattle for their sakes. It was *'kokene yiekien ke yang'*, 'the ransom of their lives with cattle'. He repeated this phrase many times as one by one he recounted cases of serious sickness in his family and described the ox he had sacrificed on each occasion to placate the spirit *deng*. If his sons saw fit to complain let them regard their sisters. Would they not get the cattle of their sisters' bridewealth? And were not the cattle killed to save their sisters' lives?

782 The word *kuk* would seem therefore to suggest that God, or a
789 spirit, is placed by the sacrifice under an obligation. A woman says 'God, take thy cow and give me a child', and Nuer say of the river-spirit that 'it is given a gift and then it gives life to the people'. The child and the life are given to suppliants in return for the gifts they make. The action of the rite is not effective in itself. God, or a spirit, is not constrained by the sacrifice to grant the favour asked for. An animal sacrificed to God is his animal anyhow, and what he gives the suppliant in return is a *muc*, a free gift. Nevertheless, my impression was, at any rate where spirits of the air and of the earth are concerned, that Nuer feel that the recipient of a sacrifice

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is at fault if it does not fulfil its part of the bargain. A costly sacrifice having been made, *cuong*, right or justice, is on the human side in the matter. Thus the man of whom I was speaking above said during his harangue that after all the sacrifices he had made to the spirit *deng* on account of sickness in his family, his little daughter had been bitten by a snake and died. He had given all these oxen to *deng* and look what had happened! He felt aggrieved and had consulted a prophet of *deng* who had told him that if the spirit had taken his daughter it would compensate him for his loss; and it had indeed done so by giving him twins: '*ca col e kwoth ke cuek*', 'it [the death of the daughter] was compensated by the spirit with twins'. The use of the word *col*, as will be seen later, here implies that the spirit was in debt to the man. This Nuer Job complained that the spirit had only compensated him because he told it that he had had enough of it and that it could take all his children if it pleased, for then he would have finished with it because it would have nothing more to take from him.

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The word *kok* occurs in the other Nilotic languages with much the same range of meaning, outside its sacrificial usage, as it has today in Nuer, for one most frequently hears it used today to describe the purchasing of goods from an Arab merchant. That a word which had chiefly, and perhaps primarily, a sacrificial meaning should come to be employed for the recent practice of buying something from a shop, a commercial sense it has also in other Nilotic tongues, sheds some light not only on Nuer ideas about trading but also on their ideas about sacrifice. Since the present range of meaning of the word includes buying and selling one might say that God or a spirit is 'bought' by sacrifice. The dangers of translation that beset one at every step in an attempt to understand and make intelligible Nuer religious ideas are here very apparent, for once we use the word 'bought' the associations it has among ourselves rush in to colour the Nuer conception. But Nuer do not regard purchase from an Arab merchant in the way in which we regard purchase from a shop. It is not to them an impersonal transaction, and they have no idea of price and currency in our sense. Their idea of a purchase is that you give something to a merchant who is thereby put under an obligation to help you. At the same time you ask him for something you need from his shop and he ought to give it to you because, by taking your gift, he has entered into a reciprocal relationship with

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782 437 196 you. Hence *kok* has the sense of either 'to buy' or 'to sell'. The two acts are an expression of a single relationship of reciprocity. As an Arab merchant regards the transaction rather differently misunderstandings arise. In the Nuer way of looking at the matter what is involved in an exchange of this kind is a relation between persons rather than between things. It is the merchant who is 'bought' rather than the goods, just as it is God or a spirit who is bounden by sacrifice; or it can be better put by saying that the partners, Nuer and merchant, man and God, *kok* each other. The general notion conveyed by the word is therefore that of exchange. This sense covers, as do our own words 'ransom' and 'redemption', both religious and commercial usages. In both there is the idea of a relationship expressed in gift and counter-gift. The mere fact that the word has been made use of to denote what we regard as plain and simple commerce shows that some idea of a bargain is implied in its sacrificial use. Whatever else it may also be, sacrifice can be regarded, as Socrates says in the *Euthyphro*, as being in a sense a 'commercial technique', a way of doing business between gods and men. A bargain is struck. There is an exchange. This is further shown by the use of the verb *luel*, not in reference to any particular kind or situation of sacrifice but in invocations at personal sacrifices. A consideration of its use shows us better what sort of exchange Nuer sacrifice is.

782 755 One of Professor Westermann's texts records a sacrificial invocation made on behalf of a sick man. I would translate it as follows: 'God, what is this? Leave him with us; let him recover. Turn about, take thy cow. It has been decreed for the life. It is thou who hast spoken thus. Take the cow that it may be in exchange for the life (*bi je luele yei*). It is thou who hast created us; it is the cow which is exchanged for life (*e bi yang a luel ne yei*). Take the goat and the cucumber; and let him recover! In what have we erred? Give us the life. Thou art our father. Why must we always suffer? Give us the life, we pray thee, our father.'[1]

437 196 In other contexts the word *luel* means 'to exchange' or 'to change'. Something takes the place of another thing equal to it —a simple exchange of two things considered to be of more or less

[1] Op. cit., pp. 116–17. The sentence 'Take the goat and the cucumber' would not occur in any actual invocation, for the two things would not be sacrificed at the same time. Whoever spoke the text has inserted a gloss in the sense of 'Take the cow [ox], that is to say, the goat or the cucumber' [as the case may be].

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792 A very complex representation would seem to be involved here, in which ideas about persons and ideas about Spirit are mixed together with regard to a man who in one way of thinking about him is man and in another way of thinking about him is Spirit and who is also conceived of as both man and Spirit.

As explained in Chapter II, the chief function of such prophets
792 as gained any considerable following and became political figures
787 was their hermeneutic role in warfare. They spoke the directions of the spirits of the air for raids on the Dinka[1] and for resistance to the slavers and the administration and made sacrifices to them. Their other functions were subsidiary and were exercised by lesser
● [755] prophets also: healing, particularly curing barrenness of women, staying of epidemics lethal to men or cattle, and exorcism of troublesome spirits. They were also credited with power to foretell events and with a more than usual insight (*gwic*). A prophet heals people by rubbing his spittle on them or by sprinkling them with water, milk, or butter, and his inspiration gives him foreknowledge, but he, like anyone else, relies on sacrifice in times of trouble; and he may be asked to sacrifice for any purpose except on those occasions reserved to the priesthood. People ask him to sacrifice on their behalf, not because they cannot make sacrifice themselves, but because sacrifice by him is felt to have special efficacy in that he has a special and intimate association with Spirit. Nevertheless, though prophets, like priests, may sacrifice on behalf of other people, the distinctive character of the prophet is not, as it is of the priest, his sacrificial role, but his revelational role deriving from spiritual inspiration. Hence, so I have been told, women, as well as men, may become minor prophets, though I believe only an old, and possibly barren, woman, of whom Nuer say '*coa wut*', 'she has become a man', would do so. A female prophet would not sacrifice.

792 I mentioned briefly, because I have treated the matter elsewhere,
668 the political significance of the Nuer priests, their office being a politico-religious institution of the traditional social order. The prophets can also be regarded from the same point of view, as a politico-religious institution which has recently emerged in answer to changes in the social order. It may be hard to believe that people with prophetic powers have not always existed among the Nuer, but there is no evidence that they have; and all Nuer with whom

[1] They acquired substantial herds from their share of the booty.

8:Howell E, G-5 (1942-1944)1954
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and thrusts it into the river alongside the pole, calling upon the crocodiles to desist. This is, in fact, a common practice, since some Nuer are bound to cross rivers or crocodile-infested waterways in the course of the dry season migration.

Kuaar juath

The badge of this office is a cow-skin which he beats with a stick, and by performing this and other forms of ritual the *kuaar juath* stops the spread of disease among humans (notably small-pox). This office is also hereditary.

Kuaar yiika

The badge of this office is the *yiik* or woman's mat. The *kuaar yiika* is called in to arbitrate in cases where a woman dies in childbirth and *thung yiika* is demanded. Some Leopard-Skin families claim that this is their duty and that the *kuaar yiika* is only an assistant who should help in a subordinate capacity.

Gwan tang (*sometimes kuaar tang*)[1]

The word *tang* means 'spear-shaft'. The *gwan tang* is particularly concerned with the success of raiding parties and the performance of elaborate ritual to avoid spear-wounds to the warriors. Part of the ritual process is to break off the tip of the spear-shaft and cast it in the direction of the enemy. Some of these specialists are known as *gwan bith* (*bith* means fish-spear), but I know of only one family which claims this distinction, and their functions and the ritual they perform appear to be identical with those of the *gwan tang*.

Many of the functions of these various experts appear to overlap. This is true in general terms, but closer analysis will, I think, show that they are not identical. Thus the *kuaar kwac*, the *wut ghok*, the *kuaar thoi* and the *gwan tang* are all concerned with cattle raids and warfare. The *kuaar kwac*, however, is expected to ensure success in a more general and unspecified way, the *wut ghok* has specifically the duty of seeing that the raiders are successful in capturing cattle, the *kuaar thoi* is expected to protect them from poisoned water, and the *gwan tang* to give them success in inflicting spear-wounds on their enemies and in avoiding injuries to themselves. The *kuaar kwac* is also expected to protect them against the ghosts of slain enemies, which is one of his specific duties in cases of homicide. All experts of this kind are known as owners of *twac* (*gwan twac—ji twac*),[2] stressing their right to wear a particular skin as a badge of office, although some of them, notably the *wut ghok*, have none; the rest of the

[1] *Kuaar* is best translated as 'expert', though the word 'chief' is more often used; *gwan* (father) here simply means 'owner or possessor of'.

[2] *Twac* is a generic term for skin; *kwac* means leopard-skin, *thoan* serval cat-skin, and so on.

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881 784 and only those women who are nursing babies or who have reached the menopause are allowed near their hut. One or two men, often a youth who was initiated the year before, and who abstain from sexual relations for the time, will keep guard over the boys to prevent their heads from falling sideways, so that the grass circle which they use as a pillow sticks to their temples and in the effort to get it loose the wounds are re-opened. They must sleep on their backs with the backs of their heads on the grass pillows. An old woman may also sleep in the hut and assist in looking [757] after the boys. Should the wounds break open and bleeding be renewed the place is cauterised with a *rip* which has been heated in the fire.

Until they are taken to the river and cleansed at the end of their seclusion the boys must strictly avoid any contact with the cattle. This is a ritual prohibition, a *biit*, which involves a curse if it is infringed. Not only are they prohibited from going among the cattle but they must even avoid treading on cattle dung. It is said that if a cow approaches them the boys must immediately run away into the shelter of their hut. It is believed that a breach of this prohibition would prevent the formation of regular scars (*piar*) on the forehead so that all the marks of initiation, the pride of manhood, would be obliterated with the exception of the *woc dohl*, the cut just above the eyebrows. In this connection Miss Huffman records of an initiate that, " When one asks him if his wounds are healed he will always say ' not yet,' but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed although the boy will not say so for fear someone with the evil eye should hear of it."[1]

881 262 During their convalescence the boys are given food in liberal quantities and are probably better fed than at any other time in their lives. Considering that the Nuer is always hungry and frequently starving this abundance of food makes an impression that it is hard for us to appreciate fully. When speaking of their experiences at this period one finds that the festal nature of their convalescence is frequently stressed. They say that if any youth who has not been freshly initiated looks longingly at their food the initiates will belabour him while if it were an older man they would not strike him but neither would they invite him to partake of the meal. The boys share and share alike, as befits comrades, in any food

[1] *Op cit*, p. 32.

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000 One cannot but admire the bravery and stoicism displayed by the boy, but it is a dreadful ordeal and a most gruesome sight. How long this custom will be continued is a question one cannot answer. Knowing the Nuer, one would be almost tempted to say that it will never be discontinued as long as there remains one Nuer boy unmarked. Yet one Christian boy showed definitely that he had not the same fear of the evil eye as his companions. But until the Nuer people as a whole become Christians, there seems to be but little hope that this dreadful practice will be discontinued.

304 Near Abwong the tribal marks are not cut as deeply as they are at Nasser, and heal much more quickly.

A mother who has borne six or seven sons may have these tribal marks cut on her forehead at the same time as her youngest son has his cut. It is considered a great honour.

304 757 One may occasionally see a woman who has from one to four cuts across her forehead, but that indicates that she has had severe eye trouble, and the cuts have been made to relieve that condition. The cuts are on the forehead only, and do not extend to the region above the ears.

143 At least one Nuer—a man—is an albino. His hair, unbleached, is flaxen. His skin is pink-white. I have heard that other members of the same family are albinos, although some of them are black, but I have seen but this one member of the family. His parents are black. Nuer have always been afraid of him, fearing that he has a god in him.

826 When he was old enough to have the tribal marks cut, no one wanted to cut them, for they feared this god that was supposed to be in him. But the boy was insistent, so finally he had the tribal marks cut, but they were

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Chapter Six

DISEASE, DEATH AND BURIAL

DISEASES AND THEIR REMEDIES

PROBABLY the greatest cause of physical distress is 164
the tropical disease which is commonly called yaws. It is prevalent throughout a large section of Nuerland, although it has not as yet invaded the Lau country.

This disease is characterized at the onset by aching in the muscles and joints, then lesions may form over various parts of the body. The mucous membrane of the mouth and nose becomes inflamed. Large ulcers may form on the limbs; when they do, the aching in muscles and joints usually stops. The bridge of the nose may be destroyed by inflammation.

Yaws is spread by contact with the discharges of the body of the person affected or discharges from the ulcers. It is not of syphilitic origin.

Sometimes the ulcers are quite large and deep; four to eight inches of tissue may be involved. Others, of course, are smaller.

The Nuer tries various treatments which have been 757
recommended to him by his elders. Certain leaves may be tied around the neck, a massage with hot water may be given to relieve the aching muscles and joints. The ulcer may be scraped with a shell, the edge of the shell having been previously sharpened. If a kernel forms in the groin due to an ulcer on the leg, a special grass is tied around the ankle to relieve it. The disease may wear itself out in time without medical care.

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759 Probably few patients receive more than one injection,
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743 During the rainy season when the Sobat river is
757 navigable, and in all seasons on the Nile, the hospital boat—the *Lady Baker*—with at least one English physician and his helpers on board, provides treatment for all cases that can be reached in the towns along the rivers. Intravenous injections are given, and dressings are done. The dreadful ulcers receive one day's treatment at least. All who come to the hospital boat are treated for their various complaints. Those who wish may accompany the doctor to the hospital at Malakal, where they will receive free medical, surgical, and hospital care; they are given free transportation there and back to their villages again.

At Nasser there is a mission clinic. Here patients are encouraged to stay until they have received four of the intravenous injections and also a large daily dose of potassium iodide. Their sores are also dressed three times a week. Many, of course, leave before this course of treatment is completed, but others stay until a complete cure is effected. Skin grafts have been done at different times, three cases have been really successful.

Other remedies, such as bismuth, have been tried at this clinic, but beyond a palliative effect have been useless; the result has been time wasted for the Nuer and no definite cure. The intravenous injections were finally found satisfactory.

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757 It is surprising how quickly the ulcers respond to treatment at first. Later, when they are partly healed, the process seems to be slower, an ulcer may persist in being almost but not quite well for some time. Scar tissue breaks down easily, and the bare Nuer limb gets many a scratch and bruise which tend to cause a recurrence of the sore.

[302] When a man is downcast because a sore is slow in healing, he may bind his hair closely to the head by sewing it with cotton thread until it has the effect of a hair-net. He may wear his hair like this until his cause of distress of mind and sorrow of heart is relieved. This in itself explains to those who see him that there is a reason why he is not adorning his body, and that he is not careless about his personal appearance without cause.

One attack of yaws does not render a man immune. Of course, those who have had no complete cure of the first attack are specially subject to a recurrence of this disease.

164 Leprosy is rare among the Nuer although neighbouring tribes are subject to it.

Trachoma probably causes more trouble in Nuerland than any other disease with the exception of yaws. It is so widespread, and is the cause of much partial and total loss of sight. Many have trichiasis, but when, as in the past, there was a doctor at Nasser many were relieved of this affliction by operation. At the Government hospital at Malakal, both in the past and in the present, relief was, and is, offered to all who come.

[136] Flies are so numerous in this land that they have a very active part in the spread of disease.

Amoebic dysentery also takes its toll of life and weakens the people, although it is not as prevalent as some other diseases.

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164 757 Pneumonia is hard to cope with in this land, and is much dreaded. As soon as the Nuer thinks that he has pneumonia he refuses to take medicine, asserting that if a victim of pneumonia takes medicine, the remedy will drive the disease all over the body instead of just letting it stay in the lungs. So the patient sits in the sunshine and the usual precautions are taken to guard him from those who might cast the evil eye upon him. Hot milk is given him to drink, if milk is obtainable. But he spends his nights shut up in a windowless house, the door being shut also, and possibly a small fire within for warmth. Many die, but some cases, even those who have had haemorrhages, have lived.

752 Sometimes when empyema follows pneumonia another Nuer will operate on the patient, opening up the pleural cavity in order to let the pus out. He may even cut the rib. The Nuer give you the name of the tree from which a twig may be cut in order to splice the rib. But I know of no one who has survived this operation. The patient is forcibly held down while this operation is in progress as they have no anaesthetics.

164 753 Various other diseases of more or less importance may be found. Cases of what they fear is a severe stomach disorder may eventually be found to be simply due to their fear of a curse.

164 The Nuer dread smallpox; when there is any danger of an epidemic of it they are quite anxious to be vaccinated. Smallpox is usually virulent in this country, and their dread of it is justified by the fact that it takes a heavy toll of life.

Chicken-pox, measles, and mumps may also be found. I have not known of any scarlet fever or diphtheria. Tuberculosis of the lungs is rare, although tubercular bone cases may be found.

Syphilis is not common, and when found its origin

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755 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offered, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[36] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.

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through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753]
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treat- 177
ment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

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x 776 contexts means speech, talk, or word, but when used in prayers
196 and invocations in the phrase '*e rwacdu*', 'it is thy word', it means the will of God; and when used in reference to creation it has almost the meaning of the creative word: 'he created the world, it is his word'.

773 The Nuer can hardly be said to have a creation myth, though our authorities[1] record some fragmentary accounts of the creation of men, parts of which I have myself heard. These state that men were created in the Jagei country of western Nuerland at a certain tamarind tree, at the foot of which offerings, and according to Mr. Jackson sacrifices, were sometimes made till it was destroyed by
[171] fire in 1918. Many details in the versions given by Mr. Jackson and Captain Fergusson are clearly foreign, either Dinka or in Mr. Jackson's account Shilluk and in Captain Fergusson's account possibly even Atwot or Mandari, and I regard Father Crazzolara's version as the closest to Nuer tradition. In this version the tamarind tree, called Lic, was itself the mother of men who, according to one account, emerged from a hole at its foot or, according to another account, dropped off its branches like ripe fruits.

x 776 Whether they are speaking about events which happened *ne*
● 761 *walka*, in the beginning or long ago, or about happenings of yesterday or today, God, creative Spirit, is the final Nuer explanation of everything. When asked how things began or how they have come to be what they are they answer that God made them or that it was his will that they have come to be what they are. The heavens and the earth and the waters on the earth, and the beasts and birds and reptiles and fish were made by him, and he is the author of custom and tradition. The Nuer herd cattle and cultivate millet and spear fish because God gave them these things for their sustenance. He instituted their marriage prohibitions. He gave ritual powers to some men and not to others. He decreed that the Nuer should raid the Dinka and that Europeans should conquer the Nuer. He made one man black and another white
[826] (according to one account our white skins are a punishment by God for incest committed by our ancestor with his mother), one man fleet and another slow, one strong and another weak. Everything in nature, in culture, in society, and in men is as it is because

[1] H. C. Jackson, 'The Nuer of the Upper Nile Province', *Sudan Notes and Records*, 1923, pp. 70–71; V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 148–9; J. P. Crazzolara, op. cit., p. 66.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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God made or willed it so. Above all else God is thought of as the giver and sustainer of life. He also brings death. It is true that Nuer seldom attribute death—in such cases as death by lightning or following the breach of a divinely sanctioned interdiction—to the direct intervention of God, but rather to natural circumstances or to the action of a lesser spirit, but they nevertheless regard the natural circumstances or the spirits as instruments or agents of God, and the final appeal in sickness is made to him. Nuer have often told me that it is God who takes the life, whether a man dies from spear, wild beast, or sickness, for these are all *nyin kwoth*, instruments of God. 776x 761●

In the Nuer conception of God he is thus creative Spirit. He is also a *ran*, a living person, whose *yiegh*, breath or life, sustains man. I have never heard Nuer suggest that he has human form, but though he is himself ubiquitous and invisible, he sees and hears all that happens and he can be angry and can love (the Nuer word is *nhok*, and if we here translate it 'to love' it must be understood in the preferential sense of *agapō* or *diligo*: when Nuer say that God loves something they mean that he is partial to it). However, the anthropomorphic features of the Nuer conception of God are very weak and, as will be seen, they do not act towards him as though he were a man. Indeed, such human features as are given him barely suffice to satisfy the requirements of thought and speech. If he is to be spoken about, or to, he has to be given some human attributes. Man's relation to him is, as it is among other peoples,[1] on the model of a human social relationship. He is the father of men. 776x

A very common mode of address to the Deity is '*gwandong*', a word which means 'grandfather' or 'ancestor', and literally 'old father', but in a religious context 'father' or 'our father' would convey the Nuer sense better; and '*gwara*' and '*gwandan*', 'our father', and the respectful form of address '*gwadin*', 'father', are also often used in speaking to or about God. God is the father of men in two respects. He is their creator and he is their protector.

He is addressed in prayers as '*kwoth me cak gwadong*', 'God who created my ancestor'. Figuratively, and in conformity with Nuer lineage idiom, he is sometimes given a genealogical position in relation to man. A man of the Jinaca clan, for example, after tracing his pedigree back to Denac, the founder of his clan, may

[1] Friedrich Heiler, *Das Gebet*, 3rd ed., 1921, pp. 490 seq.

SPIRITS OF THE ABOVE

776 782 was a *yang kwoth*, the cow of a spirit, and that no good would come of my possessing it. They were not surprised when one night it tore up its tethering-peg and fell into the Sobat river and was drowned. The *Sudan Intelligence Report* of September–October 1934, No. 69, records the interesting case of a man who was ordered by a Government Chiefs' Court to pay a cow in damages to another Nuer. As at the time he possessed only one cow and this was dedicated to a spirit, the Court permitted him to defer payment while he went to obtain a cow owing to him in a different part of the country. During his absence from home on [761] this errand one of the Government chiefs took his cow. The owner was killed by an elephant on his journey and his kinsmen claimed compensation from the chief because they attributed his death to the removal of the cow devoted to his spirit. The milk of a spirit's [262] cow should only be drunk by members of the family. It belongs to the spirit and is therefore reserved for the people to whom it is attached. I was first made aware of this rule when on a journey I fell sick in a Nuer village and was compelled to spend a few days there. Being unable to eat solid food, I asked a lad of the nearest homestead if I might have a little milk. He said that he was sorry, but the only cow giving milk in his family herd was the cow of his mother's spirit, and he could not let me have its milk without her permission. He later brought some milk and told me that it would be all right for me to drink it as I was sick, but when I could eat again only the children of the home might either milk the cow or drink its milk.

Should a man neglect to dedicate a cow to his spirit when he is in a position to do so, or should he dispose of a beast already devoted to the spirit and not dedicate another to it, sickness is [753] likely to fall on his family or herd. But although Nuer say this, and believe what they say, it is not uncommon for them to use a spirit's cow for bridewealth or some other purpose, hoping that they will soon be able to replace it. They know that they are doing wrong but they think that maybe the spirit, having been informed of their intentions, will understand their difficulty and will excuse their manner of overcoming it, knowing that they mean to keep their promise to give it another cow as soon as they can. But they may not find it easy to procure another cow for some time and the spirit has in the meantime to go without one; or they keep on putting off the replacement because they want to use

SPIRITS OF THE ABOVE

×776 821 782 Come to earth gently, do not come with fury to thy grass [the thatched roof]. Come gently to thy grass. No one disputes with thee. It is thy universe. It is thy will, thine alone.' Or a man may take a mallet, used for driving tethering-pegs into the ground, lay it in the doorway to his byre, and, after asking God to 'rain well' for it is his universe, throw some ashes into the air in offering. Once when after a heavy storm I told a Nuer that should there be another storm of like severity I would desert my tent and take shelter in his byre he rebuked me, saying 'God does not wish the thunder to come like that again. You should not suggest it.'

×776 ●761 766 When a person is killed by lightning Nuer are resigned. They say that God has struck him with his fire and that as God has taken him there is nothing to be said. God has taken the soul of the man to himself and 'he would be angry if he saw you grieving for the person whom he has taken'. The death is not a punishment for some fault but a mysterious act of divine will, almost what some theologians call an election. All death is ultimately attributed to God, but only in the sense of his being the first and necessary cause which operates through secondary and contingent causes. In the case of a *colwic*, however, God has chosen a particular person for himself and taken him with his own hand. Nuer say that the chosen person has entered into kinship, or friendship, ×776 with God.[1] For this reason a person struck by lightning does not 766 receive an ordinary burial and the usual mortuary rites are not held for him. I was under the impression, and have elsewhere stated, that, nevertheless, the formal rules of mourning were observed, but Dr. Mary Smith tells me that this is not so, and what she says is more in accordance with what I have recorded above.[2]

A person is usually struck in his byre or hut and the walls of the burnt-out building are broken down over the body, and the

[1] In a published note on *colwic* (*Man*, 1949) I have translated a phrase, '*ca mar e kroth*' by 'he has been brought into kinship with God'. As written it could mean this, but I now think that I may not have heard the words correctly and that what was said should be translated 'he was struck by God (with lightning)'. However, the idea of kinship, or friendship, with God was also expressed where the context allowed no room for misunderstanding.

[2] We find the same idea among the Shilluk. They do not bury or mourn a person killed by lightning. The death is an honour and the family feel that they have made an offering and will therefore prosper (the Rev. D. S. Oyler, 'Shilluk Notes', *Sudan Notes and Records*, 1926, pp. 58–59). Dr. Lienhardt tells me that the Dinka also do not mourn a person killed by lightning.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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tested that surely a man would not kill or eat a creature he respects, 776 x
I was told that 'it may be that a man is a fool and kills his *kwoth* deliberately'. Here we are to understand by *kwoth* a totem deriving from some maternal affiliation and not the totem of the man's own lineage. I was also told that it sometimes happens that a man does not know all the classes of objects he ought to respect or is uncertain about them. 'His father was forgetful and did not trouble to dedicate a cow to it (the spirit) or think of it at all, though he did not eat it (the totem). Then the son is forgetful too and one day they forget all about it and have no recollection of it at all.' Nuer also told me that it may happen that a boy is brought up among his mother's people and is not told by them about totems which have come into his father's family from Dinka women. In other words and in our way of speaking, people have totemistic relationships to the totems of persons with whom they have affinal and maternal links and these totemistic relationships are forgotten in course of time by their descendants, who may then be reminded of them by sickness. I do not think it could ever happen that a man could be ignorant of the totem of his own lineage, for I have found that children of under six years of age know it; or that a man would deliberately harm it.

Nevertheless, though a spirit associated with a natural species 776 x
is most likely to seize persons who have some past connexion with 753
it, any striking event, and particularly any sickness or other unfortunate event, might, Nuer think, bring about a totemistic relationship which could persist till it had hardened into a totemic one. The event is evidence of the action of Spirit and the conception of Spirit may become particularized by reference to the specific cause of misfortune in relation to the person or persons who have suffered it. Thus, as we have noted, a man may suffer from a disease and, after recovering from it, respect it. The disease was taken to be a manifestation of Spirit and the man who suffered it afterwards has not only the general relationship everyone has to God but also a particular relationship to God in his refraction as a spirit of the disease.

A totemistic, and potentially totemic, relationship may come 776 x
about with regard to some class of objects through a man or a 761 ●
member of his family suffering any kind of misfortune. A man was killed by a fishing-spear and his children now respect fishing-spears. Another man was killed by the bite of a snake and his

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 children now respect this species of snake. Mgr. Mlakic records
●761 how a Nuer who has a tree for his totem told him that one of his ancestors had died from being pricked by a thorn of that tree. Anything may thus become a totem. Mgr. Mlakic also recounts how a Nuer refused to accept a milleme coin the Father offered him because a boy of his family, when playing with a milleme, got it into his ear and died. The family now respect millemes.[1]

×776 A youth, a friend of mine in western Nuerland, had recently
825 acquired a respect for speckled vultures. The Nuer consider it a misfortune if a speckled vulture, a hooded vulture, a Goliath heron, a maribou stork, or an egret settles on the crown of a byre or dwelling-hut. '*Theke ke, cike de nyur wi tie*', 'they (the birds) respect them (byres and huts), they ought not to settle on their
[782] crowns'. If this happens a goat is sacrificed and the bird is asked why it should settle on a habitation. It is requested to accept the offering and take itself and all badness from the homestead. Nuer say that the bird is *kwoth*, Spirit, but, here again, they do not mean that the bird is in itself Spirit but that it is a form in which Spirit is beholden. Nuer know that the bird is *kwoth* only through its unusual behaviour. The man to whom I have referred went some years ago with a party of men to find a cow which had died in the bush. When they found it, some speckled vultures rose from the carcass and one of them settled on the man's head. This caused great consternation because its settling on the man's head showed the presence of Spirit. As soon as the party reached home a goat
[782] was sacrificed and left in the bush for the vultures to eat. From that time the man respected vultures. One day he told me that the night before he had dreamt of this incident and had early that morning visited a female diviner (*tiet*) to find out whether his dream presaged anything bad for him. She assured him that no harm would come to him as the vulture-spirit had been sacrificed to (*ca kir*) in the first place. If it had not been satisfied it would have caused him sickness long ago. All he need now do, she said, was to cut a piece off a goat's ear and tell the vultures that it was his gift to them. This he had at once done. I do not know of any lineages which have the vulture as their totem, but it became a totem for this man by its action of alighting on his head. Since such an event is regarded by Nuer as a manifestation of Spirit, through the happening there came into being for this man a

[1] Op. cit.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER VI

SOUL AND GHOST

I

775 RELIGION is the reciprocal relation between God and man. Our study of Nuer religion is therefore a study not only of this people's conception of *kwoth*, God, but also of their conception of *ran*, man, and of the relation between the two conceptions. They stand to each other as opposites, symbolized in the opposites of sky and earth; and this is one of the salient contrasts of Nuer thought. I have already discussed the ideas they have about God, and I now propose to discuss some of their ideas about man. We can perhaps best start this discussion by considering what happens at death when man disintegrates into his three component parts, *ring*, flesh, *yiegh*, breath or life, and *tie*, intellect or soul.

764 Nuer say that a man who does not fear death summons his family and closest kin to his death-bed, but all who are not grave-diggers leave his homestead immediately he is dead, and the grave is dug and the corpse buried as quickly as possible and without ceremony. Usually only two or three people dig the grave and these are senior kinsmen, or sometimes kinswomen. A member of a man's age-set must not dig his grave, and all children and young people keep away from the homestead, even those nearest to the dead, such as his sons and younger brothers, however grieved they may be at their loss. They may weep but they do [761] not attend the burial, for death is an evil thing and only those who must get rid of the corpse should go near the grave. Men do not wail, and if women wail it is not for long, just a little as soon as the person has died and again shortly before he is buried to let the neighbours know of the death and burial. I have never witnessed a burial and it was with difficulty I obtained a description of what happens. Death is a subject Nuer do not care to speak about.

The shaft is dug near the left-hand side (as one faces it) of the dead man's hut or, if he dies in camp, his windscreen. This is the *kwi giakni*, the side of evil. The grave is dug to the depth of a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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765 nourished secret resentment in his heart, or a son may have had relations with one of his father's wives and not confessed his guilt. I was told that the bad half of the goat was eaten by persons unrelated to the dead man and the good half by members of his family.

765 768 Lam's goods which had been tied up for later distribution on the first day were now brought out again and divided among members of the family by the eldest son assisted by the master of ceremonies and some senior kinsmen. The clothes, beads, and ostrich-shell girdles were given to Lam's wives. His series of metal arm-rings was broken up and the rings distributed among the men and boys of the family.

765 The ceremonies were concluded by all the people shaving their heads. On this account the mortuary ceremony is often spoken of as the *mut*, the cutting. The cutting of the hair of the kin symbolizes the cutting off of the dead from the living just as in the marriage ceremonies the rite, known by the same word *mut*, by which the bride's hair is shaved off, symbolizes the cutting of the ties between her and her family and kin. The mortuary ceremony is one of deep 'silence and sadness', the marriage ceremony one of 'happiness and laughter'. They also say of the dead man *ca je mut*, he has been cut off (by this ceremony). It is clear from the orations and actions of the mortuary ceremony that part, perhaps the main part, of their purpose is to cut the dead from the living. 775 The dead man has to be given the full status of ghost and persuaded to accept it so that he will remain as a ghost and not try to 765 return to the living with the taint of death on him. This is the 761 constant refrain of the invocations: 'Now you ghosts, you are finished with us, you are the people of God, you are the people on the other side.'

That this is one of the main purposes of the ceremony is further shown by a curious observation I made in western Nuerland. There was living in a village there an unhappy-looking man of unkempt appearance, called Gatbuogh. This man had some years before gone on a distant journey and had not been heard of for a long time. Then there came to his village news of his death and in course of time the mortuary ceremony was held for him. He later returned home and was living in the village at the time of my visit. He was described as *joagh in tegh*, the living ghost. I was told '*ca tiede mut. ce tiede wa kene tie yang kel. ce te ni ringe*

16: Evans-Pritchard E-5 (1931, 1936) 1956
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775 *cunge*', 'his soul was cut off. His soul went with the soul of the
765 (sacrificed) ox together. His flesh alone remains standing.' His
761 soul, the essential part of him, had gone and with it his social personality. Although people fed him he seems to have lost such privileges of kinship as pertain to the living and not to the dead. I was told that he could not partake of sacrificial meat because his agnatic kinship (*buth*) had been obliterated (*woc*) by the mortuary ceremony. A neighbour said to me 'he lives in our village with Baranyai but we do not count him a member of it because he is dead. The mortuary ceremony has been held for him.'

765 There were doubtless points I missed in the mortuary ceremony I witnessed and possibly some I did not hear about in later discussions with Nuer. A feature I did not observe but which, I was later told, is common, was the singing of hymns to the spirits of the air, in particular the hymn to *buk* which I have recorded earlier. These hymns are not an integral, and therefore essential, part of the ceremony and their meaning is in no way related to the matter in hand. They are in keeping, however, with the religious character of the rites and enhance it.

765 In conclusion I should say that Mayan told me at Dini that he
782 would later cut the ears of the bulls of his dead father's herd and that this is always done when the dead man was a person of age and social importance. The cattle would then prosper. For such a man another ox may be sacrificed some months later. The master of ceremonies again prepares porridge for those who gather to honour the ghost, and the senior kinsmen again make speeches to God and to the dead man and to all the ghosts of the lineage. Before the animal is speared all the people, men, women and children, bring ashes of cattle-dung and rub them on the ox. I discuss the meaning of this act in later chapters. The meat is distributed to all present, and also the porridge and the beer, which has been prepared in advance. An ox sacrificed in this manner to honour a dead man is known as *thak bar* or *thak joka*. A man may at any time decide to honour his father in this way and Nuer sometimes set apart an ox or an old bull (*tut jookni*) for their dead fathers, as Lam had done for his father Tutthiang, and await a suitable occasion for sacrificing it, as when they see their fathers in dreams and know that they want something. An ox so set apart cannot be disposed of but must be kept in the herd till it is sacrificed.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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SOUL AND GHOST

II

761 Two main questions arise from the account I have given of ceremonies connected with death: In what way do Nuer conceive of the disintegration of the person at death and how do they regard those who have departed? I discuss these two questions in turn, but I must say at the outset that Nuer are neither very clear nor very explicit in what they say about the matters they concern.

As I have said, Nuer avoid as far as possible speaking of death and when they have to do so they speak about it in such a way as to leave no doubt that they regard it as the most dreadful of all dreadful things. This horror of death[1] fits in with their almost total lack of eschatology. Theirs is a this-worldly religion, a religion of abundant life and the fullness of days, and they neither pretend to know, nor, I think, do they care, what happens to them after death.

761 774 196 When a man dies the flesh, the life, and the soul separate themselves out. The idea of *ring*, flesh, presents no difficulties. All creatures have *ring*, and it is what, when a man dies, is committed to the earth. *Yiegh*, life, is a more difficult concept, especially as, as will be seen, its meaning overlaps with that of *tie*, soul—they are different aspects of what in a living man is a single whole. *Yiegh* means both 'breath' and 'life'. In the sense of 'life' it may mean, according to the context, either mere life, what is common to man and all living creatures, or it may include the intellectual and moral faculties as well. At one end the meaning is much the same as *tegh*, life, in contrast to *liagh*, death, and at the other end it approximates to *tie*, the soul. A man's *yiegh* may be stronger or weaker according to circumstances. When he is drunk he is partly dead, and also when he is ill. Sleep is also a partial death, the death, Nuer say, for which people do not mourn. When a man is dying the life slowly weakens and then it departs from him altogether, and Nuer say it has gone to God from whom it came. Nuer ideas on this matter are relatively simple and also easy for us to understand. Life comes from God and to him it returns.

[1] Horror of death is probably the reason for the great reluctance with which Nuer discuss dreams, even impersonally and with reference only to stereotyped interpretations, for these only too often are prognostications of death: as when a man dreams of death, or of a fish called *rec ma car*, black fish, or of a turtle walking about which the dreamer fails to catch.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Tie corresponds to the *anima* in scholastic writings and presents 761
many of the difficulties of that word. It would appear to be that 774
part of the *yiegh* which embraces the intellectual and moral faculties of man, his rational soul as distinct from his mere life as a 196
living creature.[1] It is used in varying contexts in a variety of senses and might sometimes be translated 'cleverness', 'wisdom', and 'disposition', but the English word that best covers its general sense is 'soul'. It is true that sometimes 'life' is a more appropriate rendering than 'soul', just as *yiegh* may sometimes be more suitably translated 'soul' than 'life', but when this is so it is the psychic life rather than the animal life that is to be understood. The essential difference, in spite of mutual overlap, between the two conceptions is clearly to be seen in the already related case of Gatbuogh. He ostensibly had breath and life (*yiegh*), but what made him a person (*ran*), his soul (*tie*), had departed. Hence, although he was described as 'a living ghost' he was also said to be 'dead'. It is to be seen also in the Nuer dogma about twins, that they are one person. Ostensibly each has his independent individual life, but they have a single soul and are therefore one person. The distinction also emerges at death. The *yiegh*, the life, returns to God at the moment of death, so we may suppose—and Nuer remarks on the whole lead us to the same conclusion—that what survives death in an independent, if shadowy, existence as a ghost or shade is the *tie*, the soul. I return to this aspect of the matter later.

Associated with the *tie* is the *tiep*, the common Nilotic word for 774
a shadow or reflection. In Nuer it may simply mean 'shade', as the 196
shade of a tree, and also the reflection of anything in water. When used for the human shadow it might sometimes be translated 'soul', though in its general sense *tiep* cannot be equated with *tie* and when it is used in a context where we might expect *tie* to be used it would seem to be in the sense of an external representation or symbol of the soul. There may be here a merging of ideas, but Nuer are nevertheless fully aware that a man's shadow is only a reflection visible at certain times and in certain circumstances

[1] Psychical functions are associated with the head and the heart. The head is the seat of intelligence and will and by synecdoche stands for the whole person, especially when a pronominal suffix is added. The heart is similarly used as a periphrasis for the personal pronoun when a man's affections, emotions, or sentiments are referred to. (Cf. Aubrey R. Johnson, *The Vitality of the Individual in the Thought of Ancient Israel*, 1949, pp. 77–88.)

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

775 626 761 I give some examples of the kind of circumstances in which *cien* acts. A man haunts his kinsmen because he was slain and they neither avenged him nor exacted compensation in cattle for his death. When a man slays a close kinsman 'they [may] say "do not spear him, let him die of *cien*"'. After a while he becomes distracted and his ears ring. He loses his wits and takes to wandering alone in the bush and to sleeping there by himself at night, or he wanders to a distant country and lives there haunted. 'Nuer have no sense. A man may slay even his mother's son in anger. Well, he haunts him from the grave. He [the living man] sits moping. For two or three days together he refuses food. He wanders by himself in the bush. Then he sickens and dies.' A man may kill another secretly when they are alone together in the bush and tell no one of the deed. Then the dead man's ghost will pursue him from the grave. I was told of a case of this kind among the eastern Jikany in which the slayer married some two or three years after his crime. His first child died, then his second child, then his third child; and 'he remained childless like an impotent man'. He consulted a diviner, who wormed out of him that 'he had something in the earth', a euphemism for the body of his victim. On the diviner's advice he confessed and paid compensation for the life he had taken. Nuer told me also that a man who has witnessed a killing, though he had no part in it, yet if he keep silence, will suffer misfortune because 'it is like as though he had hidden the [dead] man'. A man who commits serious incest, such as one who has carnal relations with a woman and then with her daughter, and so causes the death of the daughter, will be haunted by her ghost. The ghost will summon him to the land of the dead, saying '*ban wa jogh*', 'let us go behind' [to the *jookni*, ghosts]. A [762] girl who is married to a man she detests and commits suicide may take vengeance from the grave on her kin who forced her to marry him. However, those Nuer whom I questioned were not in agreement in this case, some holding that the girl would not have *cuong*, right, and could not therefore harm her kin. A man who knows that his son had congress with his wife may keep silence, hoping that the son will confess and ask his forgiveness, but the son also keeps silence, even when he sees that his father is dying, so the father takes his resentment with him to the grave and punishes him from there. A man who has not been properly buried may haunt his kin. However, a man who has suffered any

16: Evans-Pritchard E-5 (1931, 1936) 1956
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injustice may take ghostly vengeance. Nuer say also that a ghost watches over his kin and punishes those who commit some grave fault, especially that of depriving his young sons of the cattle of his herd or of their sisters' marriages. When a father or other close kinsman summons a man from the grave to join him in death Nuer use the word *tul*, which has the sense of 'to punish', to describe his action as well as the word *cien*; and they may also use the verb *be*, with the sense of sending for, or coming to fetch, or returning to get something. 775 626 761

An appreciation of two considerations arising from what Nuer say about ghostly vengeance gives us a further understanding of their ideas about the dead. The dead are thought to have the same feelings as when they were alive. They are resentful of injustice and bear malice to those who have wronged them. It stands to reason therefore—and this is the second consideration—that it is only those who have recently departed who avenge themselves on the living, for it is only they who can have been wronged by them. Nuer do not think of *cien* in connexion with ancestral ghosts but only in connexion with those who have recently become ghosts. It would appear that a man can still take vengeance even after he has been dispatched to the community of the ghosts by the mortuary rites, but a dead man seems to be most dangerous and his living kinsmen the most vulnerable the less the lapse of time after his death, and consequently in the period between death and the mortuary ceremonies. Those nearest to the dead are those who are most likely to be affected, for though a man can *cien*, just as he can *biit*, anyone who has done him an injury, what has been said of the *biit* can be said of the *cien*: the closer the relationship of the persons concerned the worse both the offence and its consequences. Curses and ghostly vengeance are thus two sides to the same idea and in general they have the same social incidence. 775 626

To stop the effects of *cien* it is necessary to make sacrifice to God and, where possible, reparation to the ghost for the wrong done to him. Sacrifice without reparation is of no avail. Nuer say that it may temporarily wipe out (*woc*) the *cien* from the body of the haunted man, but it will return if he does not make amends. Therefore, when he makes sacrifice he tells God 'I am sorry, I have erred; take thy cow and let the *cien* leave me.' Nuer say that God is to understand that such an expression of contrition implies the intention to make reparation, if this is possible. [782]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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sacrifice Spirit, even as most materially conceived of, eats the blood and the chyme, not even in the sense of consuming their essence. Clearly, they are not materially consumed. Nuer do not say that Spirit feeds on (*mieth*) or eats (*cam*) or drinks (*madh, ruidh*) them. They do not use these words, but say that God, or a spirit, *kan*, takes, them. It is not a question of eating anything—what eating there is is done by the people—but of taking something, the life. This would seem to be a matter of great importance in an estimation of Nuer religious thought. 782

When, therefore, Nuer say that the blood and the chyme belong to God we are to understand, I would suggest, that this is a way of saying that the life belongs to him. It is true that we cannot say for the Nuer, as for the Hebrews, that the blood is the life. The word for life, *yiegh*, is also the word for breath, so that if we were to say that anything 'is' the life we would have to say it of the breath; though even here the word 'is' must not be taken to imply identity but a symbolic relationship. We must rather suppose that the blood and the chyme, and especially the blood, are also symbols of the life. 782 761

Human blood has for the Nuer a peculiar psychical value. When kinsmen and neighbours fight they use clubs instead of spears. No doubt this convention is most easily explained as making homicide a less likely outcome than if spears were permitted and, should it happen that a man be killed, of making a settlement easier to bring about on the grounds of absence of intent; but there may be a different, or at any rate an additional, reason for it. It may be that behind it is the notion that not the same responsibility is felt if the life-blood does not flow as it would from a fatal spear wound—that in a sense the man has not taken the life, that the death happened of itself, as Nuer would put it. That Nuer have some such idea is shown by the fact that a ghoul may be killed with impunity, but only if he is beaten to death with clubs and his blood is not shed. The blood of a man slain with the spear is moreover thought to enter in some way into the slayer, and he must therefore at once have his arm cut by a leopard-skin priest to let it out. This must mean that blood is thought to have some vitality of its own. The rite of initiation must be held in a homestead because the blood of the initiates must not be shed outside the home, and care is taken to bury it in the holes into which it flows lest dogs eat it. These examples, and others could be cited, 782 [578] 826

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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(iv) *Ill-treatment.* A woman may demand a divorce and receive the support of her family if her husband persistently ill-treats her (*ciang jiegh*) or beats her without reason. Her brother will often seek to protect her from serious maltreatment, and her family are interested in her welfare.

Whether the family of the wife will support her depends on a variety of circumstances and a combination of all matters which are conventionally regarded as grounds for divorce. They may agree with her if her husband not only persistently ill-treats her but also is lax in his duties towards them or does not approach them with the respect (*thek*) which is due to relatives-in-law. If he has paid substantial bridewealth for her, it is, of course, in their interests that the marriage should continue, but this may be outweighed by other considerations. It is their desire too that a daughter of the house should have children, though their feeling in this respect is not so intense as that of the husband's family. Her children, although legally placed in the patrilineal lineage of their father, will be an asset to the maternal line. We have seen that in the marriage a substantial part of the bridewealth goes to the maternal kin, and the matter of the husband's potency is therefore of practical concern to them. Moreover the final consideration which will often compel them to seek a divorce, whatever the difficulties and inconveniences to themselves, is the fear that she will run away to some other part of the country, in which case they may lose not only the cattle of this marriage but the possibility of getting others from her remarriage. In extreme cases she may even commit suicide.[1] [762]

It is the interaction of all these considerations and circumstances which determines the stability of marriage or the reverse. They are in fact features of the relations subsisting between the two groups concerned: first between the husband and his wife, then through them between their families and by extension between the two kinship groups as a whole. As children are born of the union, so stability increases and the likelihood of dissolution by the return of bridewealth gradually disappears until, in the event of three or more children having been born and still living, the possibility of a return of the bridewealth no longer exists, and it is no longer legally possible to claim it. This is recognized in Nuer law now administered in the courts, for, as we have seen, it is reckoned that a man cannot have a right to the return of any portion of his bridewealth if his wife has borne him two or, in the case of some tribes, three children who are still living. In fact, he would rarely seek dissolution, even if his wife had left him or was dead, for the disadvantages of her absence from his home are

[1] This is not common, but I have known several cases, and in one instance a woman attempted to hang herself from a tree under which I was sitting in an official capacity. The intention, however, may not have been serious, but merely to draw my attention to her grievances.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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775 626 761 I give some examples of the kind of circumstances in which *cien* acts. A man haunts his kinsmen because he was slain and they neither avenged him nor exacted compensation in cattle for his death. When a man slays a close kinsman 'they [may] say "do not spear him, let him die of *cien*"'. After a while he becomes distracted and his ears ring. He loses his wits and takes to wandering alone in the bush and to sleeping there by himself at night, or he wanders to a distant country and lives there haunted. 'Nuer have no sense. A man may slay even his mother's son in anger. Well, he haunts him from the grave. He [the living man] sits moping. For two or three days together he refuses food. He wanders by himself in the bush. Then he sickens and dies.' A man may kill another secretly when they are alone together in the bush and tell no one of the deed. Then the dead man's ghost will pursue him from the grave. I was told of a case of this kind among the eastern Jikany in which the slayer married some two or three years after his crime. His first child died, then his second child, then his third child; and 'he remained childless like an impotent man'. He consulted a diviner, who wormed out of him that 'he had something in the earth', a euphemism for the body of his victim. On the diviner's advice he confessed and paid compensation for the life he had taken. Nuer told me also that a man who has witnessed a killing, though he had no part in it, yet if he keep silence, will suffer misfortune because 'it is like as though he had hidden the [dead] man'. A man who commits serious incest, such as one who has carnal relations with a woman and then with her daughter, and so causes the death of the daughter, will be haunted by her ghost. The ghost will summon him to the land of the dead, saying '*ban wa jogh*', 'let us go behind' [to the *jookni*, ghosts]. A [762] girl who is married to a man she detests and commits suicide may take vengeance from the grave on her kin who forced her to marry him. However, those Nuer whom I questioned were not in agreement in this case, some holding that the girl would not have *cuong*, right, and could not therefore harm her kin. A man who knows that his son had congress with his wife may keep silence, hoping that the son will confess and ask his forgiveness, but the son also keeps silence, even when he sees that his father is dying, so the father takes his resentment with him to the grave and punishes him from there. A man who has not been properly buried may haunt his kin. However, a man who has suffered any

2:Evans-Pritchard E-5 (1931,1936) 1951
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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a maternal uncle is desired, his curse is believed to be among the worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

604 789

11:Evans-Pritchard E-5 (1931, 1936) 1945
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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*cang giekni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Cehe, guri bi wa lum dor kie bi lum cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cek me here wide yar be lar* "*Ghan gan ca be wa lum gwadh dodien, Me ca gat coada gur, ba lum golkun*", "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 837 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

11:Evans-Pritchard E-5 (1931, 1936) 1945
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592 death.) Yang ♂ cohabits with Nyabuk ♀—Riaagh ♂ who lives in his homestead. She is a widow of Thiac ♂—Jok ♂, of the Diany section. By her husband she bore Nyalani ♀ and by Yang ♂ she bore Nyawura ♀ who was killed by lightning and is honoured by a ceremonial post in Yang's homestead, Jany ♂, Nyabiel ♀, Nyangir ♀, and two other children who died. Yang ♂ is betrothed to a girl but she has not yet borne him a child and still lives with her parents.

[764]

592 588 *Homestead No. XX.* Dhoal ♂—Cuc ♂ (a Dinka who was given Nuer kinship). He had relations with Gol ♀—Gek ♂, an unmarried girl, who bore him Rwac ♂. The mother is dead and the boy has been legitimatized by payment of a fee. He has recently been initiated in Dhoal's homestead. Dhoal ♂ now cohabits with Nyabiem ♀—Kan ♂, a widow of a man of the Jwal clan. She lives in Dhoal's homestead. After her husband's death Nyabiem cohabited with one of his kinsmen, Gany ♂—Bul ♂ to whom she bore Nyagac ♀, at present living with her mother. She came to live with Dhoal ♂ after separating from Gany and bore him Nyabilieu ♀ and another daughter who is still an infant. Dhoal ♂ also cohabits with Nyadhiac ♀ who lives in an adjacent homestead, No. XXIV, and has begotten several children by her; and with a young woman of the Dok tribe who has run away from her husband in Dok country and taken up her residence in Dhoal's home. She has not borne him any children but is said to be an excellent cook. As her husband's cattle have not been returned she is living in adultery with Dhoal but since she refuses to live with her husband and since she is a member of a distant tribe she counts as equivalent to a widow-concubine and is not counted as an unmarried concubine.

592 588 593 *Homestead No. XXI.* Nyadang ♀—Luk ♂ (of the Jikul clan). She is a widow of Dit ♂—Bicuk ♂ of the Keunyang section. Her only living child by her husband is Nyakwoli ♀. Two are dead. After her husband's death she cohabited with Baranyai ♂ of Homestead No. III. By him she bore a son, Galuak ♂, who lives with his genitor, twins who died, and another son, Bol ♂, who was drowned when crossing a river during flight from a Government punitive expedition. Owing to these deaths Nyadang's genealogy was more closely enquired into and it was discovered that she was distantly related to Baranyai. They thereupon ceased to cohabit and Nyadang took Nhial ♂—Tweth ♂, of Homestead No. XXIII, as a lover. She bore him Nyabilieu ♀ but left him because he used to beat her and she now cohabits with Mokwac of Homestead No. XVI. She has not borne him any children but "cooks for him". Nyadang's unmarried brother, Wal ♂—Luk ♂, lives in this homestead.

592 588 *Homestead No. XXII.* Nyagany ♀. She is barren. She was divorced by her husband, Deng ♂, a Lek tribesman, and then cohabited first with Mok ♂—Jang ♂, another Lek tribesman, then with a Rengyan tribesman, and at present with Mabil ♂—Wel ♂ of the village of Nyang.

592 595 *Homestead No. XXIII.* Nhial ♂—Tweth ♂ (brother of Nyadut ♀ of Homestead No. XVIII). He is Bor tribesman. He has two wives: Nyabath ♀—Lam ♂, a Jikany woman of the Gai section, by whom he has a small son; and Nyantual ♀—Deng ♂, a Jikany woman of the Gom

14: Huffman M-5 (no date) 1931
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755 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offered, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[36] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.

14: Huffman M-5 (no date) 1931
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A description is given in Chapter VII of the way in 000
which the body of a person who has been killed by lightning is disposed of.

For those who die of other causes a grave is dug. 764
Relatives, usually the older ones, seem to consider it their right and privilege to dig the grave and bury the body. A twin does not help to dig a grave. The oldest child will break the ground at the site of the grave, but will do no digging if a parent is to be buried.

The work of digging the grave may last for several hours, for the ground is hard and the hoes used to dig with are quite inadequate. Sometimes relatives of the deceased, if near the mission, will borrow spades and hoes, and frequently welcome the assistance of a missionary in using them. If in a distant village they would simply follow Nuer customs as they are.

The grave may not be quite long enough, but the body is made to fit in. It is laid on the right side, so that the spirit may always walk aright and bring good to those left behind.

The body is stripped of all ornament and the head is shaved. To neglect this is to show disregard for the dead. Pieces of animal skin are placed under the right hip and ear and over the other hip and ear so as to protect them from the clods of earth.

Those who fill the grave sit with their backs to it, so that they may not see the earth fall upon the body of their dear one. Anybody who has once seen the Nuer burial can well understand why they should not want to see into the grave—it is a groesome sight. After the burial those who have dug the grave bathe, and also wash the implements used for digging.

Only the family come to the burial. It is permissible to ask a few others, but it is seldom done.

14: Huffman M-5 (no date) 1931
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764 The same day the stalk of the wild rice is swished all over the house and premises where the body lay after death, and is then put on the grave. The grave may be inside the house, or close to it outside. In the latter case it is plastered over with mud, and thorny branches are laid on it, or a cane-stalk fence is built round it, as the hungry hyena is ever near.

THE CLOSE OF THE MOURNING

765 After the burial the people eat little food for several days. Then some near friend comes and tells them that we all must die and urges them to cheer up.

The period of mourning varies. It may be from five to six months for a man and probably two months or more for a woman or child. A longer period of mourning is customary for a chief or his family.

When in mourning the hair is shaved off and it is not again cut or bleached until the period of mourning is over. No ornaments are worn. A rope is worn round the waist.

Word is sent to all the relatives that the period of mourning is to be finished upon a certain day. They come, sometimes from a long distance. The women pound dura and bring water.

A good friend of the family is master of the ceremony. This man brings lumps of earth to make a new fireplace. He makes a fire. He puts an earthen pot (a new one if possible) over the fire and puts dura mush on to cook. The women stir it.

The friend takes a spear in his left hand and a piece of grass in his right and walks up and down between the people and the food. He beseeches the god that this sorrow may pass. If the deceased is a woman or child, no spear is carried.

561 initiation. He is a *wut*, a man, whereas before he was one of the *dhôli*
881 (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 Certain ritual observances are practised between members of the same
764 age set, and between members of different sets: sets are segregated at sacrificial feasts; members of a set cannot bury an age mate or partici-
582 pate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

Relations between sets are defined in ordinary kinship terms. Mem-
561 bers of a father's age set are fathers, their wives are mothers; members
608 of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between clansfolk, close cognates, close kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.(1)

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage.* If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."(2) The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1949, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1936, pp.350-9.

582 marriage ceremony with partners selected for the purpose, and, in the ceremony, the role of the sexes is reversed.(1)

BURIAL

●764 The grave is dug and the corpse buried as quickly as possible and without ceremony. Young people and age-mates of the deceased do not participate. The grave site is at the left-hand side of a man's hut. All ornaments are removed and the body is buried in a flexed position, one arm being placed under the head and the other over it. The body lies on the right side facing west. Graves are not long remembered, and are not places for ritual. When a leopard-skin chief or a *wut ghok* dies he is buried on a platform and covered with skins.

A few days after death, the *gwan buthni*, the ritual expert of the lineage, makes a sacrifice and cleanses the people of the homestead. The ghost *(jook)* is told not to trouble the living. Some believe that spirits live in the sky, others that they continue to live under the earth the same kind of life as they lived when alive.(2)

765 Relatives mourn until the mortuary ceremony which is held seve[illegible] months after death. The purpose of this ceremony, the *wocene cuo[illegible] caol wor*, is to prevent misfortune which might befall the relatives [illegible]c-count of the death and to cut off the dead from the living.

THE BURUN

000 GENERAL

The Burun inhabit the regions between the White and Blue Niles in the province of Dar Fung. The country is a flat plain, with rocky hills emerging from it. These jebels are in some cases of considerable size and, wherever there is water in or near them, they have settlements on them. The populations of the hills have been considerably affected by foreign influence over a long period of time and, as a consequence, are very mixed. The Burun-speaking peoples may be divided into two groups:

The Northern Burun, comprising the settlements on hills Maiak, Surkum, Jerok, Mafwa, Kurwak, Kudul, Bagreig, Abuldugu, Mughaja, and Tullok;

The Southern Burun, comprising the Meban of the southern plains, the dwellers on hills Ulu and Gerwai and the Jumjum on hills Tunya, Terta, Wadega and along Khor Jukjum.

The following account is a brief summary of the information available on the social organisation, cultural features and ritual beliefs and practices of the Burun-speaking people. Each hill community is treated separately for, according to the authorities, each is entirely independent of the rest. Most of the information available is contained in Evans-Pritchard's article in S.N.R., 1932, Vol.XV, Pt.I.

(1) Evans-Pritchard, *Sudan Journal*, 1936, Vol.III, No.3, p.233.
(2) Evans-Pritchard, *African Affairs*, 1949, Vol.48, p.57.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER VI

SOUL AND GHOST

I

775 Religion is the reciprocal relation between God and man. Our study of Nuer religion is therefore a study not only of this people's conception of *kwoth*, God, but also of their conception of *ran*, man, and of the relation between the two conceptions. They stand to each other as opposites, symbolized in the opposites of sky and earth; and this is one of the salient contrasts of Nuer thought. I have already discussed the ideas they have about God, and I now propose to discuss some of their ideas about man. We can perhaps best start this discussion by considering what happens at death when man disintegrates into his three component parts, *ring*, flesh, *yiegh*, breath or life, and *tie*, intellect or soul.

764 Nuer say that a man who does not fear death summons his family and closest kin to his death-bed, but all who are not grave-diggers leave his homestead immediately he is dead, and the grave is dug and the corpse buried as quickly as possible and without ceremony. Usually only two or three people dig the grave and these are senior kinsmen, or sometimes kinswomen. A member of a man's age-set must not dig his grave, and all children and young people keep away from the homestead, even those nearest to the dead, such as his sons and younger brothers, however grieved they may be at their loss. They may weep but they do [761] not attend the burial, for death is an evil thing and only those who must get rid of the corpse should go near the grave. Men do not wail, and if women wail it is not for long, just a little as soon as the person has died and again shortly before he is buried to let the neighbours know of the death and burial. I have never witnessed a burial and it was with difficulty I obtained a description of what happens. Death is a subject Nuer do not care to speak about.

The shaft is dug near the left-hand side (as one faces it) of the dead man's hut or, if he dies in camp, his windscreen. This is the *kwi giakni*, the side of evil. The grave is dug to the depth of a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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man's chest as he stands in it. Nuer say that were a man to be 764
buried in a shallow grave and his corpse to be scratched up by hyenas he would haunt those responsible. The head of the corpse is shaved and all ornaments are removed from the body before burial. A man goes to the grave as naked as he was born. A woman is buried in her loin skin, closely drawn between the legs. The legs of both sexes are flexed and one arm is placed under the head and the other over it as the corpse lies on its right side on a strip of ox-hide. Another strip of ox-hide is placed over it and pieces are also placed over the ears to prevent earth entering them. I believe that in western Nuerland a man is buried facing east and a woman facing west, but in eastern Nuerland both sexes are buried facing west. Nuer have told me that this is because the eastern Nuer came orginally from the west and that it was in western Nuerland that their ancestors were created; but, as will be seen, they also associate the passage from birth to death with the movement of the sun across the sky. The grave-diggers heap the earth they dig around the edge of the shaft, five heaps for a man and four for a woman. When filling the shaft they sit or stand with their backs to it and scoop the earth back with their hands, at first slowly and then quickly, from each heap in turn. When the earth is above the level of the ground they beat it down. The small hump which is left is stamped down a few days later so that there is then no sign of the grave, unless it is an old woman's grave, when her pipe or neckrest or cooking-pot may be placed on it. Graves are not places of cult and are not long remembered. I have never heard a man speak of the grave of an ancestor or kinsman. The dead man's hut continues to be occupied after the women have beaten it inside and outside with wild rice. Persons killed by lightning, twins, and holders of certain ritual offices have special modes of burial (pp. 54–55 and 129–30).

When the burial is completed the master of ceremonies of the dead man's family dips a handful of wild rice in water and asperses the grave-diggers with it. They then go to the nearest stream to wash themselves. They may not drink water before they have been aspersed and have washed lest they die of the consequences (*nueer*). A few days later the master of ceremonies sprinkles all the people of the homestead and close kin who live 764
nearby in the same manner and sacrifices an animal to God, an 782
ox if the dead man had a large herd, otherwise one of the flock,

16: Evans-Pritchard E-5 (1931, 1936) 1956
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764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

16: Evans-Pritchard E-5 (1931, 1936) 1956
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fortune hanging over them and that the death may be only part 765
of it. It is necessary to clear off the whole debt before any further 775
evil comes to them. Otherwise people may cut their feet when fishing, pierce their feet when hunting, cut themselves with spears when dancing, or indeed meet with almost any misfortune, even death. Nuer also feel that if the dead is not appeased by this ceremony he may return in anger to fetch the living, especially his wives and children, and the cattle.

I have only once witnessed this ceremony, rather early in my 765
study of the Nuer, and I have supplemented my account of what 782
I then saw with statements made to me later. The ceremony was held at Dini in the Lou tribal area for the ghost of an important old man called Lam. When I arrived at the dead man's village towards evening the people had just sacrificed an ox outside his kraal. This sacrifice had been for Tutthiang, Lam's father, for it was known that Lam had intended before he died to sacrifice this animal in his father's honour. Next morning, before sunrise, an ox and a cow and its bull-calf were speared at their tethering-pegs in Lam's kraal. People watched to see how they fell; because if a sacrificed animal falls over cleanly on its side, especially if it falls on its right side, it is a good omen and shows that the ghost is content, whereas if it falls on its head or totters about before falling it is a bad omen. It is regarded as important that a cow still giving milk should be sacrificed for the ghost of an old man who had a position in his community lest he should feel that sufficient sacrifice had not been made. To kill a cow in milk is the greatest sacrifice a Nuer can make. An animal must be sacrificed for each wife of the dead by one of her sons or by some kinsman on behalf of her hut. If the ceremony is for a young unmarried man his favourite ox should be sacrificed. A cow should be sacrificed for a senior woman if the herd is large, and a male calf for a young woman. However, there are no hard and fast rules about the matter. The people of the home should sacrifice what they can afford, cattle if possible, but a goat or sheep if they cannot obtain at least a male calf, which is unlikely, because a man can generally borrow one from a neighbour.

At Dini after the cattle had been killed they were skinned and 764
the meat apportioned to the various categories of kin. It is an 782
absolute rule, however, that no member of the ghost's age-set 561
may partake of the meat of animals sacrificed at his mortuary

in the home of his parents-in-law they avoid offering him milk 196
from the cattle he has paid them. Further, if there is a divorce and 583
the bridewealth cattle are returned to the husband's people they 784
sacrifice a goat before they drink of their milk.

Nuer 'respect with regard to food' unrelated people (*nei ti* 196
gwagh) of the opposite sex, especially if they are unmarried and 264
possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word 196
thek is homicide. I discuss it in greater detail in Chapter XII. A 784
man who slays another respects water—he may not drink—until 628
a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thek*, which, as always, contains the 196
idea of avoidance, is in reference to burial and to mortuary sacri- 784
fices. Those who bury a corpse respect water—they may not drink [764]
—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the 196
mother to be barren and injure the father, himself, and the cattle. 784
A man is also said to respect his as yet unconceived children by 834
abstaining from congress with his wife when she is menstruating[1] 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

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764 The same day the stalk of the wild rice is swished all over the house and premises where the body lay after death, and is then put on the grave. The grave may be inside the house, or close to it outside. In the latter case it is plastered over with mud, and thorny branches are laid on it, or a cane-stalk fence is built round it, as the hungry hyena is ever near.

THE CLOSE OF THE MOURNING

765 After the burial the people eat little food for several days. Then some near friend comes and tells them that we all must die and urges them to cheer up.

The period of mourning varies. It may be from five to six months for a man and probably two months or more for a woman or child. A longer period of mourning is customary for a chief or his family.

When in mourning the hair is shaved off and it is not again cut or bleached until the period of mourning is over. No ornaments are worn. A rope is worn round the waist.

Word is sent to all the relatives that the period of mourning is to be finished upon a certain day. They come, sometimes from a long distance. The women pound dura and bring water.

A good friend of the family is master of the ceremony. This man brings lumps of earth to make a new fireplace. He makes a fire. He puts an earthen pot (a new one if possible) over the fire and puts dura mush on to cook. The women stir it.

The friend takes a spear in his left hand and a piece of grass in his right and walks up and down between the people and the food. He beseeches the god that this sorrow may pass. If the deceased is a woman or child, no spear is carried.

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Sometimes this ceremony may be continued for hours. If the master of ceremony is tired another may relieve him for awhile. But when the ceremony is finished he dishes up the food himself. After all are served and have finished eating he cleans up the place, removing the fire and everything pertaining to it. 765

When all is clean he takes a clean half-gourd and sprinkles people, village, and houses with the water. The house of the dead person is sprinkled inside.

After this ceremony the ornaments may be resumed and the hair may be either cut or bleached. Now the mourners may attend dances again to which they have not been allowed to go during this period.

If the deceased has been murdered all the ornaments are not taken off and no rope is worn about the waist, but the rest of these customs are followed.

582 marriage ceremony with partners selected for the purpose, and, in the ceremony, the role of the sexes is reversed.(1)

BURIAL

764 The grave is dug and the corpse buried as quickly as possible and without ceremony. Young people and age-mates of the deceased do not participate. The grave site is at the left-hand side of a man's hut. All ornaments are removed and the body is buried in a flexed position, one arm being placed under the head and the other over it. The body lies on the right side facing west. Graves are not long remembered, and are not places for ritual. When a leopard-skin chief or a *wut ghok* dies he is buried on a platform and covered with skins.

A few days after death, the *gwan buthni*, the ritual expert of the lineage, makes a sacrifice and cleanses the people of the homestead. The ghost *(joak)* is told not to trouble the living. Some believe that spirits live in the sky, others that they continue to live under the earth the same kind of life as they lived when alive.(2)

●765 Relatives mourn until the mortuary ceremony which is held several months after death. The purpose of this ceremony, the *wocene cuol* or *cuol woc*, is to prevent misfortune which might befall the relatives on account of the death and to cut off the dead from the living.

THE BURUN

000 GENERAL

The Burun inhabit the regions between the White and Blue Niles in the province of Dar Fung. The country is a flat plain, with rocky hills emerging from it. These jebels are in some cases of considerable size and, wherever there is water in or near them, they have settlements on them. The populations of the hills have been considerably affected by foreign influence over a long period of time and, as a consequence, are very mixed. The Burun-speaking peoples may be divided into two groups:

The Northern Burun, comprising the settlements on hills Maiak, Surkum, Jerok, Mufwa, Kurmuk, Kudul, Ragreig, Abuldugu, Mughaja, and Tullok;

The Southern Burun, comprising the Meban of the southern plains, the dwellers on hills Ulu and Gerwai and the Jumjum on hills Tunya, Terta, Wadega and along Khor Jukjum.

The following account is a brief summary of the information available on the social organisation, cultural features and ritual beliefs and practices of the Burun-speaking people. Each hill community is treated separately for, according to the authorities, each is entirely independent of the rest. Most of the information available is contained in Evans-Pritchard's article in S.N.R., 1932, Vol.XV, Pt.I.

(1) Evans-Pritchard, *Uganda Journal*, 1936, Vol.III, No.3, p.233.
(2) Evans-Pritchard, *African Affairs*, 1949, Vol.48, p.57.

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764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

● 765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

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fortune hanging over them and that the death may be only part 765
of it. It is necessary to clear off the whole debt before any further 775
evil comes to them. Otherwise people may cut their feet when fishing, pierce their feet when hunting, cut themselves with spears when dancing, or indeed meet with almost any misfortune, even death. Nuer also feel that if the dead is not appeased by this ceremony he may return in anger to fetch the living, especially his wives and children, and the cattle.

I have only once witnessed this ceremony, rather early in my 765
study of the Nuer, and I have supplemented my account of what 782
I then saw with statements made to me later. The ceremony was held at Dini in the Lou tribal area for the ghost of an important old man called Lam. When I arrived at the dead man's village towards evening the people had just sacrificed an ox outside his kraal. This sacrifice had been for Tutthiang, Lam's father, for it was known that Lam had intended before he died to sacrifice this animal in his father's honour. Next morning, before sunrise, an ox and a cow and its bull-calf were speared at their tethering-pegs in Lam's kraal. People watched to see how they fell; because if a sacrificed animal falls over cleanly on its side, especially if it falls on its right side, it is a good omen and shows that the ghost is content, whereas if it falls on its head or totters about before falling it is a bad omen. It is regarded as important that a cow still giving milk should be sacrificed for the ghost of an old man who had a position in his community lest he should feel that sufficient sacrifice had not been made. To kill a cow in milk is the greatest sacrifice a Nuer can make. An animal must be sacrificed for each wife of the dead by one of her sons or by some kinsman on behalf of her hut. If the ceremony is for a young unmarried man his favourite ox should be sacrificed. A cow should be sacrificed for a senior woman if the herd is large, and a male calf for a young woman. However, there are no hard and fast rules about the matter. The people of the home should sacrifice what they can afford, cattle if possible, but a goat or sheep if they cannot obtain at least a male calf, which is unlikely, because a man can generally borrow one from a neighbour.

At Dini after the cattle had been killed they were skinned and 764
the meat apportioned to the various categories of kin. It is an 782
absolute rule, however, that no member of the ghost's age-set 561
may partake of the meat of animals sacrificed at his mortuary

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765 ceremony, and I was told that it is dangerous for them even to
782 smell the cooking meat. Everyone then moved off to sit in front
[561] of a hut to listen to the commemorative orations, which are also invocations; and here were spread out on the ground the ghost's possessions, his fighting-spears and fishing-spears, his beads, his metal arm-rings, his ostrich-shell girdles, his pipe, and, since his son was senior government interpreter in the district, his clothes and whistle, articles not possessed by ordinary Nuer. At the side of these were placed the heads and hides of the cattle which had just been sacrificed. The people sat with their backs to the now rising sun and facing the direction of the setting sun because 'death follows the setting sun'. Nuer say that 'the west is the side of
[823] death, the east the side of life', and the verb *kwony* in their
[196] language means both 'to bury' and 'to set' (the sun). When they sacrifice an ox for a sick man they hope it will fall towards the east. The master of ceremonies (pp. 287–9) of the ghost's family made the first commemorative oration, after throwing some tobacco towards east and west. As he spoke he walked up and down in front of the people brandishing the spear with which the animals had been sacrificed. He commenced his address (*lam*) by shouting out his ox-name. He must also have shouted out his clan spear-name, though I have not recorded it in my notebooks.

I did not take down his address at the time but I was told later that a master of ceremonies speaks in this wise: 'God, now thou hast given us badness, or is it simply the lot of creation? [Is the death thou hast sent us a special evil designed for us or has the dead man merely suffered what soon or late comes to all created things?] Now thou hast taken so-and-so [he names the dead man], now he has become one of thy people, turn about and take him right away. We who are left in the world, give us peace. Let his children who remain in the world be at peace. He is not finished, his children will carry on his name. In the future they will bear his name. Let no further evil befall us.' The master of ceremonies is now speaking to the ghost: 'So-and-so, my brother [or 'my father' if he was a much older man], now thou art one of God's people. Do not forget us, let it be thy habit to speak [on our behalf] to thy father [God]. When we go into the bush let us tread on wild rice [avoid all dangers and troubles]. Let us beget children. May all evil be taken away from us now, and may we remain in peace.' The master of ceremonies again addresses God: 'God, and

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you ghosts! Thou, God, madest man and thou also madest death. 765
[Thou hast said] thou, man, I made thee only that thou mightest 782
perish. God, it is thy world. Thou hast shown us death this year. Now we here, we go about with this debt, there has been no laughing with happiness for us this year; thou hast given us mourning. God, turn about and take away the man thou hast taken. Breathe on us with favourable breath (*ku ko ngok ni yiegh me goagh*). Thou hast taken this man, take also this ox of his together with him.' He addresses the ghost once more: 'and thou, so-and-so, art thou now in the great cattle camp [community] of the dead? Where art thou, our father? Where are all the people of our home? Eh! It is the camp to which we all go at last. We who remain in the world, may we be at peace. May the children thou hast left behind thee rest in peace. Thou who hast gone before do not close thine eyes to us. Thou art a person of God. May there be nothing further bad for us to see.'

The master of ceremonies spoke for a long time in this vein and when he had finished five senior kinsmen made similar orations, one after another, the six addresses taking over four hours to deliver. The kinsmen harangued the ghost. They told him that when his daughters were married he would receive the finest cows of their bridewealth. They asked him to be a good ghost and not to trouble his kinsmen. They frequently admonished him to turn away from them (*ku ro du rit*). They wanted the ghost to look away from them and not to trouble them. His kinship (*mar*) was now with God and not with men. This request to turn away, made to both God and the ghost of the dead man, is a constant refrain in mortuary ceremonies. In a text given by Professor Westerman, the translation of which I have slightly emended, the speaker says on such an occasion, 'Oh God, why dost thou pursue us? Why dost thou pursue us? Turn thyself away, take this thy man and go; let him be sufficient; do not look at us again! In what are we at fault?' And also 'Oh God, take thy cow! And thou [the dead man] turn away! Turn thy face away into the bush! Do not look at us again! We have given thee thine own things, but then leave us alone!'[1] The kinsmen at Dini also told the ghosts that if they must give them something bad they should give them hunger and not sickness and death. They pointed out to the dead man that his age-mates were present to honour him. They implored God

[1] Op. cit., pp. 117–18.

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765 that they might sleep quietly and their souls be 'cool' (*koce thei*).
782 Their remarks also contained many reflections on life and human destiny and the transience of all living things, and they recounted the deeds of the dead and reiterated that he had left sons to carry
[627] on his name and lineage. Speakers and listeners also stated any grievances they had in their hearts towards kinsmen, for any of the kin of the dead man who bears a grudge against a relative must now declare it. If he does not do so now, he must for ever keep silence. This is an occasion for amicable settlement of family and kinship quarrels. Thus at this ceremony the senior wife of Mayan, the eldest son of the dead man, complained that her cow had been given by her husband to his second wife. A wife of the dead man who had gone to live with another man, taking her daughter with her, said that she wished now to live at her dead husband's home, and cattle of her bridewealth which had been returned were sent back again to her people on the day of the ceremony.

765 A part of the ceremony I did not see, for it was taking place elsewhere during these orations, was the preparation of porridge and beer. The master of ceremonies makes three new clay fire-stones, places on them a new pot, and pours water into the pot. He then puts out the old fire in the dead man's homestead, throws its ashes and fire-stones into the bush, and starts a new fire under the pot. He begins the mixing and stirring of the porridge. When the women have cooked the porridge he ladles it out with a new gourd-ladle into a new gourd-dish. All the utensils are new for the occasion. The porridge and a pot of beer were now carried to where we were sitting, and as each of the later speakers rose to make his speech he dipped a gourd-ladle into the pot of beer and poured a libation to the ground.

When the last speech was finished everyone stood up and the master of ceremonies dipped wild rice into a gourdful of milk and aspersed the people with it. He did this many times till everyone had been aspersed. He then sprinkled the dead man's possessions and poured what was left of the milk at the side of a tethering-peg over the dung which had been spread out to dry, and knelt down and kneaded the milk with the dung. I was told that the cattle and huts were also aspersed with milk. I believe that milk is only used in this rite if the dead man was, like Lam, 'a man of the cattle' (pp. 300–2). In the case of a leopard-skin priest water

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mixed with blood is used. For ordinary people water is used. Then 765
butter was brought out in a small gourd and was smeared on the backs and chests of those present and on the dead man's spears. Those who were wearing mourning cords came forward and the master of ceremonies cut them from their waists and necks and carried them into the bush and threw them away. Afterwards the porridge was distributed and eaten.

The master of ceremonies now began to divide up the dead 768
man's possessions. He gave the tobacco to a woman of the dead 765
man's household and his spears to a younger son. He gave half the skin of the sacrificed ox to the eldest son and he took the other half for himself as his right. The rest of Lam's possessions were tied in a bundle for future distribution among his wives and sons. The people then washed themselves. At a mortuary ceremony there is a feeling of pollution and the need to cleanse men and things. The dead man's goods were also washed. I left at this point, while the meat of the sacrifices was still being cooked.

The rites were concluded shortly after sunrise on the following 765
morning. Two men stretched a goat on its back and a third, acting on behalf of Lam's eldest widow and the mother of his dead son Deng, cut it in two with a spear from throat to tail. Even the tail was carefully severed in twain and to complete the division the head was split in two with an axe. While the carcass was being halved in this way an old man and the senior widow pulled at it on one side and Lam's sons pulled at it on the other side till with laughter and cheering it fell apart. The old man and the senior widow ran with their half, the left or bad half, into the bush and threw it there, while the sons carried their half, the right or good half, to the hut outside which the sacrifice had been made. The old man carefully collected half the chyme of the goat and deposited it with the bad half in the bush. Lam's eldest son collected the other half and placed it with the good half of the goat. They express in this manner the departure of evil from the home, where people may now rest in peace. The left half which was carried away represents death and misfortune and the right half which was left in the home represents life and prosperity. Nuer say also that with the bad half go all the secret enmities between the dead and the living and any resentment and guilt there may have been between them. For example, one of the sons may have quarrelled with his father and his father may have

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765 nourished secret resentment in his heart, or a son may have had relations with one of his father's wives and not confessed his guilt. I was told that the bad half of the goat was eaten by persons unrelated to the dead man and the good half by members of his family.

765 768 Lam's goods which had been tied up for later distribution on the first day were now brought out again and divided among members of the family by the eldest son assisted by the master of ceremonies and some senior kinsmen. The clothes, beads, and ostrich-shell girdles were given to Lam's wives. His series of metal arm-rings was broken up and the rings distributed among the men and boys of the family.

765 The ceremonies were concluded by all the people shaving their heads. On this account the mortuary ceremony is often spoken of as the *mut*, the cutting. The cutting of the hair of the kin symbolizes the cutting off of the dead from the living just as in the marriage ceremonies the rite, known by the same word *mut*, by which the bride's hair is shaved off, symbolizes the cutting of the ties between her and her family and kin. The mortuary ceremony is one of deep 'silence and sadness', the marriage ceremony one of 'happiness and laughter'. They also say of the dead man *ca je mut*, he has been cut off (by this ceremony). It is clear from the orations and actions of the mortuary ceremony that part, perhaps the main part, of their purpose is to cut the dead from the living. 775 The dead man has to be given the full status of ghost and per- 765 suaded to accept it so that he will remain as a ghost and not try to return to the living with the taint of death on him. This is the 761 constant refrain of the invocations: 'Now you ghosts, you are finished with us, you are the people of God, you are the people on the other side.'

That this is one of the main purposes of the ceremony is further shown by a curious observation I made in western Nuerland. There was living in a village there an unhappy-looking man of unkempt appearance, called Gatbuogh. This man had some years before gone on a distant journey and had not been heard of for a long time. Then there came to his village news of his death and in course of time the mortuary ceremony was held for him. He later returned home and was living in the village at the time of my visit. He was described as *joagh in tegh*, the living ghost. I was told '*ca tiede mut. ce tiede ma kene tie yang kel. ce te ni ringe*

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775 cunge', 'his soul was cut off. His soul went with the soul of the
●765 (sacrificed) ox together. His flesh alone remains standing.' His
761 soul, the essential part of him, had gone and with it his social personality. Although people fed him he seems to have lost such privileges of kinship as pertain to the living and not to the dead. I was told that he could not partake of sacrificial meat because his agnatic kinship (*buth*) had been obliterated (*woc*) by the mortuary ceremony. A neighbour said to me 'he lives in our village with Baranyai but we do not count him a member of it because he is dead. The mortuary ceremony has been held for him.'

765 There were doubtless points I missed in the mortuary ceremony I witnessed and possibly some I did not hear about in later discussions with Nuer. A feature I did not observe but which, I was later told, is common, was the singing of hymns to the spirits of the air, in particular the hymn to *buk* which I have recorded earlier. These hymns are not an integral, and therefore essential, part of the ceremony and their meaning is in no way related to the matter in hand. They are in keeping, however, with the religious character of the rites and enhance it.

765 In conclusion I should say that Mayan told me at Dini that he
782 would later cut the ears of the bulls of his dead father's herd and that this is always done when the dead man was a person of age and social importance. The cattle would then prosper. For such a man another ox may be sacrificed some months later. The master of ceremonies again prepares porridge for those who gather to honour the ghost, and the senior kinsmen again make speeches to God and to the dead man and to all the ghosts of the lineage. Before the animal is speared all the people, men, women and children, bring ashes of cattle-dung and rub them on the ox. I discuss the meaning of this act in later chapters. The meat is distributed to all present, and also the porridge and the beer, which has been prepared in advance. An ox sacrificed in this manner to honour a dead man is known as *thak bar* or *thak joka*. A man may at any time decide to honour his father in this way and Nuer sometimes set apart an ox or an old bull (*tut jookni*) for their dead fathers, as Lam had done for his father Tutthiang, and await a suitable occasion for sacrificing it, as when they see their fathers in dreams and know that they want something. An ox so set apart cannot be disposed of but must be kept in the herd till it is sacrificed.

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ings is of general interest and not merely for those directly concerned in the rites. If it is at all a public occasion people, whether they are concerned in the matter or not, gather round to watch the meat being cut up and handed to those to whom it is due, and there is often much shouting and argument as the distribution is goodhumouredly disputed and men tug at the carcass and snatch or beg pieces of meat. Even outsiders who get in the way and beg persistently enough are likely to receive pieces of it. According to the circumstances those who on such an occasion receive meat take it to their homes, maybe in different villages, for cooking and eating, or it is cooked by women of the homestead in which the sacrifice took place and eaten there by groups, according to sex, age, and kinship. The meat is cooked, served, and eaten as would be that of a wild beast slaughtered in hunting. It is boiled, though tit-bits may be roasted in the embers of a fire. I want to make it clear indeed that the cutting up of the victim, the preparation of its flesh, and the eating of it are not parts of the sacrifice. To regard the eating of the animal as part of the sacrificial rite would be like regarding a wedding feast as part of the marriage service in our own country. But if it does not form part of the rite and has no sacramental significance it forms part of the whole ceremony in the broader sense and has a social significance. We have always to remember that a sacrifice, even piacular sacrifice, furnishes a feast and that in the circumstances in which Nuer live and by convention this means that neighbours are likely in one way or another to share in it.

IV

The ordinary Nuer sacrifice is carried out in the manner I have described—*pwot*, *buk*, *lam*, *nak* (*kam yang*), presentation, consecration, invocation, immolation. In some sacrifices, however, there are differences of order and procedure.

Mortuary ceremonies open with the slaughter of one or more beasts before sunrise, and as the invocations do not take place till later in the day they are not spoken over the victims as in other sacrifices. I do not think that this reversal of phases has in itself any special significance. Since the cattle have to be killed before the sun rises it is convenient to postpone the invocations, which are very lengthy on this occasion. Moreover, though in the mortuary

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782 765 ceremony which I witnessed the speakers of the invocations did not as they spoke walk up and down past tethered victims, as in normal sacrifices, they walked up and down past the dead man's possessions to which had been added the heads and hides of the slaughtered beasts; and I believe this to be the usual practice. As these heads and hides represented the victims it may be said that the invocations were said over them *post mortem*. What is of significance is rather the fact that the cattle must be slaughtered before the sun rises. The sacrifices concern death and the ghost of a dead man, so that the killing before sunrise is in accord with the association of east and light with life and of west and darkness with death. This part of the ceremony is for the dead man. The sacrifices are for him. Another sacrifice, which concludes the ceremonies, is for the release of the living. This explains also another difference, one of procedure.

It is understandable that on this occasion there is no formal presentation, for the beasts are killed at their habitual tethering-pegs in the kraal; but that there is also no consecration with ashes calls for comment. The explanation I would put forward, and which I discuss further in later chapters, is that the rubbing with ashes is, besides a consecration, an identification, at any rate in sacrifice which has a piacular meaning, of life of man with life of ox. Here sacrifice is for the dead. His soul, as we have seen earlier, goes to the abode of the ghosts with the souls of the cattle slaughtered at his mortuary ceremony. It is not for the living, so the living do not identify themselves with the victim in the usual manner.

There are some peculiar features in other sacrifices, apart from the supernumerary acts, such as libations, I have mentioned as sometimes accompanying the main rites, but they are only variations in the mode of slaughter or special acts performed after the sacrifice has been made.

782 In sacrifices in which the idea of separation is strong, as in cases of incest, to sever kinship, and in one of the mortuary rites, instead of the ox being speared and then skinned it is thrown on the ground and cut longitudinally in half, an operation known as *bak*. They begin the cutting by making an incision in the throat, so that the animal is soon dead, and they then cut towards the tail, slitting even that in two. Finally, they split the head in two with an axe. In other sacrifices in which the same idea is present the animal is speared, or its throat is slit, but instead of being skinned

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she may call herself 'a woman who has just given birth to a child' for months afterwards, and try to solicit privileges on that account. 846

Nuer mothers love their babies and try to do all they can in their limited way for them. Whatever the child may lack, it does not lack its mother's love while she is living. But if the mother dies life is a different thing for the child that is left. A new-born baby demands food, and the artificial feeding of babies is an art entirely unknown to the Nuer. What to do with the small piece of humanity is a serious proposition. 854

Rumour says that they may bury the new-born baby with the dead mother, arguing that it will die soon anyhow, but I do not know of any authentic case where the live child has been buried. It is, however, very true that the motherless baby soon follows its mother. Five motherless infants have been brought to the mission at Nasser, as the people know that the art of the artificial feeding of infants is not unknown there. Two of these babies died, while three have lived so far. 847 165

TWINS

Twins are not uncommon, but are usually a cause of distress to their parents, for they are sure that one will die—and it usually does fail to survive. The mother always nurses one child at one breast and the second child at the other breast, and thus divides the supply of food as evenly as she can between them. 845 [853]

When a man is the father of twins, his brother will sacrifice a sheep before he eats with him so that no harm may come to the babies.

The Nuer has a superstition in regard to the burial of new-born twins. Rumour says that they prefer to tie the hands together and hang them up in a tree rather than 766

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766 bury them in the ground. I have never seen this done, nor have I known a case of new-born twins both dying.

895 I have heard in rather an indefinite way of triplets, but know of no authentic case.

One Nuer told me an almost unbelievable tale. I have tried to verify it from time to time, but have not been able to verify the main part of the story.

His story is as follows:—

A woman in a certain village gave birth to six babies at one time. She and her husband were much distressed as to what they should do to feed them. They finally decided that she could nurse two of them, but could devise no plan for feeding the others. So they decided to keep the two largest, healthiest-looking babies, and they took the other four babies, put them in a baby-basket together, and carried them to the forest which was about one and one-half miles away. They hung the basket up in a tree and left the four living babies—uncovered—in it. Then they returned to their village. The two babies they kept are well, strong children now, and are well cared for. My informant declares this to be true.

In my efforts to verify this tale I have found the name of the village, the name of the mother, the fact that they have 'twin' children the age that the two they kept should be, to be true as given by my informant. But I have not been able to verify his statement that she gave birth to six children.

Is the story a fabrication, or is it true and they are afraid to have it known to a white person? It is easy for a Nuer to say 'No' or 'I do not know', regardless of the facts, if he is afraid to give some information, or does not want to. They know that we would not approve of their method of solving their problem, although any one who knows the Nuer and his limited resources could easily realize what a serious problem the birth of six babies would be to them.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] [784] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

×776 821 782 Come to earth gently, do not come with fury to thy grass [the thatched roof]. Come gently to thy grass. No one disputes with thee. It is thy universe. It is thy will, thine alone.' Or a man may take a mallet, used for driving tethering-pegs into the ground, lay it in the doorway to his byre, and, after asking God to 'rain well' for it is his universe, throw some ashes into the air in offering. Once when after a heavy storm I told a Nuer that should there be another storm of like severity I would desert my tent and take shelter in his byre he rebuked me, saying 'God does not wish the thunder to come like that again. You should not suggest it.'

×776 761 ●766 When a person is killed by lightning Nuer are resigned. They say that God has struck him with his fire and that as God has taken him there is nothing to be said. God has taken the soul of the man to himself and 'he would be angry if he saw you grieving for the person whom he has taken'. The death is not a punishment for some fault but a mysterious act of divine will, almost what some theologians call an election. All death is ultimately attributed to God, but only in the sense of his being the first and necessary cause which operates through secondary and contingent causes. In the case of a *colwic*, however, God has chosen a particular person for himself and taken him with his own hand. Nuer say that the chosen person has entered into kinship, or friendship, ×776 766 with God.[1] For this reason a person struck by lightning does not receive an ordinary burial and the usual mortuary rites are not held for him. I was under the impression, and have elsewhere stated, that, nevertheless, the formal rules of mourning were observed, but Dr. Mary Smith tells me that this is not so, and what she says is more in accordance with what I have recorded above.[2]

A person is usually struck in his byre or hut and the walls of the burnt-out building are broken down over the body, and the

[1] In a published note on *colwic* (*Man*, 1949) I have translated a phrase, '*ca mar e kwoth*' by 'he has been brought into kinship with God'. As written it could mean this, but I now think that I may not have heard the words correctly and that what was said should be translated 'he was struck by God (with lightning)'. However, the idea of kinship, or friendship, with God was also expressed where the context allowed no room for misunderstanding.

[2] We find the same idea among the Shilluk. They do not bury or mourn a person killed by lightning. The death is an honour and the family feel that they have made an offering and will therefore prosper (the Rev. D. S. Oyler, 'Shilluk Notes', *Sudan Notes and Records*, 1926, pp. 58–59). Dr. Lienhardt tells me that the Dinka also do not mourn a person killed by lightning.

charred remains of the rafters, supports, and thatch are heaped 776x
on top of them. If a man is struck in the bush his body is covered 766
with grass and thornwood. Nuer say that it is only the *ring*, the flesh, which they cover up. The *yiegh*, the life, or in this sense the soul, has been taken by God and has become part of him. Sacrifices 776x
must be made at once. The people sacrifice to God even if a byre 782
or hut is struck without causing death because the misfortune, being a direct intervention of God in human affairs, is a danger which must be got rid of. They say '*ba luɗk kier ka del*', 'the byre is expiated with one of the flock'.[1] If a person is killed, his kith and kin feel that they are in grave danger and anyone closely connected with the dead makes sacrifice as soon as he hears of the calamity. The dead man's paternal and maternal kin and his affines bring oxen and sheep and goats to the mortuary mound and sacrifice them there. Even distant kinsmen and unrelated friends and neighbours make sacrifice; and if a girl is killed by lightning her sweetheart will sacrifice an animal. The whole community is involved, and fellow villagers who do not feel that they are sufficiently connected with the dead for animal sacrifice to be necessary throw leaves of the tobacco plant on the mound in silence. It is believed that unless sacrifices are made at once the *colwic* may return bringing death to man and beast. Also, the 776x
close kinsmen of the dead are so unclean that relatives and neigh- 782
bours may not eat or drink in their homes before they have sacri- 783
ficed; animals must follow the dead before the people can rest in peace. Nuer say '*ca je kir ka det kene rueth*', 'he (the dead man) was expiated with some of the flock (goats and sheep) and oxen'. The sacrifices cleanse the kith and kin and ward off from them further misfortune.[2]

But only immediate danger is warded off by these sacrifices. 776x
The kin are not yet free from the ordinary contamination of 783
death and they will not be till another ceremony has been per- 766
formed some weeks or months later. This ceremony resembles the usual *cuol woc* mortuary ceremony held for a person who has died in some other way than by lightning and which I describe later, but Nuer do not call it by that name. Indeed they say, as I have

[1] *Del* means both 'sheep' and 'goat'.

[2] Dr. R. G. Lienhardt tells me that an ox must be sacrificed on the evening after the death, just before sunset, and that its flesh must be consumed during the night, a rule which obtains for sacrifice only on this occasion. This is perhaps a further association of *colwic* with darkness.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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× 776 783 ●766 mentioned, that one does not hold a mortuary ceremony for a *colwic*. The difference between an ordinary mortuary ceremony and a ceremony to commemorate a *colwic* would appear to be that whereas in both one purpose of sacrifice is to cleanse the living, another purpose in an ordinary mortuary ceremony, to send the soul of the dead to the ghosts, is lacking in the commemoration ceremony for a *colwic*. The soul of a man killed by lightning is at the moment of death translated to its heavenly home. Nevertheless, it may be that this ceremony is performed not only to cleanse the living and to commemorate the dead but also to fix his soul firmly in the above so that there will be no return to the living, just as an ordinary mortuary ceremony fixes the soul in the underworld of the ghosts.

× 776 766 I had the opportunity in 1936 to witness this ceremony when it was held for a girl called Nyakewa, the daughter of Rwacar, among the western Nuer. During the afternoon the women of the village collected in the garden of the dead girl's home to make beer, for it is the custom on this occasion for the women to work together instead of each in her own home. While they were engaged in making beer rain began to fall and wood ash[1] was thrown into the air and Nyakewa was addressed: 'Sister, wouldst thou spoil our work in this way? It is for thee we do it.' The rain soon passed over, though the sky remained overclouded for the rest of the day. Nuer expect rain to fall on this day, but after they have sacrificed. They say 'we have slaughtered cattle for God. The chyme (*wau*) will be watered today by God, and the blood also.'

The ceremony began in the late afternoon in the homestead where Nyakewa was killed, that of her mother Nyaruithni and of her brother Malith, an uninitiated boy. Her *pater*—she had been begotten in adultery by another man during his lifetime—was dead. The ceremony was held in her mother's home and not in her husband's home because, although bridewealth had been paid for her, she had not passed through the consummation ceremony before she was struck by lightning. A fully married woman who is killed by lightning becomes a *colwic* of her husband's lineage and not of her father's lineage. Her husband is *gwande*, her owner or master, and they say of such a spirit that she was married with cattle and will not return to her father's lineage—that is, will not

[1] The ash of women's cooking fires, not the ash of cattle-dung of the men's fires of byre and kraal.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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be its patron. I have noted that when a widow is killed by lightning at the home of a man with whom she cohabited after her husband's death her memorial is erected at her husband's home, though his people invite her lover to attend the commemoration ceremony. 776 × 766 ●

Lat, son of Pan, the master of ceremonies (pp. 287–9) of Nyakewa's father's family, made fire ritually with firesticks and from it were lighted the various fires on which pots were placed for boiling the beer. The mud supports for the pots were made on the spot, for one does not use old utensils on these occasions. Since the ceremony was for a woman a new mud windscreen was constructed. The master of ceremonies then erected a *riek*, a shrine-stake, in the centre of the funeral mound and planted at the side of the mound a sapling of the *nyuot* tree. Such a mound and stake are shown in Mr. Corfield's photograph in Plate II.[1] The *nyuot* tree is, as we have noted, associated with the spirit *col* and also with rain and with the sky from which rain and lightning come and to which the soul of the dead person has gone. When planted in the rains the sapling generally takes root. If it dies they plant another. Many of the trees one sees in Nuer villages have been planted in this manner. 776 × 766 782 [778]

Shortly before sunset a procession of about twenty men arrived bearing in their hands leaves of the tobacco plant and heads of millet. They threw down these offerings near the mound with the freshly erected shrine-stake in the centre of it. No one comes to the place of sacrifice empty-handed. The procession was headed by the master of ceremonies leading a black ox, *a thak ma col*. It should preferably be a black one. This *ma col* sacrificial victim, *col* the spirit of lightning, and the *colwic* make a harmony of darkness (*col*), the darkness of storm. Before the ox was sacrificed men came from all directions leading oxen and castrated he-goats and wethers. The father of the dead girl's husband brought an ox, as did one of her maternal uncles. Among those who brought he-goats and wethers were the girl's mother, one of her maternal aunts, one of her maternal uncles, several of her father's kinsmen, and the man who had begotten her brother in adulterous congress

[1] This is almost certainly a *colwic* shrine, but it is more elaborate than most and the offerings of tobacco seen at the base would not be seen at shrines in other parts of Nuerland. The photograph was taken among the eastern Jikany Nuer who border the Anuak, great cultivators of tobacco.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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with her mother, for her brother had also been begotten in adultery, though by a different man from the man who begat her. The black ox was speared near the funeral mound and the other oxen and the sheep and goats were speared immediately afterwards. I have not known sheep and goats to be speared in any other sacrifices. The usual mode of sacrifice for them is by cutting the throat. Dr. Mary Smith tells me that they are speared on this occasion to symbolize the instantaneous death of a *colwic* by lightning. As soon as a goat or sheep fell it was cut in half through the belly. The oxen were also cut up unskinned, for one does not use the hides of animals sacrificed for a *colwic*, as one uses those of most sacrificial beasts, for sleeping on or for women's skirts. The head, hooves, some of the entrails, and part of the skin of the black ox were placed at the foot of the stake or hung on it. The chyme of the animals was collected and placed at the foot of the stake, and their tethering-cords were hung on it. Most of the flesh of the black ox went to the girl's father's lineage, on whose behalf it was sacrificed, but some went to collateral lineages, some to women of the father's lineage married to men of other lineages, and some to the girl's maternal uncles. I did not inquire how the other animals were divided but it may, I think, be assumed that in each case the animal was mostly consumed by the paternal kinsmen of the man who brought it to the sacrifice.

At dawn on the following morning the dead girl's senior maternal uncle sacrificed a bull on behalf of the maternal kinsfolk. It was first castrated in his byre because animals are not sacrificed entire. The uncle made a short invocation before spearing it. The meat of this animal was divided between the dead girl's own family, her maternal uncles, and various other relatives on the mother's side who were present. A man representing the mother then sacrificed an ox at the mound on behalf of the family. However the flesh of these sacrificed oxen may be divided according to rights of kinship, all present must receive pieces of meat, even though they be unrelated persons, because all must taste the meats of sacrifce to show the *colwic* that they do not reject or disregard (*cany*) it. The last sacrifice I witnessed was of a goat by a brother of the husband of the dead girl's mother's sister, on behalf of this maternal aunt; but I was told that more sheep and goats were slaughtered on subsequent days and that in all more than twenty animals were sacrificed. These were in addition to

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE II

x776
●766
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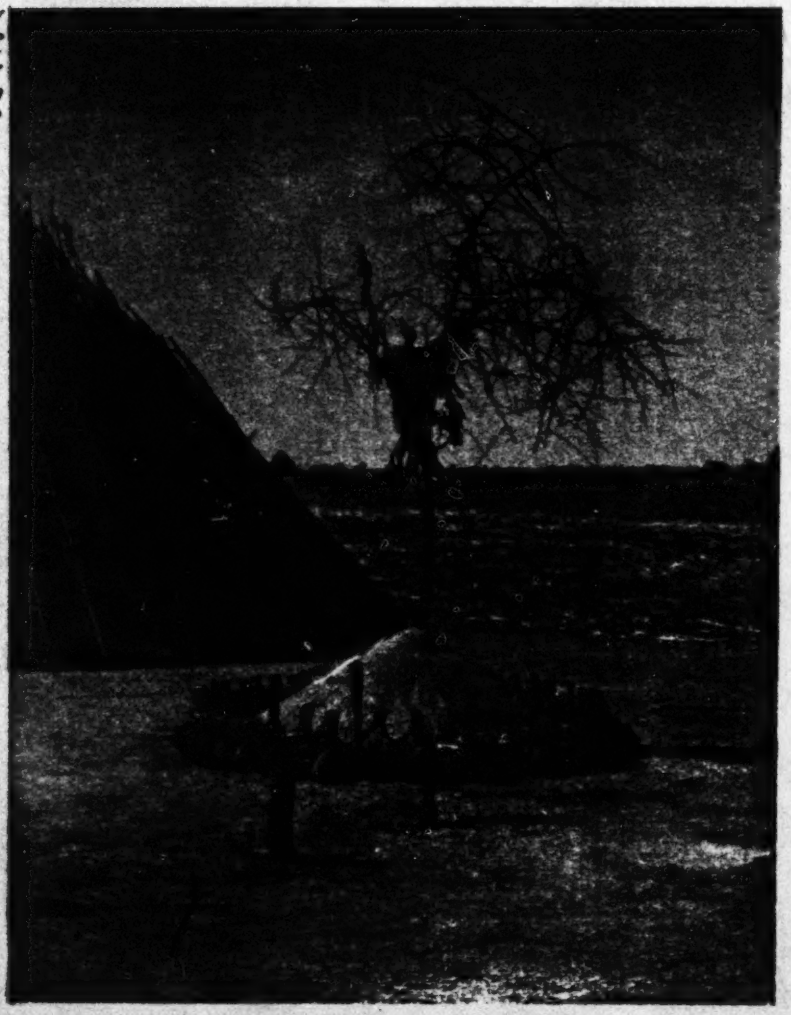

Shrine for person struck by lightning

[facing p. 58

those which had been killed immediately after Nyakewa had been struck by lightning. As the husband of one of Nyakewa's maternal aunts was killed at the same moment as herself while he was on a visit to her village many animals of the village had also to be sacrificed on his behalf in his own village. The flocks of the village were so depleted that there was no suitable beast available for sacrifice in a case of serious sickness which occurred in the village shortly afterwards (p. 35). The number of beasts sacrificed is an indication both of the seriousness of the event which occasioned the ceremony and of the wide circle of persons it affected.

When the sun was high in the heavens on this second day of the ceremony the beer was drunk, though it had not properly fermented. The old men poured some on the sacred stake while uttering a few words. I heard one of the maternal uncles say 'Nyakewa, we have no kinship with God. Thou hast kinship with him now. See, thy mother remains here; do not let the spirits trouble her.' Towards the end of the beer-drinking the people sang hymns to spirits of the air to the accompaniment of hand-clapping.

Later the waste products of the beer were heaped around the base of the stake on top of the tobacco leaves and millet heads and parts of the sacrificed beasts. The dead girl's ox-tassels, her horn spoon, her butter-gourd, and two lumps of tobacco were tied to the stake. These things were said to belong to God, for the girl's soul was now with God. They had become holy and could not be used by man. Finally the cooking stones and pots used in the beer-making were neatly arranged around the heap of offerings. I was told afterwards: 'Nyakewa has altogether departed from us who are men and has become Spirit (*kwoth*). Henceforward we will invoke her name in battle as we brandish our spears.' About a year after this ceremony kinsmen gather again at the shrine to drink beer and to sprinkle (*kith*) some of it into the air as an offering.

Sometimes a *colwic* spirit seizes a member of its family or lineage, in the same way as a spirit of the air may seize a man, and makes him sick. When he recovers he makes a small mound-shrine (*yik*) in his homestead and this then takes the place of the original shrine at the home of the person killed by lightning. Some of the dead person's ornaments may be inserted into the mound of the new shrine and others hung on the stake erected in it and on the low fence enclosing it.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

that the unity of twins is expressed, particularly in ceremonies 776 x
connected with marriage and death, in which the personality 196
undergoes a change. Thus, when the senior of male twins marries, 811
the junior acts with him in the ritual acts he has to perform; 845
female twins ought to be married on the same day; and no mor- [582]
tuary ceremonies are held for twins because, for one reason, one [766]
of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin 776 x
dies, and I was told that twins do not attend the mortuary cere- 845
monies held for their dead kinsfolk, nor mourn them, because a 766
twin is a *ran nhial*, a person of the sky or of the above. He is also 196
spoken of as *gat kwoth*, a child of God. These dioscuric descrip- 811
tions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in
various ways. Very often a twin is given the proper name *Dit*, [551]
bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider [262]
it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

a reed basket or winnowing-tray and placed in the fork of a tree, because birds rest in trees. I was told that birds which feed on carrion would not molest the bodies but would look at their dead kinsmen—twins and birds are also said to be kin, though the usage may be regarded as metaphorical—and fly away again. When I asked a Nuer whether adult twins would be buried like other people he replied 'no, of course not, they are birds and their souls go up into the air'. A platform, not used in the normal mode of burial, is erected in the grave and a hide placed over it. The body is laid on this hide and covered with a second hide. Earth is then carefully patted over the upper hide instead of being shovelled in quickly, as in the burial of an ordinary person. I was told that the corpse is covered with earth lest a hyena eat it and afterwards drink at a pool, for men might drink at the same pool and die from contamination (*nueer*).

It is understandable that Nuer draw an analogy between the multiple hatching of eggs and the dual birth of twins. The analogy is explicit, and, through an extension of it, the flesh of crocodiles and turtles is also forbidden to twins on the ground that these creatures too, like birds, lay eggs. Miss Soule once had a girl twin in her household who refused fish for the same reason—the only case of its kind known to either of us. But the analogy between multiple births in birds and men does not adequately explain why it is with birds that human twins are equated when there are many other creatures which habitually bear several young at the same time and in a manner more closely resembling human parturition. It cannot be just multiple birth which leads Nuer to say that twins are birds, for these other creatures are not respected by twins on that account. The prohibition on eating eggs is clearly secondary, and it is extended to include crocodiles and turtles—and by Miss Soule's girl fish also—not because they lay eggs but because their laying eggs makes them like birds. Moreover, it is difficult to understand why a resemblance of the kind should in any case be made so much of. The multiple hatching of chicks is doubtless a resemblance which greatly strengthens the idea of twins being birds, but it is only part of a more complex analogical representation which requires to be explained in more general terms of Nuer religious thought. A twin, on account of his peculiar manner of conception is, though not Spirit himself, a special creation, and, therefore, manifestation of Spirit; and when he dies his

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 845 811 a suitable symbol in which to express the special relationship in which a twin stands to God. When, therefore, Nuer say that a twin is a bird they are not speaking of either as it appears in the flesh. They are speaking of the *anima* of the twin, what they call [774] his *tie*, a concept which includes both what we call the personality and the soul; and they are speaking of the association birds have with Spirit through their ability to enter the realm to which Spirit is likened in metaphor and where Nuer think it chiefly is, or may be. The formula does not express a dyadic relationship between twins and birds but a triadic relationship between twins, birds, and God. In respect to God twins and birds have a similar character.

×776 845 811 It is because Nuer do not make, or take, the statement that twins are birds in any ordinary sense that they are fully aware that in ritual relating to twins the actions are a kind of miming. ●766 774 This is shown in their treatment of the corpse of a twin, for, according to what they themselves say, what is a bird, the *tie* or *anima*, has gone up into the air and what is left and treated—in the case of adults platform burial being a convenient alternative to disposal in trees—as though it might be a bird is only the *ring*, the flesh. It is shown also in the convention that should one of a pair of twins die, the child who comes after them takes his place, counting as one of them in the various ceremonies twins have to perform and respecting birds as rigorously as if he were himself a twin, which he is not. The ceremonies have to be performed for the benefit of the living twin and their structure and purpose are such that there have to be two persons to perform them, so a brother or sister acts in the place of the dead.

×776 845 811 This discussion of what is meant by the statement that a twin is a bird is not so far away from the subject of totemism as it might seem to be, for the stock explanation among the Nuer of a totemic relationship is that the ancestor of a lineage and a member of a natural species were born twins. The relationship of lineage to species is thereby made to derive not only from the closest of all possible relationships but also from a special act of divine revelation; and since the link between a lineage and its totem is the tutelary spirit of the lineage associated with the totem it is appropriate that the relationship should be thought of as having come about by an event which is a direct manifestation of Spirit.

However, an examination of the Nuer dogma that twins are

764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 to refer to other persons with traditional ritual functions, such as the *wut ghok* or man of the cattle, though this usage is loose and should perhaps be regarded as derived by analogy from its primary use to denote a leopard-skin priest. When the Government chose certain leading persons in the various Nuer communities and appointed them 'Government Chiefs' with administrative and judicial duties and privileges these chiefs became known as *kuar biei*, chiefs of the cloth (the robes of office presented to them by the Government), either because Europeans referred to them as *kuar* or because Nuer saw a resemblance between the robes and the leopard-skins worn by priests. Both are worn over the right shoulder. *Kuaar* became as well the title by which Europeans are addressed by Nuer, perhaps for one or other of the same reasons. The word has thus gained a wider range of meaning.

A more usual title than *kuaar twac* or *gwan twac* is *kuaar muon*, priest of the earth, the word *mun* (gen. *muon*) meaning 'earth' in the sense of 'soil'; and if it were not that in the literature on the Nuer the priest of whom we speak is always designated by reference to his leopard-skin I should be inclined to write of him as the priest of the earth, because the leopard-skin title is taken only from his badge whereas the earth title is derived from a symbolic association with the earth of deeper significance. It is said that a leopard-skin priest (henceforward generally referred to simply as 'priest') will not approach people when they are making pots lest the pots crack; and in this sense he may be said to respect (*thek*) the earth. If anything goes wrong with the standing crops he may be asked to anoint (*yir*) the earth with butter. He may also be asked to anoint seed and digging-sticks with butter
• [766] before sowing. When a priest is buried, his corpse, so that it will not be in contact with the earth, is placed between hides on a light platform erected in the grave, which is dug in his hut if he dies while the people are in their villages. These and other observances express a mystical relationship of priests with the earth in virtue of which their curses are thought to have special potency, for, as was noted earlier (p. 167), they can affect not only a man's crops
793 but his welfare generally, since human activities all take place on
787 the earth. However, in spite of the power attributed to their curses, I have never known Nuer stand in awe of them nor have I known the power to be used outside a situation of feud; and then a priest's threat to curse is regarded as a routine convention. It gives the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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case of the leopard-skin priestly lineages, any member of a lineage 613
of men of the cattle can perform the services attached to that office, 793
but in practice only some, and senior, persons would normally be 231
called upon to do so. These services have less religious and social importance than those of the *kuaar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwothde*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at [766]
his own mortuary ceremony his kinsmen and possessions are aspersed with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 255–6), initiation of boys to 793
manhood is intimately bound up with their relation to the cattle. [881]
It is therefore appropriate that it should be a man of the cattle 561
who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

8:Howell E, G-5 (1942-1944)1954
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PART II

DIVORCE LAWS AND THE DISSOLUTION OF MARRIAGE

We have seen that marriage is achieved by the performance of social and ritual ceremonies and the transfer of cattle to the kinsmen of the bride. It is now necessary to examine the reverse process by which a union is dissolved. This involves no public ceremonies or ritual, but only the return of bridewealth cattle, with various deductions in respect of rights received and, in the case of children, rights retained by the husband. A distinction must be made between active divorce in which both parties are living at the time of the proceedings, and dissolution of marriage which sometimes follows the death of the wife, though not the death of the husband. There is no distinction in terminology; both situations are *dak kuen*, 'the breaking of marriage', and the same general principles apply, but the details vary. 586

1. DISSOLUTION OF MARRIAGE ON DEATH OF THE WIFE

The death of his wife is usually considered to give the husband some right to claim the return of his cattle, although he will not always exercise that right. It will depend on a variety of circumstances. If the union has lasted a long time and the husband is on good terms with his wife's family, he may not wish to sever his connexion with them, though he will usually demand return of the bridewealth cattle if she has borne him no children at all. Her family will not necessarily dispute the case, and often wish to assist him. There is after all a human element in Nuer marriages which a coldly analytical approach tends to ignore. The birth of one or two children will alter the situation substantially. The father will in any case usually leave sufficient cattle to retain legal parenthood over them. The number of cattle varied in the past from tribe to tribe and, in some tribes, according to the sex of the children, but for two children a man will have to leave at least ten head of cattle (legitimization fees have now been standardized at five head for a boy and six for a girl),[1] and, after deduction of these, in some marriages there will not be many cattle left to return. Nowadays many Nuer get married with as little as twelve or fifteen head of cattle, and if some of them have died in the possession of the wife's family they will not be returnable. In other marriages a larger number of cattle may have been transferred, and 586 768 848

[1] See under Legitimacy of Children, pp. 128–35.

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their progeny may be considerable. There is no hard and fast rule, nor any convention which governs the attitude taken by the husband. At the same time his rights in such circumstances are usually clear, and nowadays a Nuer court will tend to uphold those rights even though they will nearly always attempt to find a compromise.

In fact disputes over the return of cattle when the wife has died are rare because relations between a husband and his wife's kinsmen are not strained, as they must necessarily be in a case of divorce where both husband and wife are living. No generalization is safe on this subject beyond saying that when the wife dies without issue the husband is likely to demand and receive without undue argument all his cattle; that if one child is born the wife's family will retain sufficient only to legitimize that child; and if two children are born the husband may be content to leave all his bridewealth cattle with the wife's family or may demand the remainder after deduction of legitimization fees. A Nuer court will sometimes allow the latter, sometimes not. If more than two children have been born the return of bridewealth is regarded as impossible. It is then considered that the wife has performed her obligations in this respect in full. It must be remembered that the birth of children is also an indication of the time factor and, generally speaking, the longer a union has lasted the less likely is it to be broken. I quote here four actual cases, taken from a large number of similar ones, which indicate both the principles and the tendency to follow them:

(*a*) *Majok Depyang* v. *Cah Macoat* (*Dok Nuer Case*)

Liah Macoat (brother of Cah) married Majok's daughter. The woman died leaving one male child. Liah then began to claim return of his cattle but died before negotiations were completed. Cah continued this claim as Liah's heir and further demanded return of all cattle and stated that he did not wish to legitimize the child. Chiefs' court ruled that all cattle should be returned with the exception of five head for the boy (*ruak nuer*).

(*b*) *Carok Jyath* v. *Won Teang* (*Dok Nuer Case*)

Carok married Won's daughter, who died after bearing two children. Court ruled that Carok should receive all cattle paid by him after deductions had been made for the children.

(*c*) *Kuic Thowath* v. *Ngotkek Deng* (*Bul Nuer Case*)

Kwic married Ngotkek's brother's daughter. After bearing him three children she died, and Kwic demanded return of his cattle after legitimization fees had been deducted. Court ruled that the woman had fulfilled her obligations and that Kwic had no right to any cattle. Court, however, stated that Ngotkek should assist by payment of *ghok tuoke*.[1] This judgement was confirmed on appeal.

(*d*) *Cuol Dak* v. *Liep Balou* (*Dok Nuer Case*)

Liep married Cuol's daughter who died after bearing him four children. Liep subsequently claimed return of his cattle after deductions for the children

[1] *Ghok* (*yang*) *tuoke*. The significance of this payment is explained later.

8:Howell E, G-5 (1942-1944)1954
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had been assessed. Court ruled that no dissolution of marriage was possible, but ordered Cuol to give Liep a cow (*yang tuake*) 'for his sister's sons'. This judgement was confirmed on appeal.

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These cases are not unusual, and similar disputes and judgements may be found in any court case book. They provide illustrations of the principle that on the death of a wife who has borne one, and in some instances, two, children, the husband may expect the return of all his cattle with the exception of sufficient for him to retain legal parenthood of those children. If, however, the wife has borne three or more children she is considered to have fulfilled her obligations, and there is no claim on her family at all, though they may be expected to assist her husband by payment of what the Nuer refer to as *yang tuake*. This privilege sometimes extends to the husband's heirs, if he too is dead, should a cow or cows be required for milk for the children. The distinction is clear. In the first instance the union is dissolved and no longer exists, even though the children continue legitimate and therefore legally members of their father's lineage with all the privileges which that entails. In the second instance there is no dissolution at all, but the wife's kinsmen are expected to assist her widower, either to get married again or at least to bring up the children.

Ghok tuake

Yang or *ghok tuake* means literally 'the cow or cows of the cooking pot', and in this sense refers to the loss of the domestic assistance a husband should receive from his wife. It is also sometimes referred to as *ghok pithe gaat*,[1] or 'the cattle of bringing up the children'. There is therefore contained in the idea the necessity both of compensating a widower for this loss of domestic assets, and of providing him with cattle for the subsistence of the children of the union. The number of cattle which may be claimed varies considerably from tribe to tribe. Among the Lak only one cow at most is paid, while some tribes give as an ideal at least six head of cattle. The Leik, who are comparatively rich in cattle, give eight as the accepted number, and state a definite form of distribution among the dead woman's relatives upon whom the obligation falls. The brother and half-brother of the wife (*dennen kui mumde* and *dennen kui gumde*) should each pay a cow; her father's uterine brother (*guanlen mumde*) and father's half-brother (*guanlen gumde*) should each pay a cow; likewise her father's sister (*nuar*) and mother's sister (*manlen*), her mother's brother and half-brother (*nar mumde* and *nar gumde*) should each pay a cow.[2]

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The payment of *ghok tuake* is not always honoured, but it is a

[1] Have used in a different context from those claimed outside marriage (see pp. 111–6).

[2] In other words, an equitable distribution among the kinsmen of the wife, both paternal and maternal, who have already received a portion of the bridewealth according to the pattern of distribution.

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definite right, and a Nuer court will often enforce it. In this it is expressing public opinion, which feels that a reasonable man will in certain circumstances assist his brother-in-law and his sister's sons. There is, however, an obvious difference of opinion which may be seen in the four different views on the subject expressed by the chiefs at the meeting of 1945 as follows:

That if a woman dies after fulfilling her procreative obligations—

(i) The legal husband has a right to at least one cow, and the *ji cuongni rar* (the more remote relatives who have received a portion of the bridewealth) may be expected to give him an additional cow or two to help him to marry another wife; but this should be a matter of agreement and should not be enforced in the courts.

(ii) As above, but that the *ji cuongni rar* should be compelled to assist him if necessary.

(iii) No more than one cow should be given to the husband.

(iv) *Yang tuoke* plus one cow from the wife's maternal uncle's portion (*nape*) and one from the paternal uncle's portion (*guanlende*) must be given to the husband.

In fact the payment of *ghok tuoke* is largely a matter of agreement; a compromise in the case of a man whose wife has died without issue, or with too few children to prevent him from claiming the return of all the bridewealth cattle; an obligation if his wife has fulfilled her obligations in this respect, and he cannot hope for any return. In the first instance, being a compromise and a convenient way of avoiding dissolution of the union, more cattle will be paid than in the second instance, where the payment is usually restricted to one, or at most two, cows.

Yang muon

When a wife dies without having fulfilled her procreative obligations at all and no children have been born of the union, the husband is sometimes expected to leave with her family one cow known as *yang muon*, 'the cow of the earth or burial', representing a token payment for the woman's death, if he claims the return of bridewealth. This is largely of ritual significance, but is sometimes given in place of the *ruath miemi* and *yang yaatei*, deductions left by the husband in divorce when both parties are living, which will be described later.

2. DISSOLUTION OF MARRIAGE WHEN BOTH PARTIES ARE LIVING

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The simplest method of recording the law and circumstances relevant to divorce is to describe some of the commonest situations which arise as exemplified in actual cases brought before the courts. Before doing so, it is necessary to consider what the Nuer believe to be grounds for divorce.

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SOME ASPECTS OF MARRIAGE AND THE FAMILY AMONG THE NUER

I

Ordinary domestic life as we understand it in our own country—that is the living together of a man and a woman and the children begotten of the man and born of the woman—is based on the union of marriage. Such domestic relations we call the family. Among the Nuer the family in this strict sense is found side by side with other, and different procreative and domestic groups.[1] 581

Nuer marriage is a union instituted by payment of cattle by the bridegroom and his kin to the kin of the bride, and by a lengthy sequence of ceremonies. The bride remains in her father's home till after the birth of her first child and only then does she form a common household with her husband, and only then is the union reckoned complete. When I use the term "marriage" in an unqualified sense I refer to this type of union, and when I use the term "family" in an unqualified sense I refer to the husband and wife and children of the wife born in the union of marriage (but not necessarily begotten by the husband). The terms "marriage" and "family" are used in this paper, when qualified, to refer to other types of union and to other groups and, in contrast to these, I sometimes use the expressions "simple legal marriage" and "simple legal family" for the union and group described in this paragraph. Every male Nuer desires to contract a legal marriage for the children he begets are then legally, as well as physiologically, his own offspring and will be named after him.

II

If a man dies before he has married a wife, or if, having married a wife, she does not bear male children (even after his death), one of his kinsmen must marry a wife to his name. Daughters are not regarded as heirs, because a daughter becomes one of her husband's people and her children belong to her husband's lineage. Nuer say *Nyal, mo ram me gua* ("A daughter, that is an unrelated person"). If we wish to keep close to Nuer idiom and to appreciate rightly their understanding of this form of union we ought not to say that a man marries a wife to the name of his dead 588 768 [611]

[1] I have visited Nuerland on four expeditions. I spent just over a year there altogether. My first two expeditions were made on behalf of, and were financed by, the Sudan Government. My third and fourth expeditions were made as a Leverhulme Research Fellow. Further information about the Nuer will be found in the following papers: "The Nuer: Tribe and Clan", *Sudan Notes and Records*, 1933, 1934 and 1935. "The Nuer: Age Sets", *ibid.*, 1936. "The Nuer: Economic Life", *ibid.*, 1937 and 1938. "Daily Life of the Nuer in Dry Season Camps", *Custom is King*, London (Hutchinson), 1936. Since writing the present essay I published: *The Nuer: A Description of the modes of Livelihood and Political Institutions of a Nilotic people* (Oxford, Clarendon Press, 1940) and *The Nuer of the Southern Sudan* in *African Political Systems* (ed. M. Fortes and E. E. Evans-Pritchard) (Oxford University Press 1940).

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588 kinsman but that he marries his dead kinsman a wife. Nuer say of a man
768 *Ce deman kwen cek*, "He (*ce*) his brother (*deman*) married (*kwen*) a wife (*cek*)" i.e. he married his brother a wife. This is a clumsy and ambiguous expression in English so I shall frequently speak of a man marrying a wife to the name of a dead kinsman. I ask readers to remember that it is not he, but the dead man, who is the legal husband.

The obligation to marry a wife to the name of a dead kinsman is invariably carried out when the dead man has any close kinsmen to interest themselves in saving his name from oblivion. No initiated male (*wut*) should be allowed to lie in his grave unremembered in his children and Nuer say that if an uninitiated boy dies "after his testicles have fallen", that is, after he has reached puberty (*jail*), he must be married a wife. They often state this rule by saying that a boy must be married a wife "after he has gone among the cattle" or "when he knows all about cattle" (*Ce pek ghok ngac*). I have even been told that a boy who has had his second lower incisors removed ought to have a wife, but in practice a small boy who dies is not married a wife unless he is a first-born son and then only if his ghost troubles his kinsmen in dreams or shows its displeasure by killing members of their families. It seems preposterous to Nuer that a dead man without heirs should not be married a wife and that a kinsman should not raise up seed to him. They always expressed great astonishment when I informed them that we do not have a similar custom, believing that no society exists which does not enforce so elementary an obligation of kinship.

588 When asked why they marry wives to dead men Nuer say that until a
768 man marries and begets children he has not reached full manhood, and
681 that a man desires children who will keep his memory green and to whom he can make his wants known in dreams. A ghost likes to think of people asking "Whose son is that?" and being told in reply that it is the son of so-and-so. Thus his name continues on the lips of men. They also say that if the kin of a dead man neglect to provide him with a wife he will haunt them. In my discussions with Nuer on this subject they almost invariably stressed anger of the ghosts as the sanction for their obligations to dead kinsmen. "The ghosts are bad and if you do not marry them a wife they will not spare you." A ghost will bring evil upon (*ciew*) the family of a man who fails to do his duty.

588 This is a vicarious marriage. The vicarious husband acts as though he
768 were the true husband in the ritual that precedes and brings about marriage, and in domestic duties when he and his "wife" begin to share a home. In his physiological and domestic roles he is husband in all but the strict legal sense. In everyday usage people speak of him as the husband of the wife so that it is only by enquiring that one learns the man to whose name she was ceremonially espoused. Nevertheless, it must be clearly understood that the legal partners to the union are not the man and woman living together. The legal husband is the ghost in whose name the bride-cattle were paid and the marriage ritual performed. Moreover if we speak of the group consisting of a woman, her vicarious husband, and the children born of the woman and begotten of the man, as a "family" we

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can only do so in a qualified sense. However, it is difficult to construct 588
an adequate terminology to describe every type of Nuer procreative union 768
and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to [775]
Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *gaat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man [567]
marries his father's brother a wife they say of him *Ce mac gwanlende pet*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

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588 youths die before marriage—and this was yet more the case before the
●768 Government restricted fighting—but, for one reason or another, married men do not always leave male children to continue their line. A man's children may die. He and his wife may die. His widow may have no children or go back to her own people and be married to another man. He may beget only daughters.

Even if a man begets sons who become initiated men he may leave no male heirs for these sons may die before they have married and begotten children. In this case a man's kinsmen must raise up seed not only for him but for his dead sons also. Thus in Diagram No. 1 A ♂ dies leaving two initiated sons B ♂ and C ♂ both of whom die unmarried. E ♂ will then marry A ♂ a wife (N ♀) with A's cattle and by her beget F ♂ and G ♂. When F ♂ and G ♂ reach manhood they will marry wives (Q ♀ and Z ♀) to the names of their brothers, C ♂ and B ♂, before taking wives to their own names.

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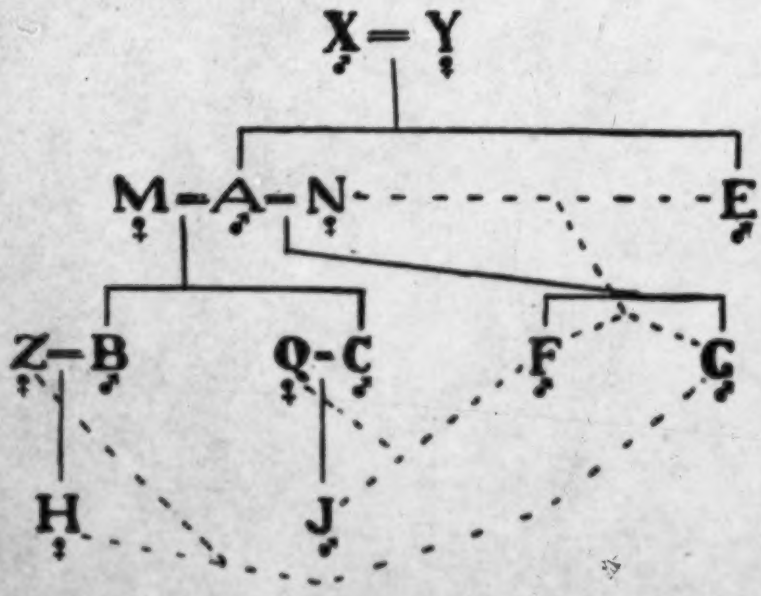

Diagram I

Moreover all the men who in the last generation married wives to the names of sonless kinsmen and were unable to marry further wives in their own right are legally childless because the children they have begotten count as children of the kinsmen to whose names the wives were married. It is the names of these dead kinsmen, and not their own names, which will ultimately survive as links which attach children to their trees of

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ascent. Thus in Diagram No. 1 F ♂ and G ♂ take wives to the names of C ♂ and B ♂. The children of these unions (J ♂ and H ♀) are children of C ♂ and B ♂. Therefore F ♂ and G ♂ will be left childless if they cannot afford to marry further wives in their own right. This frequently happens when there is a large family and one brother marries another, and dead brother, a wife, for the living brother may never again be rich enough to contract a legal marriage on his own account. He enjoys the material advantages of matrimony in the person of his brother's wife and his younger brothers have the right to marry wives with the family herd before he can contract a legal marriage. If, in this way, a man marries a wife to the name of a dead brother and does not later marry a wife of his own, then one of the sons he has begotten (his physiological sons and legal nephews) will marry him a wife after his death.

During the childhood of ghost-children the fact that in legal reckoning their father is a ghost is of small importance, since their relations with their genitor are exactly what their relations with their pater would be, were he alive, but after the ghost-sons are initiated their relationship to their pater has more significance since it confers on them legal and ritual privileges. The man who stands in the place of the pater may be all-important in his lifetime but the pater's name looms larger when the children grow to maturity and, Nuer tell me, it is the pater's name that will finally survive in genealogies at the expense of the vicarious parent. This point will be more readily understood later but it is worth contrasting here, as is done in Diagram No. II, the legal descent of the persons shown

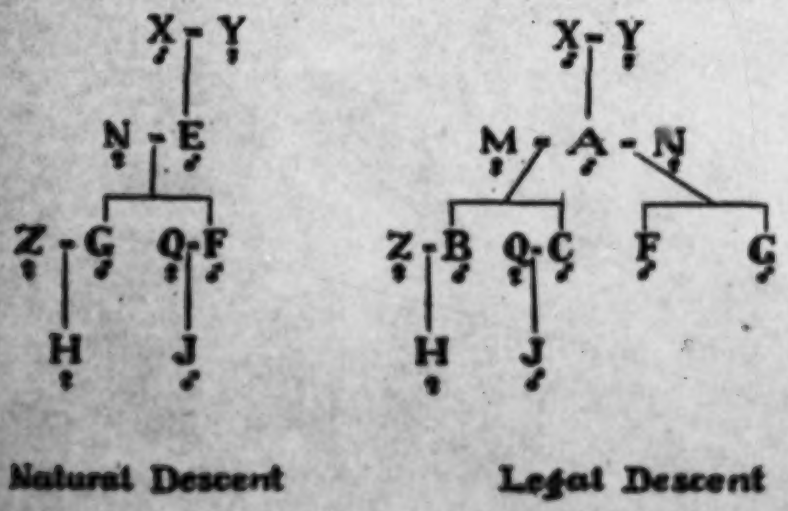

Diagram II

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588 in Diagram No. I with their natural descent. J. ♂ will trace his ascent to
●768 X ♂ through C ♂ and A ♂ and not through F ♂ and E ♂.

611 The commonest ghost-marriages are instituted on behalf of brothers, paternal uncles, maternal uncles, and fathers. By "fathers" is here meant physiological fathers though occasionally a man honours his true father (his pater and genitor) by marrying him a wife after his death, although this is not necessary because the man already has heirs.

582 Though a sister's son may marry a wife for his maternal uncle, a
588 maternal uncle is forbidden to marry a wife for his sister's son. Nuer
768 have even told me that it would be "incestuous" (*rual*) were he to do so. I was told, however, that a maternal uncle may espouse a wife to his dead sister's son so long as he does not himself have intercourse with her but allows a stranger, most likely a Dinka, to beget the children. The Dinka is also said to take the place of the husband in the marriage ceremonies during which the maternal uncle addresses his sister's ghost: *Nyimar, Jangemo, be mac gaanku pet* ("My sister, this Dinka will kindle the fires of your children" i.e. give them posterity). I have not recorded any actual arrangement of this kind and it is possible that it is the sister and not the sister's son who is married a wife.

Likewise a man's father, either pater or genitor, and his father's brother would not marry him a wife. It would seem that a man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would then be both vicarious husband to the wife and her father-in-law. One Nuer whom I asked why a maternal uncle might not marry his sister's son a wife replied "He is her (the wife's) father-in-law (*gwanthu*)". A husband's mother's brother counts as a "father-in-law". A man may not marry his father's sister's son a wife because he would be doing so with the cattle of the ghost's maternal uncle.

Also a man never marries a wife to the name either of his father's father or of his mother's father. It was the duty of their sons to have done this. *Gwan naru me ce lieu, ci ye de ku ení cek*, "The father of your maternal uncle who has died, you may not marry him a wife."

428 In those cases I have investigated where a man has married his maternal
588 uncle a wife he has done so because he has obtained possession of his
768 maternal uncle's cattle. A man without sons or brothers may die and his cattle pass to his sister's son on the understanding that he uses them to raise up seed to his uncle. Members of the maternal uncle's lineage will not object to this procedure though they sometimes expect the sister's son to come and live in their village and raise up seed to his uncle in his uncle's old home. Occasionally it happens that when a girl is married her maternal uncle and his near kin are already dead so that there is no one to receive "the cattle of the maternal uncle". This part of her bride-wealth therefore goes to her brother in order that he may use the cattle to marry his dead uncle a wife. However, when a sister's son marries his maternal uncle a wife it is only in the absence of a close agnatic kinsman. He is not the most approved substitute for the dead man and acute difficulties may arise later between the children he has begotten and himself.

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If a man without male heirs dies in possession of cattle it is more than ever incumbent on his relatives to marry him a wife. These cattle, *ghok jookni* ("cattle of the ghosts"), are sacred and ought not to be used for any purpose other than marrying wives to the dead. If a member of the homestead of a dead owner of cattle commits homicide or adultery, and the kraal is raided to obtain compensation, the raiders will not seize "the cattle of the ghosts". Thus if a man leaves five head of cattle behind him these are kept in the kraal till they increase to a large herd. One of his kinsmen then takes a wife in his name to raise up seed to him. This man may take what cattle remain after the bride-wealth has been paid and do what he pleases with them. 585 768 428

When a man marries a brother a wife it is considered proper for a younger brother to take a wife for an elder brother though it is not forbidden to an elder to marry a wife to the name of a younger. As brothers marry in order of seniority it is fitting that when it comes to the turn of the dead man to take a wife the brother next junior to him should marry a wife to his name. Nevertheless if the next brother is only a father's son to the dead man and there is a still younger brother who is his mother's son it will be left to his mother's son to do his duty to the dead, and the father's son will marry a wife in his own right. 588 768 593

Only a kinsman takes a wife to the name of a dead man. An unrelated person would never do so, though in exceptional circumstances a kinsman might marry a wife to a dead man and allow an unrelated man to cohabit with her and beget children of her.

I shall discuss later in what way a simple legal family with a living pater differs slightly in sentiments and domestic inter-relations from a ghost-family with a dead pater, but it may again be emphasized here that they are very different in respect of the formal status of their members to one another. The physiological and foster father is not the husband of the mother but stands in the place of the husband. Also the children born of the mother are not his sons and daughters but his kinship relationship to them is determined by the genealogical link between himself and the ghost-father. Thus in Diagram No. III if *F* ♂ marries a wife to his

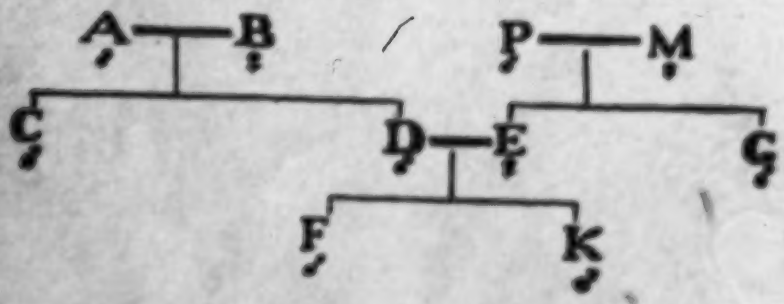

Diagram III

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588 paternal uncle, C♂, the son whom he begets is his paternal first cousin
768 (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the
593 union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat daman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 Occasionally women marry wives to the names of dead kinsmen and
768 yet more rarely, a man marries a wife to the name of his dead sister if she
835 was barren (*cek mi rol*) "for she then counts as a man." The children of this union are caled after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 I was told also that a man may marry a wife to a dead paternal aunt who
768 was barren during her lifetime. When I asked Nhial Mitmit whether a
428 man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as
588 a man the genitor will not get "the cow of the mother's sister" but "the
768 cow of the father's sister"

These vicarious marriages by women or on behalf of women are very

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rare and of little social importance. I know of no cases at first hand and am therefore unable to vouch for the information given to me and to say what are the interrelations between the people concerned. On the other hand ghost-marriages in which a man takes a wife to the name of a dead kinsman are so common that several cases can be recorded in even the smallest village. A large number of such unions are listed and shown diagrammatically later in this paper so that I will only instance a single typical case here. Most of the people in Diagram No. IV belong to the Thiang tertiary section of the Lou tribe and dwell at Kurmayon on the Sobat River. Thiep ♂—Gol ♂ was slain by Dinka and his sister's son, Duob ♂, married him a wife, Kan ♀—Bie ♂. Kwany ♂—Thiep ♂, my informant, was born of this union. Loc ♂—Buai ♂ (or Loc ♂-Nyakweka ♀ as we called him at Kurmayon, his mother's village) was slain during fighting between the Thiang and the Yol tertiary sections. His brother's son, Lam ♂-Duob ♂, has married him a wife, Nyabiem ♀—Bel ♂. It is worth noting that Kwany ♂ gave several cattle to marry Nyabiem ♀ to Loc's name because Loc ♂ is his father's sister's son (he used to speak of him as *gat gwar*, "son of my father"). 588 768

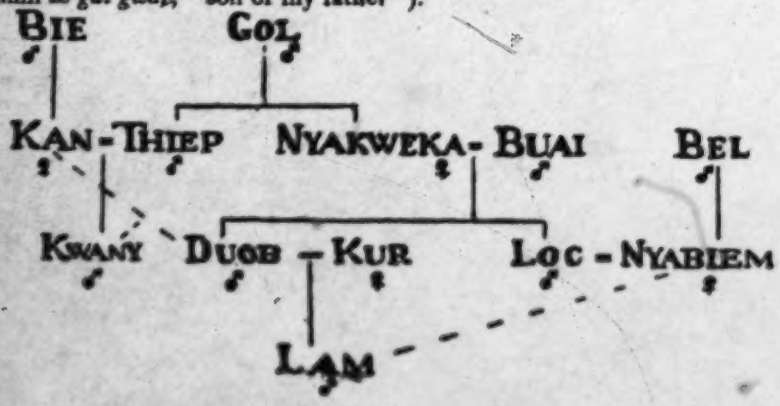

Diagram IV

Another type of procreative union results from the custom of the levirate. When a man marries, his kinsmen provide the bride-cattle and the cattle go to the wife's people and there breed and provide them with food, and with cattle for their own marriages. The wife leaves her kinsmen and becomes one of her husband's people. Her reproductive and economic services are not due to her husband alone but to all her husband's near kinsmen who speak of her as "our wife". If the husband dies Nuer do not regard the union as broken. The wife continues to bear children and, whoever may beget them, they are counted as children of the dead man. But though the status of the genitor does not affect the children, who take their status from their pater, it is considered that a 557 588 768 [611]

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587 woman ought, on the death of her husband, to go to live with one of his
588 brothers, since she was married with the cattle of their kraal. This is not
●768 a re-marriage. The woman is still wife (*cek*) to the dead man but she lives with one of his brothers who takes the place of her husband, raising up seed to his name, and acting as foster-parent to the children and bread-winner to the family. Nuer never allow one to use the word "marry" (*kwen*) in this connection and I have sometimes provoked them to merriment by this mistake. They usually say *Ce cek deman lath dwil*, "He has provided his brother's wife with a hut". We may nevertheless speak of this form of cohabitation as leviritic marriage. Nuer regard it as
[186] so desirable and logical a custom that I always had the utmost difficulty in explaining to them that in our country a widow may remarry. They wanted to know how this could be so when cattle had been paid and were scornful at the information that in Europe we do not pay bride-wealth.

587 Leviritic marriage is very different from ghost-marriage as will be seen
588 when we consider the relations between the children and their genitor.
573 It may be said whereas a ghost-marriage means that the vicarious husband actually marries the wife in the sense that he pays the cattle and performs the ritual of marriage, even though it is to the name of another, in leviritic marriage the legal husband has performed these actions and the brother merely enters as pro-husband a family already in being. The widow is always known as the wife of the dead man and the children clearly regard themselves as members of a legal family to which their pater's brother does not belong. The brother has less control over the widow than a man has over his partner in ghost-marriage and he may be opposed by the sons when they grow up.

Although this is not a marriage in the Nuer sense I use the expression "leviritic marriage" for want of a better and because I wish to emphasize the brother's legal position as pro-husband, for he has legal claim on the services of the widow in virtue of his kinship to the dead man. It was not the dead man alone who took her for wife but it was the brothers as a whole who married her with their cattle. If she refuses to live with him he can, in certain circumstances, divorce her, and if another man has relations with her while she is living with him he can sue the man for adultery. Leviritic marriage, therefore, like ghost-marriage must be conceived of as a variety of legal marriage, being a union between three persons, the dead husband, the pro-husband who is also the dead husband's brother, and the wife. It differs from a ghost-marriage in that the husband and wife at one time lived together in matrimony. A leviritic family, on the same principle, consists of the dead husband, the pro-husband who is also the dead husband's brother, the wife, and the children born of the wife. It generally differs from a ghost-family in that the children, or some of them, were begotten by the dead husband. Such a child is therefore a *ret*, or orphan, and not a *gat jooka*, or ghost-child. Here again the pro-husband can never be pater to children born of the wife, whether begotten by the dead man or by himself. The simple legal family is contained in the structure of the leviritic family as it is contained in the structure of the ghost family.

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Most African societies practise the levirate but the Nuer regulation by which the widow is still married to her dead husband profoundly modifies the practice in their society. It gives the simple legal family great stability and durability. The domestic group, the household, may break up through the death of the father but the simple legal family, the group of husband, wife and children born of the wife, endures. The personnel of the household may undergo many changes but the institution of the family is fixed by payment of bride-wealth which determines who is pater to any children born of the wife, whether the man be alive or dead. The family structure survives dispersal of its members and even the death of some of them. 587 768 592 593

But, although a wife is tied legally to her husband after his death, she has far more actual freedom than in societies where she can be remarried by one of her husband's kinsmen. The fact that she cannot become the legal wife of one of her dead husband's brothers considerably lessens their control over her. After her husband's death she can continue to perform her procreative obligations to him by bearing him children as well by a stranger as by one of his brothers, and she can rear her children in the home of a stranger as well as in the home of her husband's kin. Moreover, if during her husband's lifetime she bore him children her domestic and economic duties to her husband's people are adequately performed by her services to his children. In these circumstances, as will be explained more fully later, the husband's kinsmen must give her her freedom. 587 593 562

Leviritic marriage normally means the cohabitation of a man with his dead brother's wife. Sometimes, however, she lives with one of his sons. If a young man dies his children will not be old enough to take his wife. Also he is most unlikely to have another wife than their mother. Moreover, he probably has younger brothers who, being yet unmarried, have first claim on her services. When an old man, who has married several women, dies it is probable that most of the wives will be old also and elect to live with their own sons and daughters, or, if they wish to continue sexual relations, will choose to live with a lover who is not of their husband's kin. It is only when an old man dies who has lately married a young wife (who has not yet born him children, or who has born him a single child), and whose brothers are all married, that a son takes his father's wife. 587 768

Generally a young widow lives with a brother of her husband and it is only when there are no brothers living that she takes a lover from an unrelated, or distantly related, lineage. Tradition, good form, and threat of divorce, are powerful sanctions to conformity in this respect, though these influences are not so strong in the case of a half brother as in the case of a full brother, for a father's son of the dead husband has not the same claim on the services of the widow as a mother's son. Indeed, I was informed, among the Eastern Nuer especially, that a clear distinction is made between full and half brothers in respect of widows. After the death of a paterfamilias the children of each of his wives often live as largely independent economic units. If the mother is alive she cooks, 587 768 593

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 milks the cows, and performs other domestic services for her sons. If
●768 she is dead and her eldest son is married his wife acts as a cook, house-
593 keeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere.
[848] Her husband's people permit her to take this course because all the child-
[611] ren she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle
[586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath cau ka de lony*, "Cattle which have children on their backs cannot be returned".

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The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768● 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*ŋang giekni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Cehe, guri bi wa lun dor kie bi lum cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cek me here wide yar be lar "Ghan gan ca be wa lun gwadh dodien, Me ca gat coada gur, ba lum golkun"*, "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 837 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

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587 dead, so that they may view with equanimity the departure of the widow
●768 and her children, having no feelings of close parentage towards the sons
593 and being assured that they will receive whatever bride-wealth is their due
591 on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she
[611] determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends
[586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy
[776] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 A widow who lives with a stranger after the death of her husband is
611 called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 A *cek ma lak* is translated in this paper as "widow-concubine" for she
593 is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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mixed with blood is used. For ordinary people water is used. Then 765
butter was brought out in a small gourd and was smeared on the backs and chests of those present and on the dead man's spears. Those who were wearing mourning cords came forward and the master of ceremonies cut them from their waists and necks and carried them into the bush and threw them away. Afterwards the porridge was distributed and eaten.

The master of ceremonies now began to divide up the dead 768
man's possessions. He gave the tobacco to a woman of the dead 765
man's household and his spears to a younger son. He gave half the skin of the sacrificed ox to the eldest son and he took the other half for himself as his right. The rest of Lam's possessions were tied in a bundle for future distribution among his wives and sons. The people then washed themselves. At a mortuary ceremony there is a feeling of pollution and the need to cleanse men and things. The dead man's goods were also washed. I left at this point, while the meat of the sacrifices was still being cooked.

The rites were concluded shortly after sunrise on the following 765
morning. Two men stretched a goat on its back and a third, acting on behalf of Lam's eldest widow and the mother of his dead son Deng, cut it in two with a spear from throat to tail. Even the tail was carefully severed in twain and to complete the division the head was split in two with an axe. While the carcass was being halved in this way an old man and the senior widow pulled at it on one side and Lam's sons pulled at it on the other side till with laughter and cheering it fell apart. The old man and the senior widow ran with their half, the left or bad half, into the bush and threw it there, while the sons carried their half, the right or good half, to the hut outside which the sacrifice had been made. The old man carefully collected half the chyme of the goat and deposited it with the bad half in the bush. Lam's eldest son collected the other half and placed it with the good half of the goat. They express in this manner the departure of evil from the home, where people may now rest in peace. The left half which was carried away represents death and misfortune and the right half which was left in the home represents life and prosperity. Nuer say also that with the bad half go all the secret enmities between the dead and the living and any resentment and guilt there may have been between them. For example, one of the sons may have quarrelled with his father and his father may have

765 nourished secret resentment in his heart, or a son may have had relations with one of his father's wives and not confessed his guilt. I was told that the bad half of the goat was eaten by persons unrelated to the dead man and the good half by members of his family.

765 768 Lam's goods which had been tied up for later distribution on the first day were now brought out again and divided among members of the family by the eldest son assisted by the master of ceremonies and some senior kinsmen. The clothes, beads, and ostrich-shell girdles were given to Lam's wives. His series of metal arm-rings was broken up and the rings distributed among the men and boys of the family.

765 The ceremonies were concluded by all the people shaving their heads. On this account the mortuary ceremony is often spoken of as the *mut*, the cutting. The cutting of the hair of the kin symbolizes the cutting off of the dead from the living just as in the marriage ceremonies the rite, known by the same word *mut*, by which the bride's hair is shaved off, symbolizes the cutting of the ties between her and her family and kin. The mortuary ceremony is one of deep 'silence and sadness', the marriage ceremony one of 'happiness and laughter'. They also say of the dead man *ca je mut*, he has been cut off (by this ceremony). It is clear from the orations and actions of the mortuary ceremony that part, perhaps the main part, of their purpose is to cut the dead from the living. The dead man has to be given the full status of ghost and persuaded to accept it so that he will remain as a ghost and not try to return to the living with the taint of death on him. This is the constant refrain of the invocations: 'Now you ghosts, you are finished with us, you are the people of God, you are the people on the other side.'

775 765 761

That this is one of the main purposes of the ceremony is further shown by a curious observation I made in western Nuerland. There was living in a village there an unhappy-looking man of unkempt appearance, called Gatbungh. This man had some years before gone on a distant journey and had not been heard of for a long time. Then there came to his village news of his death and in course of time the mortuary ceremony was held for him. He later returned home and was living in the village at the time of my visit. He was described as *jongh in tegh*, the living ghost. I was told '*ca tiede mut. ce tiede ma kene tie yang kel. ce te ni ringe*

775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook diel*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *rick* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *rick kwoth*, God's shrine, and not *rick jookni*, ghosts'
[769] shrine. There is no cult of the dead, and their graves, not being marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance
551 both for the Nuer themselves and also for an understanding on our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

but rather as names numbered, as it were, in the archives of the 683
lineage. They think of the dead continuing in this way in the 768
living. It is to ensure the survival of the dead in their names, Nuer 551
say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage.

I have discussed these practices at length elsewhere,[1] and here 587
it is only necessary to show their connexion with the matter under 611
discussion. Nuer practise the true levirate. Widows are neither 551
remarried nor inherited but continue till death to be married 768
to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of 588
ghost-marriage further ensures that every man must have a son 551
who will be called after him 'gat so-and-so', 'son of so-and-so'. If a 611
man dies without a male heir and without leaving a widow to bear 768
him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name.

The memory of a dead man is thus kept alive by its being con- 551
stantly on people's lips through the favoured patronymic usage 768
during the lifetime of his children and afterwards in the recita- 583
tion of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*,

[1] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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551 'cattle of the ghosts', and they must be handed over to his sons, at
●768 once if they are adults, and later if they are children. It is a grave
583 fault for a kinsman to take advantage of the minority of children to use the cattle of ghosts for his own purposes. The rights of the dead in bridewealth cattle derive not only from the fact that it is their kinswoman who is being married but also from the feeling Nuer have that a line of descent is attached to its herd. Whatever individual may have control over the herd it is thought of as being in a vague general sense owned by the ghosts who once tended it, for though the animals change the herd is felt to have a sort of continuity. This is partly why the ghosts are addressed in invocations at weddings. It must be explained to those on the bridegroom's side that the cattle are leaving the herd so that a girl of another lineage may come into the family to bear sons who will continue their own lineage; and it must be explained to those on the bride's side that she is being married with cattle which will enable her family to acquire a wife who will bear sons to continue their lineage.

551 The great importance attached to the maintenance of a dead
768 man's name and the privileges and obligations of the living which derive from their relationship to him—*ciek joka*, ghost's wife, *gat joka*, ghost's son, and so on—give sharp individuality to the dead; and it is interesting to note that in the Nuer language the word for the departed has singular and plural forms, unlike many languages in Africa and elsewhere, which, like the Latin *manes*, can indicate only a collectivity. It is possible that we are to seek in the desire for survival of the self in the name—not just survival in the children—the reason for the fact that Nuer do not, at any rate in normal circumstances, care to call a son by the same name as his father and even show aversion at the suggestion that one might do so. Were father and son to bear the same name they would be likely in course of time to become merged in the recitation of a genealogy. I think Nuer realize this. However, it would be necessary, were such an interpretation advanced, to account for the fact that some of the other Nilotic peoples have no objection to father and son bearing the same name, the Anuak for instance, and Dr. Lienhardt tells me that it is also the case among the Dinka.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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in the diagram is the primary section of Reng, the Koeg and Dhilleak divisions of which have clan nuclei of different origin to the other sections. 619

In all these tribes and tribal sections there is much admixture of lineages in communities. The same conditions are found in the Zeraf valley and also, and perhaps to a larger degree, in Western Nuerland. Nuer say that feuds and quarrels between lineages chiefly led to their dispersal, and they can cite many examples. Thus the descendants of Nyang-Thiang left the other sons of Thiang and joined the people with whom they form the Gaagwang tribe, and the NYARUNY lineage left their kinsmen of the Thiang primary section and joined the Reng primary section of the Gaajak tribe. After fights, a whole community, led by its dominant lineage, may in this way move to a different section or tribe and take up permanent residence with them. Migration led to further dispersal, since some lineages remained in the homeland to the west of the Nile and others crossed the Nile and Zeraf and settled to the east of these rivers. Nuer say that in the earliest stages of the migration the warriors used to raid Dinka and return home to their kinsmen after each raid. Then they settled to the east, but kept in close contact with the people of their lineage to the west. But as they shifted farther away the contact lessened and finally, in most cases, ceased altogether. When lineages migrated they must already have been nuclei of heterogeneous accretions and not exclusive groups of agnates: but admixture was no doubt hastened and made more complete by movement. 613 619 166

Two factors other than migration, quarrels, intermarriage, &c., have probably contributed to the dispersal of lineages. The Nuer are mainly a pastoral people with dominant pastoral interests and do not feel themselves bound by economic necessity or by ritual ties to any particular spot. Where his cattle are is the Nuer's home; his hearth is the droppings of his cattle and his altar a light pole (*rial*) which he plants wherever he may wander. The spirits which give him protection and the ancestral ghosts that watch over his welfare are no more bound to the soil than he is and they are present wherever are the herds. Beasts dedicated to ghosts and spirits are his wandering shrines. Also the Nuer have no organised cult of ancestral ghosts. The dead 181 771 79

1: Evans-Pritchard E-S (1931, 1936) 1940
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769 are buried quickly and crudely in unvisited and unremembered tombs; only in very rare cases are sacrifices offered to them; and there are no sacred places associated with them.

[181] Thus Nuer have always felt themselves free to wander as they
613 pleased, and if a man is unhappy, his family sick, his herds de-
593 climing, his garden exhausted, his relations with some of his
607 neighbours uncongenial, or merely if he is restless, he moves to
601 a different part of the country and resides with some kinsmen. It is seldom that a man goes alone, for brothers are a corporate group and, especially if they are sons of one mother, stick together. So, frequently as a result of quarrels, a group of brothers will often leave a village and settle elsewhere. Nuer say that they usually make for the home of a married sister, where they are certain to be well received. Here they are respected as *jiciengtiu*, in-laws, and their children accepted as *gaat nār*, children of the mother's brother, while the people they join are to them *cieng cowyimar*, the people of my sister's husband, and *gaat nyal*, children of a female agnate, and *gaat wara*, children of the father's sister. A man who changes his residence thus becomes a member of a different community and enters into intimate relations with the dominant lineage of that community. When a GAATIEK man said to me, 'Now that I have come to settle in *Cieng* Kwoth I am a man of *Cieng* Kwoth', he meant that outside ceremonial situations he identified himself with the KWOTH lineage rather than with his own.

613 Even one man is a potential lineage and several brothers even
621 more so. A minimal, and then a minor, lineage comes into being which has only ritual status towards the other lineages of its clan, whereas with the people in whose village and district its members have grown up it has a mutuality of interests and a community of experience. The group thus develops into a distinct lineage. It intermarries with the other people of its home and very often it intermarries so frequently with the dominant lineage of the district that further marriage between them becomes impossible without breaking incest regulations. In this way lineages twine around one another and a texture of cognatic relationships unites all members of the community. Only a few such lineages establish themselves and survive as lineages. Many either die out or lose much of their individuality

8:Howell E, G-5 (1942-1944)1954
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'Ghost-Marriage'

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It is an accepted rule among the Nuer that if a man dies before he is married or dies without male issue one of his kinsmen, often his brother, must marry to him a wife. This is one of the strongest mutual obligations of kinship.[1] It is considered essential that a man should have an heir who can carry on his name and 'keep it green' in order to further the interests of the lineage in posterity. To die without male issue amounts to oblivion. Female children do not count since their offspring belong to their husbands' lineages, as in any patrilineal society.

This obligation of kinship is nearly always carried out when sufficient cattle are available. Failure to observe the obligation would mean restlessness on the part of the dead man's spirit, who would bring evil (*ciew*)[2] upon his kinsmen.

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The main characteristics of 'ghost-marriage' are as follows:

(1) It is the dead man, to whose name the wife is married, who is considered the legal father of the children. The ritual processes of marriage are performed in his name, and the bridewealth is paid on his behalf. Therefore, while Lo is not the physiological father of the children, he is their legal father, and it is from his name that they trace their descent.

(2) The man who marries a wife to the name of his dead kinsman is father in all rules and is in every respect the husband of the woman except in the strictly legal sense.

(3) The physiological father fulfils all the domestic duties of husband and father. In this respect the characteristics are the same as in a normal legal union, and it is only by enquiry that his true legal status can be discovered.

(4) On enquiry, though not in normal circumstances, the wife will be called *ciak jookc*, 'ghost-wife', and the children will be called *gaat jookc*, 'children of a ghost'.

(5) Since the husband is a substitute for his dead kinsman and performs all ritual and domestic obligations on his behalf, the features of a simple legal marriage are found in the structure of this form of union.

(6) The behaviour and obligations of the pro-husband are indistinguishable from those of a man who is both legal and physiological husband and father.

For purposes of definition, the legal father of children will be referred to as *pater* and the physiological father as *genitor*. The difference therefore between a simple legal family and a 'ghost family' is that

[1] The Nuer expression is 'ee dowen ferce ciak', lit. 'he his brother married a wife'.
[2] Cieer: A spirit which hasten or is evil-eye. See also Lienhardt, p. 64, n. 1.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

query and is an abstract idea which they cannot explain in terms of specific examples; but this does not cause confusion to them because, although all aspects of their religion are an indirect extension of the idea of *kuoth*, there is a special terminology which refers to every kind of manifestation and category. 771 776

For example, there are, as will be seen later, *kulangwi*, special spiritual forms which come into the possession of and possess individuals or kinship groups, and of these there are many different types of manifestation. They are often the cause of physical illness or misfortune. A particular individual may be subject to epileptic fits or periods of mental instability, and speaking in general terms the Nuer will say *tke kuoth*, 'he has or is possessed by *kuoth*'; but they will usually go further and qualify this statement by saying that he is possessed by some particular manifestation of *kuoth* which has a definite name. In some cases the individual will have called upon himself evil effects (though the same spirit may equally bring beneficial effects) in angering the spirit by some action, or more probably by failure to carry out some ritual obligation. There are special functionaries whose duty, in return for fees paid, usually in cattle, is first to diagnose the cause of the trouble and then to suggest a remedy, often assisting in the ritual which follows. [753] [791]

Kuoth is sometimes spoken of in the rôle of creator, but creation is more often explained in mythology by reference to ancestors. Such ancestors are not consciously thought of as manifestations of *kuoth*, although their origin would be explained as *kuoth*.[1] Ancestors are intermediaries between man and God; prayer is offered through them to *kuoth*. There is therefore a close relation between the concept of *kuoth* and religious practices associated with a patrilineal descent group. The word *thok* is used to express the idea of respect to ancestral spirits, and also, by extension, respect for kinship relations. Misfortunes and illness, sometimes referred to as *nuer*, are often believed to be caused by ancestral spirits who are angered on account of a breach of observance—such as neglect of prayers, which should be addressed to them—or by actual relations between living descendants. An offensive action against a kinsman demands not only some compensation in the form of apology or even material indemnification but also prayer and expiation. There is therefore a religious sanction for kinship obligations and observances.[2] 776 769

[1] E.g. when asking Nuer to relate their genealogies, one often finds that they get stuck at a particular ancestor—and there is, of course, always an ancestor beyond whom they cannot go. Pressed for an answer they will simply say that this man came from *kuoth*.

[2] *Thok*. A full explanation of the word *thok* is given in an article by Professor Evans-Pritchard in *Man*, Vol. XLIX, 96, 1949. He says: 'We can therefore perhaps best think of *thok* as a term indicating a category of ritual prohibition or taboo, and of *nuer* as a term commonly used both for the infringement and the sanction of this class of taboo.' My own view is that *thok* implies not only negative action in the form of prohibition or avoidance but also positive action in carrying out some observance or duty.

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

613 to a certain group and not a member of it in relation to a different group. Lineages are thus essentially relative groups, like tribal sections, and, like them, also are dynamic groups. Therefore they can only be described satisfactorily in terms of values and situations.

613 Nuer lineages are not corporate localized communities though
621 their members often have an association with a locality and speak of the locality as though it were an exclusive agnatic group. Every Nuer village is associated with a lineage, and though the members of it often comprise a small proportion of the community, it is identified with them in such a way that we may speak of it as an aggregate of persons clustered around an agnatic nucleus. The aggregate is linguistically identified with the nucleus by the designation of the village community by the name of the lineage. It is only in reference to rules of exogamy and certain ritual activities that one needs to regard lineages as completely autonomous groups. In social life generally, they function within local communities, of all sizes from the village to the tribe, and as part of them. We cannot here discuss the ways by which residential groups become a network of kinship ties—marriage, adoption, and various fictions—but the result tends to be that a local group is a cognatic cluster round an agnatic core, the rules of exogamy being the operating principle in this tendency.

614 Nuer clans are everywhere much dispersed, so that in any village or camp one finds representatives of diverse clans. Small lineages have moved freely over Nuerland and have settled here and there and have aggregated themselves to agnatically unrelated elements in local communities. Migration and the absorption of Dinka have been circumstances favouring the dispersal and mixture of clans. Being a conquering, pastoral people and not
[769] having an ancestral cult, the Nuer have never been bound to any particular spot by necessity or sentiment.

Nevertheless, there is a straight relation between political structure and the clan system, for a clan, or a maximal lineage, is associated with each tribe, in which it occupies a dominant position among other agnatic groups. Moreover, each of its segments tends to be associated with a segment of the tribe in such a way that there is a correspondence, and often a linguistic identification, between the parts of a clan and the parts of a tribe. Thus if we compare Diagrams II[1] and III[2] and suppose clan A to be the dominant clan in tribe B, then maximal lineages B and C correspond to primary

[1] [see p. 282, cat. 116 -- Analysis]
[2] [see p. 288, cat. 288 -- Analysis]

*776 782 there is no reason why they should see one. God is not a particular air-spirit but the spirit is a figure of God. So while in a sacrifice one can say that the oblation is made to *deng* and not to *wiu*, *mani*, or any other spirit of the air, one cannot say that it is not made to God. The spirits are not each other but they are all God in different figures. Consequently, if one asks a Nuer whether a sacrifice is to God or to a spirit of the air the question makes no sense to him. Nuer pass without difficulty or hesitation from a more general and comprehensive way of conceiving of God or Spirit to a more particular and limited way of conceiving of God or Spirit and back again. This is often very apparent in invocations made at their sacrifices and in what they say in times of sickness and other troubles. Therefore a queston which tries to present a disjunction, an either . . . or, in answer to which either one proposition or the other may be accepted but not both, is not understood.

*776 It is in the nature of the conception of Spirit that it can be thought of in this sort of way, that what is distributed in a number of beings is, though different, yet the same and, though divided, yet a whole. Therefore, what has been said in this respect about the conception of God in relation to the conception of spirits of the air can also be said of the spirits of the air themselves. *Deng* has several forms but they are all the same *deng*, and *deng* may be in a number of different prophets at the same time, each of whom is *deng*, without *deng* being in any way divided.

V

*776 •769 Another sort of spirits which are regarded as spirits of the above in contrast to those of the below are the *colwic*, spirits which were once persons. These persons were struck by lightning or, more rarely, disappeared in a whirlwind; and some Nuer included also persons found dead in the bush without the cause of death being apparent. They are conceived as having been, as we would say, metamorphosed. The human has been changed into the divine. *Tic*, soul, has become *kwoth*, spirit. Nuer think of these persons as having been 'taken by God into the sky' and they say that there are multitudes of such spirits in the sky. Their names are for the most part forgotten in course of time but a few become tutelary spirits of lineages and are for that reason remembered. Such a

SPIRITS OF THE ABOVE

kwoth gool, spirit of a lineage, is called on for aid, especially, I was told, by a man seeking refuge from enemies pursuing him. Most lineages seem to have at least one *colwic* patron spirit, to which cows are dedicated and their bull calves sacrificed. In their role of patrons of lineages they are similar to the totemic spirits, which I discuss in the following chapter, but they are treated in the present place, and not with the totemic spirits, partly because in other respects they obviously lack what are usually regarded as totemic characteristics, but chiefly because they are spoken about by Nuer as spirits of the above whereas totemic spirits are spirits of the below. 776* 769

Although each *colwic* spirit, so long as it is remembered, retains its individuality in relation to its family and lineage, all of them are also conceived of as merged in God or in his hypostasis of *col*, the air-spirit of lightening. I have heard it said that *col* is black-haired and that this is the reason for calling a person killed by lightning a *colwic*. This suggestion, which is not entirely satisfactory grammatically, may have been put forward by the Nuer I was conversing with as a piece of *ad hoc* etymology deemed adequate to satisfy my curiosity,[1] but whether this is so or not, the first part of the word, *col*, means 'dark', and the spirit to which the word also refers is a spirit of storms; so in the word *colwic* there is an association of some kind with darkness and the suggestion made to me shows that Nuer are conscious of this.

Many people are killed by lightning, as memorials erected in their honour in villages bear witness, and it is therefore not surprising that Nuer are anxious when violent storms break over their homes and the sky is pierced by flashes of lightning. Then there is silence in the byres and one may see old men throw pieces of tobacco from the doorways into the storm, uttering a simple prayer, such as 'ah God, father, take this tobacco [or they may say "ox"]. I have paid thee ransom (*kok*) father [with this offering]. 776* 821 782

[1] Miss Seligman informed Professor and Mrs. Seligman (op. cit., p. 158) that the expression is *colwic*, 'col of the village community'. Father Crazzolara (op. cit., pp. 97-98) writes *colwic*, gen. *colwic*, but he does not give a literal translation of the expression. In my opinion the second syllable of the word is *wic*, gen. *wic*, 'head', and not *wic*, gen. *wic*, 'cattle-camp' or 'community'. Dr. Mary Smith tells me that she has heard Nuer speak of *colwic* in reference to a person killed by lightning in the bush (*dhor*), though *colwic* is also used. On the other hand, some Nuer told her that people killed by lightning are called *colwic* because they do not have their heads shaved after death, as other people do. Clearly the syllables which compose the word have no definite meaning for Nuer.

775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook diel*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*law*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice *is* ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *rieik* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *rieik kwoth*, God's shrine, and not *rieik jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[264] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance
551 both for the Nuer themselves and also for an understanding on our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

1: Evans-Pritchard E-5 (1931, 1936) 1940
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8:Howell E, G-5 (1942-1944)1954
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CHAPTER VI

RELIGIOUS CONCEPTS IN RELATION TO LAW

000 IN the preceding chapters I have described what may be called the secular aspects of Nuer customary law. The terms of the law described are largely rational, and only at certain points and in certain contexts have religious and magical associations been mentioned. The isolation of rational procedures from the religious background, however, gives an incomplete picture, and some mention must be made of Nuer religion and ritual sanctions in relation to legal concepts. To do so is to embark on a highly complex subject and one which, as an administrator, I had least time and opportunity to investigate. There is also a danger of over-simplification and generalization. The reader must bear this in mind.

Nuer Religious Beliefs

771 776 The Nuer are an intensely religious people. As a basis is the concept of *kuoth*, an all-pervading deity associated with the sky but present to a greater or lesser degree in all things, which supplies, directly or indirectly, an explanation for phenomena which cannot be accounted for in terms of everyday life.[1] This applies to material objects, human beings, events, and situations. Thus a particularly vicious snake may be a manifestation of *kuoth*, thunder and lightning are *kuoth*, a magician is possessed by or possesses *kuoth*, an unexplained accident or illness is due to *kuoth*, spirits are *kuthei* (a plural form of the word *kuoth*) and the unpredictable future is *ruar kuoth*, literally 'God-talk' or 'the will of God'. The word *kuoth* also has connexion with the whole range of spiritual forms and concepts: ancestral spirits, household spirits, spirit medicines, talking spirits, sky spirits, earth spirits. The special functions of the ritual experts of the kind already mentioned and their magical powers are derived from and are dependent upon *kuoth*. Nuer themselves find great difficulty in describing their beliefs because *kuoth* is accepted without

[1] In a recent article Professor Evans-Pritchard says: 'God is a spirit who is in the sky and also everywhere, he is the creator of the universe, the father and friend of men and the guardian of the social order; and in comparison with him man is an ignorant and puny creature. . . . There is nothing which can properly be called a cult of God, the spirit who is in the sky, and indeed the absence of a cultus is very much in keeping with the whole Nuer cosmology.' 'A Note on Nuer Prayer', *Man*, Vol. LII, 140, 1952.

[p.204]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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For example, there are, as will be seen later, *kulangni*, special spiritual forms which come into the possession of and possess individuals or kinship groups, and of these there are many different types of manifestation. They are often the cause of physical illness or misfortune. A particular individual may be subject to epileptic fits or periods of mental instability, and speaking in general terms the Nuer will say *tele kuoth*, 'he has or is possessed by *kuoth*'; but they will usually go further and qualify this statement by saying that he is possessed by some particular manifestation of *kuoth* which has a definite name. In some cases the individual will have called upon himself evil effects (though the same spirit may equally bring beneficial effects) in angering the spirit by some action, or more probably by failure to carry out some ritual obligation. There are special functionaries whose duty, in return for fees paid, usually in cattle, is first to diagnose the cause of the trouble and then to suggest a remedy, often assisting in the ritual which follows. [759] [791]

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6:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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Few disputes derived from religious situations appear before the tribunals established by the Government today except occasional accusations of witchcraft, or violent action against persons believed to be practising witchcraft, and the claims of religious experts for fees from their clients. Before turning to these matters, however, I propose to consider two aspects of Nuer religious belief which are relevant to a study of their customary law. The first aspect is the part which is played by religion as a sanction for the fulfilment of obligations towards kinsmen and to Nuer as a whole, and as a deterrent against breaches of recognized behaviour. The second aspect concerns the part played by religious functionaries in connexion with legal processes. This aspect has been discussed at some length both in the introductory chapter and in the chapter on homicide, but mainly in connexion with the Leopard-Skin Chief. More must be said of other experts who have specific functions to perform.

Religious Sanctions and Legal Practices

Religious sanctions for the operation of accepted rules of conduct have already been mentioned in connexion with homicide and the spilling of blood. We have seen too that in certain offences concerning women there is a sense not only of a secular wrong but also of sin which must be expiated by ritual observance.

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It is clear, however, that religious concepts do not provide a deterrent; a man is not deterred from killing another simply because he fears spiritual contamination or the pollution of those with whom he is associated. He might do so were there no definite means by which he can remove the danger, but the means exist. What he and his kinsmen fear is the voluntary, or more probably involuntary, breach of observance which will bring them disaster in the form of natural disease (*mam*) or of sterility among themselves and their cattle. Religion among the Nuer is therefore not so much a deterrent to homicide as a sanction for carrying out accepted modes of behaviour after the event. It is further a sanction for the immediate confession of homicide, and this is why the Nuer rarely if ever attempt to conceal their guilt. The dangers of concealing an act of homicide are expressed in the concept of *lair*.[1] When a man fails to confess, there is a greater disruption of equilibrium; both his own kin and those of his victim run into the danger of involuntarily breaking the taboos on social contact, and consequently an incident of this sort may demand a higher rate of compensation if peace is to be restored.

There appears to be no formal reaction on the part of the community as a whole to an act of homicide, nor any general expression of reprobation. The killer is not thought of as an evil-doer because of his

[1] See p. 50.

8:Howell E, G-5 (1942-1944)1954
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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralize the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organized political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*dar*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

16: Evans-Pritchard E-5 (1931, 1936) 1956
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reference to God as 'father', and it is perhaps sufficient to say that they enable the speaker to indicate whether he speaks to Spirit as 'Spirit of our fathers' in the sense of Spirit in relation to his lineage alone or in the sense of Spirit in relation to everyone. He can thus stress the unity of all present in relation to God or their separateness as social groups in a distinctive relationship to him as such. 776*

The ambiguities which seem at first to be so puzzling a feature of Nuer religion are, at least to some extent, resolved by considering in this way their religious ideas in relation to their social order, for in all societies religious thought bears the impress of the social order. Given the segmentary political and lineage structure of the Nuer it is understandable that the same complementary tendencies towards fission and fusion and the same relativity that we find in the structure are found also in the action of Spirit in the social life. Just as, for example, two lineages are distinct and opposed groups in relation to one another at one level of segmentation and are a single unit at a higher level of segmentation, so Spirit as conceived in relation to these segments must be divided at the lower level and undivided at the higher level. It is intelligible, therefore, that in its relation to the segmentary social order the conception of Spirit is broken up into diverse refractions, while in relation to nature and man in general the many become again the one. 771 776*

In the light of what has been said above it is not surprising that any number of new spirits may come into existence without disconcerting the Nuer, either being borrowed from neighbouring peoples or derived from some unusual experience. We have good reason to believe that the spirits of the air, the fetishes, and, at any rate for the most part, the totemic spirits have been introduced, some of them very recently, into Nueriand, and probably the same is true of the nature spirits.[1] I think it can be assumed—I do not see how it can have been otherwise—that there have always been different representations of *kwoth* among the Nuer, and if this is so the old, or traditional, religion must have consisted, 771 776* 177

[1] Many of these spirits are probably new not only for the Nuer but also for the Dinka. Even those which can be shown to have some antiquity in Dinka culture, e.g. *deng*, may be supposed, since they are not found among most other, or all other, Nilotic peoples, to have come into existence after the dispersal of these peoples took place. Complicated philological issues are raised by these questions.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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as far as the notion of Spirit is concerned, of the conceptions of God, of God figured to specific social groups by grammatical indications or by reference to their names, of *colwic* spirits, and of some totemic spirits.

The taking over of new spiritual conceptions from neighbouring peoples may have been partly fortuitous, but I would suggest that it may also in part be accounted for by reference to recent Nuer history. During the last hundred years the Nuer have absorbed a great number of Dinka and have also been brought into closer contact, directly or indirectly, with other peoples of the Southern Sudan and also with Arabs and ourselves. This provided opportunities for borrowing foreign ideas. But it may be suggested that not only was the opportunity there, but also the need. Nuer statements lead us to suppose that certain social developments were taking place at the same time. They say that their clans and lineages were being broken up by expansion, and were incorporating into their stocks Dinka lines of descent, besides assimilating politically Dinka communities—hence the Dinka totems in Nuerland today; that prophets emerged who directed large-scale raids on the Dinka and defence against the 'Turks' (the Arabs and the British)—hence the Dinka and other foreign spirits of the air; and that the peace and administration imposed on them by the government of the Anglo-Egyptian Sudan have given protection to those who wish to pursue private gain and vengeance—hence the introduction of fetishes and their spread. Ethnological evidences support what they say, and we can add that it is in accord with the logic of the Nuer conception of Spirit that it should be represented by figures corresponding to these new social phenomena. Dr. Lienhardt tells me that since I was last in Nuerland the number of spirits has increased and that they have spread widely and freely. This is what we would expect to follow further social disintegration (p. 309).

God may thus be figured in numberless ways in reference to social groups and to persons, and in relation to effects which are significant for them; and in none of them has the figure any sharply defined individuality. This is fairly easy to understand when we are dealing with refractions which are referred to simply as *kwoth* of a group and without distinguishing name or title; but it may fairly be asked whether those spirits which are named can adequately be thought of as refractions and are not rather to be

16: Evans-Pritchard E-5 (1931, 1936) 1956
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regarded as quite independent conceptions. We must distinguish here between class names and individual or personal names. The reason why Nuer divide the spirits into kinds, spirits of the above, spirits of the below, *colwic* spirits, *bieli*, and so forth, is that they regard them as different sorts of manifestation of Spirit and of varying degrees of importance. This is a matter I discuss later. It is rather the individual names with which we are immediately concerned.

The reason why some of the refractions have distinguishing names is, I think, mainly a matter of ownership. We have seen that, in the sense already defined (p. 44), Spirit can be owned by persons. Now, no one in this sense owns God, but all the various spirits may be owned by persons; and it may be said that the most distinctive naming of them is where individual ownership is most marked, in the case of the spirits of the air and the fetish spirits, which have proper names and ox-names. A prophet who is inspired by Spirit has in the logic of the situation to give it a name which distinguishes it as his particular spirit from the spirits of other prophets of his neighbourhood who are his rivals for renown and influence; for the attachment here is to individuals who build up through it a personal following, and not, at least primarily, to social groups. When a spirit falls from above and enters into a man who becomes its prophet it attains individuality by revealing through the prophet what it is called—its name; and when a person becomes possessed for the first time the immediate endeavour of his neighbours is to get the spirit to reveal its name when he is in a dissociated state. The spirit gets its name, the *mamen* gets its *mamen*, by being owned by the person it possesses and to whom, by possessing him, it brings power and prestige. Fetishes are also owned by individuals who compete, though in a different way from prophets, for prestige and power against one another, so they must have distinguishing names. Thus it is through the name that ownership is established. The individuality is, in a sense, that of the person and not that of the spirit, the spirit getting its name through him.

The conclusion we have reached is that the conception of *kwoth* has a structural dimension. At one end Spirit is thought of in relation to man and the world in general as omnipresent God. Then it is thought of in relation to a variety of social groups and activities and to categories of persons: to political movements

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*77 connected with prophets, and in a special relation to warfare, as
●771 spirits of the air; to descent groups as *colwic* and totemic spirits; and to a variety of ritual specialists as totemic, totemistic, and similar spirits. At the other end it is conceived of more or less in relation to individuals in a private capacity as nature spirits and fetishes. God figured as common father and creator is patron of all men; figured in spirits of the air he is patron of political leaders; figured in *colwic* and totemic spirits, and also in unnamed refractions; he is patron of lineages and families; and figured in nature spirits and fetishes he is patron of individuals. I give only a general indication of the main lines of social demarcation between the various types of refractions, and I do not discuss exceptions and overlappings.

This impress of the social structure on Nuer religious thought is to be marked also in the natural and moral attributes of the different types of spiritual refractions. Mighty celestial phenomena, and great and terrible happenings, such as plagues and famines, and the moral order which concern all men are attributed to God, while processes and events which do not have so general a range of impact tend to be attributed to whichever particular refraction or type of refraction the situation and context evoke. Likewise the refractions tend to decrease in the degree of universality, stability, and morality attributed to them the smaller the social space to which they refer. I give a brief indication of this tendency, illustrated by a few examples.

God is everywhere; he is permanent and changeless in his relation to the constant elements in the natural and moral orders; he is one, and he is all-powerful, just, and compassionate. The spirits of the air are in particular persons and places, and even when their prophets are politically important persons they have a limited spread of influence; they have fallen from the clouds in recent times and their renown depends on the personal prestige of their prophets and on political circumstances, both of which are unstable factors and may be ephemeral; they are multiple, though compared with lesser spirits they are few in number; and they are unpredictable, and even capricious and ill-intentioned. The *colwic* and totemic spirits are restricted to certain lineages and families; they became tutelary spirits of these groups at certain points of time and many are sooner or later forgotten; they are numerous; and compared to the spirits of the air they are unimportant. The

16: Evans-Pritchard E-5 (1931, 1936) 1956
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nature sprites and fetishes are for the most part acknowledged only by the persons who own them and by their immediate kin. The fetishes certainly, and the nature sprites probably, are very recent introductions, and they enter into relationships with persons and families and are forgotten by their descendants. The sprites flit here and there, come into homes, and then return to the bush. The fetishes are bought and sold and pass from hand to hand. Their reputations wax and wane with those of their owners. They lose ground and are replaced by others. Both alike are potentially inexhaustible in number. Though some fetishes are feared, neither they nor the sprites are highly regarded and the fetishes are in general disapproved of. On the other hand, the lower down the scale of Spirit we descend and the more it can be said to be owned the more prominent do cult features appear. God is approached in simple prayer and sacrifice. The spirits of the air receive more elaborate ceremonial attentions, into which enter hymns, possession, and divination. Cult features are also prominent at the level of the *colwic* and totemic spirits. The most regular ritual attention appears to be given to the fetishes, which receive frequent offerings from their owners and in the most material form.

In relating the configuration of Nuer religious thought to the structural order of their society I am, of course, relating abstractions to one another by a method of sociological analysis. It is not suggested that the Nuer see their religion in this sort of way. Nevertheless, the structural configuration we abstract by this process is of the same design as the symbolic configuration in which they think of their various *kuth*. The various spirits in their symbolic configurations occupy the same positions in relation to each other as they do in the structural configuration we perceive through sociological analysis.

In a typically Nuer way they represent the interrelationship of the spirits in a genealogical metaphor. God is the father of the greater spirits of the air, and the lesser of them are said to be children of his sons, of his lineage. The totemic spirits are often said to be children of his daughters, that is, they are not of his lineage, which is the Nuer way of placing them yet lower in the spiritual scale. The fetishes (and possibly also the nature sprites) come lowest of all in the representation of children of daughters of the air-spirit *deng*. Another way of indicating this spiritual

16: Evans-Pritchard E-5 (1931, 1936) 1956
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hierarchy is in terms of descent values in their political connotation. The spirits of the air are *diel*, true or aristocratic spirits, the totemic spirits are *jaang*, Dinka-like spirits, and the fetishes are *jur*, despised foreigners. It has earlier been noted that a similar metaphorical evaluation in terms of genealogical and social status is made by Nuer in their classification of birds (p. 90).

The interrelationship of the spirits is represented also in the symbolism of height or space, or more accurately in the relation of sky to earth. The spirits, as we have noted, are those of the above and those of the below. God is symbolized by the sky and the spirits of the air by the atmosphere, the clouds, and the breezes, the lesser ones being nearer to the earth than the greater ones. The totemic spirits as spirits are above and as creatures are below. The nature sprites may also be thought of as having a dual existence. The fetishes are the most earthly of the spirits, some of them speaking from beneath the ground. Implicit in this symbolic configuration is also an evaluation in terms of light and darkness, ranging from celestial brightness to subterranean darkness.

We see, and in their own way of looking at the matter Nuer see, degrees of immanence in this symbolic configuration. The cosmological representation of Spirit, and in particular the dichotomy between heaven and earth, the spirits of the above and those of the below, is further indicated by the mode and manner of appearances, the forms in which Spirit is manifested to humans. At one end there is pure Spirit, transcendental being which is everywhere and in nothing particular, Spirit as it is in itself, God. God is seen only in the works of his creation and he speaks only in the language of inner spiritual experience. The spirits of the air, on the other hand, and sometimes also the *colwic* spirits, appear to men in their prophets, through whom they are known and speak. Then Spirit is manifested in totemic species, which are mostly creatures, and at the farther end in things, the natural things associated with sprites and the magical substances which are the outward appearances of fetishes, which are Spirit in its lowest and most material form, Spirit which 'eats' offerings and which is bought and sold. Nuer themselves draw these comparisons, and it is evident from their observations that they themselves perceive that they are dealing with Spirit at different levels of thought and experience, Spirit in itself, Spirit in persons, Spirit in beasts, and Spirit in things. Moreover, I think we may conclude further that

16: Evans-Pritchard E-5 (1931, 1936) 1956
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they perceive these different levels of immanence also as levels in time. This is implied in the genealogical representation of Spirit, for father must come before children and children before grandchildren; and possibly also in its spatial representation in the falling of spirits from above in a succession of descents at points in time. But it is also explicit in Nuer statements of the order in which their various spirits appeared among them. God was always there, then at various points of time *colwic* spirits, spirits of the air, totemic spirits, nature sprites, and fetish spirits appeared on the scene, the fetish spirits being the most recent arrivals.

These refractions correspond, as we have noted, with different levels of social activity, but an interpretation in terms of social structure merely shows us how the idea of Spirit takes various forms corresponding to departments of social life. It does not enable us to understand any better the intrinsic nature of the idea itself. The varying degrees of immanence in which the conception is expressed show us that the different social levels at which Spirit is manifested are also different degrees of religious perception. Spirit is sometimes perceived, intellectually and intuitively, as one, transcendental, pure Spirit and at other times, in relation to human affairs and interests, as one or other of a great number of figures through which it is made known, in varying degrees of materialization, concretely to human intelligence. Nor is it, even with strict reference to a purely structural interpretation of the conception of Spirit in Nuer society, simply a matter of social levels, for, as we have seen, God is also experienced unrefracted at all levels, down to the individual; so that a structural interpretation explains only certain characteristics of the refractions and not the idea of Spirit in itself. I have only tried to show that, and how, that idea is broken up by the refracting surfaces of nature, of society, of culture, and of historical experience.

This way of looking at the Nuer conception of Spirit gives us a model by reference to which we can reduce the bewildering variety of their spirits to some sort of order in our own minds, and research could be carried deeper on the lines I have indicated. But the value of the model for our present inquiry is limited, for it does not help us to understand the specifically religious facts any better. The analysis made in this chapter is from the outside, and were I writing about Nuer social structure this is the feature of their religion it would be most necessary to stress. But in a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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study of religion, if we wish to seize the essential nature of what we are inquiring into we have to try to examine the matter from the inside also, to see it as Nuer see it, to examine how they differentiate at each level between one spirit and another. Naturally, they do not differentiate between them in sociological terms, but rather by grammatical distinctions, by references to descent, and by names of one sort or another. However, were the distinctions purely verbal, inevitable confusion, we may assume, would result. But the words are linked to visible objects which enable the mind to hold them, and so keep them apart. There is not the same need of visible symbols in thinking of God. Signs are indeed required, for it would be difficult otherwise to think about him at all, but what is one and has none like it does not require concrete diacritical differentiation. Where, on the contrary, there are a number of like representations they can only be kept apart by concrete differentiation, some thing which brings the name and the idea it stands for to the mind. In the case of the spirits of the air this requirement is provided by the prophets they possess, in the case of *colwic* spirits by the persons who have become such, in the case of the totemic spirits by the creatures they are beholden in, in the case of the nature sprites by luminous objects, and in the case of fetishes by the substances they are in, or attached to. This differentiation of spiritual forms through their identification with material phenomena presents us with a very difficult and delicate problem in religious thought. If what distinguishes one spiritual form from another is an object, we have to consider whether the object is the spiritual form or in what sense it may be said to symbolize it.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER X

THE SACRIFICIAL ROLE OF CATTLE

I

23/ Nuer are very largely dependent on the milk of their herds, and in their harsh environment they probably could not live without them, any more than the cattle could live without the care and protection of their owners. Their carcasses also furnish Nuer with [237] meat, tools, ornaments, sleeping-hides, and various other objects of domestic use; and their sun-dried dung provides fuel for the great smouldering smudges that give protection from mosquitoes to man and beast alike. Women are more interested in the cows, and this is natural for they have charge of milking and dairy work. Men's interest in the cow is, apart from their value for breeding, rather for their use in obtaining wives, and they are interested in the oxen for the same reason, and also because they provide them with a means of display and, which is the matter I am about to discuss, a means of sacrifice. But for all Nuer—men, women, and children—cattle are their great treasure, a constant source of pride and joy, the occasion also of much foresight, anxiety, and quarrelling; and they are their intimate companions from birth to death. It is not difficult to understand, therefore, that Nuer give their cattle devoted attention, and it is not surprising that they talk more of cattle than of anything else and have a vast vocabulary relating to them and their needs

23/ Though I restrict myself here to a consideration of the religious
•77/ significance of their cattle for Nuer we must not for a moment forget that this is bound up with their secular uses. Otherwise it will not be appreciated what it is that Nuer surrender in sacrifice, the most precious thing they possess. Nevertheless, if cattle were only used for food and obtaining wives writers about the Nuer, and also about other Nilotic peoples, might have been content just to draw attention to the great interest these peoples have in them. But cattle figure so prominently in their lives in ways not directly concerned with their maintenance or their use for practical pur-

16: Evans-Pritchard E-S (1931, 1936) 1956
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poses that European observers have perceived that in the relationship between men and cattle there is something more than can be stated in simple terms of husbandry and exploitation. I mention only those whose observations refer specifically to the Nuer. Ernst Marno says that we may speak of their veneration (Verehrung) of cattle, that the largest and finest ox of a herd is regarded as a guardian genius (schützende Genius), and that they refer to this beast by the same name, '*nyielidit*', as they assign to the conception of a Supreme Being and to thunder.[1] Likewise, Mr. H. C. Jackson tells us that the bull which a youth receives from his father at initiation 'is a kind of guardian spirit of its owner who calls upon it in times of stress and difficulty', and in another place he speaks of this bull as the 'tutelary spirit' of its owner.[2] Captain H. H. Wilson says of the Nuer that, like the other Nilotic peoples of the White Nile, 'what religion they possess is centred in the cow';[3] and Professor D. Westermann writes that 'the attachment of a man to his cows and of a boy to the bull with which his father presents him may almost be called religious'.[4] There is, however, no evidence at all that cattle are venerated or in themselves are in any way regarded as guardian spirits, and in so far as it may be true to say that Nuer religion 'is centred in the cow' or that their attachment to cattle 'may almost be called religious', in so far, that is, that we may legitimately speak, as Marianne Schmidl did in her interesting paper on the subject,[5] of '*die sakrale Stellung des Rindes*', it is for a different reason.

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Another writer about the Nilotic peoples and a very experienced anthropologist, my teacher Professor C. G. Seligman, said about Nilotic cattle that 'it is difficult to describe their importance to their masters or the love and care the latter have for their beasts, but it is certainly no exaggeration to say that it amounts to what psychologists would term "identification".'[6] What seems chiefly to have persuaded Professor Seligman to use this word is the Nilotic

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[1] Ernst Marno, op. cit., pp. 343 and 349–50. What he says about '*nyielidit*' is unintelligible.

[2] H. C. Jackson, op. cit., pp. 94 and 96.

[3] *The Anglo-Egyptian Sudan*, edited by Lieut.-Col. Count Gleichen, vol. i, 1905, p. 140.

[4] Ray Huffman, *Nuer Customs and Folk-Lore*, 1931, p. vii.

[5] Marianne Schmidl, 'Die Grundlagen der Nilotenkultur', *Mitteilungen der Anthropologischen Gesellschaft in Wien*, LXV. Band, Wien, 1935. See also Johannes Weissenborn, *Tierkult in Afrika*, 1904, p. 16.

[6] C. G. and B. Z. Seligman, op. cit., p. 169.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

We must not be led astray by this conclusion to suppose that on

the everyday life of the Nuer they think of and treat their animals in a 'religious' manner. They do not even treat those dedicated to spirits in any special way. Ordinarily Nuer think of their beasts from the practical point of view of herdsmen who are largely dependent on them for food and are dependent on them entirely for marriage. But if it would be a mistake to leave out of consideration the practical uses of cattle it would be no less a mistake were we to ignore the religious significance they have for Nuer. This is easier to do for two reasons. Firstly, because Nuer are themselves reticent in speaking of their cattle in this connexion. They tend to be reserved in discussing religious matters, and it may even be said that a certain secrecy adheres to them; and those whom a European tends to know best, the younger men, have less awareness of the sacramental role of cattle than the older people. Secondly, because we have no direct experience of our own which associates animals with anything similar in our culture. We are, therefore, inclined to reason that cattle have ritual significance because they have great practical value. If this were really so the cow, and not the ox, would be the object of identification, but, apart from that consideration, an attempt to interpret the religious importance of cattle on this one-way track of reasoning changes the whole character of the relationship between men and cattle. It makes the animals themselves to be in some way the object of religious attention, and nothing could be farther from the truth.

The religious significance of cattle is of a very different kind. Cattle are necessary to Nuer not only for food and marriage but also for salvation, for the sanctification of their social undertakings and for overcoming evil in its twofold character of sickness and sin. As Professor Westermann's text has it, 'she (the cow) was ordered (by God) for the deliverance of souls'.[1] This soteriological function pertains to cattle as much as their economic, bridewealth, and other functions. It is not just that in Nuer sacrifices something that for other reasons is valuable obtains through its consecration and sacramental death a religious significance, which would consequently be secondary and momentarily derived from the immediate sacrificial act. The sacrificial role is always dormant in cattle, which in sacrifice are being used for an ordained purpose for which they are set apart. This is why the rubbing of ashes on an ox's

[1] Or, as I have translated the passage (p. 224): 'It [the cow] has been decreed for the life [of man].'

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

back while uttering some short prayer or invocation is a rite which can at any time be performed. The animal, even when not dedicated to a spirit, is already destined for sacrifice. The sacrificial situation is present, as it were, in the act, though no actual sacrifice is made. 281/782

When, therefore, we seek to estimate what their cattle are to Nuer and how they see them, we have to recognize that they are the means by which men can enter into communication with God, that they are, as Father Crazzolara puts it, 'the link between the perceptible and the transcendental'.[1] In fulfilling this role, his cattle shield a man and his family from disaster, and he conceives of them also collectively as a herd which from the beginning of time has helped his fathers in distress, performing in each generation the same sacrificial service. In the time of the ancestor of his clan the 'cow' gave her life for his salvation and so it is today. Whence springs the identification of man with ox, of lineage with herd, and of men with cattle. 281/782/771

[1] J. P. Crazzolara, 'Die Bedeutung des Rindes bei den Nuer', *Africa*, 1934, p. 320.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER XIII

SOME REFLECTIONS ON NUER RELIGION

THE theories of writers about primitive religion have not been sustained by research. During the last century what was presented as theory was generally the supposition that some particular form of religion was the most primitive and that from it developed other forms, the development being sometimes presented as a succession of inevitable and well-defined stages. The form of religion presented by a writer as the most primitive was that which he considered to be the most simple, crude, and irrational; to exhibit most conspicuously 'crass materialism', 'primeval stupidity', 'naïve eudaemonism', 'crude anthropomorphism', or 'daemonic dread'. Many such origins have been propounded: magic, fetishism, manism, animism, pre-animism, mana, totemism, monotheism, &c. All this was for the most part pure conjecture. The determination of the *primordium*, in the absence of historical evidences, was, as Schleiter, among others, has shown, quite arbitrary.[1] 121

Nuer religion, like any other, has, of course, a history, but we can only trace it in so far as it survives in the memories of the Nuer themselves, for reports by travellers, which start barely a century ago, are on this matter slight and unreliable. Ethnological research can supply us only with indirect evidences; archaeological research, were it to be undertaken, probably with none at all. However, Nuer statements, supported by ethnological evidences, enable us to say with a fair degree of probability what have been the main lines of development during the last hundred years. Now, if we take the Nuer as we find them today and as we have good reason to think them to have been in the recent past, an account of their religion at least shows the inadequacy of most of these so-called evolutionary theories and exposes the conceit of the assumptions on which they were based. The Nuer are undoubtedly a primitive people by the usual standards of reckoning, but their religious thought is remarkably sensitive, refined, and intelligent. It is also highly complex. 771 121

[1] Frederick Schleiter, *Religion and Culture*, 1919, p. 39.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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it is nature or their own society that they worship. We have, therefore, in the study of primitive philosophies to begin anew to build up a body of theory and to formulate problems in the light of it. There is only one way in which this can be done. A number of systematic studies of primitive philosophies has to be made. When that has been done a classification can be made on the basis of which comparative studies can be undertaken which possibly may lead to some general conclusions. This book is intended as a contribution which it is hoped may be useful in the building up of a classification of African philosophies. /2/

Such a classification of African philosophies must naturally be by reference to their chief and characteristic features. Among all African peoples we find in one form or another theistic beliefs, manistic cult, witchcraft notions, interdictions with supernatural sanctions, magical practices, &c., but the philosophy of each has its own special character in virtue of the way in which among that people these ideas are related to one another. It will be found that one or other belief, or set of beliefs, dominates the others and gives form, pattern, and colour to the whole. Thus, among some peoples, notably a large proportion of the Bantu, the dominant motif is provided by the cult of ancestors; among others, some of the Sudanic peoples for example, it is found in the notion of witchcraft, with which are bound up magical and oracular techniques; among others, such as the Nuer, Spirit is in the centre of the picture and manistic and witchcraft ideas are peripheral; and among other peoples yet other notions predominate. The test of what is the dominant motif is usually, perhaps always, to what a people attribute dangers and sickness and other misfortunes and what steps they take to avoid or eliminate them. /2/ /77/

Nuer philosophy is, as we have seen, essentially of a religious kind, and is dominated by the idea of *kwoth*, Spirit. As Spirit cannot be directly experienced by the senses, what we are considering is a conception. *Kwoth* would, indeed, be entirely indeterminate and could not be thought of by Nuer at all were it not that it is contrasted with the idea of *cak*, creation, in terms of which it can be defined by reference to effects and relations and by the use of symbols and metaphors. But these definitions are only schemata, as Otto puts it, and if we seek for elucidation beyond these terms, a statement of what Spirit is thought to be like in itself, we seek of course in vain. Nuer do not claim to know. /77/

● 771 They say that they are merely *dinar*, simple people, and how can simple people know about such matters? What happens in the world is determined by Spirit and Spirit can be influenced by prayer and sacrifice. This much they know, but no more; and they say, very sensibly, that since the European is so clever perhaps he can tell them the answer to the question he asks.

Nevertheless, we can reach certain conclusions about the basic features of the conception. We have seen that Nuer religion is pneumatic and theistic. Whether it can rightly be described as monotheistic is largely a matter of definition. I would say, for the reasons I have given, that it can be so described in the sense already discussed, for at no level of thought and experience is Spirit thought of as something altogether different from God. It follows from the conception of God as Spirit that though he is figured in many diverse figures he can be thought of both as each and as all alike and one. But if we say that in spite of the many different spirits Spirit is one and that Nuer religion is in this sense monotheistic we have to add that it is also modalistic. Spirit, though one, is differently thought of with regard to different effects and relations.

We have, indeed, in this matter to be particularly careful not to be led into false conclusions. A theistic religion need not be either monotheistic or polytheistic. It may be both. It is a question of the level, or situation, of thought rather than of exclusive types of thought. On one level Nuer religion may be regarded as monotheistic, at another level as polytheistic; and it can also be regarded at other levels as totemistic or fetishistic. These conceptions of spiritual activity are not incompatible. They are rather different ways of thinking of the numinous at different levels of experience. We found these different ways of thinking reflected in the complex notions involved in sacrifice; and also in the variety of Nuer attitudes towards Spirit, ranging from love to fear, from trust to apprehension, from dependence to hostility.

Since the basic feature of Nuer religion is the idea of Spirit it is not surprising that certain features of other African religions are unimportant among them or even entirely lacking. The conception of ancestral ghosts is altogether subordinate. Animistic ideas are almost entirely absent. Witchcraft ideas play a very minor role, and magic a negligible one. Both are incompatible with a theocentric philosophy, for when both fortune and misfortune come

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from God they cannot also come from human powers, whether innate or learnt. Likewise, it is easily understandable that there is no idea of an impersonal force, a dynamism or vital force, which we are told is characteristic of some African religions. It is true that when Nuer speak of *kwoth* without specifying any particular representation of it the impression may be conveyed that it has an impersonal character; but it is always understood that what is being referred to is Spirit conceived of either as God or as some particular hypostasis or refraction of him, though it may not be known which of them is concerned in the situation they have in mind. Moreover, it is certain that, for the most part at any rate, the many representations of Spirit we find in Nuerland today are a fairly recent introduction and development, and Nuer are aware of this. Another negative feature of Nuer religion is the complete absence of ritual, in the sense of ceremonial, interdictions, so prominent among other African peoples. No interdictions on food, drink, or sexual intercourse condition the efficacy of religious rites (nor, for the matter of that the success of any undertaking), and, there being no ritual interdictions, there can be no ideas of ritual purity and impurity. Nuer interdictions are not of a ritual order at all, but of a moral one, so that breaches of them result in a state of moral impurity or sin, of which the resultant situation and manifestation may be sickness or other misfortune. And what counts in sacrifice is not the outward, physical, state of the sacrificer, but his moral state, the sincerity of his intention.

We can say that these characterstics, both negative and positive, of Nuer religion indicate a distinctive kind of piety which is dominated by a strong sense of dependence on God and confidence in him rather than in any human powers or endeavours. God is great and man foolish and feeble, a tiny ant. And this sense of dependence is remarkably individualistic. It is an intimate, personal, relationship between man and God. This is apparent in Nuer ideas of sin, in their expressions of guilt, in their confessions, and in the dominant particular theme of their sacrifices. It is evident also in their habit of making short supplications at any time. This is a very noticeable trait of Nuer piety, and my conclusions are here borne out by Dr. Lienhardt's observations. He tells me that when he was in western Dinkaland he had in his household a Nuer youth whose habit of praying to God for aid on every occasion of difficulty greatly astonished the Dinka. In prayer and sacrifice

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alike, in what is said and in what is done, the emphasis is on complete surrender to God's will. Man plays a passive role. He cannot get to God but God can get to him. Given this sort of piety, we are not surprised to find that the prophet is more influential than the priest.

In this sense of the totality of Nuer religious beliefs and practices forming a pattern which excludes conflicting elements and subordinates each part to the harmony of the whole, we may speak of their religious system. This does not mean, however, that it is an entirely consistent set of ideas. On the contrary, like other religions, it contains unresolved ambiguities and paradoxes, as that God is remote from men, a *deus absconditus* in the sky, and also very near to them, a *deus revelatus* in human enterprises and affairs; and that he is both friend and foe, whom one summons for aid and asks to turn away, seeking at the same time union with him and separation from him. It might, indeed, be argued that the breaking up of the conception of Spirit into a number of different representations, evoked in different situations, could be regarded as a means of resolving both ambiguities; but there would be certain difficulties in this view. Both must always have been there, whereas the spirits are a new phenomenon. Also, they are not regarded as something different and apart from God, so that the ambiguities are not really resolved. Moreover, although some of the spirits have a capricious side to them and Nuer may be said to have in a way an aversion to some of them, they are, nevertheless, a coming down of Spirit to earth into a homely relationship to men, so that while they may trouble them they also put themselves at their service. In them man and Spirit meet. A prophet, indeed, seeks so complete a union with a spirit that he is no longer himself but the spirit. That these spirits have come into Nuer thought during the last few decades might, therefore, be rather interpreted, at this level of interpretation, in terms of the sufferings Nuer have endured in them.

It is in the nature of the subject that there should be ambiguity and paradox. I am aware that in consequence I have not been able to avoid what must appear to the reader to be obscurities, and even contradictions, in my account. When one looks at Nuer religion from one angle it seems to be like this and when one looks at it from another angle it seems to be like that, and this and that do not always correspond. The difficulties of investigation and presen-

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tation have been further added to by the great increase in the number and types of spiritual forms. 77/

The taking over from neighbouring peoples of new spiritual conceptions has, if not produced, greatly accentuated the paradox of the one and the many, one of the chief problems of Nuer religion today, and one to which I have had to devote particular attention. And it has made yet more apparent a further problem, to which I have also given special attention—that of the relation of symbol to what it symbolizes—for every new representation requires, if it is to acquire more than nominal distinctness, a visible, material symbol. Indeed, our difficulties are everywhere greatly increased by historical changes in Nuer religion. I have attempted to interpret these changes by relating them to other social changes going on at the same time. I think that to some extent they are elucidated by this sort of interpretation, but one has to admit that it is not susceptible of proof, and also that Nuer have borrowed much from their neighbours at various times—for example, not only spirits but also such ideas as *ther*, *kor*, and *thiang*—without our being able to give sure reasons for the loan or the time of it. We can only suppose that since such ideas as I have mentioned are intimately connected with women, they have entered Nuerland through the intermarriage of Nuer with Dinka and Anuak. But if one has to admit that religious conceptions have some autonomy and pass from one people to another without our being able to say why they do so, we can show that they are much altered in the process, being made to conform to the already existing set of ideas into which they are taken. The ideas of *deng*, *colwic*, and *kor* are very different among the Dinka and the Nuer, that of *ther* has a very different place in Nuer thought to that which it has in Anuak thought, and *nyikang* is a very different figure in Nuer religion from what it is in Shilluk religion.

The new conceptions of Spirit Nuer have borrowed from neighbours or have developed within their own culture are thought of as having appeared at points of time in events in relation to persons. But though they are always so presented in myths and traditions there is a difference between such personal experiences in stories which account for a relationship of a social group to a spiritual form and the personal experience each man has in the critical events of his own life and of the lives of those near to him. I have throughout my account emphasized, especially in my

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771 discussion of sacrifice, the difference between the personal and collective aspects of Nuer religion and that the first is more important for an understanding of its fundamental character. We learn from the collective expression of religion more about the social order than about what is specifically religious thought and practice. Its personal expression tells us more of what religion is in itself. If we recognize that the collective expression is only one form of religious activity we shall not make the mistake of trying to explain Nuer religion in terms of their social structure alone.

Sociological writers, as I have already observed, have often treated religious conceptions, because they refer to what cannot be experienced by the senses, as a projection of the social order. This is inadmissible. That Nuer religious thought and practices are influenced by their whole social life is evident from our study of them. God is conceived of not only as the father of all men but also under a variety of forms in relation to various groups and persons. Consequently we may say that the conception is co-ordinated to the social order. Also, he is conceived of not only as creator but also as guardian of the social order who punishes transgressions, which are breaches of interdictions which serve to maintain the social order. But the Nuer conception of God cannot be reduced to, or explained by, the social order.

114 In my first book on the Nuer I gave an account of their ecology, their modes of livelihood, and their political structure. I tried to show that some features of their modes of livelihood can be understood only if we take their environment into account; and also that some features of their political structure can be understood only if we take their modes of livelihood into account. I did not, however, try to explain their modes of livelihood as a function of their environment or their political structure as a function of their economy. In my second book I tried to show how some features of their family and kinship systems were more intelligible when seen in relation to tribal and lineage systems; but it is not suggested that they could be explained in terms of them. In this final volume I have tried to show how some features of their religion can be presented more intelligibly in relation to the social order described in the earlier volumes but I have tried also to describe and interpret it as a system of ideas and practices in its own right.

771 When the purely social and cultural features of Nuer religion

have been abstracted, what is left which may be said to be that which is expressed in the social and cultural forms we have been considering? It is difficult to give a more adequate answer to this question than to say that it is a relationship between man and God which transcends all forms. It is not surprising therefore that we cannot give any clear account of what for Nuer is the nature of this spiritual relationship. We feel like spectators at a shadow show watching insubstantial shadows on the screen. There is nothing Nuer can say of the nature of God other than that he is like wind or air. They can speak of their experience of Spirit but can tell us nothing of Spirit itself. The spirits of the air are little more than names to them. Were a possessed man, when asked what possessed him, to utter a new name there would be a new spirit. It is much the same with the totemic representations of Spirit. They are not in themselves of a spiritual nature but only material symbols which serve to differentiate Spirit in its relation to some people from its relation to other people. A study of the symbols tells us nothing of the nature of what is symbolized. Spirit in itself is for Nuer a mystery which lies behind the names and the totemic and other appearances in which it is represented.

We can, therefore, say no more than that Spirit is an intuitive apprehension, something experienced in response to certain situations but known directly only to the imagination and not to the senses. Nuer religious conceptions are properly speaking not concepts but imaginative constructions. Hence the response to them is imaginative too, a kind of miming. Words and gestures transport us to a realm of experience where what the eye sees and the ear hears is not the same as what the mind perceives. Hands are raised to the sky in supplication, but it is not the sky which is supplicated but what it represents to the imagination. Formal respect is paid to an animal not on account of what the animal is in itself but on account of what for some people it stands for in thought as a symbol. The spear he bought from an Arab merchant in the hands of an officiant representing a clan is in the mind's eye the spear of the ancestor in the drama of sacrifice. The ancestor's spear does not exist, and a man may make sacrificial gestures with this non-existent spear merely by moving his hand as though he held a spear in it, the ancestral spear being represented by nothing but a thought. A piacular ox is the sacrificer himself and in the ox he dies in symbol. But the sacrificer is not present. The hand of the

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● 77/ efficient on the back of the ox represents his hand. And when we look for the ox about to be slaughtered we see a cucumber. To the mind sickness caused by sin is the sin and in the mind it is wiped out by the sacrificial act. We seem indeed to be watching a play or to be listening to someone's account of what he has dreamt. Perhaps when we have this illusion we are beginning to understand, for the significance of the objects, actions, and events lies not in themselves but in what they mean to those who experience them as participants or assistants. If we regard only what happens in sacrifice before the eyes it may seem to be a succession of senseless, and even cruel and repulsive, acts but when we reflect on their meaning we perceive that they are a dramatic representation of a spiritual experience. What this experience is the anthropologist cannot for certain say. Experiences of this kind are not easily communicated even when people are ready to communicate them and have a sophisticated vocabulary in which to do so. Though prayer and sacrifice are exterior actions, Nuer religion is ultimately an interior state. This state is externalized in rites which we can observe, but their meaning depends finally on an awareness of God and that men are dependent on him and must be resigned to his will. At this point the theologian takes over from the anthropologist.

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226 commencement of the rains, in April and May, when the rivers
221 begin to rise again and bring the fish into the shallows where they are easily speared among the reeds and weeds. There is very little fishing—by spear in occasional lagoons—after the Nuer have returned to their villages, for these are mainly inland, away from open water, and the streams are too deep and too infested with crocodiles to encourage fishing. Also, the fish are widely distributed by flood water and protected by rank marsh vegetation. Those Nuer whose villages are on the banks [301] of large rivers sometimes fish from dug-out canoes (Plate IX) [227] with long harpoons, but the Nuer possess very few good canoes —and these they have exchanged or stolen from the Anuak— for they have neither the wood nor the skill to make more than crudely burnt-out vessels of palm and sycamore.

226 Nuer are fine spearsmen but, otherwise, not very ingenious fishermen. Except for occasional fish spitted with amazing rapidity from the bows of canoes by harpoons and spears as they jump or rise to the surface, Nuer never see their prey, but either hurl their spears at random into likely spots amid weeds and reeds or set up grasses and withies to indicate the presence of fish. [173] A myth recounts that once upon a time all fish were visible to the human eye but that God later made them invisible in the water. The chief Nuer weapon is the barbed spear, though the [227] harpoon is considerably used. When fishing in shallows with spears they sometimes strike the water with a ball of twine or the shell of a giant snail attached to a stick (Fig. 10) to attract [252] the fish. Fish are eaten roasted or boiled.

VI

136 Nuerland is also very rich in game, though Nuer do not exploit this source of food extensively. There are vast herds of tiang
224 and cob; other antelopes are plentiful; and buffalo, elephant, [262] and hippopotami abound. Nuer eat all animals except carnivora, monkeys, some of the smaller rodents, and zebra, and they kill the last for its skin and tail in the south of Lou country, where it roams in the dry season. Lions abound, especially to the west of the Nile, and are a serious menace to the herds, but [292] Nuer only kill them and leopards, the skins of which are worn by chiefs, if they attack cattle in kraals or grazing grounds, as

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tural relations are strongest between adjacent tribes, but a common social structure embraces the whole of Nuerland; and (3) the social sphere of an individual, being his circuit of social contacts of one kind or another with other Nuer.

VIII

The political structure of the Nuer can only be understood in relation to their neighbours, with whom they form a single political system. Contiguous Dinka and Nuer tribes are segments within a common structure as much as are segments of the same Nuer tribe. Their social relationship is one of hostility and its expression is in warfare.

The Dinka people are the immemorial enemies of the Nuer. They are alike in their oecologies, cultures, and social systems, so that individuals belonging to the one people are easily assimilated to the other; and when the balanced opposition between a Nuer political segment and a Dinka political segment changes into a relationship in which the Nuer segment becomes entirely dominant, fusion and not a class structure results.

As far as history and tradition go back, and in the vistas of myth beyond their farthest reach, there has been enmity between the two peoples. Almost always the Nuer have been the aggressors, and raiding of the Dinka is conceived by them to be a normal state of affairs and a duty, for they have a myth, like that of Esau and Jacob, which explains it and justifies it. Nuer and Dinka are represented in this myth as two sons of God who promised his old cow to Dinka and its young calf to Nuer. Dinka came by night to God's byre and, imitating the voice of Nuer, obtained the calf. When God found that he had been tricked he was angry and charged Nuer to avenge the injury by raiding Dinka's cattle to the end of time. This story, familiar to every Nuer, is not only a reflection of the political relations between the two peoples but is also a commentary on their characters. Nuer raid for cattle and seize them openly and by force of arms. Dinka steal them or take them by treachery. All Nuer regard them—and rightly so—as thieves, and even the Dinka seem to admit the reproach, if we attribute correct significance to the statement made to Mr. K. C. P. Struvé in 1907 by the Dinka keeper of the shrine of Deng dit at Luang Deng.

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innumerable cognatic ties, so that however many lineages there may be in a local community their members are all related to one another by some kind of cognation and affinity. A lineage remains an exclusive agnatic group only in ritual situations. In other situations it is merged in the community, and cognation (*mar*) takes the place of lineage agnation (*buth*) as the value through which people living together express their relations to one another. The agnatic structure of the dominant lineage is not stressed in ordinary social relations, but only on a political plane where relations between territorial segments are concerned, for the assimilation of territorial segments to segments of the dominant lineage means that the interrelations of the one are expressed in terms of the other.

In every small tribal segment there is a lineage of the dominant clan of the tribe associated with it, and the members of the segment are joined to this lineage by adoption, cognatic kinship, or kinship fictions, in such a way that one may speak of them as an accretion around a lineage nucleus. As these different nuclei are lineages of the same clan, or, as we shall see in the next section, assimilated to it, the structure of the dominant clan is to the political system like the anatomical structure to the system of an organism.

X

We have seen how Dinka and strangers are linked to the framework of the dominant clan by adoption and cognation and how these links form an embracing kinship system which provides the non-political texture of the political system. Kinship values are the strongest sentiments and norms in Nuer society and all social interrelations tend to be expressed in a kinship idiom. Adoption and the assimilation of cognatic to agnatic ties are two ways in which community relations are translated into kinship relations: in which living together forces residential relations into a kinship pattern. A third way is by mythological creation of kinship fictions, and this way is appropriate to relations between dominant lineages and stranger and Dinka groups, living with them in the same tribal segments, which are too large and occupy too distinct a territory for incorporation by either of the other two methods. It is the way

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608 in which large pockets of strangers and Dinka are incorporated
609 into the conceptual scheme of a tribe.

563 It has frequently been emphasized that political relations
773 are often expressed in speech as lineage relations, in the sense that one talks of a local community as though it were a lineage, thereby assimilating to a dominant lineage those who share the same community life with it; and that lineage relations are often expressed as political relations, in the sense that one talks of a lineage as though it were identical with the local community in which it is only a nucleus, thereby depriving the lineage of its unique agnatic status and giving it a general residential value. In conformity with this way of describing community interrelations, they are personified in myths and derived from personal relationships of a kinship kind.

613 We do not propose to give a collection of Nuer myths. We
773 have so far only mentioned one myth explaining group inter-
173 relations: that which tells why the Nuer raid the Dinka. There are very few myths of this general kind. Most relate to clans and lineages in their corporate territorialized form and explain their association with one another as tribes and tribal segments, particularly the relations between dominant lineages and large stranger lineages living with them. We are not always able to explain mythological relations by the present-day political system, but this can often be done, and where we fail to do it we attribute our inability to ignorance, especially to ignorance of tribal history.

The two large Lou tribal sections, the Jimac and the Jaajoah which appear on the map on p. 56, but not on the clan tree of the JINACA, the dominant clan of the tribe, on p. 196, are divisions called after the JIMAC and JAAJOAH lineages. They are said to be *gaat nyiet*, children of daughters of the founder of the JINACA clan, and there is a myth accounting for this maternal link. Denac was said to have had, according to the Lou story, four sons, named Yin, Dak, Bal, and Bany, by one wife, and Nyang and two nameless brothers by a second wife. These wives are sometimes said to have been called Nyagun and Nyamor and the two primary sections of the tribe, Gun and Mor, to be named after them. Nyang's two brothers were eaten by an ogre. When, afterwards, the sons of Denac went fishing, the four sons of one mother went by themselves and Nyang by himself, for he would not accompany his half-

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brothers, but pined for the sons of his mother. When he caught a fish someone would come and steal it from him, for he was all by himself and only a boy. When he came home he would not sit with the other boys facing his father, but sat apart with his back to him, and when his father asked him why he was troubled he replied that he was thinking of his brothers whom the ogre had eaten. His father said to him, 'Never mind, take your two sisters and let them be your brothers.' So when Nyang went fishing he was accompanied by his sisters Nyabil and Fadwai. Nyang is the founder of the GAALIEK lineage, Nyabil of the JIMAC lineage, and Fadwai of the JAAJOAH lineage. These lineages together form the kinship framework of the Mor primary section of the Lou tribe and the myth explains their association. This maternal link has not prevented intermarriage between the GAALIEK and the JIMAC. Apart from questions of ritual and exogamy the descendants of Nyabil and Fadwai are treated as though these daughters had been sons, and they possess a mythological patent which gives them equal status in the tribe with the *diel*. In tracing their agnatic ascent members of these lineages do not go further back than their ancestress. From her they continue to her father, Denac.

In the Gaawar tribe there is an important JAKAR lineage which is mythologically attached to the GAAWAR, the aristocrats of the tribe, in the following manner. A man called Kar, or Jakar, descended from heaven by a rope that connected the sky with a tamarind tree, probably the tree in Lang country beneath which mankind is said to have been created. He was later followed by War, the founder of the GAAWAR clan, who was found sitting in the tree by Kar's sister who was gathering firewood accompanied by her dog. She returned to tell her brother that she had found a man whose head was covered in blood. Kar tried to persuade him to come to the village but he refused to do so. They then sacrificed an ox and roasted its flesh and the smell so attracted War, who was very greedy, that he climbed down the tree and entered the village. When he had eaten he wanted to return to heaven, but Kar cut the rope. Mr. B. A. Lewis has kindly furnished me with what he says is a less common version, found in the Gaawar tribe. War fell from heaven in a rainstorm and was discovered by a dog which belonged to Logh, but was with Kwec's wife when she was looking for wood in the forest and War was found. Kwec's wife took him home with her and a dispute arose between Kwec and Logh about the ownership of the foundling. Logh claimed War on the ground that it was his dog which had discovered him, and Kwec claimed him because his wife had found him. Then Kar joined in the discussion, saying that War was his brother.

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This myth brings War and Kar and Logh into some kind of relationship to one another and is to be explained by the fact that the two main clans in the Gaawar tribe, next to the aristocratic clan of the GAAWAR, are the JAKAR and the JALOGH. The JALOGH are presumably the same clan as live to the south of Dok country where a small territory is named after them. Kwec was, doubtless, the founder of the KWEC lineage after whom a small territory, next to the Jalogh country, is named. We may surmise that, since both lineages are found in Gaawar country at the present day and in its present site to the east of the Nile, they also had close relations with the GAAWAR when all three clans lived in their homeland to the west of the Nile.

The richest clan mythology is that of the GAATGANKIIR, and it clearly illustrates the mythological integration of lineages of different origins to the dominant lineage system in a political structure, and shows how territorial relations are given a kinship value.

There are several versions of many of the incidents relating to Kir, the founder of the GAATGANKIIR clan, and we give an abridgement of one of these. A Dinka of the Ngok tribe, called Yul, saw a stalk of a gourd on a river bank and, having followed it a long way, arrived at a huge gourd. He cut this gourd open and out of it came Kir with various ritual objects. Yul's wife suckled the child as well as her own baby, Gying. When Kir grew up he turned out to be a witch and magician and the sons of Yul tried to kill him because his evil powers were destroying the cattle. Only Gying remained Kir's friend, and said to him, as he fled from Yul's home, that he would one day follow after him and join him.

In his flight Kir came to the Nile where he saw a man, called Tik, in the river and asked him for help. Tik struck the waters of the Nile and cut them in two and Kir crossed over to the west bank. Kir told Tik that when he had found a place to settle in Tik was to come after him. Tik accompanied Kir till they met a man of the Wot tribe who took them to his home where the JIDIET, the dominant clan of the Wot, sacrificed a black ox so that the lethal power of witchcraft might leave Kir's eyes and enable him to look at people and cattle without killing them. Kir then dug a hole for himself in a termite-mound near a cattle camp of the GAAWAR, where he performed many strange feats. Eventually the GAAWAR offered sacrifices and persuaded him to leave the mound and took him to their camp.

Kir was then given a wife, Nyakwini, who bore him Thiang before he killed her with his witchcraft. He then married Nyabor who bore him Kun. He likewise killed her. The people then gave him

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a lame woman, Duany, who bore him Jok. In Lou and Eastern Jikany versions the three wives were all daughters of Gee, the founder of the GAATGANGEEKA family of clans, and in versions to the west of the Nile the first two were GAAWAR and Duany a NYAPIR of the Bul tribe, but all accounts make Nyakwini and Nyabor more closely related to one another than either to Duany. After Duany had borne Jok she killed Kir with witchcraft, for she, also, was a witch. Later Thiang, her dead husband's eldest son, cohabited with her and begat Nyang.

In all the variants of the Kir myth the parts played by Gying and Tik are stressed. Gying was suckled with him and afterwards joined him and lived with him as a brother. When Kir died his eldest sons Thiang and Kun possessed cattle, but the youngest son, Jok, and Gying had no cattle. Thiang wanted to prevent Gying from acquiring cattle, but Kun gave him some, so Thiang said that Kun and Gying were to live together. Tik had saved Kir's life and had gone to live with him. There is a further story of how Gying and Tik were threatened by an ogre and shared a hut together and became like brothers, so that the lineages descended from these two men do not intermarry.

Without recording further details we may note how actual political relations are mythologically represented in the characters of these stories. The two largest segments of the Gaajak tribe which are named after nuclei of strangers are the Kong section, the stranger nucleus of which is a lineage descended from Tik, and the Dhille section, the stranger nucleus of which is a lineage descended from Gying, and these two sections live together as parts of the Reng primary section (see diagram on p. 140, and sketch-map on p. 58). The myth tells also how Jok and Nyang are sons of the same mother, Duany, Jok being begotten by Kir and Nyang by Thiang. This is a mythological representation of the structure of the Gaagwang tribe which has dominant lineage nuclei descended from both Nyang and Jok, and also of the political relations between the Gaagwang tribe and the Gaajok tribe, for these relations, especially to the west of the Nile, are of close alliance compared to the more distant relations between the Gaagwang tribe and the primary sections of the Gaajak tribe that also border them, the Thiang and the Reng. Thiang and Kun were begotten by Kir and borne by women who are generally represented as sisters, and the sections in which their descendants are dominant are the Thiang and Gaagwong primary sections of the Gaajak tribe, the third primary section of which, the Reng, has nuclei descended from Thiang, Gying, and Tik, whose relationships in the myth have already been noted.

[p. 233 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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613 773 173

In every Nuer tribe there are similar stories which explain the relations between the aristocratic clan and large stranger lineages living with it. Other myths explain the relations between these stranger lineages. Thus the lineages living at Nyueny and in neighbouring villages in Leek country, JUAK, NGWOL, JIKUL, &c., are all mythologically related to one another and to the dominant clan of the Leek tribe. These myths also explain the ritual symbols and observances of the lineages mentioned in them.

Actual interrelations of a political kind are thus explained and justified in mythological interrelations, and wherever, as far as we know, large lineages of different clans are politically associated there is a myth bringing their ancestors into some social relationship. This is especially the case between dominant lineages and stranger or Dinka lineages, and the mythological link gives them equality and fraternity in community life, while permitting ritual exclusiveness and intermarriage between them. Complete assimilation is impossible, for there must always be ritual distinction or the clan and lineage systems would collapse. Strangers have to be incorporated into the community of the dominant lineage and excluded from its agnatic structure.

XI

602 609 554

By adoption, the recognition of the equivalence of cognatic and agnatic ties in community life, and by mythological relationships, all persons in a tribal segment have kinship relationships of some kind to one another and the segments themselves are given a kinship relationship to each other within the political system. Although the categories of *diel*, *rul*, and *jaang* create social differentiation, it is on a ritual and domestic, rather than on a political, plane and is only indicated in certain situations of social life.

This is evident in the Nuer use of the three words denoting the three statuses. It is a common Nuer practice when addressing people and speaking publicly about them to use words which denote a closer relationship between them and the speaker than their actual relationship. This is commonly done with kinship terms and, also, in defining the status of a person in his tribe. Nuer do not emphasize that a man is a stranger or Dinka by

1: Evans-Pritchard E-5 (1931, 1936) 1940
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tribal chiefs and councils, or any other form of tribal government, we have to seek elsewhere for the organizing principle within the structure which gives it conceptual consistency and a certain measure of actual cohesion, and we find it in aristocratic status. In the absence of political institutions providing central administration in a tribe and co-ordinating its segments, it is the system of lineages of its dominant clan which gives it structural distinctness and unity by the association of lineage values, within a common agnatic structure, with the segments of a territorial system. In the absence of a chief or king, who might symbolize a tribe, its unity is expressed in the idiom of lineage and clan affiliation.

XII

In the Kir myth not only are the ancestors of important lineages, and, through them, the lineages and the territorial segments in which they are incorporated brought into relationship, but the ancestors of clans, and, through them, the clans and the tribes in which these clans are dominant, are linked together. Thus Kir, in various versions of the myth, is adopted by Gee, the founder of the GAATGANGEEKA family of clans; meets Wot, in whom the Wot tribe is personified; has relations with the GAAWAR; and so forth. The myth, thus, also mirrors intertribal relations and brings the whole of Nuerland into a single kinship structure, which we call the clan system as distinct from the lineage system of a clan.

The clan is the farthest range to which agnatic kinship is traced when the marriage of two persons is in question, but some clans have, nevertheless, an agnatic relationship to other clans, though Nuer do not regard it quite in the same way as relationship between lineages of a clan. They give the impression, when speaking of the ancestor of a clan, that they regard him as an historical figure, clearly delineated against a background of tradition, while, when speaking of the ancestor of a family of clans, they seem to regard him as a vaguer figure obscured in the dimness of myth.

We here note again that the dominant lineages in more than one tribe sometimes form part of the same clan structure. Thus, the lineages dominant in the Gaajok, Gaajak, and Gaagwang

1: Evans-Pritchard E-5 (1931, 1936) 1940
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614 tribes, to the east and to the west of the Nile, are all segments
613 of the GAATGANKIIR clan. Also the dominant lineages of the
619 Rengyan tribe, to the west of the Nile, and the Lou tribe, to the east of the Zeraf, are part of the JINACA clan. This distribution is easily accounted for, because we know that till recently

[415]

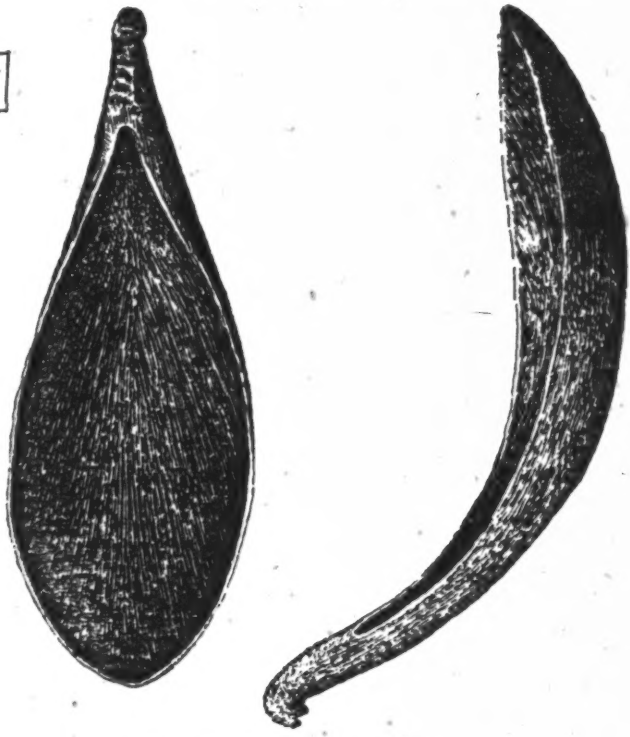

FIG. 14. Buffalo-horn spoons.

the Eastern GAATGANKIIR and the Eastern JINACA lineages lived with the other lineages of these clans in the Jikany and Rengyan areas to the west of the Nile.

There are also more general and mythological relationships between clans. In recounting these relationships Nuer personify
• 773 the tribes and give them a kinship value by assimilating them to their dominant clans. Thus, they speak of Bor, Lang, Lou, Thiang, Lak, &c., as though they were persons and could have kinship relations between them like those between persons, and as though all the members of these tribes were of the same

1: Evans-Pritchard E-5 (1931, 1936) 1940
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descent. By so doing they stress community relations and obscure clan differentiation in a political context. This habit often makes their statements appear confused, and even contradictory, but it accords with a strong tendency in social life, as we have seen in discussing the various meanings of the word *'cieng'*, to identify the lineage system and the political system in a specific set of relations.

Many Nuer regard their ancestors Gee and Ghaak as the progenitors of all true Nuer, though one is given different classifications in different parts of Nuerland. Among the Lou it is said that all the tribes are descended from Gee, except the Jikany and Gaawar tribes. These two alone are differentiated because their proximity makes them significant for the Lou, whereas all the other tribes, which have no direct relations with the Lou, are vaguely classified as children of Gee. Among the Eastern Jikany all true Nuer tend to be classed as 'Gee' in contrast to 'Kir', the Jikany themselves. In the valley of the Zeraf and in Western Nuerland, where the tribes have a very much wider range of intertribal contacts, there is a wider range of differentiation. The Nuer tribes there fall into three classes: the Gee group, consisting of Bor, Lang, Rengyan, Bul, Wot, Ror, Thiang, and Lou, stretches in an unbroken line, from north-west to south-east, across the centre of Nuerland; the Ghaak group, consisting of Nuong, Dok, Jaloogh, Beegh, Gaankwac, and Rol, occupies the south-western part of Nuerland; and the Ril group, consisting of the Leek and Lak, occupies the lower reaches of the Zeraf and the Ghazal near their junction with the Nile. I have sometimes heard the Bul included in the Ril group. However, in Dok country and in adjacent tribal areas people further distinguish between the tribes elsewhere classed as sons of Ghaak and divide them into a Ghaak group, comprising Beegh, and Jaalogh, and a Gwea group, comprising Dok, Nuong, Gaankwac, and Rol.

In these classifications we note a further exemplification of what we have often observed elsewhere about Nuer classifications: their segmentary tendency and their relativity. Whilst, for example, other Nuer see the Dok and the Beegh as Ghaak they only see themselves as an undivided Ghaak group in opposition to the Gee fraternity and otherwise see themselves

1: Evans-Pritchard E-5 (1931, 1936) 1940
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as parts of opposed segments, Gwea and Ghaak. It will be noted that these groups of tribes, often represented as families of clans, occupy distinct sections of Nuerland. Before the period of eastwards migration they ran from north to south, in three or four groups, to the west of the Nile. Territorial contiguity and a common clan structure, such as we find among the Jikany tribes, or close relationship within a clan system, such as we find among the Ghaak group of tribes, go together, and the values of the two systems may be assumed to interact. The segmentation of lineages within a tribe in relation to its political segmentation is thus repeated in the whole clan system of the Nuer, the segments of which are co-ordinated with the political segmentation of Nuerland. Those tribes which are adjacent to one another have a common opposition to other groups of tribes and this relation is reflected in the tendency for them to be represented, through their dominant lineages and clans, as closely related on a mythological and ritual plane.

Gee and Ghaak and Gwea are represented as brothers, sons of a mythological ancestor, sometimes called Ghau, the World, and sometimes Ran, Man, whose father is said to be Kwoth, God. Ril is often described as one of their brothers as well, though he is sometimes represented to be a son of a daughter of Gee, called Kar.

All sons of Gee have agnatic kinship (*buth*) which allows them to partake of one another's sacrifices. In these ritual situations only the true sons of Gee, the JINACA, the GAATHIANG, and JIDIET, and other clans descended from Gee, have *buth* interrelationship, but in other situations the tribes in which these clans have a dominant status are represented as brothers or first cousins. Thus Thiang is said to have been the eldest son of Gee, Nac (Rengyan and Lou) the second son, Ror and other tribes younger sons; and Rengyan (Nac) and Wot (Dit) are said to have been twins, as also Bor and Lang, sons of Meat.

Some tribes stand outside this big family. The Jikany tribes have dominant lineages of Dinka origin, descended from Kir, who was found in a gourd by a man of the Ngok Dinka, but, as was earlier explained, they are mythologically related to the Gee group, because Gee is variously represented as the protector or father-in-law of Kir. The GAATGANKIIR have a *buth* relationship with some lineage system of the Ngok Dinka, and there-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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fore, in an unprecise political sense, the Jikany and Ngok Dinka tribes have, by analogy, a fraternal relationship. It may safely be assumed that at one time they had close intertribal relations. The GAAWAR clan have also an independent origin, their ancestor having descended from heaven. However, a number of mythological links unite him to the founders of various clans which are dominant in tribes of the Ghaak group (see pp. 230–1), and the Gaawar tribe therefore belongs to this group. Although the Nile now separates it from the other members of the group it was at one time their most northern extension on the west bank. Owing to *buth* relationship between GAAWAR and other clans of the family of clans descended from Kwook, Gaawar are said to go with the people of the Fadang section of the Bor tribe and the Atwot people, who are said to have lived at one time between the present Rengyan and Dok tribal areas.

Through the recognition of agnatic relationship between exogamous clans and of cognatic and mythological ties between clans not considered to be agnates, all the Nuer tribes are by assimilation of political to kinship values conceptualized as a single social system. A number of clans are not associated with tribes, but their lineages are included in this system by the affiliation of the clans to one or other of the large families of clans. Thus, the JIMEM, JIKUL, GAATLEAK, and JITHER are descended from Gee and belong to the Gee group; the JIKUL are mythologically attached to the Ril group and the JAKAR to the Ghaak group; and so on. The whole of the Nuer are brought into a single kinship or pseudo-kinship system and all the territorial segments of Nuerland are interconnected by that system.

XIII

In our view the unusual degree of genealogical segmentation in the Nuer lineage system is to be understood in terms of tribal structure, which is, as we have seen, characterized by its tendency towards segmentation. The association of the lineage system with the tribal system means that as the tribe splits into segments so will the clan split into segments, and that the lines of cleavage will tend to coincide, for lineages are not corporate groups but are embodied in local communities through which they function structurally. Just as a man is a member of a tribal

6: Evans-Pritchard E-5 (1931, 1936)1938
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fires, but they are quickly driven into huts and byres to seek protection amid the smoke of their fires. The doors of the huts are closed tightly, air-holes are blocked, and fires are lit. Mosquito-nets are the only European product, apart from spears, for which the Nuer express any great enthusiasm, but very few, perhaps one in several thousand, possess them. 136 [439 177]

During my residence at Mancöm on the Sobat in July, 1935 I was almost eaten alive by mosquitos. My cotton mosquito house afforded me some protection at night but insects soon made holes in it and the mosquitos entered. Moreover, they swarmed outside like a beleaguering army and on my leaving or entering the house battalions invaded it. The worst time was between six and nine o'clock in the morning when hundreds of mosquitos collected in my tent to escape the sun so that it was impossible to sit in it without being repeatedly bitten. One gets little rest, and fever is sooner or later inevitable.

Mosquitos are absent away from pools and river banks in the dry season and even in the vicinity of water—and one must live near water—they are not troublesome from January to May. In the dry season, therefore, the cattle sleep in the open, the herd being surrounded by windscreens in which the Nuer themselves sleep. If a beast of prey approaches people know of its approach by observing that the cattle are restless. The alarm is given and in a moment the whole camp is awake and men rush, with spears in their hands, to the place of danger. I have seen camps awake half the night chasing lions away, for a lion makes many attempts before he acknowledges defeat. But even in the dry season dung fires envelope the camps in smoke at night to protect the cattle from insects. 233 136

According to the Nuer it was Woman who first brought mosquitos to the habitations of men. Woman found Mosquito in the open plain and asked him " What do you eat ? " Mosquito replied, " Oh ! grass. Just nothing." Woman said to him, " Well come home with me and we will share our homestead together " When God heard Woman's words he asked her, " What about your husband ? " Woman replied, 136 773

6: Evans-Pritchard E-5 (1931, 1936)1938
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136 "Oh! He can brush away Mosquito with a bird's wing." God said, "All right." For the first few days Man brushed mosquitos
•773 aside. Then he found that it was useless so he suffered them.

Another unpleasant insect pest is the seroot fly (*röm*). Seroot
136 are seasonal. They flourish on cloudy days from May to July. I have not seen them in this latitude from the end of July to the beginning
233 of May. When I was at Konye in May and at Yakwac in July they appeared in swarms every morning shortly before the cattle were driven to pasture, between 9 and 9.30 a.m. At the same hour every morning I was driven from my tent by their painful stings. Fortunately when the cattle go to pasture the seroot flies accompany them. On most mornings at Konye about two hours after being driven to pasture the herd came stampeding back kicking their legs and lashing out with their tails and dung fires had to be lit in the kraal to protect them. There was no need to tether the cattle for they were only too grateful to be allowed to stand near the fires and let the smoke envelope them. Only when there was a shower of rain did they get any relief in the pastures, for rain drives seroot away. On cloudy rainless days the poor beasts ran back to the village covered with seroot and their flanks stained with blood. On such days they were not able to graze for more than two or three hours.

By August the seroot has gone but the stumoxis (*wath*) remains.
136 It is a small black biting fly which is present in the rains and, I think,
232 in the dry season also. It is probably responsible for the presence of trypanosomiasis in parts of Nuerland, transferring the trypanosomes directly on its proboscis from beast to beast, for the tsetse (*mi* or *luk liec*) does not occur in Nuerland, except perhaps in parts of Eastern Gaajak country, which I have not visited, though its lethal character is well known to Nuer. Indeed they have probably had to take it into account in their expansion eastwards for there can be little doubt that the main reason for their evacuation of Anuakland, which they conquered as far as the foothills of the Abyssinian escarpment was the loss of their cattle from trypanosomiasis carried by tsetse, which occupy a belt of country at the foot of the escarpment whenever dense forest occurs.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

In giving judgement, a Nuer court will almost always specify the size and sex of the animal to be paid by the defendant. This is especially the case when the defendant is unable to pay immediately, for otherwise he will be expected to name and describe the exact animal he proposes to pay. 231 104 681

In most cases the nature of the claim will be clear to the reader from the context. The administrator who is concerned with the practical application of Nuer law will be wise to master these terms at the outset. The terms are also set out for easy reference in the Glossary at the end of this book.

2. AN INTRODUCTION TO NUER SOCIETY

Origin and History

The Nuer call themselves *Naadh*,[1] which simply means 'people', '*kon nei te Naadh*', 'we are the people of the People', an expression which is sufficiently descriptive for their own purposes and reveals their arrogant belief in their own superiority over other human beings. By other tribes they are often spoken of as Nuer, and to be explicit to the ignorant stranger they will sometimes say '*kon Nuere*', 'we are Nuer'. Their origin remains obscure. Nuer themselves merely say that their ancestors descended from the sky down a convenient rope or by means of an exceptionally large *akot* (*Ficus*) tree which still grows in Jagei country in the centre of Western Nuer District, an area from which they all came. Other theories of their origin seem to me no less conjectural and in the absence of more convincing evidence, we may as well leave it at that.[2] Culturally they are very near to the Dinka, and the two languages have close affinities. They are clearly of the same stock, but it remains a mystery why the Nuer should have emerged as a separate people with comparative suddenness about the beginning of the nineteenth century, driven the Dinka out of so much of their country, seized so many of their women and cattle, and absorbed whole sections of Dinka into their own society. Their extraordinary vitality, expressed in a peculiar vivacity of speech, in physical courage and endurance, their arrogance and democratic outlook coupled with a most engaging sense of humour, make them outstanding among the peoples of the Sudan. 101 173 101 175 181

They are divided into a number of 'tribes', the tribe being the largest group which in the past had any real and permanent sense of corporate unity. Each tribe is further divided into segments and subsegments, each occupying a common territory with a common name. Administratively they are now divided into three Districts: Western 631

[1] Sometimes spelt *Nath*.

[2] See Evans-Pritchard, *The Nuer*, p. 3. Fr. J. P. Crazzolara's two recent books on *The Lwoo* (Missioni Africane, Verona, 1950–51) do not provide much further information on Nuer origins.

12:Evans-Pritchard E-5 (1930-1931) 1933
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614 their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their [613] families. But when they belong to the same minor lineage they recognise their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical ascent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAN KIIR of the Jekany tribes, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

614 619 Consequently one cannot say that relationship ends with the clan or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the "Homeland Nuer" to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

614 173 773 [776] I will condense here the main discoveries of Mr. Jackson in this field, together with the writings of the late Capt. Fergusson and notes taken by myself. There figure in all accounts certain mythical persons who link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Ghaak, two brothers who are possibly to be

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regarded as historical personages. According to Jackson's account, from A'ak (his spelling for Ghaak) are sprung Nuong, Dok, Jaluk, Qwei (Beiq (Gad) Quaish)[1] (spellings in this paper are Nyuong, Dok, Jaluk, Kwe, Beegh, Gaatkwac, for these tribes) and from Ga'a (Jackson's spelling of Gee) are sprung Bor,[2] Lang,[2] Raiyung,[3] Wott,[2], Ror,[2] Bull, Leiq,[3] Lak,[3] Tiung,[3] Lau,[3] Keirluwal[3] (spellings in this paper are Bör, Läng, Rengyan, Wot, Ror, Bul, Lek, Lak, Thiang, Lou, Kärlual, for these tribes). All the Nuer clans, with few exceptions, fit into this family. It is not at all clear, however, from Jackson's account who are the ancestors of many of the clans he lists, since he speaks of tribes as though they were clans. And, indeed, the Nuer himself often speaks in the same manner, identifying linguistically the tribe with the dominant clan element of the area in which it lives. Thus they may speak of Lou as being descended from Denac when what they mean is that the dominant clan of Lou country are descendants from Denac. It is, therefore, impossible at present to draw up a genealogical table which will show the descent of all the Nuer clans who spring from Gee and his brother. On the eastern side of the Nile, among the Lou, at any rate, one only hears of Gee and not of his brother. In this tribe people speak as though you were either a pure Nuer descended ultimately from Gee or a Dinka or a descendant of Wär or Kir.

Kir, the founder of the GAT GAN KIIR, who form the nucleus of the Jikany tribes, was, according to all accounts, found in a gourd by the Ngok Dinka and was brought up by them. He later married three daughters of Gee by whom he gave birth to the major lineages of his clan, the GAAJOK, the three GAAJAK, and the GAAGWONG. The GAT GAN KIIR clan is, therefore, attached through its mothers to the lineage of Gee.

All accounts equally agree in saying that Wär, the ancestor of the GAAWÄR clan, who are, presumably, the dominant element in the Gaawär tribe, fell down from heaven. Jackson says that he was brought up by A'ak and that his descendants are considered to have attached themselves to the Ghaak division of the Nuer nation.

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[1] Jackson says that Beiq and Quaish belong to A'ak, but he does not give A'ak as their ancestor in the following paragraph nor in his genealogical tables, *id.* pp. 72 and 79.

[2] All born of the same mother. All west bank tribes.

[3] Najh, Reill and Tiung are three sons of one mother. Najh is the ancestor of Raiyung and Lau and Reill the ancestor of Keirlual, Leiq and Lak.

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614 The ancestor of the JIKUL clan is also said to have fallen down from
173 heaven, and Jackson says that he was fostered by Gee to whose division
773 his descendants considered themselves attached. Nowhere do they form a dominant clan element in a tribe but are scattered among many tribes.

The late Capt. Fergusson speaks of these two national divisions as Ghraark and Gair. On the western bank Ghraark are Nuong, Adok, and Gwai ; and Gair are Bul, Lake, Jakaing, Bur, Naijh, Wad, and Lung.[1]

619 Considering the confusion which has existed between clan and tribe,
614 Jackson's classification into the Gee and Ghaak[2] groups cannot be regarded as exact though it may well be conventional. I was given a somewhat similar division myself by a man from the west bank of the Nile. But it appears at first sight that there are two pertinent criticisms of the classification. In the first place several clans are obviously missing, e.g., JIDIET and JIMEM. In the second place it is doubtful what line of descent is reckoned when speaking of a tribe as descended from Gee or Ghaak, e.g., the Lak tribe apparently comprises two main lineages, *gaat twot* Dok, children of Dok aristocrats, and *gaat nya* Legni, children of Lek aristocrats through the female line and of doubtful parentage through the male line. Whilst, even if this is correct, they would both belong to the Gee group of clans in a conventional grouping it is of some importance to know their exact mode of descent.[3] Under the circumstances we can only make a conventional classification which is a mixture of clan and tribal units and wait till further research elucidates the true state of affairs. It is possible that the Family of Nuer Clans is correctly described in confused and hazy terms, since it may well be conceived by the Nuer without logical system. For it may be pointed out that errors are often not the fault of observers like Jackson or myself but are due to the hazy notions which the Nuer themselves have about their ancestry, at any rate on collateral lines. Thus one well-informed man told me that the aristocratic lineages of Lou, Rengyan, and Thiang tribes are all descended from Denac by his three

[1] Unpublished Government report.

[2] Besides A'ak (Jackson) and Ghraark I have heard the name Gwea, and one old man said that there were three brothers, Gee, Ghaak, and Gwea—Ghaak producing the aristocratic lineages in Kwe, Jaluk, Beegh countries, and Gwea producing the aristocratic lineages in Dok, Nyuong, Gaaktwac, and Rol countries.

[3] One informant, Tut, said that the Gaawär tribe count as belonging to the Ghaak group and the Lak tribe as belonging to the Gee group, though it is difficult to know exactly what he meant.

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the same footing as an ordinary resident born into the community. On 554
the other hand I was told by some Eastern Jekany Nuer at Nasser that 614
once a Dinka always a Dinka was the rule, and that the children and 619
grandchildren of Dinkas never counted as equal to pure Nuer in blood- 682
cattle assessment. I regard this statement, however, as being, in all 563
probability, too rigidly formulated.

The second element in a Nuer village are the *rul*. A *rul* is a stranger, 554
one who is not a member of the *diel*, one who has no place in the lineage 614
of the dominant clan. Such people may be more numerous than the clan 619
itself but they have not the same hereditary status in the tribe. 173
Sometimes their lineages compose powerful tribal sections and in these 773
sections they form a dominant lineage of their own. They are linked by sociological ties, often mythological in form, to the *diel* of the tribe. Thus the powerful sections of Reng and Kōng of the Gaajak tribe are not *diel* but *rul*. The Reng section is united to the genealogy of Kir by the supposition that Reng the founder of some of its lineages (COL and DHILLEAK) was equivalent to *gat manlon* (mother's sister's son) to Kir, his mother being a sister to the Ngok Dinka woman who nursed Kir and brought him up, while the founder of another lineage of this section, the KŌNG, was a man called Tik, who is described in the Kir myths as having given him supernatural assistance and saved his life from avengers. The JEMAC and JAAJOAH clans, which give their names to two secondary tribal sections[1] of the Lou tribe, are not of the dominant Lou clan, the JINACA, but are nuclei of two large segments which, together with the Gaaliek section, comprise the Mor moiety. Here again there is a myth which unites them to the *diel* of the tribe. Denac (Nac) is said to have had four sons, Yin, Dak, Bal and Bany, by one wife, and Nyaang and two brothers, who are nameless, by another wife. Nyaang's two brothers were killed by a strange monster, which figures often in Nuer mythology, and is known as a *let*. When the sons of Denac went fishing the four full brothers went on their own and Nyaang by himself, for he would not accompany his brothers. Consequently when he caught a fish someone would come and steal it from him as he was all by himself. When he came home he would not sit on the ground facing his father as the other sons did but sat apart by himself with his back to his father and gazing in the opposite direction. When his father asked him what was the matter with him, he replied that he was thinking of his two

[1] In the Jemac section are included the important JAAGWETH lineage who are supposed to be distantly related to the JEMAC.

12:Evans-Pritchard E-5 (1930-1931) 1933
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554 brothers whom the *let* had eaten. His father said to him, "Never mind,
614 take your two sisters and let them be your brothers." So in future when
619 Nyaang went fishing he went with his sisters Nyabil and Fadwai. Nyaang
173 is the founder of the GAALIEK lineage, Nyabil of the JEMAC lineage,
773 Fadwei of the JAAJOAH lineage. Whenever we find large sections living as *rul* in a tribe we may expect to discover that bonds have been created between them and the *diel* by myths of the kind cited above. This mythological patent gives them a status in the tribe which is nearly equal to that of the *diel* and amounts to adoption into their kinship framework.
[611] This is often accomplished in Nuer society through the kinship value of the mother's line, for although lineages are, for purposes of descent, reckoned widest through the male line and comprise only agnates in respect to the inheritance of certain clan heirlooms, nevertheless descent through the female line has powerful recognition and there is a tendency for the kinship group to take the form of an association of cognates, of men and their sons and daughters and the children of sons and daughters. When strangers come to live in the village of *diel* and marry into their families there is always a drive towards matrilocal conditions, and descent through the mother is stressed so that the lineage of the strangers' sons is traced to the mother and through her linked to the clan of *diel*. We have already cited a good example of this process in the case of the JEMAC and JAAJOAH clans who trace their descent to the name of their ancestresses while the names of their husbands have been forgotten. Nevertheless, in spite of this, they form separate exogamous groups since they cannot be members of the clan of their ancestresses. They are *gaat nyal*, children of daughters, in contrast to *gaat twot*, children of "bulls" or children of sons. However, in some respects the original daughter who gave birth to the stranger's lineage is treated as though she had been a son, as the myth about Nyaang explicitly states, so that the lineage which springs from her still grows on her own genealogical tree. In this way there is always a tendency to translate bonds of contiguity into bonds of kinship.

554 Not all strangers form such important lineages as the THIANG, JEMAC,
614 JAAJOAH (Lou tribe), GAAT TIEK, GAAT REANG (Gaajak tribe). Many
619 *rul* are members of small lineages of strangers living in the midst of other
621 small foreign lineages all of which are aggregated around a nucleus of *gaat twot*. Thus in Lou country, among the Lou aristocratic element, the

14: Huffman M-5 (no date) 1931
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'When God created the people, he created man, and he created the cow, and dura for the people to eat, and goats to eat. He made a spear and a fish-spear, and a dancing stick, such a one as is wrapped with gold. He made the elephant, giraffe, buffalo, teang, waterbuck, reed-buck and gazelle—the yellow and white one, the pig, the cattle-eating lion and the man-eating lion, the hyena, the leopard, the civet-cat and the fox, the rat, the crocodile and hippopotamus, the fish, turtle and snake, the heglig, nabag and ardeb trees, the talḥ tree, the deleb palm, the kwar and lwal trees. 773

'And God said to the men: "You are my children, whom I have created; you are four, this is the Dinka, this is the Shilluk, this is the Nubian, and this man shall rule over you; he has the gun, his name is Cwalcotke, he is also called the Turk. He has no cows, but you shall be caught by him, he shall govern."'

Prayers and sacrifices are offered to Kot on important incidents of life. Here is a prayer for a sick person: 'Oh God, let the man recover, let him become well, that he may get strength again. God, what is this? Leave the sick one with us, let him recover. Return to thine own body. Take thy cow, for she was ordered for the deliverance of souls. It is thee thyself who said thus. Take the cow that she may deliver the soul of the sick one. It is thou who created us, it is the cow that delivers souls. Here is the goat, and the wild cucumber. Let him recover! In what have we wronged? Give us the soul of the sick one. Thou art our father. Why shall we suffer from sickness all days? Give us the soul, we pray thee, our great-grandfather.' 782

At a burial the following prayer is offered: 'Oh God, why dost thou pursue us? Return thyself, take this thy dead man and go; let him be sufficient, do not look at us

14: Huffman M-5 (no date) 1931
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Chapter One

THE TRIBE—HISTORY AND APPEARANCE

101 THE Nuer tribe are found in the southern part of the Anglo-Egyptian Sudan in the Nasser and Abwong districts and also on the Zeraf island and along the Nile.

161 At the Rejaf Language Conference in 1928, the Nuer population was estimated as 430,000.

565 There are a certain number of Nuer who constitute what they call their 'aristocracy'. These are not supposed to intermarry as they are considered as one family. They are called 'dil'. A chief is always a 'dil'.

622 There are various chiefs in different parts of Nuerland, but their individual domains are not large. The people do not make obeisance before them as other tribesmen do when in the presence of their chief. But they show them respect and preference in many ways. If a chief is among those waiting to go across the river in canoes, he is always accorded a place in the first canoe to go across.

Then there are chiefs of the leopard skin, which position is hereditary. These chiefs wear a leopard skin over the shoulders, which is the insignia of their position and authority.

STORIES OF ORIGIN

773 The Nuer have a number of stories of their origin in folk-lore tales which are handed down from one generation to another. They have a firm belief in these tales of long ago. 'Would our people lie to us?' they ask.

A very large gourd is supposed to have fallen down from heaven. In it were a spear, a leopard's skin, and a person. This person they call Kiir and he is the father of the first Nuer.

173 They also tell the following tale about the time when the Nuer first came to the country they now inhabit.

tions are to be understood as modes of God and not as his essence, which is Spirit. 776 ×

God being above, everything above is associated with him. This is why the heavenly bodies and the movements and actions connected with them are associated with him. This is why also the spirits of the air are regarded as *gaat kwoth*, children of God, in a way other spirits are not, for they, unlike other spirits, dwell in the air and are also thought of as being in the clouds, which are nearest to the sky. This is why also the *colwic* spirits are so closely associated with God, for he touched them with his fire from heaven and took them to himself. Some birds also are spoken about by [825] Nuer as *gaat kwoth*, especially those which fly high and seem, to us as well as to Nuer, to belong to heaven rather than to earth and therefore to be children of light and symbols of the divine. The feeling that they are in a measure detached from the earth is enhanced in the case of migratory birds[1] by their disappearances and reappearances. I have heard the idea expressed that in their absence from Nuerland they have gone to visit God's country. This is probably no more than poetic fancy, but we can say that the disappearance of these birds strengthens the allegory of God's children which arises from their ability to do what man cannot do, fly towards heaven and God. Twins also, in a very special sense, [845] are *gaat kwoth*. They belong to the above, and Nuer say that they are birds. The Jikul clan and the Gaanwar clan, whose ancestors [773] ● fell from heaven, are also *ji kwoth*, God's people, for that reason and are thought to have special powers.

Thus anything associated with the sky has virtue which is lacking in earthly things. Nuer pathetically compare man to heavenly things. He is *ran piny*, an earthly person and, according to the general Nuer view, his ghost is also earth-bound. Between God and man, between heaven and earth, there is a great gulf, and we shall find that an appreciation of the symbolism of the polarity of heaven and earth helps us to understand Nuer religious thought and feeling and also sheds light on certain social features of their religion, for example the greater prestige of prophets than of priests.

[1] I am indebted to Miss Ray Huffman and Dr. Mary Smith for the information that, among others, these are the pied crow, the kite, the pelican, the maribou stork, the eagle, the crested crane, the Cape Paradise flycatcher, the wagtail, and the durra-birds.

x 776 contexts means speech, talk, or word, but when used in prayers
196 and invocations in the phrase '*e rwacdu*', 'it is thy word', it means the will of God; and when used in reference to creation it has almost the meaning of the creative word: 'he created the world, it is his word'.

The Nuer can hardly be said to have a creation myth, though
● 773 our authorities[1] record some fragmentary accounts of the creation of men, parts of which I have myself heard. These state that men were created in the Jagei country of western Nuerland at a certain tamarind tree, at the foot of which offerings, and according to Mr. Jackson sacrifices, were sometimes made till it was destroyed by
[171] fire in 1918. Many details in the versions given by Mr. Jackson and Captain Fergusson are clearly foreign, either Dinka or in Mr. Jackson's account Shilluk and in Captain Fergusson's account possibly even Atwot or Mandari, and I regard Father Crazzolara's version as the closest to Nuer tradition. In this version the tamarind tree, called Lic, was itself the mother of men who, according to one account, emerged from a hole at its foot or, according to another account, dropped off its branches like ripe fruits.

x 776 Whether they are speaking about events which happened *ne*
761 *walka*, in the beginning or long ago, or about happenings of yesterday or today, God, creative Spirit, is the final Nuer explanation of everything. When asked how things began or how they have come to be what they are they answer that God made them or that it was his will that they have come to be what they are. The heavens and the earth and the waters on the earth, and the beasts and birds and reptiles and fish were made by him, and he is the author of custom and tradition. The Nuer herd cattle and cultivate millet and spear fish because God gave them these things for their sustenance. He instituted their marriage prohibitions. He gave ritual powers to some men and not to others. He decreed that the Nuer should raid the Dinka and that Europeans should conquer the Nuer. He made one man black and another white
[826] (according to one account our white skins are a punishment by God for incest committed by our ancestor with his mother), one man fleet and another slow, one strong and another weak. Everything in nature, in culture, in society, and in men is as it is because

[1] H. C. Jackson, 'The Nuer of the Upper Nile Province', *Sudan Notes and Records*, 1923, pp. 70–71; V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 148–9; J. P. Crazzolara, op. cit., p. 66.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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which can only be symbolized, as his ubiquitous presence is symbolized by the Nuer, by the metaphor of wind and air. Also he can be communicated with through prayer and sacrifice, and a certain kind of contact with him is maintained through the social order he is said to have instituted and of which he is the guardian, a matter I discuss briefly later. But in spite of these communications and contacts the distance between heaven and earth is too great to be bridged.

God's separation and remoteness from man are accounted for in a myth recorded by Father Crazzolara which relates that there was not always a complete separation of heaven and earth and that there might never have been but for an almost fortuitous event. I did not myself hear Father Crazzolara's version of the myth, and I judge it to be of Dinka origin, partly because it occurs among the Dinka but more because I think it is very probably only current among Nuer to the west of the Nile,[1] which would indicate recent introduction into Nuerland from Dinka sources; but, whether it is Dinka or not, it accords well with Nuer religious conceptions in general. The myth relates that there was once a rope from heaven to earth and how anyone who became old climbed up by it to God in heaven and after being rejuvenated there returned to earth. One day a hyena—an appropriate figure in a myth relating to the origin of death—and what is known in the Sudan as a durra-bird, most likely a weaver-bird, entered heaven by this means. God gave instructions that the two guests were to be well watched and not allowed to return to earth where they would certainly cause trouble. One night they escaped and climbed down the rope, and when they were near the earth the hyena cut the rope and the part above the cut was drawn upwards towards heaven. So the connexion between heaven and earth was cut and those who grow old must now die, for what had happened could not be made not to have happened ('aber was geschehen war, konnte nicht mehr ungeschehen gemacht werden'). A variant of this myth has been recorded by Captain Fergusson.[2]

[1] This conjecture is strengthened by information from Dr. Mary Smith that the story is not known to the Eastern Jikany Nuer. A version current among the Central Nuer is recorded in *The Nuer*, p. 230.

[2] J. P. Crazzolara, op. cit., p. 68; V. H. Fergusson, op. cit., pp. 148–9.

GOD

II

It is in the light of their feeling that man is dependent on God 776x
and helpless without his aid and that God, though a friend and 781
present, is yet also remote that we are to interpret a word Nuer frequently use about themselves when speaking to or about God: *doar*. The meanings of this word given in Nuer–English dictionaries, 'idiot', 'stupid', 'fool', and 'weak-minded', do not adequately convey the sense of the word, especially when it is used to refer to man's relationship to God. Then it means rather 'simple' or 'foolish' or 'ignorant'—'idiot' in the sense the word used to have in the English language and which the word from which it is derived had in Greek. Nuer say that they are just ignorant people who do not understand the mysteries of life and death, and of God and the spirits, and why things happen as they do.

A favourite Nuer expression is '*yie wicda*', 'my head goes 186
round' or 'I am bewildered'. They are at a loss because they are 773
just foolish people who do not understand the why and the wherefore. In saying that they are simple or foolish or ignorant Nuer are not being modest in respect to other peoples, though I have often had the impression that they regard themselves as guileless compared with other peoples, especially compared with the Dinka, whom they regard as cleverer and more cunning than themselves, a difference dramatized in one of their myths. The story, which reminds us of that of Esau and Jacob, is cited by Nuer to explain why they have always raided the Dinka. Nuer and Dinka—the peoples are personified in the myth—were both sons of God, who had promised to give an old cow to Dinka and its young calf to Nuer. Dinka came by night to God's byre and deceived him by imitating Nuer's voice, and God gave him the calf. When God found that he had been deceived he charged Nuer to raid the herds of Dinka to the end of time. In other words, the Nuer may be robbers but the Dinka are thieves. Another story relates that God offered men the choice between cattle and rifles. Nuer and Dinka chose cattle and Arabs and Europeans chose rifles. Here both Nuer and Dinka are figured as simple compared to Arabs and Europeans. Nuer regard themselves as having manly virtues exceeding those of other peoples, but compared with them they are artless. However, when they use the word *doar* in a reli- 781
gious context they are speaking of themselves being foolish in 776x

one was most embarrassed and I was later taken aside by a Nuer friend and told that I must never make such comments. On another occasion I got into trouble for asking a man in jest, and, I admit, in bad taste, whether it was food or beer inside him, for his belly was as tight as a drum. I was told that my question might well make the man sick, and one of those present said that once a man had remarked to him, 'Well, you are full', and shortly afterwards he was violently sick. The worst offence is to praise a baby. In referring to it one should use some such expression as '*giakeme*', 'this bad thing'. When blessing children by spitting on them, which is the Nuer manner of showing favour to a child, kinsmen, and more especially kinswomen, utter some opprobrious remarks, sometimes a string of obscenities, over them.

The idea here is not that of the evil eye (*peth*), though the two ideas may in some ways resemble one another and also overlap.[1] In Nuer opinion the evil eye is an act of covetousness or envy, whereas here, I think, the emphasis is on the danger of rejoicing in unusual good fortune lest it should be taken away. There is a feeling that God evens things out, so that if he helps the needy he may take away from those with superfluity. As I understood their view it expresses a certain uneasiness at attention being drawn to possessions lest pride should bring about retribution. That this is their view is further suggested by a number of their stories which relate how God punished presumptuousness. I mention only one in this place, a short myth which reminds us of the story of Elijah and the priests of Baal and which is obviously either taken from some foreign people or is a fairly recent creation of Nuer imaginative thought, because it is about the *Turuk*, Turks, and their rifles. The word *Turuk* means in Nuer, as it does in the languages of many of the black peoples of the Southern Sudan, all lighter-skinned northerners with whom they have had dealings during the last hundred years, that is, Turks, Egyptians, Arabs, and Nubians of the Northern Sudan, and ourselves and other Europeans. The 'Turks' compared their rifles to God's thunder, and there was a trial of strength between them and God. God made a huge mud image of an elephant and told the 'Turks' to shoot at it, which they did to no effect. God then brought clouds and darkness and thunder and lightning and smashed the image

[1] *Yop* is presumably the same word as the Shilluk *yuop* which Wilhelm Hofmayr (*Die Schilluk*, 1925, p. 221) translates by '*böse Blick*'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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to dust and killed many of the 'Turks' as well because they had compared the rifle he had given them to his power. The point of this story is not merely that God was stronger than the 'Turks' but that he was in the right and the 'Turks' were at fault.

This brings me to an extremely important Nuer concept, an understanding of which is very necessary to a correct appreciation of their religious thought and practice. This is the concept of *cuong*. This word can mean 'upright' in the sense of standing, as, for example, in reference to the supports of byres. It is also used figuratively for 'firmly established', as in the phrase '*be gole cuong*', 'may his hearth stand', which has the sense of *stet fortuna domus*. It is most commonly employed, however, with the meaning of 'in the right' in both a forensic and a moral sense. The discussion in what we would call legal cases is for the purpose of determining who has the *cuong*, the right, in the case, or who has the most right; and in any argument about conduct the issue is always whether a person has conformed to the accepted norms of social life, for, if he has, then he has *cuong*, he has right on his side. We are concerned with the concept here both because it relates directly to man's behaviour towards God and other spiritual beings and the ghosts and because it relates to God in a more indirect way, in that he is regarded as the founder and guardian of morality. Up to this point I have been describing Nuer ideas about the nature of God. I shall now describe their ideas about what God requires of them.

III

I do not want to suggest that God is thought to be an immediate sanction for all conduct, but I must emphasize that the Nuer are of one voice in saying that sooner or later and in one way or another good will follow right conduct and ill will follow wrong conduct. People may not reap their rewards for good acts and punishments for bad acts for a long time, but the consequences of both follow behind (*gwor*) them and in the end catch up on those responsible for them. You give milk to a man when he has no lactating cows, or meat and fish to him when he is hungry, or you befriend him in other ways, though he is no close kinsman of yours. He blesses you, saying that your age-mates will die while

16: Evans-Pritchard E-5 (1931, 1936) 1956
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was done in error. Similarly, they say that he will not allow a curse to harm a man who has done no deliberate wrong.

One can make too rigid distinctions between the meanings of words, and while an error or accident is clearly regarded by Nuer as different from a deliberate and premeditated act, the concepts of *gwac* and *duer* shade into each other. There is perhaps always an element of the unintentional in the worst fault, and a Nuer who has committed a bad fault is inclined to excuse himself, as we would do, by calling it a mistake; but it is also true that, except in matters of no moment, and although the consequences may not be so severe, a wrong act is always a fault, whether it was deliberate or was due merely to forgetfulness or even involuntary, and may involve liability. Thus the men who in ignorance have relations with the same girl, the man who unknowingly has relations with a kinswoman, and the man who by mistake eats the flesh of his totem have all committed *dueri*, faults, and they cannot be certain that evil consequences will not follow. The effects may be the same as if the acts had been wilful. Likewise a man who inadvertently eats from a dish from which a man with whom his kin have a blood-feud has eaten, and a man who appears naked before a kinswoman of his wife (Nuer men normally have no covering), not having noticed her presence, have committed faults. It may well happen that a man does not know he has done wrong till he suffers the consequences of the wrong. For example, a man takes a woman for concubine not knowing that she is distantly related to him, and his children by her die. He then makes inquiries and discovers the relationship. He sinned, like Oedipus, in ignorance, but that did not alter what he had done and, like Oedipus, he paid the penalty of his fault. Even the innocent may suffer, as the example I have just given shows.[1] Indeed the whole human race suffers death on account of what was no more than a trivial oversight. If man had prevented the hyena and the durra-bird from escaping from heaven there would have been no death. This is the lesson of another story, probably also of Dinka origin, recounted by Father Crazzolara about the origin of death. It makes death follow from a mere blunder or a trifling act of malice. When man was created God took a piece of a gourd vessel and threw it into water to indicate that man would live for ever just as the rind would float for ever on the water. He then sent a

[1] Op. cit., p. 67.

barren, or divorced, woman to men to tell them that they would live for ever, but, in delivering her message, she threw, instead of a piece of gourd, a potsherd into the water, and it sank. Almost fortuitous though this incident was, what had happened, as we have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not. 776 × 577 773 ● 177

Hence when Nuer suffer misfortune they ponder how it may have come about, for it follows from what has just been said and from the fact we noted earlier that God is always in the right, that if misfortune comes to a man it is most likely on account of some fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation. 776 × 577 782 777

When Nuer suffer they sometimes at once know what is the cause of their suffering because they are well aware of some particular fault. They sometimes, as we would say, tempt God by doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the 776 × 577 777

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776 the word to denote a relationship between a social group and a natural species or a class of objects and 'totemistic' when the relationship tends to concern individuals rather than social groups. The distinction is not, however, a vital one and need not therefore be rigorously maintained; and such being the case, the word 'totem' may serve to denote the species or class in both instances. The same species, that is to say, may be the totem of a lineage (a totemic relationship) or of individuals (a totemistic relationship). I use the expressions 'totemic spirit' and 'totemistic spirit', as the case may be, to designate the *kwoth* of the species or class which is totem to a group or individual. Nuer distinguish between the spirit and the creature in which it may be said in some sense to make its appearance, for example, between the lion-spirit and the lion. It is to the spirit and not to the creature that Nuer devote cattle of the bridewealth of their daughters and to which they make sacrifice. Before discussing this problem further I give some examples of relationships between lineages and the natural species they are said to respect and from which they sometimes take their spear-names and honorific titles.

776 613 [773] 782 Some lineages respect lions. One of them, the *Leng* lineage of the Jinaca clan, say that the lion is their totem because their ancestor Gilgil was born twin to a lion. When they sacrifice to the lion-spirit, they are said to take a leg of the victim into the bush and leave it there, calling on the lions to come and eat their share, which I have heard described as the share of the *jibuthni*, the people of a collateral lineage (p. 287). I fancy that what is meant is that a token piece of meat is thrown into the bush and that it is spoken about as a leg. It is said that if a man who has the lion for totem injures a lion he may beget a son with nails like claws. I was told of a man that he took a spear belonging to a member of the Leng lineage, a neighbour of his, and killed a lion with it, and that shortly afterwards another lion killed a number of beasts of the Leng man's herd. It was proposed that the people should go out to hunt the animal, but after discussion it was decided that it would not be just to do so because the lion had right (*cuong*) on its side. Instead, the man who had killed the first lion with the spear of its totemic kinsman compensated him for the loss of his cattle and a sacrifice was made to the lion-spirit. After compensation and atonement had been made the second lion gave no more trouble. My friend Cam of the village of Yakwac

776 613 respect the monitor lizard. The story is told that long ago some people of *cieng* Gangni were dying of thirst on a journey. They were wandering, light-headed with thirst and the heat of the sun, when they saw a monitor lizard in a *thep*-tree (*Acacia verugera*). They intended to kill it but it escaped them and following it brought them to water, to which, being a water creature, it naturally made. Ever since, their descendants have respected the lizard and dedicated cows of their herds to the lizard-spirit. I was told that if there is one of them present when a Nuer of a different clan kills one of these lizards, as apparently sometimes happens, he throws a bead or some grass on to its body to make recompense (*ba je col*), because he saw his totem killed. I was told also that should a man of *cieng* Gangni knowingly eat of its flesh he would die, while should he eat of it unknowingly he might fall sick or become crazy. Nuer also say that should a man who respects the lizard harm it he may beget a child with deformed legs resembling the legs of the lizard. The *cieng* Gangni also respect the *thep*-tree for the reason given in the story I have related and, though why I do not know, the *keac* tree (*Crataeva religiosa*) and *pak*, the Dead Sea apple (*Calotropis procera*). One of their spear-names is *mut thep*, the spear of the *thep*-tree, and one of their honorific titles is *gat thep*, son of the *thep*-tree.

There are a number of lineages in different parts of Nuerland who respect crocodiles and dedicate cows to the crocodile-spirit, the Cany major lineage of the eastern Gaajak being one of the largest. The reason given for the totemic relationship is a twin-[773] birth of an ancestor with a crocodile's egg, the egg having been placed in a stream. I was told that a twin-birth of this kind may occur at any time in a lineage which respects the crocodile. Mem-[782] bers of these lineages are said sometimes to milk the cows dedicated to the crocodile-spirit and to pour the milk into a stream in which there are crocodiles. One of their honorific clan-names may be *nya nyanga*, daughter of the crocodile. It is said that should a man who respects crocodiles harm one of the reptiles without cause, or eat its flesh, he may beget a child with a rudimentary arm resembling a crocodile's leg; and I was told of a woman of one of these lineages who ate crocodile flesh, thinking that it was turtle flesh, and afterwards bore a child so deformed that it had to crawl on its belly. Those who respect crocodiles enjoy a special immunity from their attacks and I have been

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assured by old men when about to wade through crocodile-infested streams that I need have no fear, because people whose totem was the crocodile lived nearby, and they contrasted the benevolence of their local crocodiles with the savagery of crocodiles in other districts. When once I remarked to a Nuer about a man fishing far out in the Sobat river, in a place I knew to be infested with crocodiles, that I thought he was taking a big risk, my companion simply replied 'maybe he respects crocodiles'. I have also been told that men of these lineages call the reptiles out of the water and stroke them. There can be no doubt that people who have the crocodile for totem are regarded by other Nuer as having some control over them. They are summoned by their neighbours to perform a rite to prevent crocodiles from attacking them or their flocks and herds when streams and rivers must be crossed. The *gwan kwoth nyanga*, the person who possesses the crocodile-spirit (who has the crocodile for totem), bends a metal bracelet till the ends overlap and binds them in this position with grass, and then presses the bracelet into the river mud, calling on *gwandong*, grandfather or ancestor (in this context, the crocodile-spirit), to let the people pass over in safety. This operation closes the jaws of the crocodiles while people and cattle are in the water. He may also, on certain occasions, as when a stream is being fished, bind a goat and push it under weeds and reeds into the stream for the crocodile-spirit at the same time as performing the bracelet rite; and it is said that he must then sit on the bank and abstain from drinking water while people are still in the stream.

A large number of small lineages in Nuerland respect snakes. All those whose descent I was able to trace are of Dinka origin. Some respect *nyal*, the python. Those I have asked about their totemic affiliation have told me that a python was born as twin to their ancestor. When they sacrifice to the python-spirit they take a goat to the edge of the stream and there kill it, in imitation of the python's killing of its prey, by blocking its mouth and nostrils and bouncing on its belly till it suffocates. They throw a piece of the sacrificial meat into the stream and another piece towards the land. They boil the rest of the meat, taking care that no soup of the boiling is spilt, and eat it. A senior man then sharpens a new cattle-peg and, after driving it into the ground and winding grass round it, pours some of the blood of the goat at its foot, asking the python-spirit to take its 'cow' and let the

776 613 782 [778] people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

776 613 [171] [773] Another snake respected by a large number of small lineages of Dinka descent is *lualdit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *duor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can [825] kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a beast dedicated to the spirit of cobra should

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bodies and kill them as other Nuer do, but they carefully remove them and place them on the ground. When my camp in the eastern Jikany country was overrun by these insects and I tried to drive them out with fire, some men whose totem they were protested, and they requested me not to harm the ants. When a man sees his totem being harmed he feels it an obligation to make a formal protest and he may ask for a gift to remove the offence, but he does not make it occasion for a quarrel. Miss Ray Huffman relates (in a letter) how many years ago she and a fellow missionary, Mr. Adair, killed a cobra just outside the Nasser mission compound. The people of the homestead where it was killed showered grain on its body to cover it 'so the god in it would not be angry with them for letting it be killed'. However, I should record Mr. Jackson's statement that a dispenser of Malakal hospital, presumably a lad of some foreign people, 'was travelling with a party of pedlars [presumably Arabs] and killed a snake which he came across. Although only a boy he was at once attacked by the Nuer of the Longaish section and beaten into unconsciousness.'[1]

Some lineages, also of Dinka origin, have the spitting viper, *thatut*, for totem. I have been told that there are some Nuer who respect the snakes called *gur* and *dengcek* (the puff-adder), and it is possible that other snakes are totems. The small Cuor lineage of Dinka descent in Leek tribal area have the serpent *lou* for their totem. This huge, and presumably imaginary, creature is said to frequent streams and to have a comb like that of the crested crane and hair on its head which waggles from side to side as it swims in the water. Members of this lineage say that their ancestor was sleeping in a hut with his wife and small child when one of these serpents came through the doorway and lay across them. The wife woke up and swooned at the sight of it. Later the man woke up, and finding his wife unconscious, but without seeing the serpent, promised God an ox for her recovery. Afterwards he saw the serpent and dedicated a cow to that serpent-spirit, and his descendants have respected the *lou* ever since. One of them, a man called Dol, told me that he once speared a *lou* by mistake, thinking that the movement he saw in the water was that of a fish, and was brought home prostrated. He recovered after sacrifice had been made.

be a brown beast calved of a brown beast. The snake is called *lualdit* on account of its brown (*lual*) colour.

[1] Op. cit., p. 167.

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*776 613 773 I have been told that there is a small lineage, called Waloak, in eastern Gaajok country who respect tortoises. There is a curious story accounting for their adoption of this totem. A man of the lineage had his cow taken by a man of a neighbouring village and his repeated requests for it to be returned to him were unavailing. One day when he was going to the river he found a tortoise and wrapped it in a sheepskin. He continued on his way, and as he was passing the village of the people who had taken his cow, he took the opportunity of once more asking for it. They refused his request, but at that moment the tortoise poked its head against the skin pressing it outwards. The man bent over it and told it to be quiet as it would get its share that day. Again he asked for his cow and again it was refused, and once more the tortoise wriggled in the skin and was told to be quiet. The people of the village then became frightened because they thought that the man had some powerful medicine in the sheepskin and that, if they did not give his cow back to him, they might die with their children and cattle; so they surrendered the cow. The mention of medicine suggests a recent origin for the story.

*776 613 Some lineages respect birds. The Jibegh of western Nuerland respect the ostrich and will not use its feathers as ornaments. Their spear-name is *mut wuot*, spear of the ostrich. It is said that ostriches will not eat the millet of members of this clan. [826] I once met a man with only three toes, stocky and undeveloped, to one of his feet. I was told that his maternal grandmother had the ostrich for totem, and that on the day of her daughter's marriage one of the bridegroom's people, as is the custom, threw a spear at her mud windscreen. She took the spear as her right and on examining it found that part of the shaft was bound with ostrich-skin. When her daughter bore a son he was deformed as I have described. The ostriches—or, rather, the spirit of ostrich—had stamped the likeness of an ostrich on the child.

Some small lineages of Dinka origin respect cattle egrets. One such lineage are the Rial of western Nuerland. I also met Lou [782] tribesmen who have the cattle egret for totem and I was present when some of them sacrificed a goat to the cattle egret-spirit on the bank of the Sobat river, not because anyone was sick, which is a common occasion of sacrifice to a totem-spirit, 'but just because they think of (*tim*) it'. This spirit is said to be a river-spirit

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000 for totem must not do so lest he cause the birds to devour the crop.

x 776 613 Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuot*-tree (*Cordia Rothii*) and the *koat*, tamarind, tree. The ancestor of [773] this clan fell from heaven holding a branch of the *nyuot*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuot* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyota* or *kwoth kota*, the spirit of these trees. The *nyuot*, a branch of which is often erected in the homes of [778] Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyot*, means 'to drizzle'. Members of the [789] clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyiwar*, *cur*, *lam*, *yiau*, and *gwejual* and can also speak of their spirit as '*kwoth puoara*', 'spirit of our waterbuck', '*kwoth lameda*', 'spirit of our *lam* fish', and so on. I [262] have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abstention. The scattered Jwal clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingop and Keunyang lineages of western Nuerland respect the *ngop* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth ngoapna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was [773] found in a gourd (*kir*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not x 776 handle a gourd which still contains its pulp and seed. Nevertheless they use them as utensils for the same purposes as do other 613 Nuer. The clan is of Dinka origin, though it now counts as a Nuer 177 clan. Other plants respected by lineages, usually of Dinka descent,

[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 230.

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are the *thep*-tree, papyrus, the *kwel*-tree (*Ficus platyphylla*), and *lel*, the dom palm.[1] 776 613

Some lineages respect rivers and streams. The ancestor of the Juak lineage of western Nuerland, of Dinka descent, is said to have come out of a big lagoon called *gwol*, so his descendants are known as Juak *jigwol* and the honorific titles of their sons and daughters are *gat* and *nya gwol*, son and daughter of (the lagoon) *gwol*. They respect all rivers and streams, and when a man of the lineage intends to cross a river he throws a bead into the water calling on his 'grandfather' (the river-spirit) to accept the offering and bring him in safety to the other side. A woman of the lineage will not take off her skirt when crossing a river as other women do, and unmarried girls, who are naked, place a few wisps of grass round their loins before entering the water. I was told that were a married woman to forget and step into the water naked, and were then to remember her obligation, she would return to the bank and pull off a bead or tassel from her skirt and throw it into the water, telling the river-spirit that she had not purposely offended it and asking it to accept her offering in atonement. The Gaatiek clan also respect rivers, and the Nile in particular because God brought their ancestor out of it. Being *jiyier*, river-people, they respect also the *gwot yier*, papyrus, and will not cut it. Their spear-names are *mut kier* and *mut yier*, spear of the Nile and spear of the river, and their honorific names are *gat* and *nya bar*, son and daughter of lagoon. They dedicate black cows to the Nile-spirit and they sometimes pour a libation of milk from these cows into rivers. When people are taking their families and cattle across rivers they milk one of the black cows dedicated to the river-spirit into a black snail-shell, which a man of the clan then turns upside down at the river's edge and keeps pressed into the mud while the people and herds pass over. This keeps the jaws of the crocodiles closed. In virtue of their relationship to rivers certain senior members of the lineage may also perform a rite for the safety of those

[177] [773] [782] [773] 776 613 782 791

[1] Mr. H. C. Jackson, op. cit., p. 165, records that one of the clans of the Bul tribe respect the tree called in Arabic *duruba*, because their ancestor hid in this tree when fleeing from avengers. It is called *rir* in Nuer and is probably to be identified with *Pseudocedrela kotschyi*. Professor and Mrs. Seligman, op. cit., p. 213, say that the *kac* tree is respected by the Bul Nuer because their miracle-working ancestor used to sit under it, and by the Jidiet clan because their ancestor was killed with clubs made of its wood. They do not on this occasion tell us the sources of their statements.

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exchange it, or give it to one of their affines. When I asked whether this might not compromise the daughter or sister to whose husband it was given I was told: 'They have gone over to another lineage (*gol*), they are not your people any longer.' It is related—the theme of the story is widely distributed among the Nilotic peoples—that a man of the lineage went to bathe in a stream and placed his bead-strung girdle on the bank, where a *ma reng* cow came and looked at it while he was bathing. The man saw the cow near his girdle, but he did not see a kite swoop down and carry the girdle away in its claws; so when he discovered that it had disappeared he thought that the cow had eaten it, and he killed the animal and examined the contents of its stomachs in vain. Later someone found the girdle a long way off, where the kite had dropped it, and brought it to its owner, who was then sorry that he had killed the cow. Moreover, the owner of the cow uttered a conditional curse (*biit*) against him, saying that the spirit of cattle with *ma reng* markings would dog his footsteps and would kill him and his descendants were they ever again to drink the milk of cattle with *ma reng* markings, use their dung for fires, or clean their teeth with the ashes of their burnt dung.

The Gaagwong lineage of the Gaatgankiir clan respect cattle with *ma cuany* markings—an incongruous patch of colour in the middle of one of the common markings. The Jimem, or at any rate one of their lineages, the Jiruet, said to be of Dinka origin, also respect *ma cuany* cattle, and they are respected by all monorchids, to whom all cattle with this peculiarity are thought to be dangerous. This Jimem lineage also respect monorchids, both human or animal, and they have *mut tora*, spear of monorchid, for their spear-name.

The Jikul clan respect the hides of cattle. As far as I am aware, they sleep on them as do other Nuer, but it is said that they refrain from beating a hide to get the ashes of their dung fires off it, as other Nuer do, and shake it instead. The ancestor of this clan is believed to have fallen from the sky, wrapped in a fawn-coloured ox-skin, into a pool of water. Hence their spear-name is *mut kuli*, the spear of the hide, and their honorific titles are *gat* and *nya yan*, son and daughter of fawn-coloured, and *nya kuli*, daughter of hide. I have heard it said that a man of this clan will not eat heads of cattle and will not accept compensation in cattle for adultery with his wife. I was also told that should a man of the

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*776 clan beat an ox-hide his next child might be born without teeth
614 in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikul are *jikwoth*, God's
[721] people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward.
[583] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with
[586] her parents as indemnity for the hides the people sat on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikul lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.

*776 The Jikoi clan respect rafters (*koi*) and rope used in the building
614 of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in
● 773 ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

*776 I have mentioned all Nuer totems of which I have certain know-
177 ledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism
262 and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

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776 of descent. Other totems were added later. 'The spirits of their
613 sacrifices (to which they sacrifice) entered into the generations of descent (*kath*).' This might happen in various ways, some of which I have described. An animal or plant, or rather Spirit in and through an animal or plant, helps a man in trouble, and so forth.
776 The commonest aetiology is twin-birth of a man and a member
773 of a natural species. Twin-birth is so stock an explanation of
845 totemic affiliations among the Nuer that when asked why a certain lineage respect a certain species they often, if they do not know any story accounting for the association, say at once and without reflection that it must be because of a twin-birth of this kind. It is only when it would be totally unreasonable that a Nuer rejects this as a likely explanation. In discussing totemism with some Nuer on one occasion one of them told me that he had heard that there were people who respect fire. When I asked whether this meant that a man and fire had been born together my question was greeted with derision: 'How, now, could a woman carry fire in her womb?'

776 Strange though it may seem to us, Nuer claim that twin-births
845 of men and animals have taken place not only in ancient times but also in recent generations. They may take place even today and occasion no surprise. I had not been long in Nuerland when one morning my Nuer servant Nhial came in some excitement to tell me that a woman of his village, where we were staying, had given birth to a hippopotamus and a male child, both dead. It was too late to see what happened, but I was told that the hippopotamus had been placed in a nearby stream and the child, being a twin and therefore in Nuer eyes a sort of bird, had been placed in a tree. In answer to my questions, I was further informed that it was uncertain whether the family would on account of what had happened respect hippopotamuses in future, though had the child lived he and his descendants would certainly have done so. The reason given for this particular twin-birth was that the woman's husband had killed several hippopotamuses and they had revenged themselves on him by stamping their likeness on one of the twins (*ca gat cal e rau*). In this case, therefore, one is in doubt whether what was taken to the stream was regarded as a hippopotamus in the full sense or not, for animals can stamp their likenesses on a human foetus; but at least the incident shows us how the totemic mentality of the Nuer inclined them at once to

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789 curse is said to be feared because it may injure the cherished herds. It may also cause a man diarrhoea whenever he drinks milk. Much of the influence exercised by the Nuer prophets who were so prominent in recent times was due to the fear their curses inspired.

789 773 A *biit*, in a conditional form, is often cited by Nuer as a mythological explanation of some custom. Somebody in past times cursed certain persons if ever they or their descendants should do certain things. I give a few examples. A member of the aristocratic lineage of the Karlual section of the Leek tribe will not live in the country of the Lang tribe. The explanation is that once upon a time a Karlual aristocrat and a Lang aristocrat together speared a buffalo, which charged and knocked down the Lang man and began to worry him. He called out to the Karlual man to spear the animal again, but the Karlual man did not do so, fearing that he might injure his companion. Before Lang (tribes are personified in myths) died he cursed Karlual, saying that if ever a member of the dominant clan of Karlual settled in Lang country he would die. Another story is about the Riaagh lineage, who are a branch of the Keunyang lineage, the dominant lineage in the Karlual country referred to in the story I have just related. It concerns their relations with the Ngwol lineage of the same tribal section who are said to be descended from a man of this name who was a foundling adopted by Keunyang. Riaagh had a newborn child and the mother was so busy looking after it that she often let her fire out and rekindled it by borrowing a brand from the fire of Ngwol's wife. One day Ngwol fell sick with smallpox and sent word to Riaagh that his wife was not to come to his home again for fire as he was ill. Riaagh did not believe him and sent his wife again to borrow fire. A fight ensued and Ngwol killed Riaagh. Riaagh's mother then uttered a curse, saying that the descendants of Ngwol would suffer misfortune if ever they were to eat out of the same pot as the descendants of Riaagh or to sit near their cooking-pots. If today a Ngwol man sits near a Riaagh pot there will be a quarrel. The Keunyang lineage figures in another myth of this kind. If a man of this lineage crosses the Gazelle river to settle among the collateral lineages of Deng and Cuaagh, or a member of either of these two lineages crosses the river to settle among the Keunyang, the settler builds his byre without an entrance of the usual form. This custom is said to date from the time when the Deng and Cuaagh lineages first crossed the river to settle

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to the north of it, leaving the Keunyang in what had been their common home to the south of it. Quarrels ensued and Keunyang uttered a *biit* making it a condition of any future settlement. Yet another story relates how Jwal and Gaawar (clans, like tribes, are personified in myths) went fishing together. Jwal lacked a pot in which to cook his catch and he asked Gaawar to lend him his pot, but Gaawar refused, so Jwal had to do the best he could with a gourd plastered with mud. To mark this meanness he uttered a *biit* saying that if a member of either clan were to take shelter during rain under the same roof as a member of the other clan lightning would destroy them both. I have heard people shout to a member of one of these clans who had entered a hut for shelter from a storm to get out as there was a member of the other clan present. This story may be connected with the association of the Gaawar clan with sky and rain. There are a number of such stories relating to inter-clan relations which probably mirror actual or historical local and political interrelations which lie outside the present discussion.

A *biit* of a rather different kind is that relating to certain girls called *kuony*, who are said to be dangerous to their husbands. It is said that a girl of this name was affianced by her brothers to a man with some unpleasant complaint. She refused to marry him and was often beaten by her brothers on this score, because the man had many cattle. Eventually she gave way and married him, but then she refused to cohabit with him. Her husband eventually died of his complaint and the girl was left alone in his home, and lions and hyenas came by night and ate the cattle and beasts of the flock, as there was no man in the home to defend it. So she uttered a curse over her kinsmen, saying that in future daughters of their lineage would always bring death to their husbands. I have met *kuony* girls in western Nuerland, where it was pointed out to me that their husbands, as I could see for myself, had died young. However, this does not seem to prevent men from marrying them, and I was told that they are regarded as unusually attractive.

There are also many examples of a *biit* in Nuer just-so stories explaining how animals acquired their characteristics and habits. The giraffe has what looks like a hollow in the top of its head. When his mother died giraffe asked shrewmouse to lend him a hoe to dig a grave in the earth to bury her, but as shrewmouse

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538 in them because the animals are made to act like men after the
825 manner of fables. They are given human speech and feelings, live in villages and camps, and have kinship relations on the pattern of human relations; and as men stand in a certain relationship to God in real life, so the animals are placed in a similar relationship in the make-believe of the stories. Miss Huffman says of these stories that the Nuer 'implicitly believe' in them.[1] This was not my impression. It appeared to me that they realize that their folk-tales are just tales which are true only in the sense that they are, as we say, true to life, a dramatization of real situations and an accurate characterization of human and animal, and indeed also of spiritual, qualities. It does not, therefore, worry them that their folk-stories may not accord with, and may contradict, both evidences of the senses and those of tradition and myth, and also each other.

538 These stories reflect an attitude of mind about man's relation
825 to other creatures, and I mention them in this place, without, how-
773 ever, laying great stress on their significance, because they tell of an original age of innocence in which all creatures lived in amity in a common camp. Various stories, though separate tales and not related as parts of a coherent structure or dramatic plan, nevertheless taken together give us a picture of man at that time, or rather in that state, for the setting of myth and folk-lore lies outside time. He is entirely simple. He does not suffer from hunger, because what later became his stomach lives a life of its own in the bush where it feeds on small insects. He does not have to labour to live because, according to another story, which contradicts the last one, a single grain of millet soaked in water makes a sufficient meal. In this Nuer Eden there is no desire and mating, for the male and female organs are also not yet part of man and woman but live apart from them and separate from each other. As other, and once again contradictory, stories have it, man does not know how to beget or woman to bear. Man has no knowledge of fire and he does not know the spear. Then all changed. The new order is sometimes presented as arising from a quarrel in the camp started, it would seem, by fox persuading mongoose to throw a club into elephant's face. The animals separated and each went its own way and began to live as they now live and to kill each other. Stomach entered into man and he is now always hungry. Elephant taught

[1] Ibid., p. 88.

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him how to pound millet so that he now satisfies his hunger only 838
by ceaseless labour. The sexual organs attached themselves to man 825
and woman so that they are now constantly desirous of each other. 773
Mouse taught man how to beget and woman how to bear. Dog brought fire to man. And we are told that while fox was plotting to sow dissension among the beasts he gave man the spear and taught him how to use it. It was then that man began to kill, and his first killing seems to have been that of the mother of cow and buffalo, or rather the mother of cattle, for at that time cows and buffaloes were the same. This led to a feud between men and cattle, buffaloes avenging their mother by attacking men in the bush and cows by causing men to quarrel and slay one another.

It may perhaps sharpen our focus on sacrifice to know not only 773
that Nuer seldom kill wild animals but also that they can imagine 782
a state in which man did not kill, that there might have been a 231
beginning to killing as to coitus, to pounding grain, and to other things men do now. Viewed in relation to the dialectic of the stories, the killing of cattle is then seen not to be, as it were, derived from a state of nature in which men kill animals for food, as just one sort of killing among others, but as a product of a new dispensation in which cattle are allotted a sacrificial role and are set apart for this purpose. Other animals may, as a matter more or less of chance, and now and again, be killed, but it is the role and destiny of cattle to be slaughtered in sacrifice. Sacrificial slaughter thus stands at the very centre of the idea of killing, and sacrificial flesh at the very centre of the idea of feasting.

We may conclude, therefore, that the observations we have 231
made earlier concerning the relationship of a man with his 782
favourite ox, the ritual of initiation, &c., must be viewed in the light of the identification of men with cattle in sacrifices. A Nuer does not look upon his cattle as a stockbreeder or dairy farmer does, for in his case his relationship to his beasts is complicated, apart from their use in marriage, by their reservation for sacrifice. And it is not just that he must not kill cattle except in sacrifice because if he were to slaughter them for meat he would lower his resources for food, marriage, and religious purposes. It is not merely a negative injunction. It is not 'thou must not kill' but 'thou must sacrifice'. It is not that they must only kill for sacrifice but that they must sacrifice to kill.

We must not be led astray by this conclusion to suppose that in

×776 845 811 a suitable symbol in which to express the special relationship in which a twin stands to God. When, therefore, Nuer say that a twin is a bird they are not speaking of either as it appears in the flesh. They are speaking of the *anima* of the twin, what they call [774] his *tie*, a concept which includes both what we call the personality and the soul; and they are speaking of the association birds have with Spirit through their ability to enter the realm to which Spirit is likened in metaphor and where Nuer think it chiefly is, or may be. The formula does not express a dyadic relationship between twins and birds but a triadic relationship between twins, birds, and God. In respect to God twins and birds have a similar character.

×776 845 811 766 774 It is because Nuer do not make, or take, the statement that twins are birds in any ordinary sense that they are fully aware that in ritual relating to twins the actions are a kind of miming. This is shown in their treatment of the corpse of a twin, for, according to what they themselves say, what is a bird, the *tie* or *anima*, has gone up into the air and what is left and treated—in the case of adults platform burial being a convenient alternative to disposal in trees—as though it might be a bird is only the *ring*, the flesh. It is shown also in the convention that should one of a pair of twins die, the child who comes after them takes his place, counting as one of them in the various ceremonies twins have to perform and respecting birds as rigorously as if he were himself a twin, which he is not. The ceremonies have to be performed for the benefit of the living twin and their structure and purpose are such that there have to be two persons to perform them, so a brother or sister acts in the place of the dead.

×776 845 811 This discussion of what is meant by the statement that a twin is a bird is not so far away from the subject of totemism as it might seem to be, for the stock explanation among the Nuer of a totemic relationship is that the ancestor of a lineage and a member of a natural species were born twins. The relationship of lineage to species is thereby made to derive not only from the closest of all possible relationships but also from a special act of divine revelation; and since the link between a lineage and its totem is the tutelary spirit of the lineage associated with the totem it is appropriate that the relationship should be thought of as having come about by an event which is a direct manifestation of Spirit.

However, an examination of the Nuer dogma that twins are

16: Evans-Pritchard E-5 (1931, 1936) 1956
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SOUL AND GHOST

II

761 Two main questions arise from the account I have given of ceremonies connected with death: In what way do Nuer conceive of the disintegration of the person at death and how do they regard those who have departed? I discuss these two questions in turn, but I must say at the outset that Nuer are neither very clear nor very explicit in what they say about the matters they concern.

As I have said, Nuer avoid as far as possible speaking of death and when they have to do so they speak about it in such a way as to leave no doubt that they regard it as the most dreadful of all dreadful things. This horror of death[1] fits in with their almost total lack of eschatology. Theirs is a this-worldly religion, a religion of abundant life and the fullness of days, and they neither pretend to know, nor, I think, do they care, what happens to them after death.

761 When a man dies the flesh, the life, and the soul separate themselves out. The idea of *ring*, flesh, presents no difficulties. All creatures have *ring*, and it is what, when a man dies, is committed to the earth. *Yiegh*, life, is a more difficult concept, especially as, as will be seen, its meaning overlaps with that of *tie*, soul—they are different aspects of what in a living man is a single whole. *Yiegh* means both 'breath' and 'life'. In the sense of 'life' it may mean, according to the context, either mere life, what is common to man and all living creatures, or it may include the intellectual and moral faculties as well. At one end the meaning is much the same as *tegh*, life, in contrast to *liagh*, death, and at the other end it approximates to *tie*, the soul. A man's *yiegh* may be stronger or weaker according to circumstances. When he is drunk he is partly dead, and also when he is ill. Sleep is also a partial death, the death, Nuer say, for which people do not mourn. When a man is dying the life slowly weakens and then it departs from him altogether, and Nuer say it has gone to God from whom it came. Nuer ideas on this matter are relatively simple and also easy for us to understand. Life comes from God and to him it returns.

[1] Horror of death is probably the reason for the great reluctance with which Nuer discuss dreams, even impersonally and with reference only to stereotyped interpretations, for these only too often are prognostications of death: as when a man dreams of death, or of a fish called *rec ma car*, black fish, or of a turtle walking about which the dreamer fails to catch.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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SOUL AND GHOST

Tie corresponds to the *anima* in scholastic writings and presents many of the difficulties of that word. It would appear to be that part of the *yiegh* which embraces the intellectual and moral faculties of man, his rational soul as distinct from his mere life as a living creature.[1] It is used in varying contexts in a variety of senses and might sometimes be translated 'cleverness', 'wisdom', and 'disposition', but the English word that best covers its general sense is 'soul'. It is true that sometimes 'life' is a more appropriate rendering than 'soul', just as *yiegh* may sometimes be more suitably translated 'soul' than 'life', but when this is so it is the psychic life rather than the animal life that is to be understood. The essential difference, in spite of mutual overlap, between the two conceptions is clearly to be seen in the already related case of Gatbuogh. He ostensibly had breath and life (*yiegh*), but what made him a person (*ran*), his soul (*tie*), had departed. Hence, although he was described as 'a living ghost' he was also said to be 'dead'. It is to be seen also in the Nuer dogma about twins, that they are one person. Ostensibly each has his independent individual life, but they have a single soul and are therefore one person. The distinction also emerges at death. The *yiegh*, the life, returns to God at the moment of death, so we may suppose—and Nuer remarks on the whole lead us to the same conclusion—that what survives death in an independent, if shadowy, existence as a ghost or shade is the *tie*, the soul. I return to this aspect of the matter later.

Associated with the *tie* is the *tiep*, the common Nilotic word for a shadow or reflection. In Nuer it may simply mean 'shade', as the shade of a tree, and also the reflection of anything in water. When used for the human shadow it might sometimes be translated 'soul', though in its general sense *tiep* cannot be equated with *tie* and when it is used in a context where we might expect *tie* to be used it would seem to be in the sense of an external representation or symbol of the soul. There may be here a merging of ideas, but Nuer are nevertheless fully aware that a man's shadow is only a reflection visible at certain times and in certain circumstances

[1] Psychical functions are associated with the head and the heart. The head is the seat of intelligence and will and by synecdoche stands for the whole person, especially when a pronominal suffix is added. The heart is similarly used as a periphrasis for the personal pronoun when a man's affections, emotions, or sentiments are referred to. (Cf. Aubrey R. Johnson, *The Vitality of the Individual in the Thought of Ancient Israel*, 1949, pp. 77–88.)

16: Evans-Pritchard E-5 (1931, 1936) 1956
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774 and is not an integral part of him. They do not attach any impor-
[196] tance to it and there are no beliefs and practices connected with it. They presumably see an analogy between a man's shadow and his soul, the shadow being the best way they can find to figure the sort of thing the soul might be. The analogy may derive from the idea of ghosts being shadowy replicas of the living. The fact that other creatures and things have shadows does not lead Nuer to say that they have souls; and since they have no souls, in their case the shadow does not at any time have a figurative meaning.

Nuer hold no decided opinions about the nature of the soul, which does not surprise us in view of their lack of interest in what happens after death, or of how there comes to be one. They know
[842] that the foetus begins as a result of the male sperm entering into the womb. The child is begotten (*dieth*) by man. But it is also created (*cak*) by God, so it appears that they think of conception as a product of this combination of human and divine action. But it does not necessarily follow that because a man is alive he has a soul. Gatbuogh was alive. So when we observe that Nuer
[858] do not mourn or hold a mortuary ceremony for a dead child, it suggests to us that either they do not think of a small child as having a soul or they regard it as immature. It is only when he begins to take part in activities of the social life that he is said to be a person (*ran*), and Nuer sometimes indicate that the sign of having become a person is the removal of the second lower incisor teeth, which is done when the child is about seven or eight years of age. On the other hand they speak of infant twins having one soul. Clearly they hold no definite opinion about the matter.

774 Though Nuer would not themselves bring the ideas of flesh,
828 life, and soul so neatly together, we can see that taken together they are covered by the concepts of both *pwony* and *ran*. *Pwony* means the whole creature, the individual or the self, what is one man and not another. '*Pwonyda*' is 'myself' and '*pwonyda pany*' is 'my very self'. *Ran* is what we may describe as 'the person', the social being as distinct from the individual creature. Its plural form *nath* is the word Nuer use to distinguish themselves from other peoples. They are *nei ti nath*, people (in the general sense of the word) who are people (in the sense of persons as Nuer think of themselves). *Pwony* is, as it were, the total organism, *ran* the total personality. As I have explained, a small child is the one but not

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the other, and twins are two *pwony* but a single *ran* (p. 128). However, the idea of the soul, as we have noted, seems to be attached chiefly to the concept of *ran*, to belong to the representation of a developed social being. An animal has, or is, a *pwony*, but it is not a *ran*, except in a purely figurative sense. 774 823

Nuer do not attribute souls to creatures other than man except perhaps cattle and elephants. They speak of the *tie* of a man at his mortuary ceremony going together with the *tie* of the sacrificed beast away from the living to wherever the ghosts may be, and since in sacrifice, especially in piacular sacrifice, there is an identification, discussed in a later chapter, between man and ox, it is understandable that, at any rate in sacrificial contexts, Nuer should speak of the souls of cattle. But though Nuer imply in relation to sacrifice that cattle have souls, they have no clearly formulated belief to that effect, and I am not sure that they would agree to the proposition if it were put to them as a question unrelated to sacrificial intention. Nevertheless, it may be supposed that since Nuer sometimes speak of an ox's *tie* they think that cattle have in some degree intelligence and will and a personality that survives death, however vague it may be.[1] Moreover, they speak of the ghosts as herding cattle in wherever it is they have their abode. That Nuer reflect on this question, and also that they are undecided about the answer to it, is shown by the fact that Dr. Smith, so she tells me, has often been asked by Nuer whether she thinks cattle have souls. 774

Though I have never heard Nuer speak of an elephant's *tie*, that it is thought to have one is implicit in the belief that if the rules about the division of the tusks of a slain elephant are not observed the dead beast may *gwor*, track down, those responsible (Dr. Lienhardt tells me that in Dinka the word means 'to take revenge'). *Gwor* has here, therefore, the same sense as *cien*, haunt. Also, Dr. Howell states that the man who first speared a slain elephant, and is therefore by a convention regarded as responsible for its death, has to have his right arm incised by a leopard-skin priest before he can eat or drink just as if he had slain a man, and a beast is sacrificed in the one case as in the other. He says 774 224 [782]

[1] That a cow in a kind of way can be thought of as a person is suggested by other facts. A rite is performed to separate twin cows, which are hence, unlike other beasts, regarded till then as being one, as human twins are. A rite is also performed, to prevent the calf sickening, when the first milk of its dam is taken for human consumption. See also Chap. X.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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774 further that when the tusks are removed they are first buried
224 under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kirpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

774 The only occasions on which I have heard Nuer speak of crea-
778 tures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*came nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

774 I have discussed this question partly because it was necessary
776 to do so to make clear that in Nuer thought the soul is something essentially human which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be
[121] seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

is a person of the above (*ran nhial*)' and that man, or ghost, 'is a 774
person of the below (*ran piny*)'. The difference, and the contrast, 776
is clearly seen in the Nuer belief that the soul of a person struck by lightning is changed into Spirit. It is evident also in the way they speak about their prophets and about sick persons. They say that Spirit comes from above and enters into them or takes hold of them. Since, therefore, Spirit and soul are conceived of as of different natures, the conception of Spirit cannot be derived from a development of the conception of soul. On the contrary, it is precisely because God and man are thought of as quite different sorts of being that Nuer can think of themselves in relation to God and that God can be represented in different ways to different persons and social groups. Therefore it is necessary, if we wish not only to avoid confusion but also to seize upon the essential content of Nuer religious thought, that we should speak of the 'soul' and not of the 'Spirit' of man and of the 'ghosts' and not of the 'spirits' of the departed.

It follows from the Nuer orientation towards Spirit that they 775
are little interested in the ghosts of the dead, so long as they cause
no trouble. When people 'disappear'—Nuer avoid using the word [195]
'die'—only one thing is certain, that they have departed for good. 'They dwell apart, they have become ghosts.' It is taken for granted that people have some sort of existence after death, though Nuer do not presume to know where they have it or what kind of life it is that they lead. Sometimes they say that they may be under the earth and live a life like that they lived when they were on earth amid their cattle and dung fires in villages and camps. This seems to be the general opinion and it is perhaps strengthened by the discovery, when digging wells, of goats' dung and fire-stones deep down in the earth, for I have heard Nuer say that maybe these belong to the ghosts. But Nuer also say of a dead man '*ce mat ka kwoth*', 'he has joined God', and '*ce tiede wa nhial, ca ringde kwony*', 'his soul has gone above, (only) his flesh was buried'. One often hears also the idea expressed that the dead have lost their relationship to the living and have therefore no further claims on them for attentions and services, and that they have instead 'become kin to God' or have 'become God's people'. Sometimes Nuer say that since the dead are near to God they can intercede with him on behalf of their families and relatives. However, no one supposes he can know where is the *wec indit*, the great

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 clearly pointed at marriage, when movements of cattle from
583 kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

The importance of cattle in Nuer life and thought is further
233 exemplified in personal names. Men are frequently addressed
553 by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

233 Since cattle are a Nuer's most cherished possession being an
●775 essential food-supply and the most important social asset, it is easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

233 We have seen in a brief survey of some Nuer institutions and
183 customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

[775]
682
783

The ghost of the dead stranger,

no less than that of a fellow tribesman, may haunt the slayer, and the mere act of homicide creates a situation of spiritual danger.[1] This is a religious concept, but it does not provide an effective sanction against homicide because the consequences can be avoided.

(ii) The killing of a fellow tribesman, and to a much lesser extent a fellow Nuer of another tribe who is within the orbit of the killer's social sphere, is a wrong because it is an offence against the stability of society in its most extended form. But it is a private delict and not a crime, and demands only retaliation or restitution. The closer the relationship between the component tribal segments involved, the greater the sanction for restitution. It is also an act which brings spiritual contamination upon the killer and his kin, and expiation and ritual purification are necessary. Moreover the closer the relationship the more dangerous the consequences and the greater the need for purification, because the act of homicide amounts to a more grievous breach of kinship observance.

(iii) Finally in the narrowest definition of blood relationship, where kinship is a reality and not merely a fictional social form—that is, within the lineage or the extended family group—restitution becomes less and less necessary because the persons who assist in the payment of compensation are also the recipients. To put this in negative form, those who are in duty bound to take vengeance are also those upon whom vengeance should be wreaked. The situation then reached is so near to patricide or fratricide that the idea of vengeance or restitution must disappear. The situation is indeed something akin to suicide, which is the negation of the principle of kinship solidarity, and, as in suicide, the danger is not the threat of retaliation nor the need to pay cattle as compensation to some other group but spiritual damnation from within.[2] Hence the act does not constitute a private delict but is

[1] To the Nuer this idea applies to all mankind. The disgruntled spirit (*cien*) of the dead man will haunt his killer and bring him misfortune or even death. The act of spilling blood in itself creates a condition of impurity which afflicts the killer, amounting to an impairment of his ritual status, and therefore requires expiation. Hence the ceremony of *hirr*, which includes not only sacrifice but the letting of the slayer's blood. The danger involved in the spilling of human blood is exemplified in the rules concerning the destruction of certain categories of anti-social persons, notably the *rodh* or ghoul, with the consent of the community. No blood must be spilt; the ghoul should be beaten to death with sticks. No such contamination arises from the spilling of animals' blood except that of an elephant. For this the ceremony of letting the blood of the killer must be performed or the ghost (again *cien*) of the animal will haunt him. It is especially interesting to note in this connexion that elephants are closely associated with mankind and are linked in mythology to the genealogies of certain lineages.

[2] This statement is, of course, qualified by the actual relationship of the persons concerned. Between brothers or half-brothers there could be no payment of compensation; between patrilineal cousins some form of compensation might be paid, but conditioned then and subsequently by other mutual obligations in connexion with cattle. The real test probably lies in the obligation to marry a wife to the name of a dead kinsman. If the killer were also the man, or one of the men, who normally might be expected to discharge this duty on behalf of the deceased, then no form of compensation would be necessary.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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can only do so in a qualified sense. However, it is difficult to construct 588
an adequate terminology to describe every type of Nuer procreative union 768
and bio-domestic group, and we shall have to compromise between the requirements of strict social morphology and the privilege of everyday speech. In speaking of the union between a man acting in the place of a ghost and his "wife" I shall speak of "ghost-marriage" and likewise I shall call a child born of such a union, and begotten by the man who stands in the place of the ghostly pater, a "ghost-child". In this I conform to [775]
Nuer usage for they speak of a woman so married as a *cek jooka* ("the wife of a ghost") and of her children as *gaat jooka* ("children of a ghost"). We may therefore describe the family that develops out of a ghost-marriage as a "ghost-family" in acknowledgment of the ghostly status of the pater of the children. Their genitor and foster-father has the status of vicarious husband to their mother. A ghost-family is therefore a variety of the legal family. The legal family is contained in its structure.

It would be pedantic to refuse the word family to the group consisting of a woman, her vicarious husband and her children by him, for he not only stands in the place of the husband and in the place of the pater but his behaviour towards his "wife" and "children" is, at any rate during the minority of his sons, indistinguishable from the behaviour of a man who is husband and pater in full legal sense. It would give a false impression were this group to be called a "natural family" in contrast to a "legal family" because the woman's partner has the same legal rights over her as her husband would have were he alive, and he exercises the same authority over his children in their minority as their pater would do. During the minority of the children the legal family and this other group in which one member plays a vicarious part are alike in patterns of behaviour and sentiment. At that time it is only in a formal legal sense, particularly with regard to descent, that they differ. It must be understood, therefore, that when I speak of a ghost-marriage I refer to a union of three persons, a ghost and his wife and the man who takes the place of the ghost in marital relations, and the children born of the wife. Using this terminology, which I admit is clumsy, the difference between a legal marriage which is an actual marriage and a legal marriage which is a ghost-marriage is that the first is a union of husband and wife, while the second is a union between ghostly husband, pro-husband and wife; and the difference between a legal family which is a simple family and a legal family which is a ghost family is that the first is a group consisting of a husband and wife and children born of the wife in the union of marriage, while the second is a group consisting of a ghostly husband, a pro-husband, a wife, and children of the wife born in the union of marriage. It must be remembered that the pro-husband is not the pater of the children.

When Nuer speak of a ghost-marriage they generally say that the vicarious husband has "kindled the fire of the dead." Thus when a man [587]
marries his father's brother a wife they say of him *Ce mac gwanlende pet*, "He has kindled the fire of his father's brother."

A very great many Nuer domestic groups are ghost-families. They must be almost as numerous as simple legal families. Not only do many

11:Evans-Pritchard E-5 (1931, 1936) 1945
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587 dead, so that they may view with equanimity the departure of the widow
768 and her children, having no feelings of close parentage towards the sons
593 and being assured that they will receive whatever bride-wealth is their due
591 on the marriages of the daughters, wherever they may be brought up.

Most depends upon the decision of the widow herself (*riet cek*). If she
[611] determines to live away from her husband's village with a stranger his kinsmen warn her that any children she may bear are the children of her husband and that one day they will bring them to their father's home. Among the Eastern Nuer, only if she does something that deeply offends
[586] them will they divorce her. Among the Western Nuer they may divorce her if she has not borne her husband two children but how often this is done I cannot say.

Occasionally, I was told, a man directs (*nop*) from his deathbed that a certain kinsman is to live with his wife. It is difficult for a woman to defy
●[776] such an injunction because Nuer believe that if she does so the ghost of her husband will haunt her and she will cease to bear children or her children will die.

587 A widow who lives with a stranger after the death of her husband is
611 called *cek ma lak* and a child born of such a union is called *gat laka*. The children of a widow wherever they are born, or by whomsoever begotten, count as children of her dead husband, the man to whom she was married by payment of cattle, whether she was married to him in his lifetime or vicariously after his death. If the husband dies, or was already dead before his marriage, the actual configuration of the household may alter but the formal structure of the family remains the same. Indeed the family may never be a group of people with real interrelations because the husband and the father may have died many years before his marriage to his wife and the birth of his children. Among Nuer the pater is the husband to the mother. His legal fatherhood is defined by his status to the mother of the children and not by his physiological functions.

587 A *cek ma lak* is translated in this paper as "widow-concubine" for she
593 is living simply as a concubine to her lover and he has no legal rights over her. He cannot compel her to live with him and cannot claim compensation if she commits adultery. He has no legal control over the children who can be taken away from him by her husband's kinsmen whenever they choose to remove them. His position is thus very different from that of a man living with his dead brother's wife. If she leaves him he can divorce her and if she commits adultery he can obtain redress. Moreover, he has legal control of the children during their minority and no one can take them from him as he stands in the place of the pater.

The group that results from the union between a man and a widow-concubine when the children are born by the concubine to her lover is a natural family which stands in what is sometimes glaring opposition to the legal family. The corner-stone of the natural family is the genitor who is acting as husband and foster-father. The corner-stone of the legal family is the dead husband and pater. According to circumstances the position of the genitor in a household of this kind may be precarious or his relations to members of his natural family may approximate to

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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and
[143] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle
[143] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Galuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of
588 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was
[775] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he
[882] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

Cien

753 *Cien* is the vengeance wrought by a ghost which produces sickness and misfortune; like the other Nilotic tribal groups, the Nuer hold the con-
●775 cept of *cien*, and believe that ghostly vengeance will fall on those who have wronged a man and allowed him to die with a grudge. Fear of *cien* tends to make a Nuer more careful to treat others with justice.

[752] To stop the effects of *cien* it is necessary to make a sacrifice to god in the sky and, when possible, to make reparation.

NUER CURSES AND GHOSTLY VENGEANCE

789 Curses are uttered by someone who has been wronged. The efficacy of a curse is largely conditioned by the relationship of the curser to the cursed. The Nuer regard the curse of a mother or father as serious; it may result in death. The curse of a mother's brother is feared because, being of a different lineage, he may curse cattle, which is the worst of all curses in the eyes of the Nuer. The curse of an eldest child is feared by the mother and maternal uncle.

There are other curses imposed by those of the *ric* (age-set), by the leopard-skin chief, the man of the cattle and *guk*, the prophet.(1) The Nuer also believe in conditional curses which may be laid on a man and become operative if he, or any of his descendants, should do a certain thing.

RITUAL PERSONS

791 There are several ritual figures among the Nuer who are important in the village community.

1. *The Leopard-Skin Chiefs*. They have a special relationship with the earth and can affect the welfare of the crops. They also have a limited role in rain-making and in the general regulation of the weather. They conduct the rituals concerned with homicide, with cleansing the parties to incestuous relations, with preventing feuds, and protecting warriors on raiding expeditions.

2. *The Wut Ghok*. Members of certain lineages have hereditary ritual powers in relation to cattle; they are asked to cure cows of various diseases and to ensure the fertility of barren animals. Their role is, however, a more restricted one than that of the leopard-skin chief, who has functions relating to social as well as to natural processes. Usually the *wut ghok* is a member of a stranger lineage, as is the leopard-skin chief, and this is presumably an advantage when they have to mediate between powerful and antagonistic lineages.

3. *Totemic Experts*. There are a number of totemic experts whose ritual connections with lions, crocodiles, and other dangerous creatures, enable them to influence the beasts' behaviour to the advantage of the community. A totemic specialist is the possessor of the spirit of his totem; he has no political significance.

(1) Evans-Pritchard, *Africa*, 1949, XXI, p.289.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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CHAPTER VI

SOUL AND GHOST

I

775 RELIGION is the reciprocal relation between God and man. Our study of Nuer religion is therefore a study not only of this people's conception of *kwoth*, God, but also of their conception of *ran*, man, and of the relation between the two conceptions. They stand to each other as opposites, symbolized in the opposites of sky and earth; and this is one of the salient contrasts of Nuer thought. I have already discussed the ideas they have about God, and I now propose to discuss some of their ideas about man. We can perhaps best start this discussion by considering what happens at death when man disintegrates into his three component parts, *ring*, flesh, *yiegh*, breath or life, and *tie*, intellect or soul.

764 Nuer say that a man who does not fear death summons his family and closest kin to his death-bed, but all who are not grave-diggers leave his homestead immediately he is dead, and the grave is dug and the corpse buried as quickly as possible and without ceremony. Usually only two or three people dig the grave and these are senior kinsmen, or sometimes kinswomen. A member of a man's age-set must not dig his grave, and all children and young people keep away from the homestead, even those nearest to the dead, such as his sons and younger brothers, however grieved they may be at their loss. They may weep but they do [761] not attend the burial, for death is an evil thing and only those who must get rid of the corpse should go near the grave. Men do not wail, and if women wail it is not for long, just a little as soon as the person has died and again shortly before he is buried to let the neighbours know of the death and burial. I have never witnessed a burial and it was with difficulty I obtained a description of what happens. Death is a subject Nuer do not care to speak about.

The shaft is dug near the left-hand side (as one faces it) of the dead man's hut or, if he dies in camp, his windscreen. This is the *kwi giakni*, the side of evil. The grave is dug to the depth of a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

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fortune hanging over them and that the death may be only part 765
of it. It is necessary to clear off the whole debt before any further 775
evil comes to them. Otherwise people may cut their feet when fishing, pierce their feet when hunting, cut themselves with spears when dancing, or indeed meet with almost any misfortune, even death. Nuer also feel that if the dead is not appeased by this ceremony he may return in anger to fetch the living, especially his wives and children, and the cattle.

I have only once witnessed this ceremony, rather early in my 765
study of the Nuer, and I have supplemented my account of what 782
I then saw with statements made to me later. The ceremony was held at Dini in the Lou tribal area for the ghost of an important old man called Lam. When I arrived at the dead man's village towards evening the people had just sacrificed an ox outside his kraal. This sacrifice had been for Tutthiang, Lam's father, for it was known that Lam had intended before he died to sacrifice this animal in his father's honour. Next morning, before sunrise, an ox and a cow and its bull-calf were speared at their tethering-pegs in Lam's kraal. People watched to see how they fell; because if a sacrificed animal falls over cleanly on its side, especially if it falls on its right side, it is a good omen and shows that the ghost is content, whereas if it falls on its head or totters about before falling it is a bad omen. It is regarded as important that a cow still giving milk should be sacrificed for the ghost of an old man who had a position in his community lest he should feel that sufficient sacrifice had not been made. To kill a cow in milk is the greatest sacrifice a Nuer can make. An animal must be sacrificed for each wife of the dead by one of her sons or by some kinsman on behalf of her hut. If the ceremony is for a young unmarried man his favourite ox should be sacrificed. A cow should be sacrificed for a senior woman if the herd is large, and a male calf for a young woman. However, there are no hard and fast rules about the matter. The people of the home should sacrifice what they can afford, cattle if possible, but a goat or sheep if they cannot obtain at least a male calf, which is unlikely, because a man can generally borrow one from a neighbour.

At Dini after the cattle had been killed they were skinned and 764
the meat apportioned to the various categories of kin. It is an 782
absolute rule, however, that no member of the ghost's age-set 561
may partake of the meat of animals sacrificed at his mortuary

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765 nourished secret resentment in his heart, or a son may have had relations with one of his father's wives and not confessed his guilt. I was told that the bad half of the goat was eaten by persons unrelated to the dead man and the good half by members of his family.

765 768 Lam's goods which had been tied up for later distribution on the first day were now brought out again and divided among members of the family by the eldest son assisted by the master of ceremonies and some senior kinsmen. The clothes, beads, and ostrich-shell girdles were given to Lam's wives. His series of metal arm-rings was broken up and the rings distributed among the men and boys of the family.

765 The ceremonies were concluded by all the people shaving their heads. On this account the mortuary ceremony is often spoken of as the *mut*, the cutting. The cutting of the hair of the kin symbolizes the cutting off of the dead from the living just as in the marriage ceremonies the rite, known by the same word *mut*, by which the bride's hair is shaved off, symbolizes the cutting of the ties between her and her family and kin. The mortuary ceremony is one of deep 'silence and sadness', the marriage ceremony one of 'happiness and laughter'. They also say of the dead man *ca je mut*, he has been cut off (by this ceremony). It is clear from the orations and actions of the mortuary ceremony that part, perhaps the main part, of their purpose is to cut the dead from the living. 775 The dead man has to be given the full status of ghost and persuaded to accept it so that he will remain as a ghost and not try to 765 return to the living with the taint of death on him. This is the 761 constant refrain of the invocations: 'Now you ghosts, you are finished with us, you are the people of God, you are the people on the other side.'

That this is one of the main purposes of the ceremony is further shown by a curious observation I made in western Nuerland. There was living in a village there an unhappy-looking man of unkempt appearance, called Gatbuogh. This man had some years before gone on a distant journey and had not been heard of for a long time. Then there came to his village news of his death and in course of time the mortuary ceremony was held for him. He later returned home and was living in the village at the time of my visit. He was described as *joagh in tegh*, the living ghost. I was told '*ca tiede mut. ce tiede ma kene tie yang kel. ce te ni ringe*

775 *cunge'*, 'his soul was cut off. His soul went with the soul of the
765 (sacrificed) ox together. His flesh alone remains standing.' His
761 soul, the essential part of him, had gone and with it his social personality. Although people fed him he seems to have lost such privileges of kinship as pertain to the living and not to the dead. I was told that he could not partake of sacrificial meat because his agnatic kinship (*buth*) had been obliterated (*woc*) by the mortuary ceremony. A neighbour said to me 'he lives in our village with Baranyai but we do not count him a member of it because he is dead. The mortuary ceremony has been held for him.'

765 There were doubtless points I missed in the mortuary ceremony I witnessed and possibly some I did not hear about in later discussions with Nuer. A feature I did not observe but which, I was later told, is common, was the singing of hymns to the spirits of the air, in particular the hymn to *buk* which I have recorded earlier. These hymns are not an integral, and therefore essential, part of the ceremony and their meaning is in no way related to the matter in hand. They are in keeping, however, with the religious character of the rites and enhance it.

765 In conclusion I should say that Mayan told me at Dini that he
782 would later cut the ears of the bulls of his dead father's herd and that this is always done when the dead man was a person of age and social importance. The cattle would then prosper. For such a man another ox may be sacrificed some months later. The master of ceremonies again prepares porridge for those who gather to honour the ghost, and the senior kinsmen again make speeches to God and to the dead man and to all the ghosts of the lineage. Before the animal is speared all the people, men, women and children, bring ashes of cattle-dung and rub them on the ox. I discuss the meaning of this act in later chapters. The meat is distributed to all present, and also the porridge and the beer, which has been prepared in advance. An ox sacrificed in this manner to honour a dead man is known as *thak bar* or *thak joka*. A man may at any time decide to honour his father in this way and Nuer sometimes set apart an ox or an old bull (*tut jookni*) for their dead fathers, as Lam had done for his father Tutthiang, and await a suitable occasion for sacrificing it, as when they see their fathers in dreams and know that they want something. An ox so set apart cannot be disposed of but must be kept in the herd till it is sacrificed.

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is a person of the above (*ran nhial*)' and that man, or ghost, 'is a 774
person of the below (*ran piny*)'. The difference, and the contrast, 776
is clearly seen in the Nuer belief that the soul of a person struck by lightning is changed into Spirit. It is evident also in the way they speak about their prophets and about sick persons. They say that Spirit comes from above and enters into them or takes hold of them. Since, therefore, Spirit and soul are conceived of as of different natures, the conception of Spirit cannot be derived from a development of the conception of soul. On the contrary, it is precisely because God and man are thought of as quite different sorts of being that Nuer can think of themselves in relation to God and that God can be represented in different ways to different persons and social groups. Therefore it is necessary, if we wish not only to avoid confusion but also to seize upon the essential content of Nuer religious thought, that we should speak of the 'soul' and not of the 'Spirit' of man and of the 'ghosts' and not of the 'spirits' of the departed.

It follows from the Nuer orientation towards Spirit that they 775 ●
are little interested in the ghosts of the dead, so long as they cause
no trouble. When people 'disappear'—Nuer avoid using the word [75]
'die'—only one thing is certain, that they have departed for good. 'They dwell apart, they have become ghosts.' It is taken for granted that people have some sort of existence after death, though Nuer do not presume to know where they have it or what kind of life it is that they lead. Sometimes they say that they may be under the earth and live a life like that they lived when they were on earth amid their cattle and dung fires in villages and camps. This seems to be the general opinion and it is perhaps strengthened by the discovery, when digging wells, of goats' dung and fire-stones deep down in the earth, for I have heard Nuer say that maybe these belong to the ghosts. But Nuer also say of a dead man '*ce mat ka kwoth*', 'he has joined God', and '*ce tiede wa nhial, ca ringde kwony*', 'his soul has gone above, (only) his flesh was buried'. One often hears also the idea expressed that the dead have lost their relationship to the living and have therefore no further claims on them for attentions and services, and that they have instead 'become kin to God' or have 'become God's people'. Sometimes Nuer say that since the dead are near to God they can intercede with him on behalf of their families and relatives. However, no one supposes he can know where is the *wec indit*, the great

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775 community (of the departed) which all, each in his turn, must join, or what it is like.

It is possible that the apparent contradiction between being under the earth and being with God in the sky arises from the vagueness of the concept of *tie* and in particular from the absence of any dogma that it is the *tie*, soul, which becomes a *joagh* (pl., *jook*), ghost. It is perhaps important that Nuer always speak of the *joagh* of the departed and never of his *tie* when speaking of his survival as a person. They speak of the 'ghosts' of the dead and not of the 'souls' of the dead. This distinction would seem to allow both for the idea of the dead leading some sort of existence in the Nuer sheol as shadowy replicas of the living and also at the same time for the idea that their souls are taken on high by God. They cannot say anything more definite about this question of what is conceived to survive, or how or where.

There is a further question: when does a man become a ghost? Here again there is no formal doctrine to help us. We have to draw conclusions from what seems to be implicit in the mortuary rites. As we have seen, they not only close the period of mourning and cleanse the home and the kin from the pollution of death but also send the dead man away to join the ghosts and cut him off formally and finally from the living. Only when that has been done can his property be taken by his heirs and his widows cohabit with those with whom they have decided to live. It follows that the dead must be thought to be in some way still among the living till he is dispatched by these rites to the community of the ghosts.[1]

775 196 The word for ghost, *joagh*, is found in various forms in all the Nilotic languages. In most of the Shilluk–Luo group of languages it means 'God' or 'Spirit'. In some of the Nilotic languages, including Nuer, the word is either the same as, or is closely related to, that used to denote plagues, pestilences, murrains, and indeed any serious sickness; and, this being so, it is perhaps wise to point out that such calamities are not thought to come from the ghosts but from God: '*ce jok ben piny*', Nuer say, '*ca kam piny e kwoth*', 'the murrain came to earth, it was given to earth by God'. In Nuer

[1] Robert Hertz ('Contribution à une étude sur la représentation collective de la mort', *L'Année sociologique*, vol. x, 1907, reprinted in *Mélanges de sociologie religieuse et de folklore*, 1928) was the first to draw attention to the universality of this idea and to show the great variety and complexity of its forms.

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the word *joagh* also means 'back' or 'behind' and this cannot be fortuitous, not only because in Dinka the word for a troublesome ghost, *cien*, likewise also means 'back' and 'behind', but also because it is a common Nuer refrain in speaking to, or about, the ghosts that they should have their backs to the living, the Nuer way of saying that they should keep away from the living. If they return to the living, except when summoned as witnesses on formal occasions, it is only to cause trouble, to fetch the living to join them in the place of the dead or to punish them for faults and shortcomings. We have already noted how pronounced is this apotropaic motif in the mortuary rites, and especially in the invocations spoken at them, the speakers frequently adjuring the dead '*bi rodu rit*', 'turn thyself about'. They ask the dead to turn away from the living, to turn his back on them. Father Crazzolara notes the same sentiment. He says that the dead are buried with their backs to the huts and their faces to the bush and that a dead man is addressed: 'turn thine eyes to the bush, do not turn them to the home'. He comments that this means that the dead man must not regard the doings of the living, for he might see something which offends him and draw another person after him to death.[1] The living do not want the dead to take any interest in their lives. The dead had best look after their own affairs and let the living look after theirs. That the ideas of 'behind' and of 'the ghosts' are related is further shown by the fact that Nuer sometimes use the phrase 'to go behind' as a euphemism for 'to go to the ghosts' and hence 'to die'.

It is consistent with the idea of the ghosts being turned away from the living so that they do not see their affairs that the ghosts are relatively unimportant in Nuer religious thought and practice, even the troublesome ones, which I discuss later; and they are in the ordinary course of affairs seldom mentioned. But though Nuer pay them little attention they cannot entirely ignore them, for there are some occasions when they are directly concerned with what is happening and their relationship to the living has to be emphasized, occasions of collective sacrifice (pp. 198–9), such as their funeral and mortuary ceremonies, settlement of blood-feuds started on account of their violent deaths, and the marriages of their children. Occasionally also dutiful sons honour their memory by sacrifice, especially if they have had vivid dreams

[1] Op. cit., p. 173.

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775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts'
[769] shrine. There is no cult of the dead, and their graves, not being marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance both for the Nuer themselves and also for an understanding on
551 our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

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III

When a ghost comes to trouble the living it is said to *cien* them. It is useful to discuss this concept in the light of another, that of *biit*, to curse,[1] because the two are closely connected, the ability of a ghost to harm being the *post mortem* operation of the projective power of the psyche, the power to harm another through the mind and the heart. 775 789

The curse of certain persons in Nuer society is believed to be effective if they have been wronged. If they utter curses without due cause (*cuong*) the curses will either be ineffective or harm the speakers of them. A man curses another by uttering an invocation (*lam*)—which in this context is an imprecation—over, or about, him; and Nuer distinguish different kinds of curse by reference to the relationship of the persons implicated in it—*biit gwan*, the curse of a father, *biit nara*, the curse of a maternal uncle, *biit kuaara*, the curse of a leopard-skin priest, and so forth. Some of these curses are regarded as weightier than others. 789

The curse of father or mother is serious. A man may curse his son for constant disobedience and for meanness, especially for refusing him meat. Indeed, any old man may curse a youth for refusing him food, because both in a general sense and in terms of the age-set system all youths are sons to the aged, but his curse would not be as weighty as that of the true father. 'A father's curse is to hunting, to fishing, and to hoeing, but he will not curse him (his son) to cattle.' The youth may then miss his mark in hunting, fishing, and war, and his crops may fail. He may also injure himself in these occupations, or suffer one of the many possible misfortunes that beset a traveller, both in the literal sense of mishaps to one on a journey and in the figurative sense of evils that face a man on his journey through life, which the Nuer, who have a liking for meiosis, speak of collectively as 'thorns'. At its worst the curse of a father or mother may be a *biit liagh*, a curse which results in death. However, 'a father will not curse his son to cattle', because the cattle belong to the lineage and if he caused them to die he would only be harming himself and his kinsmen and ancestors. 789 593 [561]

[1] A *biit* is a curse in the sense of consigning a person to misfortune and not in the sense of swearing at a person, which is *kwith* or, where there is a joking relationship, *leng*.

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789 ship; and it can be quieted by reparation to the wronged person.
776 In an account of Nuer religion what is here important is that the
626 curse is only effective, Nuer say, because God sees that one man has right and the other wrong and allows it to act. It seems to the observer therefore that the curse, like the blessing, has its own psychic power, but that Nuer relate it to a set of moral rules of which God is conceived of as guardian and judge. The power of a curse or a blessing thus lies ultimately not with man, who is only the medium, but with God. God's role is not merely permissive, for, as we have noted, a wrong itself may, through the sufferings and lamentations of the wronged persons, bring retribution to the wrongdoers without their taking any action in the matter themselves. This is why also Nuer say of the infringement of a religious interdiction, in which no immediate question of wrong to another may arise, that it has a certain similarity to a *biit*. Formally the two ideas are quite distinct, and Nuer see a similarity between them only because in both cases there is a fault which is punished by God, in the first case indirectly and in the second directly. Consequently we are once again faced with the Nuer idea of faults, which necessitates a fuller discussion than I have so far given to it but which is also more appropriately treated separately in the next chapter.

775 The concept of *cien*, to which I now turn, has certain similarities
626 to that of *biit*, especially to the silent curse, 'the curse of the heart'. Nuer think that it bodes ill for those who have wronged a man if he dies with resentment in his heart, for he will then take ghostly vengeance on them from the grave.

The word *cien* is found in one form or another, and with common elements of meaning, in all the Nilotic languages. In Nuer it means the vengeance, generally producing sickness or other misfortune ending in death, taken by an aggrieved ghost on the living, and in its verbal form the taking of such vengeance. Nuer regard it as a most serious matter if a man dies with a legitimate grievance in his heart, for while it may be possible to make amends to a living man for a wrong done to him and thereby rid oneself of his *biit*, it is often impossible to make peace with the dead. Fear of *cien* undoubtedly, if we are to believe what Nuer say, makes them avoid, at any rate sometimes, persistently denying men justice lest they take their wrongs to the grave and from there seek settlement.

SOUL AND GHOST

775 626 761 I give some examples of the kind of circumstances in which *cien* acts. A man haunts his kinsmen because he was slain and they neither avenged him nor exacted compensation in cattle for his death. When a man slays a close kinsman 'they [may] say "do not spear him, let him die of *cien*"'. After a while he becomes distracted and his ears ring. He loses his wits and takes to wandering alone in the bush and to sleeping there by himself at night, or he wanders to a distant country and lives there haunted. 'Nuer have no sense. A man may slay even his mother's son in anger. Well, he haunts him from the grave. He [the living man] sits moping. For two or three days together he refuses food. He wanders by himself in the bush. Then he sickens and dies.' A man may kill another secretly when they are alone together in the bush and tell no one of the deed. Then the dead man's ghost will pursue him from the grave. I was told of a case of this kind among the eastern Jikany in which the slayer married some two or three years after his crime. His first child died, then his second child, then his third child; and 'he remained childless like an impotent man'. He consulted a diviner, who wormed out of him that 'he had something in the earth', a euphemism for the body of his victim. On the diviner's advice he confessed and paid compensation for the life he had taken. Nuer told me also that a man who has witnessed a killing, though he had no part in it, yet if he keep silence, will suffer misfortune because 'it is like as though he had hidden the [dead] man'. A man who commits serious incest, such as one who has carnal relations with a woman and then with her daughter, and so causes the death of the daughter, will be haunted by her ghost. The ghost will summon him to the land of the dead, saying '*ban wa jogh*', 'let us go behind' [to the *jookni*, ghosts]. A [762] girl who is married to a man she detests and commits suicide may take vengeance from the grave on her kin who forced her to marry him. However, those Nuer whom I questioned were not in agreement in this case, some holding that the girl would not have *cuong*, right, and could not therefore harm her kin. A man who knows that his son had congress with his wife may keep silence, hoping that the son will confess and ask his forgiveness, but the son also keeps silence, even when he sees that his father is dying, so the father takes his resentment with him to the grave and punishes him from there. A man who has not been properly buried may haunt his kin. However, a man who has suffered any

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

injustice may take ghostly vengeance. Nuer say also that a ghost watches over his kin and punishes those who commit some grave fault, especially that of depriving his young sons of the cattle of his herd or of their sisters' marriages. When a father or other close kinsman summons a man from the grave to join him in death Nuer use the word *tul*, which has the sense of 'to punish', to describe his action as well as the word *cien*; and they may also use the verb *be*, with the sense of sending for, or coming to fetch, or returning to get something. 775 626 761

An appreciation of two considerations arising from what Nuer say about ghostly vengeance gives us a further understanding of their ideas about the dead. The dead are thought to have the same feelings as when they were alive. They are resentful of injustice and bear malice to those who have wronged them. It stands to reason therefore—and this is the second consideration—that it is only those who have recently departed who avenge themselves on the living, for it is only they who can have been wronged by them. Nuer do not think of *cien* in connexion with ancestral ghosts but only in connexion with those who have recently become ghosts. It would appear that a man can still take vengeance even after he has been dispatched to the community of the ghosts by the mortuary rites, but a dead man seems to be most dangerous and his living kinsmen the most vulnerable the less the lapse of time after his death, and consequently in the period between death and the mortuary ceremonies. Those nearest to the dead are those who are most likely to be affected, for though a man can *cien*, just as he can *biit*, anyone who has done him an injury, what has been said of the *biit* can be said of the *cien*: the closer the relationship of the persons concerned the worse both the offence and its consequences. Curses and ghostly vengeance are thus two sides to the same idea and in general they have the same social incidence. 775 626

To stop the effects of *cien* it is necessary to make sacrifice to God and, where possible, reparation to the ghost for the wrong done to him. Sacrifice without reparation is of no avail. Nuer say that it may temporarily wipe out (*woc*) the *cien* from the body of the haunted man, but it will return if he does not make amends. Therefore, when he makes sacrifice he tells God 'I am sorry, I have erred; take thy cow and let the *cien* leave me.' Nuer say that God is to understand that such an expression of contrition implies the intention to make reparation, if this is possible. [782]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

775 626 As Nuer speak about *cien* it has, therefore, the sense of an injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of [843] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands, [877] an idea some of the eastern Nuer have taken over from the Anuak; [841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mai*): the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after, [842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

554 pass them by because sacred powers often give a man prestige from which he may attain local eminence as an important elder, if they are combined with wealth, ability, and wide kinship connexions.

554 613 231 791 Next to prophets and leopard-skin chiefs the ritual status that carries with it most prestige is that of the *wut ghok*, the Man of the Cattle. Certain lineages have hereditary ritual powers in relation to cattle and are asked to cure sick beasts and to make barren cows fruitful, though only some members of these lineages use their powers. Like leopard-skin chiefs, Men of the Cattle are often members of stranger lineages and not of the aristocratic clan of their tribe. I was told that their curse is feared, as it can be directed to the cattle, and that Nuer do not care to offend them, but, outside tradition, I have not recorded any occasion of its utterance. Apart from the few Men of the Cattle who play a part in the regulation of Age-sets (see Chap. VI), and those who are sometimes consulted about migration to new pastures, they have no public functions. One *wut ghok* of the Eastern Gaajok became very rich and powerful a generation ago, but his prestige was largely due to his possession of magic.

554 613 791 Besides the *kuaa muon*, who has a ritual relationship to the earth, and the *wut ghok*, who has a ritual relationship to the cattle, there are a number of totemic specialists whose ritual connexion with lions, crocodiles, weaver birds, &c., enables them to influence the behaviour of these creatures. A totemic specialist is a possessor (*gwan*) of the spirit (*kwoth*) of his totem. Totemic specialists have no political significance and have no social influence in virtue of their powers alone. There is a war specialist whose duty it is to shake a spear in the face of the enemy and to deliver an invocation against them. He is known as *gwan muot*, possessor of the spear, or *ngul*, and is often, perhaps always, a member of a senior lineage of the dominant clan of the tribe, for he invokes the spear by the spear-name of the clan. There are also magicians of various kinds: leeches, diviners, owners of medicines, and owners of fetishes. Of these specialists only owners of fetishes become prominent members of their communities on account of their ritual powers. Nuer [776] are very much afraid of fetish spirits and believe them to be so powerful that they will even purchase them with cattle. A fetish-owner may become the most influential man in the village, and I have been surprised at the respect and fear with which his neighbours sometimes treat him. Nevertheless, he has no defined authority in controlling the relations of the villagers to one another nor does he represent the village in its relations with neighbouring communities.

S:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

CHAPTER VI

RELIGIOUS CONCEPTS IN RELATION TO LAW

000 IN the preceding chapters I have described what may be called the secular aspects of Nuer customary law. The terms of the law described are largely rational, and only at certain points and in certain contexts have religious and magical associations been mentioned. The isolation of rational procedures from the religious background, however, gives an incomplete picture, and some mention must be made of Nuer religion and ritual sanctions in relation to legal concepts. To do so is to embark on a highly complex subject and one which, as an administrator, I had least time and opportunity to investigate. There is also a danger of over-simplification and generalization. The reader must bear this in mind.

Nuer Religious Beliefs

771 776 The Nuer are an intensely religious people. As a basis is the concept of *kwoth*, an all-pervading deity associated with the sky but present to a greater or lesser degree in all things, which supplies, directly or indirectly, an explanation for phenomena which cannot be accounted for in terms of everyday life.[1] This applies to material objects, human beings, events, and situations. Thus a particularly vicious snake may be a manifestation of *kwoth*, thunder and lightning are *kwoth*, a magician is possessed by or possesses *kwoth*, an unexplained accident or illness is due to *kwoth*, spirits are *kuthni* (a plural form of the word *kwoth*) and the unpredictable future is *ruac kwoth*, literally 'God-talk' or 'the will of God'. The word *kwoth* also has connexion with the whole range of spiritual forms and concepts: ancestral spirits, household spirits, spirit medicines, talking spirits, sky spirits, earth spirits. The special functions of the ritual experts of the kind already mentioned and their magical powers are derived from and are dependent upon *kwoth*. Nuer themselves find great difficulty in describing their beliefs because *kwoth* is accepted without

[1] In a recent article Professor Evans-Pritchard says: 'God is a spirit who is in the sky and also everywhere, he is the creator of the universe, the father and friend of man and the guardian of the social order; and in comparison with him man is an ignorant and puny creature. . . . There is nothing which can properly be called a cult of God, the spirit who is in the sky, and indeed the absence of a cultus is very much in keeping with the whole Nuer metaphysic.' 'A Note on Nuer Prayers', *Man*, Vol. LII, 140, 1952.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

query and is an abstract idea which they cannot explain in terms of specific examples; but this does not cause confusion to them because, although all aspects of their religion are an indirect extension of the idea of *kwoth*, there is a special terminology which refers to every kind of manifestation and category. 771 776

For example, there are, as will be seen later, *kolangni*, special spiritual forms which come into the possession of and possess individuals or kinship groups, and of these there are many different types of manifestation. They are often the cause of physical illness or misfortune. A particular individual may be subject to epileptic fits or periods of mental instability, and speaking in general terms the Nuer will say *teke kwoth*, 'he has or is possessed by *kwoth*'; but they will usually go further and qualify this statement by saying that he is possessed by some particular manifestation of *kwoth* which has a definite name. In some cases the individual will have called upon himself evil effects (though the same spirit may equally bring beneficial effects) in angering the spirit by some action, or more probably by failure to carry out some ritual obligation. There are special functionaries whose duty, in return for fees paid, usually in cattle, is first to diagnose the cause of the trouble and then to suggest a remedy, often assisting in the ritual which follows. [753] [791]

Kwoth is sometimes spoken of in the rôle of creator, but creation is more often explained in mythology by reference to ancestors. Such ancestors are not consciously thought of as manifestations of *kwoth*, although their origin would be explained as *kwoth*.[1] Ancestors are intermediaries between man and God; prayer is offered through them to *kwoth*. There is therefore a close relation between the concept of *kwoth* and religious practices associated with a patrilineal descent group. The word *thek* is used to express the idea of respect to ancestral spirits, and also, by extension, respect for kinship relations. Misfortunes and illness, sometimes referred to as *nueer*, are often believed to be caused by ancestral spirits who are angered on account of a breach of observance—such as neglect of prayers, which should be addressed to them—or by actual relations between living descendants. An offensive action against a kinsman demands not only some compensation in the form of apology or even material indemnification but also prayer and expiation. There is therefore a religious sanction for kinship obligations and observances.[2] 776 769

[1] E.g. when asking Nuer to relate their genealogies, one often finds that they get stuck at a particular ancestor—and there is, of course, always an ancestor beyond whom they cannot go. Pressed for an answer they will simply say that this man came from *kwoth*.

[2] *Thek*. A full explanation of the word *thek* is given in an article by Professor Evans-Pritchard in *Man*, Vol. XLIX, 96, 1949. He says: 'We can therefore perhaps best think of *thek* as a term indicating a category of ritual prohibition or taboo, and of *nueer* as a term commonly used both for the infringement and the sanction of this class of taboo.' My own view is that *thek* implies not only negative action in the form of prohibition or avoidance but also positive action in carrying out some observance or duty.

8:Howell E, G-5 (1942-1944)1954
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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralize the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organized political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*duer*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

12:Evans-Pritchard E-5 (1930-1931) 1933
FJ22 Nuer FJ22

614 their common kinship by a common sentiment towards the clan name and ritual symbols and by the prohibition of marriage between their
[613] families. But when they belong to the same minor lineage they recognise their kinship by awareness of the exact relationship in which they stand to one another in the genealogical system. Nevertheless any competent Nuer genealogist can, if pressed, produce a good table of genealogical ascent to the founder of his clan with the result that it is possible, even in such a huge clan as the GAT GAN KIIR of the Jekany tribes, to place every single clansman and clanswoman on a single genealogical chart showing their genealogical descent from Kir and, therefore, the genealogical relationship of any clansman to any other clansman. Such a chart would not be likely to embody a correct genealogy, but it would be recognised by the Nuer as being substantially correct.

614 Consequently one cannot say that relationship ends with the clan
619 or that it is the largest of Nuer lineages, but we have to define it as the largest exogamous lineage. For the common ancestor of most Nuer clans is the same person. Jackson has given a very good account of the way in which the Nuer clans are part of a related system which I propose to call the Family of Nuer Clans. It is necessary to say that it is not at all clear from Jackson's or other accounts, including my own notes, how this family of clans are inter-related. It is particularly a problem which requires detailed research among the " Homeland Nuer " to the west of the Nile. One of the reasons why it is difficult to draw more than an approximate tree of the Family of Nuer Clans is the confusion which has always existed between the tribe and the clan, with the inevitable result that when we are told that Lou or Lak are sons of such-and-such an ancestor we are helpless, since tribesmen of Lou and Lak form political aggregates of composite ancestry and cannot possibly have common ancestors. What is meant is that the dominant clan element of the tribe are the sons of the such-and-such an ancestor, but as his tree of descent is not given it is difficult to proceed upon such a supposition.

614 I will condense here the main discoveries of Mr. Jackson in this field,
173 together with the writings of the late Capt. Fergusson and notes taken
773 by myself. There figure in all accounts certain mythical persons who
[776] link the ancestors of the Nuer clans to Kwoth, God, who made them and from whom they are directly descended. In this essay the first persons we need notice are Gee and Ghaak, two brothers who are possibly to be

14: Huffman M-5 (no date) 1931
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342 Their huts are built with great care and skill. They are
361 cylindrical in form with a conical roof consisting of grass, reeds, or leaves, while the walls are made of mud; and are decidedly superior to the buildings of the Dinka, Anuak, and other kindred tribes. The houses stand in small groups, sometimes only two or three together, the land for cultivation lying immediately around each house.

342 In the dry season the men leave their villages to seek
233 better pasture in the swampy regions of the country. Here temporary huts of straw are erected for the young men who look after the cattle and milk them. During the night the cattle are driven into large enclosures of thorny trees; a fire of dried cow-dung is constantly kept smouldering, to protect the cattle from the stings of mosquitoes. When the rains begin to fall, about April, the people return to their villages to plant dura.

776 Very little is known about the religion of the Nuer. Miss Huffman mentions on page 56 some names of their gods, but we learn little as to their significance in the lives and beliefs of the people. While I was studying the Shilluk people in the Sudan in 1910, still another Nuer god, viz. Kot, was mentioned to me by a number of Nuer men whom I had with me for some time. This word Kot occurs in a large number of Nilotic languages, its general meaning is 'rain', but in Nuer it designates a god, the idea of this god being evidently connected with that of rain. To Kot is attributed the creation of the world, as the following report dictated to me by a native Nuer shows:[1]

[1] This record and the following ones were, together with the original Nuer text, first published in my study on the Nuer language in the *Mitteilungen des Seminars für Orientalische Sprachen. Afrikanische Studien*, p. 84 ff. Berlin, 1912.

14: Huffman M-5 (no date) 1931
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Chapter Two

RESOURCES OF THE NUER

WILD ANIMALS AND CATTLE

WILD animals abound in Nuerland. Lions, leopards, 136
giraffes, buffaloes, elephants, hippos, monkeys are found as well as other species, and also crocodiles, snakes, and scorpions.

Sometimes animals are killed with spears (Fig. 4), some- 224
times traps are made to catch them. Holes are dug into which they fall and are unable to get out. Men sometimes chase them and drive them toward the trap which they have made. Giraffes may be killed in this way as they cannot run fast, especially if the ground be muddy. Monkeys are safe in Nuerland as a Nuer will not willingly kill them. If a monkey is killed, it will surely rain hard, but [325]
if it is killed in the dry season, the weather will only become cloudy.

Probably the largest snake found here is the python. 136
Many of the snakes are deadly poisonous. One is a spitting snake. Another is said to bite and also sting its victim with its tail at the same time, much as a scorpion stings. Another snake, the 'thatut', is said to leave a tooth in the person it bites. The Nuer believe that if a [325]
person is once bitten by a 'thatut' no other snake will deign to bite him.

The number of cattle owned by individuals varies in 231
different parts of Nuerland. Those who live along the Nile have many cattle. Those in the Garjak country have more cattle than those near Nasser. In the regions where cattle are more plentiful the number of cattle asked as a marriage price is greater.

Cattle with the wide-spreading long horns are the most 231
desirable. A Nuer is afraid that a cow without horns may 776

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

231 turn into a 'Lat' (a combination of ogre and cannibal which
[77] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[325] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[302] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] [784] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

606 607 For a man's wife, avoidance is impracticable, but she treats her parents-in-law with great respect and, in the early days of marriage, keeps herself apart from them as much as possible. She is on joking terms with her husband's brothers since, among brothers, the wife of one is, in the social sense, the wife of all.(1)

DIVORCE

586 If a wife dies childless or if her husband divorces her the bride-wealth cattle have to be returned. If a child has been born and is left with the husband then the cattle are returned, minus six. If two children have been born, no cattle are returned. Divorce is recognised as having taken place only if cattle are returned; if a wife leaves her husband to live with another man, and her husband does not claim return of the bridewealth, any children she may bear are his. Divorce after the birth of a child is very unusual, and after the birth of a second child, almost unknown.

RITUAL AND OTHER CULTURAL FEATURES

TOTEMISM

●776 The various Nuer lineages have specific ritual attitudes towards certain natural objects and living creatures. They respect the lion, reptiles, birds and plants; some lineages respect rivers and streams but, for all Nuer, rivers are specially associated with the mother spirit, Dak Mandeang, who is held in reverence by all the people. Some lineages respect cattle with certain markings and therefore do not keep them. The largest clan in Nuerland - the Gaatgankiir of the Jikany tribes - respect gourds, since, it is said, the ancestor of the clan was found in a gourd. In general, however, totems are associated with lineages rather than with clans.

[177] Nuer totems *(kwith)* are neither peculiar nor particularly important, and the Nuer themselves state that the majority of the totems come from the Dinka; they further maintain that the *kuth* of Nuer lineages are sky spirits, or spirits of persons who have been killed by lightning and have become sky spirits. The totemic relationship is explained in the myths which tell how ancestors of the lineages and the members of the species related to the lineages, were born twins. A man respects his wife's totem and a woman her husband's, while children respect their mother's totem generally. A totemic relationship of the same type does not prevent marriage.

Respect for a totem consists in refraining from hurting it or eating it; in paying it some recognition and consideration, and in making an expression of regret should it be found dead. In turn the totemic species is expected not to cause any harm to those who respect it. Sacrifices and prayers are made to the totem and cattle are dedicated to it. The species itself is not worshipped although the representatives are

(1) Evans-Pritchard, Man, 1948, No.2, p.5.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

respected; it is the spiritual being, the *kwoth*, which the totem stands for, which is revered. The totems are symbols or manifestations of a spirit which can be in communion with men and beasts.(1) 776

Totem spirits are called *kuth piny* (earth spirits) a category which includes fetishes; this is in contrast to the much more important *kuth nhial*, sky spirits. Yet, although the two categories are thus distinguished, the Nuer maintain that they worship totemic spirits and that these spirits are with god in the sky. The totem seems to be the symbol of the spirit and the spirit to be an aspect of the spirit of the sky which is connected with the various lineages and is symbolised differently in each.

Kwoth

In addition to totemic spirits, *kwoth* also refers to 'god in the sky' and can mean any one of the sons of the sky god - the *kwoth dwanga*. Each sky spirit is associated with a certain aspect of nature; for example, Deng refers to the rain spirit. Another group of spirits are the *col wic* - the spirits of persons who have been killed by lightning and taken up to heaven. Persons supposed to have been taken into heaven by a whirlwind and those found dead in the bush without any apparent cause are also *col wic*. A *col wic* is considered to be a sacred spirit of his lineage - a *kwoth gool* - and most lineages have at least one of these spirits to whom cows are dedicated. Sometimes a *col wic* spirit enters into a member of his family or lineage and, when this happens, the man whom he possesses falls sick; on recovery, he makes a shrine in his homestead and becomes a prophet of Col *(guk cool)*, and the spirit of lightning contacts the people through him.(2) [791]

SACRIFICES

Sacrifices play an important part in all ritual practices, and are usually all of a similar nature. An animal is selected and is dedicated to a spirit by rubbing ashes along its back. An invocation is then made and the animal is killed by spearing it through the heart. It is cut in two halves when there is a cutting of social ties, and also at mortuary ceremonies when there is one half for the living and another for the dead. Sickness is the most frequent occasion for sacrifices. 782

THE CONCEPTS OF THEK AND NUERR

Thek means 'to respect', and is used in various social contexts; for example, it denotes the behaviour expected of a man towards his parents-in-law; in blood feuds the kin of the slayer and of the slain may not eat from the utensils which the other party has used, and these are respected. In mortuary ceremonies a man's age-mates *thek* the meat which has been sacrificed in his honour. A man also pays respect to his totem. Failure to show respect where there is a *thek* relationship is thought to bring about misfortune.(3) Any serious sickness following the breach of a *thek* taboo is called *nuerr*. 576 [753]

(1) Evans-Pritchard, *Annali Lateranensi*, 1949, Vol.XIII, p.247.
(2) Evans-Pritchard, *Man*, 1949, No.2, p.9.
(3) *Ibid.*, 1949, No.96, p.75.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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776 613 of descent. Other totems were added later. 'The spirits of their sacrifices (to which they sacrifice) entered into the generations of descent (*kath*).' This might happen in various ways, some of which I have described. An animal or plant, or rather Spirit in and through an animal or plant, helps a man in trouble, and so forth. 776 773 845 The commonest aetiology is twin-birth of a man and a member of a natural species. Twin-birth is so stock an explanation of totemic affiliations among the Nuer that when asked why a certain lineage respect a certain species they often, if they do not know any story accounting for the association, say at once and without reflection that it must be because of a twin-birth of this kind. It is only when it would be totally unreasonable that a Nuer rejects this as a likely explanation. In discussing totemism with some Nuer on one occasion one of them told me that he had heard that there were people who respect fire. When I asked whether this meant that a man and fire had been born together my question was greeted with derision: 'How, now, could a woman carry fire in her womb?'

776 845 Strange though it may seem to us, Nuer claim that twin-births of men and animals have taken place not only in ancient times but also in recent generations. They may take place even today and occasion no surprise. I had not been long in Nuerland when one morning my Nuer servant Nhial came in some excitement to tell me that a woman of his village, where we were staying, had given birth to a hippopotamus and a male child, both dead. It was too late to see what happened, but I was told that the hippopotamus had been placed in a nearby stream and the child, being a twin and therefore in Nuer eyes a sort of bird, had been placed in a tree. In answer to my questions, I was further informed that it was uncertain whether the family would on account of what had happened respect hippopotamuses in future, though had the child lived he and his descendants would certainly have done so. The reason given for this particular twin-birth was that the woman's husband had killed several hippopotamuses and they had revenged themselves on him by stamping their likeness on one of the twins (*ca gat cal e rau*). In this case, therefore, one is in doubt whether what was taken to the stream was regarded as a hippopotamus in the full sense or not, for animals can stamp their likenesses on a human foetus; but at least the incident shows us how the totemic mentality of the Nuer inclined them at once to

16: Evans-Pritchard E-5 (1931, 1936) 1956
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774 further that when the tusks are removed they are first buried
224 under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kirpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

774 The only occasions on which I have heard Nuer speak of crea-
778 tures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*came nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

774 I have discussed this question partly because it was necessary
776 to do so to make clear that in Nuer thought the soul is something essentially human which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be
[121] seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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is a person of the above (*ran nhial*)' and that man, or ghost, 'is a 774
person of the below (*ran piny*)'. The difference, and the contrast, 776●
is clearly seen in the Nuer belief that the soul of a person struck by lightning is changed into Spirit. It is evident also in the way they speak about their prophets and about sick persons. They say that Spirit comes from above and enters into them or takes hold of them. Since, therefore, Spirit and soul are conceived of as of different natures, the conception of Spirit cannot be derived from a development of the conception of soul. On the contrary, it is precisely because God and man are thought of as quite different sorts of being that Nuer can think of themselves in relation to God and that God can be represented in different ways to different persons and social groups. Therefore it is necessary, if we wish not only to avoid confusion but also to seize upon the essential content of Nuer religious thought, that we should speak of the 'soul' and not of the 'Spirit' of man and of the 'ghosts' and not of the 'spirits' of the departed.

It follows from the Nuer orientation towards Spirit that they 775
are little interested in the ghosts of the dead, so long as they cause
no trouble. When people 'disappear'—Nuer avoid using the word [195]
'die'—only one thing is certain, that they have departed for good. 'They dwell apart, they have become ghosts.' It is taken for granted that people have some sort of existence after death, though Nuer do not presume to know where they have it or what kind of life it is that they lead. Sometimes they say that they may be under the earth and live a life like that they lived when they were on earth amid their cattle and dung fires in villages and camps. This seems to be the general opinion and it is perhaps strengthened by the discovery, when digging wells, of goats' dung and fire-stones deep down in the earth, for I have heard Nuer say that maybe these belong to the ghosts. But Nuer also say of a dead man '*ce mat ka kwoth*', 'he has joined God', and '*ce tiede wa nhial, ca ringde kwony*', 'his soul has gone above, (only) his flesh was buried'. One often hears also the idea expressed that the dead have lost their relationship to the living and have therefore no further claims on them for attentions and services, and that they have instead 'become kin to God' or have 'become God's people'. Sometimes Nuer say that since the dead are near to God they can intercede with him on behalf of their families and relatives. However, no one supposes he can know where is the *wec indit*, the great

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775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[769] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance both for the Nuer themselves and also for an understanding on
551 our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

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789 who returns it to him after having first spat on it. When a father has agreed to his son's initiation the boy goes to a member of his 827 father's age-set and this man plucks out a tuft of the boy's hair, spits on it, and brushes it against the boy's face and head. This is the blessing of the father's age-set. A leech massages a sick person with his spittle. Mr. B. A. Lewis records that when the Gaawar tribe chose a certain Bwoogh Kerpel to lead them across the Nile to conquer fresh lands from the Dinka the people lifted him on high so that God might see that he had been chosen, and they gave him a gourdful of milk to drink into which they had all spat.[1] In all these examples—and others could be given—there is the idea of blessing. However, a blessing can be given without spitting. Any person can bless another (pp. 16–17), but the blessings of those whose curses are most effective are also the most effective.

789 It is important to note that, as with curses, blessings are thought to be effective only because God makes them so. Just as a curse is 776 an imprecatory prayer (for if God is not formally addressed in it it is understood that it is his affair), so a prayer is implied in a blessing. It is a benedictory prayer. Hence (and here again as with curses), a man can be aided merely by a person thinking well of him, bearing him in sweet recollection (*tim*) without formally blessing him. He blesses him in his heart, and just as God sees a man's just resentment for a wrong and the resentment then has the force of a curse, so he sees the love and the love has then the force of a blessing. So when a Nuer says '*ba ji tiem*', 'I will think of you', he means that he will think fondly of you and so blesses you. A good action in itself may bring fortune to a man. God sees it and it becomes, Nuer say, like a *biit* for good, just as he sees a bad action and it becomes a *biit* for ill.

789 The religious significance of cursing and blessing lies in a dominant motif of Nuer religion, that of *cuong* in opposition to 776 *duer*, right in opposition to wrong. A person's curse of another 626 is only effective if he is in the right and the other is in the wrong. There must have been damage or negligence, and in Nuer reckoning this implies a social relationship of some kind between the two persons, such as, in fact, is bound to exist between any persons so involved in Nuer society. It is when the obligations of a relationship have not been observed that a curse can act, its effectiveness increasing with the closeness or social significance of the relation-

[1] B. A. Lewis, 'Nuer Spokesmen', *Sudan Notes and Records*, 1951, p. 81.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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789 ship; and it can be quieted by reparation to the wronged person.
In an account of Nuer religion what is here important is that the
•776 curse is only effective, Nuer say, because God sees that one man
626 has right and the other wrong and allows it to act. It seems to the observer therefore that the curse, like the blessing, has its own psychic power, but that Nuer relate it to a set of moral rules of which God is conceived of as guardian and judge. The power of a curse or a blessing thus lies ultimately not with man, who is only the medium, but with God. God's role is not merely permissive, for, as we have noted, a wrong itself may, through the sufferings and lamentations of the wronged persons, bring retribution to the wrongdoers without their taking any action in the matter themselves. This is why also Nuer say of the infringement of a religious interdiction, in which no immediate question of wrong to another may arise, that it has a certain similarity to a *biit*. Formally the two ideas are quite distinct, and Nuer see a similarity between them only because in both cases there is a fault which is punished by God, in the first case indirectly and in the second directly. Consequently we are once again faced with the Nuer idea of faults, which necessitates a fuller discussion than I have so far given to it but which is also more appropriately treated separately in the next chapter.

775 The concept of *cien*, to which I now turn, has certain similarities
to that of *biit*, especially to the silent curse, 'the curse of the heart'.
626 Nuer think that it bodes ill for those who have wronged a man if he dies with resentment in his heart, for he will then take ghostly vengeance on them from the grave.

The word *cien* is found in one form or another, and with common elements of meaning, in all the Nilotic languages. In Nuer it means the vengeance, generally producing sickness or other misfortune ending in death, taken by an aggrieved ghost on the living, and in its verbal form the taking of such vengeance. Nuer regard it as a most serious matter if a man dies with a legitimate grievance in his heart, for while it may be possible to make amends to a living man for a wrong done to him and thereby rid oneself of his *biit*, it is often impossible to make peace with the dead. Fear of *cien* undoubtedly, if we are to believe what Nuer say, makes them avoid, at any rate sometimes, persistently denying men justice lest they take their wrongs to the grave and from there seek settlement.

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CHAPTER VII

SIN

I

NUER do not think of the relation of man to God as one of soul, as a separate entity, to Spirit but as one of the whole man to Spirit. The state of the conscience, as we would call it, may be one element in the relation but peace of mind is very much bound up with welfare of body and estate. This is evident from the way they regard the breach of an interdiction which is thought to bring into operation directly, and often almost immediately, spiritual sanctions. We may speak of such a breach as sin. 776 783

Sin with the suffering it brings about is central to the study of Nuer religion. If God was thought by Nuer merely to have created man and then to have ceased to interest himself in human affairs there would be no point at all in their paying any attention to him and sacrifice would be a meaningless act. It is because Spirit constantly manifests itself to men and intervenes in their enterprises and affairs that we have the subject of this book, a religion. I draw attention again to the paradox I mentioned in Chapter I, of God being far away in the sky and yet present with men on earth; but we now see that it might better be described as an intuitive understanding of the relation between God and man. God is far removed from man in that man cannot ascend to him. He is very near in that he can descend to man.

Nuer, like other people, want it both ways. They want God to be near at hand, for his presence aids them, and they want him to be far away, for it is dangerous to them. It is particularly dangerous in such situations and relationships as are marked off by religious interdictions.

One of the more important interdictory concepts is that of *thek*, a word we have had occasion to consider earlier in connexion with totems. It has a sense which I translate 'to respect', the word 'respect' being used throughout this book only where Nuer would use *thek*. The word has a similar, but perhaps wider, range of meaning among the Dinka. 196 [171]

[See p.79, cat. 116 -- Analyst] (177)

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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*luth*) the days of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39–40) but it would not be classed as *nueer*.

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the word *dil* has generally the sense of 'pure', 'true', 'perfect', or 'aristocratic'. It is the ox of perfection. It is the young man's friend and companion. He plays with it and fondles it. He composes poems about it and sings them to it, and he gets a small boy to lead it round the camp in the morning or evening as he leaps behind it chanting poems. He walks among the cattle at night ringing a cattle-bell and singing of his kin, his loves, and his cattle, and he praises this ox among all other oxen. He makes tassels to hang from one of its horns, and he loves to see it toss the tassel in the air with a sweep of the neck. He acquires an iron bell to hang round its neck, and no music, unless it be the ox's lowing, is sweeter to his ears than its tinkling in the pastures. He goes to the edge of the camp to meet it when it returns from grazing in the evening. He is never tired of describing its points, and as he does so, and also in dancing, he may hold up his arms in imitation of its horns. Should the ox die he is downcast; and should he die it must be sacrificed at his mortuary ceremony.

The youth now also enters through this ox into a new kind of relationship with God, the guardian spirits of his family and lineage, and the ghosts of his ancestors. When he has tethered it in the kraal for the night he may pet it, removing ticks from its belly and scrotum and picking out adherent dung from its anus; and he may at the same time rub ashes on its back. Ordinarily I think he does this simply because the ox, which has suffered from parasites throughout the day, gets relief from its back being rubbed, but I was told that he may occasionally as he does so speak a few words to God or to the ghosts. While it is not until a man marries and has children and an independent household that he sacrifices

FIG. 5
Hollowed-out ambatch log, used as stool, &c.

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231 animals, dedicates them to spirits, and in other ways makes formal
883 use of them for religious purposes, nevertheless, the ox a father
776 gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 From the colours, their distribution, the shape of the horns, and
553 other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cot thak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long
[561] tassel attached to one of the horns. At first only his age-mates may know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems
[538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the
[552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*ma rial*', 'black-and-white (ox)', or '*thakda ma rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

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782 121 tion, *vita pro vita*. If it were not so it would be difficult to understand at all why offerings to God should be immolated. The life can only be given by its liberation through death, as Professor E. O. James emphasizes in his *Origins of Sacrifice*.[1] Substitution, a common enough interpretation of sacrifice,[2] is the central meaning of the rites—they are a giving or exchange or an expiation in that sense—whatever other ideas are mixed up in it or become attached to it.

But to sum up the meaning of Nuer piacular sacrifices in a single word scarcely does justice to the very complex set of ideas they express. We have found it necessary to use a variety of words in speaking of them: communion, gift, apotropaic rite, bargain, exchange, ransom, elimination, expulsion, purification, expiation, propitiation, substitution, abnegation, homage, and others. According to situation and particular purpose one element in this complex of meaning may be stressed in one rite and another element in another rite, or there are shifts in emphasis from one part of the sacrificial rite to another. The matter becomes yet more complicated and resistant to precise definition when we take into consideration the scale on which Spirit is figured to Nuer on different levels, and also their collective sacrifices, for in this chapter I have so far been discussing only sacrifices to God and only those made to him which belong to the piacular class.

III

782 776 In piacular sacrifices to God the *do ut des* notion, some sort of exchange or bargain, may never be entirely absent but it appears in a refined and sublimated form. The favour requested does not follow automatically the sacrifice, *ex opere operato*. God is not compelled by the sacrifice to grant it. It is indeed obvious, to Nuer as well as to us, that, apart from there being no means by which bargaining with God can be conducted, it is no use trying to haggle with him, because he is master of everything and can want nothing. Nor is there any idea that God is at fault if he does not give what is asked for in sacrifice; in his dealings with man he always has the *cuong*, is in the right. But when we examine sacri-

[1] 1933, *passim*. His interpretation, as I understand it, of primitive sacrifice in terms of the *do ut possis dare* motif does not, however, accord with Nuer ideas.

[2] Given, among anthropologists, some emphasis by Edward Westermarck (*The Origin and Development of the Moral Ideas*, 1908, vol. ii, pp. 616 seq.).

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fices to spirits of the air and of the earth the relations between Spirit and man are somewhat different and colour the meaning of the sacrifices accordingly. The lesser spirits are in competition, and if one of them has a cow dedicated to it its prestige is thereby increased. They do not, as God does, own all the beasts anyhow, but only those men give to them. This is why one dedicates beasts to the spirits but only rarely and in very special circumstances to God, for there is little point in giving him what is his already. Likewise, a sacrificed life, which is God's anyhow, is something spirits are thought to gain. Further, since God needs nothing he does not ask for anything. He does not demand sacrifices of men and cause them ill if they are not made. The spirits do. They demand attention, and they are not to be satisfied with cucumbers. They require bloody offerings. And if they are not given animal sacrifices they seize their devotees and make them sick. Nuer, therefore, do not hesitate to bargain with these spirits, speaking through their mediums, in a downright way which astonished me. The sense of the bargain is always the same: if we give you an ox or a sheep or a goat will you leave the sick man alone that he may recover; or what do you require of us this year in sacrifice that we may not be troubled by you? The lower in the scale is the conception of Spirit the more it is thought of as taking delight in what is offered.

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Thus even though sacrifices to God and to the spirits may both have a piacular purpose and though the apotropaic element in both is very evident they cannot have precisely the same meaning. Even in piacular sacrifices to God there may be much variation of meaning, as, for example, between those in which the idea of expiation is most in evidence, such as those made to wipe out some definite sin like incest, and those made so that people may recover from wounds and ailments not attributed to specific offences and which, therefore, do not have the same moral connotation. But in either case the general attitude is the same. Man approaches God through sacrifice and asks for aid. It is man and not God who benefits by the sacrifice. Man's attitude in these sacrifices contrasts with his attitude in the case of sacrifices to spirits who have seized people to exact gifts from them or may do so if they are not satisfied. It is true that men generally have a feeling that the spirits would not have troubled them if they had been given their due and that their devotees have only themselves to blame if they have

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782 neglected them, and also that men give to the spirits for the same
776 reason that they often give to God, that they may be left alone. But the psychology of gifts to spirits is different. Here the substitution is blended with the idea of propitiation and satisfaction rather than of expiation or solicitation for aid, and the experience is on a different level of thought. Man does not wrestle with God, but here man and a spirit are pitted against one another, and the huckstering is conducted through a human agency—is, in fact, between humans, between the sacrificer and the representative of a spirit, a prophet and generally a very minor one. God has no such representatives. The leopard-skin priests are men's representatives to him, not his representatives to men. We are here faced again with the problem of the one and the many; and we see in these differences of attitude in sacrifices to God and in those made to lesser spirits a facet of the ambiguity of the idea of Spirit, the source of good and ill, as represented in the paradox of unity and plurality.

782 Thus we see that in Nuer sacrifice there are different shades of meaning. The pattern varies. There are shifts of emphasis. Any attempt to present a general interpretation, to put forward a simple formula to cover all Nuer sacrifices, meets with further difficulty when we turn to the collective and confirmatory sacrifices. Here the intention is clearly different. God, or whichever of his refractions may be involved, is not angry and therefore does not have to be propitiated. No sin has been committed which must be expiated, and there is no situation requiring expiation in the broader sense of payment to be rid of a state of danger due to the presence of Spirit. Life is not usually endangered so there is no need for substitution. Initiations and weddings are occasions of mirth, and even mortuary ceremonies, though they are solemn occasions, mark the end of mourning and therefore have a joyous side to them. There may always be some element of anxiety in these *rites de passage*, and perhaps also—it is difficult to say—of a feeling of the possibility of fault. In some confirmatory sacrifices, those concerned with death, these elements are manifest, but in others, such as marriage ceremonies, they are not evident and the stress is rather on ensuring the success of a social activity and validating it. As I have said earlier, we cannot make a rigid distinction between the one type of sacrifice and the other. Mortuary sacrifices might be placed in either class, according to the point of view.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PRIESTS AND PROPHETS

I have discussed the question stated that in old days, before *deng*, the first of the air-spirits to fall to earth, entered into men towards the end of last century there were no prophets at all, only the *kuar*, the priests. I have suggested in an earlier book that their appearance might be explained by historical events—the expansion of the Nuer and, more particularly, the threat to their independence by northern Arab slavers, the Mahdists, and Anglo-Egyptian rule, which required, if it were to be met, greater political unity and the development of political authority. This view accords also with what has been said in general about the relation of Nuer religious conceptions to their social structure. It is possible that some of the prophets might have established political authority and leadership overriding local loyalties and sectional interests had they been allowed to, for prophetic powers tend to become hereditary, passing to whichever son is susceptible. Thus the mantle of Ngundeng fell upon his son Gwek, who was more a political, and less a religious, figure than his father had been; and the mantle of Deng Leaka fell upon his son Dwal. The Government effectively stopped development in this direction. Direct British administration was instituted, and no more influential prophets emerged. On the other hand, far from the idea of spirits —air-spirits, totemic and totemistic spirits, nature sprites, and fetish spirits—dwelling among men having been eclipsed it has spread more widely and in ever-increasing variety. This was already beginning to happen when I was in Nuerland (in the years 1930, 1931, 1935, and 1936), but the Nuer of the areas in which I carried out most of my research, the Lou and eastern Jikany tribes, had heard of only a few of the many spirits already familiar to those to the west of the Nile. So strongly have they now invaded these territories that, Dr. Lienhardt tells me, they have established themselves among the Anuak, who live yet farther to the east and had no knowledge of them as late as 1940. If my interpretation of the emergence and proliferation of new religious conceptions in terms of structure and structural developments is correct it would follow that we have here a counterpart in religious thought to an increasing fragmentation and individualization amounting by this time to a breakdown of the traditional social order.

792 668 792 776 182

Historical circumstances have brought the Nuer into closer communication at all points with foreign ideas; and the breakdown of their traditional way of life and the taking over of some

16: Evans-Pritchard E-5 (1931, 1936) 1956
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792 of these ideas are part of the same process of change. As we have
●776 noted, they say of their air-spirits which inspire their prophets,
182 and also in general of spirits which have fallen from above to
[177] earth, that they took them over from foreign peoples, mostly from the Dinka; and it is also possible that, as Mr. H. C. Jackson suggests,[1] there is a relation between the appearance of prophets among the Nuer and the spread of Dervish influence, for it was about the time of the Mahdist upheaval that their first prophets arose, and I was expressly told by one Nuer that the first spirit they heard of entering men was *madi* (?al-Mahdi) in the lands of the north and that afterwards they heard of *deng* and then of other spirits.

792 Although the emergence of prophets can be interpreted in terms
182 of historical events and structural changes just as the priesthood can be interpreted in terms of the functioning of the traditional tribal system, the prophet's significance for an understanding of Nuer religious thought calls for comment not required in the case of the priest. The rise of prophets and the increase of every other kind of 'owners' of spirits may indeed be a response, first to a challenge and then to disintegration, but it is a response made within a set of religious conceptions and has, therefore, a significance for the study of those conceptions without regard to whatever it may have been which occasioned the response. That the response should have taken a religious form does not surprise us, for that has been a common enough reaction to European rule in Africa and elsewhere, and the Nuer are, in any case, conspicuously religious. What claims our attention is rather the kind of religious form it took, a form which is at the same time both a development of potentialities in their traditional religion and a change in its character. We have seen in an earlier chapter how the Nuer notion of Spirit lends itself to refraction without limits. If this had not been so all the new spiritual conceptions which have arisen in the course of the last two generations could not have come into existence without entirely changing the character of Nuer religious thought. As it is, they have partly changed it.

[1] Op. cit., p. 91.

16: Evans-Pritchard FJ22 Nuer FJ22
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[For discussion of God and spirits, see category 116, pp. 1-22, 28-104, 106-143.]

GOD

× 776 I was told that in spite of these encouragements a youth who has lost his favourite ox has to be pressed to partake of its cooked flesh, his friends saying to him 'What? Are they not all the cattle of God? And if he has taken one of them you must not refuse its flesh. Why do you sit moping?' I have also heard it said that if the owner refuses its flesh and puts his spear away in the rafters of his byre, the spear may cut his hand or leg some later day because it was put away as though useless. In any case, in the end no Nuer can resist meat. A Nuer once told me wistfully that a man's eye and heart are mournful at the death of his beast but his teeth and stomach are glad. Nuer say that the stomach prays to God independently of the heart.

× 776 ●777 576 In taking things God, as we have noted, takes only what is his, but he is compassionate and, as we have also noted, spares a man if he sees that he is poor and miserable (*can*). In talking about these matters with Nuer I received the impression that, while of course they like to be rich, they think it safer for a man not to have too much good fortune. Pride in the number of his children or cattle may cause God to take them away. For this reason Nuer show great uneasiness if their good fortune is so much as mentioned. It is proper to praise a man's moral qualities, to say that he is brave, generous, or kind, but it is more than rude to remark on his physical well-being, the size of his family, or the number and quality of his beasts and other possessions, for evil consequences may follow. It is what Nuer generally call *yop*. Thus to say to a man, 'Well, you *are* fat', may make him thin; and it is the ambition of every Nuer to be fat, though I have never seen one who achieved it. It is also very bad to praise a cow, especially to remark on its exceptional milk yield, because it may then cease to give milk. I was told that 'only when her husband has married a wife with a cow will a woman praise it', that is, after it has ceased to be her cow. It is also most dangerous to tell a lad who has recently been initiated that the cuts on his forehead are healing well, or indeed to make any allusion to them, because a comment may result in an unhealed spot festering anew. I was often in trouble with Nuer on counts of this kind. I was always reprimanded if I counted children, saying, for instance, 'Let me see, so-and-so has four children, has he not? So-and-so, so-and-so, so-and-so, and so-and-so.' On one occasion I was eating porridge with Nuer and complimented my host on the size of the meal. Every-

777 576

one was most embarrassed and I was later taken aside by a Nuer friend and told that I must never make such comments. On another occasion I got into trouble for asking a man in jest, and, I admit, in bad taste, whether it was food or beer inside him, for his belly was as tight as a drum. I was told that my question might well make the man sick, and one of those present said that once a man had remarked to him, 'Well, you are full', and shortly afterwards he was violently sick. The worst offence is to praise a baby. In referring to it one should use some such expression as '*giakeme*', 'this bad thing'. When blessing children by spitting on them, which is the Nuer manner of showing favour to a child, kinsmen, and more especially kinswomen, utter some opprobrious remarks, sometimes a string of obscenities, over them.

The idea here is not that of the evil eye (*peth*), though the two ideas may in some ways resemble one another and also overlap.[1] In Nuer opinion the evil eye is an act of covetousness or envy, whereas here, I think, the emphasis is on the danger of rejoicing in unusual good fortune lest it should be taken away. There is a feeling that God evens things out, so that if he helps the needy he may take away from those with superfluity. As I understood their view it expresses a certain uneasiness at attention being drawn to possessions lest pride should bring about retribution. That this is their view is further suggested by a number of their stories which relate how God punished presumptuousness. I mention only one in this place, a short myth which reminds us of the story of [illegible] from some foreign people or is a fairly recent creation of Nuer imaginative thought, because it is about the *Turuk*, Turks, and their rifles. The word *Turuk* means in Nuer, as it does in the languages of many of the black peoples of the Southern Sudan, all lighter-skinned northerners with whom they have had dealings during the last hundred years, that is, Turks, Egyptians, Arabs, and Nubians of the Northern Sudan, and ourselves and other Europeans. The 'Turks' compared their rifles to God's thunder, and there was a trial of strength between them and God. God made a huge mud image of an elephant and told the 'Turks' to shoot at it, which they did to no effect. God then brought clouds and darkness and thunder and lightning and smashed the image

[1] *Yop* is presumably the same word as the Shilluk *yuop* which Wilhelm Hofmayr (*Die Schilluk*, 1925, p. 101) translates by 'böse Blick'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

to dust and killed many of the 'Turks' as well because they had compared the rifle he had given them to his power. The point of this story is not merely that God was stronger than the 'Turks' but that he was in the right and the 'Turks' were at fault.

This brings me to an extremely important Nuer concept, an understanding of which is very necessary to a correct appreciation of their religious thought and practice. This is the concept of *cuong*. This word can mean 'upright' in the sense of standing, as, for example, in reference to the supports of byres. It is also used figuratively for 'firmly established', as in the phrase *'be gole cuong'*, 'may his hearth stand', which has the sense of *stet fortuna domus*. It is most commonly employed, however, with the meaning of 'in the right' in both a forensic and a moral sense. The discussion in what we would call legal cases is for the purpose of determining who has the *cuong*, the right, in the case, or who has the most right; and in any argument about conduct the issue is always whether a person has conformed to the accepted norms of social life, for, if he has, then he has *cuong*, he has right on his side. We are concerned with the concept here both because it relates directly to man's behaviour towards God and other spiritual beings and the ghosts and because it relates to God in a more indirect way, in that he is regarded as the founder and guardian of morality. Up to this point I have been describing Nuer ideas about the nature of God. I shall now describe their ideas about what God requires of them.

III

I do not want to suggest that God is thought to be an immediate sanction for all conduct, but I must emphasize that the Nuer are of one voice in saying that sooner or later and in one way or another good will follow right conduct and ill will follow wrong conduct. People may not reap their rewards for good acts and punishments for bad acts for a long time, but the consequences of both follow behind (*guor*) them and in the end catch up on those responsible for them. You give milk to a man when he has no lactating cows, or meat and fish to him when he is hungry, or you befriend him in other ways, though he is no close kinsman of yours. He blesses you, saying that your age-mates will die while

barren, or divorced, woman to men to tell them that they would 776*
live for ever, but, in delivering her message, she threw, instead of 577
a piece of gourd, a potsherd into the water, and it sank. Almost 773
fortuitous though this incident was, what had happened, as we 177
have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not.

Hence when Nuer suffer misfortune they ponder how it may 776*
have come about, for it follows from what has just been said and 577
from the fact we noted earlier that God is always in the right, that 782
if misfortune comes to a man it is most likely on account of some 777●
fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation.

When Nuer suffer they sometimes at once know what is the 776*
cause of their suffering because they are well aware of some 577
particular fault. They sometimes, as we would say, tempt God by 777
doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

suffering is just something, like death in old age, which had to happen. It may be due to a fetish or the evil eye. It may be the outcome of a curse or the anger of a ghost. Nevertheless, Nuer generally appear to feel that suffering is due to some fault of theirs, and it is probable that there is always an element of this feeling in every situation of misfortune, whatever its immediate cause may be thought to be.

IV

I have discussed in a preliminary way the conception Nuer have of God, the ideas and feelings they have about their relations with him, and some of the actions they think bring about divine intervention in human affairs. I take these topics up again in succeeding chapters after the notion of Spirit has been broadened by an account of other spiritual conceptions. A brief consideration of some of the commoner expressions used in Nuer prayers may, however, be given now because they are used only when speaking to God.

For obvious reasons Nuer prayers are most commonly heard on public and formal occasions, generally in connexion with sacrifices. At any important sacrifice, and sometimes on other important occasions also, Nuer make long invocations, called *lawni*, about the event which gave rise to the occasion, and into these long rambling addresses are every now and again introduced short prayers, mostly petitionary prayers. These what we may call stock prayers are often strung together in strophes in a kind of Pater Noster, such as 'Our father, it is thy universe, it is thy will, let us be at peace, let the souls of the people be cool, thou art our father, remove all evil from our path', and so forth. However, there are no set form and order to these prayers, and each petition may be used separately and anywhere and at any time, and not only in invocations but also in private and spontaneous prayer, whether spoken or inward, and as pious ejaculations. If he is in any trouble or anxiety, the head of a Nuer household may pace up and down his kraal brandishing his spear and uttering some of these supplications; or, less formally, he may say them standing or squatting with his eyes turned towards heaven and his arms outstretched from the elbows, moving his hands, palms uppermost, up and down. They may also be uttered, if he says anything

They may also be uttered GOD if he says anything
at all, in the petition a man on a journey makes to God as he knots 782
grasses together at the side of a path, a practice Nuer call *tuc*. A 777
man may do this because he has knocked his 'bad foot' against a stump in the path, for this presages misfortune, which can be avoided by asking God to let the badness remain in the grass so that the traveller may continue his journey with fortune. Each man has a 'good (auspicious) foot' and a 'bad (inauspicious) foot' and he learns which is which by experience. Nuer tie grass in the same manner to ensure success in any enterprise for which a journey is undertaken, often at the present day when they go to buy or beg something from an Arab merchant. They ask God to let them make a good bargain or that the merchant may make them a gift.[1] Nuer may also utter these phrases of prayer at any time as devout ejaculations, and not only when they are in trouble or desire a boon, for they have told me that they like to speak to God when they are happy (*loc tedh*) and because they are happy, and that they often say a few words to him as they go about their daily affairs.

I have already discussed the significance of some of these 782
prayerful words and expressions: 'our father', 'it is thy universe', 'it is thy will', and others. I will now consider the meaning of yet a few others, choosing for the purpose the commonest petitionary phrases. Before doing this I would draw attention to the fact that the petitioner generally uses the first person plural. In private ejaculations a Nuer may use such expressions as 'ah, my God', 'ah, God, what is this?', and 'let me journey well', but he will also use the plural pronoun, and in prayers and invocations uttered in public the plural is invariably used: 'let us be at peace', or whatever the expression may be.[2] I draw attention to this because it is not, I believe, just an indication that there are other people on whose behalf the speaker is asking God's favours. It is rather that the occasions on which prayers are publicly offered are generally

[1] Some Nuer have told me that this custom of knotting grasses originated among the Dinka. It is found among some, if not all, the Dinka tribes (R. T. Johnston, 'The Religious and Spiritual Beliefs of the Bor Dinka', *Sudan Notes and Records*, 1934, p. 126).

[2] There are two pronominal suffixes for the first person plural, *ke* and *we*, which are respectively exclusive and inclusive. For example, 'bake we', 'we shall go', includes the speaker and others but not the person or persons spoken to, whereas 'bere we', 'we shall go', includes also the person or persons spoken to. In speaking to God Nuer have, of course, to use the exclusive form. [193] [195]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

571 463 and the maker of it always belong to the same local community and conduct the affair between themselves, there being no exchange of objects or services through the medium of a third person, and there is always between them a general social relationship of one kind or another, and their economic relations, if such they may be called, must conform to this general pattern of behaviour. (3) There is little inequality of wealth and no class 571 565 privilege. A man does not acquire more objects than he can use. Were he to do so he could only dispose of them by giving them [578] away. It is true that cattle can be amassed, but, except for a few sacred herds kept by prophets, in fact they are not. As has been explained, periodic rinderpest levels the herds and, apart from this, when a herd has reached a certain size the owner—if one may speak of an owner of a herd in which many people have rights of one kind and another—is morally bound to dispose of a portion of it by either himself marrying or by assisting a relative to do so. Cattle are sometimes loaned to persons and the owner is entitled to receive back better beasts than those he lent, e.g. a heifer for the loan of an ox; but people only lend cattle to those with whom they have an established social relationship. (4) In a narrow sense 571 the simple family might be called the economic unit, but we have 476 seen that it is not self-sufficient and the active participation of a wider group is often necessary, e.g. in building, fishing, and hunting. It is also clear that a single family cannot herd its cattle in distant pastures and, at the same time, herd the calves elsewhere, attend to the tiny calves in the kraal, milk, churn, clean the kraal, prepare dung for fuel, cook the food, and so on, by itself. Co-operation is found among neighbours who are also kinsmen. There is also much mutual assistance when co-operation is not essential to the performance of a task, e.g. in weeding and harvesting, for it is conventional to ask people for help, the obligation to assist being part of a general kinship relationship. (5) It must be recognized also that fishing, hunting, herding, and the other activities I have described are always, in a sense, collective actions, for even when there is no active co-operation the whole community passively participates in them. A single man may drive a herd to pasture, a single boy may fish in river shallows, and a single woman may cook, but they can only do these things because they belong to a community and because their actions are related in a productive system. Tradition dictates ends and means and the organization and potential strength of the community gives the co-ordination and security necessary for accomplishment. It has been remarked that seen from the outside a whole village community may be said to be consuming a common stock of food.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

cide. By living with the chief as his guest from the moment his arm has been cut till the final settlement, the slayer has asylum, for the chief is sacred and blood must not be shed in his homestead. It is possible that men only take refuge with a chief when the danger of vengeance is very great, but it seems to be the general practice.

While the slayer is at the chief's home the avengers keep watch on him (*bim*) from time to time to see if he leaves his sanctuary and gives them a chance to spear him. They take any opportunity that offers to kill him, but they are not very persistent in seeking an opportunity. This state of affairs may go on for some weeks before the chief opens negotiations for settlement with the dead man's people, for his overtures are not likely to meet with a favourable response till the mortuary ceremony has been held and tempers have cooled a little. The negotiations are leisurely conducted. The chief first finds out what cattle the slayer's people (*jithunga*) possess and that they are prepared to pay compensation. I do not think that it would often happen that they would refuse to pay blood-cattle, unless they lived very far from the avengers or there were a number of unsettled feuds between the sections concerned, though they might not have the intention of handing them all over. He then visits the dead man's people (*jiran*) and asks them to accept cattle for the life. They usually refuse, for it is a point of honour to be obstinate, but their refusal does not mean that they are unwilling to accept compensation. The chief knows this and insists on their acceptance, even threatening to curse them if they do not give way, and his exhortations are supported by the advice of distant paternal kinsmen and cognatic relatives who will not receive any of the cattle and need not, therefore, show such pride and stubbornness, but who have a right to make their opinion known in virtue of their relationship to the dead man. The voice of compromise is also supported by the bias of custom. Nevertheless, the close kinsmen must refuse to listen to it till the chief has reached the limit of his arguments, and when they give way they declare that they are accepting the cattle only in order to honour him and not because they are ready to take cattle for the life of their dead kinsman.

In theory forty to fifty head of cattle are paid, but it is

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 possessed, even if a generation or two later, and the chosen vessel generally becomes aware of its entry by experiencing severe sickness with delirium. Ordinary Nuer, particularly if they are young, do not want to be possessed, and it seems that it is often an abnormal person who is possessed in the first place, while it is the most ambitious of his sons on whom his mantle falls, for he would seem to welcome possession, although not undergoing fasts to procure it. Gwek was killed by Government forces in 1928. Another famous prophet, Diu or Dengleaka, of the Gaawar tribe, was a captured Dinka who set about to acquire a spirit by fasting and solitude. He later achieved fame and power by successful campaigns against the Dinka, whose country his followers occupied, and against Arab slavers. Like Ngundeng he had a reputation for performing miracles. Dengleaka died in 1908 and his son Dwal became possessed with the spirit of the Sky-god, Diu. He is at present a political prisoner. The only prophet I have met, Buom, of Dok country, was possessed by the spirit of a Sky-god, Teeny. He was regarded as selfish and greedy by his neighbours, having been cunning enough to get himself accepted as a Government chief. He showed too great ambition, however, and is now in exile. Well-known prophets, in other parts of Nuerland, were Mut of the Eastern Gaajak, Kulang in Western Nuerland, and others.

Brief reference must be made to the very remarkable pyramid
792 erected by Ngundeng, and added to by Gwek, in the Rumjok
•778 section of the Lou tribe. It was fifty to sixty feet high with large elephant tusks planted round the base and at the summit. Dr. Crispin's photograph on Plate XXV, taken in 1901, shows the palisade of ivory tusks, the type of material of which it was constructed, and weathering during rains, some of the tusks. It was blown up by Government forces in 1928. The material used in construction consisted of ashes, earth, and debris excavated from sites of cattle camps. People came from all over Lou and the Eastern Jikany tribes, bringing oxen with them for sacrifice, to assist in the building. Nuer say that it was built in honour of the Sky-god Deng and for the glory of his prophet Ngundeng. There
[[77]] is no doubt that the cult of Deng was of Dinka origin and probably the idea of a mound came from the same source. Besides the famous Lou pyramid there is said to be a smaller one at Thoc in Eastern Jikany country, built by a prophet called Deng, son of Dul.

792 Nuer are unanimous in stating that these prophets are a recent development. They say that Deng descended from the sky in recent times—within living memory, in fact—and that he was the first, or almost the first, of the Sky-gods to come to

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

PLATE XXV

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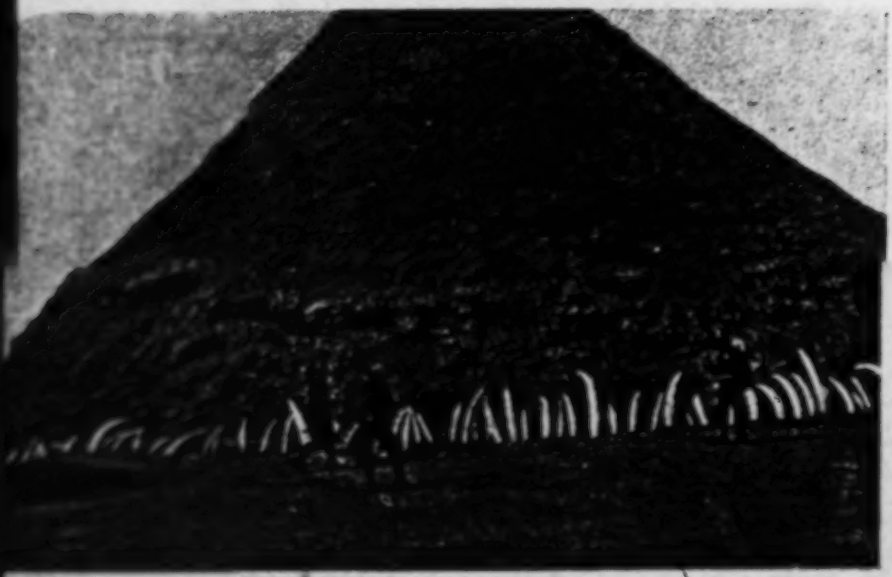
a. Ngundeng's pyramid (Lou)



b. Ngundeng's pyramid (Lou)

[Face p. 228]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

otherwise have been the case, because the side opposed to the youths who had rashly crossed the line were so incensed that they found a way of renewing the fight next day in another part of the area, well removed from the place in which the line had been drawn, and in greater force than before.

In most cases, however, the Leopard-Skin Chief only exerts his influence when he knows that the contestants wish him to do so. He will use threats to break down the opposition and expression of hatred demanded by convention rather than intervene on his own initiative when there exists a real determination to fight. Essentially, so far as the law is concerned, the Leopard-Skin Chief is the mediator who conducts the opposed groups peacefully through the elaborate processes of settlement, who acts as assessor where cattle are concerned, and who deals with the problems of taboo and spiritual observance which arise. He is the appointed and traditional 'Third Party', theoretically impartial, whose duty it is to smooth the path of the negotiations for both sides in a situation which is potentially dangerous. In some parts of Nuerland a special functionary, the *kuaar thoan*,[1] exists to mediate in disputes between two opposing Leopard-Skin families. In Eastern Nuer areas this function must be performed by a commoner or *dwek*.

a. BLOOD-FEUDS

The Process of Settlement and the Functions of the Leopard-Skin Chief as Mediator

The Leopard-Skin Chief concerned with the Individual

Apart from his duties in the settlement of feuds, the Leopard-Skin Chief is concerned with the spiritual welfare of a killer as an individual. The Leopard-Skin Chief's home is sanctuary and the group who seek vengeance may not enter, though they may lie in wait outside. As a mark of the sanctity and neutrality inherent in the office of Leopard-Skin Chief it is traditional that no spears may be carried into his presence or brought into his home.

A man who has killed another may not eat or drink until his blood has been let by a Leopard-Skin Chief; *ce riem-de kam rar* ('his blood has been taken out'). This ceremony is known as *birr*, and is performed by the Leopard-Skin Chief himself or one of his relatives. A fish-spear is taken and the arm of the killer scratched therewith until blood flows. The killer may not shave his head, and his home and cattle-byre are closed. His family may seek refuge with the Leopard-Skin Chief or may rely on the safety of numbers and group themselves round other relatives.

At this ceremony a bull-calf, known as *ruath birre*, is sacrificed by

[1] Thoan, serval cat (*Felis serval*).

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] [784] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

they wanted to be sure that when *nai* and the other spirit had been satisfied there would be nothing further to prevent a speedy recovery. As for Rainen, if his manner of speech was that of a man out of his senses, its content showed reflection and purpose. What he, or the spirit in him, said was aimed at compelling Nhial to hand over his wages for the purchase from government herds of beasts for sacrifices, an object Rainen had been vainly trying to attain for some days previous to the ceremony. Rainen also justified himself, in what the spirit said, for the slaughter of a number of beasts to appease his various spirits, for which his family had criticized him for extravagance. They felt that too much of the family property was being devoted to religious purposes, whereas the spirit made it clear that, far from having made too many sacrifices, he had not made enough. Had he made more, Galuak would not have fallen sick. Religious and personal issues were interwoven in the spirit's declarations.

When the spirit had ceased speaking we left the hut, and Galuak's paternal uncle, Dol, went to chop down a branch of the 'wild date' (*Balanites aegyptiaca*), a tree to which *nai* is said to be very partial, to erect it as a shrine (*riek*) to the spirit near the hut. When it had been erected a clump of *tuat* grass was dug up by the roots and planted at the side of the branch in a hole first filled with water, it being the dry season. A he-goat—by this time one had been procured—was then brought out and the prophet waved his spear, decorated with ostrich plumes, over its back and made a short invocation, telling the spirit that they were honouring it, saying that it would now cease to trouble Galuak, and asking God that the people might rest in peace. He then cut the goat's throat. It was later eaten by himself and his two friends. The people of the homestead did not partake of its flesh, but when it had been cooked some children were called from a nearby homestead and given pieces of the meat and told to run back to their home with them. The Nuer said of this: '*ca gat kwoth nang cieng*', 'the son of God is taken home'. Finally a *buor*, a mud mound in the shape of an ordinary kitchen windscreen, was erected near the shrine. On the following evening Rainen rubbed ashes on the back of a cow of his herd and dedicated it to the spirit of his father. By so doing he felt that he had appeased the second spirit which was troubling his son.

The relations between Nuer and their spirits centre in these

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×776 way as an animal is dedicated, while a short invocation is made.
533 They are decorated with beads and metal rings. I was told that
792 now and again, especially after dreams, a prophet rubs his spirit's
534 drum with ashes, and sometimes also with butter, and asks God
for peace and happiness. A prophet also builds a mud shrine,
●[778] called *yik* or, if it is shaped like a windscreen, *buor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

×776 I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a nhial*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

×776 In the first place, it is shown by the way Nuer regard the beliefs
177 of neighbouring peoples. It creates no problem for them when they find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

797 [1] In 1940, some years after I had concluded my research, there were 464 Nuer (250 Catholics and 214 Protestants), easily the lowest figure for

16: Evans-Pritchard E-5 (1931, 1936) 1956
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be its patron. I have noted that when a widow is killed by lightning at the home of a man with whom she cohabited after her husband's death her memorial is erected at her husband's home, though his people invite her lover to attend the commemoration ceremony. 776 × 766

Lat, son of Pan, the master of ceremonies (pp. 287–9) of Nyakewa's father's family, made fire ritually with firesticks and from it were lighted the various fires on which pots were placed for boiling the beer. The mud supports for the pots were made on the spot, for one does not use old utensils on these occasions. Since the ceremony was for a woman a new mud windscreen was constructed. The master of ceremonies then erected a *riek*, a shrine-stake, in the centre of the funeral mound and planted at the side of the mound a sapling of the *nyuot* tree. Such a mound and stake are shown in Mr. Corfield's photograph in Plate II.[1] The *nyuot* tree is, as we have noted, associated with the spirit *col* and also with rain and with the sky from which rain and lightning come and to which the soul of the dead person has gone. When planted in the rains the sapling generally takes root. If it dies they plant another. Many of the trees one sees in Nuer villages have been planted in this manner. 776 × 766 782 [778]

Shortly before sunset a procession of about twenty men arrived bearing in their hands leaves of the tobacco plant and heads of millet. They threw down these offerings near the mound with the freshly erected shrine-stake in the centre of it. No one comes to the place of sacrifice empty-handed. The procession was headed by the master of ceremonies leading a black ox, *a thak ma col*. It should preferably be a black one. This *ma col* sacrificial victim, *col* the spirit of lightning, and the *colwic* make a harmony of darkness (*col*), the darkness of storm. Before the ox was sacrificed men came from all directions leading oxen and castrated he-goats and wethers. The father of the dead girl's husband brought an ox, as did one of her maternal uncles. Among those who brought he-goats and wethers were the girl's mother, one of her maternal aunts, one of her maternal uncles, several of her father's kinsmen, and the man who had begotten her brother in adulterous congress

[1] This is almost certainly a *colwic* shrine, but it is more elaborate than most and the offerings of tobacco seen at the base would not be seen at shrines in other parts of Nuerland. The photograph was taken among the eastern Jikany Nuer who border the Anuak, great cultivators of tobacco.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE II

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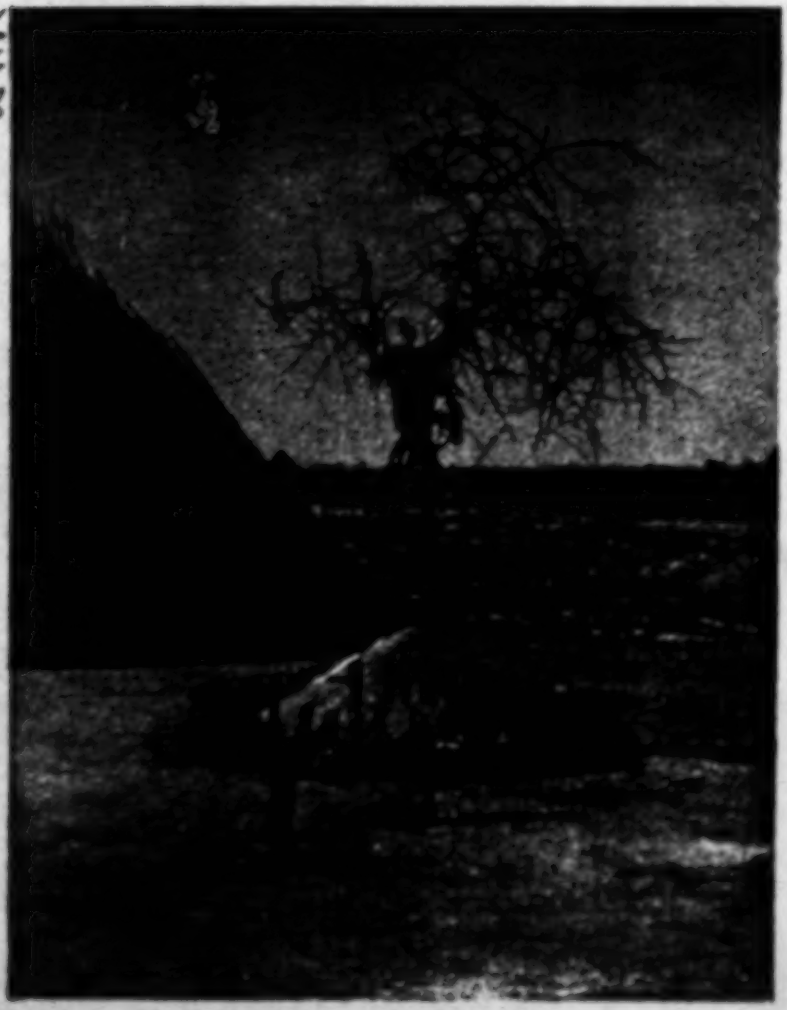

Shrine for person struck by lightning

[facing p. 58

16: Evans-Pritchard E-5 (1931, 1936) 1956
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those which had been killed immediately after Nyakewa had been struck by lightning. As the husband of one of Nyakewa's maternal aunts was killed at the same moment as herself while he was on a visit to her village many animals of the village had also to be sacrificed on his behalf in his own village. The flocks of the village were so depleted that there was no suitable beast available for sacrifice in a case of serious sickness which occurred in the village shortly afterwards (p. 35). The number of beasts sacrificed is an indication both of the seriousness of the event which occasioned the ceremony and of the wide circle of persons it affected.

When the sun was high in the heavens on this second day of the ceremony the beer was drunk, though it had not properly fermented. The old men poured some on the sacred stake while uttering a few words. I heard one of the maternal uncles say 'Nyakewa, we have no kinship with God. Thou hast kinship with him now. See, thy mother remains here; do not let the spirits trouble her.' Towards the end of the beer-drinking the people sang hymns to spirits of the air to the accompaniment of hand-clapping.

Later the waste products of the beer were heaped around the base of the stake on top of the tobacco leaves and millet heads and parts of the sacrificed beasts. The dead girl's ox-tassels, her horn spoon, her butter-gourd, and two lumps of tobacco were tied to the stake. These things were said to belong to God, for the girl's soul was now with God. They had become holy and could not be used by man. Finally the cooking stones and pots used in the beer-making were neatly arranged around the heap of offerings. I was told afterwards: 'Nyakewa has altogether departed from us who are men and has become Spirit (*kwoth*). Henceforward we will invoke her name in battle as we brandish our spears.' About a year after this ceremony kinsmen gather again at the shrine to drink beer and to sprinkle (*kith*) some of it into the air as an offering.

Sometimes a *colwic* spirit seizes a member of its family or lineage, in the same way as a spirit of the air may seize a man, and makes him sick. When he recovers he makes a small mound-shrine (*yiŋ*) in his homestead and this then takes the place of the original shrine at the home of the person killed by lightning. Some of the dead person's ornaments may be inserted into the mound of the new shrine and others hung on the stake erected in it and on the low pens enclosing it.

people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

Another snake respected by a large number of small lineages of Dinka descent is *lualdit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *duor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a beast dedicated to the spirit of cobra should

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000 for totem must not do so lest he cause the birds to devour the crop.

X 776 613 Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuot*-tree (*Cordia Rothii*) and the *kost*, tamarind, tree. The ancestor of [773] this clan fell from heaven holding a branch of the *nyuot*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuot* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyots* or *kwoth kots*, the spirit of these trees. The *nyuot*, a branch of which is often erected in the homes of [778] Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyot*, means 'to drizzle'. Members of the [789] clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyiuar*, *cur*, *lam*, *yiau*, and *gwejual* and can also speak of their spirit as '*kwoth puoora*', 'spirit of our waterbuck', '*kwoth lameda*', 'spirit of our *lam* fish', and so on. I [262] have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abstention. The scattered Jwal clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingop and Keunyang lineages of western Nuerland respect the *ngop* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth ngoapna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was [773] found in a gourd (*kir*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not handle a gourd which still contains its pulp and seed. Nevertheless they use them as utensils for the same purposes as do other Nuer. The clan is of Dinka origin, though it now counts as a Nuer clan. Other plants respected by lineages, usually of Dinka descent,

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[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 130.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*776 782 sprite in the manner I have described when speaking of the spirits of the air. He must then give the man from whom he purchased the sprite some cattle to get him to invoke it, asking it to assist the purchaser and not to harm his family, for spirits of this kind are regarded as dangerous for the families of their possessors. They may protect their owners and bring them good fortune, but they are also liable to turn on members of their families and kin if they are not frequently offered gifts. The new owner now hangs the meteorite in a gourd in his hut and hangs also near it offerings of butter, ashes, and tobacco in other gourds.

*776 825 782 Similar sprites are the *bieli yier*, river-sprites. They are found, under the name *biel roa*, hippopotamus-sprite, in some hippopotamuses, and also in certain fish, *rec car*, *ludh* (lung-fish), *lek*, and *ril*.[1] Nuer declare that '*cike mat*', 'they have congregated', in certain hippopotamuses. It is said that if a man kills one of these animals he will see a light on its head, and that afterwards the sprite will seize him. He breaks the skull of the animal with an axe and takes out the brains and boils them, rubs a little of the boiled brains on his forehead and right arm, and eats the rest of them. Shortly afterwards he falls sick, and if his surmise that it is the sprite which has made him sick is confirmed by a prophet, or by a possessor of this or another kind of sprite, a hand-clapping and hymn-singing ceremony is held, in the course of which the sick man becomes dissociated and the sprite speaks through his lips, saying what it is and what it wants. A sacrifice is then made [777] and the bones and chyme of the victim are placed near the entrance to the man's hut and a mound of ashes is piled over them, forming a shrine (*yik bila*), into the top of which a branch of the *nyuot*-tree is stuck. The sprite then leaves the man, but he continues to pay it attention from time to time, dedicating an animal to it and making it offerings, and his children may continue to do so after his death. Other *bieli* are the *biel jiath*, tree-sprite, *biel real*, termite mound-sprite, and what is sometimes called *kwoth juaini*, spirit of grasses, which manifests itself in a will-o'-the-wisp coming from rotting swamp vegetation and is perhaps the same as *kwoth doar*, spirit of the bush. Dr. Howell speaks also of a *biel rir*, cobra-sprite, and a *biel loi*, cattle peg-sprite, connected with

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[1] For identifications of some of the fish mentioned in this chapter see Sabet Giorgis, 'A List of Common Fish of the Upper Nile with their Shilluk, Dinka, and Nuer Names', *Sudan Notes and Records*, 1948, pp. 122–5.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the fertility of cows.[1] These various sprites seem to have much the same character as that of the meteorite-sprite and to be treated in a similar way. 776*

A collection of hymns sung to nature sprites might tell us much more than I have recorded about them, but I took down only one specimen,[2] which begins: 776* 538 177

> *Biel*, you love a cow in the heavens,
> Son of the master of *deng*, you love a cow in the heavens,
> Say if you want a brown cow,
> Say if you want a white cow,
> The cow of *biel deang* is a cow which will calve.

I quote these lines because, whatever their precise meaning may be, if they have one, they bear the unmistakable imprint of Dinka influence and therefore support the conclusion I reached on other grounds, mainly on the fact that these sprites are little heard of in eastern Nuerland, that the *bieli* have been taken over by the Nuer from their Dinka neighbours. The sprite is represented as the son of the Dinka spirit *deng* and the word I have translated, following Dr. Lienhardt's usage, 'master' in the second line is *bany*, which must in this context be a Dinka word.

Likewise, and even more surely, the fetishes, with which the *bieli* are sometimes classed, may be considered to be of foreign origin and to have been introduced fairly recently into Nuerland. At the time I was living there they were rarely found among the most easterly tribes and those who possessed them there had journeyed to the west of the Nile to purchase them. All Nuer whom I consulted were unanimous that the fetishes are foreign and new, those of the Lou tribe saying that they first began to hear of them in the time of the initiation period of the Dangunga age-set, roughly some 50 years ago. The Nuer got them from the Dinka, but it is highly probable that the Dinka first got them from the Sudanic so-called Jur peoples (*Beli*, *Sofi*, *Gberi*, *Mittu*, and *Lori*).[3] The Nuer have tried, not entirely successfully, to assimilate 776* 778● 177

[1] P. P. Howell, 'Some Observations on "Earthly Spirits" among the Nuer', Man, 1953.

[2] Others have been recorded by Father Crazzolara, op. cit., p. 146, and Dr. Howell, ibid.

[3] The conclusion that they come from the Jur is based partly on what Nuer say and partly on a number of ethnological considerations arising out of my earlier research—much still unpublished—among the Jur and neighbouring peoples. It gains support from a note by Capt. V. H. Fergusson ("Mattiang Goh"

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these Sudanic medicines, which represent something quite alien to their traditional way of thinking, to their conception of Spirit.

The Nuer word for what I have called fetishes is *kulongwi*, and they often use this plural form even when they are speaking of a particular fetish. They are what the Nuer call *wol*, a word which means in its widest sense 'plants' but in a special sense, as here, what are usually spoken of as 'medicines' in writings on African peoples—magical substances. The fetishes are so called because they are pieces of wood, though Nuer distinguish them from ordinary magical substances by calling them 'medicines which talk'. By this they mean that the spirits in them talk, because, here again, Nuer can conceive of the spirits as separate from the material substances in which they have their abode.[1] What has been said earlier about air-spirits and totemic spirits must be said also about nature sprites and fetishes. The same spirit is in a number of different luminescences or bundles of wood.

Like the nature sprites these fetishes bear some resemblance, especially in the manner by which men communicate with them, to the spirits of the air. Nuer have tried to assimilate them to an earlier model of Spirit, and this is indicated metaphorically by calling both types of spirits *gaatnyadeang*, children of daughter(s) of *deng*, a Nuer way of saying both that they are Dinka and that they are spirits of a very inferior order. There are quite a number of fetishes: *mathiang*, *ngo*, *macar*, *darguk*, *mabor*, *malual*, *malual*, *maluth*, *goucien*, and others.[2] The names of several of those I have mentioned are colour-names: the white one, the black one, the brown one, &c.

Fetishes are amoral in their action. They are acquired in the first instance by purchase, though they may later be inherited,

Witchcraft', *Sudan Notes and Records*, 1923, pp. 110–14) in which he says that an Agar Dinka first got this kind of medicine from the Jur about the year 1900. Writing in 1923 he says 'To-day it is universally used throughout the entire Eastern and Rumbek District and many Dinka are enriching themselves by introducing it into the Nuer Country.'

[1] Capt. Ferguson (*Ibid.*, p. 111) also notes that the substance is 'merely a visible sign' of Spirit.

[2] Father Crazzolara (*op. cit.*, p. 136) divides them into the *kulong* type, which speak through men, and the *gah* type, chthonic beings which speak from the earth. Dr. Howell (*op. cit.*) makes the same division, though he would agree with me that '*kulongwi*' can be, and commonly is, used to cover both. I am ready to accept a formal division into these two types but I cannot agree with Dr. Howell's opinion that the *kulong* type is of Nuer, and the *gah* type of Dinka, origin. I am fully convinced that both are of foreign origin.

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for private ends and personal aggrandizement. They are highly dangerous, not only to those who are at enmity with their owners, but also to their owners' families, kin, and neighbours if they do not receive sufficient attention. When they seize people death follows rapidly on the first symptoms, which are said to be generally violent pains in the abdomen sometimes combined with blood in the faeces, unless steps are at once taken to appease them and, in the case of enemies, their owners also. Therefore a *gaaw kulangwi*, an owner of a fetish, whom I shall speak of as a wizard,[1] is much feared by those with whom he disputes and by those around him. Some wizards ape prophets by growing little beards and they sometimes thread beads on the hairs and can be identified by this mark.

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I have only known one of these wizards, a man called Bul in Lou tribal country. I was living in his village, Kurmayom on the Sobat river, when he returned home with a fetish he had acquired on a visit to western Nuerland, it was said from the Jur people. The whole village was in a state of alarm, so much so that, finding my previously friendly relations with the villagers severed, I thought it best to leave it. A goat was sacrificed on his arrival and I was told that offerings of porridge, milk, and tobacco would have been placed on the ground near the fetish, which is said to 'eat' (*caw*) the 'souls' of these things (*rietholiew*), its owner later consuming their substance. Though everyone was nervous and anxious about what might happen, I was told on this and on other occasions that a man who has acquired a fetish may be welcomed in his village, its people feeling that, if it is placated, it may be a protection for them and a useful weapon against outsiders, and one hears men of the village speaking of '*waldaw*', 'our fetish'; but none the less my impression was that they would much rather be without it.

A wizard uses his fetish to avenge what he regards as injuries (others may not regard them as such), to obtain cattle which he considers to be owing to him (others may not think so), and in general to make himself a person of importance. Nuer told me that European administration has made it easier for men to acquire and exercise these powers. They said that when fetishes

[1] They have a resemblance to the *ba'al ob*, 'wizards that peep and mutter', of the Old Testament, the *ob* being a familiar spirit which seemed to speak either from beneath the ground or out of the stomach of the diviner, and to the Greek *ventriloquus* (W. Robertson Smith, *The Prophets of Israel*, 1897 ed., pp. 100 and 401).

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first appeared in Nuerland their owners ran the risk of being killed by avengers if it was thought that they had been responsible for people's deaths, and that therefore a man belonging to a numerically weak community would not own a fetish. It is sometimes known that a wizard has caused a man's death by his falling sick after a dispute with him. If, however, a man falls sick and only suspects that his sickness may be due to a fetish he confirms whether this is so by getting a diviner to reveal the cause, or he may summon a friendly wizard to determine it, and if it prove to be a fetish, which fetish. I have not seen this operation but I was told that the friendly wizard shakes a gourd-rattle while the people rock their bodies, clap their hands, and sing hymns to the fetish till the sick man enters into a dissociated state. The wizard then questions the spirit in the sick man and it reveals to him its name. The wizard also questions his own fetish-spirit, which is in the rattle during the seance and answers by grunts his questions about the sickness, such as what sacrifice is required and whether the patient will recover if it is made. The sickness may be caused by the fetish of a kinsman which wants attention, or it may be due to some wizard having pointed his *wal* in the sick man's direction to kill him. If the name of a fetish is not revealed by these procedures it is thought that the sickness must be due to some other cause and not to a fetish at all. If the responsible agent is found to be the fetish of a kinsman the sick man's family placate it by dedicating a beast to it and by sacrificing to it—'they send them (the *kulongwi*) back (to where they came from) with a "cow"'. A little of the boiled meat of the sacrifice is minced and thrown as an offering to the spirit to the four points of the compass. The rest is divided between the wizard and the people of the home. If it is the fetish of an enemy, sacrifice is made, I believe to the fetish of the wizard who has conducted the seance, and afterwards he goes to the enemy wizard and asks him to desist. I was told that the enemy wizard may either deny responsibility or give some reason why he has pointed his fetish at the man who has fallen sick and promise that he will call it off if his wrong is set right. Should his victim die he must sacrifice a sheep or a goat, a rite known as *lake wangkiew*, the washing of their (the fetish's) eye, and said to be equivalent to the rite of incising the arm of a homicide.

When a wizard dies his fetish is likely to be put aside, but if so,

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it is expected that before long the spirit will seize a member of his 776
family or kin, causing him sickness, and announce through his 778
lips that it is offended at neglect. They then give it offerings of 754
food and tobacco; and when the sick man has recovered he respects (*ghek*) the fetish, as its previous owner did when he possessed it, and makes it offerings from time to time. Or a son, brother, or wife may just take over the dead man's fetish without it first causing sickness, but they are not likely to do this if they are young. Young people prefer to be free from such ambiguous encumbrances.

What I have recorded about these fetishes is no more than 773
hearsay. It is possible, nevertheless, to reach some general con- 776
clusions about them and about the Nuer attitude towards them. It is easy to observe that Nuer feelings in the matter are either hostile or ambivalent. They fear and dislike the fetishes and are afraid even of those of their kin, perhaps most afraid of those; and they seem to be confused and bewildered about the whole question of fetishes. This is understandable in that here is something that has entered into Nuerland with the reputation of being mobile and of having lethal powers, attributes which the Nuer can only think of in terms of their own culture as spirit in some form or other, and yet it is used for private ends that they regard with disfavour sufficient to consider that homicide caused by it requires vengeance. Those men with whom I was best acquainted among the eastern Nuer spoke harshly against these fetishes and would gladly have seen the end of them. I do not myself know the circumstances in western Nuerland, but Father Crazzolara says that there is much hostility to them there also, and also great confusion concerning them, for new fetishes frequently appear, they become well known in one district and are unknown in others, and they wax and wane in popularity.[1] We would doubtless be right in seeking for an explanation of the anxiety Nuer express lest their fetishes may turn on themselves and of their emphasis on the almost insatiable greed of fetishes for offerings, which are moreover of the lowest kind (such as porridge) and presented to them in the most materialistic way, in their perception that spiritual powers are being used for selfish ends. It would not be going beyond Nuer feelings on the matter to speak of their fetishes as evil spirits.

[1] Op. cit., pp. 133 seq.

•778 Indeed, the fetishes seem only to have been placed in the cate-
x776 gory of Spirit by the logical necessity of assimilating the powers attributed to them to some model the Nuer already possessed. They are also of the category of *wal*, medicines, which sharply differentiates them from Spirit proper, but since they can reveal their wants and wishes in speech, move about, and kill people, they seem to Nuer to fall between the two categories. It is to be remarked that the *kulangni* and the *bieli*, which are closer to totemic representations of Spirit, are generally referred to by these names and not, like the totemic spirits, as *kuth*, as though by distinction of name they were being marked off from the other spirits. It should be stressed also, in this connexion, that the fetishes, and to some extent the nature sprites, are spoken of in the plural, as when we speak of angels, devils, goblins, and fairies, showing that they are conceived of as having less individuality than other spirits.

759 It remains only to say a few words about medicines which do not talk, the ordinary *wal*, magical substances which have an efficacy in themselves and do not derive their power from Spirit. Coming to the Nuer from Zandeland, where everyone is a magician and medicines are legion and in daily use, I was at once struck by their negligible quantity and importance in Nuerland, and further experience confirmed my first impression. I mention them chiefly for the reason that their rarity and unimportance are highly indicative of the orientation of Nuer thought, which is always towards Spirit.

789 In speaking of Nuer magic we are faced with the same historical
177 problem that I have mentioned earlier, for all Nuer with whom I have spoken on the subject have said that medicines were almost entirely lacking—only a few are thought to be old—in the days of their fathers and that most of the few medicines they now possess have been taken over from neighbouring peoples. My own view is that ethnological evidences support their statements, but the point that is important for us here is rather that Nuer regard medicines as something foreign and strange. They think easily in terms of Spirit but not in terms of medicines, the idea of which as it obtains among their Sudanic neighbours they seem scarcely able to grasp.

789 Nuer medicines of today are mostly of the nature of talismans
755 for fortune—in hunting, fishing, courting, and travelling. I did not find that Nuer had much faith in them. Medicines are also

*776 782 Moreover, though God is God of all men he is not only conceived of, in the various totemic and other representations we have considered, as the special patron of descent, and sometimes of local, groups, but each family regards him, without specific differentiation of title, as having a particular relation to itself; and he may be spoken about in terms of a particular household, hamlet, or village community. One hears Nuer say in invocations, as in the one I have just recorded, 'God who is in this village', or 'God who is in this home'. When a Nuer builds a byre he holds a small ceremony before its central support is erected. Beer is prepared, and before the people drink it the master of ceremonies or the owner of the byre pours a libation of it to God and the ghosts at the entrance to the byre and in the centre of it, where the hearth and shrine will be, and asks God to give peace and prosperity to the home, its people and its cattle. They think then of God looking after their home in a special way, of being particularly attached to it so that he then becomes, as it were, in a special sense the family's God, a household God. The shrine, a forked post, is the ●[777] altar of God within the home, God of the hearth, as well as being associated with any of his particular representations—totemic, colwic, air-spirits, &c.—in which he may stand in a tutelary relationship to the lineage or family of the owner of the homestead, and also with the ancestral ghosts. He is spoken of in this domestic representation as *kwoth rieka*, God of the post (shrine). Further, every member of a Nuer lineage, whether or not it has totemic or other specifically designated spirits, will in invocations speak of '*kwoth gwara*', 'spirit of our fathers', or in reference to the name of the ancestor of the lineage or clan, just as the Old Testament speaks of 'the God of our fathers' or 'the God of Abraham, Isaac, and Jacob'. Similarly one hears the leopard-skin priests address God as '*kwoth Geaka*', 'spirit of Gee'. Gee was the first leopard-skin priest from whom all the leopard-skin priests derive their powers, so that the expression refers to God figured as patron of priests; though it also has a wider, national, sense, for Gee was also the ancestor of the most important Nuer clans.

*776 Apart from the use of names or titles as diacritical signs to indicate an inclusive or exclusive relationship to God, Nuer make the same distinction grammatically through their inclusive or exclusive pronominal suffixes. These particles are rather complicated when they are attached to family and kinship terms, as in

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE V

•778

Windscreen

[facing p132]

problem we have been considering has changed its form and, at least on first consideration, seems to elude, if not altogether to escape, us. For us the light is a gas arising from swamp vegetation, so that the statement that it is Spirit is of the same kind as the statement that a crocodile is Spirit; and whatever meaning might be attached to the one would be the same for the other. But we cannot say that they are statements of the same kind for Nuer. For them, whereas the crocodile is a thing conceived of separately from Spirit, even though in a certain sense and for certain people it may be said to be Spirit, the phosphorescence is a descent of Spirit in the form of light on to something which is not in any way said to be Spirit, such as a hippopotamus, and on which it may appear at certain times and places and not at other times and places. So we are no longer asking what sense it has for Nuer when one of them says of a thing, which is not for them in itself Spirit, that it is Spirit. We are asking what sense it has for them when one of them says of a thing which has no meaning for them other than an emanation of Spirit that it is Spirit. In the case of the crocodile what is perceived is the reptile, and in certain circumstances it may be conceived of as Spirit for certain persons. In the case of the *bieli* what is perceived may indeed be said to be just light but it can only be conceived of as Spirit, for it has no other name which differentiates it from any other sort of light or fire than *bieli*. When, regarding such a light, Nuer say 'it is Spirit' they are no longer saying that something is something else but are merely giving a name to what is observed; so that here 'it is Spirit' belongs to the same class of statements as 'it is a crocodile', and it might be held that the question we have been examining does not properly arise. Nevertheless, this is not entirely the case, as I will explain later. 776* 811

What has been said of the lights of the nature spirits can be said also of the little bundles of wood in which the *kulangni*, the fetish spirits, have their abode, but for a different reason. A bundle of wood in which a fetish spirit has its abode is not a symbol of spirit, as a crocodile may be. Nor is it, like the *bieli*, a visible appearance of Spirit. It is a thing where a particular spirit abides. Nevertheless, it must be difficult for a fetish-owner to regard the bundle as being just anything which serves as a lodging for the spirit. It is before the bundle that he makes his offerings and it is the bundle he points at an enemy he wishes the spirit to harm. 776* 811 778

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

*776 811 ●778 Moreover, the bundles are fashioned solely as habitations for spirits and have no significance other than is derived from this purpose and use. Hence when Nuer say of a fetish-bundle that it is Spirit they are not saying that something which also has for them a separate meaning as something in itself, which is other than Spirit, is something else, namely Spirit, but that something which has no meaning of any kind outside its being an abode and a material sign of Spirit is Spirit. So the fetish-bundles cannot easily be thought of, as can rain or crocodile, either in terms of Spirit or in terms of their purely material natures, but only in terms of Spirit.

*776 811 But though in the case of both the lights and the bundles there seems to be a more complete and fixed fusion between things and Spirit than in the case of the totems, the problem of something being something else is still present, though in a more complex, and also a more obscure and roundabout, form. Here again, although it can be said of a light in the bush or of a fetish-bundle that it is Spirit, the statement cannot be reversed. It cannot be said of Spirit that it is the light or the bundle, for that would mean to Nuer that Spirit in its oneness, conceived of as God, is entirely in the light or the bundle, which would make no sense to them. In the statement that the light or bundle is Spirit what, therefore, has to be understood by Spirit is a refraction of Spirit, or a spirit. But, even so, the 'is' is not one of identity, for though a phosphorescent light is a nature spirit exhibiting itself and is not conceived of as anything else, the nature spirit may be thought of independently of the light; and though the fetish-bundle may be a meaningless object except in relation to the fetish-spirit which occupies it, the spirit which occupies it can be thought of independently of it. When the light is no longer visible the *bial* spirit is none the less present for certain people as their spirit, which is Spirit in relation to them as an idea quite apart from its sporadic appearances as a light. A fetish-spirit takes its abode in a fetish-bundle of wood and it may leave it; and it is also present for certain people as Spirit in relation to them as an idea quite apart from its material home. In either case the spirits are thought to come, or at some time to have come, from above to earth and to be independent, as Spirit, of any material forms. Consequently the same nature spirit or fetish-spirit can be in different lights or in different bundles at the same time, just as an air-spirit can be in different prophets at

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PLATE VI

773

Rieh shrine

[facing p. 152]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

774 further that when the tusks are removed they are first buried
224 under the floor of a cattle byre before being cut up for distribution among such persons as have rights in them, and that when they are buried a sacrifice, called *kurpiny*, is made, the name of the sacrifice being the same as that made when a man is buried.[1]

774 The only occasions on which I have heard Nuer speak of cre-
● 778 tures, other than cattle, or things having a *tie* was when they were discussing offerings of food and tobacco to fetishes, and in this case the usage was clearly metaphorical just as was their use of the word *cam*, to eat, in the same connexion. *Cam* is often used in a metaphorical sense to indicate that something is being appropriated, as when it is said of a man, usually a man with the evil eye or someone connected with the Government, that '*camne nath*', 'he eats the people', that is, he takes something from, or exploits, the people. Nuer know very well that a fetish does not really eat the offerings. They only suppose that it in some way appropriates them, and since the offerings are obviously not materially appropriated they are more or less obliged to use the only available analogy and to speak of the fetish taking their 'souls'. Nuer do not attribute souls to food and tobacco, or to any other things. They are merely using the word in an attempt to explain their use in a very special and peculiar situation.

774 I have discussed this question partly because it was necessary
776 to do so to make clear that in Nuer thought the soul is something essentially human, which man has in addition to life, which he shares with other creatures, and partly because it is of some theoretical importance. In the light of the discussion it will be
[120] seen that the so-called animistic theory of religion, chiefly associated with the name of Tylor, cannot be sustained for the Nuer; since they are not animists and there is no evidence that they ever have been. But there is a further and more decisive reason for rejecting it. It supposes that the conception of Spirit derives and has developed from that of the soul, whereas in Nuer thought *kwoth*, Spirit, is something of quite a different nature from *tie*, soul. The soul is part of man and a created thing. Spirit is extrinsic to man, operating on him from outside him, and invasive. Nuer express the difference in nature between the human and the divine, between soul, or ghost, and Spirit when they say that 'God

[1] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
• [778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[269] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance both for the Nuer themselves and also for an understanding on
551 our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

782 scattered in the drought. There is also plenty of beer and porridge
574 in the rains to add to the meat of the sacrifices for feasting, and little or none in the dry-season camps, for even if their millet is not exhausted people are often too far from their granaries to transport it. Moreover, the social activities which are the occasion of collective sacrifices take place, largely because there is plenty of food, in the rains. I think also it is possible that there is more, and more serious, sickness in the rains and hence the greater need for sacrifices then.

782 It does not seem usually to matter at what time of day a sacrifice takes place, though the early morning is preferred on big occasions when oxen are sacrificed; but I have witnessed sacrifices when the sun was high and also in the evening. Early morning and evening are the most convenient times because then the men are at leisure and it is cool, but the early morning has the additional advantage that it gives time for what are sometimes lengthy ceremonies to be performed with slow dignity. I suppose that if there were need Nuer would sacrifice at night, but I have never known this happen, and it would cause certain inconveniences.

There is no particular spot at which the rites must be performed. The ceremony may be held in the space in front of the dwelling-huts if it is on a domestic scale. This is a suitable place for sacrifice,
• [778] for a man often erects there a *rick*, post-shrine, and there also is the wife's *buor*, mud wind-screen (Plate V), which also has a certain sacred significance, being the woman's counterpart to the *rick*, as well as serving its practical purpose. But in major sacrifices of the collective type, when there may be many persons present, the sacrifices are likely to be held in the kraal, where there may also be a *rick* (Plate VI), or at its edge, on account of the cattle, or even if they are absent, to avoid the tethering-pegs incommoding those making the invocations. It is not, however, a matter of importance and anywhere convenient will do—properly speaking Nuer have no fanes.[1] It is the same for place as for time. They do not worry about such details. God is at all times and everywhere; there are no specially sacred times and places for sacrifice. Likewise, there are no specially sacred persons who must make sacrifice: any man

[1] God, spirits, and ghosts are associated with the rick, which may be in the courtyard, in the kraal, or at the side of the *gol*, the central hearth in the byre, which is the symbol of the family conceived of as a group of agnates and hence of the lineage; and for women, with the *buor*, the symbol of the elementary family, the domestic group.

792 expression of the prophet's relation to Spirit, the spirit in him lifting him up, as it were, to its own realm.

792 The construction of this so-called pyramid (*bir*), a conspicuous
778 landmark in Lou tribal territory, was begun by Ngundeng and completed by Gwek. It was a huge mound of earth and debris some fifty to sixty feet high with a base diameter of about a hundred feet. It was surmounted by elephant tusks and a spear decorated with an ostrich egg and feathers and encircled at the base with dozens of elephant tusks, numbers of which were also buried in the mound.[1] The purpose of the mound seems to have been to honour *deng* and increase the prestige of his prophet, though it may have expressed also the feeling of the above quality of Spirit. It became a cult centre, people from the whole of eastern Nuerland, and even from the west of the Nile, bringing cattle there for sacrifice; and Ngundeng and Gwek kept in a kraal near by a herd of cattle with black and white markings (*rial*) dedicated to *bungdit*, the mother of *deng*, with whom these markings are
[177] associated. All this is more in accordance with Dinka than Nuer thought and custom, and there is some reason to suppose that the idea of the mound was, like the *deng* conception itself, borrowed from the Dinka. There is said to be a similar, though smaller, mound at Thoc, in eastern Gaajak country, built by a prophet called Deng, son of Dul. Ngundeng's mound was blown up with high explosive by the British administration during a punitive expedition in 1928 against his son's followers. However, much of it still remains, and Dr. Lienhardt tells me that it is said at the present time that sometimes at night a strange light is seen shining from it; and when a recent eclipse of the sun occurred people said that Ngundeng was returning. Another prophet, Deng Leuka, a
792 prophet of the spirit *din*, a Dinka of the Gaawar tribe, also
785 acquired his spirit by fasting and solitude. He left his home and wandered in the bush where for many days he sat under a tree without eating. When found he was engaged in collecting hundreds of shells of the giant land snail and arranging them in rows. This abnormal side to the prophets is to be seen in their unkempt hair and their beards, both of which are objectionable to ordinary

[1] Captain H. H. Wilson in *The Anglo-Egyptian Sudan*, edited by Count Gleichen, 1905, vol. I, p. 140; information from Major C. H. Stigand, *Sudan Notes and Records*, 1918, p. 100; H. C. Jackson, op. cit., p. 138; P. Coriat, op. cit., p. 104.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 Some animals are considered sacred, but what is sacred
825 to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] When a person is struck by lightning and killed he is
766 said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[824] Any one who has some physical or mental deformity
[789] may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

in a way this is true. The Nuer find it hard to believe 787
that God is a God of love. Even when they learn to love Him they still find it hard to trust Him when things go wrong. But the missionaries do not get too discouraged, for, after all, is not that habit world-wide?

A large portion of the Nuer tribe has never heard the 177
Christian message. Of those who have heard it, few have yet made full response. Yet the influence of those who honour the name of Christ will make its mark upon the Nuer and lead to the forsaking of unworthy customs inherited from the past.

Although the Arab traders throughout Nuerland are Moslem, their religion has not appealed to the Nuer; the Moslem faith has so far gained no ground in Nuerland.

SUPERSTITIONS

The Nuer mind is full of superstitions, some of them 000
being age-old. They believe them implicitly; 'Would our parents lie to us?' they ask when any doubt is expressed. Many of the superstitions have to do with cattle (see Chapter II) and marriage (see Chapter V.)

A woman must never drink milk during her menstrual 941
period. Nor at this time may she eat food which has been cooked in a kettle in which milk has been boiled. Why? Because to do so would harm the cattle.

If a woman is impregnated while still nursing a child, 943
they cut a small piece off the ear of a dog and this is worn around the child's neck in order to keep it from harm. Any one walking in the footsteps of the father of this child may be the victim of dreadful things—his head may split right down the back.

If a child should have an attack of vomiting just after 753
some strangers have been to the village, the strangers are at once suspected of having in part caused the attack.

GOD

II

It is in the light of their feeling that man is dependent on God 776*
and helpless without his aid and that God, though a friend and 781
present, is yet also remote that we are to interpret a word Nuer frequently use about themselves when speaking to or about God: *doar*. The meanings of this word given in Nuer-English dictionaries, 'idiot', 'stupid', 'fool', and 'weak-minded', do not adequately convey the sense of the word, especially when it is used to refer to man's relationship to God. Then it means rather 'simple' or 'foolish' or 'ignorant'—'idiot' in the sense the word used to have in the English language and which the word from which it is derived had in Greek. Nuer say that they are just ignorant people who do not understand the mysteries of life and death, and of God and the spirits, and why things happen as they do.

A favourite Nuer expression is '*yie wicda*', 'my head goes 186
round' or 'I am bewildered'. They are at a loss because they are 773
just foolish people who do not understand the why and the wherefore. In saying that they are simple or foolish or ignorant Nuer are not being modest in respect to other peoples, though I have often had the impression that they regard themselves as guileless compared with other peoples, especially compared with the Dinka, whom they regard as cleverer and more cunning than themselves, a difference dramatized in one of their myths. The story, which reminds us of that of Esau and Jacob, is cited by Nuer to explain why they have always raided the Dinka. Nuer and Dinka—the peoples are personified in the myth—were both sons of God, who had promised to give an old cow to Dinka and its young calf to Nuer. Dinka came by night to God's byre and deceived him by imitating Nuer's voice, and God gave him the calf. When God found that he had been deceived he charged Nuer to raid the herds of Dinka to the end of time. In other words, the Nuer may be robbers but the Dinka are thieves. Another story relates that God offered men the choice between cattle and rifles. Nuer and Dinka chose cattle and Arabs and Europeans chose rifles. Here both Nuer and Dinka are figured as simple compared to Arabs and Europeans. Nuer regard themselves as having manly virtues exceeding those of other peoples, but compared with them they
are artless. However, when they use the word *doar* in a reli- 781
gious context they are speaking of themselves being foolish in 776*

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

781 comparison with God and in his eyes. The same idea is expressed
776 in speaking of themselves as *cok*, small black ants, particularly in their hymns to spirits of the air, that is, they are God's ants, or in other words what a tiny ant is to man, so man is to God. This is a conscious and explicit analogy. Thus Father J. Kiggen quotes the phrases '*kondial labne cuogh, ke mie kuene ke kuoth*', which I would translate 'we, all of us, have the nature of ants in that we are very tiny in respect to God', and '*kondial gaad cuoghni ke kuoth*', which I would translate 'all of us are like little ants in the sight of God'.[1] The same metaphor has been recorded for the Dinka by Archdeacon Shaw.[2] We are reminded of Isaiah's likening of men to grasshoppers (xl. 22).

In speaking about themselves as being like ants and as being simple Nuer show a humbleness in respect to God which contrasts with their proud, almost provocative, and towards strangers even insulting, bearing to men; and indeed humbleness, a consciousness of creatureliness, is a further element of meaning in the word *dear*, as is also humility, not contending against God but suffering without complaint. Humbleness and humility are very evident on occasions of religious expression among the Nuer—in the manner and content of prayer, in the purpose and meaning of sacrifices, and, perhaps most evidently, in their sufferings. Nuer accept misfortunes with resignation. Whatever the occasion of death and other misfortunes may be, whether they be what Nuer call *dung cok*, the lot of created things, or whether they be the result of what they call *duerí*, faults, they come to one and all alike, and Nuer say that they must be accepted as the will of God. The best that can be hoped for is that God will hear the prayers and accept the sacrifices of those who suffer and spare them any extra burden. Nuer do not complain when misfortunes befall them. They say that it is God's will (*ruor kuoth*), that it is his world (*e ghaade*), and—I have often heard Nuer say this in their sufferings—that he is good (*guogh*). When a child dies women lament, but only for a little while, and men are silent. They say that God has taken his own and that they must not complain: perhaps he will give them another child. This is a common refrain with Nuer, especially in their invocations at mortuary ceremonies. They say of the dead man that God has taken him and that he was in the right in the matter, for it was his man; he has taken

[1] *Nuer-English Dictionary*, 1948, p. 60. [2] 'Dinka Songs', *Man*, 1913.

only what was his own. Also, when a byre is destroyed by lightning Nuer tell him that they do not complain. The grass of the thatch is his, and he has a right to take what belongs to him. Likewise if a cow or an ox of your herd dies Nuer say that you must not complain if God takes his own beast. The cattle of your herd are his and not yours. If you grieve overmuch God will be angry that you resent his taking what is his. Better be content, therefore, that God should do what he wishes, seeing not that he has taken one of your cows but that he has spared the others. If you forget the cow God will see that you are poor and will spare you and your children and your other beasts. I cannot convey the Nuer attitude better than by quoting the Book of Job: 'the Lord gave, and the Lord hath taken away; blessed be the name of the Lord' (p. 21).[1]

Father Crazzolara records much the same of the Nuer in this respect as I have done. He says, for example, that if God kills a man or destroys property by lightning, Nuer say that he has only taken what was his, what was his right.[2] God is always in the right, always, as Nuer say, has *cuong*, a word I discuss later. Nuer also say, when some calamity has happened to them, '*thile me lele*', which means that there is nothing which can be done about it because it is the will of God and therefore beyond man's control.

People comfort a man who has lost cattle by telling him these things, but they find it hard to comfort a youth who has lost his *dil thak*, his favourite ox, for he is young and the ox was perhaps his only ox and has been his companion. He has cared for it and played with it and danced and sung to it. He now sits by himself and pines, and his friends try to cheer him up. They tell him that he must not be tearful or God will be angry: 'God is good, he might have taken you, but he has taken your ox instead.' Here we have a further and very common reflection in adversity. God has been gracious and he has taken something belonging to a man and has spared the man himself. What appears to be misfortune is therefore really fortune. Nuer here use the word *gang*, to shield or protect, saying that the thing has shielded the man.

[1] This quotation is also given by Professor and Mrs. Seligman (op. cit., p. 230). It was, however, like most of their account of the Nuer, taken from my notebooks. I mention this fact because I have found that Professor and Mrs. Seligman are often quoted, for example by P. W. Schmidt in his *Der Ursprung der Gottesidee*, as independent authorities. This is no fault of Professor and Mrs. Seligman, but it makes nevertheless for confusion.

[2] Op. cit., p. 96.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

can offer sacrifice on behalf of himself or others, intermediaries 782
are not required.

Before giving an account of the succession of acts which constitute a sacrifice it is advisable to say further that though the acts 782 781
are almost always the same and performed in the same order they are much more elaborate on some occasions than on others. A mortuary ceremony must begin between dawn and sunrise and is carried out by long, slow, solemn stages. The rites of sacrifice at marriage ceremonies are, on the contrary, often carried out in a perfunctory manner, giving the impression that they are regarded as little more than a formality. Likewise there is much variation in the attention paid to the rites by those present but not taking an active part in them. In some sacrifices they pay little attention to them, or even ignore them altogether, continuing their dancing or talking among themselves about their own affairs. Thus, in my experience, at sacrifices in marriage ceremonies only close kin of the persons immediately concerned take much, or even any, interest in the ritual. Even sacrifices in honour of a spirit may be performed in a perfunctory manner, it being thought that all that is required is that a beast be offered so that the spirit may know that it has not been forgotten. But on occasions of serious sickness, of grave danger, and of death the spectators sit quietly in a line or semicircle and give silent attention to what is being said and done. The amount of attention paid and its intensity depend on the nature of the occasion and the degree to which spectators are personally involved.

Therefore the many attempts that have been made to explain 782
primitive religions in terms of supposed psychological states—awe, 781
religious thrill, and so forth—are, as far as the Nuer are concerned, 121
inept because the feelings of officiants and spectators are, in so far as they are discernible, clearly different on different occasions and in different parts of the same ceremony. This is obvious to anyone who sees a few Nuer sacrifices. Some people are paying attention and others not. Some are solemn, others gay. Wedding and funeral sacrifices do not evoke the same response, nor do initiation and incest sacrifices, nor even the opening and closing sacrifices of a mortuary ceremony. The feelings of close kin are not the same as those of distant kin. There is no need to labour the point. What is important in sacrifice is not how people feel, or even how they behave—a serious mien when the occasion is a solemn one is a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 matter of sentiment and good manners, not of religion. What is
781 important is that the essential acts of sacrifice be carried out and,
121 especially in personal sacrifices, with a right intention, which is a matter of disposition, not of emotion.

III

792 Almost all sacrifices, whether personal or collective, have the same general features. A description of one is therefore, apart from details, a description of almost all. The victim is brought to the place of sacrifice and there are performed in succession the four acts which compose the sacrificial drama: presentation, consecration, invocation, and immolation. Other features may be added, such as libations and aspersions and, mostly in sacrifices to spirits, hymn-singing, but these are supernumerary acts. The essential rites of the sacrifice proper are the four I have mentioned. They form what might be called the canon of sacrifice.

The first act is the *pwot*, the driving into the ground of a tethering-peg and the tethering of the animal to it. The officiant presents the victim to God. The man who stakes the victim is called *pwot yang*, the tetherer of the cow, and as in collective sacrifices this is generally done by the master of ceremonies of the family concerned he is commonly referred to in a sacrificial context by this title. Sometimes, after the victim has been staked, a libation, of milk, beer, or water, is poured over, or at the foot of, the peg.

Then takes place the *buk*, the rubbing (with ashes), the act of consecration (Plate VIII). The man who is about to speak the first invocation rubs ashes of cattle-dung lightly on the victim's back with his right hand. Each speaker does this in turn, and in some sacrifices all present place ash on the victim's back whether they make invocations or not. I discuss later (pp. 261–2 and 279–81) the meaning of rubbing ashes, when I shall try to show that it is not only a consecration of the beast to God but also an identification of man with ox.

Then takes place the *lam*, the invocation (Plate IX). The officiant, holding his spear in his right hand, speaks to God over the consecrated victim. The invocation states the intention of the sacrifice and matters relevant to it. Occasionally, when a sacrifice is a very perfunctory affair, no words are spoken. When asked about the omission Nuer say that the sacrifice is the *lam*, by which they

16: Evans-Pritchard E-5 (1931, 1936) 1956
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/2/ Explanations of primitive religions were often couched at the same time both in terms of historical origins and of psychological origins, which made for great confusion, especially as the logical and chronological senses of 'primitive' and 'origin' were also seldom kept distinct. The psychological explanations were very varied, changing with changes in psychological theory. Intellectualist interpretations were succeeded by emotionalist interpretations and they by psycho-analytical intepretations. Religion was discussed and explained in terms of association of ideas, of personification of natural phenomena, of awe, of thrill, of fear, anxiety and frustration, of projection, and so forth. Most of these theories have long ago been discredited as naive introspective guesses.

• 781 /2/ Certainly one cannot speak of any specifically religious emotion for the Nuer. One can only judge by overt behaviour on occasions of religious activity and, as I have noted, on such occasions Nuer may be afraid, anxious, joyful, indifferent, or in other states, according to the situation and the degree to which they are involved in it. Miss Ray Huffman says that their religion is one of fear,[1] and I feel I ought to say, and I do so with her permission, that this is the one point with which Dr. Mary Smith finds serious fault in my account of it. She, like Miss Huffman, holds that it is a religion of fear, even of terror. For me this is an over-simplification and a misunderstanding. It is true that Nuer, like everyone else, fear death, bereavement, sickness, and other troubles, and that it is precisely in such situations that they so often pray and sacrifice. It can be admitted also that, in that these troubles are manifestations of Spirit, they fear Spirit and wish to be rid of it. But we cannot say that on that account their religion is simply one of fear, which is, moreover, a very complex state of mind, and one not easy to define or assess. On the contrary, it is because Nuer are afraid of these misfortunes that one might speak of their religion as one of hope and comfort. But I think what fits the facts best is to say that it is a religion of both fear and trust, which may be opposites but are not contraries, or that the Nuer attitude towards Spirit might be described as ambiguous, and perhaps as ambivalent. The question is much complicated by the different ways Nuer represent Spirit to themselves and their different attitudes to it at different levels of representation. We have further to recognize

[1] Op. cit., p. 56.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

that the sense of guilt which is often so evident in misfortunes is not just fear but a complex psychological state, and also that it varies in intensity from one situation to another. Nuer thought in these matters is involved, for a serious danger may not be just an adventitious intrusion of Spirit into human affairs. It often has a moral significance. It is then not so much regarded as a natural crisis which can be overcome by spiritual aid as a moral crisis brought about by human action, and of which the outcome, it is thought, may depend on so delicate and indiscernible a factor as intention. Faced with so complex and variable a problem, to speak of Nuer religion simply as one of fear or awe, or as a projection or as cathartic, and so forth, must be a distortion, and one that does not greatly help us to understand it. All emotions enter into it; they blend; and there is nothing constant that we can say is characteristic of the religious life, which is rather to be defined in terms of disposition than of emotion. 78/ 12/

Sociological theories of religion have frowned on evolutionary and psychological explanations alike. They have rather sought to understand primitive religions, or certain aspects of them, as products of social life. Fustel de Coulanges, Robertson Smith, Durkheim, Mauss, Hertz, and others have shown successfully that many features of these religions can be understood only by sociological analysis, by relating them to the social structure. This is true of Nuer religion. I do not think, for example, that the configuration of Spirit, the faults which are regarded as sins, and the roles of master of ceremonies, priest, and prophet in sacrifice can be fully understood without a knowledge of the social order. But Durkheim and his colleagues and pupils were not content to say that religion, being part of the social life, is strongly influenced by the social structure. They claimed that the religious conceptions of primitive peoples are nothing more than a symbolic representation of the social order. It is his society that primitive man worships in the symbol of a god. It is to his society that he prays and makes sacrifice. This postulate of sociologistic metaphysic seems to me to be an assertion for which evidence is totally lacking. It was Durkheim and not the savage who made society into a god. 12/

All these theories about primitive religions, evolutionary, psychological, and sociological, suffered from a common weakness. The facts on which they were based were both inadequate and unreliable. Indeed, such wide generalizations could only have

1: Evans-Pritchard E-5 (1931, 1936) 1940
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234 life. Such a life nurtures the qualities of the shepherd—courage, love of fighting, and contempt of hunger and hardship—rather than shapes the industrious character of the peasant.

IV

262 Nuer are also interested in their cattle for meat, boiled and
782 roasted. They do not raise herds for slaughter, but sheep and
231 oxen are frequently sacrificed at ceremonies. There are always ghosts and spirits in whose honour a sacrifice would at any time be appropriate, and such sacrifices are generally long overdue, so that there does not lack a proper excuse for a feast when people desire one. Fertile cows are sacrificed in mortuary rites, but, otherwise, only barren females are killed. At sacrifices most people are interested more in the festal than the religious character of the rites. Sometimes, as at marriage ceremonies, the people who perform the ritual are different from those who eat the meat, while at other ceremonies there is a general scramble for the carcass. Desire for meat is shown without shame on these occasions, and Nuer recognize that some men sacrifice without due cause. In some years it is a custom in the rains for young men to join together at a homestead with the purpose of slaughtering oxen and gorging themselves with meat. Except on such occasions, however, people ought not to kill an ox solely for food—it being even thought that the ox may curse them—and they only do so in severe famine. The Lou, who are rich in cattle, have a reputation, of which they are rather ashamed, for killing oxen for meat. Nevertheless, nowhere in Nuerland are cattle ordinarily slaughtered for food, and a man would never kill even a sheep or goat merely on the grounds that he desired meat. On occasions of minor importance sheep or goats are sacrificed rather than oxen, as they are less valuable.

231 Any animal which dies a natural death is eaten. Even when
262 a youth's favourite ox dies he must be persuaded to partake of its flesh, and it is said that were he to refuse his spear might avenge the insult by cutting his foot or hand on some future occasion. Nuer are very fond of meat, and declare that on the death of a cow, 'The eyes and the heart are sad, but the teeth and the stomach are glad.' 'A man's stomach prays to God, independently of his mind, for such gifts.'

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

'When God created the people, he created man, and he 773
created the cow, and dura for the people to eat, and goats to eat. He made a spear and a fish-spear, and a dancing stick, such a one as is wrapped with gold. He made the elephant, giraffe, buffalo, teang, waterbuck, reed-buck and gazelle—the yellow and white one, the pig, the cattle-eating lion and the man-eating lion, the hyena, the leopard, the civet-cat and the fox, the rat, the crocodile and hippopotamus, the fish, turtle and snake, the heglig, nabag and ardeb trees, the talh tree, the deleb palm, the kwar and lwal trees.

'And God said to the men: "You are my children, whom I have created; you are four, this is the Dinka, this is the Shilluk, this is the Nubian, and this man shall rule over you; he has the gun, his name is Cwalcotke, he is also called the Turk. He has no cows, but you shall be caught by him, he shall govern."'

Prayers and sacrifices are offered to Kot on important 782
incidents of life. Here is a prayer for a sick person: 'Oh God, let the man recover, let him become well, that he may get strength again. God, what is this? Leave the sick one with us, let him recover. Return to thine own body. Take thy cow, for she was ordered for the deliverance of souls. It is thee thyself who said thus. Take the cow that she may deliver the soul of the sick one. It is thou who created us, it is the cow that delivers souls. Here is the goat, and the wild cucumber. Let him recover! In what have we wronged? Give us the soul of the sick one. Thou art our father. Why shall we suffer from sickness all days? Give us the soul, we pray thee, our great-grandfather.'

At a burial the following prayer is offered: 'Oh God, why dost thou pursue us? Return thyself, take this thy dead man and go; let him be sufficient, do not look at us

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

782 again. In what have we failed?' Then a cow is speared, and the chief continues praying: 'Oh God, take thy cow. And you [dead man] turn away, do not look at us again. We will give you your own things, but then leave us alone.' The wife of the deceased is now given to another male member of his family with these words: 'Bear children by her, that their fire may be raised up [that their family may not be extinguished], and their family may be able to manage their own affairs.'

A prayer by the chief for a woman in travail: 'God, what is it? why can the woman not bear? It is thou who has ordered the woman to bear children, that she may create descendants, that the man's family may be preserved.'

789 233 An important annual event is the bringing of the cattle across the river, where they find better pasturage. For this the help of the sorcerer is sought. He has to find a propitious day for the transaction and to perform the necessary magic rites. He spends the night before in making witchcraft, and the following morning he prays: 'Oh God, it is thou who said that I should be sorcerer, I should do witchcraft, I should bewitch the crocodile. The cattle has no more grass, let the cattle go across the river that they may graze on yonder shore. Oh God, it is thou who created the cow, that man might be nourished by her, let them swim safely across.' When the cows have been brought to the crossing-place, the sorcerer invokes the river or the spirit presiding over the river: 'Thou river of a certain man, let the cattle go across safely, all of them, let them reach the shore safely, let no one be touched by the crocodile. We are making a bargain.' As a ram is brought, he goes on saying: 'Take it, O river!' The ram's mouth is tied, so he goes to the river with it, and drives it into the water. Now the

14: Huffman M-5 (no date) 1931
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Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 Some animals are considered sacred, but what is sacred
825 to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] When a person is struck by lightning and killed he is
766 said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] Any one who has some physical or mental deformity
[784] may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

15: Butt E-4 (No date) 1952 F 322 Nuer F 324

ashes from it are smeared over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Pritchard rightly calls the Nuer 'possesses of the cow'.(1) 257

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life. 291

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they raid those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures. [721] [601]

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the fact of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages. [519] [512]

Family relationships are expressed in terms of cattle, as are the rules of incest and the status of an individual. Men take 'co-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Oxen are valued for display and prestige, and the merits of their favourite beasts are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering pegs are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite ox round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Pritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom. [551] [792] [192]

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(1) Evans-Pritchard, *The Nuer*, 1940, p.30.

19: Butt E-4 (No date) 1952 F J22 Nuer F J22

respected; it is the spiritual being, the *kwoth*, which the totem stands for, which is revered. The totems are symbols or manifestations of a spirit which can be in communion with men and beasts.(1) 776

Totem spirits are called *kuth piny* (earth spirits) a category which includes fetishes; this is in contrast to the much more important *kuth ghol*, sky spirits. Yet, although the two categories are thus distinguished, the Nuer maintain that they worship totemic spirits and that these spirits are with god in the sky. The totem seems to be the symbol of the spirit and the spirit to be an aspect of the spirit of the sky which is connected with the various lineages and is symbolised differently in each.

Kwoth

In addition to totemic spirits, *kwoth* also refers to 'god in the sky' and can mean any one of the sons of the sky god - the *kwoth dwonga*. Each sky spirit is associated with a certain aspect of nature; for example, Deng refers to the rain spirit. Another group of spirits are the *col wic* - the spirits of persons who have been killed by lightning and taken up to heaven. Persons supposed to have been taken into heaven by a whirlwind and those found dead in the bush without any apparent cause are also *col wic*. A *col wic* is considered to be a sacred spirit of his lineage - a *kwoth gool* - and most lineages have at least one of these spirits to whom cows are dedicated. Sometimes a *col wic* spirit enters into a member of his family or lineage and, when this happens, the man whom he possesses falls sick; on recovery, he makes a shrine in his homestead and becomes a prophet of Col (*gak cuol*), and the spirit of lightning contacts the people through him.(2) [791]

SACRIFICES

Sacrifices play an important part in all ritual practices, and are usually all of a similar nature. An animal is selected and is dedicated to a spirit by rubbing ashes along its back. An invocation is then made and the animal is killed by spearing it through the heart. It is cut in two halves when there is a cutting of social ties, and also at mortuary ceremonies when there is one half for the living and another for the dead. Sickness is the most frequent occasion for sacrifices. 782

THE CONCEPTS OF THEK AND NUER

Thek means 'to respect', and is used in various social contexts; for example, it denotes the behaviour expected of a man towards his parents-in-law; in blood feuds the kin of the slayer and of the slain may not eat from the utensils which the other party has used, and these are respected. In mortuary ceremonies a man's age-mates *thek* the meat which has been sacrificed in his honour. A man also pays respect to his totem. Failure to show respect where there is a *thek* relationship is thought to bring about misfortune.(3) Any serious sickness following the breach of a *thek* taboo is called *nuer*. 576 [753]

(1) Evans-Pritchard, *Annali Lateranensi*, 1949, Vol.XIII, p.247.
(2) Evans-Pritchard, *Man*, 1949, No.2, p.9.
(3) *Ibid.*, 1949, No.96, p.75.

15: Butt E-4 (No date) 1952 F322 Nuer F322

Ciem

753 775 Ciem is the vengeance wrought by a ghost which produces sickness and misfortune; like the other Nilotic tribal groups, the Nuer hold the concept of ciem, and believe that ghostly vengeance will fall on those who have wronged a man and allowed him to die with a grudge. Fear of ciem tends to make a Nuer more careful to treat others with justice.

[782] To stop the efforts of ciem it is necessary to make a sacrifice to god in the sky and, when possible, to make reparation.

NUER CURSES AND GHOSTLY VENGEANCE

789 Curses are uttered by someone who has been wronged. The efficacy of a curse is largely conditioned by the relationship of the curser to the cursed. The Nuer regard the curse of a mother or father as serious; it may result in death. The curse of a mother's brother is feared because, being of a different lineage, he may curse cattle, which is the worst of all curses in the eyes of the Nuer. The curse of an eldest child is feared by the mother and maternal uncle.

There are other curses imposed by those of the *ric* (age-set), by the leopard-skin chief, the man of the cattle and *gok*, the prophet.(1) The Nuer also believe in conditional curses which may be laid on a man and become operative if he, or any of his descendants, should do a certain thing.

RITUAL PERSONS

791 There are several ritual figures among the Nuer who are important in the village community.

1. *The Leopard-Skin Chiefs.* They have a special relationship with the earth and can affect the welfare of the crops. They also have a limited role in rain-making and in the general regulation of the weather. They conduct the rituals concerned with homicide, with cleansing the parties to incestuous relations, with preventing feuds, and protecting warriors on raiding expeditions.

2. *The Nut Ghok.* Members of certain lineages have hereditary ritual powers in relation to cattle; they are asked to cure cows of various diseases and to ensure the fertility of barren animals. Their role is, however, a more restricted one than that of the leopard-skin chief, who has functions relating to social as well as to natural processes. Usually the *nut ghok* is a member of a stranger lineage, as is the leopard-skin chief, and this is presumably an advantage when they have to mediate between powerful and antagonistic lineages.

3. *Totemic Experts.* There are a number of totemic experts whose ritual connections with lions, crocodiles, and other dangerous creatures, enable them to influence the beasts' behaviour to the advantage of the community. A totemic specialist is the possessor of the spirit of his totem; he has no political significance.

(1) Evans-Pritchard, *Africa*, 1949, XIX, p.289.

* 776 577 may bring about evil consequences through either an expressed curse or a silent curse contained in anger and resentment (pp. 165–73), though the misfortunes which follow are regarded by Nuer as coming ultimately from God, who supports the cause of the man who has the *cuong*, the right in the matter, and punishes the person who is at fault (*duir*), for it is God alone who makes a curse operative. Nuer are quite explicit on this point. What, then, Nuer ideas on the matter amount to is, in our way of putting it, that if a man wishes to be in the right with God he must be in the right with men, that is, he must subordinate his interests as an individual to the moral order of society. A man must honour his father and his father's age-mates, a wife must obey her husband, a man must respect his wife's kin, and so on. If an individual fails to observe the rules he is, Nuer say, *yong*, crazy, because he not only loses the support of kith and kin but also the favour of God, so that retribution in one form or another and sooner or later is bound to follow. Therefore Nuer, who are unruly and quarrelsome people, avoid, in so far as they can restrain themselves, giving gratuitous offence. Therefore, also, a man who is at fault goes to the person he has offended, admits the fault, saying to him '*ca duir*', 'I was at fault', and he may also offer a gift to wipe out the offence. The wronged man then blesses him by spitting or blowing water on him and says that it is nothing and may the man be at peace. He thereby removes any resentment he may have in his heart. Nuer say that God sees these acts and frees the man from the consequences of his fault. Similarly, the consequences of faults which are more directly of a religious order, like the breach of an interdiction or the neglect of some spirit, may be avoided by a timely sacrifice, though Nuer say that sacrifice without contrition is of no use. But—and this is the point I want to bring out here—the fact that the consequences of a fault can be stayed by contrition and reparation shows that the consequences of wrong-doing are not thought to be automatic.

[782]

That this is so, and there is a moral, and therefore uncertain and alterable, element involved is further shown by another fact. In estimating the likelihood, or degree, of misfortune that may be expected to follow from an act, Nuer take deliberation into the reckoning. They distinguish between *duer* and *gwac*. The word *duer*, as we have seen, means a fault, and it normally implies that the fault was deliberate, though, as will be seen later, this is not

barren, or divorced, woman to men to tell them that they would 776*
live for ever, but, in delivering her message, she threw, instead of 577
a piece of gourd, a potsherd into the water, and it sank. Almost 773
fortuitous though this incident was, what had happened, as we 177
have noted before, could not be made not to have happened. Men have to accept the consequences of actions whether they are deliberate or not.

Hence when Nuer suffer misfortune they ponder how it may 776*
have come about, for it follows from what has just been said and 577
from the fact we noted earlier that God is always in the right, that 782
if misfortune comes to a man it is most likely on account of some 777
fault. This is why on such occasions one hears so often in Nuer prayers and invocations the plaint 'what have we done?' or 'what evil have we done?' and why Nuer sacrifices are so often propitiations, expiations, atonements, and purifications. It is therefore probable that suffering usually entails a measure of guilt. Nuer search their consciences to discover what fault might have brought it on them, though this is more evident when a misfortune is only pending and may yet be stayed or though it has fallen may yet be mitigated, for if the fault can be determined they will know better what action to take. When the misfortune is complete and their condition can in no way be alleviated they are less interested in its cause and accept its accomplishment with sorrow and resignation.

When Nuer suffer they sometimes at once know what is the 776*
cause of their suffering because they are well aware of some 577
particular fault. They sometimes, as we would say, tempt God by 777
doing what they know to be wrong, hoping that it will not matter very much, such as having relations with a woman which are incestuous but not very incestuous. If trouble comes they know that this is the cause, for they have said that whether the relationship was too close for congress would be decided by any consequences of it. They now discover that it was more serious than they thought. Nuer often neglect their duties to their various spirits. They omit or forget to sacrifice to them or they fail to dedicate cows to them or they use cows dedicated to them for marriage and find that they cannot replace them or do not trouble to do so. If a misfortune falls on them they then know that it is due to the anger of a spirit. Often, however, they are in doubt about the cause and confused and bewildered. It may be that the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*776 577 777 suffering is just something, like death in old age, which had to happen. It may be due to a fetish or the evil eye. It may be the outcome of a curse or the anger of a ghost. Nevertheless, Nuer generally appear to feel that suffering is due to some fault of theirs, and it is probable that there is always an element of this feeling in every situation of misfortune, whatever its immediate cause may be thought to be.

IV

•712 I have discussed in a preliminary way the conception Nuer have of God, the ideas and feelings they have about their relations with him, and some of the actions they think bring about divine intervention in human affairs. I take these topics up again in succeeding chapters after the notion of Spirit has been broadened by an account of other spiritual conceptions. A brief consideration of some of the commoner expressions used in Nuer prayers may, however, be given now because they are used only when speaking to God.

For obvious reasons Nuer prayers are most commonly heard on public and formal occasions, generally in connexion with sacrifices. At any important sacrifice, and sometimes on other important occasions also, Nuer make long invocations, called *lawni*, about the event which gave rise to the occasion, and into these long rambling addresses are every now and again introduced short prayers, mostly petitionary prayers. These what we may call stock prayers are often strung together in strophes in a kind of Pater Noster, such as 'Our father, it is thy universe, it is thy will, let us be at peace, let the souls of the people be cool, thou art our father, remove all evil from our path', and so forth. However, there are no set form and order to these prayers, and each petition may be used separately and anywhere and at any time, and not only in invocations but also in private and spontaneous prayer, whether spoken or inward, and as pious ejaculations. If he is in any trouble or anxiety, the head of a Nuer household may pace up and down his kraal brandishing his spear and uttering some of these supplications; or, less formally, he may say them standing or squatting with his eyes turned towards heaven and his arms outstretched from the elbows, moving his hands, palms uppermost, up and down. They may also be uttered, if he says anything

They may also be offered if he says anything
at all, in the petition a man on a journey makes to God as he knots 782
grasses together at the side of a path, a practice Nuer call *tuc*. A 777
man may do this because he has knocked his 'bad foot' against a
stump in the path, for this presages misfortune, which can be
avoided by asking God to let the badness remain in the grass so
that the traveller may continue his journey with fortune. Each
man has a 'good (auspicious) foot' and a 'bad (inauspicious) foot'
and he learns which is which by experience. Nuer tie grass in the
same manner to ensure success in any enterprise for which a
journey is undertaken, often at the present day when they go to
buy or beg something from an Arab merchant. They ask God to
let them make a good bargain or that the merchant may make
them a gift.[1] Nuer may also utter these phrases of prayer at any
time as devout ejaculations, and not only when they are in trouble
or desire a boon, for they have told me that they like to speak to
God when they are happy (*lac tedh*) and because they are happy,
and that they often say a few words to him as they go about their
daily affairs.

I have already discussed the significance of some of these 782
prayerful words and expressions: 'our father', 'it is thy universe',
'it is thy will', and others. I will now consider the meaning of yet
a few others, choosing for the purpose the commonest petitionary
phrases. Before doing this I would draw attention to the fact that
the petitioner generally uses the first person plural. In private
ejaculations a Nuer may use such expressions as 'ah, my God',
'ah, God, what is this?', and 'let me journey well', but he will also
use the plural pronoun, and in prayers and invocations uttered in
public the plural is invariably used: 'let us be at peace', or what-
ever the expression may be.[2] I draw attention to this because it is
not, I believe, just an indication that there are other people on
whose behalf the speaker is asking God's favours. It is rather that
the occasions on which prayers are publicly offered are generally

[1] Some Nuer have told me that this custom of knotting grasses originated among the Dinka. It is found among some, if not all, the Dinka tribes (R. T. Johnston, 'The Religious and Spiritual Beliefs of the Bor Dinka', *Sudan Notes and Records*, 1934, p. 126).

[2] There are two pronominal suffixes for the first person plural, *ko* and *ne*, which are respectively exclusive and inclusive. For example, '*bako we*', 'we shall go', includes the speaker and others but not the person or persons spoken to, whereas '*bane we*', 'we shall go', includes also the person or persons spoken to. In speaking to God Nuer have, of course, to use the exclusive form. [193] [195]

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782 such as emphasize by their gravity that, particularly in relation to God, all are members one of another. It is of course natural as well as noticeable that close kin stick together in danger and when a wrong has been done to any one of them, but Nuer also quite clearly show that they feel that a misfortune for any member of their community is a misfortune for all, that when one suffers all suffer, and that if each is to be at peace all must be at peace. This feeling of oneness is particularly evident in Nuer prayers, because they are asking to be delivered from suffering, which has a common quality, the more so in that it is suffering in general rather than particular misfortunes of which they speak.

782 576 Perhaps the commonest phrase in Nuer prayers, and the one with which they often start prayer, is '*akonienko*'. Literally this means 'let us sleep', but here it should be rendered 'let us be at peace'. The commonest of the Nuer greetings and, when others are said, the first to be spoken is '*ci nien?*' or '*ci nienu?*', literally, 'have you slept?' The saluted man replies to this, as to other greetings, by a grunt of affirmation. This is something of a joke among Europeans because Nuer have a reputation with them for being lethargic and lazy; but the question means something rather different from 'have you slept?' It means even more than our 'did you sleep well?' What Nuer understand by the question is rather, I think, 'have you rested?' or 'are you at ease?' The sense of 'ease' is reinforced by the question which generally follows: '*male?*' or '*maleu?*', which can be translated 'are you well?' but is better translated in the same general sense as the first question as 'are you at ease?' or 'are you at peace?'—not, however, so much with the meaning of not being at strife with others as with that of being at peace within. The word *mal* is also used in farewells: '*wer ke mal*', 'go in peace', and '*dudhni ke mal*', 'remain in peace'. It has in the Nuer tongue the sense of 'easy' or 'light', and in other Nilotic tongues it means 'heaven' or 'above' and in its verbal form 'to pray'—images which go with sleep which eases the mind.

576 That Nuer regard being at ease or at peace as having something to do with being in friendship with God is shown by a further question which may follow: '*ci pal?*' or '*ci palu?*', 'have you prayed?' I think that the idea implied here is that being at peace in yourself means being at peace with God as well as with your fellow men. A fourth question asked in greetings is '*ci tol?*', the sense of which is: does the smoke rise from your hearth, that is,

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is everything well with your home? A fifth question sometimes asked is '*ci bagh?*', 'has it dawned (well for you)?' Not all these questions are always asked, but often two or three of them are, and sometimes more. In the full greeting we therefore get a composite picture of easy sleep and fresh awakening, contentment, prayer, and a smoking hearth, that is, of a person at peace in himself. 576

This digression was made to explain the meaning of the expression '*akoniemko*' in prayer. The phrase is in harmony with some other expressions used in prayer: '*apwonyko pwol*', 'may we be light', and '*apwonyko koc*', 'may we be cool'. *Pwony* means 'body' or 'self' and here it means 'self' in the sense of the person as an entire person, body and soul. There is no reason why a Nuer should want to be light or cool in a purely physical sense. What is intended is to ask that the people may be light not only in the sense of physical well-being but also in the sense of *pwol loc*, of being light-hearted or joyful, free from burdens and troubles; and that they may be cool in the sense of not being anxious or worried, cool in the sense of calm. This is shown by a variant which is one of the commonest Nuer prayers, '*a yiegh neni koc*', which can in this context only be translated 'may the souls of the people be cool', though in other contexts *yiegh* can mean 'breath' or 'life'. Very often the word *thei* is added, '*a yiegh neni koce thei*', and this gives an emphasis: 'may the souls of the people be very cool'. Obviously Nuer are not asking, unless it be metaphorically, that their breath or life may be very cold. The word *koc* is also used in expressions of good will towards persons, especially in the blessing '*apwonydu koc*', 'may you be cool', that is, 'may you be at peace'.[1] 782 196

The word *koc* can also mean 'soft' or 'tender', and though it is best translated 'cool' in prayers the two meanings may blend. Here again, Nuer clearly do not want to be physically soft. Indeed the expression '*koce thei*' in the physical sense of softness means when applied to men 'to be completely impotent sexually'. The idea of softness is seen in the metaphor often heard in prayers and invocations: 'may we tread on wild rice'. *Poon*, wild rice, is, Nuer say, the softest of grasses to the feet, as it is also one of the 782 196 137

[1] The symbolism can at once be appreciated by ourselves, especially by those acquainted with the Vulgate and other Latin sacred texts where *refrigerium*, a cooling, is used in the tropical senses of 'consolation', 'mitigation', 'refreshing', and 'comfort'.

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tenderest pasture grasses, being sometimes gathered to feed small calves by hand. Nuer speak of life as walking through pastures and they ask for a path that has no hidden dangers, that is, is free from evil, and for softness underfoot, that is, a mind at ease. Hence they petition also '*gwenyi ko kwel gwath me jalko ko*', 'make clear a way for us in the place where we journey', and '*gwenyi ko gwath*', 'clear for us a place'. Here again the sense is mainly allegorical. The words do not usually refer to any particular place or journey but to the journey through life, and the making clear of the way does not refer only, or even at all, to any particular dangers of travelling through the bush but to all the sufferings and evils which beset the life of man.

Peace and deliverance are the key-notes of these petitions. They are seen again in the phrase '*kwoth ngaci rum yieni, romni yieko*', 'God, thou (who) knowest how to support [or care for] souls, support [or care for] our souls'. The general sense of the prayer is that God should protect those who supplicate him as a parent protects his helpless infant. This desire for peace, deliverance, and protection is summed up in another common petition: '*akoteko*', 'let us be'. I am not certain whether the verb here is *tek*, to be alive, or, as I think it is, *te*, to be. There is in any case a considerable overlap in meaning between the two words, and in this context there would not be any great difference in meaning between the one and the other, for the sense is: let us go on living and as we are. Nuer are asking for life, but not just life in the sense of living but of living abundantly, free from the troubles and sufferings which make life, as we say, not worth living. That this is the right interpretation is further suggested by another expression frequently heard in prayer, '*akolapko*', which also has to be translated 'let us be', and here again signifies, and in a deeper moral sense, life in the mode and manner of leading it. The verb is *labe*. It expresses a continuous state and can, I think, only be used of persons. It indicates a particular quality of a person which is part of his nature as that person and is therefore unchangeable, as in the phrases '*labe kuaar*', 'he is a leopard-skin priest', '*laba Nac*', 'I am a Jinaca clansman', '*laba ran*', 'I am a Nuer' or 'I am a man', and *labbo cok*', 'we are (like) ants [in the sight of God]'.

It will have been observed that these expressions in Nuer prayers, as is the case among other peoples, are often repetitions, but rather in the form of parallelisms than of tautologies, for they

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are variations of meaning within the same general meaning. Different images are used to express the same general idea, each stressing a different aspect of it.[1] 782 196

The distinctive and significant features of Nuer mystical and moral theology cannot be extracted from the short affirmations and petitions which constitute their prayers if these are considered entirely by themselves without Nuer comments on them and without some knowledge of their ritual and of their ideas and values in general, but once these have been delineated they are seen to be summed up concisely in the prayers. They are asking God for deliverance from evil, so that they may have peace, denoted by a variety of images with emotional and ideational relatedness—sleep, lightness, ease, coolness, softness, prayer, the domestic hearth, abundant life, and life as it should be according to the nature of the person. As I have explained, Nuer regard the ills they wish to be delivered from as due to faults and they think they can only be avoided by keeping in the right in their dealings with God and men. These two ideas, of being in the right and of deliverance from evil, are basic to their religious thought and they are also, of course, complementary. A fuller understanding of these cardinal concepts of Nuer religion can be obtained only by taking into account their attitudes towards other spirits associated with God, their conception of the soul and of sin, and their sacrificial rites. 782

[1] Archbishop R. C. Trench discusses this feature of prayer in his *Synonyms of the New Testament*, 1871, *passim*.

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ciated with ostriches. I do not know where it is supposed to have originated. 776x 77

One of the spirits that are best known throughout Nuerland is *wiu*, a spirit of war and associated with clan spear-names. It is particularly associated with the sacred spear *wiu* of the Gaatgankir clan, the dominant clan of the Jikany tribes. *Wiu* is also associated with thunder, '*ce wiu mar*' being equivalent to '*ce nhial mar*', 'it thundered (lightened)'. We may readily accept the Nuer statement that it was made known to them by the Gaatgankir clan, who are acknowledged by all to be of Dinka descent. That the *wiu* spear is of some age and that the Gaatgankir clan have long been indistinguishable from other Nuer in their general culture suggest, in view of Nuer statements that the spirits of the air fell recently, that the spear is older than the spirit, and this may be so, for in the story accounting for the spear there is no mention of the spirit.

A spirit of great interest is *buk*, also called *buk man deang*, *buk* the mother of (the air-spirit) *deng*, and *bungdit*, a Dinka title meaning *buk* the great. This female spirit, known throughout Nuerland, is associated with rivers and streams. It is *kwoth yier*, a river-spirit. Dr. Lienhardt has recorded a song in which it is called 'daughter of fire-flies' and by its cow-name '*kwacwar*', 'leopard of the night', imagery bringing to mind fire-flies and consequently streams, near which they are particularly numerous. Nuer sometimes offer first-fruits of their millet and make libations to it in streams and in times of sickness they may sacrifice animals to it on the banks. They also throw beer and tobacco, and maybe a bound goat as well, into the water as offerings when they take their herds across rivers or engage in large-scale fishing, praying that they may be protected from injury by crocodiles, water-snakes, bones of fish, sharp shells, and lost fishing-spears. On such occasions they may also sing hymns to it, the best known of which I record later. *Buk* is said to have two daughters, also associated with streams, or with particular streams, *càndit* and *nyaliep*. 'Daughters' is a figure of speech, for I was told that they were once Nuer maidens whom God took and put in the water, where they became spirits. *Candit* is said to have once been seized by a man of the Mitnyaal lineage of the Gaatgankir clan on a river bank and to have lived with him till she bore him a child, when she returned to the river. The spirit is therefore revered as the 776x 782● 177

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×776 guardian spirit of this lineage. They dedicate cows and sheep to
●782 it and pour libations of their milk for it into rivers. Since *buk* is in
177 rivers and streams it belongs to the below and I discuss it further in connexion with the tellurian spirits, but as the mother of *deng* it also belongs to the above, though it does not possess men as other spirits of the above do. Nuer explain its being both above and below by saying that as Spirit (*kwoth*) it is in the sky but materially (*pwonydę*) it is in rivers and streams. That *buk* is of Dinka origin is clear both from its being the mother of *deng* and from its Dinka title *bungdit*.[1]

×776 There are other spirits of the air, though I know little about
177 them. I have heard of one called *mar*, probably the same word as that meaning 'to thunder'. Miss Huffman mentions a *cul*, sender of dreams.[2] Father Crazzolara, speaking presumably of the Leek tribe, whose territory, where the Catholic mission is situated, is near the Shilluk kingdom, says that the Nuer have taken over the Shilluk spirit *nyikang*.[3] There are probably others.

×776 Father Crazzolara, though he contrasts fetish spirits and nature sprites with spirits like *nai*, *dayim*, *nyikang*, and *deng*, labels them all *Erdgeister*.[4] In my opinion, on the contrary, these spirits are undoubtedly classed by Nuer in the category of the above, though some are, I concede, regarded as inferior to others, for example *nai* and *dayim*, whom Nuer speak of as *gaat gaat kwoth*, children of the children of God, rather than as *gaat kwoth*, children of God, a usage which indicates that they are more distant from God and belong to the lowest rank of the heavenly beings. That my account is here at variance with that of Father Crazzolara may be due to the fact that the spirits of the air have only the vaguest personalities and lack distinct individualities defined by clear differentiation of attributes, so that Nuer have nothing very definite to say about them. The figures are all more or less alike, and their celestial and other associations are not so much indications of function as a means of differentiation. For the Nuer themselves one spirit of the air is distinct from another really only because it has a different name. For this reason I have written 'it'

[1] It is probably common to all the Dinka sections. Further evidence of its Dinka origin is the fact, which I have learnt from Dr. Lienhardt, that *buk* or *bung* denotes in Dinka black and white markings, like those of the pied crow with which the Nuer *buk* is also associated (p. 81).

[2] Ray Huffman, *Nuer-English Dictionary*, 1929, p. 10.

[3] Op. cit., p. 136.

[4] Ibid., pp. 133 seq.

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It was this spirit, a particularly dangerous one, that was troubling Galuak. Nuer use the word *kap*, to take hold of or to lay hold on, to describe the possession of a man by a spirit. It was known that it was *nai* who was responsible because when the year before Galuak had a similar sickness a prophet of *nai* had divined that he was possessed by this spirit. On that occasion his family had sacrificed goats, but during the past year no sacrifice had been made or ceremony held in the spirit's honour, an omission of which Galuak's family now felt very conscious. In the circumstances a return of the spirit to Galuak might have been expected. 776 x 791 753 782 ●

The same prophet had been sent for from a neighbouring village and was expected to arrive before evening. In the meanwhile Galuak's kinsmen sought high and low for a beast to sacrifice right away to *nai*. All animals in the village suitable for sacrifice had recently been killed in other ceremonies (p. 59) and the kinsmen were unable to bring back even a goat for their pains. I was told that *nai* would not, however, kill Galuak in the meantime because it would see that they were trying to find an animal. The prophet arrived, as was expected, in the evening and he was accompanied by two friends. No doubt the matter was discussed in the byre that night, but no action was taken till the following morning.

In the morning, after a talk in the byre, the persons concerned went across to the hut of Galuak's mother, Nyadang, and I was invited to accompany them as a friend of the family. Nhial, Galuak's brother, was working for me. Here the prophet was presented with five piastres—on his visit the year before he had been given a war-spear and a fish-spear. He sat with his back to the wall of the hut, and Galuak and his father, Rainen, sat on a mat facing him and with their backs to the door, which was closely drawn against the entrance to the hut. The windows had been blocked with grass so that the hut was illumined only by faint shafts of light which penetrated round the edges of the door. Even this dim light could not be seen by Galuak and his father, for skins had been placed over their heads so that they might be in total darkness. Altogether there were, besides Galuak and his father, thirteen persons in the hut, sitting with their backs to the wall. The atmosphere was stifling. 776 x 791 755

The seance began by the prophet shaking his rattle and singing. Karlual, one of Galuak's maternal uncles, also shook a rattle on one side of the prophet and one of the two friends who had

× 776 791 755 they wanted to be sure that when *nai* and the other spirit had been satisfied there would be nothing further to prevent a speedy recovery. As for Rainen, if his manner of speech was that of a man out of his senses, its content showed reflection and purpose. What he, or the spirit in him, said was aimed at compelling Nhial to hand over his wages for the purchase from government herds of beasts for sacrifices, an object Rainen had been vainly trying to attain for some days previous to the ceremony. Rainen also justified himself, in what the spirit said, for the slaughter of a number of beasts to appease his various spirits, for which his family had criticized him for extravagance. They felt that too much of the family property was being devoted to religious purposes, whereas the spirit made it clear that, far from having made too many sacrifices, he had not made enough. Had he made more, Galuak would not have fallen sick. Religious and personal issues were interwoven in the spirit's declarations.

× 776 791 ● 782 778 When the spirit had ceased speaking we left the hut, and Galuak's paternal uncle, Dol, went to chop down a branch of the 'wild date' (*Balanites aegyptiaca*), a tree to which *nai* is said to be very partial, to erect it as a shrine (*riek*) to the spirit near the hut. When it had been erected a clump of *tuat* grass was dug up by the roots and planted at the side of the branch in a hole first filled with water, it being the dry season. A he-goat—by this time one had been procured—was then brought out and the prophet waved his spear, decorated with ostrich plumes, over its back and made a short invocation, telling the spirit that they were honouring it, saying that it would now cease to trouble Galuak, and asking God that the people might rest in peace. He then cut the goat's throat. It was later eaten by himself and his two friends. The people of the homestead did not partake of its flesh, but when it had been cooked some children were called from a nearby homestead and given pieces of the meat and told to run back to their home with them. The Nuer said of this: '*ca gat kwoth nang cieng*', 'the son of God is taken home'. Finally a *buor*, a mud mound in the shape of an ordinary kitchen windscreen, was erected near the shrine. On the following evening Rainen rubbed ashes on the back of a cow of his herd and dedicated it to the spirit of his father. By so doing he felt that he had appeased the second spirit which was troubling his son.

× 776 782 The relations between Nuer and their spirits centre in these

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dedicated cattle, and much of the trouble the spirits cause them is occasioned by failure to devote animals to the spirits or by some fault concerning these beasts. When a spirit is by descent attached, or of its own accord attaches itself, to a family they should devote to it a cow or an ox, generally a cow; and they sometimes, especially at eventide, rub ashes along its back, an act which is in itself a kind of recognition of the spirit, and they may also pour a little milk or beer over the peg to which it is tethered. I do not think that there is any Nuer herd which has not at least one animal dedicated to one or other spirit of the above or of the below, and often there are several, for many families have several spirits and dedicate an animal to each of them. A dedicated beast is often to be identified by metal rings attached to its leather collar. These are ornaments devoted to the spirit and not phylacteries. When a daughter of the family marries, the *kwoth* of one or other parent is given a cow of her bridewealth, being treated in this matter as though it were a kinsman with rights in their daughter. Sometimes the *kuth* of both parents receive cattle at the same marriage, but if a spirit does not get a cow on the marriage of one daughter it will get one on the marriage of one of her sisters.

When a spirit gets a cow, whether it be dedicated to it at a marriage or in its honour on some other occasion, the cow ought not to be disposed of, and should it die it ought to be replaced. However, Nuer seem to feel that as long as the spirit has one cow in the herd it will not be angry if a second cow is disposed of. Thus if the spirit gets a cow of a daughter's bridewealth, they feel that there is not the same need to keep the cow previously dedicated to it. Nevertheless, there is always a risk in disposing of any dedicated animal. The male calves of a dedicated cow, or at any rate one of them, may eventually be offered to the spirit in sacrifice. However, it seems to be held that the human owner may dispose of the calves of a spirit's cow for marriage if he explains his purpose to the spirit. If a dedicated cow is driven off with other cattle by persons seeking redress for some injury it will not be kept in the byre of its captors when they realize its character but will either be returned to its owner or will be loosened to wander, lest misfortune should fall on them. When I bought from the Government some cattle which had been taken from Nuer in fines it was pointed out to me by Nuer friends that one of the cows

776 was a *yang kwoth*, the cow of a spirit, and that no good would
782 come of my possessing it. They were not surprised when one night it tore up its tethering-peg and fell into the Sobat river and was drowned. The *Sudan Intelligence Report* of September–October 1934, No. 69, records the interesting case of a man who was ordered by a Government Chiefs' Court to pay a cow in damages to another Nuer. As at the time he possessed only one cow and this was dedicated to a spirit, the Court permitted him to defer payment while he went to obtain a cow owing to him in a different part of the country. During his absence from home on
[761] this errand one of the Government chiefs took his cow. The owner was killed by an elephant on his journey and his kinsmen claimed compensation from the chief because they attributed his death to the removal of the cow devoted to his spirit. The milk of a spirit's
[262] cow should only be drunk by members of the family. It belongs to the spirit and is therefore reserved for the people to whom it is attached. I was first made aware of this rule when on a journey I fell sick in a Nuer village and was compelled to spend a few days there. Being unable to eat solid food, I asked a lad of the nearest homestead if I might have a little milk. He said that he was sorry, but the only cow giving milk in his family herd was the cow of his mother's spirit, and he could not let me have its milk without her permission. He later brought some milk and told me that it would be all right for me to drink it as I was sick, but when I could eat again only the children of the home might either milk the cow or drink its milk.

Should a man neglect to dedicate a cow to his spirit when he is in a position to do so, or should he dispose of a beast already devoted to the spirit and not dedicate another to it, sickness is
[753] likely to fall on his family or herd. But although Nuer say this, and believe what they say, it is not uncommon for them to use a spirit's cow for bridewealth or some other purpose, hoping that they will soon be able to replace it. They know that they are doing wrong but they think that maybe the spirit, having been informed of their intentions, will understand their difficulty and will excuse their manner of overcoming it, knowing that they mean to keep their promise to give it another cow as soon as they can. But they may not find it easy to procure another cow for some time and the spirit has in the meantime to go without one; or they keep on putting off the replacement because they want to use

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their cattle for other purposes, and also because they say to themselves that as no evil has befallen them since they disposed of the spirit's cow it does not matter; or they are just careless and forgetful. I have known of several cases of men using the cattle of spirits as bridewealth. Then a child of the family died, and then maybe a second child, or some other misfortunes happened to them, and they began to be sorry that they were so casual and summoned a prophet or diviner to confirm that their sufferings were due to the anger of a spirit about the loss of its cow. In one case I heard discussed the spirit *deng* was not appeased even when a new cow was dedicated to it in the place of its cow given as bridewealth, but continued to make trouble for the family. Efforts were therefore made to get back the original cow. Unfortunately the man who had received it in the allocation of the bridewealth, the natural father of the bride, had in the meanwhile dedicated it to his own spirit, and he was making difficulties about its return. He did not see why the consequences of a transgression should be passed to him. In another case which I had the opportunity to follow, a man had given a cow as his contribution to the bridewealth paid on the marriage of his sister's son. This cow calved a female calf in the home of one of the bride's mother's brothers, and then it died there. As the marriage had not been completed, the calf was regarded as having taken the place of its dam. A difficulty then arose. The cow had been the donor's spirit's cow and ought never to have left his herd, and subsequent misfortunes in his family were attributed to his having given it away. He therefore pressed for the calf to be handed over to him so that he could give it to his spirit in the place of the beast it had lost. The bride's maternal uncle was not inclined to be helpful, and negotiations had not been concluded by the time I left Nuerland. Had it been the bride's own family who had received the cow they would, for their daughter's sake, have let the man have the calf without argument, on the understanding that he would one day let them have a similar animal in its stead. Thus I have known a family who had recently disposed of all their cattle in making a marriage to ask for, and receive, the return of an ox of the bridewealth from the family of the bride when one of them fell sick, so that they might dedicate it to God, to whom it would one day be sacrificed.[1]

[1] Cows are not dedicated to God, only to spirits. Oxen are occasionally dedicated to God but, in my experience, only on such an occasion as this, when the

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x 776 ●782 231 426 To appreciate how Nuer get into such difficulties with their dedicated cattle as I have mentioned we must bear in mind the overwhelming importance of cattle in their lives, that cattle are generally the issue in disputes, and that almost every Nuer owes cattle and has cattle owing to him, debts which are often not settled, if at all, for years and sometimes even for generations. Nuer will go to almost any lengths to obtain cattle to which they think they have a right and to put off the settlement of their own debts. It is not surprising that in these circumstances a man may postpone fulfilling his obligation to a spirit if it is a question of having to choose between the claims of an importunate creditor and of a spirit which, it is hoped, will be satisfied for the time being with the man's good intention; or that to fulfil an unavoidable obligation to a kinsman a man may take a liberty with a spirit which, he hopes, will not take offence at a fault in such compelling circumstances.

x 776 782 Besides dedicating a cow to his spirit and sacrificing an ox, sheep, or goat to it when it is displeased, a Nuer ought now and again to hold a ceremony in its honour. This generally takes place after the harvest has been gathered in and there is plenty of beer. I attended one of these ceremonies in the home of Karlual, who figured in the story of Galuak's sickness which I have just related. It was held in honour of *deng*, who is what the Nuer call *kwoth ciengde* or *kwoth goale*, the spirit of his home or of his family. I was told that each of Karlual's numerous brothers holds a like ceremony in turn till it is his turn to hold it again. The ceremony of the year before had been on a large scale and an ox had been sacrificed at it. *Deng* had afterwards told Karlual through the mouth of someone who had become possessed by it that all it wanted this year was some beer, so the ceremony I witnessed was on a smaller scale. It is known as 'the bathing of the cow in beer'.

The ceremony was held in the morning and was very late in starting because those who attended it, or some of them, had first attended a ceremony of the same kind elsewhere in the village, that held by a man called Mokwac for the spirit of his concubine's dead husband. When I arrived at Karlual's homestead I found that a gourdful of beer had been placed at the side of a clump of grass at the edge of the kraal. Karlual's brothers and their families

intention is to sacrifice it in the near future, the dedication being in the nature of a consecration for sacrifice.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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and a number of kinsmen and neighbours were present, one of whom, Dhoal, was asked to preside because he was a leading man in the community. He began by pouring some of the beer out of the gourd over the tethering-peg of the cow devoted to *deng* when Karlual shouted to him to wait till they brought him a ladle. When it was brought, he poured a libation with it over the peg. A small son of Karlual was then told to do the same and afterwards to drink what was left in the ladle. Then various kinsmen also poured libations over the peg and all present poured beer into their hands and threw it into the air, an act called *kith*. The people then sat around the gourd and drank the remainder of the beer while they discussed family affairs.

All kinsmen who can do so should attend a ceremony of this kind, especially close agnatic kinsmen, for this is an occasion when kin are expected to reveal any resentment they may have in their hearts towards one another. Each tells the others where they have been at fault (*duer*) in speech or act during the past year, and the issues raised are then settled peacably by discussion. A man must not keep a grievance hidden, and if he does not reveal it now he must for ever keep silence. Nuer say that all the evil in their hearts is then blown away. I think that this is the meaning of the throwing of beer into the air. They also say '*giakni dial ba ke bap e yang*', 'all evils (which they have done to one another) will be gathered to (or taken over by) the cow'. All present place ashes on the back of the beast, probably an ox, and it is then cleansed by sprinkling or blowing beer on it. However, I did not see this part of the ceremony because owing to the lateness in starting it the beast had gone to pasture with the rest of the herd. I was told that it was performed in the afternoon when the herd returned from grazing.

III

In what I have said so far about the spirits of the air I have been speaking of their relations to ordinary Nuer. Sometimes a spirit possesses a man and when he has recovered from the seizure abides with him, giving him powers of healing, divination, exorcism, and foresight. I discuss the functions of these prophets in Chapter XII. Here I give only such information about them as is necessary for an appreciation of the spirits which possess them.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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regularly have cows dedicated to them and they have their shrines and drums. 776×

Also, the Nuer attitude towards them is different from their attitude to God, who, though he punishes men, is their father and friend. The spirits of the air are not so benevolent, and they are more immediately exacting. To the European observer they seem to be greedy, capricious, and hostile, but this is not quite how they appear to the Nuer, for though they demand that animals be devoted to them and animal oblations made, and bring misfortunes on those who neglect these duties, and though, as the hymns to them show, they delight in blood and battle and bring sickness and death, yet they only cause misfortunes to those who in one way or another are at fault. They give victory in war, and they favour those persons and families to whom they attach themselves, but they are jealous spirits who demand tribute from their votaries. The Nuer fear them but they do not feel so much resentful as guilty when they bring sickness on them. They recognize that an angry spirit generally has right on its side, and they seek to make amends so that it will cease to trouble them; and in making amends through sacrifice a bargain is struck in a much cruder and more human way than when a sacrifice is made to God. No Nuer would try to bargain with God as he bargains with a spirit, trying to buy it off as cheaply as he can, and no Nuer would use such familiar terms in addressing God as he sometimes uses in addressing spirits of the air. One reason for this difference is perhaps not far to seek: the spirits of the air are 'owned' by persons and they make their wishes known through men, through prophets who may be ambitious and greedy, and through mediums whose revelations may be coloured by their own interests.

Yet, though one may say all this, the spirits of the air are, nevertheless, being Spirit, also God. They are many but also one. God is manifested in, and in a sense is, each of them. I received the impression that in sacrificing or in singing hymns to an air-spirit Nuer do not think that they are communicating with the spirit and not with God. They are, if I have understood the matter correctly, addressing God in a particular spiritual figure or manifestation. They speak to God directly or they speak to God in, for example, the figure of *deng*, whichever mode is most appropriate in the circumstances. They do not see a contradiction here, and 776× 782●

× 776 there is no reason why they should see one. God is not a particular
● 782 air-spirit but the spirit is a figure of God. So while in a sacrifice one can say that the oblation is made to *deng* and not to *wiu*, *mani*, or any other spirit of the air, one cannot say that it is not made to God. The spirits are not each other but they are all God in different figures. Consequently, if one asks a Nuer whether a sacrifice is to God or to a spirit of the air the question makes no sense to him. Nuer pass without difficulty or hesitation from a more general and comprehensive way of conceiving of God or Spirit to a more particular and limited way of conceiving of God or Spirit and back again. This is often very apparent in invocations made at their sacrifices and in what they say in times of sickness and other troubles. Therefore a queston which tries to present a disjunction, an either . . . or, in answer to which either one proposition or the other may be accepted but not both, is not understood.

× 776 It is in the nature of the conception of Spirit that it can be thought of in this sort of way, that what is distributed in a number of beings is, though different, yet the same and, though divided, yet a whole. Therefore, what has been said in this respect about the conception of God in relation to the conception of spirits of the air can also be said of the spirits of the air themselves. *Deng* has several forms but they are all the same *deng*, and *deng* may be in a number of different prophets at the same time, each of whom is *deng*, without *deng* being in any way divided.

V

× 776 Another sort of spirits which are regarded as spirits of the above
769 in contrast to those of the below are the *colwic*, spirits which were once persons. These persons were struck by lightning or, more rarely, disappeared in a whirlwind; and some Nuer included also persons found dead in the bush without the cause of death being apparent. They are conceived as having been, as we would say, metamorphosed. The human has been changed into the divine. *Tic*, soul, has become *kwoth*, spirit. Nuer think of these persons as having been 'taken by God into the sky' and they say that there are multitudes of such spirits in the sky. Their names are for the most part forgotten in course of time but a few become tutelary spirits of lineages and are for that reason remembered. Such a

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kwoth goal, spirit of a lineage, is called on for aid, especially, I was told, by a man seeking refuge from enemies pursuing him. Most lineages seem to have at least one *colwic* patron spirit, to which cows are dedicated and their bull calves sacrificed. In their role of patrons of lineages they are similar to the totemic spirits, which I discuss in the following chapter, but they are treated in the present place, and not with the totemic spirits, partly because in other respects they obviously lack what are usually regarded as totemic characteristics, but chiefly because they are spoken about by Nuer as spirits of the above whereas totemic spirits are spirits of the below. 776× 769

Although each *colwic* spirit, so long as it is remembered, retains its individuality in relation to its family and lineage, all of them are also conceived of as merged in God or in his hypostasis of *col*, the air-spirit of lightning. I have heard it said that *col* is black-haired and that this is the reason for calling a person killed by lightning a *colwic*. This suggestion, which is not entirely satisfactory grammatically, may have been put forward by the Nuer I was conversing with as a piece of *ad hoc* etymology deemed adequate to satisfy my curiosity,[1] but whether this is so or not, the first part of the word, *col*, means 'dark', and the spirit to which the word also refers is a spirit of storms; so in the word *colwic* there is an association of some kind with darkness and the suggestion made to me shows that Nuer are conscious of this.

Many people are killed by lightning, as memorials erected in their honour in villages bear witness, and it is therefore not surprising that Nuer are anxious when violent storms break over their homes and the sky is pierced by flashes of lightning. Then there is silence in the byres and one may see old men throw pieces of tobacco from the doorways into the storm, uttering a simple prayer, such as 'ah God, father, take this tobacco [or they may say "ox"]. I have paid thee ransom (*kok*) father [with this offering]. 776× 821 782●

[1] Miss Soule informed Professor and Mrs. Seligman (op. cit., p. 238) that the expression is *colwec*, '*col* of the village community'. Father Crazzolara (op. cit., pp. 97–98) writes *colwic*, gen. *colwec*, but he does not give a literal translation of the expression. In my opinion the second syllable of the word is *wic*, gen. *wec*, 'head', and not *wec*, gen. *wic*, 'cattle-camp' or 'community'. Dr. Mary Smith tells me that she has heard Nuer speak of *coldoor* in reference to a person killed by lightning in the bush (*door*), though *colwic* is also used. On the other hand, some Nuer told her that people killed by lightning are called *colwic* because they do not have their heads shaved after death, as other people do. Clearly the syllables which compose the word have no definite meaning for Nuer.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Come to earth gently, do not come with fury to thy grass [the thatched roof]. Come gently to thy grass. No one disputes with thee. It is thy universe. It is thy will, thine alone.' Or a man may take a mallet, used for driving tethering-pegs into the ground, lay it in the doorway to his byre, and, after asking God to 'rain well' for it is his universe, throw some ashes into the air in offering. Once when after a heavy storm I told a Nuer that should there be another storm of like severity I would desert my tent and take shelter in his byre he rebuked me, saying 'God does not wish the thunder to come like that again. You should not suggest it.'

When a person is killed by lightning Nuer are resigned. They say that God has struck him with his fire and that as God has taken him there is nothing to be said. God has taken the soul of the man to himself and 'he would be angry if he saw you grieving for the person whom he has taken'. The death is not a punishment for some fault but a mysterious act of divine will, almost what some theologians call an election. All death is ultimately attributed to God, but only in the sense of his being the first and necessary cause which operates through secondary and contingent causes. In the case of a *colwic*, however, God has chosen a particular person for himself and taken him with his own hand. Nuer say that the chosen person has entered into kinship, or friendship, with God.[1] For this reason a person struck by lightning does not receive an ordinary burial and the usual mortuary rites are not held for him. I was under the impression, and have elsewhere stated, that, nevertheless, the formal rules of mourning were observed, but Dr. Mary Smith tells me that this is not so, and what she says is more in accordance with what I have recorded above.[2]

A person is usually struck in his byre or hut and the walls of the burnt-out building are broken down over the body, and the

[1] In a published note on *colwic* (*Man*, 1949) I have translated a phrase, '*ca mar e kwoth*' by 'he has been brought into kinship with God'. As written it could mean this, but I now think that I may not have heard the words correctly and that what was said should be translated 'he was struck by God (with lightning)'. However, the idea of kinship, or friendship, with God was also expressed where the context allowed no room for misunderstanding.

[2] We find the same idea among the Shilluk. They do not bury or mourn a person killed by lightning. The death is an honour and the family feel that they have made an offering and will therefore prosper (the Rev. D. S. Oyler, 'Shilluk Notes', *Sudan Notes and Records*, 1926, pp. 58–59). Dr. Lienhardt tells me that the Dinka also do not mourn a person killed by lightning.

charred remains of the rafters, supports, and thatch are heaped on top of them. If a man is struck in the bush his body is covered with grass and thornwood. Nuer say that it is only the *ring*, the flesh, which they cover up. The *yiegh*, the life, or in this sense the soul, has been taken by God and has become part of him. Sacrifices must be made at once. The people sacrifice to God even if a byre or hut is struck without causing death because the misfortune, being a direct intervention of God in human affairs, is a danger which must be got rid of. They say '*ba luak kier ka del*', 'the byre is expiated with one of the flock'.[1] If a person is killed, his kith and kin feel that they are in grave danger and anyone closely connected with the dead makes sacrifice as soon as he hears of the calamity. The dead man's paternal and maternal kin and his affines bring oxen and sheep and goats to the mortuary mound and sacrifice them there. Even distant kinsmen and unrelated friends and neighbours make sacrifice; and if a girl is killed by lightning her sweetheart will sacrifice an animal. The whole community is involved, and fellow villagers who do not feel that they are sufficiently connected with the dead for animal sacrifice to be necessary throw leaves of the tobacco plant on the mound in silence. It is believed that unless sacrifices are made at once the *colwic* may return bringing death to man and beast. Also, the close kinsmen of the dead are so unclean that relatives and neighbours may not eat or drink in their homes before they have sacrificed; animals must follow the dead before the people can rest in peace. Nuer say '*ca je kir ka det kene rueth*', 'he (the dead man) was expiated with some of the flock (goats and sheep) and oxen'. The sacrifices cleanse the kith and kin and ward off from them further misfortune.[2]

But only immediate danger is warded off by these sacrifices. The kin are not yet free from the ordinary contamination of death and they will not be till another ceremony has been performed some weeks or months later. This ceremony resembles the usual *cuol woc* mortuary ceremony held for a person who has died in some other way than by lightning and which I describe later, but Nuer do not call it by that name. Indeed they say, as I have

[1] *Del* means both 'sheep' and 'goat'.

[2] Dr. R. G. Lienhardt tells me that an ox must be sacrificed on the evening after the death, just before sunset, and that its flesh must be consumed during the night, a rule which obtains for sacrifice only on this occasion. This is perhaps a further association of *colwic* with darkness.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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be its patron. I have noted that when a widow is killed by lightning at the home of a man with whom she cohabited after her husband's death her memorial is erected at her husband's home, though his people invite her lover to attend the commemoration ceremony. 776 × 766

Lat, son of Pan, the master of ceremonies (pp. 287–9) of Nyakewa's father's family, made fire ritually with firesticks and from it were lighted the various fires on which pots were placed for boiling the beer. The mud supports for the pots were made on the spot, for one does not use old utensils on these occasions. Since the ceremony was for a woman a new mud windscreen was constructed. The master of ceremonies then erected a *riek*, a shrine-stake, in the centre of the funeral mound and planted at the side of the mound a sapling of the *nyuot* tree. Such a mound and stake are shown in Mr. Corfield's photograph in Plate II.[1] The *nyuot* tree is, as we have noted, associated with the spirit *col* and also with rain and with the sky from which rain and lightning come and to which the soul of the dead person has gone. When planted in the rains the sapling generally takes root. If it dies they plant another. Many of the trees one sees in Nuer villages have been planted in this manner. 776 × 766 782 [778]

Shortly before sunset a procession of about twenty men arrived bearing in their hands leaves of the tobacco plant and heads of millet. They threw down these offerings near the mound with the freshly erected shrine-stake in the centre of it. No one comes to the place of sacrifice empty-handed. The procession was headed by the master of ceremonies leading a black ox, *a thak ma col*. It should preferably be a black one. This *ma col* sacrificial victim, *col* the spirit of lightning, and the *colwic* make a harmony of darkness (*col*), the darkness of storm. Before the ox was sacrificed men came from all directions leading oxen and castrated he-goats and wethers. The father of the dead girl's husband brought an ox, as did one of her maternal uncles. Among those who brought he-goats and wethers were the girl's mother, one of her maternal aunts, one of her maternal uncles, several of her father's kinsmen, and the man who had begotten her brother in adulterous congress

[1] This is almost certainly a *colwic* shrine, but it is more elaborate than most and the offerings of tobacco seen at the base would not be seen at shrines in other parts of Nuerland. The photograph was taken among the eastern Jikany Nuer who border the Anuak, great cultivators of tobacco.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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with her mother, for her brother had also been begotten in adultery, though by a different man from the man who begat her. The black ox was speared near the funeral mound and the other oxen and the sheep and goats were speared immediately afterwards. I have not known sheep and goats to be speared in any other sacrifices. The usual mode of sacrifice for them is by cutting the throat. Dr. Mary Smith tells me that they are speared on this occasion to symbolize the instantaneous death of a *colwic* by lightning. As soon as a goat or sheep fell it was cut in half through the belly. The oxen were also cut up unskinned, for one does not use the hides of animals sacrificed for a *colwic*, as one uses those of most sacrificial beasts, for sleeping on or for women's skirts. The head, hooves, some of the entrails, and part of the skin of the black ox were placed at the foot of the stake or hung on it. The chyme of the animals was collected and placed at the foot of the stake, and their tethering-cords were hung on it. Most of the flesh of the black ox went to the girl's father's lineage, on whose behalf it was sacrificed, but some went to collateral lineages, some to women of the father's lineage married to men of other lineages, and some to the girl's maternal uncles. I did not inquire how the other animals were divided but it may, I think, be assumed that in each case the animal was mostly consumed by the paternal kinsmen of the man who brought it to the sacrifice.

At dawn on the following morning the dead girl's senior maternal uncle sacrificed a bull on behalf of the maternal kinsfolk. It was first castrated in his byre because animals are not sacrificed entire. The uncle made a short invocation before spearing it. The meat of this animal was divided between the dead girl's own family, her maternal uncles, and various other relatives on the mother's side who were present. A man representing the mother then sacrificed an ox at the mound on behalf of the family. However the flesh of these sacrificed oxen may be divided according to rights of kinship, all present must receive pieces of meat, even though they be unrelated persons, because all must taste the meats of sacrifice to show the *colwic* that they do not reject or disregard (*cany*) it. The last sacrifice I witnessed was of a goat by a brother of the husband of the dead girl's mother's sister, on behalf of this maternal aunt; but I was told that more sheep and goats were slaughtered on subsequent days and that in all more than twenty animals were sacrificed. These were in addition to

those which had been killed immediately after Nyakewa had been struck by lightning. As the husband of one of Nyakewa's maternal aunts was killed at the same moment as herself while he was on a visit to her village many animals of the village had also to be sacrificed on his behalf in his own village. The flocks of the village were so depleted that there was no suitable beast available for sacrifice in a case of serious sickness which occurred in the village shortly afterwards (p. 35). The number of beasts sacrificed is an indication both of the seriousness of the event which occasioned the ceremony and of the wide circle of persons it affected.

When the sun was high in the heavens on this second day of the ceremony the beer was drunk, though it had not properly fermented. The old men poured some on the sacred stake while uttering a few words. I heard one of the maternal uncles say 'Nyakewa, we have no kinship with God. Thou hast kinship with him now. See, thy mother remains here; do not let the spirits trouble her.' Towards the end of the beer-drinking the people sang hymns to spirits of the air to the accompaniment of hand-clapping.

Later the waste products of the beer were heaped around the base of the stake on top of the tobacco leaves and millet heads and parts of the sacrificed beasts. The dead girl's ox-tassels, her horn spoon, her butter-gourd, and two lumps of tobacco were tied to the stake. These things were said to belong to God, for the girl's soul was now with God. They had become holy and could not be used by man. Finally the cooking stones and pots used in the beer-making were neatly arranged around the heap of offerings. I was told afterwards: 'Nyakewa has altogether departed from us who are men and has become Spirit (*kwoth*). Henceforward we will invoke her name in battle as we brandish our spears.' About a year after this ceremony kinsmen gather again at the shrine to drink beer and to sprinkle (*kith*) some of it into the air as an offering.

Sometimes a *colwic* spirit seizes a member of its family or lineage, in the same way as a spirit of the air may seize a man, and makes him sick. When he recovers he makes a small mound-shrine (*yik*) in his homestead and this then takes the place of the original shrine at the home of the person killed by lightning. Some of the dead person's ornaments may be inserted into the mound of the new shrine and others hung on the stake erected in it and on the low pens enclosing it.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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× 776 the word to denote a relationship between a social group and a natural species or a class of objects and 'totemistic' when the relationship tends to concern individuals rather than social groups. The distinction is not, however, a vital one and need not therefore be rigorously maintained; and such being the case, the word 'totem' may serve to denote the species or class in both instances. The same species, that is to say, may be the totem of a lineage (a totemic relationship) or of individuals (a totemistic relationship). I use the expressions 'totemic spirit' and 'totemistic spirit', as the case may be, to designate the *kwoth* of the species or class which is totem to a group or individual. Nuer distinguish between the spirit and the creature in which it may be said in some sense to make its appearance, for example, between the lion-spirit and the lion. It is to the spirit and not to the creature that Nuer devote cattle of the bridewealth of their daughters and to which they make sacrifice. Before discussing this problem further I give some examples of relationships between lineages and the natural species they are said to respect and from which they sometimes take their spear-names and honorific titles.

× 776 613 [773] ● 782 Some lineages respect lions. One of them, the *Leng* lineage of the Jinaca clan, say that the lion is their totem because their ancestor Gilgil was born twin to a lion. When they sacrifice to the lion-spirit, they are said to take a leg of the victim into the bush and leave it there, calling on the lions to come and eat their share, which I have heard described as the share of the *jibuthni*, the people of a collateral lineage (p. 287). I fancy that what is meant is that a token piece of meat is thrown into the bush and that it is spoken about as a leg. It is said that if a man who has the lion for totem injures a lion he may beget a son with nails like claws. I was told of a man that he took a spear belonging to a member of the Leng lineage, a neighbour of his, and killed a lion with it, and that shortly afterwards another lion killed a number of beasts of the Leng man's herd. It was proposed that the people should go out to hunt the animal, but after discussion it was decided that it would not be just to do so because the lion had right (*cuong*) on its side. Instead, the man who had killed the first lion with the spear of its totemic kinsman compensated him for the loss of his cattle and a sacrifice was made to the lion-spirit. After compensation and atonement had been made the second lion gave no more trouble. My friend Cam of the village of Yakwac

16: Evans-Pritchard E-5 (1931, 1936) 1956
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on the Sobat river was born of a woman of the Leng lineage and has, moreover, married a wife to the name of his maternal uncle and begotten children to him by her; so, though he is not himself a man of the Leng lineage, he has intimate ties with it, and he lives with its members. His brother told me how one day Cam killed a lion which he believed to be killing his cattle, for, his brother commented, 'Cam has no sense at all'. He returned from his successful hunt bending his fingers like claws and crouching as though he intended to spring on the people around him. A sheep was at once sacrificed to the lion-spirit, and Cam composed himself. While I was living in a cattle camp at the same village of Yakwac, which is occupied by part of the Leng lineage in the dry season, a girl of the lineage was taken hold of by the lion-spirit and had hysterics. Her family sacrificed a sheep to the spirit and dedicated a cow to it, for the seizure was thought to have been due to their failure to dedicate a cow to it earlier; and the girl was restored to her normal self. The Thiang lineage of Kurmayom village, also in Lou country, are another lineage whose totem is the lion, and they told me that they would not kill lions unless the lions first killed their cattle, for then the lions would have done wrong (*dwir*) and they would be in the right (*cuong*) in retaliating. This lineage has *mut luony*, spear of lion, for its spear-name. Another friend, Rainen of the Leek tribe, told me that he used to respect lions because his paternal grandfather's mother had been born twin to a lion in Dinkaland (she was a Dinka), the lion twin having run away into the bush. He said, however, that he had ceased to respect them when they began to eat his cattle. He conceded that the lions which ate his cattle were small lions from Dinkaland and not the large lions of Nuerland, but he felt he had been wronged by lions as a body and now refused to respect lions of any kind. He said *'ce theak thuk'*, 'the respect is finished'. The same man told me that in the past, before lions began to eat his cattle, he had sometimes tied up a goat in the bush for them, and they had taken it. In the terminology I am using he had a totemistic relationship to lions. I have no certain knowledge that any mammalian species besides the lion is the primary totem of a Nuer lineage. The waterbuck, as will be seen later, is a secondary totem of a large clan.

A considerable number of lineages respect reptilian species. The large lineage of the Lak tribe who are known as *cieng* Gangni

16: Evans-Pritchard E-5 (1931, 1936) 1956
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776 613 respect the monitor lizard. The story is told that long ago some people of *cieng* Gangni were dying of thirst on a journey. They were wandering, light-headed with thirst and the heat of the sun, when they saw a monitor lizard in a *thep*-tree (*Acacia verugera*). They intended to kill it but it escaped them and following it brought them to water, to which, being a water creature, it naturally made. Ever since, their descendants have respected the lizard and dedicated cows of their herds to the lizard-spirit. I was told that if there is one of them present when a Nuer of a different clan kills one of these lizards, as apparently sometimes happens, he throws a bead or some grass on to its body to make recompense (*ba je col*), because he saw his totem killed. I was told also that should a man of *cieng* Gangni knowingly eat of its flesh he would die, while should he eat of it unknowingly he might fall sick or become crazy. Nuer also say that should a man who respects the lizard harm it he may beget a child with deformed legs resembling the legs of the lizard. The *cieng* Gangni also respect the *thep*-tree for the reason given in the story I have related and, though why I do not know, the *keac* tree (*Crataeva religiosa*) and *pak*, the Dead Sea apple (*Calotropis procera*). One of their spear-names is *mut thep*, the spear of the *thep*-tree, and one of their honorific titles is *gat thep*, son of the *thep*-tree.

There are a number of lineages in different parts of Nuerland who respect crocodiles and dedicate cows to the crocodile-spirit, the Cany major lineage of the eastern Gaajak being one of the largest. The reason given for the totemic relationship is a twin-[773] birth of an ancestor with a crocodile's egg, the egg having been placed in a stream. I was told that a twin-birth of this kind may occur at any time in a lineage which respects the crocodile. Mem-[782] bers of these lineages are said sometimes to milk the cows dedicated to the crocodile-spirit and to pour the milk into a stream in which there are crocodiles. One of their honorific clan-names may be *nya nyanga*, daughter of the crocodile. It is said that should a man who respects crocodiles harm one of the réptiles without cause, or eat its flesh, he may beget a child with a rudimentary arm resembling a crocodile's leg; and I was told of a woman of one of these lineages who ate crocodile flesh, thinking that it was turtle flesh, and afterwards bore a child so deformed that it had to crawl on its belly. Those who respect crocodiles enjoy a special immunity from their attacks and I have been

16: Evans-Pritchard E-5 (1931, 1936) 1956
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assured by old men when about to wade through crocodile-infested streams that I need have no fear, because people whose totem was the crocodile lived nearby, and they contrasted the benevolence of their local crocodiles with the savagery of crocodiles in other districts. When once I remarked to a Nuer about a man fishing far out in the Sobat river, in a place I knew to be infested with crocodiles, that I thought he was taking a big risk, my companion simply replied 'maybe he respects crocodiles'. I have also been told that men of these lineages call the reptiles out of the water and stroke them. There can be no doubt that people who have the crocodile for totem are regarded by other Nuer as having some control over them. They are summoned by their neighbours to perform a rite to prevent crocodiles from attacking them or their flocks and herds when streams and rivers must be crossed. The *gwan kwoth nyanga*, the person who possesses the crocodile-spirit (who has the crocodile for totem), bends a metal bracelet till the ends overlap and binds them in this position with grass, and then presses the bracelet into the river mud, calling on *gwandong*, grandfather or ancestor (in this context, the crocodile-spirit), to let the people pass over in safety. This operation closes the jaws of the crocodiles while people and cattle are in the water. He may also, on certain occasions, as when a stream is being fished, bind a goat and push it under weeds and reeds into the stream for the crocodile-spirit at the same time as performing the bracelet rite; and it is said that he must then sit on the bank and abstain from drinking water while people are still in the stream.

A large number of small lineages in Nuerland respect snakes. All those whose descent I was able to trace are of Dinka origin. Some respect *nyal*, the python. Those I have asked about their totemic affiliation have told me that a python was born as twin to their ancestor. When they sacrifice to the python-spirit they take a goat to the edge of the stream and there kill it, in imitation of the python's killing of its prey, by blocking its mouth and nostrils and bouncing on its belly till it suffocates. They throw a piece of the sacrificial meat into the stream and another piece towards the land. They boil the rest of the meat, taking care that no soup of the boiling is spilt, and eat it. A senior man then sharpens a new cattle-peg and, after driving it into the ground and winding grass round it, pours some of the blood of the goat at its foot, asking the python-spirit to take its 'cow' and let the

×776 613 ●782 [778] people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

×776 613 [171] [773] Another snake respected by a large number of small lineages of Dinka descent is *lualdit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *duor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can [825] kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a beast dedicated to the spirit of cobra should

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PLATE III

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Sacrifice of ox by suffocation

[facing p. 68]

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×776 613 773 I have been told that there is a small lineage, called Waloak, in eastern Gaajok country who respect tortoises. There is a curious story accounting for their adoption of this totem. A man of the lineage had his cow taken by a man of a neighbouring village and his repeated requests for it to be returned to him were unavailing. One day when he was going to the river he found a tortoise and wrapped it in a sheepskin. He continued on his way, and as he was passing the village of the people who had taken his cow, he took the opportunity of once more asking for it. They refused his request, but at that moment the tortoise poked its head against the skin pressing it outwards. The man bent over it and told it to be quiet as it would get its share that day. Again he asked for his cow and again it was refused, and once more the tortoise wriggled in the skin and was told to be quiet. The people of the village then became frightened because they thought that the man had some powerful medicine in the sheepskin and that, if they did not give his cow back to him, they might die with their children and cattle; so they surrendered the cow. The mention of medicine suggests a recent origin for the story.

×776 613 Some lineages respect birds. The Jibegh of western Nuerland respect the ostrich and will not use its feathers as ornaments. Their spear-name is *mut wuot*, spear of the ostrich. It is said that ostriches will not eat the millet of members of this clan. [826] I once met a man with only three toes, stocky and undeveloped, to one of his feet. I was told that his maternal grandmother had the ostrich for totem, and that on the day of her daughter's marriage one of the bridegroom's people, as is the custom, threw a spear at her mud windscreen. She took the spear as her right and on examining it found that part of the shaft was bound with ostrich-skin. When her daughter bore a son he was deformed as I have described. The ostriches—or, rather, the spirit of ostrich—had stamped the likeness of an ostrich on the child.

Some small lineages of Dinka origin respect cattle egrets. One such lineage are the Rial of western Nuerland. I also met Lou ●[782] tribesmen who have the cattle egret for totem and I was present when some of them sacrificed a goat to the cattle egret-spirit on the bank of the Sobat river, not because anyone was sick, which is a common occasion of sacrifice to a totem-spirit, 'but just because they think of (*tim*) it'. This spirit is said to be a river-spirit

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because they sacrifice to it at the river's edge, near which cattle egrets are generally to be seen. 776x 613

I am uncertain whether the many little species of birds the Nuer class together as *kec*—weaver-birds (the Sudan dioch), finches, and others, known collectively in the Sudan as durra-birds—are rightly regarded as the totem of lineages or whether the spirit associated with them is possessed by individuals and not by groups. It may be that only the son who takes on the ritual functions of a *gwan keca* or *gwan kwoth keca*, an owner of durra-bird or an owner of the spirit of durra-bird, respects these little birds, and not all his sons or all members of his lineage; but I [177] believe that they are respected by small lineages of Dinka and Anuak descent and therefore include them in the list of Nuer totems. The Nuer class, as we do, all these little birds together because they feed together on millet seed. They may be seen to rise in swarms from the millet gardens and, whilst in most years Nuer pay little attention to them, they are in some years so numerous and destructive that the entire crop is threatened. It is then necessary to protect it by posting boys, sometimes on platforms erected for the purpose, to scare them off. The owners of 776x the threatened gardens may also summon a man who respects 613 the birds to induce them to depart. He takes some stems of millet 782● of different varieties from each of the gardens of the village and, carrying this bundle, heads a procession of the villagers to where the gardens meet the bush. There he utters an invocation over the goat, telling the birds that it is their cow and exhorting them to turn towards the bush where they will find plenty of grass seed to eat, for that is the millet of the birds. He tells them that the people have come out of their village to greet (*lor*) them with a 'cow' (goat) and requests them to leave the millet alone. When he has sacrificed the goat to the durra-bird-spirit he places the millet he has gathered on the ground with their heads facing the bush to show the birds the direction in which it is desired that they should go. I was told that the carcass is left in the bush. On the occasion on which I was present an expert had been brought from some distance to perform the rite, and a local man, who also respected the birds and could therefore have performed it, felt slighted, and was said to have threatened that next year he would cut stalks of millet before the harvest was ripe. Nuer often cut stalks of unripe millet to chew, but a man who has these birds for totem must not do so lest he cause the birds to devour the crop.

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are the *thep*-tree, papyrus, the *kwel*-tree (*Ficus platyphylla*), and *lel*, the dom palm.[1] 776 613

Some lineages respect rivers and streams. The ancestor of the Juak lineage of western Nuerland, of Dinka descent, is said to have come out of a big lagoon called *gwol*, so his descendants are known as Juak *jigwol* and the honorific titles of their sons and daughters are *gat* and *nya gwol*, son and daughter of (the lagoon) *gwol*. They respect all rivers and streams, and when a man of the lineage intends to cross a river he throws a bead into the water calling on his 'grandfather' (the river-spirit) to accept the offering and bring him in safety to the other side. A woman of the lineage will not take off her skirt when crossing a river as other women do, and unmarried girls, who are naked, place a few wisps of grass round their loins before entering the water. I was told that were a married woman to forget and step into the water naked, and were then to remember her obligation, she would return to the bank and pull off a bead or tassel from her skirt and throw it into the water, telling the river-spirit that she had not purposely offended it and asking it to accept her offering in atonement. The Gaatiek clan also respect rivers, and the Nile in particular because God brought their ancestor out of it. Being *jiyier*, river-people, they respect also the *gwot yier*, papyrus, and will not cut it. Their spear-names are *mut kier* and *mut yier*, spear of the Nile and spear of the river, and their honorific names are *gat* and *nya bar*, son and daughter of lagoon. They dedicate black cows to the Nile-spirit and they sometimes pour a libation of milk from these cows into rivers. When people are taking their families and cattle across rivers they milk one of the black cows dedicated to the river-spirit into a black snail-shell, which a man of the clan then turns upside down at the river's edge and keeps pressed into the mud while the people and herds pass over. This keeps the jaws of the crocodiles closed. In virtue of their relationship to rivers certain senior members of the lineage may also perform a rite for the safety of those

[177] [773] [782] [773] 776 613 782 791

[1] Mr. H. C. Jackson, op. cit., p. 165, records that one of the clans of the Bul tribe respect the tree called in Arabic *duruba*, because their ancestor hid in this tree when fleeing from avengers. It is called *rir* in Nuer and is probably to be identified with *Pseudocedrela kotschyi*. Professor and Mrs. Seligman, op. cit., p. 213, say that the *kac* tree is respected by the Bul Nuer because their miracle-working ancestor used to sit under it, and by the Jidiet clan because their ancestor was killed with clubs made of its wood. They do not on this occasion tell us the sources of their statements.

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●782 [535]
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taking part in fishing battues. Such a man is called *gwan biedh*, owner of fish-spear, and *kuaar juaini*, priest of grass, because he protects the people by winding grass round the point of a fishing-spear which he then drives into the earth. He also fills a snail-shell with mud and presses it into the mud of the river, and he bends and binds together the points of a metal bracelet and stamps it into the mud. He may also bind a goat and place it in the river as a sacrifice to the river-spirit, which he calls on to protect the people against the dangers of the water. I was told that he must not himself take part in the fishing, but must sit on the bank and abstain from drinking water. He can also heal wounds caused by fish-spears by spitting in them. The Gaatiek clan is probably of Dinka origin.

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[177]
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The Nyanding river in the eastern Jikany country is the totem of a small lineage of Anuak descent who live on its banks. It is said that once upon a time the river-spirit asked for a bride, and a girl was decked for marriage and thrown into it by her father Juac, whose name means 'grass' in Nuer. This girl who was sacrificed to the river-spirit (*ca je kok yir*) was called Nyanding. I was told that 'she was not drowned, the river took her', and that she became part of the river-spirit. The present 'owner' of the river, Monytuk Joak, a man of this lineage, told me that each year he binds a goat and throws it into the river. He also protects people taking part in large-scale fishing by treating a bracelet and a shell in the manner I have described. When a girl of the lineage is married, a male goat and a female goat are paid as part of the bridewealth. The male goat is sacrificed to the river-spirit and the female goat is dedicated to it.

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[177]

Some Nuer lineages respect cattle with certain markings. The Kwok lineage of western Nuerland and their kinsmen among the Atwot people (a section of the Nuer who have to a large extent adopted Dinka culture) will not keep in their herds an animal with *ma feng* markings, that is an animal which has a coloured back but is otherwise white. If one is calved by their cows they

FIG. 2 Girl's dancing-stick

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 761 children now respect this species of snake. Mgr. Mlakic records how a Nuer who has a tree for his totem told him that one of his ancestors had died from being pricked by a thorn of that tree. Anything may thus become a totem. Mgr. Mlakic also recounts how a Nuer refused to accept a milleme coin the Father offered him because a boy of his family, when playing with a milleme, got it into his ear and died. The family now respect millemes.[1]

×776 825 A youth, a friend of mine in western Nuerland, had recently acquired a respect for speckled vultures. The Nuer consider it a misfortune if a speckled vulture, a hooded vulture, a Goliath heron, a maribou stork, or an egret settles on the crown of a byre or dwelling-hut. '*Theke ke, cike de nyur wi tie*', 'they (the birds) respect them (byres and huts), they ought not to settle on their ●[782] crowns'. If this happens a goat is sacrificed and the bird is asked why it should settle on a habitation. It is requested to accept the offering and take itself and all badness from the homestead. Nuer say that the bird is *kwoth*, Spirit, but, here again, they do not mean that the bird is in itself Spirit but that it is a form in which Spirit is beholden. Nuer know that the bird is *kwoth* only through its unusual behaviour. The man to whom I have referred went some years ago with a party of men to find a cow which had died in the bush. When they found it, some speckled vultures rose from the carcass and one of them settled on the man's head. This caused great consternation because its settling on the man's head showed the presence of Spirit. As soon as the party reached home a goat [782] was sacrificed and left in the bush for the vultures to eat. From that time the man respected vultures. One day he told me that the night before he had dreamt of this incident and had early that morning visited a female diviner (*tiet*) to find out whether his dream presaged anything bad for him. She assured him that no harm would come to him as the vulture-spirit had been sacrificed to (*ca kir*) in the first place. If it had not been satisfied it would have caused him sickness long ago. All he need now do, she said, was to cut a piece off a goat's ear and tell the vultures that it was his gift to them. This he had at once done. I do not know of any lineages which have the vulture as their totem, but it became a totem for this man by its action of alighting on his head. Since such an event is regarded by Nuer as a manifestation of Spirit, through the happening there came into being for this man a

[1] Op. cit.

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value, nor do they accept all claims to spiritual guidance at their face value. 000

Nuer also class among the *kuth piny*, the tellurian spirits, certain nature sprites they call *bieli*, and also certain fetishes or spirits of 'medicines'. I give only such a brief and condensed account of these notions as is sufficient to indicate their nature. It is unnecessary to discuss them at length for Nuer regard them, like the practices of their diviners and leeches, as so low a manifestation of Spirit as to be almost something of a different kind. 776x

Nevertheless, here again, some reference to them must be made because they are spoken of as *kuth*, spirits. Moreover, the nature sprites are spoken about, and in some respects are treated, as having some resemblance to the spirits of the air, though much inferior to them, being associated with things, material objects in which they are manifested and to which they are in a sense bound; although it must be emphasized that it is not the things themselves which are regarded as Spirit. This is clear from the fact that the spirits are thought to become attached to, or detached from, them. Their presence in objects and processes is known by luminosity or phosphorescence. We see here again the implicit metaphor, which runs through Nuer religion, of light and dark, associated with sky and earth; and the word *biel* is probably the same as that meaning 'colour', which for Nuer is not an absolute abstraction but a relationship of light and dark shades.

One of these sprites is the *biel pam*, the meteorite-sprite, also called *biel pauka*, ash-sprite. It is, I believe, the same as that called *biel nhial*, sky-sprite, and *biel mac*, fire-sprite. Like all the nature sprites, it can be purchased from its owner (*gwan bila*)—for a goat or two in the first place. I was told that he does not hand over the meteorite itself but a small gourd containing ashes of cattle-dung —hence the name ash-sprite. The purchaser hangs this from the porch of his byre and sacrifices a goat to the sprite, telling it that he will one day dedicate a cow to it and asking it to fall. The gourd of ashes remains in the byre till a meteorite falls. When it does so, the man anoints it with butter and makes a sacrifice, and he then lays it on the floor at the back of his hut. One day '*be macde dop wi pam, be cu pet*', 'it (the sprite) lights its fire on the surface of the meteorite, and then it burns (shines)'. When the man sees this light he sacrifices a goat and makes beer and gives a feast at which the assembled people clap their hands and sing hymns to the 776x 782

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sprite in the manner I have described when speaking of the spirits of the air. He must then give the man from whom he purchased the sprite some cattle to get him to invoke it, asking it to assist the purchaser and not to harm his family, for spirits of this kind are regarded as dangerous for the families of their possessors. They may protect their owners and bring them good fortune, but they are also liable to turn on members of their families and kin if they are not frequently offered gifts. The new owner now hangs the meteorite in a gourd in his hut and hangs also near it offerings of butter, ashes, and tobacco in other gourds.

Similar sprites are the *bieli yier*, river-sprites. They are found, under the name *biel roa*, hippopotamus-sprite, in some hippopotamuses, and also in certain fish, *rec car*, *ludh* (lung-fish), *lek*, and *ril*.[1] Nuer declare that '*cike mat*', 'they have congregated', in certain hippopotamuses. It is said that if a man kills one of these animals he will see a light on its head, and that afterwards the sprite will seize him. He breaks the skull of the animal with an axe and takes out the brains and boils them, rubs a little of the boiled brains on his forehead and right arm, and eats the rest of them. Shortly afterwards he falls sick, and if his surmise that it is the sprite which has made him sick is confirmed by a prophet, or by a possessor of this or another kind of sprite, a hand-clapping and hymn-singing ceremony is held, in the course of which the sick man becomes dissociated and the sprite speaks through his lips, saying what it is and what it wants. A sacrifice is then made and the bones and chyme of the victim are placed near the entrance to the man's hut and a mound of ashes is piled over them, forming a shrine (*yik bila*), into the top of which a branch of the *nyuot*-tree is stuck. The sprite then leaves the man, but he continues to pay it attention from time to time, dedicating an animal to it and making it offerings, and his children may continue to do so after his death. Other *bieli* are the *biel jiath*, tree-sprite, *biel real*, termite mound-sprite, and what is sometimes called *kwoth juaini*, spirit of grasses, which manifests itself in a will-o'-the-wisp coming from rotting swamp vegetation and is perhaps the same as *kwoth doar*, spirit of the bush. Dr. Howell speaks also of a *biel rir*, cobra-sprite, and a *biel loi*, cattle peg-sprite, connected with

[1] For identifications of some of the fish mentioned in this chapter see Sabet Girgis, 'A List of Common Fish of the Upper Nile with their Shilluk, Dinka, and Nuer Names', *Sudan Notes and Records*, 1948, pp. 122–5.

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context of their common humanity, as, for example, when furious storms are raging, in times of severe drought and famine, or when a man is seriously ill, then God alone, or in certain circumstances one of his hypostases by which he is figured in relation to some particular natural phenomenon, is addressed and he is not, as it were, divided by a variety of titles along the lines of the social structure. This may also be to a large extent the case even where different social groups are involved, so long as they are not antagonistic but have a common interest and intention. I give one such illustration.

A youth in a village where I was residing was badly wounded in the shoulder by a spear in a fight with a man of the next village. His antagonist had not intended to kill him and the people of the two villages were on good terms, so his kinsmen at once sent the spear with which the wound had been inflicted to the injured youth's home with expressions of regret and wishes for a speedy recovery. The elders of the wounded lad's home bent the point of the spear and placed it point downwards in a pot of cold water. This was done to lessen the pain of the wound, especially when it was washed, and to cool the inflammation. Next morning the wounder's village sent us a deputation, leading a goat for sacrifice. By this further indication of their regrets and of their willingness to pay compensation at once should the lad die they anticipated a blood-feud. It was hoped in any case that the danger of death would be obviated by the sacrifice of the goat. The wound would, as the Nuer put it, 'be finished with the goat'.

Before the animal was sacrificed the visitors consecrated it by rubbing ashes on its back. It was then tied to a stake opposite the hut of the wounded youth's maternal grandmother and an invocation was delivered over it by a man called Lel, a leopard-skin priest and also a prophet, who had been summoned from a distance to officiate, partly, I think, because his presence would give greater importance, and therefore perhaps efficacy, to the ceremony and partly because it would be a further insurance for a peaceful outcome to the incident. His address was largely taken up with reiterations that the youth would not die and with giving to God and the people a lengthy and detailed account of how the accident had occurred. He sacrificed the goat at the conclusion of his speech. Our home party then brought forward a wether and it was also consecrated with ashes. Afterwards a man of the home

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627 poured a libation of water over its tethering-peg as a prelude to
●782 delivering an oration. He told the story of the accident all over
×776 again and commented on it to God in this vein: 'ah God! We call on you about this wound. There is no enmity between us [the party of the injured youth and the party of the spearer]. This wound came of itself [they do not attribute it to the spearer because it was an accident and also because the youth will not die and so there will be no *thung*, debt of homicide]. Throw the badness away with this cow [they call a sheep or goat a 'cow' in sacrificial contexts]. Let the wound heal. Ah God! it is only a headache [it is not a sickness of any importance—they speak of the most ghastly wounds in this way], let it be finished, let it go right on [heal without complications]. Let it be removed from the man's body. Let us be at peace.' Another man of the home party also made an invocation in much the same language: 'Friend (*maadh*), God who is in this village, as you are very great we tell you about this wound, for you are God of our home in very truth. We tell you about the fight of this lad. Let the wound heal. Let it be ransomed [with the sheep]'; and so forth. A representative of the visitors now said a few words to the same purpose and the sheep was then sacrificed. The meat of both sacrifices was eaten by the people of the home after the visiting deputation had departed; and also the carcass of a third animal, another wether, which the people of the home later sacrificed after three of them had made further invocations over it in much the same vein.

In this ceremony Spirit was addressed simply as *kwoth* and no designated refractions were mentioned, and when on such occasions Nuer speak to, or about, *kwoth* without differentiating specifications they are, as I have explained, speaking to, or about, Spirit in the comprehensive conception of God the creator and the sustainer of life. This is often the case in their sacrifices, and it is the same when they pray for peace and deliverance from evil.

×776 That emphasis is given to the refractions when a social group,
613 acting as such and marking itself off from other groups, makes a sacrifice on behalf of itself or of one of its members in virtue of his membership of it, and that they are then to be regarded as diverse exclusive representations of God by which he is figured to the groups concerned in a special way as their patrons is evident also from other considerations. It is clear that totemic spirits of lineages are Spirit conceived of in a tutelary relationship to the

×776 Moreover, though God is God of all men he is not only con-
●782 ceived of, in the various totemic and other representations we have considered, as the special patron of descent, and sometimes of local, groups, but each family regards him, without specific differentiation of title, as having a particular relation to itself; and he may be spoken about in terms of a particular household, hamlet, or village community. One hears Nuer say in invocations, as in the one I have just recorded, 'God who is in this village', or 'God who is in this home'. When a Nuer builds a byre he holds a small ceremony before its central support is erected. Beer is prepared, and before the people drink it the master of ceremonies or the owner of the byre pours a libation of it to God and the ghosts at the entrance to the byre and in the centre of it, where the hearth and shrine will be, and asks God to give peace and prosperity to the home, its people and its cattle. They think then of God looking after their home in a special way, of being particularly attached to it so that he then becomes, as it were, in a special sense the family's God, a household God. The shrine, a forked post, is the
[778] altar of God within the home, God of the hearth, as well as being associated with any of his particular representations—totemic, *colwic*, air-spirits, &c.—in which he may stand in a tutelary relationship to the lineage or family of the owner of the homestead, and also with the ancestral ghosts. He is spoken of in this domestic representation as *kwoth rieka*, God of the post (shrine). Further, every member of a Nuer lineage, whether or not it has totemic or other specifically designated spirits, will in invocations speak of '*kwoth gwara*', 'spirit of our fathers', or in reference to the name of the ancestor of the lineage or clan, just as the Old Testament speaks of 'the God of our fathers' or 'the God of Abraham, Isaac, and Jacob'. Similarly one hears the leopard-skin priests address God as '*kwoth Geaka*', 'spirit of Gee'. Gee was the first leopard-skin priest from whom all the leopard-skin priests derive their powers, so that the expression refers to God figured as patron of priests; though it also has a wider, national, sense, for Gee was also the ancestor of the most important Nuer clans.

×776 Apart from the use of names or titles as diacritical signs to indicate an inclusive or exclusive relationship to God, Nuer make the same distinction grammatically through their inclusive or exclusive pronominal suffixes. These particles are rather complicated when they are attached to family and kinship terms, as in

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× 776 196 meaning of 'his spirit', 'their spirit', and so forth; in other words, where the statement makes it clear that what is being spoken of is Spirit conceived of in relation to particular persons only. We still have to ask, however, in what sense the crocodile is Spirit for these persons.

Since it is difficult to discuss a statement that something which can be observed, crocodile, is something more than what it appears to be when this something more, Spirit, cannot be observed, it is helpful first to consider two examples of Nuer statements that things are something more than they appear to be when both the subject term and the predicate term refer to observable phenomena.

× 776 196 ● 782 811 When a cucumber is used as a sacrificial victim Nuer speak of it as an ox. In doing so they are asserting something rather more than that it takes the place of an ox. They do not, of course, say that cucumbers are oxen, and in speaking of a particular cucumber as an ox in a sacrificial situation they are only indicating that it may be thought of as an ox in that particular situation; and they act accordingly by performing the sacrificial rites as closely as possible to what happens when the victim is an ox. The resemblance is conceptual, not perceptual. The 'is' rests on qualitative analogy. And the expression is asymmetrical, a cucumber is an ox, but an ox is not a cucumber.

× 776 196 811 845 A rather different example of this way of speaking is the Nuer assertion that twins are one person and that they are birds.[1] When they say 'twins are not two persons, they are one person' they are not saying that they are one individual but that they have a single personality. It is significant that in speaking of the unity of twins they only use the word *ran*, which, like our word 'person', leaves sex, age, and other distinguishing qualities of individuals undefined. They would not say that twins of the same sex were one *dhol*, boy, or one *nyal*, girl, but they do say, whether they are of the same sex or not, that they are one *ran*, person. Their single social personality is something over and above their physical duality, a duality which is evident to the senses and is indicated by the plural form used when speaking of twins and by their treatment in all respects in ordinary social life as two quite distinct individuals. It is only in certain ritual situations, and symbolically,

[1] I have given a more detailed account in 'Customs and Beliefs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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man's chest as he stands in it. Nuer say that were a man to be 764
buried in a shallow grave and his corpse to be scratched up by hyenas he would haunt those responsible. The head of the corpse is shaved and all ornaments are removed from the body before burial. A man goes to the grave as naked as he was born. A woman is buried in her loin skin, closely drawn between the legs. The legs of both sexes are flexed and one arm is placed under the head and the other over it as the corpse lies on its right side on a strip of ox-hide. Another strip of ox-hide is placed over it and pieces are also placed over the ears to prevent earth entering them. I believe that in western Nuerland a man is buried facing east and a woman facing west, but in eastern Nuerland both sexes are buried facing west. Nuer have told me that this is because the eastern Nuer came orginally from the west and that it was in western Nuerland that their ancestors were created; but, as will be seen, they also associate the passage from birth to death with the movement of the sun across the sky. The grave-diggers heap the earth they dig around the edge of the shaft, five heaps for a man and four for a woman. When filling the shaft they sit or stand with their backs to it and scoop the earth back with their hands, at first slowly and then quickly, from each heap in turn. When the earth is above the level of the ground they beat it down. The small hump which is left is stamped down a few days later so that there is then no sign of the grave, unless it is an old woman's grave, when her pipe or neckrest or cooking-pot may be placed on it. Graves are not places of cult and are not long remembered. I have never heard a man speak of the grave of an ancestor or kinsman. The dead man's hut continues to be occupied after the women have beaten it inside and outside with wild rice. Persons killed by lightning, twins, and holders of certain ritual offices have special modes of burial (pp. 54–55 and 129–30).

When the burial is completed the master of ceremonies of the dead man's family dips a handful of wild rice in water and asperses the grave-diggers with it. They then go to the nearest stream to wash themselves. They may not drink water before they have been aspersed and have washed lest they die of the consequences (*nueer*). A few days later the master of ceremonies sprinkles all the people of the homestead and close kin who live 764
nearby in the same manner and sacrifices an animal to God, an 782
ox if the dead man had a large herd, otherwise one of the flock,

16: Evans-Pritchard E-5 (1931, 1936) 1956
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764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

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fortune hanging over them and that the death may be only part 765
of it. It is necessary to clear off the whole debt before any further 775
evil comes to them. Otherwise people may cut their feet when fishing, pierce their feet when hunting, cut themselves with spears when dancing, or indeed meet with almost any misfortune, even death. Nuer also feel that if the dead is not appeased by this ceremony he may return in anger to fetch the living, especially his wives and children, and the cattle.

I have only once witnessed this ceremony, rather early in my 765
study of the Nuer, and I have supplemented my account of what 782
I then saw with statements made to me later. The ceremony was held at Dini in the Lou tribal area for the ghost of an important old man called Lam. When I arrived at the dead man's village towards evening the people had just sacrificed an ox outside his kraal. This sacrifice had been for Tutthiang, Lam's father, for it was known that Lam had intended before he died to sacrifice this animal in his father's honour. Next morning, before sunrise, an ox and a cow and its bull-calf were speared at their tethering-pegs in Lam's kraal. People watched to see how they fell; because if a sacrificed animal falls over cleanly on its side, especially if it falls on its right side, it is a good omen and shows that the ghost is content, whereas if it falls on its head or totters about before falling it is a bad omen. It is regarded as important that a cow still giving milk should be sacrificed for the ghost of an old man who had a position in his community lest he should feel that sufficient sacrifice had not been made. To kill a cow in milk is the greatest sacrifice a Nuer can make. An animal must be sacrificed for each wife of the dead by one of her sons or by some kinsman on behalf of her hut. If the ceremony is for a young unmarried man his favourite ox should be sacrificed. A cow should be sacrificed for a senior woman if the herd is large, and a male calf for a young woman. However, there are no hard and fast rules about the matter. The people of the home should sacrifice what they can afford, cattle if possible, but a goat or sheep if they cannot obtain at least a male calf, which is unlikely, because a man can generally borrow one from a neighbour.

At Dini after the cattle had been killed they were skinned and 764
the meat apportioned to the various categories of kin. It is an 782
absolute rule, however, that no member of the ghost's age-set 561
may partake of the meat of animals sacrificed at his mortuary

765 ceremony, and I was told that it is dangerous for them even to
●782 smell the cooking meat. Everyone then moved off to sit in front
[561] of a hut to listen to the commemorative orations, which are also invocations; and here were spread out on the ground the ghost's possessions, his fighting-spears and fishing-spears, his beads, his metal arm-rings, his ostrich-shell girdles, his pipe, and, since his son was senior government interpreter in the district, his clothes and whistle, articles not possessed by ordinary Nuer. At the side of these were placed the heads and hides of the cattle which had just been sacrificed. The people sat with their backs to the now rising sun and facing the direction of the setting sun because 'death follows the setting sun'. Nuer say that 'the west is the side of
[823] death, the east the side of life', and the verb *kwony* in their
[196] language means both 'to bury' and 'to set' (the sun). When they sacrifice an ox for a sick man they hope it will fall towards the east. The master of ceremonies (pp. 287–9) of the ghost's family made the first commemorative oration, after throwing some tobacco towards east and west. As he spoke he walked up and down in front of the people brandishing the spear with which the animals had been sacrificed. He commenced his address (*lam*) by shouting out his ox-name. He must also have shouted out his clan spear-name, though I have not recorded it in my notebooks.

I did not take down his address at the time but I was told later that a master of ceremonies speaks in this wise: 'God, now thou hast given us badness, or is it simply the lot of creation? [Is the death thou hast sent us a special evil designed for us or has the dead man merely suffered what soon or late comes to all created things?] Now thou hast taken so-and-so [he names the dead man], now he has become one of thy people, turn about and take him right away. We who are left in the world, give us peace. Let his children who remain in the world be at peace. He is not finished, his children will carry on his name. In the future they will bear his name. Let no further evil befall us.' The master of ceremonies is now speaking to the ghost: 'So-and-so, my brother [or 'my father' if he was a much older man], now thou art one of God's people. Do not forget us, let it be thy habit to speak [on our behalf] to thy father [God]. When we go into the bush let us tread on wild rice [avoid all dangers and troubles]. Let us beget children. May all evil be taken away from us now, and may we remain in peace.' The master of ceremonies again addresses God: 'God, and

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you ghosts! Thou, God, madest man and thou also madest death. 765
[Thou hast said] thou, man, I made thee only that thou mightest 782
perish. God, it is thy world. Thou hast shown us death this year. Now we here, we go about with this debt, there has been no laughing with happiness for us this year; thou hast given us mourning. God, turn about and take away the man thou hast taken. Breathe on us with favourable breath (*ku ko ngok ni yiegh me goagh*). Thou hast taken this man, take also this ox of his together with him.' He addresses the ghost once more: 'and thou, so-and-so, art thou now in the great cattle camp [community] of the dead? Where art thou, our father? Where are all the people of our home? Eh! It is the camp to which we all go at last. We who remain in the world, may we be at peace. May the children thou hast left behind thee rest in peace. Thou who hast gone before do not close thine eyes to us. Thou art a person of God. May there be nothing further bad for us to see.'

The master of ceremonies spoke for a long time in this vein and when he had finished five senior kinsmen made similar orations, one after another, the six addresses taking over four hours to deliver. The kinsmen harangued the ghost. They told him that when his daughters were married he would receive the finest cows of their bridewealth. They asked him to be a good ghost and not to trouble his kinsmen. They frequently admonished him to turn away from them (*ku ro du rit*). They wanted the ghost to look away from them and not to trouble them. His kinship (*mar*) was now with God and not with men. This request to turn away, made to both God and the ghost of the dead man, is a constant refrain in mortuary ceremonies. In a text given by Professor Westerman, the translation of which I have slightly emended, the speaker says on such an occasion, 'Oh God, why dost thou pursue us? Why dost thou pursue us? Turn thyself away, take this thy man and go; let him be sufficient; do not look at us again! In what are we at fault?' And also 'Oh God, take thy cow! And thou [the dead man] turn away! Turn thy face away into the bush! Do not look at us again! We have given thee thine own things, but then leave us alone!'[1] The kinsmen at Dini also told the ghosts that if they must give them something bad they should give them hunger and not sickness and death. They pointed out to the dead man that his age-mates were present to honour him. They implored God

[1] Op. cit., pp. 117–18.

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765 that they might sleep quietly and their souls be 'cool' (*koce thei*).
782 Their remarks also contained many reflections on life and human destiny and the transience of all living things, and they recounted the deeds of the dead and reiterated that he had left sons to carry
[627] on his name and lineage. Speakers and listeners also stated any grievances they had in their hearts towards kinsmen, for any of the kin of the dead man who bears a grudge against a relative must now declare it. If he does not do so now, he must for ever keep silence. This is an occasion for amicable settlement of family and kinship quarrels. Thus at this ceremony the senior wife of Mayan, the eldest son of the dead man, complained that her cow had been given by her husband to his second wife. A wife of the dead man who had gone to live with another man, taking her daughter with her, said that she wished now to live at her dead husband's home, and cattle of her bridewealth which had been returned were sent back again to her people on the day of the ceremony.

765 A part of the ceremony I did not see, for it was taking place elsewhere during these orations, was the preparation of porridge and beer. The master of ceremonies makes three new clay fire-stones, places on them a new pot, and pours water into the pot. He then puts out the old fire in the dead man's homestead, throws its ashes and fire-stones into the bush, and starts a new fire under the pot. He begins the mixing and stirring of the porridge. When the women have cooked the porridge he ladles it out with a new gourd-ladle into a new gourd-dish. All the utensils are new for the occasion. The porridge and a pot of beer were now carried to where we were sitting, and as each of the later speakers rose to make his speech he dipped a gourd-ladle into the pot of beer and poured a libation to the ground.

When the last speech was finished everyone stood up and the master of ceremonies dipped wild rice into a gourdful of milk and aspersed the people with it. He did this many times till everyone had been aspersed. He then sprinkled the dead man's possessions and poured what was left of the milk at the side of a tethering-peg over the dung which had been spread out to dry, and knelt down and kneaded the milk with the dung. I was told that the cattle and huts were also aspersed with milk. I believe that milk is only used in this rite if the dead man was, like Lam, 'a man of the cattle' (pp. 300–2). In the case of a leopard-skin priest water

775 *cunge'*, 'his soul was cut off. His soul went with the soul of the
765 (sacrificed) ox together. His flesh alone remains standing.' His
761 soul, the essential part of him, had gone and with it his social personality. Although people fed him he seems to have lost such privileges of kinship as pertain to the living and not to the dead. I was told that he could not partake of sacrificial meat because his agnatic kinship (*buth*) had been obliterated (*woc*) by the mortuary ceremony. A neighbour said to me 'he lives in our village with Baranyai but we do not count him a member of it because he is dead. The mortuary ceremony has been held for him.'

765 There were doubtless points I missed in the mortuary ceremony I witnessed and possibly some I did not hear about in later discussions with Nuer. A feature I did not observe but which, I was later told, is common, was the singing of hymns to the spirits of the air, in particular the hymn to *buk* which I have recorded earlier. These hymns are not an integral, and therefore essential, part of the ceremony and their meaning is in no way related to the matter in hand. They are in keeping, however, with the religious character of the rites and enhance it.

765 In conclusion I should say that Mayan told me at Dini that he
782 would later cut the ears of the bulls of his dead father's herd and that this is always done when the dead man was a person of age and social importance. The cattle would then prosper. For such a man another ox may be sacrificed some months later. The master of ceremonies again prepares porridge for those who gather to honour the ghost, and the senior kinsmen again make speeches to God and to the dead man and to all the ghosts of the lineage. Before the animal is speared all the people, men, women and children, bring ashes of cattle-dung and rub them on the ox. I discuss the meaning of this act in later chapters. The meat is distributed to all present, and also the porridge and the beer, which has been prepared in advance. An ox sacrificed in this manner to honour a dead man is known as *thak bar* or *thak joka*. A man may at any time decide to honour his father in this way and Nuer sometimes set apart an ox or an old bull (*tut jookni*) for their dead fathers, as Lam had done for his father Tutthiang, and await a suitable occasion for sacrificing it, as when they see their fathers in dreams and know that they want something. An ox so set apart cannot be disposed of but must be kept in the herd till it is sacrificed.

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the other, and twins are two *pwony* but a single *ran* (p. 128). However, the idea of the soul, as we have noted, seems to be attached chiefly to the concept of *ran*, to belong to the representation of a developed social being. An animal has, or is, a *pwony*, but it is not a *ran*, except in a purely figurative sense. 774 828

Nuer do not attribute souls to creatures other than man except perhaps cattle and elephants. They speak of the *tie* of a man at his mortuary ceremony going together with the *tie* of the sacrificed beast away from the living to wherever the ghosts may be, and since in sacrifice, especially in piacular sacrifice, there is an identification, discussed in a later chapter, between man and ox, it is understandable that, at any rate in sacrificial contexts, Nuer should speak of the souls of cattle. But though Nuer imply in relation to sacrifice that cattle have souls, they have no clearly formulated belief to that effect, and I am not sure that they would agree to the proposition if it were put to them as a question unrelated to sacrificial intention. Nevertheless, it may be supposed that since Nuer sometimes speak of an ox's *tie* they think that cattle have in some degree intelligence and will and a personality that survives death, however vague it may be.[1] Moreover, they speak of the ghosts as herding cattle in wherever it is they have their abode. That Nuer reflect on this question, and also that they are undecided about the answer to it, is shown by the fact that Dr. Smith, so she tells me, has often been asked by Nuer whether she thinks cattle have souls. 774

Though I have never heard Nuer speak of an elephant's *tie*, that it is thought to have one is implicit in the belief that if the rules about the division of the tusks of a slain elephant are not observed the dead beast may *gwor*, track down, those responsible (Dr. Lienhardt tells me that in Dinka the word means 'to take revenge'). *Gwor* has here, therefore, the same sense as *cien*, haunt. Also, Dr. Howell states that the man who first speared a slain elephant, and is therefore by a convention regarded as responsible for its death, has to have his right arm incised by a leopard-skin priest before he can eat or drink just as if he had slain a man, and a beast is sacrificed in the one case as in the other. He says [782] 774 224

[1] That a cow in a kind of way can be thought of as a person is suggested by other facts. A rite is performed to separate twin cows, which are hence, unlike other beasts, regarded till then as being one, as human twins are. A rite is also performed, to prevent the calf sickening, when the first milk of its dam is taken for human consumption. See also Chap. X.

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the word *joagh* also means 'back' or 'behind' and this cannot be fortuitous, not only because in Dinka the word for a troublesome ghost, *cien*, likewise also means 'back' and 'behind', but also because it is a common Nuer refrain in speaking to, or about, the ghosts that they should have their backs to the living, the Nuer way of saying that they should keep away from the living. If they return to the living, except when summoned as witnesses on formal occasions, it is only to cause trouble, to fetch the living to join them in the place of the dead or to punish them for faults and shortcomings. We have already noted how pronounced is this apotropaic motif in the mortuary rites, and especially in the invocations spoken at them, the speakers frequently adjuring the dead '*bi rodu rit*', 'turn thyself about'. They ask the dead to turn away from the living, to turn his back on them. Father Crazzolara notes the same sentiment. He says that the dead are buried with their backs to the huts and their faces to the bush and that a dead man is addressed: 'turn thine eyes to the bush, do not turn them to the home'. He comments that this means that the dead man must not regard the doings of the living, for he might see something which offends him and draw another person after him to death.[1] The living do not want the dead to take any interest in their lives. The dead had best look after their own affairs and let the living look after theirs. That the ideas of 'behind' and of 'the ghosts' are related is further shown by the fact that Nuer sometimes use the phrase 'to go behind' as a euphemism for 'to go to the ghosts' and hence 'to die'.

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It is consistent with the idea of the ghosts being turned away from the living so that they do not see their affairs that the ghosts are relatively unimportant in Nuer religious thought and practice, even the troublesome ones, which I discuss later; and they are in the ordinary course of affairs seldom mentioned. But though Nuer pay them little attention they cannot entirely ignore them, for there are some occasions when they are directly concerned with what is happening and their relationship to the living has to be emphasized, occasions of collective sacrifice (pp. 198–9), such as their funeral and mortuary ceremonies, settlement of blood-feuds started on account of their violent deaths, and the marriages of their children. Occasionally also dutiful sons honour their memory by sacrifice, especially if they have had vivid dreams

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[1] Op. cit., p. 173.

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775 of the departed. On such occasions Nuer usually have a definite
782 ghost in mind, but in contexts in which the lineage as a whole is involved they may speak of *jook dial*, all the ghosts (of their lineage), though I have seldom heard them do so; and the reason for this is that when, on ceremonial occasions, Nuer speak of a lineage as a collectivity to which both dead and living belong they speak in terms of Spirit rather than of ghosts, of '*kwoth* which created our ancestor', rather than of the ancestor himself, and of '*kwoth* of our fathers', rather than the fathers themselves. The conception of the ghosts is subordinated to that of Spirit.

775 Nuer do not pray (*pal*) to the ghosts, which have no power in
782 themselves to grant requests. On such occasions as I have mentioned they may invoke (*lam*) them, but even when they do this
776 the ghosts take second place to God in some such phrases as '*kwoth, yene jook*', 'God, thou and the ghosts'. Even when beasts are reserved for them, Nuer do not formally dedicate them to the ghosts as they do to their spirits, and though they sacrifice on certain occasions on their behalf or in their honour or memory, I do not think that it can be said that sacrifice is ever made to them, at any rate not to them by themselves, for it may be that in those sacrifices in which God and the ghosts are invoked together Nuer think of the sacrifice being to both. Even if this is so, the victim is consecrated to God and not to the ghosts. Likewise,
[778] though the ghosts are associated with the *riek* or post-shrine which elderly men erect in their homes, it is a shrine firstly to God as God of the hearth and in whatever further refractions he may be figured as the guardian of the family and lineage. It is therefore called *riek kwoth*, God's shrine, and not *riek jookni*, ghosts' shrine. There is no cult of the dead, and their graves, not being
[769] marked, are soon forgotten unless a tree happens to spring from the tomb, when it may be named after the man buried there. A man's memorial is not in some monument but in his sons.

768 Dead persons, though for the most part only men, are remem-
613 bered in their names, and this is a matter of great importance both for the Nuer themselves and also for an understanding on
551 our part of their sentiments. Every man likes to feel that his name will never be forgotten so long as his lineage endures and that in that sense he will always be a part of the lineage. Consequently, Nuer do not so much think of the ghosts of their forebears as being those members of their lineage who are in the home of the dead,

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injustice may take ghostly vengeance. Nuer say also that a ghost watches over his kin and punishes those who commit some grave fault, especially that of depriving his young sons of the cattle of his herd or of their sisters' marriages. When a father or other close kinsman summons a man from the grave to join him in death Nuer use the word *tul*, which has the sense of 'to punish', to describe his action as well as the word *cien*; and they may also use the verb *be*, with the sense of sending for, or coming to fetch, or returning to get something. 775 626 761

An appreciation of two considerations arising from what Nuer say about ghostly vengeance gives us a further understanding of their ideas about the dead. The dead are thought to have the same feelings as when they were alive. They are resentful of injustice and bear malice to those who have wronged them. It stands to reason therefore—and this is the second consideration—that it is only those who have recently departed who avenge themselves on the living, for it is only they who can have been wronged by them. Nuer do not think of *cien* in connexion with ancestral ghosts but only in connexion with those who have recently become ghosts. It would appear that a man can still take vengeance even after he has been dispatched to the community of the ghosts by the mortuary rites, but a dead man seems to be most dangerous and his living kinsmen the most vulnerable the less the lapse of time after his death, and consequently in the period between death and the mortuary ceremonies. Those nearest to the dead are those who are most likely to be affected, for though a man can *cien*, just as he can *biit*, anyone who has done him an injury, what has been said of the *biit* can be said of the *cien*: the closer the relationship of the persons concerned the worse both the offence and its consequences. Curses and ghostly vengeance are thus two sides to the same idea and in general they have the same social incidence. 775 626

To stop the effects of *cien* it is necessary to make sacrifice to God and, where possible, reparation to the ghost for the wrong done to him. Sacrifice without reparation is of no avail. Nuer say that it may temporarily wipe out (*woc*) the *cien* from the body of the haunted man, but it will return if he does not make amends. Therefore, when he makes sacrifice he tells God 'I am sorry, I have erred; take thy cow and let the *cien* leave me.' Nuer say that God is to understand that such an expression of contrition implies the intention to make reparation, if this is possible. [782]

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CHAPTER VIII

SACRIFICE

I

We have seen how Nuer regard Spirit and creature as things of different orders and standing conceptually in opposition, and that Spirit is always, though it may aid him, dangerous to man. It is in the light of these observations that the most typical and expressive act of Nuer religion, the turning to God in the rite of sacrifice, is to be viewed and understood. It is an enactment of their most fundamental religious conceptions. Nuer, as we have seen, cannot say, because they do not know, what God is, but we shall at least learn from their sacrifices more of what they conceive man's relationship to him to be. 782

I speak here only of bloody sacrifice. I exclude from the discussion cereal and other offerings. People sometimes place heads of the first maize and millet in the thatch over the entrance to their byres as a thank-offering to God, though this is not obligatory. They also sometimes throw grain into streams as an offering to the spirit *buk*. I exclude also the casting away of lumps of tobacco, beads (especially a woman's offering), or some other small piece of property in minor troubles or anxieties, when there is a sudden danger for which immediate action has to be taken and there is no time for formalities, or when a man is in the bush and cannot lay his hands on a beast or even a cucumber. The suppliant asks God to take the offering and spare him. I exclude also the offering of beer or milk, poured in libation, often at the foot of a tethering-peg, probably a peg to which a beast dedicated to some spirit is tied, by a very poor person who cannot afford animal sacrifices. On the other hand, I include as coming within the sense of bloody sacrifice offerings of cucumbers, for they are consecrated and immolated as surrogates for oxen.

Nuer sacrifice on a great many occasions: when a man is sick, when sin has been committed, when a wife is barren, sometimes on the birth of a first child, at the birth of twins, at initiation of sons, at marriages, at funerals and mortuary ceremonies, after

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782 homicides and at settlements of feuds, at periodic ceremonies in honour of one or other of their many spirits or of a dead father, before war, when persons or property are struck by lightning, when threatened or overcome by plague or famine, sometimes before large-scale fishing enterprises, when a ghost is troublesome, &c.

When we examine this variety of occasions we see that Nuer sacrifices fall into two broad classes. Most sacrifices are made to prevent some danger hanging over people, for example on account of some sin, to appease an angry spirit, or at the birth of twins; or to curtail or to get rid of a misfortune which has already fallen, as in times of plague or in acute sickness. On all such occasions Spirit intervenes, or may intervene, for better or more often for worse, in the affairs of men, and its intervention is always dangerous. Any misfortune or grave danger is a sign of spiritual activity. Such sacrifices are made for a person or persons and not for social groups and they involve ideas of propitiation, expiation, and related intentions. As they are the most common and the most specifically religious sacrifices I shall devote chief attention to them. There are other sacrifices which accompany various social activities, mostly of the *rites de passage* kind, such as initiation, marriage, and death. We cannot make an absolute distinction between the two sorts of sacrifice. A sacrifice of the *rites de passage* kind may contain elements of meaning characteristic of the other type. Sacrifices in marriage ceremonies—at betrothal, at the wedding, and at the consummation—are the best examples of the second type. A sacrifice to ward off the consequences of serious incest is a good example of the first type. A sacrifice to end mourning is an example of the blending of the two. It is a routine sacrifice in a *rites de passage* context, but it is also intended to get rid of the contamination of death and any evil there may be in men's hearts. For the purpose of discussing the meaning or meanings of sacrifice it is necessary to make the distinction, even if there is some overlapping. I shall speak of the one type as personal sacrifice and of the other as collective sacrifice. These terms draw attention to the formal distinction between sacrifices offered for persons and those offered on behalf of social groups, but we shall see that they differ also in intention, the first having primarily a piacular intention, and the second a confirmatory one; or, to use Hubert and Mauss's terms, the first are sacrifices of 'désacralization' (they make the sacred profane, they get rid of Spirit from man) and the second

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PLATE VIII

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Consecration

[facing p. 198]

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are sacrifices of 'sacralization' (they make the profane sacred, they bring Spirit to man).[1]

This chapter is mostly devoted to a discussion of personal sacrifices but I say something of the collective ones before giving exclusive attention to them. The primary purpose of collective sacrifices, and also their main function, is to confirm, to establish, or to add strength to, a change in social status—boy to man, maiden to wife, living man to ghost—or a new relationship between social groups—the coming into being of a new age-set, the uniting of kin groups by ties of affinity, the ending of a blood-feud—by making God and the ghosts, who are directly concerned with the change taking place, witnesses of it. The ceremonies are incomplete and ineffective without sacrifice, but sacrifice may be only one incident in a complex of ceremonies, dances, and rites of various kinds, which have no religious significance in themselves. Its importance lies in the fact that it sacralizes the social event and the new relationships brought about by it. It solemnizes the change of status or relationship, giving it religious validation. On such occasions sacrifice has generally a conspicuously festal and eucharistic character.

Collective sacrifices thus have a marked structural character. Sacrifices may be made on behalf of whole communities, as in times of epidemic, but they are then made for a great number of individuals. Here, however, we are dealing with something rather different, with sacrifices made on behalf of social segments, lineages, and age-sets, which are concerned as whole groups, sometimes in relation to groups of like order. This is why they have to be performed by specially appointed representatives of the groups concerned or by public functionaries, as is explained later.

It is indicative of Nuer religious thought that these sacrifices performed as part of social activities are concerned with relations within the social order and not with relations between men and their natural environment. We are often told in accounts of African peoples that their sacrifices are concerned with weather, rain, fertility of the soil, seed-time, fructification, harvest, and fishing and hunting. Generally no rite of any kind is performed by Nuer in connexion with these processes, certainly no regular and obligatory rite; and if in certain circumstances one is performed,

[1] H. Hubert and M. Mauss, 'Essai sur la nature et la fonction du sacrifice', *L'Année sociologique*, vol. ii, 1899, pp. 89 seq.

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782 as before large-scale fishing, it is rarely a sacrifice, and if it is a sacrifice it is not regarded as either necessary or important. All this may be due to some extent to lack of interest in agriculture and hunting, but it is also because Nuer take nature for granted and are passive and resigned towards it. They do not think that they can influence it to their own advantage, being merely ignorant folk. What happens there is the will of God, and that has to be accepted. Hence Nuer are little interested in ritual for bringing rain and even consider it presumptuous to think of asking God for rain before sowing. This mentality is illustrated in one of their stories which relates how death came to a girl who asked that the setting of the sun might be delayed till she had finished her work. Nuer rather turn their eyes inwards, to the little closed social world in which they live, they and their cattle. Their sacrifices are concerned with moral and spiritual, not natural, crises.

II

We have now first to ask to whom sacrifices are made. This brings us again up against the problem of the one and the many. When a sin is expiated or pollution is wiped out by sacrifice it is made to God alone. Likewise in major calamities, such as plagues and murrains. Also when a person is struck by lightning, in connexion with death, and in cases of sickness not attributed to a specific cause. We are here dealing with circumstances common to all men and with universals—with the moral law which is the same for all men, with effects of common interest and concern, and with dangers and misfortunes which fall on each and all alike. Sacrifices may, however, be made on some occasions to one or other spirit, for example, to a spirit of the air before battle or when it is thought to have brought about sickness in a man or if it is feared that it may do so; or to a totemic or other spirit of the below in circumstances already mentioned in earlier chapters. We are here dealing with something more particular and specific, the relation of certain persons to Spirit figured to them, and not to others, in one or other special form as a spirit. Nevertheless, as I have earlier explained, these spirits may be regarded as hypostases, representations, or refractions of God, and in the already defined sense in which this is so we can say that a sacrifice to any one of them is a sacrifice also to God. The cause of sickness, or of any

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misfortune, is always thought to be, either immediately or in the last resort, Spirit, which in some circumstances may be more specifically defined as a certain spirit. Furthermore, when sickness is attributed to an air-spirit, for example *deng*, whether the patient recovers or not is thought to rest with God, that is, with Spirit in the comprehensive sense which includes *deng* as one manifestation of it. The two representations may thus be separated in the mind in relation to cause and cure, but they are fused in the sacrificial act. If, therefore, it can be said that, in this sense, God is sacrificed to in all sacrifices, it must be added that in particular circumstances connected with particular persons or social groups Spirit conceived of in some lower form may be dominant. This inevitably affects to some extent the character of the rite. 782

Spirit conceived of as God does not seize people and make them sick as some air-spirits and earth-spirits may. They exact a special tribute which God does not demand, a payment for special protection and favour, and this can hardly fail to affect the meaning of the sacrificial act. We have to take this fact into consideration, and it complicates our problem. To avoid ambiguities and obscurities at this stage I shall take sacrifice to God as my model and describe that, and then state later what modifications and qualifications are required when sacrifice is made to a spirit.

In the case of collective sacrifices, which, for reasons already given in Chapter IV, may be to Spirit in some totemic or other refraction, the changes in social status and relations they serve to bring about involve the ghosts, who are usually little or not at all concerned in personal sacrifices. At collective sacrifices they may therefore be invoked together with God in some such formula as 'God, thou and the ghosts'. Since the matter has been discussed earlier I need only say here that the sacrifices are made to God, even on those occasions which most directly concern the dead. The ghosts must be summoned as witnesses and the matter must be explained to them because it concerns them, but they are only witnesses as the living are, and what is explained to them is explained to the living also. Even when sacrifice is made at a mortuary ceremony or when a man commemorates his dead father it cannot be said that the victim is sacrificed to the ghost. It is sacrificed for the dead man, but the life of the victim is given to God and not to the ghost.[1] Even when a ghost is troublesome and

[1] Dr. Lienhardt tells me that this is also the case for the Dinka; it is probably

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782 sacrifice has to be made to pacify it the victim is consecrated to God and not to the ghost. It is to God that expiation for the wrong done to the ghost must be made. What is made to the ghost is reparation, where this is possible. It follows from all that has been said about the Nuer notion of faults, and it will be seen that it also follows from the whole character of the sacrificial act, that it is only to Spirit that sacrifice can be made.

Our second question is, What is sacrificed? The sacrificial animal *par excellence* is an ox, and in important social ceremonies, such as weddings and those held for settlement of feuds, the victim must be an ox. Oxen are also sacrificed in times of general calamity, sometimes when people are dangerously ill, and occasionally to spirits. A barren cow may take the place of an ox. Bulls are only sacrified in one of the rites closing a blood-feud, and occasionally, though only old beasts, in honour of a dead father. Except in these instances a male victim must be a neuter. If it is not, it is castrated before the rites begin. Fertile cows are only sacrificed at mortuary ceremonies, and then only for senior persons, as a tribute to their position in the community. It does not matter what is the colour of the victim, though in certain sacrifices there is a preference for beasts with certain markings.

However, Nuer have not large herds and could not afford to slaughter oxen on every occasion of sacrifice, so, except on such occasions as the slaughter of an ox is obligatory, they generally use wethers and castrated he-goats as surrogates. Female and stud beasts would not be used if young males were available. This means in practice that it is one of the flock that is sacrificed when there is sickness and on most other occasions, and a poor man may use one of these animals where a rich man might use an ox. The ritual procedure is the same whatever the animal may be. It is of no significance that oxen are speared through the heart while the other beasts generally have their throats cut with the spear.

The animal, whatever it may be—cow or ox or bull, ewe or wether, nanny-goat or castrated billy-goat—is spoken of in invocations and in any sacrificial context as '*yang*', 'cow'. This word, like our 'cow', denotes in ordinary usage any bovine animal of any age and of either sex or, when used more exclusively, a female and, still more exclusively, an adult female. When translating what

so for the Shilluk as well (C. G. and B. Z. Seligman, op. cit., pp. 97–98, where several authorities are cited).

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•782 incest a fruit of the sausage tree (*Kigelia aethiopica*) may be cut
[137] in half, though I am uncertain whether this constitutes a sacrifice *in sensu stricto*.

We have discussed to whom sacrifice is made and what is sacrificed. We have now to ask by whom it is made, and when and where. We have first to distinguish between the person (or social group) on whose behalf it is made, whom we may speak of as the sacrificer, though with some danger of misunderstanding, because he may not take an active part in the rite performed on his behalf, and those who act on his behalf, the actors in the drama.[1] There may be a number of these. Several people may take part in the consecration and several men may deliver invocations. One man may present the victim, another consecrate and make the invocation over it, and yet another slay it. Nevertheless, there are always one or more prime actors, those who make the consecrations and invocations, which, rather than the actual killing, constitute for Nuer the main acts in the series of rites making up a sacrifice; and we may therefore speak of anyone who, after consecrating the victim, makes an invocation over it as the officiant. There may be several of them. In certain sacrifices, particularly those of the collective kind, whoever else may invoke God, one or other particular functionary either must do so or it is thought highly desirable that he should do so. I discuss in Chapter XII the sacrificial roles of these various functionaries in Nuer society. Normally any senior man, usually the head of the family of the sacrificer, can officiate at personal sacrifices. He would generally be one of the sacrificer's paternal kinsmen but it would not matter if he were not. The sacrifice is to God and not to ghosts, and it therefore does not matter who officiates. A youth would not officiate if there were
[561] an older man present, but this is a matter of social convention only: there is no ritual bar to his acting. Women do not sacrifice.
[562] They may assist in the act of consecration with ashes and they may pray, but they do not make invocations or slay victims. Neither the sacrificer nor the officiant has to be in a state of ceremonial purity. This is an idea entirely unknown to Nuer.

It is obvious that in the collective sacrifices the rites must have to some extent a determined place in the whole social activities of

[1] Hubert and Mauss, op. cit., pp. 48 seq., make the distinction by using 'sacrifiant' and 'sacrificateur'. A word corresponding to 'sacrifiant' is not so easily formed in English.

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which they form a part, though Nuer are not usually particular about the exact moment of their execution. For example, an ox must be sacrificed at a betrothal ceremony and it is usually slaughtered towards the end of the dancing in the evening, but it does not matter if it is sacrificed on the following morning instead. Personal sacrifice may be made at any time if a sudden crisis arises. If it is not acute, people may delay sacrifice till they have discovered its cause with the aid of a prophet or diviner if they suspect that it may be due to something particular, perhaps some sin or the anger of some spirit or ghost. The intention of the offering can then be more precisely formulated. But if the crisis is acute, sacrifice would, whatever opinion, if any, might be held about its cause, be made at once to God. Mgr. Mlakic was clearly recording what he witnessed or heard at the time it happened from a witness when he described how when lightning set fire to a byre its owner entered its flaming interior to save his family and cattle. His first act, however, was to spear a beast of the herd, saying 'God, what do you do to us?' Then he gave his attention to saving people and beasts.[1]

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If there is no urgency a sacrifice may be put off till a time convenient for the sacrificer. The collective sacrifices and sacrifices in honour of spirits of one kind or another are normally held in the villages during the rains, and even in cases of sickness, if it is not acute, in dry-season camps Nuer prefer to put off animal sacrifice till they return to their villages. They may consider that though a sickness is due to neglect of some spirit there is no pressing need for immediate sacrifice. To keep the spirit content in the meantime they may sacrifice a cucumber, if they have one, or offer it some tobacco or a libation; or they may make an animal sacrifice in intention by devoting to the spirit then and there an animal by rubbing ashes on its back and then wait till they are back in their permanent homes to sacrifice it. Consequently one rarely sees animal sacrifices in dry-season camps.

A sacrifice is also a feast, and a feast is more suitably held in the surroundings of huts and byres. Nuer, especially the older people, think of the *cieng*, the homestead and village, rather than of the *wec*, the cattle camp, as their home. This is all the more weighty a reason in the case of collective sacrifices, because the kin who should attend them and have rights in the sacrificial flesh may be

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[1] Op. cit.

782 scattered in the drought. There is also plenty of beer and porridge
574 in the rains to add to the meat of the sacrifices for feasting, and little or none in the dry-season camps, for even if their millet is not exhausted people are often too far from their granaries to transport it. Moreover, the social activities which are the occasion of collective sacrifices take place, largely because there is plenty of food, in the rains. I think also it is possible that there is more, and more serious, sickness in the rains and hence the greater need for sacrifices then.

782 It does not seem usually to matter at what time of day a sacrifice takes place, though the early morning is preferred on big occasions when oxen are sacrificed; but I have witnessed sacrifices when the sun was high and also in the evening. Early morning and evening are the most convenient times because then the men are at leisure and it is cool, but the early morning has the additional advantage that it gives time for what are sometimes lengthy ceremonies to be performed with slow dignity. I suppose that if there were need Nuer would sacrifice at night, but I have never known this happen, and it would cause certain inconveniences.

There is no particular spot at which the rites must be performed. The ceremony may be held in the space in front of the dwelling-
[778] huts if it is on a domestic scale. This is a suitable place for sacrifice, for a man often erects there a *riek*, post-shrine, and there also is the wife's *buor*, mud wind-screen (Plate V), which also has a certain sacred significance, being the woman's counterpart to the *riek*, as well as serving its practical purpose. But in major sacrifices of the collective type, when there may be many persons present, the sacrifices are likely to be held in the kraal, where there may also be a *riek* (Plate VI), or at its edge, on account of the cattle, or even if they are absent, to avoid the tethering-pegs incommoding those making the invocations. It is not, however, a matter of importance and anywhere convenient will do—properly speaking Nuer have no fanes.[1] It is the same for place as for time. They do not worry about such details. God is at all times and everywhere; there are no specially sacred times and places for sacrifice. Likewise, there are no specially sacred persons who must make sacrifice: any man

[1] God, spirits, and ghosts are associated with the *riek*, which may be in the courtyard, in the kraal, or at the side of the *gol*, the central hearth in the byre, which is the symbol of the family conceived of as a group of agnates and hence of the lineage; and for women, with the *buor*, the symbol of the elementary family, the domestic group.

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can offer sacrifice on behalf of himself or others, intermediaries are not required. 782

Before giving an account of the succession of acts which constitute a sacrifice it is advisable to say further that though the acts are almost always the same and performed in the same order they are much more elaborate on some occasions than on others. A mortuary ceremony must begin between dawn and sunrise and is carried out by long, slow, solemn stages. The rites of sacrifice at marriage ceremonies are, on the contrary, often carried out in a perfunctory manner, giving the impression that they are regarded as little more than a formality. Likewise there is much variation in the attention paid to the rites by those present but not taking an active part in them. In some sacrifices they pay little attention to them, or even ignore them altogether, continuing their dancing or talking among themselves about their own affairs. Thus, in my experience, at sacrifices in marriage ceremonies only close kin of the persons immediately concerned take much, or even any, interest in the ritual. Even sacrifices in honour of a spirit may be performed in a perfunctory manner, it being thought that all that is required is that a beast be offered so that the spirit may know that it has not been forgotten. But on occasions of serious sickness, of grave danger, and of death the spectators sit quietly in a line or semicircle and give silent attention to what is being said and done. The amount of attention paid and its intensity depend on the nature of the occasion and the degree to which spectators are personally involved. 782 781

Therefore the many attempts that have been made to explain primitive religions in terms of supposed psychological states—awe, religious thrill, and so forth—are, as far as the Nuer are concerned, inept because the feelings of officiants and spectators are, in so far as they are discernible, clearly different on different occasions and in different parts of the same ceremony. This is obvious to anyone who sees a few Nuer sacrifices. Some people are paying attention and others not. Some are solemn, others gay. Wedding and funeral sacrifices do not evoke the same response, nor do initiation and incest sacrifices, nor even the opening and closing sacrifices of a mortuary ceremony. The feelings of close kin are not the same as those of distant kin. There is no need to labour the point. What is important in sacrifice is not how people feel, or even how they behave—a serious mien when the occasion is a solemn one is a 782 781 121

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782 matter of sentiment and good manners, not of religion. What is
781 important is that the essential acts of sacrifice be carried out and,
121 especially in personal sacrifices, with a right intention, which is a matter of disposition, not of emotion.

III

782 Almost all sacrifices, whether personal or collective, have the same general features. A description of one is therefore, apart from details, a description of almost all. The victim is brought to the place of sacrifice and there are performed in succession the four acts which compose the sacrificial drama: presentation, consecration, invocation, and immolation. Other features may be added, such as libations and aspersions and, mostly in sacrifices to spirits, hymn-singing, but these are supernumerary acts. The essential rites of the sacrifice proper are the four I have mentioned. They form what might be called the canon of sacrifice.

The first act is the *pwot*, the driving into the ground of a tethering-peg and the tethering of the animal to it. The officiant presents the victim to God. The man who stakes the victim is called *pwot yang*, the tetherer of the cow, and as in collective sacrifices this is generally done by the master of ceremonies of the family concerned he is commonly referred to in a sacrificial context by this title. Sometimes, after the victim has been staked, a libation, of milk, beer, or water, is poured over, or at the foot of, the peg.

Then takes place the *buk*, the rubbing (with ashes), the act of consecration (Plate VIII). The man who is about to speak the first invocation rubs ashes of cattle-dung lightly on the victim's back with his right hand. Each speaker does this in turn, and in some sacrifices all present place ash on the victim's back whether they make invocations or not. I discuss later (pp. 261–2 and 279–81) the meaning of rubbing ashes, when I shall try to show that it is not only a consecration of the beast to God but also an identification of man with ox.

Then takes place the *lam*, the invocation (Plate IX). The officiant, holding his spear in his right hand, speaks to God over the consecrated victim. The invocation states the intention of the sacrifice and matters relevant to it. Occasionally, when a sacrifice is a very perfunctory affair, no words are spoken. When asked about the omission Nuer say that the sacrifice is the *lam*, by which they

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PLATE IX

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Invocation

[facing p. 208]

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782 mean that the intention is implied in the sacrifice itself in the circumstances in which it is made. However, even in the most perfunctory rites, it is more usual for a few formal phrases to be spoken by the officiant as he consecrates the victim, either in a scarcely audible patter or even silently. He is addressing God and not the people present. This is what Nuer call a *lam me tot*, a short invocation. They say '*ca be lam-e bec*', 'they will not invoke (God) much'. Normally, however, and always in a serious situation which also permits leisurely action, there is a *lam me dit*, a long invocation. The officiant walks up and down past the tethered beast, brandishing his spear, and uttering his words loud and clear —he is then addressing the audience as well as God, and they may interrupt him with promptings, advice, and even argument. In a long address of this kind certain petitionary formulae recur again and again but it has no set form or prescribed words. Each speaker may say what he likes so long as what he says is true and also in some way relevant to the intention of the sacrifice. These long rambling addresses, sometimes taking over an hour to deliver, contain, besides a statement of intention and petitions, all sorts of affirmations, exhortations, reflections about life, anecdotes, and opinions; and also complaints, for on very formal occasions the speaker must reveal any grievance he may have in his heart. As there may be several such invocations by different persons before the victim is slain, a sacrifice may be a very lengthy affair, and for a European rather tedious to assist at. He has to sit in the sun for several hours listening to addresses which are difficult for him to follow. Some of the sentences may be inaudible, the speaker speaking too low or having his back turned to the audience, who may also be talking among themselves; and the invocations are apt to require a more detailed knowledge of past events and relationships than a stranger is likely to have. These difficulties are added to by a marked tendency in the invocations towards periphrasis and aposiopesis.

782 196 The word *lam*, which has much the same range of meaning in other Nilotic languages, expresses a number of interconnected ideas, one or other of which is stressed according to the direction of interest. In reference to God it has to be translated 'to invoke'. In reference to a sacrificial victim it can be translated 'to sacrifice'. With reference to a man the ordinary meaning is 'to curse', more rarely 'to bless'. It may also refer to a formal pronouncement in

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ordeals, and in animal stories to the ordeal itself. 'Invocation' would seem best to cover all these special senses. For the verbal form I shall generally use the phrase 'to make an invocation'. Nuer usually employ it in what we call a passive or intransitive mood when speaking of sacrifices, saying '*ba lam*', 'an invocation is made', or '*be lam ke lam*', 'he will invocate with an invocation'; but since it is understood that it is God (though it may be in some refraction and sometimes coupled with ghosts) who is invoked it is legitimate also to use the phrase 'to invoke God' even when this is not a word-for-word translation of what is said in Nuer.[1] Even in curses and blessings it is God who is implicitly, if not explicitly, invoked, since the desired action can come only from him. A curse is therefore an imprecatory, and a blessing a benedictory, address to God.

The full significance of the *lam* will emerge later when the symbolism of the spear and the role of the ox have been discussed. Here I define only its outward character as a ritual form of speech. The word indicates a distinctive form of address rather than its content, which varies according to circumstances. We can perhaps best grasp its distinctive character by contrasting invocation (*lam*) with prayer (*ɲal*). *Pal* is to make a simple and direct petition to God for some favour, usually of a general nature, such as the petitions I recorded in Chapter I; and the supplication is so often spoken with a pleading of the hands that the word implies this gesture—*be tet ɲal*, praying with the hands, being understood. The word may also be used to refer to congregational hymn-singing to spirits, though since this is frequently done to the accompaniment of hand-clapping the word *ɲat*, to clap, is often used instead. The form and character of the *lam* are different. Its characteristic accompanying gesture is brandishing a spear, and although it contains petitions (*lang kwoth*) which are the same as those uttered in praying these are not its main or typical feature. The invocation has an incisiveness prayer lacks. What is said in it is more definite and particular; and its clauses are mostly affirmations, formal statements, rather than petitions, and these affirmations, declarations of what is, have a sort of virtue in themselves.

[1] The difficulty is that the verb 'invoke', unlike the now rarely used 'invocate', cannot be used intransitively in English as the verb *lam* can be used in Nuer. However, the grammatical distinctions we make between transitive and intransitive and between passive and active do not entirely suit the Nuer language.

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I do no mean by this that an invocation is a spell—far from it— 782
but there is a difference between an assertion and a supplication. 196
Thus in a sacrifice for sickness what is said is not so much may the sick man be healed as that his sickness is of no account and that he will be healed in the moment of sacrifice. Intention and what is intended are brought together. The sickness is finished, it is blown away, it is no more. And here we have again to emphasize the significance of the identification of sickness with sin. If the sacrifice wipes out the sin it wipes out also the material form in which it is manifested and known. That this emphasis is required is confirmed by a letter I have received from Dr. Mary Smith in which she tells me that the Nuer at her mission do not use the word *lam* if they are speaking of praising or giving thanks but only, and always, where sin is involved. But the validity of the assertion that the evil is no more depends on the general validity of all else that is said. Nuer say that a man must make invocation in truth (*thuogh*). Even in recounting the most trivial details in a history of events which have led up to a situation in which sacrifice is necessary every statement made in the presence of God must be true; and I think this, rather than just a desire to interrupt or dispute, accounts for the emendations, additions, and contradictions of the assistants. The victim offered to God has placed on its back by the *lam* what is said in the *lam*, and if the sacrifice is to be efficacious what is said must be true.

Now takes place the immolation, what Nuer generally call the 782
kam yang, the giving, or offering, of the victim when speaking of personal sacrifices, and the *nak*, the killing, when speaking of collective sacrifices. By the use of one or the other word they indicate whether a sacrifice is for them more a religious or a festal event, whether its purpose is mainly piacular or social. Nuer do not, in so far as I have observed or heard, wait for the animal to urinate before killing it, as do some of the other Nilotic peoples. An ox is speared on the right side, and so expert are the Nuer that I have never known a second thrust to be necessary or the beast to move for more than a few seconds after the thrust has been made. Sheep and goats have their throats cut (Plate X). A bovine victim should fall well to make a perfect sacrifice. Falling well means falling cleanly on its side, preferably on its right side, and with its head in the desired direction, which in most sacrifices is towards the huts and the people who sit outside them. I have been told that

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782 should an ox fall badly, and there is another handy, they repeat the sacrifice. I have not, however, seen this done, and in my experience those present say that the animal has fallen well whichever way it falls. I have also been told that a lion will not eat an animal it has killed if it falls on its left side, but most Nuer ridiculed this statement.

We may, indeed, note here that Nuer are not a highly ritualistic people. We have already noted that they are not particular about the time and place of sacrifice or who performs the rite, that *neither sacrificer nor officiant has to submit to any ceremonial* interdictions, and that there is no prescribed content of their invocations, neglect of which would invalidate the rite. There is a certain air of casualness and lack of ceremony about the whole sacrificial procedure. So, although it is better if the ox falls well, it does not much matter if it does not. Nuer are more interested in purpose than in details of procedure. An oblation must be made to validate a social status or relationship or so that people may be free from evil and danger—small details of ceremony do not matter.

Sacrifice proper finishes with the *kam yang* or *nak*, the offering or killing of the victim, and since these expressions describe the culminating movement of the drama they can stand for the whole sacrifice and have the general sense of 'to sacrifice'. In this final moment, at which the invocation may be intensified (Plate XI), the consecrated life has gone to God.

Nuer say that God takes the *yiegh*, the life, and I have heard them say also that he takes the *tie*, the soul. This raises a problem touched on earlier (p. 157). They also say that what in sacrifice belongs to God are the *riem*, blood, which soaks into the ground, and the *wau*, chyme or perhaps a mixture of chyme and chyle. In what sense do Nuer speak of the blood and the chyme being what God receives? No doubt we have here to take into consideration the different levels at which Nuer conceive of Spirit. I have heard them say that after sacrifice to a spirit you can see the flesh of the speared beast twitching as the spirit pulls at it, and we have earlier noted in the hymn to the river-spirit *buk* the emphasis on red blood and also how the fetishes are said to 'eat' the 'soul' of offerings. But, as I have said before, the word *cam*, to eat, even in reference to fetishes is a metaphorical usage. I think that it may be accepted that there is no question of Nuer believing that in animal

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sacrifice Spirit, even as most materially conceived of, eats the blood and the chyme, not even in the sense of consuming their essence. Clearly, they are not materially consumed. Nuer do not say that Spirit feeds on (*mieth*) or eats (*cam*) or drinks (*madh*, *ruidh*) them. They do not use these words, but say that God, or a spirit, *kan*, takes, them. It is not a question of eating anything—what eating there is is done by the people—but of taking something, the life. This would seem to be a matter of great importance in an estimation of Nuer religious thought. 782

When, therefore, Nuer say that the blood and the chyme belong to God we are to understand, I would suggest, that this is a way of saying that the life belongs to him. It is true that we cannot say for the Nuer, as for the Hebrews, that the blood is the life. The word for life, *yiegh*, is also the word for breath, so that if we were to say that anything 'is' the life we would have to say it of the breath; though even here the word 'is' must not be taken to imply identity but a symbolic relationship. We must rather suppose that the blood and the chyme, and especially the blood, are also symbols of the life. 782 761

Human blood has for the Nuer a peculiar psychical value. When kinsmen and neighbours fight they use clubs instead of spears. No doubt this convention is most easily explained as making homicide a less likely outcome than if spears were permitted and, should it happen that a man be killed, of making a settlement easier to bring about on the grounds of absence of intent; but there may be a different, or at any rate an additional, reason for it. It may be that behind it is the notion that not the same responsibility is felt if the life-blood does not flow as it would from a fatal spear wound—that in a sense the man has not taken the life, that the death happened of itself, as Nuer would put it. That Nuer have some such idea is shown by the fact that a ghoul may be killed with impunity, but only if he is beaten to death with clubs and his blood is not shed. The blood of a man slain with the spear is moreover thought to enter in some way into the slayer, and he must therefore at once have his arm cut by a leopard-skin priest to let it out. This must mean that blood is thought to have some vitality of its own. The rite of initiation must be held in a homestead because the blood of the initiates must not be shed outside the home, and care is taken to bury it in the holes into which it flows lest dogs eat it. These examples, and others could be cited, 782 [578] 826

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782 show that human blood has mysterious properties but they do not
826 justify our saying that Nuer regard the life as something contained in the blood. Moreover, in the case of cattle, which is the case at issue, we have to bear in mind that Nuer have no objection to shedding their blood. They do so when they cut their horns, when they castrate them, and when they pierce veins in the necks of cows (*bar*) in the dry season for veterinary purposes or, more usually, to obtain blood for boiling or roasting for their own consumption. But if the blood is not thought of literally as containing the life, the life of a sacrificed ox ebbs with its flow so that Nuer say either that God takes the life (or breath) or that he takes the blood—the blood and the breath being symbols of the life, as also appears to be, in a lesser degree, the chyme.

782 The chyme (*wau*) is what makes the flesh and maintains the life of the beast. Dr. Lienhardt tells me that *wei*, the word for it in Dinka, means in that language also 'life' and 'breath'. It does not appear to have so important a place in Nuer ritual as it has in the ritual of some other Nilotic peoples. The only reference in my notes to its sacramental use in connexion with sacrifice is to its being smeared on a Dinka at his adoption into a Nuer lineage, but Father Crazzolara says that sometimes after sacrifice the head of the family takes some of the chyme and after adding some of the beast's blood and his own spittle he rubs this mixture on his own breast, back of neck, and maybe also forehead, and perhaps also on the same parts of members of his family.[1]

782 God takes the *yiegh*, the life. Man takes the *ring*, the flesh, what
574 is left over after the sacrifice. The carcass is cut up and skinned as soon as the animal falls. In most sacrifices the meat is consumed by members of the family and kin of the person on whose behalf it was made. In marriage and most other collective sacrifices it is divided among relatives, both paternal and maternal, in traditional portions; and the age-mates of the owner of the beast and representatives of lineages collateral to his may also have rights to shares. If the principal officiant is not a member of the family or of the close kin but a master of ceremonies of the family or a priest or a prophet, he also receives his share. This part of the proceed-

[1] Op. cit., p. 80. Among the Shilluk, at any rate in their sacrifices to end feuds, the chyme of the victim is put on the youths to indicate unity. A beast eats a bit here and a bit there: in the stomach it becomes one (D. S. Oyler, 'The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 299).

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ings is of general interest and not merely for those directly concerned in the rites. If it is at all a public occasion people, whether they are concerned in the matter or not, gather round to watch the meat being cut up and handed to those to whom it is due, and there is often much shouting and argument as the distribution is goodhumouredly disputed and men tug at the carcass and snatch or beg pieces of meat. Even outsiders who get in the way and beg persistently enough are likely to receive pieces of it. According to the circumstances those who on such an occasion receive meat take it to their homes, maybe in different villages, for cooking and eating, or it is cooked by women of the homestead in which the sacrifice took place and eaten there by groups, according to sex, age, and kinship. The meat is cooked, served, and eaten as would be that of a wild beast slaughtered in hunting. It is boiled, though tit-bits may be roasted in the embers of a fire. I want to make it clear indeed that the cutting up of the victim, the preparation of its flesh, and the eating of it are not parts of the sacrifice. To regard the eating of the animal as part of the sacrificial rite would be like regarding a wedding feast as part of the marriage service in our own country. But if it does not form part of the rite and has no sacramental significance it forms part of the whole ceremony in the broader sense and has a social significance. We have always to remember that a sacrifice, even piacular sacrifice, furnishes a feast and that in the circumstances in which Nuer live and by convention this means that neighbours are likely in one way or another to share in it.

IV

The ordinary Nuer sacrifice is carried out in the manner I have described—*pwot, buk, lam, nak* (*kam yang*), presentation, consecration, invocation, immolation. In some sacrifices, however, there are differences of order and procedure.

Mortuary ceremonies open with the slaughter of one or more beasts before sunrise, and as the invocations do not take place till later in the day they are not spoken over the victims as in other sacrifices. I do not think that this reversal of phases has in itself any special significance. Since the cattle have to be killed before the sun rises it is convenient to postpone the invocations, which are very lengthy on this occasion. Moreover, though in the mortuary

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782 765 ceremony which I witnessed the speakers of the invocations did not as they spoke walk up and down past tethered victims, as in normal sacrifices, they walked up and down past the dead man's possessions to which had been added the heads and hides of the slaughtered beasts; and I believe this to be the usual practice. As these heads and hides represented the victims it may be said that the invocations were said over them *post mortem*. What is of significance is rather the fact that the cattle must be slaughtered before the sun rises. The sacrifices concern death and the ghost of a dead man, so that the killing before sunrise is in accord with the association of east and light with life and of west and darkness with death. This part of the ceremony is for the dead man. The sacrifices are for him. Another sacrifice, which concludes the ceremonies, is for the release of the living. This explains also another difference, one of procedure.

It is understandable that on this occasion there is no formal presentation, for the beasts are killed at their habitual tethering-pegs in the kraal; but that there is also no consecration with ashes calls for comment. The explanation I would put forward, and which I discuss further in later chapters, is that the rubbing with ashes is, besides a consecration, an identification, at any rate in sacrifice which has a piacular meaning, of life of man with life of ox. Here sacrifice is for the dead. His soul, as we have seen earlier, goes to the abode of the ghosts with the souls of the cattle slaughtered at his mortuary ceremony. It is not for the living, so the living do not identify themselves with the victim in the usual manner.

There are some peculiar features in other sacrifices, apart from the supernumerary acts, such as libations, I have mentioned as sometimes accompanying the main rites, but they are only variations in the mode of slaughter or special acts performed after the sacrifice has been made.

782 In sacrifices in which the idea of separation is strong, as in cases of incest, to sever kinship, and in one of the mortuary rites, instead of the ox being speared and then skinned it is thrown on the ground and cut longitudinally in half, an operation known as *bak*. They begin the cutting by making an incision in the throat, so that the animal is soon dead, and they then cut towards the tail, slitting even that in two. Finally, they split the head in two with an axe. In other sacrifices in which the same idea is present the animal is speared, or its throat is slit, but instead of being skinned

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it is cut in two laterally across the belly (*ngok*). This is done at ceremonies in honour of a *colwic* spirit, and also in rites performed to avoid misfortune coming to a man whose wife has been unfaithful or who takes a widow in leviratic marriage. 782

In sacrifices to spirits associated with rivers and streams and with creatures which live in them (generally the crocodile), and also sometimes in a sacrifice to God for rain, the victim—a sheep or goat, not an ox—may be bound and pushed under the water among the reeds and weeds. When sacrifice is made to the python-spirit the victim is suffocated. The openings of its body are stuffed with grass and it is jumped on and pummelled to death. In practice it is assumed to be dead at an early stage and the point of a spear is inserted in its throat to begin the skinning. Nuer regard this as a Dinka mode of sacrifice, as indeed it is, contrasting suffocation with *yiedh*, stabbing with the spear, their own normal mode of sacrificing oxen. [177]

I have not seen a sacrifice to the python-spirit, but I have seen an ox suffocated in a different and rare ceremony. I think that perhaps what I witnessed should not be regarded as a sacrifice at all, at any rate in the usual sense, for the beast does not seem to have been consecrated and there was no invocation. It has more the appearance of what we might better describe as a magical rite, almost certainly of Dinka origin. I feel nevertheless that, as it was the only occasion I saw a killing by suffocation, I should give a brief description of it. When a girl is espoused early in life, probably before the commencement of the menses, the premature payment of bridewealth may cause her to be barren unless a special ceremony is performed. In western Nuerland, where I saw it, it is called *gorot*.[1] I believe that in eastern Nuerland a rather different ceremony is performed. On the occasion when I was present it took place in the girl's home after her marriage had been consummated. An ox was thrown and its forelegs and back legs tied in pairs. It was then slowly suffocated, grass being first pushed up its anus with a stick, and then into its mouth and nostrils (Plate III). During its sufferings the husband and a youth of his age-set, the wife and a maiden of about her age, and a small boy and a small [842]

[1] J. Kiggen (op. cit., pp. 108 and 117) gives this word as the name of a different ceremony, for a woman without children who has smallpox. He says that a small gourd is opened, beer is poured into it, it is rubbed over the woman, and a goat is killed. The rite I describe is probably his *guur*, the meaning of which he gives as 'animal sacrifice to the Dinka god'.

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782 girl sat on its flank. After a while they rose and the ox's throat was cut. Dr. Lienhardt tells me that this mode of slaughter by cutting the throat, otherwise unknown among the Nuer in the killing of oxen, is the usual manner of sacrificing oxen among the Dinka. The ox was then cut up and from each joint and major organ a bit of meat was sliced off. The bits were cooked and then minced. The conductor of the rite, a female diviner, threw some of the mincemeat towards the hut where the husband and wife were cohabiting and placed some of it in the mouths of the spouses. Both spat it out. The husband told me afterwards that the putting of the meat into his mouth was the most humiliating part of the rite because he had never before allowed food to touch his lips in the presence of his wife. The small boy was then seated on the husband's lap and the small girl on the wife's lap. A gourdful of the mincemeat was emptied into the husband's cupped hands and he transferred it to the cupped hands of the boy. The action was repeated by the wife and the small girl. A pot of boiled blood was then taken into the hut and the diviner scraped some of it with a mussel shell across the mouths of husband and wife and the companions of their own age. The door of the hut was then closed and the butter was placed on the fire. While it was melting, a boy, the wife's brother, circled the hut outside with the boiled hump of the ox on the point of a fishing-spear. When he stuck the hump through the first window of the hut the diviner asked 'what will you give me?' and someone in the hut answered that she would give a brown calf. The action was repeated at the other windows of the hut, the answer referring to either a brown or a black calf. Then the door was opened and the diviner hung round the wife's neck the stomach lining of the ox and the skin of its umbilicus to which brass rings and part of its tail had been attached. She then anointed husband and wife and their companions and others present with the butter. On their departure the husband's people took the meat of the ox home with them, except the head, which remained with the wife's people who had provided the ox. I was told that the purpose of the ceremony was to ensure that in spite of the unusual circumstances of betrothal a child would speedily be born to the union.

I cannot explain the symbolism, if it has any, of this particular rite, but in cases of sacrifice proper in which a victim is slain in an unusual manner the symbolism is manifest. The beast is cut in

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PLATE X

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Immolation

[facing p. 218]

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782 twain to sever a relationship. The beast is drowned because the sacrifice is associated in one way or another with water. The beast is suffocated because that is how the python kills its prey. All this is mimicry, symbolic action by which some peculiar feature or some particular purpose of the sacrifice is expressed. The different modes of slaughter do not constitute different kinds of sacrifice but merely variations of the rite.

There are also variations in the manner of disposal of the carcass. In sacrifices in settlements of feuds the sacrificial ox is not skinned and its flesh then distributed in fixed traditional portions, but as soon as it falls all the men fall upon it and hack it to pieces with their spears, each taking what he can slice off and get away with. This is called *koak*. A scene of great confusion results and those taking part in the scrimmage are lucky if they are not injured by the spears used to cut off pieces of the flesh. An animal found dead in the bush is treated in the same way; and according to Father Crazzolara also cattle burnt in a byre struck by lightning.[1] Dr. Howell says that when an elephant is killed by hunters it is hacked to pieces in the same manner: 'the chaos which follows has to be seen to be believed'.[2] Occasionally sacrifices are holocausts, as when sacrifice is made to God to stay a plague or murrain, or to the durra-bird-spirit for the birds to leave the millet and return to the bush. The victim is left lying where it falls and its flesh is not eaten. I believe that it is the same with an ox sacrificed before an advancing enemy. In these instances the victims are slain in the bush and not, as in ordinary sacrifices, in the homestead.

These variations in the disposal of the carcass would seem to be connected with special circumstances in which sacrifice is sometimes made. We have a clue to the general scramble for meat at sacrifice to conclude a feud in the other occasions when a scramble is customary. Then the animal does not belong to anyone. An elephant's tusks belong to the first and second spearer but its flesh is the right of all who participate in the hunt. There are no individual rights in it. Likewise a beast found dead in the bush was a wild creature that belonged to no one and it did not die as a result of anyone's efforts. Similarly cattle burnt to death in a byre, although they belonged to the owner of the byre, were not slaugh-

[1] Op. cit., pp. 96–97.

[2] P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945, p. 100.

•782 tered by him but by God, and when God took them they ceased to be his. It would seem likely therefore that some such idea of the beast belonging to no one is present in the sacrifice to end a feüd. The holocaust appears to be, at any rate usually, a manner of disposal, like the burnt offering of the Hebrews, when sacrifice is made on behalf of the whole community against a common danger, plagues and murrains and an enemy. Here sacrifice is not made to serve any individual interest nor the exclusive interests of particular lineages or clans but the interests of all the people alike. The reason for abandoning the carcasses, however, seems to be the idea that the evil has entered them through the sacrificial act.

It remains only to mention briefly some other peculiar features of ritual attached to some sacrifices. A small piece of the hide of a victim may after any sacrifice be tied to the *riek* shrine as a memento, but after sacrifice to a spirit a more elaborate memorial, a *yik*, may be constructed. This is a small mound of ash and mud with a *riek* set in the middle of it. The bones, or some of them, of the victim may be buried in the mound. In sacrifices for incest and [783] in settlement of feuds the gall of the victim is drunk in infusion. This has nothing to do with the sacrifice itself but is a post-sacrificial act to cleanse the bodies of those who have been contaminated or to protect those who run a risk of contamination. It is a sort of medicine to counteract physically the consequences of the breach, or the possible breach, of an interdiction. It is something extra added to the sacramental action of the sacrifice proper. Some sacrifices are accompanied by the rite of aspersion. I discuss this later.

V

I have given some account of the structure of the Nuer sacrificial rite which, allowing for the variations and peculiar features I have mentioned, is the same for all sacrifices, those of the collective type as well as those of the personal type. Most sacrifices, as we have already noted, have a markedly piacular purpose. They are made in times of trouble and their general object is always the same, to get rid of the evil or threatening evil by offering to God a victim whose death will take it away. Nuer express this in various ways. They say that the evil 'will be finished with a thing (*duor*)'—that is, with an oblation. They say that it 'goes into the earth with the blood of the cow'. They say that 'the cow shields (*gang*)' the persons threatened by it. They say that God 'turns away'—as we have

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seen that in a sense the evil is he, in a certain aspect of the relation of Spirit to man, so, in this sense, it is he who is 'finished with a thing', he who 'goes into the earth' with the blood, he against whom the ox 'shields' man. 782

But though sacrifices made in times of trouble have this basic piacular meaning in common, certain tones in it are emphasized more in some sacrifices than in others, and this is sometimes indicated by some special word being used in reference to the intention. These words lie within the circuit of the general term denoting a piacular offering, *kam*, to give. An examination of them will shed further light on the character of the whole class of piacular sacrifices, and hence on the meaning of sacrifice in general. I speak now only of personal sacrifices, those which have a piacular intention.

When the notion of redemption is strongly marked the word *kuk*, with the verbal form *kok*, seems generally to be used when speaking of the sacrifice and in the invocation made at it. A *kuk kwoth*, sacrifice to God (or to some spirit), appears to be regarded as a ransom which redeems the person who pays it from a misfortune that would, or might, otherwise fall on him. By accepting the gift God enters into a covenant to protect the giver of it or help him in some other way. Through the sacrifice man makes a kind of bargain with his God. 782 789

In violent storms Nuer, fearful of the lightning, throw small pieces of tobacco into the air, asking God to take them, and saying that they have paid him ransom with this offering. When a man in sudden illness or danger takes off a bead or bracelet and throws it away he says 'grandfather [God], take thy cow [bead or bracelet], I have paid thee ransom (*kok*), let my sickness depart'. When an ox is sacrificed there is the idea that the evil goes into the ox and then into the earth with its blood, and there seems to be here the idea of its going into the bead and residing there; for I was once about to pick up a bead I saw lying on the ground in the bush when a Nuer stopped me, saying that it had probably been given to God as an offering by a sick man and if I took it the sickness might enter into me. Likewise, when Nuer sacrifice before crossing a river or wading into a lake to fish, and ask for the protection of the female spirit *buk* against the dangers of the water, they say 'take thy cow, we are ransomed (*kok*)'. In a story of how a girl, Nyanding, was sacrificed to the river which bears her name she

789 is said to have been paid in ransom to the river. The river was
782 bought, as it were, by her sacrifice; just as the hippopotamus had
[538] to buy the river in one of the Nuer just-so stories. Fox had found hippopotamus on land, where he had been created, and exacted from him, in payment for taking him to a river, the flesh around his mouth—which accounts for his funny face today. When they arrived at the river hippopotamus had to pay it (*kok*) the marrow of his leg bones before it would receive him—which accounts for their having no marrow, so Nuer say, in them today. 'Bought' and 'buy' are renderings I discuss below.

782 When in serious sickness an animal is sacrificed Nuer may say
755 '*ca kwoth kok ke yang*', 'God is paid a cow [in ransom]'. I was present when a Nuer was defending himself against silent disapproval on the part of his family and kinsmen of his frequent sacrifices. He had been given to understand that it was felt that he was destroying the herd from inordinate love of meat. He said that this was not true. The oxen he had killed—and he had killed his own favourite ox among them—had been sacrificed to his mother-in-law's and wife's spirit *deng*, which came from Dinkaland and was frequently troubling his children and his wife and her brother with sickness. It was all very well for his family to say that he had destroyed the herd, but he had killed the cattle for their sakes. It was '*kokene yiekien ke yang*', 'the ransom of their lives with cattle'. He repeated this phrase many times as one by one he recounted cases of serious sickness in his family and described the ox he had sacrificed on each occasion to placate the spirit *deng*. If his sons saw fit to complain let them regard their sisters. Would they not get the cattle of their sisters' bridewealth? And were not the cattle killed to save their sisters' lives?

782 The word *kuk* would seem therefore to suggest that God, or a
789 spirit, is placed by the sacrifice under an obligation. A woman says 'God, take thy cow and give me a child', and Nuer say of the river-spirit that 'it is given a gift and then it gives life to the people'. The child and the life are given to suppliants in return for the gifts they make. The action of the rite is not effective in itself. God, or a spirit, is not constrained by the sacrifice to grant the favour asked for. An animal sacrificed to God is his animal anyhow, and what he gives the suppliant in return is a *muc*, a free gift. Nevertheless, my impression was, at any rate where spirits of the air and of the earth are concerned, that Nuer feel that the recipient of a sacrifice

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is at fault if it does not fulfil its part of the bargain. A costly sacrifice having been made, *cuong*, right or justice, is on the human side in the matter. Thus the man of whom I was speaking above said during his harangue that after all the sacrifices he had made to the spirit *deng* on account of sickness in his family, his little daughter had been bitten by a snake and died. He had given all these oxen to *deng* and look what had happened! He felt aggrieved and had consulted a prophet of *deng* who had told him that if the spirit had taken his daughter it would compensate him for his loss; and it had indeed done so by giving him twins: '*ca col e kwoth ke cuek*', 'it [the death of the daughter] was compensated by the spirit with twins'. The use of the word *col*, as will be seen later, here implies that the spirit was in debt to the man. This Nuer Job complained that the spirit had only compensated him because he told it that he had had enough of it and that it could take all his children if it pleased, for then he would have finished with it because it would have nothing more to take from him. 782 789 [755]

The word *kok* occurs in the other Nilotic languages with much the same range of meaning, outside its sacrificial usage, as it has today in Nuer, for one most frequently hears it used today to describe the purchasing of goods from an Arab merchant. That a word which had chiefly, and perhaps primarily, a sacrificial meaning should come to be employed for the recent practice of buying something from a shop, a commercial sense it has also in other Nilotic tongues, sheds some light not only on Nuer ideas about trading but also on their ideas about sacrifice. Since the present range of meaning of the word includes buying and selling one might say that God or a spirit is 'bought' by sacrifice. The dangers of translation that beset one at every step in an attempt to understand and make intelligible Nuer religious ideas are here very apparent, for once we use the word 'bought' the associations it has among ourselves rush in to colour the Nuer conception. But Nuer do not regard purchase from an Arab merchant in the way in which we regard purchase from a shop. It is not to them an impersonal transaction, and they have no idea of price and currency in our sense. Their idea of a purchase is that you give something to a merchant who is thereby put under an obligation to help you. At the same time you ask him for something you need from his shop and he ought to give it to you because, by taking your gift, he has entered into a reciprocal relationship with 782 437 196

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782 437 196 you. Hence *kok* has the sense of either 'to buy' or 'to sell'. The two acts are an expression of a single relationship of reciprocity. As an Arab merchant regards the transaction rather differently misunderstandings arise. In the Nuer way of looking at the matter what is involved in an exchange of this kind is a relation between persons rather than between things. It is the merchant who is 'bought' rather than the goods, just as it is God or a spirit who is bounden by sacrifice; or it can be better put by saying that the partners, Nuer and merchant, man and God, *kok* each other. The general notion conveyed by the word is therefore that of exchange. This sense covers, as do our own words 'ransom' and 'redemption', both religious and commercial usages. In both there is the idea of a relationship expressed in gift and counter-gift. The mere fact that the word has been made use of to denote what we regard as plain and simple commerce shows that some idea of a bargain is implied in its sacrificial use. Whatever else it may also be, sacrifice can be regarded, as Socrates says in the *Euthyphro*, as being in a sense a 'commercial technique', a way of doing business between gods and men. A bargain is struck. There is an exchange. This is further shown by the use of the verb *luel*, not in reference to any particular kind or situation of sacrifice but in invocations at personal sacrifices. A consideration of its use shows us better what sort of exchange Nuer sacrifice is.

782 755 One of Professor Westermann's texts records a sacrificial invocation made on behalf of a sick man. I would translate it as follows: 'God, what is this? Leave him with us; let him recover. Turn about, take thy cow. It has been decreed for the life. It is thou who hast spoken thus. Take the cow that it may be in exchange for the life (*bi je luele yei*). It is thou who hast created us; it is the cow which is exchanged for life (*e bi yang a luel ne yei*). Take the goat and the cucumber; and let him recover! In what have we erred? Give us the life. Thou art our father. Why must we always suffer? Give us the life, we pray thee, our father.'[1]

437 196 In other contexts the word *luel* means 'to exchange' or 'to change'. Something takes the place of another thing equal to it —a simple exchange of two things considered to be of more or less

[1] Op. cit., pp. 116–17. The sentence 'Take the goat and the cucumber' would not occur in any actual invocation, for the two things would not be sacrificed at the same time. Whoever spoke the text has inserted a gloss in the sense of 'Take the cow [ox], that is to say, the goat or the cucumber' [as the case may be].

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equal value by the persons concerned in the exchange, as when a man who is leaving his neighbourhood exchanges his old byre for a bull calf or when a man exchanges an ox with certain markings desired by his partner to the exchange for one with his own favourite markings. The difference between *kok* and *luel* is that between the reciprocal relation between persons in an exchange and equivalence of objects exchanged. In either case the action is immediate, unlike that implied by use of the words *ngual*, to borrow, and *gwal*, to lend. In loans a man makes a gift and the recipient later returns it or something of greater value. There are two distinct and separate movements between which there is a long passage of time. In its piacular context, therefore, the word *luel* means that the life of the victim is exchanged in the moment of its immolation for the life of a man. In the sacrificial situation the two things are of equal value, so that the one can be substituted for the other. This puts men and cattle in a very peculiar relationship to each other, a matter I discuss in Chapter X.

In personal and piacular sacrifices the animals are substitutions for men. To this extent sacrifice is an exchange, but it is also something very much more than just a simple exchange. It is not a simple idea at all but a very complex one in which many other elements are present. I discuss the problem in more general terms later, but we may here note how other terms are used to describe personal sacrifices which emphasize rather the related ideas of propitiation, expiation, atonement, and purification.

Sometimes the word *lor* is used to describe a sacrifice. The word means 'to go to meet', perhaps its most common usage being to describe the formal greeting that Nuer, especially women, make to a visitor of importance when they go from their homes to receive him outside their homestead or village. The word has therefore the further sense of 'to honour', as would appear to be the case also in Dinka and other Nilotic tongues. But in the religious sense of the word people go out of their villages to meet a plague or other danger not with the purpose of bringing it to their homes to give it hospitality there but with the opposite purpose of preventing it from entering their homes. They go out to meet and stay a plague or murrain with sacrifice. They say '*bane je luor*', 'let us go out to meet it'. The well-known prophet Ngundeng of the Lou tribe did this in times of epidemics, sometimes, I was told, sacrificing dozens of oxen and leaving their carcasses in

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782 789 [726] a line in the bush. He also used to sacrifice before his followers as they advanced to battle. His son Gwek appears to have met his death while making such a sacrifice before a military patrol sent against him. Mr. Coriat, one of the officers on this patrol, has described how the Nuer attack was launched. 'Two long lines of men rushed out to either flank in an attempt to surround the troops while the main body of Nuer in the centre advanced more slowly but singing lustily and driving ahead of them a solitary white bull. The order to fire was given. The leading men and the bull reached to within 120 yards of the square before they fell and within a few minutes the whole mass of Nuer were fleeing in all directions. A long pursuit over rough and broken ground followed. Gwek, arrayed in a leather skirt with an iron skewer clutched tight in his hand and a brass pipe, the pipe of Dengkur [Ngundeng], lying beside him, was picked up dead beside the white bull.'[1]

782 789 Other prophets acted in the same manner in epidemics and war. It has also been described to me how a whole section of the eastern Jikany Nuer went out to meet smallpox which was advancing into their territory. They went out to meet it with goats and sheep and pots of beer, and they slaughtered the animals and left their carcasses and the pots of beer in a line over which the smallpox should not cross. It was described to me as being like a *kegh*, a boundary line—more closely in meaning a line a leopard-skin priest makes on the ground before advancing warriors halt them so that a fight may be prevented.

When I was living in a small village on the Sobat river swarms of locusts descended on it and on its gardens, and the people went out to meet (*lor*) them in a body, leading a fawn-coloured goat (roughly the colour of the locusts) and beating their ox-hides, where the gardens adjoined the bush, and there sacrificed the goat. It fell with its head towards the bush. This was regarded as a favourable sign as it was in that direction that the people wanted the locusts to go. They soon departed. The carcass was left where it fell. I have earlier described how people go out to meet durra-birds which are eating their crops and how they make a similar sacrifice and leave the carcass in the bush. Nuer use the same word when speaking of the sacrifices made by kinsmen of twins at their birth. They say '*ba cuek luor*', 'the twins are met [with sacrifice]'.

[1] P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', *Sudan Notes and Records*, 1939, p. 237.

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On those occasions on which Nuer use the word *lor* in a religious context the danger is definite and immediately before them, and it has to be met with sacrifice to propitiate God so that of his kindness he may stay its approach. It is true that they speak of going out to meet the smallpox, the locusts, the durra-birds, or whatever the threatening thing may be, but when they say that they 'meet it with a cow', that is, by sacrifice, we are to understand that the 'it' is not the thing itself but Spirit manifested in the thing. It is a vehicle of Spirit and only God can stay it. We have then in the concept of *luor* another element in sacrificial intention, homage to God by a whole community, or on its behalf, at a time of common crisis. 782 789

The word *kier*, with the verbal form *kir*, is more difficult to translate than the other words used for sacrifice because it has no meaning outside its sacrificial usage. I have translated it by 'expiation' because that idea together with the idea of purification seem to me to be strongly represented in the situations of its use, the appeasement of God or spirits when an event which places people in a state of danger, usually grave, has taken place. The danger, which is Spirit itself, is not merely possible, nor is it seen to be approaching. It is already present and people must rid themselves of it before it injures them or causes them further injury. 782 783

Nuer say of a spirit which has made a man seriously ill '*ba kwoth kier ke del*', 'expiation is made to the spirit with one of the flock'. They say of the sacrifice made after the burial of a man that '*ba kier piny ke del*', '[the dead man] is expiated in the earth with one of the flock'. They say of a byre which has been struck by lightning that '*ca kir ke ghok*', 'it has been expiated with cattle', and of a man killed by lightning that '*ca je kir ke det kene ruath*', 'he was expiated with some of the flock and with oxen'. When a speckled vulture settled on a man's head (pp. 88–89) expiation was made (*ca kir*) by sacrifice. I have also heard it said of sacrifices made on account of the birth of twins '*ca ke kir*' 'they [the twins] have been expiated'. One does not visit the home of a kinsman who has begotten twins without something to sacrifice in one's hands. Further examples of the use of the word *kier* for sacrifices are given by Father Kiggen, on account of a man being lost and on account of a bad dream.[1]

It may seem a peculiar expression to speak of a man, twins, and

[1] Op. cit., p. 145.

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782 a byre being expiated and it is true that it is not they who are
783 expiated but the death of the man, the birth of the twins, and the striking of the byre by lightning, or rather, since these events are all signs of God's presence it is Spirit itself which is expiated. This is what is said, literally, in the first example of the use of *kier* I have given, '*kwoth* (Spirit) is expiated with one of the flock'. A payment is made to get rid of it and the state of danger its presence means. It is expiation in that sense, not in the sense of paying penalty for fault; for in the examples I have given the idea of fault, or at any rate of some definite fault, is negligible, if not altogether lacking. What we observe is a feeling of something dangerous being in the village, a sort of miasma, which must be dispelled if the people are to be at peace, and a defilement from which the people must be cleansed. In some of the examples the ideas of defilement and purification are apparent. Where this sense is strong the sacrifice is often accompanied by the rite of aspersion; and it may be noted that the word *kir* has in some of the other Nilotic languages the sense of 'to asperse', 'to sprinkle', and similar meanings.

We have seen that the *lor* concept adds the idea of honouring to that of an exchange or bargain in the general meaning of sacrifice. The *kier* concept adds something more. Sacrifice in the situations for which this word is used is made to prevent misfortune, or further misfortune, by an oblation. The danger is not disposed of till there has been an act of human will, a turning to God in sacrifice. Only when expiation has been made will it be wiped out. And the expiation is not just a payment, it is also the recognition of a debt. This aspect of sacrifice is most clearly brought out in the concept of *cuol*.

The ideas of expiation and purification are also markedly present in those sacrifices for which Nuer use the verb *col*, but there is a further and different emphasis as well. *Col* in its most general sense means, as in the other Nilotic languages, to pay compensation for an injury, and it is perhaps best translated 'to indemnify'. Indemnification for homicide or bodily injury, or indeed reparation made for any injury, may be spoken of as *col*. The word is also used in a religious sense when speaking of sacrifices to wipe out (*woc*) by indemnification the wrong done to God or a spirit by sin, such as, for example, having harmed a totem; when sacrificing for sickness if the sickness is thought to be due to some particular

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PLATE XI

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Death of victim and end of invocation

[facing p. 228]

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782 783 fault; and, most specifically, to describe mortuary rites. The implication is that just as, let us say, a woman who has been wronged by her daughter's husband exposing his nakedness to her must be indemnified by a gift, so if God or a spirit is wronged by some act or neglect he or it must be indemnified by sacrifice. In the religious sense of the word it can perhaps best be translated 'to atone' and 'atonement'.

As the use of the word *col* implies in all other contexts that reparation for some wrong or fault is due we may suppose that it has something of the same sense when it is used with reference to mortuary ceremonies. A mortuary ceremony is known as *col woc*, an expression which might be translated by some such phrase as 'the wiping out of debt'. As it is not necessarily felt that any definite wrong has been done for which reparation must be made we may ask why this expression is used. I would answer that not only do Nuer seem to regard death itself as a kind of payment of debt, but they also seem to regard the dead man's kin as being involved in the debt, just as they would be had he incurred a debt to someone in his lifetime. The death still clings to them till they have made atonement by sacrifice and have been purified from its contamination by a purificatory rite which, while being particularly noticeable in the mortuary ceremonies, may accompany any sacrifice, such as those referred to by the terms *kier* and *cuol*, in which the idea of pollution is accentuated. The rite is known as *kith*, a word which means 'to sprinkle' and may be translated in its religious use as 'to asperse'. The aspergillum is a handful of wild rice, a plant which has other religious associations. It is dipped in water or milk or blood and water mixed and shaken over the persons involved in whatever the calamity may be, and in rites concerning death over the dead man's possessions as well. The word *kith* is also used for the sprinkling of beer at a ceremony in honour of a spirit over the ox dedicated to it, the beer being thrown over the animal's back by hand or blown over it from the mouth, a rite also called 'the bathing (of the ox)'; but here different ideas are expressed (pp. 42–43).

We may suppose that Nuer would not use so many different words when speaking of sacrifice unless the rite meant for them sometimes more one thing than another thing; and in our examination of these words we have found that they do indeed express rather different conceptions. No doubt these conceptions are only

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●782 variations of a single general meaning, are logically interconnected, and shade into one another, but they indicate nevertheless distinct differences of emphasis. What all of them express, however, is the central piacular idea of substitution of lives of cattle for lives of men. That is on the surface. We have to inquire further if we are to understand its interior meaning.

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CHAPTER IX

SPEAR SYMBOLISM

When I think of the sacrifices I have witnessed in Nuerland there are two objects I see most vividly and which sum up for me the sacrificial rite: the spear brandished in the right hand of the officiant as he walks up and down past the victim delivering his invocation, and the beast awaiting its death. It is not the figure of the officiant or what he says which evokes the most vivid impression, but the brandished spear in his right hand. 782

We have noted that the *lam* or invocation states the intention of the sacrifice. Its words are a projection of the will and desire of the person as he turns towards Spirit; and an essential part of the action is the brandishing of the spear. As the officiant walks up and down delivering his oration the movements of the spear in his right hand emphasize his words: opening and closing his fingers on it, poising it in his hand, raising it as though to strike, making little jabs with it into the air, pointing it towards the victim, and so on. These movements are an integral part of the expression of intention, and there is more in the action than meets the eye.

In Nuer ritual the meaning of symbolism is generally at once evident to ourselves, at any rate in its main import, for there is an intrinsic relation between the symbol and what it stands for. When an animal is cut in half in cases of incest, to allow inter-marriage between distant kin, before a man takes his dead brother's wife in leviratic union, at the closing of an age-set, in mortuary ceremonies, and on other occasions, we can at once perceive how the purpose of the rite is expressed in the severing of the carcass. A relationship of one kind or another between persons is being severed. Likewise the symbolism of the rite, common among primitive peoples, of putting out fires and relighting them at a man's mortuary ceremony, and in the case of the rehabilitation of a homicide the relighting of them with fire-sticks, is at once evident for us. The past is finished with; one begins anew.

The shaving of the head of a bride at her marriage, of a boy at his initiation, of a kinsman at a mortuary ceremony, and of a homicide at the settlement of a feud expresses, and brings about,

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782 the passing from one state to another as obviously for us as for Nuer. Again, we can see immediately also the appropriateness of the action to the situation and purpose in the ritual making of a line or boundary (*kegh*). A leopard-skin priest cuts a line between opposing factions to forbid combat. The dominant lineages of the Gaagwong and Leek tribes may not, for a mythical reason, tether their cattle in a common kraal, but if they cannot conveniently avoid doing so a line of earth is thrown up between the sections of the kraal occupied by each. On the other hand, whilst there is generally a ridge of raised earth dividing adjacent gardens of neighbours this is absent when the owners of them are members of the same *ric* or age-set. When in certain ceremonies Nuer throw ashes into the air or asperse their bodies we do not have difficulty in perceiving that they are expressing the idea of evil being blown or washed away. Another, and final, example is that of a man who leaves the tribal territory where he was born and brought up to reside in the territory of a different tribe. He may then—it may not be a regular practice, though I was told that a man might die of *nueer* were he not to take the precaution—take a pot of earth from his natal territory and mix it in an infusion with earth from the territory of his adoption, and drink the infusion, on each occasion adding more of the new earth and less of the old, thereby slowly making the transference from his old to his new home. We have no difficulty at all in understanding and entering into this symbolism. Likewise we readily understand the imagery of various rites I have described in this book, such as the bending of a bracelet to close the jaws of crocodiles, the placing of the corpses of infant twins on branches of trees, and many other rites.

Since we at once perceive the meaning of the symbolism of the ritual action we may suppose that Nuer also perceive its logical fitness to its purpose; and, indeed, it is often certain that they do so, for if asked to explain what they are doing they interpret the symbolism of a rite in terms of its purpose. The symbolism is manifest to them, as it is to us. But there is a deeper symbolism which is so embedded in ritual action that its meaning is neither obvious nor explicit. The performer may be only partly aware or even unaware that it has one. Interpretation may then be difficult for a person of alien culture, and the door is open for every kind of extravagant guesswork to enter. Nevertheless, if it be rash in such circumstances to put forward symbolic interpretations of ritual

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acts, or features of them, we are sometimes compelled to make the 782
attempt, as in this excursus on the spear, by the very emphasis given to them by the culture we are trying to understand.

Since we have no spears ourselves and nothing which takes their 411
place in our lives it is difficult for us to appreciate their importance for Nuer. Nuer have no knives, other than that (*ngom*) used for cutting the marks of manhood at initiation, so that their fighting-spears, besides their use as weapons, have to serve where other peoples use knives.[1] A man's fighting-spear (*mut*) is constantly in his hand, forming almost part of him—when he is fighting, hunting, travelling, herding, dancing, displaying himself with his oxen, playing with his comrades, and so on—and when he lays it down it is within his reach; and he is never tired of sharpening and polishing it, for a Nuer is very proud of his spear. In writing a preliminary account of Nuer age-sets many years ago and without reference to the symbolic significance of the spear I wrote that 'one is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon'. Later I came to realize better that in a sense it is animate, for it is an extension and external symbol of the right hand, which stands for the strength, vitality, and virtue of the person. It is a projection of the self, so when a man hurls his spear he cries out either 'my right hand' or the name of the ox with which he is identified.

The spear, being an extension of the right hand, stands for all [826]
that the right hand stands for, for what is strong, virile, and vital, 811
and consequently for masculinity and hence for the paternal kin and the lineage. Therefore during the discussions about bride-wealth in the byre of the bride's home on her wedding day the bridegroom's people sit on the right side of the byre and the bride's people on the left side. Therefore, also, when the carcasses of oxen sacrificed at marriage ceremonies are divided among the kin, the right fore and hind legs are the portions of the father's brothers and sisters and the left fore and hind legs are the portions of the mother's brothers and sisters. The left side symbolizes evil

[1] Being the only thing they have which cuts and is therefore suitable for shaving—their other spears only pierce—the verbal form of the word for fighting-spear, *mut*, besides its meaning of 'to spear' means 'to cut' or 'to shave hair'. When used in the last sense it often refers to ritual shaving of the head, and it may then be used for the whole ceremony of which shaving of the head forms part, as the final marriage ceremony of consummation and ceremonies in connexion with death.

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associated with courtship; and also in the pursuits of herding and 411
hunting. All these activities require the use of the spear, but it is 881
important that we recognize that it is not the acquisition of a weapon, whatever its economic value might have been in the past, nor even its utility, great though that may be, that gives a crucial significance to the gift of a spear at initiation. Its significance is moral, not merely utilitarian. It is not the spear itself, nor its possession, which is stressed but the activities associated with it: war and raiding, dancing and display, and herding. The uses of the spear itself and the evaluations of its uses as an index of social personality are blended, so that the spear is not just a weapon but also something which stands for a very complex set of social relations.

But the investment of a youth with a spear at his initiation 411
would seem to be something more, for, as we will see in discussing 881
the sacrificial role of cattle, initiation is not only into the social life 231
of adults but also into a new relationship with the cattle which has an important religious side to it. There is now established an identification, deriving from the sacrificial situation, between the initiates and cattle and, looked at from this point of view, the rites of initiation may be said to have a sacramental character. The boy enters into communion with the spirits and ghosts of his lineage through the cattle. 'The spear of the cutting (initiation)' is thus a symbol of a sacramental change as well as of a change in social status. In both symbolic aspects it is an extension of, and stands for, the right arm and represents strength, strength of the soul as well as strength of the body of the person; and, as I shall attempt to show, in both the symbolism is also a representation of the collective strength of the lineage to which the person belongs.

I have suggested that the fighting-spear has a symbolic meaning 411
for Nuer besides what it means for them as a weapon and tool— 782
that it is a projection of the self and stands for the self. This is most important for an understanding of Nuer sacrifice. Its manipulation in the most common, and for a study of religion the most significant, sacrifices, the personal and piacular ones, expresses, if our interpretation is right, the throwing of the whole person into the intention of the sacrifice. It is not only said but also thought, desired, and felt. Not only the lips make it but also the mind, the will, and the heart. This interpretation makes the miming with the spear intelligible for, as an extension of the right arm, it stands

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411 for the whole person.[1] It is for this reason that a spear must be
782 carried during the invocation and not in order to slay the animal at the end of it. Other invocations by other men may follow before that is done, and the quick dramatic thrust into its heart which concludes the rite may be made by anyone, and not necessarily by a man who has made an invocation or by a spear used in the invocation.

411 But we have also to note that on many sacrificial occasions—
782 those of a collective kind held in structural situations—when a
614 man makes an invocation he does so as the representative of his clan (where 'clan' is used in this context 'clan or lineage' is to be understood—a man may be speaking in reference to his maximal lineage). He identifies himself with the clan by identifying his spear with that of the ancestor of the clan. It is his own spear which he brandishes but the name of the spear he shouts out as he does so is that of the spear of the ancestor of the clan, the clan spear-name. This is characteristic of sacrifices of the collective type, and it is towards them that the discussion is now directed.

[552] Each of the Nuer clans has a spear-name and sometimes a large lineage of a clan has a secondary name which is different from that of another lineage of the same clan. This spear-name is shouted out by a representative of the clan while he brandishes a spear in his right hand, in war, at weddings, and on other public occasions when the clan as a whole is concerned—ideally, that is, and never actively and corporately. It is especially shouted out as an exordium to sacrificial invocations on occasions of collective significance (pp. 288–9). It is '*mut gwara*', 'the spear of our fathers'. On such of these occasions as require the services of a leopard-skin priest he calls out the spear-name '*mut Geaka*', 'spear of Gee', a spear-name which combines the representation of the priestly office with that of the Nuer as a whole.

It is essential to note that, with two exceptions, no actual spears of the ancestors of the clans exist, and it is not held by Nuer that they ever did exist, except in the sense that the ancestors had their own spears. The virtue is in the idea of 'the spear of our fathers', not in any material clan relic. Consequently, in invocations any spear will serve the purpose of the rite and represent that of the

[1] Among the Shilluk the officiant rubs his spear on the back of the victim, as the Nuer places his right hand on its back (D. S. Oyler, *Sudan Notes and Records*, 1920, p. 298).

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ancestor of the clan and hence symbolize the clan as a whole. Any spear will do, but, for the reason I have stated, there must be a spear; and when Nuer sitting in my tent recounted to me what is said in invocations they gestured with their right hands as though they held spears in them, for they found it difficult to speak the words without making the gestures, just as in recounting what is said in prayers (*pal*) they found it difficult to do so without moving outstretched hands up and down.

Published literature on the Nuer records information about only two actual spears of clans. The one about which we are told most is the spear, called *wiu*, of the Gaatgankir clan, who are regarded by all, including themselves, as being of Dinka origin; and the spear is a Dinka, and not a Nuer, type of spear. A mysterious origin and power are attributed to it. It is believed to have been held by Kir, the ancestor of the clan, when he was cut out of the gourd in which he was found, and it is also associated with the air-spirit *wiu*, which is regarded as being in some sense immanent in it. When I was in Nuerland it was in the charge of a family of leopard-skin priests of the Tar lineage of the eastern Gaajak tribe. I did not myself see it, but it has been described by Mr. H. C. Jackson, who saw it in 1922 near the Pibor river.[1] He records that it was decorated with cowrie shells and beads and was housed in a special grass hut where visitors treated it with great deference. He says that it was prayed and sacrificed to, especially before raids on the Dinka and Burun peoples;[2] that if two sections of the Nuer wished to engage in fighting among themselves it would be placed between them to prevent an engagement; and that oaths were taken on it. I was told that only old people would look upon it. The importance of this spear to our discussion of clan spear-names is that, as I will explain later, all such spear-names have an

[1] H. C. Jackson, op. cit., pp. 168 and 179–81.

[2] We are probably to understand, in view of Nuer religious conceptions in general, that Nuer respect (*thek*) the spear and pray and sacrifice to the spirit *wiu*, which is in the sky as well as in the spear. Mr. R. T. Johnston reached the same conclusion with regard to a similar spear among the Bor Dinka. He observes that 'the spear by itself, except by association and as a symbol, is not sacred' (op. cit., p. 127). Dr. Lienhardt tells me that when the Government, with remarkable lack of imagination, confiscated and removed this spear lest it should become a focus of opposition to the administration the Dinkas' faith was in no way lessened. The only result was that the spirit associated with the spear, no longer having a recognized material symbol in a single place, manifested itself all over the tribal territory, defying any further intervention.

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name of the person and Gaaliek the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial invocations stands for the person and that when this person speaks as a representative and on behalf of the clan, as he does in collective sacrifices, it stands for the clan. In the one case it is the right hand (vitality) of the individual and in the other the right hand (vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host.

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *bidh*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general sense of taking part in war and raiding: *'ce Nath wa mut'*, 'the Nuer went raiding'; *'ca mut nang Jaang'*, 'war was taken (by the Nuer) to the Dinka'. The idea expressed by the word *mut* in these examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates *'te ke mud mediid'* (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'.

[1] It is true that Nuer lick any metal in taking an oath (p. 297), but I regard this as being a derivation from licking a spear, for which any metal stands as a substitute, in the same way as the honorific titles of the Gaatgankir clan, son, and daughter, of iron, derive from the *wiu* spear. The words *yieth*, metal, and *yiedh*, to spear or to stab, are surely connected.

[2] J. Kiggen, op. cit., p. 206. One may ask, in the light of this discussion about

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spear *wiu*, as they do at present, and will respect (the word is here used to balance the statement and not literally) only its name. As we should put it, they will not then feel the need for a material symbol of the spiritual relationship, and a verbal or ideational symbol will suffice. The association of clan spears with the spirit *wiu* is clear to us when we recall that the spirit is also associated with lightning with which, in this hypostasis, God strikes as man strikes with the spear.[1] 552 411 614 721

In invocations in which clans are involved as such God is appealed to, as I have explained earlier, in some refraction by which he is figured as their patron. This is the '*kwoth gwara*', 'the God of our fathers'. It is on such occasions also that the spear-name of the clan is shouted out as an exordium to the invocation. This is the '*mut gwara*', 'the spear of our fathers'. I would suggest that we have here in the spear-name a symbolic representation of the clan in its relation to God. God is invoked in relation to the clan through the spear of the ancestor held in imagination in the hand of one of his descendants. 552 411 782 614

If this interpretation is right, then in those sacrifices in which the clan as a whole is concerned the calling out of the clan spear-name by the officiant identifies the whole clan with the intention of the sacrifice as spoken in the invocation. The sacrificial spear in his hand becomes through the exordium the clan sacrificial spear through which in symbol the whole clan offers up the victim to God. The officiant in such sacrifices must therefore be a representative of the clan, what the Nuer call a *gwan buthni*; whereas in personal and piacular sacrifices, in which appeal is made on behalf of an individual or a number of individuals, anyone can officiate and the officiant is usually a senior member of the family or kin of the sacrificer. The intention, and therefore character, of the sacrificial act is different in the two cases. In the first it is of the nature of a validation, in the second of the nature of a *piaculum*; though in some situations there may be a broad overlap. Religion has always these two sides, the one concerned chiefly with the social life and the other with the relation of the individual soul to its God.

[1] Nuer, however, use for God striking a man with lightning the verbs *mar*, to strike, and *pim*, to strike in the sense of 'to hit' or 'to punch', and not *yiedh*, to strike in the sense of to thrust or to stab.

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231 their wearing, incapable of use, and that they also render useless
881 the left horns of their favourite oxen by deforming them.*

Human thought and expression are inevitably constructed out of man's experience of the world around him. There is nothing that should surprise us in Nuer speaking metaphorically of boys by the same word (*ruath*) as they use for young bulls and for the male young of other animals, and, by contrast, of men by the same word (*tut*) as they use for adult bulls and adult males of other animal species. It is natural—it would be remarkable were it not so—that Nuer use cattle metaphors in speech and gesture. Nevertheless, the evidence, some of which I have presented, suggests that there is more in it than that. Whether Professor Seligman's psychological use of the word 'identification' is correct is a question that lies outside my own competence and the scope of this book, but it cannot be denied that there is a moral identification, a participation imposed on the individual by his culture and inextricably bound up with religious values. When henceforward I speak of identification it is to be understood in this sense.

* [See p. 235, cat. 116, —Analyst]

II

231 We have noted that there is a personal side and a collective side
782 to Nuer religion and that we may speak of personal and collective
613 types of sacrifice. We have noted also that in the collective type the
614 officiant represents the whole clan, that the spear he holds in his hands is that of the ancestor of the clan, and that he invokes God as the God who created his ancestor and the God of his fathers. We have further noted that the sacrificial victim, although in fact it is an ox or a surrogate for an ox, is not spoken of as *thak*, ox, but as *yang*, cow, a general term referring to any bovine beast, with a plural form *ghok*, meaning 'cattle'. This suggests that the victim embodies the general idea of the equivalence of cattle and men in the sacrificial act, and there is certainly what we may speak of as a collective identification of clans and lineages with their herds. This is expressed in the honorific titles of clans and lineages. We have been discussing hitherto the equation of man with ox. These titles introduce us to the idea of an enduring relationship between a social group and its ancestral herd.

On the day when, by the cutting of lines on his forehead, a boy

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231 male members of a human lineage, a line of descent. In tracing
613 back the lineage of a beast, which Nuer can sometimes do to
553 several generations, they do so by the points of the dams and not
196 the points of the sires: an ox of certain markings was born of a cow of certain markings and it of a cow of other markings. Descent in the herd is, so to speak, traced matrilineally; and it is the cows which are seen as the stable element, which calve cow-calves, which calve cow-calves in their turn, and so provide the constant and continuous nexus between herd and lineage. Consequently, if at marriage most of a herd is dispersed and only a core is retained, it is some cows which are kept so that the herd may be built up anew through them. Therefore, it is to the cows of the ancestors, and not to their bulls, that the honorific titles of clans and lineages refer.

The lineage–herd equation can thus be considered as a collective expression of the man–ox equation. The one does not derive from the other but they are parts of a single complex representation, which finds its most logical expression in the rites of sacrifice. The name of the ox of the speaker may be shouted out in sacrificial invocations because its name stands for his own, but when the sacrifice is on behalf of a whole clan the exordial words are the spear-name of the clan, which goes together with the cow-title of the clan, representing the relation of the clan to its ancestral herd. The two symbols, ox-name and spear-name, represent two aspects of the sacrificial relationship between men and cattle, the personal and the collective. The one or other aspect is emphasized according to the nature of the sacrifice.

III

231 The facts we have examined, taken severally or together, point
●782 to the conclusion that there is the idea of equivalence between men and cattle, and the only plane on which there is anything that can be called equivalence is that on which men and cattle are things of the same order, so that one can be substituted for the other, namely in sacrifice, or in other words in relation to God. We have seen that in those sacrifices which have the most significance for the study of Nuer religion, the personal ones, the lives of oxen are substituted for the lives of men. This is not only evident in what

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Nuer say but is indicated also in the rites themselves, and especially in the rite of consecration. In discussing this rite I speak for the present only of personal sacrifice. 231 782

When ashes are rubbed on the back of an animal in giving it to a spirit I speak of the act as one of dedication. When they are rubbed on its back in sacrifice I speak of it as consecration. It is useful to make this distinction for several reasons. Animals are not dedicated to God except on rare occasions when sacrifice is to take place shortly afterwards, but they are consecrated to him in sacrifice. Cows are the animals usually dedicated to spirits, whereas it is oxen which are sacrificed. Though even a cow dedicated to a spirit may ultimately be sacrificed and at least one of its male calves is destined for sacrifice, sacrifice does not follow dedication, if at all, for months or even years after the dedication. What is devoted by dedication to a spirit is the animal and its milk, but when ashes are rubbed on the back of a beast at sacrifice what is devoted is its life. That there is a difference of meaning between the two acts is shown by the fact that an animal which has been dedicated to a spirit by ashes being rubbed on its back has ashes again rubbed on it when it is sacrificed to that spirit. It is—if we care to use these terms—dedicated to the spirit in the first act and consecrated for sacrifice to it in the second. The difference is that the rubbing of ashes in dedicating an animal to a spirit is the sign and the manner of its passing out of man's possession (though in fact he does not part with it) into a spirit's possession, whereas the rubbing of ashes in consecrating an animal for sacrifice is a substitution of life of man for life of beast and hence also an identification of man with beast, sacrificer with victim.

It will be remembered that in sacrifice the animal is consecrated with ashes, has an invocation spoken over it, and is speared. I have already discussed the *lam* or invocation. What concerns us now is the *buk*, the consecration. This word, which in other Nilotic languages has the sense of 'to smear' and sometimes of 'to sacrifice', means in Nuer 'to rub' or 'to smear' and generally 'to rub with ashes'. In a sacrificial context it describes the placing, and usually lightly rubbing, of ashes on the victim's back. It is clear that it is a rite of consecration, the animal's life being thereby devoted to God; but also ~~in the~~ personal and piacular sacrifices it is, as we have seen, sanctified for sacrifice in substitution for the life of a man. It would seem, therefore, that the laying of the right

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hand on the animal's back identifies the man who lays it, or the person on whose behalf he is acting, with the beast, the right hand standing, as we have earlier noted, for the whole person. If this is so, then it is himself, or the person for whom he is proxy, that the officiant offers up; or, to put it in another way, in the act of consecration the representations of man and ox, of sacrificer and victim, are fused.

This interpretation is supported by the fact that when ashes are ritually rubbed on persons the meaning which fits the action best is unity, solidarity, or identification, the expression of the idea of 'I am with you', as when, for example, before initiation a boy's father, maternal uncle, and family's master of ceremonies rub (*buk*) his forehead with ashes, uttering an invocation, or when a man returns from a long journey and his father rubs ashes on his forehead. It is confirmed by two other observations. As we have noted, there is no laying of hands on cattle sacrificed at mortuary ceremonies, nor is there, Dr. Smith tells me, in sacrifices at *colwic* ceremonies. They are given to God, but the person on whose behalf they are sacrificed is dead. Also, cattle slain for reasons other than for sacrifice may have an invocation said over them but there is no laying on of hands.

I discuss this question again later in relation to the whole rite of sacrifice and the various theoretical interpretations of it which students have put forward. We may here note further, however, that the fact that it is ash which is placed on the back of the victim and not something else and that this ash must be that of cattle-dung (*pou*) and not wood-ash (*ngeth*) may be significant, for the ash is taken from the *gol*, the household smudge which symbolizes for Nuer the home in various senses. *Gol* means primarily the home in a domestic sense. It is identified with the father of a family, *gol* so-and-so being the 'home' of that man and hence his 'family' also. But it can also be used for the lineage, 'the family' in that wider sense. The ash comes from the *gol* which represents the family or the lineage, and the officiant who places it on the animal's back represents, according to the type of sacrifice, either the members of the family or the members of the lineage.

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THE SACRIFICIAL ROLE OF CATTLE

IV

It may be asked how the fact that in piacular sacrifice an ox is substituted for a man affects the general relationship of men to cattle. The answer is that all cattle are reserved for sacrifice. It is not just that in a particular ceremony a particular ox stands for a particular man. The equivalence is a general one between men and cattle. Some caution is necessary here. Nuer are very fond of meat, and whether an animal is killed in sacrifice or dies a natural death its flesh is eaten. All cattle, sheep, and goats, except those sacrificed in holocausts, eventually go into the pot. Also, it is very noticeable that on ceremonial occasions which are not also occasions of calamity, most people show more interest in the festal than in other aspects of the ceremonies. People show their desire for meat without reserve and it is the festal character of sacrifices which gives them much of their significance in the life of the Nuer. This is perhaps most noticeable at weddings, when, moreover, those who get the flesh are not those who sacrifice the animal; and also on those occasions when men scramble for meat. Further, Nuer themselves recognize that some men are too eager to sacrifice an ox, sheep, or goat on the slightest excuse, a craving for meat rather than a pressing need for spiritual aid being the incentive for sacrifice. It is undoubtedly true that it is sometimes craving for meat which reminds a man that sacrifice to some spirit is long overdue, religious obligations providing a ready excuse for a feast. However, the fact that Nuer accuse men of making unnecessary sacrifices to have feasts of meat in itself shows that animals should not be slaughtered except in sacrifice; and there is indeed a very strong feeling, amounting to a moral injunction, that domestic animals—sheep and goats as well as cattle—must not be slaughtered except in sacrifice and, save in very special circumstances, they are never slaughtered for food, a fact noted by Ernst Marno nearly a century ago.[1] This injunction explains why Nuer are not expected to, and do not, provide meat for guests, and also why I was unable to buy beasts from them for food for my own household.

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[1] Op. cit., p. 348. The Dinka likewise do not slaughter cattle for food (see that curious book *The Ethiopia Valley*, n.d., pp. 10 and 39, by Hatashil Masha Kathish, a Dinka convert to Christianity). This is the case among many African pastoral peoples.

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young men attend dances, which therefore do not take place at this time. Also, they may have no contact of any kind with the herds other than with the oxen with which they are segregated. It is to be noted further that the borrowing from kin and neighbours of oxen for slaughter by youths whose families are unable to provide them with suitable animals is no ordinary loan but is of a peculiar and ritual character. The owner of a beast who is asked for it by a youth may not refuse the request, and not only for social reasons but also, says Dr. Howell, because 'he would run the risk of spiritual contamination resulting in sickness or even death among the members of his family'.[1] Nor may he demand repayment for some years. These facts considered in the light of the great reluctance, to say the least of it, of Nuer to kill an ox other than for sacrifice suggest strongly that a slaughter on this scale has some religious significance. I asked Dr. Lienhardt and Dr. Smith to inquire about this matter. The former informs me that an old man makes an invocation over one of the oxen, which stands for all of them, and the latter that the older men who have contributed the beasts make invocations over them, though they do not consecrate them with ashes. It would seem, therefore, that if their slaughter is not a proper sacrifice it has to some extent a sacrificial character. It is significant also that not only is the killing obligatory but also that each youth ought to provide an ox for slaughter, an ox for a man, for we seem to have here again the equivalence of a man with an ox, which is the basis of piacular sacrifice: and it can easily be seen that the death of an ox at the termination of the rites of initiation would be a sacramental act appropriate to the whole setting of initiation.

Except on those rare occasions when dire necessity or custom compels them to do so, Nuer do not kill cattle except in sacrifice; and it is regarded as a fault to kill them '*bang lora*', 'just for nothing', the Nuer way of saying that they ought not to be killed for meat. This is clearly shown, apart from the facts I have already instanced, by the statement that an ox slain simply from desire for meat may *cien*, take ghostly vengeance on, its slayer, for it has *cuong*, right, in the matter. Maybe Nuer do not take this very seriously, but that they say it at all is an indication of how they regard the matter, for, as we have seen, they fear ghostly vengeance and hold that it operates only because God is permissive,

[1] Ibid., p. 176.

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231 seeing that an injustice has been done. The man had no right to
782 take the life of the ox and by doing so he committed a fault. In
784 sacrificial invocations Nuer explain to God why the life of the ox is being taken, and they may also address the ox and tell it why it is being killed—not that they think it understands. They are justifying themselves in taking its life.

Consequently I was not surprised to learn from Dr. Mary
231 Smith, whom I asked to inquire into the question, that when cattle
731 are killed in time of famine Nuer, though they do not consecrate
782 the beasts, may make an invocation over them asking God that 'the meat may be soft in their stomachs and not bring them sickness'. This does not constitute sacrifice, there being no sacrificial intention, but it shows that there is a feeling of guilt about killing animals for food even when hunger compels it, and we can say that all cattle, and also sheep and goats, are reserved, or set apart, for sacrifice and their lives should not be taken, except in the special circumstances I have mentioned, for any other purpose. In that sense we may speak of cattle as being 'sacred'. If we do so, however, we must note that they are not sacrificed because they are regarded as sacred intrinsically, or for reasons extraneous to the sacrificial situation, but, on the contrary, they are regarded as sacred only because they are reserved for sacrifice and in the sense defined by that purpose. I have discussed beasts of the herd only and not those of the flock because, as we have noted earlier, in sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently their role to play the victim's part in sacrifice and they are consequently also reserved for sacrifice, but the sacrificial equivalence is always between *ran* and *yang*, man and 'cow', never between man and sheep or goat, for even when it is a sheep or goat which is being killed the ideal equivalence is preser[illegible]n speech.

231 In order that the sacrificial killing of beasts of the flocks and
[262] herds may be seen in a wider setting both of the taking of lives of creatures and of the eating of flesh, it should be realized that,
224 except for fish, Nuer seldom kill wild creatures but rely almost entirely on the flesh of their domesticated animals for meat. For religious reasons they are averse to killing birds, except occasionally the ostrich, to which the same symbolism does not attach, for its feathers; and also reptiles, except the turtle and the crocodile (perhaps occasionally the monitor lizard). But even where there is no objection to killing animals, as in the case of mammals, Nuer

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him how to pound millet so that he now satisfies his hunger only 838
by ceaseless labour. The sexual organs attached themselves to man 825
and woman so that they are now constantly desirous of each other. 773
Mouse taught man how to beget and woman how to bear. Dog brought fire to man. And we are told that while fox was plotting to sow dissension among the beasts he gave man the spear and taught him how to use it. It was then that man began to kill, and his first killing seems to have been that of the mother of cow and buffalo, or rather the mother of cattle, for at that time cows and buffaloes were the same. This led to a feud between men and cattle, buffaloes avenging their mother by attacking men in the bush and cows by causing men to quarrel and slay one another.

It may perhaps sharpen our focus on sacrifice to know not only 773
that Nuer seldom kill wild animals but also that they can imagine 782
a state in which man did not kill, that there might have been a 231
beginning to killing as to coitus, to pounding grain, and to other things men do now. Viewed in relation to the dialectic of the stories, the killing of cattle is then seen not to be, as it were, derived from a state of nature in which men kill animals for food, as just one sort of killing among others, but as a product of a new dispensation in which cattle are allotted a sacrificial role and are set apart for this purpose. Other animals may, as a matter more or less of chance, and now and again, be killed, but it is the role and destiny of cattle to be slaughtered in sacrifice. Sacrificial slaughter thus stands at the very centre of the idea of killing, and sacrificial flesh at the very centre of the idea of feasting.

We may conclude, therefore, that the observations we have 231
made earlier concerning the relationship of a man with his 782
favourite ox, the ritual of initiation, &c., must be viewed in the light of the identification of men with cattle in sacrifices. A Nuer does not look upon his cattle as a stockbreeder or dairy farmer does, for in his case his relationship to his beasts is complicated, apart from their use in marriage, by their reservation for sacrifice. And it is not just that he must not kill cattle except in sacrifice because if he were to slaughter them for meat he would lower his resources for food, marriage, and religious purposes. It is not merely a negative injunction. It is not 'thou must not kill' but 'thou must sacrifice'. It is not that they must only kill for sacrifice but that they must sacrifice to kill.

We must not be led astray by this conclusion to suppose that in

We must not be led astray by this conclusion to suppose that in

231 771 the everyday life of the Nuer they think of and treat their animals in a 'religious' manner. They do not even treat those dedicated to spirits in any special way. Ordinarily Nuer think of their beasts from the practical point of view of herdsmen who are largely dependent on them for food and are dependent on them entirely for marriage. But if it would be a mistake to leave out of consideration the practical uses of cattle it would be no less a mistake were we to ignore the religious significance they have for Nuer. This is easier to do for two reasons. Firstly, because Nuer are themselves reticent in speaking of their cattle in this connexion. They tend to be reserved in discussing religious matters, and it may even be said that a certain secrecy adheres to them; and those whom a European tends to know best, the younger men, have less awareness of the sacramental role of cattle than the older people. Secondly, because we have no direct experience of our own which associates animals with anything similar in our culture. We are, therefore, inclined to reason that cattle have ritual significance because they have great practical value. If this were really so the cow, and not the ox, would be the object of identification, but, apart from that consideration, an attempt to interpret the religious importance of cattle on this one-way track of reasoning changes the whole character of the relationship between men and cattle. It makes the animals themselves to be in some way the object of religious attention, and nothing could be farther from the truth.

231 782 The religious significance of cattle is of a very different kind. Cattle are necessary to Nuer not only for food and marriage but also for salvation, for the sanctification of their social undertakings and for overcoming evil in its twofold character of sickness and sin. As Professor Westermann's text has it, 'she (the cow) was ordered (by God) for the deliverance of souls'.[1] This soteriological function pertains to cattle as much as their economic, bridewealth, and other functions. It is not just that in Nuer sacrifices something that for other reasons is valuable obtains through its consecration and sacramental death a religious significance, which would consequently be secondary and momentarily derived from the immediate sacrificial act. The sacrificial role is always dormant in cattle, which in sacrifice are being used for an ordained purpose for which they are set apart. This is why the rubbing of ashes on an ox's

[1] Or, as I have translated the passage (p. 224): 'It [the cow] has been decreed for the life [of man].'

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back while uttering some short prayer or invocation is a rite which can at any time be performed. The animal, even when not dedicated to a spirit, is already destined for sacrifice. The sacrificial situation is present, as it were, in the act, though no actual sacrifice is made. 231 782

When, therefore, we seek to estimate what their cattle are to Nuer and how they see them, we have to recognize that they are the means by which men can enter into communication with God, that they are, as Father Crazzolara puts it, 'the link between the perceptible and the transcendental'.[1] In fulfilling this role, his cattle shield a man and his family from disaster, and he conceives of them also collectively as a herd which from the beginning of time has helped his fathers in distress, performing in each generation the same sacrificial service. In the time of the ancestor of his clan the 'cow' gave her life for his salvation and so it is today. Whence springs the identification of man with ox, of lineage with herd, and of men with cattle. 231 782 771

[1] J. P. Crazzolara, 'Die Bedeutung des Rindes bei den Nuer', *Africa*, 1934, p. 320.

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CHAPTER XI

THE MEANING OF SACRIFICE

I

782 THE points I have tried to establish with regard to Nuer sacrifice are as follows. (1) There are two broad types of sacrifice, that which is chiefly concerned with social relations—changes of social status and the interaction of social groups—and that which is concerned rather with the moral and physical welfare of the individual. Our attention has been mostly directed to the second, the personal and piacular type, because of its greater importance for an understanding of Nuer religion; but it was not possible to draw a firm line of demarcation between the two classes. (2) The piacular sacrifices are performed in situations of danger arising from the intervention of Spirit in human affairs, often thought of as being brought about by some fault. In such sacrifices ideas of propitiation and expiation are prominent. They centre, however, in the general idea of substitution of life of ox for life of man. (3) Almost all sacrifices consist of four movements—formal presentation, consecration, invocation, and immolation. It is particularly in the invocation and consecration that we must look for the meaning of the whole drama. The invocation states the intention of the sacrifice, and it is made with the spear in the right hand. The spear represents the virtue and vitality of man and through it, as well as by speech, he throws his whole self into the intention. In symbol the spear is the man. When a whole lineage or clan is concerned in the sacrifice the spear is that of the ancestor of the lineage or clan and represents the whole group which, through its representative, offers up the victim. (4) The consecration by placing ashes on the back of the victim with the right hand is also, at any rate in the piacular sacrifices, a gesture of identification of man with victim; and this is a special and emphatic expression within the sacrificial situation of an identification which has a more general denotation, perhaps arising from that situation, for in sacrifice man and ox can be said to be really equivalent. So if in symbol the sacrificial spear is the man, so also is the sacrificial victim. We may now ask

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ourselves what light is shed by what we have discovered about Nuer sacrifice on theories of sacrifice put forward by anthropologists and others and attempt, with the aid of these theories, and in terms of them, to reach a deeper understanding of it. 782

Much has been written about the nature of sacrifice, and this is not surprising in view of the central position it has had in the Hebrew and Christian religions and in the religions of pagan Greece and Rome. As is well known, there have been two main theories of sacrifice, the communion theory and the gift theory. The communion theory was given wide currency by Robertson Smith in his *Lectures on the Religion of the Semites* (1889). Briefly, his theory was that primitive sacrifice, and particularly early Semitic sacrifice, was a feast in which the god and his worshippers ate together. It was a communion or act of social fellowship—not a gift, not a tribute, not a covenant, not an expiation, not a propitiation. All these ideas were either much later or, if present in the earliest forms of sacrifice, were secondary or even merely germinal. Moreover, the sacrificial victim was a sacred beast, not in virtue of being set apart or consecrated for sacrifice, but intrinsically. It was the totem of the clan and hence of the same blood as the people who slew it and ate it. But in a sense it was also the god himself, for the god was the ancestor of the clan and therefore kin to both his worshippers and their totemic victim. By sacramentally eating their god, the theanthropic and theriomorphic victim, the worshippers acquired spiritual strength. 782 121

The totemic part of this theory is unacceptable, since there is almost no evidence that can be adduced in support of it, either from the literature concerning the early Hebrews, with whom Robertson Smith was chiefly concerned, or from accounts of primitive peoples, to which he made appeal. Moreover, I think that every competent Old Testament scholar would today admit the accuracy of Buchanan Gray's conclusions that the idea of gift rather than that of communion was predominant in even the earliest Hebrew sacrifices known to us, that the ideas of expiation and propitiation were present in these earliest sacrifices, and that it is clear that by the time of Deuteronomy a eucharistic intention was present.[1] Even, therefore, in its more reasonable form, minus the totemic character of the victim, Robertson Smith's attempt to

[1] Buchanan Gray, *Sacrifice in the Old Testament: Its Theory and Practice*, 1925, pp. 1–82.

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show that festal communion between worshippers and their gods was the original form of Semitic sacrifice could only be a highly speculative hypothesis for times for which records, and hence evidences, are totally lacking. Nor do ethnographic accounts support it with regard to predominantly theistic religions, such as that of the Nuer. They only show, if their conclusions are correct, that among some peoples, such as some of the Bantu[1] who have a cult of the ancestors, sacrifices are sometimes communion feasts at which the ghosts and their living kinsmen are thought to feed together on the victim.

The communion theory as held by Robertson Smith and those who have accepted his interpretations gives us little aid towards understanding the nature of Nuer sacrifices to God, and they do not lend it support. The idea is excluded by definition in the case of their holocausts. The flesh of other victims can only be said to be in any sense sacred in such sacrifices as those in which parts of it may not be eaten by the sacrificers. In their common sacrifices of wild cucumbers the victims are in any case inedible. In none of their sacrifices is there any suggestion that God partakes of the essence of the flesh. What goes to him is the life, and it would be to extend the communion theory beyond legitimate bounds to say that his taking—not consuming—the life and man's eating of the flesh constitute a communion in the sense given to the idea by its upholders. Moreover, though men eat the carcass, and any man may partake of the flesh, their eating of it, however important socially this festal side to sacrifice may be, is not a sacramental meal but an ordinary commensual act of family or kin which, moreover, falls outside the sacrificial rites. Those who eat the flesh are not thought to gain spiritual strength by doing so. It might be held that the juices of the cucumber, and occasionally the chyme of a beast, have a sacramental use in the sacrificial situation, but the same could not be maintained of the flesh of animal victims. In the etymological sense of the word 'sacrifice' it is the life which is made *sacer* by the consecration, not the flesh which the sacrificers and others eat.

It is only in a mystical, and not in a material, sense that Nuer sacrifice might be called a communion, in the sense that through sacrifice man communicates with God, who is invoked to be present (*in-vocare*) to receive the life of the consecrated victim and

[1] W. C. Willoughby, *The Soul of the Bantu*, 1928, pp. 396 seq.

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to hear what it is that those who make the sacrifice desire of him. It is communion in this sense of union, of a *communio* established through the victim, that H. Hubert and M. Mauss were speaking of in their 'Essai sur la nature et la fonction du sacrifice'[1] when they said that in sacrifice a communication is established between the sacred and the profane by the intermediation of a victim. We may readily accept that the victim is an intermediary between God and man, in that they are brought together in the offering of its life. And if we ask why communion should be through a life, we are given an answer by the fourth-century neo-Platonist Sallustius,[2] that two living objects which are distant from one another can only be brought into union (συναφή) by means of an intermediary (μεσότης) of the same order, a third life.

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We have, nevertheless, to bear in mind that the purpose of Nuer piacular sacrifices is to establish communication with God rather in order to keep him away or get rid of him than to establish a union or fellowship with him. What Georges Gusdorf[3] says of religious sacrifice in general, that it is made not only to the gods but against the gods, is very true for the Nuer, in whose piacular sacrifices prophylactic and apotropaic features are very evident. They are made in times of trouble, present or feared, and the trouble comes from God and in a sense is God. Sacrifice is made to persuade him to turn away from men and not to trouble them any more. It is made to separate God and man, not to unite them. They are already in contact in the sickness or other trouble. The sacrifice is intended to rid the sufferer of the spiritual influence whose activity is apparent in the sickness. There is here a paradox. God is separated from man by an act which brings them together. The solution of the paradox would seem to lie in a distinction between two kinds of union, union on a material plane which is to be dissolved in the moment of sacrifice by bringing about union on a moral plane. This solution is consistent with the Nuer representation of sickness in which the sickness itself, the moral or spiritual state of the sufferer, and the action of Spirit form a complex whole; and also with the essential ambiguity of their conception of God as the source of good and ill.

[1] Op. cit., p. 133.
[2] Sallustius, *Concerning the Gods and the Universe*, edit. with Prolegomena and Translation by Arthur Darby Nock, 1926, pp. 29–30 (sect. xvi of text).
[3] *L'Expérience humaine du sacrifice*, 1948, p. 78.

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THE MEANING OF SACRIFICE

II

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Much older than the communion theory of sacrifice is the gift theory, supported among anthropological writers by Sir Edward Tylor and Herbert Spencer. For Tylor[1] sacrifices are gifts made to a deity as if he were a chief. This would not be a happy explanation for Nuer sacrifice, as they have no chiefs. For Spencer[2] sacrifice has developed from the placing of offerings on the graves of the dead to please their ghosts. This would also not be a happy explanation in the case of the Nuer, who do not make offerings in this manner to the dead. Other writers who regard sacrifice as being essentially a gift to gods stress a variety of motives: to nourish the gods, to obtain favours from them, to propitiate their wrath, to draw nearer to them, to create harmony between God and man, to expiate sins; or they emphasize their eucharistic, commemorative, or other intentions.

Now Nuer sacrifice is clearly a gift of some sort. They say that they are giving God a thing, a gift. But it is a gift which is immolated, it is that which makes the offering a sacrifice. And the gift must be a life or something which stands for a life. Moreover, a gift is a far from simple idea. It is a symbol which may have many different meanings and shades of meaning. We have to determine what sense or senses it has in Nuer sacrifices.

In their piacular sacrifices to God, which I am now discussing, they give something to get rid of some danger or misfortune, usually sickness. We found that the general idea underlying such sacrifices was that of substitution, the life of a beast being given in exchange for the life of a man. The ideas of purchase, redemption, indemnification, ransom, exchange, bargain, and payment are very evident in Nuer sacrifices, as the words by which they refer to them indicate; and they are not peculiar in this, for, as Hubert and Mauss rightly emphasize, there is probably no sacrifice in which there is not some idea of redemption and something of the nature of a contract.[3] As in the reciprocity of all giving and receiving, as Mauss points out also in his 'Essai sur le Don',[4] sacrifice establishes a contractual relationship between persons, those who give and those who receive. We can say definitely that a relation-

[1] *Primitive Culture*, 1913 ed., chap. xviii.
[2] *The Principles of Sociology*, vol. ii, 1883, p. 101.
[3] Op. cit., p. 134.
[4] *L'Année sociologique*, 1925, pp. 53-60 (Eng. trans. by Ian Cunnison: *The Gift*, 1954, pp. 12-18).

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ship of this kind, based on a sort of exchange, is involved in Nuer sacrifices; but if they include, they go beyond, the dialectic of exchange and contract, even when thought of in terms of persons and not of things, for we can hardly speak of simple exchange or contract when one side in reality gets nothing and the other side may get nothing too. 782 121

This is an old problem. Since in most Nuer sacrifices men eat the carcass of the victim, what is God supposed to receive? Nuer say that he gets the life, but they also sense that, as this is his already, he gets nothing. It is his already not only in that it is no longer man's because man has consecrated it to him, so that in the sacrificial invocation the officiant tells God to take 'thy cow' and not 'my cow' or 'our cow', sometimes putting his hand on the beast or pointing at it with his spear as he does so to direct attention to the devoted animal, and uses the expressions *kam yang*, to give a beast in the sense of delivering what is due, and *kan yang*, to take a beast in the sense of taking what is the right of the taker. Nor is it his only in the wider sense that all beasts of the flocks and herds are in a general way of speaking devoted to him, being reserved for sacrifice to him, so that they ought not to be killed for any other purpose. The victim is always his in a yet more general religious sense which extends beyond, and is not derived from, the sacrificial situation, in the sense, that is, that everything belongs to him. In giving a beast to God man without doubt loses something but God, to whom it belongs anyhow, gains nothing. But though this sense of God's ownership may be general it is not unprecise. Thus, Nuer do not complain when a beast is killed by lightning or sickness, for God has a right to take his own, and here also they speak to God about it as '*yangdu*', 'thy cow', so the expression is not determined by formal consecration, which merely gives greater emphasis to it. All life belongs to God. It comes from him and to him it returns, and when he wants it he takes it. Indeed, his taking a beast by lightning or sickness has a certain similarity to sacrifice in that Nuer say that God takes the life of the beast in the place of the life of its master, the beast, as they say, in this manner shielding the man; but it differs otherwise from true sacrifice where man makes an offering of his own accord, and what he offers is a consecrated life.

If God gains nothing have we then to interpret Nuer sacrifice in terms of what man loses, in the sense of abnegation the word

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782 121 'sacrifice' has come to have in our own language? Is it that man deprives himself of something that should take the emphasis? This also is an old problem. It cannot be denied that, although there is no sacrificial tariff, Nuer feel that the greater the crisis the greater should be the offering. At least some cattle should be slaughtered to stay a plague, and their carcasses are abandoned. In mortuary ceremonies oxen, and even cows, must be sacrificed. In cases of serious sin or grave sickness it is desirable to sacrifice an ox if one can be spared. In lesser crises a goat or a sheep suffices, or even a cucumber. All this suggests that the greater the danger the higher should be the payment, the more valuable the gift or substitute and the more complete the surrender of it. But though it may be so, the matter is more complex. It is of course true that cattle are by far the most valuable possessions of the Nuer, but, though doubtless their high value is an important consideration, we have to remember that it is not merely a question of relative value but also one of religious tradition and convention. Men and oxen have a symbolic equivalence in the logic of sacrifice, so that whatever is sacrificed is an 'ox'. If there were enough oxen one might always sacrifice an ox, and in symbol and by surrogate one does so; but as there are not enough, other offerings have to take their place and oxen be kept for the greater crises and those important ceremonial occasions when quantity of meat is a primary consideration. When an ox is sacrificed it is not just a matter of making the highest bid for divine favour when it is most needed, on the principle that the greater the gift the greater will be the return. This is evident from the fact that the victims in marriage ceremonies must be oxen, for here the ideas of substitution and exchange are least in evidence and the purpose of sacrifice is social rather than religious. Nor, in piacular sacrifices, should the holocaust be taken as evidence that it is simply a matter of the greater the need the greater must be the surrender, for when the carcasses of victims are abandoned to stave off plagues and murrains there is the idea of the evils entering into their bodies; and since the sacrifices are made on behalf of everybody no one can eat them. They are holy for all and not, as in some sacrifices where one half of the victim is abandoned, only for certain persons.

But valuable though his beasts are to Nuer and great the loss of them—even though he may feast on their carcasses he still loses them—they themselves freely explain that it is not so much what

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is sacrificed that is important as the intentions of those who sacrifice. If a man is poor he will sacrifice a goat, or even a cucumber, in the place of an ox, and God will accept it. A man should give according to his circumstances, and the sacrifice is not less efficacious because it is a small thing. The emphasis is not on the receiving but on the giving, on the sincerity of intention. It is a question, Nuer say, of the heart or, as we would say, of disposition. It is clear, indeed, that if God is prepared to accept a cucumber instead of an ox it is not merely the thing itself which is significant, for a cucumber can have no use or value for him. We should fix our attention on the suppliant as well as on what he offers, for what he offers is not only whatever it may happen to be but also the expression of an interior state. If a cucumber costs man nothing and benefits God not at all, we have surely to seek deeper into the ideas of payment, substitution, or exchange for the meaning of sacrificial gifts.

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All gifts are symbols of inner states, and in this sense one can only give oneself; there is no other kind of giving. This has often been said and in the sense in which it is said it is true. But the idea is a very complex one. When Nuer give their cattle in sacrifice they are very much, and in a very intimate way, giving part of themselves. What they surrender are living creatures, gifts more expressive of the self and with a closer resemblance to it than inanimate things, and these living creatures are the most precious of their possessions, so much so that they can be said to participate in them to the point of identification.

But it is not only in this rather general sense of identification of men with cattle that Nuer can be said to offer up themselves in offering up their cattle in sacrifice. We have seen that one of the chief features of their sacrifices is the rubbing of ashes along the backs of the victims. It is true that this may be regarded as an act of consecration but it is also, to a greater or lesser degree, an act of identification. Identification of sacrificer with victim is a common interpretation by ancient and modern writers on the subject. Indeed, it is quite explicit in some religions, in particular in certain Vedic, Hebrew, and Muslim rites, that what one consecrates and sacrifices is always oneself, and this is sometimes symbolically represented by laying of hands on the victim. It is an interpretation which makes good sense for Nuer piacular sacrifices. I have not, it is true, heard Nuer say that this is what the laying on of

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•782 hands means to them—it is our interpretation, what it means to
121 us—but I have already given reasons for my conclusion that this meaning is implicit in their sacrifices also, and I do not think that their piacular sacrifices, where the life of an animal is substituted for the life of a man, are intelligible unless this is granted.[1]

But if a man gives himself in sacrifice he does so in the symbolism of substitution, in what Loisy calls a 'figuration' (*Essai historique sur le sacrifice*, 1920). He is acting a part in a drama. It is the ox which dies, not he. Once again, this is an old problem. In trying to solve it we must recall that the purpose of Nuer piacular sacrifices is either to get rid of some present evil or to ward off some threatening evil, and also that the evil is very often connected with ideas of sin, fault, and error, and hence with feelings of guilt. The notions of elimination, expulsion, protection, purification, and propitiation and expiation cannot easily be separated out in these sacrifices, though in any particular sacrifice it may be possible to say that one or other notion is most in evidence. The sense of fault is, as we have noted, clearly expressed in the sacrificial rites, in the confession of grievances and resentments, which is a feature of some sacrifices, and also in the sacrificial invocations, which must state a true account of everything which has led up to the crisis. But it is most clearly and dramatically expressed by the common practice of all present placing ashes on the back of a beast and then either washing them off or slaughtering it. Nuer say that what they are doing is to place all evil in their hearts on to the back of the beast and that it then flows into the earth with the water or the blood. This is not done in most piacular sacrifices, but in almost all such sacrifices someone places ashes on the victim's back on behalf of those for whom the sacrifice is being made; and Nuer say of the sacrifice that whatever evil has occasioned it is placed on the back of the victim and flows away with its blood

[1] It is quite explicit among the neighbouring Shilluk people. The Rev. D. S. Oyler ('The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 298) describes how in a sacrifice by their king he says in his invocation over the victim 'the flesh of this animal is as my flesh, and its blood is the same as my blood'. I asked Dr. Mary Smith to discuss with Nuer the rubbing of ashes on sacrificial victims in the light of what has been said about it in this chapter. Nuer told her that it was done to show God his animal and also so that the bad or evil would go out of them into the ox—they said it was '*lueli ni tek*', 'exchanging life' (life of man for life of beast). She concludes 'it certainly seems to me that you are right when you draw this conclusion from these actions and what they say'.

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into the earth. We have also seen how in some animal sacrifices, and always when a cucumber is sacrificed, the evil is said to go into the left half of the victim, which is therefore abandoned, and how in the case of other offerings they are entirely abandoned for the same reason. They are asking God to take away the evil and that the evil may be ransomed or expiated or wiped out with the victim. It is clear, therefore, that the laying on of hands is not only a consecration and an identification but also a transference on to the victim of the evil which troubles the sacrificer, and which, as we have noted earlier, is in a sense Spirit itself. It is put on to the victim and departs with its life. The victim thus has the role of scapegoat. This does not mean that the victim is made responsible for the evil. There is no suggestion of *poena vicaria*. The ox is not punished in the place of the man but is a substitute for him in the sense of representing him. In the laying on of hands the ideas of consecration, identification, and transference seem to be blended in the representation of a substitute. If this is so, it would follow that what the sacrificer is doing is to identify himself with the victim within the meaning of the transference. In other words, he identifies that part of himself which is evil with the victim so that in its death that part may be eliminated and flow away in its blood. As Gusdorf,[1] quoting Nietzsche, aptly remarks, 'en morale, l'homme ne se traite pas comme un *individuum*, mais comme un *dividuum*'. The same idea is expressed when in danger Nuer throw away as an offering to God something representing themselves and in substitution for themselves—a bead, a tassel, or some other small object of personal adornment or a lump of tobacco—that the evil may depart with it and they be spared.[2]

In sacrifice, then, some part of a man dies with the victim. It can be regarded both as an absolution and a rebirth; and also as a self-immolation (the psycho-analysts use the word 'suicide').[3] Fundamentally, however, if we have to sum up the meaning of Nuer sacrifice in a single word or idea, I would say that it is a substitu-

[1] Op. cit., p. 178.

[2] Dr. P. P. Howell (*A Manual of Nuer Law*, 1954, p. 218) has recorded a most interesting, and as far as I know unique, act of self-mutilation for the same purpose. An elder of some social standing committed an act of bestiality with a cow and was so overcome by shame and remorse that, in addition to sacrificing a beast, 'as an act of expiation he cut off one of his own fingers with a spear'. Dr. Mary Smith was told by Nuer that a man who committed such an act would take his own life.

[3] R. Money-Kyrle, *The Meaning of Sacrifice*, 1930, pp. 248, 252, *et passim*.

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782 121 tion, *vita pro vita*. If it were not so it would be difficult to understand at all why offerings to God should be immolated. The life can only be given by its liberation through death, as Professor E. O. James emphasizes in his *Origins of Sacrifice*.[1] Substitution, a common enough interpretation of sacrifice,[2] is the central meaning of the rites—they are a giving or exchange or an expiation in that sense—whatever other ideas are mixed up in it or become attached to it.

But to sum up the meaning of Nuer piacular sacrifices in a single word scarcely does justice to the very complex set of ideas they express. We have found it necessary to use a variety of words in speaking of them: communion, gift, apotropaic rite, bargain, exchange, ransom, elimination, expulsion, purification, expiation, propitiation, substitution, abnegation, homage, and others. According to situation and particular purpose one element in this complex of meaning may be stressed in one rite and another element in another rite, or there are shifts in emphasis from one part of the sacrificial rite to another. The matter becomes yet more complicated and resistant to precise definition when we take into consideration the scale on which Spirit is figured to Nuer on different levels, and also their collective sacrifices, for in this chapter I have so far been discussing only sacrifices to God and only those made to him which belong to the piacular class.

III

782 776 In piacular sacrifices to God the *do ut des* notion, some sort of exchange or bargain, may never be entirely absent but it appears in a refined and sublimated form. The favour requested does not follow automatically the sacrifice, *ex opere operato*. God is not compelled by the sacrifice to grant it. It is indeed obvious, to Nuer as well as to us, that, apart from there being no means by which bargaining with God can be conducted, it is no use trying to haggle with him, because he is master of everything and can want nothing. Nor is there any idea that God is at fault if he does not give what is asked for in sacrifice; in his dealings with man he always has the *cuong*, is in the right. But when we examine sacri-

[1] 1933, *passim*. His interpretation, as I understand it, of primitive sacrifice in terms of the *do ut possis dare* motif does not, however, accord with Nuer ideas.

[2] Given, among anthropologists, some emphasis by Edward Westermarck (*The Origin and Development of the Moral Ideas*, 1908, vol. ii, pp. 616 seq.).

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fices to spirits of the air and of the earth the relations between Spirit and man are somewhat different and colour the meaning of the sacrifices accordingly. The lesser spirits are in competition, and if one of them has a cow dedicated to it its prestige is thereby increased. They do not, as God does, own all the beasts anyhow, but only those men give to them. This is why one dedicates beasts to the spirits but only rarely and in very special circumstances to God, for there is little point in giving him what is his already. Likewise, a sacrificed life, which is God's anyhow, is something spirits are thought to gain. Further, since God needs nothing he does not ask for anything. He does not demand sacrifices of men and cause them ill if they are not made. The spirits do. They demand attention, and they are not to be satisfied with cucumbers. They require bloody offerings. And if they are not given animal sacrifices they seize their devotees and make them sick. Nuer, therefore, do not hesitate to bargain with these spirits, speaking through their mediums, in a downright way which astonished me. The sense of the bargain is always the same: if we give you an ox or a sheep or a goat will you leave the sick man alone that he may recover; or what do you require of us this year in sacrifice that we may not be troubled by you? The lower in the scale is the conception of Spirit the more it is thought of as taking delight in what is offered.

Thus even though sacrifices to God and to the spirits may both have a piacular purpose and though the apotropaic element in both is very evident they cannot have precisely the same meaning. Even in piacular sacrifices to God there may be much variation of meaning, as, for example, between those in which the idea of expiation is most in evidence, such as those made to wipe out some definite sin like incest, and those made so that people may recover from wounds and ailments not attributed to specific offences and which, therefore, do not have the same moral connotation. But in either case the general attitude is the same. Man approaches God through sacrifice and asks for aid. It is man and not God who benefits by the sacrifice. Man's attitude in these sacrifices contrasts with his attitude in the case of sacrifices to spirits who have seized people to exact gifts from them or may do so if they are not satisfied. It is true that men generally have a feeling that the spirits would not have troubled them if they had been given their due and that their devotees have only themselves to blame if they have

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782 776 neglected them, and also that men give to the spirits for the same reason that they often give to God, that they may be left alone. But the psychology of gifts to spirits is different. Here the substitution is blended with the idea of propitiation and satisfaction rather than of expiation or solicitation for aid, and the experience is on a different level of thought. Man does not wrestle with God, but here man and a spirit are pitted against one another, and the huckstering is conducted through a human agency—is, in fact, between humans, between the sacrificer and the representative of a spirit, a prophet and generally a very minor one. God has no such representatives. The leopard-skin priests are men's representatives to him, not his representatives to men. We are here faced again with the problem of the one and the many; and we see in these differences of attitude in sacrifices to God and in those made to lesser spirits a facet of the ambiguity of the idea of Spirit, the source of good and ill, as represented in the paradox of unity and plurality.

782 Thus we see that in Nuer sacrifice there are different shades of meaning. The pattern varies. There are shifts of emphasis. Any attempt to present a general interpretation, to put forward a simple formula to cover all Nuer sacrifices, meets with further difficulty when we turn to the collective and confirmatory sacrifices. Here the intention is clearly different. God, or whichever of his refractions may be involved, is not angry and therefore does not have to be propitiated. No sin has been committed which must be expiated, and there is no situation requiring expiation in the broader sense of payment to be rid of a state of danger due to the presence of Spirit. Life is not usually endangered so there is no need for substitution. Initiations and weddings are occasions of mirth, and even mortuary ceremonies, though they are solemn occasions, mark the end of mourning and therefore have a joyous side to them. There may always be some element of anxiety in these *rites de passage*, and perhaps also—it is difficult to say—of a feeling of the possibility of fault. In some confirmatory sacrifices, those concerned with death, these elements are manifest, but in others, such as marriage ceremonies, they are not evident and the stress is rather on ensuring the success of a social activity and validating it. As I have said earlier, we cannot make a rigid distinction between the one type of sacrifice and the other. Mortuary sacrifices might be placed in either class, according to the point of view.

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But in initiation and marriage ceremonies the sacrifices are only incidents in a succession of ceremonial acts, and they have a maximum of festal, and a minimum of religious, significance. The sacrifice adds strength to what is being accomplished by other means and it provides a meal for those attending what is primarily a social gathering, so much so that those who have a right to the carcass of the victim in marriage sacrifices may demand that a bigger ox be slaughtered than that provided. In these ceremonies we have to distinguish between the religious rite of sacrifice and the secular rites and ceremonial acts which it accompanies and sacralizes, and both from the feasting on porridge and beer and the flesh of the sacrificial victims and other acts of simple sociability. A boy is initiated into manhood by the making of six incisions across his forehead and by various other acts of a ritual and ceremonial character. The sacrifice is something extra added to these acts which protects the lad from harm, makes God and the ghosts witnesses of his change of status, and provides a feast for the living witnesses, his ever-hungry kinsmen and neighbours. Likewise in marriage, though sacrifices must be made to mark and secure the completion of the stages leading to the full union of man and wife as well as to give the visiting relatives-in-law a meal, the union itself is brought about mainly by other than religious acts: payment of bridewealth, wedding ceremonial and festivities, and so forth. The sacrifices form only a part of the whole series of ritual and other activities, and a part in which the religious content is reduced to a minimum, the movements of the sacrifice being conducted in a perfunctory manner. To indicate the place of the religious element in the total event, one might perhaps compare it among ourselves to grace before a festal meal on some important ceremonial occasion. There is, therefore, a difference of attitude and hence of meaning between the collective and the personal sacrifices. We must suppose that in the laying on of hands in the former by representatives of the lineages which offer up the victims the ideas of identification and of transference of evil are not so prominent as in the piacular sacrifices.

Yet we cannot exclude these killings from the general category of sacrifice. We can, nevertheless, say that the most typical collective and confirmatory sacrifices, those sacrifices which lack, at any rate to any marked degree, piacular significance, are least important to an understanding of the character of Nuer religion. The

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●782 role of this religion in the regulation of the social life, its structural role, is subsidiary to its role in the regulation of the individual's relations with God, its personal role. The two roles are of different orders and have different functions, and it is the second which has the greater interest for us, for though Nuer religious activity is part of their social life and takes place within it they conceive it as expressing essentially a relationship between man and something which lies right outside his society; and it is, therefore, within the framework of that conception that our study of their religion has to be made and its central act of sacrifice has to be understood.

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CHAPTER XII

PRIESTS AND PROPHETS

I

It has been noted that women do not make sacrifice and that 782
though any man can make it only senior men who are fathers of families, 'bulls' as the Nuer call them, do so. Personal sacrifices are usually, as in most cases of sickness, performed by the head of the family or some senior kinsman and neighbour, but sacrifices which have more than domestic import and are thought of as involving a whole lineage or clan—collective sacrifices—have to be performed by a person called *gwan buthni*, whom I have spoken of as the master of ceremonies.

The verb *buth* means 'to share', and since collateral lineages of 613
a clan and also clans with common ancestry may claim portions 614
of the flesh of sacrificial victims at each other's collective sacrifices, 727
there is said to be *buth* between them. They are to one another 782
jibuthni, people who share. The word is also used when speaking of the adoption of a captured Dinka into his captor's lineage. He is said to be *lath buthni*, given shares. A sacrifice is made and in the invocation at it the guardian spirit of the lineage is asked to receive the Dinka into its care and the ghosts of the ancestors are informed of what is being done. The Dinka is smeared with the victim's chyme. He now counts as a member of his captor's lineage and has a right to partake of the meats of its sacrifices and also to claim a portion of the meat at sacrifices by any other lineage to which this lineage stands in a *buth* relationship. *Buth* has consequently the further meaning of agnation. *Jibuthni* are agnates. *Lath buthni* is to be given agnation. Agnates are people who share in the flesh of sacrifices.

Buth relationship is stated also in terms of the division of 613
elephant tusks or of cattle exchanged for them. When hunters 614
kill an elephant the right tusk goes to the *koc*, the man who first 224
speared it, and the left tusk to the *gam*, the man who speared it [301]
next. The tusks are cut into portions to be used as armlets—one of the most precious of Nuer possessions—or are exchanged for

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613 cattle, and the portions of ivory or the cattle are divided among
614 those relatives of the spearsmen who receive cattle of bridewealth
224 and bloodwealth and the flesh of sacrifices. Those standing in a *buth* relationship to the spearsmen also have rights in the tusks. This means in practice that a section of the tusk, or its equivalent in cattle, goes to the particular *thok mac*, minimal lineage, of the spearsman's clan to which the *gwan buthni*, master of ceremonies, of his family belongs, and it is this man who gets it.[1]

782 Each family has its master of ceremonies, who is a member of
613 a lineage collateral to that of its head and therefore one of his
593 distant agnatic kinsmen. A son takes his father's place in this service. The same man may act on behalf of the heads of several families of the same minimal lineage, and one of his close agnatic kin may act in his stead, since he carries out his functions not as an individual but as representative of a group. The office is not necessarily reciprocal, for a man may act as master of ceremonies to a family of one collateral lineage and have as master of ceremonies to his own family a man of a different collateral lineage. Also, a family may have more than one master of ceremonies, the second belonging to a different collateral lineage from the first. Moreover, it would seem that if one of the persons who usually acts in this capacity is not available his place may be taken by any distant kinsman who can be held to represent him. Nuer are very latitudinarian in such matters; but the point we have to note is that on certain occasions a whole clan or large lineage offers up the sacrifice, and the officiant ought then to be someone outside the family and close kin most immediately concerned who represents the interest of the wider group, which participates in the sacrifice through him.

782 A master of ceremonies functions at weddings, mortuary and
613 *colwic* ceremonies, settlements of blood-feuds, adoptions, initiations, severings of kinship to allow intermarriage or cohabitation, the building of new byres, and the division of elephant tusks. On these occasions he calls out the clan or lineage spear-name and then makes an invocation, usually prior to animal sacrifice. By calling out the spear-name he identifies the whole clan or lineage with the offering. When the victim has been killed he cuts through the scrotum (*juak tem*), this being the commencement of the skin-

[1] See also P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', *Sudan Notes and Records*, 1945.

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ning in ordinary sacrifices at which he officiates; and Nuer often 782
refer to him in his sacrificial role as 'the cutter of the scrotum'. 613
Does this usage symbolize the principle of agnation? Possibly, for [727]
after the sacrifice by which a Dinka is adopted into his captor's lineage it is said '*ca juak tem*', 'the scrotum has been cut', to signify that the Dinka is now a member of the lineage. If we are right in thinking that it may have this meaning, then the cutting of the scrotum is a most appropriate symbolic act, for the *gwan buthni* represents, as a member of a collateral lineage, the unity of the clan as a corporation of segments, the principle of fission which is in the very nature of a lineage structure. The master of ceremonies receives some of the sacrificial meat at sacrifices at which he officiates and he generally has a right also to the hide or half of it. He has also a right, as I have explained, to a section of any elephant tusk that comes into possession of the family he serves, and the first turtles and the skins of the first leopards and serval cats killed by its sons are given to him. He receives a calf or sheep from the husband's people when one of its daughters is married.

The role of the *gwan buthni* in sacrifice is seen to be a social 782
role rather than one of a specifically religious kind. He does not function in virtue of any qualities in himself. He is a *dwk*, a layman, not a *kuaar*, a priest. He is called upon to make the first invocation when the sacrifice concerns the interest of a whole clan or lineage. His clan or lineage alone is involved or if, as in marriage, another clan is also involved he acts on behalf of his own group alone; and consequently he addresses Spirit in the refraction by which it is represented to the clan—maybe in a totemic refraction or just as '*kwoth gwara*', 'God of our fathers'. His role in the proceedings is, therefore, determined primarily by the nature of the social activities in connexion with which he is asked to make sacrifice and not by any specifically religious considerations.

II

When sacrifice is made in consequence of some sin or to end 782
certain states of interdiction, of sin-potential—in circumstances, 793
that is, which involve the notion of *nueer* or of notions akin to it—it is desirable, and sometimes necessary, for the rite to be performed by a *kuaar twac* or *kuaar muon*, a priest of the leopard-skin

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 or of the earth. It might seem that it is in no way here the nature
793 of the social group involved which requires an officiant from outside the family and close kin, but the nature of the circumstances which occasion the sacrifice, circumstances which call for consecration and invocation to be made by someone with special religious qualities. Nevertheless, as will shortly be evident, although the exclusive sacrificial functions by which priestly office is defined have a special sacramental character, they arise, like those ideas of sin with which they are particularly concerned, from situations which require for full understanding a knowledge of the social structure.

793 When the Government of the Anglo-Egyptian Sudan first began to take an interest in the Nuer the attention of its officers was at once drawn to what became known as 'leopard-skin chiefs', for these men were distinguished from the rest of the Nuer by the leopard-skins they wore over their shoulders (Plate XIV). It was thought that they were some kind of 'chiefs' or, in the language of those days, 'shaikhs' or 'sultans' through whom the Government might conduct its administration. It soon became apparent, however, that they lacked any real authority; and it is clear that, although the exercise of their religious functions has an important political role, they have no political, administrative, or judicial office. I have discussed the political significance of their religious functions in *The Nuer*,[1] and I limit further discussion of them here to what is necessary for an understanding of the topics treated in the present book.

The word which Europeans have translated 'chief' and which I translate 'priest' is *kuaar* (pl. *kuar*).[2] This person is often referred to as *kuaar twac*, priest of the (leopard-) skin, or as *gwan twac*, possessor of the (leopard-) skin, on account of the leopard-skin he wears over his shoulders. In its original sense the word *kuaar* conveys to Nuer a category of persons with traditional ritual functions. Its opposite is *dwek* (pl. *dueghni*), an ordinary person who has no such functions, a layman. Used by itself the word *kuaar* would normally, perhaps invariably, mean for a Nuer a leopard-skin priest, but combined with other words it may be used

[1] Chap. iv.

[2] He is referred to in all government files as 'leopard-skin chief', and rather than make for local confusion I used this designation in my reports and later, with a caveat, in my earlier books. In a book on Nuer religion I feel that a title should be used which indicates better his religious character.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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they happen to reside. Moreover, persons who do not belong to a 793
priestly family can become priests, transmitting their powers to 613
their children, by what the Nuer call *tetde*, by hand. This means 614
that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy.

The chief services a priest performs are in connexion with homi- 793
cide and the importance of his office derives from this essential 628
function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character.

As soon as a man kills another he hastens to the nearest priest, 782 ●
who draws the point of a fishing-spear down his right arm from 793
where it joins the shoulder and sacrifices a beast, called *yang riem*, 628
the cow of blood. Were the slayer to eat or drink before this has 783
been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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•782 the priest, his family and cattle being dispersed to homes of kins-
793 men, leaving his homestead deserted. He will not be molested
628 there because of the sacred character of the priesthood. For the
783 same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

16: Evans-Pritchard E-5 (1931, 1936) 1956
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to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nuer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

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I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang kethe*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 100–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 108 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

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it has fallen the dead man's kin hack it to pieces in a wild scramble. The gall-bladder is extracted and placed on one side. This is later squeezed into a gourd containing water and a little milk and is drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nuerra*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nuer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang betha*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

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The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life. 782 793 628 783

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses 793 628 695 793 695

16: Evans-Pritchard E-5 (1931, 1936) 1956
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793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter incest, between, that is, persons more distantly related, some lesser
835 specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least
782 usually, serious incest are the exclusive domain of the leopard-skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

Since a good deal has been written about the importance of
[793] 'rain-makers' in this part of Africa it is perhaps wise to note also
789 that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 life has ensued. Nuer know this and, unless they are very angry, are reluctant to start a fight with a neighbouring village and are often willing to allow a leopard-skin chief or the elders to intervene. I have seen a fight of this kind prevented by the mediation of elders on both sides, but it was clear that their mediation would have availed little if the young men had been eager to come to blows. To-day such fights are less common because fear of Government intervention acts as a deterrent, but I have seen camps and even tribal sections massed for war and on the verge of fighting, and at one time fights must have been very frequent.

Tribes sometimes raided each other for cattle, but fighting between them was rare. Inter-community fighting and the feuds that result from it are part of the political relations that exist between segments of a common tribal organization. Thus a Leek man said to me: 'We have our fighting among ourselves and the Gaajok have their fighting among themselves. We do not fight the Gaajok. We fight only among ourselves. They have their own fights.' People are killed in these fights and blood-feuds thereby commence. Within a tribe there is a method by which they can be concluded by arbitration.

V

628 We give a concise account of the procedure for settling a
624 blood-feud, without describing the detail of ritual. As soon as a
783 man slays another he hastens to the home of a leopard-skin chief to cleanse himself from the blood he has spilt and to seek sanctuary from the retaliation he has incurred. He may neither eat nor drink till the blood of the dead man has been let out of his body, for it is thought to pass into it in some way, and to this end the chief makes one or two vertical incisions on his arm by a downward stroke from the shoulder with a fishing spear. The slayer presents the chief with a steer, ram, or he-goat, which the chief sacrifices. This rite and the mark of Cain on the arm are known as *bir*. As soon as the kinsmen of the dead man know that he has been killed they seek to avenge his death on the slayer, for vengeance is the most binding obligation of paternal kinship and an epitome of all its obligations. It would be great shame to the kinsmen were they to make no effort to avenge the homicide.

1; Evans-Pritchard·E-5 (1931, 1936) 1940
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628 unlikely that they will all be paid at once and the debt may
624 continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, [783] sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 A homicide does not concern only the man who has committed
578 it, but his close agnatic kinsmen also. There is mutual hostility
[784] between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *nyaguanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyaguan* (paternal half-sister) nothing might happen, though the relations would without doubt be *ruai*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

835 To avoid the consequences of incest Nuer make sacrifices,
●783 and the weight they attach to the breach of the taboo may be
789 estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *ual ruai*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *ruai* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *ruai* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *ruai*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *ruai*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat guan*, father's son, to Bul, whose marriage, which had in any case not escaped

8:Howell E, G-5 (1942-1944)1954
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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion. 628 624

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *lauk-de cerike lauk gaaw thange*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*bum*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made. [783]

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and ji thange

As soon as a man is killed a state of feud (*tar*) begins between the *ji ran* and *ji thange*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *maar*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *mutik*, and is rarely performed unless the two groups are very closely related. [784]

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thange*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thange* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Maar* usually takes the form of painful but not necessarily fatal diarrhoea. The word *maar* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *maar*.

[3] 'There is blood between them'—*nake ciem kandim*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

8:Howell E, G-5 (1942-1944)1954
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628 624 to come to an agreement, and the Leopard-Skin Chief may resort to threats and curses to override their pretended refusal. After persuading the *ji ran* to consider settlement by compensation, he returns to the *ji thange* to assess and inspect the cattle they propose to provide.

After the cattle have been collected and seen by the Leopard-Skin Chief, the *ji thange* gather together and proceed with the cattle to an appointed spot. The *ji ran* collect nearby and send a representative forward to inspect the cattle. Here again there must be a show of opposition; the *ji ran* are not expected to accept too readily, and the Leopard-Skin Chief may again resort to threats. There may even be a mock battle, the Leopard-Skin Chief being chased out with sticks and spears by the *ji ran*. He will eventually cut the matter short by advancing and spearing the first bull-calf which is called *ruath kethe*. If the *ji ran* are too overbearing with the Leopard-Skin Chief, he may turn and run away, in which case the *ji ran*, fearing a curse, are expected to use honeyed terms to get him to come back. All this behaviour is probably pretended only; a symbolic expression of the feelings of the *ji ran*. It is unlikely that negotiations would get thus far if they really meant to refuse. The *ruath kethe* is then skinned and torn to pieces by the *ji ran* and carried away to be eaten.

628 624 ●153 Shortly after this the Leopard-Skin Chief sacrifices an entire bull called the *tut ghok*—'the bull of the herd'—a purification ceremony required to allow the *ji ran* to drink of the milk of the compensation cattle without incurring spiritual contamination. The milk of these cattle is particularly dangerous to the relatives of the dead man and will not be drunk until all possibility of contamination has been removed by the Leopard-Skin Chief. At a later period, if the parties are agreeable, *ghok pale loic*[1] may be handed over as a sign that the feud is really ended, but it is most unlikely that this ever occurred in the past unless the two groups were so closely related as to make life intolerable without final settlement. Two cows in calf are handed over, one being given to the father or brother of the dead man, the other to his mother, thus appeasing both his kinship group and his maternal relatives. This ceremony is known as *ewil*. Apparently the initiative should come from the *ji ran* rather than the *ji thange*, and they intimate to the latter through the medium of the Leopard-Skin Chief that they are willing to make final settlement. The final ceremony required to settle the feud for all time is known as *mutk*.[2] The

[1] 'Cattle of appeasement'. *Pale loic* can be best translated as 'to wear the heart'. The custom appears to be more common in Western Nuer than elsewhere.

[2] The word *mutk* means 'friendship' in the most intimate sense. It is used by Nuer to describe the institution of close friendship which is common. A Nuer will talk of *mutk-du*, 'my friend', meaning a person with whom he has an altogether special relationship—a voluntary association with another man outside the normal ties of kinship. The ceremony therefore expresses the idea of reintegration on the most intimate plane, and after its performance even the latent hostility which persists after settlement of a blood-feud in normal cases should disappear.

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Leopard-Skin Chief then performs certain ritual acts to remove all fear of future contamination between the two groups and to remove the taboo on eating together. A bull called *yang tul coke* is sacrificed and ceremonially divided between the *ji ran* and the *ji thange*, who partake together of its meat. This ceremony was even more rarely performed than the *cuil*, though instances of its occurrence in the past are quoted, but in all cases the parties were closely related in the lineage system and occupied adjacent territory. 628 624 783

Terminology of Cattle Paid as Compensation

A list of cattle paid in compensation, sacrificed by the Leopard-Skin Chief, or paid to him as fees, is as follows: 628 624

ruath bire: 'the bull-calf of blood-letting', the bull-calf sacrificed at the ceremony of letting the killer's blood. 192

yang hunini or yang jal: 'the cow of the journey', paid by the *ji thange* to the Leopard-Skin Chief early in the proceedings as a reward for his services in going backwards and forwards between the two parties.

yang jyap: 'the cow of the axe', a cow given to the *bathni* relatives of the *ji ran* by the *gwan bathni* of the *ji thange*. *Bathni* relatives are representatives of a collateral branch of the lineage (*thok dwiel*), so that this transaction extends the processes of appeasement and compensation beyond the more immediate kinsmen of the killer and the killed to their lineages as a whole. The solidarity of the patrilineal descent group is thus emphasized, and the way in which all persons within it are involved is publicly acknowledged. Traditionally the *yang jyap* should be the first cow to be handed over.

ruath kothe: 'the bull-calf of the gall-bladder', a bull-calf spared by the Leopard-Skin Chief at the actual ceremony of handing over the compensation cattle. It is subsequently eaten by the *ji ran* as a sign that they have accepted the compensation.

tut ghok: 'the bull of the herd', a bull sacrificed by the Leopard-Skin Chief and partaken of by the *ji ran*—a sacrifice to ensure that they will not be contaminated by drinking the milk of the cows included in the compensation.

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(v) A man may not marry again into his wife's lineage. Nuer say that a man may not have intercourse with two closely related women at the same period of time. The link is really through the children; a man may not marry his wife's sister because she will also be the maternal aunt of his children and entitled to a portion of the bridewealth of his daughters. A confusion of status of this kind must be avoided.

(vi) A man may not marry the daughter of an age-mate. Common initiation brings about an association similar to kinship. This is symbolized in the giving of the 'cow of the age-mate' (*yang ric* or *ruath ric*).[1] To marry the daughter of any age-mate is to bring him into the category of father-in-law; the avoidance due to the latter is incompatible with he conventional familiarity which exists between age-mates.

Professor Evans-Pritchard summarizes these rules in an article on the subject.[2] He says:

> The exogamous rules . . . can be generalized by saying, as the Nuer do, that a man may not marry a woman who is *mar*, kin, to him. In defining exogamy kinship is treated further in some directions than in others and is of different kinds: the clan kinship of the *mar*, the common spear; the kinship of *both*, of collateral lineage and of adoption; uterine kinship; kinship through the *gwitar*; the kinship of cognation, *mar* in the usual sense of the word; kinship which the birth of a child creates between husband and wife; the kinship acknowledged by acceptance of bridewealth; the kinship by analogy of the *ric*, the age-set, and the *tuac*, the leopard-skin.[3]

We shall see that the greatest care is taken during the social process of marriage to avoid any possible breach of these rules,[4] and it is unlikely that a breach of marriage would be discovered subsequently, at any rate one which involves a prohibition sufficiently strong to be unavoidable. Unless the relationship is singularly remote, however, the union would be dissolved without further delay and the appropriate ritual of appeasement and decontamination performed. This is usually performed by a Leopard-Skin Chief, who neutralizes the effects of the breach of taboo. A cow is sacrificed to the ancestral spirits, and the whole carcass divided into halves,[5] one half being consumed by the relatives of the man, the other half by the relatives of the woman. The presence of the Leopard-Skin Chief and the fact that a cow (possibly only a barren one) is sacrificed would indicate that the breach is a serious one and likely to bring great misfortune to the people concerned. As Professor Evans-Pritchard points out, the value of the sacrifice is

[1] See p. 100.

[2] *Social Structure: Studies presented to A. R. Radcliffe-Brown*, Oxford, 1949.

[3] Evans-Pritchard points out that 'a leopard-skin chief may not marry into the family of another leopard-skin chief, even though they belong to different'. This restriction may be true of Lou and eastern Nuer, where Leopard-Skin families are few, but I doubt whether it is applied in the western parts of Nuerland, where they are more numerous.

[4] See pp. 87, 91, 92.

[5] *Yang* can also be read, 'the cow of dividing for issue'.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nuer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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action in spilling the blood of a fellow man. There is no concept of Man as a member of Mankind, only as a member of a kinship group, and reprobation is expressed by them alone. Moreover God is not angered at the death of a human being, for God is not concerned with humans in this general sense of protection and responsibility; but the particular manifestations of God, represented in the kinship group by ancestral spirits and by the spirit of the dead man (*cien*), are indignant and cry out for vengeance.

There are therefore two reactions present: first, the reaction of the kinsmen of the slain, which is a reaction of indignation at personal loss, reduction in their numbers, and the damage to the continuity of their group; and this finds further expression in religious concepts associated with the kinship group. The second reaction is that of the killer's group, who demand that, in their own interests as well as his own, he shall perform those rites of expiation which will neutralise the effects of spiritual contamination emanating from the spirits associated with the dead man's kin. They may also express disapproval of his action, for he has brought upon them not only spiritual dangers but the threat of violence, and more probably the loss of the cattle which they will have to pay to restore the peace and regain their security.

Homicide has not yet become the concern of society as a whole and, except that other persons may find themselves involved in a feud which may spread along traditional lines of political cleavage, those outside the specific groups affected are not interested. The existence of a segmentary system and the absence of organised political authority covering all sections of Nuer society mean that there is no corporate body which will take action against the killer in the interests of society as a whole. The kinship group of the deceased combines against the killer and, by extension, according to the principles of collective responsibility, against the kinsmen of the killer. The latter are then compelled to adopt an attitude of defensive opposition, but within their own group they have also to demand that the killer shall perform those acts which will restore to him his ritual status.

From these observations it will be seen that—

(i) Homicide is considered a wrong, though not against society as a whole. The element of wrongness is relative to the relationship in the social structure of the parties involved. The killing of a stranger, especially of a foreigner, who does not come within the most expanded form of the social structure, is not really wrong (*dar*) at all. It is neither a crime nor a private delict, for there is no political sanction involved and no social relationship which might demand restitution. There is no motive for composition nor any mechanism for achieving it. It is, however, a situation which demands expiation in the form of ritual and sacrifice, which the killer performs with the assistance of the Leopard-Skin Chief. The ghost of the dead stranger,

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The ghost of the dead stranger

no less than that of a fellow tribesman, may haunt the slayer, and the mere act of homicide creates a situation of spiritual danger.[1] This is a religious concept, but it does not provide an effective sanction against homicide because the consequences can be avoided.

(ii) The killing of a fellow tribesman, and to a much lesser extent a fellow Nuer of another tribe who is within the orbit of the killer's social sphere, is a wrong because it is an offence against the stability of society in its most extended form. But it is a private delict and not a crime, and demands only retaliation or restitution. The closer the relationship between the component tribal segments involved, the greater the sanction for restitution. It is also an act which brings spiritual contamination upon the killer and his kin, and expiation and ritual purification are necessary. Moreover the closer the relationship the more dangerous the consequences and the greater the need for purification, because the act of homicide amounts to a more grievous breach of kinship observance.

(iii) Finally in the narrowest definition of blood relationship, where kinship is a reality and not merely a fictional social form—that is, within the lineage or the extended family group—restitution becomes less and less necessary because the persons who assist in the payment of compensation are also the recipients. To put this in negative form, those who are in duty bound to take vengeance are also those upon whom vengeance should be wreaked. The situation then reached is so near to patricide or fratricide that the idea of vengeance or restitution must disappear. The situation is indeed something akin to suicide, which is the negation of the principle of kinship solidarity, and, as in suicide, the danger is not the threat of retaliation nor the need to pay cattle as compensation to some other group but spiritual damnation from within.[2] Hence the act does not constitute a private delict but is

[1] To the Nuer this idea applies to all mankind. The disgruntled spirit (*ciem*) of the dead man will haunt his killer and bring him misfortune or even death. The act of spilling blood in itself creates a condition of impurity which afflicts the killer, according to an impairment of his ritual status, and therefore requires expiation. Hence the ceremony of *kiir*, which includes not only sacrifice but the letting of the slayer's blood. The danger involved in the spilling of human blood is exemplified in the rules concerning the destruction of certain categories of anti-social persons, namely the rash or gluttonous, with the consent of the community. No blood must be spilt; the glutton should be beaten to death with sticks. No such contamination arises from the spilling of animals' blood except that of an elephant. For this the ceremony of letting the blood of the killer must be performed or the ghost (*ngaim ciem*) of the animal will haunt him. It is especially interesting to note in this connection that elephants are closely associated with mankind and are linked in mythology to the genealogies of certain lineages.

[2] This statement is, of course, qualified by the actual relationship of the persons concerned. Between brothers or half-brothers there could be no payment of compensation; between patrilineal cousins some form of compensation might be paid, but conditioned then and subsequently by other mystical obligations in connection with cattle. The real test probably lies in the obligation to marry a wife to the name of a dead kinsman. If the killer were also the man, or one of the men, who normally might be expected to discharge this duty on behalf of the deceased, then no form of compensation would be necessary.

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a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible.

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These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*nuer*), and their kinsmen may suffer subsequently, particularly from sterility, infant mortality, or a series of disasters which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently effectives, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could.

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There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse

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[1] For other infractions gifts—oxen, food, &c.—may be offered to an offended kinsman.

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with a woman who is pregnant or a nursing mother. If the man who so offends is the woman's own husband, her relatives are likely to express great indignation and, if he is to continue on good terms with them, he will have to take steps to neutralize the consequences by ritual purification and sacrifice; otherwise the woman or her child will die. Moreover the ill-effects may extend to her kin, and in some cases these will demand a cow from the offender, not, I think, as direct compensation for a wrong but as a gift which will probably be dedicated to their ancestral and household spirits who otherwise may bring trouble to them.[1]

If the act is committed by a man who is not the woman's husband, it is certainly considered serious, but it is treated as a normal case of adultery and the compensation (*ruak*) demanded by her husband will not be greater than in normal adultery, although his indignation will be more intense and the likelihood of his taking violent action against the offender greater. For this reason alone such cases are likely to be settled by indemnification more promptly, and in this sense the religious concept is also a sanction for payment; the compensation is conditioned not by the likelihood of the spiritual effects, but by the traditional assessment of the wrong to the husband. Thus in this case religious belief is a sanction for the operation of a recognized process of law but has no effect on the amount of compensation. The idea of pollution is also present in cases of straightforward adultery where, as we have seen, among most Nuer tribes one cow should be paid in order to counteract the pollution involved, the cow called *yang kude* ('the cow of the sleeping mat'), which will allow the husband to resume relations with his wife in safety, and which is something quite different and apart from other cattle paid as compensation for what is regarded as a secular wrong. It is worth noting that if the adulterer is closely related to the cuckold no compensation will be demanded, but the *yang kude* is always paid.

There are also many customs which are not normally the cause of litigation in the courts, nor indeed of much dispute of any kind, but for which a form of compensation is necessary. For example, it causes offence for a man to appear naked before his mother-in-law or any woman who stands in that relationship to him. This applies even if he does so unwittingly, especially in the early stages of marriage. It is an offence which will require some small gift as compensation, and the offender may also be expected to make a token offering, a pinch of tobacco or something of the sort, to the ancestral spirits of his wife's lineage. Observances of this kind and the action taken if they are ignored are upheld by ritual sanctions, as well as by sanctions derived from the purely social relations arising in marriage and kinship.

[1] Elkan, see p. 199.

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as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *gwan mal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *peth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rualk* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rualk* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *peth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective.

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*koyok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours.

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kaang*, *kail*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *mach* (literally, 'to drink') is the form often employed in cases of unnatural homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate.

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

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621 671 community among the Nuer is relative, like the Nuer word *ciang*, which roughly describes a territorial and social unit whatever the size,[1] we can still safely say that there was little or no public law among the Nuer in the past.

681 621 The sanction, even for the most serious of offences, homicide, was retaliatory, requiring only an act of vengeance against the killer or any one of his kinsmen, and thereby maintaining the balance and satisfying the indignation of the kinsmen of the deceased. Alternatively restitution might be made, the payment of which fell not individually on the killer but again on all his kinsmen and which, though primarily directed to providing the dead man with a wife, thus to raise children and restore the balance, was in part divided among the dead man's kinsmen. This division, which still applies today, is itself of particular significance for it shows that the cattle paid as 'blood-money' are in no sense merely a punishment or punitive damages inflicted on the group of the killer, but are primarily directed to the restoration of the balance between them and the group of the deceased. This balance is disturbed by the act of homicide, and the two groups or segments of a tribe are at once in a state of feud (*ter*) and will suffer spiritual pollution if the ordinary contacts of daily life continue between them. They are the *ji ran*, the 'people of the (dead) man', and the *ji thangu*, 'the people of the compensation', and between people in this condition social intercourse is not only unsafe, because at any time an act of vengeance may happen, but also spiritually dangerous. There is therefore a disturbance of equilibrium, which finds expression, on the one hand, in the feeling of intense indignation—often, as we have seen, more conventional than actual—of the dead man's kin and, on the other, in the fear on the part of the killer's kinsmen that violent retaliation may follow. Between them there is the fear of mutual contamination.[2] The balance is restored by the performance of ritual, the purpose of which is to remove the danger of this spiritual contamination, and by the complicated process of payment of 'blood-money', the main object of which is to remove the feeling of indignation of the *ji ran* by giving them compensation in cattle for their loss. That this loss extends to a group larger than the immediate family of the dead man is seen in the fact that a small portion of the compensation is paid to his maternal relatives, the distribution following a pattern which is similar, though much restricted, to the distribution of bridewealth. The majority of the cattle go to provide a 'ghost-wife' for the dead man, thus assuring the continuance of his line in the lineage structure and also the unimpaired continuance of that lineage as a whole. There is nothing in these processes which

[1] The Nuer *ciang* has already been discussed; see pp. 10–20.

[2] It may be argued that the fear of contamination and the consequent avoidance are only a psychological expression of the fear of retaliation.

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with clubs. Spears are not used between neighbours lest someone be killed and a blood feud started which will disrupt the community. No third person may intervene in these duels. 578

In fights between persons of different villages spears are used and every adult male takes part. Fighting occurs mainly between small tribal segments; only occasionally between primary segments or tribes. Feuds cannot occur except within a tribe for it is only in the tribal unit that a branch of law is recognized and the machinery for settlement exists. Between tribes settlement can only be effected by war. 628

THE SETTLEMENT OF A BLOOD FEUD

The slayer seeks sanctuary with the leopard-skin chief who will ritually cleanse him and make a sacrifice to protect him from the vengeance of the spirit of the slaughtered man and his kinsmen. Vengeance is the most binding obligation of paternal kinship. After an interval, negotiations for compensation are begun. In theory 40 to 50 cattle are paid; in practice ceremonies of atonement are performed when about 20 have been handed over. The cattle are discriminated among the kin of the dead man and a certain number of them are used to secure a wife who will be married in the dead man's name. The leopard-skin chief receives two beasts, and the seer of the sacrifices, but in fact he often gets nothing and may have to help in paying the compensation. He also has the expense of keeping the slayer during the period before settlement. 728

Feuds occurring between small groups are settled quickly, especially those within a village, where ties are so close that ordinary life would be completely disrupted if a blood feud were to continue for any length of time. It is much more difficult to settle a feud between persons of different tribal segments than between persons in the same tribal segment.[13]

Theoretically, all feuds in a tribe can be settled by compensation but this does not always occur in feuds involving primary tribal sections. If people are killed in a large-scale fight, compensation is not always paid nor revenge taken, kinsmen merely wait until the next fight occurs.

A feud arises only between two agnatic kin groups but, owing to the extent of kinship ties and local sentiment, a whole tribal section may support the lineage within it which is at feud with a lineage in another tribal section. The close association between territorial units and kinship units makes the feud an important aspect of inter-segment relationships.

HOSTILITY BETWEEN THE NUER AND DINKA

The Nuer and Central Dinka are very similar in culture and organization, but they are ancient enemies and constantly raided each other in the past. The attack was usually made after the rains by the Nuer, who would establish a base in Dinka country and spend several weeks there raiding in all directions. The Dinka did not offer much resistance, merely attempting to flee to safety with their cattle. This constant raiding was partly due to lack of resistance, and the advantages of obtaining extra cattle, 721

(13) Evans-Pritchard, The Nuer, 1940, p.139.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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charred remains of the rafters, supports, and thatch are heaped on top of them. If a man is struck in the bush his body is covered with grass and thornwood. Nuer say that it is only the *ring*, the flesh, which they cover up. The *yiegh*, the life, or in this sense the soul, has been taken by God and has become part of him. Sacrifices must be made at once. The people sacrifice to God even if a byre or hut is struck without causing death because the misfortune, being a direct intervention of God in human affairs, is a danger which must be get rid of. They say '*ba luak kier ka del*', 'the byre is expiated with one of the flock'.[1] If a person is killed, his kith and kin feel that they are in grave danger and anyone closely connected with the dead makes sacrifice as soon as he hears of the calamity. The dead man's paternal and maternal kin and his affines bring oxen and sheep and goats to the mortuary mound and sacrifice them there. Even distant kinsmen and unrelated friends and neighbours make sacrifice; and if a girl is killed by lightning her sweetheart will sacrifice an animal. The whole community is involved, and fellow villagers who do not feel that they are sufficiently connected with the dead for animal sacrifice to be necessary throw leaves of the tobacco plant on the mound in silence. It is believed that unless sacrifices are made at once the *colwic* may return bringing death to man and beast. Also, the close kinsmen of the dead are so unclean that relatives and neighbours may not eat or drink in their homes before they have sacrificed; animals must follow the dead before the people can rest in peace. Nuer say '*ca je kir ka det kene rueth*', 'he (the dead man) was expiated with some of the flock (goats and sheep) and oxen'. The sacrifices cleanse the kith and kin and ward off from them further misfortune.[2]

But only immediate danger is warded off by these sacrifices. The kin are not yet free from the ordinary contamination of death and they will not be till another ceremony has been performed some weeks or months later. This ceremony resembles the usual *cuol wuc* mortuary ceremony held for a person who has died in some other way than by lightning and which I describe later, but Nuer do not call it by that name. Indeed they say, as I have

[1] *Del* means both 'sheep' and 'goat'.

[2] Dr. R. G. Lienhardt tells me that an ox must be sacrificed on the evening after the death, just before sunset, and that its flesh must be consumed during the night, a rule which obtains for sacrifice only on this occasion. This is perhaps a further association of *colwic* with darkness.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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× 776 ●783 766 mentioned, that one does not hold a mortuary ceremony for a *colwic*. The difference between an ordinary mortuary ceremony and a ceremony to commemorate a *colwic* would appear to be that whereas in both one purpose of sacrifice is to cleanse the living, another purpose in an ordinary mortuary ceremony, to send the soul of the dead to the ghosts, is lacking in the commemoration ceremony for a *colwic*. The soul of a man killed by lightning is at the moment of death translated to its heavenly home. Nevertheless, it may be that this ceremony is performed not only to cleanse the living and to commemorate the dead but also to fix his soul firmly in the above so that there will be no return to the living, just as an ordinary mortuary ceremony fixes the soul in the underworld of the ghosts.

× 776 766 I had the opportunity in 1936 to witness this ceremony when it was held for a girl called Nyakewa, the daughter of Rwacar, among the western Nuer. During the afternoon the women of the village collected in the garden of the dead girl's home to make beer, for it is the custom on this occasion for the women to work together instead of each in her own home. While they were engaged in making beer rain began to fall and wood ash[1] was thrown into the air and Nyakewa was addressed: 'Sister, wouldst thou spoil our work in this way? It is for thee we do it.' The rain soon passed over, though the sky remained overclouded for the rest of the day. Nuer expect rain to fall on this day, but after they have sacrificed. They say 'we have slaughtered cattle for God. The chyme (*wau*) will be watered today by God, and the blood also.'

The ceremony began in the late afternoon in the homestead where Nyakewa was killed, that of her mother Nyaruithni and of her brother Malith, an uninitiated boy. Her *pater*—she had been begotten in adultery by another man during his lifetime—was dead. The ceremony was held in her mother's home and not in her husband's home because, although bridewealth had been paid for her, she had not passed through the consummation ceremony before she was struck by lightning. A fully married woman who is killed by lightning becomes a *colwic* of her husband's lineage and not of her father's lineage. Her husband is *gwande*, her owner or master, and they say of such a spirit that she was married with cattle and will not return to her father's lineage—that is, will not

[1] The ash of women's cooking fires, not the ash of cattle-dung of the men's fires of byre and kraal.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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Among his observations he accused the Ngwol of having buried a living ox with some beads and a spear to kill the Lual, and this provoked a violent argument in which the Ngwol part of the audience retorted that the Lual had buried a dog alive in a byre to kill them (I do not know whether such practices ever really occur). 627 776 ×

The Ngwol representative then delivered a rambling address. He often mentioned *kwoth* in it, though not, so far as I heard, with any particular specifications. His chief point was that the Jikul were paying compensation in cattle for the dead man and that if the Lual reopened the quarrel it would be to their disadvantage, the Jikul being fully able to look after themselves if it came to fighting again. He then, from the Jikul angle, repeated the whole history of the affair, a recapitulation which stirred up involved controversy with the Lual men present. In these invocations grievances, both real and imagined, are made public, not with the purpose of complicating the issue or inflaming passions, but because it is the rule of such gatherings that everything a man has in his heart against others must be revealed and no bitterness kept secret.

Finally, the leopard-skin priest, whose function is to cleanse a killer and to perform rites to terminate a blood-feud, rose and addressed the assembly. In his invocation he frequently, in addition to speaking to *kwoth* and *kwoth a nhial*, called on '*kwoth riengda*', a phrase which literally means 'spirit of our flesh' and which refers to the spiritual source of sacerdotal power. He told the slayer that as some of the cattle had already been paid and the remainder were about to be paid he might go abroad without fear of vengeance. He told the kinsmen of the dead man that if they started a feud their spears would miss their mark and that they would do well to take the cattle and settle the affair for ever. He warned the kinsmen of the slayer not to try and hide their cattle, that is, send them secretly to the kraals of distant kinsmen and then say that they had not the wherewithal to meet their obligations. He, also, recapitulated the whole history of the quarrel, from the point of view of an impartial onlooker and mediator. 627 776 × 783 ●

At the end of his address he speared the ox and those present rushed in, as is the custom on this occasion, to obtain what they could of the carcass, hacking and slicing, waving their spears, and shouting. It was a scene of great confusion. When things had

16: Evans-Pritchard E-5 (1931, 1936) 1956
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627 quietened down the leopard-skin priest cut off some of the hair of
x 776 the head of the man who had occasioned the death: 'the blood
783 which entered into his body is purged (*riem me ce wa pwonyde ba woc*), other hairs will grow (*bi miem ti okien dony*), the blood is finished (*ce riem thuk*)'.

x 776 The ceremony I have described is typical in form of Nuer religious ceremonies. What I want here to draw attention to in it are the different titles mentioned in the invocations: *kwoth*, Spirit, without further designation, *kwoth a nhial*, Spirit who is in the sky, *kwoth wic(da)*, spirit of the home, *kwoth ngoap(na)*, spirit of the fig-tree, and *kwoth rieng(da)*, spirit of the flesh (the virtue of the leopard-skin priests); and there may have been others which I did not hear. Besides these titles such expressions as *gwandong*, grandfather, and *kwoth gwara*, spirit of our fathers, were used. At other ceremonies at which people of different families and lineages from those concerned in this particular ceremony have been represented I have heard references in invocations to a variety of other spirits—totemic spirits, *colwic* spirits, and spirits of the air. How are we to interpret Nuer thought about the nature of Spirit as it is expressed in such ceremonies as the one I have described?

In this particular ceremony several groups were opposed to each other, and the leopard-skin priest was acting in his priestly capacity as mediator between them and to conclude a settlement by sacrifice. The persons who made the invocations therefore appealed to, or spoke about, God not only as God but also as God in his special relation to the groups they represented, and in the case of the leopard-skin priest to God in his special relation to the priestly function as well as to a particular priestly lineage. The circumstances may be compared to a war between European powers in which each prays for victory to the God of its fathers, Lord of its battle-line. Those engaged in the struggle do not believe that two distinct deities are being appealed to. That this is the correct interpretation of the Nuer material is shown by a number of observations, one of the most significant being the fact that although the invocations were made to different titles they were all made over the same victim and this same victim was offered up by all the parties concerned. This appears to me to be proof that the sacrifice was made to one and the same being. Another significant observation is the fact that in situations in which no sectional interests are at stake but where men approach God simply as men and in the

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CHAPTER VII

SIN

I

NUER do not think of the relation of man to God as one of soul, as a separate entity, to Spirit but as one of the whole man to Spirit. The state of the conscience, as we would call it, may be one element in the relation but peace of mind is very much bound up with welfare of body and estate. This is evident from the way they regard the breach of an interdiction which is thought to bring into operation directly, and often almost immediately, spiritual sanctions. We may speak of such a breach as sin. 776 783

Sin with the suffering it brings about is central to the study of Nuer religion. If God was thought by Nuer merely to have created man and then to have ceased to interest himself in human affairs there would be no point at all in their paying any attention to him and sacrifice would be a meaningless act. It is because Spirit constantly manifests itself to men and intervenes in their enterprises and affairs that we have the subject of this book, a religion. I draw attention again to the paradox I mentioned in Chapter I, of God being far away in the sky and yet present with men on earth; but we now see that it might better be described as an intuitive understanding of the relation between God and man. God is far removed from man in that man cannot ascend to him. He is very near in that he can descend to man.

Nuer, like other people, want it both ways. They want God to be near at hand, for his presence aids them, and they want him to be far away, for it is dangerous to them. It is particularly dangerous in such situations and relationships as are marked off by religious interdictions.

One of the more important interdictory concepts is that of *thek*, a word we have had occasion to consider earlier in connexion with totems. It has a sense which I translate 'to respect', the word 'respect' being used throughout this book only where Nuer would use *thek*. The word has a similar, but perhaps wider, range of meaning among the Dinka. 196 [171]

[See p.79, cat. 116 -- Analyst]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 Nuer speak of these conventions with regard to nakedness and
784 eating as *thesk ma tot*, minor respect. That they do not think of them as faults of the same order as breaches of the other rules of respect—*thesk ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is
[759] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 The attitude Nuer call *thek* is thus different from mere avoid-
784 ance of doing things considered to be unbecoming. Failure to
577 conform to *thek* prohibitions involves the culprit in something
262 more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer*
196 it is also sinful.
784 There are, as will be seen, prohibitions with religious sanctions
783

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

which do not form part of respect relationships and are, therefore, 196
not called *thek*, but *thek* is the most important Nuer category of 784
interdiction. An infringement of the other prohibitions is not 783
usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, 784
which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one 835
most frequently spoken of is *rual*, incest, which Nuer say is '*cere* 783
ke nueer', 'like *nueer*', and they may use the verbal form *nuer* when speaking of its consequences, for example, '*ce nyiman nuer*', 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an eldest son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

835 783 use the word *rual* for incestuous relations, and it can also be used for the consequences of them. These, generally certain forms of yaws or syphilis, though they may be any kind of misfortune, are more or less grave according to the closeness of the relationship between the persons concerned. Nuer think that if they are very closely related death may follow, possibly within a few days, while if they are very distantly related nothing untoward may happen. In cases of serious incest the penalty may fall not only on the partners to the offence but also on their nearest relatives, particularly on their children. The greater the danger of punishment the more likely and the more expeditiously will the act be followed by sacrifice and the more valuable will be the thing sacrificed. When the incest is considered to be very slight, what Nuer call a *rual ma* [289] *tot*, small incest, *wal ruali*, incest medicine, an antidote which some people are said to possess, may be thought adequate protection, and if it is deemed wise to make sacrifice, a cucumber or a pendulous fruit of the sausage tree is considered a sufficient offering. When the offering is a cucumber it is cut in two and then the left half is thrown away and the contents of the right half are squeezed into water and drunk by the partners to the act. If the fruit of the sausage tree is the offering it also is cut in two. I have several times seen youths in western Nuerland, where this tree is commoner than to the east of the Nile, cutting down its fruits for the purpose, and it is interesting to note that the Dinka call the tree *rual*, the Nuer word for incest. If there is incest with the wife of a close kinsman her sleeping-hide may be cut in two. In cases of major incest the antidote is not thought to be sufficient protection, nor a vegetable offering a sufficient sacrifice, and a goat or sheep, and in the most serious cases an ox, must be sacrificed without delay, and a leopard-skin priest should conduct the ceremony. The beast is slaughtered by being cut vertically in twain from head to tail, and afterwards the guilty persons drink incest medicine infused in the gall of the victim. All these cuttings are spoken about as *bakene rual*, the cutting, or splitting, in two of the incest.

835 One hears much about incest among the Nuer, and sacrifices to cleanse parties to it are frequent. One reason for this is that the prohibition on sexual congress covers a very wide area of social relationships. The more important categories covered by it are clanship, close cognation, close natural kinship, close kinship

16: Evans-Pritchard E-5 (1931, 1936) 1956
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through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753]
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treat- 177
ment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

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837 the fact that the word *kor* has no further meaning in Nuer
● 783 whereas in Dinka it is the verb for 'to commit adultery'.[1]
[177] Adultery medicine is probably used only as a precaution and perhaps in addition to sacrifice if a man falls sick and the symptoms suggest *kor*. The main safeguard and remedy is sacrifice, and in cases where the adulterer is known he hands over the *yang kula* for this purpose. It is generally conducted on behalf of the husband by some religious functionary, perhaps a leopard-skin priest or a man who respects *kor* (a man who has himself at some time suffered from it and has recovered), in the presence of the families and friends of the parties involved. He or another person first invokes God that the sick man may recover. Immediately the ox has fallen the adulterer and his friends take hold of its head and forelegs, and the husband and his wife and friends of their family take hold of its hindlegs while the man who is conducting the rite cuts the carcass in two through the loins.[2] The *yang kula* is sacrificed to wipe out the pollution whether the husband falls sick or not. That it has this significance is shown by the fact that when, for reasons I have set forth elsewhere,[3] in the event of a child being born of adulterous congress the cattle paid in compensation, or others in their stead, are returned to the adulterer, the *yang kula*, if it has not yet been sacrificed, remains with the husband for that purpose, and if it has been sacrificed he is under no obligation to return another ox in its place; and by the fact that if the husband forgoes compensation, as he may do if the adulterer is a close agnatic kinsman and neighbour, the *yang kula* must be paid to protect him from evil consequences. It is not part of the *ruok*, the compensation, but is handed over in addition to it, and for a different purpose. Even the cattle of compensation are tainted for the husband. He keeps them away from his own cattle, putting them in the care of a friend or kinsman well away from his own homestead, and he rids himself of them as soon as he can, either by marrying with them or by giving them to one of his brothers for the same purpose. I was told that above all he would

[1] P. A. Nebel, op. cit., pp. 13 and 88. The noun form *akor* means 'adultery'.

[2] Dr. Mary Smith tells me that if a man suffers from *kor* and the adulterer is unknown the officiant holds the forelegs while someone else cuts through the carcass (of a sheep). She says that in the part of Nuerland she resides in the idea of *kor* is no longer prevalent.

[3] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938, pp. 332–4.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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not drink their milk and that should he even tread on their dung he might cause grave injury either to himself or to his cattle. Likewise, a man will not accept as bridewealth for his daughter cattle paid to her husband in compensation for adultery she has committed. This is a shocking idea to Nuer, who say that it is like incest. 837 783

The pollution may spread (*dop*) beyond those directly concerned in it. The adulterer, the husband, and the wife are dangerous to anyone they come into contact with who has an open sore, for the *kor* may enter him through it. One day at a wedding a youth was trying to reconcile his desire to watch the dancing with the need to hide an open wound from the eyes of those who might cause it to fester, by watching the dance from the shelter of maize plants. I heard his mother shout to him in reprimand 'there you stand in the maize where people can see you. Is *ther* (p. 176) a good thing, and is *kor* a good thing, that you thus expose yourself?' It is largely from fear lest an adulterer or adulteress or cuckold might see them that lads are so closely secluded while they still have open wounds on their foreheads after initiation. Adultery may also cause a wife who has been partner to it to suffer in childbirth, and if she finds the pains of labour grievous she will make known to the midwife any adulterous acts she may have committed. The sin and its consequences become less by being confessed. 837 783 753

Another dangerous influence is that brought about by a man having congress with his wife while she is nursing a child. Responsibility rests with the husband, 'for this is an affair of men, and it is not a woman's business to deny her husband access'. As has been noted, this is an offence that comes within the category of *nueer*, but the specific name for it is *thiang*. This word denotes the act itself, the consequences which follow from it, and the rite performed to ward off the consequences. Since children are not weaned till they are about three years old it might be thought that husbands must often give way to temptation, but one seldom hears of a wife becoming pregnant before her child at the breast is weaned, and Nuer themselves say that it is uncommon. I cannot say whether a husband who commits the offence would generally perform the prescribed rites unless the pregnancy of his wife made it common knowledge. In the only cases I have come across action was taken when it became evident that a nursing mother was pregnant. I was told that it was then taken to ward off the 783 834

●783 serious danger of dysentery, perhaps causing death, her condition
834 threatens to the child she is suckling. The infant is laid at the side of a small termite mound, and a person who respects *thiang*—in this sense the sickness which results from a breach of the interdiction—circles a handful of burning grass over it, and also holds the child over the flame.[1] A dog is then brought and the child is placed on its back. They cut a piece off the dog's ear and it is released and runs off 'taking the *thiang* with it'. Finally a goat is sacrificed and a piece cut from one of its ears is tied with the piece of the dog's ear round the child's neck. Nuer say that in this way the dangerous influence of the abnormality (*buom*) is wiped out (*woc*). The rite is performed by old women, though it is a man who sacrifices the goat. The old women eat the sacrificial meat. On the occasion on which I witnessed it all the older women of the cattle camp ran, shouting, out of the camp, each carrying a child which she placed on a small termite mound so that, I was told, the *thiang* might go into the mound. All the small children of the camp were treated in this way because the husband whose conduct had brought about the situation had eaten and drunk from the same vessels as others in the camp, and had smoked tobacco from the same pipes as they, so that the *thiang* might have spread (*dop*) to the other families in it and endangered all the infants of the community. At the end of the rite the husband and wife wash in a stream to cleanse themselves from their uncleanness. A child born in these circumstances is regarded as dangerous (p. 176).

II

783 In using the word 'sin' to refer to the ideas I have been discussing we have to be more than usually on guard against thinking into Nuer thought what may be in our own and is alien to theirs. From our point of view the ethical content of what the Nuer regard as grave faults may appear to be highly variable, and even altogether absent. A fault of inadvertence, though it may not

[1] Both the word *thiang* and the rite I describe have probably been taken over from the Dinka. I cannot prove that this is the case but it is strongly suggested by this totemistic relationship some people have to the sickness caused by a breach of the prohibition (p. 77). Dr. Mary Smith, who kindly inquired into the matter on my behalf, tells me that the Nuer at her mission say that the word is a Dinka one.

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have such serious consequences as a deliberate fault, may nevertheless, as I pointed out in Chapter I, entail grave consequences; and most of the acts Nuer class as *nueer* would seldom, if ever, be committed deliberately. Moreover, the sinful act may bring misfortune not only to the persons who committed it but also to persons who are, as we think of it, in no way responsible. It is not the adulterer but the injured husband who is likely to be sick, or it may be some person with a sore who is quite unrelated to either who suffers. It is not the husband or his nursing wife who suffers if he has congress with her but their child, and possibly also children of other parents. Likewise, incest may harm relations of the partners to the sin who are not even cognizant of it. Nuer show deep insight with regard to both inadvertence and the incidence of consequences of sin. 783

It is difficult also for the European observer to understand why Nuer regard as grave faults, or even as faults at all, what seem to him rather trivial actions. That incest and adultery are regarded as faults and, in the sense we have given to the word, sins, he can understand, but not a man milking his cow and drinking the milk, or a man eating with persons with whom his kin are at blood-feud. I can only say that these rules make sense when viewed in the total context of Nuer social life as interdictions arising out of basic social relations. I have discussed these relations in two earlier volumes. Here we have to take them as given. We are interested not in the structural aspect of the interdictions but in the religious sanctions which uphold them; and we have to note that the force of the sanction is in ratio to the strength of the prohibition. The sin lies not so much in the act itself as in the breach of the interdiction. Consequently Nuer can give no reasons for the acts being bad other than that God punishes them. Consequently also, sins do not arouse indignation, as some quite minor fault may do. The consequences of incest may arouse hostility on the grounds of damage (p. 300), but I have only heard Nuer express indignation about incest as such when it is with the closest kinswomen, and even then they condemn the man's folly rather than the man. Acts of the kind they call *nueer*, with the exception of the suckling interdiction, are, as I have said, almost invariably unwitting offences. Nuer do not, therefore, though they fear the consequences, blame the man. They are sorry for him. In cases of incest with distant relatives and of intercourse with a suckling mother

783 they tend to take the view that it is scarcely for them to censure a man whose desires have got the better of him. When there is adultery, the husband may be indignant and demand compensation for the injury done to him, but Nuer do not become indignant at the idea of adultery. The essential point is that such faults as we are considering are, wholly or in part, conceived of as offences against God, and Nuer think that it is he who punishes them. It is God's *cuong*, right, rather than, or as well as, man's, that has been violated. The man who commits them, therefore, places himself, and possibly others too, in danger by having done something which brings Spirit into action in the affairs of men.

783 176 This danger is a condition which to some extent appears to be regarded as physical, the threatening misfortune, usually sickness, which results and is the outward manifestation of the sin being already in the man before it manifests itself. He is contaminated by his act. This is why medicines, aspersions, fumigations, and other modes of expulsion and cleansing are used in addition to the atoning act of sacrifice. This is more than mimicry. The pollution is substantival. That the sin is felt to be attached to the man is further expressed by two words of great significance, *dop* and *woc*. *Dop* means to catch alight, the spreading of a flame or fire. It is also used to describe a man catching a disease, yaws for example, from another and the spreading of an epidemic or murrain, such [753] as smallpox or rinderpest (Nuer are aware that such diseases are spread by contact); and it can likewise refer to anything spreading, as a fight developing out of a quarrel and people other than the principals becoming involved in it. The general idea is that of a person catching something from another, an infection, whether it be a disease, a quarrel, or a bad habit. In our present context the word means that the uncleanness which results from sins may pass to others closely related to those who are directly concerned in them. They also are in danger. *Woc* is used in a number of contexts in which the sense is getting rid of something, especially by wiping it out. It is the ritual ones which more particularly concern us. The first cut across the forehead at initiation is called the *woc dhol*, the wiping out of boyhood. The final rites of marriage are said to wipe out maidenhood. As we have noted, the mortuary ceremony is called *col woc*, the wiping out of death and mourning with their association of debt. The word is also used in reference to sacrifices made on account of a transgression. Sacrifice is

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said to woc, wipe out, *nueer*, *rual*, *kor*, and *thiang*, and indeed any *duer*, fault. The transgressor is healed by the blotting out of his transgression. God turns away, as the Nuer put it. He does not regard it any more, so it ceases to be. When used in reference to sacrifices made on account of sins the word has thus the sense of expiation, and it is interesting that the same word which Nuer use for wiping out a transgression means in Dinka 'to err', 'to sin', and 'offence'.[1] We have in the words *dop* and woc two ideas which throw much light on the way Nuer regard sins and sacrifices made in consequence of them. Sin, as has been noted, is something which destroys and which tracks down. Two other characteristics of it are now revealed. It can spread and it can be wiped out by sacrifice. But though sin is regarded as bringing about a condition of the person which is contagious, the uncleanness is not simply a physical impurity which can be washed or purged away. It is also a spiritual state which can only be changed by sacrifice; and not even sacrifice is sufficient by itself to change it, only sacrifice which carries with it the will and desire of the sinner. What gives emphasis to the physical quality of the condition is the fact that the consequences of sin, which in a sense form part of it, are physical. This brings us to a very important matter, the identification of disease with sin. 783 196

Nuer may speak, as we have seen, of the consequences of a sin by the same word (in which the interdiction is also implied) as they use when they speak of the sin itself. *Rual* is incest, and it is also syphilis and yaws. *Nueer* is a breach of certain interdictions, and it is also the violent sickness which follows the breach. *Thiang* is a breach of the weaning interdiction, and it is also the dysentery the breach causes. Different diseases have different names, it is true, but if the sin which brought the sickness about is known it is spoken of by the name of the sin. The particular form of the sickness, the particular consequences which have resulted from the sin, are of secondary interest. Had the man suffered from a different ailment it would have been from the same cause. Therefore one may say that where there is a state of sin such sickness as it appears in is a symptom of the sin, or even in a sense is the sin. Even where there has been no breach of a specific interdiction, and there is consequently not the same verbal identification, any sickness tends to be regarded as the operation of Spirit on account 783 753

[1] J. C. Mitterrutzner, *Die Dinka Sprache*, 1866, p. 303; Trudinger, op. cit., p. 298.

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*753 of some fault on the part of the sick person or of someone closely
753 related to him, and it may simply be said to be *kwoth*, meaning that it is the action of Spirit. A sickness may always be a sign of some fault. No attempt may be made to discover whether there has been a fault or not or what the fault, if any, was, but Nuer think that a man would not be sick if there had been no error, though the thought is not always expressed.

Since sickness is the action of Spirit therapeutic treatment is sacramental. The sickness is only a symptom of the spiritual condition of the person, which is the underlying cause of the crisis; and it can only be cured by expiation—sacrifice—for the sin which has brought it about. This, then, is a further characteristic of sin. It causes physical misfortune, usually sickness, which is identified with it, so that the healing of the sickness is felt to be also the wiping out of the sin. When Nuer say that sacrifice wipes out the *giah*, the badness or evil, they do not just mean that the sickness will depart but also that what may have caused it will be no more. When a serious sin has been committed sacrifice is made before there are any signs of sickness.

753 So far we have been discussing certain definite ideas and con-
577 ventions. Certain violations of specific interdictions are held to be divinely punished and these have special names, *nuer*, *ruai*, and so forth. But they are covered by the general term *duerr*, faults. That term covers also breaches of any social convention. There is, therefore, no convenient terminological distinction in Nuer which we can follow in translation to mark off faults of the kind we have been considering and have called sins from faults of some other kind. Moreover, God is regarded as the guardian of the social order and his intervention as a possible sanction for any rule of conduct. We cannot, therefore, make an absolute distinction between what we have called sins and other faults. We can only say that the religious sanction is more severe, and more definite, and tends also to be more exclusive, in the case of the faults we have been discussing than in cases of other faults.

A *duerr*, fault, of any kind may, as we have earlier noted, bring about divine punishment. It may do so through the action of a curse or of ghostly vengeance, and as in such cases God is thought to be the arbiter the fault involves to some extent the idea of divine intervention and consequently the need for sacrifice; and a misfortune may be attributed to a curse of the living or to anger of the

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ghosts and hence to injuries done to them. It may do so through fetishes, though, as we have noted, there is some ambiguity and confusion about their morality. Particular calamities are not otherwise attributed to specific breaches of custom, and I have never seen or heard of sacrifices performed on account of such breaches. Serious sickness, the commonest occasion of sacrifice, in all cases I have examined, was attributed, when attributed to anything, to an infraction of one of the interdictions we have been discussing, to seizure or possession by a spirit, generally seizure on account of neglect of obligations to it, to ghostly vengeance, or to a fetish, and not simply to failure to observe the social code. But we have to bear in mind that when there is sickness not attributed to some specific cause sacrifice is, nevertheless, performed to cover any or all unknown causes and that among such causes may be moral faults which have caught up with the sick man in his sickness, and this is so because God has taken notice of them.

Consequently, such moral faults as meanness, disloyalty, dishonesty, slander, lack of deference to seniors, and so forth, cannot be entirely dissociated from sin, for God may punish them even if those who have suffered from them take no action of their own account. Nuer seem to regard moral faults as accumulating and creating a condition of the person predisposing him to disaster, which may then fall upon him on account of some act or omission which might not otherwise and by itself have brought it about. This is further suggested by the custom of confession at certain sacrifices, when it is necessary to reveal all resentments and grievances a man may have in his heart towards others. This may be rather a peculiar kind of confession, that of other people's shortcomings, but the point is that the faults together with the feelings they have engendered are placed on the victim and flow away into the earth with its blood.

But though the notion of *kwoth* is as ubiquitous as the air to which it is likened and may be evoked in relation to any question of right and wrong there are differences between its association with such sins as incest or eating with persons with whom one is at feud and its association with faults which have a moral or legal, rather than a religious character, such as lack of deference to an elder or refusal to pay a debt. When an action of the first kind, which is definitely and wholly of a sinful character, has been committed it is likely, if it is thought to be a serious transgression, to

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● 783 lead to sacrifice before any effects follow from it. This would not
577 happen in the case of faults of the second kind. Also, if sacrifice is not made and the act is followed by sickness Nuer know that the sickness is a result of that sin. They start, as it were, from the sin and reason from it to the sickness. But if there is no known and specific sin they start from the sickness and reason that maybe it results from some fault or faults. In the first case, the linking up of the two events is precise; and sacrifice is made to expiate the known sin to stay its consequences. In the second case it is vague. Sacrifice is made to get rid of the sickness and whatever it is which has brought it about, for though the cause may not be determined it is, as it were, contained in the sickness. For some reason not known God has sent, or allowed, the sickness, and the evil manifest in it must be got rid of by sacrifice. The difference is one of emphasis or of direction. In the one case the emphasis is on the actions from which one looks forward to the sickness which, when it comes, is identified with them. In the other case the emphasis is on the sickness and one looks backwards from it to faults which might have brought it about, even if one makes no attempt to discover what they were. An effort may be made to link up the effect with a cause, a wrong done to the living or the dead, but generally people are content to let it go that there must be something wrong somewhere or there would not be the sickness. And this something wrong may be some fault or faults or it may be nothing in particular. It may be nothing more than what we would call natural evil, what happens to man because he is man, or just human folly. I have often been struck in listening to Nuer myths and folk-tales with the way God is figured in them when man wants to do something foolish. He lets him do it, and when he is made to speak he says something like what we would render by 'all right, have it your own way'. Man is given the choice, and if he chooses wrongly he must put up with the consequences.

Nevertheless, though there is this feeling that wrongful actions may be punished by God, it would lead us entirely astray were we to try to equate sin with breaches of custom and convention. I have already noted that Nuer do not express indignation at sin and that what they get most indignant about is not thought of as sin. Nuer do not reason that incestuous congress with a kinswoman is bad and therefore God punishes it but that God causes misfortune to follow it and therefore it is bad. It is bad not in itself but in its

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consequences. Furthermore, we must note that the conditions in which an interdiction, a breach of which is *nuer*, arises may in no way come about through the breaking of a social regulation. Homicide is not forbidden, and Nuer do not think it wrong to kill a man in fair fight. On the contrary, a man who slays another in combat is admired for his courage and skill. Nevertheless he places himself and his kinsmen in a state of grave spiritual danger. Certainly no one is blamed for the birth of twins, the parents being thought to be most fortunate, but it brings about a precisely similar interdiction. Consequently, we are not primarily concerned with people's morals, whether according to Nuer ideas they are good or bad people, but with their spiritual condition, though good or bad conduct may affect this condition. 783 577

When there is sin a man's spiritual state is changed. I have spoken of him then as polluted, contaminated, or unclean. We now see that the pollution, contamination, or uncleanness is Spirit itself acting on the man on account of the violation of some interdiction. Nuer themselves say this when they simply remark of the sickness that it is *kwoth*. As we regard the matter from the outside we see that the ethical significance of sin lies in the violation of the interdiction. The interdiction itself may have no ethical significance, only a spiritual one. It may be some trifling injunction, like not drinking water. The circumstances in which spiritual danger attaches to certain events, circumstances in which Spirit is present and threatening, can be said to be good or bad only in the sense that they are fortunate (as the birth of twins) or unfortunate (as death) for the persons concerned. But if notions of sin are not just a rationalization of social convention neither are they just a rationalization of chance. The question whether the circumstances are fortunate or unfortunate is not really a relevant one. Nuer have the idea of luck (*bang*), but it does not arise here. Fundamentally in this context it is not a matter of being lucky or unlucky, or of being good or bad.

We shall see later how this double aspect of Spirit, what aids and what harms, what sustains and what destroys, is represented in the rite of sacrifice. In the present place we need only note further that it has some bearing on the question of the one and the many which we have earlier discussed. The idea of Spirit as the holy with whom it is extremely dangerous for man to be in contact is only absolute where God is concerned, and in such situations as have been

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783 discussed in this chapter. It is not absent in his refractions—
577 prophets are treated with reserve as containers of Spirit, totems are avoided as creatures in which Spirit appears to man, and the objects associated with nature sprites and fetishes are not handled by others than their owners—but though Spirit in these forms is dangerous there is no feeling of the lethal contamination of it which derives from the idea of it being something so wholly different from what is human as to be incompatible with it. In them Spirit is not in its entirety and it is also, as it were, filtered through material things. Man can then possess it and use it for his own purposes; but what he then possesses, as Nuer would be the first to recognize, is not God but *deng, teny, colwic, kwoth nyanga, kwoth nyota, biel roa, mathiang*, and so forth.

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782 tered by him but by God, and when God took them they ceased to be his. It would seem likely therefore that some such idea of the beast belonging to no one is present in the sacrifice to end a feud. The holocaust appears to be, at any rate usually, a manner of disposal, like the burnt offering of the Hebrews, when sacrifice is made on behalf of the whole community against a common danger, plagues and murrains and an enemy. Here sacrifice is not made to serve any individual interest nor the exclusive interests of particular lineages or clans but the interests of all the people alike. The reason for abandoning the carcasses, however, seems to be the idea that the evil has entered them through the sacrificial act.

It remains only to mention briefly some other peculiar features of ritual attached to some sacrifices. A small piece of the hide of a victim may after any sacrifice be tied to the *riek* shrine as a memento, but after sacrifice to a spirit a more elaborate memorial, a *yik*, may be constructed. This is a small mound of ash and mud with a *riek* set in the middle of it. The bones, or some of them, of the victim may be buried in the mound. In sacrifices for incest and [783] in settlement of feuds the gall of the victim is drunk in infusion. This has nothing to do with the sacrifice itself but is a post-sacrificial act to cleanse the bodies of those who have been contaminated or to protect those who run a risk of contamination. It is a sort of medicine to counteract physically the consequences of the breach, or the possible breach, of an interdiction. It is something extra added to the sacramental action of the sacrifice proper. Some sacrifices are accompanied by the rite of aspersion. I discuss this later.

V

I have given some account of the structure of the Nuer sacrificial rite which, allowing for the variations and peculiar features I have mentioned, is the same for all sacrifices, those of the collective type as well as those of the personal type. Most sacrifices, as we have already noted, have a markedly placular purpose. They are made in times of trouble and their general object is always the same, to get rid of the evil or threatening evil by offering to God a victim whose death will take it away. Nuer express this in various ways. They say that the evil 'will be finished with a thing (*duor*)'—that is, with an oblation. They say that it 'goes into the earth with the blood of the cow'. They say that 'the cow shields (*gang*)' the persons threatened by it. They say that God 'turns away'—as we have

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On those occasions on which Nuer use the word *lor* in a religious context the danger is definite and immediately before them, and it has to be met with sacrifice to propitiate God so that of his kindness he may stay its approach. It is true that they speak of going out to meet the smallpox, the locusts, the durra-birds, or whatever the threatening thing may be, but when they say that they 'meet it with a cow', that is, by sacrifice, we are to understand that the 'it' is not the thing itself but Spirit manifested in the thing. It is a vehicle of Spirit and only God can stay it. We have then in the concept of *luor* another element in sacrificial intention, homage to God by a whole community, or on its behalf, at a time of common crisis. 782 789

The word *kier*, with the verbal form *kir*, is more difficult to translate than the other words used for sacrifice because it has no meaning outside its sacrificial usage. I have translated it by 'expiation' because that idea together with the idea of purification seem to me to be strongly represented in the situations of its use, the appeasement of God or spirits when an event which places people in a state of danger, usually grave, has taken place. The danger, which is Spirit itself, is not merely possible, nor is it seen to be approaching. It is already present and people must rid themselves of it before it injures them or causes them further injury. 782 783

Nuer say of a spirit which has made a man seriously ill '*ba kwoth kier ke del*', 'expiation is made to the spirit with one of the flock'. They say of the sacrifice made after the burial of a man that '*ba kier piny ke del*', '[the dead man] is expiated in the earth with one of the flock'. They say of a byre which has been struck by lightning that '*ca kir ke ghok*', 'it has been expiated with cattle', and of a man killed by lightning that '*ca je kir ke det kene ruath*', 'he was expiated with some of the flock and with oxen'. When a speckled vulture settled on a man's head (pp. 88–89) expiation was made (*ca kir*) by sacrifice. I have also heard it said of sacrifices made on account of the birth of twins '*ca ke kir*' 'they [the twins] have been expiated'. One does not visit the home of a kinsman who has begotten twins without something to sacrifice in one's hands. Further examples of the use of the word *kier* for sacrifices are given by Father Kiggen, on account of a man being lost and on account of a bad dream.[1]

It may seem a peculiar expression to speak of a man, twins, and

[1] Op. cit., p. 145.

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782 a byre being expiated and it is true that it is not they who are
783 expiated but the death of the man, the birth of the twins, and the striking of the byre by lightning, or rather, since these events are all signs of God's presence it is Spirit itself which is expiated. This is what is said, literally, in the first example of the use of *kier* I have given, '*kwoth* (Spirit) is expiated with one of the flock'. A payment is made to get rid of it and the state of danger its presence means. It is expiation in that sense, not in the sense of paying penalty for fault; for in the examples I have given the idea of fault, or at any rate of some definite fault, is negligible, if not altogether lacking. What we observe is a feeling of something dangerous being in the village, a sort of miasma, which must be dispelled if the people are to be at peace, and a defilement from which the people must be cleansed. In some of the examples the ideas of defilement and purification are apparent. Where this sense is strong the sacrifice is often accompanied by the rite of aspersion; and it may be noted that the word *kir* has in some of the other Nilotic languages the sense of 'to asperse', 'to sprinkle', and similar meanings.

We have seen that the *lor* concept adds the idea of honouring to that of an exchange or bargain in the general meaning of sacrifice. The *kier* concept adds something more. Sacrifice in the situations for which this word is used is made to prevent misfortune, or further misfortune, by an oblation. The danger is not disposed of till there has been an act of human will, a turning to God in sacrifice. Only when expiation has been made will it be wiped out. And the expiation is not just a payment, it is also the recognition of a debt. This aspect of sacrifice is most clearly brought out in the concept of *cuol*.

The ideas of expiation and purification are also markedly present in those sacrifices for which Nuer use the verb *col*, but there is a further and different emphasis as well. *Col* in its most general sense means, as in the other Nilotic languages, to pay compensation for an injury, and it is perhaps best translated 'to indemnify'. Indemnification for homicide or bodily injury, or indeed reparation made for any injury, may be spoken of as *col*. The word is also used in a religious sense when speaking of sacrifices to wipe out (*woc*) by indemnification the wrong done to God or a spirit by sin, such as, for example, having harmed a totem; when sacrificing for sickness if the sickness is thought to be due to some particular

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782 783 fault; and, most specifically, to describe mortuary rites. The implication is that just as, let us say, a woman who has been wronged by her daughter's husband exposing his nakedness to her must be indemnified by a gift, so if God or a spirit is wronged by some act or neglect he or it must be indemnified by sacrifice. In the religious sense of the word it can perhaps best be translated 'to atone' and 'atonement'.

As the use of the word *col* implies in all other contexts that reparation for some wrong or fault is due we may suppose that it has something of the same sense when it is used with reference to mortuary ceremonies. A mortuary ceremony is known as *col woc*, an expression which might be translated by some such phrase as 'the wiping out of debt'. As it is not necessarily felt that any definite wrong has been done for which reparation must be made we may ask why this expression is used. I would answer that not only do Nuer seem to regard death itself as a kind of payment of debt, but they also seem to regard the dead man's kin as being involved in the debt, just as they would be had he incurred a debt to someone in his lifetime. The death still clings to them till they have made atonement by sacrifice and have been purified from its contamination by a purificatory rite which, while being particularly noticeable in the mortuary ceremonies, may accompany any sacrifice, such as those referred to by the terms *kier* and *cuol*, in which the idea of pollution is accentuated. The rite is known as *kith*, a word which means 'to sprinkle' and may be translated in its religious use as 'to asperse'. The aspergillum is a handful of wild rice, a plant which has other religious associations. It is dipped in water or milk or blood and water mixed and shaken over the persons involved in whatever the calamity may be, and in rites concerning death over the dead man's possessions as well. The word *kith* is also used for the sprinkling of beer at a ceremony in honour of a spirit over the ox dedicated to it, the beer being thrown over the animal's back by hand or blown over it from the mouth, a rite also called 'the bathing (of the ox)'; but here different ideas are expressed (pp. 42–43).

We may suppose that Nuer would not use so many different words when speaking of sacrifice unless the rite meant for them sometimes more one thing than another thing; and in our examination of these words we have found that they do indeed express rather different conceptions. No doubt these conceptions are only

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782 variations of a single general meaning, are logically interconnected, and shade into one another, but they indicate nevertheless distinct differences of emphasis. What all of them express, however, is the central piacular idea of substitution of lives of cattle for lives of men. That is on the surface. We have to inquire further if we are to understand its interior meaning.

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they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *tetde*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy. 793 613 614

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character. 793 628

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of 782 793 628 783

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

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782 the priest, his family and cattle being dispersed to homes of kins-
793 men, leaving his homestead deserted. He will not be molested
628 there because of the sacred character of the priesthood. For the
783 same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

16: Evans-Pritchard E-5 (1931, 1936) 1956
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to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nueer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

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I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang ketha*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 102–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 106 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 it has fallen the dead man's kin hack it to pieces in a wild scramble.
793 The gall-bladder is extracted and placed on one side. This is later
628 squeezed into a gourd containing water and a little milk and is
783 drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nueera*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nueer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang hetha*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PRIESTS AND PROPHETS

The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life.

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses

1: Evans-Pritchard E-5 (1931, 1936) 1940
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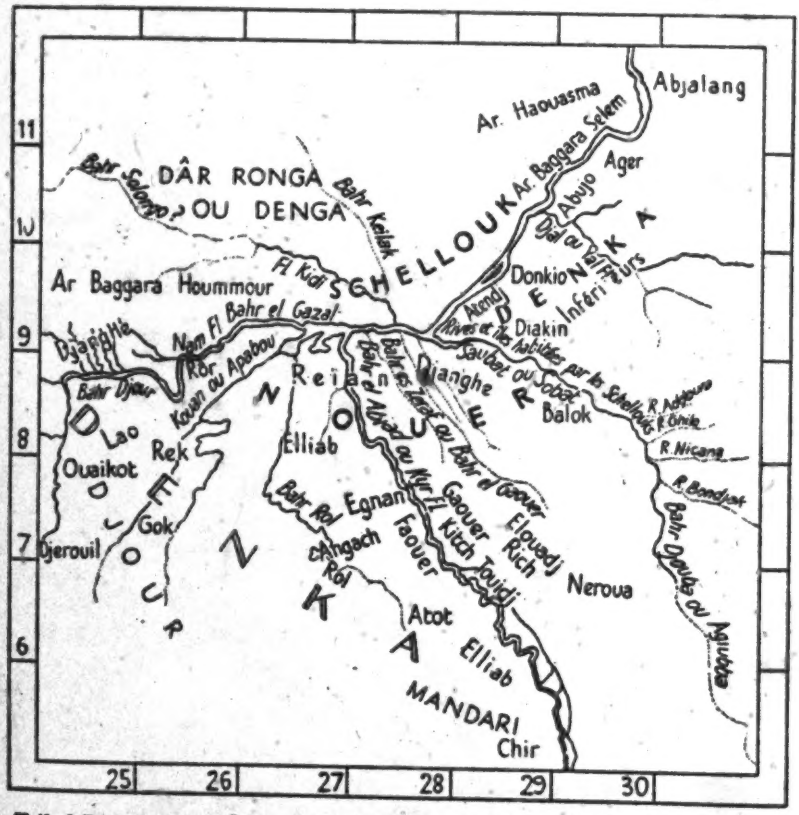
bodies were thrown on the flaming byres and huts. Captives were placed in the centre of the camp, the women being sometimes bound at night to render them more secure. Sexual intercourse is taboo on a raid. Nor may Nuer eat with a captive. A boy captive may not even draw water for them to drink. Only when



Tribal Distribution about 1860 (after V. A. Malte-Brun, *Nouvelles annales des voyages*, 1863).

an ox has been sacrificed in honour of the ghosts, after the return home, and they have been informed that strangers have entered their homesteads, may Nuer have sexual relations with captives or eat with them.

In the following section we describe other foreign contacts, but till European conquest the only foreign relations which may be said to have been expressed in constant warfare were those with the various Dinka tribes which border Nuerland.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 624 unlikely that they will all be paid at once and the debt may continue for years. The ceremonies of atonement are performed when some twenty have been handed over, and then the slayer's kin may go about without fear of being waylaid, for the time being at any rate, for they are not safe from vengeance till all the cattle have been paid, and possibly not even then. The chief takes the cattle to the dead man's home. The slayer's people would not venture to accompany him. They are partly distributed among the kinsmen of the dead man and partly used to marry a wife to his name to give him heirs. Even if a man on either side has been killed cattle must be paid by both parties, though perhaps only twenty head by each, for the ghosts must be appeased and the honour of the living must be upheld. Also, [783] sacrifices must be performed to rid the villages of death, which is loose in them and must be sent into the bush, and kinsmen on both sides must be purified from their uncleanness. For his part in the proceedings the chief receives, apart from meat of sacrifices, two beasts, but he has to give one of these to an agnatic kinsman who assists him. Often he gains nothing, as he is expected to give the slayer a cow to help him pay compensation and, moreover, he has had the expense of providing him with lengthy hospitality.

628 578 [784] A homicide does not concern only the man who has committed it, but his close agnatic kinsmen also. There is mutual hostility between the kinsmen on both sides and they may not, on penalty of death, that will inevitably fall on those who break the injunction, eat or drink with one another or from the same dishes and vessels the other has eaten or drunk from, even if in the home of a man who is not kin to either party. This prohibition ceases after the cattle have been paid and sacrifices made, but close kinsmen on either side will not eat with one another for years, even for a generation or two, for reasons of sentiment. 'A bone (the dead man) lies between them.' Indeed, all Nuer recognize that in spite of payments and sacrifices a feud goes on for ever, for the dead man's kin never cease 'to have war in their hearts'. For years after cattle have been paid close agnates of the slayer avoid close agnates of the dead man, especially at dances, for in the excitement they engender the mere knocking against a man whose kinsman has been slain may cause a

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 701 though many middle-aged men accompany the expeditions and always have their share in inter-tribal fighting and local disputes.

The age-set system of a tribe is in no way its military organization. Men fight by villages and by tribal sections and not by sets. The war companies are local units and not age-set units, and within a company men of different sets fight side by side, though, especially in raids, most of the warriors would be members of the two most junior sets. Kinship and local ties determine a man's place in the ranks. Hence the age-sets are not regiments, though wars and raids are often spoken of as the actions of a certain set because they took place during the initiation period of this set and its members took the most prominent part in them, since skill in arms, love of adventure, and desire for booty are the privileges of youth.

561 885 It is in more general social relations, chiefly of a domestic and kinship order, and not in political relations that behaviour is specifically determined by the positions of persons in age-set structure. When a boy passes into the grade of manhood his domestic duties and privileges are radically altered. His change [584] of status is epitomized in the taboo on milking which comes into force on the day of his initiation and continues for the rest of his life, but it is expressed also in other domestic tasks, in habits of eating, and so forth. At initiation a youth receives from his father or uncle a spear and becomes a warrior. He is also given an ox, from which he takes an ox-name, and becomes a herdsman. From now on, till he is a husband and father, his chief interests are dancing and love-making. Then he becomes 'a true man': 'he has fought in war and not run away; he has duelled with his age-mates; he has cultivated his gardens; he has married a wife'.

There is a sudden and great change in status from boyhood to manhood, but the modes of behaviour which differentiate these two grades do not distinguish one set from another, for the privileges of manhood are enjoyed by members of all the sets equally. Nevertheless, the sets are stratified by seniority and there are well-defined relationships between them. Before summarizing these patterns of inter-set behaviour we touch on some general characteristics of the whole system.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 182 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [582] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

2:Evans-Pritchard E-5 (1931, 1936) 1951
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at any time to give you a goat or a spear, or even a cow if he can afford it, when you are in need of these things, though you ought some day to make return to him. The relationship between sister's son and mother's brother is one of tenderness. Nuer have often told me how indulgent a mother's brother is with the little children of his sisters. They say, for example, that if a boy living at his maternal uncle's home feels out of sorts and does not want to spread out the cattle-dung to dry in the sun or to perform some other domestic task of boyhood, and the sons of the home think he is shirking work and abuse him, their father will admonish them to leave his sister's child in peace. If this happened at the home of a paternal uncle he would support his own sons and upbraid his nephew for laziness and even beat him. If a man's father is dead and his father's brothers have few cattle or are unfriendly towards him, he may go to live with his maternal uncle, and the uncle's wife will cook for him. He may even marry from the uncle's herd. Also, a youth during his father's lifetime often visits his mother's kinsmen and stays with them for weeks together. A Nuer lad has always a second home if his maternal uncle is a full brother to his mother. A mother's half-brother is regarded as a more distant person.

A man particularly looks for assistance from his mother's brothers when he wants to marry. If a mother's full brother likes his sister's eldest son he may give him two or three cows to help him get a wife, and he may make further contributions on the marriages of the younger sons. However, as in the case of the paternal half-uncle, a maternal half-uncle considers that he has done his duty if he assists one son of his sister's family to marry. He expects his next nephew to marry to approach his brothers for help. Even a maternal full uncle is not obliged to contribute to his nephew's bridewealth. If he refuses aid he cannot be deprived of cattle on the marriages of the young man's sisters. Any assistance he may give is regarded as an act of friendship and not as a return for the cattle he receives. The only cattle the mother's people are obliged to pay to her sons are a male and a female calf, which in eastern Nuerland are known as the *ghok jookni*, the cattle of the ghosts. This claim becomes due when the mother has reached the menopause.

The mother's brother-sister's son relationship is marked by a number of special observances. A youth at his initiation may ask

2:Evans-Pritchard E-5 (1931,1936) 1951
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604 his maternal uncle—generally it would be the mother's uterine
•784 brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he
[164] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to
[153] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and
[231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him
[513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 The maternal uncle is the kinsman who most often blesses a lad
788 in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a
604 maternal uncle is desired, his curse is believed to be among the
789 worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

8:Howell E, G-5 (1942-1944)1954
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the Leopard-Skin Chief. The killer himself is no longer concerned individually and has nothing further to do until the negotiations for settlement are finally concluded except to collect the cattle of compensation of which he will pay a substantial proportion. 628 624

After compensation has been paid, a ceremony called *piec mac* is performed by the Leopard-Skin Chief and his assistants at the cattle-byre of the killer. During the period of his seclusion his home has been closed and neglected and weeds allowed to grow. An idiomatic expression in Nuer is *luak-de cerike luak gwan thunge*, which means 'his cattle-byre is unclean like a killer's cattle-byre' and is used in a derogatory manner towards anyone considered dirty or untidy. The [783] byre must therefore be ceremonially purified and swept and fire re-kindled (*piec mac*).[1] The Leopard-Skin Chief and his assistants clean the frontage and open the byre and his wife builds the fire-screen (*buor*), the symbol of the Nuer homestead, and kindles fire with fire-sticks. A sacrifice is then made.

The Leopard-Skin Chief concerned with Hostile Groups; ji ran and *ji thunge*

As soon as a man is killed a state of feud (*ter*) begins between the [784] *ji ran* and *ji thunge*. They must scrupulously observe certain taboos and avoid spiritual contamination, which manifests itself in physical disease known as *nueer*.[2] They may neither eat nor drink together and they may not intermarry (and this rule may continue for many generations after settlement).[3] The Leopard-Skin Chief is able, by the performance of certain rites, to neutralize the effect of spiritual contamination, and he may be called upon to do so when an involuntary breach of taboo has occurred, or in rare cases he may be asked to remove the taboo altogether after compensation has been paid and the case finally settled. This ceremony is known as *math*, and is rarely performed unless the two groups are very closely related.

Ceremonies, Rites, and Acts of Mediation Performed by the Leopard-Skin Chief in the Settlement of a Feud

The Leopard-Skin Chief is first approached by the *ji thunge*, who ask him to call upon the *ji ran* to find out whether they are willing to accept compensation. He then approaches the *ji ran* on behalf of the *ji thunge* and appeals to them to settle the matter peacefully. They are expected by convention to show considerable opposition even though really anxious

[1] *Piec mac* is a normal expression used to denote the kindling of fire with fire-sticks, but in almost all Nilotic languages it has also a ritual meaning associated with the idea of purification.

[2] *Nueer* usually takes the form of painful but not necessarily fatal diarrhoea. The word *nueer* is not confined to cases of illness caused by a breach of taboo associated with a state of feud; other breaches of traditional observance may lead to *nueer*.

[3] 'There is blood between them'—*teke riem hamdien*—refers to the taint of a past feud between kinship groups which may be a bar to intermarriage. See example, p. 147.

8:Howell E, G-5 (1942-1944)1954
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Kap tang

695 In this ceremony, although the name *kap tang* refers to the spear of the Leopard-Skin Chief, the most important ritual association is clearly with the earth, and the ceremony amounts to a symbolic and sympathetic enactment of the process of burying the dead. A small hole is dug in the ground by the Leopard-Skin Chief, and this represents the grave; over it are placed sprigs of *Calotropis procera* and *Balanites aegyptiaca*, for these are usually placed over the newly buried dead as a protection against the diggings of hyenas. Over this hole the Leopard-Skin Chief puts his spear, while the disputants squat on either side and place their right hands on the spear-shaft and each swears his innocence or belief in the other's guilt as the case may be. It is believed that the one who is telling a lie will be seized with sickness possibly followed by death unless an antidote is applied. If either party falls ill he will hurry to the Leopard-Skin Chief, who reverses the process and thereby removes the contamination. Sometimes the ritual is less elaborate; the disputants simply pass under the outspread leopard-skin held by the owner.

Math

695 784 This is usually, but not always, applied in cases of homicide where the killer has not confessed or is quite unknown. It is performed by the Leopard-Skin Chief, who fills a gourd with milk from one of the cows belonging to the dead man. Those who protest their innocence are then expected to drink of the milk. This act openly defies the taboo on drinking or eating which automatically comes into operation between the hostile parties in a blood-feud. Indeed there could be no graver danger than drinking the milk of the dead man's cow if there is blood between them. Since contamination is extended to all kinsmen of the unknown killer, it is unlikely that anyone would agree to take the oath unless he was absolutely certain of the innocence of all his kin.

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individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[1]

In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[2] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[3]

The chief officer in respect to initiation into age-sets is the *wud ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly prohibited from milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

[1] A. R. Radcliffe-Brown. *Man*, 13, 1929.

[2] C. G. and B. Z. Seligman. "The Pagan Tribes of the Southern Sudan," pp. 72-3.

[3] *Id.* pp. 170-2 and 263-4. Cf. the lengthy account of age-sets among the Nilotic Lango of Uganda by J. H. Driberg.

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are brewed and a bullock or sheep is killed. It seems that they do not always kill an animal but they must do so when it is an eldest son who is being initiated or a boy whose eldest brother has died. Members of the father's age-set eat the meat at night and they alone. During the night they sing songs amid the cattle. On the following day, in the afternoon, they drink beer and leap about behind the bullocks and there is a lot of horseplay. The womenfolk seize the penises of members of their husbands' age-set, the father of an initiated boy especially being subject to this treatment. They tie cord to the penises of the men and pull them while the men retaliate by tugging at the skin aprons of the wives of their age-mates. A man of the age-set of the father of an initiate will lift up the apron of his wife (the boy's mother) and will utter a ceremonial cry into her vagina. This man is generally the woman's *cocanda*, that is to say a paternal cousin of her husband. Only members of the father's age-set and their wives will partake in this horseplay in the homestead of the father of the initiate. Thus if the boy is the son of a *maker* all members of the *maker* age-set will take part in the festivities, together with their wives, while members of the other age-sets, *e.g.*, the *Dangunga*, will have their own fun in a neighbouring homestead with their wives. Younger people will not go near these festivities of their elders because they might see the genitals of their mothers and aunts. All those who have married daughters of the men who are sporting themselves will also give the festivities a wide berth lest they should see the nakedness of their mothers-in-law. This dance is called *bul ruathni* or *bul ruath dholi*. They say that they make this horseplay because they are glad that their child has become a man.

After the cutting, which is called *gar*, the boys are shut up in a hut. This is not built for the purpose but is temporarily vacated by the women of the family in whose homestead the operation has taken place.

Between the cutting and the ceremonial exit from the period of convalescence the boys are known as *cōt*. The boys suffer excruciating pain during the first two days or so after the operation and nothing can be done to relieve their agony. These first few days are recognised as being a time of great danger for the boys since the wounds may break open again and great loss of blood ensue. Youths and girls are prohibited from visiting the boys during this period since they are likely to be sexually unclean. Especially are pregnant women kept away from the vicinity

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and only those women who are nursing babies or who have reached the menopause are allowed near their hut. One or two men, often a youth who was initiated the year before, and who abstain from sexual relations for the time, will keep guard over the boys to prevent their heads from falling sideways, so that the grass circle which they use as a pillow sticks to their temples and in the effort to get it loose the wounds are re-opened. They must sleep on their backs with the backs of their heads on the grass pillows. An old woman may also sleep in the hut and assist in looking after the boys. Should the wounds break open and bleeding be renewed the place is cauterised with a *rip* which has been heated in the fire.

[757]

Until they are taken to the river and cleansed at the end of their seclusion the boys must strictly avoid any contact with the cattle. This is a ritual prohibition, a *biil*, which involves a curse if it is infringed. Not only are they prohibited from going among the cattle but they must even avoid treading on cattle dung. It is said that if a cow approaches them the boys must immediately run away into the shelter of their hut. It is believed that a breach of this prohibition would prevent the formation of regular scars (*piar*) on the forehead so that all the marks of initiation, the pride of manhood, would be obliterated with the exception of the *woc dohl*, the cut just above the eyebrows. In this connection Miss Huffman records of an initiate that, " When one asks him if his wounds are healed he will always say ' not yet,' but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed although the boy will not say so for fear someone with the evil eye should hear of it."[1]

881 262

During their convalescence the boys are given food in liberal quantities and are probably better fed than at any other time in their lives. Considering that the Nuer is always hungry and frequently starving this abundance of food makes an impression that it is hard for us to appreciate fully. When speaking of their experiences at this period one finds that the festal nature of their convalescence is frequently stressed. They say that if any youth who has not been freshly initiated looks longingly at their food the initiates will belabour him while if it were an older man they would not strike him but neither would they invite him to partake of the meal. The boys share and share alike, as befits comrades, in any food

[1] *Op cit*, p. 32.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

warfare because they would certainly be killed if they did and the same 561
applies to old men. Nevertheless a good number of the older men who are
more active than fellow-members of their age-set will accompany ex- 701
peditions. Moreover, war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side, there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regiments, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in them rather than in its ritual that we must look for its significance.

In its economic relations Nuer social life comprises three groups of 462
persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, [784]
as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they
have been initiated into manhood. Consequently initiation means that 881
a boy ceases to milk ; he severs his association with women's work ; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life.

If cessation from milking is the most outstanding change in a boy's 858
occupations after initiation it is by no means the only one, for his whole 561

14: Huffman M-5 (no date) 1931
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Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] [784] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 576 264 Nuer use it for the attitude and behaviour expected of a man towards his wife's parents and to a lesser extent her other kinsmen also. He expresses his respect particularly by abstaining from eating in their homes and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the home of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating [551] with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nueer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

196 583 784 There are also avoidances concerning bridewealth cattle which derive from these relationships of respect relating to marriage. A bride respects the *ghok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciek ma kau*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

in the home of his parents-in-law they avoid offering him milk from the cattle he has paid them. Further, if there is a divorce and the bridewealth cattle are returned to the husband's people they sacrifice a goat before they drink of their milk. 196 583 784

Nuer 'respect with regard to food' unrelated people (*nei ti gwagh*) of the opposite sex, especially if they are unmarried and possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself. 196 264

Another situation in reference to which one hears the word *thek* is homicide. I discuss it in greater detail in Chapter XII. A man who slays another respects water—he may not drink—until a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both. 196 784 628

Another use of the word *thek*, which, as always, contains the idea of avoidance, is in reference to burial and to mortuary sacrifices. Those who bury a corpse respect water—they may not drink—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the mother to be barren and injure the father, himself, and the cattle. A man is also said to respect his as yet unconceived children by abstaining from congress with his wife when she is menstruating[1] 196 784 [764] 196 784 834 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

16: Evans-Pritchard E-5 (1931, 1936) 1956
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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*luth*) the days of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39–40) but it would not be classed as *nueer*.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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evident. They are intended to keep people apart from other people or from creatures or things, either altogether or in certain circumstances or with regard to certain matters, and this is what they achieve. Some of them have important secondary functions in the regulation of the social order—for example, those which determine behaviour between affines and between parties to feuds; but we need not now inquire why they concern certain persons, things, and situations and not others, nor what these persons, things, and situations have in common. We are concerned only with the fact that a violation of the prohibition is to a greater or lesser degree a fault which in many cases brings disaster to the transgressor. 196 784

Failure to show respect when there is a *thek* relationship is more than a breach of decorum. It entails to a greater or lesser extent religious sanctions. It is true that in some cases, as, for example, to be seen naked by a mother-in-law, the breach is chiefly regarded as one of good manners which, since the offence was at the worst one of negligence, can be made up for by presenting the offended person with some small gift. But even here a religious sanction is not entirely lacking, because it is believed that failure to respect the parents-in-law may injure the children, and this would ultimately be attributed to God. Nuer say that were a man's nakedness to be seen often by his wife's parents his children might go blind. However, it is not the sight of the genitals in itself which is thought to cause injury so much as the disrespect in not observing the convention. That this is so may be seen from the fact that though Nuer near the American mission at Nasser, Dr. Mary Smith tells me, now often wear shorts, they continue to wear as well and over them when they visit their parents-in-law the wild cat's fur traditionally worn on such occasions. We may surmise that the convention is felt by Nuer to have also a moral significance from the violent indignation I have witnessed in female relatives of wives at exposure by husbands in their presence although they were not their mothers-in-law and the exposures were entirely accidental. The violence of their complaints would have been out of proportion to the offence were it merely a matter of etiquette. To see inadvertently an unrelated person of the opposite sex eat, or accidentally to be seen eating by the same, is perhaps the lack of respect nearest to a simple, though serious, breach of manners, but Nuer nevertheless give the impression of believing that some misfortune may follow from it. 196 784 576

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196 Nuer speak of these conventions with regard to nakedness and
784 eating as *theak ma tot*, minor respect. That they do not think of
• them as faults of the same order as breaches of the other rules of respect—*theak ma dit*, major respect—is also shown by the fact that though all the rules are alike referred to as *thek* they do not speak of a breach of either the nakedness or the food convention as *nueer*,[1] the word, the verbal form of which is *nuer*, which they use when speaking of breaches of some of the other rules and the consequences of them. We have earlier met the word in reference to eating human flesh (p. 19) and to drinking from a pool contaminated by a corpse (p. 130). A breach of the more serious rules of *thek* is likely to cause death to the breakers or their children or cattle, especially if the breach was wilful. I was told that *nueer* is
[753] a sickness of the whole body which generally begins with violent vomiting, but probably any serious sickness following the breach of a *thek* taboo would be described as *nueer*. Sometimes the offender's life can be saved by timely action, and his recovery is thought to be likely if his offence was unintentional. Sacrifice is made to God and in certain circumstances an infusion of cleansing medicines may also be drunk.

196 The attitude Nuer call *thek* is thus different from mere avoid-
784 ance of doing things considered to be unbecoming. Failure to
577 conform to *thek* prohibitions involves the culprit in something
262 more than *puc*, shame, and its counterpart *cany*, a word which has the general sense of 'to despise'. Any conspicuous breach of morality or decorum is shameful in Nuer eyes, as when a man steals or is rude to his father. It is shameful—to give another example—for a man, especially if he is unmarried and is courting girls, to eat birds or eggs. Only a *bar*, a poor man without cattle, would eat them. I was frequently taunted by Nuer on this score: 'are you not a man that you eat such little things?' Nuer also regard the eating of most wild fruits as contemptible and they think it both disgusting and shameful to eat carnivora, monkeys, zebras, most reptiles, and all insects. The breach of a *thek* rule may be shameful and despicable, but when it is spoken of as *nueer*
196 it is also sinful.
784 There are, as will be seen, prohibitions with religious sanctions
783

[1] It should perhaps be made clear that the word *nueer* has nothing to do with 'Nuer', the name of the people. 'Nuer' is not the name by which the people refer to themselves but is what foreigners call them.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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which do not form part of respect relationships and are, therefore, not called *thek*, but *thek* is the most important Nuer category of interdiction. An infringement of the other prohibitions is not usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one most frequently spoken of is *rual*, incest, which Nuer say is '*cere ke nueer*', 'like *nueer*', and they may use the verbal form *nuer* when speaking of its consequences, for example, '*ce nyiman nuer*', 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an eldest son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

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young men attend dances, which therefore do not take place at this time. Also, they may have no contact of any kind with the herds other than with the oxen with which they are segregated. It is to be noted further that the borrowing from kin and neighbours of oxen for slaughter by youths whose families are unable to provide them with suitable animals is no ordinary loan but is of a peculiar and ritual character. The owner of a beast who is asked for it by a youth may not refuse the request, and not only for social reasons but also, says Dr. Howell, because 'he would run the risk of spiritual contamination resulting in sickness or even death among the members of his family'.[1] Nor may he demand repayment for some years. These facts considered in the light of the great reluctance, to say the least of it, of Nuer to kill an ox other than for sacrifice suggest strongly that a slaughter on this scale has some religious significance. I asked Dr. Lienhardt and Dr. Smith to inquire about this matter. The former informs me that an old man makes an invocation over one of the oxen, which stands for all of them, and the latter that the older men who have contributed the beasts make invocations over them, though they do not consecrate them with ashes. It would seem, therefore, that if their slaughter is not a proper sacrifice it has to some extent a sacrificial character. It is significant also that not only is the killing obligatory but also that each youth ought to provide an ox for slaughter, an ox for a man, for we seem to have here again the equivalence of a man with an ox, which is the basis of piacular sacrifice: and it can easily be seen that the death of an ox at the termination of the rites of initiation would be a sacramental act appropriate to the whole setting of initiation.

Except on those rare occasions when dire necessity or custom compels them to do so, Nuer do not kill cattle except in sacrifice; and it is regarded as a fault to kill them *'bang lora'*, 'just for nothing', the Nuer way of saying that they ought not to be killed for meat. This is clearly shown, apart from the facts I have already instanced, by the statement that an ox slain simply from desire for meat may *cien*, take ghostly vengeance on, its slayer, for it has *cuong*, right, in the matter. Maybe Nuer do not take this very seriously, but that they say it at all is an indication of how they regard the matter, for, as we have seen, they fear ghostly vengeance and hold that it operates only because God is permissive,

[1] Ibid., p. 176.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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231 seeing that an injustice has been done. The man had no right to
782 take the life of the ox and by doing so he committed a fault. In
sacrificial invocations Nuer explain to God why the life of the ox
● 784 is being taken, and they may also address the ox and tell it why it
is being killed—not that they think it understands. They are justi-
fying themselves in taking its life.

Consequently I was not surprised to learn from Dr. Mary
231 Smith, whom I asked to inquire into the question, that when cattle
731 are killed in time of famine Nuer, though they do not consecrate
782 the beasts, may make an invocation over them asking God that
'the meat may be soft in their stomachs and not bring them sick-
ness'. This does not constitute sacrifice, there being no sacrificial
intention, but it shows that there is a feeling of guilt about killing
animals for food even when hunger compels it, and we can say that
all cattle, and also sheep and goats, are reserved, or set apart, for
sacrifice and their lives should not be taken, except in the special
circumstances I have mentioned, for any other purpose. In that
sense we may speak of cattle as being 'sacred'. If we do so, how-
ever, we must note that they are not sacrificed because they are
regarded as sacred intrinsically, or for reasons extraneous to the
sacrificial situation, but, on the contrary, they are regarded as
sacred only because they are reserved for sacrifice and in the sense
defined by that purpose. I have discussed beasts of the herd only
and not those of the flock because, as we have noted earlier, in
sacrifices they are 'cattle', surrogates for oxen. It is pre-eminently
their role to play the victim's part in sacrifice and they are con-
sequently also reserved for sacrifice, but the sacrificial equivalence
is always between *ran* and *yang*, man and 'cow', never between
man and sheep or goat, for even when it is a sheep or goat which
is being killed the ideal equivalence is preserved in speech.

231 In order that the sacrificial killing of beasts of the flocks and
[262] herds may be seen in a wider setting both of the taking of lives
of creatures and of the eating of flesh, it should be realized that,
224 except for fish, Nuer seldom kill wild creatures but rely almost
entirely on the flesh of their domesticated animals for meat. For
religious reasons they are averse to killing birds, except occasion-
ally the ostrich, to which the same symbolism does not attach, for
its feathers; and also reptiles, except the turtle and the crocodile
(perhaps occasionally the monitor lizard). But even where there
is no objection to killing animals, as in the case of mammals, Nuer

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'witchdoctors' and as 'reactionary upstarts' and 'anti-tribal', speak of them, indeed, as having undermined the traditional privileges of the priests. But this is not a Nuer way of looking at the matter. They do not think of their leopard-skin priests as being privileged persons. Also, I have never heard a Nuer contrast priest with prophet or suggest that there could be rivalry between them as such. Moreover, some of the best-known prophets were, like Jeremiah and Ezekiel of the Old Testament, both priests and prophets. 792

Owing to the action taken against them by the Government I had no opportunity to get to know any Nuer prophets well enough to reach an understanding of the *forma mentis* of a prophet.[1] According to Nuer tales about them their behaviour was most abnormal. The first prophet, or at any rate the first to achieve fame, was Ngundeng son of Bung, of the Lou tribe, a prophet of the spirit *deng*, who died in 1906. He acquired his powers by prolonged fasts. It is said that he lived for weeks by himself in the bush, eating animal and human excrement, that he used to sit on a cattle-peg in his kraal and let it penetrate his anus, that he used to wander about the bush for days mumbling to himself or sit in his cattle byre doing the same, and that when in such a mood he would refuse all food except ashes, which he had cooked for him. Mr. Coriat says that he was in the habit of falling into trances on the top of the roof of his cattle byre.[2] After he had established himself as a prophet he seems to have given up his solitary wanderings, though he still used to shut himself up in his hut from time to time to undergo long fasts. Nuer say that when the spirit *deng* seized him he could climb into the air without support and could also run up and down from the ground to the top of his byre. His son Gwek, described by Mr. Coriat as of squat body, misshapen arms and legs, and a short toad-like head, also had a reputation for daemonic exhibitions. Mr. Coriat records that he would spend, and spent during Mr. Coriat's visit to his home, all day shouting from the top of what has been described as a pyramid, a remarkable feat both of agility, for the pyramid was most difficult of ascent, and of endurance.[3] Perhaps we would be right in seeing in the habit of mounting to tops of byre and pyramid a symbolic 792 792 785 792

[1] When I began my studies Gwek, the leading prophet, had already been shot; Dwal, the next most prominent, was in prison; so also was the well-known prophet Car (I declined the administration's offer that I might visit them in prison); and the influential prophet Buom was banished in the course of them.

[2] Op. cit., p. 224.

[3] Ibid., pp. 226–9.

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792 expression of the prophet's relation to Spirit, the spirit in him lifting him up, as it were, to its own realm.

792 The construction of this so-called pyramid (*bie*), a conspicuous
778 landmark in Lou tribal territory, was begun by Ngundeng and completed by Gwek. It was a huge mound of earth and debris some fifty to sixty feet high with a base diameter of about a hundred feet. It was surmounted by elephant tusks and a spear decorated with an ostrich egg and feathers and encircled at the base with dozens of elephant tusks, numbers of which were also buried in the mound.[1] The purpose of the mound seems to have been to honour *deng* and increase the prestige of his prophet, though it may have expressed also the feeling of the above quality of Spirit. It became a cult centre, people from the whole of eastern Nuerland, and even from the west of the Nile, bringing cattle there for sacrifice; and Ngundeng and Gwek kept in a kraal near by a herd of cattle with black and white markings (*rial*) dedicated to *bungdit*, the mother of *deng*, with whom these markings are
[177] associated. All this is more in accordance with Dinka than Nuer thought and custom, and there is some reason to suppose that the idea of the mound was, like the *deng* conception itself, borrowed from the Dinka. There is said to be a similar, though smaller, mound at Thoc, in eastern Gaajak country, built by a prophet called Deng, son of Dul. Ngundeng's mound was blown up with high explosive by the British administration during a punitive expedition in 1928 against his son's followers. However, much of it still remains, and Dr. Lienhardt tells me that it is said at the present time that sometimes at night a strange light is seen shining from it; and when a recent eclipse of the sun occurred people said that Ngundeng was returning. Another prophet, Deng Leaka, a
792 prophet of the spirit diu, a Dinka of the Gaawar tribe, also
785 acquired his spirit by fasting and solitude. He left his home and wandered in the bush where for many days he sat under a tree without eating. When found he was engaged in collecting hundreds of shells of the giant land snail and arranging them in rows. This abnormal side to the prophets is to be seen in their unkempt hair and their beards, both of which are objectionable to ordinary

[1] Captain H. H. Wilson in *The Anglo-Egyptian Sudan*, edited by Count Gleichen, 1905, vol. i, p. 140; information from Major C. H. Stigand, *Sudan Notes and Records*, 1918, p. 210; H. C. Jackson, op. cit., p. 158; P. Coriat, op. cit., p. 224.

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792 Nuer. The photograph of a prophet in Plate XV was taken by
785 Major-General Sir Charles Gwynn early in the present century. We see from it how different is the appearance as well as the representation of a prophet from that of a priest!

792 The ascetic and abnormal element in the prophetic personality would seem to have been mixed up with personal ambition, a striving after renown, power, and riches, a combination which made the prophets outstanding figures in Nuerland. Reports by administrative officials constantly denounced them for their greed and ambition and for being 'plausible and unscrupulous' and 'charlatans'. Though these reports do not show great sensitivity in distinguishing between the ideas of holiness and morality, there is an element of truth in what they say. We have noted that it was not just by chance that a man acquired an air-spirit. There is nothing an ordinary Nuer desires less than to be in contact with Spirit. He seeks by sacrifice to rid himself of it or to keep it at a distance, for it is dangerous to him. But a prophet sought inspiration, entry of Spirit into himself and its filling him; and in seeking it he could not but have been aware of the influence it would bring him. Gwek seems to have been what we should call avaricious, though I never heard Nuer say so, and the only prophet of distinction I met, Buom of Dok country, whose spirit was *teny*, was, I would say, a man of cunning whom Nuer themselves regarded as selfish and greedy to acquire large herds. The hostility I sensed among his neighbours may have been due in his case to the support given him by the Government, which had appointed him a 'chief', but I think it is true to say in general that though Nuer feared their leading prophets, their fear, shown in the great outward deference, and in the case of women one might say veneration, they paid them, was tinged with resentment and hostility. They were glad to have people with such powers among them, but it always goes against the grain with Nuer to have to put themselves in an inferior position towards anyone; and in the main we may agree with Capt. V. H. Fergusson when he wrote: 'None of my Nuer [the western Nuer] will tolerate injustice in his everyday life even from a witchdoctor [prophet].'[1] Their attitude to their prophets displayed the same ambivalence that they showed towards the spirits of the air themselves and indeed to Spirit in any form. They wanted it and at the same time did not want it.

[1] *Sudan Notes and Records* 1923, p. 107.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

that is brought to them. One mother will cook for them in the morning and another in the afternoon and they will take it in turns to provide their sons with food, but what each brings is shared by all and not eaten by her son alone. The mothers themselves bring the food to the hut in which the boys are confined unless they have *ther*, are ritually unclean. If one mother has much milk from the cows of her homestead she will bring it to the boys, while if another cannot procure milk she will make up for her poverty in this respect by supplying plenty of corn for their meals. During the period of their seclusion the boys are restricted to soft food that can be easily swallowed, such as milk and flour paste, but a soft corn mash and even soft and finely chopped meat (*mig ma kochoc*) is allowed them in Lou and Jekany countries. These eatables do not require mastication, a muscular exertion that might cause the veins to break again. Father Crazzolara writes of the West Bank Nuer that the boys are confined for two months and that for the first fortnight no food other than milk and milk mixed with flour is allowed to them.[1] I do not think that this is the case among the Lou and Jekany tribes where the boys eat porridge and soft meat at the commencement of their seclusion and where the period of confinement to their hut does not last for more than a week to a fortnight. During this time they may not wash their faces. After about a week they are allowed to sit up but must remain quietly in a single sitting position. After a few more days they are considered to be healed even though their wounds have not yet closed. Not all the boys heal at the same time: some are healed at the end of a fortnight while others only after a couple of months. When they are allowed to come out of their hut they sit by the door in the evenings and annoint their foreheads with oil and sleep with them oiled. They wake before dawn and wash their foreheads with warm water and then one of the men who is looking after them cleans out clotted blood from the cuts. They then sit and shiver in front of their hut while the cold north wind blows into the wounds and causes them to cicatrise.

Apparently it is between the time when they are well enough to leave the hut and the day on which they are ritually cleansed by bathing in a river that they are considered to enter into a period of mildly prescribed licence. They still avoid contact with the cattle and spend their time wandering about in bands in neighbouring gardens and bush. In Lek country at this time they wear a special cord, called *hareth*, around their

[1] *Op. cit.* p. 32. "Mit der Milch wird allmählich etwas Mehl vermischt und zu einem flüssigen Brei gekocht; dieser Brei und Milch sind für ein paar Wochen ihres einzige Kost. Etwas Fleischbrühe und allenfalls ganz fein gekochtes Fleisch kann später dazu kommen."

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necks but this is not the custom in Lou country. On both sides of the Nile, however, they carry a special stick, called *rir*. In Lou country the boys wear a special necklace of *heac* beads. During this period the boys are allowed to behave in a manner that would not be tolerated at ordinary times. If they meet uninitiated boys in the gardens they set upon them and flog them with their neck cords or sticks and tear their flesh with thorns. An uninitiated boy, Tot, showed me scars on his body which had resulted from this treatment. They also beat girls whom they meet but generally they give them the choice of being beaten or submitting to sexual intercourse (*meheni ngoth kie meheni dwac*). A party of boys will meet a single girl or several girls together and compel them to submit to intercourse. I was told also that if they meet a dog they may kill it. They are not answerable for any of these irregularities for they are now in a special state in which they are known as *cōtni* and it is the privilege of *cōtni* to act in these ways. Nevertheless they do not molest initiated men but only boys who do not bear the marks of manhood, and girls.

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One morning, early, an old woman goes into their hut (*dwil cōtni*) and beats the boys out of it with a bunch of green grass. Occasionally this takes place in the evening. They run out of the hut into the gardens where a crowd of people, consisting mainly of women, pelt them with cattle dung (*buk ha wār*). They run down to a neighbouring stream to wash themselves and on their return to the homestead may beat the cattle with wild rice (*poon*). They then go and rub themselves in their beloved ashes and sprawl in contentment around the dung fires. They spend the rest of the day leaping behind the bullocks given them by their fathers and maternal uncles.

I am not certain that I have recorded these events in their correct order and it is possible that the cleansing ceremony takes place earlier than I believe. There is also later a concluding ceremony at which a big dance takes place (*ba ruath pwot*) and there is general merriment and much duelling. The people who take part in these festivities are members of the age-sets of the fathers of the boys, and their wives, for the boys themselves tour the neighbourhood to ask for presents of giraffe hair and beads and other ornaments from their relatives. At the conclusion of this ceremony a boy's maternal uncle may demand from his father a cow (*yang gārā*, the cow of initiation) on the grounds that his sister's son has now reached manhood. Before the cutting takes place a maternal uncle rubs his sister's son with ashes (*buk*) and makes an address over him (*lam*) so that he will pass through the ordeal without difficulty.

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561 of the lad belonging to their family. Age-mates are those who naturally associate together in any society in the world. Father Crazzolara writes
857 "A kind of relationship springs up between the *Ric*-comrades, akin to close comradeship. According to the views of the people they belong to one another. When they live together or meet by chance, the meals prepared
561 for the one or the other are eaten in common. In travelling *Ric*-comrades are natural hosts."[1] A man may address a fellow member of his *ric*, his age-set, as *ricda*, *da* being a suffix meaning "my."

Apart from this general pattern of egalitarian behaviour between members of the same age-set, their like mode of behaviour towards members of other age-sets, their common title, and their exogamous relations, there are a number of customs that ritually express their equality. The chief of these is the strict prohibition on any member of a dead man's age-set of partaking of the flesh of a beast killed at his mortuary ceremony. Anyone who broke this rule would inevitably die of *nuer*, the punishment which falls on those who break serious taboos.

Another custom allows a man of your age-set to ask you if anyone has claimed your daughter's eldest cow, and if you reply that no one has claimed it he will take a bracelet from off his arm and place it on the little girl's leg. When she is married he will then be entitled to claim the *yang rica*, "the beast of the age-set." It is important to note this custom in its relation to the rule that a man must not marry the daughter of an age-mate since the acceptance of any part of bride-wealth is recognition of an exogamous relationship between the people concerned. Further customs that express the social equivalence of age-mates are the rule which says that when two members of the same age-set have adjoining gardens they shall not erect the usual boundary-line of raised earth between them, and the custom which says that if a youth gets a thorn under his finger nail and has to cut it out all members of his age-set who
[786] are present ought also to cut off the tip of a toe nail as well. As we have
561 seen at initiation feasts a man is permitted to joke and take liberties with
835 the wife of a man of his own age-set. She is not a possible future mother-in-law, since a man cannot marry a daughter of an age-mate, whereas the

[1] *Op. cit.* p. 38. "Zwischen den *Ric*genossen besteht eine Art Verwandtschaft, ähnlicher eine enge Kameradschaft. Beim Herumziehen, auf Reisen, gehen Leute desselben *ric* womöglich zusammen. Wo sie zusammen wohnen oder zufällig zusammen treffen, wird das vorgelegte Essen des einen oder anderen immer gemeinsam genommen. Auf Reisen sind *Ric*genossen die natürlichen Gastgeber."

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792 A very complex representation would seem to be involved here, in which ideas about persons and ideas about Spirit are mixed together with regard to a man who in one way of thinking about him is man and in another way of thinking about him is Spirit and who is also conceived of as both man and Spirit.

As explained in Chapter II, the chief function of such prophets
792 as gained any considerable following and became political figures
● 787 was their hermeneutic role in warfare. They spoke the directions of the spirits of the air for raids on the Dinka[1] and for resistance to the slavers and the administration and made sacrifices to them. Their other functions were subsidiary and were exercised by lesser
[755] prophets also: healing, particularly curing barrenness of women, staying of epidemics lethal to men or cattle, and exorcism of troublesome spirits. They were also credited with power to foretell events and with a more than usual insight (*gwic*). A prophet heals people by rubbing his spittle on them or by sprinkling them with water, milk, or butter, and his inspiration gives him foreknowledge, but he, like anyone else, relies on sacrifice in times of trouble; and he may be asked to sacrifice for any purpose except on those occasions reserved to the priesthood. People ask him to sacrifice on their behalf, not because they cannot make sacrifice themselves, but because sacrifice by him is felt to have special efficacy in that he has a special and intimate association with Spirit. Nevertheless, though prophets, like priests, may sacrifice on behalf of other people, the distinctive character of the prophet is not, as it is of the priest, his sacrificial role, but his revelational role deriving from spiritual inspiration. Hence, so I have been told, women, as well as men, may become minor prophets, though I believe only an old, and possibly barren, woman, of whom Nuer say '*coa wut*', 'she has become a man', would do so. A female prophet would not sacrifice.

792 I mentioned briefly, because I have treated the matter elsewhere,
668 the political significance of the Nuer priests, their office being a politico-religious institution of the traditional social order. The prophets can also be regarded from the same point of view, as a politico-religious institution which has recently emerged in answer to changes in the social order. It may be hard to believe that people with prophetic powers have not always existed among the Nuer, but there is no evidence that they have; and all Nuer with whom

[1] They acquired substantial herds from their share of the booty.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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597 groups by their other members and by outsiders. People say
613 '*caa dil e cieng*' or '*caa ran wec*', 'he has become a member of the community', and they say of the man who captured him that 'he has become his father', and of his sons that 'they have become his brothers'. He is already a member of the *gol*, the household and joint family. Adoption gives him a position in lineage structure, and thereby ceremonial status, for by adoption he becomes a member of his captor's *thok dwiel*, lineage.

597 I was told that the captor will seldom himself give the lad *buth*,
788 agnatic affiliation to his lineage, and that the rite is usually performed by a kinsman at the request of his sons and with the consent of their minimal lineage. A representative of the lineage invites the Dinka, now grown-up and initiated, to attend the sacrifice of an ox or sheep in his kraal. The head of the joint family provides the sacrificial beast and the representative of the lineage drives the tethering-peg into the earth at the entrance to the byre and walks up and down the kraal invoking the spear-name of the clan and calling on the spirits and ancestral ghosts of the lineage to take note that the Dinka is now a member of it and under their protection. He then spears the beast and the Dinka is smeared with the undigested contents of its stomach while the ghosts and spirits are asked to accept him. He is especially smeared on the soles of his feet, for this binds him to his new home. If he leaves it he will die. The beast is then cut up, and a son of the house, or the representative of the lineage, and his new brother divide the skin and the scrotum, which the Dinka cuts. The Dinka also takes the neck as his portion. On all future occasions when animals are sacrificed by members of the lineage the Dinka will receive his share of the meat, for he is now a member of the lineage. The cutting of the scrotum is the symbolic act which makes the man a member of the lineage, because only an agnatic relative may cut the scrotum of a sacrificial beast. 'A man who has cut the scrotum of your beast, if he has sexual relations with your daughter, he will die.'

613 A girl captive is not adopted into the lineage, but people say
597 '*caa lath cungni*', 'she is given a right to receive bride-wealth'. 'Her
[583] children are become people who partake in the bride-cattle'. This means that when she is married, or her daughters are married, the sons of the family in which she has been brought up will receive the cattle due to brothers and maternal uncles, and that in return, when the daughters of the sons and daughters of this family are married, she, or her sons, can claim the cow due to the paternal aunt and the cow due to the maternal aunt. She has become a daughter to her captor and a sister to his sons, but she is not a member of their lineage.

2:Evans-Pritchard E-5 (1931,1936) 1951
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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [164] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [153] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

604 ●788 The maternal uncle is the kinsman who most often blesses a lad in the Nuer way of blessing, by spitting on the head. Grandparents may sometimes do this, but other relatives rarely. If a man comes frequently to visit his sister and partakes of her hospitality and does not occasionally spit on her child's head, the child may get the disease I have mentioned above. It is also said that when a maternal uncle rises during the day from a nap in the ashes of the hearth and his sister's son rubs the ashes off his back he must then spit on the lad's head. But if the blessing of a 604 maternal uncle is desired, his curse is believed to be among the 789 worst, if not the worst, a Nuer can receive, for, unlike the father, a maternal uncle may curse a youth's cattle, as well as his crops

1: Evans-Pritchard E-5 (1931, 1936) 1940
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628 ability to prosecute a feud and thereby to obtain redress by a life or by payment of cattle depends to some extent on the strength of a man's lineage and on his kin relationships. But the intensity of a feud and the difficulty of settling it depend chiefly on the size of the group concerned in it. If a man kills another who is closely related to him—his paternal cousin, for example—cattle are still paid, though fewer, probably about twenty head. One of the sources of contribution, the father's brothers, or their sons, would be the recipients of compensation and therefore cannot pay it. None the less some cattle have to be paid as it is necessary to compensate the family of the dead man, to provide the ghost with a wife, and to perform the due sacrifices. I was told that in such cases the matter is quickly settled. Probably a blood-feud can be settled more easily if it is within a clan, for Nuer consider it wrong for clansmen to engage in a feud. After payment has been made they say: 'The feud has been cut behind, we have returned to kinship.' It is also said that if there has been much intermarriage between two groups a feud is unlikely to develop.

When a man kills a fellow villager or a man of a nearby village with which his village has close social relations a feud is soon settled, because the people on both sides have got to mix and because there are sure to be between them many ties of kinship and affinity. It is pointed out to the ghost that cattle have been paid and that it is impossible to avenge him by taking life because no one would be left alive if the feud were continued between kinsmen and neighbours. Corporate life is incompatible with a state of feud. When a man spears another of a nearby village it is customary for the people of the wounder's village to send the spear which caused the injury to the wounded man's people so that they can treat it magically to prevent the wound proving fatal. They also send a sheep for sacrifice. By so doing they intimate their hope that the wound will soon heal and that, in any case, they do not want to incur a feud on account of a personal quarrel. After this courtesy, even if the man dies his kinsmen are likely to accept compensation without great reluctance. If a man dies many years after having received a wound the death is attributed to this wound, but compensation is likely to be accepted without demur, and on a reduced scale.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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When a Nuer speaks of a person having stolen (*kwal*) an animal, he means that he has taken it without permission and by stealth and by no means implies that he ought not to have taken it. Within a tribe an abductor of cattle always considers that he is taking what is owing to him. It is a debt (*ngwal*) which he is settling in this way, because the man who owes him cattle has not repaid them of his own accord. The legal issue, therefore, is whether he is right in assuming a debt and whether he should have taken the particular animals he took. So well is this practice of helping yourself to what is owing to you an established habit, that it may be said to be a customary way of settling debts. Thus the final cattle of a homicide-payment are often seized in the pastures, and it often happens that when a bridegroom and his kin do not hand over all the cattle they have promised, the wife's brothers try to seize the animals still owing to them. In other circumstances a man will steal a cow which he is owed, sometimes employing the services of a magician to charm the owner so that he may not guard his herd on the day the theft is planned; for example a man who lent another an ox for sacrifice in sickness, at his daughter's wedding, in time of famine, and so on, and has not received a heifer in return, although the debtor possesses one. Having seized a cow from the debtor's herd he is quite willing to return it if he receives instead the heifer owing to him. The debtor will then either try to steal his cow back again or he will open a discussion which will result in his paying a heifer and receiving back his cow.

The only quarrels within a village or camp about ownership of cattle that I have witnessed have concerned obligations of kinship or affinity and have eventually been settled by one party giving way on account of his relationship to the other. If a man seizes cattle from a kinsman or neighbour he walks into his kraal and takes them. If the owner has a strong case he may resist: otherwise he lets the cattle go, for he knows that the man will be supported by public opinion in the community. If a man seizes cattle from a man of a different village he adopts different tactics. With one or two friends he watches the cattle in their grazing-ground till a suitable opportunity occurs. I have never heard of a Nuer stealing a cow from a fellow tribesman merely because he wanted one. He has, on the other hand, no hesitation in stealing cows from persons belonging to neighbouring tribes and will even go with friends to another tribe in order to steal from them. This theft (*kwal*) is not considered in any way wrong.

If a man commits adultery he pays an indemnity of five cows and an ox, unless the man is impotent, when the adulterer can

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damage he has caused. He seeks to justify it, so that a settlement is an adjustment between rival claims. I have been told by an officer with wide experience of Africans that Nuer defendants are remarkable in that they very seldom lie in cases brought before Government tribunals. They have no need to, since they are only anxious to justify the damage they have caused by showing that it is retaliation for damage the plaintiff has inflicted earlier.

IX

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Feuds are settled through the leopard-skin chief and he plays a minor role in the settlement of disputes other than homicide. It might be supposed that this functionary has a position of great authority, but this is not so. Indeed, on the same grounds as we have said that the Nuer have no law we might say that they also have no government. We devote a few lines to stating what are the ritual qualifications of the leopard-skin chief and then assess the part he plays in feuds and quarrels.

The few references in the writings of early travellers about Nuer leaders do not suggest that they were persons of very great authority.[1] The absence of any persons with sufficient authority or, except for a few prophets, with sufficient influence through whom an administrative system might be built up is stated in very direct terms by the earliest British officers to enter Nuerland.[2] The 'sheikhs' described in these early reports as lacking authority are probably the persons who were later known among Europeans as leopard-skin chiefs. A leopard-skin chief, *kuaar muon*, has a sacred association with the earth (*mun*) which gives him certain ritual powers in relation to it, including the power to bless or curse. However, lest it be supposed that the power to utter curses enables a chief to wield great authority I at once record that I have never observed a chief exercise this power. There are stories which recount the dire effects of a curse, but I think that as a rule a chief only ventures to threaten to utter one when he is officiating in a ritual capacity in the settlement of feuds, on which occasions he is expected to do so, the

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[1] Werne, op. cit., p. 207; Poncet, op. cit., p. 40; Brun-Rollet, op. cit., p. 222. Brun-Rollet's account is unacceptable.

[2] *Kaimakam G. Hawkes, S.I.R.*, no. 98, 1902; *Bimbashi H. Gordon, S.I.R.*, no. 107, 1903.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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threat forming part of the proceedings. Certainly to-day chiefs have no authority in virtue of their power of cursing. He is also known as *kuaar twac* because he alone wears a leopard-skin (*twac*) across his shoulders. A chief may be seen wearing one in Mr. Corfield's photograph on Plate XXIV. The word *kuaar* has ritual associations in all the Nilotic languages, but, without discussing further what word might best define its scope of reference in Nuer, we intend to refer to the person in this account, as we have done heretofore, as a chief, with the caution that we do not thereby imply that he has any secular authority, for we hold that his public acts are mainly ritual. 624 789

Nevertheless, his function is political, for relations between political groups are regulated through him, though he is not a political authority controlling them. His activities are chiefly concerned with settlement of blood-feuds, for a feud cannot be settled without his intervention, and his political significance lies in this fact. Chiefs sometimes prevent fights between communities by running between the two lines of combatants and hoeing up the earth here and there. The older men then try to restrain the youths and obtain a settlement of the dispute by discussion. However, we think that a fight can only be prevented in this way when the disputants are close neighbours and anxious not to kill one another. 624 628

Besides the part they play in feuds, chiefs perform ritual to cleanse parties to incestuous congress, and they possess slight rain-making powers, though Nuer do not attach much importance to the art. On the whole we may say that Nuer chiefs are sacred persons, but that their sacredness gives them no general authority outside specific social situations. I have never seen Nuer treat a chief with more respect than they treat other people or speak of them as persons of much importance. They regard them as agents through whom disputes of a certain kind can be settled and defilement of a certain kind can be effaced, and I have often heard remarks such as this: 'We took hold of them and gave them leopard skins and made them our chiefs to do the talking at sacrifices for homicide.' Their ritual sphere seldom extends beyond a tribal section.

Only certain lineages are chiefs and only some men of these lineages practise as such. It is, perhaps, significant that in many 624 613

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Only if both parties want the affair settled can the chief intervene successfully. He is the machinery which enables groups to bring about a normal state of affairs when they desire to achieve this end. 624 628

It is true that a leopard-skin chief has always in these circumstances to persuade, by exhortations and threats, the kinsmen of the dead man to accept compensation, but this pressure must not be regarded as a command. It is quite clear from many Nuer statements on the matter that the chief's threats are encouraged to their furthest point in order that by yielding to his persuasion the kinsmen of the dead man may not dishonour themselves by neglecting to exact a life for the life of their kinsman.

> A chief's threats might go no further than saying that if the kinsmen would not listen to him neither would he, when they were in a similar difficulty, listen to them. But I was told that were the people to refuse mediation with undue obstinacy the chief might threaten to leave their homestead and to curse them. He would take an ox and rub its back with ashes and begin to address it, saying that if the injured party were to insist on revenge many of them would be killed in the endeavour and they would throw spears vainly at their enemies. I was told that he would then raise his spear to slaughter the animal, but this would be as far as people would care to let him go. Having asserted their pride of kin, one of the dead man's family would seize his upraised arm to prevent him from stabbing the ox, saying: 'No! Do not kill your ox. It is finished. We will accept compensation.' My informant, whose statements were supported by others, further added that if people were to insist on refusing the mediation of a leopard-skin chief he would take a short-horned ox and, after invoking God, slay it and rub the hairs off its head so that the members of the lineage who rejected his mediation might perish in prosecuting their feud. 624 628 189

We conclude, therefore, that a chief's curse is not in itself the real sanction of settlement, but is a conventional, ritual, operation in the settlement of feuds, which is known to every one in advance and is allowed for in their calculations. The threat of it is compelled by those on whom it would fall were it uttered. These affairs are like a game in which everybody knows the rules and the stages of development: when one is expected to give way, when to be firm, when to yield at the last moment, 624 628

2:Evans-Pritchard E-5 (1931,1936) 1951
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604 784 his maternal uncle—generally it would be the mother's uterine brother—for a bull-calf with the markings of the new ox-name he has taken. Though he cannot demand it as a right, he may curse his uncle's herd so that the male calves die if he is refused his request. It seems that the customary way of making this request is for the nephew to make an incision on the ear of the calf he [764] desires. A man may not bury his maternal uncle, and I believe that a mother's brother should not bury his sister's son. Were a man to [753] bury his maternal uncle he would die of *keth nara*, a disease which is said to cause white patches on the skin. The same disease may attack a man who hears that his maternal uncle has been wounded or cut himself severely and does not visit him and place some of the blood on his foot. Should the nephew not hear of the uncle's wound and contract the disease, he visits him and gets him to rub soot from the bottom of a pot on the affected surfaces. A man and [231] his maternal uncle may not tether their cattle together in the same kraal, though the cattle may graze together. If one of the uncle's beasts dies the nephew may not skin it, for were he to do so he would destroy the uncle's herd and people would say that 'he had spilt the cattle of his uncle to the ground'. An uncle may not give his sister's son a spear-shaft, for the gift might cause him [513] serious injury. A man and his sister's son must not use the same sleeping-hide or sleep in the same hut. These rules, especially those which forbid a man tethering his cattle in his uncle's kraal, skinning his uncle's beasts, and sleeping in the same hut as his uncle, seem almost designed to keep the two apart, to prevent a youth identifying himself with his maternal kin instead of with his paternal kin.

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2:Evans-Pritchard E-5 (1931,1936) 1951
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and fishing and hunting, if he is disobedient or refuses a request or in some other way offends him. The curse may also prevent the nephew from begetting male children. Nuer therefore, however angry they may be, avoid swearing at their maternal uncles: 'Above all you must not swear at your maternal uncle. You might even think of swearing at your father but never, never, at your maternal uncle.'

It is the privilege of a maternal uncle's wife to swear abusively at her husband's sister's son. She does this teasingly and not in anger. He will not answer her back unless he is of about her age. A mother's brother's wife is often addressed by the anomalous term '*mandong*', 'grandmother', though '*ma*', 'mother', may also be used. When so addressed she answers her husband's sister's son as '*gatnyimar*', 'son of my sister', or '*gatnyieti*', 'son of daughters', 'on account of her husband whose sister bore him', and not as 'grandson'. Nuer have given me two reasons for this usage. I was told that 'after the mother of your mother has died she (your maternal uncle's wife) turns herself into something like your grandmother'. This corresponds to a man calling his wife's elder sister 'mother' when his mother-in-law is dead and respecting her as a mother-in-law. I was also told that 'you call her (your maternal uncle's wife) *mandong* (grandmother) because if he (your maternal uncle) dies you may take his wife'. Though in my experience this seldom happens, the second explanation is consistent with another anomalous usage, the description by a woman of her husband's sister as '*mancoada*', which means literally 'mother of my husband', and of the son and daughter of her husband's sister as '*gatmancoada*' and '*nyamancoada*', 'my husband's mother's son' and 'my husband's mother's daughter'. In spite of these explanations it may be suggested that these peculiarities of behaviour and language relating to the maternal uncle's wife may be most appropriately interpreted in terms of the position of the maternal uncle in the kinship system.

The many observances relating to the mother's brother-sister's son relationship are indicative of this position, a further indication perhaps being the fact that, as will be seen in the following section, he alone among kinsfolk is not usually addressed by terms proper to the family. He is not, of course, strictly speaking a *gatnyiet* to his sister's son, but the relationship is one of this kind because his sister's children are *gaatnyiet* to him and his sons. Also in a

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of the hooves which is often fatal. Another disease of unknown symptoms is *puc* (*puc nyacar, nyacar*). There is a disease called *kec* which is treated by the animals ears, and sometimes its horns also, being cut with a spear heated in the fire (*ba kec tem kä mac*). This sickness causes abscesses in the ears which are therefore scraped out. It also causes the horns to become hollow and if this is found to be the case the horns are either cut or bored. 232

Goats and sheep have their special diseases: *fanyuain*, probably sheep-pox, *wötcueny*, fluke, in which the liver and gall-bladder are enlarged and full of sores, etc. They also suffer from trypanosomiasis.

Jök is a generic name for all diseases of cattle, sheep and goats. The word may be incorporated from the Dinka and some expressions in which it figures, *e.g.*, *jöndapuöth*, bovine pleural-pneumonia, show very clearly Dinka construction. The kind of *jök* which is afflicting the cattle is specified in the names of different diseases or in different names for the same disease, *e.g.*, *jondapuoth*, *jöklace*, *jökdiu*, *jok nyantiel*, and *jok nyanjut*. Nuer appear to regard contagious diseases of cattle as spirits which suddenly come, for no apparent reason, as diseases of men come. Nuer say that they are spirits sent by God. They say " *Ce jok ben piny, caa kam piny e kuth*," " The disease has come to earth, it is brought to earth by God."

Besides veterinary medicines used to cure sickness, some of which may have therapeutic properties and be considered drugs, Nuer possess medicines which are used for other purposes than to cure sickness and we probably do not wrongly assess their value when we say it is purely of a magical order. Such are the medicines placed in churning gourds and churned with the milk to ensure a good supply of cheese. The roots of the following plants were recorded as having this use: *Cancan*, (*Trianthema pentandra*) *githlual*, *kuäk*. The seeds of a sweet smelling plant that grows on camp and village sites called *miëth* (*Ocimum americanum L.*), are boiled with the cheese to make it sweet and keep long. 232 789 251 789

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232 Before a cow is taken to a bull to be served the root of a plant called *rinöm* (*Clitoria Tertnatea L.*) is chewed and blown up its nostrils to ensure conception. A plant called *när teyänga* (*wal thöora yang*) is given in an infusion to be swallowed by a cow which has aborted its calf. An infusion made from a plant called *tam kwir* is administered to cows which are milk-bound. An infusion from the *dep gạny* plant is given to a cow which retains the afterbirth and an infusion from the stalks of the *cancan* creeper is given to a cow which refuses to suckle its calf.

Nuer love to hear their favourite oxen lowing and Mr. Corfield tells me that among the Eastern Jikany to induce an ox to low they take the feathers of the ground hornbill (*rumyuat*), a bird which has a deep-toned booming call, and after grinding them and mixing them with water, give them to their oxen to drink. Better still, if the whole bird can be obtained, its innards are used in this way instead of its feathers. Another bird used for the same purpose is the African cuckoo (*kwei bötbuöt*).

The usual ways of administering medicines to cattle are to give them in an infusion through the mouth or to chew them and blow them up the nostrils (*liang yang*).

[789] There are very few cattle medicines. Indeed, the Nuer, like other Nilotic peoples are very deficient in all forms of magic and in those situations where ritual is employed the ghosts or the spirits are invoked.

The only wounds of cattle which I have seen treated are broken horns. It sometimes happens that a cow or ox is horned by another in a byre and in turning to get out of the way it cracks its horns against one of the big trunks that support the roof of the byre and breaks one of them. Nuer fear lest the animal may die since there is rain everyday and, in the early part of the wet season, many flies. They cover the wound with *dil luak*, the brown sooty deposit which collects over the wood and thatch of byres when fires have burnt in them for some years.

835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *nyagwanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

835 783 ●789 To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then. 835 783 789

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *rual* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *rual* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous. 835 684

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *rual*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *rual*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gwan*, father's son, to Bul, whose marriage, which had in any case not escaped

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791 fertility. Moreover it is clear that those of the second category who acquire great prestige and influence often seek to misappropriate the functions and insignia of more reputable experts. There is a tendency to assume the leopard-skin. Deng Likea, Prophet of Gaawar, did so, and his son Gaw Bang—for many years President of the Bar Gaawar Court—often conducted the ritual of homicide although he had no traditional right to do so. Riak Loinyjok (mentioned above) wears the leopard-skin, though he would not be accepted as arbiter in blood-feuds. There is clearly a desire by these people to establish themselves in a ritual and traditional, and therefore more orthodox, status in society.

A *gwan kwoth* of repute will also claim that he possesses or is possessed by a large number of different spirits, not a single spirit. Deng Likea, whose principal spirit was called Diu, possessed many others, [551] and he married a wife in the name of each. His sons are usually referred to first by their own names and then by the name of the spirit in whose name the mother of each was married, and not by that of their father, according to normal Nuer custom. Thus Deng Likea's sons were called Macar Diu, Gaw Bang, and so on.

There is a large number of different categories of spirit owners: owners of 'sky-spirits' (*kuth nial*), owners of 'spirits' of the wind (*kuth dange*), owners of 'earth spirits' (*kuth piny*) and 'talking medicines', these last being divided into a large variety of different forms, and finally, possessors of *wal*, medicine, which is usually present in more tangible form.

It is not within the scope of this book to describe at length the multitudinous concepts concerning *goah* and *kolangni*. *Goah* is said to be of Dinka origin, while *kolangni* are essentially Nuer. Under these two main headings are numerous spirits which have special names—*biel*, *maluth*, *gulung*, *mathiang*, &c.,—and special characteristics. The spirits are used to assist in the diagnosis of ills and misfortunes, the possessor acting as a medium and often going into a trance at a seance attended by a considerable number of people. The spirit is said to speak from the mouth of the medium, from a special pot or gourd, from the ground, or sometimes only through dreams.

• 789 *Wal* is a word which has the more literal meaning of medicine, since it is also applied to herbs, purges, and astringents as well as nowadays 754 to medicines supplied by the government medical service. In this connexion it refers to magic roots and sometimes to other objects which have intrinsic magical power and which are operated by the performance of ritual for some specific purpose. There are different forms of *wal* (one called *nyeth*, for example, is believed to be particularly potent and also dangerous), but the Nuer do not consider themselves to be experts in their use, and regard them as being of foreign origin. In fact such roots are usually obtained from other tribes, and a Nuer will sometimes go on a special journey to purchase them.

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They can be and are used for beneficial purposes, but they are associated more often with the practice of witchcraft, and owners of such medicines are often greatly feared. This fear has perhaps been particularly impressed on the Nuer by the action of the Government in banning the possession of roots or medicines and inflicting severe penalties on their owners, whether they were believed to use them for good magic or for witchcraft. This reaction has not applied so much to the ownership of spirit medicines, presumably because, being for the most part entirely incorporeal, there was no proof of possession, and Government intervention was therefore much more difficult. Spirit medicines, *kolangni* and the like, can none the less be used for anti-social purposes, although they are normally regarded as beneficent and used as such.

A further category of Nuer magic experts is the *tiet*, who have special powers of divination,[1] but their techniques are not usually dependent on a particular spirit manifestation or on possession of a medicine. Their methods are more mundane in character, for they often use cowrie shells or pebbles, which are cast on the ground, and an interpretation is given of the formation in which they fall.

Beneficial and *Anti-social Activities*

We see, therefore, that the functions of all these experts are generally considered to be beneficial; those of the *ji twac* to the people as a whole; those of other experts or possessors of spirits and medicines to their individual clients. Their power can, however, be used for purely anti-social purposes. The *ji twac* have the power to curse by invoking the element or object with which they are particularly associated. We have seen that the Leopard-Skin Chief may call a curse upon those who refuse to listen to his exhortations in connexion with blood-feuds and homicide,[2] but he is not expected to do so for his own benefit or from personal animosity. Similarly the *wut ghok*, who has the power to benefit the people by ensuring the good health and fertility of their cattle, can also curse their cattle. Yet none of these religious functionaries can be regarded

[1] *Tiet:* a common Nilotic word used to cover a very large variety of magical experts.

[2] In connexion with warfare and cattle raids they are expected to work magic against other tribes; to make the infliction of wounds upon them easy; to destroy or weaken their defences. This is not witchcraft so far as the Nuer are concerned, for their action is pro-Nuer and to them in no sense anti-social. The definition of witchcraft is here relative. It will also apply to cases of warfare against other Nuer tribes or even tribal segments. An expert who performs ritual to bring about the downfall of enemies in another tribal section is acting in the interests of his own tribal section. His action is beneficial magic to his own people, black magic to those of the opposing segment, and there is no formalized community to which both belong and which would consciously react against his performance. His action is not witchcraft in the more exact definition of the term. Nefarious practices against an individual or even a kinship group within the community are a different matter, because there is a body of collective opinion which considers such action anti-social and, as we shall see in the next section, is prepared to take collective steps to remove the danger.

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782 again. In what have we failed?' Then a cow is speared, and the chief continues praying: 'Oh God, take thy cow. And you [dead man] turn away, do not look at us again. We will give you your own things, but then leave us alone.' The wife of the deceased is now given to another male member of his family with these words: 'Bear children by her, that their fire may be raised up [that their family may not be extinguished], and their family may be able to manage their own affairs.'

A prayer by the chief for a woman in travail: 'God, what is it? why can the woman not bear? It is thou who has ordered the woman to bear children, that she may create descendants, that the man's family may be preserved.'

789 233 An important annual event is the bringing of the cattle across the river, where they find better pasturage. For this the help of the sorcerer is sought. He has to find a propitious day for the transaction and to perform the necessary magic rites. He spends the night before in making witchcraft, and the following morning he prays: 'Oh God, it is thou who said that I should be sorcerer, I should do witchcraft, I should bewitch the crocodile. The cattle has no more grass, let the cattle go across the river that they may graze on yonder shore. Oh God, it is thou who created the cow, that man might be nourished by her, let them swim safely across.' When the cows have been brought to the crossing-place, the sorcerer invokes the river or the spirit presiding over the river: 'Thou river of a certain man, let the cattle go across safely, all of them, let them reach the shore safely, let no one be touched by the crocodile. We are making a bargain.' As a ram is brought, he goes on saying: 'Take it, O river!' The ram's mouth is tied, so he goes to the river with it, and drives it into the water. Now the

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cattle are driven into the boats and they begin rowing them.

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These are but a few glimpses into the religious life of the Nuer. The subject requires careful investigation based on a thorough knowledge of the language and can be carried out only by persons who have the confidence of the natives.

It is well worth while to win this confidence and to study the people intimately. They may at first sight not appear attractive and may not generally be inclined to look upon every white man as a higher being, but Miss Huffman is certainly right in saying that they improve on acquaintance; they reveal to him who lives and works among them noble qualities of which this book gives us some fine examples and which justify the labours of those who strive to help them in finding their way from the old, independent, and unfettered existence to changed conditions of life and to a new outlook.

The information given in this book will be welcome to scientists, but even more it will be of value to the growing number both of missionaries and of administrators who are coming into touch with the Neur.

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753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 843 An anklet or wristlet made of large wooden beads of a certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

● 789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

Cien

753 775 *Cien* is the vengeance wrought by a ghost which produces sickness and misfortune; like the other Nilotic tribal groups, the Nuer hold the concept of *cien*, and believe that ghostly vengeance will fall on those who have wronged a man and allowed him to die with a grudge. Fear of *cien* tends to make a Nuer more careful to treat others with justice.

[782] To stop the effects of *cien* it is necessary to make a sacrifice to god in the sky and, when possible, to make reparation.

NUER CURSES AND GHOSTLY VENGEANCE

789 Curses are uttered by someone who has been wronged. The efficacy of a curse is largely conditioned by the relationship of the curser to the cursed. The Nuer regard the curse of a mother or father as serious; it may result in death. The curse of a mother's brother is feared because, being of a different lineage, he may curse cattle, which is the worst of all curses in the eyes of the Nuer. The curse of an eldest child is feared by the mother and maternal uncle.

There are other curses imposed by those of the *ric* (age-set), by the leopard-skin chief, the man of the cattle and *guk*, the prophet.(1) The Nuer also believe in conditional curses which may be laid on a man and become operative if he, or any of his descendants, should do a certain thing.

RITUAL PERSONS

791 There are several ritual figures among the Nuer who are important in the village community.

1. *The Leopard-Skin Chiefs.* They have a special relationship with the earth and can affect the welfare of the crops. They also have a limited role in rain-making and in the general regulation of the weather. They conduct the rituals concerned with homicide, with cleansing the parties to incestuous relations, with preventing feuds, and protecting warriors on raiding expeditions.

2. *The Wut Ghok.* Members of certain lineages have hereditary ritual powers in relation to cattle; they are asked to cure cows of various diseases and to ensure the fertility of barren animals. Their role is, however, a more restricted one than that of the leopard-skin chief, who has functions relating to social as well as to natural processes. Usually the *wut ghok* is a member of a stranger lineage, as is the leopard-skin chief, and this is presumably an advantage when they have to mediate between powerful and antagonistic lineages.

3. *Totemic Experts.* There are a number of totemic experts whose ritual connections with lions, crocodiles, and other dangerous creatures, enable them to influence the beasts' behaviour to the advantage of the community. A totemic specialist is the possessor of the spirit of his totem; he has no political significance.

(1) Evans-Pritchard, *Africa*, 1949, XIX, p.299.

assured by old men when about to wade through crocodile-infested streams that I need have no fear, because people whose totem was the crocodile lived nearby, and they contrasted the benevolence of their local crocodiles with the savagery of crocodiles in other districts. When once I remarked to a Nuer about a man fishing far out in the Sobat river, in a place I knew to be infested with crocodiles, that I thought he was taking a big risk, my companion simply replied 'maybe he respects crocodiles'. I have also been told that men of these lineages call the reptiles out of the water and stroke them. There can be no doubt that people who have the crocodile for totem are regarded by other Nuer as having some control over them. They are summoned by their neighbours to perform a rite to prevent crocodiles from attacking them or their flocks and herds when streams and rivers must be crossed. The *gwan kwoth nyanga*, the person who possesses the crocodile-spirit (who has the crocodile for totem), bends a metal bracelet till the ends overlap and binds them in this position with grass, and then presses the bracelet into the river mud, calling on *gwandong*, grandfather or ancestor (in this context, the crocodile-spirit), to let the people pass over in safety. This operation closes the jaws of the crocodiles while people and cattle are in the water. He may also, on certain occasions, as when a stream is being fished, bind a goat and push it under weeds and reeds into the stream for the crocodile-spirit at the same time as performing the bracelet rite; and it is said that he must then sit on the bank and abstain from drinking water while people are still in the stream.

776 x 613 [789]

A large number of small lineages in Nuerland respect snakes. All those whose descent I was able to trace are of Dinka origin. Some respect *nyal*, the python. Those I have asked about their totemic affiliation have told me that a python was born as twin to their ancestor. When they sacrifice to the python-spirit they take a goat to the edge of the stream and there kill it, in imitation of the python's killing of its prey, by blocking its mouth and nostrils and bouncing on its belly till it suffocates. They throw a piece of the sacrificial meat into the stream and another piece towards the land. They boil the rest of the meat, taking care that no soup of the boiling is spilt, and eat it. A senior man then sharpens a new cattle-peg and, after driving it into the ground and winding grass round it, pours some of the blood of the goat at its foot, asking the python-spirit to take its 'cow' and let the

[177] [773] 776x 613 782

000 for totem must not do so lest he cause the birds to devour the crop.

x 776 613 [773] Plants are respected by some lineages. They may not cut them or burn their wood. The large Gaanwar clan respect the *nyuot*-tree (*Cordia Rothii*) and the *koat*, tamarind, tree. The ancestor of this clan fell from heaven holding a branch of the *nyuot*-tree in his hand or, some say, he descended from heaven by, or on to, a *nyuot* near which was a small tamarind.[1] Members of this clan call for aid on *kwoth nyota* or *kwoth kota*, the spirit of these trees. The *nyuot*, a branch of which is often erected in the homes of [778] Gaanwar as a shrine to this spirit, is associated with rain on account of the humidity of its leaves even in the dry season. The verbal form of the word, *nyot*, means 'to drizzle'. Members of the ●[789] clan may therefore be called on to bring rain in time of drought. This they do by placing a sprig of the tree in water, sacrificing an animal, and calling on the spirit of the clan, which is the spirit of the tree, for rain. It is, we may suppose, on account of their connexion with water that the clan have as additional totems the waterbuck and the fish *nyiwar*, *cur*, *lam*, *yiau*, and *gwejual* and can also speak of their spirit as '*kwoth puoara*', 'spirit of our waterbuck', '*kwoth lameda*', 'spirit of our *lam* fish', and so [illegible] I [262] have been told that women of this clan will not eat the meat of a cow which has died calving, but I do not know the reason for this abstention. The scattered Jwal clan share some of the Gaanwar totems. They seem at one time to have formed a single clan with the Gaanwar. The Jingop and Keunyang lineages of western Nuerland respect the *ngop* tree, the sycamore or wild fig (*Ficus Sycomorus*), and speak of '*kwoth ngoapna*', 'spirit of our fig-tree', to which they dedicate cows in their kraals, as is usual where there is a totemic relationship. The largest clan in Nuerland, the Gaatgankir of the Jikany tribes, respect gourds. Their ancestor was [773] found in a gourd (*kir*). They will not cut or step over the stems of gourds or prepare them to serve as utensils, for they must not x 776 handle a gourd which still contains its pulp and seed. Nevertheless they use them as utensils for the same purposes as do other 613 Nuer. The clan is of Dinka origin, though it now counts as a Nuer 177 clan. Other plants respected by lineages, usually of Dinka descent,

[1] Some variants of the story of his appearance on earth are recorded in *The Nuer*, p. 230.

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778 Indeed, the fetishes seem only to have been placed in the cate-
x776 gory of Spirit by the logical necessity of assimilating the powers attributed to them to some model the Nuer already possessed. They are also of the category of *wal*, medicines, which sharply differentiates them from Spirit proper, but since they can reveal their wants and wishes in speech, move about, and kill people, they seem to Nuer to fall between the two categories. It is to be remarked that the *kulangni* and the *bieli*, which are closer to totemic representations of Spirit, are generally referred to by these names and not, like the totemic spirits, as *kuth*, as though by distinction of name they were being marked off from the other spirits. It should be stressed also, in this connexion, that the fetishes, and to some extent the nature sprites, are spoken of in the plural, as when we speak of angels, devils, goblins, and fairies, showing that they are conceived of as having less individuality than other spirits.

•789 It remains only to say a few words about medicines which do not talk, the ordinary *wal*, magical substances which have an efficacy in themselves and do not derive their power from Spirit. Coming to the Nuer from Zandeland, where everyone is a magician and medicines are legion and in daily use, I was at once struck by their negligible quantity and importance in Nuerland, and further experience confirmed my first impression. I mention them chiefly for the reason that their rarity and unimportance are highly indicative of the orientation of Nuer thought, which is always towards Spirit.

789 In speaking of Nuer magic we are faced with the same historical
177 problem that I have mentioned earlier, for all Nuer with whom I have spoken on the subject have said that medicines were almost entirely lacking—only a few are thought to be old—in the days of their fathers and that most of the few medicines they now possess have been taken over from neighbouring peoples. My own view is that ethnological evidences support their statements, but the point that is important for us here is rather that Nuer regard medicines as something foreign and strange. They think easily in terms of Spirit but not in terms of medicines, the idea of which as it obtains among their Sudanic neighbours they seem scarcely able to grasp.

789 Nuer medicines of today are mostly of the nature of talismans
755 for fortune—in hunting, fishing, courting, and travelling. I did not find that Nuer had much faith in them. Medicines are also

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used, sometimes as infusions, to protect a person from, or cure him of, sickness brought about by breach of an interdiction. There are also medicines, or people say there are, against the evil eye, monorchids, children conceived by suckling mothers, and fetishes. Nuer also have a few simples for treating common ailments, such as constipation, throat and lung complaints, fevers, and swellings, and for treating sick cattle. These medicines are thought to be efficacious only in very small matters or as secondary to the performance of a religious rite. No *wal* is of any use, at any rate by itself, as protection against the consequences of a serious breach of an interdiction or in any violent sickness. Only prayer and sacrifice are then of avail; and this holds, Nuer who know anything about them think, for European medicines—quinine, for example, as well as for their own.

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III

When a ghost comes to trouble the living it is said to *cien* them. 775
It is useful to discuss this concept in the light of another, that of 789
biit, to curse,[1] because the two are closely connected, the ability of a ghost to harm being the *post mortem* operation of the projective power of the psyche, the power to harm another through the mind and the heart.

The curse of certain persons in Nuer society is believed to be 789
effective if they have been wronged. If they utter curses without due cause (*cuong*) the curses will either be ineffective or harm the speakers of them. A man curses another by uttering an invocation (*lam*)—which in this context is an imprecation—over, or about, him; and Nuer distinguish different kinds of curse by reference to the relationship of the persons implicated in it—*biit gwan*, the curse of a father, *biit nara*, the curse of a maternal uncle, *biit kuaara*, the curse of a leopard-skin priest, and so forth. Some of these curses are regarded as weightier than others.

The curse of father or mother is serious. A man may curse his 789
son for constant disobedience and for meanness, especially for 593
refusing him meat. Indeed, any old man may curse a youth for [561]
refusing him food, because both in a general sense and in terms of the age-set system all youths are sons to the aged, but his curse would not be as weighty as that of the true father. 'A father's curse is to hunting, to fishing, and to hoeing, but he will not curse him (his son) to cattle.' The youth may then miss his mark in hunting, fishing, and war, and his crops may fail. He may also injure himself in these occupations, or suffer one of the many possible misfortunes that beset a traveller, both in the literal sense of mishaps to one on a journey and in the figurative sense of evils that face a man on his journey through life, which the Nuer, who have a liking for meiosis, speak of collectively as 'thorns'. At its worst the curse of a father or mother may be a *biit liagh*, a curse which results in death. However, 'a father will not curse his son to cattle', because the cattle belong to the lineage and if he caused them to die he would only be harming himself and his kinsmen and ancestors.

[1] A *biit* is a curse in the sense of consigning a person to misfortune and not in the sense of swearing at a person, which is *kwith* or, where there is a joking relationship, *leng*.

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789 593 A mother may curse her son for neglect, especially when she is old and must rely on others for support, or for divulging her hiding-place to her husband if he is angry with her and seeks for her to chastise her. A mother's curse may have the same effects as a father's curse; but it is thought that, in addition, it has the particular effect of preventing the son from begetting male children. A mother's curse may thus injure the lineage, and in this respect her curse is more like that of the mother's brother than that of the father. I have also been told that a mother may, because she loves a son who has wandered to a distant country, curse him mildly so that he may suffer some minor sickness which will put him in memory of his home and cause him to return to it.

789 604 The curse of a mother's brother—at any rate that of a mother's uterine brother—is also greatly feared by Nuer, for he, unlike the father, may curse a man 'to cattle', so that he loses his entire herd. Nuer seem to regard it as the worst of all curses and they recognize it as a strong sanction behind the demands of their mothers' brothers, where these are just. A sister's son who fails to carry out [753] certain duties or who fails to observe certain interdictions concerning his mother's brother may develop a disease called *keth nara* (disease of the *nar*, mother's brother), which may be fatal. Nuer describe it as '*cere ke biit*', 'like to a curse'. People say that [603] the curses of father, mother, and mother's brother are the worst, though that of a paternal grandmother is also said to be bad, and [593] it is said that the curse of an eldest child is feared by his parents, especially his mother, and by his maternal uncle; in certain circumstances a sister's son, especially the eldest son of the sister, may curse his maternal uncle's herd. The only other kinsfolk of whom I have been specifically told that they may curse a man, in the sense that one may speak of a curse of the kinship category in which they stand, are the father's sister and the mother's sister, and Nuer say that these are very small curses and they do not therefore give them much thought; but a person standing in any social relationship to another may curse him if he has been wronged by him. However, the more distant the relationship the less effective the curse, because the less the obligation and therefore the less the wrong.

789 593 A run of misfortunes may be attributed to the curse of one of these relatives. I tell one story in illustration. Luak, a man of the Leek tribe, refused to stay at home and help his father Thicjok to

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herd the cattle and hoe the gardens, but spent his time attending dances and courting girls. He wandered about the country having a good time, and when he returned home it was only for a meal. He would be off again next morning. One day his father, in exasperation, cursed him, saying that he would never have a wife and children and would live to a great age to lament that he had no sons of his own in whom he would be remembered but only children he had begotten by the wives of other men. So it happened. Luak never married, though he begat two sons by a widow-concubine. When he died he left ten head of cattle with instructions that Dol, the second of his natural sons, was to marry with them a wife to his name, so that he might have sons called after him. That year all the ten animals died of rinderpest; so that people said that the curse on Luak went on acting after his death. The father's curse was here not in the first instance 'to cattle' but 'to sons', although in the sequel its purpose could only be achieved by the death of the cattle. Dol told me that, as he has now enough cattle, he would like to marry a wife to his genitor's name but fears to take steps to do so lest the cattle die. He had decided that it would be prudent to marry first a wife for himself and then, if ever he has again enough cattle, to make a second marriage in the name of his natural father.

Other specified curses among the Nuer are those of the *ric*, the age-set, and of certain religious personalities, the *kuaar muon*, the priest of the earth (the leopard-skin priest), the *wut ghok*, the man of the cattle, and the *guk*, the prophet (Chapter XII). If a man wrongs a member of his age-set, as by committing adultery with his wife or by not assisting him when attacked by strangers or when wounded, the wronged man may utter an imprecation, saying 'as if we did not look at this sun together' (when lying on their backs awaiting the cutting of the marks of manhood on their foreheads), and Nuer told me that it may well have lethal consequences. A leopard-skin priest can curse a man who obstructs him in the exercise of his functions as peacemaker in fighting and feud. On account of his mystical connexion with the earth his curse is believed to be particularly harmful to the crops, though it may cause other misfortunes as well. In his imprecation he may forbid the man he curses to plant in his earth and tell him to beget his children in the tree-tops and herd his cattle in the sky. The *wut ghok* has ritual functions in connexion with cattle and his

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789 curse is said to be feared because it may injure the cherished herds. It may also cause a man diarrhoea whenever he drinks milk. Much of the influence exercised by the Nuer prophets who were so prominent in recent times was due to the fear their curses inspired.

789 773 A *biit*, in a conditional form, is often cited by Nuer as a mythological explanation of some custom. Somebody in past times cursed certain persons if ever they or their descendants should do certain things. I give a few examples. A member of the aristocratic lineage of the Karlual section of the Leek tribe will not live in the country of the Lang tribe. The explanation is that once upon a time a Karlual aristocrat and a Lang aristocrat together speared a buffalo, which charged and knocked down the Lang man and began to worry him. He called out to the Karlual man to spear the animal again, but the Karlual man did not do so, fearing that he might injure his companion. Before Lang (tribes are personified in myths) died he cursed Karlual, saying that if ever a member of the dominant clan of Karlual settled in Lang country he would die. Another story is about the Riaagh lineage, who are a branch of the Keunyang lineage, the dominant lineage in the Karlual country referred to in the story I have just related. It concerns their relations with the Ngwol lineage of the same tribal section who are said to be descended from a man of this name who was a foundling adopted by Keunyang. Riaagh had a newborn child and the mother was so busy looking after it that she often let her fire out and rekindled it by borrowing a brand from the fire of Ngwol's wife. One day Ngwol fell sick with smallpox and sent word to Riaagh that his wife was not to come to his home again for fire as he was ill. Riaagh did not believe him and sent his wife again to borrow fire. A fight ensued and Ngwol killed Riaagh. Riaagh's mother then uttered a curse, saying that the descendants of Ngwol would suffer misfortune if ever they were to eat out of the same pot as the descendants of Riaagh or to sit near their cooking-pots. If today a Ngwol man sits near a Riaagh pot there will be a quarrel. The Keunyang lineage figures in another myth of this kind. If a man of this lineage crosses the Gazelle river to settle among the collateral lineages of Deng and Cuaagh, or a member of either of these two lineages crosses the river to settle among the Keunyang, the settler builds his byre without an entrance of the usual form. This custom is said to date from the time when the Deng and Cuaagh lineages first crossed the river to settle

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to the north of it, leaving the Keunyang in what had been their 789
common home to the south of it. Quarrels ensued and Keunyang 773
uttered a *biit* making it a condition of any future settlement. Yet another story relates how Jwal and Gaawar (clans, like tribes, are personified in myths) went fishing together. Jwal lacked a pot in which to cook his catch and he asked Gaawar to lend him his pot, but Gaawar refused, so Jwal had to do the best he could with a gourd plastered with mud. To mark this meanness he uttered a *biit* saying that if a member of either clan were to take shelter during rain under the same roof as a member of the other clan lightning would destroy them both. I have heard people shout to a member of one of these clans who had entered a hut for shelter from a storm to get out as there was a member of the other clan present. This story may be connected with the association of the Gaawar clan with sky and rain. There are a number of such stories relating to inter-clan relations which probably mirror actual or historical local and political interrelations which lie outside the present discussion.

A *biit* of a rather different kind is that relating to certain girls 789
called *kuony*, who are said to be dangerous to their husbands. It is said that a girl of this name was affianced by her brothers to a man with some unpleasant complaint. She refused to marry him and was often beaten by her brothers on this score, because the man had many cattle. Eventually she gave way and married him, but then she refused to cohabit with him. Her husband eventually died of his complaint and the girl was left alone in his home, and lions and hyenas came by night and ate the cattle and beasts of the flock, as there was no man in the home to defend it. So she uttered a curse over her kinsmen, saying that in future daughters of their lineage would always bring death to their husbands. I have met *kuony* girls in western Nuerland, where it was pointed out to me that their husbands, as I could see for myself, had died young. However, this does not seem to prevent men from marrying them, and I was told that they are regarded as unusually attractive.

There are also many examples of a *biit* in Nuer just-so stories 789
explaining how animals acquired their characteristics and habits. 538
The giraffe has what looks like a hollow in the top of its head. When his mother died giraffe asked shrewmouse to lend him a hoe to dig a grave in the earth to bury her, but as shrewmouse

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789 refused to let him have a hoe he had to bury her in his head. As a
538 result of this incident giraffe and shrewmouse uttered conditional curses, giraffe saying that if ever a shrewmouse crossed a path he would die, and shrewmouse saying that if ever a giraffe ate grass he would die. This is why one never sees a shrewmouse on a path unless it be dead,[1] and why one never sees a giraffe eating grass, only the leaves of trees. The mother of goat, in another story, borrowed a knife from the mother of hyena and lost it. The mother of hyena cursed her, saying that in future her descendants would eat goats wherever they found them. This is the reason why goats are always pawing the ground. They are still looking for the lost knife of the mother of hyena. Another story relates how man lent his running-powers to ostrich and ostrich refused to return them. It is because man then cursed the race of ostriches that today men sometimes hunt them for their feathers and lions kill them for meat. Shoebills eat fish and blue herons eat frogs and other small creatures of marsh and shallows. The reason for this is that *bany*, the shoebill, and *ngok*, the blue heron, were sons of one father and because *ngok* neglected an uncle's duties to *bany*'s children when their father died, *bany*'s mother cursed him and his descendants. Yet another of many such stories relates how the village mouse, after having taught men how to beget children, taught women how to bear them. In return for this service woman uttered a *biit*, saying that village mice would share the food of the home with its mistress. This last story introduces us to a further sense of the word *biit*, an invocation which is a blessing and not a curse; for a man can *biit* a person to good fortune, as woman did in the case of mouse, instead of to bad fortune. In my experience this sense is rare.

789 The curse is undoubtedly a powerful sanction of conduct, largely
626 because it is not thought necessary that a wronged man should utter it aloud for misfortune to follow. He has only to think it. Such an unspoken curse Nuer call a *biit loac*, a curse of the heart. Indeed, it would seem that he need not expressly formulate a curse in his mind at all, a mere feeling of resentment arising from a genuine grievance being sufficient to cause injury to the person who occasioned it. Thus I was told that if a man is killed by his wife's brother and the wife laments his death, her sorrow and sighs are themselves a kind of *biit*. God hears them and will cause

[1] Cf. the old belief in England that a shrew cannot cross a footpath and live.

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the slayer to become a wanderer on the face of the earth and to 789 ●
die in the midst of his wanderings. He becomes one of the *jibiet*, 626
the cursed ones, and what Nuer also call a *gwan giakni*, a man possessed by evil. An action by itself may bear evil fruit without anyone saying or doing anything to make it bear. Nuer say that 'it is like a *biit*'. A man who kills another finds all the strength gone out of him. The infringement of a religious interdiction carries its own penalty, for the interdiction is 'like a *biit*'. For example, misfortune will fall, if only in that the cuts of manhood on his brow will not cicatrize, on a lad who during the period of seclusion after initiation has contact with the cattle.

Though the word *biit* may not often be used with the sense of 789
blessing it is sometimes so used, and as the idea of blessing has 827
some importance in Nuer thought a few words may be devoted to it before making some concluding remarks about curses.[1] An older person blesses a younger one by spitting on his head. The spittle (*ruei*) has, as in other parts of Africa, a special virtue and is said to benefit the *yiegh*, the life, of the person who receives it. I was told that this is particularly done by a man's parents when he returns from a long journey, and one man said that it is then done so that the ghosts, who may have forgotten their kinsman, may know him again. A mother also blesses a son about to set out on a long journey by taking his middle finger in her hand, spitting on him, and saying something like 'friend, my son. you will journey on this earth, you will go round [avoid] all thorns [troubles]'. She may also take some soot from the bottom of a pot and mix it with butter and daub this paste on the soles of his feet, under the knees, and on thighs, chest, and head. Spitting figures as a blessing in various other contexts. If a woman does not conceive, her father's kin spit into a gourd and rub her belly with the spittle, asking God that she may conceive. If she does so, the child may be named *Ruei*, Spittle, or *Nyaruea*, Daughter of Spittle. The spittle of a prophet is considered to be especially efficacious in curing barrenness. When a leopard-skin priest arbitrates between two parties and gives a decision in favour of one of them, that man may hand his spear to the priest,

[1] Another word which sometimes has the sense of blessing is *puth*, but, though it sometimes has this sense, it is most commonly used in reference to the making of a gift to in-laws and is then, as in most other contexts, best translated 'to honour'.

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789 827 who returns it to him after having first spat on it. When a father has agreed to his son's initiation the boy goes to a member of his father's age-set and this man plucks out a tuft of the boy's hair, spits on it, and brushes it against the boy's face and head. This is the blessing of the father's age-set. A leech massages a sick person with his spittle. Mr. B. A. Lewis records that when the Gaawar tribe chose a certain Bwoogh Kerpel to lead them across the Nile to conquer fresh lands from the Dinka the people lifted him on high so that God might see that he had been chosen, and they gave him a gourdful of milk to drink into which they had all spat.[1] In all these examples—and others could be given—there is the idea of blessing. However, a blessing can be given without spitting. Any person can bless another (pp. 16–17), but the blessings of those whose curses are most effective are also the most effective.

789 776 It is important to note that, as with curses, blessings are thought to be effective only because God makes them so. Just as a curse is an imprecatory prayer (for if God is not formally addressed in it it is understood that it is his affair), so a prayer is implied in a blessing. It is a benedictory prayer. Hence (and here again as with curses), a man can be aided merely by a person thinking well of him, bearing him in sweet recollection (*tim*) without formally blessing him. He blesses him in his heart, and just as God sees a man's just resentment for a wrong and the resentment then has the force of a curse, so he sees the love and the love has then the force of a blessing. So when a Nuer says '*ba ji tiem*', 'I will think of you', he means that he will think fondly of you and so blesses you. A good action in itself may bring fortune to a man. God sees it and it becomes, Nuer say, like a *biit* for good, just as he sees a bad action and it becomes a *biit* for ill.

789 776 626 The religious significance of cursing and blessing lies in a dominant motif of Nuer religion, that of *cuong* in opposition to *duer*, right in opposition to wrong. A person's curse of another is only effective if he is in the right and the other is in the wrong. There must have been damage or negligence, and in Nuer reckoning this implies a social relationship of some kind between the two persons, such as, in fact, is bound to exist between any persons so involved in Nuer society. It is when the obligations of a relationship have not been observed that a curse can act, its effectiveness increasing with the closeness or social significance of the relation-

[1] B. A. Lewis, 'Nuer Spokesmen', *Sudan Notes and Records*, 1951, p. 81.

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789 ship; and it can be quieted by reparation to the wronged person.
776 In an account of Nuer religion what is here important is that the
626 curse is only effective, Nuer say, because God sees that one man has right and the other wrong and allows it to act. It seems to the observer therefore that the curse, like the blessing, has its own psychic power, but that Nuer relate it to a set of moral rules of which God is conceived of as guardian and judge. The power of a curse or a blessing thus lies ultimately not with man, who is only the medium, but with God. God's role is not merely permissive, for, as we have noted, a wrong itself may, through the sufferings and lamentations of the wronged persons, bring retribution to the wrongdoers without their taking any action in the matter themselves. This is why also Nuer say of the infringement of a religious interdiction, in which no immediate question of wrong to another may arise, that it has a certain similarity to a *biit*. Formally the two ideas are quite distinct, and Nuer see a similarity between them only because in both cases there is a fault which is punished by God, in the first case indirectly and in the second directly. Consequently we are once again faced with the Nuer idea of faults, which necessitates a fuller discussion than I have so far given to it but which is also more appropriately treated separately in the next chapter.

775 The concept of *cien*, to which I now turn, has certain similarities
626 to that of *biit*, especially to the silent curse, 'the curse of the heart'. Nuer think that it bodes ill for those who have wronged a man if he dies with resentment in his heart, for he will then take ghostly vengeance on them from the grave.

The word *cien* is found in one form or another, and with common elements of meaning, in all the Nilotic languages. In Nuer it means the vengeance, generally producing sickness or other misfortune ending in death, taken by an aggrieved ghost on the living, and in its verbal form the taking of such vengeance. Nuer regard it as a most serious matter if a man dies with a legitimate grievance in his heart, for while it may be possible to make amends to a living man for a wrong done to him and thereby rid oneself of his *biit*, it is often impossible to make peace with the dead. Fear of *cien* undoubtedly, if we are to believe what Nuer say, makes them avoid, at any rate sometimes, persistently denying men justice lest they take their wrongs to the grave and from there seek settlement.

835 use the word *rual* for incestuous relations, and it can also be used
783 for the consequences of them. These, generally certain forms of yaws or syphilis, though they may be any kind of misfortune, are more or less grave according to the closeness of the relationship between the persons concerned. Nuer think that if they are very closely related death may follow, possibly within a few days, while if they are very distantly related nothing untoward may happen. In cases of serious incest the penalty may fall not only on the partners to the offence but also on their nearest relatives, particularly on their children. The greater the danger of punishment the more likely and the more expeditiously will the act be followed by sacrifice and the more valuable will be the thing sacrificed. When the incest is considered to be very slight, what Nuer call a *rual ma*
[789] *tot*, small incest, *wal ruali*, incest medicine, an antidote which some people are said to possess, may be thought adequate protection, and if it is deemed wise to make sacrifice, a cucumber or a pendulous fruit of the sausage tree is considered a sufficient offering. When the offering is a cucumber it is cut in two and then the left half is thrown away and the contents of the right half are squeezed into water and drunk by the partners to the act. If the fruit of the sausage tree is the offering it also is cut in two. I have several times seen youths in western Nuerland, where this tree is commoner than to the east of the Nile, cutting down its fruits for the purpose, and it is interesting to note that the Dinka call the tree *rual*, the Nuer word for incest. If there is incest with the wife of a close kinsman her sleeping-hide may be cut in two. In cases of major incest the antidote is not thought to be sufficient protection, nor a vegetable offering a sufficient sacrifice, and a goat or sheep, and in the most serious cases an ox, must be sacrificed without delay, and a leopard-skin priest should conduct the ceremony. The beast is slaughtered by being cut vertically in twain from head to tail, and afterwards the guilty persons drink incest medicine infused in the gall of the victim. All these cuttings are spoken about as *bakene rual*, the cutting, or splitting, in two of the incest.

835 One hears much about incest among the Nuer, and sacrifices to cleanse parties to it are frequent. One reason for this is that the prohibition on sexual congress covers a very wide area of social relationships. The more important categories covered by it are clanship, close cognation, close natural kinship, close kinship

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Nuer have said in sacrifices or about them I have preserved their sacrificial idiom. It must be understood, therefore, that in this context the word 'cow' seldom refers to a cow but almost always, when the victim is an animal, to an ox, a wether, or a castrated he-goat. In a sacrificial context Nuer also always speak of a cucumber-victim as '*yang*', 'cow'. 789

Should for some reason no beast be available Nuer may instead, or as a temporary expedient, sacrifice a small trailing knobbly

[137]

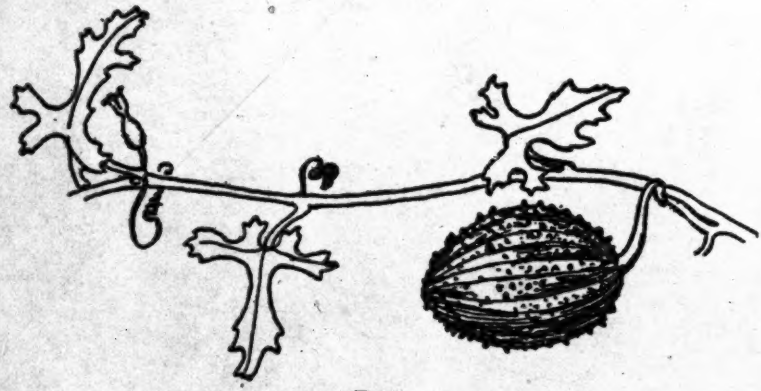

FIG. 3
Cucumis prophetarum (Crowfoot)

cucumber called *kwol*, or *kwol yang*, cow's cucumber (*Cucumis prophetarum*) which grows wild on cultivated sites.[1] If necessary, animal sacrifice is made later, when a victim can be acquired. Nuer also sacrifice this cucumber in minor anxieties, as when they have bad dreams or have committed petty incest. It is treated as though it were an animal victim. It is presented and consecrated, an invocation is said over it, and it is slain by the spear, being cut in half along its edge. The left, or bad, half is then thrown away and the right, or good, half is squeezed and its juice and seeds rubbed on the chest and forehead of the officiant and maybe on others present. This half is afterwards put in the thatch over the entrance to the byre, or sometimes to the dwelling-hut. In cases of petty

[1] I have described it in some earlier accounts as 'a yellow tomato-like fruit'. This is probably the Nuer *kot* (*Solanum incanum*) and not their *kwol* (*Cucumis prophetarum*): *vide* Grace M. Crowfoot, *Flowering Plants of the Northern and Central Sudan*, n.d., Nos. 34 and 129. I am indebted to Dr. Lienhardt for the correction of this unfortunate error.

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seen that in a sense the evil is he, in a certain aspect of the relation of Spirit to man, so, in this sense, it is he who is 'finished with a thing', he who 'goes into the earth' with the blood, he against whom the ox 'shields' man. 782

But though sacrifices made in times of trouble have this basic piacular meaning in common, certain tones in it are emphasized more in some sacrifices than in others, and this is sometimes indicated by some special word being used in reference to the intention. These words lie within the circuit of the general term denoting a piacular offering, *kam*, to give. An examination of them will shed further light on the character of the whole class of piacular sacrifices, and hence on the meaning of sacrifice in general. I speak now only of personal sacrifices, those which have a piacular intention.

When the notion of redemption is strongly marked the word *kuk*, with the verbal form *kok*, seems generally to be used when speaking of the sacrifice and in the invocation made at it. A *kuk kwoth*, sacrifice to God (or to some spirit), appears to be regarded as a ransom which redeems the person who pays it from a misfortune that would, or might, otherwise fall on him. By accepting the gift God enters into a covenant to protect the giver of it or help him in some other way. Through the sacrifice man makes a kind of bargain with his God. 782 789

In violent storms Nuer, fearful of the lightning, throw small pieces of tobacco into the air, asking God to take them, and saying that they have paid him ransom with this offering. When a man in sudden illness or danger takes off a bead or bracelet and throws it away he says 'grandfather [God], take thy cow [bead or bracelet], I have paid thee ransom (*kok*), let my sickness depart'. When an ox is sacrificed there is the idea that the evil goes into the ox and then into the earth with its blood, and there seems to be here the idea of its going into the bead and residing there; for I was once about to pick up a bead I saw lying on the ground in the bush when a Nuer stopped me, saying that it had probably been given to God as an offering by a sick man and if I took it the sickness might enter into me. Likewise, when Nuer sacrifice before crossing a river or wading into a lake to fish, and ask for the protection of the female spirit *buk* against the dangers of the water, they say 'take thy cow, we are ransomed (*kok*)'. In a story of how a girl, Nyanding, was sacrificed to the river which bears her name she

789 is said to have been paid in ransom to the river. The river was
782 bought, as it were, by her sacrifice; just as the hippopotamus had
[538] to buy the river in one of the Nuer just-so stories. Fox had found hippopotamus on land, where he had been created, and exacted from him, in payment for taking him to a river, the flesh around his mouth—which accounts for his funny face today. When they arrived at the river hippopotamus had to pay it (*kok*) the marrow of his leg bones before it would receive him—which accounts for their having no marrow, so Nuer say, in them today. 'Bought' and 'buy' are renderings I discuss below.

782 When in serious sickness an animal is sacrificed Nuer may say
755 '*ca kwoth kok ke yang*', 'God is paid a cow [in ransom]'. I was present when a Nuer was defending himself against silent disapproval on the part of his family and kinsmen of his frequent sacrifices. He had been given to understand that it was felt that he was destroying the herd from inordinate love of meat. He said that this was not true. The oxen he had killed—and he had killed his own favourite ox among them—had been sacrificed to his mother-in-law's and wife's spirit *deng*, which came from Dinkaland and was frequently troubling his children and his wife and her brother with sickness. It was all very well for his family to say that he had destroyed the herd, but he had killed the cattle for their sakes. It was '*kokene yiekien ke yang*', 'the ransom of their lives with cattle'. He repeated this phrase many times as one by one he recounted cases of serious sickness in his family and described the ox he had sacrificed on each occasion to placate the spirit *deng*. If his sons saw fit to complain let them regard their sisters. Would they not get the cattle of their sisters' bridewealth? And were not the cattle killed to save their sisters' lives?

782 The word *kuk* would seem therefore to suggest that God, or a
789 spirit, is placed by the sacrifice under an obligation. A woman says 'God, take thy cow and give me a child', and Nuer say of the river-spirit that 'it is given a gift and then it gives life to the people'. The child and the life are given to suppliants in return for the gifts they make. The action of the rite is not effective in itself. God, or a spirit, is not constrained by the sacrifice to grant the favour asked for. An animal sacrificed to God is his animal anyhow, and what he gives the suppliant in return is a *muc*, a free gift. Nevertheless, my impression was, at any rate where spirits of the air and of the earth are concerned, that Nuer feel that the recipient of a sacrifice

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is at fault if it does not fulfil its part of the bargain. A costly sacrifice having been made, *cuong*, right or justice, is on the human side in the matter. Thus the man of whom I was speaking above said during his harangue that after all the sacrifices he had made to the spirit *deng* on account of sickness in his family, his little daughter had been bitten by a snake and died. He had given all these oxen to *deng* and look what had happened! He felt aggrieved and had consulted a prophet of *deng* who had told him that if the spirit had taken his daughter it would compensate him for his loss; and it had indeed done so by giving him twins: '*ca col e kwoth ke cuek*', 'it [the death of the daughter] was compensated by the spirit with twins'. The use of the word *col*, as will be seen later, here implies that the spirit was in debt to the man. This Nuer Job complained that the spirit had only compensated him because he told it that he had had enough of it and that it could take all his children if it pleased, for then he would have finished with it because it would have nothing more to take from him.

The word *kok* occurs in the other Nilotic languages with much the same range of meaning, outside its sacrificial usage, as it has today in Nuer, for one most frequently hears it used today to describe the purchasing of goods from an Arab merchant. That a word which had chiefly, and perhaps primarily, a sacrificial meaning should come to be employed for the recent practice of buying something from a shop, a commercial sense it has also in other Nilotic tongues, sheds some light not only on Nuer ideas about trading but also on their ideas about sacrifice. Since the present range of meaning of the word includes buying and selling one might say that God or a spirit is 'bought' by sacrifice. The dangers of translation that beset one at every step in an attempt to understand and make intelligible Nuer religious ideas are here very apparent, for once we use the word 'bought' the associations it has among ourselves rush in to colour the Nuer conception. But Nuer do not regard purchase from an Arab merchant in the way in which we regard purchase from a shop. It is not to them an impersonal transaction, and they have no idea of price and currency in our sense. Their idea of a purchase is that you give something to a merchant who is thereby put under an obligation to help you. At the same time you ask him for something you need from his shop and he ought to give it to you because, by taking your gift, he has entered into a reciprocal relationship with

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equal value by the persons concerned in the exchange, as when a man who is leaving his neighbourhood exchanges his old byre for a bull calf or when a man exchanges an ox with certain markings desired by his partner to the exchange for one with his own favourite markings. The difference between *kok* and *luel* is that between the reciprocal relation between persons in an exchange and equivalence of objects exchanged. In either case the action is immediate, unlike that implied by use of the words *ngual*, to borrow, and *gwal*, to lend. In loans a man makes a gift and the recipient later returns it or something of greater value. There are two distinct and separate movements between which there is a long passage of time. In its piacular context, therefore, the word *luel* means that the life of the victim is exchanged in the moment of its immolation for the life of a man. In the sacrificial situation the two things are of equal value, so that the one can be substituted for the other. This puts men and cattle in a very peculiar relationship to each other, a matter I discuss in Chapter X.

In personal and piacular sacrifices the animals are substitutions for men. To this extent sacrifice is an exchange, but it is also something very much more than just a simple exchange. It is not a simple idea at all but a very complex one in which many other elements are present. I discuss the problem in more general terms later, but we may here note how other terms are used to describe personal sacrifices which emphasize rather the related ideas of propitiation, expiation, atonement, and purification.

Sometimes the word *lor* is used to describe a sacrifice. The word means 'to go to meet', perhaps its most common usage being to describe the formal greeting that Nuer, especially women, make to a visitor of importance when they go from their homes to receive him outside their homestead or village. The word has therefore the further sense of 'to honour', as would appear to be the case also in Dinka and other Nilotic tongues. But in the religious sense of the word people go out of their villages to meet a plague or other danger not with the purpose of bringing it to their homes to give it hospitality there but with the opposite purpose of preventing it from entering their homes. They go out to meet and stay a plague or murrain with sacrifice. They say '*bane je luor*', 'let us go out to meet it'. The well-known prophet Ngundeng of the Lou tribe did this in times of epidemics, sometimes, I was told, sacrificing dozens of oxen and leaving their carcasses in

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782 a line in the bush. He also used to sacrifice before his followers
●789 as they advanced to battle. His son Gwek appears to have met his
[726] death while making such a sacrifice before a military patrol sent against him. Mr. Coriat, one of the officers on this patrol, has described how the Nuer attack was launched. 'Two long lines of men rushed out to either flank in an attempt to surround the troops while the main body of Nuer in the centre advanced more slowly but singing lustily and driving ahead of them a solitary white bull. The order to fire was given. The leading men and the bull reached to within 120 yards of the square before they fell and within a few minutes the whole mass of Nuer were fleeing in all directions. A long pursuit over rough and broken ground followed. Gwek, arrayed in a leather skirt with an iron skewer clutched tight in his hand and a brass pipe, the pipe of Dengkur [Ngundeng], lying beside him, was picked up dead beside the white bull.'[1]

782 Other prophets acted in the same manner in epidemics and war.
789 It has also been described to me how a whole section of the eastern Jikany Nuer went out to meet smallpox which was advancing into their territory. They went out to meet it with goats and sheep and pots of beer, and they slaughtered the animals and left their carcasses and the pots of beer in a line over which the smallpox should not cross. It was described to me as being like a *kegh*, a boundary line—more closely in meaning a line a leopard-skin priest makes on the ground before advancing warriors halt them so that a fight may be prevented.

When I was living in a small village on the Sobat river swarms of locusts descended on it and on its gardens, and the people went out to meet (*lor*) them in a body, leading a fawn-coloured goat (roughly the colour of the locusts) and beating their ox-hides, where the gardens adjoined the bush, and there sacrificed the goat. It fell with its head towards the bush. This was regarded as a favourable sign as it was in that direction that the people wanted the locusts to go. They soon departed. The carcass was left where it fell. I have earlier described how people go out to meet durra-birds which are eating their crops and how they make a similar sacrifice and leave the carcass in the bush. Nuer use the same word when speaking of the sacrifices made by kinsmen of twins at their birth. They say '*ba cuek luor*', 'the twins are met [with sacrifice]'.

[1] P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', *Sudan Notes and Records*, 1939, p. 237.

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On those occasions on which Nuer use the word *lor* in a religious context the danger is definite and immediately before them, and it has to be met with sacrifice to propitiate God so that of his kindness he may stay its approach. It is true that they speak of going out to meet the smallpox, the locusts, the durra-birds, or whatever the threatening thing may be, but when they say that they 'meet it with a cow', that is, by sacrifice, we are to understand that the 'it' is not the thing itself but Spirit manifested in the thing. It is a vehicle of Spirit and only God can stay it. We have then in the concept of *lsor* another element in sacrificial intention, homage to God by a whole community, or on its behalf, at a time of common crisis. 782 789

The word *kier*, with the verbal form *kir*, is more difficult to translate than the other words used for sacrifice because it has no meaning outside its sacrificial usage. I have translated it by 'expiation' because that idea together with the idea of purification seem to me to be strongly represented in the situations of its use, the appeasement of God or spirits when an event which places people in a state of danger, usually grave, has taken place. The danger, which is Spirit itself, is not merely possible, nor is it seen to be approaching. It is already present and people must rid themselves of it before it injures them or causes them further injury. 782 783

Nuer say of a spirit which has made a man seriously ill '*ba kwoth kier ke del*', 'expiation is made to the spirit with one of the flock'. They say of the sacrifice made after the burial of a man that '*ba kier piny ke del*', '[the dead man] is expiated in the earth with one of the flock'. They say of a byre which has been struck by lightning that '*ca kir ke ghok*', 'it has been expiated with cattle', and of a man killed by lightning that '*ca je kir ke det kene ruath*', 'he was expiated with some of the flock and with oxen'. When a speckled vulture settled on a man's head (pp. 88–89) expiation was made (*ca kir*) by sacrifice. I have also heard it said of sacrifices made on account of the birth of twins '*ca ke kir*' 'they [the twins] have been expiated'. One does not visit the home of a kinsman who has begotten twins without something to sacrifice in one's hands. Further examples of the use of the word *kier* for sacrifices are given by Father Kiggen, on account of a man being lost and on account of a bad dream.[1]

It may seem a peculiar expression to speak of a man, twins, and

[1] Op. cit., p. 145.

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to refer to other persons with traditional ritual functions, such as the *wut ghok* or man of the cattle, though this usage is loose and should perhaps be regarded as derived by analogy from its primary use to denote a leopard-skin priest. When the Government chose certain leading persons in the various Nuer communities and appointed them 'Government Chiefs' with administrative and judicial duties and privileges these chiefs became known as *kuar biei*, chiefs of the cloth (the robes of office presented to them by the Government), either because Europeans referred to them as *kuar* or because Nuer saw a resemblance between the robes and the leopard-skins worn by priests. Both are worn over the right shoulder. *Kuaar* became as well the title by which Europeans are addressed by Nuer, perhaps for one or other of the same reasons. The word has thus gained a wider range of meaning.

A more usual title than *kuaar twac* or *gwan twac* is *kuaar muon*, priest of the earth, the word *mun* (gen. *muon*) meaning 'earth' in the sense of 'soil'; and if it were not that in the literature on the Nuer the priest of whom we speak is always designated by reference to his leopard-skin I should be inclined to write of him as the priest of the earth, because the leopard-skin title is taken only from his badge whereas the earth title is derived from a symbolic association with the earth of deeper significance. It is said that a leopard-skin priest (henceforward generally referred to simply as 'priest') will not approach people when they are making pots lest the pots crack; and in this sense he may be said to respect (*thek*) the earth. If anything goes wrong with the standing crops he may be asked to anoint (*yir*) the earth with butter. He may also be asked to anoint seed and digging-sticks with butter before sowing. When a priest is buried, his corpse, so that it will not be in contact with the earth, is placed between hides on a light platform erected in the grave, which is dug in his hut if he dies while the people are in their villages. These and other observances express a mystical relationship of priests with the earth in virtue of which their curses are thought to have special potency, for, as was noted earlier (p. 167), they can affect not only a man's crops but his welfare generally, since human activities all take place on the earth. However, in spite of the power attributed to their curses, I have never known Nuer stand in awe of them nor have I known the power to be used outside a situation of feud; and then a priest's threat to curse is regarded as a routine convention. It gives the

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793 injured party an excuse to accept compensation without loss of
[789] honour.

It is a matter of surprise that the Nuer priesthood should have this association with the earth and take its most common title from it. There is no cult of the earth such as we find in West Africa. Priests are not traditionally linked to a particular territory as are the 'fathers of the land', ritual agents who are such in virtue of being descendants of first settlers, among some other Nilotic peoples. Nor can a satisfactory explanation be advanced in terms of agricultural activities. Nuer do not highly esteem cultivation of crops and may be presumed to have engaged in it even less in the past when cattle were more numerous. Cattle husbandry receives more of their attention and is their absorbing interest, but it and fishing, which is also most important for them, so far as they are the object of ritual attention, are the concern of other, and less important, ritual specialists than the priest of the earth. Moreover, Nuer do not attach much importance to such ritual as he performs in connexion with the crops, and it is entirely secondary to his other functions. On the other hand, it can be seen that the association of priesthood with the earth is a representation which accords with the general idea of man being identified with the earth and God with the sky, the priest being essentially a person who sacrifices on behalf of man below to God above.

793 613 614 Lineages of leopard-skin priests are found in all tribal sections, and in most parts of Nuerland they are in the category of *rul*, strangers, and not of *diel*, members of the clans which own the tribal territories. It is necessary that they should be widely spread, because their services are essential to Nuer everywhere, and it is significant that they are generally not members of lineages identified with political groups, because they have to act as peacemakers between such groups. The two best-known priestly clans, the Gaatleak and the Jimem, have no tribal territories of their own but live, as families and small lineages, in most or all territories owned by other clans. They are like Levi, divided in Jacob and scattered in Israel. Their priestly filiation goes back to Gee, the first man and the first priest, from certain of whose sons the priestly virtue (*ring*) has passed down the generations. However, although their powers are hereditary, and although all members of a priestly lineage can, therefore, act in a priestly capacity, in practice only certain families do so, and these families can function as priests wherever

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793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter incest, between, that is, persons more distantly related, some lesser
835 specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least usually, serious incest are the exclusive domain of the leopard-
782 skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

Since a good deal has been written about the importance of
[793] 'rain-makers' in this part of Africa it is perhaps wise to note also
•789 that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-

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cedures. Any Nuer can pray to God to send rain, and his prayers may be supported by placing a sprig of the *nyuot* tree in water, though this is best done, together with sacrifice of one of the flock to *kwoth nyota*, spirit of the *nyuot* tree, by a member of the widely scattered Gaawar clan on account of their association with both rain and the tree (p. 72). Some Nuer said that a prophet's prayers and sacrifices for rain might be effective, and they seem to have had some faith in those of the prophet Gwek; but I found that in general Nuer showed little interest in the subject. They certainly do not think that anyone can 'make' rain. Whoever it may be, priest, prophet, member of the Gaawar clan, or just an ordinary person, he can only pray to God to send the rain. They say, 'There is nothing we can do if it does not rain. God has given us nothing [to make it]. We are merely ignorant folk.' When I urged that surely there was something they could do, a Nuer replied, 'Oh well, the leopard-skin priest may sacrifice a cow [probably a goat was meant] and pray to God for rain, and that is all; perhaps God will give it and perhaps he won't.' When I asked about Car, a well-known prophet, whether he could bring rain, I was told, 'Oh well, he will pray to his spirit [an air-spirit] and ask for rain, but that is all.'

In whatever circumstances a priest acts as intermediary between men and God the virtue which gives efficacy to his mediation resides in his office rather than in himself. Consequently, it does not matter what sort of person he is, socially, psychologically, or morally. The virtue derives from the office having been established by God at the beginning of things as part of the social order. Consequently the priest is a traditional public functionary thought of as having always existed and as representative of man, rather than of any particular men, to God in certain critical situations. Therefore when he invokes God at sacrifice he does so in phrases which recall the universal and enduring character of his role: '*Kwoth muonda*', 'Spirit of our earth', '*Kwoth Jagei*', 'Spirit of all the Nuer' (*Jagei* has here this sense), and '*Kwoth rieng gwari*', 'Spirit of the virtue of our fathers'.

When we examine the critical situations in which the priest is called upon to exercise his functions we see that the priesthood can be regarded either as a political institution functioning within a set of religious ideas and values or as a religious institution functioning within a set of political ideas and values. His essential and

● 791, 792 Nuer FJ22

[Information on gwan kwoth or prophets are filed according to their functions under category 791 or 792.]

624, 791, 793

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[Information on leopard skin chiefs or priests are filed according to their functions under category 624, 791 or 793.]

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554 pass them by because sacred powers often give a man prestige from which he may attain local eminence as an important elder, if they are combined with wealth, ability, and wide kinship connexions.

554 613 231 791 Next to prophets and leopard-skin chiefs the ritual status that carries with it most prestige is that of the *wut ghok*, the Man of the Cattle. Certain lineages have hereditary ritual powers in relation to cattle and are asked to cure sick beasts and to make barren cows fruitful, though only some members of these lineages use their powers. Like leopard-skin chiefs, Men of the Cattle are often members of stranger lineages and not of the aristocratic clan of their tribe. I was told that their curse is feared, as it can be directed to the cattle, and that Nuer do not care to offend them, but, outside tradition, I have not recorded any occasion of its utterance. Apart from the few Men of the Cattle who play a part in the regulation of Age-sets (see Chap. VI), and those who are sometimes consulted about migration to new pastures, they have no public functions. One *wut ghok* of the Eastern Gaajok became very rich and powerful a generation ago, but his prestige was largely due to his possession of magic.

554 613 791 Besides the *kuaa muon*, who has a ritual relationship to the earth, and the *wut ghok*, who has a ritual relationship to the cattle, there are a number of totemic specialists whose ritual connexion with lions, crocodiles, weaver birds, &c., enables them to influence the behaviour of these creatures. A totemic specialist is a possessor (*gwan*) of the spirit (*kwoth*) of his totem. Totemic specialists have no political significance and have no social influence in virtue of their powers alone. There is a war specialist whose duty it is to shake a spear in the face of the enemy and to deliver an invocation against them. He is known as *gwan muot*, possessor of the spear, or *ngul*, and is often, perhaps always, a member of a senior lineage of the dominant clan of the tribe, for he invokes the spear by the spear-name of the clan. There are also magicians of various kinds: leeches, diviners, owners of medicines, and owners of fetishes. Of these specialists only owners of fetishes become prominent members of their communities on account of their ritual powers. Nuer [776] are very much afraid of fetish spirits and believe them to be so powerful that they will even purchase them with cattle. A fetish-owner may become the most influential man in the village, and I have been surprised at the respect and fear with which his neighbours sometimes treat him. Nevertheless, he has no defined authority in controlling the relations of the villagers to one another nor does he represent the village in its relations with neighbouring communities.

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among his kinsmen, but added that they would not be able to keep them when his relatives at Fadoi came to spend next dry season on the Pibor.

The only way of keeping tobacco among the Nuer is to deny that one possesses it and to keep it well hidden. When I gave Deng a big lump of Anuak tobacco he managed to place a small piece of it in his pipe, but he had at once to distribute the rest of it. When I used to give tobacco to youths at Yakwac they generally took a small piece for immediate use as snuff and asked me to hide the rest, so that they could come and get a bit when they wanted it without any one knowing that they possessed it. I had hiding-places all over my tent. No Nuer can resist the pleadings of his kinsman for tobacco. Age-fellows do not even ask for snuff or tobacco, but, if they find it in a man's byre, they just take it. My own system was to give away at the first opportunity anything I possessed which Nuer might covet and to rest in poverty and peace. Arab merchants are driven almost crazy by Nuer demands for gifts, but they generally speak Nuer well and have considerable knowledge of Nuer habits and so are able to hold their own. Nevertheless I have often observed that they make gifts where no return is to be expected.

Nuer are most tenacious of their rights and possessions. They take easily but give with difficulty. This selfishness arises from their education and from the nature of kinship obligations. A child soon learns that to maintain his equality with his peers he must stand up for himself against any encroachment on his person and property. This means that he must always be prepared to fight, and his willingness and ability to do so are the only protection of his integrity as a free and independent person against the avarice and bullying of his kinsmen. They protect him against outsiders, but he must resist their demands on himself. The demands made on a man in the name of kinship are incessant and imperious and he resists them to the utmost.

XIII

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Some personal recollections and general impressions were recorded in the last section in order that it might be understood what are Nuer feelings about authority. It is the more remarkable that they so easily submit to persons who claim certain supernatural powers. Fetishes are a recent introduction to Nuerland and they inspire much apprehension among the people, so that, in recent years, their owners have often won prestige in their villages and made themselves feared in their

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districts, and occasionally even in large tribal sections. These fetish owners are not, however, in any sense tribal leaders and cannot compare in social importance with the prophets.

792

Owing to the fact that Nuer prophets had been the foci of opposition to the Government they were in disgrace and the more influential of them under restraint or in hiding during my visits to Nuerland, so that I was not able to make detailed observations on their behaviour.[1] Without discussing Nuer religious categories it may be said that a prophet is a man who is possessed by one of the sky-spirits, or Gods, whom Nuer regard as sons of the Sky-god. Nuer have great respect for these spirits and fear, and readily follow, those whom they possess. Prophets, consequently, achieved greater sanctity and wider influence than any other persons in Nuer society. A prophet is known as *guk* and is sometimes referred to as *cok kwoth*, an ant of God. He also comes into the general category of *gwan kwoth*, possessor of a spirit.

The first prophet to have gained great influence appears to have been Ngundeng who died in 1906. He was a Lou tribesman of the GAATLEAK clan and an immigrant from the Eastern Jikany. He had practised as a leopard-skin chief before he had acquired a reputation as a prophet by prolonged fasts and other erratic behaviour, by his skill in curing barrenness and sickness, and by his prophecies. Women came to him to be made fruitful from all over Lou, from the Eastern Jikany tribes, and even from the west of the Zeraf and Nile. Many brought oxen which Ngundeng sacrificed to Deng, the Sky-god which possessed him. He then anointed them with his spittle. When small-pox threatened the Lou he went out to meet it and to stay its advance by sacrifice of oxen. He foretold cattle epidemics and other events and led expeditions against the Dinka.

When Ngundeng died, the spirit of Deng eventually entered his son Gwek, who began to prophesy and to cure barrenness and sickness, as his father had done. However, he never displayed the pathological qualities of his father, who appears to have been a genuine psychotic. The spirit of Deng had passed over his elder brothers, or did not long reside in them. Nuer say that a spirit eventually returns to the lineage of the man whom it first

[1] The Government has always looked askance at prophets and opposed their influence. See, for some pejorative references to them, Jackson, op. cit., pp. 90–1; Fergusson, Appendix to Jackson, p. 107; C. A. Willis, 'The Cult of Deng', *S.N. and R.*, vol. xi, 1928, p. 200.

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881 in arranging for its boys to be initiated. After the operation
561 the boys live in partial seclusion and are subject to various taboos. This is a time of mild licence and they pass out of it by a special rite. On the day of the cutting, and on the day of the passing out of seclusion, sacrifices are made and there is festivity, which includes licentious horseplay and the singing of lewd songs. Only age-mates of the father of the initiate in whose homestead the feasting takes place attend it: others keep at a distance lest they see the nakedness of their kinswomen and mothers-in-law.

II

All boys initiated during a number of successive years belong to a single age-set (*ric*). There has, till recently, been a four-year interval between the end of one such set and the commencement of the next. These four years are known as the time 'when the knife is hung up', and at the end of that period it is said 'the knife is brought out' and boys may then be initiated again.
[791] A certain *wut ghok*, 'Man of the Cattle', is, in each tribe, responsible for opening and closing the initiation periods and thereby dividing the sets. He performs the appropriate rite in his district, and when the news goes round other districts begin or cease initiation. He derives prestige from his functions, but they are ritual and give him no political authority. Sometimes,
[792] in Western Nuerland, they are performed by a prophet, but it is possible that in these cases the prophet is also a Man of the Cattle. The age-sets are organized independently in each tribe,
561 at any rate in the larger tribes, but it often happens that when
619 a new set has been started in one tribe an adjacent tribe will follow its lead, so that the names and periods of sets in neighbouring tribes are frequently the same. Also, though in different parts of Nuerland the names of the sets are different and the open and closed periods do not coincide, it is easy for a man who moves from one part to another to perceive in which set he would have been initiated had he been brought up in that part of the country.

881 To-day there are no closed periods and boys are initiated every
561 year. The Man of the Cattle announces every few years that he is about to cut the sets and performs a ceremony by which all

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MAN OF GOD, RIAG LOINYJOK (*see p. 215*)

[facing p. 161]

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query and is an abstract idea which they cannot explain in terms of specific examples; but this does not cause confusion to them because, although all aspects of their religion are an indirect extension of the idea of *kwoth*, there is a special terminology which refers to every kind of manifestation and category.

For example, there are, as will be seen later, *kolangni*, special spiritual forms which come into the possession of and possess individuals or kinship groups, and of these there are many different types of manifestation. They are often the cause of physical illness or misfortune. A particular individual may be subject to epileptic fits or periods of mental instability, and speaking in general terms the Nuer will say *teke kwoth*, 'he *has* or is possessed by *kwoth*'; but they will usually go further and qualify this statement by saying that he is possessed by some particular manifestation of *kwoth* which has a definite name. In some cases the individual will have called upon himself evil effects (though the same spirit may equally bring beneficial effects) in angering the spirit by some action, or more probably by failure to carry out some ritual obligation. There are special functionaries whose duty, in return for fees paid, usually in cattle, is first to diagnose the cause of the trouble and then to suggest a remedy, often assisting in the ritual which follows.

Kwoth is sometimes spoken of in the rôle of creator, but creation is more often explained in mythology by reference to ancestors. Such ancestors are not consciously thought of as manifestations of *kwoth*, although their origin would be explained as *kwoth*.[1] Ancestors are intermediaries between man and God; prayer is offered through them to *kwoth*. There is therefore a close relation between the concept of *kwoth* and religious practices associated with a patrilineal descent group. The word *thek* is used to express the idea of respect to ancestral spirits, and also, by extension, respect for kinship relations. Misfortunes and illness, sometimes referred to as *nueer*, are often believed to be caused by ancestral spirits who are angered on account of a breach of observance—such as neglect of prayers, which should be addressed to them—or by actual relations between living descendants. An offensive action against a kinsman demands not only some compensation in the form of apology or even material indemnification but also prayer and expiation. There is therefore a religious sanction for kinship obligations and observances.[2]

[1] E.g. when asking Nuer to relate their genealogies, one often finds that they get stuck at a particular ancestor—and there is, of course, always an ancestor beyond whom they cannot go. Pressed for an answer they will simply say that this man came from *kwoth*.

[2] *Thek*. A full explanation of the word *thek* is given in an article by Professor Evans-Pritchard in *Man*, Vol. XLIX, 96, 1949. He says: 'We can therefore perhaps best think of *thek* as a term indicating a category of ritual prohibition or taboo, and of *nueer* as a term commonly used both for the infringement and the sanction of this class of taboo.' My own view is that *thek* implies not only negative action in the form of prohibition or avoidance but also positive action in carrying out some observance or duty.

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Religious Functionaries and Magical Experts

We have seen that the Leopard-Skin Chief has certain duties to perform in connexion with the composition of blood-feuds and that he may be called upon to arbitrate in disputes of almost any kind. His rôle is purely that of a mediator whose powers, both ritual and secular, are brought into operation only if there is a genuine desire by the hostile parties to reach an agreement. He has no executive powers with political force behind them, although it is expected that he will attempt to intervene in the early stages of a feud, and he sometimes threatens to use his power to curse the disputants if they will not agree. Moreover, in all matters in dispute, the frequency with which he will be approached depends largely on his prestige and personality, and not merely on his hereditary status. Other persons with no hereditary ritual status might easily acquire a reputation for fairness and tact and be employed as arbitrators in minor disputes. Skill in arbitration was considered by the Nuer one of the attributes of leadership (*ruec*), and the *ruic naadh* often extended their influence into the sphere of legal disputes.[1]

There are also other kinds of ritual experts who have specific functions to perform for public welfare: fertility in man and cattle, success in hunting and fishing, in raids and warfare. In this category are the *wut ghok* or cattle expert, the *kuaar thoi*, the water expert, the *kuaar yiika*, who is mainly concerned with the fecundity of women, the *kuaar juath*, who deals with epidemic diseases among humans, the *gwan tang* or *kuaar bith*, who ensures the success of warriors in battle. These experts have regular duties to perform, a fact which distinguishes them from other categories of magical expert; they have an established ritual status in society, and are expected to carry out religious tasks which in some African tribes are less specialized or even embodied in the person of one man.[2]

Professor Evans-Pritchard has mentioned most of these experts in his writings on the Nuer, and has recorded most, but not all, of their duties. They are:

Kuaar kwac or *kuaar muon: The Leopard-Skin Chief or Land Chief*

The functions of this expert in connexion with homicide have been fully described in Chapter II. His is essentially an hereditary office,

[1] We are dealing here with the past. The functions of traditional experts are now much modified.

[2] The *reth* of the Shilluk, for example, who is, apart from his political and executive functions, generally responsible for fertility in man, cattle and crops, for success in hunting and fishing. (See Howell and Thomson, op. cit., p. 9; and *Africa*, XXII, 1952.) He is responsible, however, for these matters as affecting the whole tribe. There is also among the Shilluk a number of specialists responsible for local interests, *jal yath, ajwogo, &c.*

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but all members of the lineage do not practise. Professor Evans-Pritchard has listed his functions as:

(i) Anything to do with the land—especially the welfare of crops.
(ii) A limited rôle in rain-making and the regulation of the weather.
(iii) The ritual of homicide (see Chapter II).
(iv) The ritual of incest (see Chapter III, Section 3).
(v) The ritual of preventing feuds and protecting warriors on raiding expeditions.
(vi) Arbitration in all kinds of disputes.

Wut ghok: The Cattle Expert

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This is also an office the potentiality of which runs in certain families, and it is to that extent hereditary. The functions of the *wut ghok* are purely ritual and, apart from cattle, are concerned with the social processes of the age-grade system.

Other functions may be listed as follows:

(i) To increase the fertility of cattle and milk production and to ensure that cows give birth to cow-calves. To avoid cattle disease.
(ii) To perform the ritual of warfare, and in particular to ensure that many cattle are captured in raids.
(iii) To perform fecundity rites for women and to assist elderly spinsters to secure husbands.

As in the case of the *kuaar muon*, the *wut ghok* is concerned with activities which are both beneficial and widespread. I only know of two cases brought before the court where a *wut ghok* was alleged to have used his powers for personal gain or for revenge upon the cattle of an enemy. One of these cases caused something of a sensation and considerable animosity.

Kuaar thoi: The Water Expert

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A hereditary office running in certain lineages, sometimes of reputed extraneous origin (probably Shilluk or Anuak or what the Nuer call Bar). The *kuaar thoi* may be called upon to bless raiding parties and to perform ritual to ensure that they do not drink of water poisoned by the enemy. His principal function, however, is to bless the water, and to see that there is an abundance of fish and that the people are successful in catching them. He also performs ritual against crocodiles, and is indeed particularly associated with crocodiles and often called *kuaar nyang* (crocodile expert). A *kuaar thoi* is often called in to assist when cattle are fording a river. To ensure that crocodiles do not attack them, he takes a pole which he thrusts into the reeds along the bank and places on this an iron ring. He then takes a sheep, ties its legs

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and thrusts it into the river alongside the pole, calling upon the crocodiles to desist. This is, in fact, a common practice, since some Nuer are bound to cross rivers or crocodile-infested waterways in the course of the dry season migration.

Kuaar juath

The badge of this office is a cow-skin which he beats with a stick, and by performing this and other forms of ritual the *kuaar juath* stops the spread of disease among humans (notably small-pox). This office is also hereditary.

Kuaar yiika

The badge of this office is the *yiik* or woman's mat. The *kuaar yiika* is called in to arbitrate in cases where a woman dies in childbirth and *thung yiika* is demanded. Some Leopard-Skin families claim that this is their duty and that the *kuaar yiika* is only an assistant who should help in a subordinate capacity.

Gwan tang (*sometimes kuaar tang*)[1]

The word *tang* means 'spear-shaft'. The *gwan tang* is particularly concerned with the success of raiding parties and the performance of elaborate ritual to avoid spear-wounds to the warriors. Part of the ritual process is to break off the tip of the spear-shaft and cast it in the direction of the enemy. Some of these specialists are known as *gwan bith* (*bith* means fish-spear), but I know of only one family which claims this distinction, and their functions and the ritual they perform appear to be identical with those of the *gwan tang*.

Many of the functions of these various experts appear to overlap. This is true in general terms, but closer analysis will, I think, show that they are not identical. Thus the *kuaar kwac*, the *wut ghok*, the *kuaar thoi* and the *gwan tang* are all concerned with cattle raids and warfare. The *kuaar kwac*, however, is expected to ensure success in a more general and unspecified way, the *wut ghok* has specifically the duty of seeing that the raiders are successful in capturing cattle, the *kuaar thoi* is expected to protect them from poisoned water, and the *gwan tang* to give them success in inflicting spear-wounds on their enemies and in avoiding injuries to themselves. The *kuaar kwac* is also expected to protect them against the ghosts of slain enemies, which is one of his specific duties in cases of homicide. All experts of this kind are known as owners of *twac* (*gwan twac—ji twac*),[2] stressing their right to wear a particular skin as a badge of office, although some of them, notably the *wut ghok*, have none; the rest of the

[1] *Kuaar* is best translated as 'expert', though the word 'chief' is more often used; *gwan* (father) here simply means 'owner or possessor of'.

[2] *Twac* is a generic term for skin; *kwac* means leopard-skin, *thoan* serval cat-skin, and so on.

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people who have no such distinction are known as *dwek*. There is no suggestion of a caste system or, indeed, any social distinction, but only of the possession of a special ritual status in society which is emphasized by the hereditary nature of their functions and in tribal tradition and mythology.

I do not propose here to discuss in great detail the part played by these experts in legal procedures. We have already seen that the *kuaar kwac* or *kuaar muon* had special functions to perform as a mediator in blood-feuds and in other forms of dispute. The *kuaar yiika*, though his functions were almost purely ritual, was called in when an unmarried woman died in childbirth as a result of illicit sexual intercourse. Yet it would not be true to say that the *wut ghok* intervened in disputes concerning cattle for his functions were entirely ritual. This applies also to other kinds of religious functionary and, as will be seen later, magical experts of other categories. It is, however, true to say that any man of influence would intervene in disputes, both between individuals and between lineages or tribal segments, and since possession of spiritual attributes brings influence of this sort, doubtless such experts played their part in political and legal affairs. Again, it is necessary to stress that these observations, though still partially true, concern principally the past. It will be obvious that whatever political and legal functions were performed by these people in the old days are now much modified by the introduction of modern tribunals with the sanction of government action behind them.

Other Types of Religious Expert

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Religious experts of the second category have no analogous traditional status or specialization of social and economic function, although in most cases their position becomes hereditary. These are the *ji kuthni* (sing. *gwan kwoth*), of which there are many kinds. The first are the possessors of 'sky-spirits'—direct and identified manifestations of *kwoth*—some of whom gained considerable political power and widespread fame during the last century. Professor Evans-Pritchard speaks of these as 'Prophets', and suggests that the concept was of Dinka origin. Many of these prophets were themselves of Dinka extraction.

It must be remembered that the great majority of these people gained no widespread prestige and had no political influence at all, their activities being limited to the ordinary ritual divination and diagnosis of the cause of the minor misfortunes which beset the individual. Nowadays they are unlikely to gain any extensive political power, although there are many who have exceptional influence over the Nuer, and it is interesting to note that they are never brought forward as possible representatives of the people to the Government. For example, there is a *gwan kwoth* called Macar Teng, who lives in comparative

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isolation among the few Gaawar who occupy the southern and almost inaccessible part of the Zeraf island, and has considerable influence over Gaawar affairs. Another, Riak Loinyjok,[1] commonly called by his bull name, *tut me bor*, has recently acquired tremendous prestige and, although he lives among the Lak, is known and visited by people from as far away as the Eastern Jikany. His activities have no political aspect, and he concerns himself with the curing of the sick.[1] These are exceptional cases; the vast majority have no such fame.

There are also owners of lesser spirits, and the multitude of persons who operate through 'talking or spirit medicines', which are described very briefly below. 'Prophets' and persons possessed of spirits and magicians of lesser importance are clearly distinguished from the *ji twac*, religious functionaries who have a traditional right to a skin (*twac*) as a badge of office. These distinctions may be summarized as follows:

(i) The *ji twac* have not only hereditary status, but status which is firmly established in tribal tradition. Their ancestors, themselves operating as *kuaar kwac*, *kuaar thoi* and the like, are figures of great repute in Nuer tribal history.[2] Other types of religious expert can acquire their powers suddenly, alleging possession by a spirit after a trance or epileptic fit, or even by purchase from someone else, but although these qualities may thereafter become hereditary, it is never a hereditary status which goes far back into the history of the lineage.

(ii) The *ji twac* have no particular manifestation or spirit linked to themselves as individuals, only ritual association with earth, cattle, water, &c., as the case may be, while the *ji kuthni* are possessed by much more definite manifestations, each of which has a distinguishing name and sometimes even a known personality.

(iii) The *ji twac* have functions to perform in connexion with the people as a whole or with natural phenomena or events which are likely to affect the whole community or the tribe. The *kuaar kwac* is associated with the land and is therefore responsible for control of the weather, the *kuaar thoi* with the abundance of fish in the waters, the *wut ghok* with the welfare of cattle. Owners of spirits are more concerned with individuals, and are approached by individuals to perform ritual tasks for them in return for an agreed fee.[3]

The distinction given above is not, of course, always crystallized. The *kuaar kwac* may, for example, be approached by an individual, who will ask him to bless his land or his wives and ensure

[1] Since the political activities of *ji kuthni* have been so severely repressed by the Government, those who now practise are usually at pains to emphasize the purely spiritual nature of their activities.

[2] See pp. 30–31.

[3] This does not mean that the *ji twac* do not also receive fees. There are recognized fees for specific functions: for example, fees paid to the *kuaar kwac* for arbitration in blood-feuds, &c.

[1] [See plate facing p. 161 -- Analyst]

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791 fertility. Moreover it is clear that those of the second category who acquire great prestige and influence often seek to misappropriate the functions and insignia of more reputable experts. There is a tendency to assume the leopard-skin. Deng Likea, Prophet of Gaawar, did so, and his son Gaw Bang—for many years President of the Bar Gaawar Court—often conducted the ritual of homicide although he had no traditional right to do so. Riak Loinyjok (mentioned above) wears the leopard-skin, though he would not be accepted as arbiter in blood-feuds. There is clearly a desire by these people to establish themselves in a ritual and traditional, and therefore more orthodox, status in society.

A *guan kuoth* of repute will also claim that he possesses or is possessed by a large number of different spirits, not a single spirit. Deng Likea, whose principal spirit was called Diu, possessed many others, and he married a wife in the name of each. His sons are usually referred [551] to first by their own names and then by the name of the spirit in whose name the mother of each was married, and not by that of their father, according to normal Nuer custom. Thus Deng Likea's sons were called Macar Diu, Gaw Bang, and so on.

There is a large number of different categories of spirit owners: owners of 'sky-spirits' (*kuth miel*), owners of 'spirits' of the wind (*kuth dangr*), owners of 'earth spirits' (*kuth piny*) and 'talking medicines', these last being divided into a large variety of different forms, and finally, possessors of *wal*, medicine, which is usually present in more tangible form.

It is not within the scope of this book to describe at length the multitudinous concepts concerning *gook* and *kolangni*. *Gook* is said to be of Dinka origin, while *kolangni* are essentially Nuer. Under these two main headings are numerous spirits which have special names—*biel*, *malath*, *gulang*, *mathiang*, &c.,—and special characteristics. The spirits are used to assist in the diagnosis of ills and misfortunes, the possessor acting as a medium and often going into a trance at a seance attended by a considerable number of people. The spirit is said to speak from the mouth of the medium, from a special pot or gourd, from the ground, or sometimes only through dreams.

789 *Wal* is a word which has the more literal meaning of medicine, since it is also applied to herbs, purges, and astringents as well as nowadays 754 to medicines supplied by the government medical service. In this connexion it refers to magic roots and sometimes to other objects which have intrinsic magical power and which are operated by the performance of ritual for some specific purpose. There are different forms of *wal* (one called *nyeth*, for example, is believed to be particularly potent and also dangerous), but the Nuer do not consider themselves to be experts in their use, and regard them as being of foreign origin. In fact such roots are usually obtained from other tribes, and a Nuer will sometimes go on a special journey to purchase them.

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They can be and are used for beneficial purposes, but they are associated more often with the practice of witchcraft, and owners of such medicines are often greatly feared. This fear has perhaps been particularly impressed on the Nuer by the action of the Government in banning the possession of roots or medicines and inflicting severe penalties on their owners, whether they were believed to use them for good magic or for witchcraft. This reaction has not applied so much to the ownership of spirit medicines, presumably because, being for the most part entirely incorporeal, there was no proof of possession, and Government intervention was therefore much more difficult. Spirit medicines, *kolangni* and the like, can none the less be used for anti-social purposes, although they are normally regarded as beneficent and used as such. 789 754

A further category of Nuer magic experts is the *tiet*, who have special powers of divination,[1] but their techniques are not usually dependent on a particular spirit manifestation or on possession of a medicine. Their methods are more mundane in character, for they often use cowrie shells or pebbles, which are cast on the ground, and an interpretation is given of the formation in which they fall. 791

Beneficial and *Anti-social Activities*

We see, therefore, that the functions of all these experts are generally considered to be beneficial; those of the *ji tuac* to the people as a whole; those of other experts or possessors of spirits and medicines to their individual clients. Their power can, however, be used for purely anti-social purposes. The *ji tuac* have the power to curse by invoking the element or object with which they are particularly associated. We have seen that the Leopard-Skin Chief may call a curse upon those who refuse to listen to his exhortations in connexion with blood-feuds and homicide,[2] but he is not expected to do so for his own benefit or from personal animosity. Similarly the *wut ghok*, who has the power to benefit the people by ensuring the good health and fertility of their cattle, can also curse their cattle. Yet none of these religious functionaries can be regarded 791 754

[1] *Tiet*: a common Nilotic word used to cover a very large variety of magical experts.

[2] In connexion with warfare and cattle raids they are expected to work magic against other tribes; to make the infliction of wounds upon them easy; to destroy or weaken their defences. This is not witchcraft so far as the Nuer are concerned, for their action is pro-Nuer and to them in no sense anti-social. The definition of witchcraft is here relative. It will also apply to cases of warfare against other Nuer tribes or even tribal segments. An expert who performs ritual to bring about the downfall of enemies in another tribal section is acting in the interests of his own tribal section. His action is beneficial magic to his own people, black magic to those of the opposing segment, and there is no formalized community to which both belong and which would ceremonially react against his performance. His action is not witchcraft in the more exact definition of the term. Nefarious practices against an individual or even a kinship group within the community are a different matter, because there is a body of collective opinion which considers such action anti-social and, as we shall see in the next section, is prepared to take collective steps to remove the danger.

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791 754 as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

754 Apart from *gwan wal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *peth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rodh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

754 683 In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rodh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *peth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

684 839 It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. [183] It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

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671 583 the bridegroom. The question arises whether or not he will meet this particular claim. If pressed he will probably do so because the bride's family might terminate the negotiations, though this is unlikely to happen over so remote a claim as the cow of the age-mate. In the second place the bride's father is concerned with his age-mate, and here there is an element of reciprocal exchange.[1] A cow is not given to all age-mates of the bride's father, only to one who has a particularly close connexion with him and has probably undergone with him the ritual processes of initiation which impart a mystical association analogous to kinship. We see therefore that the custom is a complicated one involving two separate transactions and subject to different sanctions. If a dispute over this payment reached a Nuer court, payment would in most instances be enforced. When there are sufficient precedents to constitute a consistent application of a custom of this sort, we should be justified in speaking of the claim as a legal and enforceable right.

671 791 Again, certain categories of magical experts are entitled to a fee for their services. Such claims often appear before the courts. The court will consider the circumstances, estimate whether the alleged benefits have been received or not, and if necessary order the client to pay the fee. The transaction is in the nature of a contract which is now enforceable in law. In the past the sanctions were retaliatory, though in this particular instance forceful retaliation would be unlikely since more commonly the magician's supernatural powers, which might be used against his client, would be feared.

671 673 Compensation for wrongs, recognized in tradition, expressed in traditional scales, and originally a basis for compromise, is now enforced in the Courts. Adultery, for example, is a recognized wrong and one which should be rectified by the payment of a suitable indemnity. Whether or not this was paid in the past depended again on the sanctions prevailing, but nowadays the wrongdoer will in the final event be compelled to pay. This applies to other legal wrongs, such as the seduction or impregnation of unmarried girls, and theft or damage of property.

671 177 Among the Nuer there is a vast field of custom and convention which is now supported by legal sanctions and thus becomes the law. Moreover this transformation of custom into law is being carried to extremes among the Nuer, for there is an increasing tendency to treat all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have sometimes been speaking of the present, sometimes of the past. Under the influence of modern administration systems of social control are

[1] The age-mate will receive the cow if the bride's father has received a like privilege on the marriage of the age-mate's daughter or has the expectation of doing so. See p. 110 and n. 3.

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56 individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[1]

[121] In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

881 Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[2] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[3]

•[791] The chief officer in respect to initiation into age-sets is the *wud ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly 784 prohibited from milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any 881 contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

[1] A. R. Radcliffe-Brown. *Man*. 13, 1929.

[2] C. G. and B. Z. Seligman. "The Pagan Tribes of the Southern Sudan," pp. 72-3.

[3] *Id*. pp. 170-2 and 263-4. Cf. the lengthy account of age-sets among the Nilotic Lango of Uganda by J. H. Driberg.

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From the point of view of initiation Nuer life is divided into two periods, the initiatory period and the period when no initiation may take place. These alternating periods are known as that when the knife is brought out, *ngom kam rar*, at the commencement of the period of initiation, and that when the knife is hung up, *ba ngom ngaj*, at the conclusion of the period. At the commencement of an initiation period the cattle-expert kills a bullock, a big dance is held, and he makes a speech opening a new period of initiation. It seems that in each tribe there is one cattle expert whose authority is recognised in matters concerning the age-set cycle. 881

In Gaajak country there was a serious dispute between two cattle-experts about commencing a new age-set. The privilege of giving orders for initiation had previously been in the hands of the lineage of Ngweny Riek. Owing to the fact that there was no son old enough to perform the duty it was carried out by the lineage of Jop Gai. Afterwards these two lineages appear to have taken over the duty in turn ; the lineage of Riek gave orders for the *Thut* age-set to be initiated, the lineage of Gai gave orders for the *Boiloc* age-set to be initiated and so on. When it came to the *Rialmac* age-set it was Ngweny's turn to order initiation to commence but Jop refused to allow him to officiate. In revenge Ngweny made indentations into the ceremonial knife to render it useless and uttered a curse, saying that if the knife was his right then pus would come out of the ears of Jop, whereas if the knife belonged to Jop then pus would come out of his own ears. Another informant said that the dispute was occasioned by the question whether the knife should be brought out or hung up, *i.e.*, whether the period of initiation should be opened or closed and that Ngweny said," Let the knife now be hung up and not be taken down again till one of us has died. When one of us has died let the other order initiation to commence." Jop died and his rival initiated the *Rialmac* age-set. This same informant said that the knife will in future remain in the hands of the lineage of Ngweny since, as a result of Jop's death from the curse, his lineage would not again shoulder the responsibility. 881 578 791

It is the cattle-expert who gives a name to each age-set, *e.g.*, *Dangunga*, *Maker*, *Lithgac*, etc., at the end of a period of initiation and no one may then be initiated until he has opened a new period. It is believed that if a boy were to be initiated after the cattle-expert had given orders for 881

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the period to be closed his head would swell and he would die. It is possible however, if a boy is much older than the age at which Nuer generally have incisions made on their foreheads and if his family greatly desire him to be initiated, for the ceremony to take place in a neighbouring tribe where the period of initiation is still open, since not every tribe has its open and closed periods at the same time and there is often overlapping in this respect between different tribes. Thus I was told that Lou boys who insisted upon being cut at a time when the Lou were in a closed period might cross over into the adjoining Ngok Dinka country and be initiated there if it were still in an open period.

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When the *wut ok* wishes to close an initiation period he takes a bullock and rubs ashes on its back and makes a speech formally closing the age-set and starting a closed period in which no boys in the tribe may be initiated. The tip of his ceremonial knife is then placed in the fire and afterwards stowed away in a pot. The bullock, after its legs have been cut off, is divided longitudinally into halves. I believe that one half is taken by members of the set which has just been closed and the other half by the set immediately senior to them. They then eat the flesh together. However, I am not sure about this point.

Though I have spoken throughout of the *wut ok* or cattle-expert as the authority who decides upon opening and closing age-sets we are not all agreed upon this point. My own information is derived from two or three informants but it is supported by statements of Stigand and Crazzolara.[1] Jackson, on the other hand, says that as a rule the oldest surviving member of the senior existing age-set gives the order for the ceremony to be held and that it is he who initiates the first boy who should be his own son or a near relative. He adds that this man must be a leopard-skin chief and that after he has initiated the first boy the cattle-experts in each division of the Nuer are responsible for sectional arrangements.[2] Mr. Coriat also writes: "The classes are not regulated by a cattle-expert; the *wud ok* or Man of the Cattle is responsible only for the initiation ceremony itself. Age classes are now regulated and named by certain 'kwar mon,' Land Chiefs, with traditional powers."[3]

[1] Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, p. 116. Pater Crazzolara, "Die Gar Zeremonie bei den Nuer," *Africa*, Vol. V, 1932, p. 28.

[2] *Op. cit*, p. 145.

[3] Privately circulated memorandum.

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262 are dura, corn, mutton, beef, the flesh of some wild animals—antelope, gazelle, waterbuck—guinea fowl, fish, crocodile—which is considered a choice food—beans, milk, and sometimes greens. This does not mean that these foods are constantly at hand. The average diet of a Nuer consists of dura, fish, milk, and occasionally meat. This limitation of diet works the greatest hardship for little children and the sick and aged.

A Nuer seldom kills a cow unless one has to be offered as a sacrifice. Sheep are not often primarily killed for food. Wild animals are not often available for they usually must be killed with a gun—and who has a gun? Even guinea fowl are not easily caught.

A Nuer will, generally speaking, not eat wild duck. Eggs are not eaten by men as they are considered effeminate. Milk is likewise not regarded as food for men, but women and children and sick men may drink it. Women refuse [849] to drink milk during their menstrual periods.

243 The staple article of food is dura, or kaffir corn as we call it. The dura is planted in May, providing the early rains have begun. If the rainy season is late the planting is delayed until the ground has been softened by several rains so that hoeing is possible. Small hand-hoes are used. Everybody hoes—men, women, and children each do their part in getting the field ready to be planted. The seed dura, which has been kept over from the past year, is sown. It requires to be hoed several times during the season, for the frequent rains make weeds grow as well as dura. In late September or early October, according to the time of planting, the dura is ready to be cut.

[791] When harvest time approaches a 'guk kwoth' or 'prophet of god' is consulted as to when they may cut their dura, and his advice is heeded.

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THE NUER AND THE GOVERNMENT

669 177 The Nuer have occasionally had trouble which has required definite Government interference to settle it.

Several years ago the Government put on a patrol to quell an uprising in the Garjak section of Nuerland. There the Nuer saw his first aeroplane. To him it meant a huge boat that could fly and from which unseen guns could be fired. Hence they call the aeroplane the 'boat of the sky'.

669 177 791 The Nuer had great faith in one of their prophets, but when he failed to save them at this crucial time their faith in him was shattered. Again, more recently, they have been led astray by faith in another of their number—Gwek Ngundeng—and again they have found that he, too, was but a human being such as they, and no more powerful than any one of them would be.

Ngundeng, father of Gwek, had made a huge mound in the Lau section of Nuerland, and the Nuer considered this mound sacred. Many things were buried in it. But the mound was blown up by the English in the early part of their second patrol in order to shatter the Nuer faith in their god. The Nuer asked themselves—could this mound, a sacred place, be blown up? Was it possible? Then when they realized that it not only could be blown up, but had actually been destroyed, doubt entered their minds as to whether the mound had really been sacred or not.

When Ngundeng, father of Gwek, died, they then ascribed his power to his son Gwek. They had great faith in him, but when they heard that he had been killed in this patrol faith dropped to the zero point: 'Could a god be killed?' they asked. But if their faith in him died they still felt that he had been a most wonderful person, even if he were not a god. Shortly before word came of his death there had been a number of showers during the

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dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

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721 grain supplies, women and so forth, but it has been suggested that war between the two groups is a structural relationship.(1) The Nuer have incorporated a considerable area of Dinkaland into their own territories and have also absorbed the Dinka population: the result has been fusion and not a class structure.(2)

THE NATURE OF LAW AMONG THE NUER

The settlement of feuds is effected only when both parties to a dispute are willing to come to an agreement and apply to the leopard-skin chief as mediator. He hears the matter discussed by both sides, and then gives his opinion, which is accepted as a verdict if both parties agree to it. He cannot order a discussion or compel either party to accept a decision. Compensation in cattle, according to a recognised scale, is paid for homicide, adultery, fornication and physical injury.

754 Sorcerers are killed by individuals or groups; it does not appear that any actions are regarded as injurious to the whole community.

671 Law is relative to the positions of the parties in the social structure, and to the distance between them in the kinship, lineage, age-set and political systems. The more widely separated are the two parties to a dispute the weaker is the obligation to settle it and the more difficult the task of enforcing settlement. Unless a man resorts to self-help and is backed by powerful kinsmen and by public opinion, he has little chance of redress. Traditional modes of settling disputes, a recognition of a notion of right *(cuong)* and the acknowledgment of certain scales of compensation, form the basis of Nuer law.

RECOGNISED SOCIAL FIGURES AMONG THE NUER

The Leopard-Skin Chief (kuaar muon)

791 624 He is a sacred person and is believed to have a mystical association with the earth which gives him certain ritual powers to bless or curse it. His acts are mainly of a ritual nature and he has no great political authority, though some importance attaches to him since relations between groups are regulated through him;(3) his powers do not, however, normally extend beyond a tribal section. He functions are as follows:-

(a) His intervention is necessary in settling feuds and disputes. Leopard-skin chiefs sometimes prevent fights between two communities by running between the two opposing forces, hoeing up earth here and there. Probably this can only be done when the majority on both sides is unwilling to come to blows.

(b) He performs ritual to cleanse those who have broken incest rules.

(c) He has slight rain-making powers.

(1) Evans-Pritchard, *The Nuer*, 1940, p.131.
(2) *Ibid.*, p.125. (3) *Ibid.*, p.176.

Leopard-skin chiefs are usually men from certain lineages and, although they are not all members of the same clan, they are believed to have a kind of kinship through their office. The leopard-skin chief, unlike similar ritual officials in other Nilotic groups, does not represent or symbolise the unity and exclusiveness of any political group. 791 624

The Elders

The elders of a local community provide leadership and advice when required. Prestige and influence do not come with age alone, however; a man of outstanding reputation is called *tut* (bull), a term used to refer to men of high social standing who belong to lineages other than those of the dominant clan. A *tut* is head of a family and in charge of a homestead and a herd of cattle; he has the support of a large number of relatives and, in addition, he must be an able man with personality. 554

The *gat tuot* is 'the bull of the camp'. He has no defined status or authority but enjoys considerable prestige through a combination of factors - ownership of cattle, age, ritual powers, many children and relatives, personal ability and tact, and so forth. His prestige makes his personal actions and decisions influential so that, when he decides to move his homestead, others will naturally follow suit.

Districts and villages have no headmen or councils. There is not even a war leader except that, in a fight, the warriors automatically follow their most notable and brave fighters. There is thus an absence of legal institutions, official leadership and organised political activity. Evans-Pritchard writes: "their state is an acephalous kinship state...." and it is the kinship structure, in conjunction with territorial segmentation, which forms the basis of Nuer political organisation.(1) 621

RELATIONSHIP BETWEEN NUER TRIBAL SEGMENTS AND THE LINEAGE SYSTEM

There are at least 20 clans in Nuerland, *together with a number of* small lineages of Dinka origin. A Nuer clan is an exogamous group of agnates who trace their descent from a common ancestor. The clans are segmented into lineages and each lineage is further segmented. Thus, a clan is segmented into maximal lineages, the maximal lineages are segmented into major lineages, the major lineages into minor lineages and minor lineages into minimal lineages. A minimal lineage, in the case of the Nuer, consists of a descent group deriving from a great-grandfather or great-great-grandfather. Clans and lineages are distinguished by separate names, ritual symbols and honorific titles. 614 613

The political and lineage groups are not identical but there is a certain correspondence. Often they bear the same name; for example, Gaawar is the name of a tribal area, of the tribesmen inhabiting it and also of the most powerful clan in it. Like the tribe, the Nuer clan has many of the characteristics accompanying segmentation. Lineages are distinct groups only in relation to one another and there is fusion of collateral 613 [614]

(1) Evans-Pritchard, *The Nuer*, 1940, p.181.

respected; it is the spiritual being, the *kwoth*, which the totem stands for, which is revered. The totems are symbols or manifestations of a spirit which can be in communion with men and beasts.(1) 776

Totem spirits are called *kuth piny* (earth spirits) a category which includes fetishes; this is in contrast to the much more important *kuth nhial*, sky spirits. Yet, although the two categories are thus distinguished, the Nuer maintain that they worship totemic spirits and that these spirits are with god in the sky. The totem seems to be the symbol of the spirit and the spirit to be an aspect of the spirit of the sky which is connected with the various lineages and is symbolised differently in each.

Kwoth

In addition to totemic spirits, *kwoth* also refers to 'god in the sky' and can mean any one of the sons of the sky god - the *kwoth dwanga*. Each sky spirit is associated with a certain aspect of nature; for example, Deng refers to the rain spirit. Another group of spirits are the *col wic* - the spirits of persons who have been killed by lightning and taken up to heaven. Persons supposed to have been taken into heaven by a whirlwind and those found dead in the bush without any apparent cause are also *col wic*. A *col wic* is considered to be a sacred spirit of his lineage - a *kwoth goal* - and most lineages have at least one of these spirits to whom cows are dedicated. Sometimes a *col wic* spirit enters into a member of his family or lineage and, when this happens, the man whom he possesses falls sick; on recovery, he makes a shrine in his homestead and becomes a prophet of Col *(guk cuol)*, and the spirit of lightning contacts the people through him.(2) [791]

SACRIFICES

Sacrifices play an important part in all ritual practices, and are usually all of a similar nature. An animal is selected and is dedicated to a spirit by rubbing ashes along its back. An invocation is then made and the animal is killed by spearing it through the heart. It is cut in two halves when there is a cutting of social ties, and also at mortuary ceremonies when there is one half for the living and another for the dead. Sickness is the most frequent occasion for sacrifices. 782

THE CONCEPTS OF THEK AND NUEER

Thek means 'to respect', and is used in various social contexts; for example, it denotes the behaviour expected of a man towards his parents-in-law; in blood feuds the kin of the slayer and of the slain may not eat from the utensils which the other party has used, and these are respected. In mortuary ceremonies a man's age-mates *thek* the meat which has been sacrificed in his honour. A man also pays respect to his totem. Failure to show respect where there is a *thek* relationship is thought to bring about misfortune.(3) Any serious sickness following the breach of a thek taboo is called *nueer*. 576 [753]

(1) Evans-Pritchard, *Annali Lateranensi*, 1949, Vol.XIII, p.247.
(2) Evans-Pritchard, *Man*, 1949, No.2, p.9.
(3) Ibid., 1949, No.96, p.75.

Cien

753 775 *Cien* is the vengeance wrought by a ghost which produces sickness and misfortune; like the other Nilotic tribal groups, the Nuer hold the concept of *cien*, and believe that ghostly vengeance will fall on those who have wronged a man and allowed him to die with a grudge. Fear of *cien* tends to make a Nuer more careful to treat others with justice.

[782] To stop the effects of *cien* it is necessary to make a sacrifice to god in the sky and, when possible, to make reparation.

NUER CURSES AND GHOSTLY VENGEANCE

789 Curses are uttered by someone who has been wronged. The efficacy of a curse is largely conditioned by the relationship of the curser to the cursed. The Nuer regard the curse of a mother or father as serious; it may result in death. The curse of a mother's brother is feared because, being of a different lineage, he may curse cattle, which is the worst of all curses in the eyes of the Nuer. The curse of an eldest child is feared by the mother and maternal uncle.

There are other curses imposed by those of the *ric* (age-set), by the leopard-skin chief, the man of the cattle and *guk*, the prophet.(1) The Nuer also believe in conditional curses which may be laid on a man and become operative if he, or any of his descendants, should do a certain thing.

RITUAL PERSONS

●791 There are several ritual figures among the Nuer who are important in the village community.

1. *The Leopard-Skin Chiefs.* They have a special relationship with the earth and can affect the welfare of the crops. They also have a limited role in rain-making and in the general regulation of the weather. They conduct the rituals concerned with homicide, with cleansing the parties to incestuous relations, with preventing feuds, and protecting warriors on raiding expeditions.

2. *The Wut Ghok.* Members of certain lineages have hereditary ritual powers in relation to cattle; they are asked to cure cows of various diseases and to ensure the fertility of barren animals. Their role is, however, a more restricted one than that of the leopard-skin chief, who has functions relating to social as well as to natural processes. Usually the *wut ghok* is a member of a stranger lineage, as is the leopard-skin chief, and this is presumably an advantage when they have to mediate between powerful and antagonistic lineages.

3. *Totemic Experts.* There are a number of totemic experts whose ritual connections with lions, crocodiles, and other dangerous creatures, enable them to influence the beasts' behaviour to the advantage of the community. A totemic specialist is the possessor of the spirit of his totem; he has no political significance.

(1) Evans-Pritchard, *Africa*, 1940, XIII, p.[illegible].

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4. *War Specialist.* It is the duty of the war specialist to shake a spear in the face of the enemy and to make an invocation against them. The war specialist is known as the *gwan nuot*, the possessor of the spear. He is often a member of a senior lineage of the dominant clan.

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5. *Magicians.* The Nuer have a number of leeches, diviners, owners of medicine and fetishes. Only the owners of fetishes obtain any considerable status, and this is because the people are afraid of fetish spirits and believe them to be so powerful that they will even give cattle to purchase them. A fetish owner may become the most influential man in the village, but he holds no special office and does not represent the village in inter-village relationships.

6. *The Gwan Buthni.* Each small lineage has its *gwan buthni* - an official who performs certain ritual services for the family members. He functions at marriages, at mortuary ceremonies, andalso performs the task of severing kinship bonds when a marriage is arrangd between two very distantly related people; this he does by splitting a gourd in two or cutting a sheep in half.

7. *Prophets.* A prophet is a man possessed by on of the sky spirits or gods whom the Nuer regard as sons of the sky god.(1 Since the Nuer greatly respect and reverence these spirits they fer those possessed by them. Prophets exert a wider influence than any oher category of persons in the entire society. Ngundeng was the first prohet *(guk)* to gain great influence by means of his healing powers, prophecie, and prolonged fasts. He led expeditions against the Dinka and, accordingto his followers, was possessed by the sky god Deng. He built a vast pyamid of earth and ashes with a palisade of ivory tusks. Originally ach prophet's influence was confined to a small locality, but at the end ofthe nineteenth century they began to have a tribal significance and organied the opposition against the Arabs and Europeans. Eventually the per of the more important prophets spread beyond tribal bounderies and thy came to represent the unity of a tribe or a number of tribes. This development of the political powers of individuals brought about a structural change;(2) since the sky gods passed into the sons of a prophet after his death it would appear that the hereditary principle was beginning to assert itself. The prophets were eventually suppressed by the Administration. It seems probable that, if this action had not been taken, they would have become divine kings of some sort, perhaps similar to the Shilluk *reth*. In general, the predominant interests of the Nuer in ritual matters are expressed in beliefs of a spiritual rather than a magical nature. Unlike the other Nilotes the Nuer have comparatively few magical practices; even magic coming from the west through Dinkaland tends to be spiritualized by them.

RAIN-MAKING

The Nuer attach little importance to rain-making. Any member of the Gawar clan can act as rain-maker, since the ancestor of the clan came down from heaven holding a sprig of the *nyot* tree and a small round stone. He has no special political status or any extra prestige.

(1) Evans-Pritchard, *The Nuer*, 1940, p. 181.
(2) Ibid., p. 189.

●791 In certain parts of Nuerland, land experts and prophets claim to be able to produce rain. In certain areas, the leopard-skin chief acts as rain-maker. The title *gwan pini* (owner of water) is given to any ritual specialist who has powers in connection with rain and floods.

The Tiet

The Nuer distinguish clearly between the prophet *(guk)* and the specialist in magic *(tiet)*. The former relies on the sky spirit which possesses and indwells him; the latter relies on various magical substances and actions. The *tiet* has a minor earth spirit, such as a totem spirit. A *tiet* is always a local specialist practising in his own community only, though a magician who possesses powerful magic *(gwan wal)* may become well known and be recognised by a whole district. All these spirits come under the general category of *kwoth* but[1] three main classes may be distinguished:

1. *Guk*. The prophet in whom a sky spirit dwells.

2. *Tiet*. A specialist in magic, acting as leech and diviner.

3. *Gwan Val*. These are of two types: one using ordinary medicines *(wal)*; another using 'talking medicines'; the latter are owners of fetishes, since their medicines are inhabited by earth spirits known as *kulangni*.

The *tiet gweeni* (mussel shell diviner) answers questions put to him by throwing mussel shells on the convex surface of a gourd and divining from the positions into which they fall on the ground. Every mussel shell diviner has his *kwoth*, the spirit which assists him in his practice.

[755] The *Tiet Dala* cures headaches, recovers lost property, and performs magic to lessen the watchfulness of those who have stolen cattle so that the true owner may get them back again undetected. He also performs magic to ensure safe journeys and to protect warriors from danger. He [illegible] by a witch in a sick man's body.

There are also various other specialists[2] who treat barren women, important men and so forth.

NUER MEDICINES (WAL)

754 Most of the Nuer medicines have been borrowed from neighbouring peoples, especially from the Dinka; the Nuer, however, endow them with spirits.[3] The most powerful medicines are *kulangni* (talking medicines). Although the earth spirits in the medicines cannot compete in power with the sky spirits, the people fear the owners of fetishes and respect them. In the past a fetish owner was in great danger of being killed by avengers. He was safe among his fellow villagers, for it was believed that a man would not harm a member of his own kin and community; but if a fetish

(1) Evans-Pritchard, S.N.S., 1935, Vol.XVIII, pt.1, p.67.
(2) Ibid., p.70, for fuller details on Nuer magical experts.
(3) Ibid.

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×776 177 613 spirits of small lineages and their families, especially of lineages of Dinka descent. The fact that they are not found as spirits of larger lineages is perhaps further evidence of the late introduction of these spirits into Nuerland.[1] I speak here of ordinary Nuer, many, perhaps most, of whom do not in any case, particularly to the east of the Nile, have any special relationship to one or other of the spirits of the air, though they may have relationships to spirits of other kinds. In the case of prophets, their spirits are most unlikely to be forgotten and pass out of their lines of descent altogether.

×776 ●791 753 Seizure of a man by a spirit may be temporary or permanent. When it is permanent the possessed person becomes a prophet. It will be simpler if I describe temporary possession first. Spirits cause sickness to their devotees and sometimes to others, and illness is often, especially in western Nuerland, attributed to them. If it is thought to be due to a spirit but there is uncertainty which particular spirit is responsible, the relatives consult a prophet or diviner to determine the responsibility, so that sacrifice may be made to the right spirit. They give it *duor*, a thing, as Nuer say—that is, they sacrifice to it to appease it. The sick man's recovery means that the spirit has released him. If he has not already done so, he then dedicates an animal to the spirit to show it that he is aware of their special relationship, and from time to time he makes sacrifice to it to let it know that he has not forgotten it. Otherwise it may cause trouble again.

I will describe what happened at a ceremony held when a youth called Galuak, of the Leek tribe, was sick on account of his having been seized by the spirit *nai*. This spirit, whom I have only heard mentioned in western Nuerland, has, as I have earlier remarked, a special association with ostriches, to which it is said to be very partial. When an ostrich is killed those who have a special relationship to the spirit tie some of its plumes to the entrances to their byres. When I asked whether *nai* would not be angry at the killing of one of its birds I was told that it cares nothing for the body of the bird, only for its plumes. Prophets of *nai* decorate the shafts of their spears with ostrich plumes. *Nai* seems to be regarded as one of the most inferior of the spirits of the air.

[1] Further evidence is the fact that while people are now often named after the spirits, especially after *deng*, these spirit-names do not occur at the upper levels of Nuer genealogies.

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SPIRITS OF THE ABOVE

It was this spirit, a particularly dangerous one, that was troubling Galuak. Nuer use the word *kap*, to take hold of or to lay hold on, to describe the possession of a man by a spirit. It was known that it was *nai* who was responsible because when the year before Galuak had a similar sickness a prophet of *nai* had divined that he was possessed by this spirit. On that occasion his family had sacrificed goats, but during the past year no sacrifice had been made or ceremony held in the spirit's honour, an omission of which Galuak's family now felt very conscious. In the circumstances a return of the spirit to Galuak might have been expected. 776 x 791 ● 753 782

The same prophet had been sent for from a neighbouring village and was expected to arrive before evening. In the meanwhile Galuak's kinsmen sought high and low for a beast to sacrifice right away to *nai*. All animals in the village suitable for sacrifice had recently been killed in other ceremonies (p. 59) and the kinsmen were unable to bring back even a goat for their pains. I was told that *nai* would not, however, kill Galuak in the meantime because it would see that they were trying to find an animal. The prophet arrived, as was expected, in the evening and he was accompanied by two friends. No doubt the matter was discussed in the byre that night, but no action was taken till the following morning.

In the morning, after a talk in the byre, the persons concerned went across to the hut of Galuak's mother, Nyadang, and I was invited to accompany them as a friend of the family. Nhial, Galuak's brother, was working for me. Here the prophet was presented with five piastres—on his visit the year before he had been given a war-spear and a fish-spear. He sat with his back to the wall of the hut, and Galuak and his father, Rainen, sat on a mat facing him and with their backs to the door, which was closely drawn against the entrance to the hut. The windows had been blocked with grass so that the hut was illumined only by faint shafts of light which penetrated round the edges of the door. Even this dim light could not be seen by Galuak and his father, for skins had been placed over their heads so that they might be in total darkness. Altogether there were, besides Galuak and his father, thirteen persons in the hut, sitting with their backs to the wall. The atmosphere was stifling. 776 x 791 755

The seance began by the prophet shaking his rattle and singing. Karlual, one of Galuak's maternal uncles, also shook a rattle on one side of the prophet and one of the two friends who had

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accompanied him to the village shook a rattle on the other side. The instrument is called *jogh*, possibly a Dinka word. It is a bottle-gourd containing seeds, in this instance the seeds of a wild leguminous plant. While the rattles were being rattled and the prophet sang hymns to *nai* the congregation clapped their hands and smacked them on their thighs in accompaniment. Nuer say that they *pat*, clap, or slap, for the spirit.

After about ten minutes' singing Rainen began to have premonitory spasms. It should be noted that it was not the sick youth but his father who became possessed during the seance. A spirit takes hold of an older and experienced man in cases of this kind and uses him as a medium to make its demands known. As the singing, rattling, and clapping continued, Rainen began to twitch and shake from head to foot and then suddenly leapt into the air and fell back on to the floor of the hut where he lay stiff as though in a paroxysm. After lying tense and prostrate for a while he sat up, but shortly afterwards collapsed again. Then for about a quarter of an hour he threw himself [illegible] as though in agony. He reminded me of a hen which has had its throat cut in the Muslim way, and is thrown on the ground to die. If the people around had not broken most of his falls he might have injured himself. As it was, he complained to me on the following day of the soreness of his arms and legs. Every now and again he barked like a dog. In describing these spasms Nuer say that the spirit wrestles (*kuer*) with the man it possesses.

At the end of a particularly violent seizure, Rainen, who in his exertions had divested himself of the skin over his head, sprang at the prophet, tore his rattle from his hands, and sat

FIG. 1
Pipe

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

in front of him, shaking it violently and barking. At this point the prophet called for his pipe, and after lighting it and puffing at it for a while he began to question the spirit *nai* in Rainen, and it answered through Rainen's lips. It was very difficult to follow what the spirit said because Rainen spoke in a jerky, guttural voice very different from his usual voice and he hiccuped and barked a good deal as well. 'The speech of Rainen was wiped out (*woc*). It was pressed down his gullet.' I was, however, able to follow part of what the spirit said. It said that it was *nai* and that it wanted a gift. It had waited till Nhial had returned to the village because it knew that he would be able to provide a gift out of the wages he had received from me, and it had then taken hold of Galuak. It admitted that it had received gifts from Rainen in the past but it now wanted a final gift, and it promised that if it were satisfied now it would trouble Galuak no more. If it needed anything further it would seize another person and get it from him. It pointed out, however, that it was not the only spirit troubling Galuak. The spirit of Luak, Galuak's paternal grandfather, had also taken hold of him. This was *kwoth doar*, a nature sprite, and it was worrying Galuak because the family had not dedicated a cow of their herd to it. Both Galuak's father and mother are of Dinka descent and the family have a number of different spirits attached to them.

It was very noticeable during the ceremony how those present, [illegible] asked for tobacco, and so on. They evidently, especially the children, enjoyed the spectacle. I was surprised, however, this being the first and only ceremony of its kind I witnessed, at the familiar and off-handed way in which the prophet spoke to the spirit, calling it 'wuta', 'man'—almost 'old chap'—, bargaining with it about the oblation demanded, and insisting that when the sacrifice had been made it should keep its promise and leave Galuak alone. Galuak himself showed little concern with what was going on. While prophet and spirit were conversing he removed the skin from over his head, walked casually about the hut looking for a pipe, and then filled it with tobacco and sat puffing at it by his father's side. The only part he took in the proceedings was to reply to a question put to him by his maternal uncle, that he had not had sexual relations with a kinswoman. It was thought advisable to make certain that there had been no incest because

×776 they wanted to be sure that when *nai* and the other spirit had
●791 been satisfied there would be nothing further to prevent a speedy
755 recovery. As for Rainen, if his manner of speech was that of a man out of his senses, its content showed reflection and purpose. What he, or the spirit in him, said was aimed at compelling Nhial to hand over his wages for the purchase from government herds of beasts for sacrifices, an object Rainen had been vainly trying to attain for some days previous to the ceremony. Rainen also justified himself, in what the spirit said, for the slaughter of a number of beasts to appease his various spirits, for which his family had criticized him for extravagance. They felt that too much of the family property was being devoted to religious purposes, whereas the spirit made it clear that, far from having made too many sacrifices, he had not made enough. Had he made more, Galuak would not have fallen sick. Religious and personal issues were interwoven in the spirit's declarations.

×776 When the spirit had ceased speaking we left the hut, and
791 Galuak's paternal uncle, Dol, went to chop down a branch of the 'wild date' (*Balanites aegyptiaca*), a tree to which *nai* is said to be
782 very partial, to erect it as a shrine (*riek*) to the spirit near the hut.
778 When it had been erected a clump of *tuat* grass was dug up by the roots and planted at the side of the branch in a hole first filled with water, it being the dry season. A he-goat—by this time one had been procured—was then brought out and the prophet waved his spear, decorated with ostrich plumes, over its back and made a short invocation, telling the spirit that they were honouring it, saying that it would now cease to trouble Galuak, and asking God that the people might rest in peace. He then cut the goat's throat. It was later eaten by himself and his two friends. The people of the homestead did not partake of its flesh, but when it had been cooked some children were called from a nearby homestead and given pieces of the meat and told to run back to their home with them. The Nuer said of this: *'ca gat kwoth nang cieng'*, 'the son of God is taken home'. Finally a *buor*, a mud mound in the shape of an ordinary kitchen windscreen, was erected near the shrine. On the following evening Rainen rubbed ashes on the back of a cow of his herd and dedicated it to the spirit of his father. By so doing he felt that he had appeased the second spirit which was
×776 troubling his son.
782 The relations between Nuer and their spirits centre in these

and a number of kinsmen and neighbours were present, one of whom, Dhoal, was asked to preside because he was a leading man in the community. He began by pouring some of the beer out of the gourd over the tethering-peg of the cow devoted to *deng* when Karlual shouted to him to wait till they brought him a ladle. When it was brought, he poured a libation with it over the peg. A small son of Karlual was then told to do the same and afterwards to drink what was left in the ladle. Then various kinsmen also poured libations over the peg and all present poured beer into their hands and threw it into the air, an act called *kith*. The people then sat around the gourd and drank the remainder of the beer while they discussed family affairs. 776* 782 613

All kinsmen who can do so should attend a ceremony of this kind, especially close agnatic kinsmen, for this is an occasion when kin are expected to reveal any resentment they may have in their hearts towards one another. Each tells the others where they have been at fault (*duer*) in speech or act during the past year, and the issues raised are then settled peacably by discussion. A man must not keep a grievance hidden, and if he does not reveal it now he must for ever keep silence. Nuer say that all the evil in their hearts is then blown away. I think that this is the meaning of the throwing of beer into the air. They also say '*giakni dial ba ke bap e yang*', 'all evils (which they have done to one another) will be gathered to (or taken over by) the cow'. All present place ashes on the back of the beast, probably an ox, and it is then cleansed by sprinkling or blowing beer on it. However, I did not see this part of the ceremony because owing to the lateness in starting it the beast had gone to pasture with the rest of the herd. I was told that it was performed in the afternoon when the herd returned from grazing. 612 776* 782

III

In what I have said so far about the spirits of the air I have been speaking of their relations to ordinary Nuer. Sometimes a spirit possesses a man and when he has recovered from the seizure abides with him, giving him powers of healing, divination, exorcism, and foresight. I discuss the functions of these prophets in Chapter XII. Here I give only such information about them as is necessary for an appreciation of the spirits which possess them. 776* 791

16: Evans-Pritchard E-5 (1931, 1936) 1956
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are the *thep*-tree, papyrus, the *kwel*-tree (*Ficus platyphylla*), and *lel*, the doom palm.[1] 776 613

Some lineages respect rivers and streams. The ancestor of the [772] Juak lineage of western Nuerland, of Dinka descent, is said to [773] have come out of a big lagoon called *gwol*, so his descendants are known as Juak *jigwol* and the honorific titles of their sons and daughters are *gat* and *nya gwol*, son and daughter of (the lagoon) gwol. They respect all rivers and streams, and when a man of the lineage intends to cross a river he throws a bead into the water [782] calling on his 'grandfather' (the river-spirit) to accept the offering and bring him in safety to the other side. A woman of the lineage will not take off her skirt when crossing a river as other women do, and unmarried girls, who are naked, place a few wisps of grass round their loins before entering the water. I was told that were a married woman to forget and step into the water naked, and were then to remember her obligation, she would return to the bank and pull off a bead or tassel from her skirt and throw it into the water, telling the river-spirit that she had not purposely offended it and asking it to accept her offering in atonement. The [773] Gastiek clan also respect rivers, and the Nile in particular because God brought their ancestor out of it. Being *jiyier*, river-people, they respect also the *gwot yier*, papyrus, and will not cut it. Their spear-names are *mut kier* and *mut yier*, spear of the Nile and spear of the river, and their honorific names are *gat* and *nya bar*, son and daughter of lagoon. They dedicate black cows to the Nile- 776 spirit and they sometimes pour a libation of milk from these cows 613 into rivers. When people are taking their families and cattle across 782 rivers they milk one of the black cows dedicated to the river-spirit 791 into a black snail-shell, which a man of the clan then turns upside down at the river's edge and keeps pressed into the mud while the people and herds pass over. This keeps the jaws of the crocodiles closed. In virtue of their relationship to rivers certain senior members of the lineage may also perform a rite for the safety of those

[1] Mr. H. C. Jackson, op. cit., p. 165, records that one of the clans of the Bul tribe respect the tree called in Arabic *durubu*, because their ancestor hid in this tree when fleeing from avengers. It is called *ric* in Nuer and is probably to be identified with *Pseudocedrela kotschyi*. Professor and Mrs. Seligman, op. cit., p. 215, say that the *kur* tree is respected by the Bul Nuer because their miracle-working ancestor used to sit under it, and by the Jikiet clan because their ancestor was killed with clubs made of its wood. They do not on this occasion tell us the sources of their statements.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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taking part in fishing battues. Such a man is called *guan biedh*, owner of fish-spear, and *kuar juaini*, priest of grass, because he protects the people by winding grass round the point of a fishing-spear which he then drives into the earth. He also fills a snail-shell with mud and presses it into the mud of the river, and he bends and binds together the points of a metal bracelet and stamps it into the mud. He may also bind a goat and place it in the river as a sacrifice to the river-spirit, which he calls on to protect the people against the dangers of the water. I was told that he must not himself take part in the fishing, but must sit on the bank and abstain from drinking water. He can also heal wounds caused by fish-spears by spitting in them. The Gaatiek clan is probably of Dinka origin.

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The Nyanding river in the eastern Jikany country is the totem of a small lineage of Anuak descent who live on its banks. It is said that once upon a time the river-spirit asked for a bride, and a girl was decked for marriage and thrown into it by her father Juac, whose name means 'grass' in Nuer. This girl who was sacrificed to the river-spirit (*ca je kok yir*) was called Nyanding. I was told that 'she was not drowned, the river took her', and that she became part of the river-spirit. The present 'owner' of the river, Monyruk Joak, a man of this lineage, told me that each year he binds a goat and throws it into the river. He also protects people taking part in large-scale fishing by treating a bracelet and a shell in the manner I have described. When a girl of the lineage is married, a male goat and a female goat are paid as part of the bridewealth. The male goat is sacrificed to the river-spirit and the female goat is dedicated to it.

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Some Nuer lineages respect cattle with certain markings. The Kwok lineage of western Nuerland and their kinsmen among the Arwot people (a section of the Nuer who have to a large extent adopted Dinka culture) will not keep in their herds an animal with *ma ñeng* markings, that is an animal which has a coloured back but is otherwise white. If one is calved by their cows they

FIG. 9
Chief's dancing stick

16: Evans-Pritchard E-5 (1931, 1936) 1956
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a conception one has at least to consider all the situations in which it appears in a people's speech or thought. 776 *

We have observed that a totemic or totemistic spirit sometimes gives a man certain powers over the totemic species. The rites these people perform might be classed, according to some definitions of the term, as magic, but in the Nuer classification, which is the one we have to follow if we are to delineate their thought and not our own, we are still concerned with a relationship between man and *kwoth*. Nevertheless, with diviners, leeches, owners of nature sprites, and owners of fetishes we are on the periphery of the conception of Spirit, where it becomes more and more embedded in the psychical and material. 776 * 791 ● 785

Those who practice various forms of divination and leechcraft are known, as in other Nilotic languages, as *tiet*. Their powers come from some minor spirit, which is not, as I understood the Nuer, regarded as entering into and possessing a *tiet*, as spirits of the air and *colwic* possess men, but as having an external relationship to him. We may speak of Spirit so conceived of in relation to the exercise of his special powers as his familiar. If he did not have this familiar he would not be able to perform his functions, which are thought of as petty revelations of Spirit acting in an indirect manner through some traditional device.

The familiar spirits of these specialists may be totemic spirits, such as those of the tree cobra or the lion, but there may be no way of referring to them except in relation to the functions of the specialists, as the spirit of this or that kind of specialist. Nevertheless, they are always thought of on the pattern of the totemic and totemistic spirits, so that there is really little difference, except in manner of speech, between any *tiet* and such a person as performs rites to control crocodiles or durra-birds. Indeed, anyone who is credited with special powers over nature might be described as a *tiet*, which has the general sense of a person with such powers, a cunning man, so that, for example, the fact that a man has been able to acquire a wife with an unusually small payment of cattle suggests to Nuer the likelihood of his being a *tiet*. However, the word is generally used only for the skills I am about to mention, and a person with other but similar powers derived from a totemic or totemistic relationship who is not so called is spoken of as *gwan kwoth*, owner of a spirit (of whatever it may be). In either case, the familiar may be inherited from father to son.

SPIRITS OF THE BELOW

•791 755 The best-known sort of *tiet* is the *tiet gweni*. He divines by throwing mussel shells on the convex surface of a gourd and studying the way they fall. By this means he answers such questions as whether a man will find a lost cow, have success on a journey, or slay a victim in a blood-feud, and whether, if he is on a journey, all at home is well. While engaged in throwing the shells he speaks to his familiar spirit, which is associated with the gourd, perhaps being regarded as in it during the seance. Another sort of specialist of this order is the *tiet dala*. I was told that some of his functions are to aid a man to recover cattle by performing a rite to make the herdsmen inattentive, to aid a man to recover a runaway wife, to win female favours, to exact vengeance in blood-feud, and to avoid enemy spears in fighting. Another sort is the *tiet me ngwet*. She—all I heard of were women—is a leech who removes objects from the bodies of sick persons which have been put there by a *peth*, a witch or possessor of the evil eye. Another sort is the *tiet me monye dholi*, a leech who massages constipated children with his spittle. Other sorts of *tiet* treat barren women, impotent men, and sick calves; and there may be yet others with minor skills.

Nuer do not highly regard these people and have small confidence in them. They are little men and women who perform their petty rites for the benefit of their immediate neighbours and for inconsiderable rewards. They never achieve social prominence, far less tribal renown, and their possession of special powers is not likely to be known outside their own village or its immediate vicinity. But, apart from this, they are regarded as being in themselves something very humble and of quite a different class and order from the prophets, who, whether they achieve great renown or not, are inspired by spirits of the above, whereas these diviners and leeches and other specialists of the same order merely have little spirits of the below as familiars. Were this not to be made clear there would be a danger that Nuer religious ideas and practices might be viewed in false perspective, for they are not all of the same significance for Nuer. Some are important and some are unimportant, and they are of different kinds and of different orders. It was because this was not appreciated by British administrators that the role and nature of the prophets was very largely misunderstood and their treatment of them ill-considered (pp. 303-7). Nuer do not regard all manifestations of Spirit as of equal value, nor do they accept (pb) all claims to spiritual guidance at their face value.

[Information on gwan kwoth or prophets are filed according to their functions under category 791 or 792.]

1: Evans-Pritchard FJ22 Nuer FJ22
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[For information on "leopard-skin chiefs" see category 624.]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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721 in the enemy's kraal, the oxen being mainly slaughtered for food. If the Dinka gathered reinforcements and returned to fight they were met in full battle formation. Nuer fight in three divisions with two or three hundred yards between each, and if one division is engaged the others advance or retreat parallel to it according to the fortunes of war. A party of scouts are in advance of the central division and they charge up to the enemy, hurl their spears at them, and fall back on the main body.

The raiders spent several weeks in Dinkaland and sometimes remained there throughout the dry season, living on the milk and flesh of captured cattle, on pillaged grain, and on fish. Using a captured kraal as a base they extended their raid against distant camps. Nuer migrations seem to have been conducted on these lines, the raiders settling permanently in Dinka country and by systematic raiding compelling the inhabitants to withdraw farther and farther from the points of occupation. In the following season a new series of raids was initiated and the process was repeated till the Dinka were compelled to seek refuge with their kinsfolk of another tribe and leave their country to its invaders. If settlement was not contemplated, however, the raiders returned home when they considered that they had sufficient booty.

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727 Before camp was broken up there took place a custom highly indicative of Nuer sense of equality and justice. It was recognised that the whole force was jointly responsible for the success of the raid and there was therefore a redistribution of the booty. The prophet whose revelations sanctioned the raid first made a round of the camp and selected from each household a cow for the divine spirit of whom he was the mouthpiece. By this time a household possessed some fifty head, so that it was no hardship to be asked to give one to the spirit. There then took place a general scramble and everybody rushed amid the herd to earmark beasts for himself. A man who could first seize an animal, tether it, and cut its ear had absolute claim to it. The man who originally captured a cow had the advantage that it was tethered near his windscreen, but if he and members of his household had an undue share of the booty they could not earmark all the beasts before they were seized by others. As might be supposed, men frequently sustained injury in these scrambles, for if two men seized the same cow they fought with clubs for possession of it. One must not use the spear on these occasions. Men of neighbouring camps took part in one another's redistributions and there must have been great confusion. Captives, women of marriageable age, boys, and girls, were not redistributed but belonged to their original captor. Older women and babies were clubbed and, when the raid was on a village, their

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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districts, and occasionally even in large tribal sections. These fetish owners are not, however, in any sense tribal leaders and cannot compare in social importance with the prophets.

Owing to the fact that Nuer prophets had been the foci of opposition to the Government they were in disgrace and the more influential of them under restraint or in hiding during my visits to Nuerland, so that I was not able to make detailed observations on their behaviour.[1] Without discussing Nuer religious categories it may be said that a prophet is a man who is possessed by one of the sky-spirits, or Gods, whom Nuer regard as sons of the Sky-god. Nuer have great respect for these spirits and fear, and readily follow, those whom they possess. Prophets, consequently, achieved greater sanctity and wider influence than any other persons in Nuer society. A prophet is known as *gak* and is sometimes referred to as *cok kwoth*, an ant of God. He also comes into the general category of *gwan kwoth*, possessor of a spirit.

The first prophet to have gained great influence appears to have been Ngundeng who died in 1906. He was a Lou tribesman of the GAATLEAK clan and an immigrant from the Eastern Jikany. He had practised as a leopard-skin chief before he had acquired a reputation as a prophet by prolonged fasts and other erratic behaviour, by his skill in curing barrenness and sickness, and by his prophecies. Women came to him to be made fruitful from all over Lou, from the Eastern Jikany tribes, and even from the west of the Zeraf and Nile. Many brought oxen which Ngundeng sacrificed to Deng, the Sky-god which possessed him. He then anointed them with his spittle. When small-pox threatened the Lou he went out to meet it and to stay its advance by sacrifice of oxen. He foretold cattle epidemics and other events and led expeditions against the Dinka.

When Ngundeng died, the spirit of Deng eventually entered his son Gwek, who began to prophesy and to cure barrenness and sickness, as his father had done. However, he never displayed the pathological qualities of his father, who appears to have been a genuine psychotic. The spirit of Deng had passed over his elder brothers, or did not long reside in them. Nuer say that a spirit eventually returns to the lineage of the man whom it first

[1] The Government has always looked askance at prophets and opposed their influence. See, for some pejorative references to them, Jackson, op. cit., pp. 90-1; Ferguson, Appendix to Jackson, p. 107; C. A. Willis, 'The Cult of Deng', *S.N. and R.*, vol. xi, 1928, p. 200.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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792 possessed, even if a generation or two later, and the chosen vessel generally becomes aware of its entry by experiencing severe sickness with delirium. Ordinary Nuer, particularly if they are young, do not want to be possessed, and it seems that it is often an abnormal person who is possessed in the first place, while it is the most ambitious of his sons on whom his mantle falls, for he would seem to welcome possession, although not undergoing fasts to procure it. Gwek was killed by Government forces in 1928. Another famous prophet, Din or Dengleaka, of the Gaawar tribe, was a captured Dinka who set about to acquire a spirit by fasting and solitude. He later achieved fame and power by successful campaigns against the Dinka, whose country his followers occupied, and against Arab slavers. Like Ngundeng he had a reputation for performing miracles. Dengleaka died in 1908 and his son Dwal became possessed with the spirit of the Sky-god, Din. He is at present a political prisoner. The only prophet I have met, Buom, of Dok country, was possessed by the spirit of a Sky-god, Teeny. He was regarded as selfish and greedy by his neighbours, having been cunning enough to get himself accepted as a Government chief. He showed too great ambition, however, and is now in exile. Well-known prophets, in other parts of Nuerland, were Mut of the Eastern Gaajak, Kulang in Western Nuerland, and others.

Brief reference must be made to the very remarkable pyramid
792 erected by Ngundeng, and added to by Gwek, in the Rumjok
778 section of the Lou tribe. It was fifty to sixty feet high with large elephant tusks planted round the base and at the summit. Dr. Crispin's photograph on Plate XXV, taken in 1911, shows the palisade of ivory tusks, the type of material of which it was constructed, and weathering, due to rains, round the base. It was blown up by Government forces in 1928. The material used in construction consisted of ashes, earth, and debris excavated from sites of cattle camps. People came from all over Lou and the Eastern Jikany tribes, bringing cows with them for sacrifice, to assist in the building. Nuer say that it was built in honour of the Sky-god Deng and for the glory of his prophet Ngundeng. There is no doubt that the cult of Deng was of Dinka origin and probably
[[77]] the idea of a mound came from the same source. Besides the famous Lou pyramid there is said to be a smaller one at Thoc in Eastern Jikany country, built by a prophet called Deng, son of Dul.

792 Nuer are unanimous in stating that these prophets are a recent development. They say that Deng descended from the sky in recent times—within living memory, in fact—and that he was the first, or almost the first, of the Sky-gods to come to

1: Evans-Pritchard E-5 (1931, 1936) 1940
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earth. They state that in the old days there were no prophets; only the ritual officials mentioned earlier. The records of European travellers are not explicit enough to confirm or reject this statement. Poncet says that among the Nuer in his day were rich and important persons, honoured after their death, whom he calls *devins ou sorciers* and *jongleurs*,[1] and Brun-Rollet says that the Nuer had a kind of pope for whom they had veneration akin to worship, but his account is too fanciful to carry weight.[2] Whilst it is difficult to believe that there were

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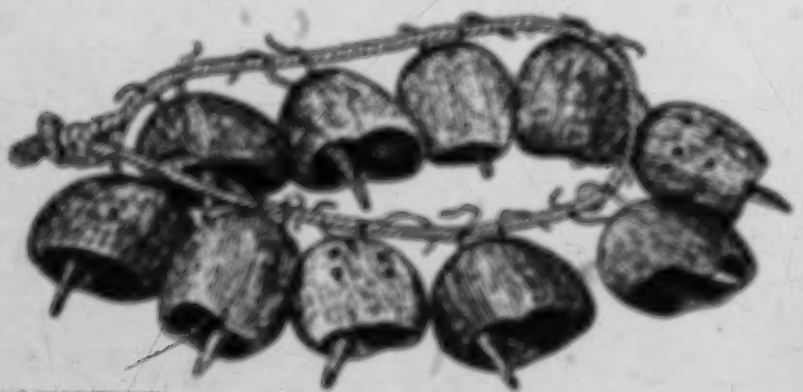

FIG. 13. Cuff's bell-necklace of palm nuts.

no cases of possession sixty years ago we must, in the absence of conflicting evidence, accept so unanimous a declaration by Nuer that there was no possession by Sky-gods, and it seems fairly certain that if there were any prophets at that time their influence was restricted to small localities and had not the tribal significance of more recent times. There is some evidence that the development of Nuer prophets was related to the spread of Mahdism from the Northern Sudan. However that may be, there is no doubt that powerful prophets arose about the time when Arab intrusion into Nuerland was at its height and that after the reconquest of the Sudan they were more respected and had more influence than any other persons in Nuerland.

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Nevertheless, we consider that the power of these prophets, even of the most successful ones, has been exaggerated and that

[1] Poncet, op. cit., p. 40. [2] Brun-Rollet, op. cit., p. 222.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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their tribal position has been misunderstood. The earliest Government officials to enter Lou country have recorded that Ngundeng was greatly feared and respected and were of the opinion that if the Lou were to be administered he would have either to be reconciled or removed. However, his son, Gwek, was not supported against the Government by some sections of the tribe. Mr. Struvé, then Governor of the Upper Nile Province, reported that Dwal, son of Diu, had 'rather shaky authority' among the Gaawar. I received the impression in 1932 that Buom had far more power in Duk country as a government chief than he ever had in pre-government days as a prophet. A prophet's curse is feared, but armed intervention of Government forces is a weightier sanction. Buom was attempting to exercise unprecedented judicial functions and his banishment met with no popular hostility and with little regret. There is no good evidence that the earlier prophets were more than spiritual persons, whose ritual powers were used particularly in warfare, though some of the later ones appear to have begun to settle disputes, at any rate in their own villages and districts. Of them all, perhaps Gwek came nearest to exercising political functions and to imposing his authority outside his own district, but the hostility between tribes and between tribal segments rendered effective personal control impossible.

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The only activities of prophets which can truly be called tribal were their initiation of raids against the Dinka and their rallying of opposition to Arab and European aggression, and it is in these actions that we see their structural significance and account for their emergence and the growth of their influence. All the important prophets about whom we have information gained their prestige by directing successful raids on the Dinka, for these raids were carried out in the names of the spirits which promised rich booty by their lips. No extensive raids were undertaken without the permission and guidance of prophets, who received instructions from the Sky-gods in dreams and trances about the time and objective of attack, and often they accompanied them in person and performed sacrifices before battle. They took for themselves part of the spoil and to some extent supervised the division of the rest of it. The warriors sang war hymns to the Sky-gods before starting on raids and the

1: Evans-Pritchard E-5 (1931, 1936) 1940
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sacrifices to them by their prophets were believed to ensure booty and safety.

For the first time a single person symbolized, if only to a moderate degree and in a mainly spiritual and uninstitutionalized form, the unity of a tribe, for prophets are tribal figures. But they have a further significance, for their influence extended over tribal boundaries. Gwek had great influence in Gaajok, and it is said that because of it the Lou and the Gaajok for a time paid compensation for homicide between them. His influence reached as far as the Eastern Gaagwang and Gaajak. Dengleaka had a similar influence in the valley of the Zeraf, especially among the Thiang. Some of the Western Nuer prophets had a reputation among a number of neighbouring tribes which united for raids at the direction of their spirits. They were not a mechanism of tribal structure like leopard-skin chiefs, but were pivots of federation between adjacent tribes and personified the structural principle of opposition in its widest expression, the unity and homogeneity of Nuer against foreigners. Probably, the coalition of tribes and the organization of joint raids is very largely their achievement—though one cannot be sure of this in the absence of historical records—and has made them important and powerful figures in Nuerland. This interpretation explains how it is that prophets began half a century ago, or at any rate came to the fore then. Certain structural changes were taking place in response to changed conditions: the development of functions that were more purely political than any exercised by individuals before and of a greater degree of unity among neighbouring tribes than there had been hitherto. As Sky-gods passed at the death of prophets into their sons we are further justified in suggesting growth of hereditary political leadership which, with the strong tendency towards federation between adjacent tribes we attribute to the new Arab-European menace. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government crushed the prophets this tendency was checked. As we understand the situation, the prophets were inevitably opposed to the Government because it was this opposition among the people which led to their emergence and was personified in them.

792 648 178

1: Evans-Pritchard E-5 (1931, 1936) 1940
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in arranging for its boys to be initiated. After the operation the boys live in partial seclusion and are subject to various taboos. This is a time of mild licence and they pass out of it by a special rite. On the day of the cutting, and on the day of the passing out of seclusion, sacrifices are made and there is festivity, which includes licentious horseplay and the singing of lewd songs. Only age-mates of the father of the initiate in whose homestead the feasting takes place attend it: others keep at a distance lest they see the nakedness of their kinswomen and mothers-in-law.

II

All boys initiated during a number of successive years belong to a single age-set (*ric*). There has, till recently, been a four-year interval between the end of one such set and the commencement of the next. These four years are known as the time 'when the knife is hung up', and at the end of that period it is said 'the knife is brought out' and boys may then be initiated again. A certain *wut ghok*, 'Man of the Cattle', is, in each tribe, responsible for opening and closing the initiation periods and thereby dividing the sets. He performs the appropriate rite in his district, and when the news goes round other districts begin or cease initiation. He derives prestige from his functions, but they are ritual and give him no political authority. Sometimes, in Western Nûerland, they are performed by a prophet, but it is possible that in these cases the prophet is also a Man of the Cattle. The age-sets are organised independently in each tribe, at any rate in the larger tribes, but it often happens that when a new set has been started in one tribe an adjacent tribe will follow its lead, so that the names and periods of sets in neighbouring tribes are frequently the same. Also, though in different parts of Nuerland the names of the sets are different and the open and closed periods do not coincide, it is easy for a man who moves from one part to another to perceive in which set he would have been initiated had he been brought up in that part of the country.

To-day there are no closed periods and boys are initiated every year. The Man of the Cattle announces every few years that he is about to cut the sets and performs a ceremony by which all

8:Howell E, G-5 (1942-1944)1954
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624 ability to speak for the people; in fact, to voice their will. It is in this
554 sense that the word expresses the Nuer idea of leadership, leadership which is derived from powers of persuasion. There is no sense of domination. The concept runs right through the tradition of Nuer leaders in the past who emerged at a time when political unity was required in the face of external aggression or for the furtherance of common enterprise.

The Appointment of Tribal Authorities Today

624 The concept of *ruir* has been mentioned here, not so much because its existence provides evidence of anything in the nature of formalized legal procedures which operated in the past, but because it is relevant to the appointment of tribal representatives today.

792 In the early stages of the Administration there was a tendency to use as administrative agents persons who had acquired significance not from their positions in the dominant lineages of the tribes but from their possession of magical or religious attributes. This was at any rate partly due to the fact that at the time of the arrival of the Sudan Government, what leadership existed was vested in the 'prophets' who had usurped the position from men whose status was derived from a traditional and more orthodox background in society.

624 Minor administrative agents, the representatives of smaller tribal
554 segments, were nearly always chosen from dominant (*diel*) lineages, a fact which finds expression in the use of the term *gat teet* to denote a 'headman' of a village or a lineage. Clearly, even in the early stages, these minor agents were essentially persons put forward by the people themselves and drawn from sources which would normally provide leaders; they were not nominees chosen regardless of their status in society. A *gat nyal* from a *rul* lineage was usually disqualified from the start. For example, in the Island section of the Radh Gaawar, a man called Gathuak Ngigni was appointed chief of the Per section. I intervened in this appointment rather more emphatically than usual, for there was a shortage of suitable candidates, and Gathuak was a man who had served satisfactorily for many years as a tribal policeman and as personal assistant to the previous chief. There was noticeable opposition from some sections of the community but the majority voted for his appointment. Later he became unpopular and opposition became open. There were clearly other reasons why they wished to get rid of him, but the main reason actually given was that he was a *gat nyal* of recent Western Nuer origin. To be a *gat nyal* does not entirely disqualify a man from gaining authority over his fellows or, nowadays, from holding an official position, but it is certainly a disadvantage, and only a strong and popular character can overcome the handicap.

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

183 they are prepared to use force, he has a good chance of obtaining
671 what is due to him, if the parties live near to one another. The usual way of obtaining one's due is to go to the debtor's kraal and take his cattle. To resist is to run the risk of homicide and feud. It seems that whether, and how, a dispute is settled depends very largely on the relative positions of the persons concerned in the kinship and age-set systems and the distance between their communities in tribal structure. In theory, one can obtain redress from any member of one's tribe, but, in fact, there is little chance of doing so unless he is a member of one's local community and a kinsman. The force of 'law' varies with the position of the parties in political structure, and thus Nuer 'law' is essentially relative, like the structure itself.

671 During the year I spent with the Nuer, I never heard a case being conducted, either before an individual or before a council of elders, and I received the impression that it is very rare for a man to obtain redress except by force or threats of force. And if the Nuer has no law, likewise he lacks government. The leopard-skin chief is not a political authority and the 'Man of the Cattle' and other ritual agents (totemic specialists, rain-makers, fetich-owners, magicians, diviners, &c.) have no political status or functions, though they may become prominent and feared in their locality. The most influential men in a village are generally the heads of joint families, especially when they are rich in cattle, of strong character, and members of the aristocratic clan. But they have no clearly defined status or function. Every Nuer, the product of a hard and equalitarian upbringing, deeply democratic, and easily roused to violence, considers himself as good as his neighbour; and families and joint families, whilst co-ordinating their activities with those of their fellow villagers,
• 792 regulate their affairs as they please. Even in raids, there is very little organization, and leadership is restricted to the sphere of fighting and is neither institutionalized nor permanent. It is politically significant only when raids are controlled and organized by prophets. No Nuer specialists can be said to be political agents and to represent, or symbolize, the unity and exclusiveness of local groups, and, apart from the prophets, none can be said to have more than local prominence. All leaders, in this vague sense of influential persons in a locality, are adults and, except for an occasional prophetess, all are men.

10:Evans-Pritchard E-5 (1931-1936) 1940
FJ22 Nuer FJ22

Owing to the fact that Nuer prophets had been the foci of opposition to the Government, they were in disgrace, and the more influential of them under restraint or in hiding, during my visit to Nuerland, so that I was not able to make detailed observations on their behaviour. Nuer are unanimous in stating that they did not arise much before the end of the last century and there is some evidence to suggest that their emergence was connected with the spread of Mahdism. However that may be, there can be no doubt that powerful prophets arose about the time of Arab intrusion into Nuerland and that at the time of British conquest they were more respected and had wider influence than any other persons. No extensive raids were undertaken without their sanction and often they led them, received part of the spoil, and to some extent supervised the division of the rest of it. Though there seems to be good evidence that the earlier prophets were no more than ritual agents, some of the later ones appear to have begun to settle disputes, at any rate in their own districts. However, their chief political importance rather lay elsewhere. For the first time a single person symbolized, even if in a mainly spiritual form, the unity of a tribe, for the prophets were essentially tribal figures, though—and this fact is also of great political significance—their influence often extended over tribal boundaries and brought about a larger degree of unity among adjacent tribes than there appears to have been hitherto. When we add that there was a tendency for the spirits which possessed prophets to pass, at their deaths, into their sons, we are justified in concluding that development was taking place towards a higher degree of federation between tribes and towards the emergence of political leadership, and in explaining these changes by reference to Arab and European intrusion. Opposition between Nuer and their neighbours had always been sectional. They were now confronted by a more formidable and a common enemy. When the Government overthrew the prophets, this development was checked.

VI. Summary

We have briefly described and analysed what we regard as Nuer political structure: the relations between territorial segments within a territorial system and the relations between that and other social systems within an entire social structure. We have examined intertribal relations, and the relations between tribal

SPIRITS OF THE ABOVE

× 776 Nuer call such a charismatic person *gwan kwoth*, owner or
● 792 possessor of Spirit, the name of the particular spirit sometimes being added, as *gwan kwoth deang*, the possessor of the spirit *deng*, or *gwan kwoth mani*, the possessor of the spirit *mani*. He is also referred to as the *guk* of the spirit, a word meaning a leather bag. The prophet is a bag containing the spirit. 'Possessor' might seem to be here an inappropriate translation of *gwan* ('father', 'owner', or 'master') since the spirit possesses the man rather than the man the spirit, but the man does own the spirit in the sense that it is in him and gives him spiritual power ordinary people lack.

× 776 It appears to be first known that a man has become possessed
792 permanently by a spirit, either without or after sickness, by sus-
828 tained abnormal behaviour and occasional bouts of frenzy. In these states, which are said to occur most frequently in the earlier phases of possession, when the spirit comes, or leaps, upon, or moves the prophet (to use Old Testament expressions) he acts like a madman (*yong*), and Nuer cannot always distinguish for certain at this stage between a prophet and a madman or epileptic (*gwan noka*); but if there is any doubt it is dispelled by the later behaviour of a prophet, for he ceases to prophesy only when possessed in the narrow sense of being for the time out of his mind and gives spiritual guidance when in a normal state to those who ask for it. From time to time he may have renewed mantic seizures, but these are regarded by Nuer as only outward signs of a spiritual power which directs his utterances whenever he speaks as a prophet and also when, as sometimes happens, he speaks as a judge and political leader. Nuer conceive of permanent possession of this kind, in contrast to temporary seizure in the form of Spirit-induced sickness and mediumistic trances, as a filling with Spirit as with air. They use the word *gwang* to denote Spirit penetrating or entering into and filling the man. A prophet is a person filled with, or inspired by, Spirit, which controls him as the *Ruah Adonai* controlled the prophets of the Old Testament. The word
[196] *gwang*, which has much the same general sense in Dinka,[1] is used for such actions as scraping out a gourd, hollowing out a canoe or mortar, or the burrowing of a hole by a wild beast. Something is hollowed out to allow entry for something else. Dr. Mary Smith tells me that Nuer have told her that when a spirit *gwange ran*,

[1] R. Trudinger, *English-Dinka Dictionary*, 1942, p. 216.

fills a man, his character is changed. The man is hollowed out by spirit to receive it. In this sense *gueng* is complementary to *kwoth*, inspiration to extirpation.[1] 776 792 828

Prophets may perform sacrifices on behalf of individuals or of the people of their neighbourhoods in times of sickness, for barrenness, and on other occasions when spiritual aid is required, but the main social function of the leading prophets in the past was to direct cattle-raids on the Dinka and fighting against the various foreigners who troubled the Nuer from the northern Sudan. For the most part the air-spirits are conspicuously associated with war, and Nuer prophets are chiefly regarded as the medium through which God gives orders to fight and victory. The spirits accompany the warriors to battle. 776 792 721

Before Nuer set off for any large-scale fighting against strangers their prophets made sacrifice and sang hymns to the spirits of the air while the warriors, kneeling on one knee and with the points of their spears resting on the ground, sang the responses. The same posture is adopted by warriors in making the responses to these songs when they are sung by a song-leader on ceremonial occasions. Also people, generally and perhaps always under a prophet's direction, sing hymns to the spirits on occasions of sickness and of other troubles; though Nuer say that they sometimes sing the hymns, as at dances, 'just to be happy with the son of God'. Unfortunately I did not have the opportunity to record more than a few verses of these hymns. 776 792 721 533

I give below a short hymn to *buk*. It is known all over Nuerland and is therefore probably earlier than most hymns. It is sometimes sung at mortuary ceremonies, and it is also sung before fishing battues are begun, on account of the spirit's association with rivers and streams. 776 533 539

Mother of *deng*, the ants (the Nuer) ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee,
The mother of *dengkur* brings life,
The mother of *dengkur* brings me life,
Life is revived.
She brings life and our children play,
They cry aloud with joy,
With the life of the mother of *deng*, with the life of the mother of *deng*.

[1] [Should be expiration, see errata, cat. 116.]

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

SPIRITS OF THE ABOVE

Do not slay them jestingly.[1] 776 *
Mani goes with a rush, 533
He goes on for ever, 537
The sons of Jagei are proud in the byres,[2] 721
Proud that they always raid the Dinka.

I do not know the time or circumstances of composition of this hymn, but as it not only exults in defeats of the Dinka and asks for victory over the people of the Nuba hills but also demands the destruction of the British it must be fairly recent and probably dates from the early days of British occupation of the Southern Sudan. Dr. Lienhardt has recorded a hymn about *deng* which vividly suggests the mobility of the spirits of the air and the 776 * ubiquity of Spirit. A man says he is tired of the demands made 533 by *deng* and that he will move. But *deng* replies 539

A man avoiding *deng*
Will find *deng* in front,
On the right he will find *deng*,
On the left he will find *deng*,
Behind him he will find *deng*.

In another hymn he recorded there is a metaphor in which 776 * protection of the people by *deng* is compared to the coiling of a 533 python around its young. These hymns are, I believe, always the 792 ● creations of prophets, and Nuer say that they come to them in 534 dreams, unlike ordinary songs or poems which men construct for themselves when idling, as when herding in the grazing grounds. We need not concern ourselves greatly with their word to word meaning. Nuer do not do so, or even know it, and the songs may be sung on occasions which in no way concern the particular spirits they are addressed to and for which the words have no relevance, the songs merely serving to create atmosphere and to express a general sense and intention. I have been told that the hymns sometimes come to a prophet through a drum, called *bul kwoth*, spirit's drum, dedicated to his spirit, which is thought to be in some way immanent in it. These drums, which are beaten at dances held in honour of the spirits to which they are dedicated, are formally dedicated by being rubbed with ashes, in the same

[1] Do not trifle with them but strike them hard.

[2] The Jagei are a small group of Nuer tribes; but since the Nuer believe that they were created in their territory the word probably here refers to the Nuer as a whole.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

*776 way as an animal is dedicated, while a short invocation is made.
533 They are decorated with beads and metal rings. I was told that
•792 now and again, especially after dreams, a prophet rubs his spirit's
584 drum with ashes, and sometimes also with butter, and asks God
[778] for peace and happiness. A prophet also builds a mud shrine, called *yik* or, if it is shaped like a windscreen, *bwor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

*776 I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a nhial*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

*776 In the first place, it is shown by the way Nuer regard the beliefs
177 of neighbouring peoples. It creates no problem for them when they find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

797 [1] In 1940, some years after I had concluded my research, there were 464 Nuer (250 Catholics and 214 Protestants), easily the lowest figure for

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

*776 it and on the low fence enclosing it. Occasionally the spirit, again as the spirits of the air may do, enters into (gwong) a man to abide
[792] with him. He then becomes a *guk col*, a prophet of *col*, and the spirit of lightning speaks through him to the people. Or he may be called a *gwan colwic*, the owner of a *colwic*. There is no clear distinction here between the spirit *col* and the *colwic* spirits, *col* being a collective representation of the *colwic* spirits in general.

*776 The *colwic* is a conception which appears to be, unlike many of their religious conceptions, not only native to the Nuer but at one time also peculiar to them;[1] and it is one of unusual interest. Its significance cannot be altogether perceived at this stage of our inquiry, but certain features of it may be remarked upon.

In that a *colwic* is a spirit which dwells in the sky and can fall and enter men it is like the air-spirits which also have their abode in the above and fall and enter men; but there is an important difference between the two conceptions. The spirits of the air derive, or proceed, directly from God but the *colwic* spirits were once human beings, created things. Consequently, whereas the spirits of the air are *gaat Kwoth*, sons of God, the *colwic* spirits are not, at any rate in the same sense. In the one case God descends to man, in the other he takes man up to him.

Apart from the fact that the spirits of the air and the *colwic* spirits both dwell on high there is in another respect something common to the two conceptions. In discussing prophets it was observed how Spirit in the form of spirits of the air can enter into men, the human being expelled, as it were, and the divine taking its place. There is in the idea a suggestion of the natural man being changed into the spiritual man. In the *colwic* conception we have again, though in a rather different form, this idea of the soul in exceptional circumstances being transmuted into Spirit. I emphasize this aspect of the belief because, as will be seen more clearly later, it is essential to an understanding of Nuer religious thought that the conceptions of 'soul' and 'spirit' should be distinguished

[1] Dr. Lienhardt tells me that the *colwic* of the Rek Dinka is a very different conception. It is an evil spirit of the bush. The Dinka probably borrowed both the idea and the word from the Nuer and they seem then to have quite changed its meaning in assimilating it to their own notions, especially to their *macardit* conception. The Twic Dinka conception is nearest to the Nuer one (Fr. A. Nebel in P. W. Schmidt, op. cit., p. 161). Twic country is contiguous with that of the Bul Nuer.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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husband's people and the wife's people should the wife die in her first child-birth, and it is possible that he performs sacrifice in the course of the negotiations.[1] The word *kuaar* is also occasionally used instead of the more usual word *gwan*, possessor, in the titles of the *gwan muot* (or *ngul* or *ngul ghok*), possessor of the spear, who performs rites for success in war and hunting (p. 243); the *gwan biedh*, possessor of the fishing-spear, a kinsman of the leopard-skin priest who acts in homicide cases as his assistant in western Nuerland (p. 246); the *gwan nyanga* or *gwan thoi*, possessor of crocodile or of grass, who performs rites to protect people during fishing (p. 67); the *gwan biedh*, possessor of the fishing-spear, or *kuaar jusini*, priest of grass, who performs rites for the same purpose (p. 74); the *gwan pini*, possessor of water, who performs ritual against floods in western Nuerland; and the *gwan keca*, possessor of durra-bird (p. 71). When asked about these specialists, Nuer say that when God created men he designated people to carry out certain functions, and their descendants have continued to perform them. I have, however, never heard *kuaar* used in speaking of the *tiet*, diviner or leech (p. 95). Nor is it ever used of persons possessed by spirits of the air or owners of nature sprites or fetishes, none of whom have traditional offices.

III

Gwan kwoth, possessor of a spirit, is an expression which may refer to what I have called a prophet or to someone who has a sprite or fetish or a totemic or totemistic familiar. All these persons may make sacrifice to their particular spirits on their own behalf or on behalf of others when they or others have been seized by the spirits or desire protection against dangers the spirits are associated with. I have already discussed them in earlier chapters, and here I speak further, though briefly, only of the prophets. A prophet, as we saw in Chapter II, is a person who is possessed by a spirit of the air or occasionally a *colwic* spirit, the possession giving him spiritual powers lacking in other persons, including the leopard-skin priests. The possessed is thus also the possessor.

[1] I have no detailed account of his functions. Mr. Jackson (op. cit., p. 151) gives a different account of them, and Dr. Howell's account (*A Manual of Nuer Law*, p. 54) differs from mine in one important particular. I imagine that the *kuaar yika* was not often called upon to act.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

PRIESTS AND PROPHETS

793 Some of the chief characteristics of a prophet can be seen by com-
792 paring him to the priest. The priest is a traditional functionary of Nuer society; the prophet is a recent development. The priest has an appointed sacrificial role in certain situations of the social life, particularly in homicide and blood-feud; the prophet's functions are indeterminate. The priest's powers are transmitted by descent from the first priest—a social heritage; the prophet's powers are charismatic—an individual inspiration. The virtue of the priest resides in his office; that of the prophet in himself. The priest has no cult; the prophet has certain cultic features. But the most outstanding conceptual difference is that whereas in the priest man speaks to God, in the prophet God, in one or other of his hypostases, speaks to man. The priest stands on the earth and looks to the sky. Heavenly beings descend from the sky and fill the prophets. The prophet is the mouthpiece of a spirit, its interpreter; it is he who speaks but he speaks under its control. We can only understand Nuer faith in their prophets, and also their fear of them, when we know that when they speak as prophets it is Spirit which speaks by their lips, theopneustic speech. The prophet in making his declarations says, 'I am such-and-such', naming the spirit, and '*kwoth a lar*', 'Spirit says', just as the Old Testament prophets say, 'saith Yahweh', or the Prophet Muhammad says, 'saith Allah'. What the prophet says and what Spirit says are all mixed up together, the two being interspersed in such a manner that they cannot be separated. When we reflect on the dangerous quality in Spirit we do not have to wonder at the reverence Nuer show the vehicles of this manifestation of it in their midst. Another important difference is that while the priest has, when acting as priest, dealings only with Spirit in its most comprehensive sense of God the prophets deal with particular spirits, 'spirits of the air' or 'children of God'. God does not enter into men and inspire them. It will readily be seen that there is a fundamental difference, and one that will be still more apparent when a short account of prophets has been given, between the representative of man to the divine and the representative of the divine to man.

792 But though Nuer regard priests and prophets as very different sorts of persons they do not think of them as being opposed to one another. Government officials, who were very hostile to the prophets and described them, confusing prophets with diviners and leeches, most inappropriately as 'magicians', 'necromancers', and

16: Evans-Pritchard E-5 (1931, 1936) 1956
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'witchdoctors' and as 'reactionary upstarts' and 'anti-tribal', speak of them, indeed, as having undermined the traditional privileges of the priests. But this is not a Nuer way of looking at the matter. They do not think of their leopard-skin priests as being privileged persons. Also, I have never heard a Nuer contrast priest with prophet or suggest that there could be rivalry between them as such. Moreover, some of the best-known prophets were, like Jeremiah and Ezekiel of the Old Testament, both priests and prophets. 792

Owing to the action taken against them by the Government I had no opportunity to get to know any Nuer prophets well enough to reach an understanding of the *forma mentis* of a prophet.[1] According to Nuer tales about them their behaviour was most abnormal. The first prophet, or at any rate the first to achieve fame, was Ngundeng son of Bung, of the Lou tribe, a prophet of the spirit *deng*, who died in 1906. He acquired his powers by prolonged fasts. It is said that he lived for weeks by himself in the bush, eating animal and human excrement, that he used to sit on a cattle-peg in his kraal and let it penetrate his anus, that he used to wander about the bush for days mumbling to himself or sit in his cattle byre doing the same, and that when in such a mood he would refuse all food except ashes, which he had cooked for him. Mr. Coriat says that he was in the habit of falling into trances on the top of the roof of his cattle byre.[2] After he had established himself as a prophet he seems to have given up his solitary wanderings, though he still used to shut himself up in his hut from time to time to undergo long fasts. Nuer say that when the spirit *deng* seized him he could climb into the air without support and could also run up and down from the ground to the top of his byre. His son Gwek, described by Mr. Coriat as of squat body, misshapen arms and legs, and a short toad-like head, also had a reputation for daemonic exhibitions. Mr. Coriat records that he would spend, and spent during Mr. Coriat's visit to his home, all day shouting from the top of what has been described as a pyramid, a remarkable feat both of agility, for the pyramid was most difficult of ascent, and of endurance.[3] Perhaps we would be right in seeing in the habit of mounting to tops of byre and pyramid a symbolic 792 785 792

[1] When I began my studies Gwek, the leading prophet, had already been shot; Dwal, the next most prominent, was in prison; so also was the well-known prophet Car (I declined the administration's offer that I might visit them in prison); and the influential prophet Bhom was banished in the course of them.

[2] Op. cit., p. 224.

[3] Ibid., pp. 226–9.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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● 792 expression of the prophet's relation to Spirit, the spirit in him lifting him up, as it were, to its own realm.

792 778 The construction of this so-called pyramid (*bie*), a conspicuous landmark in Lou tribal territory, was begun by Ngundeng and completed by Gwek. It was a huge mound of earth and debris some fifty to sixty feet high with a base diameter of about a hundred feet. It was surmounted by elephant tusks and a spear decorated with an ostrich egg and feathers and encircled at the base with dozens of elephant tusks, numbers of which were also buried in the mound.[1] The purpose of the mound seems to have been to honour *deng* and increase the prestige of his prophet, though it may have expressed also the feeling of the above quality of Spirit. It became a cult centre, people from the whole of eastern Nuerland, and even from the west of the Nile, bringing cattle there for sacrifice; and Ngundeng and Gwek kept in a kraal near by a herd of cattle with black and white markings (*rial*) dedicated to *bungdit*, the mother of *deng*, with whom these markings are [177] associated. All this is more in accordance with Dinka than Nuer thought and custom, and there is some reason to suppose that the idea of the mound was, like the *deng* conception itself, borrowed from the Dinka. There is said to be a similar, though smaller, mound at Thoc, in eastern Gaajak country, built by a prophet called Deng, son of Dul. Ngundeng's mound was blown up with high explosive by the British administration during a punitive expedition in 1928 against his son's followers. However, much of it still remains, and Dr. Lienhardt tells me that it is said at the present time that sometimes at night a strange light is seen shining from it; and when a recent eclipse of the sun occurred people said that Ngundeng was returning. Another prophet, Deng Leaka, a 792 prophet of the spirit diu, a Dinka of the Gaawar tribe, also 785 acquired his spirit by fasting and solitude. He left his home and wandered in the bush where for many days he sat under a tree without eating. When found he was engaged in collecting hundreds of shells of the giant land snail and arranging them in rows. This abnormal side to the prophets is to be seen in their unkempt hair and their beards, both of which are objectionable to ordinary

[1] Captain H. H. Wilson in *The Anglo-Egyptian Sudan*, edited by Count Gleichen, 1905, vol. I, p. 140; information from Major C. H. Stigand, *Sudan Notes and Records*, 1918, p. 210; H. C. Jackson, op. cit., p. 158; P. Coriat, op. cit., p. 224.

16: Evans-Pritchard E-S (1931, 1936) 1956
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PLATE XV

•792

Prophet

[facing p. 306]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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792 Nuer. The photograph of a prophet in Plate XV was taken by
785 Major-General Sir Charles Gwynn early in the present century. We see from it how different is the appearance as well as the representation of a prophet from that of a priest!

792 The ascetic and abnormal element in the prophetic personality would seem to have been mixed up with personal ambition, a striving after renown, power, and riches, a combination which made the prophets outstanding figures in Nuerland. Reports by administrative officials constantly denounced them for their greed and ambition and for being 'plausible and unscrupulous' and 'charlatans'. Though these reports do not show great sensitivity in distinguishing between the ideas of holiness and morality, there is an element of truth in what they say. We have noted that it was not just by chance that a man acquired an air-spirit. There is nothing an ordinary Nuer desires less than to be in contact with Spirit. He seeks by sacrifice to rid himself of it or to keep it at a distance, for it is dangerous to him. But a prophet sought inspiration, entry of Spirit into himself and its filling him; and in seeking it he could not but have been aware of the influence it would bring him. Gwek seems to have been what we should call avaricious, though I never heard Nuer say so, and the only prophet of distinction I met, Buom of Dok country, whose spirit was *teny*, was, I would say, a man of cunning whom Nuer themselves regarded as selfish and greedy to acquire large herds. The hostility I sensed among his neighbours may have been due in his case to the support given him by the Government, which had appointed him a 'chief', but I think it is true to say in general that though Nuer feared their leading prophets, their fear, shown in the great outward deference, and in the case of women one might say veneration, they paid them, was tinged with resentment and hostility. They were glad to have people with such powers among them, but it always goes against the grain with Nuer to have to put themselves in an inferior position towards anyone; and in the main we may agree with Capt. V. H. Fergusson when he wrote: 'None of my Nuer [the western Nuer] will tolerate injustice in his everyday life even from a witchdoctor [prophet].'[1] Their attitude to their prophets displayed the same ambivalence that they showed towards the spirits of the air themselves and indeed to Spirit in any form. They wanted it and at the same time did not want it.

[1] *Sudan Notes and Records* 1923, p. 107.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

792 A very complex representation would seem to be involved here, in which ideas about persons and ideas about Spirit are mixed together with regard to a man who in one way of thinking about him is man and in another way of thinking about him is Spirit and who is also conceived of as both man and Spirit.

792 As explained in Chapter II, the chief function of such prophets
787 as gained any considerable following and became political figures was their hermeneutic role in warfare. They spoke the directions of the spirits of the air for raids on the Dinka[1] and for resistance to the slavers and the administration and made sacrifices to them. Their other functions were subsidiary and were exercised by lesser
[155] prophets also: healing, particularly curing barrenness of women, staying of epidemics lethal to men or cattle, and exorcism of troublesome spirits. They were also credited with power to foretell events and with a more than usual insight (*gwic*). A prophet heals people by rubbing his spittle on them or by sprinkling them with water, milk, or butter, and his inspiration gives him foreknowledge, but he, like anyone else, relies on sacrifice in times of trouble; and he may be asked to sacrifice for any purpose except on those occasions reserved to the priesthood. People ask him to sacrifice on their behalf, not because they cannot make sacrifice themselves, but because sacrifice by him is felt to have special efficacy in that he has a special and intimate association with Spirit. Nevertheless, though prophets, like priests, may sacrifice on behalf of other people, the distinctive character of the prophet is not, as it is of the priest, his sacrificial role, but his revelational role deriving from spiritual inspiration. Hence, so I have been told, women, as well as men, may become minor prophets, though I believe only an old, and possibly barren, woman, of whom Nuer say '*coa wut*', 'she has become a man', would do so. A female prophet would not sacrifice.

792
668 I mentioned briefly, because I have treated the matter elsewhere, the political significance of the Nuer priests, their office being a politico-religious institution of the traditional social order. The prophets can also be regarded from the same point of view, as a politico-religious institution which has recently emerged in answer to changes in the social order. It may be hard to believe that people with prophetic powers have not always existed among the Nuer, but there is no evidence that they have; and all Nuer with whom

[1] They acquired substantial herds from their share of the booty.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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I have discussed the question stated that in old days, before *deng*, the first of the air-spirits to fall to earth, entered into men towards the end of last century there were no prophets at all, only the *kuer*, the priests. I have suggested in an earlier book that their appearance might be explained by historical events—the expansion of the Nuer and, more particularly, the threat to their independence by northern Arab slavers, the Mahdists, and Anglo-Egyptian rule, which required, if it were to be met, greater political unity and the development of political authority. This view accords also with what has been said in general about the relation of Nuer religious conceptions to their social structure. It is possible that some of the prophets might have established political authority and leadership overriding local loyalties and sectional interests had they been allowed to, for prophetic powers tend to become hereditary, passing to whichever son is susceptible. Thus the mantle of Ngundeng fell upon his son Gwek, who was more a political, and less a religious, figure than his father had been; and the mantle of Deng Leaka fell upon his son Dwal. The Government effectively stopped development in this direction. Direct British administration was instituted, and no more influential prophets emerged. On the other hand, far from the idea of spirits —air-spirits, totemic and totemistic spirits, nature sprites, and fetish spirits—dwelling among men having been eclipsed it has spread more widely and in ever-increasing variety. This was already beginning to happen when I was in Nuerland (in the years 1930, 1931, 1935, and 1936), but the Nuer of the areas in which I carried out most of my research, the Lou and eastern Jikany tribes, had heard of only a few of the many spirits already familiar to those to the west of the Nile. So strongly have they now invaded these territories that, Dr. Lienhardt tells me, they have established themselves among the Anuak, who live yet farther to the east and had no knowledge of them as late as 1940. If my interpretation of the emergence and proliferation of new religious conceptions in terms of structure and structural developments is correct it would follow that we have here a counterpart in religious thought to an increasing fragmentation and individualization amounting by this time to a breakdown of the traditional social order.

792 668
792 776 182

Historical circumstances have brought the Nuer into closer communication at all points with foreign ideas; and the breakdown of their traditional way of life and the taking over of some

16: Evans-Pritchard E-5 (1931, 1936) 1956
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792 776 182 [177] of these ideas are part of the same process of change. As we have noted, they say of their air-spirits which inspire their prophets, and also in general of spirits which have fallen from above to earth, that they took them over from foreign peoples, mostly from the Dinka; and it is also possible that, as Mr. H. C. Jackson suggests,[1] there is a relation between the appearance of prophets among the Nuer and the spread of Dervish influence, for it was about the time of the Mahdist upheaval that their first prophets arose, and I was expressly told by one Nuer that the first spirit they heard of entering men was *madi* (?al-Mahdi) in the lands of the north and that afterwards they heard of *dewg* and then of other spirits.

792 182 Although the emergence of prophets can be interpreted in terms of historical events and structural changes just as the priesthood can be interpreted in terms of the functioning of the traditional tribal system, the prophet's significance for an understanding of Nuer religious thought calls for comment not required in the case of the priest. The rise of prophets and the increase of every other kind of 'owners' of spirits may indeed be a response, first to a challenge and then to disintegration, but it is a response made within a set of religious conceptions and has, therefore, a significance for the study of those conceptions without regard to whatever it may have been which occasioned the response. That the response should have taken a religious form does not surprise us, for that has been a common enough reaction to European rule in Africa and elsewhere, and the Nuer are, in any case, conspicuously religious. What claims our attention is rather the kind of religious form it took, a form which is at the same time both a development of potentialities in their traditional religion and a change in its character. We have seen in an earlier chapter how the Nuer notion of Spirit lends itself to refraction without limits. If this had not been so all the new spiritual conceptions which have arisen in the course of the last two generations could not have come into existence without entirely changing the character of Nuer religious thought. As it is, they have partly changed it.

[1] Op. cit., p. 91.

624, 791, 793

Nuer FJ22

[Information on leopard skin chiefs or priests are filed according to their functions under category 624, 791 or 793.]

16: Evans-Pritchard E-S (1931, 1936) 1956
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ning in ordinary sacrifices at which he officiates; and Nuer often refer to him in his sacrificial role as 'the cutter of the scrotum'. Does this usage symbolize the principle of agnation? Possibly, for after the sacrifice by which a Dinka is adopted into his captor's lineage it is said '*ca juak tem*', 'the scrotum has been cut', to signify that the Dinka is now a member of the lineage. If we are right in thinking that it may have this meaning, then the cutting of the scrotum is a most appropriate symbolic act, for the *gwan buthni* represents, as a member of a collateral lineage, the unity of the clan as a corporation of segments, the principle of fission which is in the very nature of a lineage structure. The master of ceremonies receives some of the sacrificial meat at sacrifices at which he officiates and he generally has a right also to the hide or half of it. He has also a right, as I have explained, to a section of any elephant tusk that comes into possession of the family he serves, and the first turtles and the skins of the first leopards and serval cats killed by its sons are given to him. He receives a calf or sheep from the husband's people when one of its daughters is married.

The role of the *gwan buthni* in sacrifice is seen to be a social role rather than one of a specifically religious kind. He does not function in virtue of any qualities in himself. He is a *dwek*, a layman, not a *kuaar*, a priest. He is called upon to make the first invocation when the sacrifice concerns the interest of a whole clan or lineage. His clan or lineage alone is involved or if, as in marriage, another clan is also involved he acts on behalf of his own group alone; and consequently he addresses Spirit in the refraction by which it is represented to the clan—maybe in a totemic refraction or just as '*kwoth gwara*', 'God of our fathers'. His role in the proceedings is, therefore, determined primarily by the nature of the social activities in connexion with which he is asked to make sacrifice and not by any specifically religious considerations.

II

When sacrifice is made in consequence of some sin or to end certain states of interdiction, of sin-potential—in circumstances, that is, which involve the notion of *nueer* or of notions akin to it—it is desirable, and sometimes necessary, for the rite to be performed by a *kuaar twac* or *kuaar muon*, a priest of the leopard-skin

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 or of the earth. It might seem that it is in no way here the nature
793 of the social group involved which requires an officiant from outside the family and close kin, but the nature of the circumstances which occasion the sacrifice, circumstances which call for consecration and invocation to be made by someone with special religious qualities. Nevertheless, as will shortly be evident, although the exclusive sacrificial functions by which priestly office is defined have a special sacramental character, they arise, like those ideas of sin with which they are particularly concerned, from situations which require for full understanding a knowledge of the social structure.

793 When the Government of the Anglo-Egyptian Sudan first began to take an interest in the Nuer the attention of its officers was at once drawn to what became known as 'leopard-skin chiefs', for these men were distinguished from the rest of the Nuer by the leopard-skins they wore over their shoulders (Plate XIV). It was thought that they were some kind of 'chiefs' or, in the language of those days, 'shaikhs' or 'sultans' through whom the Government might conduct its administration. It soon became apparent, however, that they lacked any real authority; and it is clear that, although the exercise of their religious functions has an important political role, they have no political, administrative, or judicial office. I have discussed the political significance of their religious functions in *The Nuer*,[1] and I limit further discussion of them here to what is necessary for an understanding of the topics treated in the present book.

The word which Europeans have translated 'chief' and which I translate 'priest' is *kuaar* (pl. *kuar*).[2] This person is often referred to as *kuaar twac*, priest of the (leopard-) skin, or as *gwan twac*, possessor of the (leopard-) skin, on account of the leopard-skin he wears over his shoulders. In its original sense the word *kuaar* conveys to Nuer a category of persons with traditional ritual functions. Its opposite is *dwek* (pl. *dueghni*), an ordinary person who has no such functions, a layman. Used by itself the word *kuaar* would normally, perhaps invariably, mean for a Nuer a leopard-skin priest, but combined with other words it may be used

[1] Chap. iv.

[2] He is referred to in all government files as 'leopard-skin chief', and rather than make for local confusion I used this designation in my reports and later, with a caveat, in my earlier books. In a book on Nuer religion I feel that a title should be used which indicates better his religious character.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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PLATE XIV

•793

Leopard-skin priest

[facing p. 290]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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•793 to refer to other persons with traditional ritual functions, such as the *wut ghok* or man of the cattle, though this usage is loose and should perhaps be regarded as derived by analogy from its primary use to denote a leopard-skin priest. When the Government chose certain leading persons in the various Nuer communities and appointed them 'Government Chiefs' with administrative and judicial duties and privileges these chiefs became known as *kuar biei*, chiefs of the cloth (the robes of office presented to them by the Government), either because Europeans referred to them as *kuar* or because Nuer saw a resemblance between the robes and the leopard-skins worn by priests. Both are worn over the right shoulder. *Kuaar* became as well the title by which Europeans are addressed by Nuer, perhaps for one or other of the same reasons. The word has thus gained a wider range of meaning.

A more usual title than *kuaar twac* or *gwan twac* is *kuaar muon*, priest of the earth, the word *mun* (gen. *muon*) meaning 'earth' in the sense of 'soil'; and if it were not that in the literature on the Nuer the priest of whom we speak is always designated by reference to his leopard-skin I should be inclined to write of him as the priest of the earth, because the leopard-skin title is taken only from his badge whereas the earth title is derived from a symbolic association with the earth of deeper significance. It is said that a leopard-skin priest (henceforward generally referred to simply as 'priest') will not approach people when they are making pots lest the pots crack; and in this sense he may be said to respect (*thek*) the earth. If anything goes wrong with the standing crops he may be asked to anoint (*yir*) the earth with butter. He may also be asked to anoint seed and digging-sticks with butter
[764] before sowing. When a priest is buried, his corpse, so that it will not be in contact with the earth, is placed between hides on a light platform erected in the grave, which is dug in his hut if he dies while the people are in their villages. These and other observances express a mystical relationship of priests with the earth in virtue of which their curses are thought to have special potency, for, as was noted earlier (p. 167), they can affect not only a man's crops
793 but his welfare generally, since human activities all take place on
789 the earth. However, in spite of the power attributed to their curses, I have never known Nuer stand in awe of them nor have I known the power to be used outside a situation of feud; and then a priest's threat to curse is regarded as a routine convention. It gives the

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

793 [789] injured party an excuse to accept compensation without loss of honour.

It is a matter of surprise that the Nuer priesthood should have this association with the earth and take its most common title from it. There is no cult of the earth such as we find in West Africa. Priests are not traditionally linked to a particular territory as are the 'fathers of the land', ritual agents who are such in virtue of being descendants of first settlers, among some other Nilotic peoples. Nor can a satisfactory explanation be advanced in terms of agricultural activities. Nuer do not highly esteem cultivation of crops and may be presumed to have engaged in it even less in the past when cattle were more numerous. Cattle husbandry receives more of their attention and is their absorbing interest, but it and fishing, which is also most important for them, so far as they are the object of ritual attention, are the concern of other, and less important, ritual specialists than the priest of the earth. Moreover, Nuer do not attach much importance to such ritual as he performs in connexion with the crops, and it is entirely secondary to his other functions. On the other hand, it can be seen that the association of priesthood with the earth is a representation which accords with the general idea of man being identified with the earth and God with the sky, the priest being essentially a person who sacrifices on behalf of man below to God above.

793 613 614 Lineages of leopard-skin priests are found in all tribal sections, and in most parts of Nuerland they are in the category of *rul*, strangers, and not of *diel*, members of the clans which own the tribal territories. It is necessary that they should be widely spread, because their services are essential to Nuer everywhere, and it is significant that they are generally not members of lineages identified with political groups, because they have to act as peacemakers between such groups. The two best-known priestly clans, the Gaatleak and the Jimem, have no tribal territories of their own but live, as families and small lineages, in most or all territories owned by other clans. They are like Levi, divided in Jacob and scattered in Israel. Their priestly filiation goes back to Gee, the first man and the first priest, from certain of whose sons the priestly virtue (*ring*) has passed down the generations. However, although their powers are hereditary, and although all members of a priestly lineage can, therefore, act in a priestly capacity, in practice only certain families do so, and these families can function as priests wherever

16: Evans-Pritchard E-5 (1931, 1936) 1956
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they happen to reside. Moreover, persons who do not belong to a priestly family can become priests, transmitting their powers to their children, by what the Nuer call *tetde*, by hand. This means that such a man is given a leopard-skin by a priest and told to carry out priestly services. In some myths of origin of the Jikany tribes the leopard-skin was given by the ancestors of the dominant lineages to their maternal uncles that they might serve as tribal priests. The structurally opposed lineages of the clan were then in the common relationship of sisters' sons to the line of priests, which thus had a mediatory position between them.[1] A layman is still today sometimes invested with the leopard-skin and the priestly powers that go with it, and I have known a Dinka chosen for the purpose. This in itself teaches us much about the way Nuer regard their priests. Priestly duties are tiresome and ill-rewarded, but somebody has to perform them. Nuer society is very far from being a hierocracy.

The chief services a priest performs are in connexion with homicide and the importance of his office derives from this essential function. Only he can perform these services,[2] which are to release the slayer from the state of extreme danger his act has placed him in and, where circumstances are such that an active blood-feud is likely to develop if a settlement is not reached, to give the slayer sanctuary, to negotiate a settlement, to perform sacrifice to enable normal social relations to be resumed, and to rehabilitate the slayer. All these functions, in addition to having a political significance, are also essentially religious acts or derive from the priest's sacred character.

As soon as a man kills another he hastens to the nearest priest, who draws the point of a fishing-spear down his right arm from where it joins the shoulder and sacrifices a beast, called *yang riem*, the cow of blood. Were the slayer to eat or drink before this has been done it would be serious *nueer* and cause certain death, for the blood which is drawn is thought to be in some way that of the slain man which has passed into him. If there is likelihood of blood-vengeance the slayer then takes sanctuary in the home of

[1] I recorded this fact in *Sudan Notes and Records* (1935, pp. 46–48), but I have only recently realized, in the light of Dr. Lienhardt's research among the Dinka, the significance of it.

[2] Except perhaps on such rare occasions as when a priest himself or one of his family is killed. I was told that then an elder of the aristocratic clan of the tribe might act in the priest's place.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 the priest, his family and cattle being dispersed to homes of kins-
●793 men, leaving his homestead deserted. He will not be molested
628 there because of the sacred character of the priesthood. For the
783 same reason the priest and any who accompany him can move between the parties without fear and so conduct negotiations for settlement. It is essential that a blood-feud be settled if the parties to it live in the same neighbourhood, not only for reasons of security, but also on account of the serious danger both the dead man's kin and the slayer's kin are placed in by the homicide, a danger in which the whole community is involved. Settlement by payment of compensation (*cut*) to the family and kin of the dead man prevents them from taking vengeance and thus causing a further disturbance of social life. It also pacifies the ghost, who may trouble his family and kin if a wife is not soon married to his name with *ghok thunga*, cattle of blood-guilt. Consequently, even when a man is slain by a close paternal kinsman cattle, though fewer, have to be paid to provide him with heirs, and if vengeance is taken and a man on each side is killed compensation has to be paid for both so that their names may not be blotted out. The payment is rather for this purpose than to satisfy honour. Only vengeance can do that. This is why the kin, even when they are ready to accept compensation, at first refuse it, and why, even after acceptance, a feud is always liable to break out again. But neither consideration seems to weigh with Nuer so much as the need to rid themselves of the condition of *nueer*. This threatens chiefly the kin of the slain, but the kin of the slayer, the wives of both lots of kin, and all their neighbours are also subject to interdiction. If either side eats or drinks with the other or from vessels which the other has used the penalty is death, and it may be brought on kinsmen on either side by a person who belongs to neither party eating or drinking in the homes of both. This intolerable state of interdiction can only be ended by sacrifice by a priest when compensation has been paid, since it requires the consent of both parties. We have, therefore, to distinguish between the cattle paid to compensate the kin of the dead for their loss and to provide the ghost with a wife from those paid for sacrifice, just as we had to distinguish between the cattle paid in indemnity for adultery and the beast paid for sacrifice. This is shown by the fact that should a man kill his wife, though no compensation can be exacted and the question of providing heirs does not arise, he will hand over

16: Evans-Pritchard E-5 (1931, 1936) 1956
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to her kin the beasts required for sacrifice to get rid of the state of uncleanness resulting from the homicide. We have here to distinguish also the priest's role in making these sacrifices, which only he can perform and the performance of which is the essentially priestly role in blood-feuds, from the sanctuary he provides and the mediation he offers. The first is a sacramental act only a priest can perform; the others are acts he can perform because people, as we would say, have respect for the cloth. It is a distinction between priestly office and priestly status. In certain cases, as in those of accidental homicide, neither sanctuary nor mediation would be required of him; but it is always necessary that he makes the customary sacrifices if the state of *nueer* is to be ended, and it must be ended if the parties have to come into contact with each other in the course of their ordinary social life. Although today the Government exacts compensation for homicide and takes charge of the slayer, priestly sacrifice is still required before a blood-feud can be settled.

I am not certain about all the details of procedure in settlement of a blood-feud, and they probably vary from one part of Nuerland to another and even from one case to another, but the main, and usual, actions are as follows.[1]

When, usually after some months (the mortuary ceremony for the dead man having first been held), negotiations have been completed and the cattle brought together from the homes of the various kinsmen who have contributed to the payment the priest, accompanied by some of his kinsmen, and when relations are not too strained by a representative of the slayer's party, drives them to a place near the home of the dead man, where his kinsmen have gathered. When, after inspection, all are accepted they are tethered in a neighbouring homestead as they may not enter the kraal of the dead man's family till sacrifices have been made. One of the oxen, called *yang ketha*, the cow of the gall-bladder, is consecrated by the priest, who then makes an invocation over it to God that the feud may be closed. In the course of it he addresses also the ghost of the dead man and tells him that his death has been paid for and that his kinsmen will marry a wife to his name to bear him a son. The priest then slays the victim and as soon as

[1] For a fuller account see H. C. Jackson, op. cit., pp. 102–4; my book *The Nuer*, pp. 152 seq.; J. P. Crazzolara, op. cit., pp. 106 seq.; and P. P. Howell, *A Manual of Nuer Law*, chap. ii.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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782 it has fallen the dead man's kin hack it to pieces in a wild scramble.
793 The gall-bladder is extracted and placed on one side. This is later
628 squeezed into a gourd containing water and a little milk and is
783 drunk by members of the dead man's family and paternal and maternal kin and, if one is present, by the representative of the slayer's party. The priest gives them also cleansing medicines, *wal nueera*, to drink. After this ceremony the parties can eat and drink together without risk, though if feelings have run high they are unlikely, for reasons of sentiment, to do so. Were at any time before it is performed a man inadvertently to break the interdiction a priest would be summoned to save his life by sacrifice and medicines.

Next day before sunrise the dead man's kin go to where the cattle of compensation have spent the night in a neighbouring homestead and sacrifice the one entire bull among them and cook and eat its flesh. The cattle may now be brought into the dead man's homestead and their milk drunk. Some of them are later distributed among the dead man's paternal and maternal kin while the rest are entrusted to relatives to look after, or are temporarily tethered in his kraal, until they are used to marry him a wife, the bride cohabiting with his brother. It is unlikely that all the cattle will have been handed over at the ceremony for closing the feud. The last ones to be paid, maybe years later, are the *ghok pale loc*, the cattle of relieving the heart, and a beast known as *yang tul coka*, the cow of the breaking of the bone, because after it is sacrificed one of its bones is held at either end by representatives of the two parties while the priest severs it in two. The left half of the bone is thrown away. The two parties then consume the flesh together. The earlier ceremony ended the state of *nueer*, and the purpose of this later ceremony seems to be to bring the parties into amity again. These final cattle may not be paid, and the final ceremony therefore not be held, if the parties to the feud do not strongly feel the need for a lasting settlement.

The state of feud, which is a state not only of social conflict but also of spiritual danger, was ended by the sacrifice of the *yang ketha*. But the priest still has a duty to perform, to bring the man who incurred the blood-guilt back into the life of the community. The cutting of his arm put him out of immediate and acute danger, but the death he has caused still clings to him till these final rites, which are like those which end a period of mourning.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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The priest and one or two of his kinsmen escort the slayer to his neglected home where huts and byre are in disrepair and grass has grown up in courtyard and kraal. He consecrates an ox, preferably a black one or one with black markings, utters an invocation to God, saying that compensation has been paid and sacrifice made to remove the state of feud and asking that the slayer may now rest in peace in his own home. He sacrifices the ox, known as *yang miem*, the cow of the hair, because afterwards he cuts the slayer's hair or a token lock of it. It has not been cut or tended since the homicide. The priest then starts to hoe up the weeds in the kraal, and he and his kinsmen to clean up the homestead. He also kindles fire with fire-sticks (*piec mac*), lights three fires, sacrifices a goat, removes its intestinal fat, and places a piece of it on each fire where the flames consume it. The slayer is now rid of the *thung*, the blood-guilt, and can repair his byre and huts and settle down to normal life. 782 793 628 783

The leopard-skin priest also conducts the taking of oaths. A Nuer may at any time lick a spear or metal bracelet as a sign that he is speaking the truth, and I was told that a man would not do so if he were lying, though he might pretend to lick it. But formal rites of purgation are conducted by a priest. If a man denies that he has killed another he undergoes an ordeal by drinking milk from the herd of the dead man handed to him by the priest in the presence of the dead man's kin. Should he be lying he would die of *nueer*. To kill a man and not to confess to the killing is a heinous offence in Nuer eyes because it puts the kin on both sides in jeopardy. In questions other than homicide, which would usually, I think, concern rights in cattle, the priest digs a hole, representing a grave, and accuser and accused either step over it or take hold of the shaft of the priest's spear placed above it as they make their declarations. Or the declarations are made by them as they sit on the priest's leopard-skin. The priest then utters an invocation over a tethered victim that whoever is lying will die. The late Mr. Hamer, who witnessed this rite, told me that the priest caught the blood of the beast, a goat, in a gourd and mixed it with earth scraped from the ground in front of the skin. He placed a lump of this mixture in the mouths of the two men, who chewed and swallowed it. They then stood up and, facing one another, stepped across the skin. In a text written by a Nuer at the American mission, and sent to me by Dr. Mary Smith, the priest first addresses 793 628 695 793 695

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793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter incest, between, that is, persons more distantly related, some lesser
835 specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least
782 usually, serious incest are the exclusive domain of the leopard-skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

Since a good deal has been written about the importance of
[793] 'rain-makers' in this part of Africa it is perhaps wise to note also
789 that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-

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cedures. Any Nuer can pray to God to send rain, and his prayers may be supported by placing a sprig of the *nyuot* tree in water, though this is best done, together with sacrifice of one of the flock to *kwoth nyota*, spirit of the *nyuot* tree, by a member of the widely scattered Gaawar clan on account of their association with both rain and the tree (p. 72). Some Nuer said that a prophet's prayers and sacrifices for rain might be effective, and they seem to have had some faith in those of the prophet Gwek; but I found that in general Nuer showed little interest in the subject. They certainly do not think that anyone can 'make' rain. Whoever it may be, priest, prophet, member of the Gaawar clan, or just an ordinary person, he can only pray to God to send the rain. They say, 'There is nothing we can do if it does not rain. God has given us nothing [to make it]. We are merely ignorant folk.' When I urged that surely there was something they could do, a Nuer replied, 'Oh well, the leopard-skin priest may sacrifice a cow [probably a goat was meant] and pray to God for rain, and that is all; perhaps God will give it and perhaps he won't.' When I asked about Car, a well-known prophet, whether he could bring rain, I was told, 'Oh well, he will pray to his spirit [an air-spirit] and ask for rain, but that is all.'

In whatever circumstances a priest acts as intermediary between men and God the virtue which gives efficacy to his mediation resides in his office rather than in himself. Consequently, it does not matter what sort of person he is, socially, psychologically, or morally. The virtue derives from the office having been established by God at the beginning of things as part of the social order. Consequently the priest is a traditional public functionary thought of as having always existed and as representative of man, rather than of any particular men, to God in certain critical situations. Therefore when he invokes God at sacrifice he does so in phrases which recall the universal and enduring character of his role: '*Kwoth muonda*', 'Spirit of our earth', '*Kwoth Jagei*', 'Spirit of all the Nuer' (*Jagei* has here this sense), and '*Kwoth rieng gwari*', 'Spirit of the virtue of our fathers'.

When we examine the critical situations in which the priest is called upon to exercise his functions we see that the priesthood can be regarded either as a political institution functioning within a set of religious ideas and values or as a religious institution functioning within a set of political ideas and values. His essential and

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793 628 distinctive role is that which he plays in homicide, that is to say, when two social groups, groups of kin and local and political groups, are in a state of violent opposition to each other and the whole community is involved in consequence, directly or indirectly, in a state of interdiction. He functions as administrator of oaths in a similar setting. The oaths either arise out of homicide or concern matters which may result in homicide. There are strong feelings of hostility between the parties; otherwise oaths, with their terrible consequences, would not be taken. Serious incest may provoke similar feelings, because, Nuer ideas about incest being what they are, the persons concerned in it may belong to different descent groups and, indeed, are for various reasons likely to do so. In situations of *nueer* in which hostile feelings are not aroused, as when twins are born or a person is killed by lightning, the head of the family or its master of ceremonies officiates. These are family and lineage affairs. So, whereas the *gwan buthni* acts in sacrifice on behalf of an exclusive social group, the leopard-skin priest for the most part performs sacrifices in situations in which two groups are opposed to one another and which therefore require a person unidentified by lineage attachment to either to act on behalf of the whole community. The priest thus has a central position in the social structure rather than in religious thought, for his priestly functions are exclusive not because, on account of the sanctity of his office, only he can perform sacrifices, but because representatives of neither party to a dispute can effectively act in the circumstances obtaining. As he entirely lacks any real political authority or powers it is understandable that he could not carry out his functions unless during their performance his person was sacrosanct. The presence of a priesthood adds nothing to the dominant ideas of Nuer religion. It is rather these ideas which give to a political role its necessary attributes. Put in another way, the Nuer have priests who perform certain politico-religious functions but their religion is not intrinsically a priestly religion.

613 793 231 Another hereditary and traditional functionary is the *wut ghok*, the man of the cattle, sometimes also spoken of as *kuaar ghok*, the 'priest' of the cattle, or *ring ghok*, the 'virtue' (literally, 'flesh') of the cattle. There are men of the cattle in every tribe and tribal section, and they belong to lineages of a number of different clans, all those I have come across being of true Nuer descent. As in the

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case of the leopard-skin priestly lineages, any member of a lineage of men of the cattle can perform the services attached to that office, but in practice only some, and senior, persons would normally be called upon to do so. These services have less religious and social importance than those of the *kuaar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwothde*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at his own mortuary ceremony his kinsmen and possessions are aspersed with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 255–6), initiation of boys to manhood is intimately bound up with their relation to the cattle. It is therefore appropriate that it should be a man of the cattle who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

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793 561 between successive age-groups within the age-set system and not between kin-groups or local and political communities.

793 578 It is remarkable that, considering what cattle mean to Nuer, the man of the cattle is not socially or ritually so important a figure as the priest of the earth. Doubtless this is because his functions in the organization of the age-sets are not so often brought into play, nor so striking and important, spiritually and socially, as the priest's functions in homicides and the feuds that arise from them. There is an opposition in thought between the two. It cannot often happen that a man of the cattle quarrels with a priest of the earth; yet Nuer volunteer the information that if they quarrel and curse one another the man of the cattle asks the leopard-skin priest on what he expects to live if all his cattle die, and the priest counters by asking the man of the cattle whether he intends to take his cattle up to the skies as he can no longer pasture them on earth. Nuer say that since both are placed in an impossible situation they exchange gifts to dissolve the curses. Mr. P. Coriat in a Government Report of 27 February 1931 remarks that some of the Karlual tribe were feeling the need for a man of the cattle (for some reason they did not, I suppose, have one at the time), and he adds that the reason for this is a belief that if a man quarrels with a leopard-skin priest his cattle will not be acceptable as sacrifices as the earth cannot absorb their bones and blood. Therefore the services of a man of the cattle are necessary, so that the sacrifices will go direct to heaven. Mr. Coriat's observation suggests that Nuer tend to think of the man of the cattle in relation to the above and of the leopard-skin priest in relation to the below. This may be so, but I have no clear evidence that the former is classed as a *ran nhial*, a person of the above.[1]

793 As I have said earlier, the word *kuar* may be used in a general sense to describe persons with ritual powers in contrast to *dueghni*, laymen. I do no more than mention the titles and functions of some others than those we have been discussing, because they are not prominent figures in Nuer society and play only occasional and minor roles in their religious life. The *kuaar yika* or *kuaar yiini*, priest of the mat or mats, acts as arbitrator between the

[1] To P. W. Schmidt (op. cit., pp. 2–4, *et passim*) the problem is solved in terms of culture-complexes. With agriculture go mother-right, evidences of which he finds among the Nuer, and an earth-religion. With cattle husbandry go father-right and a Sky-God religion. Nuer culture is a mixture of the two.

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husband's people and the wife's people should the wife die in her first child-birth, and it is possible that he performs sacrifice in the course of the negotiations.[1] The word *kuaar* is also occasionally used instead of the more usual word *gwan*, possessor, in the titles of the *gwan muot* (or *ngul* or *ngul ghok*), possessor of the spear, who performs rites for success in war and hunting (p. 243); the *gwan biedh*, possessor of the fishing-spear, a kinsman of the leopard-skin priest who acts in homicide cases as his assistant in western Nuerland (p. 246); the *gwan nyanga* or *gwan thoi*, possessor of crocodile or of grass, who performs rites to protect people during fishing (p. 67); the *gwan biedh*, possessor of the fishing-spear, or *kuaar juaini*, priest of grass, who performs rites for the same purpose (p. 74); the *gwan pini*, possessor of water, who performs ritual against floods in western Nuerland; and the *gwan keca*, possessor of durra-bird (p. 71). When asked about these specialists, Nuer say that when God created men he designated people to carry out certain functions, and their descendants have continued to perform them. I have, however, never heard *kuaar* used in speaking of the *tiet*, diviner or leech (p. 95). Nor is it ever used of persons possessed by spirits of the air or owners of nature sprites or fetishes, none of whom have traditional offices.

III

Gwan kwoth, possessor of a spirit, is an expression which may refer to what I have called a prophet or to someone who has a sprite or fetish or a totemic or totemistic familiar. All these persons may make sacrifice to their particular spirits on their own behalf or on behalf of others when they or others have been seized by the spirits or desire protection against dangers the spirits are associated with. I have already discussed them in earlier chapters, and here I speak further, though briefly, only of the prophets. A prophet, as we saw in Chapter II, is a person who is possessed by a spirit of the air or occasionally a *colwic* spirit, the possession giving him spiritual powers lacking in other persons, including the leopard-skin priests. The possessed is thus also the possessor.

[1] I have no detailed account of his functions. Mr. Jackson (op. cit., p. 151) gives a different account of them, and Dr. Howell's account (*A Manual of Nuer Law*, p. 54) differs from mine in one important particular. I imagine that the *kuaar yiha* was not often called upon to act.

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PRIESTS AND PROPHETS

793 Some of the chief characteristics of a prophet can be seen by com-
792 paring him to the priest. The priest is a traditional functionary of Nuer society; the prophet is a recent development. The priest has an appointed sacrificial role in certain situations of the social life, particularly in homicide and blood-feud; the prophet's functions are indeterminate. The priest's powers are transmitted by descent from the first priest—a social heritage; the prophet's powers are charismatic—an individual inspiration. The virtue of the priest resides in his office; that of the prophet in himself. The priest has no cult; the prophet has certain cultic features. But the most outstanding conceptual difference is that whereas in the priest man speaks to God, in the prophet God, in one or other of his hypostases, speaks to man. The priest stands on the earth and looks to the sky. Heavenly beings descend from the sky and fill the prophets. The prophet is the mouthpiece of a spirit, its interpreter; it is he who speaks but he speaks under its control. We can only understand Nuer faith in their prophets, and also their fear of them, when we know that when they speak as prophets it is Spirit which speaks by their lips, theopneustic speech. The prophet in making his declarations says, 'I am such-and-such', naming the spirit, and '*kwoth a lar*', 'Spirit says', just as the Old Testament prophets say, 'saith Yahweh', or the Prophet Muhammad says, 'saith Allah'. What the prophet says and what Spirit says are all mixed up together, the two being interspersed in such a manner that they cannot be separated. When we reflect on the dangerous quality in Spirit we do not have to wonder at the reverence Nuer show the vehicles of this manifestation of it in their midst. Another important difference is that while the priest has, when acting as priest, dealings only with Spirit in its most comprehensive sense of God the prophets deal with particular spirits, 'spirits of the air' or 'children of God'. God does not enter into men and inspire them. It will readily be seen that there is a fundamental difference, and one that will be still more apparent when a short account of prophets has been given, between the representative of man to the divine and the representative of the divine to man.

792 But though Nuer regard priests and prophets as very different sorts of persons they do not think of them as being opposed to one another. Government officials, who were very hostile to the prophets and described them, confusing prophets with diviners and leeches, most inappropriately as 'magicians', 'necromancers', and

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to take a little ride one day. Several chiefs were induced 177
to try a ride, but one chief especially became quite frightened and a quick landing had to be made in order to keep him from jumping out.

The Nuer were quite alarmed when the planes appeared that morning, although they had been told some days before that planes were to come. Children ran screaming into the houses, men and women were badly frightened and dubious as to the purpose for which the 'boats of the sky' had come. Children stayed in the houses or near their homes, women would not go up to the merchants while the planes were flying.

Many were amazed by the short time taken for the flight from Malakal to Nasser, and realized to some extent that in case of need the planes with their guns might quickly come.

In the recent patrol the aeroplanes were again used as agents of war, so it is little wonder that to the Nuer the aeroplane is a thing of destruction, and they fear it accordingly.

The Government has shown an interest in the education of the Nuer and is eager to have schools among them. 871
The authorities have sent several boys from Abwong to the mission school at Nasser and paid their expenses while there. These boys work in various capacities for the District Commissioner at Abwong, and when he is away he is anxious to have them in school. They were apt pupils. This same District Commissioner had one of the older boys from the Nasser school to conduct a school at Abwong for one season.

MISSION WORK AMONG THE NUER

The American Mission has long had a station at Nasser 797
(Figs. 12 and 13). They work on evangelistic, medical,

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797 and educational lines. Itinerating work is also done by the members of the mission.

They have a church, clinic, and school, as well as three dwelling houses and a storeroom. A number of fruit trees have been planted and they have plenty of fruit for personal use.

The personnel of this station consists of from four to six adults.

797 871 Practically all the school pupils are working on the compound. They go to school for an hour or two at least and then work the remainder of the working day. Their wages are based upon their working hours, but all children, especially those who show any aptitude in learning, are required to attend school. Should they refuse, which they seldom do, they are dropped from the workers' list and some other eager applicant is taken on who is not averse to going to school.

At the Nasser Mission the work-bell rings at 6 a.m. All workers then attend the service with morning prayers and roll-call from 6 a.m. to 6.30. a.m. At 6.30 the workers go to their work and school opens. Lessons continue in the school until nine o'clock when chapel is held.

At 9.30 all workers are given one-half hour for breakfast. At ten o'clock the work-bell again rings and work on the compound and in the school is resumed until 1 p.m. when the working day is finished.

797 743 At 6.30 a.m. the clinic is opened by the Nuer helpers, the doctor (if there is one) or nurses not coming until 9 o'clock, except for supervisory or emergency work.

Arabic-speaking people are cared for at the clinic from 9–10 a.m. as are all the workers who come. From 10 to 10.30 a.m. the clinic service is held, which consists of songs, prayers, and a Bible story. All Nuer and Anuak

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patients, except those working on the compound, are 797
supposed to be present if they wish for medicine that day; 743
emergency cases are always treated at any time. After this service treatment is given to all who come.

On Sundays services are held in the church consisting of church service and Sunday school; in the afternoon a song service may be held. Or the song service may be omitted and a night church service held in one of the homes. The church can seldom be used at night on account of the ever-present mosquito. Sometimes the Bible lesson in church is given by a Nuer. Some of them show real talent for public speaking. There are from 150 to 160 Christians, but they are scattered throughout the various sections of Nuerland.

The church is not yet organized in the sense in which we understand organization. There is a committee of native Christians who have been appointed to supervise the receipt and expenditure of monies, but always with the aid of a missionary. A session is also appointed who help to examine candidates for baptism. Sometimes the examination they give is indeed rigid. The candidate's major sins of the past may be mentioned in detail. He is not merely asked to forsake sin, but those sins to which he is more subject are mentioned in particular. Sometimes a member of the session may be suspended, owing to some sin in which he has actively taken part.

Sometimes it seems as if the results of our work were small. Then some incident fills us with encouragement and we are amazed to find the extent to which the Nuer Christians are willing to trust Him whom they have so recently accepted as their God.

School work is carried on five days a week. The fact 797
that all books must either be written in this language 871
or translated into it is a serious handicap, for this transla-

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tion work takes time, and it is hard to keep new material prepared for the higher classes. English is taught to some extent, but the Nuer is taught in his own language first that he may learn to appreciate the things that are Nuer.

Student teachers are employed, pupils being thus trained to teach those who have not as yet learned as much as they have. In this way, a pupil teacher, returning to his village, knows how to teach what he has learned, be it much or little, to others.

A Nuer who is also a pupil in the advanced classes is supervisor of the school under the direction of a missionary.

The pupils do not pay for tuition. Only one case is known where a pupil at this school paid for his schooling in any way. This man was only able to go to school for an hour a day, but he was anxious to keep up with his class who were having two hours' instruction daily. He paid a Nuer for his services as private tutor each afternoon. This aspirant after an education was an Anuak, both he and his tutor were pupils in this school.

The Nuer boys sent by the Government official at Abwong to this school formed the greater portion of a boys' boarding school while they were there. The two men who are working for the District Commissioner at Nasser as his interpreters attend school all the time when they are not on trek.

The mission is busy now getting the books translated which were recommended by the Rejaf Language Conference of 1928.

There is a Roman Catholic Mission in another section of Nuerland, but I am unable at this time to give any definite facts about the work. I understand that one of the main features of it is the school. This mission will also use the course of study recommended by the Rejaf Language Conference.

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Missionaries usually are victims of the ever-prevalent malaria but it does not daunt them, and they continue to love their people and their work. 797

But much remains undone; there is urgent need of mission work along any or all of the present lines—evangelistic, educational, and medical.

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way as an animal is dedicated, while a short invocation is made. They are decorated with beads and metal rings. I was told that now and again, especially after dreams, a prophet rubs his spirit's drum with ashes, and sometimes also with butter, and asks God for peace and happiness. A prophet also builds a mud shrine, called *yik* or, if it is shaped like a windscreen, *buor*, to his spirit, the largest monument of the first kind being the pyramid of *deng* in the Lou tribal territory (p. 306).

IV

I now come to the most difficult, and the most important, part of this survey. How do Nuer conceive of these spirits in relation to God? I do not attempt yet to make a full analysis of the notion of *kwoth*, but only to discuss a limited part of it, the nature of the spirits of the air; though what is said about them has some bearing on the nature of other spirits and of Spirit in general. The matter is, for us, complex and confusing, and the conclusion I reached about it, that the spirits of the air are conceived of as both separate beings and yet also as different manifestations of God, may at first sight seem to hold a contradiction.

We may say to begin with that there is no question of Nuer regarding these spirits as beings of the same importance as *kwoth a nhial*. Whatever else they may be thought to be they are not thought of as beings independent of and equal to him. There is only one God. This is evident from a number of facts.

In the first place, it is shown by the way Nuer regard the beliefs of neighbouring peoples. It creates no problem for them when they find other peoples approaching God under different titles and in different ways from their own. Some Nuer, in spite of the general isolation of the Nuer and their lack of interest in other peoples, are aware that in religious matters neighbouring peoples differ to a greater or lesser degree from themselves. Some of them know something of Dinka religious beliefs and ceremonies, and a few of them are also aware, though Islam has made no impression on them, that Arab traders have their own form of worship and, though the influence of the Christian missions has been negligible,[1] that the Christian missionaries and their converts have

[1] In 1940, some years after I had concluded my research, there were 464 Nuer (250 Catholics and 214 Protestants), easily the lowest figure for

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theirs. I have found that when one of these Nuer who has had 776x
contacts with foreign peoples speaks of their religious beliefs and 177
practices he shows that he does not regard them as having a different God from his own but merely as having a different name for him and a different manner of communicating with him. A Dinka prays to *kwoth a nhial*, whom he calls *nhialic*. Similarly the Muslim or Christian prays to *kwoth a nhial* under other names. Hence, though Nuer have taken over from neighbouring peoples various lesser spirits like the Dinka *deng* and the Shilluk *nyikang*, they have not taken over their deities, such as *nhialic* and *jwok*. The reason for this is undoubtedly that they identify these other deities with *kwoth a nhial*. *Kwoth a nhial*, *nhialic*, and *jwok* are one person who has different titles among different peoples. The Nuer attitude in this matter shows clearly the markedly monotheistic tendency of their religious thought. It is polyonymous, but not henotheistic. The inference we can draw from this in considering the spirits of the air is that they are not thought of as independent gods but in some way as hypostases of the modes and attributes of a single God.

A number of circumstances may have influenced Nuer thought 776x
in this matter. One important circumstance is that they have no proper name for God. He is simply *kwoth*, Spirit, and if they wish to distinguish him in speech they can only do so by a qualifying clause. It follows that since the Nuer God has no proper name he cannot be sharply distinguished in the mind from the God of a neighbouring people who is also inevitably regarded by the Nuer as *kwoth* and is therefore easily identified with him; and the titles by which other peoples call God do not present to the Nuer an obvious challenge or any kind of contradiction which might lead to monolatry or to more precise metaphysical definition. It follows also that since the only word in Nuer for God, *kwoth*, means simply 'Spirit' any spiritual being is also *kwoth*. This in itself, apart from the absence of any organized cult and developed political institutions,[1] has allowed easy entrance to foreign spirits. All

any of the major peoples of the Southern Sudan. The missions were then 797
American Presbyterian at Nasser on the Sobat (founded in 1913), Catholic at Yoahnyang on the Bahr al-Ghazal (founded in 1929), and Anglican at Ler to the west of the Nile (founded in 1932) and Juaibor to the east of the Nile (founded in 1936). This information was supplied by the heads of the various missions.

[1] W. Hofmayr, op. cit., p. 160, reports that a Shilluk who erected a shrine to

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vulgar type. In construction they are similar, consisting of a verse of one or more lines and a refrain. The verse is usually sung in a higher tone, the refrain being sung in lower tones. They seldom repeat any phrase over and over, but express the same meaning by the use of other words. 533

Another frequent form of amusement is the asking of riddles. If no one can guess the answer, the propounder of the riddle is asked if he or she would take so-and-so of the opposite sex as husband or wife, as the case may be. When an acceptable name is suggested, the propounder gives the answer to the riddle. 524

They have many riddles. Some seem anything but comprehensible to us, but they always tell us that 'a Nuer would understand'. Others are quite intelligible and good.

Sometimes Nuer children draw cattle or other animals; they always make the bodies rectangular in shape. A woman may draw on a gourd (Fig. 9) by making scratches and then rubbing them with charred wood, which gives the figures the effect of having been burnt in. The bodies of animals are drawn in rectangles, but other designs may be used. A border effect of points is often made. 532

MEASURING LENGTH AND HEIGHT

A Nuer indicates the length of small articles by extending the left arm and placing the tips of the fingers of his right hand at a point on the left arm. The distance between the tips of the fingers of the left hand and the place where the fingers of the right hand touch the left arm indicates the length that is meant. 804

When he desires to show the height of an animal he extends the right hand, palm downward. The distance between the ground and the extended palm is the height indicated.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

804 When he wishes to show the height of a person the arm is extended, but this time the palm is held in an upright position, the distance between the palm and the ground being the height shown.

Distance is indicated by the number of hours or days required to make a journey between the two points mentioned.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

CHAPTER III

TIME AND SPACE

I

121 In this chapter we look backwards on our description of Nuer interest in cattle and of their oecology and forwards to an account of their political structure. Their oecology limits and in other ways influences their social relations, but the value given to oecological relations is equally significant in understanding the social system, which is a system within the oecological system, partly dependent on it and partly existing in its own right. Ultimately most, perhaps all, concepts of time and space are determined by the physical ambient, but the values they embody are only one of many possible responses to it and depend also on structural principles, which belong to a different order of reality. In this book we are not describing Nuer cosmology but their political and other institutions, and are, therefore, interested mainly in the influence of oecological relations on these institutions rather than the influence of the social structure on the conceptualization of the oecological relations. Thus, to give one example, we do not describe how Nuer classify birds into various lineages on the pattern of their lineage structure. This chapter is therefore a bridge between the two parts of the book, but we cross it in one direction only.

•805 In describing Nuer concepts of time we may distinguish between those that are mainly reflections of their relations to environment, which we call oecological time, and those that are reflections of their relations to one another in the social structure, which we call structural time. Both refer to successions of events which are of sufficient interest to the community for them to be noted and related to each other conceptually. The larger periods of time are almost entirely structural, because the events they relate are changes in the relationship of social groups. Moreover, time-reckoning based on changes in nature and man's response to them is limited to an annual cycle and therefore cannot be used to differentiate longer periods than seasons. Both, also, have limited and fixed notations. Seasonal

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

and lunar changes repeat themselves year after year, so that a Nuer standing at any point of time has conceptual knowledge of what lies before him and can predict and organize his life accordingly. A man's structural future is likewise already fixed and ordered into different periods, so that the total changes in status a boy will undergo in his ordained passage through the social system, if he lives long enough, can be foreseen. Structural time appears to an individual passing through the social system to be entirely progressive, but, as we shall see, in a sense this is an illusion. Oecological time appears to be, and is, cyclical.

The oecological cycle is a year. Its distinctive rhythm is the backwards and forwards movement from villages to camps, which is the Nuer's response to the climatic dichotomy of rains and drought. The year (*ruon*) has two main seasons, *tot* and *mai*. *Tot*, from about the middle of March to the middle of September, roughly corresponds to the rise in the curve of rainfall, though it does not cover the whole period of the rains. Rain may fall heavily at the end of September and in early October, and the country is still flooded in these months which belong, nevertheless, to the *mai* half of the year, for it commences at the decline of the rains—not at their cessation—and roughly covers the trough of the curve, from about the middle of September to the middle of March. The two seasons therefore only approximate to our division into rains and drought, and the Nuer classification aptly summarizes their way of looking at the movement of time, the direction of attention in marginal months being as significant as the actual climatic conditions. In the middle of September Nuer turn, as it were, towards the life of fishing and cattle camps and feel that village residence and horticulture lie behind them. They begin to speak of camps as though they were already in being, and long to be on the move. This restlessness is even more marked towards the end of the drought when, noting cloudy skies, people turn towards the life of villages and make preparations for striking camp. Marginal months may therefore be classed as *tot* or *mai*, since they belong to one set of activities but presage the other set, for the concept of seasons is derived from social activities rather than from the climatic changes which determine them, and a year is to Nuer

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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a period of village residence (*cieng*) and a period of camp residence (*wec*).

I have already noted the significant physical changes associated with rains and drought, and some of these have been presented in charts on pp. 52 and 53. I have also described, in the last chapter, the oecological movement that follows these physical changes where it affects human life to any degree. Seasonal variations in social activities, on which Nuer concepts of time are primarily based, have also been indicated and, on the economic side, recorded at some length. The main features of these three planes of rhythm, physical, oecological, and social, are charted on the opposite page.

The movements of the heavenly bodies other than the sun and the moon, the direction and variation of winds, and the migration of some species of birds are observed by the Nuer, but they do not regulate their activities in relation to them nor use them as points of reference in seasonal time-reckoning. The characters by which seasons are most clearly defined are those which control the movements of the people: water, vegetation, movements of fish, &c.; it being the needs of the cattle and variations in food-supply which chiefly translate oecological rhythm into the social rhythm of the year, and the contrast between modes of life at the height of the rains and at the height of the drought which provides the conceptual poles in time-reckoning.

Besides these two main seasons of *tot* and *mai* Nuer recognize two subsidiary seasons included in them, being transitional periods between them. The four seasons are not sharp divisions but overlap. Just as we reckon summer and winter as the halves of our year and speak also of spring and autumn, so Nuer reckon *tot* and *mai* as halves of their year and speak also of the seaons of *rwil* and *jiom*. *Rwil* is the time of moving from camp to village and of clearing and planting, from about the middle of March to the middle of June, before the rains have reached their peak. It counts as part of the *tot* half of the year, though it is contrasted with *tot* proper, the period of full village life and horticulture, from about the middle of June to the middle of September. *Jiom*, meaning 'wind', is the period in which the persistent north wind begins to blow and people harvest, fish

[p. 97 contains no textual material]

1: Evans-Pritchard E-5 (1931, 1936) 1940
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May June July August September October November December January February March April

R A I N S

D R O U G H T

R I V E R S R I S E

R I V E R S F A L L

H O R T I C U L T U R E

Preparation of gardens for first millet sowing and for maize

Preparation of gardens for second millet sowing

Harvest maize

Harvest first millet crop

BURNING OF THE BUSH

F I S H I N G

BUILDING & REPAIRING

Harvest second millet crop

SCARCITY OF FOOD

H U N T I N G A N D C O L L E C T I N G

P L E N T Y O F F O O D

V I L L A G E S

Older people return to villages

Younger people return to villages

C A M P S

Younger people in early camps

Every one in main dry-season camps

Wedding, initiation, mortuary, and other ceremonies

Main season for raiding Dinka

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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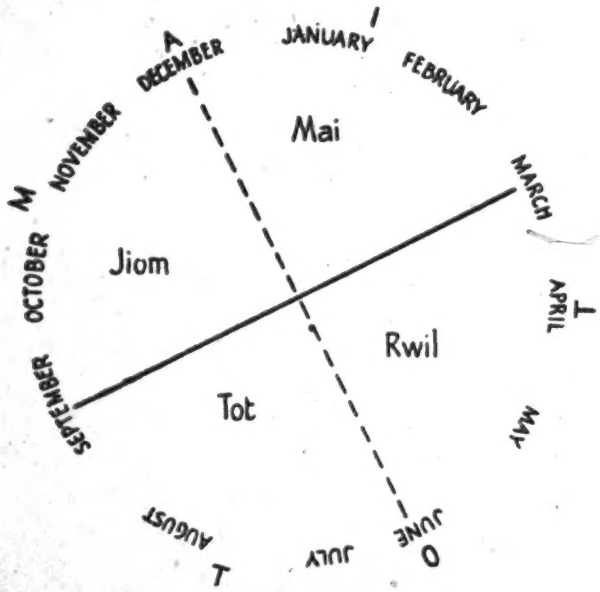
from dams, fire the bush, and form early camps, from about the middle of September to the middle of December. It counts as part of the *mai* half of the year, though it is contrasted with *mai* proper, from about the middle of December to the middle of March, when the main camps are formed. Roughly speaking, therefore, there are two major seasons of six months and four



minor seasons of three months, but these divisions must not be regarded too rigidly since they are not so much exact units of time as rather vague conceptualizations of changes in oecological relations and social activities which pass imperceptibly from one state to another.

In the diagram above a line drawn from mid March to mid September is the axis of the year, being an approximation to a cleavage between two opposed sets of oecological relations and social activities, though not entirely corresponding to it, as may be seen in the diagram below, where village life and camp life are shown in relation to the seasons of which they are the focal points. Nuer, especially the younger people, are still in camp for part of *tot* (the greater part of *rwil*) and are still in villages, especially the older people, for part of *mai* (the greater part of

1: Evans-Pritchard E-5 (1931, 1936) 1940
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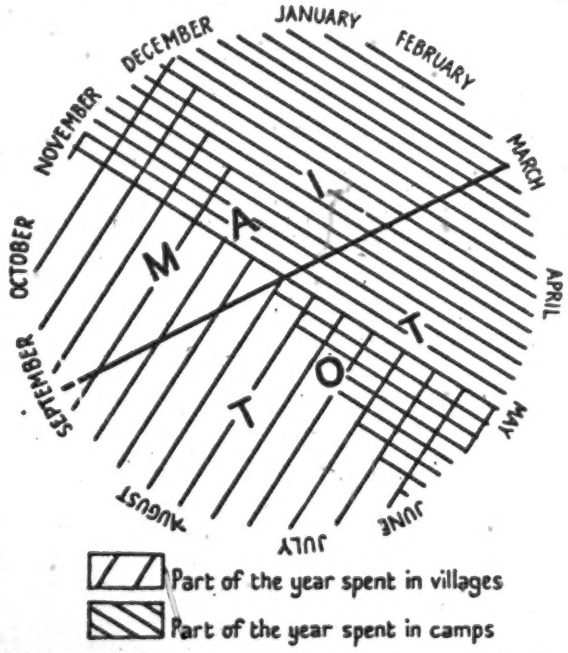
jiom), but every one is in villages during *tot* proper and in camps during *mai* proper. Since the words *tot* and *mai* are not pure units of time-reckoning but stand for the cluster of social activities characteristic of the height of the drought and of the height of the rains, one may hear a Nuer saying that he is going to '*tot*' or '*mai*' in a certain place.



The year has twelve months, six to each of the major seasons, and most adult Nuer can state them in order. In the list of months given below it has not been possible to equate each Nuer name with an English name, because our Roman months have nothing to do with the moon. It will be found, however, that a Nuer month is usually covered by the two English months equated to it in the list and generally tends to coincide with the first rather than the second.

teer	Sept.–Oct.	*duong*	Mar.–Apr.
lath (*boor*)	Oct.–Nov.	*gwaak*	Apr.–May
kur	Nov.–Dec.	*dwat*	May–June
tiop (*in*) *dit*	Dec.–Jan.	*kornyuot*	June–July
tiop (*in*) *tot*	Jan.–Feb.	*paiyatni* (*paiyene*)	July–Aug.
pet	Feb.–Mar.	*thoor*	Aug.–Sept.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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Nuer would soon be in difficulties over their lunar calendar if they consistently counted the succession of moons,[1] but there are certain activities associated with each month, the association sometimes being indicated by the name of the month. The calendar is a relation between a cycle of activities and a conceptual cycle and the two cannot fall apart, since the conceptual cycle is dependent on the cycle of activities from which it derives its meaning and function. Thus a twelve-month system does not incommode Nuer, for the calendar is anchored to the cycle of oecological changes. In the month of *kur* one makes the first fishing dams and forms the first cattle camps, and since one is doing these things it must be *kur* or thereabouts. Likewise in *dwat* one breaks camp and returns to the villages, and since people are on the move it must be *dwat* or thereabouts. Consequently the calendar remains fairly stable and in any section of Nuerland there is general agreement about the name of the current month.

In my experience Nuer do not to any great extent use the names of the months to indicate the time of an event, but generally refer instead to some outstanding activity in process at the time of its occurrence, e.g. at the time of early camps, at the time of weeding, at the time of harvesting, &c., and it is easily understandable that they do so, since time is to them a relation between activities. During the rains the stages in the growth of millet and the steps taken in its culture are often used as points of reference. Pastoral activities, being largely undifferentiated throughout the months and seasons, do not provide suitable points.

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There are no units of time between the month and day and night. People indicate the occurrence of an event more than a day or two ago by reference to some other event which took place at the same time or by counting the number of intervening 'sleeps' or, less commonly, 'suns'. There are terms for to-day, to-morrow, yesterday, &c., but there is no precision about them. When Nuer wish to define the occurrence of an event several days in advance, such as a dance or wedding, they do so by

[1] There is some evidence of an intercalary month among the Eastern Jikany, but I cannot be definite on this point, and I have not heard it mentioned in other parts of Nuerland.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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reference to the phases of the moon: new moon, its waxing, full moon, its waning, and the brightness of its second quarter. When they wish to be precise they state on which night of the waxing or waning an event will take place, reckoning fifteen nights to each and thirty to the month. They say that only cattle and the Anuak can see the moon in its invisible period. The only terms applied to the nightly succession of lunar phases are those that describe its appearance just before, and in, fullness.

The course of the sun determines many points of reference, and a common way of indicating the time of events is by pointing to that part of the heavens the sun will then have reached in its course. There are also a number of expressions, varying in the degree of their precision, which describe positions of the sun in the heavens, though, in my experience, the only ones commonly employed are those that refer to its more conspicuously differentiated movements: the first stroke of dawn, sunrise, noon, and sunset. It is, perhaps, significant that there are almost as many points of reference between 4 and 6 a.m. as there are for the rest of the day. This may be chiefly due to striking contrasts caused by changes in relations of earth to sun during these two hours, but it may be noted, also, that the points of reference between them are more used in directing activities, such as starting on journeys, rising from sleep, tethering cattle in kraals, gazelle hunting, &c., than points of reference during most of the rest of the day, especially in the slack time between 1 and 3 p.m. There are also a number of terms to describe the time of night. They are to a very limited extent determined by the course of the stars. Here again, there is a richer terminology for the transition period between day and night than during the rest of the night and the same reasons may be suggested to explain this fact. There are also expressions for distinguishing night from day, forenoon from afternoon, and that part of the day which is spent from that part which lies ahead.

Except for the commonest of the terms for divisions of the day they are little used in comparison with expressions which describe routine diurnal activities. The daily timepiece is the cattle clock, the round of pastoral tasks, and the time of day and the passage of time through a day are to a Nuer primarily

1: Evans-Pritchard E-5 (1931, 1936) 1940
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the succession of these tasks and their relations to one another. The better demarcated points are taking of the cattle from byre to kraal, milking, driving of the adult herd to pasture, milking of the goats and sheep, driving of the flocks and calves to pasture, cleaning of byre and kraal, bringing home of the flocks and calves, the return of the adult herd, the evening milking, and the enclosure of the beasts in byres. Nuer generally use such points of activity, rather than concrete points in the movement of the sun across the heavens, to co-ordinate events. Thus a man says, 'I shall return at milking', 'I shall start off when the calves come home', and so forth.

Oecological time-reckoning is ultimately, of course, entirely determined by the movement of the heavenly bodies, but only some of its units and notations are directly based on these movements, e.g. month, day, night, and some parts of the day and night, and such points of reference are paid attention to and selected as points only because they are significant for social activities. It is the activities themselves, chiefly of an economic kind, which are basic to the system and furnish most of its units and notations, and the passage of time is perceived in the relation of activities to one another. Since activities are dependent on the movement of the heavenly bodies and since the movement of the heavenly bodies is significant only in relation to the activities one may often refer to either in indication of the time of an event. Thus one may say, 'In the *jiom* season' or 'At early camps', 'The month of *Dwat*' or 'The return to villages', 'When the sun is warming up' or 'At milking'. The movements of the heavenly bodies permit Nuer to select natural points that are significant in relation to activities. Hence in linguistic usage nights, or rather 'sleeps', are more clearly defined units of time than days, or 'suns', because they are undifferentiated units of social activity, and months, or rather 'moons', though they are clearly differentiated units of natural time, are little employed as points of reference because they are not clearly differentiated units of activity, whereas the day, the year, and its main seasons are complete occupational units.

Certain conclusions may be drawn from this quality of time among the Nuer. Time has not the same value throughout the year. Thus in dry season camps, although daily pastoral tasks

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

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follow one another in the same order as in the rains, they do not take place at the same time, are more a precise routine owing to the severity of seasonal conditions, especially with regard to water and pasturage, and require greater co-ordination and co-operative action. On the other hand, life in the dry season is generally uneventful, outside routine tasks, and oecological and social relations are more monotonous from month to month than in the rains when there are frequent feasts, dances, and ceremonies. When time is considered as relations between activities it will be understood that it has a different connotation in rains and drought. In the drought the daily time-reckoning is more uniform and precise while lunar reckoning receives less attention, as appears from the lesser use of names of months, less confidence in stating their order, and the common East African trait of two dry-season months with the same name (*tiop in dit* and *tiop in tot*), the order of which is often interchanged. The pace of time may vary accordingly, since perception of time is a function of systems of time-reckoning, but we can make no definite statement on this question.

Though I have spoken of time and units of time the Nuer have no expression equivalent to 'time' in our language, and they cannot, therefore, as we can, speak of time as though it were something actual, which passes, can be wasted, can be saved, and so forth. I do not think that they ever experience the same feeling of fighting against time or of having to co-ordinate activities with an abstract passage of time, because their points of reference are mainly the activities themselves, which are generally of a leisurely character. Events follow a logical order, but they are not controlled by an abstract system, there being no autonomous points of reference to which activities have to conform with precision. Nuer are fortunate.

Also they have very limited means of reckoning the relative duration of periods of time intervening between events, since they have few, and not well-defined or systematized, units of time. Having no hours or other small units of time they cannot measure the periods which intervene between positions of the sun or daily activities. It is true that the year is divided into twelve lunar units, but Nuer do not reckon in them as fractions of a unit. They may be able to state in what month an event

1. Evans-Pritchard E-5 (1931, 1936) 1940
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805 occurred, but it is with great difficulty that they reckon the relation between events in abstract numerical symbols. They think much more easily in terms of activities and of successions of activities and in terms of social structure and of structural differences than in pure units of time.

We may conclude that the Nuer system of time-reckoning within the annual cycle and parts of the cycle is a series of conceptualizations of natural changes, and that the selection of points of reference is determined by the significance which these natural changes have for human activities.

II

In a sense all time is structural since it is a conceptualization of collateral, co-ordinated, or co-operative activities: the movements of a group. Otherwise time concepts of this kind could not exist, for they must have a like meaning for every one within a group. Milking-time and meal-times are approximately the same for all people who normally come into contact with one another, and the movement from villages to camps has approximately the same connotation everywhere in Nuerland, though it may have a special connotation for a particular group of persons. There is, however, a point at which we can say that time concepts cease to be determined by oecological factors and become more determined by structural interrelations, being no longer a reflection of man's dependence on nature, but a reflection of the interaction of social groups.

The year is the largest unit of oecological time. Nuer have words for the year before last, last year, this year, next year, and the year after next. Events which took place in the last few years are then the points of reference in time-reckoning, and these are different according to the group of persons who make use of them: joint family, village, tribal section, tribe, &c. One of the commonest ways of stating the year of an event is to mention where the people of the village made their dry season camps, or to refer to some evil that befell their cattle. A joint family may reckon time in the birth of calves of their herds. Weddings and other ceremonies, fights, and raids, may likewise give points of time, though in the absence of numerical dating no one can say without lengthy calculations how many years ago an event

1: Evans-Pritchard E-5 (1931, 1936) 1940
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805 took place. Moreover, since time is to Nuer an order of events of outstanding significance to a group, each group has its own points of reference and time is consequently relative to structural space, locally considered. This is obvious when we examine the names given to years by different tribes, or sometimes by adjacent tribes, for these are floods, pestilences, famines, wars, &c., experienced by the tribe. In course of time the names of years are forgotten and all events beyond the limits of this crude historical reckoning fade into the dim vista of long long ago. Historical time, in this sense of a sequence of outstanding events of significance to a tribe, goes back much farther than the historical time of smaller groups, but fifty years is probably its limit, and the farther back from the present day the sparser and vaguer become its points of reference.

805 561 However, Nuer have another way of stating roughly when events took place; not in numbers of years, but by reference to the age-set system. Distance between events ceases to be reckoned in time concepts as we understand them and is reckoned in terms of structural distance, being the relation between groups of persons. It is therefore entirely relative to the social structure. Thus a Nuer may say that an event took place after the *Thut* age-set was born or in the initiation period of the *Boiloc* age-set, but no one can say how many years ago it happened. Time is here reckoned in sets. If a man of the *Dangunga* set tells one that an event occurred in the initiation period of the *Thut* set he is saying that it happened three sets before his set, or six sets ago. The age-set system is discussed in Chapter VI. Here it need only be said that we cannot accurately translate a reckoning in sets into a reckoning in years, but that we can roughly estimate a ten-year interval between the commencement of successive sets. There are six sets in existence, the names of the sets are not cyclic, and the order of extinct sets, all but the last, are soon forgotten, so that an age-set reckoning has seven units covering a period of rather under a century.

805 601 613 The structural system of time-reckoning is partly the selection of points of reference of significance to local groups which give these groups a common and distinctive history; partly the distance between specific sets in the age-set system; and partly

1: Evans-Pritchard E-5 (1931, 1936) 1940
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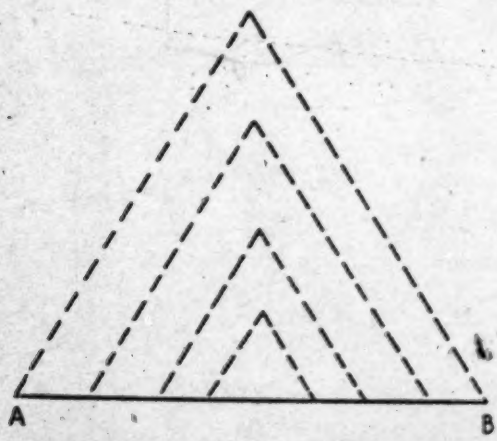
distances of a kinship and lineage order. Four generation-steps (*kath*) in the kinship system are linguistically differentiated relations, grandfather, father, son, and grandson, and within a small kinship group these relationships give a time-depth to members of the group and points of reference in a line of ascent by which their relationships are determined and explained. Any kinship relationship must have a point of reference on a line of ascent, namely a common ancestor, so that such a relationship always has a time connotation couched in structural



terms. Beyond the range of the kinship system in this narrow sense the connotation is expressed in terms of the lineage system. As this subject is treated in Chapter V, we limit further discussion of it to an explanatory comment on the diagram above. The base line of the triangle represents a given group of agnates and the dotted lines represent their ghostly agnatic forebears, running from this base to a point in lineage structure, the common ancestor of every member of the group. The farther we extend the range of the group (the longer becomes the base line) the farther back in lineage structure is the common ancestor (the farther from the base line is the apex of the triangle). The four triangles are thus the time depths of four extensions of agnatic relationship on an existential plane and represent minimal, minor, major, and maximal lineages of a clan. Lineage time is thus the structural distance between groups of persons on the line *AB*. Structural time therefore

1: Evans-Pritchard E-5 (1931, 1936) 1940
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cannot be understood until structural distance is known, since it is a reflection of it, and we must, therefore, ask the reader to forgive a certain obscurity at this point and to reserve criticism till we have had an opportunity of explaining more clearly what is meant by structural distance. 805 601 613

We have restricted our discussion to Nuer systems of time-reckoning and have not considered the way in which an individual perceives time. The subject bristles with difficulties. Thus an individual may reckon the passage of time by reference to the physical appearance and status of other individuals and to changes in his own life-history, but such a method of reckoning time has no wide collective validity. We confess, however, that our observations on the matter have been slight and that a fuller analysis is beyond our powers. We have merely indicated those aspects of the problem which are directly related to the description of modes of livelihood which has gone before and to the description of political institutions which follows. 805

We have remarked that the movement of structural time is, in a sense, an illusion, for the structure remains fairly constant and the perception of time is no more than the movement of persons, often as groups, through the structure. Thus age-sets succeed one another for ever, but there are never more than six in existence and the relative positions occupied by these six sets at any time are fixed structural points through which actual sets of persons pass in endless succession. Similarly, for reasons which we explain later, the Nuer system of lineages may be considered a fixed system, there being a constant number of steps between living persons and the founder of their clan and the lineages having a constant position relative to one another. However many generations succeed one another the depth and range of lineages does not increase unless there has been structural change. These statements are discussed more fully on pp. 198–200. 805 561 613

Beyond the limits of historical time we enter a plane of tradition in which a certain element of historical fact may be supposed to be incorporated in a complex of myth. Here the points of reference are the structural ones we have indicated. At one end this plane merges into history; at the other end into myth. Time perspective is here not a true impression of actual distances like that created by our dating technique, but a 805 173

1: Evans-Pritchard E-5 (1931, 1936) 1940
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reflection of relations between lineages, so that the traditional events recorded have to be placed at the points where the lineages concerned in them converge in their lines of ascent. The events have therefore a position in structure, but no exact position in historical time as we understand it. Beyond tradition lies the horizon of pure myth which is always seen in the same time perspective. One mythological event did not precede another, for myths explain customs of general social significance rather than the interrelations of particular segments and are, therefore, not structurally stratified. Explanations of any qualities of nature or of culture are drawn from this intellectual ambient which imposes limits on the Nuer world and makes it self-contained and entirely intelligible to Nuer in the relation of its parts. The world, peoples, and cultures all existed together from the same remote past.

It will have been noted that the Nuer time dimension is shallow. Valid history ends a century ago, and tradition, generously measured, takes us back only ten to twelve generations in lineage structure, and if we are right in supposing that lineage structure never grows, it follows that the distance between the beginning of the world and the present day remains unalterable. Time is thus not a continuum, but is a constant structural relationship between two points, the first and last persons in a line of agnatic descent. How shallow is Nuer time may be judged from the fact that the tree under which mankind came into being was still standing in Western Nuerland a few years ago!

Beyond the annual cycle time-reckoning is a conceptualization of the social structure, and the points of reference are a projection into the past of actual relations between groups of persons. It is less a means of co-ordinating events than of co-ordinating relationships, and is therefore mainly a looking-backwards, since relationships must be explained in terms of the past.

III

We have concluded that structural time is a reflection of structural distance. In the following sections we define further what we mean by structural distance, and make a formal,

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221 Hunger is partly responsible for the low pulse of life at this season. As has been explained, Nuer cultivate little and in most districts, especially in Lou country, they have to husband their grain if it is not to be exhausted long before the new harvest has ripened. They leave most of the grain in their wet season villages for seed and to support themselves during the hungry weeks that last from sowing to harvest time. They do not carry much millet to the camps so that they have to use it sparingly, though, if the camps are only a day or two away from the villages, women will sometimes return to get further supplies from the village granaries. When the dry season is well advanced the cows often cannot obtain sufficient pasturage of a nourishing quality and give little milk. Those Nuer who camp at the edge of inland pools and lagoons can supplement their diet with fish, but on the Sobat we only had what few fish boys could spear in the shallows and the yield of harpooning from our single canoe. From time to time members of our camp managed to kill wild beasts: gazelle, cob, tiang and giraffe. Otherwise our meat supply was limited to an occasional ox or cow which died and to blood from the necks of cows.

•805 233 Camp life is regulated by requirements of the cattle and Nuer speak of periods of the day by reference to pastoral tasks rather than to the course of the sun, *e.g.*, they say that they will do something at the time of milking, or after the cattle are driven to pasture, or when the calves return to camp. The camp time-table varies little from day to day. It is approximately as follows :—

512 234

A.M.

6.00 Everybody rises.

6.45 The cows are milked.

8.00 The cattle are driven to pasture, the kraal is cleaned and the morning meal is served.

8.15 Goats and sheep are milked and taken to pasture.

P.M.

4.30 Calves, sheep and goats are brought back to camp.

5.00 Cows which have recently calved come running home.

5.30 The herd returns and the cows are milked.

7.30 The evening meal is served.

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538 The Nuer language has a wealth of animal and bird stories, tales of the origin of the tribe and folk-lore. Also games, songs, riddles, and superstitions. All of these are as yet practically untouched by the pen. A sort of cannibal-ogre combination, capable of changing into an animal, is usually a prominent character in their folk-lore.

192 The language contains no word for 'thank you' as far as I have delved into it, but one does not need to be in Nuerland long to discover that the Nuer has a word for 'I am mistaken', and is willing to use it.

TIME, SEASONS, MOON, AND STARS.

• [805] 821 The Nuer gauges time by moons, the light or dark of the moon. He knows the stars, and has names for many of the constellations. He is a keen observer of them and makes his own observations concerning them. Orion's belt is called 'gat rum juk'. One star is supposed to be a man leading a horse, the second star is supposed to be the horse, while the third star is another man driving the horse as he follows him.

The evening star is called 'Lipai chiing', as it is considered to be like a girl in the village waiting for the moon to come up and when it does come up, she goes away with it. Hence the name, which means 'wait in the village for the moon'.

The Southern Cross, the Little Dipper and other constellations are also noted and named.

825 805 The Nuer firmly believes, as already noted, that the cattle see the new moon the night before it is visible to the human eye. I have frequently asked them concerning this. The date upon which the cattle see the new moon always seems to be the date specified upon the calendar as the date when the new moon should be visible. Yet the Nuer has no calendar.

The year is divided into months according to the moon. 805

There are four seasons. The fishing season usually starts in the latter part of December or the first of January. It lasts probably three months, then when the rainy season starts and the river rises, the spring season begins. The spring season is called 'rwil' while the fishing season is called 'mei', or as we would pronounce it 'mae'. The season in which the dura is growing is called 'tot' (pronounced 'tawt') and corresponds to our summer season. The autumn season is called the season of winds or 'jom'.

There is no Government thermometer at Nasser, and I can give no definite scale of temperature. I have had a thermometer in my sitting-room for several years—(a room with brick walls and grass roof, two large windows and two doors). The minimum temperature which I have happened to note was 56 degrees F. The maximum in this room was 105 degrees F. As a rule the temperature ranged from 84–100 degrees F. Of course different temperatures may be registered when the thermometer is placed elsewhere. I just give the temperature of the room where I was working during the hottest part of the day. Others have found their thermometers to register 110 degrees. 132

However the sun does a thorough job in heating the bath water. The pipes are on the surface of the ground and the water is often far too hot to use until after it has stood for a while, as there is no cold water to cool it with.

The day is also divided, so while the Nuer cannot tell what time it is by giving the hour, they can give a very definite idea of what they mean. 805

au e durdur	not yet daybreak.
ci au bak	daybreak.
ci caŋ kany	sunrise.
thal caŋ	about ten o'clock.

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caŋdar	noon.
buoka caŋ	middle of afternoon.
ke thiaŋ	late afternoon.
ci war lip	early evening.
war	night.
wardar	midnight.

('ci' is pronounced 'chi', 'caŋ,' is pronounced 'chang', 'thiaŋ', is pronounced 'thiang'.)

NAMES OF NUER—DETERMINING DATES

[527] A Nuer has a splendid memory, but dates, birthdays, and anniversaries are not the things he stores away in it.

A parent may tell you in what season of the year a child was born, but after a few years the number of its years becomes but a confused memory.

When some special event has transpired which fixes a date firmly in their minds, they may date an event from that time. The time when the English patrol was in the Garjak country is often used when dates are discussed; an event may be dated either so long before or after the 'boats of the air' came. A flood, a famine, a year when wild animals were numerous, all may be used to mark time.

805 561 When the age of a child is asked it may be determined from the reply to such questions as:

does he crawl?	one year.
is he weaned?	(if so) three years old.
does he herd sheep?	8–12 years old.

805 551 561 For later ages one may ask 'when will he have the tribal marks cut?' (tribal marks are usually cut when the boy is from 14–16 years old). After the tribal marks are cut, age may be determined by the class name, providing the sequence of classes is known (see Chapter IV.)

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A woman may be asked 'If you were a man, what class would you be in?' and her age determined by the answer. [805] 551

A child is often named to commemorate some event that has just occurred so the name in itself gives an idea of the date: for instance 'Rath' is famine. Possibly the boy was born in a famine year. If the family are in mourning when the child is born, it may be called 'Mun' if a boy or 'Nyamwon', if a girl. The name means 'ground' or 'daughter of the ground'. 561

An orphan—whose mother is dead, although the father may still be living—is often called 'Ret' which means 'orphan'. 'Bany Piny' is also a name given to an orphan which means 'left on the ground'. A girl orphan is often called 'Nyaret'. 551

Twins are often given names which mean 'the leader' and 'the one who was left', indicating their order of birth. The feminine prefix is used if a girl.

Buth	the leader (a boy).
Nyadwoth	the one who was left (a girl).

A child always takes the personal name of its father as its surname, although in so doing the possessive form of the father's name is often used, but not always.

Mun Dup	name of father.
Rath	personal name of son.
Rath Mwon	full name of son.
Pec Kak	name of father.
Nyalira	personal name of daughter.
Nyalira Pec	full name of daughter.

A girl's name almost always has the prefix 'nya-' or 'nyan-' meaning 'daughter of'.

A girl retains her father's personal name as her surname throughout life as she does not assume her husband's name when she marries.

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meaning of 'his spirit', 'their spirit', and so forth; in other words, where the statement makes it clear that what is being spoken of is Spirit conceived of in relation to particular persons only. We still have to ask, however, in what sense the crocodile is Spirit for these persons.

Since it is difficult to discuss a statement that something which can be observed, crocodile, is something more than what it appears to be when this something more, Spirit, cannot be observed, it is helpful first to consider two examples of Nuer statements that things are something more than they appear to be when both the subject term and the predicate term refer to observable phenomena.

When a cucumber is used as a sacrificial victim Nuer speak of it as an ox. In doing so they are asserting something rather more than that it takes the place of an ox. They do not, of course, say that cucumbers are oxen, and in speaking of a particular cucumber as an ox in a sacrificial situation they are only indicating that it may be thought of as an ox in that particular situation; and they act accordingly by performing the sacrificial rites as closely as possible to what happens when the victim is an ox. The resemblance is conceptual, not perceptual. The 'is' rests on qualitative analogy. And the expression is asymmetrical, a cucumber is an ox, but an ox is not a cucumber.

A rather different example of this way of speaking is the Nuer assertion that twins are one person and that they are birds.[1] When they say 'twins are not two persons, they are one person' they are not saying that they are one individual but that they have a single personality. It is significant that in speaking of the unity of twins they only use the word *ran*, which, like our word 'person', leaves sex, age, and other distinguishing qualities of individuals undefined. They would not say that twins of the same sex were one *dhol*, boy, or one *nyal*, girl, but they do say, whether they are of the same sex or not, that they are one *ran*, person. Their single social personality is something over and above their physical duality, a duality which is evident to the senses and is indicated by the plural form used when speaking of twins and by their treatment in all respects in ordinary social life as two quite distinct individuals. It is only in certain ritual situations, and symbolically,

[1] I have given a more detailed account in 'Customs and Beliefs Relating to Twins among the Nilotic Nuer', *Uganda Journal*, 1936.

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that the unity of twins is expressed, particularly in ceremonies connected with marriage and death, in which the personality undergoes a change. Thus, when the senior of male twins marries, the junior acts with him in the ritual acts he has to perform; female twins ought to be married on the same day; and no mortuary ceremonies are held for twins because, for one reason, one of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

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There is no mortuary ceremony even when the second twin dies, and I was told that twins do not attend the mortuary ceremonies held for their dead kinsfolk, nor mourn them, because a twin is a *ran nhial*, a person of the sky or of the above. He is also spoken of as *gat kwoth*, a child of God. These dioscuric descriptions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another phrase, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dit*, bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

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[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

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*776 845 766 176 811 a reed basket or winnowing-tray and placed in the fork of a tree, because birds rest in trees. I was told that birds which feed on carrion would not molest the bodies but would look at their dead kinsmen—twins and birds are also said to be kin, though the usage may be regarded as metaphorical—and fly away again. When I asked a Nuer whether adult twins would be buried like other people he replied 'no, of course not, they are birds and their souls go up into the air'. A platform, not used in the normal mode of burial, is erected in the grave and a hide placed over it. The body is laid on this hide and covered with a second hide. Earth is then carefully patted over the upper hide instead of being shovelled in quickly, as in the burial of an ordinary person. I was told that the corpse is covered with earth lest a hyena eat it and afterwards drink at a pool, for men might drink at the same pool and die from contamination (*nueer*).

*776 845 811 [262] It is understandable that Nuer draw an analogy between the multiple hatching of eggs and the dual birth of twins. The analogy is explicit, and, through an extension of it, the flesh of crocodiles and turtles is also forbidden to twins on the ground that these creatures too, like birds, lay eggs. Miss Soule once had a girl twin in her household who refused fish for the same reason—the only case of its kind known to either of us. But the analogy between multiple births in birds and men does not adequately explain why it is with birds that human twins are equated when there are many other creatures which habitually bear several young at the same time and in a manner more closely resembling human parturition. It cannot be just multiple birth which leads Nuer to say that twins are birds, for these other creatures are not respected by twins on that account. The prohibition on eating eggs is clearly secondary, and it is extended to include crocodiles and turtles—and by Miss Soule's girl fish also—not because they lay eggs but because their laying eggs makes them like birds. Moreover, it is difficult to understand why a resemblance of the kind should in any case be made so much of. The multiple hatching of chicks is doubtless a resemblance which greatly strengthens the idea of twins being birds, but it is only part of a more complex analogical representation which requires to be explained in more general terms of Nuer religious thought. A twin, on account of his peculiar manner of conception is, though not Spirit himself, a special creation, and, therefore, manifestation of Spirit; and when he dies his

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soul goes into the air, to which things associated with Spirit belong. He is a *ran nhial*, a person of the above, whereas an ordinary person is a *ran piny*, a person of the below. A bird, though also not in itself Spirit, belongs by nature to the above and is also what Nuer call, using 'person' metaphorically, a *ran nhial*, a person of the above, and being such is therefore also associated with Spirit. It cannot, of course, be determined for certain whether a twin is said to be a person of the above because he is a bird or whether he is said to be a bird because he is a person of the above, but the connexion in thought between twins and birds is certainly not simply derived from the multiple birth similitude but also, and in my view primarily, from both birds and twins being classed by Nuer as *gaat kwoth*, children of God. Birds are children of God on account of their being in the air, and twins belong to the air on account of their being children of God by the manner of their conception and birth.

It seems odd, if not absurd, to a European when he is told that a twin is a bird as though it were an obvious fact, for Nuer are not saying that a twin is like a bird but that he is a bird. There seems to be a complete contradiction in the statement; and it was precisely on statements of this kind recorded by observers of primitive peoples that Lévy-Bruhl based his theory of the prelogical mentality of these peoples, its chief characteristic being, in his view, that it permits such evident contradictions—that a thing can be what it is and at the same time something altogether different. But, in fact, no contradiction is involved in the statement, which, on the contrary, appears quite sensible, and even true, to one who presents the idea to himself in the Nuer language and within their system of religious thought. He does not then take their statements about twins any more literally than they make and understand them themselves. They are not saying that a twin has a beak, feathers, and so forth. Nor in their everyday relations with twins do Nuer speak of them as birds or act towards them as though they were birds. They treat them as what they are, men and women. But in addition to being men and women they are of a twin-birth, and a twin-birth is a special revelation of Spirit; and Nuer express this special character of twins in the 'twins are birds' formula because twins and birds, though for different reasons, are both associated with Spirit and this makes twins, like birds, 'people of the above' and 'children of God', and hence a bird

×776 a suitable symbol in which to express the special relationship in
845 which a twin stands to God. When, therefore, Nuer say that a
●811 twin is a bird they are not speaking of either as it appears in the flesh. They are speaking of the *anima* of the twin, what they call
[774] his *tie*, a concept which includes both what we call the personality and the soul; and they are speaking of the association birds have with Spirit through their ability to enter the realm to which Spirit is likened in metaphor and where Nuer think it chiefly is, or may be. The formula does not express a dyadic relationship between twins and birds but a triadic relationship between twins, birds, and God. In respect to God twins and birds have a similar character.

×776 It is because Nuer do not make, or take, the statement that
845 twins are birds in any ordinary sense that they are fully aware
811 that in ritual relating to twins the actions are a kind of miming.
766 This is shown in their treatment of the corpse of a twin, for,
774 according to what they themselves say, what is a bird, the *tie* or *anima*, has gone up into the air and what is left and treated—in the case of adults platform burial being a convenient alternative to disposal in trees—as though it might be a bird is only the *ring*, the flesh. It is shown also in the convention that should one of a pair of twins die, the child who comes after them takes his place, counting as one of them in the various ceremonies twins have to perform and respecting birds as rigorously as if he were himself a twin, which he is not. The ceremonies have to be performed for the benefit of the living twin and their structure and purpose are such that there have to be two persons to perform them, so a brother or sister acts in the place of the dead.

×776 This discussion of what is meant by the statement that a twin
845 is a bird is not so far away from the subject of totemism as it might
811 seem to be, for the stock explanation among the Nuer of a totemic relationship is that the ancestor of a lineage and a member of a natural species were born twins. The relationship of lineage to species is thereby made to derive not only from the closest of all possible relationships but also from a special act of divine revelation; and since the link between a lineage and its totem is the tutelary spirit of the lineage associated with the totem it is appropriate that the relationship should be thought of as having come about by an event which is a direct manifestation of Spirit.

However, an examination of the Nuer dogma that twins are

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×776 845 ●811 birds was made not on account of totemic relationships commonly being explained in terms of twinship but because it was hoped that it would be easier to understand, in the light of any conclusions reached about what is meant by the statement that a twin is a bird, what Nuer mean when they say that some totemic creature, such as the crocodile, is Spirit. Certainly there is here neither the sort of metaphor nor the sort of ellipsis we found in earlier statements. Nor can Nuer be understood to mean that the creature is identical with Spirit, or even with a spirit, Spirit conceived of in a particular totemic refraction. They say quite definitely themselves that it is not; and it is also evident, for Nuer as well as for us, that a material symbol of Spirit cannot, by its very nature, be that which it symbolizes. Nevertheless, though crocodile and Spirit are quite different and unconnected ideas, when the crocodile is for a certain lineage a symbol of their special relationship to God, then in the context of that relationship symbol and what it symbolizes are fused. As in the case of the 'twins are birds' formula, the relation is a triadic one, between a lineage and a natural species and God.

×776 811 There are obvious and significant differences between the creature–Spirit expression and the cucumber–ox and bird–twin expressions. Cucumber, ox, man, and bird are all things which can be known by the senses; but where Spirit is experienced other than in thought it is only in its effects or through material representations of it. We can, therefore, easily see how Nuer regard it as being in, or behind, the crocodile. The subject and predicate terms of the statement that something is Spirit are here no longer held apart by two sets of visible properties. Consequently, while Nuer say that totemic spirits and totems are not the same they sometimes not only speak of, but act towards, a totem as if the spirit were in it. Thus they give some meat of a sacrifice to the lion-spirit to lions, and when they sacrifice to the durra-bird-spirit they address also the birds themselves and tell them that the victim is for them. Nevertheless, they make it clear in talking about their totems that what respect they show for them is on account of their representing the spirits associated with them and not for their own sake.

Another difference is that whereas in the cases of the cucumber–ox and twin–bird expressions the equivalence rests on analogies which are quite obvious even to us once they are pointed out—

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the cucumber being treated in the ritual of sacrifice as an ox is, and twins and birds both being 'children of God' and also multiple births—analogy is lacking in the creature-Spirit expression. There is no resemblance between the idea of Spirit and that of crocodile. There is nothing in the nature of crocodiles which evokes the idea of Spirit for Nuer, and even for those who respect crocodiles the idea of Spirit is evoked by these creatures because the crocodile is a representation of Spirit in relation to their lineage and not because there is anything crocodile-like about Spirit or Spirit-like about crocodiles. We have passed from observation of resemblances to thought by means of symbols in the sort of way that the crocodile is used as a symbol for Spirit.

We are here faced with the same problem we have been considering earlier, but in what, in the absence of analogical guidance to help us, is a more difficult form. The difficulty is increased by Nuer symbols being taken from an environment unfamiliar to us and one which, even when we familiarize ourselves with it, we experience and evaluate differently. We find it hard to think in terms of crocodiles, snakes, and fig-trees. But reflection shows us that this problem is common to all religious thought, including our own; that a religious symbol has always an intimate association with what it represents, that which brings to the mind with what it brings to the mind. Nuer know that what they see is a crocodile, but since it represents Spirit to some of them it is for those people, when thought of in that way, also what it stands for. The relationship of members of a Nuer lineage to Spirit is represented by a material symbol by which it can be thought of concretely, and therefore as a relationship distinct from the relationships of other lineages to Spirit. What the symbols stand for is the same thing. It is they, and not what they stand for, which differentiate the relationships. There results, when what acts as a symbol is regarded in this way, a fusion between Spirit, as so represented, and its material representation. I would say that then Nuer regard Spirit as being in some way in, or behind, the creature in which in a sense it is beholden.

The problem is even more difficult and complex than I have stated it, because we might say that what are fused are not so much the idea of Spirit and its material representation as the idea of Spirit and the idea of its material representation. It is rather the idea of crocodile than the saurian creatures themselves which

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stands for Spirit to a lineage. If a Nuer cannot see Spirit he likewise in some cases seldom, if ever, sees his totem; so that it is no longer a question of a material object symbolizing an idea but of one idea symbolizing another. I doubt whether those who respect monorchid bulls or waterbuck often see a member of the class or species, and children in these and other cases must often be told about their totemic attachments before they have seen their totems. There must also be Nuer who respect dom palms who live in parts of Nuerland to the east of the Nile where this tree does not grow.[1] Indeed, I feel confident that one totem, the *lou* serpent, a kind of Loch Ness monster, does not exist, and if this is so, a totem can be purely imaginary. As this point has some theoretical importance for a study of totemism I draw attention to a further significant fact. Nuer do not speak of the spirit of crocodiles, lions, tamarind-trees, and so on, but always of the spirit of crocodile, lion, and tamarind-tree, and they would never say that crocodiles, lions, and tamarind-trees were somebody's spirit but always that crocodile, lion, and tamarind-tree was his spirit. The difference in meaning between the plural and singular usage is not, perhaps, very obvious in English but it is both clear and vital in Nuer. It is the difference between crocodiles thought of as they are seen in rivers and crocodiles thought of as crocodile or as the crocodile, as a type of creature, crocodile as a conception. The point I am making is exemplified by the story already recorded (p. 65) of a man who gave up respecting lions because they killed his cattle. He still regarded lion-spirit, Spirit in the representation of lion, as a spirit connected with his family. But if a totemic relationship may be an ideal one, and has always something of the ideal in it, I would still say that Nuer regard Spirit as being

[1] Dr. Lienhardt tells me that a number of lineages in western Dinkaland respect creatures which no longer exist there. A Dinka who travelled with him to other parts of the Southern Sudan was astonished when he first saw his totem, an elephant. Nana Kobina Nketsia IV of Sekondi permits me to say that the first time he saw his totem, the buffalo, was last year in a film at Oxford. Professor I. Schapera tells me that the ruling family of the senior tribe in the Bechuanaland Protectorate, the Kwena, have been living for a hundred years in a region where their totem, the crocodile, is unknown (see also what he says in *The Tswana* (International African Institute), 1953, p. 35, and Hugh Ashton, *The Basuto*, 1952, p. 14). Other examples could be cited. It may help us to appreciate the point better if we consider the nearest parallels in our own country. When we think of the lion as our national symbol we do not think of the mangy creatures of the African bush or in zoos. Nor does it incommode us that there are no unicorns and never have been any.

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in some way in, or behind, totemic creatures when they think of them as representations of Spirit.

This must be all the more so with the other spirits of the below, the *bieli*, nature sprites, and the *kulangni*, fetishes. In general much of what has been said in this chapter about the totemic spirits applies to these other spirits also, but there is one important difference. In the statement 'crocodile is their spirit' both terms of the proposition can be thought of quite separately and are indeed so presented in the statement. This is partly because the crocodile is Spirit only for some persons and not for others, and also because, even for those for whom it is Spirit, it also exists in its own right as a reptile and may be so regarded by them without the idea of Spirit being involved. The reptile can be said to be Spirit only because it is something which may represent it and is, therefore, different from it. But in the case of a luminescence, such as will-o'-the-wisp from rotting swamp vegetation, the appearance can scarcely be represented in thought apart from what appears in it. It does not seem to be regarded, as rain may be, as a manifestation of Spirit through a medium which can be said to be sent by, or to be an instrument of, Spirit, but as an emanation of Spirit or as Spirit itself revealed in the light, a theophany like the burning bush in Midian. Nuer speak of it sometimes as the spirit's fire, and of its fire burning. Nor is it, as a crocodile may be, regarded as a representation of Spirit which, being apart from what it represents, can be said to be what it represents. On the contrary, whilst the lights are easily kept apart in the mind from the things on which they are accustomed to appear—swamp vegetation, hippopotamuses, meteorites, and other objects—they are not themselves conceived of as other than Spirit in the form of *bieli* and under that name. They are not something that is thought to exist in its own right but can be said to be Spirit. They are in themselves Spirit, in however lowly a form. Consequently, though they have a special significance for those persons who have acquired a relationship to the *bieli* spirits, they are Spirit also for those not directly concerned with them. Rain and crocodiles are created things with which Spirit may, or may not, be associated, according to circumstances and persons, but a will-o'-the-wisp is a property of Spirit, fractionally conceived of as a spirit of a special kind, and it cannot be thought of in terms other than of Spirit.

So when a Nuer says of a light in the bush that it is Spirit the

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problem we have been considering has changed its form and, at least on first consideration, seems to elude, if not altogether to escape, us. For us the light is a gas arising from swamp vegetation, so that the statement that it is Spirit is of the same kind as the statement that a crocodile is Spirit; and whatever meaning might be attached to the one would be the same for the other. But we cannot say that they are statements of the same kind for Nuer. For them, whereas the crocodile is a thing conceived of separately from Spirit, even though in a certain sense and for certain people it may be said to be Spirit, the phosphorescence is a descent of Spirit in the form of light on to something which is not in any way said to be Spirit, such as a hippopotamus, and on which it may appear at certain times and places and not at other times and places. So we are no longer asking what sense it has for Nuer when one of them says of a thing, which is not for them in itself Spirit, that it is Spirit. We are asking what sense it has for them when one of them says of a thing which has no meaning for them other than an emanation of Spirit that it is Spirit. In the case of the crocodile what is perceived is the reptile, and in certain circumstances it may be conceived of as Spirit for certain persons. In the case of the *bieli* what is perceived may indeed be said to be just light but it can only be conceived of as Spirit, for it has no other name which differentiates it from any other sort of light or fire than *bieli*. When, regarding such a light, Nuer say 'it is Spirit' they are no longer saying that something is something else but are merely giving a name to what is observed; so that here 'it is Spirit' belongs to the same class of statements as 'it is a crocodile', and it might be held that the question we have been examining does not properly arise. Nevertheless, this is not entirely the case, as I will explain later. 776* 811●

What has been said of the lights of the nature sprites can be said also of the little bundles of wood in which the *kulangni*, the fetish spirits, have their abode, but for a different reason. A bundle of wood in which a fetish spirit has its abode is not a symbol of spirit, as a crocodile may be. Nor is it, like the *bieli*, a visible appearance of Spirit. It is a thing where a particular spirit abides. Nevertheless, it must be difficult for a fetish-owner to regard the bundle as being just anything which serves as a lodging for the spirit. It is before the bundle that he makes his offerings and it is the bundle he points at an enemy he wishes the spirit to harm. 776* 811 778

16: Evans-Pritchard E-5 (1931, 1936) 1956
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× 776 Moreover, the bundles are fashioned solely as habitations for
●811 spirits and have no significance other than is derived from this
778 purpose and use. Hence when Nuer say of a fetish-bundle that it is Spirit they are not saying that something which also has for them a separate meaning as something in itself, which is other than Spirit, is something else, namely Spirit, but that something which has no meaning of any kind outside its being an abode and a material sign of Spirit is Spirit. So the fetish-bundles cannot easily be thought of, as can rain or crocodile, either in terms of Spirit or in terms of their purely material natures, but only in terms of Spirit.

× 776 But though in the case of both the lights and the bundles there
811 seems to be a more complete and fixed fusion between things and Spirit than in the case of the totems, the problem of something being something else is still present, though in a more complex, and also a more obscure and roundabout, form. Here again, although it can be said of a light in the bush or of a fetish-bundle that it is Spirit, the statement cannot be reversed. It cannot be said of Spirit that it is the light or the bundle, for that would mean to Nuer that Spirit in its oneness, conceived of as God, is entirely in the light or the bundle, which would make no sense to them. In the statement that the light or bundle is Spirit what, therefore, has to be understood by Spirit is a refraction of Spirit, or a spirit. But, even so, the 'is' is not one of identity, for though a phosphorescent light is a nature sprite exhibiting itself and is not conceived of as anything else, the nature sprite may be thought of independently of the light; and though the fetish-bundle may be a meaningless object except in relation to the fetish-spirit which occupies it, the spirit which occupies it can be thought of independently of it. When the light is no longer visible the *biel* sprite is none the less present for certain people as their sprite, which is Spirit in relation to them as an idea quite apart from its sporadic appearances as a light. A fetish-spirit takes its abode in a fetish-bundle of wood and it may leave it; and it is also present for certain people as Spirit in relation to them as an idea quite apart from its material home. In either case the spirits are thought to come, or at some time to have come, from above to earth and to be independent, as Spirit, of any material forms. Consequently the same nature sprite or fetish-spirit can be in different lights or in different bundles at the same time, just as an air-spirit can be in different prophets at

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the same time or a totemic spirit can be in any number of members of a species at the same time. 776 x 811 ●

There is a further fact to be taken into consideration. When Nuer speak of lights in the bush or of fetish-bundles as Spirit they normally would not use the generic word for Spirit, *kwoth*, or even its plural and fractionary form *kuth*, spirits. They would say of them that they were *bieli* or *kulangni*. So whilst it is true that *bieli* and *kulangni* are *kuth piny*, spirits of the below, the fact that they are given distinctive class names and that consequently it is possible for Nuer to explain them by saying that they are Spirit or that they are spirits attached to certain persons shows that though they are regarded as Spirit or spirits they are also somehow regarded differently from the way in which Spirit is usually regarded. So the problem here is further complicated by a third term being understood in the statement about something that it is something else: the light is *bieli*, and the *bieli* are Spirit; the bundle is *kulangni*, and the *kulangni* are Spirit. This added complication may be supposed to be due to the fact that though these spirits cannot be said to be identical with things they are more closely bound to them than is the case with other, and higher, spiritual conceptions; and the more Spirit is thought to be bound to visible forms the less it is thought of as Spirit and the more it is thought of in terms of what it is bound to. In other words, there are gradations of the conception of Spirit from pure unattached Spirit to Spirit associated with human, animal, and lifeless objects and more and more closely bound to what it is associated with the farther down the scale one goes. This scale of Spirit, as I have explained earlier, is related to segmentation of the social order and is represented by Nuer by levels of space as well as by levels and degrees of immanence. So when Nuer say of something that it is Spirit we have to consider not only what 'is' means but also what 'Spirit' means. Nevertheless, though the sense of '*kwoth*' varies with the context, the word refers always to something of the same essence; and what is being said, directly or indirectly, in the statements is always the same, that something is that essence. 776 x 811 196

We can make some contribution towards a solution of the problem in the light of this discussion. When Nuer say of something '*e kwoth*', 'it is Spirit', or give it a name of which it can be further said 'that is Spirit', the 'is' does not in all instances have

16: Evans-Pritchard E-5 (1931, 1936) 1956
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the same connotation. It may be an elliptical statement, signifying that the thing referred to is a manifestation of Spirit in the sense of God revealing himself in instruments or effects. Or it may be a symbolical statement, signifying that what in itself is not Spirit but represents Spirit to certain persons is for these persons Spirit in such contexts as direct attention to the symbolic character of an object to the exclusion of whatever other qualities it may possess. Or it may be a statement signifying something closer to identity of the thing spoken of with what it is said to be, Spirit. The statements never, however, signify complete identity of anything with Spirit, because Nuer think of Spirit as something more than any of its modes, signs, effects, representations, and so forth, and also as something of a different nature from the created things which they are. They are not able to define what it is, but when it acts within the phenomenal world they say it has come from above, where it is conceived to be and whence it is thought to descend. Consequently Spirit in any form can be detached in the mind from the things said to be it, even if they cannot always be so easily detached from the idea of Spirit.

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I can take the analysis no farther; but if it is inconclusive it at least shows, if it is correct, how wide of the mark have been anthropological attempts to explain the kind of statements we have been considering. Anthropological explanations display two main errors. The first, best exemplified in the writings of Lévy-Bruhl, is that when a people say that something is something else which is different they are contravening the Law of Contradiction and substituting for it a law of their own prelogical way of thinking, that of mystical participation.[1] I hope at least to have shown that Nuer do not assert identity between the two things. They may say that one is the other and in certain situations act towards it as though it were that other, or something like it, but they are aware, no doubt with varying degrees of awareness, and readily say, though with varying degrees of clarity and emphasis, that the two things are different. Moreover, it will have been noted that in the seemingly equivocal statements we have considered, with perhaps one exception, the terms cannot be reversed. The exception

[1] I refer to his earlier writings, in particular *Les Fonctions mentales dans les sociétés inférieures* (1910) and *La Mentalité primitive* (1922). The second part of his last book, *L'Expérience mystique et les symboles chez les primitifs* (1938), which took account of modern research, is a brilliant discourse on the problems we have been discussing.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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is the statement that twins are birds, because it can also be said that birds are twins. That a hatch of birds are twins is a statement, to which we also can give assent, which does not derive logically from the statement that twins are birds but from a perception independent of that proposition; so it does not concern our problem. Rain may be said to be God but God cannot be said to be rain; a cucumber may be called an ox but an ox cannot be called a cucumber; and the crocodile may be said to be Spirit but Spirit cannot be said to be the crocodile. Consequently these are not statements of identity. They are statements not that something is other than it is but that in a certain sense and in particular contexts something has some extra quality which does not belong to it in its own nature; and this quality is not contrary to, or incompatible with, its nature but something added to it which does not alter what it was but makes it something more, in respect to this quality, than it was. Consequently, no contradiction, it seems to me, is involved in the statements.

Whether the predicate refers to a conception or to a visible object the addition makes the subject equivalent to it in respect to the quality which both now have in common in such contexts as focus the attention on that quality alone. The things referred to are not the same as each other but they are the same in that one respect, and the equivalence, denoted by the copula, is not one of substance but of quality. Consequently we cannot speak here, as Lévy-Bruhl does, of mystical participation, or at any rate not in his sense of the words, because the two things are not thought to be linked by a mystical bond but simply by a symbolic nexus. Therefore, what is done to birds is not thought to affect twins, and if a totem is harmed the spirit of that totem may be offended but it is not harmed by the harm done to the totemic creature.

That the relation between the thing said to be something else and that something else it is said to be is an ideal one is indeed obvious, but anthropological explanations of modes of primitive thought as wide apart as those of Tylor, Max Müller, and Lévy-Bruhl, are based on the assumption that though for us the relation is an ideal one primitive peoples mistake it for a real one; and those anthropologists who sponsor psychological explanations often make the same assumption. This is the second error. If my interpretation is correct, Nuer know very well when they say that a crocodile is Spirit that it is only Spirit in the sense that Spirit is

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represented to some people by that symbol just as they know very well that a cucumber is only an ox in the sense that they treat it as one in sacrifice. That they do not mistake ideal relations for real ones is shown by many examples in this book: the identification of a sacrificial spear with that of the ancestor (p. 240), the identification of man with ox in sacrifice (p. 262), the identification of a man's herd with that of the ancestor of his clan (p. 258), the identification of sickness and sin in a sacrificial context (pp. 191–2), and the identification of the left hand with death and evil (pp. 233–6). It is shown also in the symbolism of many of their rites, where their purpose is expressed in mimicry (pp. 231–2).

I think that one reason why it was not readily perceived that statements that something is something else should not be taken as matter-of-fact statements is that it was not recognized that they are made in relation to a third term not mentioned in them but understood. They are statements, as far as the Nuer are concerned, not that *A* is *B*, but that *A* and *B* have something in common in relation to *C*. This is evident when we give some thought to the matter. A cucumber is equivalent to an ox in respect to God who accepts it in the place of an ox. A crocodile is equivalent to Spirit only when conceived of as a representation of God to a lineage. Consequently, though Nuer do not mistake ideal relations for real ones, an ideal equivalence is none the less true for them, because within their system of religious thought things are not just what they appear to be but as they are conceived of in relation to God.

This implies experience on an imaginative level of thought where the mind moves in figures, symbols, metaphors, analogies, and many an elaboration of poetic fancy and language; and another reason why there has been misunderstanding is that the poetic sense of primitive peoples has not been sufficiently allowed for, so that it has not been appreciated that what they say is often to be understood in that sense and not in any ordinary sense. This is certainly the case with the Nuer, as we see in this chapter and in many places elsewhere in this book, for example, in their hymns. In all their poems and songs also they play on words and images to such an extent that no European can translate them without commentary from Nuer, and even Nuer themselves cannot always say what meaning they had for their authors. It is the same with their cattle- and dance-names, which are chosen both for euphony

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and to express analogies. How Nuer delight in playing with words is also seen in the fun they have in making up tongue-twisters, sentences which are difficult to pronounce without a mistake, and slips of the tongue, usually slips in the presence of mothers-in-law, which turn quite ordinary remarks into obscenities. Lacking plastic and visual arts, the imagination of this sensitive people finds its sole expression in ideas, images, and words.

776 811 121

In this and the last chapter I have attempted to lay bare some features of the Nuer conception of Spirit. We are not asking what Spirit is but what is the Nuer conception of *kwoth*, which we translate 'Spirit'. Since it is a conception that we are inquiring into, our inquiry is an exploration of ideas. In the course of it we have found that whilst Nuer conceive of Spirit as creator and father in the heavens they also think of it in many different representations (what I have called refractions of Spirit) in relation to social groups, categories, and persons. The conception of Spirit has, we found, a social dimension (we can also say, since the statement can be reversed, that the social structure has a spiritual dimension). We found also that Spirit, in the Nuer conception of it, is experienced in signs, media, and symbols through which it is manifested to the senses. Fundamentally, however, this is not a relation of Spirit to things but a relation of Spirit to persons through things, so that, here again, we are ultimately concerned with the relation of God and man, and we have to consider not only what is the God-to-man side of the relationship, to which attention has so far mostly been given, but also the man-to-God side of it, to which I now turn.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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acts, or features of them, we are sometimes compelled to make the 782
attempt, as in this excursus on the spear, by the very emphasis given to them by the culture we are trying to understand.

Since we have no spears ourselves and nothing which takes their 411
place in our lives it is difficult for us to appreciate their importance for Nuer. Nuer have no knives, other than that (*ngom*) used for cutting the marks of manhood at initiation, so that their fighting-spears, besides their use as weapons, have to serve where other peoples use knives.[1] A man's fighting-spear (*mut*) is constantly in his hand, forming almost part of him—when he is fighting, hunting, travelling, herding, dancing, displaying himself with his oxen, playing with his comrades, and so on—and when he lays it down it is within his reach; and he is never tired of sharpening and polishing it, for a Nuer is very proud of his spear. In writing a preliminary account of Nuer age-sets many years ago and without reference to the symbolic significance of the spear I wrote that 'one is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon'. Later I came to realize better that in a sense it is animate, for it is an extension and external symbol of the right hand, which stands for the strength, vitality, and virtue of the person. It is a projection of the self, so when a man hurls his spear he cries out either 'my right hand' or the name of the ox with which he is identified.

The spear, being an extension of the right hand, stands for all [826]
that the right hand stands for, for what is strong, virile, and vital, 811
and consequently for masculinity and hence for the paternal kin and the lineage. Therefore during the discussions about bride-wealth in the byre of the bride's home on her wedding day the bridegroom's people sit on the right side of the byre and the bride's people on the left side. Therefore, also, when the carcasses of oxen sacrificed at marriage ceremonies are divided among the kin, the right fore and hind legs are the portions of the father's brothers and sisters and the left fore and hind legs are the portions of the mother's brothers and sisters. The left side symbolizes evil

[1] Being the only thing they have which cuts and is therefore suitable for shaving—their other spears only pierce—the verbal form of the word for fighting-spear, *mut*, besides its meaning of 'to spear' means 'to cut' or 'to shave hair'. When used in the last sense it often refers to ritual shaving of the head, and it may then be used for the whole ceremony of which shaving of the head forms part, as the final marriage ceremony of consummation and ceremonies in connexion with death.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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811 as well as femininity; and there is here a double association, for the female principle is also associated with evil directly, as it were, and not merely through the convergence of femininity and evil in the concept of the left side. Thus we have two opposites, the one comprising the left side, weakness, femininity, and evil, and the other comprising the right side, strength, masculinity, and goodness.[1]

That the right side is the good side and the left side the evil side may have been noted in various places in this book. When a fruit or animal is cut in two at sacrifices the left half may be either thrown or given away and only the right half be consumed by the people of the home. It is propitious for a sacrificial ox stabbed with the spear to fall on its right side and unpropitious for it to fall on its left side. A dead man is buried to the left of his hut or windscreen, the side of misfortune. A woman is said to warn her son that when he visits his bride to cohabit with her she may crouch to the right side of the entrance to the hut so that he has to enter by the left side. If she does this he must order her to the other side lest some ill come to him.[2]

When I was in Nuerland I was only half aware of the significance of left and right for Nuer. When writing this book I found therefore that in several respects my observations, or at any rate what I had recorded, were insufficient to answer certain questions that arose from a further consideration of the left–right polarity. It occurred to me that if the representations were as I supposed them to be then, for example, when Nuer deform the horns of their favourite oxen with which they identify themselves, it should always be the left, and never the right, horn which is trained downwards (Plate XIII). Or again, when Nuer erect the sacred pole, associated with God, the spirits of their lineage, and also with its ghosts, at the entrance to their windscreens, which is their practice, it should always be to the right of the windscreen (taking, in this case, bearings from within it). My recollection,

[1] Among many primitive peoples the slight organic asymmetry between the left hand and the right is made the symbol of absolute moral polarity. Robert Hertz has treated the subject systematically in a brilliant essay, 'La prééminence de la main droite', *Revue philosophique*, xxxiv, 1909 (reprinted in *Mélanges de sociologie religieuse et de folklore*, 1928).

[2] Left and right are of course relative to the orientation of the person. Thus when a man takes his bearings from the entrance to hut or windscreen what is left from the inside will be right from the outside. I do not think, however, that the point of orientation affects the argument, for it is conventional that in reference to any patricular matter the one side is left and the other right.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [823] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [826] left and right in Nuer thought that Nuer youths should empha-
301 size the contrast between the two hands by putting the left arm out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiau*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] oxen which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the
811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windscreens, but Nuer erect branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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826 handed man that his left hand is his right hand.
811 It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 It is suggested that the spear as a projection of the right hand symbolizes the vitality of man,
885 the manhood of man with the associations of
562 lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear
[881] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*lam*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

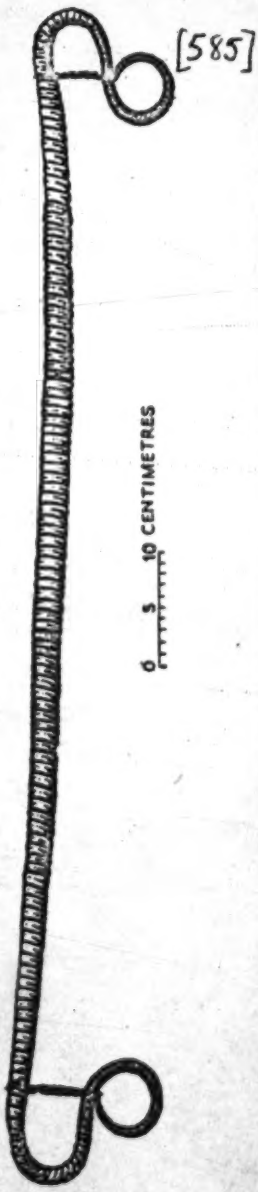

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *twoc ghok* mentioned later.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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reference to the phases of the moon: new moon, its waxing, full moon, its waning, and the brightness of its second quarter. When they wish to be precise they state on which night of the waxing or waning an event will take place, reckoning fifteen nights to each and thirty to the month. They say that only cattle and the Anuak can see the moon in its invisible period. The only terms applied to the nightly succession of lunar phases are those that describe its appearance just before, and in, fullness.

The course of the sun determines many points of reference, and a common way of indicating the time of events is by pointing to that part of the heavens the sun will then have reached in its course. There are also a number of expressions, varying in the degree of their precision, which describe positions of the sun in the heavens, though, in my experience, the only ones commonly employed are those that refer to its more conspicuously differentiated movements: the first stroke of dawn, sunrise, noon, and sunset. It is, perhaps, significant that there are almost as many points of reference between 4 and 6 a.m. as there are for the rest of the day. This may be chiefly due to striking contrasts caused by changes in relations of earth to sun during these two hours, but it may be noted, also, that the points of reference between them are more used in directing activities, such as starting on journeys, rising from sleep, tethering cattle in kraals, gazelle hunting, &c., than points of reference during most of the rest of the day, especially in the slack time between 1 and 3 p.m. There are also a number of terms to describe the time of night. They are to a very limited extent determined by the course of the stars. Here again, there is a richer terminology for the transition period between day and night than during the rest of the night and the same reasons may be suggested to explain this fact. There are also expressions for distinguishing night from day, forenoon from afternoon, and that part of the day which is spent from that part which lies ahead.

Except for the commonest of the terms for divisions of the day they are little used in comparison with expressions which describe routine diurnal activities. The daily timepiece is the cattle clock, the round of pastoral tasks, and the time of day and the passage of time through a day are to a Nuer primarily

14: Huffman M-5 (no date) 1931
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dry season, and as this was unusual it had occasioned 669
much comment among the Nuer. When they heard of 177
his death a number of them at once assigned that fact 791
as the cause of these rains.

In December 1927 there was a total eclipse of the moon 821●
which caused much alarm among the Nuer. They felt sure that it meant destruction to them and to their country, for was it not dripping blood? Later on, when the patrol was put on in part of Nuerland, they felt that it was just the fulfilment of what they had foreseen when the moon was in eclipse.

There is a saying among the Nuer that when they have 721
plenty to eat they want to fight. That year, too, had seen a good harvest, and fight they did. There seemed to be many personal scores and old feuds that must be attended to that year, and then they declared it was all because the moon had predicted a year of trouble for them.

Not many Nuer have any conception of a country 641
besides their own and the land occupied by a neighbouring tribe. They recognize their chief and his authority, but do not seem to realize their need of a larger, higher governing power.

Their acquaintance with this higher authority is limited. They see their cattle taken for taxes, they usually are willing to bring their difficulties to the District Commissioner to be settled; they are willing to be relieved of their physical ailments to some extent, and usually welcome the Government doctor and his trained assistants whom he sends out during the dry season.

The Nuer does not—or says he does not—see any good 641
in paying taxes. Some of them feel that giving their 651
cattle up for taxes is submitting without protest to a raid from a representative of another country, and they feel that if the Government can collect taxes (or raid their

14: Huffman M-5 (no date) 1931
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538 The Nuer language has a wealth of animal and bird stories, tales of the origin of the tribe and folk-lore. Also games, songs, riddles, and superstitions. All of these are as yet practically untouched by the pen. A sort of cannibal-ogre combination, capable of changing into an animal, is usually a prominent character in their folk-lore.

192 The language contains no word for 'thank you' as far as I have delved into it, but one does not need to be in Nuerland long to discover that the Nuer has a word for 'I am mistaken', and is willing to use it.

TIME, SEASONS, MOON, AND STARS.

[805] ●821 The Nuer gauges time by moons, the light or dark of the moon. He knows the stars, and has names for many of the constellations. He is a keen observer of them and makes his own observations concerning them. Orion's belt is called 'gat rum juk'. One star is supposed to be a man leading a horse, the second star is supposed to be the horse, while the third star is another man driving the horse as he follows him.

The evening star is called 'Lipai chiing', as it is considered to be like a girl in the village waiting for the moon to come up and when it does come up, she goes away with it. Hence the name, which means 'wait in the village for the moon'.

The Southern Cross, the Little Dipper and other constellations are also noted and named.

825 805 The Nuer firmly believes, as already noted, that the cattle see the new moon the night before it is visible to the human eye. I have frequently asked them concerning this. The date upon which the cattle see the new moon always seems to be the date specified upon the calendar as the date when the new moon should be visible. Yet the Nuer has no calendar.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 the sky in the expressions 'Spirit of the sky' and 'Spirit who is in the sky'. Moreover, it would even be a mistake to interpret 'of the sky' and 'in the sky' too literally.

×776 ●821 It would equally be a mistake to regard the association of God with the sky as pure metaphor, for though the sky is not God, and though God is everywhere, he is thought of as being particularly in the sky, and Nuer generally think of him in a spatial sense as being on high. Hence anything connected with the firmament has associations with him. Nuer sometimes speak of him as falling in the rain and of being in lightning and thunder. Mgr. Mlakic says that the rainbow is called the necklace of God.[1] I have never heard a spontaneous reference to the sun as a divine manifestation, but if one asks Nuer about it they say that it too belongs to God, and the moon and the stars also. They say that if a man sees the sun at night this is a divine manifestation, and one which is most dangerous for him; but I think that the light they say is occasionally seen is not regarded as an appearance of the physical sun but as some peculiar luminous vision. When Nuer see the new moon they rub ashes on their foreheads and they throw ashes, and perhaps also a grain of millet, towards it, saying some short prayer, as 'grandfather, let us be at peace' or 'ah moon, *nyadeang* (daughter of the air-spirit *deng*) we invoke (God) that thou shouldst appear with goodness. May the people see thee every day. Let us be (*akolapko*).' Mgr. Mlakic says that they mark their foreheads with ashes in the form of a cross and that it is called *ngei kwoth*, God's sign.[2] I must add that the language is here figurative, even playful. They may address the moon, but it is God to whom they speak through it, for the moon is not regarded, as such, as Spirit or as a person.

×776 It would be quite contrary to Nuer thought, as I have remarked, and it would even seem absurd to them, to say that sky, moon, rain, and so forth are in themselves, singly or collectively, God. God is Spirit, which, like wind and air, is invisible and ubiquitous. But though God is not these things he is in them in the sense that he reveals himself through them. In this sense, which I discuss further in Chapter V, he is in the sky, falls in the rain, shines in the sun and moon, and blows in the wind. These divine manifesta-

[1] *The Messenger*, 1943–4 (I have not seen the original articles but only a typewritten copy of them, so I cannot give page references).
[2] Ibid.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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kwoth goal, spirit of a lineage, is called on for aid, especially, I was told, by a man seeking refuge from enemies pursuing him. Most lineages seem to have at least one *colwic* patron spirit, to which cows are dedicated and their bull calves sacrificed. In their role of patrons of lineages they are similar to the totemic spirits, which I discuss in the following chapter, but they are treated in the present place, and not with the totemic spirits, partly because in other respects they obviously lack what are usually regarded as totemic characteristics, but chiefly because they are spoken about by Nuer as spirits of the above whereas totemic spirits are spirits of the below. 776× 769

Although each *colwic* spirit, so long as it is remembered, retains its individuality in relation to its family and lineage, all of them are also conceived of as merged in God or in his hypostasis of *col*, the air-spirit of lightning. I have heard it said that *col* is black-haired and that this is the reason for calling a person killed by lightning a *colwic*. This suggestion, which is not entirely satisfactory grammatically, may have been put forward by the Nuer I was conversing with as a piece of *ad hoc* etymology deemed adequate to satisfy my curiosity,[1] but whether this is so or not, the first part of the word, *col*, means 'dark', and the spirit to which the word also refers is a spirit of storms; so in the word *colwic* there is an association of some kind with darkness and the suggestion made to me shows that Nuer are conscious of this.

Many people are killed by lightning, as memorials erected in their honour in villages bear witness, and it is therefore not surprising that Nuer are anxious when violent storms break over their homes and the sky is pierced by flashes of lightning. Then there is silence in the byres and one may see old men throw pieces of tobacco from the doorways into the storm, uttering a simple prayer, such as 'ah God, father, take this tobacco [or they may say "ox"]. I have paid thee ransom (*kok*) father [with this offering]. 776× 821● 782

[1] Miss Soule informed Professor and Mrs. Seligman (op. cit., p. 238) that the expression is *colwec*, '*col* of the village community'. Father Crazzolara (op. cit., pp. 97–98) writes *colwic*, gen. *colwec*, but he does not give a literal translation of the expression. In my opinion the second syllable of the word is *wic*, gen. *wec*, 'head', and not *wec*, gen. *wic*, 'cattle-camp' or 'community'. Dr. Mary Smith tells me that she has heard Nuer speak of *coldoor* in reference to a person killed by lightning in the bush (*door*), though *colwic* is also used. On the other hand, some Nuer told her that people killed by lightning are called *colwic* because they do not have their heads shaved after death, as other people do. Clearly the syllables which compose the word have no definite meaning for Nuer.

SPIRITS OF THE ABOVE

×776 ●821 782 Come to earth gently, do not come with fury to thy grass [the thatched roof]. Come gently to thy grass. No one disputes with thee. It is thy universe. It is thy will, thine alone.' Or a man may take a mallet, used for driving tethering-pegs into the ground, lay it in the doorway to his byre, and, after asking God to 'rain well' for it is his universe, throw some ashes into the air in offering. Once when after a heavy storm I told a Nuer that should there be another storm of like severity I would desert my tent and take shelter in his byre he rebuked me, saying 'God does not wish the thunder to come like that again. You should not suggest it.'

×776 761 766 When a person is killed by lightning Nuer are resigned. They say that God has struck him with his fire and that as God has taken him there is nothing to be said. God has taken the soul of the man to himself and 'he would be angry if he saw you grieving for the person whom he has taken'. The death is not a punishment for some fault but a mysterious act of divine will, almost what some theologians call an election. All death is ultimately attributed to God, but only in the sense of his being the first and necessary cause which operates through secondary and contingent causes. In the case of a *colwic*, however, God has chosen a particular person for himself and taken him with his own hand. Nuer say that the chosen person has entered into kinship, or friendship, ×776 766 with God.[1] For this reason a person struck by lightning does not receive an ordinary burial and the usual mortuary rites are not held for him. I was under the impression, and have elsewhere stated, that, nevertheless, the formal rules of mourning were observed, but Dr. Mary Smith tells me that this is not so, and what she says is more in accordance with what I have recorded above.[2]

A person is usually struck in his byre or hut and the walls of the burnt-out building are broken down over the body, and the

[1] In a published note on *colwic* (*Man*, 1949) I have translated a phrase, '*ca mar e kwoth*' by 'he has been brought into kinship with God'. As written it could mean this, but I now think that I may not have heard the words correctly and that what was said should be translated 'he was struck by God (with lightning)'. However, the idea of kinship, or friendship, with God was also expressed where the context allowed no room for misunderstanding.

[2] We find the same idea among the Shilluk. They do not bury or mourn a person killed by lightning. The death is an honour and the family feel that they have made an offering and will therefore prosper (the Rev. D. S. Oyler, 'Shilluk Notes', *Sudan Notes and Records*, 1926, pp. 58–59). Dr. Lienhardt tells me that the Dinka also do not mourn a person killed by lightning.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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000 sign of spiritual activity, as is also the birth of a calf with *ma cuany* markings.

×776 We may conclude that Nuer totems tend to be creatures and things which for one or other reason easily evoke the idea of Spirit in any Nuer and are hence suitable symbols for Spirit in relation to lineages; and then the image of the symbol may become through association linked with other images, leading to additional totems. The Gaanwar clan have a special connexion with rain, which is a symbol of Spirit in its special relationship to their •[821] clan. The *nyuot*-tree is a secondary symbol which, on account of its peculiar appearance and habits, is associated in the Nuer mind with rain. The waterbuck and several species of fish are further symbols linked to the *nyuot*-tree as secondary totems because, we may presume, they also, in their different ways, are associated with water. An interpretation of the totemic relationship is here, then, not to be sought in the nature of the totem itself but in an association it brings to the mind. Similarly those who respect [825] bees respect them not because they are bees but because their colour resembles to Nuer eyes the python, and it is probably the same with soldier ants and the tree cobra.

As we have seen, in their totemic relationships it is Spirit rather than the totems in which Nuer are interested. In so far as they are interested in the totems themselves it is not in their intrinsic nature but in their character as symbols through which Spirit manifests itself to human intelligence. Consequently, since the totemic attitude is neither derived from, nor primarily directed towards, the things as they are in themselves but the things as representing and manifesting Spirit, Nuer would not be at all surprised at anything being, or becoming, a totem. Anyone may at any time suddenly find himself in a totemistic relationship to some class of objects, and if for one reason or another his descendants trouble to remember and maintain the relationship, then that class becomes the totem of a lineage. Let us consider how Nuer think of totemic relationships coming about.

×776 I have had frequent occasion to remark that those who respect
177 a totem are Dinka or of Dinka origin, and our discussion of the
613 whole problem of Nuer totemism is complicated, as was our discussion of the spirits of the air, by the fact that Nuer regard their totems as having for the most part come from the Dinka. I have often heard true Nuer say that when you find that a man respects

1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER II

OECOLOGY

I

FROM a European's point of view Nuerland has no favourable qualities, unless its severity be counted as such, for its endless marshes and wide savannah plains have an austere, monotonous charm. It is throughout hard on man and beast, being for most of the year either parched or a swamp. But Nuer think that they live in the finest country on earth and, it must be admitted, for herdsmen their country has many admirable features. I soon gave up trying to convince Nuer that there is any country more suited for cattle husbandry than their own, an attempt rendered more useless since a few of them have been taken to Khartoum, which they consider to be the home of all white men, and, having seen the desert scrub of that latitude, have been confirmed in their opinion that their land is superior to ours.

The grasses necessary for the welfare of the herds depend for existence on suitable conditions of soil and water. The soils of Nuerland are heavy clays, broken by the sun into deep cracks in the drought and sodden in the rains. They hold up water and consequently enable certain species of grasses to survive the dry months and provide pasture for the cattle. Nuer and their cattle would not, however, be able to live if it were not that there are more sandy elevated spots on which they can take refuge in flood-time and where they can practise horticulture.

Surface water comes partly from rainfall and partly from the flooding of the rivers which traverse Nuerland and is more than adequate to make grass. In an average year the rains commence in April, when a few showers fall and the sky is overclouded, but it is not till the end of May that they set in with a will. At their maximum, in July and August, the weather is cool, even cold in the mornings and evenings, the sun is overcast during most of the day, and a south-westerly wind prevails. Showers become lighter and less frequent in October and usually have ceased altogether by the middle of November when the north wind begins to blow. It blows consistently down the valley of the Nile

6: Evans-Pritchard E-5 (1931, 1936)1938
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134 sticky water-laden mud. The clayey plains are broken by occasional sandy ridges and knolls upon which the débris of years of occupation has accumulated. However, Nuer distinguish between the black 134 soil, of such areas as Eastern Jikany country, which they call *mun* •823 *mi car* or *dok* and the more sandy soil, which is found, for example, in parts of Lou country, and which they call *mun lita*. The black heavy clays are more suitable for cultivation of millet because they hold up rain water, but they are bad for cattle which in the rains have to struggle through the sticky mud and to eat the high coarse grasses which such soil nurtures rather than the sweeter short grasses which prevail on more sandy soils. Thus the Lou people say in favour of their country "Our cattle do not come back each day from grazing caked in mud but they return with clean hooves." On the other hand the more sandy parts of Lou country, *e.g.*, near Muot Dit, do not hold up rain water which makes cultivation of millet difficult so that even a slight drought destroys the young plants, and often makes it necessary for the people to wander early and far from their villages in the dry season to obtain sufficient pasturage. There [135] are no salt-licks in Nuerland.

Surface water comes partly from direct rainfall over Nuerland [133] and partly from the flooding of the principal rivers which traverse it 132 and which derive most of their water from rainfall elsewhere. In an average year the rains commence in April and continue till the end of October. Towards the middle or end of April a few showers come down and the sky is overclouded. It is not till the end of May that the rains set in with a will. July and August are the months with heaviest rainfall and the weather is cool, even cold in the mornings and evenings and a south-westerly wind prevails. The sun is overcast during most of the day. Showers become lighter and less frequent in October and by the middle of November have ceased altogether. In November the north wind begins to blow and it blows consistently down the valley of the Nile from the Mediterranean to the Plateau of the Great Lakes till the approach of the next rains. The weather becomes warmer and warmer and from January till March is a great trial to Europeans.

6: Evans-Pritchard E-5 (1931, 1936)1938
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be imagined when one has to stamp one's way through water for ten miles at a stretch. The rank grasses prevent one from leaving the paths and the paths form miniature depressions down which water flows so that it is like walking in the bed of a tiny stream, a sticky bed where every step requires an effort to extract the foot. Rengyan country is amazing at this season of the year. One walks for miles through water to emerge suddenly on a ridge, screened by high grasses till one begins to mount it. Here is a village. One walks through the village to descend into water the other side, and then through miles of water to the next inhabited island. To live in such a country one should be amphibious, like the Nuer, who seem to be in no way inconvenienced by what are to Europeans appalling conditions. 135 137

The rains cease in November but so saturated is the earth that a late heavy shower will again innundate the country for 48 hours. 132 312

The dry season among the Western Nuer is not so severe as it is among the Eastern Nuer because there is never a shortage of water and the villages are never far from deep lagoons and streams, nor even from the main rivers themselves with their broad fringe of marshes. It is probably only in an exceptionally dry year that the larger inland watercourses entirely dry up. Probably this is in the main due to the fact that the Bahr el Jebel and the Bahr el Ghazal do not sink in their beds like the Sobat and Pibor, since they are fed by permanently flowing streams and have enormous lake and marsh reservoirs. The water of streams and lagoons in Western Nuerland is therefore not so rapidly drained as in Eastern Nuerland. Certainly the water in big streams in Dok country seems to be permanent and in walking through Lek country as late as February in 1930 we had to wade frequently through deep swampy streams and lagoons.

Nuer have expressions to denote the natural features of their country. A treeless plain they call *ghau mi dea* or, in contrast to dry elevated ridges, *pan*. A ridge or knoll is called *kwir* and *thur* or, in reference to its suitability for human occupation, *gwaadh wec*. Land which is partly inundated in the wet season, but not sufficiently to be called swampy, and is therefore suitable for growing millet, is called 823• 104

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tap. A big open river is generally called *kir e.g.* the Bahr el Jebel and the Sobat but a river may have its proper name, *e.g.* the Bahr el Ghazal is called Naam. Smaller rivers or streams are denoted by the word *yir*. A marshy depression inland is called *wang* and a big lagoon running out of one of one of the main rivers is called *bar*. A marshy depression running parallel to a river bank is called *tor*. *Toc* are extensive swamps which form the flood plains of rivers.

VIII

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From my description of their country it will be seen that the Nuer are faced with problems which daunt men better equipped than them. For they are so poor that they have little but their courage and their knowledge to master a harsh environment. Nuer have to consider how to protect and pasture their cattle and also how to grow maize and millet, for they practise both cattle husbandry and hoe-culture and have to take the requirements of both into account. As gardeners their difficulties only arise in the rains for in the dry season nothing will grow in the waterless wastes. As herdsmen there are problems to be solved at all seasons. Gardening will be described later. Here we may consider how Nuer ensure the welfare of their herds by adapting their life to the seasons.

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Excess or insufficiency of water is their first problem. It is essential that men and cattle should be protected from the water which covers most of the country in the rains. Cattle get diseases of the hooves and die if they have to stand in water. Protection is given to man and beast by building huts and byres on higher ground. In selecting a village site two considerations must be borne in mind. Firstly there must be a sloping ridge off which rain-water can run to the plain below and this ridge must be broad enough to allow huts and byres to be built and for the cattle to be tethered in the kraals outside the byres. Preferably it should also be broad and long enough to allow the flocks and herds to pasture without having to descend into the inundated plains to graze among the tall rank grasses. Secondly there must be land on one side of the ridge suitable for cultivations, *i.e.*, land which will retain sufficient water for the millet to grow

12:Evans-Pritchard E-5 (1930-1931) 1933
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about the district and the lineage which lives there as interchangeable terms and speaks of *cieng* WANGKEAC in the sense of the WANGKEAC lineage. This leads a European into depths of confusion since the WANGKEAC lineage and the people who live in the village of Wangkeac are by no means the same thing. I shall have occasion to plumb these depths of confusion, into which I have myself been long plunged, in the following sections. 361 196 619

Cieng, in the singular, e.g., ciengda (my homestead), is the same as *gol* in the singular, e.g., *golla* (my homestead), and *cieng* in the plural, e.g., *ciengdan* (our hamlet), which means the same as *gol* in the plural, e.g., *gollan* (our hamlet). The literal meaning of *gol* is the large dung fire which occupies the centre of every cattle byre. During the wet season this is kept continually alight and serves to keep mosquitoes away from the cattle and the young men who sleep on a platform above it, while during the daytime people sit around it and chat. In the dry season the *gol* is a huge heap of ashes enclosed by a windscreen and around it sleep the inmates of the windscreen and there also they spend a large part of the day watching their cattle, drinking milk, sleeping and smoking. This dung fire signifies the home and especially symbolises the household from the point of view of its male occupants since women have their own cooking fires. *Jigoalla* (the people of my *gol*) are the people of my household, especially the menfolk of my household. *Gol* Cam or *gol* Pec is the homestead or windscreen of Cam or Pec and hence means the household of Cam or Pec. *Ran gol* Cam is a member of Cam's household and *jigoal* Pec is the household of Pec, i.e., the people who habitually live in his homestead and make use of his cattle byre.

The only other Nuer word I will draw attention to in this place is *dor*. I think that the most comprehensive meaning of *dor* is what is not actual homestead. The word generally means "bush" in contrast to *cieng* (home), e.g., "*wa dor*" ("I am going into the bush" almost "I am going out") is the opposite to "*wa cieng*" ("I am going home"). Different parts of the bush can be designated by some conspicuous landmark as the *dor* of such and such a thing. The word is noticed in this place because it is often used to refer to the unoccupied land lying around a homestead or hamlet which is used for sowing maize or on which goats and sheep and calves graze. In this sense *doran* (our dor) has much the same meaning as *ciengdan* (our *cieng*), though the former word seems 823 196

12:Evans-Pritchard E-5 (1930-1931) 1933
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823 rather more inclusive. But both are used to refer to " our home," " our
196 hamlet," " our village." Thus Pukur (Lek tribe) village is divided up into a number of hamlets, and one may speak of each hamlet with the unoccupied land around it which divides it off from neighbouring hamlets as a *dor* and designate it by some landmark, e.g., *dor ngop* (the part of the village which lies near the *gameiza* (fig-tree)), *dor wich kwer* (the part of the village which lies around a sandy eminence) and *dor thok ruop* (the part of the village which borders the forest). As we have already noticed, such territorial expressions become identified with the people who occupy the territory, so in this case we may speak of CUOL *ngop* and CUOL *wich kwer*, the section of the CUOL lineage who live near the *Gameiza* tree and the section of the CUOL lineage who live near the sandy eminence.

I mention these three Nuer words, *cieng*, *gol*, and *dor*, because they are so frequently heard on Nuer lips and to explain that my reason for using them so seldom in the text is that they refer to so many different things according to the context in which they are spoken.

III.

621 I have spoken of the clan as forming the iron girders upon which the political structure of the tribe is built up; I have spoken of each tribe having a dominant element within it; I have mentioned that the territorial groups of Nuer country integrate themselves around a kinship nucleus and that their cohesion depends upon this nucleus as much as upon communal life or locality; I have remarked that as the ties of kinship become more and more distantly stretched they weaken and that they weaken also by the dilution of kinship with other elements and that both these processes are reflected in the manner in which tribal groups segment. These assertions need explanation. It is very difficult to analyse Nuer society without repetition because when we speak of the tribe we are also speaking of political aggregates which crystallise around some clans. Yet it is imperative to keep these two groups, the tribe and the clan, distinct if endless confusion is to be avoided. Much of the confusion of Jackson's account is due to the fact that he did not
619 clearly differentiate between them.

361 Herein lies a great difficulty. The Nuer tribe always has a name
614 derived from the name of the country which it occupies, e.g., one may

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that 'one explanation put forward for this abstention is that the bird can fly in the skies and is accordingly in communication with the Great Spirit'.[1] The *jakok in rol*, the pied crow, a bird which frequents Nuer homesteads, is especially favoured because it is the bird of the female spirit *buk*, the mother of *deng*. Nuer say that 'everyone respects the pied crow', and one sometimes hears it spoken of as *kuaar*, priest. Nuer can therefore readily entertain the idea of a bird being the totem of a lineage, being, that is, an emblem of Spirit conceived of in relation to a lineage. Also, whilst I would hesitate to say that all Nuer have a high regard for snakes, it can be said that they do not go out of their way to harm them, whether they belong to lineages which respect snakes or not. They leave them in peace unless they are threatened by them or suddenly afraid of them. All Nuer seem to regard them as being in some sense manifestations of Spirit, so that, here again, it appears natural to those who do not respect them that other people should do so. Some of the more important totems are trees. To all intents and purposes, and so far as any question of showing them respect or otherwise is concerned, this means trees of certain species when they grow on village sites, and no Nuer, and not only those who respect them as totems, would injure trees growing near their homesteads. Nuerland is for the most part treeless savannah country, and trees which give shade, such as sycamores and to some extent the tamarind, are rare. Nuer have a feeling that those which give them shade in their sun-baked homes have grown there by a special dispensation of God. Their being there at all is a manifestation of Spirit, and all the more so if, as is sometimes the case, they have grown from saplings or cuttings planted as shrines to spirits. Here again, therefore, people can easily understand that such trees are regarded by some lineages as material manifestations of a special relationship of Spirit to themselves.[2] Rivers and streams also have a general spiritual significance for all Nuer because they are associated with *buk man deang*, which is the spirit of all rivers. It is *kwoth pini*, the spirit of water. Nuer say that '*yier e kwoth neini dial*', 'rivers are the spirit (totem) of everybody'. Again, monorchids are for all a sign of spiritual activity, as is also the birth of a calf with cuany markings.

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[1] H. C. Jackson, op. cit., p. 169.

[2] It may be noted that the Nuer word for tree, *jath* (pl. *jen*), is probably the same word as the generic term for totem in Dinka, *yath* (pl. *yeth*) (P. A. Nebel, *Dinka Grammar*, 1948, p. 170).

765 ceremony, and I was told that it is dangerous for them even to
782 smell the cooking meat. Everyone then moved off to sit in front
[561] of a hut to listen to the commemorative orations, which are also invocations; and here were spread out on the ground the ghost's possessions, his fighting-spears and fishing-spears, his beads, his metal arm-rings, his ostrich-shell girdles, his pipe, and, since his son was senior government interpreter in the district, his clothes and whistle, articles not possessed by ordinary Nuer. At the side of these were placed the heads and hides of the cattle which had just been sacrificed. The people sat with their backs to the now rising sun and facing the direction of the setting sun because 'death follows the setting sun'. Nuer say that 'the west is the side of
[823] death, the east the side of life', and the verb *kwony* in their
[196] language means both 'to bury' and 'to set' (the sun). When they sacrifice an ox for a sick man they hope it will fall towards the east. The master of ceremonies (pp. 287–9) of the ghost's family made the first commemorative oration, after throwing some tobacco towards east and west. As he spoke he walked up and down in front of the people brandishing the spear with which the animals had been sacrificed. He commenced his address (*lam*) by shouting out his ox-name. He must also have shouted out his clan spear-name, though I have not recorded it in my notebooks.

I did not take down his address at the time but I was told later that a master of ceremonies speaks in this wise: 'God, now thou hast given us badness, or is it simply the lot of creation? [Is the death thou hast sent us a special evil designed for us or has the dead man merely suffered what soon or late comes to all created things?] Now thou hast taken so-and-so [he names the dead man], now he has become one of thy people, turn about and take him right away. We who are left in the world, give us peace. Let his children who remain in the world be at peace. He is not finished, his children will carry on his name. In the future they will bear his name. Let no further evil befall us.' The master of ceremonies is now speaking to the ghost: 'So-and-so, my brother [or 'my father' if he was a much older man], now thou art one of God's people. Do not forget us, let it be thy habit to speak [on our behalf] to thy father [God]. When we go into the bush let us tread on wild rice [avoid all dangers and troubles]. Let us beget children. May all evil be taken away from us now, and may we remain in peace.' The master of ceremonies again addresses God: 'God, and

811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [823] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [826] left and right in Nuer thought that Nuer youths should emphasize the contrast between the two hands by putting the left arm 301 out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiau*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] oxen which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the 811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windscreens, but Nuer erect branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

6: Evans-Pritchard E-5 (1931, 1936)1938
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cleans it out, and rearranges the grass coil around the sides. The discoloured water is then drawn out in gourdfuls and thrown away. They continue drawing the water till they are satisfied that the well is clean again. Every day the walls of the trough receive a fresh coating of sand and are thus kept smooth and clean. All the work falls to the men and boys. Men, assisted by the bigger boys, dig the wells and make the troughs and draw the water. The smaller boys guard the water. Women and girls only draw water for household purposes.

There were dozens of wells at Yik, the bed of the river having been bored every few yards. As each well supplied two or three troughs the ground was covered with shiny pools.

X.

Water is the primary problem of the herdsman's life in Nuerland. A secondary problem, for it arises from excess or insufficiency of water, is pasturage. In their seasonal movements Nuer are not only seeking water but also nourishing grasses and when herdsmen take the cattle from camp to their grazing grounds they do not guide them haphazardly across the plain but drive them to where they know of succulent grasses. The best pastures are often far from camp and the cattle have to be milked early so that they may have time to graze, drink water, chew the cud, and graze again before returning to camp. It is necessary to herd the cattle in the dry season, but Nuer say that it is better to do so at all times of the year though they do not always act accordingly. When I brought one of my cows from Yakwac to Mancom early in the rains it was noticeably thinner than the Mancom cattle. The Mancom people said that the Yakwac cattle do not do so well as their own because the Yakwac people do not herd their cattle in the rains and take them to the best pastures but leave them to graze by themselves. Consequently they graze on the exhausted pasturage near the homesteads. At Mancom a man always accompanied the cattle and took them to the richest grasses.

Nuer are great authorities on grasses and know all about their habits and distributions. They never make a mistake in identifying

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

824 233 those grasses which are *wal ghok*, cattle-grasses, and those plants which are eaten regularly by cattle, sheep, and goats or are used for veterinary purposes. One is only given names of plants with hesitation or given different names by different persons when they have no 824 particular value or use. One should not, however, bring leaves and flowers home and ask a Nuer for the names, for this confuses him, but he knows them at once when he sees them growing, as he would normally see them. Not the form of the plant alone but its form together with its habitat enable him quickly to identify it, for some plants are found in gardens, others on sandy ridges, others in the open plain, and others near streams.

824 It is probable that Nuer expansion has to a considerable degree been influenced by the distribution of pasture grasses. I am not 167 a botanist and can only record a few of the main grasses which are 137 found in both Western and Eastern Nuerland without being able to give their distribution in these latitudes. However, Nuer have told me that the reason they did not oust the Ngok Dinka from their enclave was that their pastures are not up to the grazing standards Nuer demand for their cattle. It has also been pointed out to me by Nuer that Shillukland is very poor in grazing grasses, a statement which seems to me, from a very slight acquaintance with Shilluk country, to be true.

137 There are some Nuer grasses the cattle like, some they will eat if 233 they are hungry, and some which they refuse at all times. The richness of pasture varies at different times of the year and in different places and it is these seasonal and local variations which determine Nuer annual, and daily, movements.

132 In the season of *Rwil*, the springtime of the year when the early 137 rains fall, all the grasses either send up new shoots or begin to grow again after several months of arrested growth. This is a season of 233 fatness for the cattle. All the pasture grasses are short and tender and they can choose the most luscious of them and graze on them to their hearts' content. In this time of plenty they nibble the heads of the grasses of which they are not greatly fond while they graze to the ground a favourite grass like *gau* (*Andropogon Gayanus Kunth*).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that 'one explanation put forward for this abstention is that the bird can fly in the skies and is accordingly in communication with the Great Spirit'.[1] The *jakok in rol*, the pied crow, a bird which frequents Nuer homesteads, is especially favoured because it is the bird of the female spirit *buk*, the mother of *deng*. Nuer say that 'everyone respects the pied crow', and one sometimes hears it spoken of as *kuaar*, priest. Nuer can therefore readily entertain the idea of a bird being the totem of a lineage, being, that is, an emblem of Spirit conceived of in relation to a lineage. Also, whilst I would hesitate to say that all Nuer have a high regard for snakes, it can be said that they do not go out of their way to harm them, whether they belong to lineages which respect snakes or not. They leave them in peace unless they are threatened by them or suddenly afraid of them. All Nuer seem to regard them as being in some sense manifestations of Spirit, so that, here again, it appears natural to those who do not respect them that other people should do so. Some of the more important totems are trees. To all intents and purposes, and so far as any question of showing them respect or otherwise is concerned, this means trees of certain species when they grow on village sites, and no Nuer, and not only those who respect them as totems, would injure trees growing near their homesteads. Nuerland is for the most part treeless savannah country, and trees which give shade, such as sycamores and to some extent the tamarind, are rare. Nuer have a feeling that those which give them shade in their sun-baked homes have grown there by a special dispensation of God. Their being there at all is a manifestation of Spirit, and all the more so if, as is sometimes the case, they have grown from saplings or cuttings planted as shrines to spirits. Here again, therefore, people can easily understand that such trees are regarded by some lineages as material manifestations of a special relationship of Spirit to themselves.[2] Rivers and streams also have a general spiritual significance for all Nuer because they are associated with *buk man deang*, which is the spirit of all rivers. It is *kwoth pini*, the spirit of water. Nuer say that '*yier e kwoth neini dial*', 'rivers are the spirit (totem) of everybody'. Again, monorchids are for all a sign of spiritual activity, as is also the birth of a calf with cuany markings.

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[1] H. C. Jackson, op. cit., p. 169.

[2] It may be noted that the Nuer word for tree, *jath* (pl. *jen*), is probably the same word as the generic term for totem in Dinka, *yath* (pl. *yeth*) (P. A. Nebel, *Dinka Grammar*, 1948, p. 170).

1: Evans-Pritchard E-5 (1931, 1936) 1940
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the worse for their experience. Indeed, it may well be, as Nuer assert, that they are the better for it, for they lead a sluggish life. The blood is boiled by women till it is fairly consistent and can be used as a meat flavouring with porridge; or the men let it stand till it coagulates into a solid block, and, after roasting it in the embers of a fire, cut it up and eat it.

Nuer do not regard the blood of cows as a staple article of diet and it does not play an important part in their cuisine. Indeed, they say that they do not perform the operation to acquire food, though they confess that roasted blood is delicious, but for the benefit of the cows. Bleeding is designed to cure a cow of any unfitness by letting out the bad blood of the sickness. Also, Nuer say, it makes the cow fat, for next day it will be more lively and graze avidly. Bleeding, moreover, in their opinion, decreases the desire of a cow to be served. Nuer say that if a cow is served too frequently it may eventually become barren, whereas, if it is bled now and again, it will only require to be served once and will be in calf. Cattle are sometimes bled for medical reasons in the rainy season, when people may be so replete that the blood is given to the boys of the kraal and to the dogs. Sometimes they make incisions in the noses of calves and let the blood flow to the ground in order to make them fat. I have seen Nuer scarify their own legs and the small of their backs to induce fleetness and strength.

The following two points seem to us to be significant. (1) Whilst Nuer normally do not kill their stock for food, the end of every beast is, in fact, the pot, so that they obtain sufficient meat to satisfy their craving and have no pressing need to hunt wild animals, an activity in which they engage little. (2) Except when epidemics are rife the usual occasions of eating meat are ritual and it is the festal character of rites which gives them much of their significance in the life of the people.

V

Apart from milk, meat, and blood, cattle furnish Nuer with numerous household necessities, and when we consider how few are their possessions we can appreciate the importance of cattle as raw material. The bodies and bodily products of cattle have the following uses:

Their skins are used for beds, trays, for carrying fuel (Plate XVII), cord for tethering and other purposes, flails (Fig. 15), leather collars for oxen (Fig. 4), and for the tympana of drums. They are employed in the manufacture of pipes, spears, shields,

[p. 29 contains no textual material]

8:Howell E, G-5 (1942-1944)1954
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farther afield may be abandoned for the time being. Other people whose opportunities for fishing may not be so great as their neighbours' may utilize the less accessible pools unmolested, but should climatic conditions cause scarcity elsewhere their owners will demand the right to use them to the exclusion of other people. 423 226

Hunting rights are also defined by the limits of recognized tribal or segment territory, but since the Nuer are not very active hunters there is no clear definition, and quarrels rarely arise. There are rules governing the division of the flesh of wild animals killed in collective hunting, though they are rarely followed without argument. The division of meat in these circumstances often leads to violent quarrels but is not a subject which reaches the stage of litigation in the courts. Ivory, a very valuable commodity in Nuer eyes, not because of its market value but because it is the ambition of most Nuer to own an ivory bracelet, is subject to more definite rules. The right tusk must always go to the first spearer, the *ran me koic e-je*, the left tusk to the second spearer, the *ran me gam e-je*. Others who take part in the hunt, even if the wounds they have inflicted have been much more deadly than those of the first two spearers, get no more than their share of the meat. Those who get the tusks must divide them among their kinsmen according to principles similar to those which govern the distribution of bridewealth cattle. The central portion must be given to the *gwan buthni* of the lineage, this portion being sufficient to make one large bangle; of the remainder a portion must go *kwi gwan*, to the father's side, and a portion *kwi man* (or *nar*), to the mother's or maternal uncle's side. Dead elephants are sometimes found, the ivory going to the first and second finder in the same manner. The right to tusks and the way in which they are distributed are not matters which come before the courts, and there are strong ritual sanctions for observing the correct rules. There is a mystical link between man—that is, Nuer—and elephants, which means that killing them is not only a hazardous physical undertaking, but is also spiritually dangerous. It is something akin to homicide, and special ritual must be performed, including the letting of blood (*birr*) from the first spearer.[1] Nuer also believe that if they ignored the rules of distribution, the spirit (*cien*) of the dead elephant would haunt them and would bring them misfortunes.

224 [578] [301] [602] [825]

Conclusion

Rights in land are therefore collective and follow the segmentary structure of Nuer society. They are recognized and nowadays will be enforced in the courts, and they embrace all types of land necessary to the subsistence economy of the Nuer, but they are not in constant 423

[1] As in homicide it is the first spearer who is held responsible for the animal's death.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Two

RESOURCES OF THE NUER

WILD ANIMALS AND CATTLE

WILD animals abound in Nuerland. Lions, leopards, 136
giraffes, buffaloes, elephants, hippos, monkeys are found as well as other species, and also crocodiles, snakes, and scorpions.

Sometimes animals are killed with spears (Fig. 4), some- 224
times traps are made to catch them. Holes are dug into which they fall and are unable to get out. Men sometimes chase them and drive them toward the trap which they have made. Giraffes may be killed in this way as they cannot run fast, especially if the ground be muddy. Monkeys are safe in Nuerland as a Nuer will not willingly kill them. If a monkey is killed, it will surely rain hard, but [825]
if it is killed in the dry season, the weather will only become cloudy.

Probably the largest snake found here is the python. 136
Many of the snakes are deadly poisonous. One is a spitting snake. Another is said to bite and also sting its victim with its tail at the same time, much as a scorpion stings. Another snake, the 'thatut', is said to leave a tooth in the person it bites. The Nuer believe that if a [825]
person is once bitten by a 'thatut' no other snake will deign to bite him.

The number of cattle owned by individuals varies in 231
different parts of Nuerland. Those who live along the Nile have many cattle. Those in the Garjak country have more cattle than those near Nasser. In the regions where cattle are more plentiful the number of cattle asked as a marriage price is greater.

Cattle with the wide-spreading long horns are the most 231
desirable. A Nuer is afraid that a cow without horns may 776

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

231 turn into a 'Lat' (a combination of ogre and cannibal which
[776] figures largely in folk-lore tales. Nuer firmly believe in these Lats and fear them).

Nuer, be they men, women, or children love their cattle; they are the pride of the tribe. The people delight in being among them. When a boy has his tribal marks
[551] cut, he assumes an ox name in addition to his own.

[825] The cattle are always supposed to see the new moon one night before the people see it.

If a cow is sick, she is well cared for. Everything possible is done for her so far as the Nuer's knowledge goes. A wasps' nest is soaked in water and the mixture forcibly administered to the cow as a preventive against a certain fever.

A bunch of a certain kind of leaves tied about a cow's neck is supposed to help her if all is not right with her when she has just calved.

Muzzles made out of thorns are fastened on the mouth of a calf when they wish to prevent it from sucking.

The Nuer also have sheep, and numerous dogs may be seen.

[262] During the fishing season when many go to the fishing camps, the Nuer depends upon fish and milk for his food. The cattle are always taken to the fishing camp—for grazing is usually good—hence the milk supply.

THE FISHING SEASON

226 When the dry season is on, the river falls fast and the
221 Nuer is eager to fish. The rivers are full of fish, great big ones, including the Nile perch and several other large white fish which are specially desired for food. In December and January Nuer with their cattle move from the villages to the fishing camps. They build (Fig. 6)
[342] bee-hive-shaped houses—even the walls are of grass.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[826] [784] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

538 The Nuer language has a wealth of animal and bird stories, tales of the origin of the tribe and folk-lore. Also games, songs, riddles, and superstitions. All of these are as yet practically untouched by the pen. A sort of cannibal-ogre combination, capable of changing into an animal, is usually a prominent character in their folk-lore.

192 The language contains no word for 'thank you' as far as I have delved into it, but one does not need to be in Nuerland long to discover that the Nuer has a word for 'I am mistaken', and is willing to use it.

TIME, SEASONS, MOON, AND STARS.

[805] 821 The Nuer gauges time by moons, the light or dark of the moon. He knows the stars, and has names for many of the constellations. He is a keen observer of them and makes his own observations concerning them. Orion's belt is called 'gat rum juk'. One star is supposed to be a man leading a horse, the second star is supposed to be the horse, while the third star is another man driving the horse as he follows him.

The evening star is called 'Lipai chiing', as it is considered to be like a girl in the village waiting for the moon to come up and when it does come up, she goes away with it. Hence the name, which means 'wait in the village for the moon'.

The Southern Cross, the Little Dipper and other constellations are also noted and named.

825 805 The Nuer firmly believes, as already noted, that the cattle see the new moon the night before it is visible to the human eye. I have frequently asked them concerning this. The date upon which the cattle see the new moon always seems to be the date specified upon the calendar as the date when the new moon should be visible. Yet the Nuer has no calendar.

tions are to be understood as modes of God and not as his essence, which is Spirit. 776 ×

God being above, everything above is associated with him. This is why the heavenly bodies and the movements and actions connected with them are associated with him. This is why also the spirits of the air are regarded as *gaat kwoth*, children of God, in a way other spirits are not, for they, unlike other spirits, dwell in the air and are also thought of as being in the clouds, which are nearest to the sky. This is why also the *colwic* spirits are so closely associated with God, for he touched them with his fire from heaven and took them to himself. Some birds also are spoken about by [825] Nuer as *gaat kwoth*, especially those which fly high and seem, to us as well as to Nuer, to belong to heaven rather than to earth and therefore to be children of light and symbols of the divine. The feeling that they are in a measure detached from the earth is enhanced in the case of migratory birds[1] by their disappearances and reappearances. I have heard the idea expressed that in their absence from Nuerland they have gone to visit God's country. This is probably no more than poetic fancy, but we can say that the disappearance of these birds strengthens the allegory of God's children which arises from their ability to do what man cannot do, fly towards heaven and God. Twins also, in a very special sense, [845] are *gaat kwoth*. They belong to the above, and Nuer say that they are birds. The Jikul clan and the Gaanwar clan, whose ancestors [773] fell from heaven, are also *ji kwoth*, God's people, for that reason and are thought to have special powers.

Thus anything associated with the sky has virtue which is lacking in earthly things. Nuer pathetically compare man to heavenly things. He is *ran piny*, an earthly person and, according to the general Nuer view, his ghost is also earth-bound. Between God and man, between heaven and earth, there is a great gulf, and we shall find that an appreciation of the symbolism of the polarity of heaven and earth helps us to understand Nuer religious thought and feeling and also sheds light on certain social features of their religion, for example the greater prestige of prophets than of priests.

[1] I am indebted to Miss Ray Huffman and Dr. Mary Smith for the information that, among others, these are the pied crow, the kite, the pelican, the maribou stork, the eagle, the crested crane, the Cape Paradise flycatcher, the wagtail, and the durra-birds.

×776 613 782 [778] people be at peace. They complete the rite by building a small mound of ashes as a shrine (*yik*) to the spirit. I have seen goats with what the Nuer call *ma nyal*, python-like, markings dedicated to the python-spirit in kraals. A Lou tribesman told me that when he was a boy a python entered his father's kraal and paid particular attention to a goat dedicated to its spirit, and his father gave it milk in a gourd and rubbed its scales with butter. All Nuer say that if any snake enters the homestead of a man who respects that species he will offer it milk and rub its scales with butter, but I have not seen this done. They say that a snake which has been treated with these courtesies may enter the byre and sleep there and, when it wakes, crawl among the cattle in the kraal, paying friendly attention to the cow or beast of the flock dedicated to its spirit. A man who respects pythons respects also bees, because Nuer consider their markings to be like those of the python, and will not kill them or eat their honey.

×776 613 [771] [773] Another snake respected by a large number of small lineages of Dinka descent is *lualdit* or *rir*, which I believe to be the tree cobra. A Nuer of the Leek tribe told me how this totem had come into his family, and his story has some interest in that it illustrates the way in which a lineage may acquire a totem. His father was digging a hole in which to plant a support to a new cattle byre when he scooped up a cobra with the earth in his hands. In his fright he killed it with a digging-stick. Later he fell sick and the form of a cobra appeared to him in a dream and told him that it wanted a *duor*, a gift, so he sacrificed an ox to the cobra-spirit and dedicated a cow to it. His sons now respect the cobra, and their descendants may continue to do so. During my first expedition to Nuerland one of my Zande servants was chased into my tent by one of these cobras and I was forced to shoot it. Later in the day a man of the cattle camp where I was residing came to complain that I had killed his *kwoth*, totem, when I might easily have sent to ask him to remove it from my tent. He demanded compensation, which I made with a lump of tobacco. Some people say that if you can ●[825] kill a cobra without it seeing you, you will find *wal*, medicine, inside it. If it sees you it will spit out the medicine before you can kill it. Those who respect the cobra respect also the little red soldier ants, here again apparently on account of a resemblance of colour.[1] When bitten by them they do not slap them on their

[1] Dr. Lienhardt tells me that a beast dedicated to the spirit of cobra should

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 Can any conclusions be reached about the nature of the things which are objects of respect? The totemism of any people involves the selection of certain natural objects to the exclusion of others. Nuer totems are certainly an odd assortment: lion, waterbuck, monitor lizard, crocodile, various snakes, tortoise, ostrich, cattle egret, durra-birds, various trees, papyrus, gourd, various fish, bee, red ant, river and stream, cattle with certain markings, monorchids, hide, rafter, and rope; and, if we were to include totemistic objects, parts of beasts and some diseases. Taking them as a whole we may say that there is no marked utilitarian element in their selection. The animals and birds and fish and plants and artifacts which are of most use to Nuer are absent from the list of their totems. The facts of Nuer totemism do not, therefore, support the contention of those who see in totemism chiefly, or even merely, a ritualization of empirical interests.[1] Nor in general are Nuer totems such creatures as might be expected, on account of some striking peculiarities, to attract particular attention. On the contrary, those creatures which have excited the mythopoeic imagination of the Nuer and which figure most prominently in their folk-tales do not figure, or figure rarely and insignificantly, among their totems.

×776 ●825 It is too broad a question to ask why animals, birds, reptiles, and trees should have become symbols for Nuer of the relation of Spirit to lineages. Any answer would have to be in very general terms because they have been common religious symbols among many different people at many different times. We may, however, note that most, though not all, Nuer totems are in a general way highly regarded by all Nuer, and not only by those who respect them, on account of religious associations of one kind or another which have nothing to do with totemism as such. Thus all Nuer have friendly feelings towards all birds and do not harm them because they are—some more than others—symbols of Spirit and loved by God, though Nuer may also be influenced in this matter [845] by their belief that twins are birds, so that all twins respect all birds. Ernst Marno noted nearly a century ago that Nuer will not [262] eat birds[2] and Mr. Jackson, speaking of this avoidance, remarks

[1] e.g. B. Malinowski, *Science, Religion and Reality*, 1926, pp. 24 and 43 seq.; A. R. Radcliffe-Brown, *Fourth Pacific Science Congress*, vol. iii, 1929, pp. 295–309. Émile Durkheim protested against such interpretations (*Sociology and Philosophy*, Eng. trans. by D. Pocock, 1954, p. 86).

[2] Ernst Marno, *Reisen im Gebiete des Blauen und Weissen Nil*, 1874, p. 349.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that 'one explanation put forward for this abstention is that the bird can fly in the skies and is accordingly in communication with the Great Spirit'.[1] The *jakok in rol*, the pied crow, a bird which frequents Nuer homesteads, is especially favoured because it is the bird of the female spirit *buk*, the mother of *deng*. Nuer say that 'everyone respects the pied crow', and one sometimes hears it spoken of as *kuaar*, priest. Nuer can therefore readily entertain the idea of a bird being the totem of a lineage, being, that is, an emblem of Spirit conceived of in relation to a lineage. Also, whilst I would hesitate to say that all Nuer have a high regard for snakes, it can be said that they do not go out of their way to harm them, whether they belong to lineages which respect snakes or not. They leave them in peace unless they are threatened by them or suddenly afraid of them. All Nuer seem to regard them as being in some sense manifestations of Spirit, so that, here again, it appears natural to those who do not respect them that other people should do so. Some of the more important totems are trees. To all intents and purposes, and so far as any question of showing them respect or otherwise is concerned, this means trees of certain species when they grow on village sites, and no Nuer, and not only those who respect them as totems, would injure trees growing near their homesteads. Nuerland is for the most part treeless savannah country, and trees which give shade, such as sycamores and to some extent the tamarind, are rare. Nuer have a feeling that those which give them shade in their sun-baked homes have grown there by a special dispensation of God. Their being there at all is a manifestation of Spirit, and all the more so if, as is sometimes the case, they have grown from saplings or cuttings planted as shrines to spirits. Here again, therefore, people can easily understand that such trees are regarded by some lineages as material manifestations of a special relationship of Spirit to themselves.[2] Rivers and streams also have a general spiritual significance for all Nuer because they are associated with *buk man deang*, which is the spirit of all rivers. It is *kwoth pini*, the spirit of water. Nuer say that '*yier e kwoth neini dial*', 'rivers are the spirit (totem) of everybody'. Again, monorchids are for all a sign of spiritual activity, as is also the birth of a calf with cuany markings.

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[1] H. C. Jackson, op. cit., p. 169.

[2] It may be noted that the Nuer word for tree, *jath* (pl. *jen*), is probably the same word as the generic term for totem in Dinka, *yath* (pl. *yeth*) (P. A. Nebel, *Dinka Grammar*, 1948, p. 170).

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000 sign of spiritual activity, as is also the birth of a calf with *ma cuany* markings.

× 776 We may conclude that Nuer totems tend to be creatures and things which for one or other reason easily evoke the idea of Spirit in any Nuer and are hence suitable symbols for Spirit in relation to lineages; and then the image of the symbol may become through association linked with other images, leading to additional totems. The Gaanwar clan have a special connexion with rain, which is a symbol of Spirit in its special relationship to their [821] clan. The *nyuot*-tree is a secondary symbol which, on account of its peculiar appearance and habits, is associated in the Nuer mind with rain. The waterbuck and several species of fish are further symbols linked to the *nyuot*-tree as secondary totems because, we may presume, they also, in their different ways, are associated with water. An interpretation of the totemic relationship is here, then, not to be sought in the nature of the totem itself but in an association it brings to the mind. Similarly those who respect [825] bees respect them not because they are bees but because their colour resembles to Nuer eyes the python, and it is probably the same with soldier ants and the tree cobra.

As we have seen, in their totemic relationships it is Spirit rather than the totems in which Nuer are interested. In so far as they are interested in the totems themselves it is not in their intrinsic nature but in their character as symbols through which Spirit manifests itself to human intelligence. Consequently, since the totemic attitude is neither derived from, nor primarily directed towards, the things as they are in themselves but the things as representing and manifesting Spirit, Nuer would not be at all surprised at anything being, or becoming, a totem. Anyone may at any time suddenly find himself in a totemistic relationship to some class of objects, and if for one reason or another his descendants trouble to remember and maintain the relationship, then that class becomes the totem of a lineage. Let us consider how Nuer think of totemic relationships coming about.

× 776 I have had frequent occasion to remark that those who respect
177 a totem are Dinka or of Dinka origin, and our discussion of the
613 whole problem of Nuer totemism is complicated, as was our discussion of the spirits of the air, by the fact that Nuer regard their totems as having for the most part come from the Dinka. I have often heard true Nuer say that when you find that a man respects

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 761 children now respect this species of snake. Mgr. Mlakic records how a Nuer who has a tree for his totem told him that one of his ancestors had died from being pricked by a thorn of that tree. Anything may thus become a totem. Mgr. Mlakic also recounts how a Nuer refused to accept a milleme coin the Father offered him because a boy of his family, when playing with a milleme, got it into his ear and died. The family now respect millemes.[1]

×776 ● 825 A youth, a friend of mine in western Nuerland, had recently acquired a respect for speckled vultures. The Nuer consider it a misfortune if a speckled vulture, a hooded vulture, a Goliath heron, a maribou stork, or an egret settles on the crown of a byre or dwelling-hut. '*Theke ke, cike de nyur wi tie*', 'they (the birds) respect them (byres and huts), they ought not to settle on their [782] crowns'. If this happens a goat is sacrificed and the bird is asked why it should settle on a habitation. It is requested to accept the offering and take itself and all badness from the homestead. Nuer say that the bird is *kwoth*, Spirit, but, here again, they do not mean that the bird is in itself Spirit but that it is *a* form in which Spirit is beholden. Nuer know that the bird is *kwoth* only through its unusual behaviour. The man to whom I have referred went some years ago with a party of men to find a cow which had died in the bush. When they found it, some speckled vultures rose from the carcass and one of them settled on the man's head. This caused great consternation because its settling on the man's head showed the presence of Spirit. As soon as the party reached home a goat [782] was sacrificed and left in the bush for the vultures to eat. From that time the man respected vultures. One day he told me that the night before he had dreamt of this incident and had early that morning visited a female diviner (*tiet*) to find out whether his dream presaged anything bad for him. She assured him that no harm would come to him as the vulture-spirit had been sacrificed to (*ca kir*) in the first place. If it had not been satisfied it would have caused him sickness long ago. All he need now do, she said, was to cut a piece off a goat's ear and tell the vultures that it was his gift to them. This he had at once done. I do not know of any lineages which have the vulture as their totem, but it became a totem for this man by its action of alighting on his head. Since such an event is regarded by Nuer as a manifestation of Spirit, through the happening there came into being for this man a

[1] Op. cit.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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vulture-spirit. It must be said, however, that it does not follow that because a thing has caused or presaged a misfortune it will be respected. Thus, to give a single example, I was told that a hippopotamus bit a pregnant woman in the belly. She died, but her child, a male, lived. When I asked whether his descendants respect hippopotamuses I was told 'no, why should they when a hippopotamus killed their grandmother?'. Any number of examples could be cited of persons being killed or injured—by lions, crocodiles, spears, and so on—without a respect relationship being brought about thereby between the cause of the misfortune and the man who suffered it or his descendants. For this to happen it would seem that the event must have extraordinary features. Even then, as the case of the pregnant woman shows, a totemic relationship does not inevitably arise.

However a totemic relationship may be thought to have come about in the first instance, it seems very natural to Nuer that it should typically be a relationship between a lineage and a whole species or class, for they speak of natural species, on analogy with their own social segments, as lineages, so that the relationship between a lineage and a totemic species is for them on the pattern of what they call a *buth* relationship—that is a relationship between collateral lineages with a common ancestor. The animal world is spoken of in terms of the pattern of their social world, in terms of *cieng*, community, and *thok dwiel*, lineage. There is the community of the *jiciengngang*, the growling folk of tooth and claw such as the lion, the leopard, the hyena, the jackal, the wild dog, and the domesticated dog. A lineage of this carnivorous community are the mongooses, which divide into a number of smaller lineages of little animals: the brindled mongooses, the white-tailed mongooses, the serval cats, the civet cats, the genets, &c. Another what the Nuer also call *bab*, collectivity or class or kind, are the graminivorous animals: thiang, white-eared cob, gazelle, buffalo, bushbuck, waterbuck, hare, cow, sheep, goat, &c. The *nyarecjok*, the feetless people, are the lineages of snakes. The big and miscellaneous community of the *jiyier* or *ciengbalangni* are the river people, the people who hate to be away from streams and marshes: crocodiles, monitor lizards, the many kinds of fish, the marsh birds (such as herons, darters, shoe-bills, fish-eagles, snake-birds, the mouse-coloured pelican, and the large lineage of geese, duck, and teal), and the Anuak and Balak Dinka peoples, who for the

16: Evans-Pritchard E-5 (1931, 1936) 1956
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most part are without cattle and are riverain cultivators and fishermen. The birds are of two main classes. The *gaat kwoth*, the children of God, or the *jiciengkwoth*, the people of the community of God, are such birds as the speckled vulture, the hooded vulture, the white pelican, the pied crow, the black crow, the glossy ibis, the sacred ibis, the crested crane, the goshawk, and the dove. The *jiciengnyadiet*, the community of birds, count as *gaat nyiet*, sisters' sons, to the children of God, and are hence of the category of *gaat nya kwoth*, sons of daughter(s) of God. It includes guineafowl, francolin, finches, swallows, weaver-birds, wagtails, bats, &c. Some birds, as we have seen, belong to the river people. Birds of which Nuer think little, such as the guineafowl, the francolin, and some of the marsh birds—the most earth-bound birds—are described by them as being *jaang*, Dinka or of Dinka descent, again on the pattern of their own society. The same idea is expressed by saying that they are *gaat nya dila*, sons of daughter(s) of a person of true or aristocratic descent. *Dil*, in the wide general sense of the word on which the analogy is based, denotes a true Nuer as distinct from someone of Dinka origin, and to say that a lineage are sons of daughters of a *dil* implies that agnatically they are of Dinka origin. The same idea is expressed in a different metaphor by figuring the birds as children of *deng* the air-spirit, for Nuer think of it as a Dinka spirit.

In saying that certain birds are children of God and that others are children of his daughters Nuer are, as I have earlier explained, speaking in poetic metaphors. A bird is not regarded literally as a child of God any more than another bird is regarded literally as a Dinka. The metaphor is, however, somewhat more complex than it appears to be at first sight, because, as we shall see, spirits are represented in a similar genealogical configuration, suggesting a symbolic correspondence between the scale of birds and the scale of spirits which fits in with the positions both occupy in space.

III

x 776

After some account has been given of the other spirits of the below we will be better placed to view the conception of Spirit as a whole, and the place of totemism in the entire system of Nuer religious thought will then be more clearly seen. Here, only some conclusions are presented, and in a preliminary way.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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sprite in the manner I have described when speaking of the spirits of the air. He must then give the man from whom he purchased the sprite some cattle to get him to invoke it, asking it to assist the purchaser and not to harm his family, for spirits of this kind are regarded as dangerous for the families of their possessors. They may protect their owners and bring them good fortune, but they are also liable to turn on members of their families and kin if they are not frequently offered gifts. The new owner now hangs the meteorite in a gourd in his hut and hangs also near it offerings of butter, ashes, and tobacco in other gourds.

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● 825
782

Similar sprites are the *bieli yier*, river-sprites. They are found, under the name *biel roa*, hippopotamus-sprite, in some hippopotamuses, and also in certain fish, *rec car*, *ludh* (lung-fish), *lek*, and *ril*.[1] Nuer declare that '*cike mat*', 'they have congregated', in certain hippopotamuses. It is said that if a man kills one of these animals he will see a light on its head, and that afterwards the sprite will seize him. He breaks the skull of the animal with an axe and takes out the brains and boils them, rubs a little of the boiled brains on his forehead and right arm, and eats the rest of them. Shortly afterwards he falls sick, and if his surmise that it is the sprite which has made him sick is confirmed by a prophet, or by a possessor of this or another kind of sprite, a hand-clapping and hymn-singing ceremony is held, in the course of which the sick man becomes dissociated and the sprite speaks through his lips, saying what it is and what it wants. A sacrifice is then made [778] and the bones and chyme of the victim are placed near the entrance to the man's hut and a mound of ashes is piled over them, forming a shrine (*yik bila*), into the top of which a branch of the *nyuot*-tree is stuck. The sprite then leaves the man, but he continues to pay it attention from time to time, dedicating an animal to it and making it offerings, and his children may continue to do so after his death. Other *bieli* are the *biel jiath*, tree-sprite, *biel real*, termite mound-sprite, and what is sometimes called *kwoth juaini*, spirit of grasses, which manifests itself in a will-o'-the-wisp coming from rotting swamp vegetation and is perhaps the same as *kwotis doar*, spirit of the bush. Dr. Howell speaks also of a *biel rir*, cobra-sprite, and a *biel loi*, cattle peg-sprite, connected with

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[1] For identifications of some of the fish mentioned in this chapter see Saber Girgis, 'A List of Common Fish of the Upper Nile with their Shilluk, Dinka, and Nuer Names', *Sudan Notes and Records*, 1948, pp. 122–5.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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seldom go out of their way to kill them. They do not go out to 231
hunt lions, leopards, and hyenas, unless they molest the flocks and 224
herds, and usually they only pursue those graminivorous animals which come to drink near their camps and seem to offer themselves for slaughter. It is not that it is thought to be wrong to kill them, but that except in time of famine, Nuer are little interested in hunting. They speak of it as a Shilluk and Dinka practice beneath the serious attention of a Nuer who can boast of a herd—as a pursuit, that is, of foreigners or of men without cattle. Even those who deliberately set out to hunt elephants and giraffe do so less to obtain meat than to acquire ivory and hair which can be exchanged for cattle, sheep, and goats. This lack of interest in hunting may be due to the fact that their flocks and herds supply them, through sacrifice, with meat and to the nature of their country which renders hunting difficult, but, whatever the reason, they are not interested, so that any killing of animals outside sacrifice is rare; and we may here say again, as has been said before in a rather different context, that the Nuer mind is turned inwards towards his own society of men and cattle. He is not unobservant of nature but he sees it with a contemplative and not with a predatory eye that seeks to destroy and exploit. He sees wild creatures as something in their own right, and his disposition is to live and let live. His folk-stories reflect this attitude and the feeling that killing, like death, is something which has come about almost by accident and is not in the original nature of things.

A large part of Nuer folk-lore consists of stories about animals.[1] 538
There are stories about ogres; a cycle of adventure stories about 825
how cunning fox tricked hyena; many just-so stories which tell why hyenas limp, why plovers have thin legs, why guinea-fowl crouch, why millepedes are blind, why cows have no upper incisors, and so forth; and stories of yet other sorts. God sometimes figures in these stories as a judge in a way which appeals to the Nuer sense of humour as well as to our own. For example, fish, finding that they were visible to man in the water and hence easily speared, appealed to God who let them be invisible. God sometimes figures

[1] I have not published the folk-stories I collected among the Nuer. Some of those given by Miss Huffman (*Nuer Customs and Folk-Lore*, 1931, pp. 88–104) show Anuak influence. Those recorded by Capt. V. H. Fergusson ('Nuer Beast Tales', *Sudan Notes and Records*, 1924) have Nuer themes but may be Atwot, or even Mandari, versions of them, for *rill*, the jackal, and *ijong*, the hawk, are two main figures in them, and these are not Nuer words.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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538 in them because the animals are made to act like men after the
825 manner of fables. They are given human speech and feelings, live in villages and camps, and have kinship relations on the pattern of human relations; and as men stand in a certain relationship to God in real life, so the animals are placed in a similar relationship in the make-believe of the stories. Miss Huffman says of these stories that the Nuer 'implicitly believe' in them.[1] This was not my impression. It appeared to me that they realize that their folk-tales are just tales which are true only in the sense that they are, as we say, true to life, a dramatization of real situations and an accurate characterization of human and animal, and indeed also of spiritual, qualities. It does not, therefore, worry them that their folk-stories may not accord with, and may contradict, both evidences of the senses and those of tradition and myth, and also each other.

538 These stories reflect an attitude of mind about man's relation
825 to other creatures, and I mention them in this place, without, how-
773 ever, laying great stress on their significance, because they tell of an original age of innocence in which all creatures lived in amity in a common camp. Various stories, though separate tales and not related as parts of a coherent structure or dramatic plan, nevertheless taken together give us a picture of man at that time, or rather in that state, for the setting of myth and folk-lore lies outside time. He is entirely simple. He does not suffer from hunger, because what later became his stomach lives a life of its own in the bush where it feeds on small insects. He does not have to labour to live because, according to another story, which contradicts the last one, a single grain of millet soaked in water makes a sufficient meal. In this Nuer Eden there is no desire and mating, for the male and female organs are also not yet part of man and woman but live apart from them and separate from each other. As other, and once again contradictory, stories have it, man does not know how to beget or woman to bear. Man has no knowledge of fire and he does not know the spear. Then all changed. The new order is sometimes presented as arising from a quarrel in the camp started, it would seem, by fox persuading mongoose to throw a club into elephant's face. The animals separated and each went its own way and began to live as they now live and to kill each other. Stomach entered into man and he is now always hungry. Elephant taught

[1] Ibid., p. 88.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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him how to pound millet so that he now satisfies his hunger only 838
by ceaseless labour. The sexual organs attached themselves to man 825
and woman so that they are now constantly desirous of each other. 773
Mouse taught man how to beget and woman how to bear. Dog brought fire to man. And we are told that while fox was plotting to sow dissension among the beasts he gave man the spear and taught him how to use it. It was then that man began to kill, and his first killing seems to have been that of the mother of cow and buffalo, or rather the mother of cattle, for at that time cows and buffaloes were the same. This led to a feud between men and cattle, buffaloes avenging their mother by attacking men in the bush and cows by causing men to quarrel and slay one another.

It may perhaps sharpen our focus on sacrifice to know not only 773
that Nuer seldom kill wild animals but also that they can imagine 782
a state in which man did not kill, that there might have been a 231
beginning to killing as to coitus, to pounding grain, and to other things men do now. Viewed in relation to the dialectic of the stories, the killing of cattle is then seen not to be, as it were, derived from a state of nature in which men kill animals for food, as just one sort of killing among others, but as a product of a new dispensation in which cattle are allotted a sacrificial role and are set apart for this purpose. Other animals may, as a matter more or less of chance, and now and again, be killed, but it is the role and destiny of cattle to be slaughtered in sacrifice. Sacrificial slaughter thus stands at the very centre of the idea of killing, and sacrificial flesh at the very centre of the idea of feasting.

We may conclude, therefore, that the observations we have 231
made earlier concerning the relationship of a man with his 782
favourite ox, the ritual of initiation, &c., must be viewed in the light of the identification of men with cattle in sacrifices. A Nuer does not look upon his cattle as a stockbreeder or dairy farmer does, for in his case his relationship to his beasts is complicated, apart from their use in marriage, by their reservation for sacrifice. And it is not just that he must not kill cattle except in sacrifice because if he were to slaughter them for meat he would lower his resources for food, marriage, and religious purposes. It is not merely a negative injunction. It is not 'thou must not kill' but 'thou must sacrifice'. It is not that they must only kill for sacrifice but that they must sacrifice to kill.

We must not be led astray by this conclusion to suppose that in

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

000 One cannot but admire the bravery and stoicism displayed by the boy, but it is a dreadful ordeal and a most gruesome sight. How long this custom will be continued is a question one cannot answer. Knowing the Nuer, one would be almost tempted to say that it will never be discontinued as long as there remains one Nuer boy unmarked. Yet one Christian boy showed definitely that he had not the same fear of the evil eye as his companions. But until the Nuer people as a whole become Christians, there seems to be but little hope that this dreadful practice will be discontinued.

304 Near Abwong the tribal marks are not cut as deeply as they are at Nasser, and heal much more quickly.

A mother who has borne six or seven sons may have these tribal marks cut on her forehead at the same time as her youngest son has his cut. It is considered a great honour.

304 757 One may occasionally see a woman who has from one to four cuts across her forehead, but that indicates that she has had severe eye trouble, and the cuts have been made to relieve that condition. The cuts are on the forehead only, and do not extend to the region above the ears.

143 At least one Nuer—a man—is an albino. His hair, unbleached, is flaxen. His skin is pink-white. I have heard that other members of the same family are albinos, although some of them are black, but I have seen but this one member of the family. His parents are black. Nuer have always been afraid of him, fearing that he has a god in him.

826 When he was old enough to have the tribal marks cut, no one wanted to cut them, for they feared this god that was supposed to be in him. But the boy was insistent, so finally he had the tribal marks cut, but they were

14: Huffman M-5 (no date) 1931
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not cut as deep as they usually are, and his scars are but very thin lines. He is not yet married. One wonders what a Nuer girl's thoughts will be as the sight of this man's cattle lures her father and brothers to give her to him.

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14: Huffman M-5 (no date) 1931
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Chapter Seven

SOME NOTES ON RELIGION, SUPERSTITIONS, AND MORAL LAW

NUER GODS

776 THE Nuer has long feared and worshipped he knows not what. There are various gods, Deng, Wiu, Cwol, and others. Some have power over rain, some over crops, disease, death, or lightning.

778 825 Some animals are considered sacred, but what is sacred to one man is not necessarily held sacred by another. It may be the crocodile, or the land crocodile, or a certain kind of snake. Every Nuer is certain to have a sacred animal which he will neither kill nor eat.

782 Sheep and cattle are sacrificed on various grounds in order to appease one god or another.

[776] 766 When a person is struck by lightning and killed he is said to have been taken by the god of lightning—Cwol. His body is laid upon a rack that is made in his house or barn and then covered entirely—over, under, and on all sides—with wood, ash, and soil. The door of the house is closed and the house is left desolate except for its silent owner. A person who has been struck and killed by lightning is never buried in the ground as others are.

784 No one will touch a person who has been stunned by lightning until he regains consciousness, for fear the god in him may be transmitted by contact.

778 A Nuer always considers the relatives of one who has been killed by lightning as sacred.

[326] [789] Any one who has some physical or mental deformity may be considered as having a god in him and be regarded as sacred and avoided for that reason.

781 The Nuer worship is a worship of fear. The missionary feels as if he were living in Old Testament times, and

x 776 contexts means speech, talk, or word, but when used in prayers
196 and invocations in the phrase '*e rwacdu*', 'it is thy word', it means the will of God; and when used in reference to creation it has almost the meaning of the creative word: 'he created the world, it is his word'.

773 The Nuer can hardly be said to have a creation myth, though our authorities[1] record some fragmentary accounts of the creation of men, parts of which I have myself heard. These state that men were created in the Jagei country of western Nuerland at a certain tamarind tree, at the foot of which offerings, and according to Mr. Jackson sacrifices, were sometimes made till it was destroyed by
[171] fire in 1918. Many details in the versions given by Mr. Jackson and Captain Fergusson are clearly foreign, either Dinka or in Mr. Jackson's account Shilluk and in Captain Fergusson's account possibly even Atwot or Mandari, and I regard Father Crazzolara's version as the closest to Nuer tradition. In this version the tamarind tree, called Lic, was itself the mother of men who, according to one account, emerged from a hole at its foot or, according to another account, dropped off its branches like ripe fruits.

x 776 Whether they are speaking about events which happened *ne*
761 *walka*, in the beginning or long ago, or about happenings of yesterday or today, God, creative Spirit, is the final Nuer explanation of everything. When asked how things began or how they have come to be what they are they answer that God made them or that it was his will that they have come to be what they are. The heavens and the earth and the waters on the earth, and the beasts and birds and reptiles and fish were made by him, and he is the author of custom and tradition. The Nuer herd cattle and cultivate millet and spear fish because God gave them these things for their sustenance. He instituted their marriage prohibitions. He gave ritual powers to some men and not to others. He decreed that the Nuer should raid the Dinka and that Europeans should conquer the Nuer. He made one man black and another white
● [826] (according to one account our white skins are a punishment by God for incest committed by our ancestor with his mother), one man fleet and another slow, one strong and another weak. Everything in nature, in culture, in society, and in men is as it is because

[1] H. C. Jackson, 'The Nuer of the Upper Nile Province', *Sudan Notes and Records*, 1923, pp. 70–71; V. H. Fergusson, 'The Nuong Nuer', ibid., 1921, pp. 148–9; J. P. Crazzolara, op. cit., p. 66.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 613 773 I have been told that there is a small lineage, called Waloak, in eastern Gaajok country who respect tortoises. There is a curious story accounting for their adoption of this totem. A man of the lineage had his cow taken by a man of a neighbouring village and his repeated requests for it to be returned to him were unavailing. One day when he was going to the river he found a tortoise and wrapped it in a sheepskin. He continued on his way, and as he was passing the village of the people who had taken his cow, he took the opportunity of once more asking for it. They refused his request, but at that moment the tortoise poked its head against the skin pressing it outwards. The man bent over it and told it to be quiet as it would get its share that day. Again he asked for his cow and again it was refused, and once more the tortoise wriggled in the skin and was told to be quiet. The people of the village then became frightened because they thought that the man had some powerful medicine in the sheepskin and that, if they did not give his cow back to him, they might die with their children and cattle; so they surrendered the cow. The mention of medicine suggests a recent origin for the story.

×776 613 Some lineages respect birds. The Jibegh of western Nuerland respect the ostrich and will not use its feathers as ornaments. Their spear-name is *mut wuot*, spear of the ostrich. It is said that ostriches will not eat the millet of members of this clan. [826] I once met a man with only three toes, stocky and undeveloped, to one of his feet. I was told that his maternal grandmother had the ostrich for totem, and that on the day of her daughter's marriage one of the bridegroom's people, as is the custom, threw a spear at her mud windscreen. She took the spear as her right and on examining it found that part of the shaft was bound with ostrich-skin. When her daughter bore a son he was deformed as I have described. The ostriches—or, rather, the spirit of ostrich—had stamped the likeness of an ostrich on the child.

Some small lineages of Dinka origin respect cattle egrets. One such lineage are the Rial of western Nuerland. I also met Lou [782] tribesmen who have the cattle egret for totem and I was present when some of them sacrificed a goat to the cattle egret-spirit on the bank of the Sobat river, not because anyone was sick, which is a common occasion of sacrifice to a totem-spirit, 'but just because they think of (*tim*) it'. This spirit is said to be a river-spirit

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that 'one explanation put forward for this abstention is that the bird can fly in the skies and is accordingly in communication with the Great Spirit'.[1] The *jakok in rol*, the pied crow, a bird which frequents Nuer homesteads, is especially favoured because it is the bird of the female spirit *buk*, the mother of *deng*. Nuer say that 'everyone respects the pied crow', and one sometimes hears it spoken of as *kuaar*, priest. Nuer can therefore readily entertain the idea of a bird being the totem of a lineage, being, that is, an emblem of Spirit conceived of in relation to a lineage. Also, whilst I would hesitate to say that all Nuer have a high regard for snakes, it can be said that they do not go out of their way to harm them, whether they belong to lineages which respect snakes or not. They leave them in peace unless they are threatened by them or suddenly afraid of them. All Nuer seem to regard them as being in some sense manifestations of Spirit, so that, here again, it appears natural to those who do not respect them that other people should do so. Some of the more important totems are trees. To all intents and purposes, and so far as any question of showing them respect or otherwise is concerned, this means trees of certain species when they grow on village sites, and no Nuer, and not only those who respect them as totems, would injure trees growing near their homesteads. Nuerland is for the most part treeless savannah country, and trees which give shade, such as sycamores and to some extent the tamarind, are rare. Nuer have a feeling that those which give them shade in their sun-baked homes have grown there by a special dispensation of God. Their being there at all is a manifestation of Spirit, and all the more so if, as is sometimes the case, they have grown from saplings or cuttings planted as shrines to spirits. Here again, therefore, people can easily understand that such trees are regarded by some lineages as material manifestations of a special relationship of Spirit to themselves.[2] Rivers and streams also have a general spiritual significance for all Nuer because they are associated with *buk man deang*, which is the spirit of all rivers. It is *kwoth pini*, the spirit of water. Nuer say that '*yier e kwoth neini dial*', 'rivers are the spirit (totem) of everybody'. Again, monorchids are for all a sign of spiritual activity, as is also the birth of a calf with cuany markings.

776 825 776 824 776 [823] [826] ma

[1] H. C. Jackson, op. cit., p. 169.

[2] It may be noted that the Nuer word for tree, *jath* (pl. *jen*), is probably the same word as the generic term for totem in Dinka, *yath* (pl. *yeth*) (P. A. Nebel, *Dinka Grammar*, 1948, p. 170).

16: Evans-Pritchard E-5 (1931, 1936) 1956
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x 776 845 species of creatures his first act would be to dedicate a beast of his herd to Spirit in the form and of the name of that species. Thus Spirit through its new attachment to whatever the natural species may be becomes in relation to that man and his family a new spirit of the below with its own distinctive material form different from the material forms of other spirits, and with a name derived from the natural species distinguishing it from other spirits with names derived from other species.

x 776 753 There are other ways in which Nuer say that a man may acquire a totemistic relationship to a natural species, though they also say that it is only rarely that the relationship is maintained by his descendants. They have told me that a man may become seized or possessed by a spirit associated with some creature, the seizure or possession being known by sickness and its diagnosis by one or other form of divination, and that he may afterwards respect it. In practice this is only likely to happen when the particular spirit has been the spirit of some forebear of the sick man. He and his relatives may cast their minds back to any such past affiliations when reflecting on what might be the cause of the sickness. x 776 People acquire totemistic obligations through affinal and maternal links. A man respects his wife's totems, at any rate to the extent of not eating or otherwise harming them shortly before having congress with her and during her pregnancies; and a woman respects her husband's totems. Nuer generally respect their mother's totems, but not always. A man said to me, in speaking of a totem of his mother's lineage, 'it is not shared by us, she was married into another lineage' (the speaker's own lineage). Nuer have assured me that a wife's totems will not persist in her husband's line of descent. Her sons' sons may respect them, but this is unlikely unless the spirits of the totems cause them sickness, and then they will generally be forgotten. Consequently, totems, other than those which belong to lineages and go with agnatic descent, enter into families for a generation or two and then go out of them again. But they may return. I once had an interesting [826] discussion with some Nuer about a baby with deformed legs. My informants, who were not related to the child, held that the deformation must have resulted from one of his parents, who should have respected the monitor lizard, having killed or eaten this reptile. They made this deduction from the resemblance they saw between the legs of the child and those of the lizard. When I pro-

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sacrifice Spirit, even as most materially conceived of, eats the 782
blood and the chyme, not even in the sense of consuming their essence. Clearly, they are not materially consumed. Nuer do not say that Spirit feeds on (*mieth*) or eats (*cam*) or drinks (*madh, ruidh*) them. They do not use these words, but say that God, or a spirit, *kan*, takes, them. It is not a question of eating anything—what eating there is is done by the people—but of taking something, the life. This would seem to be a matter of great importance in an estimation of Nuer religious thought.

When, therefore, Nuer say that the blood and the chyme belong 782
to God we are to understand, I would suggest, that this is a way 761
of saying that the life belongs to him. It is true that we cannot say for the Nuer, as for the Hebrews, that the blood is the life. The word for life, *yiegh*, is also the word for breath, so that if we were to say that anything 'is' the life we would have to say it of the breath; though even here the word 'is' must not be taken to imply identity but a symbolic relationship. We must rather suppose that the blood and the chyme, and especially the blood, are also symbols of the life.

Human blood has for the Nuer a peculiar psychical value. When 782
kinsmen and neighbours fight they use clubs instead of spears. No [578]
doubt this convention is most easily explained as making homicide 826
a less likely outcome than if spears were permitted and, should it happen that a man be killed, of making a settlement easier to bring about on the grounds of absence of intent; but there may be a different, or at any rate an additional, reason for it. It may be that behind it is the notion that not the same responsibility is felt if the life-blood does not flow as it would from a fatal spear wound—that in a sense the man has not taken the life, that the death happened of itself, as Nuer would put it. That Nuer have some such idea is shown by the fact that a ghoul may be killed with impunity, but only if he is beaten to death with clubs and his blood is not shed. The blood of a man slain with the spear is moreover thought to enter in some way into the slayer, and he must therefore at once have his arm cut by a leopard-skin priest to let it out. This must mean that blood is thought to have some vitality of its own. The rite of initiation must be held in a homestead because the blood of the initiates must not be shed outside the home, and care is taken to bury it in the holes into which it flows lest dogs eat it. These examples, and others could be cited,

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782 show that human blood has mysterious properties but they do not
826 justify our saying that Nuer regard the life as something contained in the blood. Moreover, in the case of cattle, which is the case at issue, we have to bear in mind that Nuer have no objection to shedding their blood. They do so when they cut their horns, when they castrate them, and when they pierce veins in the necks of cows (*bar*) in the dry season for veterinary purposes or, more usually, to obtain blood for boiling or roasting for their own consumption. But if the blood is not thought of literally as containing the life, the life of a sacrificed ox ebbs with its flow so that Nuer say either that God takes the life (or breath) or that he takes the blood—the blood and the breath being symbols of the life, as also appears to be, in a lesser degree, the chyme.

782 The chyme (*wau*) is what makes the flesh and maintains the life of the beast. Dr. Lienhardt tells me that *wei*, the word for it in Dinka, means in that language also 'life' and 'breath'. It does not appear to have so important a place in Nuer ritual as it has in the ritual of some other Nilotic peoples. The only reference in my notes to its sacramental use in connexion with sacrifice is to its being smeared on a Dinka at his adoption into a Nuer lineage, but Father Crazzolara says that sometimes after sacrifice the head of the family takes some of the chyme and after adding some of the beast's blood and his own spittle he rubs this mixture on his own breast, back of neck, and maybe also forehead, and perhaps also on the same parts of members of his family.[1]

782 God takes the *yiegh*, the life. Man takes the *ring*, the flesh, what
574 is left over after the sacrifice. The carcass is cut up and skinned as soon as the animal falls. In most sacrifices the meat is consumed by members of the family and kin of the person on whose behalf it was made. In marriage and most other collective sacrifices it is divided among relatives, both paternal and maternal, in traditional portions; and the age-mates of the owner of the beast and representatives of lineages collateral to his may also have rights to shares. If the principal officiant is not a member of the family or of the close kin but a master of ceremonies of the family or a priest or a prophet, he also receives his share. This part of the proceed-

[1] Op. cit., p. 80. Among the Shilluk, at any rate in their sacrifices to end feuds, the chyme of the victim is put on the youths to indicate unity. A beast eats a bit here and a bit there: in the stomach it becomes one (D. S. Oyler, 'The Shilluk Peace Ceremony', *Sudan Notes and Records*, 1920, p. 299).

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acts, or features of them, we are sometimes compelled to make the 782
attempt, as in this excursus on the spear, by the very emphasis given to them by the culture we are trying to understand.

Since we have no spears ourselves and nothing which takes their 411
place in our lives it is difficult for us to appreciate their importance for Nuer. Nuer have no knives, other than that (*ngom*) used for cutting the marks of manhood at initiation, so that their fighting-spears, besides their use as weapons, have to serve where other peoples use knives.[1] A man's fighting-spear (*mut*) is constantly in his hand, forming almost part of him—when he is fighting, hunting, travelling, herding, dancing, displaying himself with his oxen, playing with his comrades, and so on—and when he lays it down it is within his reach; and he is never tired of sharpening and polishing it, for a Nuer is very proud of his spear. In writing a preliminary account of Nuer age-sets many years ago and without reference to the symbolic significance of the spear I wrote that 'one is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon'. Later I came to realize better that in a sense it is animate, for it is an extension and external symbol of the right hand, which stands for the strength, vitality, and virtue of the person. It is a projection of the self, so when a man hurls his spear he cries out either 'my right hand' or the name of the ox with which he is identified.

The spear, being an extension of the right hand, stands for all [826]
that the right hand stands for, for what is strong, virile, and vital, 811
and consequently for masculinity and hence for the paternal kin and the lineage. Therefore during the discussions about bride-wealth in the byre of the bride's home on her wedding day the bridegroom's people sit on the right side of the byre and the bride's people on the left side. Therefore, also, when the carcasses of oxen sacrificed at marriage ceremonies are divided among the kin, the right fore and hind legs are the portions of the father's brothers and sisters and the left fore and hind legs are the portions of the mother's brothers and sisters. The left side symbolizes evil

[1] Being the only thing they have which cuts and is therefore suitable for shaving—their other spears only pierce—the verbal form of the word for fighting-spear, *mut*, besides its meaning of 'to spear' means 'to cut' or 'to shave hair'. When used in the last sense it often refers to ritual shaving of the head, and it may then be used for the whole ceremony of which shaving of the head forms part, as the final marriage ceremony of consummation and ceremonies in connexion with death.

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811 confirmed to some extent by the evidence of my photographs,[1] supported these conclusions, but I asked Dr. Lienhardt and Dr. Howell to verify them, which they have been able to do. It should [513] follow also that a husband sleeps on the right side of the hut and his wife on the left side, and here again Dr. Lienhardt has been good enough to confirm that this is the invariable practice. He has made a further and important observation. I was aware that the [823] west is associated with death and the east with life, but I did not know, till he told me, that east is identified with right and west with left, thus bringing into the left–right polarity the polar representations not only of life and death but also of the cardinal points east and west. I am indebted to Dr. Mary Smith for the further observation that Nuer speak of 'right-handed peace' ('*mal me cuec*'). They would never speak of left-handed peace.

It is in accord with what we have learnt of the associations with [826] left and right in Nuer thought that Nuer youths should empha-
301 size the contrast between the two hands by putting the left arm out of action altogether for months or even a year or two. This they do by pressing a series of metal rings (*thiau*) into the flesh of the left arm from the wrist upwards so tightly that sores and great pain result and the arm is rendered useless for any purpose other than the display of fortitude and as a passive instrument for the right hand to play upon (Plate XII). A ring on a finger of the right hand is rubbed up and down the discs on the imprisoned left arm to accompany the compliments and endearments of courtship. Such a mutilation is only fully intelligible in terms of symbolic associations. Here the fact that it is only the left horn of favourite [231] oxen which is debased (if the right is trained at all it is trained upwards) is of great significance, for, as will be seen, a man and his favourite ox are identified. What he does to his left hand he does to his ox's left horn: what he does to the ox he does to himself.

826 It is perhaps important to add that Nuer do not think of the
811 left hand as being in a material sense evil. Left-handed persons suffer no disabilities at all and are not considered in other respects as different from other people. Nuer do not, in my experience, attach any importance to the matter, but simply say of a left-

[1] All deformed horns in the photographs are left horns. Some branches in them, however, are to the left of the windscreens, but Nuer erect branches for practical purposes as well as for religious reasons, and I do not think it is possible to distinguish between them by sight.

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826 handed man that his left hand is his right hand.
811 It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 It is suggested that the spear as a projection of
885 the right hand symbolizes the vitality of man,
562 the manhood of man with the associations of lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear
[381] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*): she does not invocate (*law*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *tuor ghok* mentioned later.

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name of the person and Gaaliek the name of the lineage of his descendants.

I have attempted to show that the spear brandished in sacrificial 411
invocations stands for the person and that when this person speaks 782
as a representative and on behalf of the clan, as he does in collec- 614
tive sacrifices, it stands for the clan. In the one case it is the right 826
hand (vitality) of the individual and in the other the right hand 721
(vitality) of the ancestor (the clan) which is emphasized. In the second case the spear is closely associated with the idea of the clan as a battle host.

When we ask why clans should be symbolized by a spear, or rather by the idea of a spear contained in a spear-name, and not by something else, we cannot give an acceptable answer in terms of the scarcity, and therefore high value, of iron nor in terms of simple utility. The symbol is not *yieth* or *you*, iron.[1] Nor is it the *bidh*, the fishing-spear, which is perhaps even more essential for Nuer than the fighting-spear, for they have no substitute for it and could not survive without a good supply of fish. It is the *mut*, the iron fighting-spear. The fact that the wood, horn, and bone pointed spears do not figure as symbols might suggest that it is because it is made of iron, which lasts longer and makes a more efficient weapon, that the *mut* is the symbol of clans, but it appears to me to be a more satisfactory explanation that it is because the *mut* not only stands for the right hand and hence vitality but is also the symbol of going to war and of making sacrifice.

The word *mut*, besides meaning a fighting-spear, has a general 411
sense of taking part in war and raiding: *'ce Nath wa mut'*, 'the 721
Nuer went raiding'; *'ca mut nang Jaang'*, 'war was taken (by the 613
Nuer) to the Dinka'. The idea expressed by the word *mut* in these 614
examples is not so much the general idea of war and raiding as the idea of a collectivity, the clan or lineage in its political or tribal embodiment, going to war or going on a raid. Hence Father Kiggen correctly translates *'se he mud mediid'* (his spelling) as 'they have a big army'.[2] By synecdoche 'spear' stands for 'battle host'.

[1] It is true that Nuer lick any metal in taking an oath (p. 197), but I regard this as being a derivation from licking a spear, for which any metal stands as a substitute, in the same way as the honorific titles of the Gaatgankir clan, son, and daughter, of iron, derive from the *wiu* spear. The words *yieth*, metal, and *yiedh*, to spear or to stab, are surely connected.

[2] J. Kiggen, op. cit., p. 106. One may ask, in the light of this discussion about

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the slayer to become a wanderer on the face of the earth and to 789
die in the midst of his wanderings. He becomes one of the *jibiet*, 626
the cursed ones, and what Nuer also call a *guan giakni*, a man possessed by evil. An action by itself may bear evil fruit without anyone saying or doing anything to make it bear. Nuer say that 'it is like a *biit*'. A man who kills another finds all the strength gone out of him. The infringement of a religious interdiction carries its own penalty, for the interdiction is 'like a *biit*'. For example, misfortune will fall, if only in that the cuts of manhood on his brow will not cicatrize, on a lad who during the period of seclusion after initiation has contact with the cattle.

Though the word *biit* may not often be used with the sense of 789
blessing it is sometimes so used, and as the idea of blessing has 827
some importance in Nuer thought a few words may be devoted to it before making some concluding remarks about curses.[1] An older person blesses a younger one by spitting on his head. The spittle (*ruei*) has, as in other parts of Africa, a special virtue and is said to benefit the *yiegh*, the life, of the person who receives it. I was told that this is particularly done by a man's parents when he returns from a long journey, and one man said that it is then done so that the ghosts, who may have forgotten their kinsman, may know him again. A mother also blesses a son about to set out on a long journey by taking his middle finger in her hand, spitting on him, and saying something like 'friend, my son. you will journey on this earth, you will go round [avoid] all thorns [troubles]'. She may also take some soot from the bottom of a pot and mix it with butter and daub this paste on the soles of his feet, under the knees, and on thighs, chest, and head. Spitting figures as a blessing in various other contexts. If a woman does not conceive, her father's kin spit into a gourd and rub her belly with the spittle, asking God that she may conceive. If she does so, the child may be named *Ruei*, Spittle, or *Nyarues*, Daughter of Spittle. The spittle of a prophet is considered to be especially efficacious in curing barrenness. When a leopard-skin priest arbitrates between two parties and gives a decision in favour of one of them, that man may hand his spear to the priest,

[1] Another word which sometimes has the sense of blessing is *yath*, but, though it sometimes has this sense, it is most commonly used in reference to the making of a gift to in-laws and is then, as in most other contexts, best translated 'to honour'.

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who returns it to him after having first spat on it. When a father has agreed to his son's initiation the boy goes to a member of his father's age-set and this man plucks out a tuft of the boy's hair, spits on it, and brushes it against the boy's face and head. This is the blessing of the father's age-set. A leech massages a sick person with his spittle. Mr. B. A. Lewis records that when the Gaawar tribe chose a certain Bwoogh Kerpel to lead them across the Nile to conquer fresh lands from the Dinka the people lifted him on high so that God might see that he had been chosen, and they gave him a gourdful of milk to drink into which they had all spat.[1] In all these examples—and others could be given—there is the idea of blessing. However, a blessing can be given without spitting. Any person can bless another (pp. 16–17), but the blessings of those whose curses are most effective are also the most effective.

It is important to note that, as with curses, blessings are thought to be effective only because God makes them so. Just as a curse is an imprecatory prayer (for if God is not formally addressed in it it is understood that it is his affair), so a prayer is implied in a blessing. It is a benedictory prayer. Hence (and here again as with curses), a man can be aided merely by a person thinking well of him, bearing him in sweet recollection (*tiem*) without formally blessing him. He blesses him in his heart, and just as God sees a man's just resentment for a wrong and the resentment then has the force of a curse, so he sees the love and the love has then the force of a blessing. So when a Nuer says '*ba ji tiem*', 'I will think of you', he means that he will think fondly of you and so blesses you. A good action in itself may bring fortune to a man. God sees it and it becomes, Nuer say, like a *biit* for good, just as he sees a bad action and it becomes a *biit* for ill.

The religious significance of cursing and blessing lies in a dominant motif of Nuer religion, that of *cuong* in opposition to *duer*, right in opposition to wrong. A person's curse of another is only effective if he is in the right and the other is in the wrong. There must have been damage or negligence, and in Nuer reckoning this implies a social relationship of some kind between the two persons, such as, in fact, is bound to exist between any persons so involved in Nuer society. It is when the obligations of a relationship have not been observed that a curse can act, its effectiveness increasing with the closeness or social significance of the relation-

[1] B. A. Lewis, 'Nuer Spokesmen', *Sudan Notes and Records*, 1931, p. 81.

SPIRITS OF THE ABOVE

× 776 792 Nuer call such a charismatic person *gwan kwoth*, owner or possessor of Spirit, the name of the particular spirit sometimes being added, as *gwan kwoth deang*, the possessor of the spirit *deng*, or *gwan kwoth mani*, the possessor of the spirit *mani*. He is also referred to as the *guk* of the spirit, a word meaning a leather bag. The prophet is a bag containing the spirit. 'Possessor' might seem to be here an inappropriate translation of *gwan* ('father', 'owner', or 'master') since the spirit possesses the man rather than the man the spirit, but the man does own the spirit in the sense that it is in him and gives him spiritual power ordinary people lack.

× 776 792 ● 828 It appears to be first known that a man has become possessed permanently by a spirit, either without or after sickness, by sustained abnormal behaviour and occasional bouts of frenzy. In these states, which are said to occur most frequently in the earlier phases of possession, when the spirit comes, or leaps, upon, or moves the prophet (to use Old Testament expressions) he acts like a madman (*yong*), and Nuer cannot always distinguish for certain at this stage between a prophet and a madman or epileptic (*gwan nokø*); but if there is any doubt it is dispelled by the later behaviour of a prophet, for he ceases to prophesy only when possessed in the narrow sense of being for the time out of his mind and gives spiritual guidance when in a normal state to those who ask for it. From time to time he may have renewed mantic seizures, but these are regarded by Nuer as only outward signs of a spiritual power which directs his utterances whenever he speaks as a prophet and also when, as sometimes happens, he speaks as a judge and political leader. Nuer conceive of permanent possession of this kind, in contrast to temporary seizure in the form of Spirit-induced sickness and mediumistic trances, as a filling with Spirit as with air. They use the word *gwang* to denote Spirit penetrating or entering into and filling the man. A prophet is a person filled with, or inspired by, Spirit, which controls him as the *Ruah Adonai* controlled the prophets of the Old Testament. The word [196] *gwang*, which has much the same general sense in Dinka,[1] is used for such actions as scraping out a gourd, hollowing out a canoe or mortar, or the burrowing of a hole by a wild beast. Something is hollowed out to allow entry for something else. Dr. Mary Smith tells me that Nuer have told her that when a spirit *gwangr ran*,

[1] R. Trudinger, *English-Dinka Dictionary*, 1941, p. 116.

fills a man, his character is changed. The man is hollowed out by Spirit to receive it. In this sense *gwang* is complementary to *kwoth*, inspiration to extirpation.‡ 776 792 828

Prophets may perform sacrifices on behalf of individuals or of the people of their neighbourhoods in times of sickness, for barrenness, and on other occasions when spiritual aid is required, but the main social function of the leading prophets in the past was to direct cattle-raids on the Dinka and fighting against the various foreigners who troubled the Nuer from the northern Sudan. For the most part the air-spirits are conspicuously associated with war, and Nuer prophets are chiefly regarded as the medium through which God gives orders to fight and victory. The spirits accompany the warriors to battle. 776 792 721

Before Nuer set off for any large-scale fighting against strangers their prophets made sacrifice and sang hymns to the spirits of the air while the warriors, kneeling on one knee and with the points of their spears resting on the ground, sang the responses. The same posture is adopted by warriors in making the responses to these songs when they are sung by a song-leader on ceremonial occasions. Also people, generally and perhaps always under a prophet's direction, sing hymns to the spirits on occasions of sickness and of other troubles; though Nuer say that they sometimes sing the hymns, as at dances, 'just to be happy with the son of God'. Unfortunately I did not have the opportunity to record more than a few verses of these hymns. 776 792 721 533

I give below a short hymn to *buk*. It is known all over Nuerland and is therefore probably earlier than most hymns. It is sometimes sung at mortuary ceremonies, and it is also sung before fishing battues are begun, on account of the spirit's association with rivers and streams. 776 533 539

Mother of *deng*, the ants (the Nuer) ransom their lives from thee,
Mother of *dengkur*, the ants ransom their lives from thee,
The mother of *dengkur* brings life,
The mother of *dengkur* brings me life,
Life is revived.
She brings life and our children play,
They cry aloud with joy,
With the life of the mother of *deng*, with the life of the mother of *deng*.

‡ [Should be expiration, see Lyrata, cat. 116.]

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on the Sobat river was born of a woman of the Leng lineage and 776 ×
has, moreover, married a wife to the name of his maternal uncle 613
and begotten children to him by her; so, though he is not him- 782
self a man of the Leng lineage, he has intimate ties with it, and he lives with its members. His brother told me how one day Cam killed a lion which he believed to be killing his cattle, for, his brother commented, 'Cam has no sense at all'. He returned [828] ●
from his successful hunt bending his fingers like claws and crouching as though he intended to spring on the people around him. A sheep was at once sacrificed to the lion-spirit, and Cam composed himself. While I was living in a cattle camp at the same village of Yakwac, which is occupied by part of the Leng lineage in the dry season, a girl of the lineage was taken hold of by the lion-spirit and had hysterics. Her family sacrificed a sheep to the spirit and dedicated a cow to it, for the seizure was thought to have been due to their failure to dedicate a cow to it earlier; and the girl was restored to her normal self. The Thiang lineage of Kurmayom village, also in Lou country, are another lineage whose totem is the lion, and they told me that they would not kill lions unless the lions first killed their cattle, for then the lions would have done wrong (*dwir*) and they would be in the right (*cuong*) in retaliating. This lineage has *mut luony*, spear of lion, for its spear-name. Another friend, Rainen of the Leek tribe, told me that he used to respect lions because his paternal grandfather's mother had been born twin to a lion in Dinkaland (she was a Dinka), the lion twin having run away into the bush. He said, however, that he had ceased to respect them when they began to eat his cattle. He conceded that the lions which ate his cattle were small lions from Dinkaland and not the large lions of Nuerland, but he felt he had been wronged by lions as a body and now refused to respect lions of any kind. He said '*ce theak thuk*', 'the respect is finished'. The same man told me that in the past, before lions began to eat his cattle, he had sometimes tied up a goat in the bush for them, and they had taken it. In the terminology I am using he had a totemistic relationship to lions. I have no certain knowledge that any mammalian species besides the lion is the primary totem of a Nuer lineage. The waterbuck, as will be seen later, is a secondary totem of a large clan.

A considerable number of lineages respect reptilian species. 776 ×
The large lineage of the Lak tribe who are known as *cieng* Gangni 613

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774 and is not an integral part of him. They do not attach any impor-
[196] tance to it and there are no beliefs and practices connected with it. They presumably see an analogy between a man's shadow and his soul, the shadow being the best way they can find to figure the sort of thing the soul might be. The analogy may derive from the idea of ghosts being shadowy replicas of the living. The fact that other creatures and things have shadows does not lead Nuer to say that they have souls; and since they have no souls, in their case the shadow does not at any time have a figurative meaning.

Nuer hold no decided opinions about the nature of the soul, which does not surprise us in view of their lack of interest in what happens after death, or of how there comes to be one. They know
[842] that the foetus begins as a result of the male sperm entering into the womb. The child is begotten (*dieth*) by man. But it is also created (*cak*) by God, so it appears that they think of conception as a product of this combination of human and divine action. But it does not necessarily follow that because a man is alive he has a soul. Gatbuogh was alive. So when we observe that Nuer
[858] do not mourn or hold a mortuary ceremony for a dead child, it suggests to us that either they do not think of a small child as having a soul or they regard it as immature. It is only when he begins to take part in activities of the social life that he is said to be a person (*ran*), and Nuer sometimes indicate that the sign of having become a person is the removal of the second lower incisor teeth, which is done when the child is about seven or eight years of age. On the other hand they speak of infant twins having one soul. Clearly they hold no definite opinion about the matter.

774 Though Nuer would not themselves bring the ideas of flesh,
• 828 life, and soul so neatly together, we can see that taken together they are covered by the concepts of both *pwony* and *ran*. *Pwony* means the whole creature, the individual or the self, what is one man and not another. '*Pwonyda*' is 'myself' and '*pwonyda pany*' is 'my very self'. *Ran* is what we may describe as 'the person', the social being as distinct from the individual creature. Its plural form *nath* is the word Nuer use to distinguish themselves from other peoples. They are *nei ti nath*, people (in the general sense of the word) who are people (in the sense of persons as Nuer think of themselves). *Pwony* is, as it were, the total organism, *ran* the total personality. As I have explained, a small child is the one but not

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the other, and twins are two *pwony* but a single *ran* (p. 128). However, the idea of the soul, as we have noted, seems to be attached chiefly to the concept of *ran*, to belong to the representation of a developed social being. An animal has, or is, a *pwony*, but it is not a *ran*, except in a purely figurative sense. 774 829

Nuer do not attribute souls to creatures other than man except perhaps cattle and elephants. They speak of the *tie* of a man at his mortuary ceremony going together with the *tie* of the sacrificed beast away from the living to wherever the ghosts may be, and since in sacrifice, especially in piacular sacrifice, there is an identification, discussed in a later chapter, between man and ox, it is understandable that, at any rate in sacrificial contexts, Nuer should speak of the souls of cattle. But though Nuer imply in relation to sacrifice that cattle have souls, they have no clearly formulated belief to that effect, and I am not sure that they would agree to the proposition if it were put to them as a question unrelated to sacrificial intention. Nevertheless, it may be supposed that since Nuer sometimes speak of an ox's *tie* they think that cattle have in some degree intelligence and will and a personality that survives death, however vague it may be.[1] Moreover, they speak of the ghosts as herding cattle in wherever it is they have their abode. That Nuer reflect on this question, and also that they are undecided about the answer to it, is shown by the fact that Dr. Smith, so she tells me, has often been asked by Nuer whether she thinks cattle have souls. 774

Though I have never heard Nuer speak of an elephant's *tie*, that it is thought to have one is implicit in the belief that if the rules about the division of the tusks of a slain elephant are not observed the dead beast may *gwor*, track down, those responsible (Dr. Lienhardt tells me that in Dinka the word means 'to take revenge'). *Gwor* has here, therefore, the same sense as *ciew*, haunt. Also, Dr. Howell states that the man who first speared a slain elephant, and is therefore by a convention regarded as responsible for its death, has to have his right arm incised by a leopard-skin priest before he can eat or drink just as if he had slain a man, and a beast is sacrificed in the one case as in the other. He says 774 224 [752]

[1] That a cow in a kind of way can be thought of as a person is suggested by other facts. A rite is performed to separate twin cows, which are hence, unlike other beasts, regarded till then as being one, as human twins are. A rite is also performed, to prevent the calf sickening, when the first milk of its dam is taken for human consumption. See also Chap. X.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

648 We have not enumerated them, for their names are irrelevant. The fighting between the two peoples has been incessant from time immemorial and seems to have reached a state of equilibrium before European conquest upset it. (Malte-Brun's map compared with modern maps suggests that tribal positions have not greatly altered since 1860.) In the earlier part of the historic period, from about 1840 to near the end of the century, Nuer appear to have been expanding in search of new grazing, but continued raiding for cattle, an aggressive action which we attribute to the structural relations between the two peoples, but which was, no doubt, intensified by rinderpest.

Though Dinka relations with Nuer are extremely hostile and war between them may be called an established institution, they have, nevertheless, united occasionally to make war against the Egyptian Government and there have sometimes been joint social gatherings. In times of famine Dinka have often come to reside in Nuerland and have been readily accepted and incorporated into Nuer tribes. In times of peace, also, Dinka visited their relations who had been captured or who had settled in Nuerland, and, as remarked earlier, there seems in parts to have been some trade between the two peoples. The strands of social relationships of a general kind, which are often numerous across the boundaries of adjacent Nuer tribes and which stretch across Nuerland, are thus prolonged weakly beyond the limits of Nuerland in occasional and hazardous contacts with foreigners.

648 All Dinka come into the category of *Jaang*, and Nuer feel
• 129 that category to be nearer to themselves than other categories of foreigners. These foreign peoples, with all of whom the Nuer have reached a state of balanced hostility, an equilibrium of opposition, expressed occasionally in fighting, are, with the exception of the Beir, generally classed as *Bar*, cattleless people or people possessing very few cattle. A further category are the *Jur*, cattleless people whom the Nuer regard as lying on the periphery of their world, such as the Bongo-Mittu group of peoples, the Azande, the Arabs, and ourselves. However, they have separate names for most of these peoples.

648 We have remarked that Nuer feel Dinka to be nearer to them-
171 selves than other foreigners, and in this connexion we draw

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

621
196

What does a Nuer mean when he says, 'I am a man of such-and-such a *cieng*'? *Cieng* means 'home', but its precise significance varies with the situation in which it is spoken. If one meets an Englishman in Germany and asks him where his home is, he may reply that it is England. If one meets the same man in London and asks him the same question he will tell one that his home is in Oxfordshire, whereas if one meets him in that county he will tell one the name of the town or village in which he lives. If questioned in his town or village he will mention his particular street, and if questioned in his street he will indicate his house. So it is with the Nuer. A Nuer met outside Nuerland says that his home is *cieng Nath*, Nuerland. He may also refer to his tribal country as his *cieng*, though the more usual expression for this is *rol*. If one asks him in his tribe what is his *cieng*, he will name his village or tribal section according to the context. Generally he will name either his tertiary tribal section or his village, but he may give his primary or secondary section. If asked in his village he will mention the name of his hamlet or indicate his homestead or the end of the village in which his homestead is situated. Hence if a man says '*Wa ciengda*', 'I am going home', outside his village he means that he is returning to it; if in his village he means that he is going to his hamlet; if in his hamlet he means that he is going to his homestead. *Cieng* thus means homestead, hamlet, village, and tribal sections of various dimensions.

The variations in the meaning of the word *cieng* are not due to the inconsistencies of language, but to the relativity of the group-values to which it refers. I emphasize this character of structural distance at an early stage because an understanding of it is necessary to follow the account of various social groups which we are about to describe. Once it is understood, the apparent contradictions in our account will be seen to be contradictions in the structure itself, being, in fact, a quality of it. The argument is here introduced in its application to local communities, which are treated more fully in the next chapter, and its application to lineages and age-sets is postponed to Chapters V and VI.

829

A man is a member of a political group of any kind in virtue of his non-membership of other groups of the same kind. He sees them as groups and their members see him as a member of a group, and his relations with them are controlled by the structural distance between the groups concerned. But a man

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

does not see himself as a member of that same group in so far as he is a member of a segment of it which stands outside of and is opposed to other segments of it. Hence a man can be a member of a group and yet not a member of it. This is a fundamental principle of Nuer political structure. Thus a man is a member of his tribe in its relation to other tribes, but he is not a member of his tribe in the relation of his segment of it to other segments of the same kind. Likewise a man is a member of his tribal segment in its relation to other segments, but he is not a member of it in the relation of his village to other villages of the same segment. A characteristic of any political group is hence its invariable tendency towards fission and the opposition of its segments, and another characteristic is its tendency towards fusion with other groups of its own order in opposition to political segments larger than itself. Political values are thus always, structurally speaking, in conflict. One value attaches a man to his group and another to a segment of it in opposition to other segments of it, and the value which controls his action is a function of the social situation in which he finds himself. For a man sees himself as a member of a group only in opposition to other groups and he sees a member of another group as a member of a social unity however much it may be split into opposed segments. 829

Therefore the diagram presented on p. 114 illustrates political structure in a very crude and formal way. It cannot very easily be pictured diagrammatically, for political relations are relative and dynamic. They are best stated as tendencies to conform to certain values in certain situations, and the value is determined by the structural relationships of the persons who compose the situation. Thus whether and on which side a man fights in a dispute depends on the structural relationship of the persons engaged in it and of his own relationship to each party.

We need to refer to another important principle of Nuer political structure: the smaller the local group the stronger the sentiment uniting its members. Tribal sentiment is weaker than the sentiment of one of its segments and the sentiment of a segment is weaker than the sentiment of a village which is part of it. Logically this might be supposed to be the case, for if unity 186 621 619 571

[Sen category 11b — Analyst]

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

Nuer consider that lineage cleavage arises from a fundamental cleavage in the family between *gaatgwan*, children of the father, and *gaatman*, children of the mother. Where there are two wives and each has sons, the lineage bifurcates from this point. A lineage bifurcation is a polygamous family writ large. *Thok dwiel*, lineage, means this; it is 'the entrance to the hut', the mother's hut. The tiny twigs we see in the *gol*, household, grow into the great branches of the lineages. It is for this reason that lineages are so often named after women, the mothers from whose wombs sprang the different lines of descent. As we understand the process, what happens is that certain lineage groups gain political importance and exclusiveness, becoming nuclei of tribal sections, and that only by so doing is their structural position stabilized and are the points of their bifurcation rendered fixed and permanent points of convergence in lineage structure. This explains how it is that in only a few out of a vast number of polygamous families is maternal descent structurally significant, and why the bifurcation occurs in the lineage where it occurs in the tribe.

This tendency towards co-ordination of territorial segmentation and lineage segmentation can be seen in the various stages of territorial expansion between the household and the tribe. When brothers of an influential family live in different parts of a village and gather around them a cluster of relations and dependants, these hamlet-groups are named after them and they become the point at which the lineage is likely to bifurcate. Thus, if the brothers are called Bul and Nyang, people speak of the *gol* of Bul and the *gol* of Nyang, and if later the grandchildren of one of them move to a different village site the lineage will split into two branches. Such minimal lineages as those pictured in the diagrams on pages 196–7 occupy adjacent villages, or widely separated divisions of the same large straggling village, and make separate camps along the same stretch of river or adjacent camps around a small lake. The points of divergence of lineages from clan trees are thus related to the size and distribution of inhabited sites in a tribal area.

The association of the tribal system with a clan may thus be supposed to influence the form of the lineage structure. We may further emphasize the morphological consistency between

[see cat. 116 — Analysis]

721 reason that the Shilluk have no cattle and they only raid people with cattle.(1) Although in direct contact with the Anuak in the far eastern parts of Nuer territory, tsetse fly and absence of cattle make the area unsuitable for encroachment and the Anuak were only occasionally raided by the Nuer. When rifles were introduced and the Anuak could defend themselves they retaliated with raids on the Nuer. The Burun were occasionally raided by the Nuer for captives. Other communities, Arab and those of the Nuba mountains, were raided only occasionally. Except for the
●829 Beir whom the Nuer appear to have respected, and the Dinka whom they fought, most foreign peoples were classed by the Nuer as *Bar*, that is, cattle-less folk, or people possessing few cattle. Another category was *Jur*, cattle-less people whom the Nuer regarded as lying on the outskirts of their world; these included the Azande, Europeans, and the Bongo etc., although the Nuer have differentiating terms for most of them.

POPULATION

161 Official estimate of population is 250,000. Estimates for the
619 various tribes are given approximately as follows by Evans-Pritchard.(2)

THE EASTERN NUER

The Bahr Nuer				The Zeraf Nuer		
Gaajak	Gawong	Gaajak	Law	Lak	Thiang	Gawar
42,000	7,000	42,000	33,000	24,000	9,000	20,000

THE WESTERN NUER

Gal	Leek	3 Western Jikany Tribes	Jagei Tribes	Dak	Thang
17,000	11,000	11,000	10,000	12,000	9,000

NOMENCLATURE

101 The Nuer call themselves *Naath*, (sing. *Nan*). The Shilluk, Arabs and Dinka call them *Nuer*. The Nuer also speak of the tribes west of the Bahr el Jebel as *Nath ciang* - 'the homeland Nuer', and of those east of the river as *Nath Zeer* - 'Bush Nuer'.(3)

THE ATWOT

000 These appear to be a Nuer tribe, speaking a Nuer dialect, but having adopted many Dinka habits. They are situated in the Lakes district south west of Yirrol, south of the Dinka; they number 31,600 approximately. Little is known of them.

(1) Evans-Pritchard, *The Nuer*, 1940, p.132.
(2) Ibid, p.117.
(3) Seligman, *Pagan Tribes of the Nilotic Sudan*, 1932, p.297.

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

CHAPTER III

MARRIAGE

I

121 I HAVE suggested in the last chapter that the range of the Nuer incest taboo can be understood only in relation to their rules prohibiting marriage between kin. These in their turn are only intelligible when viewed as part of the kinship system to which they belong, and that kinship system derives its particular form from its function in the political structure of the Nuer.

Kinship is a general word for describing any relationship of one individual to another through his father or mother. All kinship ties thus derive from the family, that universal and fundamental social group which everywhere and in some way or another incorporates the institution of marriage. It is therefore partly for logical reasons that I describe first how matrimonial unions are brought about among the Nuer and discuss the kinship relations which derive from them later. I describe marriage and kinship in this order also partly for convenience, in that kinship among the Nuer is so largely defined by reference to bridewealth.

I describe in this first section relations between the sexes before marriage, and in the following sections the chief ceremonies by which marriage is brought about, the payments of bridewealth which together with the ceremonies create valid and durable unions, the affinal relations which arise from the unions, and the various forms of domestic union we find among the Nuer side by side with matrimony in the full legal sense.

581 831 Sexual activities are from their earliest manifestations given the stamp of cultural values. They are from the first associated with marriage, which is the final goal of the sex life of men and women. Even the very poor and the disabled form domestic establishments of some kind and talk proudly of 'my father-in-law' and 'my mother-in-law'. It is the chief ambition of a youth to marry and have a home (*gol*) of his own, for when Nuer speak of marriage they speak of a home. They say of a youth: 'He is married—he has *a gol*.' Even in childhood it is clear to Nuer that marriage and the birth of children are the ultimate purpose of the sexual functions

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

581 831 to which all earlier activities of a sexual kind—play, love-making, and courtship—are a prelude, a preparation, and a means.

831 So long as there is no erotic behaviour in public, no inhibitions attach to sexual interests and their expression, and no one tries to hide from children the facts of sexual life, which they can learn by observing their elders and the flocks and herds among which childhood is spent. A boy who is seen by his elders in sexual play with a girl of his own age will merely be told not to act as though he had been initiated—he can do what he likes then—and at the most might receive a cut with a grass switch. No one considers his conduct immoral, and the older people will joke about such things among themselves.

857 581 831 Children start playing at marriage from the time they begin to walk, at first as uncomprehending observers of the games of older children and then as participants in them. They make cattle byres and huts of sand, and mud oxen and cows, and with these conduct bridewealth negotiations and perform marriage ceremonies, and they play at domestic and conjugal life, including sometimes in the game, I was told, imitation of coitus. In its earliest expression, therefore, sex is associated with marriage, and the first sexual play occurs in imitation of one of the domestic routines of married life. It occurs in response to a cultural, and not to an instinctive, urge.

Girls and boys, the girls rather earlier than the boys, begin to perform the simpler and lighter tasks of household and kraal from about the age of seven. From then onwards till they are about fourteen, marriage games continue when the children are by themselves, and though within them sexual play begins to be indulged in for its own sake and not merely in imitation of adult behaviour, it is subordinate to the whole make-believe relationship of conjugality of which it forms a part. During the rainy months the girls visit the boys in the grazing grounds, bringing them balls of porridge as presents, which each gives to the boy she has chosen as her 'husband'. She also milks the goats for her 'husband' and may even bring him a gourdful of cow's milk from the kraal. The boys cut millet stalks in the gardens and after roasting and eating the immature grain send the sweet stalks with their outer husks removed to their 'brides'. Older boys also send their juniors with mud oxen and cows to one of the senior girls, who plays the part of mother-in-law. I was told that in these games sexual intercourse may take place, but is neither a usual nor a prominent feature.

MARRIAGE

582 One reason why this sometimes happens is that a man's sweethearts are frequently of his own age and Nuer usually marry girls younger than themselves. The prohibition on marriage to the daughter of a father's age-mate also influences a man's choice of a wife. Nevertheless, it is probably more usual for a man to choose [581] one of his sweethearts. Marriage is the purpose implicit in every romance.

584 Sometimes a girl herself makes a proposal of marriage. She goes with some companions of her sex to the kraal of her favourite and drives away several of his father's cows to her home. Her father knows what she wants when he sees her returning with the cows, and if he disapproves of the youth he will send them back. If he likes the young man he says nothing, and when several days have passed and the cattle have not been returned, the young man knows that the girl's people are willing to discuss the matter. A father does not care to refuse his daughter when she is very much in love with a man, even when he is not rich, in case she runs away from home or hangs herself. Another way in which a girl can make a public proposal of marriage is a custom of early dry-season camps. Youths of a camp take their favourite oxen to parade them, led by their younger brothers, round a neighbouring camp, while they chant poems behind them and make graceful leaps into the air (*rau*). A girl who loves a youth may on such an occasion seize his ox and remove its lead. By so doing she pledges the youths to return to a harp-dance on another day. She keeps the cord and attaches a metal ring to it. Its owner later sends a small brother to fetch it. This is tantamount to a proposal and acceptance of marriage, and if the young man has enough cattle the betrothal ceremony takes place soon afterwards.

•831 The facts outlined in this section lead to two conclusions: that
581 there is wide sexual freedom before marriage, and that sex life is from the beginning stamped by cultural interests. Apart from rules of incest, adultery, and good form, there are no checks placed on the expression of sex from its earliest manifestations. Nevertheless, even at the outset the compass is set towards marriage and children. Simulated coitus between children is part of a game of domestic and marital relationships. After initiation, young men make love to girls as much as they can, but though there is much casual intercourse it is considered rather gross, and the aim of both youths and girls is to form attachments of the lover-sweetheart

2;Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

kind, in which coitus, when it takes place at all, is only part of a 831
more complex relationship. The lover-sweetheart relationship has 581
within it the purpose or pretence of marriage. Very likely a particular courtship will not develop into marriage, but courtship is the recognized prelude to matrimony, and if a youth wants favours from his sweetheart, he must persuade her of his intentions. A love affair tends, therefore, to be a marriage courtship, and for this reason the pattern of the husband-wife relationship in the first stage of married life intrudes into it, and the pair act towards one another with the conjugal reserve of this stage. So strong is the cultural idea of marriage that, though devoid of irksome restraint and inhibitions, the path of sex life runs from childhood towards that union and, though circuitous, leads always to wedding, home, and family. Marriage is the end of a full sex life. After he is married a man settles down to care of herds and gar- 837
dens, and goes less and less to dances, and ceases to take much interest in girls. I was told that should he wish to have an affair with a girl his wife would have no objection and would probably help him in it. Women, on the other hand, once they are married, ought not to have relations with men other than their husbands.

Men now expect to marry younger than in the last generation, 582
when, I was told, a man would not usually marry before he was 25 to 30. Fathers were wont to say that they would themselves marry again, for these young wives would in any case go to their sons when they were dead. At what age a youth marries today depends on the size of his family, his place in it, whether his father is dead, the size of his family herd, and other circumstances.

As a rule, girls marry round about 17 or 18, though one sometimes sees an unmarried girl of over 20. If a girl is betrothed early the wedding and consummation ceremonies are delayed. Women, therefore, have their first children at an age when they are well fitted to bear them. So long as a girl is married to a man with cattle she has fairly free choice of a mate. Much depends on whether the girl's family approve of the man's family. In theory, the parents choose their daughter's husband and only formally ask her consent, which she should give in duty to her parents, for marriage is not her business but the business of her menfolk. In fact, it is very difficult for parents to force their daughter to marry a man she dislikes, and strong-minded girls stand up against family pressure on this issue.

11:Evans-Pritchard E-5 (1931, 1936) 1949
FJ22 Nuer FJ22

ture will be easy and final. But normally the bonds of affection between genitor and his sons are strong because the genitor, knowing how deep an influence feelings of kinship and cattle interests will have on his sons when they grow up, tries to win their love while they are still small so that it will endure all the changes of life. He pets them, feeds them, attends to their infant needs, and plays with them. 588 428 593

A Nuer once said to me: "When a man has a son by a widow-concubine he wishes the child to be with him the whole time so that when the child grows up he will know him and not desert him but remain in his home." Another Nuer said: "A man will be irritable with his own son and swear at him saying, 'I will commit sodomy with your mother right now', but he will not speak thus to his son by a widow-concubine. He pets him and wins his affection so that he will stay with him always." [831]

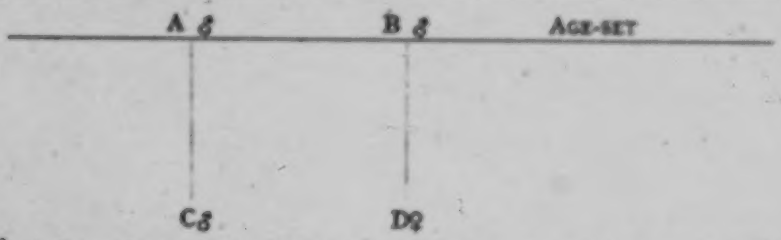
Yet however strong the affection between a genitor and his sons born in widow-concubinage they often desert him when they grow up and go to live among their own kinsmen. This is a great stumbling-block to Nuer. You love and nourish the children of your loins but one day they say that they are going to the *gol* (household) of their father who married their mother with cattle. "You think how when they were little you carried them in your arms and played with them and fed them with titbits, and now they have gone to live with a man who did not bring them up, because it was with his cattle that their mother was married." People say: "Look at the *gol* (household) of so-and-so. It was once strong in young men. Now his *gol* is weak. Oh these children of widows!" They say also: "Better the children of an unmarried concubine for they are your own children. They may visit the home of their grandparents (maternal) but they are children of your *gol* and they will not desert you when you are old. But the children of widows will grow up and yearn for their own people and leave you who have brought them to manhood."

Sentiment and self-interest draw a man away from his genitor and foster-father towards his kin. His kin welcome him to his paternal home and give him the full status and privileges to which his birth entitles him. The stigma of being born a *gat lake*, a "child of widow-concubinage" is not attached to a man in his pater's village. He is by rights a member of his pater's group and Nuer do not consider it ignominious for him to have been born in concubinage. On the other hand a man who remains in his genitor's village may have the stigma of his birth cast in his teeth in quarrels. People may speak contemptuously of him as *gat l.mamme*, "that son of a concubine". I was told that the boys of the genitor's household would be careful not to make remarks in his hearings for he would be angry if he heard them, and that they would not allow an outsider to insult the boy with impunity. But the genitor's legal sons, his natural half-brothers, may let him see that they do not regard him as one of themselves. If he is unhappy in his genitor's village he may join his pater's people or, if there are no close kinsmen of his pater alive, he may go to his maternal uncle who will not refuse him a home and cattle. But

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 goat, and Tot gave the husband's father a male sheep. It may be doubted,
582 nevertheless, whether such a marriage would have been regarded as correct by the older generation. I was told, however, that a man would
[832] not hesitate to flirt with, or make love to, female children of his father's age-mates without intention of marrying them, and it is evident that the restriction has nothing like the same force as that on the marriage between men and the daughters of their age-mates.

DIAGRAM XXIV.



561 To understand the Nuer age-set system we have to observe how it
182 regulates the behaviour of members of a community towards one another. It acts together with the kinship system in determining everybody's attitude towards everybody else, so that the behaviour of each to each other is known beforehand, since it is evoked by their status in relation to one another. We have already seen how by a fiction which recognises adoption as true kinship and by the value attached to descent through the mother as well as through the father, a Nuer community comprises a network of interrelations of a kinship type which are spoken about in genealogical terms. These, however, leave authoritarian status largely ill-defined, and as is usual in societies where rank is unknown leadership is based on social recognition of biological differences of sex and age. In Nuerland authority is in the hands of the males and older males.

561 So dominant are notions of kinship among the Nuer that the age-
602 set system is expressed in the ideology of family and kin as we have observed and tends to be spoken of as "fathers," "brother," "sons." Doubtless, this association lends weight to the institution of age-sets and makes them easy for an individual to understand and take part in. Talking to Nuer about their age-sets, one receives a marked impression that the notions associated with them are the familiar notions of family

2;Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

MARRIAGE

Girls witness serious love-making and courtship earlier than boys. At dances small girls follow their more experienced sisters and cousins, imitating their movements during the dancing and afterwards sitting with them while the young men pay them compliments and try to persuade them to retire with them into the long grass. When a girl is about twelve or thirteen initiated boys begin to court her, and when she is about fifteen or sixteen she has at least one lover and probably one in each of the villages neighbouring her own. She passes through a succession of love affairs, besides more casual affairs. I doubt whether any girl in Nueriand goes to her husband a virgin. 833 881

As a rule boys are initiated from about fourteen to sixteen. Unlike the girls, whose social life develops slowly from childhood to marriage without any sudden change of status, the boys jump at initiation from the grade of boyhood to the grade of manhood, and the character of their social life is correspondingly transformed; though even before initiation boys make some adjustments in their way of life in anticipation of the status they will acquire when they have passed through the rites. In particular, they abstain from eating in the presence of unrelated girls. A small boy eats with his mother and sisters, but when he is about six he eats with the other boys of the household when the womenfolk have guests, lest they might feel embarrassed at the presence of a lad, though only a small one, and, bit by bit, he gets into the habit of eating with them regularly. 881

After initiation a lad takes on the full privileges and obligations of manhood in work, play, and war. Above all, he gives himself whole-heartedly to winning the favours of the maidens of his neighbourhood. Courtship now rivals devotion to cattle as his major interest. In speaking of a recently initiated lad Nuer often say: 'And now he has become a man and will court the girls.' He takes every opportunity for flirtation which offers itself. His chances are chiefly at dances, and Nuer youths, for this reason, attend as many wedding dances and other drum-dances as they can in their district during the rains and the harp-dances at neighbouring camps in the dry season. In speaking of these dances young men speak always of the girls they will meet at them, of how the girls will admire their finery and their excellent dancing and display of spearmanship and duelling with the club, and they add: 'And then of course we will spend the night in courting.' 883

4: Evans-Pritchard E-5 (1931, 1936) 1948 F322 Nuer F322

distinction does not apply to animals killed by the bride's family and kin or which have been disposed of by them and have died outside their kraals, for these count as bridewealth before, as well as after, the consummation. On the other hand, any calves the cattle may bear before this ceremony count as original bridewealth and not as increment. Likewise, if the incomplete union is broken before the *mut*, all the cattle and their increase, including those which have died, must be returned, whereas in the event of divorce after the *mut* the bride's people do not have to return animals which have died a natural death in their own kraals, and they have a right to retain two cows, the *yang yani* and the *yang nieuw*, the cow of the skirt, the mark of married status, and the cow of the hair, which is shaved off the bride's head at the consummation. 585

It is the *mut* therefore which makes the union a contract. Consequently, it occasionally happens, when people are anxious to expedite the marriage, that the consummation takes place before the wedding. I heard it suggested that this should be done in the case of a youth who had been speared and could not take the bridegroom's usual part in weddings, and although it was decided to hold the wedding first, with the bridegroom as a spectator, no one suggested that in the circumstances a reversal of the ceremonies would have been improper. Mrs. Smith, of the American Mission, told me of a case of an elderly man who, desiring to marry a girl with the approval of her family but against her own wishes, prevailed on her relatives to rush her through the *mut*, leaving the wedding to be held later.

The day of the consummation has to be fixed in advance because beer has to be brewed for the visitors. In the early morning the bridegroom goes with a company of the youths of his village to fetch the bride, his womenfolk remaining behind to prepare for their visitors. They chant on the way, for this is a happy occasion for the village. Sometimes they find on arrival that the bride's mother has prepared beer for them. They have to ask her permission to take her daughter away and she asks them for presents before she gives it, such things as a spear, armlets, a pipe, and tobacco. The young men promise to give her what she asks for and depart, escorting the bride and her girl companions, who have oiled and decked themselves with ornaments for the ceremony. They go chanting to the bridegroom's village, one of the poems often being a composition of the bride in honour of her future husband, and there is much horseplay between the sexes. When they near the village the young men go ahead and the girls are met by the youths of the village who bring them into the kraal where they serenade the bridegroom's mother with poems outside her hut. The ceremony is mostly a female affair, the men looking on.

After a while a kinsman of the bridegroom places a tethering-cord across the inner threshold of one of the huts and the bridegroom crawls over it, followed by the bride, the best man, and a special girl friend of the bride. This action is said to make the marriage fruitful. Then, towards evening, takes place the rite of consummation, though it must be said again that there is no invariable order of events in these ceremonies and no fixed time-table. The bride retires to a hut wearing a special goatskin cap and here the bridegroom joins her. His age-mates seek him out and say to him: 'Come now, let the people go to bed, come and loosen the bride's girdle.' He is bashful and gets the business over as quickly and inconspicuously as he can. He enters the hut and gives his bride a cut with a switch and seizes her thigh, she 842 585 833 585

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

233 refusing his advances and crouching by the wall of the hut. He strikes her with a
585 tethering-cord, snatches the cap off her head, breaks her girdle, and consummates the marriage. Reluctance is imposed on her by custom and she pretends to resist even when she has known her husband often before in the gardens. In Nuerland it is most unlikely that a bride will be a virgin. That is not expected. Wedding and consummation ceremonies are held even for a girl who is pregnant or one who has been divorced and is being married a second time if she has not borne children. They say that 'She has returned to maidenhood.' It is only divorced women who have led profligate lives who are not remarried with these ceremonies. Maidenhood is a social, not a physical, state.

585 His duty done, the bridegroom leaves the hut, sometimes the bride's girl friends rushing at him and beating him with their fists as he emerges. The rest of the evening is given to the favourite pastimes of Nuer youth, *mang* and *law*, flirting with the girls and making love to them. There will be many youths present: the people of the bridegroom's homestead, his mother's kin, if they live near, the local *dep*, the youths of the village, and bands of youths from villages for miles round, for the *mat* is a popular ceremony and it is known that many girls will attend it. Then all retire for the night, the bride's companions sleeping in a hut reserved for them.

On the following morning take place three rites which may on no account be omitted, the sacrifice (which may take place the evening before), the lustration, and the shaving of the bride's head. The sacrificial beast should be an ox, but if the bridegroom's father is poor, and at this stage of the marriage he is likely to be hard up, the *yang mat*, the 'cow' of the consummation, may be a goat, or even just beer. The bridegroom's *gwan buthai* rubs ashes on its back, calls out the spear-name of his lineage and speaks of the beast and the bride, telling the spirits and ghosts of his lineage to witness the union and to bless it with sons so that the lineage may continue. He says to them, 'Now you see your ox; you see this maid; let her be a good wife; let her bear many children, many sons; let her work well in her husband's home, milk the cows, dry the cattle dung; let her be a faithful wife and not a profligate'; and so forth, asking them to make the union a lasting and happy one. He then spears the ox and it is cut up by the wife's people, the visitors, and divided among them in the customary portions, only the head, neck, and a few other pieces of meat going to the people of the bridegroom. The visiting maidens at once cook and eat the tips, kidneys, and stomach, besides filling themselves with porridge and beer, the bride alone abstaining because she may not eat in the home of her mother-in-law. They take the rest of the carcass back to their homes for their elders. As generally happens when there is a feast, outsiders, persons not of the bridegroom's closest kin, hang about the carcass like kites when it is being cut up, hoping to obtain a piece of meat by begging, snatching, or persistently getting in the way. There is much shouting, argument, and general confusion. The *gwan buthai* may perform another duty associated with his office in anointing the bride with butter. Her father will already have blessed her in this manner before she set out to go to her husband's home.

Now takes place the rite of lustration, the *lak tutni ka ciik*, the washing of the hands with bracelets. The visiting maidens, the young wife's companions, sit in a hut and a pot of warm water is passed to them. One of them washes her hands in the water and then takes a bracelet off her arm, drops it into the pot, and passes the pot to one

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

NUER courts come into operation only when a recognized wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognised rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all. 692 [684]

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer. 611 [837] [833]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

and its consequences which he runs in resuming sexual relations with his wife. *Yang kule* is both indemnification and spiritual expiation. 684

(ii) If a child is born of the act of adultery, the five head of cattle must be returned to the adulterer to avoid any possibility of confusion over the legal paternity of that child, but *yang kule* must always remain with the husband.[1] [849]

Application of these Principles depends on Circumstances

Adultery is therefore an offence because it amounts to an infringement of the legal husband's physical rights in his wife, and also a wrong against the ritual status of the husband which may be impaired by his wife's impurity. This is the law, although its application will depend on a variety of circumstances: the physical condition of the husband and of the wife; the morals of the wife and the age of the wife; the position in the social structure of the parties concerned.

Impotence of the Husband

The physical potency of the husband is sometimes questioned by the defendant, and if the point is proved, the court will rarely enforce the payment of compensation or even of *yang kule*. A man's physical rights in his wife will not be guarded or upheld by the law if he cannot take advantage of them, nor is he likely to suffer any ritual impurity if he is unable to have sexual relations with his wife.[2] On the other hand, it may be argued that the legal husband has acquired rights in his wife by the transfer of cattle to her kin, and if he is unable to enjoy those rights personally, at least he is entitled to dispose of them as he pleases. This at any rate would carry the theory of rights acquired by the transfer of cattle to its logical conclusion, but the Nuer do not look at it in quite this way. We have seen that impotence is recognized as a ground for divorce on the part of the woman, and a man who is impotent has failed in his duties as a husband. In these circumstances he should be pleased that his wife has borne him a child, whoever the father may be. To the Nuer, if he is not pleased, he ought to be. 684 833 837

In cases of this sort a court will sometimes enforce the payment of *yang kule*, though by no means always, but will certainly never allow a claim for the rest of the accepted number of cattle. The concept reflects not so much a definite law as a circumstance which any court

[1] That this rule has been altered by recent legislation will be clear later.

[2] There is, I think, a conscious distinction here. If the husband is impotent and unable to have intercourse with his wife, then there is no risk of the impurity which the *yang kule* is intended to neutralize. If he is able to enjoy sexual intercourse with her, but is sterile and unable to beget children, then the adulterer will still be protected against liability for full compensation (*ruok ciek*), but is liable to pay *yang kule*. The husband, though sterile, still runs the risk of contamination.

8;Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

684 will consider in assessing the wrong and the amount of compensation
833 to be paid. It is a plea which is frequently raised by defendants to
837 a charge of adultery and is, of course, not easy to prove. Evidence is based not so much on the statement of the wife as on general reputation (and it must be remembered that in the intimate life the Nuer lead there is not much which can be concealed), and also on the existence or otherwise of other children and the evidence of co-wives if there are any.

Barrenness of the Wife and Age of the Wife

684 It is sometimes held that adultery with a woman who is known to
837 be barren is not an offence, though this view is certainly not universally held. Adultery with a woman who has borne several children and is elderly is also considered a minor offence and rarely requires compensation, especially if she has adult children. At most *yang kule* will be demanded in these circumstances.[1]

Morals of the Wife

684 The temperament and morals of the wife are also factors which
837 a Nuer court will consider. If the husband, usually a man who has
593 been absent from home for a long time, brings charges of adultery against two or more men and the charge is proven, the court will order that each shall pay part of the compensation.[2] There is a limit to this. Nuer consider that a woman who has had sexual relations with more than three men is a *ciek ne jok*, a 'loose woman', and that the men concerned cannot be held responsible. For this reason the defendant or defendants in a case of adultery will often attempt to prove that the woman has committed adultery with a fourth man. In this case a court will not enforce the payment of compensation, or of *yang kule*, though, if a child is born of one of them, it may compel him to pay *yang kule*. In such circumstances, the husband will often institute a divorce against his wife, and if there is any dispute between himself and his wife's relatives, a court will usually take his side.

Jal Bath v. Gai Nyal (Thiang: Central Nuer Appeal)

Jal Bath claimed compensation (*ruok ciek*) from Gai Nyal on grounds of adultery with his legal wife Nyandeang. A child had been born in consequence of the act of adultery, or so Jal alleged. This was admitted by Gai. (It was in his interests to do so.) Jal claimed *yang kule* only, but Gai refused to pay. The matter was taken to court and Gai ordered to pay. Some months later,

[1] This was recorded at the Nuer Chiefs' Council Meeting of 1945: 'When a man commits adultery with a woman who has adult sons or daughters, he is only liable to pay *yang kule* and not full compensation.'

[2] E.g. if two men, each will pay three head of cattle, if three men, each will pay two head of cattle.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatise a child born of an unmarried concubine. The genitor says *Ca gatde ruk*, "I have legitimatized my child by payment of a fee".

833 834 To describe sexual relations outside the union of marriage Nuer use the verb *lam*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lam* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lam* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 582 The rules of exogamy which obtain for simple legal marriage apply also to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 431 428 588 587 The test of the nature of a procreative union is in the division of the bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead they belong to his sons (the bride's half and full brothers). The genitor in ghost-marriage and leviritic marriage has no legal claim to the "cattle of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

bodies were thrown on the flaming byres and huts. Captives were placed in the centre of the camp, the women being sometimes bound at night to render them more secure. Sexual intercourse is taboo on a raid. Nor may Nuer eat with a captive. A boy captive may not even draw water for them to drink. Only when

Tribal Distribution about 1860 (after V. A. Malte-Brun, *Nouvelles annales des voyages*, 1863).

an ox has been sacrificed in honour of the ghosts, after the return home, and they have been informed that strangers have entered their homesteads, may Nuer have sexual relations with captives or eat with them.

In the following section we describe other foreign contacts, but till European conquest the only foreign relations which may be said to have been expressed in constant warfare were those with the various Dinka tribes which border Nuerland.

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

561 bably always been the same number of sets in existence at any time and these sets always have the same relative positions to each other in the system, regardless of actual groups of men composing them.

561 It is significant that among the Nuer, as among other East African peoples, the age-set system is the first institution to 182 undergo rapid and great modification under European rule and 177 that the other social systems do not appear to be affected by the changes in its constitution. This tends to confirm the opinion we have earlier expressed, that whilst the age-set system is combined with the territorial and lineage systems in the same social cadre and is consistent with them, the consistency is not an interdependence.

IV

561 Within the age-set system the position of every male Nuer is structurally defined in relation to every other male Nuer and 554 his status to them is one of seniority, equality, or juniority. It is difficult to describe these statuses in terms of behaviour, because the attitudes they impose are often of a very general nature. The following points may, however, be noted. (1) There are certain ritual observances and avoidances, chiefly between members of the same set, but also between sets. The most [784] important of these are the segregation of the sets at sacrificial feasts, to which we have referred, and the stringent prohibition on members of a set burying an age-mate or partaking of the meat of beasts sacrificed at his mortuary ceremony; but there [834] are a number of other ritual injunctions. (2) A man may not [835] marry, or have sexual relations with, the daughter of an age-mate, for she is his 'daughter' and he is her 'father'. Also, while a man may always have sexual relations with the daughter of one of his father's age-mates he ought not to marry her unless either his father, or her father, is dead, and then only after the parties to the marriage have exchanged beasts in atonement to the age-set of the fathers. (3) Members of the 561 same age-set are on terms of entire equality. A man does not 571 stand on ceremony with his age-mates, but jokes, plays, and eats with them at his ease. Age-mates associate in work, war, and in all the pursuits of leisure. They are expected to offer one

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

7. Evans-Pritchard E-5 (1931-1936) 1949 F722 Nuer F722

835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kuel*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kuí mas*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tut thiliz ruai*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal cousins are not subject to the same restraint. It is not *ruai* to [834] [561] have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

835 It is forbidden on incestuous grounds to have relations with 587 the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

are brewed and a bullock or sheep is killed. It seems that they do not always kill an animal but they must do so when it is an eldest son who is being initiated or a boy whose eldest brother has died. Members of the father's age-set eat the meat at night and they alone. During the night they sing songs amid the cattle. On the following day, in the afternoon, they drink beer and leap about behind the bullocks and there is a lot of horseplay. The women-folk seize the penises of members of their husbands' age-set, the father of an initiated boy especially being subject to this treatment. They tie cord to the penises of the men and pull them while the men retaliate by tugging at the skin aprons of the wives of their age-mates. A man of the age-set of the father of an initiate will lift up the apron of his wife (the boy's mother) and will utter a ceremonial cry into her vagina. This man is generally the woman's *cuanda*, that is to say a paternal cousin of her husband. Only members of the father's age-set and their wives will partake in this horseplay in the homestead of the father of the initiate. Thus if the boy is the son of a *ewaker* all members of the *ewaker* age-set will take part in the festivities, together with their wives, while members of the other age-sets, *e.g.*, the *Dengwengs*, will have their own fun in a neighbouring homestead with their wives. Younger people will not go near these festivities of their elders because they might see the genitals of their mothers and aunts. All those who have married daughters of the men who are sporting themselves will also give the festivities a wide berth lest they should see the nakedness of their mothers-in-law. This dance is called *bul ruathei* or *bul ruath dhoi*. They say that they make this horseplay because they are glad that their child has become a man.

After the cutting, which is called *gar*, the boys are shut up in a hut. This is not built for the purpose but is temporarily vacated by the women of the family in whose homestead the operation has taken place.

Between the cutting and the ceremonial exit from the period of convalescence the boys are known as *ok*. The boys suffer excruciating pain during the first two days or so after the operation and nothing can be done to relieve their agony. These first few days are recognised as being a time of great danger for the boys since the wounds may break open again and great loss of blood ensue. Youths and girls are prohibited from visiting the boys during this period since they are likely to be sexually unclean. Especially are pregnant women kept away from the vicinity

11:Evans-Pritchard E-5 (1931, 1936) 1945
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in the home of his parents-in-law they avoid offering him milk from the cattle he has paid them. Further, if there is a divorce and the bridewealth cattle are returned to the husband's people they sacrifice a goat before they drink of their milk. 196 583 784

Nuer 'respect with regard to food' unrelated people (*nei ti gwagh*) of the opposite sex, especially if they are unmarried and possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself. 196 264

Another situation in reference to which one hears the word *thek* is homicide. I discuss it in greater detail in Chapter XII. A man who slays another respects water—he may not drink—until a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both. 196 784 628

Another use of the word *thek*, which, as always, contains the idea of avoidance, is in reference to burial and to mortuary sacrifices. Those who bury a corpse respect water—they may not drink—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the mother to be barren and injure the father, himself, and the cattle. A man is also said to respect his as yet unconceived children by abstaining from congress with his wife when she is menstruating[1] 196 784 [764] 196 784 834 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*luth*) the days of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39–40) but it would not be classed as *nueer*.

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not drink their milk and that should he even tread on their dung 837
he might cause grave injury either to himself or to his cattle. Like- 783
wise, a man will not accept as bridewealth for his daughter cattle paid to her husband in compensation for adultery she has committed. This is a shocking idea to Nuer, who say that it is like incest.

The pollution may spread (*dop*) beyond those directly concerned 837
in it. The adulterer, the husband, and the wife are dangerous to 783
anyone they come into contact with who has an open sore, for the 753
kor may enter him through it. One day at a wedding a youth was trying to reconcile his desire to watch the dancing with the need to hide an open wound from the eyes of those who might cause it to fester, by watching the dance from the shelter of maize plants. I heard his mother shout to him in reprimand 'there you stand in the maize where people can see you. Is *ther* (p. 176) a good thing, and is *kor* a good thing, that you thus expose yourself?' It is largely from fear lest an adulterer or adulteress or cuckold might see them that lads are so closely secluded while they still have open wounds on their foreheads after initiation. Adultery may also cause a wife who has been partner to it to suffer in childbirth, and if she finds the pains of labour grievous she will make known to the midwife any adulterous acts she may have committed. The sin and its consequences become less by being confessed.

Another dangerous influence is that brought about by a man 783
having congress with his wife while she is nursing a child. Respon- 834
sibility rests with the husband, 'for this is an affair of men, and it is not a woman's business to deny her husband access'. As has been noted, this is an offence that comes within the category of *nueer*, but the specific name for it is *thiang*. This word denotes the act itself, the consequences which follow from it, and the rite performed to ward off the consequences. Since children are not weaned till they are about three years old it might be thought that husbands must often give way to temptation, but one seldom hears of a wife becoming pregnant before her child at the breast is weaned, and Nuer themselves say that it is uncommon. I cannot say whether a husband who commits the offence would generally perform the prescribed rites unless the pregnancy of his wife made it common knowledge. In the only cases I have come across action was taken when it became evident that a nursing mother was pregnant. I was told that it was then taken to ward off the

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783 serious danger of dysentery, perhaps causing death, her condition
834 threatens to the child she is suckling. The infant is laid at the side of a small termite mound, and a person who respects *thiang*—in this sense the sickness which results from a breach of the interdiction—circles a handful of burning grass over it, and also holds the child over the flame.[1] A dog is then brought and the child is placed on its back. They cut a piece off the dog's ear and it is released and runs off 'taking the *thiang* with it'. Finally a goat is sacrificed and a piece cut from one of its ears is tied with the piece of the dog's ear round the child's neck. Nuer say that in this way the dangerous influence of the abnormality (*buom*) is wiped out (*woc*). The rite is performed by old women, though it is a man who sacrifices the goat. The old women eat the sacrificial meat. On the occasion on which I witnessed it all the older women of the cattle camp ran, shouting, out of the camp, each carrying a child which she placed on a small termite mound so that, I was told, the *thiang* might go into the mound. All the small children of the camp were treated in this way because the husband whose conduct had brought about the situation had eaten and drunk from the same vessels as others in the camp, and had smoked tobacco from the same pipes as they, so that the *thiang* might have spread (*dop*) to the other families in it and endangered all the infants of the community. At the end of the rite the husband and wife wash in a stream to cleanse themselves from their uncleanness. A child born in these circumstances is regarded as dangerous (p. 176).

II

783 In using the word 'sin' to refer to the ideas I have been discussing we have to be more than usually on guard against thinking into Nuer thought what may be in our own and is alien to theirs. From our point of view the ethical content of what the Nuer regard as grave faults may appear to be highly variable, and even altogether absent. A fault of inadvertence, though it may not

[1] Both the word *thiang* and the rite I describe have probably been taken over from the Dinka. I cannot prove that this is the case but it is strongly suggested by this totemistic relationship some people have to the sickness caused by a breach of the prohibition (p. 77). Dr. Mary Smith, who kindly inquired into the matter on my behalf, tells me that the Nuer at her mission say that the word is a Dinka one.

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THE SACRIFICIAL ROLE OF CATTLE

231 The very special circumstances in which cattle are killed for
731 food are times of severe famine and in what are called *nak*, or in
261 some parts of Nuerland *kanar* or *cuel*, camps. Within my own short experience, in 1931, a year of great hunger, the Lou Nuer killed many oxen for food, and during a famine in western Nuerland in 1935 a great number of beasts were slaughtered to keep the people alive. Dr. Howell says that in the Zeraf valley in 1943, likewise a year of famine, animals were being killed for food.[1] The Lou Nuer even have a reputation, of which they are ashamed, for killing oxen when hungry, for not waiting, that is, till faced with starvation. How often this situation used to occur is not, and cannot, be known. If it is not altogether a modern phenomenon, we may suppose that it was much less likely to have arisen before rinderpest depleted the herds and imposed peace prevented their rehabilitation through raiding, the milk supply thus being lessened.[2] *Nak* camps are presumably so called because they are
231 formed for the express purpose of killing (*nak*) oxen. They are
881 formed in some years only, in the rains or at the commencement of the dry season, by youths, each of whom takes an ox to the camp where one by one they are slaughtered and the young men gorge themselves on their flesh. Now that cattle have become scarcer two youths may share a single animal, though it is still thought that there ought to be an ox to a man. There is some doubt about the precise significance of this custom. When I published an account of the Nuer age-set system[3] I considered that it did not form an integral part of the rites of initiation but was only incidentally connected with them. I may have been wrong in this conclusion, and my own later researches revealed features which incline me to accept Dr. Howell's contention that they are connected with the age-set system.[4] Certainly there is more in the *nak* than merely killing oxen for feasting. That it has a ritual significance is clear from the fact that the youths who take part in it are segregated. Girls are not allowed to enter, or at any rate to sleep
[834] in, the camps. Abstinence is imposed at a time when the company of girls and their favours are a Nuer's chief interest. Nor may the

[1] P. P. Howell, 'The Age-Set System and the Institution of "*Nak*" among the Nuer' (with a Note by E. E. Evans-Pritchard), *Sudan Notes and Records*, 1948, p. 180. I was told that on raids on the Dinka pillaged oxen were slaughtered for food.

[2] E. E. Evans-Pritchard, *The Nuer*, 1940, pp. 19–20.

[3] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936.

[4] P. P. Howell, ibid.

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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh-wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gwan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

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The role of kinship values in Nuer society cannot be understood

unless the range of prohibited degrees in marriage is taken into account. For this reason, and also because it would seem the logical order of treating the various topics relating to marriage, I discuss marriage prohibitions and incest before describing in Chapter III the steps by which marriage is brought about—courtship, ceremonies, payment of bridewealth, birth of a firstborn, and the observance of formal rules of behaviour between affinal relatives—and the various forms of marriage and concubinage found among the Nuer.

I discuss in the two final chapters some features of the family, the group brought into existence by marriage, and kinship, the system of categories of relationship which derives from the family. I have not been able to treat these two topics as exhaustively as their importance demands. A second year among the Nuer would have been necessary to cover them satisfactorily.

I have given in *The Nuer* a full bibliography up to the year 1939. Since then various articles have been published by others* and by myself,† and a dictionary of the Nuer language has appeared.‡

I make acknowledgement for the use I have made of my own articles to the Editors of *Sudan Notes and Records, Uganda Journal, Africa, African Studies, Zeitschrift für Vergleichende Rechtswissenschaft, Social Structure, African Systems of Kinship and Marriage,* and *Man,* and to the Director of the Rhodes-Livingstone Institute. Much detail omitted in this book is recorded in these articles.

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* A. H. Alban, 'Gwek's Pipe and Pyramid', *S.N. & R.*, 1940; P. Coriat, 'Gwek, the Witch-Doctor and the Pyramid of Dengkur', ibid. 1939; P. P. Howell, 'A Note on Elephants and Elephant Hunting among the Nuer', ibid. 1945; 'On the Value of Iron among the Nuer', *Man*, 1947; (with B. A. Lewis) 'Nuer Ghouls: a Form of Witchcraft', *S.N. & R.*, 1947; 'The Age-Set System and the Institution of "*Nak*" among the Nuer', ibid. 1948; F. D. Kingdon, 'The Western Nuer Patrol 1927–8', ibid. 1945.

† 'The Nuer of the Southern Sudan', *African Political Systems*, 1940; 'Nuer Bridewealth', *Africa*, 1946; 'Bridewealth among the Nuer', *African Studies*, 1947; 'Nuer Marriage Ceremonies', *Africa*, 1947; 'A Note on Courtship among the Nuer', *S.N. & R.*, 1947; 'A Note on Affinity Relationships among the Nuer', *Man*, 1948; 'Nuer Modes of Address', *Uganda Journal*, 1948; 'The Nuer *Col Wic*', *Man*, 1949; 'Burial and Mortuary Rites of the Nuer', *African Affairs*, 1949; 'Nuer Rules of Exogamy and Incest', *Social Structure*, 1949; 'Two Nuer Ritual Concepts', *Man*, 1949; 'Nuer Totemism', *Annali Lateranensi*, 1949; 'Nuer Curses and Ghostly Vengeance', *Africa*, 1949; 'The Nuer Family', *S.N. & R.*, 1950.

‡ Father J. Kiggen, *Nuer-English Dictionary*, 1948 (based on the manuscripts of Father J. P. Crazzolara).

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582 rules forbidding marriage within certain groups and between certain categories of persons are not coterminous with those forbidding sexual congress, the two cannot be divorced. The reason given by Nuer for their marriage prohibitions is that were marriage to take place within certain degrees of relationship it would be *rual*, incest.

835 684 753 The word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

582 When it is forbidden for a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the Nuer table of marriage prohibitions. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans, but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say '*cike diel*', 'they have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been fixed arbitrarily and are not unalterable.

582 614 Clan exogamy is stated by Nuer in terms of clan symbols. Each clan has one or more spear-names, with which go certain honorific titles, and the spear-names of the bride's clan and the bridegroom's clan are formally shouted out at weddings. They must not be exactly the same, for this would mean that the marriage was a breach of the rule of clan exogamy. When a marriage is proposed between a youth and maid whose families are strangers the first

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584 kinship there may be held still to be between the partners to the union. This is done because it is feared that otherwise the marriage may not be fruitful.

In doubtful cases it may be taken into consideration that some of the links between the pair are those of adoption or of ghost-parentage and not of consanguinity. Also, if there is some doubt about the correctness of a union it is sometimes held to be less questionable if the bride and bridegroom do not belong to the same local community.

Exceptions to the general principles governing marriage prohibitions do not invalidate them, for the rules are acknowledged even in the breach of them. Thus I have known of a peculiar marriage into the clan in which, on the day of the wedding, tribute was paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.*

The prohibitions of marriage I have related apply also to concubinary unions. The *concubinus* and *concubina* ought not to be related in any of the ways I have mentioned, though here there seems to be greater laxity than in matrimonial unions. Concubinage is entered into on the initiative of the partners to the union and without the public discussion matrimony entails, so that distant, but nevertheless valid, kinship may escape notice. My reason for believing that this is so is that I came across several cases where the death of the children born in concubinage led to a fuller investigation which revealed relationship, of which the partners were ignorant, and consequently to the dissolution of their partnership.

II

835 It is not incestuous for a man to have relations with daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also

* The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his pater's sister's son, a man of the Gaatgankir clan. The wife's pater was a woman of the Gaatnaca clan (of a different lineage). She had married a wife to raise up children to herself by an unrelated man. The marriage could not have taken place had the wife's pater been a man. As it was, it was subjected to criticism. The reader will understand these peculiar circumstances better after he has read Chapter III.

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forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules, I will mention the other relationships which carry the incest taboo besides those, already recorded, which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with wives of any close living kinsmen, except, as is explained later, wives of some paternal kinsmen. The worst incest of this kind is with wives of the father, uterine brother, son, and maternal uncle. It is considered almost as bad as relations with the sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be shocking because the father has relations with her and afterwards with the mother carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins which are spoken of without opprobrium. The worst that is said about congress with wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kwol*, a wild yellow tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family form a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and the thought of relations with his wife evokes the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes, in a lesser degree, of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and '*Tut thilke rual*', 'There is no incest among bulls'. If they live in different

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villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated with the respect due to the father. To have relations with his wife is not incestuous but shows lack of deference. Relations with the wives of paternal half-brothers and paternal cousins are not subject to the same restraint. It is not *rual* to have relations with the wife of an age-mate, but it is regarded as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian spirit of the age-set will punish the offender.

It is forbidden on incestuous grounds to have relations with wives of kinsmen, other than those mentioned, only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the places of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother. Rarely a son takes her, and occasionally a sister's son. If a man thus cohabits with his father's, brother's, or maternal uncle's widow he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer say: 'He divides them with a sheep.' 'The father (or brother, or maternal uncle) is removed', as they say, not so much, if at all, because there would be any danger of *rual*, but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife which might injure her or her children. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *rual* is more pronounced.

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *rual*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an

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affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

There are, as we have seen, a very large number of relationships which carry the incest taboo and it is not surprising that there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with embarrassment. Parents teach sons at an early age the rules of sex: to avoid the wives of others and women who are kin. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gwagh*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives of other men, for fornication with an unrelated girl is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

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MARRIAGE PROHIBITIONS AND INCEST

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter is also terrible. I have heard of one case of each. Incest with the paternal half-sister, whether daughter of pater or genitor, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'for one man knows kinship and another man does not know kinship, that is a man whose heart was made differently'. Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for legal kinsmen. I was told, for instance, that a man might make love to the daughter of a natural son of his maternal grandfather (*nya nar laka*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister, and it is worse with a mother's brother's daughter than with a father's brother's daughter, and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of prohibition and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' Condemnation in such terms would not be applicable to distant kinsfolk.

Incest with wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *rual*, while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in

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835 favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Intimacy with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it, I was told: 'It may be all right, she is only his wife's *nyagwanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

Incest with the wife of a kinsman is also, of course, adultery, but if it is with the wife of a close kinsman who does not in this context count as a 'bull' the response is likely to emphasize the incest rather than the adultery. The husband, although he is the innocent party, may suffer harm, and if the incest comes to light he is anxious rather to have a sacrifice performed than to exact compensation. However, relations with wives of kinsmen seem generally to be with the wives of 'bulls', a man's paternal kin, who live in his village, and, as I have explained, they are not regarded as incestuous—neither are cattle demanded in compensation. Apart from the fact that their wives are all wives of the lineage, it is not thought proper that cattle should go from one kraal to another in payment for adultery among people who herd their cattle together and assist one another in debts. Thus, if a man commits adultery with his father's brother's wife he is not likely to be asked to pay more than 'the cow of the hide'. This animal, which is paid in addition to any cattle which may be paid in compensation for the wrong in any case of adultery, whether with the wife of a kinsman

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835 or with the wife of a stranger, is for sacrifice to prevent injury to the husband. It is not regarded as compensation for infringement of his rights.

More distant kinsmen are likely to insist on compensation. Relations with their wives are not thought to entail serious consequences on account of their incestuous nature, and there is less reason for the husband viewing the adultery with tolerance. Sometimes a kinsman accepts smaller compensation than an unrelated man would do. For example, in a case which came to my notice, a man had relations with the wife of the son of his maternal uncle's mother's sister. He paid three head of cattle in compensation, instead of the six head which might have been demanded, and he provided a goat for sacrifice. In all such cases, however, the outcome depends on the personal relations between the men concerned, and this generally means whether they are neighbours.

To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage-tree. When a fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while an infusion of the contents of the right half, 'the good half', is drunk by the partners to the sin. They may get a magician to make the sacrifice for them or they may make it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair was sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be

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performed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then.

The presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *rual*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she (the wife) has no child, so it is not *rual*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gwan*, father's son, to Bul, whose marriage, which had in any case not escaped critical comment, might then have entailed risks. In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls, but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

III

I now make some general observations on Nuer exogamous and other marriage prohibitions and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and

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835 say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of the marriage prohibitions to marry them. I would hold that the incest taboo can only be understood by reference to the marriage prohibitions, and that these prohibitions must be viewed in the light of their function in the Nuer kinship system and in their whole social structure.

It is evident that the incest prohibition is derived from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster-father's brother, and between a man and the daughter of one of his age-mates. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I suggest that its range of extension may be related to the marriage prohibitions of their society for which it provides a moral norm, a reason, and a sanction.

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual* and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans, and that the Nuer themselves recognize that the limits of exogamy are fixed arbitrarily. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex-relations, which is secondary and, I would hold, derivative. That it is the table of prohibited degrees and not the incest taboo which is basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.

It is also true that Nuer call *rual* relations with women married

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to kinsmen. These women cannot be counted as possible mates to whom any marriage prohibitions could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest taboo not so much as wives of kinsmen but rather as mothers of kinsmen.

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every degree are regarded as being either incestuous peccadillos or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the paternal kin, and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group, and of its cattle. Hence sexual relations with wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence, also, whereas relations with, for example, the wife of the maternal uncle means relations with the *cek nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with '*cekdan*', 'our wife', and the mother of '*gatdan*', 'our child'. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Paternal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by, for example, a man and his maternal aunt's son makes for confusion within the kinship system. The position of the uterine brother is peculiar because full

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835 brothers are not just 'bulls' to one another, members of the same lineage. They are maternal kinsmen as well as paternal kinsmen, and in their case sexual relations with each other's sweethearts seem to the Nuer to involve in some way the mother, an idea which is repugnant to them.

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the marriage prohibitions indicate kinship status and are one of the most effective means of doing this and thereby maintaining the kinship system, which is based on the distinctions between the various categories of relationships. They prevent confusion between one relationship and another and the contradictions such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this chapter, of Nuer themselves, who see that it is undesirable to obliterate or obscure the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; and were a man to marry the daughter of an age-mate, his age-mate would also be his father-in-law.

621 613 The bearing these regulations have on the kinship system will be seen in later chapters. I discussed their bearing on political structure and their relation to the lineage system in a few pages (pp. 225–8) in *The Nuer*. The argument there presented may be restated in a few sentences. Nuer political structure is a system of relations between territorial groups which express both their autonomy and their participation in the system in terms of lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is thus conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time must be identified with the local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that cor-

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In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *patpat*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

NUER RULES OF EXOGAMY AND INCEST[1]

835 753 864 THE Nuer word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*dwer*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv (1935), 7).

paid to the prohibition on intra-clan marriage by omitting the traditional calling out of the spear-names of bride and bridegroom at the invocation of the ghosts.[1]

INCEST

It is not incestuous for a man to have relations with the daughters of men of his father's age-set and he would not hesitate to make love to them. In all other cases where it is forbidden for a man to marry a woman standing in a certain relationship to him it is also forbidden to him to be intimate with her, though the prohibition has not always the same force or extension. Before discussing the different degrees of seriousness with which Nuer view breaches of the various rules I will mention the other relationships which carry the incest taboo besides those already recorded which exclude marriage either absolutely or contingently.

Nuer consider it to be *rual* for a man to have relations with the wives of any close living kinsmen, except, as is explained later, the wives of some patrilineal kinsmen. The worst incest of this kind is with the wives of the father (even if he is a ghost-father), uterine brother, son, and maternal uncle. It is considered almost as bad as relations with a sister and entails the same consequences. Relations with the mother's co-wife (father's wife) are thought to be unusually shocking because the father has relations with her and afterwards with the mother, carrying the son's contact with the co-wife to the mother. It is also *rual* to have relations with the wives of the sons of the maternal uncle and of the paternal and maternal aunts. Relations with the wives of affines, such as a second wife of the sister's husband, are also regarded as incestuous. It is only congress with wives of the paternal uncles, paternal half-brothers, and paternal cousins, which are spoken of without opprobrium. The worst that is said about congress with the wives of these kinsmen is that it is a *rual ma tot*, a slight incest, which will not injure the partners to it. It might harm the women's babies, but it is thought that even this penalty can be

[1] The husband was the son of a man of the Gaatnaca clan but had been begotten in ghost-marriage by his *pater*'s sister's son, a man of the Gaatgankir clan. The wife's *pater* was a woman of the Gaatnaca clan (of a different lineage). She had married a 'wife' to raise up children to herself by an unrelated man. In spite of there being no consanguinity between husband and wife the marriage could not have taken place had the wife's *pater* been a man. As it was, it was subjected to criticism.

835 avoided easily and without expense by cutting in twain, in the place of an animal sacrifice, a *kwol*, a wild, yellow, tomato-like fruit found in abundance near habitations. It is only if the paternal uncle is the father's uterine brother or if his family forms a common household with that of the father that relations with his wife are regarded in a more serious light. They may bring on the offenders serious misfortunes.

The uterine brother is a brother *kwi man*, on the mother's side, and relations with his wife reflect the disgust Nuer feel at any association of sex with the mother. They regard relations with wives of relatives of the mother's side with distaste 'because of the mother'. The uterine paternal uncle partakes in a lesser degree of the same maternal associations because he is a son of the father's mother. But the paternal half-uncles, the paternal half-brothers, and the paternal cousins are 'bulls', and *Tut thilke rual*, 'There is no incest among bulls.' If they live in different villages from that of the adulterer some compensation in cattle might be exacted, but if they live in the same village it will not be asked for: 'There would be no compensation, for they are of the same community (*cieng*).' Nuer say, however, that adultery with the wife of a paternal half-uncle is wrong 'because of the father', which means because the half-uncle should be treated on the pattern of the father. To have relations with his wife is not incestuous, but shows lack of respect. Relations with the wives of paternal half-brothers and paternal cousins are not subject to the same restraint. It is not *rual* to [834] have relations with the wife of an age-mate, but it is regarded [561] as a grave breach of confidence, for a man will trust his wife to the honour of an age-mate, and it is believed that the guardian-spirit of the age-set will punish the offender.

835 It is forbidden on incestuous grounds to have relations with 587 the wives of kinsmen, other than those mentioned, but only during their lifetime, when they are themselves cohabiting with their wives. It is permissible, indeed to some extent obligatory, to take the place of the husbands in leviratic marriage. It is usual for a widow to cohabit with her dead husband's brother, for preference with his uterine brother. Sometimes the son takes her and occasionally the sister's son. If a man thus cohabits with his father's, uterine brother's, or maternal uncle's widow, he first breaks off the physical relationship between the widow and her late spouse by sacrificing a sheep. Nuer says: 'He

divides them with a sheep.' The widow and the man who is taking his kinsman's place squat inside a hut and the *gwan buthni* of the dead husband's (in the case of the maternal uncle's widow, of the maternal uncle's) lineage, the man who performs sacrifices for the lineage, squats outside. They hold between them a sheep stretched across the threshold and it is there cut in twain. The top half is eaten by the kinsmen of the man who is taking the widow, though he does not himself partake of its flesh, and the bottom half by the women of the household. The hide on which the widow and her dead husband slept is also cut in half and the skin of the sacrificed sheep may be sewn to another to provide a new sleeping-hide. 'The father (or brother, or maternal uncle) is removed', as the Nuer say, not so much, if at all, because there would be any danger of *rual* but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife, which might injure her or her children. A twin may not take his brother's widow, for twins are one person. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *rual* is more pronounced. 835 587

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *rual*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths, who make love to maidens very freely, are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who form the same *dep*, dancing-line, which means kinsmen who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if 835 836

835 they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

835 There are, as we have seen, a very large number of relation-
864 ships which carry the incest taboo and it is not surprising that there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with shame or embarrassment. Parents teach their sons at an early age the rules of sex: to avoid the wives of others and those who *teke mar*, have kinship. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gwa*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives to other men, for fornication with an unrelated girl, a *nya Nath*, as they say, is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the exogamous permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter are also terrible. I have heard of one case of each.

7: Evans-Pritchard E-5 (1931-1936) 1949 FJ22 Nuer FJ22

Incest with the paternal half-sister, whether daughter of *pater* or *genitor*, is bad but, so Nuer told me, occasionally occurs. Incest with cousins is not so bad and with paternal cousins not uncommon, 'For one man knows kinship and another man does not know kinship, that is a man whose heart was made differently.' Generally speaking, the farther the man and woman are from one another genealogically the less seriously incest between them is regarded, especially if they live in different districts, and the taboo is less stringent and has a narrower range for natural kinsmen than for social kinsmen. I was told, for instance, that a man might make love to the daughter of the natural son of his maternal grandfather (*nya nar laka*). Incest with kinswomen on the paternal side is not thought so bad as incest with kinswomen on the maternal side. It is worse with the uterine sister than with the paternal half-sister and it is worse with a mother's brother's daughter than with a father's brother's daughter and with a mother's sister's daughter than with a father's sister's daughter. In all categories of incest it is considered much worse with a near kinswoman than a distant one and with a kinswoman in the restricted than in the classificatory sense. Relations with distant clanswomen and cognates are of frequent occurrence. They are with persons who are on the frontiers of exogamy and carry no moral stigma or much fear of consequences. Nuer, in the usual idiom of their culture, often condemn incest with kinsfolk by reference to bridewealth: 'Would you have relations with the daughter of your father's sister? Do you not receive cattle on her marriage?' 'What! Do you not want the cattle of your daughter's marriage and would you not die of *rual*?' And so forth. Incest with the wives of kinsmen also occurs, though I have little means of judging its frequency. I recorded two cases of incest with wives of maternal uncles. In the one the offender died of *rual* while in the other the uncle, who was a rich man with several wives, sacrificed an ox and afterwards relinquished the wife in favour of his sister's son: 'It was like making a gift to his sister's son.' I have also recorded cases of incest with another wife of the sister's husband. These cases come to light because the man or woman falls violently sick and to avoid death confesses what he or she has done and asks for an animal to be sacrificed in atonement. Incest with wives of paternal cousins and of other clansmen is undoubtedly common. As with incest with kinswomen, incest

835 with wives of kinsmen is regarded in a more or less serious light according to the kinship distance separating the two men; likewise with relations between a woman and two kinsmen or between a man and two kinswomen. Thus in a village in Lou country where I was living it was common knowledge that a man called Lum was having an affair with a woman who was described to me as his wife's sister, and when I expressed astonishment that he should dare to continue it I was told, 'It may be all right, she is only his wife's *nyagwanlen* (father's brother's daughter).' It remained to be seen whether there would be consequences or not. I was also told that even had the girl been his wife's *nyagwan* (paternal half-sister) nothing might happen, though the relations would without doubt be *rual*, and that the consequences would only be both certain and disastrous had she been his wife's *nyiman pany*, her true (uterine) sister.

835 783 789 To avoid the consequences of incest Nuer make sacrifices, and the weight they attach to the breach of the taboo may be estimated by the value of the thing they sacrifice. For slight incest, as with a distant clanswoman or the wife of a paternal cousin, they consider it sufficient to sacrifice one of the yellow fruits I have spoken of earlier or one of the pendulous fruits of the sausage tree. When a yellow fruit is sacrificed it is cut in two and the left half, 'the bad half', is thrown away, while the contents of the right half, 'the good half', are drunk by the partners to the sin as an infusion. They may get a magician to do this for them or they may do it for themselves. When incest has taken place with the wife of a kinsman who is not a 'bull' and is in Nuer reckoning a close kinsman, the wife's sleeping-skin is cut in two. This, of course, would only be done if one of the pair were sick enough to be more frightened of death than of the husband, for unlike the cutting of the fruits the rite cannot be performed secretly. In cases of incest with a close kinswoman and in all cases of what the Nuer regard as really bad incest, *wal ruali*, an antidote some people are said to possess and make use of when committing a slight incest, is no protection and a vicarious sacrifice no remedy. A goat or a sheep, or in the most serious cases an ox, must be cut vertically in twain and a leopard-skin chief must perform the sacrifice. The guilty persons drink incest medicines infused in the gall of the sacrificed animal. It is believed that retribution follows swiftly on the heels of the offence, so that if sacrifice is to be of any avail it must be per-

formed at once. Nuer say that a sacrifice is unlikely to be efficacious when death is near and that it is little profit to make confession then.

The moral element in the retributive action which follows on a breach of the incest taboo is brought out by the fact that, except in cases of really bad incest, such as when a father and son have relations with the same woman, it is felt that no ill effects will follow an infraction if the incestuous pair were unaware that they were breaking it. It is common knowledge that children begin sexual play with kin and they are corrected if observed, but it is not thought that misfortune will follow, 'Because the children are ignorant of having done wrong'. I was told also that if two kinsmen have relations with the same girl unwittingly 'It is not *rual* because each was unaware that the other was making love to her', and again, that if a man has relations with a distant kinswoman, being ignorant of the kinship, 'This is not *rual* because he was unaware of the relationship between them.' Even in his own district a youth may not know the full range of his kinship, and if his father hears that he has taken a sweetheart who is distantly related to him he will tell him to break off the affair. Nuer were greatly amused when I asked them about incestuous relations among cattle and told me, perhaps not very seriously, that a cattle peg had in ancient days been cut in twain (*bak*) to make them innocuous.

If ignorance is regarded as an extenuating circumstance, the presence of children increases the danger. It is not thought that relations with a distant patrilineal cousin or with the wife of a father's brother in the classificatory sense will harm those who engage in them, but if the woman has children Nuer say: 'It (the *rual*) may leave you alone, but it will kill the children.' In the same way I was told in reference to the case, already cited, of Lum, who was having relations with his wife and his wife's paternal cousin at the same time: 'But she [the wife] has no child, so it is not *rual*.' If she had had a child the paternal cousin would have been the child's mother. In another case a man called Buk was having relations with a concubine in a neighbouring hamlet although his son, Bul, was married to the daughter of this concubine by another man. It was stressed by informants that Buk had not begotten a child by the concubine, for had he done so the child would have been *gat gwan*, father's son, to Bul, whose marriage, which had in any case not escaped

835 684 critical comment, might then have entailed risks. Even then Bul might have taken the risks, claiming that the child was *dieth laka*, born in concubinage, and therefore not a true brother if his *genitor* did not pay a fee to legitimatize him: 'Their spears [spear-names] are different: it is not real kinship.' In Jikany country I recorded the following case. A man died and his widow went to live with his brother. A third brother died and there was talk of the living brother taking his widow also; but he did not do so on the objection being raised that both widows belonged to the same clan and that he had already begotten a child by the first one. In another case, also in Jikany country, a man of the Gaajak tribal area begat a child by his brother's widow, a Gaatgankir clanswoman of the Gaajok tribal area. When he came to live in the Gaajok tribal area he began affairs with two girls but gave them up when he found that they belonged to the widow's clan, lest relations with them might injure his child. A man cannot take as a concubine a woman who has borne a child in concubinage to one of his close kinsmen.

SOME OBSERVATIONS

835 582 I now make some general observations, within the scope of this essay, on Nuer exogamy and incest, or about the Nuer concept of *rual*. Nuer say that marriage to persons standing in certain relationships is forbidden because it would be *rual*, incestuous. Speaking sociologically, I think we may reverse this statement and say that sexual relations with persons standing in these relationships are considered incestuous because it would be a breach of exogamy to marry them. I would hold that the incest taboo can only be understood in the light of the rules of exogamy and that these rules are to be explained by their function in the Nuer kinship system and in their whole social structure.

835 It is evident that the incest prohibition is not derived from notions of consanguinity only, or even to any extent, but from a social definition of kinship. There is no consanguinity between a man and his wife's sister, between an adopted Dinka boy and the daughter of his foster father's brother, between a man and the daughter of one of his age-mates, and, necessarily, between a ghost-son and the women of his clan. The Nuer incest prohibition is a prohibition of sexual relations within relationships of certain kinds, and I contend that it is to be regarded primarily

as a way of providing a moral norm, a reason, and a sanction for the exogamous regulations of their society and is therefore a product of their social structure. 835

It is true that extra-marital relations between clansfolk who do not belong to the same lineage do not occasion great concern, but I do not think that this invalidates the contention, for though they take place they are none the less *rual*, and the toleration of the breach of the taboo merely means, as it does in other cases in which a breach is tolerated, that the nearer we get to the point at which marriage is permitted the less stringent becomes the prohibition of sexual relations. It must also be remembered that agnation is recognized beyond the clan and between clans and that the Nuer themselves recognize that the limits of exogamy are arbitrarily fixed. That sexual relations with distant clanswomen are little condemned shows that we are dealing with a prohibition the strength of which is relative to the structural positions of the persons concerned, just as is the force of customary law among the Nuer, and that the prohibition of marriage is more fundamental and comprehensive than the prohibition of sex relations, which is secondary and, I would hold, derivative. That it is the rules of exogamy and not the rules of incest which are basic is further illustrated by the prohibition, at the present day a qualified prohibition, on marriage with the daughter of a father's age-mate, for sexual relations between men and women standing in this relationship to one another are entirely free from any stigma and if either father is dead marriage may take place.[1] [582]

It is true also that Nuer call *rual* relations with women already married to kinsmen, and because they are married to kinsmen, and that they cannot be counted as possible mates to whom any rule of exogamy could apply. But it must be pointed out that Nuer bring wives of kinsmen within the field of kinship values, not only in that they address them by kinship terms, but also, and more significantly, by reference to their children, for according to Nuer ideas marriage is only a complete union when a child has been born of it. Mothers through their children become kinsfolk and are thus brought within the circuit of the incest

[1] Although Nuer declare 'You cannot make love to the daughter of an age-mate because you call her *nyada* ("my daughter")', the prohibition is not emphasized, since there would be little chance of a man obtaining the favour of a girl so much younger than himself in any other way than by marrying her with cattle, which is forbidden.

●835 taboo not so much as wives of kinsmen but rather as mothers of kinsmen. 'It is like this. The girl is married with cattle. You get your wife and her father gets your cattle. The girl is now your kinswoman and not kin to her father's people.' Nuer say that your wife becomes your *gwan buthni*, which means that she can perform ritual on behalf of your lineage. One man described her position thus: 'Now she [your wife] is like your mother; she cooks for you and milks the cows and performs the other services which your mother once performed for your household. She is a real kinswoman. She is like your mother. She has been exchanged for cattle and brought to agnatic kinship with another household (*caa nang buthni gol dodien*).'

In view of the importance attached to children by Nuer in determining what is incest, or the degree of it, it may readily be understood why sexual relations with the wives of half-brothers, paternal uncles, and patrilineal cousins of every kind are regarded as being either incestuous peccadillos or not incestuous at all. The wife of a 'bull' is, in a general social sense, the wife of all the 'bulls', of the joint family and of the lineage. She is 'our wife' and 'the wife of our cattle'. Likewise her children are the children of the lineage, of the agnatic group and of its cattle. Hence sexual relations with the wives of these agnates, if not approved, are condoned, for they are the wives of all. Hence also, whereas relations with, for example, the wife of the maternal uncle means relations with the *cek nara*, the maternal uncle's wife, and the mother of *gat nara*, the maternal uncle's child, relations with the wife of the father's brother's son are with *cekdan*, our wife, and the mother of *gatdan*, our child. The presence of a child does not alter the status of the persons concerned in the second case as it does in the first, for the wife is the wife of the lineage and the child is the child of the adulterer. When a man dies, therefore, there is no question of the widow being remarried to one of his brothers, for the brothers already count as her husbands. The dead man's lineage have a right to inherit his wife because she is their wife, the wife of their cattle.

I think that we should try to interpret in much the same way the feeling that it is wrong for two kinsmen to court the same girl, unless they are members of the same lineage. Patrilineal kin can share the same girl because they have a lineage identity, whereas the courting of the same girl by a man and his maternal

aunt's son makes for confusion within the kinship system, which is a system of personal relations of a different kind to lineage relations. Two sisters are potentially members of different lineages, those of their future husbands, which they join and to which they bear children. The position of the uterine brother is peculiar, because full brothers are not just 'bulls' to one another, members of the same lineage: they are maternal kinsmen as well as paternal kinsmen, and sexual relations with each other's wives seem to the Nuer to involve in some way the mother, an idea which is repugnant to them. 835

These interpretations may be unacceptable to the reader. If so, he can disregard them without rejecting the main conclusion from which they are inferred. It is clear that the rules of exogamy, by differentiating between persons in Nuer society, indicate kinship status and are one of the most effective means of doing this and thereby of maintaining the kinship system, which is based on the distinctions between the various categories of relationships. The rules of exogamy prevent confusion between one relationship and another and the contradiction such confusion would cause between the patterns of behaviour in which the relationships are expressed. This conclusion is contained in the statements, some of them recorded in this essay, of Nuer themselves, who see that it is undesirable to obliterate or confuse the boundaries between kinship categories. Were marriage with the wife's sister permitted, to the child of it the mother's sister would also be the father's wife; were a man to marry the daughter of an age-mate his age-mate would also be his father-in-law. But if the wife has died childless marriage with her sister is permitted because the relationship of a man to his child's mother's sister is no longer at issue, and if one of two age-mates is dead the son of one may marry the daughter of the other because the fathers can no longer be brought into a relationship of affinity. This explanation of exogamous rules holds not only for the Nuer but, as Professor Radcliffe-Brown has taught for very many years, for all societies.

The consistency between the Nuer rules of exogamy and the payment of bridewealth and its distribution, the ritual of marriage, and the laws of marriage and descent cannot be discussed here. I can only say that the payment, the ritual, and the laws could hardly exist in the form in which they do exist were it not for the coexistence of the rules of exogamy I have recorded in this essay. 835 582

●835 recorded in this essay.[1] Nor can I discuss at the length required the political implications of Nuer exogamous rules. I have devoted a few pages in *The Nuer*[2] to this aspect of them, the argument of which may be presented here in a few sentences. 621 The Nuer political structure was treated in that book as a system 619 of relations between territorial groups which express both their 613 autonomy and their participation in the system in terms of 614 lineage and clan affiliations. The local groups are organized into a common tribal structure through the association of clans with tribes, and the various lineages of these dominant clans in each tribe with the various sections and sub-sections of the tribe. Political structure is conceptualized in lineage structure. To play this part lineages must be both unique groups and at the same time be identified with local communities within which they function politically. Were they to lose entirely their uniqueness as descent groups the lineage structure in which the local communities see themselves as parts of a tribal organization would collapse. Were they not to merge in the network of kinship relations of which each local community is composed they would lack that corporateness which identification with residential groups gives them and be an abstraction, since they are not corporate groups in their own right. A man acts sometimes as a lineage member, cutting himself off from the community of which he is part, but in ordinary social life he acts as a member of this community without reference to his exclusive lineage affiliation. In some situations values of descent determine his conduct but in most situations it is determined by kinship values or by those community values which are an expression on a political plane of a sentiment created by a network of personal relations within the kinship system. This separation of the lineage from community life and its merging into it again is very largely brought about by the rules of exogamy which exclude marriage within the clan, thus giving that group distinctness, while compelling its lineages, by marrying outside the clan, to become multiple links in the network of kinship relations the strands of which form the texture of community life. Every Nuer local community thus becomes a

[1] Information on these subjects will be found in my papers: 'Nuer Bridewealth', *Africa*, xvi. 4 (1946); 'Nuer Marriage Ceremonies', ibid. xviii. 1 (1948); and *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Paper No. 11 (1945).

[2] *The Nuer*, Oxford: Clarendon Press (1940), pp. 225–8.

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562-584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

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Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

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An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*raal*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

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(*nueer*), sometimes resulting in death, falls equally on both parties and even upon their relatives. There are therefore strong social and ritual sanctions. For the purposes of this Manual I shall do no more than summarize the laws of exogamy, and refer the reader to published literature on the subject. 582 684 835

Nuer clans and lineages are exogamous. The patrilineal descendants of a common ancestor may not intermarry. The laws of exogamy extend farther than this and include persons who are closely related by marriage; persons related by blood but not legal kinship; and, finally, persons standing in a particular social relationship to each other. The prohibited degrees of relationship and other circumstances may be summarized as follows: 582 835

(i) A man may not marry or have sexual intercourse with a clanswoman, and therefore with a woman of his lineage. The limits of clan exogamy are not, however, so rigid as to be unalterable. If the ancestral link is remote (beyond ten generations or so) the prohibition may be ignored or effectively removed by appropriate sacrifice and prescribed ritual.

(ii) A man may not marry or have sexual intercourse with a woman who is a clanswoman of his mother. This prohibition is not, however, carried back beyond six or seven generations.

(iii) As we have seen, a Nuer may be the legal son of one man and the physiological son of another. The prohibited degrees recorded above would apply to the Nuer through his legal father, but the relationship of the *genitor* to his natural child has a degree of social recognition, and it is also not permissible to marry a close kinswoman of the *genitor*. The extent of this prohibition is not as wide as that created by legal kinship.

(iv) Adoption, especially of Dinka children, is a common occurrence[1] among the Nuer, and the links created between father and adopted child receive social recognition and ultimately legal recognition amounting to true kinship.[2] A man would not be allowed to marry or have sexual intercourse with a kinswoman of his adopted father, though in the initial stages this prohibition would be less extensive. In the next generation it would probably be identical, for a man who is fully adopted into a Nuer lineage assumes all the characteristics of that lineage, and in the future his origin may be forgotten. Similarly, an adopted girl would not marry into the lineage of her adoption, and would be bound by the same prohibitions. The reason here is clearer. Members of the lineage of her adoption would be the recipients of her bridewealth cattle and could not also be her relatives-in-law. 582 835 597

[1] Obviously more common in the past.

[2] See also under Homicide, Chapter II, p. 56. The distinction between *jaang dhor* and *jaang cieng* is relevant.

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usually an indication of the seriousness of the breach. For less serious offences of this sort, a smaller animal would be sacrificed, a bull-calf or a ram, and the ritual performed by the kinsmen of the parties concerned would be less elaborate. In some cases it is sufficient to cut in two a wild fruit known in Nuer as *kwol*. I think that the Leopard-Skin Chief is called in more usually when a legal union between persons within the prohibited degrees has taken place, and not in cases of extra-marital intercourse which will not continue. These ceremonies may also be performed before the union takes place, but clearly only in borderline cases where the relationship of the parties is so remote as to be almost fictitious. Similarly, as already mentioned, it would be performed if the impediment were discovered subsequent to legal marriage, but again the union would be unlikely to continue unless the relationship was exceptionally remote, especially, as is so often the case, if disasters (infant mortality or sickness in the family and other misfortunes) have occurred and have been attributed to this cause after searching investigation. As a ground for divorce, should both parties demand it, a breach of the exogamy rules would be indisputable, and I think that a Nuer court would nowadays grant a divorce without much argument.[1] This is, however, a matter of conjecture only, as I have only known one case of divorce brought before the courts for this reason, and then there were circumstances unconnected with exogamy which would have made the dissolution of marriage inevitable. Such matters are strictly limited to the families, or at most to the lineages, of the parties concerned, and are not usually brought to light in a public manner.

We have so far been principally concerned with the laws of exogamy and the prohibition of legal union between persons who fall within the forbidden degrees. We have seen also that these laws are relative to the position in the social and kinship structure of the persons concerned, and if their relationship is sufficiently distant, the prohibition may be permanently cancelled by the performance of sacrifice and ritual. In any case the consequences (*nueer*) may be thus avoided, even if the ritual is not sufficiently effective to ensure a safe continuance of the union. These rules also apply to extra-marital and illicit sexual intercourse, though not necessarily with the same force, and the consequences of infringement may be less serious. There is also an obvious difference between a casual act of sexual intercourse which is not repeated, and intercourse which results in the pregnancy of the woman. The birth of a child in such circumstances is a permanent reminder of the offence, and because the child is a link between the mother and the physiological father the situation is more dangerous. There is a confusion of legal and social status which at all costs must be avoided. Among the Nuer such difficulties can

[1] See also under Dissolution of Marriage, p. 146.

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still be overcome by suitable sacrifice, but the implications are clearly more serious.[1]

Incestuous intercourse may sometimes be relevant to disputes which arise in the courts. Examples of this will be seen later.[2] I do not propose to digress further on the subject of exogamy and incest, because the laws of exogamy are not in themselves a subject for dispute. There is now adequate published literature on the subject,[3] of which I have no criticisms to make and little except detailed information to add.

4. THE SOCIAL AND RITUAL PROCESSES OF MARRIAGE

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The transfer of cattle as bridewealth does not in itself constitute marriage, although it is certainly the most significant aspect of marriage from the legal point of view. Nuer marriage is a protracted affair involving many negotiations and ceremonial meetings. Those social and ritual processes which are described here apply to the simplest form of legal marriage and the simplest situation therein possible. The same principles are involved in 'ghost-marriage', that is marriage by a living person on behalf of a dead relative, but in leviratic marriage and in what Professor Evans-Pritchard has classed as 'widow-concubinage' there is naturally no repetition of the ceremonies which were carried out by the widow's husband in his lifetime and naturally, too, no further payment of bridewealth. In other forms of union, which are not legal unions, no ceremonies similar to those of true marriage are possible.

The description which follows is applicable to a normal Nuer youth[4] who wishes to marry a normal Nuer girl and has sufficient cattle to do so, and in such cases, unless the union is prearranged by the parents, the youth has probably met his future bride at the dances

[1] Among some African tribes children born in incest would be destroyed. It is reported of the eastern Dinka that children born in such circumstances are sold to the Murle. There is, however, no published evidence to substantiate this statement. The idea of infanticide, except perhaps in the case of deformities, is, so far as I know, alien to Nuer ideas.

[2] See p. 164.

[3] Evans-Pritchard, *The Nuer*, Oxford, 1940, pp. 6, 17, 192, 202, 225–8, 235, 257; in *Social Structure: Essays presented to A. R. Radcliffe-Brown*, Oxford, 1949. Further information will be found in various articles by the same author: 'Nuer bridewealth', *Africa*, XVI, 4, 1946; 'Nuer Marriage Ceremonies', ibid., XVIII, 1, 1948; 'Some aspects of Marriage and the family among the Nuer', *Rhodes-Livingstone Paper*, No. 11, 1945; and more recently in *Kinship and Marriage among the Nuer*, Oxford, 1951.

[4] Certain categories of persons who are considered abnormal, by reason of circumstances in their birth, have extra ritual to perform. Thus twins have to undergo special ceremonies; see Evans-Pritchard, 'Customs relating to Twins among the Nilotic Nuer', *Uganda Journal*, Vol. III, 3, 1935. Also a person whose father has been struck by lightning and killed.

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586 *Kec Kwoyok* v. *Weir Lam* (*Leik Nuer Case*)

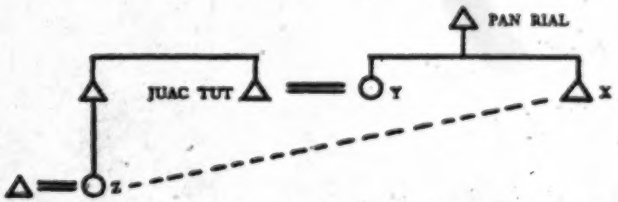
Kec married Weir's sister. During the five years of their marriage she bore only one child, and Kec demanded a divorce. This was refused by the Leik court, but allowed two years later by the appeal court. In this case all cattle were returned to Kec with the exception of sufficient to retain legitimate parenthood of the child.

Kelwal Tutrol v. *Kong Kepkeap* (*Bul Nuer Case*)

Kelwal married Kong's daughter. There were no children of the union, and Kong demanded a divorce for his daughter on the grounds that Kelwal was impotent. Kelwal appealed to the court against this demand, but judgement was given against him.

This case is simple enough, but illustrates clearly that impotence or sterility on the part of the husband is equally a ground for divorce. It also shows that Nuer are interested in the children of their daughters, although they will belong legally to another lineage.

Juac Tut v. *Pan Rial* (*Leik Nuer Case*)



Juac Tut married Pan Rial's daughter Y. X, Y's brother, committed adultery with Z, Juac's brother's daughter. Juac then demanded a divorce from Y on the grounds that the act was virtually incestuous. On the first hearing the court refused the divorce, but on appeal all bridewealth cattle were returned to Juac.

Breaches of this sort of conventional behaviour and normal obligations between relatives-in-law are often compounded by payment of gifts and, in the case of incest, by ritual expiation.

Impediments to Marriage Discovered Subsequently

Two other exceptional circumstances which sometimes result in divorce must be mentioned.

Incest

586 582 835 At any stage of the marriage it may be discovered that the union is incestuous (*rual*), in which case, unless the consanguinity is extremely remote, the marriage must be instantly dissolved. Such an occurrence must be rare[1] among the Nuer, for we have already seen how

[1] Within my own personal experience in Nuerland, I have only known of one case in which a marriage had to be dissolved owing to kinship between husband and wife. At the same time such cases are unlikely to appear before the courts or be the subject

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elaborate precautions against such a contingency are taken at the wedding ceremonies. By previous enquiry and by public invocation of the names and distinctions of the clan at all stages of the process of marriage great care is taken to avoid a breach of the rules of exogamy. There is no great condemnation of extra marital sexual relations with distant clanswomen, and the degree of disapproval and of the severity of the consequences is relative to the position in the kinship structure of the persons concerned. The prohibition of a legal union in such circumstances is more constant, and the discovery of any kinship tie which would normally be an impediment to marriage nearly always necessitates dissolution. There are ritual means by which the contamination may be neutralized, but the risk involved in the continuance of permanent union would be considerable, for the Nuer do not consider that the ritual is infallible.

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Blood-Feuds

There are other circumstances which may be a bar to marriage. Nuer will say that there is 'blood between' certain lineages: *teke riem kamdien*, meaning not blood in the sense of kinship, but the spilling of blood and therefore latent hostility derived from a past and unsettled feud. This is not necessarily a serious bar to marriage, and presumably depends on the feelings of the people concerned. Yet if a marriage does take place in such circumstances, and is followed by disasters in the form of sickness and mortality among the children, the existence of a feud between the lineages will often be given as the cause. Yet marital relationships are a means through which blood-feuds can be amicably composed, for unless the indignation is exceedingly intense, the opposed groups will not wish to break with each other if linked by the many ties raised by intermarriage. Dissolution of marriage on these grounds is rare, and I am able to quote only one example:

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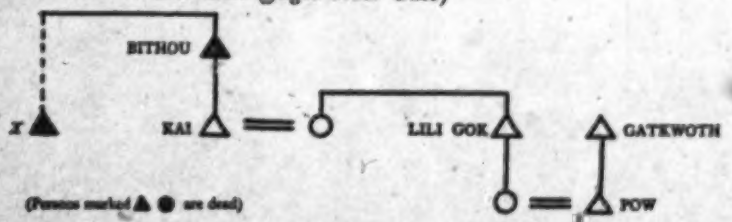
Kai Bithou v. *Lili Gok* (*Jagei Nuer Case*)



Kai Bithou married Lili Gok's sister. A man called Pow Gatkwoth then married Lili's daughter. Previously Pow's father Gatkwoth had killed a close

of dispute. The spiritual danger involved is sufficient sanction for the immediate dissolution of the union and the return of all the cattle, or, alternatively, for the performance of ritual to break all kinship between the parties (*dak mara*).

8:Howell E, G-5 (1942-1944)1954
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husband's heirs may draw attention to their rights in the woman and, if she has relations with a man who is objectionable to them, they may treat the case as one of normal adultery and claim damages. Such cases are nowadays usually taken to court, and the line adopted by its members will again depend on circumstances. They will, however, admit the validity of the claim even though they are not always prepared to enforce it. 684 587

Bang Wic v. *Lia Ran* (*Dok Nuer Case*)

Lia Ran committed adultery with the wife of Bang's deceased brother. The case was brought before the Dok court, which judged that no compensation was necessary, 'as the woman is a widow'. This judgement was, however, revised by the appeal court, and Lia ordered to pay to Bang one cow as *yang kule*.

Adultery and 'Ghost-Marriage'

The same theoretical law applies to 'ghost-marriages', but the attitude is different. A 'ghost-wife' is actually married by a man's heir *after* his death, and the vicarious husband in this case performs all the ceremonial of marriage as well as operating the transfer of bride-wealth. Except that legal paternity is vested in the person of the deceased, which fact is of greater significance when the children of the union come of age, the union does not differ from a straightforward simple legal marriage. Moreover the vicarious husband, in his capacity of legal heir to the deceased, stands in the same relationship to the woman and the children as her 'ghost-husband'. The only real difference is that the children will link their names in the lineage structure to the latter, and this is a matter of greater importance in posterity than the present. For this reason, the emotional attitude of the vicarious husband to the wife, their relationship, and their life together are indistinguishable from those found in simple legal marriage, and considering the high proportion of 'ghost-marriages' this is not surprising. The woman is usually his own choice, he has courted her, won her, married her, and his relationship is therefore much more intense and personal than his relationship with his brother's widow. Hence, though a man may overlook an act of adultery with his brother's widow, or the widow of any man to whom he is legal heir, he will certainly not do so in the case of his brother's 'ghost-wife'. The reaction to adultery in 'ghost-marriages' is identical with that found in simple legal marriages, and it is doubtful if a Nuer court would regard the theoretical distinction as relevant to the issue. 684 588

Adultery with the Wives of Kinsmen

The full rate of compensation is usually demanded unless the husband and the adulterer are on exceptionally good terms in other 684 835

8:Howell E, G-5 (1942-1944)1954
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respects, or their relationship in the kinship structure is sufficiently close to modify feelings of moral indignation on the part of the husband. Although the wives of kinsmen are brought within the sphere of kinship by the process of marriage, and to have relations with the wife of a kinsman is in a sense tantamount to a breach of the rules of exogamy, this is modified by the feeling that a wife, acquired by the transfer of cattle in which other kinsmen have limited rights, is theoretically the wife of all of them. Yet it is not considered correct that two kinsmen should have sexual relations with the same woman at the same period. There is no real conflict in these two concepts, but the attitude behind the payment of *yang kule* includes an idea that sexual relations with the legal wife of another man create an impurity, and that there is greater impurity if two men of the same kinship group have sexual relations with the same woman. It is felt that the wife of a kinsman is in some degree also a kinswoman, especially as a potential mother of kinsmen in the next generation. The act is therefore tantamount to incest (*rual*).

These ideas appear in the arguments put forward in the course of litigation in the courts today. The court will attempt to persuade the wronged husband to accept less than five head of cattle, though they will normally enforce payment of the sixth, the *yang kule*. Talking to the husband they will say of the adulterer: 'Is not this man your kinsman? Is it not a man's duty to assist his kinsman?' The implications are that adultery is an offence which brings greater spiritual dangers when the husband and the adulterer are kinsmen, but just because they are kinsmen it is an offence which must be wiped out by expiation in the form of sacrifice and prayer. One does not pay compensation to kinsmen because they are the persons who assist in the collection of compensation for offences against others. The intensity with which these ideas operate is relative and depends on the relationship of the principals.

Kin Nyah v. *Pagwir Wicdier* (*Bul: Western Nuer Appeal*)

Pagwir committed adultery with Kin's wife. Court awarded reduced compensation of 3 cattle to Kin on the grounds that Kin and Pagwir are kinsmen (common great-grandfather). Pagwir refused to pay, and was then ordered by the court to pay full compensation of 6 cattle as punishment. The court was exasperated by Pagwir's defiance of its orders. The use of the word punishment is perhaps incorrect here because the additional cattle went to the plaintiff, but the motive was punishment for flagrant disobedience.

Nin Puor v. *Dhoar Muol and Po Gwet* (*Lou: Central Nuer Appeal*)

Dhoar committed adultery with Nyalok, wife of Nin's paternal uncle Uth. Uth was living at the time, but died before the case was brought to court. Subsequently Po Gwet also committed adultery with Nyalok. The chronological sequence is here important, though it was not realized by the court in the initial stages of the dispute.

8:Howell E, G-5 (1942-1944)1954
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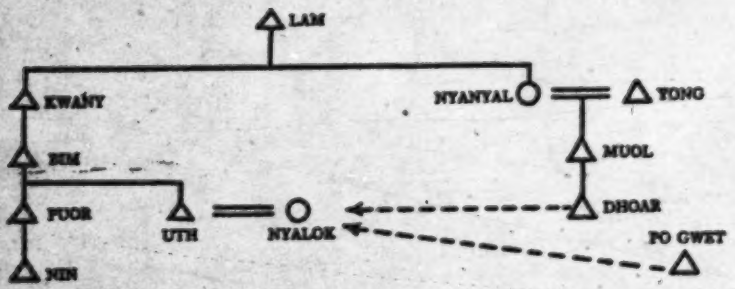
Dhoar and Po were absent when these allegations were made against them by Nin, but since there seemed to be no doubt about Po's guilt his father Gwet Thic (himself a chief) was prevailed upon to pay compensation as *ruok ciek*, and had already handed over 3 head of cattle when Po and Dhoar returned. In the meantime Nyalok had confessed that she had also committed adultery with Dhoar, an act which was held to be incest (*rual*), and also that Uth had



died as a result—he 'had died of incest', *ce lieu he rual*. This complicated case was naturally the subject of prolonged discussion in the court which finally ruled that:

(i) Po had sexual relations with the woman *after* Uth's death, and even had some encouragement from Uth's family. Court held that he must be treated as the woman's *lum* (i.e. recognized lover in 'widow-concubinage'). Po was therefore in no way liable to pay compensation, and those cattle already handed over to Nin by Po's father Gwet were returned.

(ii) Dhoar committed incest (*rual*) by having sexual relations with Nyalok while her husband Uth was still living, and his act must be accepted as the cause of Uth's death. Dhoar to pay two cattle to Nin as Uth's heir; one cow as *yang kule*, one bull as *yang ne bak he rual*, 'the cow of dividing for incest', to be sacrificed and divided in the manner prescribed by custom in order to avoid further evil effects of the act of incest.

Further Qualifying Circumstances

Nuer sometimes make a distinction between what they call *dhu ciek dhor*, 'adultery with a woman outside (the home)' and *dhu ciek cieng*, 'adultery with a woman in the home'. The distinction is not really a valid one from the legal point of view, and the meaning is sometimes contradictory. *Dhu ciek dhor* sometimes implies an act of adultery committed with a woman who is not living with her husband—a less serious offence than *dhu ciek cieng*—but it can also mean adultery with enticement to desert the husband, i.e. that the adulterer has run away with the woman, or attempted to do so. This distinction is not reflected in the scale of compensation; the maximum is always six head of cattle whatever the circumstances, but in the case of *dhu ciek dhor* in the latter sense, the indignation of the wronged husband and his kin will be more intense and they will not be so ready to accept less than six head as a compromise. For this reason the distinction is now

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a sin. No action against the offender is taken, but the spiritual dangers involved are correspondingly greater and more difficult to avoid. Fratricide and patricide and, to a lesser degree the killing of a close agnatic kinsman, is an offence against the objectives of kinship association and therefore a sin against the religious standards which express those objectives. Expiation in the form of prayer and sacrifice is essential; vengeance or restitution is not possible.

These observations apply specifically to homicide. There is no apparent belief that spiritual pollution will result from the infliction of bodily injuries less than death, nor from private delicts such as theft or the destruction of the property of persons who have no kinship or marital relationship with the offender. On the other hand, offences against accepted rules of marriage relationships and behaviour towards women within the lineage have a supernatural sanction, but again it will be seen that this is only a reflection of the idea of kinship. In such cases, however, there is no need for indemnification paid in cattle,[1] which is limited to the relations of opposed groups and the maintenance of the balance between them. In the first place a breach of the rules of exogamy is an offence against the structure of the kinship group, and one which involves the couple and their kinsmen in the gravest danger. Here there is no question of the maintenance of social equilibrium between two groups, only the spiritual safety of the single kinship group within itself and of the individuals of which it is composed, and there is consequently no question of material indemnification. The incestuous couple are themselves liable to the supernatural consequences which may be physically manifested in some form of disease (*nuer*), and their kinsmen may suffer subsequently, particularly from sterility, infant mortality, or a series of disasters which may also apply to their cattle. It is an act which requires expiation in the form of ritual and sacrifice, and the seriousness of the breach is gauged according to the nearness of the relationship of the couple. This dictates the value of the sacrifice and the complexity of the ritual of expiation. In some African tribes incest is treated as a crime, particularly if the offence is repeated, and penal action is taken against the culprits; but among the Nuer the ritual processes required are presumably considered sufficiently efficacious, and no repressive action is taken against the offenders. Theoretically those who consciously repeated the offence would earn the reprobation of their kinsmen, resulting in a loss of privilege which might reach the stage of expulsion, but I can quote no instance of this and have never found a Nuer who could.

There are other breaches of observance which result in similar forms of pollution. It is, for example, an offence to have sexual intercourse

[1] For minor infractions gifts—tobacco, food, &c.—may be offered to an offended kinsman.

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561 of the lad belonging to their family. Age-mates are those who naturally associate together in any society in the world. Father Crazzolara writes 857 "A kind of relationship springs up between the *Ric*-comrades, akin to close comradeship. According to the views of the people they belong to one another. When they live together or meet by chance, the meals prepared 561 for the one or the other are eaten in common. In travelling *Ric*-comrades are natural hosts."[1] A man may address a fellow member of his *ric*, his age-set, as *ricda*, *da* being a suffix meaning "my."

Apart from this general pattern of egalitarian behaviour between members of the same age-set, their like mode of behaviour towards members of other age-sets, their common title, and their exogamous relations, there are a number of customs that ritually express their equality. The chief of these is the strict prohibition on any member of a dead man's age-set of partaking of the flesh of a beast killed at his mortuary ceremony. Anyone who broke this rule would inevitably die of *nuer*, the punishment which falls on those who break serious taboos.

Another custom allows a man of your age-set to ask you if anyone has claimed your daughter's eldest cow, and if you reply that no one has claimed it he will take a bracelet from off his arm and place it on the little girl's leg. When she is married he will then be entitled to claim the *yang rica*, "the beast of the age-set." It is important to note this custom in its relation to the rule that a man must not marry the daughter of an age-mate since the acceptance of any part of bride-wealth is recognition of an exogamous relationship between the people concerned. Further customs that express the social equivalence of age-mates are the rule which says that when two members of the same age-set have adjoining gardens they shall not erect the usual boundary-line of raised earth between them, and the custom which says that if a youth gets a thorn under his finger nail and has to cut it out all members of his age-set who [786] are present ought also to cut off the tip of a toe nail as well. As we have 561 seen at initiation feasts a man is permitted to joke and take liberties with the wife of a man of his own age-set. She is not a possible future mother-• 835 in-law, since a man cannot marry a daughter of an age-mate, whereas the

[1] *Op. cit.* p. 38. "Zwischen den *Ric*genossen entsteht eine Art Verwandtschaft, zunächst eine enge Kameradschaft. Beim Herumziehen, auf Reisen, gehen Leute desselben *ric* womöglich zusammen. Wo sie zusammen wohnen oder zufällig zusammen treffen, wird das vorgelegte Essen des einen oder anderen immer gemeinsam genommen. Auf Reisen sind *Ric*genossen die natürlichen Gastgeber."

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wives of men of other age-sets may one day become his mother-in-law. 561
I have never heard it suggested that men have any sexual rights over wives of their age-mates and Nuer were always shocked at my enquiries 835
about this point. I think that they would regard adultery with the wife of an age-mate as worse than ordinary adultery and in the light also of a ritual infringement ; but I have no certain evidence about this.

But it is chiefly at feasts that the age-sets are divided up ceremonially 561
as I have explained above. The *kau* of an animal goes to the *ric matot*, 574
the junior age-set who may eat themselves or may share the meat with the set directly senior to them, according to the seniority of the set to which the owner of the beast belongs. One informant gave me a general example without specifying the seniority of the owner of the animal. He said that at a feast the *kau* would go to the *Lithgac* in Lou country, the *bum* to the *Makeri* and the *juak* to the *Boiloc*. If a *Dangunga* killed the animal we would therefore expect the *Luac* to eat with the *Lithgac*, the *Dangunga* with the *Makeri* and the *Boiloc* by themselves or with any remaining members of the *Thut* set ; while if the animal belonged to a *Makeri* we would expect the *Dangunga* to eat with the *Makeri* and the *Luac* with the *Lithgac*. I may have stated this arrangement too rigidly, and even erroneously, as I rely on one or two casual remarks, and it will be necessary to observe actual feasts before one can say for certain how the age-sets are usually divided at them. One informant (Jok) told me [585]
that sometimes at a marriage feast the father of the bride will kill a "*yang rica*," "a beast of the age-set," for all the members of his age-set, who would make a special point of coming to the wedding. He said that in this case members of other age-sets would not be provided with meat though they might beg some from the age-mates of the bride's father.

One of the actions of the age-set system is the regulation of marriage. 561
In my previous essay I pointed out that the clan is an exogamous group and that any near genealogical relationship through the female line is 582
also a bar to marriage. The *ric*, or age-set, is also the basis of an exogamous group since no man may marry the daughter of an age-set. The reason for this prohibition is found in the convention by which all age-mates are regarded as brothers and, therefore, the children of one are regarded as the children of all, just as the children of a man's brother are his children also. Hence a man speaks of all the children of his age-mates as "my children," and is also barred from marriage with one

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561 582 who counts by fiction, or analogy, as his daughter. I think we are justified also in regarding the actual ceremony of initiation as creating something in the nature of blood-brotherhood between the members of an age-set, since the Nuer seem to regard them as having a kind of community through the blood they have shed together. The Nuer also regard the lineage and clan as a group of people physiologically related as well as sociologically connected, since they have a notion of the common blood of kin.

[835] Not only is a man prohibited from marriage with the daughter of his age-mates, but he will refrain from having love affairs with them or flirting with them. When I asked what would happen if a man were to marry the daughter of an age-mate, I was told that his comrades would appeal to the *kwoth ricdien*, the spirit of their age-set, stating in an invocation that this man has no respect for their set and asking that he might be removed. He would then die. It is difficult to know how we are to interpret *kwoth ricdien*, but it seems that each *ric* is thought to be associated with its special guardian spirit though I do not think that these have special names.

This prohibition on the marriage of daughters with age-mates on the grounds of brotherhood between them is quite conventional and does not mean that age-mates are regarded as equivalent to brothers in either physiological or sociological sense. Perhaps the function of the prohibition is to be sought in the pattern of egalitarian behaviour existing between age-mates and their wives, a pattern of behaviour quite incompatible with that existing between a man and his father- and mother-in-law. If a man were to marry a daughter of an age-mate his age-mate would become his father-in-law and his wife would become his mother-in-law and he would have to act towards them with such respect as to make it impossible for him to eat or drink in their homestead. But the Nuer system decrees also that a man may act with the greatest freedom, as we have seen earlier, towards his age-mates and their wives. There would hence be a clash between two completely opposed patterns of behaviour, and this is avoided by the fiction of brotherhood considered as the relationship equal to real brotherhood in respect to marriage with daughters though different in most other respects. Doubtless the prohibition is re-enforced by the fact that there would always be a very great difference in age between a man and the daughter of an age-mate, for

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588 768 593 paternal uncle, C ♂, the son whom he begets is his paternal first cousin (*gat gwanlen*). If he marries a wife for his father, D ♂, a son born of the union is his father's son (*gat gwan*). If he marries a wife for his brother, K ♂, a son born of the union is his brother's son (*gat daman*). If he marries a wife for his maternal uncle, G ♂, a son born of the union is his maternal uncle's son (*gat nare*). In none of these instances is the child his son (*gatde*).

588 768 835 Occasionally women marry wives to the names of dead kinsmen and yet more rarely, a man marries a wife to the name of his dead sister if she was barren (*cek ma rol*) "for she then counts as a man." The children of this union are called after the dead woman and her brother who begets them has the status of their paternal uncle "for his sister has become his brother", and on the marriage of the daughters he gets the cattle due to a paternal uncle. In Lou country where I was informed that such marriages occasionally take place I was also told that the brother who takes a wife to the name of his dead sister may not have sexual relations with this wife. He builds a hut for her in his homestead and there she cohabits with a neighbouring stranger or Dinka. The reason given for this prohibition was that in such a marriage "your wife is like your sister" i.e. she stands in the place of your sister. I have recorded only one such marriage: the Lou prophet Deng married a wife for one of his sisters with the blood-cattle paid in compensation for her death by the Ngok Dinka who had slain her.

588 768 428 I was told also that a man may marry a wife to a dead paternal aunt who was barren during her lifetime. When I asked Nhial Mitmit whether a man might marry a wife for his mother's sister he replied: "No, certainly not. Is she not your mother's sister? She has a brother who can marry her a wife if necessary. It is your business to marry your sister or your father's sister a wife. You restrict yourself in this respect to female paternal agnates. On your mother's side it is the duty of your mother's male kinsmen." Nevertheless, this is a statement that requires more confirmation before it can be accepted because Tutrial, an excellent informant, told me that very occasionally a married woman who has died without issue is married a wife by her sister's son. From time to time daughters of the dead woman's brothers and sisters are married and had she been alive she would, on such occasions, have received a "cow of the paternal aunt" or a "cow of the maternal aunt". One of her sisters receives these cows in her place and she may use them and their increase to obtain a wife to stand in the place of her sister, to bear children to her sister's name. Tutrial said that she would persuade her son to act as husband to her sister's wife. The dead woman now counts as a man and her children may some day join her own people and leave the village of their genitor (their mother's sister's son). When the daughters of this union are married the cattle of the bride-wealth on the father's side go to the dead woman's kinsmen because she is the pater. Since she counts as a man the genitor will not get "the cow of the mother's sister" but "the cow of the father's sister"

588 768 These vicarious marriages by women or on behalf of women are very

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684 have been paid in compensation for adultery with the wife of Yang". The same verb is used for paying compensation for intercourse with an unmarried girl e.g. one says *Bi yang ruok*, "You will pay a cow" for this action. *Ruok* also means to legitimatize a child born of an unmarried concubine. The genitor says *Ca gatda rok*, "I have legitimatized my child by payment of a fee".

833 To describe sexual relations outside the union of marriage Nuer use the
834 verb *lum*. The use of this word is a polite way of referring to sexual intercourse and could also be used to describe marital relations if one were to refer to intercourse between husband and wife. But it would be very unusual to refer to it. The word *lum* is used to describe the social relationship of a man to an unmarried concubine or widow-concubine, though it is a slightly coarse expression when used in this connection, and in the presence of related persons one would preferably say of a man and a widow *Mathke pi kel*, "They drink water together". *Lum* is also used to describe the courtship of a girl by a youth and refers to mere flirting or sexual intercourse alike. In fact it covers all relations between the sexes from casual intercourse to permanent cohabitation, though it has generally the sense of extramarital relations.

835 The rules of exogamy which obtain for simple legal marriage apply also
582 to all the different unions described in this paper. A man may not cohabit with a woman whom he may not marry.

VI

585 The test of the nature of a procreative union is in the division of the
431 bride-cattle of daughters born of it. When the pater is alive he receives the "cattle of the father" and "the cattle of the mother". If he is dead
428 they belong to his sons (the bride's half and full brothers). The genitor
588 in ghost-marriage and leviritic marriage has no legal claim to the "cattle
587 of the father" or the "cattle of the mother". They belong, at any rate in theory, to the bride's brothers. The genitor in ghost-marriage stands in the place of the pater with regard to the bride's brothers as well as to the bride herself so that there is no need to define ownership of the bride cattle very clearly, for in any case they join his herd. When the genitor has begotten the bride in leviritic concubinage, division of the cattle may be more complicated because the bride may have full or half brothers begotten by her dead pater, or by other men after his death. I discuss these matters in a preliminary manner here because they will be elaborated later.

The genitor in ghost-marriage and in leviritic marriage may always demand a cow for his services for having begotten the bride. Similarly a man who lives with a widow-concubine may demand a cow on the marriage of her daughter on the grounds that he has begotten her and, if he acted as her foster-father, he may claim another two or three head of cattle for having acted as bread-winner to the family during her infancy and adolescence. He says "I cut meat for them" in reference to the fact the children have been nurtured by his labour as herdsman, gardener, and hunter.

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brother, Gwanbul ♂—Jany ♂, who was killed in war. She has borne Loc ♂ a son, Col ♂. Jor ♂—Jany ♂ shares this byre. 592 588

Homestead No. XV. Nyading ♀—Thiep ♂. She died last year but as her hut is still standing she is included in this list. She was a wife of Jany married to him after his death by his son Gwanbul ♂ to whom she bore a son, Jor ♂, and three daughters. On the death of Gwanbul she cohabited with Mokwac of Homestead No. XVI but has not borne him children.

Homestead No. XVI. Mokwac ♂—Nen ♂. He shares this hut with Yuol ♀, widow of Diou ♂—Nhial ♂, an aristocrat of the Dieny section. She had three children by Diou, two being dead and one, Nyaroah ♀ being alive. By Mokwac she had a son, Thor ♂, who died, a daughter, Nyatiacni ♀, and a newly born daughter. Mokwac also cohabits with Nyadang ♀, of Homestead No. XXI. She has not borne him children but "cooks for him". Before her death Mokwac used to cohabit with Nyading of Homestead No. IV. He has no wife of his own.

Homestead No. XVII. Nyathagh ♀—Lagh ♂. A Dinka captive who was married to Dong ♂—Col ♂, a Jikul man. She bore him a daughter who died, and a son, Patai ♂. When her husband died he had no brother to cohabit with her and, being a Dinka captive, she had no kinsmen with whom she could reside, so she became concubine to Cel ♂—Thiep ♂, a leopard skin chief of the Keunyang section. She bore him Nyathat ♀, Nyaling ♀, Nyangiek ♀, Kur ♂, and Nyaduot ♀ (dead). On Cel's death she remained in his homestead, her present abode, and took a lover, Riek ♂—Juc ♂, of the Reng section of the Jikany tribe. She bore him no children and relations between them ceased. At present she has no lover. 592 727

Homestead No. XVIII. Nyadut ♀—Tweth ♂ (sister to Nhial ♂ of Homestead No. XXIII). She is a widow of Cuc ♂—Thol ♂ of the Riaagh clan. There were no children of this marriage and on her husband's death she lived in leviritic concubinage with Duob ♂—Cuc ♂, one of her husband's sons to whom she bore Leau ♂, Nyayoac ♀, Wany ♂, and another son. Duob ♂ was killed by Mokwac of Homestead No. XVI (compensation was paid but although Mokwac ♂ and Leau ♂—Doub ♂ live side by side they do not eat or drink together). For a while Nyadut ♀ then cohabited with Marial ♂—Kwong ♂ of the Gai section of the Jikany tribe. She bore him a child which died. Its death convinced them that they ought not to have had relations because Nyadut was *cek gwandong*, "grandfather's wife", to Marial. She now cohabits with Baranyai ♂ of Homestead No. III. She has borne him a daughter. Nyadut's byre has fallen down. People say that it will be rebuilt next year. [682]

Homestead No. XIX. Yang ♂—Tien ♂ (brother of Juan of Homestead No. VII, when I asked why the brothers do not live together I was told *Juan mun me ce bec doreme, ce Yang ce bec doreme*, "Juan has a site which suits him down here, and Yang has a site which suits him up there".) Yang married Nyabeel ♀—Dec ♂ but she died, with her baby, in childbirth as a consequence of incest. She had incestuous relations both with a kinsman of her husband and with a kinsman of her own. (As she brought death on herself Yang ♂ did not have to compensate her kinsmen for her death.) 592 684 835

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588 cubine is dissatisfied with his lot in his father's home, or if his father
593 dies, he may go to live with his mother's people, by whom he is often brought up before he is initiated into manhood. Thus Riek (Rwac) (Homestead No. XX) was brought up at his maternal grandfather's home and has only recently come to live in his father's homestead in order to be initiated there. I was told that he will continue to pay visits to his maternal grandfather's village, but that if he is satisfied with his pater's home he will make it his permanent village. As a matter of fact I received the impression from several small incidents that this particular boy was lonely and not at his ease with the other boys of his pater's kraal.

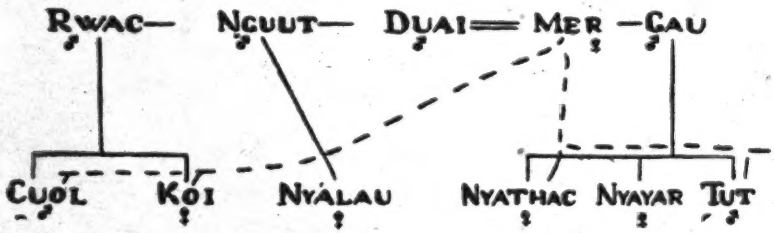

Diagram XI

On my first vist to Yakwac in Lou country a youth called Cuol was a member of the household of Cam, in whose byre he slept. Cuol was the son of an unmarried concubine called Mer ♀, the sister of Dar, the pater of Wia whose circumstances have just been related. Cuol was therefore living with his mother's people while his mother was living with her latest lover in Jikany country. Mer's history is so typical of the adventures of unmarried concubines that I show it in Diagram No. XI. She was first married by a man called Duai who divorced her before she conceived. She thus reverted to the status of an unmarried girl but instead of being married again she went to live with a lover, Nguut ♂, to whom she bore a daughter, Nyalau ♀, who has died. Mer ♀ then left Nguut ♂ and went to live with another lover, Rwac ♂, to whom she bore Cuol ♂ and Koi ♀. She then went to live with Gau ♂ at whose home she still resides. To Gau she has borne Nyathac ♀, Nyayar ♀, and Tut ♂. In 1931 Cuol was living at Yakwac where we always spoke of him after his mother's name: Cuol ♂—Mer ♀. Nevertheless, he often visited his mother and the people of Yakwac did not regard him as a full member of the hamlet since he possessed no cattle there and might at any moment go away to live with his mother and never return. This is precisely what
● [835] happened. In 1935 I missed him at Yakwac and was told that since he had had relations with a girl betrothed to Wia, and with whom Wia himself was having relations, he had not returned to the hamlet. Cuol's action was not only a breach of kinship standards but was also incestuous, since Wia was legally, though not biologically, his mother's brother's son.

always or entirely so. *Gwac* means a mistake, an unintentional error and generally one of no great consequence, one in which a serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Likewise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals eats them not knowing the nature of the meat he eats, 'this is an accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

776x 577 [682] [864] [835] [262]

16: Evans-Pritchard E-5 (1931, 1936) 1956
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which do not form part of respect relationships and are, therefore, 196
not called *thek*, but *thek* is the most important Nuer category of 784
interdiction. An infringement of the other prohibitions is not 783
usually spoken of as *nueer*, though Nuer nevertheless say that all such infringements are like *nueer*, which is a standard by which they judge, and to which they tend to assimilate any serious breach of an interdiction with religious sanctions. Before discussing these we may, therefore, note that the most prominent feature of the worst forms of sin is that it kills; and it is significant that the word *nueer* means in Dinka 'to destroy' and 'to kill',[1] a sense it also often has in Nuer when the consequences of sin are being referred to.

Except in the case of a breach of the weaning interdiction, 784
which is discussed further later, and in that of a rare breach of the milking interdiction, the transgressions so far mentioned are unwitting offences. It must be rare indeed that anyone transgresses in these ways knowingly and deliberately. The transgressions we shall now consider are generally deliberate actions.

If *nueer* is the most important of Nuer sin concepts the one 835
most frequently spoken of is *rual*, incest, which Nuer say is '*cere* 783
ke nueer', 'like *nueer*', and they may use the verbal form *nuer* when speaking of its consequences, for example, '*ce nyiman nuer*', 'he brought death to his sister' (by having congress with her). It should be noted that Nuer say this, and also that they sometimes liken both *nueer* and *rual* to *biit*,[2] a curse and a prohibition of which a conditional curse is sanction, because their doing so shows that though there are different words for different sorts of fault they are also thought to have something in common. They all destroy and they are all also, in one way of thinking of them, conceived of as pursuing, or tracking, the transgressor to disaster.

I have given elsewhere[3] a fairly lengthy account of Nuer prohibitions on intermarriage and on extra-marital congress, so the subject may be treated briefly here and with reference only to such features of it as are relevant to a discussion of religion. Nuer

[1] P. A. Nebel, *Dinka Dictionary*, 1936, p. 119.

[2] Indeed in some cases it is not easy to say whether an act should be described as *nueer* or as a sort of *biit*, e.g. a girl drinking the milk of her bridewealth cattle or an eldest son using his parents' spoon.

[3] 'Nuer Rules of Exogamy and Incest', *Social Structure*, edited by Meyer Fortes, 1949; E. E. Evans-Pritchard, *Kinship and Marriage among the Nuer*, 1951, chap. ii.

835 783 use the word *rual* for incestuous relations, and it can also be used for the consequences of them. These, generally certain forms of yaws or syphilis, though they may be any kind of misfortune, are more or less grave according to the closeness of the relationship between the persons concerned. Nuer think that if they are very closely related death may follow, possibly within a few days, while if they are very distantly related nothing untoward may happen. In cases of serious incest the penalty may fall not only on the partners to the offence but also on their nearest relatives, particularly on their children. The greater the danger of punishment the more likely and the more expeditiously will the act be followed by sacrifice and the more valuable will be the thing sacrificed. When the incest is considered to be very slight, what Nuer call a *rual ma* [789] *tot*, small incest, *wal ruali*, incest medicine, an antidote which some people are said to possess, may be thought adequate protection, and if it is deemed wise to make sacrifice, a cucumber or a pendulous fruit of the sausage tree is considered a sufficient offering. When the offering is a cucumber it is cut in two and then the left half is thrown away and the contents of the right half are squeezed into water and drunk by the partners to the act. If the fruit of the sausage tree is the offering it also is cut in two. I have several times seen youths in western Nuerland, where this tree is commoner than to the east of the Nile, cutting down its fruits for the purpose, and it is interesting to note that the Dinka call the tree *rual*, the Nuer word for incest. If there is incest with the wife of a close kinsman her sleeping-hide may be cut in two. In cases of major incest the antidote is not thought to be sufficient protection, nor a vegetable offering a sufficient sacrifice, and a goat or sheep, and in the most serious cases an ox, must be sacrificed without delay, and a leopard-skin priest should conduct the ceremony. The beast is slaughtered by being cut vertically in twain from head to tail, and afterwards the guilty persons drink incest medicine infused in the gall of the victim. All these cuttings are spoken about as *bakene rual*, the cutting, or splitting, in two of the incest.

835 One hears much about incest among the Nuer, and sacrifices to cleanse parties to it are frequent. One reason for this is that the prohibition on sexual congress covers a very wide area of social relationships. The more important categories covered by it are clanship, close cognation, close natural kinship, close kinship

16: Evans-Pritchard E-5 (1931, 1936) 1956
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through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753]
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from 177
that people that they took over a preventive and curative treatment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

793 the victim, a sheep: 'now, sheep, thy blood is shed to death on
695 account of the man who is at fault'. He then calls on God: 'O God of heaven, God of our fathers, God who created all things, God of the universe, God of the flesh (*ring*), I call on thee to look upon these persons, that the man who is at fault may die. Now, I know that thou, O God, listenest to my speech (*rietda*).' If a guilty man who has taken an oath that he is innocent falls sick he gets the priest to sacrifice for him and give him medicines, promising reparation for the wrong he has done.

793 A leopard-skin priest is also, at any rate usually, called in to
782 sacrifice an ox if close relations commit incest. In cases of slighter incest, between, that is, persons more distantly related, some lesser
835 specialist, a diviner, or just the head of the family, performs the sacrifice, or the man who has committed incest himself sacrifices a cucumber or cuts in two the fruit of a sausage-tree. The priest consecrates the ox, makes an invocation over it to God that he may spare the partners to the sin and that the offence may depart with the blood of the victim. The beast is then held down on the ground and the priest inserts the point of his spear in its throat and cuts towards the breast. He severs the beast in twain, hacking its head in two with an axe. As he makes the final cuts the parties to the offence tug at the carcass on either side and pull it apart. One half is eaten by the priest and his friends and the other by the relatives of the principals, the principals themselves abstaining. The priest squeezes out the gall from the victim's gall-bladder into water in a gourd, adds *wal ruali*, incest-medicine, and the principals and their relatives drink this mixture.

793 Sacrifices in connexion with homicide, ordeals, and, at least
782 usually, serious incest are the exclusive domain of the leopard-skin priest. If he is called on to make sacrifice on other occasions it is because it is felt that his doing so adds weight to the intention; but it is not necessary that he should act and unless he happens to be a neighbour it is unlikely that he would be summoned.

Since a good deal has been written about the importance of
[793] 'rain-makers' in this part of Africa it is perhaps wise to note also
789 that the leopard-skin priest is never spoken about in relation to rain. When questioned, Nuer say that he might be asked to sacrifice for rain and to perform some other and minor ritual acts, such as putting a hyena's skull in water, to the same purpose; but they make it clear that they attach no great importance to these pro-

1: Evans-Pritchard E-5 (1931, 1936) 1940
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684 claim a cow on the marriage of a female child of his adultery. Even when the husband is not impotent, if the adulterer can show that there is fruit of his adultery he can claim back the cattle he has paid as an indemnity, except for a cow known as *yang kule*, the cow of the sleeping-skin, which has ritual significance. But adultery within a small local community is probably rare because the people are all related to one another, and therefore a man considers that not only would it be wrong to commit adultery with their wives but also that it would be, in a greater or lesser degree, incestuous. If the two men are close kinsmen the adulterer provides an ox for sacrifice but is unlikely to pay an indemnity. If they are not close kinsmen the husband may try to seize the adulterer's cattle, but he only takes this step if he actually catches the offender committing adultery. The adulterer, to avoid a fight, runs away, and if he fears that his cattle may be seized he places them in the kraals of friends and kinsmen. This makes it difficult for the husband to seize them, for even if he knows where they are he does not want to involve himself in quarrels with a number of his neighbours by raiding their kraals. Nuer do not consider it immoral to commit adultery with the wives of persons living in other villages. If the husband discovers the offence he may try to seize the offender's cattle, but in doing so he runs the risk of resistance and some one may get killed and a feud result. A herd is the joint property of brothers, even though it is divided among them, and they do not readily acquiesce in the loss of cattle on account of adultery. In my experience it is very seldom indeed that a man obtains compensation for adultery. Adultery with the wife of a man of another tribe is a matter of no importance. What can he do anyhow?

684 Likewise fornication with an unmarried girl is compensated by payment of a heifer and a steer. But it is most unlikely that the 836 payment will be made. If the girl's kinsmen know that she is having relations with a man who possesses cattle and is likely to marry her they turn a blind eye to the affair. If he has no cattle, or if the girl is already engaged, and one of her brothers catches him in congress with her he fights him, unless, as usually happens, the man runs away, for it is not considered cowardly to run away in these circumstances. The girl's kinsmen may then come to his kraal and, if he possesses them, take a male calf and a female calf, and if they are strong enough they may not be resisted. This is what Nuer tell one, but I have never known any one pay a male and a female calf, although after every dance I have seen the youths and maidens have paired off and there has been much promiscuous intercourse and very little effort to conceal it. It frequently

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and seize some of his cattle, but he will try to circumvent this by hiding his beasts in the kraals of relatives and neighbours. If later he marries the girl the cattle her kinsmen have seized count as part of the bride-wealth, and if he refuses to marry her they count as payment for possession of the child, so that in either case he pays no indemnity but only a fee to establish his rights. Here again, in point of fact, it is very difficult for the girl's brothers to seize the man's cattle, unless he is willing to let them do so, and there is always the risk of a fight which may become
[835] general. One does not fornicate with the girls of one's own village, for they are generally related to one, so that when an issue of the kind arises it is generally between persons of different villages of the same district. If the young man can avoid being hit over the head with a club at the time of the incident and keeps clear of the girl's village for a few months he is not likely to pay an indemnity or to suffer any other consequences. If he has put the girl in child he will, in normal circumstances, send a kinsman to say that he intends to marry her. The girl is then regarded as engaged and the young man becomes son-in-law to her parents and one does not injure one's son-in-law. Even if he refuses to marry their sister, the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for injuries to the person: e.g. ten cattle for a broken leg or skull, ten cattle for the loss of an eye, two cattle for a girl's broken teeth, &c. For a flesh wound, however serious, there is no compensation unless the man dies. In different parts of Nuerland the number of cattle to be paid in compensation varies. I have not recorded any instance of a man receiving such compensation, except from a Government court, but Nuer say that he would receive it if his kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gwan wal*), though I have not recorded a case of a magician having been killed. Nuer point out that a magician does not use his magic against persons in his own community but only against persons of other villages, so that it is not easy to revenge yourself on him since he will be supported by his village who regard powerful magic as of value to their community. It is also said that in the old days a witch (*peth*) was sometimes slain, though I cannot say how often, if at all, this occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

MARRIAGE

Intercourse does not necessarily take place when a youth and maid are alone together on the night of a dance. When the relationship between them is a *luom buol,* a dance love affair, or *luom thura,* a dancing-ground love affair, a more or less constant attachment, and not a *luom goka,* a love affair of the high grasses, casual lust, I was told that the girl is likely to refuse her favours, though he will entreat for them, unless she feels sure that he intends to marry her and has the cattle with which to do so, for no respectable girl wants to be a *keagh,* an unmarried mother. No attempt is made to conceal an attachment of this kind, which indeed imposes on the girl modesty and shyness towards her lover in the presence of other persons such as a bride is expected to show towards her bridegroom or a newly-wed towards her husband. 883 836

Parents are not cognizant of all the love affairs of their children, but if a girl forms a constant attachment she may tell her mother about it, and a father will probably hear of a similar attachment of his son. They are not likely to say anything unless there is danger of incest. All the young men of a hamlet or small village, who are kinsmen and dance together, know of one another's courtships and escapades. Likewise, all the girls know about one another's lovers and amours, for they also keep together at dances. The only person who may interfere is a brother in an affair of his sister, for her virtue is his responsibility, but he will only do so in certain circumstances. He keeps an eye on his sister and knows who is courting her, but he will only come between her and her lover if he suspects that she is having regular relations with a man without cattle or that she is giving herself to all and sundry. [593]

It not infrequently happens that a girl becomes pregnant while still unmarried. If the young man has cattle he will be expected to marry her, and if she is not a profligate he will be glad to do so. If he has insufficient cattle he cannot do so, and though another man will not object to taking her as a wife, he is more likely to take her as a second wife than as a first wife, and he will pay fewer cattle for her bridewealth. It is therefore in the brother's interest to see that this does not happen. It is also in his interest to prevent his sister from becoming a wanton. A man does not expect his bride to be a virgin, but he does not care to marry a jade. A girl of easy virtue may find plenty of lovers but no suitors, and after bearing an illegitimate child is likely to become a concubine for the rest of her life, to the detriment of her family herd. 848

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

836 883 Therefore, if a youth takes a girl away from a dance to his *dep* and sits with her among his friends and other girls until he finds an opportunity to get her to himself he will not be molested, because her brother has seen her leave the dance in company, and by the time she is intimate with her lover he will be doing the same himself. But if a man is indiscreet enough to take her off by herself as soon as the dance is breaking up he is asking for trouble, though the brother may not say anything if the youth is a friend of his whom he knows to have cattle and serious intentions towards his sister. If the young man is a casual lover he may tap him on the shoulder with the butt of his spear, when he will run away; or even fight him. However, there need be no trouble if the conventions are observed.

Courtship seems to be freest among the Eastern Jikany. There love affairs are carried on more or less openly, and a youth need not fear the girl's brother so long as they are on friendly terms and he is discreet. The girls of this area are, however, said to be less free with their favours than those of the Lou tribe. They are exacting in their demands for fine speeches, but will not allow intimacy unless they are sure that pregnancy will be followed by marriage. The Lou girls are said to be easier and their brothers more difficult. To the west of the Nile, at any rate in some parts, it is said that a girl's brother has the right to take a male calf and a cow calf if he catches a man having relations with his sister, but this penalty seems only to be exacted when it is believed that pregnancy has ensued, and I was told that if the beasts have been seized they will be returned should it be found that she had not conceived. If she is pregnant, they will be kept pending marriage negotiations.

584 A youth may have several sweethearts in different villages and a girl several lovers in different villages. At this time of his life a young man models himself on the accepted pattern of what a young man should be to win the approbation of his sweethearts and the regard of girls generally. He likes to know that they are looking at him and saying about him, when they chat together and share their secrets, that he is a *wut pany*, a real man. He pays great attention to his appearance and takes every opportunity to excel in feats of endurance and courage. It is for the benefit of the girls that he leaps behind his oxen in dry-season camps, 'when the people have met together', and chants poems. When asked whether

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

a man would chant if there were no girls near, a Nuer replied: 'And if there were no girls near, what would he chant for?' A youth who wants a girl in marriage goes to her village or camp in the evening and chants there for an hour or two. He knows that she will understand that the poem is about herself. Her relatives know why he has come. 584

A youth is particularly careful not to be seen eating by unrelated girls: 'If he is not making love to them, he may do so some time or to one of their relatives.' When I asked whether it would matter if your sisters saw you eating, the reply was, 'Do you make love to your sisters?' Food must never be mentioned in the presence of girls, and a man will endure severe hunger rather than let them know that he has not eaten for a long time. It is a strict rule of Nuer society that the sexes, unless they are close kin, avoid each other in the matter of food. Nuer do not go near persons of the other sex when they are eating. A man may mention food but not sexual matters before kinswomen, and he may mention sexual matters but not food before unrelated girls. 264 834

Girls are the arbiters of decorum, and the severest sanction of a breach of good form is their disapproval. Not only is the shame of it a sanction for etiquette, but it is a powerful influence in making a youth generous, respectful to his elders, dutiful to his parents and kinsmen, hospitable to guests, industrious, and brave. The girls on their side are anxious to earn the good opinion of youths by correct behaviour in the home and in society. 562 576 584

It will have been observed that it rests entirely with a girl whether she accepts a man's attentions and how far he presses his advances. A girl who is fond of a youth wants him to marry her. If he is philandering she will, if she has any regard for her chastity, be frugal with her favours. The talk between a youth and his sweetheart is frequently the topic of marriage. He asks her whether she will marry him, and she says that she will if he has cattle and her parents consent; or he entreats her to allow intimacy, and she urges that she might become pregnant and he not marry her, and she would then be in trouble. However, if a girl is in love with a youth, and he has a winning manner, she may surrender to his pleading. Men often break the promises they make to girls when they want favours from them, and in looking for a wife a man may pass over all his sweethearts, past and present, and go with his friends to seek a spouse outside the circle of his usual acquaintances. 584 836

divides them with a sheep.' The widow and the man who is taking his kinsman's place squat inside a hut and the *gwan buthni* of the dead husband's (in the case of the maternal uncle's widow, of the maternal uncle's) lineage, the man who performs sacrifices for the lineage, squats outside. They hold between them a sheep stretched across the threshold and it is there cut in twain. The top half is eaten by the kinsmen of the man who is taking the widow, though he does not himself partake of its flesh, and the bottom half by the women of the household. The hide on which the widow and her dead husband slept is also cut in half and the skin of the sacrificed sheep may be sewn to another to provide a new sleeping-hide. 'The father (or brother, or maternal uncle) is removed', as the Nuer say, not so much, if at all, because there would be any danger of *rual* but in order to be rid of any evil the dead man might have had in his heart towards the man who is taking his wife, which might injure her or her children. A twin may not take his brother's widow, for twins are one person. If a living father or brother gives up a wife to his son or brother, as occasionally happens, a similar sacrifice has to be made, but here the notion of *rual* is more pronounced. 835 587

The prohibition on a man having relations with a kinsman's wife is part of a more general regulation which forbids, as *rual*, two close kinsmen to have relations with the same woman, though, here again, 'bulls' do not come, altogether or to some extent, under the ban. Likewise, two closely related women must not have relations with the same man. Nuer youths, who make love to maidens very freely, are careful to inquire of a girl, if they are uncertain of her affairs, whether she has a sweetheart among their close kinsmen. A man may, however, start an affair with a girl as soon as a kinsman has broken off relations with her. This rule, which refers to courtship and sweethearts rather than to casual intercourse, applies to father and son, uterine brothers, and to a lesser degree paternal half-brothers, and also in some degree to cousins, except to paternal parallel cousins, for they are 'bulls' and it does not matter if they share sweethearts. The prohibition is, however, only forcibly enunciated with regard to kinsfolk who form the same *dep*, dancing-line, which means kinsmen who are also members of the same village. Hence it is said that it is not very dangerous for a man and his mother's brother's son to make love to the same girl if 835 836

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

562 584 dislikes simply because they are avaricious for the many cattle he possesses or wish to link themselves to some important family. More often control is exercised in the form of a prohibition rather than positive compulsion. In other words, although they will not use force to compel her to marry a man she detests, they will not allow her to marry the man she loves if he has not sufficient cattle to provide the bridewealth. Whether or not they will take this attitude depends on a variety of circumstances. Some Nuer girls are headstrong and of independent spirit and will not allow their wills to be thwarted by the conventions of the bridewealth system. They therefore live as they please with lovers of their own choice and without either the sanction of bridewealth or the ritual processes of marriage which go with it.[1] A woman of this sort is known in Nuer as *ciek me keagh*. The circumstances in which a woman becomes a *ciek me keagh* are many. Any woman who lives with a man without payment of bridewealth (either on his own behalf or on behalf of the man who is considered her legal husband) is called *keagh*, but she may not be of the restless independent spirit which characterizes most of these women. She may be a young girl who has borne a child to a man who refuses to marry her, though this is rare, or a woman who simply cannot stand life with the husband of her family's choice and has therefore run away and provoked a divorce.

836 588

Women who are *keagh* are not regarded as immoral in our sense of the word in these circumstances, but their families are naturally often exasperated by their behaviour and disappointed that no bridewealth cattle have been paid for them. Their social position as unmarried concubines is not generally so high as that of married women, but no distinction is made in the every-day behaviour of their neighbours towards them. The basic difference between widow-concubines and unmarried concubines is that in the former case bridewealth has been paid, even though it has not been paid by the man with whom they live and by whom they produce children. In the latter case bridewealth has not been paid at all or has been returned in divorce.

3. NOTE ON THE RULES OF EXOGAMY AND INCEST

582 684 835 An account of Nuer marriage laws would not be complete without mention of the laws of exogamy. It must be stated at once, however, that breaches of the rules of exogamy and incestuous extra-marital intercourse are not generally the subject of dispute or of litigation in the courts. Both parties are equally guilty, there is no question of compensation, and the spiritual contamination which is considered to follow incest (*raal*) and which is manifested in physical disorders

[1] For this reason Nuer do not go to extreme lengths of compulsion for, if the girl runs away, they will lose the chance of getting any cattle at all.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

whether the marriage is a simple legal union, 'ghost-marriage', leviratic union, or 'widow-concubinage'. Hence the term *dhu ciek* usually implies a violation of marriage rights and closely approximates to the European concept of adultery. We have already seen that, if the wrongdoer can prove that his mistress is not legally married to the man who claims to be her husband, no action for adultery lies. The woman in such circumstances is *ciek me keagh*; she is *ciek*, having the status of a married woman, but she is *keagh*, unmarried. This does not necessarily imply any feeling of disrespect, for the expression is sometimes used of a woman who has not yet completed the full processes of legal marriage with her husband, or sometimes of a woman who has been married and divorced and awaits remarriage of a respectable nature. *Keagh*, however, has a wide range of meaning and, used contemptuously, implies that the woman is wanton and self-willed and that, if she is not legally married, she ought to be. In all these circumstances it is her family who have rights in her, and legally it is for them to claim damages for any infringement of those rights. They rarely do so and, if they did, would be unlikely to receive the support of a Nuer court. 684 588

Such women often cohabit with men on a reasonably stable basis, and the union sometimes has the appearance of legality. This is particularly so in detribalized communities to which women of this temperament tend to go, and there are sometimes disputes which appear before the courts. It is noticeable that, although a Nuer court will never award compensation to the man who claims to be husband (*cos*) of the woman, nor, indeed, to her family, they will often punish the offender. Penal sanctions are being applied to offences which must have been comparatively rare in the past and for which there is no traditional remedy.

The Seduction of Unmarried Girls: dhu nyal

The seduction of a young girl (*nyal*) is considered a wrong. Nuer will say it is a great wrong, a *duer medit*, but what they imply is that a girl who gains the reputation of offering herself indiscriminately to any young man will not be approached with genuine offers of marriage. She will be a *nyal me jok*, a 'bitch'.[1] Such girls, once they have gained 684 836

[1] This expression is as disrespectful and rude as it would be in our own language, and is not used openly. I recall a girl of this sort in Thiang country who appeared regularly at dances in company with girls obviously much younger than herself. She appeared to me to be attractive, and I asked some youths of my acquaintance whether they did not think so. They replied that she was extremely attractive, a statement which was followed by a good deal of chaffing and laughter on the part of their fellows. Subsequently I was told by one of my followers that she was considered *jok*, and although older men were much attracted to her, none of them wished to marry her, and the young men left her alone because to have relations with her was regarded as slightly ridiculous and they feared the scorn of other girls. The girl eventually took up with an Arab merchant. See example, *Cany Tut* v. *Dar Jal* (p. 172).

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

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an unsavoury reputation, may have to wait for a long time for marriage and are also *jut* (which is merely an unmarried girl beyond the age at which girls are usually expected to marry), and when a serious suitor does come along, he will do so because her family are likely to ask less cattle for her than is usual. She is likely to marry a poor man if she marries at all.

Illicit sexual intercourse with an unmarried girl is therefore a wrong in itself, but it is the effects that public knowledge of her wantonness will have on her reputation which are regarded as important. Technically a girl (*nyal*) is supposed to be a virgin, but by the time she reaches the stage of marriage this is unlikely to be a fact. Her family do not necessarily object on any moral principles. Their attitude is a reflection of their real desire to see her properly married so that they may acquire cattle for their own marriages, and they do not tolerate any attention from an outsider which is likely to compromise her chances of making a suitable match with a man who has cattle. A young man with no cattle who pays marked attention to a girl will be warned off by her brothers. But unless her chances are lessened by a reputation for promiscuity in the choice and number of her lovers her family are unlikely to take action, and a complaint on their part will rarely be recognized in a Nuer court. Nuer say, however, that *dhu nyal* is an offence which may require the payment of compensation (*ruok nyal*), and by this they mean that if a complaint is made by a girl's family, and there is proof that they have suffered an injury or potential loss, compensation should be paid to them.

Dhu nyal cieng and *Dhu nyal dhor*

Nuer also make the distinction between what they call *dhu nyal dhor*, 'fornication with an unmarried girl outside (or in the bush)' and *dhu nyal cieng*, 'fornication with an unmarried girl in the home'. The terms are not very clear, since *dhu nyal cieng* is often used to describe cases of elopement—i.e. when the girl has been taken from her home. The former offence, *dhu nyal dhor*, is considered much less serious, and refers largely to casual encounters at dances held by the young people.

Elopement and Abduction: kwil nyal

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It is considered a much more serious offence if a man entices an unmarried girl away from her family and persuades her to live with him. Whether a child is born of the union or not, a Nuer court will take action against the wrongdoer and compel him to marry the girl or pay compensation which will not be returned even if the girl is subsequently married to another man. To seduce a girl, persuade her to take up residence away from her home, so that she appears to be

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

He will respect his elders but they will treat him as a man and with the consideration due to an equal rather than to an inferior.[1] 884-

He has now the supreme joy, to which every Nuer boy looks forward with longing, of entering into the full life of the cattle. He will wander with them over their dry season pastures and will have his own bullock, perhaps more than one, to meet when it returns to camp in the evening, strutting along and waving the long tassel attached to its horns as it tosses its head. He will rub its back with ashes in the evening and perhaps invoke the spirit of his lineage or his dead ancestors as he does so. He may now order a boy to lead his bullock round the camp at morning or evening so that he can leap behind it in the sight of the girls, and may walk among the cattle at night ringing a cattle bell and singing about his cattle, his relatives, and his loves, activities which would be mere presumption in a boy, who would not indeed attempt them. 561

The elation, the feeling of happy superiority, which accompany this change in a boy's life are evident in his behaviour, and their opposites are strikingly shown in the cases of boys who for some reason have not been initiated at the same time as their contemporaries and playmates. The position of such a boy is pathetic. His friends have been promoted and he is left behind. They are men and he is still a boy. Once his equals they have become his superiors. I knew well one boy in this humiliating position and it was painful to observe how acutely he felt it on occasions. He evidently felt shame at the performance of his boys' duties and tried to associate as much as possible with his initiated companions, with whom he had everything in common, rather than with the smaller boys with whom he was socially identified. I think that his friends tried to spare him humiliation as far as they could by treating him as one of themselves though his work and play were of necessity different from theirs. On one occasion a man of about 16 years of age was beating the boys for neglecting their work and idling around my tent, but when he came to this boy of the same age as himself he raised his hand to strike him and said : " And you ! what are you doing here ? " but he smiled and did not strike him.

After initiation also a boy may give himself over to the absorbing interests of love-making. He may now dance and flirt (*lum*) and indulge 836 883

[1] We must not exaggerate this equality. Elder men will still call an initiated person who is young enough to be their child *dhol*, boy, and will order him to fetch them things they require. I have on dozens of occasions witnessed it. But the difference lies between doing a favour to an elder man who speaks to you as his son and being ordered about like a servant by a superior.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

836 883 in sexual relations with girls. Before initiation boys may go to dances but they merely watch and do not take part in them After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*lumde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 884 421 An initiated boy is now invested with two external signs of manhood besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 554 553 421 A boy is even prouder when he becomes the owner of a bullock and is invested with a bullock name. Even a small boy will speak of his father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it is only his in the general psychological sense of family communism. It

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

They have a definite code, just as strict as any we may devise, but the emphasis is placed in entirely different places. 000

The Nuer does not live to himself. He is a member of his family, and his actions must be in accord with Nuer law as recognized by them. For should he trangress, he is sure to need their help. 593

Laws regarding sexual relations are decidedly lax according to our western standards. Many young men do not marry the mothers of their firstborn. Illicit relationship may exist between boys and girls. But when a girl reaches marriageable age she is usually under closer surveillance than before. 836

When a girl for whom part of the wedding price has been paid by a man whom she does not wish to marry, is dissatisfied with the arrangement made by her people because she cares for some more desirable and possibly younger man, there is only one way for her to cancel her engagement and thus free herself in order to marry the man of her choice. And this way is fraught with danger which may threaten for some time. 584

She will bear a child for the man she loves, and when her condition becomes known, her engagement to the man of her father's and brother's choice is automatically cancelled. Then for a time there is trouble. Her first lover wants his payment refunded at once. Her family want the marriage price from the man of her choice at once. Very probably he has not got it, so he takes the best way out of the situation (for him) and flees to some distant village, where he has friends or relatives, until the anger of the girl's people cools a little and they are more inclined to listen to him.

This is one of the times when he is thankful that he may depend upon his family and friends to help him out. They may or may not approve of his conduct, but they

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753]
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from that people that they took over a preventive and curative treat- 177
ment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

1: Evans-Pritchard E-5 (1931, 1936) 1940
FJ22 Nuer FJ22

684 claim a cow on the marriage of a female child of his adultery. Even when the husband is not impotent, if the adulterer can show that there is fruit of his adultery he can claim back the cattle he has paid as an indemnity, except for a cow known as *yang kule*, the cow of the sleeping-skin, which has ritual significance. But adultery within a small local community is probably rare because the people are all related to one another, and therefore a man considers that not only would it be wrong to commit adultery with their wives but also that it would be, in a greater or lesser degree, incestuous. If the two men are close kinsmen the adulterer provides an ox for sacrifice but is unlikely to pay an indemnity. If they are not close kinsmen the husband may try to seize the adulterer's cattle, but he only takes this step if he actually catches the offender committing adultery. The adulterer, to avoid a fight, runs away, and if he fears that his cattle may be seized he places them in the kraals of friends and kinsmen. This makes it difficult for the husband to seize them, for even if he knows where they are he does not want to involve himself in quarrels with a number of
• 837 his neighbours by raiding their kraals. Nuer do not consider it immoral to commit adultery with the wives of persons living in other villages. If the husband discovers the offence he may try to seize the offender's cattle, but in doing so he runs the risk of resistance and some one may get killed and a feud result. A herd is the joint property of brothers, even though it is divided among them, and they do not readily acquiesce in the loss of cattle on account of adultery. In my experience it is very seldom indeed that a man obtains compensation for adultery. Adultery with the wife of a man of another tribe is a matter of no importance. What can he do anyhow?

684 Likewise fornication with an unmarried girl is compensated by payment of a heifer and a steer. But it is most unlikely that the
836 payment will be made. If the girl's kinsmen know that she is having relations with a man who possesses cattle and is likely to marry her they turn a blind eye to the affair. If he has no cattle, or if the girl is already engaged, and one of her brothers catches him in congress with her he fights him, unless, as usually happens, the man runs away, for it is not considered cowardly to run away in these circumstances. The girl's kinsmen may then come to his kraal and, if he possesses them, take a male calf and a female calf, and if they are strong enough they may not be resisted. This is what Nuer tell one, but I have never known any one pay a male and a female calf, although after every dance I have seen the youths and maidens have paired off and there has been much promiscuous intercourse and very little effort to conceal it. It frequently

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

kind, in which coitus, when it takes place at all, is only part of a more complex relationship. The lover-sweetheart relationship has within it the purpose or pretence of marriage. Very likely a particular courtship will not develop into marriage, but courtship is the recognized prelude to matrimony, and if a youth wants favours from his sweetheart, he must persuade her of his intentions. A love affair tends, therefore, to be a marriage courtship, and for this reason the pattern of the husband-wife relationship in the first stage of married life intrudes into it, and the pair act towards one another with the conjugal reserve of this stage. So strong is the cultural idea of marriage that, though devoid of irksome restraint and inhibitions, the path of sex life runs from childhood towards that union and, though circuitous, leads always to wedding, home, and family. Marriage is the end of a full sex life. After he is married a man settles down to care of herds and gardens, and goes less and less to dances, and ceases to take much interest in girls. I was told that should he wish to have an affair with a girl his wife would have no objection and would probably help him in it. Women, on the other hand, once they are married, ought not to have relations with men other than their husbands.

Men now expect to marry younger than in the last generation, when, I was told, a man would not usually marry before he was 25 to 30. Fathers were wont to say that they would themselves marry again, for these young wives would in any case go to their sons when they were dead. At what age a youth marries today depends on the size of his family, his place in it, whether his father is dead, the size of his family herd, and other circumstances.

As a rule, girls marry round about 17 or 18, though one sometimes sees an unmarried girl of over 20. If a girl is betrothed early the wedding and consummation ceremonies are delayed. Women, therefore, have their first children at an age when they are well fitted to bear them. So long as a girl is married to a man with cattle she has fairly free choice of a mate. Much depends on whether the girl's family approve of the man's family. In theory, the parents choose their daughter's husband and only formally ask her consent, which she should give in duty to her parents, for marriage is not her business but the business of her menfolk. In fact, it is very difficult for parents to force their daughter to marry a man she dislikes, and strong-minded girls stand up against family pressure on this issue.

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

588 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

•837 It is adultery if a man has relations with another man's wife, including ghost-wives and leviratic wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter light-heartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

CHAPTER IV

THE VIOLATION OF RIGHTS IN WOMEN

1. ADULTERY

NUER courts come into operation only when a recognized wrong is committed, when the validity of some claim is in dispute, or when a man is unable to obtain his rights in cattle from a kinsman, relative-in-law, or debtor. The courts do not operate unless one of the parties resorts to them for one of these reasons, except in cases which are now in the nature of criminal offences: homicide, affray, assault, for example. The law is only clear when the law is broken, and it is in the analysis of disputes brought before the courts that the principles of Nuer law most clearly emerge. Disputes over marriage, that is, over the transfer and distribution of bridewealth or more probably over the return of bridewealth cattle in the event of divorce, do not usually appear before the courts unless a combination of circumstances makes a friendly settlement impossible; and it is symptomatic of the process of social disintegration now taking place in Nuerland that obligations in this connexion are increasingly ignored. In the past a man could only obtain redress if the sanctions for recognized rules of conduct operated with sufficient effect on the wrongdoer or if he had the physical strength, with the support of public opinion, to obtain his rights by force. Adultery, which is in no sense a criminal offence according to Nuer concepts, is now a common cause of legal dispute. There is reason to believe that adultery was less frequent in the past simply because the fear of physical retaliation was greater, and in a sense because acts which are now called adultery were not then treated as adultery at all. 692 [684]

We have seen that the Nuer do not attach great importance to physical paternity. It is legal paternity which is the primary object of marriage, but this does not mean that the relations of the sexes are indiscriminate and uncontrolled, or that a man will not resent encroachment on his exclusive rights to his wife's body. Every Nuer aims at attaching as many children to his name, and through himself to his paternal lineage, as possible. An old man will sometimes allow or even invite a stranger to have intercourse with his wife so that he may have children to further his name and interests in posterity. Whoever may be the physiological father of the children, his legal paternity is in no way impaired. As will be seen later, a man who is impotent may do likewise, though he is not likely to advertise the fact, for impotence is the object of scorn and ridicule among the Nuer. 611 [837] [833]

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

684 837 Despite this general attitude to physical paternity, and despite the fact that birth out of wedlock is in no sense ignominious, a Nuer who is in full possession of his physical powers will bitterly resent an intrusion, and adultery is reckoned a serious infringement of a husband's rights. A husband will take violent steps to prevent it, and it is commonly recognized that a man caught in adultery runs a risk of serious injury or even death at the hands of the woman's husband. There are not, however, nowadays many instances of physical violence or injury arising from adultery (as among some Sudan tribes), and the injured husband will usually resort to the courts.

Adultery is a wrong which demands indemnification in the form of cattle, and this is nearly always enforced by the courts unless circumstances are considered to mitigate the offence. The compensation for adultery[1] (*ruok ciek*) is six head of cattle, and this is common to all Nuer tribes. Of these, five are considered to be direct compensation for the injury caused to the husband, and the sixth, *yang kule*, 'the cow of the sleeping-skin', has a ritual significance. It is considered dangerous for a man to sleep with his wife after she has had intercourse with another man. She is in a state of impurity, and a return to conjugal relations will bring misfortune to them both unless expiation is made by the guilty party. The *kul* or sleeping-skin is symbolic of conjugal relations.

Cattle Returnable if a Child is born of the act of Adultery

684 848 The majority of Nuer tribes west of the Nile, the Zeraf tribes and Lou (but not Eastern Jikany), consider that if a child is born of an adulterous union, then all cattle paid previously as compensation must be returned by the husband with the exception of *yang kule*. The reason is not far to seek if we consider the logical principles which underline the concept of legal parenthood already described.[2] It is not so much because the adulterer is considered to have done the husband a service in begetting a child on his behalf—although I have often heard Nuer give this as the reason for the return of the cattle—but because the five head of cattle paid as compensation (*ruok ciek*) have the flavour of legitimization fees (*ruok gaanke*). Unless they are returned there may be confusion of legal concepts. Subsequently, and especially if the marriage was dissolved, the adulterer might claim the child as his legal right.[3]

[1] *Dhu*, lit. 'fornication with'. *dhu ciek* therefore means adultery, while if a child is born of the act, it will be called *ruet ciek*. *Ruok ciek*, or more precisely *ruok dhu ciek* or *ruok ruet ciek*, means compensation for adultery.

[2] See Legitimacy of Children, pp. 128–35.

[3] Nuer say that the cattle and the child must not be in the same place together—'they may not meet'. Moreover, the aggrieved husband will always get rid of these cattle as soon as possible even if a child is not born. In the interim between acceptance and their ultimate disposal he will keep them with a friend and well apart from his

8:Howell E.G-5 (1942-1944)1954
FJ22 Nuer FJ22

and its consequences which he runs in resuming sexual relations with his wife. *Yang kule* is both indemnification and spiritual expiation. 684

(ii) If a child is born of the act of adultery, the five head of cattle must be returned to the adulterer to avoid any possibility of confusion over the legal paternity of that child, but *yang kule* must always remain with the husband.[1] [848]

Application of these Principles depends on Circumstances

Adultery is therefore an offence because it amounts to an infringement of the legal husband's physical rights in his wife, and also a wrong against the ritual status of the husband which may be impaired by his wife's impurity. This is the law, although its application will depend on a variety of circumstances: the physical condition of the husband and of the wife; the morals of the wife and the age of the wife; the position in the social structure of the parties concerned.

Impotence of the Husband

The physical potency of the husband is sometimes questioned by the defendant, and if the point is proved, the court will rarely enforce the payment of compensation or even of *yang kule*. A man's physical rights in his wife will not be guarded or upheld by the law if he cannot take advantage of them, nor is he likely to suffer any ritual impurity if he is unable to have sexual relations with his wife.[2] On the other hand, it may be argued that the legal husband has acquired rights in his wife by the transfer of cattle to her kin, and if he is unable to enjoy those rights personally, at least he is entitled to dispose of them as he pleases. This at any rate would carry the theory of rights acquired by the transfer of cattle to its logical conclusion, but the Nuer do not look at it in quite this way. We have seen that impotence is recognized as a ground for divorce on the part of the woman, and a man who is impotent has failed in his duties as a husband. In these circumstances he should be pleased that his wife has borne him a child, whoever the father may be. To the Nuer, if he is not pleased, he ought to be. 684 833 837

In cases of this sort a court will sometimes enforce the payment of *yang kule*, though by no means always, but will certainly never allow a claim for the rest of the accepted number of cattle. The concept reflects not so much a definite law as a circumstance which any court

[1] That this rule has been altered by recent legislation will be clear later.

[2] There is, I think, a conscious distinction here. If the husband is impotent and unable to have intercourse with his wife, then there is no risk of the impurity which the *yang kule* is intended to neutralize. If he is able to enjoy sexual intercourse with her, but is sterile and unable to beget children, then the adulterer will still be protected against liability for full compensation (*ruok ciek*), but is liable to pay *yang kule*. The husband, though sterile, still runs the risk of contamination.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

684 833 837

will consider in assessing the wrong and the amount of compensation to be paid. It is a plea which is frequently raised by defendants to a charge of adultery and is, of course, not easy to prove. Evidence is based not so much on the statement of the wife as on general reputation (and it must be remembered that in the intimate life the Nuer lead there is not much which can be concealed), and also on the existence or otherwise of other children and the evidence of co-wives if there are any.

Barrenness of the Wife and Age of the Wife

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It is sometimes held that adultery with a woman who is known to be barren is not an offence, though this view is certainly not universally held. Adultery with a woman who has borne several children and is elderly is also considered a minor offence and rarely requires compensation, especially if she has adult children. At most *yang kule* will be demanded in these circumstances.[1]

Morals of the Wife

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The temperament and morals of the wife are also factors which a Nuer court will consider. If the husband, usually a man who has been absent from home for a long time, brings charges of adultery against two or more men and the charge is proven, the court will order that each shall pay part of the compensation.[2] There is a limit to this. Nuer consider that a woman who has had sexual relations with more than three men is a *ciek me jok*, a 'loose woman', and that the men concerned cannot be held responsible. For this reason the defendant or defendants in a case of adultery will often attempt to prove that the woman has committed adultery with a fourth man. In this case a court will not enforce the payment of compensation, or of *yang kule*, though, if a child is born of one of them, it may compel him to pay *yang kule*. In such circumstances, the husband will often institute a divorce against his wife, and if there is any dispute between himself and his wife's relatives, a court will usually take his side.

Jal Bath v. *Gai Nyal* (*Thiang: Central Nuer Appeal*)

Jal Bath claimed compensation (*ruok ciek*) from Gai Nyal on grounds of adultery with his legal wife Nyandeang. A child had been born in consequence of the act of adultery, or so Jal alleged. This was admitted by Gai. (It was in his interests to do so.) Jal claimed *yang kule* only, but Gai refused to pay. The matter was taken to court and Gai ordered to pay. Some months later,

[1] This was recorded at the Nuer Chiefs' Council Meeting of 1945: 'When a man commits adultery with a woman who has adult sons or daughters, he is only liable to pay *yang kule* and not full compensation.'

[2] E.g. if two men, each will pay three head of cattle, if three men, each will pay two head of cattle.

8:Howell E, G-5 (1942-1944)1954
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Gai appealed on the grounds that he had evidence that Nyandeang had committed adultery with three other men, Koh Col, Ngwom Diu, Top Bath, and had done so during the same period as with Gai, and in the absence of Jal. Appeal court accepted this evidence as true. Jal then stated that he did not deny the allegations of Gai, though he had not heard of them before, but the evidence was not relevant to the case. He had claimed *yang kule* only, not full compensation. He admitted Gai was father of the child, and so did Gai. Court upheld previous judgement and ruled that Jal should keep the *yang kule*. 684 837 593

Questioned on the legal issues involved, the court held that if a man has sexual intercourse with a woman who is the legal wife of another, he is liable to pay six head of cattle which include *yang kule*. If she bears a child attributed to the act of the adulterer, five head must be returned, *yang kule* remains. The fact that the woman is proved to have committed adultery with other men, if more than three men are involved, absolves all of them from paying compensation whether a child is born or not, but if one of them is proved to be the father of the child, he must still pay *yang kule*.[1]

Compensation cannot be Claimed more than twice where one Woman is Concerned

It is also generally held that a man cannot claim compensation for adultery with his wife (the same wife) on more than two occasions. After the fulfilment of two claims of this sort, in which he may have received no less than twelve head of cattle, his wife acquires the reputation of being 'loose'. He will certainly not succeed in a claim instigated out of court, and it is extremely unlikely that a Nuer court would uphold his claim. Moreover he may well be suspected of exploiting his wife's physical charms to his own advantage.

Adultery with Widows

When a woman whose husband is dead has sexual relations with a man without the express permission of her husband's legal heirs, damages for adultery may be claimed, but the right is not often exercised. It depends on a variety of circumstances, particularly the age of the woman, for, if she is young and attractive, one of her husband's kinsmen will wish her to live with him. As we have seen, the main object in the minds of the dead husband's kinsmen is that the woman shall bear children to his name, and they are usually prepared to give her a wide choice, provided she does not go to live too far away from them. They will often object if she goes to live with a man whom they have not accepted as her lover (*lum*), and they will also object 684 587

[1] See recent legislation on this subject, p. 167. The idea is a Nuer one, but the exactitude is the result of legislation prompted by the Administration.

11:Evans-Pritchard E-5 (1931, 1936) 1945
FJ22 Nuer FJ22

The attitude of the kinsmen depends largely on the widow's behaviour. If she refuses to live with one of them but consents to remain in their village, as a member of their *gol* or homestead, and there bear children to her dead husband by a man who is not of their kin they cannot easily find fault with her, and even if she has not borne her husband two children they are unlikely to divorce her for the children she bears are not only legally of their kin but are born amidst them and reared by them. 587 768 593

A widow is always asked at the gathering of her husband's kinsmen at his mortuary ceremony, on "the day of evil" (*cang giekni*) when they purify the mourners and send the ghost away from them, whom she wishes to live with. I was told that if she refuses the sons and brothers of her dead husband they ask her *Ceke, guri bi wa lum dor kie bi lum cieng?* "O woman do you wish to become a concubine away from the village or to be a concubine at home?" A Nuer told me that on such an occasion *Cek me kere wide yar be lar "Ghan gan ca be wa lum gwadh dodien, Me ca gat coada gur, ba lum golkun"*, "A woman who is not a fool will say, 'I will not seek a lover in another place. Though I do not want a son of my husband I will take a lover in your home'". She will then cohabit with a member of her husband's village, maybe one of his more distant male kinsmen, maybe a villager of a different clan. Everyone is satisfied with this arrangement, for she still remains a member of their *gol* and her lover is a member of their village and he not only begets children for them but also becomes the protector and bread-winner of the surviving members of their dead kinsman's family. Sometimes the lover is not a member of the dead man's village but is a man of a neighbouring village who visits the widow there from time to time to cohabit with her and assist her in horticultural labour. [764] 587 768 593 837 591

Widows who decide to leave the homes of their dead husbands often return to their own people and take lovers in the villages of their brothers. Thus, as will be seen later in the charts and diagrams referring to the village of Nyueny, we often find matrilocal and patrilocal residence side by side owing to the return of widows, bringing their children with them, to the homes of their kinsmen. It thus often happens that children are brought up among their maternal relatives.

Often widows neither remain in the homes of their dead husbands nor return to their kinsmen, but go to live with lovers, sometimes in different districts and even in different tribal areas. If their children by their husbands are small they may take them with them so that during childhood they are members of the households of the lovers of their mothers. These men act as foster-fathers to the children. 587 768 593 591

It is impossible to say in advance which course a widow will pursue. Much depends on the character and social position of the husband's kinsmen and upon the strength of kinship sentiment among them. If there are full brothers of the dead man they may consider it their duty as well as their privilege to retain the services of "their wife", especially if she is young and they are unmarried. If there are only half-brothers of the dead man and still more if there are no brothers at all but only cousins, they have less control over the widow and less sense of obligation to the

11:Evans-Pritchard E-5 (1931,1936) 1945
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588 A man is content to pay a fee to obtain possession of any children he may
581 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

588 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word "family" to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

848 It is clear from what I have already recorded that Nuer do not attach
842 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither pater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

837 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

11:Evans-Pritchard E-5 (1931, 1936) 1945
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sive act. If they have begotten children by the wives of other men they are rather proud of this evidence of their virility. 837

The legal position about adultery is as follows: If a man finds another committing adultery with his wife they will probably fight, though the adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery. 837 684

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruok*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard begotten of a certain man, the genitor will sometimes claim "the cow of begetting" on her marriage. Her kin do not relish handing him over a cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful. 585 848 431

The verb *ruok* is used to describe the paying of compensation. Thus one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak 684

11;Evans-Pritchard E-5 (1931, 1936) 1945
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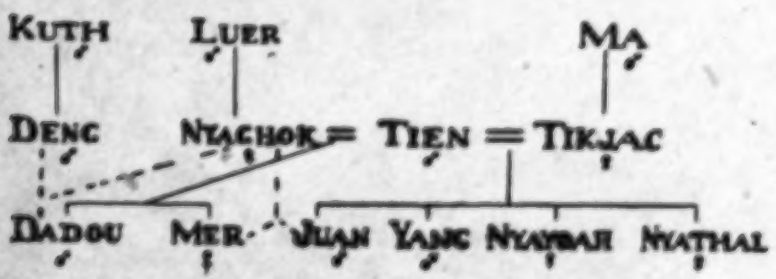
Homestead No. VI. Rainen ♂—Ngwoth ♂. He lives here with his legal wife, Nyadang ♀—Col ♂, by whom he has begotten two sons and five daughters. His byre has fallen down and his cattle are housed in the byre of homestead No. V. The mother of Wang ♂, the owner of this byre, shares a hut with Nyadang ♀. During my visit a Dok girl was living here as unmarried concubine to Rainen's eldest son, Nhial ♂. 592 588

Homestead No. VII. Juan ♂—Tien ♂ (brother of Yang ♂ of homestead No. XIX). He lives with Nyaghok ♀, one of his father's widows. His mother, Tikjac ♀, a Lek woman, also lives at his home. Tikjac ♀ bore her husband two sons, Yang ♂ and Juan ♂, and two daughters, Nyayoah ♀ and Nyathal ♀. She is now past child-bearing. Tien's second wife, Nyaghok ♀, a Dinka woman, committed adultery during her husband's lifetime with one of his distant agnatic kinsmen, called Deng. A boy, Dadou ♂, was born of this adulterous congress. He also lives in this homestead. After Tien's death Nyaghok ♀ cohabited with his son, Juan ♂, to whom she bore a daughter, Mer ♀. See Diagram No. VIII. [837]



[611]

Diagram VIII

Homestead No. VIII. Nyaruithni ♀—Kwenwar ♂, the widow of Rwacar ♂. She is now past child-bearing and does not cohabit with any man. During Rwacar's lifetime she bore two children, but neither by him, both being the fruit of adultery. Her daughter, Nyakewa ♀, who was killed this year by lightning, was begotten by Luin ♂—Kwany ♂, a Lek tribesman, and her son, Maiith ♂ was begotten by Gak ♂—Yol ♂, a Jikany tribesman. Her brother's son, Gai ♂—Karlual ♂, lives in her byre and looks after her herd. 592 837

Nyaruithni's sister Nyaudol ♀—Kwenwar ♂, paid a visit to her homestead this year. When Nyakewa ♀ was killed by lightning Nyaudol's husband, Yoah ♂, was killed at the same time. Nyaudol ♀ says that since she is now a widow she will remain at Nyueny with her children by Yoah ♂: Weetwok ♂, Bilieu ♂, Gatdwiel ♀, and Nyankeni ♀.

Homestead No. IX. Karlual ♂—Kwenwar ♂. He first married Nyakuon ♀—Kok ♂. She died without children and the cattle were returned (Tang ♂—Karlual ♂ married a wife with them). Karlual ♂ then married 592 [586]

14: Huffman M-5 (no date) 1931
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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
837 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

594 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[596] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

In certain respects the status
588 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 848 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

● 837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of there 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1939, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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through adoption, and close affinity. It is also incestuous for a man 835
to have carnal relations with the daughter of an age-mate and for two closely related persons of the same sex to have congress with a person of the opposite sex, even though that person is unrelated to them. A further reason is that Nuer regard incest as a venial offence if the partners are distantly related, and young men certainly often take the slight risk involved. It is easier to understand why incest outside the family and nearest kin is not infrequent if we consider it also in a general setting of sex relations. Nuer do 836
not object to girls having love affairs before marriage so long as they are reasonably discreet in them and give their favours to youths with cattle, who may at least be supposed to have what we call honourable intentions; and little opprobrium attaches to adultery, of which they speak light-heartedly and without disgust or shame.

Nevertheless, adultery (*dhom*), besides being a wrong done to 837
the husband by infringement of his rights, is a further wrong to 783
him in that he is polluted. A husband who discovers his wife *in flagrante delicto* may obtain summary justice by spear or club. Otherwise he demands compensation in cattle, and if the two men are members of the same local community he is likely to receive it. In addition to the cattle paid in compensation, the adulterer hands over to the husband an ox called *yang kula*, the ox of the (husband's) sleeping-hide. This is paid to protect the husband from the consequences of the adultery, known as *kor*, a concept of which one also hears much in Nuerland. *Kor* is a condition brought about by a man having congress with his wife after she has been unfaithful to him. All three persons are polluted, but if [753]
sickness results it falls on the husband, and it is most likely to fall on him if the adultery took place in his home. This sickness is also called *kor*, though it may be referred to as well as *juei kula*, sickness of the hide, or, on account of its symptoms, *juei letka*, sickness of the loins. I was told that it may prove fatal, though Miss Soule says that it is myalgia of the lumbar region. Nuer told me that 837
they learnt about *kor*, as they learnt about so many of the ideas 783
discussed in this book, from the Dinka and that it was also from
that people that they took over a preventive and curative treat- 177
ment of it, *wal kore*, *kor* medicine, the tip of a buffalo's horn [757]
which is burnt, and its smoke inhaled. Their statement that the concept is a Dinka one is supported, among other evidences, by

16: Evans-Pritchard E-5 (1931, 1936) 1956
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[177]

the fact that the word *kor* has no further meaning in Nuer whereas in Dinka it is the verb for 'to commit adultery'.[1]

Adultery medicine is probably used only as a precaution and perhaps in addition to sacrifice if a man falls sick and the symptoms suggest *kor*. The main safeguard and remedy is sacrifice, and in cases where the adulterer is known he hands over the *yang kula* for this purpose. It is generally conducted on behalf of the husband by some religious functionary, perhaps a leopard-skin priest or a man who respects *kor* (a man who has himself at some time suffered from it and has recovered), in the presence of the families and friends of the parties involved. He or another person first invokes God that the sick man may recover. Immediately the ox has fallen the adulterer and his friends take hold of its head and forelegs, and the husband and his wife and friends of their family take hold of its hindlegs while the man who is conducting the rite cuts the carcass in two through the loins.[2] The *yang kula* is sacrificed to wipe out the pollution whether the husband falls sick or not. That it has this significance is shown by the fact that when, for reasons I have set forth elsewhere,[3] in the event of a child being born of adulterous congress the cattle paid in compensation, or others in their stead, are returned to the adulterer, the *yang kula*, if it has not yet been sacrificed, remains with the husband for that purpose, and if it has been sacrificed he is under no obligation to return another ox in its place; and by the fact that if the husband forgoes compensation, as he may do if the adulterer is a close agnatic kinsman and neighbour, the *yang kula* must be paid to protect him from evil consequences. It is not part of the *ruok*, the compensation, but is handed over in addition to it, and for a different purpose. Even the cattle of compensation are tainted for the husband. He keeps them away from his own cattle, putting them in the care of a friend or kinsman well away from his own homestead, and he rids himself of them as soon as he can, either by marrying with them or by giving them to one of his brothers for the same purpose. I was told that above all he would

[1] P. A. Nebel, op. cit., pp. 13 and 88. The noun form *akor* means 'adultery'.

[2] Dr. Mary Smith tells me that if a man suffers from *kor* and the adulterer is unknown the officiant holds the forelegs while someone else cuts through the carcass (of a sheep). She says that in the part of Nuerland she resides in the idea of *kor* is no longer prevalent.

[3] 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938, pp. 332–4.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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not drink their milk and that should he even tread on their dung 837
he might cause grave injury either to himself or to his cattle. Like- 783
wise, a man will not accept as bridewealth for his daughter cattle paid to her husband in compensation for adultery she has committed. This is a shocking idea to Nuer, who say that it is like incest.

The pollution may spread (*dop*) beyond those directly concerned 837
in it. The adulterer, the husband, and the wife are dangerous to 783
anyone they come into contact with who has an open sore, for the 753
kor may enter him through it. One day at a wedding a youth was trying to reconcile his desire to watch the dancing with the need to hide an open wound from the eyes of those who might cause it to fester, by watching the dance from the shelter of maize plants. I heard his mother shout to him in reprimand 'there you stand in the maize where people can see you. Is *ther* (p. 176) a good thing, and is *kpr* a good thing, that you thus expose yourself?' It is largely from fear lest an adulterer or adulteress or cuckold might see them that lads are so closely secluded while they still have open wounds on their foreheads after initiation. Adultery may also cause a wife who has been partner to it to suffer in childbirth, and if she finds the pains of labour grievous she will make known to the midwife any adulterous acts she may have committed. The sin and its consequences become less by being confessed.

Another dangerous influence is that brought about by a man 783
having congress with his wife while she is nursing a child. Respon- 834
sibility rests with the husband, 'for this is an affair of men, and it is not a woman's business to deny her husband access'. As has been noted, this is an offence that comes within the category of *nueer*, but the specific name for it is *thiang*. This word denotes the act itself, the consequences which follow from it, and the rite performed to ward off the consequences. Since children are not weaned till they are about three years old it might be thought that husbands must often give way to temptation, but one seldom hears of a wife becoming pregnant before her child at the breast is weaned, and Nuer themselves say that it is uncommon. I cannot say whether a husband who commits the offence would generally perform the prescribed rites unless the pregnancy of his wife made it common knowledge. In the only cases I have come across action was taken when it became evident that a nursing mother was pregnant. I was told that it was then taken to ward off the

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him how to pound millet so that he now satisfies his hunger only 838 ●
by ceaseless labour. The sexual organs attached themselves to man 825
and woman so that they are now constantly desirous of each other. 773
Mouse taught man how to beget and woman how to bear. Dog brought fire to man. And we are told that while fox was plotting to sow dissension among the beasts he gave man the spear and taught him how to use it. It was then that man began to kill, and his first killing seems to have been that of the mother of cow and buffalo, or rather the mother of cattle, for at that time cows and buffaloes were the same. This led to a feud between men and cattle, buffaloes avenging their mother by attacking men in the bush and cows by causing men to quarrel and slay one another.

It may perhaps sharpen our focus on sacrifice to know not only 773
that Nuer seldom kill wild animals but also that they can imagine 782
a state in which man did not kill, that there might have been a 231
beginning to killing as to coitus, to pounding grain, and to other things men do now. Viewed in relation to the dialectic of the stories, the killing of cattle is then seen not to be, as it were, derived from a state of nature in which men kill animals for food, as just one sort of killing among others, but as a product of a new dispensation in which cattle are allotted a sacrificial role and are set apart for this purpose. Other animals may, as a matter more or less of chance, and now and again, be killed, but it is the role and destiny of cattle to be slaughtered in sacrifice. Sacrificial slaughter thus stands at the very centre of the idea of killing, and sacrificial flesh at the very centre of the idea of feasting.

We may conclude, therefore, that the observations we have 231
made earlier concerning the relationship of a man with his 782
favourite ox, the ritual of initiation, &c., must be viewed in the light of the identification of men with cattle in sacrifices. A Nuer does not look upon his cattle as a stockbreeder or dairy farmer does, for in his case his relationship to his beasts is complicated, apart from their use in marriage, by their reservation for sacrifice. And it is not just that he must not kill cattle except in sacrifice because if he were to slaughter them for meat he would lower his resources for food, marriage, and religious purposes. It is not merely a negative injunction. It is not 'thou must not kill' but 'thou must sacrifice'. It is not that they must only kill for sacrifice but that they must sacrifice to kill.

We must not be led astray by this conclusion to suppose that in

8:Howell E, G-5 (1942-1944)1954
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as a sorcerer or witch in normal circumstances. Similarly, other categories of magicians and spirit-owners are generally expected to act in the interests of their clients, although in some cases the client may, by paying a fee, gain the assistance of one of them to work witchcraft against his private enemy. Some spirit-owners have an unsavoury reputation in Nuerland. There are, however, persons whose activities are considered entirely anti-social, and who thus fall into the category of witches, whatever the circumstances.

Witchcraft

Apart from *gwan wal* or owners of medicines who have acquired an evil reputation, witches are possessors of the evil eye, called *peth* in Nuer, who are believed to cause harm and even death to those who cross their path in anger, and sometimes without any motive at all other than the inherent evil of their personalities. The *rodh* or ghoul is also a kind of witch who is particularly associated with the performance of hideous rites upon the bodies of the newly dead, thereby gaining some control over the souls of their surviving relatives.[1]

In the common action of the community against witchcraft we find perhaps the only conception among the Nuer which even approaches the notion of criminal or public law. Nuer say that in the past witches of these kinds were often killed with at least the tacit consent of the whole community to which they belonged. There are, however, no authenticated cases on record. The *rodh* might be killed with impunity, provided that blood was not spilt and no injuries to his head were inflicted by his assailants. The *peth* might be killed without grave danger of retaliation and, if composition was demanded, only six head of cattle need be paid to the kinsmen. It is doubtful if anything was paid in such circumstances. Accusations of the evil eye are fairly common today, but I have no details of the possessors being killed in the past.

It is worth adding that among many primitive peoples unnatural offences and bestiality are treated as public delicts and punished by ostracism, exile, or even death. Such offences are conspicuous by their absence among the Nuer. During several years in Nuerland I only heard of one actual instance. This occurred in Gaawar country, where a headman of considerable standing admitted such an offence with a cow. This was regarded as a grave misfortune, though the reaction was one of pity for the culprit rather than indignation. It was held that both he and the cow would die. As an act of expiation he cut off one of his own fingers with a spear and, accompanied by sacrifice, this was considered an effective antidote. In the absence

[1] See Howell and B. A. Lewis, 'Nuer Ghouls, a Form of Witchcraft', *S.N.R.*, 1947.

8:Howell E, G-5 (1942-1944)1954
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of further evidence it is not possible to expand on this subject. Nuer simply say that a man who commits such an offence will surely die. The ritual sanctions must be very effective. 839 684

Actions against Witches Today

In all cases of accusations of witchcraft appearing before modern Nuer courts of which I have any record, the accused was submitted to searching examination and evidence of a sort was taken. The facts seemed hard to prove, but by reference to the character of the accused (anything in the nature of incessant ill-temper, shrewishness, and general unpopularity backed by definite instances of misfortune among the accusers), the members of the court usually came to a decision. The matter was not treated lightly, and it is a fact that the large majority of such cases were dismissed as frivolous, and in some instances the plaintiff was punished for false accusation (*lorjok*)[1]. Sentences of imprisonment were sometimes inflicted, in most instances on women who were suffering ill-treatment from their neighbours and would be better out of the way for a while. Imprisonment, an idea entirely alien to the Nuer, somehow acted as a form of expiation or purification, and I have noted that in nearly all cases the woman went back to live unmolested among her neighbours. 754 683 [783]

Oaths

In connexion with Nuer religious beliefs which have bearing on the study of law and the procedure of courts today, oaths must be mentioned. The ceremony is usually performed by the Leopard-Skin Chief, who is called in for this purpose. There are two common forms of oath, the first called *kweng*, *kwil*, or *kap tang* ('to hold the spear-shaft'), which is used in a variety of circumstances, while *math* (literally, 'to drink') is the form often employed in cases of unconfessed homicide. The taking of an oath is not an individual process carried out by one man alone. In the former ceremony both accuser and accused are expected to take part, and it amounts to something of an ordeal between them; in the latter, where there is no known accused, those suspected and all their kinsmen are expected to participate. 695

It should be noted that the use of such oaths, especially in court, is not encouraged by the Government. Moreover, although the participants are often willing enough, the onlookers are afraid for them and nearly always persuade them to take some other course. Nuer chiefs and court members frown on the practice for this reason and not only because they know that the procedure is not in keeping with Government policy.

[1] See p. 70.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

are brewed and a bullock or sheep is killed. It seems that they do not always kill an animal but they must do so when it is an eldest son who is being initiated or a boy whose eldest brother has died. Members of the father's age-set eat the meat at night and they alone. During the night they sing songs amid the cattle. On the following day, in the afternoon, they drink beer and leap about behind the bullocks and there is a lot of horseplay. The womenfolk seize the penises of members of their husbands' age-set, the father of an initiated boy especially being subject to this treatment. They tie cord to the penises of the men and pull them while the men retaliate by tugging at the skin aprons of the wives of their age-mates. A man of the age-set of the father of an initiate will lift up the apron of his wife (the boy's mother) and will utter a ceremonial cry into her vagina. This man is generally the woman's *cocanda*, that is to say a paternal cousin of her husband. Only members of the father's age-set and their wives will partake in this horseplay in the homestead of the father of the initiate. Thus if the boy is the son of a *maker* all members of the *maker* age-set will take part in the festivities, together with their wives, while members of the other age-sets, *e.g.*, the *Dangunga*, will have their own fun in a neighbouring homestead with their wives. Younger people will not go near these festivities of their elders because they might see the genitals of their mothers and aunts. All those who have married daughters of the men who are sporting themselves will also give the festivities a wide berth lest they should see the nakedness of their mothers-in-law. This dance is called *bul ruathni* or *bul ruath dholi*. They say that they make this horseplay because they are glad that their child has become a man.

After the cutting, which is called *gar*, the boys are shut up in a hut. This is not built for the purpose but is temporarily vacated by the women of the family in whose homestead the operation has taken place.

Between the cutting and the ceremonial exit from the period of convalescence the boys are known as *cöt*. The boys suffer excruciating pain during the first two days or so after the operation and nothing can be done to relieve their agony. These first few days are recognised as being a time of great danger for the boys since the wounds may break open again and great loss of blood ensue. Youths and girls are prohibited from visiting the boys during this period since they are likely to be sexually unclean. Especially are pregnant women kept away from the vicinity

14: Huffman M-5 (no date) 1931
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262 are dura, corn, mutton, beef, the flesh of some wild animals—antelope, gazelle, waterbuck—guinea fowl, fish, crocodile—which is considered a choice food—beans, milk, and sometimes greens. This does not mean that these foods are constantly at hand. The average diet of a Nuer consists of dura, fish, milk, and occasionally meat. This limitation of diet works the greatest hardship for little children and the sick and aged.

A Nuer seldom kills a cow unless one has to be offered as a sacrifice. Sheep are not often primarily killed for food. Wild animals are not often available for they usually must be killed with a gun—and who has a gun? Even guinea fowl are not easily caught.

A Nuer will, generally speaking, not eat wild duck. Eggs are not eaten by men as they are considered effeminate. Milk is likewise not regarded as food for men, but women and children and sick men may drink it. Women refuse [841] to drink milk during their menstrual periods.

243 The staple article of food is dura, or kaffir corn as we call it. The dura is planted in May, providing the early rains have begun. If the rainy season is late the planting is delayed until the ground has been softened by several rains so that hoeing is possible. Small hand-hoes are used. Everybody hoes—men, women, and children each do their part in getting the field ready to be planted. The seed dura, which has been kept over from the past year, is sown. It requires to be hoed several times during the season, for the frequent rains make weeds grow as well as dura. In late September or early October, according to the time of planting, the dura is ready to be cut.

[791] When harvest time approaches a 'guk kwoth' or 'prophet of god' is consulted as to when they may cut their dura, and his advice is heeded.

14: Huffman M-5 (no date) 1931
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in a way this is true. The Nuer find it hard to believe 781
that God is a God of love. Even when they learn to love Him they still find it hard to trust Him when things go wrong. But the missionaries do not get too discouraged, for, after all, is not that habit world-wide?

A large portion of the Nuer tribe has never heard the 177
Christian message. Of those who have heard it, few have yet made full response. Yet the influence of those who honour the name of Christ will make its mark upon the Nuer and lead to the forsaking of unworthy customs inherited from the past.

Although the Arab traders throughout Nuerland are Moslem, their religion has not appealed to the Nuer; the Moslem faith has so far gained no ground in Nuerland.

SUPERSTITIONS

The Nuer mind is full of superstitions, some of them 000
being age-old. They believe them implicitly; 'Would our parents lie to us?' they ask when any doubt is expressed. Many of the superstitions have to do with cattle (see Chapter II) and marriage (see Chapter V.)

A woman must never drink milk during her menstrual 841
period. Nor at this time may she eat food which has been cooked in a kettle in which milk has been boiled. Why? Because to do so would harm the cattle.

If a woman is impregnated while still nursing a child, 843
they cut a small piece off the ear of a dog and this is worn around the child's neck in order to keep it from harm. Any one walking in the footsteps of the father of this child may be the victim of dreadful things—his head may split right down the back.

If a child should have an attack of vomiting just after 753
some strangers have been to the village, the strangers are at once suspected of having in part caused the attack.

775 As Nuer speak about *cien* it has, therefore, the sense of an
626 injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of
[843] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands,
[177] an idea some of the eastern Nuer have taken over from the Anuak;
[841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mai*); the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after,
[842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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in the home of his parents-in-law they avoid offering him milk 196
from the cattle he has paid them. Further, if there is a divorce and 583
the bridewealth cattle are returned to the husband's people they 784
sacrifice a goat before they drink of their milk.

Nuer 'respect with regard to food' unrelated people (*nei ti* 196
gwagh) of the opposite sex, especially if they are unmarried and 264
possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuer feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word 196
thek is homicide. I discuss it in greater detail in Chapter XII. A 784
man who slays another respects water—he may not drink—until 628
a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thek*, which, as always, contains the 196
idea of avoidance, is in reference to burial and to mortuary sacri- 784
fices. Those who bury a corpse respect water—they may not drink [764]
—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the 196
mother to be barren and injure the father, himself, and the cattle. 784
A man is also said to respect his as yet unconceived children by 834
abstaining from congress with his wife when she is menstruating[1] 841

[1] He is not said to *thek*, respect, his wife when she is menstruating. He

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196 784 [834] [841] [234] and while she is suckling an infant, for a child born of union in these forbidden periods is a child of misfortune. A woman in her periods respects the milk of cows; she may only drink goat's milk at this time. Nuer also use the word *thek* to refer to the prohibition on men milking cows. Men respect the cows with regard to milking. Milking is done only by women and boys. It can happen, however, that on journeys there are no women or boys present, and in these circumstances men may milk the cows on condition that each gets another to milk his cows for him. I learnt in 1936 that a youth, Tot, who in 1931 had been a member of my household, had died as a result of having milked a cow at night in the byre of his home and drunk the milk.

196 776 784 One of the commonest uses of *thek* is, as we have seen, in reference to totems. A man respects his totem by refraining from harming it in any way (pp. 64 seq.). The respect is mutual and the totem should refrain from harming those who respect it. We have also noted earlier (p. 129) the respect relationship between twins and birds. The word is also used for the attitude of a man towards his fetish.

196 784 *Thek* has, therefore, in all its contexts of usage a sense of deference, constraint, modesty or shyness, or a mixture of these attitudes. It seems often to carry as part of its load of meaning a feeling of embarrassment which is entirely lacking in the ordinary behaviour of Nuer towards persons and nature. The behaviour associated with it is formalistic and includes always avoidance and abstention, though it will have been observed that these need not be absolute. A man does not in any way avoid his cows except with regard to (*ke kwi*) milking them.[1]

The purpose and function of these respect relationships are

observes or honours (*luth*) [illegible]ys of her indisposition. On the other hand, *thek* may be used to speak of a woman being in her periods, it being understood that what she respects are the cattle. The word can thus be used as a polite euphemism for 'to menstruate'.

[1] While a man does not respect a cow dedicated to a spirit, Dr. Smith tells me that he can be said to respect it with regard to milk and marriage. Only members of his family may drink its milk and it must not be used for marriage, unless in either case the spirit gives its consent. Dr. Lienhardt tells me that a man can also be said to respect such a cow with regard to urine, in that he does not use it for domestic purposes. As I was not aware of these particular usages of the word *thek* I can only record this information without discussing it. A breach of the prohibitions would certainly involve liability (pp. 39–40) but it would not be classed as *nueer*.

585 own and a sleeping-hide, a brush, and a couple of gourds for ablu-
[591] tions. When her husband comes to visit her in her father's home-
stead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about. Her parents are supposed to know nothing of his visits, though, of course, they know all about his movements, and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut to see him depart. I was told that should he oversleep and his mother-in-law see his spears outside her daughter's hut, she makes them forfeit, and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves. He is then the father of their daughter's child and through the child has a kind of kinship with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made from the first millet of the year—a pretty custom known as *puthene kuan*, honouring with porridge.

● 842 All are equally anxious for a child to be born, the husband and wife because they want a son, and the wife's parents and kin because they cannot, without risking complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband. When a child is born the
853 mother remains with her parents till she has weaned it. This is a
591 suitable regulation, because after bridewealth has been paid the
862

2:Evans-Pritchard E-5 (1931,1936) 1951
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588 legal family in opposition to this natural family and the genitor
594 can become pater to the children. If the woman leaves him, his position is then equivalent to that of a man who has divorced his wife, but has left part of the bridewealth with her family to retain his children.

842 It is clear from the facts I have recorded that Nuer do not attach great importance to physiological paternity. Men prefer to beget their own sons, but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal fatherhood of the child is well established. This is particularly evident in their ideas about adultery, and a consideration of them will serve also to emphasize that Nuer acknowledge social and mystical links between a child and his natural father.

837 It is adultery if a man has relations with another man's wife, including ghost-wives and leviratic wives. I was struck among the Nuer both by the frequency of adultery and the infrequency of quarrels or even talk about it. Nuer seem to treat the matter light-heartedly, and not to be at all ashamed of their adulteries. In speaking of adultery, it is the risk of being speared or clubbed if caught in the act, or having to pay compensation to the husband if he finds out what is happening, that they bring to the fore. Adultery in their eyes is an illegal but not an immoral act.

684 The legal position is as follows. When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him, the husband will probably, if the two men live in the same district, receive the cattle. Nuer regard adultery in the husband's home as a more serious offence than adultery in the bush because they believe that it is more likely to cause the husband sickness. Adultery is a double damage: it is an infringement of rights and it can injure the husband's health.

If after the six head of cattle have been paid a healthy child is born of the adulterous congress, five of them must be returned, because 'the cattle and the child must not meet in one place'. Otherwise, the cattle paid in compensation partake of the nature of a legitimatization fee and hence give the genitor a claim on the child. The birth of a child seems to be thought to change the compensation for an adultery (*ruok*) into a fee for legitimatizing a child (also *ruok*). I only discovered this convention after I had left

595 in the child from the time the mother leaves her hut after bearing him. The father's other wives, his brothers and their wives, and other kinsmen and affines of the father if they live near him, take

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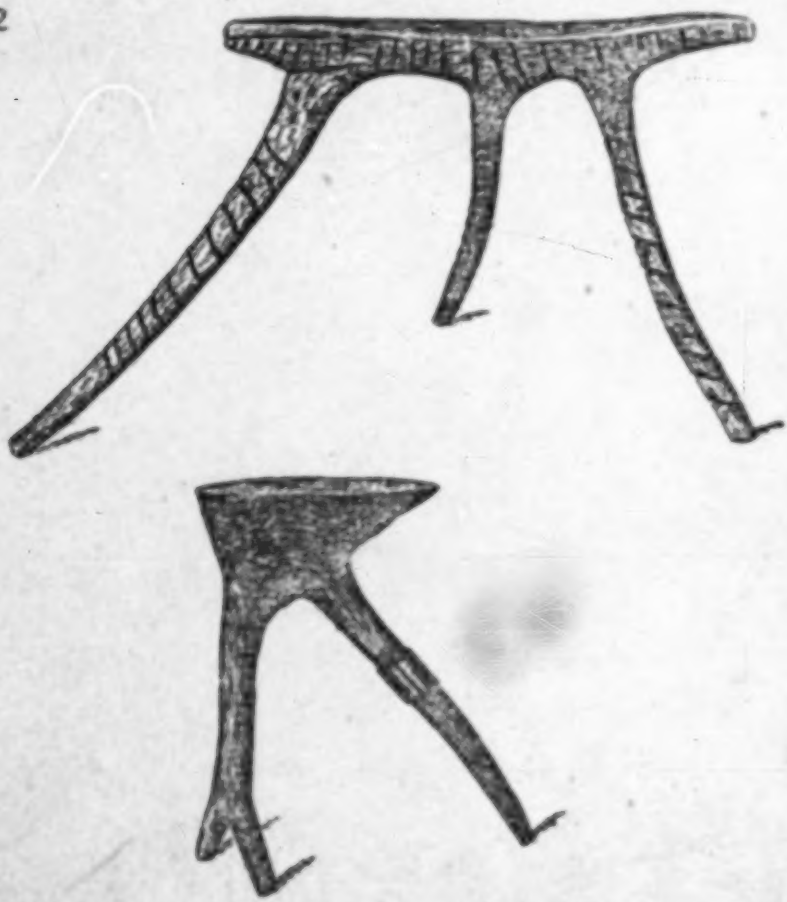

Wooden neck-rests or pillows

595 frequent notice of the child, nurse him, talk to him, and make him understand that they belong to him. If he is an eldest child and is brought up in his maternal grandparents' home, he will have the same close relations with corresponding persons there.

● 842 Nuer welcome children and hope when they marry that their wives will be fertile.

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868 Boys come under their father's direction. He and the other men of
593 the kraal see that they carry out their duties in the care of flocks and herds. Boys learn from their elder brothers and cousins how to fish, hunt, cultivate, dance, flirt, and engage in the other activities of men. A boy can see the stages of his life before him—initiation, courtship, marriage, and the starting of a family and home—and he realizes even in childhood that these stages are bound up with his father's herd, and that he and his brothers have a common interest with their father in the herd. It is very noticeable that when boys talk about the cattle it is in reference to marriage and when girls talk about them it is in reference to milk.

593 In my experience, it is only when a father is selfish or extravagant in his use of the herd that, even when his sons are men, any serious disagreement is likely to arise between them. Even then, young men submit to their father's indiscretions. If they may show their disapproval by going to stay with relatives for a time they say little, partly, no doubt, because they fear a father's anger and curse, but chiefly, I believe, because, in spite of faults, they love and respect their fathers. Though relations between a father and his son may be strained, the sorrow and anxiety of the son should his father fall sick are most apparent. Nuer say that should father and son fail altogether to agree the son may go to live permanently with his maternal uncle, but this would be a most serious offence in the eyes of Nuer, being *dakene mar*, the breaking of kinship. I have never known it happen.

Boys treat their mothers with affection, though they are offhanded with them and are sometimes rude to them. When they are approaching the threshold of manhood a feeling of male superiority seems to affect their attitude to their mothers. I was told that a youth would never interfere on his mother's behalf should his father be angry with her, though should the father wish to beat her the son would not reveal her hiding-place lest she
[842] should curse him. A mother's curse prevents a man from begetting male children. Fear of it was the reason given me for the care Nuer take of their mothers when they are very old, carrying them on their shoulders from village to camp and from camp to village, but, here again, I think that natural affection is a stronger motive.

My observations of the relations between parents and children do not permit me to develop the subject beyond such general impressions as I have given. I would like, however, to draw attention

4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

distinction does not apply to animals killed by the bride's family and kin or which have been disposed of by them and have died outside their kraals, for these count as bridewealth before, as well as after, the consummation. On the other hand, any calves the cattle may bear before this ceremony count as original bridewealth and not as increment. Likewise, if the incomplete union is broken before the *mut*, all the cattle and their increase, including those which have died, must be returned, whereas in the event of divorce after the *mut* the bride's people do not have to return animals which have died a natural death in their own kraals, and they have a right to retain two cows, the *yang yani* and the *yang miemar*, the cow of the skirt, the mark of married status, and the cow of the hair, which is shaved off the bride's head at the consummation. 585

It is the *mut* therefore which makes the union a contract. Consequently, it occasionally happens, when people are anxious to expedite the marriage, that the consummation takes place before the wedding. I heard it suggested that this should be done in the case of a youth who had been speared and could not take the bridegroom's usual part in weddings, and although it was decided to hold the wedding first, with the bridegroom as a spectator, no one suggested that in the circumstances a reversal of the ceremonies would have been improper. Mrs. Smith, of the American Mission, told me of a case of an elderly man who, desiring to marry a girl with the approval of her family but against her own wishes, prevailed on her relatives to rush her through the *mut*, leaving the wedding to be held later.

The day of the consummation has to be fixed in advance because beer has to be brewed for the visitors. In the early morning the bridegroom goes with a company of the youths of his village to fetch the bride, his womenfolk remaining behind to prepare for their visitors. They chant on the way, for this is a happy occasion for the village. Sometimes they find on arrival that the bride's mother has prepared beer for them. They have to ask her permission to take her daughter away and she asks them for presents before she gives it, such things as a spear, armlets, a pipe, and tobacco. The young men promise to give her what she asks for and depart, escorting the bride and her girl companions, who have oiled and decked themselves with ornaments for the ceremony. They go chanting to the bridegroom's village, one of the poems often being a composition of the bride in honour of her future husband, and there is much horseplay between the sexes. When they near the village the young men go ahead and the girls are met by the youths of the village who bring them into the kraal where they serenade the bridegroom's mother with poems outside her hut. The ceremony is mostly a female affair, the men looking on.

After a while a kinsman of the bridegroom places a tethering-cord across the inner threshold of one of the huts and the bridegroom crawls over it, followed by the bride, the best man, and a special girl friend of the bride. This action is said to make the marriage fruitful. Then, towards evening, takes place the rite of consummation, though it must be said again that there is no invariable order of events in these ceremonies and no fixed time-table. The bride retires to a hut wearing a special goatskin cap and here the bridegroom joins her. His age-mates seek him out and say to him: 'Come now, let the people go to bed, come and loosen the bride's girdle.' He is bashful and gets the business over as quickly and inconspicuously as he can. He enters the hut and gives his bride a cut with a switch and seizes her thigh, she 842 585 833 585

593 from the first millet of the year—a pretty custom known as *pathew kuoa*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
●842 complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
862 before the child is weaned, it may not be weaned without the consent of her parents,
602 and I have seen a husband pay several cattle to stone for contravention of this rule. A *kuar*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing
591 mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nang puka*, the bringing to the
[273] ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's
585 homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she [illegible] may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *kuar*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the
[606] bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

8:Howell E, G-5 (1942-1944)1954
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the former consists of a man who is both *pater* and *genitor*, a wife, and the children born of that wife, while the latter consists of a 'ghostly husband', who is the *pater* and legal husband, a vicarious husband who is the *genitor*, a wife and the children borne by her. 588

Since mortality among males is high[1] 'ghost-marriage' is extremely common and, in an analysis of the marital unions of Nuer, will be found nearly, if not quite, as common as simple legal marriage.

Categories of Persons on whose behalf 'Ghost-Marriages' are made

(1) As a general rule, the system is not usually carried back more than one generation. A man would not marry a wife for his grandfather or grand-uncle. It was the duty of his father or uncles to do so.

(2) Kinsmen for whom a wife may be married are: brothers, paternal uncles, maternal uncles, and fathers.[2] The system, except in the case of brothers, is not usually reversible. That is to say, a man would not marry a wife to the name of his son because he would then assume the status of both husband and father-in-law to the wife, which would be incestuous. A man may marry his maternal uncle a wife, but a maternal uncle would not marry his sister's son a wife.

(3) Only kinsmen are expected to marry a wife to the name of a dead man.

(4) In exceptional cases a wife is married to the name of a female relative, but usually only in the case of barren women, who are counted as men and provide a link in the paternal line. 588 842

(5) An old woman, especially if she has no paternal relatives living and has the cattle required, will marry a woman to the name of one of them in order to reopen the line. She will invite some unrelated male to act as husband and as *genitor* of the children. In this case the legal husband will be the dead kinsman, whose interests will be guarded by the woman. Sometimes a woman will marry a wife to the name of her dead husband if she has no children and is herself beyond the age of child-bearing. She will do this if she has cattle which are legally the property of her dead husband and there are no heirs in the paternal line to whom they would normally pass.

(6) Sometimes an old man, or one who is impotent, will marry a wife to himself and invite another man to act as *genitor*. This is not

[1] The rule applies also to males who die even before they reach marriageable age. An infant is sometimes regarded as a personality in the lineage structure, but not usually before it has cut its second teeth. If it dies before that event, it may be buried without the normal mortuary ceremonies, in which case its name will not continue. After that age it is of more significance in the lineage and 'ghost-wives' are sometimes married to the names of small boys, but usually in a later generation when the boy (whose age on death is no longer remembered) becomes a paternal uncle.

[2] A son will sometimes marry a wife to the name of his father if it is considered that his father had insufficient male issue.

8:Howell E, G-5 (1942-1944)1954
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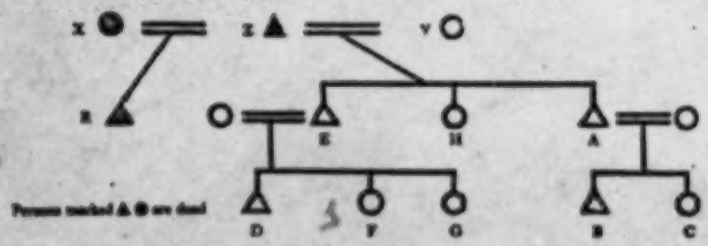
588 'ghost-marriage', because the legal husband is still living, but the
842 functions of the *pater* and the *genitor* are similar to those found in 'ghost-marriage'.

'Ghost-Marriage' and Bridewealth

588 Although 'ghost-marriage' is an obligation of kinship, it is obvious that not all men who die without issue are honoured in this fashion. There are too many considerations to make generalization possible, but it seems that the first consideration is the configuration of the lineage. If it is ill-balanced and there are many categories of relatives who simply do not exist, this must be remedied. It is ill-balanced if, for example, a man has no half-brothers or uterine brothers or persons who will be paternal uncles to his children. This links with the second consideration, which is the number of cattle available for bridewealth, for in many cases a man will, on the marriage of a daughter of the house, receive portions which should have gone to some recognized kinsman who is dead or never existed. This will be more easily understood when the principles which govern the distribution of bridewealth have been mastered. The reader should refer to Section 5 of this chapter. For example:



A's father, Z, had two sons E and A by his wife Y. He had one son R by his other wife X. R died without issue. R could have claimed cattle on the marriage of his half-sister H (as *deman kui gwande*: paternal half-brother), and he might have expected at least some of the cattle which went to his father Z in this marriage (the *ghok gwande*: father's cattle) because it is usual for the major part of this portion of bridewealth to go to the bride's half-brother, i.e. brother by another mother. Again, on the marriages of F, G, and C, he (or his heirs if he had any) might expect the portions called *ghok gwanlen gwande*, 'the cattle of the father's brother by another mother'. Since R is dead and has no heirs, all these cattle must go to A and his brother E or their heirs. They have therefore obtained a number of cattle which would not otherwise have been at their disposal, and one of them, assisted by the other, will marry a wife to Z, their father, so that there will eventually be a collateral lineage descending from him

11:Evans-Pritchard E-5 (1931,1936) 1945
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588 A man is content to pay a fee to obtain possession of any children he may
581 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

588 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word "family" to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

848 It is clear from what I have already recorded that Nuer do not attach
842 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither pater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

837 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

16: Evans-Pritchard E-5 (1931, 1936) 1956
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774 [196] and is not an integral part of him. They do not attach any importance to it and there are no beliefs and practices connected with it. They presumably see an analogy between a man's shadow and his soul, the shadow being the best way they can find to figure the sort of thing the soul might be. The analogy may derive from the idea of ghosts being shadowy replicas of the living. The fact that other creatures and things have shadows does not lead Nuer to say that they have souls; and since they have no souls, in their case the shadow does not at any time have a figurative meaning.

Nuer hold no decided opinions about the nature of the soul, which does not surprise us in view of their lack of interest in what happens after death, or of how there comes to be one. They know that the foetus begins as a result of the male sperm entering into [842] the womb. The child is begotten (*dieth*) by man. But it is also created (*cak*) by God, so it appears that they think of conception as a product of this combination of human and divine action. But it does not necessarily follow that because a man is alive he has a soul. Gatbuogh was alive. So when we observe that Nuer [858] do not mourn or hold a mortuary ceremony for a dead child, it suggests to us that either they do not think of a small child as having a soul or they regard it as immature. It is only when he begins to take part in activities of the social life that he is said to be a person (*ran*), and Nuer sometimes indicate that the sign of having become a person is the removal of the second lower incisor teeth, which is done when the child is about seven or eight years of age. On the other hand they speak of infant twins having one soul. Clearly they hold no definite opinion about the matter.

774 828 Though Nuer would not themselves bring the ideas of flesh, life, and soul so neatly together, we can see that taken together they are covered by the concepts of both *pwony* and *ran*. *Pwony* means the whole creature, the individual or the self, what is one man and not another. '*Pwonyda*' is 'myself' and '*pwonyda pany*' is 'my very self'. *Ran* is what we may describe as 'the person', the social being as distinct from the individual creature. Its plural form *nath* is the word Nuer use to distinguish themselves from other peoples. They are *nei ti nath*, people (in the general sense of the word) who are people (in the sense of persons as Nuer think of themselves). *Pwony* is, as it were, the total organism, *ran* the total personality. As I have explained, a small child is the one but not

16: Evans-Pritchard E-5 (1931, 1936) 1956
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775 As Nuer speak about *cien* it has, therefore, the sense of an
626 injustice crying out for vengeance. The essence of the concept is the notion of a wrong unrighted, of a grievance which demands, and rightly demands, redress. Even a living man who has no other way of getting justice may say to the man who has wronged him '*ba ji cien*', 'I will haunt you', meaning that though he cannot get justice now he will get it after he is dead. Nuer say that he may express this threat not in words but by looks. As in the case of the *biit*, so with the *cien*, it is God who makes the ghostly vengeance to work. Nuer say that the wronged ghost exacts vengeance by making his cause known to God, who sooner or later punishes the wrongdoer.

753 The moral action of *biit* and *cien*, which have a similarity to certain ideas of sin discussed in the next chapter, is in this respect very different for Nuer from the exercise of psychical and physical powers which have no moral foundation and are therefore not thought to involve divine judgement and intervention and are only thought of in connexion with Spirit, if at all, so far as all that happens in the world can ultimately be said to happen because God allows it and can be appealed to to change the course of
[843] events. I refer to the evil eye (*peth*); ghouls (*roth*); the danger of pregnant women (*ther*) and to a lesser extent of their husbands,
[177] an idea some of the eastern Nuer have taken over from the Anuak;
[841] the danger of women who commence menstruation in the dry season month of *pet* (*koc mai*); the danger of a child after two or three of its elder brothers and sisters have died at, or shortly after,
● [842] birth (*jul*); monorchids (*tor*), a child conceived while its mother is still suckling (*mok*); and menstruation, which is dangerous for the cattle—no woman may drink their milk at this time. If Nuer are in danger from any of these influences they may pray and sacrifice to God, but if they do so their prayers and sacrifices are mixed up with all sorts of other and different sets of ideas and they deal with the situation mainly by magical rites which would be both inappropriate and ineffective where Spirit is concerned. They therefore cannot properly be included under the rubric of religion and so lie outside the scope of this book. They are mentioned only in order that their relative unimportance may be emphasized. That in itself is of significance. Perspective would be lost were it not understood.

it is cut in two laterally across the belly (*ngok*). This is done at 782
ceremonies in honour of a *colwic* spirit, and also in rites performed to avoid misfortune coming to a man whose wife has been unfaithful or who takes a widow in leviratic marriage.

In sacrifices to spirits associated with rivers and streams and with creatures which live in them (generally the crocodile), and also sometimes in a sacrifice to God for rain, the victim—a sheep or goat, not an ox—may be bound and pushed under the water among the reeds and weeds. When sacrifice is made to the python-spirit the victim is suffocated. The openings of its body are stuffed with grass and it is jumped on and pummelled to death. In practice it is assumed to be dead at an early stage and the point of a spear is inserted in its throat to begin the skinning. Nuer regard [177]
this as a Dinka mode of sacrifice, as indeed it is, contrasting suffocation with *yiedh*, stabbing with the spear, their own normal mode of sacrificing oxen.

I have not seen a sacrifice to the python-spirit, but I have seen an ox suffocated in a different and rare ceremony. I think that perhaps what I witnessed should not be regarded as a sacrifice at all, at any rate in the usual sense, for the beast does not seem to have been consecrated and there was no invocation. It has more the appearance of what we might better describe as a magical rite, almost certainly of Dinka origin. I feel nevertheless that, as it was the only occasion I saw a killing by suffocation, I should give a brief description of it. When a girl is espoused early in life, probably [842]
before the commencement of the menses, the premature payment of bridewealth may cause her to be barren unless a special ceremony is performed. In western Nuerland, where I saw it, it is called *gorot*.[1] I believe that in eastern Nuerland a rather different ceremony is performed. On the occasion when I was present it took place in the girl's home after her marriage had been consummated. An ox was thrown and its forelegs and back legs tied in pairs. It was then slowly suffocated, grass being first pushed up its anus with a stick, and then into its mouth and nostrils (Plate III). During its sufferings the husband and a youth of his age-set, the wife and a maiden of about her age, and a small boy and a small

[1] J. Kiggen (op. cit., pp. 108 and 117) gives this word as the name of a different ceremony, for a woman without children who has smallpox. He says that a small gourd is opened, beer is poured into it, it is rubbed over the woman, and a goat is killed. The rite I describe is probably his *guur*, the meaning of which he gives as 'animal sacrifice to the Dinka god'.

14: Huffman M-5 (no date) 1931
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88/ 304 names announced before they may come near, for the evil eye must constantly be guarded against.

An animal skin is always spread on the ground for him to sit on. Food is specially prepared for him in order that he may speedily regain his strength and vigour again. He is treated as a most honoured guest in the village, and is the centre of concern.

Later on the boy is supposed to give some gift to the man who cut the tribal marks for him. Sometimes this man happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six.

The boy takes cane-stalks and peels them, cutting them into four-inch lengths. He makes a girdle or belt of them by fastening them together side by side. He may go visiting at night after his wounds are well on the way to recovery, and he always wears this belt. He also carries a long stick which has a piece of ambatch or other light wood at the end of it, and also a cluster of white feathers.

He is not allowed to go among the cattle until he is entirely well. When one asks him if his wounds are healed he will always say 'not yet', but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed, although the boy will not say so for fear some one with the evil eye should hear of it.

[143] No pregnant woman must come near the boy until his wounds are healed; a man whose wife is pregnant must also be avoided.

301 Nuers do not wear bead necklaces after the tribal marks are cut, although strands of beads may be worn around the waist or over each shoulder and under the opposite arm. Wooden beads may be worn for a few months, then they may wear the giraffe hair necklaces.

14: Huffman M-5 (no date) 1931
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582 in turn helps the brother just younger than he, and so on until all are supplied with the wherewithal to get married.

The oldest daughter in a family is likewise given in marriage before her younger sisters.

Should a man have children by two wives, if one wife dies, her son—even though he may be younger than the sons of the other wife—may be allowed and helped to get married before they do, the object being to supply him with a housekeeper as speedily as possible. His half-brothers are not supposed to be in as urgent need since they have their mother to cook for them.

593 After a wife goes to live with her husband permanently,
85 if he suspects that she is paying attention to any other man, he will probably beat her; or he may beat her for any other reason if he so desires. He finds his spiked bracelet specially useful at these times.

591 The greatest desire of a Nuer woman is for children. She realizes that as long as she can bear her husband children he will care for her. Should she fail him in this her position is insecure, and he, no doubt, will try to get another wife who will be able to give him his heart's desire. The mother also realizes that her children will care for
[586] her in her old age, even if her husband does take younger wives, so her children make her position in old age secure.

603 The oldest daughter (when several years of age) goes to live with her grandmother on her mother's side, providing her mother is the oldest daughter of her grandmother, or possibly this child may be the first grand-daughter. So the grandmother is assured of help in her old age.

CHILDBIRTH AND AFTER

843 One frequently wonders how babies do manage to live in Nuerland, when one considers how little care the mother receives at the time of their birth.

14: Huffman M-5 (no date) 1931
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She continues her work the same as usual before the baby's advent. Some neighbour woman who has helped other children into the world is probably on hand to help usher hers in. But the help given is negligible. They await nature's process, sometimes holding the mother up in a sitting posture with just her feet touching the ground. A sheep may be sacrificed to expedite matters. 843 844

When the child is born the cord is cut with a knife or a sharp piece of cane. It is not tied, and does not bleed. 844

The mother's food consists of gruel for some days. Then she resumes her usual diet. She cares for her baby, the neighbour woman or her mother bathing it for her for several weeks. She feeds the baby whenever it cries and usually gives it cow's milk until she has enough of her own for it. 846 853

When preparing the bath for the baby an earthen pot of water is heated. The baby is bathed in the late afternoon. The body is thoroughly greased all over, then the water (to us it seems like quite hot water) is splashed upon it, while the one who is bathing the baby rubs it briskly, massaging its back especially. Then when this part of the bath is over, she washes the child's eyes by licking them with her tongue, much as a cat would do with its kitten. The nose is also cleaned in like manner. 854

Various plans are resorted to in order to guard the baby from the evil eye. Charms are put upon its body, being fastened to necklace or wristlet. A rope is stretched out in the yard so that passers-by will know that strangers are not welcome.

The young mother sends word to her husband when she wants him to know about the birth of the child, so that he may come. No one asks whether it is a boy or a girl. The father may bring his wife a present of fish, and he may try to keep her supplied with fish for a little while. 846

14: Huffman M-5 (no date) 1931
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in a way this is true. The Nuer find it hard to believe that God is a God of love. Even when they learn to love Him they still find it hard to trust Him when things go wrong. But the missionaries do not get too discouraged, for, after all, is not that habit world-wide? 781

A large portion of the Nuer tribe has never heard the Christian message. Of those who have heard it, few have yet made full response. Yet the influence of those who honour the name of Christ will make its mark upon the Nuer and lead to the forsaking of unworthy customs inherited from the past. 177

Although the Arab traders throughout Nuerland are Moslem, their religion has not appealed to the Nuer; the Moslem faith has so far gained no ground in Nuerland.

SUPERSTITIONS

The Nuer mind is full of superstitions, some of them being age-old. They believe them implicitly; 'Would our parents lie to us?' they ask when any doubt is expressed. Many of the superstitions have to do with cattle (see Chapter II) and marriage (see Chapter V.) 000

A woman must never drink milk during her menstrual period. Nor at this time may she eat food which has been cooked in a kettle in which milk has been boiled. Why? Because to do so would harm the cattle. 841

If a woman is impregnated while still nursing a child, they cut a small piece off the ear of a dog and this is worn around the child's neck in order to keep it from harm. Any one walking in the footsteps of the father of this child may be the victim of dreadful things—his head may split right down the back. 843

If a child should have an attack of vomiting just after some strangers have been to the village, the strangers are at once suspected of having in part caused the attack. 753

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

753 Sometimes if the mission clinic is near they hurry there at once for relief. At other times the usual form of relief is sought—a sacrifice must be offered so that the child may not be further harmed by the errant stranger.

751 843 An anklet or wristlet made of large wooden beads of a certain kind of wood will protect from cuts from grass, but a man whose wife is pregnant may wear either anklet or wristlet made of red and white or black and white beads in order to accomplish the same purpose.

789 The Nuer fears a curse. Indeed, many a mysterious, inexplicable wasting away has been caused by this deep-rooted fear.

A bunch of a certain kind of grass standing up in the yard near the door will keep harm away from any sick person within.

754 The evil eye is much feared. There seems to be no definite idea as to who has this evil eye. Every one but one's own relatives must be suspected of it until one is sure that they do not possess it. The evil eye is supposed to harm whatever it sees, if it be a sick person, a sore, or even a new-born baby.

The disease becomes worse, the sore refuses to heal. All such misfortunes are attributed to the influence of the evil eye.

Patients who have ulcers to be dressed at the clinic are anxious that there be no onlookers when the sores are uncovered.

When a scar is healed but the scar tissue remains red, they plead piteously for a bandage so that they may keep it protected from the evil eye.

NUER LAW AND THE MORAL CODE

000 It is needless to say that Nuer law and their moral code are entirely different from that of our western world.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

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[177] an idea some of the eastern Nuer have taken over from the Anuak;
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4: Evans-Pritchard E-5 (1931, 1936) 1948 FJ22 Nuer FJ22

of the husband's kinsfolk outside, who, squatting in front of it, likewise washes his hands in the water, and then fishes out the bracelet. The pot is returned to the hut and a different maiden and a different kinsman repeat the action of the first pair. All the close kinsfolk of the husband—his father's brothers and sisters, his mother's brothers and sisters, and his own brothers and sisters, and so on—are supposed to receive a bracelet, but, in fact, persons standing in some of these relationships will be absent and any person who can claim kinship with the husband can demand a bracelet. If a man's dip into the pot reveals a poor bracelet he does not hesitate to upbraid the girl who put it there and he may select a better one from those on her arm. 585

The concluding rite of the ceremony is the act from which it derives its name, the shaving of the wife's head (*mut nyier*) by a member of her husband's family. This may take place after the departure of her companions, for it is a domestic affair of the husband's *gol*, his home, of which the wife is now a member. The shaving of the head signifies this change in her status. People speak of the rite as *woci miem nyietde*, the removal of the hairs of maidenhood, and they say afterwards of the girl *Caa cek*, 'She has become a wife'. She is at the same time stripped of all her ornaments, which are divided among her husband's kin, and she is arrayed in new finery provided by her husband. She belongs to his, and not her father's, people now and it is for them to adorn her. 304 585

The Birth of a Child

The *mut* is the consummation of marriage, but not its completion, which is the birth of a child. The young wife is now called *cek ma kau*, a newly wed. Her parents give her a hut of her own and a sleeping-hide, a brush, and a couple of gourds for ablutions. When her husband comes to visit her in her father's homestead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about; her parents are supposed to know nothing of his visits, though, of course, they know all about his movements and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut in order to see him depart. Should he oversleep, and his mother-in-law sees his spears outside her daughter's hut, she makes them forfeit and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves; he is then the father of their daughter's child and through the child has a kind of kinship link with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made

591 606 606 [844 602] 593 591

587 kin would undoubtedly use violence to get back
431 their cattle and, in addition, curse (*biit*) the wife so that she would either become barren or her children die. On the other hand it sometimes happens that the wife's people promise to return
586 the cattle as soon as they are able to do so but
431 fail to return them all though procrastination on one pretext or another or prevarication, for they may hide (*piek*) some of their cows in the herds of kinsmen in distant districts. If the husband and his wife's father are members of the same local community difficulties of this kind are not likely to arise and can be settled by discussion and compromise. If they belong to different sections of the same tribe, and even more if they belong to different tribes, the dispute, as is the case with all issues of indemnity, is not so easily settled.

We may now consider in the light of these facts to what extent bridewealth may be said to stabilize marriage. Most broken marriages occur during or shortly after the nuptial ceremonies. One cannot properly speak of divorce at this stage because in Nuer eyes marriage is incomplete till a child has been born, the wife till this event living in her parents' home, being visited by her husband at nights from time to time. That till the birth of a child the wife is considered to belong to her own kin and not to her husband's kin is shown not only in her residence but in other ways, most noticeably by the fact that the husband is
[844] held responsible for her death should she die in her first childbirth. He then has to pay compensation for homicide (*thung yiha*). During this period when the union is looked upon as still only partly formed, the family and kinsmen of the wife do not, if they are wise, disperse the cattle. Were they to use them for a further marriage they would run the risk that this second marriage might have to be dissolved should the first be broken. Moreover they would find the kinsmen of any girl whom they might wish to marry most unwilling to accept cattle so insecurely held. I have found, when discussing cows in Nuer kraals, that they do not regard those animals they have received on the marriage of a kinswoman as fully theirs, in the sense that they can do what they like with them, till the kinswoman has borne

[p. 184a]

She continues her work the same as usual before the baby's advent. Some neighbour woman who has helped other children into the world is probably on hand to help usher hers in. But the help given is negligible. They await nature's process, sometimes holding the mother up in a sitting posture with just her feet touching the ground. A sheep may be sacrificed to expedite matters. 843 844

When the child is born the cord is cut with a knife or a sharp piece of cane. It is not tied, and does not bleed. 844

The mother's food consists of gruel for some days. Then she resumes her usual diet. She cares for her baby, the neighbour woman or her mother bathing it for her for several weeks. She feeds the baby whenever it cries and usually gives it cow's milk until she has enough of her own for it. 846 853

When preparing the bath for the baby an earthen pot of water is heated. The baby is bathed in the late afternoon. The body is thoroughly greased all over, then the water (to us it seems like quite hot water) is splashed upon it, while the one who is bathing the baby rubs it briskly, massaging its back especially. Then when this part of the bath is over, she washes the child's eyes by licking them with her tongue, much as a cat would do with its kitten. The nose is also cleaned in like manner. 854

Various plans are resorted to in order to guard the baby from the evil eye. Charms are put upon its body, being fastened to necklace or wristlet. A rope is stretched out in the yard so that passers-by will know that strangers are not welcome.

The young mother sends word to her husband when she wants him to know about the birth of the child, so that he may come. No one asks whether it is a boy or a girl. The father may bring his wife a present of fish, and he may try to keep her supplied with fish for a little while. 846

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olic kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *ruth* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *ruth* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *ruth* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 804

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.S.*, 1935, p.74.

2:Evans-Pritchard E-5 (1931, 1936) 1951
FJ22 Nuer FJ22

593 to that structure, for both act to pull apart the children of different wives of the same husband.

593 611 I shall return to the distinction between full and half-brothers when discussing the Nuer kinship system. We will then see how categories of relationship fall into two broad classes: the 'bulls', the paternal kin and members of the lineage, and those traced in one way or another through women, the *gaatnyiet*, the children of girls. Half-brothers are 'bulls', but full brothers, who form the closest of all relationships except for that of twins,* are not only paternal kin but also maternal kin. A full brother 'is like your mother and your father'.

III

593 Complicated patterns of family relationships arise from the different forms of domestic union I described in the last chapter, and a rather lengthy discussion of them cannot be avoided.

Often there is opposition between the interests of the legal family and the interests of these other bio-domestic groups; that is to say, between the interests of the group united by marriage and descent and the interests of the procreative group united by common residence and life. When a child is a member of both groups it sometimes happens that the privileges he derives from membership of the one clash with his feelings towards the people of the other. The extent to which this opposition affects the lives of the persons concerned depends on conditions which vary in each case. It is impossible in advance to know how any particular person will be affected, and one can only guess how he will act when one knows the characters as well as the status of the people involved. But the normative principles that govern the behaviour of parents and children may be explained. In any particular case their actions will tend to follow the lines here laid down. Only the position of sons is considered. Daughters will not remain with either their genitor or the kinsmen of their pater, but will become members of their husbands' households. Control over their persons is therefore not disputed, and division of their bridewealth is so well defined by custom that it is a matter of minor importance where they are brought up.

845 * Twins have a peculiar social position, being treated as one person, and are the object of special observances which I have described in detail in the *Uganda Journal* (1936).

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

she may call herself 'a woman who has just given birth to a child' for months afterwards, and try to solicit privileges on that account. 846

Nuer mothers love their babies and try to do all they can in their limited way for them. Whatever the child may lack, it does not lack its mother's love while she is living. But if the mother dies life is a different thing for the child that is left. A new-born baby demands food, and the artificial feeding of babies is an art entirely unknown to the Nuer. What to do with the small piece of humanity is a serious proposition. 854

Rumour says that they may bury the new-born baby with the dead mother, arguing that it will die soon anyhow, but I do not know of any authentic case where the live child has been buried. It is, however, very true that the motherless baby soon follows its mother. Five motherless infants have been brought to the mission at Nasser, as the people know that the art of the artificial feeding of infants is not unknown there. Two of these babies died, while three have lived so far. 847 165

TWINS

Twins are not uncommon, but are usually a cause of distress to their parents, for they are sure that one will die—and it usually does fail to survive. The mother always nurses one child at one breast and the second child at the other breast, and thus divides the supply of food as evenly as she can between them. 845 [853]

When a man is the father of twins, his brother will sacrifice a sheep before he eats with him so that no harm may come to the babies.

The Nuer has a superstition in regard to the burial of new-born twins. Rumour says that they prefer to tie the hands together and hang them up in a tree rather than 766

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

766 bury them in the ground. I have never seen this done, nor have I known a case of new-born twins both dying.

● 895 I have heard in rather an indefinite way of triplets, but know of no authentic case.

One Nuer told me an almost unbelievable tale. I have tried to verify it from time to time, but have not been able to verify the main part of the story.

His story is as follows:—

A woman in a certain village gave birth to six babies at one time. She and her husband were much distressed as to what they should do to feed them. They finally decided that she could nurse two of them, but could devise no plan for feeding the others. So they decided to keep the two largest, healthiest-looking babies, and they took the other four babies, put them in a baby-basket together, and carried them to the forest which was about one and one-half miles away. They hung the basket up in a tree and left the four living babies—uncovered—in it. Then they returned to their village. The two babies they kept are well, strong children now, and are well cared for. My informant declares this to be true.

In my efforts to verify this tale I have found the name of the village, the name of the mother, the fact that they have 'twin' children the age that the two they kept should be, to be true as given by my informant. But I have not been able to verify his statement that she gave birth to six children.

Is the story a fabrication, or is it true and they are afraid to have it known to a white person? It is easy for a Nuer to say 'No' or 'I do not know', regardless of the facts, if he is afraid to give some information, or does not want to. They know that we would not approve of their method of solving their problem, although any one who knows the Nuer and his limited resources could easily realize what a serious problem the birth of six babies would be to them.

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

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LIFE CYCLE

[illegible]

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(1) Evans-Pritchard, S.N.S., 1951, p.74.

tions are to be understood as modes of God and not as his essence, which is Spirit. 776 ×

God being above, everything above is associated with him. This is why the heavenly bodies and the movements and actions connected with them are associated with him. This is why also the spirits of the air are regarded as *gaat kwoth*, children of God, in a way other spirits are not, for they, unlike other spirits, dwell in the air and are also thought of as being in the clouds, which are nearest to the sky. This is why also the *tolwic* spirits are so closely associated with God, for he touched them with his fire from heaven and took them to himself. Some birds also are spoken about by [325] Nuer as *gaat kwoth*, especially those which fly high and seem, to us as well as to Nuer, to belong to heaven rather than to earth and therefore to be children of light and symbols of the divine. The feeling that they are in a measure detached from the earth is enhanced in the case of migratory birds[1] by their disappearances and reappearances. I have heard the idea expressed that in their absence from Nuerland they have gone to visit God's country. This is probably no more than poetic fancy, but we can say that the disappearance of these birds strengthens the allegory of God's children which arises from their ability to do what man cannot do, fly towards heaven and God. Twins also, in a very special sense, [345] are *gaat kwoth*. They belong to the above, and Nuer say that they are birds. The Jikul clan and the Gaanwar clan, whose ancestors [773] fell from heaven, are also *ji kwoth*, God's people, for that reason and are thought to have special powers.

Thus anything associated with the sky has virtue which is lacking in earthly things. Nuer pathetically compare man to heavenly things. He is *raw piny*, an earthly person and, according to the general Nuer view, his ghost is also earth-bound. Between God and man, between heaven and earth, there is a great gulf, and we shall find that an appreciation of the symbolism of the polarity of heaven and earth helps us to understand Nuer religious thought and feeling and also sheds light on certain social features of their religion, for example the greater prestige of prophets than of priests.

[1] I am indebted to Miss Ray Huffman and Dr. Mary Smith for the information that, among others, these are the pied crow, the kite, the pelican, the marabou stork, the eagle, the crested crane, the Cape Paradise flycatcher, the wagtail, and the dove-birds.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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SPIRITS OF THE BELOW

×776 Can any conclusions be reached about the nature of the things which are objects of respect? The totemism of any people involves the selection of certain natural objects to the exclusion of others. Nuer totems are certainly an odd assortment: lion, waterbuck, monitor lizard, crocodile, various snakes, tortoise, ostrich, cattle egret, durra-birds, various trees, papyrus, gourd, various fish, bee, red ant, river and stream, cattle with certain markings, monorchids, hide, rafter, and rope; and, if we were to include totemistic objects, parts of beasts and some diseases. Taking them as a whole we may say that there is no marked utilitarian element in their selection. The animals and birds and fish and plants and artifacts which are of most use to Nuer are absent from the list of their totems. The facts of Nuer totemism do not, therefore, support the contention of those who see in totemism chiefly, or even merely, a ritualization of empirical interests.[1] Nor in general are Nuer totems such creatures as might be expected, on account of some striking peculiarities, to attract particular attention. On the contrary, those creatures which have excited the mythopoeic imagination of the Nuer and which figure most prominently in their folk-tales do not figure, or figure rarely and insignificantly, among their totems.

×776 825 It is too broad a question to ask why animals, birds, reptiles, and trees should have become symbols for Nuer of the relation of Spirit to lineages. Any answer would have to be in very general terms because they have been common religious symbols among many different people at many different times. We may, however, note that most, though not all, Nuer totems are in a general way highly regarded by all Nuer, and not only by those who respect them, on account of religious associations of one kind or another which have nothing to do with totemism as such. Thus all Nuer have friendly feelings towards all birds and do not harm them because they are—some more than others—symbols of Spirit and loved by God, though Nuer may also be influenced in this matter [845] by their belief that twins are birds, so that all twins respect all birds. Ernst Marno noted nearly a century ago that Nuer will not [262] eat birds[2] and Mr. Jackson, speaking of this avoidance, remarks

[1] e.g. B. Malinowski, *Science, Religion and Reality*, 1926, pp. 24 and 43 seq.; A. R. Radcliffe-Brown, *Fourth Pacific Science Congress*, vol. iii, 1929, pp. 295–309. Emile Durkheim protested against such interpretations (*Sociology and Philosophy*, Eng. trans. by D. Pocock, 1954, p. 86).

[2] Ernst Marno, *Reisen im Gebiete des Blauen und Weissen Nil*, 1874, p. 345.

16: Evans-Pritchard E.-5 (1931, 1936) 1956
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776 613 of descent. Other totems were added later. 'The spirits of their sacrifices (to which they sacrifice) entered into the generations of descent (*kath*).' This might happen in various ways, some of which I have described. An animal or plant, or rather Spirit in and through an animal or plant, helps a man in trouble, and so forth. 776 773 845 The commonest aetiology is twin-birth of a man and a member of a natural species. Twin-birth is so stock an explanation of totemic affiliations among the Nuer that when asked why a certain lineage respect a certain species they often, if they do not know any story accounting for the association, say at once and without reflection that it must be because of a twin-birth of this kind. It is only when it would be totally unreasonable that a Nuer rejects this as a likely explanation. In discussing totemism with some Nuer on one occasion one of them told me that he had heard that there were people who respect fire. When I asked whether this meant that a man and fire had been born together my question was greeted with derision: 'How, now, could a woman carry fire in her womb?'

776 845 Strange though it may seem to us, Nuer claim that twin-births of men and animals have taken place not only in ancient times but also in recent generations. They may take place even today and occasion no surprise. I had not been long in Nuerland when one morning my Nuer servant Nhial came in some excitement to tell me that a woman of his village, where we were staying, had given birth to a hippopotamus and a male child, both dead. It was too late to see what happened, but I was told that the hippopotamus had been placed in a nearby stream and the child, being a twin and therefore in Nuer eyes a sort of bird, had been placed in a tree. In answer to my questions, I was further informed that it was uncertain whether the family would on account of what had happened respect hippopotamuses in future, though had the child lived he and his descendants would certainly have done so. The reason given for this particular twin-birth was that the woman's husband had killed several hippopotamuses and they had revenged themselves on him by stamping their likeness on one of the twins (*ca gat cal e rau*). In this case, therefore, one is in doubt whether what was taken to the stream was regarded as a hippopotamus in the full sense or not, for animals can stamp their likenesses on a human foetus; but at least the incident shows us how the totemic mentality of the Nuer inclined them at once to

16: Evans-Pritchard E-5 (1931, 1936) 1956
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perceive the form of a hippopotamus in what we would have regarded merely as a monstrosity, and it enables us to understand better why, since the past is justified in the present, they do not reject as beyond the bounds of possibility the stories of their ancestors having been born twins to animals.

The story I have related introduces us to another way in which Nuer think that a totem might enter a family and perhaps in certain circumstances become a totem of its descendants, though I have no evidence of a totemic relationship actually being established in this way. The hippopotamuses caused the child to resemble (*cal*) themselves. I was told that similarly a man who has killed several elephants might beget a child with crooked mouth and nose and thick legs. The whole race of sheep is said to have been acted on in this manner by the *koat*-tree, because they make a habit of eating its shoots. When a lamb is born its legs are doubled up like the roots of the tree. Women refrain from eating the *bulyak* or puff-fish, a remarkable creature which when irritated inflates itself like a balloon, because by doing so they might cause their children to be born with abnormally distended bellies. When Nuer see a fish-eagle swoop on to the water and carry away a fish in its claws they sometimes run after it shouting, to cause it to drop its prey, but should a pregnant woman eat a fish dropped by an eagle her child might be born with deformed arms resembling the wings of the eagle or with twisted feet resembling its claws. If parents who respect tortoises pass a tortoise without some gesture of recognition their child may be born with tiny eyes like those of a tortoise. Other examples of a foetus being stamped with the likeness of a totem have been cited earlier in reference to some similar human fault in behaviour towards the totem and this would seem to be regarded as the most usual cause of an abnormality of this kind, though Nuer think that a new totemic relationship might start in the same way. I think, both because in most cases it is in an established totemic relationship that a creature is said to stamp its likeness on a foetus and also because it is more in accordance with Nuer ideas about Spirit and also about animals, that we would certainly be right to say that when Nuer speak of creatures acting in this way they are thinking of Spirit doing so in the guise of the creatures. The very fact of the abnormality is evidence of the action of Spirit. Consequently, should a man on account of such an event in his family respect a

16: Evans-Pritchard E-5 (1931, 1936) 1956
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*776 species of creatures his first act would be to dedicate a beast of his
845 herd to Spirit in the form and of the name of that species. Thus Spirit through its new attachment to whatever the natural species may be becomes in relation to that man and his family a new spirit of the below with its own distinctive material form different from the material forms of other spirits, and with a name derived from the natural species distinguishing it from other spirits with names derived from other species.

*776 There are other ways in which Nuer say that a man may acquire
753 a totemistic relationship to a natural species, though they also say that it is only rarely that the relationship is maintained by his descendants. They have told me that a man may become seized or possessed by a spirit associated with some creature, the seizure or possession being known by sickness and its diagnosis by one or other form of divination, and that he may afterwards respect it. In practice this is only likely to happen when the particular spirit has been the spirit of some forebear of the sick man. He and his relatives may cast their minds back to any such past affiliations when reflecting on what might be the cause of the sickness. People acquire totemistic obligations through affinal
*776 and maternal links. A man respects his wife's totems, at any rate to the extent of not eating or otherwise harming them shortly before having congress with her and during her pregnancies; and a woman respects her husband's totems. Nuer generally respect their mother's totems, but not always. A man said to me, in speaking of a totem of his mother's lineage, 'it is not shared by us, she was married into another lineage' (the speaker's own lineage). Nuer have assured me that a wife's totems will not persist in her husband's line of descent. Her sons' sons may respect them, but this is unlikely unless the spirits of the totems cause them sickness, and then they will generally be forgotten. Consequently, totems, other than those which belong to lineages and go with agnatic descent, enter into families for a generation or two and then go out of them again. But they may return. I once had an interesting
[826] discussion with some Nuer about a baby with deformed legs. My informants, who were not related to the child, held that the deformation must have resulted from one of his parents, who should have respected the monitor lizard, having killed or eaten this reptile. They made this deduction from the resemblance they saw between the legs of the child and those of the lizard. When I pro-

776 lineages. The *colwic* spirits are also Spirit in a tutelary relation-
613 ship to the families and lineages to which they belonged in the flesh before they were metamorphosed into spirit. Also, the spirits of the air may have a tutelary relationship to families and lines of descent, and where their attachment is more to an individual prophet he has public functions through which the spirit becomes patron of local and political communities. Totemic spirits may also, though in a rather different manner, have a secondary significance for political groups through the association of dominant lineages with tribal sections. Likewise, though to a lesser extent, nature sprites are Spirit in a tutelary relationship to families; and even fetishes, though of a rather different complexion, are Spirit in a tutelary relationship to individuals, and sometimes to local communities to which these individuals belong. The attachment of all these spiritual figures to social groups is indicated in various ways, most noticeably in ceremonial and in payment of cattle to them at marriages.

776 That these spiritual conceptions lack autonomy and are rightly regarded as social refractions of God is further shown by the fact that *kwoth*, without any distinguishing name, can become associated with any social group or office. Thus, as we have seen, Nuer speak of the *kwoth* of a leopard-skin priest, 'the spirit of the flesh', and they speak also of '*kwoth wuonde*', 'the spirit of his (the priest's) earth' (pp. 291–2). This is no particular *kwoth* but is Spirit seen in relation to priestly powers and functions. Likewise
[845] they speak of *kwoth cuekni*, the spirit of twins, to which sacrifices are made at the birth of twins and to which a cow of the bride-wealth of the sisters of twins is dedicated. Here again, this is not thought of by Nuer as some particular spirit which has an existence and name of its own but as God in a special relationship to twins, or rather to the event of a twin-birth. Another example is the
[846] way in which they speak of the *kwoth* of an age-set, the tutelary, nameless, spirit which protects the members of the set and avenges wrongs done to men by their age-mates. This cannot be a distinctive spirit in its own right as it were, if only because the sets pass in turn into oblivion and are replaced by others. It is rather God thought of in relation to a particular set, just as he is also the separate, while still being the same, guardian spirit of the other sets. He is both the one and the many—one in his nature and many in his diverse social representations.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

776 196 meaning of 'his spirit', 'their spirit', and so forth; in other words, where the statement makes it clear that what is being spoken of is Spirit conceived of in relation to particular persons only. We still have to ask, however, in what sense the crocodile is Spirit for these persons.

Since it is difficult to discuss a statement that something which can be observed, crocodile, is something more than what it appears to be when this something more, Spirit, cannot be observed, it is helpful first to consider two examples of Nuer statements that things are something more than they appear to be when both the subject term and the predicate term refer to observable phenomena.

776 196 782 811 When a cucumber is used as a sacrificial victim Nuer speak of it as an ox. In doing so they are asserting something rather more than that it takes the place of an ox. They do not, of course, say that cucumbers are oxen, and in speaking of a particular cucumber as an ox in a sacrificial situation they are only indicating that it may be thought of as an ox in that particular situation; and they act accordingly by performing the sacrificial rites as closely as possible to what happens when the victim is an ox. The resemblance is conceptual, not perceptual. The 'is' rests on qualitative analogy. And the expression is asymmetrical, a cucumber is an ox, but an ox is not a cucumber.

776 196 811 845 A rather different example of this way of speaking is the Nuer assertion that twins are one person and that they are birds.[1] When they say 'twins are not two persons, they are one person' they are not saying that they are one individual but that they have a single personality. It is significant that in speaking of the unity of twins they only use the word *ran*, which, like our word 'person', leaves sex, age, and other distinguishing qualities of individuals undefined. They would not say that twins of the same sex were one *dhol*, boy, or one *nyal*, girl, but they do say, whether they are of the same sex or not, that they are one *ran*, person. Their single social personality is something over and above their physical duality, a duality which is evident to the senses and is indicated by the plural form used when speaking of twins and by their treatment in all respects in ordinary social life as two quite distinct individuals. It is only in certain ritual situations, and symbolically,

[1] I have given a more detailed account in 'Customs and Beliefs Relating to Twins among the Nilotic Nuer' [illegible] *Journal*, 1936.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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that the unity of twins is expressed, particularly in ceremonies connected with marriage and death, in which the personality undergoes a change. Thus, when the senior of male twins marries, the junior acts with him in the ritual acts he has to perform; female twins ought to be married on the same day; and no mortuary ceremonies are held for twins because, for one reason, one of them cannot be cut off from the living without the other. A woman whose twin brother had died some time before said to Miss Soule, to whom I am indebted for the information, 'Is not his soul still living? I am alive, and we are really children of God.'

There is no mortuary ceremony even when the second twin dies, and I was told that twins do not attend the mortuary ceremonies held for their dead kinsfolk, nor mourn them, because a twin is a *ran shial*, a person of the sky or of the above. He is also spoken of as *gat kwoth*, a child of God. These dioscuric descriptions of twins are common to many peoples, but the Nuer are peculiar in holding also that they are birds. They say 'a twin is not a person (*ran*), he is a bird (*dit*)', although, as we have just seen, they assert, in another sense, that twins are one person (*ran*). Here they are using the word *ran* in the sense of a human being as distinct from any other creature. The dogma is expressed in various ways. Very often a twin is given the proper name *Dit*, bird, *Gwong*, guineafowl, or *Ngec*, francolin.[1] All Nuer consider it shameful, at any rate for adults, to eat any sort of bird or its eggs, but were a twin to do this it would be much more than shameful. It would be *nueer*, a grave sin, for twins respect (*thek*) birds, because, Nuer say, birds are also twins, and they avoid any sort of contact with them. The equivalence of twins and birds is expressed particularly in connexion with death. When an infant twin dies people say '*ce par*', 'he has flown away', using the word denoting the flight of birds. Infant twins who die, as so often happens, are not buried, as other infants are, but are covered in

[1] That the names, at least all those I have heard, are taken from birds lowest in the scale of Nuer reckoning requires comment, especially in view of the argument I later develop. It may be due to the Nuer habit of speaking of their relation to God—the birth of twins constitutes such a context—by comparing themselves with lowly things. On the other hand, it may be simply in keeping with the logic of the analogy. Twins belong to the class of the above but are below; just as guineafowl and francolin belong to the class of birds, which as a class is in the category of the above, but are almost earthbound.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

776 845 766 176 811

a reed basket or winnowing-tray and placed in the fork of a tree, because birds rest in trees. I was told that birds which feed on carrion would not molest the bodies but would look at their dead kinsmen—twins and birds are also said to be kin, though the usage may be regarded as metaphorical—and fly away again. When I asked a Nuer whether adult twins would be buried like other people he replied 'no, of course not, they are birds and their souls go up into the air'. A platform, not used in the normal mode of burial, is erected in the grave and a hide placed over it. The body is laid on this hide and covered with a second hide. Earth is then carefully patted over the upper hide instead of being shovelled in quickly, as in the burial of an ordinary person. I was told that the corpse is covered with earth lest a hyena eat it and afterwards drink at a pool, for men might drink at the same pool and die from contamination (*nueer*).

776 845 811 [262]

It is understandable that Nuer draw an analogy between the multiple hatching of eggs and the dual birth of twins. The analogy is explicit, and, through an extension of it, the flesh of crocodiles and turtles is also forbidden to twins on the ground that these creatures too, like birds, lay eggs. Miss Soule once had a girl twin in her household who refused fish for the same reason—the only case of its kind known to either of us. But the analogy between multiple births in birds and men does not adequately explain why it is with birds that human twins are equated when there are many other creatures which habitually bear several young at the same time and in a manner more closely resembling human parturition. It cannot be just multiple birth which leads Nuer to say that twins are birds, for these other creatures are not respected by twins on that account. The prohibition on eating eggs is clearly secondary, and it is extended to include crocodiles and turtles—and by Miss Soule's girl fish also—not because they lay eggs but because their laying eggs makes them like birds. Moreover, it is difficult to understand why a resemblance of the kind should in any case be made so much of. The multiple hatching of chicks is doubtless a resemblance which greatly strengthens the idea of twins being birds, but it is only part of a more complex analogical representation which requires to be explained in more general terms of Nuer religious thought. A twin, on account of his peculiar manner of conception is, though not Spirit himself, a special creation, and, therefore, manifestation of Spirit; and when he dies his

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soul goes into the air, to which things associated with Spirit belong. He is a *ran nhial*, a person of the above, whereas an ordinary person is a *ran piny*, a person of the below. A bird, though also not in itself Spirit, belongs by nature to the above and is also what Nuer call, using 'person' metaphorically, a *ran nhial*, a person of the above, and being such is therefore also associated with Spirit. It cannot, of course, be determined for certain whether a twin is said to be a person of the above because he is a bird or whether he is said to be a bird because he is a person of the above, but the connexion in thought between twins and birds is certainly not simply derived from the multiple birth similitude but also, and in my view primarily, from both birds and twins being classed by Nuer as *gaat kwoth*, children of God. Birds are children of God on account of their being in the air, and twins belong to the air on account of their being children of God by the manner of their conception and birth.

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It seems odd, if not absurd, to a European when he is told that a twin is a bird as though it were an obvious fact, for Nuer are not saying that a twin is like a bird but that he is a bird. There seems to be a complete contradiction in the statement; and it was precisely on statements of this kind recorded by observers of primitive peoples that Lévy-Bruhl based his theory of the prelogical mentality of these peoples, its chief characteristic being, in his view, that it permits such evident contradictions—that a thing can be what it is and at the same time something altogether different. But, in fact, no contradiction is involved in the statement, which, on the contrary, appears quite sensible, and even true, to one who presents the idea to himself in the Nuer language and within their system of religious thought. He does not then take their statements about twins any more literally than they make and understand them themselves. They are not saying that a twin has a beak, feathers, and so forth. Nor in their everyday relations with twins do Nuer speak of them as birds or act towards them as though they were birds. They treat them as what they are, men and women. But in addition to being men and women they are of a twin-birth, and a twin-birth is a special revelation of Spirit; and Nuer express this special character of twins in the 'twins are birds' formula because twins and birds, though for different reasons, are both associated with Spirit and this makes twins, like birds, 'people of the above' and 'children of God', and hence a bird

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 a suitable symbol in which to express the special relationship in
845 which a twin stands to God. When, therefore, Nuer say that a
811 twin is a bird they are not speaking of either as it appears in the flesh. They are speaking of the *anima* of the twin, what they call
[774] his *tie*, a concept which includes both what we call the personality and the soul; and they are speaking of the association birds have with Spirit through their ability to enter the realm to which Spirit is likened in metaphor and where Nuer think it chiefly is, or may be. The formula does not express a dyadic relationship between twins and birds but a triadic relationship between twins, birds, and God. In respect to God twins and birds have a similar character.

×776 It is because Nuer do not make, or take, the statement that
845 twins are birds in any ordinary sense that they are fully aware
811 that in ritual relating to twins the actions are a kind of miming.
766 This is shown in their treatment of the corpse of a twin, for,
774 according to what they themselves say, what is a bird, the *tie* or *anima*, has gone up into the air and what is left and treated—in the case of adults platform burial being a convenient alternative to disposal in trees—as though it might be a bird is only the *ring*, the flesh. It is shown also in the convention that should one of a pair of twins die, the child who comes after them takes his place, counting as one of them in the various ceremonies twins have to perform and respecting birds as rigorously as if he were himself a twin, which he is not. The ceremonies have to be performed for the benefit of the living twin and their structure and purpose are such that there have to be two persons to perform them, so a brother or sister acts in the place of the dead.

×776 This discussion of what is meant by the statement that a twin
845 is a bird is not so far away from the subject of totemism as it might
811 seem to be, for the stock explanation among the Nuer of a totemic relationship is that the ancestor of a lineage and a member of a natural species were born twins. The relationship of lineage to species is thereby made to derive not only from the closest of all possible relationships but also from a special act of divine revelation; and since the link between a lineage and its totem is the tutelary spirit of the lineage associated with the totem it is appropriate that the relationship should be thought of as having come about by an event which is a direct manifestation of Spirit.

However, an examination of the Nuer dogma that twins are

16: Evans-Pritchard E-5 (1931, 1936) 1956
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×776 birds was made not on account of totemic relationships com-
● 845 monly being explained in terms of twinship but because it was
811 hoped that it would be easier to understand, in the light of any conclusions reached about what is meant by the statement that a twin is a bird, what Nuer mean when they say that some totemic creature, such as the crocodile, is Spirit. Certainly there is here neither the sort of metaphor nor the sort of ellipsis we found in earlier statements. Nor can Nuer be understood to mean that the creature is identical with Spirit, or even with a spirit, Spirit conceived of in a particular totemic refraction. They say quite definitely themselves that it is not; and it is also evident, for Nuer as well as for us, that a material symbol of Spirit cannot, by its very nature, be that which it symbolizes. Nevertheless, though crocodile and Spirit are quite different and unconnected ideas, when the crocodile is for a certain lineage a symbol of their special relationship to God, then in the context of that relationship symbol and what it symbolizes are fused. As in the case of the 'twins are birds' formula, the relation is a triadic one, between a lineage and a natural species and God.

×776 There are obvious and significant differences between the
811 creature-Spirit expression and the cucumber-ox and bird-twin expressions. Cucumber, ox, man, and bird are all things which can be known by the senses; but where Spirit is experienced other than in thought it is only in its effects or through material representations of it. We can, therefore, easily see how Nuer regard it as being in, or behind, the crocodile. The subject and predicate terms of the statement that something is Spirit are here no longer held apart by two sets of visible properties. Consequently, while Nuer say that totemic spirits and totems are not the same they sometimes not only speak of, but act towards, a totem as if the spirit were in it. Thus they give some meat of a sacrifice to the lion-spirit to lions, and when they sacrifice to the durra-bird-spirit they address also the birds themselves and tell them that the victim is for them. Nevertheless, they make it clear in talking about their totems that what respect they show for them is on account of their representing the spirits associated with them and not for their own sake.

Another difference is that whereas in the cases of the cucumber-ox and twin-bird expressions the equivalence rests on analogies which are quite obvious even to us once they are pointed out—

14: Huffman M-5 (no date) 1931
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She continues her work the same as usual before the baby's advent. Some neighbour woman who has helped other children into the world is probably on hand to help usher hers in. But the help given is negligible. They await nature's process, sometimes holding the mother up in a sitting posture with just her feet touching the ground. A sheep may be sacrificed to expedite matters. 843 844

When the child is born the cord is cut with a knife or a sharp piece of cane. It is not tied, and does not bleed. 844

The mother's food consists of gruel for some days. Then she resumes her usual diet. She cares for her baby, the neighbour woman or her mother bathing it for her for several weeks. She feeds the baby whenever it cries and usually gives it cow's milk until she has enough of her own for it. 845 853

When preparing the bath for the baby an earthen pot of water is heated. The baby is bathed in the late afternoon. The body is thoroughly greased all over, then the water (to us it seems like quite hot water) is splashed upon it, while the one who is bathing the baby rubs it briskly, massaging its back especially. Then when this part of the bath is over, she washes the child's eyes by licking them with her tongue, much as a cat would do with its kitten. The nose is also cleaned in like manner. 854

Various plans are resorted to in order to guard the baby from the evil eye. Charms are put upon its body, being fastened to necklace or wristlet. A rope is stretched out in the yard so that passers-by will know that strangers are not welcome.

The young mother sends word to her husband when she wants him to know about the birth of the child, so that he may come. No one asks whether it is a boy or a girl. The father may bring his wife a present of fish, and he may try to keep her supplied with fish for a little while. 846

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

THE CARE OF BABIES

854 A basket made of branches of a pliable wood is used as a baby-basket. A piece of animal skin which has had the hair scraped off, and is smooth, is put in the basket for the baby to lie on. If the mother has a piece of cloth she may cover the baby with it. Then a large woven grass mat is placed on top of the basket, being rolled up at each side until it just covers the top of the basket and keeps the sun off the baby and also keeps an active baby from sitting up in the basket while being carried. The mother always holds the side of the basket with one hand while carrying the baby in it upon her head.

When she arrives at her destination she carefully lowers the basket to the ground and unties the strings which hold the mat secure, and peeps at the baby. If it is asleep she unrolls the ends of the mat and lets them down to the ground at either side so that the baby may sleep undisturbed by light or sound. But if the baby is awake she carefully pulls the cloth or sheepskin covering that is over the upper part of her body round in front of her and over the baby-basket, and lifts up the baby under the cloth into her lap, so that no one—especially one with the evil eye—may see it.

A rattle is made by taking a small gourd which has a neck to it and putting a few pebbles in it. This is shaken vigorously when the child is crying.

A pacifier may be made for an older child (at least one year old or older) by taking the neck of a small gourd and cutting it off about one inch from the end. This may then be fastened to the wrist of the child with a string of beads and is ever ready when desired.

A little child is often given a strand of its mother's beads to play with, but its playthings are few.

846 The mother wears a leather belt with a border of shells;

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

she may call herself 'a woman who has just given birth to a child' for months afterwards, and try to solicit privileges on that account. 846

Nuer mothers love their babies and try to do all they can in their limited way for them. Whatever the child may lack, it does not lack its mother's love while she is living. But if the mother dies life is a different thing for the child that is left. A new-born baby demands food, and the artificial feeding of babies is an art entirely unknown to the Nuer. What to do with the small piece of humanity is a serious proposition. 854

Rumour says that they may bury the new-born baby with the dead mother, arguing that it will die soon anyhow, but I do not know of any authentic case where the live child has been buried. It is, however, very true that the motherless baby soon follows its mother. Five motherless infants have been brought to the mission at Nasser, as the people know that the art of the artificial feeding of infants is not unknown there. Two of these babies died, while three have lived so far. 847 165

TWINS

Twins are not uncommon, but are usually a cause of distress to their parents, for they are sure that one will die—and it usually does fail to survive. The mother always nurses one child at one breast and the second child at the other breast, and thus divides the supply of food as evenly as she can between them. 845 [855]

When a man is the father of twins, his brother will sacrifice a sheep before he eats with him so that no harm may come to the babies.

The Nuer has a superstition in regard to the burial of new-born twins. Rumour says that they prefer to tie the hands together and hang them up in a tree rather than 766

2:Evans-Pritchard E-5 (1931,1936) 1951
FJ22 Nuer FJ22

wives will be fertile. Abortion is said to be very rare and practised 847
only by unmarried girls. Though the men of the kraal may hope that monorchids and babies born with defects and deformities will not survive, they do not kill them or let them die. The proper 854
care and nurture of children is the concern of the whole family and household, and from the moment of birth care is taken to isolate the child from any contact which might be injurious to it. Even the father keeps away from the mother's hut for the first few days lest he inadvertently cause it some misfortune. The prohibi- 853
tion on coitus between parents till the child is weaned is seldom infringed, although it imposes long abstinence, for the child is suckled till he can digest solid food and can toddle about home-
stead and camp by himself. Artificial aids to weaning are rarely 862
necessary, infants passing slowly from the breast to cow- and goat-milk, though sometimes they are sent to their maternal grandparents for some weeks to make the break. Children have first claim in the allocation of milk from the herd, and if there is a shortage it is the adults, and not they, who go without.

The care of small children falls naturally to the mother, and it 851
is she who feeds and bathes them and attends to their other wants. 593
But the father also takes an interest in his infant children, and one often sees a man nursing his child while the mother is engaged in the tasks of the home. Nuer fathers are proud of their children and give much time to them, petting and spoiling them, giving them titbits, playing with them, and teaching them to talk; and the children are often in the byres with the men. The affection of children for their fathers is very striking in Nuerland. I have never seen a man beat his child or lose his temper with him, however aggravating he might be. When a father speaks crossly to his [861]
child, as he does if, let us say, the child goes to the edge of a river or among the cattle, where he may be injured, it is evident that the child is not afraid of his loud words and obeys from affection rather than fear. In his first years a child is corrected by his mother and elder brothers and sisters, who may give him a few strokes with a grass switch if he is naughty.

Daughters grow up under the direction of their mothers. 867
Mother and elder sisters give a girl training in household tasks 868
and what moral advice and worldly wisdom they care to impart. 593
The father takes little interest in the affairs of his daughters. His chief concern with them is to ensure that they are well married.

14: Huffman M-5 (no date) 1931
FJ22 Nuer FJ22

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2;Evans-Pritchard E-5 (1931, 1936) 1951
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Intercourse does not necessarily take place when a youth and maid are alone together on the night of a dance. When the relationship between them is a *luom buol*, a dance love affair, or *luom thurá*, a dancing-ground love affair, a more or less constant attachment, and not a *luom goka*, a love affair of the high grasses, casual lust, I was told that the girl is likely to refuse her favours, though he will entreat for them, unless she feels sure that he intends to marry her and has the cattle with which to do so, for no respectable girl wants to be a *keagh*, an unmarried mother. No attempt is made to conceal an attachment of this kind, which indeed imposes on the girl modesty and shyness towards her lover in the presence of other persons such as a bride is expected to show towards her bridegroom or a newly-wed towards her husband. 883 836

Parents are not cognizant of all the love affairs of their children, but if a girl forms a constant attachment she may tell her mother about it, and a father will probably hear of a similar attachment of his son. They are not likely to say anything unless there is danger of incest. All the young men of a hamlet or small village, who are kinsmen and dance together, know of one another's courtships and escapades. Likewise, all the girls know about one another's lovers and amours, for they also keep together at dances. The only person who may interfere is a brother in an affair of his sister, for her virtue is his responsibility, but he will only do so in certain circumstances. He keeps an eye on his sister and knows who is courting her, but he will only come between her and her lover if he suspects that she is having regular relations with a man without cattle or that she is giving herself to all and sundry. [643]

It not infrequently happens that a girl becomes pregnant while still unmarried. If the young man has cattle he will be expected to marry her, and if she is not a profligate he will be glad to do so. If he has insufficient cattle he cannot do so, and though another man will not object to taking her as a wife, he is more likely to take her as a second wife than as a first wife, and he will pay fewer cattle for her bridewealth. It is therefore in the brother's interest to see that this does not happen. It is also in his interest to prevent his sister from becoming a wanton. A man does not expect his bride to be a virgin, but he does not care to marry a jade. A girl of easy virtue may find plenty of lovers but no suitors, and after bearing an illegitimate child is likely to become a concubine for the rest of her life, to the detriment of her family herd. 848

from whose back cattle have been returned.' Either the cattle paid for her have been sent back to her husband's people or she was not at any time married with cattle. These concubines often spend a few years with one lover and then a few years with another. They move from village to village, taking their infants with them. I found unmarried mothers in every Nuer village where I made inquiries; and I have known an unmarried concubine bear eight children by as many as seven different men.

Those unmarried concubines whom I have known personally have been women of strong character who valued their independence and did not desire matrimony. Nuer recognize that they are temperamentally unfit for normal married life and are unlikely to settle down till they are old. Their behaviour is not stigmatized as immoral, but they are not so highly esteemed as wives and in a quarrel their children may suffer the reproach of bastardy. Also, an unmarried concubine cannot expect the same support from her kinsmen in domestic disputes as a wife can expect. What a wife can demand as a right, a concubine can only ask as a privilege. It does not follow that a man treats a concubine differently to a wife, and one cannot know in a household who is wife and who is concubine by bare observation of behaviour. Indeed, a man may treat a concubine with more consideration than a wife, for he has only what control over her his personal influence gives him. He cannot claim compensation should she be unfaithful to him, and he cannot restrain her should she wish to leave him for a new lover.

He has, however, undisputed right to legitimatize any children she may bear him by paying for each child a fee of from four to six head of cattle to her parents—they are not divided among the kin. This fee (*ruok*) is not bridewealth. It gives him no rights in the woman nor in any further children she may bear to him or to other men. Children born of a concubine by different men become in consequence members of different lineages. If a concubine leaves one lover to live with another she takes her small children by the first with her to the second, but they will eventually be claimed by the man who by payment of cattle is their pater. By payment of a fee the genitor becomes the pater also.

It is, of course, possible for a man to legitimatize his union with a concubine by payment of bridewealth, but though he will almost invariably legitimatize his children, he is seldom eager to marry their mother, because experience has taught Nuer that a woman

583 One of the earliest British officers in Nuerland wrote
431 that "the system of marriage among the Nuers is the cause of nearly all their quarrels and troubles".[1] Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

586 Nevertheless, it can only be accepted that
431 payment of bridewealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce.

The marriage tie is severed (*dak*) by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned (except the *yang miemde* and the *yang yani*, the cow (ox) of the hair and the cow of the skirt[2] unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. In this case one cannot speak of divorce. The wife and mother has become a ghost. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle which the husband leaves with his wife's people to retain his rights in the child (*rwak*). These six beasts, including the two of the hair and the skirt, are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is
586 divorced and can remarry. On the other hand they
431 may leave all their cattle with the wife's family
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[1] Bimbashi H. Gordon, *Sudan Intelligence Reports*, June, 1913, No. 107.

[2] According to my own information these two animals are retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. Jackson (*Sudan Notes and Records*, vol. VI, 1923, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the mariage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

[p. 182b]

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586 431 848 and kin and maintain thereby their rights in any children she may 'bear in the bush' (*diath dar*), that is by lovers. She is then not divorced, but is only separated from her husband, and she cannot remarry.

If a wife dies after having borne two children no cattle are returned, it being held that "Cattle which have children on their backs cannot be returned".[1] Should a wife leave her husband after having borne two children the cattle will remain with her kinsmen and any children she may bear by other men will be claimed by her husband's people. She is still married to him though she lives as concubine to another man. The husband's people are said to be generally content with this arrangement but, whether content or not, it would be useless for them to reclaim their cattle and the progeny of those cattle and deduct the total cattle to legitimatise each child. The wife's people would say to them: "You have your children. You keep them and we will keep the cattle. Let your wife bear you children in the bush."

586 431 The rules stated above are principles which are flexibly applied in actual cases according to the circumstances of each case. Much depends on the personal relations between the husband's people and the wife's people. If they are bad and his wife has left him at their instigation the husband will claim back everything to which he has a right: cattle,[2] sheep, goats, spears, tobacco, millet, and ornaments, including his wife's *yuak* or bead-decorated skirt. But if they are good and she has left her husband against her parents' wishes he will not ask for the return of the smaller gifts and the *panth mantheade*, the little gifts with which he honoured his mother-in-law, and if she dies childless he may also leave some of the cattle to which he has a right

[1] I did not record a case of a wife dying after all of her several children had predeceased her in infancy, and Nuer merely told me, in reply to my queries about rights to the cattle should this happen, that it was most unlikely to happen. Whether the cattle or how many of them would be returned would probably depend on the age at which the children had died.

[2] When possible the identical cattle are returned but if they are dead or it is difficult to recover them after dispersal others may be substituted for them and if they are of the same quality as those paid by the husband's kin they must accept them.

[p. 183a]

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her husband is before the *mut* and before he has met their claims for bridewealth, in which case strictly speaking the man is not her husband at all.

7. THE LEGITIMACY OF CHILDREN

Establishment of Legitimacy by Legal Marriage

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Legal marriage is performed by the transfer of a number of cattle acceptable to the woman's family, and usually also by the performance of ceremonies and ritual observance. Children born of such unions are legally the children of the man who transferred the cattle or on whose behalf the cattle were transferred, and his rights in those children, and the rights which descend to his heirs, are valid and inalienable unless the cattle are returned. No conflict can theoretically arise, for a woman cannot have more than one legal husband at one time. Nor can any one of her children have more than one legal father or *pater*, though sometimes different children of the same mother may have different legal fathers. From the legal aspect, legitimacy brings to male children status and privilege as members of the legal father's lineage and the rights of inheritance from that father. They acquire rights in the cattle of the kinship group—rights which are determined by their position in the kinship structure; rights to cattle inherited and to cattle brought in by the marriages of females of that lineage. Female children provide a means by which cattle will be acquired by the lineage in the future on the normal principles of distribution of bridewealth (*ghok kuí gwando*), and they further stand as a legal link between the lineages of the father and the mother, for the mother's relatives may also claim cattle from their bridewealth (*ghok kuí mando*).

Thus the children of a simple legal marriage will belong to the legal husband by whomsoever begotten (for they may be begotten in adultery—which does not affect the legality of the marriage). In 'ghost-marriage' children are attached to the name of the man on whose behalf the marriage was performed, although in other respects their relationship to their physiological father (*genitor*) is normally the same as that found in simple legal marriage. The *genitor* is usually the principal heir to the *pater* by reason of the fact that he performed the ceremonies on the father's behalf, and also through normal rules of inheritance derived from their relative positions in the kinship structure of their lineage. It is probable that the children will be brought up in their *genitor's* household, and he is therefore also their foster-father. He may die, however, and his position will be assumed by his own heir.

Similarly, in leviratic union or 'widow-concubinage' the status of the children is determined from that of their legal father, although he is dead. Their physiological father will have authority over them and rights in them derived from his relationship to their

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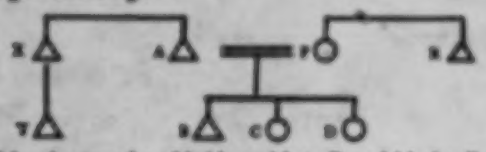
legal father, although, as we have seen, as *genitor* and foster-father he may acquire certain personal rights to cattle subsequently paid as bridewealth for daughters. These rights in bridewealth cattle, which are not in any case substantial, may be acquired whatever the circumstances, but it is clear that the greater the degree of coincidence in one man as heir to the *pater*, as *genitor*, and as foster-father, the closer the relationship between him and the children and the greater the rights he will hold. If there is a high degree of coincidence there will be no great need for an exact definition of rights.

In these circumstances the legitimacy of children in respect to the acquisition and inheritance of rights is clear. The law is logical and can always be carried to logical conclusions even though there is often a conflict in fact. It is obvious that there is an infinite variety of possible situations depending on the relationships within the kinship structure of the lineage of the persons concerned and the functions performed by persons outside the lineage as *genitor* or foster-father. For the purpose of illustration a number of such situations are recorded.

In Simple Legal Marriage



A married P by the transfer of bridewealth to R and his family.

(i) If all the persons recorded above are living, A, who is the legal father of B, C, and D, will be the link through whom their relationship to other members of A's family and lineage is traced, and A will be the point from which the distribution of the bridewealth of C and D will be determined.

(ii) If A is dead, the point of determination will be the same, but X, A's brother or, if dead, his son Y, will represent A, unless by that time B, A's son, has come of age.

(iii) It will probably be X (though it may be another brother or some more distant agnatic kinsman) who brings up A's children and will stand in the relationship of foster-father to B, C, and D, and as he is also A's heir until B grows up, he will perform most of the tasks of *pater*.

In 'Ghost-Marriage'

X married P on behalf of his brother A.

(i) Three children, B, C, and D, are born of this union. In this case A is legal father (*pater*) of the children and X is the *genitor*, but since X is also brother of A he will represent him as *pater*, and the distinction is not stressed.

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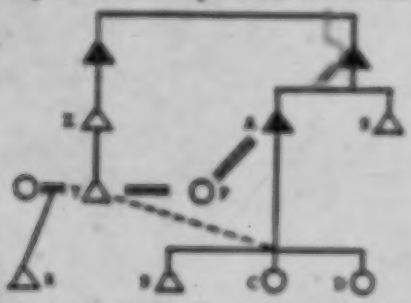
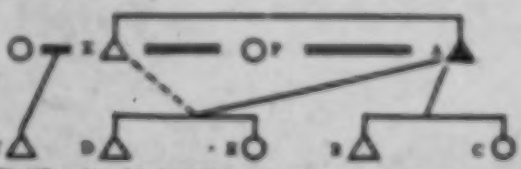
(ii) Hence in all matters concerning kinship obligations and inheritance, particularly in the matter of the bridewealth of C and D, A is the first point of determination in the kinship structure, and X, as his uterine brother and legal heir, comes next. X may expect the *pater's* portion of the bridewealth, a portion which may be inherited by his son Y, though in some cases—depending on their relative ages—B may inherit these as well as claiming the brother's portion.

The position may not be so simple as this. For example:



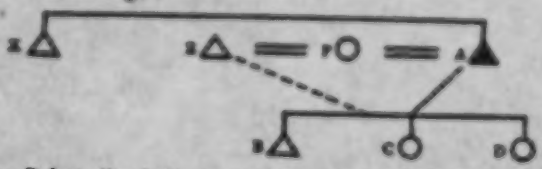
Y, one of A's less closely related kinsmen, marries F on behalf of A with cattle which he has inherited from A. Y is both *genitor* and foster-father of the children B, C, and D, and as heir to A he can claim many of the privileges of *pater*. He would normally claim the *ghok gwonde*, the father's portion, on the marriages of C and D, though this will depend partly on the configuration of the lineage, since B or his heirs may have counter claims, but normally they could only claim the *ghok gwonde*, the paternal uncle's portion.

In Levirate Union



A marries F. She gives birth to B and C of whom A is both *genitor* and *pater*. A dies and F goes to live with A's brother X, who begets D and E. A remains *pater* of all these children, and they will all call themselves by his name. X is naturally foster-father of B and C and he is *genitor* of D and E. He is also *pater* to all four in the sense that he represents their interests and is legal heir to A, though here the future claims of A's sons will have greater emphasis than in 'ghost-marriage'.

In 'Widow-Concubinage'



A marries F but dies before any children are born. F goes to live with Z, a relationship which is recognized by X, who is heir to A. Z is the *law*

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or lover of F and has received the formal recognition of her late husband's kinsmen. Three children are born, B, C, and D. All these remain legally the children of A, and their rights are determined from his position in the kinship structure, but X, as heir to A, performs all the duties of *pater*. Z is merely *genitor* and in this case foster-father. On the marriage of C and D, he cannot claim the father's (*gwan*) portion, but he may expect to receive *yang lota*, which in this case may amount to two or three head of cattle since the union is a stable and agreed one. In such cases Z might be the *genitor* only while X brings the children up in his home.

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The variety of circumstances in the examples given above is considerable, but all situations are not covered. The legal and sociological relationships of the members of a Nuer family are often a complicated matter. The family preserves the outward appearance of a simple legal union, and in day-to-day affairs the differences are not stressed. Analysis will, however, often reveal a complicated pattern and a variety of legal relationships which are relevant in the distribution of bridewealth and inheritance.

The system may appear complex and sometimes confusing. It is not so to the Nuer themselves and, in a court session, even if the court members are not already aware of the relationships involved, a few introductory remarks and a few pertinent questions will give them a clear picture of the legal aspect of the case before them.

Disputes sometimes arise over inheritance and the obligations of kinsmen in the collection of bridewealth on behalf of others. Clearly in such cases the legality of an individual's position within the framework of the lineage is relevant. Sometimes the *pater* himself, or more often his heirs, refuse to recognize the claims of a legal son who has been brought up in the home of the *genitor*. Sometimes the *genitor* acquires cattle on behalf of his natural son and holds them in trust. At a later date he or his heirs may refuse to hand them over, which amounts to a breach of trust. Such disputes are not frequent, and in the past were usually settled because public opinion will always press for the fulfilment of kinship obligations based on legitimate relationships. The courts are now often called upon to intervene.

The Position of Children born of Unmarried Concubines

Children born out of legal wedlock are illegitimate,[1] and strictly speaking should be linked to the lineage of their mother's father. Sometimes their *genitor* will choose to legalize their position by marrying their mother with cattle, and usually her family will press him to do so, particularly if she is not *keagh*, in the sense of a woman who is unable to remain long with one husband, or has been married before

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[1] I am aware that the use of the term 'illegitimate' may be challenged. Children born in wedlock are *legitimately* the offspring of their mother's legal husband; children born of an unmarried woman are *legitimately* linked to their mother's lineage.

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and divorced. There is no moral stigma attached to illegitimate children, though the instability of their position may in later life put upon them psychological strains and cause emotional conflicts. A man who is linked to a lineage through his mother will have to compete with the legitimate members of that lineage, and, since his mother may not have brought bridewealth cattle to the family, he may be poorly treated by them. He will sometimes find it difficult to collect sufficient cattle to marry a wife though this is not by any means always so.

The *genitor* may also legitimize his offspring by payment of *ruok gaanke* (or *ruok maar*). This is a legitimization fee, and in no sense a marriage, for it does not carry with it any rights in the mother of the child, but only in the child itself.[1] It is further a more individual transaction between the *genitor* and the woman's immediate kinsmen, her father or brothers. If the woman is subsequently married to another man by transference of bridewealth, even if the number of cattle accepted by her kinsmen is less than normal, a conflict may arise between the legal father of her first child, who has acquired this position by the payment of *ruok gaanke*, and her legal husband, who has married her with bridewealth. Legal marriage usually implies legal paternity of all the children of the wife, whether born immediately[2] before or after the marriage. Hence, the legal husband will often insist on the return of the *ruok* cattle from the woman's family to the *genitor*; otherwise the first child would in one context be the legal son of the man who paid the *ruok*, in another the legal son of its mother's husband. This is a confusion of legal status and is not proper. Nuer would say that the cattle of the *genitor* of a child, especially in cases of adultery, and those of the legal husband cannot meet in one herd. It is a situation which may not only cause legal difficulties in the future, especially in the matter of inheritance of posthumous rights, but also bring upon those concerned the disapproval of the ancestral spirits. This will lead to sickness and misfortune. Yet the woman may continue to move from one man to another, living with each for a short period and bearing children to some or all of them. If each legitimizes his child or children, it is possible for her to be the mother of several children each of which has a different legal father. Thus, though it is possible for the children of one mother to have different physiological fathers, it is not possible for one child to have more than one legal father. I quote one case by way of illustration taken from court records.

[1] A position similar to that of a husband who divorces his wife but allows her family sufficient cattle to legitimize the children (see pp. 134, 139).

[2] I.e. children in arms, but not older children. The point is controversial, and there does not seem to be any set agreement. If the child is weaned before the new marriage takes place it will probably not go to its mother's new husband. If it is born within a month or two before or after the marriage it will almost certainly be accepted as a child of the new husband.

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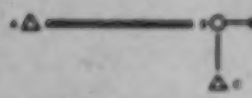
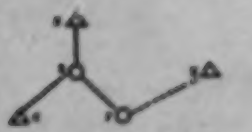
A married B. She gave birth to a son, C, but then deserted her husband and went to live with X. A's marriage to B was then dissolved by order of the court. While living with X, B gave birth to another child, this time a daughter F. B's family strongly objected to X, who had made no attempt to produce bridewealth to legalise the union, and, through the intervention of the court, he was made to leave her. Later he was prevailed upon to pay *rook gaanke* to retain legal parenthood of his natural daughter F. B returned home, but was later married by T, who agreed to hand over a much reduced bridewealth, all that her family could expect in the circumstances. Her former husband had forgone all claims on C, but, on B's remarriage, T claimed that all the children should be his. X was persuaded to accept return of the cattle he had paid as *rook gaanke*. The two children, and those born subsequently, were then regarded as T's. This complicated situation was reached in four stages, the final stage being a permanent one and, unless further difficulties arise, it will remain legally valid in the future.

(i)

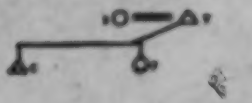
A married B by payment of bridewealth and is therefore legal father of C.

(ii) 

X seduces B, who goes to live with him. A dissolves the union and forgoes all rights in C.

(iii) 

F is born and would normally belong legally to her mother's lineage, *i.e.* through Z, but X pays *rook gaanke* and becomes her legal father. X then leaves B.

(iv) 

B returns home and is eventually married to T (who in this case paid only seven head of cattle for her). X's *rook* cattle are returned to him and T claims legal parenthood of F. T also claims that he is legal father of C.

In this particular instance the mother's position is constant, for the legitimacy of the children is not traced through her except in stage (iii) in respect of F but not of C. The position of the *pater* has changed throughout. In future, when C and F have reached maturity, their position will be determined by the final picture shown in stage (iv). C will call himself son of T, though he might—as is often the case—revolt and link himself to his physiological father A. T's lineage will have undisputed claim to the father's portion of F's bridewealth, the *ghok kui gaanda*, while B's family will claim the *ghok kui manda*, a claim which cannot be altered whatever the circumstances.

The Position of Children born of Adultery

By definition adultery cannot happen unless the woman concerned is legally married, in which case all her children, whoever the *genitor*, belong to her legal husband. He is always *pater* so long as the union remains legally valid. An adulterer cannot under any circumstances

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848 legitimize his child by the payment of *ruak gaaake* while the marriage
684 stands. A child cannot have two legal fathers at one time. It is for this reason that when an adulterer has been prevailed upon, or compelled by a court, to pay full compensation to the woman's legal husband—*ruak ciek* (not more, but sometimes less, than six head of cattle)—if a child is born and attributed to the act of adultery, all those cattle must be returned except *yang kade*,[1] which is not part of the indemnity but has special ritual significance. Unless this is done there may be confusion over the true legal father of the child: a confusion of *ruak ciek*, which is paid as compensation to the husband, and *ruak gaaake*, which should be paid to the woman's family to legitimize the child. In fact, there is not necessarily any confusion, because the compensation (*ruak ciek*) goes to the legal husband as damages, while *ruak gaaake* as a legitimization fee *should* go to the woman's family. A confusion may arise in the future, however, especially if there is a divorce, and usually a wronged husband will return the cattle without argument. This rule applies in all tribes west of the Nile, among the Zeraf tribes, and in Lou, but is not followed in Eastern Jikany.[2] We shall consider this matter again in connexion with divorce and adultery.

The Position of Children on Dissolution of Marriage

848 As will be seen later, if a legal union is dissolved the husband may
586 retain legal parenthood of any children born prior to dissolution by leaving sufficient cattle as legitimization fees with his wife's family.[3]

Legitimization Fees: Recent Legislation

848 Fees payable for this purpose have varied considerably from one Nuer tribe to another. At the Chiefs' meeting of 1945, they were standardized as follows:

for a male child 5 head of cattle
for a female child 6 head of cattle.

Chiefs said that the fee payable for a girl should be higher than that for a boy because in the case of a girl the mother's family could expect to benefit materially on her marriage.

If a man declares his intention of legitimizing the child at once, he will not be expected to pay more than the five or six head of cattle, as the case may be. If, however, he disowns the child or declares that he will have nothing to do with it, he will have to pay a higher

[1] See also under Adultery (p. 156).
[2] See recent legislation on this subject, pp. 166–8.
[3] See under Dissolution of Marriage, p. 149.

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rate—up to ten head of cattle—if he wishes to legitimize it later. Chiefs said that he had a right to do so even if the girl's family objected, provided the woman had not been legally married to someone else in the meantime. 848

If a man pays legitimization fees and the child subsequently dies at an early age, all his cattle must be returned to him except a bull-calf and a cow-calf: in other words, the normal compensation for seduction of the girl, *ruak nyal*,[1] when no child is born as a result.[2]

8. CONCLUSION

The complexities of Nuer marriage and other forms of procreative union may appear chaotic. At first sight the relations of the sexes may even seem to be indiscriminate in the extreme. This is not so, and to the Nuer themselves there is rarely any confusion at all. The terminology which describes special relationships, special circumstances in marriage and descent, besides the normal terminology of kinship, is sufficient to place any man in his correct status both within his patrilineal descent group and in Nuer society as a whole. This status is determined from the status of the *pater*, and the basis of all marital relations lies in the relatively stable position of the *pater*. It is true that the *pater* is sometimes changed, but not without the passage of cattle from one group to another, an event which stamps the change indelibly in the minds of the people concerned. This legal principle runs through the whole structure of Nuer society because it is the basis of the lineage organization upon which other and larger units of society are built. A Nuer finds his position in the lineage through his legal father or *pater* and from no one else, and, as a member of his father's lineage, can ultimately be placed in correct relationship to the members of other lineages within his tribal segment and through them to the tribe. He is a member of a patrilineal descent group (*thok dwiel*), and that group has a recognised position in the community, which is composed of similar lineages. He has through his *pater* a position in the lineage which provides the means for social, economic and political security. 848 602

There is adequate literature on this subject, and it is not the purpose of this book to enter into the details of the structure of Nuer society. It must be emphasized again, however, that a full understanding of Nuer law, both the customary law operated by sanctions prevailing in the past and the law now operated by the courts when those sanctions tend to fail, is impossible without a full understanding of the political and social organization of the Nuer. Law is after all only a feature of that organization as well as a means through which the 800

[1] See under Violation of Rights in Women, Chapter IV, Section 2.
[2] Extracts from minutes of Nuer Chiefs' Council, 1945.

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PART I

DIVORCE LAWS AND THE DISSOLUTION OF MARRIAGE

We have seen that marriage is achieved by the performance of social and ritual ceremonies and the transfer of cattle to the kinsmen of the bride. It is now necessary to examine the reverse process by which a union is dissolved. This involves no public ceremonies or ritual, but only the return of bridewealth cattle, with various deductions in respect of rights received and, in the case of children, rights retained by the husband. A distinction must be made between active divorce in which both parties are living at the time of the proceedings, and dissolution of marriage which sometimes follows the death of the wife, though not the death of the husband. There is no distinction in terminology; both institutions are *dak kuen*, 'the breaking of marriage', and the same general principles apply, but the details vary. 586

1. DISSOLUTION OF MARRIAGE ON DEATH OF THE WIFE

The death of his wife is usually considered to give the husband some right to claim the return of his cattle, although he will not always exercise that right. It will depend on a variety of circumstances. If the union has lasted a long time and the husband is on good terms with his wife's family, he may not wish to sever his connexion with them, though he will usually demand return of the bridewealth cattle if she has borne him no children at all. Her family will not necessarily dispute the case, and often wish to assist him. There is after all a human element in Nuer marriage which a coldly analytical approach tends to ignore. The birth of one or two children will alter the situation substantially. The father will in any case usually leave sufficient cattle to retain legal parenthood over them. The number of cattle varied in the past from tribe to tribe and, in some tribes, according to the sex of the children, but for two children a man will have to leave at least ten head of cattle (legitimization fees have now been standardized at five head for a boy and six for a girl),[1] and, after deduction of these, in some marriages there will not be many cattle left to return. Nowadays many Nuer get married with as little as twelve or fifteen head of cattle, and if some of them have died in the possession of the wife's family they will not be returnable. In other marriages a larger number of cattle may have been transferred, and 586 768 848

[1] See under Legitimacy of Children, pp. 128–35.

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their progeny may be considerable. There is no hard and fast rule, nor any convention which governs the attitude taken by the husband. At the same time his rights in such circumstances are usually clear, and nowadays a Nuer court will tend to uphold those rights even though they will nearly always attempt to find a compromise.

In fact disputes over the return of cattle when the wife has died are rare because relations between a husband and his wife's kinsmen are not strained, as they must necessarily be in a case of divorce where both husband and wife are living. No generalisation is safe on this subject beyond saying that when the wife dies without issue the husband is likely to demand and receive without undue argument all his cattle; that if one child is born the wife's family will retain sufficient only to legitimise that child; and if two children are born the husband may be content to leave all his bridewealth cattle with the wife's family or may demand the remainder after deduction of legitimization fees. A Nuer court will sometimes allow the latter, sometimes not. If more than two children have been born the return of bridewealth is regarded as impossible. It is then considered that the wife has performed her obligations in this respect in full. It must be remembered that the birth of children is also an indication of the time factor and, generally speaking, the longer a union has lasted the less likely is it to be broken. I quote here four actual cases, taken from a large number of similar ones, which indicate both the principles and the tendency to follow them:

(*a*) *Majok Deppyang* v. *Cah Macoat* (*Dok Nuer Case*)

Liah Macoat (brother of Cah) married Majok's daughter. The woman died leaving one male child. Liah then began to claim return of his cattle but died before negotiations were completed. Cah continued this claim as Liah's heir and further demanded return of all cattle and stated that he did not wish to legitimise the child. Chiefs' court ruled that all cattle should be returned with the exception of five head for the boy (*ruak nuer*).

(*b*) *Carok Jyath* v. *Won Teang* (*Dok Nuer Case*)

Carok married Won's daughter, who died after bearing two children. Court ruled that Carok should receive all cattle paid by him after deductions had been made for the children.

(*c*) *Kwic Thomath* v. *Ngotkek Deng* (*Bul Nuer Case*)

Kwic married Ngotkek's brother's daughter. After bearing him three children she died, and Kwic demanded return of his cattle after legitimization fees had been deducted. Court ruled that the woman had fulfilled her obligations and that Kwic had no right to any cattle. Court, however, stated that Ngotkek should assist by payment of *ghak tuohe*.[1] This judgment was confirmed on appeal.

(*d*) *Cuol Dak* v. *Liep Balou* (*Dok Nuer Case*)

Liep married Cuol's daughter who died after bearing him four children. Liep subsequently claimed return of his cattle after deductions for the children

[1] *Ghak* (yang) *tuohe*. The significance of this payment is explained later.

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had been assumed. Court ruled that no dissolution of marriage was possible, but ordered Ciel to give Liep a cow (*yang tuoke*) 'for his sister's sons'. This judgement was confirmed on appeal.

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These cases are not unusual, and similar disputes and judgements may be found in any court case book. They provide illustrations of the principle that on the death of a wife who has borne one, and in some instances, two, children, the husband may expect the return of all his cattle with the exception of sufficient for him to retain legal parenthood of those children. If, however, the wife has borne three or more children she is considered to have fulfilled her obligations, and there is no claim on her family at all, though they may be expected to assist her husband by payment of what the Nuer refer to as *yang tuoke*. This privilege sometimes extends to the husband's heirs, if he too is dead, should a cow or cows be required for milk for the children. The distinction is clear. In the first instance the union is dissolved and no longer exists, even though the children continue legitimate and therefore legally members of their father's lineage with all the privileges which that entails. In the second instance there is no dissolution at all, but the wife's kinsmen are expected to assist her widower, either to get married again or at least to bring up the children.

Ghok tuoke

Yang or *ghok tuoke* means literally 'the cow or cows of the cooking pot', and in this sense refers to the loss of the domestic assistance a husband should receive from his wife. It is also sometimes referred to as *ghok pithe guat*,[1] or 'the cattle of bringing up the children'. There is therefore contained in the idea the necessity both of compensating a widower for this loss of domestic assets, and of providing him with cattle for the subsistence of the children of the union. The number of cattle which may be claimed varies considerably from tribe to tribe. Among the Lak only one cow at most is paid, while some tribes give as an ideal at least six head of cattle. The Leik, who are comparatively rich in cattle, give eight as the accepted number, and state a definite form of distribution among the dead woman's relatives upon whom the obligation falls. The brother and half-brother of the wife (*deman kui mande* and *deman kui gwande*) should each pay a cow; her father's uterine brother (*gwanlen mande*) and father's half-brother (*gwanlen gwande*) should each pay a cow; likewise her father's sister (*wac*) and mother's sister (*manlen*), her mother's brother and half-brother (*nar mande* and *nar gwande*) should each pay a cow.[2]

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The payment of *ghok tuoke* is not always honoured, but it is a

[1] Here used in a different context from those claimed outside marriage (see pp. 111–2).

[2] In other words, an equitable distribution among the kinsmen of the wife, both paternal and maternal, who have already received a portion of the bridewealth according to the pattern of distribution.

8:Howell E, G-5 (1942-1944)1954
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684 837 Despite this general attitude to physical paternity, and despite the fact that birth out of wedlock is in no sense ignominious, a Nuer who is in full possession of his physical powers will bitterly resent an intrusion, and adultery is reckoned a serious infringement of a husband's rights. A husband will take violent steps to prevent it, and it is commonly recognized that a man caught in adultery runs a risk of serious injury or even death at the hands of the woman's husband. There are not, however, nowadays many instances of physical violence or injury arising from adultery (as among some Sudan tribes), and the injured husband will usually resort to the courts.

Adultery is a wrong which demands indemnification in the form of cattle, and this is nearly always enforced by the courts unless circumstances are considered to mitigate the offence. The compensation for adultery[1] (*ruok ciek*) is six head of cattle, and this is common to all Nuer tribes. Of these, five are considered to be direct compensation for the injury caused to the husband; and the sixth, *yang kule*, 'the cow of the sleeping-skin', has a ritual significance. It is considered dangerous for a man to sleep with his wife after she has had intercourse with another man. She is in a state of impurity, and a return to conjugal relations will bring misfortune to them both unless expiation is made by the guilty party. The *kul* or sleeping-skin is symbolic of conjugal relations.

Cattle Returnable if a Child is born of the act of Adultery

684 848 The majority of Nuer tribes west of the Nile, the Zeraf tribes and Lou (but not Eastern Jikany), consider that if a child is born of an adulterous union, then all cattle paid previously as compensation must be returned by the husband with the exception of *yang kule*. The reason is not far to seek if we consider the logical principles which underline the concept of legal parenthood already described.[2] It is not so much because the adulterer is considered to have done the husband a service in begetting a child on his behalf—although I have often heard Nuer give this as the reason for the return of the cattle—but because the five head of cattle paid as compensation (*ruok ciek*) have the flavour of legitimization fees (*ruok gaanke*). Unless they are returned there may be confusion of legal concepts. Subsequently, and especially if the marriage was dissolved, the adulterer might claim the child as his legal right.[3]

[1] *Dhu*, lit. 'fornication with'. *dhu ciek* therefore means adultery, while if a child is born of the act, it will be called *ruet ciek*. *Ruok ciek*, or more precisely *ruok dhu ciek* or *ruok ruet ciek*, means compensation for adultery.

[2] See Legitimacy of Children, pp. 128–35.

[3] Nuer say that the cattle and the child must not be in the same place together—'they may not meet'. Moreover, the aggrieved husband will always get rid of these cattle as soon as possible even if a child is not born. In the interim between acceptance and their ultimate disposal he will keep them with a friend and well apart from his

8:Howell E, G-5 (1942-1944)1954
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Deng Kac v. *Nyuon Makwac* (*Gaawar Nuer Case*, 1943)

Nyuon Makwac committed adultery with the wife of Deng Kac. Before the court he admitted his guilt and was ordered to pay six head of cattle. Some eighteen months later, when pressed for execution of the judgement, since he had only paid three cattle, he appealed because Deng's wife had in the interim borne a child, and stated that on these grounds he not only refused to pay the remaining cattle but demanded the return of two head leaving only *yang kule*, for this was the law. Evidence was produced, principally on the admission of the woman, that Nyuon was physiological father of the child. Deng Kac was therefore ordered to return two head of cattle to Nyuon, leaving only one cow as *yang kule*.

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This is a simple and typical case, which illustrates the rule that only *yang kule* is due if a child is born as a result of the act of adultery.

Not Pet v. *Gac Nyol* (*Thiang Nuer Case*, 1944)

Gac Nyol committed adultery with the wife of Not Pet. Not instituted a legal case against Gac before the Thiang court. The accusation was admitted and Gac ordered to pay six head of cattle as *ruok ciek*. Subsequently the woman gave birth to a child, and Gac appealed for the return of five of the cattle on the grounds that the child was his. Court examined the evidence and ruled that the child was born too long after the act of adultery for Gac to be physiological father. Appeal dismissed.

This raises a point which is of some difficulty to the Nuer. What constitutes proof of physical paternity? There may of course be evidence that the husband was away at the time, and it is in the interests of the adulterer, at this point in the proceedings, to admit access to the woman because he is seeking the return of the cattle. The time element is also of importance and possibly presents a difficulty, but the Nuer are nowadays better able to assess time than they were in the past. Reference can be made to court sittings, inter-tribal meetings, tribute collection, as well as to the seasons. In most cases the evidence of the woman is given weighty consideration.

Legality of Marriage is a Fundamental Consideration

The legality of marriage is also a primary consideration. We have seen that the legality of marriage is established by the payment of cattle and the performance of ceremonies. A man clearly cannot claim damages for adultery with a woman who is not his legal wife, even if he cohabits with her.

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Kwol Biliu v. *Cuol Puot* (*Lak Nuer Case*)

Kwol Biliu (a government policeman) claimed damages from Cuol Puot for adultery with his wife. Act of adultery was admitted, but Cuol pleaded

own herd. An emotional tie always exists between a *genitor* and his natural child and, I think, Nuer do not wish to give legal emphasis to this by the transference of cattle. As we have seen, even in adultery this tie is recognized, for the physical father may claim a cow on the marriage of his daughter: the *yang lata* or 'cow of the loins'.

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and its consequences which he runs in resuming sexual relations with his wife. *Yang kule* is both indemnification and spiritual expiation. 684

(ii) If a child is born of the act of adultery, the five head of cattle must be returned to the adulterer to avoid any possibility of confusion over the legal paternity of that child, but *yang kule* must always remain with the husband.[1] [848]

Application of these Principles depends on Circumstances

Adultery is therefore an offence because it amounts to an infringement of the legal husband's physical rights in his wife, and also a wrong against the ritual status of the husband which may be impaired by his wife's impurity. This is the law, although its application will depend on a variety of circumstances: the physical condition of the husband and of the wife; the morals of the wife and the age of the wife; the position in the social structure of the parties concerned.

Impotence of the Husband

The physical potency of the husband is sometimes questioned by the defendant, and if the point is proved, the court will rarely enforce the payment of compensation or even of *yang kule*. A man's physical rights in his wife will not be guarded or upheld by the law if he cannot take advantage of them, nor is he likely to suffer any ritual impurity if he is unable to have sexual relations with his wife.[2] On the other hand, it may be argued that the legal husband has acquired rights in his wife by the transfer of cattle to her kin, and if he is unable to enjoy those rights personally, at least he is entitled to dispose of them as he pleases. This at any rate would carry the theory of rights acquired by the transfer of cattle to its logical conclusion, but the Nuer do not look at it in quite this way. We have seen that impotence is recognized as a ground for divorce on the part of the woman, and a man who is impotent has failed in his duties as a husband. In these circumstances he should be pleased that his wife has borne him a child, whoever the father may be. To the Nuer, if he is not pleased, he ought to be. 684 833 837

In cases of this sort a court will sometimes enforce the payment of *yang kule*, though by no means always, but will certainly never allow a claim for the rest of the accepted number of cattle. The concept reflects not so much a definite law as a circumstance which any court

[1] That this rule has been altered by recent legislation will be clear later.

[2] There is, I think, a conscious distinction here. If the husband is impotent and unable to have intercourse with his wife, then there is no risk of the impurity which the *yang kule* is intended to neutralise. If he is able to enjoy sexual intercourse with her, but is sterile and unable to beget children, then the adulterer will still be protected against liability for full compensation (*ruok ciek*), but is liable to pay *yang kule*. The husband, though sterile, still runs the risk of contamination.

8:Howell E, G-5 (1942-1944)1954
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a married woman, without the transfer of cattle, is *kwil nyal*, 'theft of a girl'. The girl will sometimes assume the costume of a married woman (a leather apron or skirt) and, in examining the circumstances of the case, a court will usually ask whether this has happened or not. It is evidence against the wrongdoer, and implies a greater wrong. 684

Riek Nuon v. *Nger Cut* (*Leik: Western Nuer Appeal*)

Nger seduced Riek's daughter. The girl did not become pregnant, but Riek claimed that Nger's attentions were undesirable, and had compromised his daughter's chances of marriage. In considering the case, the court first examined Nger's circumstances, and stated that he should marry the girl. On finding that he had very few cattle and no prospects of more, the court ordered him to pay two head of cattle as *ruok nyal* to Riek. In the course of the discussions it appeared that Nger had several times been warned to keep away from the girl, not only by her family, but by the local headman (*gatuot*), and finally by the chief. For this reason Nger was sentenced to one year's imprisonment, and the sentence was upheld on appeal.

Liep Balou v. *Biel Dang* (*Dok Nuer Case*)

Biel eloped with Liep's sister. He was subsequently arrested by the chief's police and brought before the court. It was found that Biel had no cattle at all and no prospects of obtaining any. The girl was not pregnant, and the court noted that this was a single incident. Elopement is, however, a serious offence, and Biel was sentenced to six months' imprisonment, though no compensation was awarded.

It is doubtful whether the present compensation, which most Nuer tribes say should be a cow-calf and a bull-calf, though some say three head of cattle, has any basis in tradition. It is more probably based on past precedents from the courts and, as we have seen, is not often awarded unless there has been a flagrant attempt to avoid the ritual of marriage and the transfer of bridewealth or the girl was betrothed to some other man at the time.

Sexual Intercourse with an Unmarried Girl resulting in Pregnancy: ruet nyal

It is another matter if the girl gives birth to a child. It is clear that in the past violent action might be taken against a girl's lover by her brothers, who would seek to compel him to marry her. They would seize cattle from his home and, depending again on their relationship in the social structure, and the relative strength of the sanctions for social integration between the communities to which they belonged, the seizure would be accepted and regarded as a preliminary move towards marriage. Resistance might lead to an open battle between them and even to a feud. Hence, within a limited community or tribal segment, there were strong sanctions derived from fear of retaliation which made for amicable settlement of a case of this sort. It was 684 848

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also possible to legitimize a child born in these circumstances by the payment of fees (*ruok gaanke* or *ruok muor*).[1]

Cany Tut v. *Dar Jal* and *Kwol Panyal* (*Lak Nuer Case*)

Dar Jal seduced the sister of Cany Tut. She gave birth to a child and, since Dar refused to marry her or to legitimize the child, Cany took the case to court. The court ordered Dar to pay a cow-calf and a bull-calf as *ruok nyal*. Dar was dissatisfied with this judgement and brought the matter to court again on the grounds that another man, Kwol Panyal, was the father of the child. Judgement was reversed and the cattle were returned to Dar. Cany then demanded *ruok nyal* from Kwol Panyal. The latter countered by proving that the girl was wanton, *nyal me jok*. Court accepted this and refused to enforce payment of *ruok nyal*. This judgement was subsequently confirmed on appeal.

Nguot Reth v. *Mut Roa* (*Gaawar Appeal*)

Mut Roa seduced Nyadeb Reth, an unmarried girl (about nineteen years of age). She conceived and bore a child to him, and the dispute which followed was referred to the court. Mut had insufficient cattle to marry the girl, and was ordered to pay compensation *ruok* (*ruet*) *nyal* consisting of a cow-calf and a bull-calf. The girl was subsequently married to another man, but Mut's cattle were not returned to him. Mut then appealed, not on the grounds that his cattle should be returned to him, but that he had actually paid a full-grown cow in place of the cow-calf ordered by the court. He stated that the traditional scale of compensation in such circumstances was as the court directed, a cow-*calf* and a bull-calf. Court ruled that this was now irrelevant, because had he paid a cow-calf it would by that time be a large cow: it would have grown in the interval.

It is an even more serious offence for a man to return to a girl after he has been made to pay compensation for seducing her. If she has borne one child, her chances of marrying well are not generally lessened. Indeed some Nuer say that her chances are enhanced, for it is thereby proved that she is fertile, and this is a serious consideration to a man contemplating marriage. To return again to the same girl, and particularly to get her with child for the second time, may cause grave loss to her family. A man will be unlikely to look at her as a possible wife if this has happened, and if she gets married at all it will probably be to a man who is poor in cattle and unable to afford a full bridewealth. An offence of this sort is nowadays almost always punished, not only by forcing the guilty party to pay compensation, but by fine or imprisonment as well. Again penal sanctions, previously unknown to the Nuer, are now commonly applied.

Top Bath v. *Manyang Tut* (*Thiang: Central Nuer Appeal*)

Manyang Tut got Nyaluk, unmarried daughter of Top Bath, with child. Manyang refused to marry her, and had insufficient cattle to do so anyway. The court ordered payment of two head of cattle as *ruok nyal*. This was paid. Subsequently Nyaluk ran off to Manyang again and lived with him for a short time, though no child was conceived on this occasion. Court ordered the

[1] See 'Legitimacy of Children', p. 132.

8:Howell E, G-5 (1942-1944)1954
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immediate return of Nyaluk to her family, though no further *ruok nyal* was demanded. Manyang was sentenced to five months' imprisonment. 684

In this case the court punished the wrongdoer because not only had he committed a serious offence, but he had openly defied the original order of the court.

Compensation (ruok nyal) and Legitimization Fees (ruok gaanke or *muor)*

Legitimization fees for children have already been discussed in a separate section.[1] It is worth mentioning here that a man who gets an unmarried girl (*nyal*) with child is not expected to pay both compensation (*ruok nyal*) and legitimization fees (*ruok gaanke* or *muor*) as well. The two payments are in a sense interchangeable. A man who has paid compensation may increase the payment if it is subsequently discovered that the girl is with child, thereby changing it to a recognized fee to legitimize that child. On the other hand, if there is any likelihood of the girl getting married fairly soon after the event, her family may waive their claim to *ruok nyal*, for then the child will go with its mother to her future husband. In some instances even if legitimization fees have been paid they will be returned on the girl's marriage. 684 848

Can Cakwen v. *Tutkwac Diu* (*Thiang: Central Nuer Appeal*)

Tutkwac Diu seduced the sister of Can Cakwen, and she gave birth to a child. Tutkwac paid no compensation (*ruok nyal*) for this, and the girl was subsequently married by Buth Jal. Some time later Tutkwac asked to be allowed to pay *ruok gaanke* to legitimize the child to his own name. A dispute arose, and the matter was taken to court. Court ruled that Tutkwac had no right to the child, as the girl's marriage to Buth Jal was by then legally valid. She had performed the ceremony of *muot*, and the child had in fact been born after the marriage.

A man who has paid legitimization fees for his child is not usually able to reclaim them should the child die, as he would be able to do in other circumstances. The legitimization fees become compensation in retrospect.

Lam Twiel v. *Jeh Col* (*Jikany: Western Nuer Appeal*)

Jeh seduced Lam's sister and she gave birth to a male child. Jeh was ordered by the court to pay four head of cattle as legitimization fees (*ruok gaanke*), since he refused to marry the girl. This was in 1944.[2] The child died two years later, and Jeh appealed to the court for return of his cattle. The court ruled that the cattle should not be returned. Jeh had refused to marry the girl though he had cattle with which to do so. The four head of cattle must therefore be considered compensation *ruok* (*ruet*) *nyal*.

[1] See pp. 128–35.

[2] Before the Nuer Chiefs' Council Meeting of 1954, when legitimization fees were standardized (see pp. 134–5).

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587 milks the cows, and performs other domestic services for her sons. If
768 she is dead and her eldest son is married his wife acts as a cook, house-
593 keeper, and dairy maid, for her husband's brothers and sisters. Unmarried youths are then dependent on the wife of a full brother for daily necessities and if he dies and his wife does not consent to live with one of them they lose not only a sex-mate but also a housekeeper, cook, dairy maid, and gardener. They therefore strongly object to her going to live with a lover outside their village. If they are on good terms with their half brothers they will not resist her desire to live with one of them but will group themselves around the half brother whom she has chosen to live with, and will share his byre and enjoy the services of their dead brother's widow in his homestead. I was told that if they are not on good terms with their half brothers they may object to the widow living with one of them and may tell her that if she refuses to live with a full brother of her husband she had better take a lover outside their kin and bear children to the dead husband by a stranger. Occasionally a widow lives with her husband's sister's son.

The very limited control of brothers over the widow of one of them is seen in domestic facts rather than in legal theory. In fact many Nuer widows do not live with kinsmen of their dead husbands. Among the Eastern Nuer it is hoped and expected that a young widow will consent to live with one of her husband's brothers or sons and her husband's kinsmen try to persuade her to accept this arrangement; but it is rare for them to force her to choose between divorce and leviritic marriage and, if she declares firmly at her husband's mortuary ceremony that she will not live with one of his kinsmen, they permit her to take any lover whom she chooses. She then goes to "Give birth in the bush" (*dieth dor*), as the Nuer say. This means that she either continues to occupy her dead husband's homestead and there cohabit with one of the villagers, or that she leaves the village and goes to live as concubine to a stranger elsewhere.
[848] Her husband's people permit her to take this course because all the child-
[611] ren she bears are their children, being counted as sons and daughters of her dead husband. Her husband's people have legal rights over the children and may take charge of them in which case the mother, when she is old and past child-bearing, will probably return to her husband's home to be with her grown-up sons. "When a widow who has gone to live with a stranger is old and can bear no more children she will cease to wander and will return to her husband's people and settle there with her children."

Among the Western Nuer the kinsmen of a dead man insist that if his widow has not borne children, or has borne only one child, she must live with one of them. If she refuses they may claim back their bride-cattle
[586] i.e. divorce her. If she has borne one child they leave six head of cattle with her parents to retain control of the child and to affiliate him to their lineage. But if she has borne two or more children to her dead husband his people cannot claim back their bride-cattle if she refuses to live with one of his brothers. *Ghok te jokdien ka nath caa ka de lony*, "Cattle which have children on their backs cannot be returned".

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those of a pater towards members of a legal family. It must be emphasized that while the natural family is not a legal family the position of the genitor is socially recognized in a number of ways and that the natural family is often a group of persons living in a common household and cooperating in economic and other domestic undertakings. Widow-concubinage is not a purely biological union nor is the natural family a purely biological group. 587 593

Sometimes a widow elects to live with a clansman of her husband. In this case Nuer speak often of his relationship to the widow as leviritic marriage but this is by courtesy and his legal position is not much better than that of a totally unrelated man would be. I only speak of leviritic marriage, therefore, when it is a brother or son of the dead man who takes his wife.

The simple legal family is not contained in the structure of the natural family in the way it is contained in the structure of ghost-families and leviritic-families, and the natural family cannot be regarded as a variation of the legal family, because, whereas in ghost-families and leviritic families the legal representative of the pater is the foster-father, and maybe the physiological father, of the children, in the natural family the legal representative of the pater is not the physiological nor entirely, if at all, the foster-father of the children. In fact, as we shall see later, there may be a struggle between the interests of the natural family and the interests of the legal family, as represented and expressed by the legal representative of the pater.

It will have been seen that the role of a father among the Nuer is often split and different parental functions are performed by different men. The man who was married to the mother of children at the time of their birth we may call the pater or legal father. The man who begot the children we may call the genitor or physiological father. The man who who acts as protector and bread-winner to the household of which the children and their mother form part, and who performs all those intimate services towards the children which are generally associated with the status of father, we may call the foster-father. I refrain from calling the pater the sociological father because all the men who perform these different functions receive social recognition.

When children are born in the union of simple legal marriage the same man is pater, genitor, and foster-father. When children are born in the union of ghost-marriage or in the union of leviritic marriage one man is the pater, and another man is both genitor and foster-father. When children are born of a widow-concubine, the pater is her dead husband, the genitor is her lover, and the part of foster-father is played in early childhood by her lover, or lovers, while in later childhood and in adolescence it is often played by a kinsman of the pater. 611

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In true marriage, ghost-marriage, leviritic marriage, and widow-concubinage a mother is always legally married and all her children belong in virtue of her marriage to her husband's lineage and clan. But there are 848 611 593

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588 also in Nuerland many children born of unmarried mothers and children
●848 born of an unmarried mother may belong to different social groups, be-
611 cause their physiological fathers have a right to pay a fee of from four to
593 six head of cattle to legitimatize their natural children. The payment of a fee makes the child a member of the genitor's household. The genitor of the child of an unmarried woman is also his foster-father if the man and woman continue to live together. If the woman takes a new lover she goes to live with him and if her child is small she takes it with her. In this case the genitor is one lover and the foster-father is another lover but when the child is older he becomes a member of his genitor's household. A child of an unmarried woman has no pater but his genitor becomes his pater, on payment of a fee (*ruok*). This fee becomes the property of the woman's father and is not divided among her kinsmen as bride-wealth is divided.

Many a Nuer girl finds cohabitation with the husband to whom she has been espoused too painful to continue and if she is stubborn she will provoke a divorce. This may happen a second time with a second husband and her parents finding they are unable to crush their daughter's rebellious spirit let her do as she pleases since constant return of her bride-cattle involves them in trouble and difficulties. Such a girl thereupon cohabits with a man of whom she is fond. If she is restless she may spend a few years with one lover and then a few years with another. She moves from village to village taking her infants with her and bearing children by a number of different men. In every Nuer village where I made enquires I have found one or two unmarried mothers. Nuer call an unmarried mother (*cek ma kea*) and in this paper they are referred to as "unmarried concubines". The child of an unmarried concubine is a *gat keaka*.[1]

588 In some respects the social position of unmarried mothers, and their
[848] children, is not as high as that of wives, and of children born in wedlock. The mothers do not stand so high in public esteem and in a quarrel a man may throw the reproach of bastardy at the child of an unmarried concubine. A man who has begotten a child by an unmarried concubine is seldom eager to legitimatize his union with her by payment of bride-wealth because these women are known to be restless and he expects that she will one day leave him as she has left a previous lover to come and live with him. But they are not treated as of inferior status and their lovers behave towards them as towards wives—in fact they often treat them better than wives for if a man fails to treat his concubine well and to perform those services to her which a man is expected to perform for his wife she will leave his home, whereas a wife is not in a position to depart so easily. One cannot tell who is wife and who is concubine in a household by bare observation of their behaviour and the behaviour of their

[1] In Lou country people often speak of them by the term for the children of widow-concubine, *gaat laka*. In this part of Nuerland the expession *cek ma lak* is seldom used for a widow-concubine. Linguistic differences of this kind are often found in different parts of Nuerland but I have not considered it worth while always to record them.

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husband towards them. One can only know by enquiry. In no way is 588
their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried 588
concubine is that a widow-concubine has had cattle paid to her kinsmen 587
and these cattle are still "on her back" (*te ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Kea e cek me caa ghok luny jok jaude*, "A *kea* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimatization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

Sometimes instead of legitimatizing his child by payment of a fee a 588
man marries the mother and, by payment of bride-wealth, not only legi- 583
timatizes the child but also any future children whom she may bear by him 848
or by any other man. A *cek ma kea*, an unmarried concubine, then becomes a *cek pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to 588
remain with him. For sometimes a girl becomes a concubine, not through 581
unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *kea* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.

11:Evans-Pritchard E-5 (1931, 1936) 1945
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588 A man is content to pay a fee to obtain possession of any children he may
581 beget by an older woman. Nuer also often speak of a girl who has had a child by a youth who states that he is willing to marry her as soon as he has sufficient cattle, as a *kea*, but no one would refer to her as such once the ritual of marriage has been performed.

588 We may speak of a man, the unmarried woman with whom he lives, and the children born of the woman and begotten and legitimatized by the man as a simple natural family. The family which springs from widow-concubinage is a complex group in that all the members except the widow's mate are members of a different and legal family as well as members of the natural family, for the genitor can never pay a fee to legitimatize his natural children. When a man begets children by an unmarried woman there is no legal family in opposition to the natural family so that the position of genitor in relation to his children is much more secure. Although the woman is not married to the man we cannot deny the word "family" to this group because its members live together as a household on the pattern of the legal family, at any rate for some years. If the woman leaves him the position of the man is equivalent to that of a man whose wife has been divorced and whose bride-cattle have been returned except those left with her kin to legitimatize the children.

V

848 It is clear from what I have already recorded that Nuer do not attach
842 great importance to physiological paternity and that they are far from regarding bastardy with repugnance. Men prefer to beget their own sons but it is not ignominious to nurture children begotten by others. Nuer pay little regard to the manner of begetting so long as the legal parentage of the child is well established. Nevertheless, the links between a genitor and the child he has begotten is not a purely physiological one, even when the genitor is neither pater nor foster-father. The act of begetting creates a social relationship between genitor and natural son and they are bound to one another by a mystical tie. This relationship will be better understood later but it may shortly be illustrated here by a few remarks about adultery (*dhom*).

837 Yet another union which may result in the birth of a child is adulterous congress with a woman during the lifetime of her husband (or of her mate in ghost-marriage or leviritic marriage). Coming from a people (the Azande of the Nile-Congo divide) where adultery cases are very common at the present day, I was at once struck with the absence of cases, quarrelling, and even talk about the subject in Nuerland. Nevertheless, I believe that adultery is frequent both with married women who are travelling a long way from their homes and with women in their husband's villages. Nuer have often described to me how they have committed adultery and were not the least ashamed to talk to me about their adventures. They treat the matter light-heartedly. If you are caught in the act you may be speared or clubbed but if you are not caught in the act you can compensate the injured husband. They do not speak of adultery as though it was a highly immoral act but only as a risky and possibly expen-

11:Evans-Pritchard E-5 (1931, 1936) 1945
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sive act. If they have begotten children by the wives of other men they are rather proud of this evidence of their virility. 837

The legal position about adultery is as follows: If a man finds another committing adultery with his wife they will probably fight, though the adulterer will escape if he can because he does not wish to add homicide to adultery. But often enough either the husband does not know that adultery has been committed or cannot catch the adulterer in the act. If the husband is unfertile or impotent he may pretend that he is unaware of his wife's infidelity because, while he desires children, he does not wish people to think that he is condoning adultery. However, a young man is not likely to take this line. A Nuer said: "An impotent man (*luc*) who is young does not think of children but of his rights. When he is old he thinks of children and is willing that his wife should give birth in the bush (by a stranger)". Sometimes a man knows that a neighbour is committing adultery with his wife but is afraid that if he fight him he will be injured. If a man is ignorant of his wife's infidelity and she bears him no ill-will she may tell him about it because it is considered dangerous for a husband to sleep with his wife on the skin where she has committed adultery. 837 684

When a husband has proof of his wife's infidelity he may claim compensation of six cows and, as the adulterer's kin are unlikely to support him on a charge of this kind, the husband will probably receive the cattle. But if later a healthy child of the adulterous congress is born five of these cows must be returned, because "The cattle and the child must not meet in one place". The cattle paid in compensation are thought to give the genitor a claim on the child for they then partake of the nature of a legitimatization fee. The payment by the adulterer would be changed by the birth of a child from compensation (*ruɔk*) for adultery to a fee (*ruok*) for the child. I was unaware of this fact when I lived among the Eastern Nuer and it may be restricted to the Western Nuer. I am uncertain whether even among the Western Nuer the cattle are invariably returned but it is believed that if they are not returned the child may die and his ghost haunt his pater.

The cow that remains in the husband's kraal is called *yang kula*. The payment renders innocuous the action of the husband in having relations with his wife on the same skin on which she had relations in adultery. In most of the cases of adultery mentioned in this paper either the cattle were returned on the birth of a child or they were never paid, for often when the husband is old he does not claim compensation.

Among the Western Nuer when it is well known that a girl is a bastard begotten of a certain man, the genitor will sometimes claim "the cow of begetting" on her marriage. Her kin do not relish handing him over a cow but they often do so because there is a mystical link between father and daughter and if he does not receive a cow of her bride-wealth he may curse her so that she may not bear children or so that her children will die and haunt their pater. The husband's people are therefore anxious that a cow shall be paid that their wife may be fruitful. 585 848 431

The verb *ruok* is used to describe the paying of compensation. Thus one says *Ca ghok Galuak rok ka dhom cek Yang*, "The cattle of Galuak 684

11:Evans-Pritchard E-5 (1931,1936) 1945
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587 Karlual ♂ then married
592 Nyaweny ♀—Kong ♂ who is also dead. She bore him Tang ♂ and Gai ♂. Lately he has married Nyariek ♀—Cang ♂ by whom he has an unweaned child. He has an unmarried concubine who was temporarily absent during my visit. She has borne him two sons, Twong ♂ and [773] Kong ♂. Cattle have been paid to legitimatize Twong ♂ and more cattle [43] will be paid to legitimatize Kong ♂.

Karlual's brother, Panyuan, lives in his byre, and his sister's sons, Nhial ♂—Rainen ♂ and Galuak ♂—Rainen ♂, spend most of their time there and house some of their cattle there.

592 *Homestead No. X.* Meat ♂—Col ♂. He is unmarried. In his byre
736 lives his half-brother, Wec ♂—Jany ♂, who has married a wife to the name of one of his father's brothers. She has borne him Korwai ♂ (dead), Nhial ♂, Nyajuacni ♀, and Nyapuot ♀. As he has no cattle, he has sold his byre to Col ♀ of Homestead No. II, and as he is too lazy to cultivate a garden, his wife and family, to save themselves from starvation, live at her sister's home in another village. He wanders hither and thither and scrounges on other people. Another occupant of this byre is Meat's sister's son, Bilieu ♂—Lam ♂.

592 *Homestead No. XI.* Jal ♂—Ngunjuk (brother of Col of homestead
607 No. II). The two brothers live at a distance because their wives do not get on well together. His brother, Bol ♂, and his half-brother, Pan ♂, share his byre. Both are unmarried. Jal ♂ has married a wife to the name of his father's brother, Muong ♂—Ret ♂. This woman, Nyaluak ♀—Deng ♂ has bore him Cuong ♂ and Nyalia ♀. One of the huts in this homestead belonged to Jal's mother who died last year. See Diagram No. VII.

592 *Homestead No. XII.* Nyawal ♀—Col ♂. Her husband was Lam ♂ of
588 the Ngwol clan. She bore him Rwac ♂ (dead) and Nyakwoli ♀. After his death she cohabited with Juan ♂ of the Jikul clan, by whom she bore Bilieu ♂, Nyakuan ♀, Nyalieth ♀, Ghuth ♂, Bathu ♀, and Nyalita ♀. She is past child-bearing and does not cohabit with any man. Her cattle are housed in the byre of her brother Meat ♂, of Homestead No. X.

592 *Homestead No. XIII.* Nyading ♀—Kulang ♂. Her daughter, Nya-
588 mani ♀, was married by Tang ♂—Karlual ♂ to the name of Ran ♂, a brother of his father (though begotten by Kwenwar while Karlual ♂ was [775] begotten by Jany ♂). Ran ♂ had died before initiation and his ghost began to kill Karlual's wives and children and had to be quieted by being married a wife. Nyamani ♀ lives with her mother, Nyading ♀, whose husband, Dak ♂—Jiong ♂, is dead. She bore Dak ♂ three children: Nyamani ♀, Nyaghok ♀, and Gai ♂. Dak ♂ by another wife begat Nyajaani ♀ who also lives in this homestead. Nyajaani ♀ was married by Pathol ♂—Nyaalbor ♂ of the Lual section and bore him a blind son who also lives here. She refused to live with her husband's brother when he [882] died, so the cattle of her bride-wealth were returned. She was then married to another man and divorced by him. She now cohabits with Mokwac ♂ of Homestead No. XVI and has borne him a son.

Homestead No. XIV. Loc ♂—Jany ♂. He married a wife, Can ♀—Giling ♂ of the Reng section of the Jikany tribe, to the name of his dead

families; it is only in question of descent and inheritance that the difference is seen. It is the dead pater's name which will survive in genealogies. 588 [611]

Ghost marriages are arranged on behalf of brother, paternal uncles, maternal uncles and fathers (i.e. physiological fathers who are not also paters). A man of a senior generation is not allowed to marry a wife to the name of a kinsman of a junior generation because the man would be both vicarious husband to the woman and her father-in-law. A man never marries a woman to the name of his father's father or his mother's father since that was the duty of their sons. Only a kinsman takes a wife to the name of a dead man. Occasionally a woman marries someone to the name of a dead kinsman, and the wife so married would cohabit with a stranger to raise up children for the ghost.(1)

2. *The Levirate.* When a husband dies, the children his wife may subsequently bear are still counted as the children of the dead man. It is held that the woman should live with one of the dead man's brothers for she was married with the cattle of their kraal. Whoever inherits the widow does not marry her; she is still the wife of the dead man, and the man with whom she lives merely acts as genitor. Children born of the union regard themselves as their pater's family and inherit from him and not from their genitor. Leviratic marriage is different from ghost marriage. In ghost marriage bridewealth is paid and the marriage rites are performed by the vicarious husband; in leviratic marriage the husband has already performed these actions and the brother or other male kinsman inheriting the widow merely enters, as pro-husband, a family already in being.(2) 587 611

Tradition, threat of divorce and social pressure, all persuade a young widow to live with her husband's brother or with a son by a co-wife. She has a certain amount of choice among the relatives available. If she prefers to go and live with lovers and to 'give birth in the bush', all children born are counted as those of her dead husband, and his lineage has legal rights over them. Some widows return to their parents' village and live with a man there.

3. *Widow Concubinage.* A widow living with a stranger after the death of her husband, is called a *cek ma lak* (widow concubine).(3) Her lover has no legal rights over her and cannot compel her to stay with him, nor has he any legal control over children born of the union. A man, a widow concubine and their children form a natural, as opposed to a legal, family, and the position of the genitor, though precarious, is acknowledged socially in several ways. 587

4. *Unmarried Concubinage.* A child of an unmarried woman has no pater but his genitor may become his pater on payment of a fee of 4 to 6 cattle to legitimise him. If the fee is not paid, the child belongs to the mother's lineage, and any man whom the mother cares to live with for the time being is regarded as his foster father. In certain respects the status 848 [611] 000

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.318.
(2) Evans-Pritchard, *op.cit.*, 1938, p.320.
(3) *Ibid.*, p.325.

In certain respects the status
588 of an unmarried mother is inferior to that of the mother for whom bridewealth has been paid,(1) but her position may be regularised at any time by payment of cattle to her lineage.

582 The rules of exogamy apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the
848 Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union practised give rise to various difficulties owing to the clash of interests which may occur when the legal pater of a child is not his genitor, or his foster father. These difficulties are least likely to arise in the simple legal family where sentiment and interests go together and inheritance is plain.

837 Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

583 Instalments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.(2)

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genitor of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.(3)

MARRIAGE CEREMONIES

584 A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1938, p.329.
(2) Evans-Pritchard, *Africa*, XVI, 1946, p.249.
(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p.185.

2:Evans-Pritchard E-5 (1931,1936) 1951
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husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule. A *keagh*, first child, belongs to *cieng mandongni*, the home of his maternal grandparents, and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

Shortly after the birth of her first-born the wife, now called *paidap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ash. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home, and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a mud windscreen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

593 from the first millet of the year—a pretty custom known as *puthene kuon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they
842 want a son and the wife's parents and kin because they cannot, without risking complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
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The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

cattle has been handed over.(1) A marriage which has reached the final rites may be regarded as a stable union. 584

The first step occurs when a youth reaches an understanding with a girl and, having some of the necessary cattle, asks her consent to marriage. Both families are consulted and arrangements are made for the betrothal *(larcieng)*.

When a definite agreement has been reached about bridewealth cattle, the wedding ceremony *(ngut)* is held at the bride's homestead. The main features of a wedding are: discussions about cattle, which are held in the morning; the invocation over the cattle of the bridewealth, followed by the wedding dance and the wedding sacrifice in the afternoon and evening. Though this ceremony does not conclude the marriage there is every chance, once this point is reached, that the union will be completed. 585

The third of the public ceremonies is the one which, at least among the Eastern Nuer, makes the union legally binding. This is the *mut* (consummation). After it the husband can claim compensation for adultery and the cattle are regarded as marriage cattle and not as a pledge.

Marriage is completed by the birth of a child. Until then the wife sleeps in a hut at her parents' homestead and she remains with her parents until the child is weaned. The first-born child belongs to the home of his maternal grandparents and even if he is weaned in his father's home he returns to live with them. A boy stays with his maternal grandparents until he is initiated, a girl until she is betrothed. The baby is always brought to the father's home for the ceremony of laying him on the ashes of the hearth in the centre of his grandfather's byre, which takes place shortly after birth. 591 603 852

After the weaning, the husband builds his wife a hut in his father's homestead. She goes to live with him as a true wife in that she will now milk his cows and hoe his gardens and not those of her father. She makes a *buor*, a mud fire screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.(2) 591

In-Law Relationships

In-law relationships are marked by certain avoidances and displays of respect. Until his first child is born a husband does not openly visit his parents-in-law's village except in some formal capacity. After the birth he makes public visits, but he treats his parents-in-law with great respect and must not eat with them or appear naked before them. When two of three children have been born, a ceremony takes place after which he no longer has to observe these rules and prohibitions. When the father-in-law visits the husband's home and is entertained and given a bull, calf or sheep, his son-in-law may regard him as a father. The only in-law whom a man need not treat with formal respect is his wife's sister. 606 607

(1) Evans-Pritchard, *Africa*, XVIII, 1948, p.29.
(2) Evans-Pritchard, *Africa*, XVIII, 1948, p.40.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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more exclusively pastoral, and more nomadic, than at the present time, and that the dwindling of their herds may partly explain their persistent aggressiveness.

III

Although cattle have many uses they are chiefly useful for the milk they provide. Milk and millet (sorghum) are the staple foods of the Nuer. In some parts of their country, especially among the Lou, the millet supply seldom lasts the whole year, and when it is exhausted people are dependent on milk and fish. At such times a family may be sustained by the milk of a single cow. In all parts the millet crop is uncertain and more or less severe famines are frequent, during which people rely on fish, wild roots, fruits, and seeds, but mainly on the milk of their herds. Even when millet is plentiful it is seldom eaten alone, for without milk, whey, or liquid cheese, Nuer find it stodgy, unpalatable, and, especially for children, indigestible. They regard milk as essential for children, believing that they cannot be well and happy without it, and the needs of children are always the first to be satisfied even if, as happens in times of privation, their elders have to deny themselves. In Nuer eyes the happiest state is that in which a family possesses several lactating cows, for then the children are well-nourished and there is a surplus that can be devoted to cheese-making and to assisting kinsmen and entertaining guests. A household can generally obtain milk for its little children because a kinsman will lend them a lactating cow, or give them part of its milk, if they do not possess one. This kinship obligation is acknowledged by all and is generously fulfilled, because it is recognized that the needs of children are the concern of neighbours and relatives, and not of the parents alone. Occasionally, however, after an epidemic or, to a lesser degree, after two or three youths of the group have married, an entire hamlet, or even a whole village may experience scarcity. Sometimes, also, shortage is caused by a tendency for the cows of a village to cease lactating at about the same time.

Nuer value their cows according to the amount of milk they give and they know the merits of each in this respect. The calves of a good milch cow are more highly prized than the

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585 own and a sleeping-hide, a brush, and a couple of gourds for ablu-
[591] tions. When her husband comes to visit her in her father's home-
stead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about. Her parents are supposed to know nothing of his visits, though, of course, they know all about his movements, and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut to see him depart. I was told that should he oversleep and his mother-in-law see his spears outside her daughter's hut, she makes them forfeit, and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves. He is then the father of their daughter's child and through the child has a kind of kinship with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made from the first millet of the year—a pretty custom known as *puthene kuan*, honouring with porridge.

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husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule. A *keagh*, first child, belongs to *cieng mandongni*, the home of his maternal grandparents, and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

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When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a mud windscreen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

2:Evans-Pritchard E-5 (1931, 1936) 1951
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000 the pistol was brought and another bullet was fired into the lifeless body of the victim.

One wonders what happened during the next hour when the women came to fill their water-jars. What would their thoughts be as they stepped down the river bank and at a turn in the path encountered the brainless, tailless body of a huge crocodile? Would they think of the dreadful fate from which they had been saved, just because a launch happened to pass that way a few minutes before, or would they grieve because the choicest steak had already been taken?

512 The woman has the bulk of the work, but she seems to expect it. When the day's toil is over, the dura pounded, the two meals cooked, the water carried, the children cared for, the mother sits there in the light of the smudge fire which is made to keep mosquitoes away. She has had [521] a busy day. Now they all sit around in the firelight, visiting, or telling tales of long ago, or maybe they are telling [534] riddles. Some one may be strumming a native-made stringed musical instrument, another may be singing, and [513] yet the conversation goes on uninterruptedly. If in the light of the moon, bedtime does not come early—probably not until ten or twelve o'clock or later—but if it is in the dark of the moon, they seek sleep earlier and nine or ten o'clock finds the village quiet. Another day is past, the woman is in her home, her children about her, her husband satisfied with his food for the day and happy with her. What more could she wish?

512 The baby must be cared for during the day and taken
● 853 up and nursed every time it cries. The Nuer baby is nursed until it is at least two years of age, and more often until it is three or even four. They have a superstition that usually keeps the husband and wife from having
000 another child while a child is not yet weaned. Water

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252 tray. The dura can be pounded as fine as flour, but that involves much physical labour. The woman frequently chants a song as she pounds.

415 The household furnishings vary in number, but in most of the average homes the following articles which are considered necessary (Fig. 4) by the Nuer are to be found.

A large earthen vessel for carrying water.

An earthen cooking-pot.

A long-necked gourd having a small hole in the end of the neck. This is used as a milk-pail; milk may also be churned in it by taking hold of the neck and shaking the gourd vigorously to and fro.

Several half-gourds of various sizes which are used as dishes for food; the smaller ones may be used as drinking cups.

A number of mussel shells for use as spoons. Spoons are also made of the horn of the antelope.

A clay pipe with a long stem—this is much in evidence.

A large earthen container for dura (kaffir corn).

Network bags made out of grass rope. These are used to hold gourds of various sizes.

A large basket, woven in openwork pattern, to hold various possessions when travelling.

411 A spear and a fishing spear.

A big-headed club, and also smaller clubs.

513 A ring made of cane-leaves is used as a pillow by the women. The pillow for men is made out of a piece of a tree and has three legs. Part of a tree is chosen where the branches fork in the desired direction.

854 A baby basket woven of a certain pliable kind of wood, and also a grass mat to cover it with.

352 Skins of sheep are used as rugs to sit on, and the skin of the waterbuck makes an ideal bed.

354 A fire, with earthen shield to protect it from the wind,

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Water

must be heated in the late afternoon for the baby's bath. It is no short process. (Fig. 11) 512 854

A MAN'S WORK

A man's work usually begins at sunrise too. He has probably slept in the barn. He arises, covered with cow-manure ashes. He cleans his teeth with the ash and later on in the morning may wash his face and hands. While he may drink a large quantity of water during the day he seldom drinks any water before breakfast or with a meal. He usually stays among the cattle until he is called to his breakfast about nine o'clock. Then he eats and is ready to spend the day among the cattle. He takes them out to graze about ten o'clock in the morning and returns with them in the late afternoon. He loves his cattle. His day is a happy one spent in their midst, his human companions being other men who have taken their cattle out to graze also. His spear and club are ever with him. In the late afternoon he comes home with his cattle, finding his supper is being prepared. A plunge in the river every time he goes to it refreshes him. After supper is over visiting until bedtime is the usual close of the work of the average day. 512 [515] [231]

The day's work may be varied if any of his cattle are sick or if there is a dance which he wishes to attend. Or maybe the District Commissioner is in the village hearing cases or collecting taxes, and so he joins the throng and spends his day listening to the cases or bringing up some case of his own before this representative of the Government. 512 691

During the planting season, the fishing season, or the season when the dura must be cut, this daily programme of the Nuer man differs and his work for the day may be a little more strenuous. 512

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by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [854]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [513]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857 593

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THE CARE OF BABIES

854 A basket made of branches of a pliable wood is used as a baby-basket. A piece of animal skin which has had the hair scraped off, and is smooth, is put in the basket for the baby to lie on. If the mother has a piece of cloth she may cover the baby with it. Then a large woven grass mat is placed on top of the basket, being rolled up at each side until it just covers the top of the basket and keeps the sun off the baby and also keeps an active baby from sitting up in the basket while being carried. The mother always holds the side of the basket with one hand while carrying the baby in it upon her head.

When she arrives at her destination she carefully lowers the basket to the ground and unties the strings which hold the mat secure, and peeps at the baby. If it is asleep she unrolls the ends of the mat and lets them down to the ground at either side so that the baby may sleep undisturbed by light or sound. But if the baby is awake she carefully pulls the cloth or sheepskin covering that is over the upper part of her body round in front of her and over the baby-basket, and lifts up the baby under the cloth into her lap, so that no one—especially one with the evil eye—may see it.

A rattle is made by taking a small gourd which has a neck to it and putting a few pebbles in it. This is shaken vigorously when the child is crying.

A pacifier may be made for an older child (at least one year old or older) by taking the neck of a small gourd and cutting it off about one inch from the end. This may then be fastened to the wrist of the child with a string of beads and is ever ready when desired.

A little child is often given a strand of its mother's beads to play with, but its playthings are few.

846 The mother wears a leather belt with a border of shells;

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15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

owner killed a man of another district, he began a feud and was liable to be killed by the kin of his victim. It seems that fetish owners were treated differently in different areas. Many people possess medicines which protect them from fetishes. 754

Death may be due to one of three causes: *olia kwoth* (a sickness of god), sorcery and the evil eye, or sickness due to fetishes. This last is sudden and may kill a man quickly, whereas a sickness sent by god is usually prolonged.(1) A man believing himself to be ill on account of a fetish summons a fetish owner to discover whose fetish is responsible. When this is known a sacrifice is made to the fetish and its owner is asked to stop it troubling the sick man. 754 753

When a fetish owner dies, his medicines are preserved until his spirit enter into one of his descendants who will then become a fetish owner in his stead. A man may purchase a fetish from another; the medicine is only the habitation of the fetish spirits who exist apart from it. The Nuer believe that a fetish kills someone because its owner dislikes him. 754

The Nuer Ghoul

Many of the Nilotic tribes believe in ghouls who feed on the bodies of those recently dead. This belief is found among the Acholi, Anuak, Shilluk, Lango, Dinka and Nuer. The Nuer ghoul is called the *rodh* and is regarded with horror by the people. The practice of ghoulist activities is to some extent hereditary, for the potentiality is found in certain lineages, but a man may become a *rodh* even if he is not a member of such a lineage. Disinterment of the dead is regarded as his most horrible activity.

A *rodh* may be killed by common consent and, although no blood must be spilt, he may be beaten to death with sticks without fear of revenge. This is the only instance among the Nuer of killing which does not demand compensation or vengeance.

LIFE CYCLE

BIRTH

In childbirth a woman is attended by a female relative who is herself already a mother. The child's incisor teeth are removed at the age of eight years. 844 854 304

The birth of twins constitutes a danger to their family; special decorations are worn by the kinsmen, animals are sacrificed, and ritual prohibitions observed. As do other Nilotic groups, the Nuer believe that the parents are safe if the twins are of opposite sexes, for the boy will want to preserve his father and the girl her mother. In spite of the dangers, however, the Nuer are joyful at the birth of twins if they both live. Throughout life, twins are subject to certain ritual observances; before a twin can get married they must both together go through a fictional 845 582

(1) Evans-Pritchard, *S.N.R.*, 1935, p.74.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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FIG. 7. Mud figures of oxen decorated with tassels.

Food and play contacts with the cattle have changed to labour contacts. At this age the interests of the sexes in cattle begin to diverge and the divergence becomes more apparent as they grow up. The labour of girls and women is restricted to the byres and the kraals and is concerned mostly with the cows, while boys herd the calves at pasture, as well as assisting in the kraal,

2:Evans-Pritchard E-5 (1931, 1936) 1951
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581 831 to which all earlier activities of a sexual kind—play, love-making, and courtship—are a prelude, a preparation, and a means.

831 So long as there is no erotic behaviour in public, no inhibitions attach to sexual interests and their expression, and no one tries to hide from children the facts of sexual life, which they can learn by observing their elders and the flocks and herds among which childhood is spent. A boy who is seen by his elders in sexual play with a girl of his own age will merely be told not to act as though he had been initiated—he can do what he likes then—and at the most might receive a cut with a grass switch. No one considers his conduct immoral, and the older people will joke about such things among themselves.

857 581 831 Children start playing at marriage from the time they begin to walk, at first as uncomprehending observers of the games of older children and then as participants in them. They make cattle byres and huts of sand, and mud oxen and cows, and with these conduct bridewealth negotiations and perform marriage ceremonies, and they play at domestic and conjugal life, including sometimes in the game, I was told, imitation of coitus. In its earliest expression, therefore, sex is associated with marriage, and the first sexual play occurs in imitation of one of the domestic routines of married life. It occurs in response to a cultural, and not to an instinctive, urge.

Girls and boys, the girls rather earlier than the boys, begin to perform the simpler and lighter tasks of household and kraal from about the age of seven. From then onwards till they are about fourteen, marriage games continue when the children are by themselves, and though within them sexual play begins to be indulged in for its own sake and not merely in imitation of adult behaviour, it is subordinate to the whole make-believe relationship of conjugality of which it forms a part. During the rainy months the girls visit the boys in the grazing grounds, bringing them balls of porridge as presents, which each gives to the boy she has chosen as her 'husband'. She also milks the goats for her 'husband' and may even bring him a gourdful of cow's milk from the kraal. The boys cut millet stalks in the gardens and after roasting and eating the immature grain send the sweet stalks with their outer husks removed to their 'brides'. Older boys also send their juniors with mud oxen and cows to one of the senior girls, who plays the part of mother-in-law. I was told that in these games sexual intercourse may take place, but is neither a usual nor a prominent feature.

6: Evans-Pritchard E-5 (1931, 1936)1938
FJ22 Nuer FJ22

233 512 [533] they may have to defend them against carnivorous beasts and human raiders. Often they relieve the monotony and solitude by composing and chanting songs. Nuer say that most songs are invented in the grazing grounds. Herdsmen have a quick meal before leaving camp [264] and, except when there are plenty of *heglig* fruits in the early part of the dry season, they will not have another bite till after sunset. However hungry he might feel no herdsman would milk a cow.

512 462 234 237 After the cattle have left camp the day is closed for the men, as far as routine cattle tasks are concerned, till they are brought back to the kraal in the evening; but women and boys continue their labours. Women milk the goats and sheep and prepare the morning meal. Boys spread out the cattle dung that has collected overnight so that it may dry in the sun and furnish fuel to replenish the household fires at night. They also smooth the part of the kraal occupied by their beasts by rubbing over the earth the nightly residue of ashes, urine, and dung. Boys assist in milking the goats and in taking the small calves to shade. They then take the larger calves and the [233] flocks to pasture. Older boys herd the calves and younger boys look after the flocks in the vicinity of the kraal. They spend most of the day playing games. If a small boy is hungry he catches a she-goat [857] and milks it, holding it by the horns with one hand while he pats its udder and squeezes its teats with the other hand from which he then licks the milk. Or he may suckle it. People do not object to small boys milking the goats they are herding. They are small and hungry and need all the food they can get to grow into strong men.

512 462 224 Not all the adult men have been idle while their womenfolk and the boys have been cleaning the kraal and milking. On most mornings parties of two and three leave camp at dawn with their dogs to pick up a gazelle or other small animal. They do not return to camp till after milking is finished, and those who set out at dawn to inspect their giraffe traps return about the same time. After the cattle have been loosened the men potter about for a couple of hours. Generally some of them are engaged in making utensils and ornaments or in dressing their hair.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

In this list there are only two cases where two generations are recorded, and though two cases are not adequate to show the normal number of age-sets which go to a generation I think that, nevertheless, these two are typical.

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Thut	Caroah	generation
Boiloc		
Maker		
Dengunga	Cam	generation
Luac		
Lilkjar	Wie	
Lilnyaang	Ngot	generation
Ruob		
Wangdial	Rainen	
Rol		generation
Pilual	Nhial	

It is not easy to describe the patterns of behaviour which operate between age-sets as they are of a very general nature. They are formally expressed in feasts when members of an age-set, or of two consecutive age-sets, eat together and apart from their seniors and juniors, or when members of an age-set purposely abstain from taking part in a feast when one of their members has died. But also in the daily life of village and cattle camp juniors show seniors deference in all situations which occur, in disputes, discussions, economic activities, etiquette, and so on. Father Crazzolara gives an example of this deference when he says "a boy has caught a fish, and an old man, a *ric*-comrade of his father, desires to have this fish and the boy must give it to him, and when his father, for whom it was intended, hears of this, he is glad that his son has such good manners."[1]

Age-mates are on terms of complete equality. They associate together in all activities of life, in work and war and leisure. A man does not stand on ceremony with an age-mate but eats and plays and jokes with him as an equal. When two men of the same *ric* are quarrelling, so long as their quarrel has not resulted in a serious fight, others ought not to interfere. I have often noticed that when small boys of about the same age are fighting with their spiked bracelets the men will laugh and encourage them, saying that they are of the same *ric*, that is to say, of the same age, but the womenfolk run to separate the boys and to take the part

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[1] Hat ein Bursche einen Fisch erlegt und ein *Riegenosse* seines Vaters wünscht ihn, so hat er ihm denselben zu geben; und wenn der Vater, für den der Fisch bestimmt war, davon hört, wird er sich über seinen gutersogenen Sohn freuen.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 of the lad belonging to their family. Age-mates are those who naturally associate together in any society in the world. Father Crazzolara writes
•857 "A kind of relationship springs up between the *Ric*-comrades, akin to close comradeship. According to the views of the people they belong to one another. When they live together or meet by chance, the meals prepared
561 for the one or the other are eaten in common. In travelling *Ric*-comrades are natural hosts."[1] A man may address a fellow member of his *ric*, his age-set, as *ricda*, *da* being a suffix meaning "my."

Apart from this general pattern of egalitarian behaviour between members of the same age-set, their like mode of behaviour towards members of other age-sets, their common title, and their exogamous relations, there are a number of customs that ritually express their equality. The chief of these is the strict prohibition on any member of a dead man's age-set of partaking of the flesh of a beast killed at his mortuary ceremony. Anyone who broke this rule would inevitably die of *nuer*, the punishment which falls on those who break serious taboos.

Another custom allows a man of your age-set to ask you if anyone has claimed your daughter's eldest cow, and if you reply that no one has claimed it he will take a bracelet from off his arm and place it on the little girl's leg. When she is married he will then be entitled to claim the *yang rica*, "the beast of the age-set." It is important to note this custom in its relation to the rule that a man must not marry the daughter of an age-mate since the acceptance of any part of bride-wealth is recognition of an exogamous relationship between the people concerned. Further customs that express the social equivalence of age-mates are the rule which says that when two members of the same age-set have adjoining gardens they shall not erect the usual boundary-line of raised earth between them, and the custom which says that if a youth gets a thorn under his finger nail and has to cut it out all members of his age-set who
[786] are present ought also to cut off the tip of a toe nail as well. As we have seen at initiation feasts a man is permitted to joke and take liberties with
561 the wife of a man of his own age-set. She is not a possible future mother-
836 in-law, since a man cannot marry a daughter of an age-mate, whereas the

[1] *Op. cit.* p. 38. "Zwischen den *Ric*genossen besteht eine Art Verwandtschaft, zunächst eine enge Kameradschaft. Beim Herumziehen, auf Reisen, gehen Leute desselben *ric* womöglich zusammen. Wo sie zusammen wohnen oder zufällig zusammen treffen, wird das vorgelegte Essen des einen oder anderen immer gemeinsam genommen. Auf Reisen sind *Ric*genossen die natürlichen Gastgeber."

14: Huffman M-5 (no date) 1931
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THE CHILDREN

857 The little children of the village spend their day in play, eating, and sleeping. The babies are often cared for by the grandmothers. The older children are called on to carry water or to help in some way. The older girl helps her mother in the routine duties of the day.

The little boy in the home plays games. He may have a cane-stalk and string for a fishing-rod and line, and sometimes a bent pin for a hook. When he is about eight years old he begins to herd the sheep each day. He often makes men and cattle out of mud and plays with them.

881 When he is old enough to have the tribal marks cut, his status is at once changed from that of boy to man. His privileges are also increased. He is now interested in securing cattle and sheep of his own.

857 538 524 The children love their folk-lore tales and the many animal stories that are told them by their elders. They believe these implicitly and fear the dreadful ogre that is usually the central figure of the story. They also amuse themselves by guessing riddles, of which they have a large number.

857 But while they are learning many things that are interesting and useful, they are learning many things they do not need to know. They learn to curse. They learn indecency in regard to sexual matters. Indeed, the child mind is full of many things that pollute both thoughts and actions. The lack of privacy in the village and family life account for much of this pollution of mind and action which infests the child. And there is no decidedly corrective method used by the elders of the village. Life was always so, it always will be so, they think.

THE NUER GIRL IN HER HOME LIFE

The life of a girl in the Nuer home is a foretaste of the life of the mother. The bulk of the work which can be done

14: Huffman M-5 (no date) 1931
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by the children falls to her. When just a little girl she must take a gourd and carry water, learning to balance it on her head. She must help to care for the baby, carrying it astride one hip, with her arm around it. Cane-stalks must be brought for fuel, or she may accompany her mother when she goes to the forest to get wood. She gathers sticks of wood, binding them together with grass, and carries them home on her head. Or she may accompany her mother when she goes out to cut grass for roofing the houses. She early learns to carry her burden poised on top of her head. 857 [854]

As she grows older she learns to pound dura and to sift and cook it. She learns all the art of the Nuer housekeeper and, indeed, soon becomes a small replica of her mother.

The little girls play 'keeping house' and imitate their mothers to the best of their ability.

The older girls of the village usually have a house given them for sleeping quarters. [513]

As the girl grows older she learns to smoke the family pipe and becomes as attached to it as her mother is. [276]

When she is twelve or thirteen years old she begins to observe the age-old customs which until then she has been able to ignore. For instance, now she must never eat before a boy of her own age or older. Furthermore, she must never see him eat if there is any possibility that he may some day be a suitor for her hand in marriage. [264]

She bleaches her hair and adorns her body with all possible ornaments. She dons her grass skirts and attends dances now. Her father and brothers are interested in giving her beads and other ornaments, for a well-favoured girl will bring more cattle when the marriage price is discussed. Her father and brothers are dictators as to what she may do and as to what plans may be made 857 593

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

•857 for her future. She must do as they say or pay for her
593 refusal by beatings from them. Her lot is not a pleasant one if her desires conflict with the plans of her father or brothers.

164 If she has been a victim of that dreadful tropical disease, yaws, and has any ulcer caused by it, her brothers may take her to the nearest medical aid—either to the
[743] Government or mission clinic—and seek healing for her, for they will be at a decided disadvantage in obtaining the marriage price they seek if their sister is still suffering from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for years from trichiasis, and now they seek medical and surgical aid for this. What man will want a half-blind wife or be willing to pay any reasonable number of cattle for her? But when these physical defects are remedied, they may hope to get the usual number of cattle for her, and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail repeatedly in the first point or possibly fails to survive the ordeal of child-birth herself, her husband and his people may, and practically always do, ask for the return of the cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep or two in securing physical health for their sister in order that she may bring them a greater number of cattle, and that her physical condition may not cause them to have to return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves has not the number of cattle her people desire or if they wish her to marry some one else. But if her health is good and her desires in regard to her future husband coincide with those of her family, her lot is a happy one.

14: Huffman M-5 (no date) 1931
F J22 Nuer F J22

Chapter Five

COURTSHIP AND MARRIAGE AND THE BABY

PREPARATION AND CHOICE

583 PROBABLY the most important event in the life of a Nuer girl is her courtship and marriage.

Her thoughts, even when a child, are upon her future husband, who he may be, what he may pay as the marriage price. Of course she often hears the village talk of how many cattle may be received for her. Sometimes her father or her brothers need cattle to help them out of financial difficulties incurred possibly through their own marriage plans. So they arrange the girl's marriage while she is yet a little girl and secure an initial payment of a cow or two in order to help them out. The husband does not take the girl to his village then but waits until she is older, and then he must pay the rest of the wedding price for her. Sometimes this man may be young, but more often he is an older man who has the cattle to help her father out of his extremity. And this older man may be planning to take her for his second or third wife, or possibly to get her for a wife for his son.

304 301 During her younger years she must have each ear pierced in from five to seven places along the outer edge, and she must have her upper lip pierced in the centre in order to wear a nail in it. When she is first taken to her husband's home white beads, as has already been noted, must be put in her ears, which will proclaim her status as a married woman to all who see her.

857 During her girlhood she must learn all the tasks that fall to woman's lot.

301 As she nears marriageable age she adorns her body with all the beads, anklets, wristlets, necklaces of various

[p. 36]

593 from the first millet of the year—a pretty custom known as *puthew kuon*, honouring
591 with porridge.

All are equally anxious for a child to be born, the husband and wife because they want a son and the wife's parents and kin because they cannot, without risking
842 complications, dispose of the cattle on the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had suddenly to be returned to the husband.
591 When a child is born the mother remains with her parents till she has weaned it. This is a suitable regulation, because after the bridewealth has been paid the husband's father is likely to be short of lactating cows, while the wife's parents will have plenty of milk from their herd. If, for some reason, the wife goes to live with her husband
863 before the child is weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule.
602 A *kor*, first child, belongs to the home of his maternal grandparents and if he is
603 weaned in his father's home he returns to live with them, a boy till he is initiated and
● 858 a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

852 Shortly after the birth of her first-born the wife, now called *pai dap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth
591 in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ashes. Beer has been prepared and is drunk by a few senior kinsmen of the husband
[273] who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's home and returns with the child to the village of her parents. She has as yet no hut of her own in her husband's homestead.

591 When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his
585 wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by the Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a *buor*, a mud fire-screen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

differentiation is held valid nowadays. Yet the tradition is strong, and quoted consistently by nearly all Nuer tribes.

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Uninitiated Boys

Among the Zeraf Nuer no distinction was made between those having manhood status and uninitiated boys. An uninitiated boy (*dhol*) was held fully responsible for his actions and his kinsmen were bound to assist him. Likewise the killing of an uninitiated boy demanded full rates of compensation. Boys who had not reached the status of warrior, however, were not expected to fight in a serious manner, and it was unlikely that an adult would kill a boy except by accident.

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In Western Nuer some distinction seems to have been made even in the past. Writing in 1936, Captain H. A. Romilly records:

> Some doubt still exists about blood-money to be paid when 'ungarred' boys are killed.[1] The new decision in 1936 is: 'ungarred' boys killed by accident: 10 head of cattle; 'ungarred' boys killed on purpose: 20 head of cattle.[2]

It is difficult to say whether these fine distinctions are traditional or the result of past settlements in which the Government had a hand. It is, however, safe to say that theoretically full compensation would be demanded but would probably not be paid, as a compromise was more likely.

This matter was raised at the Nuer Chiefs' Council of 1945, but the only decision reached concerned the killing (usually accidental) of uninitiated boys by uninitiated boys (a fairly common occurrence in Nuerland). The indemnity for intentional killing was set at 20 head of cattle (i.e. half the full indemnity); for accidental killing, 10 head of cattle.

Compensation for the Death of a Woman

Nuer do not, of course, kill women in pursuance of a feud, though a feud might follow from the killing of a woman. Compensation is demanded in full; there is no distinction between the sexes. For an unmarried girl compensation should be paid to her family. For a legally married woman it should be paid to her husband. If he has paid only part of the bridewealth for his wife, compensation will still be paid to him, but some of the cattle will be demanded by the woman's family. He will be expected to hand over to them all cattle with the exception of a number directly proportionate to the number paid by him as bridewealth. The principle of compensation carried to its logical conclusion means that a man does not pay compensation

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[1] *'Ungarred'*, 'uninitiated', from the Nuer *gar* to cut the forehead at initiation. Full compensation in that area was then 40 head of cattle.
[2] From unpublished administrative records.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

warfare because they would certainly be killed if they did and the same applies to old men. Nevertheless a good number of the older men who are more active than fellow-members of their age-set will accompany expeditions. Moreover, war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side, there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regiments, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in them rather than in its ritual that we must look for its significance.

In its economic relations Nuer social life comprises three groups of persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they have been initiated into manhood. Consequently initiation means that a boy ceases to milk; he severs his association with women's work; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life.

If cessation from milking is the most outstanding change in a boy's occupations after initiation it is by no means the only one, for his whole

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

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mode of life changes when he becomes a man, that is to say when he is made a man by social machinery, for he does not become a man in virtue of biological condition alone. An initiated boy ceases also to assist women and girls in the more menial tasks of cattle culture. It is no longer his duty to clear dung from the byres nor to smear it on the floor of the kraals[1] and dry it for fuel. Neither taboo nor shame attaches to these tasks, it is true, and if there are no women or boys to perform them a man will do them himself, but it is considered to be work for boys and girls. No more will an initiated boy have to milk the goats and sheep and take them out to pasture with the calves. Instead he will sometimes guard the main herd of cattle in their dry season pastures or more generally sit and gossip around the embers of a smouldering dung fire and wait for the womenfolk to bring him the morning meal.

A boy is everybody's servant. Not only must he milk the cattle and sheep and goats and keep clean byre and kraal but he is frequently ordered about by initiated men, sent to draw water, fetch fuel, light pipes, made to go messages, to lead the bullocks round the camp when his elders wish to leap (*rau*) behind them, and to perform any other task which they require. Certainly boyhood is the period in a man's life when he is more occupied, does more work, than at any other period of his life. One gets the impression when living in a Nuer cattle camp that among the males all the routine work of the camp is done by the boys. After initiation

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a boy may look forward to a long life of ease. His are now the delights of sitting round a smouldering dung fire with his beloved cattle tethered in front of him. Here he can smoke, sleep, drink milk, gossip, and watch others do the daily monotonous routine work of homestead, dairy, and kraal. There is no one now to disturb his peace by ordering him about. At last he is completely his own master and may work or not as he thinks fit. Every initiated Nuer is his own lord, paying respect to age and the obligations of kinship, but free and independent, owing no man service. A newly initiated boy may now order his juniors about, see that they do their work thoroughly, and admonish and beat them if they are remiss

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in any task. Even though he is quite small, and perhaps no older than many who are uninitiated, he is a *wut*, a man, while they are *dholi*, boys.

[1] "Byre" refers to the large huts in which cattle are housed in the wet season and which is used also as a men's club. "Kraal" is used to denote the space in front of the byre, sometimes enclosed, where the cattle are tethered and also for the space where they are tethered, surrounded by a wind-screen, in dry-season camps.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

764 in front of the dead man's hut. He also addresses the ghost and
782 tells him that he has been taken away and must turn his face to the ground and not trouble the living: 'friend, this (beast) is yours (for you). Now turn yourself to the ghosts. Turn yourself away from us. Death was not made by us in old times, it was made by God, friend. Do not trouble your people with bad dreams but regard us favourably. God has not entirely destroyed you, for there are those who come after you; you have children left behind you.' If the family have no animal to sacrifice the master of ceremonies sacrifices by cutting in two a wild cucumber. 'The half of the living, the half of the children, the right half, remains outside, being placed in the thatch of the hut. The half of the dead man is thrown into the bush.' With it is thrown out of the village the contagion of death. They say of this sacrifice '*ba kier piny ka del*', '(the dead man) is expiated in the earth with a goat', and that the badness goes into the earth with the blood and the chyme.

765 Members of the family mourn till the mortuary ceremony has been held some months after death. They shave their heads after the burial but then they do not shave them again, neither do they treat the hair with ashes nor depilate their bodies, till the period of mourning is ended. They also remove all ornaments, and the closest relatives wear a *dep liath*, a mourning cord of grass, around their waists and necks. There are no prescribed food and sex abstentions during the period of mourning though I was told that close kin may abstain from sexual relations for a few days after death 'because they are sad and thinking of their dead friend'. Less closely related persons and the wives of kin show their respect by leaving their hair untended but for a shorter time, perhaps only a month or so. When people are in mourning they do not attend dances. People do not mourn for a small child, for
[858] 'a small child is not a person (*ran*). When he tethers the cattle and herds the goats he is a person. When he cleans the byres and spreads the dung out to dry and collects it and carries it to the fires he is a person.' A man will not say that he has a son till the
[766] child is about six years of age. A small child is buried by old women and without sacrifice.

765 Four to six months after burial the mortuary ceremony is held.
775 It is known as *wocene cuol* or *cuol woc* because its purpose is to wipe out (*woc*) the debt (*cuol*) which Nuer feel to be due on account of the death. They seem to feel that there is some mis-

774 and is not an integral part of him. They do not attach any impor-
[196] tance to it and there are no beliefs and practices connected with it. They presumably see an analogy between a man's shadow and his soul, the shadow being the best way they can find to figure the sort of thing the soul might be. The analogy may derive from the idea of ghosts being shadowy replicas of the living. The fact that other creatures and things have shadows does not lead Nuer to say that they have souls; and since they have no souls, in their case the shadow does not at any time have a figurative meaning.

Nuer hold no decided opinions about the nature of the soul, which does not surprise us in view of their lack of interest in what happens after death, or of how there comes to be one. They know
[842] that the foetus begins as a result of the male sperm entering into the womb. The child is begotten (*dieth*) by man. But it is also created (*cak*) by God, so it appears that they think of conception as a product of this combination of human and divine action. But it does not necessarily follow that because a man is alive he has a soul. Gatbuogh was alive. So when we observe that Nuer
[858] do not mourn or hold a mortuary ceremony for a dead child, it suggests to us that either they do not think of a small child as having a soul or they regard it as immature. It is only when he begins to take part in activities of the social life that he is said to be a person (*ran*), and Nuer sometimes indicate that the sign of having become a person is the removal of the second lower incisor teeth, which is done when the child is about seven or eight years of age. On the other hand they speak of infant twins having one soul. Clearly they hold no definite opinion about the matter.

774 Though Nuer would not themselves bring the ideas of flesh,
828 life, and soul so neatly together, we can see that taken together they are covered by the concepts of both *pwony* and *ran*. *Pwony* means the whole creature, the individual or the self, what is one man and not another. '*Pwonyda*' is 'myself' and '*pwonyda pany*' is 'my very self'. *Ran* is what we may describe as 'the person', the social being as distinct from the individual creature. Its plural form *nath* is the word Nuer use to distinguish themselves from other peoples. They are *nei ti nath*, people (in the general sense of the word) who are people (in the sense of persons as Nuer think of themselves). *Pwony* is, as it were, the total organism, *ran* the total personality. As I have explained, a small child is the one but not

2:Evans-Pritchard E-5 (1931, 1936) 1951
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But the father also takes an interest in his infant children, and one
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585 own and a sleeping-hide, a brush, and a couple of gourds for ablu-
[591] tions. When her husband comes to visit her in her father's home-
stead he sleeps with her in this hut. She continues in all other respects to lead the life she led before marriage, and after her husband's visits she hangs up the hide and domestic utensils and sleeps with her unmarried sisters. On these visits her husband stays at a neighbouring homestead as he cannot eat in the home of his parents-in-law and ought not to be seen there at all. When someone tells the wife that her husband has come, so that she may prepare for him, she feigns annoyance or lack of interest, pretending that she is still unmarried, a shyness she keeps up with third persons, though she is at ease when alone with her husband. When everyone is asleep he visits her and spends the night with her, leaving before any of the bride's people are about. Her parents are supposed to know nothing of his visits, though, of course, they know all about his movements, and it is even said that his mother-in-law may rise especially early and squint through a crack in the door of her hut to see him depart. I was told that should he oversleep and his mother-in-law see his spears outside her daughter's hut, she makes them forfeit, and he would be ashamed to ask for them back. It is not till a child has been born that the husband is accepted by his wife's people as one of themselves. He is then the father of their daughter's child and through the child has a kind of kinship with them. Till this happens the husband continues to lead the life he lived before marriage, a bachelor life with his younger brothers in their father's byre. His wife visits him only on rare occasions and for a formal purpose, as when, at harvest time, she brings him coverings she has made for the grain on the drying-platforms, or when she takes him a bundle of well-cooked porridge made from the first millet of the year—a pretty custom known as *puthene kuan*, honouring with porridge.

842 All are equally anxious for a child to be born, the husband and wife because they want a son, and the wife's parents and kin because they cannot, without risking complications, dispose of the cattle of the marriage till a first-born completes the union. Those whose daughters they might wish to marry would not be happy about accepting such cattle as bridewealth in case they had sud-
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husband's father is likely to be short of lactating cows, while the [853] wife's parents will have plenty of milk from their herd. If, for some 862 reason, the wife goes to live with her husband before the child is 591 weaned, it may not be weaned without the consent of her parents, and I have seen a husband pay several cattle to atone for contravention of this rule. A *keagh*, first child, belongs to *cieng mandongni*, the home of his maternal grandparents, and if he is weaned in his father's home he returns to live with them, a boy till he is initiated and a girl till she is betrothed. This is the rule, though there is variation in practice, depending on the ability of the maternal grandparents to support the child and on the relations between them and their son-in-law.

Shortly after the birth of her first-born the wife, now called 851 *paidap*, a nursing mother, brings the baby to her husband's home and lays him in the ashes of the hearth in the centre of his grandfather's byre, a rite known as *nong puka*, the bringing to the ash. Beer has been prepared and is drunk by a few senior kinsmen of the husband who live in his hamlet. It is a domestic, and not a public, ceremony. The wife spends a few days in her husband's 851 home, and returns with the child to the village of her parents. She 591 has as yet no hut of her own in her husband's homestead.

When his first-born has been weaned the husband builds his wife a hut in his father's homestead facing the family kraal. He then goes to ask his parents-in-law for his wife. They do not deny him, even if, as is likely, some of the bridewealth cattle are still owing. They give her a horn spoon and a gourd and she takes these with her to her husband's home. The gift of a spoon is emphasized by Nuer in speaking of marriage, because it is a recognition that the woman is now, in the full sense, a wife, who will eat of the porridge of her own gardens with the milk of her own herd. She now milks her husband's cows instead of her father's and hoes the gardens of his home and not those of her childhood. Before she is given a spoon, even if she hoes a garden at her husband's home she takes the harvest back to her father, or she may live at her husband's home and cultivate in her father's village, if it is not far. It is only when a man's bride has borne him a child and tends his hearth that she becomes, in the Nuer sense, his wife. She then makes a mud windscreen, and the spirit of his lineage comes to dwell there. Later his father tells him to build a byre and gives him a few cows to start a herd.

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The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a
[606] spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

581 complete it and yet more time between the consummation and the birth of a child. I do not
593 say that pressure may not be put on her by her family to accept her husband but parents who try to coerce their daughter run the risk that she will run away to the home of a distant kinsman and there elope with some man. They may lose their bridewealth. Nuer have good grounds for their assumption that a newly wed who has borne her husband a child and brought it to his hearth is satisfied with her mate. By the time a second child is born experience has shown that the pair are agreeable to one another also as domestic partners. As the Nuer observe a weaning taboo
• [862] this means about three years after the birth of the first child.

581 Mutual goodwill between the families is also a necessary condition of a successful marriage.
606 Marriage is not only a conjugal relationship but also a set of affinal relations and it can be stable
593 only if the kin on both sides behave towards the other side in the manner expected of them. This they endeavour to do. A man tries not only to live up to the pattern of what the Nuer regard as a good husband but also to be a good son-in-law and his wife's father and mother try to be good parents-in-law to him. The relatives on both sides also try to behave towards those on the other side as persons standing in these relationships should do. It is the evocative and inhibitory action of these moral values, sanctioned by approbation and censure, which give stability to marriage and security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him, or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

582 Conjugal and affinal relations are personal relationships which require adult adjustment
602 that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive range of kinship ties covered by Nuer rules of exogamy it is impossible for a man to marry into a family or lineage with whom he has already existing kinship ties. He must marry the daughter of people who are under no obligation to provide

[p. 185b]

NUER RULES OF EXOGAMY AND INCEST[1]

835 753 864 THE Nuer word *rual* means both incest and the misfortune which it causes. Syphilis and certain forms of yaws are believed to be especially a consequence of incest, though retribution may come in any form, from wild beasts, a spear, drowning, sickness, &c. These misfortunes can sometimes be avoided by sacrifice. On the other hand, they may fall not only on the partners to the sin (*dwer*) but also on their closest relatives, so that a man who commits incest may render himself responsible for homicide as well.

RULES OF EXOGAMY

582 When it is forbidden to a man to have relations with a woman he may not, of course, marry her, and it will be simpler to begin this account by stating the rules of exogamy. Marriage is not permitted between clansfolk, close cognates, close natural kinsfolk, close kinsfolk by adoption, close affines, and persons who stand to one another as fathers and daughters in the age-set system.

A man may not marry a clanswoman and *a fortiori* a woman of his lineage. Agnatic kinship is recognized between some clans but it does not constitute a bar to intermarriage. The relationship is considered to be very distant and, in any case, the ancestor of the fraternal clans is believed to have cut an ox in twain to permit intermarriage between the descendants of his sons. Nuer accept the hypothesis that maximal lineages of the larger clans might one day split apart and marriage be allowed between them, but 'at present they are too close'. They say *Cike diel*, 'They have not yet reached ten generations (from their founder)'. They perceive that the limits of clan exogamy have been arbitrarily fixed and are not unalterable.

A man may not marry any close cognate. Nuer consider that if relationship can be traced between a man and a woman through either father or mother, however many female links there may be, up to six generations (*kath*), though the number of generations is not absolutely fixed, marriage should not take

[1] A preliminary account of this subject was given in a lecture delivered to the Royal Anthropological Institute on 20 November 1934 (summary in *Man*, xxxv (1935), 7).

[p. 85]

835 they are not members of the same local community. The most dangerous incest of this kind, the consequences of which 'split a man in two' with pain, is when father and son have relations with the same woman, for the father goes from the woman to the mother, thus bringing her into a sexual relationship with her son. It is also highly dangerous for a mother and daughter to have relations with the same man. In one village where I was living at the time relations of this kind were believed to have caused the death not only of the daughter but of her sister and half-sister as well. I knew of another case in which two sisters died after the same man had had relations with both of them. The man died shortly afterwards, and it was said that he had been summoned by the ghosts of the sisters.

835 There are, as we have seen, a very large number of relationships which carry the incest taboo and it is not surprising that ●864 there are frequent breaches of it. Indeed, Nuer discuss incest, except incest with the closest kin, without expressing horror or repugnance. It is a fact with which they are familiar and a subject on the surface of life, not a secret thing to be talked of with shame or embarrassment. Parents teach their sons at an early age the rules of sex: to avoid the wives of others and those who *teke mar*, have kinship. Not only must they refrain from making love to women who count as kin but they must avoid any licentious talk, to which the Nuer are much given, in their presence. The *nei ti gwa*, the unrelated people, they can joke with and make love to without fear of censure or retribution, so long as they are not wives to other men, for fornication with an unrelated girl, a *nya Nath*, as they say, is not regarded with disapprobation. The admonition of parents is enforced by the frequent discussions children hear about the exogamous permissibility of proposed marriages and by the sacrifices on account of incest they are bound to witness from time to time.

835 The incest taboo is not uniform in its force nor in the consequences its breach is believed to entail. Some incest is very bad and has very serious consequences. Other incest is not so bad, is even thought little of, and is not expected to bring about serious, or even any, consequences. The worst incest of all would be with the mother, and Nuer were astonished when I asked them if they had known of any cases of it: 'But that would be immediate death.' Incest with the uterine sister or the daughter are also terrible. I have heard of one case of each.

always or entirely so. *Gwac* means a mistake, an unintentional 776x
error and generally one of no great consequence, one in which a 577
serious breach of religious or moral precepts is not involved, such as an unintentional lapse in manners or a slip of the tongue. It implies that the action was incorrect but inadvertent; and the man asks to be excused. In a certain sense, however, in the sense that the act was not deliberate, a more serious fault may be regarded as a mistake, even though it is at the same time a fault, and the fact that it was not a deliberate fault is held to some extent to alter the circumstances. This is very evident in affairs in which damage and compensation are involved, as, for example, in homicide. When a man kills another, how the damage is treated, both [682]
with regard to manner and to the amount of compensation demanded, much depends on whether the slaying was premeditated or was the unfortunate outcome of a sudden quarrel or an accident. God also takes deliberation into account in breaches of [864]
moral law. Thus it is not thought that children will fall sick if they have incestuous relations in their play 'because the children are ignorant of having done wrong'. They know no better. Like- [835]
wise, if two kinsmen have relations with the same girl, which Nuer regard as incest, without knowing that the other was making love to her, 'it is not incest because each was unaware that the other was making love to her'. Again, it is not thought that a man who commits incest with a kinswoman, not knowing her to be a kinswoman, will suffer any serious, or even any, consequences: 'This is not incest because he was unaware of the relationship between them.' If a man who respects hearts or lungs of animals
eats them not knowing the nature of the meat he eats, 'this is an [262]
accident and his spirit (the spirit of hearts or lungs) knows that it was not done deliberately'. He may get a slight illness, but not a serious one. When I was living on the Sobat river news came to our village that some persons in an upstream village had found some meat and had cooked and eaten it, thinking that it was the flesh of some animal crocodiles had mutilated, and that they had later discovered it to be the flesh of a man whom crocodiles had killed and torn to pieces. I was told that these persons would at once have taken *wal nueera*, medicine to cleanse them from pollution, and that while the happening was very disgusting it was unlikely that it would cause death because the flesh was eaten in ignorance of its nature. Nuer say that God may overlook what

1: Evans-Pritchard E-5 (1931, 1936) 1940
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munity of one tribe attempts to avenge a homicide on a community of another tribe a state of intertribal war, rather than a state of feud, ensues, and there is no way of settling the dispute by arbitration. 628

As Nuer are very prone to fighting, people are frequently killed. Indeed it is rare that one sees a senior man who does not show marks of club or spear. A Nuer gave me the following causes of fighting: a dispute about a cow; a cow or goat eats a man's millet and he strikes it; a man strikes another's little son; adultery; watering rights in the dry season; pasturage rights; a man borrows an object, particularly a dance ornament, without asking its owner's permission. A Nuer will at once fight if he considers that he has been insulted, and they are very sensitive and easily take offence. When a man feels that he has suffered an injury there is no authority to whom he can make a complaint and from whom he can obtain redress, so he at once challenges the man who has wronged him to a duel and the challenge must be accepted. There is no other way of settling a dispute and a man's courage is his only immediate protection against aggression. Only when kinship or age-set status inhibits an appeal to arms does a Nuer hesitate to utter a challenge, for it does not occur to him to ask advice first, and no one would listen to unsolicited advice. From their earliest years children are encouraged by their elders to settle all disputes by fighting, and they grow up to regard skill in fighting the most necessary accomplishment and courage the highest virtue. 578 [865]

Boys fight with spiked bracelets. Men of the same village or camp fight with clubs, for it is a convention that spears must not be used between close neighbours lest one of them be killed and the community be split by a blood-feud. It is also a convention that no third person may take part in the fight, even though he be a close kinsman of one of the combatants. Once a fight has begun neither party can give way and they have to continue till one or the other is badly injured unless, as generally happens, people pull them away from each other, loudly protesting, and then stand between them.

When a fight starts between persons of different villages it is with the spear; every adult male of both communities takes part in it; and it cannot be stopped before considerable loss of 628

1: Evans-Pritchard E-5 (1931, 1936) 1940
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	Lou		Western Jikany
Gwong	*Gwong indit* *Carboc* *Nyamnyam*	*Tangkwer*	*Tangkwer* *Karam*
Luac	*Luac indit* *Karam* *Camthoari*	*Rol*	*Rol* *Pilual*
Lithgac	*Lieth indit (inbor)* *Lieth intot (incar)* *Caiyat (Pilual)*	*Juong*	*Juong* *Majaani*
Rialmac	*Rialmac (Rialdang) indit* *Kwekoryoam*	*Bildeang*	*Bildeang*

III

In seeking to understand how membership of an age-set determines a man's behaviour we have first to realize that there is no purposive education or moral training in the procedure of initiation. Also, many of the characteristic features of the age-set system in Kenya, where it is most highly developed, are absent in the Nuer variation. There are not three distinct age-grades of boys, warriors, and elders through which the sets pass, for a boy who is initiated into manhood remains in this grade for the rest of his life. Warriors are not prohibited from marrying and they neither enjoy privileges nor suffer restrictions different from those of other male adults. The sets have no administrative, juridical, or other specific political functions and the country is not handed over to their care. The sets have no definite military functions. Indeed, we are of the opinion that the Nuer age-set system ought not to be described as a military organization, though some writers give it this character. Youths who have recently been initiated are anxious for their first raid, and consider that they ought to earn for their set a reputation for valour, and it is likely that raids were generally conducted in the main by men of the most junior set. However, there is no grade of warriorhood through which the age-sets pass nor a grade of elderhood into which they enter. Were boys and old men to take part in warfare against other Nuer they would probably be killed, and it is understandable that raids are the occupation of the strongest and fleetest,

561 867 561 701

2:Evans-Pritchard E-5 (1931,1936) 1951
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561 in the lists above. Thus one speaks of the *Piluali*, the *Karamni*, the *Ruobni*, the *Lithgacni*, the *Thutni*, the *Rialmacni*, the *Makeri*, the *Nyamnyamni*, etc.

XI.

881 In seeking to understand the social action of the Nuer age-set system
•867 I think that we should first of all abandon the idea that there is any purposive education in initiation. Neither in connection with the cutting nor during any subsequent stage does the initiation of the boys include educational or moral training. It is true that a father may admonish his son at this time to be brave in war, to avoid the wives of other men, to be generous, and never to display greed, but such advice is of the general kind which may be given unsystematically at any time during boyhood. I could find no evidence that there is any kind of teaching of the boys during initiation, either of technique or of traditions. Nor was I told upon repeated enquiry that there was any moral instruction.

561 I cannot agree with Stigand's description of the Nuer age-sets in
114 this respect and I think that he was largely reading into them the purpose and methods of the Masai system with which he was familiar. He wrote of initiated youths: "When finished they are trained by the old class; the training includes mock battles, fighting with sticks and pelting one another with balls of dried clay—to learn quickness in avoiding spear thrusts. After two years the training is complete, the old class then retire and gradually get married whilst the new class having finished their training go back to live in their villages." He says: "The newly-made warrior may not marry until relieved by the next class."[1] I found nothing which could confirm this account of two-years' training and the prohibition of marriage on the older class during the training of the set which was to replace it, and there is nothing in Jackson's account and little in the recent paper by Father Crazzolara which bears it out.

561 I think, moreover, that the Nuer age-sets are only incidentally a
701 military system at all, though Stigand and, less dogmatically, Jackson give them this character. It is perfectly true that in warfare the junior age-sets play the chief part, but this is simply due to the fact that they are old enough, and yet not too old, to fight. Boys do not take part in

[1] *Op. cit.* p. 117.

11:Evans-Pritchard E-5 (1931,1936) 1945
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611 not only indications of their status but also a means of evoking behaviour. Hence it is understandable that a man takes different patronymics in different localities.

611 A child who is old enough to walk and to speak always knows his pater's name regardless of the manner of his birth and the place of his upbringing. ●867 His mother always teaches him his pater's name and if there are any of his pater's kin in the village they will impress on the child his true patronymic. Therefore one may ask a very small child for the name of his father and though he will give you the name of his genitor if he is living in his home you can ascertain the name of his pater by asking him the name of *gur dodien*, " your other father ".

611 Owing to the Nuer custom of referring to women of all ages by their proper names one would not usually speak of a woman as " the wife of so-and-so " unless one wished to indicate especially her matrimonial status. One would then speak of a wife in simple legal marriage, in leviritic marriage, and in widow-concubinage, as the wife of the true husband, the man in whose name bride-cattle had been paid. But a woman who is partner in ghost-marriage would be referred to as the wife of the vicarious husband who stands in the place of the true and ghostly husband. Consequently only members of a man's kin and village may know that the woman with whom he is living is not legally his own wife but the wife of a dead kinsman. Other people may be ignorant of the real state of affairs or, if cognizant of them, may not know the name of the ghost-husband. As a courtesy-title one may also speak of an unmarried concubine who has lived with a man for several years as his " wife ".[1]

Before leaving the subject of nomenclature a few words must be said about terms of address between persons who stand to one another in two different sets of relationship, the legal and the biological. It is my experience and it is the statement of my informants that when a man and woman and their children live together, whether the union be ghost-marriage, leviritic marriage, widow-concubinage, or concubinage with an unmarried woman, they use the same terms of address to one another as members of a simple legal family use. There is no reason why in widow-concubinage and concubinage with an unmarried woman the terms for " father " " mother ", " son " and " daughter ", should not be used in the same manner as they are used in the simple legal family. It might be supposed, however, that in ghost-marriage and leviritic marriage the members of the domestic groups that spring from them use terms that indicate their legal, rather than natural, status to one another. As I have said, this is not the case. The terms describing the legal relationship between a man and the son he has begotten (other than in simple legal marriage) are only used in legal and ritual situations and when one of the two parties desires to influence the behaviour of the other by recalling the legal relationship between them and the obligations it entails. A man

[1] The term, ' *cek* ', has a wider range of meaning than ' wife '. It may be used to describe any woman who has once been married or who has borne children.

1: Evans-Pritchard E-5 (1931, 1936) 1940
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233 181 castrated later, are generally cut so that they will grow in a shape that pleases their masters. The operation, called *ngat*, is probably performed towards the end of their first year and usually takes place in the dry season, as it is said that a steer may die if its horns are cut in the rains. The animal is thrown and held down while its horns are cut through obliquely with a spear. They grow against the cut. The beasts appear to suffer much pain during the operation and I have sometimes heard Nuer compare their ordeal to the initiation of youths into manhood.

When a Nuer mentions an ox his habitual moroseness leaves him and he speaks with enthusiasm, throwing up his arms to show you how its horns are trained. 'I have a fine ox', he says, 'a brindled ox with a large white splash on its back and with one horn trained over its muzzle'—and up go his hands, one above his head and the other bent at the elbow across his face. In singing and dancing they call out the names of their oxen and hold their arms in imitation of their horns.

233 181 854 The attitude towards cattle varies with varying situations in social life and with changes in social development. As soon as children can crawl they are brought into close intimacy with the flocks and herds. The kraal is their playground and they are generally smeared with dung in which they roll and tumble. The calves and sheep and goats are their companions in play and they pull them about and sprawl in the midst of them. Their feelings about the animals are probably dominated by desire for food, for the cows, ewes, and she-goats directly satisfy their hunger, often suckling them. As soon as a baby can drink animal's milk its mother carries it to the sheep and goats and gives it warm milk to drink straight from the udders.

233 181 857 868 The games of rather older children of both sexes centre round cattle. They build byres of sand in camps and of moistened ashes or mud in villages, and fill the toy kraals with fine mud cows and oxen (Fig. 7), with which they play at herding and marriage. The first tasks of childhood concern cattle. Very small children hold the sheep and goats while their mothers milk them, and when their mothers milk the cows they carry the gourds and pull the calves away from the udders and tether them in front of their dams. They collect urine in gourds and

1: Evans-Pritchard E-5 (1931, 1936) 1940
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wash themselves in it. When they are a little older and stronger they have to clean the byres and kraals, assist in the milking, and herd the small calves and the sheep and goats at pasture.

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FIG. 7. Mud figures of oxen decorated with tassels.

Food and play contacts with the cattle have changed to labour contacts. At this age the interests of the sexes in cattle begin to diverge and the divergence becomes more apparent as they grow up. The labour of girls and women is restricted to the byres and the kraals and is concerned mostly with the cows, while boys herd the calves at pasture, as well as assisting in the kraal,

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2:Evans-Pritchard E-5 (1931,1936) 1951
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wives will be fertile. Abortion is said to be very rare and practised 847
only by unmarried girls. Though the men of the kraal may hope
that monorchids and babies born with defects and deformities
will not survive, they do not kill them or let them die. The proper 854
care and nurture of children is the concern of the whole family
and household, and from the moment of birth care is taken to
isolate the child from any contact which might be injurious to it.
Even the father keeps away from the mother's hut for the first few
days lest he inadvertently cause it some misfortune. The prohibi- 853
tion on coitus between parents till the child is weaned is seldom
infringed, although it imposes long abstinence, for the child is
suckled till he can digest solid food and can toddle about home-
stead and camp by himself. Artificial aids to weaning are rarely 862
necessary, infants passing slowly from the breast to cow- and goat-
milk, though sometimes they are sent to their maternal grand-
parents for some weeks to make the break. Children have first
claim in the allocation of milk from the herd, and if there is a
shortage it is the adults, and not they, who go without.

The care of small children falls naturally to the mother, and it 851
is she who feeds and bathes them and attends to their other wants. 593
But the father also takes an interest in his infant children, and one
often sees a man nursing his child while the mother is engaged in
the tasks of the home. Nuer fathers are proud of their children and
give much time to them, petting and spoiling them, giving them
titbits, playing with them, and teaching them to talk; and the
children are often in the byres with the men. The affection of
children for their fathers is very striking in Nuerland. I have
never seen a man beat his child or lose his temper with him, how-
ever aggravating he might be. When a father speaks crossly to his [861]
child, as he does if, let us say, the child goes to the edge of a river
or among the cattle, where he may be injured, it is evident that
the child is not afraid of his loud words and obeys from affection
rather than fear. In his first years a child is corrected by his mother
and elder brothers and sisters, who may give him a few strokes
with a grass switch if he is naughty.

Daughters grow up under the direction of their mothers. 867
Mother and elder sisters give a girl training in household tasks 868
and what moral advice and worldly wisdom they care to impart. 593
The father takes little interest in the affairs of his daughters. His
chief concern with them is to ensure that they are well married.

2:Evans-Pritchard E-5 (1931, 1936) 1951
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868 Boys come under their father's direction. He and the other men of
593 the kraal see that they carry out their duties in the care of flocks and herds. Boys learn from their elder brothers and cousins how to fish, hunt, cultivate, dance, flirt, and engage in the other activities of men. A boy can see the stages of his life before him—initiation, courtship, marriage, and the starting of a family and home—and he realizes even in childhood that these stages are bound up with his father's herd, and that he and his brothers have a common interest with their father in the herd. It is very noticeable that when boys talk about the cattle it is in reference to marriage and when girls talk about them it is in reference to milk.

593 In my experience, it is only when a father is selfish or extravagant in his use of the herd that, even when his sons are men, any serious disagreement is likely to arise between them. Even then, young men submit to their father's indiscretions. If they may show their disapproval by going to stay with relatives for a time they say little, partly, no doubt, because they fear a father's anger and curse, but chiefly, I believe, because, in spite of faults, they love and respect their fathers. Though relations between a father and his son may be strained, the sorrow and anxiety of the son should his father fall sick are most apparent. Nuer say that should father and son fail altogether to agree the son may go to live permanently with his maternal uncle, but this would be a most serious offence in the eyes of Nuer, being *dakene mar*, the breaking of kinship. I have never known it happen.

Boys treat their mothers with affection, though they are offhanded with them and are sometimes rude to them. When they are approaching the threshold of manhood a feeling of male superiority seems to affect their attitude to their mothers. I was told that a youth would never interfere on his mother's behalf should his father be angry with her, though should the father wish to beat her the son would not reveal her hiding-place lest she
[842] should curse him. A mother's curse prevents a man from begetting male children. Fear of it was the reason given me for the care Nuer take of their mothers when they are very old, carrying them on their shoulders from village to camp and from camp to village, but, here again, I think that natural affection is a stronger motive.

My observations of the relations between parents and children do not permit me to develop the subject beyond such general impressions as I have given. I would like, however, to draw attention

14: Huffman M-5 (no date) 1931
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to take a little ride one day. Several chiefs were induced 177
to try a ride, but one chief especially became quite frightened and a quick landing had to be made in order to keep him from jumping out.

The Nuer were quite alarmed when the planes appeared that morning, although they had been told some days before that planes were to come. Children ran screaming into the houses, men and women were badly frightened and dubious as to the purpose for which the 'boats of the sky' had come. Children stayed in the houses or near their homes, women would not go up to the merchants while the planes were flying.

Many were amazed by the short time taken for the flight from Malakal to Nasser, and realized to some extent that in case of need the planes with their guns might quickly come.

In the recent patrol the aeroplanes were again used as agents of war, so it is little wonder that to the Nuer the aeroplane is a thing of destruction, and they fear it accordingly.

The Government has shown an interest in the education of the Nuer and is eager to have schools among them. 871
The authorities have sent several boys from Abwong to the mission school at Nasser and paid their expenses while there. These boys work in various capacities for the District Commissioner at Abwong, and when he is away he is anxious to have them in school. They were apt pupils. This same District Commissioner had one of the older boys from the Nasser school to conduct a school at Abwong for one season.

MISSION WORK AMONG THE NUER

The American Mission has long had a station at Nasser 797
(Figs. 12 and 13). They work on evangelistic, medical,

14: Huffman M-5 (no date) 1931
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797 and educational lines. Itinerating work is also done by the members of the mission.

They have a church, clinic, and school, as well as three dwelling houses and a storeroom. A number of fruit trees have been planted and they have plenty of fruit for personal use.

The personnel of this station consists of from four to six adults.

797 871 Practically all the school pupils are working on the compound. They go to school for an hour or two at least and then work the remainder of the working day. Their wages are based upon their working hours, but all children, especially those who show any aptitude in learning, are required to attend school. Should they refuse, which they seldom do, they are dropped from the workers' list and some other eager applicant is taken on who is not averse to going to school.

At the Nasser Mission the work-bell rings at 6 a.m. All workers then attend the service with morning prayers and roll-call from 6 a.m. to 6.30. a.m. At 6.30 the workers go to their work and school opens. Lessons continue in the school until nine o'clock when chapel is held.

At 9.30 all workers are given one-half hour for breakfast. At ten o'clock the work-bell again rings and work on the compound and in the school is resumed until 1 p.m. when the working day is finished.

797 743 At 6.30 a.m. the clinic is opened by the Nuer helpers, the doctor (if there is one) or nurses not coming until 9 o'clock, except for supervisory or emergency work.

Arabic-speaking people are cared for at the clinic from 9–10 a.m. as are all the workers who come. From 10 to 10.30 a.m. the clinic service is held, which consists of songs, prayers, and a Bible story. All Nuer and Anuak

14: Huffman M-5 (no date) 1931
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patients, except those working on the compound, are 797
supposed to be present if they wish for medicine that day; 743
emergency cases are always treated at any time. After this service treatment is given to all who come.

On Sundays services are held in the church consisting of church service and Sunday school; in the afternoon a song service may be held. Or the song service may be omitted and a night church service held in one of the homes. The church can seldom be used at night on account of the ever-present mosquito. Sometimes the Bible lesson in church is given by a Nuer. Some of them show real talent for public speaking. There are from 150 to 160 Christians, but they are scattered throughout the various sections of Nuerland.

The church is not yet organized in the sense in which we understand organization. There is a committee of native Christians who have been appointed to supervise the receipt and expenditure of monies, but always with the aid of a missionary. A session is also appointed who help to examine candidates for baptism. Sometimes the examination they give is indeed rigid. The candidate's major sins of the past may be mentioned in detail. He is not merely asked to forsake sin, but those sins to which he is more subject are mentioned in particular. Sometimes a member of the session may be suspended, owing to some sin in which he has actively taken part.

Sometimes it seems as if the results of our work were small. Then some incident fills us with encouragement and we are amazed to find the extent to which the Nuer Christians are willing to trust Him whom they have so recently accepted as their God.

School work is carried on five days a week. The fact 797
that all books must either be written in this language 871
or translated into it is a serious handicap, for this transla-

14: Huffman M-5 (no date) 1931
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tion work takes time, and it is hard to keep new material prepared for the higher classes. English is taught to some extent, but the Nuer is taught in his own language first that he may learn to appreciate the things that are Nuer.

Student teachers are employed, pupils being thus trained to teach those who have not as yet learned as much as they have. In this way, a pupil teacher, returning to his village, knows how to teach what he has learned, be it much or little, to others.

A Nuer who is also a pupil in the advanced classes is supervisor of the school under the direction of a missionary.

The pupils do not pay for tuition. Only one case is known where a pupil at this school paid for his schooling in any way. This man was only able to go to school for an hour a day, but he was anxious to keep up with his class who were having two hours' instruction daily. He paid a Nuer for his services as private tutor each afternoon. This aspirant after an education was an Anuak, both he and his tutor were pupils in this school.

The Nuer boys sent by the Government official at Abwong to this school formed the greater portion of a boys' boarding school while they were there. The two men who are working for the District Commissioner at Nasser as his interpreters attend school all the time when they are not on trek.

The mission is busy now getting the books translated which were recommended by the Rejaf Language Conference of 1928.

There is a Roman Catholic Mission in another section of Nuerland, but I am unable at this time to give any definite facts about the work. I understand that one of the main features of it is the school. This mission will also use the course of study recommended by the Rejaf Language Conference.

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Chapter Ten

THE NUER LANGUAGE

RESULTS OF STUDY

197 THE Nuer language in most points has some simililarity to the other Nilotic languages, having many of the same sounds, but it is a distinct language in itself, and not an outgrowth of the others. Possibly it shows more similarity to the Dinka than to any other of the neighbouring tongues.

212 Various systems have been used in reducing this language to writing, but no one system has been found which seemed to satisfy the different missions and the Government officials who were using a Nilotic language. So in April 1928 the Sudan Government called a conference at Rejaf, where representatives of the missions and governments engaged in work among the Nilotic tribes were present.

The Government had invited Professor Westermann of the International Institute of African Languages and Cultures to prepare a system of certain signs to represent the unusual sounds of the Nilotic tongues. Professor Westermann was present and the new system was tested with the various natives at the conference who were present for that purpose from the different tribes.

Thus for the first time a common system was adopted for general use throughout all the Nilotic tribes wherever any effort is being made to reduce any of these languages to writing. This in itself is a big accomplishment, as all missions as well as all Government officials have accepted the system.

872 A standard course of study for the elementary schools was also adopted.

214 The Nuer language so far has not been very largely

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1: Evans-Pritchard E-5 (1931, 1936) 1940
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CHAPTER VI

THE AGE-SET SYSTEM

I

ALL male Nuer are initiated from boyhood to manhood by a very severe operation (*gar*). Their brows are cut to the bone with a small knife, in six long cuts from ear to ear. The scars remain for life, and it is said that marks can be detected on the skulls of dead men. They are particularly clear in Plates XXVI(*b*), XXVII, and XXVIII. The ceremonial of initiation is more complex, and the age-set system has greater social importance among the Nuer than among other Sudan Nilotes.

We have described, and others have described, elsewhere the ritual of initiation. Though we have since collected further information on the details of the rites, we consider that to transscribe it here would be out of accord with the plan of this book. The barest facts are related. Boys are now usually initiated between the ages of 14 and 16; in the old days at a somewhat later age, perhaps from 16 to 18. Whether a boy is initiated in one year or in another year may depend on the milk and millet supply. A boy must obtain his father's consent to the operation, but it cannot well be refused, for the boy would then run away to the home of a kinsman and the father would be humiliated. He afterwards goes to a member of his father's age-set who performs a rite to give him the blessing of the set. A member of the clan likewise gives him its blessing, and his father and maternal uncle bless him. The boys make their own arrangements with the operator and each presents him with a fishing spear. The operator is any man who has learnt the art.

Several boys are initiated at the same time, for it is thought that were a boy to be initiated by himself he would be lonely and might die. Also, it is easier to cater for the boys and to give them the care and attention they require during convalescence if they are initiated in batches. Usually some four to a dozen boys pass through the rites together. Initiation can take place at any season, but it almost invariably takes place at the end of the rains, when there is plenty of food and the north wind blows and cicatrizes the wounds. Each village acts independently

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in arranging for its boys to be initiated. After the operation the boys live in partial seclusion and are subject to various taboos. This is a time of mild licence and they pass out of it by a special rite. On the day of the cutting, and on the day of the passing out of seclusion, sacrifices are made and there is festivity, which includes licentious horseplay and the singing of lewd songs. Only age-mates of the father of the initiate in whose homestead the feasting takes place attend it: others keep at a distance lest they see the nakedness of their kinswomen and mothers-in-law.

II

All boys initiated during a number of successive years belong to a single age-set (*ric*). There has, till recently, been a four-year interval between the end of one such set and the commencement of the next. These four years are known as the time 'when the knife is hung up', and at the end of that period it is said 'the knife is brought out' and boys may then be initiated again. A certain *wut ghok*, 'Man of the Cattle', is, in each tribe, responsible for opening and closing the initiation periods and thereby dividing the sets. He performs the appropriate rite in his district, and when the news goes round other districts begin or cease initiation. He derives prestige from his functions, but they are ritual and give him no political authority. Sometimes, in Western Nuerland, they are performed by a prophet, but it is possible that in these cases the prophet is also a Man of the Cattle. The age-sets are organized independently in each tribe, at any rate in the larger tribes, but it often happens that when a new set has been started in one tribe an adjacent tribe will follow its lead, so that the names and periods of sets in neighbouring tribes are frequently the same. Also, though in different parts of Nuerland the names of the sets are different and the open and closed periods do not coincide, it is easy for a man who moves from one part to another to perceive in which set he would have been initiated had he been brought up in that part of the country.

To-day there are no closed periods and boys are initiated every year. The Man of the Cattle announces every few years that he is about to cut the sets and performs a ceremony by which all

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PLATE XXVII

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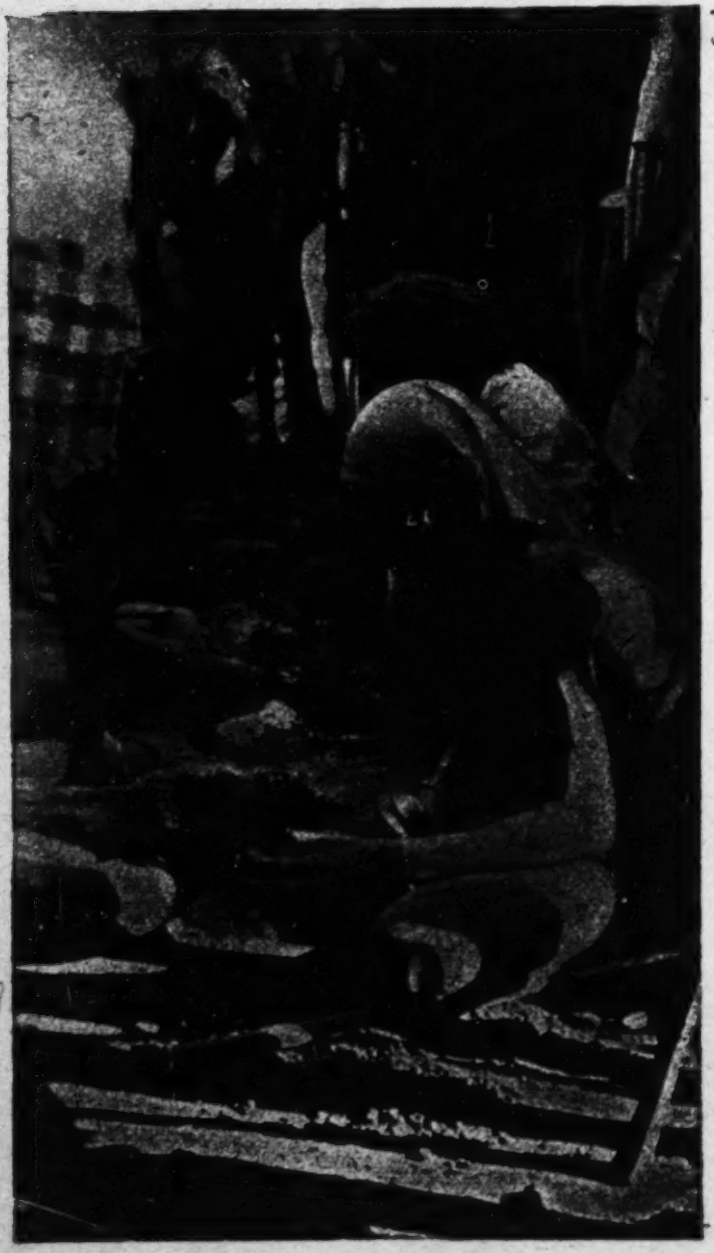

Initiation of boys (near Nasser, Eastern Gaajok)

[Face p. 250]

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youths initiated up to that year fall into one set and all youths initiated after that year fall into a junior set. The number of years during which a set runs before being cut is variable, and this has probably always been the case. We conclude on the evidence that ten years may be regarded as an average period between the commencement of one set and the commencement of the next. It was found that generally two sets, but occasionally one, intervened between the set of a man and that of his eldest son. In the case of younger sons two or three sets usually intervene. It may be accepted that on an average the generations of grandfather—father—son cover six sets.

At the time of my inquiry into the age-set system there were members of six sets alive, but there were only a few survivors of the senior set and the members of the next senior were very infirm. Sets with no living members are not recorded in the lists below. Their names are irrelevant to an understanding of the system and their order is so ill-remembered that the statements of two informants on the matter are seldom in entire agreement. It should be noted, however, that as far back as Nuer recitation carries us the names are not uniform for the whole of Nuerland and that they are not repeated. There is no cycle of names such as we find in many parts of East Africa. The Lou and the Eastern Jikany tend to have common names; also the tribes of western Nuerland; while the tribes of the Zeraf have some names in common with the Sobat river tribes and some with the tribes to the west of the Nile.

Lou tribe	Eastern Jikany	Lak tribe	Western Jikany and Leek tribes
Thut	*Thut*	*Thut*	*Lilnyang*
Boiloc	*Boiloc*	*Boiloc*	*Ruob*
Maker	*Maker*	*Ruob*	*Wangdel*
Dangunga	*Dangunga*	*Wangdel*	*Tangkwer*
Luac	*Carboc*	*Wooni*	*Rol*
Lithgac	*Lithgac*	*Kec*	*Juong*
Rialmac	*Rialmac*	*Pilual*	*Bildeang*

Each age-set has two or three subdivisions. Each year in the initiation period may receive a separate name and constitute a division though probably two years often have the same name and the divisions are usually two-year periods. But though a set is thus stratified internally and the divisions are called by different

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881 561 names, all members of the set are known by the name of the first division, and this common name persists while the others eventually fall into disuse. Thus to-day one seldom hears of *Maker indit* and *Ngwak*, but only of *Maker*, under which title both divisions are included. Likewise one hears small mention of *Gwong indit*, *Carboc*, and *Nyamnyam*, and reference is normally to *Dangunga* (*Gwong*), which term covers all three divisions. The senior division is called *indit*, the greater, and when the segmentary names are dropped the *indit* is dropped also, since its purpose is to distinguish the primary division from the later ones. Hence we have *Thut indit*, *Maker indit*, and *Boiloc indit*, the elder *Thut*, the elder *Maker*, and the elder *Boiloc*, but the *indit* ending in these names is eventually dropped and the complete sets become known as *Thut*, *Maker*, and *Boiloc*.

561 In recent years the matter has become somewhat complicated by the absence of well-defined closed and open initiation periods. Thus in my earlier visits to Lou and Eastern Gaajok I heard people speak of *Lieth indit*, *Lieth incar* (*Lieth intot*), *Caiyat* (*Pilual*), and *Rialmac* (*Rialdang*) as four divisions of the *Lithgac* age-set, but this was because there had been no declaration by the Man of the Cattle separating them into different age-sets. On a later expedition I found that the *Lieth indit*, the *Lieth incar*, and *Caiyat* had been declared to be a single age-set, and the *Rialmac* to start a new age-set, a second division of which, the *Kwehoryoamni*, has since been initiated. Similarly among the Western Jikany and Leek the *Bildeang* age-set has recently been declared separate from the *Juong*. At one time in Eastern Gaajok the *Lithgac* were cut off from the *Rialmac*, while in the adjacent country of the Eastern Gaajak they had not yet been separated and remained for the time being a single set. It may thus happen that, in modern times, a sub-division may for a time be regarded as the junior segment of one set and later become the senior segment of the next set. Below are given the sub-divisions of the age-sets in the Lou and Western Jikany tribes:

Lou		Western Jikany	
Thut	*Thut indit* *Muothjaang* *Lilcoa*	*Lilnyang*	*Lilnyang* *Lilcoa* *Lilcuath*
Boiloc	*Boiloc indit* *Golyangkakeat* *Laibwau*	*Ruob*	*Ruob* *Nomalith*
Maker	*Maker indit* *Ngwak*	*Wangdel*	*Wangdel* *Wathcar*

2:Evans-Pritchard E-5 (1931,1936) 1951
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MARRIAGE

Girls witness serious love-making and courtship earlier than boys. At dances small girls follow their more experienced sisters and cousins, imitating their movements during the dancing and afterwards sitting with them while the young men pay them compliments and try to persuade them to retire with them into the long grass. When a girl is about twelve or thirteen initiated boys begin to court her, and when she is about fifteen or sixteen she has at least one lover and probably one in each of the villages neighbouring her own. She passes through a succession of love affairs, besides more casual affairs. I doubt whether any girl in Nuerland goes to her husband a virgin. 833 881

As a rule boys are initiated from about fourteen to sixteen. Unlike the girls, whose social life develops slowly from childhood to marriage without any sudden change of status, the boys jump at initiation from the grade of boyhood to the grade of manhood, and the character of their social life is correspondingly transformed; though even before initiation boys make some adjustments in their way of life in anticipation of the status they will acquire when they have passed through the rites. In particular, they abstain from eating in the presence of unrelated girls. A small boy eats with his mother and sisters, but when he is about six he eats with the other boys of the household when the womenfolk have guests, lest they might feel embarrassed at the presence of a lad, though only a small one, and, bit by bit, he gets into the habit of eating with them regularly. 881

After initiation a lad takes on the full privileges and obligations of manhood in work, play, and war. Above all, he gives himself whole-heartedly to winning the favours of the maidens of his neighbourhood. Courtship now rivals devotion to cattle as his major interest. In speaking of a recently initiated lad Nuer often say: 'And now he has become a man and will court the girls.' He takes every opportunity for flirtation which offers itself. His chances are chiefly at dances, and Nuer youths, for this reason, attend as many wedding dances and other drum-dances as they can in their district during the rains and the harp-dances at neighbouring camps in the dry season. In speaking of these dances young men speak always of the girls they will meet at them, of how the girls will admire their finery and their excellent dancing and display of spearmanship and duelling with the club, and they add: 'And then of course we will spend the night in courting.' 883

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to the peculiar position in each elementary family of the eldest 593
child.* The eldest child of either sex is known as *gat ma keagh* and [601]
the mother may address him (or her) as *keaghda*, my first-born.
This child must never use the spoon of his father or mother, and I
have sometimes been given to understand that this is one of the [603]
reasons for the bringing up of an eldest child by his maternal grandparents, it being felt better to keep him away from his parents' home till he is of an age to observe the prohibition. He must also avoid sleeping or sitting on his mother's sleeping-hide, for this may make her barren and may also injure the father, the child himself, and the cattle. I believe also that if the eldest child is a girl she may not use the horns of female animals for any purpose.
When an eldest male child is initiated an extra incision is made, at [321]
any rate in some parts of Nuerland, on his forehead—seven instead of the usual six—and an ox must be sacrificed at the ceremony, whereas a goat or sheep may be considered sufficient for a younger son. Parents, especially the mother, and maternal uncles are said to fear the curse of an eldest child.

These customs relating to the eldest child are an indication of his special position in the family and kinship system. He is born in his mother's home and ought to be brought up there if his maternal grandmother is alive. If she is dead the child will probably be brought up by his parents till he is about six years of age, and then go to his maternal uncle till puberty. The eldest child is the keystone of the marriage. Till he is born the marriage is not
regarded as complete. He is also the link through which the kin of [602]
the father and the kin of the mother are brought into relations of kinship with one another, for the child is the child of the mother's people as well as the child of the father's people. It is true that he belongs to his father's lineage, because he is the child of their cattle, but the sentimental claim of his mother's people to their daughter's child is recognized in their right to bring the child up in their home.

Indeed it must be acknowledged that in Nuer family life there is always a pull on the children in both directions: a pull of legal and religious norms and of the whole pattern of the politico-social

* The youngest child, the *pek*, also has a special position in the family, an indication of which in a male child is in some tribes the cutting of an extra line on his forehead at initiation, as in the case of an eldest male child. I am not certain, however, how socially significant is his position.

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56 individual as he passes from infancy to old-age. Thus each person passes successively into one grade after another, and, if he live long enough, through the whole series—infant, boy, youth, young married man, elder, or whatever it may be..... In East Africa, where the age-organisation is highly elaborated, each age-set normally passes from one grade to another as a whole."[1]

[121] In this paper we are dealing mainly with the change of status brought about by initiation from Boyhood to Manhood. Initiation involves, however, not only a change from one social grade to another but also entrance into a set in which the individual remains for the rest of his life. The members of each set have a common name, like status, and like patterns of behaviour towards one another and towards members of senior and junior age-sets.

•881 Among the Nilotes of the Sudan the age-set system appears to be most important among the Nuer on account of both the severity of its initiation and the social significance of the privileges associated with it. Among the Shilluk age-sets do not seem to occupy an important place in social organisation and the institution has an appearance of decay. The Seligmans record that at the time of their visit "it was of little importance and was probably dying out."[2] Among the Dinka it gives the impression of being of more importance than among the Shilluk and of less importance than among the Nuer, and the same may be said of the age-sets of the Nilo-Hamitic Bari discovered by Mr. Whitehead.[3]

[791] The chief officer in respect to initiation into age-sets is the *wud ok* and this is in keeping with the fact that initiation largely concerns a boy's contact with the cattle. Before initiation he milks the cows and looks after the small calves and sheep and goats. After initiation he is strictly 784 prohibited from milking the cows and he acts as herdsman to the adult cattle. During the period of initiation it is taboo for him to have any 881 contact with the cattle and his first action on its conclusion is to re-establish this contact. After initiation also he receives a bullock or two from his father, and becomes legitimate owner of a bullock name and is permitted to dance and sing behind the bullocks.

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[1] A. R. Radcliffe-Brown. *Man*. 13. 1929.

[2] C. G. and B. Z. Seligman. "The Pagan Tribes of the Southern Sudan," pp. 72-3.

[3] *Id*. pp. 170-2 and 263-4. Cf. the lengthy account of age-sets among the Nilotic Lango of Uganda by J. H. Driberg.

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From the point of view of initiation Nuer life is divided into two periods, the initiatory period and the period when no initiation may take place. These alternating periods are known as that when the knife is brought out, *ngom kam rar*, at the commencement of the period of initiation, and that when the knife is hung up, *ba ngom ngaf*, at the conclusion of the period. At the commencement of an initiation period the cattle-expert kills a bullock, a big dance is held, and he makes a speech opening a new period of initiation. It seems that in each tribe there is one cattle expert whose authority is recognised in matters concerning the age-set cycle. 881

In Gaajak country there was a serious dispute between two cattle-experts about commencing a new age-set. The privilege of giving orders for initiation had previously been in the hands of the lineage of Ngweny Riek. Owing to the fact that there was no son old enough to perform the duty it was carried out by the lineage of Jop Gai. Afterwards these two lineages appear to have taken over the duty in turn ; the lineage of Riek gave orders for the *Thut* age-set to be initiated, the lineage of Gai gave orders for the *Boiloc* age-set to be initiated and so on. When it came to the *Rialmac* age-set it was Ngweny's turn to order initiation to commence but Jop refused to allow him to officiate. In revenge Ngweny made indentations into the ceremonial knife to render it useless and uttered a curse, saying that if the knife was his right then pus would come out of the ears of Jop, whereas if the knife belonged to Jop then pus would come out of his own ears. Another informant said that the dispute was occasioned by the question whether the knife should be brought out or hung up, *i.e.*, whether the period of initiation should be opened or closed and that Ngweny said," Let the knife now be hung up and not be taken down again till one of us has died. When one of us has died let the other order initiation to commence." Jop died and his rival initiated the *Rialmac* age-set. This same informant said that the knife will in future remain in the hands of the lineage of Ngweny since, as a result of Jop's death from the curse, his lineage would not again shoulder the responsibility. 881 578 791

It is the cattle-expert who gives a name to each age-set, *e.g.*, *Dangunga*, *Maker*, *Lithgac*, etc., at the end of a period of initiation and no one may then be initiated until he has opened a new period. It is believed that if a boy were to be initiated after the cattle-expert had given orders for 881

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•881 the period to be closed his head would swell and he would die. It is possible however, if a boy is much older than the age at which Nuer generally have incisions made on their foreheads and if his family greatly desire him to be initiated, for the ceremony to take place in a neighbouring tribe where the period of initiation is still open, since not every tribe has its open and closed periods at the same time and there is often overlapping in this respect between different tribes. Thus I was told that Lou boys who insisted upon being cut at a time when the Lou were in a closed period might cross over into the adjoining Ngok Dinka country and be initiated there if it were still in an open period.

881 791 When the *wut ok* wishes to close an initiation period he takes a bullock and rubs ashes on its back and makes a speech formally closing the age-set and starting a closed period in which no boys in the tribe may be initiated. The tip of his ceremonial knife is then placed in the fire and afterwards stowed away in a pot. The bullock, after its legs have been cut off, is divided longitudinally into halves. I believe that one half is taken by members of the set which has just been closed and the other half by the set immediately senior to them. They then eat the flesh together. However, I am not sure about this point.

Though I have spoken throughout of the *wut ok* or cattle-expert as the authority who decides upon opening and closing age-sets we are not all agreed upon this point. My own information is derived from two or three informants but it is supported by statements of Stigand and Crazzolara.[1] Jackson, on the other hand, says that as a rule the oldest surviving member of the senior existing age-set gives the order for the ceremony to be held and that it is he who initiates the first boy who should be his own son or a near relative. He adds that this man must be a leopard-skin chief and that after he has initiated the first boy the cattle-experts in each division of the Nuer are responsible for sectional arrangements.[2] Mr. Coriat also writes: "The classes are not regulated by a cattle-expert; the *wud ok* or Man of the Cattle is responsible only for the initiation ceremony itself. Age classes are now regulated and named by certain 'kwar mon,' Land Chiefs, with traditional powers."[3]

[1] Major C. H. Stigand, "Warrior Classes of the Nuers," *Sudan Notes and Records*, Vol. I, 1918, p. 116. Pater Crazzolara, "Die Gar Zeremonie bei den Nuer," *Africa*, Vol. V, 1932, p. 28.

[2] *Op. cit*, p. 145.

[3] Privately circulated memorandum.

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Boys are usually initiated between the ages of 14 and 16 but sometimes they are younger than 14 and sometimes they are older than 16. Sometimes a boy will just miss being initiated during an initiation period and he will then have to wait till the next age-set opens, by which time he may be somewhat older than is usual at initiation. On the other hand in order to avoid this happening a boy will sometimes be initiated at an unduly young age. Consequently one often sees tall youths without the marks of manhood on their foreheads and at the same time quite small boys with these marks. Another factor determining the age at which a boy will be initiated is the wealth of his family since they are not always able to supply their son and his comrades with corn and milk during their convalescence. If a family is as poor as this their son will either have to wait till the following year when his family will be better off or he will rely on the generosity of his relatives. His relations will generally assist him in the circumstances and it is frequently his maternal uncle who undertakes the expenses of initiation on behalf of his sister's son. Also a boy will not hesitate to appeal to his father's brothers for support and they would certainly not refuse him their assistance. Nothing is more humiliating for a boy than to see his playmates "become men" while he remains a "boy" compelled to work side by side with the womenfolk of his household and cattle-camp.

When his father has agreed to his initiation the boy goes to a member of his father's age-set and this man will pluck out a tuft of the boy's hair from the centre of his head (*nhiam där*) and will spit on it and afterwards rub the boy's face and head with it (*be yinys poinde*). It appears that it is necessary for the father's age-set to give their blessing to his son through their representative. Also the boy's own father will rub his son's head with ashes, and both of these men will address the boy saying: "May there not be the slightest difficulty in the initiation."

Several boys are usually initiated at the same time, being either members or relatives of the same village. It is thought a bad thing for a boy to be initiated by himself as he will be lonely and will ail if he is cut off from his playmates and fellow-members of his age-set. He will pine for them (*be riele tim*). In the part of Nuer country which I know arrangements are made for about four to a dozen boys to come together and be initiated at the same time and to spend their convalescence together. It does not matter when they are initiated so long as it is during an open

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•881 period (which lasts several years) and at the right time of the year. The right time is in the *jiom* (our winter) when there is plenty of food after the harvest and the north wind, which cicatrizes the wounds, is blowing. But a boy may be initiated also in what corresponds to our springtime. I have no knowledge of initiation being restricted to a few days during which hundreds of boys are initiated, as Jackson gives one to suppose: "Some two hundred boys can be initiated in a day, each boy having the operation begun and completed on the same day. The doctors move from village to village where the boys are collected."[1]

304 881 The boy himself makes arrangements with the operator to cut his marks of manhood. There are a large number of these operators and there seems no reason why anyone should not practise if he has the necessary skill. The boy takes a fishing spear to the operator and presents it to him. With this is dug the hole into which the blood will flow and it afterwards becomes the property of the operator.

The operation takes place in the early morning before the sun is high, and the head is prepared on the previous day. It is closely shaved at midday since it is not considered well to shave the head in the morning. Just before the cutting the forehead is well washed with water and is rubbed with pancreas (*kōl*) (*ba nhiamde cuth ha kōl*) and finally with dust (*tup*). A hole (*koahriem*) is dug to receive the blood and in this the head rests on a grass circle (*thac*). After the operation is completed this hole is filled in with earth as it is thought a bad thing for the blood to remain exposed lest a dog or other animal might eat it. The cutting takes place in front of a hut or byre, and I was told that it would be highly improper for it to take place outside the homestead, for the boys' blood should be spilt in the homestead itself. Mothers and fathers and relatives and friends, even girl friends, watch the boys undergoing their ordeal. Tradition lays it down that a boy must show no signs of fear before or during the operation but often the ordeal is so terrible that their nerves give way. It is said that some boys will defæcate with fear and pain, and some have been known to struggle and even to run away, though when this happens they are held down with force and their relatives are occasioned great shame. It is common for boys to faint during the operation and then their heads are slightly raised and milk is poured down their throats to revive them. Nevertheless as a rule boys display admirable

[1] *Op cit*, p. 145.

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courage and betray neither fear nor pain, fortitude assisted by the presence of relatives whom they do not wish to disgrace and girls whose favours they hope to win. 881 304

The first cut is the most painful, probably because it severs the supra-orbital nerves. It is known as the *uoc dohl* (the wiping out of boyhood) and runs just above the eyebrows right across the temples. The second cut is made just above the first and is called *guec man duiel* because before initiation if a boy were hungry he would go to the entrance of his mother's hut and ask for food, whereas after initiation, when he has become a man, he will not plead for food but will sit quietly and bear the pangs of hunger. Altogether six cuts are made from the centre of the forehead to level with the right ear and the operator then completes them by commencing from the incisions at the centre of the forehead and cutting to level with the left ear. There are thus six parallel cuts running right across the temple from ear to ear.

The best description of the operation is given by Miss Huffman who has witnessed it and whose account I give here rather than my own which is based on oral accounts. "A hole from four to six inches in diameter and about six or eight inches deep is dug for each boy. The earth which is taken out of the hole is pulverized and spread around the hole in order that it may absorb the blood. Women and girls attired in their dance skirts rush in, singing and dancing. One boy is called. He comes out, stark naked, not even wearing a bead. He lies down on his back with his head in the hole. He folds his arms over his chest and then he is ready. The man, kneeling beside him, begins to cut. He starts at the centre of the forehead and extends the cut to or even past the ear. The first cut is made just above the eyes, then the remaining cuts are made parallel to it until they are six in number. Then the man goes over to the left side and, kneeling there, repeats the same process. Then he returns to the right side and makes sure that all the cuts are deep and continuous at the centre of the forehead and that they are six in number..... As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife on the bone. The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position....."[1] [114]

[1] Ray Huffman, "Nuer Customs and Folk-lore," 1931, pp. 30–31.

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As soon as the cutting is finished the boys go and sit in front of the hut before which the operation has taken place. If they are able to do so they walk unaided with their heads held back from the shoulder. Otherwise they are assisted. Seated with their backs to the hut and with their heads held back they wave away flies from their lacerated foreheads. Meanwhile their mothers and the other women present utter ceremonial cries of joy as they dance in front of them (*be yi wa buk*).

The lines cut are six in number but occasionally one meets men with seven cuts. Father Crazzolara says that this is due to the fact that the operator "in his artistic elation, forgets to count, and adds one or two lines beyond the number demanded by the fashion that prevails at the time."[1] This does not seem to me a very likely explanation. In Lou country I was invariable told that when two brothers were initiated at the same time the youngest received seven cuts, a statement borne out by the several cases I was able to investigate. A youth from Lek country on the Bahr-el-Ghazal who had seven cuts on his forehead told me that it was the custom in his tribe for the eldest son in a family to receive an extra cut but I was unable to check his statement from other informants. Miss Huffman writes that sometimes the operator "happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six."[2]

I do not think that there is any need to emphasise the severity of the ordeal, which may readily be understood from Father Crazzolara's statement that the cuts are distinctly visible on the skulls of dead Nuer. It is surprising therefore that it does not often result in death. Yet I have never heard of a boy dying during or after the operation though I made enquiries on the point, and the staff of the American Mission at Nasser told me that in their long experience of the country they had never heard of a fatal operation. Father Crazzolara on the other hand states that death is not infrequent.[3]

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On the day on which a boy is initiated from four to ten pots of beer

[1] *Op cit*, p. 32. "Es soll vorkommen, dass der Garmeister manchmal in Eifer für seine Kunst, das Zählen vergisst, und eine oder zwei Linien mehr anträgt als das Gesetz verlangt. Deswegen wird vielfach ein Beamtner aufgestellt, der darauf zu sehen hat, dass der Patient nicht mehr als sechs gepeitscht werde."

[2] *Op cit*, p. 32.

[3] "Die ersten 24 bis 28 Stunden sind die ernstesten, wegen der Gefahr des Verblutens. Es ist keine Seltenheit, dass ein alter Mann, der nachts oder in aller Frühe nachhause kommt, einem der Knaben unbeweglich, ja in der Todesstunde antrifft." *Id.*, p. 32.

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are brewed and a bullock or sheep is killed. It seems that they do not always kill an animal but they must do so when it is an eldest son who is being initiated or a boy whose eldest brother has died. Members of the father's age-set eat the meat at night and they alone. During the night they sing songs amid the cattle. On the following day, in the afternoon, they drink beer and leap about behind the bullocks and there is a lot of horseplay. The womenfolk seize the penises of members of their husbands' age-set, the father of an initiated boy especially being subject to this treatment. They tie cord to the penises of the men and pull them while the men retaliate by tugging at the skin aprons of the wives of their age-mates. A man of the age-set of the father of an initiate will lift up the apron of his wife (the boy's mother) and will utter a ceremonial cry into her vagina. This man is generally the woman's *cocanda*, that is to say a paternal cousin of her husband. Only members of the father's age-set and their wives will partake in this horseplay in the homestead of the father of the initiate. Thus if the boy is the son of a *maker* all members of the *maker* age-set will take part in the festivities, together with their wives, while members of the other age-sets, *e.g.*, the *Dengwaga*, will have their own fun in a neighbouring homestead with their wives. Younger people will not go near these festivities of their elders because they might see the genitals of their mothers and aunts. All those who have married daughters of the men who are sporting themselves will also give the festivities a wide berth lest they should see the nakedness of their mothers-in-law. This dance is called *bul ruathei* or *bul ruak dhoi*. They say that they make this horseplay because they are glad that their child has become a man.

After the cutting, which is called *gar*, the boys are shut up in a hut. This is not built for the purpose but is temporarily vacated by the women of the family in whose homestead the operation has taken place.

Between the cutting and the ceremonial exit from the period of convalescence the boys are known as *ok*. The boys suffer excruciating pain during the first two days or so after the operation and nothing can be done to relieve their agony. These first few days are recognised as being a time of great danger for the boys since the wounds may break open again and great loss of blood ensue. Youths and girls are prohibited from visiting the boys during this period since they are likely to be sexually unclean. Especially are pregnant women kept away from the vicinity

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and only those women who are nursing babies or who have reached the menopause are allowed near their hut. One or two men, often a youth who was initiated the year before, and who abstain from sexual relations for the time, will keep guard over the boys to prevent their heads from falling sideways, so that the grass circle which they use as a pillow sticks to their temples and in the effort to get it loose the wounds are re-opened. They must sleep on their backs with the backs of their heads on the grass pillows. An old woman may also sleep in the hut and assist in looking after the boys. Should the wounds break open and bleeding be renewed the place is cauterised with a *rip* which has been heated in the fire.

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Until they are taken to the river and cleansed at the end of their seclusion the boys must strictly avoid any contact with the cattle. This is a ritual prohibition, a *bêt*, which involves a curse if it is infringed. Not only are they prohibited from going among the cattle but they must even avoid treading on cattle dung. It is said that if a cow approaches them the boys must immediately run away into the shelter of their hut. It is believed that a breach of this prohibition would prevent the formation of regular scars (*piar*) on the forehead so that all the marks of initiation, the pride of manhood, would be obliterated with the exception of the *wur dokl*, the cut just above the eyebrows. In this connection Miss Huffman records of an initiate that, " When one asks him if his wounds are healed he will always say ' not yet,' but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed although the boy will not say so for fear someone with the evil eye should hear of it."[1]

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During their convalescence the boys are given food in liberal quantities and are probably better fed than at any other time in their lives. Considering that the Nuer is always hungry and frequently starving this abundance of food makes an impression that it is hard for us to appreciate fully. When speaking of their experiences at this period one finds that the festal nature of their convalescence is frequently stressed. They say that if any youth who has not been freshly initiated looks longingly at their food the initiates will belabour him while if it were an older man they would not strike him but neither would they invite him to partake of the meal. The boys share and share alike, as befits comrades, in any food

[1] *Op. cit.*, p. 32.

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that is brought to them. One mother will cook for them in the morning and another in the afternoon and they will take it in turns to provide their sons with food, but what each brings is shared by all and not eaten by her son alone. The mothers themselves bring the food to the hut in which the boys are confined unless they have *ther*, are ritually unclean. If one mother has much milk from the cows of her homestead she will bring it to the boys, while if another cannot procure milk she will make up for her poverty in this respect by supplying plenty of corn for their meals. During the period of their seclusion the boys are restricted to soft food that can be easily swallowed, such as milk and flour paste, but a soft corn mash and even soft and finely chopped meat (*mig ma hockoc*) is allowed them in Lou and Jekany countries. These eatables do not require mastication, a muscular exertion that might cause the veins to break again. Father Crazzolara writes of the West Bank Nuer that the boys are confined for two months and that for the first fortnight no food other than milk and milk mixed with flour is allowed to them.[1] I do not think that this is the case among the Lou and Jekany tribes where the boys eat porridge and soft meat at the commencement of their seclusion and where the period of confinement to their hut does not last for more than a week to a fortnight. During this time they may not wash their faces. After about a week they are allowed to sit up but must remain quietly in a single sitting position. After a few more days they are considered to be healed even though their wounds have not yet closed. Not all the boys heal at the same time: some are healed at the end of a fortnight while others only after a couple of months. When they are allowed to come out of their hut they sit by the door in the evenings and anoint their foreheads with oil and sleep with them oiled. They wake before dawn and wash their foreheads with warm water and then one of the men who is looking after them cleans out clotted blood from the cuts. They then sit and shiver in front of their hut while the cold north wind blows into the wounds and causes them to cicatrise.

Apparently it is between the time when they are well enough to leave the hut and the day on which they are ritually cleansed by bathing in a river that they are considered to enter into a period of mildly prescribed licence. They still avoid contact with the cattle and spend their time wandering about in bands in neighbouring gardens and bush. In Lek country at this time they wear a special cord, called *kareth*, around their

[1] *Op. cit.* p. 32. "Mit der Milch wird allmählich etwas Mehl vermischt und zu einem flüssigen Brei gekocht; dieser Brei und Milch sind für ein paar Wochen ihre einzige Kost. Etwas Fleischbrühe und allenfalls ganz fein gehacktes Fleisch kann später dazu kommen."

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necks but this is not the custom in Lou country. On both sides of the Nile, however, they carry a special stick, called *rie*. In Lou country the boys wear a special necklace of *kaac* beads. During this period the boys are allowed to behave in a manner that would not be tolerated at ordinary times. If they meet uninitiated boys in the gardens they set upon them and flog them with their neck cords or sticks and tear their flesh with thorns. An uninitiated boy, Tot, showed me scars on his body which had resulted from this treatment. They also beat girls whom they meet but generally they give them the choice of being beaten or submitting to sexual intercourse (*mahwi ngath bie mahwi dwar*). A party of boys will meet a single girl or several girls together and compel them to submit to intercourse. I was told also that if they meet a dog they may kill it. They are not answerable for any of these irregularities for they are now in a special state in which they are known as *cîtei* and it is the privilege of *cîtei* to act in these ways. Nevertheless they do not molest initiated men but only boys who do not bear the marks of manhood, and girls.

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One morning, early, an old woman goes into their hut (*dwil cîtei*) and beats the boys out of it with a bunch of green grass. Occasionally this takes place in the evening. They run out of the hut into the gardens where a crowd of people, consisting mainly of women, pelt them with cattle dung (*buk ke wär*). They run down to a neighbouring stream to wash themselves and on their return to the homestead may beat the cattle with wild rice (*poon*). They then go and rub themselves in their beloved ashes and sprawl in contentment around the dung fires. They spend the rest of the day leaping behind the bullocks given them by their fathers and maternal uncles.

I am not certain that I have recorded these events in their correct order and it is possible that the cleansing ceremony takes place earlier than I believe. There is also later a *cuarbedling* ceremony at which a big dance takes place (*ke ruath twot*) and there is general merriment and much duelling. The people who take part in these festivities are members of the age-sets of the fathers of the boys, and their wives, for the boys themselves tour the neighbourhood to ask for presents of giraffe hair and beads and other ornaments from their relatives. At the conclusion of this ceremony a boy's maternal uncle may demand from his father a cow (*yang gäel*, the cow of initiation) on the grounds that his sister's son has now reached manhood. Before the cutting takes place a maternal uncle rubs his sister's son with ashes (*ghak*) and makes an address over him (*law*) so that he will pass through the ordeal without difficulty.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

According to Jackson, after the wounds have completely healed the boys go into camp. He says that a group of about a hundred boys is formed and that a bull is provided for each of them. They settle in a spot about an hour's distance from the village and gorge themselves with meat. A young boy or an old woman cooks for them but they may not be visited by girls. During this time they indulge in feats of endurance and when they have eaten all the bullocks they return to their villages.[1] This account by Jackson is not entirely in accord with my own information which does not lead me to consider these camps as part of the institution of age-sets (*rit*) but as only incidentally associated with it. According to my information the newly initiated boys do not always collect in camps after their wounds have healed but only in some years, about every second year, and then it is not only the new initiates who form a camp but also members of their age-set who have been initiated in previous years and even members of senior age-sets. I was told that even a married man would attend and that a man would attend until his son was old enough to replace him. I think that these camps (called *udh* or *Aewar*) are a custom separate from the age-set system, though related to it by the fact that its members are mostly recruited from the unmarried youths of the village and are hence mainly of the same age-set. These camps are also held, moreover, during the closed periods when "the knife is hung up" and no further initiation is allowed to take place. They are held when the first harvest, the *kal ear*, is ripe. Any youth who possesses a bullock, other than his favourite beast (*dil shakde*), will take it to the *kal*, as these camps are also called, in general with all camps which are without cows and the ordinary activities of pastoral life. A youth will ask his father to give him a bullock so that he may join his comrades on their foray, and if his father has no beast to spare and his son is insistent in his request he will arrange for him to share a bullock with a friend and will later pay the owner a male calf for the half which is lent to his son. The young men spend a month, or even two months, in the camp, living mainly on meat, for a bullock is killed every three days or so. Nevertheless they also eat a quantity of porridge, since women in the neighbourhood of the camp, which is generally five to ten miles from the homes of the youths, will make porridge and will bring it to the camp to exchange for meat. The skin of slaughtered bullocks and some parts of the meat are taken back to the village for the older men. Apart from eating meat and indulging in the pursuits incidental to this season of the year, especially

[1] *Op. cit.* p. 146-147.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

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hunting, the camp does not seem to have any expressed purpose or activity. Certainly I never heard that there was any organised educational training. The young men return to their homesteads in time to eat the *mak*, a mash made by beating out the ear and grinding corn not yet fully ripe and still soft.

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What I have recorded above is all I know about the ceremonies of cutting the tribal marks and the periods of seclusion and licence associated with the *gar*. So far nothing has been said about the organisation of the *ric*, the age-sets, and I will now turn to this point. According to Jackson "the initiation ceremony should in theory be held about once every 15 years, and this may have been the rule when the tribe was less numerous than it is at the present moment. Nowadays the boys are initiated when there are sufficient of them to make it worth while."[1] It seems to me that this estimate of 15 years is too large since it would mean that many youths would be from 20 to 25 years old at their initiation, which would be contrary to the purpose of the rite. I was told by a good authority in Lou country (Tutrial) that there is always a four years' interval between the closing of one age-set and the commencement of the next one. This information accords with Father Crazzolara's statement that "as a rule the *Gar* takes place once every four years" but he adds that the cattle chief may deviate from this rule for public or even private reasons[2]. He reckons that we may allow about seven years for each *ric* when reckoning a man's age: thus members of the *Piloal* age-set are from 15 to 22 years of age, members of the *Reol* age-set from 22 to 29, members of the *Tankuar* age-set from 29 to 36, and so on. If we can say with fair certainty that there is a four years' interval between each period of initiation we must therefore conclude on this reckoning that each period of initiation lasts about three years. But I am not convinced that we can make so sure a deduction, nor that there is complete regularity in the periods of time during which initiation takes place. Father Crazzolara himself says that the period of initiation may last only a year or up to four years according to the district.[3] On the other hand, at any rate in Lou country, this period may last for several years and youths have been initiated into the *Akkpar* age-set continuously for at least eight years. Judging from this

[1] *Op. cit.* p. 149.

[2] "Im allgemeinen wird das *Gar* alle vier Jahre vorgenommen. Der Landesvorsteher kann aus besonderen Gründen hierin eine Änderung eintreten lassen. So wurde 1908-9 von einem Landesvorsteher bei der Errichtung der *Gar*-mit mitgeteilt, es einige Jahre bei dem Entschlusse, ob mit Sohn dieses gegart werden soll oder ob nicht doch besser daß erwägen, dann das nächste *Gar* erst nachfolgenden werde, wenn aber (das Sprechen) auch sehr jungen Sohn auch gegart werden könne, vorzit ent nach 3 oder 5 Jahren." *Op. cit.*, pp. 18-9.

[3] *Op. cit.* p. 19. "Die *Gar*periode kann ein Jahr oder auch bis vier Jahren, je nach dem Bezirk dauern Bezirken."

9:Evans-Pritchard E-5 (1931, 1936)1936 F J22 Nuer F J22

fact and reckoning from the appearance of age which members of the various age-sets present, I think that it would be wiser to allow a ten years' interval between each age-set and at the same time remember that this is likely to be fictitious, since the periods during which boys are being initiated are not regular, though the time interval between the cessation of one period of initiation and the commencement of the next are probably the same. Thus I should reckon that the youngest age-set, the *Lilkgar*, in Lou country commenced about 1923 and that the oldest age-set, members of which are still alive (the *Thaf*), commenced about 1873. This would make these few survivors about 70–75 years of age to-day. Miss Huffman gives a lower estimate which makes these members of the *Thaf* age-set between 60 and 70 years of age, an estimate nearer to that of Father Crazzolara than to mine.[1] However, any calculation must be only roughly approximate since it is not possible to count in the exact manner which the regular cycles of other peoples allow. I am not certain that among the Jekany tribes there are any breaks in initiation, and I am under the impression that initiation goes on every year and that the sets are divided by a declaration of the *wut ok* that all the youths initiated up to a certain time belong to the one set, and all initiated after the time to another set. Thus I was told that in Gaajak country the *Lilkgar* were cut off from the *Rialnac*, but that since the *wut ok* had not come in person to cut them into two sets, in Gaajak country they still remained members of the same set.

The following are the complete lists of age-sets given by various authorities (the oldest age-sets are given first) :—

Jekany (Jackson) (?)	Jekany (Huffman)	Gaajok (Jackson)
Tut	*Yilhith*	*Riagh*
Bul Lotuk	*Lajok*	*Juok*
Bunabul	*Cuatnuar*	*Shat Bor*
Wang Dak	*Nyaplang*	*Gar Lotuk*
Kalith	*Thaf* (60–70)	*Yamatuk*
Wyanni	*Bunbar* (55–60)	*Yil Bilk*
Karam	*Mabar* (50–)	*Nyam Finy*
Shaal Nyalliyat	*Dengmabe* (40–)	*Shaat Shaar*
Fil Nuwak	*Cambar* (27–35)	*Lajak*[2]
	Lilkgaar Gadit (23–27)	*Tut*
	Lilkgaar Gatat (20–23)	*Bul Lotuk*
	Cal Yatai (1905)	*Mabar*
	Liarai (1907)	*Dang Gungu*
		Shar Bul
		Lil Galak (1923)

[1] Op. cit. p. 33.
[2] Jackson says that this list is incomplete and that the Lou have the same age-sets.
[3] Said to be only one man still living at the time when Jackson wrote.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

561 in the lists above. Thus one speaks of the *Piluali*, the *Karamni*, the *Ruobni*, the *Lithgacni*, the *Thutni*, the *Rialmacni*, the *Makeri*, the *Nyamnyamni*, etc.

XI.

•881 In seeking to understand the social action of the Nuer age-set system
867 I think that we should first of all abandon the idea that there is any purposive education in initiation. Neither in connection with the cutting nor during any subsequent stage does the initiation of the boys include educational or moral training. It is true that a father may admonish his son at this time to be brave in war, to avoid the wives of other men, to be generous, and never to display greed, but such advice is of the general kind which may be given unsystematically at any time during boyhood. I could find no evidence that there is any kind of teaching of the boys during initiation, either of technique or of traditions. Nor was I told upon repeated enquiry that there was any moral instruction.

561 I cannot agree with Stigand's description of the Nuer age-sets in
114 this respect and I think that he was largely reading into them the purpose and methods of the Masai system with which he was familiar. He wrote of initiated youths: "When finished they are trained by the old class; the training includes mock battles, fighting with sticks and pelting one another with balls of dried clay—to learn quickness in avoiding spear thrusts. After two years the training is complete, the old class then retire and gradually get married whilst the new class having finished their training go back to live in their villages." He says: "The newly-made warrior may not marry until relieved by the next class."[1] I found nothing which could confirm this account of two-years' training and the prohibition of marriage on the older class during the training of the set which was to replace it, and there is nothing in Jackson's account and little in the recent paper by Father Crazzolara which bears it out.

561 I think, moreover, that the Nuer age-sets are only incidentally a
701 military system at all, though Stigand and, less dogmatically, Jackson give them this character. It is perfectly true that in warfare the junior age-sets play the chief part, but this is simply due to the fact that they are old enough, and yet not too old, to fight. Boys do not take part in

[1] *Op. cit.* p. 117.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

warfare because they would certainly be killed if they did and the same applies to old men. Nevertheless a good number of the older men who are more active than fellow-members of their age-set will accompany expeditions. Moreover, war is organised by tribal sections based on locality and communal sentiment and not by the age-set system. The whole of a district or a tribe is summoned to take part in a feud or in a raid on the Dinka, and anyone will accompany the expedition who wishes to do so. They do not call up certain age-sets and leave others at home. During the actual fighting, while it is natural that people of roughly the same age will fight side by side, there is nothing compulsive about this arrangement and men of all ages fight together as a section. Thus when two sections unite for warfare we shall find the men of each section fighting with their section and not with their age-set. In the same way a man is not expected to fight only warriors of his own age-set but will engage with whomsoever he finds opposite to him. Hence we may say that the Nuer age-sets are not regiments, and indeed have no specific military functions, but that since age and the ability to bear arms are necessarily related it happens that active warriors are recruited from certain age-sets. On the other hand the social and economic relations of the age-set system are outstanding and it is in them rather than in its ritual that we must look for its significance. 561 701

In its economic relations Nuer social life comprises three groups of persons—the women, the men, and the boys. The productive labour of women differs in many respects from that of men but the most prominent distinction between their activities is in milking the cattle. A man may not milk the cows. This is not simply a customary division of labour, as in cooking for example, but is a ritual prohibition or taboo. Were a man to milk a cow all sorts of misfortunes would follow, in particular the death of the cow. The restriction of milking to women has far-reaching effects on their position in Nuer society. But in this respect boys are classed with the women, for they are allowed to milk the cows until they have been initiated into manhood. Consequently initiation means that a boy ceases to milk ; he severs his association with women's work ; he becomes a man in the sense that he joins the men's group as distinct from the women's group in social life. 462 [784] 881

If cessation from milking is the most outstanding change in a boy's occupations after initiation it is by no means the only one, for his whole 858 561

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THE CHILDREN

857 The little children of the village spend their day in play, eating, and sleeping. The babies are often cared for by the grandmothers. The older children are called on to carry water or to help in some way. The older girl helps her mother in the routine duties of the day.

The little boy in the home plays games. He may have a cane-stalk and string for a fishing-rod and line, and sometimes a bent pin for a hook. When he is about eight years old he begins to herd the sheep each day. He often makes men and cattle out of mud and plays with them.

881 When he is old enough to have the tribal marks cut, his status is at once changed from that of boy to man. His privileges are also increased. He is now interested in securing cattle and sheep of his own.

857 538 524 The children love their folk-lore tales and the many animal stories that are told them by their elders. They believe these implicitly and fear the dreadful ogre that is usually the central figure of the story. They also amuse themselves by guessing riddles, of which they have a large number.

857 But while they are learning many things that are interesting and useful, they are learning many things they do not need to know. They learn to curse. They learn indecency in regard to sexual matters. Indeed, the child mind is full of many things that pollute both thoughts and actions. The lack of privacy in the village and family life account for much of this pollution of mind and action which infests the child. And there is no decidedly corrective method used by the elders of the village. Life was always so, it always will be so, they think.

THE NUER GIRL IN HER HOME LIFE

The life of a girl in the Nuer home is a foretaste of the life of the mother. The bulk of the work which can be done

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Chapter Four

CUTTING THE TRIBAL MARKS

DETAILS OF THE RITE

BY far the most important event in the life of a Nuer boy comes when he has about reached the age of puberty. His people decide that he must have the tribal marks (Fig. 8) cut when the cold winds blow. He knows that now, at least for a short time, he will be the centre of attraction in his village. The younger boys follow after him; he enjoys their admiration and envy. 881 ●

He has his hair shaved off, not a spear of hair must be left. He removes all his clothing, if he has any, and beads. Ornaments of all kinds, every one of them, must be discarded.

Some men are known to be expert at cutting the tribal marks and they are much in demand as the season of cold winds approaches, for each year there are usually boys in each locality who must have the tribal marks cut and the services of some one who is an adept at the work is required. 881 304

Usually this rite is executed upon several boys at the same time and place, so that they may find companionship in the company of each other while they recuperate from this dreadful ordeal. For ordeal it is, no matter how much they try to bolster up their courage.

The boys are allotted a house in which to sleep the night before this rite takes place. Sometimes they secure the kind of pillow which is used by Nuer women, a ring of cane-leaves having a hole in the centre. They practice sleeping on it, for they must use that kind of a pillow until their wounds heal. [513]

The night passes, but little sleeping is done. Before daybreak the people are stirring, for the man who will

14: Huffman M-5 (no date) 1931
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881 cut the tribal marks comes at or before sunrise in order
364 that the ordeal may be over and the boys safely back in the house before the heat of the day begins.

The boys remain in the house, awaiting their call, so that no one with the evil eye may see them.

The girl friends of the boys are also *en route* before sunrise, so that they may see how bravely the boys act when suffering so intensely. The women of the village don their long grass dancing skirts.

A hole from four to six inches in diameter and about six or eight inches deep is dug for each boy. The earth which is taken out of the hole is pulverized and spread around the hole in order that it may absorb the blood. Women and girls attired in their dance skirts rush in, singing and dancing.

One boy is called. He comes out, stark naked, not even wearing a bead. He lies down on his back with his head in the hole. He folds his arms over his chest and then he is ready.

The man, kneeling beside him, begins to cut. He starts at the centre of the forehead and extends the cut to or even *past the ear. The first cut is made just above the eyes,* then the remaining cuts are made parallel to it until they are six in number. Then the man goes over to the left side and, kneeling there, repeats the same process. Then he returns to the right side and makes sure that all of the cuts are deep and continuous at the centre of the forehead, and that they are six in number.

The boy usually lies absolutely still, for a show of fear on his part would bring ridicule from the girls and women that would be hard to bear, and if he moves it will mean that the cut will not be straight and he will always have to wear a scar that will proclaim to any Nuer that he flinched while the tribal marks were being cut.

14: Huffman M-5 (no date) 1931
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As one is finished another boy is called until all lie there, still and bleeding. Usually everything is very quiet when the actual cutting is going on, the only sound heard being the grating of the knife upon the bone. 881 304

The boy lies there until the bleeding has stopped, then he is helped into the house. He crawls into the house on his hands and feet, but with his back next to the ground and tries to hold his head and body in a horizontal position. The man who cuts these tribal marks is supposed to stay for a while if he can, in case there should be haemorrhage.

If there should be haemorrhage, pressure and the application of cow-manure ash is tried to relieve it. Also fear is expressed that some one with the evil eye must have seen the boy or else there would have been no haemorrhage. [752] [754]

Soon after the tribal marks are cut a sheep is sacrificed in order to insure safe healing of the cuts. A little later a mock fight is staged between the men and the women of the village in which the women are allowed to use clubs, but the men must defend themselves bare-handed.

The boy is carefully guarded against the evil eye. He wears a piece of sheepskin over his head, this piece of sheepskin usually being one part, the back section, of a married woman's garb which has been given for this purpose. No one is supposed to view the cuts until they are healed, but the boy usually gives some trusted friend an opportunity to see them.

After some days the cuts are washed, but not immediately, for the clotted blood is left undisturbed for some time.

The boy usually carries a large cluster of feathers as a fan in order to keep the flies away from his head.

He is the centre of attraction at his village now. All visitors to the village are met at a little distance and their

14: Huffman M-5 (no date) 1931
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881 names announced before they may come near, for the evil
304 eye must constantly be guarded against.

An animal skin is always spread on the ground for him to sit on. Food is specially prepared for him in order that he may speedily regain his strength and vigour again. He is treated as a most honoured guest in the village, and is the centre of concern.

Later on the boy is supposed to give some gift to the man who cut the tribal marks for him. Sometimes this man happens to be a very dear friend of the boy and may honour him by cutting seven cuts instead of the customary six.

The boy takes cane-stalks and peels them, cutting them into four-inch lengths. He makes a girdle or belt of them by fastening them together side by side. He may go visiting at night after his wounds are well on the way to recovery, and he always wears this belt. He also carries a long stick which has a piece of ambatch or other light wood at the end of it, and also a cluster of white feathers.

He is not allowed to go among the cattle until he is entirely well. When one asks him if his wounds are healed he will always say 'not yet', but one may find out if they are really healed by asking him if he has gone among the cattle. If not, the wounds are still sore, but if he has been with the cattle it means that the wounds are well healed, although the boy will not say so for fear some one with the evil eye should hear of it.

[143] No pregnant woman must come near the boy until his wounds are healed; a man whose wife is pregnant must also be avoided.

301 Nuers do not wear bead necklaces after the tribal marks are cut, although strands of beads may be worn around the waist or over each shoulder and under the opposite arm. Wooden beads may be worn for a few months, then they may wear the giraffe hair necklaces.

14: Huffman M-5 (no date) 1931
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● 881 This rite changes the status of the boy from that of boy to man. Now he may attend all dances, he may carry a spear—in fact, all the privileges of a man are his. He also may exercise authority over boys who have not as yet had the tribal marks cut, and his sisters must treat him more respectfully than in the past, for now he has a voice in the affairs that concern them. However, he must render due deference to those who have had their tribal marks cut before him.

NUER CLASS NAMES

881 557 561 All the boys who have had their tribal marks cut during a certain period (usually consisting of from three to eight or ten years) are given a certain class name. While no Nuer knows his age exactly, he will always tell you to which class he belongs. Those who know the sequence of classes may judge his age approximately.

Classes of Nuer with approximate age now (1929).

Liereni	Tribal marks cut in 1927 (but only one authority for this name. All others call this class of 1927 Cai Yatni or Wum Kelunka).
Cai Yatni	Marks cut in 1925.
Lithgaac intot	Age now 20–25 years.
Lithgaac indit	25–27 years.
Cárboc	27–35 years.
Dongonka	40– years.
Meker	50– years.
Bailoc	55–60 years.
Thut	60–70 years, but few living.
Nompiny	Probably none living now.
Custonor	
Lajok	
Yilbith	

15: Butt E-4 (No date) 1952 FJ22 Nuer FJ22

AGE-SET ORGANISATION

INITIATION

Formerly boys were initiated at the age of 16 to 18, each village making its arrangements independently. The ceremony usually takes place after the rains. The officer in charge of initiation into age sets is the wut *ghok* (the man of the cattle). He opens the period when initiation may take place, 'when the knife is brought out' *(ngoa kaa rar)* and closes it 'when the knife is hung up' *(be ngoa ngah)*. At the beginning of an initiation period the cattle expert kills a bullock, a big dance is held and he makes a speech opening a new period of initiation. In each tribe there is a cattle expert whose authority is acknowledged in matters concerning age-set organisation. 881

At the initiation ceremony 6 deep cuts are made across the forehead of the boy, extending from ear to ear. After the cutting *(gar)* the boys, who suffer great pain, are shut up in a hut for two days. There is a period of confinement (lasting one to two weeks) which is followed by one of mild licence. During the whole of this time the initiates must strictly avoid any contact with cattle. Finally, cleansing ceremonies are carried out and a concluding ceremony and dance. After this the youths are recognised as adults and enter into normal adult life and affairs, and into lifelong contact with the herds. [304]

AGE SETS

All boys initiated during a number of successive years belong to a single age set *(ric)*. Until recently there was a four years' interval between the end of one set and the beginning of the next, and this was the period when the man of the cattle hung up his knife and no more initiations were held. 881 561

The age sets are organised independently in each tribe, but it often happens that, when a new set has been started in one tribe, an adjacent tribe will follow suit.(1) A set usually lasts for ten years before being cut and there are generally members of six sets alive at any one time. The names of the sets are not uniform for the whole of Nuerland, and they are not repeated. Each age set has two or three subdivisions, each with a separate name. Subdivisions are made up of those initiated together in one year or possibly the combined initiates of two years. All the members of a set are known by the name of the first division. At initiation the individual enters the set in which he will remain for the rest of his life. The members of a set have a common name, equal status, and observe certain patterns of behaviour towards one another and towards members of senior and junior sets (see below p.148). 881 561 552

The sets are not specifically graded as boys, warriors, and elders, as in some forms of age-set organisation, nor have they any political, juridical or military functions. Their importance is of a social nature in that a person's position in the age-set structure determines his social behaviour. Milking and other women's work is forbidden to a youth after 561 881

(1) Evans-Pritchard, *The Nuer*, 1940, p.290.

561 initiation. He is a wut, a man, whereas before he was one of the *dholi*
●881 (boys). He is now treated by his elders as a man and he has close contacts with the cattle; he herds them, has his own ox and takes an ox name. He goes to dances and indulges in love-making and flirting as the preliminaries to marriage.

561 Certain ritual observances are practised between members of the same
764 age set, and between members of different sets: sets are segregated at
582 sacrificial feasts; members of a set cannot bury an age mate or participate in the mortuary ceremonies; a man may not marry or have sexual relations with the daughter of an age mate, for he is as a father to her; a man should not marry a daughter of one of his father's age mates unless his or her father is dead, because the strained relations between the two fathers-in-law would be incompatible with the free and easy relations of equality which should exist between age mates.

561 Members of a junior set are expected to show respect to members of senior sets. Since every Nuer has an age relationship to every other Nuer, the attitudes and types of behaviour between two men are determined in advance of meeting, unless there is any particularly strong and overruling tie of kinship.

561 Relations between sets are defined in ordinary kinship terms. Mem-
608 bers of a father's age set are fathers, their wives are mothers; members of one's own age set are brothers, their wives are sisters, and so forth. When speaking of a set immediately senior to his own, but not his father's, a man will call the men fathers-in-law and the women mothers-in-law, because he is usually courting the daughters of this age set in preparation for marriage.

MARRIAGE

582 Marriage is not permitted between *clansfolk, close cognates, close* kinsfolk by adoption, close affines or persons who stand to one another as father and daughter in the age-set system. If it is uncertain whether the genealogical distance between a couple is wide enough to permit marriage, a sacrifice (generally a beast) will be offered to cut the bonds of kinship if any exist.[1]

There are several types of marriage among the Nuer.

588 1. *Ghost Marriage.* If a man dies before he has married or if his wife does not bear him male children, one of his close kinsmen has the obligation of marrying a wife to his name, for it is held that no initiated male should be allowed to lie in his grave unremembered in his children. A vicarious marriage is contracted, and the vicarious husband acts as though he were the true husband in the marriage ritual. Evans-Pritchard states that "in physiological and in domestic roles he is husband, in all but the legal sense..... The legal husband is the ghost in whose name the bride cattle are paid and the marriage ritual performed."[2] The ghost family is a legal family and such families are almost as numerous as simple

(1) Evans-Pritchard, "Nuer rules of exogamy and incest", 1948, p.90.
(2) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1951, pp.302-3.

16: Evans-Pritchard E-5 (1931, 1936) 1956
FJ22 Nuer FJ22

826 handed man that his left hand is his right hand.
811 It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

411 It is suggested that the spear as a projection of
885 the right hand symbolizes the vitality of man,
562 the manhood of man with the associations of lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear
• [881] fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*law*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *nuer* ghok mentioned later.

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411 even if the spear a man's father gives him at his initiation has been bought from an Arab merchant, and is not in fact the spear the father received from his father and the father's father from his father, it is ideally so regarded and thus serves as a symbol of filiation. The spear is thus a point at which two complex social representations meet, that of the person and that of the lineage. Consequently I do not think that the high assessment of spears in cattle can be assigned to scarcity alone or even that scarcity was at any time the primary consideration. Spears, both fighting- and fishing-spears, were something more, and fighting-spears something much more, than weapons of war or of the chase. They were almost parts of the person. I have seen Nuer enraged when neighbours have borrowed their spears without permission, especially if they have lost them, their anger being out of all proportion to the offence if we think of the matter solely in terms of economic value, for the economic value of spears is negligible at the present day. It is the audacity and the insult which outrage the owner, as though someone had taken, and perhaps lost, part of his person; and all the more so in the case of the fighting-spear, with which are bound up his manhood and his participation in his lineage, as we see from the manner of his receiving it at his initiation.

411 881 I have discussed elsewhere[1] the ritual of initiation and I do so again in connexion with the role of cattle in Nuer religion. All that need be said here is that when a boy is initiated into manhood and takes on the full responsibilities of that status he is presented by his father with a *mut*, a metal fighting-spear, and an ox —the two objects in which, as I have said, the whole drama of sacrifice is centred. I discuss here only the spear. A boy may before initiation possess a fishing-spear, but even today he is most unlikely to own a fighting-spear. Even should he do so, he would still be presented with a spear by his father at his initiation, for it is a ceremonial gift expressing formal recognition of his manhood and all that that means in the social life of the Nuer, and also the handing over by one generation to another. It is not just a spear, but a new status also that he is being given. The boy is now boy no longer but man and warrior and soon to be husband and father. He takes part in feuds and wars and raids. He also for the first time engages in dances and displays with oxen, both of which among the Nuer are martial exercises as well as play intimately

[1] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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associated with courtship; and also in the pursuits of herding and 411
hunting. All these activities require the use of the spear, but it is 881
important that we recognize that it is not the acquisition of a weapon, whatever its economic value might have been in the past, nor even its utility, great though that may be, that gives a crucial significance to the gift of a spear at initiation. Its significance is moral, not merely utilitarian. It is not the spear itself, nor its possession, which is stressed but the activities associated with it: war and raiding, dancing and display, and herding. The uses of the spear itself and the evaluations of its uses as an index of social personality are blended, so that the spear is not just a weapon but also something which stands for a very complex set of social relations.

But the investment of a youth with a spear at his initiation 411
would seem to be something more, for, as we will see in discussing 881
the sacrificial role of cattle, initiation is not only into the social life 231
of adults but also into a new relationship with the cattle which has an important religious side to it. There is now established an identification, deriving from the sacrificial situation, between the initiates and cattle and, looked at from this point of view, the rites of initiation may be said to have a sacramental character. The boy enters into communion with the spirits and ghosts of his lineage through the cattle. 'The spear of the cutting (initiation)' is thus a symbol of a sacramental change as well as of a change in social status. In both symbolic aspects it is an extension of, and stands for, the right arm and represents strength, strength of the soul as well as strength of the body of the person; and, as I shall attempt to show, in both the symbolism is also a representation of the collective strength of the lineage to which the person belongs.

I have suggested that the fighting-spear has a symbolic meaning 411
for Nuer besides what it means for them as a weapon and tool— 782
that it is a projection of the self and stands for the self. This is most important for an understanding of Nuer sacrifice. Its manipulation in the most common, and for a study of religion the most significant, sacrifices, the personal and piacular ones, expresses, if our interpretation is right, the throwing of the whole person into the intention of the sacrifice. It is not only said but also thought, desired, and felt. Not only the lips make it but also the mind, the will, and the heart. This interpretation makes the miming with the spear intelligible for, as an extension of the right arm, it stands

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231 553 custom of taking personal names from their cattle in addition to the personal names they are given soon after birth. I have discussed elsewhere[1] the general social significance of names and other modes of address among the Nuer and here I speak only of their cattle-names and principally of their ox-names, these being of chief importance.

These names are often spoken of in writings about the Nuer as bull-names, but ox-names, in the use of the word 'ox' to denote a castrated bull, is a more correct designation.[2] Nuer speak always of such a name as *cot thak*, the name of an ox, and *thak* is a castrated animal in contrast to a *tut*, an entire animal. It is true that when a youth takes his name from a beast it may be entire, but it will be castrated later. Nuer may not castrate a male calf till it is nearly two years old, but they do so before it is likely to gender with the cows. It is not for pedantry that I make the distinction: it has a logical, and perhaps psychological, appositeness to the equation of man and ox in sacrifice.

Ox-names are essentially the names of men, males who have passed through the rite of initiation to manhood. Boys may take ox-names in play but only in imitation of their elders. Likewise, maidens may take ox-names, from bull calves of the cows they milk, but they are mainly used only between girls themselves and in the nature of a game, copying their brothers; and the names are short-lived. Married women use cow-names among themselves, but, here again, this is similitude, and it has none of the significance of the ox-names of men. Perhaps also here again the distinction between the copy-names of boys, girls, and women and those taken by men may be important because of its logical relation, which concerns our present discussion, to the fact that men, and not boys or women, are the sacrificial agents. The two sides of the standard equation are the human male and the bovine male, man and ox.

231 [371] 883 When a boy is initiated his father gives him in sign of his manhood an ox or, as I have explained, a bull calf which will later be castrated; and this ox, which he describes as '*thak gerda*', 'the ox of my cutting (initiation)', becomes his *dil thak*, what I have spoken about as his favourite ox (Marno's '*Lieblingsstier*'), though

[1] 'Nuer Modes of Address', *Uganda Journal*, 1948.

[2] Throughout the literature on the Nuer, 'ox' or 'steer' or 'bullock' should in most cases be substituted for 'bull'.

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THE SACRIFICIAL ROLE OF CATTLE

A youth takes his cry and his personal name from the markings and other traits of the ox his father gives him at initiation. By the rites of initiation boys are made men,[1] and this means, among other things, a conspicuous change in their relation to the cattle. They now cease to look after the calves and sheep and goats and to perform the more menial services of kraal and byre. Instead they tend the adult cattle. The most marked change is that whereas before initiation they helped the women milk the cows they now altogether cease to milk. But these external and evident changes are accompanied by a deeper, and hidden, transformation, men and oxen being brought into an intimacy of relationship on a different plane to that of mere proximity and association, however close, so that in some way an equation is brought about between man and ox. Such would seem to be the interpretation of certain very peculiar, though outstanding, features of the initiation rites. I have described these rites and discussed their social significance elsewhere,[2] and in this place I shall only draw attention to those features which have special relevance to our immediate subject. 281 553 881

The rites direct our attention throughout to the relationship between men and cattle. It is the *wut ghok*, the man of the cattle, to which he stands in a special ritual relationship, who opens and closes the periods of initiation. During initiation the initiates may not have any contact with the cattle, which are a danger to them till their wounds are completely healed and they formally pass out of seclusion. The prohibition extends even to rubbing ashes of cattle-dung over their bodies, a daily practice common to all men and boys; and Dr. Mary Smith tells me that Nuer say that it may harm the lads if the smoke of the smudges reaches them; though the fact that they drink milk suggests that the interdiction really concerns their relation to the oxen rather than to cattle in general, just as the interdiction on women drinking milk during their periods concerns their relation to cows and not to cattle in general. In the terminal rite of initiation, when the initiates are 231 881

[1] Or, perhaps, one should rather say 'Nuer men', for Nuer do not regard other people as 'men', whatever their age. They think of wut, manhood, as something specifically Nuer. Consequently Dinka who have already been initiated in their own country have their foreheads cut in the Nuer fashion across the scars of their Dinka initiation if they become members of Nuer communities.

[2] 'The Nuer: Age-Sets', *Sudan Notes and Records*, 1936. Since this article was written I have obtained further information which has not been published.

231/ 'loosened' (*lony rar*, the verb *lony* being that used for loosening
88/ cattle from their tethering-pegs) they re-establish their contact with the cattle. They are pelted (smeared) by their seniors with cattle-dung (*buk ke war*). Then they wash in a stream. On their return to the homestead they beat the cattle with wild rice, and afterwards rub themselves with ashes of cattle-dung. They spend the rest of the day leaping and chanting behind the oxen given them by their fathers and possibly, if they are lucky, by their paternal and maternal uncles also, which are the first oxen they can call their own. The fact that after initiation there is an interdiction on men milking also seems to point to an opposition between women and cows on the one side and men and oxen on the other side and further to emphasize the equation of man and ox.

One might perhaps feel that one was attributing to the facts a symbolical significance which the evidence does not sustain were it not that further, and very striking, observations push one to the interpretation put forward. Thus, the name of the dances held at the initiation ceremonies is *ruath*, the word for a bull calf from the time it is weaned, that is to say a bull, normally destined to be an ox, which has broken with its dam in the same way as a youth at initiation cuts, as we would put it, the apron strings which before have tied him to his mother, especially in the matter of food, as some of the symbolism of the rites indicates. Further, between the cutting of the marks of manhood on a boy's forehead and his ceremonial emergence from seclusion (or exclusion from the normal life) he is known as *cot*, which appears to be the same word as that used for a hornless cow or ox. It is remarkable also that Nuer compare to the initiation of youths the cutting (*ngat*) of the horns of favourite oxen (they are entire animals at the time) so that they will grow against the cut at fancy angles, generally in a curve across the muzzle (*ma gut*). They say that the operation, which is performed before castration, is the *gar*, the cutting of the marks of manhood, on the young bulls. If the operation has not already been carried out before a father presents a young bull to his son at initiation it is likely to be one of the young man's first acts in the period immediately following his own initiation. I have noted earlier how soon after their initiation youths, if they can procure the metal, fasten bracelets up their left arms so tightly as to render them, for the time of

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their wearing, incapable of use, and that they also render useless the left horns of their favourite oxen by deforming them.‡

Human thought and expression are inevitably constructed out of man's experience of the world around him. There is nothing that should surprise us in Nuer speaking metaphorically of boys by the same word (*ruath*) as they use for young bulls and for the male young of other animals, and, by contrast, of men by the same word (*tut*) as they use for adult bulls and adult males of other animal species. It is natural—it would be remarkable were it not so—that Nuer use cattle metaphors in speech and gesture. Nevertheless, the evidence, some of which I have presented, suggests that there is more in it than that. Whether Professor Seligman's psychological use of the word 'identification' is correct is a question that lies outside my own competence and the scope of this book, but it cannot be denied that there is a moral identification, a participation imposed on the individual by his culture and inextricably bound up with religious values. When henceforward I speak of identification it is to be understood in this sense.

‡ [See p. 235, cat. 116, — Analyst]

II

We have noted that there is a personal side and a collective side to Nuer religion and that we may speak of personal and collective types of sacrifice. We have noted also that in the collective type the officiant represents the whole clan, that the spear he holds in his hands is that of the ancestor of the clan, and that he invokes God as the God who created his ancestor and the God of his fathers. We have further noted that the sacrificial victim, although in fact it is an ox or a surrogate for an ox, is not spoken of as *thak*, ox, but as *yang*, cow, a general term referring to any bovine beast, with a plural form *ghok*, meaning 'cattle'. This suggests that the victim embodies the general idea of the equivalence of cattle and men in the sacrificial act, and there is certainly what we may speak of as a collective identification of clans and lineages with their herds. This is expressed in the honorific titles of clans and lineages. We have been discussing hitherto the equation of man with ox. These titles introduce us to the idea of an enduring relationship between a social group and its ancestral herd.

On the day when, by the cutting of lines on his forehead, a boy

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On the day when, by the cutting of lines on his forehead, a boy

881 becomes a man there is much rejoicing of his kinsfolk, and especially of his father and paternal kin. In talking to Nuer about this day they have impressed on me that what is uppermost in the minds of the older men, particularly at the initiation of an eldest son, is that the continuity of the family and lineage is now assured. Initiation is the threshold to marriage and the birth of sons who will remember their forebears; for as soon as the period of healing and seclusion is over the initiates embark on a full sex life leading to courtship, marriage, and begetting. An initiate is part of a lineage and clan and his initiation is seen in terms of its collective life. His new relationship with the cattle is then not only a personal one, important though that is, but the personal relationship is incorporated in a more general lineage one.

231 613 614 Nuer conceive of the ancestor of a clan, and likewise the ancestors of its component lineages, as having possessed a herd, the descendants of which have had, and continue to have, though distributed among different families, a constant relationship with the descendants of their original owners and are still thought of as one herd. This ancestral herd is a fiction, for the cattle are being constantly dispersed and replaced by others at marriages, but conceptually it is an enduring collectivity. There is ideally a constant attachment, the clan and its herd forming a joint community down the generations, so much so that a common, perhaps the commonest, explanation of a division in the clan is the fighting of bulls of the ancestors of the divided parts. The social cleavage is represented in tradition as a cleavage in the herd.

231 613 614 553 176 The unity of clans and lineages is symbolized in the names of the ancestral spears, which we have already discussed[*] and in honorific titles, chiefly derived from the names of cows. In both cases we are dealing with ideas and not actual things, with the idea of a clan spear handed down as an heirloom and with the idea of the present herds of the members of a clan being descended from the ancestral herd. Nuer say that '*mut kene paak jalke kel*', 'the spear and the honorific title go together'. If a man has a certain clan spear he must have one or more honorific titles which go with it. Both have come down together from *tuok nath*, the beginnings of the Nuer. The *paak*, a word found with the same meaning in some of the other Nilotic languages, may be described as an honorific title used as a mode of salutation or address. It is commonly used on ceremonial occasions, as on formal visits, at dances,

[*] [See pp. 240-47, esp. 119 (258) — Analyst]

THE SACRIFICIAL ROLE OF CATTLE

231 The very special circumstances in which cattle are killed for
731 food are times of severe famine and in what are called *nak*, or in
261 some parts of Nuerland *kaner* or *cuel*, camps. Within my own short experience, in 1931, a year of great hunger, the Lou Nuer killed many oxen for food, and during a famine in western Nuerland in 1935 a great number of beasts were slaughtered to keep the people alive. Dr. Howell says that in the Zeraf valley in 1943, likewise a year of famine, animals were being killed for food.[1] The Lou Nuer even have a reputation, of which they are ashamed, for killing oxen when hungry, for not waiting, that is, till faced with starvation. How often this situation used to occur is not, and cannot, be known. If it is not altogether a modern phenomenon, we may suppose that it was much less likely to have arisen before rinderpest depleted the herds and imposed peace prevented their rehabilitation through raiding, the milk supply thus being lessened.[2] *Nak* camps are presumably so called because they are
231 formed for the express purpose of killing (*nak*) oxen. They are
• 881 formed in some years only, in the rains or at the commencement of the dry season, by youths, each of whom takes an ox to the camp where one by one they are slaughtered and the young men gorge themselves on their flesh. Now that cattle have become scarcer two youths may share a single animal, though it is still thought that there ought to be an ox to a man. There is some doubt about the precise significance of this custom. When I published an account of the Nuer age-set system[3] I considered that it did not form an integral part of the rites of initiation but was only incidentally connected with them. I may have been wrong in this conclusion, and my own later researches revealed features which incline me to accept Dr. Howell's contention that they are connected with the age-set system.[4] Certainly there is more in the *nak* than merely killing oxen for feasting. That it has a ritual significance is clear from the fact that the youths who take part in it are segregated. Girls are not allowed to enter, or at any rate to sleep
[834] in, the camps. Abstinence is imposed at a time when the company of girls and their favours are a Nuer's chief interest. Nor may the

[1] P. P. Howell, 'The Age-set System and the Institution of "Nak" among the Nuer' (with a Note by E. E. Evans-Pritchard), *Sudan Notes and Records*, 1948, p. 180. I was told that no raids on the Dinka pillaged oxen were slaughtered for food.
[2] E. E. Evans-Pritchard, *The Nuer*, 1940, pp. 19-20.
[3] 'The Nuer: Age-sets', *Sudan Notes and Records*, 1936.
[4] P. P. Howell, *Ibid.*

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young men attend dances, which therefore do not take place at this time. Also, they may have no contact of any kind with the herds other than with the oxen with which they are segregated. It is to be noted further that the borrowing from kin and neighbours of oxen for slaughter by youths whose families are unable to provide them with suitable animals is no ordinary loan but is of a peculiar and ritual character. The owner of a beast who is asked for it by a youth may not refuse the request, and not only for social reasons but also, says Dr. Howell, because 'he would run the risk of spiritual contamination resulting in sickness or even death among the members of his family'.[1] Nor may he demand repayment for some years. These facts considered in the light of the great reluctance, to say the least of it, of Nuer to kill an ox other than for sacrifice suggest strongly that a slaughter on this scale has some religious significance. I asked Dr. Lienhardt and Dr. Smith to inquire about this matter. The former informs me that an old man makes an invocation over one of the oxen, which stands for all of them, and the latter that the older men who have contributed the beasts make invocations over them, though they do not consecrate them with ashes. It would seem, therefore, that if their slaughter is not a proper sacrifice it has to some extent a sacrificial character. It is significant also that not only is the killing obligatory but also that each youth ought to provide an ox for slaughter, an ox for a man, for we seem to have here again the equivalence of a man with an ox, which is the basis of piacular sacrifice: and it can easily be seen that the death of an ox at the termination of the rites of initiation would be a sacramental act appropriate to the whole setting of initiation.

Except on those rare occasions when dire necessity or custom compels them to do so, Nuer do not kill cattle except in sacrifice; and it is regarded as a fault to kill them '*bang loea*', 'just for nothing', the Nuer way of saying that they ought not to be killed for meat. This is clearly shown, apart from the facts I have already instanced, by the statement that an ox slain simply from desire for meat may *ciem*, take ghostly vengeance on, its slayer, for it has *cuong*, right, in the matter. Maybe Nuer do not take this very seriously, but that they say it at all is an indication of how they regard the matter, for, as we have seen, they fear ghostly vengeance and hold that it operates only because God is permissive,

[1] Ibid., p. 156.

16: Evans-Pritchard E-5 (1931, 1936) 1956
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case of the leopard-skin priestly lineages, any member of a lineage of men of the cattle can perform the services attached to that office, but in practice only some, and senior, persons would normally be called upon to do so. These services have less religious and social importance than those of the *kuaar muon*, and a man of the cattle is not by virtue of his office a person of social importance. One hears of him chiefly in connexion with his ability to perform rites to cure sick beasts and to make barren cows fertile, usually by spitting on grass and beating the animal's back with it while asking God to make the beasts well or fertile. In times of murrain he may sacrifice an ox to God. I was told that after consecrating it he would speak in this vein: 'What, God? Take this ox, it is thine. Thou art master of the world, the world is thine and it is thine affair alone. What, God? Do not kill all the cattle. What will our children eat? No one will live. Oh God, take thy cow and spare a portion of the herds. God, I am a man of the cattle and I have come to sacrifice this beast; take it, it is thine.' Nuer say that he addresses '*kwoth dit*', 'his spirit', that is Spirit as figured in relation to his office, the God of his fathers. He may also on raids lash a tethering-cord in the direction of enemy herds to ensure booty. He may be consulted about the time of moving to dry-season camps. He is said to sprinkle people with milk in time of sickness, and at his own mortuary ceremony his kinsmen and possessions are aspersed with milk. He is buried in fresh cattle manure. He cannot accept cattle in compensation for adultery with his wife. His curse can cause cattle to die and a man to have diarrhoea if he drinks milk. All these customs and notions give him that mystical association with cattle which is indicated by his title and also by his badge of office, a circle or two of tethering-cord round his neck.

As I have explained earlier (pp. 155–6), initiation of boys to manhood is intimately bound up with their relation to the cattle. It is therefore appropriate that it should be a man of the cattle who in each tribe determines when a new age-set should commence and when it should close, performs sacrifices to open and close the periods of initiation, and names the sets; and this is the most important public function of any man of the cattle. We see here again how, as in the cases of the masters of ceremonies and the leopard-skin priests, the chief religious function of men of the cattle, their formal sacrificial and ceremonial role, is concerned with group activities. In their case the activities are relations

2:Evans-Pritchard E-5 (1931,1936) 1951
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MARRIAGE

Girls witness serious love-making and courtship earlier than boys. At dances small girls follow their more experienced sisters and cousins, imitating their movements during the dancing and afterwards sitting with them while the young men pay them compliments and try to persuade them to retire with them into the long grass. When a girl is about twelve or thirteen initiated boys begin to court her, and when she is about fifteen or sixteen she has at least one lover and probably one in each of the villages neighbouring her own. She passes through a succession of love affairs, besides more casual affairs. I doubt whether any girl in Nuerland goes to her husband a virgin. 833 881

As a rule boys are initiated from about fourteen to sixteen. Unlike the girls, whose social life develops slowly from childhood to marriage without any sudden change of status, the boys jump at initiation from the grade of boyhood to the grade of manhood, and the character of their social life is correspondingly transformed; though even before initiation boys make some adjustments in their way of life in anticipation of the status they will acquire when they have passed through the rites. In particular, they abstain from eating in the presence of unrelated girls. A small boy eats with his mother and sisters, but when he is about six he eats with the other boys of the household when the womenfolk have guests, lest they might feel embarrassed at the presence of a lad, though only a small one, and, bit by bit, he gets into the habit of eating with them regularly. 881

After initiation a lad takes on the full privileges and obligations of manhood in work, play, and war. Above all, he gives himself whole-heartedly to winning the favours of the maidens of his neighbourhood. Courtship now rivals devotion to cattle as his major interest. In speaking of a recently initiated lad Nuer often say: 'And now he has become a man and will court the girls.' He takes every opportunity for flirtation which offers itself. His chances are chiefly at dances, and Nuer youths, for this reason, attend as many wedding dances and other drum-dances as they can in their district during the rains and the harp-dances at neighbouring camps in the dry season. In speaking of these dances young men speak always of the girls they will meet at them, of how the girls will admire their finery and their excellent dancing and display of spearmanship and duelling with the club, and they add: 'And then of course we will spend the night in courting.' 883

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•883 That Nuer do not attend dances chiefly for the dancing is shown by their lack of interest in organizing harp-dances in dry-season camps when it is unlikely that unrelated girls from other camps will be able to attend them. 'Who wants to dance with his sisters?' they ask. But when there is a chance of love-making Nuer youths, who appear so slothful and lethargic to the foreign traveller, think nothing of walking and running ten to fifteen miles to attend a dance.

When a dance breaks up, about nine o'clock at night, the youths seize the girls by their wrists and lead them apart. They then either walk about the dancing-ground in pairs and small groups, the youths and maidens hand-in-hand or with their arms round each other's waists, or they sit in small parties at the grass-fringed edge of the dancing-ground. They sit wedged together and exchange endearments. Nuer girls are attractive companions at any time and are enchanting when decked with flowers and ornaments and anointed with oil for dancing, and the young men are charming and indefatigable flatterers. Wooing in Nuerland is an arduous business. A youth must be profuse and tireless in pouring out compliments to the girl whose favour he solicits, and he often sits opposite her with a stick in his hand to make lines on the ground to mark each new compliment.

When these parties break up the youths and maidens pair and continue flirting *tête-a-tête* in the grasses in privacy. It rests entirely with a girl whom she goes with. She has her lovers who meet her whenever they can, at dances, at her father's home, and at trysting-places, and she will probably go with one of these. When several young men want to go with her they tell her to make her choice from them, for all those who have been sitting together with the girl belong to one *dep*, the fighting line of a village, and are therefore all kin who will not quarrel about a girl. A lover from a different village would not try to break into the circle once it has been formed. She makes her choice—if she already has a lover in the *dep* she will choose him—and the other youths move away. Apart from her established lovers, a girl has no difficulty in knowing if a man is particularly attracted to her by the way he dances and conducts his spear-thrusting and club-duelling exercises during the dancing. If she likes him also she can probably so arrange matters that he is able to seize her wrist when the dance is beginning to break up.

2;Evans-Pritchard E-S (1931, 1936) 1951
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Intercourse does not necessarily take place when a youth and maid are alone together on the night of a dance. When the relationship between them is a *luom buol*, a dance love affair, or *luom thura*, a dancing-ground love affair, a more or less constant attachment, and not a *luom goka*, a love affair of the high grasses, casual lust, I was told that the girl is likely to refuse her favours, though he will entreat for them, unless she feels sure that he intends to marry her and has the cattle with which to do so, for no respectable girl wants to be a *keagh*, an unmarried mother. No attempt is made to conceal an attachment of this kind, which indeed imposes on the girl modesty and shyness towards her lover in the presence of other persons such as a bride is expected to show towards her bridegroom or a newly-wed towards her husband. 883 8-6

Parents are not cognizant of all the love affairs of their children, but if a girl forms a constant attachment she may tell her mother about it, and a father will probably hear of a similar attachment of his son. They are not likely to say anything unless there is danger of incest. All the young men of a hamlet or small village, who are kinsmen and dance together, know of one another's courtships and escapades. Likewise, all the girls know about one another's lovers and amours, for they also keep together at dances. The only person who may interfere is a brother in an affair of his sister, for her virtue is his responsibility, but he will only do so in certain circumstances. He keeps an eye on his sister and knows who is courting her, but he will only come between her and her lover if he suspects that she is having regular relations with a man without cattle or that she is giving herself to all and sundry. [943]

It not infrequently happens that a girl becomes pregnant while still unmarried. If the young man has cattle he will be expected to marry her, and if she is not a profligate he will be glad to do so. If he has insufficient cattle he cannot do so, and though another man will not object to taking her as a wife, he is more likely to take her as a second wife than as a first wife, and he will pay fewer cattle for her bridewealth. It is therefore in the brother's interest to see that this does not happen. It is also in his interest to prevent his sister from becoming a wanton. A man does not expect his bride to be a virgin, but he does not care to marry a jade. A girl of easy virtue may find plenty of lovers but no suitors, and after bearing an illegitimate child is likely to become a concubine for the rest of her life, to the detriment of her family herd. 848

2:Evans-Pritchard E-5 (1931, 1936) 1951
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834 Therefore, if a youth takes a girl away from a dance to his *dep*
•883 and sits with her among his friends and other girls until he finds an opportunity to get her to himself he will not be molested, because her brother has seen her leave the dance in company, and by the time she is intimate with her lover he will be doing the same himself. But if a man is indiscreet enough to take her off by herself as soon as the dance is breaking up he is asking for trouble, though the brother may not say anything if the youth is a friend of his whom he knows to have cattle and serious intentions towards his sister. If the young man is a casual lover he may tap him on the shoulder with the butt of his spear, when he will run away, or even fight him. However, there need be no trouble if the conventions are observed.

Courtship seems to be freest among the Eastern Jikany. There love affairs are carried on more or less openly, and a youth need not fear the girl's brother so long as they are on friendly terms and he is discreet. The girls of this area are, however, said to be less free with their favours than those of the Lou tribe. They are exacting in their demands for fine speeches, but will not allow intimacy unless they are sure that pregnancy will be followed by marriage. The Lou girls are said to be easier and their brothers more difficult. To the west of the Nile, at any rate in some parts, it is said that a girl's brother has the right to take a male calf and a cow calf if he catches a man having relations with his sister, but this penalty seems only to be exacted when it is believed that pregnancy has ensued, and I was told that if the beasts have been seized they will be returned should it be found that she had not conceived. If she is pregnant, they will be kept pending marriage negotiations.

584 A youth may have several sweethearts in different villages and a girl several lovers in different villages. At this time of his life a young man models himself on the accepted pattern of what a young man should be to win the approbation of his sweethearts and the regard of girls generally. He likes to know that they are looking at him and saying about him, when they chat together and share their secrets, that he is a *wut pany*, a real man. He pays great attention to his appearance and takes every opportunity to excel in feats of endurance and courage. It is for the benefit of the girls that he keeps behind his cows in dry-season camps, 'where the people have met together', and chants poems. When asked who they

6: Evans-Pritchard E-5 (1931, 1936)1938
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361 or dearth of pasturage, the people remain on their village sites or move only a short distance from them, they insist on making a camp nearby, for such is the ancient dry-season custom.

342 The windscreen (*gaaw*) does not seem to be used in Western Nuerland. In the camps I have seen there both sexes live in grass huts plastered with dung, the huts of married couples being rather larger than those occupied by youths or girls. The huts appear also to be more carefully constructed than in Eastern Nuerland. In
343 Nuer camps one sometimes sees a rough shelter (*gaaw deem*) constructed of branches with grass, often the riverside *buor*, thrown on top to give shade for the young calves during the heat of the day. Otherwise they are taken into the huts or tethered beneath a tree.

233 In the front of the windscreens are tethered the cattle. When they are grazing the kraal is a circle studded with pegs and sprinkled with drying dung. When they come back in the evening they are tethered to these pegs. Adult cattle are placed in the centre of the kraal, the calves on the outside nearest to the windscreens where they are under the watchful eyes of their owners, and the sheep and goats in small clusters here and there between the adult cattle and the calves. Oxen of enormous size, with great spreading horns trained into artificial shapes, stand docile and lethargic, prominent among the other cattle. A man places his favourite ox in a line with the entrance to his windscreen so that he can see it without moving.

234 Before and during milking youths display themselves in company
383 with their favourite oxen. Boys lead the oxen round the camp and their young owners walk behind them brandishing their spears and leaping gracefully into the air, shouting and singing the while. This display is called *raw* and is one of the customs of dry season camps. It is not practised in wet season villages because a youth does not show off before his own family but when he has a large audience, including girls whose favours he wishes to win. Youths often continue to display themselves till the cattle are driven to pasture.

234 Milking starts between 6-30 and 7-00. If the morning is misty
462 it may be delayed till slightly later. Women are forbidden to milk

6: Evans-Pritchard E-5 (1931, 1936)1938
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512 About noon youths and maidens bathe in the river wherever a
226 shallow sandy stretch offers a clear playground. They do the same
at inland lakes but much time is there given also to fishing. The
young people sit and splash in the water and the sexes flirt and wrestle
●883 in and out of the water. At about 2.30 they return to the camp
where the girls churn the morning milk and pound and grind millet
for the evening meal. The men turn over the drying dung with their
sticks and then, having nothing more they need attend to, most of
them return to their windscreens though one or two youths may try
and spear fish in the shallows and they are joined there by older boys
who are not herding the calves.

512 About 4-30 p.m. the small calves are brought from the shade
233 where they have spent the day and are tethered in the kraal. The
men hold them between their legs and lifting up their heads compel
237 them to swallow water. At this time the boys bring back the larger
372 calves and goats and sheep from grazing. Members of each household
tether their animals. Generally one or two men now go out to meet
(*juw*) the returning herd. Others gather the dried dung on hides from
the heaps into which boys have swept it, and each owner of a windscreen
makes up the evening fire on his hearth. There is no need to light the
fires as they have been smouldering all day long and it is only necessary
to clear away surface ashes and heap the new fuel on the exposed
embers. Dense clouds of smoke arise and envelope the camp.

512 By 5 o'clock cows which have recently calved come running
233 home and herald the approach of the herd which appears from 15 to
30 minutes later. Adult men tether the cattle of their household
462 and women and boys commence at once to milk the cows and they
finish this work before sunset. The women then prepare the evening
264 meal and finish their dairy work. The men sit in their windscreens
and await the meal which is served between 7 and 8 p.m. Nuer eat
twice a day: in the morning and in the evening. The evening meal
consists of millet porridge, with cheese or butter, or both, poured over
it. The morning meal is generally the remains of supper heated up
or with hot milk poured over it.

6: Evans-Pritchard E-5 (1931, 1936)1938
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In a big camp there is often dancing at night and youths and girls pay evening visits to neighbouring camps to take part in the dances. There is a special dry season dance quite different from the drum dances of the wet season. It is called *dompiny*. A small hole is dug in the dancing place and a piece of hide is stretched tightly across it. A length of cord is stretched over the hide and is pegged on either side of it. A small stick is placed on the hide over the centre of the hole and the cord is supported by the top of the stick and slopes on either side of it to the ground. The cord is thus kept taught. The hole acts as a sounding box. The performer obtains music by striking the cord with a thin stick held in his right hand as he sits cross-legged before it and by muting it with his left hand or with a stick held in his left hand. By this means he produces rhythm. Sometimes another man beats at the same time with his hand on the hide near the sounding hole. The people dance and sing, men dancing opposite women. A man holds his hands above his head like an ox's horns and as he sings he steps backwards and the girls opposite him move towards him. They thus circle round the musical instrument. 512 535 883 534

Girls sometimes have their own singing parties in these camps. They sit and sing to a rhythm made by slapping their outstretched thighs. This is called *pulpul*. Youths who are courting the girls often join them and take part in the singing. It is customary for young men to visit girls and court them when the day's work is done.

If there is no dancing at night—and in the smaller camps where there are few girls, and these mostly kinswomen, the young men do not care to start a dance—the inmates of the camp chat in their windscreens and at the thresholds of their huts for an hour or two after the evening meal and then fall off to sleep. Sometimes they chat till close on midnight and occasionally a man who is happy walks amid the cattle, ringing an ox-bell and singing for an hour or more. Sometimes an animal has strayed from the herd. Then everyone is sad and its owners are out in the bush till late at night searching for it. 512 883 835 521

One day in a Nuer cattle camp is like another. Calves are born and we see time passing in the stages of their growth. Nor does life 512 221

9:Evans-Pritchard E-5 (1931, 1936)1936 F322 Nuer F322

According to Jackson, after the wounds have completely healed the boys go into camp. He says that a group of about a hundred boys is formed and that a bull is provided for each of them. They settle in a spot about an hour's distance from the village and gorge themselves with meat. A young boy or an old woman cooks for them but they may not be visited by girls. During this time they indulge in feats of endurance and when they have eaten all the bullocks they return to their villages.[1] This account by Jackson is not entirely in accord with my own information which does not lead me to consider these camps as part of the institution of age-sets (*rol*) but as only incidentally associated with it. According to my information the newly initiated boys do not always collect in camps after their wounds have healed but only in some years, about every second year, and then it is not only the new initiates who form a camp but also members of their age-set who have been initiated in previous years and even members of senior age-sets. I was told that even a married man would attend and that a man would attend until his son was old enough to replace him. I think that these camps (called *adk* or *kenat*) are a custom separate from the age-set system, though related to it by the fact that its members are mostly recruited from the unmarried youths of the village and are hence mainly of the same age-set. These camps are also held, moreover, during the closed periods when "the knife is hung up" and no further initiation is allowed to take place. They are held when the first harvest, the *kael* war, is ripe. Any youth who possesses a bullock, other than his favourite beast (*dil shakki*), will take it to the *kel*, as these camps are also called, in general with all camps which are without cows and the ordinary activities of pastoral life. A youth will ask his father to give him a bullock so that he may join his comrades at their feasts, and if his father has no beast to spare and his son is insistent in his request he will arrange for him to share a bullock with a friend and will later pay the owner a male calf for the half which is lost to his son. The young men spend a month, or even two months, in the camp, living mainly on meat, for a bullock is killed every three days or so. Nevertheless they also eat a quantity of porridge, since women in the neighbourhood of the camp, which is generally five to ten miles from the homes of the youths, will make porridge and will bring it to the camp to exchange for meat. The skin of slaughtered bullocks and some parts of the meat are taken back to the village for the older men. Apart from eating meat and indulging in the pursuits incidental to this season of the year, especially

[1] Op. cit. p. 148-143.

9.Evans-Pritchard E-5 (1931, 1936)1936 F322 Nuer F322

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hunting, the camp does not seem to have any expressed purpose or activity. Certainly I never heard that there was any organised educational training. The young men return to their homesteads in time to eat the *mak*, a mash made by beating out the ear and grinding corn not yet fully ripe and still soft.

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What I have recorded above is all I know about the ceremonies of cutting the tribal marks and the periods of seclusion and licence associated with the *gar*. So far nothing has been said about the organisation of the *ric*, the age-sets, and I will now turn to this point. According to Jackson "the initiation ceremony should in theory be held about once every 15 years, and this may have been the rule when the tribe was less numerous than it is at the present moment. Nowadays the boys are initiated when there are sufficient of them to make it worth while."[7] It seems to me that this estimate of 15 years is too large since it would mean that many youths would be from 20 to 25 years old at their initiation, which would be contrary to the purpose of the rite. I was told by a good authority in Lou country (Tutriel) that there is always a four years' interval between the closing of one age-set and the commencement of the next one. This information accords with Father Crazzolara's statement that "as a rule the *Gar* takes place once every four years" but he adds that the cattle chief may deviate from this rule for public or even private reasons[8]. He reckons that we may allow about seven years for eagerness when reckoning a man's age: thus members of the *Pilual* age-set are from 15 to 22 years of age, members of the *Rual* age-set from 22 to 29, members of the *Tawhow* age-set from 29 to 36, and so on. If we can say with fair certainty that there is a four years' interval between each period of initiation we must therefore conclude on this reckoning that each period of initiation lasts about three years. But I am not convinced that we can make so sure a deduction, nor that there is complete regularity in the periods of time during which initiation takes place. Father Crazzolara himself says that the period of initiation may last only a year or up to four years according to the district.[9] On the other hand, at any rate in Lou country, this period may last for several years and youths have been initiated into the *Ashjar* age-set continuously for at least eight years. Judging from this

[7] Op. cit., p. 140.

[8] "Im allgemeinen wird das Gar alle vier Jahre vorgenommen. Der Landesvorsteher kann aus besonderen Gründen davon eine Änderung eintreten lassen. Es wurde sogar eine einzelne Landesvorsteher bei der Entfernung der Gebrüder entgegnete, es sei jetzt bei den Dinkachöfing, als sein Sohn dieses gegen wurden soll oder ihn sicherer Bad, wissen und erwägen, dass das sicherlich für sein sicherlichen wurde, wenn sein (die Sprachen) auch sehr [illegible] Sohn auch gegen wurden können, wenn sein auch 5 oder 6 Jahren." Op. cit., pp. 28-9.

[9] Op. cit. p. 29. "Die Gemeinde kann ein Jahr oder auch bis vier Jahren, je nach dem Bedarf, dauer Bestehen."

9:Evans-Pritchard E-S (1931, 1936)1936 F322 Nuer F322

He will respect his elders but they will treat him as a man and with the consideration due to an equal rather than to an inferior.[1] 884

He has now the supreme joy, to which every Nuer boy looks forward with longing, of entering into the full life of the cattle. He will wander with them over their dry season pastures and will have his own bullock, perhaps more than one, to meet when it returns to camp in the evening, strutting along and waving the long tassel attached to its horns as it tosses its head. He will rub its back with ashes in the evening and perhaps invoke the spirit of his lineage or his dead ancestors as he does so. He may now order a boy to lead his bullock round the camp at morning or evening so that he can leap behind it in the sight of the girls, and may walk among the cattle at night ringing a cattle bell and singing about his cattle, his relatives, and his loves, activities which would be mere presumption in a boy, who would not indeed attempt them. 561

The elation, the feeling of happy superiority, which accompany this change in a boy's life are evident in his behaviour, and their opposites are strikingly shown in the cases of boys who for some reason have not been initiated at the same time as their contemporaries and playmates. The position of such a boy is pathetic. His friends have been promoted and he is left behind. They are men and he is still a boy. Once his equals they have become his superiors. I knew well one boy in this humiliating position and it was painful to observe how acutely he felt it on occasions. He evidently felt shame at the performance of his boys' duties and tried to associate as much as possible with his initiated companions, with whom he had everything in common, rather than with the smaller boys with whom he was outwardly identified. I think that his friends tried to spare him humiliation as far as they could by treating him as one of themselves though his work and play were of necessity different from theirs. On one occasion a man of about 16 years of age was beating the boys for neglecting their work and idling around my tent, but when he came to this boy of the same age as himself he raised his hand to strike him and said: "And you! what are you doing here?" but he smiled and did not strike him.

After initiation also a boy may give himself over to the absorbing interests of love-making. He may now dance and flirt (*ŋaw*) and indulge 836 883

* We speak now exaggerate this equality. Elder men will still call an initiated person who is young enough to be their child *dhol*, boy, and will order him to fetch them things they require. I have no illusion of complete equalitarianism in. But the difference has lessened during a lifetime to an elder man who speaks to you as his son and being ordered about him is certainly by a superior.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

836 in sexual relations with girls. Before initiation boys may go to dances
•883 but they merely watch and do not take part in them. After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dep*). When the dancing is over they seize the hands of the girls and sit and flirt with them. A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*lewak*). No uninitiated boy would stand the chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 An initiated boy is now invested with two external signs of manhood
884 besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation.
421 If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 A boy is even prouder when he becomes the owner of a bullock and
554 is invested with a bullock name. Even a small boy will speak of his
553 father's bullocks as "our bullocks," and will often regard one of them,
421 the calf of the cow he habitually milks, as his own special one. But it is only his in the general psychological sense of family communism. It

16: Evans-Pritchard E-5 (1931, 1936) 1956
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231/553 custom of taking personal names from their cattle in addition to the personal names they are given soon after birth. I have discussed elsewhere[1] the general social significance of names and other modes of address among the Nuer and here I speak only of their cattle-names and principally of their ox-names, these being of chief importance.

These names are often spoken of in writings about the Nuer as bull-names, but ox-names, in the use of the word 'ox' to denote a castrated bull, is a more correct designation.[2] Nuer speak always of such a name as our *thak*, the name of an ox, and *thak* is a castrated animal in contrast to a *rut*, an entire animal. It is true that when a youth takes his name from a beast it may be entire, but it will be castrated later. Nuer may not castrate a male calf till it is nearly two years old, but they do so before it is likely to gender with the cows. It is not for pedantry that I make the distinction: it has a logical, and perhaps psychological, appositeness to the equation of man and ox in sacrifice.

Ox-names are essentially the names of men, males who have passed through the rite of initiation to manhood. Boys may take ox-names in play but only in imitation of their elders. Likewise, maidens may take ox-names, from bull calves of the cows they milk, but they are mainly used only between girls themselves and in the nature of a game, copying their brothers; and the names are short-lived. Married women use cow-names among themselves, but, here again, this is similitude, and it has none of the significance of the ox-names of men. Perhaps also here again the distinction between the copy-names of boys, girls, and women and those taken by men may be important because of its logical relation, which concerns our present discussion, to the fact that men, and not boys or women, are the sacrificial agents. The two sides of the standard equation are the human male and the bovine male, man and ox.

231 [571] 815 When a boy is initiated his father gives him in sign of his manhood an ox or, as I have explained, a bull calf which will later be castrated; and this ox, which he describes as '*thak gareda*', 'the ox of my cutting (initiation)', becomes his *dil thak*, what I have spoken about as his favourite ox (Marno's '*Lieblingsstier*'), though

[1] 'Nuer Modes of Address', *Uganda Journal*, 1948.
[2] Throughout the literature on the Nuer, 'ox' or 'steer' or 'bullock' should in most cases be substituted for 'bull'.

16: Evans-Pritchard E-5 (1931, 1936) 1956
F J22 Nuer F J22

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the word *dil* has generally the sense of 'pure', 'true', 'perfect', or 'aristocratic'. It is the ox of perfection. It is the young man's friend and companion. He plays with it and fondles it. He composes poems about it and sings them to it, and he gets a small boy to lead it round the camp in the morning or evening as he leaps behind it chanting poems. He walks among the cattle at night ringing a cattle-bell and singing of his kin, his loves, and his cattle, and he praises this ox among all other oxen. He makes tassels to hang from one of its horns, and he loves to see it toss the tassel in the air with a sweep of the neck. He acquires an iron bell to hang round its neck, and no music, unless it be the ox's lowing, is sweeter to his ears than its tinkling in the pastures. He goes to the edge of the camp to meet it when it returns from grazing in the evening. He is never tired of describing its points, and as he does so, and also in dancing, he may hold up his arms in imitation of its horns. Should the ox die he is heartsick; and should he die it must be sacrificed at his mortuary ceremony.

The youth now also enters through this ox into a new kind of relationship with God, the guardian spirits of his family and lineage, and the ghosts of his ancestors. When he has tethered it in the kraal for the night he may pet it, removing ticks from its belly and scrotum and picking out adherent dung from its anus; and he may at the same time rub ashes on its back. Ordinarily I think he does this simply because the ox, which has suffered from parasites throughout the day, gets relief from its back being rubbed, but I was told that he may occasionally as he does so speak a few words to God or to the ghosts. While it is not until a man marries and has children and an independent household that he sacrifices

FIG. 5
Hollowed-out sycamore log, used as stool, &c.

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16: Evans-Pritchard E.-S (1931, 1936) 1956
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231 animals, dedicates them to spirits, and in other ways makes formal
•233 use of them for religious purposes, nevertheless, the ox a father
776 gives his son at initiation provides him with a direct means of communication with the spiritual world. It is more than a possession, more even than part of his social personality—it is a point of meeting between soul and spirit and has therefore a sacramental character also.

231 From the colours, their distribution, the shape of the horns, and
553 other peculiarities of the ox of his initiation a youth takes, or is given by his companions, his *cur shak*, his ox-name. It may be the same word as that by which the ox's markings are indicated, but generally it combines the name for the markings with a prefix descriptive of something connected with the ox. For example, a man whose favourite ox is black and white (*rial*) may call himself *Luthrial* or *Luerial*, *luth* being a large cattle-bell and *lue* a long tassel attached to one of the horns. At first only his age-mates may
[561] know his new name, but the older people soon get to know it too, for they hear his mates greet him by it and they also hear him shout it out as he displays himself with the ox in the cattle camps which are formed soon after initiation. Also, young men of about the same age call out their ox-names, with many embellishments, to one another at dances, often after a bout of duelling with clubs, and when in a dance two lines of youths stand opposite each other and shower ox-names on one another preparatory to a spectacular jump into the air in unison.

The calling of a youth by a name the same as, or derived from, that by which his favourite ox is referred to is perhaps the most striking example of, and evidence for, what Professor Seligman speaks of as 'identification'. Indeed, in listening to Nuer poems
[538] one is often in doubt whether it is the ox or the man that is being spoken about. The representations are never entirely distinct. Somewhat different, though related and also very striking, is the
[552] custom called *thak moc*, the calling out of the (name of the) ox. A man shouts out the name of his favourite ox—the ox's name, not his ox-name, which may be an elaboration of the ox's name —when he hurls his spear at an enemy or at his quarry when hunting or fishing, for example, '*moc rial*', 'black-and-white (ox)', or '*thakda moc rial*', 'my black-and-white ox'. In some of my earlier writings I have translated *moc* by 'invocation' and 'to invoke', following Driberg's translation of the Lango

8:Howell E, G-5 (1942-1944)1954
FJ22 Nuer FJ22

Disputes are easily settled by the courts, though execution of judgement is often slow. 426 231

Loans Arising from the Institution of Nak

Slightly different situations arise from the institution known as '*nak*'.[1] It appears probable that *nak*—the common word meaning 'to kill', but in this context meaning 'a slaughter'—was part of the tribal ceremonies concerned with the division of age-sets. Age-mates of the younger age-set would segregate themselves from the rest of the community at the cattle-byre of one of their number and live entirely on the meat of oxen slaughtered for the occasion. 426 231 884

Two or three of the youths would club together to provide an ox and, if their immediate relatives were unable to supply one, they would appropriate one from someone else. In this they were given considerable licence and, should the owner object, they could seize it with impunity. Public opinion would not allow the owner to resist, and certainly he would be unable nowadays to obtain immediate redress in the courts. In return, the youths are bound by convention, with the full force of public opinion behind it, to make return after a specified number of years (usually announced by the *wut ghok*).

The exchange values of cattle provided in this manner are much higher than those recognized in normal exchanges or loans. They are:

1 large bull = 2 cow-calves and 1 bull-calf.
1 medium bull = 2 cow-calves.
1 bull-calf = 1 cow-calf.

The debts were not, of course, discharged with the rigidity which these rates imply, but they are quoted by Nuer as being traditional. Just as a man is expected to hand over his ox without show of reluctance in the first place, so would his debtors be expected to discharge their obligations without argument. Nuer are particularly emphatic on this point, but disputes are, none the less, frequently taken to court.

Nearly all these exchanges are necessary to meet some ritual situation, and are therefore of frequent occurrence. Sacrifice is extremely common, and Nuer consume more meat than is commonly supposed. Recent statistics indicate that a large proportion of the total cattle population is slaughtered.[2]

Exchange of Cattle for Grain

Finally, cattle are sometimes exchanged for grain in times of famine. This has not been so frequent in recent years, because grain, imported 439 231 731

[1] I have discussed this institution in more detail in an article, 'The Age-set System and the Institution of 'Nak' among the Nuer', *S.N.R.*, 1948.
[2] See Jonglei Investigation Team, *Progress Report, 1948–9*.

9:Evans-Pritchard E-5 (1931, 1936)1936 FJ22 Nuer FJ22

858 mode of life changes when he becomes a man, that is to say when he is made
561 a man by social machinery, for he does not become a man in virtue of biological condition alone. An initiated boy ceases also to assist women and girls in the more menial tasks of cattle culture. It is no longer his duty to clear dung from the byres nor to smear it on the floor of the kraals[1] and dry it for fuel. Neither taboo nor shame attaches to these tasks, it is true, and if there are no women or boys to perform them a man will do them himself, but it is considered to be work for boys and girls. No more will an initiated boy have to milk the goats and sheep and take them out to pasture with the calves. Instead he will sometimes guard the main herd of cattle in their dry season pastures or more generally sit and gossip around the embers of a smouldering dung fire and wait for the womenfolk to bring him the morning meal.

A boy is everybody's servant. Not only must he milk the cattle and sheep and goats and keep clean byre and kraal but he is frequently ordered about by initiated men, sent to draw water, fetch fuel, light pipes, made to go messages, to lead the bullocks round the camp when his elders wish to leap (*raw*) behind them, and to perform any other task which they require. Certainly boyhood is the period in a man's life when he is more occupied, does more work, than at any other period of his life. One gets the impression when living in a Nuer cattle camp that among the males all the routine work of the camp is done by the boys. After initiation
•884 a boy may look forward to a long life of ease. His are now the delights
561 of sitting round a smouldering dung fire with his beloved cattle tethered in front of him. Here he can smoke, sleep, drink milk, gossip, and watch
461 others do the daily monotonous routine work of homestead, dairy, and kraal. There is no one now to disturb his peace by ordering him about. At last he is completely his own master and may work or not as he thinks fit. Every initiated Nuer is his own lord, paying respect to age and the obligations of kinship, but free and independent, owing no man service. A newly initiated boy may now order his juniors about, see that they do their work thoroughly, and admonish and beat them if they are remiss
884 in any task. Even though he is quite small, and perhaps no older than
561 many who are uninitiated, he is a *wut*, a man, while they are *dholi*, boys.

[1] "Byre" refers to the large huts in which cattle are housed in the wet season and which is used also as a men's club. "Kraal" is used to denote the space in front of the byre, sometimes enclosed, where the cattle are tethered and also for the space where they are tethered, surrounded by a wind-screen, in dry-season camps.

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He will respect his elders but they will treat him as a man and with the consideration due to an equal rather than to an inferior.[1] 884 561

He has now the supreme joy, to which every Nuer boy looks forward with longing, of entering into the full life of the cattle. He will wander with them over their dry season pastures and will have his own bullock, perhaps more than one, to meet when it returns to camp in the evening, strutting along and waving the long tassel attached to its horns as it tosses its head. He will rub its back with ashes in the evening and perhaps invoke the spirit of his lineage or his dead ancestors as he does so. He may now order a boy to lead his bullock round the camp at morning or evening so that he can leap behind it in the sight of the girls, and may walk among the cattle at night ringing a cattle bell and singing about his cattle, his relatives, and his loves, activities which would be mere presumption in a boy, who would not indeed attempt them.

The elation, the feeling of happy superiority, which accompany this change in a boy's life are evident in his behaviour, and their opposites are strikingly shown in the cases of boys who for some reason have not been initiated at the same time as their contemporaries and playmates. The position of such a boy is pathetic. His friends have been promoted and he is left behind. They are men and he is still a boy. Once his equals they have become his superiors. I knew well one boy in this humiliating position and it was painful to observe how acutely he felt it on occasions. He evidently felt shame at the performance of his boys' duties and tried to associate as much as possible with his initiated companions, with whom he had everything in common, rather than with the smaller boys with whom he was socially identified. I think that his friends tried to spare him humiliation as far as they could by treating him as one of themselves though his work and play were of necessity different from theirs. On one occasion a man of about 16 years of age was beating the boys for neglecting their work and idling around my tent, but when he came to this boy of the same age as himself he raised his hand to strike him and said: "And you! what are you doing here?" but he smiled and did not strike him.

After initiation also a boy may give himself over to the absorbing interests of love-making. He may now dance and flirt (*faas*) and indulge 836 883

[1] We must not exaggerate this equality. Elder men will still call an initiated person who is young enough to be their child *dhol*, boy, and will order him to fetch them things they require. I have on dozens of occasions witnessed it. But the difference lies between doing a favour to an older man who speaks to you as his son and being ordered about like a servant by a superior.

9:Evans-Pritchard E-5 (1931, 1936)1936 F222 Nuer F222

836 883 in sexual relations with girls. Before initiation boys may go to dances but they merely watch and do not take part in them. After initiation they go with the other youths of the village and form part of the dancing group of their lineage (*dap*). When the dancing is over they seize the hands of the girls and sit and flirt with them.[2] A boy will now commence permanent love affairs with girls, and a girl will be recognised by his friends as his love (*bunde*). No uninitiated boy would stand a chance of having a relationship of this kind with a girl, however large he might be, as she would merely laugh at him and call him a boy and tell him to go and become initiated. It is true that boys before initiation will have congress with small girls, but this is not socially recognised, and if his elders hear of it they will tell him not to be a fool as he is only a boy, but after initiation it is not only none of their business what he does, but also he is expected, nay, compelled, by custom to embark upon courtship.

411 884 421 An initiated boy is now invested with two external signs of manhood besides the scars on his forehead. He is given a spear by his father and also a bullock, which he had generally been promised before the operation. If he is lucky he will also get a bullock from a maternal or paternal uncle. A boy will seldom possess a spear of his own and if he carries one he will almost certainly be found to have borrowed it from a relative though he may become the owner of a fishing spear. The possession of a spear is a sign of manhood and it is an object of great pride. One is surprised at the real feeling a Nuer expresses for his spear, almost as though it were animate and not a mere weapon. He is never tired of sharpening and polishing it. It is always in his hand, not only when fighting, hunting and travelling, but also when dancing, leaping behind his bullocks, playing with his comrades, and even when he lays it down it is never far from his side. As the Nuer possess no knives a man's spear does service not only on those occasions when Africans generally make use of it, but on those occasions when other peoples use a knife, for culinary purposes, cutting leather in tether making, cutting ox's hide for a bed-rug, and other purposes.

233 554 553 421 A boy is even prouder when he becomes the owner of a bullock and is invested with a bullock name. Even a small boy will speak of his father's bullocks as "our bullocks," and will often regard one of them, the calf of the cow he habitually milks, as his own special one. But it is only his in the general psychological sense of family communism. It

11:Evans-Pritchard E-5 (1931, 1936) 1945
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takes his pater's place in society and becomes head of his pater's *gol* (household). If his genitor is wise he will respect his son's independent status and will build him a byre next to his own and give him the cattle to which he is heir. When the genitor acts honestly difficulties between himself and his dead brother's son do not arise. His nephews (natural sons) will retain their respect and affection for him and will share their cattle with him. But Nuer are very greedy where cattle are concerned and the temptation to use a dead brother's herd to marry wives for himself during the minority of his sons is often more than a man can resist. This does not matter if he obtains the consent of the widow and explains what he is doing to his small sons and later, when they grow up, provides cattle for their marriages from his own herd. But Nuer say "Women have weak characters and cannot stand up against a man's will" and the genitor may put undue pressure on the widow to get her consent to use his dead brother's cattle for his own purposes, or even act without it. When the sons grow up he finds that he has no cattle left for them to marry with and they are resentful and want to know what has happened to their father's herd. Likewise their uncle may use the cattle of their sisters' marriages for his own purposes while they are still minors and they will not easily forgive this breach of trust when they grow up and want to marry. A son in this position is unlikely to move away from the village in which he has been brought up because this is his own village where his agnatic kinsmen live, but his relations with his uncle may become strained and he may harden in his insistence on his full legal rights in future instead of accepting a friendly give-and-take arrangement. If exasperated beyond endurance he may go to live with his maternal uncles. Conflicting loyalties often make a boy's position difficult, for as a son he feels he ought to respect and obey his "father" and as a nephew he feels he ought to insist on his rights.

Trouble is more likely to arise when a boy falls under the guardianship of his dead pater's brother and is not begotten by him. As explained elsewhere uncles frequently abuse their trust and dissipate the dead man's herd and in these circumstances his sons are almost certain to rebel when they become men.

The correct procedure is for the uncle and guardian to build a byre for his nephew and ward as soon as he is initiated and to hand over to him his dead father's cattle since he has now become head of an independent household. It is a great event when a boy comes of age and can take his dead father's place. The *gol* (household) once again has its head. The *luak* (byre) is once more occupied. The *mar* (fire) of the dead man has been rekindled. It is a day of great joy to the mother and of pride to the boy's kinsmen.

This correct procedure is well illustrated in the case of Ging ♂—Ging ♂ who was resident at Nyuenyg during my visit, at the home of Dhoal (Homestead No. XX), his sister's husband. His father was killed in fighting some years ago and he was brought up at the home of his mother's lover, Liep ♂—Deng ♂ of Kar village. When he was old enough to be initiated his dead father's brother brought him back to his paternal village

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604 of Tungar so that the rite might be performed there for it is a dishonour to
428 a boy's agnatic kinsmen if it is not performed in their village and nothing
more strongly binds a boy to them than the knowledge that they undertook
●884 the expenses of his initiation and the remembrance of the place where he suffered so great pain to win his manhood. After his initiation Ging ♂'s uncle built him a byre and handed over to him his father's cattle. Although he is only a small boy he is a *gwan cieng*, an independent householder. I used often to talk to him and he was very proud of his position and of having a byre and cattle of his own, and evidently liked and respected his uncle. By acting straightly with Ging his uncle firmly attached him to his father's people and though he pays, and will continue to pay, frequent visits to his mother and his foster-father he will never desert his agnatic kinsmen among whom he has his byre and herd.

The heritage of children must be respected. Thus, to give one more example: the widow, Nyaruithni ♀ (Homestead No. VIII), has her own byre where her dead husband's cattle are herded by her brother's son, Gai ♂. The byre and herd are being held in trust for her little son, Malith ♂, and when he is initiated he will assume sole charge of them. In a case of this kind it would be impossible for one of his maternal uncles to use the cattle during his minority for the others would not allow him to do so. Moreover, this would be a serious offence in Nuer eyes because when Nyaruithni ♀ was married they received her bride-cattle and it would be very wrong to add to these cattle those of her children. The husband's kinsmen would strongly object. Probably Malith ♂ will let Gai ♂ have a few cows to help him marry but this will be a gift out of affection and of gratitude for his services.

The difference between this case and that of Ging ♂ is that in Malith's case his maternal relatives are acting as his guardians whereas in Ging's case it was his paternal relations who were his guardians. It remains to be seen, however, whether Malith's paternal relations show sufficient interest in the boy to bring him to their home to be initiated. If they do this he will probably join them for good.

X

604 The opposition between the legal family and the biological family is
428 most evident when a son is born in widow-concubinage. The opposition is clearer, and hence the sociological interest greater, because in ghost-marriage and leviritic marriage the genitor is a legal substitute for the pater whereas the genitor of a child born in widow-concubinage has no legal status as pro-pater. If the pater's brothers are alive and family feeling is strong they are likely to insist on his sons being initiated in their home and living with them after initiation. They may also bring his daughters to live with them and marry them from their home. The genitor cannot deny them their right when they tell him *Garena goat ghok ko*, "We want the children of our cattle". Thus it often happens that a boy is brought up amid one social group but belongs legally to a different social group. The sentiments of childhood attach him to the home of his mother and genitor and while he is small he does not think of

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though many middle-aged men accompany the expeditions and always have their share in inter-tribal fighting and local disputes.

The age-set system of a tribe is in no way its military organization. Men fight by villages and by tribal sections and not by sets. The war companies are local units and not age-set units, and within a company men of different sets fight side by side, though, especially in raids, most of the warriors would be members of the two most junior sets. Kinship and local ties determine a man's place in the ranks. Hence the age-sets are not regiments, though wars and raids are often spoken of as the actions of a certain set because they took place during the initiation period of this set and its members took the most prominent part in them, since skill in arms, love of adventure, and desire for booty are the privileges of youth.

It is in more general social relations, chiefly of a domestic and kinship order, and not in political relations that behaviour is specifically determined by the positions of persons in age-set structure. When a boy passes into the grade of manhood his domestic duties and privileges are radically altered. His change of status is epitomized in the taboo on milking which comes into force on the day of his initiation and continues for the rest of his life, but it is expressed also in other domestic tasks, in habits of eating, and so forth. At initiation a youth receives from his father or uncle a spear and becomes a warrior. He is also given an ox, from which he takes an ox-name, and becomes a herdsman. From now on, till he is a husband and father, his chief interests are dancing and love-making. Then he becomes 'a true man': 'he has fought in war and not run away; he has duelled with his age-mates; he has cultivated his gardens; he has married a wife'.

There is a sudden and great change in status from boyhood to manhood, but the modes of behaviour which differentiate these two grades do not distinguish one set from another, for the privileges of manhood are enjoyed by members of all the sets equally. Nevertheless, the sets are stratified by seniority and there are well-defined relationships between them. Before summarizing these patterns of inter-set behaviour we touch on some general characteristics of the whole system.

handed man that his left hand is his right hand. It is the quality of leftness, not the thing that is left, the hand itself, which is significant for them. Similarly, the left half of the severed carcass of a sacrificial animal is not intrinsically evil. It is always eaten by someone. It is bad symbolically, not in itself, and symbolically only in certain contexts or for certain people.

It is suggested that the spear as a projection of the right hand symbolizes the vitality of man, the manhood of man with the associations of lineage values that go with it. It is within the logic of the representation that we speak only of men. The spear stands for masculinity. Women do not bear fighting-spears. The spear does not go with femininity. Hence also boys do not bear fighting-spears till at their initiation to manhood they are given them by their fathers. Before this event they are something in between men and women, and this is shown by the fact that they milk the cows, a feminine task that men may not undertake. That neither women nor boys bear spears means that they do not go to war and also that they do not sacrifice. It is not just that a woman may not slaughter the sacrificial victim —it is not, in any case, important who slaughters it—but that, not being able to bear the spear, she cannot make the sacrificial invocation, which is made by the spear in the right hand as well as by the mouth. She can indeed address Spirit at sacrifices, but if she does so she prays (*pal*); she does not invocate (*lam*). This is understandable when we think of the spear as an extension of the right hand and hence as representing strength, masculinity, and goodness. Sacrifice, like war, belongs to that side of life, what we ourselves call the spear-side.[1]

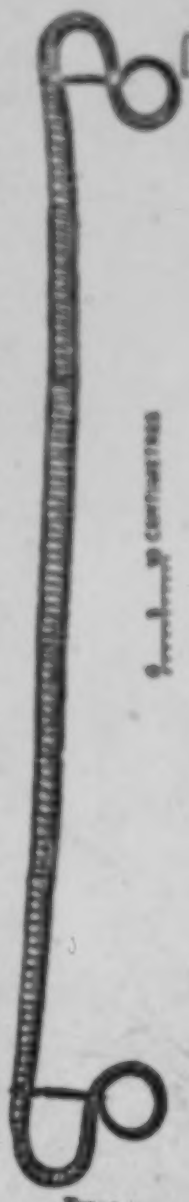

FIG. 4
Instrument used in wedding invocations

[1] I was told that a wife may act as master of ceremonies in her husband's place and shout out the spear-name of his clan at a wedding. This is the *twoc ghok* mentioned later.

14: Huffman M-5 (no date) 1931
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765 They chant, they spit and blow upon the person. A sheep or an ox may be sacrificed. If the disease is persistent, more sacrifices are offerd, more chanting is done. If successful in removing the cause of the disease, or even if the people are satisfied with what he has done, the medicine man usually receives a gift of a sheep or an ox for his services. But if the patient dies while under treatment the price paid is usually returned. The medicine men, or women, as the case may be, or those who are supposed to have a god in them, reap a good harvest in sheep and cattle from those who seek their services for relief from disease.

Medicine men usually wear the hair long and may wear a beard.

757 One common practice that is often resorted to for curative effect is bleeding. In case of a swelling or a bruise or muscular pain, many small cuts are made at the site of the pain in order to let the blood out and presumably the pain with it.

In cases of severe colds the chest is often cut in this way. When patients so treated go to the clinic for medical aid, it is often impossible to rub the chest with oils or apply poultices on account of the effect of such medicines on these little raw cuts.

[J26] 164 Scorpions and snakes abound in Nuerland, and cause a great deal of suffering, but few die of snakebite.

The Nuer do not have much malaria. Occasionally one may see a few cases among them.

DEATH AND BURIAL

• 888 764 The Nuer are kind to their aged and usually respect their opinions, but death in Nuerland and the details of burial are gruesome. The climate of course necessitates quick burial, so as soon as life is extinct preparations must be made.